

Spartanburg City Planning Commission Meeting Minutes
Thursday, March 19, 2015

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, March 19, 2015, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Nancy Hogan, Bob Pitts, Wendell Cantrell, Howard Kinard, Jared Wilson, and James Jenkins. 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 the two rezoning requests, and three annexation requests 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 five Planning Commissioners were currently present, constituting a quorum. Ms. Hogan went over the rules and procedures for conducting a public hearing.

Mr. Kinard moved approval of the Agenda for the March 19, 2015 meeting, with second by Mr. Cantrell. The motion was unanimously approved by a vote of 5 to 0.

Disposition of the Minutes from the February 19, 2015 meeting of the Spartanburg City Planning Commission

Mr. Kinard moved approval of the February 19, 2015 meeting minutes as submitted, with second by Mr. Wilson. The motion was unanimously approved by a vote of 5 to 0.

Old Business – None.

New Business

Rezoning Requests: TMS#7-08-11, Parcel 012.00 (portion of) – Located at 753 Beaumont Avenue. Zone R-12 to B-1 in order to accommodate a wrecker service on the property; and TMS#7-08-11, Parcel 010.00 (portion of) – Located at 759 Beaumont Avenue. Zone R-12 to B-4 in order to accommodate a recycling facility.

Zoning Classification Requests: TMS#7-08-11, Parcel 012.00 (portion of) – Located at 753 Beaumont Avenue, Zone B-1, Neighborhood Shopping District upon annexation; TMS#7-08-11, Parcel 010.00 (portion of) and Parcel 009.00 – Located at 759 & 775 Beaumont Avenue. Zone B-4, Heavy Commercial District upon Annexation. Kamal Desor, Owner, Universal Automotive Resources.

Mr. Henderson came forward and was sworn; and he explained to the Board Members the Rezoning request was for 753 Beaumont Avenue (portion of) which was currently zoned R-12, General Residential District to B-1, Neighborhood Shopping District, in order to accommodate a wrecker service on the property; and 759 Beaumont Avenue (portion of) which was currently zoned R-12, General Residential District to B-4, Heavy Commercial District, in order to accommodate a recycling facility. He further informed the Board Members the Annexation request was for 753 Beaumont Avenue (portion of), which portion was currently un-zoned, to be zoned B-1, Neighborhood Shopping District upon annexation; 759 Beaumont Avenue (portion of) which portion was currently un-zoned, to be zoned B-4, Heavy Commercial District upon annexation; and the entire property at 775 Beaumont Avenue, which was currently un-zoned, to be zoned B-4, Heavy Commercial District upon annexation.

Kamal Desor of 225 Boundary Drive came forward and was sworn; and he explained to the Planning Commissioners that all he wanted to do on the property was what he had always done on the property.

[Editor's Note: Board Member James Jenkins arrived to the meeting at 5:35 P.M.]

Mr. Desor explained this whole thing came about when he purchased the adjacent property which he later learned was in the City Limits and that it was zoned Residential. He further explained he thought the property was commercial, and that it had previously been used as a cabinet shop. He next talked to Mr. Henderson, who had advised him that some things might be permitted, and some things may not be permitted. He said after speaking with Mr. Henderson he was under the impression if he rezoned to B-1 next to the residential lot that he would be able to continue his business. Mr. Desor said he just read in the Staff Report that Staff was not in favor of the request provided he did a B-1 next to a residential site. He mentioned also that the last time he came before the Planning Commission they had said they did not think the property was big enough for what he wished to do; so since that time he had purchased the other adjacent property so he would have a bigger property; and in order to create a buffer he bought the other house next door. He explained he and his family had always lived in Spartanburg; and five years ago he opened a recycling business in Greenville, South Carolina that was doing very well; and he just wanted to use the Spartanburg location primarily as a collection receptacle site to be sent to the Greenville location. He said under the direction and impression of others he had gone through a lot of hurdles and bought additional properties and spent thousands of dollars. He had always been motivated by the recycling industry, and felt the City needed a recycling facility. He said he just wanted to annex the portion of property that was located in the county into the City as is; and he had recently learned that the property was previously used as a cabinet shop; and that was why he was under the impression it was a business. He had cleaned the property up and made improvements to the property. He informed the Planning Commissioners there were about seventeen (17) recycling centers in the county, and not any in the City. He also said he would be the only minority owned wrecker service and recycling service that would bring more diversity to the table. He felt people should take note that recycling was very important to our future and impact to the ecology.

