

Spartanburg City Planning Commission Meeting Minutes
Thursday, April 20, 2017

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, April 20, 2017, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Howard Kinard, Mike Epps, Wendell Cantrell, Dr. Phillip Stone, II, and Bob Pitts. Nancy Hogan was absent. Representing the Planning Department were Natalia Rosario, Planner III and Julie Roland, Planning Department 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 six Planning Commissioners were present, constituting a quorum. Mr. Wilson 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. Cantrell. The motion was unanimously approved by a vote of 6 to 0.

Disposition of the Minutes from the March 16, 2017 meeting of the Spartanburg City Planning Commission.

Dr. Stone moved the minutes from the March 16, 2017 meeting be approved; and he was seconded by Mr. Cantrell. The motion was unanimously approved by a vote of 6 to 0.

Old Business – None.

New Business

Rezoning Request – TMS#7-15-04-100.00 & 101.00 located on 101 and "0" Chester Street, which are currently zoned B-3, General Business District, and R-12, General Residential District to zone B-1, Neighborhood Shopping District in order to utilize the property as a craft brewery. Petr Valenta, Ph.D. on behalf of Spartanburg Brewing LLC, property owner.

Ms. Natalia Rosario, Planner III 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, presentation, and three articles regarding breweries and micro-breweries and their impact on neighborhoods, and a letter of opposition from an adjoining property owner into evidence as Exhibit A. She introduced the case to the Planning Commissioners and showed a slide of the location map; and she said the properties were located at 101 & "0" Chester Street. The property at 101 Chester Street was zoned B-3; and just to clarify, this use could take place in B-3 or B-1. The purpose for the rezoning was to potentially get the R-12 parcel into conformity with the zone that a micro-pub could take place at. As it currently was zoned; you could only do it at B-3 and they would need a little more space for parking and some outdoor improvements they would like to make. She gave the following background information on the properties: 101 Chester Street went from R-12 to B-3 in 1978; and coincidentally the landowner of "0" Chester Street had wanted that property rezoned to B-3 because he said it was not suitable as a residential property. This had been zoned R-12 and had been vacant since 1978 and never had a house built on it. In May, 1990, City Council denied a motion to rezone from R-12 to B-1; and in 1996 the same thing happened. At that time the proposed use was to be some sort of auto repair/auto glass at both locations. All in all the property had gone for rezoning six times in thirty or more years and had remained vacant as a residential lot. Previous rezoning's had been B-3; and Staff had suggested to go to B-1, as a less intense commercial use that would still allow for a retail bar type establishment without opening the door for what was previously there which was a heavy mechanic shop which had now been condemned. She gave financial information regarding the properties as well.

Planning Commission Questions:

- Howard Kinard asked Ms. Rosario which of the lots that a prior owner had tried to rezone to B-3. Ms. Rosario said "0" Chester Street.

Mr. Dave Winstrop of 202 Gladstone Way, Greer, SC; and a Member of Spartan Brewery came forward and was sworn. He said their proposal was to establish a micro-brew pub at 101 Chester Street utilizing the existing 4,000 sq. foot building. They purchased the building from the FLC (Forfeited Land Commission), and paid all the back taxes, acquired the building and then less than a year ago, went through the Building Department and got all the permits to do a total demo on the inside of the building. At that time it was an unsecured building and the garage doors were missing; and the unofficial use of the building was a non-official homeless shelter. Since that time they had redone the inside of the building, replaced the garage doors as well as the roof, and had established initial electrical services so they could proceed as soon as the rezoning was possibly approved on plans to unfit the building. He said the "0" Chester Street had been purchased from the owner who lived out of state, whom had no use for the property. They would like to incorporate this lot into the plan for outdoor uses as well as parking.

- Planning Commission Questions:
- Mr. Cantrell asked about the lot regarding number 4 on the survey. Mr. Winstrop explained.
- Mr. Cantrell asked a question regarding lot number 3 on the survey. Mr. Winstrop explained.
- Mr. Kinard asked would any permanent structures be built on the vacant lot.
- Mr. Winstrop said no permanent structures would be built on the lot; and he explained to the Planning Commissioners they had just been made aware yesterday an opposition letter had been received; and he had contacted the homeowner regarding the letter; and that he was out of town and unable to be here tonight; but he had agreed to meet with them at a later date to go through the plans when he got back to town. He said that was one of his concerns in the letter of opposition was whether or not a permanent structure would be put on the property. Mr. Winstrop assured him he would put together a document assuring him no permanent structure would be put on the property.
- Dr. Stone asked would they need to submit a site plan.
- Ms. Rosario said they would have to submit a site plan that would go through the normal Site Plan Review Process with all of the applicable departments.
- Mr. Kinard asked Ms. Rosario did the Code govern the hours of operation.
- Ms. Rosario said she did not think they had restrictions on when a business could operate.
- Dr. Stone asked the petitioner what they planned to do at the facility.
- Mr. Winstrop said the vision would be similar to R J Rockers.
- Mr. Cantrell asked did the grading or site prep involve any water/drainage problems.
- Mr. Winstrop said no; there was already several cuts to the asphalt from the previous auto detailing shop that was there to the drain line. If they do any prep it would only be in the front not in the back.
- Mr. Winstrop said they were working with Michael Henthorn, Architect in order to get all the appropriate drawings that the Planning Office was requiring.

