

**MINUTES**  
**Planning Commission**  
**March 1, 2005**

**Members Present:** Whit Kennedy, Chairman  
Doug Brackett, Secretary  
Jerry Gaines  
John Campbell  
Purnell Morris  
Marion Gramling  
Phillip Lawson  
Donna Turner Williams

**Absent:** David Burnette

**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.

Emory Price introduced the new Commission member, Donna Williams Turner, to the Commission.

Phillip Lawson made a motion to amend the agenda, p. 2 under Major (Preliminary Plats) Lots 1 thru 20 would remain in this section, and the four front lots would be considered commercial and move to Land Development under Major Preliminary Plats item b (Ramon Place). Marion Gramling seconded the motion. The vote carried unanimously.

**2. Approval of Minutes of February 1, 2005**

Marion Gramling made a motion to approve the February 1, 2005 minutes as amended:

page 2 under amendment update change to 10 days, and page 9 under Committee Activity, 1<sup>st</sup> paragraph, last sentence, has been moved from p. 8 under State Amendments. Doug Brackett seconded the motion. The vote carried unanimously.

**3. Old Business**

None

**4. Discussion Items**

None

**5 Public Hearings**

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

1. Cavalier Connection (Setbacks)

Winston Anderson briefed the Planning Commission on the finding of facts for Cavalier Connection. They are requesting two variances. He stated that the developer is requesting a 20' variance to the front setback of lot 2. The desired setback from the right of way of US 221 is 30' while ULMO Table 3 requires 50'. The second variance they are requesting is a 20' variance to the rear setback of lot 2. The desired setback from the property line is 0' while ULMO Table 3 requires 20'.

Whit Kennedy opened the public hearing.

Steve Bobo, Owner and Developer, was sworn in and stated that Tom Craig Moore had sold the property to RL Jordon but had kept the graveyard portion to make sure the graveyard was maintained. Mr. Bobo stated that he had an agreement with Tom Moore Craig for a fence to be placed around the graveyard. The graveyard was in the process of being donated to the Historical Society. Steve Bobo also stated that he would like to provide a road to the cemetery so that people could easily access the cemetery. Mr. Bobo stated that he had spoken with Tom Moore Craig and that Mr. Craig did not have a problem with the zero lot line. Mr. Bobo also had a letter from R L Jordon, owner of the Hot Spot, stating that they did not have a problem with the variance. Mr. Bobo stated that he was not sure of Mr. Shanbag's view of the variance.

Mr. Bobo stated that his goal was to preserve the cemetery. Mr. Bobo then presented to the Commission several photos of the Hot Spot property next door whose canopy was within 15 to 20 feet off the lot line.

Phillip Simmons, representing Mr. Shanbag, was sworn in and stated that his only concern was the line of site path from the visibility of the property. They did not have any objections on the variance request on the front or rear setback.

Whit Kennedy closed the public hearing.

Emory Price stated that the 50-foot setback was to preserve the future widening of arterial streets and that highway 221 was already a dual lane with a wide median.

Edwin Haskel stated that the Commission needed to be aware of an issue of a line so close to a cemetery and they would not want to create a situation where the cemetery would be disturbed. The County Attorney stated that for variances, it is not what is on it, but actually the perimeter of the parcel.

Steve Bobo stated that Tom Moore Craig had placed the boundaries there and that the zero lot line would be ten feet before the graves.

Whit Kennedy was unsure about granting the rear set back variance without knowing what would be placed on the adjoining property.

Marion Gramling made a motion to deny the variance for the rear setback line adjacent to the cemetery and motioned to grant the 30 ft building line parallel to Highway 221.

Whit Kennedy stated that the two variances being requested needed to be voted on separately.

Marion Gramling made a motion to deny the 20-foot rear setback. Purnell Morris seconded the motion. There was discussion after the motion.

Whit Kennedy stated that if there was a building that was built on this property, you would be going in thru the back of the property there by going on the cemetery property.

Steve Bobo stated that the cemetery would never be used for anything else but a cemetery. The entrance on the right hand side would have a gate. The cemetery itself was almost like a buffer. Mr. Bobo stated that anything above 35 feet would

be a buildable lot. Mr. Bobo stated that to address Mr. Kennedy's question about going onto the cemetery property, there would be no reason to drive to the back of the property because a road would be built to grant access to the cemetery.

Whit Kennedy stated that was not true, you would have to go to the back of the building to do repairs on the building and that there is a difference between a building line setback and a buffer.

Steve Bobo stated that he would take anything from a five to ten feet rear setback.

Purnel Morris questioned if a rear entrance would be required if this is a commercial building. Roger Nutt, Chairman of the Building Codes Board of Appeals Board, replied no, a rear entrance would not be required.

Doug Brackett called for the question of the vote.

Marion Gramling made a motion to deny the 20' rear setback variance. Purnell Morris seconded the vote. The vote was unanimous.

Marion Gramling made a motion to grant the 20' variance to the front setback of lot 2. Doug Brackett seconded the motion. The vote was unanimous. There was no discussion after the vote.

**6. Subdivision Regulations Ordinance #429**

**A. Final Plats**

None

**B. Preliminary Extension Requests**

None

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

**A. Subdivisions**

**1. Major (Preliminary Plats)**

**a. Fagan's Creek**

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

Phillip Lawson made a motion to grant conditional preliminary approval subject to review and approval from Addressing/911, Spartanburg County Public Works Engineering Division, and the Department of Health and Environmental control. Jerry Gaines seconded the motion. The vote carried unanimously.

**b. Johnson Fields (Revised)**

Allison Ezell gave a summary of the project and recommended conditional preliminary approval subject to review and approval from Public Works Engineering Division, Department of Health and Environmental Control, Spartanburg Water District, and the South Carolina Department of Transportation. Reviews have been completed by Addressing/911. Ms. Ezell stated that this was coming back to the Planning Commission as a revised preliminary plat due to change of road configuration within the development using lot 24 as common area and not buildable.

Doug Brackett made a motion to grant conditional preliminary approval subject to review and approval from the Public Works Engineering Division, Department of Health and Environmental Control, Spartanburg Water District, and the South Carolina Department of Transportation. Phillip Lawson seconded the motion. The vote was unanimous with Marion Gramling abstaining from the vote.

**c. Standing Rock**

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 Spartanburg Sanitary Sewer District, Spartanburg Water System, and Addressing/911.

Marion Gramling made a motion to grant conditional preliminary approval subject to review and approval from the Public Works/Engineering Division. John Campbell seconded the motion. The vote was unanimous.

**2. Major (Final Plats)**

a. Rivermist, Phases II & III

Sherry Dull recommended that Rivermist, Phases II & III be read into the record as approved.

Phillip Lawson made a motion to read Rivermist, Phases II & III into the record as approved. Marion Greamling seconded the motion. The vote was unanimous.

**3. Minor (Summary Plats)**

a. Ella Gaffney Estate

Sherry Dull recommended that the Ella Gaffney Estate be read into the record as approved.

Doug Brackett made a motion to read the Ella Gaffney Estate into the record as approved. John Campbell seconded the motion. The vote carried unanimously w/Marion Gramling abstaining from the vote.

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

None

**5. Minor (Family Property)**

a. Moore Family Property

Sherry Dull recommended that the Moore Family Property be read into the record approved.

Marion Gramling made a motion to read the Moore Family Property into the record as approved. Jerry Gaines seconded the motion. The vote carried unanimously.

## **6. Preliminary Extension Request**

None

### **B. Land Development**

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

##### **a. Cavalier Connection**

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, Woodruff Roebuck Water District, Spartanburg Sanitary Sewer District and the South Carolina Department of Transportation. Reviews have been completed by Addressing/911.

Phillip Lawson made a motion to grant conditional preliminary approval based on review and approval from the Spartanburg County Public Works Engineering Division, Woodruff Roebuck Water District, Spartanburg Sanitary Sewer District and the South Carolina Department of Transportation. Marion Gramling seconded the motion. The vote was unanimous.

There was discussion after the vote.

Marion Gramling wanted to request construction of a fence on the cemetery property before construction of a new building has begun. The Commission agreed that staff should make this request.

##### **b. Ramon place**

Winston Anderson gave a summary of the project and recommended conditional preliminary approval subject to review and approval from Addressing/911, Spartanburg County Public Works Engineering Division and the South Carolina Department of Transportation. Reviews have been completed by the Spartanburg Water System. Also Mr. Anderson has requested on the checklist that the Engineers of Ramon's Place have listed on the plat that access for lots 1 thru 4 be from Highway 9 only.

Mr. Anderson stated that the developer's intent was that this road be used for the use of Fagan's Creek Subdivision behind commercial. They will have a

buffer yard five between Ramon Place and Fagan's Creek. The Land Use inspector will come up with a buffer yard type.

Mr. Anderson will let the developer of Ramon's Place know that a final plat will not be recorded until the South Carolina Department of Transportation encroachment permits are submitted for lots 1-4, on SC Highway 9. Future encroachments will not be granted for lots 1-4, on the county road

Whit Kennedy asked Winston Anderson to clarify with the developer that if the Department of Transportation did not give them entrances off Highway 9 for lots 2 and 3, they will have to dedicate a 60-foot right-of-way to the back of these lots. Whit Kennedy stated that this portion of the road for lots two and three need to be built to commercial standards. Mike McGrath stated that they need to get an encroachment permit.

Edwin Haskell stated that the Commission might ask the developers to state on their plans where the access might be. In addition, if they access off Highway 9, then the road should be built to residential standards with the approval condition upon there being no curb cuts allowed on the road. The County Attorney stated that the Developers needed to let the Planning Commission and staff know what their intent was for this piece of property. The County Attorney stated that if the Commission did not address this, then they would have a situation of a residential road being built to commercial standards.

Winston Anderson stated that this request from the County Attorney has already been requested by staff asking that the plat be plainly marked with the access for lots two and three. The engineer indicated that there would be no problem putting this on the plat.

The County Attorney stated that the plat needed to plainly state that approval was conditioned upon there being no curb cuts on the county road. In addition, they need to look ahead and find out what the road would be used for in the future. Mr. Haskell stated that staff needed to see what the State was going to do, once this was done, then staff would know what direction to go in.

Whit Kennedy suggested approving the four lots contingent on access off of Highway 9. Mike McGrath stated that the first 500-feet of road would have to be built to commercial standards.

Marion Gramling made a motion to grant approval to Ramon Place based on lots 1,2,3 and 4 being accessed off Highway 9. If this does not happen, then the engineers would be required to build that portion of the subdivision road up to commercial specifications. Doug Brackett seconded the motion. The vote was unanimous.

Mike McGrath stated that if this has to meet commercial standards by the state, the first 500-feet of the road will have to be built to commercial standards.

There was no further discussion.

**2. Major (Final Plats)**

- a. Draymont Ridge, Phases 3,4 & 4A
- b. Dorman Meadows

Sherry recommended that Draymont Ridge, Phases 3,4 & 4A and Dorman Meadows be read into the record as approved.

John Campbell recommended that Draymont Ridge, Phases 3,4 & 4A and Dorman Meadows be read into the record as approved. Marion Gramling seconded the motion. The vote was unanimous.

**3. Minor Summary**

None

**4. Preliminary Extension Requests**

None

**9. Other Business**

**A. Monthly Report for Subdivision Activity for February.**

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

**B. Amendment Update.**

Emory Price called for a special Planning Commission meeting for a work session on the new amendment updates. The meeting would take place at Spartanburg Technical College for a Breakfast Meeting.

**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