

RICHLAND COUNTY PLANNING COMMISSION

March 9, 2009

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4 *[Members Present: Heather Cairns, Enga Ward, Pat Palmer, Christopher Anderson,*
5 *Deas Manning, Stephen Gilchrist, Wes Furgess; Absent: Julius Murray, Elizabeth*
6 *Mattos-Ward]*

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8 CHAIRMAN ANDERSON: This is the March 9th Planning Commission meeting.
9 I'll read this into the Record for the Minutes. "In accordance with the Freedom of
10 Information Act a copy of the Agenda was sent to radio and TV stations, newspapers,
11 persons requesting notification, and posted on the bulletin board located in the lobby of
12 the County Administration Building." Let's see, has everybody had a chance to review
13 the February Minutes?

14 MR. PALMER: Yes. Make a motion to approve.

15 MR. FURGESS: Second.

16 CHAIRMAN ANDERSON: All those in favor please signify by raising your hand.
17 All opposed?

18 *[Approved: Cairns, Palmer, Anderson, Manning, Gilchrist, Furgess; Not voting: Ward;*
19 *Absent: Murray, Mattos-Ward]*

20 CHAIRMAN ANDERSON: Alright. Agenda amendments. None as of yet but I
21 would like to make one. I'm noticing on Chapter 26, Article 5, concerning the GC zoning
22 classifications we're talking about removing the residential uses from that zoning
23 classification and at this point I thought it prudent for Staff to send some notifications out
24 to all the GC landowners; be a note, card, or a letter or something stating that we're
25 talking about changing the uses of their particular zoning. So at that point I would like to
26 defer this until the next Planning Commission meeting so that all GC landowners know
27 what's going on and know what we're trying to take out of their –

1 MS. ALMEIDA: Well I think the objective at this point is to just entertain
2 reviewing a text amendment as per the request of Council. Our normal operating
3 procedures are not to go ahead and notify every property owner of a specific zoning
4 district when we're talking about either adding or omitting uses until such time as it
5 becomes something that would be recommended. Then we do get a hold of – either,
6 and legal would have to kind of chime in here – we do put notices in the paper on all of
7 our text amendments so we do meet that sunshine law of notifying the general public,
8 even those that may not have property zoned GC.

9 CHAIRMAN ANDERSON: Well my first immediate thought is this it does effect
10 quite a bit of people and this is a large – I mean, this could impact a lot of landowners
11 and I just don't think we need to rush through that personally.

12 MS. ALMEIDA: Well this has been asked by Council to bring forth before you
13 and we can obviously at your pleasure, the pleasure of this Board to defer but please
14 keep in mind that we report back to Council and they can repeal that in 30 days.

15 MR. PALMER: Correct. I think this is – I would tend to agree this is a big
16 enough land change. It's not like we're taking away, you know, dog kennels or
17 something like that. I mean, this is a huge change to the General Commercial district
18 where people have purchased property perhaps with this in mind to use it for and plus
19 to have a public hearing on it and not know that the public is really – unless you read
20 the paper specifically for what's going on you wouldn't know that this is being kind of
21 tossed around by the county.

22 MR. MANNING: Mr. Chairman, maybe it would be good to have some
23 discussion and at the appropriate time during that discussion a motion could be made

1 where we could at least have some dialogue and then if a motion is necessary to defer
2 or a discussion about a public hearing is necessary we could, you know, address that all
3 at the same time. At least get some of the discussion on the table so that we could ask
4 questions of Staff as to how this might impact the GC classification.

5 CHAIRMAN ANDERSON: And I'm not opposed to that. I think, you know, Staff's
6 opinion is right here. My main concern is hearing from individual landowners. Wouldn't
7 ya'll say that the text is written as Council kind of handed it down?

8 MR. KOCY: Yes, sir.

9 CHAIRMAN ANDERSON: I mean, just a brief description I wouldn't have a
10 problem with that but it's just my opinion this affects way too many landowners without
11 having a public [inaudible].

12 MR. MANNING: And that's some of the discussion I want to ask. How many GC
13 classifications do we have? How much acreage is included in those categories? What
14 is the impact? If you were to say, you know, we've got an ordinance before us that's
15 going to reduce 16 to 10, that's six units per acre. How many acres is it? How many
16 units does that take off the table? I mean, it's got major economic implications and I'd
17 like to get some information about whether we have the public notice, you know, public
18 hearing or not. But at the same time I requested some information from our last
19 meeting when the GC discussions came up. I wanted to see the Minutes just so we
20 could understand what those arguments or the concerns were and I haven't gotten that
21 yet when it was previously before the Planning Commission and I'm not exactly sure
22 when that was. Do you know, Anna?

23 MS. ALMEIDA: The last time we brought a text amendment –

1 MR. MANNING: Right.

2 MS. ALMEIDA: - for the GC? About a year ago.

3 MR. MANNING: How long ago?

4 MS. ALMEIDA: Approximately a year ago.

5 MR. MANNING: Okay. Well, I'd like to see the Minutes from that discussion,
6 from that meeting.

7 CHAIRMAN ANDERSON: Having said -

8 MS. CAIRNS: I mean, the only thing I'd be concerned about is I don't think we
9 should – I mean, if the, you know, you raise an issue about the fact that you are asking
10 for a degree of notice that exceeds what we are required to do and I would highly
11 discourage setting a precedent of requiring a process of notice that is beyond what we
12 need to do because it just causes all kinds of problems. I mean, if this was properly
13 noticed I don't think that's the reason to defer it. If there's other reasons to defer, and I
14 don't think that we should say it should be deferred until everybody has written notice of
15 it because that's not necessary or reasonable. But I mean, if we need to, you know –
16 now I don't know how much is [inaudible], I mean, Staff you said something about
17 what's the steps, I mean, like today Council's asked us to consider this.

18 MS. ALMEIDA: Well understanding that we are not a public hearing, this is a
19 meeting. Normally we put it in the newspaper, over the radio, whatever the means of
20 advertisement, Internet. We do meet the letter of the law in those respects. It is
21 published 15 days prior to this meeting. Once it clears the Planning Commission it then
22 goes to the public hearing with Council and it gets readvertised again in paper, news
23 radio, Internet, and other forms that we use.

1 MS. CAIRNS: So there's ample opportunity for the public to still be a part of a
2 public hearing regarding this proposed change?

3 MS. ALMEIDA: Absolutely.

4 CHAIRMAN ANDERSON: And I do feel like that has been ample time just of the
5 magnitude that this does impact [inaudible] may need to – maybe we need to take some
6 extra steps. This does affect quite a few landowners in Richland County.

7 MS. CAIRNS: But also, you know, you start out by saying it eliminates
8 residential. It doesn't eliminate residential.

9 CHAIRMAN ANDERSON: Correct.

10 MS. ALMEIDA: It limits.

11 MS. CAIRNS: I just makes sure that it's a part of [inaudible] use. I mean, it's a
12 big change. I'm not saying it's not a big change.

13 MR. MANNING: But it does reduce the number of units that are allowable which
14 –

15 MS. CAIRNS: Sure.

16 MR. MANNING: - has an impact on the use and in the past M-1 was afforded the
17 ability to have discussions which ultimately got deferred. They put a sunset provision in
18 for M-1 on that same issue. So any time a classification loses uses I think that's
19 something that the landowner ought to be aware of.

20 MS. CAIRNS: Yeah. But I mean, you know, there's going to be ample
21 opportunity for the public to know and, you know, I think that we need to not overly
22 emphasis the concept of vested rights in vacant land because there isn't such a thing.

23 MR. MANNING: I agree with that.

1 MS. CAIRNS: I mean, and I think that in essence that's what – some of what I
2 hear here is, you know, these people have these rights that we can't take away. If it's
3 vacant land it's subject to rezoning and that's just the way it is.

4 MR. PALMER: I'm not saying anybody has any rights. I'm saying that with the
5 amount of change that's proposed here from the Council I only think it right that we do
6 have the ability to go above and beyond the minimum standards of things which we do
7 all the time and, you know, people do recommend on this Commission to do a lot to go
8 above and beyond what the minimum standards are and I think this is one of those
9 cases where we can and should do something extra for the community and go above
10 and beyond what the minimum standard would be in notification.

11 MS. CAIRNS: For Staff, I mean, if we defer this Council can just go forward
12 without –

13 MS. ALMEIDA: Within 30 days they can pull it back.

14 MS. CAIRNS: And so basically we've been just asked of Council what we think
15 of this?

16 MS. ALMEIDA: Correct.

17 MS. CAIRNS: And they knew that we would not have the opportunity to have
18 public hearing before that.

19 MR. KOCY: Correct.

20 MS. ALMEIDA: We would not, yeah.

21 MR. PALMER: They do have the ability to do that however they [inaudible].

22 MS. CAIRNS: I know but I'm just you know –

23 MR. PALMER: Right.

1 MS. CAIRNS: I mean, Council's asking us Planning Commission what we think
2 of this change.

3 MR. PALMER: And I would like to hear what the community thinks of it to weigh
4 into my decision.

5 MS. CAIRNS: Realizing that your request to defer may give up your right to even
6 speak to Council on it at all?

7 MR. PALMER: Absolutely.

8 MR. MANNING: Personally I agree with Heather on that. I would rather have the
9 discussion amongst ourselves, hear from the community that is here that is aware of it,
10 get their input, get the Minutes that we discussed earlier from the previous meeting,
11 then make that decision. I think that taking it out of our hands is certainly a possibility if
12 we don't act.

13 CHAIRMAN ANDERSON: Alright. So as far as deferring it [inaudible].

14 MR. MANNING: I'm okay with asking to have a public hearing at some point. I
15 just think deferring today is going to open the door for the Council to make the decision
16 for us and you're not going to have any input.

17 MR. PALMER: I just think they've never done that, what makes you think they're
18 gonna do it here?

19 MR. MANNING: Do what?

20 MR. PALMER: They've never done that as long as I've been on the
21 Commission.

22 MR. MANNING: But if we don't act, they can.

1 MR. PALMER: But they've never done that. They've always respected the
2 ability to go an additional 30 days.

3 MR. MANNING: [Inaudible] right [inaudible] public hearing [inaudible] determined
4 to get input from the public.

5 MR. PALMER: But I – I think what, I don't understand what you're saying
6 because what you're saying is that you agree with having a public hearing but you want
7 to move forward today with a vote.

8 MR. MANNING: Yeah. I think we need to have the discussion that at least
9 signals to the Council that we're dealing with it, and that if you need to have a public
10 hearing to get further input from the community as a part of this process then we
11 request it. But to do nothing and to defer I think we are taking that issue out of our
12 hands and it could be, it doesn't necessarily, it's not a guarantee that the Council could
13 deal with the issue without our input. That's just, you know, I would rather us take the
14 bull by the horns and do what we've got to do [inaudible].

15 MR. PALMER: So you're recommending that we keep it on the Agenda for
16 today, have a discussion and take some kind of vote whether to defer or not at that
17 point?

18 MR. MANNING: Correct.

19 MR. PALMER: But this item's not even open to the public right now.

20 MR. MANNING: I know. I'm saying let's request for next month to have a public
21 hearing.

22 CHAIRMAN ANDERSON: [Inaudible] text amendment and defer and have it
23 placed on our Agenda for next month [inaudible], Mr. Manning requested?

1 MR. FURGESS: I think Deas is trying to say that we listen to the text
2 amendment today and then we take a vote - before we take final vote on this before we
3 send it to Council that we have a public hearing and then we send it to Council with our
4 vote.

5 MS. LINDER: Mr. Chairman, if I may say so, Council rules state that the zoning
6 public hearing will be held on the fourth Tuesday of the month. This ordinance was sent
7 to the Planning Commission by County Council in January and today, the March
8 meeting was the earliest we could get it before you. The zoning public hearing has
9 already been advertised for this and we are proceeding with the public hearing. It will
10 lack a recommendation by this Body if you take no action. But there will be a public
11 hearing and that is done by County Council. And Ms. Almeida did say that the Council
12 could take this up within, after 30 days if the Planning Commission does take no action
13 which means that any time April 9th or beyond they could take this up. Now they could
14 go ahead and have the public hearing and I suspect that your April Planning
15 Commission meeting will come before the County Council's meeting so you would be
16 able to see it again after that public hearing. But if at this point you do not want to make
17 a recommendation you may recommend, I mean, certainly a deferral is at your
18 discretion. If you're not comfortable with the language you may want to recommend a
19 denial going to Council but this is an ordinance that Council, at least the majority of
20 Council was comfortable enough to say this is what we want the Planning Commission
21 to review. We want their recommendation on this language up or down, or alternative
22 language. If there is alternative language we would take that forward to County Council
23 as your recommendation.

1 CHAIRMAN ANDERSON: So the only way that County Council will get our
2 recommendation [inaudible]?

3 MS. LINDER: That is correct.

4 CHAIRMAN ANDERSON: Alright.

5 MR. PALMER: Well I say we just leave it on the Agenda and [inaudible].

6 MR. MANNING: Can we request a public hearing for April?

7 MS. AMEIDA: A public meeting.

8 MR. MANNING: I mean –

9 MS. LINDER: Are you requesting a second public hearing?

10 MR. MANNING: You're saying that the Council's going to have a public – could
11 have a public hearing.

12 MS. LINDER: That is correct.

13 MR. MANNING: Can the Commission not have a public hearing in April prior to
14 any vote by Council?

15 MS. LINDER: I am not aware of –

16 MR. MANNING: In other words we ask them to defer taking any action until
17 we've had public input.

18 MS. LINDER: I am not aware of any rules or state laws that say you cannot have
19 a public hearing.

20 MR. MANNING: But we have to have it on the fourth Tuesday?

21 MS. LINDER: No. That would be for the zoning public hearing. But if you
22 wanted to have a Planning Commission meeting I don't know of any law that says you
23 cannot advertise for a public hearing on any one item that you wanted. Again I would

1 caution you that this is an unusual step that you're asking and I just caution any time we
2 do something that's not normal, because what we like to do is to proceed the same way
3 every time we take up a text amendment. That gives the public some assurance as to
4 how we proceed and does not create any false expectations in my opinion. I mean,
5 certainly the public's going to have an opportunity to speak on the text amendment at
6 the zoning public hearing that's coming up on March 24th.

7 CHAIRMAN ANDERSON: Alright.

8 MR. GILCHRIST: I guess what I'm confused about – so you're saying that there
9 will be a public hearing on this on the 24th –

10 MS. LINDER: Of March.

11 MR. GILCHRIST: - of March.

12 MS. LINDER: That's correct.

13 MR. MANNING: Before the Council, not the Planning Commission? Normally
14 we would have a public hearing [inaudible].

15 MR. GILCHRIST: So why don't we just deal with this [inaudible]?

16 CHAIRMAN ANDERSON: Sounds good. Any other Agenda amendments?

17 MS. ALMEIDA: No, sir.

18 CHAIRMAN ANDERSON: Map amendments. Case No. 09-02 MA.

19 **CASE NO. 09-02 MA:**

20 MS. ALMEIDA: Yes, Planning Commissioners. The applicant, Lawrence
21 Owens, the request amendment is RS-MD, Residential, Single Family, Medium Density
22 to OI. The property is .5 acres at Piney Grove Road. The current zoning of the
23 residential medium density reflects the original zoning as adopted September of '77.

1 The parcel has approximately 130 linear feet of frontage on Piney Grove Road and
2 approximately 200 linear feet along Palm Tree Lane. Adjacent to the existing – I'm
3 sorry. Currently the area surrounding the subject parcel is residential with exceptions of
4 a day care to the north which is zoned OI. That day care was rezoned in '94 from the
5 D-1 designation which is now RU to C-1 which is now Office Institutional. Adjacent to
6 the existing day care center as seen on your map is a 10 acre site zoned General
7 Commercial which also reflects the original zoning as adopted in '77. In 2007 the office
8 did receive an 84 lot subdivision for single family attached dwellings, eight units per
9 acre. It was approved, the preliminary plans, in 2008 and the balance of the parcel
10 which is General Commercial are existing in vacant commercial land uses. The Staff
11 has reviewed all of the zoning and area. We have visited the site and it is
12 recommended as a denial.

13 CHAIRMAN ANDERSON: Questions for Staff? There's one person signed up to
14 speak. Gerald Steele? If you would state your name and address.

15 **TESTIMONY OF GERALD STEELE:**

16 MR. STEELE: Gerald Steele, 1901 Main Street, NAI Avant. The reason we're
17 applying for the zoning is this property has been used for that since the '70s. M.C.
18 Smith has been in the dwelling since that period of time. I think his license ran out in
19 '08. The dwelling was gutted and made into office back in the '70s. It has been rented
20 to him since '70 – somewhere in the late '70s and he's been using it all these years as
21 an office and he was in the construction business which some of ya'll remember M.C.
22 Smith. He passed away probably about a year ago. And so all we're trying to do is
23 apply to what it's been used for since the '70s. And if you look at the area, look at the

1 size of the property where the dwelling is sitting it's been gutted for office use, it's been
2 used as office use all these years. Nobody's ever complained.

3 MR. MANNING: So this is a process of bringing it in –

4 MR. STEELE: Yeah. We'd just like to comply to, you know, what it's been used
5 for you know since the '70s.

6 MR. MANNING: You, being in the real estate business, do you see any other
7 uses that would [inaudible]?

8 MR. STEELE: I don't see any other use for it. I'm just trying to help Mr. Owens.
9 Mr. Owens came to me due to – he's been knowing me the last 30-something years and
10 I told him I would help him with the zoning. And the reason he's not here today; he's
11 sick and they just called me and [inaudible] last week, last Monday he was in here.
12 He's on crutches; he's up in age. And he bought the house and leased it to M.C. Smith
13 for his construction office and that's what it's been used for since the '70s. And you look
14 across the street with the day care center, you look right up the street what's all in there,
15 and the neighborhood probably thought it was zoned that. And you look at Piney Grove
16 Road, look at the type of road Piney Grove Road feeds back to the Interstate. So all
17 we're trying to do is comply with what it's been used for since the '70s and it's been full
18 of vehicles and construction people all these years. And so if there are any other
19 questions I'll be glad to try to answer them.

20 MS. CAIRNS: Is it currently used for the same - I mean –

21 MR. STEELE: It's not being used. Their license ran out '08. They have vacated
22 the piece of property. But M.C. passed away and his son is running the company now.

23 MS. CAIRNS: So it's currently vacant?

1 MR. STEELE: The house is vacant or the office.

2 CHAIRMAN ANDERSON: Alright, thank you. Any discussion?

3 MS. CAIRNS: I mean, I think, you know, it sounds like it was a grandfathered
4 use and we have a provision for grandfathered uses and once they let it lapse it doesn't
5 give them an absolute right to rezone it out of grandfathering and, you know, the fact
6 that it stayed a single-family structure as part of, you know, the unobnoxiousness of the
7 grandfathering by chance, you know, and he offered that there's no other use and yet
8 the owner of the property requested the rezoning to what four houses a couple of years
9 ago?

10 MS. ALMEIDA: Yes.

11 MS. CAIRNS: So, I mean, there is obviously another possible use if the
12 applicant at that time considered sub-dividing it. So I think the idea that we just rezone
13 it because it's a grandfathered use is not sufficient to rezone it. You know, rezoning it
14 allows it to be demolished and rebuilt for something that would be completely
15 incompatible or as an old structure used for OI. So I think Staff's, you know, recognition
16 of the fact that this is primarily a residential area, granted it's an Interstate road but it is
17 a residential street when you drive that portion of Piney Grove, that I would recommend
18 denial because I think that if the only basis is it was the grandfathered use but we let the
19 grandfathering clause expire that's not enough reason to recommend a rezoning for an
20 incompatible use for the area.

21 CHAIRMAN ANDERSON: Is that in the form of a motion?

1 MS. CAIRNS: No. I mean, it's just my discussion. You know, I don't know if
2 anyone else wants discussion before we go to motion. If there's no other discussion I'll
3 make a motion.

4 MR. MANNING: What are those [inaudible] rezoned back some time ago? What
5 was the zoning request?

6 MS. CAIRNS: It was just a subdivision request, right?

7 MS. ALMEIDA: It was a subdivision.

8 MR. MANNING: It was a subdivision of the existing lot or part of another
9 [inaudible]?

10 MS. CAIRNS: [Inaudible] it's allowed to have eight units per acre and it's a half
11 an acre so would it have been a subdivision into four lots or something?

12 MS. ALMEIDA: That was the adjacent existing day care.

13 MR. MANNING: So we were going to subdivide that half acre lot into four eighth
14 acre lots?

15 MS. ALMEIDA: Eight units per acre.

16 MR. MANNING: And what happened with the motion or the [inaudible]?

17 MS. ALMEIDA: They just haven't proceeded obviously. They were approved
18 preliminarily in April 2008 and I guess the market is what it is. Staff just felt out of the
19 site inspection it is very residential in nature as you can see from the zoning map in your
20 packet. Yes there is the day care across the street. Again, a very residential use. The
21 property although used for commercial it's in an existing house. It has a very residential
22 feel. And by rezoning it it may take on a very different feel in the future and not be

1 compatible with those residential homes in the surrounding area although high density
2 and medium density, and that's our opinion.

3 MR. PALMER: So the day care sits on the OI across the street?

4 MS. ALMEIDA: That is correct; next to the GC that borders the corner of Broad
5 River Road and Piney Grove. So it is a good transition between the high density and
6 the General Commercial.

7 MR. PALMER: What's the OI down off the cul-de-sac at the south end of the
8 map?

9 MS. ALMEIDA: I'm not sure what that is. Let's see. Do you know what that is?
10 Off of New [inaudible] Drive?

11 MS. CAIRNS: [Inaudible] Parkway?

12 MR. PALMER: [Inaudible]

13 MS. ALMEIDA: Yeah. That was – how far is that Betty would you say? We
14 normally don't go around that far. We just felt –

15 MR. PALMER: The homes that are zoned RS-MD that are off of Wade Street do
16 they all access internal roads?

17 MS. ALMEIDA: No.

18 MR. PALMER: It looks like they do.

19 MS. ALMEIDA: Internal?

20 MR. PALMER: Off of – they access either Wade Street. Does that home on the
21 corner of Wade and Piney Grove is their entrance; do you know?

22 MS. ALMEIDA: I don't know.

23 MR. PALMER: It looks like there's a kind of all internal subdivision kind of things.

1 MS. ALMEIDA: No. It seems like it accesses Piney Grove from you you're your
2 picture, page five.

3 CHAIRMAN ANDERSON: Any discussion? We have a motion on the floor. Do
4 we have a second?

5 MS. CAIRNS: [Inaudible]

6 MR. MANNING: The motion on the floor is to accept the recommendation of
7 Staff.

8 CHAIRMAN ANDERSON: All right. For lack of a second I guess the motion will
9 just die, correct? New motion.

10 MR. MANNING: Mr. Chairman, I'd like to make a motion that we send this
11 forward with an approval and since it's in objection to the Staff's recommendation I offer
12 that the site, the size, it's surrounded by multi-family, has office Institutional across the
13 street and commercial although it is residential in the area I find it difficult to use the
14 property as it exists strictly as a single-family residence. And in order to bring - I know
15 this is not being grandfathered in, can't be grandfathered in but to apply uses that were
16 acceptable in the past to bring that back into conformity.

17 CHAIRMAN ANDERSON: Have a motion. Do we have a second?

18 MS. WARD: Second.

19 CHAIRMAN ANDERSON: All those in favor please signify by raising your hand.
20 Opposed?

21 *[Approved: Ward, Palmer, Anderson, Manning, Gilchrist, Furgess; Opposed: Cairns,*
22 *Absent: Murray, Mattos-Ward]*

1 CHAIRMAN ANDERSON: The case will be sent forward to County Council. We
2 are a recommending Body. Their meeting is –

3 MS. LINDER: March 24th.

4 CHAIRMAN ANDERSON: - March 24th. Next on the Agenda. Text
5 Amendments. Chapter 26, Section 26-184.

6 MR. KOCY: Mr. Chairman, we're deleting much of the language in this chapter,
7 in this element. We feel that the Green Code offers much more flexibility than the
8 current parks and open space provision and so we've amended – excuse me, the
9 recreation open space standards and the rest of the of the zoning categories to reflect
10 the Green Code options. This is to decrease the volume of our Code to get rid of some
11 redundant language. We met with the homebuilders on this. This is the consensus
12 language we came up with.

13 MR. PALMER: So the homebuilders have agreed to this language?

14 MR. KOCY: Yes, sir.

15 MR. MANNING: Well I don't know why we would need to take parks and open
16 space out of any other zoning district even with the Green Code. I mean, it would seem
17 to me that we would want to promulgate green space, open space, buffers in all
18 developments and have as many tools in your handbag as you can have.

19 MR. KOCY: We have done that by adding specific recreation open space
20 standards in all the other sections of the Code. The parks and open space original
21 intent was to allow flexibility in the design of subdivisions. We think we provide much
22 more flexibility and many more incentives in the Green Code.

23 MR. PALMER: But many more requirements to take advantage of it?

1 MR. KOCY: Not necessarily.

2 MR. PALMER: Well there are more requirements.

3 MR. KOCY: There are more requirements to take advantage of the density
4 bonus.

5 MR. PALMER: Right.

6 MR. KOCY: But of the lot flexibility and the narrower road and pavement
7 standards are always available options. You don't have to have to have a minimum
8 threshold for that.

9 MR. PALMER: I think it's always wise to give incentives to the development
10 community especially in the times we live in today to be able to incentivize them
11 wherever necessary in our Code to have more open space. Wherever those incentives
12 are I think they should stay where they are to be honest with you. And where's this at
13 with the Round top – with the Roundtable – is this not something that's only discussion
14 for the Roundtable?

15 MR. KOCY: No.

16 MR. PALMER: What areas are the Roundtable discussing?

17 MR. KOCY: Road standards, parking requirements, storm water management.

18 MR. PALMER: I thought the Roundtable was discussing everything to do with
19 our Land Development Code.

20 MR. KOCY: Not everything, no.

21 MR. PALMER: So what is it not discussing?

22 MR. KOCY: Zoning classifications, zoning uses, this.

23 MR. PALMER: But it could discuss this?

1 MR. KOCY: It could.

2 MR. PALMER: Yeah.

3 MR. KOCY: And we discussed this at length with the homebuilders with a large
4 number of representatives of the HBA, everything on the agenda. Not everything. We
5 discussed this and the sign regulations with the homebuilders. This is the consensus
6 we reached. In fact, the language amended at the bottom of page seven is also the
7 recommendation of the homebuilders.

8 MR. PALMER: I understand that there may be one or two things in here that
9 came from the homebuilders but as far as the Homebuilders Association endorsing this
10 language I don't know if that's the case or not.

11 MR. KOCY: It was crafted in their offices.

12 MR. MANNING: Well that really doesn't matter to me. I mean, I'm glad that
13 everybody got together on it to try to work something out from their position and yours
14 but I just quite frankly don't understand why we need to eliminate parks and open space
15 in other classifications. I know that the Green Code does offer some incentives. How
16 many people have applied for the Green Code since we -

17 MR. KOCY: None. The same number of people that have applied for the parks
18 and open space requirement in the last year.

19 MR. MANNING: Touché. But if you didn't want to go through a rezoning, you
20 know, you could stay where you are, still have green space, open space that would
21 meet the intent of what the ordinance was designed for. I just personally don't see any
22 reason to change that. I don't think it's going to keep the Green Code from being
23 effective. I think a lot of work and thought was given to that. I think it's a good

1 ordinance but I don't see why we've got to do away with something else to either prop it
2 up or to make it more attractive.

3 CHAIRMAN ANDERSON: [Inaudible] up to speak. [Inaudible] signed up to
4 speak.

5 MS. CAIRNS: Does using the Green Code require a rezone?

6 MR. KOCY: No.

7 MS. CAIRNS: So this – yeah. So there is no rezoning [inaudible]?

8 MR. MANNING: There is no rezoning?

9 MR. KOCY: No. It's a development option.

10 MS. CAIRNS: Just like this was a bonus density option?

11 MR. KOCY: Correct, correct.

12 MS. ALMEIDA: No. This wasn't a bonus –

13 MR. KOCY: No. This isn't a bonus density.

14 MS. ALMEIDA: The open space -

15 MR. KOCY: This is lot design flexibility.

16 MS. CAIRNS: Well, right which sort of had the effect of a [inaudible] because
17 you could net out more -

18 MR. KOCY: Right.

19 MS. CAIRNS: - because of the infrastructure use, right?

20 MR. KOCY: Right.

21 MS. ALMEIDA: No. You couldn't net out more lots than the underlying zoning
22 allowed.

23 MS. CAIRNS: But you could accomplish –

1 MS. ALMEIDA: Yes.

2 MS. CAIRNS: - closer.

3 MS. ALMEIDA: Right.

4 MS. CAIRNS: I know it's all that -

5 MS. ALMEIDA: Gross.

6 MS. CAIRNS: - how do you explain it.

7 MS. ALMEIDA: Right.

8 MS. CAIRNS: It doesn't give you more but you get closer to your maximum
9 potential, right.

10 MR. PALMER: Which I don't understand why we're trying to reduce those
11 anyhow. I mean, if somebody zoned for something, I mean, that's what their density is
12 and if they can get to it, they can get to it.

13 MS. CAIRNS: Right, but the only way they can get to it is to do open space. I
14 mean, because otherwise you lose certain -

15 MR. PALMER: Well why shouldn't we be encouraging people to have a lot of
16 open space?

17 MS. CAIRNS: But the Green Code does.

18 MR. KOCY: That's what the Green Code [inaudible].

19 MS. CAIRNS: We basically right now we have [inaudible]

20 MR. PALMER: Why can't we do it two places?

21 MS. CAIRNS: Just redundancy.

22 MR. KOCY: Redundancy and the Green Code offers much more flexibility in
23 design and road layout and infrastructure.

1 MR. PALMER: Why don't you take it out of the Green Code and put it here?

2 MR. KOCY: We already have the Green Code [inaudible].

3 MR. PALMER: We already have this too.

4 MR. KOCY: And this is antiquated and we came up with a better land
5 development tool called the Green Code.

6 MS. CAIRNS: Which allows more flexibility and more –

7 MR. KOCY: Provides much more flexibility.

8 MR. MANNING: So explain what would happen in a typical [inaudible] in
9 residential, low density. If I brought a plan to you and, you know, are you telling me I
10 don't have to have parks and open space attached to that plan? [Inaudible] zoning
11 classification I can submit something to you in that classification subdivision.

12 MR. KOCY: Correct.

13 MR. MANNING: What would happen if I had no parks and open space on it?

14 MR. KOCY: Currently or with this proposal?

15 MR. MANNING: With this proposed.

16 MR. GILCHRIST: And Joe, I'm going to ask if you had both options; currently
17 and with this proposal, yeah.

18 MS. ALMEIDA: I think currently with the parks – okay, with the parks and open
19 space when it was first originated there was misunderstanding where developers
20 thought that they were going to get a density bonus, okay? And it may have been at
21 first discussed in that venue but once it came to actually applying it, it was realized that
22 underlying zoning gross density had to remain constant, okay? But it would allow
23 flexibility in obviously diminishing your lot sizes, okay? So if you provided 25% open

1 space you could actually shrink your lot sizes to a very small size as if you were in a
2 different zoning classification; hence being able to reach your gross density, okay?
3 What Staff realized and developers have complained about in the past is we have this
4 piecemeal parcels of open space that sometimes benefit the development and
5 sometimes does not benefit the development. It becomes a nuisance in which HOAs
6 need to maintain them. And of course not in all cases this complies. But through the
7 Green Code we are trying to get more of a unified connectivity, better open space,
8 better design, not just the flexibility of shrinking down your lot sizes. The intent in the
9 parks and open space when it was first crafted was to reach that goal. It didn't quite
10 reach that goal as far as the open, quality of open space necessarily. But it did allow
11 some flexibility for homebuilders to reach their gross density.

12 MR. KOCY: The Green Code open space provisions are open space and
13 resource protection. The Green Code, it doesn't reduce your lot standards, it eliminates
14 your lot standards. It allows a developer total flexibility in designing the lot yield of his
15 complex. It reduces road widths, it eliminates the need for piping storm water, and in
16 return depending on how much open space you're able to provide you may qualify for a
17 density bonus. If you have 30% open space you get a 10% density bonus. Forty
18 percent open space, 20% density bonus. Fifty percent open space, 30% density bonus.
19 That's on top of the narrowing of the roads, the eliminating piping storm water, and the
20 absolute flexibility in designing your lots.

21 MR. MANNING: I think that's all I ever – I'm glad the Green Code is there. I
22 mean, I was for it when you proposed it back some time ago. I just don't understand
23 why we change the other. I hear that there is some confusion about density bonuses in

1 the other classifications and I'm not so sure I wouldn't rather deal with the density
2 bonuses in those classifications than just eliminating parks and recreation in those
3 places totally. And going back to my question, Anna, what would happen if I submitted
4 a plan to you today on RS-LD –

5 MS. ALMEIDA: Um-hum (affirmative).

6 MR. MANNING: - and it had no parks or open space in it?

7 MS. ALMEIDA: Nothing.

8 MR. MANNING: Okay.

9 MS. ALMEIDA: You could, even with the parks and open space provision –

10 MR. MANNING: So there's no requirement for parks and open space in those –

11 MS. ALMEIDA: Other than a PDD.

12 MS. CAIRNS: Right.

13 MR. PALMER: You would have to construct to the –

14 MS. ALMEIDA: To the standards of that zoning.

15 MR. PALMER: - to the standards of RS-LD and you would not be able to – there
16 would be no incentive for you to put a park in there. You would just do a straight out
17 subdivision with no incentives unless you want to do it for market conditions but there's
18 no reason to put in any kind of green space or walking trails or anything in there
19 because as the developer you wouldn't receive any additional return on your money.

20 MS. CAIRNS: But you saw that you could go under the Green Code and use the
21 flexibility in the Green Code.

22 MR. KOCY: Correct.

1 MR. PALMER: You could but you have additional requirements to construct
2 under the Green Code than you would currently have under its existing density. Not
3 density bonus but -

4 MR. KOCY: No, you would not. No, you would not.

5 MR. PALMER: You have build garages and all that kind of stuff.

6 MS. CAIRNS: You guys took the garages out.

7 MR. KOCY: Yeah. You took the garages out.

8 MS. CAIRNS: You just took those out.

9 MR. PALMER: There's other requirements in there.

10 MR. KOCY: We took that out.

11 MR. PALMER: There's no other requirement in the Green Code?

12 MR. KOCY: That's correct. It's all option based. It's all incentive based.

13 MS. ALMEIDA: Right. Not if you don't want extra density.

14 MR. KOCY: Right.

15 MR. PALMER: Right. If you don't want the extra density.

16 MR. KOCY: Right.

17 MR. PALMER: But currently you can have the extra density under the current
18 Code without doing the extra things in the Green Code.

19 MR. KOCY: You could get lot flexibility in the Green Code without hitting your
20 30% open space mandate. You can get total flexibility in lot design and you can narrow
21 your pavement width and get rid of curbs.

22 MR. PALMER: But to do that you've got to have the water parks – whatever they
23 call it, the garden, green garden.

1 MS. ALMEIDA: No.

2 MR. KOCY: That's again an option to reduce your storm water pond size. All
3 those other – rain gardens reduce infrastructure costs in doing the traditional storm
4 water, curbs, gutters, large concrete pipes pumping everything to a retention pond.
5 Those are all alternatives to reduce the cost of infrastructure. They're not mandated in
6 the Green Code. Those are options available.

7 MR. PALMER: What is mandated to take advantage of the Green Code?

8 MR. KOCY: There's nothing mandated. It's an option; you choose. As a
9 developer you choose to take advantage of the Green Code.

10 MR. PALMER: If I choose to take advantage of the Green Code?

11 MS. ALMEIDA: You shrink the lot sizes.

12 MR. PALMER: And I want to shrink the lot sizes.

13 MR. KOCY: You have to provide buffers around wetlands and ponds.

14 MR. PALMER: How much buffer?

15 MR. KOCY: Fifty feet.

16 MR. PALMER: And then the ponds and wetlands then would be?

17 MR. KOCY: Fifty feet.

18 MR. PALMER: Where they would be the green space, I guess?

19 MR. KOCY: The wetlands are. Fifty percent of your pond can be counted as
20 open space, yes.

21 MR. PALMER: That all goes into the calculation of your -

22 MR. KOCY: Of your total open space on the parcel and if you hit the threshold, if
23 you hit 30% you start to get a density bonus of housing units.

1 MR. PALMER: So you have to give up 30% and you only get 50% of your pond
2 to count towards it?

3 MR. KOCY: New ponds. If you had an existing pond on site 100% of that pond
4 would count as open space. If you're creating a storm water pond, 50% of that pond
5 counts as open space.

6 MR. PALMER: So the reason for changing this is to get people to use the Green
7 Code as opposed to just coming in and getting the bonus without using the Green Code?

8 MR. KOCY: There is no bonus without the Green Code.

9 MR. PALMER: There's no lot flexibility? You can get the lot flexibility now as is
10 no questions asked as long as you give enough land and open space, correct?

11 MR. KOCY: You get some lot flexibility, not total lot flexibility.

12 MR. PALMER: But you get –

13 MR. KOCY: You get no infrastructure –

14 MR. PALMER: - quite a bit.

15 MR. KOCY: - flexibility. Yes. With 25% open space you get some flexibility.

16 MR. PALMER: Right. So now we're going to a 30%.

17 MR. KOCY: That's the density bonus is at 30%. You get flexibility at zero
18 percent.

19 MR. PALMER: All right. I come in with a subdivision. I want to build on 20 acres
20 and I say I want to use the Green Code. I want to get, I want to make my lot sizes 50'.

21 MR. KOCY: That's fine.

22 MR. PALMER: What do I have to do in order to get the 50'?

1 MR. KOCY: Give me an extra 10' of buffer on streams and wetlands. Our Code
2 currently calls for 40', the Green Code asks for 50.

3 MR. PALMER: But currently you can do that without the extra 10'?

4 MR. KOCY: You could come in with a standard subdivision without the extra 10',
5 correct.

6 MR. PALMER: And get that?

7 MS. CAIRNS: You wouldn't get such a small lot probably.

8 MR. KOCY: You wouldn't get the lot layout you want.

9 MR. PALMER: Yeah, you can.

10 MR. KOCY: No. If you want 50' wide lots you might not be able to design them
11 that small under traditional zoning.

12 MR. PALMER: I would - yes, you can.

13 MR. MANNING: It sounds to me like where the hang up is is on the density
14 bonuses for whoever's coming in under the current zoning classifications with the parks
15 - I mean, the open space requirement. And a lot of people don't request the density
16 bonuses anyway.

17 MR. KOCY: That's correct and we're not mandating it.

18 MR. MANNING: And so that's why I'm coming back to why take that out of both
19 classifications? I want parks and open space in all those [inaudible].

20 MS. CAIRNS: The Green Code is what gives you parks and open space.

21 MR. MANNING: But there are requirements in there that are different than these
22 others that may preclude people from wanting to go to the Green Code.

1 MR. KOCY: That's correct. There's slightly wider buffers in the Green Code
2 than in the current [inaudible].

3 MR. MANNING: So I'm just suggesting that if you want to go to the Green Code,
4 go to the Green Code. If you don't want to go to the Green Code, stay with the current
5 standards.

6 MR. PALMER: If you want a density bonus –

7 MR. MANNING: If you want the density –

8 MR. PALMER: If you want a density bonus –

9 MR. MANNING: - go to the Green Code.

10 MR. PALMER: - go to the Green Code. If you don't want a density bonus but
11 you want make a little smaller lot you can stay under the current Code.

12 MR. KOCY: If you don't want a density bonus and you want to make a smaller
13 lot you can use the Green Code.

14 MR. PALMER: But you don't want to give an extra 10'.

15 MS. ALMEIDA: But most developers using the open space will use the wetlands
16 even in the open space – parks and open space [inaudible].

17 MR. MANNING: I just think you can put it out there saying take your pick.

18 MS. ALMEIDA: Fifty percent under parks and open space has to be usable and
19 we have that definition of usable. Most developers to reach that 25%, to be able to
20 shrink to the lot size they want are using the wetlands now.

21 MR. PALMER: Yeah. But why would you prohibit from using one or the other?
22 Why would it matter? Why would you -

1 MS. ALMEIDA: Because this one is actually giving you more flexibility, more
2 options.

3 MR. PALMER: But then if that's fine then wouldn't people naturally choose that
4 then over the current situation if they're giving more and getting more and it's a much
5 better plan why wouldn't they just choose it for themselves instead of us mandating they
6 use it?

7 MR. KOCY: We don't mandate they use it.

8 MR. PALMER: That's what I – but we would if we took it out from somewhere
9 else. We would then say if you want to shrink your lot size you have to use the Green
10 Code. It's no longer available to you under our current Code.

11 MS. ALMEIDA: Because we're moving you towards better tools, better design.

12 MR. PALMER: You don't think more tools are better? I mean, this is taking a
13 tool away.

14 MS. CAIRNS: This is such close redundancy and I think the management of
15 almost two identical systems that are different is from a Staff – I mean, it makes sense
16 to me to have one method for adjusting lot sizes and increasing density.

17 MR. KOCY: Right.

18 MS. CAIRNS: And right now we have one method for adjusting lot sizes; we
19 don't have any method for increasing density.

20 MR. PALMER: Well I would be in favor of it if you would say under the Green
21 Code you can – you have to put the current Code under the Green Code and say as
22 long as you don't want bonus density you can still say this is a green development but
23 you can lower your lot sizes if you still comply with this other section.

1 MR. KOCY: That's in there; that's available.

2 MS. CAIRNS: Can we get something that like charts the stuff, you know, what –
3 I mean, I know it's – I'm sorry to ask the Staff. I really do apologize but, I mean, I think
4 that, I mean, what I'm hearing you guys saying is everything they're asking for we got.
5 They don't quite seem to get that it's there and so, I mean, could we try to [inaudible]
6 you can adjust dimensional standards under the Green Code as soon as you allow for
7 open space, right?

8 MS. ALMEIDA: [Nods yes]

9 MS. CAIRNS: And the only time the requirements become significant is when
10 you go above and beyond which is something you can't do anyway now other than in
11 the Green Code. You know, because, I mean, I think that the redundancy of having two
12 sections of the Code that do almost the same thing but slightly different is not favorable.

13 MS. ALMEIDA: And I think it will create some confusion for design professionals
14 out there. A lot of clients are probably going to ask them well give me a scenario under
15 this and give me a scenario under that. I mean, I just –

16 MS. CAIRNS: Yeah, I'm just curious, you know, it's like you take – I mean, so
17 submissions come in using this open space to do dimensional adjustments.

18 MS. ALMEIDA: Correct.

19 MS. CAIRNS: Okay. I mean, can you take one of those and see what it would
20 do under the Green Code? I mean, how many of those will get blocked under the
21 Green Code?

22 MS. ALMEIDA: Blocked?

23 MS. CAIRNS: Huh?

1 MS. ALMEIDA: What do you mean blocked?

2 MS. CAIRNS: In other words someone's come in and said here's my 10 acres, I
3 want to subdivide. I'm going to do the open space so I get dimensional flexibility on my
4 lots. Okay. Take that same thing and have that person walk in and say here's my land,
5 I want to subdivide it under the Green Code. What's different for them?

6 CHAIRMAN ANDERSON: My understanding it's just the buffers, correct?

7 MS. CAIRNS: But if all they're going for is dimensional adjustments, not bonus
8 densities.

9 MR. KOCY: Correct. It would be slightly wider buffers under the Green Code
10 and absolute dimensional flexibility in lot design. There would be no minimum lot size.
11 There would be a ceiling as to the number of lots you could get based on the zoning
12 category but there would be no dimensional requirements that the lots must be X feet
13 wide and Y feet deep. That's up to the developer and his design team.

14 CHAIRMAN ANDERSON: Any discussion?

15 MS. CAIRNS: But I would I just – I mean, I'd be curious to see graphically how
16 this would play out – which ones, you know, which of the submissions currently using
17 the open space standards could simply nest under the green space, Green Code, with
18 no adjustments or with minor adjustment that are showing how it fits. Because I think
19 that – I think the fear of change is greater than the reality of change in this proposal.
20 Because I think trying to streamline the Code and get rid of really similar sections would
21 be beneficial.

22 MR. PALMER: Mr. Chair, I make a motion to defer to our next Planning
23 Commission meeting and even open it up for perhaps a work session between now and

1 then just to take a look with this and Staff and see where we are on the specifics of the
2 language.

3 CHAIRMAN ANDERSON: There's a motion on the floor. Second?

4 MR. MANNING: Second.

5 CHAIRMAN ANDERSON: Motion and a second. All those in favor please signify
6 by raising your hand. All opposed?

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

9 CHAIRMAN ANDERSON: Was that a unanimous vote?

10 MS. ALMEIDA: Yes.

11 CHAIRMAN ANDERSON: Next item on the agenda is Chapter 26, Land
12 Development Article V. dealing with the GC districts, Section 26-141. Mr. Kocy?

13 MR. KOCY: Mr. Chairman, this is a repeat of a proposal made about a year ago
14 at this time to eliminate the total multi-family housing requirement or option in the GC
15 zoning district to limit housing on an entire parcel to only 25% of the parcel or to allow
16 multi-family high-rise dwellings but the first floor would have to be non-residential.

17 CHAIRMAN ANDERSON: Where are we right now with the current Code as far
18 as GC? How much residential [inaudible] allow?

19 MS. CAIRNS: A hundred percent.

20 MR. PALMER: [Inaudible]

21 CHAIRMAN ANDERSON: Okay.

22 MR. KOCY: Sixteen units to the acre.

1 MR. PALMER: Did we not ask for a new zoning classification to come back
2 when this came to us last time, a new zoning classification with GC minus the
3 residential component?

4 MS. CAIRNS: There was discussion about that.

5 MR. KOCY: There was discussion on it but it was not a directive to the Staff.

6 MS. CAIRNS: Short of rezoning land it wouldn't have been – it would have been
7 just [inaudible] –

8 MR. PALMER: Right.

9 MS. CAIRNS: - so it would have had no effect.

10 MR. PALMER: Sure, but people could have come in and asked for that zoning
11 starting from now until if they –

12 MS. CAIRNS: But people aren't going to ask. I mean, I guess in a -

13 MR. PALMER: Sure they will.

14 MS. CAIRNS: - they could have asked to be rezoned into it but.

15 MR. KOCY: I think this directive was from Council because there was some
16 concern on Council that much of our GC land is being used for residential which is
17 removing non-residential land from our housing inventory or from our – excuse me, land
18 use inventory and also creating instances where the first parcel of a large stretch of GC
19 land is developed as multi-family housing and then you have an instant friction factor of
20 residential users of a large parcel opposing any neighboring commercial zoned land
21 because they think their neighborhood is residential and any office, any retail operations
22 will impact the quality of life in their community. Not quite aware of the fact that their
23 community was built on GC zoned land.

1 MR. MANNING: Under the proposed ordinance would be your feeling that 25%
2 of the entire parcel would equate to four units to the acre if 16 were allowable?

3 MR. KOCY: No.

4 MR. PALMER: Or you could build 16 per acre on 25% of the land.

5 MR. KOCY: Correct. It could still be 16 per acre but you could only have, you
6 know, one – what this requirement does is all GC properties, if it's going to have
7 residential component, would be a mixed-use project and mixed use project and mixed
8 use either being a stand alone building at - how many units [inaudible] 16?

9 MR. MANNING: But you are in effect –

10 MR. KOCY: A stand alone building and 16 units an acre with other buildings of
11 non-residential or one large building but the ground floor needed to be non-residential.

12 MR. MANNING: But you are in effect, you know, I don't know – I know that the
13 land use is limited to 25%. How do you equate that to the numbers of units that be
14 allowable? If 16 is the permitted allowable use on any acre, correct?

15 MR. KOCY: Correct.

16 MR. MANNING: Twenty-five percent of that would be four?

17 MS. CAIRNS: No.

18 MR. KOCY: Sixteen units on a quarter acre.

19 MR. PALMER: No. What they're saying is that if you have 100 acres.

20 MR. KOCY: Right.

21 MS. CAIRNS: Twenty-five acres [inaudible].

22 MR. MANNING: I understand but what it does is you just eliminated a lot of
23 doors.

1 MR PALMER: Absolutely.

2 MR. KOCY: Well we eliminated a lot of doors but you still have options of non-
3 residential use on the site. We're not down-zoning the entire site to four units an acre,
4 we saying that only a quarter of it can be used for residential and the other three-
5 quarters of the property can be used for traditional GC uses.

6 MS. CAIRNS: Yeah. I mean, that's – I mean, let's say a GC land and just decide
7 that that 16 units per acres land is a – you know, I mean, that's not really being fair to
8 the fact that we need GC land. I mean, that's what you're saying is anytime you –

9 MR. MANNING: It might be fair to say we need more multi-family land as well.

10 MS. CAIRNS: Well we've got multi-family –

11 MR. KOCY: You've got multi-family.

12 MS. CAIRNS: - zoning classification.

13 MR. MANNING: Well it seems that's about the only thing going these days.

14 MS. CAIRNS: But I mean – yeah. But I mean General Commercial seems like
15 residential, the residential component of General Commercial is not the primary use. I
16 mean, I understand it's in there and therefore it's a by right use. I mean, I get that.

17 MR. MANNING: And then to require the – to use the second floor, you know,
18 obviously is making it a mixed-use component which drastically impacts the way multi-
19 family is developed. It's a totally different ballgame to go above a storefront than to
20 have stand alone units. If the commercial doesn't go the [inaudible]. I mean, whereas
21 you may be able to build apartments in that commercial district and have it a viable use
22 but the commercial won't fly. So –

1 MR. PALMER: And you get into completely different management issues as
2 well.

3 MR. MANNING: Yeah, you do. So I think it's unrealistic to think that every GC
4 property that has a commercial use, I mean, that has a potential multi-family use to be
5 designed as a mixed-used project to me.

6 MR. PALMER: I agree. How many acres of General Commercial do we have and
7 how many acres of multi-family do we have?

8 MR. KOCY: Don't know that off the top of my head.

9 MS. CAIRNS: And how much of it's undeveloped?

10 MR. PALMER: Right.

11 MR. MANNING: That would be something really interesting to know is how many
12 different parcels we have and how much acreage we have so that we can look at trying
13 to get our hands around some economic impact of what this might do. I know there's no
14 vested right for something that's not developed but still I'd like to know what that impact
15 might be.

16 MS. CAIRNS: Well I think the only key would be just to make sure that we have
17 left enough land for high density residential and if we do, you know, based on what our
18 projections are. I mean, because it sounds like one of the problems is that we're losing
19 GC, that we're losing commercial, truly commercial land -

20 MR. KOCY: Right.

21 MS. CAIRNS: - to residential use, you know. Maybe we need to rezone some of
22 the Commercial Residential, you know, make it what it ought to be and let commercial
23 not have residential or [inaudible] mixed-use which is what this would be.

1 MR. PALMER: How many apartment projects have we had come in in the last
2 12 months?

3 MS. ALMEIDA: Two? Two big ones.

4 MR. KOCY: Two large student complexes off of Bluff Road.

5 MR. PALMER: So it doesn't really sound like this county's losing its residential
6 land; its multi-family land then.

7 MS. ALMEIDA: And we've an industrial park and the –

8 MR. PALMER: It doesn't seem like, you know, even if you had 10 in a county
9 this size it wouldn't be losing our multi-family land now would it?

10 MR. CAIRNS: No, commercial land.

11 MR. PALMER: We wouldn't be losing our general – my agendas are not full of
12 things that are being asked to be zoned General Commercial. If we were losing
13 General Commercial land we'd be inundated with General Commercial rezonings.

14 MS. ALMEIDA: But that was done several years ago. These are not – you're not
15 getting a rezoning today -

16 MR. KOCY: Right.

17 MS. ALMEIDA: - and they're submitting a site plan tomorrow.

18 MR. KOCY: Right. We're getting site plans submitted on GC property that don't
19 come before this Board because [inaudible].

20 MR. PALMER: Absolutely. But what I'm saying is is if we were losing GC land
21 and people were needing it because we're using it for multi-family and people needed
22 General Commercial land then we would be seeing a lot of people saying, I need

1 General Commercial land for this so we need to rezone it because we don't have
2 enough in the county. We're not seeing that. I'm not seeing it on our agenda.

3 MR. KOCY: What we're seeing is prime real estate with frontage which is a
4 requirement for much GC being occupied by multi-family housing.

5 MR. PALMER: Which is also a requirement for multi-family housing.

6 MR. KOCY: No, it's not. It's an option in the GC for multi-family housing but it's
7 not being used for General Commercial.

8 MR. PALMER: Frontages are required for multi-family developments, for multi-
9 family developers.

10 MR. KOCY: Not to the curb appeal that you need for many General Commercial
11 for many retailers.

12 MR. PALMER: It's nearly – I'm in that field and I have multi-family that I'm trying
13 to deal with myself and I understand the requirements for easy access and [inaudible].

14 CHAIRMAN ANDERSON: [Inaudible] rezoning classification or a zoning
15 classification that just, just commercial. And I know it was brought up a couple years
16 ago what - could we see some language on it? Does the Staff think that is a viable
17 option?

18 MS CAIRNS: Well it sounds like that doesn't address the problem because that
19 would let all the existing GC land still have this flexibility of going residential or
20 commercial -

21 MR. KOCY: Right.

22 CHAIRMAN ANDERSON: Right.

23 MS. CAIRNS: - [inaudible] lose it so it doesn't –

1 CHAIRMAN ANDERSON: Well but you also bring in the factor that people have
2 current zoning classifications and, you know, zoning classifications they have – their
3 uses will be taken away and you start – I mean -

4 MS. CAIRNS: It's not a vested right.

5 CHAIRMAN ANDERSON: And I understand it's not a vested right. I understand
6 it's not a vested right. But my purpose is, I mean, you're going right down to 25% and I
7 guess just to me it's just got a bad feel to it.

8 MR. PALMER: I don't see the issue. I honestly do not see the issue because we
9 are not seeing people with an outcry saying, I'm losing General Commercial land; we
10 need more General Commercial land.

11 MS. CAIRNS: Well no but –

12 MR. PALMER: These multi-family developers are using it up and we're not able
13 to put commercial projects out there. That's not happening.

14 CHAIRMAN ANDERSON: And I think this would, this would also and I know it's
15 not a affixed to what's here but this would also –

16 MR. PALMER: It's not a problem to me.

17 CHAIRMAN ANDERSON: - this would also open the doors to maybe handling
18 some of the concerns of Council as far as a new commercial zoning classification.

19 MR. PALMER: I know that some of the zoning issues that I've dealt with with
20 Council there's been a fear of the multi-family component under new zoning
21 classifications where they didn't want multi-family uses but it did make sense for
22 General Commercial. So therefore they were reluctant to rezone it to General
23 Commercial because they didn't want the multi-family component in there. And that

1 may be where some of this is stemming from; I don't know. All I know is that I don't see
2 the issue with multi-family developers coming in and gobbling up all the General
3 Commercial stuff. What I do see is the – I do see the need for the ability in the future for
4 someone to say this makes sense commercially. It doesn't make sense for multi-family
5 land so therefore we're going to rezone this to GC minus the multi-family component.
6 Whatever you want to call it, GC without residential or whatever it is, I can understand
7 that there's a need for that but for us to simply say we're going to go back and redo
8 everybody's zoning for some perceived incident out there there's not – there's no issue;
9 there's no problem. I don't see the problem and it can't be shown to me.

10 MR. MANNING: How did the number of 25% come about?

11 MR. KOCY: Top of my head.

12 MR. MANNING: Would 50 work, 75 work? I mean, you know, if it's not directed
13 to quantitative or qualitative way of addressing a problem then I think we really do need
14 to open it up for debate if we're going to have any at all.

15 MR. PALMER: I don't see there's a need.

16 MR. MANNING: I don't personally see the need but if the Council continues to
17 want something in that regard I think, you know, there's got to be a better mechanism
18 for all of us, especially for the people it effects, to have something just off the top of my
19 head.

20 MR. KOCY: The number, well, 25 was to allow, encourage mixed-use, but
21 mixed-use with a predominant use of non-residential reflecting the GC intent that at
22 least the classification General Commercial, if it was called mostly – to me the term
23 general commercial is a bit deceptive when one of the options is 100% residential.

1 MS. CAIRNS: Can you elaborate anymore on some of what, I mean, you've sort
2 of alluded to some of the problems that you've seen with land going to multi-family that
3 was zoned commercial but I mean can you just elaborate where you've seen this be a
4 problem?

5 MR. PALMER: But Joe, there's been only what two, three, maybe even four
6 projects in the last 12 months of multi-family?

7 MR. KOCY: It was raised by a couple of Council people and I understand their
8 concern that on major arterial roads, high volume, you know, high traffic roads that there
9 has been discussion and there have been site plans submitted for residential uses and
10 that the concern of the Council was that these high visibility sites are being taken out of
11 our commercial inventory in the county and how do we replace the commercial, how do
12 we replace lands with commercial options when the existing commercial base is being
13 gobbled up by high-density residential? And that there is a multi-family, high-density
14 zoning classification on the books now that can't be used for General Commercial so
15 let's keep the GC land for commercial and use the multi-family zoned land for multi-
16 family housing.

17 MS. CAIRNS: So basically it's the Council Members who, and correct me if I'm
18 wrong, but there's Council Members that see that this visibility of – the good visibility
19 General Commercial land is being taken by residential use?

20 MR. KOCY: That was a [inaudible].

21 MS. CAIRNS: And there's no really replacing that; the visibility of land is the
22 visibility of land. So it's Council that's saying we've seen in our districts land that we
23 know in our districts ought to go commercial and its getting taken over by residential.

1 MR. KOCY: That option was – I mean, that opinion was raised, yes.

2 MS. CAIRNS: Okay.

3 MR. PALMER: But the permits aren't here to substantiate that.

4 MS. CAIRNS: I – but I mean that was and I was just trying to get to the root of
5 who raised the issue as a problem and it was Council Members within their own
6 districts. That's where, you know, I mean one 12-month segment of permits I don't think
7 is how we decide long-range land use planning.

8 MR. PALMER: No, but it is able to give us the, what's causing this and, you
9 know, the current history as to where this came from and what the need is to change
10 things is based on what's going on in the community and if there's nothing really going
11 on in the community and there's perhaps a perceived threat when there's not an actual
12 threat is something that we do need to take into account.

13 MR. KOCY: And the last 12 months it hasn't been GC but it's been industrial
14 zoned land has been taken out of the industrial base.

15 MR. PALMER: Why aren't we addressing that?

16 MR. KOCY: And it's high-density housing.

17 MR. PALMER: Why aren't we addressing that instead of General Commercial?

18 MR. KOCY: That might be coming next month, don't know.

19 MR. MANNING: And that was – we have had that discussion a little bit and as
20 much as some people don't want to acknowledge it, a lot of this is market driven.

21 MR. KOCY: Right.

22 MR. MANNING: And if you take the industrial property that is being taken out of
23 commission today they've been passed by from an industrial standpoint and they're no

1 longer viable. And some of the properties that we might be [inaudible] on a GC basis
2 might be the same thing. So they are sitting there vacant doing nothing and tend to
3 deteriorate a neighborhood in that state. So you know, if you look at the tract on Forest
4 Drive where the Wal-Mart and 42 Magnolia is. That was all commercial. There's a
5 huge apartment complex in there. That to me is a good use. I'd rather see that than a
6 Wal-Mart myself. So I think a lot of it's got to do with just how it impacts somebody's
7 district at a particular given time on a particular given project. But from an overall
8 standpoint I think we need to look at what will work and if apartments do work on that
9 land then we ought to go forward with it. As the Chairman mentioned maybe we do
10 need to address going forward but I don't see the need to change the existing zoning –

11 MS. CAIRNS: Well, I think it -

12 MR. MANNING: - take away the ability to make a piece of property productive
13 and that very well might be what we do if we change it.

14 MS. CAIRNS: I think part of it – I mean, I think your example of the 42
15 Magnolia's interesting because actually that happens to be an area I know somewhat
16 well and there what you've got is 42 Magnolia nestled very nicely between lower density
17 residential and the commercial. So from a zoning standpoint had that been zoned that
18 would have been like okay commercial near the Interstate, let's knock it down to multi-
19 family and then we'll go on to some single-family and then granted it bumps back up to
20 Trenholm Plaza but you've got –

21 MR. PALMER: It's actually between all commercial. It's all commercial.

22 MS. CAIRNS: There's residential back behind there.

23 MR. KOCY: Behind it.

1 MR. PALMER: On the backside of it but all on the frontage is all commercial and
2 you get to the major intersection of Forest Drive and Trenholm Road.

3 MS. CAIRNS: Right. And you go back to Trenholm Plaza. But I mean, the thing
4 is the way we've got it now because we don't, you know, we don't rezone based on
5 desire to control land use, we zone based on requests is that we could get real pot meal
6 where, you know, this piece happens to go commercial, this piece happens to go multi-
7 family, the next one goes commercial and all of a sudden the people in the multi-family
8 feel like they've been totally dissed by zoning because they've gotten surrounded by
9 this commercial use that they didn't, you know, they aren't buffering, you know.

10 MR. PALMER: Yeah, but there's a difference between multi-family and
11 residential – single-family residential is the multi-family is they're able to leave if they
12 don't like their circumstances they're able to move out of an apartment. It's not like it's
13 your residence; it's your home. It's an apartment and you move into a situation and if
14 something – and that's the reason it's in General Commercial. It's a commercial district.
15 It generates the same amount of traffic and that kind of stuff. I mean, you're able to
16 move if you don't like your circumstances.

17 MR. KOCY: Multi-family can be a condominium. You would have ownership and
18 not be – you wouldn't be so footloose to just walk away.

19 MS. CAIRNS: We have done a bad job of getting incompatible land uses right up
20 on top and we don't really ever do anything to address it.

21 MR. PALMER: Well it seems like we're somewhat at a stalemate so I'll put a
22 motion on the table. I'll make the motion to send this forward to Council with the
23 recommendation of denial. And in conjunction with that I would like for us to notify the

1 General Commercial landowners of a public hearing where we will at the next Council –
2 our next Planning Commission meeting, take up new language as it [inaudible] to a new
3 General Commercial zoning classification which has all the General Commercial uses
4 that are currently afforded under our Code with the exception of the multi-family
5 component.

6 MR. KOCY: I don't have the budget, existing budget to pay for notification, legal
7 notice to every commercially zoned property in the county.

8 MR. PALMER: Well then we must have a lot of it. Then we're not using it all up.

9 MR. KOCY: Well, no. The Code doesn't require [inaudible].

10 MR. PALMER: I know it doesn't require it but it's a postcard.

11 MR. KOCY: I don't have – postcards require stamps and I don't have that kind of
12 –

13 MS. ALMEIDA: Every GC regardless of whether it's vacant or not

14 MR. KOCY: Right.

15 MS. ALMEIDA: - we have to notify –

16 MR. PALMER: Email?

17 MR. KOCY: [Inaudible] notify everybody. I don't –

18 MS. ALMEIDA: - every GC.

19 MR. KOCY: I don't have that kind of postage.

20 MR. MANNING: Well why don't you just drop the notification part and I'll second
21 the motion that we send it forward with a recommendation of denial.

1 MR. KOCY: We could put a legal notice. That's part of our monthly routine and
2 that's, you know, relatively easy to do. But the mailing requirement's going to bust the
3 budget.

4 MS. ALMEIDA: We have to notify every GC property owner regardless of
5 whether there's something on that property or not.

6 MR. PALMER: How many – well that's something else, we don't even know how
7 many parcels there are.

8 MR. KOCY: Lots.

9 MR. PALMER: So how are we using them up then? That's what I don't
10 understand. How are we using them up for multi-family?

11 MS. CAIRNS: I mean, let's, I mean, as you said you've made a motion to send it
12 forward with the recommendation of denial. And all Staff is asking is not include a
13 notice requirement to –

14 MR. PALMER: Because we have too many parcels and it will bust our budget.
15 What could we do?

16 MS. CAIRNS: Do it the way that we're supposed to notice which is through
17 public announcements.

18 MR. KOCY: Right. We put it on the website; we post the Agenda on the
19 website; we publish an ad in *The State* newspaper of our monthly meetings. Just do it
20 routinely; that we can do.

21 MR. PALMER: I'll amend the motion but that's amazing to me that we're running
22 out of land but we don't have enough money to notify those landowners because there's
23 so many parcels.

1 MR. FURGESS: Why don't you just redo your motion?

2 MR. PALMER: I'll make a motion to send this forward to Council with a
3 recommendation of denial and that we have on our – and that's the end of that. And
4 then also make a motion that next Planning Commission meeting we have something
5 on our Agenda that is a new zoning classification which has all the General Commercial
6 uses with the exception of the multi-family as a new zoning classification.

7 MR. KOCY: That will be relatively easy to do. We'll just take this existing
8 language and strike out the residential component and that would be your zoning
9 classification.

10 MR. PALMER: Correct.

11 MS. CAIRNS: GC II or something like that.

12 MR. KOCY: JGC – Just General Commercial.

13 CHAIRMAN ANDERSON: Alright. So we have two motions on the floor.

14 MR. MANNING: Can we have two motions on the floor?

15 MS. LINDER: I would get a second to the first motion and vote on that
16 separately and then take a motion and a second on the second motion.

17 MR. FURGESS: The first part of the motion I second.

18 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of
19 sending this forward to Council with a recommendation of denial signify by raising your
20 hand.

21 *[Approved: Anderson, Manning, Palmer, Gilchrist, Ward, Furgess; Opposed: Cairns;*
22 *Absent: Murray, Mattos-Ward]*

23 CHAIRMAN ANDERSON: All opposed?

1 MR. PALMER: Do you want me to restate the motion again?

2 MS. LINDER: Your second motion is to create a new zoning classification of
3 General Commercial with no residential allowed.

4 MR. PALMER: Correct.

5 CHAIRMAN ANDERSON: We have a motion; do we have a second?

6 MR. MANNING: What is that for?

7 MR. PALMER: That's for any new zoning requests that may come in to the
8 county or at you know the Council's wisdom is they would like to –

9 MR. MANNING: So the language if somebody wanted to rezone their property
10 from -

11 MR. PALMER: For example, for example --

12 MR. MANNING: - residential to GC they would have to know that in this new
13 classification there would be no residential allowed?

14 MR. PALMER: A perfect –

15 MS. CAIRNS: [Inaudible] basically.

16 MR. PALMER: Absolutely. A perfect example would be the parcel that I got
17 rezoned out on Killian and 77. I didn't want residential as a component of it but it
18 caused a lot of headaches to a lot of Council Members because it could turn residential.
19 I didn't even want that. I'd have cut out a lot of headache if I'd had had a zoning
20 classification I could have asked for GC minus the residential component. If I could
21 have asked for it and gone forward willingly.

22 CHAIRMAN ANDERSON: There's a motion on the floor; do we have a second?

23 MR. MANNING: Second.

1 CHAIRMAN ANDERSON: Got a motion and a second. All those in favor – how
2 do I [inaudible] that [inaudible] zoning classification? Creating a new zoning
3 classification please signify by raising your hand. All opposed?

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

6 CHAIRMAN ANDERSON: That was unanimous, right? Alright. So let me just
7 for clarification purposes. We're sending this forward with a recommendation of denial.
8 The zoning public hearing is the 29th –

9 MS. LINDER: 24TH.

10 CHAIRMAN ANDERSON: - 24th for Council. So they have the choice – they're
11 going to see our [inaudible]?

12 MS. ALMEIDA: Yes.

13 CHAIRMAN ANDERSON: Alright. And if they choose to defer that's when we
14 will have a zoning public hearing before the Planning Commission to talk about GC,
15 right?

16 MR. PALMER: No. We won't have a zoning – we won't have a public hearing.
17 What we'll have is – it'll be something like – it'll be on our [inaudible] be like this
18 [inaudible].

19 CHAIRMAN ANDERSON: But that's only if they chose to defer also, right?

20 MR. PALMER: No, no. It's a complete – we're done with that now.

21 CHAIRMAN ANDERSON: We're done with that. Alright.

22 MR. FURGESS: What time is that meeting on the 24th?

23 MS. ALMEIDA: Seven o'clock.

1 MR. KOCY: Seven p.m.

2 MR. FURGESS: Seven?

3 CHAIRMAN ANDERSON: Next item on the agenda. Chapter 6, Section 26-180,
4 Signs.

5 MR. KOCY: Mr. Chairman, the next three items are all changes to the sign
6 ordinance. This first one is making it very clear on how we, the county, deals with signs
7 on public property - illegal signs on public property; we remove them. If the illegal sign
8 is on private property we'll go through the traditional notification method of the property
9 owner; we will not trespass. But for illegal signs on public property we will remove
10 them.

11 CHAIRMAN ANDERSON: Okay. Any discussion?

12 MS. CAIRNS: I have a – under 11 the definition of public property I think you
13 defined without really being legally based.

14 CHAIRMAN ANDERSON: What page?

15 MS. CAIRNS: Page 69, Section 1-11. We have that public property includes
16 tree lawns, [inaudible] sidewalks, streets. It seems to me that all portions of a right-of-
17 way are public property and include but is not limited to blah, blah, blah, blah, blah. I
18 mean, because that's not – what we've got here is not a definition of public – I mean, I
19 don't think we want to try to define public property. But basically it's the right-of-way – I
20 mean, is that -

21 MR. FURGESS: What page are you on?

22 MR. PALMER: Sixty-nine.

1 MS. CAIRNS: Well I guess the italicized part. I think it should say all portions of
2 the right-of-way are public property and include but – and I'm not sure if it's is or are not,
3 you know, includes but is not limited to, and then the tree lawn areas, the streets, the
4 roadways, the medians. You know, to give people a sense of what we're talking about.
5 But I don't think we want to say public property is this because sometimes it's outside
6 the sidewalks and is, you know, it's relatively difficult to ascertain point but yet it exists
7 legally on the edge of the right-of-way.

8 MR. MANNING: And sometimes it's inside the sidewalks. I mean, it –

9 MS. CAIRNS: Right. I mean, yeah, yeah. So I mean, I just, I mean, I think
10 giving people a sense of what's included but to basically say that what we're talking
11 about public property we're talking about the right-of-ways. I think that's what we're
12 talking about, you know, and publicly owned parcels I suppose but. And then my other
13 question too is about the prohibited signs on private property. Because you've got here
14 is that you shall notify the owner of the sign and the owner of the property, and wasn't
15 that one of the difficulties is sometimes determining who the owner of a sign is?

16 MR. KOCY: Yes.

17 MS. CAIRNS: I mean, is it the requirement only that the property owner get –
18 cause, I mean, again how do you know that you've noticing the owner of the sign if it's
19 one of these?

20 MR. KOCY: It can be difficult.

21 MS. CAIRNS: I mean, so I would just sort of say that it seems to me that the
22 owner of the real property is the key.

23 MR. MANNING: I agree.

1 MS. CAIRNS: I would just say that the only person that needs to be noticed is
2 the record owner of the property.

3 MR. KOCY: We can make that change.

4 MR. FURGESS: I have a question for Staff. When you're talking about signs like
5 real estate signs are put up telling you what direction to go because you're selling
6 homes in this subdivision and where they have them placed, is it difficult – what is the
7 rule on that?

8 MS. CAIRNS: Most of them are illegal.

9 MR. FURGESS: Are they supposed to be on private property, I mean, public
10 property?

11 MS. CAIRNS: They're fundamentally illegal because they're off-premises signs.

12 MR. PALMER: I think our next ordinance change is going to try of address those
13 on the next Agenda item. What is the penalty under Section 26-272?

14 MS. CAIRNS: What page did you jump to?

15 MR. PALMER: It's in the Code under – the penalty for not doing the –

16 MR. KOCY: One thousand ninety-seven dollars.

17 MR. PALMER: To the property owner?

18 MR. KOCY: Correct.

19 MR. PALMER: What if we have a property owner who's leased the property but
20 yet they live in California?

21 MS. ALMEIDA: That's one of the reasons Mr. Price has wanted to be
22 inclusionary of the sign owner as well in case that's the – what happens. We want to

1 leave our options open to either contact, or both, property owner and assigned owner if
2 they are different.

3 MR. PALMER: Because what if somebody's just putting signs on your property
4 and you don't have any knowledge of it. I mean, are you really going to fined \$1,000 for
5 that?

6 MR. KOCY: If you as the property owner fail to take corrective action you may
7 be find that; correct. But it's not an automatic fine. If it's you just don't remedy the
8 matter.

9 MR. PALMER: Let me ask you this.

10 MS. CAIRNS: If you simply tell the county go pull it down or go hire Joe Blow
11 with a truck to go yank it down then you're not in violation. But if you let somebody
12 [inaudible] on your land and put –

13 MR. PALMER: All I'm saying is that somebody could very easily put a sign on
14 your property and you not know it and all of a sudden you get a notice and then again.
15 you know, you, you're totally against the sign but somebody puts a sign on your
16 property, you don't know, you get notice from the county, you go out there and take it
17 down. The guy puts the sign right back up. Because I have a guy that's putting laptop
18 PC signs on our property all the time and unless I drive by and pull it out, which I do all
19 the time, I can't control what somebody else does to the property.

20 MR. KOCY: Contact that laptop PC guy and put him in touch with us and we'll
21 get him noticed; we'll fine him.

22 MR. PALMER: But then he's going to say I'm not doing it.

23 MS. ALMEIDA: Well somebody's doing it.

1 MR. KOCY: I have a hard time believing that somebody is paying for signs and
2 then it's totally out of their control [inaudible].

3 MR. PALMER: There's no way to prove he does unless you see him doing it. I
4 mean, I could do it. If I knew the guy and he was my neighbor and I didn't like him
5 somebody could go do that all day long.

6 MR. MANNING: So you put it in his yard?

7 MR. PALMER: No, I could go – I'm saying if I didn't like the guy and I'm his
8 neighbor and I know he's doing it, I could go put those signs out all day long and you're
9 sending him fines and he's saying I'm not doing it, well yes you are because you're
10 advertising your business.

11 MS. CAIRNS: But that doesn't mean that you don't make the signs illegal.

12 MR. KOCY: Right.

13 MR. PALMER: I'm concerned with the penalty, with the fine penalty to someone
14 who's not doing it.

15 MR. KOCY: If you did not take and again you're working with the Department
16 saying it's not me putting them up it's that darn PC guy; we'll go after the darn PC guy.

17 MR. PALMER: But you still have the option to come after me.

18 MR. KOCY: If you fail to take corrective action, yes.

19 MR. PALMER: What defines corrective action?

20 MR. KOCY: Taking down the sign.

21 MR. PALMER: I can't sit there and police the property all the time.

22 MS. CAIRNS: It's your obligation as a property owner actually.

1 MR. KOCY: It's the same obligation you have to prevent people from dumping
2 illegally on your property too.

3 MR. PALMER: If people dump on the property then, you know, if somebody
4 wants to dump on the property I can't stop them from doing that. That happens all the
5 time as well.

6 MR. KOCY: But you have to clean it up, right? You just don't leave it there?

7 MR. PALMER: No. You can leave it there.

8 MS. CAIRNS: No, you can't.

9 MR. PALMER: Sure you can.

10 MS. CAIRNS: Not under state law you sure can't.

11 MR. KOCY: Not under state you can't.

12 MS. CAIRNS: Absolutely. That's a violation of state law in a heartbeat. Illegal
13 dumping on property.

14 MR. KOCY: Correct.

15 MS. CAIRNS: DHEC will – yeah.

16 MR. PALMER: How do you stop someone from doing that?

17 MR. KOCY: Police your property.

18 MS. CAIRNS: Doesn't meant you make it legal though. I mean, we've got to
19 have laws that make illegal signs [inaudible].

20 MR. KOCY: You can't stop it but it doesn't mean you can ignore it once it occurs
21 and that's what we're saying with an illegal sign. If an illegal sign suddenly sprouts on
22 your property you as a property owner have an obligation to get rid of it, to take
23 corrective action and get rid of it.

1 CHAIRMAN ANDERSON: I guess my question is on the fine [inaudible] I mean
2 we're not looking to pin, pin, pin every – you're going to do your due diligence, find out
3 who's doing it?

4 MR. KOCY: Yes.

5 CHAIRMAN ANDERSON: Right? It doesn't sound like –

6 MR. KOCY: That's the standard county fine for zoning violations and stuff.

7 MS. CAIRNS: Is that a \$500 fine so there's a doubling under the state; is that
8 why it ends up a thousand bucks?

9 MR. PRICE: Yeah.

10 MS. CAIRNS: Yeah. I mean it's a \$500 fine but because of our state legislature
11 it becomes 1,027 because they have a doubling provision for all fines.

12 CHAIRMAN ANDERSON: Can ya'll put [inaudible] cameras up?

13 MS. CAIRNS: That's what DHEC will do with illegal dumping though.

14 CHAIRMAN ANDERSON: Nothing wrong with a good [inaudible] camera.

15 MR. PALMER: I would like to see something in there where it was documented
16 that the landowner, some kind of way that the landowner – all I'm saying is that
17 somebody who has land spread throughout the county can't constantly police the
18 property.

19 MS. CAIRNS: You are, I mean, you do have an obligation as a landowner and it
20 says that it's got to be, you know, fails to take remedial actions. So I mean, letting the
21 county know and letting the world know that you're not asking for those signs to be put
22 there certainly would start towards that.

1 MR. KOCY: Right. That starts corrective action. This doesn't say that as soon
2 as I find an illegal sign on –

3 MS. CAIRNS: Boom, you're hit with a [inaudible].

4 MR. KOCY: - your property I issue a violation. No. I send you a letter saying
5 there's an illegal sign.

6 MR. PALMER: I just asked you what it was and you said leaving the signs there,
7 or not taking the signs down.

8 MR. KOCY: The first step we would do is to notify you that there is an illegal sign
9 and if you blew me off and said well tough it's illegal, I'm not going to go to that side of
10 town for the next month it'll just have to wait for me to take it down, that's probably not
11 the answer I'd like to hear. As opposed to, I'm removing that sign on a weekly basis
12 because that son-of-a-gun is sticking them up there because it's such a high visibility
13 site. Then we'll work together to get the PC man and try to get him under control. But
14 our first step of action is to not issue you a summons. It's to issue you a notice that
15 there's an illegal sign on your property. And if it's on the right-of-way we take it down.
16 We don't even notify you.

17 MS. CAIRNS: It's not on your property.

18 MR. KOCY: That's correct.

19 CHAIRMAN ANDERSON: Questions for Staff. There's nobody signed up.

20 MR. PALMER: Where's that laptop PC man?

21 MR. MANNING: Mr. Chairman, I'd like to make a motion to we send this forward
22 with a recommendation of approval.

23 MR. GILCHRIST: Second.

1 CHAIRMAN ANDERSON: All those in favor of sending Text Amendment Section
2 26-1(A) ahead to Council with a recommendation of approval please signify by raising
3 your hand.

4 MS. CAIRNS: Does that include like modifications to the [inaudible] of public
5 property?

6 CHAIRMAN ANDERSON: Oh, I'm sorry.

7 MS. CAIRNS: That's okay.

8 CHAIRMAN ANDERSON: Let's actually restate that. I think there was
9 [inaudible].

10 MR. KOCY: One amendment, Mr. Chairman, was on number 11, Section 1(E),
11 Number 11, Signs Posted on Public Property, to include the definition of right-of-way as
12 public property which might include tree lawn areas, sidewalks, medians, etc.

13 CHAIRMAN ANDERSON: And then we had something on the Record owner of
14 property on [inaudible].

15 MR. KOCY: Mr. Chairman, I would say that we leave the sign – the owner of the
16 sign because Mr. Palmer is correct. We would like to go after the guy putting up the
17 illegal sign not just the property owner and although –

18 MS. CAIRNS: It's not –

19 MR. KOCY: It is difficult to find the PC man because it's a website address and
20 an 800 phone number. There's no address printed on there that we can drive to the
21 business but we would like that option to try to track them down.

22 MR. PALMER: I know where he is.

1 CHAIRMAN ANDERSON: Just to confuse things a little further, there are some
2 people that do own land that live clear across the country just have addresses. So as
3 far as that person you're just going to write that letter and –

4 MR. PALMER: If you don't come over and take that sign down [inaudible] fine
5 them.

6 MS. CAIRNS: That's right. I mean, if you're an absentee landowner –

7 MR. KOCY: It happens all the time.

8 CHAIRMAN ANDERSON: Sure. I understand but, I mean, we also want to give
9 them a reasonable amount of time to respond -

10 MR. KOCY: Correct.

11 CHAIRMAN ANDERSON: - within that -

12 MR. KOCY: Right. Yes, sir.

13 CHAIRMAN ANDERSON: Is there a standard protocol amount of time?

14 MR. KOCY: Thirty days.

15 CHAIRMAN ANDERSON: Thirty days? Mr. Price is shaking his head.

16 MR. PRICE: [Inaudible] make that decision.

17 CHAIRMAN ANDERSON: Y'all make that determination based on the
18 willingness of the landowner to [inaudible]?

19 MR. PRICE: Yes, sir.

20 MS. CAIRNS: In other words if the landowner lets you know right away they're
21 not going to take it down you don't wait the whole 30 days? Okay.

22 MR. PALMER: Could we simply address this by some sort of form that gives the
23 county the authority to come on to any property? I can give you the authority at any

1 time to come on our property and remove illegal signs and then I'm exempt from the
2 fine?

3 MS. CAIRNS: That would be rather impossible to manage.

4 MR. PALMER: It's the same thing you give the county, Richland County
5 deputies the authority to come on your property. It's the exact same thing. I mean, you
6 could have a letter on file that this, that when you drive by and you say hey there's a
7 sign out here it said, you know, 7368 Two Notch and you say – you could call in and
8 say, you know, is this one of the places I can take it down and here it is.

9 MR. PRICE: Respectfully, Mr. Palmer, I don't think Richland County wants to get
10 into the habit of cleaning up somebody else's property just because [inaudible].

11 MR. PALMER: Well you do it now in the right-of-way.

12 MS. CAIRNS: That's right-of-way.

13 MR. PRICE: That's our property. We're cleaning up our property.

14 MR. PALMER: If you've got somebody out in California who owns a piece of
15 property they could simply send you a letter that says, at any point you have the
16 authority to –

17 MS. CAIRNS: It's not their job. It's not the county's job.

18 MR. PALMER: It is their job.

19 MS. CAIRNS: It's not the county's job to clean up public – if you want to be an
20 absentee landlord and you don't want to be here you can have some handyman on your
21 speed dial.

22 MR. KOCY: Right. Mr. Palmer, it would be the same as if a shopping center
23 owner didn't feel like picking up litter and trash in the shopping center to send me, to

1 send Public Works a notice saying you guys have my permission to clean up the litter
2 and garbage on my site. Go ahead, you can do it. We wouldn't assume that
3 responsibility either.

4 MR. PRICE: Now we could do it and then as we do let's say [inaudible]
5 overgrown lots, we could clean it and then bill you for the service.

6 MR. KOCY: Right.

7 MR. PALMER: That would be better than the \$1,000 fine.

8 MR. PRICE: Well, it can –

9 MR. PALMER: Can we do that then? Can we have that as an option?

10 MS. CAIRNS: [Inaudible] \$1,000 fine requires you do nothing. I mean, you can
11 pick up the phone and call someone and ask them and pay them to remove [inaudible].

12 MR. PRICE: I think – listen, we do all we can to try to get everything resolved
13 without going to court. If we issue a summons that's really the last option available to
14 us, especially if there's a local owner. We always try to work with them because, you
15 know, let's say you have some property and we would definitely we try to work with you
16 knowing that you're not the one putting the signage on your property.

17 MR. PALMER: Let me ask you this, do y'all's signs fall under the same category
18 when you leave signs up for longer than 30 days for notices?

19 MS. CAIRNS: Can the county – when you guys post on public property for a
20 public notice for like a [inaudible] do you guys go and take the signs back down or does
21 the property owner?

1 MR. PRICE: No, we don't. Most of the time property owners do it because
2 they're either going to develop their property or they're going to do [inaudible] so they
3 don't want that sign sitting in front.

4 MR. PALMER: So those signs wouldn't fall under this; they could stay up there
5 forever? Because they're on public right-of-way and in reality the property owner
6 probably doesn't have the right to pull them down, does he?

7 MR. PRICE: We do try to put the signs on the property.

8 MR. PALMER: Because there's been a deferral posted for a long time off Neese
9 Road behind the old Kroger on Decker – the sidewalk waiver.

10 MR. PRICE: That's because that case is still deferred.

11 MR. PALMER: It was deferred until November.

12 MR. PRICE: It's still deferred.

13 CHAIRMAN ANDERSON: Alright. Have any other discussion?

14 MS. LINDER: For clarification then the only amendment is dealing with the
15 public right-of-way; is that correct?

16 MS. CAIRNS: Yeah. Just making sure the public property is defined as the
17 right-of-way.

18 MR. KOCY: Correct.

19 MS. CAIRNS: And the fact that it tends to include these other sort of [inaudible]
20 things but that's not what public property is. Because enumerated things is not the
21 definition of public property.

22 MS. LINDER: It's dealing just with the right-of-way?

1 MS. CAIRNS: And it's my understanding that's what we're defining as public
2 property.

3 MS. LINDER: That's fine, that's fine.

4 CHAIRMAN ANDERSON: Okay. We have a motion. Do we have a second?

5 MS. CAIRNS: Second.

6 MR. MANNING: Thought we had a motion and a second.

7 MS. CAIRNS: I thought we had a motion and a second. I thought we were
8 waiting for a vote.

9 MR. MANNING: Right.

10 CHAIRMAN ANDERSON: All those in favor -

11 MS. CAIRNS: We can move and second again.

12 CHAIRMAN ANDERSON: - of sending Text Amendment, Section 26-1(A) ahead
13 to Council with a recommendation of approval signify by raising your hands. All
14 opposed?

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

17 CHAIRMAN ANDERSON: Next Text Amendment. Mr. Kocy.

18 MR. KOCY: Mr. Chairman, this allows for weekend directional signs for real
19 estate, the lawn signs known in the industry as the bandit signs that you stick in your
20 yard. These would be allowed off premises to guide you through a subdivision or a
21 house for sale. It can be no bigger than 24 x 24. They're within three feet of the grade.
22 They cannot be in the right-of-way. They can be put up – they cannot be erected before
23 7:00 p.m. on Friday and they must be down 10:00 a.m. the following Monday. Need to

1 keep the signs away from the intersection and that's about it. And they can't be on the
2 South Carolina DOT right-of-way either.

3 MS. CAIRNS: I was gonna say I wonder, I mean, why three and eight if they
4 can't be in a right-of-way why do we say they can't be in the right-of-way? I mean,
5 that's why I started wondering if the word encroachment, it could be in the right-of-way
6 as long as it wasn't necessarily in the right-of-way. I mean, what -

7 MS. LINDER: [Inaudible] what your concern is?

8 MS. CAIRNS: Well, I mean, in number three it says they shall not encroach into
9 the right-of-way. I mean, is that saying that they shall not be in the right-of-way or does
10 encroach mean too close to or only in the part that we really even care about? I don't -

11 MS. LINDER: Should not be in the right-of-way.

12 MS. CAIRNS: Okay. So then why do you need number eight? I mean, is that
13 also saying it can't be in the right-of-way? I mean, abutting a road, but then if it's on
14 private property it's a different kind of sign. I mean, is it different? I mean, then I don't
15 think it matters what kind of road it is.

16 MS. LINDER: Well in number eight I guess you do have the exception if DOT
17 says that they need the sign there then it would be allowed. I guess that would be an
18 exception for number three.

19 MS. CAIRNS: Yeah, but if it's in the right-of-way then it's going to violate number
20 three.

21 MR. TUTTLE: I'm sorry, Mr. Chairman. I didn't have a chance to sign up.

22 CHAIRMAN ANDERSON: Oh, I'm sorry. Hold on a second.

1 MS. LINDER: I'm just going to suggest that perhaps we blend those two together
2 and just say shall not be in the right-of-way unless the DOT approves it.

3 MS. CAIRNS: I guess. I mean, it's their property. I mean, I guess if they want to
4 let you into their right-of-way you're not gonna, you know, stop that but it just made it –

5 **TESTIMONY OF DAVID TUTTLE:**

6 MR. TUTTLE: Mr. Chairman, Members of the Planning Commission, thank you
7 for hearing me. As a member of the HBA we had a joint meeting relative to this
8 particular ordinance and I thought the -

9 MS. LINDER: Could you identify your name and address.

10 MR. TUTTLE: I'm sorry. I'm David Tuttle with Lake Carolina Development
11 Inspired Communities. I was under the impression when we left that meeting, because
12 we referred to some of the Town of Lexington ordinances as it related to these bandit
13 signs, that clearly those would be allowed in the right-of-way as long as they didn't
14 encroach on any site triangle. Otherwise I'm not sure where we'd even put them. If
15 they weren't appropriate in the right-of-way where would you possibly put a bandit sign?

16 MR. KOCY: Other part of the county Code prohibits signs in the right-of-way so
17 we couldn't run afoul of that.

18 MR. TUTTLE: Right but when we had a discussion we talked about the Town of
19 Lexington being an ordinance that you could refer back to for these timeframes, etc., it
20 was clearly our understanding from the HBA prospective that we would also amend that
21 to allow these signs in the right-of-way as they've done in the Town of Lexington. They
22 do an excellent job of enforcement in the Town of Lexington and certainly these are
23 integral to the success of a real estate development or you're trying to sell your house

1 by owner or trying to resell your house. We can quantify our traffic both at Lake
2 Carolina and Inspired Communities and we receive anywhere from 20 to 30% of our
3 leads from these directional signs. So it would be detrimental to the real estate industry
4 to prohibit these signs completely. I'm not sure where we got crossed up in our
5 conversation but where – under, what you perceive to mean where would these signs
6 go? I mean, you clearly made allowances for the timeframe, etc., but where would you
7 place the bandit signs?

8 MR. KOCY: Not in the right-of-way. We don't have jurisdiction over South
9 Carolina DOT right-of-way and our Public Works Department has clearly expressed a
10 desire to not have these signs in their right-of-way.

11 MR. TUTTLE: I'm just – I'm still trying to understand so what -

12 MR. PALMER: [Inaudible] you'd have to get permission from an individual
13 property owner to put a sign in their yard.

14 MR. TUTTLE: No. That was a separate discussion we had relative to I think the
15 next ordinance where you could permit a sign to go on private property and we even
16 talked about instead of 10 or 12 developers having this mass signage that develop kiosk
17 signs similar to what they've done in Atlanta with, you know, very similar lettering, etc. I
18 just – we're confused and certainly the consensus, and I applaud you for sitting down
19 and all of us trying to talk, clearly we were under the impression that these signs would
20 go in the right-of-way just like they do in the Town of Lexington and other areas.

21 MR. KOCY: David. I'm going to have to disagree with you. It was never my
22 intention – I was not under the impression that the proposal was to allow these signs in
23 the right-of-way. I mailed copies of these ordinances –

1 MR. TUTTLE: But – okay, but.

2 MR. KOCY: - Earl the end of January and I never heard back from him that that
3 was my misunderstanding.

4 MR. TUTTLE: Well, evidently we missed that and certainly that's why there's a
5 public forum but these signs that you're going to take up – put out of Friday and take up
6 on Sunday, where would they go? These would go on private property?

7 MR. KOCY: Correct.

8 MR. MANNING: Under the current ordinance you don't need to have a change in
9 the ordinance to do that now.

10 MR. KOCY: They're prohibited. They're off-premise signs; they're prohibited.

11 MR. TUTTLE: Well then what - I'm confused, in the next ordinance that's before
12 the Commission, what, what -

13 MR. KOCY: The next ordinance are permanent signs up to two years with a
14 permit. These wouldn't be required – you would need a permit for these signs.

15 MR. TUTTLE: Okay.

16 MR. KOCY: You won't put them in and take them out.

17 MR. TUTTLE: Okay, well obviously we can't do much today but that's clearly not
18 the understanding we had from that meeting.

19 MR. KOCY: I'm sorry for the misunderstanding, David. But I – we've never
20 discussed at that meeting on the 14th of allowing these signs in the right-of-way. That
21 was never part of the discussion.

22 MR. MANNING: Does Lexington allow that?

1 MR. TUTTLE: Yes. Well, I can only speak for the Town of Lexington. I'm not
2 sure what the county's perspective is on that but the Town of Lexington does allow them
3 in the right-of-ways during those certain times as long as they're not in the site triangle
4 or, you know, a safety issue.

5 MR. MANNING: Thank you. Mr. Kocy, from the engineering department, the
6 utilities department, what is their problem with a sign being located in the right-of-way
7 that would be on a temporary basis [inaudible]?

8 MR. KOCY: They didn't express their – they didn't go into detail as to why; they
9 just said they prefer to not have signs in their right-of-way.

10 MR. MANNING: Temporary or permanent?

11 MR. KOCY: Correct.

12 MR. MANNING: Either one?

13 MR. KOCY: Either one.

14 MR. PALMER: I think it makes it useless unless we allow it in the right-of-way.
15 That's on a weekend basis.

16 MR. MANNING: I'd like to think we could figure out a way to make that happen.
17 It would be detrimental to disallow signage in the right-of-way but if there's an objection
18 from engineering or utilities as to why a temporary sign would cause them a problem
19 from a safety standpoint or some other standpoint I'd like to hear it and maybe we could
20 address that but, you know, to me either by not addressing the current ordinance as it is
21 or having that provision in the ordinance negates what we're trying to accomplish in the
22 Lexington model so to speak from the real estate signage [inaudible] it becomes an
23 ineffective ordinance.

1 MR. PALMER: Right. Do you want to have someone from Public Works answer
2 the question?

3 MR. KOCY: You can amend Article three and just say signs shall not obstruct
4 visibility in intersections and strike the, shall not encroach on the road right-of-way and
5 leave item eight alone because that strictly talks about SCDOT.

6 MR. MANNING: Right. DOT we have no control over their right-of-way and that
7 is what it is so if that is an option here I would make the motion we send this forward
8 with the recommendation of approval to strike item number three.

9 MR. KOCY: Not all of item number three. We don't want to obscure visibility at
10 intersections.

11 MR. MANNING: And leave in the language of "shall not obstruct visibility at
12 intersections." Or visibility period.

13 MS. CAIRNS: So what we're saying is that basically come weekends it's a free
14 for all in the public right-of-way for signs at intersections?

15 MR. KOCY: For real estate signs.

16 MS. CAIRNS: No.

17 MR. KOCY: Oh, you're right.

18 MS. CAIRNS: Any signs.

19 MR. KOCY: That's correct.

20 MR. FURGESS: Any signs.

21 MS. CAIRNS: Any sign. So the prohibition on erecting signs in the public right-
22 of-way is just eliminated during weekends?

23 MR. KOCY: That's correct.

1 MS. CAIRNS: As long as somebody thinks they can see the intersection clearly?
2 I think that's frightful, frankly. I mean, it's bad enough now how many signs we get all
3 over the place but this basically lets anybody and everybody erect any sign that's two
4 foot by two foot at an intersection for the weekend and every weekend, and I think that
5 signs – that lack of any control over signage and we can't make it content specific.

6 CHAIRMAN ANDERSON: We can't make it content specific?

7 MS. CAIRNS: No. You violate the Constitution when you do that.

8 MR. KOCY: The First Amendment.

9 MS. CAIRNS: Yeah. There's that little thing.

10 MR. PALMER: I think it works out well in Lexington.

11 MS. CAIRNS: Well maybe from your standpoint but, you know, as a person that
12 drives around that sees these intersections just cluttered to the end with real estate
13 signs I would not say that's a good thing. I mean, I drive around this county and when I
14 see that I think poorly because they're clutter.

15 MR. PALMER: I think poorly of vacant subdivisions which would definitely need
16 any kind of boost they can get right now with that 25 to 30% increase in visibility for the
17 citizens of this county.

18 MS. CAIRNS: Well, you know.

19 CHAIRMAN ANDERSON: So we couldn't state real estate signs in general, we
20 have to say signs?

21 MS. CAIRNS: Yep. You have to let it be every single sign.

22 MR. KOCY: Mr. PC picture, PC man signs would be legal.

23 MR. MANNING: What if you had directional signs?

1 MS. CAIRNS: Road this way? I mean, once you -

2 MR. MANNING: Well, I mean, everybody would have to do it. I mean, you
3 couldn't preclude PC man from saying that way but -

4 MS. CAIRNS: But it has to be a directional sign?

5 CHAIRMAN ANDERSON: And what if we entered something in there as far as
6 temporary - time temporary. Subdivisions, housing developments would be fairly
7 temporary whereas a sign to a McDonald's would [inaudible] I'm sorry.

8 MS. CAIRNS: It's still, it's still - anytime you start touching the content it's going
9 to fail because of the First Amendment.

10 MR. TUTTLE: Actually in the Town of Lexington ordinance they're very specific
11 about what they'll allow. They won't allow a phone number, a website. You can only
12 put a direction, you know, a directional with a company name or a subdivision name.
13 You're not - so that would eliminate PC man. He could just put PC man but, you know,
14 he wouldn't be able to do a web address or a phone number. I assume that's
15 constitutional; I don't know that.

16 MR. KOCY: But you could also have restaurants, fast food restaurants. You
17 know, Starbucks, McDonald's, Dunkin' Donuts could all say turn left here for -

18 CHAIRMAN ANDERSON: The difference - there's temporary and there's
19 permanent.

20 MS. CAIRNS: But these are weekends. We're basically saying we don't have a
21 sign ordinance on the weekend.

22 MR. PALMER: You could but, I mean, it's there for a reason. I mean, yes
23 technically if Starbucks wanted to go out on Friday and put a sign up and take it down

1 on Monday, they could. That doesn't happen in Lexington so why would it happen
2 here? It could, yes.

3 MS. LINDER: But this is not just for any sign. These are directional signs. It has
4 to be giving directions for a use that's taking place other than where the sign is located.
5 It's not an advertising sign; it's a directional sign.

6 MR. PALMER: Right. So I wouldn't have any problem with us inserting the
7 language in here that no phone number or web address is to be placed on the sign;
8 correct? And it's directional in content. Someone couldn't just advertise call me at this
9 number.

10 MS. CAIRNS: What happens if -

11 MR. KOCY: May I ask Mr. Tuttle a question? If I'm going to look at Lake
12 Carolina to buy a house and there's not a phone number and I get lost or am curious if
13 you're open at 8:00 o'clock on Saturday morning when I'm out cruising; would that hurt?
14 Would that hurt or help you not having a phone number?

15 MR. TUTTLE: I think clearly it was a concession at some point in time as to try to
16 alleviate some of the concerns the Commission had. We certainly do them in – right
17 now in some areas of town with phone – areas of town with phone numbers where it's
18 allowed and in other areas without and, you know, I think without the phone number or
19 the web address is fine as long as we can guide people there who happen to be out on
20 a weekend. You know, one of the reasons for the weekend is that's primarily when the
21 traffic for the real estate business shows up is obviously on a weekend.

22 MS. CAIRNS: What happens at 10:30 on Monday morning when the signs are
23 still there?

1 MR. TUTTLE: If they're not removed there's a fine and they're very strict in their
2 enforcement in the Town of Lexington and some people have paid substantial fines for
3 not having them up. There are actually sign contractors that do this where these
4 ordinances have been passed around the state and they get a group of businesses and
5 they go out and put them out on Friday and take them up on Sunday. That's what we
6 do to make sure they get taken up is we contract that out.

7 MR. PALMER: I would imagine that would fall under the current sign ordinance
8 that we just talked about and you'll get a \$1,000 fine.

9 MR. KOCY: [Nods yes]

10 MR. PALMER: Do we have a motion on the floor?

11 CHAIRMAN ANDERSON: I'd like to hear the changes real quick.

12 MR. PALMER: Do we have a motion? No? Deas, did you put one?

13 MR. MANNING: We had a motion to approve subject to removing the
14 encroachment language in item number three and leaving the "shall not obstruct
15 visibility at intersections" language in.

16 CHAIRMAN ANDERSON: We have a motion. Do we have a second?

17 MS. WARD: Second.

18 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of
19 sending this forward to Council with a recommendation of approval signify by raising
20 your hand. All opposed?

21 *[Approved: Ward, Palmer, Anderson, Manning, Gilchrist, Furgess; Opposed: Cairns;*
22 *Absent: Murray, Mattos-Ward]*

23 CHAIRMAN ANDERSON: Alright. Last Text Amendment is 26-180, Mr. Kocy.

1 MR. KOCY: Mr. Chairman, there is a typo in this one, minor. If you flip to page
2 75, under Section 1, the new language sign temporary off-premise, please strike the
3 language that says "After contractors or craftsmen signs" strike the language "at a
4 construction site." Those signs could be anywhere. And what this proposal does is
5 create a new off-premise sign. We're calling it temporary because the permit is valid for
6 24 months. Signs four feet by eight feet may be allowed in any and all zoning districts.
7 Constructed of a durable material because we don't want them to look shoddy after six
8 or 12 months. They may be illuminated and it is again a sign announcing a business, a
9 location, a subdivision, a restaurant, a craftsman, a car, whatever.

10 MS. CAIRNS: Is there anything that limits the quantity of these on any given -

11 MR. KOCY: No.

12 MS. CAIRNS: So one parcel could have a ton of these on it?

13 MR. KOCY: Correct.

14 MR. PALMER: I make a motion to approve.

15 MR. GILCHRIST: Second.

16 CHAIRMAN ANDERSON: Got a motion and a second on the floor. All those in
17 favor [inaudible] please signify by raising your hands. All opposed?

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

20 CHAIRMAN ANDERSON: Alright. That concludes – got one more? That
21 concludes the text amendments. The rules of procedure – are we going under the rules
22 [inaudible] after the comp plan?

1 MR. KOCY: Mr. Chairman, I have a very, very, very brief update to the
2 comprehensive plan. We mailed out under separate cover a response document. This
3 is the compilation of all the questions, suggestions we got on the comp plan and we
4 made a few minor modifications to the comp plan based on input we got and the
5 suggestions we got from citizens.

6 MR. MANNING: Are the public hearings now finalized?

7 MR. KOCY: We're going with the next round of public hearings done in
8 conjunction with Council Members. So there's some concern from some Council
9 Members that they were unable to attend Wednesday meetings and so they wanted to
10 have a meeting in their district to field questions.

11 MR. MANNING: Can y'all send that schedule to us –

12 MR. KOCY: Yes.

13 MR. MANNING: - as well because I didn't get to attend myself.

14 MR. KOCY: We can do that. So far I believe we only have three meetings
15 planned with Council people so far. There's a meeting this Thursday night in
16 Blythewood. Blythewood has requested that they have the ability to hold a meeting on
17 the comp plan in Blythewood so it'll be at the Blythewood Room at the Holiday Inn
18 Express this Thursday from 6:00 to 7:30.

19 CHAIRMAN ANDERSON: All on the comp plan?

20 MR. KOCY: That's it.

21 CHAIRMAN ANDERSON: Rules of procedure.

1 MS. LINDER: Mr. Chairman, at the Chairperson's request I have amended your
2 Planning Commission Rules of Procedure. I believe that draft has been passed out to
3 you. Changes on page four and it's at your discretion.

4 CHAIRMAN ANDERSON: Basically I just wanted to explain – on Section VI,
5 Liaison to Council. At the time I felt like it would [inaudible] at any time that we disagree
6 with Staff that the Planning Commission have a liaison to explain the Planning
7 Commission's position when it does disagree with Staff. I think the way it's presented at
8 Council level is Planning Commission denied and that's it or disagreed with Staff and
9 then it's my understanding -

10 MS. LINDER: We would present your amendment but not necessarily explain
11 your reasoning behind it.

12 CHAIRMAN ANDERSON: Sure. And I think there are times when sometimes a
13 paragraph doesn't explain the whole Planning Commission's position. So it would – I
14 thought it was a good idea to at least have somebody go up and [inaudible] appointed
15 by the Chairperson.

16 MS. CAIRNS: I think it would very difficult to send up one person to explain the
17 reason for the vote. I think that our rules and requirements, especially if we disagree
18 with Staff, require that we give why and does that why go with our vote?

19 MR. KOCY: Yes.

20 MS. CAIRNS: And I think outside of that sending someone up to explain what
21 wasn't – I mean, if there needs to be an explanation as to why we went against Staff we
22 do it here and it ends up as the reason why we went against Staff when it goes to them.
23 But then to send somebody up to explain, you know, our position against I think is –

1 MR. PALMER: I think what this is is to have someone available if the County
2 Council members have additional questions as to – that's not there that someone will be
3 there to answer those questions as to perhaps what the thinking of the Planning
4 Commission was at the time of the vote.

5 CHAIRMAN ANDERSON: And I think it's also –

6 MS. CAIRNS: But I – I think it's wrought with problems because basically you're
7 asking that person to speak without having, you know, without having a fully vetted
8 rationale, I mean. Because if Council starts going into questions that weren't raised that
9 person is deciding based on what their personal belief was what was the position of the
10 Commission and I don't think that's accurate.

11 MR. PALMER: I don't think they're there to deal with their personal opinions.
12 They're there to present what happened at the Planning Commission meeting and what
13 the rationale was behind, you know, why we decided to do what we did.

14 MS. CAIRNS: But unless we sit down and explain, I mean, we – I think that we
15 give the rationale as a part of the vote and to try to then later on expound on it; I think
16 it's a bad idea. I think we need to have more discussion here as to why we're going
17 against Staff when we go against Staff because I think sometimes the discussion that
18 we have here are very limited and frankly I'm not convinced that they're sufficient under
19 our delegation of responsibility and under our operating procedures. So to then say well
20 we'll just send somebody up that will be designated to tell Council why we voted the
21 way we did when we don't even have enough discussion here to sometimes explain
22 why we voted the way we did.

1 MR. MANNING: You know, I – it is difficult for somebody to speak on somebody
2 else's behalf. The Minutes reflect the conversation, the sentiments of the Planning
3 Commission and I don't know that the Council gets the full flavor of a lot of discussions
4 that we've had on some pretty large issues. And I guess you could say the glass is half
5 empty and somebody would speak out of school as to what the intent of the Planning
6 Commission was but by and large I think mostly anybody sitting up there would try to
7 articulate the conversation that went on at least, and refer them back to what they have
8 in front of them. I don't know whether they use it or not. Do they?

9 MR. PALMER: A lot of times our Minutes aren't even available to them at the
10 time.

11 MS. ALMEIDA: Yes, they are. We provide the votes of the Planning
12 Commission. We give the reasoning as to why the vote was different from Staff
13 recommendation, and on many cases we will get an email or request for the Minutes
14 ahead of time.

15 MR. MANNING: There are meetings that we don't approve our own Minutes until
16 -

17 MR. PALMER: We don't get our Minutes.

18 MR. MANNING: - the following meeting so that by that time Council couldn't
19 approve -

20 MS. ALMEIDA: There are times that they will defer until they get those Minutes.

21 MR. MANNING: Sometimes I know they don't.

22 MS. CAIRNS: Well, I mean, the thing is that any time you have a body voting, I
23 mean, even when we vote unanimously if after the fact you went down the list and said

1 okay why did you vote the way you did it would differ. So this idea of trying to discern
2 the intent is not something that a single person can offer the body's intent. I mean, we
3 talk about this is interpreting ordinances all the time. You can't go back to what the
4 intent was. All you can go back to is what was passed and what was the reason given
5 as the reason for the passage or the non-passage. To go back and try to offer intent it
6 would, I mean, everybody would offer a different intent.

7 MR. PALMER: But you can offer did you take into consideration this or did you
8 take into consideration that.

9 MS. CAIRNS: Well that's why – I mean, the Staff is offering that they ask for
10 Minutes but I think sending someone up with the express goal of offering what the
11 Commission's intent is is not proper because there is no such thing.

12 CHAIRMAN ANDERSON: I don't think, and I think a larger picture behind that
13 and that's – I don't totally disagree with you [inaudible]. There seems to be a
14 disconnect sometimes with the Planning Commission and having at least some – not
15 necessarily a spokesperson, I don't want to call it that but just a liaison between the two
16 boards might give some clarity on where the Commission as a whole with and including
17 the Minutes, you know, where we stand on certain rezonings because we do tackle
18 some very, very large rezoning issues that there are times where sometimes our
19 explanations are two and three sentences long and those might need to be expanded.

20 MS. CAIRNS: Yeah. But I don't think that a person can go up there and offer to
21 Council what the explanation or what the intent of the Commission was. If Council
22 wants to know they can come and sit in, which they do sometimes on bigger issues, or

1 they could possibly ask for more. Please clarify or remand this matter back for
2 additional explanation. But to send a person up to explain what the intent was, no.

3 MR. PALMER: It's one person to be available to answer questions in my – that's
4 the way I'm reading it. Someone that would be available not specifically to say okay I'm
5 speaking to every agenda item. But if a Council Member wished to ask a Member of
6 the Planning Commission, the liaison from the Planning Commission a question as to
7 whether something was considered or to explain something that occurred in the Minutes
8 or explain anything else they're able to do that.

9 MS. CAIRNS: Well, I mean, first of all they're going to be going off of memory?
10 And is that person truly, I mean, we all have our own opinions about stuff and so
11 somebody says well, you know, was this considered and I might sort of - thought well it
12 was marginally considered so I might say no and I might say yeah this was considered.
13 I mean, I don't think any one of us is the appropriate person to offer what all of us
14 discussed because we are the voting members. I mean, it's just not, you know, if Staff
15 wants to offer, I think Staff is much more neutral in terms of offering what we all talked
16 about. I mean, I just don't, you know, I don't think it's appropriate for one of us to be the
17 spokesman for the Commission. You know, there's the Minutes. They can go off the
18 Minutes and see what was discussed.

19 MR. PALMER: I just think it's appropriate. I agree, I think it's appropriate to have
20 someone there to answer questions from the Council if they so wanted to have. They
21 may not ask a question for a year but if they ever wanted to ask a question then
22 someone would be available to answer it for them.

1 CHAIRMAN ANDERSON: And I – and it also, I think it shows a part of the
2 Planning Commission to be there as far as hey we're willing to stand behind our
3 [inaudible] Minutes. Here's what the Planning Commission voted. We can refer – I
4 mean, I think a liaison could easily refer back to the Minutes and just basically say that.
5 I think it's a gesture stating that we want this disconnect; we want a tighter connection
6 and I think it makes sense. I mean, I know intent -

7 MS. CAIRNS: It needs to be a neutral person. It shouldn't be someone on the
8 Commission.

9 CHAIRMAN ANDERSON: Well and there are times where the Staff isn't as
10 neutral.

11 MR. PALMER: The Staff has their own recommendation.

12 CHAIRMAN ANDERSON: The Staff has their own – yeah, exactly. And I just,
13 you know, it was just a thought and I thought that having a liaison would bridge that gap
14 at times where our Minutes don't exactly [inaudible].

15 MS. CAIRNS: That's all we've got.

16 CHAIRMAN ANDERSON: Explain, explain -

17 MS. CAIRNS: We should have more discussion.

18 CHAIRMAN ANDERSON: - the flavor of discussion.

19 MS. CAIRNS: We should have more Minutes. We should have more discussion.
20 We really don't have discussion. I mean, we just recommended a sign ordinance that is
21 unbelievably frightful. It allows four by eight panels of plywood all over the county for up
22 to three years just because it happens to mention a series of things. That's
23 unbelievable. We just billboarded the city. We just allowed every [inaudible] you know

1 unbelievable or at least we just recommended with absolutely no discussion
2 whatsoever, you know, and I, you know. So what would, you know, Council would say
3 why Planning Commission person who happens to be here today who was asked by the
4 Chairman to go speak, why? You know, I mean, first of all do we want to sit there and
5 say I don't know we never talked about it. I mean, [inaudible].

6 MR. PALMER: Well in that case –

7 MS. CAIRNS: - or do you want them to say, well you know, or is the person
8 going to offer why they voted.

9 MR. PALMER: Well it's never an [inaudible] why they voted.

10 MS. CAIRNS: You know, the reason I thought it was good was because I
11 thought it would help, you know, this part of the economy and they'd offer all these
12 reasons that were never part of our public discussion.

13 MR. PALMER: That's not part of what -

14 MS. CAIRNS: They would be guessing that would be the intent. I think we ought
15 to let our Minutes be what they are. We need our motions and why we go against Staff
16 be what they are but I think to pick a person and say it's your job to go explain why we
17 did what we did, I would never support that. I mean, do you guys want me going up
18 there explaining what we did what we did? I don't think so.

19 MR. MANNING: Well, I think [inaudible] I would have faith in you to do that. I
20 don't think you would just go up there and say this was my opinion and the
21 Commissioner's were something else.

22 MS. CAIRNS: Good.

23 MR. MANNING: The Minutes are not going to reflect that I mean.

1 MS. CAIRNS: But that's a very different hat to wear too than being on this
2 Planning Commission.

3 MR. PALMER: There's a lot of times that the Chairman represents the Planning
4 Commission at things.

5 MR. MANNING: What is the policy of the Chairman going to Council [inaudible]
6 aspects about Planning Commission Chairman?

7 MR. KOCY: There is nothing in the County Council's rules that would
8 automatically give any citizen a standing in a meeting to discuss any -

9 MR. MANNING: Is there anything that would prohibit the Planning Commission
10 Member from speaking on his own personal behalf, not necessarily as a
11 Commissioner?

12 MR. KOCY: No. There's nothing. You would just sign up on either the for sheet
13 or the opposed sheet on any Council agenda item.

14 MR. MANNING: Is there any prohibition against being a Planning
15 Commissioner?

16 MR. KOCY: No.

17 MR. MANNING: Either or?

18 MR. KOCY: No. There's no prohibition.

19 MS. CAIRNS: So I would think that if we were going to create some liaison
20 position we need to have a whole bunch of discussion about exactly what were the
21 critical issues and why was it, you know, which I think we ought to have anyways. But I
22 mean, ever the rezoning recommendation that we had for that OI, I mean, I didn't hear

1 really any reason other than well this isn't just granting a grandfathering but it's kind of a
2 good thing so I think we'll just allow it.

3 MR. PALMER: That's not at all what he said.

4 MS. CAIRNS: I mean, I don't think there was a whole lot in that.

5 MR. MANNING: [Inaudible] next month if we get them in time for the meeting
6 and see if that's what I said. I don't think that's what I said.

7 MS. CAIRN: You know, but there was no – okay.

8 MR. MANNING: I mean, the floor was open for further discussion. I explained
9 what I felt was the reasoning behind allowing an OI in that area. You certainly could
10 have said what you felt.

11 MS. CAIRNS: Alright.

12 MR. PALMER: I'll make the motion to amend our rules as it applies to Section VI
13 in the liaison to County Council. That liaison to be there to be available to answer
14 questions from Council Members should they have any questions.

15 MR. MANNING: Mr. Chairman, I'd like to have some further discussion maybe
16 with somebody from the Council.

17 CHAIRMAN ANDERSON: Sure.

18 MR. MANNING: And I'm not in favor of having [inaudible] bring out the fact that –
19 excuse me, I'm sorry. Mr. Chairman, I would like to have some further conversation on
20 that issue. Maybe engage somebody from the Council as to the need for that, but
21 address more some of the problems that we've discussed and some ways that we might
22 limit the concerns that Ms. Cairns has [inaudible] if that would be okay. I'd like to make
23 a motion we defer that issue after further discussion.

1 CHAIRMAN ANDERSON: We have a motion; do we have a second?

2 MR. PALMER: What happened to my motion?

3 CHAIRMAN ANDERSON: Oh, I'm sorry. We have two motions. I'm sorry. We
4 need to – Mr. Palmer has a motion on the floor.

5 MS. LINDER: Mr. Chairman, the substitute motion takes precedent so you vote
6 on the substitute motion before you vote on the main motion. If there was a second on
7 the deferral than you would take that up first.

8 MR. PALMER: [Inaudible]

9 MR. MANNING: Mine was the motion to defer.

10 MS. CAIRNS: Huh?

11 MR. MANNING: I made a motion to defer.

12 MS. CAIRNS: I would second the motion to defer.

13 MS. LINDER: Then that's the vote you would take first. If that motion fails then
14 you take up the main motion.

15 CHAIRMAN ANDERSON: We have a motion; we have a second. And we don't
16 send this to Council at all, amending our rules.

17 MS. LINDER: That is correct; this would not go to Council.

18 CHAIRMAN ANDERSON: All those in favor of deferring please signify by raising
19 your hand. All opposed?

20 *[Approved: Cairns, Ward, Anderson, Manning, Gilchrist, Furgess; Opposed: Palmer;*
21 *Absent: Murray, Mattos-Ward]*

22 CHAIRMAN ANDERSON: So it is deferred. If somebody wants to shoot some
23 emails. I guess we need to have that discussion in a public forum; correct?

1 MR. PALMER: I would recommend that anybody who has issues with it to
2 submit those so we can having something to discuss at our next meeting. So people
3 can think about it before the next meeting as opposed to just laying it on everybody
4 cold.

5 MR. KOCY: Mr. Anderson, I have an amendment I'd like you to consider.

6 CHAIRMAN ANDERSON: Sure.

7 MR. KOCY: The three people at this table typically go to zoning public hearings
8 so if the liaison could buy us dinner before the meeting. [Laughter] That's my motion.

9 MR. MANNING: Do you need a second for that or is that just –

10 MR. KOCY: For your consideration next month, Mr. Manning.

11 CHAIRMAN ANDERSON: Alright. So that will be deferred. Let's see. Road
12 name approvals.

13 MR. PALMER: No road names.

14 MR. FURGESS: They were emailed to us weren't they?

15 CHAIRMAN ANDERSON: They were emailed to us?

16 MR. FURGESS: Yeah.

17 CHAIRMAN ANDERSON: I did not get that email.

18 MR. GILCHRIST: I did not get that either.

19 MS. CAIRNS: I got it; I printed it.

20 CHAIRMAN ANDERSON: I did not. Having said that I [inaudible].

21 MR. MANNING: Mr. Chairman, I make a motion that we adjourn if we have no
22 further business.

23 CHAIRMAN ANDERSON: We've got road names.

1 MR. MANNING: I thought you said there were none.

2 MS. CAIRNS: Well there were. They were emailed.

3 CHAIRMAN ANDERSON: Some people got them, some people didn't.

4 MS. LINDER: I would probably recommend deferral on this if not everybody has
5 received them.

6 MR. PALMER: Heather, can you pass those down real quick so we can –

7 MS. CAIRNS: [Inaudible]

8 MR. PALMER: If we can look at them real quick we can vote on them.

9 MS. ALMEIDA: I don't have them.

10 MR. PALMER: Heather has them.

11 MS. CAIRNS: I think I do.

12 CHAIRMAN ANDERSON: Y'all don't have them?

13 MS. CAIRNS: Here they are, here by are.

14 MR. PALMER: Heather's got them.

15 CHAIRMAN ANDERSON: Well, if they weren't advertised.

16 [Inaudible discussion]

17 MS. CAIRNS: I just don't want to live on Experiment Lane.

18 CHAIRMAN ANDERSON: Everybody had a chance to look at the road names?
19 Is there a motion on the floor?

20 MS. CAIRNS: Make a motion that we approve the road names.

21 MS. WARD: Second.

22 CHAIRMAN ANDERSON: All in favor signify by raising your hand.

1 *[Approved: Cairns, Ward, Palmer, Anderson, Manning, Gilchrist, Furgess; Absent:*
2 *Murray, Mattos-Ward]*

3 CHAIRMAN ANDERSON: Mr. Deas had a motion to adjourn.

4 MR. MANNING: Motion to adjourn.

5 MR. PALMER: Second.

6

7

[Meeting Adjourned at 3:30 p.m.]