



Planning Commission Minutes August 23, 2022

Members Present: Tim Todd, Chair
Chris Brenner, Vice Chair
Cecil Young
Marie Karas
Donnie Parris

Member Not Present:

Staff Members Present: Michael Berry, Zoning Administrator

I. Call to Order

Mr. Tim Todd called the meeting to order at 5:30 PM, and read the opening remarks.

II. FOIA and Roll Call by Planning & Zoning Administrator, Establishment of a Quorum

Mr. Berry read the FOIA statement, conducted roll call, and established a quorum for the record.

III. Minutes of the Planning Commission

Mr. Todd asked for a motion to approve minutes from July 6th, 2022. Mrs. Karas made a motion to approve the minutes from July 6th. Mr. Todd seconded the motion. All in Favor

IV. New Business

Mr. Todd opened the Business Meeting for the following item:

Mr. Young first asked the chair to be recognized regarding a procedural question. Mr. Todd recognized Mr. Young. Mr. Young stated the first item FDP 2022-03, was first presented to Planning Commission on May 25th, where Planning Commission voted 4-0 in disfavor. Then in early June the item was presented to council, where a member of public requested the item to be tabled, then council tabled the item. “Based on my understanding when an item is tabled from a higher power, we should not be discussing this item at all. That is my procedural question. Should we or should we not be discussing this item. You must bring it off the table before it can be discussed, that’s Roberts Rules.”

Mrs. Karas then commented “If a board member did not bring it off the table, then we can’t act on this”. Mrs. Karas asked Mrs. Noel Blackwell if council brought this item off the table.

Mrs. Noel Blackwell then spoke, and stated council tabled this item at the June meeting, then the item was presented at the July meeting for 1st reading and approved. And then approved at 2nd reading during the August meeting. And now procedurally the Final Development Plan is before Planning Commission for approval given the item meets the statement of intent.

Mr. Berry then added, the item is required to meet the requirements of a Flexible Review District final development plat and the applicant has shown conformance with Town of Lyman Land Development Regulations.

Mr. Berry then presented staff analysis. The provided information herein, is in accordance with the guidelines set forth within the Town of Lyman Zoning Ordinance , Land Development Regulations and given the Town Council approval by Ordinance 06132022 A at second reading on August 8th, 2022, staff recommends approval.

Mr. Young then asked if Council approved the FRD?

Mrs. Blackwell and Mr. Berry stated yes.

Mr. Young then asked when was the public hearing? Mrs. Noel stated a public hearing was at 1st reading, and Mr. Young stated yes, he was there. And Mrs. Noel stated no additional public hearings were required.

Mr. Young then asked on what date was the ordinance approved on? Mr. Berry stated 1st reading was on July 11th, 2nd reading on August 8th, and the public hearing was June 13th when council voted to table the item.

Mrs. Karas then re-asked the question did council take the item off the table in order to vote? Mrs. Karas asked for Mrs. Noel to review the minutes from council for the previous meetings.

Mrs. Karas made a motion to table FDP 2022-03 for discussion after item RZ-2022-05. Mr. Todd seconded. All in Favor

A. RZ-2022-05

Mr. Berry presented staff analysis.

Dale Beebe, on behalf of, True Life Church, has submitted a request to rezone tax map id 5-14-00-118.01 from GI, General Industrial District, to GBD1, General Business District 1 for use of a future addition to existing structure.

The Comprehensive Plan and Future Land Use Map identify this area as the Gateway Character Area. This area is described as a transitional district that should be considered for most residential and local/neighborhood level commercial uses. Multi-family, townhome, and duplex development should be considered and should focus on providing open space, landscaping and screening while using high quality architectural materials that blend in with the surroundings. A mix of housing types and densities could be considered in this district.

Applicant has occupied this property and been a member of this community since 1999. Based on the current zoning district, this use of property is considered a non-conforming use based on the omission of church or places of worship from the GI designation. Thus, applicant requests the parcel to be re-zoned to GBD1 to be similar designation to the surrounding parcels and to also proceed with a building addition to the existing building.

The Town of Lyman's staff recommends approval of this request.

Mr. Todd asked Mr. Beebe what additions are planned. Mr. Beebe stated a gym will be added and future worship center. Mr. Beebe stated he was informed the property required zoning reclassification to comply with zoning regulations.

Mrs. Karas asked about the comparisons from General Industrial to GBD1. Mr. Berry stated he would research and re-address. Mr. Berry then stated the GI is the only district to not allow places of worship.

Mrs. Karas then asked if we approve this parcel as GBD1, would this property then require a variance? Mr. Berry presented the current zoning requirements for GBD1 and this property would not require a variance.

No public comments were presented.

ACTION- Mr. Todd asked for a motion. Mr. Young made a motion to approve the Rezoning to GBD1. Mr. Brenner seconded motion. All were in favor

Other Business

Mr. Berry provided the Commission with the Planning and Zoning Report for the month of July 2022.

B. FDP-2022-03

Mrs. Noel Blackwell returned to the session.

Mrs. Blackwell stated item FDP 2022-03 was tabled on June 13, which was the first time it was placed on council's agenda as an FRD. There was a public hearing, after the public hearing, the item was tabled. Not tabled indefinitely or table killed.

On the July 11th meeting the item was placed back on the agenda as old business, and an action item for 1st reading, where it was approved and on August 8th it was placed on the agenda as old business for 2nd reading, where it was approved and is now presented before Planning Commission. Mrs. Noel stated if the item was not tabled indefinitely nor killed, the items not removed from the table during the first meeting subsequent to their tabling would have to be renewed through the regular agenda setting process. Mr. Young stated he did not believe that was procedurally correct.

Mr. Young then stated no one had an opportunity for comments during the first June meeting. Mrs. Noel stated the public notice was posted June 10th on Town of Lyman website, local newspaper, and at town hall.

Mr. Todd asked if anyone presented at the public comments.

Mayor Greer spoke and stated 3 people spoke at the June meeting, but no one spoke at the July meeting. After the June meeting, and the item was tabled, the developer wanted to present a better design for the town. During the July meeting the item was placed on the agenda, and no one asked to speak on the matter.

ACTION- Mrs. Karas made a motion to place item FDP 2022-03 back on the table. Mr. Todd seconded motion. All were in favor.

Mr. Cecil Young has signed a Recusal Statement due to residing within the 200 ft buffer regarding FDP-2022-03. Thus, his previous question and interaction was based on a procedural basis of item FDP-2022-03 not in relation to the contents of this item. He has now recused himself from discussion.

Mr. Berry then presented to the board the changes in the FRD as designed by Gray Engineering, since Planning Commission on May 25th meeting.

Mrs. Waverly Wilkes then presented to the board the changes to the FRD since last submission to Planning Commission on May 25th, which has been presented to council and approved at 1st and 2nd reading.

Mr. Berry then commented the current item we are discussing is procedural whether FDP-2022-03 was tabled or not tabled correctly prior to discussing this item.

Mrs. Karas stated she believes the item should require action to place it back on table, not place on agenda, as Mrs. Noel stated earlier. Mrs. Karas believes we need more information.

Mayor Greer stated an action or motion is not required to place an item back on the table. Once you place the item on an agenda, it is an action of taking it off the table.

ACTION- Mr. Todd asked for a motion to approve FDP-2022-03. No second.

ACTION- Mrs. Karas made a motion to table FDP-2022-03 for additional information on how to proceed with this item. Mr. Brenner seconded the motion. Mrs. Karas in favor; Mr. Brenner, Mr. Todd opposed, Mr. Parris abstain.

Mr. Parris then asked Mrs. Wilkes for additional information of the design and layout of the units and if the design is similar to other projects.

Mr. Parris then asked Mr. Berry, why is this item required to come back before Planning Commission. Mr. Berry stated as the current ordinance associated with the FRD, the final development plan is required to be addressed by Planning after approval by council.

Mr. Berry stated the item does meet Town of Lyman Zoning Ordinance, Land Development Regulations required for a final development plan of an FRD and changes were made to the FRD that were mentioned during the planning commission meeting on May 25th.

ACTION- Mr. Todd asked for motion to approve FDP-2022-03 based on approvals of Spartanburg County Public Works, Tyger River Fire District, SJWD, Spartanburg County GIS, SCDOT, and Town of Lyman Planning and Zoning. Mr. Brenner made a motion to approve FDP-2022-03. Mr. Todd seconded. Mr. Brenner, Mr. Todd, Mr. Parris in favor, Mrs. Karas abstain.

VI. Adjourn

There being no other business to discuss, Mr. Brenner made a motion to adjourn. Mrs. Karas seconded the motion. The meeting adjourned at 6:30 p.m.