Ms. Rosario came forward again and showed more slides in order to better illustrate the request. She went over the analysis of required findings and report the Planning Commissioners had previously received in their meeting packets that included the following list of criteria for the Planning Commission to consider when reviewing a rezoning request and Staff's analysis of those criteria as follows:

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The 2004 Comprehensive Plan calls for the property at 101 Chester to be zoned one of the four zoning categories included in the General Activity Center: "... a general commercial area, serving a neighborhood or regional market; to contain a wide variety of land uses that will create a wide variety of commercial, repair,

service, and office uses.” (City of Spartanburg 2004 Comprehensive Plan TableLU1). The zones compatible to this district include LOD, LC, B-1, and B-3. Currently, 101 Chester Street is in consistent with the Comprehensive Plan. The 2004 Comprehensive Plan calls for the property at “0” Chester Street to be zoned Low Density Residential, either R-15 or R-12 Residential. However, the intent of the Comprehensive Plan is to act as a guide, and not as a strict rulebook on what types of uses might occur in an area or particular parcel. Due to the long term vacancy and neglect the two properties have experienced, and staff feels that rezoning both properties to the comparatively (to adjacent B-3 uses) less intense zoning will encourage redevelopment and functional occupation of these two properties.

2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The properties to the immediate north and east are B-3: General Business District, and are semi-vacant. To the west across Chester Street the parcels are mostly zoned B-1: Neighborhood shopping center. To the south most of the properties are zoned R-12: General Residential, and are generally single family and duplex lots. The zoning category of B-1: Neighborhood Shopping District is an appropriate buffering step between B-3, and is already present along the W. O. Ezell Corridor. Therefore, staff finds the proposed zone to be compatible with present and nearby zoning uses of nearby properties, and the character of the neighborhood.
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 property is suitable for this development. The applicant is investing in renovating the building and site to meet Building Code and Zoning Ordinance standards, and the project will go through the administrative Site Plan review process before implementation.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the properties at the time of the proposed amendment* – The properties’ marketability will improve if the proposed change in zone is approved. Attached are a list of uses permitted by right in the B-1: Neighborhood Shopping Zone. By rezoning both properties, enough space within this cohesive zoning category is created to allow the parcels to become developable. They have both been vacant for over a decade.
5. *Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use* – Both water and sanitary sewer services are available to this site.

Staff’s Analysis & Recommendation:

Staff is of the opinion that the proposed zone change from B-3 and R-12 to B-1 will be a beneficial and appropriate use for the area. Therefore, Staff recommends approval of the proposed zone change from B-3 and R-12 to B-1 as proposed.

Mr. Wilson opened the public hearing and asked anyone present who wished to speak in favor, or in opposition to the request to come forward. No one came forward. Mr. Wilson closed the public hearing.

Planning Commission Deliberation:

Mr. Kinard said his main concern was with the property owner who had sent in the letter of opposition; but it sounded like the developer was working with him regarding his complaints; and he that it was a good idea; and would be a lot better than an abandoned building.

Dr. Stone felt it was a good idea, and it would encourage positive development downtown.

Mr. Cantrell said he was glad the developer was willing to spend the money on the site.

Mr. Wilson agreed; and he felt it would be a good tax based property for the City.

Dr. Stone felt it was a good idea

Dr. Stone moved approval of the request as presented; and he was seconded by Mr. Kinard. The motion was unanimously approved by a vote of 6 to 0.

Ms. Rosario explained there would be another public hearing and First Reading before the Mayor and City Council regarding the request on May 8, 2017; and that a Second and Final Reading would be held on May 22, 2017.

.Site and Landscape Plans Approved since the February 9, 2017 Planning Commission Meeting

Any approved Plans would be reviewed at the next meeting.

City Council Updates Since the Last Meeting of the Planning Commission on February 9, 2017

There were none that pertained to the Planning Commission.

Staff Announcements

Mrs. Roland said as of June 30, 2017 there would be one Board member vacancy, and two possible Board Member Re-appointments that would be considered by the Mayor and Council.

The meeting adjourned at 6:00 P.M.

Respectfully Submitted



Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant