

**RICHLAND COUNTY PLANNING COMMISSION****March 4, 2013**

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*[Members Present: Heather Cairns, Olin Westbrook, Kathleen McDaniel, David Tuttle, Patrick Palmer, Stephen Gilchrist, Howard Van Dine, Bill Theus, Wallace Brown, Sr.]*

Called to order: 1:00 pm

CHAIRMAN PALMER: Alright, we'll call the March meeting of the Richland County Planning Commission to order. Allow me to read this into the Record. In accordance with the Freedom of Information Act, a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification and posted on the bulletin board located in the lobby of the County Administration building. Do we have a motion on the Minutes for the February meeting?

MR. BROWN: Mr. Chairman, I would like to note I am on time today. [Laughter]

CHAIRMAN PALMER: So noted.

MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we approve the Minutes as submitted in our package.

MR. THEUS: I have one correction, Mr. Chairman, I was not here. It says I was here.

CHAIRMAN PALMER: Okay. Will you amend your motion?

MR. TUTTLE: Yeah, Mr. Chairman, I'd like to approve the Minutes from the last meeting with the correction that Mr. Theus was not in attendance.

MR. GILCHRIST: Second, Mr. Chairman.

CHAIRMAN PALMER: We have a motion and a second. All those in favor say aye?

1 [Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Brown; Abstained:  
2 Van Dine, Theus]

3 CHAIRMAN PALMER: None opposed.

4 MR. VAN DINE: Mr. Chairman, for the Record, since I wasn't present I did not  
5 vote on the approval of the Minutes.

6 CHAIRMAN PALMER: Okay.

7 MR. VAN DINE: I abstain.

8 CHAIRMAN PALMER: Do we have any Agenda amendments?

9 MS. HEGLER: The first [inaudible] Case 13-06MA was administratively  
10 withdrawn. We've also cancelled the work session that was to directly follow this  
11 meeting. I think that would have appeared in your amended Agenda as well. We also  
12 have a request for you to consider the JLUS presentation that's being presented by the  
13 COG. If you would consider moving that forward in the Agenda, at your discretion, either  
14 maybe before or after the Map Amendments. We have some out of town consultants  
15 here.

16 CHAIRMAN PALMER: [Inaudible].

17 MS. HEGLER: And if I might take just a moment to introduce a new Staff  
18 member. We have a new County Engineer on board, Ishmael Osbeck. He may be  
19 familiar to many of you. But he's been here three weeks, real excited to be on the job,  
20 we're happy to have him. And that's all I have.

21 CHAIRMAN PALMER: Okay. Any other additions or changes to the Agenda?

22 MR. VAN DINE: Do those have to be approved by a motion?

23 CHAIRMAN PALMER: Yes.

1 MR. VAN DINE: Then I'll so move.

2 MR. TUTTLE: Second.

3 CHAIRMAN PALMER: We have a motion and a second to approve the amended  
4 Agenda. All those in favor say aye.

5 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine, Theus,*  
6 *Brown]*

7 CHAIRMAN PALMER: Road names?

8 MR. VAN DINE: Move they be approved, Mr. Chairman.

9 MR. TUTTLE: Second.

10 CHAIRMAN PALMER: We have a motion and a second. All those in favor say  
11 aye?

12 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine, Theus,*  
13 *Brown]*

14 CHAIRMAN PALMER: Alright, let's hear about this, the JLUS with the COG.

15 **JLUS PRESENTATION BY COG:**

16 MR. WHITTAKER: Thank you, Mr. Chairman. I'm Norman Whittaker from Central  
17 Midlands Council of Governments. We've worked for several years with the Department  
18 of Defense Office of Economic Adjustment on land use planning for the areas near our  
19 military installations, and I gave you a briefing two months ago about the JLUS  
20 implementation project we're working on. JLUS stands for Join Land Use Study and we  
21 have a, a plan, a long-range policy plan for land use compatibility in the areas around  
22 McEntire and Fort Jackson that was adopted in 2009. And now our consultants have  
23 been working very closely with the Richland County Planning Commission Staff and the

1 COG for the past six to eight months on developing planning policies and possible  
2 zoning amendments, text amendments and map amendments to create overlays to  
3 ensure the continued compatibility of our military installations and the surrounding  
4 communities. We've gone way beyond what we're required to do on public participation.  
5 We had three different occasions where we notified approximately 2,000 property  
6 owners by mail in order to make them aware of their opportunity to come to public  
7 meetings. We've had very well attended meetings; our last go round we spent quality  
8 time with the property owners who attended, about 25, looking at their property on  
9 maps, letting them know how they would be affected if the overlay zones were adopted.  
10 This is one of the more important planning issues you'll consider [inaudible] because the  
11 military is so important to our economy and the future. And our consultants have  
12 developed some recommendations that we think will help demonstrate to the  
13 Department of Defense that our community is serious about making sure that our  
14 military installations are sustainable here. But a lot of the time we've put in has been on  
15 making sure that the recommendations would not be adverse to the interests of the, the  
16 property owners who live near the facilities. Our consulting team consists of Benchmark  
17 Consultants from North Carolina, and Tyson Smith from, from Charleston, who's written  
18 the zoning language, and Vaughn Hanson is gonna give you a brief presentation on the  
19 overlay districts and, and the –

20 MR. VAUGHN HANSON: Thank you. Thank you again. As Norman said the  
21 purpose of the project was really threefold; to begin, implementing recommendations  
22 from the 2009 Joint Land Use Study, to develop a modular toolbox of compatible land  
23 use strategies that could be used by Richland County and the City of Columbia, any

1 other municipality or county in the region that's impacted by some of these concerns  
2 posed by the military installations in compatible land use, and also to begin enhancing  
3 the regional cooperation on compatible land use issues by developing a framework for a  
4 structure of a, of an organization that could work together between jurisdictions to better  
5 address these issues. There were two main study areas that the Office of Economic  
6 Adjustment wanted the COG to look at, arising from the 2009 Joint Land Use Study for  
7 implementation purposes. The first of these is along Leesburg Road, the general area  
8 south of Fort Jackson. The other of these areas is around the general area around  
9 McEntire Joint National Guard Base. Norman spoke a little bit about the process.  
10 Basically started with doing background research, we interviewed folks in the  
11 community, developers, we interviewed the military base officials, government officials  
12 from various sectors. We then moved into the community input phase where we had  
13 some public meetings. We looked at some development scenarios about what the  
14 future could look like around the base without any controls over certain types of  
15 building. We took those development scenarios back for additional community review  
16 and then began working on some plan and ordinance amendments that could be  
17 forwarded to the county as well as other jurisdictions. And then we developed a final  
18 plan for implementation and had that go to the Technical Committee, the Council of  
19 Governments, as well as the Policy Committee, which is a full board of the Central  
20 Midlands COG which actually recommended approval and accepted the Joint Land Use  
21 Study Implementation Plan at its meeting last Thursday. There's just a couple of images  
22 from some of the public meetings we had; the first one back in August of 2012 at the  
23 Region 1 Sheriff's Substation. We filled the room up and so in November we went back

1 and got a bigger room across the parking lot at the high school and not as many people  
2 showed, we still had about 60 there, but about 150 people came to that first meeting.  
3 And so we've had extensive public input. Like Norman said, we also had another  
4 meeting last, a few weeks ago with individual property owners letting them come in and  
5 talk to us one-on-one about what we were doing, what we were gonna be proposing.  
6 Moving on to the, just a brief overview of military impacts. I know Norman came earlier,  
7 last year to discuss this with you a little bit and just to refresh your memory, around Fort  
8 Jackson, the Joint Land Use Study identified an area of noise contours where there  
9 could be 115 decibel plus impacts into the surrounding community. These were  
10 primarily from artillery training as well as demolition training conducted out at the Fort  
11 Jackson McCrady Training Center. The area that we're most worried about is, is down  
12 along the southern boundary. Again, along Leesburg Road where the road widening  
13 project could potentially bring some additional development out there. And that's just a  
14 zoomed in view on the next slide of that area. The other areas are around McEntire  
15 Joint National Guard Base, the other potential military impacts. The first is the north end  
16 of the runway there has what we call accident potential zones, these are areas that the  
17 Air Force has designated as, or identified as having the greatest potential for there  
18 being an interaction with an aircraft if there were an accident to take place. Starting  
19 closest to the runway is what they have as the clear zone, then moving out to accident  
20 potential zone 1 and on out to accident potential zone 2. And there are varying degrees  
21 of land use regulations that the Air Force recommends to the, what they call the air  
22 installation compatible use zone standards that would be applied in those areas. And  
23 then again on the southern end we also have a clear zone as well as two other accident

1 potential zones. The other type of impact around McEntire is the potential for high noise  
2 impacts. These are the average weighted noise contours of the current flight operations  
3 there, the current F-16 aircraft they're using, the current tempo of operations they're  
4 doing. Going from 65 decibel contour, which is basically the lower end of what could be  
5 considered to have a negative impact on the community, going up to 85 decibel level  
6 average noise contour, which is primarily entirely contained within McEntire's perimeter.  
7 We did develop an implementation plan from this to help guide the, Richland County as  
8 well as other communities about how they might be able to implement some of our  
9 recommendations that we were coming up with, and some of the recommendations of  
10 the Joint Land Use Study. And basically it just starts off with an introduction as a review  
11 of these land use compatibility issues, a section on recommendations and some  
12 appendices that contain what Tyson's gonna go over with you in just a minute about a  
13 military activity zone overlay district, as well as some amendments to the  
14 Comprehensive Plan and some example by-laws for a regional coordinating body that  
15 could be established in the region if, if the COG or some other group were to step  
16 forward to do that. And so I'm gonna go ahead and talk about some of the  
17 recommendations before Tyson comes on. First of the military activity zone overlays;  
18 that's really the meat and potatoes of this, as well as the Comprehensive Plan  
19 amendments. There's also some other recommendations about the intensity of the, the  
20 density in the rural zoning district, the transfer development rights program, real estate  
21 disclosures and again the regional land use coordination group. And so [inaudible].

22 MR. TYSON WHITE: Good afternoon. Thank you all for moving us up on the  
23 Agenda, I've got to pick my son up at 6:00 so this will help, down in Charleston. And I

1 always tell my son to speak slowly so I can understand him and I'm probably about to  
2 break that rule. So I'll move quickly so y'all can move on. In the appendix to the report  
3 that's been produced is the military overlay zone that I drafted. I drafted that to fit  
4 directly into the Richland County Code so it's in essence turn-key in that sense. What I  
5 like to present when we begin these discussions though is sort of where an ordinance  
6 like this fits along the continuum of possible responses to this kind of study. At the far  
7 left end is the ordinance, that's compulsory, it says, the law says you have to do it. At  
8 the far right end are voluntary type of arrangements where they're nonbinding on the  
9 parties, who in the case could be the county, it could be the city, it could be Kershaw  
10 County. And it could, and obviously when you involve the installations. So what we  
11 found is some places are open to adopting ordinances, others are open to things like  
12 MOUs and coordination procedures, similar to what you have in place now. Very  
13 quickly, this is not changing anything. Tommy, are you clicking? Okay, good, good,  
14 that's perfect. Thank you. So we have the basic introductory type of sections in your  
15 ordinance and then we get into the real meat of it. And that is activity zones 1 through 9,  
16 appendix A maps those zones and then appendix B has a compatibility chart which is  
17 sort of the meat of this ordinance. We'll spend some time on that. Also be aware that in  
18 the county there are other existing ordinances that affect this issue and the most  
19 significant one is the existing airplane/airport overlay ordinance, which also regulates  
20 the flight and departure patterns. [Inaudible] light standards already in place, these are a  
21 concern out there for reasons that are probably apparent but not creating too much  
22 glare for air operations. And then finally nonconformities. The way I've drafted this, and  
23 by the way there are a number of discretionary decisions you know you make when you



1 draft ordinances and when this comes before you all in an official capacity and before  
2 the Council, those can be reevaluated, but at this point there's nothing in the ordinance  
3 the way it's drafted that would require anyone to remove any existing structure or tree,  
4 okay? We're relying on your existing nonconformity section in the Code and a  
5 nonconformity provision in the existing airport overlay. The broadest military overlay  
6 zone is MAZ9. This is the coordination portion of the ordinance. This is not the  
7 regulatory portion of the ordinance. And this generally reflects what is already  
8 happening, okay, with some specifics. Today the statutes require, since 2004, that if  
9 you're in a community that has a military installation that you have to coordinate with  
10 that installation when certain types of land use approvals occur. That, or are proposed,  
11 that is happening now but it's not codified so now it's codified in this. There's several  
12 notice periods and comment periods; one is a 60 day period if capacity adding  
13 infrastructure is proposed similar to what has been evaluated as part of this study,  
14 something that could increase growth near the, near the base. The 30 day period for  
15 notice or comments related to these approvals, and then a 10 day notice and request  
16 for comments period these other approvals. And I'll very quickly just explain, in the  
17 back of this study there's a cover memorandum that walks you through all of this and  
18 there are proposed Comprehensive Plan amendments, and then there's the ordinance.  
19 So if you'll go through it later, it's sort of written out and you can contact us if you have  
20 questions. I know we're putting a lot on you now. MAZ 8 is referred to, is shown here,  
21 and this is what Vaughn referred to in terms of the noise [inaudible] being near Fort  
22 Jackson and McCrady Training Center. One thing we point out there, this is true also in  
23 MAZ 9, is some of these zones go outside of Richland County. Some of them go into

1 the City of Columbia, some of them go into Kershaw and you can see here that some of  
2 them, even though they're in the unincorporated part of Richland County weren't part of  
3 this study. So if the county were gonna adopt some of these districts, just be aware that  
4 some people would be hearing about this for the first time, at least in terms of actual  
5 notice. MAZ 7, military activity zone 7 gets us down to McEntire and this is the first  
6 noise contour, okay, this is the furthest one out, this is 65 to 69 decibels, and then we'll  
7 just click through these. We're getting closer with MAZ 6, closer into the base, and with  
8 5, stop there if you would, this is a very loud type of impact, this is one that disrupts  
9 daily activities and makes residential uses difficult. What we've proposed in the  
10 ordinance are noise attenuation standards that would allow residential in some of these  
11 districts. Okay, not the one we're gonna look at after this because it's just simply too  
12 loud. The point I wanted to make is that to adopt those noise attenuation standards you  
13 have to amend your Building Code, or Council would. In order to amend your Building  
14 Code as you know that has to go through the State Building Code Council as well. I  
15 don't know if you've ever done that here in, in Richland County, but they meet quarterly  
16 and you submit your application and try to get an amendment to your Code. Okay, and  
17 this is the loudest noise zone, this is MAZ 4, is that right, I can't read it. And this is 80  
18 decibels so it's very loud here. There's very little of this noise contour that is off the  
19 base, this is very close to the runway and there are just a few pieces of property that are  
20 affected at this level. Then we get into the accident potential zones and these are areas  
21 where we have seen that if planes fall they tend to fall here. And the risk is greater near  
22 the runways obviously. Now these zones, 3 and in a second we'll get to 2 and 1, that's  
23 fine, affect land use, as do the noise contours, and these are what are in the noise, or in

1 the land use compatibility table, so – go ahead, APZ 1 moves you closer to the runway,  
2 and then one more Tommy, and that gets us to the clear zones near the runway, almost  
3 nothing can happen there in terms of density of people or above ground structures.  
4 Okay.

