

**RICHLAND COUNTY PLANNING COMMISSION**

July 7, 2008

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5 *[Members Present: Heather Cairns, Julius Murray, Enga Ward, Christopher Anderson,*  
6 *Deas Manning, Eugene Green, Elizabeth Mattos-Ward, Wes Furgess; Absent: Patrick*  
7 *Palmer]*

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9 CHAIRMAN MANNING: I'd like to read the public announcement. "In  
10 accordance with the Freedom of Information Act a copy of the agenda was sent to the  
11 radio and TV stations, newspapers, persons requesting notification, and posted on the  
12 bulletin board located in the lobby of the County Administration building." At this time I  
13 would like –

14 MR. FURGESS: Mr. Chairman, I would also mention for all them to cut off all the  
15 electronic devices.

16 CHAIRMAN MANNING: Yeah, that would be very helpful today, you know,  
17 we've got a lot of people here on a number of issues so if you have a cell phone or a  
18 beeper please cut it off. Thank you. Has everyone received a copy of the Minutes?  
19 Anybody make a motion?

20 MR. FURGESS: I make a motion that we accept the Minutes.

21 MR. MURRAY: Second.

22 CHAIRMAN MANNING: Got a motion and a second. All those in favor please  
23 raise your hand. All those opposed?

24 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
25 *Absent: Palmer]*

26 CHAIRMAN MANNING: Agenda amendments? Do we have any?

1 MS. ALMEIDA: Yes, sir, Mr. Chairman. Can you hear me now? The last map  
2 amendment which is the ordinance for the SERN, we're requesting that that be moved  
3 until after the first text amendment is heard because the text amendment obviously  
4 establishes the SERN and then the map amendment would follow.

5 CHAIRMAN MANNING: So you're saying we're gonna move the page 31 of  
6 SERN after the text amendments?

7 MS. ALMEIDA: Correct.

8 CHAIRMAN MANNING: Okay. Any other amendments –

9 MS. ALMEIDA: No, sir.

10 CHAIRMAN MANNING: - to the agenda?

11 MR. MURRAY: Mr. Chairman, I would like to move that we go into Executive  
12 Session for a very short period of time, please.

13 CHAIRMAN MANNING: We have a motion to go into Executive Session. Do we  
14 need to state a reason?

15 MS. LINDER: I was just gonna – yeah, if you could state the reason for the  
16 Record, please.

17 MR. MURRAY: For clarification.

18 MS. LINDER: You could receive legal advice, is that what you're asking for?

19 MR. MURRAY: Yes.

20 MS. LINDER: Okay. It would be an Executive Session for the receipt of legal  
21 advice.

22 CHAIRMAN MANNING: Okay. Do we need to make that in the form of a  
23 motion?

1 MS. LINDER: To place it on the agenda somewhere, yes.

2 CHAIRMAN MANNING: Mr. Murray, do you have a place that you would like to  
3 have that heard?

4 MR. MURRAY: Right now.

5 CHAIRMAN MANNING: Good enough.

6 MR. GREEN: Second.

7 CHAIRMAN MANNING: Got a motion and second. All in favor?

8 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
9 *Absent: Palmer]*

10 CHAIRMAN MANNING: We will adjourn.

11 *[Executive Session]*

12 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive  
13 Session to receive legal advice and no action was taken in that meeting.

14 CHAIRMAN MANNING: Thank you, ma'am. The first map amendment today is  
15 Case No. 08-09 MA.

16 **CASE NO. 08-09 MA:**

17 MS. ALMEIDA: Mr. Chairman, the applicant is Oliver Mack. The acreage is 2.0.  
18 The request is going from RU to RC. If you recall, this application was brought before  
19 you approximately two meetings prior. It was a larger site and it has been subdivided  
20 into two, two-acre sites. The site is located on Bluff Road. Bluff Road's Level of  
21 Service is B. Staff has been out to the surrounding area which as you can see from the  
22 zoning map is basically rural. The site is approximately 650' from the intersection of  
23 Bluff Road and Old Bluff Road and Staff is recommending denial.

1 CHAIRMAN MANNING: Any discussion or questions for Staff?

2 MR. FURGESS: I have a question for Staff. Anna, this was brought to us before  
3 about three or four months ago, wasn't it?

4 MS. ALMEIDA: Correct.

5 MR. FURGESS: Okay. Could you enlighten me on why we denied the – why it  
6 was denied the first time?

7 MS. ALMEIDA: Well, Staff's recommendation of denial was basically based on  
8 the map before you. The area's basically rural in nature. There are some uses out  
9 there but they are non-conforming uses. The actual sites were not rezoned. Staff has  
10 to look at the comprehensive plan and the zoning map and base their decisions on that  
11 on that and the level of service. Staff felt that this is premature at this time.

12 MR. FURGESS: And this [inaudible] has been cut down instead of five acres to  
13 two acres; right?

14 MS. ALMEIDA: Yes, sir. Yes.

15 CHAIRMAN MANNING: I think at that time we asked Staff to see if there was a  
16 zoning classification other than rural that would be an applicable intended use  
17 [inaudible].

18 MS. ALMEIDA: Being that the applicant's proposed use, Rural Commercial, was  
19 indeed the less intrusive.

20 MR. GREEN: Anna. Just one quick question. The site's been subdivided –

21 MS. ALMEIDA: Correct.

22 MR. GREEN: - since we met last. I would – it has no, no portion of the site that  
23 has access to Bluff Road other than through an easement?

1 MS. ALMEIDA: Correct.

2 MR. GREEN: So there's no dedicated other than easement?

3 MS. ALMEIDA: Correct.

4 MR. MURRAY: I think that the tract of land is adjacent to the land in which the  
5 applicant already own, and all of that light colored land within the perimeters of that and  
6 that next door, you know, where the site's located belong to the young man.

7 MS. ALMEIDA: The adjacent lot.

8 MR. MURRAY: Yeah.

9 MS. ALMEIDA: Yes.

10 CHAIRMAN MANNING: Anna, then why was a note, I think Mr. Mack was to  
11 come to meet with you all to discuss [inaudible] from a zoning standpoint?

12 MS. ALMEIDA: The options.

13 CHAIRMAN MANNING: Yeah, the options. Did anyone point out that there was  
14 no access and I don't think that you could subdivide without having legal access.

15 MS. ALMEIDA: He allowed a 50' easement.

16 CHAIRMAN MANNING: Oh, he did?

17 MS. ALMEIDA: Absolutely.

18 CHAIRMAN MANNING: Okay. All right.

19 MS. ALMEIDA: He subdivided properly. Yeah.

20 CHAIRMAN MANNING: Thank you.

21 MR. MURRAY: My concern with that location is from Adams Pond on Bluff Road  
22 48 to Wateree there's no other business like the business in which the applicant is  
23 applying for and there is a need for that kind of business. Those of you who've gone

1 down Bluff Road know that from the stadium down to Westinghouse it's, you know, you  
2 have a lot of houses being built and a bakery and things of that nature but from Atlas  
3 Road to Wateree there's nothing on the road but a few houses. And when you get  
4 down to the little fork that's the Old Bluff Road and there's nothing too much that's going  
5 to go down there because the federal government has almost purchased all of the land  
6 down there except Mr. Burnside, myself, and about maybe 15 more households and  
7 that's it. So there is a need and I've had to utilize the services two times within the last  
8 two months. You look at his house you see that it's clean, very well built, the yard taken  
9 care of so there's not going to be nothing junky down there, you know. People they're  
10 proud of their homes so they take care of them in that area.

11 CHAIRMAN MANNING: Any other questions of Staff? We've got signed up to  
12 speak Mr. Oliver Mack. If you'd state your name and address I'd appreciate it.

13 **TESTIMONY OF OLIVER MACK:**

14 MR. MACK: Good afternoon, ladies and gentlemen. My name's Oliver Mack  
15 [inaudible]. I just have a few questions for Staff [inaudible].

16 MR. FURGESS: Sir, could you wait a minute? There's a lot of static coming  
17 [inaudible].

18 MR. MACK: Last hearing I was told to scale down my project because it was too  
19 big, because it would allow room for a service station or a gas station, etc. So I was told  
20 to subdivide it into two separate parcels which I did which ended up costing me about  
21 \$2,000. My question to the Planning Staff is why was I told to subdivide without  
22 knowing it really didn't matter?

1 CHAIRMAN MANNING: Mr. Mack, I'd like for you to direct the questions to the  
2 Commission if at all possible.

3 MR. MACK: All right.

4 CHAIRMAN MANNING: And I can't answer that question.

5 MR. MACK: Yeah.

6 CHAIRMAN MANNING: I would hope that if you had made an application and  
7 subdivided your property they would tell you that it is allowable or not allowable under  
8 the Code.

9 MR. MACK: Yes, sir.

10 CHAIRMAN MANNING: And then they make a recommendation to us. We are a  
11 recommending Body to the Council and we can take their recommendations or not.

12 MR. MACK: Yes, sir.

13 CHAIRMAN MANNING: So Staff numerous times makes recommendations that  
14 we don't follow.

15 MR. MACK: Yes.

16 CHAIRMAN MANNING: Sometimes, and most of the time we do but I would  
17 hope that they outlined to you what was permissible under the Code and what wasn't.

18 MR. MACK: Yes, sir. Another question. This time I received a ruling in the mail  
19 that was to me they saying it's denied. Last time I didn't receive anything so to me it  
20 sent a clear message for me to stop with the project. That's the way I feel about it.

21 CHAIRMAN MANNING: Anna?

22 MS. ALMEIDA: The, if you recall Planning Commission -

23 MR. GREEN: Could you pull that a little closer?

1 MS. ALMEIDA: I'm sorry. Planning Commission had given some options and  
2 one of the options was that possibly if the project was scaled down. The other was  
3 instead of denial that would obviously not allow the applicant to reapply for a year; it  
4 was deferred until such time if the applicant chose to subdivide.

5 CHAIRMAN MANNING: Mr. Mack, do you understand –

6 MR. MACK: Yes.

7 CHAIRMAN MANNING: - the process? Had you been denied you would not be  
8 back here today.

9 MR. MACK: Yes, sir.

10 CHAIRMAN MANNING: And it was apparent at the last meeting that the five  
11 acre rezoning was not going to pass and we made some recommendations to further  
12 the discussion which would be to scale the project down and then bring it back and see  
13 what happens.

14 MR. MACK: Yes, sir. Next question. Do any of you live in the community? I  
15 mean, if you don't live in the community how do you know what's best for the  
16 community? I mean, if -

17 CHAIRMAN MANNING: Well, and that's a good point. We just hear from Mr.  
18 Murray as to what he thought was needed in the area and we as Commissioners need  
19 to take the time and effort to go around and try to educate ourselves to those same kind  
20 of things. So I can't speak for the rest of the Commission but I'm very familiar with  
21 [inaudible].

22 MR. MACK: Yes, sir.

1 MR. GREEN: Mr. Mack, could you provide us just some further explanation or  
2 description of what you're at least initial intent is from a business standpoint on the site?

3 MR. MACK: It's just I own a small towing business basically I run it out of my  
4 house. I dispatch towing out of my house right now. All I wanted was a garage where I  
5 would have a place of business, you know, I won't have to, you know, conduct business  
6 out of my house. And I wanted a garage and an office, you know, a garage/an office  
7 where I could, you know, do like little small minor repairs and when, you know,  
8 somebody break down I could come back, I could change tires and do little minor things  
9 and also, I mean, with my towing, you know, they're saying I can't park my truck in my  
10 yard because it's not a place of business and all that kind of stuff. That way I could park  
11 my truck there and, you know, have like an establishment, a business establishment.  
12 But it wasn't that large, it's just a small business.

13 CHAIRMAN MANNING: Any other questions for Mr. Mack?

14 MR. MACK: Yeah. One more. So with the remaining property I have in front of  
15 all that frontage I have there like two acres and I cut the back of it off, right? Would you  
16 please you if I planted corn, soy beans or cotton so it would amuse you when you drive  
17 through the countryside and see all that out front? I mean, would that please ya'll?  
18 Because I've got two and a half, about two and a half acres of frontage there because  
19 all [inaudible] was in the rear of that property.

20 CHAIRMAN MANNING: Mr. Mack, it might be pleasing to some but I don't think  
21 that's the issue we really discussing. I mean, if you want to plant –

22 MR. MACK: Yes.

1 CHAIRMAN MANNING: - corn and soy beans down there and you've got a rural  
2 zoning you can go do it.

3 MR. MACK: No, the reason I said because it was brought up when we did the  
4 little subdividing thing somebody made the comment about when you drive through this  
5 country all you want to see is just trees and, you know, stuff like that. I mean, they don't  
6 want to see any business. That's why the comprehensive plan 20/20 was developed  
7 and that's just why I wanted to make that clear, you know.

8 MR. MURRAY: It was probably referring to someone saying something about a  
9 buffer.

10 MR. MACK: Yeah.

11 MR. MURRAY: But you're almost ready for the timing now? You have another  
12 tour?

13 MR. MACK: Yeah. Yes, sir.

14 MR. MURRAY: Iraq or someplace? When are you supposed to leave?

15 MR. MACK: February.

16 MR. MURRAY: In February. And you had planned to have that shop built by  
17 then?

18 MR. MACK: Yes, sir.

19 MR. MURRAY: And you're preparing for retirement [inaudible]?

20 MR. MACK: Oh, yes. Yes, sir.

21 MR. MURRAY: Okay.

22 CHAIRMAN MANNING: Thank you, Mr. Mack.

23 MR. MACK: All right. [Inaudible]

1 CHAIRMAN MANNING: That concludes the public input for that particular case.  
2 Any other questions for Staff or discussion?

3 MR. ANDERSON: The kennel business to the north? I guess that would be  
4 page five, just the northern, that northern house with a road running through it? And a  
5 kennel business, I mean, is –

6 MS. ALMEIDA: It's a legal non-conforming prior to zoning.

7 CHAIRMAN MANNING: I am familiar with Bluff Road and if the property could  
8 possibly be buffered so it didn't interfere with other people's uses I think it would be  
9 something that's needed in the area. I hate to see a five-acre parcel of land not be put  
10 to good use except for what he lives on. That's a big investment for him and I think that  
11 it's certainly something that we should consider but I'm not here to make the motion.  
12 I'm just saying I think there is a need for that type of use [inaudible].

13 MR. MURRAY: I would move that it be sent to County Council for recommend  
14 approval on the existing site.

15 CHAIRMAN MANNING: Got a motion on the floor.

16 MR. GREEN: Second.

17 CHAIRMAN MANNING: Motion and a second. All those in favor please raise  
18 your hand. All those opposed?

19 *[Approved: Murray, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*

20 *Opposed: Cairns; Absent: Palmer]*

21 CHAIRMAN MANNING: Since we approved something that was [inaudible] staff,  
22 Mr. Murray, we need to make a comment as to why you offered the motion.

1 MR. MURRAY: Okay. Well, I made the motion because it is something that's  
2 needed in our community. I have lived in that area for 30 years and I live near the  
3 swamp back on the Old Bluff Road and I travel that way every day to and from  
4 Columbia. And it would be an asset to us in the community and it would be, I'm sure it  
5 would be more attractive than what we have right now. We have a juke joint named  
6 Juanita's or something down there on the right.

7 CHAIRMAN MANNING: [Inaudible] places?

8 MR. MURRAY: Yeah. And they do have their shooting match.

9 CHAIRMAN MANNING: - make an improvement [inaudible]

10 MR. MURRAY: [inaudible]

11 CHAIRMAN MANNING: - the area?

12 MR. GREEN: Mr. Chairman, just as a quick note to that. You know, my vote is  
13 in part based on the fact that while automobile towing can be done in an RC district you  
14 cannot store automobiles in an RC district so that would alleviate one concern. The  
15 second is that major automobile repairs is not permitted in an RC district, only minor  
16 repair. So with those two uses left out of the RC classification I felt more comfortable  
17 voting for the motion.

18 CHAIRMAN MANNING: Now does that take care of that?

19 MS. LINDER: Mr. Chairman, [inaudible] Record I didn't catch the vote. Was it a  
20 six-one vote?

21 CHAIRMAN MANNING: Six-one, I believe.

22 MS. LINDER: One person did not vote?

23 CHAIRMAN MANNING: I believe everybody.

1 MS. LINDER: Was it six-two or a seven-one?

2 MR. GREEN: Seven-one.

3 CHAIRMAN MANNING: Seven-one.

4 MS. LINDER: Seven-one vote? Thank you.

5 CHAIRMAN MANNING: Next on the agenda, Case No. 08-21.

6 **CASE NO. 08-21 MA:**

7 MS. ALMEIDA: Mr. Chairman, the applicant's name is Mr. Richard Gates. The  
8 location is 2304 Neese Road. The acreage is 5.11. The existing zoning is RM-HD and  
9 the request is to go to LI. This is unique in that one of the sites where the arrow is  
10 pointing, the one to the south is lot six. It is zoned General Commercial. There's an  
11 existing church on the site. The site lot seven which is RM-HD in the brown is a vacant  
12 lot. Neese Road is an unpaved two-lane county maintained road which recently will be  
13 hopefully upgraded and repaved soon into the future. We have the existing Angel  
14 Gardens to the northwest which is due to pave some of the road, not the entire road.  
15 This is off of Decker Boulevard. Basically the area is surrounded by medical offices,  
16 storage facilities, Decker Mall. The office institutional request would act as a transition  
17 zone between the contiguous residential multi-family high density which is Angel  
18 Gardens subdivision and that has been approved for expansion of three additional  
19 phases of 165 lots on 18 acres. The various Levels of Service is D and C for the  
20 roadways. However, as I said Neese Road will be required to be improved. The  
21 location of community services to support the existing and planned residential is an  
22 integral part of the supporting neighborhood, and Staff recommends approval.

1 CHAIRMAN MANNING: Any questions of Staff? Anna, I did have one. Lot six  
2 has, six is going to be down zoned from commercial to LI; correct?

3 MS. ALMEIDA: Correct.

4 CHAIRMAN MANNING: The road frontage for Angel Gardenway is that Decker?

5 MS. ALMEIDA: No. That's Neese Road.

6 CHAIRMAN MANNING: So Neese comes all the way through to –

7 MS. ALMEIDA: Brookfield.

8 CHAIRMAN MANNING: - Brookfield?

9 MS. ALMEIDA: Correct.

10 CHAIRMAN MANNING: Unpaved from Brookfield back to Decker Park?

11 MS. ALMEIDA: It's paved but the pavement is broken and as you travel further  
12 northwest into Neese Road the road is in worse repair. You can tell there's pavement  
13 but it's more gravel and it needs to be repaved.

14 MR. FURGESS: Anna, I have a question. The hotel that we voted on was  
15 supposed to go on the west side and this is on the east side near Penny's? The hotel  
16 that we discussed several months ago that was supposed to be built by the theater?

17 MS. ALMEIDA: That's further south.

18 MR. GREEN: That's in a different area.

19 MS. ALMEIDA: Yeah.

20 MR. FURGESS: It is? I thought that was in the same area too.

21 CHAIRMAN MANNING: That's at Village.

22 MR. GREEN: That's the next case we've got.

23 MR. FURGESS: Oh, I'm sorry. I'm ahead of the game. Thank you.

1 CHAIRMAN MANNING: Any other questions?

2 MR. GREEN: The purpose of the rezoning is to accommodate a church?

3 MS. ALMEIDA: Actually it's part of the church; they're proposing a day care.

4 CHAIRMAN MANNING: There's no one here to speak for or against.

5 MS. ALMEIDA: I believe the applicant is here.

6 CHAIRMAN MANNING: Is the applicant here? Excuse me, I'm sorry. Richard  
7 Gates would you come to the podium? Your name and address, please.

8 **TESTIMONY OF RICHARD GATES:**

9 MR. GATES: My name and address. My name is Richard Gates. My address is  
10 117 Hayes Street in Gilbert, South Carolina.

11 CHAIRMAN MANNING: Thank you, sir. Do you have any comments to offer us  
12 about the rezoning?

13 MR. GATES: None except that I can see where it would possibly be a good  
14 benefit to that Angel area that would be developed soon and when that's done I'm  
15 informed that the road will be paved, Neese Road will be paved then. In our school, a  
16 private school and church combined is just wanting to expand is what that's going to be,  
17 and possibly a day care in there that may accommodate some of the people that are  
18 going to be living in that Angel area.

19 CHAIRMAN MANNING: Thank you. That concludes the speakers. Any  
20 questions of Staff?

21 MR. ANDERSON: Mr. Chair, based on the Staff's recommendation I don't see  
22 any reason to - I actually make a motion that we approve Case No. 08-21 MA.

23 MS. MATTOS-WARD: Second.

1 CHAIRMAN MANNING: Got a motion and a second. All those in favor please  
2 raise your hand. All those opposed?

3 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
4 *Absent: Palmer]*

5 CHAIRMAN MANNING: Case No. 08-22 MA. Before we start, I need to read  
6 this into -

7 MS. LINDER: Mr. Chairman, you're going to read the recusal?

8 CHAIRMAN MANNING: I need to read this into the Record. "Dear Mr. Manning:  
9 I must request to be excused from participating in discussion or voting on agenda item  
10 number 08-22 MA regarding Village at Sandhill which is scheduled for review and/or  
11 discussion at today's Planning Commission meeting. It is my understanding of the rules  
12 of conduct provisions of the Ethics, Government Accountability and Campaign Reform  
13 laws that I am the project engineer for this project and will be unable to participate in  
14 this matter through discussion or voting. I would therefore respectfully request that you  
15 indicate for the Record that I did not participate in any discussion or vote relating to this  
16 item presenting a potential conflict of interest. I would further request that you allow and  
17 direct this letter to be printed as a part of the official Minutes and excuse me from such  
18 votes and deliberation and note such in the minutes. Thank you for your consideration  
19 in this matter. Enga Ward." Okay, Anna?

20 **CASE NO. 08-22 MA:**

21 MS. ALMEIDA: Mr. Chairman, the applicant is the Village at Sandhills, Mr. Kahn  
22 Development. This application is approximately a quarter acre, .25. The site is located  
23 on the interior of the development within the Village at Sandhills, parcel five and seven

1 on either corners of Forum Drive and Fashion Place Drive, and Forum Drive and Town  
2 Center Place. Of course all the roads within the Village will be maintained by the county  
3 until such time as they're turned over. Just like in previous requests this applicant is  
4 under a Development Agreement which basically stipulates that the amount of land to  
5 be rezoned must be in equal ratios and they are doing that. They would like C-1 which  
6 is lot five, and C-3 which is lot seven to be rezoned, actually switching them out. Lot  
7 five from C-1 to C-3 and lot seven from C-3 to C-1 in equal amounts. As you're aware  
8 this is a site of mixed-use, residential, retail, office, institutional and approximately 298  
9 acres, and Staff is recommending approval.

10 CHAIRMAN MANNING: Thank you. Any questions?

11 MS. CAIRNS: I have a quick question. So it's the whole swap thing. I guess the  
12 one that's currently – oh, I know the answer; it's okay.

13 MR. GREEN: Just a quick question. Is there no level of the swapping that they  
14 need to do ever administratively only reviewed?

15 MS. ALMEIDA: No. Because technically swapping is a map amendment and we  
16 do not have that authorization.

17 MS. CAIRNS: One of the comments in the conclusion talks about the swapping  
18 involves net leaseable area of commercial use. Certainly it's not, I mean, it looks like  
19 what's being zoned, like currently we have C-3 that's a parking lot being requested to be  
20 rezoned to C-1?

21 MS. ALMEIDA: Right.

22 MS. CAIRNS: Which will not affect the net leaseable area?

23 MS. ALMEIDA: No.

1 MS. CAIRNS: But so we're taking a piece of dirt and moving it from C-1 to C-3. I  
2 guess the amount of area [inaudible]?

3 MS. ALMEIDA: Correct.

4 MS. CAIRNS: Okay.

5 MS. ALMEIDA: There are different stipulations. It has to be a one-to-one net  
6 leaseable commercial and maybe to help you out I can give you a copy of the actual  
7 Development Agreement which is somewhat lengthy but would probably give you a  
8 better perspective.

9 MS. CAIRNS: Yeah. I guess maybe just the quick question of what is the C-3  
10 allow that, I mean, is there any more square foot – C-3 allows the same amount of  
11 square footage as C-1.

12 MS. ALMEIDA: Yes. It's just the uses.

13 MS. CAIRNS: Okay.

14 CHAIRMAN MANNING: Signed up to speak we have Gene Dinkins.

15 **TESTIMONY OF GENE DINKINS:**

16 MR. DINKINS: Thank you, Mr. Chairman, Members of the Planning  
17 Commission. I'm Gene Dinkins with Cox & Dinkins Engineers and as has been stated  
18 this is a swap of approximately .25 acre from C-3 to C-1 and vice versa which is in  
19 conformance with the Development Agreement that was signed on March 20<sup>th</sup> of 2001.  
20 We have used this process on several previous occasions and in this particular instance  
21 we have a specific use, a Best Buy store that the footprint just doesn't exactly conform  
22 to the conforming C-3 and in order to make it fit we are going to, per the Development

1 Agreement, swap that out from C-1 to C-3 to make the building fit. And be glad to  
2 answer any other questions about it if you'd like.

3 CHAIRMAN MANNING: Any questions for Mr. Dinkins? Thank you, sir.

4 MR. DINKINS: Okay. Thank you.

5 MR. GREEN: Mr. Chairman, this is a pretty straight forward rezoning and we've  
6 done this on a number of occasions with swaps. I would move that we send this  
7 forward with a recommendation of approval.

8 MR. ANDERSON: Second.

9 CHAIRMAN MANNING: We have a motion for approval and a second. All those  
10 in favor please raise your hand. All opposed?

11 *[Approved: Cairns, Murray, Anderson, Manning, Green, Mattos-Ward, Furgess;*

12 *Recused: Ward; Absent: Palmer]*

13 MR. DINKINS: Thank you.

14 CHAIRMAN MANNING: Take up the section seven first in the text amendments.

15 MS. ALMEIDA: Mr. Chairman, we have our consultant here and our  
16 neighborhood planner, Ms. Tia Rutherford, to make a presentation on the next item.

17 CHAIRMAN MANNING: Okay. Thank you.

18 MS. RUTHERFORD: Good afternoon. I'm Tia Rutherford, Neighborhood  
19 Planner, Richland County Government. I want to thank everyone for coming out this  
20 afternoon to hear the Southeast Richland Neighborhood District. This district came  
21 about out of necessity for the Southeast Master Plan. Today we have John Cock with  
22 the Lawrence Group to do a presentation for you on the district and to answer any  
23 questions you may have. I do want to say if there's anyone in the audience here who

1 has not or who does not have a copy of that ordinance or map please raise your hand  
2 so we can get that to you. Okay.

3 MR. COCK: All right. Good afternoon, and Staff asked us to give us a brief  
4 overview of the proposed text amendment for your consideration and what we are,  
5 we've been asked to do. Am I pushing the wrong button? There we go. Is to develop  
6 some regulatory text for implementation of the Southeast Richland Master Plan which  
7 was approved, finished in 2005 and approved in 2006 if I'm not mistaken. Well. Are  
8 you forwarding it? That's not it. Okay. Huh! [Inaudible] hit these blue buttons. That  
9 one's down. Okay. Okay. So the plan area is the mile radius around Lower Richland  
10 Boulevard and Garners Ferry Road and the plan, the vision statement that came out of  
11 that plan was for a mixture of housing types and prices, commercial uses, public  
12 amenities, balancing the need to grow with a desire to preserve the unique character of  
13 the community. As part of the public input process on that plan a number of desired  
14 community elements were brought up by stakeholders in that area including improving  
15 infrastructure for transportation but also for civic amenities such as schools but also at  
16 the same time maintaining the rural quality, providing new services, opportunities for  
17 recreation and for improving water quality; all of the kinds of things that folks want for  
18 their communities generally. Some of the specific plan recommendations had to do with  
19 buffers along creeks and the Carolina Bays, buffers of a visual nature along the major  
20 roadways to prevent the at least visually strip commercial development, preserving  
21 woodlands, and connecting development in the area with new roads. And the master  
22 plan, the conceptual master plan shows higher density, mixed used development  
23 around the central core, around the primary intersection, connected green spaces, and

1 then a kind of a tapering off of development intensity and type as you get towards the  
2 outer edges of the plan area. So that the most intense area of development would be  
3 around that primary intersection with at least in the conceptual plan a mixture of uses,  
4 residential, commercial and institutional. And so what we've done at the request of Staff  
5 for your consideration is to draft some regulatory language that would begin to  
6 implement that vision. And so the purpose of the text amendment would be of course to  
7 implement the master plan and promote some of the vision elements, housing options,  
8 mixture of uses, transportation choices, protecting rural character and providing parks  
9 and open spaces. The format of the text amendment is that of a form-based code  
10 where the form of development is given primacy over the uses although uses are still  
11 regulated but there is a greater emphasis on a mixture of uses and promoting  
12 compatibility in different areas, different contact zones and providing greater emphasis  
13 on the public realm, the streetscapes and the public spaces. The text amendment  
14 proposes to divide the area into three contact zones, three sub-districts, a lower  
15 intensity primarily residential district that we're calling SERN one. It would essentially  
16 allow the types of uses that are found in the lower density residential type developments  
17 but also townhouses and civic uses, churches, schools, those types of things. The  
18 SERN two district which would allow a slightly greater intensity and type of use and  
19 would allow commercial types of uses on major roadway frontages only but in order to  
20 provide the kinds of neighborhood services that would be appropriate for higher density,  
21 residential areas. And finally the neighborhood center district, the SERN three which  
22 would be where your most intensive mixed use and commercial development would go  
23 and essentially the types of uses that are permitted today in your GC and OI districts.

1 And so you see the proposed map with roughly the first quarter mile in the center of the  
2 district is the SERN three. Out from that, you know, roughly a half-mile radius but trying  
3 to respect some property boundaries would be the SERN two and then as you get to the  
4 outer edges of the plan area proposed for SERN three – one rather. Sorry, right, the  
5 lowest intensity, the more residential to match the existing residential that bounds the  
6 area and this is the same graphic over the aerial. There are no maximum densities  
7 proposed, only development standards such as setbacks and heights that would limit  
8 density. The height limitations are at the lowest in SERN one, three stories and at the  
9 most five stories in SERN three with an option for an additional story in the SERN three  
10 district for having 100% of parking behind a primary building. Building setbacks are  
11 based on the context and the type of development and range anywhere from zero feet  
12 basically right at the right-of-way for mixed used and commercial type development to  
13 50' along some of the major roads and in some neighborhoods. The text does not  
14 propose any buffers within the district but does propose that there would be screening  
15 buffers between lower impact residential uses and agricultural uses that are outside of  
16 the district. The text amendment requires some open space based on the amount of  
17 residential development and this is on a sliding scale based on both the type of  
18 development and the proximity to existing public open space so that as your  
19 development gets more urban, less open space is required and as you're closer to  
20 existing public open space you are required to provide less. The text also proposes to  
21 allow some of that open space to count on the view corridors along the major  
22 thoroughfares as you get out a half a mile from the center of the district and there are  
23 design standards for the open space. The view corridor provisions are essentially a

1 telescoping view corridor along Lower Richland and Garners Ferry that gets wider as  
2 you get further away from that intersection so for the first 1,000' that view corridor is  
3 essentially – it's a visual buffer, a screening is 25' and as you get towards the edge of  
4 the district it becomes 125' in width with the intent of maintaining the, kind of the rural  
5 character along those roadways. There are water quality requirements in the text  
6 amendments including provision of 50' buffers along streams, 200' buffers along  
7 existing Carolina Bays and limiting the types of uses in floodplains or near streams and  
8 then the text amendments also require/encourage low impact development methods for  
9 water quality and water quantity measures. Parking standards are generally reduced.  
10 We have written in the draft text amendment proposed minimums and maximums for all  
11 uses allowing on-street parking to count towards the minimum standards and then  
12 providing some incentives for allowing some low-impact development techniques such  
13 as bio-swales and bio-retention areas to count double as open space as well as the  
14 required landscaping in parking lots and to reduce the amount of space that is required  
15 for asphalt in parking lots. Streets in the text amendments are, in the developments  
16 rather are required to interconnect based on the size of the development and to  
17 generally conform to the street layout shown in the master plan. There are driveway  
18 spacing standards and requirements for the types of amenities along streets,  
19 streetscapes, planting strip, street lighting, and traffic management plans for  
20 developments of a certain size. The threshold is essentially 3,000 vehicle trips a day.  
21 And also context sensitive streetscape requirements so that in areas where residential  
22 densities are relatively low things like curb and gutter would not be required. Sidewalk  
23 requirements are also context based so that in lower density residential areas the width

1 would be five feet in areas proposed for mixed use on street retail with outdoor dining  
2 you would need to provide 16'. Signage is proposed to be primarily for ground mounted  
3 signs and there is incentive written into the ordinance for allowing more signage for  
4 certain amenities such as stone on the signage. There are a number of uses that are  
5 proposed to be disallowed in this district. Those uses that were viewed to be not  
6 necessarily good neighbors with residential neighborhood type development and then a  
7 number of uses that are proposed to have special requirements over and above what is  
8 currently in the ordinance. And some of the special requirements of note, multi-family  
9 and two-family dwellings are generally more allowed than under the current use districts  
10 but the text amendment provides for not more than 50% of any residential development  
11 to be multi-family or two-family in the SERN one and SERN two districts and that multi-  
12 family would not be allowed more than 500', closer than 500' from the outer district  
13 boundary. Bars and drinking places would not be allowed closer than 400' from any  
14 residential, existing residentially zoned district. The drive-through windows would be at  
15 the rear of buildings and that commercial uses would be limited in square footage with  
16 the intent of trying to scale commercial development to a more neighborhood oriented  
17 size. So that's the general overview and I would be happy to entertain questions.

18 CHAIRMAN MANNING: When did y'all begin [inaudible] the regulatory text  
19 process?

20 MR. COCK: If I'm not mistaken another consultant actually began this process  
21 soon after completing the master plan and then we were asked to complete it late last  
22 year, late 2007.

23 CHAIRMAN MANNING: 2007?

1 MR. COCK: Yes, sir.

2 CHAIRMAN MANNING: So we basically started this process in 2004, the  
3 Commission adopted the conceptual plan in 2005, and here we are four years later?

4 MR. COCK: Yes, sir.

5 CHAIRMAN MANNING: It's an awful long process. Is that typical?

6 MR. COCK: It's not atypical I would say, unfortunately.

7 MR. GREEN: A quick question. Did anybody in the consultant team that drafted  
8 this document participate in the public meetings that were held with the local property  
9 owners and residents?

10 MR. COCK: The short answer is no. We were asked to finish something that  
11 another consultant started.

12 CHAIRMAN MANNING: And these would be your recommendations or the  
13 Staff's recommendations back to us?

14 MR. COCK: Well, these are our recommendations as modified by Staff, as  
15 reviewed and modified by Staff. Yes, sir.

16 CHAIRMAN MANNING: Obviously you have a template that you work from in  
17 other areas as is modeled?

18 MR. COCK: Yes, sir.

19 CHAIRMAN MANNING: Any other communities that we [inaudible] aware of?

20 MR. COCK: Well, you have, you approved the CRD district which is proposed  
21 for application on Decker Boulevard earlier this year, perhaps late last year; we worked  
22 on that text language as well. But we have, there's a great deal of experience with this  
23 type of, these types of regulatory provisions.

1 CHAIRMAN MANNING: Neighboring communities not [inaudible] Richland  
2 County but –

3 MR. COCK: You know, I think the closest pocket of communities that are using  
4 this type of regulatory system are in the area north of Charlotte and the communities of  
5 north Mecklenburg and south [inaudible] County; Huntersville, Cornelius, Davidson.

6 CHAIRMAN MANNING: Do you find what works in one works in another or do  
7 you have to adapt it to the community?

8 MR. COCK: Well, they have to be very highly adapted and, you know, this one is  
9 very highly adapted to what we saw as the outcome of the master plan so there's  
10 certain things that we have written here that certainly would not be appropriate in other  
11 locations.

12 CHAIRMAN MANNING: Any other questions?

13 MR. GREEN: Mr. Chairman, I'm just curious as to kind of how we're going to  
14 walk through this. I mean, there's an awful lot of material here, you know, some of it I  
15 may or may not agree with, some of it I just have questions about. I didn't know  
16 whether we're going to walk through detailed, I don't know how you're going to proceed  
17 with that. And I know we have a number of folks here so.

