

**Spartanburg City Planning Commission Meeting Minutes**  
**Thursday, November 21, 2019**

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

The City Planning Commission met in City Hall Council Chambers on Thursday, November 21, 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 Mike Epps. No Planning Commissioners were absent. Representing the Planning Department were Natalia Rosario, AICP, Planner III; Rachel Grothe, MCRP, Associate Planner; and Julie Roland, Administrative Assistant. City Attorney, Bob Coler and City Manager Chris Story 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 all six Planning Commissioners of the current six member Board were present, constituting a quorum; and he went over the rules and procedures for conducting a public hearing.

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

**No Meeting Minutes were ready for approval.**

***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 one parcel, Specifically Parcel #7-17-01-002.00 located on '0' Union Street at the corner of Union Street and Ponce de Leon Avenue, which is zoned R-15, Single Family Residential District, to zone R-8 SFD, Single Family District in order to be able to subdivide into two lots and construct two new Habitat Homes. Lee Close, Executive Director, on behalf of Habitat for Humanity of Spartanburg, Property Owner.***

Ms. Rachel Grothe, Associate Planner came forward and was sworn; and she submitted the case into evidence that included the report the Planning Commissioners had previously received in their meeting packets, tonight's presentation and slides for this case as Exhibit A. She showed an aerial slide and location map slide of the property and said this was an application to rezone an R-15 zoned property to R-8 SFD with the intent of splitting the lot and constructing two houses. The project site is an approximately 23,310 square foot vacant lot on the corner of Union Street and Ponce de Leon Avenue; and the purpose of this rezoning request was for the applicant to eventually split the parcel into two parcels and develop each of the lots with a single family home. Ms. Grothe said the current single family zone designation had a minimum lot size of 15,000 square feet; and the owner could develop the lot with one home by a matter of right. However, the applicant, Habitat for Humanity hoped to obtain a rezone to R-8 SFD; and that designation had an 8,000 square foot lot size. The final intent would be to split the lot and construct two homes. This would allow Habitat to continue to provide safe, decent, and affordable homes for low income families in Spartanburg. A couple of slides were shown of the vacant lot as it was right now; and Ms. Grothe said any development on the lot would require removal of some of the trees, however; the applicant had asserted that their intent was to preserve as many trees as possible on the site. A slide of the survey was shown, and Ms. Grothe explained this showed the lot configuration the applicant hoped to achieve with the rezone. The interior lot would have the following characteristics: width of 80 feet and a square footage of 10,662 square feet. The corner lot would be 96 feet in width, with an area of 12,854 square feet. She said it was important to note that most of the lots in the vicinity do not meet the R-15 lot standards in terms of lot width and area. The minimum lot size for the R-15 designation was 15,000 square feet; and the majority of the lots in the neighborhood were between 10,500 square feet and 14,000 square feet. The minimum lot width for an R-15 zoned parcel was 90 feet. The majority of the lots in the vicinity were approximately 70 feet in width. Ms. Grothe said what this all really meant was these lots

could all be considered legal nonconforming; and from a policy standpoint, they should consider at some point a rezone of the entire neighborhood. Ms. Grothe 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 has the subject parcel and surrounding parcels on Ponce de Leon Drive listed as Low Density Residential. The Land Use element provides the following description of Low Density Residential: intended primarily for single family residential use, with a density no greater than four units per acre. With this description in mind, calculations reveal that the subject lot could support up to two units and be within the required density. Therefore, the proposed rezoning is consistent with the 2004 Comprehensive Plan.
- 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 surrounding the project site, is single family residential (along Ponce de Leon) and commercial uses along Union Street. Approval of the request would allow the property owner to ultimately construct two single family homes; one on each of the lots. The surrounding residential properties range in size from 10,500 square feet to 14,000 square feet, most of them having kept their original configuration from the 1924 subdivision. With the rezone, the new lots will fall well within the range of what currently exists within the neighborhood; one 12,854 square foot lot and one 10,662 square foot lot. The proposed widths of the lots will also be compatible with the existing 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* – If the zone change is granted, any subsequent lot split would require review and approval by the Planning Department. Similarly, the construction of any new homes would require submittal of a building permit with appropriate City review.
- 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 marketability of the property would likely increase with the zoning change. The proposed zoning change will allow for additional lots in the neighborhood to be created from any existing oversized lots, much like the subject lot. This could help spur future development in an area that is in decline. Furthermore, additional units could be constructed and would help ease the existing housing shortage the City is experiencing. Specifically, this rezone will create two new affordable units that will serve to provide housing to some of Spartanburg's low income families.
- 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. The site will be reviewed by City staff during the building permit process for compliance with applicable regulations.

Staff's Recommendation:

Staff requests that the Planning Commission make a recommendation to City Council that the site be rezoned to R-8 SFD.

Planning Commission Questions:

- Mr. Pitts asked what was the R-8 description.
- Ms. Grothe said it was General Residential, but then it had the SFD which was Single Family District.
- Mr. Pitts asked that it had to be single family.
- Ms. Grothe said that was correct.
- Mr. Kinard said as he understood the request, the primary reason for the rezone was to accommodate the two houses, and otherwise they could only put one.
- Ms. Grothe said that was correct; and she said they also planned on retaining as many trees as possible along the Union Street frontage to act as a bit of a buffer.

- Dr. Stone asked if it was correct that both driveways would be on Ponce de Leon and not on Union Street.
- Ms. Grothe said that was correct.
- Mr. Kinard said looking at what appeared to be the site plan it looked like the side setback line was 10', and was that City Code.
- Ms. Grothe said according to the Zoning Ordinance, the interior side was 8', and the street side was 15'.
- Mr. Cunningham asked was that consistent with the other homes in the area.
- Ms. Grothe said they should meet based on what the zoning was they should be 15' setbacks, but she did not go out and measure those.
- Mr. Kinard asked had a structure ever been on the proposed property.
- Ms. Grothe said not that she was aware of; and when she had referenced an old map of the property, it looked like the lot had been cut into two lots that had originally both fronted on Union Street for some reason, but she did not know under what circumstances that could have been.
- Mr. Kinard referenced the location map and asked what was on the LOD lot.
- Ms. Grothe said it was a vacant lot.
- Mr. Kinard asked Ms. Grothe if she had received any written correspondence from the public regarding the rezoning request.
- Ms. Grothe said she knew there was an email exchange on Next Door.com that staff became aware of.
- Mr. Kinard said he did not think they really could consider that one; and he asked if there was anything that was sent directly to the City.
- Mr. Grothe read an email she received from Ms. Kaye Hyatt that indicated she was opposed to any trees being cut to build anything on the property regardless of whether it was for a business or residential; and had also indicated with the multiple rundown buildings and houses on Union Street the trees were one of the few things that were not an eyesore, and felt the property should be designated as a green space and be preserved. She also had an email from a Mrs. Bowers regarding the posting of the property and why some people had received letters and some had not, that sort of thing; and she entered both of those emails into the record as Exhibit B. Ms. Grothe said that was all she had received.
- Mr. Cunningham had a question regarding the location map about the parcel that was behind the proposed parcel that was also labeled as '0'.
- Mr. Epps said it was owned by another entity.
- Ms. Grothe said it was also vacant.
- Mr. Cunningham asked as that particular parcel was zoned could someone also build a home on that particular lot.
- Ms. Grothe explained that it was zoned for that, but it might take some engineering because there was a bit of a slope to it; but it was zoned for such.
- Ms. Rosario said that lot might have some dimensional issues regarding setbacks because of its width; but if it met the setbacks, that a single family home could be built on it.

