

MINUTES
Planning Commission
February 1, 2005

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

Members Absent: Jerry Gaines

Staff Present: Emory Price, Planning and Development Director
Joan Holliday
Mike McGrath
Edwin Haskell
Allison Ezell
Winston Anderson
Savannah Sabo
Freelance Reporting Services, Transcriptionist

1. Call to Order

Whit Kennedy called the meeting to order.

2. Approval of Minutes of January 11, 2005

Marion Gramling made a motion to approve the January 11, 2005 minutes as amended: page 2 under discussion items, page 3, 4th paragraph under Belmont Subdivision, and page 6 under Preston Pointe. Purnell Morris seconded the motion. The vote carried

unanimously.

3. Election of 2005-2006 Officers

Chairman Whit Kennedy opened the floor. Purnell Morris reported that the nominating committee recommended the reelection of the current slate of officers: Whit Kennedy as Chairman, David Burnett as Vice Chairman and Doug Brackett as Secretary.

Marion Gramling made a motion to close the floor. Phillip Lawson seconded the motion. The vote was unanimous.

Marion Gramling made a motion to elect the current slate of officers. Shelia Bailey seconded the motion. The vote was unanimous.

4. Old Business

None

5. Discussion Items

None

6. Public Hearings

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

1. Golf Course Duplexes

Allison Ezell briefed the Planning Commission on the finding of facts of the Golf Course Duplexes. She stated this is a 2.5-acre lot located off Highway 417 owned by David Wenstrup. The Unified Land Management Ordinance requires an 83 foot front set back from the centerline of the road and a 20 foot rear set back, which the Golf Course Duplexes cannot meet. The owners are requesting a variance of 21 feet from the setback, bringing it to 62 feet from the centerline of the road at the front property line, and a 3.4 foot variance at the rear right corner, bringing it to a rear setback of 16.6 feet. The owners are also aware of the class 3 buffers they would have to install facing the adjoining property owners of the golf course. Whit Kennedy opened the public hearing.

David Wenstrup, resident of the Willow Creek Community, was sworn in and stated that he had recently purchased the property. He presented several photos to the Commissioners and asked them to observe the irregular shape of the property.

He stated because of its irregular shape a mobile home unit had been added onto the plan as an option. This slender piece of property would require a small structure, such as a mobile home. Mr. Wenstrup was hoping to place something of a little more value than a mobile home on this property. He stated he had a meeting with the Golf Course Community and they were in agreement with his plan to place duplexes on this property. In closing, Mr. Wenstrup stated that mobile homes did not have the aesthetics that the golf course community needed.

Dennis Nace, co-owner of the property with Peggy Wilson, was sworn in. He stated the new proposed duplexes would bring new taxes to the area and would be an asset to the golf course community. Mr. Nace stated that there was very little traffic on this section of Highway 417 and he did not know of any future changes to be done on this road. He also stated that the duplexes would bring a nice aesthetic look to the golf course community.

Whit Kennedy closed the public hearing and opened the meeting up for discussion among the Commissioners.

The Board looked over the drawings on the power line location and discussed the measurements of the road right of way.

Whit Kennedy asked Mr. Wenstrup how far the adjoining neighbor's house was off the road. Mr. Wenstrup replied that the adjoining neighbor's house was 75 feet off the centerline.

Whit Kennedy stated that if the owners built two units on one lot it would come under multi family and would require a buffer yard. And if the owners decided to subdivide the property into two lots and build one unit one each lot then a buffer yard would not be required.

Whit Kennedy stated that there was not a better use for the small piece of property than the proposed duplexes.

The Board was in discussion as to how much of a front set back from the centerline should be granted. They agreed to vote on each variance request separately. They would vote on the front set back from the centerline of Highway 417, and then the rear set back variance.

Marion Gramling made a motion to grant the variance for a 58-foot front set back from the centerline of Highway 417 for this specific piece of property. Purnell Morris seconded the motion. The vote was unanimous.

Marion Gramling made a motion to deny the rear set back variance and to require the 20-foot rear setback. Phillip Lawson seconded the motion. The vote was unanimous. There was no further discussion.

7. Subdivision Regulations Ordinance #429

A. Final Plats

None

B. Preliminary Extension Requests

None

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

A. Subdivisions

1. Major (Preliminary Plats)

a. Heatherbrook Subdivision (Revised)

Allison Ezell gave a summary of the project and stated that Heatherbrook was a previously approved preliminary plat and was coming back before the Planning Commission due to road configuration within the development. Ms. Ezell recommended conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division and Addressing 911. Reviews have been completed by South Carolina Department of Transportation, Spartanburg Water System, and the Department of Health and Environmental control.

Phillip Lawson made a motion to grant conditional preliminary approval subject to review and approval from the Spartanburg County Public Works Engineering Division and Addressing 911. Doug Brackett seconded the motion. The vote carried unanimously.

2. Major (Final Plats)

a. Cumberland Walk

b. Millbrook, Phase 2

Sherry Dull recommended that Cumberland Walk and Millbrook, Phase 2 be read into the record as approved.

Doug Brackett made a motion to read Cumberland Walk and Millbrook, Phase 2 into the record as approved. Phillip Lawson seconded the motion. The vote was unanimous.

c. Evanwood, Section IIIB

Sherry Dull recommended that Evanwood, Section IIIB be read into the record as approved.

Shelia Bailey made a motion to read Evanwood, Section IIIB into the record as approved. Phillip Lawson seconded the motion. The vote was unanimous, with Marion Gramling abstaining from the vote.

d. Wynnure, Phase 2

Sherry Dull recommended that Wynnure, Phase 2 be read into the record as approved.

Marion Gramling made a motion to read Wynnure, Phase 2 into the record as approved. Phillip Lawson seconded the motion. The vote was unanimous. David Burnett abstained from the vote and recused himself from the table.

3. Minor (Summary Plats)

a. Hughes Place

Sherry Dull recommended that Hughes Place be read into the record as approved.

John Campbell made a motion to read Hughes Place into the record as approved. Doug Brackett seconded the motion. The vote carried unanimously.

4. Minor (Private Road Developments)

a. Beatrice Garrett Private Road Development

Sherry Dull recommended that Beatrice Garrett Private Road Development be read into the record as approved.

Phillip Lawson made a motion to read Beatrice Garrett Private Road Development into the record as approved. Marion Gramling seconded the motion. The vote carried unanimously.

5. Minor (Family Property)

None

6. Preliminary Extension Request

None

B. Land Development

1. Major (Preliminary Plats)

a. Glory Land Retirement Center

Winston Anderson gave a summary of the project and recommended conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division and the Department of Health and Environmental Control. Reviews have been completed by Addressing/911 and the Spartanburg Water System.

The Commissioners were in discussion as to whether the Glory Land Retirement Center would fall under the multi family major land development.

Whit Kennedy asked staff to make sure that the developers of this retirement center understand that this will fall under the multi family development standard and not under subdivision standards.

Whit Kennedy asked Mike McGrath on what type of road standards would the Engineering Department require for Glory Land Retirement Center.

Mike McGrath replied that the Engineering Department would request the retirement center to build the road to the single-family road standards, and if further subdivision were to be desired then the roads should be built to the

minor residential standards as specified in Appendix B of the Unified Land Management Ordinance.

Whit Kennedy stated that the developer should change the note on the plat that the property cannot be further subdivided unless it meets the Unified Land Management Ordinance at that time.

Marion Gramling made a motion to grant conditional preliminary approval based on review and approval from the Spartanburg County Public Works Engineering Division and the Department of Health and Environmental Control under the multi family ordinance and with strong recommendation that the roads be built to the single family ordinance in case there was ever any desire to further subdivide. Purnell Morris seconded the motion. The vote was unanimous.

b. Fairforest Business Center

Allison Ezell gave a summary of the project and recommended conditional preliminary approval subject to review and approval from the Public Works Engineering Division. Reviews have been completed by Addressing/911, Spartanburg Water System, and Spartanburg Sanitary Sewer District.

Purnell Morris made a motion to grant conditional preliminary approval subject to review and approval from the Public Works Engineering Division. Doug Brackett seconded the motion. The vote was unanimous. The acreage and miles of new road will be corrected to reflect 39 acres (not 104) and .06 miles (not .2) for the record and in the Subdivision Report as well.

c. Cavalier Connection

Winston Anderson briefed the Planning Commission and made a recommendation to carry this over until the March 1, 2005 meeting. The owner requested to carry this over until the March meeting and he would submit a slightly revised preliminary plat.

Doug Brackett made a motion to carry Cavalier Connection over until the March 1, 2005 Planning Commission Meeting. Phillip Lawson seconded the motion. The vote was unanimous.

2. Major (Final Plats)

None

3. Minor Summary

None

4. Preliminary Extension Requests

None

9. Other Business

A. Monthly Report for Subdivision Activity for January.

There was no discussion among the Commissioners on the Subdivision Activity Report for January.

B. Amendment Update.

1. Marion Gramling stated that Rod Brown and himself would be drawing up the final amendment changes on the digital plat submission.

2. Tattoo Parlor Regulations

Whit Kennedy informed the Commission and the Planning Staff that the ordinance regulating tattoo parlors would be legal March 10, 2005. Emory Price stated that the Department of Health and Environmental Control regulations would be effective March 10, 2005.

3. State Amendments

Emory Price wanted to inform the Planning Commissioners on the state amendment that he would be meeting with Edwin Haskell on. They will go through the kinds of developments the ordinance deals with and change some of the time lines from 18 months to two years under the new State Law. Mr. Price stated that if they did not change the time lines in the Unified Land Management Ordinance to reflect the new vestment laws, then the State would automatically grant five years vestment. The process will be the Planning Staff will go through everything from small Commercial Minor Land Use and categorize when vestment occurs. Then, Mr. Price will go through each category of Land Use to come up with a recommended vestment point. The County Attorney will then review and will put it into the form of an amendment.

Mr. Price also stated that the Planning and Development Staff is still in the research stage of planned unit developments and mixed use, and that the County Attorney would also look into more than one type of PUD or Mixed Use. This would include residential being mixed into different kinds of residential types. They would be looking at commercial mixed with residential, and other examples. This would be in the form of an overlay zone where the Planning Commissioners would vote on proposal from the developers.

Discussion took place concerning Density and Open Space in Mixed Use developments. Mr. Price stated that these new developments might have items to be negotiated with the developer, and that there may be a developer's agreement that would go with the projects.

4. Committee Activity

Emory Price stated that Planning has a lot of amendments to go through, and that the land Use Committee recommended creating a separate Committee to review the amendments. Staff feels that the Planning Commission Chairman and members need to appoint a Committee to work with these other changes. This newly appointed group would meet with staff on these other issues, get it to the Planning Commission Public Hearing and then send it on to the Land Use Committee. The Planning Commission's recommendation would go to County Council, who would then have a role to approve or disapprove the project.

Edwin Haskell informed the Commissioners of what the newly appointed committee would be dealing with.

Whit Kennedy made a recommendation for Emory Price to write up a list of hot items that the Planning Commission could review.

10. Adjournment

Marion Gramling made a motion to adjourn. Phillip Lawson seconded the motion, and the vote carried unanimously. The Meeting was adjourned at 6:00 p.m.

By: _____
Doug Brackett, Planning Commission Secretary

Prepared by:
Planning Department Staff