



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 W. Broad Street
Spartanburg, SC 29306
Monday, March 16, 2020
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes from the February 24, 2020 City Council Meeting**
- IV. **Approval of the Agenda for the March 16, 2020 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Recognition of Retiring City of Spartanburg Firefighter Tim Mostiler**
Presenter: Mayor Junie White
- VII. **Update of Parks and Recreation Positive Youth Development Programming Through Office of Populations Affairs Grant Funding**
Presenters: Kim Moultrie, Parks and Recreation Superintendent
Polly Edwards-Padgett, Program Director, Mary Black Foundation
- 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 #7-13-07-014.01 (Back Portion of Property) Located on 1455 Fernwood Glendale Road, Which is Zoned R-15, with a Land Use Designation of Single Family Residential District; to Zone B-1, with a Land Use Designation of Neighborhood Shopping District and Providing for Severability and an Effective Date (First Reading)**
Presenter: Natalia Rosario, AICP, Senior Planner
 - B. **Ordinance to Amend the Text of Section 507, Planned Development Districts (PDD) to Consider Enabling Small Lot Infill Redevelopment Projects, of the Zoning Ordinance of the City of Spartanburg, South Carolina; and Providing for Severability and an Effective Date (First Reading)**
Presenter: Natalia Rosario, AICP, Senior Planner

IX. Boards and Commissions – Design Review Board
Presenter: Chris Story, City Manager

X. City Council Updates

XI. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to an Economic Development Project

Council may take action on matters discussed in Executive Session after exiting Executive Session.

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 W. Broad Street
Spartanburg, SC 29306
Monday, February 24, 2020
5:30 p.m.**

**(These minutes are subject to approval
at the March 16, 2019 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor White, Mayor pro tem Ruth Littlejohn, Councilmembers Erica Brown, Jerome Rice, Jamie Fulmer, Meghan Smith and Rob Rain. City Manager Chris Story and City Attorney Robert Coler 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 from the February 10, 2020 City Council Meeting –**
Councilmember Rice made a motion to approve the minutes as received. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of the Agenda for the February 24, 2020 City Council Meeting –**
Councilmember Smith made a motion to amend the agenda and remove Item VI from the agenda to be presented at a later date. Mayor pro tem Littlejohn seconded the motion, which carried unanimously 7 to 0. Councilmember Smith made a motion to approve the amended agenda. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
1. Mike Fowler, Spartanburg, SC, spoke regarding local convenience stores and markets carrying groceries for citizens. He also mentioned using the American Legion property for an outdoor farmer’s market.

VI. Update of Parks and Recreation Positive Youth Development Programming Through Office of Populations Affairs Grant Funding – **WILL BE PRESENTED AT A LATER DATE**

Presenters: Kim Moultrie, Parks and Recreation Superintendent
Molly Talbot-Metz, President & CEO, Mary Black Foundation
Polly Edwards-Padgett, Program Director, Mary Black Foundation

VII. Grassroots Leadership Development Institute Update

Presenter: Mary L. Thomas, COO, Spartanburg County Foundation
Ms. Thomas updated Council on the activities and accomplishments of the GLDI. Council received the report as information.

VIII. Mayor Committee Appointments (3) and Council Appointment (1)

Presenter: Mayor Junie White

- A. Appalachian Council of Governments**
i. Mayor Appointment of Councilmember

Mayor White appointed Mayor pro tem Littlejohn to the ACOG committee.

- B. Hospitality Tax Grants Committee**
i. Mayor Appointment of One Councilmember
ii. Council Appointment of Citizen

Mayor White appointed Councilmember Meghan Smith to the Hospitality Tax Grants Committee.

Mayor White nominated Alan Jenkins to fill the unexpired term of Meghan Smith on the Hospitality Tax Grants Committee. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.

- C. Spartanburg Area Transportation Study (SPATS)**
i. Mayor Appointment of Councilmember

Mayor White appointed Councilmember Rob Rain to serve with him on the SPATS committee.

- D. Downtown Partnership Committee**
i. Council Appointment of Councilmember

Mayor White made a motion to appointment Councilmember Fulmer to the Downtown Partnership Committee. Mayor pro tem Littlejohn seconded the motion, which carried unanimously 7 to 0.

E. Recommendation of Spartanburg Housing Authority Boardmember

Presenter: Mitch Kennedy, Assistant City

Mr. Kennedy explained to Council that Mayor White had appointed a councilmember committee, Mayor pro tem Littlejohn, Councilmember Erica Brown and Councilmember Jamie Fulmer to interview the candidates for the SHA board vacancy. He stated that applicants were scheduled for interviews and that the recommendation of the committee was to appoint Veronica Cunningham to the Spartanburg Housing Authority board.

Councilmember Brown made a motion to appoint Veronica Cunningham to the SHA board. Mayor pro tem Littlejohn seconded the motion, which carried unanimously 7 to 0.

IX. Consent Agenda

- A. Providing for the Issuance and Sale of Taxable Water System Refunding Revenue Bonds of the City of Spartanburg, South Carolina, in One or More Series, in an Aggregate Principal Amount Not to Exceed Thirty Million Dollars (\$30,000,000); and Other Matters Relating Thereto (Second Reading)**
Presenter: Brad Love, Haynsworth, Sinkler & Boyd, PA

- B. Authorizing the City Manager to Execute an Agreement for the Transfer of Several Scattered Site Properties Located in the Northside and Hampton Heights Neighborhoods (Second Reading)**
Presenter: Martin Livingston, Neighborhood Services Director
Mayor pro tem Littlejohn made a motion to approve the consent agendas received on second reading. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

X. Resolution

- A. To Declare City Council's Satisfaction with The City Attorney's Performance Per Its Annual Review and to Authorize the City Manager to Adjust Terms of the City Attorney's Employment Agreement**
Presenter: Chris Story, City Manager
Mr. Story stated to Council that the resolution in the agenda packet would allow him to update the terms of the City Attorney's employment consistent with Council's decision.
Councilmember Rice made a motion to approve the resolution as presented. Councilmember Fulmer seconded the motion, which carried unanimously 7 to 0.

- XII. City Council Updates - Each Councilmember gave updates on their activities since the previous council meeting.**

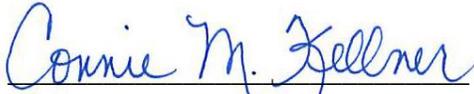
XIII. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to an Economic Development Project

Mayor pro tem Littlejohn made a motion to adjourn to Executive Session for the reason stated. Councilmember Jamie Fulmer seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 6:24 p.m.

Council may take action on matters discussed in Executive Session after exiting Executive Session.

Council reconvened at 7:00 p.m. Mayor White stated that discussion was held with no decisions made.

XIX. Adjournment - Councilmember Smith made a motion to adjourn the meeting. Councilmember Fulmer seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:02 p.m.



Connie M. Kellner, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Chris Story, City Manager

FROM: Natalia Rosario, AICP, Senior Planner

SUBJECT: Rezoning Request for the back portion of property located at 1455 Fernwood Glendale Road from R-15 to B-1, in order for entire property to have same zone of B-1, regarding Hillcrest Self-Storage.

DATE: March 13, 2020

SUMMARY: On February 20, 2020, the Planning Commission held a public hearing and reviewed a Rezoning request submitted by Ryan E. Gaylord, Agent, Hyde Law Firm, on behalf of Jesse M. Lawrence, III, Owner of Hillcrest Self Storage, Inc., Owner to rezone the back portion of the property located at 1455 Fernwood Glendale Road, in order to utilize it to expand his business into. The property is currently “landlocked” with no access to an open public right-of-way that would facilitate its development as residential, effectively rendering it unusable unless incorporated into an adjacent parcel.

The 2004 Comprehensive Plan calls for this area to transition from low-density residential along the Fernwood Glendale Corridor to General Activity Commercial over time. For the most part, this has not occurred, and Fernwood Glendale remains primarily low-density residential. Hillcrest Self Storage received a Special Exception from the Board of Zoning Appeals in 2016 to be able to develop the site for a self-storage purpose, transitioning the site from a blighted, vacant property to an occupied, tax producing property.

The Planning Commission held a public hearing on the proposal on February 20, 2020. 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 back portion of the parcel from R-15 to B-1.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on February 20, 2020 by a vote of 4 to 0, with the caveat that a light study be performed and presented as part of a required subsequent Board of Zoning Appeals review for the extension of the Special Exception into this property. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: *Verbatim Meeting Minutes Attached.* 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 #7-13-07-014.01 (BACK PORTION OF PROPERTY) LOCATED ON 1455 FERNWOOD GLENDALE ROAD, WHICH IS ZONED R-15, WITH A LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL DISTRICT; TO ZONE B-1, WITH A LAND USE DESIGNATION OF NEIGHBORHOOD SHOPPING 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 014.01 (back portion) as shown on Spartanburg County Block Map Sheet 7-13-07, from Zone R-15, Single Family Residential District to Zone B-1, Neighborhood Shopping 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 February 20, 2020, 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 014.01 (back portion) as shown on Spartanburg County Block Map Sheet 7-13-07, shall be now designated as B-1, Neighborhood Shopping District; and will be the same zone as the rest of this parcel.

(continued)

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 _____, 2020.

Junie L. White, Mayor

ATTEST:

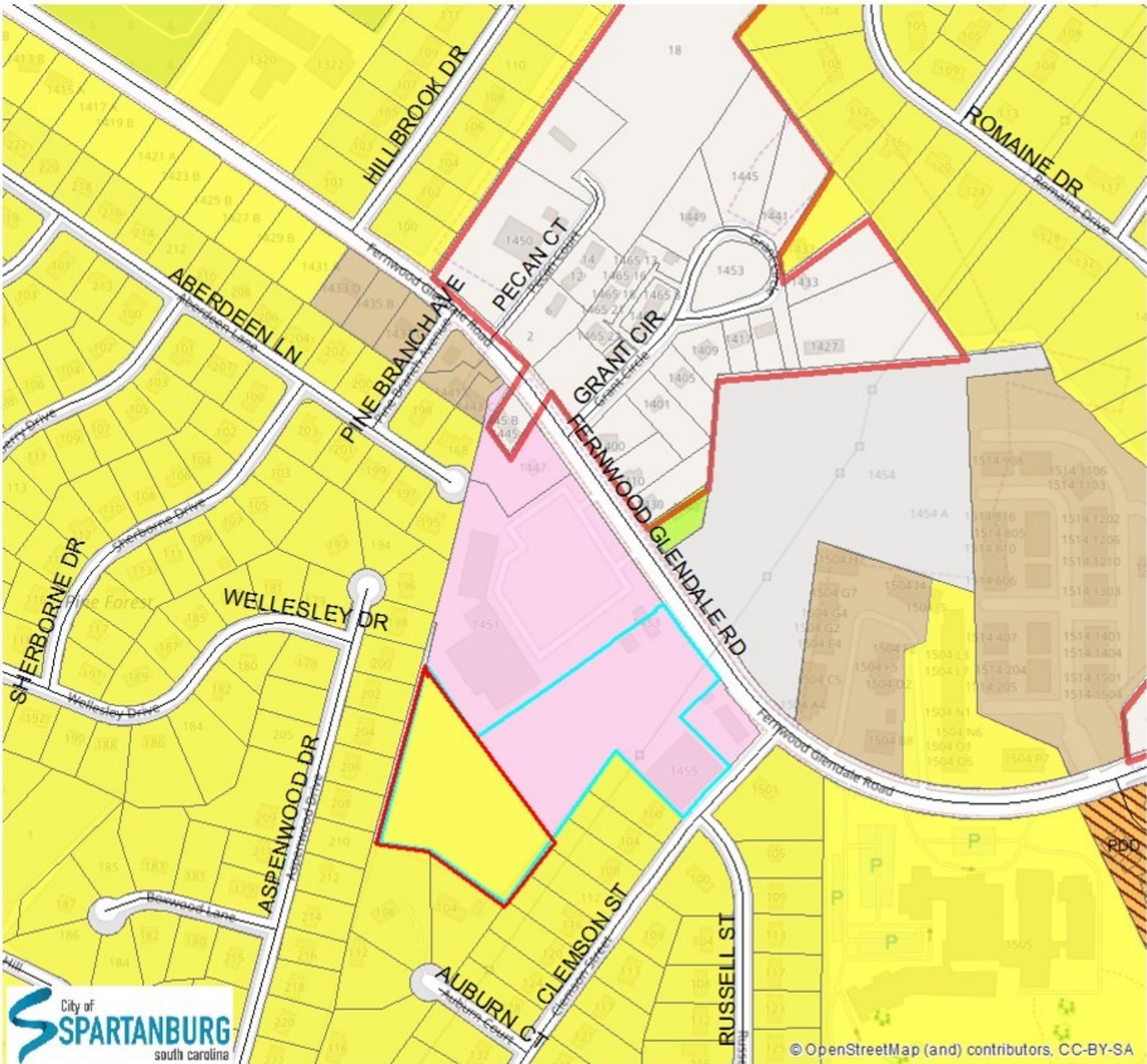
Connie M. Kellner, City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)



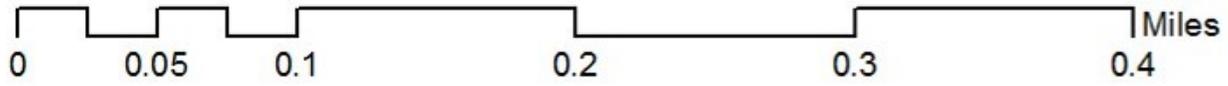
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 - ▭ PDD
 - ▭ SFD
 - ▭ DT-3: Sub-urban District
 - ▭ DT-4: General Urban District
 - ▭ DT-5: Urban Center District
 - ▭ DT-6: Urban Core District
 - ▭ B-1: Neighborhood Shopping District
 - ▭ B-3: General Business District
 - ▭ B-4: Heavy Commercial District
 - ▭ GID: General Institutional District
 - ▭ Civic: Civic/Landmark District
 - ▭ I-1: Light Industrial District
 - ▭ I-2: Heavy Industrial District
 - ▭ LC: Limited Commercial District
 - ▭ LOD: Limited Office District
 - ▭ R-6: General Residential District
 - ▭ R-8: General Residential District
 - ▭ R-12: General Residential District
 - ▭ R-15: Single Family Residential



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**City of Spartanburg
Planning Commission**

**February 20th, 2020
City Council Chambers | 5:30 PM
145 W. Broad Street
Spartanburg SC 29304**



**Rezoning Proposal from R-15
to B-1**

Speaker 1:

All right.

Howard Kinard:

You ready?

Speaker 1:

Ready when you are.

Howard Kinard:

Okay. I'm going to go ahead and call to order this planning commission meeting for this date, February the 20th, 2020. My name is Howard Kinard. I am the acting chair of the board today. Our current chair is absent today.

Howard Kinard:

Pursuant to the Freedom of Information Act, notice of this being has been posted and provided to the media 24 hours in advance as required by the Freedom of Information Act. At this time, we'll go ahead and do a roll call by each commissioner stating their name and their position.

Mike Epps:

Mike Epps, planning commissioner.

Howard Kinard:

Howard Kinard, acting chair.

Phillip Stone:

Phillip Stone, planning commissioner.

Reed Cunningham:

Reed Cunningham, planning commission.

Howard Kinard:

Let the record reflect that we have four members present. Therefore we have a quorum and can proceed with the business before the body today. First item on the agenda is approval of the agenda for today.

Speaker 1:

Mr. Chairman, I move approval of the agenda.

Mike Epps:

Second.

Howard Kinard:

All in favor?

Group:

Aye.

Howard Kinard:

Next item on the agenda are the minutes from the previous month's meeting of January the 16th which should be attached to the packet presented to the commissioners.

Speaker 1:

I move that we approve the minutes as written.

Phillip Stone:

Second.

Howard Kinard:

All in favor?

Group:

Aye.

Howard Kinard:

Aye. Next item, old business. They're being none, we move to new business. Before the commission today is a rezoning request on the owner of property located at 1455 Ferndale Glendale Road. Fernwood Glendale Road appears that this is one parcel that is split zone, correct?

Natalia Rosario:

Yes.

Howard Kinard:

Currently appears the front portion of the property is zoned B-1, is that correct?

Natalia Rosario:

Yes.

Howard Kinard:

Okay. And the back portion is currently zoned R-15, and I'll let the... Well before that the applicant has requested that the back parcel be zoned to B-1, correct?

Natalia Rosario:

Correct.

Howard Kinard:

Okay. And at this time we'll hand it over to the city to make their presentation. State your name [crosstalk 00:02:31] and you swear and affirm to tell the truth.

Natalia Rosario:

I do.

Howard Kinard:

Okay.

Natalia Rosario:

Yes. Natalia Rosario, city staff in the planning department. Just want to enter into the record as Exhibit A, the packet you received yesterday, the day before, and the slides that you see here tonight.

Natalia Rosario:

A little bit of background on this. So the main portion of it is zoned B-1. I believe in 2016 or 2017 it went before the board of zoning appeals for a special exception to permit Mr. Lawrence to operate the site as a self storage facility. It did receive approval at that time and he has developed the big portion of it as a self storage facility. The portion of, I'll just go over there and point it out. So this portion is the same parcel but it is zoned R-15, and it's a leftover of past time when that was its own parcel and the intent at that time from the [inaudible 00:03:32] was to have that developed a single family, similar to all the other houses surrounding it. It did not happen.

Natalia Rosario:

At this point, there's actually no right of way to access that parcel to be able to develop it as a single family smaller neighborhood, so it's kind of isolated back there. It's essentially it is attached to a commercial parcel and it is mostly wooded. So just the Google map overview. And this one you can see that the rear portion basically hasn't been touched in decades, [inaudible 00:04:07] a forest back there.

Natalia Rosario:

Try to look through everything. Okay, also, if land commission tonight votes favorably, it will then go to city council for two additional public hearings. If city council approves the zone change, this property will still have to go to the board of zoning appeals for a special exception to extend the use onto this portion of property. So after tonight there will be three additional opportunities for anybody who wants to come to those [inaudible 00:04:40] to on that parcel and I wanted to make sure, I pointed that out.

Natalia Rosario:

So in terms of the analysis of required findings, I'll go through a couple more of these. These are from Fernwood Glendale, I've got a couple from across the street, as well, so what it looks like today from the [inaudible 00:05:00] portion. This is Clemson Street, that portion closer to the right along that hedge row is a structure that is a portion of the site. And these are just additional houses on Clemson Street, so it would be that wooded area that you see in the background. And then we turn to this.

Natalia Rosario:

So the first consistency or lack thereof with the comprehensive plan, the comprehensive plan does call for the southern and western portion in front of Glendale corridor be transitioned from residential to

general activity center. What that means, it's a broad category that allows for offices, commercial, institutional, that sort of thing. And you can't see it up here, but pretty much all of Ferndale, Glendale heading towards East Main has remained institutional and low density residential and single family homes and some multifamily units.

Natalia Rosario:

The property in question appears to be designated for low density residential in that land use map. However, as I pointed out earlier, due to the way that it was developed with all of those cul-de-sacs, no one ever thought to preserve access from the right of way to it. Therefore, as I said, it really can't be developed as single family right now without either purchasing and removing one of the houses that's adjacent to it, which I don't believe that's part of the plan and or purchasing a portion of the RL Jordan site, which I also don't believe is an option in this case to create some kind of entrance from a right of way to that portion of the site.

Natalia Rosario:

Compatibility with the present zoning and conforming uses of nearby property and the character of the area, present character of the surrounding areas, predominantly single family residential, small scale commercial businesses or light traffic commercial businesses that don't attract a whole lot of people to the area. Development of the portion of this site that is zoned B-1 along from Glendale has served as a blight reducing influence on the area, but prior to this vacant site, not very well maintained. So he has taken the property and made some improvements to it.

Natalia Rosario:

It's SAPs opinion that the expansion of use further into the property while maintaining strong buffers and separation is a compatible use for the surrounding area. That said, if the property could feasibly be developed as single family, then my recommendation would be to pursue that. But as it is right now it's not feasible to set, at least [inaudible 00:07:39] with this proposal, which I think is compatible as long as you stay away from the houses.

Natalia Rosario:

Suitability of the property effected by the amendment, for uses permitted by the district, that will be made applicable by the proposed amendment. Generally the site is well situated to support native and [inaudible 00:07:58] uses. Due to the nature of the proposed use and careful examination of the site and development impacts that need to be undertaken by the board of zoning appeals in order to issue a special exception to the site and actually use for storage. The success of any personal use in close proximity of residential properties relies on the strength of the buffering which is required per our ordinances, including but not limited to berms, masonry walls, fencing and plantings. The owner is proposing to give the surroundings a wide perimeter berth maintaining at least 40 plus feet of the mature canopy that exists there as well as a stockade fence surrounding the property. Existing right now on the back side of the homes along Clemson Street is quite a large berth, and a wooden fence.

Howard Kinard:

On Clemson Street is that what you said.

Natalia Rosario:

Yeah. [inaudible 00:08:52].

Howard Kinard:

Okay.

Natalia Rosario:

It's got quite a tall berm and there's also a stockade fence back there as well that currently separates those properties from this one.

Natalia Rosario:

In addition to review by the board of zoning appeals, the additions to the site will also be required to undergo technical review, which is a site plan review by planning, building, streets and storm water, SCUT, and Spartanburg water and sewer. So that includes for attention, making sure everything's up to code, that sort of thing, fire access.

Natalia Rosario:

In terms of marketability of the property effected by the amendment for uses permitted by the district applicable to the property at time of amendment. This property is currently unavailable and undevelopable for what it is zone, which maybe for the sake of the audience, R-15 the only thing you can do with those yellow properties, if it's not already built out is build one house.

Natalia Rosario:

So since it can't be used to build one or more homes on it because there's no access to the right of way, rezoning this portion will make that portion of the site usable or at least this use. Which does result in making the properties now marketable and developable.

Natalia Rosario:

And sewer water and storm water facilities are available onsite. And as I said before, the site will be reviewed for compliance with applicable regulations during the technical process.

Natalia Rosario:

Therefore, based on the above findings SAP concludes and recommends the proposed property be rezoned from B-1 slash R-15 to B-1 in its entirety. I did receive one written comment from the chief executive officer of RL Jordan's, which is the [inaudible 00:10:39] property just to the north slash adjacent to the property in question. Mr. Wilton L. Jordan writes, "I'm writing this email to support the conversion of the three acre lot behind Hillcrest Self Storage to a commercial zoning designation for the purpose of expanding the self storage business. Three acres would be very difficult to develop as residential. The past 20 years plus we had had many instances of vandalism on the back side of our building at 1451 Ferndale Glendale Road and we believe that many times it is people who are coming from that residential area onto the back of our property. Conversion of this property to commercial use will allowed greater security for us and help control the vandalism that we have experience behind our building."

Natalia Rosario:

That is what I have for you. I'm happy to answer any questions.

Howard Kinard:

Can you zoom in real quick Natalia, I noticed something when I was doing some research prior to the meeting? There appears to be a strip of land-

Natalia Rosario:

Yes there is.

Howard Kinard:

Behind the houses on Aspenwood.

Natalia Rosario:

Right.

Howard Kinard:

Do we know-

Natalia Rosario:

And that is, the leftover open right of way, but it goes nowhere.

Howard Kinard:

Okay.

Natalia Rosario:

As you can see. That is where the right of way was.

Howard Kinard:

The two property lines do not back up to each other, there's a small strip in there apparently.

Natalia Rosario:

Right. Just from looking at it, I would think that the path originally entered was the [inaudible 00:12:03] continue this cul-de-sac as a road to go back here. But obviously it didn't turn out that way. It's just kind of leftover right of way, which could eventually be put claimed and incorporated into one or multiple of these adjacent properties.

Speaker 2:

Couldn't that become the road though?

Howard Kinard:

We'll open up to public comment here shortly.

Natalia Rosario:

Yeah, I think that covers the answer to your question. But I don't know if [inaudible 00:12:31].

Howard Kinard:

Well yeah, you could. Okay. Just sort of ease, okay.

Natalia Rosario:

Potentially, but it would require Mr. Jordan to sell them, and then there's buildings there. It would require him to sell them at least 40 feet. So it depends on if that building is in the way to meet street construction standards. But yeah, as of right now that would be between Mr. Jordan and the property owner applicant.

Howard Kinard:

Okay. And is the applicant going to make a presentation, as well too?

Natalia Rosario:

He is here.

Howard Kinard:

Okay. At this time we'll ask the applicant to come up, make any presentations or comments they'd like to. Mr. Gaylord, you can introduce yourself please.

Ryan Gaylord:

Ryan Gaylord, High Law firm here in Spartanburg. Here on behalf of Hillcrest Self Storage.

Howard Kinard:

Okay.

Speaker 3:

Can't hear him.

Howard Kinard:

Okay. What's that?

Mike Epps:

It's the heat.

Reed Cunningham:

And the air conditioner, or the climate-

Howard Kinard:

Speak up around the heat.

Ryan Gaylord:

I'm Ryan Gaylord, from High Law Firm here in Spartanburg. I'm here on behalf of the applicant Hillcrest Self Storage and presentation of their request for an alteration of the present zoning matter.

Speaker 3:

You may want to.

Howard Kinard:

And Mr. Gaylord, do you swear and affirm that all the testimony you make today will be the truth.

Ryan Gaylord:

I do.

Howard Kinard:

Okay. Go ahead please, thank you.

Ryan Gaylord:

[inaudible 00:13:58] If I may, I'll hand to you first, like to enter his applicant's exhibits one and two, to add to the historical perspective provided Ms. Rosario, I have pulled the flat surveys that had been prepared and accorded in 1978. And we see that this, the back three acres that is, this property has really been under commercial ownership now for over 40 years.

Ryan Gaylord:

It's never been applied, never been used, but it's been under commercial ownership for this 40 year period. It was part of this shopping center development that would have been initially implemented, that later became the offices, for RL Jordan, gas station, convenience store and then ultimately Hillcrest Self Storage. And I'll note Mr. Kinard, the question you've asked about that overlap or whatever it may have been, is shown there on flat book 82, page 46 along the western boundary of the property. It looks like may have been some question of overlap. We believe then it's not necessarily some easement that's reserved for the [inaudible 00:15:37] property. As you can see from this and as you may be aware of the development of this property at least from Fernwood Glendale Road, you have the deli corner and the alterations shops, RL Jordan's offices, and then Hillcrest Self Storage.

Ryan Gaylord:

In order to access this property from Fernwood Glendale, you'd have to cut through those businesses, I don't know how attractive that'd be from a residential perspective to go to your home driving directly through businesses. But at any time, so what we're ultimately asking you to do this evening is correct what I would humbly submit is a 40 year old afterthought, and 40 year old lingering [inaudible 00:16:37].

Ryan Gaylord:

This property began with commercial ownership because of it's zoning, it's never been able to be applied to the use and ultimately it's just remained vacant. Now has no means of access, no means of being developed, or used for any kind of residential use. We have seen the benefit, Ms. Rosario, mentioned the prior application for BZA, through the BZA to submit zoning. We had already seen or we've seen and demonstrated the ability of this property under this developer to take property that is frankly a blight that allows for vagrancy and criminal conduct to convert, to invest in our community, make significant investments in our community, convert property to an effective use. It creates a robust SAP space. Presently, the front portion of this property had gone from basically being vacant, unused property that people slept on to now a productive business that is well-regarded with the community and generates taxes of about \$67,000 a year.

Ryan Gaylord:

This and what we've added, what we've presented here, and I'll show this to you, we would submit this as exhibit three of our application, this is a copy of a least of proposal, we'll turn around and show this to the neighbors as well. This is copy of at least a general proposal thought of what the site development would look like. I would correct one comment in the city's presentation and that is, it's not that we would use like a 40 foot setback, but a 50 foot setback. Presently, the setback requirement between any residential property and the commercial needs will be 25 feet, so we've proposed to double that in the interest of trying to preserve the present aesthetic for the neighbors, residential neighbors, and certainly it's not lost on us that they probably are concerned about what they're going to look out their backyard and see. We want to make sure that they see largely the same thing that they've seen now for a long time.

Ryan Gaylord:

You also see, it's noted along the boundaries within that setback area. What we counted to be present 63 larger trees that would be maintained. Now that does not include smaller trees and more scrubbed that surveyor simply doesn't count. So again, you would see that this is aesthetically would be maintained and instead of there'd be little change from what the neighbors see from their backyard. Little intrusion upon their privacy by way of any noise, light or whatever.

Ryan Gaylord:

Also, you would note that while this is more of a preliminary set plan, what is contemplated is that the property itself would be developed with what would be deemed a fortress style units so that all light intention will be focused on towards the middle of the property. There will be no light that will be focused towards the neighboring parcels.

Ryan Gaylord:

Again, we have seen that this current use of the property in over the last few years has had no complaints from neighbors. In fact, Mr. Lawrence, the operation managers at this facility has maintaining very good relationships with his neighbors. Even as soon, as recent as last two weeks ago rather, when we were all dealing with the storm, he had a neighbor that called on Clemson Street had called him and asked him if he could go over check on the property as they were out of town and he was able to help them and do that. So certainly this is group that is concerned about wanting to make sure that this property is not imposed upon any neighboring properties, but also this is something that ultimately makes sense for our city.

Ryan Gaylord:

I point out too as I've mentioned, what I'll do, Gentlemen, is I've got nine boards here that are I will offer into evidence as applicant's exhibits four through 13, if my math is correct there. First is a demonstration of what was at the present location of the storage facility prior to this development. You see here would have been the roof of the building that was there with all kinds of shrubbery and trees growing out of it and you've got the roof that caved in, that has been converted to the office there building. You see again what has been changed or what was then an empty parking lot from what had been a gas station there that had been abandoned. You can see the abandoned signage with graffiti. We see again, another depiction of that which would have been just abandoned property. Available open to anybody want to do whatever they wanted to do there.

Ryan Gaylord:

We see this open would have been a former building pad area from the initial commercial development that had been placed there in the early 1980s, which had been knocked down and then just left as a vacant building pad. This for your reference, this row of shrubbery, the other side of that is Clemson Street. You see that same row shrubbery that's been maintained by this developer. Again try to maintain the interest and ascetics of the community, at least the good ones.

Ryan Gaylord:

I remember from our [inaudible 00:23:23] that a neighbor had been concerned. Her husband had planted that shrubbery back in the '80s, somebody who lived on the other side of the Clemson Street. So we certainly undertook to preserve that for her and her remembrance of her late husband.

Ryan Gaylord:

And you can see what anyone coming home down Clemson Street, what anyone coming along Fernwood Glendale would have seen prior to 2016. And then what we at Hillcrest Self Storage has done to improve that view. This is the office. So what had been this building with the giant gaping hole in its roof is now a clean looking office. What had been abandoned shrubbery with signs marked or tagged with graffiti is now a cleaner sign. Now when you see in this corner is that neighboring parcel, which do not own the building or the change.

Ryan Gaylord:

Then when you get to the point of the criminal activity. The vagrancy is referenced by Mr. Jordan in his letter. Presently this area, this three acres is just polluted with no one, no one's reserved it, no one's honored it. No one would control it. No one to say who and what is there and what they're doing. You can see the litter and refuse sits there along there, we've got beer cans, a lot of little tenement structures, just trash that's been left there. Certainly a place for any homeless setting. Anybody that has a base of operations to decide they want to steal from Mr. Jordan, or [inaudible 00:25:30] loss this property. Perhaps even, I don't want to comment, perhaps there even some issues with the neighborhoods that makes it difficult for criminal record, from which to launch his operations. But I'll pass these up if you all would like a closer look at those.

Ryan Gaylord:

Gentlemen, looking at the factors as addressed, pointed out by the city. This use that we're asking for is ultimately compatible with the present use in that area. I mean, you've got the deli corner, the alternation shop, RL Jordan's offices, the present self storage. It would be a continuation of at least one use, and ultimately it's compatible with the idea of a low traffic commercial use, which is certainly a place for that, that section of Fernwood Glendale from deli corner down to Clemson Street is how that property is presently used.

Ryan Gaylord:

You see building this property for what B-1, ultimately, again, I think we'll see by the demonstration of the fact that this present self storage facility has been able operate for, this has been four years now, time does fly. It's been able to operate for four years and not only has it not had complaints whether it's positive relationships with these neighbors that demonstrates that this ultimately is a suitable lease and a suitable change.

Ryan Gaylord:

On the question of present marketability of the property, I think it's pretty well demonstrated by the fact that for at least as we can see for 40 years now, nobody's had a means of doing anything, and the only transfers prior to my client's acquisition of the property, the only real transfers of this property were by tax. Now we're looking at a property that could be used to efficiently and potentially used for our community to generate financial resources in the [inaudible 00:28:59] community. Then ultimately, the sewer storm water, they're all, those utilities are all there they may be used, and completely unburdened by the use. [inaudible 00:29:08].

Ryan Gaylord:

If there are any questions that you may have, I'm happy to answer them, and again, I appreciate your consideration.

Howard Kinard:

I have a few questions about it. The entrance, there's not going to be any additional entrance access points beyond what's currently on the property, is that correct?

Ryan Gaylord:

Correct.

Howard Kinard:

The hours of operation, are those going to... What are those and will they remain the same.

Ryan Gaylord:

They'll stay the same, 6:00 in the morning until 10 o'clock at night.

Howard Kinard:

Okay.

Ryan Gaylord:

The gates lock down after that.

Howard Kinard:

So between that time, the parties who have storage facilities can access it through the gate, I believe.

Ryan Gaylord:

Yeah. There's one gate going in and one gate coming out and those would stay the same.

Speaker 1:

But no admittance after... After 10 o'clock no admittance.

Jesse Lawrence:

Well, the only ones that you get is every once in a while we'll get a call about 10:05, that says, Hey, I can't get out. And we'll say, well it's because the gate's locked down at 10:00 and then I can let them out manually or through my phone and everything.

Howard Kinard:

And as far as the lighting, but that stays on for safety purposes I guess.

Ryan Gaylord:

The lighting stays on at night. They are wall pack lights on there and those lights are all inside in the alleyways of the driveways and they face each building and stuff. So on the outside of the buildings there are no lights facing out towards the neighbors.

Speaker 3:

[inaudible 00:30:46].

Howard Kinard:

Yeah. Good. Yeah. Just Mr. Lawrence, is that-

Jesse Lawrence:

Yes.

Howard Kinard:

Since you're making some testimony here, just state your name for the record address.

Jesse Lawrence:

Jesse Lawrence, the 3rd, of 552 Otis Boulevard, Spartanburg, South Carolina.

Howard Kinard:

Okay. Do you swear and affirm everything you're testifying is true-

Jesse Lawrence:

I do.

Howard Kinard:

Okay. And you're the owner of the property-

Jesse Lawrence:

Uh-huh (affirmative).

Howard Kinard:

... owner of the business-

PART 1 OF 3 ENDS [00:31:04]

Speaker 4:

Okay, and you're the owner of the property, [crosstalk 00:31:03] owner of the business. Right?

Speaker 5:

I am. Yes sir.

Speaker 4:

Okay. So, back to the lighting's to make sure we're clear on that. It's really just for purposes of lighting the alleyways between the stores then?

Speaker 5:

Yeah so, your driveways, you know when you have a self storage, your driveways in between each of the buildings you would have wall pack lights. I've got picture on my phone if you'd care to see it? But, [crosstalk 00:31:23] they're are low level lights and those stay on at night.

Speaker 4:

Okay.

Ryan Gaylord:

[inaudible 00:31:31] Probably your concern is ultimately directed lighting. So, the light is directing down into the development as opposed to any light escaping out towards neighborhoods.

Speaker 4:

And Ryan, just a procedural question here. When did you represent him when y'all go into the BZA?

Ryan Gaylord:

Yeah, I did.

Speaker 4:

Oh okay. So, why when we're doing that, Oh, what year was that? I want to [inaudible 00:31:54].

Ryan Gaylord:

I think it was 2016.

Speaker 4:

Okay. Why didn't, why was the back not redesigned at that point? Well, not redesigned but I guess-

Ryan Gaylord:

Why was [crosstalk 00:32:07] it not addressed then?

Speaker 4:

Yeah, why? [crosstalk 00:32:09]

Speaker 7:

Well are you the owner of this park?

Speaker 5:

I am. Yes sir.

Ryan Gaylord:

So, to answer your question. We couldn't, you can't go from our 15 to [inaudible 00:32:19] with a special exception. You can't go from our 15 to any remaining use of self service. I guess the big one or a hundred heavier industrial, is there any classification? So, at that point the property design he wanted, we sought that special exception to allow for the self storage facility and he ultimately [inaudible 00:32:47] also requires that parcel as well. Get to the point where this is working, and its working well with the neighbors. Then we will pursue this additional expansion.

Speaker 4:

I haven't seen the special exception. There wasn't any restrictions on developing this parcel that-

Ryan Gaylord:

There are none.

Speaker 4:

Okay.

Ryan Gaylord:

Beyond just the standard requirements.

Speaker 6:

So I mean my question I guess is for Ms. Rosario. Self storage is allowed in B1 only by special exception.

Natalia Rosario:

Yes.

Speaker 6:

Okay, thank you.

Speaker 7:

Do I understand that you acquired the parcel in question after the initial development and application?

Ryan Gaylord:

Mm-hmm (affirmative). Yes sir.

Speaker 7:

Okay. And I assume that this is the reason that when you looked at the initial track, you either or unable to acquire it to develop a larger tract or the numbers didn't work?

Ryan Gaylord:

Even at that point, it would require the zoning to go through and change the zoning which would have been an additional setup and not knowing. In 2016, the economy frankly wasn't coming [inaudible 00:34:12] as it is now. There would've been less greater reservation. [inaudible 00:34:19]

Speaker 7:

When did you acquire this parcel? What year?

Ryan Gaylord:

It was roughly? It was in the same year. It was after that.

Speaker 7:

Okay.

Speaker 6:

Number of units?

Speaker 5:

That would get back there [crosstalk 00:34:40] or currently that we have?

Speaker 6:

No. That would go back there.

Speaker 5:

The design that we gave is just. The engineer was just kind of playing with it. I would say you're probably looking around 200 units, that would go back there.

Speaker 4:

[inaudible 00:34:53] So, with the buildings there? I know, that's just a preliminary site plan? Okay. How many buildings does that plan-

Natalia Rosario:

I think, nine buildings of various size.

Speaker 7:

Same architectural facade? [crosstalk 00:35:08]

Speaker 5:

Yeah, it would be the same thing. And, the one that he did there, it's not very. He doesn't normally do self-storage like he was just kind of putting it down to get an idea on there and like I said, when we did it instead of a 25 foot setback. I had the surveyor come in to do a tree count to see what kind of trees

would be left and that's when we decided to do 50 feet, instead of 25 and all those trees are ... he only counts certain trees over a certain circumference. I'm not sure what it is, but they have to be a certain size in order to be counted. So, there's actually more trees than that but those are the big ones that would stay.

Speaker 4:

Okay and Natalia said the B1 requires a 25 foot buffer from adjoining residential and he's proposing at 50.

Natalia Rosario:

50 as well as maintaining the existing plantings which formally. When you go in and develop a site and put a buffer in there you're actually taking everything out and then replanting the two inch caliper trees. Which is a lot smaller than the taller trees. So, this is probably the best case scenario for any site to maintain what they already have.

Speaker 6:

This is about three acres as I understood? It looks like about three years. So about how much give or take, probably a math question, but what percentage of the parcel do you expect you're kind of giving up by leaving a 50 foot buffer? All around [crosstalk 00:36:48] that's higher math?

Speaker 7:

Probably a third maybe or less [crosstalk 00:36:52]

Speaker 6:

If we measured out, it would say roughly, [inaudible 00:36:58] we'll find out.

Speaker 7:

All right. In addition to this buffer. Did I understand there would be a fence of some type?

Speaker 6:

Yeah, there'll be a six foot wooden fence that would go around the whole backside and basically fence the whole property in.

Speaker 7:

Would that be on the inside of the trays or the outside?

Speaker 6:

It would be, well, it would be along the property line, so, I'm assuming if you're a neighbor and you're looking back, you would see a fence first that will come up six feet and then you would have the top of the trees and everything.

Speaker 7:

Okay. I'm particularly interested in trees here.

Speaker 6:

Sure.

Speaker 7:

I applaud you for trying to leave some mature trees, but as you go through the construction phase, there is a chance that you will disturb the root system depending on how close you have to come to either pour a foundation or a drive. So, I'm assuming that you would be attentive to the health of the trees?

Speaker 6:

Of course, that means to have the trees back there to have the buffer and everything. We will do everything we need to do to make sure that they are protected.

Speaker 5:

[inaudible 00:38:08] so they don't fall on, any of the building.

Speaker 7:

Either his or somebody else.

Speaker 5:

Well, especially, I think, if there's a 50 foot buffer and then backyards would be significantly more larger. Than to fall on the buildings.

Speaker 7:

As always where the wind blows. As we've seen.

Speaker 5:

Does the buffer also extend up Clemson as well or just along?

Natalia Rosario:

[inaudible 00:38:44]

Speaker 5:

Okay. Okay. So now wouldn't be 50 feet along the back there. Okay. [crosstalk 00:38:52]

Speaker 7:

It'll be on there too.

Speaker 4:

It'll be on Clemson also.

Speaker 7:

Right. Yeah so, it's a little under an acre of retained [inaudible 00:39:01]

Speaker 5:

So close to a third. Yeah.

Speaker 7:

Anything else, for the applicant? Nope. [crosstalk 00:39:18] Okay, thanks guys. Appreciate it. And, and I'd imagine throughout this process with peers going to have some comments. So, y'all would entertain any questions direct them to us [crosstalk 00:39:31] public comment?

Speaker 5:

Actually, let me ask, I want to ask Natalia just a couple of questions real quick just to make sure I'm reading this map correctly. So, across Fernwood Glendale, we've got some areas that are actually not in the city. Correct?

Natalia Rosario:

Right, so-

Speaker 5:

And then we've got some areas that are kind of in a gray. And is that actually zoned industrial?

Natalia Rosario:

Yeah it is. That entire property is undevelopable because the power lines, they have [inaudible 00:40:06] so it is on un-industrial. For what purpose? I would presume just because there's Duke infrastructure on there.

Speaker 5:

Yeah.

Natalia Rosario:

Can't redevelop.

Speaker 5:

It just looked a little odd in the middle of what's largely are R15.

Natalia Rosario:

Right.

Speaker 5:

Do you have, this is one of those, you may not know the answer to this. How long, the area that's currently neighborhood shopping district be one. How long has it been zoned that? [crosstalk 00:40:34] I mean longer than you've been with the city for sure.

Natalia Rosario:

Yes, much longer than I've been with the city. I would have to go back and check the records. This current land use scheme and categories was put into place in 2004.

Speaker 5:

Okay, the last [crosstalk 00:40:50] plan.

Natalia Rosario:

Before that I would have to go back and check, but it has been commercial for many decades.

Speaker 5:

Neighborhood shopping district is sort of designed to compliment a residential area around it though. Would you say?

Natalia Rosario:

It is and that's why I'm, you said this, this would require special exception to make sure that the site is developed in such a way that it does not negatively impact the surrounding residents.

Speaker 4:

Okay. At this time we're going to open up the public comments and then come up if you'd like to make a comment. At the podium state your name and address please. [inaudible 00:41:34].

Speaker 4:

Yup. Go ahead please.

George Gill:

My name is George Gill. I apologize for my attire. I have to go to work as soon as I leave here.

Speaker 4:

Okay, no problem.

Speaker 6:

If you just state your name as George Gill.

George Gill:

Yeah.

Speaker 7:

And address. [crosstalk 00:41:51]

George Gill:

Yeah sure.

Speaker 4:

Do you want the map?

Speaker 6:

Yes.

Speaker 4:

Okay.

George Gill:

Yes, it's my property right here. This property is owned by a real estate company, okay. So, I have a large portion of interest in what's going on as all of our neighbors do. So if I can, I would like to ask the owners of questions. Can I do that?

Speaker 4:

You can ask us [crosstalk 00:42:20] and then we'll kind of funnel through. There's kind of a process we there.

George Gill:

The water, the rain run off from the current site. Where does it go to?

Speaker 6:

I see a detention pond. What looks like a detention pond on that site plan. Am I? Well, we need to ask them that. Read that right now, but I think I've saw what looked like a detention pond out there. Okay.

Speaker 4:

All right. We will. Okay. Y'all want to go ahead and address that. [crosstalk 00:42:50]

Speaker 6:

That sounds good.

Speaker 4:

So, we'll discuss the runoff.

George Gill:

Okay. I can tell you where it goes.

Speaker 4:

Okay.

George Gill:

Straight into my backyard. Okay. Excuse me, for intruding on your property. Normal rainfall of this asphalted area and unfortunately the property that is own by businessman all runs off of and I could be mistaken all runs onto my property. It runs through this retention pond, which is right here, straight down my yard, a massive hole in my yard. It has completely flooded my yard and two of my neighbors that would be it flows through here are crossed. There's a big culvert right here. It blows through here across my neighbor's yard into or individually or it goes down to a nature preserve. Okay. And I'm not

talking about a little one. When you have this much concrete where the rain water cannot go into the ground, it has to go somewhere and unfortunately it's all running through our property.

George Gill:

It is destroying my yard. There is a hole in my yard and I just, I don't know what I'm supposed to do with it. And I have pictures for all of this and I have, and I will present them to you in some fashion if you'd like for me to do that in a later time. Okay, so the property that you're going to expand now, how are you, what is the plans for that rainwater?

Speaker 4:

There'll be a retention on overload. That water, there's going to be a retention pond that will hold three acres of rainwater.

Natalia Rosario:

Yes, its required.

George Gill:

So, currently we know that we have retention pond now that's not working. Okay. That is an established fact. It's not working. Retention ponds are designed to contain a large amount of water or a low amount of water. But there's a three port, a drain line, and it's coming from his property right through the woods. Its designed that way. It's designed that way. So, please don't think that I'm being disrespectful but the retention pond, it is in no way, is it a retention pond. It's just a pile of rocks to prevent erosion. While, all of that rainwater from his seven acres comes through our neighborhood.

George Gill:

I actually have 10 questions. If I cannot, I will be as quick as I possibly can. Can we move back to the right away? Please. I am not an educated man. I live in reality. So my question would be this right away, if it comes from this road right here, [crosstalk 00:46:19] a right away is exactly that. I do not believe that the city County would allow anybody to build onto a right away. So, I'm questioning whether or not this right away is actually usable or not.

Natalia Rosario:

So, the only portion that this right away is this little slither, right here, so this is actually all private property. Which is what I said earlier, it either requires some sort of zone property to Mr. Lawrence or some kind of [inaudible 00:46:54] between the two properties.

Speaker 7:

We're talking maybe a hundred feet,

Natalia Rosario:

[inaudible 00:16:02].

Speaker 4:

Okay, I would think so.

George Gill:

Okay so, I'm questioning whether or not that right away is potentially to be taken off the table. Maybe we could pursue it if we come to a conclusion here that Hey, we might want to look at this again.

George Gill:

I do, please don't take into account what I'm going to say. Can I see the slides or the handouts.

Speaker 7:

You mean the board?

George Gill:

Yes sir. I'm sorry.

Speaker 7:

Sir. We need to get your address for the record.

George Gill:

Okay my address is 104, right there. 104 Auburn Fort.

Speaker 7:

Okay. Thank you.

George Gill:

I will go through these pretty quick. This was caused by two teenager kids. I caught them, I run them off the property. This doesn't even belong to me. Okay. I, myself and my grandson, he's 19 we've gone through the woods multiple times. Again, I apologize. We tried to clean up your woods. I don't think this is an ongoing consistent problem as far as the attorney has said that we have vagrancy and possibly homeless going on. That's just not true. You've had probably young kids or someone coming through [crosstalk 00:17:36].

Speaker 4:

Will give them a chance to address.

George Gill:

Again, this is this. My concern with this picture, this picture, I kind of felt it was, it was a little bit misleading on the aspect of the that we as neighbors didn't see it or do anything about it. Well, my question would be there has to be a body inside, Spartanburg County, inside the city council. It should have already addressed this eyesore. I agree with you completely it is a eyesore. I agree completely, but that has nothing to do with the current proposal of what's going on. This is back history that has already been addressed. It's already been taken care of and you did a good job. So, to me that should have been addressed when property became vacant instead of allowing it to be for next state.

George Gill:

Okay, I'm good with the slides. The conversation about the lighting for the expansion. When I look out my back window, all I see is woods and lights and is it possible for you to determine this [inaudible 00:50:20] this property to that property, can you do that. 250 feet. Out of my back, out of my kitchen window I can see that entire illuminated storage facility nicely lit. So, for the attorneys to say that the lights are going to be projected course to buildings and they are, I agree with that. They currently are now, but it's like, it's like when you look out your back window, I'm sure all of our neighbors see the exact same thing.

George Gill:

It is a lit up just like this room, parking lot. That's what it is. So it's very misleading to say that the lights that are building based are going to be not visible from our property, it's just not possible. Lights, you're not discriminate as far as direction goes. There are 360 so you can point it that way, but everybody behind it is going to see it. It is like a shopping mall. Our window round the clock at night, there's no differentiating which, which direction? You point those light. They don't care.

George Gill:

Can you explain that out? [crosstalk 00:51:46] No expand it out. Right. See this piece of property right here, but maybe just a little bit. Thank you. I don't know how many people know this, but our property is adjacent to what is called the Edwin Griffon nature preserve. It encompasses 116 acres is a large body of land that was bank here in multiple streets, different directions, supplying water to that nature preserve. So on a every other daily basis, what do we have in our backyards? Nature, nature. So, what is going on here is all of these deer are coming exactly. Sure how they're doing it, but they're doing it. They're coming somewhere right through here and this is where they live. This is where they hang out. I have it all on my phone and I can send it to you. Any, any number of one or like you there two here. I've counted seven deer hang out basically about this big giant hill that the young lady's referring to. They just come all across here in my backyard, in my neighbor's yard. I've come home and they'd be standing in my yard.

George Gill:

It's constantly, okay. Now I am not a person who thinks that we should not move forward with progress. I am all about our city council. I'm all about tax revenue but I am also all about wildlife preservation, conservation and not contaminating our nature preserve which seven acres of water runoff. We all know what's going to ensure my property. It's going to come down into this nature preserve and at some point we could have an issue that is a large amount of water. Why it's not directed into the city sewer system? I don't know. Maybe we can ask that question.

Speaker 4:

Has it been that way forever?

George Gill:

Yes sir. It has.

Speaker 4:

So before the self storage was even built. You had the same problem?

George Gill:

No sir. So what I have was water that was on this, on this asphalt that is over here doing whatever it does. But now I have a Culver right here somewhere about right here that directs all that water onto my property. I made assumptions. I assume that a large portion of that water is coming through these woods [inaudible 00:54:43] on my property. My neighbor is here today. He lives here. This rain came through my property, across this grunt, this red guard or whatever this thing is called. Excuse me, completely filled my neighbors are a four foot drop in height, filled his yard overflowing my neighbor's driveway. I don't know why his driveway is still there, but it is not goodness. That's how much water came from this property. So to think that that retention pond is going to capture that large amount of water, it's not going to happen. It ain't going. It can't happen.

George Gill:

A six foot fence was this tall, six foot wooden fence. Is this tall. Those light don't care about a fence. They're still going to be above that six foot fence line. If that fence was 10 foot tall or 15 foot tall, we would still see those lights. They're going to aluminate our backyards. It's going to be never any barrage of daylight in our backyards. A six foot wooden fence, one is going to obstruct my view.

George Gill:

I have a large portion of property there that's going to be instructed by a six foot fence. There was a fence there on my property before and I took it. A wooden fence is going to require maintenance and I'm sure the gentlemen has a claim for that. I'm sure that he does. I personally don't want to see a six foot fence of any kind on my backyard. The trees that the gentleman is referring to, some of those trees are massive. They're massive, but other inside the 50 foot parameter, those trees will be retained, I'm sure. Because that 50 foot is a minuscule amount when you're looking at a parking lot full of lights, 50 foot, that ain't [inaudible 00:56:52]

Speaker 6:

What other questions did you have?

George Gill:

I think that's it and I do appreciate your time. I would like to say though that nature preserve where we are encroaching upon it with this large amount of rain flow. Thank you.

Speaker 4:

Thank you. Appreciate it.

Speaker 6:

Let's just go on and see.

Speaker 4:

Okay.

Speaker 6:

It may be that, well, we'll see how many people.

Speaker 4:

Anybody else present that would like to come up and make some comments on? Okay. Come on, step on up please and say your name and address and what you need to say.

Speaker 5:

My name is Marisa.

Speaker 4:

Okay.

Speaker 5:

I live at 208 [inaudible 00:57:51] I live on the opposite side.

Speaker 4:

Okay. [crosstalk 00:57:57]

Speaker 5:

My concern is what are the things that she said was the lights. I can look out my kitchen window and my bedroom happens to be on that side of the house and it's like daylight. I can see everything lights up other than his property it lights up everything. Which is annoying, isn't it? Our division is known as pine forest and it was built as a bird section, so all the trees behind, like he said, attract birds. Since that development went in, I used to get the deer in the back of my yard. I get them across the street. They come back there occasionally and I think my concern is also the water because the property seems to go this way. Is he going to build it up so it's even? Where the water won't run in my back yard [inaudible 00:58:49] concerned because it won't be the same neighborhood with a six foot fence and buildings that I can see. Thank you.

Speaker 4:

Thank you. Anybody else like to address planning commission?

Speaker 5:

My name is Paul McPhail, I live at one 12 Auburn court. My property is right here and my property is the one he was describing that is now overrun with floodwater. That did not occur before that facility was built and I'm very concerned that if we lose that large area, the three acres of woods and now we have more runoff, our property value is going to go down considerably. The land does little from that property down through my property and into the preserve. We bought our homes in this area because of the trees of the beauty of nature. I can now see those lights from the facility, from my house as well if it comes closer. [inaudible 01:00:17]

Speaker 4:

Thank you. Anybody else that wants to come up and say a few words? Okay.

Speaker 5:

My name is John [inaudible 00:01:00:42]. I can see lights as it is right now. I've been here for 14 years. I enjoy the woods. I don't want to look at that structure. That was kind of what they did but there was no homeless people ever. Never seen anybody homeless living or walking back there. And I am concerned

with the water runoff and just, I don't know, you guys don't have storage facilities in your backyards. I think you kind of [inaudible 01:01:40]

Speaker 4:

Thank you, sir. Anybody else what we're going to, I was planning on doing this. Once we get all your comments, have the applicant address this side of the concerns. So Miss Lauren or Ryan? Yeah.

PART 2 OF 3 ENDS [01:02:04]

Speaker 9:

Ms. Lawrence, you or Ryan, either one.

Speaker 10:

Have we closed the public speakers?

Speaker 9:

Well, I think it's still technically open, or is it not?

Speaker 8:

Well, we don't want to get too much into a back and forth, but...

Speaker 9:

Okay. [crosstalk 01:02:15] go ahead and close. Make a motion.

Speaker 8:

I move.

Speaker 9:

Okay.

Speaker 10:

Second.

Speaker 9:

All in favor of closing public comment at this time?

Speaker 10:

Aye.

Speaker 8:

Aye.

Speaker 9:

Okay, at this time I'm going to invite the applicant back up to do a limited response to the issues raised in the public comments.

Ryan Gaylord:

Yes sir. I appreciate the opportunity. First I'm going to point out the question. And I've made notes. My chief concern is that water runoff. It certainly is [inaudible 01:03:07] their professions are also aware. There are city requirements and engineering departments that are going to deal with any development, they're going to look at and what the water runoff is and ways to address that to minimize the impact on other crops.

Ryan Gaylord:

Presently there is a retention pawn on the current development. Frankly, the fact that they need water is running from this property onto any other of the properties. We really don't necessarily see that. But it's the first we've heard of it in now about four years. But there's a water tension pond that was designed a Mr. Trey Blackwood, Blackwood Associates in town.

Ryan Gaylord:

Those of you may have dealt with him, is very confident and very professional, a very well regarded engineering firm in the area. And the expectation is that there would be additional retention on this back parcel. It's not shown on that general layout that I expected that would be part of any requirement.

Ryan Gaylord:

As Ms. Rosario referenced in her presentation, certainly anything that's done there is going to still be subject to senior view and management, making sure that the [inaudible 01:04:25] with all building elements, all the form codes. It's similar to that runoff and that [inaudible 01:04:33]. It's simply making sure the building is safely constructed. That would all be subject to continue to be [inaudible 01:04:44].

Ryan Gaylord:

On the assertion regarding homeless vacancy, Mr. Lawrence has personally run off who appear to be homeless [inaudible 01:04:58] folks from that backdrop. Again, we have the statements of Mrs. Jordan and they've suffered from theft and vandalism. There is not just innocent kids out there.

Ryan Gaylord:

There certainly appears to be something beyond that, that would be minimizing and mitigating thoughts. I would also point to the concerns of treasonous in the aesthetic to Ms. Sarrio's point she made in her presentation. If this property were to be railed within its current standards and within its current zone classification, what you'd expect to see is that property pretty much be clearcut of trees and then homes be constructed within that, that would whatever issues may be there presently, would certainly be amplified significantly by a full-scale residential development in that area.

Ryan Gaylord:

I think that that addresses what I'm going to be ... There was the comment about whether the construction of the building and the right away. I point out that building that you see in that picture there, that is certainly the yard on Jordan property. It's not the present substantive.

Ryan Gaylord:

Are there any questions about that?

Speaker 8:

Yeah, I do. I have some experience with this retention pond question. And certainly at the outset and I'm sure Blackwood Engineers would find that the dimensions are correct. The depth is correct. The size of the stone, the rip rap, all good.

Speaker 8:

But it's the aftermaths and months of wash that require you to maintain the depths and remove the grass and whatnot that grows in there. So if that's been done, then it should have been sized to handle the typical runoff. And of late, we've had atypical runoff.

Speaker 8:

I assume if the secondary expansion is going to have a retention pond, it would also be sized for the new development, not the total development. Is that correct?

Ryan Gaylord:

Of course.

Speaker 8:

So maybe it would be wise to, if the storm water group approved the first flat and they're going to have to look at this if there are issues in the downside, I think they should be looked at by the city as part of this process.

Natalia Rosario:

Yes, so it's part of the original site mandate we require from every site [inaudible 01:07:47] pond and maintenance agreement. So how do we maintain we can send out [inaudible 01:07:51] manager to respect that Mr. Lawrence mandate to get it back.

Speaker 8:

Well, the ones that are the most difficult are the homeowners that own it because once the developer leaves and the homeowners own the property, they never maintain it. So they just grow over and fill in.

Natalia Rosario:

So one of the things as far this task is to find these and enforce the maintenance agreements or get new maintenance agreements. It's certainly is common in that condition.

Speaker 8:

And if you find a solution for the deer, I'd love to have it.

Speaker 11:

I have sort of have a quick question, I guess, for the city. Can you tell on the Jordan property, is there a retention pond on that? Because that's a whole lot of ... Okay.

Speaker 12:

When I bought the property, I actually kept all of Jordan's water.

Speaker 11:

Okay.

Speaker 12:

I put it in two drains over there. So all of his water actually comes to my property. So when I built it, I had to pick up his water because he was there before.

Speaker 11:

Okay.

Speaker 12:

So that all picks up because he [inaudible 01:09:10] drain and goes straight into the pond underneath the road and drops in there. So I actually pick up his water.

Speaker 11:

Because most of the asphalt I see at just looking at the Google Map, it's like most of the asphalt if that's what I'm looking at, I'm guessing that's on Jordan property and that's-

Ryan Gaylord:

Yeah. His is asphalt and yours is concrete?

Speaker 12:

Mine's asphalt.

Ryan Gaylord:

Okay.

Natalia Rosario:

Yeah. So our onboarding property was developed when storm water standards were in place. So [inaudible 01:09:45].

Speaker 9:

So is there going to be a second retention pond required in addition to the ones currently on the-

Natalia Rosario:

Right.

Ryan Gaylord:

Yeah, definitely.

Natalia Rosario:

So yeah, that will definitely change. What's shown on here is [inaudible 01:10:00] Mr. Lawrence. This is preliminary. I expect by the time it goes to BZA, we'll have more details worked out that includes more of the retention. You may actually see less than what is shown here. But yeah, this is flowing out this way and it's flowing down that way. Then I would imagine somewhere around here, I would think it would probably be [inaudible 01:10:21] water.

Speaker 10:

As far as the topography, the elevations are similar to the current flat. This new piece of property in elevation wise is similar-

Speaker 13:

Similarly speaking about the [inaudible 01:10:34] drastic change of validation is that [inaudible 01:10:39]. It runs along the back of the [inaudible 01:10:38] then through the area [inaudible 01:10:49].

Natalia Rosario:

This is a contour map. It's just vague contours. The entire landscape, unfortunately, for some reason it's not displaying labels. So you can't see a real amount of the change of the process site. As you can see, it's down to the amount we spoke earlier, is it's steeper so water [inaudible 01:11:09] faster. I don't know how [inaudible 00:09:20]. Runoff for that pond or elsewhere.

Speaker 9:

[inaudible 01:11:30] I don't know if you have anything to add about the lighting that was mentioned a couple of times.

Ryan Gaylord:

Well I think the lighting is ... The attempt is to do what can be done to [inaudible 01:11:44] best possible. [inaudible 01:11:45] developed fully is residential and all those trees [inaudible 01:11:57] without any cover from dead trees. [inaudible 01:12:04].

Natalia Rosario:

And as far as the site plan of due process, we can request they book in with the plan, which an engineer would have to produce, essentially would show how much light occurs at the site and then what split off.

Natalia Rosario:

So anything, I believe, over what mantel on residential property would be [inaudible 00:10:27]. And a front mantel is just a measurement of light. Yeah, so we can have that document what it's supposed to be since they're [inaudible 01:12:36].

Speaker 8:

Would that be something that BZA could then deal with?

Natalia Rosario:

I mean yes, lightning is one of the important aspects that the BZA has to take a look at.

Speaker 8:

Okay.

Natalia Rosario:

As well as noise, traffic, I can't remember all the general aspects. Yes, he's [crosstalk 01:12:52].

Speaker 8:

Oh, yeah.

Speaker 11:

[inaudible 01:13:06] he's providing all of that.

Speaker 9:

Of course not.

Speaker 11:

He has to understand that the red ones is BZA. [inaudible 01:13:01]. The BZA would have the ability to look at what other conditions they place on the development. For instance, [inaudible 01:13:15] the BZA would just [inaudible 01:13:18] volunteer. [inaudible 01:13:20].

Speaker 8:

But the lighting, if I understand it currently and proposed are basically on the building. There are no elevated mercury vapor types, neon lights that shine onto the property?

Speaker 11:

[crosstalk 01:13:43].

Speaker 9:

Any other questions?

Speaker 10:

No.

Natalia Rosario:

No.

Speaker 11:

Thank you again.

Speaker 8:

Thank you.

Speaker 15:

We've closed the [inaudible 01:14:00].

Speaker 8:

Yep. Unless Natalia has any other announcements, unless the city has anything else?

Speaker 9:

Did we have anything to add in light of the recent discussions?

Natalia Rosario:

No, other than you as a board can choose a place to envision on your approval. So if you want to move forward with, say, a requirement for a foot handle plan as part of the site planning review. We can all come in and do [inaudible 01:14:31]. So I'm happy to make engineering of the existing line [inaudible 01:14:33] available. And if you have any other conditions of this interview [inaudible 01:14:39].

Speaker 9:

Was the foot handle plan required on the first VZA?

Natalia Rosario:

It was not.

Speaker 10:

It wasn't as far back the depth of the neighborhood or-

Natalia Rosario:

Yeah and it's not a requirement for every cycling. So unless it becomes an issue, we generally don't ask for it or if it's like a drive-through restaurant, that sort of thing. I would recommend just-

Speaker 9:

The result being a just putting off to much light and turn it down.

Natalia Rosario:

And there are things that we can do to make the actual light point down and not spread out towards the sky, which might be a paint solution for what's going on now with the wall [inaudible 01:15:26].

Speaker 8:

That, to me, actually seems like light pollution is becoming a bigger issue and that might be something ... That's probably beyond a comp plan, but it's something the city, we might need to start thinking about as a city because if you're up high on a building, you can definitely see a lot of light getting cast up. That's kind of beyond the scope of this particular case. But it may be something we ought to start thinking about.

Natalia Rosario:

Yeah, it certainly could be looked into the existing or the future zoning ordinance.

Speaker 9:

Yep.

Natalia Rosario:

[inaudible 01:16:02].

Speaker 9:

I'm going to close the public portion of this and move to the board deliberation portion, if anybody on the board has comments they'd like to convey.

Speaker 13:

Can I ask you a question?

Speaker 9:

Well, unfortunately, we've already closed the public comment. So we have to follow certain rules.

Speaker 13:

Are we going to have to followup?

Speaker 8:

Probably not.

Speaker 9:

No, unfortunately we're kind of down the road here. Okay, so we're in public board deliberation now at this point. This just to kind of [inaudible 00:14:47].

Speaker 8:

No.

Speaker 9:

The point I wanted to make is this is not the first time that a similar situation as this has come forward to the board. That being that a large wooded parcel backing up to residential property not always fills the seats. Otherwise, it's pretty empty in here. And wisely so because the residents have an interest of what goes in their backyard. But I weigh that and I also weigh that this is private property owned by Mr. Lawrence.

Speaker 9:

And this is in the rules and regulations and zoning either as they exist or as we change them. He can develop the property in accordance with that. So I don't take it lightly that regarding the issues that have been presented. First of course, the water run off. And I hope that's something that can be addressed with the storm water planning for the city and through the permits and development agreement entering to with the party.

Speaker 9:

Also was glad to hear about the additional setback requirement. He would not have to do that in normal circumstances but appears he's agreed to double the requirement for the setback and also leave very large trees surrounding the the boundary of the property.

Speaker 9:

As far as the lighting goes, I would suggest when we do make the vote, if it is for the resigning. We had the requirement for the ambient light, whatever the heck that is. But it sounds like a good idea regarding the lighting issue. And also I went back to the point of the fact that it is currently zoned residential. So it's a three acre parcel. I don't know if potentially somebody could come in there and put-

Speaker 8:

Eight.

Speaker 9:

... Eight houses.

Speaker 8:

That's about eight.

Speaker 14:

Could you do multifamily in there?

Speaker 8:

You probably could not. Single family. It's single family. So probably not.

Speaker 9:

So potentially-

Speaker 10:

Unless it was rezoned.

Speaker 8:

Unless it was rezoned. Or PDD.

Speaker 9:

So theoretically, if we leave it alone and in the future a developer wants to come in and use existing zoning. They would not even have to come in here and ask for anything or they could ... Well at first they'd have to get a right away possibly to somehow get into the property that's causing more traffic back there. And you'd have a lot more negatives, potentially. So those are the issues I'm thinking about weighing.

Speaker 9:

There would be private owner's interests and the surrounding property owner's interest.

Speaker 10:

Yeah, I think the chance of residential development is slim. And as you pointed out, the trees would be clearcut. There would be additional roads and a sewer system put in, but I don't know if it would eliminate any storm water issue. I think that the developer is responsible in the 50 foot barrier and set back with the trees and the fence.

Speaker 10:

But the lighting is ... I understand the question, but it sounds like the lighting is low. And what I have at my property is a resulting glow that goes up into the sky that creates ... It's not dark, but it's not a direct light. So I don't know. And we'll leave that to the city to make sure that the ... Well building codes require and encourage the developer to be flexible with the lighting on the back side particularly. But I have no further comment.

Speaker 8:

These are always difficult because you are ... I mean zoning questions are always tough because you're always dealing with a reason. Zoning basically on the fringe of the neighborhood. And I live in a downtown neighborhood. And that's something we've always talked about is having to defend the fringes of your neighborhood. And that's why I was sort of asking some of the questions about the B1 zoning, the neighborhood shopping district.

Speaker 8:

That it's not exactly a step down, but it's not designed to be intensive. We frequently hear concerns .when something like this comes up when a wooded lot is proposed for some type of development, the people who would join it, they often say, and I understand that. This has always been wooded. And sometimes I can remember some of the people would say, "Well, we were promised this would always be wooded", but no one can ever make that promise you. No one can make that promise unless they own it.

Speaker 8:

But they still are. These are always difficult because you want to respect the property rights of the neighbors around it, but you also want to respect the property, the rights of the person who owns the property. And so this one, there is some difficulty for me in this. I definitely appreciate the pledge of a larger than required buffer. 50 feet is more than 25 feet.

Speaker 8:

I have a good deal of trust in staff in dealing with storm water. I mean I guess I'm sitting here looking at at the Google Earth and I see a lot of impervious surface that's not even on either of the subject properties. Your property that's already zoned, B1, or the property. Well then of course there's no asphalt on the property that's R15 right now.

Speaker 8:

But I do have a good deal of faith in Jay Squires' folks. And looking at it, I mean the thing is if we do nothing, we aren't going to change the storm water issue that seems to have developed. And in fact, I have some thought that an additional detention or retention and I have learned the difference between

the two, pond might actually be more likely to mitigate some of the trouble than making anything worse.

Speaker 8:

Light. Yes. I think that whoever makes a motion, I think we do need to require a light study for this and that's probably something we need to be thinking about with the comp plan to see how we can shield. Yes. Light. Yeah. I think Mr. Cunningham's comment is probably pretty much right. I live downtown so my backyard is never dark even if I don't have a light shining directly in it, I've got a lot of reflected light going out.

Speaker 8:

I don't doubt that people are seeing some points of light through even 250 feet of woods. I live there so I have to take the neighbor's word for that. The question, I guess one question I would have too is, is which properties is the light coming from?

Speaker 8:

It could be coming from multiple sources I suppose. But I think the light stays [inaudible 01:24:54]. So yeah, these are difficult and there'll be obviously at least two more hearings about this before it goes to see if we approve. If we recommend this, it'll have to go to city council and then the BZA. So whatever happens tonight, it's not even a done deal.

Speaker 10:

I was going to say are you ready make it?

Speaker 8:

Do you want me to make it or do you want to make it?

Speaker 10:

You can make it.

Speaker 8:

With the caveat that we request a light study, I move that we recommend the rezoning request to city council.

Speaker 10:

Second.

Speaker 9:

All in favor of approving these rezoning requests from R15 to B1 with the condition of the lighting test to be done.

Speaker 8:

Aye.

Speaker 10:

Aye.

Speaker 9:

Do your proposal pass four to zero. At this point in time, can you go through the procedure? What's next because I'm not-

Speaker 8:

Just so that everybody ... Yeah.

Natalia Rosario:

For the benefit of the public, the next time this will occur, being the plaintiff has recommended it favorably will be the first council hearing in March, which is March 9th. That is the second Monday right here at 5:30. The second hearing is on March 23rd, right here at 5:30. And the next time it could go to the board of zoning appeals will be on April 14th, which you will receive another letter from our office at least 15 days ahead of that [inaudible 01:26:31].

Natalia Rosario:

So at city [inaudible 01:26:38].

Speaker 12:

[inaudible 01:26:44].

Natalia Rosario:

[inaudible 01:26:44]. He is sending you a video from the storm water [inaudible 01:26:50].

Speaker 14:

Can I say something? [inaudible 01:26:42] representative to be here. In the city, yes.

Natalia Rosario:

[crosstalk 00:24:57].

Speaker 14:

Yes, the complaining guy who goes to the storm water. Will he be here?

Speaker 8:

I can make a note to ask Mr. Squires to be at that city council meeting only.

Speaker 9:

Okay. I now set it on the agenda in the site landscape plans approved for information purposes only since the last meeting.

Natalia Rosario:

Number one, [inaudible 01:27:27] site plans. [inaudible 01:27:30].

Natalia Rosario:

Okay so [inaudible 01:27:39] were around when the office situation [inaudible 01:27:42] residents South Pear Street.

Speaker 11:

Yes!

Natalia Rosario:

That property has been acquired by Mr. Ed miles of Cafe Tables and he is developing it into a very modern laundromat called Rocket Laundry. Unfortunately, there's a [inaudible 01:28:04] property next door that kind of brings out billions of issues. He can't really just go in and condemn a property because it looks [inaudible 00:26:15]. But yeah, I think probably more interesting ones is the Liberty Street Apartments slash-

Speaker 11:

Is that Forge Capital?

Natalia Rosario:

Forge Capital. So the area reviewed this a couple months ago. It's gone through the site painting process. I can send you renderings if you haven't seen them. Oh, sorry. I [inaudible 01:28:36]. So they are closing today. Actually they close today and you could see ratings starting soon. [inaudible 01:28:45]. This one [inaudible 01:28:53]. They've also been approved, although we're probably going to have a [inaudible 01:28:43] BOT [inaudible 01:28:58].

Natalia Rosario:

But this would be another [inaudible 01:29:02]. So that's actually ... By the way, he appears to go back to the hospital.

Speaker 9:

Are they keeping the name Tapestry at Monthaven?

Natalia Rosario:

I believe so. I mean that's what they've put it under. But I'm not sure.

Speaker 9:

Okay. [inaudible 01:29:18].

Natalia Rosario:

And they're maintaining the little well building that is still left on site. [inaudible 01:29:26]. They've done it again.

Speaker 9:

Okay.

Natalia Rosario:

Those are the tree that I-

Speaker 9:

Item eight. City [inaudible 01:29:34] since the last meeting.

Natalia Rosario:

Northridge relocation has been approved. We're waiting on the full site plan. Neighbors will contract with the new found land, which I know I keep saying it is going to be next month. It really shouldn't be next month because we have the internal kick off next week.

Speaker 8:

What's the internal kickoff involve?

Natalia Rosario:

Basically [inaudible 01:29:55] the [inaudible 01:30:01]. so we, I say we, the planning staff and department living center, neighborhood services met with them [inaudible 01:30:09].

Natalia Rosario:

So Chris had to make himself available for that to rehash. And the text amendment, the council really didn't have any issues with it. A bit of a hiccup for whatever reason. Several items didn't make it into their packets. And so they didn't feel comfortable voting on it until they table it this coming council hearing. And they [inaudible 01:30:30] in March.

Natalia Rosario:

But yeah, they did not have any support of the work-

Speaker 8:

Of the concept.

Natalia Rosario:

... Yeah, they were very complementing toward you and all the ones that you've done. Yeah.

Speaker 8:

I had an extended text message exchange with one of them I guess the night before while that individual was reading their packet. Sort of asking me some questions about it.

Natalia Rosario:

Yeah, same here. But yeah, I think it'll be good for the city.

Speaker 8:

I know I still need to get my hours in for last year before I get in trouble.

Speaker 16:

I'll just put the [inaudible 01:31:11] so you can put the [inaudible 01:31:11] on there because you're on the [inaudible 01:31:17]. It may be [inaudible 01:31:11] pretend like she's got it together or not. But that's what's [crosstalk 01:31:24].

Speaker 8:

Please.

Speaker 16:

[inaudible 01:31:11] and orientation for this year on [inaudible 01:31:32].

Natalia Rosario:

Right.

Speaker 9:

We don't need the orientation. [crosstalk 01:31:34].

Natalia Rosario:

So Martin has found some really interesting webinars on housing and some of the stuff that we're actually on in the city. So I've just got to get that to the state approved [inaudible 01:31:47] level.

Speaker 8:

That would be really useful, particularly going into comp planning to get something that was maybe more focused because I had been to some of those Aycok things. I've been to some that were fine. I've been to some of that were-

Natalia Rosario:

Absolutely [inaudible 01:32:01].

Speaker 8:

God awful.

Speaker 8:

Yes.

Speaker 9:

All right. Item nine, staff announcements.

Speaker 8:

Two board member vacancies.

Natalia Rosario:

Bill got them. Hopefully the council will do something about them sooner rather than later. And we have plenty of applicants at this point. I've been pushing the highly interested to put it on the [inaudible 00:30:19]. So [inaudible 01:32:16] and one day we will have [inaudible 01:32:24].

Speaker 9:

[inaudible 01:32:25] adjourned?

Speaker 8:

Second.

Speaker 9:

All in favor?

Speaker 8:

Aye.

Speaker 10:

Aye.

Speaker 9:

Sorry. [crosstalk 01:32:29].

Speaker 10:

I think we can stop the recorder.

Speaker 11:

What was the motion to adjourn?

PART 3 OF 3 ENDS [01:32:33]

VIII. B



REQUEST FOR COUNCIL ACTION

TO: Chris Story, City Manager

FROM: Natalia Rosario, AICP, Senior Planner

SUBJECT: Text Amendment Change to the City of Spartanburg Zoning Ordinance to Amend Section 507, Planned Development Districts (PDD) to consider enabling small-lot infill redevelopment standards.

DATE: Tuesday, March 10, 2020

SUMMARY: The proposed text amendment change first came before the Planning Commission at the November 21, 2019 meeting. Since there had been three other new business cases before the Planning Commission at this meeting and it was getting late; the Planning Commission moved to table the request to the next meeting on December 19, 2019. At the December 19, 2019 meeting there was an informal discussion regarding the proposed text amendment edit changes; and a public hearing portion was held because there were some developers who wished to speak regarding this item; and after which time the Planning Commission had asked Staff to make some suggested changes and bring it back to the next Planning Commission Meeting. On January 16, 2020, the Planning Commission held a public hearing and reviewed Staff's request to amend the text of the City of Spartanburg Zoning Ordinance, Section 507, Planned Development Districts (PDD), to consider enabling small-lot infill redevelopment standards submitted by the City of Spartanburg regarding proposed changes. All proposed changes were reviewed by the Planning Commission.

The Planning Commission held a public hearing on the proposal on January 16, 2020. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and Section 507, Planned Development Districts (PDD), the Planning Commission voted to recommend approval of the proposed changes to the Zoning Ordinance.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on January 16, 2020 by a unanimous 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 November 21, 2019; December 19, 2019; and January 16, 2020 Planning Commission Meetings and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the request.

BUDGET AND FINANCE DATA: N/A

AN ORDINANCE

TO AMEND THE TEXT OF SECTION 507, PLANNED DEVELOPMENT DISTRICTS (PDD) TO CONSIDER ENABLING SMALL-LOT INFILL REDEVELOPMENT PROJECTS, OF THE ZONING ORDINANCE OF THE CITY OF SPARTANBURG, SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that it is in the public interest to amend Section 507, Planned Development Districts (PDD) to consider enabling small-lot infill redevelopment standards; and

WHEREAS, this text amendment 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 16, 2020, at which time a presentation was made by staff and an opportunity was given for the public to comment on the text amendment change; and

WHEREAS, the Planning Commission, after consideration of the requirements set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the proposed text amendment be approved as submitted by 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 City of Spartanburg Zoning Ordinance, be, and the same hereby amended as follows in Attachment A.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions, 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 _____, 2020.

Junie L. White, Mayor

ATTEST:

Connie M. Kellner, City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney

____ / ____ / ____ (First Reading)

____ / ____ / ____ (Second Reading)

More Planning Commission Questions for Staff:

Dr. Stone asked Staff that there had to be a water plan, was that correct.

Ms. Rosario explained the Spartanburg Water System reviewed the plans as part of the technical review committee, and they also had their own separate review and permitting process. She said she had not heard any issues, and she did send it out to Water, City Fire, Police, Streets and Stormwater, Traffic Engineering, and the SCDOT; and she had not had any responses except from the City Fire Chief saying he did not see a problem with servicing the area.

Dr. Stone said his other question was regarding buffering; and said as this would be annexed and bordering county property that there was not really a requirement for buffering was there, but he believed he had heard them speak about that.

Ms. Rosario said it was written in the ordinance, that if a PDD was adjacent to County property, (un-zoned) they were not technically required to do any buffering to those properties. She said however as they had seen tonight, they did plan on keeping a large buffer, for the resident and for future home owners.

Planning Commission Deliberation:

Dr. Stone said more housing in the City and with more taxable income in the City; he was in favor of the request.

Mr. Wilson said he was in agreement as well.

Mr. Cunningham was also in agreement.

Mr. Pitts was also in agreement.

Mr. Kinard said he was in agreement and comfortable with the request given the willingness of the developer to work with the adjoining home owner as well.

Dr. Stone moved the request be recommended favorably to City Council for annexation and zoning classification of R-8 PDD; and he was seconded by Mr. Epps. The motion was unanimously approved by a vote of 6 to 0.

4. Text Amendment Change to City of Spartanburg Zoning Ordinance to amend Section 507, Planned Development Districts (PDD) to consider enabling small-lot infill redevelopment standards.

Ms. Natalia Rosario, Senior Planner came forward and was sworn; and she submitted the report the Planning Commissioners had previously received into evidence as Exhibit A. She informed them she was bringing some changes to the Planned Development District Ordinance; and she said she was sure they all remembered the Converse House which had been unable to move forward because the current size of a residential planned development district had to be a minimum of three acres; so that left a lot to be desired for smaller infill lots that could and should be developed as residential. This change would allow smaller lots to be developed as residential in a manner that actually made the project worthwhile.

Dr. Stone asked Ms. Rosario before she went much further in her presentation, was there any way they could move this item of business to the next meeting, since this was such a major change, and the Planning Commissioners really had not had a lot of time to look at it since it had only been a few days since they received the meeting packets; and he would like a chance to learn more about it. He had briefly read through it, and they had already been at the meeting so long, he would rather not take it up tonight if they did not have to.

Mr. Cunningham asked would there be any harm in delaying this item to the next meeting.

Ms. Rosario said she thought there were a couple of developments that would like to take advantage of a smaller lot PDD sooner than later, but she did not think anything was going to fall apart if they moved it to the next meeting.

It was the consensus of the Planning Commissioners that this item of business be moved to the next meeting on ~~January 16, 2020.~~

Dec. 19, 2019
JR

Dec. 19, 2019 JR

Mr. Cunningham moved to table this request to the ~~January 16, 2020~~ meeting; and he was seconded by Mr. Kinard. The motion was unanimously approved by a vote of 6 to 0.

Ms. Rosario said in the meantime to please review the item and to send her any questions/comments they may have prior to the next meeting. She also showed a slide of a map she had composed that showed all the parcels between one and three acres in the City that were vacant that could potentially be developed under this ordinance. Ms. Rosario said she would send the Planning Commissioners a copy of that map as well before the next meeting.

Mr. Cunningham said he thought even if they did not have any other business other than the text amendment change for the next meeting, they should go ahead and discuss this item at the meeting.

All the other Planning Commissioners agreed.

Mr. Wilson asked the City Attorney since they were tabling this item, did they officially need to bring it back up.

The City Attorney said to notify Staff to put it back on the agenda and once it was on the agenda they would just lift it off the table.

Ms. Rosario said there were two people in the audience who had sat there through the entire meeting regarding this item of business.

Mr. Wilson said he would go ahead and open up the public hearing portion to allow for any commentary, if the two gentleman in the audience would like to come forward. No one came forward. Mr. Wilson closed the public hearing portion of the meeting; and he thanked he two gentlemen for attending.

Review and approval of the proposed 2020 Planning Commission Meeting Schedule.

Mr. Kinard said he thought the dates were incorrect with the previous year; and they needed to be changed.

Mrs. Roland apologized and said she would have the correct dates at the next meeting.

Mr. Wilson said they would also table this item and bring it back up at the next meeting for review and approval.

Site and Landscape Plans Approved (information purposes only) since the September 19, 2019 Meeting:

- **Wofford Environmental Studies Building – 280 Wofford Campus Dr.**
- **John B. White Self-Storage – 1640 John B. White Sr. Blvd.**
- **Converse Heights – 333 S. Pine St. Parking Upgrade – 333 S. Pine St.**
- **Lulu's Car Wash – W. O. Ezell Blvd.**

Ms. Rosario said she had forgotten to include these in the presentation; but she informed the Planning Commissioners if they wanted to see any specific ones to let her know and she would email them; or they were always welcome to come in to her office and she would be happy to show them the hard copies.

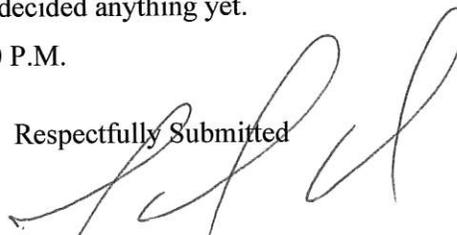
There were no City Council Updates for this meeting.

Staff Announcements:

Ms. Rosario said they did have one Planning Commissioner vacancy at the moment; and they had received one application regarding that position, but City Council had not decided anything yet.

There being no other business, the meeting was adjourned at 8:10 P.M.

Respectfully Submitted



Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant

Mr. Wilson asked if there were any more Planning Commission questions for Staff or the applicant. There being no more questions, he closed the public hearing; and said they would now begin Board Deliberation.

Board Deliberation:

- Dr. Stone said he thought about this earlier today; and even though the City owned the proposed properties; the City still had to petition a City Commission for a change in order to change the ordinance. He said the City could not just do whatever they wanted; and the City had to follow its own processes; and he felt that was a positive thing. Dr. Stone said they all knew that affordable housing in the City was a priority right now; and this would bring 190 units of good affordable housing. It looked like the quality would be good, and much better than what it was replacing. Dr. Stone said as a former member of the Partners for Active Living, he was very happy to see the incorporation of the community's trails network into this property; and he always liked to see those types of amenities in all types of neighborhoods – market and affordable; and he applauded that inclusion and supported that. He felt it was a better and higher use of the land, and to the downtown. He also felt it was a good focus on the western gateway to the City, and he felt the PDD would be an appropriate zoning.
- Mr. Cunningham asked the approximate age of Norris Ridge apartments.
- Mr. Settle said it was built around 1950.
- Mr. Cunningham asked were they currently owned by the City.
- Mr. Settle said they were owned by a private owner out of North Carolina.
- Mr. Wilson said he could not recall the entity but he met them at one of the planning sessions for the redevelopment of the Norris Ridge area, which obviously in order to proceed forward they had to be a location to relocate the residents now.
- Mr. Kinard felt it was a good thing to replace every tenant that was over there now, and felt it would definitely upgrade their living situation. He said he had been going to make the point that once it was vacated; they would need to do something with it; but now it would be private.
- Dr. Stone said they were going to own that right.
- Mr. Settle said that was correct.
- Mr. Kinard said so that would open it up for possible additional development.
- Dr. Stone said the Highland Master Plan.
- Mr. Epps said he was good with the request.

Mr. Wilson moved the rezoning request be recommended favorably to City Council as submitted; and he was seconded by Dr. Stone. The motion was unanimously approved by a vote of 6 to 0.

City Manager Story said if anyone in the audience had any questions about specific properties that brought them here tonight; that Mr. Kennedy, Mr. Livingston and himself would be glad to go down the hall and talk about any of those. He said they had a map down the hall; and they would be happy to answer any of their further questions.

Mr. Wilson said for everyone's information if anyone wished to attend; Staff would schedule this matter for another Public Hearing and First Reading of Ordinance before the Mayor and City Council that would be held on January 13, 2020; and if approved on First Reading, would then go for a Second/Final Reading on January 27, 2020.

Text Amendment Change to City of Spartanburg Zoning Ordinance to amend Section 507, Planned Development Districts (PDD) to consider enabling small-lot infill redevelopment standards.

Ms. Rosario came forward again, and said this item could be an informal discussion; and if possible for the record, they would keep it one person speaking at a time. She said this was a proposal by the Planning Department to include in the PDD Ordinance language some specifications that would allow for infill development. Infill development essentially takes advantage of existing infrastructure. Generally smaller lots, and making good use of those lots, #1 in a financial sense, and #2 in terms of urban design principles.

Ms. Rosario said this had come up because there were several parcels that could be developed for housing, but at the current time, none of our ordinances allowed for their development in a way that was feasible for the developers; and she said the Planning Department had been tasked to explore this topic. Ms. Rosario said she had a lengthy presentation, and she could go through each and every proposed edit if they wished her to; but she thought the basic portions that were the most important to discuss were the actual specifications as to what happened when you review these, and how this process would function differently than the current PDD. The current PDD Ordinance called for a minimum of 3 acres for a Planned Development District; and so anything under 3 acres can't be done as a PDD and had to be developed under the regular zoning categories, which were more restrictive generally than a PDD. The proposal was to allow for planned development districts on properties that were from 1 to 3 acres in size. She referenced a slide and said it was not in their packets; but there were about 182 vacant properties in the City that were sized between 1 and 3 acres; and some of those were undevelopable due to the topography and infrastructure. There were 889 parcels that were already developed, but in the future could potentially take advantage of infill PDD redevelopment. Ms. Rosario pointed out on the slide the approximately 182 parcels that could be developed were currently vacant. She referenced on the slide the ones that were developed in purple color, and the ones that were not, in orange color.

Ms. Rosario explained she had done a little bit of GIS analysis and some research and looked at other areas Best Practices; and she said Greenville had an active infill ordinance; and in Staff's opinion that enabled them to get some more creative, higher-quality developments in areas that were not in their downtown core. As far as special consideration of architectural design and compatibility, which she referenced p. 195 portion of the Ordinance; and said she had just put that in; but there weren't any specifications as of right now as to what would meet that special consideration. She looked at the Zoning Practice Guide from the APA; and some of what other cities had done was require some design elements that she thought the Planning Commission generally does not review right now; but there was no reason they would not be able to. She said some examples were requiring the front door and front windows to be oriented to face the primary access street. She said that was for a specific location, but no more than one ground level entrance per street-facing façade. Front facades must have a certain amount of windows, breaks, recesses or projections in the horizontal plane of any front façade, bearing roof lines, parking located in the rear, as well as allowing for some creating spacing, and the number of units that would be permitted.

Mr. Cunningham said she had referenced the APA on the minor edits; but on the 1 to 3 acre reference, she mentioned Green Build. He asked what the APA said about acreage for types of PDD classifications.

Ms. Rosario said they don't have any specific guidance on what the appropriate size was, but generally infill lots were smaller and already located within a developed area; but conditions changed in terms of what's profitable and what's possible. She said essentially it's an attempt to bring these smaller properties online with developments that were economically feasible, in a way that matched and was cohesive with any existing development around it. So it had to fit in to work, which was why there's extra steps of review for the Planning Commission as well on those. Ms. Rosario said you could potentially do less than 1 acre sites; but the reason she had it at 1 acre, was that less than an acre was really small. Their current ordinance limited the smallest category for commercial planning; and she would not recommend going any smaller than that. She did not think that we had density right now to necessitate very small lot infill.

Dr. Stone said if they were talking about something that was already downtown, the downtown code would apply to that anyway.

Ms. Rosario said that was right.

Dr. Stone said so even if there was a half-acre lot somewhere, it would already have the regulatory framework to deal with that in the Downtown Code.

Ms. Rosario said the form-based code that applied to downtown basically enabled this kind of development to build into that. Whereas the other portions of our ordinance were Euclidean, and had a lot of setbacks and density requirements; and so the PDD was an overlay that we would put on it. She said there were some specifications for required lot sizes even within the PDD required open space. She said yes, it was to get a higher valued product in a smaller lot in a way that worked for that specific area, similar to how they did developments downtown.

Dr. Stone said it needed to be compatible with what was around it.

Ms. Rosario said that was correct.

Mr. Stone said so it was not suddenly; and there was just a weird thing in the middle of what's already an area that may be zoned R-15 all around it; and then you had an acre and a half that you still had to do something with – that he assumed they still would want to do something that was compatible more or less, even if it was a touch more dense.

Ms. Rosario said that was correct; and it captured the intent of this in a nutshell really. She said the added layers of review, which she had included but they don't do right now, but maybe they could recommend this for other types of PDDs.

Ms. Rosario said Dr. Stone had asked earlier in the meeting during the rezoning request, if the City had done any early outreach to the surrounding community. If approved, the infill projects very specifically would be required to go through a community review prior to even being submitted to us; just to make sure that we got as much input and reflection from the existing neighborhoods as possible.

Dr. Stone said this probably didn't exactly prompt this ordinance review; but they all remembered last January or February that some of that might have been addressed by some neighborhood outreach. He said the neighborhood outreach had took place on NextDoor. He said it was fine, but not sufficient.

Ms. Rosario agreed.

Ms. Rosario referenced Section 507.7 on page 197 again; and said she would rely on the Planning Commissioners to give her a little feedback in terms of what they thought was appropriate.

Ms. Rosario said for minimum lot area requirements for R-15 and R-12; she was suggesting bringing it down from 15,000 square feet on R-15 to 10,000 square feet. Essentially if you kept the 15,000 sq. ft. requirement in R-15 you would not be doing anything to R-15, and it would then be the same standard as the base zone. She said that would allow for a little more density, but not so much as to be so disturbing to the nearby character of the neighborhood, as putting an apartment next to single-family homes.

Ms. Rosario said similarly with R-8 PDD going from 5000 square feet to 4000 for infill only; and R-6 going from 2500 to 2000 sq. ft. of lot area required.

Ms. Rosario referenced page 198, Target Density Bonuses; which she could use their feedback on; and said she was suggesting a 10% density allowance for distinctiveness and excellence in design and landscaping for qualifying infill projects.

Dr. Stone asked what was considered excellence, who decided, and did they decide what was excellent.

Ms. Rosario said yes, the Planning Commission would decide. She felt under this section they needed to include some type of design standard, which she was happy to do in initial review and bring it to them for the things that the community... it's been advertised, but people don't really come out for text amendments. Ms. Rosario said it would be design aspects the Planning Commission would feel comfortable with approving.

Mr. Wilson said that could be the opportunity of layering with one of the aspects being its cohesiveness and compatibility with the surrounding architecture.

Mr. Cunningham said with these adjustments, they increased literally the density of development on the property; was there data or negative impact on traffic flow and congestion issues.

Ms. Rosario said she would say potentially, but because of the sizes of these properties, she would think it would be a maximum of adding 30 more trips to whatever road it was on. And as part of that they could include a requirement for a traffic study to make sure they all understood what the actual changes would be. She said as of right now, she did not think any of the ordinances that applied to them mentioned traffic studies. She felt that would need to be assessed on an individual basis, and they would need professional traffic engineers.

Mr. Cunningham said it came up in some of the public hearings as an emotional issue, for sure. He said whether or not it was driven by data, they did not know.

Ms. Rosario said correct.

Dr. Stone asked were there any R-12 or R-15 PDDs in the City now. He knew they had approved some in R-8 and R-6.

Ms. Rosario felt that White's Mill was actually an R-12 PDD; and it might be the only one.

She said generally how PDDs were applied, they should be overlaid on an existing zone, or they should meet the character of the zoning nearby. She said you don't want to introduce a completely different zone and overlay; and she did not think that would be a great practice. She said regarding White's Mill, her assumption was the area was already zone R-12, but to maybe get more creative was why they had come up for a PDD to do the project.

Dr. Stone wondered if there was even a need for R-15 PDD; but he guessed it would be better to have it in case you needed it.

Ms. Rosario said correct. She did not think they would see a whole lot of those, because most of the R-15 zones were already built out of single-family neighborhoods; and she said you were not going to find a whole lot of vacant properties of this size in those areas. She said this would be a separate discussion and a separate ordinance altogether; but they received frequent requests about accessory dwelling units in R-15. R-15 was a single-family district neighborhood only; so you could not by law have more than one unit on a property. So no mother-in-law suites, no accessory dwelling units; which would in Staff's opinion general planning practice, having ADUs allowed for additional density at a manageable rate. She said you could put in the ordinance where maybe the property owner had to live at the property if there was going to be an accessory dwelling unit, and that sort of thing. But as to property value, smaller units of additional affordable housing were always useful, even if it's just for a family member to live there.

Mr. Stone felt that was a conversation they needed to find some time to have regarding accessory dwelling units.

Ms. Rosario said it was the same case in Hampton Heights and Converse Heights. She said some of the properties were grandfathered in, and they already had their accessory dwelling units; and she explained Staff had problems when they had to tell people they could not add them anymore because by law they did not allow it.

Ms. Rosario said continuing with Section 507.8 Perimeter Setback Requirements:

Ms. Rosario said infill developments shall match the existing front yard setbacks of surrounding dwellings, and she said she would skip to #3 and then come back to #2.

Corner lot infill projects shall have a side street setback within the maximum and minimum of front setbacks for dwelling units within 500 feet on both sides of the street in either direction, and within 10 feet of the front setback for the nearest adjoining dwelling unit as the street facing side to side. She said essentially what that meant was, coming within 10 feet of your adjacent properties, and also being within the average front setback of the properties within 500 feet; and that was so that they don't have incongruent developments that maybe were either too far forward or too far back, and stick out essentially – because they're not in the same rhythm and cadence as the rest of what might be in the area.

Mr. Cunningham asked why they would want to give a developer the discretion on side setbacks.

Ms. Rosario said that was a general practice from what she had seen in those; and one of the aspects that kept them from being able to develop those properties in the current zones was the side setback in their current PDD had to match the side setback of adjacent properties. She said that essentially prevented you from utilizing the lot as well as you might otherwise. She said a part of that was landscape and screening requirements.

Mr. Cunningham said he was not clear on that; and asked if essentially with the PDD classification adjustment, the builder could move as close as he wanted to the property line; or did a building permit ordinance come into play.

Ms. Rosario said yes. She said anywhere you developed, the closest you could get to a property line was five feet; and if there was another structure nearby within 10 feet, there had to be at least 10 feet of clearance between the two structures, regardless of what zone you were in regarding fire safety.

Mr. Cunningham said so this did not overtake that.

Ms. Rosario said no; that nothing overtook the Building Code. She said she had been thinking in terms of allowing side setbacks to be determined by the developer which they would review; and she said Section 507.14 Screening Requirements, page 203C which she had added as follows: Where infill developments featured interior side setbacks less than equal to the side setbacks of adjacent residential properties, a developer must provide neighborhood-specific, contextually appropriate screening, which was for the Planning Commission's judgment to make. Landscape plans for these developments shall reference the immediately adjacent residential properties for context, and must show how the site screening at the time of construction and planting shall limit the existing screening and/or landscaped character. Ms. Rosario said that did not go into as much detail as their buffer standards, but they could feed off of the buffer standards, and they could add new standards for these specific infill projects. She did not want to neglect buffering other properties appropriately just because there might be the potential for maybe having slightly different sized setbacks. They wanted to make sure they protected everyone, and have something that fits in well; but they also wanted to provide flexibility to enable some of these projects to move forward.

Ms. Rosario referenced page 204, Pre-Application Conference:

Ms. Rosario said all infill development projects also required at least one early outreach meeting with residents and property owners in the surrounding project area prior to submittal. She said if they wanted, they could add specifics of what would qualify as the surrounding project area. She said the way they advertised for meetings like this currently was to owners within a 400 foot radius; but some people did not always feel that was adequate. A neighborhood was more than 400 feet; so she would leave that up to the Board. Ms. Rosario said nothing else about what would be submitted in the rest of the process would change, and the rest would be just updating some of the language in terms of how we referred to plats in our own department as of today, because the current ordinance was confusing in its language.

Ms. Rosario said those were the major changes; and so it was currently a bit vague; and she would love their direction, comments, and/or questions.

Dr. Stone asked if she was looking to pass the text amendment tonight.

Ms. Rosario said no; that it would be nice because she knew there were people waiting in the wings.

Dr. Stone said to that point; he noticed they had the same two gentlemen in the audience that were at the last meeting that had sat through the entire meeting, when the Board had voted to move the text amendment item to the next meeting due to time; and he knew this was not a public hearing but he would be interested in hearing what they had to say regarding the proposed amendment.

Mr. Wilson said he would go ahead and open up the public comment period and they could bring Staff back up afterwards; and he opened the public meeting proceedings up for any public questions or comments; and he asked if anyone wished to come forward to please state their names and addresses for the record.

- Mr. Danny Balon of Seamon Whiteside, 1802 Drayton Rd., came forward and said they were civil engineers and land planners. They had several clients who had brought them potential unique projects they had talked with Ms. Rosario about that they could not do per the Code, mainly because they were less than 3 acres required for a PDD, and the lot size requirements. Mr. Balon said as engineers here in town, they supported this text amendment.
- Mr. Tom Croft of 77 Woodvill Avenue, Greenville, SC came forward and said he had been developing in Greenville, SC since the late 1990s. He said specifically in the downtown area he had found infill site had been a good way of improving properties that otherwise could not be done. He explained all his developments had been residential; and he did not do any commercial development; but he said he had done several small project infills in the downtown Greenville area that had been very successful.

Mr. Croft felt Spartanburg had a lot to offer; and he had looked at some potential sites that could be helped by the proposed changes; and he would love the opportunity to do work in Spartanburg.

Mr. Wilson said he would now close the public meeting portion of the meeting.

Board Questions for Staff:

- Mr. Kinard informed Ms. Rosario he was confused at her definition of infill development; and what in layman's terms were they talking about here.
- Ms. Rosario said they could vary, but they were generally smaller properties that were in areas that were already developed.
- Mr. Kinard asked about existing infrastructure; and asked that they were not talking about acreage at a certain point.
- Ms. Rosario said existing infrastructure and land costs were high; so essentially it was more economically feasible and profitable to do a little bit higher densities on some of these properties than what would otherwise be allowed by the existing zoning. She said infill was kind of what it sounded like; that they would be filling in something which was just sitting there, and can't really be developed feasibly as it was.
- Mr. Kinard felt they wanted to be able to know if someone came in and said they had an infill project; it would be clear for the Board to know that it was an infill project.
- Ms. Rosario said those were good questions and felt they could limit them to the 180-something properties she had referenced that met the requirements from 1 to 3 acres there were currently undeveloped.
- Mr. Cunningham said O.K. so 1 to 3 acres, and weren't there some more specific issues or opportunities with that acreage that would put it into the infill category; and he asked her wasn't there three other things it had to meet she had spoken about earlier.
- Mr. Kinard said that was where he was confused; and he asked how would it qualify for them to put the PDD on it.
- Ms. Rosario said they should talk about what the Planning Commission would think made sense, because it was different for every community.
- Mr. Kinard felt the definition they had was very broad; and they needed to tailor it and narrow it down a little; and then use that as a capitalized defined term throughout the document; because right now it was just infill development; and that was used interchangeably with infill lots, infill development, and infill projects.
- Ms. Rosario said she guessed what she was thinking as infill lots being vacant lots that could be developed for residential that were near residential because the ordinance only applied for residential construction, and not commercial.
- Mr. Kinard said so they were only talking about residential.
- Ms. Rosario said correct.
- Dr. Stone referenced the map Ms. Rosario had on the screen with the different colors on it.
- Ms. Rosario said all of the purple area had already been developed, and the orange was not developed; and those were all the properties in the City from 1 to 3 acres.
- Mr. Kinard asked Ms. Rosario about the projects that Mr. Balon had spoken about in the public comment period that he brought to her to discuss that were less than 3 acres.
- Ms. Rosario said they were less than 3 acres. She said they could be feasible, but currently there was no legal way for them to bring those forward.
- Mr. Cunningham asked Ms. Rosario that the purple colors on the map were 1 to 3 acres.

- Ms. Rosario said yes; all the purple was 1 to 3 acres and they were all already developed.
- Mr. Cunningham asked if those had gone through a process to get developed.
- Ms. Rosario said yes; and those could be residential or commercial zones; and they were not PDD developments.
- Dr. Stone said they were just parcels of land.
- Ms. Rosario said parcels of land.
- Dr. Stone said they were one large parcel that's 100,000 square feet, and he asked Ms. Rosario wasn't 43,000 square feet roughly an acre.
- Ms. Rosario said yes.
- Dr. Stone said the hard thing for him was you had to do this in the abstract, because you did not want to design an ordinance around a specific plan; but said it did not hurt for them to be able to understand it, in order to know what it would actually look like in an example or two in the context of Spartanburg.
- Ms. Rosario said she did not have those files with her; and she said like Mr. Balon had mentioned, she and he had reviewed some and she was happy to show it to them for an example to know what could happen. She informed the Planning Commission what the two had discussed so far were preserving specific structures on one part of a property, and utilizing them for housing, and then potentially adding more court-style apartments, townhomes, and they could be for sale or rent. Essentially they would center around the internal portion of the lot, with the parking in the back; and again, enabling some more urban style development where appropriate.
- Mr. Cunningham said he felt they were all for it. He said to a previous point; why should they have to start the interpretation at each meeting with each case to decide whether they thought it qualified for this type of infill classification or not. He felt it would protect them if there were some bullet points as what to go by, or was there an exception they might need to take under review. Mr. Cunningham felt they needed to have a broader base as to be clear, since they were consistently acting on behalf of the City.
- Ms. Rosario said that made sense. So far she had they needed to be from 1 to 3 acres, and had to be for Residential PDD; and she asked them what other aspects they felt was needed to define this.
- Dr. Stone asked what other things they needed.
- Ms. Rosario said she would be happy to do more research; and that she had not come across an ordinance that listed the terms.
- Mr. Cunningham asked did it need to be in the similar theme of the surrounding properties.
- Ms. Rosario said it would.
- Dr. Stone said you would not want to take something that might be zoned industrially and put an R-6 PDD in the middle.
- Ms. Rosario said it would be pretty specific to that case, and something that other ordinances did, it was not necessarily in the definition of infill development, but the requirements for the design of the site was buildings that were built on the specific development were not to exceed the heights of the buildings surrounding them.

Mr. Cunningham said something like that.

Ms. Rosario said in her mind that would classify as design characteristics; so it would be required as part of the planning development for infill lots. She said she would look and see kind of what worked in other jurisdictions, and bring those back before the Commissioners to get their feedback on what they thought would be appropriate on this.

Mr. Cunningham felt two or three examples would be all they would need; and then the developer or whomever could present why the project should be classified and approved under that particular zoning classification that might be petitioned for.

Dr. Stone asked Mr. Balon what areas of the City he had looked at regarding these.

Mr. Balon said there had been different spots, not necessarily concentrated in one area. They all had been residential; and some were townhome setups. Some were smaller single-family, that were not looking to have a yard; basically smaller – that type of thing.

Ms. Rosario said she was almost wondering if they could include language to differentiate these types of developments from multi-family or apartment style. She said it might not be necessary, but for the most part, from what she had read and seen, these sort of infill PDDs allowed for basically just some tighter spacing in the structures themselves; so they could be single-family.

Dr. Stone asked Ms. Rosario if someone wanted to build an apartment complex in the City now; what zoning would be used for that.

Ms. Rosario said it was usually an R6 PDD; and she zoomed in on a slide of Converse Heights. She said that was why it might need some differentiation between what qualified as an apartment PDD; and she didn't know if that was just for her sake, or if it would be informative to the reader and the developer. She said generally apartments were going to be more than three acres. Ms. Rosario said most of Converse Heights was built forever ago, and it was not under our current code. She said you couldn't build Converse Heights today under our current code anywhere in the City. She said that was kind of a retrofit of our ordinance to allow for something that would fit in like a quad-plex, that sort of thing, on a property, in an area like that. And of course additional review was for the Board to make that decision as to whether or not it would be appropriate in those areas.

Ms. Rosario referenced a slide of a city-owned parcel right outside of Hampton Heights, that was not really connected with that neighborhood; and she said it was just shy of 3 acres. She said they had some previous proposals for that property, but none that were possible.

Ms. Rosario showed another parcel, and said it would not be developed due to floodplains, and other reasons. She said there were not a whole lot of properties, the way she had pulled them and described so far that would be very feasible for this; but the ones that were could not currently be done.

Dr. Stone said perhaps along Spring Street and the south side of Spartanburg there may be a property or so; and he would kind of like to see row-house connected townhomes. He also said there was some places where he thought that would actually fit in, and would not be incongruous with the neighborhood, because they had some quadraplexes, two over two, in various places. He said if you did the right kind of design and it fits. He said they have got the historic overlay plus; so that added a little work to it.

Ms. Rosario said to Dr. Stone's point, there probably were some large parcels that didn't get pulled because they were over 3 acres, but that could perhaps be carved out to do a specific project like this. Ms. Rosario said one concern might be that they did not want to do something that would then encourage people to take out existing housing, especially affordable housing, in order to amass a site to do something like this. She said it was meant to fit into a neighborhood, not to replace what was there; and she would need to check with the City Attorney regarding what language would be appropriate regarding that concern.

Mr. Cunningham said based on their recent experiences, when you go into an established neighborhood, and they were going to change something by adding a non-traditional housing opportunity, that people normally showed up to say if they thought it would wreck the neighborhood.

Ms. Rosario said that was why she thought having a preliminary meeting with the neighborhood to talk to them and introduce them to the concept would be important; because sometimes she believed people felt blind-sided when they just received a letter from our department saying this is what was happening, come to City Hall – they thought it was already a done deal. So part of it would be communicating better with residents; and that you can't always help what people thought, but we could point to successful examples and how they were trying to emulate them.

Ms. Rosario said that was what she had regarding the text amendment and she was open to all suggestions. She said if they could not think of anything else right now; they could send her their thoughts by email. She would keep doing research on the points they had discussed, and bring them back to them at their next meeting regarding this matter.

Mr. Cunningham said he thought they should do the amendment; as did the other Planning Commissioners.

Mr. Cunningham felt the better forethought they had on the matter and how they put into it; they could better address any proposals they might receive. He said if they approved one in a particular area; and did not in another area; they needed to be ready to say why they would approve one and not another.

Dr. Stone explained after they came up with something, and then Council approved it; they also needed to be open to the fact they may need to come back and tweak the ordinance if needed.

Ms. Rosario agreed; and said it should be a living document; and she felt too often it stagnated. She felt they had kind of reached that spot with multiple portions of the ordinance; and it was a good thing that the comprehensive plan was happening, because they could talk about what updates the zoning code needed as a whole.

Dr. Stone said they had a model to follow, since they already had a PDD ordinance, he thought in some ways it would be applying their PDD to smaller parcels. He would be interested to hear what the City Attorney said about how you put in restrictions about not compiling, or not amassing eight existing R-8 properties, and it would get you an acre. Dr. Stone said he was thinking about the block he lived on that had 12 R-8 properties.

Ms. Rosario said you would want to build in some protections, because there were areas that would be rife for development under this ordinance that could very easily, for lack of a better word, be gentrified too quickly. She said gentrification happened, but that doing it too quickly could destabilize an area and the people who lived there. She said she would email the City Attorney to see what he thought.

Mr. Cunningham asked could they have some suggested changes somewhat in advance of a meeting that they could call to do this if it was holding up developments that would be productive.

Ms. Rosario said they could; and they could do emailing. She said obviously the work had to be done before they got to that point.

Dr. Stone said since they never took this item off the table tonight, he guessed they did not need to re-table the item.

Ms. Rosario said it was still on the table, and throughout the next month she would be emailing them some working drafts; and she said any feedback they could get from the development community would be very helpful.

Mr. Balon and Mr. Croft said they thought this was a very good meeting in the right direction.

Review and Approval of the 2020 Proposed Planning Commission Meeting Schedule.

Mr. Wilson said the proposed February meeting year needed to be amended to say 2020. Dr. Stone moved the schedule be amended as was typographically corrected; and he was seconded by Mr. Wilson. The motion was unanimously approved by a vote of 6 to 0.

Site and Landscape Plans Approved (information purposes only) since the November 21, 2019 Meeting:

There were none.

City Council Updates (FYI) since the last Planning Commission Meeting on November 21, 2019.

Ms. Rosario went over the updates that were listed on the agenda.

Staff Announcements:

Ms. Rosario said at the January 13, 2020 City Council Meeting, which had now been moved to be held at County Council Chambers; TPADC, Town Planning and Urban Design Collaborative, out of Franklin, Tennessee, the comprehensive planners the Selection Committee felt would be the best fit regarding the

new Comprehensive Plan would give their presentation; and hopefully City Council would approve that funding; after which time they would get started on it immediately. She said at their next visit after that, they would like to sit down with as many of the Planning Commissioners they could, on a one on one basis in order to get their feedback regarding things. Their Sub-Consultant was Spire Green, out of Washington DC regarding equity aspects that they had discussed. Also Toole Design, here in Spartanburg was a Sub-Consultant as well. She invited all of the Planning Commissioners that wanted to attend the Council Meeting to be held at County Council Chambers to please attend January 13th at 5:30 P.M.

Ms. Rosario said some of the HARB Board Members were still in need of their 2019 Continued Education training credits; and Mrs. Sarah Love, HARB Chair had recommended one regarding Windows regarding Historic Preservation for an approved training; and she would be happy to look through the MASC or APA websites for the Planning Commissioners that needed credits, if they did not wish to attend the one for HARB.

The Planning Commissioners said they would be fine with windows.

Mr. Cunningham asked exactly how many credits they needed per year of Continued Ed.

Mrs. Roland said 3 hours.

Ms. Rosario said she was thinking perhaps trying to schedule a time in January for the training.

Mr. Wilson said he would like for them to take a moment to recognize and thank Mr. Pitts for all of his service on the Planning Commission; and they would definitely miss him on the Board. He said there would now be two vacant Planning Commission spots.

Mrs. Rosario told Mr. Pitts they hated to lose him; but hoped he would still be around regarding the Comprehensive Plan process.

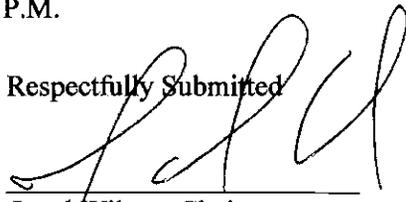
Mr. Epps asked had they had any applications for new members.

Ms. Rosario explained she had two people that submitted applications to be considered.

Mr. Pitts said he also had a good prospect, and he would send Staff a resume shortly.

There being no other business, the meeting was adjourned at 7:00 P.M.

Respectfully Submitted



Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant

***Spartanburg City Planning Commission Meeting Minutes
Thursday, January 16, 2020***

*City Hall Council Chambers
Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, January 16, 2020 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Howard Kinard, Dr. Phillip Stone, Reed Cunningham and Mike Epps. No Planning Commissioners were absent. Representing the Planning Department were Natalia Rosario, AICP, Planner III; and Julie Roland, 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 all five Planning Commissioners of the current five member Board were present, constituting a quorum; and he went over the rules and procedures for conducting a public hearing.

Mr. Epps moved approval of the Agenda for tonight's meeting; and he was seconded by Mr. Cunningham. The motion was unanimously approved by a vote of 5 to 0.

Disposition of Minutes from the November 21, 2019 and December 19, 2019 Meetings:

Mr. Epps moved approval as submitted of the November 21, 2019 and December 19, 2019 Meeting Minutes; and he was seconded by Dr. Stone. The motion was unanimously approved by a vote of 5 to 0.

Old Business still on The Table:

Text Amendment Change to City of Spartanburg Zoning Ordinance to amend Section 507, Planned Development Districts (PDD) to consider enabling small-lot infill redevelopment standards.

Ms. Rosario came forward and was sworn; and she submitted into the record the Memo the Planning Commissioners had previously received and tonight's presentation into evidence as Exhibit A. Ms. Rosario said at the last meeting held on December 19, 2019, they had gone over her proposed changes to the Planned Development District ordinance that would allow for more creative development of smaller lots for residential uses; and what she heard from the Planning Commissioners was they needed more detail regarding the definition of an infill property, design, and process for infill PDD proposals. She went over each edit from a-e in her memo to the Planning Commission, and explained in detail and received feedback as follows:

- a. Add to the general definition of an infill lot: "furthermore, those properties designated as infill eligible lots as recorded at the time of approval of the infill ordinance and/or those determined by the Planning Commission and Council as eligible through the infill development review process. Originally approved properties are catalogued online at: <https://cityspartanburg.maps.arcgis.com/apps/webappviewer/index.html?id=253f9e17f4064b7b9139c07768e4a4b6> and were determined as properties that were 1-3 acres in size at time of approval, and had some basic information about each site. The catalogue is also available in excel format from the Planning Department."

Ms. Rosario referenced a slide and said there were approximately 1,087 parcels that were sized 1 to 3 acres today. She explained the ones in green on the slide as assessed today were either vacant or were owned by a non-profit; the ones in purple as assessed today as already improved – which meant there was something on them but were the right size (that potentially a developer could come and basically re-do the entire site under the amended ordinance.) Ms. Rosario said that showed the ones they would advise people take a look at first. She said however; because they knew that folks might not have interest or ownership of those parcels, they did not want to encourage people to either start carving up larger parcels in order to be able to fit into this ordinance, or to start the combining of smaller parcels and begin ripping up the fabric of an existing neighborhood. Ms. Rosario pointed to 3 parcels that were not shown with the ones mentioned above, that Mr. Croft who had spoken at the December, 2019 meeting public hearing portion - had presented her with an interest in combining the 3 parcels which would be a little under 3 acres combined;

and he hoped to be able to do a market rate ownership/condo/townhome preserving the two structures that were on the properties, that the owner of the properties had some emotional ties regarding the structures and wished to preserve those. She said it would essentially be like a court yard type of development. She said on a project like that which at the moment they were currently split up into 3 separate parcels, would come before them and go through the review like they normally did for a PDD and if approval was received, they could recombine those parcels into the full property for development.

Mr. Cunningham asked about the intersection she had just referred to about the 3 parcels.

Ms. Rosario said it was the intersection at East Main Street and North Fairview, that had previously been condemned and up for demolition; and then they were presented with this idea. She said this was one of the ones that spurred the City to start thinking about this process; and she mentioned there were a couple of others.

Dr. Stone said just to be clear, something that was on the screen or list already – would those already sort of be pre-approved.

Ms. Rosario said no; and she said there was not really that much of a difference between what was on the list and what was not, other than those that were not on the list would need to come before them for review, and that way they as a Board and Staff would be able to take a look at them to see if it was something appropriate to combine whatever parcels to make a particular project work – versus someone who was just trying to push properties together that would not really fit a specific neighborhood.

Mr. Wilson asked Ms. Rosario if they were speaking to item (b) in her memo.

Ms. Rosario said yes.

- b. Beginning with the existing 1-3 acre sized lots limits the potential for abuse of our replatting process (relatively simple, free, and does not require PC review). I advise requiring other properties now shown on the list (1 project known) to be reviewed the same as any other PDD replatting process, where the final platting/resurveying takes place after the site has been reviewed and approved by the Planning Commission and City Council and Technical Review Committee. This will prevent the reckless carving up of larger parcels in anticipation of development entitlements or the conglomeration of existing smaller parcels that would result in the disruption of existing neighborhood fabric.

Ms. Rosario informed the Planning Commissioners the way the replatting process was currently done outside of a subdivision or land development district, someone could bring in three originals of a survey/or plat to City Planner free of charge – and if it met the requirements for the zoning category the property was in, Staff would approve and stamp it; and then give it back to whoever had brought it in; and that person would take it to county for recordation for a \$10.00 fee at the county. She said that was a very easy way to replat things; and she said they may need to think through that a little bit more on how Staff would have a mechanism to prevent people from replatting and then coming in and saying now that I have the correct sized parcel, let's do the infill project. She felt that having something like this (drawing or slide on the screen) that Staff had some knowledge of what was in place today, and said it was kind of a snapshot in time; and that way in the future if someone came forward Staff/Planning Commission could say that was not one of the properties.

Mr. Wilson said that would be the mechanism; and if it was not already on the list and someone replatted it; you would kind of know what they were wanting to do.

- c. If a property is located in an existing subdivision, it is already governed by HOA guidelines and the existing plat filed and recorded for the subdivision. In order to change this, a developer would need the approval to proceed with the project in writing from the HOA or more than 50% of the property owners of the subdivision prior to submittal to the Planning Commission.
- d. Aside from the point in time catalogue of eligible properties, I propose that the properties that are under 3 acres in size at the time of cataloguing be permitted to add no more than 25% of the existing area by incorporating adjacent parcels into the site, so long as the addition of these does not cause the site to exceed 3 acres in size. This is to prevent major upsizing of an existing eligible parcel that could also result in the destruction of existing neighborhood fabric.

- e. Regarding design specifications, aside from the existing language on setbacks and frontages, I propose limiting heights of buildings on infill lots to no taller than what the base zoning category allows (usually 35') OR the tallest residential structure existing within 600 feet. I propose 600 feet to capture more of the surrounding residential character, but also keeping the proposed structure design in context with the immediately surrounding properties.

Mr. Cunningham asked Ms. Rosario if this document and the adjustments had been sent to the Planning Commissioners; or if it was available on-line.

Ms. Rosario said it was the same document they had at the December 19, 2019 meeting; and she had not wanted to print it all out again for tonight's meeting.

Mr. Cunningham asked was it available on line.

Ms. Rosario said she would send him a link.

Ms. Rosario said as far as the perimeter setbacks requirements so far; what she had proposed was infill developments should match the existing front yard setbacks of the surrounding dwellings. Side setbacks she was proposing the builder/developer/Planning Commission (as part of the review) be able to decide that in order to allow for more flexibility on the sites. She said they could not be any closer than 5' to the property line because of fire safety. She said for corner lots, a corner lot angled project should have side street setbacks within the maximum and minimum of front setbacks of dwelling units within 500'. Ms. Rosario said so you take the average setback of all of the residential properties, or of all the properties, depending upon how the Planning Commission wanted to do it, and that the average of the front setback of all properties within 500' – that it had to fall within that average and then it could not differ more than 10' from what was immediately adjacent to it.

Mr. Cunningham said it essentially had to comply with the building ordinance; and the flexibility was up to and not beyond that.

Ms. Rosario said that was correct. She said that was pretty much all of the design aspects that she had put in so far, other than the height. She said the base zones, and pretty much all of the zones allowed for up to 35' tall buildings, (which she said was pretty tall); and the reason she had put up to 35' in; but the Planning Commission could also say if they wished, or to match the tallest residential structure within 600' to kind of keep it in context with where it was situated. She said she originally had within 1000' but when she looked at one that was kind of close to downtown, where it could potentially be built up.

Dr. Stone asked would it then be the lesser of those two, or the greater of those two, or one or the other. Or he asked was that the question.

Ms. Rosario said that was the question they needed to figure out. She honestly felt that 35' was too tall for residential districts, so maybe they did not want to leave it to the base zones.

Mr. Epps asked Ms. Rosario how was the 35' measured; and what if there was a basement. He also asked was she measuring from the front, back, or all around.

Ms. Rosario said that was a good question.

Mr. Wilson said typically when he had to go through this for commercial processes; it was measured from the nearest public right-of-way (grade elevation); and he referenced in Converse Heights, the sidewalk on the street – and said there was your point of origin. He said if your lot was finished grade at just the dirt, it was 10' above, you would have eaten into that 35' before you even got started with the structure.

Ms. Rosario said maybe they should do that.

Mr. Cunningham asked something about regarding the tallest structure point being a chimney.

Ms. Rosario said it should probably be the ridge of the roof.

Ms. Rosario asked the Planning Commissioners if they were comfortable with the 600' regarding noticing.

Mr. Epps asked her to show him what that looked like on a map.

Ms. Rosario pulled up a GIS slide and said that was every single property in the catalogue.

Mr. Epps asked Ms. Rosario if she could go to the Fairview property since that may be coming before them to see what that looked like regarding 600’.

Ms. Rosario pulled up a GIS of the Fairview area in order to show what that would look like.

Dr. Stone asked what was the usual lot width of an R-8 zoned lot.

Ms. Rosario said that was one of the smallest of the front lot widths and she thought it was 60’.

Dr. Stone said if they noticed out 600’, in an R-8 neighborhood that would be a large area.

Mr. Epps said that would be a large area.

Ms. Rosario said it would be in every direction; and she said Staff had received comments and concerns from people from time to time regarding they did not think Staff noticed enough people within a 400’ radius of a property. She said in a more granular district that kind of captured a lot; and with some of the larger lot areas that would help get a decent amount of people notified.

Dr. Stone asked Ms. Rosario if R-15 was 90’.

Ms. Rosario said R-15 was 90’; and that often times they were much larger than that. She said an R-12 zoned lot was 80’; R-8 zoned properties were 60’; and R-6 was 50’.

Mr. Wilson said going back to item #3 when they were talking about corner lots, there was 500’ from the lot in question there dictating the setbacks for the surrounding structures.

Ms. Rosario said they could do 600’ there as well, unless they wanted to use 500’ for assessing how tall; or they could keep it 500’ out and 500’ up.

The Planning Commissioners agreed with using 500’ to be consistent.

Ms. Rosario said what they had just gone over was kind of what she heard from the Planning Commissioners at the last meeting in December, and she asked if they had any other comments or concerns.

Mr. Wilson said just to be clear, the properties they were going to catalogue were the ones that were between an acre and three acres in size; and that they were either vacant or owned by non-profits.

Ms. Rosario said the green ones were the vacant or owned by non-profits. She said if they wanted to limit it further, they could just limit it to those in the green that were vacant and owned by the non-profits. She said the reason she kept the purple ones in was because infill redevelopment could be good to turn over a blighted property. Ms. Rosario said she would leave that to the Planning Commissioners to decide. She said the ones that were vacant and owned by non-profits (green ones) would probably turn over first.

Mr. Kinard had a question on the Staff Report regarding (c) and he asked Ms. Rosario how she came up with the 50%.

Ms. Rosario said it was kind of arbitrary.

Mr. Kinard felt they would need the approval from the HOA.

Dr. Stone said a previous case had come before the Planning Commission at some time last year where it was found to have an HOA involved; and the City Attorney had explained if the City was made aware that there was an HOA involved, the City would need to stand back

It was the consensus of the Planning Commissioners that certain language needed to be included in the new ordinance regarding Staff needed to research any HOA’s that may be in existence prior to proceeding with any infill PDD’s.

Ms. Rosario said she would get with the City Attorney regarding any such language for the ordinance.

Ms. Rosario asked were the Planning Commissioners all good with the heights being 35’ from the right of way to the top of the structure or ridge of the roof out 500’ instead of 600’; and she would also include any special language regarding an HOA search.

The Planning Commissioners were all in agreement with that.

Ms. Rosario explained to the Planning Commissioners what would happen next would be for her to take all of these comments back to the City Attorney and ask him to write the ordinance language matching what they had just talked about tonight; and then she would send the document with the edits to the Board via email. She said if they were still alright with everything at that point she would then advertise it in the newspaper in order to take it to Council for a Public Hearing and First Reading on February 10, 2020. If City Council approved it on First Reading, it would then go for a Second/Final Reading on February 24, 2020.

Mr. Wilson opened the public hearing portion; and he asked if there was anyone in the audience who wished to speak in favor, in opposition, or just had any questions, that wished to speak, to come forward and state their name and address for the record. No one came forward. Mr. Wilson closed the public hearing.

Dr. Stone moved approval of the request; and he was seconded by Mr. Wilson. The motion was unanimously approved by a vote of 5 to 0.

Mr. Wilson said for the record the Planning Commission recommends favorably for the proposed PDD Text Amendment to allow for infill lot redevelopment to proceed forward with the edits as discussed at tonight's meeting and for the ordinance to be drawn up and final draft circulated, and final draft sent to Council for Public Hearing and First Reading on February 10, 2020.

Site and Landscape Plans Approved (information purposes only) since the December 19, 2019 Meeting:

- Pinnacle Bank – 531 E. Main St.

City Council Updates (FYI) since the last Planning Commission Meeting on December 19, 2019:

Ms. Rosario went over the updates that were listed on the agenda.

Staff Announcements:

Ms. Rosario said the Comprehensive Plan Design Consultant, TPUADC, gave their presentation to City Council on Monday, January 13th; and they should be moving forward with that very rapidly. She would circulate the 81 slides they presented to City Council to the Planning Commissioners for their review, and if they had any questions they could either contact her; and she would also give them three of the Design Consultant's contact information. She hoped to have them back in town for kind of a first stage meeting at the end of this month or mid-February depending on their schedule. From there they would be able to kind of pin point the timeline of when things would happen; and they would like to speak with the Planning Commissioners, whom she hoped would want to be a part of the process.

Ms. Rosario said they still had two Board vacancies on the Commission; and she had at least four people submit applications and hoped that City Council would move on those soon. She said if the Planning Commissioners had anyone they thought would be a good candidate to please have them apply as well for consideration.

There being no other business, the meeting was adjourned at 6:05 P.M.

Respectfully Submitted

Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant

§ 507 PLANNED DEVELOPMENT DISTRICTS (PDD)

507.1 The regulations set forth in this Section shall be earned by the petitioner or applicant under the procedures set forth below and are in no way to be construed as an automatic right of the applicant. The granting of a planned development district rezoning is the legal responsibility of the Spartanburg City Council upon proper recommendation from the Planning Commission.

507.11 General Intent. A planned development district is intended to comprehensively correlate the provisions of this and other ordinances of the City, to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area; to permit flexibility that will encourage a more creative approach in the development of land, will result in a more efficient, aesthetic and desirable use of open area; to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; ~~and~~ to utilize best the potentials of sites characterized by special features of geography, topography, size or shape, achieve quality infill development, achieve a superior urban form, and to provide a process for the evaluation of unique, individually planned developments which are not otherwise permitted in the zoning districts established in this ordinance.-

507.2 Definitions.

In addition to the definitions contained in Section I, § 108 of this Ordinance the following shall apply to this Section.

“APPLICANT” is the owner of a site presented for approval for use as a planned development district under the provisions hereof, appearing personally or by authorized agent. (See “Landowner” also.)

“DENSITY” is the relationship of dwelling units to the area of the lot or tract upon which a residential structure is located or erected.

“HOME ASSOCIATION” is an incorporated, non-profit organization or trust, operating under recorded land agreements through which –

- A. Each lot and/or homeowner in a planned development district or other described land area is automatically a member;
- B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property; and

C. The charge, if unpaid, becomes lien against such property.

“INFILL DEVELOPMENT” development that optimizes prior infrastructure investments and consumes less land that is otherwise available, resulting in efficient utilization of land resources, more compact patters of land use and development, reinvestment in areas that are targeted for growth and have existing infrastructure, and more efficient delivery of quality public services. Furthermore, those properties designated as infill eligible lots as recorded at the time of approval

of the infill ordinance and/or those determined by the Planning Commission and City Council as eligible through the infill development review process. Originally approved properties are catalogued online at:

<https://cityspartanburg.maps.arcgis.com/apps/webappviewer/index.html?id=253f9e17f4064b7b9139c07768e4a4b6>

~~C. - and were determined as properties that were 1-3 acres in size at time of approval. The catalogue is also available in excel format from the Planning Department.”~~

“LANDOWNER” shall mean all the legal or beneficial owner or owners of all the land proposed to be included in a planned development district. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other persons having an enforceable proprietary interest in such land, shall be deemed to be a Landowner for the purpose of this Section. (See “Applicant” also.)

“LOT AREA” is the horizontal plane, bounded by the front, side, and rear lot lines.

“LOT AREA REQUIREMENT” for use in this Section and this Section only, shall be interpreted as the lot area required for the planned development district as a whole, and not the lot area required for each particular structure placed in such planned development district. For calculation of such lot area required refer to Section 507.72.

“NET PROJECT AREA” shall include all land within the area intended for use for residences and usable open spaces. It shall not include areas for interior roads, parking areas, areas for nonresidential commercial use or land subject to recurring floods, swamp or marsh land. Such areas shall be excluded in computing the net project area.

“NONRESIDENTIAL USES” are uses which are of a religious, cultural, recreation, and convenience commercial character to the extent that they are designed and intended primarily to serve only the convenience of the residents of the planned development district, provided that the nonresidential uses shall conform to the requirements hereinafter set forth elsewhere in this Ordinance.

“PLAN” shall mean the proposal for development of a planned development district, including a plat or subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, usable open space, and public facilities. The Plan shall include such information as required by this Section of this Zoning Ordinance.

“PLANNED DEVELOPMENT DISTRICT” shall mean an area of land, controlled by a Landowner, to be developed as a unified project and single entity for a group of structures or a single structure and a number of dwelling units primarily for residential use, the Plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one residential or commercial district established by any other Sections of this Zoning Ordinance.

“SIGHT-PROOF SCREENING” is an enclosure which provides a visual barrier between adjacent property and the area enclosed and shall contain no advertising on it.

“SINGLE OWNERSHIP” shall mean the proprietary interest of a Landowner, as herein defined.

“USABLE OPEN SPACE” is that required portion of a lot at ground level, unoccupied by principal or accessory buildings and available to all occupants of the building. This space of minimum prescribed dimensions shall be unobstructed to the sky and shall not be devoted to roads, service driveways or off-street parking space and/or loading berths but shall be usable for greenery, drying yards, recreational space and other leisure activities normally carried on outdoors. Where and to the extent prescribed in Section 507.9 (B) roof areas may be considered usable open space.

507.3 Planned Development District Zoning Districts. ()**

In addition to the Zoning Districts established by Section II, § 201 of this Ordinance, the following zoning districts are hereby established for purposes of planned development districts:

- (1) R-15 PDD
- (2) R-12 PDD
- (3) R-8 PDD
- (4) R-6 PDD
- (5) GID PDD
- (6) LOD PDD
- (7) B-1 PDD
- (8) D-T4, D-T5, D-T6 PDD
- (9) B-3 PDD
- (10) B-4 PDD

507.4 Rezoning and Standards Necessary for Project Approval.

The Planning Commission shall consider the proposed planned development district in the same manner they review zone changes. In addition they shall review the submitted plans to determine conformity with the standards established by this Section, so as to achieve a maximum of coordination between the proposed development and the surrounding uses, the conservation of woodlands and the protection of water courses from erosion, siltation and pollution as required in Section V, 501.12 of this Ordinance.

To these ends the Planning Commission and City Council shall consider the location of buildings, parking areas and other features with respect to the topography of the area and existing features such as streams and large trees; the efficiency, adequacy, and safety of the proposed layout of internal streets and

driveways; the adequacy and location of usable open space provided; the adequacy, location and screening where required; if the planned development district is consistent with the Comprehensive Plan; if the planned development district can be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site, with special consideration of architectural design and compatibility, and such other matters as the Planning Commission and the City Council may find to have a material bearing upon the standards of this Section and the objectives of the Planned Development District Zone Regulations.

507.5 Minimum Project Area.

507.51 The minimum project area permitted in a residentially zoned planned development district shall contain a gross area of not less than three (3) acres OR a gross area of not less than one (1) acre for projects on infill lots. The minimum project area permitted in a commercially zoned planned development district shall not be less than one (1) acre. (*)

507.52 The minimum project area shall be adaptable to unified development and shall not have within or through the area any freeway or multi-lane thoroughfare as defined by the SPATS Plan which because of its physical nature would tend to destroy the neighborhood or project cohesiveness.

* (Amended by Council 7/10/78)

** (Further Amended by Council 10/8/01)

~~physical nature would tend to destroy the neighborhood or project cohesiveness.~~

507.6 Uses Permitted in a Planned Development District Zone.

507.61 Residential Uses Permitted. Single family, two family and multi-family dwellings in detached, semi-detached, attached or multi-stored structures or any combination thereof.

507.62 Nonresidential Uses Permitted in a Residential Planned Development District Zone. Nonresidential uses of a religious, educational, commercial, or recreational character to the extent that they are to be designed or intended for the use of the residents of the planned development district. The burden shall be on the landowner to show that the nonresidential uses of a commercial character are intended to serve principally the residents of the planned development districts. The Nonresidential permitted uses shall be allowed only the extent that the Planning Commission and City Council find them to be designed to serve primarily the residents of the planned development district; and compatibly and harmoniously incorporated into the unitary design of the planned development district. Buildings designed or intended to be used, in part of whole, for nonresidential used shall be constructed according to the following:

- A. Seventy-five percent (75%) of the approved dwellings units must be physically constructed prior to any nonresidential commercial use construction.

- B. The only nonresidential uses permitted within a residential planned development district are:
- (1) Art and school supply stores
 - (2) Barber and beauty shops
 - (3) Bakery and dairy product stores, retail sales only
 - (4) Candy and ice cream stores
 - (5) Drug stores
 - (6) Dry cleaning and laundry receiving and pick-up stations, processing to be done elsewhere
 - (7) Grocery and meat markets
 - (8) Hardware stores
 - (9) Laundromats, automatic, self-service only
 - (10) Newspaper distribution agencies for home delivery and retail trade
 - (11) Offices, business or professional
 - (12) Package liquor or part supply stores
 - (13) Shoe repair shops
 - (14) Schools, public and private
 - (15) Churches
 - (16) Parks, forest preserves and recreational areas
 - (17) Restaurants not including the drive-in type or take-out facility
 - (18) Golf courses, swimming pools and clubhouses
 - (19) Real estate offices only in conjunction with a planned development district, limited to selling or leasing of units in such development
 - (20) Temporary buildings for construction purposes for a period not be exceed beyond the completion date of such construction.

All nonresidential uses permitted above are intended for the exclusive use and convenience of the occupants and their guests of the planned unit development.

507.63 All planned development districts with less than six hundred (600) dwelling units, the convenience commercial uses shall be limited to the ratio of one thousand (1,000) square feet of gross floor area of non-residential uses per one hundred (100) dwelling unit.

507.64 All nonresidential uses within a planned development district with more than six hundred (600) dwelling units, the convenience commercial uses shall be limited to the ratio of three thousand (3,000) square feet of gross floor area of nonresidential uses per one hundred (100) dwelling units.

507.65 Planned development districts located in the commercial districts are permitted to have any use permitted in the zone with no maximum floor area limitations.

507.7 Minimum Lot Area Requirements.

Section 507: Planned Development Districts (PDD)

The minimum lot area requirements for the total net project area of a planned development district for use in this Section, and this Section only, shall not be less than the following:

- (1.) **R-15 PDD** – Fifteen thousand (15,000) square feet of lot area for each dwelling unit, or ten thousand (10,000) square feet of lot area per dwelling unit for infill lot developments, except as provided in Section 507.71.
- (2.) **R-12 PDD** – Seven thousand (7,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71. In addition, all areas reserved for single family detached dwellings (lots) shall contain a minimum of 10,000 square feet of lot area per single family detached dwelling unit.
- (3.) **R-8 PDD** – Five thousand (5,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71. In addition, all areas reserved for a single family detached dwellings (lots) shall contain a minimum of 6,000 square feet of lot area per single family detached dwelling unit, and infill lots shall contain a minimum of four thousand (4,000) square feet of lot area per dwelling unit.
- (4.) **R-6 PDD** – Twenty-five hundred (2,500) square feet of lot area for each dwelling unit, or two thousand (2,000) square feet of lot area for each dwelling unit for infill lot developments, except as provided in Section 507.71.
- (5.) **GID PDD** – Two thousand (2,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71. (*)

* (Further Amended by Council 10/8/01)

- (6.) **LOD PDD** – Two thousand (2,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71. (*)
- (7.) **B-1 PDD** – Fifteen hundred (1,500) square feet of lot area for each dwelling unit, except as provided in Section 507.71.
- (8.) **D-T4, D-T5, D-T6 PDD** – No minimum lot area requirement is required if the usable open space requirement in Section 507.71 is fulfilled, otherwise a minimum lot area requirement of two hundred (200) square feet per dwelling unit is required.
- (9.) **B-3 PDD** – Five hundred (500) square feet of lot area for each dwelling unit except as provided in Section 507.71.
- (10.) **B-4 PDD** – Seven hundred fifty (750) square feet of lot area for each dwelling unit. Except as provided for in Section 507.71.

507.71 Project Density Bonuses.

Section 507: Planned Development Districts (PDD)

- A. In order to attract developers to utilize this Section, the applicant may be eligible for a ten percent (10%) density reduction upon application for a PDD zone change.
- B. The Planning Commission and City Council may further authorize a partial reduction in the lot area requirement in the planned development district net project area according to the following:
 - (1) For distinctiveness and excellence in design and landscaping, a maximum reduction of five percent (5%) or ten percent (10%) for qualifying infill development projects.
- C. If the Planning Commission and City Council find that any of the following conditions would be created by a reduction of the lot area requirement permitted by this Section, it may either prohibit any reduction in lot area, or limit the reduction in lot area by an amount which is sufficient to avoid the creation of any of these conditions:
 - (1) Inconvenient or unsafe access to the planned development district;
 - (2) Traffic congestion in the streets which adjoin the planned development district;
 - (3) An excessive burden on public parks, recreational areas, schools and other public facilities which serve or are proposed to serve the planned development district;
 - (4) A development which will be incompatible to the intent of Section 507.11; and

* (Further Amended by Council 10/8/01)

- (5) Any other condition which the Planning Commission and the City Council deem appropriate.

507.72 Calculation of Project Density. The Planning Commission and City Council shall determine the number of dwelling units which may be constructed within the planned development district by dividing the net project area by the required lot area per dwelling unit which is required in the district in which the planned development district is located, or as modified by any reductions in the lot area requirement permitted under Section 507.71 of this Section.

507.73 Qualification of re-platting properties for infill-type PDD. Properties not organized as viable 1-3 acre lots at the time of adoption of this ordinance shall not be given approval to re-plat until site has been reviewed and approved by Planning Commission, City Council, and staff. The final plat/resurveying shall be approved per the process outlined in section 507.15 of this ordinance.

A. Properties under 3 acres in size at time of adoption of this ordinance shall be permitted to add no more than 25% of the existing area by incorporating adjacent parcels into the site, so long as the addition of adjacent land does not cause the site to exceed 3 acres in size and/or create undersized parcels per the base zoning category.

507.72

507.8 Perimeter Setback Requirements.

All buildings shall be located within a planned development district project in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall conform to the following:

A. The front, side, or rear yard setbacks only on the perimeter of the planned development district shall conform to the abutting zoning district as provided elsewhere in this Zoning Ordinance.

(1) Infill developments shall match the existing front yard setbacks of surrounding dwellings;

(2) And side setbacks within the property shall be determined by the builder/developer;

A.(3) And corner lot infill projects shall have side street setbacks within the maximum and minimum of front setbacks for dwelling units within 500 feet on both sides of the street in either direction AND within ten (10) feet of the front setback for the nearest adjoining dwelling unit as the street-facing side façade.

B. For each foot of building height over thirty-five (35) feet in zones R-15 PDD, R-12 PDD, R-8 PDD and R-6 PDD, the distance between such building and the front, side and/or rear property lines only on the perimeter of the planned development district project area shall be increased one (1) foot for each two (2) feet the building exceeds thirty-five (35) feet in addition to the front, side and/or rear yards.

C. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development district, the City Council and Planning Commission shall impose either of the following requirements and may impose both:

(1) All structures located on the perimeter of a planned development district must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses; and

(2) All structures located along the entire perimeter of the planned development district must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

- ~~(2)~~D. Building Heights in Infill Redevelopment PDDs. New construction on infill PDD projects shall be limited to the maximum height as established by the base zone

507.9 Usable Open Space Requirements.

- A. In residential planned development district zones usable open space shall be provided in whole or in part to any residential use as set forth below and conveniently located to all residents of the planned development district. Such usable open space shall be provided at ground level. The usable open space requirements for planned development districts in residential planned development district zones shall be as follows:
- (1.) **R-15 PDD** – Usable open space of not less than one thousand seven hundred (1,700) square feet per dwelling unit.
 - (2.) **R-12 PDD** – Usable open space of not less than seventeen hundred (1,700) square feet per dwelling unit.
 - (3.) **R-8 PDD** – Usable open space of not less than one thousand (1,000) square feet per dwelling unit or seven hundred fifty (750) square feet per dwelling unit for infill development projects.-
 - (4.) **R-6 PDD** – Usable open space of not less than seven hundred fifty (750) square feet per dwelling unit or five hundred (500) square feet per dwelling unit for infill development projects.-
- B. In commercial planned development district zones usable open space shall be provided on each lot devoted in whole or in part to any residential use set forth. In calculating the usable open space requirements in the commercial planned development district zones, (GID PDD, LOD PDD, B-1 PDD, B-3 PDD, B-4 PDD) there may be credited up to a maximum of seventy-five percent (75%) of the required open space area on any adequately surfaced roof deck being free of obstructions and improved and available for safe and convenient use to all occupants of the buildings, and in Zones D-T4, D-T5, and D-T6 PDD, there may be credited to the required open space area, an area of up to one hundred percent (100%) of the required open space in the form of an adequately surfaced roof deck being free of obstructions and improved and available for safe and convenient use to all occupants of the building. The usable open space requirements for planned development district in commercial planned development district zones shall be as follows: (*)
- (1) **GID PDD** – Usable open space of not less than five hundred (500) square feet per dwelling unit. (*)
 - (2) **LOD PDD** – Usable open space of not less than five hundred (500) square feet per dwelling unit. (*)
 - (3) **B-1 PDD** – Usable open space of not less than four hundred fifty (450) square feet per dwelling unit.

- (4) **D-T4, D-T5, D-T6 PDD** – Usable open space of not less than fifty (50) square feet per dwelling unit.
- (5) **B-3 PDD** – Usable open space of not less than seventy-five (75) square feet per dwelling unit.
- (6) **B-4 PDD** – Usable open space of not less than one hundred (100) square feet per dwelling unit.

* (Further Amended by Council 10/8/01)

507.10 Sign Requirements.

All signs in any residential planned development district shall be subject to the following conditions and requirements.

- A. The general regulations for all signs in residential planned development districts are as follows:
 - (1) The erection, construction, location, retention, or placement of any sign in or over the public right-of-way shall be prohibited;
 - (2) Merchandise such as tires, produce, and any other articles for sale shall not be located in any manner outside the principal structure;
 - (3) Non-accessory signs are prohibited;
 - (4) Roof signs are prohibited; and
 - (5) Motor driven, rotating, flashing or intermittent lighting signs of any kind are prohibited.
- B. Signs permitted in residential planned development districts with less than six hundred (600) dwelling units are as follows:
 - (1) Identification nameplates which identify a business occupancy, multi-family facility of planned development district project title, and shall not exceed four (4) square feet in area for each occupancy, provided, however, the total display surface of all such signs on a single property, building, or lot must not exceed twenty (20) square feet in area. In addition, all identification nameplates shall be lighted only by indirect illumination and shall be attached to and erected flat against the wall of a building at a maximum height of six (6) feet above the grade level;
 - (2) Signs of informational non-advertising nature for pedestrian or vehicular direction;

- (3) Temporary real estate signs not exceeding six (6) square feet in area with a maximum height of four (4) feet and no illumination is permitted; and
 - (4) Subdivision signs limited only to information pertinent to the development of the planned development district shall be permitted. However such sign shall not exceed seventy-five (75) square feet in area.
- C. Signs permitted in residential planned development districts with more than six hundred (600) dwelling units are as follows:
- (1) Signs permitted in Section 507.10; and
 - (2) One commercial accessory sign to identify an aggregate commercial use of property with a square feet with no flashing or intermittent lighting and maximum height of thirty-five (35) feet above grade. This commercial sign shall not be erected closer than one hundred (100) feet to the nearest property line of residentially developed and residentially zoned property.
- D. The general theme, plan or policy for all the signs proposed in a planned development district shall be submitted with the development site plan and any such approved plan or policy for signs shall be included as part of the approval of the site development plan. Due consideration shall be given to a harmonious relationship of signs to buildings within the development as well as to building adjacent to the development.

507.11 Off-Street Parking.

Parking shall be conveniently accessible to all dwelling units and other uses. Parking spaces required shall be pursuant to Section V, 504 of this Ordinance.

507.12 Pedestrian Circulation.

The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. Where infill developments border existing pedestrian infrastructure, the internal pedestrian circulation system shall connect to the pedestrian infrastructure in the right-of-way. This shall include, when deemed to be necessary by the Planning Commission and City Council, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, nonresidential areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

507.13 Utilities.

Whenever reasonably possible, all planned development districts shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping, and treatment of turf to handle storm waters, prevent erosion and the

formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the City of Spartanburg. A planned development district rezoning petition shall not approve unless adequate assurance is given that water and sanitary sewer service will be or is available.

507.14 Screening Requirements.

When nonresidential commercial uses or structures in a planned development district abut a residence or residentially zoned districts, or when nonresidential commercial uses or structures abut residential buildings in the same development, and all parking and loading areas, appropriate screening and transitional yards shall be provided as follows:

- A. A solid masonry brick wall with a minimum height of six (6) feet, or
- B. densely planted mature shrubbery having a minimum height, at time of planting, of six (6) feet, spaced a minimum of four (4) feet apart.
- ~~B.C.~~ Where infill developments feature interior side setbacks less than equal to the side setbacks of adjacent residential properties, the developer must provide neighborhood specific, contextually appropriate screening. Landscape plans for these developments shall reference the immediately adjacent residential properties for context, and must show how the site screening at time of construction/planting shall mimic the existing neighborhood screening and/or landscaped character.

507.15 Procedure for Review and Disposition of Planned Development Districts.

The following review procedures are intended to explicitly state the review procedure as well as the requirements for each stage of review. Approval or denial of a planned development district shall be recognized as a petition for a zone change and shall follow the following legislative process:

- A. Review Procedure.
 - (1) Planning Commission reviews a planned development district preliminary plan and rezoning petition and forwards recommendation to City Council;
 - (2) Upon receipt of positive recommendation, City Council schedules and holds a public hearing and either approves, denies or approves with conditions the preliminary plan in concept and rezoning petition; and
 - (3) If City Council approves the preliminary plan in concept and the rezoning petition, Council delegates responsibility to the Planning Commission for review of the final development plan.
- B. Pre-Application Conference.

Before submitting an application for a planned development district rezoning an applicant, at his option, may confer with the Office of Community Enhancement Manager to obtain information and guidance

before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data. All infill development projects shall also require at least one early-outreach meeting with residents and property owners in the surrounding project area prior to submittal.

C. Submission of PDD Rezoning Petition and Preliminary Plans. An applicant shall make application for rezoning for a planned development district to the Office of Community Enhancement. Accompanying such application shall be a processing fee of \$200.00 payable to the City of Spartanburg, none of which shall be refundable (*).

D. Preliminary Development Plan Content. The following information shall appear on the preliminary development plan:

(1) Detailed Plan - A drawing of the project area prepared at a scale of not less than 1"=100' and shall show such designations as proposed street (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

(a) Boundary lines - - bearings and distances.

~~(b)~~ Easements - - location, width, and purpose.

(b)

* (Amended by Council 8/9/99)

(c) Streets on, and adjacent to, the tract - - street name, right-of-way width, existing or proposed centerline, pavement type, walks, curbs, gutters, culverts, etc. (*)

(d) Existing utilities on, and adjacent to, the tract - - preliminary location and size of water mains; preliminary location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction and distance to, and size of, nearest water mains and sewers adjacent to the tract (*).

(e) Existing ground elevations on the tract - - for land that slopes less than one-half percent (1/2%) show one (1) foot contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half percent (1/2%) show two (2) foot contours. (*)

(f) Subsurface conditions on the tract, if required by the City Engineer—location and results of test made to ascertain subsurface soil, rock, and groundwater conditions; depth to groundwater, unless test pits are dry at a depth of five (5) feet.

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- (g) Zoning on, adjacent to, the tract.
 - (h) Proposed uses of each building or structure. (*)
 - (i) Title and certificates - Block Map Parcel Number; title under which the proposed development is to be recorded, with names and addresses of owners, and notation stating acreage. (*)
 - (j) Names -- the names and addresses of the persons to whom notices of hearings hereunder may be sent including the subdivider or developer, the designer of the subdivision or development, and the owners of the land immediately adjoining the land to be platted.
 - (k) Open space -- all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
 - (l) General location, purpose, and height of each building, other than single family residences on individually platted lots.
 - (m) May data -- name of development, north point, scale, and date of preparation.
- (2) Character -- Explanation of the character of the planned development district and the reasons why it has been planned to take advantage of the flexibility of these regulations.

*(Amended by Council 9/4/79)

- (3) Ownership -- Statement of present and proposed ownership of all land within the project.
- (4) Schedule -- Development schedule indicating:
 - (a) Phases in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each phase. Overall design of each phase shall be shown on the plan and through supporting graphic material. (*)
 - (b) Approximate dates for beginning and completion of each phase. (*)
- (5) Covenants -- Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development district and any of its usable open space.
- (6) Density -- Provide information on the density of residential uses, including dwelling units per acre, the number of dwelling units by type, and the number of buildings by type.

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- (7) Nonresidential use -- Provide information on the type and amount of ancillary and non-residential uses in residential planned development district, including the amount and location of usable open space.
- (8) Service facilities -- Provide information on all service facilities and off-street parking facilities.
- (9) The number, size and type of dwelling units. (*)
- (10) Facilities plans -- Preliminary plans for:
 - (a) Roads, including classification, width of right-of-way, width of pavement, and construction details.
 - (b) Sidewalks.
 - (c) Sanitary sewers.
 - (d) A Storm Drainage Plan in accordance with the City of Spartanburg Stormwater Standards.
 - (e) Water supply system.
 - (f) Underground lighting program.
 - (g) A Landscape Plan in accordance with Section V, 505 of the City of Spartanburg Zoning Ordinance
- (11) A completed rezoning petition form.

* (Amended by Council 9/4/79)

E. Review of Preliminary Development Plan and Planned Development District Rezoning Petition.

- (1) Within a maximum of sixty (60) days after the filing of the preliminary development plan and rezoning petition, the Planning Commission, at a hearing, shall review said plan and rezoning petition and shall forward the same to City Council with written report recommending that the preliminary plan and rezoning petition be approved, denied, or approved with modifications.
- (2) City Council shall give notice of this preliminary plan and rezoning petition in the local newspaper once before the date of the public hearing. After the first and second readings of the Ordinance the City Council shall approve, deny, table or approve with modifications the plan in concept and the rezoning petition, subject to the submission of a final development plan to be reviewed by the Planning Commission at a hearing.

F. Approval of Final Development Plan.

- (1) Within a maximum of six (6) months following the approval of the preliminary plan and the rezoning petition, the applicant shall file

with the Office of Community Enhancement a final development plan for the first phase. At its discretion and for good cause, the Planning Commission upon written request from the applicant may extend for six (6) months the period for filing of the final development plan. (*)

In the event a final plan of the first phase is not submitted within six (6) months following approval of the preliminary plan and the rezoning petition, and, in the event a six (6) months extension has not been applied for or granted, the City Council, at a public hearing, may rezone the property back to its prior zoning classification. (*)

- (2) A final plan or a final plan for a phase suitable for recording in the RMC (Register of Mesne Conveyance) Office shall be prepared. The purpose of the Planned Development District plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general. The final plan of the planned development district shall include, but not be limited to: (*)
 - (a) An accurate legal description of the entire area under immediate development within the planned development district:
 - (b) If subdivided lands are included in the planned development district, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.

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* (Amended by Council 9/4/79)

- (c) An accurate legal description of each separate unsubdivided use area, including usable open space.
- (d) Designation of the exact location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put.
- (e) Tabulations on each separate unsubdivided use area, number of dwelling units per acre.
- (f) Public facilities -- Final plans for all public facilities shall be submitted containing all information required in the preliminary plan and include invert elevations of sanitary and storm sewers with centerline elevations. All public facilities and improvements made necessary as a result of the planned development district shall be either constructed in advance of the approval of the final plan, or, at the election of the City, escrow deposit, irrevocable letters of credit in a form approved by the City, or performance bonds shall be delivered to guarantee construction of the required improvements. (*)

- (g) Covenants -- Final agreements, provisions, or covenants shall govern the use, maintenance and continued protection of the planned development district.
- (h) A landscape plan showing the location, type and size at installation of all proposed landscape materials, existing landscaping and trees to be retained on the site, as well as an identification of the existing trees to be removed that are eight (8) inches in diameter or greater, all proposed fences, walls, berms and any pertinent architectural elements associated with the landscape plan. This landscape plan shall be in accordance with Section V, § 505 of the City of Spartanburg zoning Ordinance.

G. Within a maximum of three (3) weeks following the date Final Approval by the Planning Commission of the final development plan, the applicant shall submit ~~3 stamped and sealed plats an 18" X 24" reproducible mylar~~ of the approved final development plan to the ~~Office of Community Planning and Zoning Department Enhancement~~ who, at the expense of the developer, shall record said Final Plan in the Office of the RMC (Register of Mesne Conveyance). The ~~mylar plat~~ shall contain the following information:

- (1) Graphic representation of the exact location of all buildings and accessory structures.
- (2) Land use characteristics in table form containing the following information:
 - (a) Gross project area in terms of acres.
 - (b) Net project area in terms of acres.

* (Amended by Council 9/4/79)

- (c) Approved density for the project in terms of lot area/D.U.
- (d) Approved usable open space for the project in terms of square feet of open space/D.U.
- (e) Total number of parking spaces.
- (f) Total number of dwelling units in the project.
- (g) Number and type of residential units in the project.
- (3) Types and square footage of floor spaces of all nonresidential uses provided:
 - (a) Graphic representation of all public easements and legal descriptions thereof, who the easement is conveyed to, the purpose of such easement, and any conditions relating to the use of the easement.
- (4) Legal description of the gross project area.

- (5) All public and private streets, roads and alleys included in the project shall be shown by their bearings, widths and names. All streets, roads or alleys not dedicated to public use shall be marked "private" and named. All curves, portions of streets, roads or alleys shall be defined by curve data including points of curvature, points of tangency, points of compound curvature, radii of curves, central angles and length and bearing of its long chord.
- (6) In the event streets in the planned development district are to be dedicated, a statement shall appear on the ~~mylar-plat~~ that the streets shown on it are dedicated to the use of the public.
- (7) The Planning Commission shall issue a certificate certifying the Final Approval of the planned development district, and the ~~Office of Community Enhancement Planning and Zoning~~ Manager and Chairman of the Planning Commission shall place their signature on such certificate which shall appear on the ~~mylar-plat~~. In the event said ~~platmylar~~ is not submitted three (3) weeks following the date of Final Approval, the Inspections Division shall not issue any building permits for the development or phase of a particular development until said ~~platmylar~~ is received.
- (8) In the event the planned development district is to be submitted for Final Approval in stages, the applicant shall submit reproducible ~~mylars-plats~~ for each stage of the development containing the information required above.

H. Control of the Planned Development District after Final Approval.

- (1) After the certificate of approval has been stamped on the reproducible ~~mylar-plats~~ and other prints of plans and signed by appropriate City officials, the use of land and the construction, modification or alternation of any buildings or structures within the planned development district will be governed by the approved and recorded final development plan rather than by other provisions of this Zoning Ordinance except the minor land use and engineering changes permitted by this Section.
- (2) After the certificate of final approval has been issued and the final plan recorded, no changes may be made in the approval final development plan except upon application to the appropriate agency under the procedures provided below:
 - (a) Major Land Use Changes. Changes which alter the concept or intent of the planned development district including changes in the approved public street or private drive construction standards, increases in density, decreases in proposed open space, changes in sizes of public and/or private sewer or water lines, other than services connections, resulting in less capacity, changes in the location of and types of nonresidential uses approved by the Planning Commission and City Council, change in the alignment of any street, drive, parking area or water or sewer line in excess

of twenty-five (25) feet, change in the location of any public easement, change in the proportion of housing types by more than fifteen percent (15%) of the approved dwelling unit count, a violation of any specific condition set forth by the Planning Commission and City Council and any changes in the final governing agreements, provisions or covenants. All such changed may be approved only by submission of a new preliminary plan and supporting data, following the “preliminary approval” steps and subsequent amendment of the final planned development district plan.

- (b) Minor Land Use Changes. The following minor changes to the approved final plan may be authorized by the Zoning Administrator upon written request by the developer and upon submission of detailed plans demonstrating the request change:
 - (aa) Decrease in density.
 - (bb) Increases in open space.
 - (cc) Changes in the proportion of housing unit types by less than fifteen percent (15%) of the approved dwelling unit count.
 - (dd) Increases in acreage of the planned development district providing that the acreage under consideration is ten percent (10%) or less of the gross site area, in which the increase can only be used for open space, accessory buildings or parking.
 - (ee) A density increase of not more than ten percent (10%) of the approved dwelling unit total, providing that the overall lot area requirement per dwelling unit of the district is not exceeded.
- (c) Minor Engineering Changes. The following minor engineering changes to the approved engineering plans may be authorized by the Director of Public Works in consultation with the City Engineer and others as required only upon written request by the developer and submission of detailed engineering plans demonstrating the requested change:
 - (aa) Changes in road alignment and parking lot location by twenty-five (25) feet or less.
 - (bb) Changes in the alignment of storm and sanitary sewers and water lines by twenty-five (25) feet or less.
 - (cc) Increases in the approved capacity of storm and sanitary sewers and water lines.

In the event a situation occurs where it is not clear whether a modification constitutes a major or minor change, the responsibility to make such determination shall be jointly vested

Section 507: Planned Development Districts (PDD)

with the Chairman of the Spartanburg City Planning Commission, the Zoning Administrator and the City Manager of his designee.

I. Relationship of Rezoning to the Plan.

- (1) Because a planned development district and related plans for an area are recognized as a legislative act under the provisions of this Section, no other development of any other kind shall be constructed on the land affected by the rezoning. In the event the land is sold, the buyer of the land will be expected to develop the land in accordance with the approved Final Plan for the area. If the buyer wishes to construct his project in a different manner he shall have his plans approved according to the provisions of this Section.
- (2) In the event construction has not commenced within two (2) years after the date of the Final Approval, the City Council, after a public hearing, reserves the right to rezone the property to its prior classification.



Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: DESIGN REVIEW BOARD

CITY RESIDENT: YES ___ NO SEX: M F RACE: WHITE

NAME: LUCY LYNCH

ADDRESS: 1023 THOMAS ROAD SPARTANBURG, SC 29302
Street City, State, Zip Code

BUSINESS PHONE: 864-415-5003 HOME PHONE: SAME EMAIL LUCYLYNCH1@GMAIL.COM

OCCUPATION: ARCHITECT

EMPLOYER: LUCY LYNCH ARCHITECT, 146 E. MAIN STREET

OTHER VOLUNTEER OR CIVIC ACTIVITIES: _____

SPARTANBURG DAY SCHOOL ALUMNI COUNCIL, SPARTANBURG ROTARY CLUB

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? I'M A SPARTANBURG NATIVE + LICENSED ARCHITECT
I HAVE WORKED IN OTHER CITIES AND RETURNED HOME TO PRACTICE AND BE PART OF THE EXCITING
MOMENTUM IN SPARTANBURG. MY GOAL ON THE BOARD WOULD BE TO ENSURE THAT FUTURE PROJECTS ARE
THOUGHTFULLY APPROVED IN ORDER TO ACHIEVE A WELL BALANCED SENSE OF PLACE IN OUR COMMUNITY

RECOMMENDED BY: RICKY RICHARDSON

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES ___ NO IF YES, PLEASE LIST: _____

1/12/2020
DATE

Return via FAX to (864) 596-2313. MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org