



## November 24<sup>th</sup>, 2020 Planning Commission Meeting Minutes

### **Call to Order**

The meeting of the Planning Commission was called to order at 6:39p.m. by Chairperson Cecil Young.

### **ROLL CALL**

Conducted by Planning & Zoning Administrator and quorum was present

#### **Present:**

Cecil Young  
Chris Brenner  
Donnie Parris

#### **Absent**

Tim Todd  
Brantley Enloe

### **FOIA**

Notice of the meeting with an agenda was publicly posted, published and forwarded to the media no less than 24 hours prior to adjournment.

Chairperson, Cecil Young, asked for a motion for the minutes of September 22<sup>nd</sup>, 2020, to be approved. Donnie Parris made a motion, Chris Brenner seconded the motion, and the board voted all in favor.

### **New Business**

#### **A) Preliminary Subdivision Plat Review,**

Sage Subdivision: Mr. Purchase presented the staff report to the board of the proposed subdivision. The development will have 238 Single-Family Homes. The developer, Mark III Properties was granted a variance to allow five (5) foot side yard setbacks by the Board of Zoning Appeals at their November 24<sup>th</sup>, 2020 meeting. The proposed development will meet all the regulations for the RPH zoning district. Mr. Purchase stated that staff is recommending approval of the preliminary plat. Mr.

Purchase told the board that there was a representative of the developer in attendance that would like to provide a presentation.

Waverly Wilkes, Engineer for Gray Engineering came forward at provided her presentation to the board. Ms. Wilkes mentioned to the board that the Fire Chief and Public Works director had comments regarding location of fire hydrants and storm water issues. These issues were resolved. Ms. Wilkes presented several models of homes that will be built in the subdivision with various square footage. Ms. Wilkes then asked the board if they had any questions.

Chairperson Young asked Ms. Wilkes about the traffic impact study summary regarding the addition of a second southbound approach lane with 100 feet of storage could improve operational conditions and SCDOT guidelines indicate that the addition of a westbound right turn on US 29 should be considered. Mr. Young, asked if the developer would consider the changes or have any plans to make any changes as recommended. Ms. Wilkes stated that the developer would not and that it would be up to SCDOT to make the recommended changes. Mr. Brenner asked Ms. Wilkes if she was involved in the decision making of how many lots were to be developed. She stated that the developer and home builder make the decision and her company looks at the layout. Mr. Parris asked that due to the topography of the site would it not be more feasible to increase the size of the lots. Ms. Wilkes said that by making some changes she was able to make the number of lots work. Mr. Parris had a question regarding drainage and asked if the drainage was going to run into the creek or go into a larger pond area. Ms. Wilkes stated that the storm water will drain into the designated retention ponds and the creek. No excess water will affect Edwards Road and all storm water drainage will remain on the property. Mr. Brenner had concerns about the road conditions on Edwards Road. After the Town's annexation, a question was asked who owns the road. Ms. Wilkes said Edwards Road is a County road. Mr. Parris brought up a concern that even though the development meets all the zoning regulations, the town has a 10 year Comprehensive Plan that should be addressed. The Comprehensive Plan was put together by the citizens and Town, which covers issues such as aesthetics, quality of life and several other issues. Mr. Parris's concern was with the amount of traffic flow on Edwards Road and the number of trips cars will be making in and out of the development. Mr. Parris asked a question as to why would the developer want to build that many homes with the additional traffic? With additional development being built in the area, the board should consider having the infrastructure be in place before adding more development.

Chairperson Young asked if there were any more questions. Being none, Chairperson Young asked for a motion. Chris Brenner made a motion to approve the preliminary plat and was seconded by Chairperson Young. The vote was 2-1 for approval with Mr. Parris dissenting.

*(Mr. Purchase stated incorrectly, that with a 2 to 1 vote the motion for approval did not pass. After conferring with the Town attorney, the vote for approval was affirmed).*

## **B) Rezoning Application 2020-10-21**

Philip Cox of Watauga Developers, LLC, requested a rezoning of the property located at 235 Pine Ridge Road and 12420 Greenville Highway. The applicant requested that the property be rezoned from GBD-1 (General Business District 1) to RM (Multi-Family High Density Residential District). Tax map 5-15-00-008.00 and 5-15-05-011.00. Mr. Purchase presented the staff report to the board and stated that Mr. Cox is proposing a 216 unit multi-family townhouse/apartment community on approximately 14.3 acres. The proposed development would meet the requirements of the RM zoning. Mr. Purchase also stated that the rezoning is in compliance with the Town of Lyman's Ten Year Comprehensive Plan future land use, however, staff recommended denial of the rezoning to RM. Staff believes the proposed development would not be compatible with the single-family homes that abut the proposed development and the amount of additional traffic exiting onto Pine Ridge Road.

Chairperson, Cecil Young asked if a representative for the rezoning was in the audience. Shane Abraham from Watauga Developers, LLC came forward and provided a presentation to the board. Mr. Abraham explained to the board that the proposed project would entail 1, 2 and 3 bedroom units with garages including a fitness center, pool and a dog park. He also stated the development would not be a low income or a section 8 development. Mr. Abraham displayed similar developments in other areas in North Carolina and Tennessee. Mr. Abraham explained to the board the benefits of multi-family construction which included economic impact in local income, taxes for local government and local jobs. Mr. Abraham also stated that with multi-family residents, there would be fewer vehicles compared to single-family homes. Mr. Abraham mentioned that there is a real need for affordable multifamily housing. He also stated that a multi-family development would be a better buffer to a single-family development than a commercial development where there would be more noise and more lighting from the parking lot. Mr. Abraham asked the board if they had any questions.

Chairperson, Cecil Young asked if Mr. Abraham was aware that there is a wetland area at this location. Mr. Abraham acknowledged that he was aware of a wetland area. Chairperson Young noted that the property was previously cleared off but the development was not approved. Mr. Abraham was asked why they pick this site for development. Mr. Abraham said it was because of the visibility and connectivity of the site. Chairperson Young opened the meeting to the public for any comments.

Resident, Niyonna McIntyer spoke to the board and had issues with traffic coming onto Pine Ridge Road and how dangerous it already is getting onto Pine Ridge Road from her development. She stated that she is fine with the development, but not with the added entrance on Pine Ridge Road. Resident, India Rowe came forward and expressed her concerns with the added traffic, effect of the quality of life and her property values. She was also concerned about the safety of her children. She presented the board with a petition from her neighbors opposing the rezoning. Ms. Rowe questioned Mr. Abraham if a buffer was going to be provided between her development and his. Mr. Abraham stated that a buffer yard would be required and that they would exceed the requirement with plant material and fencing. Mr. Abraham added that as an existing commercial district, a business could go in there

and there would be more noise, more traffic and more parking lot lightning than there would be for a multi-family use. Resident, Conyeer Agnew spoke to the board and had concerns with traffic, safety and property values. David Senn spoke in opposition to the rezoning stating his daughter lives in the development that abuts this property. He stated that there is too much development going on and traffic has become a major issue. Mr. Purchase read into the minutes an email he received from resident Jeff H. that he opposed to the rezoning due to traffic and fear that his property value will go down when time comes to sell his home. With no more public comments, Chairperson Young closed the public hearing. Mr. Purchase also read into the minutes, comments from Fire Chief Jim Redd. He believes the project is in a bad location with traffic issues and the proposed development is too high in density for the area.

Chairperson, Cecil Young asked if the board had any questions or comments. Cecil Young asked for a motion. Donnie Parris made a motion to recommend denial of the rezoning to Town council. The motion was seconded by Chairperson Cecil Young. The board voted 2-1 for recommending denial of the rezoning to town Council. Chris Breener was the dissenting vote.

*(Mr. Purchase stated incorrectly that since we did not have three affirmative votes the motion did not pass. After conferring with the Town attorney, the vote was affirmed by the majority and the recommendation for denial of the rezoning to Town Council was accurate).*

### **C) Rezoning Application 2020-10-23**

Teresa Caton Cantrell of C & A Maintenance Company, LLC, requested a rezoning of the property located on Charlotte Highway, north of 200 Inman Road. The applicant requested that the property be rezoned from NBD (Neighborhood Business District) to GBD-1 (General Business District 1). Tax map 5-15-03-011.00. Mr. Purchase presented the staff report to the board. Mr. Purchase stated that the owner is requesting the rezoning to allow the existing metal garage to be used by her tenant at 200 Inman Road for minor detailing and fluid changes to the cars they will be selling. Mr. Purchase also stated that the rezoning complies with the Town of Lyman's Ten Year Comprehensive Plan for future land use as commercial and residential. Staff recommended approval of the rezoning of the property from NBD to GBD-1.

Chairperson Young asked if anyone representing the property was in the audience. No one came forward. Chairperson Young then opened the meeting to the public for any comments. No public comments were heard. Chairperson Young then closed the public hearing and asked the board if they had any questions. Being none, the chairperson called for a motion. Chris Brenner made a motion to recommend approval of the rezoning to Town Council and was seconded by Donnie Parris. All were in favor.

## **D) Rezoning Application 2020-10-23-1**

Regional Homes, LLC requested a rezoning of the property located at 1735/1737 Inman Road. The applicant requested that the property be rezoned from R-15 (Single-Family Low Density Residential District) to R8/10 (Single-Family and Duplex Residential District). Tax map 5-07-00-048.00. Mr. Purchase presented the staff report to the board. Mr. Purchase stated that the owner is requesting the rezoning to permit an existing duplex which was built under Spartanburg County's regulations and not the Town of Lyman's. Staff recommended approval of the rezoning of the property from R-15 to R8/10 to permit the existing duplex, and that the Town of Lyman's Ten Year Comprehensive Plan future land use recommends residential and commercial including duplexes.

Chairperson asked if anyone representing Regional Homes, LLC was in the audience. No one came forward. Chairperson Young then opened the meeting to the public for any comments. No public comments were heard. Chairperson Young then closed the public hearing and asked the board if they had any questions. Chairperson Young asked Mr. Purchase how was duplex inadvertently built and how did they get permits? Mr. Purchase replied that the owner assumed that the property was in unincorporated Spartanburg County. He proceeded to contact the County who informed him that it was in unincorporated Spartanburg County. Permits were then applied for and issued to the building contractor. All inspections were made by Spartanburg county Building Codes. The property was brought to our attention after the duplex was almost completed and it was noted that the property is within the Town of Lyman's jurisdiction. Mr. Breener had concerns about the location of the duplex as far visibility to cars possibly running into the structure. Mr. Purchase mentioned that SCDOT would need to grant an encroachment permit for the new driveway entering onto the highway. So far the permit has not been issued. Board members stated their displeasure that no one representing the owner showed up to speak to the board.

Chairperson Young asked for a motion. Chris Breener made a motion to recommend denial of the rezoning to Town Council and was seconded by Donnie Parris. All were in favor.

## **Adjourn**

Chairperson Young asked for a motion to adjourn. Donnie Parris made a motion to adjourn and was seconded by Chris Breener. The board voted unanimously to adjourn the meeting at 8:25pm.