

Greenville County Planning Commission Minutes
May 24, 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; M. Looper; M. Shockley (zoom); J. Howard; J. Barbare

Commissioners Absent: None.

County Councilors Present: S. Shaw; M. Barnes; E. Fant (zoom)

Staff Present: T. Coker; C. Antley; R. Jeffers-Campbell; T. Stone; J. Henderson; M. Staton; K. Mulherin; T. Baxley; N. Miglionico; 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 April 26, 2023 Commission Meeting

Motion: by Mr. Looper, seconded by Mr. Howard, to approve the minutes of the April 26, 2023 Commission meeting, as presented. The motion carried by voice vote.

4. Rezoning Requests

CZ-2023-032

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-032.

The subject parcel, zoned R-M20, Multifamily Residential District, is located along West Lee Road, a two-lane, State-maintained collector road. Staff is of the opinion that a successful rezoning to I-1, Industrial District could have adverse impacts on the surrounding properties. Additionally, more than half of the parcel is designated as Traditional Neighborhood in the Plan Greenville County Comprehensive Plan.

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

Discussion: Mr. Looper asked why staff thought there would be residential development on the site in the future. Mr. Henderson explained the area is zoned to buffer and protect the residential area on the south side of West Lee Road.

Mr. Hammond pointed out I-1 and S-1 in the surrounding area and stated he couldn't see the parcel ever containing a residential structure.

Motion: by Mr. Hammond, seconded by Mr. Howard, to approve CZ-2023-032. The motion carried unanimously by voice vote.

CZ-2023-033

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-033.

Staff is of the opinion that the proposed changes would amend an inconsistency between two sections of the Zoning Ordinance and allow for the creation of patios and/or decks of a more reasonable size in Manufactured Home Parks.

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

Discussion: None.

Motion: by Mr. Looper, seconded by Mr. Howard, to approve CZ-2023-033. The motion carried unanimously by voice vote.

CZ-2023-035

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-035.

The subject parcels zoned R-S, Residential Suburban District are located along Antioch Church Road, a two-lane, State-maintained collector road. Staff is of the opinion that while the request for I-1, Industrial District would be consistent with the Plan Greenville County Comprehensive Plan which designates the parcels as Industrial, it would not be consistent with the South Greenville Area Plan which designates the parcels as Suburban Residential. Staff recognizes that there are multiple adjacent properties already zoned I-1, Industrial; however, these have access onto alternate streets with better visibility. Antioch Church Road has narrow to non-existent shoulders and is also seeing a number of residential developments being built along it. Staff is concerned that adding large commercial vehicles on this street could create a safety hazard for the growing number of residents living along Antioch Church Road.

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

Discussion: Mr. Howard asked if Greenville County would be able to restrict access to the property if the zoning changed and asked if the applicant was free to choose ingress and egress points. Mr. Henderson explained ingress and egress would be determined based on a multitude of safety factors. Mr. Howard asked why staff recommended denial if access would be reviewed for safety and there was I-1 nearby. Mr. Henderson stated the majority of residential development in the area is accessed off of Antioch Church Road. Mr. Henderson explained the recommendation of denial was due to the increase in commercial traffic the I-1 zoning could bring to Antioch Church Road.

Mr. Bailey asked when a TIS would be triggered. Mr. Henderson stated it would be completed during the Land Development review process. Mr. Bailey asked what the threshold would be to not require a TIS. Mr. Henderson stated that would be determined by SCDOT.

Chairman Bichel asked what the present use of the neighboring I-1 property was. Mr. Henderson stated he did not know but there was no access to those parcels on Antioch Church Road.

Mr. Bailey stated it would be helpful to know if any road improvements would be required. Mr. Bailey noted the road was currently in poor condition.

Mr. Barbare asked when the South Greenville Area Plan was adopted. Mr. Stone stated the year 2017.

Mr. Hammond pointed out nearby I-1 zoning and noted there would be increased traffic no matter how it is zoned. Mr. Hammond stated the site seemed logical to be zoned I-1.

Motion: by Mr. Hammond, seconded by Mr. Looper, to approve CZ-2023-035. The motion carried by hand vote with seven in favor (S. Bichel; J. Rogers; F. Hammond; M. Looper; M. Shockley; J. Howard; J. Barbare) and one in opposition (J. Bailey).

CZ-2023-036

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-036.

The subject portion of the parcel zoned C-2, Commercial District is located along Hwy 25 (Augusta Road), a four to five-lane State-maintained arterial road and Donaldson Road, a two to three-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 the zoning of the parcels to the north. 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. Looper, to approve CZ-2023-036. The motion carried unanimously by voice vote.

CP-2023-01

Mr. Stone introduced the staff report and presentation into the record as background information for Comprehensive Plan Amendment CP-2023-01.

The Augusta Road Corridor Strategic Plan reflects the community's vision for its future and identifies goals and objectives in five focus areas. These focus areas include Connectivity (multi-modal), Form-Based Design Standards, Mixed-Income Housing, Streetscape Design, and Interstate 85 Beautification. The plan provides direction for community leaders and stakeholders and serves as a guide for future development and redevelopment in the area.

Therefore, staff is requesting that the Planning Commission approve by resolution the Augusta Road Corridor Strategic Plan as an amendment to the *Plan Greenville County* Comprehensive Plan and forward this plan to the Planning & Development Committee of Council for their consideration and approval.

Discussion: None.

Motion: by Mr. Barbare, seconded by Mr. Looper, to approve CP-2023-01. The motion carried unanimously by voice vote.

5. Preliminary Subdivision Applications

PP-2023-048 Braxton Village Townhomes

Ms. Staton stated the application was withdrawn by the applicant.

PP-2023-051 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.

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 plan with the standard and specific requirements.

Approval conditions are as follows:

1. Please provide a revised preliminary plan by May 31, 2023 that indicates private or public roads. Private drives are not permitted.
2. A copy of the purchase agreement for the portion of BB#0559010102817 that will be used for right-of-way shall be submitted prior to issuance of a land disturbance permit.

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

Paul Harrison, the project engineer, spoke in favor of the proposed subdivision. Mr. Harrison stated this was a unique application with access through the church parking lot. Mr. Harrison explained they submitted a request to SCDOT to reduce the speed along Jonesville Road but were told the posted speed was appropriate. Mr. Harrison believed they could have provided access on Jonesville Road if SCDOT approved the speed reduction. Mr. Harrison stated the development would be a private gated community.

Mr. Howard asked why they couldn't provide access off of Jonesville Road. Mr. Harrison stated they could not obtain sight distance due to a vertical curve at the church entrance.

Motion: by Mr. Bailey, seconded by Mr. Howard, to approve with conditions PP-2023-051. The motion carried unanimously by voice vote.

6. Appeal to Staff Decision

PP-2023-055 Aetna Springs Subdivision Appeal

On April 18, 2023 Subdivision Administration issued an approval of PP-2023-055 Aetna Springs (Previously Approved Case #PP-2022-140). On April 21, 2023, Linkside Home Owners Association (LHOA) submitted to Subdivision Administration a notice of appeal of staff's approval of PP-2023-055 Aetna Springs 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.

The Preliminary Plan for Aetna Springs was approved by Planning Commission in a 6-1 vote with one member absent at the September 2022 Planning Commission meeting under application PP-2022-140. A revised application was submitted to Subdivision Administration due to the removal of the area of one approved lot that was sold to an adjacent property owner along Linkside Dr. 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-2022-140 and PP-2023-055 were as follows:

- Change to road length
- Decrease in number of lots
- Portion of the property removed from the development
- Shift in property line locations to accommodate changes in lot numbers
- Use of Shared Driveway
- Change in location of CBU
- Addition of connected walking trails

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 September of 2022.

Discussion: Richard Matthews and Dave Postlewaite spoke on behalf of Linkside Home Owners Association. Mr. Matthews stated major or minor changes are not clearly defined. However, many other agencies require Planning Commission approval for any plat changes. Mr. Matthews explained the addition of a shared driveway violated the Land Development Regulations and Storm Water Management Regulations as follows:

1. A shared driveway is non-harmonious or desirable, which is a violation of the LDR. Shared driveways are typically found in commercial areas or cities where parking is limited.
2. The shared driveway reduces the value of homes.
3. Storm Water Management Regulations require an easement to access the retention pond. The shared driveway blocks this access.
4. The cluster mailbox location violates the LDR which requires no disruption to vehicular traffic flow.
5. The northern buffer moved south, which resulted in road shortening of 400 feet, further isolating lots 13, 14, 15, and 16 from Aetna Springs.

Mr. Matthews requested the Planning Commission maintain the area standard of one house, one driveway.

Mr. Hammond stated a shared driveway doesn't seem to affect anybody but the residents of the homes with a shared driveway. Mr. Matthews explained it sets a precedent for future developments in the area. Mr. Hammond asked how one less curb cut and a shared driveway is non-harmonious and undesirable. Mr. Matthews stated there is a shared driveway that the rest of the neighborhood does not have which is non-harmonious. Mr. Hammond explained that not being the same does not make it

disruptive. Mr. Matthews stated every other lot has a single driveway and this lot would not have a shared driveway if they didn't change the lot arraignment.

Mr. Bailey asked how the cluster mailbox was in violation of the LDR. Mr. Matthews explained it's not conducive to access without vehicles blocking the shared driveway.

Mr. Howard asked why the applicant added a shared driveway. Ms. Staton read LDR 8.5.C "In order to limit the number of encroachments into existing County and SCDOT maintained roads, where multiple flag pole access strips meet the existing roadway, a private access easement must be established for these lots so that only one connection with the existing street is created to serve these lots."

Mr. Rogers asked if adjacent land owners had an objection to the shared driveway. Mr. Matthews stated yes, they do object to it.

Mr. Postlewaite explained a shared driveway is a problem at this location because it is located at the end of a street and there is no turn around for buses, which is required by State law. Mr. Postlewaite stated he moved to the Pebble Creek area due to its harmonious nature, the shared driveway is not harmonious.

Chairman Bichel stated staff read the regulation in the LDR for the shared driveway and pointed out the cul-de-sac was large enough for a bus to turn around. Mr. Postlewaite stated cars would be parked on the street.

Ms. Staton read the following memorandum as staff's response.

MEMORANDUM

DATE: May 15, 2023

TO: Greenville County Planning Commission

FROM: Meagan Staton, AICP
Subdivision Administrator

SUBJECT: **Aetna Springs Appeal Staff Response**

Background

On April 18, 2023 Subdivision Administration issued an approval of PP-2023-055 Aetna Springs (Previously Approved Case #PP-2022-140). On April 21, 2023, Linkside Home Owners Association (LHOA) submitted to Subdivision Administration a notice of appeal of staff's approval of PP-2023-055 Aetna Springs 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 Aetna Springs was approved by Planning Commission in a 6-1 vote with one member absent at the September 2022 Planning Commission meeting under application PP-2022-140. A revised application was submitted to Subdivision Administration due to the removal of the area of one approved lot that was sold to an adjacent property owner along Linkside Dr. 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-2022-140 and PP-2023-055 were as follows:

- Change to road length
- Decrease in number of lots
- Portion of the property removed from the development
- Shift in property line locations to accommodate changes in lot numbers
- Use of Shared Driveway
- Change in location of CBU
- Addition of connected walking trails

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 September of 2022.

Response to Appeal Statements

1. Statement 1: LHOA states that the staff’s approval of a shared driveway violates LDR 1 because it does not provide for an orderly and desirable manner.
 - Response: A shared driveway is permitted by the LDR and reduces the number of curb cuts required along the proposed right-of-way. It also reduces the impact of development along the portion of the property that has been removed from the development and recombined with the adjacent property.

2. Statement 2: LHOA asserts that there is no access road to the retention pond and the shared driveway location would block any maintenance vehicles that are required for testing per the stringent Storm Water Management Ordinance from Greenville County.
 - Response: On September 28, 2022, the Preliminary Plan approved the subdivision and its plan to have retention ponds in the common area with no access road to the retention ponds. The revision presented to staff continues to place the proposed retention ponds in common areas adjacent to the proposed right-of-way with their proposed locations being shifted slightly. Since the Planning Commission had already approved the retention ponds with no access roads, the issue presented by LHOA was not an issue presented to Subdivision Staff for review. Since only those matters presented for review to staff may be the subject of this appeal, the Planning Commission should decline to consider this issue because it outside the scope of this appeal.
3. Statement 3: LHOA states that Lots 13 and 14 need to be flag lots, in accordance with GCLDR 8.5, instead of a shared driveway.
 - Response: GCLDR 8.5 outlines the criteria which flag lots must meet if they are to be utilized. It does not require that a flag lot be utilized in any scenario. The plan that staff approved already shows Lots 13 and 14 as flag lots. These flag lots meet the requirements of LDR 8.5, including 20 feet of access along the proposed right-of-way. In accordance with LDR 8.5D, they utilize a private access easement on a shared driveway, which allows for up to three lots to be served.
4. Statement 4: LHOA states that staff's approval of the shared driveway violates the LDR 8.19.2 Cluster Box Units.
 - Response: The Cluster Box Units are located in the cul-de-sac and adjacent to the sidewalk, this allows for safe pull-off of vehicular traffic, as well as safe access for pedestrians. Since there are less than 50 homes, no parking space was required, so the location along the cul-de-sac is acceptable. The location of the shared driveway nearby does not appear to have any bearing on this, as LDR 8.19.2 does not discuss the location of shared driveways.
5. Statement 5: LHOA states that staff violated GCLDR 8.9 by approving a change in road length from 1,320 ft. to the shorter length of 911 ft.
 - Response: 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. The shortening of the proposed Aetna Springs Court complies with the LDR, represents a minor revision to the Plan previously approved by the Commission, and is consistent with the Planning Commission's previous approval.
6. Statement 6: LHOA states that there are no common areas indicated on the plan.
 - Response: Common areas are shown on the plan. Any area that is not lot area or road right-of-way on this plan is common area. However, staff would support adding a condition of approval that common area be more clearly labeled and hatched on the plan before it is finalized.
7. Statement 7: LHOA states that the natural walking paths do not connect.
 - Response: In the previously approved plan, these areas did not connect. The new plan approved by staff connects the natural walking paths with the existing cart paths and the CBU area, which provides safe access for all lots to the CBUs.

8. Statement 8: LHOA notes that the buffer location from the original approved 8/3/22 preliminary plan has been moved south by 122 ft, and that this approval violates GCLDR 8.9.
 - Response: In approving PP-2022-140, Planning Commission removed staff's condition of approval requiring a buffer along the perimeter of these lots. In the revised plan, the dimensions of Lot 15 adjusted, leaving a larger length that did not have this buffer. To address this, staff requested that the developers have landscaping be maintained or additional material planted to provide a buffer along the cart path that is proposed to remain.

9. Statement 9: LHOA asserts that the Planning Commission and staff have no authority to override Linkside HOA covenants by SC statute.
 - Response: A dispute about the private rights LHOA may have with the applicant concerning the operation of their covenants was not part of the revisions that Staff reviewed and approved, and thus, this issue is outside the scope of this appeal.

10. Statement 10: LHOA states that Lots 15 and 16 should have had a buffer and needed a variance request for external access for these 2 lots.
 - Response: In approving PP-2022-140, Planning Commission removed staff's condition of approval requiring a buffer along the perimeter of these lots. A variance, VA-2022-157, was approved allowing for the internal access requirement to be waived. This variance approval still stands. Therefore, these items were 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 April 18, 2023 staff approval of revisions.

11. Statement 11: LHOA states the following: "The Greenville County GIS map shows there are 2 additional properties on other streets outside of the Linkside HOA impacted by Aetna Springs; the Brown and Cooper homes. The Brown home has been there since 1974, their porch, driveway, and other buildings are located within the proposed Aetna Springs development. This has not been addressed to support and improve community decision-making."
 - 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 April 18, 2023 staff approval of revisions.

12. Statement 12: LHOA suggests a concern about increased stormwater runoff and flooding.
 - 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 April 18 staff approval of revisions.

13. Statement 13: LHOA suggests that staff's approval of this plan violates LDR 1.2 Intent: Morals.
 - 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 April 18, 2023 staff approval of revisions.

14. Statement 14: LHOA states that the developer stated that he desires to create an oasis of interconnectedness and that this plan does not represent that and should be rejected.
 - 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 April 18, 2023 staff approval of revisions.

Ms. Staton stated that any additional topics brought up, staff has not had time to prepare a response, and can't be within the scope of the appeal.

Mr. Barbare asked when staff determines a major change versus a minor change. Ms. Staton stated there is no section in the LDR that defines a major or minor change. However, there are sections that give staff authority to use their discretion. Ms. Staton explained adding additional density, adding additional impervious area, reducing previously approved open space, and anything that would change the intent of the subdivision in a way that increases the development pattern could be considered a major change. Mr. Barbare asked how many staff members would be involved in the decision to classify a change as major or minor. Ms. Staton explained the Subdivision Administrator has the discretion but this particular application was reviewed at the Subdivision Advisory Committee meeting.

Chairman Bichel asked Ms. Staton to read LDR 8.5.C.

Chairman Bichel asked Stephanie Gates, the project engineer, if there was room to extend the road. Ms. Gates stated there was not due to the standards of the right-of-way.

Mr. Bailey asked if they could request a variance for the road. Ms. Gates stated she doesn't believe reducing the right-of-way is allowed in the Ordinance.

Chairman Bichel asked if the cluster mailbox could be moved further down the cul-de-sac. Ms. Gates explained she believed they could but it would be next to the pond access. Ms. Gates stated currently the mailbox cluster is in-between the shared driveway and pond access.

Motion: by Mr. Bailey, seconded by Mr. Hammond, to affirm staff's decision on PP-2023-055. The motion carried unanimously by voice vote

7. Planning Report

Ms. Jeffers-Campbell presented the May Planning Report.

8. Old Business

None.

9. New Business

Chairman and Vice Chairman Nominations

Discussion: Mr. Rogers announced Mr. Bailey was nominated for Vice Chairman and asked if there were any nominations from the floor. There were no additional nominations.

Motion: Mr. Rogers, seconded by Mr. Looper, to vote by acclamation Mr. Bailey as Vice Chairman.

Mr. Rogers announced Mr. Bichel and Mr. Barbare were nominated for Chairman and asked if there were any nominations from the floor. Mr. Looper made a motion for the nominations to be closed. Ballots were distributed.

Mr. Coker announced there was a majority vote in favor of Mr. Bichel.

10. Adjourn

Without objection, Chairman Bichel adjourned the meeting at 5:58 p.m.

Respectfully submitted,

Nicola Miglionico

Nicole Miglionico

Recording Secretary