



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, February 12, 2018
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the January 22, 2018 City Council Meeting**
- IV. Approval of the Agenda of the February 12, 2018 City Council Meeting**
- V. Swearing In of City Council District 3 Councilmember**
 - A. The Honorable J. Ruth Littlejohn – City Council District 3
Oath of Office Administered by Zachury Duncan Littlejohn
Assisted by Mr. Horace Littlejohn
Ms. Emma Rice
Reverend Michael Henderson
Mrs. Gloria Henderson
Ms. Genovia Dawkins**
- VI. Public Comment**

*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VII. Public Hearing**
 - 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 #7-11-16-030.00 Located at 748 Baltimore Street, Which is Zoned LOD, with a Land Use Designation of Limited Office District to Zone R-6, with a Land Use Designation of General Residential District; and Providing for Severability and an Effective Date (First Reading)
Presenter: Natalia Rosario, Planner III**

VIII. Resolution

- A. Certifying Four (4) Units as Abandoned Building Sites Pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 et seq., of the South Carolina Code of Laws (1976), as Amended, Regarding the Property Called the Aug. W. Smith Building Located at 174 East Main Street, Tax Map Parcel # 7-12-18-076.00
Presenter: Chris Story, Assistant City Manager**

IX. Other Business

- A. Award for Construction Services for Phase III – Airport Runway Extension Project
Presenter: David Cook, Construction Project Manager**

X. City Council Updates

XI. Executive Sessions

- A. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to Encouraging a New Investment Downtown**
- B. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to Encouraging a New Investment in the Northside Redevelopment Area**

XII. 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 29306
Monday, January 22, 2018
5:30 p.m.**

**(These minutes are subject to approval
at the February 12, 2018 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Councilmembers Jerome Rice, Sterling Anderson, Erica Brown, Max Hyde, and Alan Jenkins. City Manager Ed Memmott and Interim City Attorney Larry Flynn 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 - recited**
- III. Approval of the Minutes of the January 8, 2018 City Council Meeting-**
*Councilmember Brown made a motion to approve the minutes as received.
Councilmember Jenkins seconded the motion, which carried unanimously 6 to 0.*
- IV. Approval of the Agenda of the January 22, 2018 City Council Meeting**
*Mayor pro tem Rice made a motion to approve the agenda as received.
Councilmember Brown seconded the motion, which carried unanimously 6 to 0.*
- V. Public Comment**
**Citizen Appearance forms are available at the door and should be submitted to the City Clerk
Chance Lebron, 350 Norris St., Apt. 224B, Spartanburg, SC, came forward to ask
Council to consider longer hours for bus service.*
- VI. Resolution**
 - A. To Adopt the Spartanburg County Multi-Jurisdictional Hazard Mitigation Plan**
Presenter: Marion Blackwell, Fire Chief
Chief Blackwell presented the item to Council as follows:
“Over the past year, the several city staff has worked in conjunction with Spartanburg County Emergency Preparedness and Municipalities to develop a Multi-Jurisdictional Hazard Mitigation Plan. Hazard Mitigation planning is mandated by the Robert T. Stafford Disaster Relief Act for the City to remain

eligible for disaster relief funding. The City has agreed to continue five action items that we are currently conducting. These actions include enforcement of the building and fire codes, floodplain enforcement, building project reviews as it pertains to hazard mitigation, critical infrastructure surveys, and public education of flood insurance. The efforts are ongoing and staff continues to reinforce these efforts through service delivery to our citizens.

ACTION REQUESTED: The Fire Department requests approval of the Spartanburg County Multi-Jurisdictional Mitigation Plan Resolution

BUDGET AND FINANCIAL DATA: There are no budget impacts to the adoption of this resolution.”

Mayor pro tem Rice made a motion to approve the resolution as presented. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0.

VII. Other Business

A. FY2017 Comprehensive Annual Financial Report

Presenter: Dennis Locke, Finance Director

Mr. Locke reviewed the CAFR with Council.

David Phillips of Greene Finney LLP reviewed the auditor report with Council. Council received the reports as information.

B. Boards and Commissions – Airport Advisory Committee

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented the application of Michael Bradley for Council consideration of appointment to the Airport Advisory Board.

Councilmember Anderson made a motion to waive the rules and appoint Mr. Bradley to the Airport Advisory Board. Councilmember Brown seconded the motion, which carried unanimously 6 to 0.

C. Overview of the Current Animal Ordinance

Presenter: Major Steve Lamb, Police Department

Mr. Lamb presented the item to Council as follows:

“Command staff is aware of public interest in the City’s Animal Control Ordinance and would like to provide an overview of the ordinance at the January 22 Council meeting.

As background, the ordinance underwent an extensive review in 2008. City Council adopted revised requirements in 2008 that went into effect on January 1, 2009. An amendment to the ordinance was made in 2011 to address domesticated female chickens.

With respect to staffing levels, the city employs two highly trained Animal Services Officers. These officers respond to complaints relating to animals and

are tasked with oversight and enforcement of the requirements. Officers Mike Johnson and Jessica Burdine are nationally certified through NACA (National Animal Care & Control Association). Both attend annual regional training and have state certifications. Officer Johnson has also attended the South Carolina Criminal Justice Academy (SCCJA) and received a class three law enforcement certification. Officer Burdine will be attending the SCCJA in February 2018. Both officers work in the community daily to foster a positive relationship with our community and serve as a resource for pet owners. Officers average 2000 calls for service each year.

The recent winter weather has led to two primary questions about the city's current ordinance; proper shelter and tethering. Below is a summary of the two items.

Proper Shelter – Protective covering that provides protection from all forms of weather and consists of at least four sides, a roof, flooring and an opening for ingress and egress. It should be appropriately sized for the animal.

Tethering – No person shall tether ... unless tethering device used is at least ten (10) feet in length and attached in such manner as to prevent strangulation. The tether weight cannot exceed 1/8 of the dog's body weight. No choke-type or pronged collar can be used. If a cable trolley system is used the cable must at least be 10 feet long.

During 2017, Animal Services Officers conducted multiple welfare checks throughout the summer and winter months. Officers try to foster a positive atmosphere and enhance citizen education as it relates to animal ownership and care. Most incidences are resolved with simple suggestions or referred to local partners who provide resources for animal owners. In 2017, the calls for service were resolved as follows:

1. 262 incidences resulted in action being taken
2. 66 calls were unfounded
3. 8 citations were issued
4. 13 dogs surrendered to officers
5. 4 doghouses were given to citizens
6. 3 dogs were seized that had been abandoned

For decades, the City of Spartanburg's Animal Services team has worked diligently to help oversee the health and wellbeing of animals within our community. They have adapted to changing times and to best practices philosophy in the animal world. Their continued community partnerships and citizen education, has made them a successful part of the City of Spartanburg." *After a length and intense discussion, Councilmember Brown made a motion to, "ask staff to go back and take a look at the City's ordinance and come back to Council with some amendments that Council might could consider, amendments*

that address exact type of shelter structures, temperatures, and an anti-tethering amendment.” Councilmember Brown’s motion died from lack of a second. After, discussion, Mayor White made a motion to create a committee consisting of Councilmembers Brown, Hyde, and Jenkins, and Major Steve Lamb, Animal Control Officers Mike Johnson and Jessica Burdine to come back to full council with recommendations for amendments to the Animal Control Ordinance. He appointed Councilmember Brown as Chairman of the committee. Councilmember Jenkins seconded the motion, which carried unanimously 6 to 0.

VIII. City Council Updates

Councilmember Jenkins commended staff on their efforts during the Martin Luther King, Jr. events. He shared that he had the honor to present to White Elephant Enterprises and The Bethlehem Center the Nonprofit Humanitarian Award at the Unity Day Celebration. He share that he attended a “Hello Family” presentation with the Mayor and Councilmembers Brown and Hyde, received lots of information regarding the positive impact the program will have for the city. He encouraged citizens to participate in the Police Department’s Citizens Academy coming up in February. He added that, referencing Mr. LaBron’s comments regarding the city transit, he would like for staff to take a look at what improvements could be made.

Recently elected Councilmember Hyde shared that he was ready to get to work.

Councilmember Anderson shared that he attended the ribbon cutting for the AC Hotel and that it was remarkable and probably the nicest place in Spartanburg.

