



CITY OF SENECA

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**Edward R. Halbig, AICP
Director**

SENECA PLANNING COMMISSION

Agenda

August 16th, 2021

Council Chambers – City Hall

6:00 PM

- I. Opening**
- II. Approval of Minutes (July 2021)**
- III. Item 1 Tabled -**
 - Owner:** ZA 2021-06
 - Applicant:** Morgan Legacy Partners INC
 - Tax Map #** Chad Kirby
 - 520-46-01-002/ 520-46-01-004
 - 520-46-06-003 /520-46-06-002
 - Present Zoning:** PD-R
 - Requested Zoning:** R-6
- IV New Business:**
- V. Old Business**
- VI. Adjourn**

SENECA PLANNING COMMISSION

July 19, 2021

The Seneca Planning Commission met on Monday, July 19, 2021, at 6:00 p.m. in the Council Chambers at City of Seneca. Members present included Mr. Barry Duvall, Chair, Mr. Ted Durham Jr., Mr. Keith Hart, Vice Chair, Mr. John Gillespie, and Mr. Matthew Durham. Also present, Mr. Edward Halbig, Director, and Ms. Tracy Chapman, Zoning Administrator and other interested persons listed in minute book. The press and public were duly notified as required by law. Mr. Drew Merck was absent.

Mr. Duvall opened the meeting.

OPENING

Motion made by Mr. Durham to approve minutes as submitted.

**MOTION-
MINUTES**

SECOND made by Mr. Gillespie

AYE Mr. Hart, Mr. Durham Jr., Mr. Duvall, Mr. Durham, and Mr. Gillespie

NAY none

**DOCKET #1
ZA 2021-06**

Ms. Chapman read the application: Docket #1: ZA 2021-06

Mr. Duvall read the procedures.

Mr. Halbig read the staff report. He recommended the resubmittal of PDR zoning, and discussed Section 521.11 of the Official City of Seneca Ordinance concerning Administrative Application and Review Procedures for Planned Development.

Mr. Duvall asked if there was anyone who would like to speak in favor of application.

Mr. Chad Kirby the developer for project addressed the board and presented a handout to board. He discussed the intent of the application request and the reason for requesting the rezoning.

Mr. Duvall asked if there was anyone to speak in opposition of application.

There being none.

**MOTION-
To Discuss**

MOTION made by Mr. Hart to discuss.

SECOND made by Mr. Gillespie

AYE Mr. Hart, Mr. Durham Jr., Mr. Duvall, Mr. Durham, and Mr. Gillespie

NAY none

Mr. Hart asked for clarification on interior streets.

Mr. Kirby stated the original plans did have interior homes, lots, and streets. He discussed “eyebrow” streets instead due to SCDOT requirements for fewer driveway access onto streets.

Mr. Duvall asked if infrastructure cost was an issue.

Mr. Kirby stated yes. SCDOT and DHEC regulations and requirements will be very costly.

Mr. Duvall discussed the present PDR zoning and that it gave the city a plan for the development. He asked what issues would arise if the zoning was changed to R-6 or to a new PDR zoning.

Mr. Halbig discussed the different buffering requirements for each zoning, such things as common area, and green spaces. He discussed the modification requirements when going from R-6 zoning to a PD-R zoning. He stated that while in discussions with Mr. Kirby their might have been some miscommunications of which zoning direction staff wanted them to go. Mr. Halbig stated a resubmittal of PDR would be a better solution. He discussed the requirements of SC DHEC.

Mr. Kirby discussed the DHEC concerns, resubmittal of plans, including drainage. He stated to resubmit plans with the PDR zoning it would be very expensive, but with R-6 zoning the project would not be as costly. He discussed the reasons for requesting the R-6 zoning.

Mr. Duvall discussed his concern was a possible 38 lots and a need for a basin to catch runoff.

Mr. Kirby discussed the basin and only having a 50-foot minimum of road frontage in R-6. He stated there would be no way to fit 38 lots due to not having enough road frontage to support.

Mr. Halbig stated that flag lots have always been allowed when not meeting minimum requirements for R-6 and in all zoning districts. It is not a road width it's a width of the property where house is being built.

Mr. Duvall asked staff what the adjacent properties are zoned.

Mr. Halbig stated R-10 single family and NC neighborhood commercial.

Mr. Hart asked if driveways would be allowed off eyebrow streets.

Mr. Halbig stated it would take the driveway control away from SCDOT. They would create two encroachments points for however many houses and the eyebrow streets would be private. Mr. Halbig stated eyebrow streets were not a facet to R-6 zoning and there has been a lot of discussion regarding this being a means to bypass DOT regulations, but not a requirement of R-6.

Discussion followed.

Mr. Hart asked if Mr. Kirby could present a better layout to visualize the homes and driveways.

Mr. Duvall agreed. The board would have a better understanding how the number of homes and driveways would fit regulations as well as different zoning destinations and what is allowed.

Mr. Halbig stated that the board didn't need to try and visualize the layout, that is for the developer to do. He discussed a block of R-6 zoning being suitable where you have different mix of zoning surrounding property.

Mr. Durham stated that having a PDR zoning is a safe zoning and to have it brought back to the board and asked to be changed, is going to be a difficult decision by the board to use a zoning classification that will be a lot less restrictive.

Discussion followed regarding lot size and units.

Mr. Duvall discussed his concerns.

Mr. Durham asked if it benefited the city to leave it zoned PD-R.

Mr. Duvall stated it benefited the board. It gives a true guideline as to what is going to go into location.

Mr. Hart discussed the number of homes.

Mr. Gillespie asked for clarification on driveways.

Mr. Kirby discussed lots, the number of driveways allowed onto streets, and the eyebrow streets.

Mr. Durham asked if there was an option to table and give board more time to review.

Mr. Halbig stated yes.

Mr. Duvall asked staff if the application were tabled till next month would that give staff and the developer enough time to bring a draft or an overlay of the home, lots, and driveway plan and what would be needed to zone property PD-R and a study of what R-10 zoning would work like. He asked for those minimum requirements and bring those to next month's meeting.

Mr. Halbig stated yes. He discussed all that was requested from developer in previous PDR zoning request and will provide to board.

Mr. Duvall asked Mr. Kirby if he could provide a mockup of his intentions with R-6 and R-10 zoning.

Mr. Kirby stated yes, he could provide information to board.

MOTION made by Mr. Durham to table application ZA 2021-06 as submitted from PDR to R-6 zoning until planning staff and developer provide more information.

SECOND made by Mr. Gillespie

AYE Mr. Hart, Mr. Durham Jr., Mr. Duvall, Mr. Durham, and Mr. Gillespie

NAY none

MOTION: Table

SENECA PLANNING COMMISSION

July 19, 2021

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

NEW BUSINESS

There being none.

OLD BUSINESS

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

There being none.

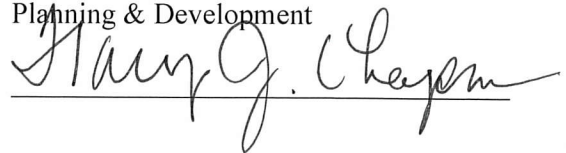
ADJOURN

Meeting adjourned at 6:52 p.m.

Edward Halbig, Director
Planning & Development

A handwritten signature in black ink, appearing to read 'E. Halbig', written over a horizontal line.

Tracy J. Chapman, Zoning Administrator
Planning & Development

A handwritten signature in black ink, appearing to read 'Tracy J. Chapman', written over a horizontal line.

Staff Report

To:	Seneca Planning Commission	Date:	August 5, 2021
From:	Edward R. Halbig, A.I.C.P.	Public Hearing:	August 16, 2021
		Docket:	ZA 2021-06

Property Owner:	Morgan Legacy Partners Inc.	Applicant:	Chad Kirby
Location:	E S 7 th St and Townville St	Tax Map #:	520-46-01-002 520-46-01-004 520-46-06-003 520-46-06-002
Present Zoning:	PD-R		

Addendum to Original Staff report

Comparison of PD, R-6 and R-10

Per the Planning Commission request of July 19th, planning staff has prepared the following information regarding the rezoning request ZA 2021-06.

Review of the previous rezoning revealed two issues; first, the property was previously R-10 and R-15 (see attached map). Second, the Planning Commission forwarded this application to city council without recommendation in 2019.

The Planning Commission asked for the minimum requirements for receiving a PD-R zoning application. Planning staff requires that the conditions of 521.2 items 1 through 6 be met (excluding utilities in item 4):

1. The proposed number, location, and types of residential or commercial units or structures.
2. A proposed traffic, parking and circulation plan.
3. Legal description of proposed development boundaries.
4. A proposed drainage and utility plan.
5. A topographical survey.
6. Description of open spaces.

In addition, Section 521.4 items 2 and 3 need to be met:

1. The use and height, bulk, and location of commercial, residential and other buildings.
2. The density of land use proposed for various components of the site.
3. The location and width of proposed streets, other public ways and private drives with provisions for parking vehicles.

The planning staff did not receive a Descriptive Statement for this application. There was no recording of a Descriptive Statement with a stated development schedule, and there was no demand or expectation of a timeframe since the city had to seek abandonment of the rights-of-

way for the developers to combine their holdings. In this effort, the city and the developer were working toward a common purpose; the city released land to the adjacent property owners, and the developer was one of the beneficiaries of this release. However, the following steps (in italics) were executed as described below:

521.7 Planning Commission Recommendation: The Planning Commission shall make a recommendation upon the proposal in accordance with the provisions of Article X.

Planning Commission made no formal recommendation on the request to issue PD-R.

521.8 City Council Action: The City Council may, after fulfilling all applicable requirements of this section and all applicable requirements of Article X, act to either approve or disapprove the Application for Amendment...City Council may impose certain conditions or limitations on the development plan, as agreed to by the applicant.

The City Council approved the request without conditions or limitations.

521.9 Issuance of Zoning or Building Permits: The Zoning Administrator shall not issue any Zoning Compliance, and the Building Inspector shall not issue any Building Permit, or Certificate of Occupancy within any PD-R, PD-C, or PD-MU District until the applicant for amendment which established such district shall have been:

- 1. Filed with the Zoning Administrator's Office and recorded with the Clerk of Court of Oconee County plats showing all proposed features of the planned development as approved by the City Council, which approval shall be certified by the Zoning Administrator's office;*
- 2. Completed and recorded deed covenant agreement with the Zoning Administrator's Office and with the Clerk of Court of Oconee County;*
- 3. Recorded with the Clerk of Court of Oconee County all required deed restrictions or other restrictive covenants as required by the City Council upon approval of the amendment establishing the planned development district;*
- 4. Recorded with the Zoning Administrator's Office and with the Clerk of Court of Oconee County the descriptive statements as approved by the City Council setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters; and*
- 5. Completed the posting of a bond or giving of other surety in an amount not to exceed 125% of the project cost as submitted.*

No steps under section 521.9 have been initiated.

521.10 Changes of Plans for Planned Development: Any change in boundary of such districts shall be accomplished only by following procedures as set forth in Article X herein.

No changes have been brought forth under 521.10.

521.11 Failure to Begin, Failure to Complete, or Failure to Make Adequate Progress: The Descriptive Statement, as approved by City Council and duly recorded, shall set forth the development schedule for the project, including phasing of residential units, commercial units, etc., if proposed. The City Council shall require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the Descriptive Statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, complete, or make adequate progress as agreed to in the Descriptive Statement, the City Council may enforce and collect upon such bonds or sureties as described above, or may change the district classification of the planned development in accordance with provision for Article X, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the Zoning Ordinance subject to penalties set forth in Article VIII, or any appropriate combination of the above remedies may be taken.

As no descriptive statement is on file and no conditions were imposed by the council. No bond has been posted.

Staff interpretation would be that the process is at a standstill between steps 521.8 and 521.9, and that any actions of 521.11 would therefore be premature.

R-6 and R-10 do not have the same conditions of PD, and as has been reiterated often, plans submitted with these rezonings are only suggestive, and provide no assurance that what is presented will be constructed.

Assessing Values

Planning staff has no information on PD residential values upon which to provide reference. As for R-6 and R10, two developments in near proximity to one another provide a good comparison between the two zoning categories.

Using the two developments which both developed between 2010 and 2018, planning staff compared values per acre of both the lots as assessed by Oconee County, and the developed properties.

Property values for land appraisal of R-10 averaged \$46,894 an acre; R-6 averaged \$39,008 per acre. The R-6 subdivision averaged 5 lots per acre, while the R-10 averaged 4 lots per acre. While assessed values were notably lower in the R-6 than R-10, the cumulative value of an additional house per acre, multiplied by the average house assessment gave R-6 a home value per acre advantage. These figures are shown in the attached table.

Roles of SCDOT and SCDHEC

The whole of the property will need to address stormwater infrastructure per SCDHEC. The applicant has stated that this is a \$400,000 cost, but it cannot be avoided.

Options for providing vehicular access with limited SCDOT encroachments are possible, as demonstrated by the addition of minor streets to serve the individual properties.

Summary and Recommendations

Our choices are as follows:

- 1) Maintain PD-R zoning including existing plan with understanding that development is unlikely.
- 2) Re-establish PD-R with new plan and pursue Descriptive Statement
- 3) Zone R-6 under the assumption that existing PD-R will not develop; R-6 as a medium density zoning can be transition between commercial and lower density residential.
- 4) Pursue vacating PD-R and reverting property to R-10 and R-15 zoning that previously existed on the property
- 5) Rezone to another residential single-family designation that meets desires of developer and improves city – not just with greatest number of taxable properties but with consideration for quality of life for owners and surrounding properties

As the applicant has indicated that the developers seek to create a limited number of lots, maintain open space along eyebrow street medians, incorporate buffers, but seek the less restrictive lot width requirement of R-6, pursuing and amended PD-R with reduced lot widths would be the most straight forward solution.

Failing to do this, Planning staff recommends vacating the previous rezoning request.

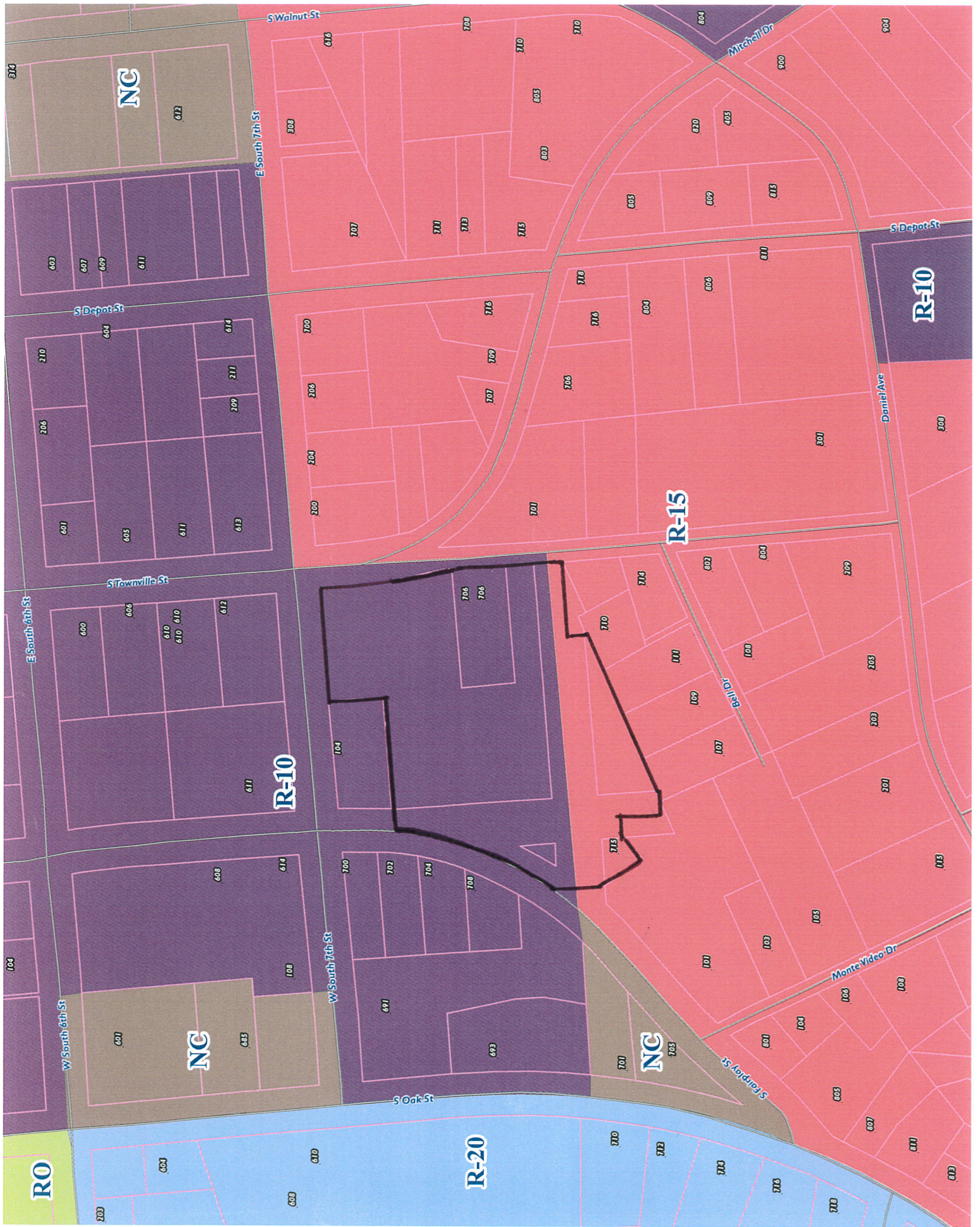


Table 1 - Land and Home Values for R-6 and R-10

Home and Land

R-6 MAPLE GROVE

	ACREAGE	ASSESS VALUE
SAMPLE 1.1	0.21	\$ 154,070
SAMPLE 1.2	0.18	\$ 154,430
SAMPLE 1.3	0.19	\$ 145,850
SAMPLE 1.4	0.19	\$ 139,700
SAMPLE 1.5	0.16	\$ 112,810
SAMPLE 1.6	0.29	\$ 140,100
AVG	0.20	\$ 141,160
TOTAL		\$ 846,960
UNITS PER ACRE		5
AVG TOTAL OF LOTS PER ACRE		\$ 705,800

R-10 MADISON POINTE

	ACREAGE	ASSESS VALUE
SAMPLE 2.1	0.25	\$ 193,250
SAMPLE 2.2	0.23	\$ 172,680
SAMPLE 2.3	0.25	\$ 174,000
SAMPLE 2.4	0.23	\$ 168,970
SAMPLE 2.5	0.23	\$ 184,100
SAMPLE 2.6	0.23	\$ 156,080
AVG	0.24	\$ 174,847
TOTAL		\$ 1,049,080
UNITS PER ACRE		4
AVG TOTAL OF LOTS PER ACRE		\$ 699,387

Land Only

R-6 MAPLE GROVE

	ACREAGE	LAND VALUE
SAMPLE 1.1	0.21	\$ 8,240
SAMPLE 1.2	0.18	\$ 7,510
SAMPLE 1.3	0.19	\$ 7,500
SAMPLE 1.4	0.19	\$ 7,820
SAMPLE 1.5	0.16	\$ 6,710
SAMPLE 1.6	0.29	\$ 9,810
AVG	0.20	\$ 7,932
TOTAL		\$ 39,008

R-10 MADISON POINTE

	ACREAGE	LAND VALUE
SAMPLE 2.1	0.25	\$ 11,220
SAMPLE 2.2	0.23	\$ 11,040
SAMPLE 2.3	0.25	\$ 11,210
SAMPLE 2.4	0.23	\$ 11,040
SAMPLE 2.5	0.23	\$ 11,040
SAMPLE 2.6	0.23	\$ 11,040
AVG	0.24	\$ 11,098
TOTAL		\$ 46,894