

RICHLAND COUNTY PLANNING COMMISSION
February 6, 2012

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Present: Heather Cairns [in @ 1:40], Olin Westbrook, Kathleen McDaniel [in @1.15], David Tuttle, Patrick Palmer, Stephen Gilchrist [in @1:03], Howard Van Dine, III, Wallace Brown, Sr.; Absent: Deas Manning

Called to order: 1:01 pm

CHAIRMAN PALMER: Alright, we'll call the February 6th meeting of the Planning Commission to order. In accordance with the Freedom of Information Act, a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification, and posted on the bulletin board in the lobby of the County Administration building. And we did not get the January Minutes so we won't vote on those. Any Agenda amendments?

MR. VAN DINE: Mr. Chairman, Mr. Tuttle and I were discussing, and we think we need to have as new business at the end a provision in our By-Laws, we'll call it a decorum clause that requires the Chairman to wear a tie occasionally to the actual meeting. [Laughter] We would like to have that discussion at the end.

CHAIRMAN PALMER: That may need to be in Executive Session. [Laughter] Any other Agenda amendments?

MR. LEGER: Mr. Chairman, it's my understanding that the applicants for number five, case number 12-09 have asked to defer until next month.

MR. BROWN: So moved, Mr. Chairman.

MR. VAN DINE: Second.

CHAIRMAN PALMER: Any other amendments? All those in favor the Agenda as amended please signify by raising your hand.

1 *[Approved: Westbrook, Tuttle, Palmer, Van Dine, Brown; Absent for vote: Cairns,*
2 *McDaniel, Gilchrist; Absent: Manning]*

3 *[Gilchrist in @ 1:03]*

4 CHAIRMAN PALMER: Okay. Case number 12-01 MA.

5 **CASE NO.: 12-01 MA:**

6 MR. LEGER: Thank you, Mr. Chairman. Good afternoon, everyone. The
7 Applicant in this case is Mr. Kevin Stanley representing Lexington County Health
8 Service District. The property is located on Old Tama Road and is about 3 ½ acres in
9 size. It's currently zoned RU, Rural District and the Applicant is asking for OI, which is
10 our Office and Institutional District. The RU District is the original zoning from 1977.
11 Surrounding the property everything is zoned RU, Rural District. To the north is
12 undeveloped and vacant, to the south is a residence and kind of southeast is a, an
13 existing dental office. Further to the east, the middle school, Dutch Fork Middle School
14 and Dutch Fork High School, and to the west is a residence and a barn. There are
15 other residential subdivisions in the vicinity zoned RS-MD, as you can see on the zoning
16 map and they are mostly developed. Our Comprehensive Plan recommends suburban
17 in this vicinity where office activity should be located at traffic junctions or areas where
18 there is existing other commercial and office use, and not encroach on established
19 residential areas. Our analysis in this case has found that the majority of this area is
20 occupied by residential use except for the high school as well, with the exception of the
21 dental office kind of to the southeast. The dental office was approved probably 11 or 12
22 years ago as a special exception in the RU District. The Code has since changed and
23 that type of a use would not be allowed in the RU District currently. Basically, the

1 property is vacant and wooded surrounded by developed subdivisions and other
2 residential uses. In the opinion of Staff based upon the residential zoning and the lack
3 of compatibility with the Comprehensive Plan, the Staff recommended disapproval of
4 this application. If you have any questions we'll be glad to answer them.

5 CHAIRMAN PALMER: Any questions for Staff? Okay, we have several signed
6 up to speak. If you would when I call your name, take the podium and give your name
7 and address for the Record, and we'd like to limit comments to two minutes if we could
8 per person. Kevin Stanley.

9 **TESTIMONY OF KEVIN STANLEY:**

10 MR. STANLEY: My name's Kevin Stanley, I'm the Director of Engineering for
11 Lexington Medical Center. I'm the Applicant for the rezoning. I'll just do a brief
12 introduction and then Mr. Bediger from the hospital can talk a little bit more about it. We
13 have a couple pictures that we want to, that we want to display for you. It basically just
14 shows what, what we plan on doing with the property. Basically, [inaudible] the property;
15 here's Old Tamah, here's Koon Road here. Dutch Fork High School, Middle School.
16 Over here's our property with a rendering of the size of the building we're gonna put
17 there. It's a 10,000 square foot building, you can see how it's not very big compared to
18 the other things in the area. And so that's basically what we wanted to show. And I'll
19 defer to Mr. Bediger from there and let him cover a little more detail if you don't mind.

20 CHAIRMAN PALMER: Thank you. Mr. Bediger?

21 **TESTIMONY OF MIKE BEDIGER:**

22 MR. BEDIGER: Thank you, my name is Mike Bediger. I'm President of
23 Lexington Medical Center. The Applicant is Lexington County Health Services District,

1 that's our legal name of the corporation. Our address is 2720 Sunset Boulevard, West
2 Columbia, South Carolina. Lexington Family Practice has been a practice that's been
3 affiliated with the hospital for more than 15 years. It's actually a department of the
4 hospital and they currently operate seven locations throughout the Midlands. We
5 currently employ a total of over 200 physicians operating at about 50 different locations
6 throughout the Midlands. And this is another practice that we wanted to open to better
7 serve the people in the Dutch Fork community. Kevin mentioned, it's about a 10,000
8 square foot building. It'll initially have two family practitioners in it, it'll be a total of about
9 12 employees of the building. And it will operate as a family practice. It will not operate
10 as a hospital or as an urgent care center or anything like that. If, part of the reason why
11 we've got this picture is so you can see it in perspective with the Dutch Fork High
12 School and the Middle School next to it, over 3,000 students there, and then the
13 orthodontics office. We actually have a letter of support from the superintendent of
14 Lexington/Richland District Five and I'll give you a copy of those for the Commission.
15 We've also got a letter of support from Dr. O'Leary who's the orthodontist, the dentist
16 office right next to ours. And we've also got a letter of support from the property owner,
17 the resident that's most closest to our facility. But we feel by having this facility located
18 here that, close to the school where we work closely with the schools and the residential
19 areas, it'll actually cut down on the traffic going to other areas. And I brought with me,
20 Dr. Robert Callos who is one of the principals of Lexington Family Practice and I'd ask
21 him to say a few words. And let me, if I could just give you these letters of support.

22 CHAIRMAN PALMER: Any questions for Mr. Bediger? Mr. Callos?

1 MR. BEDIGER: And before I leave, this is, this is the Lexington Family Practice
2 office in Ballentine, which is also in Richland County, and this will give you a feel for the
3 quality of the types of facilities that we construct and operate. And to my knowledge
4 we've never had a single complaint from one of our neighbors about the operation of
5 one of our facilities close to residential area or the neighborhoods. Dr. Callos?

6 **TESTIMONY OF ROBERT CALLOS:**

7 MR. CALLOS: Good afternoon. I'm Robert Callos, I'm a physician with
8 Lexington Family Practice. I'm board certified in family medicine as well as have the
9 added certificate in geriatrics. We've been in Irmo for 27 years, we've enjoyed working
10 with the good people of Irmo. Two of us have served as a health advisor to District 5.
11 We come April the 28th Lexington Family Practice with several other physicians are
12 gonna do the athletic physicals for Chapin, Dutch Fork and Irmo. The charge for the
13 student is \$10 which goes to the schools. We get absolutely no reimbursement for
14 doing 660 physicals. We think we've been good neighbors to the good people of Irmo.
15 We also teach residents, students, nurse practitioners in our office and I'm also a
16 clinical professor of family medicine at USC.

17 CHAIRMAN PALMER: Ishmael Osbeck.

18 **TESTIMONY OF ISHMAEL OSBECK:**

19 MR. OSBECK: Good afternoon. My name is Ishmael Osbeck. I live at 42 Lime
20 Bay, Columbia, South Carolina 29212. I am in favor of this rezoning request by
21 Lexington Medical Center and I would like to make just a couple of comments as a
22 property owner about less than half a mile south of this area in Walnut Grove
23 subdivision. And also as a professional consulting engineer who's been practicing about

1 32 years basically all in land development area. Also I have 11 years of service for
2 Lexington County as a planning engineer and sat in Planning Commissions for 10
3 years, that period. I'll make just a couple of quick comments why I'm in favor, obviously
4 as a property owner the whole area is going to benefit by a service like that, and going
5 to an Office Institutional rather than General Commercial from a Rural is going to
6 eliminate a lot of undesired future likely uses. And at the same time as a private
7 consulting engineer I can see that this is going to help the traffic situation. Right now
8 this is a main collector road which has, I believe has A rating as far as – well I'm sure –
9 the traffic by use of these local communities and subdivisions rather than going to long
10 distances, they would be using a local family practice. I would highly recommend this,
11 again as a property owner, as a private consulting engineer.

12 CHAIRMAN PALMER: Thank you. Mr. Depal(?)?

13 **TESTIMONY OF MR. DEPAL:**

14 MR. DEPAL: Good afternoon, Mr. Chairman, Members of the Commission. My
15 name is Depal [Inaudible]. I live at 303 Deer Crossing Road in Richland County. I own
16 two properties; one in Woodcreek Farms and one in downtown Columbia, and I'm a
17 professional engineer and I support this. I use a very similar facility off of Farrow Road,
18 Spring Valley Family Practice, and I've been using that facility from the get-go, and it's a
19 reason that I live in the northeast and if I lived in this particular area I would want a
20 facility like this in my community. So I support this project. Thank you.

21 CHAIRMAN PALMER: Kim Murphy?

22 **TESTIMONY OF KIM MURPHY:**

1 MS. MURPHY: Hi, good afternoon. In the interest of full disclosure, I serve on
2 the Lexington/Richland 5 School Board, but I'm not here in that capacity. I'm a long-
3 time concerned citizen and community representative. And we are concerned about
4 how these decisions that you make affect our future and our quality of life. My father is
5 in family practice and geriatrics so I appreciate what these doctors do. And I wish I had
6 an enlarged photograph to show you how large, how rural this area really is, and it is
7 miles from any other commercial development. You may recall at your last meeting this
8 issue came before you and it was deferred, but there was another one that you did
9 approve, and it was one like this one; the Staff recommended denial, and they
10 recommended denial because it was not compatible with the existing zoning. But in that
11 case other zoning was almost contiguous so you overturned, or the majority overturned
12 the Staff's recommendation on this. And again in this case the property is miles away
13 from similar zoning. And just to correct a couple things, that school has 2,000 students
14 not 3,000 students and the actual capacity of it is going to reduced down to 1,700 and
15 enrollment down to 1,500 because of a fourth high school that's being constructed.
16 Right now there are congestion, traffic congestion issues in front of the school, actually
17 two schools there. There have been road improvements, there's been a light added,
18 Richland County Sheriff have to assist in the traffic during school beginnings and at the
19 end of the school day. And just wish that you would confirm Staff's recommendation,
20 it's just too soon for something like this. Thank you very much.

21 CHAIRMAN PALMER: Wayne Duncan?

22 **TESTIMONY OF WAYNE DUNCAN:**

1 MR. DUNCAN: Good afternoon, folks. I'm Wayne Duncan, I live in the Ballentine
2 area and have a daughter that lives very close to this location here. It was basically
3 totally rural until the point in time where you folks put a special exception through for a
4 dentist office. Now you're gonna do the same thing, you're going against your people
5 that you pay good, hard earned, my good, hard earned money to do research and due
6 diligent to make a determination as to whether or not these things needs to be done.
7 This has already been recommended as a turn down by your people and now
8 somebody's coming in the back door trying to get you guys to turn it over again. This is,
9 this is not good. This is the way you folks do business too often and I'm disappointed in
10 you quite frankly. Thank you.

11 [McDaniel in @ 1:15]

12 CHAIRMAN PALMER: Okay, thank you. That's all that we have signed up to
13 speak.

14 MR. VAN DINE: Mr. Chairman: Can I ask Staff a question? I note that the
15 zoning underneath the schools is RU, was there any effort to rezone the school property
16 itself into something other than RU or was that something that was simply done without
17 input from anybody, including the Planning Commission?

18 MR. LEGER: If there was any application I'm not aware of it. Mr. Price may be
19 aware of –

20 MR. PRICE: No, sir. Schools were always a permitted use in the Rural District
21 so there was no need for a zoning change.

1 MR. VAN DINE: So if we were to actually look at the property on which it exists,
2 for all intents and purposes it's already an OI District because the school is located
3 there. Correct?

4 MR. PRICE: [Inaudible] the school and also [inaudible] offices. That was granted
5 by the Board of Zoning Appeals as a special exception that they're institutional uses.

6 MR. VAN DINE: So simply looking at the actual property itself, the use that it's in
7 is an OI use not an RU use, which would be the underlying zoning, correct?

8 MR. PRICE: Could you repeat that?

9 MR. VAN DINE: Sure. The underlying zoning as it's shown on our map is RU.

10 MR. PRICE: Yes.

11 MR. VAN DINE: But the actual use of that property is not RU, it's an institutional
12 or OI or some other, correct?

13 MR. PRICE: Yes.

14 MR. VAN DINE: Okay.

15 MR. TUTTLE: Mr. Chairman, if I might. I just, I'll follow this with a motion but I'd
16 like to state a philosophy. It's my opinion that schools are generally a precursor of, of
17 growth and many times in our world they actually arrive at the same time as a need or
18 sometimes after that need. And it seems a logical step from there that if a school
19 makes sense over a long period of time simply the demographics that make the school
20 valid lead you to believe that other services would need to come in that area to support
21 the residents in that area. And in my research I can't find a school that's more than 10
22 years old that doesn't have similar uses around it. And I think that makes sense. I think
23 from a county perspective if we can get a high school to go to the doctor across the

1 street rather than drive across town that's something that we strive for. And I
2 understand that Staff is somewhat limited by the Comprehensive Plan and we have the
3 ability to look at that and how it's evolved since that plan was last done. So with that
4 being the basis for my motion to make a motion to send this forward to Council with
5 approval, that's my justification for going against the Staff's recommendation.

6 MR. VAN DINE: I'll second the motion.

7 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

8 All those in favor of the motion please signify by raising your hand. All those opposed?

9 *[Approved: Westbrook, Tuttle, Palmer, Van Dine, Brown, Gilchrist; Opposed: McDaniel;*
10 *Absent for vote: Cairns; Absent: Manning]*

11 CHAIRMAN PALMER: Folks, we are a recommending Body to County Council.
12 This will show up on the county's Agenda on February the 28th in these same Chambers
13 at 7:00 for the rezoning hearing. And for all of our cases I recommend that you show up
14 to the Council hearing as well.

15 MR. VAN DINE: Mr. Chairman, can I make one comment?

16 CHAIRMAN PALMER: Absolutely.

17 MR. VAN DINE: It was suggested that something underhanded was taking place
18 by this particular rezoning being placed on our Agenda. And I wish to make it clear
19 specifically that anybody who requests a rezoning, whether it is set forth by the Staff for
20 approval or denial, is entitled to have that set before this Commission. And there is
21 nothing underhanded that takes place in order for that to be placed on our Agenda for
22 review. And I personally suggest that anybody who believes that there is something
23 underhanded going on, that they take a better look at the procedures and the rules that

1 are set forth as to how things are placed on the Agenda in order to take place. This
2 Body is a recommending Body, we do not have vested interest in anything that goes on
3 out there or we would have to recuse ourselves. So as a result I was a little offended by
4 the suggest that this Body is somehow doing something underhanded and I suggest
5 that in the future individuals who believe that ought to take a better look at the
6 procedural aspect of things.

