



Kershaw County Planning and Zoning Commission
Regular Minutes
April 14, 2011, 5:30 p.m.
County Council Chambers, 515 Walnut Street
Camden, SC 29020

Members in Attendance: Lewis Shaw, Charles Cottingham, Karen Eckford, George Gibson, Dan Matthews, and Henry Walker

Members Absent: David Brown

Staff in Attendance: Carolyn Hammond and John Newman

Call to Order

Chairman, Lewis Shaw, called the meeting to order at 5:28 p.m.

Public Comment Period

There were no comments from the public.

Rezoning Request of Denise Bachmann

Ms. Bachman has requested a change in the classification of 22.89 acres from R-15 Residential zoning to MRD-1 Rural zoning. The property is located on 374 and 392 Gettys Road, approximately five miles NE of Elgin. TMS# 293-00-00-024 and 293-00-00-030.

The Chairman opened the public hearing during which the following three people spoke:

- Mike Burr of 420 Gettys Road. Mr. Burr said that of all the neighbors, he is the only one that would be affected by the re-zoning. He said the other lots around MS. Bachmann's property were too far away and/or were flooded areas. He reported that he had spoken to several realtors and his attorney who told him a re-zoning from R-15 to MRD-1 would materially lower the value of his property. He mentioned that MRD-1 zoning allows manufactured housing where R-15 does not. He was in favor of retaining R-15 zoning and asked the Planning Commission not to approve the request.
- Denise Bachmann, applicant, of 392 Gettys Road. Ms. Bachmann said she wanted to create a fruit farm on the property by eventually planting between three and four hundred trees without altering the current landscape. She reported that she had already planted several varieties of fruit and nut trees to see which ones will be commercially viable. She feels offering this food will be a benefit to the community. Her plans are to sell products at the farmer's market. Down the road, if the farming operation is successful, she might set up operations for people to come and buy the products directly on-site.
- Tom Hordnes, also of 392 Gettys Road. Mr. Hordnes wanted to correct Mr. Burr's statement about property across the road being floodland. He said that there is a very nice home across the road. He also said that Ms. Bachmann's house at 392 is very nice, and that she has no intention of leaving, and did not want manufactured housing on the property. He disagreed that the re-zoning would lower anyone's property value and asked the Planning Commission to approve the re-zoning.

Carolyn Hammond gave a report of comments received by the Planning and Zoning Department as a result of the public notice process of posting the property, sending written

notice to adjacent property owners, and advertising in the newspaper. The Planning and Zoning Department received comments in opposition to the re-zoning from Mr. Burr. Ms. Hammond reported that the Department received comments from five (5) others who had no opposition to the request and were in favor of the re-zoning.

John Newman gave the Planning Commission a brief summary of the staff report and staff's recommendations of approval of the re-zoning request.

There being no further comments from the public, Chairman Lewis Shaw closed the public hearing.

During the discussion that followed, Henry Walker shared with members of the Planning Commission a map of the floodplain boundary at the subject properties. He stated that it would be problematic and expensive to develop the subject properties in any manner, and that an agricultural use such as an orchard would be a good, feasible use.

George Gibson asked John Newman about having the fruit orchard under R-15 zoning. Newman stated that Ms. Bachmann could have as many trees as she wanted under R-15, but if she wanted to sell what she grows, she would not be allowed to do so in R-15. Agricultural production (selling fruit, etc.) is allowed in rural zoning districts. Mr. Gibson stated he had hoped a re-zoning would have not been necessary for the fruit orchard operations.

Karen Eckford asked if rural zoning district regulations would allow Ms. Bachmann to sell her produce on-site. John Newman stated that conditional rural commercial uses would allow that.

Karen Eckford and George Gibson disclosed that they had met Mr. Burr while conducting their site investigations, but had not discussed anything that was not already on the public record. Henry Walker reported that he had met Ms. Bachmann while conducting his site investigations, but did not discuss the case with her.

There being no further discussion, the Chairman asked for a motion. Dan Matthews moved to recommend approval of the re-zoning request. The motion was seconded by Henry Walker. The Planning Commission voted 5-1 to recommend to the County Council approval of the request to re-zone the subject property from R-15 residential to MRD-1 rural. Charles Cottingham, Karen Eckford, Lewis Shaw, Dan Matthews, and Henry Walker voted in favor with George Gibson casting the dissenting vote.

Rezoning Request of Mendel Cassady

Mendel Cassady has requested a change in the classification of 13.66 acres from I-1 Industrial zoning to GD General Development zoning. The property is located at 411, 417, and 417-A Highway 601 South (TMS# 324-00-00-003, 324-00-00-003A, and 324-00-00-003B), .7 mile north of the I-20/601 interchange.

After the Chairman opened the public hearing, Mr. Derek Gillis spoke for the re-zoning request on behalf of New Life Christian Outreach. Mr. Gillis said the church has been in the community for many years and has grown to the point where it needs a larger facility. He stated the church already has property in Lugoff and has master development plans to build there, but the opportunity to buy the Jubilee facility presented itself and it is a good deal for the church in these hard economic times. He said the church is a good neighbor to the community and the Highway 601 location will be convenient to its members who all live in

Kershaw County. He asked the Planning Commission to approve the re-zoning request. No one else spoke at the public hearing.

Carolyn Hammond gave a report of telephone comments received by the Planning and Zoning Department. The Department received one call from a person asking if the re-zoning would affect the zoning regulations on the use of her property. When told it would not, she stated she had no objection to the re-zoning.

John Newman gave the Planning Commission a brief summary of the staff report and staff's recommendations of approval of the re-zoning request. He pointed out that churches are allowed in every zoning district in the County except I-1 Industrial.

There being no further comments from the public, Chairman Lewis Shaw closed the public hearing and the Commission began their discussion of the rezoning.

Lewis Shaw and Dan Matthews asked if restrictions that require certain types of establishments to be located a specific distance from a church would affect any of the existing businesses in the area. John Newman stated that those rules applied to certain new businesses, such as bars, proposing to locate in proximity to an existing church. This, he said, does not apply to existing businesses when a new church is being established among those already-established businesses. There being no further discussion, the Chairman called for a motion. George Gibson made the motion to approve the re-zoning request. The motion was seconded Dan Matthews. The Planning Commission voted 6-0 to recommend to the County Council approval of the request to re-zone the subject property from I-1 Industrial to GD General Development.

Approval of Minutes

Karen Eckford motioned that the minutes of the February 10, 2011 regular meeting be approved. George Gibson seconded, and all voted in favor.

Staff Report on County Council Actions Concerning the Planning Commission

John Newman reported that the County Council had appointed Henry Walker to the Planning and Zoning Commission.

Other Items

The Chairman suggested adding to the Commission's Rules of Procedures, a policy regarding ex parte communication and guidelines relating to conflict of interest. Mr. Shaw and John Newman will bring information relating to both matters to the next meeting for discussion.

Adjournment

At 6:25 p.m., the Chairman called for a motion to adjourn. The motion was made by George Gibson, seconded by Dan Matthews, and all voted in favor.

Respectfully submitted,

Carolyn B. Hammond

Carolyn B. Hammond
Secretary