

Spartanburg City Planning Commission Meeting Minutes
Thursday, November 20, 2014

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, November 20, 2014, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Nancy Hogan, Bob Pitts, Howard Kinard, and Wendell Cantrell. James Jenkins and George Harakas were absent. Representing the Planning Department were Joshua Henderson, Planning Coordinator, and Julie Roland, Planning Department Administrative Assistant. Assistant City Manager Chris Story also attended the meeting.

[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 zoning classification and 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 four Planning Commissioners were present, constituting a quorum. Ms. Hogan went over the rules and procedures for conducting a public hearing.

Mr. Harakas moved approval of the Agenda for the November 20, 2014 meeting, with second by Mr. Cantrell. The motion was unanimously approved by a vote of 4 to 0.

Disposition of the Minutes from the October 16, 2014 meeting of the Spartanburg City Planning Commission

Mr. Cantrell moved approval of the October 16, 2014 meeting minutes as submitted, with second by Mr. Kinard. The motion was unanimously approved by a vote of 4 to 0.

Old Business – None.

New Business

Zoning Classification: TMS#7-08-11, Parcel 010.00 (portion of) and Parcel 012.00 (portion of), located at 759 and 753 Beaumont Avenue, said portions of parcels to be zoned B-4, Heavy Commercial District upon annexation.

Rezoning Request: TMS#7-08-11, Parcel 010.00 (portion of) and 012.00 (portion of), located at 759 and 753 Beaumont Avenue. Zone R-12, General Residential District to Zone B-4, Heavy Commercial District. Rezoning request is contingent on above referenced annexation request being approved to accommodate recycling operations. Both requests from Kamal Desor, President, Universal Automotive Resources, LLC., Owner.

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 for both cases. He also submitted an email Staff received from a neighboring resident into evidence as Exhibit B. Mr. Henderson said the Zoning Classification/Annexation request were for portions of two properties located at 753 and 759 Beaumont Avenue. The City limit line cuts through both properties; and he explained there was a portion at the back of 753 Beaumont Avenue that was located in the County; and a portion at the front of 759 Beaumont Avenue that was located in the City limits. The owner wished to annex the two portions of properties into the City which comprised 1.60 acres of the 2.06 total acres for both properties for the entirety of both properties be located in the City limits and is requested a zoning classification of B-4, Heavy Commercial District in order to accommodate what was being proposed as a recycling center. Considering the location of the subject properties, surrounding land use, and the zoning classification, Staff did not want to recommend approval of the annexation request. He showed a slide of the location map and aerial map.

Mr. Kinard asked Mr. Henderson would they be taking two separate votes on tonight's business. Mr. Henderson explained that they would need two votes.

Rajesh Desor of 2 Simmons Court, Greenville, S.C., came forward and was sworn. He informed the Planning Commissioners he was going to speak on the rezoning request and he distributed to each Planning Commissioner a brochure regarding the recycling business, and brought his own presentation to better illustrate their request. Mr. Desor said formerly they were only handling commercial accounts at the proposed location; and everything else was processed through their Greenville location. Since 2008 they had been engaged in business in Greenville, S.C. In Greenville they had a large scrap metal recycling facility and did a great deal of business there. One of the portions of the business that has really taken off was the consumer electronic recycling center, which was primarily what they want to do with the Spartanburg property. He presented data and figures from a survey that had been done to show that most people do not know they can recycle electronics, or do it safely in an environmentally sound fashion. He said most people normally threw away their cell phones, tv's, computers, etc. They are trying to educate people on how electronic devices are to be safely recycled. He explained the only R2 (International Energy Standard facility) in S.C. was APR Worldwide located in Duncan, S.C., but they mainly focused on commercial. He explained how their own facility handled electronic devices in a safe manner. They want to bring this same concept to Spartanburg. He went over information to demonstrate the economic growth impact since 2011 with electronic recycling. He concluded his presentation by saying he and his brother were born in Spartanburg and would like to have their business located in Spartanburg.

