



# Spartanburg County

## Planning and Development Department

### MINUTES

Planning and Development Commission  
County Council Chambers, 4:30 p.m.  
**June 04, 2019**

**Members**

**Present:**

Whit Kennedy, Chairman  
Toby McCall, Vice Chairman  
Allen Newman  
Les Green  
Jerry Gaines  
Martial Robichaud  
Donna Turner Williams  
Stewart Winslow

**Members**

**Absent:**

Doug Brackett, Secretary

**Staff Present:**

John Harris, County Attorney  
Joan Holliday, Interim Director  
Josh Henderson, Senior Planner  
Leigh MacDonald, Senior Planner  
Richie Smith, Development Coordinator  
Azriel Gonzales, 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**

Chairman Whit Kennedy called the meeting to order.

**2. Approval of Minutes (May 07, 2019 Regular Meeting)**

Jerry Gaines made a motion to approve the May 07, 2019 minutes as submitted. Les Green seconded the motion. The motion carried with vote of 8 to 0.

**3. Old Business – None**

**4. New Business – None**

**5. Public Hearing –**

**a. Variance Request – Drayton Mill Village Townhomes  
Dalmatian Dr., Spartanburg (7-09-09-022.06)**

Josh Henderson presented the following staff report:

**Factual Dates**

- a. Variance Application Received 05/07/2019
- b. Deadline for Variance 05/07/2019
- c. Public Notice – Herald Journal 05/19/2019
- d. Adjoining Property owners notified 05/21/2019
- e. Variance Sign Posted on Property 05/21/2019
- f. Planning Commission Meeting 06/04/2019

**Background Information**

A variance request has been submitted for the property located on Dalmatian Dr., in Drayton, SC 29301. The townhome portion of this development was previously conditionally approved by the Planning Commission on February 06, 2018. The site has been re-designed to allow for a staggered building plan that has more of a community look and feel.

The applicant is requesting the following variance:

To reduce the front setback to 15’ from 20’ as required in Section 2.02-1 Dimensional Standards, Table 3a – Residential Setbacks & Other Requirements.

**Staff Recommendation**

*The Board may grant a variance if it makes the following findings:*

**a.) There are extraordinary and exceptional conditions pertaining to the particular piece of property.**

*The variance request does not appear to meet this criteria.*

The property does not appear to contain extraordinary or exceptional conditions, which would require a variance.

**b.) These conditions do not generally apply to other property in the vicinity.**

*The variance request does not appear to meet this criteria.*

There do not appear to be conditions that apply to this property that do not apply to other property in the vicinity.

**c.) Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.**

*The variance request does not appear to meet this criteria.*

This project was previously approved with all buildings meeting the required front setback.

**d.) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

*The variance request appears to meet this criteria.*

The proposed encroachment will be in the direction of the road right-of-way and the project will meet all other setback requirements along shared property lines.

*The request to reduce the required front setback to 15' from 20' does not appear to meet the four criteria for granting a variance as set forth in 5.01-2(2)(f)(2) of the ULMO and the SC Local Government Comprehensive Planning Enabling Act (SC Code of Laws, Title 6, Chapter 29). Therefore, staff is unable to recommend approval of the variance.*

Josh Henderson presented the Board with an aerial image, site plan, and image of the property.

Chairman Kennedy added that the purpose of the front setback requirement was to provide for off street parking, which does not apply in this situation as parking and driveways will be from the rear private alley.

Chairman Kennedy opened the public hearing.

Jennifer Calabria with Pacolet Milliken, the current land owner, was sworn-in. She advised the Commission of her intent to provide new housing for middle income families that would provide a beautiful landscape with walking trails. The ideal design includes staggering the placement of the buildings to eliminate an unsightly single row that would resemble a hotel corridor and contradict the goal of developing a comfortable neighborhood.

Phillip Day with Fallen Development was sworn-in. He believes the variance request meets all four criteria for granting a variance. There is an 18' fall across the lots, resulting in a 15.6% slope. No other properties in the vicinity share the same extreme grade changes. Strict application of the ordinance would require installation of a cement retaining wall to account for the grade changes and destroy the natural features of the property, which would be used for public green space and walking trails.

Chairman Kennedy closed the public hearing.

**6. Discussion Items – None**

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

**A. Subdivisions**

**1. Major (Preliminary Plats) –**

**a. Bexley Park West**

Josh Henderson presented the following Staff Report:

**Factual Dates**

a. Plats and Application received	05/14/2019
b. Planning Commission deadline date	05/14/2019
c. Planning Commission Meeting	06/04/2019

**Background Information**

Boiling Springs Land Holdings, LLC has submitted an application for a patio home single-family residential subdivision. The proposed development is located on the 10.03-acre parcel in question on Clark Rd. in Boiling Springs, SC and is currently vacant. The developer is proposing 24 single-family patio home residential lots. Common open space required for the proposed patio home development at 10% of the 10.03 acres is 1 acre, and the developer is

proposing 2.11 acres or approximately 21%. The subdivision will have 0.11 total miles of new roadbed, which will be dedicated to Spartanburg County for maintenance. This proposed development was part of the Bexley Park proposed development that received Planning Commission approval in January 2017. They have revised the number of lots, and this phase is increasing by 6 lots from what was previously approved.

**Staff Recommendation**

Staff recommends that the Planning Commission conditionally grant preliminary plat approval for Bexley Park West, contingent upon receiving approvals from Spartanburg County Engineering for the roads and Stormwater.

Josh Henderson presented the Commission with an aerial view, site plan, and street view of the property.

Stewart Winslow made a motion to grant conditional preliminary plat approval for Bexley Park West, contingent upon receiving approvals from Spartanburg County Engineering for the roads and Stormwater. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

**b. Cottages at Broken Chimney Sec. 2**

Josh Henderson presented the following Staff Report:

**Factual Dates**

- a. Plats and Application received 05/01/2019
- b. Planning Commission deadline date 05/14/2019
- c. Planning Commission Meeting 06/04/2019

**Background Information**

BVI Development Corporation has submitted an application for single-family residential subdivision. The proposed development is located on 12.85 acres of the parcel in question on Broken Chimney Rd. in Inman, SC and is currently vacant. The developer is proposing 15 single-family residential lots. The subdivision will have 0.19 total miles of new roadbed, which will be dedicated to Spartanburg County for maintenance.

**Staff Recommendation**

Staff recommends that the Planning Commission conditionally grant preliminary plat approval for Cottages at Broken Chimney Sec. 2, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, SWS (water), and submittal of a plat subdividing the parcel in question which will result in all parcels meeting all requirements in the ULMO.

Josh Henderson presented the Commission with an aerial view, site plan, and street view of the property.

Josh Henderson asked that the Commission add a contingency to revise the preliminary plat to indicate sight easements across adjacent parcels.

Toby McCall made a motion to grant conditional preliminary plat approval for Cottages at Broken Chimney Sec. 2, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, SWS (water), submittal of a plat subdividing the parcel in question which will result in all parcels meeting all requirements in the ULMO, and submittal of a revised plat showing sight easements. Jerry Gaines seconded the motion. The motion carried with a vote of 8 to 0.

**c. Cheslyn Place**

As the attorney for this project, Jerry Gaines left the room and abstained from the vote.

Josh Henderson presented the following Staff Report:

**Factual Dates**

- |                                      |            |
|--------------------------------------|------------|
| a. Plats and Application received    | 05/14/2019 |
| b. Planning Commission deadline date | 05/14/2019 |
| c. Planning Commission Meeting       | 06/04/2019 |

**Background Information**

ROI Properties, Inc. has submitted an application for a single-family residential subdivision. The proposed development is located on 16.3 acres of the parcels in question on Meadow Farm Rd. in Inman, SC which are currently vacant. The developer is proposing 52 single-family residential lots. The subdivision will have 0.26 total miles of new roadbed, which will be dedicated to Spartanburg County for maintenance.

