

**MINUTES**  
**Planning Commission**  
**July 13, 2004**

*Pursuant to the Freedom of Information Act, notice of this meeting date, time, place, and agenda was posted on the bulletin board at the entrance of the County Administration Building and mailed to the Spartanburg Herald Journal. It was also sent to concerned citizens who have requested to receive the information.*

**Members**

Whit Kennedy, Chairman

**Present:**

David Burnett, Vice-Chairman

Doug Brackett, Secretary

Shelia Bailey

John Campbell

Marion Gramling

Phillip Lawson

Purnell Morris

**Members**

**Absent:**

Jerry Gaines

**Staff**

**Present:**

Emory Price, Planning and Development Director

Joan Holliday

Sherry Dull

Harriett Montgomery

Laurie Horton

Edwin Haskell, County Attorney

Freelance Reporting Services

**1. Call to Order**

Whit Kennedy called the meeting to order.

**2. Approval of Minutes of June 8, 2004**

The minutes of the June 8th meeting were presented for approval. John Campbell made a motion to approve the minutes. Phillip Lawson seconded the motion, and

the vote carried unanimously. Whit Kennedy asked if the minutes from the breakfast meeting were ready. Emory Price told him that they would be ready for the next meeting.

**3. Old Business**

None

**4. Discussion Items**

None

**5. Public Hearings**

**A. Variance Requests**

**1. Old Petrie Place**

Emory Price summarized the facts on Old Petrie Place. Mr. Kennedy asked the county attorney to explain what the state law says about variances. Edwin Haskell explained the planning enabling act and the four criteria required for granting a variance. He emphasized that financial hardship does not qualify.

Mr. Kennedy opened the public hearing.

Pat Cecil, the representative for the proposed Old Petrie Place, explained to the Commission how he would qualify to meet the criteria, such as: 1. the county would prohibit more entrances on Old Petrie Road, 2. the property is restricted by streams on two sides, 3. this site is contiguous with property of the same use, 4. the setbacks in the ordinance constrict the site, and 5. the existing sewer line constricts the usability of the site.

Purnell Morris voiced concern about emergency service access and visitor parking.

Glenn Brown spoke on behalf of the owner and stated that Old Petrie Place would be similar to The Townes at Country Club in that the garages were at the street with no setback.

No one else wished to speak on the matter, and Mr. Kennedy closed the public hearing.

Mr. Kennedy stated that some of the variances could be resolved, and that Mr. Cecil needed to try to redesign his project and come back with fewer items needing variances.

Doug Brackett made a motion to carry over the variance requests on Old Petrie Place to the August meeting, and Purnell Morris seconded the motion. The vote carried unanimously.

## **2. Moore Family Property**

Mr. Price presented some background information on the Moore Family Property. The reason that staff could not approve subdividing the property under the Family Property section of the ULMO is that it was split after October 21, 2002 which is the cut off date for a lot of record to be considered for subdividing under this section of the ULMO. A staff member had mistakenly counseled Ms. Moore that dividing the property in this manner met the requirements of the ULMO.

Mr. Haskell recommended that the lots be subdivided and that a 60-foot reciprocal easement be placed on the flag portion. He explained that whoever bought the land would have the right to use the 60-foot easement.

Mr. Kennedy opened the public hearing.

Debbie Moore was sworn in. Ms. Moore explained that she had met with County staff and had a surveyor divide the property based on advice from staff. She stated that whatever the solution, she did not want to divide it in such a way as to require the construction of a new road.

No one else wished to speak on the matter, and Mr. Kennedy closed the public hearing.

Doug Brackett made a motion to grant the variance on the date for the lot of record for the Moore Family Property and accept the County Attorney's recommendation to place reciprocal ingress-egress easements running with the land on the combined 60-foot flag. John Campbell seconded the motion, and the vote carried unanimously.

Josh Henderson will call Edwin Haskell to get the wording for the easements.

## **B. Road Name Changes**

Harriett Montgomery presented the case for renaming the portion of Spartan Boulevard from West Blackstock Road to its intersection with Spartan Boulevard to Vintel Boulevard. Ms. Montgomery explained that plans for Westgate Pointe commercial development and the final road layout came into the Planning and Development Department on May 18, 2004. In reviewing the full plans for the first time, it became apparent that the private road (currently identified as a part of Spartan Boulevard) needed a separate name. Planning staff visited the site in order to make sure that everything existed on the ground as it appeared on the plat. The staff found the configuration to be somewhat confusing. Sometime after 1996, the public part of Spartan Boulevard became directly tied in with the road behind the Mall. The master plan for the Westgate Commons and how it connects with the current configuration of Westgate Mall was never reviewed by addressing staff so they did not know that a new name was needed. When Spartan Boulevard was originally named and mapped, it was a road that accessed Spartan International only. Sam Shanbhag's private road is a distinctly separate road that stops at both ends (at a ninety degree angle both with the county-maintained part of Spartan Boulevard and with West Blackstock Road) and thus needs a different name. This name would eliminate a potentially confusing situation for emergency vehicles. Ms. Montgomery explained the need to remedy the situation now rather than waiting for more businesses to open with a Spartan Boulevard address.

Mr. Kennedy opened the public hearing.

Phil Simmons spoke for Shanbhag Inc. He stated that the road in question had always been Spartan Boulevard and that Mr. Shanbhag's different projects had been given Spartan Boulevard addresses by the County. No one had ever told them that they needed a new road name. He asked that Commission allow Spartan Boulevard to continue to be used on the private, as well as the public, part of the road.

Mr. Kennedy closed the public hearing. He stated that it was not Mr. Shanbhag's fault that the Westgate Mall extended its parking lot and private road to Spartan Boulevard. He asked how this could get by addressing. Joan Holliday explained that plans never came to Addressing except for

piecemeal single-lot developments. Also, addressing had not been privy to the plans inside the City of Spartanburg for the Westgate Mall expansion and how it tied into Spartan Boulevard. Ms. Holliday explained that the stop signs are such that the public part of Spartan Boulevard is continuous with the road that goes behind the Mall. Mr. Kennedy asked who we would get to place an additional stop sign at the intersection. There was no one present who knew the answer to his question.

Purnell Morris made a motion to keep the private road as Spartan Boulevard, and Marion Gramling seconded the motion. The vote carried unanimously.

**C. Proposed Amendments to the Unified Land Management Ordinance #0-99-015.**

Emory Price explained that we have thirty-two amendments to the Unified Land Management Ordinance that are to be considered by the Commission after the public hearing. The Land Use Committee of county Council, which includes the Planning Commission Chairman and Vice Chairman, has approved the thirty-two amendments that were posted on the County's website and advertised in the *Herald Journal*.

Mr. Kennedy asked those present how many were there to speak on the ULMO amendment public hearing. There was no one. He explained that he was trying to get an idea of how he would conduct the public hearing. He then opened the public hearing.

No one appeared to comment on the amendments, so Mr. Kennedy closed the public hearing.

David Burnett made a motion to accept the proposed amendments to the Unified Land Management Ordinance, and forward a recommendation to the County Council that they be adopted. Purnell Morris seconded the motion. The vote carried unanimously.

**6. Subdivision Regulations Ordinance #429**

**A. Final Plats \***

None

**B. Preliminary Extension Requests**

None

**7. Unified Land Management Ordinance #0-99-15.**

**A. Subdivisions**

**1. Major (Preliminary Plats)**

**a. Laurel Crest, Section II**

Mr. Price gave a summary of the project and recommended conditional preliminary approval subject to review and approval by SJWD Water Company, Public Works/Engineering Division, DHEC, and Addressing/911.

Marion Gramling made a motion to grant conditional preliminary approval subject to review and approval by SJWD Water Company, Public Works/Engineering Division, DHEC, and Addressing/911. Doug Brackett seconded the motion, and the vote carried unanimously.

**b. Henderson Place, Section II**

Mr. Price gave a summary of the project and recommended preliminary approval subject to review and approval by Public Works Engineering Division, Addressing/911, SJWD Water District, and DHEC.

Phillip Lawson made a motion to grant preliminary approval subject to review and approval by Public Works Engineering Division, Addressing/911, SJWD Water District, and DHEC. Shelia Bailey seconded the motion. The vote carried unanimously.

**c. Crooked Creek**

Mr. Price gave a summary of the project and recommended preliminary approval subject to review and approval by Public

Works Engineering Division, Spartanburg Water System, Addressing /911, and DHEC.

David Burnett instructed staff that access on the double-frontage lots would need to be noted.

Purnell Morris made a motion to grant conditional preliminary approval subject to review and approval by Public Works Engineering Division, Spartanburg Water System, Addressing /911, and DHEC. John Campbell seconded the motion. The vote carried unanimously, with Marion Gramling abstaining.

**d. Bright Farms**

Mr. Price gave a summary of the project and recommended that Bright Farms be granted conditional preliminary approval subject to review and approval by Public Works Engineering Division, Addressing/911, and DHEC.

Darrell Hinson had sent a letter that he would be out of town of the date of Planning Commission.

Marion Gramling made a motion to grant conditional preliminary approval subject to review and approval by Public Works Engineering Division, Addressing/911, and DHEC. Phillip Lawson seconded the motion. The vote carried unanimously.

**e. Carshalton by the Bay**

Mr. Price gave a summary of the project and recommended that Carshalton by the Bay be granted conditional preliminary approval subject to review and approval by Public Works Engineering Division, SJWD Water District, Addressing/911, and DHEC.

Mr. Burnett asked if the last served as common open space. Jonathan Smith of Sinclair and Associates said that that was correct.

Purnell Norris made a motion to grant conditional preliminary approval subject to review and approval by Public Works

Engineering Division, SJWD Water District, Addressing/911, and DHEC. Phillip Lawson seconded the motion. The vote carried unanimously.

**f. Montgomery Meadows, Section 1**

Mr. Price gave a summary of the project and recommended that Montgomery Meadows, Section 1 be granted conditional preliminary approval subject to review and approval by Public Works Engineering Division, SJWD Water District, DHEC, and Addressing/911.

Mr. Kennedy stated that the miles of new road be needed to be changed from 4.28 miles to .09 miles on the plat.

