



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, April 11, 2016
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the March 28, 2016, City Council Meeting**
- IV. **Approval of Agenda of the April 11, 2016 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Presentation by Palmetto Council Boy Scouts Group**
Presenter: Taylor Thomas, Daniel Morgan Sr. District Executive, Palmetto Council
- VII. **“Seeing Spartanburg in a New Light” Update**
Presenter: Jennifer Evins
President & CEO, The Arts Partnership of Greater Spartanburg
- VIII. **Public Hearings**
 - A. **Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #6-21-11-117.00 Located at 823 John B. White Senior Boulevard, which is Currently Zoned R-12 with a Land Use Designation of General Residential District to Zone LOD with a Land Use Designation of Limited Office District; and Providing for Severability and an Effective Date (First Reading)**
Presenter: Natalia Rosario, Planning Staff

As required by the Americans with Disabilities Act, the City of Spartanburg will provide interpretive services for the City Council Meetings. Requests must be made to the Communications & Marketing Office (596-2020) 24 hours in advance of the meeting. This is a Public Meeting and notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act.

**B. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries Specifically Portions of Parcel #7-08-13-230.00 Located at 101 East Wood Street Within the Sections Bordered by North Church Street, Catawba Street, East Wood Street, Serpentine Drive, Aimee Street, and Dewey Avenue that are Currently Zoned B-1, B-3, LOC, and R-8, with Land Use Designations of Neighborhood Shopping District, General Business District, Limited Office District, and General Residential District to Zone GID with a Land Use Designation of General Institutional District, as well as Parcel #7-12-01-190.00 Located at 727 North Church Street Which is Currently Zoned B-3 with a Land Use Designation of General Business District to Zone GID, with a Land Use Designation of General Institutional District; and Providing for Severability and an Effective Date (First Reading)
Presenter: Natalia Rosario, Planning Staff**

**C. Ordinance Accepting the Property Owned by John D. and Belton W. Montgomery, and being Located at 1150 Woodburn Road, and that Portion of Woodburn Road Abutting Said Property, and is Further Identified on Spartanburg County Tax Map as #7-17-03-032.00 as a Part and Parcel of the City of Spartanburg and Declaring Said Property Annexed to and a Part and Parcel of the City of Spartanburg (First Reading)
Presenter: Natalia Rosario, Planning Staff**

IX. Resolution and Declaration

**A. Directing the Abandonment and Closure of a Street in the City of Spartanburg, being Athens Court from its Beginning that Turns Right Off of North Church Street to its Terminus at Aimee Street. Athens Court is Located on Spartanburg Regional Healthcare System Property, As Well As Are All of the Surrounding Property
Presenter: Natalia Rosario, Planning Staff**

X. Other Business

**A. Award of Bid for Northside Pedestrian Safety Improvements
Presenter: Tim Carter, Engineering Administrator**

**B. Traffic Calming Program Follow Up
Presenter: Ed Memmott, City Manager**

XI. City Council Updates

XII. Adjournment

City Council Workshop
Council Chambers
Monday, April 11, 2016

I. Reconvene

II. 311 Call System

Presenters: Ed Memmott, City Manager
Will Rothschild, Communications and Marketing Manager
Christopher George, Multimedia Communications Specialist
Terry Jolley, IT Director

III. Adjournment

** Non-Agenda Items*

City Code Sec. 2-57. Citizen Appearance. Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City Services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by decision of City Council. The forms may be obtained from the Clerk and maintained by the same. Each person who gives notice may speak at the designated time and will be limited to a two (2) minute presentation.

**Agenda Items*

City Code Sec. 2-56. Addressing Council, Comments or Remarks to Council on Agenda Items Not Requiring Public Hearing. On agenda items not requiring a Public Hearing, please provide to the City Clerk prior to the opening of the meeting, your desire to speak on an agenda item. Remarks shall be limited to five (5) minutes and total remarks on any agenda item shall not exceed twenty (20) minutes.



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, March 28, 2016
5:30 p.m.**

**(These minutes are subject to approval at the
April 11, 2016 City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Sterling Anderson, Councilmembers Jan Scalisi, Jerome Rice, Erica Brown, Laura Stille and Rosalyn Henderson Myers. City Manager Ed Memmott and City Attorney Cathy McCabe were also in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are recorded for a complete transcript.

- I. Moment of Silence - observed**
- II. Pledge of Allegiance – Boy Scout Marshall Rogers from Troop 2 lead everyone in the Pledge of Allegiance.**
- III. Approval of the Minutes of the March 14, 2016, City Council Meeting –**
Councilmember Stille made a motion to approve the minutes as received. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of Agenda of the March 28, 2016 City Council Meeting -**
Mayor White requested an amendment to the agenda to move the workshop item “Sunday Beer and Wine Sales” for discussion after the Fire Department Update.
Councilmember Rice made the motion to amend the agenda. Councilmember Stille seconded the motion, which carried unanimously 7 to 0.
- V. Public Comment - none**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Recognition of Retiring City of Spartanburg Employees**
 - A. Sergeant Paul Roper – City Police Department**
 - B. Sergeant Kenneth Knox – City Fire Department**
 - C. Carlton Settle – City Fleet Maintenance Department***Mayor White thanked each of the retirees for their service to the city and presented each of them with a retirement plaque.*

VII. Ordinance

A. **A Third Supplemental Ordinance Providing for the Issuance and Sale of City of Spartanburg, South Carolina, Special Obligation Bonds in the Aggregate Principal Amount of Not Exceeding \$12,500,000; Delegating the Authority to the Mayor and City Manager to Determine Certain Matters with Respect to the Bonds; Prescribing the Form and Details of Such Bonds,; and Other Matters Relating Thereto (First Reading)**

Presenter: Chris Story, Assistant City Manager

Mr. Story presented the item to Council as follows:

“In 2009 the City financed the construction of two important assets, the St. John Street Parking Garage and the renovated Airport Terminal and Hangars. We were able to utilize New Market Tax Credits to reduce the net cost of these projects considerably. However, utilization of the tax credits required a more complex ownership and financing structure.

To date the assets have been owned by two entities created specifically for that purpose, the Spartanburg Parking Facilities Corporation and the Spartanburg Airport Facilities Corporation, and leased to the city with lease payments sized to cover the corporations’ annual debt service. The tax credit financing structure required that those assets remain owned by those entities for a period of seven years.

As planned from the outset, now that the tax credit holding period has expired, the city may now convert these assets to conventional city ownership, convert the annual lease payments to conventional bond payments, and refinance the outstanding principal associated with the facilities. While we have from now until 2021 to act, we believe that the interest rate environment indicates that we should act now.

The proposed action would allow us to lock in favorable interest rates, avoid future rate risk, and achieve a very modest degree of annual savings.

At the same time, we reviewed all of the city’s outstanding debt to determine if we would be wise to refinance other issues at this time. The hospitality tax-funded 2005 Certificates of Participation which were used to finance the reconstruction of Morgan Square are now callable. Although the potential savings are minimal, we are recommending refinancing those within this transaction. Doing so does not extend the term of this debt or increase its annual payments. However, it does position the city to have greater flexibility in future issuances.

We are recommending first reading of the attached ordinance at the upcoming meeting. If approved, we will then begin the implementation process with expectation of receiving bids on April 19th. At that point we will know the actual projected annual savings in time for second reading on April 25th.

Please let us know if you have any questions.”

Mayor pro tem Anderson made a motion to approve the ordinance as presented on first reading. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

VIII. Resolutions

A. Approving the Voluntary Purchase of Properties (Block Map Sheet 7-11-11-033.00, 7-11-11-032.00, 7-11-11-042.01, 7-16-01-104.03 and 7-16-05-190.00) with NIP Funds

Presenter: Mitch Kennedy, Director of Community Services

Mr. Kennedy presented the item to Council as follows:

“Last year, the City received \$2.4 million in funding from the South Carolina Housing Finance and Development Authority through the Neighborhood Initiative Program (NIP). The NIP funds the acquisition and removal of boarded-up, vacant, condemned and/or blighted structures and subsequent improvement of the parcels.

Staff has identified several properties that meet the eligibility requirements to use NIP Funds for purchase and demolition. The owners of those properties have tentatively agreed to sell the properties to the City subject to Council approval.

Address	Parcel Number	Agreed Purchase Price
219 Herbert St.	7-11-11-033.00	\$12,000
221 Herbert St.	7-11-11-032.00	\$12,000
208 Michael St.	7-11-11-042.01	\$10,000
0 Norris St.	7-16-01-104.03	\$3,000
321 Norris St.	7-16-05-190.00	\$11,000

ACTION REQUESTED: Approval of a Resolution to authorize the City Manager to proceed with the purchase of 219 Herbert Street, 221 Herbert Street, 208 Michael Street, 0 Norris Street, and 321 Norris Street.

BUDGET AND FINANCIAL DATA: \$48,000 in NIP Funds.”

Councilmember Rice made a motion to approve the resolution as presented.

Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

B. Approving Voluntary Acquisition (Block Map Sheet 7-08-15-188.00, 7-16-10-177.00)

Presenter: Mitch Kennedy, Director of Community Services

Mr. Kennedy presented the item to Council as follows:

“The City of Spartanburg in an effort to stabilize its neighborhoods and provide for redevelopment/rehabilitation opportunities, has from time-to-time purchased real property. Staff assesses the value of the property, current conditions, and potential for redevelopment and/or rehabilitation to determine feasibility of acquisition. Staff is recommending the voluntary purchase of two properties:

- The owner of 117 Phifer Drive, Block Map Sheet 7-08-15-188.00 has agreed to sell the property to the City. The property is vacant and blighted. Staff believes that it is the public's interest to purchase the property at the tentatively agreed to price of \$26,500.
- The owner of 161 Home Street, Block Map Sheet 7-16-10-177.00 has agreed to sell the property to the City. The property is vacant and blighted. Staff believes that it is in the public's interest to purchase the property at the tentatively agreed to price of \$17,500.

Staff believes the purchase and renovation of these properties will encourage further stabilization of nearby homes.

ACTION REQUESTED: Approval of a Resolution to authorize the City Manager to proceed with the purchase of 117 Phifer Drive and 161 Home Street.

BUDGET AND FINANCIAL DATA: \$44,000 in CDBG funds will be used for the purchase of the parcels.”

Councilmember Henderson Myers made a motion to approve the resolution as presented. Councilmember Scalisi seconded the motion, which carried unanimously 7 to 0.

IX. Other Business

A. **Award of Bid for Marion Avenue Culvert Replacement** **Presenter: Jay Squires, Streets and Storm Water Manager**

Mr. Squires presented the item to Council as follows:

“Staff received bids for the replacement of a culvert under Marion Avenue. This project consists of removal and replacement of a culvert from under Marion Avenue between Alexander Avenue and Hudson L. Barksdale Boulevard.

The following bids were submitted:

Larry Green Grading, Inc. (Lyman)	\$180,104.72
Capitol Construction of the Carolinas, LLC. (Spartanburg)	\$195,859.25

Staff has reviewed the bids and the qualifications for each of these contractors. Based on that review, staff has determined that Larry Green Grading, Inc. is the responsive low bidder. No bids were submitted from MWBE certified contractors. It is anticipated that it will take 45 days (depending on weather) to complete this project. Staff will give neighborhood residents advance notice using door hangers and mailers. A portion of Marion Avenue will be closed during construction for safety reasons. A detour route will be in place for convenience while the segment of road is closed.

ACTION REQUESTED: Allow staff to accept the bid from Larry Green Grading, Inc. and authorize the City Manager to enter into a contract with, Larry Green Grading, Inc. for the completion of the project.

BUDGET AND FINANCE DATA:

\$ 180,104.72 from the Storm Water Utility fund will be used to complete the project.”

Councilmember Stille made a motion to approve the award of bid to Larry Green Grading, Inc. of Lyman, SC in the amount of \$180,104.72. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

B. Proposed 2016 Street Resurfacing Program

Presenter: Tim Carter, Engineering Manager

Mr. Carter presented the item to Council as follows:

“The City is eligible to receive funds for road repaving from the Spartanburg County Road Fee Program and the Spartanburg County Transportation Committee (“CTC”). In anticipation of this funding, staff annually evaluates the condition of city maintained streets. Using this standardized rating process, a ranking of the streets is developed. Priority for repaving is then given to streets in the worst condition.

For 2016, staff is recommending repaving of the streets listed on the attachment. With Council’s approval, staff will move forward with the submission of this ranking to Spartanburg County and will proceed with bid solicitation and will return to Council for contract approval.

ACTION REQUESTED: Authorize staff to submit proposed selection of streets for repaving to Spartanburg County.

BUDGET AND FINANCE DATA:

Spartanburg County Transportation Committee - \$350,000

Spartanburg County Road Fee - \$484,336.”

Councilmember Rice made a motion to approve the proposed 2016 Street Resurfacing Program. Councilmember Scalisi seconded the motion, which carried unanimously.

C. Spartanburg County Financial Stability Task Force – Community Meeting & Poverty Simulation Briefing

Presenters: Mitch Kennedy, Director of Community Services

Heather Witt, VP of Community Impact, United Way of the Piedmont

“In the fall of 2015, the United Way of the Piedmont (UWP), with financial support from the Mary Black Foundation, embarked on a five month effort to better understand poverty in Spartanburg. Using focus group meetings, interviews, and data analysis, the UWP has formulated strategies to address the most significant barriers to financial stability.

The UWP and its partners are now ready to move forward with implementation of efforts intended to assist individuals and families in need. A task force has been formed. This task force will kick-off its initiative at 1:30 PM, March 30, at the Spartanburg Community College – Downtown Campus.

Staff would like to brief Council on this effort.
Council received the report as information.

D. Fire Department Update

Presenter: Marion Blackwell, FC, Fire

Chief Blackwell announced the following updates and recognitions from the fire department:

Jeremy Morgan – Credentialed Fire Officer
Richard Balmer – Credentialed Chief Fire Officer
John (Brad) Hall – Credentialed Chief Fire Officer
John (Brad) Hall – National Fire Academy Executive Fire Officer
Re – Accreditation for the Second Time for the Fire Department

Council received the report as information.

SUNDAY BEER AND WINE SALES DISCUSSION -

After presentation of research by City Manager Memmott, comment by Chief Thompson, explanation of the procedure for moving forward by City Attorney McCabe, and discussion by Council, **Mayor White made a motion to move forward with bringing an ordinance for council approval to have the question of Sunday beer and wine sales placed on the November 2016 election ballot as a referendum. Councilmember Brown seconded the motion. The vote was 6 to 1 in favor of the motion with Councilmember Rice voting against the motion.**

X. City Council Updates

Councilmember Stille shared she appreciated the good information received in the Community Assessment.

Councilmember Henderson Myers shared she was excited about all the workshops and the information received from them.

Councilmember Scalisi share she attended the CDBG Community Forum and appreciated the information received relative to current situations in the community.

Councilmember Brown reminded everyone of Marshall Tucker Band themed fund-raising event to be held at the Chapman Cultural Center the following weekend. She offered condolences to the City of Greenville and the families of Office Jacobs.

XI. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to Encouraging the Location of a Business in the City

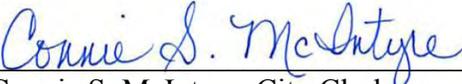
Councilmember Rice made a motion to adjourn to Executive Session for the reason stated. **Councilmember Scalisi** seconded the motion, which carried unanimously, and Council adjourned to Executive Session at 6:41 p.m.

Council reconvened at 7:45 p.m. Mayor White stated that discussion was held with no decisions made.

- XII. Adjournment** – *Councilmember Brown made a motion to adjourn the meeting. Councilmember Scalisi seconded the motion, which carried unanimously. The meeting adjourned at 7:48 p.m.*

**(Discussed after the Fire Department Update –
reference the agenda amendment vote in Item IV.)
City Council Workshop
Council Chambers
Monday, March 28, 2016**

- I. Reconvene**
- II. Sunday Beer and Wine Sales**
- III. Adjournment**



Connie S. McIntyre, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planning Staff

SUBJECT: Rezoning of property located at 823 John B. White, Senior Boulevard, Wellspring Living SC, proposed Purchaser. Scott Talley, Talley Law Firm, Agent on behalf of Geraldine B. Stockdale Trust, Property Owner.

DATE: April 11, 2016

SUMMARY: On March 17, 2016, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Wellspring Living SC, proposed purchaser of property, submitted by Scott Talley, Talley Law Firm, Agent on behalf of Geraldine B. Stockdale Trust, Property Owner of 823 John B. White, Senior Boulevard, to rezone parcel 6-21-11-117.00 from Zone R-12/General Residential District to LOD/Limited Office District, in order to sell the property to Wellspring Living SC, a ministry devoted to the counseling of women as well as the office headquarters in Spartanburg. The purchase of the property is contingent upon the request being approved.

The 2004 Comprehensive Plan envisions this area have a future land use category of Limited Activity Center, with land use zoned of Limited Office District and Limited Commercial District. Therefore, the change of zoning from R-12: General Residential to LOD: Limited Office District is supported by the Comprehensive Plan.

The Planning Commission held a public hearing on the proposal on March 17, 2016. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and 2004 City Comprehensive Plan, the Planning Commission voted to recommend approval of the request to City Council for the rezoning of the parcel from R-12 to LOD.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on March 17, 2016 by a vote of 5 to 0. Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the March 17, 2016 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the rezoning request.

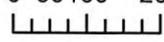
BUDGET AND FINANCE DATA: N/A

Location Map

823 John B White Sr Blvd
Rezone R-12 to LOD

Planning Department
596-2068



0 50 100 200 Feet

 1 inch = 250 feet

Planning Commission Meeting - March 17th, 2016
 Council Chambers of City Hall - 5:30 P.M.

2-24-16
 Demian Carpenter
 Community Relations

AN ORDINANCE

ORDINANCE TO AMEND THE CITY OF SPARTANBURG, SOUTH CAROLINA ZONING ORDINANCE AND COMPREHENSIVE PLAN LAND USE ELEMENT, BY AMENDING SECTION 206, CHANGES TO DISTRICT BOUNDARIES, SPECIFICALLY PARCEL #6-21-11-117.00 LOCATED AT 823 JOHN B. WHITE SENIOR BOULEVARD, WHICH IS CURRENTLY ZONED R-12 WITH A LAND USE DESIGNATION OF GENERAL RESIDENTIAL DISTRICT TO ZONE LOD WITH A LAND USE DESIGNATION OF LIMITED OFFICE DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the land use designation for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zone of Lot 117.00, as shown on Spartanburg County Block Map Sheet 6-21-11 from R-12, General Residential District to zone LOD, Limited Office District; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on March 17, 2016, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the rezoning request be approved as recommended by City Staff.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, be, and the same hereby amended as follows:

- The Lot currently identified as 117.00 on Spartanburg County Block Map Sheet 6-21-11, shall be now designated as LOD, Limited Office District.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(continued)

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS _____ DAY OF _____, 2016.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

___/___/___ 1st Reading

___/___/___ 2nd Reading

Spartanburg City Planning Commission Meeting Minutes
Thursday, March 17, 2016

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, March 17, 2016, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Howard Kinard, Bob Pitts, Wendell Cantrell, and James Jenkins. Board Members Nancy Hogan 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. Cantrell moved approval of the Agenda for the March 17, 2016 meeting, with second by Mr. Kinard. The motion was approved by a vote of 4 to 0.

Disposition of the Minutes from the January 21, 2016 meeting of the Spartanburg City Planning Commission

Mr. Cantrell moved approval of the January 21, 2016 meeting minutes as submitted, with second by Mr. Kinard. The motion was approved by a vote of 4 to 0.

Old Business – None.

New Business

Rezoning Request: TMS#6-21-11-117.00 located on 823 John B. White Senior Boulevard, zoned R-12 (General Residential District) to zone LOD (Limited Office District) in order to sell the property to Wellspring Living SC, a ministry devoted to the counseling of women as well as the office headquarters in Spartanburg; Scott Talley, Talley Law Firm, Agent on behalf of Geraldine B. Stockdale Trust, 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 into evidence as Exhibit A. Ms. Rosario introduced the request to the Board Members; and she showed slides of the location map, the proposed property, and surrounding properties. She informed the Board Members the entrance of the property is located on an easement with the property located at 410 Allison Drive, behind 823 John B. White Senior Boulevard. She indicated that 410 Allison Drive was not part of the rezoning request. More slides were shown in order to better illustrate the request.

[Editor's Note: Board Member James Jenkins arrived to the meeting at 5:35 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 "...established to provide for office uses, including offices which have contact with the general public, but which do not conduct sales of merchandise on the premises. It is intended that this district will develop that will insure compatibility with residential districts." The Comprehensive Plan describes the Limited Activity Center as follows:

“Intended for professional offices and small scale retail business serving a neighborhood area. Activities within a Limited Activity Center should be fully enclosed, should generate little traffic, noise, light or evening activity, and should be compatible with adjacent residential areas.”

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, including single family residential, general institutional (Hatcher Gardens) and offices. Uses along this portion of John B. White Senior Boulevard include predominately LOD parcels, with R-15 and R-12 zoned parcels located behind these. Change of zone from R-12 to LOD would not significantly alter the character of the neighborhood or corridor.
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 the parcel falls under the category of “Office/Institutional/Multi Family/Special Residential” 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 3 along any side or rear property line that abuts a single family use. The entrance of the property is located on an easement with the property located at 410 Allison Drive, behind 823 John B. White Senior Boulevard. Staff is of the opinion that placing a buffer yard along this side of the property would not be feasible and would interfere with the use of the site as it is currently designed. The rear buffer is 65’ away from the property line at its shortest point, and the foliage in this area meets the requirements for a Bufferyard 3.
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 rezoning will allow for Wellspring Living SC to purchase and occupy the property.
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 R-12 to LOD will be a beneficial and appropriate use for the area. Therefore, Staff recommends approval of the proposed zone change from R-12 to LOD, as presented.

Planning Commission Questions:

- Mr. Kinard asked was the plan to tear the house down. Ms. Rosario said no; and she explained they would just be bringing the house up to code for an office use.
- Mr. Kinard asked to see the slide that showed the easement again. Ms. Rosario said there was a possibility for them to have an access regarding another property owner but she did not know if that option was being pursued.
- Mr. Cantrell said the plat showed part of the access being paved, and the width of that as 22.53 feet; and asked was that correct or had that been changed since 2009. Ms. Rosario said she did not know the exact width; but it was all paved.
- Mr. Cantrell asked did anyone else in the back use that area. Ms. Rosario said the owner of 410 Allison Drive.
- Mr. Kinard asked was the plan not to affect that access regarding the easement; and he asked could they have the proposed purchaser speak regarding that.
- Mr. Wilson said they would address that in a few minutes.

Scott Talley, Talley Law Firm, Agent on behalf of the current owner came forward; and he said to address Mr. Kinard's point, he referenced a slide and explained the property at 410 Allison Drive was primarily accessed off of Allison Drive; and he informed the Planning Commissioners it was undisputed and was an non-exclusive easement for the property at 823 John B. White Senior Boulevard. He said the strip by which the easement was granted was the 22.5 strip. He said it should be noted that the owner of 410 Allison Drive had installed a gate that was now locked, back behind the buffer, and the owner of 410 Allison Drive had not used it in a number of years. The easement was actually granted by deed to Mr. George Albert Stockdale in 1949, and his was is the current record owner. Mr. Talley said there was no intention of the buyer of 823 John B. White Sr. Boulevard to change the structural foundation; but it did need to be brought up to code. The intended buyer, Wellspring Living SC would not house any people; it was a center where women would receive counseling services and be the main office headquarters.

Planning Commission Questions:

- Mr. Kinard asked would there be any overnight people.
- Mr. Talley said no.
- Mr. Cantrell asked how many parking spaces were on that location for the main parcel. Mr. Talley said right now it was a driveway and he referenced the plat.
- Mr. Cantrell said it looked like the parking was very limited.
- Mr. Talley referenced the plat the Board Members should have in their packets; and said it was his understanding that the paved area only on the 823 site would be expanded by four spaces plus the required handicapped parking space, all of which would be contained in the 823 parcel and would not infringe onto Mrs. Gosnell's property at 410 Allison Drive.
- Mr. Kinard asked was the gate that was put up on the 410 Allison Drive property. Mr. Talley said yes.
- Mr. Kinard asked would the owner of 410 Allison Drive still be able to access the easement area if need be. Mr. Talley said yes.

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

- Mr. Tim Cleveland of 400 E. Henry Street, Attorney for Mrs. Gosnell came forward and informed the Planning Commissioners that Mrs. Gosnell did not object to the rezoning of the proposed parcel; but she wanted noted for the record that her property was not included in the rezoning request; and that she does and would object to any use of the driveway for any use of the driveway as a limited office purpose, due to increased traffic for the office use. Mr. Cleveland said the Gosnell's still use that easement from time to time to get into their property from John B. White Senior Boulevard.
- Mr. Pitts asked was the only access to 823 John B. White Senior Boulevard at the easement area.
- Mr. Cleveland said no, they had a lot of road frontage on John B. White Senior Boulevard; and he said it would be possible to put another entrance.
- Mr. Talley said there was no other existing curb cut for 823 John B. White Senior Boulevard; and there was a lot more regarding SCDOT approval, etc. that would need to be done in order to gain another access. He also pointed out that Mrs. Stockdale was not present tonight; but two of her daughters were present, and one who was currently living in the house until it was sold. He noted after the rezoning was posted, the gate has been unlocked for the first time in four years; and signs had been put up to not block the driveway; and the buyer understands the easement language and is certainly willing to comply.

- A gentlemen came forward who said he was Mrs. Gosnell's son-in-law [that I could not understand the name or address]; and said in the two and a half years that he had been back in Spartanburg he had gone in and out of that gate at least twenty times. He said the gate was quite often opened. It was closed occasionally. Additionally, he did not know exactly when the gate was put up; but he had been a part of the family for the last 25 years ago and that gate was in place and was old way back then. They all use that access on a normal basis.
- Mrs. Drucilla Gosnell, owner of 410 Allison Drive came forward and said Mr. Talley had mentioned the gate being closed. She explained there was a reason for the gate being closed at times. There had been a problem with people coming down her driveway and turn around in her back yard. She primarily lived by herself most of the time; and she did not like for people to come down her driveway. At the moment her grandson lived with her who used that access to go in and out.
- Mrs. Gosnell's daughter, Sally Dover said when all of this transpired with the easement was back when the area was all residential and farm land.

Mr. Wilson asked if there was anyone else who wished to speak in favor or against the petition. Hearing none, Mr. Wilson closed the public hearing.

Planning Commission Deliberation:

- Mr. Kinard felt the right to use the easement was not the issue before the Planning Commission. He did not think there was any question that Mrs. Gosnell had the right to use the easement or not. He does understand the easement would benefit 823 John B. White Senior Boulevard. He is of the opinion based on the surrounding area that the zoning change would be consistent with the uses in the area.
- Mr. Wilson said the easement or the validity was not in question.

Mr. Cantrell made a motion to approve the request as presented by Staff; and he was seconded by Mr. Kinard. 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 April 11, 2016, and then a Second and final Reading on April 25, 2016.

Rezoning Request: TMS#7-08-13-230.00, Portions of property located on 101 E. Wood Street within the sections bordered by North Church Street, Catawba Street, East Wood Street, Serpentine Drive, Aimee Street, and Dewey Avenue that are currently zoned B-1, B-3, LOD, and R-8, (Neighborhood Shopping District), (General Business District), (Limited Office District), and (General Residential District) to Zone GID, (General Institutional District), as well as Tax Map Number 7-12-01-190.00 located at 727 North Church Street zoned B-3 (General Business District) to zone TGID, (General Institutional District), in order to consolidate all of the property as referenced above to the same Zone of GID; David McCutchen, PE, McCutchen Engineering Associates PC, Agent on behalf of Spartanburg Regional Healthcare System, Property Owner.

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 into evidence as Exhibit A. She explained to the Planning Commissioners the reason for the request was to create coherent zoning across the two parcels in order for the owner to move forward with construction plans of a new medical office building. The rezoning would allow for a uniform site design that cannot be achieved if setbacks and buffer yards are applied to the site as it currently zoned. Slides were shown in order to better illustrate the request.

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:

Wellspring Living SC is a ministry devoted to the counseling of women. This location would serve as an office headquarters for the ministry.

Zoning History

The properties have carried their current zoning since prior to the adoption of the 2004 Comprehensive Plan. These parcels were annexed into the City at some point between 1950-1959, and Staff could not find any record of rezoning or rezoning requests for this parcel since that time.

REQUIRED FINDINGS

Historically, the City of Spartanburg has required rezoning applications to meet certain criteria and the Planning Commission must make the following findings of reasonable conformance in order to recommend a change of zoning:

Staff offers the following analysis relating to each of these required findings:

ANALYSIS OF REQUIRED FINDINGS

The Zoning Ordinance enables Council to change the Zoning Ordinance or Map following public notice and hearing. The Planning Commission reviews and recommends action on proposed zoning changes at its regularly scheduled meetings. The following comments are based on established criteria:

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 “...established to provide for office uses, including offices which have contact with the general public, but which do not conduct sales of merchandise on the premises. It is intended that this district will develop that will insure compatibility with residential districts.” The Comprehensive Plan describes the Limited Activity Center as follows:
“Intended for professional offices and small scale retail business serving a neighborhood area. Activities within a Limited Activity Center should be fully enclosed, should generate little traffic, noise, light or evening activity, and should be compatible with adjacent residential areas.”
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, including single family residential, general institutional (Hatcher Gardens) and offices. Uses along this portion of John B. White Sr. Blvd include predominately LOD parcels, with R-15 and R-12 zoned parcels located behind these. Change of zone from LOD to B-1 would not significantly alter the character of the neighborhood or corridor.
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 the parcels falls under the category of “Office/Institutional/Multi Family/Special Residential” 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 3 along any side or rear property line that abuts a single family use. The entrance of the property is located on an easement with the property located at 410 Allison Drive, behind 823 John B. White Sr. Blvd. Staff is of the opinion that placing a buffer yard along this side of the property would

not be feasible and would interfere with the use of the site as it is currently designed. The rear buffer is 65' away from the property line at its shortest point, and the foliage in this area meets the requirements for a bufferyard 3.

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 rezoning will allow for Wellspring Living SC to purchase and occupy the property.
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 R-12 to LOD will be a beneficial and appropriate use for the area. Therefore, Staff recommends approval of the proposed zone change from R-12 to LOD, as presented.

WRITTEN PUBLIC COMMENTS

Notices were sent to property owners within a 400 ft. radius of subject properties. There have not been any written arguments in favor or opposition to the request.

FUTURE PROCESS

Under State law, if the Planning Commission recommends approval of this application, staff will schedule the matter for a final public hearing before the City Council. The public hearing will be publicly noticed.

If the Planning Commission recommends against the application, the negative recommendation will be forwarded to the City Council. In this case, a public hearing before the City Council will be conducted only if the applicant submits a written request within a two week period following the Planning Commission's action.

On March 17th, 2016, the Planning Commission may act to support or oppose the application, with or without changes to the proposal. The Commission could also continue the matter if additional information, testimony or dialogue is felt necessary.

ATTACHMENTS:

- | | |
|-----------------|----------------------------------|
| A. Case Photos | B. Application |
| C. Hearing Maps | D. Feasibility Inspection Report |

PREPARED BY:

Natalia C. Rosario

Natalia C. Rosario
Planning Staff

3.9.2016

DATE



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planning Staff

SUBJECT: Rezoning of portions of property located at 101 East Wood Street, and 727 North Church Street; David McCutchen, PE, McCutchen Engineering Associates, PC, Agent on behalf of Spartanburg Regional Healthcare System, Property Owner.

DATE: April 11, 2016

SUMMARY: On March 17, 2016, the Planning Commission held a public hearing and reviewed a rezoning request submitted by David McCutchen, PE, McCutchen Engineering Associates, PC, Agent on behalf of Spartanburg Regional Healthcare System, Property Owner of 101 East Wood Street and 727 North Church Street, to rezone the portions of Parcel 7-08-13-230.00 within the sections bordered by North Church Street, Catawba Street, East Wood Street, Serpentine Drive, Aimee Street, and Dewey Avenue that are currently zoned B-1/Neighborhood Shopping District, B-3/General Business District, LOD/Limited Office District, and R-8/General Residential District, as well as Parcel 7-12-01-190.00 which is zoned B-3/General Business District to Zone GID/General Institutional District and are addressed as 101 East Wood Street and 727 North Church Street, in order to consolidate all of their property as referenced above to the same Zone of GID.

The 2004 Comprehensive Plan envisions this area have a future land use category of Institutional, with land use zoned as GID. It is described as: “Intended to accommodate activities associated with public or semi-public institutional uses, such as hospitals, schools, or government centers”. Therefore, the change of zoning from B-1, B-3, LOD, and R-8 to GID is supported by the Comprehensive Plan.

The Planning Commission held a public hearing on the proposal on March 17, 2016. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and 2004 City Comprehensive Plan, the Planning Commission voted to recommend approval of the request to City Council for the rezoning of the above referenced portions of 101 E. Wood Street from B-1, B-3, LOD, and R-8 to GID; as well as the parcel at 727 North Church Street from B-3 to GID.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on March 17, 2016 by a vote of 5 to 0. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

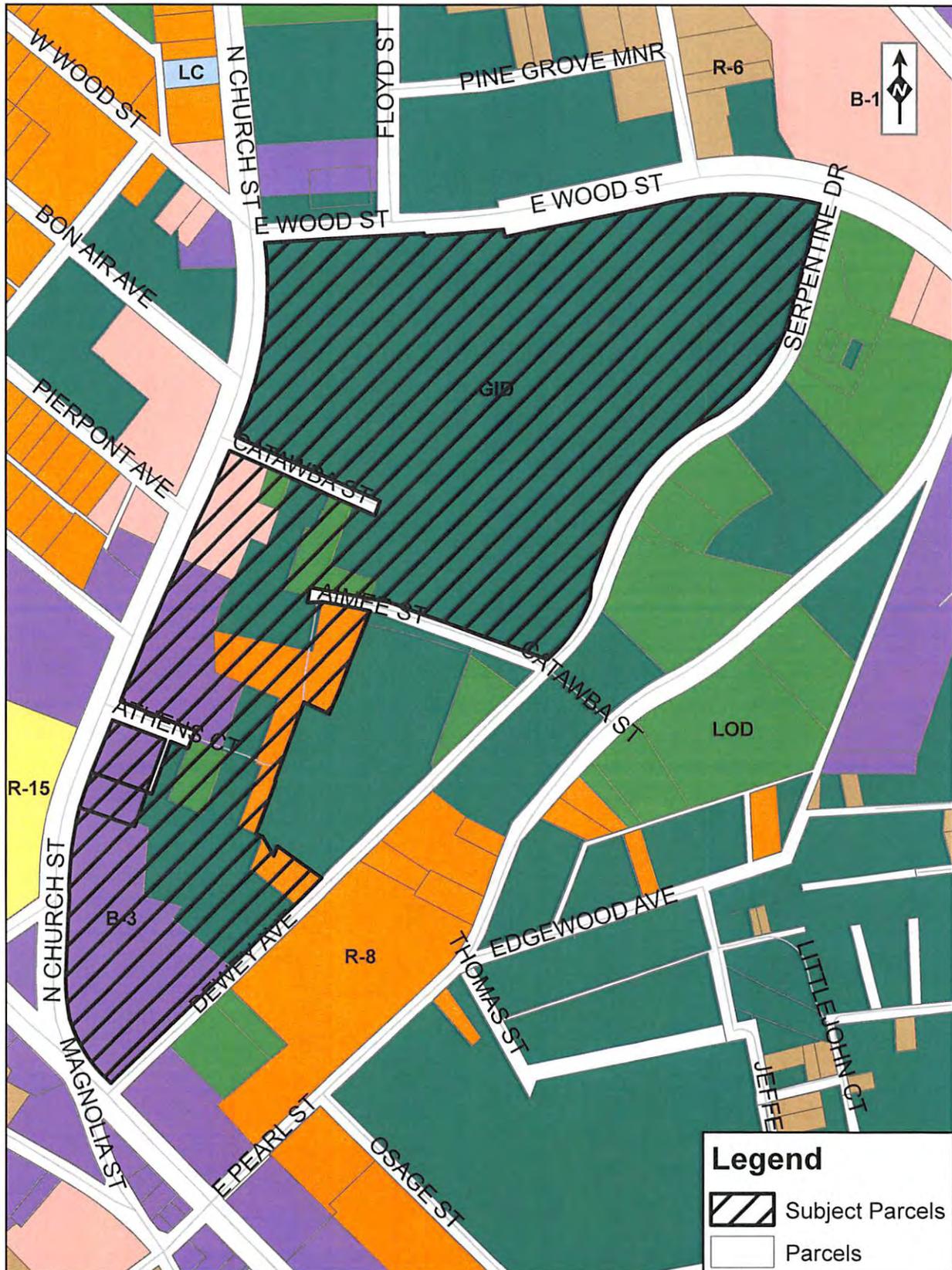
ADDITIONAL INFORMATION: Minutes from the March 17, 2016 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the rezoning request.

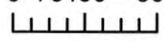
BUDGET AND FINANCE DATA: N/A

Location Map

Spartanburg Regional Healthcare System
 Rezone B-1, B-3, LOD, R-8 to GID

Planning Department
 596-2068



0 75150 300 Feet

 1 inch = 385 feet

Planning Commission Meeting - March 17th, 2016
 Council Chambers of City Hall - 5:30 P.M.

3-1-16
 Demian Carpenter
 Community Relations

AN ORDINANCE

ORDINANCE TO AMEND THE CITY OF SPARTANBURG, SOUTH CAROLINA ZONING ORDINANCE AND COMPREHENSIVE PLAN LAND USE ELEMENT, BY AMENDING SECTION 206, CHANGES TO DISTRICT BOUNDARIES, SPECIFICALLY PORTIONS OF PARCEL #7-08-13-230.00 LOCATED AT 101 EAST WOOD STREET WITHIN THE SECTIONS BORDERED BY NORTH CHURCH STREET, CATAWBA STREET, EAST WOOD STREET, SERPENTINE DRIVE, AIMEE STREET, AND DEWEY AVENUE THAT ARE CURRENTLY ZONED B-1, B-3, LOD, AND R-8, WITH LAND USE DESIGNATIONS OF NEIGHBORHOOD SHOPPING DISTRICT, GENERAL BUSINESS DISTRICT, LIMITED OFFICE DISTRICT, AND GENERAL RESIDENTIAL DISTRICT TO ZONE GID WITH A LAND USE DESIGNATION OF GENERAL INSTITUTIONAL DISTRICT, AS WELL AS PARCEL #7-12-01-190.00 LOCATED AT 727 NORTH CHURCH STREET WHICH IS CURRENTLY ZONED B-3 WITH A LAND USE DESIGNATION OF GENERAL BUSINESS DISTRICT TO ZONE GID, WITH A LAND USE DESIGNATION OF GENERAL INSTITUTIONAL DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the land use designation for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zone of portions of Lot 230.00, within the sections bordered by North Church Street, Catawba Street, East Wood Street, Serpentine Drive, Aimee Street, and Dewey Avenue as shown on Spartanburg County Block Map Sheet 7-08-13 from B-1, B-3, LOD, and R-8 to zone GID, General Institutional District, as well as Lot 190.00, as shown on Spartanburg County Block Map Sheet 7-12-01 from B-3 to GID; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on March 17, 2016, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the rezoning request be approved as recommended by City Staff.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, be, and the same hereby amended as follows:

(continued)

- The portions of Lot currently identified as 230.00, as referenced above on Spartanburg County Block Map Sheet 7-08-13, as well as Lot 190.00 on Spartanburg County Block Map Sheet 7-12-01, shall be now designated as GID, General Institutional District.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS _____ DAY OF _____, 2016.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

___/___/___ 1st Reading

___/___/___ 2nd Reading



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planning Staff

SUBJECT: Ordinance Accepting the Property Owned by John D. and Belton W. Montgomery, and being located at 1150 Woodburn Road, and that portion of Woodburn Road abutting said property, as a part and parcel of the City of Spartanburg and Declaring said Property Annexed to and a part and Parcel of the City of Spartanburg, said parcel to be Zoned R-15, Single Family Residential upon Annexation.

DATE: April 11, 2016

SUMMARY:

Staff received a request from John D. and Belton W. Montgomery, owners of 1150 Woodburn Road for annexation of the property into the City of Spartanburg on March 15, 2016. Because this property will be zoned R-15, Single Family Residential upon Annexation, there is no need to obtain zoning designation by the Planning Commission.

Since the parcel is contiguous to the City Limits, the property owner has submitted an annexation petition under the 100 percent Petition and Ordinance method. Since the zoning designation for the contiguous parcel is R-15, Single Family Residential; Staff is requesting Council to designate the parcel as R-15.

ACTION REQUESTED:

Staff recommends that the City Council take the following actions:

- a) Approve the annexation of 1150 Woodburn Road (TMS7-17-03-032.00).
- b) Designate the zoning for this property as R-15 (Single Family Residential) upon annexation.

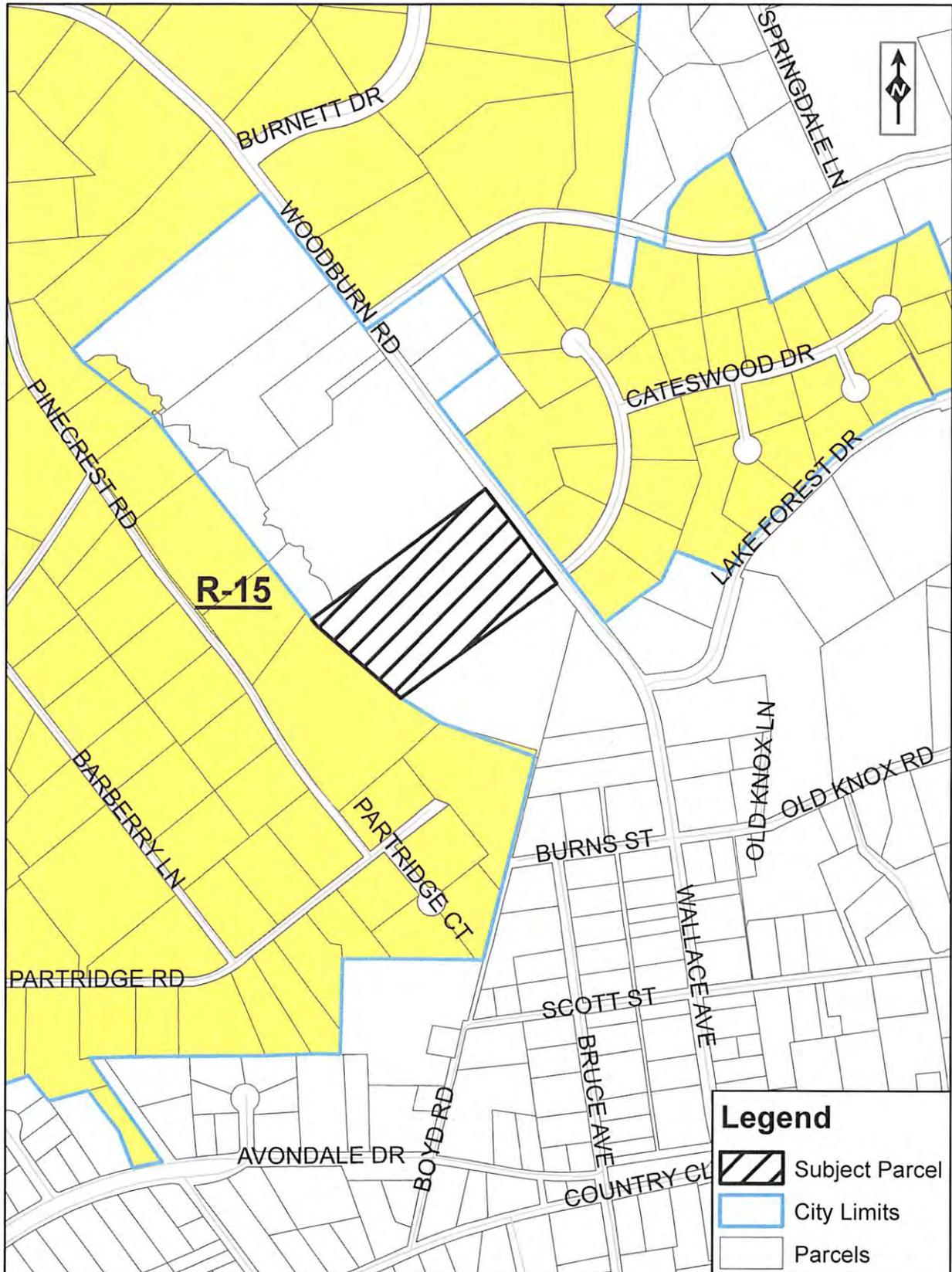
BUDGET AND FINANCE DATA:

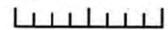
The parcel will generate property tax after annexation. Additional service costs will be minimal.

Annexation Request

1150 Woodburn Rd 7-17-03-032.00
 To be zoned: R-15, Single Family Residential

Planning Department
 596-2068



0 100 200 400 Feet

 1 inch = 500 feet

City Council - Monday, April 11th, 2016
 Council Chambers of City Hall - 5:30 P.M.

3-21-16
 Demian Carpenter
 Community Relations

AN ORDINANCE

ACCEPTING THE PROPERTY OWNED BY JOHN D. AND BELTON W. MONTGOMERY, AND BEING LOCATED AT 1150 WOODBURN ROAD, AND THAT PORTION OF WOODBURN ROAD ABUTTING SAID PROPERTY, AND IS FURTHER IDENTIFIED ON SPARTANBURG COUNTY TAX MAP AS 7-17-03-032.00 AS A PART AND PARCEL OF THE CITY OF SPARTANBURG AND DECLARING SAID PROPERTY ANNEXED TO AND A PART AND PARCEL OF THE CITY OF SPARTANBURG.

