

RICHLAND COUNTY PLANNING COMMISSION
March 5, 2012

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4 *Present: Heather Cairns [in @ 1:31], Olin Westbrook, Kathleen McDaniel, David Tuttle,*
5 *Patrick Palmer, Deas Manning, Wallace Brown, Sr.; Absent: Stephen Gilchrist, Howard*
6 *Van Dine*

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Called to order: 1:02 pm

9 CHAIRMAN PALMER: Alright. We'll call the March meeting of the Richland
10 County Planning Commission to order. Allow me to read this into the Record if you
11 would. In accordance with the Freedom of Information Act, a copy of the Agenda was
12 sent to radio and TV stations, newspapers, persons requesting notification, and posted
13 on the bulletin board in the lobby of the County Administration building. Do we have a
14 motion that pertains to the January and February Minutes?

15 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we approve January
16 and February Minutes as submitted.

17 MR. WESTBROOK: I'll second.

18 CHAIRMAN PALMER: We have a motion and a second. All those in favor
19 please signify by raising your hand. None opposed.

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

22 CHAIRMAN PALMER: We don't have any road names. Let's see, do we have
23 any Agenda amendments? I'm gonna move that up above subdivision review.

24 MR. LEGER: Yes, sir, Mr. Chairman, we do. Let's see, the Applicant for Case
25 No. 12-14, Marion Bouknight, has requested a deferral. And let's see, the Case No. 12-
26 15, Tonya Boyd, has also requested deferral. And finally, we have added number 7 to

1 the Agenda, which is the, establish a date for the November Planning Commission
2 meeting. And those – sorry?

3 MR. MANNING: The last one, could you repeat that?

4 MR. LEGER: Number 7 would be to, a request to establish a date for the
5 November Planning Commission meeting. There's a conflict on the usually typically
6 scheduled day and we're asked to change that date.

7 CHAIRMAN PALMER: Okay. The deferrals –

8 MS LINDER: [Inaudible]

9 CHAIRMAN PALMER: Okay. And those will be till next month or is there date
10 set? Do we know yet?

11 MS. LINDER: [Inaudible]

12 CHAIRMAN PALMER: Okay.

13 MR. LEGER: Number 14 requested next month. The lady, Ms. Boyd, she just
14 gave us a letter just now and it doesn't request a next date.

15 CHAIRMAN PALMER: Okay. Do we have any other amendments to the
16 Agenda? All those in favor of approving the Agenda as amended please signify by
17 raising your hand.

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

20 CHAIRMAN PALMER: Folks, if you were here for a rezoning case on Old
21 Tamah Road and Shady Grove Road or at 2400 Alpine Road, those cases have been
22 deferred and we won't be hearing those today so I'd hate for you to take up your time
23 sitting here. Okay.

1 MR. TUTTLE: Mr. Chairman, I've got a comment if I could, if you could indulge
2 me for a minute, to the Staff.

3 CHAIRMAN PALMER: Absolutely.

4 MR. TUTTLE: I would like to ask Staff if they could encourage applicants as they
5 come forward, with the exception of PDDs, special requirements and special
6 exceptions, not to come forward with a proposed use cause generally what's before us
7 is a straight zoning and once we make an approval on zoning it could be anything in
8 that zoning classification, and sometimes I think there's a perception problem when
9 someone comes and presents a certain project and then ultimately it doesn't come to
10 fruition. So I think it would make it better for the applicant and the general public if they
11 just did straight zoning requests going forward. That's just a comment, thank you.

12 CHAIRMAN PALMER: Thank you, Mr. Tuttle. I would agree with that as well by
13 the way. Let me see, subdivision review, Case SD-05-231. And before we get started,
14 let me read this into the Record. "Dear Mr. Palmer, I must request to be excused from
15 participating in discussion or voting on Agenda Item # SD-05-231 regarding Pinnacle
16 Point Ridge @ Lake Carolina which is scheduled for review and/or discussion at today's
17 Planning Commission meeting. It is my understanding of the Rules of Conduct,
18 provisions of the ethics, government accountability and campaign reform laws that since
19 I have a financial interest in the property I will be unable to participate in the matter
20 through discussion or voting. I would therefore respectfully request that you indicate for
21 the Record that I did not participate in any discussion or vote relating to this item,
22 representing a potential conflict of interest. I would further request that you allow and
23 direct this letter to be printed as part of the official Minutes and excuse me from such

1 votes or deliberations and note such in the Minutes. Thank you for your consideration
2 in this matter. Sincerely, Mr. Tuttle.” Okay, subdivision review.

3 MR. LEGER: It looks like I’m in the hot seat. My understanding is that Mr. Price
4 or Ms. Hasty was going to discuss this item. Could we maybe pick that up a little later?

5 CHAIRMAN PALMER: Well, my understanding is this case is about right. This is
6 not a, they had this by right in their PDD, is that correct? Or do you not –

7 MR. LEGER: I have, I don’t have any information on it, sir.

8 CHAIRMAN PALMER: Never mind. Okay. I tell you what, we will move the
9 subdivision review to the last item on the Map Amendments. Are you ready, Geo, to
10 talk about the subdivision review?

11 MR. PRICE: Could we – we can move that to the end.

12 CHAIRMAN PALMER: We’ll do it. Sounds good. Okay, Map Amendments, Case
13 No. 12-04 MA.

14 **CASE NO. 12-04 MA:**

15 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Richland
16 County Council. You have four property owners, Mr. and Mrs. Pough, Jessie Bookhart,
17 Tomley Properties and Celia Boykin. There are four addresses on Ridgeway Street and
18 the property is a little over a half acre in size. It’s currently zoned GC – actually multi-
19 zoned, GC and RM-MD, and we’re looking to rezone the GC portion to RM-MD. The
20 General Commercial district is the original zoning from 1997 [sic]. There have been a
21 number of zoning requests in the area. To the north the property is zoned
22 Commercially and multi-family, which is occupied by a garage and a body shop as well
23 as a residential unit. To the south we have General Commercial, which is a residence

1 as well. To the east we have RM-MD and is a residential neighborhood. And to the west
2 is a General Commercial, vacant structure on a residential property. These four parcels
3 have frontage on Monticello as well as the Ridgeway area. The Comprehensive Plan for
4 the Beltway Area recommends residential uses for eight units or more. This is part of
5 the Ridgewood Community Revitalization Plan as well; that plan recommends
6 increasing homeownership as well as increasing residential properties in this
7 community. The Staff went out and looked at the site and did the posting. There are
8 four residential structures on these properties. There were five, one of them has since
9 been demolished some time ago; two brick, two wooden structures, two of which are
10 somewhat falling apart if I may say so. The properties are about 10 or 15' elevated
11 higher than Monticello Road, which makes commercial frontage on Monticello difficult
12 and challenging to develop. Because of the split lot zoning it makes that property more
13 difficult to develop because of the setbacks and the landscaping and whatnot required,
14 so County Council felt that it was appropriate to try to redevelop these properties
15 residentially and for that reason supported the application. The Staff supports the
16 rezoning application as a proactive mechanism to enhance the community and for that
17 reason we recommended approval.

18 MR. BROWN: Quick question, Mr. Chairman, if I may. It is, it's my
19 understanding that these properties with the exception of that one little island that's
20 there are businesses, is that correct?

21 MR. LEGER: Not to my knowledge, no, sir. They should be –

22 MR. BROWN: Those are residences?

23 MR. LEGER: - residential, yes, sir.

1 MR. BROWN: Okay. Thank you, Mr. Chairman.

2 CHAIRMAN PALMER: Anyone else?

3 MR. MANNING: Mr. Chairman? When you have a request of action is that
4 brought by the homeowners of the area or is this a proactive zoning that the Council
5 took upon themselves?

6 MR. LEGER: It's proactive on the part of the Council.

7 MR. MANNING: You know, I heard your comments about the residential and
8 double frontage on Monticello and Ridgeway, they're surrounded by commercial why
9 wouldn't they go the other way and, and zone that whole block commercial?

10 MR. LEGER: It's my understanding that the Council wanted to, to – excuse me.

11 MR. PRICE: Yeah, one of the things that was looked at is the access. You're
12 correct, it could've come as a General Commercial zoning. One of the things is, as
13 Holland mentioned earlier, there would be limited access off of Monticello Road so the
14 access into the property will come through residential, so one of the things that we were
15 trying to avoid was having commercial, the commercial development accessed through
16 a residential area. And so it felt more appropriate to have it as residential.

17 MR. MANNING: Thank you.

18 CHAIRMAN PALMER: Mr. Price, going down Ridgeway Street all the way down
19 to Manigault Street, I guess it how you may pronounce it, you know, those commercial
20 lots are gonna access or have the possibility to access off that Manigault Street, if that's
21 how you pronounce it, as well don't they?

22 MR. PRICE: Yes, sir. A lot of those parcels, if you have the aerial you can see
23 that those are already developed, heavily developed so –

1 CHAIRMAN PALMER: I mean, it's just, you know, to Mr. Manning's point – first
2 of all I'm in no way in favor of proactively down zoning parcels of property period. I
3 don't think it's right. I think that those people own those parcels, I understand both
4 sides of the case and have heard both sides of for it and against it and that kind of stuff.
5 I'm just against proactively zoning someone else's property without them coming in and
6 being the applicant. Having said that, in this case if this parcel was zoned RM-HD I
7 would be in favor of voting the other way and making it General Commercial. As well as
8 the parcels that are behind it. And to Mr. Manning's point, making that whole triangle in
9 there General Commercial as opposed to trying to put residential, even though it's
10 apartments, but it's small lot apartments, or, I'm sorry, medium density, it's not even
11 apartments – in there, in the middle of that commercially zoned area. I mean, it's just,
12 this one kind of caught me by surprise, I didn't see the reason that – I understand
13 Council can pursue what they want to I just didn't understand the real meaning behind
14 the Staff's agreement with it as far as down zoning instead of up zoning the stuff that's
15 around it within that whole quadrant.

16 MR. PRICE: I think it was because when we looked at this particular area we did
17 see more as a residential and you're correct that there is some parcels further up – [can
18 you go to the IMS?]

19 CHAIRMAN PALMER: I mean, you have a pretty substantial structure with quite
20 a bit of parking on both sides of Ridgeway Street. I don't know what that is across the
21 street from it but it's also back in there, and when it looks, you know, I understand what
22 residential areas look like and from the aerial this does not look like it's developed into a
23 medium density neighborhood. I mean, these, I do see homes scattered throughout it

1 but it's, when you say it's residential it's almost like it's really intruding upon somebody's
2 neighborhood. You know, this whole area in here is – and you're bordered by the City
3 of Columbia – you've got commercial all the way around, you've got development sites
4 across Monticello, I just didn't see it going that way. I saw it going commercial not going
5 back towards medium density residential, especially not when they're – the stuff on both
6 sides of it is General Commercial. I just don't see slamming medium density in the
7 middle of two General Commercial sites.

8 MR. PRICE: Well, I think when you're saying on both sides you're also, you're
9 looking on the opposite side of Monticello?

10 CHAIRMAN PALMER: I'm looking on both sides of this – not even going on the
11 opposite side of Monticello, I'm looking at both sides of these tracts.

12 MR. PRICE: North of the subject properties?

13 CHAIRMAN PALMER: North of the subject property and south of the subject
14 property. And then to come in that stretch of General Commercial and put medium
15 density in the middle of it, I'd have thought if that was medium density that the Council
16 would've brought us, we need to rezone this to General Commercial, not leave it
17 medium density. You see what I'm saying?

18 MR. PRICE: We looked at that and I believe these parcels have been
19 approached by the county over the years to be developed commercially. But they had
20 issues as was previously stated to you being able to meet the commercial requirements;
21 whether it be landscaping, whether it be the parking, or any of those. Those are just, it
22 was just very difficult for them to be met. And so, you know, you kind of take that into

1 consideration along with once again what we consider to be a residential area, that's
2 why Staff was in support of it.

3 CHAIRMAN PALMER: But you could use the current structures that are in there
4 commercially that front on Monticello.

5 MR. PRICE: If you did you would still once again have to bring it into compliance
6 with the requirements of our Code regarding commercial development. And also you're
7 looking at the parking which would prohibit backing out onto a public road, so when you
8 look at how that's going to be developed, you would also have to look at the
9 landscaping and everything that you would if you commercially developed it.

10 CHAIRMAN PALMER: Yeah, I could understand it possibly, and probably
11 wouldn't even vote for it then, if the applicant brought it in themselves and said, look you
12 know, I want to build a new house on this and I'm zoned commercially so I can't do this,
13 you know, that's one thing, but to put residents slam in-between and in the middle of a
14 General Commercial area, I didn't see it. That's just me.

15 MR. PRICE: And if I'm correct, can you go to the street view right in front of that
16 commercial just on the corner on Monticello and Manigault? Right there. It's kind of
17 hard to see, you're just trying to look at the exits, but I believe that those parcels, like I
18 said, they've been there for a number of years and I think we can make the argument
19 that they're all nonconforming anyway from last month's agenda, major, minor repair,
20 but I believe those are all nonconforming uses anyway. But I believe they have access
21 onto Monticello Road versus the subject parcels that are before you.

22 MS. MCDANIEL: Well, has anyone been in contact with the property owners?

1 MR. PRICE: There was information, a letter was sent out to the property owners
2 notifying them of the request.

3 MS. MCDANIEL: Do they live in the state or are they absentee owners?

4 MR. PRICE: I wouldn't – there may be some here to speak on it.

5 CHAIRMAN PALMER: Mr. Manning?

6 MR. MANNING: The report says that the acreage, the total acreage is .64 and
7 there's 1, 2, 3, 4, 5, 6 tax map numbers but it appears as only four parcels in the cross-
8 hatched area of the report? Regardless of, you know, what use is attached to it, I mean,
9 what zoning, it's gonna be difficult to do something with those lots anyway, unless it's
10 almost collectively.

11 MR. PRICE: Well, residential because of the certain requirements, you can, you
12 have a lot more flexibility than you do commercially.

13 MR. MANNING: I think you're gonna have the same issues and problems with
14 setbacks and access in an RM-HD, or MD zoning just like you are in commercial. It's
15 unfortunate that the configuration is what it is, but –

16 MR. PRICE: But there is a difference as far as, let's say for access for parking.
17 In a residential you can, you can pretty much have straightforward parking, you can
18 back out. I mean, I think we all pretty much do that at our own homes; that is allowed in
19 a residential area. In a commercial that is strictly prohibited so that does change the
20 kind of configuration of the parking area that would be necessary.

21 MR. MANNING: Are we talking four parcels or six parcels?

22 MR. PRICE: We're talking, what six are you looking at, sir?

1 MR. MANNING: Well, you've got tax map numbers and there's six different
2 numbers.

3 MR. PRICE: On three, page three?

4 MS. LINDER: Seven, eight, nine and ten. Ending numbers are 07, 08, 09, 010.

5 MR. MANNING: Oh, oh, excuse me. I'm sorry. Okay, gotcha.

6 CHAIRMAN PALMER: Any other questions for Mr. Price? Okay. We have one
7 person signed up to speak. What is this, I'm sorry – who is T.P. LLC?

8 AUDIENCE MEMBER: [Inaudible]

9 CHAIRMAN PALMER: Yes, sir, if you'd come down and take the podium. And if
10 you would, limit your comments to three minutes and if you would give your name and
11 address for the Record, we'd appreciate it.

12 **TESTIMONY OF FRED METZ:**

13 MR. METZ: My name is Fred Metz and my residence address is 1300 Jerome
14 Drive. We own the, myself and Jack Tillman own the property at 5229 Ridgeway.

15 CHAIRMAN PALMER: Which is one of these tax map parcels?

16 MR. METZ: It is.

17 CHAIRMAN PALMER: Okay. And what do you want to tell us?

18 MR. METZ: Well, I'd like to thank you for your position earlier of, of not liking I
19 guess is how you said it, the county to come in a take a proactive stance like this cause
20 I personally don't like that approach either. We had the parcel at 5229 and it is a split
21 zoning, it has residential on the front and the rear part is zoned commercial that faces
22 Monticello Road. We originally bought that property because it was commercial with the
23 intent of using it as a commercial property and there was a business in that property

1 operating there for many, many years, a beauty salon. We're not eager to see that
2 property downgraded. We're aware that some entity wants to re-landscape Monticello
3 Road and we have, our rear building is very close to the property line, it's within 3' of the
4 property line on Monticello Road. That building is fully in the commercial zone, I mean, it
5 has concrete floors so without too much trouble I can get a business put in there that
6 would not require much parking. I'm gonna be limited by the parking there but we are in
7 discussions and negotiations with the adjacent property owners, both of which are
8 vacant lots, to acquire those properties to be able to fulfill the property requirements that
9 we would need for the other types of businesses located at 5229. And I live in the area
10 and I really, I think that we need some commercial businesses out in that area to
11 develop the area to the point where other people would want to come in and live in that
12 area and improve those areas because for a large swath around a large radius the
13 property values are very low and the houses are ramshackle, ours is one of them, so
14 I'm not certain that that, that the move to make this fully residential and exclude that
15 long section of Monticello Road there from a business, regardless of the difficulty of
16 working with the Codes, we may have to make some exceptions to do something like
17 that, but I don't think it's gonna be in the best interest of the neighborhood as a whole
18 because to be a thriving community you need businesses and you need places that are
19 catering to the needs of the locals and that's why I'm taking a stand against this attempt
20 at rezoning. And I also, for the Record, I fear that this would move to devalue the
21 property prior to the acquisition of the portion that's going to need to be taken for that re-
22 landscaping. We feel that the county's probably gonna need maybe 3 to 6' of our

1 borders along Monticello Road because there is no sidewalk access through that small
2 section there, through that maybe quarter of a mile section.

3 CHAIRMAN PALMER: Thank you. That's all we've got signed up to speak. I just,
4 for me personally I just can't reiterate enough, I am not to the point to where I can
5 support any proactive rezoning, much less a proactive down zoning of a parcel,
6 especially when the applicant comes in and is completely against the rezoning. I'm just
7 not to that point yet for me personally.

8 MR. MANNING: Mr. Chairman, you know, there are situations on a case by case
9 basis that I may be in favor of a proactive zoning, especially if it was something that was
10 shown to enhance the neighborhood and the neighbors or the owners were in favor of it.
11 In this case I don't see where the county or the Staff has made a case that this is gonna
12 be better for the community, that we are not gonna deal with the same constraints in a
13 residential zoning as we've got in the commercial zone, and you know, I just think the
14 implications are too big to go in there and just change all of those without a lot of other
15 considerations. And if you're just looking at the aerials and the site map that was
16 provided to us, I would make the case if they're gonna proactively zone I would increase
17 the commercial zoning on up to the intersection of Manigault Street as opposed to down
18 zoning so that the zoning in there would be consistent.

19 CHAIRMAN PALMER: I would agree. Anybody else? Or any motions?

20 MR. MANNING: Mr. Chairman, I'd like to make a motion that we do not approve
21 the proactive zoning taken by the county for the four parcels listed as 07, 08, 09 and 10
22 from GC to RM-MD.

23 CHAIRMAN PALMER: Do we have a second?

1 MR. TUTTLE: Second.

2 CHAIRMAN PALMER: We have a motion for denial of case number 12-04 MA,
3 all those in favor of the motion please signify by raising your – yes, Mr. Price, real
4 quick?

5 MR. PRICE: [Inaudible]

6 CHAIRMAN PALMER: Yeah, we, I know you just stated why you were making
7 your motion for denial but if you could kind of summarize and bullet point –

8 MR. MANNING: Don't we need to vote on it first?

9 CHAIRMAN PALMER: I think for the motion. At the time of the motion.

10 MR. MANNING: The reasons for being opposed to the proactive zoning is one,
11 that the Staff has not shown to me that the benefits of this zoning will enhance the
12 neighborhood overall, the master plan, that the constraints that are gonna be on these
13 properties are gonna be there regardless of whether they are residential or commercial,
14 and I think the surrounding zoning in the area is predominately commercial so I think it
15 would be difficult to place residential in a commercial zoned area.

16 CHAIRMAN PALMER: We have a motion and a second for denial. All those in
17 favor please signify by raising your hand. All those opposed?

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

20 CHAIRMAN PALMER: And everyone, we are a recommending Body to County
21 Council. County Council will have the final say on all of these matters. They will meet
22 back here in these chambers on the 27th of March. I'd recommend that anybody that

1 has a case in front of us today show back up for that as well on the 27th. Okay? Case
2 number 12-10 MA?

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

4 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Katy
5 Bolden representing Irving Spigner, Jr. The property is located at 10320 Farrow Road,
6 it's two acres in size. It's currently zoned HI, Heavy Industrial and the Applicant is
7 requesting GC, General Commercial. To the north of the property the property is zoned
8 Heavy Industrial and is the location of Hudson's Motel, it is located back off the road. To
9 the south you have heavy industrial as well and there's a body shop and cemetery
10 there. And to the east you have a Planned Development District across the railroad
11 right-of-way, it's a residential subdivision, Brookhaven. And to the west you have
12 General Commercial district which is occupied by a multi-family residential use. The
13 Comprehensive Plan recommends suburban for this area and identifies commercial and
14 office activities to be located at traffic intersections and areas of predominant
15 commercial usage. The Staff felt like this site was near a commercial intersection of
16 Morphin(?) Road and Farrow Road, as well there are other commercial uses in this area
17 and we did not feel like this, a rezoning in this case would encroach on residential uses
18 as the Brookhaven subdivision is located across the railroad tracks. The property is
19 currently occupied by what appears to be a commercial, small commercial strip center
20 where there are other commercial uses in the vicinity. To the south you have a barber
21 shop and a liquor store and a seafood restaurant, some other uses. Based upon this
22 information and the zoning classifications in the vicinity, the uses and the proximity to
23 the intersection nearby, the Staff felt like this application was compatible with the

1 Comprehensive Plan recommendation and we recommend approval of a rezone at this
2 time.

3 CHAIRMAN PALMER: Any questions for Staff?

4 [Cairns in @ 1:31pm]

5 CHAIRMAN PALMER: And we don't have anyone signed up to speak. Is the
6 Applicant here? Is there anything you'd like to add to the Staff's recommendation? If you
7 could come down and take the podium for us and give us your name and address. Yes,
8 sir?

9 **TESTIMONY OF IRVING SPIGNER:**

10 MR. SPIGNER: My name is Irving Spigner, Jr. I bought this piece of property
11 after I come out of the military and I been running a store there for years and years.
12 And I been gardening and stuff like that. And I didn't know they was gonna rezone it –
13 when I got the building permit to build the building, I didn't have no problems. And if
14 they rezoning it where I couldn't run the store or whatever I wanted to run, I didn't never
15 see it posted. So then they send me a letter and I paid my taxes.

16 CHAIRMAN PALMER: Okay. I think what we're doing here is you're currently
17 zoned HI and have you requested to go to General Commercial?

18 MR. SPIGNER: I want to get the property zoned where I can run the store and
19 then a few other businesses in that area.

20 CHAIRMAN PALMER: Right, okay.

21 MR. SPIGNER: I had it cleaned off about, over, about two acres or more for
22 parking so I got more parking spaces than anybody around there.

1 CHAIRMAN PALMER: And this, and this was called to your attention as you
2 were trying to do some renovations and needed to get your property zoned properly in
3 order to make those renovations, is that right?

4 MR. SPIGNER: Well, what happened, I really didn't know what was going on until
5 I had leased one building out and they couldn't get, they couldn't get the license, the
6 business license.

7 CHAIRMAN PALMER: Yes, sir, Mr. Price?

8 MR. PRICE: Excuse me, I believe this occurred when – going back to when Mr.
9 Spigner bought the property and the HI district under our old Code pretty much allowed
10 anything, you just couldn't live there and that was [inaudible], but pretty much, you
11 know, allowed all type of commercial uses. When we adopted our latest Land
12 Development Code we kind of reduced some of the uses that were allowed in the HI
13 district and this came about I believe during the, someone submitted a business license
14 for the location –

15 CHAIRMAN PALMER: Right.

16 MR. PRICE: - and we could not approve it cause I believe it's been, our records
17 indicate that it had been inactive for a number of, a period of time where the
18 nonconformity would've been lost

19 CHAIRMAN PALMER: Right.

20 MR. PRICE: Thus, we couldn't approve it, so he's coming in now to rezone it to
21 reestablish with the commercial use that was there. And that was his intent, just to
22 rezone it to that commercial.

23 CHAIRMAN PALMER: Okay, sounds good. Mr. Spigner, what's your address?

1 MR. SPIGNER: 10320 Farrow Road.

2 CHAIRMAN PALMER: Okay. I think we got a grip on it, you got anything else that
3 you need to add?

4 MR. SPIGNER: That's, that's it. What I wanted to do is, is see that I can run a
5 business because I done got old and I can't go work like I have been.

6 CHAIRMAN PALMER: I understand.

7 MR. SPIGNER: Now see, I been out of work now for quite a while about that
8 zoning stuff. And it, and I'm sick also cause I had got hurt when I was in the military and
9 I never even filed for a disability because I say, well long as I'm able to work I work, and
10 I still work.

11 CHAIRMAN PALMER: Well, thank you and we appreciate your service.

12 MR. SPIGNER: Thank you.

13 CHAIRMAN PALMER: Thank you.

14 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we send case 12-10
15 MA forward to Council with a recommendation of approval.

16 MR. WESTBROOK: I'll second.

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

18 All those in favor please signify by raising your hand.

19 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Brown; Abstained: Cairns;*

20 *Absent: Gilchrist, Van Dine]*

21 CHAIRMAN PALMER: None opposed.

22 MS. CAIRNS: I'm just not gonna vote since I wasn't here for the whole
23 discussion.

1 CHAIRMAN PALMER: We recommended approval by County Council will have
2 final say on the 27th in these same chambers. Okay? Next case, 12-11 MA.

3 **CASE NO. 12-11 MA:**

4 MR. LEGER: Case no. 11 is our next case. The applicant is Mr. William Sease.
5 The property is owned by William and Mary Sease. The property is located at 3120
6 Lawrence Street. It's about a half acre in size. It's currently zoned RM-HD. The
7 applicant is requesting a GC, General Commercial district. The RM-HD is the original
8 zoning district from 1977. You have a number of different classifications in the vicinity.
9 To the north the property is zoned Office. To the south, Office. To the west, Office as
10 well. To the north you have a residence and to the south you have an existing dental
11 office. To the west is a vacant business and undeveloped property. And to the east you
12 have a wooded vacant property as well. The Comprehensive Plan recommends
13 suburban in this vicinity; commercial and office uses to be located at intersections and
14 areas of predominant commercial usage. The Staff did not perceive this property as
15 meeting that intent because of the residential use in the vicinity. The property is
16 occupied by a residential structure with residential properties to the north. There are
17 other zoning districts in the vicinity but felt, the Staff felt like Lawrence Street was a
18 residential service street really not designed to handle the traffic that would be
19 generated by a General Commercial district, which is our most intense commercial
20 district. For the reasons listed and the fact that it does not meet the Comprehensive
21 Plan recommendation for commercial use, the Staff could not support this application
22 and recommended disapproval.

1 MR. BROWN: Mr. Chairman, question. The parcel that's at St. Andrews Road
2 and Lawrence Street, what did you say that was?

3 MR. LEGER: I'm sorry?

4 MR. BROWN: The parcel that's right at the corner of St. Andrews Road and
5 Lawrence Street, what is that?

6 MR. LEGER: To the south is a dental office.

7 MR. BROWN: A dental office.

8 MR. LEGER: Yes, sir.

9 MR. BROWN: And the applicant here wants to do what?

10 MR. LEGER: The application did not identify what they wanted to do. I would
11 assume to allow some alternative development other than residential.

12 MR. BROWN: Okay.

13 CHAIRMAN PALMER: And Lawrence Street does connect to the neighborhood
14 behind it, correct?

15 MR. LEGER: It does not go through, no, sir.

16 MR. TUTTLE: I'm sorry, when was this parcel rezoned RM-HD.

17 MR. LEGER: That was the original zoning from 1977.

18 MR. TUTTLE: Where the surrounding parcels at that time RM-HD as well? I
19 mean, I can't imagine that a .5 acre tract was zoned RM-HD by itself. So the question
20 I'm asking is clearly have the surrounding properties changed over time from that
21 residential classification to a more commercial or industrial use?

22 MR. LEGER: I don't have the answer to that but that would be a pretty good
23 assumption.

1 MR. BROWN: Excuse me, Mr. Chairman, one other question. The parcel that's
2 on the other side of this requested piece, what's there again? I'm sorry?

3 MR. LEGER: Directly across Lawrence Street?

4 MR. BROWN: No, sir, on the other side [inaudible].

5 CHAIRMAN PALMER: On the northern boundary?

6 MR. LEGER: To the north –

7 CHAIRMAN PALMER: You've got a dentist to the south.

8 MR. LEGER: There's a home there.

9 MR. BROWN: There's a home there.

10 MR. LEGER: There's a creek, a creek between the subject property and the
11 property to the north, and that property to the north is a residence.

12 MR. TUTTLE: But the underlying zoning on that property to the north is –

13 CHAIRMAN PALMER: OI.

14 MR. TUTTLE: - OI, right.

15 CHAIRMAN PALMER: So you've got a parcel here who is surrounded by OI,
16 General Commercial, OI, and OI, completely boxed in, and Staff recommends leaving
17 this as residential when the thru street on Lawrence Street, while in the Staff
18 recommendation is listed as a connector street of some sort for residential use, it
19 doesn't connect to the neighborhood behind it.

20 MR. PRICE: Well, the answer is more appropriately Staff does not recommend
21 General Commercial here. It's not so much that we recommend that it remain RM-HD,
22 we don't recommend General Commercial here. But at the same time one of the things
23 we don't want to do when we're discussing potential rezonings with an applicant is to try

1 to guide them to a specific zoning; we just try to outline everything for them and they
2 have to make the choice. But it's not so much we're saying keep it at this current zoning,
3 but we're saying that the one that was chosen we do not support that.

4 MR. TUTTLE: So the apprehension for the GC was that basically the traffic
5 count associated with it?

6 MR. PRICE: Well, I think when you're just kind of looking at it and – okay, this
7 kind of goes against everything else for – when we look at, if you take a look at this and
8 you look at the surrounding OI that's there, maybe that would be the more appropriate
9 zoning because [inaudible].

10 MR. TUTTLE: Okay. The only – Mr. Chairman, the only point I wanted to make
11 on .42 acres with the setback requirements, etc., I can't imagine that you could create
12 an intensity of traffic so much greater than OI that it would be relevant.

13 CHAIRMAN PALMER: Right. I would agree and with it being bounded by OI on
14 both sides, on north and south, and to the west is General Commercial and a very large
15 block of General Commercial all the way up as far as you can see with the exception of
16 one small tract, which is also OI, I think that the possibilities of the additional intrusion
17 between GC and OI would be minimal at best. But that's just my thoughts on it. I
18 understand Staff's thoughts and just simply looking at it from the surface, I could
19 understand why that – I mean, because it is meant to be a graduated commercial as you
20 get back into further and further off the main road to go from – and which is why we
21 used to have the numbers C-3, C-2, C-1, but I understand both sides of it, but I also
22 understand your point which is well made, Mr. Tuttle, that it's such a small tract and if it
23 were to be combined with the sites to the north and the south, it would be handcuffed to

1 those zonings as opposed to being able to go to General Commercial. They couldn't go
2 up in zoning, he'd have to come down to the OI zoning for the use matrix, so. Anyhow,
3 we do have one person signed up to speak though. Anything else for Staff? Leslie
4 Sease? Yes, ma'am? Do you have anything else you'd like to add or? Yes, ma'am, if
5 you could come down to the podium. If you could give us your name and address for
6 the Record.

7 **TESTIMONY OF LESLIE SEASE:**

8 MS. SEASE: It's 3120 Lawrence Street, Columbia, South Carolina, zip code
9 29210-5306.

10 CHAIRMAN PALMER: Thank you.

11 MS. SEASE: My parents are having some health problems so we – sorry – my
12 parents are having some health problems and that's why I'm having to represent them
13 and my sister and I thought, you know, we're probably gonna have to see about
14 reselling their property and we thought we'd have a better shot at selling it, you know,
15 under commercially that they'd have, get it, it would help them out financially versus
16 selling it residentially. And we have no intention of building anything on the property
17 ourselves, it's just to make it, represent it, you know, we want to, you know, represent it
18 better as a commercial viewing for anyone who may be interested in buying it
19 commercially. And we were advised by a real estate agent that it would look better
20 maybe if we did that.

21 CHAIRMAN PALMER: Right. Well, I can understand that because you've got
22 commercial on both sides. If somebody did want to use it as a residence, they run the
23 risk of all four sides of their home having commercial properties around it and not really

1 the most ideal places for someone to have a residence that's surrounded by commercial
2 on all four sides, so I can understand that. Anything else for the applicant? Thank you.

3 MS. SEASE: Thank you.

4 CHAIRMAN PALMER: That's all we've got signed up to speak. Any other
5 comments?

6 MR. TUTTLE: Mr. Chair, I'd like to make a motion that we send item number 12-
7 11 MA forward to Council with a recommendation for approval.

8 MR. BROWN: Second.

9 MR. TUTTLE: And I guess I'm going against Staff and I'll reiterate in my motion
10 that because the surrounding properties are all either industrial, office or commercial, I
11 think it's more appropriate that this property be zoned General Commercial.

12 MR. BROWN: I second, Mr. Chairman.

13 CHAIRMAN PALMER: Because of the size of the lot not being a major
14 difference between the two as far as encroachment on the neighborhood with the type
15 of uses that can go in there since it's such a small lot?

16 MR. TUTTLE: Sure, you want me to add that?

17 CHAIRMAN PALMER: That'd be great.

18 MR. TUTTLE: Yeah, because the lot's so small the, the differential between it
19 being zoned General Commercial versus OI is diminimus and therefore shouldn't have
20 any impact.

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

22 All those –

23 MS. CAIRNS: I just –

1 CHAIRMAN PALMER: Yes, ma'am?

2 MS. CAIRNS: Yeah, I mean, I was gonna sort of speak against the idea of
3 sending it to General Commercial. We, we often seek to try to avoid getting General
4 Commercial walking up side streets. Offering that the parcel behind is General
5 Commercial but that's also one that fronts on St. Andrews and so it's a fundamentally
6 different lot. So I think when you just take it as it's raw request to go to General
7 Commercial on what is a side street, and also again on a small lot, then I don't, I would
8 say that it's not the best rezoning and offer that the request should be denied, even
9 though it may not be properly zoned as is, but for its best use. But GC, I mean, I think
10 it's a difficult argument to say that a half acre lot on a side street, it's best use is General
11 Commercial. So I would recommend that we not send this forward with a
12 recommendation of approval.

13 MR. MANNING: Mr. Chairman?

14 CHAIRMAN PALMER: Mr. Manning?

15 MR. MANNING: I would agree with Heather in that GC is just so broad. I mean,
16 it allows so many uses that if this was a residence and gonna stay a residence I don't
17 think they would want a GC across the street that would open up uses that would be
18 incompatible with that. I think an office zoning is more appropriate cause you've already
19 got it on the corner and behind, and does offer upside to, to, you know, the area in that.
20 But I agree with Heather on this one.

21 MS. MCDANIEL: I think I would have the same concern, but for the fact that it's
22 contiguous to a large GC area that is already fronting on that residential area. So if

1 there is GC that would go there I don't think it's impact would be any more than what the
2 impact already is.

3 CHAIRMAN PALMER: And that's what I was gonna say. If the large lot directly
4 to the west was not already General Commercial I would agree but whoever buys that is
5 already gonna be encroached upon by the GC zoning as well. All three of these lots are
6 all adjacent to General Commercial, so putting General Commercial next to them on a
7 smaller lot is not gonna impact them any more, probably less so than the large lots
8 which are all zoned GC going to the west.

9 MR. MANNING: Would you be in favor of proactively zoning those other two
10 lots?

11 CHAIRMAN PALMER: I would not. [Laughter] Because if you go proactively the
12 other way you increase their tax –

13 MR. MANNING: Well, you know, I would say that those two other lots plus the
14 middle lot would be better served as commercial for an area than having it split up, but
15 that's another discussion for another day.

16 CHAIRMAN PALMER: On the GC lot they're able to incorporate the OI uses as
17 well as in the insignificant chance that the guy next to them needs an access point or
18 needs to put a storage building or something on to it, they can do that. Lawrence Street
19 is not a residential street. I'm not concerned with putting traffic on Lawrence Street
20 when it doesn't go into a residential neighborhood.

21 MS. CAIRNS: Well, are the properties that front Lynn Street, the back side, are
22 those houses the ones zoned residential?

23 MR. PRICE: Yes.

1 MS. CAIRNS: So it is a resident, you know, the backs, half of Lynn Street is
2 zoned residential.

3 CHAIRMAN PALMER: Tell me why, I don't understand why somebody would
4 drive down Lawrence Street, around Lynn Street and out of L Street if they were trying
5 to get to those businesses on Lawrence Street. How is a commercial zoning on this lot
6 gonna affect a home back there?

7 MS. CAIRNS: I just, I think if you look at this lot and say, does this lot's best use
8 being that it's on a side street, and it has a fairly significant slope so as a small lot with a
9 large slope I don't think it's a well suited piece of land based on where it's sitting in
10 roads and it's own physical characteristics that GC is the best use for it. That's the
11 question that's before us, would this lot, is its best use General Commercial being that it
12 doesn't front on a major street it fronts on a side street, the side street does have some
13 residential, that's sort of a fact but, you know, and it's a sloping lot. I mean, there's a
14 pretty good cross slope on this lot.

15 CHAIRMAN PALMER: The sloping lot applies to any zoning classification you're
16 going to put on it.

17 MS. CAIRNS: Yeah, but certain land uses adapt to sloping lots better than
18 others. Like houses adapt to sloping lots a whole lot better than parking lots and
19 General Commercial.

20 CHAIRMAN PALMER: Well, I think we're all in agreement this is not a residential
21 lot.

22 MS. CAIRNS: I mean, so you tend to try to put, you know, you tend to try put
23 residential uses on challenging physical lots, not commercial.

1 CHAIRMAN PALMER: I see a lot of commercial buildings all down 378 that have
2 sloping lots that have developed commercially and are doing fine.

3 MS. CAIRNS: I understand that but, I mean, when you – that's cause they're
4 also on major arterial. But to take a non major arterial that has a sloping lot and to say
5 that that's the perfect place to put General Commercial, I can't support it.

6 CHAIRMAN PALMER: I understand.

7 MR. TUTTLE: Mr. Chairman, I'd like to call for the question.

8 CHAIRMAN PALMER: We have a motion and a second to send Case No. 12-11
9 MA forward to Council with a recommendation of approval. All those in favor please
10 signify by raising your hand. All those opposed?

11 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Brown; Opposed: Cairns, Manning;*
12 *Absent: Gilchrist, Van Dine]*

13 CHAIRMAN PALMER: Did you get those? Okay. Thank you. Next case.

14 **CASE NO. 12-12 MA:**

15 MR. LEGER: The next case is project 12-12. The applicant is Josh Williamson.
16 The property owner is Gilbert Blizzard, Jr. Its location is 11325 Garners Ferry Road.
17 It's about 2 1/3 acres in size, currently zoned Planned Development District. The
18 applicant is requesting a Rural Commercial district. The original zoning on this property
19 was Rural District from 1977. In 2004, the Planned Development District was applied to
20 the property to allow the existing, or some of the existing uses to continue. A
21 subsequent rezoning request in 2010 asked for RC, which was denied by the Council in
22 that year. The Planned Development District allowed for the restaurant and a, kind of a
23 truck wash/repair facility. The repair facility has since burned down so the, basically the

1 restaurant use is the allowed use on the property with regards to the Planned
2 Development District. Zoning in the area is strictly Rural in nature in all directions. You
3 have residences to the north and west and otherwise you have the Tri-County Electric
4 Substation adjacent as well to the south and east. The Comprehensive Plan
5 recommends rural where in the rural district. It also calls for commercial use to be
6 located at intersections, traffic junctions and not encroach into residential areas. The
7 Staff could not support this request. We did not support the request in 2010 either,
8 basically for the reason that the surrounding area is residential in nature, the property,
9 again, has the restaurant, it's a pub and grill, it's not quite 2,000 square feet in size.
10 Because of the recommendation of the Comprehensive Plan, the surrounding uses and
11 the current zoning the Staff could not support the request and recommends disapproval.

12 CHAIRMAN PALMER: Can you explain the map on 41 to me of our package. I'm
13 a little confused as to how that map, I mean, I can understand 42 and 43, I don't see the
14 roads lining up.

15 MR. LEGER: I think the map on page 41 attempts to explain how other
16 properties were rezoned over time. So on page 41 I think you have kind of a big, big
17 patch of brown and if you turn to page 42 that brown patch there is, is to the right which
18 is the Rural Commercial district.

19 CHAIRMAN PALMER: Okay, so when I typically see the striping I'm use to those
20 being the sites so in the future if we could –

21 MR. LEGER: I would agree with you. I don't quite know how that got that way.

22 MS. MCDANIEL: So the map on page 41 is not the site under consideration, it's
23 just something near the it.

1 MR. LEGER: That's correct. This is an enlargement of property to the east on
2 Garners Ferry Road and I think it was intended just to identify how those other
3 properties were rezoned. Apologize for the confusion.

4 CHAIRMAN PALMER: Okay. Anything for Staff?

5 MR. MANNING: One question, Mr. Chairman. In 2010 you indicate that the
6 Council, or the Staff recommended denial and the Council adopted that. What was the
7 Planning Commission's vote on that issue?

8 MR. WILLIAMSON: You agreed. I was here and you agreed [inaudible].

9 CHAIRMAN PALMER: We as a Commission, what's the – I said, we as a
10 Commission vote to either –

11 MR. MANNING: Right, that's what I'm trying to find out from Staff, what we voted
12 and what the vote was.

13 MR. LEGER: I, I don't see it in the Staff, in the file. If you –

14 MS. CAIRNS: Do we even, does it indicate whether we sent it forward with
15 approval or disapproval?

16 MR. MANNING: That's what I'm trying to find out.

17 MR. WILLIAMSON: [Inaudible] I come before y'all twice. I come the first time
18 with General Commercial and I was advised by Mr. Price and Ms. Suzie Haynes –

19 CHAIRMAN PALMER: Okay, if you could hang on for one second for us. I think
20 Ms. Haynes is going to get it.

21 MS. HAYNES: I'm gonna go downstairs and get the file.

22 CHAIRMAN PALMER: Okay. We'll get it in a second. Any other questions for
23 Staff?

1 MR. BROWN: What's, what is this that's on the, I guess it's the south side of
2 this?

3 CHAIRMAN PALMER: We've got a large, you know, looks like a commercial
4 structure with two buildings on it. To the east. Southeast of it.

5 MR. LEGER: That's the Tri-County Electric Substation. It's kind of an electric
6 utility office.

7 MR. BROWN: What is, what are the businesses on the site now?

8 MR. LEGER: On the subject property?

9 MR. BROWN: Yes.

10 MR. LEGER: It's the J & R Pub and Grill. There's also a structure, a small
11 structure to the west on the subject property that appeared to be kind of a fireworks
12 stand.

13 CHAIRMAN PALMER: And I assume the – and I'm sure it's in the package – the
14 underlying zoning was RU before the PDD?

15 MR. LEGER: That's correct.

16 CHAIRMAN PALMER: So currently either the applicant, the landowner can
17 abide strictly by the PDD or revert back to the RU zoning. Correct? Or would they have
18 to be rezoned back to RU?

19 MS. CAIRNS: Rezoned.

20 MR. LEGER: They would have to be rezoned back to their – it's currently zoned
21 Planned Development so it would take a change to go back to the RU district.

22 CHAIRMAN PALMER: Okay. Any other questions for Staff? Josh Williamson?

23 **TESTIMONY OF JOSH WILLIAMSON:**

1 MR. WILLIAMSON: Yes, sir. Josh Williamson, 800 Willie Wilson Road, Eastover,
2 South Carolina 29044. I come for y'all in November of 2010, y'all passed it. There is a
3 restaurant there. The previous owner died in 2005, he tried to add on to what was the
4 garage of the, on the parcel which was the concrete slab that is there now, which is
5 burnt down. He did not pull a permit, he was 87 years old and he come down, they put
6 a red, they red-flagged it, county red-flagged it cause he built on to it without pulling a
7 permit. And he was zoned Rural but he already had existing businesses that had been
8 in there. At one time it was called Granny's Kitchen and the first business license pulled
9 for that was in 1971. And y'all didn't even have a building of code section till 1975. So
10 he, you know, being an elderly man he just built on to it, I guess he might have used the
11 elderly part as ignorance to the law but hey, we all do what we can to get around
12 everything, right?

13 CHAIRMAN PALMER: I don't know. [Laughter]

14 MR. WILLIAMSON: Just like me, I'll help you out with this – Tri-County is right
15 behind me. How do you put 450,000 watts on a piece of property and not be, and be
16 zoned Rural? I mean, they do, y'all keep it, the county keeps it zoned Rural for them so
17 they don't have to pay higher taxes for General Commercial or Rural Commercial. If
18 you look down 826' east further down Sumter Highway, there is a piece of property less,
19 well right at one acre that is zoned General Commercial, which is black and to the west
20 of there, 2,212' I think y'all have in the piece of paper y'all sent me, which is considered
21 Center Express, a gas station at the bottom of the hill, it is also zoned Rural
22 Commercial. Now I own more road frontage than all these because the piece that
23 you've got on the site right there I also bought the other 3.75 acres right there beside

1 that, so I own a total of close to about 4,000 linear foot on Garners Ferry Road. And all
2 I want to do is – they tell me I have to put a garage back on the slab because it's zoned
3 PDD. I mean, I don't want to put a garage there, I don't want to put a strip joint there
4 neither, but I already opened the restaurant and it's J & J Neighborhood Grill not J & R,
5 to conform to what y'all tell me I have to do with it as the property owner. So, I mean, I
6 wouldn't mind putting a thrift store there but, I mean, I don't turn wrenches for a living.
7 And I would like to get it zoned Rural Commercial so I can do some other stuff with it, to
8 20,000 square foot of what I've, you know, that's what it says I can put on there, 20,000
9 square foot of building.

10 CHAIRMAN PALMER: Okay, anything else? Any questions? Thanks. Any
11 comments or questions?

12 MS. MCDANIEL: I'm just curious how it got zoned PDD back in 2004, was that to
13 accommodate the uses that were already there that were nonconforming?

14 MR. LEGER: Yes, ma'am, that's correct.

15 MS. MCDANIEL: Okay.

16 CHAIRMAN PALMER: Yeah, that was back before the legislature made us
17 actually make them mixed uses and we'd go through and say, yeah we like that use,
18 we'll tie you to it, we don't want to open it up to all the other uses. But that was also
19 prior to the Rural Commercial/Neighborhood Commercial zoning classifications that we
20 had and it was C-1, C-2, or C-3, which was much more liberal than the Rural
21 Commercial/Neighborhood Commercial kind of situations that we have now that would,
22 were certainly more restrictive and were kind of put in place for some of these things.
23 You know, my thought on it is, my thought hasn't changed, this is a center divided

1 highway, I'm not sure what kind of farming is gonna go on. You know, maybe, I
2 understand this is surrounded by Rural zoning. You've got a major facility next door to
3 it, you've got tons of frontage along a center divided highway. Rural Commercial seems
4 like it's made for this type of use. It is close to an interchange, it's not directly on one,
5 but if it was directly on one we may be talking about a larger classification. You know,
6 the reason for a Rural Commercial is to be able to allow some small uses out in the
7 rural community so they don't have to travel as far to get to the larger retail
8 developments. It is restrictive, it's our most restrictive commercial zoning that's out
9 there, and without the ability of PDDs to selectively say what should and what shouldn't
10 go, it's the most restrictive commercial zoning out there. I certainly wouldn't want to live
11 as a resident along this road, I wouldn't want to raise my family on it. I think it's a
12 commercial site, me personally, and I think it's the most restrictive commercial zoning
13 classification that's out there. That's just my thought on it. Anything else?

14 MS. MCDANIEL: So even as it's zoned now, PDD, the uses that are allowed in
15 the PDD are not in conformance with the Comprehensive Plan, is that correct?

16 MR. LEGER: That's correct.

17 MS. MCDANIEL: So that really doesn't affect our decision, regardless if it's not in
18 conformity now, if we approved it, it would still not be in conformity. It wouldn't bring it
19 into conformity.

20 MR. LEGER: With the Comprehensive Plan. Right.

21 MS. MCDANIEL: Right.

1 MR. TUTTLE: And obviously, you know, the property owner is bound to the uses
2 that were approved and if the world has changed or you get a competitor open up down
3 the street and needed to change his use he doesn't have any ability to do that.

4 MS. MCDANIEL: Right.

5 CHAIRMAN PALMER: The Planning Commission voted 6-0 to approve it from
6 PDD to Rural Commercial. Back in September of 2010.

7 MR. MANNING: Good information to have.

8 CHAIRMAN PALMER: It is.

9 MR. BROWN: What's changed?

10 MS. CAIRNS: I think though, you know, one thing I'd just like to toss out is that,
11 you know, it's been kind of offered that the fact that it's on a divided highway therefore a
12 commercial use is the way it ought to go I think is a, I think we should not have an
13 attitude that simply having a, that Garners Ferry should some day all be commercial. I
14 think that that would be a disservice to the residents of the whole county to just allow
15 that, notwithstanding this application I just think that having a divided four lane road is
16 not sufficient cause to say the zoning along that should be commercial. And the fact that
17 it wouldn't support single-family homes doesn't, you know, it's front on that, doesn't
18 mean that it should all be commercial.

19 MR. TUTTLE: But then inherently aren't you also saying that if at the
20 intersections the property owners aren't willing to develop their property then people
21 who live in the area can't have the services they need?

1 MS. CAIRNS: I'm not, I'm not saying that Rural Commercial shouldn't exist, I'm
2 simply saying that if one offers that one of the reasons is, well after all it's a divided four
3 lane road so therefore commercial is right, that alone is not enough.

4 CHAIRMAN PALMER: Heather, if that would've been all I said I'd agree with
5 you, but that's not all I said. I said these are small lots, they have a significant amount
6 of frontage, they are, they're depth does not suit agricultural use, they're located next to
7 a power station, and that this is what this is used for. I in no way insinuated that all of
8 Garners Ferry should be commercial all the way up and down the two lane divided road.
9 Anything else?

10 MR. TUTTLE: Where are the Minutes? Mr. Chairman, I'd like to make a motion
11 that we send item number 12-13 [sic] MA forward to Council with a recommendation for
12 approval.

13 MS. LINDER: Case 12-12.

14 CHAIRMAN PALMER: 12-12 MA.

15 MR. TUTTLE: I'm sorry, 12, forward to Council with a recommendation for
16 approval. And I think for, I guess I have to give you a reason since we're going against
17 Staff. I think the fact that it's on a divided major road makes it appropriate for it to be an
18 RC district, I also think that give the current situation where it's under an antiquated
19 PDD does not give the property owner the flexibility that he needs to maintain and
20 evolve his business in this particular area.