5 CHAIRMAN PALMER: Do you have the data to show how many accidents have  
6 happened in these different zones?

7 MR. WHITE: No, I don't. We didn't look at that as part of this study.

8 CHAIRMAN PALMER: It just seems like a plane could fall out of the sky  
9 anywhere.

10 MR. WHITE: They can, but given the maneuvering that's occurring at the  
11 runways here, it's much more likely. The most prominent one you've probably heard  
12 recently is the one at Virginia Beach last year. And Virginia Beach is probably a good  
13 example and I'll touch on it briefly since I still have your attention, I know you've got a  
14 long Agenda. Oceana Air Base is up there, okay. Virginia Beach was growing toward  
15 Oceana for years. The military, ironically, they're powerful, they're the federal  
16 government, they can't make anybody be on the fence to do anything in terms of land  
17 use, that's all a local government decision. And at Oceana the warning for years was if  
18 these encroachments continue to occur, we're gonna, it's gonna affect the mission at  
19 Oceana. When the BRAC round occurred last time in '05, that was the major threat, and  
20 then in 2012 we had an accident at Oceana and it landed on an apartment building  
21 there and, fortunately on one was injured but that's not always the case. And in a longer  
22 presentation I could go through some of those probabilities and some of those  
23 incidences we've seen, but you're right. And this is just presented to you all as, as

1 information, that's where the highest risk is. Let's go now to what's allowed and what's  
2 not allowed in these zones. So what you get when you do a JLUS, not what we did  
3 here, but the JLUS that was done several years ago, is a sort of standard chart. These  
4 are the types of uses that everywhere there's an Air Force study like this done, the Air  
5 Force recommends allowing or not allowing, or allowing with conditions. Okay. Now  
6 you'll notice there are a lot of footnotes in these and we can get you a copy of the JLUS  
7 if you want to look at it more closely and have the full table. And what the footnotes say  
8 is, for example, this is allowed if the following happens, like this is allowed in this noise  
9 contour if there's attenuation of noise. Okay. So you'll notice here the footnote, and I  
10 wanted to point this out, is that the suggested maximum density if we look at APZ2 for  
11 example, this is the furthest out accident potential zone, the standard study  
12 recommends that single-family detached units be allowed, that's the Y, that's the yes,  
13 with a footnote that density be limited to one to two dwelling units per acre. Well, if you  
14 won land out there, there's a big difference between one or two units per acre. Okay, so  
15 that's a decision that Richland County would have to make. If you go to the next slide  
16 what you'll see is when we put this into the context of the Richland County Code I just  
17 drafted it to say one dwelling unit per acre, okay. That again is the kind of discretionary  
18 thing you're gonna have to look at when this comes before you. Maybe it should be two,  
19 I don't know. It's a, it's a local policy decision. The point I wanted to make is that in  
20 converting the general table to a Richland-specific table, those kind of calls were made.  
21 The other thing we did is we converted all the land uses to be consistent with your  
22 existing land use table. So you still have two tables but they are consistent in terms of  
23 categories. Yes, sir?

1 CHAIRMAN PALMER: I think last time we went through this, from what I  
2 remember, Fort Jackson and McEntire don't give you any requirements and say, okay if  
3 you do A, B, and C you're gonna be within our green zone area of, of a facility that, you  
4 know, is no longer in, in [inaudible]. You know, they're gonna be a, kind of a – I mean,  
5 you guys have done everything you can to, and we agree that you do A, B, and C that,  
6 you know, with the BRAC system and all that, that you guys are probably in the clear.  
7 There's nothing like that. This is, it seems to be a proactive measure from local  
8 businesses, communities, municipalities to go out in front of these things and say, okay  
9 we don't even want them looking at our sites, we're gonna do all this stuff proactively so  
10 that we don't even pop up on the radar, and we show that we're doing it. But there's no,  
11 like A, B, and C, okay we need to have 50' here, 20' additional beyond that, this is kind  
12 of a, a proactive shot in the dark just to, to see if we can appease the military bases, is  
13 that, is that still correct or is there some kind of guidance here that says, you need to do  
14 A, B, and C and you're good?

15 MR. WHITE: In terms of BRAC rounds –

16 CHAIRMAN PALMER: Right.

17 MR. WHITE: - okay, yeah there are criteria associated with BRAC rounds and  
18 encroachment is one.

19 CHAIRMAN PALMER: But it's, it's, do your best to meet it and we'll tell you if  
20 you're okay or not.

21 MR. WHITE: Well, the BRAC round is, is certainly a, it's a, it's a political process,  
22 it's a funding process. And these are, these are one of the things that we see in

1 communities that, you know, do well on BRAC. But you're right, there is no check off  
2 box for what has to be in place.

3 CHAIRMAN PALMER: And so this is kind of what other people are doing, I  
4 guess, across the country? This is a, a, you know, best stab at what we should do or it  
5 could be more than what we need, it could be less than what we need, it's just kind of  
6 your best thoughts on what we need to do, is that right?

7 MR. WHITE: Yeah, I would put it this way, that increasingly around the country  
8 what we're seeing at the state level are the legislatures protecting military installations  
9 from encroachment at varying degrees. And South Carolina's at one end of that  
10 spectrum where coordination is required. You have to let the installation know, for  
11 example, there's a rezoning near it that could affect its operations, well really you're just  
12 letting them know it's near it, they can decide. Then you have to incorporate their  
13 comments into your process. But their review is not binding on you. Other states have  
14 gone further to actually, for example, make a member of the installation an *ex officio*  
15 member of the Planning Commission, that sort of thing. Other states like Arizona have  
16 gone even further to require zoning where there's one of these, where there's a military  
17 installation that does implement something like this. So you're right, Commissioner, it's  
18 a moving target, but these are one of the things that folks are considering when they're  
19 considering relationship with the installation and what happens near it.

20 CHAIRMAN PALMER: Okay.

21 MR. WHITE: So, when you look at the ordinance, you look at the overlay zones,  
22 if you're in a particular zone, this lines up with what's allowed and what's not allowed  
23 according to the recommendation of the Air Force. We've used your terminology so in

1 each of these cases something would be allowed or not allowed, or it's permitted with  
2 special requirements consistent with your existing land use chart. We talked about this.  
3 So additional measures that are not included in here but which could be considered.  
4 One is real estate disclosures. Again, this is sort of one of the standard  
5 recommendations that are a part of most JLUS studies, it was part of yours. This would  
6 tell a person, for example, that you're buying a house or buying a property for a  
7 business in an area that could be affected by noise or accident potential. Avigation  
8 easements, sticky, legal questions there, I touched on it briefly in the memo that's in the  
9 packet. Transfer of development rights, much more complicated program but one that  
10 will allow you to extract development rights and transfer them out of these high risk  
11 areas. It leaves some value with the property owner in the accident potential areas and  
12 in the noise zones cause theoretically they could sell the property rights but keep the  
13 property and they could be transferred to properties in other places. We've seen that  
14 done in places, Beaufort's done it, Charleston Air Force Base is looking at it now as  
15 well. Let's keep going, we've touched on the other things. Road to adoption you're fairly  
16 familiar with it; just evaluating the need of whether you want to include any of these  
17 other things. We didn't include them all in the draft and again that was sort of working  
18 with the Technical Committee that included county Staff trying to get a sense of what  
19 would be palatable, what would be desirable, what would be needed here in Richland  
20 County. You could take and leave various items but I wanted to bring them to your  
21 attention. Make sure there are no changes to the current law. The only law I could find  
22 on this issue of avigation easements was from an administrative tribunal in Oregon. But  
23 it was very recent and this issue of avigation easements is increasing in use, not in

1 South Carolina that I know of, but it's increasing in use and that's why I would suggest  
2 obviously if there is any time lapse between now and your consideration of this that we  
3 reevaluate to see if there's any change in the law. Amending the Comp Plan, the Comp  
4 Plan amendments proposed are in the packet. If there's a round of amendments  
5 between now and official consideration of the ordinance they may be included in the  
6 packet. And then I mentioned the issue of notice earlier related to the fact that some of  
7 these areas are not in the study area, so.

8 MR. TUTTLE: I have a question if I may.

9 MR. WHITE: Yes, sir.

10 MR. TUTTLE: In your study did you take a look at the, the number of homes in  
11 the zoning, current zoning within each zone, and additionally maybe an overall acreage  
12 affected by each zone?

13 MR. WHITE: Um-hum (affirmative) [inaudible].

14 MR. HANSON: We did do that. There are some quantitative numbers in there,  
15 not all of those numbers are in there but we could probably get that to Tracy and she  
16 could pass it on.

