

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

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

Commissioners Absent: M. Shockley; M. Looper

County Councilors Present: None.

Staff Present: T. Coker; H. Gamble; R. Jeffers-Campbell; K. Walters T. Stone; J. Henderson; M. Staton; K. Mulherin; T. Baxley; IS Staff

1. Call to Order

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

2. Invocation

Mr. Bailey provided the invocation.

3. Approval of the Minutes of the June 28, 2023 Commission Meeting

Motion: by Mr. Bailey, seconded by Mr. Wood, to approve the minutes of the June 28, 2023 Commission meeting, as presented. The motion carried by voice vote.

4. Rezoning Requests

CZ-2023-046

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-046.

The subject parcel zoned I-1, Industrial District is located along South Batesville Road, a two-lane state-maintained arterial road. Staff is of the opinion that a successful rezoning to the C-3, Commercial District would be consistent with the Plan Greenville County Comprehensive Plan, which designates the parcel as *Mixed Employment Center*. With that said, staff does not wish to see the rezoning process used as a tool to skirt enforcement action. The parcel contains multiple structures which were built recently without permits, which do not meet ordinance requirements, and which are being occupied by businesses that did not obtain certificates of occupation. While staff has based its decision on what to recommend based on the comprehensive plan, we do not wish for this to set a precedent for others hoping to ask forgiveness rather than permission. Were the property vacant, staff's recommendation would be the same.

Based on these reasons, staff recommends approval of the requested rezoning to C-3. Commercial District.

Discussion: Chairman Bichel stated he assumed they did not have permission from the Airport Environs Commission. Mr. Henderson explained there was permission in 2008 with the original permit but what was built did not comply with the permit and the additional structures do not have permission nor did they receive a permit.

Mr. Bailey asked about the setbacks. Mr. Henderson stated the setbacks are not met under the current zoning. Mr. Bailey stated there have been ongoing flooding issues in the back two buildings. Mr. Henderson stated no permits were submitted for floodplain review and the floodplain department is aware of the situation.

Mr. Henderson explained if the property is rezoned to allow the current uses, the applicant would still be required to go through the plan review process which would trigger floodplain, building, zoning and land development reviews to ensure the site complies with the ordinances.

Mr. Rogers stated there seemed to be two issues; rezoning and land use enforcement. Mr. Rogers asked if Greenville County planned to bring any enforcement action upon the applicant. Mr. Rogers explained it seemed to be a dangerous precedent if, in approval of the rezoning, it waived any enforcement action for previous violations. Mr. Coker explained enforcement was moving forward but it is contingent on the rezoning. Mr. Coker stated Greenville County can't take the first step in enforcement until they know where the property stands from a zoning standpoint. Mr. Rogers stated it felt like there should be another option other than giving the applicant a pass or making them tear down a building. Mr. Henderson explained during the site plan review process staff would determine the buildings that can stay and the ones that would need to be relocated. Mr. Henderson stated the rezoning would eliminate the issue of setback encroachment. Mr. Coker stated there is no pass, there will be many processes the owner will need to go through to get into compliance with Greenville County.

Mr. Wood stated the applicant nor engineer are at the meeting. Mr. Wood explained it was likely they don't believe Greenville County will make them tear the buildings down, but if the same situation was at a residential home, the buildings would need to be torn down. Mr. Wood stated the property being industrial is irrelevant.

Chairman Bichel stated the application seems like asking forgiveness instead of permission.

Motion: by Mr. Wood, seconded by Mr. Howard, to deny CZ-2023-046. The motion carried by voice vote with six in favor (S. Bichel; J. Bailey; J. Rogers; F. Hammond; J. Howard; J. Wood) and one in opposition (J. Barbare) with two absent (M. Shockley; M. Looper).

CZ-2023-047

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-047.

The subject parcel, zoned R-S, Residential Suburban District, is located along Vaughn Road, a two-lane County-maintained local road. The Plan Greenville County Comprehensive Plan designates the area as Suburban Neighborhood, which recommends a density of 3 to 5 units per acre. Staff is of the opinion that the proposed rezoning to FRD, Flexible Review District, to allow for a maximum of 35 units, is not consistent with the Comprehensive Plan and that the proposed density is too high for the surrounding area.

Based on these reasons, staff recommends denial of the requested rezoning to FRD, Flexible Review District.

Discussion: None.

Motion: by Mr. Wood, seconded by Mr. Hammond, to deny CZ-2023-047. The motion carried by voice vote with six in favor (S. Bichel; J. Rogers; F. Hammond; J. Howard; J. Barbare; J. Wood) and one in opposition (J. Bailey) with two absent (M. Shockley; M. Looper).

CZ-2023-048

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-048.

The subject parcel, zoned O-D, Office District, is located along Orders Street, a two-lane, State Maintained residential road. Staff is of the opinion that a successful rezoning to R-7.5, Single-Family Residential District is appropriate for the area and consistent with the surrounding zoning. Additionally, a successful rezoning and proposed use would be 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-7.5, Single-Family Residential.

Discussion: None.

Motion: by Mr. Bailey, seconded by Mr. Barbare, to approve CZ-2023-048. The motion carried unanimously by voice vote with two absent (M. Shockley; M. Looper).

CZ-2023-049

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-049.

The subject parcel zoned R-S, Residential Suburban District is located along Woodruff Road, a two to eight-lane State-maintained arterial road. Staff is of the opinion that the requested rezoning to C-2, Commercial District would permit uses that would not have an adverse impact on the existing surrounding properties. Additionally, a successful rezoning would be consistent with the Five Forks Area Plan, which designates the parcel as *Commercial Center*.

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

Discussion: Mr. Bailey asked if there was a church next to the property. Mr. Henderson stated yes. Mr. Bailey pointed out C-2 could have a liquor store.

Chairman Bichel stated the state would not provide a liquor license because of the proximity of the church.

Mr. Bailey asked if C-2 was the best option between residential and a church.

Mr. Hammond stated there was nobody in opposition at the public hearing.

Motion: by Mr. Bailey, seconded by Mr. Barbare, to approve CZ-2023-049. The motion carried unanimously by voice vote with two absent (M. Shockley; M. Looper).

CZ-2023-050

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-050.

The subject parcel zoned R-12; Single-Family Residential is located along West Road, a two lane State-maintained Collector road. Staff is of the opinion that a successful rezoning to C-3, Commercial District would not have an adverse impact on surrounding properties. Additionally, the requested rezoning would be consistent with surrounding zoning and uses.

Based on these reasons, staff recommends approval of the requested rezoning to C-3, Commercial.

Discussion: None.

Motion: by Mr. Hammond, seconded by Mr. Wood, to approve CZ-2023-050. The motion carried unanimously by voice vote with two absent (M. Shockley; M. Looper).

5. Preliminary Subdivision Applications

PP-2023-083 Laurel Grove Phase 3

VAR-2023-107 Laurel Grove Phase 3 Article 8.21 Variance Application

Ms. Staton addressed the Commission members with a preliminary subdivision application for Laurel Grove Phase III, a proposed third phase of a conventional subdivision located southwest of the intersection of Anderson Ridge Road and South Bennetts Bridge Road near Five Forks. The applicant is requesting 10 lots at a density of 1.04 units/acre in R-S, Single-Family Residential zoning district.

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. Laurel Grove Phase III proposes 1.04 units/acre.

VAR2023-107:

VAR-2023-107 was submitted to request a variance from the undisturbed buffer required by Article 8.21 of the Greenville County Land Development Regulations. The applicant is requesting the following:

- Removal of the buffer along the northern side of Laurel Bluff Court to meet the minimum 25,000 square foot lot size required by septic lots to the south of Laurel Bluff Court;
- Removal of the buffer at the northeast corner of the property to allow for an emergency access;
- Removal of the buffer along the north and south property lines of Lot 1;
- For Lots 2-9, to the keep the 20-foot buffer on individual lots to be maintained by individual homeowners, but under restrictive easement governed by the HOA; and
- No buffer along Lot 10, due to the narrow lots size.

Staff recommends approval with conditions of the preliminary plan and variance request with the standard and specific requirements

The approval conditions are as follows:

- Please provide a revised Preliminary Plan by August 2nd, showing the areas of undisturbed

buffer on the properties. These areas should be protected by recorded easement, with the easement areas shown on the plan.

- At Final Plat, provide restrictive covenants and recorded easement ensuring the protection of the undisturbed buffer on the individual lots for Lots 2-9.

Discussion: Mr. Bailey asked for further explanation of the variance. Ms. Staton explained the variance was requesting to eliminate the buffer requirement along the emergency access road. Ms. Staton stated a 20-foot buffer along the property line would be required without a variance.

There were four speakers in opposition of the proposed subdivision. The first speaker, Carlos Walton, explained the emergency access road was through his and his sisters' yard which would negatively impact their properties. The second speaker, Tameka Thomason, explained the land had been in the family for over 100 years and the emergency access road was being proposed right next to the playground where her daughter plays. Ms. Thomason stated the emergency access road would be dangerous and over forty percent of the meeting attendees were in opposition of the road. Ms. Thomason stated the road would affect the family's land values. The third speaker, Tina Grey, stated she agreed with Ms. Thomason. The final speaker, Hannah Johnson, echoed the concerns of her family and was concerned about increased traffic.

There were two speakers in favor of the proposed subdivision. The first speaker, Waverly Wilkes, the project engineer, provided a brief overview of the proposed subdivision. Ms. Wilkes explained it would be a septic subdivision with ten lots. Ms. Wilkes provided letters of support from existing Laurel Grove residents. Ms. Wilkes explained the major variance request was the removal of the buffer to fit with the community or to have the buffer on the lot itself which would be maintained by the individual homeowners.

Mr. Rogers stated the Ordinance requires proof of hardship for a variance and asked Ms. Wilkes what hardship they were relying on to justify the request. Ms. Wilkes explained the emergency access is a safety benefit but there is not enough land width to provide it with the required buffer, lot one removal is to maintain neighborhood uniformity, lot ten removal is due to wanting to provide the larger lot size, and the remaining lot buffers are to be maintained by individual homeowners to not place undue burden on the HOA. Mr. Rogers stated other than the emergency access, the remaining requests seemed to be of aesthetic and economic concerns.

Chairman Bichel read LDR 1.6.3 "... the strict application of the requirements contained in these regulations would result in substantial or excessive difficulties, hardships, or injustices, the Planning Commission may modify such requirements so that the applicant is allowed to develop his property in a reasonable manner. The public interests of the county and its citizens are to be protected and the general intent and spirit of these regulations will be preserved". Chairman Bichel stated he didn't believe the applicant met these regulations.

Mr. Wood stated it was obvious the developer did not reach out to the neighboring community. Mr. Wood explained taking out the natural buffer and narrowing the scope was not the way to go. Mr. Wood asked what other options were available.

Ms. Wilkes clarified the emergency access is not a paved road and is for emergencies only. Ms. Wilkes stated it looks like grass, similar to what it looks like now. Ms. Wilkes did not believe the emergency access would be a hindrance to the community.

Mr. Bailey stated he disagreed that it would look similar to how the area looks now. Mr. Bailey pointed out all of the trees would be removed, removing the separation of homes. Ms. Wilkes said they would only remove as many trees as they needed to.

Chairman Bichel believed it would be unfair to the neighbors who would be affected by the removal of the buffer.

Mr. Barbare asked if the larger lots were necessary for septic. Ms. Wilkes stated there isn't necessarily a need but 25,000 sqft is needed for the zoning requirements and to allow the buffer to remain the responsibility of the new homeowners. Mr. Barbare asked if there would be any room for adjustment to the plan. Ms. Wilkes stated that would be a decision of the developer.

The second speaker in favor, Mike Elliot, the developer, provided a history on the development of the subdivision. Mr. Elliot reiterated that the emergency access is not a paved road and would only be used in an emergency event where the main access is inaccessible. Mr. Elliot explained the subdivision is small and the burden of buffer maintenance on the HOA would be significant.

Mr. Bailey asked if there was a density buffer that could be used to create a screen for the emergency access. Mr. Elliot stated he didn't believe it would make sense to have a buffer for something that would never be used. Mr. Bailey pointed out the removal of trees would remove the current tree buffer from the existing homes. Mr. Elliot was concerned about increased cost on the HOA if he installed a buffer.

Ms. Staton read LDR 8.8.1 A "Any subdivision of more than 30 lots or 50 single family attached dwellings shall provide at least two access points, the second may consist of an emergency access. If the configuration of the property does not allow for a secondary access, the paved surface of the main road shall be at least 26 feet wide to the first intersection.". Ms. Staton explained they have seen variance requests requesting to remove the requirement of the secondary access.

Mr. Elliot stated he would prefer not to have emergency access.

Ms. Staton explained the developer would need to consult with the fire department before submitting an additional variance.

Mr. Hammond stated it seemed removing emergency access would benefit everyone.

Discussion ensued regarding the buffers and emergency access.

Chairman Bichel and the applicant agreed to hold the application until the next Planning Commission Meeting.

VA-2023-094 Screening/Buffering 10.3.5 Variance Application

Ms. Staton presented VA-2023-094, requesting a variance from LDR 10.3.5, Commercial Design Standards – Screening/Buffering, which requires commercial uses to provide a wall, fence, compact

evergreen hedge or other type of fence and shrubbery at least 6 feet in height along the side and rear exterior lot lines where located adjacent to a residential use (and/or district) for the purpose of screening non-residential activities from view. Additionally, the ordinance requires a 15-foot landscaped buffer along the exterior property lines adjacent to residential uses and districts. The applicant states that the variance is needed due to the existing non-conforming property, which currently has no buffer under its current use, having a change of use. The applicant would like to utilize an existing “panhandle” along the southern property boundary, which would encroach on the buffer area if required. The applicant states that a 25-foot buffer will otherwise be provided in the area directly adjacent to the residential property.

Staff recommends approval of the variance as requested.

Added Planning Commission Conditions

- Provide a fence and dense landscaping along property at TMN P015090107000 and;
- The driveway is not to encroach on the adjoining neighbor’s property

Discussion: Mr. Hammond explained the commercial building has been in bad shape for a long time.

Mr. Bailey asked if any effort was made to obtain an easement through the neighboring property.

Zach Grogan, the applicant, stated they went to great lengths to try and obtain access through the existing neighboring property and it is not an option. Mr. Grogan detailed his plan to carve out and buffer their proposed driveway.

Chairman Bichel asked if the driveway is encroaching on the neighboring property. Mr. Grogan stated it does not and they have a new site sketch with a 20 foot driveway.

Motion: by Mr. Bailey, seconded by Mr. Howard, to approve with condition VA-2023-094. The motion carried unanimously by voice vote with two absent (M. Shockley; M. Looper).

6. Planning Report

Ms. Jeffers-Campbell presented the July Planning Report.

7. Old Business

None.

8. New Business

None.

9. Adjourn

Without objection, Chairman Bichel adjourned the meeting at 6:05 p.m.

Respectfully submitted,

Nicole Miglionico

Nicole Miglionico

Recording Secretary