

**MINUTES**  
**Planning Commission**  
**August 7, 2007**

**Members**

**Present:**

Whit Kennedy, Chairman  
Doug Brackett, Secretary  
Donna Turner Williams  
E Kent Miller  
Marion Gramling  
John Campbell  
Phillip Lawson  
Jerry Gaines

**Members**

**Absent:**

David Burnett

**Staff**

**Present:**

Joan Holliday  
Chris Story  
Sherry Dull  
Allison Ezell  
Karri Isaac  
Savannah Sabo  
Edwin Haskell

Freelance Reporting Services, Transcriptionist

**1. Call to Order**

Whit Kennedy called the meeting to order.

**2. Approval of Minutes of July 10, 2007**

Phillip Lawson made a motion to approve the July 10, 2007 minutes as submitted. John Campbell seconded the motion. The vote carried unanimously.

### **3. Old Business**

None

### **4. Public Hearings**

#### **1. Landrum Mill Estates**

Allison Ezell presented the background information to the Planning Commission members. She stated that Planning Commission had granted conditional approval on 4/10/2007. The developers have had a road design change and are requesting variance on the road grade from 5% to 8%.

Whit Kennedy opened the public hearing.

E L Outz with Blackwood Associates was sworn in. He stated that they would like to keep the road section the same character as the roads in the area. To control storm water, catch basins will be installed along the slope and lined with vegetative matting to help keep erosion down. Mr. Outz stated that they had hired an architect from Tryon to design the homes to blend in with the surrounding area.

Whit Kennedy closed the public hearing.

Mike McGrath informed the developers that a storm water plan would have to be provided and submitted. In addition, the private road would have to be kept up by the Home Owners Association and that the catch basins would have to be put closer together to slow down the water, since there are no curbs and gutters.

Marion Gramling made a motion to approve the variance as requested. E. Kent Miller seconded the motion. The vote carried unanimously.

#### **2. Sloan Construction**

Whit Kennedy abstained from the discussion on Sloan Construction and turned the meeting over to Jerry Gaines to run the Public Hearing. Marion Gramling abstained from the discussion also due to a conflict of interest involving Sloan Construction.

Allison Ezell presented the background information to the Planning Commission. The ULMO requires Bulk Storage of petroleum products to have a radius setback of 1000' from the proposed structure to the property line of adjacent residential properties. This site does not allow for that on all sides. The landowner is requesting a variance against the setback radius requirements of the ULMO for bulk storage units.

Jerry Gaines opened the public hearing.

Scott Fant with Sloan Construction was sworn in. He stated that Sloan Construction was proposing to place liquid asphalt storage tanks for winter fill. They propose to buy liquid asphalt for a lesser price in the winter and store it in the proposed new facility and then in spring they would truck it to the liquid asphalt plants throughout the upstate area. There is an existing rail site close to the new proposed storage site that will accommodate the products that will come out of the Midwest area. Mr. Fant presented to the Commissioners a glass container filled with liquid asphalt. The liquid asphalt will be stored at ambient temperatures so that it will not flow or spill out of the storage containers. He also stated that they needed to locate their new proposed bulk storage facility within close proximity to the existing asphalt plant to minimize travel time via truck. The storage tanks are designed with an internal coil in the center approximately 8 feet in diameter to keep heat to the center of the storage tanks. He stated that there would not be any mixing done at this new facility. He calculated 14 truck loads a day would be the maximum that would leave the site exiting toward highway 176. They hoped to supply the Blacksburg, Pacolet and Duncan asphalt plants. They plan to buffer the area with trees to hide the storage areas. In addition, they also plan to have colored tanks that will blend in with the surrounding properties. This will be well landscaped and a state of the art facility.

Jim Sexton of 840 W Main Street was sworn in. He is within the 1000 foot radius of the new proposed liquid asphalt storage site. He is asking that the variance request be denied. The approval of this variance would affect the entire community with a negative impact. He used the Rosewood plant in Columbia as an example of a liquid storage tank facility with permitting violations. He presented to the Planning Commission written documentation with several attachments stating the danger of storage tanks located near residential neighborhoods.

Cheryl Cook of 416 Pierpont Avenue Extension was sworn in. She was here to represent her parents who live within 640 feet of the new proposed site and request that the variance be denied.

Glen Hall of 191 Sunny Acres Road was sworn in. He stated that he works at a chemical plant and that he was concerned with spills that may leak from the storage containers. He stated that a containment dike was not mentioned and he hasn't heard what the size of the tanks will be. He was not aware of the hidden chemicals within the closed storage containers and mentioned the potential health hazards associated with chemical leaks, which could go as far as 600 feet.

Carolyn Hodge, adjoining property owner, was sworn in. She stated that her home was

located within 600 feet at the proposed main entrance gate going into the storage facility site and she was against the variance request. She told the Planning Commission members she appreciated their time and efforts.

Dale Worthy, who's been with the Pacolet Fire Department for 34 years, was sworn in. He stated that the Pacolet Fire Department had responded to the previous site on many occasions. Mr. Worthy stated that there was no water in close proximity to the site. He stated that this would affect the ISO rating for the entire community if the variance was granted. In addition, the water provider for the area was Spartanburg City Water and fire hydrants were a good distance down the road.

Bobby McAbee of 241 Sunny Acres Road was sworn in. He stated that he was not within the 1000 feet radius but had concerns with the existing rock bottom creek. The proposed tanks would be placed on top of the existing clear creek. This would impose a danger to the water supply which runs into the Pacolet River.

Jim Ray, Superintendent of School District 3, was sworn in. He stated that they had received very little information on the new proposed facility storage site. He was here to request that the variance request be denied for the safety of the students. He was also concerned with increased traffic on the roads and railway. He stated that the community lost a student in the late 1990's who was hit by a vehicle. In addition, there have been two train derailments in the area. He was requesting that a projected impact study be done before the variance was approved with information regarding frequency and intervals of the road and rail traffic.

Carl Furr, of 181 Pine Drive, was sworn in. He stated that he was against the variance request.

Lanny Littlejohn, of House District 33, was sworn in. He asked for the Planning Commission not to go against the Town of Pacolet's Home Rule passed in 1974 by the General Assembly. He stated that the local rock quarry caused frequent loud explosions. He asked that the variance request be denied based on the 4 rules in the enabling act.

Elaine Harris, with Town of Pacolet, was sworn in. She passed around a promotional packet of the community of Pacolet to the Planning Commission members. She stated that they are promoting the community of Pacolet as a safe area for residents to reside in. Ms. Harris included in the packet a letter from the City of Pacolet Planning Commission asking the Spartanburg County Planning Commission to deny the variance request. The Town of Pacolet is committed to a covenant to protect the community, natural resources and the area in which they live in. They have received numerous awards for their outstanding achievements in the community. She stated that a portion of the property is within the town limits and is zoned as low density residential. Ms. Harris stated that

there were some Board members present representing the Town of Pacolet Planning Commission, Council and Appeals Board.

Rock Adams, Spartanburg County Council Member, was sworn in. He was here to represent the community of Pacolet and was not in favor of the variance request.

David Burrell, of 140 Ligon Street, Pacolet was sworn in. He stated that he lived less than 50 yards from the proposed entrance into the liquid asphalt storage facility. He was concerned with the safety and health of his small children.

Tom Smith, representing Morning Star Baptist Church, was sworn in. He stated that his church was in close proximity to the proposed storage site and that his congregation was asking that the variance be denied. This would create a negative impact for their church.

Scott Fant responded to the opposition of the variance request. He stated that he was familiar with the two fires in the past and described the differences between an asphalt plant and liquid storage containers. The liquid storage containers would not be as hot as an asphalt plant. The new proposed storage facility would have state of the art storage at ambient temperatures. In addition, he clarified to the Planning Commissioners why the Richmond County Asphalt plant was cited for a violation. Mr. Fant reassured the Planning Commissioners and the community that the maximum truck traffic would be 14 trucks and 16 railcars per day.

John Campbell asked Mr. Fant if the storage containers could be moved further away on the property from any residential structures. Mr. Fant stated that there was nowhere on the property that they could move their storage tanks to be within the 1000 foot radius.

In conclusion, Mr. Fant stated that the construction would be a phased in. They would have 2 tanks the first year and a maximum of 6 tanks during the final phase of construction. He stated that Sloan Construction had chosen this site due to accessibility to the site by roads and railway.

Jerry Gaines closed the public hearing.

Phillip Lawson made a motion to deny the variance as requested due to the surrounding residential properties being too close to the proposed storage site. Donna Turner Williams seconded the motion. The vote carried unanimously with Whit Kennedy and Marion Gramling abstaining from the vote.

Jerry Gaines turned the Planning Commission meeting back over to Chairman Whit Kennedy.

**5. Discussion Items**

None

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

**A. Subdivisions**

**1. Major (Preliminary Plats)**

a. Brook Park Plantation

Allison Ezell gave a summary of the project and stated the only revision was the moving of the entrance location. She recommended conditional preliminary approval subject to review and approval from Public Works, Engineering Division and DHEC (application).

Marion Gramling made a motion to grant conditional preliminary approval subject to review and approval from Public Works, Engineering Division and DHEC (application). Doug Brackett seconded the motion. The vote carried unanimously.

b. Bushfork Subdivision (Revised)

Allison Ezell gave a summary of the project and recommended conditional preliminary approval subject to review and approval from the Town of Inman (sewer) and Public Works, Engineering Division.

Doug Brackett made a motion to grant conditional preliminary approval subject to review and approval from the Town of Inman (sewer) and Public Works, Engineering Division. E. Kent Miller seconded the motion. The vote carried unanimously.

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

- a. Patterson Estates, Section II
- b. Shady Grove Hills, Phase 1, Section 3

Sherry Dull recommended that Patterson Estates, Section II and Shady Grove Hills, Phase 1, Section 3 be read into the record as approved.

John Campbell made a motion to read Patterson Estates, Section II and Shady Grove Hills, Phase 1, Section 3 into the record as approved. Donna Turner Williams seconded the motion. The vote carried unanimously.

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

None

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

None

**5. Minor (Family Property)**

None

**6. Preliminary Extension Request**

a. Island Ford Estates

Karri Isaac gave a summary of the project and recommended that a preliminary extension request be granted to Island Ford Estates. The new preliminary expiration will be July 6, 2008.

Kent Miller made a motion to grant a preliminary extension request to Island Ford Estates until July 6, 2008. Marion Gramling seconded the motion. The vote carried unanimously.

**B. Land Development**

**1. Major (Preliminary Plats)**

None

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

None

**3. Major (Site Plans)**

a. Muslim Cemetery

Karri Isaac gave a summary of the project and recommended conditional preliminary approval subject to review and approval from Public Works Engineering Division, SWS (water) and SSSD (Sewer).

Doug Brackett made a motion to grant conditional preliminary approval subject to review and approval from Public Works Engineering Division, SWS (water) and SSSD (Sewer). Donna Turner Williams seconded the motion. The vote carried unanimously.

**4. Minor (Summary Plats) \***

None

**5. Major (Summary Plats)\***

None

**6. Preliminary Extension Request**

None

**7. Other Business**

None

**Adjournment**

Marion Gramling made a motion to adjourn. Doug Brackett seconded the motion. The vote carried unanimously. The meeting was adjourned at 5:59 p.m.

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

Prepared by:  
Planning Department Staff