17 MR. TUTTLE: Yeah, I mean, I just think in our position here that that's probably  
18 one of the keys to evaluating impact and –

19 MR. HANSON: Sure.

20 MR. TUTTLE: - where you draw lines.

21 MR. HANSON: Yeah, the acreage, the, the size of the area along those southern  
22 boundary of Fort Jackson's a pretty considerable area. In all I know there were 2,000ish  
23 individual parcels that were touched in some – might not be the whole parcel in certain



1 instances, but in one way, shape or form around 2,000 individual parcels, varying sizes,  
2 so. It's pretty, fairly significant.

3 MR. TUTTLE: Thank you.

4 MR. HANSON: Just, if I may just mention one thing, BRAC or no BRAC, a couple  
5 of these military activity zone overlays, regardless, are probably a really good idea to, to  
6 consider pretty strongly because they do deal with public safety. The noise stuff is more  
7 quality of life, but those accident potential zones and the clear zone at the ends of those  
8 runways are very public safety oriented and just should be considered probably a little  
9 bit more in terms of, in terms of that rather than looking at other BRAC issues.

10 CHAIRMAN PALMER: Thank you. Alright, subdivision review.

11 MR. VAN DINE: Mr. Chairman, I have a question.

12 CHAIRMAN PALMER: Yeah.

13 MR. VAN DINE: As a result of this are we, what's gonna happen, where are we  
14 going from here?

15 MS. HEGLER: We'll just have to decide on next steps and how – he laid out, Mr.  
16 Tyson, White did, how to move it forward but, you know, we'll talk in-house and with  
17 Council and different areas and stakeholders to see how they propose moving forward  
18 and at what time. But we have several options available to us like they mentioned,  
19 there's a lot of discretion with what was suggested. It's just a matter of timing and what  
20 it is we want to present, so Staff still needs to spend some time with it.

21 CHAIRMAN PALMER: Alright. Case SD-05-299?

22 **CASE NO. SD-05-200:**

1 MS. HEGLER: Yes, this is Sandy Glen Phase III, the northern portion of Lake  
2 Carolina. By virtue of a Development Agreement between the county and Lake  
3 Carolina, Planning Commission is involved in that subdivision review process. It's 15.47  
4 acres, about 47 units proposed before you. You have a Staff Report that exists, outlines  
5 the existing conditions, compatibility with the surrounding area, and it's compatibility  
6 with the Comp Plan. You'll see that Staff has recommended conditional approval of the  
7 preliminary subdivision plans, that's based on the fact that we have a couple items  
8 [inaudible] Department of Engineering addressing flood as well as the Planning Staff.

9 MR. TUTTLE: Mr. Chairman, let the Record reflect that the reason I did not  
10 recuse myself is that D.R. Horton has owned this property for about 10 years and we're  
11 no longer the property owners.

12 CHAIRMAN PALMER: Alright. Any questions for Staff? Any motions?

13 MR. VAN DINE: Mr. Chairman, I would recommend that we give conditional  
14 approval subject to the additional requirements that are found on pages 2 and three of  
15 our Agenda.

16 MR. THEUS: Second.

17 CHAIRMAN PALMER: We have a motion and a second. All those in favor say  
18 aye? Any opposed?

19 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine, Theus,*  
20 *Brown]*

21 CHAIRMAN PALMER: Okay. Map Amendment, Case No. 13-05 MA.

22 **CASE NO. 13-05 MA:**

23 MR. LEGER: Mr. Chairman, good afternoon.

1 CHAIRMAN PALMER: And hold on one second for me if you would, I'm sorry, we  
2 got one recusal. Let me, allow me to read this into the Record. Dear Mr. Palmer, I must  
3 request to be excused from participating in discussion or voting on Agenda Item No. 13-  
4 05 MA regarding Fairways Development which is scheduled for review and/or  
5 discussion at today's Planning Commission meeting. It is my understanding of the Rules  
6 of Conduct, Provisions of the Ethics, government accountability and campaign reform  
7 laws that since my law firm represents the Applicant in other matters, I will be able to  
8 participate in this matter through discussion or voting. I would therefore respectfully  
9 request that you indicate for the Record that I did not participate in any discussion or  
10 vote relating to this item, representing a potential conflict of interest. I would further  
11 request that you allow and direct this letter to be printed as a part of the official Minutes  
12 and excuse me from such votes or deliberations and note such in the Minutes. Thank  
13 you for your consideration in this matter. Sincerely, Kathleen McDaniel. Okay, and let  
14 the Record show that Ms. McDaniel has left the room. Now, Case No. 13-05 MA.

15 MR. LEGER: Yes, sir, thank you. The Applicant in this case is Mr. John Bakhaus,  
16 the property's located on Longtown Road East. It also has a tiny piece of frontage on  
17 Lee Road to the south. About 30 acres in size, is currently zoned RU and Rural  
18 Residential which requires a lot size, minimum lot size of 33,000 square feet. They're  
19 asking for the RS-LD zoning district, Residential Single-Family, Low Density, which  
20 requires a minimum lot size of 12,000 square feet. The RU district is the original zoning  
21 from 1977. There have been a number of zoning requests in the area; some approved,  
22 some not. There was a previous request on this property for a Planned Development  
23 District which was denied by the Planning Commission earlier. In the vicinity we've got a

1 number of zoning districts. To the north RS-LD, to the south RS-MD and Planned  
2 Development, to the east Planned Development, to the west RS-MD and GC. Primarily  
3 the area is either occupied by residential use or undeveloped properties. You have a  
4 school located to the south a little over a mile and water and sewer is provided by the  
5 City of Columbia and Palmetto Utilities respectively. Our Comprehensive Plan  
6 recommends suburban on this property and calls for a density of four to eight units per  
7 acre. The Staff when looking at the RS-LD district and the 12,000 square foot lot size  
8 did the calculations and come up with 3.6 units an acre, which is very close to the four  
9 units an acre called for in the Comp Plan, much closer to what's called for in the Comp  
10 Plan than the RU, Rural District. For that reason the Staff felt that the request was in  
11 compliance with the Comprehensive Plan recommendations on density. With that in  
12 mind and keeping with the residential character of the vicinity and the undeveloped  
13 properties, the Staff felt like the RS-LD request was in compliance with the  
14 Comprehensive Plan and in character with the zoning and land use in the vicinity and  
15 for those reasons our Staff recommended approval of the request at this time. If you  
16 have questions I'll be glad to try and answer them.

17 CHAIRMAN PALMER: Any questions for Staff?

18 MR. VAN DINE: Just a real quick question on this traffic impact. When was the  
19 last time – in 2010 it identified the 8,000 average trips. How, there's been a fair amount  
20 of development that's taken place in that area since then. What are the updated  
21 numbers?

22 MS. HEGLER: We believe these are 2011 numbers but I, I don't know how  
23 frequently DOT puts those counts out there, we can find that out.

1 MR. VAN DINE: Well, this is 2010 in the, in the –

2 MS. HEGLER: Right.

3 MR. THEUS: Are you saying you think it's a – this is a typo? It is?

4 MS. HEGLER: We believe so. But even still it's, you know, a year old. I don't  
5 think the results have come out from 2012.

6 MR. VAN DINE: Well, I guess the differential between the 8,000 and 8,600,  
7 there's been, there's been a whole lot more development than would get an additional  
8 600 cars in that area than what's showing here. I mean, we're, I don't know what the  
9 additional trips that would be generated by this kind of addition, I don't know what the  
10 difference between RU would be and RS-LD would be for number of trips that would be  
11 designated. Is there any way we can figure that number out?

12 MS. HEGLER: A traffic impact analysis, if it's required, so the DOT would either  
13 require it on the state roads or we would require it by our Code, would be based on the  
14 number of units. So there would be a difference between RU and LD, it's based on the  
15 number of units, to generate a PM peak hour or AM peak hour trip that would be added  
16 to the, to the average. But, I mean, I don't know at this time if that would be required.  
17 They usually look for a certain trigger before they require a traffic impact analysis and  
18 I'm not sure at this point if that would be required. They usually do that during the  
19 planning phase.