**Staff Recommendation**

Staff recommends that the Planning Commission conditionally grant preliminary plat approval for Cheslyn Place, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, SSSD (sewer line extension), submittal of a plat combining the parcels in question which will result in the parcel meeting all requirements in the ULMO, and either go through the process to dedicate r.o.w. to Spartanburg County or submit a revised preliminary plat indicating the pins back in their current locations.

Josh Henderson presented the Commission with an aerial view, site plan, and street view of the property.

Allen Newman made a motion to grant conditional preliminary plat approval for Cheslyn Place, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, SSSD (sewer line extension), submittal of a plat combining the parcels in question which will result in the parcel meeting all requirements in the ULMO, and either go through the process to dedicate r.o.w. to Spartanburg County or submit a revised preliminary plat indicating the pins back in their current locations. Donna Turner Williams seconded the motion. The motion carried with a vote of 7 to 0.

Mr. Gaines returned to the room.

**d. Kaydens Korner Section 2**

Josh Henderson presented the following Staff Report:

**Factual Dates**

- a. Plats and Application received 05/14/2019
- b. Planning Commission deadline date 05/14/2019
- c. Planning Commission Meeting 06/04/2019

**Background Information**

Patterson Developers of Lyman, Inc. has submitted an application for single-family residential subdivision. The proposed development is located on 13.31 acres of the parcels in question on Galloway Rd. in Lyman, SC and is currently vacant. The developer is proposing 20 single-family residential lots. The subdivision will have 0.22 total miles of new roadbed, which will be dedicated to Spartanburg County for maintenance.

**Staff Recommendation**

Staff recommends that the Planning Commission conditionally grant preliminary plat approval for Kaydens Korner Section 2, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant location), SJWD (water), and submittal of a plat subdividing and combining the parcels in question which will result in meeting all requirements in the ULMO. There is also a contingency to submit a revised preliminary plat indicating the proposed mailbox kiosk per the USPS and the sight easements per the ULMO. Lastly, there is also a contingency to either relocate the existing Town of Lyman boundary line so none of the parcel in question is within their jurisdiction, or the County will need approval of the preliminary plat by the Town of Lyman.

Josh Henderson presented the Commission with an aerial view, site plan, and street view of the property.

Les Green made a motion to grant conditional preliminary plat approval for Kaydens Korner Section 2, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant location), SJWD (water), and submittal of a plat subdividing and combining the parcels in question which will result in meeting all requirements in the ULMO. There is also a contingency to submit a revised preliminary plat indicating the proposed mailbox kiosk per the USPS and the sight easements per the ULMO. Lastly, there is also a contingency to either relocate the existing Town of Lyman boundary line so none of the parcel in question is within their jurisdiction, or the County will need approval of the preliminary plat by the Town of Lyman. Donna Turner Williams seconded the motion. The motion carried with a vote of 8 to 0.

**2. Major (Final Plats) \* - None**

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

Josh Henderson requested the following to be read into the record as approved:

- a. Point South Homes, LLC**
- b. Stanislav Stanislavov**
- c. The Fields at Moore Farm**
- d. Gaureac Subdivision**
- e. S&H Enterprises**
- f. BBB Development, LLC**
- g. Apple View**
- h. JBS Investments**

Allen Newman made a motion to read Point South Homes, LLC, Stanislav Stanislavov, The Fields at Moore Farm, Gaureac Subdivision, S&H Enterprises, BBB Development, LLC, Apple View, and JBS Investments into the record as approved Minor Summary Plats. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

**i. Michael T. Green**

As the attorney for this project, Jerry Gaines abstained from this vote.

Toby McCall made a motion to read Michael T. Green into the record as an approved Minor Summary Plat. Stewart Winslow seconded the motion. The motion carried with a vote of 7 to 0.

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

Josh Henderson requested the following be read into the record as approved:

**a. Victor Petrovich Frolov**

Jerry Gaines made a motion to read Victor Petrovich Frolov into the record as an approved Minor Private Road Development. Donna Turner Williams seconded the motion. The motion carried with a vote of 8 to 0.

**5. Minor (Family Property) \* - None**

**B. Land Development**

**1. Major (Preliminary Plats) –**

**a. Drayton Mill Village Townhomes – Setback Variance**

Jerry Gaines made a motion to grant the variance based on the determination that the request meets all criteria for granting a variance as set forth in Section 5.01-2(2)(f)(2) of the ULMO and the SC Local Government Comprehensive Planning Enabling Act (SC Code of Laws, Title 6, Chapter 29).

a. The Board concludes that the Applicant(s) does have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to this particular property based upon the following finds of fact:

There is an 18' fall across the lots, resulting in a 15.6% slope.

b. The Board concludes that these conditions do not generally apply to other property in the area based on the following findings of fact:

No other properties in the vicinity share the same extreme grade changes.

c. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

Strict application of the ordinance would require installation of a cement retaining wall to account for the grade changes and destroy the natural features of the property, which would be used for public green space and walking trails.

d. The Board concludes that the authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance based upon the following findings of fact:

The proposed encroachment will be in the direction of the road right-of-way and the project will meet all other setback requirements along shared property lines.

Allen Newman seconded the motion.

Chairman Kennedy added that the intent of the setback portion of the ordinance was to ensure that off street parking was accounted for, which is not an issue in this case. The motion carried with a vote of 8 to 0.

**b. Drayton Mill Village Townhomes**

Josh Henderson presented the following Staff Report:

**Factual Dates**

- |                                      |            |
|--------------------------------------|------------|
| a. Plats and Application received    | 05/07/2019 |
| b. Planning Commission deadline date | 05/14/2019 |
| c. Planning Commission Meeting       | 06/04/2019 |

**Background Information**

Drayton Mills Venture, LLC has submitted an application to develop a townhome project. The proposed development is located on 21 acres of the parcels in question along Dalmatian Dr. in Spartanburg, SC and which currently vacant. The developer is proposing to build 28 buildings that will contain a total of 118 units which is a density of 5.8 units per acre and this development is allowed 12 units per acre since it has frontage on a collector road. Common open space required for the proposed townhome development at 10% of the 21 acres is 2.1 acres and the developer is proposing 11.68 acres or approximately 57.8%. A 10' Type 2 Bufferyard is required along the shared property line with the adjacent existing single family residential parcel. The proposed development will have 0.54 total miles of new roadbed that will remain private except for the 0.15 total miles of the Skyuka St. extension that

will be dedicated to Spartanburg County for maintenance. The total building square footage for all units will be 259,600 sq. ft. This development is also requesting a variance to reduce the front setback for lots 15-34 from 20' to 15'. This project was previously approved by the Planning Commission in February 6, 2018 for a total of 38 townhome lots.

**Staff Recommendation**

Staff recommends that the Planning Commission conditionally grant preliminary plat approval for Drayton Village Townhomes, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire approval), SWS (water), SSSD (sewer), and submittal of plat subdividing and combining the parcels in question which will result in all parcels meeting all requirements in the ULMO. There is also a contingency to submit a revised preliminary plat meeting the requirements for an additional turn lane since the development is over 100 total lots.

Josh Henderson presented the Commission with an aerial view, site plan, and street view of the property.

Martial Robichaud made a motion to grant conditional preliminary plat approval for Drayton Mill Village, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire approval), SWS (water), SSSD (sewer), and submittal of plat subdividing and combining the parcels in question which will result in all parcels meeting all requirements in the ULMO. There is also a contingency to submit a revised preliminary plat meeting the requirements for an additional turn lane since the development is over 100 total lots. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

**2. Major (Final Plats) \* - None**

**3. Major (Site Plan) –**

**a. Redwood Living**

Josh Henderson presented the following Staff Report:

**Factual Dates**

a. Site Plan and Application received	05/14/2019
b. Planning Commission deadline date	05/14/2019
c. Planning Commission Meeting	06/04/2019

**Background Information**

Redwood Living has made an application to develop an apartment complex on the 21.65-acre parcel located on Seay Rd. and Hwy 9 in Inman, SC and is currently vacant. The applicant is proposing to build 16 buildings with a total of 122 units, which is a density of 5.63 units per acre. Frontage on an Arterial Road allows for maximum density. Common space required for the proposed development at 15% of the 21.65 acres is 3.25 acres, and the applicant is proposing approximately 10.63 total acres or approximately 49%. The total

building footprint for the 16 buildings is 225,337 square feet (excluding the proposed maintenance and office building).

**Staff Recommendation**

Staff recommends that the Planning Commission conditionally grant site plan approval for the Redwood Living apartment development, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant location), Spartanburg County Road Naming, Spartanburg County Addressing, and an Encroachment Permit approval from SCDOT. There is also a contingency for a recorded cross easement for the entrance of the parcel in question and the adjacent parcel 2-36-00-086.12.

Josh Henderson presented the Commission with an aerial view, site plan, and street view of the property.

Jerry Gaines inquired as to why the project is sharing an entrance with the neighboring parcel. Mr. Henderson advised the Commission that the shared driveway design is at the request of SCDOT.

Donna Turner Williams made a motion to grant conditional site plan approval for Redwood Living, contingent upon receiving approvals from Spartanburg County Engineering and Stormwater, Spartanburg County Building Codes (fire hydrant location), Spartanburg County Road Naming, Spartanburg County Addressing, and an Encroachment Permit approval from SCDOT. There is also a contingency for a recorded cross easement for the entrance of the parcel in question and the adjacent parcel 2-36-00-086.12. Stewart Winslow seconded the motion. The motion carried with a vote of 8 to 0.

**4. Minor (Summary Plats) \* - None**

**5. Major (Summary Plats) \* - None**

**6. Preliminary Extension Request - None**

**8. Proposed Amendments & Action Items –**

**a. Camps and Recreational Vehicle Parks**

Joan Holliday presented the proposed amendment that would allow access from a minor road and remove the maximum impervious surface are ratio to match the PZO. Chairman Kennedy questioned the consequences of allowing 100% impervious surface ratio. Richie Smith believed most campgrounds to desire the rural look to appease their clientele and doubted that there would be any issues from this change. Jerry Gaines made a motion to forward a favorable recommendation to County Council for them to hold a public hearing. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

**9. Other Business**

**a. Monthly Subdivision and Land Use Report**

**b. Discussion of proposed PZO, Subdivision Regulations, and ULMO Amendments**

Chairman Kennedy wished to discuss the architectural standards in the proposed PZO, which in its current form is limited to appearance corridors. As no appearance corridors have been designated, standards will be less than they are in the ULMO. Martial Robichaud made a motion to have staff work with the Commission to present a letter from the Commission to County Council with a recommendation to revert back to their original architectural standards applied to all Arterial and Collector roads. Donna Turner Williams seconded the motion. The motion carried with a vote of 8 to 0.

Chairman Kennedy also asked staff to research other municipalities and speak to Charlie Compton regarding possible language to require a turnaround on summary lots that take access off existing County roads.

Joan Holliday presented the Commission with a draft Private Road Policy and advised that engineering and storm water requirements would be taken out of the ULMO and moved into a Public Works document. Jerry Gaines expressed concerns regarding the lien language and the Commission decided to take time to review the document before taking action. Ms. Holliday alerted the Commission that in the coming meetings, staff would also be presenting a utility policy, policy and procedures for the PZO and Subdivision Regulations, and an access management policy. Chairman Kennedy asked that the Commission be prepared to hold a special meeting in July to address these items.

**10. Adjournment**

There being no other business, Jerry Gaines made a motion to adjourn. Toby McCall seconded the motion. The motion carried with a vote of 8 to 0.

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.