



# PENDLETON

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Town of Pendleton Planning Commission  
Regular Meeting and Public Hearing  
June 17, 2010  
6:30 pm Town Hall

## MINUTES

**Members Present:** Susann Griffin, Coke Jeffords, Phillip Morgan, Joe Pearson, Lou Robinson, Jim Smith

**Members Absent:** Dave Williford (excused)

**Staff Present:** Kristopher Kurjiaka

### 1. Opening Comments, Establishment of a Quorum

Chairperson Jim Smith called the meeting to order at 6:33 pm. He stated that Dave Williford called ahead and said that he would not be available for the meeting. With 6 of 7 Commissioners present, **a quorum was established.**

### 2. Approval of Minutes from:

#### a) May 20, 2010 Regular Meeting

Mr. Smith stated that the Planning Commission had received a set of minutes in their packets for review. He asked if any of the Planning Commission members had any comments or corrections to the minutes.

With no corrections being suggested, Mr. Smith called for a motion to approve the May 20, 2010 Regular Meeting minutes as they were received. Ms. Griffin made a **motion to approve the minutes**, and Ms. Robinson **seconded the motion**. The motion passed unanimously with a vote of 6-0.

### 3. Public Comment

**Mr. Smith opened the “Public Comment” section** to any member of the public who would like to address an issue related to the Planning Commission.

With no public requesting to speak, **Mr. Smith closed the “Public Comment” section** of the meeting.



**4. New Business**

**a) Request for rezoning of 74 acres of property on Lebanon Road (TMS# 063-00-01-001) from PDMU, Planned Development Residential to AF, Agriculture-Forest**

Mr. Smith stated that the only item listed as “New Business” is a request from Frank Reeves for 74 acres of property on Lebanon Road to be rezoned from PD-MU, Planned Development Mixed Use to AF, Agriculture-Forest. Mr. Smith stated that Mr. Kurjiaka will be providing the staff report and that Mr. Reeves will get an opportunity to speak after that.

Mr. Kurjiaka stated the following:

Staff recommends APPROVAL of the rezoning request from PDMU – Planned Development Mixed Use to AF – Agriculture-Forest District for the following reasons:

1. The 74 acre property was zoned PD-MU in an assumption that it would be part of “The Villages at Town Creek” development. Since the annexation of the property, “The Villages at Town Creek” has reduced the scale and scope of their development due to the failure of the original “Pendleton Station” developer and to the depression of the housing market. The 74 acres of property being requested for rezoning had been sold and now does not have the same owner as the rest of the development. There is only a remote chance that this piece of property will ever become part of “The Villages” again. Regardless, any development on this piece of property would require the developer to go through the rezoning process or a planned development “major change” process, which is essentially similar to the rezoning process. Granting a rezoning request to one of the more basic zoning districts in the Zoning Ordinance would not have any effect on the development of this land in the future and would allow the owner to use the property as he sees fit until then.
2. Granting a rezoning request from PDMU to AF will have relatively little impact on the Town or the adjacent properties. The traditional land use of this property had been agricultural and has not been used for anything else in the near past. The impacts of allowing this property to continue its traditional use should not affect the land uses around the property nor will it require any improvements of any surrounding infrastructure or increases of services. Further, the property is currently designated as agricultural



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land for tax purposes, so rezoning will not affect the taxes acquired from this piece of property.

3. The Future Land Use Map does not include this specific property and provides no guidance to how the property should be used. Looking further into the Comprehensive Plan, one of the goals of the “Land Use” section is “...to promote an orderly and compatible distribution of land uses”. The request to rezone the property to Agriculture-Forest for agricultural uses is compatible to the residential, commercial, and vacant land and land uses that exist in the adjacent properties. The granting of the rezoning request would not significantly change the “orderly” use of land in Town either. Although it is important to consider how the Town would like to see this property used in the future, that consideration is best achieved through updating the Comprehensive Plan and, more specifically, the Future Land Use Map.

Mr. Smith asked if Frank Reeves, property owner and applicant for the rezoning request, would like to speak.

**Frank Reeves, applicant and property owner, Lebanon Road** – Mr. Reeves stated that he was born and raised within four miles of Pendleton. He stated that in 1978 he went into business for himself. After retirement, he bought pieces of property and cleaned them up. Agriculture is a hobby of his and many of the pieces of land are being used for hay. He heard about the property on Lebanon Road and was interested in purchasing it. The real estate agent didn't tell him much about the property, and the bank, as sellers, did not let him know that the property was inside the town limits until closing. Mr. Reeves stated that after buying the property, he started cleaning it and was burning some of the brush and stumps. He was told by the Town that open burning was not allowed within the Town Limits. He stated that much of the property was covered in thick brush and that the trees were not marketable as timber. He had a company come that ground up the trees that were cut and would use the grindings to run a furnace at a power plant. The company wouldn't grind the stumps, and they were used for erosion control in swales. The property now features a good stand of grass. Mr. Reeves stated that he does not believe in the development of the land, but if something came up that would benefit the Town, he stated that he would be willing to work with the Town. Mr. Reeves stated that he has several pieces of property and that all of those pieces of property are kept up.

Mr. Smith asked if any of the Planning Commission had questions.

With no questions for the Planning Commission, Mr. Smith opened the Public Hearing section of the meeting.



**Randy Hayes, Mayor and resident, S. Mechanic St.** – Mr. Hayes asked if the property was going to be used only for hayfields.

Mr. Reeves stated that some of the property would be used as hayfields and some of property in the back would be used for cattle.

Mr. Hayes asked if the cattle would infringe on the Village at Town Creek planned development in any manner.

Mr. Reeves stated that the cattle would not affect the development.

With no more public requesting to speak, Mr. Smith closed the Public Hearing section of the meeting.

Mr. Smith stated that this was the first time he has seen a request for property to revert back to AF use and does not have any issues with the use of the property.

Ms. Robinson asked if cattle would be allowed in the AF district.

Mr. Kurjiaka stated that the AF district was specifically requested by Mr. Reeves because it would allow him to use the property as he preferred.

Mr. Smith called for a motion to vote on the request to rezone 74 acres on Lebanon Road (TMS# 063-00-01-001) from PDMU, Planned Development Residential to AF, Agriculture-Forest. Mr. Jeffords made a **motion to recommend approval to rezone 74 acres on Lebanon Road (TMS# 063-00-01-001) from PDMU, Planned Development Residential to AF, Agriculture-Forest**, and Mr. Morgan **seconded the motion**. The motion passed unanimously with a vote of 6-0.

## 5. **Old Business**

### a) **Revisions to Section 1207.2 Permitted Uses of the Zoning Ordinance to specific allowable uses for the AB-Areawide Business District**

Mr. Smith stated that some revisions were made to the Areawide Business Permitted Uses section after the last meeting. The Planning Commission was provided with some of the proposed changes.

Mr. Smith stated that changes in the PC packet might be more complex than was needed and proposed that “Banks, savings institutions, credit unions, or farm credit system” be changed to read “Banks and other similar financial institutions”.

Ms. Robinson asked if this would allow a “payday lender”.



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Mr. Jeffords stated that a bank is an institution for deposits, whereas a “payday” is for lending and that they are not similar.

Ms. Robinson stated that she would like to exclude “payday lenders”.

Mr. Smith stated that “similar financial institutions” would allow credit unions. He asked if the Planning Commission had any objections to having the permitted use state as “Banks and similar financial institutions” for Section 1207.2.2 and 1206.2.3. The PC agreed that this is an appropriate way to state the use.

Mr. Smith stated that Section 1207.2.3 would better read as just “Hotels and motels”. The PC agreed.

Mr. Smith stated that Section 1207.2.4 would better read as “Business, professional, and medical offices”. He stated that this should also be added after Section 1206.11 in the Neighborhood Commercial regulations.

Mr. Kurjaka stated that “business and professional offices already appears in Section 1206.2.1, but would be better in its own section.

Mr. Smith asked the PC if they would like to add “Hospital” as a permitted use.

Ms. Griffin stated that a hospital is similar to a medical office and did not need to be added.

Mr. Smith stated that Section 1207.2.5 would be better if is said “Automobile, truck, trailer, and boat sales, rentals, and service excluding salvage and junk yards.” Section 1207.2.8 could be removed. The PC agreed.

Mr. Smith stated that Section 1207.2.6 should read “Restaurants and other eating establishments, including drive-thru and drive-in establishments. He stated that Section 1206.2.1 could have “Delicatessens and” removed. Drive-thru and drive-in eating establishments would not be allowed in the NC District. This would allow the McDonalds and Sonic type restaurants in the AB District, but not the NC District.

Mr. Jeffords stated that bars, discos and nightclubs are not allowed in the NC District. He stated that there should be some place that these are allowed. He recommended that “bars” be added to Section 1207.2.6. The PC agreed.

Mr. Smith stated that “and laundromats” should be added to Section 1207.2.7. The PC agreed.



Mr. Smith stated that Section 1207.2.12 might better read as “Veterinarian services and animal hospital”. The PC agreed.

Mr. Smith stated that he was hoping for Section 1207.2.17 that Mr. Kurjiaka would come up with something magic, but stated that the PC might need to discuss what the section stated. Mr. Smith stated that “Convenience stores and gasoline service stations” may be the most appropriate way to describe the use.

Mr. Jeffords stated that “gasoline” does not necessarily cover any alternative fuel sources.

Mr. Morgan stated that “fuel” might be the best word to use.

Mr. Jeffords stated that it should specify the use as “vehicle fueling stations”.

Mr. Smith stated that “business and professional offices” should be removed from Section 1207.2.18.

Mr. Jeffords stated that Section 1207.2.18 reads as if only collection of dry cleaning and laundry is allowed.

Mr. Pearson stated that it would be best not to specify the use as solely a dry cleaning or laundry collections operation.

Ms. Robinson suggested that it read “Dry cleaning and laundry establishments.”

Mr. Smith stated that Sections 1207.2.19 and 1206.2.2 were essentially the same.

Ms. Robinson stated that “beauty parlor” should be updated to say “salon”.

Mr. Hayes stated that the “Permitted Uses” statement for Areawide Business and Neighborhood Commercial was different.

Mr. Smith stated that for the sake of consistency, the statement for “Permitted Uses” for the NC District should also be used for the AB District, replacing NC with AB for the AB District section. The PC agreed.

Mr. Smith stated that Section 1207.2.20 is missing many different types of items for sale like drugs, tires, auto parts, and clothing.

Mr. Jeffords stated that if needed, all these types of stores should be added.

Ms. Robinson stated that it might be better to state it as “Retail stores such as...”



Mr. Kurjiaka suggested that they use “Retail shops and stores”.

Mr. Jeffords asked if wholesale would be acceptable.

Mr. Pearson stated that there are some businesses in Anderson that are plumbing and electrical wholesalers and that those types of businesses may be desirable to have in Pendleton.

Mr. Smith asked how this should be stated.

Mr. Kurjiaka suggested “Wholesale and retail shops and stores” and to remove other sections in “Permitted Uses” that are types of retail or wholesale shops and stores.

Mr. Smith asked if this was what the PC would like to do with the Section 1206.2.4 in the NC District “Permitted Uses” section.

Mr. Jeffords stated that wholesale should not be included, just retail shops and stores. The PC agreed.

Mr. Smith stated that Section 1207.2.23 should read “Dance school and fitness center” as opposed to “Dance and health schools”.

Mr. Smith asked if Mr. Kurjiaka would explain what active and passive recreation uses are as listed in Section 1207.2.24.

Mr. Kurjiaka stated that active recreation uses are those that are for more active purposes like ball fields or jogging paths. Passive recreation uses are uses that are more based on slow movements or sitting and enjoying a place like parks with benches, picnicking, walking, or gardens.

Mr. Jeffords stated that he would prefer not to allow recreation uses in the AB District.

Mr. Smith stated that he could see removing recreation uses from both the AB and NC Districts.

Mr. Smith asked if the PC had any objections to how Section 1207.2.25 was worded.

Ms. Robinson asked if Liberty Hall would be looked at any differently than the rest of the AB District due to the fact that the first floor could be lived in.



Mr. Jeffords stated that the owner of Liberty Hall could always apply for a rezoning if they wanted to use the building for residential.

Mr. Smith asked for an explanation of what Section 1206.2.8 meant.

Mr. Kurjiaka stated that “Accessory land uses and buildings customarily incidental to any of the above land uses including single family residential” meant that residences could be located on the same property as a business or that storage buildings for that business could be located on the same property.

Mr. Smith stated that Section 1206.2.11 should read “Dance school and fitness center”. He stated that “Business, professional, and medical offices” should be added to the NC “Permitted Uses” section. He stated that Section 1206.2.13 should be removed.

Mr. Hayes asked if “recreational vehicle sales” should be included in the “Permitted Uses”.

Mr. Smith stated that recreational vehicles sales could be added to Section 1207.2.5 and that boat sales could be removed, as boats are a type of recreational vehicle. The PC agreed.

Mr. Hayes asked if “Light public transportation stations” would be better wording than “Bus stations and taxi stands”.

Mr. Smith stated that would be better wording. The PC agreed.

Mr. Smith asked if any of the PC members had any other questions or comments.

## **6. Adjourn**

With no more business left, Mr. Smith called for a motion to adjourn. Mr. Jeffords made the **motion to adjourn** and Mr. Morgan **seconded the motion**. The motion passed with a unanimous vote of 6-0. The meeting adjourned at 8:07 pm.