

SENECA PLANNING COMMISSION

May 17, 2010

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The Seneca Planning Commission met on Monday, May 17, 2010 at 6:00 p.m. in the City Hall Council Chambers. Members present included Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey. Also, present were Mr. Ed Halbig, Director, Ms. Tamy Sanford, Planner, and Ms. Tracy Smith, Administrative Assistant. Mr. Barry Duvall, Mr. Ted Durham, Sr., Mr. James Mazyck and Mr. Joel Rice were absent. The press and public were duly notified as required by law.

Mr. Wyatt opened the meeting with prayer and read opening remarks.

OPENING

Mr. Wyatt read the procedures for the meeting.

MOTION made by Mr. Gilster to approve March 15, 2010 as submitted.

SECOND made by Mr. Sommerville

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

**MOTION:
Minutes**

Ms. Smith read the annexation and zoning amendment:

<u>Docket No:</u>	AN 2010-05 & ZA 2010-06
<u>Applicant:</u>	Crescent Resources, LLC
<u>Tap Map #</u>	223-00-02-005 & 223-00-02-060
<u>Location:</u>	Northwest of Jantzen plat fronted on the west by Frontage Ro; on the northwest by Queen Annes Lane; on the northeast by the Keowee Plantation Subdivision and Lake Keowee; on the south by Woodcreek Homeowners Association and other incorporated areas of Oconee County
<u>Present Zoning:</u>	None
<u>Requested Zoning:</u>	PD- Undeveloped

**AN 2010-05 &
ZA 2010-06**

Ms. Sanford read staff report.

MOTION made by Mr. Owenby to open meeting up to public comments.

SECOND made by Mr. Sommerville

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

MOTION

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Mr. Wyatt asked if there was anyone who wished to speak in favor.

There being none.

Mr. Wyatt asked if there was anyone who wished to speak in opposition.

Mr. James Sloan 208 Indian Trails introduced himself to the board. He stated that Chartwell Point does not adjoin the city. The residents do not wish to become part of the City of Seneca. He stated his reasons as it does not adjoin the city limits, there would be an increase in traffic, city fire district. He oppose coming into the city.

Ms. Sanford clarified which application was being heard.

Mr. Wyatt verified with staff which application was being heard at this time.

Mr. Ben Sullivan stated his concern was the traffic access into the property.

MOTION made by Mr. Sommerville to discuss.

SECOND made by Mr. Gilster

MOTION

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

Mr. Gilster clarified with staff that there would be two issues to discuss at tonight's meeting, one being to annex and two what the zoning classification would be assuming it was agreed upon. He also questioned why the applicant was not attending meeting.

Ms. Sanford stated yes and clarified that the applicant was at meeting.

Mr. Gilster asked applicant why all five properties are being annexed and zoned at the same time.

Mr. James Roach stated he was with Crescent Resources. The reason the properties are being addressed at this time, is it has come to their attention that they are in proximity or contiguous to the city, felt like it was good long range planning to do all at once. He stated there was no plan to develop property as of today, which is why we are using the PD-undeveloped zoning.

Mr. Halbig stated it would allow the City to use the Comprehensive Plan over these properties.

Mr. Mead asked staff if once Crescent Properties had a detailed plan, they all would be presented at one time.

Mr. Halbig stated they would not expect all properties to develop at one time, not common to have this many annexations at one time.

MOTION MOTION made Mr. Ownbey to accept annexation.
SECOND made by Mr. Gilster
AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey
NAY none

MOTION MOTION made by Mr. Ownbey to accept zoning request.
SECOND made by Mr. Gilster
AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey
NAY none

Ms. Smith read the annexation and zoning amendment:

**AN-2010-06 &
ZA 2010-07**

<u>Docket No:</u>	AN 2010-06 & ZA 2010-07
<u>Property Owner:</u>	Crescent Resources, LLC
<u>Applicant:</u>	John W. Roach
<u>Tax Map Number:</u>	209-00-01-013
<u>Property Location:</u>	Northeasterly side of North Debra St- parcel surrounds another three-acre parcel under separate ownership
<u>Present Zoning:</u>	None
<u>Requested Zoning:</u>	PD-Undeveloped

Mr. Halbig clarified the property.

Ms. Sanford read staff report.

MOTION MOTION made by Mr. Ownbey to open meeting up to public comments.
SECOND made by Mr. Gilster
AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey
NAY none

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Mr. Wyatt asked if there was anyone who wished to speak in favor of the application.

There being none.

Mr. Wyatt asked if there was anyone who wished to speak in opposition of the application.

Mr. Joseph Burczyk introduced himself to the board as a representative for their homeowners association. He stated his concern was that the property would be used as residential, not commercial.

Mr. Halbig stated the request was for Planned Development Undeveloped. (PD-U), so essentially the plan is to bring the property into the city with no developed plan. At the time that any plans submitted for development, the PD-U zoning requirement states that another zoning hearing would have to take place. So essentially the property would come into the city as undeveloped and remain undeveloped until such time the applicant seeks to use the land for some purpose. They have not submitted plans to the Planning Department at this time.

MOTION made by Mr. Gilster for discussion among board members.

SECOND made by Mr. Mead

MOTION

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

Mr. Gilster asked staff if the property comes in as PD-U is there an impact on Crescent in terms of what taxes they pay, is that the reason they want to come into the City.

Mr. Halbig stated that any impact on the taxes. The County does not look at what a properties land use is, when considering how. It has the ability to look at the land use undeveloped parcel purposed use and determine if that is how it should be taxed.

MOTION made Mr. Gilster to accept annexation.

SECOND made by Mr. Ownbey

MOTION

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

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MOTION

MOTION made by Mr. Gilster to accept zoning request as PD-U.

SECOND made by Mr. Sommerville

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and
Mr. David Ownbey

NAY none

Ms. Smith read the annexation and zoning amendment:

**AN 2010-07 &
ZA 2010-08**

Docket No:	AN 2010-07 & ZA 2010-08
Property Owner:	Crescent Resources, LLC
Applicant:	John W. Roach
Tax Map Number:	209-00-01-006
Property Location:	Eastside of Northampton Rd to Lake Keowee
Present Zoning:	None
Requested Zoning:	PD-Undeveloped

Ms. Sanford read staff report.

MOTION

MOTION made by Mr. Gilster to open meeting up to public comments.

SECOND made by Mr. Sommerville

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and
Mr. David Ownbey

NAY none

Mr. Wyatt asked if there was anyone who wished to speak in favor of the application.

There being none.

Mr. Wyatt asked if there was anyone who wished to speak in opposition of the application.

Mr. Herb Liverett introduced himself to board. He asked if the property could be annexed into the City without putting into the designation that has been requested tonight.

Mr. Halbig stated that when a piece of property is annexed into the City, a zoning category is assigned. The applicant requested the PD-U category, due to it being the most appropriate suited, since there are not plans for the property to be developed.

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Mr. Liverett asked if any traffic studies had been conducted.

Mr. Halbig replied that no studies have been conducted at this time due to not knowing what the traffic impact might be.

Mr. Liverett stated his opinion he would not like for anything to disturb his way of life, he loves the area and feels like the board should look at this parcel, he felt there should be no rush on annexing into the City.

Mr. Bob Atwater introduced himself to the board. He stated he had no problem with the annexation, but his concern is the zoning designation of PD-U. All the properties now off Northampton are zoned R-20, well over 100 properties with that category. He stated a concern was traffic. He asked the board to annex the property with the zoning designation of R-20 consistent with all the other properties in the area. He discussed the property value of the parcel.

An audience member asked for clarification of R-20.

Mr. Wyatt and staff clarified the zoning classification.

Mr. Paul Burris asked if PD-U the only classification available at this time to be considered.

Ms. Sanford stated the PD-U is the option. In the future if, the landowner could come back with a planned development, residential, commercial or mixed use. They also have the options to use another classification altogether. It could be zoned residential and not developed as of yet.

Mr. Halbig clarified it could be requested for zoning of any designation with in the zoning ordinance. So yes it could be zoned R-20. The request for the PD-U reserves it as a planned development that then comes before the board at the time that any development proposal made.

Mr. Burris asked if the applicant could request a different zoning. He stated he was concerned with commercial development and the problems that would arise from it.

Mr. Halbig stated yes.

Mr. Clay Motis introduced himself to board. He asked for a point of clarification; what is the advantage or disadvantage to annexing any of these properties into the City.

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Mr. Halbig stated tax revenue that would be generated when the property is developed and the City having some control over the land.

Mr. Motis felt the advantage of leaving the property as it is, is in the best interest to address zoning as a part of the annexation. He also discussed police enforcement.

Ms. Sanford stated there was a more benefits to the City, such as the long-range plans, future growth, less confusion of the property owners.

Mr. Halbig reiterated PD-U zoning and discussed development of parcel.

Mr. Atwater stated the parcel was zoned residential by the county.

Mr. Halbig stated no.

Ms. Sanford stated it was an overlay district.

Mr. Roach stated the county recently in the last year has incorporated a zoning ordinance, before there was no zoning in the county, so once adopted, the ordinance put all the properties into an undeveloped zoning ordinance, and before development, it has to go into a rezoning classification. The parcel in question is zoned no development, not residential.

MOTION

MOTION made by Mr. Gilster for discussion among board members.

SECOND made by Mr. Sommerville

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

Mr. Gilster stated he was a resident of Normandy Shore and had feelings on both sides. He asked staff if an option could be for the property to be zoned R-20 and once building plans have been submitted, it can then come before the board to be rezoned.

Mr. Halbig stated yes.

Mr. Gilster asked what the downside to zoning in R-20 at this time.

Mr. Halbig stated it puts a land use on the property that the developer may not be seeking, with PD-U again they have come before the board to purpose a plan and then request a zoning category. He stated he understood that with R-20 people feel more comfortable, in accordance with what else exist in the area.

Mr. Mead asked Mr. Roach what is the vision for the property, did they envision residential.

Mr. Roach stated yes, but they have no plans now or in the future.

MOTION MOTION made Mr. Ownbey to accept annexation.
SECOND made by Mr. Sommerville
AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey
NAY none

MOTION MOTION made by Mr. Ownbey to accept zoning as R-20.
SECOND made by Mr. Mead
AYE Mr. Laird Sommerville, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey
NAY Mr. Ray Wyatt

RECESS Mr. Wyatt requested a recess at 7:15 p.m.

RECONVEN Meeting reconvened at 7:20

Ms. Smith read the annexation and zoning amendment:

AN 2010-08 & ZA 2010-09	Docket No:	AN 2010-08 & ZA 2010-09
	Property Owner:	Crescent Resources, LLC
	Applicant:	John W. Roach
	Tax Map Number:	209-00-01-006
	Property Location:	North of Loran Point Subdivision and west of Old Salem Rd to Lake Front.
	Present Zoning:	None
	Requested Zoning:	PD-Undeveloped

Ms. Sanford read staff report.

MOTION MOTION made by Mr. Gilster to open meeting up to public comments.
SECOND made by Mr. Sommerville
AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey
NAY none

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Mr. Wyatt asked if there was anyone who wished to speak in favor of the application.

There being none.

Mr. Wyatt asked if there was anyone who wished to speak in opposition of the application.

MOTION made by Mr. Sommerville for discussion among board members.

SECOND made by Mr. Gilster

MOTION

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

No discussion.

MOTION made Mr. Ownbey to accept annexation.

SECOND made by Mr. Gilster

MOTION

AYE Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

ABSTAIN Mr. Laird Sommerville

MOTION made by Mr. Gilster to accept zoning request as PD-U.

SECOND made by Mr. Sommerville

MOTION

AYE Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

ABSTAIN Mr. Laird Sommerville

Ms. Smith read the annexation and zoning amendment:

**AN 2010-09 &
ZA 2010-10**

Docket No:	AN 2010-09 & ZA 2010-10
Property Owner:	Crescent Resources, LLC
Applicant:	John W. Roach
Tax Map Number:	208-00-03-020
Property Location:	Vacant land on Chartwell Point Rd
Present Zoning:	None
Requested Zoning:	PD-Undeveloped

Ms. Sanford read staff report.

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MOTION made by Mr. Gilster to open meeting up to public comments.

SECOND made by Mr. Ownbey

MOTION

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

Mr. Wyatt asked if there was anyone who wished to speak in favor of the application.

There being none.

Mr. Wyatt asked if there was anyone who wished to speak in opposition of the application.

Mr. John Eagar introduced himself to the board as a resident of Chartwell Point. He asked about contiguous properties and the Comprehensive Plan. He stated he was opposed to the annexation.

Mr. Wyatt clarified that the owner of the property, not the City of Seneca, was making the request.

Mr. Halbig stated the City of Seneca Comprehensive Plan addresses properties that are within the city, it does not take into consideration any properties that are not currently in the city limits. When properties are annexed into the City, such as Crescent Properties locations, they then come under the elements of the Comprehensive Plan. It is not a means to reach out and capture properties.

Mr. Eagar asked if the City was planning to annex any other properties beyond this into the City.

Mr. Halbig stated that is correct.

Mr. Eagar asked what the process was to annex into the City.

Mr. Halbig stated there is a process to annex into the City. For a subdivision such as Chartwell Point, it would have to be 75 percent of property owners agreeing to annex before it would come before the board.

Mr. Eagar asked if Chartwell Point was the only access to property.

Mr. Halbig stated yes and that is a concern for the piece of property.

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Mr. Eagar asked the board not annex the property into the City, until a better access found for the property. He felt there would be safety issues due to volume of traffic.

Mr. Halbig stated this was what the City was seeking to do to protect the adjacent properties owners; if it stays out in the County and does not become part of the City then it has the ability to be developed at anytime to the density that the utility will allow. He discussed the PD-U and R-20 zoning.

Mr. Eagar discussed having representation in the County. He asked if the board decided to annex the property to zone it as single family residential, to be compatible with surrounding subdivisions.

Mr. Fanelli introduced himself to board as a homeowner on Chartwell Point road Indian Oaks Subdivision. He contends that the property is not contiguous to the City. He asked for a definition of water contiguous.

Mr. Halbig read Section 5-3-305 from the State Code of Law in regards to contiguous waterway.

Mr. Fanelli asked for a defined definition of waterway. He referenced the 75 percent of homeowners being annexed, can this be initiated by the City.

Mr. Halbig stated no.

Mr. Ernest Riley introduced himself to the board and audience members as a City Councilman. He discussed the State of South Carolina Annexation Laws, the 75 percent value of homeowners and contiguous waterway.

Mr. Fanelli asked if any community on the lake is open to the City.

Mr. Halbig stated yes, under the 75 percent rule any subdivision that has 75 percent of owners or assessed value that seeks to come into the City limits, inwhich any water way is in between.

Mr. Fanelli asked for clarification in regards to signing up for water inside the City limits, do you sign a water agreement that automatically annexes you into the City.

Mr. Halbig stated yes. You sign an agreement that you will petition to annex into the City. It is not an automatic assumption that you annexed into the City.

Mr. Fanelli asked if once an agreement signed, could it renege.

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Mr. Halbig stated no. The City would have the option as to annex the property. It would go before the board and City Council.

Mr. Fanelli asked if this was apart of the agreement with the water company.

Mr. Halbig stated when you receive a new water tap, as of 2005.

Mr. Fanelli asked if no one prior to 2005, signed the agreement.

Mr. Halbig stated that was correct.

Ms. Sanford clarified that it was 2002 and the property must be contiguous.

Mr. Fanelli asked for clarification on water tap and where could he find out whom signed water agreements in his subdivision.

Mr. Halbig stated the agreements are signed at the time that the water tap is connected. He stated the Planning Department could be provided that information.

MOTION made by Mr. Sommerville for discussion among board members.

SECOND made by Mr. Ownbey

MOTION

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

Mr. Gilster commented on the properties being contiguous and concern of single road access.

Mr. Ownbey discussed zoning.

MOTION made Mr. Sommerville to accept annexation.

MOTION

SECOND made by Mr. Ownbey

AYE Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, Mr. David Ownbey, and Mr. Laird Sommerville

NAY none

MOTION made by Mr. Ownbey for discussion among board members.

MOTION

SECOND made by Mr. Sommerville

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

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Mr. Wyatt asked if there was anyone who wished to speak in favor of the annexation.

There being none.

Mr. Wyatt asked if there was anyone who wished to speak in opposition of the annexation.

Mr. Frank Crowne introduced himself to the board. He reiterated the priority to have another access road for emergency.

Mr. Eagar asked the board to zone the property R-20.

MOTION made by Mr. Gilster for discussion among board members.

SECOND made by Mr. Ownbey

AYE Mr. Laird Sommerville, Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, and Mr. David Ownbey

NAY none

MOTION

Mr. Mead asked staff if the Comprehensive Plan be enforced in the future. Will the properties that have been annexed would this legally apply to those developments? Therefore, the developer would have to follow the plan. He stated he felt the Comprehensive Pan was good.

Mr. Halbig stated yes.

MOTION made by Mr. Gilster to accept zoning request as PD-U.

SECOND made by Mr. Ownbey

MOTION

Discussion followed.

Mr. Gilster stated that since it was such a large piece of property to designate it R-20, it would be an unreasonable restriction to the developer.

Mr. Halbig discussed the traffic flow amounts for zoning the property if it was to be zoned R-20 and why the PD-U zoning classification would be the better assignment.

Mr. Wyatt stated it was worthwhile to get a copy of the City of Seneca Comprehensive Plan.

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AYE Mr. Ray Wyatt, Mr. Bill Gilster, Mr. David Mead, Mr., Sommerville, and Mr. David Ownbey
NAY none

Mr. Halbig reiterated that the Planning Commission is only making recommendations to City Council on the ruling, it is not valid until approved or declined by the Council.

**NEW
BUSINESS**

Mr. Wyatt asked if there was any new business to discuss.

There being none.

**OLD
BUSINESS**

Mr. Wyatt asked if there was any old business to discuss.

There being none.

ADJOURN

Meeting adjourned at 8:10 p.m.

APPROVED AS TO CONTENT,

RESPECTFULLY SUBMITTED,

Ed Halbig, Director
Planning & Development

Tracy C. Smith, Administrative Assistant
Planning & Development