Councilmember Brown mentioned the Trade Partners job session with Harper Construction on January 25 from 7:00 a.m. until 9:00 a.m. and 4:00 p.m. until 6:00 p.m. She shared that applications could be picked up at the Northside Development Group office. She shared that she had the privilege of being the Mistress of Ceremonies at the MLK Mayor’s Breakfast, that the Unity Celebration was well done and well attended. She thanked city staff for making sure the sidewalks were cleared during the recent snow.

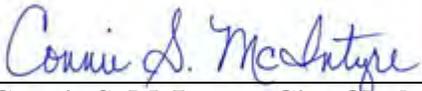
Councilmember Rice commended staff for the success of the 31st Anniversary MLK events. He, too, thanked city staff for making sure citizens were safe on the sidewalks of the city. He thanked Mayor White for his leadership.

IX. Executive Sessions – Mayor pro tem Rice made a motion to adjourn to Executive Session for the reasons stated. Councilmember Brown seconded the motion, which carried unanimously 6 to 0. Council adjourned to Executive Session at 6:57 p.m.

- A. Executive Session Pursuant to Section 30-4-70 (a)(2) of the South Carolina Code to Receive Legal Advice Concerning a Code Enforcement Matter**
- B. Executive Session Pursuant to Section 30-4-70 (a)(2) of the South Carolina Code to Receive Legal Advice Concerning a Storm Water Litigation Matter**

Council reconvened to regular session. Mayor White stated that discussion was held with no decisions made.

- X. Adjournment – Mayor pro tem Rice made a motion to adjourn the meeting. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 8:08 p.m.**



Connie S. McIntyre, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planner III.

SUBJECT: Rezoning of property located at 748 Baltimore Street, Kenneth Morman, PEK Construction, on behalf of Baltimore Partners, Property Owner.

DATE: February 12, 2018

SUMMARY: On January 18, 2018, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Kenneth Morman, PEK Construction, on behalf of Baltimore Partners, Property Owners, of 748 Baltimore Street, to rezone parcel 7-11-16-030.00 from Zone LOD, Limited Office District to R-6, General Residential District, in order for zoning to match surrounding neighborhood and adjacent residential property, and will allow for the use of a multifamily development.

The 2004 Comprehensive Plan calls for this area to continue and maintain its use and zoning status as a residential neighborhood. The proposed zoning category and use are consistent with the proposed zoning and use of the neighborhood as proposed.

The Planning Commission held a public hearing on the proposal on January 18, 2018. 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 LOD to R-6.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on January 18, 2018 by a vote of 7 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 January 18, 2017 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

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 #7-11-16-030.00 LOCATED AT 748 BALTIMORE STREET, WHICH IS ZONED LOD, WITH A LAND USE DESIGNATION OF LIMITED OFFICE DISTRICT TO ZONE R-6, WITH A LAND USE DESIGNATION OF GENERAL RESIDENTIAL 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 030.00 as shown on Spartanburg County Block Map Sheet 7-11-16, from Zone LOD, Limited Office District to R-6, General Residential 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 January 18, 2018, 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 030.00 on Spartanburg County Block Map Sheet 7-11-16, shall be now designated as R-6, General Residential District.

(continued on page 2)

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 _____, 2018.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

