

MINUTES
LAURENS COUNTY PLANNING COMMISSION
TUESDAY, JANUARY 19, 2016 – 5:30 P.M.
CHURCH STREET OFFICE COMPLEX

ATTENDANCE: **MEMBERS PRESENT** - Kay Weeks, Chairwoman; Commission Members Bob Brewington, Posey Copeland, Beth Holmes and Sam Peden.

MEMBERS ABSENT: Commission Members Michael Smith and Randy Bishop (resigned).

COUNTY STAFF: Chuck Bobo, Laurens County Building Codes Official, Betty Walsh, Laurens County Clerk to Council.

COUNTY COUNCIL MEMBERS PRESENT: County Council Chairman Joe Wood and Stewart Jones.

GUESTS: Mr. George E. Dendy, variance request.

PRESS – No Press

SCHEDULED AGENDA ITEMS – 1.) Call to Order; 2.) Invocation and Pledge of Allegiance; 3.) Approval of Agenda January 19, 2016; 4.) Approval of minutes from November 17, 2015; 5.) New Business: A.) Continued Discussion of Proposed “Policy and Procedure” for Planning Commission; B.) Consideration of Nuisance Ordinance; C.) Discussion of Commission vacancies; 6.) Old Business; A.) Continued Discussion / Review of proposed amendments to the amending Junkyard Ordinance; 7.) Commission Member Comments; 8.) Adjournment.

CALL TO ORDER – Chairwoman Weeks called the meeting of the Planning Commission to order at 5:30 P.M. in the Conference Room of the Church Street Office Complex on January 19, 2016.

Chairwoman Weeks asked for all to stand for the invocation delivered by Commissioner Holmes and was followed by the Pledge of Allegiance by everyone.

APPROVAL OF AGENDA – The January 19, 2016 agenda was approved upon a MOTION from COMMISSIONER COPELAND and SECONDED by VICE CHAIRMAN BREWINGTON.

Chairwoman Weeks stated that the Agenda needed to be amended to allow a request for a driveway variance from Mr. George Dendy.

VOTE 5-0.

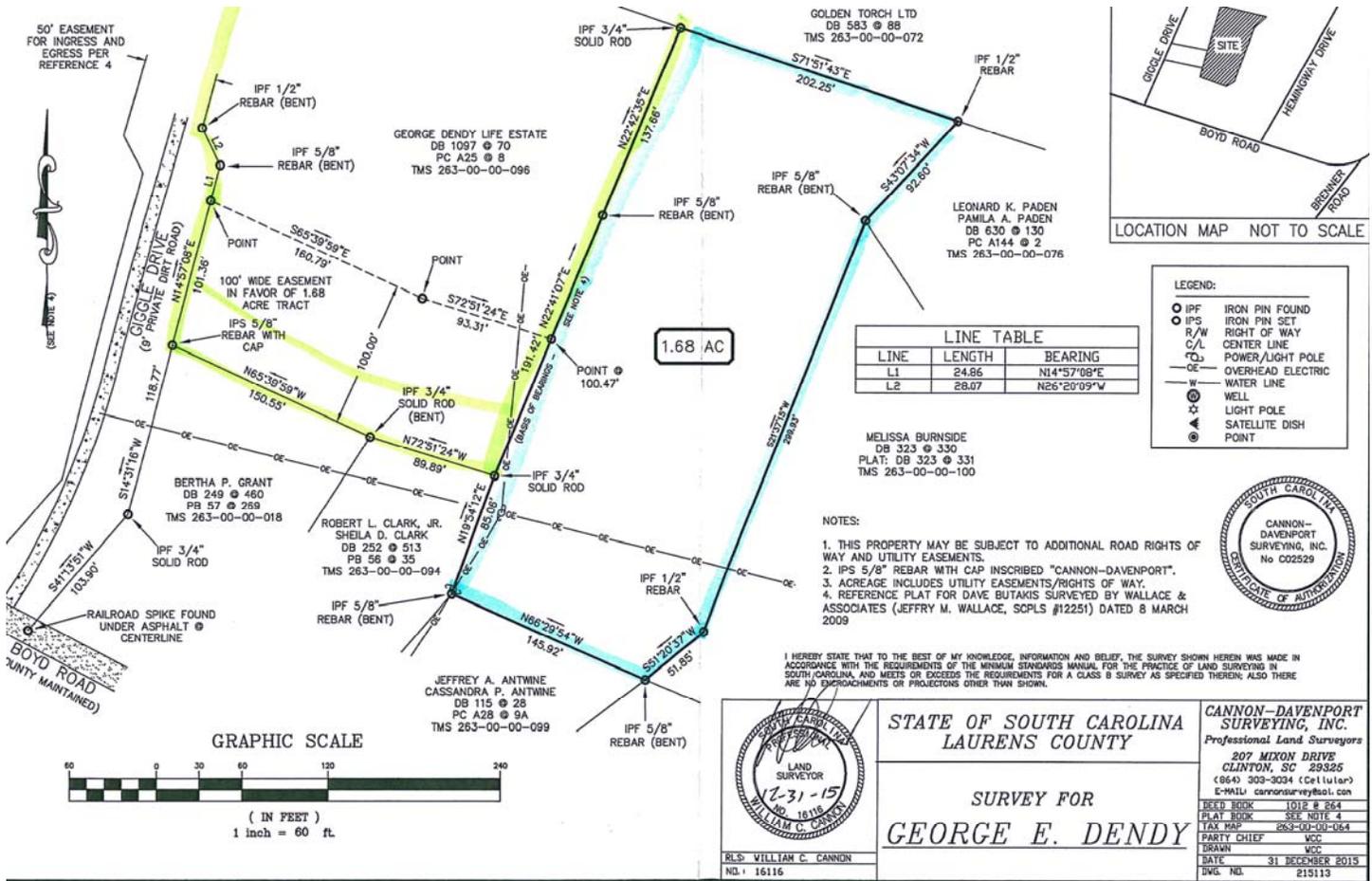
APPROVAL OF MINUTES – The November 17, 2015 minutes were approved upon a MOTION from VICE CHAIRMAN BREWINGTON and SECONDED by COMMISSIONER COPELAND. VOTE 4-0-1 (Commissioner Holmes abstained because she had not read the document.

NEW BUSINESS:

ADDED AGENDA ITEM – DRIVEWAY VARIANCE REQUEST – Mr. George Dendy approached the Commission asking for a variance of the fifty foot (50’) requirement to twenty five foot (25’).

Mr. Dendy provided a plat of the property and explained that the blue outline represents the property he is developing and that the yellow outline represents his father’s home and, the double yellow line area represents the location of the proposed driveway to enter his property.

MINUTES – JANUARY 16, 2016
LAURENS COUNTY PLANNING COMMISSION



Continuing, Mr. Dendy said, “I spoke with Mr. Bobo earlier about the driveway and he explained that the right-of-way easement required is fifty foot (50’). I am here to ask you to allow for a variance of twenty five foot (25’) simply because this is family property specifically owned by my father. He is eighty (80) years old and will deed over his property to my sister should something happen to him. He wants to be sure that I will be able to enter my property through his property. I’m requesting that you approve the twenty five foot (25’) over the fifty foot (50’)”.

Commissioner Copeland asked what the plans for the property were. Mr. Dendy replied that the property actually belongs to my father and that he intends to build a single family home behind his father on family land.

Mr. Bobo stated, “I think Mr. Dendy is just asking for your informal opinion tonight because we have to do the paperwork, advertise in the local papers and notify neighbors. I think Mr. Dendy had spoken to someone and was confused as to the minimum right-of-way being one hundred feet (100’). And he felt that it was a restrictive miss-case because it is a very small nine foot (9’) road and would take up a large portion of his fathers’ property”.

Mrs. Walsh asked if he actually owned the property now. Mr. Dendy replied that he does, as of about four (4) years ago. Chairwoman Weeks asked for confirmation that this was all family property. Mr. Dendy replied that it is.

COMMISSIONER COPELAND made the MOTION to allow him the twenty five foot (25’) right-of-way so he can access his property now and forevermore. VICE CHAIRMAN BREWINGTON SECONDING for further discussion.

Mr. Bobo reminded all that this is a legal process with the paperwork and advertising in the papers.

Commissioner Copeland said, “All he is asking is for us to approve amending footage on a private driveway on private property from fifty feet (50’) to twenty five feet (25’). And as far as advertising in the paper, why?” Mr. Bobo explained that there are legal matters at hand here. Chairwoman Weeks questioned why does all of this have to happen when it is on private property and all agree? Mr. Bobo replied that this is just a process that they need to do just in case something comes up and I’m not saying that it will.

Commissioner Copeland stated that his motion still stands.

Questioning the confusion, County Administrator Segars asked if all he was asking was for variance from the ordinance. Mr. Bobo said, “I sent him over to Church Street and gave him variance papers. I told him to fill them out and to bring them back over to the Codes Department and that I would then take it to the Planning Commission after advertising. Asking for a variance is out of order of the legal procedures.” Administrator Segars stated that as he saw it, the Planning Commission would have to approve the variance before advertising.

Commissioner Copeland asked, “I still don’t understand why you have to have a published variance for a driveway, when it is on your own private property and you want a driveway twenty five feet (25’) instead of fifty feet (50’)”. Vice Chairman Brewington agreed and stated that it is your private property to begin with. Mr. Bobo replied, “But he is asking for a right-of-way, and you can ask Mr. Russian, our minimum requirements is fifty feet (50’). So he is going below our County Ordinance by having to request a variance”.

Mrs. Walsh asked if there was already a driveway in the area proposed. Administrator Segars asked if it was on a private road. Mr. Dendy said that it is off of Giggle Road. Mrs. Walsh added that the requested driveway is coming off of a private dirt road – Giggle Drive. And that Giggle Drive is coming off of Boyd Road that is a county maintained asphalt roadway. Council Chairman Joe Wood said, “The reason for a sixty foot (60’) right of way is because if a power line has to be installed to the property he is talking about”. Mr. Bobo replied that is a standard for an entry driveway for a subdivision.

Commissioner Copeland again addressed why would the County have to approve a variance of sixty feet (60’) on this private road? Mr. Rob Russian said, “As part of the subdivision ordinance, you would have to have access to every property in this County and the access has to be to a private road or a public road prior to the ordinances existence. This property is already established and what he wants to do now is to establish access to the back parcel. If it is to be a right-of-way it has to be as per the ordinance a minimum of fifty foot (50’). If one brought that plat to my office to be stamped and recorded, it would not be stamped according to the ordinance.”

Mrs. Walsh asked how this matter would proceed if his father came in to request a driveway. Mr. Russian stated “There is a family exemption in the ordinance and has to deal with the same family members using the same right-of-way. It does not have to deal with the width of the right-of-way itself. So if he claimed the family exemption, meaning that he wants to split a piece of property and all use the same driveway, he can file the family exemption so that all the family members can use the same right-of-way. But, it would still have to be a fifty foot (50’) right-of-way”.

Commission Homes questioned why a single family dwelling would be required to have a fifty foot (50’) right-of-way.

Administrator Segars asked if the Planning Commission noted in the ordinance towards granting the variance and if the ordinance states advertising? Mr. Bobo replied, “The Planning Commission has the authority to do the variance, I’m just worried about granting the variance and not making it publicly known. The ordinance does state for publication.

Commissioner Copeland asked, “If the Planning Commission has the right to grant the variance, why does it need to go any further?” Mr. Bobo explained, “Mr. Russian just explained that it was going below county standards of the ordinance. He has a unique and extraordinary condition. Once you grant for one person, you will be setting a precedence for others”.

Vice Chairman Brewington asked if this is approved and it goes through, can you stamp it with that variance? Mr. Russian said, “If you vote on it and grant the variance here, yes, I would stamp it and I would further consult with the County Attorney”.

Commissioner Holmes said, “I understand that you are wanting to put a single family dwelling on the property. In doing this, do you really need the fifty feet (50’) of roadway that follows the ordinance”. Mr. Dendy replied, “Yes I intend to put a single family residence there. The power line poles are already there. It will not need sewer lines because it is a rural area and septic tanks are used”.

Administrator Segars reading the following from Ordinance #418 – Section 10.4:

10.4 Vacancies - Whenever, in the opinion of the Commission, the strict application of the requirements contained in these regulations would result in substantial or excessive difficulties and hardships or injustices, the Commission may modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, providing that the public interests of the County and its citizens are protected and the general intent and spirit of these regulations are preserved.

Chairwoman Weeks called for a vote. The COMMISSION MEMBERS VOTE 5-0 to approve the requested variance.

A.) PROPOSED “POLICY AND PROCEDURE” FOR PLANNING COMMISSION – As an explanation Mrs. Walsh stated that this was put on the agenda again due to being postponed for earlier meetings and that the content was largely from a draft that the South Carolina Association of Counties had offered.

Commissioner Holmes questioned Section 3 – Officers by asking if the Secretary signed for the Chairman and does the Chairman get the opportunity to proof the documents with her name signed on it. Mrs. Walsh stated, “No documents actually are sent out from the Planning Commission requiring the Chairs signature. And that the agenda packages and correspondence regarding appointments were for the most of it all of the correspondence”.

Commissioner Holmes does not the Chairman approve correspondence. Mrs. Walsh noted that in the agenda package was a letter to a Council Member about the need of an appointee for the Planning Commission and that the signature was to be Mrs. Weeks. And that a summation of agenda was also included in the agenda package as an explanation of the items listed on the actual agenda.

Commissioner Holmes replied that she had just gotten her package today. Mrs. Walsh replied, “The agenda packages are mailed out on a Thursday or early Friday before a meeting. And, that an agenda package is mailed to each Commissioner simply for this reason, the delays within the Post Office and deliveries. The Council agenda process is the same”. Commissioner Holmes stated that she has not gotten any emails about the Planning Commission. Mrs. Walsh replied, “You are listed among the Planning Commission Members in a group email and that a non-delivered reply has never been received indicating that your email was wrong or not delivered”. Commissioner Holmes then replied that she does not read her emails hardly ever.

Chairman Weeks asked Mrs. Walsh to provide what her exact duties, as Chairman, are with the Planning Commission. Mrs. Walsh started by saying that as Chairman, one presides over the meetings held and asked if there were any specific areas that she questioned and noted that the Planning Commission has gone over this many times before and in the training videos earlier.

Mrs. Walsh read from the proposed Policy and Procedure document provided and explained the process in brief:

- 1.) Chairman - *The Chairman shall be a voting member of the Commission and shall:*

- a.) *Call meetings of the Commission;*
- b.) *Preside at meetings and hearings;*
- c.) *Act as spokesman for the Commission; that is when documents and other matters are taken before Council*
- d.) *Sign documents for the Commission;*
- e.) *Transmit reports and recommendations to Council; and*
- f.) *Perform other duties approved by the Commission*

Commissioner Holmes asked, “Who determines the agenda?” Mrs. Walsh replied, “I usually consult with Mr. Bobo simply because a lot of the enforcement ordinances fall within his department. If nothing from him, I usually go with a generic agenda that may include continued discussion items from a previous agenda just like the Junkyard Ordinance”.

Commissioner Holmes asked who does the Planning Commission answer to? Mrs. Walsh replied, “The County Council. You all work on projects as per their direction as an advisory group”.

Commissioner Holmes noted conduct under item nine - 9.) *Conduct - Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.* Mrs. Walsh replied that there have not been any public hearings scheduled with the Planning Commission. Commissioner Holmes said, “So that means at these meetings of the Commission, we are the only ones to do the talking. Is that correct?” Mrs. Walsh replied, that that was correct. Commissioner Holmes then said, “That means you are not on the Commission and I ask why you sit at our round table and have a lot to say?” Mr. Bobo replied, “Because the Codes Official, with most Planning Commissions is the driving force. We present our problems and issues we have with ordinances. And as far as that goes, any other department can do so too. It’s like when I was in Cherokee County, all the issues you dealt with were land issues”. Commissioner Holmes replied, “This is not Cherokee County”. Continuing, Mr. Bobo said, “I can appreciate that. All the issues to deal with are land use issues or building code issues.”

Chairwoman Weeks replied that that was when the Commission Members needed to ask questions specifically to you or Rob or Ernie or Betty Ann. Mr. Bobo replied, “So are you saying that I should not be here at all?” Chairwoman Weeks replied, “No. I’m not saying that. I am going by what this paper says”. Mrs. Walsh asked if she was addressing specifically number nine. Chairwoman Weeks replied yes. Mrs. Walsh stated, “We do not have any public hearings with the Planning Commission and Mr. Bobo sits with the Commission because of the relationship with the Planning Commission and enforcement ordinances that are under his jurisdiction”.

Commissioner Copeland said, “In all my years on the Planning Commission, I can only remember one public hearing being held and that was years ago. And at our meetings there really is no one here but us and County staff”. Mrs. Walsh added that the Planning Commission, as noted on many documents and laws, is an Advisory Commission. Mrs. Walsh turned to Administrator Segars and asked if she was not correct with the comment. Administrator Segars replied that that was correct.

Administrator Segars said, “This is considered to be a third Planning Commission since the early nineties. When the State Planning Act was passed in 1991, a County like this that has regulatory ordinances dealing with a multitude of enforcement ordinances approved by County Council, is required to have a Planning Commission to put the ordinances into effect. We hired a Planning Director to help with proposing a zoning ordinance for the County. Zoning soon became a very controversial issue which led to having to reorganize the Planning Commission. Since that time, most counties our size would have planning staff. Over the years since, the County Administrative Staff have tried to keep the Commission a working Commission. And, as far as the agenda goes, Mrs. Walsh and Mr. Bobo create the agendas. As Chairman if you want to review the agenda you have that right to. Mrs. Walsh and I do agendas every other week for County Council meetings too. The staff has not intended to dictate and to be interpreted as such. The staff does provide guidance and help for the Commission Members. The staff and several members of Council have been discussing holding a planning session at some point this Spring.”

Chairwoman Weeks thanked both County Council Members for coming and said, “I want to know exactly what it is that I am supposed to be doing? I’m new at this and have tried following the rules. Mt. Bobo was the first one to point out with the variance, we have to do this and this and this. If you are going to do it you have to go by the rules. We all need better communication between the Council Members and the Commission. If we have a question, we need to ask but, as Commission Members, we need to decide this ourselves and then take it to the Council without all of the outside influence. That is just my opinion.”

Administrator Segars replied that a lot of your decisions is based on what the enforcing officer has to offer.

Commissioner Holmes said, “I guess my point is that we need to be able to discuss without all of the side conversations. We need to discuss and ask. We are volunteers here”. Administrator Segars said, “We appreciate you and what you do. But, the staff is willing to do what we need to do to try to make the meetings productive for all concerned. In the opinion of the Commission, we need to change the way of doing business, we can”.

Commissioner Holmes replied, “That is what we are trying to say here. We need to do the discussions and then ask”. Vice Chairman Brewington replied, “That is what Mr. Bobo is sitting here for. I’m not really sure where you are wanting to go with this”. Commissioner Holmes said, “For me personally, I do not feel like it is our meeting. You are the Chairperson. I tried to speak and people just kept on talking and interrupting. Even when Mr. Dendy was here there was conversation going on over here, your side and those in the audience were even talking. There is a protocol, Roberts Rules of Order. I’ve been in a lot of meetings and this is not how things should work”.

Again, this was taken as information due to the members stating that they had not read it in detail. COMMISSIONER COPELAND made the MOTION to take as information with COMMISSIONER BREWINGTON SECONDING; VOTE 5-0.

Chairwoman Weeks asked for all to please review and to be prepared to address at the next meeting.

CONSIDERATION OF NUISANACE ORDINANCE – Mrs. Walsh explained that this Ordinance is being proposed due to the relationship it has with the Junkyard Ordinance. It is a short Ordinance and would not take as long to complete and would help Mr. Bobo with his enforcement issues.

Chairwoman Weeks replied that she thought we were to move on toward the Mobile Home Ordinance next. Mrs. Walsh stated that the Mobile Home Ordinance would be a lengthy review and discussion and that it would involve several other ordinances at the same time. Mr. Bobo also noted that right now it is broken out in to two (2) separate Ordinances and would be complicated. We both thought that the Nuisance Ordinance would take less time and parallels the Junkyard Ordinance.

Chairwoman Weeks said, that she did look at the Nuisance Ordinance last night and that it was very short but, the County Council passed a Moratorium giving us ninety (90) days to accomplish both of these. Administrator Segars said that the Moratorium could be renewed by Council since more time is going to be needed.

DISCUSSION – COMMISSION VACANCIES – Chairwoman Weeks said, “While Council members are here, I want you to help us get fully seated. I guess it is hard to find somebody to do the work this Commission does. Mrs. Walsh said before that there have been instances when a Council Member could not find someone suitable within their district that an appointment could be made from another district. Mike Smith just resigned from the Planning Commission making us down three (3) seats”.

Mrs. Walsh noted that another point to consider is that the Planning Commission appointments coincide with the elected Council Members. If there are changes in the Council seats, the newly elected member has the opportunity to appoint who they wish to sit on the Commission or to re-appoint the existing one.

OLD BUSINESS:

A.) DISCUSSION / REVIEW OF PROPOSED AMENDMENTS TO THE JUNKYARD ORDINANCE -

Regarding the proposed Ordinance, Chairwoman Weeks opened the floor for any questions and comments from the members of the Commission.

- 1.) Vice Chairman Brewington asked for the Commission to look at *Section 7 / g – All driveway entrances shall be from side property lines. The centerline of the driveway shall not be closer than thirty feet (30') from the side property line. An opaque gate shall be utilized. The view toward the gate from the adjacent property shall be screened by a continuous hedge row not less than thirty feet (30') wider than the gate.....*and, questioned why that sentence needs to be included. Mr. Bobo explained, “If and when it goes by a public right-of-way, it will be an entrance from the side. If you have it on the road frontage, it could be seen from the road. And it also has a thirty foot (30') buffer at an angle. It is just esthetically better”.
- 2.) Vice Chairman Brewington asked for the Commission to look at *Section 8 / 2 Service stations are exempt from provisions of this ordinance. A service station is any establishment or place of business which provides retail sales of fuel, lubricants, air, water or other items for the operation or maintenance of motor vehicles or for making mechanical repairs, servicing or indoor washing of motor vehicles.....*and asked should there not be limitations on cars for service stations. This was left as is with no changes.
- 3.) Vice Chairman Brewington asked for the Commission to look at *Section 7 / i - A junkyard plan prepared by the owner or operator of any new junkyard shall be submitted prior to the junkyard permit being granted by Laurens County. The plan shall indicate setbacks, location of public rights-of-way, all proposed structures, all structures within five hundred feet (500') of a junkyard, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junkyard, gross acreage, owner(s)' name(s), address(es), and preparer of plan name(s) and address(es). Submission of information shall establish pre-existing conditions. Plan may be drawn at a scale of one inch (1") equals four hundred feet (400') or less.....*and asked if this section declares enough of a description for Mr. Bobo to enforce without any problems? Mr. Bobo asked that the word plan be changed to plat.

FROM: *Plan may be drawn at a scale of one inch (1") equals four hundred feet (400') or less*
TO: ***Plat** may be drawn at a scale of one inch (1") equals four hundred feet (400') or less*

- 4.) Vice Chairman Brewington questioned from *Section 10 – Notice of Violation - It shall be the duty of the Laurens County Office of Building Standards, or its designee (as designed by Laurens County Council) to serve, or cause to be served, a notice upon the owner or occupant of any property, who has permitted a violation of this Ordinance. Such notice shall demand abatement within sixty (60) days of service....*duty of the Laurens County Office of Building Standards or Codes? Mr. Bobo replied it should read Codes.

FROM: *Section 10 – Notice of Violation - It shall be the duty of the Laurens County Office of Building Standards, or its designee (as designed by Laurens County Council) to serve, or cause to be served, a notice upon the owner or occupant of any property, who has permitted a violation of this Ordinance. Such notice shall demand abatement within sixty (60) days of service*

TO: *Section 10 – Notice of Violation - It shall be the duty of the Laurens County Office of Building Codes, or its designee (as designed by Laurens County Council) to serve, or cause to be served, a notice upon the owner or occupant of any property, who has permitted a violation of this Ordinance. Such notice shall demand abatement within sixty (60) days of service.*

- 5.) Vice Chairman Brewington questions the intent of page 17 *It is unlawful for a junkyard owner to allow motor vehicles to be parked on a highway adjacent to its property.* Mrs. Walsh noted that that was in an Exhibit and was actually State Code.
- 6.) Vice Chairman Brewington questioned from Section 3 the word “man made”. This matter was not resolved due to not being able to determine the words location.

- 7.) Vice Chairman Brewington questioned how the monies received from permits would be handled. Mr. Bobo said that the money would be collected by his office and then deposited with the County Treasure.
- 8.) Vice Chairman Brewington questioned those junkyards that are grandfathered in having the first permit too and asked if all of the descriptions needed to be turned in too. Mr. Bobo replied that they would not because they are grandfathered in. But, the new junkyards would need it to determine if it fits the requirements of the ordinance. Vice Chairman Brewington asked if the grandfathered junkyards started out with one (1) acre and they now have five (5) acres, they are grandfathered in? Mr. Bobo replied that they would be grandfathered in.
- 9.) Chairwoman Weeks asked if something needed to be added to where if the public saw what they considered to be a junkyard, is there a notice where they could call the Codes Department and report. Mrs. Walsh stated that that was where the Nuisance Ordinance comes into play with the general public; with Mr. Bobo agreeing. Mr. Bobo said that if reported, it would be inspected and then determined if it was a junkyard or a nuisance.
- 10.) Mr. Bobo asked for the Commission to look at *i.) Licensing Requirements; 2.) Licensing Period – The license will be effective from January 1st to December 31st of the license year. Failure to renew the license within thirty (30) days after the expiration date will cause the business to be classified as abandoned and will require its removal at the expense of the owner. And, under Section 7 it states charging a late fee..... There will be a late fee charged (see Exhibit B – fees / fines schedule) for each month a junkyard is open or in operation without a permit.*

Mrs. Walsh asked what his recommendations would be? Mr. Bobo replied that thirty (30) days is a quick turnaround. Chairwoman Weeks stated that if you change that, it would never get fixed because they would continue doing it. Commissioner Copeland said that he thought thirty (30) days was the norm because other businesses will cut off your utilities or whatever if not paid within thirty (30) days inclusive of late fees.

As to what changes were made, if any, this will have to be revisited at the next meeting as it was not clarified.

- 11.) Mr. Bobo asked for the Commission to look at *Section 4 – General Provisions – e.) Setbacks.... No junkyard shall be established closer than one-thousand (1,000) feet of any S.C. Highway, U.S. Highway and Interstates 26 & 385.....Do we want to consider changing S.C. Highway to Primary Highways because a lot of secondary roads are S.C. Mr. Russian said that the Department of Transportation defines a primary route as any US or SC designated route. The routes designated as secondary are with an S-30-then actual road number. The State also considers the county roads as secondary roadways. The verbiage would keep them off of the primary highways and the wording is correct as it is written.*

COMMISSIONER COPELAND made the MOTION to approve the Ordinance as written and amended. VICE CHAIRMAN BREWINGTON SECONDING; VOTE 5-0.

Mrs. Walsh stated that she would now forward the proposed ordinance to the County Attorney for his review.

COMMISSIONER COMMENTS: No further dialogue was presented.

ADJOURNMENT - Having no further business, there was a CONSENSUS to adjourn at 7:00 P.M.

Respectfully Submitted

Betty C. Walsh
Laurens County Clerk to Council