

MINUTES
GREENVILLE COUNTY PLANNING COMMISSION
January 28, 2009

MEMBERS PRESENT: B. Robinson, Chair; F. Mansbach, V. Chair; J. Barbare, D. Eldridge, L. Stevens, R. Bell, T. Usher, S. Pruitt and R. McCoy

MEMBERS ABSENT: none

STAFF: M. Long; J. Owings; T. Meeks; S. Limbaker, P. Webb, K. McCormick; S. Garnmeister; D. McGee and H. Hahn

CALL TO ORDER; OPENING REMARKS

The Chair called the meeting to order at 4:30 p.m. and gave the invocation.

APPROVAL OF THE DECEMBER 3, 2008 MINUTES

Without objection the minutes of the December 3, 2008 meeting were approved as presented.

Mr. Barbare asked if granting of a variance ever expires.
Mark Tollison, County Attorney, addressed the question and stated a variance can expire.

PRELIMINARY SUBDIVISION APPLICATION

09-100, Adams Estates

Pat Webb addressed the Commission members regarding a subdivision application to divide property, with a variance for an unpaved shared drive in a zoned area. Ms. Webb explained this was for the Estate division for family.

Ms. Bertha Pitts addressed the Commission regarding the above request.

MOTION: By Mr. Barbare, seconded by Ms. Stevens to approve the applicant's request. The motion carried unanimously.

RECONSIDERATION OF SPECIFIC REQUIREMENTS

Milestone /Village/Stone Village Drive

Ms. Webb stated she had received a written request from the developer to hold this item.

Mr. Robinson passed the gavel to Mr. Mansbach.

MOTION: By Mr. Robinson, seconded by Mr. Barbare to hold the item until the next regular Planning Commission meeting. The motion carried unanimously.

Mr. Mansbach passed the gavel back to Mr. Robinson.

REZONING REQUESTS

Mr. Limbaker explained the rezoning process for all attending the meeting. He explained the public comment process to the audience.

The following individuals had requested addressing the members of the Planning Commission regarding the following dockets.

CZ-2008-79, Citizens from the Greenpond/Martin Road Area, located in the Greenpond/Martin Road area south of Highway 418, requesting to initiate zoning.

Mr. Joe Knight , 230 Greenpond Road addressed the Commissioners in favor of the proposed.

CZ-2008-01, David Pitts, for Brian Smith, located on Highway 418, requesting rezoning from R-S to C-3.

Mr. David Pitts, with Drysdale Real estate addressed the Commissioners in favor of the proposed.

CZ-2009-7, Kim Watford for Robby Lowery, located on Poinsett Highway, requesting rezoning from R-7.5 to NC.

Ms. Kim Watford addressed the Commissioners in favor of the proposed.

CZ-2009-8, Tom Mills, located on East Main Street (Taylors), requesting a major change to the existing POD.

Mr. Tom Mills addressed the Commission members in favor of the proposed.

Mr. Limbaker explained the process from this point forward and gave the staff's recommendation on the following:

CZ-2008-79, Citizens for the Greenpond/Martin Road Area, located in the Greenpond/Martin Road area south of Highway 418, requesting to initiate zoning in the unzoned area. Staff recommends approval.

CZ-2008-80, Greenville County Council proposed text amendment to Amend Section 3:2 of the Greenville County Zoning Ordinance to Create a Petition Method for Adoption of Zoning in Unzoned Areas of the County. Staff recommends approval.

CZ-2009-01, David Pitts for Brian Smith, located on Highway 418, requesting rezoning from R-S to C-3. Staff recommends denial.

CZ-2009-02, Bruce Gaston for SDR Properties, LLC, located on Saluda Dam Road, requesting rezoning from R-10 to R-S. Staff recommends approval.

CZ-2009-6, Leslie Guerra, located on Old Bleachery Road, requesting rezoning from R-7.5 to R-M2. Staff recommends approval.

CZ-2009-7, Kim Watford for Robby Lowery, located on Poinsett Highway, requesting rezoning from R-7.5 to NC. Staff recommends denial.

CZ-2009-8, Tom Mills, located on East Main Street (Taylors), requesting a major change to the existing POD. Staff recommends denial.

The Commissioners requested a more detailed explanation of zoning applications **CZ-2008-79**, **CZ-2008-80**, **CZ-2009-1**, **CZ-2009-7** and **CZ-2-009-8**.

