

Greenville County Planning Commission Minutes
April 27, 2022 at 4:30 p.m.
Conference Room D at County Square

Commissioners Present: S. Bichel, Chair; J. Bailey, Vice-Chair; M. Shockley; E. Forest; C. Clark; M. Looper; J. Rogers; F. Hammond; J. Howard

Commissioners Absent: None

County Councilors Present: W. Meadows

Staff Present: T. Coker; C. Antley; M. Staton; A. Lovelace; T. Stone; L. Mann; R. Jeffers-Campbell; N. Miglionico; IS Staff

1. Call to Order

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

2. Invocation

Mr. Howard provided the invocation.

3. Approval of the Minutes of the March 23, 2022 Commission Meeting

Motion: by Mr. Looper, seconded by Mr. Bailey, to approve the minutes of the March 23, 2022 Commission meeting, as presented. The motion carried by voice vote.

4. Preliminary Subdivision Applications

PP-2022-049 Bruce Lake Subdivision

Rashida Jeffers-Campbell addressed the Commission members with a preliminary subdivision application for Bruce Lake, a townhome subdivision located south of the intersection of Nora Dr and Hwy 276. The applicant is requesting 52 townhome lots at a density 3.9 units/acre. The property is zoned Planned Development (PD). The PD district provides a mechanism for County Council and the applicant to agree on the scope of the proposed development. The PD is established to encourage innovative and creative design of residential and/or commercial developments, to permit a greater amount of flexibility by removing some of the restrictions of conventional zoning. Access is provided off of Poinsett Hwy –a state road. Water and sewer will be provided by Greenville Water and Metro Sewer, respectively.

The project site is located within the Suburban Edge character area of 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 applicant is proposing 3.9 units/acre which is not consistent with the recommended density of the Comprehensive Plan. The recommended density for the Suburban Edge character area is 0 to 1 dwellings per acre. The applicant is proposing 3.9 units per acre consistent with the Planned Development zoning district.

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

Approval conditions are as follows:

- The site shall be subject to all applicable existing restrictive covenants and easements. Notwithstanding, the developer shall be responsible for all infrastructure improvements and maintenance related to adequate storm-water management and flood control for Bruce Lake subdivision.
- An emergency access shall be provided on Nora Drive consistent with the approved Final Development Plan dated 4.6.2022.

Discussion: Three nearby residents spoke in opposition of the proposed subdivision. The first speaker, Richard Wright, asked his neighbors to stand to show the Planning Commissioners how many people were in attendance. Mr. Wright stated the proposed subdivision failed to develop responsibly and detailed the opposition from surrounding neighborhoods and residents. Mr. Wright explained Bruce Lake Nature Preserve is fifteen acres of undeveloped wildlife habitat and a migratory corridor that needs to be protected. Mr. Wright stated the property covenant is an enforceable document that prohibits Bruce Lake from being used as a detention pond and restricts development.

Mr. Rogers asked Mr. Wright his response to the planned development already having County Council approval. Mr. Wright pointed out the approval was in the year 2006 and he believes it goes against the spirit of the current recommended density for the area.

Mr. Rogers stated LDR Article 20 states the final development plan is only valid for two years. Mr. Rogers asked if this plan was still relevant. Ms. Jeffers-Campbell stated the concept plan is the actual zoning. Ms. Jeffers-Campbell explained the zoning is linked to the approved concept plan. Mr. Rogers asked how the Comprehensive Plan, which was approved in 2020, factors into this application. Mr. Rogers stated the application is requesting twice the recommended density designated for this area in the Comprehensive Plan. Ms. Jeffers-Campbell stated the Comprehensive Plan is a guide but the zoning is the law. Ms. Jeffers-Campbell explained when a property is zoned a certain way, it is the property owner's right to develop the property in that way. Ms. Jeffers-Campbell pointed out the surrounding area is legally zoned predominantly more dense than what the Comprehensive Plan recommends.

Mr. Wright stated the covenants for Bruce Lake were filed in 1989 but had only recently been considered when he brought it to Subdivision Administration. Mr. Wright explained the spirit of the covenant is clear and is intended to restrict this type of development.

Mr. Bichel asked Mr. Wright if he gave the developer permission to use his half of the lake. Mr. Wright stated no.

The second speaker, John Cook, stated there appeared to be no stormwater control system to remove pollutants, which is against the DHEC national discharge permit regulations. Mr. Cook explained placing 52 townhouses on approximately five acres would provide no room to remove water pollutants. Mr. Cook stated the proposed subdivision needed a robust, sustainable, and transparent stormwater pollution management system that would protect Bruce Lake and the Reedy River. The third speaker, Rebecca Carper, stated the proposed subdivision does not align with the restrictive covenant's intent and contradicts the Greenville County Comprehensive Plan to ensure low density residential areas that are well integrated

with the native landscape.

There were two speakers in favor of the proposed subdivision. The first speaker, Jay Martin, the project engineer, reviewed the zoning history of the property, detailing four significant parameters that remain in place today.

1. Prior to the rezoning in 2006, the subject property was allowed to construct up to 70 units. The rezoning limited the development to 52 units and has remained the same ever since.
2. The proposed development will not access Nora drive. Access to the proposed development is via Poinsett Highway. Nora Drive is not designed to handle additional traffic and access to Nora Drive would negatively impact the adjacent neighbors.
3. The proposed development will provide a substantial landscape buffer along Nora Drive and Poinsett Highway. The development will include clearing and grading and the landscape buffer is a necessity to form a boundary.
4. Bruce Lake will incur corrective measures to the existing dam which may be used for stormwater control and water quality must be provided before stormwater enters the lake.

Mr. Martin stated traffic circulation has improved in the area with the installation of a traffic light at North Parker Road and Poinsett Highway. Mr. Martin explained the light allows neighbors to access Poinsett Highway and serves to separate the traffic from the proposed subdivision and the existing traffic flow. Mr. Martin stated Bruce Lake is a planned development that has achieved an approved statement of intent, approved preliminary development plan, and an approved final development plan. Mr. Martin explained the current property owner bears the responsibility for making much needed repairs to the dam, which SC DHEC can attest to. Mr. Martin stated the repairs will occur during the development of the subject property and SC DHEC will review, approve, and inspect all repair activities. Mr. Martin said they will also need to provide Greenville County with a structural and dam breach analysis. Mr. Martin stated the easement agreements and covenants dated March 15, 1989 apply to the owners of Bruce Lake. Mr. Martin explained the development of the subject property will meet all agreements and covenants stated within the recorded document which includes the cross use between properties of the lake. Mr. Martin stated they are required by state law to provide water quality before water enters Bruce Lake. Mr. Martin explained they are required by law to show total phosphorus reduction prior to permit issuance and the site will be inspected during construction to ensure it is not polluting Bruce Lake or the Reedy River. Mr. Martin stated a wooded buffer is not the only type of BMP that can provide water quality. There are multiple BMPs that can and have been approved by Greenville County. Mr. Martin explained new developments are held to the highest standard and existing developments are not held to this same standard. Mr. Martin stated the proposed subdivision meets all codes, ordinances, regulations, rules, permits, and it should be approved.

Mr. Bailey asked Mr. Martin to explain how water quality control will be handled. Mr. Martin explained approval tonight would be for the preliminary plat, not for engineering documents. Mr. Martin explained after approval he will work with Land Development and through the engineering and permitting process they will develop a BMP plan that meets the criteria, cost effectiveness and all requirements to provide the water quality required by permit. Mr. Bailey clarified that they will have a way to restrict the phosphorus numbers and suspended solids before they enter the lake, even though a retention pond is not shown on the plan. Mr. Martin stated that was correct. Mr. Martin clarified that Bruce Lake is a retention pond, not a

detention facility. Mr. Bailey asked Mr. Martin to explain how the intent of Bruce Lake's covenants will be upheld and how the stormwater from the proposed development is not a noxious addition to the lake. Mr. Martin stated the covenants state you cannot prohibit the natural flooding and drainage of the lake waters from one property onto the others. Mr. Martin explained you cannot have negligent flooding from one property owner or the other and it is not negligent when it goes through the permitting process to ensure there is no flooding inundation. Mr. Martin stated you cannot raise the full pond level more than the level limits outlined in the dated survey. Mr. Martin explained the covenants prohibit draining the pond unless for repairs and 30 days' notice must be provided to the other owner of the lake. Finally, neither party nor the purchaser shall do or permit anything to be done which would tend to make the lake a hazard or nuisance or conduct any activity which shall be a nuisance or put or deposit debris, trash, noxious or other objectionable materials into the lake. The water quality requirement that will be provided before the water enters the lake will keep the pollutants, hazards and debris out of the lake.

Mr. Rogers asked if the original approval for this plan had fewer units than the current plan. Mr. Martin stated the original approval of 52 units has not changed since 2006.

Mr. Bailey asked what happened with the property in 2018. Mr. Martin stated the current owner was developing the property and the project stopped. Mr. Martin stated he did not know why the project stopped.

Ms. Clark stated, according to LDR Appendix E, "If an LID approach is being considered, the applicant will be required to participate in early design guidance, Stormwater Concept Plan Process, with the Land Development Division to discuss possible site constraints, existing drainage problem areas, transportation needs, soil conditions, design and accessibilities, and maintenance responsibilities. This Concept Plan should focus on the proposed layout, LIDs and BMPs..." Ms. Clark stated the proposed subdivision is six years into the project and this process has not occurred. Mr. Martin explained they are sixteen years into the zoning. The original developer did not move forward in 2007, pre-design was completed with Land Development for the 2018 project, and once the current preliminary plat is approved they will discuss pre-design with Land Development. Mr. Martin stated early design refers to engineering. Ms. Clark stated the plan is scarily silent on stormwater management despite the environmental sensitivities of the lake and the ramifications downstream. Ms. Clark explained there is no structural dam assessment completed and doesn't know how they can speak to vacillating the quantity of the lake without a structural assessment. Mr. Martin stated if the criteria are not met, it will not be approved by Land Development. Ms. Clark asked how the water quality is measured. Mr. Martin stated water quality runs through the ideal model, which is the standard for Greenville County. Mr. Martin explained the results are submitted and they do not receive any permits until the results are verified. Ms. Clark stated modeling is not real-time monitoring. Ms. Clark pointed out there is no deceleration lane on Poinsett Highway to turn into the subdivision, creating a safety hazard because of the four parking spaces at the entrance of the neighborhood. Mr. Martin stated the parking spaces were reviewed by the SAC and there will be an additional review when they apply for the encroachment permit. If a deceleration lane is recommended at that time, they will be responsible for providing one or a permit will not be issued. Ms. Clark stated there is a stream on the northern part of the parcel that is not clearly annotated. Mr. Martin explained it had been marked in the field and surveyed. Ms. Clark stated there is a concern that there is not

enough pervious surface to allow for quality measures. Mr. Martin explained those will be requirements that will be reviewed by Land Development.

Chairman Bichel asked how you can have a large amount of impervious surface and not have the lake level rise. Mr. Martin explained the covenant and deed restrictions say you can't raise the level above the current full pull elevation. However, you can reduce the lake level as long as it's not significant. Mr. Martin stated keeping the lake level within the limits is easily attainable with such a large body of water.

Mr. Looper asked who would be responsible for water quality and if the dam bursts after the development is completed. Mr. Martin stated the covenants state the land owners would be responsible if the dam burst and water quality maintenance would be provided by the HOA.

Mr. Rogers stated LDR Article 20.4 "All FDP review approvals are valid for two (2) years, where upon if no permit has been issued, a new FDP review will be required". Mr. Martin stated the FDP was approved by Planning staff immediately prior to the SAC meeting for this proposed subdivision. Mr. Rogers asked what was approved in 2018.

Chairman Bichel stated the zoning was approved.

Ms. Jeffers-Campbell stated the zoning doesn't change no matter how many iterations of the plan have been submitted.

Mr. Hammond stated the PD and development plan are different items.

Mr. Rogers stated the biggest struggle seems to be if they are bound by the previous action of County Council.

Chairman Bichel stated that is the zoning ordinance. The applicant is here for a subdivision which is reviewed by the LDR.

Ms. Jeffers-Campbell stated PDs are very unique because the zoning doesn't change; the concept is tied to the actual zoning. Ms. Jeffers-Campbell explained the concept is the zoning: if the plan expires the applicant still has the right to come back and go through the process and continue to move forward.

The second speaker, Steve McNair, the project developer, stated they have entered into an agreement with SC DHEC and the current property owner to repair the dam at the developer's cost during construction of the subdivision. Mr. McNair explained it is their intent to find a public or private entity to turn the dam into a park or recreational destination.

Chuck Owens from DHEC Dam Safety spoke on the condition of the dam. Mr. Owens stated the dam is a high hazard dam. Mr. Owens explained the dam is rated as unsatisfactory and is only one of two dams in Greenville County rated that low. Mr. Owens stated the dam needs a lot of attention and will eventually fail if a repair is not made.

Mr. Rogers asked what impact the development will have on the dam. Mr. Owens stated all runoff would have to be taken into account to ensure the dam meets spillway capacity which

would come in the form of a permit from DHEC Dam Safety.

Mr. Forest asked how much it would cost to repair the dam. Mr. Owens stated a couple hundred thousand dollars.

Mr. Hammond asked if the dam is not repaired would the pond need to be drained. Mr. Owens stated the issue would go back to the owner to repair the dam.

Mr. Bailey asked what sequence of events would take place if the development is approved in regards to repairing the dam. Mr. Owens stated he believes the permits for the dam would have to be in conjunction with the site grading. Mr. McNair stated the dam repair would be a part of the land disturbance permit and all of the site clearing, grading, and dam repair would be completed simultaneously. Mr. Bailey asked what mechanism is in place to prevent obtaining a CO before the dam repair takes place. Mr. McNair stated final plat approval. Ms. Jeffers-Campbell stated the dam repair is spelled out in the specific requirements and the Land Development Division would be monitoring all requirements before final plat approval.

Mr. Howard asked if there was a timeline for the dam repair and what would be the impact to neighbors if the dam were to fail while repairs are ongoing. Mr. Owens stated if the dam fails the impact would be to Poinsett Highway and businesses across the road.

Mr. Rogers asked how the dam will be improved and will it be sufficient. Mr. Owens stated the developer will have to bring the dam up to full compliance which will require a complete reconstruction. Mr. McNair stated the current property owners are going to allow them to escrow money at the land closing to cover the bid pricing for the dam repair.

Mr. Shockley asked if the dam will have to be repaired whether the developer pays for it or not. Mr. Owens stated yes.

Mr. Howard asked if there is a plan for the dam repair. Mr. Owens stated no plans have been submitted to DHEC. Mr. McNair stated the plan would be a part of their grading plan submission.

Chairman Bichel stated he wanted to remind the Planning Commission of LDR Article 20 section 20.2: "The Planning Commission may impose additional or more restrictive requirements if it is determined that it is within the public interest." Chairman Bichel stated due to the fact the other owner of Bruce Lake has not given permission for any discharge into the lake and the density recommended in the Comprehensive Plan he intends to not support the application.

Mr. Hammond reminded the Planning Commission that the Comprehensive Plan is an aspirational document and has no enforceability. Mr. Hammond explained the zoning is PD and to deny the application based on zoning or density is inappropriate. Mr. Hammond stated the reasons that have been voiced in concern about the application (the dam, water, DHEC, water quality, water quantity) are not within the purview of the Planning Commission. Mr. Hammond explained any covenants on the property are the buyers and not the purview of the Planning Commission. Mr. Hammond stated the Planning Commission is assigned to ensure

the application qualifies under the regulations of the LDR which staff has indicated it does. Mr. Hammond explained he doesn't see any issues where the application doesn't comply with the LDR. Mr. Hammond stated it doesn't seem like the dam will be improved anytime soon unless the property sells. Mr. Hammond stated if you are looking for a reason to turn this application down, ask yourself before you vote no, if I am giving a deposition, can I be absolutely sure I had the purview, expertise, and a specific reason to deny.

Mr. Bailey stated he believes the Planning Commission is charged with putting a stop to public nuisance and public safety. Mr. Bailey stated there are some things of concern with the application but they are outside of the Planning Commission's purview. Mr. Bailey explained they may not like the application from an environmental standpoint but they are limited to what they can deny based on those matters. They must look at the application from a zoning standpoint.

Chairman Bichel stated LDR 20.2: "The Planning Commission may impose additional or more restrictive requirements if it is determined that it is within the public interest."

Mr. Forest asked Chairman Bichel what restrictions or requirements does he deem necessary.

Chairman Bichel stated the density.

Mr. Shockley stated the reasons for denying the application are not under the Planning Commission's purview. Mr. Shockley stated he would be in support of the staff recommendation and made a motion to approve.

Mr. Forest stated the condition of the dam concerns him and if the dam fails it will be a larger environmental disaster than the sediment entering the lake. Mr. Forest explained, the other land owner on the lake did not give permission to discharge into the lake but that land owner is not responsible for repairing the dam. The land owner responsible for repairing the dam bears a larger burden than the other land owner.

Mr. Bailey asked Chairman Bichel what changes he would like brought to the application.

Chairman Bichel stated the DHEC report said they have only looked at the quantity and not the quality of the water. Chairman Bichel explained he has an issue with the quality of the water and an issue that the owner of the other half of the lake has not given permission for any discharge.

Mr. Shockley asked if the other owner of Bruce Lake was willing to pay for half the cost of the dam repair. Mr. Wright stated he was willing to pay for the repair of the dam and it should not be taken into consideration over the larger issues of the application.

Mr. Rogers stated this is a difficult case given the prior action of the PD zoning approval which is inconsistent with the Comprehensive Plan. Mr. Rogers explained he looked at the statute on the Comprehensive Plan, 6.29.510 SC Code: "The local planning commission shall develop and maintain a planning process which will result in the systematic preparation and continual re-evaluation and updating of those elements considered critical, necessary, and desirable to

guide the development and redevelopment of its area of jurisdiction.” Mr. Rogers stated he understands that to mean the Comprehensive Plan is not binding but it can guide the Planning Commission’s decision making. Mr. Rogers explained, in this instance, where there is an action that is 17 years old and, since then, the Comprehensive Plan has been readopted twice which clearly does not envision that sort of density for this area of the County, he doesn't see how you can support the application.

Mr. Shockley asked Mr. Rogers if they should take every piece of property that has been previously zoned and change it because it was zoned 17 years ago or longer.

Mr. Rogers stated that was a legitimate point, but the way the enabling statute reads, it says the Comprehensive Plan guides the Planning Commissions decisions. Mr. Rogers explained he believes it is within the Planning Commission's discretion.

Mr. Shockley stated zoning is more significant than the Comprehensive Plan guide. Mr. Shockley explained that land owners rely on the zoning to dictate what can be done with the property and everyone wants to know what the rules are, what they need to do to meet the rules, then they meet the rules and are told the rules no longer apply. Mr. Shockley stated it is very important that the Planning Commission support zoning in Greenville County.

Mr. Hammond stated Greenville County Council adopted the zoning by law. Mr. Hammond explained the Comprehensive Plan is a guide and an aspirational document but the zoning is by law a use. Mr. Hammond stated, as per the Greenville County attorneys, if you plan to deny an application, there must be a very specific reason. If the Planning Commission turns an application down because, in our opinion, the Comprehensive Plan overrides legal zoning, that is not very specific.

Mr. Rogers stated the statutory language in 6.29.510 is a legally binding authority which gives the Comprehensive Plan legal status as a guidance document to the Planning Commission.

Mr. Hammond stated you should not pick and choose when you are going to evaluate applications based on the Comprehensive Plan.

Mr. Forest stated zoning is a vested right. Mr. Forest explained when an appraiser reviews a property for value, they are looking at that zoning, not what the aspirational plans are for the area. Properties are appraised for what uses are allowed and that creates a value that the property owner has a right to. Mr. Forest stated the property is devalued if the property cannot be used for its current zoning.

Chairman Bichel stated they could ask for a major change or a different zoning category.

Mr. Shockley stated the zoning is the property owners' right, not the Planning Commission’s right.

Chairman Bichel stated the Planning Commission should read LDR Article 20.

Motion for PP-2022-049: by Mr. Shockley, seconded by Mr. Forest, to approve PP-2022-049. The motion failed by hand vote with four in favor (M. Shockley; E. Forest; F. Hammond; J. Bailey) and five

in opposition (S. Bichel; C. Clark; M. Looper; J. Rogers; J. Howard).

PP-2022-043 Langford Hills Subdivision

VAR2022-100 Langford Hills Variance (50 ft. Buffer lot 1)

Rashida Jeffers-Campbell addressed the Commission members with a preliminary subdivision application for Langford Hills, a rural conservation subdivision located a third of a mile south of the intersection of Garrison and Augusta Rd in the unzoned area south of I-185. The applicant is requesting 176 lots at a density of 1.07 units/acre with an average lot size of 21,555 square feet. Access is provided off of Garrison and Augusta Rd –state roads. Water and sewer will be provided by Greenville Water and septic, respectively.

VAR2022-100

The applicant is requesting a variance from LDR Article 22.3.5.A which requires a minimum fifty (50) foot buffer along the perimeter of the development. The variance request will only apply to lot #1. The 50' buffer stops at the shared lot line between lots #1 and #2. No buffer is shown on lot #1. There is an existing house located on parcel 0603020102200. The home is located partially in what would be 50' buffer. This home is located on the Greenville County Historic Resource Survey performed in 2013. The home is known as the McDavid House and the developer intends to leave the home undisturbed. There were no SAC comments in opposition to the variance.

The proposed subdivision is located in the Rural Living character area of 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 recommended density is 1 dwelling per 2+ acres. This application proposes 1.07 units per acre.

On 11.17.2021, the Planning Commission denied Langford Hills case PP-2021-219 due to a split vote. At the public hearing, citizens expressed concerns regarding the preservation of the McDavid House – a structure listed on the Greenville County Historic Resource Survey. The applicant revised and resubmitted the plan under case PP-2021-298 to address the preservation of the historic resource but was denied on 1.26.2022. The current application PP-2022-043 is the same as the application denied on 1.26.2022.

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

- All SCDOT required improvements shall be installed once 40 lots have been recorded by final plat. Specifically, a right turn lane shall be installed at Access 3 or at US 25 and Garrison Rd as directed by SC DOT.

Discussion: Chairman Bichel stated there is a pending lawsuit on this proposed subdivision and doesn't agree that it should come before the Planning Commission until the lawsuit is settled.

Mr. Hammond asked staff for clarification on their recommendation due to the developer requesting a density higher than what is recommended in the Comprehensive Plan. Ms.

Jeffers-Campbell explained there is no density related to this site; it only has to meet the standards of the LDR. Ms. Jeffers-Campbell stated the application met the standards of the LDR.

There were two speakers in opposition of the proposed subdivision. The first speaker, John Hill, stated Mr. Hammond was financially involved in this project and should not be able to vote on the application. Mr. Hammond stated he no longer has any interest in this property from any standpoint and has no financial gain from the results of this application. Mr. Hill stated that Mr. Hammond has recused himself on this application in the past. Chairman Bichel stated it was Mr. Hammond's decision to recuse or not. Mr. Hill explained the high concentration of septic tanks would contaminate the watershed, local domestic wells, and springs. The second speaker, Anne Peden, spoke about the historical nature of the Highway 25 corridor and the two homes on the property. Ms. Peden explained that Preservation South Carolina is trying to save the two homes on the property but the contract from the developer has requirements that the Preservation South Carolina Board cannot agree to.

There were two speakers in favor of the proposed subdivision. The first speaker, Waverly Wilkes, the project engineer, provided an overview of the project. Ms. Wilkes explained the variance is being requested because the McDavid House is located within the 50 foot buffer. Ms. Wilkes stated the project conforms to LDR Article 22 for a Rural Conservation Subdivision. Ms. Wilkes read a letter, addressed to Mr. Fitzpatrick, the Preservation South Carolina Board Chairman, offering the homes to Preservation SC to restore and market the homes for sale with all financial proceeds being donated to Preservation SC.

Ms. Clark asked why the cemetery was not included in the variance request. Ms. Wilkes explained the cemetery would remain undisturbed. Ms. Clark stated the variance for Lot 1 seemed like an afterthought. Ms. Wilkes explained they were originally unaware that the McDavid House could be historic.

Mr. Forest explained the difference for the variance is the homes will be sold and the graveyard is included in an easement.

Chairman Bichel pointed out a mislabeling on Area H of the preliminary plat. Chairman Bichel stated all of the calculations would need to be redone. Ms. Wilkes stated that is correct for the open space table. However, the numbers in the open space table would remain the same as they are based on the hatching.

Mr. Rogers asked why the proposed subdivision was being brought back to the Planning Commission while litigation is pending.

The second speaker, John Beeson, the developer, explained there are two homes on the property that were intended to be demolished until it was discovered that they could be historic and public interest wanted them preserved. Mr. Beeson stated they met with Preservation SC in an effort to work out an agreement to restore the homes. Mr. Beeson explained they have had builders look at the homes and the house on Lot one is in disrepair and the house on Lot five and six will require approximately \$150,000-200,000 dollars to repair. Mr. Beeson stated they have agreed to donate the lots if Preservation SC agrees to restore the homes, sell them, and keep the proceeds. Mr. Beeson stated this is not a

requirement of the LDR. Mr. Beeson explained if they do not restore the homes, they will demolish them, in an effort to maintain the aesthetics of the subdivision. Mr. Beeson reminded the Planning Commission that neither of the homes are currently on the historical protected list. Mr. Beeson explained they have filed an appeal of the previous Planning Commission decision and needed to do that within 30 days. Mr. Beeson stated if the proposed subdivision is approved tonight, they will withdraw the appeal. Mr. Beeson explained the plan has been brought back and changed to offer Preservation SC both homes instead of the one home that was previously proposed.

Chairman Bichel asked why Preservation SC wouldn't want to keep the homes for tours. Mr. Beeson stated they don't care what Preservation SC does with the homes, they plan to give them to them either way. Mr. Beeson explained the intent was to have Preservation SC preserve the homes, but it seems as though Preservation SC wants to make a profit from them. Chairman Bichel asked if Mr. Beeson was willing to hold the application until the lawsuit is settled. Mr. Beeson stated no, they would like a decision tonight. Mr. Beeson stated the letter to Preservation SC is only in effect if the proposed subdivision is approved. Mr. Beeson stated if the proposed subdivision is not approved they will need to demolish the first house due to the liability of it remaining intact.

Mr. Bailey asked what would happen if the houses were donated but the repairs were not made for six years. Mr. Beeson stated they would have to agree to a reasonable time limit.

Ms. Peden explained the Board of Preservation SC would not approve due to the wording of the letter.

Chairman Bichel asked if the intent of Preservation SC was to sell the homes for a profit. Ms. Peden stated Preservation SC is a statewide nonprofit organization that works under the purview of the nonprofit system. Ms. Peden explained they have preserved and restored many historic houses and buildings. Ms. Peden stated they have to sell the homes and use the funding to restore the next historic structure.

Mr. Forest asked if Preservation SC is worried they don't have a vested right to sell and receive the money from the sale. Ms. Peden stated that was correct. Ms. Peden explained the wording in the letter cut them out of receiving the money, which was probably not the intent.

Mr. Beeson stated he believes there is a misunderstanding, they have offered to give Preservation SC three lots. Mr. Beeson stated the proposed subdivision should be approved regardless of the homes on the property because they have no bearing on the LDR.

Mr. Forest stated the homes have bearing on the decision for this meeting because the developer had to have a reason to bring it back before the Planning Commission.

Mr. Bailey asked Ms. Peden if she thought a two-year time frame was reasonable for the restoration of the homes. Ms. Peden stated she did not believe that was Preservation SC's common working time frame.

Mr. Shockley stated he doesn't believe the details of the agreement of the homes holds any

bearing on the decision.

Ms. Clark asked how the site assessment required by LDR 22.2 was conducted. Ms. Wilkes stated the site assessment was conducted within the requirements of the pre-submittal meeting. Ms. Clark stated the assessment is supposed to identify historical structures. Ms. Wilkes stated currently neither home is considered a protected historical structure. Ms. Clark explained in the original application the developer was unaware of the homes' historical relevance. Ms. Clark stated it concerns her that the original site assessment never acknowledged the homes were important. Ms. Clark stated they have never received a site diagram that is required by the LDR that annotates all of the significant features of the property. Ms. Wilkes stated she was happy to provide it for future unzoned areas. Ms. Jeffers-Campbell stated this application has satisfied the requirements. Ms. Clark explained the design has virtually no conservation value, which is the intent of a Rural Conservation Subdivision. Ms. Clark stated the intent of Rural Conservation Subdivisions is to build small septic lots and maximize the conservation potential. Ms. Clark stated the proposed subdivision does not meet the intent of a Rural Conservation Subdivision.

Mr. Rogers made a motion to deny the application on the following grounds:

1. The same grounds it was denied previously and the fact that it is in litigation, as it seems inappropriate to consider it.
2. It's unclear, based on the file, whether the developer is committed to building the right turn lane. The conditions state that SC DOT will work with the developer to determine if the right turn lane needs to be installed.
3. Lack of conservation and lack of sewer.
4. It exceeds the density in the Comprehensive Plan.

Chairman Bichel stated he would add LDR 22.3.6 D "high tension power lines, fenced detention areas used for stormwater management and similar construction shall not be considered as Open Space or count towards the Open Space required." Mr. Bichel stated it does not mention common area. Mr. Bichel explained that if you read Article 22, common area was only used once and is used incorrectly. Mr. Bichel stated the Greenville County open space table is incorrect, which is against LDR Section 3.

Mr. Rogers stated he would incorporate Chairman Bichel's ground for denial into the motion.

Ms. Clark agreed with the grounds for denial.

Motion for PP-2022-043: by Mr. Rogers, seconded by Ms. Clark, to deny PP-2022-043. The motion carried by hand vote with five in favor (S. Bichel; C. Clark; M. Looper; J. Rogers; J. Howard) and four (M. Shockley; E. Forest; F. Hammond; J. Bailey) in opposition.

PP-2022-044 Highland Preserve

PP-2022-044 was withdrawn.

PP-2022-048 Aster Subdivision

Rashida Jeffers-Campbell addressed the Commission members with a preliminary subdivision application for Aster Subdivision, a Cluster Development under Option 1 of the Zoning Ordinance located approximately a half mile south of the intersection of East North Street and Butler Springs Rd.

The applicant is requesting 10 lots at a density of 2.06 units/acre in the single family R-12 zoning district. Access is provided off of Butler Springs Rd –a county road. 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. Aster proposes 2.06 dwellings/acre consistent with the R-12 zoning district and comprehensive plan.

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

Discussion: There were no speakers in opposition to the proposed subdivision. However, there was one speaker in favor, Austin Allen, the project designer. Mr. Allen provided a brief overview of the proposed subdivision and stated there are no wetlands of concern in the area. Mr. Allen explained the increased traffic would be minimal and of no detriment to the existing traffic in the area.

Ms. Clark pointed out two large discharge pipes that presumably run water across a significant elevation straight into the proposed subdivision property. Ms. Clark stated she questioned if they have met the requirement for developable open space due to the presence and function of the discharge pipes. Mr. Allen stated a ditch for runoff or storm water does not interfere with the requirement. Ms. Clark asked if the heavily wooded area would remain undisturbed. Mr. Allen stated yes. Mr. Allen explained they had no intention of disturbing anything west of the eastern side of the wetland buffer.

Chairman Bichel stated the largest practical number of lots should be touching the open space. Chairman Bichel explained there are only three lots touching the open space and seven lots not touching the open space.

Motion for PP-2022-048: by Mr. Hammond, seconded by Mr. Looper, to approve PP-2022-048. The motion carried unanimously by voice vote.

PP-2022-060 Parker's Summit

Rashida Jeffers-Campbell addressed the Commission members with a preliminary subdivision application for Parker's Summit, a cluster subdivision under Open Space Option 1 of the Zoning Ordinance. The site is located near the Greenville-Spartanburg county line approximately a mile southeast of the intersection of Anderson Ridge Rd & Hwy 296. The applicant is requesting 171 lots at a density of 1.69 units/acre in the R-S Residential Suburban zoning district. Access is provided off of White Circle Rd – a county road. Water and sewer will be provided by Greenville Water and Metro Sewer, respectively.

The proposed subdivision is compatible with the Suburban Edge Character area of 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 recommended density is 0 to 1 dwellings per acre. This application proposes 1.6 units per acre.

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

- Widen White Circle Road to 20ft wide with 25 ROW on development side.
- Install a southbound left-turn into the site with a 150' of storage per study.
- All required traffic improvements required by the TIS shall be installed once 40 lots have been recorded by final plat.
- All off-street parking shall conform to Zoning Ordinance Article 12.

Discussion: Four nearby property owners spoke in opposition of the proposed subdivision. The first speaker, Janet Edie, expressed her concerns about the lack of emergency services in the area, school overcrowding, and traffic congestion. The second speaker, Doug Stewart, was concerned about the lack of green space, path maintenance, and emergency response capability within the proposed subdivision. Mr. Stewart expressed additional concerns about the acquisition of 25 right-of-ways needed to complete the C-Fund project, explaining it could take years to complete. The third speaker, Angelia Ulrich, stated she has a difficult time getting out of her nearby neighborhood, and believes the major traffic issues need to be solved before adding any additional houses in the area. The final speaker, Jonelle Phillips, explained that traffic improvements are needed for the current traffic conditions and additional traffic improvements should be made before adding additional homes.

Three speakers spoke in favor of the proposed subdivision. The first speaker, Jason Searle, stated the traffic problems were created by Greenville County, not the developer. Mr. Searle explained it's unfair to the land owners who want to sell their land to put the road and infrastructure repairs onto the developers. Mr. Searle stated this is a great place for a subdivision due to its close proximity to commercial businesses and parks. The second speaker, Michelle Jones, is the daughter of a land owner on the proposed subdivision land. Ms. Jones stated her mother was no longer able to take care of the land and echoed Mr. Searle's opinion that the traffic issues were caused by Greenville County. The final speaker, Waverly Wilkes, the project engineer, provided an overview of the proposed subdivision. Ms. Wilkes explained there are several access points and room for future interconnectivity to the walking trail that will be maintained by the HOA. Ms. Wilkes detailed the traffic improvements and stated the turn lane is not shown at this time due to the right-of-way attainment process. Ms. Wilkes explained the timing of the road improvements and stated the estimated completion of the GPATS project is June 2023. Ms. Wilkes detailed the phased construction plan and stated home construction would not start until after June 2023.

Ms. Clark asked if right-of-way is not attained would they use the hourglass design previously proposed. Ms. Wilkes stated it would not be a typical hourglass design. However, the developer is committed to exhausting all efforts in attaining the right-of-way.

Mr. Rogers asked if Greenville County could use eminent domain power to obtain the right-of-way. Ms. Jeffers-Campbell stated she does not have the confidence to answer that question but will look into an answer. Ms. Jeffers-Campbell explained it is a private developer's interest to develop their property and cannot see using eminent domain for that purpose but will

investigate it. Ms. Jeffers-Campbell explained the right-of-way recommendation did not come from the traffic study, it was a recommendation from staff. Mr. Rogers asked if the project would still move forward if the developer is unsuccessful in obtaining the right-of-way. Ms. Jeffers-Campbell stated it is a recommendation to exhaust all efforts, but it is not a requirement of approval.

Mr. Forest asked if Greenville County Roads and Bridges had any plans to widen Anderson Ridge Road. Ms. Wilkes stated no plans had been mentioned.

Mr. Bailey asked when the development across the street was approved and how many homes were constructed. Ms. Wilkes stated it was approved several years ago and has approximately 49 homes.

Mr. Forest asked how many private property owners would potentially be involved in the right-of-way acquisition. Ms. Wilkes explained there could be four to nine property owners contingent on widening one side or both sides of the road. Mr. Forest asked if any property owners had been contacted. Ms. Wilkes stated they will not be contacted until there is a plan approval but there is an attorney on standby.

Chairman Bichel agreed Greenville County started the traffic problem. Chairman Bichel stated there is not enough open space in accordance with LDR 11.4. Chairman Bichel stated the developer is pushing the limits of cluster development. Chairman Bichel explained some of the lots need to be eliminated for the proposal to be closer to a cluster development design. Ms. Wilkes stated the appearance is not typical for a cluster development because of the larger lot sizes.

Ms. Clark explained the TIS applied a 9% growth rate based on ten years of traffic data but the addition of the four proposed subdivisions in the area would add an additional 40% traffic load to the existing vehicle trips per day. Ms. Clark stated in these proven stressed corridors they can no longer consider the impact of a single application, they must consider the collective impact. Ms. Clark asked if widening White Circle Road to 20 feet would be sufficient and what is limiting the right-of-way on the undeveloped side of White Circle Road. Ms. Wilkes explained 20 feet was the recommendation of Greenville County Roads and Bridges and they are also required to provide 25ft of the development property to Greenville County.

Ms. Wilkes asked what amount of lot reduction the Planning Commission is looking for. Ms. Wilkes explained they feel they have met the requirements of a cluster subdivision.

Bob Bennett, the developer, asked if there is a number of lots they can reduce that would get them to the open space percentage the Planning Commission would like to see. Chairman Bichel stated he would have to look at the percentage and see some homes pulled away from the undisturbed buffer per the cluster ordinance in the LDR. Mr. Bennett explained they were trying to meet the needs of the Planning Commission and wants to work with Planning Commission in whatever way they can. Chairman Bichel stated he would not be able to commit to changes right now and would need to study it.

Ms. Jeffers-Campbell addressed a previous question from Ms. Clark asking why White Circle Road would be widened to 20 feet. Ms. Jeffers-Campbell stated we do not have right-of-way

to widen over 20 feet.

Ms. Clark stated the issue is with the location and impact on the infrastructure, not the design.

Mr. Forest stated it was brought up in the past the Planning Commission needed to review subdivision applications based on their merits alone. Mr. Forest explained now they are discussing reviewing subdivisions based on potential subdivisions that may or may not be approved in the future. Mr. Forest stated it seemed like the consensus of the Planning Commission is for no additional subdivisions to be built in this area until Greenville County widens the road.

Mr. Shockley stated this may be the thoughts of some Planning Commissioners but not the consensus of all.

Chairman Bichel agreed and stated it is some Planning Commissioners' opinion but not all.

Mr. Forest stated his point is developers should know now if they plan to turn down every development in this area.

Motion for PP-2022-060: by Mr. Shockley, seconded by Mr. Hammond, to approve with conditions PP-2022-060. The motion failed by hand vote with three in favor (M. Shockley; F. Hammond; E. Forest) and six in opposition (S. Bichel; J. Bailey; C. Clark; M. Looper; J. Rogers; J. Howard).

5. **Rezoning Requests**

CZ-2022-031

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-031.

The subject parcel zoned S-1, Services District is located along New Easley Highway, a four-lane State-maintained arterial road. The Plan Greenville County Comprehensive Plan designates the future land use of this parcel as *Rural Corridor* and *Traditional Neighborhood*. The Riverdale/Tanglewood Community Plan designates the future land use of this parcel as *Service*. Staff is of the opinion that the requested rezoning does not align with existing plans and would permit uses that may have an adverse impact on the existing surrounding properties.

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

Discussion: None

Motion: by Mr. Bailey, seconded by Mr. Rogers, to deny CZ-2022-031. The motion carried by voice vote with eight in favor (S. Bichel; J. Bailey; M. Shockley; E. Forest; C. Clark; M. Looper; J. Rogers; J. Howard) and one in opposition (F. Hammond).

CZ-2022-032 – Administratively Withdrawn

CZ-2022-032 was administratively withdrawn.

CZ-2022-033

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-033.

The subject parcel, zoned R-R3, Rural Residential is located along McKelvey Road, a two-lane, State-maintained collector road. Staff is of the opinion that a successful rezoning to R-S, Residential Suburban, is consistent with surrounding land uses and would not have an adverse impact on the surrounding area as it would only allow for one additional dwelling.

Based on these reasons, Staff recommends approval of the requested rezoning to R-S, Residential Suburban.

Discussion: None

Motion: by Mr. Bailey, seconded by Mr. Looper, to approve CZ-2022-033. The motion carried unanimously by voice vote.

CZ-2022-034

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-034.

The subject parcel zoned R-S, Residential Suburban is located along Hillcrest Dr. W., a two-lane County-maintained local road, and Cedar Ln., a two-lane County-maintained local road. Staff is of the opinion that the requested rezoning aligns with the Plan Greenville County Comprehensive Plan, which recommends 3 to 5 dwellings per acre for this area. Additionally, this request would only allow the property owner to add one additional residence, which staff believes will not have an adverse impact on the area.

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

Discussion: Mr. Rogers stated the property is surrounded by R-S zoning, making this request resemble spot zoning. Mr. Rogers stated he would vote against it.

Chairman Bichel stated he agreed with Mr. Rogers but there were extenuating circumstances and he believes the rezoning is helpful.

Motion: by Mr. Bailey, seconded by Mr. Howard, to approve CZ-2022-034. The motion carried by voice vote with eight in favor (S. Bichel; J. Bailey; M. Shockley; E. Forest; C. Clark; M. Looper; F. Hammond; J. Howard) and one in opposition (J. Rogers).

CZ-2022-035

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-035.

The subject property zoned R-R1, Rural Residential District is located along W. Georgia Rd., a two-lane State-maintained collector. The Plan Greenville County Comprehensive Plan calls for a density of 1 dwelling per 2 or more acres, and the South Greenville Area Plan calls for density that fits most closely with the R-R1, Rural Residential zoning district. Because of these future land use designations, and due

to the existing zoning in the area, Staff is of the opinion that R-R1, Rural Residential is currently the most appropriate zoning district for these parcels.

Based on these reasons, staff recommends denial of the requested rezoning to R-S, Residential Suburban.

Discussion: None

Motion: by Mr. Rogers, seconded by Mr. Bailey, to deny CZ-2022-035. The motion carried by voice vote with eight in favor (S. Bichel; J. Bailey; M. Shockley; E. Forest; C. Clark; M. Looper; J. Rogers; J. Howard) and one in opposition (F. Hammond).

CZ-2022-036

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-036.

The subject parcel zoned R-12, is located along Motor Boat Club Rd., a two-lane County-maintained local road. The area is characterized by mainly single-family residential zoning and uses, with multifamily zoning adjacent to the parcel. Staff is of the opinion that the existing zoning is appropriate for this area and that lowering the density would not align with the Plan Greenville County Comprehensive Plan.

Based on these reasons, staff recommends denial of the requested rezoning to R-S, Residential Suburban.

Discussion: None

Motion: by Mr. Rogers, seconded by Mr. Looper, to deny CZ-2022-036. The motion carried by voice vote with eight in favor (S. Bichel; M. Shockley; E. Forest; C. Clark; M. Looper; J. Rogers; F. Hammond; J. Howard) and one in opposition (J. Bailey).

CZ-2022-037

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-037.

The subject parcels zoned R-S, Residential Suburban are located along Locust Hill Rd., a two-lane State-maintained collector road and Lakeview Cir. a two-lane County-maintained local road. Staff is of the opinion that the requested rezoning to C-1, Commercial District is appropriate due to its location adjacent to additional commercially zoned property, as well as its location along Locust Hill Rd.

Based on these reasons, staff recommends approval of the requested rezoning to C-1, Commercial.

Discussion: Mr. Rogers stated the property is surrounded by residential zoning.

Mr. Hammond stated C-3 zoning was nearby.

Mr. Bailey stated there are multiple businesses in the area.

Ms. Clark stated the applicant provided a letter assuring the Planning Commission that the property would be designated as a garden center.

Chairman Bichel stated he was going to deny the application because, often times, when a property is zoned to C-1, residential development occurs.

Motion: by Mr. Looper, seconded by Mr. Bailey, to approve CZ-2022-037. The motion carried by voice vote with eight in favor (J. Bailey; M. Shockley; E. Forest; C. Clark; M. Looper; J. Rogers; F. Hammond; J. Howard) and one in opposition (S. Bichel).

CZ-2022-038

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-038.

The subject parcels, zoned R-7.5, Single-Family Residential, and O-D, Office District, are located along Draper St, a two-lane State-maintained local road, Abney St, a two lane State-maintained local road, and Hwy 124, a two-lane State-maintained arterial road. Staff is of the opinion that the request is appropriate for this area and adds infill housing to the area while also aligning with both the Plan Greenville County Comprehensive Plan and the Brandon Community Plan for the site. Additionally, the proposed development will complement the Brandon Mill Community.

The development would 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: None

Motion: by Mr. Hammond, seconded by Mr. Bailey, to approve with condition CZ-2022-038. The motion carried unanimously by voice vote.

CZ-2022-039 – Administratively Withdrawn

CZ-2022-039 was administratively withdrawn.

CZ-2022-040

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-040.

The subject parcel, zoned R-20, Single-Family Residential, is located along Hudson Road, a two-lane, State-maintained collector road. Staff is of the opinion that a successful rezoning to FRD, Flexible Review District to allow for a max of six detached single-family dwellings is consistent with surrounding land uses and would allow for infill development.

The development would 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 stated the homes shown on the application would not fit on the actual property lots. Chairman Bichel explained there is no appropriate space for children to play and there is not enough parking.

Ms. Clark stated the application does not meet what pocket communities are designed for.

Mr. Rogers explained it would be unfair to the surrounding home owners to put smaller homes in the area that would affect their house value.

Mr. Forest asked how this zoning fit into the Comprehensive Plan. Ms. Staton stated the designation in the Comprehensive Plan for this area is Suburban Neighborhood, which designates 3-5 dwellings per acre. Ms. Staton stated this application is requesting 4.64 units per acre. Mr. Forest stated the rezoning would fit into the Comprehensive Plan and would be a reason to approve based on previous conversations about staying aligned with the Comprehensive Plan.

Mr. Hammond explained that if the Comprehensive Plan is going to be cited as a reason to approve or deny an application one time, it should be followed at all times.

Mr. Rogers stated the rezoning was a different situation from the previous conversations. Mr. Rogers explained the Comprehensive Plan is a discretionary guidance document.

Motion: by Mr. Hammond, seconded by Mr. Shockley, to approve with condition CZ-2022-040. The motion failed by hand vote with four in favor (F. Hammond; M. Shockley; E. Forest; J. Bailey) and five in opposition (C. Clark; S. Bichel; M. Looper; J. Rogers; J. Howard).

CZ-2022-041

Ms. Staton introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-041.

The subject parcels, zoned R-S, Residential Suburban, are located along Batesville Road, a two-lane State-maintained arterial road, and Roper Mountain Road, a two-lane State-maintained collector road. Staff is of the opinion that a successful rezoning to FRD, Flexible Review District, which would allow for a senior living community, would be consistent with the residential uses in the area and would not have an adverse impact on this area.

The development would have to meet the following condition:

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 with condition of the requested rezoning to FRD, Flexible Review District with the aforementioned condition.

Discussion: Ms. Clark asked how the 25% reduction in parking would work procedurally. Ms. Staton explained the zoning ordinance permits the Zoning Administrator to allow up to a 25% reduction as long as the applicant provides a written reason for the request. Ms. Staton stated

in this application the reason provided was there would be less traffic because the residents living at the assisted living facility would not be driving.

Motion: by Mr. Bailey, seconded by Mr. Hammond, to approve with condition CZ-2022-041. The motion carried by voice vote with eight in favor (S. Bichel; J. Bailey; E. Forest; C. Clark; M. Looper; J. Rogers; F. Hammond; J. Howard) and one in opposition (M. Shockley).

6. Planning Report

Mr. Coker presented the April Planning Report.

7. Old Business

None

8. New Business

Chairman Bichel stated elections for chairman and vice chairman will be held next month. Chairman Bichel stated that Mr. Rogers is the Ad Hoc Nomination Committee Chairman and all nominations should be provided to Mr. Rogers.

9. Adjourn

Without objection, Chairman Bichel adjourned the meeting at 8:43 p.m.

Respectfully submitted,

Nicole Miglionico

Recording Secretary