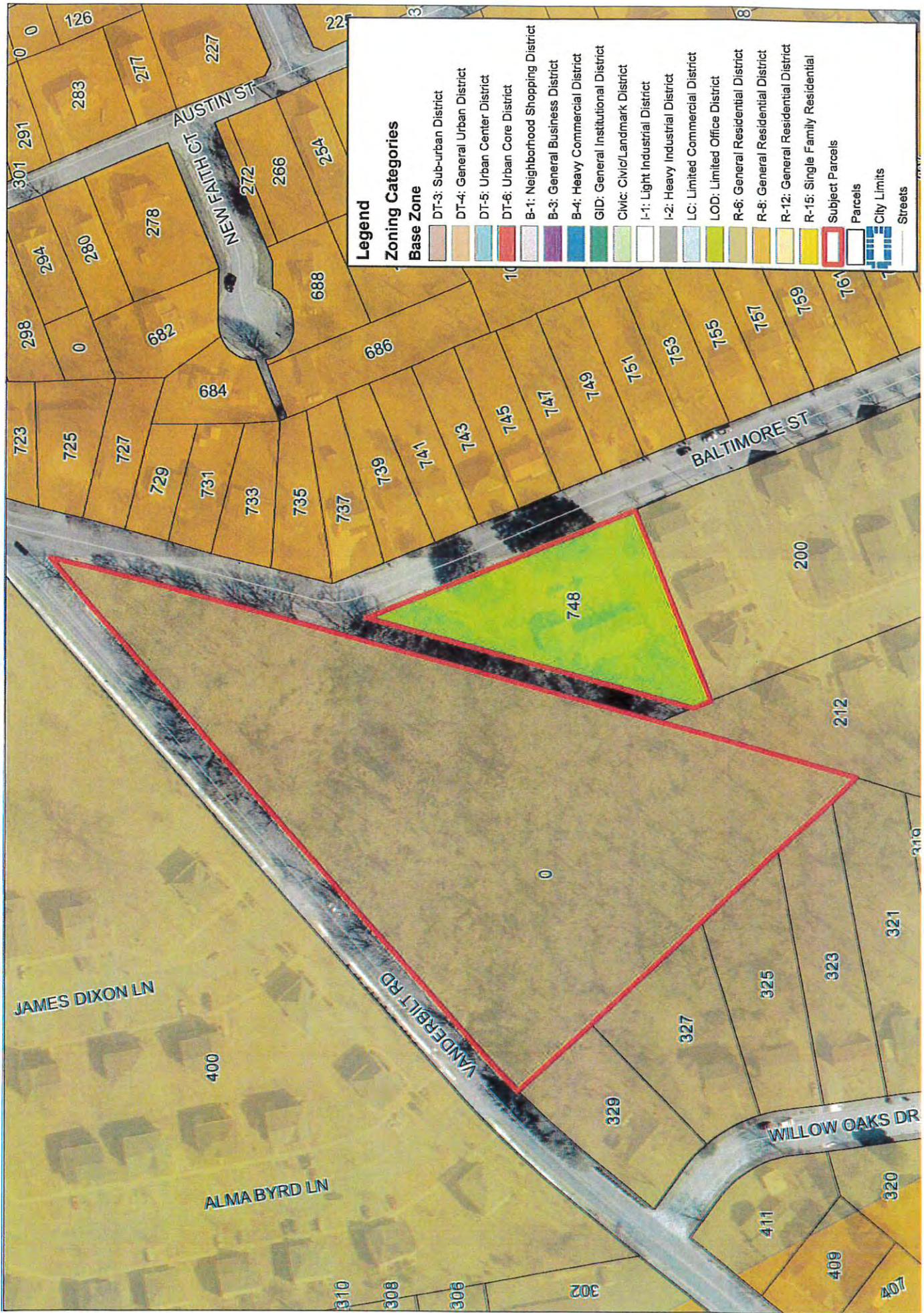
Larry Flynn, Interim City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)



City of Spartanburg Planning Commission
 Rezoning: LOD: Limited Office District and R-6: General Residential to DT-4: General Urban Zone
 January 18th, 2018 | City Council Chambers | 5:30 PM | 145 W Broad Street





City of Spartanburg Planning Commission
 Rezoning: LOD: Limited Office District and R-6: General Residential to DT-4: General Urban Zone
 January 18th, 2018 | City Council Chambers | 5:30 PM | 145 W Broad Street



Spartanburg City Planning Commission Meeting Minutes
Thursday, January 18, 2018

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, January 18, 2018 at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Howard Kinard, Dr. Phillip Stone, II, Wendell Cantrell, Bob Pitts, Mike Epps, and William Luke Quillen. Representing the Planning Department were Natalia Rosario, Planner III.; and Julie Roland, Administrative Assistant. Economic Development Director, Patty Bock also attended the meeting.

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 all seven Planning Commissioners were present, constituting a quorum. Mr. Wilson went over the rules and procedures for conducting a public hearing.

Dr. Stone moved approval of the Agenda for tonight's meeting; and he was seconded by Mr. Cantrell. The motion was unanimously approved by a vote of 7 to 0.

Disposition of the Minutes from the November 16, 2017 meeting of the Spartanburg City Planning Commission.

Mr. Cantrell moved that the Minutes from the November 16, 2017 Meeting be approved as presented; and he was seconded by Dr. Stone. The minutes were unanimously approved by a vote of 7 to 0.

Old Business – None.