Mr. Wilson, the Chair asked the applicant to come forward and address the Board.

Mr. Lee Close, of 685 Otis Boulevard, Executive Director of Habitat for Humanity came forward and he was sworn. He explained Habitat for Humanity had been working since 1987 in Spartanburg to provide an affordable path to home ownership for hardworking, low income families who could not otherwise qualify for a mortgage loan. They had completed and closed 136 homes to date, many of which were in the City

and some were in the County as well. Of those 136 homes, 129 building lots had been donated to them to help them keep construction costs low and serve more people. The parcel at the corner of Union Street and Ponce de Leon was given to them by the Spartanburg County Foundation in February, 2019. The original assumption was they would seek to subdivide the parcel into three building lots, which would be congruent with their typical Habitat lot size and almost perfectly mirror the three homes across the street on Ponce de Leon. However, when surveying the lot and considering the topography, Mr. Close said they decided to only seek to subdivide into two lots facing Ponce de Leon and leave a larger setback buffer on the Union Street Side. He said leaving more of a vegetation buffer on Union Street would help to maintain privacy and create a noise barrier for the corner home and family. Mr. Close said as to their petition, the parcel size was 23,516 square feet and zoned R-15, under which only one home could be constructed on the lot right now. In order to be true to their mission and provide safe, decent and affordable homes for as many low-income families living in substandard housing as possible; and to properly steward their resources; they petitioned the City to rezone the parcel to R-8 Single Family. He said their Site Development Plan called for the corner lot to have 96.43 feet facing Ponce de Leon and be sized at 12,854 square feet. In order to maintain a 40' side setback from Union Street the interior lot would have 80' facing Ponce de Leon and be sized at 10,662 square feet. The other three side setbacks would be 27' versus 10' required by Code, and the front setbacks would be 45' versus 35' as required by Code. Mr. Close said he knew the Board Members had received a copy of the site plan in their meeting packets; but he had a larger site plan he distributed for the Board Members that he said was easier to see all the details which he explained to the Board Members. He pointed out that almost the entire Duncan Park and Forest Hills area was zoned as R-15; and he said there were many lots in the neighborhood that were significantly less than 15,000 square feet (specifically for Ponce de Leon Avenue). There were 30 lots addressed as Ponce de Leon Avenue and 28 residents currently. Nine of those lots (only 30%) met the R-15 zoning standards with a range of 15,671 square feet to 28,000 square feet. Twenty-one of those lots (70%) did not meet the R-15 zoning standards, with a range of 7,910 square feet which was one of the lots across the street from their proposed lot, up to 14,000 square feet. Mr. Close informed the Planning Commissioners and the audience that Habitat for Humanity of Spartanburg had upgraded the aesthetics of the homes they build over the past few years which included the use of sim-plank or hardi-plank siding rather than vinyl; and shingles with slightly steeper roof angles; elevated slabs with brick foundations for a crawl space sort of look; larger front windows; upgraded front porch trim; concrete driveways, sidewalks and terraces; upgraded appliance packages and exterior storage rooms in the rear of the homes. He said they also construct their homes to have an Energy Star rating of 3.1 efficiency standards and certify each one. They believe that they not only build a solid home, but a home to compliment any neighborhood which included smaller homes. He distributed some photographs to the Planning Commissioners of homes that were a general indicator of homes Habitat had built over the past five years. Mr. Close said it was their practice when developing wooded lots, to maintain as many trees as were healthy and practical. The Union Street/Ponce de Leon property had many large, mature trees; but also there were many that had deteriorated and had fell and left old stumps behind. They also knew tree maintenance was expensive and they wished to create a stable situation for future home owners. He distributed two more photos of recent wooded lots they had developed two homes on a property to the Planning Commissioners; and he said the first one showed how they tried to preserve trees with a wooded property; and the second photo was one they had developed in an adjacent neighborhood on Salem Street. Mr. Close said Habitat homeowners worked hard in the process to qualify for one of their homes by meeting financial qualifications for a thirty year mortgage, and Habitat underwrites their loans at 0% interest. The applicants have to perform 350 hours of sweat equity and construction, and also includes classes and financial management and first time home buyer certification; participation in civic activities such as attending City/County Council meetings, and in some cases having completed the Citizens Academy. In closing he said they were before the Planning Commission because they wished to develop new homes and new home owners to be good neighbors in the community.

#### Planning Commission Questions:

- Mr. Kinard had a question about the interior lot width proposed at 80' and the outer lot width of 96' regarding the difference.

- Mr. Close said they wanted to create a larger buffer on the Union Street side than what was required, in order to maintain the vegetation on the Union Street side and seeking to preserve some of the aesthetics they knew the surrounding home owners wanted and also to preserve some level of privacy for the homeowner(s) that would live there.
- Mr. Kinard said he wanted to clarify that currently as the property was zoned, they could build one house on the property.
- Mr. Close said that was correct.
- Mr. Cunningham said regarding the buffer some of the trees were interspersed; and he asked if they planned to put anything in the landscape plan to plant something to buffer the noise and the view.
- Mr. Close said typically they provided a nice but cost effective landscape for Habitat homes; and what they did depended on which property they were developing. In this case they had not been through and staked out the location of where the two proposed homes would go; and they did not know exactly when they would start the development. He said depending on how many trees had to be removed; they would definitely come back and landscape. Mr. Close said he failed to mention earlier they had upgraded their landscaping; and they now put down sod in the front yards and always put shrubbery across the front of their homes to provide a nice attractive streetscape. They had not really discussed the possibility of creating an interior shrub line across the inside of that buffer space, which would be a nice idea if they have the money to do that.
- Mr. Pitts asked about the layout of the homes.
- Mr. Close explained their different types of floor plans, etc. to the Planning Commissioners; and their 3 bedroom, two bath homes were typically 1150 square feet; their 4 bedroom homes were typically 1250 square feet; and their story and a half home was 1200 to 1250 square feet.
- Mr. Cunningham asked about the time frame to build two homes on a lot.
- Mr. Close said once they started, approximately sixteen to twenty weeks for two homes, depending on the weather.
- Mr. Cunningham asked once the occupants moved into a Habitat home and became a homeowner, did Habitat have any role in the maintenance and upkeep of the homes.
- Mr. Close said they sold homes to families, so they became the homeowner, and they were limited to controlling their living situation. He said they did have in their mortgage documents and note a requirement that no business could be operated out of the homes, all vehicles on the premises had to be licensed and operable; and if for any reason a homeowner needed to sell the home, Habitat for Humanity had the First Right of Refusal to buy it back and place another Habitat family in it; so they did have that sense of control regarding their homes.
- Mr. Kinard asked whether or not there were any deed restrictions on the property.
- Ms. Rosario said not that Staff was aware of.
- Mr. Kinard asked if the properties would be titled in the homeowner's names, would they have to pay City taxes on the property.
- Mr. Close explained that even though Habitat was tax exempt; the home owner would not be tax exempt; and Habitat would lead the home owner through the process for 4% owner-occupied residency status; and those home owners would pay City taxes.
- Mr. Cunningham asked Mr. Close about Humanity's success rate regarding their homeowners.
- Mr. Close said they felt they did; and he said they went through a very rigorous process similar to what a bank would do to qualify a homeowner loan. However, they were not quite as restrictive because their people were low income, and would not be able to walk into a commercial bank and qualify for a loan. He explained with that said, 39 homeowners in Spartanburg had paid off their mortgages free and clear and now owned their homes; and now have a wealth asset they would not otherwise have

had, which could be passed down to their heirs. Habitat knew that behaviorally their homeowners took a massive step forward when they became owners of their own homes, and many of those benefits were accrued by the next generation. Mr. Close said they occasionally lost one and would have to foreclose just like anyone else; but their foreclosure rate was less than one per year.

