

**Greenville County Planning Commission Minutes**  
**January 25, 2023 at 4:30 p.m.**  
**Conference Room D at County Square**

**Commissioners Present:** S. Bichel, Chair; J. Rogers; F. Hammond; M. Looper; M. Shockley; J. Howard; J. Barbare

**Commissioners Absent:** J. Bailey

**County Councilors Present:** None.

**Staff Present:** T. Coker; H. Gamble; C. Antley; K. Walters; R. Jeffers-Campbell; T. Stone; J. Henderson; L. Mann; K. Mulherin; N. Miglionico; IS Staff

**1. Call to Order**

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

**2. Invocation**

Mr. Barbare provided the invocation.

**3. Approval of the Minutes of the November 16, 2022 Commission Meeting**

**Motion:** by Mr. Looper, seconded by Mr. Howard, to approve the minutes of the November 16, 2022 Commission meeting, as presented. The motion carried unanimously by voice vote.

**4. Rezoning Request Returned for Public Hearing**

**CZ-2022-096**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-096.

The subject parcels, zoned R-R1, Rural Residential are located along Garrison Road, a two to three-lane State-maintained collector road; Reedy Fork Road, a two to three-lane State-maintained collector road; and Mamie Black Road, a two-lane County-maintained residential road. The Plan Greenville County Comprehensive Plan designates the parcels as Suburban Mixed Use and Rural Living. Staff is of the opinion that a successful rezoning to PD, Planned Development to allow for 73 single-family detached homes, and 26,000 sq. ft. of commercial use is consistent with the Future Land Use Map.

The development would have to meet the following conditions:

1. Submit Final Development Plan for review and approval prior to the issuance of any land development or building permits.

Based on these reasons, Staff recommends approval of the requested rezoning to PD, Planned Development with the aforementioned conditions.

**Discussion:** There were three speakers in favor of the proposed rezoning. The first speaker, Jeffrey Randolph, the applicant, provided a brief description of the project. Mr. Randolph stated they conducted a neighborhood meeting and adjusted their plan as a result of the feedback received. Mr.

Randolph provided a brief explanation of the changes, noting the proposed density is much lower than R-R1 requirements. Mr. Randolph stated they replaced the 64 townhomes with 35 detached single family homes. Mr. Randolph stated the overall neighborhood density was reduced by 28%, they increased buffering requirements, and reduced the neighborhood commercial by 38% with restrictions on the type of businesses allowed. Mr. Randolph explained the TIS was reviewed and approved by SCDOT and Greenville County. Mr. Randolph stated the revised plan is based on community feedback and sound planning standards that are consistent with the Comprehensive Plan and their company standards. The second speaker, Bryan Raeckelboom, a nearby resident, was originally in opposition of the application but believed the applicant took the community concerns into consideration and is now in favor of the application. The final speaker in favor, Amy Forde, explained she was excited about the proposed development and believed local businesses near Woodmont High School would be beneficial to the community.

There were four speakers in opposition of the proposed subdivision. The first speaker, Tony Longino, expressed concern about sewer runoff going into his lake and inadequate infrastructure. Mr. Longino displayed the water filter from his well and believed it had become increasingly dirty due to the increase of homes in the area. The second speaker, John Jennings, explained residents do not want the property rezoned, the area has inadequate infrastructure, inadequate stormwater drainage, lack of sewer availability, and limited space at Woodmont High School. The third speaker, Thomas Taylor, stated he was opposed to the application and expressed dissatisfaction with the probability of commercial business in residential areas. The final speaker, Kay Odell, explained they want 54 homes on 54 acres not high density development. Ms. Odell expressed concern about the developer not maintaining the stated commercial business type restrictions.

Mr. Rogers asked what density was recommended in the Comprehensive Plan and South Greenville Area Plan. Chairman Bichel stated the South Greenville Area Plan designates the area as Rural Preservation.

Mr. Rogers explained he believed the residents of the area moved there based on the rural zoning and with that expectation. Mr. Rogers stated there needed to be a strong reason to overturn the zoning, which he had not heard.

**Motion:** by Mr. Rogers, seconded by Mr. Looper, to deny CZ-2022-096. The motion failed by hand vote with three in favor (J. Rogers; M. Looper; J. Howard) and four in opposition (S. Bichel; M. Shockley; F. Hammond; J. Barbare) with one absent (J. Bailey). Chairman Bichel announced the vote to be a Planning Commission recommendation of approval of CZ-2022-096 with the condition added by staff.

## **5. Rezoning Requests**

### **CZ-2023-001**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-001.

The subject parcel zoned R-S, Residential Suburban is located along Fork Shoals Road, a two-lane State-maintained collector road. Staff is of the opinion that the requested rezoning to S-1, Services District would be consistent with adjacent uses and give adequate access to the existing business located at 2860B Fork Shoals Road.

Based on these reasons, staff recommends approval of the requested rezoning to S-1, Services District.

**Discussion:** None.

**Motion:** by Mr. Hammond, seconded by Mr. Shockley, to approve CZ-2023-001. The motion carried unanimously by voice vote with one absent (J. Bailey).

**CZ-2023-004**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-004.

The subject parcel zoned S-1, Services District is located along Main Street, a two-lane State-maintained collector road. Staff is of the opinion that the requested rezoning to R-MA, Multifamily Residential District would not be consistent with the Conestee Community Plan which designates this area as Service Sector. Additionally, the requested rezoning to R-MA, Multifamily Residential District would not be consistent with the zoning of adjacent parcels.

Based on these reasons, staff recommends denial of the requested rezoning to R-MA, Multifamily Residential District.