MOTION: By Mr. Barbare, seconded by Mr. McCoy to approve CZ-2009-2 and CZ-2009-6. The motion carried unanimously.

CZ-2008-79 (County Council District 28)

The properties are not zoned. The proposed zoning districts are for R-S, Residential Suburban, R-R1, Rural Residential, and C-3, Commercial.

Designing Our Destiny Plan (April 1999). The Future Land Use Map indicates Rural Preservation and Rural Residential uses are preferred for this area.

Roads

Highway 418 is a major route that runs from west to east across the southern portion of the County. There are various two-lane SCDOT and County maintained roads in the area. No sidewalks are located along roads in this area and no road improvements are scheduled for roads in the proposed zoning area.

Proposed Zoning Districts

The stated goals and objectives of the citizens involved were directed toward preservation of the existing character of residential development in the area. To further this goal, most properties in the zoning area are proposed to be zoned R-R1, Rural Residential. Two other types of classifications are proposed as follows: (1) Properties noted above with existing non-residential improvements are proposed to be zoned C-3 Commercial; and (2) Those within the area that are not one acre in size are proposed for R-S, Residential Suburban.

Existing Land Use

The majority of the properties in the study area are occupied by rural residential land uses. Other land uses located near the City of Fountain Inn and on Fairview Church Road include commercial and services.

The proposed zoning area is located southwest of the City of Fountain Inn in an area known as the Greenpond Road area. Rural agricultural and residential uses have long comprised the predominant land uses in the area, but a few properties within the area have been converted to different uses in recent years, including residential subdivisions and several small businesses. The properties in this area do not have access to public water or sewer.

Following community meetings in the study area, the citizens established maintaining the residential and rural character of this area as their primary goal for zoning. The staff developed a zoning plan for this area to accomplish that goal and to identify those non-residential uses presently located in the proposed zoning area. A number of persons speaking at the public

hearing supported the proposed zoning plan, including a core group of citizens that initiated this effort and canvassed their community to obtain over 145 signatures in favor of the zoning proposal.

The following is a timeline of activities that have taken place to initiate the zoning process for the area.

October 2007 – Met with core group of residents to discuss the proposed subdivision (later withdrawn) and how zoning the area could alleviate some of the concerns about growth in the area.

June 2008 – Met with core group of residents to discuss how to proceed with zoning the area.

July 2008 – Staff worked on map of proposed area to be zoned and assisted citizens with mail out for community meeting.

July 15, 2008 – Staff held community meeting in Fountain Inn Activity Center to discuss zoning. Approximately 90 citizens attended. Signs were posted throughout the area and a mail out was sent to approximately 100 residents in the area.

July 2008 – Staff used the map from the July 15th meeting to create a more definitive area to be zoned.

August 1, 2008 – Met with core group of residents to review proposed zoning map and discuss possible zoning classifications for the area.

August 2008 – Staff worked on creating a more exact boundary of the area to be zoned to present to the community.

August 28, 2008 – Staff held a community meeting in Fountain Inn Activity Center to discuss draft boundary area and decide on the type of zoning for the area. Approximately 35 citizens attended. Signs were posted throughout the area to inform residents of the meeting.

September/October 2008 – Staff worked on defining the exact area to be zoned and the types of proposed zoning for the area.

October 20, 2008 – Staff presented request to PWPD Committee on behalf of the citizens to initiate zoning in the area. Staff provided proposed zoning map. PWPD Committee forwarded the request to Council for the October 21, 2008 meeting.

October 21, 2008 – Council recommends that request to initiate zoning be forwarded for a public hearing on November 17, 2008.

November 17, 2008 – Public Hearing is held on proposed zoning map and approximately 12 citizens were in attendance in favor of the request with no opposition in attendance.

December 3, 2008 – Planning Commission meeting.

January/February 2009 – PWPD Committee and Council Readings to follow.

Staff recommends approval of the proposed zoning map subject to amendments.

MOTION: By Ms. Eldridge, seconded by Mr. Bell to approve CZ-2008-79, using map #1 as presented by staff and to amend the map to reflect the two property owner's request,(the kennel and the S-1 request). The motion carried unanimously.