18 CHAIRMAN MANNING: Right. Well, you know, I think going back to when we  
19 approved the conceptual plan we all knew the devil was going to be in the details. The  
20 devil has arrived. We've got a lot of work to do. There's 60 pages of uses, special  
21 requirements, exceptions, things that you can't do, you can do, and then there's a lot of  
22 things we need to get clarification on and I would hope that in an effort to do it right and  
23 as quickly as possible that we try to schedule a work session to debate line by line but I

1 don't think it's appropriate to do that here today. I do want to hear from the community,  
2 anybody who, we've got a number of people signed up against. I don't see anybody  
3 here for but I'm sure there are some people in the audience that are here for and we'd  
4 certainly allow you the opportunity to speak. This being the first master plan to go  
5 through the full process I think we do need to do it right. I had hoped that we would  
6 have gotten it done a little bit quicker just because you forget where you started from  
7 [inaudible] case. I called earlier, well in the last June meeting I requested the Minutes of  
8 the public hearing which we've been unable to find. So I'd like to see that to go back to  
9 comments that the public made so that we can understand the intent of what we  
10 [inaudible] approve. I mean, I think I know but I want to make sure I know and I want to  
11 make sure that people who own property in that area know as well. I assume that the  
12 60 pages we've got or the text amendments we've gotten all the landowners in the area  
13 have also been provided with that. And I guess that's a question for Staff. Or is that  
14 something we need to [inaudible]?

15 MR. KOCY: We did manage to find the Minutes and we have copies for all of  
16 you today. We printed copies. We tried to email copies to you last week and we had  
17 difficulties for a couple of your email systems because it is a lengthy document and of  
18 course –

19 CHAIRMAN MANNING: If you mailed it, I mean, the minutes that I got only  
20 reflected the discussion on the day we approved it. It doesn't have the public input that  
21 was really what I was trying to look at to see the discussion between the community and  
22 the consultants and us not the day we approved the –

23 MR. KOCY: We'll keep looking for those.

1 CHAIRMAN MANNING: Okay. So to answer your question Mr. Green I would  
2 hope that we, everybody would agree that we're going to need some time to pursue this  
3 through some work sessions, at least one if not more, and get some comments from the  
4 community. Any other questions of Staff or Mr. Cock? I'm sure we're going to come  
5 back some but at this point I think maybe we ought to go ahead and have some public  
6 comment.

7 MR. ANDERSON: Mr. W. B. Kauric.

8 **TESTIMONY OF W.B. KAURIC:**

9 MR. KAURIC: That's relatively new. I'm Bill Kauric. My wife is Dr. Kauric. She'll  
10 be right back. What brought us here are two pieces of property, 9355 Garners Ferry  
11 Road and 9367 Garners Ferry Road. One is a piece of property we've been involved  
12 with since '81 when my wife first rented it for a couple years and then bought it in '83.  
13 She has been practicing until two years ago in that place and now we lease it to Dr.  
14 Battle who hopefully with continue on with it. Several years ago there was another  
15 planning process and I went and met with staff and they said we're not changing  
16 anything you're doing in your property. But if you look at, however you pronounce it,  
17 SERN one they say that vet, veterinary clinic, kennels and the kennels were there a  
18 couple years before we bought it. They go back into the late '70s when we took it over.  
19 We've been there, been providing jobs, paying taxes, and paying mortgages. The  
20 adjacent property to it we acquired somewhere between 10 and 15 years ago right after  
21 Mr. Smith who was our postal carrier out our way died and we bought it from his family.  
22 We bought it not for any use except to protect it from the used car lot that was next to us  
23 on one more side over, okay? That was also rezoned several years ago to commercial.

1 We've been commercial ever since we acquired the property. We were what was called  
2 C-3 back then. If you, in the definition for one there is no permitted uses for kennels,  
3 veterinary work period. It's all residential. We've been part of the community for a long  
4 time, okay? The other thing the young man, Mr. Cock, made comment of those  
5 [inaudible] looking through the thing. If you look at that it takes off 125' of a piece of our  
6 property, the kennels, the, the clinic goes right through the building. I brought a drawing  
7 just to show you how bad that is if we allow things like that to happen. This was a  
8 drawing that we did when we started [inaudible – away from mic] exists then we  
9 [inaudible] was there when we bought the place [inaudible] if you took that 125'  
10 [inaudible] property line [inaudible] on that piece of property [inaudible] parking lot  
11 [inaudible]. The other piece of property adjoins it. [Inaudible] this is that piece of  
12 property [inaudible] is a wetland area [inaudible] this area was being used as I said  
13 before a used car lot. We thought that was not good [inaudible] we have had no use for  
14 it other than to own it [inaudible] somebody else [inaudible]. If we don't object to him,  
15 basically [inaudible], okay? Because generally when [inaudible] you then prevent me as  
16 an owner from maintaining my building, upgrading it, improving it because you don't like  
17 that I'm in your neighborhood. We think we're a valuable part of the neighborhood.  
18 Now to show you where this fits in the plan [inaudible] what I've done is colored in the  
19 two pieces that we own, okay? And you can see that we're in zone one, okay? Like I  
20 said we would have shown up other, again earlier if somebody had told us that we  
21 changed definition of what we were doing. And last night was the first time I saw that  
22 we have a strip being taken out of our property that we paid for so we have visibility, a  
23 view. And I don't disagree with being pretty, nice but you're taking away from me and

1 we paid for it through the years and we continue to pay for it and we will continue in  
2 taxes. Okay. From a philosophical standpoint I don't think anybody has the right to tell  
3 other people what is pretty and what's not pretty. That's my business. Some of ya'll are  
4 in the same business. That is a very personal thing. If you look at people through the  
5 years and the clients you see some are ethnic driven. They have certain colors, certain  
6 style of architecture that make them happy. I do not have the right and I don't think  
7 anybody else does to say that one set of standards is appropriate for everybody. We're  
8 real concerned that that is the case if we're not careful. Okay?

9 CHAIRMAN MANNING: Thank you.

10 MR. KAURIC: Sorry I talked so long.

11 MR. ANDERSON: Mr. David Hancock?

12 **TESTIMONY OF DAVID HANCOCK:**

13 MR. HANCOCK: Yes. I'm David Hancock. I live at 112 Misty Oaks Place,  
14 Lexington, South Carolina. I'm representing my in-laws and wife. They own a piece of  
15 property next to Square D. The proposal has it going to zone one. It's kind of hard for  
16 me to fathom the road frontage on Garners Ferry Road being classified as low density  
17 housing development next to an existing industrial site. That's just me. I guess I have a  
18 question for the Staff. How many of you were on the Board when the plan was adopted  
19 four or five years ago, whenever that was?

20 CHAIRMAN MANNING: The Commission?

21 MR. HANCOCK: On the Commission, yeah. So we have two, three that were on  
22 the Commission when that plan was adopted back then so all you guys are kind of new  
23 to the plan. And I guess we are too. We were just notified I guess about this meeting

1 not having any clue of what the ordinances were until I received a copy in the mail this  
2 past week right before the 4<sup>th</sup> matter of fact. So I haven't had any time to really read 58  
3 pages in detail but I agree with the gentleman before me the 125' buffer along Garners  
4 Ferry Road, the further you get out from Lower Richland Boulevard, you know, down  
5 Garners Ferry Road I think it's greater than 3,000' is what it reads and you're going to  
6 basically create a 125' setback and in concept that's not, you know, a major thing but  
7 what are we creating the setback from? From a road, from a, you know, from a right-of-  
8 way, you know, a visual setback from Garners Ferry Road. So I'm just not quite sure I  
9 agree with the concept of what we have here. You're basically taking a value. You've  
10 increased the value of the property around Garners Ferry Road and Lower Richland  
11 Boulevard, decreased the value as you go out from there. So I just – opposing my  
12 disagreement to that and I know there are some other uses other than low density  
13 development in SERN one such as a school or hospital or institution or library or  
14 whatever the case may be. If those certain individuals come and want that, you know,  
15 find that ideal piece of property on the outskirts of Lower Richland Boulevard or Garners  
16 Ferry Road. So just an objection.

17 CHAIRMAN MANNING: Mr. Hancock, did you participate in the community  
18 meetings when this plan was being created?

19 MR. HANCOCK: Did not know about it at that time. And that was, I guess that  
20 was a question, that was another question. Were the property owners, and if you look  
21 at the property owners on the tax maps, pretty big property owners, were the property  
22 owners notified that this was going to take place and have a chance to come to that

1 meeting? I mean, individually we're looking at probably I don't know maybe 100 at the  
2 most, at that time maybe 20 cent stamps.

3 CHAIRMAN MANNING: They should have been notified.

4 MR. HANCOCK: Right.

5 CHAIRMAN MANNING: I don't know that every one of them was –

6 MR. HANCOCK: Right.

7 CHAIRMAN MANNING: - but I think [inaudible] have the community involved.

8 MR. HANCOCK: Right. The first notice that I remember receiving was the notice  
9 of this meeting that came in the mail in the form of a post card.

10 CHAIRMAN MANNING: The reason I ask you that is [inaudible] -

11 MR. HANCOCK: Right.

12 CHAIRMAN MANNING: - way back.

13 MR. HANCOCK: But not broken down like this.

14 CHAIRMAN MANNING: It didn't have all the dimensions and specs but it was  
15 there.

16 MR. HANCOCK: And not subdivided the properties and basically is what, what  
17 you've done is subdivided the district?

18 CHAIRMAN MANNING: Yeah. That's correct.

19 MR. ANDERSON: Earl McLeod?

20 **TESTIMONY OF EARL MCLEOD:**

21 MR. MCLEOD: Mr. Chairman and Members of the Planning Commission, my  
22 name's Earl McLeod. I'm Executive Director of the Home Builders Association. Our  
23 office is located at 625 Taylor Street here in Columbia. I've had an opportunity to meet

1 with some of the landowners in the area. In terms of the geography of the area we  
2 estimate somewhere between 80 and 90% of the land area was represented at that  
3 meeting. As it's been pointed out by several members of the Commission and the  
4 previous speakers while there was opportunity to receive input from the stakeholders,  
5 and certainly you'd want to include the landowners as a stakeholder in the adoption of  
6 the master plan or the conceptual plan, there has been no opportunity and no invitation  
7 to those same stakeholders to participate in the drafting of these ordinances that so  
8 vitally affects their property rights and the uses of their land. We would certainly  
9 recommend that that opportunity be given to those stakeholders prior to any further  
10 consideration of these text amendments. I'd also like to point out to you that the  
11 comprehensive plan for Richland County would define this area and the overlay district  
12 as a suburban land use class and it further speaks of these suburban villages that  
13 should be encouraged within these areas. One of these suburban villages to be  
14 encouraged is at Garners Ferry Road and Lower Richland Boulevard. It recommends  
15 that full utilities and most government services should be available. There is no public  
16 sewer available in this area and it is the estimation of those landowners and developers  
17 and builders that we met with previously that this type development simply cannot be  
18 built without availability of public sewer so it would certainly seem premature to even  
19 consider a zoning text amendment of this magnitude until such time that public sewer is  
20 available. The comprehensive plan also dictates that this type suburban area would  
21 encourage affordable housing and we would submit to you that these additional  
22 requirements would in fact eliminate the possibility of any affordable housing. We would  
23 like to, I'll be glad to try to point out some of the major issues we have with some of the

1 proposals and I'll hit a few while I have a few minutes. But if you look on page 12, of the  
2 document I got from the website and I guess I'll ask are you going to make me comply  
3 with that beeper or not?

4 CHAIRMAN MANNING: Well, we haven't yet.

5 MR. MCLEOD: Okay. Just to give you some examples and certainly I don't want  
6 to limit our areas of concerns to these because there are many, many more. But on  
7 page 12, it talks about open space dedication requirements. And we calculate that if  
8 you took a typical lot which would be 50' wide, 130' deep you'd have a 6,500 square  
9 foot lot. According to the required open space per residential unit chart you would need  
10 approximately 2,000 square feet of open space per lot on a 6,500 square foot lot. That  
11 by any stretch of the imagination would have to be considered quite excessive and  
12 would – is one of the primary reasons why affordable housing would just not be an  
13 option in this proposed area. That would not include the, that would eliminate land that  
14 could be used for residential units but you also have to consider that you're talking  
15 about typically 25 to 30% of your land is utilized in roads and utilities but if you look at  
16 the road width requirements combined with the sidewalk requirements combined with  
17 your street tree, street planning requirements combined with your parallel parking  
18 requirements it would require far more to develop the roads and sidewalks as  
19 subscribed in this ordinance. If you look at page 16, it talks about the water quality  
20 buffer requirements and it defines a wetland in a different way than what the current  
21 county ordinances refer to as a wetland as well as the U.S. Army Corps of Engineers  
22 definition of the wetland. So you're certainly setting someone up for some litigation that  
23 probably should be unnecessary. On page 26 and 27, it talks about the road width

1 requirements and talks about lot widths. By our estimation these new requirements  
2 would require a 24' road which is typical, two 12' lanes. It would require an additional  
3 18' in parking for parallel parking. It would require 16' in the tree strips and an  
4 additional minimum of 10' in sidewalks. So you're now talking about a 60', 8 [sic] wide  
5 road section. Although it encourages low impact development which this would not be  
6 and it also encourages pedestrian use which again this would not be when you're  
7 talking about a 60', 8 [sic], a 68' foot road section which would mean 44' of pavement.  
8 So we would certainly have concerns with those areas. Quite frankly there are many,  
9 many more but I would simply ask that two things occur. We think consideration of this  
10 text amendment should be deferred until a work session is held with landowners,  
11 stakeholders, various developers in the area. They have not been involved at this point.  
12 We would encourage you that this particular area of the county is not suitable for this  
13 and that public sewer is not available and therefore it could not be developed although  
14 the comprehensive plan encourages development of this particular site. Thank you very  
15 much.

16 CHAIRMAN MANNING: Thank you.

17 MR. ANDERSON: Mr. Cliff Kinder?

18 **TESTIMONY OF CLIFF KINDER:**

19 MR. KINDER: Mr. Chairman, Commission Members, my name is Cliff Kinder.  
20 I'm a real estate developer and a landowner within the SERN area. I did attend I think  
21 every single one of the neighborhood meetings that Susan Britt organized three or four  
22 years ago and did offer my input before I bought my property. In fact my zoning of my  
23 property was held up pending the finalization of the neighborhood plan and that's when I

1 got RS-MD zoning on my property. I was told then that my use, single-family  
2 residential, would not be affected by the nuances of this ordinance today. As I read  
3 through this ordinance today I am severely impacted. Everything from setbacks of  
4 garages to orientation of garages are two items that come to mind, percent of open  
5 spaces, pedestrian benches, on and on and on and on as I read this proposal. What I  
6 intended to do with this property has been, if this passes, suddenly disallowed. Again I  
7 participated in I believe everyone of the work sessions and I left those meetings  
8 believing that I'd be able to use this piece of property the way it was zoned and now if  
9 this passes I will not be able to. So I ask you to step back and allow, as Earl said, allow  
10 the people that are affected most directly to have some input in the way this ordinance  
11 is written. Thank you very much.

12 CHAIRMAN MANNING: Thank you.

13 MR. ANDERSON: Bill Bunch?

14 **TESTIMONY OF BILL BUNCH:**

15 MR. BUNCH: Thank you for letting us come before you today. My name is Bill  
16 Bunch, 5026 Wittering Drive in Columbia. My family owns 200 acres in the northwest  
17 quadrant of Lower Richland Boulevard and Garners Ferry Road. We too, once we  
18 found out about the southeastern plan meetings we participated in I think every one  
19 although they went on for a long time. My family was never notified that despite the fact  
20 that we owned approximately 25% of the area that they were talking about regulating  
21 here we were never notified or invited to participate but once we found out about it  
22 through another property owner down there we participated I guess for about a year at  
23 every one of the meetings. And we too gave up what we thought was a lot and were

1 required to do a PUD. Those things are expensive as sin. We again are not  
2 developers. We simply have owned the property. We inherited it and would like to sell  
3 it and we finally got the PUD. We thought that was the end of it. This requires a whole  
4 lot more and we think that it's entirely unfair and expensive and it would be redundant to  
5 reiterate what has already been said but we too would ask that this be postponed until  
6 there's been adequate citizen input here. I know Ms. Rutherford in her introduction said  
7 this was being done of necessity. Well, I thought the southeastern plan and PUDS  
8 finalized that and I don't know who is requiring or who dictates that this is necessary at  
9 this point but we certainly think that it's excessive. Thank you very much.

10 MR. ANDERSON: Mr. Nick Leventis?

11 **TESTIMONY OF NICK LEVENTIS:**

12 MR. LEVENTIS: My name is Nick Leventis and I'm a developer, landowner on  
13 Rabbit Run Road and Lower Richland Boulevard, approximately 140 acres. I bought  
14 the property many years ago, I guess about six, seven years ago now and for three and  
15 a half years I spent trying to zone the property correctly and attended all of the  
16 neighborhood meetings with everybody, submitted several drawings, was told to wait a  
17 year after the first year I was trying to rezone it so they could get the comprehensive  
18 land use plan and it was never referred to as a conceptual plan at that time. It was the  
19 comprehensive land use plan. My thoughts were once that was incorporated we had to  
20 adhere to all of those requirements that were in that plan. Spent a lot of money getting  
21 a land planner from North Carolina to come down and help us with the PUD that we had  
22 approved by the Planning Commission and the County Council. Again it took me three  
23 and a half years to get that property rezoned. So now with this new land use plan or

1 comprehensive plan or whatever you want to call it it's just more restrictions on the  
2 same properties. We've spent, since the time I've gotten the property rezoned, three  
3 years and we formed an association between a bunch of the primary landowners on the  
4 north, above Garners Ferry and below Garners Ferry. We call ourselves the Lower  
5 Richland Sewer Associates trying to get sewer to our developments that the County  
6 Council has given us their blessings on. Can't get it accomplished. We tried hard. Mr.  
7 Pope's back there now and he knows that they're trying to resolve this matter but my  
8 thoughts are rather than putting further restrictions on our properties I would love to see  
9 the Council along with the Columbia city, the City of Columbia work together to get  
10 development to be coming to fruition rather than trying to impair it even further. I mean,  
11 to put something that works in southern Charlotte or some of the affluent areas in  
12 Charlotte incorporated into the Lower Richland area is, it's difficult at best to  
13 conceptualize that something that works in the affluent areas in Charlotte is what needs  
14 to be incorporated into Lower Richland. We're trying to do our projects. If we get sewer  
15 out there in the next short while since the three years we've started the housing market  
16 has taken a huge downturn. We're in the process of trying to get the sewer out there.  
17 Hopefully we're within reaching distance of making that come to fruition. Even if we get  
18 the sewer out there all of us are going to be competing for the same market share. So  
19 you've got five developers out there trying to build houses for the same limited market  
20 that's out there. Don't understand the difficulty in getting this sewer; it seems to me that  
21 looking at what's out there and what needs to come out there the city needs to do the  
22 sewer, the county needs to build their regional sewer system so once we get this  
23 development process started, we get the sewer and we start building this nucleus of

1 residences the comprehensive land use plan said that the density in that one-mile  
2 radius is supposed to be the highest density in the area. At that point in time when we  
3 grow the area and it starts to reach out the houses get bigger, the developments get  
4 nicer, they have more room to expand and that's when the city can capitalize on the  
5 sewer tap revenues that everybody seems to be fighting for right now. We're not going  
6 to build a bunch of houses right away. My build out plan on my 140 acres initially was  
7 five years. That was a pipe dream at this point in time. If I'm there eight years and can  
8 get out and have sold all the houses out it would be an amazing thing. I'm also trying to  
9 do something by working with the Staff that has not yet been done in Richland or  
10 Lexington County by doing a low-impact development. Very proud of my plan, have  
11 taken a long time trying to get this thing to materialize. I would hope that Staff and the  
12 Planning Commission and the County Council would work together to get this sewer  
13 issue resolved and quit trying to put any more restrictions on our developments. Let us  
14 proceed as ya'll have blessed us with the approvals of all of our plans in the past.  
15 Thank you.

16 CHAIRMAN MANNING: Bill Dixon.

17 MR. DIXON: I've got nothing else.

18 MR. ANDERSON: Sonya Copeland?

19 CHAIRMAN MANNING: That concludes the public input. Obviously a lot of the  
20 concerns that were raised I think partially some of the issues that I had or some of the  
21 other Commissioners may have had with the ordinance. I was really surprised though  
22 not to see anybody here that was in favor of it. The community was very vocal about

1 what they wanted and did notices get to everybody? I mean, to all the landowners out  
2 there?

3 AUDIENCE MEMBER: We got two notices on property we didn't even own  
4 [inaudible] Staff.

5 AUDIENCE MEMBER: [inaudible]

6 AUDIENCE MEMBER: Likewise.

7 CHAIRMAN MANNING: Well, we need to rethink how we notice this next step  
8 because I think the public input is going to be important. I looked at the number of TMS  
9 numbers and it's hundreds and it is hundreds. So we definitely want to make sure that  
10 that's correct in the next process. Also I do want the minutes from that so we can go  
11 back and look at some of the intent of what we approved from the conceptual standpoint  
12 before. But one issue that I was concerned on, I need clarification from Staff on is that  
13 when the plan started back in '04, there were zoning requests pending, some were  
14 delayed, some were reworked. I think Mr. Leventis said he went to PUD. Somebody  
15 may have gone to RH-MD. And it was my impression that once those properties were  
16 rezoned that was going to be their rezoning. I mean, that, the classification for those  
17 properties would remain and the conceptual plan would around that. I think that was a  
18 great concern on the county's part to try to bring all those properties in initially but it  
19 [inaudible] that it couldn't be done in a timely way. Now sewer obviously has created a  
20 bigger problem in that whole equation. A lot of these projects may have been built out  
21 by now if sewer was there. So what is the position of county on these properties that  
22 have already been rezoned? Are they a part of this plan or are they not?

1 MR. GREEN: You know, just to piggyback on what Deas has said, ever since we  
2 had that, I don't know how many, this place was full when we were adopting the concept  
3 plan and if my recollection serves me, every rezoning that we considered during the  
4 process of that being adopted and since our question to Staff has been, is this  
5 consistent with the intent of the Lower Richland Neighborhood Plan, and in each case  
6 that those rezonings were approved the answer from Staff was yes. So all of a sudden  
7 we're seeing a level of change on what we approved that I don't know that, I certainly  
8 never anticipated this level of regulation being applied when specifically these rezoning  
9 requests were occurring right in the midst of the neighborhood plans. And there was  
10 plenty of participation and when, you know, my vote was based on if this is consistent I'll  
11 vote for it. If it's not consistent I won't vote for it knowing what went into the public input  
12 process for the plan. And I'm a little at a loss to understand this level of regulatory  
13 application to what happened in that process.

14 MR. KOCY: Mr. Chairman and Mr. Green, obviously we'll dig the Minutes up. I  
15 wasn't around back then so I can't answer your questions as to what was the intent.  
16 We'll find the Minutes. It took awhile to find the Minutes of the final meeting when the  
17 plan was approve and that was 60 some pages of discussion. We'll go back and  
18 uncover the previous work session meetings that can perhaps answer some of your  
19 questions. As to the, will the SERN change the zoning under existing properties? No, it  
20 will not. What it would do for many of the PDDs is require design elements that were  
21 not part of the original PDDs.

22 CHAIRMAN MANNING: That is what we were led to believe would not happen.

23 MR. KOCY: I'll find the Minutes and see how that's addressed in the Minutes.

1 MR. GREEN: For instance and this is just, you know, as Deas said we don't  
2 want to get into discussing individual points that are better done in a work session but I  
3 saw flashed up here that the intent of the commercial area was to permit general  
4 commercial use. Well, the GC district doesn't limit the size of a retail building under  
5 10,000 square feet. So this level of regulation's not consistent with the concept of  
6 permitting general commercial around the main intersection because general  
7 commercial permits buildings greater than 10,000 square feet.

8 CHAIRMAN MANNING: On the flipside, you know, I'm not sure if you own a cow  
9 or a goat or a hog you're allowed to have one. This is a rural area; it's a farming  
10 community. I don't see any permitted uses [inaudible] don't allow that. There's  
11 agricultural restrictions. So I want to make sure that the community at large and not just  
12 the developers who are sitting here understand what they are asking for. This is not a  
13 low density master plan. It's a very high density and I want to make sure they  
14 understand that. We've got two, we just passed the environmental neighborhood, green  
15 code.

16 MR. KOCY: Green code.

17 CHAIRMAN MANNING: I think there's in this document are more restrictions  
18 than our green code on [inaudible], more stringent. Our neo-traditional –

19 MR. GREEN: TND.

20 CHAIRMAN MANNING: - TND. This is more restrictive than the TND. I would  
21 bet since we passed the TND there's only been one of them passed in this county and  
22 there's a reason for it. It's too restrictive, too detailed. It's too complicated. People  
23 can't follow it. They don't know what they're getting into. This is very, very

1 comprehensive, very comprehensive. Not that we're not trying to permit, create a better  
2 community but if it's done where nobody understands there's going to be confusion. So  
3 I'd like to see some –

4 MR. GREEN: Well, you know, I think too the concept of the TND is that was an  
5 opt-in zoning. There's no opt-in to this. I mean, that was a major point of discussion  
6 when we went through the details of the TND district.

7 MR. ANDERSON: So as far as what we need to do right now we need to, we  
8 have an option to defer this, schedule a work session, or we either have to go up or  
9 down or defer; right?

10 MS. LINDER: That's correct. You can recommend approval or disapproval or  
11 you may defer or you may set a work session. It's your discretion.

12 CHAIRMAN MANNING: Mr. Kocy, I think we have, I think you wanted to know  
13 whether or not we were going to meet in August? What does the caseload look like?

14 MR. KOCY: Well, my suggestion for the August meeting was a joint work  
15 session with the City of Columbia Planning Commission and the Blythewood Planning  
16 Commission. They would like to, since everyone is doing a comprehensive plan, to  
17 discuss the areas that borders between the cities and the county.

18 CHAIRMAN MANNING: Well, that's something we need to take up and I think  
19 we've got people here who are in limbo on what to do with their property. I don't know  
20 whether they can do anything because of the sewer or not but certainly we need to get  
21 this clarified and the process moving forward so that once that is finalized they can  
22 move forward with their property. I would like to see us have a regular meeting where  
23 we have public input, have a special work session with the city and Blythewood some

1 time during the month but I think we need to go ahead and schedule a meeting for  
2 August if everybody is in agreement to take this up and begin the process.

3 MR. KOCY: One question, one minute. Mr. Chairman, can we come back to this  
4 at the end of the meeting? The difficulty is that work sessions for the SERN master plan  
5 process were not recorded. We don't have Minutes. If the meeting was not held in this  
6 room we do not have Minutes.

7 CHAIRMAN MANNING: Well, not just necessarily the work sessions. We had a  
8 public hearing in this room, there was hundreds of people.

9 MR. KOCY: Okay. The public hearing in this room we will have Minutes on that  
10 but there were work sessions before that that we don't have.

11 CHAIRMAN MANNING: That's fine. I just need the public -

12 MR. GREEN: There were no summary Minutes or summary concepts?

13 MR. KOCY: No.

14 MR. GREEN: If I could just ask the folks here that participated in that process.  
15 Do ya'll recall getting any handouts as subsequent meetings were held in terms of  
16 defining goals, objectives or anything else?

17 AUDIENCE MEMBER: [Inaudible – away from mic] everybody expressed their  
18 concerns [inaudible] have some [inaudible] express [inaudible] in the public [inaudible]  
19 but there were six or seven meetings at the police substation at Lower Richland campus  
20 where we talked to the public to find out what they wanted [inaudible] land [inaudible]  
21 and I think we all met with [inaudible] approval as much as possible and did get the  
22 blessings of both the Planning Commission and Council. So that's why I guess we're a

1 little confused as to why we keep getting more restrictions and give us sewer don't give  
2 us any more [inaudible].

3 AUDIENCE MEMBER: [Inaudible – away from mic] there were numerous  
4 meetings that I attended, some at Defender's picnic shed and some at the police  
5 substation, some other places, and when that process was ended [inaudible] Planning  
6 Commission and later by Council I felt that my goals for my property were adequately  
7 compromised, I made compromises, the county made compromises and I thought that  
8 my property [inaudible], Leventis property, everything you've heard today was  
9 [inaudible] that consensus [inaudible] in the neighborhoods with property owners  
10 throughout the Lower Richland area. And maybe Mr. McGregor can tell you more  
11 [inaudible].

12 MR. MCGREGOR: I just came here today to -

13 CHAIRMAN MANNING: Can you come down to the podium, sir? Can you come  
14 down and speak?

15 **TESTIMONY OF SAM MCGREGOR:**

16 MR. MCGREGOR: My name is Sam McGregor. I live at 5209 Lower Richland  
17 Boulevard in Hopkins. In 1917 my grandfather moved from Dillon County to Richland  
18 County and bought a farm in Richland County. Later we lost that farm to the bank and  
19 we moved to where we are now on Lower Richland Boulevard and we farmed that, that  
20 was in 1938 in the middle of the Depression. We farmed there since that time until two  
21 years ago. We knew that we weren't going to sell our farm for farming because  
22 Columbia was growing out that way. But I raised three sons, two of them have degrees  
23 from, in agriculture from Clemson but they're not going to farm. None of my, we

1 decided a long time ago that nobody in my family was going to farm and I was to be the  
2 last in line and my only possibility of retirement was to sell our farm which we did two  
3 years ago and at that time of course I attended most of these meetings too. I'm not a  
4 developer. I never intended to be a developer but we were real happy to be able to sell  
5 our farm for development along the lines that was apparently as approved as has been  
6 brought out by the Planning Commission and later County Council. And I frankly was  
7 surprised when I got the postcards that you people have referred to but I'm interested in  
8 what's going on because I, instead of owning 200 acres we now own three acres and  
9 we're real happy to live there until we go to a retirement home if we live that long  
10 because it afforded us an opportunity to retire and we were looking forward, really  
11 excited with the development that was going to grow up around where we live because  
12 we've lived there a long time and we've enjoyed that and we intend to, my wife and I are  
13 the only ones left now. Our five children are scattered all over the eastern United  
14 States. But it's a great community and we were real excited about the development that  
15 appeared to be growing from these developers. I think as Mr. Leventis mentioned that  
16 five of them had gone together about sewer because we understood that that was what  
17 was holding up the development. But when this plan was presented today of course we  
18 want good development but we're not developers but we intend to live there and we're  
19 looking forward to having some development that, because right now we've got some  
20 areas that used to be a farm and now it's growing up in weeds because the developer  
21 hasn't been able to move ahead with development. But we certainly hope that whatever  
22 is done won't hold up development too much longer. My wife and I are 78 years old.  
23 We won't be around too long to see it developed. Thank you.

1 CHAIRMAN MANNING: Thank you. Would I take that as a for or an against?

2 MR. MCGREGOR: I was asked to express my opinion. I think [inaudible].

3 CHAIRMAN MANNING: Thank you, sir. Mr. Kocy, I think you said we needed to  
4 possibly look at [inaudible] -

5 MR. GREEN: Mr. Chairman, just to get a motion on the floor I would –

6 CHAIRMAN MANNING: Can I get clarification from Mr. Kocy on one thing first?

7 MR. GREEN: Sure.

8 CHAIRMAN MANNING: You said that you wanted us to look at some other issue  
9 before we took, made a motion or?

10 MR. KOCY: No. I wanted just to clarify that there's only probably one set of  
11 Minutes, meeting Minutes –

12 CHAIRMAN MANNING: Okay.

13 MR. KOCY: - for a previous Planning Board discussion. The work sessions that  
14 were held at a police substation were not recorded so we don't have those community  
15 concerns.

16 MR. GREEN: Mr. Chairman, I would like to see us have prior to a work session a  
17 public input session where maybe a little longer notice and a little more thorough notice  
18 is given so that we can, you know, while I was on the Planning Commission throughout  
19 that process I was not in those neighborhood meetings and I think it's, you know, vitally  
20 important knowing the number of people that participated and that showed up in this  
21 room that we hear from them once they've had a chance to look at this. So I would  
22 make a motion to defer further consideration of this today until such time as we can

1 schedule first a public hearing and then a work session maybe at a date later than that,  
2 you know, on this ordinance.

3 CHAIRMAN MANNING: How long do you think it would take to properly inform?

4 MR. GREEN: I don't know. If we could meet again in, you know, if we could  
5 have the public meeting at what would be our August normal date and schedule a work  
6 session within 10 days or two weeks thereafter then we might be in a position in the  
7 September meeting to, you know, to have some more definitive action. It seems the  
8 quickest thing we could do.

9 MR. ANDERSON: Maybe August the 4<sup>th</sup>.

10 CHAIRMAN MANNING: August the 4<sup>th</sup> and then 10 days, two weeks after that  
11 [inaudible] we need to notice that as well, right?

12 MR. KOCY: Correct.

13 CHAIRMAN MANNING: All right. So we'll schedule August 4<sup>th</sup> for the public  
14 input.

15 MR. FURGESS: What time? Time?

16 CHAIRMAN MANNING: At our regular scheduled meeting.

17 MR. KOCY: Mr. Chairman, we have one case I'd like to put on the August 4<sup>th</sup>  
18 session too that should not be lengthy.

19 CHAIRMAN MANNING: All right. And then we'll have a – what's 10 days after  
20 that, the 14<sup>th</sup>? [Inaudible] anybody got a calendar?

21 MR. ANDERSON: On the 14<sup>th</sup>. That's a Thursday.

22 CHAIRMAN MANNING: Any conflicts on the 14<sup>th</sup> that you know of?

23 MR. ANDERSON: Will we meet here?

1 MR. KOCY: I would suggest, Mr. Chairman, you might want to do it two weeks  
2 after so we could have this room.

3 CHAIRMAN MANNING: Okay. That's fine.

4 MR. GREEN: The 4<sup>th</sup> and the 18<sup>th</sup>?

5 MR. ANDERSON: That would be the 18<sup>th</sup>.

6 MS. MATTOS-WARD: Is the 18<sup>th</sup> meeting time 1:00 o'clock?

7 MR. FURGESS: Who will we meet then with the county, with the city and all  
8 them at that time on the 18<sup>th</sup>?

9 CHAIRMAN MANNING: Say again.

10 MR. FURGESS: Who do we meet with on the 18<sup>th</sup> with the city and Blythewood  
11 or that's another scheduled meeting?

12 CHAIRMAN MANNING: We haven't scheduled that one.

13 MR. FURGESS: Okay.

14 MR. GREEN: My motion just relates to two meetings on this issue.

15 MR. FURGESS: Okay.

16 CHAIRMAN MANNING: In the meantime [inaudible] Ms. Rutherford could  
17 contact Susan Griffin(?) to get a chronology of what happened if we are unable to get  
18 that timeline how that process moved forward. And I would assume Mr. Cock that you  
19 will be at all these meetings?

20 MR. COCK: If I'm asked to be I certainly will be.

21 CHAIRMAN MANNING: I think it would be beneficial.

22 MR. FURGESS: What time is the meeting on the 18<sup>th</sup>?

23 MR. GREEN: One o'clock, both meetings?

1 CHAIRMAN MANNING: One o'clock.

2 MR. GREEN: The first one is a public hearing, the second one is a work session.

3 CHAIRMAN MANNING: And we would want that meeting transcribed. Okay.

4 MR. GREEN: Vote on the motion?

5 CHAIRMAN MANNING: We have a motion on the floor.

6 MR. ANDERSON: Second.

7 CHAIRMAN MANNING: Second.

8 MR. ANDERSON: Yes, sir.

9 CHAIRMAN MANNING: All in favor say aye or raise your hand. All opposed?

10 *[Approved: Cairns, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
11 *Abstained: Murray; Absent: Palmer]*

12 CHAIRMAN MANNING: I think we now go to –

13 MR. GREEN: Have we abolished political signs in the county?

14 MR. CAIRNS: No.

15 MR. KOCY: No, the Constitution calls – the, as legal counsel will attest that is  
16 protected speech.

17 MR. GREEN: We can regulate it but not eliminate it?

18 MR. KOCY: This is a minor adjustment to the sign code allowing for larger -  
19 okay. Mr. Chairman, we need to take up the map amendment on the SERN. I'm going  
20 to suggest you defer that as well to the meetings on the 14<sup>th</sup> and the 18<sup>th</sup>.

21 MR. GREEN: Mr. Chairman, I move we defer voting on the map amendments at  
22 this time.

23 MS. CAIRNS: Second.

1 CHAIRMAN MANNING: Got a motion and a second. All in favor please raise  
2 your hand. Opposed? None.

3 *[Approved: Cairns, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
4 *Abstained: Murray; Absent: Palmer]*

5 MR. KOCY: Mr. Chairman, the next item is a minor adjustment to the sign code.  
6 It increases the allowed sign size of a political sign from six square feet to 32 square  
7 feet. Thirty-two square feet is consistent with the temporary signs currently in our sign  
8 code.

9 MR. GREEN: What's the penalty for violation of this particular part of the county  
10 ordinance?

11 MR. KOCY: Mr. Price? Do you want to tackle this one, please?

12 MR. PRICE: Do I ever.

13 MR. GREEN: Geo, what's the penalty for violation of this?

14 MR. PRICE: Of what?

15 MR. GREEN: The political sign ordinance [inaudible].

16 MR. PRICE: Well, I mean, it could be a fine up to \$1,085 for each offense.

17 MR. GREEN: Each offense. So each sign could be \$1,085?

18 MR. PRICE: Yeah. Each day.

19 MR. FURGESS: What? Repeat that again.

20 MR. PRICE: It could be a find up to \$1,085 for each day for each offense.

21 MR. GREEN: And that includes signs in the public right-of-way?

22 MR. PRICE: Yes, sir.

1 MR. GREEN: I mean, it's fine to change this. If there's a blind eye turned to  
2 anything in our county code it's this paragraph here. Right, Julius?

3 MR. MURRAY: Right.

4 MS. CAIRNS: What the basis for eliminating the height restriction?

5 MR. PRICE: Well, I mean, just any sign could be put in there. If the sign is from  
6 – you can have a certain height and it wouldn't be, wouldn't present an obstacle to any,  
7 or hazard to any traffic that's going by. I mean, if that's the case and we find that to be  
8 we'll notify the candidate about removing it immediately which we have done on several  
9 occasions. I mean, if that's the big concern about safety, we take care of that as they're  
10 –

11 MS. CAIRNS: Well, no I'm not concerned about safety with eliminating the sign  
12 height I'm just concerned about really tall temporary signs. They're unduly obnoxious.

13 MR. PRICE: You mean like an eight by four [inaudible]?

14 MS. CAIRNS: Yeah. I mean, I can tell if [inaudible].

15 MR. PRICE: [inaudible]

16 MS. CAIRNS: [inaudible]

17 MR. PRICE: Oh, I mean, it falls in line with our other temporary signs and that  
18 was the idea behind this if you look at the other sections of our code dealing with  
19 temporary type signs this kind of mirrors that.

20 MS. CAIRNS: So the other temporary signs do not have a height restriction?

21 MR. PRICE: Thirty-two square feet, yes.

22 MS. CAIRNS: But without any height restrictions?

23 MR. PRICE: I'll double check for you. Whichever.

1 [Inaudible discussion]

2 MR. PRICE: Is there a certain height we're looking at?

3 MR. GREEN: Is it unconstitutional to provide one sign per candidate?

4 MS. CAIRNS: See, I grew up in a community where you had to iron their names  
5 on their shirts and hang them in your front yard before you can put a sign out. I come  
6 from the land of Draconian rules; unenforceable, but that's what they were. Yeah.  
7 People used to iron their names on their shirts and hang their laundry in the front yard  
8 which of course violated a different ordinance but, you know.

9 MR. PRICE: Looking in our chapter to be specific 26-180, I believe it's (F) under  
10 the temporary signs that do require permits there is not a height limitation on them but  
11 there is a square footage limitation and that's the particular area I believe we went after;  
12 the temporary signs that would require permits.

13 MS. CAIRNS: All right.

14 MR. MURRAY: [Inaudible]

15 MS. CAIRNS: I mean, I just have concern at totally eliminating the height  
16 restriction, you know, but granted they only stay up for days after all.

17 MR. MURRAY: Theoretically.

18 MR. PRICE: I mean, we could have each candidate pull a sign permit and pay a  
19 fee for each sign.

20 MS. CAIRNS: I'm not sure you can, actually.

21 MR. PRICE: Or at least give us some notification of where the signs are going to  
22 – I don't know.

23 MS. CAIRNS: [Inaudible]

1 MR. MURRAY: They don't know where they're putting them either. Other folks  
2 do that.

3 MR. PRICE: Speaking of some of them you're correct. Yeah. Some of them  
4 don't know where their signs are.

5 MR. GREEN: Julius, you never violated the sign ordinance; did you?

6 MR. MURRAY: Never did.

7 MS. CAIRNS: I would just simply ask that we have a [inaudible] height restriction  
8 on signs. I mean, because of the proliferation of these types of signs for such a specific  
9 period of time I don't think allowing them any height is going to – I just see it becoming  
10 something.

11 CHAIRMAN MANNING: Do you want to put that in the form of a motion?

12 MS. CAIRNS: I make a motion that the proposed amendment to the sign  
13 ordinance for political signs be amended to allow the 32 square foot as proposed by  
14 Staff and instead of eliminating the height restrictions simply adjusting it from a four foot  
15 in height to six foot in height if freestanding.

16 MR. GREEN: Second.

17 CHAIRMAN MANNING: Have a motion and a second. All in favor please raise  
18 your hand. All opposed?

19 *[Approved: Cairns, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
20 *Abstained: Murray; Absent: Palmer]*

21 CHAIRMAN MANNING: Okay. Mr. Kocy.

22 MR. KOCY: Mr. Chairman, the next item, page 101 is amending the land  
23 development ordinance discussing buffers. Currently our code has a buffer but many

1 times I found in the last six months that our buffers are really no more than setbacks,  
2 that developers and contractors when they prepare the site they're clearing all the  
3 vegetation on the buffer. That, I don't believe that was the intent of our buffer ordinance  
4 just to have it a setback and have it denuded. So we're recommending that buffers,  
5 common areas, rec areas, vegetative areas remain vegetative before and after  
6 development stages.

7 CHAIRMAN MANNING: Some of our buffers talk about vegetated, undisturbed  
8 buffers. Some talk about planting replacement plants for landscape plants. I think I  
9 understand where you're trying to go but I think you need to clarify what it is you're  
10 trying to do.

11 MR. KOCY: I'll let Ms. Almeida go into a little more detail.

12 MS. ALMEIDA: Planning Commission Members, what we've been getting lately  
13 are developers actually have been complaining about this. They reserve buffers either  
14 undisturbed – mostly it's where the undisturbed buffers are – they'll preserve that area  
15 and then the utility companies or City of Columbia or somebody will come in and the  
16 only place they want to put a water line is through that buffer area and the developers  
17 are actually between a rock and a hard place because they have committed to reserving  
18 that area undisturbed but yet the city or other utility companies are saying well this is the  
19 path of least resistance and this is where we want to put this line. So we, the county,  
20 usually get in the middle of things in having to bring the heavy hand and having the city  
21 or other utility companies to reroute those lines. So that's what we're running into.

22 CHAIRMAN MANNING: For one utility or corridor locations is a problem?

23 MS. ALMEIDA: Correct.

1 CHAIRMAN MANNING: For the county and you're having to get in between the  
2 utility and the developer to say that they cannot be used for that purpose?

3 MS. ALMEIDA: Well, they'd have to be put in a different location. We mostly find  
4 the problem with the City of Columbia and their water lines.

5 MS. CAIRNS: So basically the buffers become bull's eye?

6 MS. ALMEIDA: Right.

7 MS. CAIRNS: Yeah. Which we saw this with interstates 40-some years ago.  
8 Parkland(?) became the bull's eye [inaudible].

9 CHAIRMAN MANNING: So what position does the county [inaudible]>

10 MS. ALMEIDA: Well, we normally have to sit down and try to mediate and either  
11 reroute the lines with the city or then get the developer to come in and further move  
12 their setback further into their property therefore making their lots smaller or losing lots  
13 which we have had to do.

14 CHAIRMAN MANNING: So you're losing trees and you're placing it in the grass?

15 MS. ALMEIDA: [Nods yes]

16 CHAIRMAN MANNING: Or the developer's not going to get [inaudible]?

17 MS. ALMEIDA: Right.

18 CHAIRMAN MANNING: I don't read that into the ordinance. I mean, it just  
19 seems to me that there's some other issues at hand too on –

20 MS. ALMEIDA: Well, there are issues where, you know, there is land reserved  
21 as a buffer not required by the county and, you know, these are developments that are  
22 approved and when we go out there the buffers are gone.

1 CHAIRMAN MANNING: And two there was some open space language in some  
2 of our ordinances where if they were encumbered with easements they wouldn't be  
3 considered part of the open space.

4 MS. ALMEIDA: Because technically those easements can be clear cut. SCE&G  
5 can have a 50' swath through an easement and in their easement documents it says  
6 they can come in every five, four years and cut whatever's there. So it really is a moot  
7 point calling it buffer.

8 MR. KOCY: Mr. Chairman, that was a topic discussion in the green code about  
9 easements being disturbed, undisturbed, restored after the utility was put in. This is a  
10 similar concern.

11 MR. GREEN: I was looking for and I can't put my hand on it right away. Don't  
12 we have a provision in the code already about restoration or replanting of buffer areas?  
13 Required replanting of buffer areas? And I'm just curious as if we do why can't -

14 MS. ALMEIDA: We do. There are high penalties obviously in cases that we do  
15 require it but again if, for instance if the City of Columbia comes in and says we need a  
16 10' wide buffer area – water line area, then we need another 10' to store material; that's  
17 20'. They'll replant the 10' where they were storing material but they will not replant  
18 where that water line went through.

19 MR. GREEN: And aren't they in violation of the code when they do that?

20 MS. ALMEIDA: Absolutely. But -

21 MR. GREEN: I mean, why don't we just enforce the code that's on the book?

22 MS. ALMEIDA: I think our code does not have enough teeth.

1 CHAIRMAN MANNING: I think what would ultimately happen though is the utility  
2 would deny service to whoever was asking for it. I don't know at what point this all  
3 happens. To me if you had a sketch plan for a preliminary design, you had a 50' buffer  
4 out on a street that was shown as an undisturbed vegetative buffer and had the sewer  
5 line running through it, probably from a Staff position we want to say well we need to  
6 have that come in behind the buffer [inaudible] use in the buffer.

7 MS. ALMEIDA: When those easements are there but when they're not there.

8 CHAIRMAN MANNING: The preliminary design they're going to provide them at  
9 some point. They just hadn't done it yet. And you know they're going to ask for water  
10 and sewer.

11 MS. ALMEIDA: But the city, the utility provider's position is that there's no where  
12 in the code that says that they cannot go through the buffer. It doesn't say that utilities  
13 are prohibited in buffer areas.

14 CHAIRMAN MANNING: I don't know that it's a good thing to say that you don't  
15 want it going through the buffer. I mean, the development community's going to be kind  
16 of stuck when they go to ask for water and sewer service, I mean. That's the intent of –

17 MS. ALMEIDA: But I think it's the integrity of the community when these plans  
18 are approved or if the PDDs are approved that – and Council approves something with  
19 a buffer on it that the intent is that that would be upheld. And many times it's not that  
20 there is no alternate route it's the path of least resistance. It's obviously the best route  
21 for the utility provider but not for the community necessarily.

22 MS. CAIRNS: Well, is it right that it's the City of Columbia coming back for  
23 utilities for another project not for the first project?

1 MS. ALMEIDA: Sometimes it is for the first project and other times it's for other  
2 projects.

3 CHAIRMAN MANNING: So county's asking for the language to be maintained in  
4 perpetuity?

5 MS. ALMEIDA: Correct.

6 MR. KOCY: Correct.

7 CHAIRMAN MANNING: But it doesn't say maintained as is in perpetuity. I  
8 mean, obviously somebody comes in and takes a tree down and puts a sewer line then  
9 it's not going to be as is. Something's going to happen. We'll have to plant trees back.  
10 The utility's not going to let you put them in the easement anyway.

11 MS. WARD: They're not gonna want them on the utility line because then the  
12 roots will interfere with it down the road.

13 CHAIRMAN MANNING: What about the road right-of-way? Ya'll ever suggest  
14 they put it in the road right-of-way?

15 MS. ALMEIDA: Absolutely. But it's costly.

16 MS. WARD: And you have to get the DOT's approval for that and the DOT  
17 doesn't typically like for single developers, they won't allow single development to have  
18 the utility run in the road right-of-way. They balk at that unless it's a lot of different  
19 developments. Unless there's just a perpendicular crossing, they don't want their right-  
20 of-way used.

21 CHAIRMAN MANNING: Right.

22 MR. MURRAY: As far as sitting down with the city and trying to work something  
23 out that is mutually agreed upon it has been a very difficult task. Twenty years ago, 30

1 years ago we were, when we were getting ready to build the courthouse on Main Street  
2 there was an effort by some council members to put it down by Marion Burnside, by  
3 Greenlawn and they promised us that we could have air space on their parking garage  
4 [inaudible] parking garage. When we agreed to put that courthouse up there all of them  
5 contacted amnesia. No one remembered that. They forget that. They wanted to  
6 charge us for it. And that's how it's been with the city. You ain't going to get nothing out  
7 of them. Now sewer line down there, you wait on it.

8 MR. KOCY: Mr. Chairman, our code currently exempts utilities from sections of  
9 the code including landscaping so this is just to close a loophole.

10 MR. GREEN: This, I mean, it's not going to be construed to me as – is the utility  
11 exclusion applying to this sentence too if it applies to all the other provisions?

12 [Inaudible discussion]

13 CHAIRMAN MANNING: When you have negotiated with the utility companies  
14 about the buffer areas and/or landowners the buffer generally says you got 15 to  
15 [inaudible] feet of undisturbed area and in lieu of that, you know, you can do fencing,  
16 screening with shrubs planted every so often [inaudible] landscaping. Has it been that  
17 nobody wants to go to that type of buffering to avoid this problem [inaudible]?

18 MS. ALMEIDA: Well, I think what it is is, and it's happened on several occasions.  
19 For instance one of our subdivisions Jacob's Creek it was a PDD that was approved.  
20 Everybody thought it was a good design, there was a 50' swath of undisturbed buffer,  
21 existing vegetation which the developer was very happy to leave because it's less  
22 money that they have to obviously spend. They left it and the water, City of Columbia –  
23 well, the water provider or the sewer provider, I'm sorry, on the surface said all we need

1 is 10'. But when all was said and done and all the construction plans were put together  
2 it's not 10'. It winds up being 20, 25' sometimes and in that case it was almost 25'.  
3 They did try to replant some of that but it actually looks very awkward out there because  
4 you have some native plants and then you've got other ornamental plants, you know,  
5 crepe myrtles and they don't try to obviously put in good hardwoods. It's mostly crepe  
6 myrtles or whatever it is. And we get the phone calls from the community that say well it  
7 was supposed to be a 50' buffer. Could they have diverted it and put it somewhere  
8 else? Yes, but they won't do it unless they must do it and obviously as Ms. Ward said  
9 DOT's very hard to work with and they have very strict guidelines about putting those  
10 utilities in the right-of-way. They don't like to put it in the roadway for whatever reason  
11 in the proposed subdivision, at least the City of Columbia doesn't, so the next thing is to  
12 put it in the buffer and because we do have a loophole here, our ordinance isn't airtight,  
13 the developer gets, like I said, into a situation where they need the water, they want the  
14 utility and they're trying to work with both parties but some technically they become in  
15 violation of their PDD. We're dealing with another developer out on Wilson Boulevard  
16 and that is the case as well, and there are others.

17 MS. WARD: Isn't it the responsibility of the developer though to lay those lines?  
18 But they can't get the City of Columbia to agree on the location of the extension in the  
19 subdivision?

20 MS. ALMEIDA: I'm not quite sure of the –

21 MS. WARD: [inaudible] the developer -

22 MS. ALMEIDA: - dynamics.

1 MS. WARD: - has to lay the water lines and then they just dedicate it to the city.  
2 If there would be some stipulation that, you know, that once the developer – because  
3 the developer is going to install those utility lines. The city isn't going to extend those  
4 utility lines through the subdivision. They just get turned over to them after the fact. If  
5 there would just be some way to handle it through the approval process.

6 CHAIRMAN MANNING: Right.

7 MS. ALMEIDA: But I think we have other instances where the developer  
8 indicates there's going to be a buffer and when all is said and done it's destroyed.

9 CHAIRMAN MANNING: Well, I mean, obviously if you catch it on the front end  
10 as Ms. Ward said you can [inaudible] you had a buffer on the road, 50' undisturbed  
11 buffer can't cut all the trees down, put your water and sewer lines in there and then think  
12 it's still a buffer so what you should have done in the construction of the preliminary  
13 design phase is come in behind it between the lots and buffer. But that's something that  
14 seems to me that you all would get in the subdivision, in the approval process where the  
15 water lines are going to be. And I don't see why ya'll ought to be negotiating with the  
16 county either, I mean with the utility. It seems to me that what you approved is between  
17 you and the developer and [inaudible] undisturbed buffer's, it's an undisturbed buffer.

18 MS. ALMEIDA: I think it causes undue hardship on the developer's side  
19 because, you know, afterwards to negotiate where to put those lines because it's not  
20 clear in the code that these utilities cannot be put in the buffer they assume it might be  
21 able to be put in the buffer. Obviously they use every square inch of the lot then you're  
22 looking to putting utilities on private property, putting an easement. They feel it's not  
23 very good to sell the lot. People don't like easements on their lots. You know, then

1 you're dealing with fences on the back property lines. I mean, just a slew of things.  
2 Being able to get to those water lines or utility lines if they need to on private property or  
3 access becomes an issue. I mean, it's just a number of things.

4 CHAIRMAN MANNING: Have a question?

5 MS. LINDER: I believe you have some members of the public who'd like to  
6 speak as well. I just thought I'd bring your attention to that.

7 CHAIRMAN MANNING: Okay. Earl?

8 **TESTIMONY OF EARL MCLEOD:**

9 MR. MCLEOD: My name's Earl McLeod. I'm Executive Director of the Home  
10 Builders Association. I guess I came to speak on one issue and now I'm confused  
11 about what I want to speak to. But in the proposed language it talks about required and  
12 approved buffers are required to be maintained and preserved. And maintained is  
13 something that I'm not sure how we would understand that to be interpreted.  
14 Maintained by who I guess is one question and that often the buffers once the  
15 developer has developed the site might become the, under ownership of the  
16 homeowners association or could that be interpreted to mean that the developer is  
17 required to maintain those buffers forever and ever. So I guess once this question's  
18 resolved that also needs to be made clear if nothing else. And I'll be more than willing  
19 to try to arrange a meeting maybe between a land developer and some utility providers  
20 to see if there's a better way to accomplish what I think everybody's trying to reach a  
21 consensus here. If you'd like maybe that would be worth the effort if we, the Planning  
22 Commission would like us to do it. Thank you.

1 CHAIRMAN MANNING: I don't want to delay anything but I don't want it to – I  
2 was confused as to what we're trying to accomplish and I've got Anna's impression on it  
3 but I, it does bring up some other issues, what is maintenance and who's going to  
4 maintain them, I mean. We've got the issue with retention ponds and areas that you  
5 dedicate to the county. Who's going to maintain those? Is it going to be the developer  
6 or the county? So I would like some clarification rather than trying to craft some  
7 language today some clarification [inaudible].

8 MR. KOCY: Mr. Chairman, if I might ask that the Board defer this item and I'm  
9 going to take Mr. McLeod up on his offer to get with a couple of developers and some  
10 utility companies and see if we might craft a better paragraph.

11 CHAIRMAN MANNING: That's fine with us.

12 MR. GREEN: Motion?

13 MR. KOCY: Yeah. You'll need a motion, please.

14 MR. GREEN: Move to defer consideration of page 102 of the Staff Report.

15 CHAIRMAN MANNING: Make a motion on the floor. Second?

16 MS. WARD: Second.

17 CHAIRMAN MANNING: All those in favor please raise your hand. Opposed?

18 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
19 *Absent: Palmer]*

20 MR. KOCY: Did that motion include the language that Mr. McLeod said he was  
21 going to fix this for us?

22 CHAIRMAN MANNING: Yeah. Write that down.

1 MR. KOCY: Mr. Price has the rest of the – well until the land use element Mr.  
2 Price has got the rest of the meeting.

3 MR. PRICE: Okay. Ya'll know how much I love coming before ya'll. Page 105  
4 there's an ordinance that would, just reading the language it would delete the  
5 requirements that warehouses, self-storage or we know them as, often as mini-  
6 warehouses, delete that language that they have to have a fence or a wall around the  
7 perimeter of the development. Now one of the things that we found especially recently  
8 is that looking through our code under the special requirements most of the uses in  
9 there that require a fencing requires a security fence and that language is actually  
10 expressed in the security fencing. If you start looking at some of those uses for  
11 petroleum products, go cart and racing, actually have them identified here. Because we  
12 do have radio, television, other similar transmitting devices, swimming pools. Most of  
13 those are designed for safety. One of the things that we found is that with the mini-  
14 warehouse there really isn't necessarily a need for safety. Now the developer does  
15 have the opportunity to place the fencing up if it is their own, I mean, if it is their desire.  
16 And also our code under the buffering just depending upon what the abutting land uses  
17 are may require them to put up fencing but it was suggested by Staff, it is suggested by  
18 Staff that just requiring them to do it just outright should be deleted from the code.

19 CHAIRMAN MANNING: So it's Staff opinion that we don't need fences around  
20 any mini-warehouses? [Inaudible]

21 MR. PRICE: In a nutshell, yes, sir. Once again the buffering requirements found  
22 in chapter 26-176, will stipulate in certain cases once again depending upon the  
23 abutting land uses on whether a fence is required.

1 CHAIRMAN MANNING: Okay. And would warehouses built [inaudible] be  
2 synonymous, that'd be one in the same?

3 MR. PRICE: No. Just the self-storage, mini-warehouses. Not your warehouses  
4 you may find on Bluff Road.

5 MR. ANDERSON: Mr. Chair, this sounds like a clean-up issue and I make a  
6 recommendation that we approve the change.

7 CHAIRMAN MANNING: And that would be found on page 106?

8 MR. ANDERSON: 106.

9 CHAIRMAN MANNING: And 107?

10 MR. ANDERSON: 107.

11 CHAIRMAN MANNING: Got a motion.

12 MS. CAIRNS: Second

13 CHAIRMAN MANNING: Motion and a second. All in favor please raise your  
14 hand. Opposed?

15 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
16 *Absent: Palmer]*

17 CHAIRMAN MANNING: Next?

18 MR. PRICE: On page 109. It seems like the easiest way to go. We actually  
19 have three proposed ordinances and I guess we should take them one at a time. The  
20 first one regards day cares where we would make – well, currently if you want to  
21 operate a day care out of your home you would go to the Board of Zoning Appeals and  
22 apply for a special exception. You can go to either up to six or you can, actually  
23 currently up to five or you can go from six on up to 12. Once you exceed 12 some other

1 standards kick in in which we essentially prohibit those. What Staff is proposing is that  
2 up to six children you'll be allowed to keep them outright essentially avoiding having to  
3 go to, go before the Board of Zoning Appeals and seven and above would be  
4 eliminated. So the most you would have in a home would be six kids.

5 MS. CAIRNS: Is it, are there special requirements attached?

6 MR. PRICE: Yes.

7 MS. CAIRNS: So it's somewhat outright.

8 MR. PRICE: Yes. One of the – excuse me I'll turn to that part.

9 MR. GREEN: On page 111 it changes it from a special exception to a special  
10 requirement.

11 MR. PRICE: Yes, sir.

12 MR. GREEN: It eliminates the ability to have more than six in a home.

13 MR. PRICE: Correct. Just talking to DSS one of the things about with the  
14 special exception, excuse me, special requirement and this will be done as a home  
15 occupation. Home occupation prohibits people that live outside of the home from being  
16 employed there and DSS also states that if you're going to keep more than three kids  
17 you're required to have an assistant, you know, up to two years of age. So essentially  
18 that kind of eliminates a lot of the possibility of people having six kids in the home.

19 MR. FURGESS: How about the kids have three, start off with three then you  
20 have the kids that come in the afternoon and you pick up six or seven in the afternoon.  
21 Would that -

22 MR. PRICE: You wouldn't be able to go up to seven. Yes, sir. At any time you  
23 could have no more than six kids.

1 MR. FURGESS: At any time?

2 MR. PRICE: Yes, sir.

3 MS. CAIRNS: But you could only go up to six if you had yourself and another  
4 family member. I know that a resident of the home acting as the second staff?

5 MR. PRICE: Right.

6 MS. CAIRNS: Is that what you're saying?

7 MR. PRICE: Yes. Up to -

8 MS. CAIRNS: So if it's just like the mom in a home she can only go up to three.

9 MR. PRICE: If the kids are two years or younger.

10 MS. CAIRNS: Oh, okay.

11 MR. PRICE: I mean, if you really look at it most kids go to school at the age of  
12 five. They're required to be in school by five so we're not looking at a large number and  
13 I believe over the years we haven't had really a substantial number of requests come in  
14 to do day cares out of their home.

15 MS. CAIRNS: I mean, I would offer just discussion having spent a little bit of time  
16 on BOZA that I feel that this is a good choice to do in the ordinance. I mean, the  
17 ordinance is allowing in-home day cares and the process through the Board of Zoning  
18 Appeals is problematic at best. If the decision is to eliminate in-home day cares when  
19 you just simply eliminate it as an ability but I think this is a good choice [inaudible] the  
20 code [inaudible] simply making it a special requirement for these small day cares. And  
21 eliminating the seven to 12 is a great idea.

22 MR. GREEN: Heather, is that a motion?

1 MS. CAIRNS: Yeah, I make a motion that we approve the ordinance allowing in-  
2 home day cares to be maxed out at six and for them to be reclassified as special  
3 exceptions.

4 CHAIRMAN MANNING: Have a motion.

5 MS. LINDER: [Inaudible]

6 MS. CAIRNS: Did I say it wrong?

7 MS. LINDER: [Inaudible]

8 MS. CAIRNS: Special requirement. Sorry, I apologize.

9 MS. LINDER: [Inaudible] that is not all this ordinance does. You may want Mr.  
10 Price to finish up, there's other portions of it that are included in this ordinance.

11 MS. CAIRNS: You mean the tattoo and the clubs?

12 MS. LINDER: Correct.

13 MS. CAIRNS. Okay. So – oh, I got you.

14 MS. LINDER: It's all part of one ordinance.

15 MS. CAIRNS: It's all one up and down?

16 MS. LINDER: Yes.

17 MS. CAIRNS: Okay.

18 MS. LINDER: Unless you want to amend the ordinance to eliminate one of those  
19 components.

20 MS. CAIRNS: Well, I guess we can see where the discussion goes in case we  
21 split. We might want to split it. Okay. I gotcha.

22 CHAIRMAN MANNING: Do you want to amend it?

23 MS. CAIRNS: Well, let's just, I mean, if –

1 MR. GREEN: There's three pieces to it.

2 MS. CAIRNS: Three pieces to it but we don't know what, I mean, it's a little bit  
3 odd to be voting on all three together but.

4 MR. PRICE: The second one. This regards tattoo facilities. We would like to  
5 have these as permitted I guess with special requirements as opposed to going to the  
6 Board for Special Exceptions. Really there's no grounds on which the Board should  
7 turn down a tattoo parlor that they wouldn't do for any other commercial use. I mean,  
8 you can tell the tattoo parlor you can't go there and then someone else can come there  
9 and put any other commercial use there. I think the County Council [inaudible] times a  
10 little cautions when this first came out but we find no reasons for this to go to the Board  
11 of Zoning Appeals. And the last one – I'm sorry, any questions on that? And the last  
12 one regarding clubs and lodges. There's a little loophole in here. If you go to the  
13 definitions for clubs and lodges -

14 MS. CAIRNS: You like the little loophole?

15 MR. GREEN: No. We had more discussion on this when we re-wrote the code.  
16 Mr. Furgess took particular interest in this provision, that's why I was laughing when we  
17 decided to discuss this again.

18 MR. PRICE: So should I say Mr. Furgess's loophole? There's a loophole here  
19 and just going to the definitions where the establishments are primarily engaged in  
20 promoting a civic and social interest of their members they have to be incorporated and  
21 operating as a not-for-profit organization. Well, we found over the years that that  
22 actually turns into a bar or some club down in the rural parts of Richland County  
23 because going, you can actually, before this meeting ends I could actually run down and

1 get, become incorporated and come back here with the paperwork. It's just that simple.  
2 And so we would like to do is have this actually under review by the Board of Zoning  
3 Appeals just to see what's going on in case there's some other establishment, excuse  
4 me, other stipulations that need to be imposed upon this use because I don't believe the  
5 intent of this is being met with what most people are operating.

6 CHAIRMAN MANNING: Questions? Motion?

7 MS. CAIRNS: Make my motion? I'd like to make a motion that the request to  
8 amend the land use code to adjust day cares, tattoo facilities, and clubs and lodges all  
9 be approved as presented within our packet.

10 CHAIRMAN MANNING: Got a motion.

11 MR. ANDERSON: Second.

12 CHAIRMAN MANNING: Second. All in favor please raise your hand. All  
13 opposed?

14 *[Approved: Cairns, Ward, Anderson, Manning, Green, Mattos-Ward, Furgess;*  
15 *Opposed: Murray; Absent: Palmer]*

16 CHAIRMAN MANNING: What do we have next?

17 MR. KOCY: Mr. Chairman, next is a brief presentation on the land use element.  
18 The next to the last element of the comprehensive plan.

19 MR. GREEN: Is that?

20 MR. KOCY: That is on, actually we didn't get the draft done in time to put it in the  
21 packet. We're going to show you a brief PowerPoint presentation.

22 MS. CAIRNS: I think I forwarded it [inaudible].

1 MR. GREEN: I thought we had another issue with regard to – on page 141  
2 [inaudible]?

3 CHAIRMAN MANNING: Anna?

4 MR. KOCY: Those are just topics for conversation at the end of the meeting.  
5 That's –

6 MR. GREEN: Okay.

7 MR. KOCY: We're seeking some direction from the Board on this. Mr.  
8 Chairman, can we take a brief break before we go to the next section of the meeting?

9 *[Ms. Ward out 3:35]*

10 *[Recess]*

11 CHAIRMAN MANNING: Yeah. Okay. We're back.

12 JULIE: All right. For the first up is gonna be the land use element. I just wanted  
13 to briefly address that the land use element is the last element that we will be  
14 presenting. We have priority investment that's left that the consultant will come and  
15 present once they've completed it. And statute requires that the land use element  
16 address existing land use and then issues with land use and in future land use so that's  
17 how it's going to be briefly and Mr. DeLoache here's going to address existing land use  
18 first.

19 MR. DELOACHE: Sorry. Good afternoon. All right. The land use element is the  
20 eighth of nine elements required by the Comprehensive Plan Enabling Act of 1994. I'm  
21 sorry. Did you raise your hand? I didn't know if you're – I'm sorry. All right. The land  
22 use element is a combination of all the previous elements and in an effort to make  
23 informed recommendations to guide future growth and development it is necessary to

1 identify not only existing and future land use patterns but also to identify and address  
2 existing and future land use concerns and issues. The existing land use map was  
3 broken down into three land use characterizations. These categories and  
4 characterizations are urban, suburban, and rural land use. The existing land use map  
5 reflects this as urban is reflected as orange and is designated as four or more dwelling  
6 units per acre. Suburban land uses are designated in yellow and is defined as between  
7 one and half dwelling units per acre and four dwelling units per acre. The rural  
8 characterization is designated as green on the map and is defined as less than one and  
9 a half dwelling units per acre. This pie chart represents a county-wide dissection of land  
10 use into eight more specific categories. These categories include institutional,  
11 industrial, commercial, residential, government, vacant land, agricultural land, and  
12 recreational land uses. And it should be noted that these –

13 MR. GREEN: Let me ask you a question there. Were these based on actual lot  
14 by lot surveys or was it based off of assessor's code or?

15 MR. DELOACHE: It was based off the assessor's identification of land uses.  
16 And another thing to note about these is these don't include any of the municipalities.  
17 These are all unincorporated areas of Richland County.

18 MS. CAIRNS: Where do we get 18% [inaudible] without [inaudible]?

19 MR. DELOACHE: Basically what we did was we took the assessor's office  
20 identifications, went through and divided it using GIS and anything that was  
21 unincorporated that was just how it was coded, so.

22 MR. GREEN: I would imagine Congaree National Park.

23 MS. CAIRNS: That wouldn't come up as recreational?

1 MR. GREEN: I don't know how the assessor –

2 MS. CAIRNS: No, I mean, what did you do with Congaree? That must have  
3 been where it ended up.

4 CHAIRMAN MANNING: [Inaudible] include anything in the City of Columbia?

5 MR. DELOACHE: Nothing in the City of Columbia. [inaudible]

6 JULIE: [inaudible] City of Blythewood or Irmo or any other [inaudible].

7 MR. DELOACHE: No. Eastover.

8 JULIE: [inaudible] they may have put the Congaree National Park in agricultural.  
9 They would have to tell us exactly how they classified it.

10 MR. MURRAY: It probably did [inaudible] have all those trees and what have  
11 you.

12 CHAIRMAN MANNING: Well, that would be important to know if we're using that  
13 as the basis for land use to make sure that the land use that's described in the  
14 assessor's office [inaudible].

15 MS. CAIRNS: And I'd also be curious how something got classified as vacant  
16 [inaudible].

17 MR. DELOACHE: When I contacted the assessor's office their definition of  
18 vacant was actually no structures, just vacant land; not unused existing buildings which  
19 we thought was a little odd as well but that's how the assessor codes it or defines it.

20 MS. CAIRNS: Very bizarre. So it could be anything?

21 MR. KOCY: Right. A piece of land with no building on it.

22 MS. CAIRNS: Maybe like agriculture too to a certain extent. I mean, it's -

23 MR. KOCY: Agriculture would have an agricultural assessment on it.

1 MS. CAIRNS: It's a very crass land use pie chart.

2 MR. DELOACHE: All right? This table represents a division of county-wide land  
3 use by planning area. It should be also noted that the Beltway planning area contains  
4 the highest percentage in three specific areas. These areas include institutional,  
5 residential, commercial, government, industrial and vacant. The Southeast planning  
6 area contains the highest percentage of agricultural land use.

7 MS. CAIRNS: I'm sorry to interrupt for a second. Now this Beltway again is this  
8 only unincorporated Richland County?

9 MR. DELOACHE: Only unincorporated.

10 MS. CAIRNS: Of which there's not a whole lot.

11 MR. DELOACHE: Not a whole lot.

12 MS. CAIRNS: Okay.

13 MR. DELOACHE: Also the Northeast currently contains the highest percentage  
14 of recreational land use. The majority of land use in the Northwest is designated as  
15 suburban character with the remainder as rural extending out towards Lexington County  
16 and up towards Newberry County. There are currently no areas identified as urban land  
17 use in the Northwest or – excuse me, and the highest land use category is residential.  
18 The North Central planning area is currently all rural in character with the highest  
19 percentage of land use being residential followed closely by agricultural – excuse me, I  
20 reverse that, agricultural followed by residential. The majority of the Northeast is  
21 designated as suburban in land use with the remainder as rural and there are currently  
22 no urban land uses within the Northeast area. And the highest percentage of land use  
23 is residential. The majority of the Beltway is designated as suburban land use with the

1 only urban land uses within the City of Columbia. There's a small portion of rural land  
2 use located down here in the Southeast. The majority of the Southeast planning area is  
3 designated rural in character with the majority of land uses as agricultural. Some land  
4 use issues include sprawl which sprawl contributes to the environmental degradation,  
5 increased infrastructure costs, the loss of open space and traffic congestion. Growth is  
6 occurring at a faster rate within the unincorporated areas of Richland County especially  
7 in the Northwest and Northeast planning areas where sprawl is most prevalent. Focus  
8 should be shifted into urban and suburban infill. To limit unwanted growth suburban  
9 and rural boundaries as shown on the future land use map should be observed.  
10 Waterways are important for not only drainage but as potable water sources and  
11 recreation. Over 120,000 acres or 24.3% of the county is located in a floodplain with  
12 over 35% of the County classified as wetlands. As development increasingly continues  
13 to establish along these desired areas the need for protecting them will become  
14 increasingly necessary. Proactive measure such as those undertaken by the Gills  
15 Creek Watershed Association should be implemented for all watersheds throughout the  
16 county. The neighborhood master plans and area revitalization in an effort to promote  
17 revitalization through the uses of existing infrastructure and investment these plans  
18 outline design and character standards to [inaudible] abandoned and commercial areas.  
19 All planning areas currently have at least one neighborhood master plan designated for  
20 their planning area. For Fort Jackson and McEntire incompatible land uses have slowly  
21 been encroaching on the military bases and hampering the mission of these bases as  
22 well. With this in mind the future land use map has placed a 3,000' buffer around Fort  
23 Jackson and McEntire to prevent land uses that would be incompatible with the mission

1 of the bases. Currently the Central Midlands Council of Governments, the City of  
2 Columbia, and Richland County are undertaking a joint land use study [inaudible]  
3 committee to help determine what land uses would be compatible. And with that I'll turn  
4 it over to Julie for the future land use section.

5 CHAIRMAN MANNING: Can I ask you a question? [Inaudible] military facility  
6 you said that there's a 3,000' buffer. Was that proposed by the military or was that  
7 proposed by the county?

8 MR. KOCY: Mr. Chairman, that is currently a proposal between Fort Jackson  
9 and the COG to closely examine a 3,000' buffer around the base to again ensure that  
10 the base doesn't negatively impact on surrounding land uses and also to ensure that  
11 surrounding land uses don't impact on the viability of the future operation of the base.

12 MR. GREEN: And there's discussion as to what uses fall in that category and  
13 which ones don't or is that a buffer as we're used to using it?

14 MR. KOCY: Very good. It is an area of special study. The COG applied for and  
15 received a federal grant to pay for a consultant and right now the COG, the county, and  
16 the city are interviewing consultants to examine what uses might cause future conflict  
17 between the base and the county and then what land uses could provide for a return on  
18 the investment for property owners, economic benefit to the county, and not negatively  
19 impact the base, and that report is expected to be completed at the end of the year.

20 JULIE: Okay. This is the future land use map. You can see the paper version  
21 over here also. It's very similar to the map that you guys have seen already with some  
22 adjustments. You can see that there's no grayed out areas on this map. We've taken  
23 the land uses for, the future land uses for the municipalities, City of Columbia,

1 Blythewood, and we filled those in so that there's no blank spots on the map even  
2 though we know we don't do planning for those areas we felt like our land uses should  
3 be compatible with what they're planning in the future for their municipalities. Also you  
4 can see on that map we've placed a buffer around Fort Jackson and McEntire which is  
5 down in the Southeast. Basically the purpose of the future land use map is to kind of  
6 guide growth and address issues that are facing the county. We wanted to kind of  
7 designate as best we could areas that we felt like would most economically  
8 accommodate growth so with that in mind the future land use map, and it's going to be a  
9 little hard for you to see but I'm sure exactly what page it's on. If you can see there are  
10 four potential urban villages identified on the future land use map. There's two in the  
11 Northeast and two in the Beltway and they're orange squares basically. One is at  
12 Clemson and Two Notch which is the Village at Sandhill, one is I-77 and Killian Road.  
13 That's Killian's Crossing. I don't know if you can see them or not. See there's one there  
14 and over there. That's Killian's Crossing, that's Two Notch. Also in the Beltway there's  
15 Decker at Two Notch which kind of blends in with the urban uses that are already in the  
16 Beltway, and Dutch Square and Broad River Road which is over here in this area.  
17 These areas should contain a deliberate mix of residential, commercial, and civic land  
18 uses and varied housing types to include affordable housing. Residential development  
19 should occur at more than eight dwelling units per acre to support mass transit. Streets  
20 should provide transportation option for cars, transit, bike, and pedestrian and these  
21 areas should also include open space like community parks, pocket parks, gardens,  
22 stream corridors, all that. Also as noted on the future land use map are 14 priority  
23 development areas which are shown with the orange circles. You can see there's one

1 in the Northwest, there's several over here in the Northeast. Do you see them? Okay.  
2 And one down here. These areas should contain a deliberate mix of residential,  
3 commercial, and civic uses but the housing should be at moderate densities which will  
4 be one to eight dwelling units per acre and should include affordable housing and  
5 complete streets that have access for vehicles, bikes, pedestrians, and open space  
6 should be included and [inaudible]. These areas basically present the best opportunity  
7 for mass transit and infill and redevelopment in the county as we see it. Some issues  
8 that Mr. DeLoache already addressed were sprawl obviously which has been a pretty  
9 big problem in the Northeast and the Northwest. It's been most prevalent there. As he  
10 already explained to you sprawl is an undesirable development pattern that contributes  
11 to the loss of open space, increases the cost of infrastructure and government services  
12 and leads to the overcrowding of schools and traffic congestion. It also increases  
13 pollution so as we've indicated on the map that there's an urban, there's a suburban  
14 and a rural boundary that we feel like should kind of be respected to kind of keep growth  
15 inside the suburban and the urban boundaries if possible and try to fill in those areas.  
16 The population's going to grow by more than 40% in the next 30 years and so we need  
17 to try to, you know, contain some of our urban land. Another issue is, you know,  
18 conserving the areas that are designated for conversation. We have the Congaree  
19 National Park down here. We have the Harbison State Forest in the Northwest. We  
20 also have the Sesquicentennial State Park in the Northeast and all those areas are  
21 designated on the map as well. And also the Fort Jackson and McEntire buffers which  
22 the [inaudible] committee is addressing and we've addressed here on our map. The  
23 City of Columbia also has the same buffer on their future land use map. This is just a

1 closer look at the Northwest. You can see that by 2035 the population is going to  
2 increase by almost 36% here and sprawl which has been really prevalent in this area  
3 we feel like should be contained and therefore we have designated the four priority  
4 development areas which are I-26 at the Broad River exit, I-26 at the Peake exit, White  
5 Rock and in Ballentine and they're all four there.

6 MR. GREEN: Just an approach question. As priority development areas some  
7 of the priority developments area is shown as rural so I'm not sure how that fits that  
8 rural should be the site of a priority development area.

9 JULIE: That's a very good point actually. Probably the suburban boundaries  
10 should probably be extended out to that point. I actually hadn't noticed that.

11 MR. ANDERSON: Well, my assumption would be that, okay you're talking about  
12 the green part right above the yellow?

13 MR. GREEN: Um-hum (affirmative).

14 MR. ANDERSON: I mean, just that little – I don't know when I look at the  
15 services there, are you talking about – hold on, you're talking about the red line, that's  
16 your development line, right?

17 JULIE: The red line is the interstate.

18 MR. GREEN: Interstate.

19 JULIE: Those orange circles are what I'm talking about. See there's one there,  
20 that's Ballentine. White Rock is down here. This is the Peake exit off of I-26 and this  
21 down here is the Broad River exit.

22 MR. ANDERSON: Yeah. All right.

1 JULIE: Okay. And like I said before, these priority development areas are  
2 basically areas that we feel like present the best opportunity for infill and redevelopment  
3 and development. You know, it's already occurring in these areas and, you know, it's a  
4 great opportunity to continue to develop in these places. Here's the North Central which  
5 is expected to see a population growth of about 35.8% by 2035. As you can see on the  
6 map this planning area's going to remain largely rural but you can see the suburban  
7 filtering out from the Beltway and over from the Northeast. And also Blythewood is  
8 expanding rapidly and, you know, becoming more of a suburban/urban type area in that  
9 planning area. I mean, it's filtering over a little bit. It's more obviously in the Northeast.  
10 There's one priority development area in the North Central which is down here and it's  
11 shared with the Beltway and that's I-20 at Farrow Road. Okay. The Northeast is  
12 growing rapidly more than any other planning area. 41.6% by 2035. You can see here  
13 that the Northeast like I mentioned already has two urban areas which is the, that's  
14 Killian's Crossing right there, that orange square. And over here is the Village at  
15 Sandhill. Also there are four priority development areas which is I-77 at Wilson Road, I-  
16 77 at Farrow Road, I-77 at Killian Road, and then obviously over here where the Village  
17 at Sandhill is. Do what?

18 MS. CAIRNS: Nothing.

19 JULIE: Oh, okay. The Beltway clearly is largely the City of Columbia, Arcadia  
20 Lakes, and Forest Acres. It's growing in terms of population that the slowest rate 11.6%  
21 by 2035. There are two urban villages that I already discussed and two priority  
22 development areas both in the same place, Decker and Two Notch up here and then  
23 over here at Dutch Square and Broad River. You can see that the urban – we've been

1 working with the City of Columbia – this is based on their future land use map. The  
2 Southeast is going to remain largely rural with suburban land uses coming out from the  
3 City of Columbia. You can see there population is expected to grow by about 31% by  
4 2035. Future projections show that there won't be any urban land uses in this area in  
5 the next, by 2020, in the next 10 years. There are three priority development areas,  
6 Atlas Road at Bluff Road, Garners Ferry Road, and Lower Richland Boulevard and that  
7 was partially already discussed earlier today. Do ya'll have any questions about that  
8 before we go to the goals?

9 MR. GREEN: I would just like the, you know, obviously the thing that we've all  
10 on the Planning Commission have labored under is really a land use plan or, that's  
11 dated 1994. Certainly we want this map to be a guide to us as we go forward. I'd like to  
12 if we could each get a copy of the large scale map with our, you know, even before the  
13 next package so we can really spend a little time looking at the detail of it and also I'm  
14 not sure if it's in the write up we have now is maybe a discussion and maybe it's in here  
15 I just, in quickly looking through haven't seen it, a discussion of what it means if you're  
16 inside of a priority development area. And those two things would be helpful.

17 JULIE: It's in there.

18 MR. GREEN: For each I think for each of us to look at so we understand.

19 JULIE: I can read it to you briefly one more time if you'd like what it means to be  
20 in this priority development area.

21 MR. GREEN: It's in here?

22 JULIE: Yes, sir.

23 MR. GREEN: What page is it on?

1           JULIE: It's actually addressed in each planning area. We just decided to do it  
2 that way. I do feel like it was redundant but since we're dividing it by planning area I  
3 thought it best to kind of discuss each one individually. So you can go to any planning  
4 area under future land use and find what it means. Let's see. Like for example if you  
5 go to page 14 it talks about – see now you asked me and it threw me off. I'm kidding.  
6 The second paragraph kind of towards the middle it says, "These priority development  
7 areas should contain a deliberate mix of residential, commercial, and civic uses.  
8 Housing should be varied at moderate densities which is one to eight dwelling units per  
9 acre and should include affordable housing. Complete streets should be available." It's  
10 in there for each planning area.

11           MR. GREEN: That would be sufficient for what I was talking about.

12           JULIE: And it also discusses what should be included in these urban villages as  
13 well. Any other questions? The first goal is to reuse existing infrastructure throughout,  
14 through revitalization. Basically we just felt like focus should be placed on reusing and  
15 developing infrastructure that already exists.

16           MR. GREEN: This has been one of my complaints about our current Land  
17 Development Code. It says very little in the code that provides an incentive to come  
18 back inside some of these Decker Boulevard areas, I mean, you know, Dutch Square.  
19 There's just nothing in the code that helps anybody. So I would like to know if one of  
20 the implementing strategies has got to be looking at how the code can encourage  
21 reutilization of existing or partially abandoned areas. Cause we just don't offer a whole  
22 lot in the code that do that.

1 CHAIRMAN MANNING: I think too a lot of this is going to depend on does the  
2 county want to get into the utility business [inaudible] discussion [inaudible] so obviously  
3 [inaudible] new infrastructure [inaudible] rather [inaudible] I think there needs to be a  
4 definition as to where the county wants to go. Do they want to continue to utilize the  
5 City of Columbia as their source of water [inaudible] and if not, how they gonna get  
6 there?

7 MR. KOCY: That is a \$64 million question but getting back to Mr. Green the  
8 incentives that we had in the Decker overlay of you know much greater flexibility in the  
9 code on, you know, bigger buildings, mixed uses. I hope to be bringing more and more  
10 community plans to you with the Decker overlay mechanisms in there to encourage  
11 redevelopment on existing, under utilized corridors in the county. So we will be doing  
12 that to implement this goal.

13 JULIE: Okay. Goal number two is to promote urban and suburban infill. Rather  
14 than expanding into the rural areas of the county focus should be placed on urban and  
15 suburban infill, including the use of vacant land in areas of the county that are already  
16 development or are developing, redeveloping existing vacant shopping centers and  
17 neighborhoods, and reusing vacant structures.

18 MS. CAIRNS: Is there any sense as to what's the current impediment to any of  
19 that? Is there such a -

20 MR. KOCY: I suspect it's many of the existing sites are built out to the maximum  
21 under the existing zoning and the cost to take down an old structure and rebuild the  
22 exact same thing that's there, there's no incentive. It's cheaper to go buy a green piece  
23 of property and develop it the first time.

1 JULIE: Goal number three is to promote compact developments. A compact  
2 development is basically a high density residential or mixed use development that is  
3 specifically designed to reduce the amount of infrastructure and impervious surfaces  
4 that are needed. These types of developments we feel should be considered whenever  
5 possible particularly on vacant land with adequate infrastructure to support such a  
6 development. Goal number four is to protect waterways by increasing stream buffers.  
7 As a county we need to focus on protecting, you know, waterways, watersheds, and the  
8 floodplain and one step in the right direction is to be increase the stream buffers. We  
9 should furthermore strive to reduce the amount of impervious surfaces that surround  
10 waterways and the newly adopted green code that you guys just passed has already  
11 created incentives for environmental protection and does address this. Goal number  
12 five is to promote transit oriented developments which are mixed used developments  
13 centered on a major transit stop. The idea is to have areas of the county that are more  
14 pedestrian friendly than vehicle friendly and TODs are the perfect opportunity to focus  
15 on redevelopment and revitalization of an existing area. And goal number six I think  
16 we've spoken to a lot is to place a 3,000' buffer around Fort Jackson and McEntire. You  
17 know, we've already just talked about the incompatible uses that are encroaching upon  
18 the base and the [inaudible] committee is doing a study about what uses would be  
19 allowed inside the buffer and the City of Columbia and Richland County and the bases  
20 are all on that committee. So that's it. Any questions?

21 CHAIRMAN MANNING: I know I've been guilty of not responding to other  
22 elements in writing as [inaudible] discussed at our last meeting we've got [inaudible]

1 almost there and I don't know whether you've received anything email or not wise about

2 –

3 JULIE: I haven't.

4 CHAIRMAN MANNING: - [inaudible] but we don't have much longer so I think if  
5 we could it would help to put our comments in writing back to Staff and [inaudible]  
6 develop some dialogue as soon as possible. I apologize for not getting back with you  
7 like I said I would. Thank you.

8 JULIE: Sure.

9 MR. KOCY: Mr. Chairman, we have no update for neighborhood planning for  
10 this month. Before we go on to other business I'd like to ask that we revise the calendar  
11 that we just talked about earlier. I'm leaving for vacation on Saturday. I'll be gone for  
12 two weeks and it will be very difficult for me to get out post cards, to contact Susan Britt,  
13 to go through the various meetings Minutes on the SERN and get back to you in time for  
14 an August the 4<sup>th</sup> work session. So if we could defer that to perhaps September or  
15 beyond and I guarantee at your August session I'll have a timetable for you.

16 CHAIRMAN MANNING: You'll have a timetable for us -

17 MR. KOCY: To proceed forward with SERN, correct.

18 CHAIRMAN MANNING: - [inaudible] with SERN. Okay. So we would continue  
19 to have our August meeting. You said you had one –

20 MR. KOCY: We have one item for August that we could certainly hold until  
21 September but I do know that the Cities of Columbia and Blythewood are dying to get  
22 together to meet with this Board; especially now that you've seen our land use element,

1 and talk about the boundaries between the two cities and the county and get into a  
2 discussion with you on future land uses.

3 MR. GREEN: It's a shame County Council doesn't have the same desire, isn't it?

4 MR. KOCY: This is an opportunity for you to be leaders and set good examples,  
5 Mr. Green.

6 MR. GREEN: I'm talking about meeting with us, an interest in meeting with us.

7 MR. KOCY: Oh, well they want to do that too but they want to give you first shot  
8 to go through the comprehensive plan.

9 CHAIRMAN MANNING: So they're okay with meeting here as far as our regular  
10 [inaudible]?

11 MR. KOCY: Well both boards – the two cities meet at 5:00 o'clock so their  
12 request would be that you can meet – the City of Columbia has offered to host the  
13 meeting. We can hold it here. The City of Blythewood has got a very tiny conference  
14 room. They suggested they don't want to hold the meeting. But both boards requested  
15 you meet a 5:00 o'clock if you possibly could.

16 MR. ANDERSON: Here?

17 MR. KOCY: This could be fine or we could meet with the cities at the city  
18 chambers. They weren't particular.

19 CHAIRMAN MANNING: Whatever facilities are the best for that size group.  
20 [Inaudible].

21 MR. KOCY: All right.

22 CHAIRMAN MANNING: I don't know what [inaudible] sufficient upstairs?

23 MR. KOCY: We could certainly meet upstairs. We could meet down here.

1 CHAIRMAN MANNING: Well, just to have a discussion with two other  
2 commissions I think [inaudible].

3 MR. KOCY: That's true. Upstairs we could certainly arrange the tables in a big  
4 circle and you could be facing your colleagues and we've got, you know, we've got AV  
5 technology that use overheads and PowerPoints and such. We could do that.

6 CHAIRMAN MANNING: All right. Then we'll just wait to get a timeline from you  
7 at our next meeting. We're going to defer any action on the SERN.

8 MR. KOCY: Correct.

9 CHAIRMAN MANNING: And we will have Blythewood and the City of Columbia  
10 join us at our regularly scheduled meeting but it will be at 5:00 o'clock.

11 MR. KOCY: Five o'clock on August 4<sup>th</sup>?

12 CHAIRMAN MANNING: August the 4<sup>th</sup>.

13 MR. KOCY: All righty.

14 MR FURGESS: Five o'clock on August 4<sup>th</sup> here?

15 CHAIRMAN MANNING: Right.

16 MS. MATTOS-WARD: Five o'clock?

17 CHAIRMAN MANNING: Five o'clock.

18 MR. GREEN: Five o'clock, August 4<sup>th</sup>?

19 MS. MATTOX-WARD: [Inaudible]

20 MR. GREEN: Fourth floor.

21 MS. MATTOS-WARD: Fourth floor.

22 MR. GREEN: Right as you come in from the backside of the building.

1 MR. KOCY: Ms. Ward, if you exit the elevator on the 4<sup>th</sup> floor, the conference  
2 room is on your right. Exit the elevator and turn right and you'd walk right into it.

3 CHAIRMAN MANNING: [Inaudible] going to take up Other Business? I know  
4 you're going [inaudible].

5 MS. ALMEIDA: At the last Planning Commission there were two items that were  
6 requested for Staff to research and provided for you are the existing definitions of front,  
7 side, and rear yard setbacks and our existing language on posting. I felt, I didn't know  
8 whether you all were apprised of the fact that we do have definitions for side yards and  
9 so I would take any questions or any directives from Planning Commission Members.

10 MR. GREEN: I think the issue that was raised to me was that people are being  
11 impacted by being defined as having three front yards. And the feeling that there really,  
12 that you have two side yards, one front yard, and one back yard and that because we're  
13 starting to desire a more rectangular street pattern those were desiring to access  
14 commercial lots through frontage style roads rather than multiple curb cuts because  
15 we're encouraging alleyways, which under this definition your house on an alleyway  
16 would be considered two front yards. Those are the kind of issues that were brought to  
17 me especially with the commercial lots being defined as having three front yards or a  
18 three-quarter acre commercial lot could have three 25' setbacks.

19 MS. ALMEIDA: Right.

20 MR. GREEN: And parking is not allowed in between - you almost render a small  
21 commercial lot that is serviced by potentially a frontage road which we all prefer. Like at  
22 the Village at Sandhill versus Sparkleberry where you've got a curb cut every 14' it  
23 seems like.

1 MS. ALMEIDA: Right.

2 MR. GREEN: But you're penalizing people for putting in that frontage road  
3 because all of a sudden the main street is a front yard, the frontage road is a front yard,  
4 and the street that's connecting those two is a front yard and all of a sudden you're  
5 taking away a substantial portion of the developable part of the property and I thought  
6 we were encouraging that rather than discouraging.

7 MS. ALMEIDA: We are, and under Section 26-172, item three, it does talk about,  
8 you know, when you do have a lot that has more than one road frontage it does allow  
9 some discretion for the Zoning Administrator and I believe he's here and he can speak  
10 to that item.

11 MR. GREEN: I'd rather see the county have a policy than, you know, having  
12 different Zoning Administrators over time interpreting it differently. That's no offense to  
13 Geo, I mean, but, I mean.

14 MR. PRICE: I mean, I hear what you're saying. Actually this particular section  
15 looking at it I think this deals with more or less not with new developments or when you  
16 have existing, you know, I'll give you an example. We have [inaudible] a lot of the  
17 homes are set closer to the road than normal setback would allowed. You're going to  
18 build a new home in there given the setbacks [inaudible]. As far as a new development  
19 I don't know if this particular section would apply, [inaudible] it would have to be 25' on  
20 each side.

21 *[Anderson out at 4:20 p.m.]*

22 MR. GREEN: Just to get back, the issue seems to be that somebody could have  
23 three front yards.

1 MS. ALMEIDA: Absolutely. This can have four. Well –

2 MR. GREEN: Theoretically they could have four.

3 MS. ALMEIDA: Sam's Crossing.

4 MR. GREEN: I don't know if that's doing, you know, for instance what do you  
5 when, the way this is written if you've got an alley in the back, a house up on the front  
6 and you've got to setback 25' from the alley and 25' from the front which seems to  
7 defeat the whole concept of an alley. And again putting in frontage roads rather than  
8 multiple curb cuts this is an incentive not to do that. That's what my concern is.

9 MS. CAIRNS: You developer types would know this more than I. I mean, I find  
10 this odd with my experience in other parts of the country but do the other municipalities  
11 and jurisdictions have this multiple front yard phenomenon?

12 MR. GREEN: I don't know. That was the basis for my question.

13 CHAIRMAN MANNING: I was under the impression that, you know, if you had a  
14 25' front yard setback, and you had a three side yard off a side street it was typically  
15 going to be half of what the front yard would be.

16 MS. CAIRNS: Whatever the – yeah.

17 CHAIRMAN MANNING: You know, and so didn't get into that.

18 MS. ALMEIDA: Right. Right. And that actually was addressed. I believe that  
19 was worded prior to –

20 CHAIRMAN MANNING: [Inaudible] setback on the other side.

21 MS. ALMEIDA: Right.

22 MR. PRICE: In our previous code [inaudible] secondary fronts and we [inaudible]  
23 specific setbacks for those.

1 MS. ALMEIDA: Do you want us to research that or, options?

2 MS. CAIRNS: I mean, I would, you know, like I said with my experience in other  
3 areas is that one typically only had one front and it was basically where the front door  
4 faced or where the curb cut was or whatever was –

5 MS. ALMEIDA: Your address.

6 MS. CAIRNS: - [inaudible]. Sometimes a curb cut will be on a side. But I mean,  
7 it was basically where the thing was addressed and if that was the front and that all  
8 other frontages would not be considered front yards. They either got special treatment  
9 or they were just treated otherwise but –

10 MR. GREEN: [Inaudible] you're cutting a 25' swath around three sides of a piece  
11 of property that you're not even allowed to park in.

12 MS. CAIRNS: I mean, can the Staff offer any great reason why we should keep  
13 it this way? Was it just an anomaly that it ended up there?

14 MS. ALMEIDA: I would suggest that we do some research and come back with  
15 some alternate language possibly that would meet your needs.

16 MR. GREEN: That would be fine.

17 *[Murray out at 4:25 p.m.]*

18 MR. PRICE: Mr. Green, how do you take the, let's say, just have a question.  
19 Sorry about that. I'm killing her with this. I'm sorry. You know, you said a yard with two  
20 road frontages so you have 25, 25. What do you consider the two interior property  
21 lines?

22 CHAIRMAN MANNING: [Inaudible]

23 MR. PRICE: I mean –

1 MR. GREEN: [Inaudible]

2 MR. PRICE: So I mean, really what it does is especially what I found from a  
3 residential standpoint it keeps the homes aligned with the other homes in that area.  
4 Now I can't speak for commercially how this would apply and the effects it may have for  
5 that but from a residential standpoint regardless of how you're going to orientate your  
6 home, you know, you have these 25' one way or the other you will be in line with the  
7 other homes. One of the problems that would happen is if you, previously if you gave  
8 someone a secondary front [inaudible] this is your secondary front and they actually  
9 applied that, well now this home is set differently than the other homes on that same  
10 road.

11 MR. GREEN: Well, if everybody has the same setback what's considered the  
12 front yard that's not a problem is it?

13 MS. CAIRNS: On the house that's on the corner it could slide over further than  
14 the other houses on that side street. That's what Geo's talking about.

15 MR. PRICE: Right.

16 MS. CAIRNS: Making that corner house set back equally then, I mean, it's, you  
17 know, I mean, corner houses in residential grid neighborhoods, I mean, I don't think  
18 they get good lots ever. They don't get fronts, they don't get sides.

19 MR. GREEN: Deas solved that. He made every one of them face the corner.

20 CHAIRMAN MANNING: I love corner lots.

21 MS. CAIRNS: Well, I think they can be done well [inaudible] duplexes on every  
22 corner with two front doors. That's pretty slick.

23 CHAIRMAN MANNING: That is.

1 MS. CAIRNS: It actually was. They're really slick. They're [inaudible].

2 CHAIRMAN MANNING: When cul-de-sacs like Gene said were in vogue many  
3 years ago, I kind of quit that but I think, you know, as long as you're not penalizing. In a  
4 commercial situation it's even more critical. I think there's some desire to have building  
5 fronts staggered and you've got parking that's got to be off street or on a side street.  
6 There's a lot of other issues involved.

7 MR. PRICE: Well, I found it -

8 MR. GREEN: - [inaudible] in a commercial.

9 MR. PRICE: Well, that's what everybody, I mean, right from a residential I don't  
10 believe this has been much of an issue. I think it's actually worked out. I was not in  
11 agreement with this at first but, you know, over time enforcing this particular provision I  
12 can see where it works. Now you get into your commercial now that's totally different so  
13 I think if we're going to look at this we need to make a distinction between those two  
14 uses.

15 MR. GREEN: Okay.

16 MS. CAIRNS: Well, maybe just something that says you can't have more than  
17 two and that an alley won't be considered, you know, when we get into starting to try to  
18 just do alleys without it being PUDs you may want something that somehow says that  
19 an alley's not considered road frontage because then you'd have to set your, you know,  
20 I think you'd end up with not what you want.

21 MR. GREEN: If you find something interesting.

22 MS. ALMEIDA: Oh, we can find something interesting.

23 CHAIRMAN MANNING: Posting provisions.

1 MS. ALMEIDA: Yes. That's our existing code language that we have today.

2 CHAIRMAN MANNING: Can you enlighten me some about that [inaudible], I  
3 can't recall what –

4 MS. CAIRNS: We had the situation last meeting -

5 MR. PRICE: Sand Farm Road.

6 MS. CAIRNS: - where there was a large tract of land at the end of a dead end  
7 road that the posting would have really not put anyone in the area on notice even  
8 though it was absolutely complied.

9 MS. ALMEIDA: It wasn't truly on a thoroughfare.

10 CHAIRMAN MANNING: So there was no signage out on the main street  
11 thoroughfare that –

12 MS. ALMEIDA: Right.

13 MS. CAIRNS: Yeah. So, I mean, in essence when you've got a dead end, land  
14 accessed only by dead end roads it seems like we might need something that pulls it  
15 out onto some kind of a thoroughfare.

16 MR. PRICE: I thought that this was kind of taken care of with the neighborhood  
17 notification of getting just the people that are abutting or within a certain radius of the  
18 subject parcels. One of the issues that we do have is you have a case where you,  
19 okay, we can't put it back on, you know, in this case we have Sand Farm Road. We  
20 didn't want to put, we put the signs there but then we put it on Hardscrabble Road. Well  
21 then the first thing we did is we get a bunch of calls from the property owner saying hey  
22 is my property being rezoned. So everybody thinks that the subject property is where  
23 the sign is and that causes a lot more of an issue.

1 CHAIRMAN MANNING: At the same time if you were somebody who was  
2 wanting to invest in property that was out on the street or in the particular area you'd  
3 want to know what was going on unless you were noticed as on the joint property  
4 owners you wouldn't get that, I believe.

5 MS. ALMEIDA: Correct.

6 CHAIRMAN MANNING: So, I mean, there would be people who have an interest  
7 in the area that may not be informed about what's going on.

8 MR. PRICE: Yeah. A lot of places that I've gone I noticed that they place their  
9 signs actually on utility poles or some place in the right-of-way. I don't know if that's  
10 something that we necessarily want to do but.

11 CHAIRMAN MANNING: Well, this did have a road, didn't it?

12 MS. ALMEIDA: A dirt road.

13 MR. PRICE: Yes.

14 CHAIRMAN MANNING: Then you could post it there.

15 MS. CAIRNS: Oh, but it was, I mean, it was posted in a manner that the only  
16 way you would see it is if you decided to drive down a dead end dirt road.

17 MS. ALMEIDA: Right.

18 MR. PRICE: Right.

19 MS. ALMEIDA: It was a complete [inaudible].

20 CHAIRMAN MANNING: Could it have been posted on the dirt, in a section of the  
21 dirt road and Hardscrabble Road?

22 MR. PRICE: Sure it could have, yes.

1 MS. CAIRNS: And I'm just simply saying that I think in situations like that we  
2 ought to have something that requires posting where there's a reasonable thoroughfare.  
3 And I mean, I know it's difficult to write something that's going to, I don't want to write  
4 something that's going to be open to challenge. I'm really not trying to go there but I  
5 think that that case illustrated the insufficiency of the current ordinance in truly noticing  
6 the neighborhood because of dead end roads.

7 CHAIRMAN MANNING: Well, could ya'll draft some language?

8 MR. PRICE: I believe the language is already there and I think I'll take the, I'll fall  
9 on the sword for this one. But the language is already in the code. It says that we can  
10 post it on the property or adjacent to the property and so in this case maybe we should  
11 have posted it on Hardscrabble Road, at the corner of Hardscrabble Road and Sand  
12 Farm.

13 MS. CAIRNS: But again I want to basically take the discretion out. I mean,  
14 you're saying we should have or could have, that's bad because then you're going to  
15 get, I mean, I would offer that in that particular situation the developer of that piece of  
16 land there's no way they would have wanted that posted on Hardscrabble. There's just  
17 no way. I mean, I'm sure this room would have had a few more people in it if there'd  
18 been a posting on Hardscrabble about more subdivisions going on. And so I think it  
19 needs to not be a discretionary, I mean, certainly you could have posted it additional  
20 spots –

21 MR. PRICE: Right.

22 MS. CAIRNS: - but the pressure from the applicant would have certainly been  
23 not to.

1 MR. PRICE: Well, we typically don't listen to the applicant when it comes to the  
2 posting.

3 MS. CAIRNS: No, but I would like something that requires it.

4 MR. PRICE: Okay.

5 MS. CAIRNS: You know -

6 MR. PRICE: We'll come up with -

7 MS. CAIRNS: - in a situation we've got a dead end road where the subdivision  
8 that's going to go on on the dead end, maybe there needs to be something about the  
9 length of the dead end road or something like that.

10 MS. ALMEIDA: We'll see what we can come up with.

11 MS. CAIRNS: Yeah.

12 MR. GREEN: You know, you could have a situation where you've got a dirt road  
13 connecting two roads and it's not a dead end. This thing sitting in the middle of the dirt  
14 road -

15 MS. CAIRNS: Right. Yeah, people don't drive it because it happens to be a dirt  
16 road.

17 MR. GREEN: It's just more than, it's more than just a dead end road issue I  
18 think.

19 MS. CAIRNS: Well, I think we could at least start there.

20 MR. GREEN: Yeah.

21 MS. CAIRNS: You know, I mean, maybe if it's a current, non-paved road that's  
22 going to be changed to paved road as a part of the development? Because, I mean,

1 that was one of the things, that road's going to become paved because the dirt road  
2 would never –

3 MS. ALMEIDA: Well you can also just do it on a classification. You know, if the  
4 subject property is not on a, you know, connector arterial or if it's, you know, obscured –

5 MR. GREEN: [Inaudible] be posted at a collector road or something like that?

6 MS. ALMEIDA: Yeah. I've seen some –

7 CHAIRMAN MANNING: [Inaudible] directional signs up.

8 MS. CAIRNS: Well, I mean, throw an arrow on it –

9 MR. PRICE: Sometimes it -

10 MS. CAIRNS: - but I mean, yeah throw an arrow [inaudible] you know, the  
11 question about somebody saying oh my gosh their rezoning my property. I saw this out  
12 near my property. If it's got a big old arrow on it it kind of helps, you know. I mean, I  
13 always [inaudible] with the quarter inch hand lettering, you know. But I mean, you  
14 know, I think an arrow would go a long way to try and explain to somebody that it's not  
15 that spot but it's something nearby.

16 MR. PRICE: So this is something that would be amended through the Planning  
17 Commission's –

18 MS. CAIRNS: Initiative.

19 MR. PRICE: - rules of procedure or does this need to actually be amended in the  
20 Land Development Code?

21 MR. GREEN: In the Code.

1 MR. PRICE: Because, you know, we don't really use this for really the guidelines  
2 for posting the Planning Commission because ya'll actually have some language in  
3 there already in your by-laws and rules of procedure on posting.

4 MS. CAIRNS: I'd rather have it be an ordinance rather than rule, I mean, a little  
5 scared to have it in [inaudible] ordinance.

6 CHAIRMAN MANNING: I mean, why would you not want [inaudible]?

7 MR. PRICE: Just throwing it out there. They aren't the same now, that's why.

8 MS. ALMEIDA: Let me bring, let's bring what you have in your rules as well and  
9 maybe clean that up to [inaudible].

10 MR. PRICE: You may want to identify the number of signs per.

11 MS. CAIRNS: Okay.

12 MR. GREEN: Do we have a quorum left to do business?

13 MS. CAIRNS: I think so. Don't we?

14 [Inaudible discussion]

15 CHAIRMAN MANNING: We've got one thing left to do.

16 MS. ALMEIDA: We've got five. One, two, three, four, five.

17 MS. CAIRNS: Five's enough isn't it?

18 CHAIRMAN MANNING: Five's enough?

19 MS. CAIRNS: Five's enough.

20 MR. GREEN: Five's enough. Never mind. We don't need you to vote like you're  
21 on the Planning Commission.

22 MS. CAIRNS: I think that's a bigger mess frankly.

1 CHAIRMAN MANNING: Okay. Next up on the agenda are road names.  
2 [Inaudible] names. We have a request to rename something or just name all these  
3 roads?

4 MS. ALMEIDA: Rename Ridsen(?) Way.

5 MS. CAIRNS: Are there any other parcels that address on Ridsen Way?

6 MS. ALMEIDA: You can go to the podium. Ms. Alfrieda Tindall is here.

7 MS. TINDALL: Hello. I'm Alfrieda Tindall, Richland County Addressing  
8 Coordinator. On that Ridsen Way there's only one piece of property that is showing that  
9 tax map number that is shown on the map. That's tax map 2291001 and five I think or  
10 ten.

11 CHAIRMAN MANNING: Two.

12 MS. TINDALL: Oh, two? There is only one property where the new Mestal(?)  
13 Mineral Company is going. The road has been gated coming from North Springs Road  
14 just before the school district property. As you cross over Two Notch Road over to the  
15 railroad tracks up to the new, where the old building was, a construction company that  
16 was there or manufacturing company that was there once upon a time. Mineral, Mestal  
17 Mineral is going in that place and they want to rename that portion because we, what  
18 we did is we would have Ridsen Way with two different segments and one end is  
19 closed.

20 MR. GREEN: So there will continue to be a Ridsen? When you take  
21 Sparkleberry Extension you hit the current Ridsen Way, make a left like you're going to  
22 North Springs that will continue to be Ridsen Way in there?

23 MS. TINDALL: Yes.

1 MR. GREEN: We're not changing the whole road?

2 MS. TINDALL: No. Just the –

3 MR. GREEN: We're changing the piece that's now been cut off from access  
4 from the old, from the current Risdan Way and it's just one address on it?

5 MS. TINDALL: Yes.

6 MR. GREEN: Okay.

7 MS. TINDALL: There will be two addresses. The building and there's a cell  
8 tower is at the rear of it.

9 MS. CAIRNS: Bet they'll get upset.

10 CHAIRMAN MANNING: Need a motion.

11 MR. GREEN: So moved.

12 CHAIRMAN MANNING: Got a motion and a second?

13 MS. CAIRNS: Second.

14 CHAIRMAN MANNING: All in favor please raise your hand.

15 *[Approved: Cairns, Manning, Green, Mattos-Ward, Furgess; Absent: Murray, Ward,*  
16 *Anderson, Palmer]*

17 CHAIRMAN MANNING: You don't have a pen do you? [Inaudible]

18 MR. GREEN: I want to live on Happy Street.

19 MS. CAIRNS: I don't know, Penny, that sounds like me.

20 MS. ALMEIDA: Our attorney says we have to take action on page 146.

21 MR. GREEN: Mr. Chair, I would recommend that we approve the street,  
22 subdivisions names, the street names and the subdivision name listed on page 146 of  
23 the Staff Report.

1 CHAIRMAN MANNING: Got a motion; do we have a second?

2 MS. MATTOS-WARD: Second.

3 CHAIRMAN MANNING: Motion and a second. All in favor please raise your  
4 hand.

5 *[Approved: Cairns, Manning, Green, Mattos-Ward, Furgess; Absent: Murray, Ward,*  
6 *Anderson, Palmer]*

7 CHAIRMAN MANNING: Okay. I don't think we need a motion to adjourn. I think  
8 we're just going to fall out.

9

10

*[Meeting adjourned at 4:45 p.m.]*