

**MINUTES**  
**Planning Commission**  
**April 11, 2006**

**Members**                   Whit Kennedy -Chairman  
Doug Brackett, Secretary

**Present:**                 David Burnett  
John Campbell  
Donna Turner Williams  
Phillip Lawson  
E. Kent Miller  
Marion Gramling

**Absent:**                 Jerry Gaines

**Staff**                     Emory Price

**Present:**                 Joan Holliday  
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.

**2. Approval of Minutes of March 7, 2006**

Doug Brackett made a motion to accept the March 7th minutes as amended.  
Donna Turner Williams 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)**

David Burnett made a motion to move further discussion and action of the Burger King parcel to the May 2nd Planning Commission meeting. Kent Miller seconded the motion. The vote carried unanimously.

**2. Westglen Business Park (Right-of-Way-Width)**

Winston Anderson presented the findings of fact to the Board for the Westglen Business Park. He stated that John Bagwell was present to answer any questions.

Whit Kennedy stated that in an earlier discussion with Mr. Price they concluded that the land had been subdivided in 1990. He stated that the part of the ordinance that we are dealing with, which requires a 60-foot road, was not written until 1998. He stated that this preceded that ordinance by eight years.

Emory Price stated that this complied with the comprehensive plan for future land use. In addition, he added that this was a commercial corridor and was complimentary to our land use plans.

Whit Kennedy opened the public hearing.

Ron Chism, owner of Ashley Rentals and adjacent property owner, was sworn in. He stated that he had recently purchased a lot that adjoined at the intersection of Blackstock Road and Berkley Court. Mr. Chism presented to the Commission a layout of his property, entered into the record as Exhibit #1. He stated that the variance would affect his property due to the 235-foot strip that adjoined this property. He would like added to the motion the stipulation that he could have access to enter his property from the road on the property in question.

Mr. Kennedy stated that the Commission would not have the authority to grant this action unless Berkley Court was built at his property line.

Mr. Price asked Mr. Chism if he would be land locked by the public action. Mr. Chism stated that he would not be land locked and the area was developed for commercial purposes. Mr. Chism planned to develop this area for future commercial use. Mr. Kennedy suggested for Mr. Chism to work out an agreement with Mr. Bagwell on this issue.

The Board concluded that if Mr. Bagwell decided to dedicate the road to the county, the adjoining property owners would have access. This was an existing private road, which was the only access at this point.

Marion Gramling made a motion to grant a 10-foot variance due to the time the property was sold and on the condition that the road must be built to county standards. Phillip Lawson seconded the motion.

John Bagwell questioned the motion on the condition that the entire road was brought up to county standards. Mr. Bagwell stated that he should only be required to bring the road that is the length of the flag lot up to county standards.

Marion Gramling amended the motion to state that the 10-foot variance was approved under the stipulation that the road that runs the length of the flag lot would be brought up to county standards. Kent Miller seconded the motion. The vote carried unanimously.

**B. Proposed Tattoo Amendment to the Unified Land Management Ordinance #0-99-015.**

Joan Holliday gave the Commission some background information on what DHEC and the General Assembly had left the Planning Staff with on the Proposed tattoo Amendment. She stated that the state had lifted the ban on the tattoo parlors in South Carolina over a year ago. They have spent the last year propagating rules for tattoo parlors and last month this became legal in South Carolina. When the first act was passed by the state, County Council had first reading on the proposed tattoo amendment, which was about six to eight months ago. Ms. Holliday stated that staff had written what was to be added to the Unified Land Management Ordinance on the proposed tattoo amendment. This would be a simple section that would be added at the end of article III on tattoo facilities. She stated that staff had taken DHEC's setbacks and it would have to be within 1000 feet from any playground, church, or school. In addition, tattoo parlors would have to be 500 feet from another tattoo facility or a bar. There have not been any setbacks added for residential and staff would like to use the current buffers used in the Unified Land Management Ordinance. Ms. Holliday also stated that all of the health regulations are done by DHEC and they require that anyone between the ages of 18 to 21 have to have a guardian sign. A tattoo parlor cannot be a home occupation and must be in a permanent structure.

Emory Price added that the state had added a phrase by the general assembly that tattoo facilities are not allowed to operate without an ordinance from the particular city or county in which the tattoo facility would be operating from. Mr. Price

stated that not all of the cities and counties in South Carolina have adopted an ordinance for tattoo facilities, although most have.

Ms. Holliday also stated that staff would use the same parking standards as a beauty salon or barber shop.

Mr. Price stated that the proposed tattoo amendment was brought before the Planning Commission today for information purposes only. When the Planning Commission was ready to make a recommendation to County Council, a public hearing would be held for second and third readings from County Council.

Mr. Kennedy informed the public that the Planning Commission was present to hear the public's response to the new proposed tattoo amendment before it was taken to County Council for a public hearing and second and third reading. He stated that the Planning Commission could not make changes to the state law and would only get involved with changes on the county level. The Planning Commission was present to hear feedback on the text to be added to the Unified Land Management Ordinance.

Whit Kennedy opened the public hearing.

Dave Cowels, of Ink Link Tattoo, was sworn in. He owns seven tattoo facilities in North Carolina. Mr. Cowels stated that he would like to see Tattoo Parlors without any additional restrictions. He stated that he was the largest employer for tattoo facilities in North America. He had not had any incidences of health problems from his tattoo facilities and they were extremely regulated in North Carolina. He stated that he had a documented number of residents from Spartanburg County coming to his facilities in North Carolina. In addition, Mr. Cowells stated that he would not like to see strict restrictions imposed on tattoo facilities. Other states have so many restrictions that it limits the time and location in which they are allowed to operate.

Whit Kennedy informed the public on what the county had done with the proposed amendment to the Unified Land Management Ordinance. He briefed the public on DHEC information and the time line between obtaining the permit and starting the business.

Suzanne Nelson, of Body Links, stated that she would like the tattoo facilities to be spaced further apart than 500 feet from other tattoo facilities.

Mr. Kennedy continued to go over the uses and definitions of tattoo facilities as proposed in the Unified Land Management Ordinance. He stated that once the

tattoo parlor owner obtained the permit, within six months, staff would make a decision and the owner would come back before the planning commission for approval.

Some of the tattoo parlor owners inquired about the time line it would take for this ordinance to pass third reading. Chris Story stated that the intention for County Council and Administration was to take the most aggressive schedule they could to get this to the third reading for approval. He stated that he did not anticipate any delays.

George Nelson, of Body Links, was sworn in. He presented to the Commission several articles, which was entered into the record as Exhibit #1. He also had a letter from Albert Lee stating that he met all the requirements of the new proposed amendment to the Unified Land Management Ordinance. He would like to open a tattoo facility at 8031 Warren H. Abernathy Highway in Spartanburg. He would like to see the entire underground tattoo facilities become legal and safe for everyone to use.

Michael Brewer, of 661 Overhill Drive, was sworn in. He wanted an explanation from Suzanne Nelson as to why she wanted the tattoo facilities further apart from other tattoo facilities than 500 feet. Mrs. Nelson responded by stating that she wanted to see further distances between tattoo facilities to keep them separated. Mr. Brewer was happy with Spartanburg County's new tattoo proposal to space the tattoo facilities at 500 feet from other tattoo facilities.

Whit Kennedy closed the public hearing.

**5. Discussion Items**

None

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

**A. Subdivisions**

**1. Major (Preliminary Plats)**

**a. Spruce 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 South Carolina Department of Transportation.

John Campbell made a motion to grant 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 carried unanimously.

b. Spring Creek Estates

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, South Carolina Department of Health and Environmental Control and South Carolina Department of Transportation.

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

c. Green Meadows

Allison Ezell gave a summary of the project and recommended conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division, South Carolina Department of Health and Environmental Control, and Addressing/911. Ms. Ezell corrected the miles of new road to .59 instead of .46.

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

**2. Major (Final Plats)**

- a. The Pointe at Rock Springs, Phase I
- b. Stonewood Crossing, Section II
- c. Tyger Shoals, Phase I

Sherry Dull recommended that The Pointe at Rock Springs, Phase I, Stonewood Crossing, Section II, and Tyger Shoals, Phase I be read into the record as approved.

Phillip Lawson made a motion to read The Pointe at Rock Springs, Phase I, Stonewood Crossing, Section II, and Tyger Shoals, Phase I into the record as approved. Donna Turner Williams seconded the motion. The vote carried unanimously.