7 CHAIRMAN PALMER: Well said. Next case, Case No. 12-05 MA.

8 **CASE NO. 12-05 MA:**

9 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Wyndham
10 Enterprises. The property is owned by Mr. Rodney Wyndham. It's located at
11 Northsprings Road and Woodley Road, has a double frontage, north and south. It has
12 about 3.2 acres, it's currently zoned HI which is a Heavy Industrial District. The
13 Applicant is requesting GC which is General Commercial. HI is the original zoning from
14 1977. The surround uses and zoning, the north is zoned RS-LD, which is the Spring
15 Valley subdivision, it's completely developed. To the south we have a GC District which
16 is all of the commercial use along Two Notch Road. We also have to the east and west
17 property zoned HI, Heavy Industrial. To the east we have Woodley's Garden Center
18 and Keeler Landscaping and to the west is an undeveloped parcel as well as a
19 restaurant, Polliwogs Restaurant. Our Comprehensive Plan recommends suburban in
20 this instance where commercial and office activities should be located at traffic junctions
21 or areas where there is other commercial and office use. With our analysis we found
22 that there is other commercial use in this area contiguous to the east and the west as
23 well as a number of industrial and warehousing type properties. The subject property is

1 vacant and undeveloped, basically flat and somewhat wooded. The property is zoned
2 Heavy Industrial, however, it is our opinion as a Staff that that industrial zoning is a
3 result of industries that have been there for almost 100 years now and for the most part
4 the remainder of the properties zoned industrial here have been occupied by
5 commercial use. For that reason we felt that commercial uses would be
6 characteristically appropriate in this vicinity and we have recommended approval of this
7 application in this instance. If you have questions I'll be glad to answer them.

8 CHAIRMAN PALMER: I have a question. How would this rezoning potentially
9 adversely affect the neighboring businesses who do need the HI zoning? I know there's
10 residential, you know, right across the street so, you know, obviously they couldn't get
11 any permits that would be detrimental I guess to residents within a certain radius. I know
12 in the past we've dealt with, you know, terms such as blowout walls and different things
13 to do with chemicals. And I know when it's an HI district it's the most intense that we
14 can get. Do you see any adverse impact to current uses that are adjacent neighbors?

15 MR. LEGER: I do not anticipate anything like that. Most, all of the properties
16 adjacent are commercial. I can't imagine anything going on this property that would be
17 anything not similar to anything that's already there.

18 CHAIRMAN PALMER: Mr. Price?

19 MR. PRICE: [Inaudible] Staff has taken a look at this particular area and also
20 spoke to the Council Representative for this area. If you take a look at the abutting
21 uses such as Woodley's Garden and also, I still call it Icey's but it's, what, Polliwogs?
22 Those uses are actually nonconforming at this time due to the HI zoning designation.
23 So there's some discussion about bringing those in as General Commercial, but Staff

1 doesn't see where any impact to the surrounding, those particular surrounding
2 properties would occur by this rezoning.

3 CHAIRMAN PALMER: Okay. Any other questions for Staff? Okay, we have
4 three signed up to speak. Amelia Kotti? And I'm awful at names, just so you folks will
5 know. If you could come and take the podium and give us your name and address for
6 the Record.

7 **TESTIMONY OF AMELIA KOTTI:**

8 MS. KOTTI: Thank you. My name is Amelia Kotti, I live in Spring Valley and my
9 house is directly across Northsprings Road from this property. We as Spring Valley
10 residents are concerned about what is going there and I understand that it probably
11 always will be commercial over there, but we don't want anything that, number one
12 would have a curb cut onto Northsprings Road because Northsprings Road, since the
13 traffic at Sandhills Mall uses that as a back road, is already more clogged and
14 congested than it should ever have been and if you put a curb cut onto Northsprings
15 Road from there people can't get out of that gate at all. It's already a traffic nightmare
16 and it would only be worse. And I really don't know that I'm against this, I really would
17 like to know what they're planning to put there. Thank you.

18 CHAIRMAN PALMER: Okay.

19 MR. TUTTLE: Can I ask Mr. Price a question? I'm sorry.

20 CHAIRMAN PALMER: Absolutely.

21 MR. TUTTLE: Geo, what's before us today would have no impact as it related to
22 curb cuts or egress onto a state or county road, that would be granted or not granted
23 regardless of the zoning, is that correct?

1 MR. PRICE: Correct.

2 MR. TUTTLE: Okay, just wanted to make sure.

3 CHAIRMAN PALMER: And what's in front of us is simply a rezoning. In other
4 words, anything under the General Commercial uses would be allowed on this property,
5 so you can take a look at any of those uses. General Commercial is, is perhaps our, it
6 is our most intense commercial zoning and allows the most things, as you probably
7 know. And any of those things, sometimes people get tied into the fact that, well this
8 guy wants to put this on a piece of property, but what we have to look at is all of the
9 uses that are under that category that could possibly go there because in future years
10 that property could change ownership, new owners could decide to do something else
11 and this is what they would be allowed to do. Carl Vogess?

12 **TESTIMONY OF CARL VOGESS:**

13 MR. VOGESS: Yes, Carl Vogess. I'm the general manager for the Spring Valley
14 Homeowners Association and a resident. We don't live too far from where the Kotti's
15 live. And I guess I wanted to get some background information. To my ear, general
16 commercial does sound better than heavy industrial because we've always got some
17 concerns about that chemical company that's at the corner of Brickyard and
18 Northsprings and what may or may not be in the ground at that place. But I just would
19 like to reiterate though what Mrs. Kotti said and if there's gonna be another venue
20 where we could speak to that, you know, when they're talking about putting roads onto
21 that, that property for entrance and exit, you know, then we would like to be able to
22 speak to that situation cause Northsprings is just way over the top in terms of its
23 capacity. Thank you.

1 CHAIRMAN PALMER: Okay. I can't make out the first name, is it Rue or – Rae
2 Burliss?

3 **TESTIMONY OF RAE BURLISS:**

4 MS. BURLISS: Good afternoon, I'm Rae Burliss and I also live in Spring Valley
5 and I'm a realtor and of course any time there's growth and development there's
6 problems that you have to address and concerns that you're concerned for for your
7 family. That area, because of the Village at Sandhills and the growth with the new
8 communities coming up in the northeast, it has encouraged a lot of traffic to be
9 developed and has affected Spring Valley because we're so close to the Brickyard light,
10 there's not a light getting out of our subdivision. And Spring Valley is quite a large
11 subdivision and we do have several exist, but there's a great number of families that do
12 exit out of our particular exit there and I'm concerned for if they were to make that open
13 on our side of Northsprings, how it could negatively affect our families trying to get out
14 of the neighborhood and be on time for our appointments. Is Mr. Wyndham, does he, is
15 he here and does he have plans for this property? Should he get this rezoning is a
16 question that I had, and I thank you for your time today.

17 CHAIRMAN PALMER: Okay, thank you. Mr. Price, could you address for us the
18 process to get the curb cut and how that process works for these folks?

19 MR. PRICE: Of course when they submit their plans I believe Northsprings Road,
20 it is Northsprings Road is a DOT maintained road and so they would have to apply to
21 DOT for an encroachment permit and DOT would have to look at all of the other issues
22 around prior to granting it. But, you know, this particular case, because there is access
23 off of the, I guess, whatever that frontage road that leads to – Woodley Way, that

1 potentially that could be the main access for the property. But once again, this is gonna
2 be determined by DOT.

3 MR. VAN DINE: Mr. Price, I mean, as it sits right now under HI they're still gonna
4 have to go through the same process regardless of what they do. I mean, they could
5 still have an access point out the back if something were to be put in HI, correct?

6 MR. PRICE: Yes, sir. One of the things that we, that came to our attention is,
7 and you'll see it on your, on the aerial, there seems to be a [inaudible] strip that runs
8 along Northsprings Road, we'll double check the ownership but that would, may be
9 something that actually could prevent access from Northsprings Road, just depending
10 on ownership.

11 CHAIRMAN PALMER: Okay.

12 MR. PRICE: And also that's not part of the subject parcel, so.

13 CHAIRMAN PALMER: Thank you. Any other questions for Staff? That's all we
14 have signed up to speak. Any discussions? Motions?

15 MR. TUTTLE: Mr. Chairman, I'll make a motion that we send Case 12-05 MA
16 forward to Council with a recommendation for approval.

17 MR. VAN DINE: Second.

18 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
19 All those in favor please signify by raising your hand.

20 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Van Dine, Brown, Gilchrist; Absent for*
21 *vote: Cairns; Absent: Manning]*

22 CHAIRMAN PALMER: There's none opposed. Case No. 12-06 MA.

23 **CASE NO.: 12-06 MA:**

1 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Stephen
2 Minsky. The property is owned by Lutheran Homes of South Carolina Foundation, it's
3 located at the frontage on Powell Road and Finlay Road. It's about 45 acres in size. It
4 has several zoning classifications applied to it currently: M-1, HI, RM-HD. The HI and M-
5 1, let's see here, and the RM-HD were all the original zoning from 1977. In the vicinity
6 we have a mixture of zoning classifications being M-1 to the north, the property is in part
7 vacant, as well as a business, Johnny On the Spot, I think it contains some outdoor
8 storage of port-o-lets; to the south you've got some RM-HD which is Rice Estates, an
9 independent or assisted living, it's a residential community; to the east is the Interstate
10 77, a highway; and to the west we've got M-1 and OI, a scrap and recycling yard as well
11 as the Richland County Public Works facility where all of our Public Works vehicles are
12 stored. The Comprehensive Plan recommends priority investment for this site, in this
13 case residential housing at four to 16 dwelling units per acre, but also in our priority
14 investment area recommending a mix of uses for the overall development of priority
15 investments. The property is currently undeveloped and wooded, it, mostly flat, it's got
16 some water impoundments on it. And again, the surrounding area is characterized by a
17 mixture of uses, storage, institutional, commercial, industrial and residential. For that
18 reason our Staff could support the rezoning request because of the mixture of uses as
19 well as the compliance with our Comprehensive Plan. The Staff recommends approval
20 of this case at this time. If you have any questions I'll be glad to try and answer them.

21 MR. VAN DINE: Mr. Chairman, if I may? Is the junkyard, for lack of a better
22 term, the wrecked car yard, is that right on the curve there or is that actually part of this
23 parcel?

1 MR. LEGER: To the north of the Public Works facility?

2 MR. VAN DINE: Yeah.

3 MR. LEGER: To my understanding it's not part of this property.

4 MR. VAN DINE: So the disaster that's sitting out there now, it would not be part
5 of a clean up job to try and make this work?

6 MR. LEGER: That's correct.

7 MR. VAN DINE: Too bad.

8 CHAIRMAN PALMER: Any questions for Staff, any other questions? Stephen
9 Minsky?

10 **TESTIMONY OF STEPHEN MINSKY:**

11 MR. MINSKY: Good afternoon, I'm Steve Minsky. I'm the construction
12 coordinator for Lutheran Homes of South Carolina. We operate the Rice Estate,
13 formerly known as the Rice Home, a continuing care retirement community that has
14 independent living, assisted living and skilled nursing. We've been doing a master plan
15 for future growth and we feel we need to increase skilled nursing based on DHEC's
16 most recent state health plan that identifies 173 beds that are, additional beds that are
17 needed in Richland County. Based on that and we're pretty well full, we would like to
18 expand our skilled nursing into the area that we'd like to get rezoned.

19 CHAIRMAN PALMER: Any questions for Mr. Minsky? Thank you.

20 MR. BROWN: Mr. Chairman, I would like to state that I did visit the site and I met
21 with the staff and so forth. I just want that for the Record.

22 CHAIRMAN PALMER: B.J. Hodge: Thank you. That's all we have signed up.

1 MR. VAN DINE: Mr. Chairman, I'd like to make a motion we send this forward
2 with a recommendation of approval.

3 MR. GILCHRIST: Second, Mr. Chairman.

4 MR. BROWN: Second.

5 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
6 All those in favor of the motion, please signify by raising your hand.

7 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Van Dine, Brown, Gilchrist; Absent for*
8 *vote: Cairns; Absent: Manning]*

9 CHAIRMAN PALMER: None opposed. Case No. 12-08 MA.

10 **CASE NO.: 12-08 MA:**

11 MR. LEGER: The Applicant in this case is Kevin Steelman. The property is
12 owned by LandTech Inc. and is located on Three Dog Road. It's about four acres in size
13 and it's currently zoned NC, Neighborhood Commercial, and the Applicant is requesting
14 an RS-MD, which is a Medium Density, Single-Family Residential District. The existing
15 zoning, Neighborhood Commercial, was approved in 2006, but has yet to develop the
16 property, it's currently vacant. The original zoning was RU, Rural District. To the north
17 is a General Commercial District at the intersection, which has yet to develop, it's
18 vacant. To the south we have RS-MD zoning. It's also undeveloped, however, a little
19 further to the south is the Cedar Rose subdivision. To the east is a Planned
20 Development District, it's a residential use, the Fox Port subdivision. And to the west is
21 mostly undeveloped. This site is also in our Comprehensive Plan and recommended for
22 a priority investment area where the Comprehensive Plan calls for four to 16 dwelling
23 units per acre as part of that priority investment area. The Staff in our research has

1 found that the proposed zoning district would meet that density requirement in 5.1
2 dwelling units per acre. Based on the fact that the property is undeveloped, is located
3 near other similarly developed subdivision, and is certainly capable of supporting
4 residential use, our Staff recommended approval of this zoning at this time. If you have
5 any questions I'll be glad to try and answer them.

6 CHAIRMAN PALMER: Any questions? [Inaudible] Carpenter?

7 MR. CARPENTER: Pass.

8 CHAIRMAN PALMER: Steve Lofton?

9 MR. LOFTON: I pass.

10 CHAIRMAN PALMER: Cynthia Sando?

11 **TESTIMONY OF CYNTHIA SANDO:**

12 MS. SANDO: My name is Cynthia Sando. I live at 108 Stoney Point Lane. Our
13 subdivision is past this piece of property on Three Dog and if you will allow me, I'd like
14 to give you a handout.

15 MS. SANDO: What I've given you is photographs of the cove that our property
16 backs up to on Stoney Point Lane. The reason I'm here is I'd like to ask you to consider
17 the environmental impact of this property. The first development in this area was Fox
18 Port. The developer clear cut all the property prior to construction – I apologize, I have
19 a, I have bronchitis but this important to me. Richland County approved a storm water
20 runoff plan by the developers, the engineers, and that plan routed the water under
21 Three Dog into a dry bed stream that emptied into our cove and it's a finger cove called
22 Owl Cove. Because I believe photographs speak a thousand words, I provided you
23 each with a copy of some photos that we took that were included in a March 29th, 2007

1 meeting with DHEC and the developer. This meeting was initiated by Mr. Hugh
2 Caldwell, who is the head of the Resource Conservation Department for Richland
3 County. He came out and visited the site and saw that there was cause for major
4 concern and had the potential to become a serious problem. Because of the
5 tremendous impact and the increase of the water, there's been substantial erosion and
6 sediment buildup. The photos in this presentation show what a small rain did to our
7 cove. Consequently we have seen a tremendous impact on the wildlife, the water
8 quality and as a safety precaution, we have had to resort to water testing in the cove to
9 monitor the impact on the water quality from the runoff. Testing has been performed
10 four times for a baseline, it was performed the first time in April of 2007, the last time
11 was June 2008. The [inaudible] in this testing had risen from 6.39 to 25.12, which was
12 an increase of 293%. The fecal coliform(?) rose from 25 to 320, that was an increase of
13 1,180%. Phosphorous has risen from .026 to .074, which is an increase of 198%. And
14 nitrate/nitrite has risen from .07 to .018, which is an 86% increase. The numbers are
15 disturbing to us and as the developments are finished these elements will increase the
16 storm water runoff, in the storm water runoff if it's allowed to run down Three Dog into
17 the stream like Fox Port was routed. We have been advised by experts that because of
18 the size and location our cove does not have the ability to back wash itself properly, so
19 when all this runoff comes in, if it's not filtered before it enters the cove it creates this
20 situation and it stays, it lingers. We're in the process of scheduling a new testing to
21 compare to our baselines that we took. The situation, this situation, these photos were
22 caused by one development on Three Dog. If we have another that has runoff down
23 that street and this particular piece of property is on this, on Three Dog, then we, we

1 need to develop our future with some stringent guidelines and some environmental
2 consideration in what we do with this property. Thank you.

3 [Cairns in @1:40]

4 CHAIRMAN PALMER: Thank you. Vicky McGee?

5 **TESTIMONY OF VICKY MCGAHEE:**

6 MS. MCGAHEE: Good afternoon. My name is Vicky McGahee, I live at 132
7 Stoney Point Lane in Chapin. Just wanted to talk to you a little bit about the
8 development in our area. Imagine, if you drive down Johnson Marina Road from 76 in
9 Chapin, the first housing development you come to is Schumaker's Eagle's Rest. This
10 development has 215 homes. If you drive just 3/10s of a mile to there you come to
11 Mungo's Lake Port subdivision which has 120 homes. Then if you go just another 3/10s
12 of a mile turning onto Forest Shealy Road you arrive at Mungo's new development
13 which will have 111 homes. Then just 2/10s of a mile from there down Three Dog is
14 Mungo's Fox Port, which has 142 homes. Directly across Three Dog is Stoney Point
15 Lane with 24 homes. And 2/10s of a mile from Stoney Point is the Cedar Cove
16 subdivision with 117 homes. And then right next door to Cedar Cove 1/10 of a mile
17 away you come to Land Tech's new development which has already been proposed for
18 52 homes. So in a mere 1.1 mile ride you've passed seven subdivisions with a total of
19 781 homes in 1.1 miles. Just think in a mere 5,800' there are more than 781 home
20 sites. This is equivalent to about 16 football fields. Eagle's Rest, Lake Port, Osprey,
21 Fox Port, and Land Tech, a total of 640 new homes, have all been added since 2005.
22 Why in this small area of just 5,800' do we the citizens of Richland County need more
23 home sites? Why do we need to add to the already congested roads in that area? As

1 you can see, Dutch Fork Road is currently operating at Level of Service F. The road is
2 identified for widening in 2035, but at that time the project is only ranked as 24th. Adding
3 more homes, adding more cars will result in more problems for our roadways. Why do
4 we need to add to the overcrowded Lake Murray Elementary School that is in walking
5 distance to all these subdivisions? There are already six portables being utilized as
6 classrooms in the school's parking lot. Adding more homes will increase the class size
7 and the need for additional portables. Why do we need to add more homes to the
8 already ineffective, poorly performing pump station on Stoney Point Lane? I invite each
9 of you to come to our neighborhood in the late afternoon when you can smell the stench
10 from the pump station. All we are told by the county is that it's working properly. Yet
11 other pump stations in other subdivisions do not have the odor that we have to contend
12 with on a daily basis. Why do we need to add more homes that will increase runoff to
13 our coves and lake? As Cynthia Sandos showed in her photos, our lake has been
14 significantly impacted with runoff, from grading the land, home building, landscaping,
15 and many other factors. Also, it is our understanding that the Land Tech property will
16 be sold in lots to homeowners. With the current economy it will take several years to
17 complete all building. This is what has happened at Lake Port and this will result in the
18 property owners at Cedar Cove and Stoney Point, who are downhill from this property,
19 to have to deal with construction runoff in our coves and our land for years to come. The
20 neighbors residing in Stoney Point support growth but at a rate that our schools, our
21 roads, our water systems, our lake, and our entire community can absorb. We cannot
22 afford to be suffocated by the growth and lose the reasons we all love to live in Chapin.
23 This property was originally zoned as Rural, then it was rezoned to commercial, and

1 now they are again requesting for a rezonement [sic]. At this time we ask you to halt
2 the growth in our area so that we can all step back and involve the school district,
3 conduct a comprehensive traffic study, and conduct water testing and ensure that there
4 is a more comprehensive plan to deal with runoff, and to show that the pump station is
5 operating efficiently. We also ask that this growth be halted so our community can
6 absorb the more than 200 homes that are still planned at Osprey, Lake Port and Land
7 Tech. This will include a possible 300 cars and trucks and many, many new residents.
8 We ask you to stop, to reexamine, for all of us to work together for the good of our
9 streets, the good of our town, and the good of our county. And most important we need
10 to stop to ensure that our lake is preserved. Thank you very much.

11 CHAIRMAN PALMER: Thank you. That's all we have signed up to speak.

12 MR. TUTTLE: Mr. Chairman, if I could, I'd just like to make a statement so
13 everybody in attendance is clear, what's in front of us is a rezoning and by rights it can
14 be developed now as a parcel. And really the storm water management is a function for
15 that particular area of county management and DHEC, and regardless of whether it
16 would be developed as homes or a business, you know, by rights there could be a
17 business built there tomorrow with no approvals from this Body at all, and they would
18 have a certain amount of storm water detention that would ultimately runoff. So, you
19 know, how that's managed and which BMPs they use and how that's regulated by the
20 county is really outside of our scope and what's before us today. And I certainly, you
21 know, have empathy for you with your cove and those pictures, and that should not
22 happen. But that's not really something that's before us and in my opinion as well, if the
23 sewer pump is working or not working really doesn't have a bearing on what's in front of

1 us. You know, unfortunately I understand it's a concern to you, but that's not really part
2 of our purviews, so I just wanted to be clear on that so everybody understood.

3 CHAIRMAN PALMER: Thank you. Any other discussion?

4 MS. MCDANIEL: Well, I think that we can consider environmental impacts and
5 I'm certainly sensitive to hear concerns about growth, but – and I wanted to understand
6 why, can you just explain to us why this is in a priority investment area under the
7 Comprehensive Plan?

8 MR. LEGER: Council has, when they adopted the Comprehensive Plan in 2009,
9 selected 13 areas in the county as priority investment areas and this was one of them. I
10 don't know if I have the larger map, but it was based on the types of growth that County
11 Council wanted to see in particular areas.

12 MS. MCDANIEL: Um-hum (affirmative).

13 MR. LEGER: Other than that, I don't have another answer.

14 MR. BROWN: I'm not sure that, I don't disagree that this, that is not what is
15 before us, but I also think that the impact upon a neighborhood in a community is
16 something that needs to be considered. I don't know if we need to make a statement to
17 Council or not as we deal with this matter, but they need to take another look at that
18 entire area [inaudible] there are problems there, I'm sorry, there are problems there that
19 the residents of those communities have raised that should not be passed over. I just
20 think that they need to be looked at and even if it's a statement from us asking Council
21 to have the appropriate Staff or the county look at that before they move too much
22 forward with approving anything.

1 CHAIRMAN PALMER: Yeah, I understand both sides. But to Mr. Tuttle's point,
2 what we as a Planning Commission have in front of us is, is something that most of us,
3 if not all of us, took part in [inaudible] the Comprehensive Plan and where the priority
4 areas are, and what we've got in this situation is somebody is looking to develop a site
5 and is, you know, doing the things that we as a county and as a planning Body have
6 asked them to do is to take a look at our Comprehensive Plan, see what areas of the
7 county we want to see growth in and focus on those areas as opposed to other areas of
8 the county that perhaps aren't ready and, for development yet and to continuing to push
9 out the urban ring. You know, when somebody comes in and continues to push out that
10 urban boundary, you know, we get the same comments that, you know, this area
11 doesn't need to be changed, doesn't need growth and so forth and so on, and then if
12 somebody looks at an infill piece of property it's, you know, we've got too much, we
13 don't, we don't want it anymore, why are we continuing to build in this area? So it's a
14 double-edged sword both ways. You know, but in this case certainly this area, perhaps
15 the Councilmember for this area can bring up something in front of Council though, but
16 they need to address the redevelopment in this area, slow it down, take it out of the
17 priority investment area, whatever that Councilmember wishes to do, but as far as what
18 I'm looking at today, the information that's in front of us, and the county has said this is
19 a priority investment area and it, in my opinion he's actually asking for less density than,
20 you know, perhaps the Planning Staff would approve in a, in the priority investment area
21 as it calls for four to 16 units per acre. I'm not saying you've got to always get 16, but
22 four to 16, I mean, I see both sides of it but in this case I guess what I'm getting at is

1 you've got somebody who's looking at our Comprehensive Plan and is trying to develop
2 per it, so what else can you ask them to do?

3 MR. BROWN: Mr. Chairman, I'm not suggesting that what Mr. Tuttle is saying is
4 incorrect. I'm, I agree with him.

5 CHAIRMAN PALMER: Right.

6 MR. BROWN: What I am suggesting is that the County Council or County
7 Council person from that area and/or the County Council itself, even though this may
8 comport with the Comprehensive Plan, need to look at the environmental impact from
9 the standpoint of how that's going to impact on existing properties that are already there
10 and how, what needs to be done to adjust it. I'm talking about a statement, not denying
11 or any of the rest, just to bring it to their attention and let them know that we have
12 looked at this from that standpoint.

13 CHAIRMAN PALMER: Absolutely, I would agree with that.

14 MR. VAN DINE: Mr. Chairman, if I could very quickly? It seems as though a lot
15 of what is going on and a lot of the problems that are being raised are problems related
16 to the actual development itself, to the activities that are taking place on the property.
17 And frankly I don't believe it is the government's position or obligation to be policing the
18 actual activities that take place by a particular contractor or developer. I think that there
19 are rules and regulations that have to be followed and there are things that the county
20 Staff will have to be paying attention to. However, the photographs I see are disturbing.
21 They're, it's something that I certainly would not want to live with. But on the other
22 hand, if this is truly the result of the development that is taking place, then this is
23 something that needs to be taken directly to the developer, to the contractors who are

1 performing that, whether it's in the form of a lawsuit or whether it's in the form of some
2 other result. I don't think the county is in the position to mediate that particular aspect of
3 what is happening. I think we have to look at from a Planning Commission perspective
4 what takes place, what the development is going to do, what is going to be there. I think
5 we have to look at it across the spectrum of the issues that arise. The way I'm looking at
6 this right now is there is already a zoned and permitted RS-MD location directly behind
7 this and that is going to be developed no matter what we do in this place. The other
8 thing is that, and I have said this in the past, I never have liked the idea of commercial
9 starting to strip down the side of, of roads off Dutch Fork. That being the case, I'm more
10 in favor of removing the commercial aspect of this particular area and putting that back
11 where it belongs, which is on the main road as opposed to down these side streets.
12 And I would be more in favor of a development itself being put in there with certain
13 restrictions that are gonna have to go in place, and maybe the county has to do a better
14 job of setting up the erosion control, maybe it has to do a better job of the development
15 standards that are in place. All of those are outside of the purview of what we are doing
16 here. Those are, those are Staff requirements that, that are done internal to the Staff. I
17 just think that I would prefer that it not be commercial to have the oil runoff and the other
18 things from parking lots and other things that could be there, which would actually make
19 what is going on downhill even worse. So with that in mind I would suggest, and I would
20 make a motion that we send this particular case 12-08 MA forward to Council with a
21 recommendation of approval, because I would like to see that commercial off of Three
22 Dog Road and put back where it belongs.

23 CHAIRMAN PALMER: Do we have a second?

1 MR. TUTTLE: Second.

2 CHAIRMAN PALMER: Any other discussion?

3 MS. CAIRNS: I would just like to say I will not be voting on this having not been
4 here for all of the presentation.

5 CHAIRMAN PALMER: All those in favor of the motion please signify by raising
6 your hand. All those opposed?

7 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Van Dine, Brown, Gilchrist; Abstained:*
8 *Cairns; Absent: Manning]*

9 CHAIRMAN PALMER: I think just for yawls information since 2007, which I
10 noticed most of these photos are from, the county has enacted a fairly strenuous storm
11 water management plan which should in the future drastically cut down if not eliminate,
12 it should eliminate these things from occurring. That's for all new developments that
13 come in with the amount of silt fencing and different things that have to go on, it was a
14 pretty large ordinance that passed, so – but to Mr. Van Dine's point there are regulating
15 bodies that should be able to [inaudible]. We're just not it, we're not that body. Thank
16 you. Okay, Text Amendments? I see you guys have more time on your hands wanting
17 to cut down your timeframe to get stuff done?

18 **TEXT AMENDMENT #1:**

19 MR. PRICE: That's just from the development community. [laughter]

20 CHAIRMAN PALMER: Alright, Text Amendment No. 1.

21 MR. TUTTLE: Mr. Chairman, if I could interject, I would like to applaud Staff on
22 their new protocol. You know, from my perspective all the feedback I've gotten has

1 been positive and the fact that you're setting the bar a little tight on yourselves is very
2 commendable and thank you for doing that.

3 MR. PRICE: [Inaudible]. Just to kind of go along with what you've stated, Mr.
4 Tuttle, this, because we've actually reduced the review time to 21 days, we wanted to
5 amend it within our Code. There's no need saying we can do it in 21 days and have 60
6 days, so this is just gonna reduce it down to 30; still gives us a couple of days by Code,
7 you know, leeway in case something were to occur, but just kind of coincides with our
8 new review time.

9 CHAIRMAN PALMER: Any questions about Text Amendment #1?

10 MR. VAN DINE: I've got – it seems to me that – I'm always concerned when you
11 put hard and fast dates, then all of a sudden automatic approval or something else
12 takes place within that timeframe. And I don't note in here that there's any mechanism
13 whereby an extension of that can be given for good cause or some other reason. I
14 mean, what I would hate to have happen is to have something bump against the 29th
15 day and if it flips over one more day it's automatically approved, so you just
16 automatically throw a denial on it so that it's not, I mean, what I'm trying to figure out is
17 there some way to actually give the ability for an extension beyond the 30 days in the
18 event that there is some good cause? I mean, an application may be complete in the
19 technical sense, but there may be issues that still need to be resolved and I would hate
20 to see that through stonewalling on either part, somehow all of a sudden you bump up
21 into that point.

22 MS. HASTY: Hope Hasty, Land Development Administrator. Thank you. There
23 was actually a time cushion built into the 30 days. The way our current, our process

1 currently works is we have a 21 review process, so the 30 days gives us, you know, a
2 little bit of leeway time there if something does come up. So, but our actual review
3 takes place in 21 calendar days.

4 MR. VAN DINE: I guess what I'm getting at here is I can envision a thing where
5 you are technically complete with the application package but there are issues or
6 questions that are, need to be resolved, that are floating around out there, and through
7 even no fault on either party's side, you bump against that 30 day window now and I
8 haven't been able to find anything which gives you the opportunity, even if it's both
9 sides agreeing, mutually agreeing to extend it, that there is some way that you can
10 actually extend that out to allow for more time to answer the questions that are being
11 addressed.

12 [Brown out @ 2:04]

13 MS. HASTY: One thing that we've done in the past is to, we like conditionally
14 release a project, for instance, if there's another agency that the county's waiting on to
15 approve the project, the county would go ahead and release an approval letter on our
16 timeframe, and make that more of a conditional approval letter.

17 MR. VAN DINE: It still doesn't answer my, my problem. My basic, fundamental
18 problem is that you're running up against an artificial deadline in which things can arise.
19 And what I don't want to see happen is all of a sudden something comes up with that 30
20 day window and it rolls over and now it's approved, but you're waiting for somebody to
21 give you a piece of information; whether it's an outside entity or not, or whether it's even
22 the applicant himself, you're waiting for that information. And if you're going to enact it
23 as part of a Code provision then it seems to me that you need to have some kind of that

1 leeway in order to be able to do something to extend it, whether it's an additional 10
2 days or whatever it is, it just gives people the ability to extend it past and it's not an
3 automatic approval when 30 days passes, or an automatic denial because you don't
4 have something, cause a denial starts a process running again and you don't want that
5 to happen where everybody has to go back to ground zero. I mean, I think there just
6 needs to be some way that you can put, internal to this document, internal to this
7 ordinance, something that allows you that ability to make, or have some leeway.

8 MS. CAIRNS: On page 41 in the paragraph D, the top paragraph D, there is a
9 mutual agreement extension possibility. [Inaudible] you know, failure to act unless by
10 extended by mutual agreement. I mean, is it just that you want that language sort of on
11 all the deadlines?

12 MR. VAN DINE: Pretty much. Yeah, I just – I mean, I –

13 MS. CAIRNS: No, I mean, it makes sense that if both sides are willing to agree
14 to extend it cause they need to complete it.

15 MR. VAN DINE: Yeah, I mean, it's just – and if neither side, one side or the other
16 won't agree to it then you have to do whatever you have to do, but I just think that
17 there's got to be, throughout, wherever we're talking about deadlines there's got to be
18 some backstop provision.

19 MS. HASTY: I think that might be something we need to discuss.

20 MR. PRICE: Yeah, I mean, I think your point's well taken. I mean, we were just
21 kind of discussing, seems we've pretty much had this process, whether it be, you know,
22 60 days or what we're proposing, 30 days, since at least 2005, and we have not run
23 across an issue. I mean, if it's something that's very, it's really outstanding then we will

1 just deny it but during that timeframe when we come across an issue we will discuss
2 with the developer about some revisions that are necessary. If they don't get it in on
3 time then we'll just deny it.

4 MR. VAN DINE: So what you're doing here is you're taking your normal
5 procedure, you're adopting it into an ordinance form and you're not bringing that
6 particular part of what you're talking about into your ordinance form. Once it becomes
7 an ordinance and is written down you're gonna have to follow the letter of what is said
8 here, and so if you have not put yourself in a position to be able to even – you may have
9 never had it happen – but if it does and you don't have it written down here, you're not
10 gonna be able to do it, it's gonna be an up or down at 30 days.

11 MR. TUTTLE: Mr. Van Dine, if – and I don't disagree with you, but if I
12 understand what, this is already an ordinance we're just modifying it.

13 MS. CAIRNS: Well, we're shortening the time limits.

14 MR. TUTTLE: Right.

15 MR. VAN DINE: We're shortening the time limits –

16 MR. TUTTLE: Right, but it's already an ordinance at 60 days.

17 MR. VAN DINE: Right.

18 MR. TUTTLE: So his concerns would already be in effect if that window's just 60
19 days instead of 30 days.

20 MR. VAN DINE: But I, my feeling is that in 60 days you can get a lot more done
21 than you can in 30 days and if you're willing to drop to 30 days I just think there needs
22 to be some backstopping for that, for the concession of the 30 day turnaround time
23 that's being dropped.

1 MR. TUTTLE: And you, and you don't think the language in this paragraph D
2 that Heather brought up is comfort enough?

3 MR. VAN DINE: I think that section 1, I think that there are multiple other
4 sections in which those provisions come up that we don't have that particular language
5 adopted in it.

6 MR. TUTTLE: Would the Commissioner be so inclined to make a motion relative
7 to that?

8 MR. VAN DINE: I would simply like to see the mutual approval language adopted
9 throughout wherever we have these, these particular deadlines, just so that there is the
10 leeway and the ability. I don't have a problem with the ordinance, believe me, what's
11 here, I think it's great. I would just like to see the, that language that's in section (1)(D)
12 actually take it over and actually insert it in other areas within the ordinance where
13 appropriate.

14 MR. TUTTLE: Amelia, can you deal with that?

15 [Inaudible discussion]

16 MR. PRICE: Based on what you've stated if it is the Planning Commission's, you
17 know, the Body's, your wish, we can actually incorporate this as, into the memo as a
18 recommendation to pass forward to Council.

19 MR. VAN DINE: Okay. I can make this real easy if we'd like. I suggest we send
20 this ordinance change forward with a recommendation of approval, incorporating where
21 necessary the mutual approval language. And I will leave that to you to point out where
22 you think that is appropriate. I think it has to relate to the particular timeframes so that
23 you're not running up against artificial deadlines. I'm comfortable that when you go

1 through the particular document you will know where to do it and where not to do it. I
2 don't need to re-see it, just as long as that particular issue is addressed.

3 MS. LINDER: I would just like to point out that we can certainly take that
4 recommendation but it will be in a memo form. I will be making no changes to the
5 ordinance itself.

6 MR. VAN DINE: That's fine.

7 MS. LINDER: Thank you.

8 MR. PRICE: [Inaudible]

9 MR. TUTTLE: Second.

10 CHAIRMAN PALMER: We have a motion and a second. All those in favor of the
11 motion please signify by raising your hand.

12 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Van Dine, Gilchrist; Absent for*
13 *vote: Brown; Absent: Manning]*

14 CHAIRMAN PALMER: None opposed. Text #2.

15 MR. PRICE: Okay. I think we've seen this one before. I believe at the last
16 Planning Commission meeting Staff was asked to go back and look at, and correct me if
17 I'm wrong here, we were really looking at ways to somehow allow outdoor storage and –

18 CHAIRMAN PALMER: No. Somehow to allow automobile repair services.

19 MR. PRICE: I guess one of the main issues to look at was, you know, the ability,
20 you know, outdoor storage because of the, I think the language that's before you states
21 that – and there are some concerns about, because it does state the vehicles shall be
22 stored, either be stored inside enclosed structures or screened, and there's just a
23 question about, you know, square footage, what area, potential junk yards. I know there

1 was some concern about the screening if the subject property is below abutting parcels
2 where, you know, regardless of how you screen you're still gonna be able to see it. But,
3 you know, Staff took a look at this and looked at a lot of issues but we were just really
4 unable to, you know, come up with any way to address those. I mean, those are just
5 things that could potentially happen.

6 CHAIRMAN PALMER: Okay. So this is the best stab at it? I guess the Staff
7 could come up with?

8 MR. PRICE: Yes. [Inaudible] amend the entire definition for what is automobile,
9 major repair and maintenance services, and almost pull out certain uses such as body
10 repair, to pull out painting and essentially create separate categories for those.

11 CHAIRMAN PALMER: Okay.

12 MR. TUTTLE: Geo, as it relates to the screening when you're in GC, I mean,
13 clearly you could have a six or seven story building adjacent to a use and it would be
14 impossible to screen that use from the occupants of that building. So I think, you know,
15 we could tweak this from now till the end of this year but what it really boils down to, you
16 either believe this should be allowed in GC or you shouldn't, and probably we need to –

17 MR. PRICE: Kind of go from that standpoint, yes, sir.

18 MR. TUTTLE: Yeah.

19 CHAIRMAN PALMER: I do wonder how the words, or the like, under the
20 screening, is that a technical term? Under, dense evergreen shrubbery or the like?

21 MR. TUTTLE: That's a great question for our resident landscape
22 architect/attorney.

1 MR. VAN DINE: Mr. Price, I believe we refer to that in the legal field as waffle
2 language.

3 MR. PRICE: The reason why I'm looking at that is because that language was
4 borrowed from other sections in our Code and I wanted to see if that is actually written
5 for other uses that also require a good bit of screening.

6 CHAIRMAN PALMER: You know, I understand what you're saying, I mean,
7 there really is no reason to even say, solid walls, opaque fences or dense, evergreen
8 shrubbery because you're saying it has to be not visible from any public road or from
9 the ground level of adjacent properties, so you can name 20 different things but if you
10 can come up with a, with something else it really doesn't matter as long as it's not
11 visible from the public road or ground level of adjacent property.

12 MS. MCDANIEL: Well, [inaudible] I still am not [inaudible]. [Inaudible] I'm just not
13 convinced of the necessity of even trying to [inaudible].

14 CHAIRMAN PALMER: I just don't see the reason for having to take your car out
15 to an HI District to get it repaired. [Inaudible] those outside of the, on the outskirts of the
16 county, it just doesn't make sense to me to have to travel out to facilities to get your car
17 repaired [inaudible].

18 MS. CAIRNS: Well, but it's the difference between major and minor auto repair. I
19 mean, I can have a, you know, 99% of the time it's minor auto repair, that's what you
20 can get done. That's what, I mean, this is –

21 CHAIRMAN PALMER: Right, this is [inaudible] I mean, I think [inaudible] –

22 MS. CAIRNS: You're smashing up your truck all the time?

1 CHAIRMAN PALMER: - auto body repair if I need to get a bumper replaced it's
2 no different than getting a transmission replaced. I mean, I don't understand what the
3 difference would be. I mean, transmission repair shops have cars sitting out there
4 they've been working on. You know, it's a bumper and not a alternator.

5 MR. VAN DINE: While Mr. Price is looking through all this, Amelia, I think we may
6 need to change the name of the Chair on this ordinance.

7 MS. LINDER: As well as on page 53, we need to take group homes out because
8 that, Council denied that.

9 MR. TUTTLE: Yeah, I saw that.

10 MR. VAN DINE: Okay.

11 MR. PRICE: Just going back to what you were looking at, B about the, or the
12 likes of, and that actually came from Scrap and Recyclable Materials also.

13 CHAIRMAN PALMER: If that's a term y'all like to use, I don't know how you're
14 gonna tell somebody that they're – well, I'm part of the like. I'm gonna use the like part.

15 MR. PRICE: I'm not adverse to changing it.

16 CHAIRMAN PALMER: Okay.

17 MS. CAIRNS: Sorry to be so simple sometimes, but I mean, what is the
18 difference between minor auto repair and major auto repair? I mean, is that defined in
19 our Code somewhere, those differences?

20 MR. PRICE: It, it is defined. It's defined in the Land Development Code. Minor,
21 an establishment engaged in the sale of automotive fuels or oils and then incidental
22 repair and replacement of parts and motor services to automobiles, including oil
23 change, tire sales and alignment, but not including any operation specified under repair

1 and maintenance services, automobile, major. Then when you get to major, significant
2 repair and replacement of parts and motor services to automobiles, including but not
3 limited to such services as engine rebuilding, reconditioning of automobiles, the removal
4 from any vehicles of a major portion, i.e., the differential, transmission, head, engine
5 block or oil pan, thereof for replacement or repair. The repair of damaged motor
6 vehicles or trailers, including body, frame or fender, straightening or repair and/or the
7 repainting of vehicles. [Inaudible] look at minor, kind of like your Pep Boys, you know,
8 Jiffy Lube, maybe even Goodyear, going in get that done. The other ones would fall in
9 where, like I say they're gonna do transmission repair and that sort would go into more
10 of an industrial district.

11 CHAIRMAN PALMER: So like Compton's Transmission that's on Decker
12 shouldn't be there.

13 MR. PRICE: More than likely, no, sir. But it's been there, I'm assuming, for quite
14 a while?

15 CHAIRMAN PALMER: I would say.

16 MR. PRICE: Yeah, so it's grandfathered in.

17 CHAIRMAN PALMER: I don't see the reason to have to go out to the HI districts
18 to get your –

19 MR. PRICE: Not just HI, it's also M-1, LI and HI.

20 CHAIRMAN PALMER: Right.

21 MS. MCDANIEL: Well, the difference kind of sounds like a short term problems,
22 not necessarily, you know, with your minor repairs it's something you just needed to

1 keep it running. It's unlikely that it's gonna take a long time to fix it. Whereas, with
2 major repairs perhaps it [inaudible] and it's gonna take a longer time to get it fixed.

3 MR. PRICE: If it can be fixed.

4 MS. MCDANIEL: [Inaudible] in and out.

5 MR. PRICE: And there's always that concern, and I think what's come about over
6 the years is some of those cars, maybe they can't be fixed. They've taken them there,
7 so the question, what happens to them, you know, there's a difference between I think if
8 I have a bump on a car, which I'm very familiar with, but if I had a little bump and I take
9 it there and they can get that out, that's fine, but if someone goes in there and they've
10 had a nice wreck there's a good chance it could be determined to be totaled. The
11 question, what happens to that car, that's what we found over the years, that's when
12 that buildup occurs. And, you know, as I stated before, I think y'all have named a few
13 body repair/painting facilities but I think those are top, your high end which they actually
14 do a great job of get it in, take care of the business, and it's gone. But what this
15 potentially could open this up to is someone, you know, maybe a smaller scale says,
16 this is what I plan to do and then what you end up with is more, you know, junk cars
17 kind of, with junk cars sitting out and as we discussed before I think from an
18 enforcement standpoint whether we go out there and start counting cars or try to keep a
19 number, we're not sure, you know, how practical enforcement of that would be.

20 CHAIRMAN PALMER: Yeah. I mean, I know there's always a worse case
21 scenario for everything. However, my personal view is that you should be able to get
22 your car worked on, I mean, the car dealerships do it now. It's just an accessory use.
23 But all those new car dealerships that are out there have more bays than they probably

1 have salespeople. And they make their money on their service, on the car service, so
2 you know, they do all that kind of repair now. But I guess it's a, you know, secondary
3 use maybe for a car dealership, that's why they can do it. But all the car dealerships
4 [inaudible], so.

5 MR. PRICE: In addition, a lot of the car dealerships are moving to industrial
6 districts also.

7 CHAIRMAN PALMER: All the ones I've seen built [inaudible]. Okay. Any other
8 thoughts on it? Any motions?

9 MR. TUTTLE: I get something out there and see what happens. I don't know
10 which case this is. I'll make a motion Text Amendment #2 be sent forward to Council
11 with a recommendation for approval.

12 MR. WESTBROOK: I'll second.

13 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
14 All those in favor of the motion please signify by raising your hand. All those opposed?
15 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist; Opposed: Cairns, McDaniel, Van Dine;*
16 *Absent for vote: Brown; Absent: Manning]*

17 MR. TUTTLE: The dealerships are already doing the same thing.

18 MS. CAIRNS: But the dealerships have an incentive to keep their places neat
19 because they're getting the image. That's what we're not gonna have.

20 CHAIRMAN PALMER: Anything else?

21 MR. LEGER: Mr. Chairman, if I may? I apologize. It's just come to my attention
22 under Other Business that the Assistant County Administrator would like to establish a
23 date to make up for the roundtable presentation, I think that was scheduled last week.

1 It's my understanding that an email went out. I don't know if you all got it. The Staff is
2 asking for February 9th or February 16th at 2:00 to present that roundtable discussion.

3 MR. TUTTLE: Mr. Chairman, for whatever it's worth, I'm not available on the 9th.

4 MR. VAN DINE: I am not available on the 9th either.

5 MR. GILCHRIST: I'm not either.

6 CHAIRMAN PALMER: [Inaudible] on the 16th?

7 MR. GILCHRIST: I can do the 16th.

8 MR. WESTBROOK: I can do the 16th.

9 CHAIRMAN PALMER: Heather?

10 MS. CAIRNS: Hang on. [Inaudible]

11 CHAIRMAN PALMER: 2:00 o'clock on the 16th?

12 MR. VAN DINE: Can you send out a verifying email, please?

13 MS. HAYNES: Yes. That's gonna be in the fourth floor large conference room.

14 MR. TUTTLE: Mr. Chair, with all due seriousness, there is one more matter on
15 the table. I'd like to make a motion that we require our Chairman to wear a tie at least
16 once a quarter to represent the powerful, prestigious position he holds here on the
17 Planning Commission.

18 MR. VAN DINE: I second that motion.

19 CHAIRMAN PALMER: I thought we were gonna come up with our, we were
20 gonna address our rules earlier about the timeframes that we were gonna meet and all
21 that kind of stuff, where did that go?

22 MR. VAN DINE: Nice try.

23 MS. MCDANIEL: [Inaudible]

1 MR. TUTTLE: We got a motion and a second, Mr. Chairman.

2 CHAIRMAN PALMER: We have a motion and a second. But it wasn't on the
3 Agenda, was it? All those in favor of the motion signify by raising your hand.

4 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Van Dine, Gilchrist; Opposed: Westbrook,*
5 *Palmer; Absent: Manning]*

6 CHAIRMAN PALMER: Good thing there was no teeth in that ordinance. Alright,
7 we're adjourned.

8

9

[Meeting adjourned at 2:30 pm]