

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Ten Mile Neighborhood Association of Awendaw, S.C.,
Appellant,

v.

Charleston County Planning Commission, McNeil
Henry, Dream Finders Homes, LLC, and Crescent
Homes CHS, LLC, Respondents,

AND

Ten Mile Neighborhood Association of Awendaw, S.C.,
Appellant,

v.

Charleston County Planning Commission, Betty Ann
Goodwater, Isaac Goodwater, Joseph Goodwater, and
Crescent Homes CHS, LLC, Respondents.

Appellate Case No. 2025-001048

Appeal From Charleston County
George M. McFaddin, Jr., Circuit Court Judge

Unpublished Opinion No. 2026-UP-463
Heard September 16, 2026 – Filed October 28, 2026

AFFIRMED

Benjamin David Cunningham, of S.C. Environmental Law Project, and Monica Kay Whalen, both of Pawleys Island; and Juan Tolley, of Charleston, all for Appellant.

Taylor Harrison Stair, William Green DesChamps, IV, and Megan F. Stevens, all of Parker Poe Adams & Bernstein, LLP, and Paul Nicholas Nybo, of Hudson Lambert Parrott, LLC, all of Charleston, for Respondent Crescent Homes CHS, LLC.

Kevin Michael DeAntonio, Bernard E. Ferrara, Jr., Marc Graylynn Belle, and Andrew LaRoche Hethington, all of Charleston County Attorney's Office, of North Charleston, for Respondent Charleston County Planning Commission.

PER CURIAM: Appellant Ten Mile Association of Awendaw, South Carolina, appeals the circuit court's decision affirming the Charleston County Planning Commission's (Planning Commission's) approval of two minor subdivision applications within the Ten Mile Historic District. Appellant argues the Planning Commission erred in approving the subdivision applications because (1) it did not consider whether the applications complied with Charleston County's Comprehensive Plan (Comprehensive Plan) and (2) there was no evidence in the record that the applications complied with the Comprehensive Plan. We affirm.

I. FACTS

The South Carolina Local Government Comprehensive Planning Act of 1994 (Enabling Act)¹ "gives local governments authority to create planning commissions and implement comprehensive plans to guide land development." *All. to Pres. the Old White Horse Road Corridor, LLC v. RP&L, LLC*, 447 S.C. 649, 657, 930 S.E.2d 21, 26 (Ct. App. 2026); *see also* § 6-29-320; § 6-29-510(A). Charleston County Council enacted its Comprehensive Plan in 1999 and then enacted its Zoning and Land Development Regulations (ZLDR) in 2001 to support the

¹ S.C. Code Ann. §§ 6-29-310 to -1640 (2004 & Supp. 2025)

implementation of its Comprehensive Plan. *See Sinkler v. County of Charleston*, 387 S.C. 67, 69-70, 690 S.E.2d 777, 778 (2010); § 6-29-720(A); ZLDR § 1.5(a).

The Comprehensive Plan outlines Charleston County's "future vision for preservation and development . . . for the next five to ten years" and is intended to "guide public decision-making affecting the quality of life in Charleston County." Charleston Cnty. Comp. Plan § 1.1. The Plan covers the following elements: land use, economic development, natural resources, cultural resources, population, housing, transportation, community facilities, priority investment, energy/sustainability, and resilience. *See id.*

The Cultural Resources Element of the Comprehensive Plan (Cultural Resources Element) is intended "to protect and preserve the significant historic and archaeological resources and cultural heritage of the County[,] . . . increase public awareness of the historic character of the County and preserve the heritage and economic benefits[,]" and promote mechanisms for public and private partnerships to preserve and protect historic and/or culturally significant heritage, properties, or landscapes. Charleston Cnty. Comp. Plan. § 3.4.1.

County Council enacted historic preservation ordinances (HPO) in 2018 which established a Historic Preservation Committee (HPC). Charleston Cnty. Comp. Plan. § 3.4.2. Among other duties, the HPC is required to evaluate "Preliminary and Minor Subdivision Plat applications for Historic Properties/Districts and properties located within 300 feet of Historic Properties/Districts." Charleston County, S.C. Ordinances 2028, § 21-6(a) (2024). The HPC evaluates each application "for compliance with the Cultural Resources Element[,]" and then issues a report stating whether it finds the application consistent with the goals, objectives, and policies of the Cultural Resource Element. ZLDR § 21-6(d). The HPC's reports are "made in an advisory capacity, only, and shall have no binding effect on the Planning Commission." Charleston County, S.C. Ordinances 2028, § 21-6(e).

After review by the HPC, minor subdivision plat applications are then reviewed by the Zoning and Planning Department before being sent to the Zoning and Planning Director for final approval. The Zoning and Planning Director may send a minor subdivision application to the Planning Commission "to determine whether or not the proposed subdivision is consistent with all requirements of [the ZLDR] and [the] objectives of the Comprehensive Plan." ZLDR § 8.3.2.

Respondent Crescent Homes CHS, LLC (Crescent Homes), submitted two minor subdivision applications to the Planning Commission for properties located in the historic Ten Mile Community. Ten Mile is "one of the historic African American communities that were established during the Reconstruction Era and represent the Gullah Geechee culture through their social organization and settlement patterns." ZLDR § 5.17.1. Ten Mile was designated as a Historic District on June 22, 2022. A historic district designation "provides additional protections for the Community, by placing certain application types that would typically be approved administratively into a public forum with opportunities for the Community to be notified of and express their opinions on the appropriateness of such applications." *Id.*

In its applications, Crescent Homes sought to (1) subdivide two parcels along Gadsdenville Road "into four separate parcels ranging between .313 to .316 acres" and (2) subdivide one 1.12-acre parcel along Theodore Road "into three separate parcels ranging between .367 to .38 acres." At the time the applications were filed, both the Gadsdenville and Theodore Road parcels were zoned R-4, which allows four dwellings per acre. The properties were later rezoned S-3, which restricts the dwellings per acre to three. *Id.* Both properties' future land use is designated as "urban/suburban cultural community protection." *See* Charleston Cnty. Comp. Plan § 3.1.7. The HPC reviewed both applications on June 26, 2024, and the Planning Commission reviewed both applications on September 12, 2024.

The HPC received seven letters opposing the Gadsdenville Road application and a petition in opposition including sixty-seven signatures. The letters highlighted the community's belief that the application was incompatible with the character of Ten Mile and would "promote homes that are deeper than they are wide." One community member noted that, "None of the [approximately thirty-seven] developed lots on Gadsdenville R[oad] are smaller than 0.40 acres. One of the approximately [twenty] undeveloped lots is smaller than 0.40. These new parcels would be less than that." During the HPC hearing, two community members spoke in opposition. The HPC voted to recommend the Planning Commission reject the application, finding that the application was inconsistent with six of the Cultural Resource Elements and Goals strategies.²

² Specifically, the HPC found the application incompatible with strategies CR1, CR2, CR3, CR5, CR7, and CR9. CR1 seeks to "[c]ontinue to promote historic preservation and enhance the County's historic preservation ordinance." CR2 seeks to "[c]ontinue to pursue grant opportunities . . . to promote preservation of local historic communities, sites, and structures." CR3 seeks to "[c]ontinue to

During the Planning Commission's hearing for the Gadsdenville application, Planning Commission staff presented a PowerPoint summarizing the application, including an image showing the Properties' current S-3 zoning designation, a map showing the Properties' future land use, an aerial view of the Properties, a Federal Emergency Management Agency (FEMA) Flood Zone map, site photos, and the proposed plat. In addition, staff provided the Planning Commission with section 4.12 of the ZLDR, showing the R-4 "Density/Intensity and Dimensional Standards"; section 6-29-340 of the South Carolina Code, giving the Planning Commission the power to approve or deny subdivision plats; section 21-6(A) of the Charleston County Historic Preservation Ordinance, explaining why the HPC reviewed the application; and section 3.4.3 and 3.4.4 of Charleston's Comprehensive Plan, detailing the Cultural Resource Elements. Notwithstanding the HPC's recommendation to deny the application, Planning Commission staff recommended approval of the Gadsdenville application because it complied with the ZLDR's requirements.

A representative from Crescent Homes spoke in support of the application, and two community members spoke in opposition. The community members expressed concerns with the application's proposed set back lines and that the proposed lot sizes would be inconsistent with the lot sizes common to the Ten Mile Community.

After public comment, Commissioner Luke Morris asked whether there was any explanation or study conducted to explain the "cadastral patterns that are seen as unique to these communities[,]" noting that, in his review of the application, he failed to see "any continuity or pattern . . . in the Ten Mile Community that's continual."

work with communities along the Gullah Geechee Corridor to preserve the unique settlement patterns and community character, including historic property/district designations, community plans and overlay zoning districts." CR5 seeks to "[c]ontinue to require a historic and archaeological survey for all Planned Development and Form-Based Zoning District requests." CR7 seeks to "[c]ontinue to protect rural historic landscapes by ensuring development is in character with inherent rural attributes." Lastly, CR9 seeks to "[c]ontinue to coordinate with residents, adjacent jurisdictions, outside agencies, non-profit organizations, and others with expertise in historic preservation to implement planning, zoning, and other techniques to protect historic communities and neighborhoods and other areas of cultural significance."

In response, Commissioner David Kent stated that Ten Mile includes "a lot of differences in lot sizes. Some lots are very large, and some lots are quite small because they were developed under the R-4 Zoning District with the minimum lot size." Commissioner Kent explained that the application's proposed lot sizes "exceed[ed] the new [S-3] zoning" noting that the "minimum lot size in S-3 is 12,500 feet." Commissioner Kent explained that the R-4 zoning allowed Crescent Homes to have "one extra lot that the S-3 [zoning] would not allow them to get under current zoning." Commissioner Kent then told the Planning Commission that Ten Mile was currently in the process of requesting an overlay district from the County Council which, if adopted, "would change the zoning even more drastically from S-3 to something less density wise." Commissioner Kent noted that Ten Mile seems to favor larger lot sizes.

Commissioner Morris then asked if Ten Mile had studies conducted on "existing historic house layouts in the area." Commissioner Kent reported that Ten Mile provided County Council with an Area Character Analysis, that Ten Mile hoped would be codified and "used for architecture that's located in Ten Mile."

Prior to Commissioner Warwick Jones moving for a vote, he indicated that:

[He had] sympathy with some of the members of the community who don't like the proposal before us, but . . . we have to face the fact that the application was made under . . . different zoning, which applies. And we may argue about the merits of what is required or what the Historic Preservation is asking or why it is opposing, but legally, it seems to me and I think it's of the opinion of the legal counsel that the Applicant has standing here to go forward under the proposal that he's made, and that there's nothing much we can do about it.

The Planning Commission voted 7-1 to approve the application. One Commissioner voted to deny the application because she agreed with the HPC's recommendation.

Like the Gadsdenville application, the HPC received seven letters opposing the Theodore Road application and a petition in opposition which also included sixty-seven signatures. The letters received from this application were from the same community members and included significantly similar language regarding the community's concerns. During the hearing, two community members spoke in opposition to the application. The HPC recommended the Planning Commission reject the Theodore application, finding it was inconsistent with Cultural Resource Elements and Goals strategies CR1, CR3, CR7, and CR9.

The hearing for the Theodore Road application took place immediately following the vote on the Gadsdenville Road application. The Planning Commission received one letter and one additional petition signature opposing the Theodore Road application. Planning Commission staff again presented a PowerPoint presentation showing the property's future land use map, an aerial photo of the Property, a FEMA Flood Zone Map, a site map, and the proposed plat. The PowerPoint also showed similar ordinances and code sections as was presented for the Gadsdenville application. Staff again noted that the Planning Commission's review of the property must be under the R-4 zoning requirements because that was the zoning in effect at the time the application was submitted. Planning Commission staff again recommended approval of the application because it complied with all the ZLDR's requirements.

Similar to the Gadsdenville application, the same representative spoke in support of the application and the same two community members spoke in opposition to the application. The community members' comments similarly expressed their dissatisfaction and concerns with the Theodore application. The commission did not discuss the application further, and the application was approved in a 7-1 vote.

On August 12, 2024, Appellant appealed the Planning Commission's decisions for both applications to the circuit court. The circuit court consolidated the appeals on January 29, 2025, and heard the appeal on February 27, 2025. The court affirmed the Planning Commission's decision, finding under the any evidence standard of review there was "ample evidence that the applications complied with the requirements of the ZLDR and Charleston County's Comprehensive Plan."

This appeal followed.

II. STANDARD OF REVIEW

A Planning Commission's decision "will not be upheld where it is based on errors of law, . . . or where there is no legal evidence to support it, or where the [Planning Commission] acts arbitrarily or unreasonably, . . . or where, in general, the [Planning Commission] has abused its discretion." *Peterson Outdoor Advert. v. City of Myrtle Beach*, 327 S.C. 230, 235, 489 S.E.2d 630, 633 (1997) (quoting *Hodge v. Pollock*, 223 S.C. 342, 348, 75 S.E.2d 752, 755 (1953)); *see also Kurschner v. City of Camden Plan. Comm'n*, 376 S.C. 165, 173-74, 656 S.E.2d 346, 351 (2008) (applying Zoning Board standard of review to a Planning Commission decision). Our court may not "substitute its judgment for that of the [Planning Commission], even if it disagrees with the decision." *Clear Channel Outdoor v. City of Myrtle Beach*, 372 S.C. 230, 234, 642 S.E.2d 565, 567 (2007).

III. LAW/ANALYSIS

Appellant argues the Planning Commission erred in failing to make specific legal and factual findings in support of its approval of the applications in violation of section 8.3.2 of the ZLDR. Appellant further argues the record of the hearing before the Planning Commission provides no evidence that it fulfilled its multi-prong review under the ZLDR and the Comprehensive Plan. We disagree.

Section 6-29-1150(B) requires that a Planning Commission keep "[a] record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained as a public record." Although not requiring the Commission to make written findings of fact and conclusions of law, this court has held that the record from the Commission proceedings must "provide a sufficient record to allow meaningful review of the Commission's . . . decision" and must assist in "discern[ing] the grounds for approval as required by section 6-29-1150(B)." *Old White Horse Road*, 447 S.C. at 658, 930 S.E.2d at 26.

During the hearings, staff presented the Planning Commission with: (1) recommendations from the Commission Staff and the HPC; (2) letters, petitions, and comments from community members; (3) maps showing the properties' current zoning designations, future land use designations, and FEMA flood zones; (4) images of the properties from street views to an aerial view; (5) the proposed plats; and (6) sections from the South Carolina Code, ZLDR, Historic Preservation Ordinances, and the Comprehensive Plan.

Following the staff's presentation, the Planning Commission discussed (1) Ten Mile's cadastral pattern, varying lot sizes, and historic home patterns; (2) Ten Mile's desire to maintain larger lot sizes in its community; (3) Ten Mile's request for an overlay district and for the Commission to begin reviewing a codified Area Character Analysis; and (4) the applications' proposed lot sizes in comparison to its current zoning requirements.

The circuit court held that the Planning Commission's discussion and review of the Cultural Elements constituted "ample evidence " that the applications complied with the ZLDR and the Comprehensive Plan. Appellant argues that being presented with the information is not sufficient. Rather, it argues the record must show that the Planning Commission actually considered the Comprehensive Plan and made specific findings as to the application's consistency with both the ZLDR and the Comprehensive Plan. Although this is a fair point, the members of the Planning Commission are not required to be attorneys or judges; it is not a legal body. Furthermore, the Comprehensive Plan addresses a number of elements in

addition to cultural resources, including economic development, land use, population, housing, and transportation. At times, these different elements may represent countervailing interests. The Planning Commission is tasked with considering each of these elements and not just the cultural resources element. Neither the ZLDR nor the Comprehensive Plan require the Planning Commission to make detailed findings or provide a written order justifying its decision, and we decline to adopt such a requirement. We find the record in this case is sufficient to allow meaningful review of the Planning Commission's decision and for this court to discern the Planning Commission's grounds for approval. *See Old White Horse Road*, 447 S.C. at 658, 930 S.E.2d at 26.

Appellant also argues that the aerial photographs and subdivision plats were insufficient evidence to support the Planning Commission's finding that Ten Mile lacked a cadastral pattern as those photos showed only current lot lines and development rather than the historic characteristics of the area. In other words, Appellant argues that the Planning Commission made a faulty interpretation of the aerial photographs.

Respondents argue that the aerial photographs contain some evidence of the historical pattern of the Ten Mile neighborhood and that this court may not weigh the evidence. We agree. Under our standard of review, the Planning Commission's findings of fact must be treated in the same manner as a finding of fact by a jury. *See* § 6-29-840; *see also Clear Channel Outdoor*, 372 S.C. at 234, 642 S.E.2d at 567 ("A court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision."); *Town of Hollywood v. Floyd*, 403 S.C. 466, 476, 744 S.E.2d 161, 166 (2013) ("By statute, the trial court must uphold a decision by the Planning Commission unless there is no evidence to support it. This [c]ourt will uphold the trial judge's decision unless it was based on error of law or is not supported by the evidence." (citations omitted)). We find there was evidence to support the Planning Commission's decision, and the circuit court committed no error in affirming the decision.

IV. CONCLUSION

For the above reasons, we affirm the circuit court's order upholding the Planning Commission's approval of these preliminary subdivision applications.

AFFIRMED.

THOMAS, KONDUROS, and CURTIS, JJ, concur.