

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

*City Hall Council Chambers
Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, January 16, 2020 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Howard Kinard, Dr. Phillip Stone, Reed Cunningham and Mike Epps. No Planning Commissioners were absent. Representing the Planning Department were Natalia Rosario, AICP, Planner III; and Julie Roland, Administrative Assistant.

Roll Call

Mr. Wilson, the Chair, stated that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

Mr. Wilson noted that all five Planning Commissioners of the current five member Board were present, constituting a quorum; and he went over the rules and procedures for conducting a public hearing.

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

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

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

Old Business still on The Table:

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

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

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

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

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

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

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

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

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

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

Ms. Rosario said yes.

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

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

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

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

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

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

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

Mr. Cunningham asked was it available on line.

Ms. Rosario said she would send him a link.

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

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

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

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

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

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

Ms. Rosario said that was a good question.

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

Ms. Rosario said maybe they should do that.

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

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

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

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

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

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

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

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

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

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

Mr. Epps said that would be a large area.

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

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

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

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

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

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

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

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

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

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

Ms. Rosario said it was kind of arbitrary.

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

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

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

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

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

The Planning Commissioners were all in agreement with that.

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

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

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

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

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

- Pinnacle Bank – 531 E. Main St.

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

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

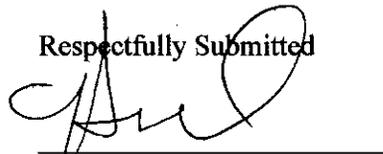
Staff Announcements:

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

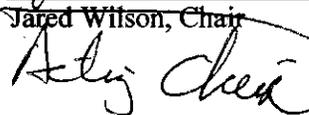
Ms. Rosario said they still had two Board vacancies on the Commission; and she had at least four people submit applications and hoped that City Council would move on those soon. She said if the Planning Commissioners had anyone they thought would be a good candidate to please have them apply as well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

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

Respectfully Submitted



Jared Wilson, Chair



Minutes by Julie Roland, Administrative Assistant