Board Questions:

- Mr. Kinard asked Mr. Desor about the comment he had just made regarding the wrecker service regarding the residential property. He asked would it be associated with the recycling service. Mr. Desor explained it would need to be separate from the recycling facility.
- Mr. Kinard asked Mr. Desor what was different regarding tonight's request versus last year's request. Mr. Desor explained that before he was asking that the entire site be considered as B-4. But then he decided that the site against the residential needed something to soften it; so he decided to go with B-1 for the wrecker service. He explained the other thing that was different was that some of the Planning Commissioners at last year's meeting had felt the property was too small for a recycling center, so he purchased an additional property. He further explained he was trying to meet everyone's needs.
- Mr. Kinard asked him if he lived on Beaumont or Boundary. Mr. Desor said he lived on Boundary Drive.
- Mr. Cantrell asked Mr. Desor where he anticipated the products he would recycle coming from. Mr. Desor explained the services would be offered to everyone (that included the City and the County). He hoped he would get a lot of City recycling.
- Mr. Cantrell asked him a question regarding what he would be recycling. Mr. Desor said metal, electronics, and any type of automobiles.
- Mr. Cantrell asked Mr. Desor if it would be an open collection area. Mr. Desor explained it would be just a "green" recycling receptacle; and he knew would be a great operator.
- Ms. Hogan felt they all admired his business and what he was trying to do.

Mr. Henderson came forward again and he submitted the meeting packet the Board Members had previously received including the slides and presentation into evidence as Exhibit A. He also submitted a petition that had been signed by residential property owners and residents in the surrounding area that were not in favor of the requests into evidence as Exhibit B. He referenced a slide of the location map and aerial maps and pointed out where the properties were located and where the Duke Energy lines ran on the property. He said the properties in question had been zoned R-12 (or the equivalent thereof) ever

since the adoption of the Zoning Ordinance. According to the SCDOT and the most current traffic count taken in 2013, with the traffic station being on Beaumont Avenue, just south of the properties in question, the traffic count for Beaumont Avenue was approximately 3,000 vehicles per day. The properties along this stretch of Beaumont Avenue were seen as a transition area between Garner Road and Isom Street from a commercial and/or industrial use to single family residential use. The properties within the immediate surrounding areas were all either zoned R-12 or located outside the City Limits.

Mr. Henderson then went over the analysis of required findings and report the Planning Commissioners had already received in their meeting packets that included the following list of criteria for the Commission to consider when review a rezoning request and Staff's analysis of those criteria as follows:

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The general intent of the B-1 districts, as described in the City of Spartanburg Zoning Ordinance, 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 use of an auto holding area is a permitted use under the Use Table of the City of Spartanburg Zoning Ordinance.

The general intent of the B-4/Heavy Commercial District, as described in the City of Spartanburg Zoning Ordinance, is “to furnish goods and services which are mainly used in support of retail trade for the City and the region.” The principal activities located here are wholesaling, warehousing, transportation, heavy business services, distribution, and some incidental processing. Such functions are generally located in such a position that they can support the Downtown Districts and at the same time concentrate their heavy traffic requirements near the main arteries for movement of goods and services. The proposed use of a recycling center 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 properties 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. The zoning classifications of B-1 and B4 are not consistent with this future land use.

