

***Spartanburg City Planning Commission Meeting Minutes
Thursday, April 21, 2016***

*City Hall Council Chambers
Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, April 21, 2016, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Howard Kinard, Bob Pitts, Nancy Hogan, and James Jenkins. Board Members Wendell Cantrell and Mike Epps were absent. Representing the Planning Department were Assistant City Manager Chris Story; Natalia Rosario, Planning Staff; and Julie Roland, Planning Department Administrative Assistant.

Roll Call

Mr. Wilson, 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.

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

Mr. Pitts moved approval of the Agenda for the April 21, 2016 meeting, with second by Mr. Kinard. The motion was approved by a vote of 4 to 0.

Disposition of the Minutes from the March 17, 2016 meeting of the Spartanburg City Planning Commission.

Mr. Kinard moved approval of the March 17, 2016 meeting minutes as submitted, with second by Ms. Hogan. The motion was approved by a vote of 4 to 0.

Old Business – None.

New Business

Rezoning Request: TMS#7-12-08-241.00 located on 773 East Main Street, split-zoned LOD/R-8 (Limited Office District/General Residential District) to zone LOD (Limited Office District) in order to sell the property along with the adjacent parcel the petitioner also owns to a proposed purchaser to build a children's dental office and utilize both parcels; Leonard Brock, Len Brock Company, Property Owner. The purchase of the property is contingent upon the approval of the rezoning request.

Ms. Rosario with Planning Staff came forward and was sworn; and she submitted the report the Planning Commissioners had previously received in their meeting packets, as well as the slides and presentation and two surveys the petitioner had brought into the office today, into evidence as Exhibit A. Ms. Rosario introduced the request to the Board Members, and said the petitioner was here to address the Planning Commissioners.

Mrs. Susan Brock Canon of Greenville came forward and was sworn, and said she was Mr. Brock's sister, and informed the Planning Commissioners her brother and herself owned the proposed parcel as well as the adjacent parcel at 763 East Main Street; and they wished to get the proposed parcel rezoned the same as the one at 763 East Main Street which was LOD in order to be able to sell the parcels to a proposed buyer to build a children's dental office.

Planning Commission Questions:

Ms. Hogan asked Mrs. Canon if there was a driveway entrance off of Maple Street. Mrs. Canon said there was not.

Ms. Rosario came forward again and showed slides of the location map, the proposed property, and surrounding area in order to better illustrate the request. Ms. Rosario said they knew there was residential on Maple Street, and some of the other parcels were split-zoned as well as the proposed property. She explained that LOD was designed to fit in with residential districts. Ms. Rosario said to address Ms. Hogan's earlier question regarding whether or not there would be a drive way entrance on to the proposed property from Maple Street; that it would not be appropriate to have a drive way entrance from the Maple Street portion. Any business would front on East Main Street.

[Editor's Note: Board Member James Jenkins arrived to the meeting at 5:40 P.M.]

Ms. Rosario 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 reviewing a rezoning request and Staff's analysis of those criteria as follows:

1. *Consistency (or lack thereof) with the Comprehensive Plan* –The proposed rezoning is in line with the goals of the 2004 Comprehensive Plan. The general intent of the LOD district, as described in the City of Spartanburg Zoning Ordinance, are “The Comprehensive Plan calls for the area in question to have a land use of institutional, with zoning of LOD.
2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The property is already almost entirely zoned LOD, and surrounded by other properties to the North, East, and West that are either zoned entirely or mostly LOD as well. The purpose of establishing the Limited Activity Center for the parcels that front East Main Street is in order to buffer the residential properties to the South from the impact of the traffic that moves along East Main Street on a daily basis. The use of these parcels as offices or limited commercials provides a buffer for the Converse Heights neighborhood while fostering the development of low intensity office 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* – The property is suitable for the uses allowed in the LOD zone. The development of a children's dental office on these properties will require a site plan submittal and will need to meet all City of Spartanburg development regulations.
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* – Approval of the rezoning will increase the marketability of the property by enabling Mr. Brock to sell to the potential buyer, who has plans to proceed with the new construction of a children's dental clinic.
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

Staff is of the opinion that the proposed zone change from LOD and R-8 to LOD will be a beneficial and appropriate use for the area. Therefore, Staff recommends approval of the proposed zone change from LOD and R-8 to LOD.

Planning Commission Questions:

- Ms. Hogan asked what was on the other side of the proposed property. Mr. Leonard Brock said the adjoining property belonged to Gary McHam, and that it used to be an insurance company.

Mr. Wilson opened the public hearing and asked anyone who wished to speak in favor of the petition, or to speak against the petition to come forward.

- Mrs. Moore came forward and said she owned all the property behind 758 Maple and she was opposed to having a driveway put onto the property off of Maple Street. They had spent \$22,000.00 on putting up a brick wall, and she also does not want the proposed property to be rezoned because she felt that it would have an impact on her properties.

Planning Commission Questions:

- Mr. Kinard asked Mrs. Moore to point out on the survey where the wall was located. Mrs. Moore said the previous City Manager had approved for the wall to be put exactly where it was. She also felt a very heavy bufferyard needed to be installed if the property was rezoned.

- Mr. Wilson felt her main objection to the proposed request was a driveway access being put in from Maple Street; and he explained it would not be feasible for a business to install the driveway off of Maple Street.
- Assistant City Manager Story said a commercial business would need at least twenty or more feet in order to put in a driveway; and there was just not enough room for one.
- Mr. Wilson said the rezoning would not allow a business to put in a driveway off of Maple Street on to the proposed property.
- Mr. Pitts asked where the retaining wall was.
- Mrs. Moore said it was on her property, and it had caused them a lot of damage with water runoff onto her property.
- Mr. Brock said the retaining wall actually encroached onto his property and was on the parts of the property that neither one of them could use. Mr. Brock informed the Planning Commissioners the gentleman that had constructed the retaining wall had done an excellent job.
- Mr. Kinard said from what he was hearing, the small triangular piece of property they were referring to was undevelopable and always would be.
- Mr. Brock said that was correct.
- Ms. Cathy McCay of 758 Rutledge Street came forward and said her property was the next street over from Maple Street and she did not want commercial property that close to her neighborhood.
- Mr. Kinard said that was his neighborhood also.
- Ms. Hogan said it was her neighborhood as well.
- Mr. Everett Powers of 6 Woodburn Road came forward and said he was concerned about anything that might put commercial frontage in the neighborhood. He felt that even though the small commercial piece may not be developable right now, that it may become developable at some time in the future.
- Mr. Judd Traywick of Crystal Drive came forward and said he agreed with Mr. Powers.
- Mr. Kinard asked was there a way to rezone the proposed property in a way to keep the lower portion of the property as it was now.
- Ms. Rosario said the plan would be to have the office closer to the main road. She felt it would make sense to keep the back portion of the property as it was now.
- Ms. Hogan asked Mr. Rosario how would they handle bufferyards if it was two parcels.
- Ms. Rosario said bufferyards did not go by the lots, but rather by the use.
- Ms. Hogan asked if the back portion was still zoned R-8, would that prevent someone from putting in a driveway there.
- Ms. Rosario said the way it was currently zoned did not keep the property owner from putting in a driveway. She explained the zoning had nothing to do with being able to put in a driveway.
- Mr. Brock explained what he felt the best use of the property would be and that an environmental study would need to be done.
- Ms. Rosario said the buyer would have to submit a full Site Plan submittal to the City to make sure everything would be in full compliance with the Zoning Ordinance. She said residents were welcome at Site Plan Review meetings.
- Lieutenant Bill Michaels, with the City Police Department of 384 South Fairview Avenue came forward and said he owned 804 Rutledge Street and that they did not want a hole in the dyke. They just wanted to maintain their neighborhood.

- Mr. Wilson asked Mr. Brock would he consider amending his request to only extend the LOD portion of the property that runs parallel to the wall which encroached along the southern portion of the lot from Zone R-8, to LOD and leave the bottom portion as R-8. Mr. Brock said yes; and the small triangular portion of property could never be used anyway.
- Mr. Wilson asked anyone else who wished to speak to please come forward. No one else came forward. Mr. Wilson closed the public hearing.

Planning Commission Deliberation

Mr. Wilson felt if they extended the LOD portion to where the small triangular part started, that it would still protect and maintain Maple Street as R-8.

Mr. Kinard felt it was a reasonable solution.

Mr. Kinard made a motion to approve the petitioner's verbally amended request to extend the LOD portion of the proposed property down to the portion that runs parallel to the wall which encroached along the southern portion of the lot from Zone R-8, General Residential District to Zone LOD, Limited Office District, and leave the bottom portion of the property as R-8, General Residential District; and he was seconded by Mr. Jenkins. The motion was unanimously approved by a vote of 5 to 0.

Ms. Rosario said the next step in the process would be for the request to go before the Mayor and Council for another public hearing and a First Reading on May 9, 2016, and then a Second and final Reading on May 23, 2016.

Site and Landscape Plans Approved since the March 17, 2016 Planning Commission Meeting

None were approved.

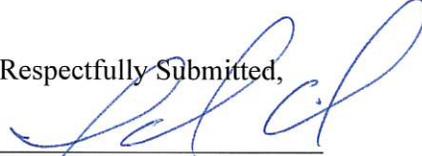
City Council Updates (FYI) Since Last Mtg. of Planning Commission on March 17, 2016

Mrs. Roland went over the City Council updates that pertained to the Planning Commission since the last meeting on March 17, 2016 that was listed on the agenda.

Staff Announcements

- Mrs. Roland explained she gave all the Board Members a list of upcoming trainings.

The meeting adjourned at 6:10 P.M.

Respectfully Submitted,

 Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant