

MINUTES
Planning Commission
September 11, 2007

Members

Present:

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

Staff

Present:

Joan Holliday
Chris Story
Mike Garrett
Mike McGrath
Harriett Montgomery
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 August 7, 2007

Marion Gramling made a motion to approve the August 7, 2007 minutes as submitted. Donna Turner Williams seconded the motion. The vote carried unanimously.

3. Old Business

None

4. Public Hearings

1. Blackwell Drive, Lyman petitioned to be Zoie Bailey Drive, Lyman

Harriett Montgomery presented the information to the Commission on the road name change.

It is the intent to rename Moore Street, Enoree to Ralph Dawkins St, Enoree. Moore St was petitioned by the residents on the road and was signed by 98% of the residences. Moore St runs from Railroad St, Enoree to a dead end.

The Planning Department staff notified all residents and property owners of the petition to change the road name on March 1, 2007. There are 16 residences and one very large vacant parcel of land. Two residences did not sign the petition and no response has been received from the notification letters sent.

A legal notice announcing this public hearing ran in the Spartanburg Herald Journal on March 25, 2007. The Planning Department staff recommends that the road name be changed to RALPH DAWKINS St.

Whit Kennedy opened the public hearing.

There was no one present to speak for or against the public hearing.

Whit Kennedy closed the public hearing.

John Campbell made a motion to change the road name from Blackwell Drive, Lyman to Zoie Bailey Drive, Lyman. Donna Turner Williams seconded the motion. The vote carried unanimously.

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

1. Cedar Springs Place
Variance on Parking requirements

Allison Ezell presented to the Commission the background information on Cedar Springs Place. She stated that the owner was requesting a variance from the ULMO for multifamily parking projects since the apartments are designated for senior housing. If the variance is denied, this would provide more parking spaces

and less open space available on the site for landscaping. This project was approved as a Major Preliminary Plat on August 8, 2006.

There was some discussion at the meeting on the parking and open space for the new development. There was an agreement that 48 parking units would be enough with the developer agreeing to note on the plat that the remaining space would be noted as common space.

Whit Kennedy opened the public hearing.

Carl Lee, 323 Cedar Springs Road, was sworn in. He stated that he did not have a problem with the variance request but was concerned with the storm water runoff on the property.

Whit Kennedy explained to Mr. Lee that he would need to talk with the Public Works Engineering Department about the storm water runoff issue. Mike McGrath was available to speak with him at the meeting.

Whit Kennedy closed the public hearing.

John Campbell made a motion to approve the variance as requested. Doug Brackett seconded the motion. The vote carried unanimously.

David Burnett questioned the vote. He asked if the developers made a change of use on the project would they have to add the required parking spaces.

Edwin Haskell stated the variance went with the property and the parking requirements for that property, if it changed use the new project would still stand on the variance granted.

Russ Easler, Engineer for the project, stated that in a market driven society, if the owners changed the use and there was not adequate parking available, then people would not rent the apartments. If the use of the project did change in the future, then the owners would still have to add more parking spaces.

Whit Kennedy called the question to the vote.

The vote was seven to one in favor of granting preliminary approval. The members in favor of the motion were John Campbell, Doug Brackett, E Kent Miller, Phillip Lawson, Jerry Gaines, Marion Gramling and Donna Turner Williams. The member against the motion was David Burnett.

5. Discussion Items

None

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

A. Subdivisions

1. Major (Preliminary Plats)

a. Clement Pointe

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

Whit Kennedy recommended to add the stipulation that if the number of lots exceeds 100 then a left turn lane must be put in.

E. Kent Miller made a motion to grant conditional preliminary approval subject to review and approval from Public Works, Engineering Division, DHEC (application) and the stipulation that if the number of lots exceeds 100 then a left turn lane must be added. Phillip Lawson seconded the motion. The vote carried unanimously with Marion Gramling and Donna Turner Williams abstaining from the vote.

b. Whip Poor Will

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

Phillip Lawson made a motion to grant conditional preliminary approval subject to review and approval from Public Works, Engineering Division. E. Kent Miller seconded the motion. The vote carried unanimously with Marion Gramling abstaining from the vote.

c. Woodfin Ridge, Section V

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

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

d. Mandy's Meadow

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

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

e. Nice Well

Karri Isaac gave a summary of the project and 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.

2. Major (Final Plats)*

- a. Manzanares
- b. Sunset Summits, Phase 1-B

Sherry Dull recommended that Manzanares and Sunset Summits, Phase 1-B be read into the record as approved.

Phillip Lawson made a motion to read Manzanares and Sunset Summits, Phase 1-B into the record as approved. E. Kent Miller seconded the motion. The vote carried unanimously.

3. Minor (Summary Plats)*

- a. Carl M Bijeau

Sherry Dull recommended that Carl M Bijeau be read into the record as approved.

E. Kent Miller made a motion to read Carl M Bijeau into the record as

approved. John Campbell seconded the motion. The vote carried unanimously.

b. Mica Inc.

Sherry Dull recommended that Mica Inc. be read into the record as approved.

Phillip Lawson made a motion to read Mica Inc. into the record as approved. John Campbell seconded the motion. The vote carried unanimously with David Burnett abstaining from the vote.

4. Minor (Private Road Developments)*

None

5. Minor (Family Property)

None

6. Preliminary Extension Request

None

B. Land Development

1. Major (Preliminary Plats)

a. The Townes at River Falls

Karri Isaac gave a summary of the project and recommended conditional preliminary approval subject to review and approval from Public Works, Engineering Division.

There was some discussion from residents of River Falls Plantation on the increased traffic anticipated by the entrance into this new section of River Falls. Denise Nace, resident of River Falls Plantation voiced concern with the amount of traffic that would be entering and exiting Drayton Hall Boulevard. He stated that traffic would be entering and exiting the River Falls Plantation where homes are located. This entrance was not wide enough to handle the increased traffic flow through the existing subdivision. In addition, he also stated that the River Falls Plantation Home Owners Association did not approve multifamily housing.

He requested a traffic study from Spartanburg County before Major Preliminary Plat approval was given by the Planning Commission.

The County Attorney stated that unless this new development was part of the most current deed restrictions of the latest section of 7 then the subdivision restrictions would not apply to this new section of River Falls.

Whit Kennedy informed the public that a traffic study would not affect the outcome of the Planning Commission's decision. He did ask Mike McGrath to check on the roads and the possibility of posting speed limit signs at the entrance.

Will Gramling, Developer, stated that he was not aware of the opposition towards the new River Falls development. He stated that the increased traffic would not substantially impact the entrance or the River Falls Plantation. In addition, he stated that the River Falls Plantation Home Owners Association was aware of the new development and entrance into the development off of Drayton Hall Boulevard.

Phillip Lawson made a motion to grant conditional preliminary approval subject to review and approval from Public Works, Engineering Division. E Kent Miller seconded the motion. The vote carried with a five to one vote in favor to grant conditional preliminary approval with Marion Gramling and Jerry Gaines abstaining from the vote. The members in favor of the vote were Phillip Lawson, E. Kent Miller, Doug Brackett, John Campbell and David Burnett. The member that voted against granting preliminary approval was Donna Turner Williams.

2. Major (Final Plats) *

- a. Wesley Villas
- b. Wynbrook, Phase 1-B
- c. Wynbrook, Phase 3
- d. Sunset Summits, Phase 1-A, Section 1

Sherry Dull recommended that Wesley Villas, Wynbrook, Phase 1-B, Wynbrook, Phase 3 and Sunset Summits, Phase 1-A, Section 1 be read into the record as approved.

Phillip Lawson made a motion to read Wesley Villas, Wynbrook, Phase 1-B, Wynbrook, Phase 3 and Sunset Summits, Phase 1-A, Section 1 into the record as approved. John Campbell seconded the motion. The vote carried unanimously.

3. Major (Site Plans)

a. Kohler Landfill Expansion

Joan Holliday gave a summary of the project and recommended conditional preliminary approval subject to review and approval from SC DHEC. She stated that the Landfill met the requirements of the ULMO and they were waiting on approval from DHEC. Two representatives were present to answer any questions if needed.

David Burnett made a motion to grant conditional preliminary approval subject to review and approval from SC DHEC. Jerry Gaines seconded the motion. The vote carried unanimously.

a. Carolina R V Resort

Allison Ezell gave a summary of the project and listed the following approvals subject to review and approval from DHEC (application) and Public Works, Engineering Division. Whit Kennedy asked if staff had a recommendation and Ms. Ezell stated no. She stated that Mike Garrett with Public Works, Engineering Division was present to give more information on Carolina RV Resort. Ms. Ezell stated that they would have a state of the art approved DHEC sewage disposal for 233 lots. The 233 lots would have a 99 year lease. This project would fall under the section of the Ordinance that would deal with RV Parks. The new proposed RV Park will be done in three phases.

Mike Garrett, Director of Spartanburg County Public Works, was sworn in. He stated that a portion of W Frontage Road was county maintained and was posted by Spartanburg County in 1995 to reduce the amount of weight load on the road. The existing sign posted on Highway 11 reads load notice weight limit 4 tons per axle 1 mile ahead. In addition, he stated that an analysis of the pavement had been completed to determine that this portion of W Frontage road was not suitable for recreational vehicles or tractor-trailers. Mr. Garrett stated that W Frontage Road had less strength than a standard county residential road and any traffic on this road in excess of the posted limit would be in violation of the state law.