Board Questions:

- Mr. Cantrell asked if he was saying they would not pick up computers or televisions. Mr. Desor said they would recycle those items.
- Mr. Kinard asked would the Spartanburg location be more of a collection facility. Mr. Desor said yes. He said they would not have the heavy equipment at the Spartanburg location, and they were only going to collect it and then take it to the Greenville location.
- Mr. Kinard asked Mr. Desor would the Spartanburg location be a facility where people could drive up and drop off their electronics. Mr. Desor said they could drop it off, or they would pick it up and the people would receive payment for their old electronics.
- Ms. Hogan asked if people had to pay them to drop off the electronics. Mr. Desor explained the consumer got paid.
- Ms. Hogan asked what happened to a cell phone when it was brought in for recycling. Mr. Desor said a cell phone would be dismantled, etc. He further explained that if someone recycled a computer, the process that would be used.
- Mr. Cantrell asked what they paid for a recycled hard drive. Mr. Desor explained.
- Mr. Kinard asked about the proposed hours of operation. Mr. Desor explained.
- Mr. Pitts asked about how many cars would he anticipate to come through a day. Mr. Desor said they had about 250 cars per day coming through the Greenville facility.
- Mr. Cantrell asked would the proposed site be big enough for them. Mr. Desor said they would make it work.

Mr. Henderson noted for the record that the information the petitioner distributed to each Planning Commissioner and Staff, as well as the petitioner's presentation would be admitted into evidence as Exhibit C.

Mr. Cantrell said he would like to hear the petitioner's rezoning request.

Mr. Kinard asked what the Standard's for annexation were.

Assistant City Manager Chris Story came forward and explained what the standards were regarding a petition for annexation which is what this was.

Mr. Henderson came forward again and showed the aerial photos of 753 and 759 Beaumont Avenue; and explained what was in the City and what was not. The following slides were shown in order to better

illustrate the rezoning request: before and after pictures of the properties; properties across the street and surrounding area, slide was shown of the proposed (draft) preliminary site and landscape plan; and slide of the 1950 original City Limit Boundary Map.

Board Questions:

- Mr. Cantrell asked if the City Attorney had given an opinion regarding whether or not they could approve the request due to the buildings being in the Duke Energy right-of-way. Mr. Henderson said the buildings were existing and he had spoke with Duke Energy about it, and they said anything that was existing in their right-of-way can remain and can operate. Anything that was new would have to deal with an easement with Duke Energy.
- Mr. Kinard asked if Danny Cantrell was present that had sent the email. Mr. Henderson said he was not.
- Mr. Kinard asked Mr. Henderson if he could give the Board Members some examples of what would be approved under the B-4 zoning use.
- Mr. Henderson went over the B-4 Permitted Uses. He said the higher the number, the less intense the use; and said that a B-3 use would be a little more restrictive than B-4.
- Ms. Hogan asked was B-4 the lightest use. Mr. Henderson said a recycling center was only allowed in B-4, I-1 and I-2 areas.
- Mr. Cantrell asked was recycling defined as going from paper to steel. Mr. Henderson said while they did not have recycling defined in the Zoning Ordinance; and that Staff had to defer to the Planner's Dictionary, which used examples from other states and municipalities; and he went over some of those uses.

[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-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 2004 Comprehensive Plan has specified Medium Density Residential for the property 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 classification of B-4/Heavy Commercial is not consistent with this future land use.

The Comprehensive Plan goes on to state, under the Beaumont Mills Area section of the Northern Planning Division section that “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.”

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 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* – 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. 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. This development would also 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.

Since the proposed use of a recycling center falls under the classification of “high intensity commercial”, and it is adjacent to single family residential uses, it is required to provide a Bufferyard 5 along those areas. 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. The property will have to meet at least a Bufferyard 1 to the north adjacent to the property that is located outside the City Limits and un-zoned. This would require at least a 5' wide landscape area with a variation of canopy trees, understory trees, conifer trees, and shrubs.

Since we have the placement of Duke Energy's 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 and would be installed along the right side property line and a portion of the masonry wall that would run along the rear property line. 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 other 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.”

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 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.

Since Staff has determined that the proposed recycling center, and other uses that are allowed under the zoning classification of B-4, is classified as a high intensity use, Staff is of the opinion, that the proposed recycling center will cause a negative impact on the surrounding residential (or less intense) uses. The zoning of B-4 is 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 from R-12/General Residential district to B-4/Heavy Commercial District.

