

Minutes
Florence County Planning Commission Meeting
Tuesday, June 28, 2011 at 6:30 p.m.
City-County Complex, Council Chambers, Room 803
180 N. Irby St., Florence, South Carolina 29501

The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and the back entrance of the City-County Complex and on the information board in the lobby of the Planning and Building Inspection Department building.

The agenda was also mailed to the media.

I. Call to Order:

Chairman Peter Knoller called the meeting to order at 6:32 p.m. and declared a quorum of members present.

II. Attendance:

Commissioners Present: Peter M. Knoller, Chairman
Bill Lockhart, Vice-Chairman
Linda Borgman
Cecil Cunha
Ted Greene
David Hobbs
Virginia Talbert

Commissioners Absent: Roger Kirby
Jody Lane
Doris Lockhart
King Lowery

Staff Present: Pearlie D. McDaniel, Interim Planning Director
Tripp Ward, Planner II
Angela C. Thomas, Secretary

Public Attendance: See sign-in sheet on file with the Florence County Planning Department.

Chairman Knoller explained to those present the procedures for the Public Hearing portion of the meeting.

III. Review and Motion of Minutes:

Comm. Talbert made a motion to approve the minutes of the May 24, 2011 meeting.

Comm. Cunha seconded the motion.

The vote carried unanimously.

IV. Public Hearings:

Map Amendment:

PC#2011-07 Map Amendment requested by Katie Barnhill Cook to change the zoning district designation for property located at 2214 Alligator Rd., Effingham shown on Florence County Tax Map No. 126, Block 1, Parcel 401 from R-3, Single-Family Residential District to R-4, Multi-Family Residential District, Limited.

Ms. Pearl McDaniel presented the staff report to the Commission. Staff recommends approval of the request.

(Copy available at the Florence County Planning Department)

Chairman Knoller asked you said that there was a salvage shop there previously?

Ms. McDaniel responded yes and that's what you see in the picture.

Chairman Knoller asked was it there before this place was zoned?

Ms. McDaniel responded it was there prior to the South Florence zoning process.

Vice-Chairman Lockhart asked does the lot support a septic tank system for multi-family?

Ms. McDaniel responded the applicant would need to check that with DHEC before they do a development; that is one of the criteria.

Comm. Borgman asked do you know when the fire happened?

Ms. McDaniel responded no.

Chairman Knoller asked would the applicant like to speak?

Mr. Bruce Cook came forward to speak and his comments were as follows:

- The structure burned about two months ago and we are in the process with L. H. Stokes to get the correct permits to clean that area up; then we are looking to build a duplex.
- The front doors will face South Point Road.

Chairman Knoller asked will the septic tank support that?

Mr. Cook responded at this time we do not know that.

Chairman Knoller asked where in that area is the nearest duplex because all around you is not zoned for duplexes?

Mr. Cook responded the closest one would be beside 905 Alligator Road.

Chairman Knoller asked that's about five blocks isn't it?

Mr. Cook responded right.

Chairman Knoller asked is there anyone else to speak in favor of this request?

There was no response.

Chairman Knoller asked is there anyone opposed to this request?

Mr. Harold Morrison came forward to speak in opposition to this request and his comments were as follows:

- I live at 2430 Lindfield Circle in Cedarbrook Development which is a subdivision right across the street from the proposed change.
- I've been concerned with the property for quite a while.
- It wasn't supposed to be zoned the way it was but it was grandfathered as it was.
- It burned and it looks terrible.
- Three times I have chased children away from there because I care; it's a hazard.
- There is an objectionable view that I just found out that they are going to have it facing South Point Road and on Alligator Road everyone will have to look at the side of this; I think that it should face the front.
- It's an up and coming neighborhood not a down and going neighborhood.
- It would be an oddity in the area because there is not another duplex.

Comm. Talbert asked what is your zoning?

Mr. Morrison responded R-3.

Ms. Lelia Parker came forward to speak in opposition to the request and her comments were as follows:

- I live at 2420 Lindfield Circle off of Ashford Drive.

- That's not a very big piece of property; what kind of parking is allowed as far as getting out on that side street, that's one thing that concerns me.
- Is this to be one duplex with two apartments?

Chairman Knoller responded yes.

Ms. Parker stated all around that area, across from this in Cedarbrook, some very expensive homes have gone up and are going all down Alligator Road; I would hate to think as a property owner that I had been out there for sixteen years and had landscaped my yard and paid my county taxes and everything I'm supposed to do and then for this to be allowed to come in; if I want to sell my property in ten years, how is that going to affect the value of my property or anyone else's property; I can only see that it's going to make property values go down.

Chairman Knoller asked is there anyone else to speak opposed to this request.

There was no response.

Comm. Talbert asked are we not concerned about spot zoning?

Ms. McDaniel responded this is what state law indicates, "Zoning a small parcel as an island surrounded by a district with different zoning may be spot zoning. The Supreme Court stated that invalid 'spot zoning' is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. The mere fact that business property adjoins residential property does not mean that the commercial zoning is invalid spot zoning. Small areas may be rezoned as long as the action is not arbitrary or unreasonable."

Comm. Talbert asked with it being .22 acres, if you put a building on there what would be your lot area?

Ms. McDaniel responded your lot area for an R-4 zoning district is 6,000 square feet for residential; your front yard setback would be 25 feet, your side would be 5 and your rear would be 20 but if you are on a corner lot, remember, you would take one half of that what the front yard setback would be.

Comm. Talbert asked what are the lot dimensions?

Ms. McDaniel responded it would have to meet 6,000 square feet; your lot width would be 50 feet; that's how wide your lot should be and the rest of it would need to meet these setbacks.

Chairman Knoller asked what constitutes the front; if they put the front door facing South Point is that the front or is Alligator Road the front?

Ms. McDaniel responded 911 addressing would have to look at that; sometimes there may not be enough room or not enough places along a particular area to add in another address.

Vice-Chairman B. Lockhart asked could they go back and put another commercial building on that lot?

Ms. McDaniel responded yes, within a certain time.

Comm. Cunha asked exactly how many square feet is this property?

Ms. McDaniel responded approximately 12,000 square feet.

Comm. Borgman stated this shows two addresses.

Ms. McDaniel responded they may have gotten another address, I'm not sure.

Comm. Cunha asked if we allow an R-4 in this area, doesn't that open the door for more duplexes; other folks would be able to apply for that and say "well, you approved that one, why can't you approve ours?"

Vice-Chairman B. Lockhart responded that's right.

Comm. Borgman made a motion to deny the request.

Comm. Cunha seconded the motion.

The vote was 6 to 1 to deny the request with Bill Lockhart voting in opposition of the denial.

V. Requests for Plat/Plan Approval:

PC#2011-08 Request for Summary Plat Approval with a waiver of Section 28.6-85 by Jacob C. and Geneva Ellison for property located off of Ellison Lane, Johnsonville shown on Florence County Tax Map No. 416, Block 2, Parcel 57.

Chairman Knoller stated this request has been withdrawn by the applicant.

PC#2011-09 Request for Summary Plat Approval with a waiver of Section 28.6-85 by Charles Gaddy for property located off of Twin Church Rd., Timmons ville shown on Florence County Tax Map No. 77, Block 1, a portion of Parcels 5 and 258 consisting of 2.75 acres. (Lilac)

Ms. Pearl McDaniel presented the staff report to the Commission. Staff recommends approval of the request.

(Copy available at the Florence County Planning Department)

Comm. Borgman asked I see the property has a ditch that goes through the middle of it; can you get ten lots out of it taking that ditch into consideration?

Mr. Tripp Ward responded the ten lots already exist; the ditch will be the new property line for the new lot; basically they are moving that lot line over to that ditch.

Chairman Knoller asked so what you are telling me is that all the way down there are ten lots?

Mr. Ward responded all the way down this back are ten lots from a family subdivision that was done about July of 2000.

Comm. Talbert asked what are they zoned?

Mr. Ward responded they are all unzoned.

Comm. Talbert asked does somebody own the lots now or are they vacant?

Mr. Ward responded they are all vacant.

Comm. Hobbs asked who maintains the road?

Mr. Ward responded it will be privately maintained.

Chairman Knoller asked they are going to bring the road up to standard?

Mr. Ward responded yes sir, that's my understanding.

Comm. Borgman asked is the road currently named?

Mr. Ward responded no ma'am.

Comm. Borgman asked will it have to be named because of 911?

Mr. Ward responded they will be named off of Twin Church Road at this time; I think that is probably the maximum from talking with 911 addressing; if they add any more homes they will have to name the road at that time but right now they are able to have addresses off of Twin Church Road.

Vice-Chairman B. Lockhart made a motion to approve the request.

Comm. Borgman seconded the motion.

The vote was 5 to 2 to approve the request with Virginia Talbert & David Hobbs voting in opposition of the request.

PC#2011-10 Request for Summary Plat Approval with a waiver of Section 28.6-85 by Tanya Kirby on behalf of James T. Kirby for property located at 249 J T Lane, Timmons ville shown on Florence County Tax Map No. 86, Block 1, Parcel 2. (Ivory)

Ms. Pearl McDaniel presented the staff report to the Commission. Staff recommends approval of the request.

(Copy available at the Florence County Planning Department)

Chairman Knoller asked is this a family request?

Ms. McDaniel responded yes.

Vice-Chairman B. Lockhart made a motion to approve the request.

Comm. Cunha seconded the motion.

The vote was 5 to 2 to approve the request with Virginia Talbert & David Hobbs voting in opposition of the request.

PC#2011-06 Request for Summary Plat Approval with a waiver of Section 28.6-85 by Betty Fulton on behalf of Bryant McElveen for property located at 2821 T & W Lane, Effingham shown on Florence County Tax Map No. 102, Block 1, Parcel 266. (Gray)

Ms. Pearl McDaniel presented the staff report to the Commission. Staff recommends denial of the request due to the applicant not providing a plat for the project as a whole as previously requested.

(Copy available at the Florence County Planning Department)

Vice-Chairman B. Lockhart made a motion to deny the request.

Comm. Greene seconded the motion.

The vote carried unanimously.

Comm. Cunha asked are we going to be sending a letter to the applicant indicating the request is denied?

Ms. McDaniel responded yes, we will let them know.

Comm. Cunha asked the address you have for them is a good address?

Ms. McDaniel responded yes and we've tried to contact them with the number that they've given us.

Comm. Cunha asked none of the letters have come back or anything?

Ms. McDaniel responded we haven't had a return letter.

VI. Other Business:

None

VII. Director's Report:

Chairman Knoller stated on behalf of this committee, thank you Ms. McDaniel, you've done a fabulous job for us and we do appreciate it very much; thank you.

- **New Planning Director-July 11, 2011**

Chairman Knoller stated Jonathan B. Graham will be joining Planning as the Planning Director on July 11th.

- **Request to defer administering Ordinance No. 09-2010/11-An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations, Section 30-202, Table VII-Regulation Signs By Type, Characteristics And Zoning Districts And Table VIII-Number, Dimension, And Location Of Permitted Signs By Zoning District; Section 30-205, Temporary Signs On Private Property; And Section 30-311, Definitions, Conflict With Other Laws To Revise The Portable Signs Regulations.
(Adopted December 9, 2010-Effective Date July 1, 2011)**

Ms. McDaniel stated staff is requesting that you consider a recommendation to county council asking that we defer implementing the portable sign ordinance at this time to give us more time to better prepare to implement and also to give our new director time if he has input for this; we're asking for a deferral until February 1, 2012.

Comm. Cunha made a motion to request that county council defer implementing Ordinance No. 09-2010/11 for portable signs until February 1, 2012.

Comm. Talbert seconded the motion.

The vote carried unanimously.

- **Discussion to amend Florence County Code, Chapter 30, Zoning Ordinance, Article X, Section 30-311, Definitions to revise residential designed manufactured home dwelling regulations for roof pitch and overhang.**

Ms. McDaniel stated in order for a doublewide home to be placed in an R-3 or an R-5 zoning district, two of the five criteria that our definition indicates it must meet is a 3:12 roof pitch and an eight inch overhang all the way around; we're finding more often than not, that these homes aren't meeting the 3:12 roof pitch and they may not meet the eight inch overhang or they meet one and not the other; I would like to bring before you at the next meeting a request to amend the two regulations if you have no concerns at this time with us moving forward; our definition does indicate that it's through the Manufactured Housing Board but we are finding that this was not a part of a safety issue but more of aesthetics.

Chairman Knoller asked before we start asking you to amend certain things, should we not wait for Mr. Graham to come in and ask him what he thinks?

Ms. McDaniel responded we could; that would be up to the commission.

Chairman Knoller stated I think it would be best if we waited until Mr. Graham got his feet on the ground before we make any amendments.

Comm. Hobbs made a motion to not move forward with this until the new Planning Director has started and can give his input and suggestions.

Vice-Chairman B. Lockhart seconded the motion.

The vote carried unanimously.

- **Summary Plats**
- **Building Report**

Ms. McDaniel stated your last two items are your summary plat and building reports.

VIII. Adjournment:

Chairman Knoller declared the meeting adjourned at 7:34 p.m.

Respectfully submitted,

Angela C. Thomas
Secretary

Approved by:

Pearlie D. McDaniel
Interim Planning Director

Approved by:

Peter M. Knoller
Chairman, Florence County Planning Commission

*These minutes reflect only actions taken and do not represent a true verbatim transcript of the meeting.