

MINUTES
Planning Commission
August 03, 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 any concerned citizen or agency who requested to receive the information.

Members

Present:

Whit Kennedy, Chairman
David Burnett, Vice-Chairman
Doug Brackett, Secretary
Shelia Bailey
John Campbell
Jerry Gaines
Marion Gramling
Phillip Lawson
Purnell Morris

Staff

Present:

Emory Price, Planning and Development Director
Joan Holliday
Sherry Dull
Laurie Horton
Savannah Sabo
Freelance Reporting Services

1. Call to Order

Whit Kennedy called the meeting to order.

2. Approval of Minutes of July13, 2004

Marion Gramling made a motion to approve the minutes of the July 13th meeting as presented. Purnell Morris seconded the motion, and the vote carried unanimously.

Emory Price recommended that since we did not have a quorum at the July 2, 2004 breakfast meeting, formal approval of these meeting notes was not necessary. John Campbell made motion to accept the notes into the record from the breakfast meeting. Jerry Gaines seconded the motion. The vote was unanimous.

3. Old Business

None

4. Discussion Items

None

5. Public Hearings

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

1. C. C. Co., Inc. (Land Clearing Debris Disposal)

Laurie Horton presented the staff findings on C. C. Co., Inc. The applicant is seeking to reclaim land by placing yard trash and land clearing into a gully on this property. According to the Unified Land Management Ordinance, all refuse facilities require Planning Commission approval. Also, Table 3 of the ULMO does not allow this type of facility to take access on a minor street, therefore requiring a variance.

Whit Kennedy opened the public hearing.

Tony Putnam, the landowner, was sworn in. He stated that he had been told that if he brought a revised plat to the Planning Department showing the footprint of the landfill area less than two acres, he would not need a variance. Mr. Kennedy stated that he would have to be sure that the area in question actually was less than two acres, so the public hearing would continue and a vote taken in case the survey proved to be greater than two acres. Mr. Price agreed with Mr. Kennedy's recommendation.

Phillip Pappadis spoke next saying that he was only seeking information. He represented the landowners on the closing of their property--Lot 1 and Lot 2. Mr. Pappadis was concerned about what would happen to road frontage of Lot 1 if it were recorded for mortgage purposes only. Lot 1 is

larger than Lot 2. Mr. Kennedy explained that a plat recorded for mortgage purposes would not affect the frontage. The Planning staff concurred.

Sam Napier was sworn in. He lives across the street and is an acquaintance of the Putnams. He said that he wants the gully filled, but he was concerned about the trucks from C. C. Co., Inc. coming in and out of the neighborhood on such a narrow road. He asked that the trucks not run between the hours of 7:00-9:00 a.m. Steve Collins, the owner of C.C. Company, responded to the concern, explaining the hours of operation for this crew. He said that there would not be a problem with these hours since his crew would still be at a site loading up during these hours.

Mr. Kennedy closed the public hearing. After much discussion regarding the recent ULMO amendment, he asked Mr. Putnam if he would like to formally withdraw the variance request. Mr. Putnam withdrew the C. C. Co., Inc. variance request and stated that he would have the survey to the Planning staff as soon as the surveyor finished it.

2. Old Petrie Place (carried over from July meeting)

Emory Price presented some background information on Old Petrie Place. This item was carried over from the July 13th meeting. In that meeting, Mr. Kennedy stated that some of the variances could be resolved and recommended that Mr. Cecil redesign his project and come back with fewer items needing variances.

Mr. Kennedy asked whether a buffer substitute required a variance. Mr. Price said that Planning Commission must approve this type of substitution.

Mr. Kennedy opened the public hearing.

Pat Cecil spoke first. Since this item was carried over from last month, Mr. Kennedy reminded him that he was still under oath. He presented a revised drawing to the Commission explaining that he had addressed the parking issue and that he had obtained permission to move the sewer. He said that he was now asking Commission to allow a reduction in the front setback from twenty feet to the property lot line at the new subdivision road and a reduction in the front setback at Old Petrie Road from 30 feet to 20 feet. Mr. Cecil also requested to be allowed to substitute for the plant materials required for buffer yards by the ULMO. Mr. Kennedy asked if he intended to dedicate the roads to the County, and he stated that he did.