- Mr. Epps asked was there a time restriction which a home owner could not sell their home or do anything to the property.
- Mr. Close said the restriction was only that Habitat had the Right of First Refusal; and he explained in the Note they had an equity share clause that said for the first 5 years if the homeowner wanted to sell the home, and if Habitat should allow that to happen; Habitat would get 100% of the accrued equity, and he said that was a declining scale out to 15 years. He said that meant the home owner would have to have lived in the home for 15 years before they could sell the home and keep all of the equity.
- Mr. Pitts asked wasn't there a fire station right across from the property; and if there would be any exiting issues.
- Mr. Close said there was a fire station approximately across the street; but the driveways they would construct would be on Ponce de Leon.

Mr. Wilson opened the public hearing and asked anyone who wished to comment on the request one way or another, to come forward and state their name and address for the record.

Dr. Stone suggested if anyone had any questions, the Board take note of them and then direct them to the petitioner after everyone had a chance to speak.

Mr. Wilson agreed with Dr. Stone.

- Mr. John Scherberger of 226 Ponce de Leon Avenue came forward and said he had lived there for 20 years. He said notices were only sent out to people within a 400' radius of the property, and there were only two or three homes that were within a 400' radius. He said Duncan Park was a very nice neighborhood that was quiet, child friendly and people friendly; and he took opposition to calling the Union Street area as "in decline". He had not seen the neighborhood decline during his 20 years there; and he felt it had remained essentially the same. He had no animus towards Habitat for Humanity, affordable housing or what might be called low income families. Mr. Scherberger said his opposition was three-fold: 1) It was a very nice neighborhood and was a nice wooded area. He did not know or care about the ethnic makeup, financial makeup, or the ownership of homes in the neighborhood; but knew there were renters and owners in the neighborhood. His point was exclusively to tear down trees that had been there for at least 100 years was criminal, and there was no reason for it. 2) His second opposition when he thought they were going to exit onto Union Street, had now been set aside by what he had heard tonight. However, because he had lived on Ponce de Leon for 20 years and Union Street was a 45 mph road; that making a right or left turn on Ponce de Leon was very dangerous because of the way cars tailed one another. He would oppose the request even if someone built a million dollar house on the property because he valued and cherished the woods and the wildlife on the property. If he could he would buy the property, in order to preserve it he would. 3) He did question why this particular lot had been chosen to have houses built upon it; and why they needed two houses. He was very opposed to tearing down the neighborhood. One reason he purchased his property twenty years ago was because it backed up to Duncan Park, and it had the nice wooded entrance. He felt if only one house was built on the property at the least, the least amount of trees would need to be cut down.
- Mr. David Bowers of 136 Ponce de Leon Avenue came forward and said he lived ten houses down from the proposed property and he objected to the rezoning because 1) it would set a precedent to allow the other properties to be rezoned and subdivided in an area that had been traditionally single family dwellings on fairly large lots; and 2) also the division of the lot would be done to maximize the revenue from the sale of the houses built on the two lots. He said it was reported on Go Upstate that originally three homes would be built on the property that was donated to Habitat; and now it had gone down to two homes, with the revenue of the sale of the homes to offset the cost of future construction. He felt that all of the property owners that had invested in the neighborhood should be protected by the zoning rules. He said rezonings changed neighborhoods; and although Planning Commissioners and

City Council Members would change from time to time; a rezoning would leave a lasting impression on their neighborhood.

- Ms. Jean Dunbar of 300 Rivermont Drive came forward and she lived near the far end near Ponce de Leon Avenue, and had lived there for over 40 years. She wanted to say for the record their area was not in decline, and she did not know the basis for the statement, however she took offense at the statement. She was opposed to the rezoning.
- Mr. Shawn Plummer of 105 North Park Drive came forward and said he had the following concerns with the development of this lot which were a) as far back as he could recall, and with the research he had done, the lot had never been developed upon; while there were multiple lots in Duncan Park that could be developed; and b) and the second concern was regarding the trees.
- Ms. Janice Doyle, who lived on Forest Avenue came forward, and said she had been President of the Forest Hills Neighborhood Association for approximately seven years; and said their property values had continued to escalate and they were not in a declining area. There were a lot of young people coming in to the neighborhood as well spending a lot of money on them. She was opposed to the request and asked if they could take the lot at the end of Ponce de Leon; what would keep them from taking the lot at their entrance on Forest Avenue which she said would be devastating for all of them. Ms. Doyle said it was important for the residents to be able to keep their park-like feel.
- Ms. Danielle Hampton of 840 Union Street came forward and said her property was next door to this lot, and her biggest concern was the trees and there had never been anything developed on this property. Ms. Hampton wished the County Foundation had donated the property to SPACE in order to keep the trees. She also felt if they had to build a house that just one would result in removing less trees.

Mr. Wilson, the Chair informed the audience they appreciated and wished to hear from everyone who wished to speak, but asked the public to please keep any additional comments to new comments if possible.

- Mr. Michael Green of 197 North Park Drive came forward and said he moved here from California to get away from all the density and now that he had purchased here, they were trying to take the trees away and space away. He said only noticing owners within a 400' radius was like noticing only 3 or 4 houses; and asked was that state law.

Ms. Rosario, Senior Planner said it was actually only 300 feet by law, but the Planning Department always sent notices to owners within a 400' radius of the property.

- Mr. Green said half of that was the Fire Department, and he just wanted to keep the trees. He also said the neighborhood was not in decline either, and he took great offense at that. He said the City was doing that because then they could have their way and push this through.

Mr. Wilson asked if there were any other comments. Being no more comments, Mr. Wilson asked the applicant if he wished to address the comments that had been made.

Mr. Close came forward and said to make two points in clarification relative to some of the comments that were made; and said first there was no profit – they were a non-profit institution. They do sell homes, but as he mentioned earlier they sell them for zero interest, and collect mortgage payments each month and use that money to further the Habitat's mission. Secondly, he apologized for not mentioning this in his initial comments, relative to property values – the method by which Habitat homes were priced was by accessing Fair Market Value through an appraisal process. He said they ordered an appraisal for every new Habitat home just like the banks did; and then whatever number that appraisal came back at was the selling price of the home, so they would not have any negative impact on surrounding property values.

Mr. Wilson said he would now close the public hearing and go to Board Deliberation, unless any of the Planning Commissioners had any questions for Staff.

### Board Questions/Deliberation:

- Dr. Stone said he would like to ask the City Manager a policy type question; and he asked him if he would say that two of the big issues the City was dealing with were good quality housing and long-term inter-generational poverty.
- The City Manager said absolutely; those were two of the top concerns the City had.
- Mr. Wilson said to that point for some time now they had discussed and talked about the fact there was a real shortage of market rate housing within the City, and Habitat played an important role. He also thought many of the concerns that had been brought up by the public had been addressed tonight to the best of Habitat's ability. Mr. Wilson saw it as an unoccupied lot, and it provided a service that was needed in the City with a quality product.
- Mr. Epps asked Staff if they could pull up the proposed lot on the Assessor's page and zoom in on the parcels across the street to measure those.
- Dr. Stone said he had looked those up himself and wondered about them regarding the zone/smaller sized lots.
- Ms. Rosario measured the lot across the street and said it was roughly 8,000 square foot.
- Mr. Kinard said regarding the tree issue that just about everyone who spoke tonight had issue with; that he understood that concern. He said however, as the property stood currently it was private property, and any owner of the property could go in right now and cut every tree they wished on that property, and not even have to come before the Planning Commission. Mr. Kinard said Habitat for Humanity had committed to preserve as many of the trees that they possibly could; which was more than they were required to do.
- Mr. Wilson said he knew one or two people had commented they felt the Planning Commission should designate the area as green space and preserve it; and he said they did not have the ability to do that.
- Dr. Stone said he did not think Duncan Park was a declining neighborhood; nor did he think anyone else thought that. He thought Union Street looked kind of rough in spots, particularly between there and the downtown, and he hoped that was something the City was going to work on. He said what he used as a guide was the questions he had asked the City Manager earlier, which was would it provide more housing in the City and would it come on the books for the City where the resident would pay city taxes. Dr. Stone said the question regarding precedence which he felt was worth thinking about, to him a rezoning was a discretionary act of City Council, no one was automatically entitled to a rezoning; and that was why they were having a hearing. He explained if the request was passed at tonight's meeting, there would be another public hearing before the Mayor and Council and that was part of the democratic process. To him providing good quality housing in the City was of paramount importance; and it would be the same size as every other lot in the vicinity. He felt what the upcoming Comprehensive Plan would tell them was that perhaps all the rest of the lots in the area should have been zoned as R-8 SFD as well, as opposed to R-15 SFD.
- Mr. Cunningham said he had always been a big supporter of trees and had researched the issue as follows: 1) trees were finite (they lived for a certain amount of time and then they must be taken down because of safety issues; 2) if nothing was done to the trees on the proposed lot, they would become hazardous; 3) the developer or builders had to be careful which trees they leave, otherwise they would create an issue for any home owner. He felt the judicious use of the landscaping, and selection of the trees by Habitat was a real positive thing; and he did not think most developers would take the time to even consider that. He felt the barrier on Union Street was a good idea; and in his opinion it would be enhanced with some plantings. He said regarding the traffic comment, he lived near the site and he was very familiar with the area. He drove over there and made left and right hand turns out of Ponce de Leon Avenue, and although it was not during rush hours, there was some validity to the comment. He said with growth there were certain things that needed to be addressed like traffic flow which he felt the City would be able to address. Mr. Cunningham felt Habitat was a very worthwhile organization and he felt the homes as he saw them would enhance the street and the area.

- Dr. Stone asked Mr. Cunningham when he was over at the property if he saw any issues with site lines that would be enhanced by taking down some of the trees.
- Mr. Cunningham said possibly turning left he felt it could be enhanced by taking some back a bit on the corner.

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

Mr. Wilson said Staff would schedule this request for another public hearing and First Reading of Ordinance before the Mayor and City Council on December 9, 2019 at 5:30 P.M.; and the property would be re-posted, re-advertised, and property owners would be re-noticed. He said if it passed First Reading on December 9<sup>th</sup>; it would go for a Second/Final Reading of Ordinance at the January 13, 2020 City Council Meeting.

Ms. Grothe, Associate Planner came forward and said she would like to clarify that she did not think the Duncan Park Neighborhood was in decline at all; and she felt it was a lovely neighborhood. She explained about her opinion regarding that part of Union Street; and she sincerely apologized if she had offended anyone.

**2. 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 one parcel, Specifically Parcel #6-21-14-038.00 located on '0' Kensington Drive which is zoned R-15, Single Family Residential District, to zone LOD, Limited Office District in order for proposed buyer to build a small sound-proof facility purposed for a Christian Music Community Center that would also facilitate small ministry gatherings, recitals, music lessons, and small family events. Micheal A. Davidson, MAD Music, LLC, "I Live Ministries", proposed Buyer, on behalf of Ginny Erwin, Airlie Properties, Owner Purchase of the property is contingent upon the rezoning approval.**

Ms. Rachel Grothe, Associate Planner came forward and was sworn; and she submitted the case into evidence that included the report the Planning Commissioners had previously received in their meeting packets, tonight's presentation and slides for this case as Exhibit A. She showed an aerial slide and location map slide of the property and said this was an application to rezone an R-15 zoned property to LOD, Limited Office District with the intent of developing a Christian Community Center. The project site was an approximately 15,000 square foot lot on the western side of Kensington Drive, and was an irregularly shaped triangular lot that appeared to be the remnants of the original subdivision. The purpose of the rezoning was to develop this piece of historically vacant and undeveloped land with a use that is not allowed under the current single family zoning designation. Ms. Grothe explained the current single family zone designation had severely limited development of this lot as evidenced by its historically vacant state. The surrounding properties were currently zoned R-15, single family residential; however, the subject property directly abuts a commercial designation of B-3. Other nearby designations included a multi-family apartment complex with an R-6, General Residential designation down the street and a variety of commercial uses with a B-1 designation closer to and along John B White Sr. Boulevard. The property was also adjacent to several properties that were outside the City limits and under the jurisdiction of the County. The land uses were commercial and included a sports bar, self-storage facility and the headquarters for a local dry cleaning business. Ms. Grothe informed the Planning Commissioners based on the irregular shape of the parcel and its size, the LOD designation could make development on the lot easier. The setbacks for the R-15 zone district were the most restrictive of the residential zones and building a house would be impossible to challenging. The applicant hoped to secure a zone designation of LOD in order to construct a facility that would be utilized as a Christian music community center. I Live Ministries will facilitate small ministry gatherings, music lessons and recitals. The applicant also ran M.A.D. Music. The goal with both of these endeavors was to provide a healthy outlet for youth in the community to come together in a positive environment. Some slides were shown of the vacant property of the street views in order to better illustrate the request. Ms. Grothe 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 has the subject parcel and all the land on the west side of Kensington Drive listed as Industrial Compatible. The Land Use element provides the following description of Industrial Compatible: intended to accommodate both retail and wholesale businesses, as well as service and repair operations, warehousing and manufacturing/assembly without external emissions. In this case, the Comprehensive Plan is inconsistent with zoning which has the subject property and the surrounding sites zoned single family residential. From a Comprehensive Plan standpoint, the proposed rezone to LOD is not completely consistent with the land use designation as the proposed music community center use is not a manufacturing use. However, the proposed use would be appropriate in an industrial area.
- 2) *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The present character of the surrounding property is a mix of uses; including single family residential, multi-family, commercial and personal services. The property is also approximately 350 feet from *Club Rehab*, an infamous nightclub that has been plagued with a variety of issues and scandal. Neighbors have long complained of noise, trash, drugs, drunken bar patrons in the vicinity and violence, including a recent shooting over the summer. It is the applicants hope to act as a bit of a buffer between the nightclub and the neighborhood while bringing in positivity and light through the engagement of youth to an area long plagued with problems. Uses permitted by right under the current R-15 zone designation include single family homes, parks, parking spaces for permitted uses and home occupations. Uses permitted by special exception include, churches, schools, recreation facilities and reception and event facilities. The proposed use shares similar characteristics with some of the special exception uses such as gatherings and community engagement. Uses permitted under the Limited Office District include offices uses such as insurance offices, medical and dental offices and other professional type businesses, personal services (beauty shops) and a variety of other low intensity uses. Based on the intent of the Limited Office District designation, all permitted uses are inherently compatible with residential units. While the proposed use would be adjacent to an R-15 zone district, the LOD designation would not be a detriment to the nearby single family homes as it is considered a low intensity zone district. The Zoning Ordinance states that the Limited Office District intention is to provide for office uses, including offices which have contact with the general public, but which do not conduct sales of merchandise on the premises. It is intended that this district will develop in such a way that will insure compatibility with residential districts. Therefore, the proposed use will not have a negative impact on the surrounding 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* – If the zone change is granted, the proposed use would be required to go through the Site Plan review process prior to any construction and commencement of use. This process allows City staff to provide feedback on the proposal, ensure that all site requirements are met (setbacks, landscaping and buffering, parking, etc.) and condition the project appropriately.
- 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 marketability of the property would likely increase with the zoning change. The proposed zoning change will allow for a wider range of uses outside traditional single family uses which could be attractive to potential buyers as it could create a neighborhood service. It would also help to eliminate a vacant parcel which historically lowers property values as vacant land can contribute to blight.
- 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. The site will be reviewed by City staff during the Site Plan review process including Planning, Building, Water, Streets and Stormwater, for compliance with applicable regulations.

Staff's Recommendation:

Staff is requesting the Planning Commission determine if the findings have been adequately met and provide a recommendation to City Council.

### Planning Commission Questions:

- Mr. Kinard said the lot looked very tiny; and he asked if there was a minimum lot size or a minimum building size in LOD.
- Ms. Rosario, Senior Planner said there was a minimum lot area of 6000 square feet, with minimum lot width of 100 feet, and she went over the standards for lot size widths for the GID/LOD zone from the Zoning Ordinance.
- Mr. Epps asked Ms. Rosario if she could measure the lot out on-line to see if it met the standards.
- Ms. Rosario measured the lot size on-line and it ended up being a little over 12,000 square feet and had 100 feet on the front. Ms. Rosario also went over what the R-15 requirements were for minimum lot as well.
- Mr. Kinard asked if the front was on Kensington Drive.
- Ms. Grothe said it was.
- Dr. Stone and Mr. Epps said it was a non-conforming lot as it sat right now.
- Ms. Rosario said technically it could not be developed as residential as it was today.
- Mr. Cunningham asked was there a site plan yet for the proposed project, or size of the building.
- Ms. Grothe said not yet; and she did not think the applicant had gotten that far in terms of his due diligence yet; and she suggested they might ask the applicant when he came up to give his presentation.
- Ms. Rosario explained Staff had tried to do a semi-mock up this afternoon regarding an approximate 1500 square foot building that allowed for a drive on the property, five required parking spaces and included a street buffer, as well as a 15 to 20 foot buffer against the residential neighborhood.
- Mr. Cunningham asked about the required bufferyard.
- Ms. Rosario explained.
- Mr. Wilson said if approved tonight it would need to go through the entire site plan review process.
- Mr. Pitts said it appeared to be an assembly occupancy.
- Ms. Rosario said that was a Building Code question and she was not familiar with the Building Code.
- Mr. Kinard asked had there been any public comment or correspondence received by staff.
- Ms. Grothe said she had heard from two neighbors.
- Ms. Rosario said she had heard from three altogether, one of which was an adjacent property owner; and another property in the neighborhood. She said she received one from Ms. Billie Wilhauer, the Neighborhood Association President, who was out of town and could not be at tonight's meeting; and all three were opposed to the request mainly due to the amount of parking that would need to be on the proposed site, and also regarding disturbing the peace of the neighborhood that was mainly related to another business down the road. Ms. Rosario said they also had met with the applicant.
- Mr. Kinard asked if they were phone calls or had she received anything in writing.
- Ms. Rosario explained they were telephone calls and emails; but nothing specifically in writing.
- Mr. Cunningham asked what direction was the night club that was mentioned.
- Ms. Rosario said it was at 93 Kensington Drive, and was located inside the City Limits. She informed the Planning Commissioners the night club had previously been shut down, but had reopened. She said that was mainly because there was nothing in the Ordinance or Code that kept them from operating a business there. Ms. Rosario said the City Police Department tried to monitor the events there; and as soon as she herself found out about an upcoming event – she would email the deputies so they could try and have an officer out to the site to cut down on some of the past issues.

Mr. Micheal Davidson of 1031 Berry Drive came forward and was sworn; and he explained he was a Minister of Music as well as a pastor and he had worked with Chapman Cultural Center, and other agencies, all of whom he had letters of support that he submitted into Evidence as Exhibit B. He explained his plans for the property, and felt his plans would act as a buffer to the night club right down the street, and would bring a more positive outlook to the youth in the area should the rezoning request be approved.

Planning Commission Questions for Applicant:

- Mr. Kinard asked if he had a site plan yet.
- Mr. Davidson said he did not.
- Mr. Cunningham asked him about prospective financing.
- Mr. Davidson explained he had a meeting with Chapman Cultural Center on December 16<sup>th</sup> to discuss prospective funding.
- Dr. Stone asked Mr. Davidson if he owned the property.
- Mr. Davidson explained that he was just under contract contingent upon the rezoning being approved.

Mr. Wilson opened the public hearing portion and asked anyone who wished to speak regarding the request either way; or if anyone had questions to come forward and state their name and address for the record and address the Board.

- Ms. Bonnie Carter of 105 Kensington Drive came forward and said she had lived there for 46 years; and she described various things that had been put into their neighborhood over the years that brought in a lot of noise, problems, and etc.; and she was opposed to the request.
- Ms. Donna Coggins of 107 Kensington Drive came forward and said she had lived there for 31 years and she commended this young man on what he wanted to do with the property; but she really did not feel like he would be able to build his building and have parking on such a small lot; and she did not think they needed anything more in the neighborhood.

Mr. Kinard asked Staff if theoretically the rezoning made it through the approval process, and the applicant went through all the required Site Plan requirements, what would happen if they found out there was no way in which to develop the property as desired - about the applicant's time frame in which to make something happen on the property.

Ms. Grothe thought there was six months to a year.

Ms. Rosario said that would be a City Attorney question.

Bob Coler, the City Attorney explained from his understanding that once it was rezoned, that it was rezoned.

Ms. Rosario felt the property would be hard to develop for any use unless it was zoned to a denser residential use; and she said the property was kind of in limbo.

Mr. Kinard asked to see Staff's "mock-up" site plan "sketch" again.

Mr. Wilson, the Chair said they were still in the public hearing portion of the meeting; and he asked anyone else who wished to speak to come forward.