The Comprehensive Plan goes on to state that, under the Beaumont Mills Area section of the Northern Planning Division, “the neighborhood north of Isom St. and the elevated rail line should be reclassified as Medium Density Residential to more accurately reflect the character of the neighborhood. Less intense commercial and light office activities might be considered by the Planning Commission if they were part of a project that assembled parcels to create a larger development area that met the City’s large lot buffering standards and minimized the impacts on the surrounding residential area. Therefore, the Planning Commission will consider proposed commercial development that is designed to enhance the area, minimize congestion and safety issues, and protect residential properties.” In Staff’s opinion, an auto holding area and a recycling center will provide an adverse impact on the residential properties, the street, and the overall neighborhood aspect of this area.

2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The properties are surrounded by a mix of uses, however, all properties that fall within the City Limit Boundary are zoned R-12/General Residential District. There are several industrial and commercial type of uses is the near vicinity, however, those uses are located outside the City Limits and are un-zoned.
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 an auto holding area and a recycling center both fall under the classification of “high intensity commercial”, and the properties with which the proposed uses lie, are adjacent to single family residential uses, Section 505.64 Landscaping Requirements for Buffers requires that the properties provide a Bufferyard 5 along any side or rear property line that abuts a single family use. A Bufferyard 5 will require, at least, a 25’

wide landscape area with at least 5 canopy trees and a 6' tall masonry wall structure per every 100 linear feet. Both properties will be required to meet the street frontage of one large canopy tree and two ornamental or small trees and four large evergreen shrubs (or eight small evergreen shrubs) per 100 feet or percentage thereof.

Upon looking at the properties, it is determined that there is adequate space to accommodate the required parking for the proposed use of a recycling center on the property located at 759 Beaumont Avenue. This requirement is one parking space per employee. Since Staff is unaware of the amount of employees that will be employed here, an exact number of required parking spaces are uncertain at this time. All parking spaces will have to be a flat hard surface either concrete or asphalt (not gravel) and will have to be identified by striping. The parking stalls must be a minimum of 9'x18' and the parking lot must consist of at least one van accessible handicap parking stall (9'x18') with a striped accessible aisle (9'x18'). Appropriate signage indicating the accessible parking spaces will also be required. The parking lot will have to meet the requirements of parking lot landscaping with curb and gutter and appropriate sized tree islands. There will have to be a tree island and canopy tree terminating every row of parking stalls, as well as, every twelve parking stalls.

Since we have the placement of Duke Energy's Three Phase High Transmission lines crossing the properties, I have confirmed with Duke Energy that they **will not** allow any permanent structure (such as a masonry wall) under their easement area of 100' (50' either side of the lines). They **will also not** allow any vegetation within that area that would grow any taller than 15' in height at its most mature state. This would eliminate a portion of the masonry wall that is required along the south property line between 753 and 751 Beaumont Ave. and a portion of the masonry wall that would run along the rear property lines. This would also include the landscape in this area meet the aforementioned requirements. Since the easement of the high transmission lines cuts through both properties, it would also eliminate the required street frontage landscape, and the majority of any parking lot landscape that is required.

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 commercial and some industrial uses instead of the allowances under the R-12 permitted uses.
5. *Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use* – Both water and sanitary sewer services are available to this site. The development will have to meet the requirements for new developments with regards to storm water on-site detention. At this time, our Storm Water Manager **has not** received the necessary Storm Water Pollution Prevention Plan (SWPPP) to determine if these requirements will be met.

STAFF'S ANALYSIS & RECOMMENDATION

According to Section I Adoption and Interpretation of the City Of Spartanburg Zoning Ordinance, § 105 Purpose, "The purpose of the zoning ordinance is to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710." This S.C. Code section states that the "Zoning ordinance must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare" of properties inside the City Limits.

One of the reasons for our Comprehensive Plan and City Zoning Ordinance is to have zoning classifications that allow certain uses in conjunction with adjacent properties that may be considered "less intense" uses. For this reason, the purpose is to protect the less intense uses from adverse impacts on their property with regard, but not limited to, noise and/or light pollution, traffic congestion, and any other adverse impact that the higher intense use could cause on a surrounding less intense use.

