

Spartanburg City Planning Commission Meeting Minutes
Thursday, April 16, 2015

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, April 16, 2015, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Bob Pitts, Wendell Cantrell, Howard Kinard, Jared Wilson, and James Jenkins. Nancy Hogan 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, and one final plan review.]

Roll Call

Mr. Kinard, Acting Chair, called the meeting to order at 5:30 P.M. and 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.

Mr. Kinard noted that four Planning Commissioners were currently present, constituting a quorum; and he went over the rules and procedures for conducting a public hearing.

Mr. Cantrell moved approval of the Agenda for the April 16, 2015 meeting, with second by Mr. Pitts. The motion was unanimously approved by a vote of 4 to 0.

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

Mr. Cantrell moved approval of the March 19, 2015 meeting minutes as submitted, with second by Mr. Wilson. The motion was unanimously approved by a vote of 4 to 0.

Old Business – None.

New Business

Rezoning Requests: TMS#7-08-16, Parcel 083.00 – Located at "0" Heywood Avenue (Corner Heywood Ave. & Beverly Rd.) Zone R-12 to R-6 in order to meet the setback requirements to construct a buildable house that would conform to the general character of the neighborhood. Michael S. Lowe, Landhorse, on behalf of Randy Henson, Owner.

Mr. Kinard introduced tonight's rezoning case.

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

Mr. Mike Lowe of 524 W. Harbour Crest Drive, Chesnee, S.C. came forward and was sworn, and said he was representing Mr. Randy Henson, Property Owner regarding the lot at the corner of Heywood Avenue and Beverly Road. Mr. Lowe informed the Planning Commissioners, according to Spartanburg County Records the lot was created on a plat of survey of subdivision of the A.L. White property dated April 30, 1929, and recorded May 30, 1941, in Plat Book 16 on Page 102. The lot was currently zoned R-12, Single Family, and they were requesting the lot be rezoned to R-6, Single Family for two reasons: 1) the R-12 called for a minimum lot size of 12,000 square feet. A current survey of the lot showed the total area of the lot to be 9147 square feet which did not meet the R-12 zoning requirement. An R-6 zoning would reduce that requirement to 4,000 square feet and bring the lot into compliance. 2) The main reason for the zone change was because the lot is triangular in shape, and in applying the minimum setback lines required by the R-12 zoning, there was not enough room outside of the setbacks to build anything much larger than a storage building. The R-12 setbacks in feet are: front- 35', rear 30', and interior side – 10'. Changing the zoning to R-6 would relax the setbacks as follows: front – 15', rear – 20', and interior side – 5'. In working with those requirements, there would be enough area outside of the setbacks to build a house that would conform to the general character of the neighborhood. The zoning change would create a useable space of about 4573 square feet on which to place the new home and any appurtenant structures. Mr. Lowe informed the Planning Commissioners the current owner Mr. Henson

acknowledges there is an encroachment on the northeast side of the lot as was shown on the plat; and considering the length of time the encroaching structure had been there, they felt the adjacent owner had established the right to be there by adverse possession. Mr. Henson planned no legal action to have the encroachment moved; and intended to sell the lot to make a future sell subject to the existing encroachment. Mr. Lowe said the Planning Commissioners had received District Uses sheets that showed what was permissible under R-12 and R-6 zoning; and he said the R-6 zoning would be a more restrictive use, with more limits imposed. They feel a new home can be placed on the property that would be aesthetically pleasing to the neighborhood, and they also feel it would be an enhancement to the neighborhood.

Board Questions:

- Mr. Cantrell asked Mr. Lowe if he had recorded any plats lately, and whether he had gotten the current plat approved. Mr. Cantrell informed him there were new regulations regarding plats, and it was his understanding the side line needed to be twenty (20') feet from any building. Mr. Lowe said they were not making any changes to the lot itself.
- Mr. Cantrell asked if the current plat had been approved. Mr. Lowe said he did not take it to get it approved.
- Mr. Cantrell said if he was going to get a new plat recorded he was going to have to deal with that issue that would affect the setback line.
- Mr. Cantrell explained he probably could take title with the plat that had already been recorded, and felt he needed to speak with Laurie Horton at the County.
- Mr. Cantrell said he liked what he proposed to do with the lot.
- Mr. Kinard referenced a slide of the property location map, and asked Mr. Lowe if all the lots that backed up to the property were residential lots. Mr. Lowe explained on the map that all the light brown was residential; across the street were medical offices, and apartment complexes in the dark brown.

