



Oconee County Planning Commission

415 S. Pine Street, Walhalla, SC

29691

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Minutes

Planning Commission Meeting

March 9, 2009

The Oconee County Planning Commission held their regularly scheduled meeting on March 9, 2009 in the Training Room at the Oconee County School District Administrative Offices, 414 S. Pine St., Walhalla, SC 29691.

Members Present: Tommy Abbott (Chairman)
Ryan Honea, (Vice Chairman)
Howard Moore
Rex Ramsay
Randy Abbott
Bill Nelson
Bill Evatt

Art Holbrooks (Planning Director)
Aaron Gadsby (Planner)

Media Present:
Ray Chandler (Anderson Independent)
Dick Mangrum (WGOG)

Item 1: Chairman Abbott called the meeting to order.

Item 2: Approval of Minutes – Mr. Honea made a motion to approve the minutes from the February 9, 2009 meeting. Mr. Ramsey seconded the motion. The minutes were approved unanimously. Mr. Abbott made a motion to approve the minutes from the February 26, 2009 workshop. Mr. Moore seconded the motion. The minutes were approved unanimously

Item 3: Public Comment-

Donna Linsin—Ms. Linsin shared her concerns regarding the cost of zoning in the county.

Larry Linsin—Mr. Linsin shared his concerns regarding the cost of zoning and the need to clarify language in the current ordinance dealing overlays.

Gordon Towe—Mr. Towe shared his concerns regarding the rezoning process (pg. 13) and the general disregard for the citizens of Oconee County the ZEO represents.

Oconee County Resident (name unknown)—Shared her concerns with the Commission regarding the need to protect the Lake Keowee and voiced her support for a lake overlay of 1300 feet.

Ann Chigern—Ms. Chigern stated that she was a resident of Oconee County and has served on several commission and boards in various areas. While serving she has learned good governance is people working together and listening to others. Ask the Commission to listen to the people and forward the ZEO to County Council with the 1300 foot Lake Keowee Overlay.

Tim Mays—Mr. Mays spoke as a representative for the Fair Play Community Association and thanked Mr. Honea for the time he has taken to work on the I-85 overlay district and the ZEO. Mr. Mays asked the Commission to consider and I-85 overlay, Fair Play overlay, and to consider a Lake Hartwell overlay. Mr. Mays called for growth by choice not by chance. Mr. Mays stated that Fair Play needed protection, asking the Commission to make practical changes to the ZEO.

Steve MacLeod—Mr. MacLeod thanked the Commission and asked that the ZEO be forwarded to County Council as it is currently written with the 1300 foot lake overlay.

Gary Owens—Mr. Owens asked the Commission to help protect Oconee's natural resources and forward the ZEO to County Council as it is currently written with the 1300 foot lake overlay.

Jim Codner—Mr. Codner spoke on behalf of residents of South Oak Pointe and various other subdivisions in the area. Mr. Codner asked the Commission to send the ZEO back to County Council as it is currently written with the 1300 foot lake overlay.

Chuck Kormelink—Mr. Kormelink stated his support for zoning as a means of creating better development. Mr. Kormelink stated that the property owner of a parcel should be the one who determines the highest and best use of any particular parcel.

Jerry Barnett—Mr. Barnett stated his opposition to zoning and asked the Commission to stop the zoning scam.

John Little—Mr. Little asked the Commission to put more time into the Zoning Ordinance and stated that the real problem on Lake Keowee is there is too many people.

Angela Viney—Ms. Viney spoke on behalf of Upstate Forever and asked the Commission to forward the ZEO back to County Council with the 1300 foot overlay as written.

Tom Markovich—Mr. Markovich stated that the Home Builders Association is in favor of zoning as long as zoning is done correctly and asked the Commission to hold the ZEO until the legal problems can be worked out. This will create a better zoning document that works for all citizens.

Paul Reckert—Mr. Reckert stated that he was personally opposed to any overlay in the ZEO but that if the Commission felt they were needed he would support them but asked that the Commission remove any overlay on Scenic Route 11 and Exit 1 on I-85.

Ben Turetzky—Mr. Turetzky spoke on behalf on FOLKS and asked that the Commission forward the ZEO back to County Council with the 1300 foot overlay as currently written.

Item 4: Discussion of Comprehensive Plan Update- Mr. Holbrooks presented the Planning Commission a draft of the Population Element and asked that they review it and get any comments back to the staff. Mr. Holbrooks also gave the Commission a summary of the public comments regarding the Natural Resource Element. Mr. Holbrooks also asked the Commission

for their blessing on having another stakeholders meeting covering the Cultural Resources and Housing Elements of the Comprehensive Plan on April 9, 2009 at 6:00 P.M. The Commission concurred.

Item 5: Consideration of Proposed Amendments to the Zoning Enabling Ordinance – Mr. Holbrooks reread the instructions from County Council as to the scope of the Planning Commissions review of the ordinance.