New Business

Rezoning Request – TMS#7-11-16-030.00 located on 748 Baltimore Street, which is currently zoned LOD, Limited Office District to zone R-6, General Residential District in order to match the surrounding neighborhood and adjacent residential property, and which still allows for the use of a multifamily development; from Kenneth Morman, PEK Construction, on behalf of Baltimore Partners, Property Owner.

Ms. Natalia Rosario, Senior Planner 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, additional photographs and presentation, into evidence as Exhibit A. Ms. Rosario introduced the case to the Planning Commissioners and said the original request for this rezoning also included the nearly 4 acre adjacent parcel at '0' Vanderbilt Road, but was amended to reflect the change in proposed zoning category from DT-4 to R-6. Staff originally advised Mr. Morman to rezone both parcels to DT-4, because the intent of this development was to have multifamily and a low intense commercial; but due to additional review requirements, felt it would result in a case of spot zoning. Therefore, the request is to rezone the above referenced parcel from LOD, Limited Office District to R-6, General Residential District to match the surrounding neighborhood and adjacent residential property, and which still allows for the use of a multifamily development. She said if necessary at the time of site design and review, they would take it to the Board of Zoning Appeals for a variance regarding setbacks. Ms. Rosario showed a slide of the location map; and said the proposed parcel was 748 Baltimore Street, which was zoned LOD, and it had been vacant for some time. She said the building that was on the lot was slated for demolition. Ms. Rosario said the petitioner was here, as well as the Marzouca's the owners of the adjacent larger parcel that would hopefully be incorporated into an overall site were also available.

Board Questions:

- Dr. Stone asked Ms. Rosario if all they were concerned with tonight was just rezoning the parcel at 748 Baltimore Street from LOD to R-6.
- Ms. Rosario said that was correct.

Mr. Kenneth Morman of 1115 Fork Shoals Road, Greenville, SC, PEK Construction came forward and was sworn; and he referenced a slide of the proposed buildings and informed the Planning Commissioners he wanted to build a gated community for seniors 55 years of age and upward. He said he was trying to purchase the adjacent property as well and to incorporate it all into the community.

Board Questions:

- Dr. Stone asked Mr. Morman how many buildings he anticipated building on the site.
- Mr. Morman said in talking to the Engineer's, Site Design from Greenville, S.C.; that they had informed him they were talking about nine buildings, about a total of 84 units with a total of 1200 square feet each unit.
- Mr. Epps asked if it would be an assisted style living.
- Mr. Morman said no, it would be a senior living community.
- Mr. Epps asked would it be individually owned.
- Mr. Morman said it would be individually owned unless the owners wished to lease.
- Mr. Kinard asked Mr. Morman if he owned the parcel at 748 Baltimore Street; and the Marzouca's owned the adjacent parcel.
- Mr. Morman said that was correct.
- Mr. Kinard asked if Mr. Morman's project was to incorporate both of those parcels.
- Mr. Marzouca said yes. He said if for some unknown reason they did not get to incorporate the adjacent parcel, he would still move forward with only about two buildings on the property at 748 Baltimore Street.
- Mr. Pitts asked Mr. Morman about his time schedule.
- Mr. Morman said based on the outcome of tonight's meeting; to start with they would need to do the demolition probably sometime in February, and as far as the start date regarding construction, infrastructure, etc. would probably be at least four months because all of the drawings, etc. would have to be approved by the City.
- Mr. Kinard referenced a slide and asked was that an easement between the two parcels.
- Ms. Rosario explained it use to be a road, and if the project moved forward they would like to abandon the right-of-way.
- Mr. Kinard asked if it was to be all residential with no commercial.
- Mr. Morman said they would build it in that matter and might want a light commercial such as a cleaners, convenient shop for groceries, and perhaps even a restaurant that would be community related.
- Mr. Kinard asked could that be done in R-6.
- Ms. Rosario said not as R-6; and she explained since they were not exactly sure what was going to happen at this time; if light commercial were to be incorporated later – then at that time she would suggest maybe parceling out the portions re commercial or considering some kind of planned development use that allowed the flexibility. Otherwise they did not have a compatible zone for that; but she felt as long as it was a use that would serve the neighborhood, they could take another look at the right category at another time.