21 MR. BROWN: Second.

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

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

3 CHAIRMAN PALMER: Alright. Case number 12-13 MA. And before we start if I
4 could read this into the Record. "Dear Mr. Palmer, I must request to be excused from
5 participating in discussion or voting on Agenda Item # 12-13 MA regarding 1236
6 Richland Franklin Road, which is scheduled for review and/or discussion at today's
7 Planning Commission meeting. It is my understanding of the Rules of Conduct,
8 provisions of the ethics, government accountability and campaign reform laws that since
9 my law firm represents Mr. Reynolds I will be unable to participate in the matter through
10 discussion or voting. I would therefore respectfully request that you indicate for the
11 Record that I did not participate in any discussion or vote relating to this item,
12 representing a potential conflict of interest. I would further request that you allow and
13 direct this letter to be printed as part of the official Minutes and excuse me from such
14 votes or deliberations and note such in the Minutes. Thank you for your consideration
15 in this matter. Sincerely, Katherine McDaniel." So are you now gonna put on your
16 lawyer hat and take the podium? [Laughter]

17 MS. MCDANIEL: No.

18 CHAIRMAN PALMER: Okay. Case 12-13 MA.

19 **CASE NO. 12-13 MA:**

20 MR. LEGER: Thank you, Mr. Chairman. The property is currently owned by Mr.
21 Michael, I'm sorry, the applicant is Mr. Michael Reynolds, it's owned by Michael and
22 Carrie Reynolds. The address is 1236 Richard Franklin Road, it's just under two acres
23 in size, currently zoned RU. The applicant is requesting an RSE, Residential Single-

1 Family Estate district. The RU district is the original zoning from 1977. The properties in
2 the vicinity to the north, south and, north and south are zoned RU and are occupied by
3 residences, to the east you have an RS-LD which is undeveloped, and to the west you
4 have the water body of Lake Murray. The Comprehensive Plan recommends suburban
5 in this, on this property where it, the Comprehensive Plan suggested four to eight
6 dwelling units per acre. The RSE district would not be able to accommodate the four to
7 eight units per acre, instead only 2.2 dwelling units per acre. Currently this site is
8 somewhat wooded, has a metal paneled building on it used for storage currently and a
9 number of other assorted pieces of equipment and whatnot on the site. The Staff could
10 not support this request because of the Comprehensive Plan recommendation for four
11 to eight units per acre. RSE district would not meet that and for that reason the Staff
12 recommended disapproval of this request.

13 CHAIRMAN PALMER: So am I correct that the reason for the Staff's
14 recommendation for disapproval is the fact there's not enough units in the rezoning
15 request, that the applicant has not requested a higher density?

16 MR. LEGER: In part, yes, sir.

17 CHAIRMAN PALMER: Okay.

18 MS. CAIRNS: What's the other part?

19 MR. MANNING: What's the other part?

20 MR. LEGER: The types of, other types of zoning characteristic in the area. You
21 don't have any RS, other RSE districts that would start to establish a character for other
22 RSE districts.

23 MS. CAIRNS: But then those two reasons are in direct opposition to each other.

1 MR. LEGER: Well, this is not an easy issue for us either, the recommendation of
2 four to either units per acre, and is a challenging one for us as well.

3 MS. CAIRNS: But I think it, I mean, to say that the disapproval is because on the
4 one hand it's not dense enough but on the other hand it's more dense than anything we
5 see, is kind of like, well what is the reason for the disapproval? It can't be both, it just
6 can't. Then, or you just say, nobody should be rezoning anything, even though it's in
7 contrary to the Comp Plan.

8 CHAIRMAN PALMER: Or perhaps we need to readdress the Comp Plan in this
9 area.

10 MR. MANNING: Well, unfortunately we see that used as a reason for not
11 allowing zoning to go forward far too many times, and obviously when we did it we
12 threw a big net over the county.

13 MS. CAIRNS: Right.

14 MR. MANNING: And we can't use just the Comp Plan to, as our only basis for
15 whether it makes sense or not.

16 MS. CAIRNS: I mean, I agree wholeheartedly. I mean, that's, it's frustrating
17 when the disapproval, if it's because of the Comp Plan alone, well then tell us – but if it's
18 because, I guess it's both then we have to weigh more that it's because it's incompatible
19 with the surrounding uses.

20 MR. MANNING: Well, something's wrong then and I agree with you fully.

21 MS. CAIRNS: Maybe we just need a checkbox, is it in approval with the Comp
22 Plan, and then [inaudible] your opinion because – right, I mean. These are frustrating.
23 Sorry.

1 CHAIRMAN PALMER: Alright, any other questions for Staff? Michael Reynolds?

2 **TESTIMONY OF CARRIE REYNOLDS:**

3 MS. REYNOLDS: Good afternoon. I'm Carrie Reynolds, I also signed up to
4 speak. We weren't quite sure how to do that. I want to thank all of you for taking your
5 time to hear our request today. We are requesting the change in zoning from Rural to
6 Rural Residential Estate to achieve the needed relief in side setbacks so that we can
7 build our home in the desired location which is consistent with the homes in our
8 neighborhood. Our family recently relocated to the Columbia area for my husband's
9 new job and we decided to live in Chapin and build our home on Lake Murray. My
10 husband Mike has dreamed of living on the lake since childhood and this is a once in a
11 lifetime opportunity for us to be able to build and live where we can use the amenities of
12 the lake. I'm gonna turn the rest over to Mike.

13 CHAIRMAN PALMER: Thank you.

14 **TESTIMONY OF MICHAEL REYNOLDS:**

15 MR. REYNOLDS: Thank you, Mr. Chairman, and Planning Commission. We
16 started designing our home shortly after I got word of the new job and basically we were
17 kind of pursuing kind of a parallel path because we wanted to be able to complete the
18 relocation in a reasonable timeframe, so we started redesigning the house and
19 searching for lakefront properties at the same time. We found in our search, we
20 searched for about three or four months actually and we looked at a lot of different lots,
21 we found that most were around 90' wide and this is primarily because that SCE&G
22 requires a 100' of shoreline in order to have a private dock on the lake. So that's one of
23 the reasons that these lake lots become long and narrow in nature. We also discovered

1 that side setbacks on lakefront lots were typically in the range of 7.5' or all the ones we
2 had seen were 7.5'. So we did design our house with those factors in mind and we
3 came up with a 70' wide house, which is very typically for houses in the neighborhood
4 and in the general area. The house design was completed before we actually secured
5 the property for, for this parcel. We purchased the subject parcel at 1236 Richard
6 Franklin Road, it met all of our criteria, it had a great location, had nice water view, and
7 it was about 90' wide at the 362 ½ elevation. That's the point where nearly all of
8 lakefront homes are built on Lake Murray because the 362 ½ defines the floodplain and
9 that's the point where you drop the requirement for needing special flood insurance and,
10 and being able to get a building permit in the first place. So we did get a copy of the
11 restrictive covenants for our neighborhood which is called Chamblee Point from our
12 lawyer when we were negotiating the purchase, the contract. We saw that it had
13 setbacks of 7.5', we observed that the houses that are built on the two properties that
14 adjoin our lot were also built at approximately that same distance from the common
15 property line, so we didn't have any question about the side setbacks. However, we
16 later learned that the setbacks for the county for Rural zoning were 20' and that that, of
17 course, prevails. This property is the only remaining undeveloped lot out of the nine lots
18 in Chamblee Point. The subdivision was developed in 1980, so this lot's been
19 undeveloped for 30 years. The lots are quite large, they range in size from one to two
20 acres, but most were designed with a narrow width in order to most effectively use the
21 lakefront on Lake Murray. The widths of these narrow lots is in the range of 90 to 100'
22 at the water line, or at the shoreline where the houses have been built. Our lot size is
23 actually one of the bigger ones, it's two acres, but the width at the 362 ½ is only 90'.

1 And this is, of course, where we desire to build our house, which is the same location
2 that all of other lakefront lots have their houses built, or most of them have their houses
3 built. And also, if I could I have some, I have a handout if I could approach the bench
4 and show you some of these, pass these out, is that permitted?

5 CHAIRMAN PALMER: Sure.

6 MR. REYNOLDS: I just want to refer to some of these figures as I'm finishing up
7 my talk. Okay, so as I mentioned our lot size is two acres but it's only 90' wide near the
8 shoreline, and you can see the layout of the Chamblee Point subdivision shown in the
9 first attachment labeled attachment #1 and the subject property is lot #8. And that
10 comes from the original layout of the neighborhood, those lot numbers are the same.
11 The lots in Chamblee Point were also designed with 7.5' setbacks in mind as
12 demonstrated by the recorded covenants for the subdivision. The 7.5 setback restriction
13 consumes only a total of 15' and leaves 75 to 85' to build your house if you had the 7.5'
14 setback. In fact, the existing houses are 70 to 85' in width so our house would be at the
15 low end of the houses that are already in the neighborhood. In fact, the 7.5' setback
16 restriction enabled these houses to be built on the long narrow lots. All of the lots in
17 Chamblee Point are zoned Rural as we've mentioned already. The current restriction for
18 side setbacks is 20'. All of the houses that are on these long narrow lots are built
19 substantially well within the 20' of the property side lot lines and consequently they are
20 out of conformity with current RU zoning restrictions or requirements, and this is not to
21 say they were out of concurrence or conformity when they were built. This can be seen
22 in the aerial map that's shown as attachment 1. We do know that two lots received
23 variances for side setbacks from the Board of Zoning Appeals in 1987. And it seems

1 apparent that the remaining houses must have been built before the zoning came into
2 full effect in the area because again, many of those are also built within the 20' side
3 setback range. There are two lots that adjoin our subject property and both of these are
4 also zoned Rural. The lot at 3 Charisse Court adjoins the subject property on the south
5 side and the house is built 8' from the common property line with our lot. The lot at
6 1232 Richard Franklin adjoins the subject property on the north side and that house is
7 built 8' from the common property line. This situation with the two adjoining lots can be
8 seen in the aerial map shown as figure 2 or attachment 2. The current setback, the 20'
9 setback restriction consumes 40', which is almost half of the buildable width of our lot.
10 The house that we planned to build being 70' wide and having similar size and shape to
11 other houses in the subdivision but we cannot built it in 50' width. The proposed location
12 for building our house is near the shoreline which is similar to other lakefront homes in
13 the general, in our subdivision and in the general vicinity and you can see this in
14 attachments 3 and 4. We did request a variance from the Board of Zoning Appeals on
15 1.14. We explained all these facts. We explained that we couldn't alter the house to take
16 out 30% of the width of the home and that we couldn't move it back far enough on the
17 lot in order to be able to relieve these restrictions. The Board of Zoning Appeals voted to
18 deny our request in a 3/2 split vote. So we are now requesting a change in the zoning
19 of our lot to RSE so that we can build our home with setbacks similar to our neighbors
20 and in a location similar to our neighbors. The new RSE zoning will provide the
21 reduction in setbacks to 10' and this is what we need to achieve this goal. All of the lots
22 in Chamblee Point are currently zoned Rural but we do not believe that this zoning
23 accurately reflects the actual utilization and the true character of this area. The Richland

1 County Land Development Code defines the purpose for Rural as, the Rural district is
2 intended to provide areas for low density agricultural uses and very low density single-
3 family detached residential home construction. RU zoning is intended to provide for the
4 preservation of open space, farmland and rural areas, and to protect and encourage the
5 integrity of existing rural communities. The lakefront lots in Chamblee Point subdivision
6 do meet the criteria for low density and that's primarily because of the long narrow lots
7 that were laid out when the subdivision was developed. These lots have absolutely no
8 current utilization for agricultural purposes and quite frankly due to the very high value
9 of the land for lakefront residential property, that's one of the reasons. I doubt if any of
10 the residents of Chamblee Point would approve of the installation of an animal
11 production facility or any of the other similar agriculture uses that are permitted in rural
12 zoning. The county Land Development Code defines RSE as, intended to be used for
13 single-family detached dwelling units on large estate lots. The requirements are
14 designed to provide for low to medium density rural setting for residential development
15 in areas that separate the more urban communities from the truly rural portions of
16 Richland County. So in closing we believe that this RSE zoning does in fact more
17 accurately represent the current actual utilization of this subdivision as well as the area
18 around it a lot more so than rural does. So we therefore do not agree with the
19 assessment by Staff that RSE zoning is out of character with the established land
20 development pattern of the existing subdivision. We believe that RSE is appropriate for
21 the subject property and that this request should be granted. I'd like to thank you for
22 taking time to hear me, hear this today and would appreciate your careful and thoughtful
23 review of this information.

1 CHAIRMAN PALMER: Thank you, Mr. Reynolds.

2 MR. MANNING: Mr. Chairman, I've got a couple questions if that's okay.

3 CHAIRMAN PALMER: Yes, sir.

4 MR. MANNING: Sir, do your deed covenants restrict subdivisions of lots?

5 MR. REYNOLDS: Ask again?

6 MR. MANNING: Can you subdivide a lot according to the deed covenants in your
7 neighborhood?

8 MR. REYNOLDS: The covenants in the neighborhood actually expired in 2000,
9 so –

10 MR. MANNING: But did they?

11 MR. REYNOLDS: I don't know to be honest.

12 MR. MANNING: I'm a little bit confused, maybe you can clarify this for me.
13 There's a metal building and it appears on the zoning request that's not a part of what is
14 asked to be rezoned, correct?

15 MR. REYNOLDS: It's all one lot actually, and it's a very confusing story, it goes
16 back several years. But the part of the lot where the metal building is located was
17 absorbed onto the adjacent property at 1232 at one point in time. That was actually
18 done for the purpose of building that metal building because there was no home on the
19 1236 lot. And –

20 MR. MANNING: So the metal building actually belongs to 1232?

21 MR. REYNOLDS: No, it, it, it was given back as a part of a divorce decree via
22 quit claim deed and it's all one parcel now. It's one piece and, you know, that's
23 something that we have just been able to accomplish through the system here.

1 MR. MANNING: Alright, so that is one lot.

2 MR. REYNOLDS: Yes, sir.

3 MR. MANNING: And there is –

4 MR. REYNOLDS: It has one map number now.

5 MR. MANNING: - it has its own tax map number.

6 MR. REYNOLDS: One number, the full parcel.

7 MR. MANNING: And there's no request to rezone that.

8 MR. REYNOLDS: No, sir. Well, it's –

9 MS. CAIRNS: Yeah, it is one, those two parcels –

10 MR. REYNOLDS: It's all one parcel.

11 MS CAIRNS: - that show on our map is now one and the whole thing is up for
12 rezoning.

13 CHAIRMAN PALMER: There's no subdividing line on page 49.

14 MR. MANNING: Okay. Then below the dotted line that you have shown me, or
15 the property line between the two lots, there is a narrow structure it appears that's 71',
16 what is that? About in the middle of the lot.

17 MS. CAIRNS: Is it a single wide or something?

18 MR. REYNOLDS: Oh, that was a – sorry, that was a – when we purchased this
19 property it was in a bit of a disarray, it had a mobile home on it that had been there for
20 three years and had never been occupied, so the mobile home has now been removed
21 now that we've purchased the property, we got that taken care of. And there's, you'll
22 also see that there's a three car hauler sitting outside the garage and that's to go really
23 soon. There's a break back wrecker truck sitting out there as well, there's, I mean, you

1 know, when we bought this lot it was a mess and it has a quite a history going back and,
2 you know, some of the animosities that some of the neighbors feel to this lot date back
3 to the previous owner and some of the things that he did, but. The mobile home is gone
4 now, it's just that when we did this plat and had it recorded the surveyors had to show
5 that because it was in place. The mobile home was removed on January 5th, at or about
6 January 5th.

7 MR. MANNING: Okay, thank you.

8 MR. REYNOLDS: Yes, sir.

9 CHAIRMAN PALMER: Any other questions for the applicant? Thank you, Mr.
10 Reynolds.

11 MR. REYNOLDS: Thank you.

12 CHAIRMAN PALMER: Sherry McDonald. Is that right? And there's another
13 one, maybe it's Claude McDonald?

14 **TESTIMONY OF SHERRY MCDONALD:**

15 MS. MCDONALD: That would be Chuck, Charles. I just want to say we've lived
16 on Charisse Court for 17 years now, which is just two homes down from where they're
17 proposing to build their new home. And I live beside the Raines, well they're gonna be,
18 in their location we have one house between us, and all of our lots, the houses are
19 spaced nicely apart. We have a nice break in-between homes and my biggest fear is if
20 they put their house where they propose to put it, it's gonna be right on top of their next
21 door neighbor's home and right on top of the pool of the adjoining home on the other
22 side. Our houses are not patio homes, we have large lots and we bought because we
23 are spaced that way and we'd kind of like to keep it that way, and we just feel that, you

1 know, they knew how it was zoned when they moved there. We just feel that they could
2 possibly build their house back some, that they shouldn't necessarily build on top of
3 their two neighbors on either side as close as they want to. Neither of the two
4 neighbors on either side of them are in favor of this. We believe rules are there for a
5 reason, restrictions are there for a reason and we don't feel that just one piece of
6 property should be rezoned to meet needs of one individual. That's all. And this piece
7 of property by the way it had a mobile home on it because it was a divorce situation and
8 the husband wanted to make sure his ex-wife couldn't resell. It's not because someone
9 was living in that mobile home or would have ever been living in that mobile home. It
10 was just something that was done out of spite – yeah, it was just like that too by the
11 way. [Laughter] And the previous owner built a 5,000, about a 5,000, I could off on the
12 figures, but I believe it's close to a 5,000 square foot metal building on there so they're
13 proposing to change these two acres from rural to residential with a 5,000 square foot
14 metal building on it. Again, I just don't see why they can't put it back and just go by the
15 same rules that everybody else would have to go by if they were to, you know, build in
16 this area. That's all.

17 CHAIRMAN PALMER: Thank you.

18 MS. MCDONALD: Thank you. Sorry.

19 MR. TUTTLE: Mr. Chairman, that creates a question for Staff. Geo, the houses
20 adjacent to this, if they were to burn down what would the requirement be, would they
21 be allowed to build back at the same proximity line or because it's zoned RU would they
22 be under the same 20' restriction?

1 MR. PRICE: We have a provision in our Code that if a non-conforming structure
2 is damaged by fire, wind, rain, you know, some act of God as we call it, then you would
3 be able to rebuild it within a certain timeframe back where it was.

4 MR. TUTTLE: How about an addition or a remodel?

5 MR. PRICE: No, sir. You wouldn't, well – okay, in a residential area if it's
6 nonconforming due to setbacks you can put an addition, a 10' addition along that same
7 nonconforming line but that's the maximum of an expansion with nonconforming
8 setbacks.

9 MS. CAIRNS: And you can't increase the nonconformity.

10 MR. PRICE: You can't increase it.

11 MS. CAIRNS: You have to keep like in the –

12 MR. PRICE: Yes, so if you're 10' off you can go – I'm sorry, if you're 5' off you
13 can go 10' back along that 5' line but you can't encroach anymore into that setback.

14 MR. TUTTLE: Okay, thank you.

15 CHAIRMAN PALMER: So what I'm looking at here from the information provided
16 to us by Mr. Reynolds, the two adjacent properties have 8' setbacks and I know that
17 that's, you know, for whatever reason, the way that either zoning was then, there was
18 no zoning, for a myriad of reasons they could get within their 20' setback. You know,
19 we don't – this land is obviously not rural in nature any longer. Our Comp Plan calls for
20 it to be much more intense than what the current applicant is looking for, for which I'm
21 gonna recommend we take a look at the Comp Plan for this area later on after this case
22 to readdress some issues for this area. But currently the, the, I don't think that the, and
23 I can't speak for the Staff, but you know, they told us their recommendation for denial is

1 not based on the intensity of the use but the lack thereof, that our Comp Plan currently
2 would call for more units on this site than what it's looking to do. I have to applaud Mr.
3 Reynolds due to his, the amount of work and the amount of effort he's gone into it
4 because obviously the first set in this process when you look at a setback situation is
5 not to change the zoning, it's to go in front of the Board of Zoning Appeals and see if
6 they will grant you a variance, which is what they're there for is to grant those. However,
7 in this case he's done his homework, he's done that, he's gone in front of the Board of
8 Zoning Appeals, they denied him. His only avenue now is to come back for a rezoning,
9 which is always a, in my view, the last thing that needs to occur, but in this case I would
10 actually recommend, if I were taking a look at this Comp Plan for this area to be
11 reclassified. I think perhaps it's too intense of a zoning and, you know, like Mr. Manning
12 said, you know, we took a big swath at the whole county and said, you know, we'll take
13 a look at this, see how this thing comes out and when cases come in front of us we'll
14 readdress the Comp Plan as need be or as changes occur in the communities.
15 Obviously I think we missed this area incorrectly with the Comp Plan. I don't think that
16 type of intense development is needed on these lots, especially with them being as
17 narrow as they are. But having said that, I do think that this zoning classification would
18 be appropriate for this area of the county along these stretches, especially with the
19 narrowness and the depth of the lots that is available. I believe Mr. Reynolds, I
20 understand what he said and I buy into his case. Anybody else?

21 MR. MANNING: Just for clarification, the, the estate lot zoning does only allow
22 for one residence, correct?

1 CHAIRMAN PALMER: Correct, he would have to come in and get a lot rezoned,
2 not rezoned, but to get a lot split done if he were to do some sort of finger lot or
3 something like that. Anyone else? Any comments, questions, concerns? Motions?

4 MR. MANNING: Mr. Chairman, I would recommend that we approve this
5 request, even though the Staff has indicated a couple of different reasons why not to.
6 The surrounding area, although rural, has setbacks in place that seem no more
7 restrictive than the applicant's request. The deed covenants that he's subject to would
8 allow his setback. And it appears that there could be no subdivision further of this lot if
9 the request was granted. So I would recommend that we send this forward with
10 approval.

11 CHAIRMAN PALMER: We have a motion. Mr. Price?

12 MR. PRICE: Yes, just for the Record. The covenants that were in place have
13 expired so those would no longer apply, but just for the Record.

14 MR. MANNING: I understand, but it's the intent.

15 MR. BROWN: I second the motion.

16 CHAIRMAN PALMER: And the people who did build prior to the covenants
17 expiring had to build to those covenants, correct? Well, and I know the county doesn't
18 want to get into deeds and -

19 MR. PRICE: It seems that some of them did.

20 CHAIRMAN PALMER: Okay.

21 AUDIENCE MEMBER: All of us did.

22 MS. CAIRNS: Which only required a 7.5' setback.

23 CHAIRMAN PALMER: Right.

1 MS. CAIRNS: You know, I mean, to me what we have here is land that's been
2 subdivided, is in its, you know, it's unlikely barring catastrophic changes to stay in its
3 current subdivision format and that the zoning that we've applied to it, it causes undue
4 restrictions to the actual use or the proposed use, so you know, to me rezoning this to
5 RSE, while the nomenclature drives me nuts, but the, I think it is, it's exactly making this
6 lot have the same rights and responsibilities as its neighbors. And in turn respecting the
7 neighbors in terms of setbacks.

8 CHAIRMAN PALMER: I think this is precisely what the RSE, despite the
9 nomenclature, was intended for.

10 MS. CAIRNS: Well, I guess, I mean, to me –

11 CHAIRMAN PALMER: No, no, no, I'm agreeing with you and I'm pleased to see
12 somebody come in and request the classification which we don't see very often instead
13 of using the rural as a residential zoning and using the RSE for these type areas, we
14 just don't see it very much and I'm actually pretty happy to see somebody doing it.

15 MS. CAIRNS: Yeah, I mean, I just offer, I mean, my whole thing is that when you
16 read out what the county says rural is supposed to be, and then rural allows $\frac{3}{4}$ acre lots,
17 we have within our own Code a completely schizophrenic approach because $\frac{3}{4}$ acre
18 lots are not rural development.

19 CHAIRMAN PALMER: They are in Richland County.

20 MS. CAIRNS: They are suburban development. And half acre lots, RSE, is not
21 an estate lot. A half acre lot is very much hardcore suburban development and $\frac{1}{4}$ acre
22 and $\frac{1}{8}$ acre lots are bordering on urban development to high density suburban, so I
23 just, I mean, that's the whole, like it just makes my toes curl when we describe these

1 flowing terms of what we want our rural landscape to look like and talk about these large
2 lots and this and that, and then say, oh but you can divide it up to $\frac{3}{4}$ acre lots, that's
3 what – so that doesn't apply at all to this specific, but I just, to call these, I mean, this is
4 an estate lot cause it's a two acre lot, you know, but yet, I mean, I would agree, this is a
5 residential estate lot with a two acre lot, it has been subdivided, it is what it's gonna be.
6 But the, and the fact that under our rules it could go to half acre lots I would at that point
7 say, well those aren't really estate lots anymore, you know, we'll call them. So yeah, no
8 I think this is a completely appropriate rezoning because it makes this lot what it's, what
9 the original subdivision intent and what has been expressed in all the other lots that
10 have been developed are completely consistent with what RSE allows in terms of
11 setbacks and protection from neighbors. So in my roundabout way.

12 CHAIRMAN PALMER: Fantastic. We have a motion and a second.

13 MS. CAIRNS: I'll second.

14 CHAIRMAN PALMER: We have a motion and a second. All those in favor of
15 sending case number 12-13 MA forward to Council with a recommendation of approval
16 please signify by raising your hand.

17 *[Approved: Cairns, Westbrook, Tuttle, Palmer, Manning, Brown; Recused: McDaniel;*

18 *Absent: Gilchrist, Van Dine]*

19 CHAIRMAN PALMER: And there's none opposed. In case you guys weren't
20 here for the previous, this comes back forward in front of Council on the 27th. Okay.
21 Thank you. And we had the other two cases taken off. We moved Pinnacle Point to the
22 end of the map amendments so now we're at the subdivision review. And just for the

1 Record again I read into the Record previously the recusal of Mr. Tuttle so we don't
2 have to go through all that again. Mr. Price?

3 **CASE NO. SD-05-231:**

4 MR. PRICE: We have Hope Hasty, our Land Development Administrator
5 [inaudible].

6 [Inaudible/irrelevant discussion - laughter]

7 CHAIRMAN PALMER: Ms. Hasty.

8 MS. HASTY: Thank you. Okay, this is Pinnacle Ridge at Lake Carolina, the
9 commercial district, project number SD-05-231. The applicant is Lake Carolina
10 Development, LLC and of course this is within the Lake Carolina community adjacent to
11 Hardscrabble Road. Tax map number 23200-01-20, and it's currently zoned PDD,
12 Planned Development District. And you can see in your packet there's an aerial and
13 also a sketch plan that's displayed there on the Staff Report. The applicant is proposing
14 two new roads and an alley off of Leebrook Drive and Pinnacle Ridge subdivision, and
15 these new roads will provide access to eight commercial lots. And you can also see a
16 buffer that's proposed there, I don't believe there's a specific width proposed. Several
17 of the lots back up to Hardscrabble Road and the others back up to the preserved open
18 space at the entrance of Lake Carolina. And the general development plan for the PDD
19 designates 10.3 acres of commercial use for that parcel of land.