David Burnett asked where in the ordinance it says that fronting on a street always calls for a front setback. Sherry Dull stated it was in the new amendment on Table 3. Joan Holliday stated that it has always been the Planning Department's interpretation of Table 3, but that it was not spelled out until the most recent set of amendments. Mr. Burnett stated that he did not see how the Commission could give a variance when this amendment was adopted after his variance request was originally made. Jerry Gaines agreed. Mr. Price said that it would then fall under an appeal of a staff decision. He and Mr. Kennedy agreed that the three requests needed to be dealt with separately.

Mr. Kennedy said that they would first deal with the buffer yard. Doug Brackett asked whether they were using the neighbor's property as a part of their buffer yard. Mr. Burnett said that they still intended to plant trees and shrubs to supplement the existing trees, so there should not be a problem with the buffer substitution. Marion Gramling made a motion to allow the substitution in the buffer yard. Jerry Gaines seconded the motion. The vote was unanimous.

The Commission then dealt with the request for a reduction in the front setback off Old Petrie Road next. Mr. Burnett stated that this met the requirements of the ordinance prior to the amendment of Table 3 passed by County Council on July 19, 2004. Mr. Burnett made a motion to affirm that the setback met the ordinance at the time the project was submitted. Phillip Lawson seconded the motion. The vote was unanimous.

The third variance request was the front setback reduction from twenty feet to zero at the new subdivision's interior road. Mr. Kennedy made a suggestion for Old Petrie Place to create a Home Owners Association and keep the road private. Purnell Morris was concerned with the town homes being too close to the road. She felt that there would be a problem in seeing to back into the street. Mr. Cecil made a statement that they must keep the town homes clustered close together to meet requirements. Mr. Burnett asked to see new design.

Marion Gramling stated that the project that they had designed was too large for the site that they chose. He had concerns about setting a precedent.

Glen Brown with Matrix was sworn in. He stated that these types of communities are what people are looking for all across the country,

especially as they grow older. People want to return to neo-traditional living and Spartanburg County will continue to get these kinds of site plans. He asked that an ordinance amendment be considered. Mr. Price assured him that it was already being discussed.

Donna Holcombe-Burnette with Matrix was sworn in. She stated that Old Petrie Place is based on the Traditional Neighborhood Development concept where homes are built close together and near the street. She said that the setback reduction was not the real issue; it is a concept where the car does not rule.

Mr. Kennedy brought up the issue again of creating a Home Owners Association for Old Petrie Place and making this a private road. Mr. Kennedy did not feel comfortable with granting a variance that would have garages encroaching into the front setback. He said that if the road were kept private, it would not be as much of an issue.

Mr. Burnett explained that the garages would not be immediately at the street. There will be some space so that the residents will be able to see while backing out. Don Worley with Matrix said that the garages would be fifteen feet (including the curb) from the street.

Mr. Burnett said that the Planning Commission would be able to grant a waiver rather than a variance due to the unique design of Old Petrie Place town homes since the variance request was received by staff before the waiver provision was removed from the ordinance. Mr. Burnett made a motion to treat this as a request for a waiver rather than a variance. Marion Gramling seconded the motion. The vote carried unanimously. Mr. Cecil agreed to withdraw the variance request regarding this item.

Mr. Burnett made a motion to grant a waiver on the front set back to zero feet off the road right of way. Phillip Lawson seconded the motion. Those who voted in favor of the waiver were Phillip Lawson, David Burnett, Marion Gramling, and John Campbell. Those opposed to granting the waiver were Purnell Morris, Jerry Gaines, Doug Brackett, and Shelia Bailey. After careful consideration, Whit Kennedy voted to approve the waiver, thereby breaking the tie.

6. Subdivision Regulations Ordinance #429

A. Final Plats *

None

B. Preliminary Extension Requests

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

A. Subdivisions

1. Major (Preliminary Plats)

a. Sunset Summits, Phase 1-B

Mr. Price gave a summary of the project and recommended that Sunset Meadows, Phase 1-B be granted conditional preliminary approval subject to review and approval by Public Works Engineering Division, Addressing/911, SJWD Water District, and the Spartanburg Sanitary Sewer District.

Phillip Lawson made a motion to grant conditional preliminary approval subject to review and approval by Public Works Engineering Division, Addressing/911, SJWD Water District, and the Spartanburg Sanitary Sewer District. Marion Gramling seconded the motion. The vote was unanimous.

b. The Meadows at Wildwood (Revised)

Mr. Price recommended that The Meadows at Wildwood be granted conditional preliminary approval subject to review and approval by Public Works Engineering Division and DHEC.

Russell Easler stated that the project had been redesigned due to the inability to obtain easements required to allow this project access to sanitary sewer line. He stated this development would be served by septic tanks.

Doug Brackett made a motion to grant conditional preliminary approval subject to review and approval by Public Works Engineering Division and DHEC. Jerry Gaines seconded the motion. The vote was unanimous.

2. Major (Final Plats) *

- a. Shoally Brook, Phase 1**
- b. Clark Estates III, Phase II**
- c. Rosecrest, Phase 1A and Phase 1B**

Mr. Price recommended that Shoally Brook Phase 1, Clark Estates III Phase II, and Rosecrest Phase 1A and Phase 1B be read into the record as approved. He also said that a vote on Rosecrest Phase IA was not necessary since the plat was not ready.

Sheila Bailey made a motion to read Shoally Brook Phase 1, into the record as approved. Phillip Lawson seconded the motion. The vote was unanimous.

Doug Brackett made a motion to read Clark Estates III, Phase II into the record as approved. Purnell Morris seconded the motion. The vote was unanimous, with Marion Gramling abstaining.

The Commission agreed to withdraw the request for Rosecrest, Phase 1A and Phase 1B final plat action until revisions have been made.

3. Minor (Summary Plats)*

- a. John Dodd Estates**

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

Purnell Morris made a motion to read John Dodd Estates into the record as approved. Jerry Gaines seconded the motion. 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. Sunset Summits, Phase 1-A
(Patio Homes and Town 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, and Spartanburg Sanitary Sewer District.

Mr. Gramling made a motion to grant conditional preliminary approval subject to review and approval by Public Works/Engineering Division, Addressing/911, SJWD Water District, and Spartanburg Sanitary Sewer District. Mr. Brackett seconded the motion. The vote was unanimous.

b. Old Petrie Place (Town Homes)

Mr. Price explained that all variance requests for this project have been approved or otherwise disposed of and now Planning Commission may vote on it. He said that an approval would be subject to review and approval by Public Works/Engineering Division, Addressing/911, SJWD Water District, and Spartanburg Sanitary Sewer District.

Mr. Lawson made a motion to approve Old Petrie Place Town Homes subject to review and approval by Public Works/Engineering Division, Addressing/911, SJWD Water District, and Spartanburg Sanitary Sewer District. Mr. Burnett seconded the motion. Phillip Lawson, David Burnett, Marion Gramling, Jerry Gaines, and John Campbell voted to approve Old Petrie Place. Purnell Morris, Shelia Bailey, and Doug

Brackett voted not to approve the project. The vote was five to three in favor of the motion.

Major (Preliminary Site Plans)

a. C.C. Co., Inc. (Land Clearing Debris Disposal)

Mr. Kennedy stated that based on the earlier decision to revise the plat for C.C. Co. to less than one acre and to withdraw the request for a variance, Inc., the Commission was ready to consider approval of the project with the condition that Mr. Price write a letter of compliance with the ULMO to DHEC.

Marion Gramling made a motion to approve the project and allow Mr. Price to write the letter of compliance with the ULMO to DHEC. Phillip Lawson seconded the motion. The vote was unanimous.

3. Major (Final Plats)*

None

4. Major (Final Plats)*

None

5. Preliminary Extension Request

None

8. Other Business

Sherry Dull passed out the Monthly Report for the Subdivision Activity.

9. Adjournment

Mr. Brackett made a motion to adjourn. Mr. Lawson seconded the motion, and the vote carried unanimously. The meeting adjourned at 6:45 p.m.

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

Respectfully Submitted,

By: _____
Doug Brackett, Planning Commission Secretary

Prepared by:
Planning Department Staff