

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

Board Members Present: Lekesa Whitner, Santiago Mariani, Reed Cunningham, Dr. Phillip Stone, Spencer Warwick, JeMar Brown and Kevin DeMark.

City Staff Present: Fredalyn M. Frasier, Planning Director, Robert Coler, City Attorney, Nan Zhou, City Planner II, and Oksana Holbrooks, Sr. Administrative Assistant.

Roll Call

Dr. Stone: Phillip Stone, Chair

Mr. DeMark: Kevin DeMark, Commissioner

Mr. Brown: JeMar Brown, Commissioner

Mr. Mariani: Santiago Mariani, Commissioner

Ms. Whitner: Lekesa Whitner, Commissioner

Mr. Cunningham: Reed Cunningham, Commissioner

Mr. Warwick: Spencer Warwick, Commissioner

Dr. Stone: 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 Dr. Stone seconded by Mr. DeMark, the agenda for the meeting was approved, by a vote of 7 to 0.

Chairman Stone: I will call for the approval of the agenda and I will move to add under new business items 2 and 3, petition of annexation and zoning of 2810 E Main St, which is item 2 and 2097 Southport Rd, which is item 3. If I can get a second, we can discuss that.

Mr. DeMark: Second.

Dr. Stone: Moved by Mr. Chair and seconded by Mr. DeMark to amend the agenda by addition. That requires Mr. Coler told me a two thirds vote is required through Freedom of Information Act, so those are requiring two thirds a vote. If you would like an explanation why we do that you can do that, I think that would be appropriate.

Mr. Coler, City Attorney : Briefly we are seeking to amend the agenda, and the f Freedom of Information Act requires that the agenda be published at least 24 hours before any meeting. We traditionally publish well before that. The act does allow for the amendment of the agenda at the reading live and in person on a motion and on a vote of at least two thirds of the members present to amend that, so this is what we are asking you to do. To add in a few items that are here that are time sensitive; we need to get them in before the year ends.

Dr. Stone: Any questions? Everybody ready for a motion to vote?

Attendees: Yes.

Dr. Stone: All in favor please raise your hand. Let's make sure we get five votes. We have seven. Any opposed? None. So, the motion to amend the agenda by addition is approved by 7-0. All in favor say aye?

Attendees: Aye.

Dr. Stone: Any opposed? None.

Approval of Meeting Minutes for October 17th, 2024.

On a motion by Ms. Whitner seconded by Mr. Brown the minutes of the meeting of October 17th, 2024, was approved by a vote of 7 to 0.

Mr. Cunningham: I move approve minutes.

Ms. Whitner: Second

Dr. Stone: Moved by Mr. Cunningham seconded by Ms. Whitner. All in favor say aye.

Attendees: Aye.

Dr. Stone: Any opposed? None.

Old Business: None.

New Business:

RZM-24-011-00003: The Planning Commission has received a request for rezoning of the property located at 100 Hudson L Barksdale Blvd (TMS: 7-12-15-009.00); with a zoning designation of DT-5 (Downtown Code District). Owner: Joel David Howard / Applicant: Bryan De Bruin, VanRock Holdings.

APPLICATION SUMMARY

The Planning Commission has received request to rezone the property located at 100 Hudson L. Barksdale Blvd. (TMS: 7-12-15-009.00) currently assigned the zoning classification of R-6, General Residential District, to DT-5, Downtown Urban District to accommodate for the opportunity to create a mixed-use multifamily redevelopment plan in the future.

Owner : Joel David Howard / Applicant: VanRock Holdings / Agent: Bryan De Bruin.

The project site is an approximately 136,000 square foot parcel located at 100 Hudson L Barksdale Blvd. The subject parcel borders E. Henry St. to the north, S. Liberty St. to the west, E. Lee St. to the south and Hudson L Barksdale Blvd. to the east. The applicant has requested approval of rezoning from a residential zoning designation of R-6, General Residential District, to a downtown urban zoning designation of DT-5, Downtown Urban District. Property to the west of the project site is Bethel Methodist Church with a zoning designation of R-6, General Residential District. Properties to the east of the project are an educational institution (Institute for Behavioral Training, temporarily closed), and a residential house. Both of the properties to the east of the project site are currently zoned for LOD, Limited Office District. Property to the south of the project site is an institutional use, Hope Center for Children, currently zoned GID, General Institutional District. Properties to the north side of the project site include a gas station/Hot Spot, and Duke Energy's utility, that currently have a zoning designation of DT-5, Downtown Urban 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 to recommend a selection or designation of zoning: DT-5, Downtown Urban District.

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 Comprehensive Plan lists this portion of 100 Hudson L Barksdale Blvd. as G-3 Neighborhood Infill Growth Sector. According to the document “Neighborhood Infill Growth Sectors are areas that are largely developed with low- to medium density neighborhoods. These neighborhoods are defined by traditional development patterns of primarily detached single-family houses with a limited number of multi-family, commercial and civic uses. They are generally supported by the mixed use and commercial development of adjacent G-4 and G-5 Sectors. These areas are opportunities for future infill that may include accessory dwelling units (ADUs) and small pockets of additional housing choices at a scale and character compatible with surrounding development. This Sector’s walkable, traditional historic character is conducive to rezoning as character-based districts. (Note: much of the neighborhood infill growth sector already zoned DT3 and DT4)” Based on the surrounding properties’ land uses, commercial activities, and zoning designation of DT-5 along north side of E Henry St., encouraging and supporting a DT-T designation responds to City goals to create a vibrant downtown core and respond to the needs of residents and visitors.

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 east, west, and south of the project site are primarily less intensity commercial uses, such as church and educational institutions, that are currently zoned for R-6, General Residential District, LOD, Limited Office District, and GID, General Institutional District, respectively. The properties to the north side of the project site are Duke Energy’s utility site and a gas station, that are currently zoned for DT-5, Downtown Urban District.

The proposed zoning designation of DT-5, Downtown Urban District will be consistent with the properties’ zoning designation to the north side of the project site and along the main corridor of the north side of E. Henry St. Given the fact that the project site is adjacent to church, educational institution, and a residence to the west, east, and south, the proposed zoning request of DT-5, Downtown Urban District, are not currently consistent with the zoning designation of properties to the east, west, and south. However, the proposed zoning, DT-5 will provide more flexibility for redevelopment opportunity that is compatible with the uses to the east, west, and south.

The current City of Spartanburg Zoning Ordinance defines DT-5, Downtown Urban District, as “.....these districts are the central shopping areas of the City. Here are concentrated activities

which have primarily a city-wide and regional function: large stores offering comparison shopper's goods, specialty stores, business services, banks and other financial institutions, offices, theaters, hotels, and government building. The use of land is intensive, and this intensity of use is one of the main determinants of the vitality of the Downtown Urban Districts. It is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functions of the downtown area."

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-6, General Residential District, to DT-5, Downtown Urban District is granted, it will accommodate the intent proposal of a mixed-use multifamily redevelopment plan in the future, and it will also provide staff the ability to review the urban design framework prior to any major renovation. The design review brings aesthetic consideration as well as promoting mixed uses that are currently not permitted under the current zoning designation. The proposed redevelopment would be subject to the Design Review Board and site plan review processes in the event of major facades' renovations to the current structures that are visible from the public streets. The review 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 general residential zoning designation to downtown urban district zoning designation. The proposed zoning change will allow for commercial uses, office, institutional, recreational, and residential development.

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 at 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 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.

- o Based on the above findings, staff recommends Planning Commission approval of the request to rezone 100 Hudson L. Barksdale (Tax Map ID: 7-12-15-009.00) from R-6, General Residential District to DT-5, Downtown Urban District. The new zoning designation conforms 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 29 notices were sent to property owners via USPS regular mail. A Planning Informational meeting was held on Wednesday, November 13, 2024, at 5:30 PM at the Spartanburg County Council Chambers to discuss the zoning designation request and to address any comments and concerns. No public comments were received.

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, December 9, 2024. If the matter receives first reading approval, it will then go before the City Council for a Second and Final Reading on Monday, January 13, 2025. 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 November 21, 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:

Jeffrey Randolph, VanRock Holdings.

Public Comments: None.

Discussion:

The proposed use would be appropriate to the surrounding.

A motion was made by Mr. DeMark, seconded Mr. Mariani; the request was approved with a vote of 7-0.

Annexation:

Mr. Coler: Briefly, Planning Commissioners, the City Code requires two readings in front of City Council to annex any property. It also requires City Council to hold a public hearing upon 15 days' notice. All that is going to happen after you all this evening. The City Code or Zoning Ordinance also, requires City Council to request the Planning Commission to opine on the annexation of any parcels. Mr. Coler stated - We are up against a timeline to get everything done by the year's end. We had to move quickly to move this matter before you. We are asking for you to listen to the presentation and provide a recommendation to City Council, which will be the first question when we present it to them, they will want to know what you all think about it. That's what brings us all here in a fairly expedited manner.

Mr. DeMark: From a policy perspective. Did we give active notice to adjacent property owners in annexation of these properties?

Mr. Coler: We don't generally...

Mr. DeMark: That's not required?

Mr. Coler: Correct. The parcel owners that known that annexation is a reality sense they signed up for city water a timeline before so they can construct. So, they are on board this as well.

Dr. Stone: Yeah, that was my question, I assume this is coming largely because of the City's agreement with Spartanburg Water.

Mr. Coler: Correct.

Dr. Stone: And if it's 100 percent annexation so that property owner themselves have consented to annexation.

Mr. Coler: And as I understand both of these are from annexations, they're interested in what we provide in police, garbage, fire are better for them because we are better than the county. They are excited to come into the city.

The City of Spartanburg received a request for annexation and zoning designation for the property located at 2810 E. Main Street with an operating Quik Trip service station.

Annexation Petition AX-24-11-21-01

The Planning Commission has received a request for annexation of the property located at 2810 E Main Street (TMS: 7-10-00-001.01) with a zoning designation of B-1 (Neighborhood Shopping District).

Existing County Zoning District: N/A - County of Spartanburg

Proposed City Zoning District: B-1 - Neighborhood Shopping District

Applicant/Owner- Quik Trip Corporation 3701 Arco Corporation Drive Suite 150 Charlotte, NC 28273

Site Conditions

The site is the location of a newly constructed and operating Quik Trip (QT) Service Station situated on an approximately 2.4-acre site. The applicant has requested annexation property into the City and has executed a water covenant agreement to receive services from the Spartanburg Water Authority.

Findings

The proposed annexation with the recommended zoning classification of B-1 Neighborhood Shopping District is consistent with B-1 zoning classification fronting E. Main Street and the City's Future land use designation for the Corridor Infill Growth sector. The zoning designation conforms to the existing land use patterns and uses.

Public Comments: None.

Discussion: The proposed use would be appropriate to the surrounding and is consistent throughout.

A motion was made by Mr. Warwick, seconded Mr. Brown; the request was approved with a vote of 7-0.

Annexation Petition AX-24-21-11-2

The Planning Commission has received a request for annexation of the property located at 2097 Southport Road (TMS: 7-21-02-005.00) with a zoning designation of B-1 (Neighborhood Shopping District).

Existing County Zoning District: N/A - County of Spartanburg

Proposed City Zoning District: B-1 - Neighborhood Shopping District

Applicant/Owner- Skillett, LLC PO Box 959 Paw Creek, NC 28130

Site Conditions

The project site is an approximately 1.13-acre site. The parcel currently contains one one-story structure and is occupied by a fast-food restaurant, Bojangles. The applicant has requested the City to annex the parcel, and designate a zoning classification of B-1, Neighborhood Shopping District. The proposed zoning district, B-1, would be consistent with the adjacent zoning classification for the surrounding areas and permits its use as a restaurant.

The property was an unimproved parcel until March 2023 when Bojangles Restaurant was constructed.

Findings

The proposed zoning, B-1, Neighborhood Shopping District, is appropriate for the project site and is consistent with the surrounding properties' zoning classification.

Public Comments: None.

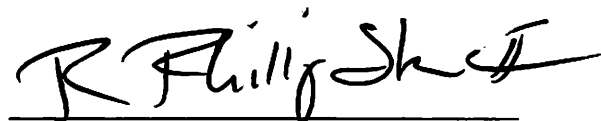
Discussion:

A motion was made by Mr. Mariani, seconded by Ms. Whitner; the request was approved with a vote of 7-0.

Staff Updates

Draft RFQ for the Zoning rewrite ready end of December and 2025 Meeting calendar was presented. The Commission was informed on how to sign up for City Board notifications through the City's Civic Clerk platform.

The meeting was adjourned at 6:27 PM.

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

Dr. Phillip Stone, Chairman