



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 W. Broad Street
Monday, September 11, 2023
5:30 PM

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the August 28, 2023 Meeting**
- IV. Approval of the Agenda of the September 11, 2023 Meeting**
- V. Public Comment**
****Public Comment Forms are available at the door and should be submitted to the Clerk prior to the start of the meeting****
- VI. Presentation of Proclamation Declaring September 17, 2023 through September 23, 2023 as Constitution Week**
Presenter: Jerome Rice, Jr. Mayor
- VII. Update Regarding Redistricting Notification and Voting Precincts Change**
Presenter: Mitch Kennedy, Deputy City Manager
- VIII. Consent Agenda**
 - A. An Ordinance to Grant a Franchise to Lumos Fiber, LLC to Install and Maintain Fiber Optic Cable and Accessories for the Provisions of Telecommunications Services in the Streets and Public Rights of Way in the City.**
Presenter: Robert P. Coler
- IX. Public Hearings**
 - A. An Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, By Amending Section 206, Changes to District Boundaries, Specifically, the Property Located at 831 John B. White Sr., Blvd, and is Further Identified as Tax Map ID: 6-21-11-114.01 on the Spartanburg County Tax Map, as a Part and Parcel of the City of Spartanburg Which is Zoned R-12, with a Land Use Designation of General Residential District to be Assigned a Zoning Designation of LOD, with a Land Use Designation of Limited Office**

As required by the Americans with Disabilities Act, the City of Spartanburg will provide interpretive services for the City Council Meetings. Requests must be made to the Communications & Marketing Office (596-2020) 24 hours in advance of the meeting. This is a Public Meeting and notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information

District and Providing for Severability and an Effective Date.

Presenter: Martin Livingston, Community Development Director

- B. An Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, By Amending Section 206, Changes to District Boundaries, Specifically, the Property Located at 249 E. Blackstock Road, and is Further Identified As Tax Map ID: 6-21-13-002.00 on the Spartanburg County Tax Map, as a Part and Parcel of the City of Spartanburg Which is Zoned LOD, with a Land Use Designation of Limited Office District to be Assigned a Zoning Designation of B-1, with a Land Use Designation of Neighborhood Shopping District and Providing for Severability and an Effective Date.
Presenter: Martin Livingston, Community Development Director**
- X. City of Spartanburg Boards and Commissions Update
Presenter: Christie Lindsey, City Clerk**
- XI. Staff Updates**
- XII. City Council Updates**
- XIII. Executive Session**
 - A. Executive Session Pursuant to Section 30-4-70 (a)(5) of the South Carolina Code to Discuss Matters Relating to Economic Development “Project Core” a Potential Mixed-use Development in the Downtown Area**
- XIV. Adjournment.**

City Code Sec. 2-57. Citizen Appearance. Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City Services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by decision of City Council. The forms may be obtained from the Clerk and maintained by the same. Each person who gives notice may speak at the designated time and will be limited to a two (2) minute presentation.



**City Council Meeting
City Council Chambers
145 W. Broad Street
Monday, August 28, 2023
5:30 p.m.**

(These minutes to be approved at the September 11, 2023 Council Meeting)

City Council met this date with the following Councilmembers present: Mayor Jerome Rice, Jr, Mayor Pro Tem Rob Rain, Councilmembers Erica Brown, Jamie Fulmer, Ruth Littlejohn, Meghan Smith and Janie Salley. City Manager Chris Story, Deputy City Manager Mitch Kennedy, Assistant City Manager Kevin Limehouse and City Attorney Robert P. Coler were in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are live streamed/recorded. To view the video for a complete transcript, please visit <https://www.cityofspartanburg.org/city-council>

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of the Minutes of the August 14, 2023 City Council Meeting –**
Councilmember Salley made a motion to approve the minutes as received.
Councilmember Smith seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of the Agenda for the August 28, 2023 City Council Meeting -**
Councilmember Fulmer made a motion to approve the agenda as received.
Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.
- V. Public Comment –**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
 - 1. Judge Kerry Guillory**
 - 2. Willa Reeder**
- VI. Presentation of Morgan Square Improvement Design Concept**
Presenters: Halsey Cook, CEO Milliken and Company, Chairman of Morgan Square Committee; Darren Meyer, Principal MKSK; Chris Story, City Manager
Darren Meyer presented an overview on the proposed plan for Morgan Square and answered Council questions regarding the design.
Council received the presentation as information only.

VII. Consent Agenda

- A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, By Amending Section 206, Changes to District Boundaries, Specifically, The Property Located at Barritt Avenue, and is Further Identified as Tax Map ID: 6-21-02-115.00 on the Spartanburg County Tax Map, As a Part and Parcel of The City of Spartanburg Which is Zoned R-6LW, with a Land Use Designation of General Residential-Live Work District to Be Assigned a Zoning Designation of R-6 PDD, with a Land Use Designation of General Residential-Planned Development District and Providing For Severability and an Effective Date.**

Presenter: Martin Livingston, Community Development Director

- B. An Ordinance of the City of Spartanburg, South Carolina, to Adopt the 2023 Comprehensive Plan Consistent with the Requirements of South Carolina Local Government Comprehensive Planning Enabling Act of 1994.**

Presenter: Martin Livingston, Community Development Director

- C. Authorizing the City of Spartanburg, South Carolina to Execute and Deliver an Equipment Lease Purchase Agreement in an Amount not Exceeding \$3,100,000 between the City and the Lessor Thereof to Defray the Cost of Acquiring Certain Equipment; and Others Matters Relating Thereto**

Presenter: Dennis Locke, Finance Director

Councilmember Fulmer made a motion to approve the Consent Agenda.

Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

VIII. Resolution

- A. Resolution Consenting to Inclusion of Tax Map Numbers 7-16-06-208.00, 7-16-06-222.00, 7-16-06-238.00, and 7-16-06-271.00 in Spartanburg-Cherokee Multi-County Industrial or Business Park.**

Presenter: Chris Story, City Manager

Councilmember Littlejohn made a motion to approve the Resolution as presented.

Councilmember Smith seconded the motion, which carried unanimously 7 to 0.

Councilmember Fulmer asked that the CAF that was not included in the Agenda be included as an exhibit to the minutes. (The CAF is attached as Exhibit 1 to these minutes.)

IX. Ordinance

- A. An Ordinance to Grant a Franchise to Lumos Fibers, LLC to Install and Maintain Fiber Optic Cable and Accessories for the Provisions of Telecommunications Services in the Streets and Public Rights of Way in the City.**

Presenter: Robert Coler, City Attorney

Councilmember Fulmer made a motion to approve the ordinance as presented.

Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

X. Approve the Updated Title VI Plan to Comply with Federal Administration Regulations.

Presenter: Dennis Locke, Finance Director

Councilmember Smith made a motion to approve the item as presented.

Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.

XI. Staff Updates-Mr. Story advised Council that further information on the Comprehensive Plan would be presented soon to Council. He also answered additional questions Council had regarding the proposed redesign of Morgan Square.

XII. City Council Updates- Each Councilmember gave updates on their activities since the previous council meeting.

XIII. Executive Session-

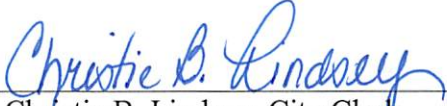
A. Executive Session Pursuant to Section 30-4-70(a)(5) of the South Carolina Code to Discuss Matters Relating to Economic Development “Project Core” a Potential Mixed-use Development in the Downtown Area.

B. Executive Session Pursuant to Section 30-4-70(a)(5) of the South Carolina Code to Discuss Matters Relating to “Project Church” regarding the Proposed Location, Expansion, or the Provision of Services Encouraging Location or Expansion of Industries or Other Businesses in the Area Served by the Public Body.

Councilmember Brown made a motion to enter into Executive Sessions at 7:10p.m.

Councilmember Smith seconded the motion, which carried unanimously 7 to 0.

XIII. Adjournment – Councilmember Smith made a motion to adjourn the meeting. *Councilmember Fulmer seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 8:07 p.m.*


Christie B. Lindsey, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council

FROM: Chris Story, City Manager

SUBJECT: Resolution Consenting to Inclusion of 729 S. Church Street (former Pepsi Site) into a Multicounty Industrial Park (MCIP)

DATE: August 25, 2023

In June, City Council authorized the execution of a development agreement to enable the redevelopment of the former Pepsi property on the Southside for the purpose of bringing needed good wage jobs to the area. Item 2.b. of that agreement specifies the city's intent to consent to placing the property in a multi-county industrial park. The attached recommendation simply formalizes that activity. The resolution applies to four parcels that have been owned by the Pepsi bottling enterprise for decades. This action does not change any aspect of the project as presented and discussed in June.

We recommend your approval. Please let me know if you have any questions.



REQUEST FOR CITY COUNCIL ACTION

TO: Chris Story, City Manager

FROM: Mitch Kennedy, Deputy City Manager
Christopher George, Communications Manager

SUBJECT: Update: Redistricting Notification and Voting Precincts Changes

DATE: September 8, 2023

BACKGROUND: Staff wish to update the City Council on efforts to educate and inform city residents on changes that have been made within our local voting system, including our recent redistricting process. Staff has invited John Baucom, Director, Voter Registration & Elections to share changes and efforts to inform residents.

ACTION REQUESTED: Information Only

BUDGET AND FINANCIAL DATA: NA



COUNCIL ACTION FORM

TO: Chris Story
City Manager

FROM: Martin Livingston
Community Development Director

DATE: September 11, 2023

SUBJECT: Public Hearing: Rezoning Request to change the zoning of property located at 831 John B. White Sr. Blvd (TMS: 6-21-11-114.01) currently zoned R-12 (General Residential District) to be assigned a new zoning designation of LOD (Limited Office District) to accommodate an office on the site. Owner/Applicant: Jaymar Group, LLC.

SUMMARY: On **August 17, 2023**, the Planning Commission held a public hearing and reviewed a rezoning request regarding the property located at 831 John B. White Sr. Blvd (TMS: 6-21-11-114.01) currently zoned R-12 (General Residential District) to be assigned a new zoning designation of LOD (Limited Office District) to accommodate an office on the site. Staff also held a planning informational meeting on **August 9, 2023**, to provide the public with an opportunity to discuss the proposed rezoning request prior to the planning commission meeting. A public notice was advertised in the Spartanburg Herald Journal and letters were sent by certified and regular mail to property owners within 400 feet of the surrounding rezoning request and the property was posted for the Planning Commission and City Council public hearings.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission approved the rezoning request on **August 17, 2023**, by a vote of 5 to 0.

ADDITIONAL INFORMATION: Draft minutes of the **August 17, 2023**, Planning Commission meeting and Staff Report with attachments are included for Council review. In addition, enclosed is a proposed ordinance in the event of Council approval.

BUDGET AND FINANCE DATA: N/A

AN ORDINANCE

ORDINANCE TO AMEND THE CITY OF SPARTANBURG, SOUTH CAROLINA ZONING ORDINANCE AND COMPREHENSIVE PLAN LAND USE ELEMENT, BY AMENDING SECTION 206, CHANGES TO DISTRICT BOUNDARIES, SPECIFICALLY, THE PROPERTY LOCATED AT 831 JOHN B. WHITE SR. BLVD, AND IS FURTHER IDENTIFIED AS TAX MAP ID: 6-21-11-114.01 ON THE SPARTANBURG COUNTY TAX MAP, AS A PART AND PARCEL OF THE CITY OF SPARTANBURG WHICH IS ZONED R-12, WITH A LAND USE DESIGNATION OF GENERAL RESIDENTIAL DISTRICT TO BE ASSIGNED A ZONING DESIGNATION OF LOD, WITH A LAND USE DESIGNATION OF LIMITED OFFICE DISTRICT AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the land use designation for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zoning of property located at 831 John B. White Sr. Blvd. (TMS: 6-21-11-114.01) currently zoned R-12 (General Residential District) to be assigned a new zoning designation of LOD (Limited Office District) to accommodate an office on the site; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on August 17, 2023, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council approval of the zoning request as presented.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance to be, and the same hereby amended as follows:

All that property located at 831 John B. White Sr. Blvd (TMS: 6-21-11-114.01) currently zoned R-12 (General Residential District) to be assigned a new zoning designation of LOD (Limited Office District) to accommodate an office on the site.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS _____ DAY OF _____, 2023.

Jerome Rice, Mayor

ATTEST:

Christie Lindsey, City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)

Planning Commission Meeting Minutes
August 17th, 2023 @ 5:30 PM
City Hall Council Chambers

Board Members Present: **Dr. Phillip Stone, Reed Cunningham, Jemar Brown, Santiago Mariani and Lekesa Whitner.** City Staff Present: **Martin Livingston, Community Development Director, Nan Zhou, City Planner II; Tia Keitt, City Planner II, 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

Dr. Stone: Alright, I call the August 17th, 2023, meeting of the City of Spartanburg of the Planning Commission to order. My name is Phillip Stone I'm the Commission Chair I will be residing over this hearings this evening. I will note for the record we have five members of the Commission present, we have one absent and we have one vacancy, so we have quorum and are able to proceed with the business before the body. 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 Mr. Cunningham seconded by Ms. Whitner, the agenda for the meeting was approved, by a vote of 5 to 0.

Mr. Cunningham: I move we accept the agenda.

Ms. Whitner: Second.

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

Attendees: Aye.

Dr. Stone: Any opposed? The agenda is approved. The minutes of the July 20th, 2023 meeting. Do I hear a motion or any corrections or additions?

Approval of Meeting Minutes for July 20th, 2023

On a motion by Ms. Whitner seconded by Mr. Brown, the minutes of the meeting of July 20th, 2023, was approved by a vote of 5 to 0.

Mr. Cunningham: I make a motion that we accept the minutes of the July 20th meeting.

Mr. Brown: Second

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

Attendees: Aye.

Dr. Phillip: Any opposed? Minutes are approved. Sign those in a bit.

Old Business: None.

New Business:

The Planning Commission has received a rezoning request of a property located at 831 John B White Sr. Blvd. (TMS: 6-21-11-114.01) from the current zoning R-12, General Residential District, to LOD, Limited Office District to accommodate the development of an office. Owner / Applicant: Jaymar Group, LLC.

Dr. Stone: Ms. Zhou do you swear to tell the truth?

Ms. Zhou: Yes, I do.

Dr. Stone: Okay.

The project site is an approximately 31,623 square foot parcel located at 831 John B White Sr. Blvd. The parcel borders John B White Sr. Blvd to the north and Wildwood Dr. to the west. The applicant has requested approval of rezoning from a residential zoning designation of R-12, General Residential District, to a commercial zoning designation of LOD, Limited Office District.

Across from the project site are Windsor House Assisted Living facility that currently has a zoning designation of LOD, Limited Office District, and Hatcher Garden and Woodland Preserve that currently has a zoning designation of GID, General Institutional District. Majority of properties to the west and east side of the project site are zoned for LOD, Limited Office District. Properties to the south are residentially zoned neighborhoods of R-12, General Residential District.

REQUIRED FINDINGS

Historically, the City of Spartanburg has required rezoning applications to meet certain criteria and the Planning Commission must take the following findings of reasonable conformance in order to recommend a selection or designation of zoning:

Staff offers the following analysis relating to each of these required findings:

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** – The 2004 Comprehensive Plan Future Land Use Map has this portion of the John B White Sr. Blvd. corridor as a Limited Activity Center. The 2004 Comprehensive Plan states that “This segment of the John B White Sr. Blvd. (Central Section) contains less dense development and the dominant land use is low density residential, though some offices, a school and several churches are also present. This area has experienced a residential-to-office transition over the past several years. Most of the businesses along this portion of the corridor are small office complexes. Traffic volume in this section of the

corridor is lower than in the eastern and western portions of the John B White Sr. Blvd. Recommendations of this portion of the John B White Sr. Blvd are establishing this portion of the corridor as a Limited Activity Center. This continues the City's successful practice of accommodating professional office and other low intensity commercial and civic uses, while preserving the relatively non-congested character of the area and limiting impacts on nearby residential neighborhoods. On balance, allowing the remaining single family homes to become other uses will produce a desirable outcome." Thus, the proposed use for this parcel can be interpreted as consistent with the Comprehensive Plan and the Future Land Use Map with a LOD, Limited Office District request.

The 2023 City of Spartanburg Final Draft Comprehensive Plan lists this portion of John B White Sr. Blvd. as G-4 Corridor Infill Growth Sector. According to the draft document "These sectors are areas that are generally located along transportation corridors, connecting activity centers and destinations in the City. These Sectors are mostly developed but still contain underutilized parcels. Most are defined by a conventional, auto-oriented suburban pattern of primary commercial development. Some of the larger, deeper parcels in this sector may allow for a change in the pattern of development and the addition of multi-family and mixed-use buildings. New development, redevelopment, or the reuse of existing land and buildings should be encouraged to better meet the local goal of achieving more walkable and bikeable corridors and neighborhoods. Some portions of these sectors should be rezoned to character-based districts." Due to the nature of the John B White Sr. Blvd. corridor, encouraging and supporting compact, mixed-use development that responds to the wants and needs of residents, workers, students, and visitors are recommended.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood** – The present characters of the adjacent surrounding properties along John B White Sr. Blvd. are primarily office/less dense commercial uses that are zoned for Limited Office District and institutional uses (Hatcher Garden) that is zoned for General Institutional District. The proposed zoning designation of Limited Office District would be consistent with other adjacent properties and uses to the north, west, and east side of the project site along the main corridor of John B White Sr. Blvd. The south side of the project site is bordering R-12 residential neighborhoods. The proposed zoning request of Limited Office District is not currently compatible with the residential uses to the back.

The zoning ordinance considers LOD, Limited Office District as "...districts are established 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 that will insure compatibility with residential districts."

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 proposed amendment of the zoning classification from R-12, General Residential District, to LOD, Limited Office District is granted, it will accommodate the proposed use of an office development. The proposed use may not require a Site Plan review process if the business owner decides to remain the property as is with some interior renovations. However, if the contract amount of the site and/or building improvements filed with the Building Official for which a building permit is required exceeds 50% of the current market value based on the Spartanburg County Tax Assessor's record, then all portions of an existing property shall be retrofitted to meet the requirements of the Zoning Ordinance. The site plan process allows City staff to provide feedback on the proposal site plan, ensuring that all site requirements are met (setbacks, landscaping and buffering, parking, etc.)

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** – The marketability of the property would likely increase with the proposed zoning change from residence to office development. The proposed zoning change will allow for commercial uses, office, institutional/public and quasi-public uses, and residential uses.

However, with the change of use from R-12, General Residential District, to LOD, Limited Office District, the off-street parking for the proposed use needs to be in compliance with the City of Spartanburg Section 504 Off-Street Parking and Loading Requirement according depending on the use.

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. The applicant is required to submit an application for site plan review.

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.

Based on the above findings, staff recommends that should the Planning Commission approve this request that the property be rezoned from R-12, General Residential District to LOD, Limited Office District. The zoning designation would be conforming to the existing land use patterns and uses.

WRITTEN PUBLIC COMMENTS

Notices were sent to property owners within a 400 ft. radius of subject properties. A total of 40 Notices were sent to property owners of which 4 were mailed certified mail. A Planning Informational meeting was held on Wednesday, August 9, 2023, at 5:30 PM at the City Council Chamber to discuss the zoning designation request and to address any comments and concerns.

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, September 11, 2023. If the matter receives first reading approval, it will then go before the

City Council for a Second and Final Reading on Monday, September 25, 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 August 17th, 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:

Jaymar Group, LLC- Applicant not present.

Public Comments:

None.

Discussion:

The area transitioning to LOD is appropriate for the surrounding residents and use. Majority of the houses are already equipped for the future business use.

A motion was made by Mr. Mariani, seconded Mr. Brown the request for rezoning for the proposed project was approved with a vote of 5-0.

The Planning Commission has received a request for rezoning of property located at 249 E. Blackstock Road (TMS: 6-21-13-002.00) currently zoned LOD (Limited Office District) to be assigned a new zoning designation of B-1 (Neighborhood Shopping District) to accommodate the location of the Enterprise Rental A Car. Owner: Larry O. Harmon / Applicant: Enterprise Rent A Car / Agent: Greyson Furnas; Colliers International.

Dr. Stone: Ms. Keitt, good evening. Do you swear to tell the truth?

Ms. Keitt: I do.

Dr. Stone: Thank you ma'am.

The owner of 249 E. Blackstock Road is requesting to rezone the parcel from LOD – Limited Office District to B-1, Neighborhood Shopping District. Enterprise Rent-A-Car would like to relocate to 249 E. Blackstock Road from their current location, 238 E. Blackstock Rd. However, as an LOD zone, auto rental is not a permitted use.

Per the City of Spartanburg Zoning Ordinance, car rental businesses are premitted in **B-1 zoning districts** if : (1) no more than ten car can be parked on the property at one time; (2) no more than five trucks can be parked on the property at one time. No truck shall have more than two axles nor have a gross vehicle weight exceeding 32,000 lb.; (3) only trailers utilized for transporting a single car can be located on the property. The B-3 (and higher) zoning districts allow for auto rentals when the onsite inventory exceeds the limited requirements in B-1.

Planning Staff, hesitant to suggest a B-3 property to border the neighboring residential zoning district, suggested the applicant apply for the B-1 zoning designation, followed by an application to the Board of Zoning Appeals, where Enterprise Rent-A-Car could appeal the restrictions of the B-1 zoning to accommodate their inventory. Per Section 603.3, **an Appeal may be granted** *when strict application of the provisions of the ordinance would result in unnecessary hardship*. Per Section 603.3A: A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (b) These conditions do not generally apply to other property in the vicinity;
- (c) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- (e) In granting a variance, the board may attach to it such conditions regarding the location, character or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare;

In order to keep the land use to a low-medium intensity, B-1 is the lowest use that can accommodate the proposed business. Staff believes the Appeal process, though lengthy and time consuming, can enable the proposed land use and offer some protection adjoining properties. The B-1 zoning designation can create opportunities for neighborhood friendly businesses, whereas B-3 zoning would open this site to higher intensity uses that can become a nuisance to residential communities. Moreover, the existing easement (enforced by Duke Power) drastically minimizes the erection of structures, including buildings, fences and tree plantings. Given the size of the easement, the site is strictly limited and forces the property owner / business to function at its current layout. Map of easement provided at end of staff report. Below is a snippet of Section 301: District Use Regulations showing permitted uses.

REQUIRED FINDINGS

605.3 Duties of City Planning Commission.

The jurisdiction, powers and duties of the City Planning Commission are enacted under the Municipal Planning Enabling Legislation from S.C. Code Ann., Title 6, Chapter 29, §6-29-310, et seq. The City Planning Commission shall consider proposed amendments to [the City of Spartanburg Zoning] Ordinance at its regularly scheduled meetings.

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:

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 –

The proposed land use is consistent with the comprehensive plan. Per the 2004 Comp Plan, this particular parcel can be considered either Core Activity or General Activity. B-2 is not a current Zoning District in Spartanburg, but is recognized in the 2004 Comprehensive Plan. The Growth & Conservation Map of the 2023 Comprehensive Plan designates this area as Corridor Infill Growth. Map provided at the end of the staff report.

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

The site is situated between a B-1 and an LOD zoning district, so the requested B-1 Zoning would be compatible with the present zoning districts of nearby properties. Across the street from the property is an existing used car dealership, which indicates a car rental business is a conforming use to nearby properties. Moreover, Enterprises' current location (238 E. Blackstock) is less than half a mile from the proposed location. East Blackstock Road is a busy commercial corridor so an auto rental business fits into the character of East Blackstock Rd.

3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment--

238 E. Blackstock Rd. might be an ideal location for a car rental business. The rear portion of the site can offer space for activities that need to take place, including parking additional cars, space to clean vehicles and any other services necessary for a successful car rental business

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 –

B-1 increases the options for land use, all of which includes LOD permitted uses. The marketability of the property should not be impacted by the proposed rezoning of the site. The site is already limited because of the Duke Power easement that covers about a third of the property, which would impact the marketability more than the rezoning.

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

The property is in 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.

Based on the above findings, staff recommends approval to rezone the parcels to B-1 Neighborhood Shopping zoning district.

WRITTEN PUBLIC COMMENTS

30 Public Notices were sent to property owners within a 400 ft. radius of subject properties. A Planning Informational meeting was held on August 9, 2023, at 5:30 PM at the City Council Chamber to discuss the zoning designation request and to address any comments and concerns. A representative from Breakthrough Church (235 E. Blackstock Rd.) attended the meeting and shared that members from the church park at the property in question. Apparently there is a driveable pathway that allows the church to offer shuttle services to attendees who park on the lot in question (249 E. Blackstock Rd.). The church is disappointed that they would lose access to the lot, and will reach out to the owner. The church representative also shared that Enterprise will use their lot to park cars when there is an overflow at the current location.

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, September 11, 2023.** If the matter receives first reading approval, it will then go before the City Council for a **Second and Final Reading on Monday, September 25, 2023.** The public hearings will be publicly noticed.

In anticipation of the rezoning request being approved, the applicant could go before the BZA during the October meeting. The Appeal application will have to be submitted to the Planning Department by **September 18th** to be on the agenda for the **October 10th meeting.** The next meeting will be November 14th, where the application will have to be submitted by October 23rd.

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 **August 17, 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:

Enterprise Rent A Car
Greyson Furnas; Colliers International, Agent.

Public Comments:

Andrew Metze, 8 Harrer Ct, Greer, SC 29651.
Bill McDaniel, 446 Oak Grove Rd, Spartanburg, SC 29301.

Discussion:

Moving the business and rezoning to B-1 to better utilize the use of open space, parking, better ingress/egress for customers, and more updated facility. The proposed rezone is appropriate to accommodate the business preferences without doing any harm to surrounding properties.

A motion was made by Ms. Whitner, seconded Mr. Cunningham the request for rezoning for the proposed project was approved with a vote of 5-0.

The meeting was adjourned at 6:23 PM.

Dr. Phillip Stone, II, Chairman



City of Spartanburg

Planning Department

Application for Zoning Map Amendment

RZ-23-011-00004

<u>LANDOWNER</u>	<u>APPLICANT</u>	<u>AGENT</u>
Jaymar Group, LLC 735 Bridwell Rd. Travelers Rest, SC 29690	Jaymar Group, LLC 735 Bridwell Rd. Travelers Rest, SC 29690	N/A

<u>PARCEL DATA</u>	
- Tax Map ID: 6-21-11-114.01 - Address: 831 John B White Sr. Blvd. - Existing Zoning Districts: R-12, General Residential District - Proposed Zoning District: LOD (Limited Office District)	Overlay District: N/A

APPLICATION SUMMARY

The Planning Commission has received a rezoning request of a property located at 831 John B White Sr. Blvd. (TMS: 6-21-11-114.01) from the current zoning R-12, General Residential District, to LOD, Limited Office District to accommodate the development of an office. **Owner / Applicant: Jaymar Group, LLC.**

The project site is an approximately 31,623 square foot parcel located at 831 John B White Sr. Blvd. The parcel borders John B White Sr. Blvd to the north and Wildwood Dr. to the west. The applicant has requested approval of rezoning from a residential zoning designation of R-12, General Residential District, to a commercial zoning designation of LOD, Limited Office District.

Across from the project site are Windsor House Assisted Living facility that currently has a zoning designation of LOD, Limited Office District, and Hatcher Garden and Woodland Preserve that currently has a zoning designation of GID, General Institutional District. Majority of properties to the west and east side of the project site are zoned for LOD, Limited Office District. Properties to the south are residentially zoned neighborhoods of R-12, General Residential District.

REQUIRED FINDINGS

Historically, the City of Spartanburg has required rezoning applications to meet certain criteria and the Planning Commission must take the following findings of reasonable conformance in order to recommend a selection or designation of zoning:

Staff offers the following analysis relating to each of these required findings:

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** – The 2004 Comprehensive Plan Future Land Use Map has this portion of the John B White Sr. Blvd. corridor as a Limited Activity Center. The 2004 Comprehensive Plan states that “This segment of the John B White Sr. Blvd. (Central Section) contains less dense development and the dominant land use is low density residential, though some offices, a school and several churches are also present. This area has experienced a residential-to-office transition over the past several years. Most of the businesses along this portion of the corridor are small office complexes. Traffic volume in this section of the corridor is lower than in the eastern and western portions of the John B White Sr. Blvd. Recommendations of this portion of the John B White Sr. Blvd are establishing this portion of the corridor as a Limited Activity Center. This continues the City’s successful practice of accommodating professional office and other low intensity commercial and civic uses, while preserving the relatively non-congested character of the area and limiting impacts on nearby residential neighborhoods. On balance, allowing the remaining single family homes to become other uses will produce a desirable outcome.” Thus, the proposed use for this parcel can be interpreted as consistent with the Comprehensive Plan and the Future Land Use Map with a LOD, Limited Office District request.

The 2023 City of Spartanburg Final Draft Comprehensive Plan lists this portion of John B White Sr. Blvd. as G-4 Corridor Infill Growth Sector. According to the draft document “These sectors are areas that are generally located along transportation corridors, connecting activity centers and destinations in the City. These Sectors are mostly developed but still contain underutilized parcels. Most are defined by a conventional, auto-oriented suburban pattern of primary commercial development. Some of the larger, deeper parcels in this sector may allow for a change in the pattern of development and the addition of multi-family and mixed-use buildings. New development, redevelopment, or the reuse of existing land and buildings should be encouraged to better meet the local goal of achieving more walkable and bikeable corridors and neighborhoods. Some portions of these sectors should be rezoned to character-based districts.” Due to the nature of the John B White Sr. Blvd. corridor, encouraging and supporting compact, mixed-use development that responds to the wants and needs of residents, workers, students, and visitors are recommended.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood** – The present characters of the adjacent surrounding properties along John B White Sr. Blvd. are primarily office/less dense commercial uses that are zoned for Limited Office District and institutional uses (Hatcher Garden) that is zoned for General Institutional District. The proposed zoning designation of Limited Office District would be consistent with other adjacent properties and uses to the north, west, and east side of the project site along the main corridor of John B White Sr. Blvd. The south side of the project site is bordering R-12 residential neighborhoods. The proposed zoning request of Limited Office District is not currently compatible with the residential uses to the back.

The zoning ordinance considers LOD, Limited Office District as “....districts are established 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 that will insure compatibility with residential districts.”

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 proposed amendment of the zoning classification from R-12, General Residential District, to LOD, Limited Office District is granted, it will accommodate the proposed use of an office development. The proposed use may not require a Site Plan review process if the business owner decides to remain the property as is with some interior renovations. However, if the contract amount of the site and/or building improvements filed with the Building Official for which a building permit is required exceeds 50% of the current market value based on the Spartanburg County Tax Assessor’s record, then all portions of an existing property shall be retrofitted to meet the requirements of the Zoning Ordinance. The site plan process allows City staff to provide feedback on the proposal site plan, ensuring that all site requirements are met (setbacks, landscaping and buffering, parking, etc.)

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** – The marketability of the property would likely increase with the proposed zoning change from residence to office development. The proposed zoning change will allow for commercial uses, office, institutional/public and quasi-public uses, and residential uses.

However, with the change of use from R-12, General Residential District, to LOD, Limited Office District, the off-street parking for the proposed use needs to be in compliance with the City of Spartanburg Section 504 Off-Street Parking and Loading Requirement according depending on the use.

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. The applicant is required to submit an application for site plan review.

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.

Based on the above findings, staff recommends that should the Planning Commission approve this request that the property be rezoned from R-12, General Residential District to LOD, Limited Office District. The zoning designation would be conforming to the existing land use patterns and uses.

WRITTEN PUBLIC COMMENTS

Notices were sent to property owners within a 400 ft. radius of subject properties. A total of 40 Notices were sent to property owners of which 4 were mailed certified mail. A Planning Informational meeting was held on Wednesday, August 9, 2023, at 5:30 PM at the City Council Chamber to discuss the zoning designation request and to address any comments and concerns.

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, September 11, 2023. If the matter receives first reading approval, it will then go before the City Council for a Second and Final Reading on Monday, September 25, 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 August 17th, 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.

ATTACHMENTS:

- 1)APPLICATION
- 2)CASE PHOTOS
- 3)ZONING MAP / SITE MAP

PREPARED BY:

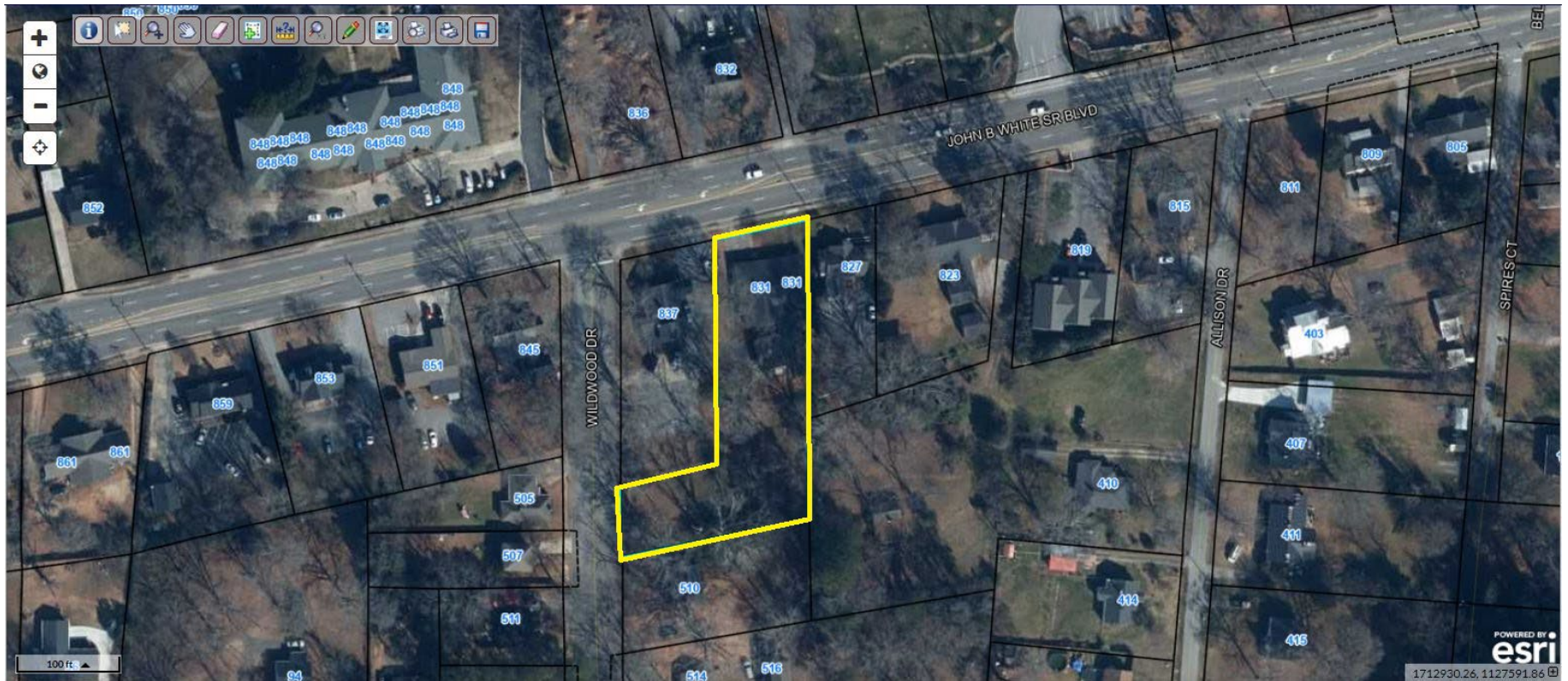


Nan Zhou
Planning Staff

August 8, 2023

DATE

PROJECT SITE MAP – 831 John B White Sr. Blvd



ZONING MAP – 831 John B White Sr. Blvd



SITE PHOTOS – Front



SITE PHOTOS – Left Side



SITE PHOTOS – Right Side



SITE PHOTOS – Property to the Left Side of the Project Site



SITE PHOTOS – Property to the Right Side of the Project Site



SITE PHOTOS – Rear of the Property



SITE PHOTOS – Rear View of the Property



SITE PHOTOS – View Across from the Project Site



SITE PHOTOS – Property Directly Across from the Project Site on John B White Sr. Blvd.



SITE PHOTOS – View Across from the Project Site on John B White Sr. Blvd.



SITE PHOTOS – Properties to the Left Side of the Project Site



SITE PHOTOS – Properties to the Right Side of the Project Site



Planning Department

PO Box 1749 • Spartanburg, SC 29304 • phone: (864) 596-2068 • email: planning@cityofspartanburg.org
website: www.cityofspartanburg.org

General Application

Name of Development: Jaymar Group LLC

Street Address: 831 John B White Sr Blvd

Zoning District: 540Z Overlay: _____ Tax Map Number: 6-21-11-114.01

Owner: Jaymar Group LLC Phone: 6315619199

Address: 735 Bridwell Road Email: jaymargroupllc@gmail.com

City: Travelers Rest State: SC Zip: 29690

Applicant: Jaymar Group LLC Phone: 6315619199

Address: 735 Bridwell Road Email: jaymargroupllc@gmail.com

City: Travelers Rest State: SC Zip: 29690

Agent: _____ Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Please select the activity requested / also, please attach the required Supplemental Form:

- ☐ Annexations
- ☐ Special Exceptions
- ☐ Zoning - Appeals
- ☒ Zoning - Map Amendment

- ☐ Planned Development Districts (PDD)
- ☐ Zoning - Conditional Use
- ☐ Zoning - Variance

Fees and Payments can be made using the Permit Number and the [City of Spartanburg Payment Portal](#).

To the best of my knowledge, the information on this application and all additional documentation is true, factual and complete. I hereby agree to abide by all conditions of any approvals granted by the City of Spartanburg. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I hereby authorize the staff of the Planning Department to inspect the premises of the above-described property.

Applicant / Owner Signature: [Signature] Date: 07/12/2023

Staff Use Only / Received by: [Signature]
Date Received: 7/17/23 Time: _____ Permit Number: RZC-23-0100004

**ZONING MAP AMENDMENT
SUPPLEMENTAL APPLICATION FORM**

Name of Development: Jaymar Group LLC
Location of Development: 831 John B White Sr Blvd
Current Zoning District: R-12
Zoning District Requested: LOD

ALL OF THE FOLLOWING ITEMS MUST BE ATTACHED for this application to be complete.

- ☒ Narrative addressing reasons for rezoning; and
- ☒ A boundary map of subject property prepared and sealed by a registered land surveyor. A reproducible copy of this map, no larger than 11" x 17", along with a PDF format on a CD must also be submitted; and
- ☐ Certification of owner(s) consent, if applicable; and
- ☒ **Filing Fee:**
\$100.00 – Single-Family Rezoning Request
\$150.00 – Multi-Family Rezoning Request
\$150.00 – Business / Commercial Rezoning Request
\$200.00 – PDD Rezoning Request
No Fee – Annexation Request

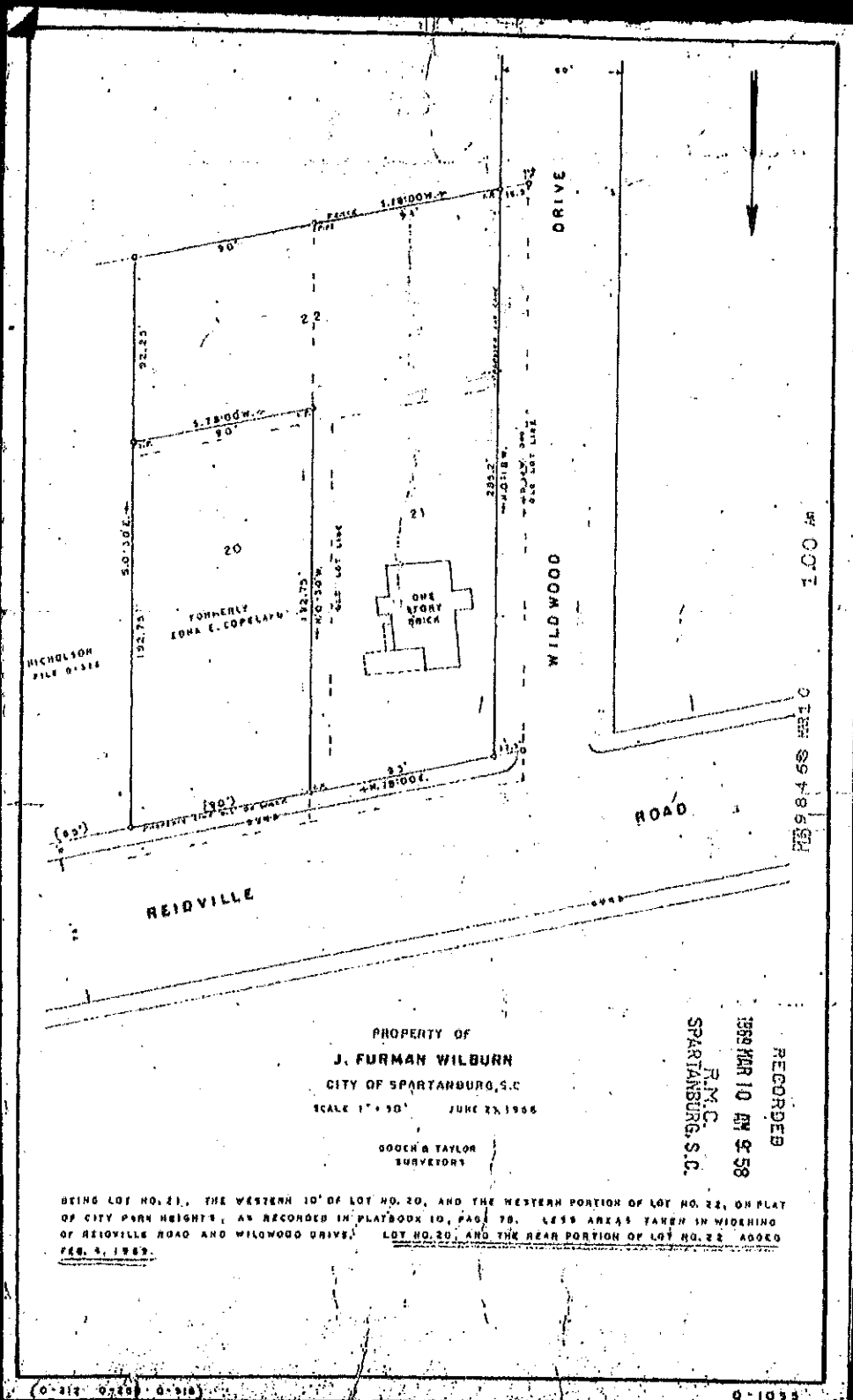
Staff Use Only / Received by: _____

Date Received: _____

Time: _____

Permit Number: _____





To whom it may concern:

As the owners of the property located at 831 John B. White Sr Blvd in Spartanburg, South Carolina, we are requesting you to please rezone the property so that we can rent the property to business tenants. Currently, the property is zoned as General Residential District (R-12) and we are requesting to rezone it as Limited Office District (LOD). If you need any additional information, please feel free to reach out.

Thank you,

John T Whitmore

Jaymar Group LLC

JaymargGroupllc@gmail.com

A handwritten signature in black ink, appearing to read "J. Whitmore", is written below the printed name.

Spartanburg County, SC

Summary

Parcel ID 6-21-11-114.01
Account # 117591
MillageGroup 540Z - 6SSZ - SD6/SPARTANBURG SANITARY SEWER/City of Spartanburg
Land Size 0 AC
Utilities ,PUBLIC SEWER,PUBLIC WATER
Fire District
Site Conditions PAVED
Location Address 831 JOHN B WHITE SR BLVD
 SPARTANBURG 29306
Legal Description LOTS 20 & 22 CITY PARK HEIGHTS PB 58-588 DB 41R
 (Note: Not to be used on legal documents)
Neighborhood 4820
Property Usage Qualified Owner Occupied Residential Improved (40OR)



Owners

WHITMORE MARIAH &
 735 BRIDWELL RD
 TRAVELERS REST SC 29690

WHITMORE JOHN THOMAS
 735 BRIDWELL RD
 TRAVELERS REST SC 29690

Exemptions

Exemption	Year	GrantYear	Amount
Homestead	2001	0	\$0.00
Homestead	2006	0	\$0.00
Homestead	2007	0	\$0.00
Homestead	2008	0	\$422.60
Homestead	2009	0	\$438.60
Homestead	2010	0	\$439.20
Homestead	2011	0	\$441.20
Homestead	2012	0	\$0.00
Homestead	2013	0	\$888.40
Homestead	2014	0	\$460.20
Homestead	2015	0	\$469.80
Homestead	2016	0	\$472.60
Homestead	2017	0	\$472.60
Homestead	2018	0	\$475.40
Homestead	2019	0	\$475.40
Homestead	2020	0	\$475.40
Homestead	2021	0	\$479.40
Homestead	2022	0	\$479.40

Valuations

	2022	2021	2020	2019
Market Land Value	\$30,000	\$30,000	\$30,000	\$30,000
+ Market Improvement Value	\$155,800	\$155,800	\$155,800	\$155,800
+ Market Misc Value	\$0	\$0	\$0	\$0
= Total Market Value	\$185,800	\$185,800	\$185,800	\$185,800
Taxable Land Value	\$25,048	\$25,048	\$25,048	\$25,048
+ Taxable Improvement Value	\$130,082	\$130,082	\$130,082	\$130,082
+ Taxable Misc Value	\$0	\$0	\$0	\$0
- Ag Credit Value	\$0	\$0	\$0	\$0
= Total Taxable Value	*\$155,130	*\$155,130	*\$155,130	*\$155,130
Assessed Land Value	\$1,252	\$1,252	\$1,252	\$1,252
+ Assessed Improvement Value	\$5,954	\$5,954	\$5,954	\$5,954
+ Assessed Misc Value	\$0	\$0	\$0	\$0
= Total Assessed Value	\$7,206	\$7,206	\$7,206	\$7,206

*This parcel is subject to the value cap



COUNCIL ACTION FORM

TO: Chris Story
City Manager

FROM: Martin Livingston
Community Development Director

DATE: September 11, 2023

SUBJECT: Public Hearing: Rezoning Request to change the zoning of property located at 249 E. Blackstock Road (TMS: 6-21-13-002.00) currently zoned LOD (Limited Office District) to be assigned a new zoning designation of B-1 (Neighborhood Shopping District) to accommodate the location of the Enterprise Rental A Car. Owner: Larry O. Harmon / Applicant: Enterprise Rent A Car / Agent: Greyson Furnas; Colliers International.

SUMMARY: On **August 17, 2023**, the Planning Commission held a public hearing and reviewed a rezoning request regarding the property located at 249 E. Blackstock Road (TMS: 6-21-13-002.00) currently zoned LOD (Limited Office District) to be assigned a new zoning designation of B-1 (Neighborhood Shopping District) to accommodate the location of the Enterprise Rental A Car. Staff also held a planning informational meeting on **August 9, 2023**, to provide the public with an opportunity to discuss the proposed rezoning request prior to the planning commission meeting. A public notice was advertised in the Spartanburg Herald Journal and letters were sent by certified and regular mail to property owners within 400 feet of the surrounding rezoning request and the property was posted for the Planning Commission and City Council public hearings.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission approved the rezoning request on **August 17, 2023**, by a vote of 5 to 0.

ADDITIONAL INFORMATION: Draft minutes of the **August 17, 2023**, Planning Commission meeting and Staff Report with attachments are included for Council review. In addition, enclosed is a proposed ordinance in the event of Council approval.

BUDGET AND FINANCE DATA: N/A

AN ORDINANCE

ORDINANCE TO AMEND THE CITY OF SPARTANBURG, SOUTH CAROLINA ZONING ORDINANCE AND COMPREHENSIVE PLAN LAND USE ELEMENT, BY AMENDING SECTION 206, CHANGES TO DISTRICT BOUNDARIES, SPECIFICALLY, THE PROPERTY LOCATED AT 249 E. BLACKSTOCK ROAD, AND IS FURTHER IDENTIFIED AS TAX MAP ID: 6-21-13-002.00 ON THE SPARTANBURG COUNTY TAX MAP, AS A PART AND PARCEL OF THE CITY OF SPARTANBURG WHICH IS ZONED LOD, WITH A LAND USE DESIGNATION OF LIMITED OFFICE DISTRICT TO BE ASSIGNED A ZONING DESIGNATION OF B-1, WITH A LAND USE DESIGNATION OF NEIGHBORHOOD SHOPPING DISTRICT AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the land use designation for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zoning of property located at 249 E. Blackstock Road (TMS: 6-21-13-002.00) currently zoned LOD (Limited Office District) to be assigned a new zoning designation of B-1 (Neighborhood Shopping District) to accommodate the location of the Enterprise Rental A Car; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on August 17, 2023, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council approval of the zoning request as presented.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance to be, and the same hereby amended as follows:

All that property located at 249 E. Blackstock Road (TMS: 6-21-13-002.00) currently zoned LOD (Limited Office District) to be assigned a new zoning designation of B-1 (Neighborhood Shopping District) to accommodate the location of the Enterprise Rental A Car.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS _____ DAY OF _____, 2023.

Jerome Rice, Mayor

ATTEST:

Christie Lindsey, City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)

Planning Commission Meeting Minutes
August 17th, 2023 @ 5:30 PM
City Hall Council Chambers

Board Members Present: **Dr. Phillip Stone, Reed Cunningham, Jemar Brown, Santiago Mariani and Lekesa Whitner.** City Staff Present: **Martin Livingston, Community Development Director, Nan Zhou, City Planner II; Tia Keitt, City Planner II, 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

Dr. Stone: Alright, I call the August 17th, 2023, meeting of the City of Spartanburg of the Planning Commission to order. My name is Phillip Stone I'm the Commission Chair I will be residing over this hearings this evening. I will note for the record we have five members of the Commission present, we have one absent and we have one vacancy, so we have quorum and are able to proceed with the business before the body. 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 Mr. Cunningham seconded by Ms. Whitner, the agenda for the meeting was approved, by a vote of 5 to 0.

Mr. Cunningham: I move we accept the agenda.
Ms. Whitner: Second.
Dr. Stone: Moved by Mr. Cunningham, and seconded by Ms. Whitner to approve the agenda. All in favor say aye.
Attendees: Aye.

Dr. Stone: Any opposed? The agenda is approved. The minutes of the July 20th, 2023 meeting. Do I hear a motion or any corrections or additions?

Approval of Meeting Minutes for July 20th, 2023

On a motion by Ms. Whitner seconded by Mr. Brown, the minutes of the meeting of July 20th, 2023, was approved by a vote of 5 to 0.

Mr. Cunningham: I make a motion that we accept the minutes of the July 20th meeting.
Mr. Brown: Second
Dr. Phillip: Moved by Ms. Whitner seconded by Mr. Brown to approve the minutes. All in favor say aye.

Attendees: Aye.

Dr. Phillip: Any opposed? Minutes are approved. Sign those in a bit.

Old Business: None.

New Business:

The Planning Commission has received a rezoning request of a property located at 831 John B White Sr. Blvd. (TMS: 6-21-11-114.01) from the current zoning R-12, General Residential District, to LOD, Limited Office District to accommodate the development of an office. Owner / Applicant: Jaymar Group, LLC.

Dr. Stone: Ms. Zhou do you swear to tell the truth?

Ms. Zhou: Yes, I do.

Dr. Stone: Okay.

The project site is an approximately 31,623 square foot parcel located at 831 John B White Sr. Blvd. The parcel borders John B White Sr. Blvd to the north and Wildwood Dr. to the west. The applicant has requested approval of rezoning from a residential zoning designation of R-12, General Residential District, to a commercial zoning designation of LOD, Limited Office District.

Across from the project site are Windsor House Assisted Living facility that currently has a zoning designation of LOD, Limited Office District, and Hatcher Garden and Woodland Preserve that currently has a zoning designation of GID, General Institutional District. Majority of properties to the west and east side of the project site are zoned for LOD, Limited Office District. Properties to the south are residentially zoned neighborhoods of R-12, General Residential District.

REQUIRED FINDINGS

Historically, the City of Spartanburg has required rezoning applications to meet certain criteria and the Planning Commission must take the following findings of reasonable conformance in order to recommend a selection or designation of zoning:

Staff offers the following analysis relating to each of these required findings:

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** – The 2004 Comprehensive Plan Future Land Use Map has this portion of the John B White Sr. Blvd. corridor as a Limited Activity Center. The 2004 Comprehensive Plan states that “This segment of the John B White Sr. Blvd. (Central Section) contains less dense development and the dominant land use is low density residential, though some offices, a school and several churches are also present. This area has experienced a residential-to-office transition over the past several years. Most of the businesses along this portion of the corridor are small office complexes. Traffic volume in this section of the

corridor is lower than in the eastern and western portions of the John B White Sr. Blvd. Recommendations of this portion of the John B White Sr. Blvd are establishing this portion of the corridor as a Limited Office Center. This continues the City's successful practice of accommodating professional office and other low intensity commercial and civic uses, while preserving the relatively non-congested character of the area and limiting impacts on nearby residential neighborhoods. On balance, allowing the remaining single family homes to become other uses will produce a desirable outcome." Thus, the proposed use for this parcel can be interpreted as consistent with the Comprehensive Plan and the Future Land Use Map with a LOD, Limited Office District request.

The 2023 City of Spartanburg Final Draft Comprehensive Plan lists this portion of John B White Sr. Blvd. as G-4 Corridor Infill Growth Sector. According to the draft document "These sectors are areas that are generally located along transportation corridors, connecting activity centers and destinations in the City. These Sectors are mostly developed but still contain underutilized parcels. Most are defined by a conventional, auto-oriented suburban pattern of primary commercial development. Some of the larger, deeper parcels in this sector may allow for a change in the pattern of development and the addition of multi-family and mixed-use buildings. New development, redevelopment, or the reuse of existing land and buildings should be encouraged to better meet the local goal of achieving more walkable and bikeable corridors and neighborhoods. Some portions of these sectors should be rezoned to character-based districts." Due to the nature of the John B White Sr. Blvd. corridor, encouraging and supporting compact, mixed-use development that responds to the wants and needs of residents, workers, students, and visitors are recommended.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood** – The present characters of the adjacent surrounding properties along John B White Sr. Blvd. are primarily office/less dense commercial uses that are zoned for Limited Office District and institutional uses (Hatcher Garden) that is zoned for General Institutional District. The proposed zoning designation of Limited Office District would be consistent with other adjacent properties and uses to the north, west, and east side of the project site along the main corridor of John B White Sr. Blvd. The south side of the project site is bordering R-12 residential neighborhoods. The proposed zoning request of Limited Office District is not currently compatible with the residential uses to the back.

The zoning ordinance considers LOD, Limited Office District as "...districts are established 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 that will insure compatibility with residential districts."

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 proposed amendment of the zoning classification from R-12, General Residential District, to LOD, Limited Office District is granted, it will accommodate the proposed use of an office development. The proposed use may not require a Site Plan review process if the business owner decides to remain the property as is with some interior renovations. However, if the contract amount of the site and/or building improvements filed with the Building Official for which a building permit is required exceeds 50% of the current market value based on the Spartanburg County Tax Assessor's record, then all portions of an existing property shall be retrofitted to meet the requirements of the Zoning Ordinance. The site plan process allows City staff to provide feedback on the proposal site plan, ensuring that all site requirements are met (setbacks, landscaping and buffering, parking, etc.)

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** – The marketability of the property would likely increase with the proposed zoning change from residence to office development. The proposed zoning change will allow for commercial uses, office, institutional/public and quasi-public uses, and residential uses.

However, with the change of use from R-12, General Residential District, to LOD, Limited Office District, the off-street parking for the proposed use needs to be in compliance with the City of Spartanburg Section 504 Off-Street Parking and Loading Requirement according depending on the use.

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. The applicant is required to submit an application for site plan review.

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.

Based on the above findings, staff recommends that should the Planning Commission approve this request that the property be rezoned from R-12, General Residential District to LOD, Limited Office District. The zoning designation would be conforming to the existing land use patterns and uses.

WRITTEN PUBLIC COMMENTS

Notices were sent to property owners within a 400 ft. radius of subject properties. A total of 40 Notices were sent to property owners of which 4 were mailed certified mail. A Planning Informational meeting was held on Wednesday, August 9, 2023, at 5:30 PM at the City Council Chamber to discuss the zoning designation request and to address any comments and concerns.

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, September 11, 2023. If the matter receives first reading approval, it will then go before the

City Council for a Second and Final Reading on Monday, September 25, 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 August 17th, 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:

Jaymar Group, LLC- Applicant not present.

Public Comments:

None.

Discussion:

The area transitioning to LOD is appropriate for the surrounding residents and use. Majority of the houses are already equipped for the future business use.

A motion was made by Mr. Mariani, seconded Mr. Brown the request for rezoning for the proposed project was approved with a vote of 5-0.

The Planning Commission has received a request for rezoning of property located at 249 E. Blackstock Road (TMS: 6-21-13-002.00) currently zoned LOD (Limited Office District) to be assigned a new zoning designation of B-1 (Neighborhood Shopping District) to accommodate the location of the Enterprise Rental A Car. Owner: Larry O. Harmon / Applicant: Enterprise Rent A Car / Agent: Greyson Furnas; Colliers International.

Dr. Stone: Ms. Keitt, good evening. Do you swear to tell the truth?

Ms. Keitt: I do.

Dr. Stone: Thank you ma'am.

The owner of 249 E. Blackstock Road is requesting to rezone the parcel from LOD – Limited Office District to B-1, Neighborhood Shopping District. Enterprise Rent-A-Car would like to relocate to 249 E. Blackstock Road from their current location, 238 E. Blackstock Rd. However, as an LOD zone, auto rental is not a permitted use.

Per the City of Spartanburg Zoning Ordinance, car rental businesses are premitted in **B-1 zoning districts** if : (1) no more than ten car can be parked on the property at one time; (2) no more than five trucks can be parked on the property at one time. No truck shall have more than two axles nor have a gross vehicle weight exceeding 32,000 lb.; (3) only trailers utilized for transporting a single car can be located on the property. The B-3 (and higher) zoning districts allow for auto rentals when the onsite inventory exceeds the limited requirements in B-1.

Planning Staff, hesitant to suggest a B-3 property to border the neighboring residential zoning district, suggested the applicant apply for the B-1 zoning designation, followed by an application to the Board of Zoning Appeals, where Enterprise Rent-A-Car could appeal the restrictions of the B-1 zoning to accommodate their inventory. Per Section 603.3, **an Appeal may be granted** *when strict application of the provisions of the ordinance would result in unnecessary hardship*. Per Section 603.3A: A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (b) These conditions do not generally apply to other property in the vicinity;
- (c) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- (e) In granting a variance, the board may attach to it such conditions regarding the location, character or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare;

In order to keep the land use to a low-medium intensity, B-1 is the lowest use that can accommodate the proposed business. Staff believes the Appeal process, though lengthy and time consuming, can enable the proposed land use and offer some protection adjoining properties. The B-1 zoning designation can create opportunities for neighborhood friendly businesses, whereas B-3 zoning would open this site to higher intensity uses that can become a nuisance to residential communities. Moreover, the existing easement (enforced by Duke Power) drastically minimizes the erection of structures, including buildings, fences and tree plantings. Given the size of the easement, the site is strictly limited and forces the property owner / business to function at its current layout. Map of easement provided at end of staff report. Below is a snippet of Section 301: District Use Regulations showing permitted uses.

REQUIRED FINDINGS

605.3 Duties of City Planning Commission.

The jurisdiction, powers and duties of the City Planning Commission are enacted under the Municipal Planning Enabling Legislation from S.C. Code Ann., Title 6, Chapter 29, §6-29-310, et seq. The City Planning Commission shall consider proposed amendments to [the City of Spartanburg Zoning] Ordinance at its regularly scheduled meetings.

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:

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 –

The proposed land use is consistent with the comprehensive plan. Per the 2004 Comp Plan, this particular parcel can be considered either Core Activity or General Activity. B-2 is not a current Zoning District in Spartanburg, but is recognized in the 2004 Comprehensive Plan. The Growth & Conservation Map of the 2023 Comprehensive Plan designates this area as Corridor Infill Growth. Map provided at the end of the staff report.

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

The site is situated between a B-1 and an LOD zoning district, so the requested B-1 Zoning would be compatible with the present zoning districts of nearby properties. Across the street from the property is an existing used car dealership, which indicates a car rental business is a conforming use to nearby properties. Moreover, Enterprises' current location (238 E. Blackstock) is less than half a mile from the proposed location. East Blackstock Road is a busy commercial corridor so an auto rental business fits into the character of East Blackstock Rd.

3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment--

238 E. Blackstock Rd. might be an ideal location for a car rental business. The rear portion of the site can offer space for activities that need to take place, including parking additional cars, space to clean vehicles and any other services necessary for a successful car rental business

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 –

B-1 increases the options for land use, all of which includes LOD permitted uses. The marketability of the property should not be impacted by the proposed rezoning of the site. The site is already limited because of the Duke Power easement that covers about a third of the property, which would impact the marketability more than the rezoning.

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

The property is in 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.

Based on the above findings, staff recommends approval to rezone the parcels to B-1 Neighborhood Shopping zoning district.

WRITTEN PUBLIC COMMENTS

30 Public Notices were sent to property owners within a 400 ft. radius of subject properties. A Planning Informational meeting was held on August 9, 2023, at 5:30 PM at the City Council Chamber to discuss the zoning designation request and to address any comments and concerns. A representative from Breakthrough Church (235 E. Blackstock Rd.) attended the meeting and shared that members from the church park at the property in question. Apparently there is a driveable pathway that allows the church to offer shuttle services to attendees who park on the lot in question (249 E. Blackstock Rd.). The church is disappointed that they would lose access to the lot, and will reach out to the owner. The church representative also shared that Enterprise will use their lot to park cars when there is an overflow at the current location.

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, September 11, 2023.** If the matter receives first reading approval, it will then go before the City Council for a **Second and Final Reading on Monday, September 25, 2023.** The public hearings will be publicly noticed.

In anticipation of the rezoning request being approved, the applicant could go before the BZA during the October meeting. The Appeal application will have to be submitted to the Planning Department by **September 18th** to be on the agenda for the **October 10th meeting.** The next meeting will be November 14th, where the application will have to be submitted by October 23rd.

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 **August 17, 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:

Enterprise Rent A Car
Greyson Furnas; Colliers International, Agent.

Public Comments:

Andrew Metze, 8 Harrer Ct, Greer, SC 29651.
Bill McDaniel, 446 Oak Grove Rd, Spartanburg, SC 29301.

Discussion:

Moving the business and rezoning to B-1 to better utilize the use of open space, parking, better ingress/egress for customers, and more updated facility. The proposed rezone is appropriate to accommodate the business preferences without doing any harm to surrounding properties.

A motion was made by Ms. Whitner, seconded Mr. Cunningham the request for rezoning for the proposed project was approved with a vote of 5-0.

The meeting was adjourned at 6:23 PM.

Dr. Phillip Stone, II, Chairman



City of Spartanburg
Planning Department

Application for Rezoning Designation

RZC 23-0110005

<u>LANDOWNER</u>	<u>APPLICANT</u>	<u>AGENT</u>
Larry O Harmon 180 Emerald Dr. Campobello, SC 29322	Greyson Furnas 145 W. Main St. Spartanburg, SC 29306	Greyson Furnas 145 W. Main St. Spartanburg, SC 29306

<u>PARCEL DATA</u>	
▪ Tax Map ID / Address / Zoning District 6-21-13-002.00 / 249 E. Blackstock Rd. / 1.5. acres ▪ Current Zoning District: LOD – Limited Office District ▪ Proposed: B-1 Neighborhood Shopping District	Overlay District: ▪ n/a Easements ▪ Duke Power

APPLICATION SUMMARY

The owner of **249 E. Blackstock Road** is requesting to rezone the parcel from LOD – Limited Office District to B-1, Neighborhood Shopping District. Enterprise Rent-A-Car would like to relocate to 249 E. Blackstock Road from their current location, 238 E. Blackstock Rd. However, as an LOD zone, auto rental is not a permitted use.

Per the City of Spartanburg Zoning Ordinance, car rental businesses are premitted in **B-1 zoning districts** if : (1) no more than ten car can be parked on the property at one time; (2) no more than five trucks can be parked on the property at one time. No truck shall have more than two axles nor have a gross vehicle weight exceeding 32,000 lb.; (3) only trailers utilized for transporting a single car can be located on the property. The B-3 (and higher) zoning districts allow for auto rentals when the onsite inventory exceeds the limited requirements in B-1.

Planning Staff, hesitant to suggest a B-3 property to border the neighboring residential zoning district, suggested the applicant apply for the B-1 zoning designation, followed by an application to the Board of Zoning Appeals, where Enterprise Rent-A-Car could appeal the restrictions of the B-1 zoning to accommodate their inventory. Per Section 603.3, **an Appeal may be granted** *when strict application of the provisions of the ordinance would result in unnecessary hardship*. Per Section 603.3A: A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

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In order to keep the land use to a low-medium intensity, B-1 is the lowest use that can accommodate the proposed business. Staff believes the Appeal process, though lengthy and time consuming, can enable the proposed land use and offer some protection adjoining properties. The B-1 zoning designation can create opportunities for neighborhood friendly businesses, whereas B-3 zoning would open this site to higher intensity uses that can become a nuisance to residential communities. Moreover, the existing easement (enforced by Duke Power) drastically minimizes the

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Section 301 to 303: District Use Regulations

A. COMMERCIAL USES (CONTINUED)	GID	LOD	LC	B-1	B-3	B-4	I-1	I-2
17. Auto, Rental – rental of cars, trucks, and trailers with inventory is limited as follows: (1) no more than ten car can be parked on the property at one time; (2) no more than five trucks can be parked on the property at one time. No truck shall have more than two axles nor have a gross vehicle weight exceeding 32,000 lb.; (3) only trailers utilized for transporting a single car can be located on the property and no more than five trailers at one time				P				
18. Auto, Rental					P	P	P	P

REQUIRED FINDINGS

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

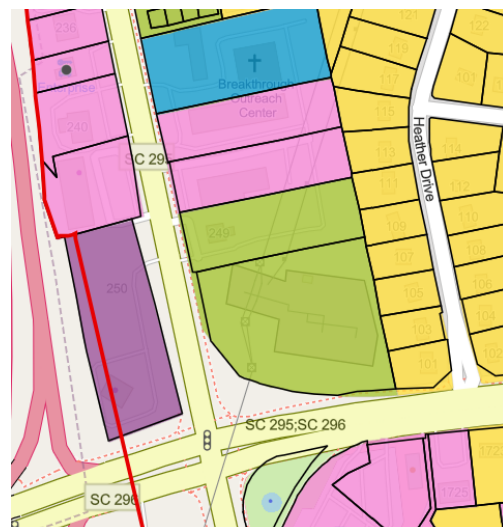
The proposed land use is consistent with the comprehensive plan. Per the 2004 Comp Plan, this particular parcel can be considered either Core Activity or General Activity. B-2 is not a current Zoning District in Spartanburg, but is recognized in the 2004 Comprehensive Plan.

General Activity Center	Intended to be a general commercial area, serving a neighborhood or regional market; to contain a wide variety of commercial, repair, service and office uses. Public, civic and recreational uses are compatible with a General Activity Center.	LOD
		LC
		B-1
		B-3
Core Activity Center	This is the designation for the City's Central Business District. The area is intended for a wide variety of land uses that will create a vital, quality, well-rounded atmosphere for downtown. Desired activities include fully enclosed retail commercial, office-service, public, civic, cultural, and residential.	B-2

The Growth & Conservation Map of the 2023 Comprehensive Plan designates this area as Corridor Infill Growth. Map provided at the end of the staff report.

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

The site is situated between a B-1 and an LOD zoning district, so the requested B-1 Zoning would be compatible with the present zoning districts of nearby properties. Across the street from the property is an existing used car dealership, which indicates a car rental business is a conforming use to nearby properties. Moreover, Enterprises' current location (238 E. Blackstock) is less than half a mile from the proposed location. East Blackstock Road is a busy commercial corridor so an auto rental business fits into the character of East Blackstock Rd.



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ATTACHMENTS:

- 1)APPLICATION
- 2)CASE PHOTOS
- 3)ZONING MAP / SITE MAP

PREPARED BY:

Tia Keitt

Tia Keitt, AICP
Planning Staff

August 11, 2023

DATE

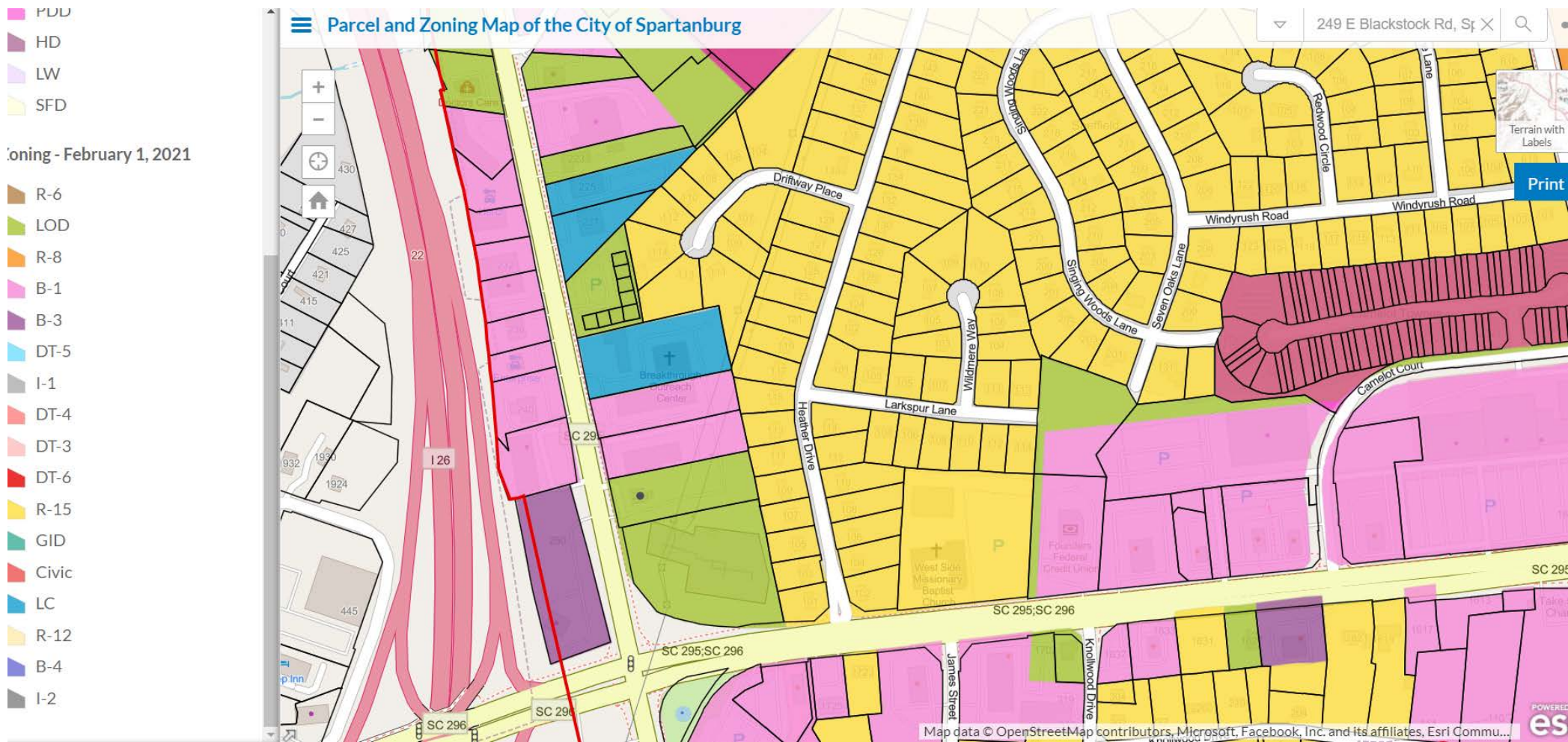
PROJECT SITE MAP



PROJECT SITE MAP W/ DUKE POWER EASEMENT



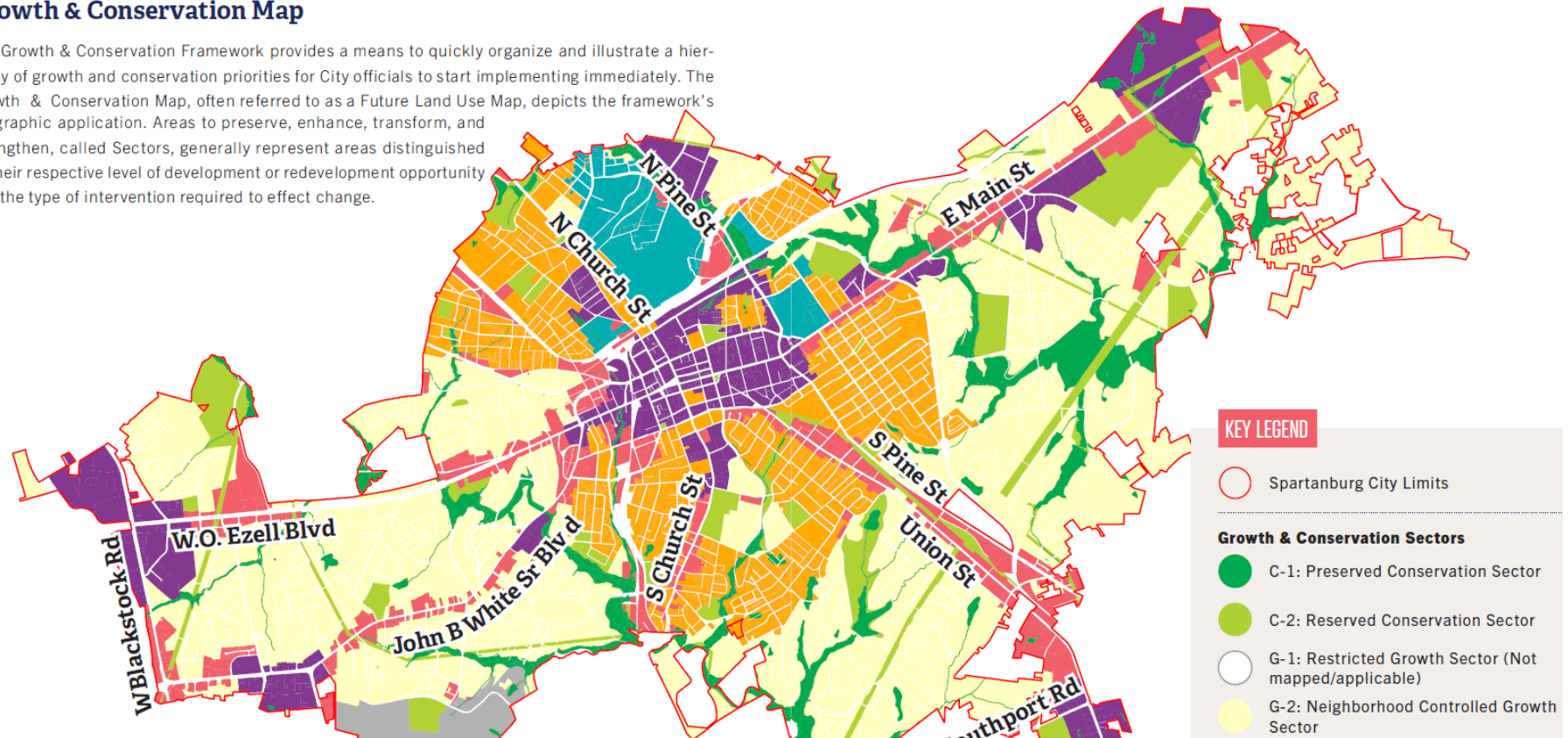
ZONING MAP



GROWTH & CONSERVATION MAP – UP CLOSE

Growth & Conservation Map

The Growth & Conservation Framework provides a means to quickly organize and illustrate a hierarchy of growth and conservation priorities for City officials to start implementing immediately. The Growth & Conservation Map, often referred to as a Future Land Use Map, depicts the framework's geographic application. Areas to preserve, enhance, transform, and strengthen, called Sectors, generally represent areas distinguished by their respective level of development or redevelopment opportunity and the type of intervention required to effect change.



JUL 20 2023



Planning Department

PO Box 1749 • Spartanburg, SC 29304 • phone: (864) 596-2068 • email: planning@cityofspartanburg.org
website: www.cityofspartanburg.org

General Application

Name of Development: Enterprise-249 E. Blackstock Rd.

Street Address: 249 E. Blackstock Rd.

Zoning District: 540Z Overlay: LOD Tax Map Number: 6-21-13-002.00

Owner: Larry O Harmon

Phone: 864-590-1538

Address: 180 Emerald Dr.

Email: N/A

City: Campobello

State: SC

Zip: 29322

Applicant: Enterprise Rent A Car

Phone: 803-260-3494

Address: 238 E. Blackstock Rd.

Email: andrew.w.metze@ehi.com

City: Spartanburg

State: SC

Zip: 29322

Agent: Greyson Furnas

Phone: 864-316-8192

Address: 145 W. Main St. Suite 300

Email: greyson.furnas@colliers.com

City: Spartanburg

State: SC

Zip: 29306

Please select the activity requested / also, please attach the required Supplemental Form:

- ☐ Annexations
- ☐ Special Exceptions
- ☐ Zoning - Appeals
- ☒ Zoning - Map Amendment

- ☐ Planned Development Districts (PDD)
- ☐ Zoning - Conditional Use
- ☐ Zoning - Variance

Fees and Payments can be made using the Permit Number and the [City of Spartanburg Payment Portal](#).

To the best of my knowledge, the information on this application and all additional documentation is true, factual and complete. I hereby agree to abide by all conditions of any approvals granted by the City of Spartanburg. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I hereby authorize the staff of the Planning Department to inspect the premises of the above-described property.

Applicant / Owner Signature: G. Harmon

Date: 7/20/2023

Staff Use Only / Received by: Okana

Date Received: 7/20/23

Time: _____

Permit Number: 23-0110005

**ZONING MAP AMENDMENT
SUPPLEMENTAL APPLICATION FORM**

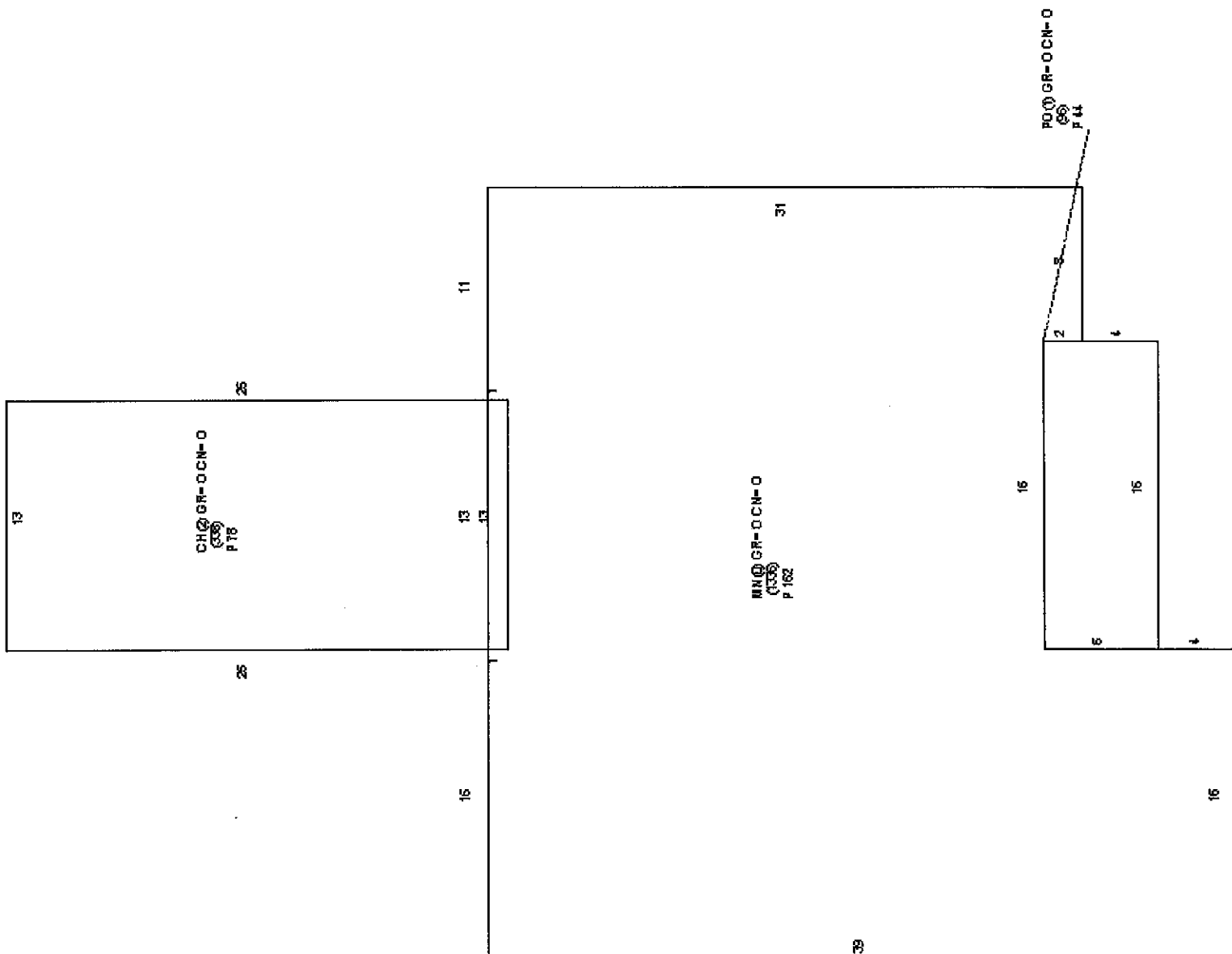
Name of Development: Enterprise-249 E. Blackstock Rd.
Location of Development: 249 E. Blackstock Rd.
Current Zoning District: LOD-540Z
Zoning District Requested: B-1

ALL OF THE FOLLOWING ITEMS MUST BE ATTACHED for this application to be complete.

- ☒ Narrative addressing reasons for rezoning; and
- ☐ A boundary map of subject property prepared and sealed by a registered land surveyor. A reproducible copy of this map, no larger than 11" x 17", along with a PDF format on a CD must also be submitted; and
- ☒ Certification of owner(s) consent, if applicable; and
- ☒ **Filing Fee:**
\$100.00 – Single-Family Rezoning Request
\$150.00 – Multi-Family Rezoning Request
\$150.00 – Business / Commercial Rezoning Request
\$200.00 – PDD Rezoning Request
No Fee – Annexation Request

Staff Use Only / Received by: _____

Date Received: _____ Time: _____ Permit Number: _____



249 E. Blackstock Rd.

Re-Zoning Narrative Submission

RE: Enterprise Rent-A-Car

Enterprise Rent-A-Car (EHI Holdings) has signed a lease with the owner of the property at 249 E. Blackstock Rd. Spartanburg, SC 29301 which is contingent upon the re-zoning of the property to a confirming use. Enterprise has been in their current location (directly across the street from the subject site) for over 17 years and have simply outgrown their location. The site at 249 E. Blackstock Rd. would serve well as a new location and is located on a commercial corridor surrounded by other businesses. Landlord has given the approval to pursue the re-zoning process. All parties feel that this location would serve well for Enterprise's Rental Car use, and that the use would not disturb or disrupt any of the surrounding property owners (Residential & Commercial). The adjacent property is currently zoned B-1, which would permit the desired use, and is the re-zoning classification Enterprise is seeking for the property at 249 E. Blackstock Rd.

2004 COMPREHENSIVE PLAN MAP

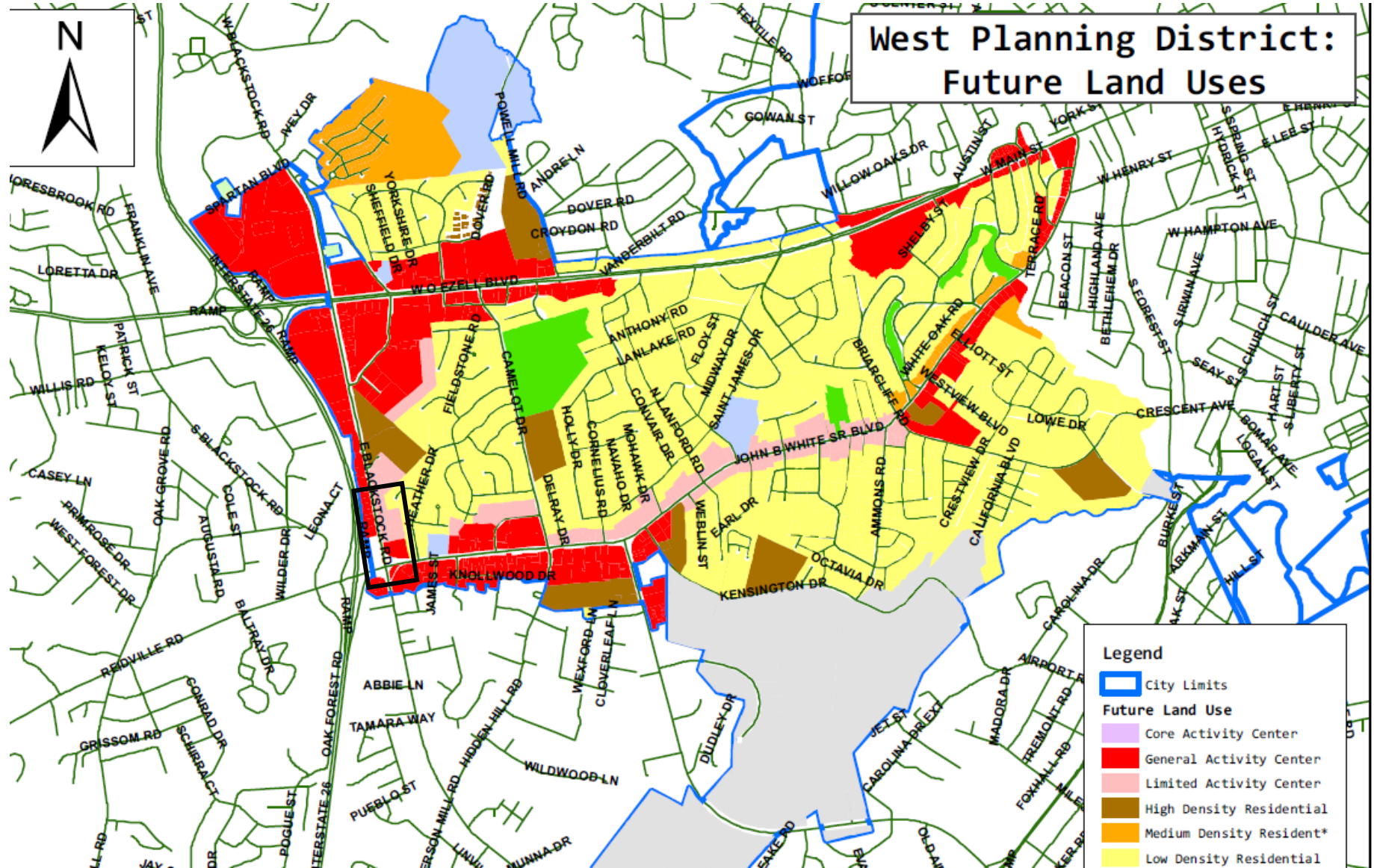










Table LU1

Comprehensive Plan, Future Land Use Categories City of Spartanburg		
Land Use Category	Description	Recommended Zoning Classifications
Low Density Residential	Intended primarily for single family residential use, with a density no greater than four units per acre. The only non-residential activities viewed as compatible with the Low Density Residential classification are low intensity public uses, including parks, recreation areas, schools, and churches.	R-15/R-12
Medium Density Residential	Intended for primarily single family, cluster home, and low intensity multi-family residential usage, with a density of four to eight units per acre. Compatible non-residential activities include low intensity public uses, including parks, recreation areas, schools and churches	R-12
		R-8
		R-8SF
		R-6
High Density Residential	Intended for multi-family and cluster home, residential use, with a density of eight units per acre or greater. The only non-residential activities viewed as compatible with the High Density Residential classification are low intensity public uses, including parks, recreation areas, schools, and churches	R-8
		R-6
Limited Activity Center	Intended for professional offices and small scale retail businesses serving a neighborhood area. Activities within a Limited Activity Center should be fully enclosed, should generate little traffic, noise, light or evening activity, and should be compatible with adjacent residential areas. Public, civic and recreational uses are compatible with a Limited Activity Center	LOD
		LC
General Activity Center	Intended to be a general commercial area, serving a neighborhood or regional market; to contain a wide variety of commercial, repair, service and office uses. Public, civic and recreational uses are compatible with a General Activity Center.	LOD
		LC
		B-1
		B-3
Core Activity Center	This is the designation for the City's Central Business District. The area is intended for a wide variety of land uses that will create a vital, quality, well-rounded atmosphere for downtown. Desired activities include fully enclosed retail commercial, office-service, public, civic, cultural, and residential.	B-2
Industrial Compatible	Intended to accommodate both retail and wholesale businesses, as well as service and repair operations, warehousing, and manufacturing/assembly without external emissions	B-3
		B-4
		I-1
Industrial	In addition to the activities accommodated in the Industrial Compatible Districts, the area is intended to accommodate heavy manufacturing.	B-4
		I-1
		I-2
Institutional	Intended to accommodate activities associated with public or semi-public institutional uses, such as hospitals, schools, or government service centers.	GID
Open Space / Recreation	This classification shows large parks or other publicly maintained open space. Only larger areas are shown since a small facility would not impact the surrounding area.	N/A
Critical Development Area	An Area that, because of its location, size, or scale, has the potential to affect the general character of the City or significantly impact future development in the planning division in which it is located. Therefore, the Planning Commission and City Council will closely scrutinize rezoning applications in these areas to ensure that development will generate a positive impact. Planned Development zoning is encouraged to produce a quality urban design and an effective composition of uses.	N/A

USE GUIDELINES FOR ENCROACHMENTS INVOLVING TRANSMISSION EASEMENTS

Duke Energy has a property interest called an easement (or sometimes a right-of-way) in land that you own or are considering purchasing. This easement grants Duke Energy the right to use the easement area for purposes described in the easement document that is filed and recorded in the county's recorder office. This property interest stays with the land when it is bought and sold and generally is perpetual in duration. A series of easements often form a corridor in which the transmission facilities are located and access up and down the corridor is part of the reason Duke Energy obtains these rights.

Broadly stated, easements allow Duke Energy to use another person's property to construct, operate, maintain, repair, and replace electrical facilities for the transmission of high voltage power. The landowner may continue to use the easement area so long as the use is not inconsistent with the easement document or Duke Energy's use of the easement. Any incompatible use by the landowner is called an encroachment. Where an encroachment is under construction, Duke Energy will request that it be stopped and removed; where an encroachment is already installed, Duke Energy will request that it be removed. Where a landowner fails to cooperate, Duke Energy will seek legal recourse to remove the encroachment.

Electricity is a public service and subject to state and federal regulations with which Duke Energy must comply. Any use by the landowner that does or could create regulatory issues is an encroachment. Power lines in the transmission easement are uninsulated and electricity is a dangerous instrumentality. Any landowner use that increases the danger to the landowner, the public or Duke Energy in its use of the easement is also an encroachment.

Over years of designing, constructing, operating, repairing, upgrading and maintaining electric facilities in transmission easements, Duke Energy has developed an understanding of the types of uses by landowners that do, or potentially can, interfere with the easement's purposes and Duke Energy's ability to provide safe and reliable service. This guidance, which supersedes all prior versions, provides a brief overview of types of things that do, or can, interfere with Duke Energy's easement rights and thereby create encroachments.

This overview cannot address all possible situations and is intended to provide general guidance. Please contact the Asset Protection Specialist if you have additional questions or concerns about the use of the easements. Please discuss any proposed activity in the transmission easements with Duke Energy to avoid creating an encroachment or interference. The Asset Protection Specialist can assist and help avoid a subsequent need by the landowner to revise plans or remove obstructions from the easements. Engineering plans may be required by Duke Energy to fully understand any proposed use by the landowner.

By providing these guidelines, Duke Energy does not waive any rights it has in its easements or under the law. Duke Energy's concurrence that a proposed use does not constitute an interference with its easement rights does not mean that requirements of local, county, state or federal governments or other agencies with governing authority have been met.

The following are not permitted in Duke Energy's transmission easements as they interfere with Duke Energy's use of the easements for transmission of electricity by, among other things, interfering with full use the easement, interfering with existing facilities, interfering with access to the facilities, interfering with future expansion in the easement, increasing the danger to the public or those who may be required to work in the easement, creating regulatory violations and generally, making the transmission of electricity more dangerous, costly and/or unreliable: Examples include but are not limited to:

- Permanent or temporary structures and buildings, including for example, permanent or manufactured/mobile homes (and home additions and extensions), garages, sheds, satellite systems, intersections, cul-de-sacs, entrances, streets, swimming pools (any associated equipment and decking), playground equipment, graves, billboards, dumpsters, signs, wells, deer stands, retaining walls, septic systems or tanks (whether above or below ground).
- Mounding or stockpiling any material, such as spoils, dirt, logs, construction or building material, wrecked or disabled vehicles, (e.g. may create clearance and access issues and/or increases dangers in using the easement).
- Transformers, telephone/cable pedestals and associated equipment (unless specifically addressed in a joint use agreement), fire hydrants, manholes, water valves, water meters, backflow preventers & irrigation heads, (e.g. may increase the likelihood of safety hazards & access issues).

- Attachments to Duke Energy structures in the easement; (unless specifically addressed in a joint use agreement).
- Streets, roads, driveways, sewer/water lines, other utility lines or any underground facilities that run in parallel to the centerline in the easement or cross in one contiguous segment from outside edge of easement to opposing outside edge of easement, at any angle that is less than 30 degrees or greater than 90 degrees as measured from the centerline. No portion of such facility shall be located within 25 feet of Duke Energy's facilities (unless specifically addressed in a joint use agreement.)
- Fences or utilities that cross the easement in multiple segments in a non-continuous alignment from outside edge of easement to opposing outside edge of easement at any angle of less than 30 degrees or greater than 90 degrees as measured from the centerline. This generally creates an interference as the ability to access and utilize the full easement and reach facilities in the easement is substantially impaired. If a fence crosses the easement at an angle greater than or equal to 30 degrees and less than or equal to 90 degrees with the centerline, a gate (16 feet wide at each crossing) shall be installed by the landowner, per Duke Energy's specifications. Duke Energy will supply a lock. The landowner is required to install the Duke Energy lock on the gate to ensure access. The lock can be interlocked with the landowner's lock. Fences and gates that exceed 10 feet in height are prohibited because they create a clearance issue and are an interference. Fences that inhibit Duke Energy's access because they lack a gate that is at least 16 feet wide, interfere with Duke Energy's easement use.
- Grading (cuts or fill) in the easement that is closer than 25 feet to transmission facilities i.e. poles, towers, guys and anchors and/or slopes greater than 4:1 no matter where located or that otherwise change clearances or topography.
- Parking or lighting facilities which affect clearances, access or Duke Energy's ability to make full use of its easement.
- Placement of combustible materials and/or the purposeful burning of anything within the easement are inconsistent with electric facilities, the transmission of power and create safety hazards and system reliability issues.
- Any water feature in the easement, such as a detention and retention pond, stream or lake. Where a structure outside the easement causes erosion or directs storm water toward the easement or the electric facilities or access to or around the electric facilities, such structure will interfere with Duke Energy's use and must be altered to eliminate that effect.
- Incompatible vegetation above ground transmission lines - Vegetation within or outside of the transmission easement that will mature to a height or size that will pose a grow-in, fall-in, or blowing-together threat to the transmission conductor (typical maximum mature height greater than 15 feet within the transmission easement depending on location and voltage).
- Incompatible vegetation underground transmission lines - Vegetation within or outside of the transmission easement that is capable of posing a threat (e.g., root systems, etc.) to the underground transmission conductor by a) causing damage to the underground pipes / cables or b) reducing the moisture in the soil, thus altering the thermal properties of the surrounding soil / backfill and thereby negatively impacting the cable ampacity rating (typical maximum mature height within the easement - greater than 3 feet depending on location and voltage).
- Incompatible vegetation for safe and reliable operation and access on all transmission lines - Vegetation that will limit or block access, limit the safe and reliable operation, emergency restoration, or maintenance of the transmission facilities, limit the full use of the transmission easement for its intended purposes or vegetation which is typically within a horizontal distance of 25 feet of any Duke Energy facilities (towers, poles, guy wires, guy anchors, manholes, dip-poles, substation equipment, etc.).

As discussed, these guidelines are not exhaustive and there may be other interferences on a case-by-case basis depending on individual circumstances. Certain conditions such as line voltage, line criticality, frequency of required access and structure type may require heightened restrictions in the easements to provide safe and reliable service.

If you have additional questions or plan any activity not mentioned above, please contact customer service and ask for your local Transmission Asset Protection Specialist.