

MINUTES

Planning Commission

Special Meeting

July 2, 2004 7:30 a.m.

Pursuant to the Freedom of Information Act, notice of this meeting date, time, place, and agenda was posted on the bulletin board at the entrance of the County Administration Building and mailed to the Spartanburg Herald Journal. It was also sent to concerned citizens who have requested to receive the information.

Members Present: Whit Kennedy, Chairman
David Burnett, Vice-Chairman
Purnell Morris
Jerry Gaines

Members Absent: Shelia Bailey
Doug Brackett, Secretary
John Campbell
Marion Gramling
Phillip Lawson

Staff Present: Emory Price, Planning and Development Director
Edwin Haskell, County Attorney
Joan Holliday
Sherry Dull
Mike McGrath

The purpose of this specially-called meeting of the Planning Commission was specifically for the Commissioners to review and discuss the proposed amendments to the Unified Land Management Ordinance prior to their public hearing on July 13, 2004 regarding the same subject. The group had breakfast at The Junction.

Emory Price opened the meeting by explaining how the discussion would proceed. Mr. Price, Joan Holliday, and Sherry Dull presented the amendments in the order that follows. Ms. Holliday explained that some of the material was new

and that the Land Use Committee had not yet seen it, but she wanted them to have it since the Land Use Committee would be reviewing it in their meeting next week. She also explained that there were still some proposed amendments in the original packet that the Land Use Committee had not reviewed and approved as a group.

1. This amendment addresses commercial access onto residential streets. The concern has been raised repeatedly by established residential neighborhoods behind newly-locating commercial developments. It includes some clarifications of road classification definitions. The Planning Commissioners approved the proposed amendment as currently written.
2. This amendment will allow the use of conservation subdivisions to be county-wide with a requirement for roads built to standards in the urban area (urban according to the Comprehensive Plan). The Planning Commissioners approved the proposed amendment as currently written.
3. Requirements for the provision of open space in mobile parks and for paving the existing road in order to expand a mobile home park are addressed by this proposed amendment. David Burnett recommended that the wording be changed to require open space in a mobile home park whether new or an expansion of an existing park to a total of 25 lots. The Planning Commissioners approved the proposed amendment with this change.
4. This item was deleted at an earlier meeting by the Land Use Committee. It attempted to deal with buffers for sharp changes in elevation.
5. This proposed amendment adds a condominium section to the ULMO and combines all the attached, multi-plex development types of projects into one section. It also removes the setback waiver for townhomes, but adds parking requirements for townhomes. The Planning Commissioners approved the proposed amendment as currently written.
6. This proposed amendment adds the statement to the Ordinance that commercial and industrial developments must access off of a paved state, county or municipally maintained road. After some discussion, the Commissioners instructed staff to change the wording to say “must take access from” a state, county or municipally maintained road. It was clarified that it is the “development” that must take access from the publicly-maintained road (meaning that there can be more than one private commercial road in the development just so the main road take its access from the publicly maintained road). The Planning Commissioners approved the proposed amendment with this change.

7. This proposed amendment addresses storm drainage. It clarifies where to find requirements for storm water materials and installation and describes how pipe sizes are to be determined. The Planning Commissioners approved the proposed amendment as currently written.
8. This proposed amendment adds cul-de-sac illustrations. The Planning Commissioners approved the proposed amendment as currently written.
9. This proposed amendment imposes a late fee for mobile home park license renewal. The Planning Commissioners approved the proposed amendment as currently written.
10. This proposed amendment separates Table 3 into residential and “other” uses. The purpose is to make the table easier to use. Ms. Holliday explained that even though some of the individual changes had been approved by the Land Use Committee that they had not yet reviewed the table. Mr. Kennedy said that it would need to go to the Land Use Committee for approval. It will not be considered in the Planning Commission’s public hearing.
11. Specifications for paving parking lots will be addresses by this proposed amendment. Whit Kennedy wanted it to make sure it was clear that this means parking lots required by this ordinance and not driveways. The Planning Commissioners approved the proposed amendment as currently written.
12. This proposed amendment removes the waivers for setbacks on patio homes and reduces the front setback requirement to 15 feet for that particular use. The Planning Commissioners approved the proposed amendment as currently written.
13. This proposed amendment fixes front setback for patio homes in Table 3. The Planning Commissioners approved the proposed amendment as currently written.
14. This proposed amendment attempted to add setback illustrations. The Planning Commission subcommittee of the Land Use Committee deleted it at a prior meeting.
15. This proposed amendment seeks to clarify that any frontage on a street will be considered a front setback. It as combined with amendment #10 changing Table 3 after the Land Use Committee approved it.

16. This proposed amendment updates asphalt/bulk storage with a reference to DHEC requirements and adds a reference to the requirements of Table 3. Mr. Kennedy commented about the statement in the first paragraph of this section regarding the language “from the spills and leakage of fluids” stating that asphalt plants/trucks do not leak liquids. Staff said that they would take care of the numbering/formatting problem before the public hearing. Mr. Kennedy asked that a better explanation of the amendment be included on the form. The Planning Commissioners approved the proposed amendment with the changes noted. *(Note: Mr. Kennedy repeated his comments in the Land Use Committee meeting on July 15 and made it clear that he meant for the language to come out of the proposed amendment at Planning Commission’s special meeting. This recommendation was agreed upon by the Land Use Committee.)*
17. This proposed amendment removes the reference to the County’s responsibility for stormwater management and sediment reduction since the Environmental Services Division defers to DHEC on the matter already. It also adds a reference to the Table 3 requirements. The Planning Commissioners approved the proposed amendment as currently written.
18. This proposed amendment strengthens the tie between the County’s Unified Land Management Plan and its Solid Waste Management Plan. The Planning Commissioners approved the proposed amendment as currently written.
19. This proposed amendment will prohibit duplexes and multi-family projects on 25-foot flag lots. The Planning Commissioners approved the proposed amendment as currently written.
20. This proposed amendment includes making clear that remainder lots must meet the ULMO requirements, that flag lot “poles” shall not be used for measuring setbacks, that poles shall be a minimum of 25 feet, and other item dealing specifically with lots. The Planning Commissioners approved the proposed amendment as currently written.
21. This proposed amendment moves patio homes from Major Land Development category to Single Family Residential. The staff was asked if this changes the requirement for open space. It does not. The Planning Commissioners approved the proposed amendment as currently written.
22. This proposed amendment will require the installment of buffers before receiving COs or Certificates of Completion. The Planning Commissioners approved the proposed amendment as currently written.

23. This proposed amendment will allow staff to impose highest intensity buffers if use is not stated on the plat or site plan. The Planning Commissioners approved the proposed amendment as currently written.
24. This proposed amendment raises fees for certain reviews. The Planning Commissioners approved the proposed amendment as currently written.
25. Work will continue on this proposed amendment dealing with intensity definitions. It will include studying the bufferyard table in relation to the any new definitions.
26. This proposed amendment will allow division of family property without having to survey entire boundary in all cases. It also requires a “Family Property Restriction” form for all remainder lots. A surveyor must certify the amount of road frontage. The Commissioners discussed that the fact that it would be impossible to determine whether a survey would be cost prohibitive and instructed staff to remove that language. Edwin Haskell recommended some changes to the legal language on the Restriction form. The Planning Commissioners approved the proposed amendment with the changes.
27. This proposed amendment requires that the finished side of fence in bufferyards face outward. The Commissioners recommended that the language change to reflect that “a” finished side of the fence must face outward. The Planning Commissioners approved the proposed amendment with this change.
28. This proposed amendment sought to add the definition of passable (referring to poles of flag lots), but was deleted at an earlier meeting.
29. This proposed amendment changes the wording of the One Year Road Warranty to allow for tracking of lots where road has been completed and turned over to the County and where it has not been turned over. The Planning Commissioners approved the proposed amendment as currently written.
30. This proposed amendment updates the Review and Approval Authority Table to reflect the changes in attached, multi-plex development projects (Amendment #5). The Planning Commissioners approved the proposed amendment as currently written.

31. There is currently no parking for patio homes. This proposed amendment adds one. The Planning Commissioners approved the proposed amendment as currently written.
32. This amendment was proposed so that references to Building Codes could be changed to Planning Department where appropriate to reflect the move of Land Use back to Planning. The Land Use Committee instructed staff at an earlier meeting to handle this item administratively and delete the proposed amendment.
33. County Council recently passed a new, stand alone Flood Damage Prevention Ordinance. This proposed Amendment makes reference to the new ordinance and deletes the conflicting language from the ULMO. The Planning Commissioners approved the proposed amendment as currently written.
34. This amendment adds Right-of-Way Encroachment Permit, Development Permit, and Storm water Permit to the Types of required Permit/Certificates chart in Section 1.09 - Types of Required Permits/Certificates. David Burnett discussed whether the Development Permit should appear here since it appears in Table 2. Staff explained that having it in the chart would help with people knowing that there requirement exists. He instructed staff to leave it and refer to Table 2 rather than the fee. The Planning Commissioners approved the proposed amendment as currently written.
35. This proposed amendment removes the automatic granting of an extension to a letter-of-credit and allows Planning Commission to make the decision instead. The Planning Commissioners approved the proposed amendment as currently written.
36. The purpose of this proposed amendment is to define the lot size for a patio home. After much discussion about the Land Use Committee's last change to this language, the Commissioners decided to go back to the language of the originally-proposed amendment that set lot size limits between and including 4000 to 8000 square feet. The Planning Commissioners approved the proposed amendment with this change.
37. This amendment adds to the tools available to remedy violations. The Planning Commissioners approved the proposed amendment as currently written.

38. This proposed amendment seeks to require digital plat submittals to aid with GIS updates. It was referred to Digital Plat Committee by the Land Use Committee. It is a complex issue that requires more study.
39. This proposed amendment separates the parking requirements for public swimming pools and neighborhood swimming pools and adds parking requirements for clubhouses. The Planning Commissioners approved the proposed amendment as currently written.
40. This proposed amendment will define “permanent maintained business use” as it relates to the requirement in the ULMO for billboards. David Burnett recommended that this definition be placed into the Off-Premise Sign section of the ULMO and not the Definition section. Ms. Holliday explained that this is a new amendment that the Land Use Committee has not yet seen. Mr. Kennedy said that he did not have a problem with it, but that did not feel that it should be included for consideration at the Planning Commission’s public hearing.

The group having reviewed all the material for the Planning Commission public hearing, Mr. Kennedy reiterated his concern regarding the presentation of new material that did not appear on the website which was mentioned in the legal advertisement. Ms. Holliday said that she understood, but that she wanted the Commissioners to have the material that would be passed out to the Land Use Committee the following week. She said that the staff would make sure that packets passed out to the public for the Planning Commission public hearing would include only the material that appeared on the website.

There being no further business, the meeting was adjourned.