

**Greenville County Planning Commission Minutes
November 16, 2022 at 4:30 p.m.
Conference Room D at County Square**

Commissioners Present: S. Bichel, Chair; J. Bailey, Vice-Chair; J. Rogers; M. Shockley; F. Hammond; J. Howard; J. Barbare

Commissioners Absent: M. Looper

County Councilors Present: None.

Staff Present: T. Coker; H. Gamble; R. Jeffers-Campbell; J. Henderson; L. Mann; T. Stone; IS Staff

1. Call to Order

Chairman Bichel called the meeting to order at 4:32 p.m.

2. Invocation

Mr. Howard provided the invocation.

3. Approval of the Minutes of the October 26, 2022 Commission Meeting

Motion: by Mr. Bailey, seconded by Mr. Howard, to approve the minutes of the October 26, 2022 Commission meeting, as presented. The motion carried unanimously by voice vote with one absent (M. Looper).

4. Rezoning Requests

CZ-2022-100

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-100.

The subject parcels, zoned C-1, Commercial and R-10, Single-Family Residential are located along Poinsett Highway, a five-lane State-maintained arterial road; Duncan Chapel Road, a two-lane State-maintained residential road. Staff is of the opinion that a successful rezoning to FRD, Flexible Review District, to allow for a maximum of 72 multifamily residential units is consistent with surrounding land uses and the Future Land Use designated by the Plan Greenville County Comprehensive Plan.

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 conditions.

Discussion: Chairman Bichel stated based on the FRD design the application looked good.

Motion: by Mr. Hammond, seconded by Mr. Shockley, to approve with condition CZ-2022-100. The motion carried unanimously by voice vote with one absent (M. Looper).

CZ-2022-101

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-101.

The subject parcel, zoned R-S, Residential Suburban District, is located along Fairview Road a two-lane, State-maintained arterial road. Staff is of the opinion that a successful rezoning to AG, Agricultural Preservation District is consistent with the existing character of the area and would not create adverse impacts.

Based on these reasons, Staff recommends approval of the requested rezoning to AG, Agricultural Preservation District.

Discussion: None.

Motion: by Mr. Howard, seconded by Mr. Bailey, to approve CZ-2022-101. The motion carried unanimously by voice vote with one absent (M. Looper).

CZ-2022-103

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-103.

The subject parcel, zoned O-D, Office District, is located along Old Grove Road, a two-lane, State-maintained residential road. Staff is of the opinion that a successful rezoning to R-12, Single-Family Residential District is appropriate for the area and consistent with the surrounding zoning.

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

Discussion: None.

Motion: by Mr. Shockley, seconded by Mr. Bailey, to approve CZ-2022-103. The motion carried unanimously by voice vote with one absent (M. Looper).

CZ-2022-104

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-104.

The subject parcels, zoned R-10, Single-Family Residential, are located on Hunts Bridge Road, a five-lane State-maintained minor arterial road. The parcels are mostly designated as Medium Density Residential in the Berea Community Plan, which recommends 4 to 8 units per acre. Staff is of the opinion that the requested rezoning to R-6, Single-Family Residential District, would allow a density which is consistent with the Berea Community Plan.

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

Discussion: Mr. Rogers asked for the recommended density of Suburban Neighborhood. Mr. Stone stated Suburban Neighborhood has a density of 3-5 units per acre, however, the Berea Community Plan has a recommended density of 4-8 units per acre.

Mr. Rogers made a motion for denial based on inconsistency with the Comprehensive Plan and no compelling reason to increase density in the area.

Motion: by Mr. Rogers, seconded by Mr. Howard, to deny CZ-2022-104. The motion failed by hand vote with two in favor (J. Rogers; J. Howard) and five in opposition (J. Barbare; F. Hammond; M. Shockley; S. Bichel; J. Bailey) with one absent (M. Looper).

CZ-2022-106

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-106.

The subject parcels, zoned PD, Planned Development District are located along Garlington Road, a two to three-lane State-maintained collector road; Honbarrier Drive, a two-lane State-maintained local road; and Entertainment Boulevard, a two-lane private drive. Staff is of the opinion that the requested zoning to PD-MC, Planned Development Major Change, to revise the Statement of Intent allowing additional signage is appropriate.

Based on these reasons, Staff recommends approval of the requested rezoning to PD-MC, Planned Development District Major Change.

Discussion: None.

Motion: by Mr. Bailey, seconded by Mr. Shockley, to approve CZ-2022-106. The motion carried unanimously by voice vote with one absent (M. Looper).

CZ-2022-107

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-107.

The subject parcels zoned NC, Neighborhood Commercial, are located along Blackwood Street, a two-lane County-maintained residential road and Marble Street, a two-lane County-maintained residential road. The subject parcels were zoned R-M20, Multifamily Residential District until 2016. Staff is of the opinion that a successful rezoning to allow for residential uses is consistent with adjacent uses and zoning and would not create adverse impacts on the surrounding area.

Based on these reasons, staff recommends approval of the requested rezoning to R-M20, Multifamily Residential District.

Discussion: None.

Motion: by Mr. Howard, seconded by Mr. Bailey, to approve CZ-2022-107. The motion carried unanimously by voice vote with one absent (M. Looper).

CZ-2022-108

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-108.

The subject property zoned R-R1, Rural Residential District is located along King Rd., a two-lane County-maintained residential road and Augusta Rd., a five-lane State-maintained arterial road. Staff is of the opinion that a successful rezoning to R-20, Single-Family Residential, which would allow for one additional dwelling unit is consistent with the uses in the surrounding area and would not create additional adverse impacts.

Based on these reasons, staff recommends approval of the requested rezoning to R-20, Single-Family Residential.

Discussion: None.

Motion: by Mr. Bailey, seconded by Mr. Barbare, to approve CZ-2022-108. The motion carried unanimously by voice vote with one absent (M. Looper).

CZ-2022-109

Mr. Henderson introduced the staff report and presentation into the record as background information for Rezoning Docket CZ-2022-109.

The subject property zoned R-R1, Rural Residential District is located along King Rd., a two-lane County-maintained residential road and Augusta Road, a five-lane State-maintained arterial road. The parcel is designated as Rural Corridor in the Plan Greenville County Comprehensive Plan. Staff is of the opinion that a successful rezoning to C-3, Commercial District, would be consistent with the future land use designation.

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

Discussion: Chairman Bichel asked why staff was not opposed to having C-3 zoning surrounded by residential zoning. Mr. Henderson explained C-3 zoning is located north and south of the area and highway 25 needs commercial development fronting the road with residential development behind which is consistent with other properties fronting highway 25.

Motion: by Mr. Hammond, seconded by Mr. Bailey, to approve CZ-2022-109. The motion carried by voice vote with five in favor (F. Hammond, J. Bailey, S. Bichel, M. Shockley, J. Barbare) and two in opposition (J. Rogers, J. Howard) with one absent (M. Looper).

5. Preliminary Subdivision Applications

PP-2022-200 Langford Hills

Ms. 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 166 lots at a density of 1.02 units/acre with an average lot size of 21,833. Access is provided off of Garrison and

Augusta Rd –state roads. Water and sewer will be provided by Greenville Water and septic, respectively.

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 1.02 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. Application PP-2022-043, which was the same as the application denied on 1.26.2022, was also denied on 4.27.2022. Since the first two applications, the McDavid House has been demolished and no longer exists on site. A third application, PP-2022-105 was reviewed and denied by Planning Commission at the July 27, 2022 meeting. The current application has eight less lots than the most recent prior submittal with the same amount of open space proposed.

Staff recommends 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 Public Road C/Access 3 or at the intersection of US 25 and Garrison Rd as directed by SC DOT.
- A revised plan shall be submitted before December 7, 2022 removing wetlands from the open space calculation in accordance with LDR 22.3.6D.

Discussion: There were three speakers in opposition of the proposed subdivision. The first speaker, John Hill, expressed concern about high density septic usage, inconsistency with the surrounding area, and inconsistency with the Comprehensive Plan. The second speaker, Anne Peden, explained the destruction of the McDavid House broke the hearts of the community and stated they needed to preserve the Highway 25 historical corridor. The final speaker, Mark Yost, requested the application be denied based on inconsistencies with the Comprehensive Plan and the absence of posted public notice signs.

There were two speakers in favor of the proposed subdivision. The first speaker, Waverly Wilkes, the project engineer, pointed out the removal of eight units from the original application and provided a brief description of the project. Ms. Wilkes stated septic tank usage is highly regulated by SCDHEC. Ms. Wilkes explained the historic homes on the property were never designated as registered historic homes and the remaining home has been excluded from the plan.

Mr. Rogers asked why the McDavid House was torn down. Ms. Wilkes explained the house was condemned due to lack of structural integrity and infestation issues. Mr. Rogers asked if any of the open space came from the site the house was on. Ms. Wilkes stated no.

Chairman Bichel stated the TIS did not contain the name of the subdivision and the application did not reflect the newly revised LDR Article 22.

The second speaker in favor, Marcello Torricos, the applicant's attorney, spoke about multiple issues brought up by the public. Mr. Torricos explained septic tank issues should be left to the experts at SCDHEC, the McDavid House was structurally unsound and was condemned by Greenville County, the Comprehensive Plan is a guidance document not law, and Judge Verdins ruling was limited to aspects of the denial letter provided by staff. Mr. Torricos stated the developer accepts the application conditions and is willing to work within the conditions to obtain approval.

Chairman Bichel stated the application did not conform to the LDR and had multiple infractions, Judge Verdin upheld the Planning Commission's decision, and there is pending legal action that should be resolved before the application is reviewed again. Mr. Torricos stated the legal appeal strictly deals with the July application and has nothing to do with the current application.

Mr. Rogers stated the statutes around appealing a decision of the Planning Commission outline how to proceed when you are not happy with a decision of the Planning Commission. The statutes explain you can go to court with mandatory mediation. Mr. Rogers stated this application seems like an attempt to get two bites of the apple and it doesn't make sense for the Planning Commission to rule on essentially the same application as the one in litigation with a few minor adjustments. Mr. Rogers stated he doesn't understand why they are considering this application. Mr. Torricos stated the changes may seem minor but they are close to a million dollar change. Mr. Rogers questioned the dollar amount with only dropping eight lots from the original plan. Mr. Torricos said eight lots at \$80,000 per lot plus the potential sale value is close to a million dollars. Mr. Rogers explained it is a less than three percent change in the size of the project. Mr. Torricos stated he disagreed. Mr. Rogers stated it was a \$640,000 change.

Mr. Rogers asked staff if there was confirmation of sign posting on the site. Ms. Jeffers-Campbell explained she was stepping in for the Subdivision Administrator but she would take it in good faith that the signs were posted and that Subdivision staff completed a site visit to confirm the posting. Ms. Jeffers-Campbell stated she had not heard from citizens that the sign posting requirement was not being met until the speaker at the meeting. Mr. Rogers explained you wouldn't hear from citizens because they wouldn't have known and one citizen is saying there are no signs posted. Ms. Wilkes stated pictures of the sign posting were submitted on October 11, 2022.

Mr. Rogers asked how the application complied with a Rural Conservation Subdivision. Ms. Jeffers-Campbell explained it met the requirements for open space based on the average lot size according to the Ordinance.

Mr. Hammond asked Chairman Bichel to explain how the application violated the LDR other than minor labeling issues. Chairman Bichel stated the wetlands do not comply with the amended Article 22 in the LDR. Mr. Hammond asked Ms. Wilkes to address the wetlands issue. Ms. Wilkes stated typically wetlands are in the non-developable open space but the approval condition from staff is to remove the wetlands from the open space calculation. It is

approximately 3.93 acres that will be excluded from the open space calculation, but there is an excess of 8.63 acres. With the removal of 3.93 acres, there will still be an excess of developable open space.

Mr. Hammond asked staff if there were any issues with the LDR other than labeling issues. Ms. Jeffers-Campbell stated the LDR was amended and removed the terms “developable” and “undevelopable”. The fact that it is provided in the plan is harmless and serves as additional information. Ms. Jeffers-Campbell explained article 3 is mainly referring to the name of the subdivision, not necessarily the name on the traffic study. Ms. Jeffers-Campbell stated they have not violated LDR Article 3.3.4.D.

Ms. Jeffers-Campbell stated as long as the developer is able to meet the approval conditions there should not be any issues with the plan.

Mr. Rogers asked staff to clarify the requirement of name consistency in regards to the traffic study. Ms. Jeffers-Campbell explained the LDR does not require name consistency with the application and traffic study. Ms. Jeffers-Campbell explained Traffic Impact Studies are typically completed well before the developer has identified the subdivision name, as long as the map, number of lots, and location align with the actual plan, it is acceptable. Mr. Rogers asked if the applicant committed to providing a right turn lane. Ms. Jeffers-Campbell stated they will be providing a right turn lane in the location DOT determines is best. They have provided a right turn lane on the plan but it may move depending on DOT’s recommendation.

Mr. Rogers asked if the McDavid house was condemned by Greenville County. Ms. Jeffers-Campbell stated yes, that was her understanding.

Mr. Howard asked for clarification on how the Planning Commission should use the Comprehensive Plan. Ms. Jeffers-Campbell stated the Planning Commission can use the Comprehensive Plan in their decision making but it is not the law. Ms. Jeffers-Campbell explained it is a guide and is used to inform and to assist Greenville County in amending the Land Development Regulations and Zoning Ordinance. Ms. Jeffers-Campbell stated the Planning Commission can use the Comprehensive Plan to guide their decisions but it would need to be balanced with the true intent of the document, which is to inform legislation and law.

Mr. Hammond stated the application has been brought to the Planning Commission four or five times and each time staff recommended approval.

Chairman Bichel stated there are continued issues with noncompliance of LDR Article 22 and the density does not blend with the surrounding area.

Mr. Hammond explained the Greenville County Planning staff has recommended approval every time the application has been presented, the TIS question has been settled, and there is no traffic issue. If septic is going to be raised as an issue then all septic applications should not be considered which will rule out approximately 50% of Greenville County from being developed. The site has public water, septic is not an issue due to DHEC regulations, the LDR issues are labeling issues at best and the McDavid house was not historic and was condemned by Greenville County. Mr. Hammond stated the only viable reason the application can be

denied is based on the Comprehensive Plan and the Comprehensive Plan is not a binding document. Mr. Hammond stated if your decision is solely based on the Comprehensive Plan, then you are considering the Zoning Ordinance and Comprehensive Plan to carry the same weight and they legally do not.

Mr. Rogers made a motion to deny based on:

1. Ongoing litigation and the statute that governs the appeals to the Planning Commission sets out a definite process on how the parties are to conduct themselves and it is inappropriate to consider this application.
2. The application exceeds the density in the Comprehensive Plan.
3. Non-Compliance with LDR Article 22.
4. The TIS is not properly identified.
5. There is dispute about compliance with sign posting regulations
6. It Violates Article 4, Section 4 of the Greenville County Planning Commission By-Laws which requires the Planning Commission to not reconsider an application that has been previously before them unless there is a material change. There is no material change in this submission.

Mr. Howard seconded the motion to deny and added it is stated in the Zoning Ordinance that the Comprehensive Plan should be considered.

Mr. Bailey asked for clarification on how the application does not meet LDR Article 22. Chairman Bichel explained the application does not comply with the amendments, mostly due to labeling.

Mr. Shockley stated if issues can be easily corrected with a labeling change, he does not believe they should be used as a reason for denial.

Mr. Barbare stated it was his understanding LDR Article 22 can be corrected during the process and allows for staff and agencies to take corrective action during the process. Mr. Barbare stated he cannot support the motion as there has not been a compelling reason to deny the application.

Chairman Bichel stated the job of the Planning Commission is to enforce the LDR.

Mr. Shockley stated he does not believe a case has been made to deny the application.

Motion: by Mr. Rogers, seconded by Mr. Howard, to deny PP-2022-200. The motion carried by hand vote with four in favor (J. Rogers; J. Howard; S. Bichel; J. Bailey) and three in opposition (F. Hammond; J. Barbare; M. Shockley) with one absent (M. Looper).

PP-2022-207 Anna's Pointe

Ms. Jeffers-Campbell addressed the Commission members with a preliminary subdivision application for Anna's Point, a Flexible Review District Development on W. Georgia Rd and Sullivan Rd, east of the intersection of W. Georgia Rd. and Fork Shoals Rd. The applicant is requesting 105 lots at a density of 13.9 units/acre in the FRD, Flexible Review District zoning district. Access is provided off of W. Georgia Rd (State) and Sullivan Rd (County). Water and sewer will be provided by Greenville Water and Metro respectively.

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

SAC Comments

South Greenville Fire District: Please place a fire hydrant at each entrance to the subdivision. Each additional fire hydrant needs to be 600 ft. or less from the previous hydrant. There should be no more than 600 ft. between fire hydrants.

SCDOT: The access point tying into the signal should not be called Holcombe Road as it will not be a continuation of Holcombe Road. It will be a private or county road. Minimum 150 foot throat length for the access tied into the signal (150' from W. Georgia to Road #2 and outparcel driveway). The TIS shows significant mitigation is warranted but the plan does not reflect any of the needed mitigation.

Land Development Division: Provide additional information as to why this is coming back through, cloud all changes. Has a USACOE permit been approved for any creek crossings? Wetland Delineation report will be required.

GC Roads & Bridges: Recommend a left turn lane per LDR 9.5.

Staff recommends denial of this Preliminary Plan request due to the outstanding SAC comments.

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

Chairman Bichel asked Alexander Zuendt, the project engineer, if they have complied with the SAC comments. Mr. Zuendt stated yes and they lost a unit in the process due to realigning the road.

Chairman Bichel asked staff if the density was an issue. Ms. Jeffers-Campbell stated the density was approved through the rezoning process and matches the development pattern in the area.

Chairman Bichel and the applicant agreed to hold the application until the January 2023 Planning Commission meeting.

PP-2022-208 Baxter Village

VAR2022-115 Baxter Village Secondary Access Variance

Ms. Jeffers-Campbell addressed the Commission members with a preliminary subdivision application for Baxter Village, a Cluster Option 2 Development on Davis Rd east of the intersection of Davis Rd and Piedmont Highway. The applicant is requesting 78 lots at a density of 3.13 units/acre in the R-7.5, Single-Family Residential zoning district. Access is provided off of Davis Rd (County). Water and sewer will be provided by Greenville Water and Metro respectively.

The subject site is designated as Suburban Neighborhood in the Comprehensive Plan. Suburban Neighborhoods are generally shaped by residential subdivisions of medium-lot homes with relatively

uniform housing types and densities. Homes include attached garages. Local streets are laid out in a curvilinear pattern with occasional cul-de-sacs. Streets may or may not include sidewalks. New single-family subdivisions should be designed with sidewalks, street trees, neighborhood parks, and community open space connections. Suburban Neighborhoods recommend a density of 3-5 dwelling units per acre. Baxter Village is proposing 3.13 units per acre.

VA-2022-115

To remove the secondary access point requirement per LDR 8.8.1A.

Existing site constraints including limiting frontage along Davis Rd and wetlands on site make it difficult to provide a second access point.

Per LDR 8.8.1F, a wider entrance (48' wide ROW with 26' wide pavement) from Davis Road to the first intersection within the subdivision is provided.

Staff recommends conditional approval of this Preliminary Plan and variance request with the Standard and Specific Requirements. Approval conditions are as follows:

1. Submit a revised plan before December 7, 2022 showing a stub street connection to the remaining acreage of the development parcel per LDR 8.9.1 and LDR 3.3.4. Failure to submit a revised plan by said deadline will result in denial of the application.

Planning Commission Conditions

1. Add a mid-block pedestrian pathway.

Discussion: There were no speakers in opposition of the proposed subdivision. Paul Harrison, the project engineer, spoke in favor of the application. Mr. Harrison provided a brief overview of the project. Mr. Harrison explained they have been working with Greenville County Parks and Rec to provide access to the park for emergency access and direct recreational access. Mr. Harrison stated part of the agreement is to provide an easement that allows the adjacent subdivision access to the park.

Mr. Harrison asked for clarification on the stub-out requirement. Ms. Jeffers-Campbell explained the stub-out was needed to comply with LDR 3.3.4 for interconnectivity. Mr. Harrison stated he believed they could accommodate the stub-out.

Mr. Bailey asked if they could provide a deceleration lane. Mr. Harrison stated SCDOT will likely require a Traffic Impact Study and they will comply with the requirements of the TIS. Mr. Harrison stated he will consult with SCDOT and attempt to start their turn lane as quickly as possible.

Chairman Bichel asked if they would add a mid-block pedestrian pathway. Mr. Harrison stated yes.

Mr. Rogers asked for clarification on the access to Lakeside Park. Mr. Harrison explained it would be a hidden emergency access and allow residents easy access to the park.

Motion: by Mr. Bailey, seconded by Mr. Shockley, to approve with conditions PP-2022-208. The motion carried unanimously by voice vote with one absent (M. Looper).

Motion: by Mr. Bailey, seconded by Mr. Shockley, to approve VA-2022-115. The motion carried unanimously by voice vote with one absent (M. Looper).

6. Planning Report

Ms. Jeffers-Campbell presented the November Planning Report.

7. Old Business

None.

8. New Business

Motion: by Mr. Hammond, seconded by Mr. Shockley, to authorize Planning staff to act on behalf of the Planning Commission with subdivisions during the month of December unless faced with a controversial issue. The motion carried unanimously by voice vote with one absent (M. Looper).

9. Adjourn

Without objection, Chairman Bichel adjourned the meeting at 6:25 p.m.

Respectfully submitted,

Nicole Miglionico

Nicole Miglionico

Recording Secretary