

**Spartanburg City Planning Commission Meeting Minutes**  
**Thursday, May 16, 2019**

*City Hall Council Chambers*  
*Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, May 16, 2019 at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Howard Kinard, Bob Pitts, Dr. Phillip Stone, Reed Cunningham and William "Luke" Quillen. Mike Epps was absent. Representing the Planning Department were Natalia Rosario, Planner III. and Julie Roland, Administrative Assistant. City Attorney, Bob Coler also attended the meeting.

***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; and he went over the rules and procedures for conducting a public hearing.

Mr. Kinard moved approval of the Agenda for tonight's meeting; and he was seconded by Mr. Cunningham. The motion was approved by a vote of 6 to 0.

**Disposition of the Minutes from the April 18, 2019 Meeting.**

Dr. Stone noted there was an error on the last page (page 5) of the minutes; and he said it was the sixth sentence from the bottom of page; and that Mr. Cantrell needed to be changed to Mr. Cunningham. Dr. Stone motioned to approve the minutes as were amended; and he was seconded by Mr. Kinard. The motion was approved by a vote of 6 to 0.

***Old Business – None.***

**New Business**

**1. Rezoning Request to consider amending the City of Spartanburg Zoning Ordinance and Comprehensive Plan Land Use Element, by amending Section 206, changes to District Boundaries, of two properties, Specifically Parcels #7-12-01-184.00 located on 728 North Church Street that is currently zoned R-15, Single Family Residential District and Parcel #7-12-01-183.00 located at '0' Asheville Highway that is currently zoned LOD, Limited Office District to zone B-3, General Business District in order to allow the Proposed Owner/Developer to be able to develop a Class A multifamily community on the two parcels. Danny Balon, Seamon Whiteside Engineering, on behalf of proposed Applicant/Developer Mark Stuermann, Arlington Properties, Inc. on behalf of Property Owners.**

Ms. Rosario, Planner III came forward and was sworn; and she introduced the case to the Planning Commissioners and said that most of the site was the former Bon Haven home located at 728 North Church Street, and was currently zoned as R-15, Single Family Residential District. She said the home was deconstructed about a year and a half ago, and there was not much left on the site with the exception of a couple of small structures. She explained the portion that was zoned LOD, along the Asheville Highway was too small to develop as an office use; and neither of the zones were suitable for the size or location of the property. Ms. Rosario said in order to achieve the highest and best use for the parcel and the surrounding properties, the requested zone was B-3, General Business District, as this zone permitted multifamily housing and did not have as many design based restrictions as exclusively residential zones (setbacks, density, etc.) The proposal suited the vision and direction the City of Spartanburg had formed in the last several years. Ms. Rosario submitted the meeting packets the Planning Commissioners had received today via email, as well as tonight's presentation, etc. as Exhibit A; and she submitted a Site Plan that had been brought by the petitioner to tonight's meeting as Exhibit B.

Mr. Mark Stuermann, Arlington Properties, 2 North 20<sup>th</sup> Street, Birmingham, Alabama came forward and was sworn. He explained they had developed across the southeast; that included some projects in Greenville, S.C.; and they had provided in the meeting packets examples of some of their work. What they would like to do with the former Bon Haven property would be to provide market rate housing in the City

that was not right in downtown, that had a bit more of an apartment community kind of feel to it. Mr. Stuermann said the site presented a couple of good opportunities because it was so prominent, and they wanted to pull the building closer to the street and have a good urban presence at the intersection of Church Street and Asheville Highway. They were really targeted more towards nurses and medical students. He said there would probably not be that many Wofford Students who would live there, but it was really just to provide housing close to the urban core. It was their intent to preserve what buildings still existed on the site and some of the trees that could be saved; and said they had not done a tree survey. Mr. Stuermann said they had found if you preserved a character of a site and really tried to build around it, that it created a much better environment. It would consist of one, two and three bedroom units; and they were targeting approximately 150 apartments.

Planning Commission Questions:

- Mr. Kinard asked would the entrance be off the Asheville Highway.
- Mr. Stuermann said the primary entrance would be off of Church Street because of the spacing between the intersection, and regarding red lights it would be very hard to try and squeeze in another one. He said the Asheville Highway entrance would be secondary.
- Mr. Cunningham asked Mr. Stuermann that there would be an entryway off of Asheville Highway.
- Mr. Stuermann said yes; and they preferred to do that for emergency vehicular access.
- Mr. Cunningham asked about the breakdown of the 150 apartment units regarding bedrooms.
- Mr. Stuermann explained it would probably be approximately 10% three bedroom units, 50% two bedroom units, and the balance would be one bedroom units. He said the three bedroom units would probably be occupied by some young engineers rooming together, or nurses rooming together from the hospital who wanted to live closer to the hospital and close to the downtown area.
- Mr. Cunningham asked was the medical staff one of their target markets.
- Mr. Stuermann said yes; and there had really not been much housing built in the City in quite some time.
- Mr. Wilson asked preliminarily were they thinking three stories.
- Mr. Stuermann said yes; and explained there would be some two story which he pointed out on a slide.
- Dr. Stone said his question was as much for the developer as for staff; and said they had a Downtown Urban Code and it extended to near that area which he pointed out on the slide; and said he was curious that it seemed to him because this would kind of be a gateway and would be at a corridor in the downtown - that it would almost fit better within the DT-5 District and wondered why they wanted a B-3 zone as opposed to DT-5. He knew it would probably delay the process some because it would need to be reviewed by the Design Review Board for a DT-5; but he felt this would end up being an iconic structure, and wanted to make sure it was done right.
- Mr. Wilson said they could direct that question to Ms. Rosario when she came back up to finish her presentation.
- Mr. Stuermann said they also wanted it to be something everyone would be proud of, and it was a prominent corner and needed to be treated that way. He felt they had enough examples on their slide show to show evidence of the kind of work they did; but he definitely understood the concern.
- Mr. Cunningham said Mr. Stuermann had mentioned trees earlier, and he was very interested in saving trees; but he knew it could be problematic at times regarding development when it came to age of trees, root patterns, etc. He asked what they had in mind regarding the historical structures still on the property.
- Mr. Stuermann said their intent was to keep the structures there and what trees they could build around they would preserve. He said some trees might die, but he felt they had done a decent job of trying to

preserve as many as they could; and the reason for that was that it made for a much better environment, and people did not like to live in a parking lot.

- Mr. Cunningham said he agreed 100%.
- Mr. Kinard asked according to the site plan there would be a total of four apartment buildings.
- Mr. Stuermann explained.
- Mr. Kinard asked about a buffer.
- Ms. Rosario said it would be buffered to use and not the zone. She explained the uses nearby were pretty similar in scale and density, other than the church; so it would probably be a Bufferyard 3 which would be some sort of fencing and plantings.
- Mr. Stuermann said they had not yet analyzed the stormwater portion.
- Ms. Rosario came forward again and showed some slides and 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 states that this parcel and those north of it should convert to medium density residential uses with general commercial and institutional uses to support it. The proposed use for multifamily residential does comport with the vision of the area for the comprehensive plan, and is complimentary to the redevelopment activities in the Northside neighborhood. The zoning category proposed (B-3: General Business) allows for 750 square feet density requirements per unit vs. the much larger 2500 square feet per unit count required by the R-6 General Residential Zone, thus allowing for a higher number of units and a better utilization of the existing 5.8 acres. This zone does not have a maximum coverage area for multifamily residential developments, similar to DT development zones, and features side yard minimum depths that are half to one-third the requirement of other residential zones.

Ms. Rosario said to Dr. Stone's point regarding the B-3 Zone, and she did not know the full depth of the financials, but in general the longer the review process – the more in danger the financing for a development of this size would be. In S.C. financing and constructing a multifamily complex was far more difficult than most other residential uses. In her take, the B-3 zone was chosen because it conformed the most out of all the other zones that were not form based categories, which meant the allowance for additional density and smaller setbacks so that the building could legally be closer to the street, which were at least two of the goals of the form based code: bringing things to a pedestrian level (closer to the street), and allowing for density bonuses to fit more units in, whereas the residential zone generally did not allow for very much density at all.

- 2) *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The present character of this area is predominately institutional, medium density single family housing, and medium density multifamily housing. This proposal does suit the conforming uses of nearby properties. Staff would note that the properties are currently either not zoned for appropriate development (Single Family) or too small and awkwardly shaped for limited office development.
- 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 will require site planning and engineering, in conjunction with a development agreement with the City of Spartanburg. Said development agreement will work in multifaceted ways, but of chief importance to the Planning Commission, it will ensure that the development is multifamily residential and not another use permitted within the B-3 zoning category that would not be suitable to the surroundings.
- 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 rezoning of the properties will increase marketability of the site, and will provide additional housing units (market rate) for the City of Spartanburg.

- 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. Please note that the development of the site will require retention of any additional stormwater runoff caused by additional impervious surface. City staff and Spartanburg Water will review this site prior to issuing of any grading permits.

**Staff's Analysis & Recommendation:**

Staff is of the opinion that the proposed zone change from R-15 and LOD to B-3, General Business with the intent to develop multifamily housing should be considered favorably. She explained the project if approved would go through full Site Plan Review and have to meet all of the requirements.

**Planning Commission Questions:**

- Mr. Pitts asked where the Northside Development was in relation to this project.
- Ms. Rosario explained on the slide.
- Mr. Wilson asked Dr. Stone if his former question had been answered regarding why the proposed project would not be reviewed by the Design Review Board.
- Dr. Stone said yes; and also because some of the site could be dealt with in a Development Agreement he trusted the City to do that accordingly. He felt as long as they could work on making it pedestrian scale, and he definitely agreed it needed to change to another zoning category and as far as the commercial zoning went he felt B-3 was the best fit. He said he had just wanted to make sure they had not missed an opportunity to expand the area that was under the Downtown Code.
- Ms. Rosario said she thought it was considered, but in the end the amount of time it would take to get the project through City Council, then another month for Design Review Board, then there would be the Administrative Review which would tag about a total of four months they did not have before they could begin the process. She said they were trying to mesh what was permitted by the B-3 zone with a Development Agreement to get to the happiest outcome they could without delaying the project.
- Dr. Stone said he would mostly like for it to look urban, but knew he had no say in that other than his vote tonight. He felt it was a good project, and it did all the things he liked to see these project do, which was bring more housing to the City, bring a property on to the tax rolls at a good tax rate to provide more revenue to the City; and he was in favor of the project.
- Mr. Pitts asked would there possibly be a stop light at the exit.
- Ms. Rosario said that would probably be something for consideration further down the line; she was not sure if the Developer had approached the SCDOT; but it was a SCDOT road; and she explained getting those sort of approvals normally took full on engineering and full engagement with SCDOT. She said they could certainly take a look at that, and the DOT would definitely be involved in the Site Review because it entered and exited off of their rights-of-way; but as of right this moment she could not give him a definite answer; other than they could look into it.

Mr. Wilson asked if there were any other Planning Commission questions. There were no more questions at this time.

Mr. Wilson opened the public hearing and asked if anyone in the audience wished to come forward and state their name and address for the record to ask any questions or make comments regarding the project.

- Mr. Glenn Miller, a Representative of St. Nicholas Greek Orthodox Church came forward and said he had a question regarding the price range of the rentals; and as far as the Church concerns were regarding the safety of their parishioners and the safety of their property; and would there be any type of buffering, fencing or landscaping to separate the complex from the Church property.
- Mr. Wilson said if the Development moved forward it would have to conform to all City Codes that were required regarding buffering, landscaping and fencing. He said it would be screened based on the use of the adjacent properties; and again it would have to conform to all City required codes.

- Mr. Ralph Settle of 1105 Partridge Rd., Spartanburg came forward and explained he had been working on behalf of the Developer and had been working closely with Ross Walker and Dexter Cleveland, Property Owners. He said Mr. Walker lived in Dallas, Texas and could not be present tonight; and Mr. Cleveland asked him to apologize that he could not be present tonight. Mr. Settle said he wanted to speak on behalf of both Owners whom he normally spoke with on a weekly basis throughout this process; and he said both of them were very much in favor of the proposed project. He said he had talked to them about saving the tea house and the pump house; and Mr. Cleveland wanted him to remind everyone they used to have tea parties on the lawn at Bon Haven. Mr. Settle said everyone that was involved with this project was very excited about it; and they feel it is a great way to activate an iconic corner, and one which will provide housing in the downtown, mix a neighborhood of Habitat for Humanity homes on the back side, Housing Authority and market rate across the street from single family residential; and that it was a win/win for the community. Mr. Settle said he had spoken with Phil Feisal with the hospital regarding traffic lights, and said they had done a DOT Study along N. Church Street; they would be reducing the number of traffic lights along that street, along with closing down some of the interior streets of the hospital which should help with better navigation.
- Mr. Mark Stuermann came forward again and said their goal was to have apartments that would range from \$950 to \$1400 a month. The renters would need to pass a criminal and credit check in order to qualify to live there. He said they were very much concerned with crime and safety issues and it would be their intent to make it as safe as possible. He wanted it to be a place that for example, if nurses that were walking home from an all night shift at the hospital would feel comfortable walking home.
- Mr. Kinard asked would there be any fencing around the perimeter of the property.
- Mr. Stuermann said he thought there would be, that they were not quite to that level of detail yet; but generally people liked to live in gated communities.
- Mr. Cunningham asked if that were to become an issue with the next door housing and the church, would they consider putting up some form of barrier – even if the City Code did not require such.
- Mr. Stuermann said he would, and they wanted to be a good neighbor to all and would provide whatever was needed.

Mr. Wilson asked if anyone else wished to speak regarding the request. No one else came forward. Mr. Wilson closed the public hearing.

Planning Commission Deliberation:

Mr. Wilson felt since there was a lack of quality housing in the downtown, and this would provide close to 150 units, and since the proposed rezoning and development would be guided by a Development Agreement along with the improvements being proposed for that corner; that he felt the Development Agreement would protect the City's interest. He was in favor of the request.

Mr. Kinard said he was in favor of the request; and he asked Ms. Rosario if Staff had received any comments regarding the request.

Ms. Rosario said Staff had received no written or verbal comments regarding the request; but Staff had been on the lookout for any due to the high profile of the previous request for this site.

Mr. Kinard felt it said a lot, that all the neighbors seemed to be on board with the request.

Dr. Stone said he had pretty much already said what he wanted to say; and he was in support of the request. He encouraged the Developers to continue to be engaged with the Northside Development.

Mr. Cunningham was in support of the request and was glad the property owners were willing for it to be developed in this manner.

Mr. Pitts was in support of the request and felt it was a big move in the right direction.

Mr. Wilson moved to approve the request as presented by Staff; and he was seconded by Mr. Pitts. The motion was unanimously approved by a vote of 6 to 0.

Mr. Wilson explained the next step in the process would be for the request to be advertised for another Public Hearing and First Reading of Ordinance and would be presented at the June 10, 2019 Council Meeting; and if it was approved at that meeting the request would go for a Second/Final Reading of Ordinance at the June 24, 2019 Council Meeting.

**Site and Landscape Plans Approved (information purposes only) since the April 18, 2019 Meeting.**

Ms. Rosario said there were none approved since the last meeting, but she was going to set up a drop box in order to show all the existing plans in the works.

**City Council Updates (FYI) Since Last Meeting of the Planning Commission on April 18, 2019.**

None. Ms. Roland said she had listed none on the Agenda, but just this past Monday on May 13<sup>th</sup> Council had approved the Planned Development District proposed for W. O. Ezell behind Texas Road House on First Reading.

Ms. Rosario said she had just found out that due tremendous engineering costs, etc.; that this project had been put on pause until further notice by the applicant.

**Staff Announcements**

- Ms. Rosario informed the Planning Commissioners she would like to have one or two who could volunteer to serve on the Steering Committee for the Highland Master Plan that would be a very important project that ultimately would come to the Planning Commission for future review and approval before moving on to City Council; and asked if anyone would anyone like to volunteer.
- Mr. Wilson said he thought she had mentioned at the last meeting she was going to email them something regarding time requirements, and the process. He also said there was another meeting she had mentioned at that meeting that might require a volunteer or so.
- Dr. Stone said Ms. Rosario had mentioned volunteers regarding review of the Comprehensive Plan.
- Ms. Rosario said they did not end up getting that grant due to them being such a small city compared to a lot of the other cities that had applied for the grant; but she said next year/next round that group would be doing a more focused on smaller cities version of that housing grant; and they were going to move forward with the Comp Plan on those grounds – which she did not look for that to start until this fall at the earliest.
- Ms. Rosario said the Highland Master Plan would be continuing for the next twelve months and the Steering Committee would meet every month, alternating every other month meeting in person, otherwise the in between months would be on conference call with the Consultant, APD. She apologized and said she forgotten about the emails regarding those two. She told Dr. Stone she knew he was already serving on the Transit Analysis Steering Committee which was very involved, but that he was welcome to volunteer if he so chose for the other two.
- Dr. Stone said he would wait and see if there were other volunteers in order to give everyone an opportunity.
- Mr. Cunningham said he would consider serving on one; but he would like for her to email more pertinent information so he could see what they consisted of.
- Ms. Roland said as of June 30, 2019 they would have two Planning Commissioners first terms coming up for Consideration for Reappointment by the Mayor and Council, who were Jared Wilson and Mike Epps; and both had expressed an interest to be considered for reappointment by the Mayor and Council.

The meeting adjourned at 6:10 P.M.

Respectfully Submitted

  
Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant

  
Handwritten signatures and initials, including "OK Roland 9-19-19".