WHEREAS, the City of Spartanburg, on March 15, 2016, received a Petition, from John D. and Belton W. Montgomery, Owners, requesting that the property described in the Petition be annexed to the City of Spartanburg; and

WHEREAS, the City Council of Spartanburg has caused an investigation to be made of said property and has found that said property is contiguous to the City of Spartanburg and that it would be in the best interest of the City of Spartanburg if said property be annexed hereto in accordance with Section 5-3-150 of the Code of Laws of South Carolina, 1976; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1: That the Petition of John D. and Belton W. Montgomery, dated March 15, 2016, for the annexation of the property hereinafter described to the City of Spartanburg be accepted.

Section 2: That the property hereinafter described is hereby declared annexed to the City of Spartanburg and a part and parcel of said City with full privileges accorded to and responsibilities required of said area.

Section 3: That said property is described as follows:

All that certain lot or parcel of land lying on the southwest side of Woodburn Road (formerly Country Club Road) near Ben Avon, and just east of the city limits of the City of Spartanburg, State of South Carolina, containing 6.850 acres as shown on a plat made for Jo Carol Pulliam by Neil R. Phillips, P.L.S., dated June 15, 1993 and recorded in Plat Book 121, Page 12, of the Office of the Register of Deed for Spartanburg County, South Carolina.

This being the same of the property conveyed to Jo Carol Pulliam by deed of Edward C. Powell, Patricia Powell Gordon (formerly Patricia B. Powell), Harry G. Powell and Carleton D. Powell dated July 31, 1974 and recorded July 31, 1974 in Deed Book 42-D, Page 76, in the Office of the Register of Deeds for Spartanburg County, South Carolina.

The County Block Map Number of the above tract of land is 7-17-03-032.00. (See attached plat)

(continued)

Section 4: That upon annexation, the property shall be zoned as Zone R-15 (Single Family Residential District).

Section 5: This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS ____ DAY OF _____, 2016.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

__/__/__ (First Reading)

__/__/__ (Second Reading)



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planning Staff

SUBJECT: Street Abandonment Request to consider abandoning and closing Athens Court from its beginning that turns right off of North Church Street to its terminus at Aimee Street. David McCutchen, PE, McCutchen Engineering Associates PC, Agent on behalf of Spartanburg Regional Healthcare System, Property Owner.

DATE: April 11, 2016

SUMMARY: Staff has received a request by David McCutchen, PE, McCutchen Engineering Associates PC, Agent on behalf of Spartanburg Regional Healthcare System to abandon and close Athens Court from its beginning that turns right off of North Church Street to its terminus at Aimee Street, in order for the hospital to further expand their facility. Spartanburg Regional Healthcare System owns the property and surrounding property.

A Public Notice concerning this site appeared in the Spartanburg Herald-Journal on March 27, 2016. Letters to all property owners within 400 feet of the subject street were sent on March 18, 2016. The City's Engineering, Public Works, Public Safety, Fire Department, as well as Spartanburg Water were contacted to determine the impact of the proposed street abandonment and closure on services each department provides to the surrounding areas; and they had no objections to the request.

Additional Information: Site Map; Declaration of Street Abandonment; and a Resolution.

ACTION REQUESTED:

That City Council approves the requested Street Abandonment and Closure of Athens Court by Resolution.

BUDGET AND FINANCE DATA: N/A



0 55110 220 Feet
| | | | |
1 inch = 284 feet

 Street to be closed

RESOLUTION

DIRECTING THE ABANDONMENT AND CLOSURE OF A STREET IN THE CITY OF SPARTANBURG, BEING ATHENS COURT FROM ITS BEGINNING THAT TURNS RIGHT OFF OF NORTH CHURCH STREET TO ITS TERMINUS AT AIMEE STREET. ATHENS COURT IS LOCATED ON SPARTANBURG REGIONAL HEALTHCARE SYSTEM PROPERTY, AS WELL AS ARE ALL OF THE SURROUNDING PROPERTY.

WHEREAS, David McCutchen, PE, McCutchen Engineering Associates PC, Agent on behalf of Spartanburg Regional Healthcare System, Owner, has requested that City Council consider abandoning and closing Athens Court from its beginning that turns right off of North Church Street to its terminus at Aimee Street, and;

WHEREAS, Spartanburg Regional Healthcare System owns or has under its control all of the property abutting the said street and request abandoning and closing of the said street in order to allow the hospital to further expand their facilities.

NOW, THEREFORE, THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF SPARTANBURG, IN COUNCIL ASSEMBLED DO HEREBY RESOLVE:

Section 1: That Athens Court in the City of Spartanburg, from its beginning that turns right off of North Church Street to its terminus at Aimee Street, and is located entirely within the Spartanburg Regional Healthcare System Property, and is no longer needed or required for public use or convenience and it is in the best interest of the City that Athens Court be abandoned and closed as a public street.

Section 2: That after hearing the request, City Council has determined that the public interest would be best served by abandoning and closing Athens Court, that there are adequate streets in the vicinity for public use and that the interest of Spartanburg Regional Healthcare System and the City of Spartanburg would be enhanced by this action.

Section 3: That the City of Spartanburg has hereby determined and has hereby acknowledged that Athens Court identified in Section 1 above is hereby abandoned and closed as a public street and abandoned and closed by the City of Spartanburg. A Declaration of Street Abandonment and Closure shall be executed by the City Manager and City Clerk for the City and filed in the Register of Deeds Office for Spartanburg County.

Continued on page 2

Section 4: This Resolution shall be effective on the date of enactment.

This Resolution approved this _____ day of _____, 2016.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

DECLARATION

DIRECTING THE ABANDONMENT AND CLOSURE OF A STREET IN THE CITY OF SPARTANBURG, BEING ATHENS COURT FROM ITS BEGINNING THAT TURNS RIGHT OFF OF NORTH CHURCH STREET TO ITS TERMINUS AT AIMEE STREET. ATHENS COURT IS LOCATED ON SPARTANBURG REGIONAL HEALTHCARE SYSTEM PROPERTY, AS WELL AS ARE ALL OF THE SURROUNDING PROPERTY.

WHEREAS, David McCutchen, PE, McCutchen Engineering Associates PC, Agent on behalf of Spartanburg Regional Healthcare System, Owner, has requested that City Council consider abandoning and closing Athens Court from its beginning that turns right off of North Church Street to its terminus at Aimee Street, and;

WHEREAS, Spartanburg Regional Healthcare System owns or has under its control all of the property abutting the said street and request abandoning and closing of the said street in order to allow the hospital to further expand their facilities.

NOW, THEREFORE, THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF SPARTANBURG, IN COUNCIL ASSEMBLED DO HEREBY DETERMINE:

Section 1: That Athens Court in the City of Spartanburg, from its beginning that turns right off of North Church Street to its terminus at Aimee Street, and is located entirely within the Spartanburg Regional Healthcare System Property, and is no longer needed or required for public use or convenience and it is in the best interest of the City that Athens Court be abandoned and closed as a public street.

Section 2: That after hearing the request, City Council has determined that the public interest would be best served by abandoning and closing Athens Court, that there are adequate streets in the vicinity for public use and that the interest of Spartanburg Regional Healthcare System and the City of Spartanburg would be enhanced by this action.

Section 3: That the City of Spartanburg has hereby determined and has hereby acknowledged that Athens Court identified in Section 1 above is hereby abandoned and closed as a public street and abandoned and closed by the City of Spartanburg.

Continued on page 2



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Tim Carter, Engineering Administrator
SUBJECT: Northside Pedestrian Safety Improvements
DATE: April 6, 2016

BACKGROUND

Staff solicited bids for the Northside Pedestrian Safety Improvements. The project includes the installation of 600 LF of sidewalk along S. Cleveland Street to connect Fulton Avenue to N. Vernon Street. It also includes the installation of a brick crosswalk, crossing S. Cleveland Street. All of the sidewalk improvements will include ADA curb ramps with detectable warning surfaces. This project will help create a safe connection between neighborhood and the recently renovated Cleveland Park. Staff anticipates the completion of this project in early May.

Only one bid was submitted for this project.

- Capitol Construction of the Carolinas, LLC (Spartanburg, SC) \$ 62,249.50

Staff has reviewed the bid received and qualifications for Capitol Construction of the Carolinas, LLC and determined them to be a responsive and qualified bidder. No bids were submitted from MWBE certified contractors.

ACTION REQUESTED:

Allow staff to accept the bid from Capitol Construction of the Carolinas, LLC and authorize the City Manager to enter into a contract with Capitol Construction of the Carolinas, LLC for the completion of the project.

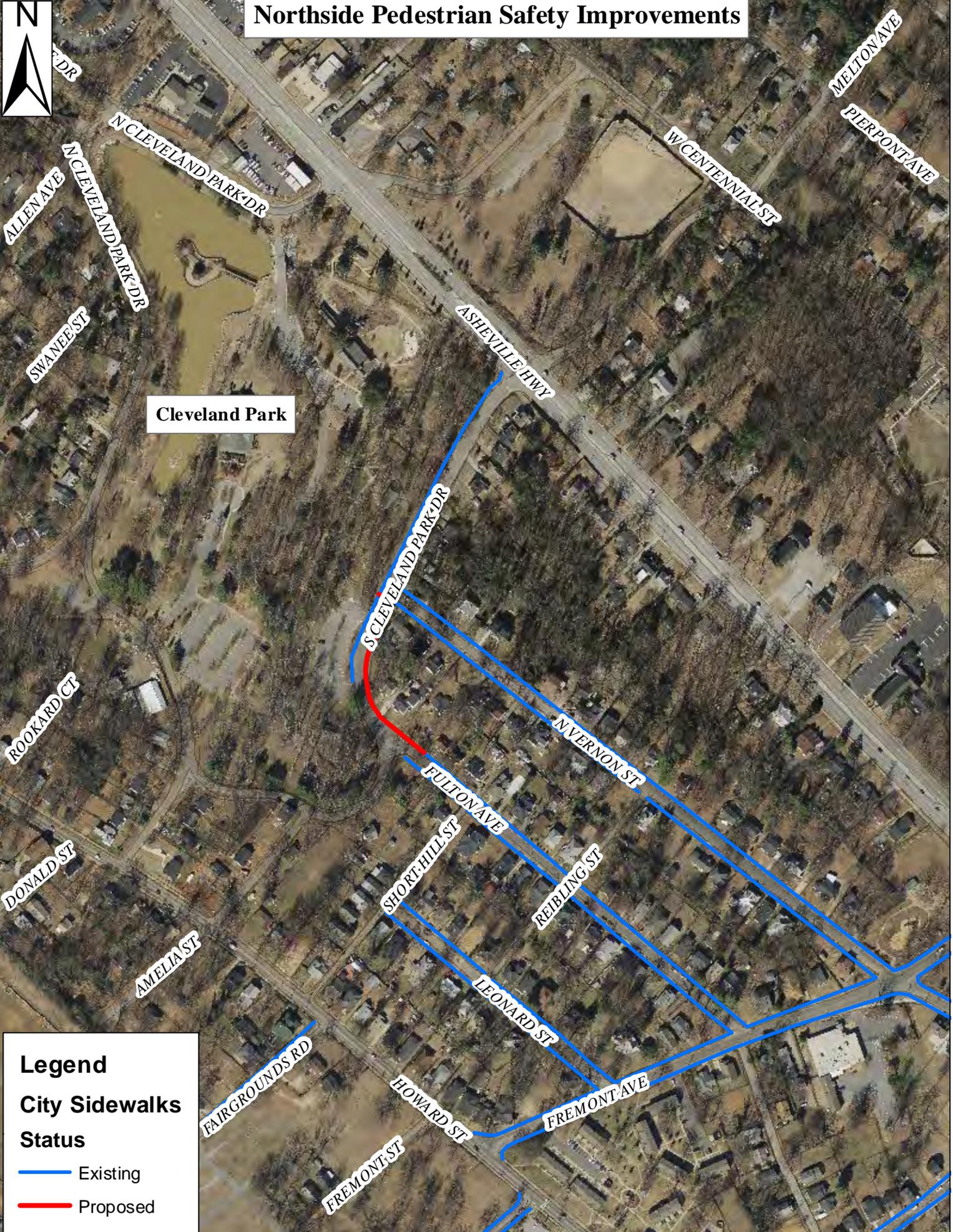
BUDGET AND FINANCE DATA:

\$ 62,249.50 – Community Development Block Grant Funds

Northside Pedestrian Safety Improvements



Cleveland Park



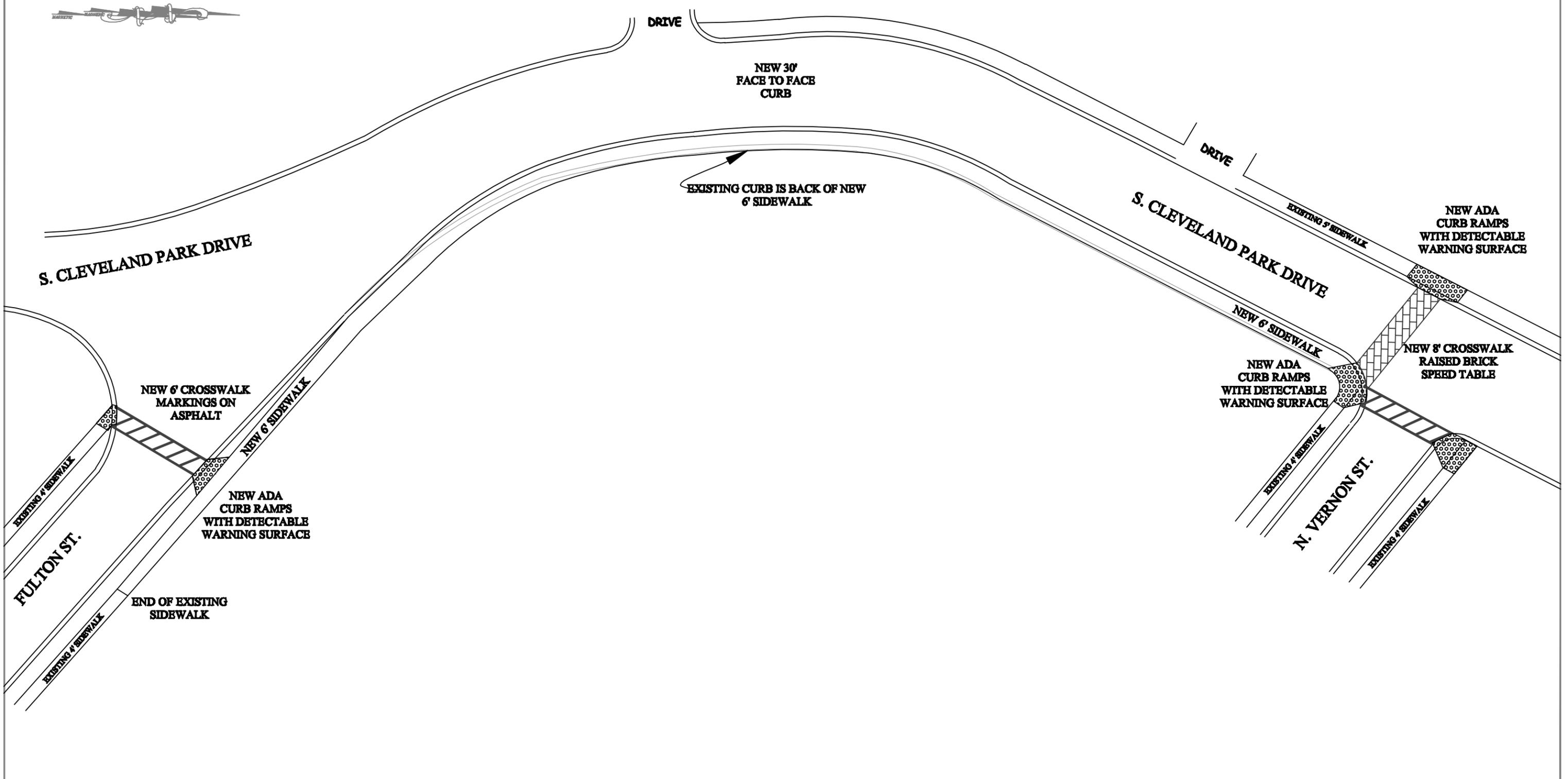
Legend

City Sidewalks

Status

- Existing
- Proposed

CLEVELAND PARK PARKING



Drawn By	CARTER
Checked By	
App'd By	
Date	9/22/15



**CITY OF SPARTANBURG
ENGINEERING DIVISION**

S. CLEVELAND PARK DRIVE
NEW SIDEWALK AND RAISED CROSSWALK
PEDESTRIAN SAFETY IMPROVEMENTS

Project No. NORTHSIDE	Dwg. No. 1/5
Scale : 1"=30'	



REQUEST FOR COUNCIL ACTION

TO: Mayor and Members of City Council
FROM: Ed Memmott, City Manager
SUBJECT: Traffic Calming Program
DATE: April 6, 2016

Concern about certain aspects of the traffic calming program have been raised by some members of Council. Staff is, therefore, seeking direction from full Council. Information on what staff understands to be the areas of concern is provided below. Current program guidelines are provided as Exhibit 1.

The Impact/Voting Area and the Voting Majority Required to Install Speed Hump

The impact/voting area is determined by the traffic engineer. After receiving an application, at least two separate traffic counts and a period of speed enforcement have occurred. If both counts indicate the necessary traffic volumes/speeding, the traffic engineer will determine the placement of proposed speed humps and will then, based on traffic data, determine the area that is most impacted by speeding and the placement of speed humps. The households within this area decide by vote whether the speed humps will be installed.

The current program requires a minimum of 40% of households in the impacted area to participate in the vote AND that 60% of those voting approve the proposed installation of speed humps. Staff believes this standard is reasonable.

Staff believe the options available to Council on this aspect of the program are:

1. Keep the 40%/60% standard.
2. Raise the majority vote (of those voting) from the current 60% to 70% or higher.
3. Require a majority vote of the households in the impact area. Council could require 60%, 70%, 80%, or a higher percentage of the households (not just those voting) in an impact area to vote to approve the proposed calming measures.

A second concern raised is that the impact/voting area does not allow sufficient participation.

If Council feels that additional households should be included, it could approve a change to include additional houses based on their proximity to a proposed speed hump. This distance could be set at 500', 750', or 1000' from any speed hump. Staff believes there are important tradeoff involved in this aspect of the program. To illustrate, a map of the Hillbrook Drive speed hump installation is provided as Exhibit 2.

Hillbrook Drive from Fernwood-Glendale to Cart Drive was experiencing significant cut through traffic and speeding. A large number of vehicles traveling to/from McCracken Middle School would take this route. Also, traffic traveling to/from Hillbrook Pool and Little League fields would cut through this section of Hillbrook Drive. In addition to the cut through traffic, this section of Hillbrook Drive had a high percentage of speeding traffic. While this section of Hillbrook Drive was experiencing a significant problem, the nearby streets (Duval, Henson, Henson Court) were not impacted by the traffic volumes and speeding.

After receiving a traffic calming application from residents on Hillbrook Drive and conducting traffic counts that confirmed speeding, the City conducted speed enforcement. After the enforcement period, a second traffic count was conducted. The second count again confirmed traffic volumes and speeding necessary to meet the standard for installation of speed humps. The traffic engineer then took the traffic data, located proposed speed humps, and defined the impact area. Note that the traffic engineer included Duval Drive and a portion of Henson Street in the impact area even though there were no speed humps proposed for these streets. The traffic engineer did this because of the possibility that traffic would "divert" to these streets to avoid some of the speed humps.

A total of 74 houses were included in the impact/voting area as established by the traffic engineer. Measuring along the street frontage, ten (10) houses would have been added if households within 500' of a proposed speed hump were included in the voting process. If the voting area were expanded to 750' of any speed hump, a total of 24 households would have been added. If 1,000' were the standard, a total of 42 households would have been added to the voting area.

There is no magic number or distance for staff to recommend to Council. Staff believes the current process to establish the impact/voting area reasonably balances the competing interests involved. However, if Council wants to expand the voting area, it could include households at whatever distance it believes to be appropriate.

Many residents on Hillbrook Drive considered the traffic volumes and speeding to be a safety issue. Most were willing to accept the inconvenience of speed humps in order to mitigate the speeding problem. Other nearby residents (Henson Court, Duval, Henson Drive, Cart Drive) derived no safety benefit from speed humps on Hillbrook Drive and would, in staff's opinion, been most likely to vote no regardless of the safety benefits on Hillbrook Drive.

Council is encouraged to consider how households not impacted by a speeding problem but located within a certain distance of proposed speed hump will likely influence future applications as it considers changes to the program.

Council could attempt to balance the competing interests by expanding the voting area based on distance from a speed hump, but provide those household with less than a full vote. There are various options to consider. Houses within 500' could get full vote with houses located between 500' and 1000' getting a half vote. Staff cautions Council about making the voting process so complicated that it is difficult for the public to understand.

Calming Measures Other Than Speed Humps/Lumps

Speed humps/lumps are the most widely used traffic calming measure because they are relatively inexpensive and they work. There are other traffic calming measures available. These other measures cost considerably more than speed humps. If Council wants to consider other measures, staff will include options in the FY17 budget for Council consideration. Council should anticipate that it will likely be necessary to cut other programs in order to fund the more expensive calming measures.

Additionally, staff does not recommend approval of other calming measures in absence of set guidelines which have been approved by Council. Most neighborhoods will prefer installation of the more expensive measures. To maintain consistency, staff would need to define the circumstances when these other measures would be utilized and have those rules approved by Council. If Council wants these other measures, staff will return with proposed procedures and with options to fund.

To reiterate, staff is seeking Council direction on following questions:

1. What majority vote does Council want to require for the approval of speed humps?
2. Does Council want to extend voting to households within a minimum distance of any proposed speed hump?
3. If yes on inclusion of additional households, at what distance?
4. Does Council want to provide additional households with a full vote or something less?
5. Does Council want to budget for more expensive traffic calming measures?



CITY OF SPARTANBURG NEIGHBORHOOD TRAFFIC CALMING PROGRAM

Introduction

In recent years, the City of Spartanburg has received numerous requests to address cut-through and speeding traffic within neighborhoods. The City is committed to being a supporting partner in helping neighbors devise creative and workable ways to restore and preserve safe and peaceful streets. The City believes that this can be achieved through “traffic calming.” The City, subject to the traffic calming program criteria, may install speed humps intended to mitigate traffic problems. Other traffic calming measures are addressed separately through the City’s Traffic Engineering Division.

Our Mission

The mission of the program is to enhance neighborhood safety and livability by working closely with neighborhoods to implement effective transportation solutions in our residential areas.

What is Traffic Calming?

Traffic calming employs mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users. The City of Spartanburg expands the definition of traffic calming by including enforcement and educational activities. It is not the intent of the City to make the streets a playground for residents, but to provide a safe environment for pedestrians, bicyclists and motorists who live, travel along, or cross these streets.

Traffic Calming Guide

To address the concerns of cut through and speeding traffic within neighborhoods, the City has developed a traffic calming program. The program includes information to determine eligibility criteria and the process that will be used in the identification of the problem, involving residents/property owners, and installation and evaluation procedures.

The process is not a simple one, nor one that can be implemented over night.

Eligibility Criteria

The City has categorized roadways into different types or classes, characterized by the nature and types of trips that take place, the length of the trip, and general traffic volume conditions. Streets are placed in the following categories: Arterial Roadways, Collector Roadways, and Residential (Local) Streets. To be considered for the program, a roadway must:



- Have a functional classification of residential street or minor collector roadway
- Have a posted speed of 30 MPH or less
- Be two-lanes wide
- Have a volume not greater than of 4,000 vehicles per day, with limited case by case exception.

Neighborhood Application

Requests for applications can be made through the City of Spartanburg's Community Services Office by calling 596-2052 or visiting www.cityofspartanburg.org.

City staff, with the assistance of a traffic engineer, will identify an ***initial impact area**, and a petition bearing signatures of 25% of the property owners in the initial impact area must be completed to initiate the process.

*** Initial Impact Area:** This is a first phase assessment in the process that defines the minimum area impacted by the traffic concerns. A second phase assessment is taken to define the final impact area by a traffic engineer if the application is eligible for the program following a series of field and traffic studies.

Field & Traffic Studies

Once a completed petition has been approved, appropriate field and traffic studies begin. These may include Volume studies (how many vehicles pass a specific point over a 24 hour period); Speed studies (the speed passing a specific point during un-congested conditions); Origin-Destination (cut through traffic) studies, and others as appropriate.

The City will use a volume and speed sliding scale to determine the eligibility of the street/road:

- The Road must meet Average Daily Traffic (ADT) and 85th Percentile Speed requirements. (*The 85th Speed is the speed above which 15% of the traffic is traveling.*)
 - If the 85th Speed is at least 15 mph over the Posted Speed Limit (PSL), the Volume must be at least 400 vehicles per day (vpd).
 - If the 85th Speed is at least 10 mph over the PSL, the Volume must be at least 550 vpd.
 - If the 85th Speed is at least 8 mph over the PSL, the Volume must be at least 700 vpd.

85 th Speed (mph over posted speed limit)	ADT (vehicles per day)
15.0 ≤	400 ≤
10.0 ≤	550 ≤
8.0 ≤	700 ≤

Education and Enforcement

There are three tools that traffic calming programs include, known as the three **"Es": Education, Enforcement, and Engineering**. Most traffic calming programs emphasize the *Engineering* phase that includes the construction of physical traffic calming devices. By introducing the *Education and Enforcement* before the Engineering phase, some traffic problems may be remedied without having to resort to physical devices.

The City can work with neighborhoods to help make their streets safer and more livable by introducing a **Community Awareness** program and an increased enforcement of the speed limit on targeted streets as a first step in the traffic calming process. The program can include a Speed Watch Program, use of the SMART machine, and aggressive police enforcement. Spartanburg City Police will meet with eligible neighborhoods and conduct traffic enforcement. Approximately two weeks after the program ends, speed and volumes will be checked again. If streets still meet the eligibility requirements, engineering solutions will be developed.

Engineering Solutions

City of Spartanburg Traffic Engineering staff and traffic consultant will identify locations for speed humps that will address the volume or the speed without hindering access to driveway, drainage, and other operative aspects of the street.

Final Neighborhood Vote

The proposed speed hump locations will be presented to the neighborhood, and one ballot will be distributed/mailed to each residence (one vote per residence) in the defined impact area. A minimum of 40% of the eligible residences must complete and return a ballot, and of the ballots received, there must be a 60% favorable vote to move forward with permanent construction. If the final vote does not lead to speed hump installation, the area cannot be studied again for three (3) years.

Typical Schedule of Entire Process

Applications will be taken on a first come, first served basis. The process does not start until the City has received a completed petition. Construction from eligible requests will take place in order of successful final votes.



- **Data Collection – 1 Month**
- **Education and Enforcement – 1 Month**
- **Data Collection/Evaluation – 1 Month**
- **Selection of Device – 1 Month**
- **Neighborhood Presentation & Vote – 1 Month**
- **Design and Construction – Varies**

Removal Policy

If after two years from the date of installation, residents of the neighborhood decide that they no longer want speed humps, they can request that the traffic calming devices be removed. A minimum of 40% of the eligible residences within the defined impact area must return completed ballots, and of the ballots returned, it will take a 60% favorable vote to remove any device which has been installed. The entire cost of removal must be paid for by the residents. If speed humps are removed from a road, pursuant to this section, that road will not be eligible for new speed humps for a period of five (5) years from the date of removal.

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