**Discussion:** None.

**Motion:** by Mr. Hammond, seconded by Mr. Looper, to deny CZ-2023-004. The motion carried by voice vote with six in favor (S. Bichel; J. Rogers; F. Hammond; M. Looper; M. Shockley; J. Barbare) and one in opposition (J. Howard) with one absent (J. Bailey).

**CZ-2023-005**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-005.

The subject parcel zoned R-10, Single-Family Residential District is located along Oak Drive, a two-lane State-maintained residential road; Fortner Avenue, a two-lane County-maintained residential road; and South Florida Avenue, a two-lane County-maintained residential road. Staff is of the opinion that the requested rezoning to R-MA, Multifamily Residential District is appropriate for the area and consistent with adjacent residential uses. Additionally, the proposed use is consistent with the Future Land Use from the Plan Greenville County Comprehensive Plan, which designates the parcel as Traditional Neighborhood.

Based on these reasons, staff recommends approval of the requested rezoning to R-MA, Multifamily Residential District.

**Discussion:** None.

**Motion:** by Mr. Shockley, seconded by Mr. Howard, to approve CZ-2023-005. The motion carried unanimously by voice vote with one absent (J. Bailey).

**CZ-2023-006**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-006.

The subject parcel zoned R-7.5, Single-Family Residential District is located along East Blue Ridge Drive, a four-lane State-maintained arterial road and Arbor Street, a two-lane County-maintained residential road. Staff is of the opinion that the requested rezoning to R-6, Single-Family Residential District to allow for one additional parcel would be consistent with adjacent uses and would not create adverse impacts on the area. Additionally, the proposed use is consistent with the Plan Greenville County Comprehensive Plan, which designates the parcel as Traditional Neighborhood.

Based on these reasons, staff recommends approval of the requested rezoning to R-6, Single-Family Residential District.

**Discussion:** None.

**Motion:** by Mr. Shockley, seconded by Mr. Howard, to approve CZ-2023-006. The motion carried unanimously by voice vote with one absent (J. Bailey).

**CZ-2023-007**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-007.

The subject parcel zoned C-2, Commercial District is located along White Horse Road, a five-lane State-maintained arterial road. Staff is of the opinion that the requested rezoning to S-1, Services District would be consistent with adjacent uses and the zoning of the parcel to the south. Additionally, a successful rezoning would not create adverse impacts on surrounding properties.

Based on these reasons, staff recommends approval of the requested rezoning to S-1, Services District.

**Discussion:** None.

**Motion:** by Mr. Howard, seconded by Mr. Loper, to approve CZ-2023-007. The motion carried by voice vote with five in favor (S. Bichel; J. Rogers; M. Loper; M. Shockley; J. Howard) and two in opposition (F. Hammond; J. Barbare) with one absent (J. Bailey).

**CZ-2023-008**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-008.

The subject parcels zoned R-S, Residential Suburban is located along Fairview Street Extension, a two-lane, State-maintained collector road and North Nelson Drive, a two- to three-lane, State-maintained residential road. Staff is of the opinion that the requested rezoning to I-1, Industrial District would be consistent with the Future Land Use Map in the Plan Greenville County Comprehensive Plan, which designates the parcels as *Industrial*. Additionally, a successful rezoning would not create additional adverse impacts on adjacent properties because of the natural vegetative buffers.

Based on these reasons, staff recommends approval of the requested rezoning to I-1, Industrial District.

**Discussion:** Mr. Rogers asked how much industrial zoning was in the surrounding area. Mr. Henderson pointed out industrial zoning across the street. Mr. Rogers asked what the nature of the FRD zoning was. Mr. Henderson stated the FRD zoning is within the City of Fountain Inn and not under Greenville County's review process.

**Motion:** by Mr. Hammond, seconded by Mr. Shockley, to approve CZ-2023-008. The motion carried by hand vote with four in favor (F. Hammond; M. Shockley; M. Looper; J. Barbare) and three in opposition (S. Bichel; J. Rogers; J. Howard) with one absent (J. Bailey).

#### **CZ-2023-009**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-009.

The subject parcel zoned S-1, Services District is located along Main Street, a two-lane State-maintained collector road. Staff is of the opinion that the requested rezoning to R-MA, Multifamily Residential District would be consistent with adjacent uses and zoning and would not create additional adverse impacts on surrounding properties.

Based on these reasons, staff recommends approval of the requested rezoning to R-MA, Multifamily Residential District.

**Discussion:** None.

**Motion:** by Mr. Looper, seconded by Mr. Howard, to approve CZ-2023-009. The motion carried unanimously by voice vote with one absent (J. Bailey).

#### **CZ-2023-010**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-010.

It has come to Staff's attention that the current language of Article 8, Section 8:9.2 Applicability, which pertains to the Scuffletown Rural Conservation District (SRCD) does not allow for subdivisions on any lot less than eight (8) acres in size due to the four (4) acre minimum lot size outlined in Section 8:9.4-2. Further, the requirements of the SCRCD cannot be remedied through a rezoning, as that would only alter the underlying zoning and not the SCRCD overlay requirements.

The proposed changes will allow property owners one (1) subdivision that complies with the underlying zoning district without regard to the Scuffletown Rural Conservation District (SCRCD). Any parcel that has been previously subdivided using this method would not be eligible for further subdivision without complying with the other requirements of the SCRCD. Below is the proposed addition in Article 8, Section 8:9.2 Applicability:

"A single parcel located in the Scuffletown Rural Conservation District that is greater than one acre in size but less than 8 acres in size may be subdivided into two parcels one time, following enactment of this provision, provided the resulting two parcels comply with the underlying zoning in the district. No

parcel created by a subdivision authorized by this section is eligible for further subdivision, unless such subdivision is made in compliance with the other provisions of this Article.”

Staff is of the opinion that the proposed amendment will provide property owners some flexibility to subdivide while still aligning with the original intent of the Scuffletown Rural Conservation District.

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

**Discussion:** Chairman Bichel stated he believed this was an important fix to the Scuffletown Rural Conservation District plan.

**Motion:** by Mr. Hammond, seconded by Mr. Howard, to approve CZ-2023-010. The motion carried unanimously by voice vote with one absent (J. Bailey).

### **CZ-2023-012**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-012.

The subject parcel zoned I-1, Industrial District is located along Furman Hall Road, a two-lane State-maintained collector road. Staff is of the opinion that the requested rezoning to R-6, Single-Family Residential District would be consistent with the existing adjacent uses and would not create additional adverse impacts on surrounding properties.

Based on these reasons, staff recommends approval of the requested rezoning to R-6, Single-Family Residential District.

**Discussion:** None.

**Motion:** by Mr. Hammond, seconded by Mr. Howard, to approve CZ-2023-012. The motion carried unanimously by voice vote with one absent (J. Bailey).

### **CZ-2023-013**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-013.

The subject parcel zoned I-1, Industrial District is located along Distribution Court, a two-lane Privately-maintained road. Staff is of the opinion that the requested rezoning to S-1, Services District would allow uses that are compatible with the adjacent uses and would not create additional adverse impacts on surrounding properties.

Based on these reasons, staff recommends approval of the requested rezoning to S-1, Services District.

**Discussion:** None.

**Motion:** by Mr. Shockley, seconded by Mr. Looper, to approve CZ-2023-013. The motion carried unanimously by voice vote with one absent (J. Bailey).

### **CZ-2023-014**

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-014.

It has come to Staff's attention that the current language of Sections 7:2.4-4 (C) Single-Family Attached and 7:2.5-4 (C) Single-Family Attached, which do not permit more than four (4) attached units per structure, is more restrictive than requirements in nearby jurisdictions and inconsistent with generally accepted planning principles. Additionally, the International Residential Code 2021 does not specify a maximum number of attached units in a townhouse building.

The proposed changes will allow up to six (6) attached single-family units within a single townhouse structure. No other changes are proposed. Below is the proposed amendment to Sections 7:2.4-4 (C) Single-Family Attached and 7:2.5-4 (C) Single-Family Attached both to read (struck-through language is current and red text is proposed):

~~C. Attached units may be a duplex, triplex, or quadraplex and shall not exceed more than 4 attached units per structure.~~

C. Attached units shall not exceed more than 6 attached units per structure.

Staff is of the opinion that the proposed amendment does not conflict with the International Residential Code 2021 and will not create adverse impacts for the community. Further, the proposed amendment will allow more options for townhome residential development in Greenville County.

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

**Discussion:** None.

**Motion:** by Mr. Hammond, seconded by Mr. Shockley, to approve CZ-2023-014. The motion carried unanimously by voice vote with one absent (J. Bailey).

## 6. Preliminary Subdivision Applications

### PP-2022-229 Freeman Park Subdivision (Revision)

Ms. Staton addressed the Commission members with a preliminary subdivision application for Freeman Park, an Option 1 Cluster Development on Freeman Drive and S. Adams St. east of the intersection of Hwy 29 and E. Main St. in Taylors. The applicant is requesting 44 lots at a density of 5.8 units/acre in R-7.5, Single-Family Residential zoning district. Access is provided off of Freeman Drive (County). Water and sewer will be provided by Greenville Water and Metro Sewer, respectively.

The project site is located within the Suburban Neighborhood character area of the Comprehensive Plan. Suburban Neighborhoods are generally shaped by residential subdivisions of medium-lot homes with relatively uniform housing types and densities. New single-family subdivisions should be designed with sidewalks, street trees, neighborhood parks, and community open space connections. The recommended density is 3-5 dwellings/acre. Freeman Park proposes 5.75 dwellings/acre, consistent with the comprehensive plan.

Staff recommends approval of the Preliminary Plan with the standard and specific requirements.

**Discussion:** There was one speaker in favor of the proposed subdivision, Waverly Wilkes, the project engineer. Ms. Wilkes provided a brief overview of the revision.

Mr. Rogers made a motion to approve due to previous approval and minor application changes.

**Motion:** by Mr. Rogers, seconded by Mr. Looper, to approve PP-2022-229. The motion carried unanimously by voice vote with one absent (J. Bailey).

**PP-2022-231 Trinity Cove**

Ms. Staton addressed the Commission members with a preliminary subdivision application for Trinity Cove, a Rural Conservation Subdivision located in the Scuffletown Rural Conservation District on Jonesville Road south of the intersection of Jonesville Road and Scuffletown Road near Simpsonville. The applicant is requesting 12 lots at a density of 1.03 units/acre in R-S, Single-Family Residential zoning district. Access is provided off of Jonesville Road (State). Water and sewer will be provided by Greenville Water and Metro Sewer, respectively.

The project site is located within the Suburban Neighborhood character area of the Comprehensive Plan. Suburban Neighborhoods are generally shaped by residential subdivisions of medium-lot homes with relatively uniform housing types and densities. New single-family subdivisions should be designed with sidewalks, street trees, neighborhood parks, and community open space connections. The recommended density is 3-5 dwellings/acre. Trinity Cove proposes 1.03 dwellings/acre.

Staff recommends conditional approval of the Preliminary Plan with the standard and specific requirements.

Approval Conditions are as follows:

1. Please provide a revised preliminary plan by February 1, 2023 showing that either site distance minimums can be met or showing the revised access shared with the parent tract. Failure to submit a revised plan by the above-referenced date may result in denial of the application.

**Discussion:** Ms. Staton stated the applicant requested to hold the application until the next Planning Commission meeting.