Staff is of the opinion that the proposed auto holding area and recycling center, and any other use that would be allowed under the zoning classifications of B-1 and B-4, and that which are classified as a high intensity use, will cause a negative impact on the surrounding residential (or less intense) uses. The zoning classifications of B-1 and B-4 are not in keeping with the future land use of the Comprehensive Plan, nor can the property be developed to meet the minimum requirements set forth in the City of

Spartanburg Zoning Ordinance with regards to the bufferyard, parking lot, or street frontage landscaping requirements, as previously stated. Therefore, Staff recommends denial of the proposed zone change for the portion of the property located at 753 Beaumont Ave. from R-12/General Residential District to B-1/Neighborhood Shopping District, as well as denial for the proposed zone change for the portion of the property located at 759 Beaumont Ave. from R-12 to B-4. Slides were then shown of the proposed properties and surrounding areas in order to better illustrate the request.

Planning Commission Questions:

- Mr. Kinard asked Mr. Henderson was the B-4 zoning classification the most intense zoning classification. Mr. Henderson said it was the most intense classification before it went into the I-1 classification.
- Mr. Kinard asked Mr. Henderson if he could go over some of the other potential uses of the B-4 zoning classification. Mr. Henderson explained for the commercial side of B-4 was pretty much anything, almost reaching the higher industrial uses, and the majority of office use which he also explained.
- Ms. Hogan asked Mr. Henderson about the permitted B-1 uses. Mr. Henderson said B-1 would open the area up for an inside amusement center, auto-holding area, automatic car washes, auto rental, light auto repair, bar, nightclub, grocery store, hotel/motel, janitorial service, laboratory or dental, miniature golf, batting cages, motorcycle services, etc.
- Mr. Kinard asked Mr. Henderson if this property were to be annexed would it need to be done with the requested B-1 and B-4 zone. Mr. Henderson said yes.
- Ms. Hogan asked Mr. Henderson when he spoke to Duke Energy regarding the transmission lines on the property; did he happen to ask Duke Energy as to the proposed use, and whether or not they had any thoughts on the property being used for a wrecker/car storage or anything. Mr. Henderson said no because that was kind of seen as a temporary thing; and what they were concerned with was permanent structures such as fences, building, wall or anything that could cause a problem with them getting to their lines.

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

- Mrs. Joleen Smith of 226 Boundary Drive came forward and said she does not disapprove of the man making a business for himself, but she lived directly in front of him. The noise made a problem for the four different people that live right around that area. All of the four residents in that area were between the ages of 80 to 94. She said Mr. Desor had really been making a lot of noise using a bull dozer; and she was wondering about some sort of buffer to block the noise.

Planning Commission Questions:

- Mr. Kinard asked Mrs. Smith did she sign the petition against the request that was submitted into evidence earlier in the meeting. Mrs. Smith said she did not.

Ms. Hogan asked was there anyone else that wished to speak in favor or against the requests.

- Mr. Dale Ballew of 231 and 229 Boundary came forward and said what concerned him was some of the other uses such as bars that may be a permitted use if the property was zoned as B-1 or B-4, should Mr. Desor decide to every sell the property.
- Mr. Eric Gowan of 737 Beaumont Avenue came forward and said he was in support of the requests. He felt Mr. Kesor was trying to help out the community.
- Mr. Mike Lawter of 758 Beaumont Avenue came forward and said he had lived there pretty much all of his life. He and his family admired what Mr. Desor was trying to do and felt his principals were very sound; but they had concerns regarding the property if he ever decided to leave, and also regarding the noise.

- Ms. Sherry Smith of 760 Beaumont Avenue came forward and said she had a problem regarding the tower itself that she said was grandfathered in on Mr. Desor's side of the property. She had a problem with the fact that the tower use to be on his property; and years ago they moved it across the street to her vacant lot; and as a result they cannot have anything on the vacant lot. They had hogs when she was younger, and the City made them move the hogs to the County. She asked if the City did not like that, how would this be any better. She was all for recycling and she wanted Mr. Desor to thrive; but during his remodeling it had been at all hours of the day and night and had shaken her house. She explained there was traffic at her corner 24/7. She felt with him having that business she did not know what his working hours would be, but a wrecker service would be all hours and would add to the noise and the lights. She was also concerned about future uses of the property if he ever decided to sell the property. She informed the Planning Commissioners that the traffic in the area was unbelievable from people traveling from Ike's Restaurant and other places toward the Garner Road area. She was also concerned about the ecology of the area regarding the recycling portion. She was against the request.

Ms. Hogan asked anyone else who wished to speak to come forward. No one else came forward. Ms. Hogan closed the public hearing.

Board Questions and Deliberation:

- Mr. Jenkins asked Mr. Desor about his operating hours. Mr. Desor said he would operate on normal business hours (Mon. through Fri. from 8:00 to 5:00) regarding the recycling portion; and on Saturday from 9:00 to noon or 3:00; and he would be closed on Sundays. In terms of the wrecker service it would be whenever they received a call.
- Mr. Jenkins asked about the other wrecker service in the County he had spoke about earlier. Mr. Desor said it was in the City.
- Mr. Jenkins said he had no idea the traffic was so bad in that area.
- Mr. Desor explained that his construction had been done for over a year and he had not had any recent construction going on; he did say there was another gentleman in the area that had construction going on. He also explained about the different businesses in the area.
- Mr. Kinard said he was all for what he was trying to do, but at the same time the Board had to weigh out the proposed use with the surrounding properties and their current use; which were mainly residential. He said they also needed to consider the petition that thirty-nine people had signed in opposition of the request. Mr. Kinard said based on all the evidence which had been submitted, as well as the recommendation of Staff, he would be opposed to the request.
- Mr. Desor referenced an aerial slide and informed the Board Members after he pulled his requests from the first time he came before the Board; he had spoke to Assistant City Manager Chris Story, as well as Mr. Henderson; and he explained they had kind of given him the guidance that most of the surrounding area was businesses, which he went over all of the businesses in the area, with the exception of one residential property between all of his properties in the area. He said there were some residences in the area that operated businesses out of their homes. Mr. Desor said he was just trying to go through all the proper protocol.
- Mr. Michael Lawter came forward and explained he had a truck with tools at his home, but he did not have customers coming to his house.

Mr. Kinard made a motion to deny the rezoning portion of the request, as well as the annexation portion of the request as was presented; and he was seconded by Mr. Wilson. The motion to deny the request was approved by a vote of 5 to 1, with Mr. Jenkins opposed.

Site and Landscape Plans Approved since the February 19, 2015 Meeting

- S. Pine Animal Hospital – 980 S. Pine Street.

City Council Updates (FYI) Since Last Mtg. of Planning Commission on February 19, 2015

There were no updates since the February 19, 2015 meeting.

Staff Announcements

- Mrs. Roland informed the Planning Commissioners as of today there was one vacant Board Member position open on the Planning Commission and HARB Board, and two vacancies on the BZA Board if anybody knew someone that might wish to serve, to please let her know.
- Mr. Henderson informed the Board Members if anyone wished to attend the SC Statewide Preservation Conference that would be held in Columbia, SC on April 23, 2015, in order to pick up any 2015 MASC credits; the City would pay for the registration and arrange for transportation.
- Mr. Henderson said there would be a new rezoning case for the April 16, 2015 Planning Commission Meeting.

Citizen's Agenda:

Mr. Michael Lawter asked would he be eligible to be considered for the Planning Commission, since he did own property in the City (but did not actually live in the City Limits). Mr. Henderson said he would need to check with the City Attorney and let him know.

The meeting adjourned at 7:50 P.M.

Respectfully Submitted,



~~Nancy Hogan, Chair~~

Howard Kinard, Vice Chair
(for)

Minutes by Julie Roland, Administrative Assistant