

Greenville County Planning Commission Minutes
April 26, 2023 at 4:30 p.m.
Conference Room D at County Square

Commissioners Present: S. Bichel, Chair; J. Bailey, Vice Chair; J. Rogers (late); F. Hammond; J. Howard; J. Barbare

Commissioners Absent: M. Looper; M. Shockley

County Councilors Present: None.

Staff Present: T. Coker; C. Antley; M. Tollison; R. Jeffers-Campbell; T. Stone; J. Henderson; M. Staton; K. Mulherin; T. Baxley; E. Sherer; N. Miglionico; IS Staff

1. Call to Order

Chairman Bichel called the meeting to order at 4:30 p.m.

Mr. Rogers joined the meeting.

2. Invocation

Chairman Bichel provided the invocation.

3. Approval of the Minutes of the March 22, 2023 Commission Meeting

Motion: by Mr. Bailey, seconded by Mr. Howard, to approve the minutes of the March 22, 2023 Commission meeting, as presented. The motion carried by voice vote with two absent (M. Looper; M. Shockley).

4. Rezoning Requests

CZ-2023-023

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-023.

The subject parcel, zoned R-R3, Rural Residential District, is located along S. Old Fairview Road, a two lane State-maintained residential road. Staff is of the opinion that a successful rezoning to AG, Agricultural Preservation District, would keep with the character of the surrounding area and would not have an adverse impact on the area.

Based on these reasons, Staff recommends approval of the requested rezoning to AG, Agricultural Preservation District.

Discussion: None.

Motion: by Mr. Howard, seconded by Mr. Bailey, to approve CZ-2023-023. The motion carried by voice vote with two absent (M. Looper; M. Shockley)

CZ-2023-024

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-024.

The subject parcel, zoned C-1, Commercial District and R-10, Single-Family Residential District, is located on White Horse Road, a six-lane State-maintained arterial road and Eastbourne Road, a two to three-lane State-maintained residential road. Staff is of the opinion that a successful rezoning to C-2, Commercial District aligns with the Greenville County Comprehensive Plan which designates the parcel as *Transitional Corridor and Suburban Edge*. Additionally, a successfully rezoning to C-2, Commercial District aligns with the Berea Community Plan which designates the parcel as *Commercial/Office*.

Based on these reasons, Staff recommends approval of the requested rezoning to C-2, Commercial District.

Discussion: Mr. Howard asked for clarification on the rezoning request. Mr. Henderson stated the parcel consists of three different zoning classifications (C-1, C-2, R-10). Mr. Howard asked if the land would be combined and all zoned C-2. Mr. Henderson stated yes.

Motion: by Mr. Hammond, seconded by Mr. Bailey, to approve CZ-2023-024. The motion carried by voice vote with four in favor (S. Bichel; F. Hammond; J. Bailey; J. Rogers) and two in opposition (J. Howard; J. Barbare) with two absent (M. Looper; M. Shockley)

CZ-2023-025

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-025.

The subject parcel zoned C-1, Commercial District is located along White Horse Road, a six-lane State-maintained arterial road. While Staff recognizes this parcel fronts White Horse Road, which features a mix of commercial and residential uses, Staff is of the opinion that the requested rezoning to C-2, Commercial District would allow permitted uses that are too intense and may have an adverse impact on the surrounding areas.

Based on these reasons, staff recommends denial of the requested rezoning to C-2, Commercial District.

Discussion: Mr. Hammond stated a similar application less than a mile from this parcel was recently approved and this application is in a more intense commercial area. Mr. Hammond asked why staff recommended approval of the previous application and not this application. Mr. Henderson explained they based the recommendation for denial on the adjacent residential usages and local crime rates. Mr. Hammond stated there was no opposition at the public hearing, the shopping center has restrictive covenants to prevent bars or night clubs, and he doesn't see a reason why they would approve C-2 up the street and not down the street at this location.

Mr. Bailey asked about the night club restrictions within the covenants. Mr. Henderson stated he had not seen the covenants nor researched them. Mr. Henderson explained restrictive covenants are not enforceable by staff, however, state law states if staff is aware of a restrictive covenant they cannot issue a permit that conflicts with the covenant. Mr. Bailey stated the application is not for a night club. Mr. Henderson stated that was correct, the application is for an ABC liquor store.

Chairman Bichel asked if there was a school nearby. Mr. Henderson stated there are two schools within a one mile radius.

Motion: by Mr. Hammond, seconded by Mr. Bailey, to approve CZ-2023-025. The motion carried by hand vote with four in favor (S. Bichel; F. Hammond; J. Bailey; J. Rogers) and two in opposition (J. Howard; J. Barbare) with two absent (M. Looper; M. Shockley).

CZ-2023-026

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-026.

The subject parcel, zoned R-S, Residential Suburban District, is located along State Park Road, a two-lane State-maintained collector road. Staff is of the opinion that a successful rezoning to AG, Agricultural Preservation District is consistent with the existing character of the area and would not have an adverse impact.

Based on these reasons, staff recommends approval of the requested rezoning to AG, Agricultural Preservation District.

Discussion: None.

Motion: by Mr. Bailey, seconded by Mr. Howard, to approve CZ-2023-026. The motion carried by voice vote with two absent (M. Looper; M. Shockley)

CZ-2023-027

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-027.

The subject parcels zoned R-S, Residential Suburban District are located along Fork Shoals Road, a two-lane State-maintained collector road and Reedy Fork Road, a two-lane State-maintained collector road. Staff is of the opinion that while the proposed density does not align with the Future Land Use of the Comprehensive Plan, it does, however, align with the density of the South Greenville Area Plan. The proposed zoning will also be consistent with nearby zoning and densities.

Based on these reasons, staff recommends approval of the requested rezoning to R-12, Single-Family Residential District.

Discussion: None.

Motion: by Mr. Hammond, seconded by Mr. Bailey, to approve CZ-2023-027. The motion carried by voice vote with two absent (M. Looper; M. Shockley)

CZ-2023-030

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-030.

The proposed changes would amend Article 4 Definitions and Article 9, Section 9:5.2 Commercial Vehicles. This amendment would add a new definition for Commercial Vehicles (indicated in red) and would remove the current language (struck through) and replace with what is proposed

(indicated in red).

Commercial Vehicle: A commercial vehicle is any vehicle that is used primarily for business purposes. Commercial vehicles shall be determined by business identification and/or class of vehicle as outlined by the Federal Highway Administration.

9:5.2 Commercial Vehicles

~~Not more than one commercial vehicle that does not exceed 2 tons rated capacity shall be permitted on a lot in a residential district. No commercial vehicles used for hauling explosives, gasoline, or liquefied petroleum products shall be permitted.~~

9:5.2 Commercial Vehicles

- A. Only vehicles classified as Class 1, 2, 3 and 5, as defined and classified by the Federal Highway Administration, are permitted on a residentially zoned parcel within the zoned areas of Greenville County. No more than three commercial vehicles are permitted per residentially zoned parcel and a maximum of one of the three permitted vehicles may be Class 5.
- B. Commercial vehicles used for hauling explosives, gasoline, or liquefied petroleum products are prohibited.

This text amendment request went as a Consent Item before County Council on March 7, 2023. A Zoning Public Hearing is scheduled for April 17, 2023 and followed by a First Reading before County Council on April 18, 2023.

Staff is of the opinion that the proposed changes would offer more opportunity for individuals who park a work vehicle at home while also providing more consistent standards for staff in determining types of commercial vehicles.

Based on these reasons, staff recommends approval of the proposed Text Amendment.

Discussion: Mr. Barbare asked if there were a lot of complaints that caused the proposed Text Amendment. Mr. Henderson stated yes there are a lot of complaints especially due to tow trucks being parked at homes. Mr. Henderson explained the current ordinance reads “not more than one commercial vehicle that does not exceed 2 tons rated capacity”, however “rated capacity” is not a term used in this industry. Mr. Henderson provided an example that a F250 almost exceeds 2 tons of rated capacity and an F350 exceeds that. Consequently, a tow truck would not be able to be brought home but this amendment would provide that opportunity.

Mr. Barbare stated he appreciated the intent but is concerned that trying to fix isolated cases will impact many people all over Greenville County that don't realize they are about to be affected, especially if they are bringing home work equipment. Mr. Henderson explained if residents are bringing home work equipment they are required to have a home occupation permit.

Mr. Barbare stated this has not been an issue, are we going to make it an issue? Mr. Henderson stated staff receives complaints on a daily basis. Mr. Barbare stated he understands complaints are coming from a particular area on a consistent basis but is curious if it will affect the entire County more than one particular area.

Chairman Bichel pointed out the amendment stated no more than three vehicles.

Mr. Henderson stated the proposal is going up by one commercial vehicle.

Mr. Coker explained the proposed Text Amendment clarifies what has been a long standing procedure of evaluating these types of complaints. Mr. Coker stated as the Ordinance is currently written nobody can have a F350 much less a tow truck.

Mr. Barbare stated what we do and when we make changes, not only affects the current staff but the future staff and their interpretation.

Mr. Howard asked if this change would conflict with HOA standards. Mr. Henderson stated if there is an HOA covenant that prohibits commercial vehicles it would be handled privately but staff would be unable to issue a permit.

Motion: by Mr. Bailey, seconded by Mr. Rogers, to approve CZ-2023-030. The motion carried by voice vote with five in favor (S. Bichel; F. Hammond; J. Bailey; J. Rogers; J. Howard) and one in opposition (J. Barbare) with two absent (M. Looper; M. Shockley)

5. Preliminary Subdivision Applications

Road Name Change Application

RD-2023-026 Lindasue Lane Name Change

Ms. Staton addressed the Commission members with a road name change application.

The applicant is requesting to change the name of Lindasue Lane in the Mountain Edge subdivision to French Country Place. The applicants stated that the reason for the request is because the owner's prefer a more appropriate name than the deceased owner's name. Lindasue Lane is a private road.

In accordance with LDR 8.15.C, staff recommends approval of the road name change.

Discussion: None.

Motion: by Mr. Bailey, seconded by Mr. Howard, to approve RD-2023-026. The motion carried by voice vote with two absent (M. Looper; M. Shockley)

PP-2023-033 Langford Hills

Meagan Staton stated PP-2023-033 had been administratively withdrawn. Ms. Staton read a letter provided to the applicant stating the reason for withdrawal. (See attachment).

Discussion: Chairman Bichel stated if there are any additional questions or comments they will go into executive session.

Motion: by Mr. Bailey, seconded by Mr. Howard, to go into Executive Session with the purpose of receiving legal advice from the Greenville County Attorney. The motion carried by voice vote with two absent (M. Looper; M. Shockley)

Executive Session commenced.

Chairman Bichel stated they are now out of Executive Session.

Mr. Rogers stated no action was taken during Executive Session.

6. Planning Report

Ms. Jeffers-Campbell presented the April Planning Report.

Discussion: Mr. Barbare asked the Planning Staff to keep the Planning Commission updated on upcoming community meetings.

7. Old Business

None.

8. New Business

Chairman Bichel designated Mr. Rogers as the Ad Hoc Nomination Committee Chairman for nominations for Chairman and Vice Chairman.

9. Adjourn

Without objection, Chairman Bichel adjourned the meeting at 5:23 p.m.

Respectfully submitted,

Nicole Miglionico

Nicole Miglionico

Recording Secretary



Department of Community Planning and Development
Planning Division - Subdivision Administration

Subdivision Administrator
(864) 467-5764

April 26, 2023

Waverly Wilkes
Gray Engineering Consultants
132 Pilgrim Road
Greenville, SC 29607

**Subject: Langford Hills
Preliminary Subdivision Application #PP-2023-033**

Dear Ms. Wilkes:

On April 25, 2023, the Greenville County Circuit Court entered an Order denying the Greenville County Planning Commission's Motion to Alter, Amend, and Reconsider the Court's March 31, 2023 Order vacating the Planning Commission's denial of the proposed Langford Hills subdivision. On April 26, 2023, the County served a Notice of Appeal.

Because the appealed order seems to contradict prior orders of the Circuit Court, including a prior order concerning Langford Hills, and has led to confusion relating to the Planning Commission's proper standard of review in light of these seemingly contradictory orders, the County has acted on Langford Hills Application PP-2023-033 by administratively withdrawing the application pending a decision from the appellate courts concerning the appealed order. Because this decision will address, among other things, the scope of the appealed order (which includes the Planning Commission's standard of review and its ability to consider items that Planning Commission may determine to be germane to the current application), the automatic appellate stay applies to the current application.

Langford Hills Application PP-2023-033 has therefore been removed from the Planning Commission's April 26, 2023 agenda.

Sincerely,

A handwritten signature in blue ink that reads 'M Staton'.

Meagan Staton
Subdivision Administrator

cc: Rodney Gray, Gray Engineering Consultants
John Beeson, Mark III Properties
Marcelo Torricos III, Bannister, Wyatt & Stalvey, LLC