Chairman Bichel and the applicant agreed to hold the application until the next meeting.

**PP-2022-234 Inverrary Point**

Ms. Staton addressed the Commission members with a preliminary subdivision application for Inverrary Point, a conventional development. The project site is located just south of the intersection of Oak Tree Dr and Stallings Rd. The applicant is requesting 36 single-family detached lots at a density of 1.48 units/acre in the R-12 single family zoning district. Access is provided off of Stallings Rd – a state road. Water and sewer will be provided by Greenville Water and Metropolitan Sewer, respectively.

The proposed subdivision is located within Suburban Neighborhood Character area of the Comprehensive Plan. Suburban Neighborhoods are generally shaped by residential subdivisions of medium-lot homes with relatively uniform housing types and densities. Homes include attached



garages. Local streets are laid out in a curvilinear pattern with occasional cul-de-sacs. Streets may or may not include sidewalks. New single-family subdivisions should be designed with sidewalks, street trees, neighborhood parks, and community open space connections. The recommended density is 3-5 dwellings/acre. Inverrary Point is proposing 1.48 dwellings/acre.

**VA-2022-235**

The applicant is requesting a variance from LDR 8.8.1A, which requires an emergency entrance on the site. The applicant states that the nature of the property causes this requirement to not be feasible. The applicant states that the main entrance has been widened to 26 feet to the first intersection with a 48-foot wide right-of-way. There were no SAC comments in opposition to the variance as requested. Piedmont Fire Department requested that widening to 26 feet should be extended throughout the entire subdivision. The applicant updated plans to address these requirements, and therefore satisfied the fire department's requirements.

**VA-2022-236**

The applicant is requesting a variance from LDR 8.21 (20' Undisturbed Landscape Buffer), to waive the additional planted requirement for the flag portion of the proposed property adjacent to Linkside Dr. The applicant states that there is no proposed development in this area and that the area currently consists of an existing golf cart path and plantings. There were no SAC comments in opposition to the variance as requested.

Staff recommends conditional approval of the plan and variances with the standard and specific requirements.

Approval conditions are as follows:

1. Traffic improvements warranted as a result of the required SCDOT Traffic Study must be installed to SCDOT's satisfaction prior to approval of a Final Plat.

Additional conditions from Planning Commission

1. Resolve the roadway length issue with the Greenville County Traffic Engineer.
2. Provide a buffer with an average of 5 feet on each side of the cart path (VA-2022-236).

**Discussion:** There were two speakers in favor of the proposed application. The first speaker, Mark Binsz, the project engineer, stated due to resident feedback, they changed the request to a traditional R-12 neighborhood. Mr. Binsz provided a brief explanation of the changes, variance requests and stated the density is lower than what is recommended in the Comprehensive Plan.

Mr. Rogers asked when the Metro Sewer upgrades would be completed. Mr. Binsz stated they needed to work with Metro Sewer as they get into the design process. Moreover, the upgrades at a nearby subdivision will impact the sewer upgrade requirements. Mr. Rogers asked if the upgrades were not completed would they use septic tanks? Mr. Binsz stated no, the lots are not large enough for septic, and in order for the homes to be built they need to complete the sewer upgrades.

The second speaker in favor, Nickolya Serdyuk, the developer, explained they sold two lots to local residents, and plan to preserve the pathway and maintain connectivity with golf cart

access. Mr. Serdyuk stated he responded to the community's questions and plans to continue to work with the Pebble Creek community.

There were four speakers in opposition of the proposed subdivision. The first speaker, Julie Olson, stated Mare Island Trail is in violation of LDR 8.9.2 which restricts the maximum length of non-through streets and asked for denial of the variance VA-2022-236.

Chairman Bichel asked staff to address the question of Mare Island Trails street length. Ms. Jeffers-Campbell asked Ms. Olson to confirm the street name and length. Ms. Olson stated Mare Island Trail and explained a member of Subdivision Administration assisted with finding the length of the street, which was 1,531.2 Feet. After some discussion, Kurt Walters, the Greenville County Traffic Engineer, explained the road may need a turn around.

The second speaker, Brenda Buchik, a representative of the Pebble Creek Alignment Group, stated they are requesting a new Traffic Impact Study due to comments by the Traffic Engineer and Subdivision Advisory Committee that the entire development should be considered as one parcel. Ms. Buchik explained that other new developments in the area, excluded intersections, and outdated data are additional reasons to require a new Traffic Impact Study. Ms. Buchik expressed concern about the higher density and inconsistency with the surrounding homes. The third speaker, Chuck Saylor, a member of the Greenville School Board, expressed concern about school bus safety on the proposed roadways. Mr. Saylor stated nearby schools are already close to capacity. The final speaker, Kevin Tutherow, expressed concern about the traffic, infrastructure, and roadway safety.

Mr. Barbare stated he was concerned about the TIS having age on it, with a lack of current information and asked if a current TIS is not required due to the size of the subdivision. Ms. Jeffers-Campbell stated these are SCDOT roads which are not subject to the Land Development Regulations. Ms. Jeffers-Campbell explained SCDOT has been reviewing the project and can require an updated study but are looking at the overall impact and requiring specific improvements which staff recommended as a condition for approval. Mr. Barbare asked if the TIS from 2021 was a requirement from SCDOT. Ms. Jeffers-Campbell stated yes. Mr. Barbare asked if there was anything that would require the developer to update the TIS. Ms. Jeffers-Campbell stated SCDOT is not requiring an updated TIS.

Mr. Rogers asked for clarification on the concern about school buses using cul-de-sacs. Ms. Gamble stated school buses can navigate standard cul-de-sacs. Mr. Rogers asked if that included the cul-de-sacs in this proposed subdivision. Ms. Gamble stated yes.

Mr. Barbare asked if the SAC comments were incorporated into the conditions from staff. Ms. Jeffers-Campbell explained anytime in your agenda packet when you have specific requirements, those specific requirements automatically become conditions of approval and anytime Planning Commission adds requirements, those are in addition to the specific requirements.

Mr. Rogers asked Mr. Binsz if he would be amendable to a condition that states if there is a problem with the length of the roads in the LDR, they would install turn-arounds for fire trucks. Mr. Binsz stated yes, they are open to installing something mid-length in the road to

accommodate fire trucks. Additionally, they would complete the sidewalk connection from the end of the cul-de-sac down to Linkside Dr.

Chairman Bichel asked what the regulation stated for LDR 8.9.2. Mr. Howard read LDR 8.9.2 “Non-through streets shall have a minimum length of 125 feet and a maximum length of 800 feet. Non-through streets may be extended beyond the 800-foot maximum length to 1200 feet if a pedestrian connection is provided from the end of the cul-de-sac to another street. The pedestrian access should be clearly denoted as a common area. Exceptions may be made in areas where floodplains, wetlands, riparian buffers, green space, slopes exceeding 11 percent, or other unique site conditions prevent a non-through street.” Chairman Bichel asked Mr. Walters for clarification on the cul-de-sac requirements. Mr. Coker stated staff believed there was another section that spoke to turn-around requirements. Ms. Jeffers-Campbell explained the Planning Commission could add a condition for approval that the developer works with the Greenville County Traffic engineer to provide a solution for the road length.

Mr. Hammond explained if the developer is unable to comply with the LDR on road length, they will not get a permit to construct the road.

**Motion:** by Mr. Hammond, seconded by Mr. Shockley, to approve with conditions PP-2022-234. The motion carried unanimously by hand vote with one absent (J. Bailey).

**Motion:** by Mr. Shockley, seconded by Mr. Howard, to approve VA-2022-235. The motion carried unanimously by voice vote with one absent (J. Bailey).

Chairman Bichel stated he doesn't believe VA-2022-236 is fair for people to have cart or pedestrian traffic directly next to their house without a landscape buffer or fence and doesn't believe it should be approved.

Mr. Hammond asked for clarification on where the variance would impact. Mr. Binsz stated it is in a small strip that goes out to Linkside Dr. where they are looking to make a connection to a nearby subdivision. Mr. Binsz stated the variance only affects this proposed subdivision.

Mr. Rogers asked Mr. Binsz to identify the area in question.

Mr. Hammond asked if the buffer variance is not approved, will the cart path go away? Mr. Binsz stated the connection point would have to go away because it is not even 40 feet wide.

Chairman Bichel stated he believed a 10 foot buffer on each side would be sufficient to maintain the cart path connection. Mr. Binsz asked for leeway to work with staff in adding the buffer. Chairman Bichel stated an average of 5 feet on each side would suffice.

**Motion:** by Mr. Hammond, seconded by Mr. Howard, to approve with condition VA-2022-236. The motion carried unanimously by voice vote with one absent (J. Bailey).

#### **PP-2022-242 Armstrong Farms Subdivision**

Ms. Staton addressed the Commission members with a preliminary subdivision application for Armstrong Farms, a conventional development located southwest of the intersection of Ledbetter Rd

and Old White Horse Rd. The applicant is requesting 10 lots at a density of 0.21 units/acre in the R-S, Residential Suburban zoning district. Access is provided off of Ledbetter Rd (State). Water and sewer will be provided by Greenville Water and Septic, respectively.

The subject site is designated as Suburban Edge in the Comprehensive Plan. Suburban Edges are low-density residential areas that offer opportunities for low-intensity development that is well-integrated with the natural landscape and agricultural uses. Residential development may occur as individual single-family structures on large lots, or clusters of homes designed to preserve large amounts of open space, which should be interconnected as part of the county's larger open space system. The Suburban Edge Character Area recommends a density of 0 to 1 dwellings per acre. Armstrong Farms is proposing 0.21 units per acre.

Staff recommends conditional approval of this preliminary plan with the standard and specific requirements. Approval conditions are as follows:

1. Provide a revised Preliminary Plan by February 3, 2023 with the following shown on the plan:
  - A 50-foot vegetated riparian buffer adjoining all waterbodies where features used by horses are planned.
  - All setbacks labeled on the plan.
  - Parcel B labeled as a Lot if buildings are to remain, or buildings removed if Parcel B is to be Common Area.
  - Any blue line streams labeled.
2. Staff has concerns about the safety of crossing the floodplain and access to lots 8, 9, and 10 in an emergency. Please submit a revised Preliminary Plan by February 3, 2023 with a plan that shows this area as common area. Staff is of the opinion that lots can be reconfigured in a way that would still allow for the ten total lots that have been requested.
3. Prior to approval of the Final Plat, please record an easement protecting the 50-foot vegetated riparian buffer, and detail maintenance in the associated covenants or easement.
4. Failure to provide a revised Preliminary Plan by the aforementioned date may result in denial of the application.

**Discussion:** There were no speakers in opposition of the proposed subdivision.

Stephanie Gates, the project engineer, was the only speaker in favor of the proposed subdivision. Ms. Gates provided a brief overview of the project and stated it was the first time she heard about the common area for the flag lots requirement but they would try to incorporate it into the plan. However, they would need to continue to be flag lots due to the inability to provide a road back to those units. Ms. Gates stated parcel A and B are developable parcels that the developer is looking to provide an equestrian center on but the plans are not finalized yet.

