



Oconee County Planning Commission

415 S. Pine Street, Walhalla, SC 29691

Telephone: 864-638-4218

Fax: 864-638-4168

Minutes

Planning Commission Meeting

November 7, 2011

The Oconee County Planning Commission held a regular meeting on November 7, 2011 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Ryan Honea, (Chairman)
Howard Moore
David Lyle
Andy Heller
Bill Gilster
Tommy Abbott
Gwen McPhail

Staff Present: Aaron Gadsby (Planner)

Media Present: Carlos Galarza, Daily Journal

Item 1: Call to Order

Chairman Honea called the meeting to order.

Item 2: Approval of Minutes

Ms. Heller made a motion to approve the minutes from the October 17, 2011 meeting. Mr. Lyle seconded the motion. The motion passed unanimously.

Ms. McPhail made a motion to approve the minutes from the October 24, 2011 workshop meeting. Mr. Lyle seconded the motion. The motion passed unanimously.

Item 3a: Public Comment- General Comments

Mr. Larry Linsin spoke regarding the non-regulatory nature of the future land use map.

Mr. Codner spoke in support of using the future land use map and the comprehensive plan as a means by which to plan and make land use decisions. Mr. Codner also spoke in favor of strengthening the overlay standards around Lake Keowee.

Mr. Markovich stated that he was very opposed to the small area rezoning method and that the Commission should quit approving any rezoning request that come to them under that method.

Mr. Littleton stated his displeasure in County government.

Item 3b: Public Comment- Comments related to review of Zoning Use Classifications-all districts

Mr. Markovich stated that the number of classifications are very vague, specifically calling attention to the fact that subdivisions are considered uses and this raises questions as to whether or not existing subdivision will need BZA approval. Furthermore, subdivisions are incorrectly listed as uses because we already have subdivision regulations.

Item 4: Discussion and/or Consideration of Ordinance 2011-25, referenced as Public Land Request

BJ Littleton spoke against rezoning ordinance 2011-25.

Mr. Gadsby reviewed the staff presentation with the Commission.

Mr. Abbott made a motion to recommend County Council take no additional action on this ordinance. Mr. Moore seconded the motion. Discussion followed. The motion failed 2-5, with Ms. Heller, Ms. McPhail, Mr. Lyle, Mr. Gilster, and Chairman Honea opposed.

Ms. Heller made a motion to recommend County Council rezone all public and recreational lands as outlined in ordinance 2011-25. Discussion followed. Mr. Gilster seconded the motion. The motion passed 5-2, with Mr. Moore and Mr. Abbott opposed.

Item 5: Discussion and/or Consideration of Ordinance 2011-31, referenced as Bayshore Request

No public comment was received.

Mr. Gadsby reviewed the staff presentation with the Commission.

Ms. McPhail made a motion to approve the request as Lake Residential district. Ms. Heller seconded the motion. Discussion followed.

The motion passed 7-0.

Item 6: Discussion and/or Consideration of Ordinance 2011-23, referenced as Cane Creek Request

Public Comment:

Jim Codner spoke in favor of Ordinance 2011-23, stating the whole area should be zoned as residential. See attached comments.

Mr. Todd Wilson spoke in favor of Ordinance 2011-23; see attached comments.

Mr. Paul Schultz spoke in favor of zoning Ordinance 2011-23 as residential; see attached comments.

Mr. Henry Watson spoke in support of residential rezoning for Ordinance 2011-23; see attached comments.

Mr. Brian Metler spoke against Ordinance 2011-23 and asked the Commission to remove all properties in Keowee Plantation because the majority of residents have since requested to be removed.

Ms. Sharon Hamilton spoke in favor of residential zoning for Ordinance 2011-23.

Staff Recommendation

Mr. Gadsby reviewed the staff presentation with the Commission.

Discussion followed.

Consideration

Chairman Honea made the suggestion that the Commission table the request so as to give the Commission time to consider all that was heard. Mr. Moore made a motion to table the rezoning request. Mr. Abbott seconded the motion. Discussion followed.

The motion passed unanimously.

