

**Minutes**  
**Building Codes Committee**  
**May 6, 2019**  
**2<sup>nd</sup> committee meeting**

**Members present were Chairman Dale Black, Committee members Carol King and Larry Goodson. Business and Development Services Director David Dyrhaug and City Administrator Brandon Madden were also present.**

**1. Call to Order-** Chairman Black

**2. Public Comment**

- a. Diane Kuzniar- 503 Knollwood Drive. I am speaking about the property on 711 North Main. I have had discussions with several people including Carol and Larry. I want to say something before that because I feel like it is relevant. I had emailed council regarding Dollar Tree. I got a letter from Carol King. I want to read this paragraph. She had an inquiry from someone who lived outside of the neighborhood and wanted to share this with me. "I know you are aware that council does not decide the type of business that comes to our city because zoning ordinances define the type of use allowed in an area as well as building regulations and landscape requirements. Council does have a voice in annexation and rezoning. Neither of those applies here. Having said that, is this my first choice for a business at this location? The answer is no, but that leaves me to ask myself how I would feel if the property had sold to a restaurant group, coffee shop, grocery store, or some other type of retail as allowed by the current zoning. In processing the question, it is clear to me why zoning ordinances are so important. At no time would I want a body of 7 to have the control so to speak to dictate such standards and I am not sure why anyone would want council or a governing body to have control over land use and the sale of property."

I feel like this is relevant due to what is going on at the entrance of Knollwood, and now we have the property at 711 North Main which wants to rezone to C2 to allow anything to go there. The other thing when I talked to her late on Friday, she told me that she had a conversation Friday and that Carol would be ok with it going to C2 if one acre was deeded to the City. I kind of have an issue with that. Why would the city want an acre of this property? I know we need a buffer. I guess I am ok if the front was C2, but I am concerned with C2 going in behind there. They will get out on Edgewood and there are houses back there. Who wants a tire sales, boat sales, liquor store, right at the entrance of our neighborhood? We already

have no say on Dollar Tree having an entrance on Knollwood. That is my concern.

- b. Tara Leary- I am the real estate manager for 711 North Main Street. When I spoke to Diane, I did mention that Ms. King and I met and discussed the rezoning of the property, but I did not say they would only approve the rezoning if we deeded property to them. I said my engineer recommended that to relieve a tax burden. Let me be clear we did not discuss that. We discussed the residential property owners would prefer a buffer, so we agreed that an acre of the property could be left R20 and the rest C2, but my engineer recommended we either deed it to the City or let it be a conservation easement. It was not mentioned in the meeting.

Diane Kuzniar: It may not have been in this meeting, but that is what you said because I wrote it down.

Tara Leary: I am sorry you misunderstood.

Diane Kuzniar: That is fine. I am just stating what you told me. Whatever happened, I am not privy to.

Tara Leary: I know what I said and that is not what I said.

- c. Jason Gramley: I live at 234 Devon Drive. Looking at the zoning, I work at GE. If you were to make this C2, I would come in and put whatever I wanted to in there. You would have no say. We have done this before. Let me play Devil's Advocate. Once you give that zoning power away, you don't have it. I would highly recommend that you hold on to this until someone comes up with a plan so you can look at it and say this makes a lot of sense, it would be an improvement for Mauldin and you have that control. As soon as you give that away, you get a Dollar Tree. You can leave it as it is. It makes it harder to sell. There is no change, no loss. I recommend you leave it as is until someone has a plan. Then I am the first one to say great idea. You don't have to do anything.

Tara Leary: The other two parcels the trust owns are already C2 along the same corridor.

Jason Gramley: With the proposal, I can drive through those parcels to Knollwood and it is R2. It would have to be residential. You can't just cut through it and make it C2. That parcel is the buffer and protection for our neighborhood.

Tara Leary: Not the back side, because our property goes all the way to the back of Knollwood.

Jason Gramley: The R2 goes to Knollwood and is to Steve Plummer's house. it is C2. The property beside Steve is C2.

Carol King: That is not their property. The first three houses from Edgewood and Devon are...

Jason: The property beside Steve is C2.

Carol King: Correct.

Jason Gramley: If I wanted to buy all the property, a big chunk of it is C2.

Tara Leary: I have managed the property since 2006-7 and they have control of who they sell it to.

Jason Gramley: That is great, but I don't have control over them. They could get a big offer and put in whatever...

Tara Leary: No.

Jason Gramley: You can say that all you want, but..

Tara Leary: The trust has no intention for that property except for what is good for the community.

### 3. Reading and Approval of Minutes

- a. Building Codes Committee Meeting: April 1, 2019- Councilman Goodson made a motion to approve the minutes with Councilwoman King seconding.  
The vote was unanimous (3-0).

### 4. Reports or Communications from City Officers

- a. Budget Review- Budget looks good. There is 34% remaining. The ideal percentage is 17%.
- b. Department Reports- None

### 5. Unfinished Business-

- a. Rezoning of property at 711 N. Main Street- After comments made by members of City Council at their April 15, 2019 meeting, the applicant has modified their requested to only rezone the property in part. Specifically, the applicant is requesting to rezone the front ±6.6 acres of this property at 711 N. Main Street be rezoned from R-20, Residential, to the C-2,

Commercial. At this time, the applicant will leave the back ±1.0 acres of this property zoned as is, R-20, Residential. This modification will effectively establish an approximately 120-foot buffer from the Knollwood Heights subdivision for any commercial development on this property. Because this modification only reduces the amount of property requested to be rezoned and does not introduce any new zoning district from what was originally presented, the City Attorney has indicated that it would be appropriate to consider 2nd reading on this rezoning at the next meeting of City Council. This is a modified request from the applicant for rezoning of C2 for 6.6 acres. The last acre on the back side will remain R20.

Councilman Goodson asked if we were looking at urban village down below City Center. There would be more authority to have buildings to look specific ways. David said he will always work with developers to do a nice project and go above and beyond our building codes. David said City Center is a CRD. Urban Village is what we are doing at Bridgeway Station and is a totally different type of animal.

Councilwoman King clarified that she and David did meet with Tara Leary two Fridays for about thirty minutes. Ms. Leary was aware of Councilwoman King's connection to the property and requested her presence at the meeting. They talked about options and Ms. Leary came in with a map which is a close reflection of what is in committee's packets tonight. Ms. Leary needed to present to the trust what was acceptable. The trust agreed to give up the one acre buffer and Councilwoman King said going from a 30 foot buffer to a 120 foot buffer is pretty much identical to what the greenspace is now. She and the adjacent homeowner have talked and the homeowner is thrilled with the one acre buffer.

Councilwoman King said the idea that the trust would sell an acre of land to the City for a dollar and that she agreed to that is not true by any stretch of the imagination. She feels strongly and will go on record. David said the same thing. The conversation never took place. She doesn't know how it was misconstrued. This is a four lane highway surrounded by commercial on both sides and makes sense to be a C2 zoning designation.

Councilman Goodson asked if the property would have to have access to Edgewood for people to exit the property. David said he anticipates a primary access on North Main and a secondary access on the side street. The purpose for the secondary access is that some of the patrons will come from the neighboring properties and it is safer for them to not have to get onto Main Street and then back to the property.

Councilwoman King said the property owner also owns Ricky's Pools. The 6.6 acres might be split into two parcels.

Councilman Goodson asked about the sewer line. David reminded committee that Jack Sneider mentioned at the council meeting that he is working to get access to a sewer line on Chetsworth, which does not have capacity problems. Councilman Goodson then asked if there could be assurances that the one acre would stay as a buffer. David said it is zoned R20 and will be developed as R20 or they would have to come back to council to rezone the property. Chairman Black said that could be allowed or refused. Councilwoman King said she thinks green space is the perfect scenario. Conservation credits can be applied for. She appreciates the applicant agreeing to this because they did not have to. Chairman Black said by law, anything that can fit into C2 could be put on this property. He thinks that the one acre is a fair trade.

Councilwoman King made a motion to send this to council on second reading. Councilman Goodson seconded the motion and the vote was unanimous (3-0).

## 6. New Business

- a. Annexation and zoning assignment for property owned by Richard Snipes at Quartz Circle and Fork Shoals Road- his petition includes approximately 9.8 acres owned by Richard Snipes, and is located at Quartz Circle and Fork Shoals Road. It is under contract to be purchased by the same developer as the other properties annexed earlier. 391 homes are being looked at to develop.

As part of the petition to annex this property, the applicant has requested that this property be split zoned with  $\pm 2.65$  acres fronting Fork Shoals Road zoned C-2, Commercial, and the remainder zoned R-10, Residential, upon annexation into the City of Mauldin. Councilman Black asked if this was close to Bonnie Brae. David said Bonnie Brae is the next light up. This property is close to the Southern Connector.

Councilman Goodson made a motion to send this to council. Councilwoman King seconded the motion and the vote was unanimous (3-0).

- b. Short-term rental update- Where the City of Mauldin is concerned, there are at least two types of short-term rentals that the City may wish to regulate: (1) Hosted short-term rentals, and (2) Unhosted short-term rentals. The main difference is whether the homeowner resides at the residence concurrent with guests. David asked if we want to restrict both of these types or one. These are two completely different ordinances that he could draft. Councilman Goodson said the four properties owned by the people who have spoken on this issue are immaculate. These properties are unhosted. Councilman Goodson said we could do three

strikes and out. Three calls during a calendar year to the police department stops your rentals for six months.

Councilwoman King said the previous regulation was way too detailed for what we need. These places are here and not going away so they need to be regulated. During the MASC meeting, she found an air b n b to stay in; it was cheaper than the conference hotel, safe and secure.

Councilman Black said there have been questions on if they would be required to be sprinkled even though it is not required for single family residences. Would it be treated like a hotel? David said our building official said technically it changes to an R1 and it triggers sprinkling and ADA requirements. David said his personal takeaway is that this has not been considered before and the building official just made a decision. David said we could get a legal opinion on this. He would not want us to get sued because we allowed something we shouldn't. Councilwoman King said the City of Clemson is strict on ADA and fire exits if the owner lives upstairs and rents the downstairs.

- c. Business license rates comparison- Committee asked staff to compare our rate structures with other municipalities. The format of the rate structure is generally consistent among each of the municipalities studied. All these municipalities charge a base rate for the first \$2,000 in gross receipts and a separate rate for each additional \$1,000 in gross receipts thereafter. The only municipality that is different is Greenville which varies their rates at for different tiers of gross receipts for several business types.

Mauldin's rate for the first \$2,000 in gross receipts seems to trend in the middle of the pack for most business types. Mauldin's rate for additional gross receipts thereafter seems to trend between the middle of the pack and the lower end for most business types but it is not generally the lowest rate.

One item that was noticeable is that three of the six municipalities have adjusted their business license deadline to April 30. Those three municipalities include Simpsonville, Greer, and Easley. This is helpful for businesses who are simultaneously hurrying to either file their income taxes or file for an extension by April 15.

Councilwoman King said she is comfortable with leaving the rates as they are but would prefer that the due date be changed to April 30<sup>th</sup> from April 15<sup>th</sup>. She also is against attaching a tax return to the business license application. Some businesses ask for an extension and are estimating. The department can audit if they believe a business is not being truthful about their revenues. David said a statement could be provided by a tax preparer instead a copy of the tax return. Councilwoman King said a lot of

her clients ask for that. Councilman Goodson said it would be surprising how many people would pay early if you didn't require the tax return.

No action was needed on this item. Staff will come back at a later date with an ordinance change on due dates and removing the requirement for tax returns.

- d. Permitting and licensing software- The City will not be able to continue using its current permitting and licensing software beginning July 1, 2020. Viewpoint, which is the company that the City contracts with for this software, is transitioning to their new product called ViewPoint Cloud. All the issues with the current program will be addressed and is much easier to use and more intuitive.

The cost for migrating to this new product has been quoted at \$41,150. This cost includes both annual costs and one-time costs. Viewpoint has offered some discounts if the City purchases this new product before July 31, 2019. These discounts will decrease the cost for this new product to \$28,520.

Right now, there is room to pay for this in the Business & Development Services budget for the current fiscal year. As of April 30, the remaining balance in the professional services line item is \$49,081.07. One of the big reasons for this healthy balance in that line item is that we've been able to better control our costs with RCI. In addition, the overall budget for Business & Development Services is in good shape (remaining balance at 33 percent as of April 30, not including capital). It is the recommendation to move forward with the purchase of this software in this current fiscal year.

Councilman Black asked if there was any new hardware. David answered no, it is web based. It is backed up on the cloud. He will find out the security measures that are taken.

Councilwoman King made a motion to send this item to council with a recommendation of purchasing the software out of BDS professional services in the amount of \$28,520. Councilman Goodson had to leave for a family matter. Chairman Black seconded the motion and the vote was unanimous (2-0).

- e. Comprehensive plan update- The State of South Carolina requires that at least once every ten years, the City must adopt a new comprehensive plan. State law also requires that the comprehensive plan be evaluated and updated at least once every five years. The Mauldin Comprehensive Plan was last prepared in 2009 with an evaluation and update performed

in 2014. According to State law, it is again time to prepare and adopt a comprehensive plan.

The Mauldin Planning Commission plans to take an active role in preparing a new comprehensive plan and has recently begun this process. They have started discussing strategies for public engagement and public workshops they wish to conduct over the summer. During their discussion they also expressed a desire to hold a joint workshop with City Council to discuss procedural strategies, receive input on the vision for the City, and identify stakeholders to specifically target.

Specifically, the Planning Commission would like to inquire about the ability to hold a joint workshop with City Council at 6 PM on May 14.

This item has been included on the May committee agenda for the purpose of providing this update and to receive input about the proposal to hold a joint workshop on May 14. Chairman Black and Councilwoman King both said they thought it was a good idea to hold a workshop.

- f. Upcoming boards and commissions vacancies- At the end of June, the terms will be expiring for one member of the planning commission (seat #6) and for one member of the board of appeals. We have recently begun advertising that we are accepting volunteer applications for the planning commission and the board of appeals. Information only.

7. Public Comment- None

8. Committee Concerns- None

9. Adjourn - Chairman Goodson adjourned the meeting.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk