

415 South Pine Street - Walhalla, SC



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**Minutes**

6:00 PM- Thursday, May 28<sup>TH</sup>- 2020

**Members in Attendance**

- Jim Codner
- Gwen Fowler
- Marty McKee
- John Eagar
- Bill Gilster
- Charles Morgan

**Staff**

- Adam Chapman, Secretary
- Vivian Kompier

**Media**

None

**ITEM 1- Call to Order**

Mr. Codner called the meeting to order.

**ITEM 2- Brief statement about rules and procedures**

Mr. Codner noted that as there were many speakers that a strict time-limit on public comment would be kept to. Mr. Codner also outlined the proceedings of the meeting going forward.

**ITEM 3- Approval of minutes of February 24<sup>th</sup>, 2020 meeting**

Mr. Eagar made a motion to approve. Mr. Gilster seconded the motion. Vote 6-0 in favor

**ITEM 4- Special exception hearing for application #SE20-01- *Non-residential project within the Lake Overlay District. The applicant is applying to build a self-storage facility and associated office space at TMS# 210-00-01-040, non-addressed parcel. Nearest address is 391 Newry Road.***

**Applicant’s opening statement and provision of evidence:**

Mr. Codner opened the hearing. Speaking for the applicant was Mr. William Swent, Thomas Wells, and Kevin Reitano. Mr. Swent outlined the reasons as to why they were asking for the Special Exception hearing. Mr. Wells outlined the project owner’s business history and type of business they run. Mr. Wells spoke to the low traffic impact this use would have and how quiet of a use this is due to internal access to units. Mr. Wells noted there would not be industrial uses permitted. Mr. Wells showed several

renderings of the development and how the proposed designs meet or exceed the standards in *Appendix "A"* of the Oconee County code of Ordinances and how the design standards fall in line with Appalachian Rustic Elegance. Mr. Swent noted how the use is consistent and complimentary with the Oconee County comprehensive plan and the storm water plan meets SCDHEC standards.

**Public comment-time:**

Mr. Codner then opened up the public comment portion of the meeting and asked people to be concise with their comments as there are many people signed up to speak.

<b>Speaking in-favor for the project</b>	<b>Representing</b>	<b>Reasons in-favor</b>
Ward Snyder	Self	Developer has an existing storage facility and it is "first-class" and very clean. Developer is a thoughtful businessman and cares about the community.
Darrell Kanagy	Self	Developer has goal of adding value to the community. Storage is a low traffic and low impact usage of the property in a growing area. The aesthetics and tax-value would benefit the area.
Robert Winchester	Self	Developer is a good businessman. The project will not impact utilities. The tax benefits will help the school board and government.
<b>Speaking opposed to the project</b>	<b>Representing</b>	<b>Reasons opposed</b>
Andrew Derry	Keowee II	Traffic & safety, negative impact on natural beauty
Martha Steele	Keowee II	Negative impact on new Newry Mill development, litter, environmental impacts, goes against comprehensive plan
Glenn Abbott	Keowee II	Negative impact on view and environment.
Red Gardner	Self	Ugly, not in concert with surrounding uses, storm-water runoff
Karen Ledbetter	Self	Visual impact, traffic & safety
Robert Moore	Waterford Pointe	Brought signed petition against the development. Purpose of Lake Overlay is to preserve natural beauty.
Dale Wilde	Friends of Lake Keowee Society ( FOLKS)	Retention pond is in Lake Overlay which could fail and dump water in to Lake Keowee, its ugly, traffic & safety.
Patrick Ford	Self	Negatively impact quality of life, not

		best use of property
Peter Barnes	Keowee I, II, and III - HOA	Negative impact on surrounding property values, traffic & safety concerns, already a sufficient supply of storage facilities
Lane Price	Self	Sufficient supply of storage facilities, storm water issues, increased light pollution
Robert Todd	Self	Traffic & safety issues
Richard Wolthuis	Self	Traffic & safety issues
Shelby Dodson	May Corp.	Out of context with surrounding development and natural beauty. Takes away from incoming development.
Gary Owens	Advocates for Quality Development	Not in-line with the comprehensive plan, no precedents for permitting this in the Lake Overlay District, encroachments in the Lake Overlay District will negatively impact the area.
James Meddas	Self	Out of line with the purpose of the Lake Overlay District, poor use of opportunity zone, board needs to listen to the citizens.
Sandra Straker	Self	Unnecessary development, traffic & safety issues
Bob Straker	Self	Will take away from natural beauty
Roy Abercrombie	Self	Will take away from natural beauty
Christina Harjehausen	Self	Not consistent with surrounding uses
Rob Schmidt	Self	Not consistent with surrounding uses
Richard Rice	Self	Will lower surrounding property values
Barbara Bowman	Self	Not good for the surrounding community

### **Applicant rebuttal**

Mr. Wells asked the BZA for more than the 5-minutes allowed to rebut the public comment. Mr. Codner granted additional time due to the volume of public comment provided.

Mr. Swent noted the following:

- the design standards utilized meet or exceed any standards indicated in the County Code of Ordinances.
- a letter from a traffic engineer that indicates the potential traffic impact of the proposed storage facility would be equivalent to residential usage of this property.
- the design layout called for almost 50% greenspace.

- SCDHEC and SCDOT have indicated conceptual approvals for any storm water and access design.
- there is to be no R.V., boat, or trailer storage.
- 15 homes, which could be placed on this property, would have 15 septic systems and that the proposed project will only have one septic system sized equivalent to a single family residence.
- the demand study looking at existing storage facilities and the types of storage facilities indicates existing unmet demand in the area.
- Within a 5-mile radius of the site up to 12,000 new households are anticipated and that would add to the demand for storage.

Mr. Wells noted:

- Growth is coming to the area, as noted in the County's comprehensive plan.
- Leaving the private property vacant because of neighboring opposition goes against the foundations of the United States.
- The longer view, is that this property will be developed and the storage facility is a low impact, low traffic generating usage.
- The Lake overlay allows for commercial by special exceptions because the writers of the ordinance recognized the need for commercial within the overlay.
- Precluding development precludes potential tax revenues that could assist in fixing existing issues.

Mr. Reitano noted that:

- he is a resident of Oconee County
- there is a market from the property site to Keowee Key and the Cliffs' communities.

### **Board considerations**

Mr. Codner outlined the methodology which the board uses in making their decisions. Mr. Codner requested a map of the property be shown on the screen which included the Future Land Use Map and the Lake Overlay.

**(1) In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested;**

Mr. Codner asked for a motion to open this portion for discussion. Mr. Eagar made the motion Mr. McKee seconded it. Mr. Codner opened it for discussion.

- Mr. Gilster noted that the plan is very well done but is not following the Comprehensive Plan.
- Mr. Eagar asked Mr. Chapman to clarify the maps provided. Mr. Eagar noted that the Lake Overlay is designed to protect residential around the lake and this application of usage would negatively impact the quality of life of people around the lake and does not meet the intent of the Comprehensive Plan.
  - Mr. Codner noted that the project is inconsistent with the Lake Overlay District. The ordinance calls for a special exception, not just an exception and that this project does not meet that criteria.

- Mr. McKee noted that the Board needs to be careful with what they do. The Board does not need to pick and choose businesses and we should be careful what the Board does and not set the wrong precedent and not push away industry.
- Mr. Morgan noted that with every decision the board makes precedent is set and that making careful decision is important.

Mr. Codner asked for a vote of those who believe that this project is accordance with the comprehensive plan.

In-favor	Opposed
0	6

Mr. Codner noted that this criterion failed. Mr. Codner noted the board will continue on with the rest of the criteria so it is clear how the Board is making its decision.

**(2) In the best interests of the county, the convenience of the community and the public welfare.**

Mr. Codner asked for a motion to open the discussion, Mr. Eagar made the motion and Mr. McKee seconded it. Mr. Codner opened it for discussion.

- Mr. Gilster noted the overwhelming community input against the project.
- Mr. Codner agreed with Mr. Gilster and addressed the gallery and appreciated their input, both for and against.

Mr. Codner asked for a vote who believe that this criterion is being met

In-favor	Opposed
0	6

Mr. Codner noted that this criterion failed Unanimously against.

**(3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;**

Mr. Codner asked for a motion to open the discussion, Mr. Eagar made the motion and Mr. Morgan seconded it. Mr. Codner opened it for discussion.

- Mr. Morgan noted the quality of materials and design of the proposed project and that it is harmonious in design.
- Mr. Eagar noted it would not be harmonious with the surroundings do to proposed usage
- Mr. Codner noted that for a storage facility that it is A-1 in design but not compatible with surround use.

Mr. Codner asked for a vote who believe that this criterion is being met

In-favor	Opposed
3	3 - Fowler, Codner, Eagar

Mr. Codner noted that a tie is a negative vote. This criterion fails.

**(4) Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.**

Mr. Codner asked for a motion to open the discussion, Mr. Eagar made the motion and Mr. McKee seconded it. Mr. Codner opened it for discussion.

- Mr. Eagar noted that SCDOT would be the expert on this and not sure that the Board is in the correct place to judge.
- Mr. Codner noted that it is important to take in the consideration of the public as well as the applicant.
- Mr. McKee noted that the study provided by the applicant indicating that design guidelines are being met and the project did not warrant a traffic-impact study. The problem with Hwy 130 is not the proposed storage facility fault.
- Mr. Codner noted this is an existing traffic safety issue area. Mr. Codner noted that an existing storage facility near his residence does not cause traffic for him in his experience and that this project would not exacerbate these issues.
- Mr. Gilster noted that he agrees with Mr. Codner's comments.

Mr. Codner asked for a vote who believe that this criterion is being met

In-favor	Opposed
5	1 - Fowler

This criterion passes.

**5. Mr. Codner then asked - Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be denied:**

Mr. Eagar made the motion, Mr. McKee seconded the motion.

In-favor	Opposed
6	0

Unanimous vote against the proposed special exception.

**ITEM 6-** **Variance request for application #VA20-4-** *25' variance from the required 25' setback for installation of a commercial-use monument sign at TMS# 210-00-01-040, non-addressed parcel. Nearest address is 391 Newry Road.*

Applicant withdrew his application.

**ITEM 7-** **Old Business** *[to include Vote and/or Action on matters brought up for discussion, if required]*

Mr. McKee asked are there were any applicants for the vacant District 5 board seat. Mr. Chapman noted that there was no new information.

**ITEM 8-** **New Business** *[to include Vote and/or Action on matters brought up for discussion, if required]*

**ITEM 9-** **Adjourn**