**3. Minor (Summary Plats)**

- a. Ola Miller Estates, Resubdivision of Lot 9
- c. Bushy Meadows, Phase 1
- d. Bushy Meadows, Phase 2
- e. Pinecrest Estates
- f. Mack H. Pettit
- g. High Country, Resubd. Lots 17 & 18

Sherry Dull recommended that Ola Miller Estates, Resubdivision of Lot 9, Bushy Meadows, Phase 1, Bushy Meadows, Phase 2, Pinecrest Estates, Mack H. Pettit and High Country, Resubd. Lots 17 & 18 be read into the record as approved.

John Campbel made a motion to read Ola Miller Estates, Resubdivision of Lot 9, Bushy Meadows, Phase 1 Bushy Meadows, Phase 2, Pinecrest Estates, Mack H. Pettit and High Country, Resubd. Lots 17 & 18 into the record as approved. Donna Turner Williams seconded the motion. The vote carried unanimously.

- b. Wyomia Place

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

Kent Miller made a motion to read Wyomia Place into the record as approved. Doug Brackett seconded the motion. The vote carried unanimously with Marion Gramling abstaining from the vote.

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

None

**5. Minor (Family Property)**

None.

**6. Preliminary Extension Request**

a. The Estates of Lake Blalock

Allison Ezell recommended that a preliminary extension request be granted to The Estates of Lake Blalock. The new expiration date would be April 21, 2007.

Phillip Lawson made a motion to grant a preliminary extension request to The Estates of Lake Blalock until April 21, 2007. Doug Brackett seconded the motion. The vote carried unanimously.

**B. Land Development**

**1. Major (Preliminary Plats)**

a. Chesnee Senior Housing Project

Allison Ezell gave a summary of the project and recommended conditional preliminary approval subject to review and approval from the Spartanburg County Public Works\ Engineering Division, South Carolina Department of Health and Environmental Control, Liberty Chesnee Fingerville Water, addressing/911 and the South Carolina Department of Transportation. Ms. Ezell stated that this would be duplexes as well as multi family housing for independent living for the elderly. She also corrected the number of individual units on the lot from 10 to 20 units. She stated that no approvals had been completed.

Bill Faulkenberry, representing the Chesnee Senior Housing project explained to the Commission that this would be multi family rental units and indicated on the plat their future intention for this project.

Doug Brackett made a motion to grant conditional preliminary approval subject to approval from Spartanburg County Public Works\ Engineering Division, South Carolina Department of Health and Environmental Control, Liberty Chesnee Fingerville Water, Addressing/911 and the South Carolina Department of Transportation. John Campbell seconded the motion. The

vote carried unanimously.

b. Petras Commercial Park

Winston Anderson gave a summary of the project and recommended preliminary approval with all reviews completed.

Phillip Lawson made a motion to grant preliminary approval. Donna Turner Williams 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**

- A. South Carolina Department of Health and Environmental Control approval process update.

Emory Price briefed the Planning Commission on issues with recent changes in the SCDHEC septic tank approval process. He stated that Planning Department staff recently had a meeting with the staff of the local and regional DHEC offices on the process of septic tank permitting. Recent reorganization of DHEC has resulted in the inclusion of Spartanburg, Cherokee, and Union Counties in the Greenville-Pickens Counties Health District. This, combined with employee turnover has greatly impacted the septic tank permitting process, resulting in long delays. In addition, due to recent litigation in Greenwood County, DHEC has initiated the process of requiring a percolation test for every lot in a new subdivision, adding costs and time delays.

Kent Miller was included in a recent developers briefing on the septic tank approval process by DHEC officials. He briefed the Planning Commission on the highlights of the meeting with DHEC. He stated that DHEC rules changes might result in more developers going to the private sector for engineering/soil testing for percolation.

Emory Price stated that the DHEC Regional Supervisor from Greenville has expressed a willingness to come and brief the Planning Commission on the new proposed procedures and rules.

## **8. Adjournment**

Marion Gramling made a motion to adjourn. John Campbell seconded the motion, and the vote carried unanimously. The meeting was adjourned at 6:16 p.m.

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

Prepared by:  
Planning Department Staff