

Meeting Minutes of the Board of Zoning Appeals Tuesday, February 12, 2019

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, February 12, 2019 at 5:15 P.M. with the following members in attendance: Don Bramblett, Leana Melnichuk, Jim Badger, Anne Poliakoff, Reed Teague, and Livia Cantrell. Ryan Gaylord was absent. Representing the Planning Department were Natalia Rosario, Planner III; and Julie Roland, Administrative Assistant.

Roll Call

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

Roll call was taken – Six Board Members were present, constituting a quorum.

Approval of Agenda for the February 12, 2019 Meeting

Mr. Teague moved approval of the Agenda for the February 12, 2019 meeting, and he was seconded by Mrs. Poliakoff. The motion was unanimously approved by a vote of 6 to 0.

Disposition of the Minutes from the December 11, 2018 Meeting

Mr. Badger moved approval of the minutes from the December 11, 2018 meeting; and he was seconded by Ms. Melnichuk. The motion was unanimously approved by a vote of 6 to 0.

Old Business – None.

New Business:

SE 19-02-01 Special Exception Request from William Gray, McMillan Pazdan Smith, Agent, on behalf of Spartanburg RE Investments, LLC, Proposed Buyer, on behalf of Sampaguita Investments, LLC, Property Owner. The Applicants are asking for a Special Exception in order to be able to utilize the property as an indoor facility to serve the surrounding residential area; at 1640 John B. White Senior Blvd., and is further identified as Parcel 156.00 on Spartanburg County Tax Map Sheet 6-21-13 in the B-1 Zone, Neighborhood Shopping District, which requires a Special Exception for the proposed use. The request is contingent upon the Special Exception being approved.

Ms. Rosario, Planner III came forward and was sworn; and she submitted the meeting packets the Board Members had previously received, tonight's presentation, and slides into Evidence as Exhibit A. She said tonight's case was for a Special Exception for a property at 1640 John B White Senior Blvd. that had operated as a movie theater for some time; and had most recently operated as the AMC Movie Theater, who had decided not to renew their lease. She showed a slide of the property and pointed out there was a lot of foliage and buffering along the back. She showed an aerial photo and said the building was not real visible from the street.

Mr. Bramblett asked Ms. Rosario if she could point out where the Outback Steakhouse was in relation to the proposed property.

Ms. Rosario pointed out the Outback Steakhouse; and there was a lot of commercial in the area. She said this building mainly sat in a sea of asphalt, (parking) and was way more parking than the theater needed. She said the proposal was to utilize a good bit of it, as well as the existing pad and building for indoor storage for a Cube Smart. She said she would go over the rest of her presentation after the applicant's agent gave his presentation.

Mr. William Gray, McMillan Pazdan Smith Architecture came forward as agent on behalf of Spartanburg RE Investments, LLC, proposed buyer on behalf of Sampaguita Investments, LLC property owner. He explained to the Board Members he did a lot of these projects across the country with the applicant and his team; and the applicants were very good (secure) – quiet neighbors and not your typical storage business.

Mr. Bramblett asked Mr. Gray if they were generally under one name such as Cube Smart.

Mr. Gray said no, the developer would build the building and own the building, and the operator would come in; and it could be Cube Smart or another competitor. He showed a slide and explained the parcel and the surrounding area to the Board Members. Mr. Gray said what they were proposing to do was not increase the impervious surface at all; but what they would like to do would be demolish what was the theater and go back with approximately 36,000 square feet with some single shot-gun style structures on what was right now the parking lot. They also wished to put in an office and then past that point secure an RV parking area kind of along the perimeter of the site. They would like to activate the two entrances to secure them for this operation but allow people to pull in and use that as dedicated RV circulation, and then main site circulation; so there would be three points of entry. Mr. Gray said it would all be single story; the hours of operation where someone was on-site would be from 8:00 AM to 6:00 PM; but there would be 24 hour surveillance. The only people that could gain access to the site would be paying customers who would have a code entry, which would be the only way to activate the gate.

Board Questions:

- Mr. Badger had a question regarding the 24 hour surveillance.
- Mr. Gray explained it would be with cameras, and it also created a log of all the activity each day.
- Mrs. Poliakoff asked Mr. Gray to explain again what he meant by RV.
- Mr. Gray explained the spots they saw on the map could be campers, 40' RV's, boats.
- Mrs. Poliakoff asked that they would be stored there in the open.
- Mr. Gray pointed out on the slide one area which would be canopy covered, and then there would be another area that would not be covered.
- Mrs. Poliakoff asked what road was that facing – and if it was Camelot Drive.
- Mr. Gray said it would be facing Camelot Court; and he pointed out where Camelot Drive was down near the McDonalds Restaurant.
- Ms. Cantrell asked about how many units there would be.
- Mr. Gray said it would be several hundred.
- Mr. Bramblett asked what kind of fence was shown currently near the top of the slide existed between that property and the residential area.
- Mr. Gray said he did not believe there was a fence; and he asked Ms. Rosario.
- Ms. Rosario said a portion of it was a wooden stockade fence from the Mark III Development at Camelot Townes that was underway, as well as a buffer yard. She showed a slide and said this development did not have a fence but it would be secured through the development process; and they also had quite a large buffer yard. She explained this development did not have a fence; but it would be secured through the development process, and they also had quite a large buffer.
- Mr. Bramblett asked how many feet of buffer was required between the residential lots and the parking lot.
- Ms. Rosario said for a commercial development abutting a residential development would be a Buffer yard 3, and it depended on where the actual structures would be located. The least they could have was 25' with plantings and a wall. If you were over 50', the required wall would go away, but you would still have to have the same amount of plantings.
- Mrs. Poliakoff asked how long the property had been vacant.
- Mr. Guy Harris with Spencer Hines Properties said it had been vacant since December 31, 2018.
- Ms. Cantrell asked had there been a study done regarding the number of storage facilities in the area to warrant another one.

- Mr. Gray said typically one would not align themselves with someone like Cube Smart if there was not a lucrative opportunity; and he said it was up the Developer to identify the opportunity presented; and said he had failed to mention earlier that the larger of the two buildings would be climate-controlled; which would certainly be an asset to this area because there was nothing like it in the area.
- Ms. Cantrell said she had done some research to be prepared for tonight's meeting; and she discovered there were several climate-controlled facilities in existence; and there were 8 within a four mile radius of the proposed property.
- Mr. Gray asked if they were all climate controlled.
- Ms. Cantrell explained that a couple of them were.
- Mr. Gray said Cube Smart would not be interested in the property unless there was definitely a market for it in the area.
- Mr. Bramblett asked about the property located at the top of the screen at the northern end of the property that just said "0" and said it looked like two properties would be combined.
- Ms. Rosario said a portion of that was an LOD portion that was meant to serve as a buffer to the R-15's; and she pointed to it on the slide and said part of that was actually open space and a retention pond for Camelot Townes. It had not been addressed because there was no structure on it; it was just parceled off because it was the responsibility of the homeowner's association in Camelot Townes; so it was its own piece of land and served as open space for that development. She referenced something else on the slide and said she was not 100% familiar with it; but generally when a parcel had no address, normally there had never been development on it; and an address had never been assigned through the Planning Office.
- Mr. Guy Harris came forward and said 1650 John B White Sr Blvd. was Founders Federal Credit Union and they owned that piece of property as well as the zero piece behind it.
- Mr. Bramblett asked did this property require a detention pond.
- Ms. Rosario said at the time it was developed it did not have any retention on it; and therefore when the State and Storm water looked at it; because the applicants were not adding any more impervious to the site; they were not required to retain any additional other than what might potentially run off into the DOT right-of-way. She said the entire site was asphalt right now and there would not be any additional run off other than what was currently there.
- Mr. Gray said they had already spoken with Mr. Jay Squires on that.
- Mr. Bramblett asked regarding the town homes, were they two story.
- Ms. Rosario explained they were.
- Mr. Bramblett asked regarding the tree buffer behind it, would the back of the building be visible from those townhomes.
- Ms. Rosario said no more than what they had right now.
- Mr. Bramblett said he liked the pine tree buffer that was there; but the smaller buffer did not provide very much.
- Ms. Rosario said that portion was not mature yet.
- Mr. Bramblett asked would those grow a lot larger.
- Ms. Rosario said they would mature into large Canopy trees.
- Ms. Rosario said as Mr. Gray had also pointed out, the taller portion of the building would be going down to a one story; so it would have even less of a visual impact from the rear than what was there today.
- Ms. Melnichuk asked that they would be putting up a fence.