- Ms. Mary Hammond of 111 Kensington Drive came forward and said the President of the Neighborhood Association could not be here tonight; but had asked her and some of the other residents in the neighborhood to get together and get a feel of how such a rezoning would impact their neighborhood. There was also a large apartment complex in the area that created noise also. She said they all felt what the young man proposed to do was a wonderful thing – but they felt it would have a much more effective and positive impact if he had a larger parcel to work with and also in an area where more young people lived. She explained most of their residents were senior citizens. They were all concerned about the residential integrity of their properties, also concerns regarding traffic

problems, and noises, etc. They were opposed to the rezoning request; and felt if this property were rezoned it would have a domino effect on the neighborhood.

Mr. Wilson asked if anyone else from the public wished to speak. There was no one else who wished to speak.

Mr. Wilson asked the applicant if he wished to address any of the concerns that were just heard.

Mr. Davidson came forward and explained regarding the noise issue, that he planned to have a very sound-proof building. He said regarding the five parking spaces; that really all he would mainly use most of the time would be a couple for one-on-one instruction, and occasional recitals, etc., and there should not be a parking issue.

Planning Commission Questions for Applicant:

- Mr. Kinard asked Mr. Davidson about his proposed hours of operations.
- Mr. Davidson explained his highest traffic would be for after school youth.
- Mr. Cunningham commended Mr. Davidson for what he was trying to do and said he thought it was a very good idea, and knew he had a dream he was trying to create. He asked Mr. Davidson was he trying to fit that dream to this particular small property just because it was available and perhaps attractively priced, and did he think it was a good fit for this property. Or, if he had the ability to take his vision to another (larger) property would he be more successful and be able to serve more students on a larger scale. Mr. Cunningham said perhaps it would even grow larger and he might need to expand which would be impossible on such a small property. Mr. Cunningham said maybe he should take a second look to see if this size of a property was really going to serve his purpose for it.
- Mr. Davidson said he appreciated his comments; and that he had done an out-reach ministry not too long ago at Kensington Manor Apartments, which was very successful. He said when he saw this particular property not long ago; he had a vision that he should start with this property first. He felt once he started his ministry on this property, that the club would move out; and then he could purchase that property and have an even bigger center where the club was located.

Mr. Wilson closed the public hearing portion of the meeting.

Planning Commission Questions/Comments/Deliberation:

Dr. Stone asked Staff if we sometimes used LOD as a buffer between heavier commercial and residential neighborhoods.

Ms. Rosario said yes; and she explained one of the main uses of the zone was to provide space for low density office and some light service uses. The B-1 uses they saw were neighborhood commercial, which should be closer to the arterials so you don't necessarily want to be adjacent to any commercial property without heavy buffering. She said they do and had in the past utilized the limited commercial in the limited office district zones to form a buffer to create productive use for those properties without negatively impacting the residential character of the area beside it.

Ms. Grothe said the Zoning Ordinance said it is intended that this district will develop in such a way that will ensure compatibility with residential districts.

Dr. Stone felt this was difficult because that property looked largely undevelopable at R-15.

Mr. Kinard agreed with Dr. Stone.

Dr. Stone felt Mr. Cunningham's question to the applicant was a very good one; and he was honestly torn as to what to do.

Mr. Kinard said he was of the same position as Dr. Stone; and said with the dimensions on a small triangular property, it was like it was a left over piece of property and it was confusing as to what to do. He said back to the City Attorney's point; once it was rezoned they were kind of stuck with LOD depending on if the numbers did not work out. He loved the applicant's idea and commended him for it; but he felt they really needed to look at how this parcel would be developed if they changed it for the long-term and the repercussions of what could happen.

Mr. Pitts asked could the Planning Commission table the request.

Dr. Stone thought if it was rejected there would be a time limit on anything being brought back on the property; and he asked the City Attorney to make sure.

The City Attorney explained there would be a one year moratorium if the request was rejected.

[Editor's Note: There was discussion regarding tabling the request vs. rejecting the request.]

Mr. Wilson confirmed with Mr. Davidson the property was under contract contingent upon the rezoning request being approved.

Mr. Kinard said if rejected there was also an appeals process if something was received within two weeks of the decision.

Mr. Cunningham explained he was struggling with the request as well; and he would like to see any potential road blocks worked out that had not yet been identified that would perhaps change the direction.

The City Attorney explained different scenarios he had seen regarding a request being tabled; and he said if they voted to table the request it would remain on the table until the Planning Commission decided to pick it up again, which might give the applicant time to meet with some architects to see how much money he was looking at spending; and he may decide to look at another parcel; but in essence it could sit on the table until they notified Staff that they wanted to pick it back up off the table for consideration in the future.

Dr. Stone moved to table the request in order to give the applicant more time to get some cost information and provide more information to the Planning Commission; and he was seconded by Mr. Cunningham. The vote was approved by a vote of 6 to 0.

[Editor's Note: At this time it was decided to take a few minute recess.]

**3. Zoning Classification for an Annexation Agreement Covenant and Restriction Request submitted by Phillip Day/Bob Barreto, Applicants/Agent, Falcon Real Estate Development; Blue Water Civil Design, Consulting Engineer; on behalf of Tiger Eye Holding, LLC, Property Owner. The property is located at 190 Gaskins Road, TMS#7-21-00-004.00 and that portion of Gaskins Road and Old Canaan Road abutting said property; to be zoned R-8 PDD, General Residential Planned Development District, upon annexation (as is the Owner's adjoining property located at '0' Gaskins Road that is already inside the City Limits, Tax Map #7-21-00-004.04 and is also zoned R-8, (Both properties to be zoned as R-8 PDD upon annexation to allow for the eventual development of a subdivision resulting in 202 single-family residential lots with an average of ±8,100 square feet each.**

Ms. Natalia Rosario, Senior Planner came forward and was sworn; and she submitted the report the Planning Commissioners had previously received via email, along with tonight's presentation and slides into evidence as Exhibit A. Ms. Rosario said this case was a request for annexation and zoning designation of 123 acres off of Old Canaan Road Extension. She said as a little bit of background information on the area, that Lakes of Canaan was one of the subdivisions that began right before the recession – which had been built-out somewhat, and Meadowinds subdivision was also immediately adjacent to this tract. Both of these subdivisions were zoned as R-8 PDD to allow for these sized lots and the number of units the developers at the time desired. Ms. Rosario said the Planning Commissioners duty was to designate a zone upon annexation of any property being brought in to the City besides the R-15 zone. The intent for this was a single family subdivision and the lots were a bit smaller than 15,000 square feet, so the request was to come in as R-8 PDD, which permitted the development of the property at an approximately 6.3 units per acre, where the proposed development will have a unit density of 1.63 units per acre. This property is not contemplated by the 2004 Comprehensive Plan as it was always in the County and located beside the small tract which she pointed out on a slide that was in the City. She said one of the main reasons to annex and not develop in the County was because the small tract at the eastern portion beside and below Meadowinds was already in the City and was zoned R-8; and that small tract was needed to go through with this development. Ms. Rosario said any development within a mile of our jurisdiction did have to sign a sewer agreement that would require them to annex in at any point that the City chose to annex; and they desired to annex in and that was why they were going through this process.

