

Planning Commission Meeting Minutes
January 19th, 2023 @ 5:30 PM
City Hall Council Chambers

Board Members Present: Dr. Phillip Stone, Mr. Jemar Brown, Mr. Reed Cunningham, Mr. Warwick Spencer, Ms. Lekesa Whitner, and Mr. Santiago Mariani. City Staff Present: Nan Zhou, City Planner I; Martin Livingston, City Planning Director; Oksana Holbrooks, Administrative Assistant.

Dr. Stone: All right. I'm not going to use the gavel. Good evening, I am going to call this meeting of the City Planning Commission to order. My name is Philip Stone. I am the Chair of the Planning Commission. I will preside over these hearings, this 19th day of January 2023.

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.

Roll Call

Mr. Livingston: Mr. Chairman can we have a roll call please?

Dr. Stone: A roll call of who's here? Oh I'm sorry. Let me ask everyone starting with Ms. Whitner, to say their name for the recording.

Ms. Whitner: Lekesa Whitner, Planning Commission.

Mr. Spencer: Warrick Spencer, Commissioner.

Mr. Brown: Jamar Brown, Commissioner.

Dr. Stone: Philip Stone.

Mr. Cunningham: Reid Cunningham, Commissioner.

Mr. Mariani: Santiago Mariani, Commissioner.

Let the record show that six members of the commission are present, one is absent and therefore we have a quorum and are able to proceed with the business before the body. May I have a motion regarding the agenda for tonight's meeting?

Approval of meeting agenda

On a motion by Mr. Wilson, seconded by Mr. Cunningham the agenda for the meeting was approved, by a vote of 6 to 0.

Ms. Whitner: I make the motion to approve the agenda for tonight's meeting.

Mr. Cunningham: Second.

Dr. Stone: Moved by Ms. Whitner. Seconded by Mr. Cunningham. All in favor of approving the agenda say, "Aye".

Attendees: Aye.

Dr. Stone: Any oppose? The agenda is approved. Minutes of the November 17th 20-22 were distributed in the packet. Are the amendments, corrections?

Approval of Meeting Minutes for November 17th, 2022

On a motion by Mr. Warwick, seconded by Mr. Mariani, the minutes of the meeting of November 17th, 2022, was approved with corrections by a vote of 6 to 0.

Mr. Cunningham: There is one. I think I was listed as present, but I was not.

Dr. Stone: Okay.

Mr. Cunningham: In the minutes where we announce our name, I was not shown as announced my name.

Dr. Stone: We'll make that correction, because I did not notice that but I do recall that you weren't here. Any other corrections to the minutes? If not, do I hear a motion regarding the minutes as technically amended?

Mr. Warwick: So moved.

Mr. Mariani: Second.

Dr. Stone: Moved by Mr. Spencer. Seconded by Mr. Mariani. All in favor say, "Aye".

Attendees: Aye.

Old Business: NA

New Business:

Dr. Stone: Thank you. All right. I will ask you to swear to tell the truth.

Ms. Zhou: Chairman, I am telling the truth. My name is Nan Zhou. I work with the Planning Department.

RE: RZC-22-011-00007 – The Planning Commission has received a request for a special exception for the use of the property located at 249 E. Blackstock Road (TMS: 6-21-13-002.00) with a zoning of LOD, Limited Office District to accommodate a Baskin Robbins Ice Cream Restaurant. Owner: Larry O. Harmon / Applicant: Malav Patel; KKS Management LLC.

The project site is an approximately 65,400 square foot lot located at 249 E. Blackstock Rd. with E. Blackstock Rd. to the west boundary. Currently, the land has one building with drive through service. It was "Cash n Go" before.

The applicant, Mr. Malav Patel from KKS Management LLC, is requesting to obtain a Conditional Use Determination in the current zoning designation: LOD, Limited Office District for a food specialty store. The intention of food specialty store is to provide the residents of City of Spartanburg with premium quality ice create at competitive prices.

This project site is currently sitting in the City’s jurisdiction. The site currently has a drive-through window and a two-lane drive-through in the back of the building. It has 8 parking spaces in the front (including 2 handicapped parking spaces) and around 16 parking spaces in the back of the property. Properties to the north side of the project side are zoned for B-1, Neighborhood Shopping District. Property to the south is the Duke Power utility site, and is currently zoned for LOD, Limited Office District. Properties to the west of the property site are zoned for B-3, General Business District, and B-1, Neighborhood Shopping District.

Blackstock Road is a major connector between Ezell Boulevard and John B. White, Sr. Boulevard, with an average traffic volume of over 17,000 vehicles per day. The area to the west of Blackstock Road borders Interstate Highway 26. It contains a mixture of Commercial and Limited Office zoning classifications and land uses, as well as some vacant parcels.

Ms. Zhou: We're looking at a special exception for Food Special Store in limited office district. Located at 249 East Blackstock Road. Because this is a special condition, this is a special exception for a conditional use. I listed here just the process of how this will go and needs to meet all the requirements here. Listed from A to D. Tonight we're looking for a Food Specialty Store.

REQUIRED FINDINGS

Historically, the City of Spartanburg has required special exception applications to meet certain criteria and the Planning Commission must take the following findings of reasonable conformance in order to recommend a change of zoning:

Staff offers the following analysis relating to each of these required findings:

ANALYSIS OF REQUIRED FINDINGS

The Zoning Ordinance enables Council to change the Zoning Ordinance or Map following public notice and hearing. The Planning Commission reviews and recommends action on proposed zoning changes at its regularly scheduled meetings. The following comments are based on established criteria:

1. **Consistency (or lack thereof) with the Comprehensive Plan** – The 2004 Comprehensive Plan Future Land Use Map has this portion of the area between Blackstock Road and Interstate Highway 26 as a General Activity Center. To the east of Blackstock Road, the plan designates the area at the intersection with W.O. Ezell boulevard as a General Activity Center. To the east of Blackstock Road, the plan designates the area at the intersection with W.O.Ezell boulevard as a General Activity Center. A High Density Residential area exists in

the location of two existing apartment complexes. Extending further to the south is a Limited Activity Center which borders the General Activity Center located at John B White, Sr. Boulevard. This designation will allow uses consistent with the high traffic volume of the road and with the commercial activities across the street, while providing an effective transition for homes and apartments to the rear of the activity center. The Future Land Use map and the Comprehensive Plan are consistent in its determination on the future use of the property for General Activity Center. Thus, the proposed use for this parcel can be interpreted as to be consistent with the Comprehensive Plan and the Future Land Use Map.

In addition, the 2022 City of Spartanburg Final Draft Comprehensive Plan lists E. Blackstock Road as the Corridor Infill Growth Sector. Corridor Infill Growth Sectors are areas that are generally located along transportation corridors, connecting activity centers and destinations in the City. These Sectors are mostly developed but still contain underutilized parcels. Most are defined by a conventional, auto-oriented suburban pattern of primarily commercial development. Some of the larger, deeper parcels in this sector may allow for a change in the pattern of development and the addition of multifamily and mixed-use buildings. New development, redevelopment, or the reuse of existing land and buildings should be encouraged to better meet the local goal of achieving more walkable and bikeable corridors and neighborhoods. Some portions of these sectors should be rezoned to character-based districts. Such Corridor Infill Growth Sector is encouraged to occur, based on the Final Draft 2022 Future Land Use Map, along E. Main Street, S. Pine Street, Union Street, S. Church Street, John B White Sr. Blvd, and partial of W.O.Ezell and E. Blackstock Rd.

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 properties to the south of the project site is zoned for LOD, Limited Office District, owned by Duke Power Energy. Properties to the north and west of the project site are zoned for commercial uses in nature. The proposed use as a food specialty store will be conforming to the commercial use to the north and west side of the project site. The zoning designation of the parcel will not be changed.

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 Conditional Use in a Limited Office District is granted, the proposed use might not require a Site Plan review process if the business owner decides to remain as is with some interior renovations. If the structure needs to be demolished prior to any new construction and commencement of use, or the value of the renovations exceed 50% of the current market value, a Site Plan review process is needed and required. This 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 change of use for the proposed 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 to this site. The site will be reviewed by City staff during the Site Plan review process (if needed) including, Planning, Building, Water, Streets and Stormwater, for compliance with applicable regulations.

STAFF’S ANALYSIS & RECOMMENDATION

According to Section I Adoption and Interpretation of the City Of Spartanburg Zoning Ordinance, § 105 Purpose, “The purpose of the zoning ordinance is to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.” This S.C. Code section states that the “Zoning ordinance must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” of properties inside the City Limits.

One of the reasons for the Comprehensive Plan and City Zoning Ordinance is to have zoning classifications that allow certain uses in conjunction with adjacent properties that may be considered “less intense” uses. For this reason, the purpose is to protect the less intense uses from adverse impacts on their property with regard, but not limited to, noise and/or light pollution, traffic congestion, and any other adverse impact that a higher intense use could cause on a surrounding less intense use.

Based on the above findings, staff recommends approval of the proposed conditional use as a food specialty store in a Limited Office District zoning designation.

WRITTEN PUBLIC COMMENTS

Notices were sent to property owners within a 400 ft. radius of subject properties. 45 Notices were sent regular mail and 4 were mailed certified mail. A community meeting was held on Wednesday, January 11, 2023 at 5:30 PM at the City Council Chamber to discuss this Conditional Use in Limited Office District request, comments, and concerns.

In order for planning commissioners to consider this proposal, right now we're looking at five criteria. The first one is consistency or lack thereof where there is a plan. So based on an older version, 2004 comprehensive plan, the future lay use map and committing to the plan are consistent in its determination of future use of the property for general active center as you can see from here.

So this is the parcel right here that we are looking at. The future land use map and the comprehensive plan. The second criteria that we're looking at is compatible to the present zoning and conforming uses to nearby properties and of the character of the neighborhood.

For this one, the present character of the adjacent properties to the south of the property site is zoned for LOD, which is this site, which is a Duke Energy utility site. To the right of the

property B-1, Neighborhood Shopping District. Then across the street the property has been zoned for B-3, and B-1.

The proposed use as a food specialty store will be conforming to the commercial use to the north, and the west side of the project site. The zoning destination of the parcel will not be changed. This will remain as LOD.

The third criteria we're looking at is the suitability of the property affected by the amendment for uses permitted by the district would be made applicable by the amendment. If the proposal conditional use in the Limited Office District is granted. The proposed use might not require a site review process if the business owner decides to remain as is with some interior renovations. If the structure needs to be demolished prior to any new construction, the commencement of use for the value of the renovations exceed 50% of the current market value then the site review process is needed and required. So this process allows city staff to provide feedback on the proposed site plan ensuring that all site requirements are met, such as, set-backs, landscaping, and relevant parking.

The fourth is mark the ability of the property accepted by amendment for uses permitted by the district, applicable to priority at time of the proposed amendment. The marketability of the property will likely be increase with the change of the use for the proposed bond. The site has both water in the center, sewer services are available to the site. The site will be reviewed by city staff during site planning, if necessary.

Additionally, if you're looking at 2022, the comprehensive plan on this future land use recommendation. This corridor has been recommended as the corridor review Rove sector. Which means that some new development, re-development, or the re-use of existing land and building should be encouraged to better meet the local goal of achieving more local and corridors.

So this is the aerial of the site at 249 East Blackstock Road. This is the traffic cams here and there's 24,000 vehicles. So this is the front side of the property which there was a Passion Care before. Then this is the left side and this is the right side. This is the drive through window that I asked the applicant to buy, and use this side. They said that, "This has the perfect drive-through window and drive-through lane over here and it provides sufficient parking in the rear."

Then because we have a Buster's Ice Cream not too far away from here, so it's a perfect spot for this location. This is the drive. This is the lane you go through here and then you would drive from the rear of the property and then exit.

So this is the adjacent property. This is the Duke Energy utility site. This is the property across the street which is zoned for B-3. This is an existing closed sign that they already have so this is pretty clean.

Based on the above findings staff recommends approval. I propose the conditional use as a Food Specialty Store in the Limited Office District as an ice cream store that would provide the residents of Spartanburg with high quality ice cream. Included in your packet, other than the

application, the staff report, the applicant provided a request letter presentation that we made for this location because this is a chain named store. Then for those photos. That's it. Do you have any questions?

Dr. Stone: Does anyone have any questions for staff at this point? All right. Do we want to hear from the applicant as well?

Ms. Zhou: The applicant is here.

Dr. Stone: The applicant is here. Do they wish to make a statement?

Mr. Patel: Sure.

Dr. Stone: If you would, state your name and address for the record.

Mr. Patel: My name is Marlo Patel. My address is 195 Santa Ana Way, Duncan, South Carolina.

Dr. Stone: Do you swear to tell the truth?

Mr. Patel: I tell the truth.

Dr. Stone: Thank you.

Mr. Patel: First of all, Thank you for listening to me. We own the Baskin-Robbins franchisee company. We are in Simpsonville. We went to expand our business. We want to come to Spartanburg. The reason why we really like this location is because it's a stand-alone building with a drive-through. All our competition have a stand-alone building with a drive-through. If you don't have one, then that's seals your fate with business. So that's the primary reason we like it.

