

Greenville County Planning Commission Minutes
September 27, 2023 at 4:30 p.m.
Council Committee Room at County Square

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

Commissioners Absent: M. Looper.

County Councilors Present: E. Fant; A. Mitchell; R. Bradley

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

1. Call to Order

Chairman Bichel called the meeting to order at 4:31 p.m.

2. Invocation

Mr. Howard provided the invocation.

3. Approval of the Minutes of the August 23, 2023 Commission Meeting

Motion: by Mr. Howard, seconded by Mr. Wood, to approve the minutes of the August 23, 2023 Commission meeting, as presented. The motion carried by voice vote with three absent (J. Bailey; J. Rogers; M. Looper).

Mr. Rogers joined the meeting

4. Rezoning Requests

CZ-2023-060

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-060.

The subject portion of a parcel zoned R-15, Single-Family Residential is located along Lockman Drive, a two-lane County-maintained Residential Road. Staff is of the opinion that a successful rezoning to R-6, Single-Family Residential District would not be consistent with the Plan Greenville County Comprehensive Plan which designates the parcel as *Suburban Neighborhood* and recommends a density of 3 to 5 dwellings per acre. Additionally, the current parcel is a buildable lot, and if rezoned will continue to be a buildable lot; however, reduction of the parcel size would not be consistent with surrounding parcel sizes in the area.

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

Discussion: None.

Motion: by Mr. Barbare, seconded by Mr. Howard, to deny CZ-2023-060. The motion carried unanimously by voice vote with two absent (J. Bailey; M. Looper)

CZ-2023-062

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-062.

The subject parcels, zoned I-1, Industrial District, are located along Pinckney Street, a two-lane, County-maintained local road. Staff is of the opinion that the proposed uses, as outlined in the Statement of Intent, will bring a community driven atmosphere to Poe Mill and have a positive impact on the surrounding area.

The development would have to meet the following conditions:

1. Submit a 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 FRD, Flexible Review District with the aforementioned condition.

Discussion: None.

Motion: by Mr. Hammond, seconded by Mr. Barbare, to approve with condition CZ-2023-062. The motion carried unanimously by voice vote with one absent (M. Looper)

Mr. Bailey joined the meeting.

CZ-2023-063

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-063.

The subject parcel, zoned R-7.5, Single-Family Residential District, is located along Stephenson St. Ext., a one-lane, County-maintained local road. Staff recognizes that while the requested density under the FRD, Flexible Review District does not align with the Plan Greenville County Comprehensive Plan, which designates the parcel as Suburban Neighborhood, this FLU classification does list single-family attached housing as a primary use. Furthermore, the proposed widening of Stephenson Street Extension may serve to increase safety and accessibility on the currently narrow street.

The applicant will have to meet the following condition:

1. Submit a 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 FRD, Flexible Review District with the aforementioned condition.

Discussion: Chairman Bichel asked if Greenville County or the applicant was proposing the widening of Stephenson Street. Austin Allen, the project engineer, explained the road widening was required by Greenville County but will be paid for by the applicant.

Motion: by Mr. Barbare, seconded by Mr. Howard, to deny CZ-2023-063. The motion carried by voice vote with five in favor (S. Bichel; J. Bailey; J. Barbare; J. Howard; J. Rogers) and three in opposition (J. Wood; M. Shockley; F. Hammond) with one absent (M. Looper).

CZ-2023-064

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-064.

The subject parcels zoned R-S, Residential Suburban District are located along Fork Shoals Road, a two-lane State-maintained Collector road and Talley Scott Road, a one-lane County-maintained Residential road. Staff is of the opinion that requested density and zoning district is consistent with Single-Family Residential Developments in the area and will not have an adverse impact on adjacent properties.

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

Discussion: Mr. Rogers asked why the density was being increased in an area designated as rural. Mr. Henderson explained the proposed density was consistent with recent property zonings as well as what has been developed and what will be developed in the area. Mr. Rogers stated there looked to be more R-S zoning than R-12 zoning in the area.

Motion: by Mr. Hammond, seconded by Mr. Shockley, to approve CZ-2023-064. The motion carried by voice vote with six in favor (S. Bichel; J. Bailey; F. Hammond; M. Shockley; J. Wood; J. Barbare) and two in opposition (J. Howard; J. Rogers) with one absent (M. Looper)

5. **Rezoning Public Hearing**

CZ-2023-042

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2023-042.

The subject parcels zoned R-S, Residential Suburban District are located on Lee Vaughn Road (HWY 417), a two-lane State-maintained arterial road and Woodruff Road (HWY 146), a two to eight-lane State-maintained arterial road. Staff is of the opinion that the proposed development includes uses which are consistent with the Five Forks Area Plan. Additionally, the proposed uses for the requested rezoning to FRD, Flexible Review District could support a growing residential area and could potentially alleviate some traffic going towards the Five Forks area by having similar uses available.

The development would have to meet the following conditions:

1. Submit a 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 FRD, Flexible Review District with the aforementioned condition.

Discussion: There were three people in favor of the proposed rezoning. The first speaker in favor, Chad Carson, the project representative, pointed out changes they made as a compromise to the public opposition. Mr. Carson stated the main change was the addition of a wall to separate the property from the adjacent neighborhood. Mr. Carson explained they zoned FRD to comply with the Five Forks Area Plan.

Mr. Wood asked Mr. Carson if the residents that were previously in opposition are satisfied with the changes. Mr. Carson stated to his knowledge the concerns that White Hall Plantation residents had have been addressed and they are now in favor of the project.

The second speaker in favor, Brett Hurl, a representative of White Hall Plantation HOA, stated the White Hall board and HOA are in favor of the rezoning. The third speaker, Jonelle Phillips, explained she is in favor of the rezoning due to the parking reduction, restricted uses, added wall, stormwater management features and compliance with the Five Forks Area Plan.

There were no speakers in opposition of the proposed rezoning.

Chairman Bichel closed the public hearing.

Motion: by Mr. Bailey, seconded by Mr. Shockley, to approve with condition CZ-2023-042. The motion carried unanimously by voice vote with one absent (M. Looper)

6. Preliminary Subdivision Applications

VA-2023-129 Driveway Variance Application (Sleepy Hollow Drive)

Ms. Staton addressed the Commission members with a variance from LDR 8.5.D Flag Lots, which states that “private access easements for flag lots may not serve more than three (3) lots. The subdivider will be responsible for constructing and installing the driveway.” The applicant states that the variance is needed because construction of a driveway from the existing access would require the removal of a significant number of trees and result in substantial land disturbance. The applicant also states that they have concerns that removing this area of trees at the existing access would have negative impact on the aesthetics and privacy of their neighbors.

Staff recommends approval with conditions of the variance as requested.

The approval conditions are as follows:

1. Place a sign on site, per E-911’s requirements, indicating the new address.

Discussion: Mark Pittman, the applicant, explained the intent is to preserve the trees on the property.

Mr. Bailey asked if there was any opposition to the variance. Mr. Pittman explained they spoke with the neighboring residents and they all signed a statement in support.

Motion: by Mr. Bailey, seconded by Mr. Wood, to approve with condition VA-2023-129. The motion carried unanimously by voice vote with one absent (M. Looper).

VA-2023-135 HVAC Screening Variance Application (Woodruff Road)

Ms. Staton addressed the Commission members with a variance from LDR 10.3.7, Commercial Design Standards – HVAC Screening, which requires commercial uses to screen any ground-, wall-, and roof-mounted mechanical equipment, HVAC, emergency generators and other accessories from public roads and adjoining residential or commercial properties. Additionally, the ordinance requires 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 variance is needed due to the following reasons: (1) Previous units were not screened, and (2) the current units are not visible.

Staff recommends approval of the variance.

Discussion: Micheal Bedenbaugn, the applicant, explained Intramed Plus was required to move from their existing location and was working to upfit their existing space but does not believe the HVAC units should require screening because the new smaller units are not visible.

Edward Wilson, a representative of the property landlord, explained there is an existing parapet and believed there is adequate existing screening.

Mr. Rogers asked why they needed a variance if the parapet was the same height as the HVAC unit. Ms. Staton stated in this instance the new equipment is taller than the existing parapet.

Motion: by Mr. Hammond, seconded by Mr. Rogers, to approve VA-2023-135. The motion carried unanimously by voice vote with one absent (M. Looper).

7. Appeal to Staff Decision

VA-2023-123 Huff Creek RV Park

On August 11, 2023, Subdivision Administration issued an approval of PP-2023-123 Huff Creek RV Park, in accordance with Authority provided under Section 1.1 of the Greenville County Land Development Regulations (LDR). On August 22, 2023, Citizens for Quality Rural Living (CQRL) submitted to Subdivision Administration a notice of appeal of Staff's approval of PP-2023-123 Huff Creek RV Park under the provisions of Section 1.6.2 of the Greenville County LDR.

Discussion: There were three speakers on behalf of CQRL. The first speaker, Amanda Brett, Greenville County School Board Trustee for District 26, read a letter outlining traffic and safety concerns. Ms. Brett explained many of the students at Ralph Chandler Middle School walk on the already hazardous Fork Shoals Road to get to school and adding additional traffic would make the situation worse. The second speaker, Tamara Deas, a neighboring property owner, explained Huff Creek RV Park doesn't meet the character of the area and is in violation of LDR article 1.1. Ms. Deas stated there is no room for additional traffic on Fork Shoals Road. Ms. Deas explained there is a blind curve at the entrance of Huff Creek RV Park which violates the sight distance requirement. Ms. Deas explained community septic is unsafe for the community and previous applications with community septic had been denied. Ms. Deas stated any development should consider the long-term economic implications of the residents in the area. The final speaker, Ashley Julian, expressed concern about septic tanks and drain fields being placed over the water table of the U.S. wetlands. Ms. Julian stated the community is concerned about further pollution and contamination of waterways. Ms. Julian explained previous developments proposing septic usage had been denied. Ms. Julian stated the proposed density is not compatible with the surrounding land use. Ms. Julian explained the project does not meet sight distance requirements, and will increase safety concerns for the local residents.

Meagan Staton, the Greenville County Subdivision Administrator, spoke on behalf of Greenville County Staff. Ms. Staton explained LDR article 1.1 was set forth pursuant to the South Carolina Planning Enabling Act which gives County Council the authority to authorize

staff to enforce and apply the sections within the Land Development Regulations. Ms. Staton pointed out LDR article 1.2 “The intent and purposes described in this Section are fully set forth in the guidelines and requirements appearing in the regulations as adopted by County Council.” which means a challenge in sections LDR article 1.1 or 1.2 do not hold valid grounds for appeal, as it is the guidelines and requirements as they are written and have been adopted by the County that are intended to guide development to meet Articles 1.1 and 1.2. Ms. Staton briefly spoke about the review process and State Law requirements.

Ms. Staton reviewed the guidelines and regulations that would be applicable to Huff Creek RV Park:

LDR Article 15: RV Parks

- This section provides general standards that any RV Park must follow.
- Provides authority to staff under LDR article 15.3.2 to review and approve a development plan in accordance with the schedule for Preliminary Subdivision plans then be reviewed by the Subdivision Advisory Committee.
- The plan must be approved by the Planning Division for conformance with all applicable regulations prior to submitting to the Land Development Division for a land disturbance permit.

Ms. Staton explained all portions of LDR article 15.3.2 were followed by staff and staff ensured the rest of LDR article 15 was followed prior to approval. Ms. Station pointed out, in the appellants appeal letter, CQRL stated “It appears that Article 15 regulations have been addressed.”

Ms. Staton addressed the seven points that CQRL believed staff violated the LDR.

1. Violation of LDR article 1.1 authority, article 1.2 intent, and article 8.8 purpose for access and circulation.
 - As previously stated, LDR article 1.1 and 1.2 are not part of a valid appeal because they are not regulatory.
 - Article 8.8 is met when the guidelines under the access and circulation requirements are met.
2. Non-alignment with the Comprehensive Plan and South Greenville Area Plan
 - These guides do not have regulatory power nor do they outline specific requirements for development applications and are not a valid ground for appeal.
3. Community Septic Concern
 - Article 15.4.3 requires “an adequate and safe sewer system” approved by DHEC for any RV park.
 - DHEC confirmed that the septic system used on site will have to meet proper DHEC permitting to be in operation.
 - The type of system proposed for this site is by definition found in Article 2 of the LDR and is not subject to the requirements of a Community Septic System.
4. The use of the words “Property” owner’s vs. “Home” owner’s association in the notes on the plan.
 - Staff views this as a scrivener’s error and supports updating and revising the notes on the plan.
 - It does not violate the LDR as it is a small scrivener’s error.
5. Density Concern

- The site is unzoned and there are no density maximums for unzoned RV parks.
 - A SAC comment from Land Development was clarified that they cannot limit the density but care should be taken in the permitting phase.
6. Violation of LDR article 8.14: Sight Distance
- The plan noted that sight distance had been met and all SCDOT requirements would be met.
 - SCDOT stated they will review the sight distance in the permitting phase based on speed limit and ARMS manual requirements.
 - SCDOT would not issue an encroachment permit unless sight distance was met.
7. Violation of LDR article 9.1 Traffic Impact Study
- SCDOT emailed staff and stated the application did not trigger the TIS requirement due to not generating 100 average daily trips, as outlined in the ITE Manual requirements.

Ms. Staton explained staff had exhausted every avenue available to them to ensure the applicable sections of the Land Development Regulations had been met. Ms. Staton further explained that staff has a duty to not delay in providing approval to applications that meet the requirements of the LDR and all sections were met. Therefore, the application was stamped in a timely manner to remain in accordance with the Subdivision Review Calendar's timeline, as required by State law.

Tamara Deas provided a rebuttal on behalf of CQRL. Ms. Deas asked the members of the audience in opposition to stand. Ms. Deas pointed out, LDR article 1.1 and 1.2 is for the general welfare of the public, to provide safe and convenient traffic access, to provide the provision of public open spaces and building sites and to encourage the development of economically sound and stable counties. Ms. Deas stated she does not feel like the citizens have been listened too. Ms. Deas explained at previous meetings they have not been able to speak. Ms. Deas stated in previous applications the Planning Commission had not wanted to increase density in a rural area. Ms. Deas questioned why an RV park doesn't need to meet those same density requirements. Ms. Deas expressed concern about increased crime. Ms. Deas stated her life was not laid out in regulation form and therefore was not being considered.

Amanda Brett explained CQRL asked for an extension to their appeal to be able to review all information provided to the Planning Commission. Ms. Brett didn't believe they had enough time to review all the information. Ms. Brett stated if the land can't support a five-unit subdivision, why should a 123-unit RV Park be allowed. Ms. Brett expressed concern about fires and inadequate Fire Department response time due to it being a volunteer fire department and roadway issues. Ms. Brett stated if there is an explosion due to the propane tanks on the RV's it would create a major safety hazard.

Mr. Wood explained he had been accused of trying to sell his vote against this application to help his citizens. Mr. Wood stated he had someone ask him for a page in his packet and he reported it to the Planning Commission secretary and reported it to the State office in Columbia. Mr. Wood explained he stands with his citizens and would not sell his vote. Mr. Wood stated in the workshop led by Ms. Jeffers-Campbell, DHEC stated septic tanks are contaminating the water. Mr. Wood expressed discontent about the dump station that would be installed in the RV park. Mr. Wood stated there are no full-time fire fighters south of Ware

Place. Mr. Wood stated he believed the RV Park was a horrible idea. Mr. Wood explained they needed to get control of everything moving into southern Greenville County.

Mr. Bailey asked for clarification that the septic systems are not appealable because the new ordinance applies to single family homes only. Mr. Coker explained the new ordinance applies to community septic, which is a system that involves two or more lots. Mr. Coker stated Huff Creek RV Park is by definition not community septic because it is on a single lot. Mr. Bailey clarified they are not individual owner lots. Mr. Coker stated it's a commercial development.

Mr. Bailey stated, per Kurt Walters, the sight line distance is 628 feet per the calculations, which met the requirement. Mr. Coker stated that was correct.

Mr. Bailey asked for clarification on LDR article 8.8. Ms. Staton explained the appellant mentioned LDR article 8.8 stating that the purpose section had been violated by staff in approving the application. Ms. Staton stated the section doesn't provide any guidelines on how to apply. Therefore, if the application meets the access and circulation requirements found in further sections of article 8.8, the purpose section is also met. Mr. Coker explained that staff has authority over LDR article 15 but the authority extends only to the regulations.

Mr. Coker stated the question is did staff comply with the ordinance which are the regulations and requirements.

Mr. Bailey asked if there was anything the Planning Commission could use to deny the application based on public objection or safety concerns. Mr. Coker stated there is nothing in the ordinance that speaks to them.

Mr. Howard asked if the size of a commercial building on a septic system would be considered. Mr. Coker explained the application is preliminary, DHEC will require the applicant to obtain a permit. Mr. Howard clarified that the application will be considered by DHEC, and it is not automatically approved. Mr. Coker stated that was correct.

Mr. Rogers asked who would be responsible for the common areas. Ms. Staton stated the property owner who owns the entire parcel. Mr. Rogers asked if the property owner would have an ongoing obligation to maintain the common areas. Ms. Staton stated that was correct.

Mr. Rogers asked for clarification on the TIS requirement, pointing out the LDR states in rural areas a TIS should be triggered with 50 peak hour trips. Mr. Coker stated that is specific to subdivisions and the application is not a subdivision. Mr. Rogers asked how, with 129 units, there would be less than 100 peak hour trips. Ms. Staton explained the ITE engineering manual provides the number and RV Parks have an average occupancy rate of 50-70%, therefore, the site is expected to produce 25-36 peak hour trips. Mr. Staton stated that even at 100% capacity the site does not warrant a TIS.

Mr. Rogers pointed out LDR article 1.6.5 states "In interpreting the regulations expressed in this document, they shall be considered as the minimum provisions for the protection of the health, safety, and welfare of the general public. This document is not intended to cover all situations that may be encountered." Mr. Rogers stated his interpretation is that the Planning Commission is not tied to approving any development that meets all of the technical aspects

of LDR article 15. Mr. Rogers explained if a nuclear power plant was proposed next to a school, they would have the authority to deny it. Mr. Coker stated no, the authority would be with the department of energy or the State of South Carolina. Mr. Coker explained this is an unzoned area, which is why RV parks are allowed. They are not allowed in zoned areas. Mr. Coker stated the more restrictive ordinance would take precedence.

Chairman Bichel stated during the Subdivision Advisory Committee, SCDOT stated easements might need to be obtained. Ms. Staton stated that was correct. Chairman Bichel stated he didn't believe the adjoining land owners would be happy to provide those easement rights.

Chairman Bichel responded to Ms. Deas question about a previous application being denied due to density. Chairman Bichel stated it was denied because the property was already zoned R-S, it was not unzoned.

Chairman Bichel pointed out if they deny the Huff Creek Park application, everyone in Greenville County that owns unzoned land is relinquishing part of their property rights. Any time you choose to develop your property without zoning, anybody can file an appeal. Being unzoned provides the freedom to do whatever you want with your property, but it also gives the same right to your neighbors and it may not be agreeable to you, like in this case. The only solution in the future is to zone your property AG or R-R3.

Mr. Hammond clarified the only consideration are the items specifically appealed by CQRL. Mr. Hammond stated whether you like the RV Park or not. The question is was staff in error on any items addressed by the applicant. Mr. Coker stated correct. Mr. Hammond stated he hasn't heard anybody on the Planning Commission say the staff made any errors.

Mr. Hammond stated unzoned property gives you all the freedom in the world, but you cannot have the best of both worlds. You cannot have the property zoned when you want it and unzoned when you don't want it.

Motion: by Mr. Hammond, seconded by Mr. Shockley, to affirm staff's decision of VA-2023-135. The motion carried by hand vote with seven in favor (S. Bichel; J. Bailey; M. Shockley; J. Rogers; F. Hammond; J. Howard; J. Barbare) and one in opposition (J. Wood) with one absent (M. Looper).

8. Planning Report

Ms. Jeffers-Campbell presented the September Planning Report.

9. Old Business

None.

10. New Business

11. Adjourn

Without objection, Chairman Bichel adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Nicole Miglionico

Nicole Miglionico

Recording Secretary