

Minutes
Building Codes Committee
March 1, 2016
6:00 PM
4th committee meeting

Members present were Chairman Dale Black, Committee members Carol King and Larry Goodson. Business and Development Services Director Kim Hamel and City Administrator Trey Eubanks were also present.

1. Call to order- Chairman Black
2. Public comment
3. Reading and approval of minutes- February 1, 2016- Councilwoman King made a motion to approve the minutes with Chairman Black seconding. The vote was unanimous (3-0).
4. Reports or communications from city officers
 - a. Budget Review- The budget looks good. One line item is running a little bit over, which is employee services, for training for the new Combination Inspector.
 - b. Department report
5. Unfinished business
 - a. Corn and Miller annexation- This is six parcels on the corner of Corn and Miller. The developer has requested PDR zoning for all. 47 townhomes units are proposed. There is proposed access off of Miller Road that will lead to three commercial buildings and the townhome section will be accessed off of Corn Road. There is full availability of sewer capacity for the project. A text amendment will be required to bind the types of commercial uses that could operate there.

Councilman Goodson asked what the procedures would be if, years from now, they would like to add more buildings. Kim said the developer would have to go through the process over again. The final development plans have to be submitted now, and if they decide to do something different, it has to go back through the public meeting process. This is very restrictive. The second reading tonight sets the zoning, but the final plans still have to be

brought to council. The types of buildings are restricted to what council approves.

- a. Walt Miller- 209 Burning Bush Road. I have a couple things. One is the commercial that is going in. My concern is that they are 50 commercial properties for sale within a 1.5 mile radius of this property. The other is there are 30 commercial properties for lease. I think that chance for vacancy is really high. Second, you said 47 townhomes are going in? Are they duplex?

Kim said they were, except one is a triplex.

Walt Miller: I haven't been really happy about this process. There needs to be a 14 day notification of the meeting with signs posted. Something has to be sent out in the newspapers. The signs that were out there were smaller than election signs and were towards the center, not toward the road. Also, tonight, people were here earlier and had to leave because they couldn't wait this amount of time. And, the email that I got that I sent out to the residents, said it was going to start at 6:00 p.m.

The last issue I have is that time and time again, people have said they want single family residential units. That is what everything else around the property is zoned, even in the County. Every resident of Mauldin has said they don't want commercial zoning, so I am perplexed on why we are still talking about this. We don't want to bastardize the City of Mauldin for one family who wants to sell their land. I haven't heard one person say they want the commercial property here.

- b. Nick Francina: I live at 307 Hillsborough Drive and wanted to speak for the project. We originally proposed 82 units and have pared it down to 47 units. We posted the signs on what was coming up. The commercial is the stickler, but I think with the restrictions, this will work.

Chairman Black: Our meeting was advertised at 6:00 p.m. and that is what time the committee meetings start. Normally we have six committees that meeting. The standing rules state the first committee starts at 6:00 p.m. we rotate the meetings every month so that the same department head does not have to be last all the time. I apologize. This was the fourth meeting advertised and the first one started at 6:00 p.m. I do apologize for the wait and appreciate your waiting.

- c. Bob Schmidt: 226 Stoney Creek Drive. I just had a question about the financial impact to the City.

Kim answered the estimates for city revenue will exceed expenses by \$1,229 for residential, and \$12,564 for the commercial. \$13,793 yearly will be the approximate net benefit after costs. The revenue is based off city real property taxes, franchise fee, sewer maintenance fees, etc.

- d. Walt Miller: Did you do any financial analyses on R12 single family homes to see what the benefit of those would be?

Trey Eubanks: No, it was based on the plan presented.

Chairman Black: The three commercial pieces, what is the difference to the developer versus more residential duplexes?

The residential developer said it doesn't affect them. That would be a question for the commercial developer, John Hopkins. The difference per month would be significant. The developer said this is the bare minimum for this property, based on citizen comments. The developer said they could do all residential, but not at the zoning it is now. The zoning would have to be changed again. The Leopards have a certain amount of money they want for the property, and the developer agreed to pay what they had to.

Chairman Black said his problem with commercial is what if it stays in the County and we have no control over it. We may get another Butler Road. The developer said the County would have to rezone the property to do that, and they would go through the same public process. Chairman Black said the County doesn't have a PD. The developer said the County has a mixed use.

Walt Miller: My only comment to that, and he bought up a good point, the commercial has to be done to bring up the price point to what the seller wants. But, when lots across the street start selling, every seller is going to say I am going to put in commercial property to maximize the money for my land. I don't want to set this precedent. Several houses closer to Forrester Woods have been cleared out and they are probably waiting to see what happens with this property.

Chairman Black said he understands commercial gives you more bang for the buck, but if something changes, that could be by future councils or even this council. He has reservations on this- nothing against the developer or the property owner.

Councilman Goodson had some questions on economic development. We committed resources for this department, and so Councilman Goodson asked Van Broad his opinion on the development. Van said he doesn't know the residential neighborhood as well as he would like, but when you develop property, there is so much of a cost for commercial and so much for residential. He doesn't think there is a way to put enough single family homes on the property to make the money the property owner is asking for. That is why you get a duplex and commercial development. Van doesn't see a problem with commercial development and does not see the potential for a large cluster development there. Doctor's offices and things like that are different developments from retail, and are considered more upscale. They bring in different types of economic development.

Councilman Goodson asked Van to look into this further before the 21st of March. Chairman Black said he thinks there should be a size requirement for the signs that announce a meeting so they can be read easily. Trey said the City is required to advertise if the items comes to full council. That will trigger a public hearing and public notice. Councilman Goodson said he would like the contact phone number to be larger on the sign. Councilman Goodson also would like a package developed with all the particulars like sewer so that council has all the information it needs to make a decision. Trey said the packet would be available way before the 21st.

- e. Kris : I live at 211 Forrester Creek Way in Greenville. I guess my problem is that several months ago we had several people from our neighborhood very passionately talk about not having this development because it is inconsistent with what has already been well established in this area. I don't think anyone has changed their mind. What I took away from the last meeting was the developer was looking at something that would be a better fit but still be financially viable for our area. I still don't think that's it. When I heard this, and I am sorry I don't know your name, but you said three words, no significant changes. That is not what I was looking for. This is not a good thing for our area, not good for our citizens. My biggest concern is the traffic in the morning- this won't help. I don't know if this is DOT- I think there has been a lot of finger pointing. It is a problem for me when I walk and when I drive out there. This won't help our houses. Thank you.

- f. Kelly Lewis: I live at 205 Oakwood Court. My house backs up to the part that is undeveloped right now. My concern is, and it has been brought up already, but I am concerned about the commercial aspect. I could see where my house could back up to commercial property where the lights are on at night and there is lighting. It is a quiet and peaceful neighborhood.

The motion is to agree to annex this as a PDR. The Planning Commission is not involved until the final development plan. Councilman Goodson said he still has concerns but he would like to see full council have an opportunity to vote on this project. Councilman Goodson made a motion to send this to council.

Councilwoman King seconded the motion. Councilwoman King said we have been going back and forth on this and it is time to send it to full council. Chairman Black said he is opposed to the commercial part of this project. The developer has done a great job paring down the residential aspect. He will not support the commercial part of the project.

The vote was 2-1 to send this to council with Chairman Black dissenting.

6. New business

- a. Residential fencing standards- Chairman Black said this came about due to a question in Forrester Woods. A property owner took down some Leyland Cypress and put up a decorative vinyl fence between her and her neighbor. A trellis, arbor and a gate was put in as well. It goes down the side of the property, and the code does not allow for fencing to go past the building structure. This is a five foot vinyl fence that was quite expensive. They did not have to get a permit since a fence does not require one. She didn't know, but now she is upset. We are trying to work with her and Kim has drafted an ordinance change text amendment. The current fence standards do not allow fences taller than 3 feet in the front yard. The proposed wording will allow taller fences when it is on the side property line as long as it is set back 10 feet from the street. If an HOA trumps this, the HOA rules.

This ordinance gives flexibility that does not have an active HOA or design guidelines. Some neighbors want to put up taller fences to block houses who may not keep their yards clean. Other amendments are also included. The second addresses commercial screening requirements of outdoor storage and dumpsters. The new text clarifies the screening materials required. There will be a total visible screen. It also gives the department director some discretion regarding alternative methods during construction. The third amendment is regarding encroachment and setbacks. Eaves may encroach, and that would be taken out of the requirements and allow some flexibility.

Walt Miller: She has a beautiful fence. That is the problem. If you change the ordinance, the issue would be if you allow any size fence in the side yard,

someone might want to put up a wood fence that is six feet tall, someone might want a metal fence. It would break up the uniformity that we have now.

Chairman Black said there is no longer an HOA. Forrester Woods has a Rec committee. Walt said if they get a couple more members, there will be an architectural control committee. He said the fence is beautiful and he does not want to see it removed, but he is worried about what other people might build.

Kim said that the fence standards say non-opaque, so you would have to be able to see through it. The proposed cap on side and rear yards is seven feet. Right now there is no cap on side and rear yard fencing. Councilman Goodson suggested that beyond the front façade, it may not be greater than five feet. Kim will look at putting that wording in.

Councilman Merritt said he is concerned about opaque and non-opaque. Non-opaque, chain link would work. Councilman Merritt said he thought the fence we were talking about in Forrester Woods was solid. Kim said no, it was spaced out. Councilman Merritt said he knows what started this whole thing. A resident put an 8 foot privacy fence in their front yard for dogs. He said he likes diversity and is not a proponent of cookie cutter neighborhoods.

Councilman Goodson made a motion to send this to the planning commission. Councilwoman King seconded the motion. The vote was unanimous (3-0). This item will go to the Planning Commission and come back to the council meeting in April.

- b. Separation requirements for tattoo and piercing parlors- This would create a separation for tattoo and piercing parlors. They are currently allowed in any district, but this restricts them to S1 and the Zoning Board of Appeals would have to review and allow the parlor to open. They will not be closer than 3000 feet to another tattoo or body piercing parlor or 1500 feet within a residential district, and 1000 feet from a church, daycare, or nursery. The building colors also have to stay subdued. If we have a body piercing studio

that does not currently meet the standard and closes, it cannot reopen unless there is a special exception. Three tattoo studios are currently in the city. There have been calls regarding putting more studios around the main streets. No permits will be issued until this proposal is either accepted or rejected by council.

Chairman Black asked about the separation requirements for S1. Kim said there are no separation requirements in S1 currently. Chairman Black asked if the City Attorney has been asked about this. Are we allowed to restrict these types of businesses and not restrict others. Kim said we are allowed to restrict because the use is permitted. Councilman Goodson asked if a jewelry store that did body piercings would be considered a body piercing parlor. Kim said no, because that is not the primary use, but she could craft some language on that. Councilman Goodson asked if we could get a letter from the MASC saying we are allowed to impose this type of restriction. They said we had an email and would send that to council.

Councilman Goodson made a motion to send this to the planning commission. Councilwoman King seconded the motion. The vote was unanimous (3-0). This item will go to the Planning Commission and come back to the council meeting in April.

Councilman Merritt asked what the zoning was on the two tattoo parlors that are in Mauldin proper. He was not asking about the one at Miller Road and Woodruff Road. Kim said they were both zoned C2. There is one on West Butler Road in the Bilo shopping center and one on Main Street near Moonstruck. The two that are currently in operation, if they close and reopen, they would be under these separation requirements. Councilman Merritt asked if both were 1500 feet from residential currently. Kim said she was not sure about that, but if they close, they would have to be moved to S1.

Chairman Black asked if the one in the shopping center would have to relocate if the shopping center changed hands. Kim said only if it closed.

- c. Separation requirements for car sales and service stations- This would establish new definitions for Automobile Sales, Service, and Leasing establishments and also removes them as permitted uses in the C-2 district and re-establishes them as a Conditional Use with specific development and design standards. 4 car lots are currently on North Main Street and one more is currently being permitted to open. Separation requirements and design standards will be put in place. Conditional uses are still reviewed by staff. This also adds the following uses to S1- dealerships, leasing, automobile repair services, and automobile part sales. The separation requirement establishes 3000 feet from a place of worship and restricting automobile dealerships from being 1500 feet or less from residential districts. Screening requirements will be added for service stores. Conditional use requirements for automobile part sales are also added. No permits will be issued for these establishments while these amendments are being discussed.

Chairman Black said he would like to discuss this with residents and business owners before these amendments are sent to the planning commission. He would like more information. Trey said if we forward this to the planning commission, we can put a moratorium on this and that is the objective for Council to consider at this time. The chamber can advertise this coming to the planning commission. We can delay first reading after the planning commission if that is committee's wish. Chairman Black said he does want the moratorium. Trey said this could also be changed by council and then sent back to the planning commission for comment prior to final reading. Chairman Black asked if I was in the process of moving my business, would this restrict me from moving from the current location to the new location? Trey said he believes it would. Kim said this was for dealerships only. Van said maybe we could say someone that is moving now can be accommodated.

Councilman Goodson asked about body shops. Kim said they are not allowed in C2 unless it is part of sales and service. Automobile repair comes in the S1 district. We are not changing what is allowed in C2, we are just adding them as a conditional use. Councilman Goodson asked the economic development director his opinion.

Van Broad said this helps us in economic development. He looks at East Butler from the cultural center to Bethel as the heart of downtown. City Center is City Center. He is working with someone to buy some lots and build new businesses with residences on the second level. This helps us create that downtown type of atmosphere. It would not work with a dealership or a car repair shop next door. This is a hard decision, but these decisions are to help move the City forward. Moving this to the planning commission opens this up to public input.

Councilman Goodson said there is a vacant spot on North Main that has always been an automobile place of some kind. It would be hard to say that you can no longer use that land for that purpose. Van said it is not an easy thing to do, but that is part of his job, to tell businesses that you have a great business and we want you to stay here, but there is a better place for you that may be even more lucrative. The City would help find the business another place in the City. Van said they were 60% vacant in Fountain Inn when he started. Strip centers and buildings that were dotted with churches are the first signs of a dying downtown. The transformation can help everyone.

Chairman Black said he did not have a problem with this as long as we protect the current business owners. He wants a lot of public input. Trey said we could work with the attorney on some wording regarding business owners that are in the process of moving. Councilwoman King said a time frame needs to be defined and documented.

Trey said we would start advertising regarding what will come before the planning commission. Then council can decide when they want to have the

first and final readings. If modifications are made, the planning commission can look at it again. Trey said the objective to consider is to let's put the moratorium on these businesses now and then start developing some additional language.

Councilman Goodson made a motion to send this amendment to the planning commission with the understanding that a lot of public input will be received before any decisions are made. Councilwoman King seconded the motion and the vote was unanimous (3-0).

7. Public comment
8. Committee concerns
9. Adjournment- Chairman Black adjourned the meeting.

Respectfully Submitted,

Cindy Miller

Municipal Clerk

NOTICE: A majority or quorum of City Council may attend a committee meeting.