Second, we are proud residents of Spartanburg. We want to bring the premium product of ice cream to the city of Spartanburg. We know Baskin-Robbins is very familiar, a very famous brand with premium ice cream. I think that would be great for the City of Spartanburg. Also, it will generate a lot of employment. We ran report which will generate employment for the City of Spartanburg as well.

Also, local CPAs, local maintenance groups, so that's additional employment opportunity for the city. So yeah, that's the request.

Dr. Stone: Does anyone have a question for the applicant?

Mr. Warwick: I do have one question.

Dr. Stone: Mr. Spencer.

Mr. Warwick: Are you an existing franchisee?

Mr. Patel: Yes.

Mr. Warwick: How many other units do you have? Where are they?

Mr. Patel: So we have two units. One in Simpsonville, South Carolina and another one in Tennessee

Mr. Warwick: Okay. But you reside here in Duncan?

Mr. Patel: In Spartanburg, yes.

Mr. Cunningham: The plan that you submitted, did part of that come from Baskin-Robbins corporate?

Mr. Patel: With the site plan with the drive through and everything?

Mr. Cunningham: No, the-

Mr. Patel: The pictures and the-

Mr. Cunningham: The verbiage behind it and kind of selling-

Mr. Patel: Yes. We work with the brand on defining the wording and the site plan. Yes.

Mr. Cunningham: I thought it was well done and answered a number of questions and made a number of good points. So, that makes our job easier when you see what things are being proposed. The more information we have, the better.

Mr. Warwick: Hypothetically speaking, let's say it gets approved. When would you be hoping to have the site open and ready for business?

Mr. Patel: Between July and August. It will take about 3 months to get all permits in. About a month for submission. From what I understand it takes about an addition of one to two months for inspection from the city. So all in all about six months.

Ms. Whitner: I do have one question.

Mr. Patel: Sure.

Ms. Whitner: You did say you would hire local talent. Is that correct?

Mr. Patel: Yes. So usually we hire young, high school kids, between 16 and 18 year olds. Usually it's their first job, so that's what we do right now at both of our locations and that's what we plan to do for Spartanburg as well. So we have local high school talent where all the residents live within a close proximity of the proposed site. So that's what we plan on doing.

Ms. Whitner: Thank you.

Dr. Stone: All right. Thank you for your petition and presentation. Let me find my notes here. We will have a public hearing in a minute. I did want to note in conditional use such as this, this is actually within the planning commissions purview to grant. It doesn't actually need to go beyond us. So we actually get to be the deciders on this one rather than just the recommenders. So I'm going to declare a public hearing if anyone wishes to speak. You're welcomed to sit back down.

Thank you. If anyone wishes to speak in favor of granting a conditional use to allow a food specialty store within a limited office district, I'd be happy to hear from you if you'd like to come forward. Or if you want to speak against it. If not, I will entertain a motion to close the public hearing.

Mr. Cunningham: So moved.

Ms. Whitner: Second.

Dr. Stone: Moved by Mr. Cunningham. Seconded by Ms. Whitner. Close the public hearing. All in favor say, "Aye".

Attendees: Aye

Dr. Stone: Any oppose, "neigh". And the public hearing is closed and we are at commission deliberation. Any thoughts?

Mr. Warwick: I love Baskin-Robbins.

Dr. Stone: Um, a bit of history. There are... In my time on the commission, there have been... One right before, and one during. There have been two fairly similar projects that involved allowing a delicatessen in an old bank. One on East Main Street. There's one before my time that's on John B. White. So it's within our ordinance to permit... There's some... You can allow something like a bookstore, a delicatessen, coffee shop, and food specialty store, not a full on restaurant, but something like this... gift shop, jewelry store, office equipment supply, are allowable with a finding by the planning commission that it doesn't have any negative impact on the surrounding territory. Looking, for me, at the zoning map, I mean the property next to it that's LOD, is a utility transmission facility which is not especially attractive, but it's been there as long as I've been alive. The property on the next side is B-1. Across the street is B-1 and B-2, B-3, excuse me.

Residences behind. The site plan review would certainly require a certain level of buffering, I suspect. Between the back and the neighborhood that's behind it. So we're not dealing with zoning change. We're dealing with simply granting a use that's... That requires a special level of review that we are providing by this meeting.

Dr. Stone: Mr. Mariani?

Mr. Mariani: So I think it's a fantastic project. They mentioned too, in the package that when it comes to traffic it won't be disrupted. There's a queue for 8 cars, pick-up sites, and a lot of the business conducts on the weekends. So that was a major positive. But for me also, the fact that we'll be able to keep more people in Spartanburg rather than having to drive elsewhere for their sweets and their eats. Furthermore, it's almost like there and back again of Baskin-Robbins story, because I remember in 2011 when we used to have two of them and they closed. That reminds me of a time when houses and businesses were being boarded up. The future wasn't looking as bright as it is now. So seeing them come back, to me, is powerful as well. Coming back strong, and we'll get to enjoy good ice cream along the way. So it's just a win every way I look at it.

Mr. Cunningham: I think reformatting an existing structure with minimal-

Ms. Whitner: Mm-hmm.

Mr. Cunningham: Disruption and use of the drive-through window is a positive so, I'm in favor of moving ahead with the approval of this project.

Mr. Mariani: I agree.

Dr. Stone: Any other comments from this side of the table?

Ms. Whitner: Removing a proprietary lender and putting in something more positive in that space does my heart good. Hiring local talent, giving access to high-school students, their first gateway into employment does my heart really well. So I definitely am in favor of this.

Dr. Stone: All right. We ready for the question?

Ms. Whitner: Yes.

Dr. Stone: Ready for a motion when somebody wants to make it.

On a motion by Mr. Cunningham seconded by Mr. Brown, the rezoning request was approved by a vote of 6 to 0.

Mr. Cunningham: I move to accept the project as presented, it seems like it meets the conditions as set forth by the ordinance and within our power to approve this project.

Mr. Brown: Seconded.

Dr. Stone: Moved by Mr. Cunningham. Seconded by Mr. Brown and Ms. Whitner. I heard you both at the time same time. It's moved and seconded to allow special exception for conditional use of the property at 249 Blackstock Road. All in favor say, "I".

Attendees: Aye.

Dr. Stone: Any opposed? And six to nothing and conditional use is granted.

Mr. Patel: Thank you.

Mr. Warwick: Congratulations.

Dr. Stone: Good Luck! All right. The second item of business. The planning commission has received a request for re-zoning a split zone property at 507 East Main Street. Tax map 7-12-11-176.01. From B-3 General Business District and L.O.D. Limited Office District, to B-3 General Business District to accommodate an automatic car wash.

RZC-22-011-00008 – The Planning Commission has received a request for rezoning a split zoned property at 507 E. Main Street (TMS: 7-12-11-176.01) from B-3, General Business District and LOD, Limited Office District to B-3, General Business District to accommodate an automatic car wash. Owner: EKB, LLC / Applicant: Daniel Esteban; Stantec Consulting.

Dr. Phillip: I'm guessing you are presenting. I will ask you to swear to tell the truth.

Mr. Livingston: I swear to tell the truth.

Dr. Stone: Thank you, Sir. Please proceed.

The project site is an approximately 0.894 acre lot located at 507 E. Main Street known as Bob's Car Wash which has been in existence for over 60 years. The site is surrounded by Hammond Court, a one way narrow street, to the south; E. Main Street to the west; Andrews Place Condominiums to the north; and residential to the east. Currently the property is split zoned with

both LOD (Limited Office District) and B-3 (General Business District) as zoning designations on the property. Staff had requested that the slit zoning be addressed as part of the site plan review process.

Properties to the north and west are zoned B-3 (General Business District) and includes residential duplexes and condominiums and commercial businesses, properties to the east are zoned R-8 (General Residential District) and some properties to the west are zoned Downtown code DT-5. Most of the properties on Hammond Court are residential both single-family and duplexes. The site is located at one of the primary entrances to the downtown area of the City of Spartanburg. East Main Street and E St. John Street are in proximity to this area and has traffic counts in excess of 10,000 vehicles per day.

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 change of zoning:

Staff offers the following analysis relating to each of these required findings:

ANALYSIS OF REQUIRED FINDINGS

The Zoning Ordinance enables Council to change the Zoning Ordinance or Map following public notice and hearing. The Planning Commission reviews and recommends action on proposed zoning changes at its regularly scheduled meetings. The following comments are based on established criteria:

1. **Consistency (or lack thereof) with the Comprehensive Plan** – The 2004 Comprehensive Plan Future Land Use Map has this portion of the E. Main Street as a corridor as a General Activity Center. The 2004 Comprehensive Plan states that “This road connects the Eastern Planning Division to downtown Spartanburg. Its existing development pattern is fairly attractive and effective, both in terms of promoting a positive economy and in terms of the inter-relation of land uses. As the corridor enters the planning division from the west, Converse College is located to the north and a row of small offices, many of which are converted homes, align the road to the south. The college creates an attractive image and the offices are all occupied and well maintained. Further to the east, strip shopping centers are interspersed with professional offices. Most of the centers are fairly new and have utilized design and landscape features to improve their aesthetic quality. The Future Land Use map and the Comprehensive Plan are consistent in its determination on the future use of the property for General Activity Center.” Thus, the proposed use for this parcel can be interpreted as consistent with the Comprehensive Plan and the Future Land Use Map.

The 2022 City of Spartanburg Final Draft Comprehensive Plan lists this portion of E. main Street as the Corridor Infill Growth Sector. According to the draft document “Corridor Infill Growth Sectors are areas that are generally located along transportation corridors, connecting activity centers and destinations in the City. These Sectors are mostly developed but still contain

underutilized parcels. Most are defined by a conventional, auto-oriented suburban pattern of primarily commercial development. Some of the larger, deeper parcels in this sector may allow for a change in the pattern of development and the addition of multi-family and mixed-use buildings. New development, redevelopment, or the reuse of existing land and buildings should be encouraged to better meet the local goal of achieving more walkable and bikeable corridors and neighborhoods. Some portions of these sectors should be rezoned to character-based districts.” Corridor Infill Growth Sector is encouraged to occur, based on the Final Draft 2022 Future Land Use Map, along E. Main Street, S. Pine Street, Union Street, S. Church Street, John B White Sr. Blvd, and partial of W.O. Ezell and W. Blackstock Rd. As such the City should consider rezoning properties to be more compatible with the surrounding area and potential new developments.

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 residential and neighborhood commercial in use. Other than the utility providers to the west, a majority of the surrounding developments meet the neighborhood shopping and residential districts. The proposed zoning designation while consistent with other adjacent properties, may pose an adverse risk to the entrance of the downtown because of the intensive uses allowed in the B-3 (General Business Zoning District). The B-1 (Neighborhood Shopping District) would be more appropriate and create less risk to the entrance of downtown and surrounding neighborhoods should the current development not occur or the future development of the site occurs that may not include an automatic car wash.

B-3 (General Business District) These districts serve several functions. They provide central concentrations of goods and services for more than one neighborhood. They provide comparison shopper’s goods, convenience goods and services, specialty goods, amusements and numerous services for less than a citywide market. They also provide locations for small businessmen with a city-wide market who cannot operate in the downtown areas. The predominant purpose of all these functions is retail trade.

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

3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment** – If the zone change is granted, the proposed use would not require a Site Plan review process if the use remain as is. If the structure needs to be demolished prior to any new construction and commencement of use, a Site Plan review process is needed and required. This 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 zoning change for the proposed commercial use development. The proposed zoning change will allow an automatic car wash to be developed on the site and address the current split zoning of the property.

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 project site is currently undergoing a site plan review process.

STAFF’S ANALYSIS & RECOMMENDATION

According to Section I Adoption and Interpretation of the City Of Spartanburg Zoning Ordinance, § 105 Purpose, “The purpose of the zoning ordinance is to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.” This S.C. Code section states that the “Zoning ordinance must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” of properties inside the City Limits.

One of the reasons for the Comprehensive Plan and City Zoning Ordinance is to have zoning classifications that allow certain uses in conjunction with adjacent properties that may be considered “less intense” uses. For this reason, the purpose is to protect the less intense uses from adverse impacts on their property with regard, but not limited to, noise and/or light pollution, traffic congestion, and any other adverse impact that a higher intense use could cause on a surrounding less intense use.

Based on the above findings, staff recommends that should the Planning Commission approve this request that the property be rezoned to B-1 (Neighborhood Shopping District). The proposed zoning of B-1 would still allow for an automatic car wash to be developed on the site as proposed, but would prevent any risk to the downtown entrance should a carwash not exist on the site now or in the future. All other surrounding B-3 (General Business District) should be rezoned as part of an updated Zoning ordinance or when any potential development occurs on the adjacent properties. 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. 66 Notices were sent regular mail and 12 were mailed certified mail. A Planning Informational meeting was held on Wednesday, January 11, 2023, at 5:30 PM at the City Council Chamber to discuss the zoning designation request and to address any comments and concerns. Staff received several comments at the meeting including concerns for noise, hours of operations, traffic on Hammond Court, and the zoning designation and use of the property. Staff also received a Freedom of

Information (FOIA) Request for the site plan and any additional information regarding the proposed development and rezoning.

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, February 13, 2023. If the matter receives first reading approval, it will then go before the City Council for a Second and Final Reading on Monday, February 27, 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 January 19, 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. To just note, there is already an automatic car wash at that location. It's called Bob's Car Wash. If we complete the site zoning process, it will be known as Scrubby's Car Wash and go through a staff report to address any questions the commission members may have.

This property is a little less than an acre. Bob's Car Wash close to East Main Street and Hannon Court. Surrounded by zoned LOD, Office District and B-3. Properties to the North and West are zoned B-3. I will show you a map of what the zonings are for this area. There are also some DT-4, and R-8, zoning adjacent to these properties.

The vehicle count on East Main Street as well as St. Johns Street is over 2,000 vehicles per day. So there's a lot of vehicles on both streets. We did complete an analysis of consistency or lack thereof comprehensive plan. Both the project is consistent with the re-zoning, request is consistent with both the 2004 and 2002 draft comprehensive plan. The development for the uses, and the majority of the surrounding uses are B-3, B-3 zone. There are some other uses that are residential zones. So in this area it may or may not be compatible with existing zones. Provided the B-3 zone district, and the reason we say that is because some of the adjacent zones are B-3, which includes restaurants, bank services. Here there's. We provided that B-3 as well as B-1 zoning. I'll tell you why we did that in a few minutes.

Dr. Stone: Okay

Mr. Livingston: It meets the requirements three, four and five, which includes sewer, marketability. It's already an existing use for an automatic car wash. Staff reviewed the re-zoning request and staff recommended the B-1 zoning. The applicant is requesting B-3 and part of the reason for the B-1 zoning is the B-1 zoning is more compatible with adjacent to neighborhood and entrance into the downtown.

We've learned that in some B-3 zoning in some areas of the city, there has been, there's been a negative effect on neighborhoods. So we want to make sure that this property and the surrounding areas are protected should our power not be evolved in the B-3 zoning. Notices were sent to property owners within 400 feet. We sent out 66 notices were sent regular mail. 12 were sent by certified mail. On Wednesday, January 11th, we had an informational meeting to discuss the request and provided an FOIA request to one attendee that attended that meeting.

That the information for presentation. Again this is 507 East Main Street, this is a non-conform use so that property is existing as an automatic car wash already. So what they're trying to do is make improvements to the site. This is the process that is taking place. We had an informational meeting on the 11th. Tonight the planning commission may adopt to approve or adopt with changes. It will go before city council if we approve tonight on February 13th, and it will go to city council again on February 27th if approved.

You can find criteria that we must look at while in review of the re-zoning request. This is the site map of the property. We see multiple buildings, multiple portions of buildings, on the site. This includes a car wash retail area, it was also formally a gas station. The gas tanks underground have been removed according to the requirements, according to the architect.

This is a report, there's residential in the rear. There's some residential here as well. This is the zoning, you'll notice that the other surroundings are all B-3. This is R-8, Single Family District, this is R-8. This is DT-5. This is the downtown zoning. Which is close to the area, so the larger view of the area includes this zone. As you can see the majority of these properties are fully zoned. The staff report we recommended that this be B-1. We also recommended that all this be zoned B-1 as well and in future updates to our zoning coordinates. Because of its proximity to the downtown area.

There was one question that came up, "Well isn't this spot zoning?". You'll notice that the entire corridor of this Main Street is zoned B-1. Especially further down the corridor, you'll notice the majority of those properties are zoned B-1 adjacent to residential.

This is the location of the property and you'll see on Main Street there's 11,000 cars. And down the street has 60,000 cars. Photos. Yes?

Dr. Stone: Why are the, the color of orange, there's two different shades of orange on that zoning map. That's what I kind of curious about. If there's a difference in-

Mr. Livingston: These two?

Dr. Stone: Yep.

Mr. Livingston: This is our Single-Family District.

Dr. Stone: That's right.

Mr. Livingston: This is R-8.

Dr. Stone: Oh yeah. So Converse Heights has the single family overlay and this street does not have the single family overlay.

Mr. Livingston: It does not have it.

Dr. Stone: Thank you. Sorry for the interruption, but I've been meaning to ask that.

Mr. Livingston: So this is Bob's Car Wash. This is the existing conditions for the area. These are the surrounding areas. This is the front of the car wash. This is the front portion of the building and the rear portion of the property. Also, the areas on Hannon Court, see the....

Mr. Livingston: On Hannon Court. See there, Hannon Court is one-way. This'll be, Andrew's Place Condominiums. But also a shopping center in that location.

This is the full design of the new car wash. Part of the reason for requesting the rezoning is that this is a split-zone property and whenever we find split-zone properties we're trying to redress them as much as we can. Since this is a split-zone property, we requested that it be zoned all one property. All the other B-3s, the shopping center, the condominiums, and the bank, I believe, all need to be addressed at some point.

This is the design of the new car wash. A large portion of it will be demolished, so there will be a smaller structure on the property that will be well landscaped. Some questions that you can ask.

Dr. Stone: The Inn next door is zoned in the DT-5 zoning it looks like?

Mr. Livingston: It has two zonings, B-3 and R-8.

Dr. Stone: Okay.

Mr. Livingston: It's split-zone. So is the bank and so is the shopping center and it shows the entrance.

Dr. Stone: Okay.

Mr. Livingston: What we believe is that at some point these portions were acquired but just never properly rezoned.

Dr. Stone: What makes it a non-conforming use? Because I see automatic car washes allowed in 1, 3, and 4.

Mr. Livingston: They are.

Dr. Stone: But I do see the 100 foot distance from, is that what makes it non-conforming?

Mr. Livingston: That's correct.

Dr. Stone: Okay. Rezoning o B-1 or B-3 isn't going to change that non-conforming use, right?

Mr. Livingston: It's not.

Dr. Stone: But the non-conforming use won't go away, in other words, if we were to reject the request, they may not be able to do this, but they could still continue to operate that car wash as a non-conforming use.

Mr. Livingston: That's correct.

Dr. Stone: So, we're not saying yes or no. Okay. Thank you. What are other issues?

Mr. Mariani: I do have a question. In the report it mentioned that there were some concerns that were reported by people of the area. What were the nature of the concerns, considering that it already is a car wash? If it were a boutique becoming a car wash, there's a bunch of noise and some other factors as well, but it won't be changing dramatically the nature of the business, correct? Do you recall any of the concerns that would be brought out by us approving this versus how it is now?

Mr. Livingston: The traffic was one of the issues since it's a one way street. Noise was an issue and vacuums, that came up in this issue.

Dr. Stone: Sorry. Noise. Vacuum?

Mr. Livingston: The vacuum cleaners. The vacuums will be located on Hannon Court in front of the commercial section of the building. It will be nicely landscaped. Some folks like the fact that it will improve the site, but the traffic, noise, traffic on Hannan Court was an issue because it's a one way street. There was a concern that there would be more cars going through the neighborhood and getting on South Pine Street. There was some concerns there.

I think those are existing concerns. We are addressing those through the second planning process. We did make some recommendations from that meeting, January 11th meeting, and sent those to the applicant to make them aware of all the accumulating concerns. I'm sure they will address that meeting. I'm sure you'll hear more tonight as well.

Mr. Cunningham: Is there an outlet that heads toward I thought-

Mr. Livingston: There is. There's a street that if you make a right and it will take you to Pine Street.

Mr. Cunningham: Okay. I thought there was no outlet there.

Mr. Livingston: Oh, yeah. There is.

Mr. Cunningham: Not onto Lucas Court that gets you back onto Pine Street.

Mr. Cunningham: Yeah.

Mr. Brown: That's the concern is cutting through to get to-

Dr. Stone: Well, hold on. Hold on. Hold on. And everybody's going to get a chance to speak here tonight.

Mr. Mariani: Because I know at Bob's Car Wash, you can't go into that street from the car wash, correct?

Mr. Livingston: You go here, this way.

Mr. Mariani: But you can't get into the neighborhood from the car wash.

Dr. Stone: Hold on. Hold on.

Mr. Livingston: I think you can if you come this way. If you come this way. But it only leads, the car wash leads this way.

Mr. Mariani: Okay.

Mr. Livingston: Sometimes the cars line up

Dr. Stone: Any other questions for Mr. Livingston?

Ms. Whitner: Was there a concern from the community about that they can't get access into their residence because of the backlog of cars.

Mr. Livingston: Right here.

Ms. Whitner: Okay.

Mr. Livingston: There was some concern that there would be line along here that would not allow residents to get into the neighborhood on this side. This is a one-way street. You can't come down Court, get on this and come back down. It's one-way that direction. It's 20 feet wide. It probably could support a two-way street because of the pavement, however I think the streets and sewer management made it a one-way street because of the width of the street.

Mr. Warwick: Martin, would you mind using the pointer to show us where the entrance to the proposed car wash would be, and then point out the entrance to the existing car wash?

Mr. Livingston: The entrance to the existing car wash is right here.

Mr. Warwick: Okay. And the new car wash?

Mr. Livingston: It would come back this way.

Mr. Warwick: Further down?

Ms. Whitner: Further down.

Mr. Livingston: It would come about here.

Mr. Cunningham: But the traffic would be on the property in question, or on the street?

Mr. Livingston: The traffic, the way the design is made, on the street.

Mr. Cunningham: Yeah.

Mr. Livingston: The design is made so that it comes on the street. They'll be queuing this way. One of things that we're going to be asking for is for a, what's called, a car template, which shows the number of cars that can be supported in this queue.

Mr. Cunningham: The area that is, is that landscaping right there?

Mr. Livingston: Yeah. All of this is landscaping, landscaping, landscaping.

Mr. Cunningham: Hypothetically, that area could be used for something else.

Mr. Livingston: It could. One other recommendation from residents is that we create an access this way and close this off. It would allow folks to come in and get out. The challenge is going to be turning around and getting back out this way.

Ms. Whitner: Again, the street access from right there, Martin, to the car wash, is it in conjunction with the residents' street access? I'm trying to figure out-

Mr. Livingston: No. This access here-

Ms. Whitner: Okay.

Mr. Livingston: -Is on the street. It's on Hannan Court. You come down Hannan Court and go into the car wash. You get out of the car wash and go to Atkins Street.

Dr. Stone: Residents-

Mr. Livingston: You can't go back out this way-

Ms. Whitner: Right.

Mr. Livingston: If you close this off.

Mr. Warwick: Residents in the public neighborhood here have suggested that the entrance be not from Hannan Court, but from East Main, and that traffic from the car wash that's then going to the vacuums and other areas along the bottom left portion of the property and alongside the left portion of the property, they would then need to merge with traffic coming in from East Main, effectively. That landscaping at the top of the property would effectively be halved, or taken away, to allow access to the wash only from East Main Street as opposed to Hannan Court at all?

Mr. Livingston: That's correct.

Mr. Warwick: Thank you.

Mr. Livingston: And again, the planning commission cannot address site issues. It can only address zoning.

Dr. Stone: Mm-hmm.

Mr. Livingston: I just wanted to make sure that's clear.

Mr. Warwick: Thank you. That's a good reminder.

Dr. Stone: That zone, the area that's right to the east of the LOD portion that is currently zoned R-8, that is, there's not actually a residence along that at the moment.

Mr. Livingston: Exactly.

Dr. Stone: If you look straight to the right of the green block, the mustard colored block, it's zoned R-8, but I'm trying to tell from the aerial-

Mr. Livingston: That's the condominiums.

Dr. Stone: That's the condominiums. Where do they access?

Mr. Livingston: They access from East Main Street.

Dr. Stone: Okay.

Mr. Livingston: That plan review is in process. We haven't provided our comments yet. We're going through the process of providing our comments and addressing any site concerns that staff has. Again, planning commission's primary function is zoning.

Mr. Brown: From our perspective it's suggested that we keep it at B-1, versus-

Mr. Livingston: Your recommendation that it remain B-1.

Dr. Stone: That it become B-1.

Mr. Livingston: That is become B-1 because of any concern that we may have regarding B-3 zoning.

Mr. Brown: Right.

Mr. Livingston: We're also recommending that these, in the future rezoning, be changed to B-1 or not a B-3. These sites, the reason this is coming before you is because of the split-zoning.

Mr. Brown: Got it.

Mr. Livingston: We need to address the split-zoning. The staff could automatically change this to B-3.

Mr. Brown: Okay.

Mr. Mariani: Any concerns about the flow of traffic will also be addressed by staff and-

Mr. Livingston: We have to address that at the same time.

Dr. Stone: And what enforcement power does the staff have at site plan review to say, "You can't enter our exit street?"

Mr. Livingston: We don't have a whole lot of enforcement requirement regarding the entering and exit off the street. As long as there's an entrance off that street, they can use that. We use the same DOT standards. What DOT can do is, reduce the number of exits and entrances off the streets. We can take a look at those two entrances. We can't prevent them from using the property.

Dr. Stone: Since East Main Street, I guess right there, is a State road. DOT has jurisdiction over the curb cuts on the East Main Street side, correct?

Mr. Livingston: That's correct.

Dr. Stone: But the city, Hannon Court, I guess, is a city street. If there's a curb cut existing there, they can use it.

Mr. Livingston: That's correct.

Dr. Stone: How many curb cuts are existing on that street already?

Mr. Livingston: On that street, I think, there's one already on the street. I'll need to look at the other one, the one that shows exit and entrance to the employee parking. That did not come up as an issue in the submittal process.

Dr. Stone: Okay.

Mr. Livingston: The streets and sewer staff was onsite.

Mr. Warwick: Martin, traffic issues are with their purview, or are not?

Mr. Livingston: We don't have anything on our ordinances that address counts. There's no traffic, city requirement in our ordinance. It's only part of the DOT requirements.

Mr. Warwick: Thank you.

Dr. Stone: Any other questions for staff? We can hear from the applicant if the applicant is here and wishes to come forward and speak.

Mr. Howard: Yeah.

Dr. Stone: And what I will do is, get you to state your name and address for the record, and I'll swear you in.

Mr. Howard: Okay. My name is Chase Howard with Scrubby's Car Wash chain store company of Florence, South Carolina.

Mr. Hammond: I'm Brian Hammond with Bob's Car Wash.

Dr. Stone: All right. And I'll ask you both, swear to tell the truth?

Mr. Howard: Swear.

Mr. Hammond: Swear to tell the truth, Sir.

Dr. Stone: All right. For the record, note that both gentlemen swore to tell the truth.

Mr. Hammond: We're, basically, trying to take something that's been there since 1963 and is somewhat dated, and provide some life to it. Where it's been an eyesore, if you will, for the last 30 years. We've spent a lot of money on equipment and other things, but we're hoping to make this a better place for everybody. Chase is my partner. He's going to be coming in and taking over for us.

Mr. Howard: I don't need to add anything to that. We are a car wash company. Exactly what Brian said. Our intention is to improve the property. Everything from access to through put and speed, quality.

Mr. Hammond: Landscape.

Mr. Howard: Landscape.

Mr. Hammond: Pavement. Everything.

Dr. Stone: Thank you. Does any member of the commission have a question? I'll bet you do. I guess I'll ask, how do you respond to some of the community feedback that you've heard thus far?

Mr. Howard: Okay. Happy to respond. We are investing a lot of time, and effort and money into this project, as we do with all our Scrubby's locations. I've heard some comments about noise concerns, which we are addressing, and always address when we build a new location. I will remind everyone that the existing footprint and equipment that's onsite is dated, as Brian said. One of the things that don't do very well is muffle noise with existing vacuum cleaners and dryers of that kind. We're talking about upgrading a facility that's more than 30 years old.

Mr. Hammond: 1963. The equipment is probably newer than that, but none of it is encased or enclosed right now so it's already creating quite a bit of noise.

Mr. Howard: Right. We are cognizant of that. We are cognizant of the neighborhood, and we are going to make every effort. The equipment we're buying is designed with noise muffling-

Mr. Hammond: Technology.

Mr. Howard: -Technology on the equipment. We'll be enclosing some of that equipment. We can show evidence of that and the success of that. It is our desire to improve the situation that is drastic. There was a comment about traffic. We don't want traffic. We don't want to upset the local people, and we're going to make sure we don't. One point I would illustrate on this layout. The existing footprint that Bob's has currently, I saw a previous print of six or eight cars stacked up, going in. The technology we're using today is, once you enter the carwash, you're out of the carwash in three minutes. Now, one tremendous advantage we're going to be able to exploit with the new layout is that we're going to be able to double stack the cars. Traditionally, Bob's is able to stack six or seven cars. We'll be able to show you guys that we'll be able to stack 13 or 14-

Mr. Hammond: On the site.

Mr. Howard: -On the site. And being able to get them through in a speedier fashion is another advantage that we think we're going to be able to exploit. You'll notice, guys, and ladies and gentlemen, there are two pay lanes now. Two pay lanes to get into the new design, which, obviously, allows us to double stack and get folks through in a speedier fashion.

Mr. Hammond: We've got one now. As you know, there's an access, where that access is now about, there's actually another curb cut that's on the far end of the property, down where the propane tank is now that backs up to the residential neighborhood. We can only stack about six cars coming off of Hannan Court before we get to the pay lane going into the tunnel. Right now, anything beyond that is stacked all the way down Hannan Court. At times, we've had it stacked all the way down Main Street. We're going to have more stacking to eliminate that problem.

Mr. Warwick: Would you mind showing us with the pointer where you're, and indicate where the double stacking will occur, which will elevate, as you said, traffic on Hannan Court?

Mr. Hammond: Bob's got a drawing, but it's got how many cars?

Mr. Howard: 13 different

Mr. Hammond: Oh.

Mr. Hammond: Yeah. I don't know what I did. All the way here.

Mr. Warwick: So you anticipate that, that design will alleviate traffic on Hannan Court that otherwise, residents have had to deal with and navigate with the existing Bob's layout?

Mr. Howard: That, compounded with the speed of the actual wash. Bob's current situation, we're getting somebody going to Bob's, from the time they to the pay station and get that transaction done, it's probably a seven minute situation. Part of the new technology that we will be implementing on this project will be license plate recognition for our club members that come in. So there's virtually, they slow down at the pay station and the computer recognizes their license plate. The gate goes up and it's a seamless, quick transaction. That, compounded with double stacking is going to greatly improve the speed at which cars go through.

Mr. Cunningham: Now, that was another point I was going to make. The stacking that we have now, you've got six cars, but how long do they, on average-

Mr. Goldsmith: There's valet and vacuuming to run the car through. From the time the customer gets out of the car until it makes it to the other end of the wash, you're looking at anywhere from between six and 10 minutes.

Mr. Cunningham: So this will be a lot quicker move through.

Mr. Warwick: Where do you have a layout, a Scrubby's layout like this anywhere else in the state or the region?

Mr. Howard: We sent some pictures and I'm not sure, it's Tim?

Ms. Whitner: Martin.

Mr. Howard: Martin. We sent a few photos. We've got them in Murrells Inlet, Georgetown, Hartsville, South Carolina and Lumberton, North Carolina.

Mr. Warwick: At any of those locations, were they, what was on those properties. Was there any similar development issues or plan to the Bob's Car Wash. Was there an existing, old line car wash that was going to be turned into a Scrubby's where there would be higher through put and associated issues, or no?

Mr. Howard: In Merle's Inlet we tore down an existing convenience store at Highway 17 and Highway 77. In Lumberton, North Carolina, it's an existing convenience store Dairy Queen, and we had a twin bay, automatic, 24 hour touch to car wash. You may remember the old laser wash. When we redid that site, we took one of the laser wash units out, and put in this new technology and increased our through put drastically. Went from about 2,000 cars a month to 10,000.

Mr. Warwick: And what was the last traffic count that Bob's in its hay day?

Mr. Howard: Probably, I'd say, very, very

Mr. Goldsmith: I've been doing it for 10 years. I can tell you where it ends up.

Mr. Warwick: I'm sure the Chairman is going to want to swear you in.

Mr. Livingston: Mr. Goldsmith, I'm going to swear you in and get you to-

Mr. Goldsmith: I swear to tell the truth, nothing but the truth, all that stuff.

Philip Stone: All right.

Mr. Goldsmith: Average through put. You want daily, weekly, what you want?

Mr. Warwick: Whatever I can compare to what you anticipate happening at this new unit.

Mr. Goldsmith: Slow every month is 2,600 to 3,400 cars. You get a good snow, you could hit 4,000 or 5,000 easy.

Mr. Warwick: The last traffic count that you have for the existing Bob's Car Wash.

Mr. Goldsmith: As far as traffic count coming down the road or coming through the wash?

Mr. Warwick: Coming through the wash.

Mr. Goldsmith: Coming through the wash, we average about 125 to 150 cars a day. That would be six days a week. So 700 to 900.

Dr. Stone: Hours from, what hours?

Mr. Goldsmith: From 8:00 to 5:30.

Dr. Stone: Okay.

Mr. Goldsmith: 8:00 to 5:00.

Ms. Whitner: I have, I'm sorry.

Dr. Stone: Ms. Whitner?

Ms. Whitner: In the staffing. Will you lose staffing with the new conversion?

Mr. Goldsmith: I'll be honest with you, in the current model, with the current staff, it's hard to keep staff now.

Mr. Howard: I can answer that. We will have, typically, two to three per shift, plus the site manager on site. There will be, probably, I think you guys are currently employing how many people?

Mr. Goldsmith: On an average day I have 10.

Mr. Howard: Right. He's got about 10, so there will be a reduction in labor with the new improvements. The technology allows us a little bit different model. You guys have probably seen some other washes that are opening around this part of the market where technology is cleaning these cars a little bit better and so the labor model is a little bit less.

Dr. Stone: Mr. Cunningham

Mr. Cunningham: I have a question. Tell me about your recycling of water products.

Mr. Howard: We've got a three tank system of recycling where we, somewhere around 70% of our original rinse water is recycled, and run back through the system and reused.

Mr. Cunningham: After the car goes through the tunnel, is it complete, ready to drive off, or do you have the areas where you can stop and clean it up yourself, or vacuum it or whatever.

Mr. Howard: Yeah. It's completely ready for you to leave. It's dry and you can leave. Now, we will offer free vacuums, and towels and chemicals, mat cleaners for those customers who want to do a little more detail work. We have a tremendous amount of busy people that are in a hurry. They can come through here and get a good car wash and go on down the road in less than five minutes.

Mr. Mariani: Those be on this, what look like parking spots on the left side, that would be the vacuums?

Mr. Howard: Yes, Sir.

Mr. Mariani: Perhaps, do you know the site plan and staff, but I noticed there a duplex directly across the entrance of the property, and cars coming in from Main Street on the right side. Is there any danger of blocking those residents if you should happen to have more cars than you can handle in waiting for their turn on having work?

Mr. Howard: I don't know what exactly what you're talking about.

Mr. Hammond: He's asking if there's any danger that they would be blocked in.

Mr. Mariani: Yeah. At the very bottom where the cars will be coming in. If I'm looking at it correctly, across from that there's a duplex. If you have cars coming in from Main Street, and say, you're having a very busy day, and you're having four as they wait for their turn, from that duplex directly across from the entrance.

Mr. Cunningham: I know what you're asking.

Mr. Howard: There's one lane coming in. There's also

Mr. Goldsmith: Right now, currently, right in here is about where the in and out is.

Mr. Mariani: Existing.

Mr. Howard: Yeah.

Mr. Goldsmith: The existing. So you have a home here and a home here. If this is the entry, there's actually two residents here. That's a one-way street, so technically, if they leave their home, they're going out this lane with the exception to this one, because right now that road is- doesn't say one-way until you get past her drive.

Mr. Mariani: If you have cars backed up all the way. You shouldn't have cars backed up where these ones are, do you foresee that happening? And if it does, how do they get out of-

Mr. Goldsmith: You're double stacking 14 cars right here. Through put is three minutes. If that becomes a problem, we're making a lot of money. I don't see it being a problem. I just don't.

Dr. Stone: Other questions?

We're going to have a public hearing in just a second. We won't have people start asking you direct questions while this hearing is going on. We'll note any questions and I'll give you a chance to respond to anything later on if anything comes up.

Dr. Stone: All right.

Mr. Howard: All right.

Dr. Stone: I think Ms. Holbrooks probably was asking to make sure that you all signed in so that we have correct names of everybody who made some comments. All right. Here in a minute we're going to have a public hearing. Thank you. Here in a minute we're going to have a public hearing. The way it works is, anyone who wishes to stand up, raise your hand, ask for recognition, you can come up here. Try not to take more than three or four minutes. We don't turn this into an adversarial, cross examination of a petition or anything like that. If you have questions that you would like an answer to, we'll take note of them and we will either ask staff or the applicant to respond later. I would just remind everybody that everybody up here is a volunteer. We are not on the city payroll. We're citizens of the city just like many of you, who are tasked by City Council with interpreting the zoning ordinance, making recommendations to City Council who is the ultimate decider here. We are tasked with collecting evidence, collecting public input and making a recommendation up to City Council who will ultimately decide what happens. I'm going to open a public hearing. If anyone wants to be first, you're welcome to come-

Dr. Stone: Public hearing. If anyone wants to be first, you're welcome to come on up. Come on up and give us your name and address. We'll ask you either when you're finished or, eventually, to sign in as well. You don't have to be sworn... Public comment is not sworn testimony.

Mr. Lawrence: I'm Andrew Lawrence, 488 Lucas Court. My first concern is you already have a non-compliant business a hundred feet within residential areas and you want to change it to a B-3, which is a horrible zoning area to be anywhere near residential areas. And you want to expand that area, which I don't quite understand.

The second is your entrance is two houses down and, according to your map, it's 22 feet wide, I think is what they told us at the public, the first meeting on the 11th was 22 feet. It's actually barely 19 feet and the narrowest part in the quote is 15 feet, which is no, there's not enough room to get cars through there. That's part of the reason for the back-up now you're looking to quadruple your business volume and I understand that you wanted it.

I'm a business owner myself. I love making money, but not at the expense of the residents that are in the area. If you're doing 150 cars a day and you have back-ups on the street, even though you're looking to implement to new technology to alleviate that, but then you increase your volume five-fold, you're still going to end up with the same problem, if not worse.

Pardon me. The other thing is with having any traffic cars, other than residential, and when you first pull on that street, it says "Residents only. No through traffic." And that's right at, it's right next to where Colleen sign is. I think it's Colleen's the pastry shop, right there. So you will you need, and right now you have employees at Bob's Car Wash that are leaving there and coming out Hannon Court we have several small children, as you see a lot of them here that like to play on the sidewalk.

They have cars without mufflers. They speed through there. Lucas Court is only 32 feet wide with parking on both sides of the street because most of the residents on either Hannon Court and Lucas Court don't have driveways. We have a shared driveway with our neighbor that is actually single lane and goes to way in the back.

And there's barely enough room. And I understand at one point cars were a lot smaller than they are now. The truck that I drive is nine feet wide and it's 12 years old. Vehicles are only getting bigger and the streets are not following suit, so if you're going down Hannon Court, if anybody is parked in front of their house, which they are allowed to do, you can't get a vehicle of any size past it without driving on the curb, so you'll get an increase in traffic with larger vehicles going down a really narrow street. Thank you.

Dr. Stone: Thank you. Who's next? Come on up.

Mr. Davis: My name is G.R. Davis, I'm President of Andrew's Place Condominiums Homeowners' Association and our property's immediately to the right of that, so there are 11 condominiums in there that are occupied. We are presently affected by the noise that comes from Bob's Car Wash and so I think our chief concern would be that the noise levels don't get any worse.

But, in fact, it sounds like that with the new technology, maybe the noise levels will be a little bit less. The problem appears to me, can we go back to the map that shows the current zoning? There we go. So these 11 circles here represent the 11 condominiums there. That's all residential, so it's not business owning what happened here, but it's not business. And so that's a misrepresentation to say that Bob's Car Wash is adjacent to other businesses.

So, I guess we are improperly zoned, but those condominiums were built in 1930 and they've been occupied since then and we intend to keep them occupied, so people are living there, so that's the impact of having a noisy car wash. Now when we bought into those units there, we were aware of those noise problems and we simply don't want them to get any worse. Thank you.

Dr. Stone: Thank you. Who would like to come up next? I see that hand right there.

Mr. Allen: My name is Philip Allen. I live at 118 Hannon Court. The chief concerns are, where they've got it, could you show the slide again the car washing? Well they show them coming into the top, coming back around to be vacuumed. And their exit is on Hannon Court. And, like you said before, at the very beginning of Hannon Court, it says, "No through traffic."

So, they're talking about doubling, tripling, quadrupling their business and dumping all those cars back in down there. Now we have problems in just people coming through to it. That's one concern. The next concern is where they've got the dumpster. It's about 20 feet here. I want to see the dumpster driver make this turn, get this dumpster, get back out without going the wrong way up the street.

The only way he's going to be able to do it is come up it the wrong way. It's impossible. I mean, a 20 foot-wide road you can't get a dump truck to make a turn. And my other concerns are that they have numbers. Do they get to operate 24 hours? If their car goes in there and it's 11 o'clock at night and Kate lives right across from these vacuums. They're on the back of their car, so I don't know if you'd like to have this in your neighborhood, that kind of you know, if this is 9-6PM."

I just begrudge them making money, but they're going to do some afterhours things. I've lived on the street since 1996 and I remember Bob's Car Wash when it was the Bishop's and now it's these guys. It's not a big deal, but the traffic is a problem and then they're going to increase our traffic problems. And people don't obey one way street signs. At the end of Lucas Court, it says, "Do not enter." You take your life in your hands on a Saturday morning backing out of the driveway, because right now their employees will do it, customers will do it; they fly down the street.

And we have public service officers and public safety officers. I had them come to my house because the lady freaked out, hit a car and ran. Because I got up out of a van and just started screaming at her, because she beeped her horn at me because I was coming out of my driveway. She was coming the wrong way, so I mean these are some of my concerns. Everybody's talking about the traffic.

Right now, the enter and exit supposedly on East Main Street, but everybody, they still go down our street. And, like I said, dump all this on our street. Now I know he said you can't look at that,

because it's the city council's job, but these are things to take into consideration. And across the street, it's DT-4. Why can't we make that DT-4? If we're going to resolve it, let's resolve it, instead of making it a worse zone for us.

And I object to the DT-4 right across the street because I live on DT-5 today where there are no restrictions and things that instead of making it less restrictions, there's an LOD that can't do a lot of things. You know. Do you want a Dt-3? It's a crapshoot.

Dr. Stone: I will tell you, DT-4 is more about the design of the building than what you can and can't do in it.

Mr. Allen: Really? Okay. That's all I have to say-

Dr. Stone: And Mr. Livingstone's not correct in exactly on that.

Mr. Allen: All right. Thank you.

Dr. Stone: Thank you. Who else? Who else would like... Is anybody else see a hand?

Mr. Cunningham: Yes.

Dr. Stone: Yes.

Dr. Stone: It needs two hands on that.

Dr. Stone: Okay. Whoever raised their hand can be next.

Mr. Hilly: My name is David Hilly. I live 331 St. James Drive. Yeah, we have much to lose by the car wash going on Hannon Court. 13. So a lot of my cats are here, a lot of my neighbors. I lived over there for five years myself. For the most part, it's always been a great, well, it's mostly a great neighborhood. When I bought back in '88, it was already there, so I knew what I was getting.

But I'm getting something totally different now and so is everybody else. LOD is what, zone A. Spartanburg City's own definition of the last civics and LOD tells you that it's designed to be right next to a residential area, so it won't be developed or something uncomfortable. Well, that's exactly what it is now and that's worked since 1963 or 4 when Bob's was built.

I'm all about making money just like the petitioners are, but not at the expense of, basically, the safety, the well-being of all the residents that are over there, whether they're owners or renters, whatever the case may be. We already have problems with the street being one way and extra narrow, as has already been over. There's tons of cars going the wrong way every day of the week. There's probably two dozen, three dozen now going the wrong way.

Not just employees. It's people just cutting through and they know it. I mean, there's ways to make their car wash work, because it's been working since 1964 without changing the zone to start with. I know the city likes [inaudible] split-zoning and I understand that, but it works like it is and also there are numerous other split-zoning ones within a stone's throw of this problem and it will impact the safety of all the residents in that area, Hannon and Lucas.

There's at least six children under the age of 10 that are in that area. I got a new tenant moving in. He's got a two-year-old son going to be right behind the car wash. They're going to end up possibly using the Hannon Court Street, just like Chick-fil-A's been forced to use East Main

Street. When you get on East Main and want to get your loads or something, you can't turn there. It's a stop light, because there's 24 cars lined up in the parking lot trying to get Chick-fil-A.

Well, if they triple their volume, we think it's going to happen on Hannon Court. The same thing. That's all I have to say, except for vote no for re-zoning. Vote for your community. Vote for the residents.

Dr. Stone: Thank you. And, yeah

Dr. Stone: Figure out... Go ahead.

Mr. Cunningham: There's one there and there.

Mr. Warwick: Two more.

Ms. Whitner: This lady here.

Mr. Brown: Who do you want to see first? This lady here? Lady there and then the gentleman there.

Dr. Stone: Okay. That'll be the order we go in.

Ms. Shepherd: Hello. My name is Nicole Shepherd. I reside on Hannon Court and I really know nothing of zoning laws or anything like that. Bob's has been there since I moved in, about 12 years ago. I just want to speak to the quality of life and the people that have children and have pets. Almost everyone is a pet owner.

Now on Hannon Court, we don't have sidewalks. This is the narrow road that they want to use. You must walk your pets in the street. If you want them for your children, you must do that in the street. There's already the issue of cars going wrong way. Some of these bungalows, I understand, were built in the thirties. This is near historic.

And it would just be a shame and a heartbreak for this to happen. There is noise and traffic that comes from Bob, but it's just part of the neighborhood. But to think of putting any more on top of that is incomprehensible and I would hope that you would and, I'm sorry. Speaking of taking jobs from the community, I am under the impression that Bob's helps people that get out jail, get back into work programs. That will be gone, not to mention taking jobs from away from the community.

Also, blocking in the duplex that you saw and then in this case, residents and building as well. And I guess that's all I wanted to say. Thank you very much.

Mr. Warwick: Thank you.

Dr. Stone: Thank you.

Mr. Andreoli: So first of all Lucas Court, let me sign in .All right.

Dr. Stone Thank you.

Mr. Andreoli: So thank you guys for hearing us tonight. Grateful for you guys being here, voluntary.

Mr. Cunningham: Mind telling us who you are and where you live?

Dr. Stone: Name and address.

Mr. Andreoli: Oh, sorry. David Andreoli, 483 Lucas Court. A lot of great neighborhoods in Spartanburg. Converse Heights being one of those neighborhoods which Hannon Court and Lucas Court are part of. Great to be part of the Converse Heights Association. One of the great

things about these two streets in the neighborhood is that Converse Heights is a nice neighborhood and these are the entry-level family houses in that neighborhood.

So it naturally attracts a lot of younger families to the area with kids and my kids were in my kids are here for the night and I hear about the car count at 150 cars a day. We're going to double it, triple that, I just see 300 or 400 cars coming down Lucas Court and it obviously makes me very emotional. I'm worried about the safety of my children. And there's probably some things that could be done on the site plan to improve the egress and cut down that traffic, but once it leaves this room, we don't know if that will happen.

So all I know is that a vote for re-zoning is a vote for putting potentially three or four hundred cars down a single-family overlay residential district. Voting yes for this re-zoning is basically giving the green light we have lost control and this money that they're going to make, these 300 cars that are going through residential, families with young kids, two-year-olds, toddlers playing out in the street.

He's going to be re-zoning that through single-family overlay district and, ahh God I hope we don't see that happen, so thank you all for hearing me out today.

Dr. Stone: Thank you. There's one more over here.

Mr. Brown: Two more.

Ms. Whitner: Two.

Ms. Shuford: Thank you. My name is Aliah Shuford. I live at 519 Lucas Ct. I'm not super-educated over issues and the laws or anything like that, but I do live very close to where the car wash currently is. And I would just like to present, I don't have that much to say, present that what is proposed that you're having vacuum cleaners and loud machines running 10 hours a day right next to where a whole bunch of people live, a bunch of children, a bunch of families.

And there is something to be said about noble merit of building the city and making it better and making it more beautiful, but I think that not at the expense of the community who live there, I think, and their happiness and their well-being. That's all.

Dr. Stone: Thank you. And who else was it?

Ms. Whitner: Yes.

Dr. Stone: I know it's rude to point, so I'm sorry.

Ms. Shuford: Well, I have to write everything down, so I'll be reading from my notes here, so bear with me a little bit. I'm Betty Shuford. I live at 519 Lucas Court. Okay. So thank you for your time and having me here today and this evening.

In my opinion, re-zoning the property in question from described limited office distinction to a general business is not in the best interests of the community. As my beloved neighbors have previously stated, the constant noise of multiple vacuum units would be incredibly disruptive to many people who live nearby.

Also, the traffic is a concern we cannot talk about all that, so I'm going to fast-forward a little bit through my notes. Let's see. Also, with the increase of the traffic that is sure to result from this re-zoning and then the proposed new entrance that is going to be further down on Hannon Court, it's likely to make it more difficult for the residents of Hannon Court and Lucas Court to return to their homes, as well as the safety.

With all due respect to the designers and everyone involved in creating this plan, had this property been located in an area where the majority of the surrounding properties are not residential, we would be having a different conversation today. So it seems to me that the original intent when zoning this area was to create a quiet buffer between the main street businesses, Bob's Car Wash, and the residential homes down Hannon Court within Lucas Ct.

The previous council committee members wisely and purposefully zoned this property as the limited office for this reason. The re-zoning goes against their wisdom of our processes and it does not put Spartanburg residents first. I believe the residents of Hannon Court, Lucas Court and other residential areas should be prioritized above the prospective. Thank you for your time.

Dr. Stone: Thank you. All right. How many other, we have anybody else?

Mr. Brown: One more. Yes.

Dr. Stone: One more?

Mr. Warwick: Two more.

Dr. Stone: Okay.

Mr. Warwick: Three more.

Dr. Stone: Three more.

Mr. Warwick: There are more. Yeah.

Dr. Stone: There are more.

Ms. Amoroso: Elizabeth Amoroso 488 Lucas Court. I'll make this brief because most of my things have already been addressed, but I think it's unrealistic to think that a car wash like this is not going to impact the residential neighborhood. I travel through Boiling Springs quite often and anybody who travels to Boiling Springs on a 50 degree day in January, with the sun shining, knows that the automatic car wash has people lined all the way down Highway 9.

My other concern is that in and out of that, of this. Hannon Court is a one-way street, so if you have people backed up on Hannon Court trying to get in here, traffic can't go that way because it's one way. So they're going to have to go this way, so you've not only created a traffic jam for the residents, but you've created a traffic jam within your own business.

Mr. Brown: Thank you.

Dr. Stone: Thank you.

Mr. Miller: Thank you all for being here because we all want the same thing; a beautiful city we can live in. And that's a great thing. My name's Paul Miller and I've lived at 484 Lucas Court since 2000 and at that time Lucas Court was 50% rentals, 50% under-occupied. Now it's all under-occupied with one owner who owns a rental next door and one owner who's in the neighborhood, but owns that one and then we have another owner of 13 units who's there every day.

So the nature of our neighborhood has changed. Our values have gone up greatly. And what I've learned about B-3 is that if you're right next door to it, your residential property value will drop. The only way your value goes up is if you also for zone B-3. So when we've had these discussions as a neighborhood in years gone by, we've thought, well, it doesn't really benefit all of us if some of us go that way.

Some of us are going to take a hit, but if we all go that way, then we all benefited. So that's my first issue, is this a village atmosphere on Lucas and Hannon. We all know each other. It's very, very nice. I'm the old guy out in the street going like that, which means slow down. And people are I get occasionally flipped off, but usually people are very decent about it and they, yikes okay.

And some of us are also godparents to the little kids on the street. Thanks. And we don't care about traffic counts. We don't want that one car going the wrong way or thinking they can come through Lucas and out Hannon and hit one person. That traffic count does not matter to us. We just don't want it to happen that once. We're all out there supervising. Some of us our retired. We're all out there supervising, but we can't stop traffic.

And I want to correct some things that people have said. There is a sign at the entrance to Hannon Court from East Main Street that says, "One way." It's not all the way up the street. I think that the gentleman mentioned up there. And I'm a customer of Bob's. I love you guys, so that isn't the problem. Let's see. The sign that says, "One way," isn't up here somewhere. It's right at the mouth of the street. And that you didn't see it speaks to the way that we don't see it.

And everybody goes in and out as is most convenient for them. So if we get occasional traffic jam, it's not a big deal until it starts to back up and on a pretty day, like my neighbor said. And that does happen pretty regularly, but we manage to find a way to get along with all the businesses all around us. We're in contact with the hotel. We talk to them. If we have fence leapers or anything like that, we've got the hotel on... They've got cameras installed. We've got their number. We're in contact with Arby's. If there's an issue over there, we talk to them.

We all get along because we've reached a common stasis. So the issue with the car wash is that the comprehensive plan, I mean, we like Bob's the way it is. Increasing it and looking at zoning the entire space B-3 to make it consistent with the comprehensive plan is a mistake, in my opinion. The whole term about fixing it to make it consistent with the comprehensive plan is not an accurate statement. It doesn't make sense because we live right next to it.

So the comprehensive plan needs to address people who live downtown and work downtown. We do have a lot of service industry people on those streets. I bought my house so that I could

walk to my office on Church Street, which I did for almost 30 years, so I walk to the library, I go to the YMCA. I mean, we need more neighborhoods right downtown just like ours, but we do need to respect the way that we're impacted by the noise and light.

I did a little research and it sounds like there's a company called Santec, S-A-N-T-E-C, that has a website that talks about the concern about decibels from multiple groups of vacuum cleaners like these. And they hit around the 75 decibel mark, which is considered dangerous for human ears. So what they've done is work with car washes to create barriers like you would a kennel. If you had barking dogs behind it in a kennel.

Kennels in B-3 are required to be surrounded by a wall and soundproofing. We get a lot of sounds that echo down the street that just bounce off the houses. So we want to be real careful, the noises coming down the street at us and if this plan goes through, we really would want to make sure that there was some kind of barrier so that the noise doesn't travel and that the cars didn't travel outside of that footprint.

So using an existing structure may not be the best answer. It could be that putting a driveway where it's currently proposed may work. Maybe move the whole car wash over. I'm sorry if you got to demolish it, but maybe turn it into a shelter, a covered drive port like they have at banks, so you can preserve it and benefit from building on an existing structure. Come up that way, and put all of the vacuum cleaners and find something that will prevent the noise from echoing down the street and let people go back out the main street. We just are tired of people flying in. We asked for speed bumps on Lucas Court and Hannon, but we're told we didn't have the traffic to warrant it, but we still want those.

The developer talked about noise issues being addressed right now, and I would like to find out how that noise issue is being addressed. I want to make sure it's a good, successful way. There are 17 vacuum cleaners down the side of Hannon Court. 17, so that's a bunch. Right now, you said that, who was telling me, yeah. That there is a vacuum cleaner there already, but one vacuum cleaners at Bob's are all up front by the street, no excuse me.

Mr. Hammond: There's one in the back.

Mr. Miller: There's one in the back too, right? Okay. We go through there, we get vacuumed, we get sprayed, we have the power washer, so there's a little noise back there but it's not too bad. I have the same concern other people do with the number of vacuum cleaners all being used reverberating down the street and about the increase in traffic. I am very concerned about that. We had to work with the former mayor or manager Mr. Scott from Hollywood?

Dr. Stone: Mark Scott, yes.

Mr. Miller: Mark.

Dr. Stone: City manager a good while ago.

Mr. Miller: Yes, thank you. He was very helpful and Mr. Livingston's been very, very helpful helping us get some signs at the beginning of Lucas Court that don't say No Outlet because that's like, "What does that mean?" He's got signs now that say "Dead End," and we also have a sign that says, "Residents Only. Don't come here," but people still come through all the time. We've got a number of issues, but it is about safety primarily. It's also about the way our two streets form a village, and we have a safe village that gets along with everyone on the boundaries and we'd like to maintain that. If the plan can be altered to address all those issues, that would be great, but we really appreciate you all giving us a chance to talk tonight and be here. Thank you so much.

Dr. Stone: Thank you. All right. Who else wanted to speak?

Mr. Cunningham: One more, to the right.

Dr. Stone: Is there anybody left on this side?

Mr. Warwick: No.

Dr. Stone: Okay. Whoever the last person is, okay. Thank you. You all help me out.

Mr. Warwick: Yeah.

Ms. Cox: My name is Kay Cox, and I bought the townhouse that's right beside Bob's Car Wash. It was right understand where all the vacuum cleaners would be. I sold my home on the East Side two years ago and bought this townhouse. It's at the back of Whit lock Tire. I don't know if you all in the front part. It's my retirement home, and after listening tonight I'm convinced that I won't be able to get out, pull out of my driveway if they are successful and have a lot of traffic and they have to come down Hannon Court to get into the car wash. I'm convinced that I won't be able to get out of my driveway because people, it's fine right now, but people get excited about getting in that car wash and they're all over the place. They're not going to stay over to that side for us to be able to get out of our driveway and get out Hannon Court I don't believe. That's I guess my concern. I thought I'd live there the rest of my days, and I've improved it. I've done a lot of work outside, and like everybody else, I do love Bob's Car Wash but I hate to see it get that big and that much traffic and that much noise. Thank you.

Dr. Stone: Thank you very much. That's the sign-in sheet. Anybody else? You all see anybody?

Mr. Warwick: No other hands.

Dr. Stone: One more? Okay.

Mr. Warwick: Whoa? Two minutes? No more.

Dr. Stone: No more? If anybody doesn't see any more, then you can make the motion.

Mr. Warwick: I move that we close the public portion of the hearing.

Mr. Cunningham: Second.

Dr. Stone: It's moved and seconded to close the public hearing. All in favor, say aye.

Attendees: Aye.

Dr. Stone: Any opposed? The public hearing is closed, and I did want to make sure that everybody, no matter the outcome, feels like they were heard. We were going to hear pretty much anybody who wanted to say anything. All right. There were probably some questions that came up, and so I know we may want to direct some of those questions and let either the applicant respond, there's questions about zoning that Mr. Livingston can probably respond to as well. Do you all have any other questions that you want to try to answer for folks?

Mr. Hammond: Okay. You want me to answer questions?

Dr. Stone: If you had any questions, if you heard any questions you felt like you wanted to respond to.

Mr. Warwick: I have one.

Dr. Stone: Okay. Go ahead.

Mr. Warwick: If that's all right.

Dr. Stone: Go ahead.

Mr. Warwick: Dumpster retrieval was mentioned as an issue. Dumpster retrieval.

Mr. Hammond: Yes.

Mr. Warwick: What the resident had to say about that appeared to have some merit. Could you address that?

Mr. Hammond: Yeah. We have had that dumpster engineered by Stantec, local engineering firm here, and I've been assured that the turning radius are sufficient for us to be able to make that curve.

Mr. Warwick: How will a truck enter there and I gather back into the space and pick up the dumpster and then where will it exit because it can't get back onto Hannon Court, or am I misunderstanding something?

Mr. Hammond: My understanding is he picks from the front end

Mr. Warwick: Oh, that's all right.

Mr. Hammond: Probably elaborate on a couple things.

Mr. Warwick: Just identify. Sorry, Mr. Chair.

Mr. Walker: My name's Paul Walker. I do some of the design on the building and a little bit of the site plan.

Dr. Stone: Do you swear to tell the truth? We're presenting, not public comment, but presenting testimony.

Mr. Walker: Actually, can't be really seen with this, but there is an exit lane beyond the pay station that is an emergency exit so that if somebody comes in, does not, has an issue with the car, there's something in there, they do not have to go through the lane.

Mr. Warwick: I see. It looks like it's marked as if it's a walkway.

Mr. Walker: It is.

Mr. Warwick: Is that correct?

Mr. Walker: There's a crosswalk.

Mr. Walker: I do believe that may have to be modified to make sure that it can because the clearance from the pay station for the dumpster is a little bit lower, so we may have to adjust the clearance on the actual pay station.

Mr. Warwick: That would appear so, otherwise you're going to have a truck that's going to have to back out at some time of day and then head the wrong way down Hannon Court.

Mr. Walker: It's a little hard to tell what that hashing is. It looks like a regular sidewalk. That was one of the issues, and it's why I'm, the gentleman that was talking about the decibel levels, he's actually, I commend him, he's spot on as far as 70 decibels, but what we do, and to address your comment directly on that, the producers of the vacuum motors are actually enclosed with a block structure in the brick there on. The standard STC ratings, which are for sound, increases that to about a 50 STC. 65 is actually soundproof. You're still going to be able to hear it, but I'll give you an example. The car wash that we built for Chase in Parksville, South Carolina is directly adjacent to a Dunkin' Donuts drive through. The drive through is basically from me to you. Of course, if there's a loud decibel level right there, the drive through is not going to be hear the orders, and we've actually had no problems because both of the producers are enclosed in a surrounding. That actually helps out tremendously.

One other thing, we were just doing some calculations that same location in Parksville roughly does 300 cars per day. With the 100 length of the bay itself, you can have five cars in there at one time. I know it's advertised as three minute car wash, but let's just say five minute car wash. In any one of these, you could have 12 cycles of five cars each. There's 60 cars in any given hour that this car wash could run with ease. You take 300 cars per day, take a nine-hour work day, that's only 33 cars. It's just a little over half of what we could have running through without having a stacking issue at all. That's actually in the car wash itself, not counting the 14 cars that are stacking in the pay station line, and this actually is what you all were looking for a little while ago just showing the stacking, just with the number of cars with the double stacking.

Dr. Stone: Of course.

Mr. Cunningham: Is it more productive or is it more efficient to have these individual vacuums rather than a central vacuum that some car washes here do where you have one unit that I guess runs constantly? Your vacuums will run only if somebody turns them on?

Mr. Walker: No, actually, you're correct. These will run constantly in central locations. Then the vacuum tubes will run.

Mr. Cunningham: They're not 17 motors.

Mr. Hammond: Correct. That's the point I wanted to make earlier is that how many vac motors are currently on site? Three I believe. We have three. I think we're going to have four. Usually, with 20 vacuum positions, we typically have four sites. This site's got 17, we may have a little bit stronger horsepower and be able to get away with just three, but again, technologically superior to what is there now and we're going to enclose them and make sure that they're going to be quieter than what's going on right now.

Mr. Cunningham: I was thinking there were 17 individual ones.

Mr. Hammond: That way, we only have two or three enclosures of that.

Ms. Whitner: I have three questions. My first one is if someone gets in their line and decides to change their mind, how do they get out? My second question is this going to be 24/7? Are you going to be running open 24/7?

Mr. Hammond: No. Okay.

Ms. Whitner: Does this decrease the property value? That may be a Martin question by changing the zoning.

Mr. Hammond: To answer your question on how do they get out, we've got escape lanes here, so if someone makes a purchase and decides they don't want to go through the wash, they have escape lanes here, correct, and that's the escape way. The second question you asked was-

Ms. Whitner: Are you 24/7.

Mr. Cunningham: There's an arrow adjacent to something there.

Dr. Stone: They're not 24/7.

Mr. Cunningham: Does that arrow indicate that this person could go to Main Street?

Mr. Hammond: Here?

Mr. Cunningham: Yes.

Mr. Hammond: Yes, sir. Yes. I was going to address that as well. The volume of traffic that's going through here, at least 50% are going straight out to Main Street. On our busier days we've got 300 people that come through that day, half of them are not even going into the vacuum area, so they're dumping out. I'm cognoscenti of the issues of the folks here, respect what they're saying, but this thing is designed to alleviate some of these traffic concerns. That's why we've got it set up this way to maximize the traffic when they're there and get them off property as quickly as we can. Your second question was?

Ms. Whitner: Are you 24/7?

Mr. Hammonds: Hours of operation, typically a couple of the sites in Myrtle Beach may open at seven, and nothing's open past 8:00 in the evening.

Ms. Whitner: Your members can't just drive up?

Mr. Hammonds: No 24 washing. No.

Ms. Whitner: Okay.

Ms. Hammonds: The vacuum cleaners, everything's on it, everything is turned off at closing. There's no noise or anything like that.

Ms. Whitner: The property value was my third question, and that may be a Martin question. Rezoning does not affect the property value?

Mr. Livingston: It does not. We do not addressing property values.

Ms. Whitner: Okay. Thank you.

Mr. Hammonds: Actually, a little add-on to as far as the afterhours thing, these have doors that go on there so there's actually no way they can even try to use it. It'll be completely closed.

Ms. Whitner: Okay. Thank you.

Mr. Warwick: Do you anticipate that the hours of operation for this unit will be 8:00 AM to 8:00 PM, or would you be opening at 7:00 AM?

Mr. Hammonds: I anticipate probably eight to eight, 8:00 AM to probably 7:00 PM most likely. Now, it could go seven to seven or seven to eight, but I don't have anything that's open different than those hours right there.

Mr. Warwick: I was just thinking about that earlier, opening times.

Mr. Hammonds: Right.

Mr. Warwick: One other question, you mentioned that you'll have fewer or an equal number, similar number of vacuuming motors to what's there at Bob's now, but the motors I guess or the vacuum units are at the front portion of the property, near East Main currently. Is that correct?

Mr. Walker: Two of them are on the front side, one's in the back.

Mr. Warwick: Where do you plan to put the vacuuming motors on this site?

Mr. Walker: It's hard to see because it's a lighter line, but there's a vacuum station here, and then there's one here. Actually, don't I think they are slightly higher horsepower, but there's only two right here. This one serves half this, this one services half this. One of them is still all the way in

the front. The only issue we were talking about earlier is that this one being so close to being happy to put a blocking enclosure around it, we may actually shift this one back a little bit farther, maybe one space there. It may even cause to sacrifice a parking space or a vacuum space, but it'll get the visibility of the car line of sight out of that way.

Mr. Warwick: Thank you.

Mr. Mariani: This might be a site plan issue, but you have an employee parking lot, but here's it's number three towards the entrance down there. In the middle area near the exit point the crosswalk, why can't you just have, just have them come this way and loop around?

Mr. Hammonds: I was going to say, if we can change. That has been a consideration. The only thing that would be prohibitive on that, and it can be looked at again, is the turning radius if you come in straight. Basically, you've got to do a 180 degree turn and some of the large vehicles making a sharper radius turn. Not sure if that would actually work. I mean, for everybody's consideration, we can take a look at that and see if that's a better layout.

Mr. Hammonds: I'll make one more comment.

Dr. Stone: Of course.

Mr. Hammonds: For that direction, for the residents that live here, I expect very little exit traffic here. The only people that are going to exit and go this way is going to be a handful of people. The majority of the folks that are here will go back out to Main Street. That's what we see and what we feel.

Audiences: This is to a red light. That empties right to a traffic light.

Dr. Stone: Okay. Okay. Okay. Okay. I'm going to get out the gavel. I'm going to get out the gavel.

Mr. Howard: One thing I see, he's right. There is going to be a substantial amount of traffic. It's going to exit out, and they're not going to, because there's a lot of customers that don't want to vacuum their own car. But, as it exists right now, people can come in right here, people can come in right here, people can come in down here. There's actually three access points on Hannon Court right now that we're closing off.

Dr. Stone: Does the commission have any other questions for the applicant? All right. Does anybody have any questions for Mr. Livingston or staff? It's the city's recommendation was B-1, not B-3, so that is absolutely on the table for us, and it's actually... Actually, Mr. Livingston, I have a feeling you don't know this, but why is that parcel zoned LOD? That back portion of that parcel, do we have any sense of how long, when it got zoned LOD and what was on it?

Mr. Livingston: I don't have any sense. I suspect a lot of zone issues and the property was combined at one point. That property was originally LOD. Again, when we find these kinds of issues where a property is split zoned, it's zone B-3 and LOD on a parcel, we try to correct those

as much as possible. That's not the only split zone. On the map, you can see that everything on that corridor, including the condominiums and the apartment complex, the condominiums, the bank and the commercial are all split zoned. We recommended in the staff report that those split zones be addressed either with an updated zoning ordinance or some other process.

Dr. Stone: By the way, came up in someone's comment. Condominiums probably going to be zoned B-3 for the density of residences, correct? It doesn't necessarily mean it's a business, it means it's zoned that way because you have to have that zoning for that level of density.

Mr. Livingston: B-3 does allow residential including dense residential that involves density. The condominium in a B-3 is allowed. It's also allowed in B-1.

Dr. Stone: Any other questions for?

Mr. Mariani: I do have a question. The LOD is supposed to create a buffer between commercial and residential. Even though that's B-3, they are duplexes, so would we be getting rid of the buffer by doing this?

Mr. Livingston: Not necessarily. In the ordinance, there's a buffer zone required for any development. Even if we have a B-3, there's a buffer zone 15 feet, 25 feet, 30 feet, up to 50 feet for any property that's developed in the city. There's buffers required between zones. Typically, the reason you have LOD zoning is it acts as a buffer between residential and other uses. You'll notice that there's some LOD along this Main Street, and that's intended to be less intensive uses on East Main Street against residential. That reside at that area, we see that also LOD on South Pine Street adjacent to the Cemetery. LOD's not used as a buffer. It's intended to be less intensive use near residential areas. We have buffer zones and the residential these developers have also provided a landscape buffer between residential and the development itself as well. There's two kinds of buffers, the buffer in the zone buffer and the design to be less intensive use.

Mr. Cunningham: There's a buffer requirement between B-1 and adjacent. This development will require a buffer to meet city requirements.

Mr. Livingston: That's correct.

Mr. Cunningham: Okay.

Mr. Mariani Since the site plan issues are staff, can we approve rezoning a condition that staff look at traffic issues and resolve it? Is that even a possibility?

Mr. Cunningham: I think our task is rezoning. Site plan issues are not under our jurisdiction. There are some that need to be discussed and resolved, but we can't address them. Am I correct?

Dr. Stone: I think you are correct. I had a question. The staff is recommending B-1 as a compatible, what is this neighborhood shopping district, right? That's what that's called. I did have a question. Anybody, while I try to re-think of mine, does anybody else have anything they wanted to ask?

Mr. Warwick: In these other instances where we have confronted split zoning, to your knowledge, how have we historically, just as best as you recall, Martin, dealt with those issues? Have we rezoned the entire parcel to the more intensive use, or what have we done?

Mr. Livingston: There were two split zoning issues in the last two years that I recall. One, you had last November was the 500 West Main Street that we zoned B-3 and R-8, and it went to a B-3 PDD, a mixed used development and residential was in the rear and the commercial was in the front. The other split zone issue that came up with the Calvary Baptist Church, and that ended in stalemate.

Dr. Stone: In what?

Mr. Cunningham: Stalemate. The developer withdrew.

Mr. Livingston: The developer withdrew, went to city council, with the recommendation and

Dr. Stone: Oh, I guess my question was if we were to table or decline to send this up to city council and we left it status quo, what is the impact of that decision?

Mr. Livingston: The impact of leaving it tabled, you could request additional information from staff. You would table it to request additional information and they would have to come back before you the next month and you'd have to make a decision whether to approve or deny.

Dr. Stone: I'm in. Okay. If we decided not to approve it, if we just left it status quo, if we left it at the split zone B-3 LOD, what is the impact for the developer of that decision?

Mr. Livingston: It would remain as is, as a non-conforming use as a car wash, automatic car wash. It's still an automatic car wash.

Dr. Stone: But would it prohibit them from renovating, doing what they're proposing to do?

Mr. Livingston: My understanding is yes.

Dr. Stone: Okay.

Mr. Livingston: That's my understanding, because the rear of the property is LOD, which does not allow for an automatic car wash.

Dr. Stone: But if the car wash is in the front part of the property and the back part is either egressed, you've got the site plan, if it's just driving lanes. If they're not going to build anything on the LOD section, that doesn't have an impact?

Mr. Livingston: My understanding it does because based on the zoning ordinances the entire lot, the zone is based on the lot itself.

Dr. Stone: They could continue to operate it as is, no changes, as a non-conforming business but to expand or do anything different, it needs to not be LOD.

Mr. Livingston: Needs to not be LOD. That's correct.

Dr. Stone: Okay.

Mr. Livingston: We'll have to do some construction on it to put an egress on it.

Dr. Stone: Okay.

Mr. Warwick: Unless they are able to construct a similar wash area but push it forward onto the property so that no portion of the business is on the LOD, the high use portion of the business is on the LOD? Is that fair to say?

Mr. Livingston: Well, we discussed with the developers was that if you demolish the building, you have to conform to the current zone.

Dr. Stone: You'll lose your non-compliance.

Mr. Livingston: Does not allow car wash within 100 feet of residential. If you rehab it, you can keep it non-conforming because the business is still in operation as long as you meet the requirements of the city. Repair, they're keeping the tunnel, so repair and improvements can be made to a non-conforming business and allow it to continue to be non-conforming. We have that all over the city. We have a lot of non-conforming buildings, businesses that are still in existence today, but they demolish the building and wipe it clean and start over, they have to conform to the zoning ordinance. It would mean going before the BZA or the Zoning Appeals Board to get a variance for that 100 foot requirement.

Dr. Stone: I was about to ask that. Since that 100 foot requirement is not going to be able to be adhered to, even if we grant or recommend the zone change.

Mr. Livingston: It will allow it if they make the improvements according to the repair requirements. They're keeping a portion of the building, they do have to, if they want to keep it a car wash the way it is, non-conforming, continued use so either B-1 or B-3, they would have to make improvements to the building. The ordinance of non-conforming means you don't add to the building. They're removing a lot of the stuff from the existing building.

Dr. Stone: Okay.

Mr. Livingston: They're removing a lot of the stuff from the existing building.

Dr. Stone: Okay.

Dr. Stone: Any other questions for staff? Then I guess we are at the point where we have to figure out what we want to do.

Mr. Warwick: Thank you, Mark.

Mr. Cunningham: We don't know anything else to ask you.

Dr. Stone: Well, as we discussed we will probably come up with something else to ask. That usually is how that happens. Well, I think we're pretty unanimous and I appreciate just, I will say for the record, as we begin to deliberate, though we're going to do that right in front of you for you all here because this is a public meeting, I do appreciate the passion that everyone here has shown for their neighborhood.

I live kind of on the fringe of a downtown neighborhood, and I recognize that all neighborhoods strive to protect the boundaries of their neighborhood. We all have heard that. That said, this is not as easy as it sounds, because we've got something that's already existing here that could continue to exist if we do nothing. I also don't as a matter of policy, don't like split zoning. I don't know why that's parcel zoned LOD but some previous planning commission city council did it.

Mr. Livingston: That may have been a separate parcel and zoned that, and then it was combined later.

Dr. Stone: Yep.

Mr. Livingston: The zoning wasn't addressed, so that's typically what we find on a lot of split zone.

Dr. Stone: Absolutely.

Mr. Warwick: This is very difficult because it's the same, the proposed use is the same as the current use. The issues of consistency and compatibility and suitability would seem to cause one to conclude that this logically should be approved. The traffic issues, the use issues, the change in the ingress and egress, I understand completely why the neighbors and adjacent property owners would be concerned about the impact.

It's a for-profit business, and the plan contemplates another succeeding for-profit business. The throughput issues I know give all of us pause and concern. That came through in the course of the testimony and the input from the neighborhood about the traffic and the noise and other things. I'm sympathetic to all of the concerns. This is not an easy one.

Mr. Cunningham: I think that the continuity of the business is a significant piece of the puzzle. The fact that this car wash has operated for a long time and provides the service, it's been a good neighbor, sounds like it's been supportive. I think that we're speculating on the traffic potential because we don't know exactly the throughput. We know the speed, we know the metrics of how many cars can go through, but will their business double? We don't know.

I think it's a site plan issue and design issue. I think it can be worked out where the traffic doesn't have to necessarily empty onto the residential street. There may be some choices to be made as to how many this or that they have. I think rezoning is probably the correct decision for the

property. I am a customer of this facility, and I've somehow, for some reason, I've never been on this street in a queue. I've never entered the car wash by driving down the street. I always entered the property from Main Street because there's a curb cut there.

I drive into the property and wind my way back towards the back. I don't know why the design doesn't allow that. I guess there's a good reason. I am sympathetic to the traffic density on the Lupus Court and the one way. I didn't think you could get out. I never know that way because I didn't think there was a, you could actually go that direction. I think that there's a compromise here, something in the design of the traffic flow.

Mr. Mariani: I'm having a hard time perhaps being you in the planning commission. I know logically, we're dealing with the zoning aspect and the site plan aspect, but they're very much intertwined. It's just an awkward property situation. We were constructing this from scratch. We would create this with all of these different zones, and one way street, narrow. My ultimate concern is that there's a very sensitive fragile ecosystem has developed around all of this, almost like a coral reef.

I'm concerned about the disruptive nature that zoning could have. Again, it's impossible for me to separate the rezoning aspect from the site plan aspect in this particular case. It just seems like the bad far outweighs the good insofar as the area is concerning. I live around the corner from there near Commerce University. I would love to have something that's shinier and new with nice landscaping, but I can't separate it from the impact that it could have.

Granted, like it was said, perhaps it could be addressed so it doesn't have that impact. Right now, even from the rezoning perspective, it just seems so fragile, so sensitive, that to mess with it, I'm not comfortable with that.

Mr. Cunningham: The current zone with the LOD?

Mr. Cunningham: B-3.

Mr. Cunningham: B-3, hypothetically the car wash closes. What could come in on the B-3 property that could be more of a traffic aggravation? What type of businesses?

Mr. Livingston: If the car wash was nonexistent, it'd be right back before you for a rezoning.

Dr. Stone: There's still that LOD parcel in the back.

Mr. Livingston: The split zone.

Dr. Stone: The LOD parcel, unless they were separated from each other again and the LOD parcel there, we could flip back in the use table and see exactly what's allowed in an LOD and it's not much. You could put a bank there on that car wash site.

Ms. Whitner: I too frequent Bob's Car Wash, and they do hire the harder to hire individuals, which is a plus for me, but also very concerned about the individuals that live adjacent to there. Again, I know we're just here to decide on the zoning, but I also got to think about the livelihood of those people that are vested there. It's very important that we hear what they had to say and understand. I wish there was a compromise where Bob's would say, "We are going to are fight for speed bumps for you guys, and we're going to make sure that we have someone out there that's directing traffic specifically to what we're trying to do."

Something of that nature with the community in advice, input first, to say, "We heard you. We're very concerned. We're definitely going to do everything we can to make sure we're doing all that we can, whether we have somebody in a like a vest saying, 'No, you got to go this way,' or even saying we are going to go to the city or whomever to get speed bumps or to slow down the traffic in that area. We're very concerned about the livelihood." I'm really just kind of at a place where this is a very tough decision because of the families that live there.

Mr. Brown: I agree with everybody here as it relates to the decision being very tough, but I also agree with Mr. Cunningham as relates to there has to be a compromise somewhere. Bob's has been around since the sixties. I remember visiting Bob's with my mom as a kid. I know it's a staple in the community, but I hear the community, I hear the neighbors. I believe that just as it's been said, that the neighbors are very passionate, which to me, makes a vibrant community. Quality of life is priority. Safety is priority. I love the fact that Ms. Kay lives in the neighborhood as a retiree, and she should be able to choose a neighborhood where it's quiet and safe and retire there.

I also think that Bob's needs a facelift at this point, and this is it. The challenge is, and I'm just curious to know for the past 60 years if we've used that same entry point. Is there a way that we can redesign the plan to maybe keep the entry point instead of 17 bays, maybe can you take it down to 10 bays? I don't know. I just know that the noise is a factor, which I think the noise is not as much of a factor as it should be. I've used those car washes, and normally you don't even hear the vacuum until you pull it off and use it. When it's in place, you don't hear it.

I don't know is, and this may be another question for you. Is it something that we can revisit? I don't think we can, but can we revisit after site plan review?

Dr. Stone: Once it's rezoned, it's rezoned.

Mr. Brown: Right. Maybe there can be two sites to where we can look at one for B-1 and one for B-3. I just feel like it has to be a compromise somewhere.

Mr. Cunningham: For the highest and best use, which is our task. This property will have to be rezoned now or ...

Mr. Brown: That's correct. You haven't said anything.

Mr. Warwick: I believe I did earlier.

Dr. Stone: You did a little bit.

Mr. Warwick: I was one of the first to go.

Mr. Warwick: I appreciate all of my fellow commissioners' comments, but it hasn't made the decision that we must make any easier.

Audience: Can I say something before y'all make a decision, please?

Dr. Stone: No.

Dr. Stone: No, no. I think B-1 is an appropriate zoning classification for the front part for sure. I probably myself leaning in favor of supporting a rezoning of B-1.

Mr. Cunningham: All in favor?

Dr. Stone: City council might shooter right down, but that is their prerogative.

Mr. Warwick: Based on all the testimony and the neighborhood input, I'm leaning toward approving the request as well.

Mr. Mariani: On everything that's been said, I'm leaning towards no.

Ms. Whitner: I'm just compelled to keep it as it is, LOD. I know we have to make a decision.

Mr. Warwick: Didn't want to say anything else.

Mr. Brown: I don't want to say anything else.

Mr. Warwick: Okay.

Mr. Warwick: Mr. Chairman, what happens if it's a tie vote?

Dr. Stone: A tie fails. A tie is status quo, essentially. Well, a tie is ineffective. It's a rejection of whatever the person moves. If it's moved to recommend, and it three-three, it deadlocks. Then we either table it and wait for a rehearing in a month and wait for Jared to come back, or the petitioner withdraws the petitioner.

Mr. Warwick: We do have the option of a rehearing if the applicant requests for it?

Dr. Stone: If we table it, then it just carries it over to the next meeting.

Mr. Warwick: Thank you.

Dr. Stone: I assume if I were telling that incorrectly, you would've corrected me. Tabling effectively carries it over. We have someone can move to table right now, someone can move to approve, and it fails at a three-three. It sounds like it fails at a three-three.

Mr. Brown: That is not tied. I move the table. I don't want to tie it and then fail it.

Mr. Mariani: What would that accomplish?

Mr. Brown: I think ...

Dr. Stone: Looking back.

Mr. Brown: Yeah, I think we need to discuss it a little further.

Mr. Cunningham: Do you expect to see a different proposal in 30 days?

Dr. Stone: Okay, before I ask for a second or it fails on the lack of a second, I will say, if we were to table it, we need to be very clear with everyone what we need to know in a month to make a decision. That would be my question for everyone is, everybody, I said I was leaning, that doesn't mean I couldn't change my mind. What would it take to get it approved? What would you just finally want to hear that says, "No, I can't believe this." What does everybody need to know?

Mr. Cunningham: I think some effort needs to be made to address the concerns with traffic going onto or into this residential area. What can be done to mitigate the entry of the cars, if coming down the residential street? The concern is there will be cars backed up there waiting to get through the pay booths and to enter this relatively high speed car wash. What could be done to move some of those cars off of the street? There's areas that are undeveloped that appear to be just landscaping.

Then what could be done to move a higher percentage of the cars that are finished onto Main Street and not onto the residential? Now, I don't think we can ask that a hundred percent of the cars are expected not to go down the residential street, but if efforts are made to mitigate that so that there are options not to aggravate the traffic camp in the residential street, that would be a positive for me.

Mr. Cunningham: I've heard about noise abatement. I've heard about water recycling and use. I don't think there's a lighting issue that's going to be aggravating to people.

Dr. Stone: Yeah, it's not a nighttime operation.

Mr. Cunningham: It's going to close at a reasonable hour. I don't know if it's a seven day operation. I don't think it's today. There's a buffer zone required between the B-1, B-3, whatever we go in the residential sector.

Dr. Stone: What else? For anyone who is on the fence? Yes, I agree. I would say if there's any way that the traffic, even though it's getting into site plan review, which is not our job, but rezoning is a discretionary act. How it impacts the neighborhood is part of our job. That would be the other thing is what else do we need to know?

Mr. Mariani: You kind of mentioned it right there. No properties an island, either. We're looking at this property and its heights and best use, and that cannot be looked at apart from what's happening in the neighborhood simultaneously with the change.

Dr. Stone: We always, I don't know, that's that difference between fear and hope, and being fearful of what might happen, versus hopeful of what could happen.

Mr. Cunningham: Yeah.

On a motion by Mr. Brown, seconded by Mr. Cunningham the rezoning request was tabled to next months meeting by a vote of 6 to 0.

Dr. Stone: We have a motion to table on the table that hasn't been seconded yet.

Mr. Cunningham: I second that.

Dr. Stone: All right. It's moved and seconded to table this and bring it back at the February 16th meeting. All those in favor of tabling say aye?

Attendees: Aye.

Dr. Stone: Any opposed? I'm sorry we couldn't come to a decision, but we seem to be at a little bit of an impasse. Hopefully, we will be back. We'll be back next month unless something else comes up. I know some of you probably don't want to stay for the rest of the meeting. We've got another item or two to consider.

If you're going to leave, please leave quietly. Item three is a request to extend a plan development district request to give them a six month extension, Mr. Livingston, I believe. We can hold off just a second to let the room.

Audience: Thank you.

Mr. Cunningham: Thank you.

Mr. Brown: That was the hardest case I've ever had to review.

Dr. Stone: Thank you.

Mr. Brown: I think that was your initiation.

Dr. Stone: Dear Lord. Wow, these were not Mr. Livingston. Thank you.

Mr. Livingston: Chairman members of the planning commission. We have a request for an extension of PD, final development planning. Sometime last year, February 17th, planning commission PD for 30 acres portion of the property to be rezoned to RAPD. The developers are requesting an extension to allow them to complete the PD design. Working through some site planning issues. Right now, it's still in the site plan review committee process, so we're requesting a six month extension to allow the time to complete that process. We think it'll probably be before you and I in February or March.

Dr. Stone: Any questions? Any questions for Mr. Livingston? I personally have no objection to that if it's in process. This is something we've annexed correctly?

Mr. Livingston: Yes, a portion was annexed, and a portion was already in the city. A portion of it was already zoned R8-PDD and a portion was zoned B-1. Then we converted all of the properties to R8-PDD for residential subdivision.

On a motion by Dr. Stone, seconded by Mr. Brown the extension for request was approved by a vote of 6 to 0.

Dr. Stone: This just means a lot more residences in the city, so I'm all in favor of that unless anybody has any objection to granting them another extension and extension.

Mr. Brown: I second that.

Mr. Cunningham: No objection.

Dr. Stone: The chair moves, and Mr. Brown seconds to give them an extension. All in favor say aye.

Attendees: Aye.

Dr. Stone: Any opposed? The extension is granted. Quickly, we have a few landscape and site plans. A carwash on East Main Street, a carwash on Pine Street, and a Popeye, I'm sorry, on Union Street and a Popeye's on East Main Street. My, we have a lot of car washes in the city.

Mr. Brown: Yes we do.

Dr. Stone: Does anyone have a question about any of those site plans? If so, I would say you might contact the staff tomorrow.

Mr. Mariani: What's our task here with that?

Dr. Stone: It's noted simply that they've been approved, and I guess it's for the record. Sometimes in the past, sometimes somebody will bring one for us to look at, but I suspect if anybody wants to look at it, you can see. City council updates, council approved our rezoning recommendation from November at its most recent meeting, and Comp, do you have anything else that you want to add to council?

Mr. Livingston: Update some the staff updates. We have the conference plan update. We have a draft in house that we're reviewing.

Dr. Stone: Nice.

Mr. Livingston: We'll be bringing that before the planning commission, probably February as a review, and then March for approval, and take it to city council in April for approval. I was trying to get scheduled dates for public review and comments this month. It just was not working out. I'm trying to get it updated on our city website so that everyone can have access to the information and share it with the public.

Mr. Cunningham: These are complete, right? It's got all the pieces are there?

Mr. Livingston: It is complete, as far as the comprehensive plan. The only portion of it is the implementation plan. We're hoping when we have a planning director on board that that person will assist us with the implementation plan.

Mr. Cunningham: Is that an ongoing process? Do you have any possibilities that ...

Mr. Livingston: We started the process and did not end well. We are going to be starting over.

Mr. Cunningham: Will this be the 2023 comprehensive plan, or is this ...

Mr. Livingston: It's still listed as 2022 comprehensive plan because it was completed in 2022. We're running that before that date.

Dr. Stone: We will need to have 30 days' notice before the March Planning commission meeting.

Mr. Livingston: That's correct. I'm planning on putting it on the, providing public notices probably by February 1st.

Dr. Stone: Okay.

Mr. Livingston: I need to get it on the website whenever we can.

Dr. Stone: We will get to see it on February 16th and vote on it on March 16th. I presume those are the dates in February, March.

Mr. Cunningham: Will we have a hard copy or will it be electronic?

Mr. Livingston: I can provide you a hard copy if you'd like, but I could also send you a link to PDF. Soon as it's on the website, I'm going to send all the commissioners a copy or PDF. If you'd like a print copy, please let me know.

Mr. Cunningham: So you know, I vote full electronic.

Dr. Stone: Any other questions about comprehensive planning? I want this to be done. I probably don't want it to be done nearly as much as you want it to be done.

Mr. Cunningham: He'd get back to doing his job after this.

Dr. Stone: I suspected. Well, anyway. All right. Any other business to come before the commission? If not, I'll entertain a motion to adjourn.

Mr. Warwick: Moved.

Mr. Mariani: Second.

Dr. Stone: Moved by Mr. Spencer, seconded by Mr. Mariani to adjourn. All in favor say aye.

Attendees: Aye.

Dr. Stone: Any opposed?

Dr. Stone: We are adjourned.

Meeting adjourned at 7:53 PM.



Dr. Phillip Stone, II, Chairman