

Planning Commission Meeting Minutes
March 21st, 2024, at 5:30 PM
Spartanburg County Council Chambers

Board Members Present: **Dr. Phillip Stone, Lekesa Whitner, Santiago Mariani, Warwick Spencer and Jemar Brown. City Staff Present: Martin Livingston, Community Development Director, Nan Zhou, City Planner II and Oksana Holbrooks, Administrative Assistant.**

Rolls

Dr. Stone: Phillip Stone.
Mr. Mariani: Santiago Mariani, Commissioner.
Ms. Whitner: Lekesa Whitner, Commissioner.
Mr. Spencer: Warwick Spencer, Commissioner
Mr. Brown: Jemar Brown, Commissioner.

Dr. Stone: Alright. The Freedom of Information Act Compliance public notification of this meeting has been published, posted, and mailed in compliance 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. Mariani seconded by Ms. Whitner, the agenda for the meeting was approved, by a vote of 5 to 0.

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

Dr. Stone: Any opposed? The agenda is approved. I have one minor correction. My first name got substituted for my last name. Do I hear any motions regarding the minutes of the meeting?

Approval of Meeting Minutes for January 18, 2024

On a motion by Mr. Spencer seconded by Ms. Whitner the minutes of the meeting of January 18th, 2024, was approved by a vote of 5 to 0.

Mr. Spencer: I move we accept the minutes with that one minor correction.
Ms. Whitner: Second
Dr. Stone: Moved by Mr. Spencer seconded by Ms. Whitner to approve the minutes with minor correction. All in favor say aye.
Attendees: Aye.
Dr. Stone: Any opposed? The minutes are approved.

Old Business: None.

New Business:

RZC-24-011-00001 – The Planning Commission has received a request for rezoning of property located at 1621 John B. White Sr. Blvd (TMS: 6-21-13-060.00) currently zoned R-15 (Single-Family Residential District) to be assigned a new zoning designation of B-1 (Neighborhood Shopping District) to accommodate the Huey Magoos restaurant development. Owner: Doris Bivings / Applicant: HM Upstate, LLC / Agent: Bluewater Civil Design, LLC.

The project site is an approximately 57,107.16 square foot (1.311 AC) parcel located at 1621 John B White Sr. Blvd. The parcel borders John B White Sr. Blvd to the north and Knollwood Dr. to the south. The applicant has requested approval of rezoning from a residential zoning designation of R-15, Single Family Residential District, to a commercial zoning designation of B-1, Neighborhood Shopping District.

Properties to the north of the project site are Starbucks, Popeyes, Cookout, and Camelot Shopping Center that currently all have a zoning designation of B-1, Neighborhood Shopping District. The one-story structure to the west of the project site has a zoning designation of B-3, General Business District, and has been used as restaurants that currently have a Jersey Mikes and Five Guys as tenants. The lot to the east of the project site currently has a zoning designation of R-15, Single Family Residential District. The properties to the south of the project site also has a zoning designation of R-15, Single Family 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 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 to the north, east, and west of the project site along John B White Sr. Blvd. are primarily less intensity commercial uses, restaurants and shopping mall center, that are zoned for B-1, Neighborhood Shopping District and B-3, General Business District. The properties to the south side of the project site are currently zoned for R-15, Single Family Residential District. The proposed zoning designation of Neighborhood Shopping District would be consistent with other adjacent properties and uses to the north, east and west 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-15 Single Family residential neighborhoods. The proposed zoning request of Neighborhood Shopping District will not be currently compatible with the residential uses to the south.

The zoning ordinance considers B-1, Neighborhood Shopping District as “....these districts are intended primarily to serve the needs of the surrounding residential neighborhood, providing goods, and services that are day-to-day needs, generally classed by merchants as ‘convenience good and services’. Businesses which might tend to be a nuisance to the immediately surrounding residential developments are excluded, even though the goods or services offered might be in the convenience category or classification.”

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-15, Single Family Residential District, to B-1, Neighborhood Shopping District is granted, it will accommodate the proposed use of a drive through restaurant development. The proposed use will require a Site Plan review process. 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 commercial development. The proposed zoning change will allow for commercial uses, office, institutional/public and quasi-public uses, residential, and industrial uses.

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-15, Single Family Residential District to B-1, Neighborhood Shopping 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 21 Notices were sent to property owners of which 2 were mailed certified mail. A Planning Informational meeting was held on Wednesday, March 13, 2024, at 5:30 PM at the Dr. T K Gregg Recreational Center 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, April 8, 2024. If the matter receives first reading approval, it will then go before the City Council for a Second and Final Reading on Monday, April 22, 2024. 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 March 21st, 2024, 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:

Michael McNabb, BlueWater Civil Design
Doris Bivings, 1621 John B. White Sr. Blvd.

Public Comments:

Ruth Hildmon, 1619 John B. White Sr. Blvd
Guy Harris, Spencer Hines, 380 S. Pine Street

Discussion:

The rezoning request is consistent with other rezoning in the area. The proposed rezoning request is appropriate for the area. There is some concern about the travel speed on John B. White Sr. Blvd both expressed by SCDOT and the Planning Commission members. Applicants and agents explained the easement which would connect both the proposed and existing restaurant site as required by SCDOT. A neighboring property owner is requesting clarification on the buffer requirements.

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

Site and Landscape Plans Approved since the January 18, 2024, Meeting:

Site Plan Approval – Spartanburg County Library Planetarium and Addition – 151 S. Church Street
Site Plan Approval – Murphy Gas Station – 100 Dawn Redwood Drive
Site Plan Approval – Oakwood Avenue Townhomes – 153 Oakwood Avenue
Site Plan Approval – Bank of America Expansion – 1604 E. Main Street

Site and Landscape Plans Approved since the January 18, 2024, Meeting:

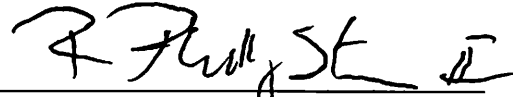
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Site Plan Approval – Oakwood Avenue Townhomes – 153 Oakwood Avenue
Site Plan Approval – Bank of America Expansion – 1604 E. Main Street
Landscape Plan Approval – Founders Credit Union – 1461 E. Main Street

City Council Updates since the January 18, 2024, Meeting: None.

Staff Updates:

The new Planning Director is scheduled to start in April. The City Manager will be making an announcement in the coming weeks. Also, the next Planning Commission meeting in April, if we have a meeting, will be scheduled at the Dr. TK Gregg Recreation Center.

The meeting was adjourned at 6:37 PM.

A handwritten signature in black ink, appearing to read "Dr. Phillip Stone, II", written over a horizontal line.

Dr. Phillip Stone, II, Chairman