According to the SCDOT 2018 Traffic Counts, Old Canaan Road Ext. sees an average of 1,250 trips per day. The given assumption for number of trips produced by a single family household (the largest trip generator of any single use) is around ten trips per day, including mail delivery, trash pickup, and other services, as well as trips produced by the resident of the home. At full build out, this subdivision can be expected to add around 2,000 more trips per day along this corridor. A full traffic study would need to be undertaken in order to understand in which direction these trips will go – while that is not a requirement of the Planned Development District Ordinance, the Planning Commission may request one as a condition on the project. She showed a slide of the Preliminary Plan and she explained the PDD process as follows: The first step was to bring the Preliminary Plan to the Planning Commission like tonight's meeting where they would decide whether or not to recommend it favorably to City Council; after which time if it is recommended to City Council, the City Council would review it preliminarily for two readings; and if they approved it, after which time the Applicant would submit their full Civil Engineering and Landscape plans that would then need to come back before the Planning Commission for review and final approval; which she said was a more lengthier process than a regular rezoning. The use of R-8 PDD, Single Family Subdivision was an appropriate use of this zone. She said the lot was currently vacant, and the developer had provided the preliminary site plan they were looking at tonight, but she said to take into account, and she pointed out on the slide some large gaps regarding flood plains the developer was avoiding; and she said they did not have the landscape plans just yet (but they could see on the preliminary that some of the flood plain was being avoided.). She pointed out there was a large gas line that ran on some of the property, and they could see there would be some retention on-site as well, and some preservation where possible of any natural areas. Ms. Rosario said should the Planning Commission choose to recommend this annexation and accompanying zone favorably to City Council, it would be heard for another Public Hearing and First Reading of Ordinance on December 9<sup>th</sup> 2019 and if it received First Reading approval, then it would be heard for Second Reading approval on January 13, 2020. Both hearings take place in City Hall at 5:30 P.M. Ms. Rosario said she did recommend the Planning Commission forward this favorably to City Council, #1) being that it could be developed outside the City jurisdiction and 2) it will add to the City's census count as well as the City's tax rolls. She said if the census count grew for the City and they got to a certain number, the City would be eligible for different Federal grants than we currently were. She said they had a long ways to go before developing the sight; but the engineers were present tonight.

Planning Commission Questions for Staff:

- Mr. Kinard asked for clarification, tonight they were voting on the annexation or the zoning classification.
- Ms. Rosario said they were doing both; but for clarity of the record, if they wished to do them in separate motions they could do so. She said the one being annexed in was 190 Gaskins Road, and the smaller parcel was already in the City.
- Dr. Stone asked Ms. Rosario how many units of housing they anticipated coming in.
- Ms. Rosario said approximately 202 units. She said it would be a single family district, and she did not know where the developer stood on this, but there was an opportunity to detail a PDD basically in any which way the community desired. She said something to think about in terms of single family, permitting the uses of accessory dwelling units which could be a conversation they could have a different time. She said she just wanted to throw that out there because single family subdivisions (although these lots were smaller than R-15) they do eat up a lot of land with not as much density, and it was up to the developer as to what their desire would be; but moving forward she thought that was going to be one of the recommendations from this Planning Department for not just this subdivision but elsewhere in the City.
- Mr. Cunningham asked was the site plan the total proposed development.
- Ms. Rosario explained that it was.
- Mr. Pitts asked a question about the plan and asked Ms. Rosario if that was a flood plain and not a wet land.

- Ms. Rosario said that was correct.
- Dr. Stone said a year or so ago, they had recommended that Council pass some amendments to the zoning ordinance that had to do with subdivision regulations; and he asked if those would come into play regarding this, like sidewalks, etc.
- Ms. Rosario said they had a discussion regarding pedestrian facilities; and they have shown in this preliminary plan that they did intend to have sidewalks at least on one side of the street.
- Mr. Cunningham asked about the zone of the adjacent subdivision.
- Ms. Rosario said that was in the county and it was un-zoned.

Mr. Wilson asked the applicant to come forward for any sworn testimony they wished to give.

Mr. Paul Harrison of 718 Lowndes Hill Road, Greenville, SC came forward and said he was with Blue Water Civil Design, and they were representing the applicant, who was also here tonight. He said their plans were to develop a single family subdivision that would be consistent in the R-8 PDD zone; and their current site plan was 202 lots, and they had approximately 124 acres. He said they had no problem with the current land development regulations regarding sidewalks along the streets; and they would comply with all those regulations. He said they did not have a problem with performing traffic impact studies at a later date; and he knew if they got annexed in they had another large round of permitting they would need to go through. Mr. Harrison said the overall plan (which Ms. Rosario referenced a slide on the screen) and he said that was the most current plan, which showed a pretty substantial buffer that was between 150 to 200 feet in some areas along the back side of the abutting subdivision.

Planning Commission Questions for Applicant:

- Mr. Kinard asked Mr. Harrison if the buffer was built in to the site plan or was it just going to stay natural.
- Mr. Harrison said they wanted to protect and preserve that as much as possible. He said as far as elevation wise, their subdivision would be a good bit lower in elevation than the abutting subdivision, but they wished to stay as clear of the existing buffer as possible.
- Mr. Epps asked whose responsibility did that become.
- Mr. Harrison said when they did their land disturbance plan and submitted the grading permits, they established the undisturbed areas on those permitted plans and that would be what they had to go by when they constructed the site.
- Dr. Stone asked who would end up owning that buffer.
- Mr. Epps said that was what he was trying to ask.
- Mr. Harrison said the home owners association would be deeded the all common areas. They did plan for a pool and cabana up front, maybe some walking trails, maybe a fire pit; and then the all common areas open space would be deeded to the HOA and it would be bound with covenants and restrictions.

Mr. Wilson asked if there were any Board questions for Staff before they went to the Public Hearing.

- Dr. Stone asked Ms. Rosario if the Planning Commission approved the request and then Council approved the request and it was annexed and zoned as R-8 PDD, there would be a whole lot more that would come next.
- Ms. Rosario said that was correct; and she did not include it in the Board Member's packets, but in the PDD section of the ordinance there were two or three pages of all the requirements regarding even the technical review. She said they would go through the technical review with that committee, and once they had a plan they felt met all of the standards, Staff would then bring it back to the Planning Commission for their review and commentary, and hopefully their approval; after which time a final plat must be filed within a year of that approval. She said if for any reason the work was not to begin within a year and a plat was not filed within a year's time, they would be back to square one. She said if nothing at all happened on the property within two years City Council had the option in this case to

revert it; but as she said as the property had never had another zone on it that any different development besides this one (if accepted) would need to go through this process once again.

Dr. Stone said he thought he had previously remembered getting a site plan something for them to approve that was a little bit similar to this one.

Ms. Rosario said it was Camelot Townes.

Mr. Cunningham asked once it came back to the Planning Commission, it would be fixed at R-8 PDD.

Ms. Rosario said that was correct; and she explained the zone was designated at Second Reading of City Council.

Dr. Stone explained to Mr. Cunningham, that tonight's process just set the regulatory framework in moving forward with the request.

Mr. Wilson opened the public hearing portion and asked anyone present who wished to speak regarding the request, or if they had a question to please come forward and state their name(s) and address for the record.

- Mr. Hugh Cox of 56 Woodwind Drive came forward and said his property backed up to the edge of this property; and he purchased his land 42 years ago and designed his home. He explained behind his property was one of the highest elevations in the county. He said there was a lot of stone and dirt in the property that the developer would need to move out. They had a lot of problems regarding the stone on the property. He also explained there had already been loads of dirt taken off the property by a previous owner and described there was about a 75' drop off in one area. He had a concern about where this particular development was going to come in the building process regarding where the houses were going to be, because he did not think they could move that much dirt (enough that covered three or four sites) within the Woodwind Subdivision. In addition to that concern, he said there were a lot of deer that moved through that site daily and other wildlife in the area. He questioned also the size the lots would be and he said his lot and his neighbors lots were at least two acres in size.

