



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting

County Council Chambers

366 N. Church Street

Monday, November 25, 2024

5:30 PM

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the November 11, 2024 Meeting**
- IV. Approval of the Agenda of the November 25, 2024 Meeting**
- V. Public Comment**
Public Comment Forms are located in Council Chambers on the front podium. Please turn in completed forms to the City Clerk prior to the start of the meeting.
- VI. Proclamation Declaring November 8, 2024 as First Generation Day**
Presenter: Jerome Rice, Jr., Mayor
- 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 770 Howard Street, Tax Map Number: 7-11-04-206.01, Which is Zoned R-8 with a Land Use Designation of General Residential District to be Assigned a Zoning Designation of DT-4 with a Land Use Designation of Downtown Code District and Providing for Severability and Effective Date. (Second Reading) Ordinance # 2024-012**
Presenter: Nan Zhou, City Planner II
 - B. An Ordinance Authorizing the City Manager to Execute an Agreement for the Transfer of Scattered Site Properties Located in the Northside Neighborhood. (Second Reading) Ordinance # 2024-013**
Presenter: Martin Livingston, Community Development Director
- VIII. Approval of Change Order for Previous Contract with Kwest for Taxiway A at the Spartanburg Memorial Downtown Airport.**
Presenter: Terry Connorton, Airport Director

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

IX. Ordinance

- A. An Ordinance to Provide for the Termination of the Intergovernmental Agreement with the City of Spartanburg Relating to that Certain Written Agreement with Union County for the Development of a Jointly Owned and Operated Industrial/Business Park, Such Industrial/Business Park located in Spartanburg County and the City of Spartanburg and Established Pursuant to the South Carolina Code of Laws of 1976, § 4-1-170, et. seq., as Amended. (First Reading) Ordinance # 2024-014
Presenter: Robert P. Coler, City Attorney**

X. Public Hearing

- A. An Ordinance to Provide for the Annexation of Property Located 2810 E. Main Street, Said Property is in Spartanburg, SC Which is Further Identified as Parcel ID: 7-10-00-001.01, on the Spartanburg County Tax Map and Further to Amend the Official Zoning Map of the City of Spartanburg to Include the Annexed Property, and Further to Rezone a Portion of Property Zoned B-1, Neighborhood Shopping District. (First Reading) Ordinance # 2024-015
Presenter: Robert P. Coler, City Attorney**
- B. An Ordinance to Provide for the Annexation of Property Located 2097 Southport Road, Said Property is in Spartanburg, SC Which is Further Identified as Parcel ID: 7-21-02-005.00, on the Spartanburg County Tax Map, and Further to Amend the Official Zoning Map of the City of Spartanburg to Include the Annexed Property, and Further to Rezone a Portion of Property Zoned B-1, Neighborhood Shopping District (First Reading) Ordinance # 2024-016
Presenter: Robert P. Coler, City Attorney**

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 New Vision” a Potential Mixed-Income Residential Development near the Downtown Area.**
- B. Executive Session Pursuant to Section 30-4-70(2) of the South Carolina Code to Receive Legal Advice**

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
County Council Chambers
366 N. Church Street
Monday, November 11, 2024
5:30 p.m.**

(These minutes to be approved at the November 25, 2024 Council Meeting)

City Council met this date with the following Councilmembers present: Mayor Jerome Rice, Jr, Mayor Pro Tem Janie Salley, Councilmembers Jamie Fulmer, Meghan Smith, and Ruth Littlejohn. City Manager Chris Story, Assistant City Manager Kevin Limehouse and City Attorney Robert Coler were in attendance. Councilmember Erica Brown, Councilmember Rob Rain and Deputy City Manager Mitch Kennedy were absent. 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 October 28, 2024 City Council Meetings
Mayor Pro Tem Salley made a motion to approve the minutes as received.
Councilmember Fulmer seconded the motion, which carried unanimously 5 to 0.

IV. Approval of the Agenda for the November 11, 2024 City Council Meeting -
Councilmember Littlejohn made a motion to approve the minutes as received.
Councilmember Smith seconded the motion, which carried unanimously 5 to 0.

Prior to Public Comment, Mayor Rice introduced the Spartanburg Chapter of Jack and Jill of America members that were in attendance for the meeting.