Mr. Joshua Henderson came forward and was sworn; and he submitted the meeting packet, slides and presentation the Board Members had previously received in their meeting packets into evidence, as Exhibit A. He explained to the Planning Commissioners that according to staff's records, the property in question was annexed into the City between the years 1950-1959 and had been zoned R-12 since the adoption of the current Zoning Ordinance. He showed a slide of the 1973 zoning Map, and said all portions of Heywood Avenue that are in the City Limits were zoned a variation of residential uses. Over time a few of the properties on the east side of Heywood Avenue had been rezoned either R-12 or R-6 with a Planned Development District overlay. There was an R-6 property at Riverwind Apartments that was R-6 PDD as well. Slides were shown in order to better illustrate the request.

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 R-6 districts, as described in the City of Spartanburg Zoning Ordinance, are “for the protection of areas that generally contain older residential structures, some of which were originally large single family dwellings which have been, or may be, converted to multi-family dwellings and others which have been built on relatively small lots. Accordingly, the use of land and buildings within these areas is limited in general to dwellings at a density of around ten dwelling units per acre, and to such nonresidential uses as generally support and harmonize with a medium-high residential density.”

The 2004 Comprehensive Plan has specified Limited Activity Center for the property in question. Limited Activity Center (LAC) is intended for professional offices and small scale retail businesses serving a neighborhood area. Activities within a LAC should be fully enclosed, should generate little traffic, noise, light or evening activity, and should be compatible with adjacent residential areas. Public, civic and recreational uses are compatible with a LAC. Also, the recommended zoning

classifications for this land use category are LOD and LC-Limited Commercial Districts. The zoning classification of R-6 is not consistent with this future land use.

The reason that the Comprehensive Plan identified this area as LAC is due to the nature of Heywood Avenue. It describes Heywood Ave. as “a through road, connecting E. Main St. to Cannons Campground Road.” At the time of the adoption of the 2004 Comprehensive Plan, portions of Heywood Ave. had already become commercialized with the rezoning of the properties to LOD. The proposed zone change to R-6, while it might not be consistent to the proposed future land use of the area, is compatible with surrounding uses since they are still residential. According to the 1973 City Zoning Map and the current Zoning Map, the only properties to have a zone change are those indicated by the Comprehensive Plan, and described above. Since the surrounding properties are still of residential character, the proposed zone change will not deter from the nature of the Future Land Use element of the Comprehensive Plan.

2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The properties are surrounded by either single family residential, multi-family residential, or office use. The intent of the proposed zone change is to allow the property owner to utilize the property as a single family residential use which would be difficult under the current zone of R-12 due to the setback requirements.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – A new construction residential structure can be constructed to be in line with the adjacent property and not have to obtain a variance on the rear or side yard setbacks. The proposed zone change will allow for more buildable area which would allow for more variations of single family residential structures.
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 essentially be the same.
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.

STAFF’S ANALYSIS & RECOMMENDATION

The property in question is an unusual lot with regards to its layout and the street configuration. As the property currently sits is a vacant lot and has never been developed. Staff is unaware of any other reason why this lot has not been developed except for the development requirements, as previously explained. It might be possible to construct a single family residential structure on the lot under the current zoning classification of R-12; however, it would place severe restrictions on the layout of the structure. The proposed zone change to R-6 would only allow the unusually shaped property to finally be developed and permit variation of floor plans without the previously stated restrictions.

Staff is of the opinion that even though the proposed zone change from R-12 to R-6 is not in line with the Future Land Use element of the Comprehensive Plan, it is not out of character for the area that it is located. Therefore, Staff recommends **approval** of the proposed zone change from R-12 to R-6, as presented.

Planning Commission Questions:

- Mr. Kinard asked Mr. Henderson if staff had received any positive or negative comments after which time the meeting packets were sent out. Mr. Henderson said one gentleman had come in to the office and spoke with him regarding the future land use of the area; and wondered whether or not it was the right decision for the area.
- Mr. Henderson asked Board Member Cantrell about a statement he made earlier in the meeting regarding if the property owner decided to not have a new plat submitted, whether or not he could still gain title and ownership of the property under the current plat. Mr. Cantrell said that was his understanding.

- Mr. Kinard asked Mr. Henderson whether the rezoning from R-12 to R-6 would be down-zoning. Mr. Henderson said no; and he explained that R-15 Single Family Residential was the strictest of the zoning classifications; next was R-12, which opened the door for a few more things, then it went to R-8, etc., and then it went to R-6, and R-6 Live Work.
- Mr. Kinard said he was asking whether or not it would be commercial. Mr. Henderson said no. He said the main difference between R-12 and R-6 was the development standards.

Mr. Kinard opened the public hearing and asked anyone who wished to speak in opposition of the request to come forward.

- Mr. Harold Ballenger came forward and said he had met briefly with Mr. Henderson regarding the request to ask some questions. He explained to the Planning Commissioners that he had invested a long period of time and money regarding development of the Heywood Avenue Corridor. He feels that this is one of the major entries into the City; and that any improvement thereof should be in the long term interest of the City. He invested in the White's Mill Office park that had resulted in the Women's Clinic and the Eye Center across the street, which both had resulted in a nice improvement in the area. He felt this particular point of land would best be used as a Spot of Pride to further enhance and improve what he feels is a changing environment for the area. For that reason he had very strong opposition to the request.

Planning Commission Questions:

- Mr. Kinard said Mr. Ballenger had mentioned a Spot of Pride for the subject property. Mr. Ballenger said in his opinion, that was what the highest and best use for that particular property.

Mr. Kinard asked if anyone else would like to speak in opposition to the request. There were none. He asked if anyone wished to speak in favor of the request. There was no one. Mr. Kinard closed the public hearing.

Board Deliberation:

- Mr. Cantrell said he would not vote on the request until he found out what the situation was regarding the encroachment issue.
- Mr. Wilson asked the applicant if the rezoning was approved were they planning to build a residential structure on the property, or were they planning to sell it. Mr. Lowe said they planned to market it for sell.
- Mr. Kinard felt the rezoning request was reasonable and it complied with the surrounding uses.

Mr. Pitts made a motion to approve the rezoning request as submitted; and he was seconded by Mr. Kinard. The motion was approved by a vote of 4 to 1, with Mr. Cantrell abstaining.

Mr. Henderson said the request would go to the Mayor and City Council for another public hearing and a First Reading at the next appropriate Council Meeting.

Final Plan Review – Highland Crossing

Mr. Henderson came forward again and said the next item of business was the Final Development Plan Review for the Highland Crossing Planned Development Review that had previously come before the Planning Commission last year for Preliminary Review and Rezoning. It has since gone through Staff's review and approval, contingent upon tonight's Final Plan Review from the Planning Commission. He explained again that it would be 72 units, with double access off of Highland Avenue; they had added some more parking since it came before them last year and met all the requirements. The Landscape Plan had also been submitted and approved; and Staff was recommending approval.

Mr. Kinard opened the public hearing and asked anyone who wished to speak in favor or in opposition of the request to come forward. No one came forward. Mr. Kinard asked again if there was anyone in the audience who wished to speak or had any questions to come forward. No one came forward. Mr. Kinard closed the public hearing.

Mr. Kinard made a motion to approve the request as submitted; and he was seconded by Mr. Jenkins. The motion was approved by a vote of 5 to 0.

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

- W. Main Street Retail & Warehouse – 316 W. Main Street.

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

Mr. Henderson went over the City Council Updates since the Planning Commission Meeting on March 19, 2015 as follows:

- March 16, 2015 Council First Rdg. Approval for Rezoning Request on 1633, “0”, and 1635 John B. White Sr. Blvd., from Zone R-15 to B-1.
- March 30, 2015 Council Second Rdg. Approval of the above request.

Staff Announcements

- Mr. Henderson informed the Planning Commissioners Paul Melotte, the property owner of the above referenced approved rezoning request had come in today and applied for a variance to go before the Board of Zoning Appeals on May 12, 2015; and he said they were more than welcome to attend that meeting if they wished.
- Mrs. Roland said there was one vacant Planning Commission position available and she had received a request to be considered by the Mayor and City Council, which would be discussed at the May 11, 2015 Council Meeting.
- Mrs. Roland said there was one vacant position on the HARB Board, and two vacancies on the BZA Board if anybody knew someone that might wish to serve, to please let her know.
- Mrs. Roland said she distributed an upcoming Continued Education Training Registration for anyone who wished to take the training at the ACOG in Greenville, S.C. on May 5, 2015 and receive their 3 hours Continued Education Training for 2015. She said the City would pay for the cost if anyone wished to go.
- Mr. Henderson said there would be a new rezoning case for the April 16, 2015 Planning Commission Meeting.

Citizen’s Agenda – None.

The meeting adjourned at 6:20 P.M.

Respectfully Submitted,

Nancy K. Hogan

~~Howard Kinard, Vice-Chair~~

Minutes by Julie Roland, Administrative Assistant