Mr. Wilson asked anyone else who wished to speak to come forward. No one else came forward.

Mr. Wilson asked the applicant while they were still in the public hearing portion if he wished to come up and address the concern.

- Paul Harrison with the Civil Engineering firm came back up and said he had been doing residential design 20 years; and he had known about this property for a while. Mr. Harrison said a friend of his, Todd Crawford and his company, Palmetto Grading actually owned the property, who had approached them about 5 or 6 years ago about getting a mining permit on this property to mine the dirt. Mr. Harrison explained the owner was a site contractor by trade and he had mined dirt off this site for other sites that needed fill. He said all of those permits were obtained through Spartanburg County. Mr. Harrison explained to the Planning Commissioners they could have taken this project through Spartanburg County Planning Commission, but they felt like it would be a better plan to bring it through the City, to be inside the City Limits, provide more open space and buffers off of Mr. Cox's property. He said their back property lines were approximately 150' off his back property line. His client does not own the property, they had a contract to purchase it from his friend's estate. He said they wanted to be a good neighbor and would be happy to work with Mr. Cox throughout the process. He said he would always be available for him to contact at any time to work through any of his concerns.

Mr. Cox came forward again and asked Mr. Harrison if he had walked the property lately since it had been excavated; and he informed him that the small portion that was being brought in with this property drained onto his property; and he said he would like to talk with him about a couple of ravines on his property.

Mr. Harrison gave Mr. Cox all of his contact information, and said he would be happy to talk with him.

There being no one else to speak, Mr. Wilson closed the public hearing portion of the meeting.

Mr. Wilson asked the Board Members if they had any questions for Staff before they moved into Board Deliberation.

More Planning Commission Questions for Staff:

Dr. Stone asked Staff that there had to be a water plan, was that correct.

Ms. Rosario explained the Spartanburg Water System reviewed the plans as part of the technical review committee, and they also had their own separate review and permitting process. She said she had not heard any issues, and she did send it out to Water, City Fire, Police, Streets and Stormwater, Traffic Engineering, and the SCDOT; and she had not had any responses except from the City Fire Chief saying he did not see a problem with servicing the area.

Dr. Stone said his other question was regarding buffering; and said as this would be annexed and bordering county property that there was not really a requirement for buffering was there, but he believed he had heard them speak about that.

Ms. Rosario said it was written in the ordinance, that if a PDD was adjacent to County property, (un-zoned) they were not technically required to do any buffering to those properties. She said however as they had seen tonight, they did plan on keeping a large buffer, for the resident and for future home owners.

Planning Commission Deliberation:

Dr. Stone said more housing in the City and with more taxable income in the City; he was in favor of the request.

Mr. Wilson said he was in agreement as well.

Mr. Cunningham was also in agreement.

Mr. Pitts was also in agreement.

Mr. Kinard said he was in agreement and comfortable with the request given the willingness of the developer to work with the adjoining home owner as well.

Dr. Stone moved the request be recommended favorably to City Council for annexation and zoning classification of R-8 PDD; and he was seconded by Mr. Epps. The motion was unanimously approved by a vote of 6 to 0.

**4. 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. Natalia Rosario, Senior Planner came forward and was sworn; and she submitted the report the Planning Commissioners had previously received into evidence as Exhibit A. She informed them she was bringing some changes to the Planned Development District Ordinance; and she said she was sure they all remembered the Converse House which had been unable to move forward because the current size of a residential planned development district had to be a minimum of three acres; so that left a lot to be desired for smaller infill lots that could and should be developed as residential. This change would allow smaller lots to be developed as residential in a manner that actually made the project worthwhile.

Dr. Stone asked Ms. Rosario before she went much further in her presentation, was there any way they could move this item of business to the next meeting, since this was such a major change, and the Planning Commissioners really had not had a lot of time to look at it since it had only been a few days since they received the meeting packets; and he would like a chance to learn more about it. He had briefly read through it, and they had already been at the meeting so long, he would rather not take it up tonight if they did not have to.

Mr. Cunningham asked would there be any harm in delaying this item to the next meeting.

Ms. Rosario said she thought there were a couple of developments that would like to take advantage of a smaller lot PDD sooner than later, but she did not think anything was going to fall apart if they moved it to the next meeting.

It was the consensus of the Planning Commissioners that this item of business be moved to the next meeting on January 16, 2020.

Mr. Cunningham moved to table this request to the January 16, 2020 meeting; and he was seconded by Mr. Kinard. The motion was unanimously approved by a vote of 6 to 0.

Ms. Rosario said in the meantime to please review the item and to send her any questions/comments they may have prior to the next meeting. She also showed a slide of a map she had composed that showed all the parcels between one and three acres in the City that were vacant that could potentially be developed under this ordinance. Ms. Rosario said she would send the Planning Commissioners a copy of that map as well before the next meeting.

Mr. Cunningham said he thought even if they did not have any other business other than the text amendment change for the next meeting, they should go ahead and discuss this item at the meeting.

All the other Planning Commissioners agreed.

Mr. Wilson asked the City Attorney since they were tabling this item, did they officially need to bring it back up.

The City Attorney said to notify Staff to put it back on the agenda and once it was on the agenda they would just lift it off the table.

Ms. Rosario said there were two people in the audience who had sat there through the entire meeting regarding this item of business.

Mr. Wilson said he would go ahead and open up the public hearing portion to allow for any commentary, if the two gentleman in the audience would like to come forward. No one came forward. Mr. Wilson closed the public hearing portion of the meeting; and he thanked he two gentlemen for attending.

**Review and approval of the proposed 2020 Planning Commission Meeting Schedule.**

Mr. Kinard said he thought the dates were incorrect with the previous year; and they needed to be changed.

Mrs. Roland apologized and said she would have the correct dates at the next meeting.

Mr. Wilson said they would also table this item and bring it back up at the next meeting for review and approval.

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

- Wofford Environmental Studies Building – 280 Wofford Campus Dr.
- John B. White Self-Storage – 1640 John B. White Sr. Blvd.
- Converse Heights – 333 S. Pine St. Parking Upgrade – 333 S. Pine St.
- Lulu's Car Wash – W. O. Ezell Blvd.

Ms. Rosario said she had forgotten to include these in the presentation; but she informed the Planning Commissioners if they wanted to see any specific ones to let her know and she would email them; or they were always welcome to come in to her office and she would be happy to show them the hard copies.

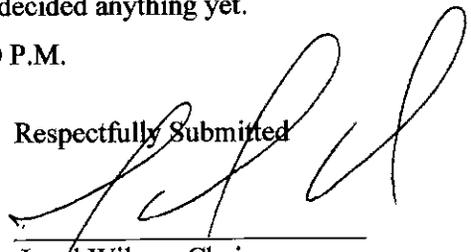
There were no City Council Updates for this meeting.

**Staff Announcements:**

Ms. Rosario said they did have one Planning Commissioner vacancy at the moment; and they had received one application regarding that position, but City Council had not decided anything yet.

There being no other business, the meeting was adjourned at 8:10 P.M.

Respectfully Submitted

  
Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant