



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 W. Broad Street
Monday, July 10, 2023
5:30 PM

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the June 26, 2023 Meeting**
- IV. **Approval of the Agenda of the July 10, 2023 Meeting**
- V. **Public Comment**
**Citizen Appearance Forms are available at the door and should be submitted to the City Clerk prior to the start of the meeting
- VI. **Recognition of City of Spartanburg Retiree, MPO Christopher Roberts, Public Safety Department**
Presenter: Mayor Jerome Rice, Jr.
- VII. **Consent Agenda**
 - A. **To Approve the Lease of City Owned Property Located on E. Saint John Street and To Authorize the City Manager to Execute Documents Related Thereto.**
Presenter: Chris Story, City Manager
- VIII. **Public Hearing**
 - A. **Ordinance to Provide for the Annexation of the Property Located at 1017 Florida Avenue, as Well as that Portion of W. Wood Street, Dakota Street and N. Church Street Abutting said Property in Spartanburg, SC, which is Identified as Parcel ID: 7-08-09-086.00, on the Spartanburg County Tax Map, and Further to Assign a Zoning Designation of R8-PDD, (General Residential-Planned Development District) to All Parcels Annexed For Zoning Classifications Purposes. (First Reading)**
Presenter: Martin Livingston, Community Development Director
- IX. **Staff Updates**
- X. **City Council Updates**

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

XI. Executive Session

- A. Executive Session Pursuant to Section 30-4-70(a)(1) of the South Carolina Code Related to Annual Review of the City Manager.**
- B. Executive Session Pursuant to Section 30-4-70(a)(1) of the South Carolina Code Related to Annual Review of the City Attorney.**
- C. Executive Session Pursuant to Section 30-4-70(a)(1) of the South Carolina Code Related to Review of the City Municipal Judge Position.**
- D. Executive Session Pursuant to Section 30-4-70 (a) (2) of the South Carolina Code to Receive Legal Advice Regarding a Pending Legal Matter**

XII. 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, June 26, 2023
5:30 p.m.**

(These minutes to be approved at the July 10, 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 June 12, 2023 City Council Meeting –
Councilmember Littlejohn made a motion to approve the minutes as received.
Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

IV. Approval of the Agenda for the June 26, 2023 City Council Meeting -
Councilmember Smith made a motion to approve the agenda as received.
Mayor Pro Tem seconded the motion, which carried unanimously 7 to 0.

V. Public Comment – None

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

1. Jim Yarshen-389 Winsmith Avenue-In favor of development at Old Pepsi Plant

2. Carl Prestipino-240 Mills Avenue-Speeding/Traffic Increase/Oil tankers on Pine Street

Would like to lead a board that meets 6 times a year to discuss these issues.

VI. Proclamation

A. Proclamation declaring June 2023 as “Pride Month” in the City of Spartanburg
Presenter: Mayor Jerome Rice, Jr.

*Mayor Rice presented the proclamation to the director of The Uplift Group,
Deb Foreman.*

VII. Live Health Spartanburg Community Updates

Presenter: JaLisa Jordan-SRHS Community Health

Ms. Jordan thanked the City team including, Kim Moultrie, Christopher George and Mitch Kennedy for their assistance in a successful 2023 CHAD Day. She also advised that the 2024 CHAD Day would be held on June 1, 2024.

Council received the report as information.

VIII. Consent Agenda

- A. 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 808-836 John B. White Sr. Blvd., and is Further Identified as Tax Map ID: 6-21-11-036.00; 6-21-11-037.00; 7-15-11-001.00; 7-15-12-004.00; 7-15-12-006.00; and 7-15-12-007.00 on the Spartanburg County Tax Map, As a Part and Parcel of the City of Spartanburg which is Zone R-12, with a Land Use Designation of General Residential District and Zoned LOD, with a Land Use Description of Limited Office District to be Assigned a Zoning Designation of GID, with a Land Use Designation of General Institutional District and Providing for Severability and an Effective Date. (Second Reading)**

Presenter: Martin Livingston, Community Development Director

Councilmember Fulmer made a motion to approve the consent agenda items A,B & C as presented. Councilmember Salley seconded the motion, which carried unanimously 7 to 0.

- B. 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 131 Oakwood Avenue, and is Further Identified as Tax Map ID: 7-12-08-086.00 on the Spartanburg County Tax Map, As a Part and Parcel of the City of Spartanburg which is Zone R-8, 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. (Second Reading)**

Presenter: Martin Livingston, Community Development Director

Councilmember Fulmer made a motion to approve the consent agenda items A,B & C as presented. Councilmember Salley seconded the motion, which carried unanimously 7 to 0.

- C. To Raise Revenues for the City of Spartanburg for Fiscal Year 2023-2024 to Levy Taxes on All Real Estate and Personal Property, Except Such as Exempted by Law, In Corporate Limits of the City of Spartanburg for Corporate Purposes for the Fiscal Year 2023-2024 and to Provide Penalties for the Delinquent Payment of Taxes Levied and Provided For. (Second Reading)**

Presenter: Dennis Locke, Finance & Budget Director

Councilmember Fulmer made a motion to approve the consent agenda items A,B & C as presented. Councilmember Salley seconded the motion, which carried unanimously 7 to 0.

IX. Ordinance

- A. Authorizing the City Manager to Execute a Development Agreement Between the City of Spartanburg and Bottle Works South, LLC for a Project Located at 729 South Church Street Extension (Second Reading)**

Presenter: Chris Story, City Manager

Councilmember Littlejohn made a motion to approve the ordinance. Councilmember Brown seconded the motion, which carried by a vote of 6 to 1, with Councilmember Salley voting in opposition.

B. To Provide for the Adoption of a City Operating Budget, Its Execution and Effect, for Fiscal Period July 1, 2023 through June 30, 2024 (First Reading)

Presenter: Chris Story, City Manager

Councilmember Littlejohn made a motion to approve the ordinance. Councilmember Smith seconded the motion, which carried unanimously 7 to 0.

C. To Approve the Lease of City Owned Property Located on E. Saint John Street and To Authorize the City Manager to Execute Documents Related Thereto. (First Reading)

Presenter: Chris Story, City Manager

Councilmember Salley made a motion to approve the ordinance. Councilmember Brown Seconded the motion, which carried unanimously 7 to 0.

X. Council Recommendations Related to City Boards and Commissions

Presenter: Christie Lindsey, City Clerk

Council voted on the following appointments:

Airport Advisory Committee-Mayor Pro Tem made a motion to reappoint Charlie Hodge And Chris Pelkey to the Airport Advisory Committee and to appoint Miller Cunningham, Jr. To the Airport Advisory Committee. Councilmember Fulmer seconded the motion, which Carried unanimously 7 to 0.

Accommodations Tax Advisory Committee-Councilmember Brown made a motion to Reappoint Brian Greene, Kristie Smith and Crystal Hendrickson to the Advisory Tax Advisory Committee and to appoint Averie Hopkins to the committee. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.

Bicycle Pedestrian Committee-Councilmember Smith made a motion to reappoint Maddi Currier and Jay Pingley to the Bicycle Pedestrian Committee, Councilmember Brown Seconded the motion, which carried by a vote of 6 to 1, with Mayor Pro Tem Rain voting in opposition.
Additional applicants for this board to be interviewed by committee comprised of Mayor Rice, Councilmember Salley and Councilmember Smith.

Construction Board of Adjustments and Appeals-Councilmember Littlejohn made a Motion to appoint Anthony Minute to the Board, Councilmember Salley seconded the motion Which carried unanimously 7 to 0.

Design Review Board-Councilmember Salley made a motion to reappoint Lauren Rogers And to appoint Alexander Newman to the DRB, Councilmember Brown seconded the motion Which carried unanimously 7 to 0.

Hospitality Tax Committee-Councilmember Smith made a motion to reappoint Melissa Coy and Kate McMullen to the Hospitality Tax Committee, which was seconded by Councilmember Salley, which carried by a vote of 6 to 1, with Mayor Pro Tem Rain voting in opposition.
Additional applicants for this board to be interviewed by committee comprised of Mayor Rice, Councilmember Salley and Councilmember Smith.

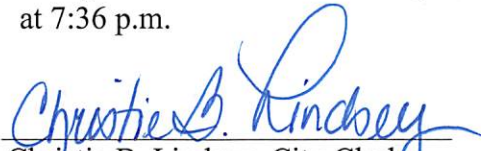
Board of Architectural Design and Historic Review (HARB)-Councilmember Brown Made a motion to reappoint Kenneth Brown and to appoint Tina Wilson, Michael Pittillo And Rod McCants to the HARB Board, Councilmember Littlejohn seconded the motion, Which carried unanimously 7 to 0.

Planning Commission-Applicants for this board to be interviewed by committee Comprised of Mayor Rice, Councilmember Salley and Councilmember Smith.

Public Safety Committee-Councilmember Smith made a motion to reappoint Michael Byers to the Public Safety Committee, Councilmember Fulmer seconded the Motion which carried unanimously 7 to 0.

Storm Water Appeals Board-no applications received for Council action.

- XI. Staff Updates-Mr. Story** gave a brief update about the new Assistant City Manager Recently hired, Kevin Limehouse. He announced a title change for Assistant City Manager, Mitch Kennedy, to Deputy City Manager. Advised Council about upcoming Events to include Red, White and Boom and Picking in the Park at Barnet park.
- XII. City Council Updates-** Each Councilmember gave updates on their activities since the previous council meeting.
- XIII. Executive Session-Councilmember Smith** made a motion to enter into executive session At 6:36 p.m., Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.
- XI11. Adjournment – Mayor Rice** made a motion to adjourn the meeting. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:36 p.m.


Christie B. Lindsey, City Clerk



COUNCIL ACTION FORM

TO: Chris Story
City Manager

FROM: Martin L. Livingston, Jr.
Community Development Director

DATE: July 10, 2023

SUBJECT: **Public Hearing:** AX-23-008-00002 – The Planning Commission has received a request for annexation and zoning designation of property located at 1017 Florida Avenue (TMS: 7-08-09-086.00) currently un-zoned to be assigned a zoning designation of R8-PDD (General Residential District – Planned Development District) to accommodate a mixed-use development on the site. Owner: Stan Gendlin; VanRock Holdings, LLC / Applicant: Jenny Reyes; VanRock Holdings, LLC.

SUMMARY: On **June 15, 2023**, The Planning Commission received a zoning map amendment and annexation request for property located at 1017 Florida Avenue (TMS: 7-08-09-086.00) currently un-zoned to be assigned a zoning designation of R8-PDD (General Residential District – Planned Development District). The zoning request is made to accommodate a mixed-use multi-family development and commercial use. 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 annexation and zoning designation request and the property was posted with a notification regarding the Planning Commission Public Hearing. Staff also held a planning informational meeting on **June 7, 2023**, to provide the public with an opportunity to discuss the proposed rezoning request prior to the planning commission meeting.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission approved the rezoning request at a public hearing on **June 15, 2023**, by a vote of 5 to 0.

ADDITIONAL INFORMATION: Draft minutes of the **June 15, 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 PROVIDE FOR THE ANNEXATION OF THE PROPERTY LOCATED AT 1017 FLORIDA AVENUE, AS WELL AS THAT PORTION OF W. WOOD STREET, DAKOTA STREET AND N. CHURCH STREET ABUTTING SAID PROPERTY IN SPARTANBURG, SC, WHICH IS IDENTIFIED AS PARCEL ID: 7-08-09-086.00, ON THE SPARTANBURG COUNTY TAX MAP, AND FURTHER TO ASSIGN A ZONING DESIGNATION OF R8-PDD, (GENERAL RESIDENTIAL – PLANNED DEVELOPMENT DISTRICT) TO ALL PARCELS ANNEXED FOR ZONING CLASSIFICATION PURPOSES

WHEREAS, the City of Spartanburg (hereinafter the “City”), on, or about, February 21, 2023, received a request for Annexation and Zoning Classification, filed by Jenny Reyes with VanRock Holdings, LLC, 16 Wellington Avenue, Greenville SC 29609, (hereinafter the “Applicant”), requesting that property located at 1017 Florida Avenue, in Spartanburg, SC, further identified as Parcel ID: 7-08-09-086.00 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of R8-PDD (General Residential – Planned Development 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 R8-PDD (General Residential – Planned Development District); and

WHEREAS, City Council finds that it is appropriate to zone the Property, upon annexation, R8-PDD (General Residential – Planned Development 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 R8-PDD (General Residential – Planned Development 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 June 15, 2023, 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 June 15, 2023, 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 Jenny Reyes with VanRock Holdings, LLC, 16 Wellington Avenue, Greenville SC 29609, (hereinafter the “Applicant”), requesting that property located at 1017 Florida Avenue, in Spartanburg, SC, further identified as Parcel ID: 7-08-09-086.00 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of R8-PDD (General Residential – Planned Development District);.

Section 2. Annexation. That the property described as that portion of property located at 1017 Florida Avenue, as well as that portion of W. Wood Street, Dakota Street and N. Church Street abutting said property in Spartanburg, SC, further identified as Parcel ID: 7-08-09-086.00 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 1017 Florida Avenue, as well as that portion of W. Wood Street, Dakota Street and N. Church Street abutting said property in Spartanburg, SC, further identified as Parcel ID: 7-08-09-086.00 on the Spartanburg County Tax Map (hereinafter the “Property”) be annexed to the City of Spartanburg and further to assign a zoning designation of R8-PDD (General Residential – Planned Development District).

Section 4. Zoning Classification. The annexed parcel at that portion of property located 1017 Florida Avenue, as well as that portion of W. Wood Street, Dakota Street and N. Church Street abutting said property in Spartanburg, SC, further identified as Parcel ID: 7-08-09-086.00 on the Spartanburg County Tax Map, is hereby declared annexed to the City of Spartanburg and further to assign a zoning designation of R8-PDD (General Residential – Planned Development 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 _____, 2023.

Jerome Rice, Mayor

ATTEST:

Christie Lindsey, Acting City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)

Planning Commission Meeting Minutes
June 15th, 2023 @ 5:30 PM
City Hall Council Chambers

Board Members Present: Dr. Phillip Stone, Reed Cunningham, Spencer Warwick, Sanitago Mariani and Lekesa Whitner. City Staff Present: Nan Zhou, City Planner I; Tia Keitt, City Planner II, Martin Livingston, Community Development Director; Oksana Holbrooks, Administrative Assistant.

Dr. Stone: Close enough. All right. It is almost 5:30 and it is today is June 15th. No. Yeah, today is June 15th, 2023. And I'm going to call this meeting with the Planning Commission for June 15th, 2023 to order. My name is Phillip Stone, I'm the chair of the Planning Commission and I will preside over these proceedings. Freedom of Information Act compliance, public notification. This meeting has been published, posted, and mailed in accordance with the Freedom of Information Act and the City of Spartanburg Zoning Ordinance. Let the record note that five members of the Commission are present, two are absent, therefore we have a quorum and are able to proceed with the business. And I'm going to ask everyone to say his or her name for the record. Starting with Ms. Whitner.

Rolls

Ms. Whitner: Oh, Lekesa Whitner, commissioner.
Mr. Mariani: Santiago Mariani, commissioner.
Mr. Cunningham: Creed Cunningham, commissioner.
Dr. Stone: Phillip Stone.
Mr. Spencer: Warwick Spencer, commissioner.

Dr. Stone: All right. Do I hear a motion regarding the agenda for tonight's meeting?

Approval of meeting agenda

On a motion by Mr. Spencer seconded by Ms. Whitner, the agenda for the meeting was approved, by a vote of 5 to 0.

Mr. Spencer: So moved.
Ms. Whitner: Second.
Dr. Stone: Moved by Mr. Spencer, seconded by Ms. Whitner to approve the agenda. All in favor say aye.
Attendees: Aye.

Dr. Stone: Any opposed? The agenda is approved. We have minutes from the May 18th, 2023 meeting. Do I hear a motion? Did anybody notice any corrections?

Approval of Meeting Minutes for May 18th, 2023

On a motion by Mr. Spencer seconded by Mr. Wilson, the minutes of the meeting of May 18th, 2023, was approved with corrections by a vote of 5 to 0.

Mr. Spencer: So moved.

Dr. Stone: All right. I heard this Mr. Spencer moved.
Ms. Whitner: Second
Dr. Phillip: Seconded to approve the minutes. All in favor say aye.
Attendees: Aye.

Old Business: None.

New Business:

Dr. Stone: Any opposed? Minutes are approved. We have no old business, so we are on item seven it looks like. New business. We have received a request for Annexation, rezoning designation of property at 1017 Florida Avenue Tax map 7-08-09-086.00, currently unzoned and I guess not actually completely in the city, to be assigned a zoning designation of R-8, PDD, plan development district to accommodate a mixed use development on the site. Ms. Zhou. How are you? Do you swear to tell the truth?

The Planning Commission has received a request for annexation and zoning designation of property located at 1017 Florida Avenue (TMS: 7-08-09-086.00) currently un-zoned to be designated a zone of R-8 - PDD, General Residential District – Planned Development District with a 10% reduction in density to accommodate a mixed-use development on the site. Owner: Stan Gendlin; VanRock Holdings, LLC / Applicant: Jenny Reyes; VanRock Holdings, LLC.

APPLICATION SUMMARY

The project site is an approximately 9.05 acre parcel located at 1017 Florida Avenue near the Spartanburg Regional Medical Campus near N Church Street in an unzoned unincorporated area of Spartanburg County. The site is surrounded by Florida Avenue and Dakota Street to the North, Little Chinquapin Creek to the south, N Church Street to the east, and W Wood Street to the west. Currently the property is unzoned and the applicant has requested approval for annexation and a zoning designation to allow for a mixed use of 86 townhomes and commercial development (restaurant) on the site, creating a dynamic and cohesive community that enhances the surrounding area while meeting the needs of the City's growing population and workforce.

Properties to the north, west, and east are unzoned and are located in the unincorporated areas of the county. Properties to the south near the creek are zoned LOD – Limited Office District and across the street is the Spartanburg Regional healthcare system main campus.

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 N Church Street as a corridor as a General Activity Center. The 2004 Comprehensive Plan states that “Most of the land use issues within the Northern Planning Division concern the accommodation of institutional activities. As the Spartanburg Regional Medical Center, Converse College, and Wofford College have grown over time, they have developed a need to expand. In all three cases, the most likely area for expansion is into a residential neighborhood. Goals included in this Land Use Plan should be balanced. The preservation of existing residential areas and the accommodation of institutions located in the City are both desired. Recommendations thus involve consideration of these competing values. The needs of the institutions are balanced against impacts on the surrounding communities.” Thus, the proposed use for this parcel can be interpreted as consistent with the Comprehensive Plan and the Future Land Use Map with a R-8 PDD, General Residential District – Planned Development District Zoning Request.

The 2022 City of Spartanburg Final Draft Comprehensive Plan lists this portion of North Church Street as the Campus Special District because of the Spartanburg regional Healthcare Campus and the Wofford Campus. According to the draft document “The Campus Special District is assigned to the campuses of Spartanburg Medical Center, Wofford College, VCOM-Carolinas, and Converse College. Because of the large, detached building sizes, buildings that face onto internal greens, extensive parking, and other hospital and college/university characteristics, a unique set of standards are needed for these areas, including minimizing surface parking lots visible from public thoroughfares.” Due to the special nature of these areas it is recommended that large developments limit the impact on the surrounding single-family residential areas.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood** – The present character of the adjacent surrounding properties is primarily single-family residential. Currently there is a metal recycling facility located in the unincorporated area of the neighborhood which is not compatible with the other surrounding residential and institutional uses. The proposed zoning designation of R-8-PDD would be consistent with other adjacent properties and uses while more intensive in use as a mixed use development with office use on the main corridor of N. Church Street.

The zoning ordinance considers R-8 General Residential District as “....districts exist for the protection of areas that have been and are being developed predominately for medium-density single family dwellings but in which two family and multi-family dwellings occur. Accordingly, the use of land and buildings within these areas is limited in general to dwellings at a density of around seven dwellings units per acre and to such nonresidential uses as generally support and harmonize with a medium-density residential 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 property is annexed into the city and the zoning designation approved, the proposed development would require a Site Plan

review. This site plan review process allows City staff and other entities such as Spartanburg water and sewer subdistrict to provide feedback on the proposal development, ensuring that all site requirements are met (sewer, water, stormwater, setbacks, landscaping and buffering, parking, etc.).

Section 507.9 Usable Open Space Requirements further states that “...In residential planned development district zones usable open space shall be provided in whole or in part to any residential use as set forth below and conveniently located to all residents of the planned development district. Such usable open space shall be provided at ground level. Thus, for R-8 PDD – Usable open space of not less than one thousand (1,000) square feet per dwelling unit or seven hundred fifty (750) square feet per dwelling unit for infill development projects.

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 annexation and zoning change for the proposed residential mixed-use development. The proposed zoning change will allow for substandard residential structures on the property to be demolished and developed into a coordinated 86 townhomes featuring both two-and three-story designs with 1 and 2 car garage providing convenient and secure parking options for residents.

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 annexed and assign a zoning designation of R-8, PDD, (General Residential District – Planned Development District) with 10% reduction in density. 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 63 Notices were sent to property owners of which 5 were mailed certified mail. A Planning Informational meeting was held on Wednesday, June 7, 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, July 10, 2023. If the matter receives first reading approval, it will then go before the City Council for a Second and Final Reading on Monday, July 24, 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 June 15th, 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. If the application of annexation and zoning is approved at the Planning Commission and City Council, the applicant will be required to provide a Final Development Plan **within six-months** approval. The applicant may also request a six-month extension to allow time to complete the Final Development Plan.

Ms. Zhou: Yes, I swear. Good evening, board member. My name is Nan Zhou and I work with the city Planning Department. So tonight I'm presenting this annexation and zoning designation request for 1017 Florida Avenue for a misuse of development. And today is June the 15th. So I wanted to mention that in the letter of public notice, we state that the for zoning designation of R-8, PDD, but when I wrote the letter, because I saw the request is R-6, PDD, but staff still recommend R-8, PDD. So thereafter, just to change the R-6, PDD, in the staff report to R-8, PDD. So let's go over the PowerPoint. So we scheduled a planning information meeting on Wednesday, June the 7th, 2023 at 5:30 PM and today is the planning commission meeting, which is Thursday, June 15th in 2023, 5:30 PM. So the next two meetings will be city council.

First the reading scheduled on July 10th, 2023, 5:30 PM and then the second meeting for July 24th, 2023, 5:30 PM. So again, this was brought up to the planning commission back in March or April. So the reason they brought up back again is because the design has changed. Previously they wanted to design that as apartments, but right now they changed the plan to 86 town homes. So what they were requesting is they wanted to annexation, annex this land... Sorry, they wanted to annex this piece of land into the city and then give it a zoning designation to allow for a mixed use of 86 town homes in a commercial development on the site, creating a dynamic and a cohesive community that enhances the surrounding area while meeting the needs of the city's growing population in the workforce.

So we are looking at five criteria to make a determination about this request. The first one is consistency or lack thereof with the comprehensive plan. So we first look at the 2004

comprehensive plan future land use map. So this map has this portion of the North Church Street as a corridor, as a general activity center. So this is where that piece of property is that being requested right here. The 2004 comprehensive plan states that most of the land use issues within the Northern Planning Division concern the accommodation of institutional activities. As the Spartanburg Regional Medical Center, Commerce College, and Wofford College have grown over time, they have developed a need to expand. In all three cases, the most likely area for extension is into a residential neighborhood. Those included in this land use plan should be balanced. The preservation of existing residential areas and the recommendation of institutions located in the city are both desired.

Recommendations that involve consideration of these competing values, the needs of the institutions are balanced against the impacts on the surrounding communities. Therefore, the proposed use for this parcel can be integrated as consistent with the comprehensive plan and the future land use map with a R-8, PDD, General Residential District, Planned Development District zoning request. So later, earlier last year, we have our 2022 sales of Spartanburg final draft comprehensive plan. So within this plan, this portion of North Church Street, see it's right here... As the campus special district because of this Farmborough Regional Healthcare Campus and the Lawford Campus. According to the draft document, the campus special district is assigned to the campuses of Spartanburg Medical Center, Wofford College, VCOM Carolinas, and the Commerce College. Because of the large detached building sizes, building that face onto internal grains, extensive parking in other hospital and college or university characteristics, a unique set of standards are needed for these areas, including minimizing service parking lots invisible from public thoroughfares.

Due to the special nature of these areas, it is recommended that a large development limit the impact on the surrounding single family residential, residential areas. And then the second, well let me go, the second criteria we are looking at is the compatibility with the present zoning and the conforming uses of nearby property and with the character of the neighborhood. So if you look at the zoning map of the surrounding areas, so this site is surrounded by LLD, R-8, and here and B-1 here and institutional pieces here. So the present character of the adjacent surrounding properties is primarily single family residential. Currently, there is a metal recycling facility located in the unincorporated area, which is this area. Located in the unincorporated area of the neighborhood, which is not compatible with the other surrounding residential and institutional uses. The proposed zoning designation of R-8, PDD, would be consistent with other adjacent properties and uses while more intensive in use as a misuse development with office views on the main corridor of North Church Street.

I'm going to skip the next definition because this definition is to change to R-8, not R-6. And the third criteria is the suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment. So if the property is annexed into the city and the zoning designation approved, that the proposed development would require a site plan review. The site plan review process allows city staff and other entities such as Spartanburg Water and sewer sub-district to provide feedback on the proposal development ensuring that all site requirements are met. So for example, the storm water setbacks landscape and the buffering parking section. In the further section 507.9, usable open space requirements states that in residential planned development district zones, usable open space shall be provided in whole or in part to any residential use as set forth below and conveniently located to all residents of the

planning development district. So based on the requirement, it requires certain square foot for the zoning designation that is being requested.

And the next criteria is 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. For this one, the marketability of the property will likely increase with the annexation and zoning change for the proposed residential mixed use development. The proposed zoning change will allow for substandard residential structures on the property to be demolished and developed into a coordinated 86 town homes featuring both two and a three-story designs with one and two car garage, providing convenient and secure parking options for residence.

And the last one is availability of sewer water and the storm water facilities generally suitable and adequate for the proposed use. So both the water and the 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, waters, streets and stormwater for compliance with the applicable regulations. The applicant is required to submit an application for site plan review. So let me go through. So this is the latest of design. If you recall last time that there are parking decks and large apartment complexes. So they changed that to 80, 86 town homes with a street going through.

So this is the aerial photo of the site. This is the zoning map, currently is un-zoned and it is not in the city. This is the 2004 plan. This is the roof map, which is the one over. So this is some site photos that is currently there. So based on the above analysis, staff recommends that should the Planning Commission approve this request that the property be annexed and assigned a zoning designation of R-8, PDD, General Residential District Planning Development District, the zoning designation will be conflicting to the existing land use pattern and users.

Also staff missed the information meeting. Sorry, because we don't know whether there was people who come but we didn't receive any phone calls from this request. So for this request we sent out a letter within 400 ft of the subject of properties. So a total of 63 notices were sent out to property owners, of which five were mailed certified mail. So if under this state law, if the Planning Commission recommends approval of this application, staff will schedule the matter for another public hearing in a first reading of ordinance by city council on July the 10th, 2023. If the matter receives a first reading approval then it will go before the city council for a second and final reading on Monday, July 24th, 2023. The public hearings will be publicly noticed.

If the funding commission recommends against this application, the negative recommendation will be forwarded to the city council, in this case a probably hearing before the city council will be conducted. Only if the applicant submits a written request within the two-week period following the final commission action. So on today, June 15th, the Planning Commission may act to support or oppose the application with or without changes to the proposal. And I do wanted to mention that if the application of annexation and zoning is approved at the Planning Commission and the City Council, the applicant will be required to provide a final development plan within six months approval. The applicant may also request a six-month extension to allow time to complete the final development plan. Thank you.

Dr. Stone: Does anyone have questions for Ms. Zhou at this point?

Ms. Zhou: So the commercial use will be residential.

Dr. Stone: Okay.

Ms. Zhou: Yeah, if you look at this. So this will be a resident.

Dr. Stone: Okay. Is that allowed in an R-8, PDD? Okay, I'm seeing nods of yes for the record.

Mr. Spencer: So I do have a question.

Dr. Stone: Yes.

Mr. Spencer: When this came before us before and there was a public information meeting, I don't recall how it was received there and what feedback you got on the previous apartment concept. Do you recall?

Ms. Zhou: Previously there were some residents who concerned about the recycling business that is across the street and whether their property value will be impacted and Mr. Bill, he's concerned about his property, whether his property will be annexed and how long are the sidewalks. That's the concern for the previous meeting.

Mr. Spencer: And Mr. Bill, if I'm pronouncing it correctly, has the carve out in the top right corner of that display?

Ms Zhou: Yeah, his property is right here.

Dr. Stone: I think he's here.

Mr. Spencer: Okay. And one other question, I noticed in number three under the analysis of required findings there is some mention of Spartanburg Water and sewers sub-district providing feedback. Will the DOT be providing any feedback here on the traffic patterns or anything that may be impacted by this?

Ms. Zhou: I believe if they decided to submit a site plan, as yet there is not formal site plan. So if DOT require a traffic study then they will submit a traffic study.

Mr. Spencer: Good. The thought just came to me as I was waiting in a long line of traffic while an accident backed up a major artery recently in the city and just occurred to me that it might be helpful if they weighed in on some of these things before the development occurred rather than after. Just a thought. Thank you.

Dr. Stone: Any other questions?

Mr. Cunningham: No.

Dr. Stone: We'll have a chance again if anyone has wanted to say, so if anything comes to mind. If not, I will offer the developer, the petitioner a chance to come forward and speak. And I'll ask you to state your name for the record and I will swear you in.

Mr. De Bruin: Brian De Bruin.

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

Mr. De Bruin: I do.

Dr. Stone: Thank you sir.

Mr. De Bruin: I appreciate everybody for taking the time to listen to us again. Staff had mentioned that we had changed this since the last time we're here and that is true. Unfortunately costs haven't really come down when it comes to multifamily. As much as we would love to develop that multifamily site, infrastructure costs, parking structure made it a little bit unfeasible. This project is similar to a couple of other projects we're currently developing throughout Spartanburg and Greenville County, sort of fits in with a pretty good understanding of what that cost looks like, which is why we made the change. So the net changes is less density, I think depending on where you are on that. For us it's a little bit more manageable in site and in an environment where costs are pretty volatile.

Dr. Stone: Does anyone have a question?

Mr. Mariani: I saw in the package that there is a possibility perhaps in the future for renters to own the units. Can you say a little bit more about that?

Mr. De Bruin: Yeah, and I appreciate you asking that. The plan is to design them in such a way that they would meet city ordinance and code as far as right of way and roads. So that if there's a possibility in the future for these to become a few simple lots that we could do so. In the past, if you think of heavy density, we have the back alley accessing a town, it becomes really difficult for city to maintain that and it becomes an issue as can you ever sell those lots? So our plan is we have enough acreage that we're exploring it at this point in time to meet city right of way infrastructure requirements as far as setbacks as well. Initially this will be a hundred percent rental community but some of our other communities it seems that hopefully in the future those become ownership as well.

Mr. Spencer: I did have one question, Mr. Chairman, for Mr. De Bruin. Does the R-8 designation versus the R-6 designation cause you any concerns or heartburn in any way?

Mr. De Bruin: To be honest, I'm not aware of the differences right now. My thinking is that it might have just been a typo and that some of the... Making sure that the commercial use fits when we come in, we don't want to have to come back and do this again. Because density, I think this is a pretty light density, all things consider for a city site. But just making sure that commercial, I think, speaking in terms, I assume that that's probably just a typo.

Dr. Stone: Yeah, I do want to make sure we give you what you really need because we don't want to have to do this a third time.

Mr. De Bruin: Sure.

Dr. Stone: And delay you another month or two months on anything. And I would also say even if we recommend it to city council at R-8, PDD, that could change at city council. City council could change what we recommend, honestly. So I think you would get another bite at that apple without having to come back to us because I've seen that happen. I think, and I probably ought to let the professional planner answer this, the R-8 versus R-6 is just a matter of lot size and density and what's allowable. I'm happy to offer to recommend whatever it is you need to make this work myself. Any other questions?

Mr. Spencer: No, it's exciting.

Dr. Stone: Oh, I agree.

Mr. Mariani: No pool this time?

Mr. De Bruin: I'm sorry.

Mr. Mariani: No pool this time for this design?

Mr. De Bruin: No, unfortunately not as well. But individual parking garage rather than shared parking garage I think is a nice amenity. Especially as much as people spend on self-storage.

Dr. Stone: Sure. No I think in some ways this, there's some positives to this plan, I think.

Sometimes I've heard the expression forward fumble. It may be that.

Mr. De Bruin: I'll take that.

Dr. Stone: Being able to sell individual lots and I have some questions about that that I'm probably going to end up asking him. But yeah, I think... And I see detention ponds back there it looks like. Is that... What is that?

Mr. De Bruin: So the green is the detention pond and then-

Dr. Stone: The blue is...

Mr. De Bruin: It's the actual wetlands delineated there and then the gray is the proposed walking path.

Dr. Stone: Okay. You have to have a repairing buffer down there in around the wetlands.

Dr. Stone: Yeah, that's probably a site plan review question as well. Are there other questions? All things considered, if you get our approval and counsel annexes and approves this, how long do you think, what's your timeframe?

Mr. De Bruin: I would like to mobilize, if we were approved today, in three months we would be on site with permits in hand. So we have this one and then will be back here in a couple months, hopefully another one in the city.

Dr. Stone: Good.

Mr. De Bruin: So those two I think would be nice.

Dr. Stone: And we love having people who want to be in the city and so I appreciate your interest in developing a plot in the city.

Mr. De Bruin: Absolutely.

Dr. Stone: All right, let's see. I think at this point we can have a public hearing and so the way this works, if we will open this to a public comment, anyone has the right to come up and speak for three, five minutes. Tell us what you think about this project, whether you're in favor of it or against it. We'll ask you to state your name and address and I believe there's a sign-in sheet there for the record. So we will have that in our record. So I'm going to declare the public hearing open so anyone is welcome to come speak.

Mr. Dillard: Hello sir.

Dr. Stone: Hello sir.

Mr. Dillard: I am Bill Dillard. I would like to testify.

Dr. Stone: You don't have to swear. Public comment is not sworn testimony.

Mr. Dillard: All Right. I understand that the majority of the street that's running out Florida Avenue is going to be on my side. My question to you is if I'm paying taxes on the entire road, how come it's not split? Equal width on each side of the road?

Dr. Stone: I don't understand your question.

Mr. Dillard: My question. Well I thought I made it simple. I'm sorry. I live in the house, on Florida. All right, I understand that they're going to be taking part of the yard to get what they need, road wise.

Dr. Stone: Yeah, I can see that.

Mr. Dillard: And my question to you, they're going to be using the entire street which is fine and I'm always glad to see the government, county, to see whatever... But the majority according to these prints is going to get on my front. So my question is real simple. If I'm paying taxes on the entire road, which I am, how come the road's not split where the party on the opposite side will take as much as I take?

Dr. Stone: Let's make a note of that question and I will get Mr. Livingston to answer it when we come out of public comment. We'll work on this question in a minute because I want to make sure we all understand this. If-

Mr. Cunningham: Are you referring to the frontage of your property on the-

Mr. Dillard: Front of the property.

Dr. Stone: That's what I was thinking too. I know the last time you talked you wanted them to build a sidewalk in front of your house.

Mr. Dillard: Yes sir.

Dr. Stone: I don't know if this does that.

Mr. Dillard: Well if you don't that's fine. I don't have a problem either way. But when you go cutting my... I'm on the elevation. 11 foot 9 inches from the front of my house to where the elevation starts. We got about a nine-foot six elevation that goes up then it levels out to about 18 inches. You really don't have a 20-foot street across that.

Dr. Stone: What I'm assuming, and again we'll let the proper people respond to this, is they can't just build a sidewalk on your property. If they're building anything, they're building it in the public right of way.

Mr. Dillard: Well I'm going to cooperate.

Dr. Stone: I understand that and I don't want them... I don't think they're going to plant, put something on your property without either acquiring it from you or getting some kind of easement. And I see Mr. Livingston nodding.

Mr. Dillard: This gentleman, Martin, he's been very nice here in explaining some of the details. I was an inspector of Spartanburg County for about 20 years and I was a project manager for Florida Bank prior to going to the county. So I'm going to be talking with Martin I hope later on to get a complete setbacks from property line. Two sides of the river. The city is going to be involved in the front side.

Dr. Stone: As I understand it, the city is not annexing the street in front of your house.

Mr. Dillard: That's correct.

Dr. Stone: And so if they're doing a sidewalk, somebody's doing it out of... Either the developer's going to do that or... But I suspect the city can't do is build a sidewalk on something that it's not-

Mr. Dillard: I understand. What I'm referring to is your setback according to the prints that I have, according to prints are 15 feet from the house out. The city has to have that much clearance. Well I've only got nine foot six and then I start up a mountain, I roll an elevation of about a 9 in 12 pitch going up. So if that is widened out to get this 20 foot road or street, whatever you prefer to call, it's widened out then it's going to come on out here in my yard where the elevation is.

Ms Zhou: I think probably he's referring to, I think he probably is referring to his house sitting lower while the surrounding property is elevated so that any water or run-off will go into his property.

Mr. Dillard: I get... Didn't mean to interrupt you. I'm getting enough water as it is from the opposite side because of the scrap yard and when those trucks coming in loading it, I found all kinds of trash. It's had a tendency to loose the compaction up under the pavement. Now my water meter where I cut my water off and anything if I have a problem, it's done moved down about one foot six. So as most trucks come around this curve, loaded down, it has a tendency to shift the compaction over a period of time, which is already... Its time factor is already started. So that means, what that does is the crown of the road is coming my way according to my transit, my elevations. And I'm not here to raise a fuss, so please don't misunderstand it. I just got some problems that needs to be addressed.

Dr. Stone: And our problem is that scrap yard is not in the city and probably wouldn't even be allowed in the city and the street's not in the city. And so this body here, or Mr. Livingston for that matter, probably has no jurisdiction to do a whole lot to help it.

Mr. Dillard: I understand. But if you attach the street my way, even though that'll be in the city, but yet you got road in the city, you got road in the county.

Dr. Stone: Well I don't know if the road in front of your house is going to be in the city.

Mr. Dillard: Well I'm just going with what I was told.

Dr. Stone: And we're going to have to ask that question because it's a little bit hard to annex that if it's not adjacent. Any other comments?

Mr. Dillard: Well yes.

Dr. Stone: All right.

Mr. Dillard: Talking about the road, primarily the width and if he has to build these, so many spaces, so many apartments here, they're going to be people going in and out both ways are coming in both ways. So they're not going to have enough road there to have that scrap yard plus the people that's going to lease perhaps-

Mr. Dillard: I hope so.

Dr. Stone: Mr. Livingston, pull back out just a little bit. The exited entrance to this is on... Is that Westwood Street and what's the other side street?

Mr. Livingston: It's Dakota.

Dr. Stone: Dakota. So-

Mr. Livingston: East from Florida. But their access would be off the private road.

Dr. Stone: So we're not adding traffic to Florida?

Mr. Livingston: Not according to this.

Dr. Stone: Not according to this. Okay.

Mr. Dillard: Well there'll be a traffic to come to Florida off of Highway 9.

Mr. Cunningham: But the entrance to the development will be at two areas you just referenced and not from Florida. Is that correct?

Mr. Dillard: But you got a direct line that is coming from Highway 9 up Florida around the curve out to the scrap yard, which we are on the right-hand side. Describe that reality. It's not supposed to be there. In fact, it's there because the federal law states that it's got to be a thousand feet away from any residential piece of property that is presently occupied.

Dr. Stone: Okay.

Mr. Dillard: Now I got one other question.

Dr. Stone: Okay.

Mr. Dillard: The integrated dumpster.

Mr. Spencer: I'm sorry, the what?

Dr. Stone: Are they going to have a dumpster?

Mr. Dillard: It's on foot prints.

Mr. Livingston: Not on these.

Dr. Stone: Not on these because if they... We'll ask about that because if it's a town home they might actually get some other... We'll ask about it.

Mr. Dillard: Well I appreciate it.

Mr. Livingston: The previous plan had an entry point I believe from Florida.

Dr. Stone: I believe that's correct.

Mr. Livingston: So maybe that's causing the confusion whereas the new one doesn't. So when we had apartments back in the last plan there was had some kind of midpoint with Florida and entrance.

Dr. Stone: There's the plan right now.

Mr. Dillard: I understand, I have fix that so. I'm not against the city. Let me clarify the records. The reason I primarily didn't sell the house, I don't mind telling you, she's had five hips put in the same

leg. Almost lost her life on Friday night. May have a Spartanburg Regional man here, I don't know. But the fact of the matter is, it was pathetic, it was poor surgery. Now she has lost 60% of her daily routine. No walking. 13... She asked to push, she's on her 13th and I would've sold but the fact of the matter is she needs to be close to the hospital. She was in the hospital last week and going to another doctor again Monday 10:15.

Dr. Stone: Look, I remember. We understand from the previous meeting that you want to be close to the hospital.

Mr. Dillard: Yes sir. In reality I'd like to get away from the scrap yard. I asked permission to do the inspections on it and I was turned down. The federal law says it's got to be 1000 feet away from a residential piece of property. Now how you got in there? Well you figure it out.

Mr. Spencer: Thank you.

Mr. Dillard: Trouble at night, midnight loading, hauling out, Saturdays part-time, pictures falling off your wall, water taking your driveway away. Well this is my one time to speak with representing counsel here and I've got some photographs if you'd like to see them. I'd be happy for you to take a look at, show you what I'm confronting even though it's county. But if I don't get enough, all probability I have a sole prints on the fence. Like middle of the road, they put curved gutter out there.

Mr. Spencer: Thank you.

Dr. Stone: Thank you sir.

Mr. Dillard: Thank you sir.

Mr. Spencer: We appreciate it.

Mr. Dillard: Good to see all of you. It's not over until it's over.

Dr. Stone: Does anyone else wish to offer public comment? Going once, going twice.

Mr. Spencer: Mr. Chairman, I move that the public comment portion of the meeting be closed.

Ms. Whitner: Second.

Dr. Stone: Moved by Mr. Spencer. Seconded by Ms. Whitner, to close public comment. All in favor say aye.

Attendees: Aye.

Dr. Stone: Any opposed? All right. I think we might have some questions for Mr. Livingston or Ms. Zhou. So what is, or it may... And this actually may be for the developer as well. Garbage collection, as town homes, will the city do this or will-

Mr. Livingston: Yes.

Dr. Stone: The city will be the garbage collecting?

Mr. Livingston: It'll be individual cans, provided by the sanitation department for the city. They'll pick up on city streets.

Dr. Stone: Okay.

Mr. Livingston: They'll pick up on Florida Avenue and New Street. They'll not pick up on the back alley, private street that's running behind those houses on Florida Ave.

Dr. Stone: Yes sir.

Mr. Cunningham: Along those lines, can you clarify for me in this annexation effort, whether the frontage or the street referred to as Florida will become part of the city?

Mr. Livingston: Yes. Florida Avenue will become part of the city. The question that is unanswered is whether the Florida Avenue in front of Mr. Dillard's house would become part of the city. So that's a question we need to approach with the Public Works Director, the streets and stormwater manager. We can talk to him about sidewalks in front of Mr. Dillard's house, curbing the gutters in front of the house. That's who we have a conversation with.

Mr. Cunningham: Technically it would begin at the property line of the development and stop at the corner prior to this gentleman's home?

Mr. Livingston: Yes. So sidewalks are required all along here and all along here.

Mr. Cunningham: Okay.

Mr. Livingston: I think there's sidewalks here. New sidewalk there. Sidewalks will need to be in on this street as well, all along here. Those are all city streets where sidewalks will be.

Mr. Cunningham: Tell me the definition of the city street and does it go across the crown of the road requiring sidewalks on the other side?

Mr. Livingston: It does not require sidewalks on the other side from what I understand. As the city streets, we typically take the entire street, the entire width of the street. So the street will need to be widened. Florida Avenue will need to be widened to meet the city standards according to the previous city engineer, which is now Jay Squires.

Mr. Cunningham: And the widening will be done equally?

Mr. Livingston: Typically it is done equally, yes.

Dr. Stone: Now the question that he had about setbacks, setbacks is more for new construction. So if somebody's currently existing, it's not like they would have to do anything to meet any setback requirement.

Mr. Livingston: So let me rethink that. The street widening typically is on... I'll need to check with Jay, but I think it's typically on the side where the properties are making improvements.

Dr. Stone: Okay.

Mr. Livingston: So they'll be making the improvements on their side of the property.

Dr. Stone: Okay.

Mr. Livingston: So going back to your question-

Mr. Cunningham: So if it's 15, it needs to go to 20, the five incremental will come towards the development not 50 from the north side and 50% from south.

Mr. Livingston: And it would also depend on how wide that right of way is. And I think there's some room for on the other side to widen the street. I think there's some room there based on what

I'm seeing in the drawings and the street layouts. But again, that will need to be worked out during a site plan review and we would have a conversation with Mr. Dillard as well once we have a response from Jay Squires. And that's the question.

Dr. Stone: I don't know what it was. Oh, well since he's in the county, setbacks are kind of not really an issue but...

Mr. Livingston: That is correct. Typically, with setbacks the PDD requirements require you to take a look at adjacent properties setbacks.

Dr. Stone: Okay.

Mr. Livingston: And there are no setbacks related to un-zoned properties. So the developers have a 15-foot setback around this area, which should be landscaped. They can't put a fence along here and then landscape all along here. Landscape plan will be required.

Dr. Stone: This might be a question for the developer, but the houses that are on the Florida Avenue side, are those going to front on the Florida Avenue and would have curb cuts on that side or are they going to front on that new street that's running through the property.

Mr. Livingston: So they're fronting on Florida Avenue where garage access to the rear.

Dr. Stone: Okay. So that's kind of a nice, almost kind of an urban design then. The question I had, another question I had for you about... This may be a Bob Coler question honestly, but developing this as a one owner plot property, is it going to be possible to sell those individual plots at a later point? And is that going to fit in with the zoning classification?

Mr. Livingston: Yes, it meets the PDD requirements either way.

Dr. Stone: Okay.

Mr. Livingston: If it's single family or multifamily. Whether it's single family or multifamily zoning requirements they have, I did check the PDD requirements and wrote down a couple things that you need to be aware of Planning Commission.

Dr. Stone: All right.

Mr. Livingston: But it does fit for a single family as well as for multifamily apartments.

Dr. Stone: And-

Mr. Livingston: PDD typically do not make a distinction.

Dr. Stone: All right. And R-8, the staff's professional opinion is R-8 is suitable and will do what they need it to do.

Mr. Livingston: Yes. If you take a look at their design, it says that their minimum to... A couple of things in the PDD they requested R-6, but they also requested a density bonus so their number of the lots per unit is 4,500 square feet.

Dr. Stone: Okay.

Mr. Livingston: So the R-8 is 5,000 square feet per unit.

Dr. Stone: Okay.

Mr. Livingston: The density bonus brings it down to 4,500 square feet.

Dr. Stone: I was actually... I'm glad, I have this underlined to ask. In the letter we kind of requested 10% density reduction for the project. Is that granted at staff level or?

Mr. Livingston: That is granted at the planning commission and they're allowed to have it per section 507.71. In order to attract developers to utilize this section, the applicant may be eligible for 10% density reduction upon application for PDD zone change. So that is before you today.

Dr. Stone: So we need to make sure that that's incorporated in what we approve.

Dr. Stone: Does staff have any objection to that?

Mr. Livingston: No objection.

Dr. Stone: I honestly don't know the difference.

Dr. Stone: And that would be a question for all of us. Is there any reason not to do that from our perspective? I would think that there would be none. None for me.

Mr. Mariani: Out of curiosity, what is the planned use for, there's an empty space between the town home, the middle row of town homes, between that and the top street. Is that just going to be green space or... That space right there?

Mr. Livingston: Green space is required in the requirements and landscape planning is required for setback. Required. One of the amenities on the site is a walking trail. Hopefully long term will connect to the Dan if it gets there.

Ms. Whitner: If there's a dog park there.

Mr. Livingston: I don't think so. One other point about the PDD, our PDD requirements include non-residential uses are allowed in residential areas. Our PDD requires that it be designated for the residents of the development.

Dr. Stone: Okay.

Mr. Livingston: However, the location of this restaurant is on the main Church Street which will attract residents beyond just the site itself. And they're requesting that that be allowed and staff has no objections.

Dr. Stone: So does that... This is going to be a complicated motion?

Mr. Spencer: Yes it is.

Dr. Stone: I don't even know if somebody might need to write it down. So it needs to... So if we want to allow them to have a restaurant that is open beyond the use of the 86 town hall units, which obviously we do, that needs to be somehow noted in our record that that's okay by us.

Mr. Livingston: And that is according to section 507.62. And it says here restaurants not of the drive-in types. But that's going to be located in the main area and it's not going to be on any residential street.

Dr. Stone: Right.

Mr. Livingston: Staff does not have any objections to doing so.

Dr. Stone: I mean I think that's a win-win for me. I mean again, an extra dining option on that corridor can serve a lot of areas. Like I said, as long as it's not a drive-in.

Mr. Livingston: A couple other comments regarding Mr. Dillard's questions about the... Again, staff's comments and concerns have been the metal scrap yard across the street. It's going to be a challenge.

Dr. Stone: Yeah.

Mr. Livingston: It's going to be a challenge from a noise standpoint and we don't really know how to address that yet. So we might get answers during the site plan review process and there may need to be some noise mitigation. But again that's going to be on the developer to make that determination, if we need to make any noise mitigation for buildings facing the metal scrap.

Dr. Stone: What would that involve? That'd either different kind of glass in the windows or tree-

Mr. Livingston: Sheet rock.

Dr. Stone: Okay.

Mr. Livingston: Because it's pretty loud. And then the street is pretty substandard as Mr. Dillard mentioned, and that will need to be addressed. We need to figure that out and have more conversations with our streets and stormwater manager, Mr. Jay Squires.

Mr. Cunningham: Might I understand if-

Dr. Stone: Any other questions.

Mr. Cunningham: Might I understand if this scrap yard process facility, or whatever it's called, is out of compliance within the statute is the county's issue and how do we advise the county?

Mr. Livingston: I don't know what we can do on our end to make the Planning Department there aware of the issues and the concerns. During this site plan review process, we could have a conversation with the Planning Department and air out the concerns. We could do that as an option. But I'd like to get more information from our streets and stormwater manager regarding the streets and building official. And then the streets and storm water manager is also in contact with the head on a regular basis. So you might be able to provide some additional information.

Mr. Cunningham: Yeah, I think such a facility and its operating practices is detrimental to us as the city expanding and growing for attracting investment. There should be some avenue where we can at least raise...

Mr. Spencer: Mr. Chairman, I do have a question for Mr. Livingston. Is there an exact description of the request which we would need to move for approval today that incorporates all of the fine changes that have, have been made and the finer points that you've discussed with regard to the restaurant and the absence of any objections there? And this 10% density waiver thing, is that written down anywhere or-

Mr. Livingston: Yes.

Mr. Spencer: Or could someone do that?

Mr. Livingston: There is nothing written down, not that I can point to. What I would recommend is a motion to approve the R-8 zoning annexation and R-8 zoning designation with a 10% density reduction and a restaurant use beyond existing residential current residents.

Dr. Stone: Restaurant. Say that last thing again? Restaurant...

Mr. Livingston: Existing use of a restaurant with uses-

Dr. Stone: Availability beyond-

Mr. Livingston: Availability beyond current residents or proposed residents.

Mr. Spencer: And would you describe that as a restaurant use exemption beyond the normal restrictions?

Ms. Whitner: Or can it come back later as a drive-in?

Mr. Livingston: No, it couldn't come back later as a dry cleaner, and it could come back as one of these uses that identifies here.

Mr. Spencer: That would be on the normal restrictions.

Dr. Stone: That would potentially need Planning Commission approval if it warranted some alternate use.

Mr. Livingston: Yeah, if there was an alternate use that would be listed here, then yes, we'd have to come back to the Planning Commission. And the development of the building itself may have to come back before the Planning Commission because we don't have a final design for that building yet. But I'm not sure it's going to be done when the residential site plan comes back before you.

Dr. Stone: Gotcha.

Mr. Spencer: So just to restate it, Mr. Chairman, if I understood Martin. So what the staff and you would ask us to do is to move that the request for R-8 zoning and annexation with a 10% density reduction and a restaurant use exemption beyond the normal restrictions placed upon an R-8, PDD restaurant use be granted?

Dr. Stone: And when you say that first R-8, PDD, I said we'd have some other questions too.

Ms. Cunningham: Pertaining to the restaurant. Is the restaurant going to be under the management or direction of the current developer or owner.

Mr. Livingston: So I don't know if it's going to be under the management of the current developer. That's a question you should them..

Mr. De Bruin: We'll manage the building, but we wouldn't manage the restaurant. We would lease it out.

Dr. Stone: Any other questions for anybody?

Ms. Whitner: So it is going to be a one side building, not like suites within that space?

Mr. Livingston: From the Builders, that's my understanding. But again, that hasn't come back before you at this time.

Ms. Whitner: Right.

Dr. Stone: And Mr. De Bruin, I didn't give you an option to respond to anything that you'd heard, but you get a chance to follow up with anything if you have any other comments.

Mr. De Bruin: No. No comments.

Dr. Stone: Okay. Any other questions for staff? At which point we are in board deliberation, which we have already, I think, probably been doing a little bit, but that's the way it happens sometimes.

Ms. Whitner: No, I'm excited to see the additional retail space, entrepreneurship. That's what we need.

Dr. Stone: Yep.

Mr. Mariani: Additionally, the prospect of people being able to own properties I think is a major improvement from last planned yield for this, which was already admirable considering the

topology. So that old building to become a restaurant, to have that going and be replaced by something that can be put to use to the community will only bring good.

Dr. Stone: I mean for me it ticks all of my... It's taxable investment in the city. More properties, more people in the city. I also thought the last plan was good. I think this is in some ways better, even if it is less dense. And I am generally on our corridor as a proponent of density. I think this is, it's still denser than what's there. So I'm all right with it. I think any other issues that are involving the neighboring areas can be resolved in the site plan review.

Mr. Spencer: Mr. Chairman, I agree. I appreciate hearing the public comment about the challenges and the surrounding neighborhood and it's helpful to all of us, particularly the staff so that we can begin to work with the county on some of those issues. But it's an exciting opportunity.

Dr. Stone: Do you want to say anything or do you-

Ms. Cunningham: It's a great area for investment development and annexation in the city is possible.

Dr. Stone: So I'm going to let Mr. Spencer make a motion, I think, since I think he wrote it down.

On a motion by Mr. Spencer seconded by Mr. Mariani, Annexation and Rezoning with 10% density bonus and a restaurant exemption as outlined was approved by a vote of 5 to 0

Mr. Spencer: Well, thank you Mr. Chairman. I'll give it my best effort. I move that the application for annexation and zoning designation of property located at 1017 Florida Avenue, currently unzoned, to be designated a zone of R-8, PDD with a 10% density reduction and a restaurant use exemption beyond the normal restrictions upon a restaurant use in an R-8, PDD.

Dr. Stone: Do I hear a second?

Mr. Mariani: Second.

Dr. Stone: Moved by Mr. Spencer. Seconded by Mr. Mariani, and I am not going to try to recite that, but R-8, PDD annexation with a 10% density bonus and a restaurant exemption as outlined in that motion. All in favor of the annexation and the rezoning request, say aye.

Attendees Aye.

Dr. Stone: Any opposed? And it is done and it will go to City Council on July 10th for first reading and another public hearing before City Council. Thank you very much. All right, let me find where we are next. So site and landscape plans approved since the May 18th meeting. We have site plan approval of the Whataburger on W O Ezell Boulevard. Anything else from staff?

Dr. Stone: You have a... Yeah, so we'll hear about those later.

Ms. Zhou: We'll hear another or one of our offices.

Dr. Stone: On the east side.

Mr. Cunningham: I am pleased to hear that Whataburger franchise from Texas is finally here.

Dr. Stone: All right.

Mr. Spencer: Maybe we'll get a Bucky's next.

Dr. Stone: I went to my first Bucky's last Wednesday in Big Flo, in Florence, and I spent \$45 in there on what is next to nothing. Buying a t-shirt and a bunch of snacks because I don't know when I'll ever go back to one.

Mr. Spencer: And the restaurants are really phenomenal. I mean, the restrooms. Aren't they? Something.

Dr. Stone: It was quite amazing. We'll sort of be in standing recess here for a second while Mr. Livingston does some business.

Mr. Cunningham: They also have barbecue .

Mr. Spencer: It's delicious.

Mr. Spencer: It's really incredible.

Dr. Stone: All right. Back in session on item nine, city council update since May 18th. It says none, but I will add that at the three hour and 22 minutes City Council meeting on Monday night, they did approve the rezonings request at first reading, we sent them for Hatcher Gardens and for the counseling practice on Oakland Avenue.

Mr. Livingston: I believe those were both approved.

Dr. Stone: And two items that our sister board, the Board of Architectural Design and Historic Review sent to them were carried over for another meeting because it was a long meeting. And anything else from city council?

Mr. Livingston: I don't remember anything else.

Mr. Spencer: Are we getting together anytime soon to turn that draft into a final?

Dr. Stone: I see comp plan as well. And I also see that apparently we need to elect somebody to be the chair and vice chair for the next year. So this is your chance to get rid of me if you want to.

Mr. Livingston: So Mr. Chairman, members of the board, you have two options. You can select the chair and vice chair or you can select to keep the current chair and vice chair. You need to make that decision.

Dr. Stone: I'm willing to continue.

Mr. Spencer: I am willing to have you, Mr. Chairman.

Mr. Mariani: Yeah, I think so.

Mr. Cunningham: I have no objection.

Mr. Spencer: I'm anxious for Mr. Cunningham to continue. Shall we put that to-

Mr. Cunningham: I will attend my last meeting.

Dr. Stone: Somebody need to make that as a motion.

Mr. Spencer: I would move that the current chair and current vice chair of this commission continue in these positions for the next assigned period of time, whatever that may be. One year.

Dr. Stone: Is there a second?

Mr. Whitner: Second.

Dr. Stone: Moved and seconded for the chair and vice chair to continue for another year. All in favor say aye.

Attendees: Aye.

Dr. Stone: Any opposed? All right. You missed your chance. I promise to continue to rule with a velvet hammer. All right, any other... We have staff announcements about the comprehensive plan and anything else.

Mr. Livingston: So comprehensive plan again, at the last meeting I mentioned that we do have the document back with some changes. I just need to review those changes and get it on the website. And second, at the council meeting on Monday, the maritime council meeting, there was some discussion about the comprehensive plan and taking a look at historic properties. So there was a request from the HARB to take a look at demolitions and historic properties. So council will need to do that as well.

And then finally, on the planning director front, we did meet with a consultant today. So talk about recruitment for planning director and developing a strategy. So that's a manager, human resource director, myself and a consultant to take on that process. So hopefully we'll get that started soon.

Mr. Cunningham: Does this consultant specialize in this area or is it just a-

Mr. Livingston: No, I've worked with this consultant to find CEO's, COOs for nonprofit and other organizations. This probably will be her first attempt, but I was truly. I was really impressed with her process. She is a really good go getter and she'll work with you until she finds what you're looking for.

Dr. Stone: Okay.

Mr. Livingston: But she has a really clear process. I really like the process.

Mr. Cunningham: Good.

Mr. Livingston: We'll find it.

Mr. Spencer: Very good.

Dr. Stone: You all have received notices, several notices about training opportunities. I know that I am on the schedule for the one in August because I got a calendar invite from Jennifer Visage at ACOG. So I think I'm on the schedule, but let me encourage all of you since it's in town, if you haven't signed up, please do so. And you've sent other opportunities as well?

Mr. Cunningham: I did not know what that was and I could not open it. So I deleted it. Just wouldn't open. But I have tried to register and sign up at least twice, if not three times. I just want to go once, hopefully I'll try to resurrect that and see if I do.

Mr. Livingston: If not, let me know and I can send it out as a PDF, fillable PDF.

Mr. Spencer: Otherwise we may have to reconsider our vote for the vice chair.

Mr. Cunningham: I'll do my best to open it.

Dr. Stone: Any other questions for Mr. Livingston or anybody else tonight? Or any other items of business anybody wants to raise?

Mr. Spencer: I move that the meeting be adjourned.

Ms. Whitner: Seconded.

Dr. Stone: Moved and seconded to adjourn. All in favor say aye.

Attendees: Aye.

Dr. Stone: Any opposed? And probably see you on July 16th? 17th?

Mr. Spencer: In July.

Dr. Stone: On July 20th, which would be the third week of July.

Mr. Spencer: Thank you.

Meeting adjourned at 6:35 PM.

Dr. Phillip Stone, II, Chairman

.STATE OF SOUTH CAROLINA) BEFORE THE CITY COUNCIL
) OF
COUNTY OF SPARTANBURG) SPARTANBURG, SOUTH CAROLINA

In Re:

1017 Florida Ave, LLC)
)
)
PETITIONERS.) PETITION FOR ANNEXATION

Your Petitioners, by and through the undersigned representative, respectfully allege:

1. That the Petitioners are the owners of the property hereinafter described and are authorized under the laws of the State of South Carolina to Petition the City Council of Spartanburg for the annexation of the property hereinafter described to the City of Spartanburg.

2. That your Petitioners own the property described herein and as is more fully shown on the Map attached hereto and made a part hereof; that said property is contiguous to the City of Spartanburg; that this Petition is submitted for the purpose of asking the City Council of Spartanburg to accept said Petition and pass an Ordinance declaring said property annexed to the City of Spartanburg subject to all of the duties and liabilities of properties within said municipality and entitled to all protection and privileges furnished by said municipality to other areas and residents.

3. That said Petition is filed pursuant to and in accordance with Section 5-3-150 of the Code of Laws of South Carolina, 1976, as amended.

4. That the property sought to be annexed is owned by the Petitioners indicated and is described as follows:

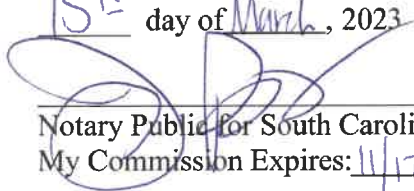
7-08-09-086.00 1017 Florida Ave, Spartanburg, SC +/- 9.10 Acres

5. That the property is owned as set forth in Paragraph Four and no other person, firm or corporation owns an interest in said property to be annexed.
6. Annexation is subject to approval of the PDD.
7. Annexation is subject to approval of the FILOT Agreement by City and County Council.

WHEREFORE, City Council is asked to accept the Petition for annexation and pass its Ordinance declaring that the within described property is annexed to the City of Spartanburg and shall be part and parcel of said City.


Bryan De Bruin
1017 Florida Ave, LLC
Member

SWORN to before me this

15th day of March, 2023

Notary Public for South Carolina
My Commission Expires: 11/17/2030

