

Spartanburg City Planning Commission Meeting Minutes
Thursday, February 15, 2018

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, February 15, 2018 at 5:30 P.M. The following City Planning Commissioners attended this meeting: Howard Kinard, Dr. Phillip Stone, II, Bob Pitts, and William Luke Quillen. Absent Board Members were Jared Wilson, Wendell Cantrell and Mike Epps. Representing the Planning Department were Natalia Rosario, Planner III.; and Julie Roland, Administrative Assistant.

Roll Call

Mr. Kinard, the Vice-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. Kinard noted that four Planning Commissioners were present, constituting a quorum; and he went over the rules and procedures for conducting a public hearing.

Dr. Stone moved approval of the Agenda for tonight's meeting; and he was seconded by Mr. Pitts. The motion was unanimously approved by a vote of 4 to 0.

Disposition of the Minutes from the January 18, 2018 meeting of the Spartanburg City Planning Commission.

Dr. Stone moved the Minutes from the January 18, 2018 Meeting be approved as presented; and he was seconded by Mr. Quillen. The minutes were unanimously approved by a vote of 4 to 0.

Old Business – None.

New Business

Zoning Designation/Annexation Request – TMS#6-20-03-090.00 & 089.00 located on 110 & 0 Franklin Avenue, which was currently in the county, and the requested zone was R-6 PDD, General Residential Planned Development District; from Mark Reynolds, Berkley Hall Companies proposed buyer & developer, on behalf of Susan Yeomans and Deanne Yeomans, Trustees/Property Owners. Annexation Request is contingent upon zoning classification being approved.

Ms. Natalia Rosario, Senior Planner came forward and was sworn, and she submitted the report the Planning Commissioners had previously received in their meeting packets, as well as the slides, and presentation into evidence as Exhibit A. Ms. Rosario said the petitioner was here to give his presentation to the Planning Commissioners.

Mr. Mark Reynolds with Berkeley Hall Companies, Greensboro, NC came forward and was sworn. He informed the Planning Commissioners they build apartment projects in North Carolina, South Carolina, Virginia, and Tennessee; and they were a fully integrated real estate company that developed, constructed and managed all of their projects. Mr. Reynolds explained for this particular project they were proposing a 288 unit garden-style apartment project that would contain no more than twelve, three story apartment buildings, club house, pool and cabana. The proposed materials for the outside of the building were brick, stone, and painted hardi-board. He explained they had a traffic study performed for the area and the results showed there would not be any significant impact to the existing streets. He said they would be required to improve Franklin Street at the entrance of the project, (possibly a three-way stop) but that had not been completely determined yet. They would have two access points for Franklin Street; and he said the first one was immediately behind the shopping center which would be the main access. The second access would be used as an emergency access only and would be further down Franklin Street. They planned to meet or exceed all the coordinates regarding setbacks, fencing, and landscape. He said Ms. Rosario had included a lot of their work in the meeting packets, but encouraged everyone to go to their webpage in order to see the types of quality products they build. Mr. Reynolds said he was here with their Civil Engineer for the project, Bluewater Civil Design, of Greenville, S.C. and they were available to answer any questions.

Board Questions:

- Mr. Kinard referenced a slide of the location map; and he asked about the main access to the development would come off of Highway 29 and take a right on to Franklin; and was that access going to be the vacant lot they were also proposing to annex; and he asked about the main road that ran perpendicular to the I-26 access.
- Mr. Reynolds explained they were at the very end of the retail development; and that the area from the back of the retail building to that lot line was all parking and truck traffic which would be their main access point.
- Mr. Kinard asked about the buffer requirements, and about the fact that it would be next to county property, and technically there would be no buffer required, and he asked was that correct.
- Ms. Rosario said technically by the PDD ordinance there were no buffers required to unincorporated parcels, but in the interest of the development and nearby residents; the developer was going to meet or exceed the buffer requirements which would be a six foot privacy fence with at least a distance of fifteen feet and five canopy trees were required for every one hundred linear feet.
- Mr. Kinard asked about what the emergency access was currently.
- Mr. Reynolds said it was an empty lot or an alley.
- Mr. Kinard asked was it required per City ordinance to have two separate access points.
- Ms. Rosario explained the Building Department and Fire Department assess each site for fire access and in this case just having one entrance on a site this large would not be the best idea, regarding if there should be a fire; it would impede their response time.
- Mr. Kinard asked would the apartments be all market rate rental units.
- Mr. Reynolds said that was correct.
- Dr. Stone asked about the market rate.
- Mr. Reynolds said they would propose one, two and three bedroom; and per unit averages according to their market studies, they were seeing around one dollar or more per square foot, and per unit averages they were seeing around \$1000.00 for a one bedroom; \$1150 for a two-bedroom, and \$1300 to 1350 for a three-bedroom.
- Mr. Pitts asked if these would be three levels.
- Mr. Reynolds said yes.
- Mr. Kinard asked about the motivating factor for the annexation.
- Ms. Rosario explained to the Planning Commissioners the County Land Development Standards determined density by the type of road that was nearest the type of development, and since this was a residential road, the county would not permit more than eight units per acre; and she said the City determined density by the zone, i.e. PDD,; so she said the City would allow almost double (16.6 units per acre) which made the project more feasible to develop in the City.
- Mr. Quillen asked was he correct in assuming for this project to move forward, it would have to be annexed into the City.
- Mr. Reynolds said that was correct.
- Mr. Kinard asked regarding the traffic study, could they speak to that in more simple terms.

Mr. Mike McNabb, Bluewater Civil Design, Greenville, SC came forward and was sworn. He explained they had met with County Public Works Department to talk about the project; and that the City wanted them to be involved and have their feedback. After that meeting the County wanted them to study two points which were the site, and Franklin Avenue at Azalea Court which were both County maintained intersections. He said basically they did traffic studies for the current condition and then with full build

out; and basically the study projected the level of service maintained at the site access and at the Azalea Court intersection would still be at a level service A even with the additional traffic load, which was the highest level of service that an intersection could have. He said that was with no road improvements or no suggestion of the three-way stop at the time. Mr. Reynolds said they ran a study for whether a turn lane would be required or warranted per DOT standards, and it was determined that it would not for this development.

Mr. Pitts asked about the rail line and heavy industrial facility to the north of the site; and he asked was that a concern.

Mr. Reynolds said there was a buffer between the proposed property and that property, and there would still be an undeveloped piece that was not associated with their project.

Ms. Rosario came forward again and informed the Planning Commissioners she had given the traffic study to Travis Brown, County Public Works to make sure that whatever happened here also worked for the County; and she said the City was waiting on his thoughts and recommendations. Ms. Rosario said under S. C. State Law regarding annexation, the Planning Commission needed to sign off on the proposed zone upon annexation. She referenced a slide of the preliminary site plan to show the orientation of the buildings; parking, etc.; and which she said would result in 288 units and would consist of twelve three story buildings. The property was planned to be annexed and developed under the R-6 PDD, which would permit the development of the property at an approximately 16.6 units per acre, versus the Spartanburg County Code only permitted the development of eight units per acre. The proposed property was not mentioned in the 2004 Comprehensive Plan; and no property that was outside the city limits at the time it was written had any recommendation. Ms. Rosario said this would be the most appropriate zone with this property being bounded by I-26 on one side, and adjacent to single family homes the proposed zoning, proposed buffer, etc. would be the most appropriate for a large project such as this. She said this would be similar to Camelot Townes that was approved last year. She said the total trips per day expected at maximum volume (with all the units being occupied) would be about 1869 additional trips with the peak hours seeing the most. She said the highest amount of delay to be seen at Franklin Avenue and Azalea would be a delay of about 10.4 seconds. Ms. Rosario concluded her presentation by saying Staff was satisfied that the use of the property and those allowed under the R-6 PDD (flex multi-family residential and accompanying uses) were appropriate for this zone; and Staff recommends the Planning Commission recommend this favorably to the Mayor and City Council.

Planning Commission Questions:

- Mr. Kinard asked Ms. Rosario if R-6 PDD was the common zoning classification for these type multi-family projects.
- Ms. Rosario said R-6 was, and that PDD was an overlay zone that added a little more flexibility regarding setbacks and density. She said when they had large developments such as this they come under the PDD ordinance; and that multi-family also supported single-family, duplexes, and multi-family.
- Mr. Kinard asked regarding annexation, if it needed to be contiguous to a property currently in the City; and regarding where they were separated by I-26 on one side; even if the road was not there would they still be considered contiguous.
- Ms. Rosario said that was correct, and that they had consulted with former City Attorney McCabe before she retired to make sure they were interpreting the ordinance correctly.
- Dr. Stone asked whether the Police and Fire Departments felt they could accommodate the additional development so that City services would not be compromised.
- Ms. Rosario explained they had talked to both departments, and both the Fire Chief and Police Chief said they could be at the site within five minutes.
- Dr. Stone asked would the annexation add to the solid/green waste.
- Ms. Rosario said for City Services such as solid waste and recycling, the City did not service the apartment complexes and they had to provide their own services.

- Mr. Pitts asked would the project need to go before the Design Review Board if it was annexed.
- Ms. Rosario said it would go through complete site plan review like any other site.
- Mr. Kinard asked since it was in the county right now and there was no zoning in the county potentially something could be built there; and if the City annexed it as residential, was a residential use was all that it could be.
- Ms. Rosario said that was correct.
- Dr. Stone moved to open the public hearing; and he was seconded by Mr. Kinard. The motion was unanimously approved by a vote of 4 to 0.

Mr. Kinard opened the public hearing and asked anyone who wished to speak to come forward.

- Mr. Robert Spillers of 142 Franklin Avenue came forward and said he lived at the very last lot on Franklin Avenue; and there had been a major omission regarding the traffic studies that had been performed. He said the real problem was at Franklin Avenue and Highway 29, which was already a nightmare. He was not surprised there were not many problems with the two areas where they did the study. Mr. Spillers explained about all of the heavy traffic going each way at the Franklin Avenue, Highway 29 intersection; and he felt they should be required to do a traffic study there before making any decision.
- Ms. Rosario said to comment on that, when they had met with the County, it was the County who specifically requested needed to do the traffic study done exactly where it had been done.
- Dr. Stone asked Ms. Rosario who had asked for the traffic study to be done.
- Ms. Rosario said Travis Brown with County Public Works had requested it.
- Mr. Spiller said he would like to have a traffic study done right now at that intersection of Highway 29 and Franklin Avenue before the apartments were ever built.
- A gentleman who said he lived at 115 Franklin Avenue came forward and agreed with what Mr. Spiller had said. He felt there would definitely be a major traffic impact adding that many more people driving in to the apartment development. He also felt they should do an analysis regarding Franklin Avenue and Highway 29 intersection.
- Mr. Quillen asked Mrs. Rosario about the traffic study that had been commissioned by the County; and if the Board did not necessarily approve the zoning designation tonight; was a traffic study something they could ask for before making a decision.
- Ms. Rosario said they could ask for additional information, and the developer would need to go to additional expense in order to do that, and she knew they were on a development timeline. It was something they could certainly ask for but it may affect the development.
- Mr. Bobby Ward of 128 Franklin Avenue came forward and said the previous two people who commented had only covered part of the problem. He said he drives an eighteen wheeler for a living and he explained how people would also cut through at all hours of the day and night where he lived at the corner of Franklin and Second Avenue; people cut through from Second Avenue on Azalea over to Franklin, and over to Blackstock. It was a dangerous area regarding traffic; and the second thing was regarding the six foot privacy fence and fifteen foot easement. He said he had a teenage daughter that like to sunbathe in the back yard; and at the prices these people would be asking for the apartments, he did not think that six feet tall would be enough of a buffer for him from residents that might look down from a 3 story tall apartment building on the surrounding residents.
- Dr. Raymond Ford of 119 Franklin Avenue came forward and said he pastored Bethany Wesleyan Church in Moore, SC; and said he was very concerned about traffic at the end of the street. He said he worked some with the Spartanburg County Sheriff's office and they had been to numerous accidents at the end of the street at the intersection of Franklin and 29; and he felt the Planning Commission should consider the cost of lives out in the area. Franklin Avenue was also becoming a speedway, and they were also concerned about the crime increase, and property values. He noticed the dates at the tops of

the traffic studies were dated 2003 and 2010, which he felt were outdated. Mr. Ford said on behalf of the Franklin Avenue residents they demanded that the design meet Spartanburg County Codes.