- Clarification of Rezoning Methods 2 and 3

Mr. Moore made a motion to add the following statement to rezoning methods two and three: “Proposed changes to any part of these regulations shall be subject to review by the Planning Commission, as set forth in Section 8.1 (above), and public notice requirements contained in Section 8.2 (above), as well as other applicable standards established by the South Carolina Code of Laws.” Mr. Honea seconded the motion. The motion passed unanimously.

- Consideration of ways to pay for zoning.

Mr. Holbrooks stated that the typical way to pay for zoning is through the general fund with an application fee for rezoning and variance hearings. Mr. Holbrooks also stated that some jurisdictions have the applicant pay for all associated advertising cost. Mr. Honea stated that he had a problem paying for zoning with a user fee. Mr. Moore raised concerns about the cost associated with posting property; specifically does each property have to be posted in the overlay? Mr. Nelson made a motion to recommend to County Council that they pay for zoning out of the general fund and charge an application fee for rezoning and variance hearings. Mr. Honea seconded the motion. The motion passed unanimously.

- Consideration of modifications to chapter 11 of ZEO, specifically the I-85 overlay.

Mr. Holbrooks presented changes to the I-85 overlay (see attached sheet). Mr. Honea stated that the proposed changes reflect the views of the people he has been talking to in the Fair Play area. Mr. Honea made a motion to recommend to County Council that the changes presented by Mr. Holbrooks and the I-85 overlay boundary be changed to end at the bridge before exit 1 on I-85, Remove the Tugaloo Heights Sub-district, confine the Industrial sub-district to the Industrial Park, and keep the Fair Play sub-district as it was shown. (see attached map for recommended boundaries). Mr. Ramsay seconded the motion. The motion passed unanimously.

- Consideration of modifications to chapter 11 of ZEO, specifically the Keowee/ Jocassee Overlay.

The Commission discussed various opinions regarding the Lake Keowee/ Jocassee. Mr. Nelson made a motion to forward the Lake Keowee / Jocassee Overlay to County Council as it was written in the current ordinance. Mr. Honea seconded the motion. The motion passed unanimously.

Item 6: Old Business – There was no old business

Item 7: New Business—Chairman Abbott asked the Commission what they felt about changing the regular meeting time of the Commission to 6:00 pm. Mr. Moore stated that he may have trouble getting here at 6:00 p.m. Mr. Honea made a motion to change the regular meeting time to 6:30 p.m. Mr. Ramsay seconded the motion. The motion passed unanimously.

Item 8: Adjourn—Mr. Nelson made a motion to adjourn the meeting. Mr. Honea seconded the motion. Chairman Abbott adjourned the meeting.

**Planning Commission Recommendations for the I-85 Overlay
District
March 9, 2009**

- **Clarify that pre-cast and pre-engineered exterior materials are allowed for buildings constructed in areas subject to standards in Appendix A-**

Proposal- Change A. in Section 1 (Building Standards) in Appendix A

Existing:

- A. Exterior building materials visible from the traffic lanes shall not consist of unadorned concrete masonry units, corrugated metal, and / or sheet metal.

Suggested:

- A. Exterior building materials visible from the traffic lanes shall not consist of unadorned concrete masonry units (concrete blocks), corrugated metal, and / or sheet metal. Pre-cast concrete panels and pre-engineered metal wall units, and 'split-faced' and other rusticated masonry walls are permitted.**

- **Relax requirement to screen mechanical units in Appendix A-**

Proposal- Change H. in Section 1 (Building Standards) in Appendix A

Existing:

Section 1. Building Standards

- A. Roof mounted mechanical equipment shall be enclosed or screened to ensure such features are not visible. Enclosures and Screens shall be compatible with the architectural style of the building.

Suggested:

- A. Roof mounted mechanical equipment shall be enclosed or screened to ensure such features are not visible to the extent possible. Enclosures and Screens shall be compatible with the architectural style of the building.**

- **Clarify that Appendix A only applies to projects within the Carolina Gateway Sub-district of the Employment Opportunity Overlay:**

Proposal- Change 3. in Section 9.5 (General Provisions)

Existing:

Section 9.5 Other Requirements- In addition to Zoning District Regulations see the following Sections for other requirements:

- (1) See Article 5 for Conditional Uses
- (2) See Article 7 for Special Exceptions
- (3) See Appendix A for specifications on Landscaping, Buffering, Parking, Lighting, and Signage

Suggested:

Section 9.5 Other Requirements- In addition to Zoning District Regulations see the following Sections for other requirements:

- (4) See Article 5 for Conditional Uses
- (5) See Article 7 for Special Exceptions
- (6) See Appendix A for specifications on Landscaping, Buffering, Parking, Lighting, and Signage. Standards contained in Appendix A shall apply only to those zoning districts or overlay districts specified in Section 10 Zoning Districts, and Section 11 Overlay Districts, and may include part or the entire appendix, as appropriate- in no instance shall standards contained in Appendix A apply to any zoning district or overlay district unless so specified.

- **Insure that the citizen-initiated Planning District Rezoning Method requires at least 51% of returned responses to proceed with process-**

Proposal- Amend Section 8.5 Method 1 to require survey of property owners as part of Planning Commission's review

Existing:

7. Planning Commission Review of proposed Zoning Map- When completed, the Committee shall present their draft map to the Planning Commission for review. The Planning Commission shall review the changes to ensure that they are compatible with the Comprehensive Plan and forward their findings to County Council.

8. Report to County Council- County Council shall consider the proposed zoning map amendments and may take second reading on the ordinance at this time.

9. Comment Period- A comment period of no less than thirty (30) days shall be held at this time, during which the Planning Department shall mail a survey to all district property owners soliciting their opinion of the proposed changes.

Suggested:

7. Planning Commission Review of proposed Zoning Map- When completed, the Committee shall present their draft map to the Planning Commission for review. The Planning Commission shall review the changes to ensure that they are compatible with the Comprehensive Plan. During this time, the Planning Department shall mail a survey to all district property owners soliciting their opinion of the proposed changes, with a deadline to respond of thirty (30) days. At the end of the survey period, the Commission shall forward a recommendation regarding the proposed changes to County Council. A positive recommendation of the Commission shall require both a finding of compliance with the Comprehensive Plan, and a minimum of 51% of the returned responses to the survey favoring the proposed changes.

8. Consideration of Recommendation- County Council shall consider the proposed zoning map amendments and may take second reading on the ordinance at this time.

9. Comment Period- A comment period of no less than thirty (30) days shall be held at this time.

10. Council Action- Upon the completion of the comment period, County Council may hold a public hearing on the proposed amendments. Once the public hearing has been completed, County Council may take third and final reading of an ordinance to amend the Planning Districts portions of the Official Zoning Map

- **Expand Method 2- Small Area Rezoning to allow for a 40 lot platted subdivision to initiate a rezoning process:**

Proposal- Add the minimum lot standard to Section 8.5 Method 2-

Existing:

Section 8.5 (2) Method 2- Small Area Rezoning

Any property owner, or group of property owners, may petition for initial rezoning, provided the parcels proposed for rezoning are contiguous and comprise no less than two hundred (200) acres in area, or shall constitute a platted subdivision with a total area of fifty (50) acres recorded in the office of the Oconee County Register of Deeds. For the purposes of this regulation, in addition to standard definitions, parcels separated by a perennial stream or body of water shall be considered contiguous. This method of rezoning shall be initiated by a signed petition containing the signatures of a minimum of 51% of the affected property owners.

Suggested:

Section 8.5 (2) Method 2- Small Area Rezoning

Any property owner, or group of property owners, may petition for initial rezoning, provided the parcels proposed for rezoning are contiguous and comprise no less than two hundred (200) acres in area, or shall constitute a platted subdivision with a total area of fifty (50) acres, or a minimum of forty (40) lots recorded in the office of the Oconee County Register of Deeds. For the purposes of this regulation, in addition to standard definitions, parcels separated by a perennial stream or body of water shall be considered contiguous. This method of rezoning shall be initiated by a signed petition containing the signatures of a minimum of 51% of the affected property owners.

- **Limit citizen complaints related to potential zoning violations to citizens residing within the Planning District the potential violation lies in:**

Proposed- Amend Section 2.7 Complaints

Existing:

Section 2.7 Complaints- All complaints of violations shall be submitted in writing on a form provided by the Zoning Official. The complaint shall include a detailed description of the alleged violation, as well as the complainant’s name, address and signature. All complaints shall be acted on within ten (10) days of submission. Anonymous reports of alleged violations will not be considered valid.

Suggested:

Section 2.7 Complaints- All complaints of violations shall be submitted in writing on a form provided by the Zoning Official. The complaint shall include a detailed description of the alleged violation, as well as the complainant’s name, address and signature. Complainants must reside within the same Planning District the potential violation lies. All complaints shall be acted on within ten (10) days of submission. Anonymous reports of alleged violations will not be considered valid.

Note: County Attorney has not reviewed specific language, but advises that exclusions of certain groups of citizens may be an equal protection problem.

- **Create standards for the Fair Play Village Sub-District that match those in the Community Commercial District:**

Proposed- Copy Dimensional Requirements established in Community Commercial District

Suggested:

Add the following to the standards in the I-85 Overlay District contained in Section 11 of the ZEO:

All new residential and non-residential buildings, accessory buildings, and other permanent structures proposed to be located within the boundaries of the Fair Play Village Sub-district shall be subject to the following standards:

- a. **Maximum Density: Two (2) Dwelling Units per Acre**
- b. **Minimum Lot Width on Road Frontage: One Hundred (100) Feet**
- c. **Minimum Yard Setbacks:**

Front-	Twenty Five (25)
Feet	
Side-	Five (5) Feet
Rear-	Ten (10) Feet