Ms. Rosario came forward again and showed more slides in order to better illustrate the request. She went over the analysis of required findings and report the Planning Commissioners had previously received in their meeting packets that included the following list of criteria for the Planning 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 2004 Comprehensive Plan calls for this area to continue and maintain its use and zoning status as a residential neighborhood. The proposed zoning category and use are consistent with the proposed zoning and use of the neighborhood as proposed. She said she was not sure exactly how that parcel got zoned LOD, and there were some points in time where there was a food mart or something similar there. She said if they were to move forward with some sort of commercial use, Staff might come back and ask for a different zone.
2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The surrounding parcels are all zoned residential – either R-6 or R-8, two categories which permit various styles of housing, including single family, duplex, and multifamily. The R-6 zoning category would correct the spot zoning that currently exists.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – The property is suitable for development a multifamily structure.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the properties at the time of the proposed amendment* – The current structure on the property is slated for demolition and has been unoccupied for several years. The marketability of the property will increase by the rezoning of the property, as it will allow for a residential development where an office development has failed to materialize.
5. *Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use* – Both water and sanitary sewer services are available to this site.

Staff's Analysis & Recommendation:

Staff is of the opinion that the proposed zone change from LOD, Limited Office District to R-6, General Residential District will be a beneficial and appropriate use for the area. Therefore, Staff recommends approval of the proposed zone change from LOD to R-6.

Planning Commission Questions/Comments:

- Mr. Kinard asked Ms. Rosario if she had heard any opposition to the request.
- Ms. Rosario said the only person she had heard from was from a lady who lived nearby; and she was concerned about it directly impacting her taxes. She explained she had left her a voice message to the effect that this case would not directly impact her taxes; however future development in the area may raise property values, but that was not a direct result of the rezoning.
- Mr. Pitts asked exactly what area did Vanderbilt Hills incorporate.
- Ms. Rosario referenced a slide and explained.
- Mr. Kinard asked if this request was approved, would this be a final action.
- Ms. Rosario said it would go for another Public Hearing and First Reading by City Council, and if was approved on First Reading, it would then need to go for another Second, final Reading.
- Mr. Kinard asked if Staff knew what the most previous uses of the adjacent parcel were.
- A gentleman in the audience said it had originally been a pharmacy, then a doctor's office; and then was changed to a barber shop and a pool hall.
- Mr. Pitts asked about an overall master plan for the development of the other property; or were they just talking about 748 Baltimore Street.
- Mr. Morman said they were really talking about all of the property; and that he hoped to buy the adjacent parcel from the Marzouca's.
- Mr. Pitts asked had there been a design for the site.

- Ms. Rosario said Site Design out of Greenville, SC was the petitioner's Civil Engineer would be working on that, but she had not seen anything.
- Dr. Stone asked would this need to get site review.
- Mr. Kinard asked who would demo the property.
- Mrs. Patty Bock, the City's Economic Development Director explained the City would participate through the process of a loan for a portion of the total demo costs, and that the City wanted the building down; and they would like to see the conceptual plans.

Mr. Wilson opened the public hearing and asked anyone who wished to speak either in favor or against the request to come forward. No one came forward. Mr. Wilson closed the public hearing.

Planning Commission Deliberation:

- Dr. Stone felt it would be beneficial to the neighborhood and the community. He said they may end up back before the Board at a future time. He said it was too bad the zoning ordinance did not allow for a little more flexibility in the ordinance regarding a project like this. He was in full support of the request.
- Mr. Kinard said the property looked pretty run down.
- Mr. Wilson said he had driven the area and he agreed it was pretty run down, and it would definitely improve the area and match the zoning of the surrounding properties and it would also get rid of the spot zoning.
- Mr. Pitts felt it was a good move and he would be interested in seeing the master plan for the whole site.
- Mr. Kinard asked about any traffic studies.
- Ms. Rosario explained.

Mr. Wilson moved to approve the request as submitted; and he was seconded by Dr. Stone. The motion was unanimously approved by a vote of 7 to 0.

Mr. Wilson explained to the petitioner the request would go for another Public Hearing and First Reading before City Council on February 12, 2018, and if it was approved then, it would go for a Second, Final Reading on February 26, 2018.

Site and Landscape Plans Approved since the November 16, 2017 Planning Commission Meeting

- Carolina Pediatric Dentistry – 773 E. Main Street.

City Council Updates Since the Last Meeting of the Planning Commission on October 19, 2017

Ms. Rosario went over the City Council Updates that pertained to the Planning Commission since the last meeting on November 16, 2017 listed on the Agenda.

Staff Announcements

Mrs. Roland said all the regular Board Members who had needed their three hours Continued Education Training for 2017 had received it; and that Mr. Quillen still had until July, 2018 to take his required New Board Member Orientation Training.

The meeting adjourned at 5:54 P.M.

Respectfully Submitted

Jared Wilson, Chair

+Minutes by Julie Roland, Administrative Assistant



City of Spartanburg
Planning Department

Application for a Rezoning Change
 RZC 1701100006

LANDOWNER	APPLICANT	AGENT
Baltimore Partners 181 Coggins Farm Road Spartanburg SC 29301 864-421-2294 kmorman@bellsouth.com	Kenneth Morman PEK Construction 1115 Fork Shoals Road Greenville SC 29605 ****	****

PARCEL DATA	
Tax Map ID: <ul style="list-style-type: none"> ▪ 7-11-16 Address: <ul style="list-style-type: none"> ▪ 748 Baltimore Street Existing Zoning Districts: <ul style="list-style-type: none"> ▪ LOD: Limited Office District Proposed Zoning Districts: <ul style="list-style-type: none"> ▪ R-6: General Residential District 	Parcels: 003.01 Overlay District: <ul style="list-style-type: none"> ▪ N/A

APPLICATION SUMMARY

The purpose for this rezoning request is to be able to build upon the property mixed-income, multi-family housing. The property is currently zoned LOD: Limited Office District, which is an inappropriate zoning category for the surrounding R-6 and R-8 residentially zoned neighborhood. The original request for this rezoning also included the nearly 4 acre adjacent parcel at '0' Vanderbilt Road, but was amended to reflect the change in proposed zoning category from DT-4 to R-6. Staff originally advised Mr. Morman to rezone to DT-4, but due to additional review requirements, felt it would result in a case of spot zoning. Therefore, the request is to rezone the above referenced parcel from LOD: Limited Office District to R-6: General Residential to match the surrounding neighborhood and adjacent residential property, and which still allows for the use of a multifamily development.

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 2004 Comprehensive Plan calls for this area to continue and maintain its use and zoning status as a residential neighborhood. The proposed zoning category and use are consistent with the proposed zoning and use of the neighborhood as proposed.
2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The surrounding parcels that are all zoned residential – either R-6 or R-8, two categories which permit various styles of housing, including single family, duplex, and multifamily. The R-6 zoning category would correct the spot zoning that currently exists.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – The property is suitable for development of a multifamily structure.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the properties at the time of the proposed amendment* – The current structure on the property is slated for demolition and has been unoccupied for several years. The marketability of the property will increase by the rezoning of the property, as it will allow for a residential development where an office development has failed to materialize.
5. *Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use* – Both water and sanitary sewer services are available to this site.

STAFF’S ANALYSIS & RECOMMENDATION

Staff is of the opinion that the proposed zone change from LOD: Limited Office District to R-6: General Residential will be a beneficial and appropriate use for the area. Therefore, Staff recommends approval of the proposed zone change from LOD to R-6.

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 another public hearing and First Reading of Ordinance by City Council on February 12th, 2018. If the matter receives first reading approval, it will then go before City Council for Second and Final Reading on February 26th, 2018. 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

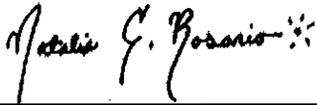
only if the applicant submits a written request within a two week period following the Planning Commission's action.

On January 18th, 2018, 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

PREPARED BY:



Natalia C. Rosario
Planner III

01.12.2018

DATE



REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council

FROM: Chris Story, Assistant City Manager

SUBJECT: To certify by Resolution that 174 East Main Street qualifies for the South Carolina Abandoned Buildings Revitalization Act.

DATE: February 8, 2018

On November 28, 2016 City Council meeting Council approved a Development Agreement between the City and Blue Wall REII, LLC, the developer of 174 East Main Street, commonly known as the Aug. W. Smith building. Within this Agreement the city agreed to certify by Resolution that 174 East Main Street qualifies for the Abandoned Building Revitalization Act (State Code 12-67-100). This Act is a state mechanism that helps further encourage the redevelopment of vacant, underutilized properties. The city has verified that this building does meet the SC 12-67-100 definition of “abandoned”.