Mr. Howard asked where access is provided for lots 8, 9, and 10. Mr. Howard asked for clarification on parcel A. Ms. Gates stated parcel A and B are being looked at for an equestrian center but those plans are not finalized. Ms. Gates explained parcels 8, 9, and 10 will use a common driveway over an existing creek crossing that was used on the farmland in the past.

Mr. Shockley asked if the flag lots were strictly to allow it to be financeable. Ms. Gates explained there will be one shared driveway and the flag lots are for the purpose of the

requirement of every lot having 20 foot access to the right-of-way. Ms. Gates stated there would be an access easement on the driveway that the lots will share.

**Motion:** by Mr. Barbare, seconded by Mr. Howard, to approve with conditions PP-2022-242. The motion carried unanimously by voice vote with one absent (J. Bailey).

**PP-2022-207 Anna's Pointe**

Ms. Staton addressed the Commission members with a preliminary subdivision application for Anna's Point, a Flexible Review District Development on W. Georgia Rd and Sullivan Rd, east of the intersection of W. Georgia Rd. and Fork Shoals Rd. The applicant is requesting 104 lots at a density of 13.9 units/acre in the FRD, Flexible Review District zoning district. Access is provided off of W. Georgia Rd (State) and Sullivan Rd (County). Water and sewer will be provided by Greenville Water and Metro respectively.

The subject site is designated as Rural Living in the Comprehensive Plan. Rural Living place types are transitional areas that offer opportunities for low-intensity development that is well-integrated with the natural landscape and agricultural uses. Residential development may occur as individual single-family structures on large lots, or clusters of homes designed to preserve large amounts of interconnected open space. Hobby farms on large lots with residential homesteads are common land uses. The Rural Living Character Area recommends a density of 1 dwelling per 2+ acres. Anna's Pointe is proposing 13.9 units per acre.

Staff recommends approval with conditions of this Preliminary Plan with the Standard and Specific Requirements. The conditions are as follows:

1. Submit a revised preliminary plan by February 1, 2023 that includes the following:
  - a. The plan must be updated for the roads to be private drives.
  - b. The buffer should be labeled "20 foot Undisturbed Landscape Buffer and be labeled on the eastern and southern border of the site.
2. Traffic improvements warranted as a result of the required SCDOT Traffic Study must be installed once 40 lots have been recorded.
3. Failure to submit by the date stated above may result in denial of the application.

**Discussion:** There were no speakers in opposition of the proposed subdivision.

Alex Zuentd, the project engineer, was the only speaker in favor of the proposed subdivision. Mr. Zuentd stated he was available for any questions.

Chairman Bichel asked staff if they should have been concerned with the proposed higher density than the Comprehensive Plan recommends before the FRD zoning was approved. Mr. Coker explained staff is seeing high-density development in certain areas of Greenville County that is changing the character of the area.

**Motion:** by Mr. Hammond, seconded by Mr. Howard, to approve with conditions PP-2022-207. The motion carried unanimously by voice vote with one absent (J. Bailey).

**VA-2022-230 Private Shared Drive Variance at Existing Garage**

The applicant is requesting a variance from LDR 5.4C and 5.4.D.3, with requires a 40 foot right-of-way and a minimum improved surface width of 20 feet for its entire length, respectively. The applicant

states that a variance is needed due to restricted access caused by an existing garage on site. A private shared drive is needed to access the proposed 4 lots on site. The applicant also states that there is an existing gravel drive and garage currently at the requested location. The garage will restrict the shared drive for approximately 60' of the +/- 850', as it will need to transition from 20' wide down to +/- 15' wide and then back up to 20' wide for the remainder distance once beyond the garage. The 40' right-of-way would need to be restricted at that same location.

In accordance with LDR 1.6.3C, staff recommends approval of the variance.

**Discussion:** None.

**Motion:** by Mr. Howard, seconded by Mr. Shockley, to approve VA-2022-230. The motion carried unanimously by voice vote with one absent (J. Bailey).

#### **VA-2023-009 HVAC Screening Variance**

The applicant is requesting a variance from LDR 10.3.7, which requires that the HVAC facilities be screened from public roads, adjoining residential or commercial properties, and that rooftop equipment be screened by a parapet or other architectural element that is equal to the maximum elevation of the equipment and is complimentary to the building's architecture. The applicant states that the updated HVAC units are smaller than the ones that they replaced and that a small corner wall was constructed as part of the upfit. The applicant states that a parapet wall would change the overall design of the building, be unaesthetically appealing, and costly to implement. The applicant also states that the surrounding buildings on Pelham Davis Circle do not have parapet screening walls.

Staff recommends denial of the variance, as no hardship meeting LDR 1.3.6 has been established by the applicant.

**Discussion:** There were three speakers in favor of the variance. The first speaker, Ed Edwards, spoke about the history of the land and building use. Mr. Edwards explained the screening requirement is for cosmetic reasons and the HVAC units on this property cannot be seen. Mr. Edwards provided pictures for the Planning Commission members.

Mr. Howard asked if there was leeway for circumstances where the HVAC units cannot be seen. Ms. Staton explained the plan reviewers made their determination based on the provided elements not meeting the intent of the LDR requirements.

Mr. Looper asked the architect if the addition of a parapet would harm the architectural set up of the building. The architect stated yes and if they were constructing a new building it would be easier, but renovating an existing building makes full compliance difficult. Mr. Looper stated his understanding of LDR Article 10.3.7 is that if the screening would harm the architecture of the building, it would not have to be completed.

Mr. Shockley asked why the other surrounding buildings did not have screening. Ms. Staton explained they could have been built when the requirement was not in place but the upfit on this building required the applicant to meet current standards. Mr. Coker stated this is a situation staff sees often with commercial properties.

Mr. Rogers stated it seems clear the requirement is due to aesthetics but the pictures are clear that the HVAC units are not in view and asked what the harm in being flexible was. Ms. Staton explained staff recommended denial in terms of upholding the standards of the regulations.