- Ms. Rosario said yes.
- Mr. Gray explained the whole site would be secured. He explained again they were not adding any additional impervious surface; they were not really changing the way the site functioned now, other than it being self-storage. He said it was a less active use than when the movie theater had been there.
- Mr. Bramblett asked would it be a chain link fence or a privacy fence.
- Mr. Gray said it would comply with what was required by Code.
- Mr. Bramblett said he did not know what was required, and asked Ms. Rosario.
- Ms. Rosario said the Code did not really have material requirements for the commercial district, but she imagined it would be something similar to what they had seen at the Cube Smart that was recently built on the East Side; and it was also the same developer. She said it was some type of aluminum; but if it did turn out to be chain-link, they could certainly asked for the most attractive available.
- Mr. Badger asked would this building have solar panels on the roof.
- Mr. Gray said he was not yet sure.
- Mr. Badger asked that only one building would be climate controlled.
- Mr. Gray said that was correct; the larger of the two buildings would be climate controlled.

Ms. Rosario came forward again, and went over the Analysis of Mandatory Written Findings for the Board to consider when reviewing a Special Exception Request they had previously received in their meeting packets as follows:

- 1) Traffic Impact – The traffic impact of the proposed use will be vastly less than if the property is utilized by a commercial operation with the same size development footprint. The property has more than enough parking area to accommodate the project 35 users during peak hours, and is well situated off of John B. White to support open traffic flow. Self-storage facilities generate very little traffic, with peak visits occurring in the evening, at about .26 trips per 1000 square feet. The proposed site has a total square footage of 135,600 square feet, with footprint of 45,200 square feet. Trip generation for a self-storage use at the upper end is .26 trips per every 1000 square feet, resulting in a total of 35 additional trips to this site for the amount of square footage proposed.
- 2) Vehicle and pedestrian safety – The development site is already existing, with parking contemplating for a much higher intensity use. Additionally, the previous use of the site as a movie theatre saw a much higher number of vehicles and pedestrians, especially in the evening hours, than the proposed use will generate.
- 3) Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property – The development is expected to have a minimal impact on noise, lighting, and air flow on adjoining properties, once built. The area it is located in is already a highly developed commercial zone, and this less impactful use will create a good buffer or “step down” in uses to separate the residential uses to the north from the heavily trafficked commercial uses immediately along John B. White Sr. Blvd.
- 4) Adverse impact of proposed use on the surrounding area including the aesthetic character of the area – The proposed use would not have an adverse impact on the aesthetic character of the area, and will be designed in accordance with Cube smart Brand Design Guidelines. This includes an attractive fence, safety lighting, and open architecture to welcome patrons to the site and provide a clear service center on-site.
- 5) Orientation and spacing of improvements or structures – The structure will be constructed on the existing theatre footprint and is proposed to utilize much of the additional (and unnecessary large) parking area on-site.
- 6) Compliance with the comprehensive plan – The 2004 Comprehensive Plan recommends the area to become a “General Activity Center: Intended to be a general commercial area, serving a neighborhood or regional market; to contain a wide variety of commercial, repair, service and office uses. Public, civic and recreational uses are compatible with a General Activity Center” (City of

Spartanburg 2004 Comprehensive Plan, Land use Element, ppl. 2, Table LUI) – this category includes zones LOD, LC, B-1 and B-3. The approval of this special exception would allow for the use of the land as a commercial space as intended, and so is in compliance with the Comprehensive Plan. This project will also serve as infill development that will provide a compatible service to the adjacent residential neighbors.

