



AGENDA

LAURENS COUNTY PLANNING COMMISSION MEETING

LAURENS COUNTY ADMINISTRATION BUILDING CONFERENCE ROOM

100 Hillcrest Square, Laurens County, SC 29360

December 17, 2024 5:30 PM

Bobby Smith, Chairman; Tom Robertson, Vice-Chairman
Commission Members: Sylvester Grant, Casey Robinson,
Abney Smith, Michael Floyd, and Duane Owens

December 17, 2024

1. Call to Order -Chairman Bobby Smith
2. Invocation- Commissioner Michael Floyd
3. Pledge of Allegiance- Chairman Bobby Smith
4. Approval of Agenda- December 17, 2024
5. Approval of Minutes-
6. Old Business- N o n e
7. New Business-
 - a. The Applicant, **Gabe Waters**, representing H2OS Development LLC, is requesting an **appeal** from the County's decision to deny the payment of half of the fees and fines due through an installment payment process, in mitigating for the tree removal violation that occurred in the development of the proposed Forest View Manufactured Home Park.
 - b. Review of the proposed 2025 Planning Commission Meeting dates.
8. Discussion Item-
9. Adjournment- Chairman

**LAURENS COUNTY PLANNING COMMISSION MEETING
STAFF REPORT**

TO: LAURENS COUNTY PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

HEARING DATE: TUESDAY, DECEMBER 17, 2024

SUBJECT: AN APPEAL FROM THE COUNTY'S DECISION TO DENY THE TREE MITIGATION FINANCING METHOD PROPOSED BY THE APPLICANT TO RESOLVE A TREE REMOVAL VIOLATION.

I. APPLICATION

A. Agent/Applicant: Gabe Waters, H2OS Development LLC, 135 S. Main Street, Suite 4100, Greenville, SC 29601

B. Owner: Kay Investments LLC, 105 Hollyridge Road, Spartanburg, SC 29301 Forest View LLC, 90 Air Park Drive, Suite 400, Rochester, NY 14524

C. Request: The Applicant, **Gabe Waters**, representing **H2OS Development LLC**, is requesting an **appeal** from the County's decision to deny the payment of half of the fees and fines due through an installment payment process, in mitigating for the tree removal violation that occurred in the development of the proposed Forest View Manufactured Home Park.

D. Property Tax ID: 125-00-00-024

E. General Location: 2427 S. Frontage Road (East of 1-385, at the base of the northbound entrance of Exit 19)

F. Property Size: The site consisted of 29.45 acres at the time of the violation.

G. Environmental Considerations: Riparian stream, requiring a minimum of a 35-foot undisturbed, water quality buffer on each side of the stream.

II. BACKGROUND

On April 24, 2024, the Laurens County Building and Codes and Planning Departments received a complaint from the Public concerning illegal tree removal and land disturbance activities being performed on the site located at 2427 S. Frontage Road (East of 1-385, at the base of the northbound entrance of Exit 19), without the required tree removal and grading permits from Laurens County. The Laurens County Building and Codes Department imposed a Stop Work Order on the site on April 25, 2024, after contacting the Agent for the property to prevent any further actions taking place on the property until the illegal tree removal and grading actions could be investigated and documented by Laurens County Staff, SCDES, and Army Corp of Engineers. The actions taken by the Applicant violated several Laurens County Codes, specifically Appendix C, Sections C and E, "Tree Protection Standards." The impacts occurred on approximately 23 acres of the 29.45-acre parcel of

land. The impacts onsite also included removal of portions of the required Land Use perimeter buffer and to the church property located to the rear of the property.

In accordance with Ordinance #926, Appendix C, Section I, the owner of the property will be responsible for mitigating for the illegal tree removal and grading actions that took place onsite, prior to receiving a land clearing and tree removal permit, Preliminary Plan and Construction Site Plan approval, and having the Stop Work status lifted from the site. In calculating the mitigation costs, Staff utilized the tree survey that the Forester performed onsite for the owner of the property and submitted to the County several months earlier. Staff referred to the standards set forth under Appendix C, Section I "Violations and Enforcement" to determine the costs due to the County as a result of the violation. The Applicant was given credit for the trees retained onsite, the trees proposed for planting from the submitted landscaping plan for the project, and the "permitted removal of 20% of trees within the buildable area allowance" credit provided under Ordinance #926, Appendix C, (e)(3).

The mitigation calculations and violation costs are attached for reference. The total cost for the illegal removal of trees onsite without a land disturbance and tree removal permit is \$425,982.

As requested by Staff, the Applicant has divided the property to consist solely of 25 acres, which is the limit of acreage permitted for a manufactured home park by County code. On October 10, 2024, the Applicant submitted a proposal to the County to pay \$198,708.00, half of the total fees, in eight installment payments. The County denied the request due to the County not having provisions in the codes to provide for any financing or reduction of any fees assessed by the violation. The Applicant is appealing the County's decision.

III. STAFF RECOMMENDATION

Staff recuses itself from any recommendation.

Property Location





Laurens County Planning Department

100 Hillcrest Square Laurens, SC 29360 Phone: (864) 681-3178

Planning Commission Variance Request Application

Date Applied: 25 NOVEMBER, 2024 Variance Case #: _____

Project Name: FORREST VIEW MANUFACTURED HOME PARK

Project Address: _____

Tax Map #: 125-00-00-024 Subdivision: _____ Lot #: _____

Information for: Owner Contact Person Applicant (Person to be Notified of Meeting)

Name: GABE WATERS

Address: 201 FAIRVIEW AVE

GREENVILLE SC 29601

Phone: (864) 444-5005

Signature(s): [Handwritten Signature]

NOTE: We accept original signatures only – no faxed copies. The owner/developer must have submitted a project with all required documentation fees before variance application will be accepted.

FACTORS RELEVANT TO GRANTING A VARIANCE

The Planning Commission may not grant a variance which would result in the extension of a structure or use that is already considered non-conforming and does not meet the current Code of Ordinances and was grandfathered in, if the variance would expand or intensify the nonconforming status of the structure or use.

The fact that property may be utilized more profitably may not be considered grounds for granting a variance.

The fact that the strict application of the County’s Code of Ordinances would result in additional costs in the development or construction of a site, or are inconvenient in the desired design of a structure or the layout of a project or lot does not automatically warrant the approval of a variance. The request or application for a variance prior to the final review of a major subdivision or commercial project by the County's Technical Review will not be accepted by the County's in-take staff.

Applicants must keep in mind that a “hardship” refers to an unusual irregularity in the land itself (shape, topography, steep slope) and not to the personal circumstances of, or mere inconvenience imposed upon, the applicant or owner.

A. Under the South Carolina Local Government Comprehensive Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is this tract or parcel restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with or prohibits the proposed activity?

Yes No Explain: _____

B. Under the South Carolina Local Government Comprehensive Planning Enabling Act (Section 6-29-800 of the South Carolina Code of Laws), the Board/Commission is required to base their consideration for a variance on the following four (4) criteria found below.

§ 18.134.050

1. The proposed variance will not be materially detrimental to the purposes of this title, conflict with the policies of the comprehensive plan, to any other applicable regulations of the County's Code of Ordinances, to any other applicable policies and standards, and to other properties in the vicinity.
2. There are special circumstances that exist which are peculiar to the lot size or shape, topography, or other circumstances over which the applicant has no control, and these conditions do not generally apply to other neighboring properties in the vicinity.
3. The use proposed will be the same as permitted under the County standards will be maintained to the greatest extent possible, while permitting some economic use of the land.
4. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land form, or parks will not be adversely affected any more than would occur if the development were located as specified in the title; and
5. The hardship is not self-imposed, and the variance requested is the minimum variance which would alleviate the hardship.

Please provide the facts as you intend present them to make the case that your request meets these criteria. Please complete all the questions fully in order to give the Planning Commission and staff an accurate account of the situation. (Attach a separate sheet, if necessary). This application will be made available to the Planning Commission members prior to the hearing.

1. Are there extraordinary and exceptional conditions pertaining to the particular piece of property? (Does your property have extraordinary conditions such as size, shape, natural topography, drainage, street widening, lakefront setback lines, or other conditions that warrant relief from the standard in question? The difficulty or hardship would result from these conditions and from no other cause, including the actions of the owner or previous owners of the property.) **Please explain each answer thoroughly. An application will not be accepted with "yes" or "no" only**

responses. NO - THERE ARE NO EXTRAORDINARY OR EXCEPTIONAL CONDITIONS.

2. Do the extraordinary conditions that exist on your property apply generally to other properties in the area? **Please explain each answer thoroughly. An application will not be accepted with "yes" or "no" only**

responses. NO - OUR SITE DOES NOT IMPACT OTHER PROPERTIES.

3. Because of the extraordinary conditions identified in #1 above, will applying the requirements of the County's Code of Ordinances to this particular piece of property effectively prohibit or unreasonably restrict the utilization of the property? Please explain each answer thoroughly. An application will not be accepted with "yes" or "no" only responses.

4. Will the authorization of a variance be of substantial detriment to adjacent property or to the public good? Will the character of the area be harmed by the granting of the variance? Please explain each answer thoroughly. An application will not be accepted with "yes" or "no" only responses. NO - THE TREES HAVE ALREADY BEEN REMOVED.

I hereby certify and agree that all the information provided in this application is true and correct. I understand that falsifying any information on this application will result in the automatic denial of this application and nullification of any action applied herein.

I hereby petition the Laurens County Planning Commission for a variance from the terms of the County's Subdivision Ordinance #926 when strict application of the provisions of this Ordinance would result in an unnecessary hardship; and understand that the fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

I request a variance from the following provisions of the Ordinance. (List all relevant sections or articles of the Subdivision Regulations that apply and attach any necessary drawings):

ORDINANCE No. 926, DIV 9, § F, 10-11-22 : WE ARE REQUESTING GRACE WITH REGARD TO THE TREE FINE.

GABE WATERS

Applicant's Printed Name

Applicant's Signature

11.25.24

Date

For Staff Use Only:

Date Plat/Site Plan/Sketch Plan submitted: _____ Date Project Application Completed: _____

Variance Hearing Date: _____ Variance Granted: YES NO



Gabe Waters <gabe@h2osdevelopment.com>

Forest View Manufactured Home Park TRC comments

Lisa Wargo <LisaWargo@co.laurens.sc.us>

Thu, Oct 10, 2024 at 10:16 AM

To: Gabe Waters <gabe@h2osdevelopment.com>, Alexander Zuendt <azuendt@zuendtengineering.com>

Cc: Jeff Cook <jeffcook@cookproperties.com>, Tim Stoddard <tstoddard@co.laurens.sc.us>, Billy Wilson <bwilson@co.laurens.sc.us>, Ashley Rochester <AshleyRochester@co.laurens.sc.us>, Marcus Meetze <MarcusMeetze@co.laurens.sc.us>, Darbi Jackson <DarbiJackson@co.laurens.sc.us>, Brian Senerchia <BrianSenerchia@co.laurens.sc.us>, "Balentine, D. Ryan" <BalentinDR@scdot.org>

Good Morning Gabe,

Y'all have been busy! Okay, looking at what we have, we still need the following items prior to lifting the stop work order and approving the plans for Forest View Manufactured Home Park:

1. A revised plat showing that the parcel has been divided to only include 25 acres for the project.
2. I forwarded the bond to Public Works and Roads & Bridges for their review and approval, once we receive that and it's paid, we are good with that.
3. I spoke with Mr. Meetze, our County Attorney this morning considering the tree mitigation. Mr. Meetze said that if you submit an offer to pay the tree mitigation fee of \$198,708.00 without violation fees, he would be willing to take that to County Council for their review and approval. The original amount due with the violation fees attached is \$415,624. You would have to submit the request to Mr. Meetze in writing (and soon, I'm not sure when the deadline is for next month's Council meeting for all materials to be submitted) for him to process it.

We have to have a copy of the revised plat division, the bond approved, and at least the mitigation/Council action in process for us to approve the plans "with conditions" that the fees would be paid by a date certain, in order for us to lift the stop work order.

Thank you,

From: Gabe Waters <gabe@h2osdevelopment.com>

Sent: Wednesday, October 9, 2024 12:08 PM

To: Lisa Wargo <LisaWargo@co.laurens.sc.us>

Cc: Jeff Cook <jeffcook@cookproperties.com>

WATERS DEVELOPMENT CORPORATION

10 October, 2024

Mr. Marcus Meetze, County Attorney
100 Hillcrest Square
Laurens County, SC 29360

Subject: Tree Mitigation Settlement Offer

Dear Mr. Meetze,

Thank you for taking the time to review this proposal. I am in agreement with paying the tree mitigation fee for this project, in the amount of \$198,708. I would like to propose paying this in eight equal installments of \$24,838.50. The reasoning behind this is that once start back to work, we have an eight month construction schedule. This is also an unexpected expense that I am having to pay out of pocket and I don't currently have the ability to make a lump sum payment. Should we complete the project earlier, I would pay the outstanding balance in exchange for receiving final inspections, testing, etc. by Laurens County. Please let me know if this is acceptable. We are eager to return to work and anything that can be done to expedite this agreement would be greatly appreciated.

Thank you so much!



Gabe C. Waters

WATERS DEVELOPMENT CORPORATION

6 November, 2024

Mr. Thomas Higgs, II
County Administrator, Laurens County
100 Hillcrest Square
Laurens, SC 29360

Subject: Forest View- Tree Mitigation Proposal

Dear Mr. Higgs,

Thank you for your consideration of the contents of this letter. As you are aware, we have been working with Laurens County since April to try to get this project back on track. I believe that we have successfully completed everything required of us by the Planning Department, with the exception of finalizing our tree mitigation settlement. This has gone on for months and we seek to bring this to a close. We simply want to get back to work on this project as we have been without work for more than six months. A brief history:

We originally submitted for permit on June 5th, 2023 for this project. We submitted the tree survey and tree removal permit application on September 18th, 2023. Other than receiving the subdivision registration permit on June 21, 2023, we received no feedback from the County. We assumed (incorrectly) that the County had no issues with what we were removing because we had received no feedback or communication at all. We were told by the previous building codes official (I think his name was Tor) that we didn't need to do anything else and that we were all set (this conversation occurred in person on June 21, 2023). We received our DHEC permit in March, 2024 and began work in April, 2024. We received a call on April 24th, 2024 stating that we were working without proper permits and were issued a stop work order at that time. We have since been through many rounds of review and have done everything possible to accommodate the County.

I will accept responsibility for my role in this, in that I didn't follow up and get it in writing that we were "all set" with regard to permits. I trusted the word of a County Official, because that's always served me well, but nonetheless- I should have been more diligent. However, during one of my many visits to the County offices, I was told by another County Official that there were "dozens of projects, "like yours"" that were never properly taken in and that those projects came to light when the previous building official left. Further, I have met another developer that had a very similar experience with Laurens County.

In light of this, I am asking for some consideration with regard to the amount of the tree fines, as well as the timing in which it is paid. I have spent every dollar that I have, trying to stay in business for the past six months. I am not asking to get out of this without having to pay anything- I'm just asking for some grace in the amount and the timing. We have about six months of construction to complete once we start back working. This is ample time for us to work out and settle this tree mitigation fee. I will need to utilize my insurance to help pay for this. Given what has happened to our area with the hurricane, this is likely to be a slow-moving process, but we will agree to have these fees paid prior to completion of the project. Our highest priority is to have the stop work order lifted so that we can get our guys back to work. That could be done now, while we workout this tree mitigation fee.

So I ask again- Will the County, given the circumstances, please offer us some grace with regard to the amount of the fine, as well as the timing in which it is paid? We are desperate to get back to work and our client has nearly run out of patience with this process. Please work with us. As always, I'm more than happy to meet in person or discuss further over the phone.

Sincerely,


Gabe C. Waters



Gabe Waters <gabe@h2osdevelopment.com>

Forest View Manufactured Home Park TRC comments

Thomas Higgs <ThomasHiggs@co.laurens.sc.us>

Tue, Nov 12, 2024 at 1:21 PM

To: Gabe Waters <gabe@h2osdevelopment.com>

Cc: Marcus Meetze <MarcusMeetze@co.laurens.sc.us>, Melissa Ferqueron <MelissaFerqueron@co.laurens.sc.us>, Darbi Jackson <DarbiJackson@co.laurens.sc.us>

Mr. Waters,

Thank you for your email, along with the many other emails received over the past few days. As promised, please find the attached letter concerning your appeal of the ordinance violation fine assessment. A copy of this letter has also been mailed to you.

Thank you,

Thomas R. Higgs, II

County Administrator

Laurens County, SC

100 Hillcrest Square

P.O. Box 445

Laurens, SC 29360

Office: 864-681-3140

Mobile: 864-766-9049

<https://laurenscounty.us/>



OFFICE OF THE COUNTY ADMINISTRATOR
COUNTY OF LAURENS



100 Hillcrest Square – Administration Building
POST OFFICE BOX 445
Laurens, South Carolina 29360-0445

(864) 984-5214 FAX - (864) 984-3726

COUNCIL MEMBERS

W. Brown Patterson, Chairman
Jeffrey D. Carroll, Vice Chairman
Diane B. Anderson
Shirley H. Clark
Luke S. Rankin
David E. Tribble, Jr.
Kemp Younts

ADMINISTRATION

Thomas R. Higgs, II, County Administrator
Melissa Ferqueron, Deputy County Administrator
Cheyenne Noffz, Clerk to County Council

November 12, 2024

Mr. Gabe C. Waters
201 Fairview Avenue
Greenville, SC 29601

Re: Tree Mitigation Settlement Offer

Dear Mr. Waters,

To recap, our records show that the total fine is \$415,624. Your settlement offer was eight (8) monthly installment payments of \$24,838.50, totaling \$198,708.00. Upon review of Laurens County Code of Ordinances (particularly Ordinance No. 926, Div. 9, § F, 10-11-22), there is no provision for a reduction of fee/fine assessment. Additionally, there is no provision for monthly installments of fee/fine assessments. On November 6, 2024, Laurens County received your formal request for appeal.

Please be advised that your appeal has been added to the Laurens County Planning Commission Agenda for December 17, 2024, at 5:30 pm. This meeting will be held at The Laurens County West Hillcrest Complex (Administration Building), located at 100 Hillcrest Square, Laurens, SC 29360.

Should you need further information regarding this hearing, please do not hesitate to let us know.

Very truly yours,

Thomas R. Higgs, II
Laurens County Administrator

WATERS DEVELOPMENT CORPORATION

25 November, 2024

Laurens County Planning Commission
100 Hillcrest Sq
Laurens County, SC 29360

Subject: Request For Tree Removal Fine Reduction- Forest View

Ladies and Gentlemen,

Thank you so much for allowing me the opportunity to present to you. As you may be aware, we have been trying to resolve this situation for nearly 8 months. We originally submitted the tree survey and tree removal permit application on September 18, 2023. We never received a response or feedback from the County and mistakenly took that to mean that we were clear to remove what trees we needed to remove. We began work in April, 2024 and were issued a stop work order at that time. On June 11, 2024, we were issued a spreadsheet showing a calculation for this tree removal fee and fine, totaling approximately \$415,000. This was an honest mistake and I am requesting some grace with regard to the fine. We have made two offers to the County, which have both been denied, so we are here to appeal to you for some help. Please see attached.

Thank you,



Gabe C. Waters

Forest View Manufactured Home Park Tree Violation Mitigation								
Costs for replacement through legal permit								
Tree Category	# Trees	Total Inches and % of trees removed within a specific category			Mitigation Ratio			
Protected Trees	1,051	10,588 (91.58%)			1:1			
Specimen Trees	46	854 (7.386%)			1:1			
Historic/Heritage Trees	3	119 (1.029%)			1:1			
Total Trees Removed	1,100							
Total Inches Removed		11,561						
Credits								
20% of the total inches permitted to be removed within the development footprint as per code. (CREDIT) (.20 x 11,561)					2312.2			
Total inches (11,561) Minus 20% allowance (2312.2) within development footprint: (11,561 - 2312.2)=					9249			
Total inches of trees preserved on site (buffers) (CREDIT):					4867			
Preserved inches subtracted from inches due: (9249 - 4867)					4382			
Total additional inches provided in landscaping plan (CREDIT)					440			
Total Mitigation Inches Due: (4,382 - 440)					3942			
Cost for replacement through legal permit					Costs for Illegal Removal of Trees without a Permit			
Tree Size/Protection	Percent of Inches due	Inches	Cost per Inch	Cost	Mitigation Ratio	# Mitigation Inches Required	Cost per Inch	Mitigation Cost
Protected	91.58% of 3,942 =	3610	\$50/inch	180,500	2 x Inches	7,220	\$50/inch	361,000
Specimen	7.386% of 3,942 =	291.16	\$50/inch	14,558	3 x inches	873.48	\$50/inch	43,674
Historic/Heritage	1.029% of 3,942=	40.56	\$90/inch	3,650	3 x Inches	121.68	\$90/inch	10,951
		3942		\$198,708		8,215		\$415,625
Total Mitigation Costs (including credit for proposed replacement planting) due to Illegal Tree Removal Actions Onsite:								\$415,624

LAURENS COUNTY PLANNING COMMISSION

Meeting Notification for 2025

Laurens County Planning Commission Meeting Notification for 2025 in compliance with Section 30-4-80 of the South Carolina Code of Laws, the Laurens County Planning Commission hereby provides the following meeting schedule for the calendar year 2025.

All scheduled meetings of the Laurens County Planning Commission will be held at 5:30pm at the **Laurens County Administration Building Conference Room**, Laurens, SC 29360, unless otherwise posted.

Please note that the Laurens County Planning Commission is subject to hold special sessions and location changes subject to the call of the Chairperson.

Meetings are normally held on the 3rd Tuesday of each month, unless otherwise noted.

January 21, 2025

February 18, 2025

March 18, 2025

April 15, 2025

May 20, 2025

June 17, 2025

July 15, 2025

August 19, 2025

September 16, 2025

October 21, 2025

November 18, 2025

December 16, 2025