20 CHAIRMAN PALMER: Just for clarification, is this just specific to the Lake
21 Carolina PDD as to why these continue to come in front of us, but this is a by right
22 action they have? But what's the –

23 MS. HASTY: That's my understanding.

1 CHAIRMAN PALMER: - what's the purpose of the PDD, it's just rubberstamp
2 approval kind of? I mean, I mean, you can make a PDD say anything you want it to say
3 so if the PDD says it has to come in front of the Planning Commission for approval, it's
4 just a step it has to take.

5 MR. PRICE: Yes, sir. If you remember the Planning Commission used to review
6 subdivisions.

7 CHAIRMAN PALMER: Right.

8 MR. PRICE: But it's written into the Lake Carolina PDD that they would continue
9 to come before the Planning Commission.

10 CHAIRMAN PALMER: Okay.

11 MR. PRICE: So that's why they do this.

12 MS. CAIRNS: Well, I could offer that when you, the PDDs, you know, in their
13 theoretical state are, are to allow mixed use development and so when a developer
14 offers a PDD and leaves future development, that it's our job to review the specifics of
15 that development to make sure that the mixed use is appropriately protecting the
16 existing uses, since they didn't show it, you know, like so the, like the fact that the roads
17 are backing up to this commercial, these residential lots is something that we get to
18 review because we allowed you to mix your uses whereas with straight rezoning in
19 theory you wouldn't have that same –

20 MS. HASTY: Yeah, so the, the specific use was designated on the PDD
21 document but the, obviously the roads are new, so the road layout and everything is
22 subject to you all's review.

1 CHAIRMAN PALMER: But on the PDD document this area is labeled
2 commercial.

3 MS. HASTY: Commercial, correct.

4 CHAIRMAN PALMER: This whole area, okay. Okay. Fantastic.

5 MS. CAIRNS: Do these lots have the right to curb cut on Hardscrabble, the
6 commercial lots that front Hardscrabble, are they gonna curb cut on Hardscrabble?

7 MS. HASTY: They have not shown that on this application. I don't know if that's
8 been determined at this time. But this sketch plan that you see in the packet is what
9 was provided to us. Again, of course that is a state road with DOT's jurisdiction over
10 that, but I don't know what will be allowed. I don't know if that will be requested. I
11 would assume with the proposed road layout, it does appear they would all have access
12 to a proposed road or alley that is shown on the sketch plan.

13 CHAIRMAN PALMER: Any other questions for Staff? Thank you. Any motions?

14 MR. MANNING: Mr. Chairman, I'd like to make a motion that we send –

15 CHAIRMAN PALMER: This is just a review, I mean, this is just for approval.

16 MR. MANNING: - that we agree with the Staff Report for Pinnacle Point Ridge at
17 Lake Carolina. That number is SD-05-231.

18 MR. BROWN: Second.

19 MS. CAIRNS: There is no Staff Report.

20 CHAIRMAN PALMER: So it's just a motion to approve?

21 MR. MANNING: Right. I mean, that was their recommendation.

1 CHAIRMAN PALMER: Okay, we have a motion and a second to approve the
2 subdivision review for case number SD-05-231. Any other discussion? All those in
3 favor please signify –

4 MS. CAIRNS: Wait, I'm just, I'm baffled. I don't see a Staff Report, I don't see a
5 recommendation. I can offer that I'm concerned about the fact that these existing
6 residences are getting a commercial road next to them with this, like buffer but without, I
7 mean, I don't have any idea what [inaudible] is buffered, but I mean, I just, the fact that
8 these houses knew there'd be commercial doesn't necessarily mean that they knew
9 there'd be a road, which maybe it's better, maybe it's worse, but.

10 CHAIRMAN PALMER: Heather, I understand your concern to some point I
11 guess, however –

12 MS. CAIRNS: [Laughter] No you don't.

13 CHAIRMAN PALMER: I mean, these residents knew this was commercial,
14 there's a proposed buffer zone, there's a road involved with commercial with getting
15 access to the commercial lots. Nobody's dropping something on these residents that
16 they had no clue was coming in there, this is not a rezoning, this is all per the PDD that
17 was already previously proposed and approved and this is simply a layout form.

18 MS. CAIRNS: Okay, but I still think if, with the commercial lots there would be a
19 requirement of the commercial lots to buffer the residential lots.

20 CHAIRMAN PALMER: Which I think they've done.

21 MS. CAIRNS: And now what we have is this buffer, but it's like, what kind of a
22 buffer is it, a maintained buffer? Who has the responsibility? Does it just become grass
23 at which point there's really no buffer because the commercial lots are now fronting a

1 road, not backing up to residential lots which require them to buffer. So, you know, I'm
2 not convinced that this is protecting the residential lots as well as just having a
3 commercial lot buffer up to them would.

4 CHAIRMAN PALMER: Does the PDD outline what buffers are required? Would
5 the county's regulations for commercial lots, the setbacks, the buffering that's required
6 now between a commercial lot and a residential lot apply?

7 MS. HASTY: Currently, well I mean, the standard now is 10' per the ordinance
8 between commercial and residential.

9 CHAIRMAN PALMER: Right. So the max – so if there's nothing outlined in the
10 PDD when the residential customer bought their lot, they then fall back on the current
11 county guidelines which is a 10' buffer.

12 MS. HASTY: Yes, unless is something is specified in the PDD ordinance.

13 CHAIRMAN PALMER: Right.

14 MS. HASTY: Of course, we fall back to the Land Development Code when that's
15 not the case.

16 CHAIRMAN PALMER: And so this proposed buffer goes above, actually since
17 they're not planning on building anything on that buffer, I mean, they, I guess
18 commercially you could put lots all the way that back up to these residential lots and just
19 have a 10' buffer between those residential lots if you were just to develop it
20 commercially.

21 MS. HASTY: Yeah, if this was zoned, let's say it was zoned commercial and
22 somebody came in with a [inaudible] plan, a 10' buffer would be required between the
23 two uses.

1 CHAIRMAN PALMER: Right. Okay.

2 MS. HASTY: And keep in mind too, this is the sketch plan for a subdivision, so,
3 and these typically of course go to DRT. But the next stage of that is preliminary plans
4 or construction drawings.

5 CHAIRMAN PALMER: Right.

6 MS. HASTY: So, and things generally get into more detail at that level too, so.

7 CHAIRMAN PALMER: Right. Thank you.

8 MS. MCDANIEL: So why is this before us?

9 MR. PRICE: That's the way it's written. Ideally, this would just go to DRT as
10 other subdivisions go, it's just the way the language is written [inaudible] it has to come
11 before the Planning Commission.

12 CHAIRMAN PALMER: And this is the only one left in the county like this. This is
13 the only one that we'll ever see is Lake Carolina.

14 MS. MCDANIEL: That's a big one.

15 CHAIRMAN PALMER: Well, that's just because it's taken so stinking long to
16 build out. We have a motion and a second. Any other discussion? All those in favor
17 please signify by raising your hand. All those opposed?

18 *[Approved: Westbrook, McDaniel, Palmer, Manning, Brown; Opposed: Cairns; Recused:*
19 *Tuttle; Absent: Gilchrist, Van Dine]*

20 CHAIRMAN PALMER: Alright, text amendments. Y'all want to take a break or
21 keep going?

22 MS. MCDANIEL: Let's go.

23 MR. WESTBROOK: Keep going.

1 CHAIRMAN PALMER: No breaks for this group, let's go.

2 **TEXT AMENDMENT #1:**

3 MR. PRICE: Yes, the ordinance that you have before you, essentially what it
4 does is it removes the language regarding an encroachment permit from DOT. And the
5 reason behind that was because as we, as the county has adopted the 21 day review
6 process, one of the things that we've tried to eliminate is the waiting period that we may
7 have from other agencies that are, you know, beyond our control and so this is one
8 where sometimes we may give approval but we're still waiting for DOT, so. But the
9 applicant is still required to have approval from the Department of Transportation. That's
10 the first part. And also if you'll turn to page 73 in your Agenda under Exceptions, one of
11 the things that we've done was we included South Carolina Department of
12 Transportation into this language and the purpose of it is it kind of gives us some
13 flexibility cause there are some cases that DOT will kind of vary from their regulations.
14 Our regulations actually were taken from DOT so they actually, you know, they mirror
15 them. But there are some occasions where DOT will essentially grant a variance to
16 those. However, our regulations don't, so DOT may say it's okay, we're stuck by ours to
17 say, yes you must do it this way, and the only other option is to take it before the Board
18 of Zoning Appeals, and which, you know, if you look at the criteria in which the Board,
19 you know, should approve or deny a request, it's gonna be tough for them to even grant
20 that variance.

21 CHAIRMAN PALMER: Okay. Any questions of Mr. Price? Any motions?

22 MR. MANNING: Mr. Chairman, I'd like to make a motion that we adopt, what
23 would this be called –

1 CHAIRMAN PALMER: Send forward Text Amendment #1 for approval or
2 disapproval?

3 MR. MANNING: Okay, Text Amendment #1 for approval.

4 CHAIRMAN PALMER: We have a motion, do we have a second?

5 MR. TUTTLE: Mr. Chairman, I've got a quick question for Geo. Back on this
6 item 5 that you were discussing, I guess this is already in there so it's not a change, so
7 never mind. I withdraw. I'll second the motion of Mr. Manning.

8 CHAIRMAN PALMER: We've got a motion and a second. All those in favor
9 please signify by raising your hand.

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

12 CHAIRMAN PALMER: There's none opposed. Other Business?

13 MR. PRICE: The Other Business, one of the things that we talked to you about,
14 Mr. Chair and Mr. Vice-Chair, was rather than just trying to spring up ordinances on you,
15 which that's not our intent, you know, we have an ordinance, we'll bring it before you
16 and I know sometimes that does cause a lot, you know, I guess we sometimes expect
17 you to be able to take it in based on the limited discussion that we have and also make,
18 you know, to grant approval or denial of it. What we've done is, what you have before
19 you are a number of text amendments that we're proposing to bring before you in April,
20 but we figured if we bring them to you now we can just give you just a quick outline of
21 what the purpose of them are, then you can, you know, have a chance to kind of, you
22 know, I'm sure over the next 30 days look at them and think about what you would like
23 to do with them.

1 CHAIRMAN PALMER: [Inaudible] out in the community, see if we see any
2 problems with them?

3 MR. PRICE: Yeah, exactly. And that way when you come back if you have any
4 questions for Staff. So I just wanted just to go over them really quickly. The first one that
5 you have before you regarding sidewalks, what this language does is it just specifies
6 that the Richland County Public Works Department gives them some flexibility on
7 whether they would like to approve or deny sidewalks in their right-of-way. Currently the
8 way the ordinance is written it allows DOT to do this, but just wanted to just be more
9 specific that our Public Works Department has the same options.

10 CHAIRMAN PALMER: Okay.

11 MR. PRICE: The –

12 MR. MANNING: So you're saying that Public Works can deny sidewalks in the
13 right-of-way but if the subdivision requirement requires it, what's gonna happen then?

14 MR. PRICE: Well, there are some cases –

15 MR. MANNING: Are you gonna just eliminate the need for the sidewalk?

16 MR. PRICE: Well, the chances are within a subdivision there are going to require
17 those, but there are some – and we don't have a lot of county roads to where these
18 subdivisions are gonna come across, but there are some where it's just really not
19 appropriate to have those, whether it be topography issues, whether it be connectivity,
20 it's just not appropriate, and so we wanted just to make sure in case that were to occur
21 then we would have, you know, some regulations that would allow us to waive those.

22 CHAIRMAN PALMER: I think a fine example would be that gas station heading
23 out Percival to 601. You see the sidewalk that goes up in the air, cracks off?

1 MR. MANNING: You know, I agree [inaudible] build sidewalks that are gonna get
2 us nowhere, but you know, as a part of that discussion earlier on the transportation,
3 whatever we adopted, whatever you call that that Carl was working on last year, it had
4 fee in lieu as a part of it. And I don't know whether that's part –

5 MR. PRICE: But that was not part of their approval.

6 CHAIRMAN PALMER: It never got traction.

7 MR. MANNING: Okay.

8 CHAIRMAN PALMER: Alright?

9 MR. PRICE: Then page 77, you know, previously we said that light poles must be
10 silver or gray or a similar color and what we did, we just eliminated black and we found
11 that to be a bit troubling for the development industry and we really, since we went back
12 and looked at it we couldn't really find why it made sense to do that. So what we're
13 doing is just bring that back to allow the black.

14 MR. MANNING: Can I recommend something too? On form based codes, on all
15 of these overlays they've got language like that in them and you need to take a look at
16 those too.

