

Planning Commission Meeting Minutes

July 20th, 2023 @ 5:30 PM

City Hall Council Chambers

Board Members Present: **Dr. Phillip Stone, Reed Cunningham, Warwick Spencer, Jemar Brown, Santiago Mariani and Lekesa Whitner.** City Staff Present: **Nan Zhou, City Planner II; Tia Keitt, City Planner II; Bob Coler, City Attorney, John Squires, City Engineer, Oksana Holbrooks, Administrative Assistant.**

Rolls

Ms. Whitner: Lekesa Whitner, Commissioner.

Mr. Mariani: Santiago Mariani, Commissioner.

Mr. Cunningham: Creed Cunningham, Commissioner.

Dr. Stone: Phillip Stone, Commissioner.

Mr. Brown: Jemar Brown, Commissioner

Mr. Spencer: Warwick Spencer, Commissioner.

Dr. Stone: Alright, it being 5:30 PM, I'm going to call this meeting of the City of Spartanburg Planning Commission to order. Today is Thursday July 20th, 2023. And my name is Phillip Stone I'm the chair of Planning Commission and I will be residing over this hearing this evening. Freedom of Information Act Compliance public notification of this meeting has been published, posted, and mailed in accordance with the Freedom of Information Act and the requirements of the City of Spartanburg Zoning Ordinance.

Approval of meeting agenda

On a motion by Ms. Whitner seconded by Mr. Mariani, the agenda for the meeting was approved, by a vote of 6 to 0.

Ms. Whitner: I make a motion we approve the agenda.

Mr. Mariani: Second.

Dr. Stone: Moved by Ms. Whitner, seconded by Mr. Mariani to approve the agenda. All in favor say aye.

Attendees: Aye.

Dr. Stone: Any opposed? The agenda is approved. We have minutes from the June 15th, 2023 meeting are in your packet. Did anyone have any corrections, additions? If not I will entertain a motion?

Approval of Meeting Minutes for June 15th, 2023

On a motion by Mr. Cunningham seconded by Mr. Brown, the minutes of the meeting of June 15th, 2023, was approved by a vote of 6 to 0.

Mr. Cunningham: I move the agenda is accepted and approved.

Mr. Brown: Second

Dr. Phillip: Moved by Mr. Cunningham seconded by Mr. Brown to approve the minutes. All in favor say aye.

Attendees: Aye.

Dr. Phillip: Any opposed? Alright, they are approved.

Old Business: None.

New Business:

The Planning Commission has received a request for rezoning of property located at Barritt Avenue / W.O. Ezell Blvd. (TMS: 6-21-02-115.00) currently zoned R-6 Live Work (General Residential – Live Work District) to be assigned a new zoning designation of R6-PDD (General Residential – Planned Development District) to accommodate the proposed El Dorado Townes residential development on the site. Owner: Marclar Investments Inc. / Applicant: Gordon Ray; Piedmont Construction / Agent: Erik Horton; BlueLine Consulting.

Dr. Stone: Ms. Keitt I believe you're going to present.

Ms. Keitt: I am.

Dr. Stone: Do you swear to tell the truth?

Ms. Keitt: I do.

Dr. Stone: Please tell us about this project.

Developer, Gordon Ray, has hired a civil engineering firm to develop a site plan to include 33 townhomes. The site is currently zoned R-6 Live/Work, which requires a minimum lot width of 50 ft., both on and not on the radius of a Cul-De-Sac. The site is approximately ±5.75 acres, but only ±3.6 acres will be disturbed, as the eastern / lowest portion of the site is in a flood zone, making this part of the site undevelopable and should not be disturbed.

In order to increase the number of housing units, the developer has decided to apply for the R-6 PDD – Planned Development District. As a PDD, the developer will have flexibility in determining the lot size and can be creative in designing the future subdivision with a challenging topography characterized by steep slopes and flood zones.

REQUIRED FINDINGS

507.4 Rezoning and Standards Necessary for Project Approval.

The Planning Commission shall consider the proposed planned development district in the same manner they review zone changes. In addition they shall review the submitted plans to determine conformity with the standards established by this Section, so as to achieve a maximum of coordination between the proposed development and the surrounding uses, the conservation of woodlands and the protection of water courses from erosion, siltation and pollution as required in Section V, 501.12 of this Ordinance. To these ends the Planning Commission and City Council shall consider the location of buildings, parking areas and other features with respect to the topography of the area and existing features such as streams and large trees; the efficiency, adequacy, and safety of the proposed layout of internal streets and driveways; the adequacy and location of usable open space provided; the adequacy, location and screening where required; if the planned development district is consistent with the Comprehensive Plan; if the planned development district can be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site, and such other matters as the Planning Commission and the City Council may find to have a material bearing upon the standards of this Section and the objectives of the Planned Development District Zone Regulations.

The City of Spartanburg requires Rezoning applications to meet criteria outlined in the Zoning Ordinance and the Planning Commission must make the following findings of reasonable conformance in order to recommend a change of zoning. Staff offers the following analysis relating to each of these required findings:

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ANALYSIS OF REQUIRED FINDINGS

The Zoning Ordinance enables Council to change the Zoning Ordinance or Map following public notice and hearing. The Planning Commission reviews and recommends action on proposed zoning changes at its regularly scheduled meetings. The following comments are based on established criteria:

1. **Consistency (or lack thereof) with the Comprehensive Plan** –

This parcel cautiously borders designated greenspace, and the engineer is making sure to avoid encroaching upon existing floodzones. The 2004 Comp. Plan FLUM- Future Land Use Map (image enclosed) defines this area as **Low Density Residential** and identifies housing types surrounding W.O. Ezell Blvd. and Blackstock Rd:

The protection of stable residential neighborhoods is a primary goal of the plan...Spartanburg has not been successful at attracting middle income households over the past several years. Between 1990 and 2000, the population of the City has declined while the county has grown by 12%. More specifically, the growth in the county has been in single family and mid to upper income households, meaning that the City is becoming increasingly the place of residence of lower income families and apartment dwellers. While the accommodation of these groups is seen as a responsibility of the City, the [2004 Comp Plan] lists the attraction and retention of a wide spectrum of household types as desirable.

The not yet approved 2023 Draft Comprehensive Plan – Growth & Conservation Map identifies this area as **G-2 Neighborhood Infill Growth Sector**. Neighborhood Controlled Growth Sectors are areas that are developed with low- to medium-density neighborhoods that should remain “as is”. These neighborhoods are defined by conventional suburban development patterns of primarily detached single-family houses, with a limited number of multi-family, commercial, and civic uses. There may be some limited opportunities for infill in this Sector, which should be at a scale and character compatible with surrounding development.

The proposed residential development is consistent with the 2004 & Draft 2023 Comprehensive Plan.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood** –

The present zoning of the site is residential as a Live/Work Zoning District. This district allows for the expansion of the Home Occupation to not exceed 50%, whereas, per Section 302.6 Home Occupations, the floor area used for the home occupation shall not exceed 20%. The parcel is surrounded by a mix of uses, flood zones, B-1 Neighborhood Shopping District, R-15 single family zoning, as well as the Girl Scouts of the Piedmont, Camp Mary Elizabeth Lodge, which is just over 56 acres of greenspace. The proposed development would be situated behind the W.O. Ezell corridor, and nestled between the rear of the Texas Roadhouse restaurant and the northern portion of the Girl Scout’s property.

requirements are met (sewer, water, stormwater, setbacks, landscaping and buffering, parking, etc.).

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 developer is concentrating the development towards the western portion / higher elevation of the site and considers the site suitable for development. The preliminary site plan follows the the zoning setback requirements and meets the the 50' right-of-way street guidelines. In the Site Plan Review process, City Departments will have the opportunity to review the site plans in depth to determine site suitability. Per Section 507: Planned Development Districts, the developer will be required to meet minimum lot requirements, setback and parking, greenspace, bufferyard and pedestrian circulation. Also, Spartanburg Sewer & Water (SSW) will be a part of the site plan review process. The developer and engineer may have already begun working with SSW.

4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment* –

Currently, as a vacant lot this parcel is undeveloped land with a residential zoning district. Given the topography and site limitations, even an eager housing developer would shy away from the potential this location has to offer (which Staff has witnessed). The R-6 Live/Work zoning designation would allow for a creative housing stock, but the property owner / housing developer would like a site layout the garners the highest use of the site, therefore, fitting in the maximum number of dwellings on the site. As an R-6 PDD well developed site with a quality housing stock, the marketability of the property could increase dramatically with the proposed 33 units.

5. *Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use* –

During the pre-application meeting the Public Works Director was able to provide the engineer and developer some history of the site, including grading challenges met by previous owners / contractors. Given that the property is in the city (as opposed to being annexed into the city) and surrounded by city parcels, sewer, water and storm water facilities are available and suitable for the proposed development.

STAFF'S ANALYSIS & RECOMMENDATION

According to Section I Adoption and Interpretation of the City Of Spartanburg Zoning Ordinance, § 105 Purpose, "The purpose of the zoning ordinance is to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710." This S.C. Code section states that the "Zoning ordinance must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare" of properties inside the City Limits.

One of the reasons for the Comprehensive Plan and City Zoning Ordinance is to have zoning classifications that allow certain uses in conjunction with adjacent properties that may be considered "less intense" uses. For this reason, the purpose is to protect the less intense uses from adverse impacts on their property with regard, but not limited to, noise and/or light pollution, traffic congestion, and any other adverse impact that a higher intense use could cause on a surrounding less intense use.

WRITTEN PUBLIC COMMENTS

44 Public Notices were sent to property owners within a 400 ft. radius of subject properties. A Planning Informational meeting was held on Wednesday, July 12, 2023, at 5:30 PM at the City

Council Chamber to discuss the zoning designation request and to address any comments and concerns. No one from the community came to the meeting. At the time of this Staff Report, only one person has called to inquire about the rezoning request.

FUTURE PROCESS

Under State law, if the Planning Commission recommends approval of this application, staff will schedule the matter for another public hearing and **First Reading of Ordinance by City Council on Monday, August 14, 2023**. If the matter receives first reading approval, it will then go before the City Council for **a Second and Final Reading on Monday, August 26, 2023**. The public hearings will be publicly noticed.

If the Planning Commission recommends against the application, the negative recommendation will be forwarded to the City Council. In this case, a public hearing before the City Council will be conducted only if the applicant submits a written request within a two week period following the Planning Commission's action.

On July 20, 2023, the Planning Commission may act to support or oppose the application, with or without changes to the proposal. The Commission could also continue the matter if additional information, testimony or dialogue is deemed necessary.

Applicant:

Gordon Ray; Piedmont Construction
Erik Horton; BlueLine Consulting

Public Comments:

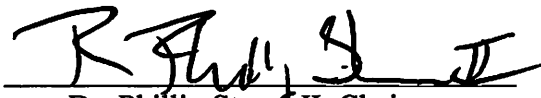
Gordon Ray, 154 Heartleaf Way, Chesness, SC 29323.
Todd Sinclair, 226 N Lake Emory Dr, Inman, SC 29349.

Discussion:

The distance- is it appropriate, were the residence notified violation of covenant restrictions in connection with Woodland Heights. City Attorney, Bob Coler will look into to confirm, but stated this shouldn't effect this location and property. City Engineer, John Squires states, Stormwater and infrastructure that's planned is adequate and meets all city standards. The maintenance, floodplain and access/egress lotions of the project site. The scope of project being in a great location, providing housing for the city, it's in medium price range for townhomes, making a great use of a challenging land, bringing more people to the city.

A motion was made by Mr. Cunningham, seconded Mr. Brown the request for rezoning for the proposed project was approved to with a vote of 6-0.

The meeting was adjourned at 6:25 PM.


Dr. Phillip Stoner II, Chairman