



Planning Commission Minutes January 24, 2023

Members Present: Chris Brenner, Chair
Traci Pittman
Marie Karas Vice Chair
Ronald Freier
Donnie Parris

Member Not Present:

Staff Members Present: Michael Berry, Zoning Administrator

I. Call to Order

Mr. Chris Brenner 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. Brenner asked for a motion to approve minutes from November 22th, 2022. Mrs. Karas made a motion to approve the minutes as submitted. Mr. Freier seconded the motion. All in Favor.

IV. Approval of 2023 Meeting Schedule

Mr. Brenner asked for a motion to approve the meeting schedule. Mr. Freier made a motion to approve 2023 meeting schedule as submitted. Mrs. Karas seconded the motion. All in Favor.

V. New Business

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

A. TA-2023-01

Mr. Berry presented staff analysis, and explained the reason for the text amendment as it relates to the conformance to Foreign Trade Zone requirements. Meaning, businesses and clients associated with the Foreign Trade Zone and doing business with FTZ, are required to install security measures, such as an 8 foot tall fence with barbed wire extensions.

Town of Lyman's current ordinance only allows a fence to be a maximum height of 8 feet. By inserting this language into the current zoning ordinance, future businesses would not have to ask for a variance if they are associated with FTZ.

ACTION- Mrs. Karas made a motion to approve text Addition of Security Barrier and Fencing text for compliance with Foreign Trade Zone Requirements and recommend to Town Council for approval. Mr. Freier seconded motion. All were in favor. Motion carries.

B. TA-2023-02

Mr. Berry presented staff analysis and explained the current exterior lighting section within the ordinance does not provide sufficient detail and design standards. The provided new text, in section 823, would provide guidance for commercial, residential, CBD, and GBD. In short, the text addresses parking lots, wall light packs, residential flood lights, requiring containment of lighting within each parcel, and no lighting allowed above 90 degrees. Additionally, this text requires a photometric plan for the site lighting to be provided by a SC Professional Engineer.

ACTION- Mr. Freier made a motion to approve text addition of Exterior Lighting. Mrs. Pittman seconded motion.

Mrs. Karas made a motion to amend Mr. Freier motion to add “and recommend to Town Council for approval”. Mr. Brenner seconded. All in Favor.

Then, all voted in Favor of Mr. Frier’s motion to approve text addition of Exterior Lighting and recommend to Town Council for approval. All in Favor. Motion carries.

C. AN-2023-01

Mr. Berry presented staff analysis and explained the Town of Lyman has recently purchased the former mill site, which has been unincorporated and still remains in Spartanburg County. Town of Lyman, request annexation of the parcels into the Town of Lyman city limits.

Mr. Parris asked when was it purchased, Mr. Berry stated it was purchased in November 2022.

Mr. Parris asked why does the Town of Lyman request the property to be annexed? Mrs. Blackwell stated the town purchased the property, with hopes of development, and the town currently has a RFQ advertised to determine how best to development the property, and we believe the classification as a Flexible Review District is most logical based on the characteristics, features, and layout of the site.

ACTION- Mrs. Karas made a motion to approve annexation of parcel 5-15-00-006.11 as an FRD and recommend to Town Council for approval . Mr. Brenner seconded motion. All in Favor. Motion carries.

Other Business

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

Discussion of FRD-Major Change versus Minor Change

Mr. Berry presented background information for the reason of the discussion.

Planning and Zoning Department received revised drawings for two previously FRD's in late December, in which Planning Commission had already provided approval of the Final Development Plat.

Upon reviewing the revised plats, staff determined the changes of the new plats as delivered constituted a Major Change, due to boundary changes and characteristic changes. Applicant did not agree with Staff's interpretation, and believed such changes are minor in nature, and may be approved at staff level. Thus, we have brought these plats and examples to Planning Commission for determination whether such changes are Major or Minor.

Mr. Freier asked is the intent of tonight's meeting to determine if the changes are major or minor? Mr. Berry stated yes, to determine if the planning commission would consider these changes either major or minor.

Mr. Freier then stated both parcels have boundary changes, thus they are major changes. They have changes on overall boundary and individual lots. Additionally, I observed 9 different changes between the ones we approved versus the one provided in December for Aspen. It appears that the open space has changed. He also stated re-orientation is considered left/right and up/down, not relocating; rotating a lot/building is re-orientation, not relocating a lot/building. An example would be; if the building is facing North and your turn it Northwest, that re-orientation. Removing that building or relocating the building is not re-orientating.

The parking lot for the mail kiosk was removed, not re-orientated, the new entrance road was shifted, and a building was added, I would believe these are major changes.

Mr. Brenner asked what boundary changes occurred? And also stated the mail kiosk area is a major change due to the area being deleted.

Mr. Berry stated the lot line boundaries were adjusted and smaller lots were created from Planning commission's approval versus the submitted plans.

Mr. Berry also stated the change in acreage is an item to discuss in the future. For example, is a minor change, one that has a variation of less than 1 acre from submitted Preliminary Plat versus FDP?

Mrs. Karas believes the submitted plans in December should be considered major changes and Mr. Berry is correct in stating these are major changes.

Mrs. Pittman also agreed these are major changes, and the relocation of lots/homes in the adjacent backyard of other lots/homes is not acceptable.

Mr. Parris stated we have requirements for developers to come back before planning commission when setbacks are changed, he did not see a difference in the change in setbacks as compared to boundary changes.

Discussion on Landscape Buffers

Mr. Berry stated lots 39-49, at Elliot Park have submitted zoning applications for a wooden fence along Hampton Road within a landscape easement.

The 20 foot landscape easement is actually in the rear yards of these lots, due to the developer having to shift these lots closer to the Hampton Road when they encountered rock when excavating

the pond. Thus, enlarging the pond to meet the minimum volume requirements, which then shifted all the lots closer to Hampton Road.

Mr. Berry stated during the submission of the Final Development Plat, we do not require landscape plans or submittals for landscaping details. And the current ordinance only requires a 6 foot landscape easement that can be a combination of grass, fence, berm, or landscaping.

Applicant proposes to install a 6 foot tall wooden fence along the rear property lines of lots 39-49, which is within the landscape easement area, and would place the landscape easement in each lots' backyards.

Mr. Berry stated he did not believe this was the intent of the easement, and he believes the intent of an easement is to soften the impact of the development along a major road, instead of creating a fortress type situation.

Mr. Berry also stated he was unsure where the 20 foot landscape buffer originated from, and our current ordinance is only 6 foot.

Mr. Berry believes a combination of reducing the buffer from 20 feet and planting evergreens, and plantings in front of the fence would be acceptable.

Mr. Parris asked how many lots are affected, Mr. Berry said 15 lots will be affected along Hampton Road.

Mr. Freier asked where the 20 foot easement came from, Mr. Berry stated he was unsure and after talking internally, we are unsure where 20 foot came from.

Mrs. Karas stated it appears to be a judgement call at staff level to make a good, educated interpretation of the intent of the landscape easement and buffer, and we need to consider adding text and language for future developments.

Mr. Parris asked, where would the evergreens be located. Mr. Berry stated the trees would be between Hampton Road and the face of fence, and right in front of the fence. The HOA would be responsible for the landscape easement as noted in the covenants.

VI. Adjourn

There being no other business to discuss, Mr. Parris made a motion to adjourn. Mr. Freier seconded the motion. All in Favor. The meeting adjourned at 6:30 p.m.