20 MR. VAN DINE: The other question I have is what, maybe this says it and I can't  
21 read it properly, but what is the differential in the number of dwelling units that you can  
22 put on RU versus the change? What's the delta between those two numbers?

1 CHAIRMAN PALMER: It's about a third cause RU's three quarters of an acre and  
2 LD's 12,000 square foot lots.

3 MR. VAN DINE: So if these numbers, if I – then that density would then be 25  
4 under RU and close to 75, is that what you're saying?

5 CHAIRMAN PALMER: Yeah, about three quarters of an acre, so that's about  
6 what, 35,000'?

7 MR. VAN DINE: So if, the numbers here that says net density of 75 dwelling  
8 units would be under the proposed and if there is a 25 would be, what would be the net  
9 density under the existing. Rough numbers, say 30, whatever, somewhere in the 30  
10 range, something like that.

11 MR. LEGER: Thirty, 35 or so.

12 MR. VAN DINE: Okay. Thank you, I'm sorry.

13 CHAIRMAN PALMER: Okay. Any other questions for Staff? Okay. John  
14 Bakhaus?

15 **TESTIMONY OF JOHN BAKHAUS:**

16 MR. BAKHAUS: Good afternoon, Mr. Chairman and ladies and gentlemen of the  
17 Commission. I appreciate the opportunity to speak with you today. I don't know that I  
18 can give you as much excitement as the presentation that went before me, but it won't  
19 cost as much as that one did either, so. I wanted to give you just a little bit of brief  
20 history on our property. We bought the property known as Longcreek Plantation in  
21 1980, and at that time this property and a lot of the property in the development was  
22 zoned D-1, which was a development holding zoning in an area that was known to be  
23 ready for development. Part of that community had already been developed and there

1 was a lot of additional land that was remaining and obviously would be developed as  
2 part of that community. When the zoning classifications or districts changed, the D-1  
3 properties all went back to RU and at the time we bought the property it was not zoned  
4 Rural but it became Rural I guess in the '80s, no the '90s when that changed. It's part of  
5 a large master planned community, this is a 30, 20 something acre parcel that was  
6 always intended to be developed with the rest of the community, and, and standard  
7 housing, single-family detached housing. And it's my desire just to get it back into a  
8 zoning district that's compatible with the rest of the zoning around the property as part  
9 of the development of Longcreek Plantation. I have no plans to currently develop the  
10 property but it, it needs to be something other than Rural and we're very comfortable  
11 with a low density zoning district on that piece of property. And so I'd be glad to take  
12 questions but it's really a pretty simple matter for us in terms of what we're trying to  
13 accomplish.

14 MR. VAN DINE: The lower point that touches on Lee Road, is –

15 MR. BAKHAUS: One point.

16 MR. VAN DINE: That's what I was gonna ask, so it's –

17 MR. BAKHAUS: It's 1.0, there is no frontage there.

18 MR. VAN DINE: So it would not have an access point.

19 MR. BAKHAUS: Right.

20 MR. VAN DINE: Okay.

21 MR. BAKHAUS: And, I know that question of traffic always comes up. I come  
22 through that area every morning going to work and I leave there every afternoon going  
23 home from work, and there is no traffic backup at all in that area. And that is, that is the

1 most common intersection in our community for entering and exiting Longcreek  
2 Plantation but there's a remarkably small amount of traffic at that intersection, even at  
3 the afternoon/morning drive time.

4 MR. VAN DINE: You're talking Longtown and Longtown West and East?

5 MR. BAKHAUS: Right, right.

6 MR. VAN DINE: What about Lee Road and, I mean, Longtown and Long Green  
7 Parkway and Lee Road?

8 MR. BAKHAUS: There's still not a significant amount of traffic. You might have a  
9 six or seven car backup at the light there, but hardly any more than that at a time. Now  
10 you get on down to Clemson Road and Longtown Road and you have significant lines  
11 at that light, but there's a lot of, there are a lot of communities between that point and  
12 our point for traffic to spin off into those neighborhoods.

13 CHAIRMAN PALMER: Okay. Any other questions?

14 MR. VAN DINE: Just one more. How does this tie into the proposal or what is  
15 being done across Longtown Road East, around the golf course? Does that have any  
16 relation?

17 MR. BAKHAUS: No, there's no plan for that at all. That's, this probably would be  
18 what we would call standard subdivision development for our community. The area  
19 across the road is a higher end, it's a golf course community so it's gonna be larger  
20 homes. These homes would be what would be the average, probably in the average in  
21 our community, which is 2,500 to 2,800 size home in this community. The property  
22 across the street is kind of a level up from that, in the 3,000 square foot homes and up.

23 MR. VAN DINE: Thank you.



1 CHAIRMAN PALMER: Thank you. That's all we've got signed up to speak.  
2 Alright, any thoughts?

3 MR. VAN DINE: This was posted, this, right, was posted, correct?

4 MR. LEGER: Yes, sir.

5 MR. VAN DINE: Okay, just making sure. In the past we've had a whole lot more  
6 people show up out here for something in this area than that.

7 MR. LEGER: We posted it very well.

8 MR. VAN DINE: [Inaudible].

9 MR. TUTTLE: Mr. Chairman, I'll make a motion that we send Case 13-05 forward  
10 to Council with a recommendation of approval.

11 MR. GILCHRIST: Second, Mr. Chairman.

12 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?  
13 All those in favor say aye? Any opposed?

14 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Van Dine, Theus, Brown; Opposed:*  
15 *Cairns; Recused: McDaniel]*

16 CHAIRMAN PALMER: We have one opposed if you want to make note of that.  
17 Alright. That closes our map amendments. Text Amendments?

18 MS. LINDER: Mr. Chairman, you may want to invite Ms. McDaniel back in.

19 CHAIRMAN PALMER: No, we get more work done this way. [Laughter] Alright,  
20 Text Amendments. Number 1.

21 **TEXT AMENDMENT #1:**

22 MS. HEGLER: First Text Amendment is to Section 26-176, Landscaping  
23 Standards, subsection K. This relates to protection of existing trees during development.

1 This is an update that we had adopted back in December and Staff [inaudible] before  
2 you some more clarity for that language, instead of being such a broad sort of open  
3 ended survey and inventory of the trees on the site, we have tried to get more  
4 consistent with what the intent was as to what would be surveyed and inventoried. And  
5 you have before you a change since the last package you got and it just further clarifies  
6 what we want a survey of and what we want an inventory of for the trees during  
7 development, and how we want to protect them during that time.

8 MR. TUTTLE: I have a question, what is the purpose of inventorying the trees in  
9 the non-disturbed areas?

10 MS. HEGLER: That's if you are, intend to use those trees to meet your buffer or  
11 protective yard requirements, we need to see them inventoried.

12 MR. TUTTLE: Okay, cause I, the way it's written it's a requirement period, it  
13 doesn't matter whether you're trying to use them for those purposes.

14 MS. CAIRNS: Did you see this one with the blue?

15 MR. TUTTLE: Yeah, that's where I'm reading, where it says, additionally a survey  
16 or/inventory of all trees in undisturbed areas that are being retained to meet the  
17 requirements of this chapter.

18 MS. HEGLER: Yeah, if you look back at the rest of the chapter it talks about  
19 meeting the protective yards. But we could be more specific.

20 MR. TUTTLE: Alright.

21 MR. VAN DINE: Would it not make more sense to be more specific than that and  
22 actually reference it, because I can certain see somebody taking that language and  
23 expanding it well beyond the, what you're intending.

1 MS. HEGLER: Intent is to – those that are being used to, to – see, it's deleted  
2 here, maybe we can put that back.

3 MR. VAN DINE: There's another part that seems to not fit. It says, if no trees on  
4 the site meet the above criteria then a statement by the owner, but that other part that  
5 says, you're gonna have to do all of the trees in the undisturbed area, is everything  
6 grand tree related, is it, I mean? See, so I, that part right there seems to negate what  
7 you're talking about above. Because, I mean, you're talking, if it's completely clear cut I  
8 guess there wouldn't be any trees there, but I don't know of any undisturbed areas that  
9 aren't, that are gonna be completely nude of trees. So it seems to me that that  
10 statement you'll never, ever get to a sort of place where you don't have to do a survey  
11 of something.

12 MS. HEGLER: I can't imagine a situation either. This, this is a holdover from the  
13 original but there are several trees that are to be protected. There are the grand trees of  
14 24" or greater.

15 MR. VAN DINE: Right.

16 MS. HEGLER: There are trees that are 10" or greater that you're using as part of  
17 your protective yard or part of your buffer. And –

18 MR. TUTTLE: But just the –

19 MS. HEGLER: - there'd be few sites –

20 MR. TUTTLE: - [inaudible] at point. So if you're required to do the inventory, right,  
21 period, and if the inventory came back and said you didn't have any trees that qualified,  
22 you're still asking somebody to sign a statement. Well, if they provided the inventory  
23 what would the purpose of the statement be?

1 MR. VAN DINE: And I'm not, I'm going even further. I don't think that the survey,  
2 the inventory you're talking about really is limited just to those 24 and 10" trees. I, I  
3 think, I think it's broader than that the way it's written. I think it basically requires you to  
4 do a whole lot more inventory of trees. Maybe if you can, if you can find, as you're  
5 talking about, with that just to those two areas, you're talking about the survey in the  
6 undisturbed and the survey areas, that might limit it but right now –

7 MS. HEGLER: Those are defined, those trees and those types to be protected  
8 are defined in the prior section, they haven't been changed.

9 MR. VAN DINE: But what I'm saying is this doesn't seem to restrict it to those  
10 defined two types of trees as written.

11 MR. TUTTLE: Is that what 26-176 –

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

13 MR. TUTTLE: - K(1) and (b), is that what's in that?

14 MS. HEGLER: It is, which is the page prior. We just didn't make any changes to  
15 that. So the definitions exist in another, in another section that's noted here.

16 MS. MCDANIEL: So maybe the confusion is if there are no trees that meet the  
17 grand tree criteria or the previous page section criteria, you're having a signed  
18 statement that there is no tree survey to be done. It's not that that statement is to be  
19 included in the tree survey.

20 MS. HEGLER: Right, I think that's in lieu of an inventory.

21 MS. MCDANIEL: Right, well perhaps maybe if you just take out the last, included,  
22 or, and say that if no trees meet the criteria, you don't have to do a tree survey.

1 MS. HEGLER: Right, maybe include it in the application may have been the  
2 intent. I see.

3 MR. TUTTLE: So just so I'm clear, so if, if a developer goes to develop a farm  
4 parcel that had been used for crops and there were no trees on it, they would not be  
5 required to provide a survey, they would just have to provide a statement?

6 MS. HEGLER: I do believe that's the intent.

7 MR. VAN DINE: But then, but then somebody would also, if they didn't have, if  
8 they have an undisturbed parcel that actually had trees on it, they would have to just  
9 give you a statement that says there are no grand trees or whatever the other defined  
10 trees are on that parcel. By definition they're gonna have to do a survey in order to get  
11 to somebody to go in there and say, there aren't any trees.

12 MS. HEGLER: Well, not necessarily, they provide that statement.

13 CHAIRMAN PALMER: They just hand you a statement that says there's no  
14 grand trees on my property, go develop it. What are you gonna do?

15 MS. HEGLER: We would go check it. Maybe, if we could. It would be within our  
16 purview to check it.

17 MR. VAN DINE: If they file false papers, it's –

18 MS. HEGLER: Yeah. We typically take the word of the information that's  
19 provided, but. I mean, there wouldn't need to be a survey if you provided the statement,  
20 just it couldn't be false.

21 MR. TUTTLE: What is the time sensitivity on this? Is there one?

1 MS. HEGLER: No, there's not, it's just the, the ability of Staff to apply what now  
2 is really quite loose and much broader in statement, so. I mean, I'm happy to take  
3 corrections.

4 MR. TUTTLE: Yeah, I just think, I mean, if, if we're reading and we're confused,  
5 I'm sure it's confusing to the general public as well. If there's a way to neaten that up,  
6 even if it was an either/or statement or something, cause right now I read it that I have  
7 to do a survey and then I additionally have to get a statement, so I'm not sure. Is that  
8 the way you read it counselor?

9 MS. MCDANIEL: Yes.

10 MR. TUTTLE: Thank you.

11 MS. HEGLER: Yeah, we can –

12 MR. VAN DINE: This may be in another area and I just haven't gotten to look at it  
13 but it says that it shall be submitted prior to any proposed grading or clearing on the  
14 site. Is there a timeframe that is required when you submit your land disturbance permit  
15 or –

16 MS. HEGLER: Yeah, this is required for all applications, so it comes in when they  
17 get a permit application.

18 MR. VAN DINE: So they may have to go out prior to getting, or submitting their  
19 application to do whatever they're doing.

20 MS. HEGLER: [Inaudible] required at the final application.

21 CHAIRMAN PALMER: Alright, so do we have a motion to defer Text Amendment  
22 #1?

23 MR. VAN DINE: So moved.

1 MR. THEUS: Second.

2 CHAIRMAN PALMER: Till the next meeting?

3 MR. VAN DINE: Yes, sir.

4 CHAIRMAN PALMER: All those in favor of the motion say aye? Any opposed?

5 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine, Theus,*  
6 *Brown]*

7 CHAIRMAN PALMER: Okay. Text Amendment #2?

8 **TEXT AMENDMENT #2:**

9 MS. HEGLER: [Inaudible] an amendment to Section 26-54, to provide the  
10 appropriate and proper cross reference between two subsections. And Amelia has  
11 some comments.

12 MS. LINDER: Members of the Planning Commission, the Legal Department  
13 recently sent some ordinance to American Legal Publishing for codification purposes  
14 and the editors at American Legal Publishing said that there was an error in the section  
15 numbers, so if you look on page 31 of your package it's just a matter of changing a B to  
16 a C, which is the correction section number. So it's just a scrivener's error correction.

17 MR. VAN DINE: So moved for approval.

18 MR. THEUS: Second.

19 CHAIRMAN PALMER: I wish they had a job opening for that. [Laughter] We  
20 have a motion and a second. All those in favor say aye?

21 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine, Theus,*  
22 *Brown]*

23 CHAIRMAN PALMER: None opposed. Alright, number three.

1 **TEXT AMENDMENT #3:**

2 MR. PRICE: [Inaudible] the idea really was to propose more clarity within the OI  
3 zoning designation. We're looking at the purpose statement. Staff has reviewed and  
4 identified the uses that don't seem to coincide with the purpose statement of the OI  
5 district. And what we've proposed are the removal as permitted uses, convenience  
6 stores, that's for with or without pumps, and single-family residential structures.

7 CHAIRMAN PALMER: Was that single-family in there for the one time work/live  
8 product?

9 MR. PRICE: The single-family in there – maybe I generalized that too much –  
10 they're really the common and parallel units.

11 CHAIRMAN PALMER: Yeah. Isn't that the work/live concept?

12 MR. PRICE: No, sir. I mean –

13 CHAIRMAN PALMER: Retail on bottom, home on top?

14 MR. PRICE: I guess they could be and maybe – well, actually they don't have to  
15 be live/work units. They could just be stand alone residential structures.

16 CHAIRMAN PALMER: Right, but if we do away with this, with the special  
17 requirement you're doing away with that possibility?

18 MR. PRICE: Yes.

19 CHAIRMAN PALMER: Wouldn't we want to try to encourage some of that at  
20 some point?

21 MR. PRICE: Maybe a better way would be for us to actually identify live/work  
22 units as a stand alone use in itself and establish some requirements behind those as



1 opposed to just having single-family stand on its own if we're assuming or hoping that  
2 people will develop those work units together.

3 CHAIRMAN PALMER: Is this really an issue where people are looking for the OI  
4 district to put in duplexes and quad-plexes?