Item 7: Discussion of Planning Commission calendar for the remainder of November and December

The Commission discussed the meeting schedule for the remainder of the year. It was the consensus to cancel the November 21st meeting, hold a regular business meeting on December 5th, and cancel the meeting on December 21st. The Commission also choose to schedule a meeting on January 9th and the 23rd to conduct business and set the schedule for 2012.

Item 8: Old Business

Mr. Gadsby asked the Commission to continue looking over the conditional uses in the zoning ordinance.

Item 9: New Business -none

Item 10: Adjourn

The Commission adjourned.

Cane Creek Zoning Request Comments

Planning Commission 11/7/11

Overview

- Remaining 2 portions of original 3-part request
- South Cove Park and Seneca city limits to headwaters of Cane Creek
- 980 parcels
- 19 communities (105 = largest) plus independents
- 65% petitions, 3.6% against
- Honest effort contact every owner
- All parcels in Residential part of FLUM
- Primary goal protect lakefront from uncontrolled development
- Also protect residential nature of adjacent parcels
- No reaching out
- Our request is for residential type on all parcels regardless of map

Isolated Control Free requests

- Leaving holes in areas being rezoned is not appropriate
- Rezone LRD if within subdivisions, residentially if outside
- McCallister parcels

Keowee School Road Community Commercial Requests

- 183 parcels, 70% petitions, strongly residential, Residential on FLUM
- Five parcels (3%), three with buildings, all very innocuous
 - Real estate office
 - Small private storage shed
 - Residence with small home occupation
- Wrong to insert CCD (strip malls) in this residential area without demonstrated need.
- Bountyland is nearby
- Rezone LRD/RD now, can always be rezoned CCD if future needs warrant it
- This area is not analogous to the Keowee Key CCD area
 - Long term demonstrated community need
 - No nearby commercial services

South Cove Road

- 400 parcels, 65% petitions, totally residential, residential on FLUM
- Area stretches from S. Cove Park up to VIMM, Tribble Center, Hamilton Career Center
- Traditional Rural Requests
 - Trailer Park
 - Cattle Farm – For Sale, “No Restrictions, ideal commercial development.”
 - Recently purchased developer parcel
 - Family Compound
 - Timber stand
 - Smaller scattered residential lots
- Residential rezoning will not inhibit/prevent farming heritage of any parcels/users
- Issue is not long time owners, but what heirs or future purchasers will do
- LRD is requested, but RD or ARD may be appropriate for some parcels
- No demonstrated need to deviate from FLUM
- TRD is not a residential classification

Keowee Plantation

- Well developed lake residential neighborhood
- Crescent parcels on each side annexed to Seneca
- Originally 70% petitions for LRD, now reversed
- Petitions are just the vehicle to get consideration of zoning, not a vote
- Regardless of petitions, need to decide if rezoning is warranted vs. leaving a hole for future action

J. Codner

11/7/11

My name is Todd Wilson and I am President of the SOP HOA. I am speaking in support of the Cane Creek request and particularly for our neighborhood and the South Cove Road area. In our area there is overwhelming support for the request. The South Cove Road area has 401 parcels and 65% have signed the petitions. In our SOP community there are 79 parcels and 85% have signed the petitions.

Perhaps you have been surprised to learn there is a blot of debate about zoning. The basic purpose of zoning is to protect the health, safety and well being of the public and to protect the environment. Our experience has shown that there are good and bad zoning laws but good ones protect property values and prevent neighborhoods from deteriorating or becoming overcrowded. It is good zoning laws we advocate for the good of all.

Having seen what has happened in other areas, Oconee County wisely developed a Comprehensive Plan and Future Land Use Map. It calls for the Cane Creek area to be residential in nature just as it currently is. Our desire is not to deviate from the current nor the historical use of the land.

We are aware that not everyone in our area supports zoning. Some feel it violates their civil rights to do whatever they choose with their property. We respect these people. They are good neighbors; some are our friends and they are good stewards of the land. Our concern is not with them or their usage but what happens to the land in the future. The US Constitution grants the reasonable use of property but the courts have consistently ruled that does not mean uncontrolled usage. The purpose of zoning and regulating the use and development of property is intended for the good of all, including those who oppose it, by protecting the land and increasing its value.

We realize there are a couple of properties in our area where light farming is currently done and we have no objection to their being zoned Agricultural Residential to preserve that usage. However, we do not feel it is in the interest of our residents for the Traditional Rural zoning because that opens the possibility of development that decreases property values and adversely affects the neighborhood. We especially oppose commercial development because the area is a residential community and Bountyland is in such close proximity and provides the services the area needs.

We urge the Commission to zone our area according to the Comprehensive Plan and Future Land Use Map because our area has been a residential area, is currently a residential area and overwhelmingly our people want it to stay that way. Thank you.

GOOD EVENING. MY NAME IS PAUL SCHULTZ. I AM CURRENTLY THE PRESIDENT OF THE NORTH HARBOUR SUBDIVISION OWNERS ASSOCIATION, AND I AM HERE ONLY TO REPRESENT THE GREAT MAJORITY OF OWNERS IN THE SUBAREA OF THIS PETITION BOUNDED GENERALLY BY HIGHWAY 188 (KEOWEE SCHOOL ROAD IF YOU PREFER) ON THE SOUTH, BY CANE CREEK ON THE NORTH, BY THE MATHIS FARM AND WATERSTONE SUBDIVISION TO THE WEST, AND BY EMERALD POINTE SUBDIVISION TO THE EAST. I AM NOT HERE TO ADDRESS ISSUES ALREADY SETTLED IN THIS COMMISSION REGARDING THE MATHIS FARM, THE NEVILLE PROPERTY, OR ISSUES YET TO BE ADDRESSED IN THE SOUTH COVE AREA OR FURTHER NORTH UP CANE CREEK BEYOND WATERSTONE.

THE SUBAREA I AM ADDRESSING ENCOMPASSES 183 PARCELS, OF WHICH 130 -- OR 70% -- OF OWNERS HAVE SIGNED THIS PETITION. OF THE TOTAL 183 PARCELS, 159 ARE WITHIN FIVE SUBDIVISIONS AND 24 ARE WHAT, FOR LACK OF A BETTER TERM, I WILL CALL NON-SUBDIVISION. AS YOU HAVE NO DOUBT ALREADY SURMISED, THE VAST MAJORITY OF OWNERS WITHIN THE SUBDIVISIONS -- SOME 80% -- HAVE SIGNED ONTO THE LAKE RESIDENTIAL PETITION. TO THE BEST OF MY KNOWLEDGE, ONLY THREE OWNERS WITHIN THIS 20% HAVE ACTUALLY FILED FOR REZONING OTHER THAN LAKE RESIDENTIAL -- TWO IN ELEVEN OAKS AND ONE IN CANE CREEK HARBOR. I THINK IT IS CLEAR THEY SHOULD BE EITHER LAKE RESIDENTIAL OR RESIDENTIAL DISTRICT, WHAT WITH THEIR SUBDIVISION COVENANTS AND RESTRICTIONS -- I WON'T ADDRESS THEM FURTHER.

WHICH BRINGS ME TO THE 24 NON-SUBDIVISION PARCELS. FOUR OF THESE SIGNED THE LAKE RESIDENTIAL PETITION. SO FAR AS I KNOW, 11 HAVE SAID NOTHING AND SO PRESUMABLY ARE SATISFIED WITH THE LAKE RESIDENTIAL CLASSIFICATION, THOUGH THAT OF COURSE REMAINS TO BE SEEN AS HEARINGS PROGRESS. NOW WE'RE AT THE NUB – THE PLACE WHERE YOU GUYS EARN YOUR BIG BUCKS. LET'S BE FRANK. WE ALL KNOW WHAT YOU'RE PROBABLY GOING TO DO INSIDE THE FIVE SUBDIVISIONS, AND WHAT YOU'RE PROBABLY GOING TO DO ON THE 15 SEEMINGLY SATISFIED NON-SUBDIVISION PARCELS. SO I'M NOT GOING TO WASTE ANY OF YOUR TIME THERE. THE QUESTION IS: HOW TO DEAL WITH THE NINE PARCELS – THE LESS THAN FIVE PERCENT **OF THE TOTAL SUBAREA**, WHO DON'T WANT TO BE PART OF THIS LAKE RESIDENTIAL DISTRICT. FOUR HAVE ASKED TO REMAIN CONTROL FREE DISTRICT. FIVE HAVE ASKED TO BE REZONED AS COMMUNITY COMMERCIAL DISTRICT. SINCE THESE ARE TWO ENTIRELY SEPARATE WAYS OF SEEKING TO NOT BE LAKE RESIDENTIAL DISTRICT, I OBVIOUSLY HAVE TO ADDRESS THEM SEPARATELY. DESPITE THAT, I WANT TO SAY UP FRONT THAT IT IS IMPORTANT THAT YOU UNDERSTAND THAT EVERYTHING I SAY ABOUT BOTH RESTS ON THE BASIC PREMISE THAT OUR LITTLE COMMUNITY – SOME 264 ACRES – IS A RESIDENTIAL COMMUNITY, THAT IS WHAT IT IS, THAT IS WHAT OUR PEOPLE OVERWHELMINGLY WANT IT TO BE, AND THAT'S WHAT I'M HERE TO FIGHT FOR. I HOPE ALL OF YOU HAVE HAD A CHANCE TO DRIVE THROUGH THE AREA AND SEE HOW NEAR-TOTALLY RESIDENTIAL IT IS. AND BEFORE ANYONE SAYS ANYTHING, YES, WE KNOW

WE HAVE TWO BUSINESS OPERATIONS AND WHAT I GUESS I'D CALL A QUASI-BUSINESS OPERATION IN OUR MIDST GOING BACK TO BEFORE THERE WAS A Z.E.O., AND I WILL ADDRESS THEM IN MY COMMENTS ON THE COMMUNITY COMMERCIAL DISTRICT REQUESTS.

LET ME FIRST ADDRESS THE CONTROL FREE ISSUE, AS THAT SEEMS THE SIMPLEST AND MOST DISTINCT. LADIES AND GENTLEMEN, IN ALL THE DISCUSSIONS YOU'VE HAD OVER DOUGHNUT HOLES, NOTHING WAS EVER A MORE CLEAR DEMONSTRATION OF WHAT THAT ARGUMENT IS ALL ABOUT. HERE YOU'RE LOOKING AT FOUR SUCH HOLES SCATTERED AROUND AND BUTTED RIGHT UP AGAINST A SURROUNDING RESIDENTIAL COMMUNITY AND ASKING TO BE LEFT COMPLETELY AT LIBERTY TO DO ABSOLUTELY WHATEVER THEY WANT ON THOSE PARCELS WITHOUT REGARD TO THE CONSEQUENCES FOR THEIR NEIGHBORS. WHO HAVE ABSOLUTELY NO SAY OR RECOURSE UNLESS SPECIFIC LAWS OR CODES ARE BROKEN. CONVERSELY, IF YOU REZONE THESE FOUR PARCELS AS LAKE RESIDENTIAL (OR EVEN AS RESIDENTIAL, WHICH WOULD BE FINE AS THEY'RE OBVIOUSLY NOT SHORELINE) THEIR OWNERS STILL HAVE OPTIONS (NOTE THAT'S PLURAL) TO APPLY FOR REZONING THROUGH ONE CHANNEL OR FOR ZONING VARIANCE THROUGH ANOTHER TO ACCOMPLISH SOME PERCEIVED NEED. BUT AT LEAST THERE'S A PUBLIC HEARING AND THEIR NEIGHBORS GET TO BE HEARD. I REST MY CASE AS TO THE CONTROL FREE DISTRICT APPLICANTS.

AS I ACKNOWLEDGED EARLIER, THE CASE OF THE FIVE PARCELS SEEKING REZONING AS COMMUNITY COMMERCIAL DISTRICT IS MADE MORE

COMPLEX BY THE SIMPLE FACT THAT THREE OF THE FIVE ARE CURRENTLY OCCUPIED BY ONE FORM OR ANOTHER OF COMMERCIAL ENTERPRISES, **THOUGH ONE OF THOSE COULD PROBABLY ACTUALLY BE CHARACTERIZED AS A HOME OCCUPATION.** PUT AS SIMPLY AS I KNOW HOW, IF WE HAD A WAY TO BE ASSURED THAT THESE THREE ENTERPRISES WERE ALL THAT WOULD EVER BE ON THESE THREE PARCELS, AND THAT THE OTHER TWO WOULD BE LIKE UNTO THEM, THERE WOULDN'T BE AN ISSUE. AS COMMERCIAL FACILITIES GO, THESE ARE ALL GOOD NEIGHBORS. THE PROBLEM IS THAT ONCE THEY ARE REZONED AS COMMUNITY COMMERCIAL DISTRICT, THE DOOR IS OPENED WIDE, WHETHER TO CURRENT OWNERS OR FUTURE ONES, FOR A WIDE VARIETY OF USES THAT ARE WIDELY AT VARIANCE WITH OUR TRULY RESIDENTIAL COMMUNITY, SUCH AS USED CAR LOTS AND AUTO REPAIR SHOPS. THAT'S NOT TO SAY THERE'S ANYTHING WRONG WITH THOSE BUSINESSES, JUST THAT THEY DON'T BELONG IN THE MIDDLE OF RESIDENTIAL COMMUNITIES.

JUST AS IN THE CASE OF THE CONTROL FREE DISTRICT REQUESTS, IF THESE PARCELS ARE REZONED RESIDENTIAL DISTRICT, THEIR OWNERS STILL HAVE OPTIONS TO SATISFY NEEDS THROUGH REZONING OR ZONING VARIANCES. AND AT LEAST THE NEIGHBORS WILL HAVE A CHANCE TO HAVE A LOOK AT WHAT IS BEING PROPOSED, ATTEND A PUBLIC HEARING, AND HAVE A SAY.

IN SUMMARY, WHAT SOME 95% OF THE RESIDENTS OF THIS AREA ARE ASKING YOU FOR IS RECOGNITION OF THE FACT THAT WE ARE IN TOTO A RESIDENTIAL COMMUNITY, AND THAT THERE ARE WAYS FOR PEOPLE WHO PERCEIVE A NEED TO LIVE OUTSIDE THOSE PARAMETERS TO GET WHAT THEY NEED WITHOUT HANDING THEM A BLANK CHECK IN THE FORM OF A COMPLETELY NONCONFORMING REZONING DETERMINATION. THANK YOU FOR YOUR TIME AND ATTENTION.

RE: 34 acres of property owned by the Henderson heirs on South Cove Road near South Cove Park

Mr. and Mrs. Henderson created a subdivision for residential development with covenants on each lot.

They sold 9 lots for financial gain. Before his death, Mr. Henderson told his son that he wanted the area to remain residential. The remaining 34 acres of this farm with 1100 feet of waterfront adjoins the lots they sold and the community of South Oak Pointe.

Now, the 6 heirs want the property zoned Traditional Rural, which could result in the property being used for purposes which are out of character with the adjacent communities. We encourage you to recommend that this property be zoned Lake Residential in keeping with the neighboring properties.

As of this morning, Monday, Nov. 7th, I have 22 signed petitions from our property owners, and Stoudemire, Map 223-00-02-032, voted "no" to zoning previously, giving us 23 out of 27 property owners, or 85.2% requesting we as a subdivision, remain "Control Free".

This is an overwhelming majority of our owners requesting that we be removed from Zoning Petition 2011-23 which would place us in "Lake Residential", which we do not approve.

Under the premise of the ZEO, approving "citizen-initiated" zoning, this would seem to be a "no-brainer" to remove our subdivision from Petition 2011-23.

I will be at the meeting tonight to push for Planning Commission approval and recommendation to the County Council to remove our subdivision from this onerous situation.

We, as a subdivision, have adequate size and parcels to request zoning on our own, should we choose to do so.

Thank you for your consideration and assistance in this matter.

Cordially,

Bryant L Metler