The attached Resolution outlines the certification and allows the project to claim the state incentive. This does not involve any financial commitment or incentive by the city.

Please let us know if you have any questions.

RESOLUTION

Certifying four (4) Units as Abandoned Building Sites pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 et seq., of the South Carolina Code of Laws (1976), as amended, regarding the property called the Aug. W. Smith Building located at 174 East Main Street, Tax Map Parcel # 7-12-18-076.00

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act (the “Act”) was enacted in Title 12, Chapter 67 of the South Carolina Code of Laws (1976), as amended, to create an incentive for the rehabilitation, renovation and redevelopment of abandoned buildings located in South Carolina; and

WHEREAS, the Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose and results in job opportunities; and

WHEREAS, Section 12-67-140 of the Act provides that a taxpayer who rehabilitates an abandoned building is eligible either for a credit against certain income taxes, license fees or premium taxes, or a credit against local property taxes; and

WHEREAS, Blue Wall REII, LLC is the owner and developer of certain real property known as Aug. W. Smith Building located at 174 East Main Street (the “Property”) and is identified by Spartanburg County Tax Map Parcel # 7-12-18-076.00; and

WHEREAS, Blue Wall REII, LLC desires to subdivide the Property into four (4) separate and distinct units or parcels, with each floor of the building, including the basement level, being a separate and distinct unity or parcel (the “Units”); and

WHEREAS, the Property is located within the city limits of Spartanburg, South Carolina; and

WHEREAS, Blue Wall REII, LLC also known as the “Taxpayer,” has requested that the City certify that the Units are eligible abandoned building sites as defined by Section 12-67-120.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED:

Section 1. The Taxpayer, Blue Wall REII, LLC, has submitted to the City a request to certify each of the Units pursuant to Section 12-67-160 of the Act (the “Request to Certify”).

Section 2. The City has reviewed the Request to Certify and supporting documentation, conferred with the Taxpayer, and conducted its own review of the Property.

Section 3. The City hereby certifies that (i) each of the Units constitutes a separate abandoned building as defined by Section 12-67-120(1) of the Act, and (ii) the geographic area of each of the Units is consistent with Section 12-67-120(2) of the Act.

Section 4. This Resolution shall be become effective upon the date of enactment.

DONE AND RATIFIED this _____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: David Cook, Construction Project Manager
SUBJECT: Award for Construction Services for Phase III - Airport Runway Extension Project
DATE: February 12, 2018

BACKGROUND:

The City solicited competitive bids for Phase III of the Airport Runway Extension Project. Phase III work will include new utilities, grading, asphalt replacement and extension of the existing runway approximately 650 feet, which will accommodate larger aircraft for future growth. Bids were submitted by the following firms:

Hinkle Construction Services, LLC	Parris, Kentucky	13,144,148.66
Rifenburg Construction Company	Zebulon NC	13,730,954.50
Anthony Allegra Cement contractor, Inc.	Cleveland, Ohio	14,896,421.55
Morgan Corporation	Duncan SC	15,641,599.00
Richardson Construction Co.	Columbia, SC	23,875,242.00

The low bid from Hinkle exceeded available project funding. Staff, along with W.K. Dickson (Project Engineer), has worked to adjust the scope of work to reconcile to the budget. Staff has reached tentative agreement with Hinkle to provide a revised scope of work for \$10,287,253. Subject to Council approval, staff plans to execute the necessary contract documents to proceed with this project at the revised contract amount. Staff has consulted with the FAA regarding this process. The FAA has not expressed any objections to proceeding as outlined above.

Staff is recommending contract award to Hinkle Construction Services, LLC. None of the companies submitting bids are certified MWBE contractors. Hinkle has indicated that it intends to award 9.8% of the contract total to qualified MWBE subcontractors. Staff believes that after considering all factors and consultation with relevant parties that it is in the best interest of the city to proceed with contract award to Hinkle at the contract amount of \$10,287,253.

ACTION REQUESTED:

Authorization for the City Manager to sign a contract with Hinkle Construction Service, LLC for Phase III of the Airport Runway Extension Project.

BUDGET AND FINANCIAL DATA:

FAA Grant - \$ 9,258,523
South Carolina Aeronautics Commission - \$ 514,365
City Funding - \$ 514,365