V. Public Comment –

**Citizen Appearance forms are available at the door and should be submitted to the City Clerk*

1. Dr. Russell Booker, Presented Council with the Hello Family Book recently released.

VI. Approval of the 2025 City Council Meeting Calendar

Presenter: Christie Lindsey, City Clerk

Councilmember Fulmer made a motion to approve the calendar as presented.
Councilmember Smith seconded the motion, which carried unanimously 5 to 0.

VII. Ordinance

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 770 Howard Street, Tax Map Number: 7-11-04-206.01, Which is Zoned R-8 with a Land Use

Designation of General Residential District to be Assigned a Zoning Designation of DT-4 with a Land Use Designation of Downtown Code District and Providing for Severability and Effective Date

Presenter: Nan Zhou, City Planner II

Councilmember Fulmer made a motion to open public hearing.

Councilmember Smith seconded the motion, which carried unanimously 5 to 0.

Mayor Rice opened the floor for those to speak in favor of the rezoning request.

1. Don Oglesby-Homes of Hope-spoke in favor of the project.

Mayor Rice opened the floor for those to speak in opposition of the rezoning request.

None

Councilmember Fulmer made a motion to close the public hearing.

Mayor Pro Tem Salley seconded the motion, which carried unanimously 5 to 0.

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

Councilmember Littlejohn seconded the motion, which carried unanimously 5 to 0.

B. Ordinance Authorizing the City Manager to Execute an Agreement for the Transfer of Scattered Site Properties Located in the Northside Neighborhood.

Presenter: Martin Livingston, Community Development Director

Mayor Pro Tem Salley made a motion to approve the ordinance as presented.

Councilmember Littlejohn seconded the motion, which carried unanimously 5 to 0.

VII Staff Updates

Chris Story provided an update regarding the continued storm debris cleanup in the City.

X. City Council Updates

Each Councilmember gave updates on their activities since the previous council meeting.

Councilmember Fulmer made a motion to enter into executive session at 6:23p.m.

Councilmember Smith seconded the motion, which carried unanimously 5 to 0.

XI. Executive Session

A. An Executive Session Pursuant to Section 3-4-70(a)(2) of the South Carolina Code to Discuss a Contractual Agreement.

XII. Adjournment – Councilmember Smith made a motion to adjourn the meeting.

Councilmember Fulmer seconded the motion, which carried unanimously 5 to 0. The meeting adjourned at 6:39 p.m.


Christie B. Lindsey, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Chris Story City Manager
FROM: Terry Connorton – Airport Director
SUBJECT: Change order for widening of the taxiway to access new hangars
DATE: November 25th, 2024

BACKGROUND: Requesting approval of City Council to Change Order Request.

The Change order request is for \$3,297,346.75.

Due to procurement policy, if the amounts exceed \$50,000, City Council approval will be required.

The benefits of making TL Widening construction activities a Change Order work for the current TW A project is compared to advertising it as a separate project/bid.

1. Project Costs
 - a. Base bid
 - i. Mobilization item will save ~\$250,000 as part of this change order
 - ii. Contractor QC item will save ~\$40,000
 - iii. Gravel Haul Road item will save ~\$28,000
 - iv. Anticipated Base Bid Savings: \$318,000
 - b. ALT Bid #1
 - i. Anticipated Add Bid #1 Savings: N/A
 - c. ALT Bid #2
 - i. Mobilization items will save ~\$42,000
 - ii. Contractor QC item will save ~\$19,000
 - iii. Anticipated Add Bid #2 Savings: \$61,000
 - d. ALT Bid #3
 - i. Mobilization item, in discussion with Kwest to reduce their proposed amount
 - ii. Contractor QC item, in discussion with Kwest to reduce their proposed amount
 - e. Total Anticipated Savings for Base + all Add Bids: \$379,000
 - i. Note: Kwest is holding Spring 2023-unit pricing for many of these items

2. Project Schedule

- a. As Change Order to TW A
 - i. Construction operations start time for this work: January 1, 2025
- b. If bid separately
 - i. Approx. construction operations start time: April 2025
 - ii. Will push out further if bids, contract signing, and/or material acquisition delays occur
- c. Total Anticipated Schedule Savings: 3 months

3. We recommend incorporating this work as a change order to the current Taxiway A project based on the above benefits.

The trades anticipated in this change order are similar to and in line with the trades utilized in the original contract scope. (see updated pdf attached)

All the line items that are the same between the two projects have the same unit price.

ACTION REQUESTED:

Approve the Change order and authorize the City Manager to enter into a contract with Kwest to complete the taxiway widening for economic development.

The \$3,297,346.75 will be funded by an SC Department of Commerce grant, which will pay 100% of the project's cost.



REQUEST FOR CITY COUNCIL ACTION

TO: Chris Story

FROM: Bob Coler

SUBJECT: 1998 Hillcrest Mall Multi County Industrial Park tax incentive program termination

DATE: November 22, 2024

BACKGROUND:

In 1998 the City, along with Spartanburg County, created a tax incentive program identified as the Business Corridor Incentive Program, where owners of certain parcels placed into a newly created Industrial Park could qualify for tax rebates. Parcel owners who invested more than \$250,000 into the renovation of their commercial property would receive a rebate of 30% of their annual property tax for a period of 15 years, or until they recovered 20% of their renovation costs. The intergovernmental agreement prohibited parcels from joining the Industrial Park after 2008. All parcels that entered the Industrial Park and completed more than \$250,000 in renovation work have finished receiving their 15 years of rebates in 2023. It is now appropriate to terminate the Industrial Park and revert all parcels placed into it back to standard property tax parcels.

ACTION REQUESTED: Approve the Ordinance terminating this Multi County Industrial Park.

BUDGET AND FINANCIAL DATA: None available.

ORDINANCE NO. O-

AN ORDINANCE TO PROVIDE FOR THE TERMINATION OF THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SPARTANBURG RELATING TO THAT CERTAIN WRITTEN AGREEMENT WITH UNION COUNTY FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SUCH INDUSTRIAL/BUSINESS PARK GEOGRAPHICALLY LOCATED IN SPARTANBURG COUNTY AND THE CITY OF SPARTANBURG AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976, §4-1-170, *et. seq.*, AS AMENDED;

AND OTHER MATTERS RELATING THERETO.

WHEREAS, Union County, South Carolina ("Union County") and Spartanburg County, South Carolina ("Spartanburg County") (jointly, the "Counties") have heretofore entered into an agreement (the "Park Agreement") to develop jointly an Industrial and Business Park (the "Park"), wholly within the City of Spartanburg (the "City") and Spartanburg County, as provided by Article VIII, §13 of the South Carolina Constitution and in accordance with §4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the "Act") ; and,

WHEREAS, the City and Spartanburg County have heretofore entered into an Intergovernmental Agreement (the "Intergovernmental Agreement") relating to the Park; and,

WHEREAS, the Park Agreement and the Intergovernmental Agreement each originally had terms of twenty-three (23) years; and,

WHEREAS, the City and Spartanburg County, with the consent of Union County, previously amended the Park Agreement and the Intergovernmental Agreement to provide for terms of twenty-eight (28) years for each;

WHEREAS, purposes of the park have now been accomplished and the City and Spartanburg County, with consent of Union County, now desire to terminate the Park Agreement and the Intergovernmental Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SPARTANBURG:

Section 1. City of Spartanburg is hereby further authorized to execute and deliver the Termination to the Intergovernmental Agreement relating to the Park.

Section 2. The form, terms, and provisions of the Termination to the Intergovernmental Agreement be and they are hereby approved and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if those the Termination was set out in this Ordinance in their entirety, The Manager of the City be and he is hereby authorized, empowered, and directed to execute, acknowledge, and deliver the Termination to the Intergovernmental Agreement in the name and on behalf of the City of Spartanburg. The Termination to the

Intergovernmental Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the City of Spartanburg executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Termination to the Intergovernmental Agreement now before this meeting.

Section 3. Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

Section 4. The Intergovernmental Agreement provides that it may not be terminated except by concurrent ordinances of Spartanburg County Council and Spartanburg City Council, in accordance with the terms of the Intergovernmental Agreement, as amended. Therefore, in accordance with the terms of the Intergovernmental Agreement, this ordinance is to serve as the City of Spartanburg ordinance to terminate the Intergovernmental Agreement.

Section 5. All ordinances and resolutions of the City of Spartanburg inconsistent herewith are, to the extent of such inconsistency, only, hereby repealed, revoked, and rescinded.

Section . This ordinance shall be effective after 2nd and final reading and approval by City of Spartanburg Council

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ENACTED this ____ day of December, 2024.

SPARTANBURG COUNTY, SOUTH CAROLINA

City of Spartanburg Manager

Attest:

Clerk to City Council

1st Reading:

2nd Reading:

Public Hearing:

SCHEDULE "I"

PROPERTY

1. ALL that lot or parcel of land known as Hillcrest Mall in the City and County of Spartanburg, State of South Carolina, located on East Main Street, and being shown on the County Block Map as follows:

Block Map Sheet 7-08-14, parcel 076.00

Block Map Sheet 7-08-14, parcel 076.01

Block Map Sheet 7-08-14, parcel 076.02

Block Map Sheet 7-08-14, parcel 076.03

Block Map Sheet 7-08-14, parcel 076.04

Block Map Sheet 7-08-14, parcel 076.05

Block Map Sheet 7-08-14, parcel 076.06

Block Map Sheet 7-08-14, parcel 124.00

Block Map Sheet 7-08-14, parcel 124.01

Block Map Sheet 7-09-00, parcel 011.02

Block Map Sheet 7-09-14, parcel 096.00

Block Map Sheet 7-09-14, parcel 096.01

Block Map Sheet 7-09-14, parcel 096.03

Block Map Sheet 7-09-14, parcel 096.04

Block Map Sheet 7-09-14, parcel 096.05

Block Map Sheet 7-09-14, parcel 096.06

Block Map Sheet 7-09-14, parcel 096.07

Block Map Sheet 7-09-14, parcel 096.08

Block Map Sheet 7-09-15, parcel 046.00

Block Map Sheet 7-09-15, parcel 047.00

Block Map Sheet 7-09-15, parcel 048.00

Block Map Sheet 7-12-03, parcel 047.00

Block Map Sheet 7-12-03, parcel 047.01

Block Map Sheet 7-12-03, parcel 047.02

Block Map Sheet 7-12-03, parcel 047.03

Block Map Sheet 7-12-03, parcel 047.04

Block Map Sheet 7-12-03, parcel 047.05

Block Map Sheet 7-12-06, parcel 005.00
Block Map Sheet 7-12-09, parcel 342.00
Block Map Sheet 7-12-12, parcel 124.00
Block Map Sheet 7-12-15, parcel 268.00
Block Map Sheet 7-13-01, parcel 036.00
Block Map Sheet 7-16-02, parcel 295.00
Block Map Sheet 7-16-02, parcel 295.01
Block Map Sheet 7-16-02, parcel 295.04
Block Map Sheet 7-17-06, parcel 004.00
Block Map Sheet 7-17-14, parcel 046.00
Block Map Sheet 7-17-14, parcel 052.00
Block Map Sheet 7-17-14, parcel 052.01
Block Map Sheet 7-17-14, parcel 052.02
Block Map Sheet 7-17-14, parcel 052.03
Block Map Sheet 7-17-14, parcel 052.04
Block Map Sheet 7-17-14, parcel 052.05



COUNCIL ACTION FORM

TO: Chris Story
City Manager

FROM: Fredalyn Frasier

DATE: November 22, 2024

SUBJECT: **Public Hearing:** The Planning Commission has received a request for annexation and zoning designation of property located at 2810 E. Main Street (TMS: 7-10-00-001.01) currently un-zoned to be designated a zoning designation of B-1, Neighborhood Shopping District to accommodate a convenient store on the site. Owner: QuikTrip Corporation; Applicant: Tim Long; QuikTrip Corporation

SUMMARY: On **November 21, 2024**, The Planning Commission received a zoning map amendment and annexation request for a portion of property located at 2810 E. Main Street, (TMS#7-10-00-001.01); and to provide a zoning designation of B-1, Neighborhood Shopping District. The zoning request is made to accommodate a convenient store that is currently operating on the site.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission approved the rezoning request at a public hearing on **November 21, 2024**, by a vote of 7 to 0.

ADDITIONAL INFORMATION: Enclosed is a proposed ordinance in the event of Council approval.

BUDGET AND FINANCE DATA: N/A

AN ORDINANCE

ORDINANCE TO PROVIDE FOR THE ANNEXATION OF THE PROPERTY LOCATED AT 2810 E. MAIN STREET, AS WELL AS THAT PORTION OF PLAINVIEW DRIVE AND PLAINVIEW DRIVE EXTENSION ABUTTING SAID PROPERTY IN SPARTANBURG, SC, WHICH IS IDENTIFIED AS PARCEL ID: 7-10-00-001.01, ON THE SPARTANBURG COUNTY TAX MAP, AND FURTHER TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPARTANBURG TO INCLUDE THE ANNEXED PROPERTY, AND FURTHER TO REZONE A PORTION OF THE PROPERTY ZONED B-1, NEIGHBORHOOD SHOPPING DISTRICT.

WHEREAS, the City of Spartanburg (hereinafter the “City”), on, or about, August 12, 2023, received a request for Annexation and Zoning Classification, filed by Tim Long with Quik Trip Corporation, 3701 Arco Corporation Drive, Suite 150, Charlotte, North Carolina, 28273 (hereinafter the “Applicant”), requesting that property located at 2810 E. Main Street, in Spartanburg, SC, further identified as Parcel ID: 7-10-00-001.01 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of B-1 (Neighborhood Shopping District); and

WHEREAS, City Council of the City of Spartanburg (hereinafter “City Council”) finds that it is in the public interest to annex the Property to the City; and

WHEREAS, City Council finds that it is necessary and appropriate to amend the official zoning map of the City of Spartanburg (hereinafter the “Zoning Map”) to include the Property as part and parcel of the City of Spartanburg; and

WHEREAS, City Council finds that the property adjacent to the Property is currently in the city limits of the City and is currently zoned as B-1(Neighborhood Shopping District); and

WHEREAS, City Council finds that it is appropriate to zone the Property, upon annexation, B-1 (Neighborhood Shopping District) pursuant to Section 208 of the City of Spartanburg Zoning Ordinance, 1999 (hereinafter the “Zoning Ordinance”); and

WHEREAS, City Council finds that zoning the Property as B-1 (Neighborhood Shopping District) is 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 City of Spartanburg’s Comprehensive Plan; and

WHEREAS, the Planning Commission, on November 21, 2024, held a public hearing on the zoning designation, at which time a presentation was made by staff and an opportunity was given for the public to comment on the annexation and zoning request; and

WHEREAS, the Planning Commission, also on November 21, 2024, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted 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. Acceptance. That the request for Annexation and Zoning Classification filed by Tim Long with Quik Trip Corporation, 3701 Arco Corporation Drive, Suite 150, Charlotte, North Carolina, 28273, (hereinafter the “Applicant”), requesting that property located at 2810 E. Main Street, in Spartanburg, SC, further identified as Parcel ID: 7-10-00-001.01 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of B1 (Neighborhood Shopping District);.

Section 2. Annexation. That the property described as that portion of property located at 2810 E. Main Street, as well as that portion of Plainview Drive and Plainview Drive Extension abutting said property in Spartanburg, SC, further identified as Parcel ID: 7-10-00-001.01 on the Spartanburg County Tax Map, is hereby declared annexed to the City of Spartanburg and a part and parcel of said City with full privileges accorded to and responsibilities required of similar properties in said City.

Section 3. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, shall be amended to reflect the following:

All that portion of property located at 2810 E. Main Street, as well as that portion of Plainview Drive and Plainview Drive Extension abutting said property in Spartanburg, SC, further identified as Parcel ID: 7-10-00-001.01 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of B-1 (Neighborhood Shopping District).

Section 4. Zoning Classification. The annexed parcel at that portion of property located 2810 E. Main Street, as well as that portion of Plainview Drive and Plainview Drive Extension abutting said property in Spartanburg, SC, further identified as Parcel ID: 7-10-00-001.01 on the Spartanburg County Tax Map, is hereby declared annexed to the City of Spartanburg and further to assign a zoning designation of B-1 (Neighborhood Shopping District).

Section 5. 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 6. 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 _____, 2024.

Jerome Rice, Mayor

ATTEST:

Christie Lindsey, City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)



COUNCIL ACTION FORM

TO: Chris Story
City Manager

FROM: Fredalyn Frasier

DATE: November 22, 2024

SUBJECT: **Public Hearing:** The Planning Commission has received a request for annexation and zoning designation of property located at 2097 Southport Road (TMS: 7-21-02-005.01) currently un-zoned to be designated a zoning designation of B-1, Neighborhood Shopping District to accommodate a fast food restaurant on the site. Owner: Skillet LLC; Applicant: Andy Hayes, Associated Realty Partners-Cedar Springs Road, LLC

SUMMARY: On **November 21, 2024**, The Planning Commission received a zoning map amendment and annexation request for a portion of property located at 2097 Southport Road, (TMS#7-21-02-005.01); and to provide a zoning designation of B-1, Neighborhood Shopping District. The zoning request is made to accommodate a fast food restaurant that is currently operating on the site.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission approved the rezoning request at a public hearing on **November 21, 2024**, by a vote of 7 to 0.

ADDITIONAL INFORMATION: Enclosed is a proposed ordinance in the event of Council approval.

BUDGET AND FINANCE DATA: N/A

AN ORDINANCE

ORDINANCE TO PROVIDE FOR THE ANNEXATION OF THE PROPERTY LOCATED AT 2097 SOUTHPORT ROAD, WHICH IS IDENTIFIED AS PARCEL ID 7-21-02-005.01, ON THE SPARTANBURG COUNTY TAX MAP, AND FURTHER TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPARTANBURG TO INCLUDE THE ANNEXED PROPERTY, AND FURTHER TO REZONE A PORTION OF THE PROPERTY ZONED B-1, NEIGHBORHOOD SHOPPING DISTRICT.

WHEREAS, the City of Spartanburg (hereinafter the “City”), on, or about, March 31, 2022, received a request for Annexation and Zoning Classification, filed by Andy Hayes with Associated Realty Partners-Cedar Springs Road, LLC, 389 East Henry Street, Spartanburg, South Carolina 29302 (hereinafter the “Applicant”), requesting that property located at 2097 Southport Road, in Spartanburg, SC, further identified as Parcel ID: 7-21-02-005.00 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of B-1 (Neighborhood Shopping District); and

WHEREAS, City Council of the City of Spartanburg (hereinafter “City Council”) finds that it is in the public interest to annex the Property to the City; and

WHEREAS, City Council finds that it is necessary and appropriate to amend the official zoning map of the City of Spartanburg (hereinafter the “Zoning Map”) to include the Property as part and parcel of the City of Spartanburg; and

WHEREAS, City Council finds that the property adjacent to the Property is currently in the city limits of the City and is currently zoned as B-1(Neighborhood Shopping District); and

WHEREAS, City Council finds that it is appropriate to zone the Property, upon annexation, B-1 (Neighborhood Shopping District) pursuant to Section 208 of the City of Spartanburg Zoning Ordinance, 1999 (hereinafter the “Zoning Ordinance”); and

WHEREAS, City Council finds that zoning the Property as B-1 (Neighborhood Shopping District) is 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 City of Spartanburg’s Comprehensive Plan; and

WHEREAS, the Planning Commission, on November 21, 2024, held a public hearing on the zoning designation, at which time a presentation was made by staff and an opportunity was given for the public to comment on the annexation and zoning request; and

WHEREAS, the Planning Commission, also on November 21, 2024, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted 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. Acceptance. That the request for Annexation and Zoning Classification filed by Andy Hayes with Associated Realty Partners-Cedar Springs Road, LLC, 389 East Henry Street, Spartanburg, South Carolina 29302, (hereinafter the “Applicant”), requesting that property located at 2097 Southport Road, in Spartanburg, SC, further identified as Parcel ID: 7-21-02-005.00 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of B1 (Neighborhood Shopping District);.

Section 2. Annexation. That the property described as that portion of property located at 2097 Southport Road further identified as Parcel ID: 7-21-02.005.01 on the Spartanburg County Tax Map, is hereby declared annexed to the City of Spartanburg and a part and parcel of said City with full privileges accorded to and responsibilities required of similar properties in said City.

Section 3. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, shall be amended to reflect the following:

All that portion of property located at 2097 Southport Road, further identified as Parcel ID: 7-21-02-005.01 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of B-1 (Neighborhood Shopping District).

Section 4. Zoning Classification. The annexed parcel at that portion of property located 2097 Southport Road, further identified as Parcel ID: 7-21-02-005.01 on the Spartanburg County Tax Map, is hereby declared annexed to the City of Spartanburg and further to assign a zoning designation of B-1 (Neighborhood Shopping District).

Section 5. 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 6. 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 _____, 2024.

Jerome Rice, Mayor

ATTEST:

Christie Lindsey, City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)