

**Planning Commission Meeting Minutes
May 19, 2022 @ 5:30 PM
City Hall Council Chambers**

Board Members Present: Dr. Phillip Stone, Mr. Warwick Spencer, Mr. Reed Cunningham, Ms. Lekesa Whitner, Mr. Jemar Brown. Jared Wilson and Mr. Mike Epps was absent. City Staff Present: Martin Livingston, Community Development Director; Nan Zhou, City Planner I; and Tia Keitt, City Planner II.

Roll Call

Dr. Stone: All right. I will call this meeting of the Planning Commission to order. My name is Phillip Stone and I will Chair these proceedings this 19th day of May in the year 2022. Let the record indicate that five members of the Planning Commission are present, two are absent, and therefore we have a quorum and are able to conduct business. Let the record indicate that the notice of this meeting has been posted and provided to the media 24 hours in advance as required by the Freedom of Information Act. I'm going to ask each Commission Member, starting with Mr. Brown, to identify themselves for the recording.

Jemar Brown: Jemar Brown, Commissioner.

Warwick Spencer: Warwick Spencer, Commissioner.

Dr. Stone: Phillip Stone.

Ms. Whitner: Lekesa Whitner, Commissioner.

Mr. Cunningham: Reed Cunningham, Commissioner.

Approval of meeting agenda

On a motion by Mr. Spencer, seconded by Mr. Cunningham, the agenda for the meeting was approved, by a vote of 5 to 0.

Approval of Meeting Minutes for April 21, 2022

On a motion by Mr. Cunningham, seconded by Ms. Whitner, the minutes of the meeting of April 21, 2022 was approved by a vote of 5 to 0.

Old Business:

Approval of the City of Spartanburg Comprehensive Plan

The next item of old business is consideration and possible approval of the City of Spartanburg Comprehensive Plan 2022. I look forward to saying that number a lot of times in the future. And we heard this the beginning of this last month, just to make sure everybody understands where we are, but we hadn't had the 30 days notice to officially approve it and recommend it to City Council, and so that will be possible tonight. Mr. Livingston, as our presenter.

Mr. Livingston: Mr. Chairman, Members of the Planning Commission, as we discussed in our last month's meeting, we had to provide a 30-day notice for the approval of the Comprehensive

Plan. We also had mentioned that there were two elements of the plan that needed to be added to the Comprehensive Plan. We have been in discussions with the consultants, TPUDC, to add the two elements, which is the resiliency element as well as the priority investment area elements. In discussion with them they indicated that it would take them some time to put that document, that information, together. They're actually putting together a cost to do that work as well as a timeframe, and we've asked them put some attention on the priority investment area because that will involve some staff consultation and some other consultations with other agencies. The resiliency element, they believe that they can provide some additional information from the information already collected, but the priority investment area is where they're going to need some additional time to provide more information about that.

When they do provide that information, they will provide that to staff, and we can share that with the Planning Commission as well as City Council. The Comprehensive Plan and the State law does allow for portions of the Comprehensive Plan to be adopted separately. The Commission can adopt separate elements as they're approved, we can also adopt the implementation plan as it's developed. We had some discussions internally among staff about what that looks like in terms of the implementation strategy. That may involve taking the 313 recommendations, narrowing that down to the top 10% of the recommendations in order to accomplish the majority of the strategies. That would be internally, but it may also involve several other agencies and organizations, such as for economic development, the OneSpartanburg, for trails, PAL, and other organizations that may need to be involved as well.

So staff is recommending approval of the Comprehensive Plan. There is some text that needs to be corrected and some structural issues that to be added. One of the structural items that we are considering adding to the Comprehensive Plan is there's a map of the different neighborhoods of Spartanburg. We're thinking about adding all the neighborhood presidents that serve those neighborhoods that are active. So we're adding that along with some changes that were recommended by the public when they saw the final draft as well. We can take public comments and I can answer any additional questions you may have regarding the process.

Dr. Stone: Does anyone on the Commission have a question for Mr. Livingston at this point?

Mr. Cunningham: Yeah, I do. If I understand correctly, we could approve the Comprehensive Plan without these modules that are being prepared, correct? We could approve an implementation schedule effectively without the modules?

Mr. Livingston: That's correct, we can do that. The State law does allow you to approve elements of the plan. You can approve the entire plan, but it does allow you to approve and maybe even change the elements of the plan. Those items will have to go through a 30 day process for approval, similar to the Comprehensive Plan. And then also we do want to have public participation for the resiliency element and the priority investment element. So we're thinking that could take a couple of months to add that, but we did not want to wait to adopt the Comprehensive Plan, but it's certainly the Planning Commission's and Council's choice to decide.

Mr. Cunningham: I would be in favor seconding an approval of the timeline once I can see what staff considers is the final draft. If you wanted to approve elements of it would you provide us a draft of the elements to be approved, is that how it would work?

Mr. Livingston: Yeah, we would probably come to you with some type of final document that says this is what the final two elements would look like. And we're going to ask the consultants if they can incorporate the final two elements as part of Comprehensive Plan itself, but we will share the final two elements.

Dr. Stone: So we would be considering the elements that are in this book at the moment would be what we could approve and recommend to Council tonight. And then the motion could be to approve it with the understanding that there are two remaining elements to be presented.

Mr. Livingston: And the implementation strategy.

Dr. Stone: And the implementation strategy.

Mr. Cunningham: But has staff finalized this final document, and there are no additional changes to be made?

Mr. Livingston: There's some minor changes like text spelling. There are some minor changes that need to be made there.

Dr. Stone: That are largely editorial in nature at this point?

Mr. Livingston: Yes, they are.

Dr. Stone: A misspelling or something like that?

Mr. Cunningham: I would like to see that. If we're going to vote on this full document and we have the changes in a red line version, or whatever process you're using, if you're looking at it to make it, then I'm sure it's important.

Mr. Livingston: Yes, we can do that. If you'd like to see the changes that we would like to make, we certainly can hold off tonight and request the changes from the consultants and to bring that back before the final recommendations.

Mr. Cunningham: Well, I don't know to what significance the changes are. When you say typographical or you're correcting spelling errors, that's one thing, but I think we should vote on a complete document.

Mr. Spencer: Is it fair to assume, Mr. Livingston, that given the staff's recommendation and the fact that your characterization of the remaining changes that need to be made are, I would say it's fair to say, relatively minor, that we could tonight approve the Plan for City Council, recommend it to them, and that those changes, between now and the time that the City Council would review the document, could be incorporated without any difficulty?

Mr. Livingston: Between now and the City Council meeting we could certainly attempt to make the changes and send you something for review and send it to City Council. But final changes probably will not be made until we send it to the consultants, and they will make the changes, the text changes as well as any structural changes that need to be made.

Dr. Stone: Is this, the document itself, the digital version that they're probably working off of, I'm assuming that at the moment is still in the hands of the consultant, that you can't walk back over to your office and edit a paragraph.

Mr. Livingston: I can, yes.

Dr. Stone: You can?

Mr. Livingston: Yes.

Dr. Stone: Okay. But we're going to send any of those editorial changes back to TPUDC and let them just-

Mr. Livingston: There's one structural change, which is adding the neighborhood presidents, that's not something we can do on our end, that's something that we're recommending they do. You also asked for some additions to the Planning Commission members that need to be added, they may need to make some structural changes to that page as well. While we can add it, it may shift a lot of the other items and we wanted to make it continue to look professional.

Dr. Stone: Sure.

Mr. Spencer: So just to reiterate, your recommendation tonight, yours and the staff's, remains that we resolve to approve the Comprehensive Plan and send it on to the City Council for their approval. And there's no prohibition or concern, no prohibition from a legislative standpoint and no concern from your standpoint, with regard to these additional minor changes, which need to be made and can be made in the course of the movement of the Comprehensive Plan through the approval process. Is that fair?

Mr. Livingston: That's correct.

Ms. Whitner: Were there any parts of the Comprehensive Plan that didn't have any corrections in it?

Mr. Livingston: That didn't have any corrections?

Ms. Whitner: Right, any typos.

Mr. Livingston: What do you mean by 'any parts'?

Ms. Whitner: So is there a section in there..?

Dr. Stone: Like if you were talking about the housing element, or the transportation element, or-

Ms. Whitner: Yeah. One piece that is a hundred percent no errors, or is there an error in each of those sections?

Mr. Livingston: There might be a minor error in each of those sections, but again, most of those were spelling corrections.

Ms. Whitner: Right.

Mr. Livingston: There is a section on the education where we were asked to put private schools, majority of the information was public schools. That's one area where we may need to, again, get TPUDC to make sure that that's added as well.

Mr. Spencer: And Mr. Livingston, it's my understanding, and correct me if I'm wrong, that the Comprehensive Plan is a living document and we anticipate that it will evolve over that time. It is a target for our community long term, but nevertheless, these sorts of changes, additions, resetting of priorities, that sort of thing, that's not unusual that that would continue over the course of the next decade, as this plan is resolved and adopted and implemented. Is that fair?

Mr. Livingston: One of their recommendations of residents is that we continue to have discussions about the Comprehensive Plan, report to the Planning Commission and Council annually about the Comprehensive Plan. And then residents also want us to follow the State legislation which requires a five year update of the Comprehensive Plan. So based on their recommendations every year staff should be presenting something to the Planning Commission. Residents are recommending an annual presentation to City Council, and that would give City Council an idea of how items are being implemented in the plan.

There was another recommendation that whenever staff members bring something before Council for approval, that we connect it back to the Comprehensive Plan in some way. There was some discussion about that at the last Planning Commission meeting, but also during our discussions about the Comprehensive Plan when we held community meetings. And so there's an opportunity to hear this monthly at the Planning Commission level, and to note anything that we may need to adopt or change. We certainly can do that in house once it's released by TPUDC and we have a complete document, we can make minor changes if necessary, spelling changes, over time. We can even have a complete update in the five year period, but those were some of the recommendations where the Comprehensive Plan is referred to consistently.

We do that now with the Northside Transformation Plan. Whenever we present something to the City Council, we state, "This acquisition or this purchase of property is consistent with the development of the Transformation Plan." We're doing something similar for the Highland neighborhood as well, and so here with the Comprehensive Plan we can do something similar. I believe staff will do that, and we may even do that whenever we do rezonings, take it to City Council, and say, "It is consistent." Well, we do that now. We say it's consistent with the Comprehensive Plan, but if we're doing something outside of a zoning ordinance amendment or the adoption of a new zoning ordinance, we'll refer back to the Comprehensive Plan.

Mr. Spencer: And you mentioned the Northside neighborhood plan and the Highland neighborhood plans, how will those dots be connected to the Comprehensive Plan so that we can be following that plan as implemented and as given voice by the community and based on their input, to ensure that the development within the city is consistent with those plans? How do you envision that happening?

Mr. Livingston: So Council and the Planning Commission can request a presentation about the status of those neighborhood plans. I know on some instances the Northside plan has been presented to Council, including an update. Council and Planning Commission certainly can recommend presentations on the status of plans and ask the speakers to present who are involved in those efforts. To certainly update the Commissioners on the Highland Neighborhood Transformation Plan, we're deeply involved in that. We can certainly ask for someone to come and speak regarding the Northside Neighborhood Transformation Plan as well.

Mr. Cunningham: If there are conflicts between the three, who resolves those and how are they resolved?

Mr. Livingston: So there's typically not a conflict between the Comprehensive Plan and the neighborhood plans, because the consultants that put the plans together have to refer back to the

Comprehensive Plan to make sure that their neighborhood plans are consistent with the Comprehensive Plan as well. In this case, we have two Comprehensive Plans that were based on the 2004 Comprehensive Plan, so the question is, are they still aligned with the 2022 Comprehensive Plan. I could tell you that the TPUDC team looked at both the Highland and the Northside plan before developing our Comprehensive Plan, to see if there are any conflict or inconsistencies. And so as we go through the Highland plan and the Northside plan, we'll be looking for those as well as the other staff.

Mr. Cunningham: Even those suggestions by I guess survey, who will make the decision whether we have an annual update or a five year update? Who has that responsibility?

Mr. Livingston: As far as Council is concerned, that would be Council that does the updates. The Planning Commission can recommend, because it's in State legislation, that we complete a five year update. Planning Commission can make a request or recommendation for an update to the Comprehensive Plan. You can do that, you can make that request.

Mr. Spencer: But as of right now, it has been 18 years since we have had a Comprehensive Plan.
Mr. Livingston: About, yes.

Mr. Spencer: And it's your recommendation that we get going.
Mr. Livingston: Yes, it is.

Dr. Stone: Any other questions? If not, I will open a public hearing to see if there's any public comment about the Comprehensive Plan as presented.

Dr. Stone: Anybody who wants to speak about the Comprehensive Plan, come on up.
Sherry Barrett: Good evening, thank you for the opportunity to speak.

Dr. Stone: Evening.

Sherry Barrett: My name is Sherry Barrett, I'm the Land Policy Manager with Upstate Forever. I submitted comments last month and you gave me opportunity to speak then. At that time I know Martin had thought that these other elements maybe would be ready. Hearing the update that Martin gave tonight, it's been 18 years, I highly recommend you take the few months to complete the plan, get it right. You want this to be something the community was part of it, you want this to be something that's posted and that you're proud of. To me, if it's a document that's still riddled with typographical errors, if there are a few substantive additions that need to be made just to different sections, on the education front or whatever it is, to me, it's been 18 years, the process has been over 2 years, take the extra months and get it right, and let's be proud of this. That's all I have to say.

Dr. Stone: Thank you.

Speaker 2: Thank you.

Dr. Stone: Anybody else? Seeing none, I guess I will close the public hearing. And we are at Commission deliberation, so our options at this point, as I see it, are to recommend with the understanding that two elements are missing, or to... I don't get the sense that... if we're delaying, we're not delaying for a month. We may be delaying for a month for editorial corrections, but we're not delaying a month for those two missing elements, I don't think we'll have those two missing elements in a month, and so we're then in a waiting game. I'd like to get the land use element approved, just so that we have a basis for continuing to do rezonings, myself, but I'm open to the will of the Commission.

Ms. Whitner: Martin, did you by chance tell us how long it would take them to fix the corrections or typos? Did we get a timeline established?

Mr. Livingston: I didn't provide a timeline, but it probably would take maybe two weeks to correct the text amendments, two, three weeks. If you do approve it, it has to go before Council on June 13th. We have to provide a public notice before it goes to Council. If you do decide to wait, we can certainly bring that timeline back to you in the next month about what it'll take. I suspect it's going to be another two or three months before we actually get everything, the two elements approved. It could be several more months for the strategies, because we need to consult with some other departments and agencies.

I'm hoping we can have all of the strategies completed by the fall, but we're going into the summer and folks take time off, you know how difficult it is to get in touch with folks during the summer months, so that may be the challenge with the implementation strategies. But I do not believe the elements that are missing, two elements, should take more than three months. Again, I haven't heard, we know that our consultants are working on those final two elements, but I don't know how long that will take yet.

Ms. Whitner: But we don't know if they're working on the typographical errors?

Mr. Livingston: They're not working on the typographical errors, we're going to be doing that and sending that to TPUDC, to review that systemically.

Dr. Stone: How many are there? Are we talking 20 typos, 200 typos?

Mr. Livingston: The number that I saw, just the initial number that I saw, was probably closer to 20.

Dr. Stone: Okay.

Mr. Cunningham: And Chair, I am strongly of the opinion that we should approve a finished plan. Not a partial plan, not a plan that's almost correct, not a plan that's almost finished. It's noted that we have waited 18 years, the lack of this plan is not obstructing progress of this group, as we see. If there is a segment within the plan or segments that are finished that could be passed and implemented, sent to Council and then used. And for that, I'm in favor of that, but to take the plan without the elements that are being prepared, and say, "There are just a few mistakes in there," and send it on for approval, I am not in favor of that. That's really insane. It's tantamount to a contract with the public, and I have never signed a contract unless it was correct. I don't mean to be an obstructionist but that's how I feel.

Mr. Spencer: If a Comprehensive Plan is not approved and recommended that it be moved to City Council for a vote, as zoning issues arise and come before this body, what rules will we apply? What plan elements will we apply? Will we continue to apply the 2004 plan, or will we begin to let this 2022 plan begin to guide our decision making and the vision for the city?

Mr. Livingston: We can refer to the current as information, as you will see tonight, we have a rezoning case, where we've used the 2022 comprehensive plan for information only. It cannot be used to make decisions on rezonings. We have to use the previous plan. We can provide information on it, as part... This is what's in the comprehensive plan for 2002 relayed back to the rezoning request, rezoning case, or methods. We can certainly do that.

If you decide to hold off on the comprehensive plan, we will just need to make the public aware and council aware, if they do ask, "What's the hold up?"

Mr. Cunningham: Could the land use segment be approved?

Dr. Stone: That's kind of what I was going to ask as well. And it may not be able to be approved tonight. Because I would... I find Mr. Cunningham's argument persuasive, honestly. I had hoped to be able and come approve what we have tonight. And I don't think 20 errors is riddled with typos obviously, but I'm also thinking it ought to be... If there's stuff that we know isn't quite right yet, I would have approved it even with two missing elements to go to... I would have been okay with that but I'm also willing to wait a little longer. But if we could get that one element into... if we knew that one was good, I would... maybe we could approve that next month so that we could get that one underway.

Dr. Stone: Land use element... Future land use map. Because I think that future land use map is what we can then... If Council would also bless that, we could begin to use that as our primary basis, right?

Mr. Livingston: If it's under the legislation, I understand yes.

Dr. Stone: Okay.

Dr. Stone: Yeah. Is there a motion to table is matter until the June meeting?

On a motion by Mr. Spencer, seconded by Mr. Cunningham and Ms. Whitner, the motion to table the item until next months meeting, by a vote of 5 to 0.

Dr. Stone: Any opposed? And it is done. We will be back on this next month. And we will... And just to be clear, what we're hoping for is to be able to... If the elements can be corrected, if all the elements can be in place except for the two missing, that we might be able to do that. And certainly the land use element would be good to approve, and the future land use map would be good to approve in June if that's possible. And then we'll see where we are on the other records.

Mr. Spencer: And Mr. Coler will confirm that.

New Business:

Dr. Stone: And Mr. Coler will confirm, the city attorney will confirm whether we can begin to use at least the land use element, is a factor. All right, the next item for business, a new business. The planning commission has received a rezoning request regarding the property located at 2721 and 2751 East Main Street to change the current zoning status of B-1 to B-1 planned development district. Ms. Keitt?

The Planning Commission has received a rezoning request regarding the property located at 2721 and 2751 E. Main Street (TMS: 7-09-00-024.00 and 7-09-00-024.01); to change its current zoning status of B-1 to a B-1 PDD (Planned Development District). The applicant is seeking a rezoning in order to build townhomes with more flexibility and creativity outside of the B-1 zoning requirements per the City of Spartanburg Zoning Ordinance. (Owner: Diane L. Allen / Applicant: Dustin Kinnunen, Jupiter Contracting).

REQUIRED FINDINGS

The City of Spartanburg requires rezoning applications to meet certain criteria and the Planning Commission must take the following findings of reasonable conformance in order to recommend a change of zoning.

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

ANALYSIS OF REQUIRED FINDINGS

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

1. Consistency (or lack thereof) with the Comprehensive Plan

The 2004 Comprehensive Plan provides the historical context of this area: *The Hillbrook neighborhood is situated at the eastern edge of the City. A large portion of the area was annexed into Spartanburg in 1989. Zoning was established to reflect existing land use. The neighborhood is bordered by East Main Street to the north and FemwoodGlendale Road to the west. Webber Road crosses through the approximate center of the area in a north-south direction, and Zion Hill Road forms the border of the neighborhood, as well as the city limits, to the northeast... Since 1999, the zoning in this area has changed from B-4, Heavy Commercial to a less intense use of B-1, Neighborhood Shopping District and R-15 Single Family District. These zoning designations are in conformance with the planning designations of the 1999 Comprehensive Plan.*

The not yet adopted 2022 Comprehensive Plan continues the existing zoning designations for East Main Street. Infill development opportunities are encouraged on vacant lots along the East Main Street corridor. The proposed townhome development is consistent with the 2004 & 2022 Comprehensive Plan.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood**

A townhome development is compatible with the present B-1 zoning. Multifamily residential is the only housing product allowed in the B-1 zoning district. B-1 is defined as Neighborhood Shopping, which is perfect for the East Main Street Corridor.

From the Zoning Code:

These districts [B-1] are intended primarily to serve the needs of the surrounding residential neighborhood, providing goods, and services that are day-to-day needs, generally classed by merchants as “convenience good and services”. Businesses which might tend to be a nuisance to the immediately surrounding residential developments are excluded, even though the goods or services offered might be in the convenience category or classification

Townhouses are a style of multi-floor home that share one to two walls with adjacent properties but have their own entrances.

From <https://www.bankrate.com/real-estate/what-is-a-townhouse/>

A multi-family home is a single building that’s set up to accommodate more than one family living separately. That can range from a duplex, which has two dwellings within a single building, to homes or small apartment buildings with up to four units.

From <https://www.bankrate.com/real-estate/what-is-a-multi-family-home/>

There are two single family homes just east of the site, both built in the late 1950s, prior to the City of Spartanburg adopting a zoning code. At this present time, these homes are considered nonconforming structures, while the proposed townhome development would be a conforming development. The Cypress Creek Community, located in the rear of this site is primarily zoning R-15, Single Family Residential District and is maintained by an HOA.

Diagonally across from the site is Eden Terrace, a Senior Living Community, however, the remaining properties along the East Main Street corridor are commercial businesses, fulfilling the requirements of the B-1 Zoning District.

3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment**

The site is suitable for the proposed townhome development. With B-1 permitting multifamily development, the bordering single family community in the rear of the site

continues a residential owner occupied environment. The proposed rezoning to a B-1 PDD gives the developer the opportunity to increase the housing density on the site, yet ensures that green space is located within the development while meeting the required setbacks. The proposed new 30 townhomes will have front and back yards, with green space in the rear, creating a insular community feel.

The increase in the number of residents contributes to economic development on the Eastside. Residents are within walking distance to the Ingles Market, Dollar General, and nearby restaurants.

4. **Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment**

The East Main Street Corridor is lined with a variety of businesses, including grocery stores, chain restaurants, mom & pop restaurants, and gas stations. The current zoning supports the marketability of the property and the site sits ready for a permitted development within the B-1 zoning district. A commerical development and/or a multifamily development will fit right in along this corridor.

Combining both 2751 & 2721 E. Main Street (proposed) provides just under 350 linear feet of street frontage which could either deter certain commerical real opportunities due to the site's small size, yet be the perfect development opportunity because of its quaint size and location. The site borders a single family residential district so this location may not work for certain approved B-1 businesses.

5. **Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use**

This site is within the City of Spartanburg, therefore sewer, water & storm water facilities are immediately available. The burden will be on the civil engineer to demonstrate how the proposed infrastructure is adequate to meet the need of the proposed 30 units. This will be worked out in the site plan review with the City of Spartanburg's engineering and planning department.

STAFF'S ANALYSIS & RECOMMENDATION

Given that multifamily residential is allowed in B-1, Staff recommends approval for the rezoning to a B-1 PDD. The proposed townhome development in the eastside increases not only the number of homes available, but provides the option to live along a commerical corridor that allows residents immediate options for shopping. The development meets the growth and conservation of the 2004 & 2022 Comprehensive Plan by offering infill development along the main thoroughfare through the City of Spartanburg.

According to Section I Adoption and Interpretation of the City Of Spartanburg Zoning Ordinance, § 105 Purpose, “The purpose of the zoning ordinance is to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.” This S.C. Code section states that the “Zoning ordinance must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” of properties inside the City Limits.

One of the reasons for the Comprehensive Plan and City Zoning Ordinance is to have zoning classifications that allow certain uses in conjunction with adjacent properties that may be considered “less intense” uses. For this reason, the purpose is to protect the less intense uses from adverse impacts on their property with regard, but not limited to, noise and/or light pollution, traffic congestion, and any other adverse impact that a higher intense use could cause on a surrounding less intense use.

WRITTEN PUBLIC COMMENTS

Notices were sent to property owners within a 400 ft. radius of subject properties. 11 Notices were sent regular mail and 4 sent through certified mail. A **planning information meeting** was held on Wednesday, May 11, 2022, at 5:30 PM at the City Council Chamber to discuss the rezoning request, review comments, and address concerns. The **Planning Commission Meeting** is Thursday, May 19, 2022 - 5:30 PM.

FUTURE PROCESS

Under State law, if the Planning Commission recommends approval of this application, staff will schedule the matter for another public hearing and First Reading of Ordinance by City Council on **Monday, June 13, 2022 - 5:30 PM**. If the matter receives first reading approval, it will then go before the City Council for a Second and Final Reading **Monday, June 27, 2022 - 5:30 PM**. The public hearings will be publicly noticed.

As a PDD- Planned Development District, the Developer must submit preliminary plans to the Planning Department within (6) months. Following Staff approval, the preliminary plans return before the Planning Commission for final approval.

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

On Thursday, May 19th at 5:30 PM the Planning Commission may act to support or oppose the application, with or without changes to the proposal. The Commission could also continue the matter if additional information, testimony or dialogue is deemed necessary.

Dr. Stone: I think we approved the final site plan.

Mr. Cunningham: I have a question.

Dr. Stone: Yes sir.

Mr. Cunningham: This purple section. Could you clarify what it is?

Ms. Keitt: Zoning is B-4, and it's Foster's Nursery.

Mr. Cunningham: It look like it encroaches on the R-15 blocks. Is that correct?

Ms. Keitt: Probably not and probably. Maybe for the sake of accuracy and boundary lines it should not, but in this image it does encroach.

Dr. Stone: So there's the overhead view and it's actually kind of funny. That property goes way back. But it seems to me like there's nothing built on that part of the property.

Mr. Cunningham: Yes. I was just wondering because I wasn't quite sure what the legend says it was and whether it did in fact overlap clear the views of the property.

Ms. Keitt: It does. There would be a question for a survey or a department the details.

Mr. Cunningham: Thank you.

Ms. Keitt: Traveling west there's over 26,000 vehicles on that road east into Spartanburg County using the SCDOT website and their traffic counts.

Ms. Whitner Is there additional development?

Dr. Stone: So I saw something recently, I think there is further out in the county, going towards Clifton. I've seen some development going but that's out of our jurisdiction.

Ms. Keitt: Are you referring to housing?

Mr. Whitner: Yes.

Ms. Keitt: Staff does recommend approval.

Dr. Stone: Any other questions for staff? I think at this point it's appropriate to hear from the developer or the representative if they would like to make some comments.

Dustin Kinnunen, developer, applicant.

Dr. Stone: All right, and I'm going to swear you in since you're presenting testimony. You swear to tell the truth?

Mr. Kinnunen: I do.

Dr. Stone: Thank you sir.

Mr. Kinnunen: So what we're trying to do is sell townhomes which would be owner occupied. In the current zoning state, somebody could build a larger apartment complexes, which we've talked to the staff here I guess. And they believe that owner occupied as well, Spartanburg needs, not large apartment complexes. So what we need is just really the lot width, the 50 foot minimum because you can build an apartment complex and it's all one long lot.

Mr. Kinnunen: So we are not exactly increasing density what could be, you know what I'm saying? I don't know the exact number you could get on it but it's not as many as they would be allowed right now new apartment complexes.

Dr. Stone: And we probably will ask staff to give us... Because they would probably do some math and figure out exactly what it could be under the current zoning if it were to be on which might be an interesting figure to compare it with.
So just to clarify, you were saying... your intent is to have owner occupied townhomes?

Dr. Stone: And that's what I was guessing looking at the preliminary site plan which you have it platted, that you've actually got parcels. And then there would be, I guess, a homeowner's association that would own the common property and-

Mr. Kinnunen: Yep. Our intention is to put on like a playground for the children. We're going to be selling them so it's going to be like affordable houses versus the price of single-

Dr. Stone: Hope not legally affordable housing, but yes.

Mr. Kinnunen: Relative to what single family homes are going for now. What we're looking at, this is what people are going to need in order to own their own.

Dr. Stone: What are you thinking is your price point roughly?

Mr. Kinnunen: I mean we've talked with the real estate agents and they think we're right around 270.

Dr. Stone: Okay.

Mr. Kinnunen: And you get almost 1500 sq ft with a garage with your own front and back yard with access to the playground and things like that.

Dr. Stone: Two or three bedroom?

Mr. Kinnunen: Three bedroom.

Dr. Stone :Three bedroom.

Mr. Kinnunen: Two and a half bath.

Mr. Kinnunen: Yep, they're all identical except for obviously the end units have more windows, but otherwise the layouts are the same.

Dr. Stone: Other questions. I jumped in and started asking questions. Go ahead, if anyone has a question.

Ms. Whitner: I love the idea of them being for sale, and that there's an affordable component. I do believe that access to leads to generational wealth. So I guess it's more of a question for the city and I think we have to ask this later to Martin, if the down payment assistance for the city, will it apply to these new units they're considering to develop. So the city limits, right?

Dr. Stone: It's in the city limits since we're considering.

Ms. Whitner: So I'll ask Martin later.

Mr. Kinnunen: Okay.

Ms. Whitner: Yeah. Will you be using local talent to help them build and develop?

Mr. Kinnunen: Local what?

Ms. Whitner: Talent.

Mr. Kinnunen: Oh, yeah. We're from Greer so we build in Spartanburg, in Greenville, we've got all local guys.

Ms. Whitner: Okay. So we have a talent pool here as well, so I just wanted to make sure that generational dollar within the economy.

Mr. Kinnunen: Yeah.

Ms. Whitner: ... from the Upstate.

Mr. Kinnunen: Yeah.

Ms. Whitner: One other question, will you be using any Minority businesses?

Mr. Kinnunen: I mean we... I don't know exactly who owns every single business we do. We have a lot of suppliers, we have a lot of subcontractors, people that we work with. I don't personally know all the owners of all the businesses so I couldn't say yes or no.

Ms. Whitner: Okay. Thank you.

Mr. Cunningham: I have two points. One, I understand that it is difficult for you to have a development within the trees and it's easier to start with a blank slate. What efforts, if any, can you take or do you typically take to conserve trees that are healthy and could be worked around. You mentioned playgrounds, some common area. Is that part of your evaluation?

Mr. Kinnunen: Yeah, for sure. We don't want to do more grading than we have to, those guys are expensive. So we'll definitely, in the green spaces not be mass grading it and turning it into all field for sure. The green spaces as are required by the city, but we're not trying to completely mass grade every drop of this land.

Mr. Cunningham: But the city will require you to plant certain of trees, but my question is more about the ones that exist.

Mr. Kinnunen: Yeah.

Mr. Cunningham: Can you or do you typically work around some? Because it is not possible to work around all of them.

Mr. Kinnunen: Yes. We do not take down any trees we don't have to.

Mr. Cunningham: Okay, yes. Second question. Talk to me about energy efficiency of the design having or incorporating windows, insulation that sort of thing to create efficient homes for power.

Mr. Kinnunen: Yes. I mean these are going to be as efficient as any modern home built today probably, more efficient because of the way they are built, they'll be less surface area in the outside. I mean we're not building extra thick walls for insulation but we're building new single-family homes right now that are going to go the same ways as these.

Mr. Cunningham: So, no unique features or efficiencies?

Mr. Kinnunen: I mean not really, outside of the fact that townhomes are just more efficient because of the surface area-

Mr. Kinnunen: Townhomes are just more efficient because of the surface area of the outside is so much smaller than one single home.

Mr. Spencer: Okay. Have you built any similar developments in the area?

Mr. Kinnunen: Not in Spartanburg, but in Greenville. The Dunegan Mills.

Mr. Spencer: I am sorry, what?

Mr. Kinnunen: It is called Dunegan Mills. It was not exactly like this, but similar.

Mr. Spencer: Do you have an address for it?

Mr. Kinnunen: It is Sams Way, there is 28 units, it was Sams Way, Greenville.

Mr. Spencer: I do not see anything on the plan for a playground, but maybe I'm missing something that's here.

Mr. Kinnunen: Yes, no. That was not given to our engineers when we had our green space and I've just been talking to everybody involved and we've been reaching out to people that live in similar situations like this and saying what brought you to want to move into this place? And one of them was a playground for our kids so we do not have to go far off because there's a safe spot nearby. Because obviously, with a townhome, you don't have as big of a yard as you would with a single-family home.

Mr. Spencer: Was that one of the items that you received some feedback on in the neighborhood public?

Ms. Whitner: Can you point around where that green space would be?

Mr. Kinnunen: Yes, just south of the retention pond. We are going to have X amount that we're required to have and we're not going to be grading out all that area and making it just grass. That's just an expensive... trees are better than just a field. The hope would be that it'll be along that edge and down just south, at the bottom where it's got the hammerhead.

Ms. Whitner: Just wondering. And I know you probably any type of wildlife conservation just to make sure we don't have any.

Mr. Kinnunen: I don't believe so. Our engineer's here, but I don't think that we've done any wildlife surveys.

Ms. Whitner: The only reason, being from the north side, we had some bats that were mating, and we couldn't do any work for years because of the mitigation.

Dr. Stone: Making bats. Wow.

Ms. Whitner: Yes, it was the thorn in our side. So, I just would hate for us to run into that again. So just to be thinking along those lines in the process.

Dr. Stone: That is a detention pond I'm seeing that will deal with some of the storm water runoff for that area, I'm assuming?

Mr. Kinnunen: Yes. Yes.

Mr. Cunningham: Typically homeowner's association once you turn it over. And they are required to maintain that.

Mr. Kinnunen: Yes. Yeah.

Mr. Brown: One question for you. I'm sure you were a part of the public hearing.

Mr. Kinnunen: Yeah.

Mr. Brown: So can you share what that experience was like for you and your organization? What type of feedback did you receive and how you responded to that feedback?

Mr. Kinnunen: It wasn't too bad. Honestly, it seemed like people were just concerned that we're going to ruin the pond from the neighborhood behind. But our engineer, he talked to everybody and you can't just do that. We have to follow the rules now, so that's why we have a retention pond that's going to make sure we're not putting silt into somebody's pond. And that seemed like that was most people's apprehension. Also, that they were concerned that we were going to build something really weird. But the reason why we need the PDD is because of the lot widths. Not that we want ultra-flexibility to do ultra-modern housing or something like that. Just, in order to do townhomes efficiently, you can't have extremely wide lots.

Mr. Brown: Thank you.

Mr. Kinnunen: But it was good. It went better than I expected it to.

Mr. Brown: Thank you.

Dr. Stone: We'll probably hear from some of those folks here in a minute. Other questions? All right. We'll give you a chance to say anything else after the public hearing. And I will offer anybody who wants to ask staff any follow-up questions. Anybody have one for Mr. Livingston. If you wanted to ask him what it was you were asked.

Dr. Stone: You want to go ahead and do the public hearing? All right, I will open a public hearing. The way this works is that anyone who wishes to address the commission about this topic can raise your hand and I will look for you and call you up. We'd ask you to state your name and address for the record and have about three or four minutes to make any comments that you would like to make. I saw that hand first.

Glenn Covington: My name is Glenn Covington and I am a resident of Cypress Creek development which is adjacent behind this property that is being proposed for development. I am also the property manager for the Cypress Creek Homeowner's Association. Our major concern about this property development, let me say this, we're not opposed to growth, as a homeowner's association. We have 55 homeowners in our association and we certainly are not opposed to growth. We just want smart growth. We do think the procedure, the site plan, the due process here, will take care of most of our concerns. But we want to express those concerns fully and adequately tonight, so that everybody understands our position regarding storm water drainage here. Did you include that information in the packet?

Okay, in your packet, you should have the StreamStat report. And that StreamStats report was done on our land, which indicates the drain basin for the property that is included in this development plan. The blue dot on that basin is a dam for our pond that resides on our property that the homeowner's association owns. It's a two and a half acre pond that Mr. Oley built back in the '40s. And then Cypress Creek was developed. We purchased, on the development agreement that our homeowner's association owns this pond and the adjacent property around it. You should also have a site plan on our development. Okay? The development property backs up to this area right here. And there's two streams that feed our pond. The proposed development site sits on a crest between those two streams. Those streams feed our only pond, Holbrook Lake, Hathaway Branch stream, and eventually Lawsons Fork Creek. So, we feel, as homeowners, that exceptional care should be taken to control the storm water runoff in this project, but in construction process and post construction.

We have five major concerns here. That the runoff during construction be controlled with no sediment flow into the Oley pond, and the common areas owned by Cypress Creek Homeowner's Association. The second concern is that the current stream flow rates be maintained and not exceeded. Exceeding the current flows pose a flooding risk for the homeowners who are located between these two streams and downstream of our pond. And it also threatens flooding, in and around our pond common areas.

The third area that we're concerned about is trenching over and under streams that border adjacent properties to the development property. If you look at the post site plan by the developer, if you're on Main Street facing a development property, to your right is Little John property that is between Fosters and development property. To your left is the Fowler property.

Both of those properties have origins for these streams. That's where they start at. So we're concerned about any trenching across those streams to gain access to the sewer line beside Ingles. We feel like the sewer line should be accessed on Main Street.

The third area of concern, if you look in the pictures that we provided you there, we have five bald cypress trees in our swamp, a lowland area. That lowland area is fed by one of these streams. We don't want to threaten those bald cypress in any way and threaten two properties in that low lying area that's set adjacent to that area. And the fifth concern we have is retention pond. The developers show a retention pond, which I think, if you go through the site here, we will have to visit that retention pond, but we're prepared to do that with the developer. But we would ask the city of Spartanburg that our retention ponds from Ingles, the retention ponds from the filling station across from Ingles, there's retention ponds for this proposed developer. We're concerned that those retention ponds that are in place now don't get inspected by the city and the city doesn't require owners to maintain the ones that are already in place. We find plastic and we find beer cans and everything in a low lying area because of what's currently there now. Yes, we're prepared to work with the city and reviewing site plan preparation for the project. These are our major concerns regarding this project.

Mr. Cunningham: I have a couple for you. The homeowner's association, do you collect dues that are designed to help manage the silt buildup in this pond?

Mr. Covington: Our dues are \$150 for household per year.

Mr. Cunningham: Okay. The pond, is it a recreational pond? Or just a cosmetic? Do you fish in it?

Mr. Covington: Yes, we do fishing, yes. We throw the fish back in, though.

Mr. Cunningham: On the inbound creeks, you said there were two?

Mr. Covington: Yes.

Mr. Cunningham: Have you constructed forebays to help manage the silt building up in the pond? And then forebay is a structure that goes across the creek, which in some cases has boards that contains the silt out of the pond, then you excavate the silt annually as part of the lake maintenance.

Mr. Covington: We have not constructed anything like that. I'd be interested in getting some information that, though.

Mr. Cunningham: Have you every had to excavate pond to manage the silt buildup?

Mr. Covington: We have excavated one time in a small way to maintain flow of that one stream.

Mr. Cunningham: I live on a piece of water that deals with silt with the other homeowners and it is a constant battle.

Mr. Covington: Yes.

Mr. Cunningham: We are the recipient of that construction and development on us to manage the silt in accordance with the law, but we're the guys that pay to have the silt removed. So I was just curious whether you have... because it looks like you have a fair amount of buildup in some parts of the pond.

Mr. Covington: Yes, we do. We understand as a homeowner's association that we have to maintain that pond and that cost burden is us. But we also are noticing the fact that silt that's produced by a development like this should not be coming in our pond.

Mr. Cunningham: Thank you.

Dr. Stone: Okay? Thank you.

Mr. Covington: May I get, from Dustin, the company that he represents?

Mr. Kinnunen: Jupiter Contracting.

Mr. Covington: Jupiter. Do you have a business card?

Mr. Kinnunen: Yeah.

Mr. Covington: Okay.

Mr. Spencer: Who else would like to speak? Mr. Brady come ahead and we'll get you ready to go next.

Katie Hill: Hi! My name is Katie Hill. I was actually out of town last week when the informational meeting was held. So I wasn't able to come. But he has shared so much with me so it's been nice to get that feedback of what was heard last week. And it eased my mind a little bit. So our property we just bought in Cypress Creek, we're at 21 Knee Run, so we border the property that's proposed with the townhomes.

And so I guess, just as someone who has really no background in any of this, I never had to deal with it before, I guess my concerns and thoughts about, actually right now, there's a wooden fence back there that I guess borders that property and then our property. And so, as I'm thinking about what it would look like at the very end, where he has that turnaround to go back out, I guess, I'm just curious how that's going to impact our living, in our backyard. It's why we bought it. It's this beautiful... we don't see anything. It's a beautiful property that's just wooded and green and deer always coming and running through and all kind of wildlife. It's beautiful. And so I guess I'm just curious what is that going to look like for our family as we're living back there? What are we going to see? What are we not going to see?

And so, yeah, I guess those are the only things as I'm thinking through it, our neighborhood, because we also back up to Ingles and we have a lot of... we hear a lot of that traffic going on East Main. Sometimes it's pretty loud. And so I guess with something coming in like this, we're just curious, what's that going to look like? What are we going to hear more of? What are we going to experience? Is it going to be a problem if we decide to sell down the road? Is that going to be something that nobody's going to want to buy our house if we have this... I don't know. I don't know if I'm going to see anything.

I guess that's the whole point is, is there going to be some brick or wooded fence or are they planting other trees where we won't see anything? I guess it's just a lot of questions and we just don't know. But that's just my concern as somebody who lives right there, is how will our quality of life look as we're living in our back yard? So yeah, I don't really have any huge questions, I just wanted to be here as the person who lives in that property that's going to be built upon. So, that's really helpful.

Dr. Stone: I'll ask Mr. Livingston to comment on this later. But my understanding is there are buffering requirements that will be a part of site plan, will be between a B whatever, B1 and an R15. There's... I'm going to look at you and I hope you're going to nod at me... he's nodding. There're buffering requirements. And I'll get him to comment later because he knows that ordinance better than I do.

Katie Hill: Okay. Awesome. That's all. Thank you for just letting us speak.
Mr. Spencer: Thank you.

Dr. Stone: Who else would like to speak? My commissioner of colleagues, help me if they see a hand that I'm not seeing. If no one else wishes to speak, I'll entertain a motion to close the public hearing.

Mr. Spencer: So moved.

Mr. Brown: We got a hand.

Dr. Stone: OH, wait. Go ahead. Go ahead.

Mr. Nunnen: I am Thomas Branch Nunnen the engineering for the project.

Dr. Stone: All right.

Mr. Nunnen: Just basically here to answer any questions the would have for us.

Dr. Stone: Okay.

Mr. Spencer: So why is the retention pond on the side as opposed to the back of the lot? Since it appears from the mapping and the information in the packet that the water's flowing down from Main Street, not to the side. Wouldn't it make more sense to do that? I'm no engineer, but I'm just curious.

Mr. Nunnen: That's correct. So, as the waterway approaches the back of the property, you have more buffering, because we have to balance A. for protection of the stream itself. And B, because like you said, low point of the property. So at this location here we are able to A. stream water to the pond, and still keep enough buffer for it to keep the creeks clean. Best way to keep sediment out of any creek is to provide as much buffer as possible. That's why the pond is shifted further north right there on the bottom corner on that map.

Mr. Spencer: And by buffer you mean an undeveloped area, trees, whatever.

Mr. Nunnen: That's correct.

Mr. Spencer: And so, how many feet of buffer is there on the southern portion of the drawing that we're looking at now? Basically it looks like a turn area or a cul-de-sac to the property line.

Mr. Nunnen: Well, the smaller widths are 20 feet and there. And the thicker widths are 30 feet and they're? Is that right?

Mr. Spencer: So it looks like less than 10 feet between the cul-de-sac or parking area at the bottom and the property line. Is that a fair interpretation on that part?

Mr. Nunnen: It's probably about 20 feet between the back portion of curbing and the back property line. I think we tried to explain a little bit earlier, the real reason a standard B-line is the width of townhomes themselves. A 50 foot townhome is just not marketable, pretty much. We've had a couple developments and never had issue there. Everywhere we go, we do Simpsonville, City of Greer, City of Greenville, a standard townhome is probably about 20, 25, maybe 30 for some of the more luxurious ones. They do it with affordable townhomes. They are definitely going to do them 20 to 25 foot width. So it's not really a density issue, it's more of a you just can't market a 50 foot townhome.

Mr. Spencer: If it becomes necessary based upon addition information in study to increase the size of the buffer to address concerns of some of the neighbors that we've heard. And also, does the project make economic sense if there is one or two fewer townhomes on that bottom portion of the development? Or no?

Mr. Nunnen: It's pretty tight, to be honest with you. The second issue you have is you have a sewer line coming through the back portion right there, I believe, if not mistaken, that T turnaround is allowed inside that buffer. Is that correct?

Meeting Member: Mr. Livingston?

Mr. Livingston: We'll have to check, but I don't believe so.

Mr. Nunnen: But I think you're more interested in the screening than the buffer itself.

Mr. Spencer: I think that's fair.

Mr. Nunnen: Yes, the screening in that area is very doable.

Mr. Cunningham: Is there screening plan now on this view or that's the property line you see here.

Mr. Nunnen: I believe screening is required on all developments.

Mr. Cunningham: But it could be a fence, it would be wood, it could be further options as to how the stream... so that could be worked out with potential neighbors, adjacent landowners as to what's possible.

Dr. Stone: Mr. Livingston said he'd answer that question after the public comments. I'm curious. So I'm assuming that you will have storm water drains throughout that will feed into that detention pond. That it's not just natural water flow, that you will actually be routing water into that retention.

Mr. Nunnen: That retention pond is for the development only. It's not picking up outside water. We do our best to keep sewer water out of the retention pond, unless it be a wet pond or something of that nature. This is not that. It's not large enough to be wet pond.

Dr. Stone: And it's a detention pond which doesn't always hold water. It holds water when it rains and lets it percolate into the ground naturally. Correct?

Mr. Nunnen: That's correct. So it has to meet storm water ordinance. We hold enough water to offset any extra water that would be produced by the site and will released at what a pre-developed rate. Everything's flowing out downstream. Another benefit of a retention pond is it saturates the ground water, also. It helps with that.

Mr. Spencer: And you've done this sort of work with Jupiter Contracting before?

Mr. Nunnen: We have done probably 30 to 40 townhome lots the past five years. This is our first one with Jupiter. But a townhome built like this, we've probably done about 30 or 40 in the upstate in the last four or five years. My understanding, they're not a tract builder. We do a lot of the tract builders, Dan Ryan, Ryan Homes. My understanding, these are probably as close to custom as you'll get in affordable housing, which is wonderful.

Mr. Spencer: Will it be possible, based on what you heard Mr. Kinnunen say about their plans for keeping as much of the trees that are there, based on your experience with similar developments? Or, what do you think?

Mr. Nunnen: Trees are a two-edged sword. Anytime you build a townhome development or a single family or build a town home, development or any single family, that either, A. you have to protect the new development or B. as far as the trees falling on to the property... But what we have shown here, anything gray and blue are very minimal on this site because it's flat enough. A lot of the trees are up front are, I don't know if you noticed it or not, but they are actually in the

right-of-way. So the buffer up front will probably preserve part of the right-of-way itself since we are not allowed to develop in the right-of-way without programming and things like that.

Mr. Spencer: And based on your experience, are you satisfied, given the concerns of certain residents have expressed about the water volumes and flows, that what's drawn up there is currently configured as sufficient to ensure that those concerns do not come to fruition?

Mr. Nunnen: Yes. Any time you have a development, nowadays, and especially with rules and regulations to be permitted through, we have to reduce those flows. And then when they see a... as far as the impact they see actually from us as far as water quality and volumes and things like that, it's greatly reduced. It's actually a benefit to any flooded area below the development nowadays. I'm not sure what it's part of as far as the 10 year, the 25 year storm event. That means a storm event that's expected every 25 years. And I think our floodplain's based on a storm event that's expected every 100 years. So the retention pond will definitely reduce the burden and... It's tough, it's another hole no one expected to be there, right. We also have to watch that we are balancing, we are bringing the flow as what it is now. We don't want to cut the flow in half for any means.

Mr. Spencer: Right.

Mr. Nunnen: ...because then we draw off the pond. That would utilize the retainer, as it flows through there, it has really adverse conditions and... that make sense?

Dr. Stone: I will allow it. We don't usually let people come back.

Dr. Stone: And if you have a question that you're wanting to ask, you can ask it of us. We don't usually do these back-and-forth interrogatives.

Mr. Covington: This is going to be a comment.

Dr. Stone: Okay.

Mr. Covington: Walked this property two days ago, just to get a fixation in my mind to make sure I really understood where these two streams are fed from. If you look at the map again, this corner right here drops off to the stream probably an elevation of 12 feet. That corner, where they propose to put the sewage line will have to be filled for them to put that line in, number one, and number two, to get that up to height. That's the area I'm most concerned with about drainage control. So as we move through this process, we're being engaged with the process and what is it you asking.

Dr. Stone: Okay.

Mr. Covington: Okay?

Dr. Stone: Thank you. All right, there was a motion and a second on the table to close the public hearing. All in favor, say aye.

All: Aye

Dr. Stone: Opposed? And the public hearing is closed. So now we have the opportunity to ask questions of staff, or of anyone else if they need to do that, and also of the developers as well.

Mr. Livingston: So I thought I'd answer a couple of the questions in that came up and try to respond to those. One of the first questions is the homeownership program. Is this development going to be for a city's home ownership program? The answer is yes. The home ownership program is based on the applicant. If an eligible applicant chooses to buy here and they're eligible through bank financing, then yes they would be eligible for the ownership program. One of the questions that was asked was about buffer yards and setbacks. Typically, you can build parking areas and curbing in a setback. We need to check on the buffer yard. That is about, I daresay, 40-foot setback to the rear. And then there's also a buffer yard requirement for landscaping any fence in the back of this property as well. That's buffer yard number three. They're numbering based on the intensity and usage between the developments. Since this is a specialty development adjacent to single family, we have to look at buffer yard number three, which is three canopy trees for every 100 feet. It's based on the width of the rear yard. So we'll be looking at that during the site planning and then process the issue. We can make a condition that they try to preserve as much of the trees as possible in the rear of the development as well.

Right now I think sidewalk is going to be required on the front of the development, so that will affect the number of trees in the front of the building as well. Typically, DOT does not like trees on their own roads, so that's something the developers will have to consider as well.

Dr. Stone: If this remained B1, I don't know the acreage, how many units could you think... I suspect you knew I was going to ask that question, I was hinting at it... about how many units could go on that as it's currently zoned if it were apartments.

Mr. Livingston: So there's 153,000 square feet approximately. You take that number, divide that by the 1800 square feet per unit. You can build about 85 apartment units in that site. That's subject to landscaping, streets, buffer yards, setbacks and other requirements and still more requirements. So it may be lower than that, but that's the maximum that would be allowed.

Dr. Stone: You could do a couple of buildings that would be two or three stories. That would accomplish some of that development.

Mr. Livingston: Yes, the zoning ordinance does allow for that. Let me run back. For a couple of buildings, it has to be a minimum of two acres.

Mr. Spencer: That would be what?

Dr. Stone: Over three.

Mr. Spencer: It's close to four.

Mr. Livingston: You got three acres, so multiple buildings is allowed on that property.

Dr. Stone: I like for people to know what's... if there's a change being proposed, I do kind of want people to know what's allowable as it currently stands. Just for the audience and the commission to have that.

Dr. Stone: Other questions for staff? Or for the developer for that matter. Is there information members need to know to help make their decision, that would be my question. Or, I do want to offer the developer an opportunity to respond to anything. I guess, Mr. Kinnunen, I do have a

question. The sewer line, is that... this may actually be for the developer... sewer has to go where sewer goes. I guess sewer has to go downhill. That might be a question of why they're engineering the sewer line to go the direction they're going.

Mr. Livingston: The sewer typically is covered by the Spartanburg Water and Sewer District and they will make a determination if they're actually going to allow to tap on that portion or they tap on the street. They may have already had consultations with Spartanburg Water and Sewer, but that's certainly a question we can ask of the developer.

Dr. Stone: All right. Any other questions?

Mr. Brown: That was going to be one of my questions, regarding the sewer. If they have to tap in to the street, it will require a street cut.

Mr. Livingston: It depends. What we learned today, it depends on the line size.

Mr. Brown: Okay

Mr. Livingston: Something this large, probably it will be in the street, but again, we'll have to consult with Spartanburg Water and Sewer. I'm not sure.

Mr. Brown: Okay.

Dr. Stone: Okay. Does the developer want to make any other comment or respond to any of the or answer any of the questions he might have heard. Just in case you want to...

Mr. Kinnunen: Yeah, the only thing about the going into the street is, obviously, this Norwell property hinges away from this main street. And you're correct, sewer needs to flow downhill, so in order to tap into that, it would be an extremely expensive pump station that would have to be installed along the site. It's not that we just go on and tie into East Main Street, it's just the elevations work to go to the back.

Mr. Nunnen: Plus it's in your favor. You put a loud pump station if you had the option.

Mr. Kinnunen: Yeah. So, it's not that we don't want to, but that's just the way it works.

Dr. Stone: Okay. Any other questions?

Well, here we are. Who wishes to... we're in board deliberation so, what do you all think?

I'll go ahead and start. I was giving Mr. Spencer a chance to go first, but all right. So, here's what I like about the project, I do think that the level of density is not a concern for me. I'm generally in favor of increasing density in the city. Particularly along the corridors. This is, at least on a couple of sides, surrounded by business. B1 or B1 PDD seems to be an appropriate zoning classification and that zoning would allow them to build owner occupied town homes at a fairly impressive price, if you ask me. Add 30 properties at that price to the tax rolls, that's some pretty good taxable wealth on the city. I do have faith in the process of site plan review that will involve all of the city departments that have to be involved, Police, Fire, Stormwater, Spartanburg Water, and all those, to work out the site plan and to establish appropriate buffering between that and the neighborhoods. My inclination is that I will support this project. I support this rezoning.

Mr. Cunningham: I agree. I am in support. I think the density versus apartments is appropriate. I think the engineering issues can be resolved.

Mr. Brown: I agree.

Mr. Cunningham: I don't see any negatives as long as the communication that's gone on, stays that way. Reasonably high.

Ms. Whitner: I'm in agreement with the two gentlemen. Both sides of the... I'm definitely encouraged by the home ownership and creation of generational wealth. And by providing an opportunity to buy the town homes, I see that being as far as. I'm very excited to see this project... and also the fact that you used local talent, it puts dollars within the economy, so I'm excited to see it. It's going to be good.

Mr. Cunningham: One of my healthy-

Dr. Stone: Yes sir.

Mr. Cunningham: Over time contention and reservations is in conformance with the comprehensive Plan there's no change as far as I understand it.

Dr. Stone: I think you're correct and I agree with that. And I agree with my colleague's point about owner-occupied. I think that's something that I agree with the city has needed some additional opportunities for people to purchase town homes rather than rent apartments.

Mr. .Spencer: I agree as well.

Dr. Stone: Seems like we're ready for a motion.

Mr. Cunningham: Move we approve the rezoned to B1 PDD.

Ms. Whitner: I second.

Dr. Stone: It's moved by Mr. Cunningham, seconded by Miss. Whitner, to approve the recommendation for the property to be rezoned to B1 PDD and recommend that to City Council. All in favor, please say aye.

All: Aye

Dr. Stone: Any opposed, likewise. We are recommending.

I'm going to open this up back further so I can say this right for the record. The request to rezone 2721 and 2751 East Main Street, Tax Map 7-09-00-024.00 and 7-09-00-024.01 to rezone to B1 PDD is approved and will be recommended to City Council. That will go to the Council, I believe, on June 13th? On June 13th. There will be another public hearing before City Council on June 13th.

On a motion by Mr. Cunningham, seconded by Ms. Whitner, the motion to approve the rezoning request was approved by a vote of 5 to 0.

All right, the next items of business are site and landscape plans approved since April 21st. There were three. If anyone has a question, I'm sure Mr. Livingston or one of his colleagues will answer those.

All right, Council update since the Planning Commission meeting. There are none, so I guess we haven't sent them a lot of business lately.

Any staff announcements? No staff announcements.

Mr. Spencer, did you want to ask a question about the Planning Director?

Mr. Spencer: Progress on the Director of Planning position. That would be great to hear about that, Mr. Livingston.

Mr. Livingston: We did advertise for Planning Director. The advertisement will close the end of this month. We have about six applicants, two look promising. We're hoping to get additional applicants before the end of the month.

Dr. Stone: I have a friend who's a planner. Could you send me the link to... or is it on the city website?

Mr. Livingston: It should be on the city website on the human resources. You may have to do some searches under the human resources section, but there is a link.

Dr. Stone: All right. Just in case anybody knows anybody, that they might seem to suggest. Any other questions before we adjourn?

Hearing none.

Mr. Brown: No questions.

Dr. Stone: Hearing none. Is there a motion to adjourn?

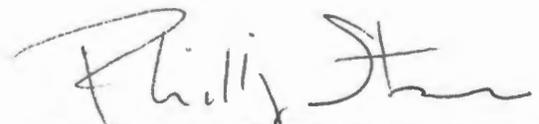
Mr. Spencer: I so move.

Dr. Stone: I second. All in favor, say aye.

All: Aye.

Dr. Stone: And we are adjourned.

Meeting was adjourned at 7:08 PM.



Dr. Phillip Stone, Chairman