



# Oconee County Planning Commission

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29691

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## Minutes

### Planning Commission Meeting

September 14, 2009

The Oconee County Planning Commission held their regular monthly meeting on September 14, 2009 in the Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Tommy Abbott (Chairman)  
Ryan Honea, (Vice Chairman)  
Rex Ramsay  
Andy Heller  
Randy Abbott  
Bill Evatt

Art Holbrooks (Planning Director)  
Carol Harvey (Planner)

Media Present:  
Ray Chandler (Anderson Independent)

**Item 1:** Chairman Abbott called the meeting to order.

**Item 2: Approval of Minutes**— Mr. Honea made a motion to approve the August 10, 2009 minutes as recorded. Mr. Ramsay seconded the motion. The August 10<sup>th</sup> minutes were approved unanimously.

**Item3: Public Comment-** Mr. Tom Markovich was the only individual requesting time to present comments. He addressed two issues, the first of which was his congratulations on the excellent job done by the planning staff on the Affordable Housing section of the Housing element. He raised a second issue concerning the Fairview rezoning request that was returned to the Planning Commission by the County Council because of a change in the zoning designations apparently after the petitions were signed by the property owners. Mr. Markovich stated his opinion that the zoning ordinance may not be ready to put into place due to misunderstandings about how it is administered. He explained that there is a misunderstanding by some that if a small area rezoning request is initiated, that enables property owners to pick the zoning of their choice. He feels that the petitions should be made more clear so that property owners clearly understand that they are signing petitions to be rezoned, not to guarantee a specific zoning designation of their choice. He stated that the petition should be standard for all small area rezoning requests and that it should clarify that by signing, the property owner merely starts the rezoning process but does not guarantee what the zoning designation will ultimately be. Mr. Markovich also pointed out that the zoning ordinance allows 60 days from the time the request is received, not from the time it is approved, so County Council is running out of time.

**Item 4: Discussion of Comprehensive Plan Update** - Mr. Holbrooks referred Commission members to the packet of information provided to each, that includes the new Affordable Housing section and also includes a draft of the Priority Investment Element, for their review and comments. He informed members that he will be meeting with the School District staff this week to get numbers to include in the Comprehensive Plan update. He suggested that they consider conducting a workshop sometime during the next few weeks to focus on reviewing the future land use map and wrapping up reviews of the Comprehensive Plan update. He intends to complete the Transportation Element within a week or so, which will also be provided as a draft for review by the Commission.

Mr. Ramsay asked if comments on all of the drafts can still be submitted and Mr. Holbrooks affirmed that comments and suggestions are welcomed.

**Item 5: Consideration Rezoning Request for “Fairview Community” (Ordinance 2009-15)** - Mr. Holbrooks informed the Commission that the Fairview rezoning request was referred back to the Commission by the County Council at the September 1st council meeting due to some questions about the timing of a request by Crescent Resources (one of the property owners in the Fairview request) to change the original requested classification of their parcels from Lake Residential to Residential. Mr. Holbrooks said that the County attorney has rendered an opinion on the issue but that opinion has not been released yet. Mr. Holbrooks said that the issue has prompted the Planning staff to consider developing more standardized documentation for future rezoning requests, to clarify the rezoning petition process but that some type of policy should be established to set deadlines for the overall process. Mr. Holbrooks reaffirmed that there can be multiple zoning classifications in a single small area rezoning request but that this Fairview issue relates to the timing of the request to change one of the zoning classifications after the original request was already submitted.

Commission members discussed whether or not the original request met the rezoning requirements and whether or not Crescent Resources had sufficient and equal opportunity to respond. Mr. Gary McMahan, property owner representing the Fairview Rezoning request, confirmed that Crescent was notified in the original mailing he sent in February 2009 by certified mail, return receipt, but they did not respond. He stated that had no adverse effect on the overall request which exceeded the 51% requirement of positive responses. He also confirmed that the property owners had understood that individuals can subsequently request rezonings, therefore had no problem with Crescent requesting a classification other than the Traditional Rural when they did respond.

Mr. Mike Smith, acting attorney for Crescent Resources, explained that Crescent has not formally requested or consented to a rezoning but was simply responding to a suggestion that they select a zoning classification for the parcels, as a part of the rezoning process. He said that Crescent responded as soon as they became aware of the situation but did not know that this was an issue before the County Council.

Mr. Phil Soper, property owner representing a rezoning request for parcels adjacent to the Fairview request, explained that three parcels on the southwest side of the Fairview request did not respond to the Fairview petitions because they were already part of another request area. Since they had already petitioned to be classified as Lake Residential in that other request but were inadvertently included in the Fairview request as “not responding”, he wants to confirm that those three parcels retain their requested classification as Lake Residential. Mr. Soper explained that the situation arose simply because there were two rezoning efforts going on at the

same time and that the parties involved in both efforts have agreed on the Lake Residential classification for those three parcels.

Mr. Honea expressed concern that property owners might not understand that there can be multiple zoning classifications in one request but that they may or may not get the zoning that they request, depending on the recommendations of the Commission and the decision of the County Council. Mr. Holbrooks stated that a variety of multiple zoning classifications could be accommodated, as long as they are compatible with the future land use map and that the allowance for multiple classifications permits small pockets of other land uses to be included in the overall zoning process. He further clarified that once the initial rezonings are conducted, subsequent rezonings can be done individually.

Mr. Mike Smith asked if the Crescent parcel could now be withdrawn from the overall request. Mr. Holbrooks said that could pose a problem for them to submit future rezoning requests since the parcel must be contiguous with other parcels to meet the minimum size for a initial rezoning request. He said that withdrawing the two Crescent parcels also changes the Fairview request and he wasn't sure how that would affect the status of the Fairview request.

Mr. Jim Codner, Advocates for Quality Development, suggested that it will be difficult to expect the original petitions for rezoning to come in with everything confirmed since the public hearing is the first time that all the citizens have a chance to voice concerns or support on the rezonings. He agreed with Mr. Markovich that some issues may be confusing but stated that people are being informed that the petitions they are signing are just requests to start the rezoning process.

Mr. John Roach, Director of the Land Investment Division of Crescent, stated an apology from Crescent for the lack of a timely response to the rezoning issue, explaining that the large volume of real estate issues that Crescent deals with can result in delays in responding to those issues. He noted, however, that all legal notices were given due attention.

Ms. Andy Heller made a motion to send the Fairview request back to the County Council as is, for their approval, noting that Crescent has the option to make a future request for rezoning of the two parcels to change them from Lake Residential to Residential if they so choose. Mr. Honea seconded her motion. The Commission discussed the request and stated that they felt residential would be fine, except that they also felt Council should be the ones to change the parcels. Concerns were raised about setting a precedent of changing request after they were already recommended to Council. The motion carried with all in favor.

**Item 6: Old Business –**

- A. Mr. Holbrooks informed the Commission that the digital FEMA floodmaps are available and official as of September 11, 2009. He said that they will eventually be available online, but until that time, can be viewed or printed in the Planning Office.
- B. Mr. Holbrooks informed the Commission that a developer has requested changes to Olliver Road, which will be processed as a request for variance at the October 12 Planning Commission meeting.

**Item 7: New Business –** No new business.

**Item 8: Adjourn—** Mr. Ryan Honea made a motion to adjourn the meeting and Mr. Tommy Abbott seconded that motion. Chairman Abbott adjourned the meeting.

Minutes recorded and submitted by Carol Harvey