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

- Gregory Shurburt of 102 Candler Place came forward and said he owned the property across the way from the site, and his family owned other adjoining properties across the railroad in the same area. He felt what the petitioner was proposing to do was a great idea, but he did have the following concerns: noise concept, unsightly aspect (not screened from adjoining neighbors), what would become of the site in a couple of years and how it would affect the neighbors.
- Mike Lawter of 758 Beaumont Avenue came forward, and said his family home was 760 Beaumont Avenue. He said Mr. Desor had really cleaned up the properties since he had purchased them, and made them look a lot better than they did before. He felt it was a great idea, but also had concerns regarding the B-4 classification; what kind of increase in traffic would there be and how that would impact the neighborhood, times of operation, and storage area. He indicated he would really like to farm his property in the future.
- Mr. Davis Cavalier of 233 Hadley Commons Dr., Mauldin, S.C. came forward and said he worked for Mr. Desor at his Greenville operation. He said the intentions by the petitioner were solely to provide the public a service that was much needed to provide further contamination of that type of recycling. He was in favor of the request.
- Mr. Gowan of 737 Beaumont Avenue came forward and said he grew up in the neighborhood, and also currently worked for the petitioner; and he was in support of the request.
- Kamal Desor of 225 Boundary Drive came forward and said he had lived there for past eight years and had owned and operated the site for past ten years; and his brother ran the sight in Greenville, S.C. He said he was confused. He had been trying to make improvements to the properties; and he would like to screen the property, but was told he could not until a rezoning was approved. He was trying to take the proper steps to ensure he would be a good neighbor. He explained what their site in Greenville entailed and it was a state of the art facility; and the Spartanburg site would just be used for collection purposes. There would be no big equipment used at Spartanburg location. He explained what they would collect and recycle at the Spartanburg location; and that there was no such recycling center in the city limits. He said the reason they were not going for an I-1 or I-2 use was because they would service residences. Regarding the annexation portion of the request, they would like to receive city services regarding police and fire protection which he felt was a lot better than county responses. He said the City had never grown in the northeast direction from the boundary line and felt the City could use the tax money.

Board Questions:

- Mr. Cantrell asked Mr. Kamal Desor with such a large operation in Greenville, S.C., why he wanted to develop such a small property in Spartanburg regarding the Duke Energy problems with right-of-way. Mr. Desor said he spoke with Duke Energy, who did not seem to have a problem; and also he owned the property in Spartanburg and he had a personal attachment to the property.

- Mr. Cantrell said if they rezone the property and then it became too small for the owners, they had to think of what would become of the property.

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

Board Deliberation:

Mr. Henderson came forward and explained again to the Board Members that they would need to vote on the annexation portion first, and then the rezoning portion.

Mr. Kinard felt the Board Members should vote on the rezoning portion first.

Ms. Hogan asked the petitioners would they want the properties to be annexed if they did not get the rezoning. They said no.

Ms. Hogan asked had anything else been sent in by other neighbors other than the email. Mr. Henderson said there had been a couple of phone calls.

Mr. Cantrell felt the location was too small for what the petitioners anticipate doing, although he is all for what they would like to do.

Mr. Kinard agreed with Mr. Cantrell; and also if the applicants should need to sell the property the effect the B-4 zone would have on the neighborhood portion. He commended the applicants on their presentation.

Ms. Hogan agreed totally with Mr. Kinard.

Mr. Kinard said the petitioner still owned property that was in the county and the city was not making any rules on that property.

Mr. Kamal Desor came forward and said he would like to withdraw both petitions before a vote was taken.

Site and Landscape Plans Approved since the October 16, 2014 Meeting

- Zaxby's – John B. White Sr. Blvd.

City Council Updates (FYI) Since Last Mtg. of Planning Commission on October 16, 2014

Mr. Henderson went over the updates from City Council that pertained to the Planning Commission since the October 16, 2014 Planning Commission Meeting as follows:

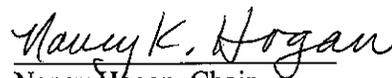
- Nov. 10, 2014 Council First Rdg. Approval for PDD Rezoning request on 201 Highland Ave., for proposed Highland Crossing (formerly Cammie Claggett), from R-6 to R-6 PDD.

Staff Announcements

- Mrs. Roland informed the Planning Commissioners there was one vacant Board Member position on the Board because Richard Letchworth had needed to resign, as well as one 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 7:00 P.M.

Respectfully Submitted,


Nancy K. Hogan, Chair

Minutes by Julie Roland, Administrative Assistant