

# **Meeting Minutes of the Board of Zoning Appeals**

## **Tuesday, December 11, 2018**

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, December 11, 2018 at 5:15 P.M. with the following members in attendance: Don Bramblett, Ryan Gaylord, Leana Melnichuk, Jim Badger, Anne Poliakoff, Reed Teague, and Livia Cantrell. 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 – All seven Board Members were present, constituting a quorum.

### **Approval of Agenda for the December 11, 2018 Meeting**

Mr. Gaylord moved approval of the Agenda for the December 11, 2018 meeting, and he was seconded by Mr. Teague. The motion was unanimously approved by a vote of 7 to 0.

### **Disposition of the Minutes from the September 11, 2018 Meeting**

Mr. Gaylord moved approval of the minutes from the September 11, 2018 meeting; and he was seconded by Ms. Melnichuk. The motion was unanimously approved by a vote of 7 to 0.

### **Old Business – None.**

### **New Business:**

**SE 18-02-06 Special Exception Request from James McAden, Project Manager on behalf of Spartan Main LLC, Owner. The Applicant are asking for a Special Exception in order to be able to construct a high-end three story 135,600 SF (45,200 SF/Story) climate-controlled storage facility on an undeveloped phase of an existing shopping center at 2127 East Main Street, and is further identified as Parcel 017.07 on Spartanburg County Tax Map Sheet 7-09-00, in the B-1 Zone, Neighborhood Shopping District, which requires a Special Exception for the proposed use.**

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 that was a little bit different from a Variance Request, which was what most of the Board's cases were. Ms. Rosario said a Special Exception was for a use on a property where it was not permitted by right in a zone, but under certain conditions it would be allowed. Tonight's case was to place on a B-1, Neighborhood Shopping District zoned property, an indoor storage facility use, which in our Zoning Ordinance would require a B-3 zone in order to put one on it by right.

Mrs. Poliakoff asked Ms. Rosario what was the by right zone again.

Ms. Rosario said By Right, it would be permitted in the B-3 zone; and that it could be done in this zone of B-1, if the special exception was granted.

Mr. Bramblett asked Ms. Rosario if they were here to change the zoning from B-1 to B-3.

Ms. Rosario said no; they were here to consider to allow in the B-1 zone, as a special exception the use of an indoor storage facility. She said the zone would remain the same, and this would be an exception to that zoning.

Mr. Teague asked about the normal uses permitted in the B-1 zone.

Ms. Rosario said a Walmart, gas station, any type of retail, grocery, salon, almost any commercial use you could think of, except for heavy commercial uses.

Mr. Bramblett asked Ms. Rosario wasn't there also something regarding B-1 parking compared to B-3.

Ms. Rosario said parking did not go by the zone; rather it went by the use. She said in this case, it was developed as a shopping center, and it already had all of the parking it would need, and then some; and that she could either get into this now or later.

Mr. Brett Rogers, Realty Link Development, Greenville, S.C. came forward on behalf of Spartan Main, LLC and he was sworn. He said the intent was to develop a 135,000 three-story self-storage facility, much like they were seeing being developed in the upstate which would be very nice. He felt the exterior appearance would fit in very well within the development without any question. Mr. Rogers said to Ms. Rosario's point regarding parking, the proposed use would probably be the least parking use you could ever do on-site; with a minimum daily traffic flow. He said the meeting package the Board Members had received showed the conceptual architecture they would propose to put on the site.

Mr. Bramblett asked if he had elevation drawings.

Mr. Rogers said they did have conceptual elevation drawings that showed finish materials that they would end up developing that further and presenting it with the design development package.

Mrs. Poliakoff asked Mr. Rogers if they had secured retail tenants regarding the part that was proposed for ground floor retail.

Mr. James McAden, Project Manager on behalf of Spartan Main LLC, Owner came forward and was sworn; and he explained to Mr. Rogers and the Board Members as part of the application, that as they got further into design development they considered potentially putting a tenant on the ground floor that would not occupy more than 10,000 square feet or so. He said at this time they did not have anyone for that space.

Mrs. Poliakoff asked would that potential space remain open.

Mr. Rogers said the debate was did they build it with that retail space or was it just a three story storage facility.

Mrs. Poliakoff said it would not be part of storage facility.

Mr. Rogers said that was correct.

Mr. Teague referenced a slide of the location and asked about a particular building.

Mr. McAden said that was a business that was in the existing shopping center.

Mr. Teague asked would materials be the same on the exterior.

Mr. McAden said materials would be similar on the exterior front façade; and he said they would do different building elements for the side and the rear that would be allowed that were less costly than the brick veneer.

Mr. Bramblett asked about the metal facades.

Mr. McAden referenced a slide and explained and showed the facades and what was visible from road and what was not and proposed materials again; and they would propose either metal facades or something a little less costly than brick veneer on the facades that could not be seen from the road.

Mr. Bramblett asked could they look at each elevation side again.

Mr. McAden explained the west elevation that faced the road was the front of the structure. He said the south elevation was not really visible and it only faced a retention pond and a truck drive that would not be visible to anyone.

Mr. Bramblett asked about the east elevation. Mr. McAden said it was at the rear of the building.

Mr. Bramblett asked about the bottom one on the slide.

Mr. McAden explained there was just some parking there that they were proposing to eliminate including a loading area and drive aisle. He then showed the east elevation and said it kind of had two legs to it; and he then showed the north elevation that was directly adjacent to the existing retail.

Ms. Cantrell asked would the northern elevation be connected to the existing retail.

Mr. Rogers explained there was zero lot line and there would be separation, but for all appearances it would look connected.

Mr. Bramblett asked about maybe having some space for some box trucks or vehicles pulling trailers if needed for people moving a lot of belongings from out of state if having to relocate, regarding room for parking big moving vehicles. He also asked about which side of the building they would be able to back up to.

Mr. Rogers explained they would have an area marked specifically for truck access directly adjacent to the building.

Mr. Bramblett asked would that accommodate a 20' box truck to be able to back in and unload.

Mr. Rogers referenced a slide and said they would be parking parallel to it; but he supposed they could.

Mr. Bramblett thought that would be a pedestrian entrance; and then you would have one over-head door.

Mr. McAden explained there was two in the southwest corner and one about two thirds of the way down.

Mr. Rogers said there would be units with a ground level entry and for the others they had an elevator.

Mr. Bramblett asked where the elevators would be.

Mr. Rogers said he did not know the answer to that yet.

Mrs. Poliakoff asked if they would keep the potential retail space as a shell in the front aligned with the other shops until it was decided.

Mr. Rogers said right now the request was to seek a Special Exception to allow the self-storage facility on the site. He said if that was approved, they would go forward and evaluate at some point was there a demand for a retail tenant there. He said the Board Members probably knew the history there regarding having trouble keeping tenants.

Mrs. Poliakoff asked if you take away parking spaces, was it merely just taking the paint off. She said she was asking that because if it went to a retail would they have enough for parking, regarding standard for parking spaces.

Ms. Rosario said the parking count was sufficient for the entire pad to be developed as commercial, and she did not believe any parking would go away.

Mrs. Poliakoff said she thought they were just talking about some parking going away.

Mr. Bramblett said the parking around the loading area, 200' according to the plans.

Ms. Rosario said it was probably about sixteen spaces might go away; and that being said, that parking lot was not even at capacity right now with the uses that were there.

Mr. Teague asked about the retail spaces there.

Ms. Rosario said Sally's Beauty Supply, Dental Home, and there was one or two more.

Ms. Cantrell said she had never seen the parking lot full, no matter what time of day it was, and there always appeared to be a lot of parking available.

Ms. Rosario said shopping centers were generally over parked to make sure they had enough space during peak seasons and holiday time; but even at Christmas time, the uses that were there did not really attract that type of shopping; or at least that was not a problem right now.

Mr. Teague asked what was to the right of the site; was it just open land for development.

Ms. Rosario said it was Half Mile Branch Creek and it served as retention.

Mr. Teague asked could it be developed.

Ms. Rosario said it could not, it was really steep and in a flood plain.

Mr. Badger asked about someone using the elevator; and asked once the load was inside the elevator which was probably about a 10' x 10', would they have any type of motorized rollers that would help them move their stuff along. He said since this was a three story building, and someone moving a sofa would need to be able to get their stuff up the elevators efficiently as possible. He said the other thing was a mile or two down the road there were three or four other storage facilities nearby; and he wondered if there was really the demand for so many of those in the area.

Mr. Rogers said there were some other storage facilities in reasonable proximity.

Ms. Cantrell talked about in her five story apartment building, there was an industrial sized cargo elevator.

Mr. Badger said from his understanding of what these storage spaces were, it was generally places where you pulled right up in front of the door, and raise the door and put your stuff in and you were done. He said to have to take it down a hallway, up an elevator and down another hallway it would be a lot of hard work.

Ms. Rosario said they may be getting a little off track here; and how they got their stuff in and out was not the Board's concern.

Mr. Teague asked about other storage units in the B-1 area.

Ms. Rosario said it was everywhere; and she explained the Zoning Code was written at a time when storage facilities were seen in a more industrial area, and things had changed over time. She said modern storage facilities were a lot nicer these days and did not have such an industrialized impact as older ones had, and that was originally why they had been put into a heavy commercial zone. She said that was also why it was listed as a special exception in the zoning ordinance at that time, for it to come before the Board to ensure that its design met the analysis of required findings regarding a special exception so it would not have a negative impact. At this time Ms. Rosario went over the Analysis of Mandatory Written Findings for the Board to consider when reviewing a Special Exception Request they had 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 finished out with the same size commercial development. The property has more than enough parking area to accommodate the additional projected 35 additional users of the site during peak hours. 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 proposed square footage of 135,600 square feet, with a 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. In addition, the intersection entrance onto this site is signalized and controlled by SCDOT. There will be no negative impact on vehicle and pedestrian safety.
- 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. The area it is located in is already a highly developed commercial zone.
- 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 to complement the existing structures on site in terms of material and architectural design.
- 5) Orientation and spacing of improvements or structures – The structure will be constructed on the existing open area beside the strip commercial center. Please see the attached overview for reference.
- 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, pp. 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 as well as providing a rare opportunity for mixed use outside of the downtown area if that became an option.

### **STAFF'S RECOMMENDATION**

After review of the guidelines established in the 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 SE1800200006.

### **Board Questions:**

- Mrs. Poliakoff asked if Parcel B was included in this request.
- Ms. Rosario said no it was not; and it was also zoned B-1.
- Mr. Bramblett asked Ms. Rosario since there was a sidewalk around the existing strip, if there would be a sidewalk around this development to keep pedestrians out of the driving area.
- Ms. Rosario said yes.
- Mr. Bramblett said there would be some set back from the curb then.
- Ms. Rosario said yes.
- Mr. Bramblett asked if there was any beautification required.
- Ms. Rosario said no, and she explained the site already met the landscape requirements.
- Mr. Teague asked would the rear buffers be removed.
- Mr. McAden said no the trees in the back would not be removed.
- Mrs. Poliakoff asked had there been any objections received from Staff.
- Ms. Rosario said there had not been any.

Mr. Bramblett opened the public hearing and asked if anyone was present that wished to speak in favor of the request to come forward. No one came forward. Mr. Bramblett asked if there was anyone present who wished to speak in opposition of the request to come forward. No one came forward. Mr. Bramblett closed the public hearing.

### **Board Deliberation:**

- Mr. Teague said he was kind of on the fence with the request right now and welcomed other comments; and that since they just had one of these a year ago; and with the new high school coming in now he wondered if retail might not be the best use for the property.
- Mrs. Poliakoff said they already had two story facilities regarding the exceptions in the area right now, that was a consideration; and she had pulled up the B-1 permitted uses and she felt they could consider it under goods and services. She said she could justify it considering Ms. Rosario's findings.
- Mr. Gaylord did not see where it would create any safety issues, or that it otherwise burdened the property. He said he did see Mr. Teague's concern about whether or not it was the highest and best use for the property from a commercial standpoint, but at the same time, that was the developer's prerogative.
- Mr. Teague said he agreed with Mr. Gaylord, it was just that right now it was zoned for more of a retail setting. He said he thought it was fine, he just hated to think they would look back down the road five years from now once the high school was built and it became more of a vibrant area, and there could have been something that brought people in as opposed to people just storing things.
- Ms. Melnichuk said there were already a lot of retail there.

- Ms. Cantrell agreed with Ms. Melnichuk.
- Mr. Bramblett felt they were going to see a lot of changes coming for the area.
- Mrs. Poliakoff said she could justify the use as proposed; she did see some of the others' points as well; and said maybe down the road they might want to see about some retrofit.
- Mr. Bramblett asked the petitioner if there was data that showed whether there was data that showed it there was too many or not enough storage facilities within a certain radius.

Mr. Rogers said they did a study and right now the market supported a storage facility for the area. He referenced a slide and said to address some of the concerns regarding retail, he felt the better retail uses were close to the road with the full visibility; and after they got so far from the road businesses would lose the site line visibility and retailers would struggle with that fact, and might not want to lease those types spaces.

Mr. Gaylord moved to accept Staff's Findings and approve the request as submitted; and he was seconded by Mrs. Poliakoff.

Discussion of Motion:

- Mrs. Poliakoff said she would like to see what B-3 allowed; regarding if the building was ever sold.
- Mr. Gaylord reminded Mrs. Poliakoff the zone was not changing; they were voting on a special exception to zone B-1, and explained the Board would vote on what specifics as the petitioner submitted.
- Mrs. Poliakoff said that was the answer she was looking for.
- Mr. Bramblett said the only other question he had was where the mechanical/HVAC would go.
- Mr. McAden said it would be rooftop units.

Mr. Bramblett asked if there was any more discussion. There was no more discussion.

The vote was 7 – 0 that the request be approved as submitted.

**Review and Approval of Proposed 2019 Board of Zoning Appeals Meeting Schedule**

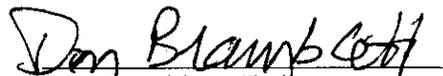
The proposed 2019 Board of Zoning Appeals Meeting schedule was approved by acclamation.

**Staff Announcements**

Ms. Roland went over her two staff announcements listed on the agenda.

Ms. Rosario briefly informed the Board Members at last night's City Council Meeting the City Manager had talked to Council about a new Comprehensive Plan would be written within the next two years, and there would be plenty of public input meetings, and she hoped this Board would be involved as well.

There being no further business the meeting adjourned at 6:05 P.M.

  
Don Bramblett, Chair

Edited by Julie Roland, Administrative Assistant