**Motion:** by Mr. Hammond, seconded by Mr. Rogers, to approve VA-2023-009. The motion carried unanimously by voice vote with one absent (J. Bailey).

## 7. Appeal to Staff Decision

### **PP-2022-218 Willow Mist**

On December 20, 2022, Subdivision Administration issued an approval of PP-2022-218 Willow Mist (Revision), under authority delegated to Staff by Planning Commission at the November 16, 2022 Planning Commission Meeting. On January 4, 2023, Moonville Preservation Society (MPS) submitted to Subdivision Administration a notice of appeal of staff's approval of PP-2022-218 Willow Mist Revision under the provisions of Section 1.6.2 of the Greenville County Land Development Regulations (LDR).

The Preliminary Plan for Willow Mist was unanimously approved by Planning Commission at the July 2022 Planning Commission meeting under application PP-2022-113. A revised application was submitted to Subdivision Administration due to the results of the final wetlands report, which showed that more area was within the wetlands area than was preliminarily known. Since this application was a revision to that approved plan, the scope of staff's review was limited to what had changed between the version of the preliminary plan application approved by the Planning Commission and the revisions submitted to staff for review. The changes between PP-2022-113 and PP-2022-218 were as follows:

- 0.03 less linear miles of public road,
- 2 less lots than the previously approved application (PP-2022-113),
- An additional 1.55 acres of open space,
- Relocation of the location of the CBUs,
- Relocation and realignment of Redeeming Lane

It was staff's opinion that these changes met the criteria outlined in the LDR. Under that authority, staff reviewed the application and found the changes complied with the LDR and were in furtherance of the plan approved by the Planning Commission in July of 2022.

**Discussion:** There were three speakers on behalf of the Moonville Preservation Society. The first speaker, Ray Santoianni, provided a history of the property and stated the discovery of wetlands completely redesigned the proposed subdivision. Mr. Santoianni stated they were denied public comment on PP-2022-192 and pulled from the planning agenda due to a minor change. Mr. Santoianni explained the application should be denied because it is an abuse of the cluster option intent and an end-around of the County Council zoning change denial. Mr. Santoianni provided examples of previous quotes from the Planning Commission against the similar cluster option subdivisions and density. Mr. Santoianni stated they had an objection to the traffic study and it was totally insufficient.

Mr. Hammond explained the purpose of the appeal was to review the five items that changed between PP-2022-113 and PP-2022-218, but he did not hear any of those items addressed.

The second speaker, Kerry Lord, stated the reason for the appeal was due to the changes from the discovery of wetlands. Mr. Lord asked how the finding of wetlands were considered a minor revision that does not allow public comment.

Chairman Bichel addressed potential confusion, stating in the month of November the Planning Commission gave Planning Staff permission to act as the Planning Commission for the month of December. Chairman Bichel stated staff had every right to act on the Planning Commission's behalf and the term "minor" is not applicable here.

Mr. Lord continued to question the absence of public comment when the discovery of wetlands caused a revision to the plan.

Chairman Bichel explained in the month of December the Planning Commission does not meet and they give the Planning Staff the authority to act for the Planning Commission. Chairman Bichel stated in terms of wetlands, residents are well protected by the State and Local agencies.

Mr. Lord explained all of the revisions occurred due to the wetlands.

Chairman Bichel stated if Greenville County staff along with SCDHEC believe the changes to the plan are sufficient to mediate the wetlands, he does not see a problem.

Mr. Lord stated there were no plans submitted to Metro Sewer for a pump station and the problem is exacerbated due to the wetlands.

Chairman Bichel stated the developer would not be able to get a permit if there are issues with the wetlands.

The final speaker for Moonville Preservation Society, Nate Reynolds, stated they have been to meetings numerous times and believes what has taken place is misguided power.

Meagan Staton, the Subdivision Administrator, spoke on behalf of Greenville County Subdivision Administration. Ms. Staton read the following memorandum.

**MEMORANDUM**

DATE: January 11, 2023

TO: Greenville County Planning Commission

FROM: Meagan Staton, AICP  
Subdivision Administrator

SUBJECT: **Willow Mist Appeal Staff Response**



### **Background**

On December 20, 2023, Subdivision Administration issued an approval of PP-2022-218 Willow Mist (Revision), under authority delegated to Staff by Planning Commission at the November 16, 2022 Planning Commission Meeting. On January 4, 2023, Moonville Preservation Society (MPS) submitted to Subdivision Administration a notice of appeal of staff's approval of PP-2022-218 Willow Mist Revision under the provisions of Section 1.6.2 of the Greenville County Land Development Regulations (LDR). This is a response to the appeal and to those statements made in the appeal request.

### **Authority**

Under the provisions of the LDR, the Subdivision Administrator (as the authorized representative of the Assistant County Administrator for Community Planning, Development, and Public Works Department, under Section 1.1) has the authority to administer and interpret the regulations therein in accordance with Section 1.6 – Administration. Section 1.6.5 – Interpretation elaborates on the scope of this authority, which gives the parameters under which Staff has discretion to interpret and apply the regulations.

### **Interpretation**

With the established authority, as Subdivision Administrator, I interpret the last line of Paragraph 5 of Section 3.3.5, which reads “Preliminary approval shall constitute approval of the proposed widths and alignments of streets and dimensions and shapes of lots” to mean that approval from the Planning Commission of the Preliminary Plan includes proposed widths, alignments, dimensions and shapes. It is my interpretation that this is to mean that the *actual* dimensions are not finalized at this point in time, and may be subject to change as additional information is learned in the engineering phase of development, which occurs after Preliminary approval is granted. It is therefore within staff's discretion to review and approve changes that comply with the Greenville County Land Development Regulations in furtherance of the approved Preliminary Plan.

### **Scope of Changes**

The Preliminary Plan for Willow Mist was unanimously approved by Planning Commission at the July 2022 Planning Commission meeting under application PP-2022-113. A revised application was submitted to Subdivision Administration due to the results of the final wetlands report, which showed that more area was within the wetlands area than was preliminarily known. Since this application was a revision to that approved plan, the scope of staff's review was limited to what had changed between the version of the preliminary plan application approved by the Planning Commission and the revisions submitted to staff for review. The changes between PP-2022-113 and PP-2022-218 were as follows:

- 0.03 less linear miles of public road,
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- An additional 1.55 acres of open space,
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- Relocation and realignment of Redeeming Lane

It was staff's opinion that these changes met the criteria outlined in the LDR. Under that authority, staff reviewed the application and found the changes complied with the LDR and were in furtherance of the plan approved by the Planning Commission in July of 2022.

### **Response to Appeal Statements**

1. Statement 1: No public record of PP-2022-113 being before the Board of Zoning appeals was found.
  - Response: This was not within the scope of changes for staff to include as part of the review and approval. This issue, therefore, cannot be the subject of an appeal of the December 20, 2022 staff approval of revisions.
2. Statement 2: MPS disputes that staff could make a decision on the changes presented in PP-2022-192.
  - Response: PP-2022-192 was withdrawn by the applicants. Staff made no formal decision on this application. This issue, therefore, cannot be the subject of an appeal of the December 20, 2022 staff approval of revisions.
3. Statement 3: MPS states that there is no definition of a "minor revision" that allows staff to make a final decision.
  - Response: Staff's decision occurred during an Administrative Review Meeting in which Planning Commission had delegated authority to review and approve applications to staff. This delegated authority is reflected in the November 2022 Planning Commission meeting minutes. Additionally, LDR 3.3.5 gives staff the authority to determine whether post-approval changes comply with the LDR and are in furtherance of the approved preliminary plan.
4. Statement 4: MPS states that LDR 3.3.3 refers to a revised plan that is "submitted for the Planning Commission's review and approval, hold or denial."
  - Response: LDR 3.3.3 refers to all Preliminary Plans that are revised based on SAC comments during the revision period between SAC and packet submittal for Planning Commission. This article does not imply that all previously approved revised preliminary plans must go be Planning Commission. The sentences prior to the one included in MPS's letter states "After acceptance and posting, the preliminary plan is submitted to the Subdivision Advisory Committee (SAC) for their review and recommendations. The Authorized Representative will ensure that all comments made at the Subdivision Advisory Committee meeting are fully addressed on the plan during an identified revision period." Taken together, it is clear that this paragraph is intended to outline the SAC process, rather than make a statement about what types of plans must go before Planning Commission for review.
5. Statement 5: MPS references LDR 12.4 "Revisions to Plans."
  - Response: LDR 12.4 references revisions to Group Developments as Article 12 only pertains to Group Developments. Willow Mist is not a Group Development, therefore this section is not relevant.
6. Statement 6: MPS states that they were denied the opportunity to comment on various issues related to the application.

- Response: The public was given the opportunity to submit public comments via email. Emails in opposition of PP-2022-218 were collected via the [publiccomments@greenvillecounty.org](mailto:publiccomments@greenvillecounty.org) email address and added to the case file. The public was notified that they could submit public comment this way at the November SAC Meeting where it was announced. This is reflected in the SAC meeting minutes for November.
7. Statement 7: MPS states that “County Council on October 19, 2021 denied a zoning change (CA-2021-83) to this developer.”
    - Response: This was not within the scope of changes for staff to include as part of the review and approval. This issue, therefore, cannot be the subject of an appeal of the December 20, 2022 staff approval of revisions.
  8. Statement 8: MPS asserts that several sections of Article 11 are not met.
    - Response: Besides added additional open space, PP-2022-218 did not change the locations of open space, nor did it alter the character of the neighborhood as a cluster. Therefore, Planning Commission had already reviewed and approved each of the items listed in this section under the original application, PP-2022-113.
  9. Statement 9: MPS states that under LDR 11.3.2C, the wetlands area should be identified as “Preserved Area “No Access” on the plan.
    - Response: Planning Commission approved PP-2022-113 without this identification on the plan. However, staff would support adding a condition of approval that this be added to the plan before it is finalized.
  10. Statement 10: MPS lists several other Preliminary Plan cases with facts about them.
    - Response: This was not within the scope of changes for staff to include as part of the review and approval. This issue, therefore, cannot be the subject of an appeal of the December 20, 2022 staff approval of revisions.
  11. Statement 11: MPS states an objection to the TIS.
    - Response: This was not within the scope of changes for staff to include as part of the review and approval. This issue, therefore, cannot be the subject of an appeal of the December 20, 2022 staff approval of revisions.
  12. Statement 12: MPS references a rezoning case, CZ-2022-067.
    - Response: This was not within the scope of changes for staff to include as part of the review and approval. This issue, therefore, cannot be the subject of an appeal of the December 20, 2022 staff approval of revisions.

**Motion:** by Mr. Barbare, seconded by Mr. Shockley, to affirm staff’s decision on PP-2022-218. The motion carried unanimously by voice vote with one absent (J. Bailey).

## 8. Planning Report

Ms. Jeffers-Campbell presented the January Planning Report.

## 9. Old Business

None.

**10. New Business**

None.

**11. Adjourn**

Without objection, Chairman Bichel adjourned the meeting at 7:22 p.m.

Respectfully submitted,

*Nicole Miglionico*

Nicole Miglionico

Recording Secretary