



Spartanburg County

Planning and Development Department

MINUTES

Planning and Development Commission
COUNTY COUNCIL CHAMBERS

March 2, 2021

Members

Present:

Whit Kennedy, Chairman
Toby McCall, Vice Chairman
Doug Brackett, Secretary
Jerry Gaines
Les Green
Allen Newman
Donna Turner Williams
Stewart Winslow
Bill Hamilton

Members

Absent:

None

Staff Present:

Joan Holliday, Interim Planning Director
John Harris, County Attorney
Leigh MacDonald, Senior Planner
Brandy Blake, Planner II
Rachel Dill, Development Coordinator I
Richie Smith, Development Coordinator
Azriel Gonzales, Engineering Coordinator
Andrew Gunderson, Engineering Coordinator

NOTICE: Pursuant to Section 30-4-80 of the S.C. Code of Laws, the annual notice of meetings for this Commission was provided on or before January 1, 2015 via the County website. In addition, the Agenda for this Meeting was posted on the bulletin board at the entrance to the Administration Building as well as on the County's website and was emailed to all persons, organizations, and news media requesting notice.

1. Call to Order

2. Approval of Minutes from the February 2, 2021 Meeting

Doug Brackett made a motion to approve the minutes as submitted. Stewart Winslow seconded the motion. The motion carried with a vote of 9 to 0.

3. Old Business – None

4. New Business – None

5. Public Hearing –

- a. Variance Request: Sherri Gilstrap
155 N. Kelly Rd., Woodruff
Tax Map Number: 4-25-00-077.00
Variance on road access.**

Leigh MacDonald presented the following Staff Report:

1. Factual Dates

a. Variance Applications Received	02/02/2021
b. Deadline for Variance	02/02/2021
c. Public Notice – Herald Journal	02/14/2021
d. Adjoining Property owners notified	02/12/2021
e. Variance Sign Posted on Property	02/16/2021
f. Planning Commission Meeting	03/02/2021

2. Background Information

A variance request has been submitted to allow the subdivision of a 23.31 acre lot into two lots, one containing 2.31 acres, and the second containing 21 acres. The applicant is proposing to access the newly created 21 acre parcel via a 26.2’ wide easement for ingress and egress as shown on the plat by Mitchell Surveying dated January 29, 2021. Item number six of the Road Access Policy states, “An access easement serving a 2 acre or larger landlocked parcel shall be at least 50 feet wide along its entire length.” The Policy further states, “This policy will be implemented by the staff with any proposed variances to this Policy presented to the Planning Commission for review and a vote.” Section 7.45 of the Subdivision Regulations *Minimum Road Frontage for Access* further states, “If the parcel is a flag lot two acres or greater, the minimum road frontage must be at least 50 feet. This shall also apply to a parcel utilizing an easement for access.” As represented by the applicant, a 50’ easement is not an option due to the location of existing structures. The applicant is therefore requesting to reduce the easement width to 25’ from 50’ as required in the Road Access Policy (6) and Section 7.45 of the Subdivision Regulations.

3. Staff Position

The Planning Department Staff chooses to let this request stand on its own merits. The four criteria that the Commission is accustomed to using as determination for the approval or denial of a variance request are required by state law on zoning variance requests. As this request is instead in relation to a subdivision variance, the Commission is not bound by consideration of those four criteria. Per Section 3.30 *Variance from the Requirements of these Regulations*, "...the Commission may hear requests for a variance to any of the standards or regulations that are uniquely located in this Ordinance. A variance that modifies any of these standards and regulations must not be contrary to the public interest; but, owing to conditions peculiar to the property, the Commission may determine that a literal enforcement would result in unnecessary and undue hardship."

Leigh MacDonald presented an aerial image of the parcel, proposed easement location, proposed survey, and a street view that showed North Kelly Road.

Chairman Whit Kennedy requested another look at the aerial and asked Ms. MacDonald where the easement would be located on North Kelly Road. Ms. MacDonald pointed out the area where North Kelly Road made a 90 to 70 degree angle.

Mr. Kennedy asked if the property had frontage and the classification of North Kelly Road. Ms. MacDonald said that the parcel did have frontage on North Kelly Road which is classified as a Minor Road. It is also a County road.

Ms. MacDonald distributed copies of the proposed survey at Mr. Kennedy's request. Mr. Kennedy expressed a concern about further subdivision of the parcel if the applicant was given the variance. County Attorney, John Harris, referenced the Spartanburg County Road Access Policy and said that the parcel would not be able to be further subdivided unless the property was able to meet all requirements set forth in the Spartanburg County Subdivision Regulations and Unified Land Management Ordinance.

Doug Brackett asked if the property owner was able to obtain frontage would they would be able to further subdivide in the future. Mr. Harris said that was a possibility, but that the property owners would still be required to meet all of the standards and regulations of Spartanburg County.

Jerry Gaines asked if the surveyor was present to explain the existing easement as seen on the survey. Surveyor, Joe E. Mitchell, Jr., approached and said that the easement referenced on the plat existed before Kelly Road was constructed. Jerry Gaines requested more information from the recorded deed on the property over his concern about existing easements. John Harris told Mr. Kennedy to proceed with the public hearing while he gathered the information for Mr. Gaines.

Chairman Whit Kennedy opened the public hearing.

Mr. Kennedy asked if anyone was present to speak in favor of the variance request.

Mr. Joe Boone was sworn in. Mr. Boone was in attendance to represent the property owner and applicant, Ms. Sherri Gilstrap. He stated that the rear parcel was under contract and that the requirement of an easement of more than 25' would encroach into the square footage of the home, carport, and power lines. He also said that several well-established heritage trees would have to be removed. He further stated that any requirement of an easement exceeding 25' would cause hardship for the property owner.

Mr. Kennedy asked if the property owner would be amenable to adding a note on the plat or legal language to the deed to state that further subdivision of the land is prohibited unless the property was able to meet all standards of the current ordinance.

Mr. Harris asked Mr. Kennedy if this would be a condition of the variance. Mr. Boone said that the applicant would be agreeable to adding the language requested by Mr. Kennedy to the deed.

Chairman Kennedy asked if anyone else was present to speak in favor of the variance.

Mr. Joe E. Mitchell, Jr. was sworn in and said that he agreed with all comments that were made by Mr. Boone. He added that the power line would be in the center of the easement if it has to be 50 feet wide. He said that he would be agreeable to adding a note to the plat about future subdivision of the parcel if so desired.

Chairman Kennedy asked if anyone else was present to speak in favor of the variance. Being none, Mr. Kennedy closed the Public Hearing.

Chairman Kennedy addressed the audience and said that the vote on variance would occur later in the meeting.

b. Amendment to the Unified Land Management Ordinance:

An ordinance amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance No. O-99-15, so as to provide a mechanism to allow the mixing of uses in the form of a new type of Conditional Use for certain qualified sites, to set forth the requirements thereof, and to resolve some typographical errors and minor inconsistencies.

Chairman Whit Kennedy asked if there was anyone present for the public hearing on the proposed ULMO amendment. There being none, he summarized the proposed amendment and the presentation made by Interim Director, Joan Holliday, at the 3:30 pm Special Meeting for the record. He said that the overall intent was to allow more mixed use throughout the county that was prohibited by the current language of the Unified Land Management Ordinance. Mr. Kennedy said the proposed amendment would provide an avenue for the older buildings and mills to be refurbished and used in the areas of the county where the Performance Zoning Ordinance was not in place. He stated that buffers would not be required internal to the development. He also mentioned that there would be specific requirements that must be met for this type of development, but that this was something the County has needed for a while and which offers developers more options in areas outside the Southwest Planning Area.

Mr. Kennedy opened the Public Hearing. Mr. Kennedy asked if anyone was present who would like to comment on the amendment. Being none, he closed the public hearing.

Mr. Kennedy said that the vote on the Amendment to the Unified Land Management Ordinance would occur later in the meeting.

6. Discussion Items – None

7. Unified Land Management Ordinance (No. O-99-015)

A. Subdivisions-

1. Major (Preliminary Plats) – None

2. Major (Final Plats) *

Leigh MacDonald requested the following be read into the record as approved Final Plats:

a. Adens Place Ph. 2

b. Mallard Point

Toby McCall made a motion to read Adens Place Ph.2 and Mallard Point into the record as approved Final Plats. Allen Newman seconded the motion. The motion carried with a vote of 9 to 0.

3. Minor (Summary Plats) * - None

4. Minor (Private Road Developments) * - None

5. Minor (Family Property) * - None

B. Land Development

1. Major (Preliminary Plats) –

a. Meadow Creek Housing

Leigh MacDonald presented the following staff report:

1. Factual Dates

a.	Plats and Application received	02/09/2021
b.	Planning Commission deadline date	02/09/2021
c.	Planning Commission Meeting	03/02/2021

2. Background Information

OS Hope Rd, LLC has submitted an application to develop a townhome project.

The portion of the parcel that will contain the proposed townhome development is approximately 28.49 acres and is located on Hope Rd. in Spartanburg, SC. The developer is proposing to build 24 buildings that will contain a total of 192 units. Common open space required for the proposed townhome development at 10% of the 28.49 acres is 2.85 acres, and the developer is proposing 9.5 acres or approximately 33.3%. The proposed development will have 0.93 total miles of new road that will remain private. The total building square footage for all units will be approximately 192,000 sq. ft.

3. Staff Recommendation

Staff recommends that the Planning Commission grant conditional preliminary plat approval for Meadow Creek Housing, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant locations), SWS (water), SSSD (sewer), submittal of a landscape plan, and submittal of an encroachment permit from SCDOT.

Leigh MacDonald presented the board with an aerial image, proposed plat, and a street view. Ms. MacDonald also gave the location reference of the parcel by identifying Fairforest Elementary School.

Jerry Gaines asked if the easement on the plat was a maintenance access easement.

Richie Smith, Development Coordinator with Storm Water and Engineering, said that it was a storm-water maintenance access easement.

Whit Kennedy asked what the white area on the survey was referencing. Ms. MacDonald said that it was for future development.

Stewart Winslow inquired about the sewer line and the direction. Ms. MacDonald stated that the proposal was for a pump station.

Mr. Kennedy asked if there would be more than one permanent entrance. Ms. MacDonald said the applicant was planning to provide that, but that it was no longer a requirement in the new ordinance.

Toby McCall asked if there was going to be a traffic study. Richie Smith said that this was an SCDOT road and they would be doing the traffic study. Mr. McCall asked if Public Works would have the authority to override any plans or approvals made by SCDOT. Mr. Smith said that Public Works would be able to on internal roads. He also stated that they always review the findings of the traffic study during their review.

Mr. Kennedy asked if anyone had additional questions for the staff.

Donna Turner Williams made a motion to grant conditional preliminary plat approval for Meadow Creek Housing contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building

Codes (fire hydrant locations), SWS (water), SSSD (sewer), submittal of a landscape plan, and submittal of an encroachment permit from SCDOT. Jerry Gaines seconded the motion. The motion carried with a vote of 9 to 0.

2. Major (Final Plats) *- None

3. Major (Site Plan) –

a. T. Tree Farms RV Park

Brandy Blake presented the following Staff Report:

1. Factual Dates

a.	Planning Commission Application received	02/09/2021
b.	Planning Commission deadline date	02/09/2021
c.	Planning Commission Meeting	03/02/2021

2. Background Information

Blue Sky Associates is proposing to establish a new RV Park at 1970 Landrum Mill Road. The proposed development includes 50 recreational vehicle sites. All proposed new sites will be located within +/- 13 acres of the +/- 39-acre parcel. The proposed RV Park will contain 0.58 miles of new road that will be privately maintained.

3. Staff Recommendation

Staff recommends that the Planning Commission conditionally grant Site Plan approval for 50 RV spaces for T. Tree Farms RV Park contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant location), Spartanburg County GIS for Road Naming and Addressing, DHEC (septic permits), and Inman Campobello Water District (water), submittal and approval of Architectural Design package.

Brandy Blake presented the board with an aerial view, site plan, and overall site layout. Ms. Blake referred to the undisturbed area and said that it was to be undisturbed for the time being.

Ms. Blake gave close-up visuals of the site and what the proposed layouts would be for each space.

Bill Hamilton asked if the development would be required to have sewer. Mr. Kennedy said that DHEC would determine septic approval and layout.

Mr. Kennedy asked if there were any additional questions for staff.

Donna Turner Williams made a motion to grant conditional Site Plan approval for T. Tree Farms RV Park contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant locations), Spartanburg County GIS for Road Naming and Addressing, DHEC (septic permits), ICWD (water) submittal and approval of Architectural Design Package. Les Green seconded the motion. The motion carried with a vote of 9 to 0.

Ms. Turner Williams excused herself and had to leave after this vote.

b. Zimmer Lease Buildings

Leigh MacDonald presented the following Staff Report:

1. Factual Dates

a.	Land Development Application received	01/29/2021
b.	Site Plan Received	01/29/2021
c.	Planning Commission Deadline Date	02/09/2021
d.	Planning Commission Meeting	03/02/2021

2. Background Information

An application has been submitted to develop an industrial property located on Dewberry Road in Cowpens. The total site will be on 5.99 acres and the applicant is proposing three buildings with a total of 36,000 square feet.

3. Staff Recommendation

Staff recommends that the Planning Commission grant conditional approval for the site plan for Zimmer Lease Buildings, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant locations), SSSD (sewer), submittal of a landscape plan, submittal of an architectural plan, submittal of an encroachment permit with SCDOT, and submittal of an easement agreement for ingress/egress/parking with 3-07-00-033.03.

Leigh MacDonald presented the board with an aerial view, site plan, and identified the area of the parcel that would require an easement agreement.

Mr. Kennedy asked if all buildings were on one property. Ms. MacDonald answered yes and pointed out the roads around the parcel as Dewberry Road and I-85.

Mr. Kennedy asked why the applicant was placing an easement across the property. Ms. MacDonald said the owner was the same among the properties and wished to have more ease of movement between them.

John Harris asked if the layout would meet the parking requirements as proposed. Ms. MacDonald said that it would meet the required amount of parking.

Mr. Kennedy asked if anyone had additional questions for staff.

Doug Brackett made a motion to grant conditional Site Plan approval for Zimmer Lease Buildings contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant locations), SSSD (sewer), submittal of a landscape plan, submittal of an architectural plan, submittal of an encroachment permit with SCDOT, and submittal of an easement agreement for ingress/egress/parking with 3-07-00-033.03. Bill Hamilton seconded the motion. The motion carried with a vote of 8 to 0 with Donna Turner Williams being absent for the vote.

- 4. Minor (Summary Plats) * - None**
- 5. Major (Summary Plats) * - None**
- 6. Preliminary Extension Request - None**
- 8. Subdivision Regulations**

A. Minor Subdivisions*

Leigh MacDonald requested that the following Minor Subdivision be read into the record as an approved Minor Subdivision:

a. Pittman Place

Les Green made a motion to read into the record Pittman Place as an approved Minor Subdivision. Bill Hamilton seconded the motion. The motion carried with a vote of 8 to 0 with Donna Turner Williams being absent for the vote.

B. Final Plats*-

Leigh MacDonald requested that the following Minor Subdivision be read into the record as an approved Minor Subdivision:

a. Blue Maple Ph. 3

Allen Newman made a motion to read into the record Blue Maple Ph. 3 as an approved Final Plat. Les Green seconded the motion. The motion carried with a vote of 8 to 0 with Donna Turner Williams being absent for the vote.

9. Proposed Amendments & Action Items

- a. Vote on Variance Request: Sherri Gilstrap
155 N. Kelly Rd., Woodruff

Tax Map Number: 4-25-00-077.00
Variance on road access.

Toby McCall made a motion to grant the variance request for a reduced road access easement from 50', as required by the County Road Access, to 26.2' Policy contingent upon language being placed in the deed that would 'prohibit the further subdivision of the parcel unless all requirements by Spartanburg County are met'. Doug Brackett seconded the motion. The motion carried with a vote of 8 to 0 with Donna Turner Williams being absent for the vote.

b. Vote on recommendation to County Council Regarding Amendment to the Unified Land Management Ordinance

Amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance No. O-99-15, so as to provide a mechanism to allow the mixing of uses in the form of a new type of Conditional Use for certain qualified sites, to set forth the requirements thereof, and to resolve some typographical errors and minor inconsistencies.

Les Green made a motion to grant a favorable recommendation to County Council regarding the proposed mixed-use amendment to the Unified Land Management Ordinance (ULMO) adding an exception for the heights and setbacks for existing buildings. Doug Brackett seconded the motion. The motion carried with a vote of 8 to 0 with Donna Turner Williams being absent for the vote.

10. Other Business

A. Monthly Subdivision and Land Use Report
B. Policies and Procedures Update

Ms. Holliday told the Commissioners that the Policies and Procedures for the Performance Zoning Ordinance and the Subdivision Regulations would be forthcoming. The proposed amendment was a top priority.

11. Adjournment

There being no other business, Les Green made a motion to adjourn the meeting. Allen Newman seconded the motion. The motion carried with a vote of 8 to 0 with Donna Turner Williams being absent for the vote.

By: _____
Doug Brackett, Planning Commission Secretary
Prepared by: Planning and Development Department Staff

* These items require no action other than being read into the minutes.