Staff's Recommendation

After review of the guidelines established in Zoning Ordinance Section 603.53, staff finds that the proposed special exception will not adversely affect the adjacent and surrounding property owners. Consequently, staff recommends Approval of SE 1900200001.

Ms. Rosario also noted she had not received any communication from the surrounding property owners, either residential or commercial. She said Staff did notice all property owners within a 400' radius of the property, advertise in newspaper and post signs.

Board Member Questions:

- Mr. Bramblett asked about the parking lot lighting.
- Mr. Gray said what they typically see on such developments were wall packs on buildings around the perimeter to illuminate the site. He mentioned the canopy would have lights underneath the structure; and he said oftentimes in projects such as these there would be pole lights if required. Mr. Gray said they would comply with the Ordinance.

Mr. Bramblett opened the public hearing and asked anyone who wished to speak in favor of the request that wished to speak to come forward and state their name and address for the record. No one came forward. Mr. Bramblett asked anyone who wished to speak in opposition to the request, or if anyone had any questions, to come forward and state their name and address for the record.

- Mr. James Graham came forward and said he and his wife owned Brewster's Ice Cream at 1644 John B White Sr. Boulevard; and his main concern was would the large movie sign now be removed that partially blocked his business depending on which way you were headed down John B White.
- Mr. Gray said right now the plan was to repurpose that sign for the proposed project.
- Mrs. Poliakoff asked did it need to be the same size and height.
- Mr. Bramblett said typically a movie theater sign was bigger because it had to list movies; and wasn't there some regular guidelines.
- Ms. Rosario said that sign was grandfathered in at that site. She said if something were to tear it down or if it was voluntarily removed; that at that location at that size it would not be able to go back; but as it currently stood, the new owner could use it and just repurpose it.
- Mr. Bramblett asked about the square footage.
- Ms. Rosario said if a brand new one was to be put on the site today; the maximum height would be 20' and the maximum square footage for the total site would be 200 square feet.
- Mr. Bramblett asked Mr. Gray whether the new applicant would consider a smaller sign in order to be a good neighbor.
- Mr. Gray explained they could consider something smaller.
- Mrs. Poliakoff asked out of curiosity, where did the sign sit on the property.
- Mr. Harris explained there was a recorded easement, and the sign sat close to the front of the property.
- Mrs. Poliakoff asked Mr. Graham who owned Brewster's again about the sign being a visual blockage.
- Mr. Graham said the sign was a visual blockage to people going west.

- Ms. Rosario pulled the property up on Google and explained the sign was set back further that it was required to be. She had not heard from any of the other businesses near the property; so she could not say whether the sign was a concern to any of the other businesses or not.
- Mrs. Poliakoff asked Mr. Harris if there had been anyone else interested in purchasing the property.
- Mr. Harris explained they had received a good bit of interest, ranging from retail to large churches.

Mr. Bramblett closed the public hearing.

Board Member Deliberation:

Mr. Teague moved to accept the City's Findings and approve the request as submitted; and he was seconded by Ms. Melnichuk. The motion was unanimously approved by a vote of 6 to 0.

Mrs. Poliakoff hoped the Developer would be considerate about the sign and help out Brewster's regarding that issue.

Staff Announcements:

Ms. Rosario said she had offered the Planner II position to a lady from Santa Cruz, California, who was visiting the area and looking for a place to rent. She hoped this very talented candidate would accept her offer.

There being no further business the meeting adjourned at 6:20 P.M.


~~Don Bramblett, Chair~~
 Ryan Gaylord 

Edited by Julie Roland, Administrative Assistant