

MINUTES
Planning Commission
May 2, 2006

Members Whit Kennedy -Chairman
 Doug Brackett, Secretary

Present: David Burnett
 John Campbell
 Donna Turner Williams
 Phillip Lawson
 E. Kent Miller
 Jerry Gaines

Absent: Marion Gramling

Staff Emory Price
Present: Edwin Haskell
 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 April 11, 2006

Kent Miller made a motion to accept the April 11th minutes with the following amendments: Page 3, 3rd paragraph under section 2. Variance Request, amend the motion to state the 10-foot variance was approved for the width of the ROW to be reduced to 50 feet along the length of the pole, but that the county road standards had to be adhered to all the way down the road. 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)

This was withdrawn from the public hearing with a withdrawal letter from Ken Anthony.

2. Carrie Wells Estate (Road Regulations)

Allison Ezell presented the findings of fact to the Board for the Carrie Wells Estate:

Factual Background: This parcel of land has been in the Wells family for over 30 years. There are 4 single- family dwellings, 2 storage units, an old playhouse and a pump house located on this 1 parcel having Tax ID #: 6- 28- 00- 122.05. Carrie Wells’ children reside on this property and have for a number of years. The parcel is a lot of record and is non-conforming to the standards of Unified Land Management Ordinance. Staff feels that the best solution for this parcel is to create a Private Road Subdivision. This would provide them with a HOA & restrictions to the property.

Whit Kennedy opened the public hearing.

Mable Drummond, resides on property, was sworn in. She stated that she was coming before the Planning Commission to request a variance to subdivide the property. She would like to have the land subdivided four ways for each of her siblings and their grandchildren before her father passes away.

Whit Kenney stated that the proposed resolution was to propose a variance to work out a right-of-way that all family members would be willing to sign. This would be a legal binding document so that once the plat was recorded the lots could be sold individually. The four landowners would have to form a Home Owners Association and jointly take over responsibility of the road so any future incidences would hold all four homeowners liable.

Mable Drummond stated that her family would be willing to form a Home Owners Association and sign a legal document to take care of the road.

Tommy Wells, family member, was sworn in. Mr. Wells asked the Commission to grant the variance request.

The property is in a living trust to the father and the sister is the representative of the trust. The father has a life estate over the entire property.

The County Attorney stated that a Home Owners Association needed to be established among the family members and if one of the family members decided to sell their property in the future, the new property owner would assume the same guidelines as the family members. In addition, he stated that the family would not be able to deed the property while it was under a life estate. The County Attorney also advised the family to do a cross deed which would convey their remaining interest to each family member. This would leave the property subdivided and at the father's time of passing, each family member would own his or her own property.

Emory Price stated that the family wanted to record the plat, recognizing the individual parcels. They did not meet the public road frontage requirements and were here to ask for a variance in order to establish a private road development.

Whit Kennedy closed the public hearing.

Whit Kennedy informed the Wells family that all the Commission could allow is the 17-foot right-of-way to be put in and drawn on the plat at 17 feet wide instead of the required 40 feet. The family needs to form a Home Owners Association among the four siblings so that each would have joint responsibility in taking care of the private road.

Doug Brackett made a motion to grant the variance to allow a 17-foot right-of-way instead of the required 40-foot right-of-way.

County Attorney Edwin Haskell stated that the motion should be amended to state that the 17-foot deeded right-of-way would be a separate piece of property, and the four homeowners would be responsible for the maintenance of the road.

Doug Brackett amended the motion to state that the variance be granted to allow the 17-foot deeded right-of-way. This would be a separate piece of property and the four homeowners would be responsible for the maintenance of the road. Donna Williams Turner seconded the motion. The vote carried unanimously.

5. Discussion Items

- A. South Carolina Department of Transportation approval process discussion with Roger Nutt and SCDOT representatives.

Roger Nutt made a request before the Planning Commission that the County planning staff should not seek out requirements of other agencies before construction on a subdivision can begin.

Fred Fleming, Maintenance Engineer for the Department of Transportation, stated that they would like to continue to work with the county on timing the release of the grading permit/preliminary approval with SCDOT encroachment permits.

Roger stated that if the County continued to step in and require that a SCDOT Encroachment Permit is required before a subdivision can begin construction, the County would be at risk. The developer should be the one who takes the risk. The developers have to deal with State and County regulations and they are repeating themselves.

Edwin Haskell stated that the Ordinance did not address that before developers could begin construction on a subdivision, a permit for SCDOT encroachment must be obtained. The County could only enforce what the Ordinance states.

Mr. Fleming asked the Planning Commission what legal authority the Planning Department staff has to approve entrances into the state road right of way. They need SCDOT approval first on the State's roads before they issue an approval for the subdivision plans. Mr. Fleming stated the approval timeline for encroachment permits was usually not more than two weeks, unless there was a drainage issue.

Mike McGrath stated that the Public Works/Engineering Division could not release approval to the Planning Department without approval from SCDOT. The Engineering Department will hold a subdivision from beginning construction due to drainage issues until the developers have an adequate outlet for water.

The Commission agreed that staff should receive proof of the SCDOT application at preliminary, but not require an approval. Whit Kennedy suggested for the County Attorney to draft a statement that says once a grading permit was issued that it did not guarantee that SCDOT would approve it. Furthermore, if someone encroached on a State Highway, they were doing so at their own risk.

In addition, he stated that the engineer did have the right to hold up a permit for drainage issues.

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

A. Subdivisions

1. Major (Preliminary Plats)

a. Sweetgrass

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, the South Carolina Department of Transportation, and Liberty Chesnee Fingerville Water.

John Campbell made a motion to grant conditional preliminary approval subject to review and approval from Spartanburg County Public Works Engineering Division, the South Carolina Department of Transportation, and Liberty Chesnee Fingerville Water. Phillip Lawson seconded the motion. The vote carried unanimously.

b. The Estates of Lake Blalock (Revised)

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, Addressing/911 and Liberty Chesnee Fingerville Water.

David Burnett 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, Addressing/911 and Liberty Chesnee Fingerville Water. Doug Brackett seconded the motion. The vote carried unanimously.

2. Major (Final Plats)

- a. Tyger Shoals, Phase II**
- b. Johnson Fields, Section II**

- c. Sterling Estates, Phase 3, Section 2

Sherry Dull recommended that Tyger Shoals, Phase II, Johnson Fields, Section II, and Sterling Estates, Phase 3, Section 2 be read into the record as approved.

Jerry Gaines made a motion to read Tyger Shoals, Phase II, Johnson Fields, Section II and Sterling Estates, Phase 3, Section 2 into the record as approved. Donna Turner Williams seconded the motion. The vote carried unanimously.

3. Minor (Summary Plats)

- a. Walden Place, Phase 2

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

Phillip Lawson made a motion to read Walden Place, Phase 2 into the record as approved. Donna Turner Williams seconded the motion. The vote carried unanimously.

4. Minor (Private Road Developments)

None

5. Minor (Family Property)

None.

6. Preliminary Extension Request

- a. Seays Crest, Section 2

Allison Ezell recommended that a preliminary extension request be granted to Seays Crest, Section 2 for 10/20/06.

Doug Brackett made a motion to grant a preliminary extension request to Seays Crest, Section 2 until October 20, 2006. Phillip Lawson seconded the motion. The vote carried unanimously.

b. Summer Grove, Phase 2 & 3

Winston Anderson recommended that a preliminary extension request be granted to Summer Grove, Phase 2 & 3 until March 14, 2007. Mike McGrath also recommended a preliminary extension request for March 14, 2007.

There was some discussion among the Planning Commission and staff on the preliminary extension date. The County Attorney recommended that the motion have as a preliminary plat the stipulation that the project be completed by the expiration date. If the project is not completed it will have to be submitted as a preliminary plat.

Jerry Gaines made a motion to grant a preliminary extension request to Summer Grove, Phase 2 & 3 under the stipulation that the project be completed by March 14, 2007. Donna Turner Williams seconded the motion. The vote carried unanimously.

B. Land Development

1. Major (Preliminary Plats)

None

2. Major (Site Plans)

None

3. Major (Final Plats)

a. Wingo Park

Sherry Dull recommended that Wingo Park be read into the record as approved.

Phillip Lawson made a motion to read Wingo Park into the record as approved. John Campbell seconded the motion. The vote carried unanimously.

4. Minor (Summary)

None

5. Preliminary Extension Request

None

7. Other Business

- A. Emory Price informed the Commission that the next training session would be held on Thursday, May 18 from 9:00 am to 12:30 pm via SC ETV Broadcast. This session would give the Commission three hours that they would need this year To be certified.
- B. Mr. Price informed the Commission that the final reading by County Council of the Tattoo Amendment to the ULMO would be on May 15, 2006. He recommended for the Planning Commission to make a motion to forward comments on the new proposed tattoo amendment along with the draft language to County Council before the third reading.

Phillip Lawson made a motion to recommend to County Council that the tattoo amendment be adopted as drafted. Kent Miller seconded the motion. The vote carried unanimously.

Adjournment

Kent Miller made a motion to adjourn. Jerry Gaines seconded the motion, and the vote carried unanimously. The meeting was adjourned at 5:55 p.m.

By: _____
Doug Brackett, Planning Commission Secretary

Prepared by:
Planning Department Staff