- Mr. McNabb, Civil Engineer with Bluewater said those dates on the traffic study pages were just when the code was adopted/and or changed and there had not been any additions made to the code since that time; and the traffic study was performed on the two requested areas last month.
- The gentleman from 115 Franklin came forward again and said he had read that there were no proposed road work for Franklin Avenue.
- Ms. Rosario said there was no proposed work by the County on that road and according to the traffic study there were no recommended improvements if the development was to be completed. She said they were still waiting on the official word from the County after studying the traffic analysis provided.
- Dr. Ford of 119 Franklin Avenue came forward again and said he forgot to mention he had spoken with some of the crew workers out in the area that were putting in water lines, who he said informed him they were putting in the water lines for an apartment complex to be developed; and he asked was this already a done deal and were they wasting their time tonight making these comments regarding the project.
- Mr. Kinard said he did not know about any work already being done to get ready for the project; and this was the first time that anything regarding this project had been brought to the Planning Commission.
- Ms. Kirsty Schenkel of 172 Dellwood Drive of Hawk Creek North (a little further down the road) came forward and said everything that had been said about the traffic problems was true. She said she traveled the back way because she had to be across town at 5:30 each day, and she had to leave 45 minutes in advance due to all of the heavy traffic. People got stuck between the Ingles and the next intersection over; and that created another intersection that had very heavy traffic also. She said also the little area they spoke about that would be between the development and the interstate was right in people's back yards regarding privacy.
- Ms. Christy Ward of 128 Franklin Avenue came forward and said Azalea Street came up to the Ingles, which was a bad area; and that people would take Azalea Avenue instead as an alternative. She also said the streets were very narrow.
- Mr. Spillers who spoke earlier came forward again and said he would like to formally request that a traffic study be done regarding the impact of the Blackstock/Highway 29 Intersection and also the Franklin Avenue/Highway 29 intersection.
- Ms. Patricia Sargent of 134 Franklin Avenue came forward and said the reason she chose her house when she originally purchased it was because it was kind of private. Now the traffic was very bad; and she did not want her backyard privacy to have additional traffic backed up in the area. She asked them not to annex and not to develop it because it would ruin every home on Franklin Avenue.

Dr. Stone made a motion to close the public hearing and he was seconded by Mr. Kinard. The motion was approved by a vote of 4 to 0.

A gentleman from the audience said a Chairman could not second a meeting motion regarding Roberts Rules.

Dr. Stone said the Chairman could second a motion because he was a member of the Board.

Mr. Kinard said they would give the petitioner a chance for any rebuttal based on the previous statements that had been made.

Mr. Reynolds came forward again and said they had performed the traffic study that had been requested by the County Public Works Department. He explained if they had wanted him to perform more studies, they would have been more than happy to do so. He said the County Public Works Department had explained to him that the other intersections were performing the way they were designed for; and that the County was more worried about the smaller ones.

Mr. McNabb with Bluewater Civil Designs said the bigger intersections were part of the DOT roads,, over which the County had no control.

Mr. Reynolds said they would not have any of their residents using the emergency access; and they would only use the main access. He said if there was a concern about traffic; however, he felt they needed to have the County Public Works to address the concerns regarding traffic either publicly or privately.

Mr. McNabb said he met with Spartanburg Water system, and they had not told them anything about any work or plans for the area. He said Bluewater had requested a flow test, and perhaps that was what they had been doing.

Dr. Stone asked had Spartanburg Water been in any of their conversations.

Ms. Rosario said they had not; but they would be brought in regarding when a full Site Plan Submittal was submitted.

Dr. Stone said he was trying to figure out an answer to some of the comments just heard.

Dr. Stone asked since the height of fences and canopy had come up; if she estimated there would be a 15 foot barrier there.

Mr. McNabb said there would be.

Planning Commission Questions/Comments:

- Mr. Kinard said it appeared a big issue was the Highway 29/Franklin Street traffic study; and he guessed the County had not asked for one. His concern was if the Planning Commission delayed it, that this would still go before City Council for another public hearing; and possibly a traffic study could perhaps be done before the Mayor and Council would hear the request.
- Ms. Rosario explained she would not recommend it; and if the Planning Commission wanted a new traffic study she would recommend they table the request and ask for one. She pointed out however; it was not requested by the county and it was not an oversight and that since the area was under the control of the SCDOT; and it was a DOT maintenance issue and outside of the scope of the developer. She gave an example about a high traffic area on the east side of town that was under the control of the SCDOT at the intersection of East Main and Pine Streets, that was a rather large commercial development that the City had very little control over what changes might happen there. The SCDOT had the control and ability to say no to whatever they so chose, regarding their roads.

Planning Commission Discussion:

- Dr. Stone said he grew up on the West side of town, and he shopped at the Ingles that had been mentioned on Saturday's; and he did not think it was unfeasible that the county had not asked for a traffic study of that area. He said they all knew that traffic on 29 backed up which to him was a SCDOT area; and that it really was out of their purview. He said their purview was whether or not they would recommend it as an R-6 zoning classification.
- Mr. Kinard asked Ms. Rosario would there be two votes regarding the annexation/zoning.
- Ms. Rosario said only if they did not agree with the zoning designation.
- Dr. Stone felt it was a good project for the west side of town, and the site plan looked good, and it would bring more people into the City.
- Mr. Kinard said obviously traffic issues were a concern of becoming a larger City, which Spartanburg was definitely becoming; and even though a traffic study had not been ordered by the SCDOT yet; that did not say that one would not be done; and also regarding privacy issues, the developer was willing to abide by the City buffer requirements when they did not have to do so, said a lot for them. Also there was a lot of more intense uses that could already go in the area.
- Mr. Quillen said it was tough for him when they had so many residents that were not in support of it. He said it did look like a good site plan. He wished the roads could be improved, but knew the Planning Commission could not do that.

- Mr. Pitts felt it was a great project and would be a nice door-way to the west side of town. He said he knew it had some issues, but traffic was bad everywhere. He did not know about tabling for a month.

Dr. Stone moved to recommend the request favorably to City Council as presented as zoning designation of R-6 PDD; and he was seconded by Mr. Kinard. The motion was approved by a vote of 3 to 1, with Mr. Quillen against.

Mr. Kinard said the next step in the process was for the request to have another Public Hearing and First Reading of Ordinance by the Mayor and City Council on Monday, March 26, 2018. If it was approved at that time, it would then go for a Second and Final Reading on Monday, April 9, 2018.

Review and Approval of the Proposed 2018 Planning Commission Meeting Schedule.

Dr. Stone moved to approve the 2018 Planning Commission Meeting Schedule as proposed, and he was seconded by Mr. Quillen. The motion was unanimously approved by a vote of 4 to 0.

Site and Landscape Plans Approved (information purposes only) since the January 18, 2018 Council Meeting.

- Macedonia Missionary Baptist Church additions – 502 S. Daniel Morgan Avenue.
- Golden Chick Restaurant & Drive-Thru – 2089 E. Main Street.

City Council Updates (FYI) Since Last Mtg. of Planning Commission on January 18, 2018 Meeting.

Ms. Rosario said this past Monday, the Mayor and City Council had given First Reading approval for the property at Baltimore Avenue; and the Second Reading would be on February 26, 2018.

Staff Announcements

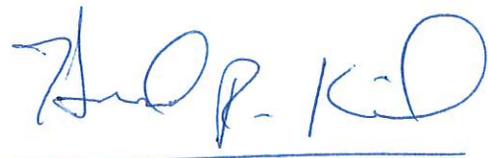
- Ms. Rosario said there was an upcoming 2018 SCAPA Conference that would be held in Anderson, SC on March 22, and 23rd if anyone was interested in getting their required 3 hours of Continued Education Training Credits to please let Ms. Roland know and she would get them registered.
- Ms. Rosario reminded Mr. Quillen regarding his New Board Member Orientation Training that would be coming up on March 13, 2018 in Gaffney, SC.

The meeting adjourned at 7:33 P.M.

Respectfully Submitted

 3/15/18
 Jared Wilson, Chair

+Minutes by Julie Roland, Administrative Assistant


 Julie Roland
 Acty Chair