

MINUTES
Planning Commission
April 12, 2005

Members Present: Whit Kennedy, Chairman
Doug Brackett, Secretary
David Burnett
Jerry Gaines
John Campbell
Marion Gramling
Donna Turner Williams

Absent: Purnell Morris
Phillip Lawson

Staff Present: Joan Holliday
Sherry Dull
Harriett Montgomery
Edwin Haskell
Mike McGrath
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 March 1, 2005

Marion Gramling made a motion to approve the March 1, 2005 minutes as amended: on page 4 2nd paragraph, change to there was discussion after the motion.

In addition, page 9, 1st paragraph, last sentence, change to the engineer indicated that

there would be no problem putting this on the plat. Jerry Gaines seconded the motion. The vote carried unanimously.

3. Old Business

None

4. Discussion Items

Motorcycle dirt tracks and the ULMO

Sherry Dull briefed the Planning Commission on a dirt motorbike racetrack that is operating on Seay Road. Mrs. Dull then turned the meeting over to Mr. Henry Seay.

Mr. Henry Seay, who is a property owner on Seay Road, stated his reason for being opposed to a dirt racetrack that is operating next door to his property. Mr. Seay stated that he had made several complaints to the Sheriffs Department. He indicated that the Sheriffs Department had responded to his complaint. Henry Seay stated that this dirt racetrack was charging admission and therefore running a business. He also stated that the owners of the racetrack were violating the noise ordinance and causing a dust pollution problem.

Whit Kennedy stated that all we could do would be to propose this issue to the Land Use Committee to change the Ordinance on motorbike dirt racetracks. He stated that this procedure would take at least 12 months. The steps for this procedure would be to go to the Land Use Committee, then to Planning Commission, then to County Council for 3 readings. Mr. Kennedy recommended that Mr. Seay write a letter to the clerk of council for a request for this to be added to the next Land Use Committee meeting. Mr. Kennedy also recommended that Mr. Seay speak with Chuck Wright in the Sheriffs Department to help resolve this issue.

Mr. Wall, of 911 Seay Road, stated that piles of mulch from the motor dirt track property were backing up the gulley on Seay Road. Mike McGrath stated that he would investigate this problem.

5. Public Hearings

A. Road Name Changes

1. Miss Kelsey Road to Joe Parris Drive, Boiling Springs

Harriett Montgomery briefed the Planning Commission on the road name change and recommended that Miss Kelsey Road be changed to Joe Parris Drive.

Whit Kennedy opened the Public Hearing; no one was present at the meeting to speak.

Whit Kennedy closed the Public Hearing.

Doug Brackett made a motion to change the road name from Miss Kelsey Road to Joe Parris Drive. Jerry Gaines seconded the motion. The vote was unanimous.

2. Smith Road to Jabbott Drive, Roebuck

Harriett Montgomery briefed the Planning Commission on the road name change and recommended that Smith Road be changed to Jabbott Drive.

Whit Kennedy opened the Public Hearing; no one was present at the meeting to speak.

Whit Kennedy closed the Public Hearing.

Marion Gramling made a motion to change the road name from Smith Road to Jabbott Drive. John Campbell seconded the motion. The vote was unanimous.

3. Structofab Road to Elmore Drive, Pacolet

Harriett Montgomery briefed the Planning Commission on the road name change and recommended that Structofab Road be changed to Elmore Drive.

Whit Kennedy opened the Public Hearing; no one was present at the meeting to speak.

Whit Kennedy closed the Public Hearing.

David Burnett made a motion to change the road name from Structofab Road to Elmore Drive. Marion Gramling seconded the motion. The vote was unanimous.

4. **American Way to Rivers Hall Lane, Spartanburg**
5. **Shell Road, Spartanburg to name to be determined**

Harriett Montgomery explained that American Way and Shell Road were withdrawn from the public hearing. There was a brief discussion of the information mailed out in the packets to the Planning Commission regarding Shell Road.

This was withdrawn from the Planning Commission agenda.

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

1. Chapman Property (Flag Lot)

Sherry Dull briefed the Planning Commission on the finding of facts for the Chapman Property. The property owner is requesting a 16.6' variance to the flag lot width for three lots. The resulting variance would allow the flag poles to be 33.33' each instead of 50' each. There are unique circumstances, as discussed in their variance form and letter. The property originally was approved as Family Property on 05/28/03.

Whit Kennedy opened the public hearing.

Debra Chapman, property owner, was sworn in and stated that they were asking for the variance due to the lack of road frontage. They had approached both adjoining property owners several times asking to purchase land to add to their frontage in order to meet the 50 foot road frontage for each lot. Neither of the adjoining property owners was willing to sell. She stated that they were the only landowners in the area with bottlenecked acreage.

Marion Gramling asked if the 10-acre parcel was land locked when the Chapmans purchased the property. Joan Holliday stated the land was split when it was purchased. The question was asked if a judge had ordered the sale of the property. The Chapmans answered that no, the family court judge has not yet ordered the property to be disposed of at this time.

The Planning Commission members discussed the family property status and if they can sell the property.

The County Attorney stated that after the plat was stamped, the property could be sold but not subdivided. The boundaries of the property cannot be altered.

Edwin Haskell does not think the variance could be permitted by law. The Chapmans cannot subdivide the land that is inside the family property. The county attorney stated that by granting this variance, we are opening the door for people to change family property. If this should go on to family court, this court cannot toss out our law. Again, the property can be sold but not subdivided.

Marion Gramling suggested that the Chapmans buy back the 3 acres, therefore not creating any further problems.

Whit Kennedy suggested for the Chapmans to keep the 3.69 acres and have Mr. Chapman's attorney talk to the county attorney.

Edwin Haskell advised the Chapmans to either withdraw the variance request or have it tabled to the next Planning Commission meeting.

Whit Kennedy stated that if the issue were resolved, the Chapmans need to send a letter to the Planning Department asking that their variance request be withdrawn.

Doug Brackett made a motion to table the Chapman Property to the next Planning Commission meeting. Marion Gramling seconded the motion. The vote was unanimous.

2. Cavalier Connection (Rear Setback)

Winston Anderson briefed the Planning Commission on the Cavalier Connection. The Cavalier Connection came back for a second variance after being denied for the 20' variance to the rear setback of lot 2. They revised the variance application to state that they were now asking for a 10' rear set back variance for lot #2. They also stated that since the last meeting, a fence had been erected around the cemetery.

Whit Kennedy opened the public hearing.

Steve Bobo, owner and developer, was sworn in. Mr. Bobo handed out a photo showing the fence around the cemetery to the Planning Commission members.

The photo also showed the original grading of the property. Mr. Bobo stated that the property was already graded before he bought the property.

No one else spoke on behalf or against the Cavalier Connection variance.

Whit Kennedy closed the public hearing.

Mr. Kennedy stated that this was a unique piece of property and the original intention of protecting the cemetery had been done.

Marion Gramling made a motion to grant the 10-foot rear set back variance. David Burnett seconded the motion. The vote was unanimous.

3. Evanwood III B (Front Setback)

Allison Ezell briefed the Planning Commission on Evanwood III B. The developer is requesting a 10' variance to the front setback of all lots. The desired setback from the property line is 10' while ULMO Table 3 requires 20'. Ms. Ezell stated the purpose of the variance is that the owners are requesting a variance of 10' from the property line, in order to avoid steep driveways and to obtain more build able space per lot. The variance request was to make the whole development uniform. This would make all lots of equal value.

Whit Kennedy opened the public hearing.

Jeff Burnette, with Interlink Development, was sworn in and presented to the Planning Commission a topography of the subdivision. The Planning Commission reviewed the topography of Evanwood III B.

Whit Kennedy stated that the slopes in the subdivision are man made, and not naturally created. If the grading had been done evenly in the beginning, the slopes would not have been uneven. The topos of this subdivision indicates man made slopes.

Jeff Burnette stated that all that they did was move dirt from one side of the road to the other. One of the Commissioners suggested amending the variance to ask for a variance on those particular lots only. Whit Kennedy does not think that the Commission can grant a blanket variance for all 40 lots at one time.

Jeff Burnette stated that by granting the variance, it would add to the community. By expanding, the lots on the front side would make these

particular size lots maintain an even price range throughout the subdivision. In addition, there would be more of a larger back yard area for kids to play in.

Whit Kennedy closed the public hearing.

Jerry Gaines stated that Evanwood IIIB would have a problem meeting the four criteria for granting variances.

Whit Kennedy restated that the slopes in Evanwood IIIB were man made and not naturally created.

Doug Brackett made a motion to deny the 10' variance to the front setback of all the lots in Evanwood IIIB. Donna Turner seconded the motion. The vote was unanimous, with Marion Gramling abstaining from 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. Rolling Rivers

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, Department of Health and Environmental Control, and the South Carolina Department of Transportation. Reviews have been completed by Addressing/911 and Spartanburg Water System.

Marion Gramling made a motion to grant conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division, Department of Health and Environmental Control, and the South Carolina Department of Transportation. Jerry Gaines seconded the motion. The vote carried unanimously.

b. South Tyger Farms

Allison Ezell gave a summary of the project and recommended conditional preliminary approval subject to review and approval from the Department of Health and Environmental Control and SJWD. Reviews have been completed by South Carolina Department of Transportation, Addressing/ 911 and the Public Works Engineering Division.

Allison Ezell presented a letter from Roger Nutt with T N C Engineering requesting an appeal of the width of the entrance road into South Tyger Farms. The letter was entered into the record.

South Tyger Farms would like to conform to Standard 1C (20' road width) instead of a Standard 1B (24' road width). Dead end cul-de-sacs with less than 25 units may conform to Standard 1C. T N C Engineering requests that the Commission review the interpretation of ULMO Section 2.06-6 and find that Standard 1C applies to all minor residential streets that serve less than 25 units with cul-de-sacs. This South Tyger Farms development will consist of approximately 4500 linear feet of new roads, serving approximately 17 lots. By requiring, this main road to be paved to 24' wide instead of 20' wide, it will add approximately 13,000 square feet of impervious area.

Mike McGrath stated that Standard 1C was only intended for dead end cul-de-sacs and that they had never approved for a subdivision to have Standard 1C with lots less than 25 on an entrance road.

Marion Gramling stated that the reason for Standard 1C in the Unified Land Management Ordinance was not to build an 1800 foot road 20 feet wide. Mr. Gramling was in agreement with Mike McGrath on the road standard.

Mike McGrath stated that narrowing the main road into subdivisions could become a safety issue.

Marion Gramling does not think that that South Tyger Farms has presented a good enough reason to change the Road Standard from 1B to 1C.

Mike McGrath stated that the Engineering Department has already approved the 24' wide road at the entrance.

Marion Gramling stated that he did not have a problem approving the subdivision as is.

David Burnett made a motion to approve and recommended conditional preliminary approval subject to review and approval from the Department of Health and Environmental Control and SJWD. Marion Gramling seconded the motion. The vote was unanimous.

Marion Gramling made a motion to uphold Mike McGrath's decision on requiring that South Tyger Farms conform to Road Standard 1B. John Campbell seconded the motion. The vote was unanimous.

C. Tennyson Meadows

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 Spartanburg Water System.

Winston handed out a revised preliminary plat to the Planning Commission.

Whit Kennedy stated that he would need to remove himself from any discussion of this project and turned the meeting over to Vice Chairman David Burnett.

Doug Brackett 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. Marion Gramling seconded the motion. The vote was unanimous, with Whit Kennedy abstaining.

After the vote, David Burnett turned the meeting back over to Chairman Whit Kennedy.

2. Major (Final Plats)

- a. Woodridge, Phase VIII
- b. The Reserve @ Rock Springs, Ph 2, Sect 2
- c. Lake Cooley Landing, Sect VII, Ph2
- e. Sterling Estates, Ph IV, Sect 1

Sherry Dull recommended that Woodridge, Phase VII, The Reserve @ Rock Springs, Ph 2, Sect 2, Lake Cooley Landing, Sect VII, Ph2 and Sterling Estates, Ph IV, Section 1 be read into the record as approved.

Jerry Gaines made a motion to read Woodridge, Phase VII, The Reserve @ Rock Springs, Ph 2, Sect 2, Lake Cooley Landing, Sect VII, Ph2 and Sterling Estates, Ph IV, Section 1 be into the record as approved. Marion Gramling seconded the motion. The vote was unanimous.

- d. Corie Crest, Sect 1

Sherry Dull recommended that Corie Crest, Sect 1 be read into the record as approved.

David Burnett made a motion to read Corie Crest, Sect 1 into the record as approved. Jerry Gaines seconded the motion. The vote was unanimous, with Marion Gramling abstaining from the vote.

- f. Four Seasons Farm, Phase 2

Sherry recommended that Four Seasons Farm, Phase 2 be read into the record as approved.

Jerry Gaines made a motion to read Four Seasons Farm, Phase 2 into the record as approved. Doug Brackett seconded the motion. The vote was unanimous, with David Burnett abstaining from the vote.

3. Minor (Summary Plats)

- a. Early Place
- b. Walden Place
- c. Ruth Ridge Estates
- d. Tate Estates
- e. Gowan's Crossing

Sherry Dull recommended that Early Place, Walden Place, Ruth Ridge Estates, Tate Estates and Gowan's Crossing be read into the record as approved.

David Burnett made a motion to read Early Place, Walden Place, Ruth Ridge Estates, Tate Estates and Gowan's Crossing into the record as approved. Marion Gramling seconded the motion. The vote was unanimous.

4. Minor (Private Road Developments)

a. Haley Estates

Sherry Dull recommended that Haley Estates be read into the record as approved.

Marion Gramling made a motion to read Haley Estates into the record as approved. Jerry Gaines seconded the motion. The vote was unanimous.

5. Minor (Family Property)

b. Alley Family Property

c. Motlow Creek Family Property

Sherry Dull recommended that the Alley Family Property and the Motlow Creek Family Property be read into the record as approved.

Marion Gramling made a motion to read the Alley Family Property and the Motlow Creek Family Property into the record as approved.

6. Preliminary Extension Request

a. Manzanares

Sherry Dull recommended that Manzanares be given an 18-month preliminary approval extension to complete the project, giving it a new expiration date of 10/09/06.

David Burnett made a motion to grant the Manzanares an 18-month Preliminary approval extension until 10/09/06. Marion Gramling seconded the motion. The vote was unanimous.

B. Land Development

1. Major (Preliminary Plats)

a. Wingo Corporate Park, Tract 5

Winston Anderson gave a summary of the project and recommended preliminary approval with no conditions. All conditions have been met.

Marion Gramling made a motion to grant preliminary approval. David Burnett seconded the motion. The vote was unanimous.

b. Highway 290 Medical Park

Sherry Dull gave a summary of Highway 290 Medical Park and recommended conditional preliminary approval subject to review and approval from Spartanburg County Public Works, Engineering Division and the Town of Lyman Sewer. Reviews have been completed by the Spartanburg Water System, Addressing/911 and the South Carolina Department of Transportation.

The Highway 290 Medical Park was turned down in a previous Planning Commission meeting because the road configuration did not meet the 450 foot radius requirement. Hall Engineering has redrawn the plat to show that the road now meets the requirement and that there are 0.17 miles of new road compared to the previous 0.13 miles. In addition, the number of lots have been diminished from nine to seven.

David Burnett made a motion to grant conditional preliminary approval to Highway 290 Medical Park subject to review and approval from Spartanburg County Public Works, Engineering Division and the Town of Lyman Sewer. Jerry Gaines seconded the motion. The vote was unanimous, with Marion Gramling abstaining from the vote.

2. Major (Final Plats)

None

3. Minor Summary

None

4. Preliminary Extension Requests

None

9. Other Business

A. Monthly Report for Subdivision Activity for March.

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

B. Amendment Update.

There was no discussion on the amendment update.

10. Adjournment

Marion Gramling made a motion to adjourn. David Burnett seconded the motion, and the vote carried unanimously. The Meeting was adjourned at 7:07 p.m.

By: _____
Doug Brackett, Planning Commission Secretary

Prepared by:
Planning Department Staff