

MINUTES
BUILDING CODES COMMITTEE
SEPTEMBER 6, 2022
4TH COMMITTEE MEETING

Committee Members present: Diane Kuzniar (Chair) and Frank Allgood. Councilman Taft Matney was not present at convening, but did attend via Zoom towards the middle of the meeting.

Others present: David Dyrhaug, Building and Development Services Director and Rebecca Vance, Interim City Administrator

1. Call to Order- Chairwoman Kuzniar
2. Public Comment- None
3. Reading and Approval of Minutes- August 1, 2022

Motion: Councilman Allgood made a motion to approve the minutes with Chairwoman Kuzniar seconding.

Vote: The vote was unanimous (2-0).

4. Reports and Communications from City Officers

- a. BDS Director David Dyrhaug- Mr. Dyrhaug reported his department is at 84% of a 83% ideal remaining budget percentage. A record number of building inspections came through last month at 1752. The number of permits for new homes decreased, but then came back up last month. 23 business licenses were issued last month.

5. Unfinished Business- There is no Unfinished Business

6. New Business

- a. An ordinance to rezone property consisting of approximately 5.8 acres located at 25 Old Mill Road (tax map parcel: #M008.04-01-002.03) and providing an effective date

This petition includes approximately 5.8 acres located at 25 Old Mill Road. The applicant has requested that this tract be rezoned from I-1, Industrial, to S-1, Trades & Commercial Services. The applicant would like the flexibility to consider developing the remainder of the property for the additional uses allowed in the S-1 zoning district.

Motion: Councilman Allgood made a motion to send this item to Council with Chairwoman Kuzniar seconding.

Vote: The vote was unanimous (2-0).

- b. Annexation and Establishment of Tanner Road Planned Development

1. An ordinance to provide for the annexation of property owned by W. Earl Jones and Nancy L. Jones, and located at 30 Tanner Road (tax map parcel: 0547.03-01-043.01) by one hundred percent petition and to establish a zoning classification of PD, Planned Development for said property;
2. An ordinance to provide for the annexation of property owned by W. Earl Jones and Nancy L. Jones, and located at 30 Tanner Road (tax map parcel: 0547.03-01-043.02) by one hundred percent petition and to establish a zoning classification of PD, Planned Development for said property;
3. An ordinance to provide for the annexation of property owned by C. Lynn Farmer and Elaine F. Ayscue, and located at 50 Tanner Road (tax map parcel: 0547.03-01-043.00) by one hundred percent petition method; and to establish a zoning classification of PD, Planned Development for said property

These petitions include approximately 13 acres owned by Lynn Farmer and Elaine Ayscue located at 50 Tanner Road, and approximately 7.6 acres owned by Earl Jones and Nancy Jones located at 30 Tanner Road. The applicant has requested that these tracts be zoned PD, Planned Development upon annexation into the City of Mauldin. Flournoy Development Group is planning to develop a planned development.

A traffic impact study has been completed for the proposed development project. This study was performed by Allen J. Reid with Impact Designs, Inc. SCDOT is talking with the applicant on intersection improvements. Chairwoman Kuzniar asked if the improvements would be done before or after the development is finished. Mr. Dyrhaug said typically they are done before the development begins.

David Graffius was present from Gray Engineering. As of last week, the DOT will further study the intersections and they are amenable to an additional green arrow from Verdin to Butler and additional turn lanes to Woodruff Road.

Councilman Allgood asked about stormwater runoff and if there was any potential encroachment onto neighboring properties. Mr. Graffius said there would be a retention pond to hold stormwater from rain events.

Councilman Allgood then asked if the pond could be half underground and half above ground. Mr. Graffius said it would not be as effective if constructed that way. This will be a dry retention pond.

Councilman Allgood asked when the traffic questions will be answered so that Council will have all the information to make a decision. Mr. Graffius said he was not sure, it could be a couple of weeks.

Chairwoman Kuzniar asked if the retention pond would be screened. Mr. Graffius said there are trees on the western side that will be kept at the property. There will also be a line of evergreen trees planted near the pond. Chairwoman Kuzniar asked if the residents would find the retention pond unappealing. Mr. Graffius said the residents would be looking at the green buffer instead of the low-lying areas where the pond is located.

Chairwoman Kuzniar asked about the conversion of workspaces to apartments. Mr. Dyrhaug said the statement of intent has been revised and if it needs to be converted, it will come back as a change to Council. Chairwoman Kuzniar said her concern is this will be all residential, without some nice retail. Mr. Dyrhaug said there could be businesses like boutiques, hair salons, coffee shops, etc. Small space retail, not like a full restaurant.

Motion: Councilman Allgood made a motion to send this item to Council with Chairwoman Kuzniar seconding.

Vote: The vote was unanimous (2-0).

- c. An amendment to Chapter 18, Article II (Nuisances) of the Mauldin Code of Ordinances to authorize the codes enforcement official rather than the building and zoning director to enforce certain provisions contained herein and for other matters related thereto

This ordinance, reviewed by the City Attorney, replaces the Building and Zoning Director with the Code Enforcement Official as the staff person responsible for the enforcement of the City's nuisance standards.

Motion: Councilman Allgood made a motion to send this item to Council with Chairwoman Kuzniar seconding.

Vote: The vote was unanimous (2-0).

- d. An amendment to Chapter 18, Article II (Nuisances) of the Mauldin Code of Ordinances to establish certain standards to protect against nuisances caused by light trespass and for other matters related

City staff recently had the opportunity to meet with Duke Energy officials to discuss the provisions being considered by the City of Mauldin. These officials commented that light glare very difficult to define and enforce. Their experience is that what is perceived as glare is different from case to case. They advised it is much easier to define, measure, and enforce light trespass as measured in foot-candles.

They also expressed that the height restrictions that the City was considering for lights was not consistent with their practice. The light poles that they typically install have a height of about 25 feet above the ground, not including pedestrian lights which generally are shorter. They also advised that restricting light pole height may have little effect if adjacent properties have different grade elevations. These officials also explained the procedures they follow when installing light poles and reviewing subsequent complaints. A property owner who requests the installation of a Duke light pole is required to sign a contract with Duke Energy. Included in the contract is a provision that the customer agrees to abide by local ordinances. When Duke Energy receives complaints about lights, they generally direct the complainant to talk directly to the property owner of the offending light. They do this to avoid getting in the middle of neighbor disputes. The property owner is able to request that Duke Energy make adjustments to the light to mitigate the concerns from a neighbor. Depending on the nature of the concern, Duke Energy is able to shield the light, lower the light on the pole, change out the color of the light, among

other solutions. Duke Energy indicated that they generally respond in about 3-5 days, although on occasion they may be delayed due to extenuating circumstances.

Councilman Allgood said there is a part in the narration that says the police department may need to hire additional staff and buy light meters. Councilman Allgood said he doesn't believe we will need to do that and asked Mr. Dyrhaug if he agreed. Mr. Dyrhaug said he agrees with Councilman Allgood that this is not going to be something that will be needed. The City should not receive a large number of light complaints.

Councilman Allgood said this is a much better ordinance than what was considered at an earlier meeting. His previous concern was defining a radius, and this defines foot-candles. It addresses his concern.

Motion: Councilman Allgood made a motion to send this item to Council with Chairwoman Kuzniar seconding.

Vote: The vote was unanimous (2-0).

e. Drive-through facilities in the Central Redevelopment District

Presently, the City of Mauldin has general standards that require a minimum amount of distance for vehicles that queue or stack in drive-thru lanes depending on the type of business (e.g., bank, ATM, restaurant, car wash, etc.). There are no other restrictions on drive-thru facilities in the Central Redevelopment District. Staff has researched what neighboring communities have as standards. This is presented for discussion.

Chairwoman Kuzniar said other communities have downtowns and that may be why they don't have any restrictions. The City needs to decide if they want to have further drive-throughs and could restrict future development.

Ms. Vance said drive-throughs could be a conditional use. Councilman Allgood said he got stuck in drive-through traffic this weekend and he understands why there would need to be restrictions. Mr. Dyrhaug said his opinion is if the City is trying to create a pedestrian environment, drive-throughs have no place. Chairwoman Kuzniar said there are plenty of places in the City that could still have drive-throughs, but for the CRD there should be a restriction. She would like to keep the City's goal in mind.

Chairwoman Kuzniar would like this item to go to Council for discussion.

Councilman Matney joined at this time via Zoom.

Motion: Councilman Matney made a motion to send this item to Council for input with Councilman Allgood seconding.

Vote: The vote was unanimous (3-0).

f. Electric vehicle charging stations

Staff was asked to look at this issue. Electric vehicle charging stations generally fall into one of three categories, designated as level 1, 2, and 3. Level 1 chargers are 120 volts and generally use a standard outlet. Level 2 chargers are 240 volts and generally consist of a charging head and cord hard-wired to the circuit. Level 3 chargers are more than 240 volts and are much more complex. Some charging stations may also identify as level 4 which are relatively new to the industry and represent the high end of electric vehicle charging.

Chairwoman Kuzniar said this is an important issue and we will need charging stations eventually. She said Council could hold a workshop to discuss this topic. Councilman Matney said he would like to hear from the electric companies. Would our grid handle something like this? If there is a workshop, he would like them to provide information.

Motion: Councilman Allgood made a motion to send this item to a Council workshop for further information with Councilman Matney seconding.

Vote: The vote was unanimous (3-0).

g. Board of Appeals membership

Out of seven seats designated by Mauldin ordinance, there are currently only three active members serving on the Board of Appeals. This includes one current member who has filed an application to be considered for appointment to the Planning Commission. Currently the Board does not have enough members to even meet and take action on an appeal, variance, or special exception. The City has received no applications from citizens interested in the Board of Appeals so far this year. State law (section 6-29-780) prescribes that the City may create a board between 3 and 9 members. The members should serve for overlapping terms between 3 and 5 years. This is on the agenda to find out if there is any interest in reducing the number of seats on the ZBOA.

Chairwoman Kuzniar said she would not have a problem with five members, but thinks three members is too few.

Councilman Matney said the board is so important. It is a quasi-judicial board and their decision is final. He understands it is difficult to maintain a constant majority of seven.

Motion: Councilman Matney made a motion to direct staff to draft an ordinance reducing the number of seats of the Zoning Board of Appeals to five members with Councilman Allgood seconding.

Vote: The vote was unanimous (3-0).

7. Public Comment-

Jason Kraeling: 234 Devon Drive. You can rent light meters. I don't think we will have a huge use for them, but they are expensive. You can rent them for a couple hundred bucks versus \$15,000-20,000. I just wanted to say that before I forgot.

8. Committee Concerns- None

9. Adjournment: Chairwoman Kuzniar adjourned the meeting at 8:23 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk