

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 presiding 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 to 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:

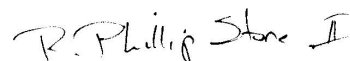
Andrew Metze, 8 Harrer Ct, Greer, SC 29651.
Bill McDaniel, 446 Oak Grove Rd, Spartanburg, SC 29301.

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 to with a vote of 5-0.

The meeting was adjourned at 6:23 PM.



Dr. Phillip Stone, II, Chairman