E. Kent Miller questioned why we build residential roads at a higher standard than county maintained roads.

Pat Knie, of 885 Smith Chapel, was sworn in. He stated that he would like to keep the area historically rural and was concerned with the location of the

proposed RV Park. He stated that if Carolina RV Park was approved, then the Planning Commission would be in violation of the county and state weight limitations and Spartanburg County would be left with a terrible mixed use project that would fail. In addition, W Frontage Road was not wide enough for these size vehicles to maneuver. Mr. Knie stated that this was clearly an RV Subdivision even though the name has changed to an RV Resort. The road has been posted for years with weight restrictions.

Don McDonald, property owner, was sworn in. He stated that his property was located adjacent to the new proposed project and he was concerned with the sewage fields and drainage fields that would adjoin his property. In addition, he was concerned with the safety of the road. He stated that there had been heavy rains on occasion that washed the gullies out on W Frontage road.

Madeline Wallace, realtor, was sworn in. She stated that the proposed new site was part of the Comprehensive Land Use Plan and was part of the water shed for Spartanburg County. The purpose of the Land Use Plan was to preserve natural resources and water quality. If the proposed RV Park was approved it would create land disturbances with grading, water runoff and storm water management. She advised the Planning Commission to follow the Comprehensive Land Use Plan.

Mark Hornung, property owner on Skunk Hollow Road, was sworn in. He stated that he was against the approval of commercial development in the area and was concerned with the RV's eventually turning into a mobile home park. In addition, he was also concerned with increased RV traffic on W Frontage Road during school hours.

Chuck Piazza, Developer, was sworn in. He stated that he appreciated everyone's concern with the proposed project, although W Frontage Road was constructed to approximately 70% of what the road should have been at that particular time. He stated that W Frontage Road was about 68% road standards and the reports stated that the road was in excellent shape. In conclusion, W Frontage Road can be upgraded and repaired. The new proposed site would add a large sum of money to the local economy on a monthly basis without adding the burden of extra children to the school system. He stated that the developers would follow the local DHEC and Storm water regulations on any water runoff and they plan to protect the aesthetics of the area. Mr. Piazza used Cane Creek RV Resort in Greenwood as an example. He stated that the new proposed RV Resort would have a state of the art septic system. The average vehicles would be approximately 36,000 pounds.

The Planning Commissioners voiced concern with approving a project that would be breaking local and state weight limit laws.

Mr. Piazza stated that he had support from staff when he first began discussion on the new proposed project in January 2007.

Gus Meyers, Developer, was sworn in. He stated that any vehicle over the weight limit was in violation whether it was a school bus or a fire truck.

Whit Kennedy stated that he was also concerned with a 99 year lease of the property.

David Burnett stated that the Planning Commission was only responsible for approving land uses that would access the road of the new proposed project.

Edwin Haskell stated that the Planning Commission has been put in a position to approve a development that would be breaking state law on weight limitations. He stated that if this project was approved it would create liability. The Planning Commission could not authorize a project that the developers would have to break the laws to utilize. This was a unique situation that has not come before the Planning Commission before.

Ms. Wallace asked about the Comprehensive Plan and does the Planning Commission base their decisions on this plan. Whit Kennedy stated that the Comprehensive Plan was a general guideline that was reviewed every five years by Spartanburg County citizens. The Comprehensive Plan was not an ordinance for regulations for development. Mr. Kennedy explained to the public that the State regulates storm water runoff plans.

John Campbell stated that the Comprehensive Plan was not zoning and did not prohibit any use in any area of the county.

Marion Gramling made a motion to deny preliminary approval based on the recommendation from the Spartanburg County Public Works Engineering Staff and the advice from the County Attorney. Donna Williams Turner seconded the motion.

E. Kent Miller stated that he could not believe that Spartanburg County makes developers build residential subdivision roads at a higher standard than existing county roads. He advised addressing County Council on the existing county roads that need to be fixed with the road tax money.

Whit Kennedy called the question to the vote.

The vote was six to two to deny site approval based on the recommendation from the Spartanburg County Public Works Engineering Staff and the advice from the County Attorney. The members in favor of the motion were E. Kent Miller, Doug Brackett, David Burnett, Marion Gramling, Donna Turner Williams and John Campbell. The members against the motion were Phillip Lawson and Jerry Gaines.

4. Minor (Summary Plats) *

None

5. Major (Summary Plats)*

None

6. Preliminary Extension Request

None

7. Other Business

None

8. Adjournment

Marion Gramling made a motion to adjourn. John Campbell seconded the motion. The vote carried unanimously. The meeting was adjourned at 7:15 p.m.

By: _____
Doug Brackett, Planning Commission Secretary

Prepared by:
Planning Department Staff