5 MR. PRICE: We, you know, looking at this no one has really come in from a  
6 residential standpoint. We don't get a lot of those developments in the OI district. But  
7 we, the main, ideally this was for the convenience stores, that's where we were first  
8 looking. And also looking at it we also identified potentially the residential uses.

9 MR. THEUS: What are the special requirements under the residential uses?

10 MR. PRICE: Just the setbacks. For example, if you're doing parallel lots, maybe  
11 one side could be zero, the other side has to be 12' for common, you have to leave a  
12 certain amount of setbacks from it. There's some additional ones, but those are the  
13 main ones when you're talking about the special requirements for that use.

14 MR. THEUS: Do you think this was an error to have convenience stores  
15 permitted under OI?

16 MR. PRICE: [Inaudible] especially when you look at the purpose statement of the  
17 OI district. Most of the convenient stores that we've seen come in usually fall in a  
18 general commercial district. They can also go in the neighborhood commercial also. It's  
19 just that when you look at the, when you just examine all of the uses within the OI  
20 district, and we're going all the way from potentially residential, all the way down to  
21 warehousing, that large retail use that you typically may see with a convenience store,  
22 especially when it's gas stations, seem to be the one that stands out as not being  
23 compatible with the other uses.

1 MR. TUTTLE: So, Mr. Price just so I understand, so if there was a zero lot line  
2 patio home currently built in OI and we were to pass this and they wanted to add a  
3 screened porch, they would not be allowed.

4 MR. PRICE: Yes, it would be a nonconforming use and would not be allowed to  
5 expand.

6 CHAIRMAN PALMER: Same thing if there was a convenience store located in  
7 this, one of these districts and they wanted to expand any kind of way or spend more  
8 than half the value of the structure really, they couldn't do it.

9 MR. VAN DINE: I mean, it could burn down.

10 CHAIRMAN PALMER: I mean, I don't see the, I don't see –

11 MR. PRICE: That's different.

12 CHAIRMAN PALMER: If you build the exact structure back, but you can't do  
13 anything new to it. Yeah. I mean, is this, has somebody come in and said, hey they're  
14 building C stores all over our office building complex?

15 MR. PRICE: Well, it's not that. What we're looking at is we've been getting a  
16 number of uses that have come in or requested zonings for OI districts. And when you  
17 look at some of the locations that propose it ideally, maybe the OI district was fine for it,  
18 but when you start looking at the potential of those retail establishments being in that  
19 area, that seems to suggest that that wouldn't be an appropriate use there.

20 CHAIRMAN PALMER: But isn't that the old C-2 district?

21 MR. PRICE: No, this is C-1.

22 CHAIRMAN PALMER: And what's the C-2?

23 MR. PRICE: It's neighborhood commercial.

1 CHAIRMAN PALMER: So it still had some commercial applications, it was just a  
2 downgrade right before it went to –

3 MR. PRICE: No.

4 CHAIRMAN PALMER: - residential or office.

5 MR. PRICE: I mean, I could look back at the old Code but you know, the C-1,  
6 many of the uses, the old C-1 that you're referring to which became OI, many of the  
7 uses are, were just carried over to the district.

8 CHAIRMAN PALMER: Right.

9 MR. PRICE: But you're thinking about the C-2 and the neighborhood commercial,  
10 which you know, basically, once again if you look at the purpose statement for  
11 neighborhood commercial, you look at those uses and that's really intended to build  
12 around the neighborhoods and provide them with certain type conveniences; retail, gas  
13 stations and the sort, that is convenient for you. Whereas if you look at the OI just once  
14 again going through the purpose statement, it's for more office and institutional type  
15 uses, with some limits of residential.

16 CHAIRMAN PALMER: What I'd like to see personally before I took a look at this  
17 stuff would be how many of these, how many parcels would be affected by this and be  
18 made nonconforming. In other words, how many sites currently have C stores on them  
19 or residential uses that are zoned OI?

20 MS. CAIRNS: With zero lot lines or parallel.

21 CHAIRMAN PALMER: Yeah.

22 MS. CAIRNS: I mean, those, only those –

23 MR. PRICE: We can, I guess we can, we can try to identify those.

1 MR. TUTTLE: I just want to go back and revisit the philosophy. So if I have a  
2 complex of multi-story offices what you're saying is it's incompatible that I would have a  
3 convenience store located within walking distance for the occupants of those offices to  
4 go and get snacks and stuff? We want them to have to go to a different district which  
5 they may have to drive to? Is that –

6 MR. PRICE: No, I wouldn't say that. I think if you look at – take a look at a lot of  
7 the convenience stores that you see on a daily basis. Once again, going back and  
8 documenting this right now, I'll take a guess that most of them are general commercial.

9 CHAIRMAN PALMER: But that's because we forced them there to those  
10 interchanges. Used to be back in older, back when we were younger, they were in  
11 neighborhoods, they were smaller, more compact, but now they go larger and we forced  
12 them to go to these nodes so that's where we typically think of cause that's where we  
13 put the general commercial zoning at is at the major interchanges and then we see the  
14 C stores getting larger and larger and spilling all out. I mean, there's one right down the,  
15 two right down the street from my old house on Hunt Club Road that are in the  
16 neighborhoods that are operating C stores that aren't an issue. But, I mean –

17 MR. THEUS: You know, as you look down, I'm just looking through these sheets  
18 of permitted uses under OI, we have drug stores, pharmacies, so we could have a full  
19 Walgreens in the middle of one of these things under, in OI. We could have a cafeteria,  
20 we could have a full service dine-in only restaurant.

21 MR. PRICE: There's a difference between – when you're looking at the drug  
22 stores, you're thinking more of Long's and Hawthorne's more so than you're thinking of  
23 a Walgreens.

1 MR. THEUS: But if the land's big enough, I mean, there would be nothing to  
2 prohibit a Walgreens to go on that site.

3 MS. CAIRNS: Walgreens is classified more as a convenient store than a drug  
4 store. It's not a drug – I mean, Long's is a drug store.

5 MR. PRICE: It's more of a retail establishment that also happens to have a  
6 pharmacy as opposed to being a stand alone drug store, which is what you typically  
7 would see, Hawthorne's and Long's.

8 MR. THEUS: Well then you get into these – I don't know how each of these is  
9 defined.

10 CHAIRMAN PALMER: I guarantee you Walgreens and CVS are classified as  
11 drug stores, they're not classified as convenient stores.

12 MR. PRICE: We've been through this one before from a Staff standpoint. There  
13 would be some accessory uses that go along with, I think if you go any Walgreens or  
14 any of those stores, I think before you even get anywhere near the drug store you walk  
15 through a bunch of retail.

16 CHAIRMAN PALMER: Same thing at Long's, the pharmacies are in the back.

17 MR. PRICE: Yeah, Long's is more –

18 MS. CAIRNS: Only medical equipment.

19 MS. MCDANIEL: So Mr. Price, your reasoning here is that because we generally  
20 see convenience stores with or without gas pumps in general commercial zones, that's  
21 where they should be limited and they should not be permitted in OI because we  
22 generally see them in GC?

1 MR. PRICE: I also think that when you look at the OI district and you look at  
2 those uses and you look into how, you know, we want certain areas to grow, the idea  
3 was not to have that large or, you know, potential of retail establishments.

4 MS. CAIRNS: I think that's the, yeah, the, the – somebody who comes in here  
5 with something zoned rural or something they may want to ask for OI because it'll be  
6 compatible with the existing residential, but we look at our chart and say, well you know,  
7 there could be a gas station there and say, well maybe OI isn't the right thing cause it's  
8 too close to residential, we don't want a gas station or we don't want – so I think that's  
9 the, that's what I heard Geo offering is that – so, I mean, maybe we just need to, instead  
10 of eliminating it just say it has to be smaller, it has to not have pumps. You know, cause  
11 it is true, some of the great neighborhoods have convenience stores embedded within  
12 them but they're not the stores of today. And whether it's that we forced them in GC and  
13 they had to get bigger or whether they just didn't want the little lots, but I mean, if we  
14 want to leave convenience stores or gas stations or something but have them limited in  
15 the square footage so they have to be small, they have to be neighborhood oriented,  
16 not regional. You know, but I can see somebody coming in here wanting to put OI, their  
17 intention is to put a dentist office or, you know, some attorney's office even, you know,  
18 which would not be offensive but, you know, we look at what it could be and we can  
19 say, well it could become a gas station and that would be a problem. So I think that, I  
20 sort of understand but maybe it's a little heavy handed an approach of just saying none,  
21 maybe we just need to limit the size of what a C store can be if it's in an OI as opposed  
22 to eliminating them.

1 MR. THEUS: I do think, I agree with Pat that we need to get a handle on how  
2 many people we're impacting retroactively by doing this.

3 MR. TUTTLE: I mean, you know, what – if you think about it in those terms you  
4 have a pretty awesome responsibility because all of a sudden a C store owner comes  
5 up, his note's due and he's got to refinance and now he's got a nonconforming use and  
6 he's got nowhere to go and he hasn't done anything, he's been doing the same thing  
7 he's been doing for 20 years.

8 MR. PRICE: Typically it can occur with any text amendment we make.

9 CHAIRMAN PALMER: Yeah, but we typically don't take full blown uses just  
10 completely out of a district just because we're looking at it and it just doesn't feel right  
11 anymore. I mean, there's something going on in the area, there's some new thing, like  
12 tattoos or there's something new changing in our community, there's some problem  
13 going on rather than just looking at it and saying, well we just, this just doesn't look right  
14 or.

15 MS. CAIRNS: Yeah.

16 MR. THEUS: Are we allowed to grandfather uses?

17 CHAIRMAN PALMER: Well, they're grandfathered they just – oh, you mean keep  
18 their zoning? Keep all the uses for their zoning on their piece of property like we do with  
19 M-1s, if the M-1 would've gone away?

20 [Inaudible discussion]

21 MR. PRICE: I mean, if one became nonconforming, potentially they could always  
22 ask for a rezoning.

23 CHAIRMAN PALMER: Yeah. So then they could try to get it –

1 MR. PRICE: [Inaudible].

2 CHAIRMAN PALMER: - they could try to get a GC zoning in the middle of a,  
3 where they were OI?

4 MR. PRICE: Not, not necessarily.

5 CHAIRMAN PALMER: What are the chances of that happening?

6 MR. PRICE: But if you're, I mean, if you're looking at the example that you gave,  
7 the one on Hunt Club, you could make the argument that neighborhood commercial  
8 might be a more appropriate zoning for that location than the OI, if that is potentially OI.  
9 So, I mean, so there are other options available for them. We're not saying we want to  
10 eliminate convenience stores from the county.

11 MR. VAN DINE: It seems to me that we haven't seen that this has become a  
12 problem at this point in time and, and unless we have a problem that we need to be  
13 facing we are going to impact a fair number of people that already exist. And it seems to  
14 me that our job is to be facing and dealing with problems or if there's a potential  
15 problem, but so far I haven't even heard of a potential problem since I've been sitting up  
16 here as to what these changes deal with. I think I understand the idea of what's talked  
17 about about the shared residential over top of retail or something like that and maybe  
18 there is a good idea that we actually create a category that we can associate with that.  
19 But to make a change that can have impact as we said on some existing people who  
20 are doing things that they're supposed to be doing without even notifying them that  
21 anything's ever gonna happen or that they're gonna be having that problem. Seems to  
22 me to be going beyond what we should be doing here. At the same time I don't want to  
23 perpetuate the same uses if it's becoming a problem.



1 MS. CAIRNS: But also the, trying to maybe proactive and I think it's also possible  
2 that, you know, we've seen convenience stores become bigger and grander and bulkier  
3 things, and gas stations, and so while they may have been compatible in the past that  
4 they won't be going forward. So, I mean, we have to also be willing to be proactive but I  
5 think it is important to know how many people we're affecting that are then forced into  
6 nonconformity.

7 MR. VAN DINE: But I agree with –

8 MS. CAIRNS: But we can't always wait for the problem to occur cause then we're  
9 caught.

10 MR. VAN DINE: - I, I agree with what you're saying, which is that if we're going to  
11 do something like that then let's use the special requirements that we have, let's adopt  
12 some special requirements for some of these things as opposed to just a pure  
13 elimination. So my suggestion, and I would put this in the form of a motion, is that we  
14 defer anything on this and we ask the Staff to go back and look at the possibility as  
15 opposed to outright removing them from the, if there are ways that we can change the  
16 actual uses to special requirements, maybe adopt a new use in the form of, I mean, the,  
17 the living over top of retail, something along those lines, so that we can try and make it  
18 work for the people who are there.

19 MS. MCDANIEL: And may I add something to that? I don't know what the proper  
20 procedure is, but I would perhaps amend that motion to also include requests for Staff  
21 to better articulate why this is even a problem in the first place.

22 MR. VAN DINE: I'll accept that as part of the motion.

1 CHAIRMAN PALMER: And I, I'd like to see, Geo, if Mr. Van Dine will further  
2 amend his motion, inventory of the current C stores that are located on OI zoned  
3 property, as well as – and I think the real, my real blindside is, is, like David said,  
4 something who's been doing this and has built these units that we've been trying to  
5 push and thought were good ideas in the community, have them built and now without  
6 any other zoning classification to put them in, they just have the work/live space type  
7 condo units that are in these OIs. If we had another zoning classification that took that  
8 and slid that in there or, or even really what the problem is with it, but I'd like to see how  
9 many people are gonna be affected by that that built work/live spaces in the county. And  
10 I don't know how you track that but there's got to be something on the tax rolls.

11 MR. VAN DINE: Mr. Chairman, if I, if I could suggest – that we go back to, to the  
12 motion which was originally to defer this to allow Staff to come back to us with additional  
13 recommendations on certain aspects. What they come back with should not be included  
14 in the motion, we could make that as part of our requirements to them without the need  
15 for it to actually be in the motion itself. So, that would be my motion is to ask them to  
16 come back with data and recommendations.

17 CHAIRMAN PALMER: Sure.

18 MS. MCDANIEL: Second.

19 CHAIRMAN PALMER: We have a motion and a second. Do we have anything  
20 else that we want Staff to bring back? Any other questions? Any other thoughts?

21 MR. VAN DINE: Let's vote on the motion, then we can tell them the specific  
22 direction.

23 CHAIRMAN PALMER: All those in favor of the motion say aye? Any opposed?

1 [Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine, Theus,  
2 Brown]

3 CHAIRMAN PALMER: Okay, so we got all that?

4 MR. VAN DINE: So in essence what, what we're gonna ask you to do, just so  
5 that you're ready is, you need a lot more justification for what you're trying to do, who  
6 it's gonna impact, how it's gonna impact, inventory, and you need to give us the reasons  
7 why this is important to do now, or, or what other mid-range steps that we could  
8 possibly take as opposed to outright removing them from these areas.

9 CHAIRMAN PALMER: Okay, Planning Commission Rules and Procedures.

10 MR. PRICE: I actually have the handouts and I gave them to you at the last  
11 meeting, but I believe a couple of you were not here so if you'd just like to just defer this  
12 until next month to have everybody catch up on those, or –

13 CHAIRMAN PALMER: Yeah.

14 MR. PRICE: - if you wanted to just look at this now.

15 [Inaudible discussion]

16 MR. PRICE: Those were the last changes we made. Nothing else has occurred  
17 since the last meeting when we discussed it.

18 CHAIRMAN PALMER: Alright, so we'll re-address that at our next meeting. And  
19 then Director's Report of Actions?

20 MS. HEGLER: That is submitted as information.

21 CHAIRMAN PALMER: Okay. And do we have a motion to adjourn?

22 MR. VAN DINE: So moved.

23 MR. GILCHRIST: Second.

1 CHAIRMAN PALMER: Second? All those in favor say aye?

2 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine, Theus,*  
3 *Brown]*

4 CHAIRMAN PALMER: Meeting adjourned.

5

6

*[Meeting adjourned at 2:15pm]*