Phillip Lawson made a motion to grant conditional preliminary approval subject to review and approval by Public Works Engineering Division, SJWD Water District, DHEC, and Addressing/911. John Campbell seconded the motion. The vote carried unanimously with Marion Gramling abstaining.

**g. Danismine**

Mr. Price recommended that Danismine be granted conditional preliminary approval subject to review by Public Works Engineering Division, Addressing /911, and the City of Inman Sewer.

David Burnett made a motion to grant conditional preliminary approval subject to review and approval by Public Works Engineering Division, Addressing /911, and the City of Inman Sewer. Purnell Morris seconded the motion. The vote carried unanimously with Marion Gramling abstaining.

**2. Major (Final Plats)\***

**a. Evanwood, Section IIIA**

**b. Kennedy Commons, Section 2**

**d. Whister Place**

Emory Price recommended that Evanwood, Section IIIA,

Kennedy Commons, Section 2, and Whister Place be read into the record as approved.

Doug Brackett made a motion to read Evanwood, Section IIIA, Kennedy Commons, Section 2, and Whister Place into the record as approved. Purnell Morris seconded the motion. The vote carried unanimously with Marion Gramling abstaining.

- c. James Creek Subdivision, Phase 2**
- e. Sweetwater Hills, Phase 3, Section B**
- f. Montgomery Lake at Timm Creek, Phase 1A**

Mr. Price recommended that James Creek Subdivision, Phase 2, Sweetwater Hills, Phase 3, Section B, and Montgomery Lake at Timm Creek, Phase 1A be read into the record as approved.

David Burnett made a motion to read James Creek Subdivision, Phase 2, Sweetwater Hills, Phase 3, Section B, and Montgomery Lake at Timm Creek, Phase 1A into the record as approved. Phillip Lawson seconded the motion, and the vote carried unanimously.

**3. Minor (Summary Plats)\***

**a. Kilgore Estates**

Mr. Price stated that staff recommends Kilgore Estates be read into the record as approved.

Doug Brackett made a motion to read Kilgore Estates into the record as approved. Shelia Bailey seconded the motion, and the vote carried unanimously

**4. Minor (Private Road Developments)\***

None

**5. Minor (Family Property)\***

None

## **6. Preliminary Extension Request**

None

### **B. Land Development**

#### **1. Major (Preliminary Plats)**

##### **a. Fair Oaks (Patio Homes)**

Mr. Price gave a summary of the project and recommended conditional preliminary approval subject to review and approval by Public Works Engineering Division, Addressing/911, SJWD Water District, City of Lyman Sewer, and SCDOT.

After some discussion about the open space, Doug Brackett made a motion to grant conditional preliminary approval subject to review and approval by Public Works Engineering Division, Addressing/911, SJWD Water District, City of Lyman Sewer, and SCDOT. Purnell Morris seconded the motion, and the vote carried unanimously.

##### **b. Old Petrie Place (Multi-family)**

Mr. Price told the Commissioners that this needed to be carried over since the variance was carried over.

Marion Gramling made a motion to carry over to the August meeting. Phillip Lawson seconded the motion. The vote was unanimous.

#### **2. Major (Preliminary Site Plans)**

##### **a. Southern Mulch (Refuse Sites and Facilities)**

Mr. Price presented a brief summary of the Southern Mulch project, stating that although they were reviewed under the Refuse Sites and Facilities section of Article 3 of the ULMO, they are not subject to the Solid Waste Management Plan.

Scott Montgomery, of the Southern Mulch Company, appeared to

explain the project and answer questions. He stated that he had spoken with the neighbors and they do not have a problem with this operation being in the neighborhood. The closest residence is over 400 feet away. The sound from machine used to grind the debris is similar to that of a bulldozer. He also stated that DHEC is reviewing the site for stormwater requirements.

Shelia Bailey inquired as to how often they would run the machines. Mr. Montgomery stated the machines should only run once or twice a month.

Mr. Haskell recommended that the Commission authorize Mr. Price to write a letter that the project has been approved by them and is consistent with the ULMO. The County Attorney also advised that the letter call attention to the requirements of the Noise Ordinance.

Purnell Morris made a motion to approve this project giving Emory Price authorization to write a letter for Mr. Montgomery to send to DHEC. Shelia Bailey seconded this motion, and the vote was unanimous.

**3. Major (Final Plats)\***

**a. The Gardens at Timm Creek, Phase 2**

Emory Price recommended that The Gardens at Timm Creek, Phase 2 be read into the record as approved.

Phillip Lawson made a motion to read The Gardens at Timm Creek, Phase 2 into the record as approved. Purnell Morris seconded the motion. The vote was unanimous.

**4. Major (Summary)\***

None

**5. Preliminary Extension Request**

None

**8. Other Business**

None

**9. Adjournment**

Marion Gramling made a motion to adjourn. Doug Brackett seconded the motion, and the vote carried unanimously.

(Note: \* These items require no action other than being read into the minutes.)

Respectfully Submitted,

By: \_\_\_\_\_  
Doug Brackett, Planning Commission Secretary

Prepared by:  
Savannah Sabo  
Planning Department Staff