

Spartanburg County

Planning & Development



MINUTES

Planning Commission

April 13, 2004

Members

Present:

Whit Kennedy
David Burnett
Doug Brackett
Phillip Lawson
Shelia Bailey
Marion Gramling
Purnell Morris
John Campbell

Members

Absent:

Jerry Gaines

Staff:

Emory Price
Joan Holliday
Sherry Dull
Anita Weir

Genelle Jones
Chad Hicks
Melody Jennings
Mike McGrath

1. Call to Order

Whit Kennedy called the meeting to order.

2. Approval of Minutes of March 2, 2004

The minutes of the March 2nd meeting were presented for approval. David Burnett made a motion to approve the minutes. Purnell Morris seconded the motion and the vote carried unanimously.

3. Old Business

None

4. Discussion Items

None

5. Public Hearings

A. Variance Request – Unified Land Management Ordinance #0-99-015

Proper notification for these variances was completed by posting the property, advertising in the paper, and notification of adjoining properties via certified mail.

Chairman Whit Kennedy explained the procedures of conducting a public hearing.

1. Sunset Mountain

Emory Price gave a brief explanation of the variance being requested. One variance is needed for a shed that is encroaching in the private road right-of-way. A second variance is needed for a house that is encroaching in the front setback from the private road. Perry Road is a narrow county maintained road. Whit Kennedy opened the public hearing to take information regarding the variance request.

Jonathon Smith, Surveyor speaking on behalf of property owner Mr. Rick Waddell, was sworn in. He informed the Commission that the property owner has exhausted every avenue to try to split his land. The owner tried to take a flag lot to the back property but could not purchase any land from the adjacent property owner. The road was drawn to best fit the right-of-way through the numerous buildings on the property. Commission asked if the road horizontal curves were in compliance, and Melody Jennings stated that the ordinance does not require any radius minimum on private road developments, as stated by Mike McGrath as well.

Cynthia Black, who lives adjacent to the property, was sworn in. She stated that the road was narrow to where two cars cannot pass. She was

concerned about the proposed private road and how close it would be to her property line. An ortho photo was presented by staff, along with viewing the site plan. After much discussion it was decided that the development would be limited to three splits, including the parcel for the road.

Carolyn Waddell was sworn in. She inquired about what was being sold (4 acre parcel) and what type of housing would be allowed (single family, one dwelling unit per lot). She asked if the county road would be widened, to which the Commission stated that would need to be taken up with the County Roads and Bridges department.

There was no one else to address the Commission so Whit Kennedy closed the public hearing and opened the floor for discussion.

The Commission discussed the variances needed and the concerns expressed by some of the neighbors. Marion Gramling stated that he thinks the setback from the house is a side setback and did not need a variance. Melody Jennings and Emory Price stated that based on the road location the setback is the front. Commission discussed the stipulation of limiting the number of lots that could be split and for there to be a note placed on the plat stating 'no further subdivision'.

Marion Gramling made the first motion to grant the variance for a three-foot shed encroachment into the private road right-of-way, condition upon the plat being submitted to staff to show three lots with the above wording. Doug Brackett seconded the motion and the vote carried unanimously.

Marion Gramling made the second motion to grant the variance for a front setback at the existing house, condition upon the plat being submitted to staff to show three lots with the above wording. Purnell Morris seconded the motion and the vote carried unanimously.

2. Stone Creek Falls

Emory Price introduced the project by saying that the developer wished to substitute a different road standard that would include allowing traffic circles and a greater than five percent grade.

Roy Palmer was present and represented the developer. He presented

a Power Point presentation on the Stone Creek Falls master plan and showed pictures of how the area currently looks. He stated that it would be a private community with 25 percent common open space. The developer wishes to maintain that “mountain-community” feel. As a means of accomplishing this, he said that they were asking for: 1. shorter radii for traffic calming purposes, 2. plantings and parks in the middle of traffic circles, and 3. grassed shoulders with no curbs and gutters with grades more than five percent (piping will take away the stormwater).

Whit Kennedy opened the public hearing on Stone Creek Falls.

Roy Palmer was sworn in. Mr. Kennedy asked him if the slope of the ditch was greater than five percent? Mr. Palmer said that would be the case and that the radius was tighter than the standard, but that Stone Creek Falls is to be a private, gated community.

William Clement, a property owner on Peachtree Road, asked if the variance had to do with Peachtree Road. He was told that it was the road internal to the proposed new development, not Peachtree Road.

Angela Bramlett was sworn in. She wanted to know if they would access the development by any other means than Peachtree Road. Timber trucks have used Gore Road where she lives, and the neighbors have had a problem with them.

Mr. Kennedy told her that the plat shows no access other than Peachtree Road. Mr. Palmer said that the current owner purchased the property after it was timbered and that the access was to be from Peachtree Road. He stated for the record that the developer does not intend to use Gore Road for access.

Libby Nance was sworn in. She said that the development that is being proposed sounds wonderful. She is assuming that the grade of the property would be changed and asked what is going to happen to the creek. Mike McGrath said that they would have to submit stormwater plans and comply with those regulations. She said that she was also concerned about trash in the creek.

Mr. Kennedy asked for further comments. There being none, he closed the public hearing and opened the floor for discussion among the

Commissioners.

Mitchell Baker, also representing the developer, stated that they could limit the slope to a maximum of seven percent.

Marion Gramling stated that he did not have a problem with the tighter radius or the increased grade.

David Burnett made a motion to grant the variance to the minimum road standards to allow for traffic circles per the layout presented to the Planning Commission. Phillip Lawson seconded the motion. The vote carried unanimously.

Marion Gramling made a motion to approve the earth ditch section (Standard 2) with up to a seven percent grade in lieu of the five percent depicted in the standard. Purnell Morris seconded the motion. The vote carried unanimously.

Emory Price stated, at this point, that much work was needed on the County's road standards and that this will be one of the next major amendment items that the Planning and Development Department would be working on.

3. Tiger Paw Subdivision

Emory Price gave some background information on the project, stating that it is a three lot duplex project. The developer is requesting a five-foot variance on the rear setback for Lot 3. The setback should be twenty feet. The developer asked that the setback be fifteen feet.

Mr. Kennedy opened the public hearing.

Alex Hudson was sworn in. He stated that he is also developing the adjoining property and this portion just did not fit. He is planning to retain ownership and wants the property to be a nice one. In order to get three lots, they had to use a figure T cul-de-sac. He will erect a fence around the entire project.

Mr. Kennedy asked for further comments. There being none, he closed the public hearing and opened the floor for discussion among the Commissioners.

A few of the Commissioners felt that Mr. Hudson did not need a variance.

John Campbell made a motion to grant the five-foot rear setback variance on Lot 3 of the Tiger Paw subdivision. Marion Gramling seconded the motion. The vote carried unanimously.

6. Subdivision Regulations Ordinance #429

A. Final Plats *

None

B. Private Road Developments *

None

C. Preliminary Extensions

a. Willow Creek, Phase II, Section H (Lots 192-213)

Emory Price gave a brief explanation of the preliminary extension request. He stated that this is an older development that the current developer is trying to finish out with the last phase. He recommended that since it had been so long since any activity took place that it be submitted under the new ULMO, which is also on the agenda today.

Marion Gramling noted that he was not the surveyor on this project, as shown on the sheet. Chad Hicks then stated that the surveyor was Carolina Surveying.

Commission Chairman Whit Kennedy expressed his concern that when subdivisions are approved under the old subdivision regulations prior to 1999, do they have the authority to grant an extension on regulations that no longer exist? Some discussion among the Commissioners occurred, with the conclusion that the developer needs to resubmit the preliminary under the new regulations.

Marion Gramling made the motion to deny the preliminary extension request with Phillip Lawson seconding the motion. The vote carried unanimously.

7. Unified Land Management Ordinance #0-99-015

A. Subdivisions

1. Major (Preliminary Plats)

a. Fuller Place

Staff recommended that Fuller Place be granted conditional preliminary approval subject to review and approval from Spartanburg County Public Works, Engineering Division, Addressing/911, SJWD Water District and DHEC.

Purnell Morris made a motion to grant conditional preliminary approval subject to review and approval from Spartanburg County Public Works, Engineering Division, Addressing/911, SJWD Water District and DHEC. Doug Brackett seconded the motion and the vote carried unanimously.

b. Lake Cooley Landing, Section VIII, Phase 2

Staff recommended that Lake Cooley Landing, Section VIII, Phase 2 be granted conditional preliminary approval subject to review and approval from Spartanburg County Public Works, Engineering Division, Addressing/911, SJWD Water District and DHEC.

Staff noted that the access road, Jordan Creek Road, is a collector road, not a minor road.

Marion Gramling made a motion to grant conditional preliminary approval subject to review and approval from Spartanburg County Public Works, Engineering Division, Addressing/911, SJWD Water District and DHEC. Purnell Morris seconded the motion and the vote carried unanimously.

c. Bright Farms

Staff recommended that Bright Farms be granted conditional preliminary approval subject to review and approval from Spartanburg County Public Works, Engineering Division, Addressing/911, SJWD Water District and Town of Duncan Sewer.

The question was raised as to whether or not the Town of Duncan would annex this into the town. Darrell Hinson, the developer, stated to the Commission that the Town would most likely annex the subdivision after approval.

Mr. Hinson also discussed the subdivision entrance and road access. There will be a single entrance off of E. Bright Road to this development. The project is bound partly by the South Tyger River and partly by adjacent property owners.

Purnell Morris made a motion that Bright Farms be granted conditional preliminary approval subject to review and approval from Spartanburg County Public Works, Engineering Division, Addressing/911, SJWD Water District and Town of Duncan Sewer. Phillip Lawson seconded the motion, and the vote carried unanimously.

d. Stone Creek Falls

Staff recommended that Stone Creek Falls be granted conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division, DHEC and Addressing/911.

Whit Kennedy commented that the conditional approval be given along with the variances granted (earlier in this meeting).

Phillip Lawson made a motion to grant Stone Creek Falls conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division, DHEC and Addressing/911, along with the variances granted. The motion was seconded by Purnell Morris, and the vote carried unanimously.

e. Tiger Paw Subdivision (Duplexes)

Staff recommended that Tiger Paw Subdivision be granted conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division.

Doug Barnett made a motion to grant Tiger Paw Subdivision conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division and the variance given. John Campbell seconded the motion and it carried unanimously.

f. Country Forest, Phase 3

Staff recommended that Country Forest, Phase 3 be granted conditional preliminary approval subject to review and approval from DHEC, Spartanburg County Public Works Engineering Division and SCDOT (encroachment permit).

Mr. Robert Carpenter, the owner and developer of the property, was present and addressed the Commissioners about the subdivision.

A motion was made by Purnell Morris to grant Country Forest, Phase 3 conditional preliminary approval subject to review and approval from DHEC, Spartanburg County Public Works Engineering Division and SCDOT. A second motion was made by John Campbell and the vote carried unanimously.

g. Cumberland Walk

Staff recommended that Cumberland Walk be granted conditional preliminary approval subject to review and approval from DHEC, Spartanburg County Public Works Engineering Division and SCDOT.

It was noted that the project has been approved by Inman Campobello Water, not Woodruff Roebuck Water as the sheet stated.

Purnell Morris made a motion to grant Cumberland Walk

conditional preliminary approval subject to review and approval from DHEC, Spartanburg County Public Works Engineering Division and SCDOT. Marion Gramling seconded the motion and the vote carried unanimously.

h. Lancaster Farms

Staff recommended that Lancaster Farms be granted conditional preliminary approval subject to review and approval from DHEC, Spartanburg County Public Works Engineering Division and SCDOT.

Mr. Whit Kennedy noticed that an access note was needed for the double fronted lots on Carolina Country Club Road.

Marion Gramling made a motion to grant Lancaster Farms conditional preliminary approval subject to review and approval from DHEC, Spartanburg County Public Works Engineering Division, SCDOT and an access note on the plat for lots 1-6, 89 and 56-64, which back up to Carolina Country Club Road. Doug Brackett seconded the motion and the vote carried unanimously.

i. Willow Creek, Phase 2, Section J

Staff recommended that Willow Creek, Phase 2, Section J be granted conditional preliminary approval subject to review and approval from DHEC, Spartanburg County Public Works Engineering Division, SJWD Water and Addressing/911.

Marion Gramling made a motion to grant Willow Creek, Phase 2, Section J conditional preliminary approval subject to review and approval from DHEC, Spartanburg County Public Works Engineering Division, SJWD Water and Addressing/911. Phillip Lawson seconded the motion and the vote carried unanimously.

2. Major (Final Plats) *

- a. Summerwood, Section 2

Emory Price made a recommendation that Summerwood, Section 2 be read into the record as approved.

Doug Brackett made a motion to read Summerwood, Section 2 into the record as approved. Purnell Morris seconded the motion and vote carried unanimously.

3. Minor (Summary Plats) *

- a. Settlers Point
- b. Summerwood, Section 1

Emory Price stated that staff recommends Settlers Point and Summerwood, Section 1 be read into the record as approved.

Phillip Lawson made a motion to read Settlers Point and Summerwood, Section 1 be read into the record as approved. Purnell Morris seconded the motion and the vote carried unanimously.

4. Minor (Private Road Developments) *

None

5. Minor (Family Property) *

None

6. Preliminary Extension Request

- a. Browns Creek Estates

Emory Price briefed Planning Commission on the project, observing approval dates and expiration dates as shown in the meeting packet.

Commission noted that the developer has demonstrated continuous activity in the project.

John Campbell made a motion to grant the preliminary plat extension to coincide with the storm water expiration date of May 30, 2005. Purnell Morris seconded the motion and the vote carried unanimously.

B. Land Development

1. Major (Preliminary Plats)

a. The Arbours Commons (Patio Homes)

Staff recommended that The Arbours Commons be granted conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division, City of Spartanburg Sewer, SWS Water and Addressing/911.

Whit Kennedy recognized an adjacent property owner who wanted to speak. Mr. Darrell Smith lives on the property beside the drainage pond and stated his concern about the water runoff that is coming onto his property now.

There was discussion about the pond. Alex Hudson, the developer of the property, stated that it would drain off-site, and that he would construct a wooden privacy fence around it.

Phillip Lawson made a motion to grant The Arbours Commons conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division, City of Spartanburg Sewer, SWS Water and Addressing/911. Purnell Morris seconded the motion and the vote carried unanimously.

2. Major (Final Plats) *

a. Phoenix Park (Commercial Park)

Staff recommended Phoenix Park be read into the record as approved.

Marion Gramling made a motion to read Phoenix Park into the record as approved. Phillip Lawson seconded the motion and the vote carried unanimously.

3. Major (Summary Plats) *

None

4. Preliminary Extension Request

None

8. Other Business

None

9. Adjournment

There being no further business, Marion Gramling made a motion to adjourn, seconded by Doug Brackett. The vote carried unanimously.

Respectfully Submitted,

By: _____
Doug Brackett, Planning Commission Secretary

Prepared by:
Joan Holliday & Sherry Dull
Planning Department Staff