

**MINUTES**  
**Planning Commission**  
**February 7, 2006**

**Members Present:** Whit Kennedy, Chairman  
Doug Brackett, Secretary  
David Burnett  
John Campbell  
Jerry Gaines  
Donna Turner Williams  
Phillip Lawson  
E. Kent Miller

**Absent:** Marion Gramling

**Staff Present:** Mike McGrath  
Sherry Dull  
Allison Ezell  
Winston Anderson  
Savannah Sabo  
Freelance Reporting Services, Transcriptionist

**1. Call to Order**

Whit Kennedy called the meeting to order.

Whit Kennedy introduced the new Planning Commissioner, E. Kent Miller.

**2. Approval of Minutes of January 10, 2006**

Phillip Lawson made a motion to accept the January 10th minutes as amended. Page two; paragraph three, was amended taking Phillip Lawson off the motion to approve. John Campbell seconded the motion. The vote carried unanimously.

**3. Old Business**

None

**4. Public Hearings**

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

**1. Burger King (Road Frontage)**

Allison Ezell presented the findings of fact to the Board for the Burger King parcel. She stated that Ken Anthony was present to answer any questions.

Whit Kennedy opened the public hearing.

Ken Anthony, acting agent for the seller of the Burger King parcel, was sworn in. He stated that tractor-trailers used this service drive, which had the appearance of a county road, on a daily basis. Mr. Anthony stated that the new owners of the Burger King were fine with the easement across their property. He stated that this would create a hardship if this access was denied. Mr. Kennedy stated that financial hardship should not be considered as a reason to grant a variance request. Mr. Anthony stated that the property was sold two weeks before the Planning Commission Meeting.

The Planning Commission informed Mr. Anthony that M & P Associates could not request a variance on property they no longer own. The new owners need to be present at the meeting or else documentation would need to be provided for Mr. Anthony to represent Mr. Robbins (new owner).

Mr. Anthony asked the Planning Commission if this variance request could be carried over until the next Planning Commission meeting. Mr. Kennedy stated that since this was advertised as a public hearing, we would need to complete the public hearing. The County Attorney stated that the only change would be obtaining the authority to appear before the Planning Commission.

Whit Kennedy closed the public hearing.

David Burnett made a motion to carry over any further discussion on the Burger King parcel until the March 7th meeting. Jerry Gaines seconded the motion. The Board agreed unanimously to carry over any further discussion until the March 7<sup>th</sup> meeting. Mr. Kennedy suggested having the legal documentation present at the next meeting.

**5. Discussion Items**

None

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

## **A. Subdivisions**

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

#### **a. South Tyger Farms, Section II**

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

David Burnett made a motion to grant conditional preliminary approval subject to review and approval from the South Carolina Department of Transportation, Spartanburg County Public Works Engineering Division, South Carolina Department of Health and Environmental Control and Addressing/911. Phillip Lawson seconded the motion. The vote carried unanimously.

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

#### **a. Kyndall Court**

Sherry Dull recommended that Kyndall Court be read into the record as approved.

Doug Brackett made a motion to read Kyndall Court into the record as approved. Phillip Lawson seconded the motion. The vote carried unanimously.

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

- a. Douglas Point**
- b. Clear View Estates**
- c. Montgomery Acres**

Sherry Dull recommended that Douglas Point, Clear View Estates and Montgomery Acres be read into the record as approved.

John Campbell made a motion to read Douglas Point, Clear View Estates and Montgomery Acres into the record as approved. Phillip Lawson

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. Palmetto Towns

Allison Ezell gave a summary of the project and recommended conditional preliminary approval subject to review and approval from Addressing/911 and Spartanburg County Public Works Engineering Division.

David Burnett made a motion to grant conditional preliminary approval subject to review and approval from Addressing/911 and Spartanburg County Public Works Engineering Division. Jerry Gaines seconded the motion. The vote carried unanimously.

b. Triple 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, Spartanburg Water System, Spartanburg Sanitary Sewer District and South Carolina Department of Transportation. This would be mixed use with town homes and patio homes, with a majority of the development as patio homes. The developers are requesting to use patio home front setbacks of 15 feet for the whole development. Mr. Anderson asked for the Planning Commissions' opinion on this set back request.

The Planning Commissioners discussed patio home setbacks. They agreed that the developers had met the common area for all non-townhome lots. The Planning Commission decided to allow patio home setbacks for all non-townhome lots since the amount of common area was met for all those lots. The Planning Commission also stipulated that each phase that comes in must have access to the common area. The access was determined to be the paved road to the common area access strips, which needs to be built for the first lot they sell.

Phillip Lawson made a motion to grant conditional preliminary approval subject to review and approval from Addressing/911, Spartanburg County Public Works Engineering Division, Spartanburg Water System, Spartanburg Sanitary Sewer District, and South Carolina Department of Transportation. A stipulation was made that each phase that comes in must have access to the common area with a paved road to the common area access strips. Doug Brackett seconded the motion. The vote carried unanimously.

**2. Major (Site Plans)**

None

**3. Major (Final Plats)**

None

**4. Minor (Summary)**

None

**5. Preliminary Extension Request**

None

**7. Other Business**

None

**8. Adjournment**

Doug Brackett made a motion to adjourn. Jerry Gaines seconded the motion, and the vote carried unanimously. The meeting was adjourned at 5:46 p.m.

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

Prepared by:  
Planning Department Staff