

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

Minutes

5:00 pm- Monday, August 2, 2021

Council Chambers - Oconee County Administrative Complex

Members Present

Frankie Pearson
Alex Vassey
David Nix

Mike Smith
Mike Johnson
Pat Williams

Staff Present

Vivian Kompier

Media Present

None

1. Call to order – Mr. Smith called meeting order at 5:00 PM
2. Invocation was led by Mr. Smith
3. Pledge of Allegiance was led by Mr. Johnson
4. Approval of minutes for July 8, 2021 and July 19, 2021 – Mr. Nix made a motion to approve the minutes for July 8th; seconded by Mr. Vassey and unanimously approved 6/0. Mr. Pearson made a motion to approve the minutes for July 19th; seconded by Mr. Nix and unanimously approved 6/0.
5. Public comment for non-agenda items (4 minutes per person) – None
6. Commission member comments
 - a. Mr. Smith – Planning & Economic Development Committee has asked the Planning Commission to address reducing curb cuts and increasing auxiliary turn lanes on certain corridors. Within that request is a desire to harmonize Chapter 26 (Roads & Bridges), Chapter 32 (Unified Performance Standards), and Chapter 38 (Zoning). The RV Ordinance requires a revision. Strategies that require an annual review for 2021-22 are coming up in the future.
7. Staff comments – None
8. Public Hearing 2021 – A request by James R. Neal & Diane E. Neal, the owners of a property on Waterstone Drive identified as TMS #192-00-04-028, to rezone said property, which consists of 4.343 acres, from CD (Conservation District) to LRD (Lake Residential District).

- a. Procedure – Mr. Smith read the Parliamentary Procedures adopted by the State of South Carolina and will be used for this public hearing. Public hearing is the tool used to get input from the public. Planning Commission members should refrain from making comments during the hearing and should not enter in debate with the public or other member of the Commission. There is no time limit for public comment. At the conclusion of the hearing, a motion will be made and seconded to address the rezoning request. A discussion by the Commission Members will follow. Matters addressed during the public hearing may be commented on during the Commission’s discussion. The Chair will call for a vote at the end of the discussion. The Planning Commission’s decision will be forwarded to the County Council for further action.
- b. Public Comment – none
- c. Motion – Mr. Smith made a motion that Parcel #192-00-04-028 be rezoned from Conservation District to Lake Residential District. Mr. Johnson seconded.
- d. Discussion – Mr. Johnson found in his research that the original developer of the land put a section of the development into a conservancy in 2014. He noted that this is a common practice when developers are unable to sell the land. The developer then pulled the subject parcel out of the conservancy as a residential lot for himself. At the same time, the Oconee County Tax Office changed the tax classification from Agricultural to Residential for the subject parcel. As a result, the taxes on the parcel have been paid as such. Mr. Williams asked what type of conservancy easement is on the property? The Commission deferred to Ms. Kompier, who explained that the parcel in question is **zoned** in the Conservation District; there is no easement. Mr. Johnson asked if there was a tax benefit for the developer for making the changes he made. Ms. Kompier stated that she did not find any benefit. She explained that when she first started researching the request, she thought the zoning was a mistake. Ms. Kompier contacted Lisa Simmering, Oconee County GIS Manager, and Ms. Simmering confirmed that the documentation shows the zoning was intended. Mr. Williams expressed his concern that this will open the door for others to change zoning from Conservation to Residential. Ms. Kompier addressed Mr. Williams concern stating that this is a unique piece of property. First, parcels in the Conservation District are supposed to be 10 acres or more. The subject parcel is 4.343 acres. Ms. Kompier is not sure how or why it was zoned Conservation District, but the people who bought the property last year want to build a house on it. Mr. Johnson restated that the property is classified residential on public facing documents and the tax rate has been residential since 2014. Therefore, Mr. Johnson believes that the County has already made the call—it’s residential. Mr. Pearson asked if there was a letter from the Waterstone HOA. Ms. Kompier shared a document that the Neals HOA dues are current. Mr. Pearson asked if the HOA is in agreement with the rezoning request. Ms. Kompier noted that there is no one in attendance or otherwise voicing their opposition after being notified of the public hearing. Mr. Johnson made mention of a statement in a letter that the Neals envision splitting the lot to give to their children to build next door to them. Mr. Johnson noted that this would be an issue for the Waterstone HOA, not the Planning Commission. Mr. Pearson commented on Mr. Williams concern about this request opening up a flood gate of rezoning requests. Mr. Pearson stated that the County’s zoning structure is set-up where property owners can request for property be rezoned, unlike the Conservation Bank. Ms. Kompier added that if you rezone, the property owner is not allowed to rezone back to Control Free District. Mr. Vassey asked for confirmation that the subject parcel was originally part of the larger tract of land being developed. Mr. Johnson stated that was his understanding. Mr. Vassey confirmed that the Waterstone HOA now owns the remaining 32 acres.

- e. Vote – Mr. Smith called for a vote for the motion on the table. The motion was passed unanimously 6/0. Mr. Smith made a motion that the Commission’s decision be sent to County Council for their consideration. Mr. Nix seconded and unanimously approved 6/0.
9. Adjourn – Mr. Pearson made a motion to adjourn; seconded by Mr. Nix and approved unanimously 6/0 at 5:18 PM.