

A N O R D I N A N C E

TO REZONE APPROXIMATELY 0.252 ACRE OF REAL PROPERTY LOCATED ON EASLEY BRIDGE ROAD FROM RM-2, SINGLE-FAMILY AND MULTIFAMILY RESIDENTIAL DISTRICT, TO RDV, REDEVELOPMENT DISTRICT (TAX MAP NUMBER 0077000300400) (Z-8-2019)

WHEREAS, Ahmed Abdeladl (the "Owner"), as owner of property consisting of approximately 0.252 acre located on 11 Easley Bridge Road, Tax Map Number 0077000300400, has applied to the City Planning Commission and City Council to rezone the property from RM-2, Single-family and multifamily residential district, to RDV, Redevelopment district; and

WHEREAS, the City Planning Commission pursuant to public notice held a public hearing on May 16, 2019, to consider the proposed rezoning, and the Commission recommended denial of the proposed zoning designation of RDV based on a determination that the request constituted impermissible spot-zoning, and that even if it did not constitute spot-zoning, upon evaluating the criteria for rezoning under Section 19-2.3.2(E)(2), those factors weighed against re-zoning for those reasons set forth in the Staff report, a copy of which is attached hereto and made a part here of as Exhibit A; and

WHEREAS, having given due consideration to the Planning Commission's recommendation, City Council nevertheless finds the RDV classification to be compatible with the City's Comprehensive Development Plan and with the zoning of surrounding properties;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the parcel of property currently titled in the name of Ahmed Abdeladl, shown as Tax Map Number 0077000300400, and located on Easley Bridge Road shall be rezoned from RM-2, Single-family and multifamily residential district, to RDV, Redevelopment district. The attached map shown as Exhibit B, prepared by the City of Greenville Zoning Division, is incorporated by reference for purposes of identifying the location of property. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE ____ DAY OF _____, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A



**Planning Staff Report to
Greenville Planning Commission
May 8, 2019
for the May 16, 2019 Public Hearing**

Docket Number: Z-8-2019
Applicant: Ahmed Abdeladl
Property Owner: Ahmed Abdeladl
Property Location: 11 Easley Bridge Road
Tax Map Number(s): 0077000300400
Acreage: 0.252 acre
Zoning: RM-2, Single- & Multi-Family Residential District
Proposal: REZONE 0.252 acre located at 11 Easley Bridge Road from RM-2, Single- & Multi-Family Residential District to RDV, Redevelopment District
Staff Recommendation: Deny

Applicable Sections of the City of Greenville Code of Ordinances:
 Sec. 2-372 *Function, Powers, and Duties of the Planning Commission*
 Sec.19-2.1.2 (A) (2) (b) *Zoning District Map Amendments (Rezoning)*
 Sec.19-2.3.2 (E) (2) *Amendments to Zoning District Map*
 Sec.19-3.2 *District Descriptions*

Staff Analysis:

The subject property consists of 0.252 acre on 11 Easley Bridge Road and is currently zoned RM-2, Single- & Multi-Family Residential District. The lot is approximately 60 feet wide from where it fronts Easley Bridge Road, and maintains that width for approximately 120 feet towards the property interior. For this initial 120 or so feet, the property abuts a parcel with C-3 zoning on its eastern boundary. Thence, from this point, the property angles down and terminates at point approximately 200 feet from Easley Bridge Road. The property ends before it reaches Arlington Avenue; its only frontage is along Easley Bridge Road. Other than the aforementioned extent that abuts the C-3 parcel, all other shared property lines abut parcels with RM-2 zoning. The property across Easley Bridge Road is zoned C-3 and has a Spinx gas station.

The property is located *outside* the Pendleton Street corridor that was rezoned under Z-20-2018, which rezoned many of the C-3 properties along Pendleton Street from C-3 to RDV. However, the property is in close proximity to the intersection of Easley Bridge Road and Pendleton Street. All four corners of this intersection are zoned C-3, with RDV extending along Pendleton Street. The properties drop to RM-2 immediately after the corner along South Academy Street. Traveling south on Easley Bridge Road away from the intersection, the properties on the west side of Easley Bridge Road are zoned RDV and FRD; along the east side, they transition from C-3 to RM-2. As Easley Bridge Road continues into the county, the zoning varies between R-7.5 Single-family Residential District, OD Office District, and C-2 Commercial District.

The property currently has what appears to be a single-family residence with driveway access to Easley Bridge Road. The applicant indicated that he intends to use the property for an office. If the property were rezoned, any use permitted in the RDV district could be developed at this site.

The applicant initially requested to rezone the property to C-3. At the pre-application meeting for this rezoning request, staff informed the applicant neighborhood concerns about C-3 that were expressed throughout the recent Pendleton Street rezoning process. Given these known community concerns and potential impacts of C-3 zoning on the neighborhood, staff indicated it would recommend against a C-3 rezoning. Instead, at the pre-application meeting, staff suggested he apply for a rezone to RDV, which is less intense and consistent with the newly rezoned properties along the Pendleton Street corridor. Upon receiving the application at hand, staff was alerted that rezoning this property to RDV would be considered spot-zoning, which is not permitted under South Carolina state law. Consequently, staff informed the applicant that they would be recommending denial because of the spot-zoning issue. The Planning office offered to refund the application fee if the applicant withdrew the application before the neighborhood meeting and preparation of staff reports, which requires significant staff time and resources. However, the applicant indicated he wished to proceed with the neighborhood meeting and public hearing.

The subject property is located within the Sterling Special Emphasis Neighborhood. The applicant conducted the required neighborhood meeting at the regular monthly meeting of the Sterling Neighborhood Association on May 9, 2019. The attendees were receptive to the request and expressed few concerns for the proposed rezoning to RDV.

Staff offers the following responses to the Rezoning Criteria found at Section 19-2.3.2(E)(2), *Amendments to Zoning District Map*.

1. Consistent with the Comprehensive Plan: The Future Land Use designation for this property is Mixed-Use Neighborhood. Residential and low-intensity commercial uses are appropriate for this district. RDV is the least intensive commercial zoning districts in the Greenville, and the rezoning request is arguably supported by the Future Land Use Map. However, the request is considered spot zoning and should not be approved.
2. Changed conditions since the original designation: The applicant wishes to use the property for a commercial office. Staff explained that an office use is permitted by Special Exception under the property's current RM-2 zoning. However, the applicant wanted to proceed with a commercial rezoning request. The applicant's desire to use the property for an office is the primary condition that has changed.
3. Addresses a demonstrated community need: The applicant proposes an office use for the property. Unfortunately, without conducting a detailed economic analysis, staff cannot speak to the need for increased office space in this particular area. The applicant appears to desire a commercial zoning designation for his benefit rather than to meet any demonstrable community need.
4. Compatible with surrounding uses: RDV is an appropriate zoning classification for this area, especially for properties that are not directly situated at a major intersection. RDV also serves as a transition between intensive commercial areas and adjacent neighborhoods. However, this particular property extends a significant distance into the RM-2 district that fronts Arlington Avenue. Staff has concerns that redevelopment of this property into another use in RDV other than an office, as proposed, could have lasting impacts on the established residential neighborhood around Arlington Avenue.
5. Promotes logical development pattern: Rezoning to RDV is more appropriate than extending the C-3 zoning designation away from the intersection. However, with no other RDV parcels abutting the subject property, this is considered spot zoning and should not be approved.

6. Will not result in "strip" or ribbon commercial development: The subject property is rather small and limited in its development potential. Staff does not believe rezoning, if approved, would result in strip or ribbon development.
7. Will not create an isolated zoning district: The property establishes an RDV zone in an area where the only abutting parcels are RM-2 and C-3. The parcel area is smaller than two acres, so it cannot be considered a standalone zoning district. Therefore, this is considered a spot-zone.
8. Surrounding property values: It is possible that the surrounding RM-2 properties could be negatively impacted by future commercial development at the subject location, given the extent that this particular parcel extends back towards Arlington Avenue.
9. Effect on natural environment: There are no perceived environmental impacts that would result from the rezoning.
10. Public facilities and services: Public facilities and services are available to the site.

Conclusion: The rezoning request does not readily satisfy many of the criteria for a zoning map amendment listed in Section 19-2.3.2(E)(2), as outlined above. Moreover, rezoning the property to RDV is considered spot zoning, as no other adjacent parcels are currently zoned RDV and the property is not at least two acres in size. For these reasons, staff recommends denial of the rezoning request.

Fire Department Comments

Recommend: Approve

City Engineer Comments

Recommend: Approve

Civil Engineer Comments

Recommend: Approve

Environmental Engineer Comments

Recommend: Approve

Traffic Engineer Comments

Recommend: Approve

EXHIBIT B