17 MR. PRICE: Which ones?

18 MR. MANNING: Not necessarily on light poles, but some of the form based
19 codes overlay districts where we're adopting specific language for neighborhoods –

20 MR. PRICE: Oh, like the master plan?

21 MR. MANNING: - I mean, that goes to the same kind of issue as gray and black.

22 MR. PRICE: The master plan, yes, sir.

23 MR. MANNING: Alright.

1 MR. PRICE: Okay, the third text amendment on page 79, when we brought the
2 M-1 zoning designation over from the previous code, I guess the idea was we would
3 look at that, or at least the Planning Commission would, and then forward a
4 recommendation to Council, which you did. The way that language is written currently
5 is says, no parking lot shall be permitted within any required setback. And Staff was
6 taking a look at this I think the intent, really the M-1 district is more of a commercial
7 district, that's just how we kind of see it, and we, being that it's more in line with General
8 Commercial we think the regulations for parking should be similar. Kind of looking
9 ahead, we thought that the point of the, not allowing parking in a required setback, so
10 let's say for example, in a truly industrial area, I think, I always Square D as a good
11 example where you have a large building, you have this sea of parking and the idea is
12 to, you know, put your building up and put your parking in the rear. But this typically has
13 become a problem especially in areas that are zoned M-1 where predominantly it's a
14 commercial use.

15 CHAIRMAN PALMER: Okay.

16 MR. PRICE: And the – I think this is the last one I hope, where communication
17 towers are allowed by special requirement in most of our zoning designations, actually
18 in all of our zoning designations, commercial, except for the M-1 and I'm not exactly
19 sure why, it was just, maybe it was just because we took the M-1 over and we were
20 gonna revisit it, but M-1 is the only zoning designation that allows it outright, well at least
21 by special requirement so we said just go ahead and let it mirror the other commercial
22 and industrial zoning designations [inaudible] special exception.

1 CHAIRMAN PALMER: I thought you got more of that with M-1. I'd imagine it
2 was left alone cause why fool with it when there's a possibility of it being sunsetted, so
3 you probably got more of that stuff going on in M-1. If we're gonna keep it around we
4 got to bring it up to –

5 MR. PRICE: Right, and I think one of the things that – the two that you had
6 before you are some of the ones that we, are kind of recurring on a regular basis with us
7 so that's why they were brought, but we will go back and revisit the M-1. Oh, also, I'm
8 sorry, not go back, I spoke to a citizen and one of the ideas that they had was as far as
9 for the M-1 and the parking, maybe look at reducing the setbacks in a commercial
10 district to bring the buildings closer so by default parking will go in the rear. That's just
11 an idea someone asked that I bring before the Planning Commission. And finally on
12 page 87, they're looking at special requirements for swimming pools. It requires that
13 there be some type of fencing erected with, and equipped with a self-closing gate
14 provided with hardware for permanent locking. The Zoning Division of the Planning
15 Department, I can't think of one swimming pool that we've gone out to take a look at.
16 One of the – before this was even brought before you one of the things that we wanted
17 to ensure that there would be some regulations to help, you know, protect the public
18 and that the, it is our understanding that the Richland County Building Code in which we
19 will have a copy of that regulation next month, does have requirements for fencing and
20 gates for swimming pools. So it is actually being reviewed. One of the concerns, of
21 course, was that it's in the zoning ordinance and if we are not checking those it could
22 subject us to some type of, you know, legal action if something were to happen, if we
23 haven't gone out there and enforced the provisions of the Code.

1 CHAIRMAN PALMER: This is for residential as well as commercial.

2 MR. PRICE: Yes.

3 CHAIRMAN PALMER: Any swimming pool.

4 MR. PRICE: Yes.

5 MR. MANNING: So who has final approval authority on swimming pools, DHEC?

6 MR. PRICE: It would be the Building Department because when you come in to
7 get a, before you legally establish a swimming pool you should come in and get a
8 building permit and so they're actually reviewing it through a number of stages, and
9 final, before they give final approval they will check for the fencing and gate.

10 MR. MANNING: But to operate you have to get a certificate from DHEC, correct?

11 MR. TUTTLE: On a commercial.

12 CHAIRMAN PALMER: On the commercial.

13 MR. MANNING: Just the commercial?

14 MR. PRICE: Right, but see this would also go to residential also.

15 MR. TUTTLE: Okay.

16 CHAIRMAN PALMER: So our building officials have to know how to put in pools
17 too now? To check behind people that are putting the pools in?

18 MR. PRICE: I believe so. Ms. Linder –

19 CHAIRMAN PALMER: Yes, ma'am?

20 MS. LINDER: I believe when this ordinance comes back to you next month that
21 whole paragraph is gonna be deleted. This was a draft as we were in discussion –

22 CHAIRMAN PALMER: Right.

1 MS. LINDER: - and I believe the final draft will have that whole paragraph
2 removed.

3 MR. PRICE: Yeah, she's correct and the reason behind it was just taking out the
4 entire, entire paragraph was because even though it will state that the Building
5 Department, or excuse me that the [inaudible] must comply with the International
6 Building Code, once again that still puts it on zoning for enforcement. It just says how it
7 has to be done, so we wanted to remove all of that and let the building code, when
8 somebody pulls a permit, be responsible for the fencing and the gate.

9 CHAIRMAN PALMER: So get it out of the zoning code all together.

10 MS. CAIRNS: Right.

11 CHAIRMAN PALMER: Alright, great. Okay. And that's all. The November – we
12 got establish a date for the roundtable work session. March the 8th at 2:00 or March
13 15th.

14 MS. MCDANIEL: Neither of those dates would work for me.

15 MS. CAIRNS: What is it, March 8th at 2:00?

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

17 [Inaudible discussion]

18 MR. PRICE: Those are dates suggested by Staff just looking at it, but if there's a
19 better time for, you know, the Planning Commission as a whole we'd be, we can look
20 into that.

21 MR. BROWN: The 15th works better for me.

22 CHAIRMAN PALMER: How does the 15th sound to everybody? So far so good?

23 [Inaudible discussion]

1 MS. CAIRNS: Well, I can be there at – I do at 3:15. But I've also got some
2 volatility coming up, I mean, I've got some family issues that make my schedule
3 irregular for the next couple weeks, so.

4 CHAIRMAN PALMER: Okay. Alright, well -

5 MR. MANNING: You said 2:00?

6 CHAIRMAN PALMER: Yeah.

7 MR. MANNING: Can we make it earlier than that?

8 CHAIRMAN PALMER: Yeah.

9 MR. PRICE: If you want to make it earlier let us know.

10 CHAIRMAN PALMER: What time do the lanes open?

11 [Inaudible discussion]

12 CHAIRMAN PALMER: What time you get off the lanes, Mr. Westbrook?

13 MR. WESTBROOK: Beg your pardon?

14 CHAIRMAN PALMER: What time do you get off the lanes?

15 MR. WESTBROOK: Oh, that's only on Mondays. [laughter]

16 CHAIRMAN PALMER: Let's shoot for the 15th. Maybe if we can do it around
17 lunch, maybe 1:00?

18 MR. PRICE: That's fine, 1:00.

19 CHAIRMAN PALMER: Get some sandwiches brought in?

20 MR. PRICE: You know what, no promises but we'll see what we can do about
21 food.

1 CHAIRMAN PALMER: Fantastic. That means come hungry. [laughter] Okay,
2 just shoot us out an email if you would to see if – I guess you've got to get the
3 roundtable to agree too, huh?

4 MR. PRICE: Yes.

5 CHAIRMAN PALMER: Okay.

6 MR. PRICE: I mean, it's more so for you but I think they, we can get a number of
7 them to come in.

8 CHAIRMAN PALMER: Okay.

9 MR. BROWN: Is that gonna be in here or on the fourth floor?

10 MR. PRICE: We'll probably have it on the fourth floor.

11 CHAIRMAN PALMER: Alright, County Council Report of Action, did everybody
12 see that? That's another change to our Agenda we got put in there now.

13 MS. LINDER: [Inaudible]

14 CHAIRMAN PALMER: The November Planning Commission? First or the
15 eighth?

16 MR. PRICE: This is, you know, we can do it now. It's not pressing because
17 November is still a few months away. But it is an issue that came up.

18 CHAIRMAN PALMER: Alright, let's just decide next month on the first or the
19 eighth, could y'all go with that?

20 MR. TUTTLE: Sure.

21 CHAIRMAN PALMER: I mean, I'm typically booked, but I'm not booked six
22 months out.

23 MS. MCDANIEL: What's the conflict?

1 MR. PRICE: The voter registration will be using the chambers I guess for an
2 election.

3 MS. MCDANIEL: Okay.

4 CHAIRMAN PALMER: Okay.

5 [Inaudible discussion]

6 CHAIRMAN PALMER: The County Council Report of Action? I think that we
7 just, I don't know that we need to go over that unless somebody has questions.

8 MR. PRICE: No, it's just for information purposes only. That's of course for first
9 reading. It's a little more difficult some time to follow up on, you know, if they were
10 reading a final outcome, but typically first reading will, kind of indicates the position that
11 Council is taking on a matter.

12 CHAIRMAN PALMER: Okay.

13 MR. MANNING: Question on this Council Report. The ordinance on group
14 housing, that was an ordinance that was actually initiated and had first and second
15 approval before we got a hold of it?

16 MR. PRICE: No, sir, that was actually, I don't think it, it never received first
17 reading, it was just brought before you. It was initiated by Council, but it was brought
18 before you and it was –

19 MR. MANNING: It didn't have first reading approval?

20 MR. PRICE: No, sir.

21 MR. MANNING: What were their concerns on housing, residential?

22 MR. PRICE: It seems like there were a few concerns. I think primarily there
23 were a number of Councilmembers that, in their particular areas they have a number of

1 groups homes and they were afraid that, that this was just gonna open up a number of
2 doors to have more of these in their areas.

3 MS. MCDANIEL: So was that not a concern before Council initiated that text
4 amendment?

5 MR. PRICE: Well, sometimes they will initiate something mostly for your
6 recommendation just to see, so everybody can kind of at least look at, not necessarily
7 because they're in support of it.

8 CHAIRMAN PALMER: Okay, I have one other thing and I think Mr. Tuttle has
9 something too. If you guys could bring back to us next week, or not next week, next
10 month or sometime in the next 60 days, 90 days, relook at that Lake Murray area with
11 the Comp Plan. I think that's an area we need to bring back up for discussion. See if
12 the –

13 MS. CAIRNS: [Inaudible] proactive zoning? [Laughter]

14 CHAIRMAN PALMER: No, this is the Comp Plan, this is different. This is
15 different than zoning, this is the Comp Plan.

16 MS. CAIRNS: That's true.

17 CHAIRMAN PALMER: See if it's something that whole area, we need to take a
18 look at and see if you guys would recommend changing the Comp Plan in that area,
19 cause it seems like with the narrowness of the lots, you know, putting four – I don't
20 know how four lots would be approved on that one. You know, I mean, I think just –

21 MR. PRICE: Yeah, I think as Mr. Manning stated earlier, we just kind of, we did
22 kind of throw a blanket on there, suburban. And so what it does is it, it really, from a
23 Staff standpoint, you know, I think you're correct, we get stuck sometimes –

1 approval/denial, based on what's in the Comp Plan, that doesn't mean that's necessarily
2 what we would normally recommend and what we think. It's just that we try to base it
3 on what the Comprehensive Plan states.

4 CHAIRMAN PALMER: Do you guys, if the Comp Plan says something, do you
5 guys go against the Comp Plan?

6 MR. PRICE: We have not. What we've discussed and you'll probably start to see
7 it a little bit more in the future agendas is that we will state Staff's position based on the
8 Comp Plan but we will also try to include some additional language on some of the, you
9 know, other alternatives that we may see.

10 CHAIRMAN PALMER: Do you feel you're tied to the Comp Plan? Do you feel
11 like you could make recommendations against the Comp Plan?

12 MR. PRICE: I think there are some cases that we probably could. It's not too
13 often but there's some, you know, for example if we go back a few months, we had a
14 rezoning in Longcreek Plantation where it was kind of more infill where the applicant
15 was asking for, I think RS-LD. According to the Comp Plan of course, that falls beneath
16 the four acres, minimum of four acres, and so our recommendation based on that was
17 for denial, but clearly the way the area was already developed LD was the appropriate
18 zoning. So you're gonna run into cases like that where, you know, clearly we could go
19 against what the Comprehensive Plan recommends.

20 MS. MCDANIEL: And the Comprehensive Plan, that's only one of the four, you
21 know, considerations for a rezoning.

22 MR. PRICE: Three?

23 MS. MCDANIEL: There's four.

1 MR. TUTTLE: Uh-oh. You might want to go out of session.

2 MS. MCDANIEL: No, I was just saying that I know that there's no ordinance or
3 statute that requires you to only look at the Comprehensive Plan.

4 MR. PRICE: Correct. And one of – maybe we've been kind of looking at it
5 because what it does is a – it allows Staff to maintain a level of consistency with our
6 recommendations.

7 CHAIRMAN PALMER: Mr. Tuttle, you had something?

8 MR. TUTTLE: Yeah, I'd like for you to get us out of session first. It can be off the
9 Record.

10 CHAIRMAN PALMER: Anybody else? Anything? Motion to adjourn.

11

12

[Meeting Adjourned at 3:30 pm]