CZ-2008-80

The proposed text amendment to the Greenville County Zoning Ordinance would establish a formal process for the expansion of the zoning jurisdiction through the use of petitions in the unincorporated unzoned areas of Greenville County. The proposed amendment would allow for the imposition of zoning only in the unincorporated unzoned areas of the County where at least 50 percent of the property owners residing in an area comprised of at least one-square mile in size or 640 contiguous acres of properties bring an intent of interest to the Greenville County Planning Department via written evidence. Once a formal request involving the aforementioned property owners is brought forward, the Planning Department shall consult with the residents and property owners in the area to define the proposed zoning area.

Staff will prepare the proposed zoning map and make it available to the public for review and comment for a minimum of 30 days. The adoption of zoning requires the official submittal of a formal County Petition executed by 51 percent or more of the property owners who own at least 51 percent of the total acreage within the proposed area. After verification of the information set forth above, Planning Department Staff will forward the proposed petition and map for public hearing and to the Planning Commission for review and recommendation. The proposed map along with any recommendations and adjustments will be forwarded to the Public Works Planning and Development Committee who will consider and forward the proposed zoning map, with any amendments on to County Council for final consideration.

On October 21, 2008 County Council approved a petition and referendum method for the expansion of zoning in unzoned areas which provides for the initiation of zoning involving registered voters. During the adoption process of the referendum method, it was realized that some property owners may not have a voice in the initiation of zoning in an area because they did not reside in the area under consideration or they were not registered to vote. The proposed petition method alleviates this concern by involving property owners in the area proposed for zoning. It should be noted as stated in the proposed ordinance that neither this method nor the approved referendum method are the exclusive methods for initiation and adoption of new zoning in unzoned areas of the County.

Staff is of the opinion in certain circumstances it may be in the best interest of the citizens to allow areas smaller than one-square mile or 640 contiguous acres of properties to be zoned. In these cases, staff can work with the citizens in small areas where a consensus has been reached regarding zoning of their properties. Through group citizen meetings, staff can identify specific areas to be zoned and expedite the zoning of smaller areas. In most of these instances, the smaller areas are typically one type of land use and a single zoning classification such as R-R1, Rural Residential, or R-S, Residential Suburban is appropriate for all parcels. In these cases, not as much information or detail is required to complete a land use plan. Criteria should be included in the Ordinance to establish when either the precinct voting method or the small area zoning method should be applied. Staff recommends approval.

Mr. Limbaker stated upon some concerns, staff worked with Commissioners Stevens and Usher to work out the concerns related to language within the proposed ordinance. He stated the Commissioners received the draft of the changes in their agenda packets.

MOTION: By Mr. Mansbach, seconded by Mr. Usher to approve the revised ordinance. The motion carried unanimously.

CZ-2009-01 County Council District 28

The subject property is zoned R-S, Residential Suburban, and allows single-family residences at a density of 1.7 units per acre. The requested C-3, Commercial, allows intensive commercial uses.

Designing Our Destiny Plan (April 1999). The Future Land Use Map indicates Rural Residential uses are preferred for this area at a density of 0-1 units per acre.

Fairview Road Corridor Plan (June 2005). The Future Land Use Plan indicates Neighborhood Commercial Uses are possible for the front portion of the subject site. The Plan is not parcel based and the front portion of the subject site could be deemed to fall into the proposed Neighborhood Commercial area.

Roads

Highway 418 is a two-lane SCDOT maintained road. Sidewalks are not present and the SCDOT confirmed that left turn lanes will be constructed on Hwy. 418 and Fairview Road at the existing traffic signal funded by the Greenville Legislative Delegation Transportation Committee. The contract has been awarded and construction should begin in the near future.

The subject property is located on Highway 418 in southern Greenville County. The subject property is zoned R-S, Residential Suburban, and is occupied by a single-family residence on an estate size lot. The parcels to the adjacent west are zoned R-S, Residential Suburban, and C-2, Commercial, and are occupied by single-family residences and Falls Motor Sports respectively. The parcels to the adjacent north and east are also zoned R-S, Residential Suburban, and are occupied by single-family residences. The parcels to the south and southwest across Highway 418 are Unzoned, undeveloped and occupied by a retail strip center and gas station at the intersection of Highway 418 and Fairview Road.

Zoning History

The subject property was originally zoned R-S, Residential Suburban, as part of Area 10 in December 1994. There have been no other rezoning requests for the subject property. A request to rezone the parcel to the west fronting Highway 418 (Falls Motor Sports) from R-S, Single-Family Residential, to C-2, Commercial, was submitted in 1997 as Docket CZ-1997-25. Staff and PWRD Committee recommended approval with Council subsequently approving the request on April 15, 1997. Staff recommended approval of the aforementioned request based on the objectives of the Land Use Plan for Area 10, one of which was to cluster commercial uses at major intersections. The remainder of the parcels zoned commercial in the area were zoned as part of the Area 10 zoning in December 1994.

Staff is of the opinion the proposed C-3, Commercial, zoning designation and permitted uses are too intensive at this location. In 2005, County Council approved the Fairview Road Corridor Plan with the area surrounding the intersection designated for Neighborhood Commercial uses and zoning classifications such as NC, Neighborhood Commercial, O-D, Office District and

POD, Planned Office District. The existing zoning and commercial uses in the immediate vicinity of the site were zoned as part of Area 10 in December 1994 or prior to the adoption of the Fairview Road Corridor Plan in 2005. The intent during the area zoning was to allow for limited commercial uses at the immediate intersection of Fairview Road and Highway 418. In 2005 the Fairview Road Corridor Plan designated the area for Neighborhood Commercial zoning due to the proximity of the regional commercial shopping area located 3 miles to the north on Fairview Road which continues to develop.

Staff is also of the opinion the proposed C-3, Commercial, request would encroach into the residential areas adjacent to the west, north and east. A tract of this size zoned C-3, Commercial would not serve as a transition between the existing C-2, Commercial, zoning and uses to the west and the adjacent properties zoned R-S, Residential Suburban, occupied by single-family residences. It is important to note the Fairview Road Corridor Plan was not parcel based and only the front portion of the subject site, at best, would be considered as being located within the Neighborhood Commercial designation of the Plan. Based on the aforementioned reasons, staff recommends denial.

MOTION: By Mr. Barbare, seconded by Mr. Mansbach to deny the applicant's request. The motion carried with two in opposition (Pruitt and Robinson).

CZ-2009-7 County Council District 19

The property is currently zoned R-7.5, Single-Family Residential, which allows 5.8 dwelling units per acre, and is occupied by a vacant single-family residence. The requested NC, Neighborhood Commercial, proposal would permit a hair salon in the existing structure.

Plans and Policies

Designing Our Destiny Plan (April 1999). The Future Land Use Plan indicates suburban residential uses are preferred for this area.

Cherrydale Area Plan (August 2008). The Cherrydale Area Plan indicates Medium Density Residential is preferred for this area.

Roads

Poinsett Highway is a five-lane, SCDOT maintained U.S. Highway with no sidewalks present. No road improvements are currently scheduled.

The subject property is located on Poinsett Highway north of Cherrydale. The property is currently zoned R-7.5, Single-Family Residential, and is occupied by a vacant single-family residence. The requested NC, Neighborhood Commercial, district would permit commercial uses, among them being a hair salon, in the existing structure. The parcel to the adjacent west is zoned R-7.5, Single-Family Residential, and is occupied by a single-family residence. The parcel to the adjacent north is zoned R-7.5, Single-Family Residential, and is occupied by a single-family residence. The parcels to the east across Poinsett Highway are zoned C-2, Commercial, and are occupied by the vacant Ingles building and a gas station. The parcel to the south is zoned R-7.5, Single-Family Residential, and is occupied by a single-family residence.

Zoning History

The subject property was zoned R-7.5, Single-Family Residential, as a part of Area 3 in April 1972. In 1989, the property to the adjacent north was denied for C-2, Commercial, as CZ-89-120. The first two parcels on the next block south were denied rezoning to C-2, Commercial, in

1991 (CZ-1991-27) and were also denied rezoning to O-D, Office District, in 1999 (CZ-1999-09). However, in 2003, the parcels zoned C-1, just north of the site were rezoned as CZ-2003-09. In addition, the parcel to the north zoned O-D, Office District, was rezoned in 1997 as CZ-97-67. However, this request was recommended for denial by Planning Commission. There have been no rezoning requests for the subject parcel.

The subject property is located on the west side of Poinsett Highway. An older, vacant single-family residence is located on the subject property. The requested NC, Neighborhood Commercial, district would allow conversion of the home into a commercial use. While the plan presented does utilize the existing structure, there are several issues of concern. Foremost is the fact of noncompliance with the Cherrydale Area Plan, which was recently adopted by County Council in August of 2008. This Plan calls for the area on the west side of Poinsett Highway to remain residential. In addition, parking in the front of the structure, as shown on the site plan, is not residential in character due to site constraints. Additionally, approving this site as commercial will clearly set a precedent for other parcels to be rezoned to commercial. Each parcel with a drive access to Poinsett Highway will impact traffic and the capacity of the road. Based on these reasons, staff recommends denial.

Mr. Robinson passed the gavel to Mr. Mansbach.

MOTION: By Mr. Robinson, seconded by Mr. Barbare to approve the applicant's request. The motion failed by a vote of three in favor (Robinson, Pruitt and Barbare) and six opposed (Bell, McCoy, Stevens, Mansbach, Usher, and Eldridge).

Mr. Mansbach returned the gavel to Mr. Robinson.

CZ-2009-8 County Council District 18

The property is currently zoned POD, Planned Office District. There is an existing computer printer sales company, All Square Technologies, on site occupying the existing home with two accessory structures in the rear of the office. The major change application is to permit the construction of an approximately 2,100 square foot accessory structure for additional office and storage space and to add a curb cut for the property on Aiken Chapel Road.

Plans and Policies

Designing Our Destiny Plan (April 1999). The Future Land Use Plan indicates suburban residential uses are preferred for this area.

Taylor's Area Land Use Plan (2002). The Taylor's Area Land Use Plan indicates transitional land uses for this section of Main Street. Planned Office development is identified as an appropriate transitional land use, as well as NC, Neighborhood Commercial.

Roads

East Main Street Taylor's is a two-lane, SCDOT maintained road. Aiken Chapel Road is a two-lane, County maintained road. No road improvements are currently scheduled for either road and sidewalks are not present.

The subject property is located on East Main Street in Taylor's. The property also has frontage on Aiken Chapel Road. The subject property is zoned POD, Planned Office District, and is occupied by a computer printer sales company office in a single-family residential structure as well as accessory structures. The parcel to the adjacent west is zoned R-20, Single-Family

Residential, and is occupied by a single-family residence. The parcels to the adjacent north are zoned R-10, Single-Family Residential, and are occupied by single-family residences along Aiken Chapel Road. The parcels to the east across Aiken Chapel Road are zoned R-20, Single-Family Residential, and are occupied by single-family residences. The parcels to the south across East Main Street are zoned R-20, Single-Family Residential, and are occupied by single-family residences.

Zoning History

The subject property was zoned R-20, Single-Family Residential, as a part of Area 1 in 1970. This property was rezoned to POD, Planned Office District, in 2003 as CZ-2003-56. There have been no other rezoning requests for the subject property. A property to the southwest across East Main Street was denied POD, Planned Office District, in June 2008.

The subject property is located on East Main Street Taylors and Aiken Chapel Road in an area characterized by single-family development. An older, large single-family residence is located on the subject property and is occupied by the aforementioned printer sales office with several accessory structures used to store supplies. The requested major change would allow an additional 2,100 square feet of office/storage space to be constructed as well as add an additional point of ingress/egress to the property. Staff is of the opinion this change is not consistent with the POD, Planned Office District, classification. The site was originally approved for use in the existing residential structures. As this new request is for an expansion and is becoming more commercial, it would be more appropriately located in a C-1, Commercial, or NC, Neighborhood Commercial area. Based on these reasons, staff recommends denial.

MOTION: By Mr. Mansbach, seconded by Mr. Bell to approve the applicant's request. The motion carried with two in opposition (Barbare and Eldridge).

FOLLOW UP INFORMATION FROM PLANNING COMMISSION WORKSHOP

Tom Meeks addressed the Commission members regarding the summary of the meeting which was included in the packets.

Mr. Robinson stated he would like to see the information placed into the components of the plan. Mr. Mansbach also requested an update on the meetings with the stakeholders. Mr. Meeks stated he would provide the Commission members with additional information at the February Planning Commission Workshop.

Mr. Meeks updated the members of the Commission on the community meeting, Moving Forward.

APPEARANCES (Non Agenda Items)

There were no appearances regarding non agenda items.

OLD/NEW BUSINESS

Ms. Long stated there would be three additional presentations of Moving Forward in February for people who were unable to attend. She would inform the Commission members of the date and invited each to attend. Ms. Long also informed the members of the SmartCode workshop that would be held on February 19, 2009 and invited all to attend.

Ms. Eldridge expressed accolades to Mr. Owings and Ms. McCormick on their participation in Leadership Greenville.

ADJOURNMENT

ACTION: Without objection, the meeting adjourned at 6:30 p.m.

Submitted by Recording Secretary
