

Meeting Minutes of the Board of Zoning Appeals Tuesday, May 10, 2016

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, May 10, 2016 at 5:15 P.M. with the following members in attendance: Joshua Lonon, Don Bramblett, Marshall Irby, Reed Teague, and Jim Davis. David Lewis and Anne Poliakoff were absent. Representing the Planning Department were Assistant City Manager Chris Story, Natalia Rosario, Planner III, and Julie Roland, Administrative Assistant from the Planning Department.

Roll Call

Mr. Lonon, the Chair, stated that public notice of this meeting was given twenty-four (24) hours in advance, limited to a request for pre-litigation/mediation or an appeal to the Circuit Court, to be filed within thirty (30) days after the decision of this Board in accordance with Section 603.6 of the City of Spartanburg Zoning Ordinance.

Roll call was taken – Five members were currently present, constituting a quorum.

Approval of Agenda for the May 10, 2016 Meeting

Mr. Bramblett moved approval of the Agenda for the May 10, 2016 meeting, and he was seconded by Mr. Davis. The motion was approved by a vote of 5 to 0.

Disposition of the minutes from the August 11, 2015 meeting of the Spartanburg Board of Zoning Appeals

Mr. Teague moved approval of the August 11, 2015 Meeting minutes, with second by Mr. Irby. The motion was approved by a vote of 5 to 0.

Old Business – None.

New Business:

SE 16 2-01 - Request for Special Exception from Ryan E. Gaylord, Hyde Law Firm, P.A., Agent on behalf of Jesse M. Lawrence, III, proposed buyer, on behalf of Willard Oil Company, current Property Owner. The Special Exception application, in accordance with Section 603.5, Special Exceptions, of the Zoning Ordinance is to allow applicant permission to develop a self-storage facility on the properties and purchase the properties, contingent upon whether or not the request is approved. The properties are located at 1455 and “0” Fernwood Glendale Road, and are further identified as Parcels 009.00 and 008.01 on Spartanburg County Tax Map Sheet 7-13-03.05.

Ms. Rosario, Planner III. came forward and was sworn; and she submitted the meeting packets the Board Members had previously received including the report and slides into Evidence, as Exhibit A; which she said included information the Board Members also had in front of them regarding the case, i.e.: the public notice, letters to property owners within a 400’ radius, and posting of signs. She said the special exception was to allow for Mr. Lawrence to purchase the two properties which were zoned B-1, Neighborhood Shopping District, and the special exception was required by the Zoning Ordinance for the proposed use to develop a self-storage facility on the proposed properties. Slides were shown of the proposed properties depicting what they looked like today and the surrounding area.

Mr. Ryan Gaylord, Attorney with Hyde Law Firm, Agent on behalf of the petitioner came forward and was sworn. He informed the Board Members he was representing Jesse Lawrence and Spartanburg Self-Storage who was seeking a Special Exception for “0” & 1455 Fernwood Glendale Road in order to purchase the property for a self-storage facility with an office on the site. Mr. Gaylord said the proposed property was the site of a former Ingles Grocery store; and was basically a vacant parking lot. He explained his client would like to put in a self-storage mini-warehouse facility that would include both exterior and climate controlled units. He said looking at the zoning ordinance that this was one of the uses that could be approved as a special exception under the B-1 zoning district. Regarding any environmental aspects and safety issues regarding neighboring properties, he referred to a slide of their proposed site plan and pointed out that there would only be one entrance off of Fernwood-Glendale Road onto the site; and he explained there should not be any traffic issues. He said there would be ample

opportunity for people to turn in and not be affected by traffic issues. There were also sidewalks in the area. He explained where the concrete pad was now, was the site of the former ingles; they would make sure they had a proper setback off of Clemson Street and also regarding buffer requirements near the neighborhood. He explained where the outdoor non-climate controlled units would be. He showed where the property was split down the middle that nothing could be constructed in that area because it was controlled by Duke Energy and other right-of-ways. He informed the Board Members the client maintained another self-storage facility located in another section of town, which like the proposed property bordered a residential area; and that he was very familiar with the fact that you should keep positive relations with the neighbors. He mentioned Mr. Lawrence had done a random study of traffic patterns at the proposed facility and had determined highest areas of traffic were on the weekends, and that the average number of cars on Saturdays and Sundays averaged around nineteen cars. Also holidays would be a little busier at about thirty-one cars. Mr. Gaylord pointed out some of the businesses/restaurants that were located just up the road from this location was where the Deli Corner; who only had eighteen or twenty parking spaces; and he felt the amount of traffic that the self-storage facility would generate would be a lot less than the Deli Corner restaurant. He explained some of the other factors they looked at regarding this use was sound and lighting aspects regarding the neighborhood; and he said 1) the lighting would be to a large degree by the property itself and the requirements of the City. He referenced the back line along the "0" parcel and said there was a significant berm that would block a lot of the light that would come from the storage area and would be able to direct lighting in such a way that the lighting was directed toward the ground. He said regarding sound, there would be the earthworks which created a barrier for sound, and a wall would be constructed with additional landscape as well. He explained this use was consistent with the zoning classification and that if you looked at some of the other uses that were allowed; the proposed use would be a lot less invasive to the neighborhood than some of the other uses that were already permitted.

Board Questions:

- Mr. Irby asked about the "0" parcel regarding after the grading had been done and asphalted for a detention pond. Mr. Gaylord referenced a slide of the site plan and explained the large berm area, as well as the adjacent wooded lot that he explained would probably never be developed; how the drainage would be directed and that it would be going into an area where it goes already.
- Mr. Irby said he was just concerned about the neighboring properties.
- Mr. Bramblett asked who owned that other property. Mr. Gaylord explained it was purchased at a tax sale ten years ago, and had been left to a daughter and son who lived out of town after their parents passed away.
- Mr. Bramblett said once the property was paved it would have a lot more runoff; and felt the petitioner would need to get permission from the property owner of the other vacant parcel. Mr. Gaylord said the detention pond would address a large portion of that runoff to where it did not create any more runoff than it did currently. He said they may ultimately contact the owners about that as well.
- Mr. Bramblett asked about the type of fencing that would be put in near the berm area regarding a buffer area near a part of Clemson Street. Mr. Gaylord said the current buffering requirements would require a masonry wall of either stucco or brick finish. He said they would like to see if they could keep the berm there if possible instead of a wall, and then landscape it and work with the city if that was acceptable. If that was not acceptable to the City, then of course they would put in the six foot masonry wall.
- Mr. Bramblett said he was always happy to see new development in the City; and would like to see this developed; but he was concerned because most storage facilities tended to have an industrial look. He just wanted to make sure there was some concern given to the neighboring property owners regarding noise, and looking at a lot of boats, machinery, etc. on the lot; and that it did not decrease the value of the neighboring property owners' homes.
- Mr. Gaylord explained there would not be 24 hours access to the property.

- Mr. Bramblett said his last concern was whether they planned to build a steel building. He felt it would make a lot of difference to the people on Clemson and Russell Street the type of building that would go in there.
- Mr. Gaylord said Mr. Lawrence had provided three photographs of his other facility, which he submitted into evidence as Exhibits B, C, and D.
- Mr. Bramblett asked was that the proposed indoor facility.
- Mr. Lawrence said that was his current facility on Hidden Hill Road.
- Mr. Lonon asked was the plan to make the proposed facility identical to this one.
- Mr. Lawrence said he had purchased the current facility from a bankruptcy sale and he would propose a light stone colored metal building for the new one.

Mr. Lonon asked Mr. Lawrence to come forward. Mr. Jesse M. Lawrence, III of 552 Otis Boulevard came forward and was sworn. He explained his idea for the proposed building would be a light stone colored building; and he said as you came down Clemson Street near 103 and 108 Clemson Street, there was a six foot hedge that would remain; and it would be well manicured. As you went along the back of the properties there was a fifteen foot hedge there that would be well manicured; and when you get on to his property you cannot see over that into the neighborhood. He explained it was kind of like another built in buffer.

More Board Questions:

- Mr. Teague asked would there be landscaping at the entrance.
- Mr. Lawrence explained there would be landscaping to comply with the ordinance; and he explained he would have a sign that also complied with the requirements with some flowers perhaps around the sign.
- Mr. Reed asked was the gas station a 24 hours station. Mr. Lawrence said the gas station was not his, but it was not opened anymore, and there was another one nearby that was not opened either.
- Mr. Irby asked about a stucco type finish on some of the storage units he had seen.
- Mr. Lawrence said that would be nice, but did not know how much that would cost.
- Mr. Irby said his main concern was the detention pond on the front side.
- Mr. Lawrence explained the pipe actually flowed out into the property that was the "0" lot; and he had spoken to some engineers about it and they told him as long as you were not releasing any more water than what was already being released there should not be a problem.
- Mr. Lonon said his concern was that the B-1 classification was a very good classification for the property because there was a residential neighborhood there and the use should be a benefit to those residents; and his concern was that the storage facility would not primarily be used by the adjacent neighborhood. He asked Mr. Lawrence what he would do to make this fit in with the entrance to a residential neighborhood.
- Mr. Lawrence explained his plan was where you could exit onto Clemson Street said he would like to put in a nice metal aluminum type fence that would look a lot nicer than a chain link fence on the front so that people do not exit onto Clemson; and the entire lot would be fully fenced as well.
- Mr. Bramblett said the Board's concern was aesthetics and that the neighboring properties would not be reduced in value.
- Mr. Lawrence explained that he understood and appreciated all of that.
- Mr. Bramblett asked would there be wall pack lights installed on the building. Mr. Lawrence said not on the back side on Clemson Street unless the neighbors requested it.

- Mr. Lawrence explained ideally what he would do would be to have wall packs that faced down on the other parts of the building except for the back side.

Ms. Rosario came forward again and said before anything would ever happen on the site, a full site plan submittal would need to be received by the City, and it would need to go before the City Site Plan Review Committee for full site plan review which was about a two to three month process, in order to make sure everything would be done to City Code that included storm water as well. She referenced the Zoning Ordinance regarding the "0" (vacant) parcel located in the R-15 Single Family District and she explained this area would also need to be fully buffered regardless as to whether or not it could ever be developed or not. Ms. Rosario concluded her presentation by going over findings included in the meeting packets the Board Members previously received as follows:

[Editor's Note: the report the Board Members previously received included the Mandatory Written Findings for the Board to consider when reviewing a Special Exception Request and Staff's Analysis of Required Findings as follows:

1. Traffic impact – The traffic impact of this use will be minimal – the applicant has conducted a traffic study at his existing storage business (Spartanburg Self-Storage, 175 Hidden Hill Road) and found that weekends have the highest volume of traffic, averaging 19 vehicles per day (18.5 median). Labor Day is one of the highest volume days of the year, with 31 vehicles visiting Spartanburg Self Storage on Labor Day, 2015.
2. Vehicle and pedestrian safety – The proposed development does not appear to add any safety issues; the site will be staffed to provide oversight.
3. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property – The development is expected to have a minimal impact on noise, lighting, and air flow on adjoining properties. It was previously the site of a commercial grocery store – this new use will have a lesser impact than the prior, and will feature a buffer yard along the property lines adjacent to lots of a different zone. There will be no substances on the property that generate fumes, and the structures planned for the property should not obstruct air flow. Noise produced should be limited to the opening and closing of doors and storage units, as well as the entry gate, and will mainly occur during business hours. Light impact will be limited by the use of directed lighting, and the natural topography of the property, including dense vegetation and a berm near the rear of the property will act as a buffer/screen to mitigate light/noise impact on surrounding residential properties.
4. Adverse impact of proposed use on the surrounding area including the aesthetic character of the area – The proposed use would likely have a positive impact on the surrounding aesthetic by revitalizing a mostly vacant parcel, and is less intense than other uses allowed in the B-1, Neighborhood Shopping District (i.e.: light auto repair, car wash, dry cleaner, hotel/motel, liquor store, bowling alley, equipment rental, fast food restaurant).
5. Orientation and spacing of improvements or structures – Please see the preliminary site layout provided for spacing of structures. The setback shown along Clemson Street will need to meet the 15' setback for a B-1 zone, and the portions of the lot that abut residential parcels will need to meet the buffer yard criteria for a buffer yard 5; light industrial to single family (light industrial use: "uses which are generally not objectionable because of noise, heavy truck traffic, or fumes, or generate nuisances which may be ameliorated adequately by performance standards. City of Spartanburg Zoning Ordinance, pp 151). All other lot lines will need to meet a buffer yard of 1, with a building setback of at least 5' and a buffer yard of at least 5'.
6. Compliance with the comprehensive plan – The 2004 Comprehensive Plan recommends the area to become a "General Activity Center: 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" (City of Spartanburg 2004 Comprehensive Plan, Land Use Element, pp. 2, Table LUI) – this category includes zones LOD, LC, B-1 and B-3. The approval of this special exception would allow for the use of the land as a commercial space as intended, and so is in compliance with the Comprehensive Plan.]

More slides were shown during the presentation in order to better illustrate the request.

Staff's Recommendation:

After review of the guidelines established in Zoning Ordinance Section 603.53, staff finds that the proposed special exception will not adversely affect the adjacent and surrounding property owners. Consequently, staff recommends approval of SE1600200001. She said the Board could also attach any conditions they may feel were necessary.

Board Questions:

- Mr. Bramblett asked if customers would have access to the storage facility at night. Mr. Lawrence said at his other facility he locked the gates at 11:00 P.M. He offered to close this one down at 10:00 P.M. in the evening if the Board so chose for him to do so.

Mr. Lonon, the Chair, opened the public hearing and asked anyone who wished to speak in favor of the request to come forward.

- Stacey Smith of 100 Clemson Street came forward and said she was also a City of Spartanburg Police Officer; and her biggest concern as a new home owner was the aesthetics of the proposed property and for home values not to be reduced in value. She informed the Board Members she spoke with Mr. Gaylord before the meeting and that he had assured her the developer would use plantings and privacy fencing. She said it would also get the skateboarders off the lot and she would have more privacy.
- Joy Mason of 104 Clemson Street came forward and said the proposed use would be directly behind her house; and she was concerned about three sets of power lines back there. She wondered where the storage units were going to go in accordance to the power lines.
- Mr. Lawrence pointed out on one of the slides and explained where the power lines were located and how many feet he would need to be away from them as he had previously discussed with Duke Energy.
- Mr. Lonon said there would be extra hoops the developer would need to go through regarding the proposed use; and he explained the Board Members job was to make a decision as to whether or not to allow that non-conforming use.
- Ms. Mason said she was not exactly crazy about the storage facility being put in that location.

Mr. Lonon asked if anyone else wished to speak in favor of the request, or in opposition of the request to come forward. No one else came forward. Mr. Lonon closed the public hearing.

Board Discussion/Deliberation:

- Mr. Lonon felt this was a very nice residential neighborhood and said the homes could potentially be in very high demand one day as Spartanburg grew. He felt that a warehouse facility at the entrance to the neighborhood may be a trade off right now for a short term benefit to get the property utilized, in exchange for a more long term use. He disagreed with Staff's assessment that you could equate this area with a movie theatre or grocery store that would more or less be used by the local residents. He said he could not vote for the request without a full site/landscape/lighting plan for the Board to see. He understood that it would come at a later point, and would need to go before Staff for a full site plan review.
- Mr. Bramblett said he also had some of Mr. Lonon's concerns; however, he felt it could work; and he felt that Mr. Lawrence could be a good neighbor from listening to him, and the fact that he did live here in Spartanburg. Mr. Bramblett felt they might need to see more information.
- Mr. Davis felt Mr. Lonon and Mr. Bramblett had brought up some very valid points; but he felt the mini-warehouse would make a fairly low impact on the neighborhood. He said the neighbor's input was always important to him; but overall he agreed that perhaps they should see more information before making a decision.

- Mr. Irby felt he had gotten better clarification tonight from the petitioner on his main concern, and that he had seen some very nice storage units. It seemed to him that the petitioner wanted to make it into a very nice area; and it appeared that they did not have that many residents opposed to the idea, and felt like it should be approved.
- Mr. Teague agreed with Mr. Irby's analysis; and felt since there would not be that much traffic increase, and the fact that it was a potential good investment by the petitioner into the community, and based on the neighbor's input that he would approve it.
- Mr. Lonon said regarding the neighbors being noticed, that he wanted to understand exactly the types of notice that was provided to the neighbors; and he explained the copies of information that had been given to the Board Members tonight. Also regarding the two signs that was posted at the property that they were not very big signs that could be seen well; and one of his biggest concerns was that most of the surrounding property owners were not even aware of what was being proposed. He knew that the Ordinance required that property owners within a 400' radius were to be notified; and he felt the ordinance requirements were minimal. He felt based on the lack of people at tonight's meeting that very few people even knew anything about this proposed case.
- Mr. Bramblett made a motion to approve the request, contingent on more information that took into account the concerns that had been laid forth regarding the type of fencing, buffers, design of the indoor storage facility, and landscape, etc. that would be visible as it unfolded with the plans that would be submitted to the City Staff at a future time that Planning Department would have site plan review upon at a later time. There was no second to the motion.
- Mr. Lonon felt the simplest way to handle the situation was to table the motion. He said he felt the developer knew what they wanted; and he explained to Mr. Lawrence he would like to see him bring in more neighbors that were o.k. with the request, as well as a plan that convinced the Board it would fit within the area. He said to the neighbors that he would like to see more neighbors in order to make sure they knew what was going to happen.

Mr. Lonon made a motion to table the request until the next meeting in order to gather more information. The motion was seconded by Mr. Davis.

There was a lot of discussion of the motion from other Board Members and by Mr. Gaylord, the petitioner's agent.

Mr. Lonon asked Mr. Gaylord if the Board tabled the request for thirty days, what was the due diligence period.

Mr. Gaylord explained it would be about seventy days from now. He asked exactly what specific information the Board would like to see in order for them to be able to provide it.

Mr. Lonon said all he was asking at this point was that it be tabled for thirty days; and he asked Mrs. Roland could they meet any earlier.

Mrs. Roland said they would have to normally advertise a public hearing fifteen days in advance and another ad to the paper, and letters.

Mr. Irby asked if Staff would send more letters to an extended area of people. Mrs. Roland said Mr. Lonon felt it should be advertised again and more signs posted.

Mr. Lonon restated his motion again; and there was no second.

Mr. Bramblett said he did not see anything happening in thirty days, even if they sent out a more extended area of letters

Mr. Bramblett made a motion to approve the request with the contingency that the design of the structures, fencing, lighting, etc. all conform to the City requirements; and he did not know if the neighbors would be welcome to come to site review or not. There was not a second to the motion.

There was a lot of further discussion.

Ms. Rosario said that neighbors could ask to see the plans when submitted.

Mr. Irby told Mr. Bramblett if he dropped the contingency from the motion that he would agree with him.

Mr. Davis asked if the neighbors wanted to see the site plans once submitted, could they do that.

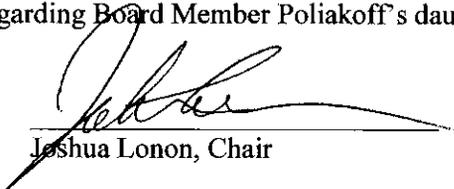
Ms. Rosario explained; and said there was no reason why if a neighbor asked to see the plans that they could not do so.

More extensive discussion ensued.

Mr. Bramblett made another motion to approve the request as submitted in compliance with the B-1 use, and he was seconded by Mr. Irby. The motion was approved by a vote of 4 to 1, with Mr. Lonon against.

Staff Announcements

- Julie reminded Mr. Lonon and Mr. Bramblett about the Continued Ed training they had signed up for that would be held later in the month at the ACOG in Greenville, S.C.
- Mrs. Roland also reminded the Board Members regarding Board Member Poliakoff's daughter and to keep her in their prayers.


Joshua Lonon, Chair

Edited by Julie Roland, Administrative Assistant