

RICHLAND COUNTY PLANNING COMMISSION
June 3, 2013

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

Called to order: 1:02 pm

CHAIRMAN PALMER: We'll call the June 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. Did everybody get a copy of the May Minutes?

MR. TUTTLE: I did, Mr. Chairman.

CHAIRMAN PALMER: Do we have any motions?

MR. TUTTLE: Mr. Chairman, I make a motion to approve the Minutes as submitted.

MR. GILCHRIST: Second, Mr. Chairman.

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

[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Theus; Absent for vote: Cairns, Brown; Absent: McDaniel, Van Dine]

CHAIRMAN PALMER: Any Agenda Amendments?

1 MS. HEGLER: Yes, good afternoon. We need to remove Items 1-6 on the Road
2 Names. We need further information there so when you get to Road Names you can
3 take up Items 7 and 8.

4 CHAIRMAN PALMER: Okay. Do we have a motion to adopt the Agenda as
5 amended?

6 MR. TUTTLE: Mr. Chairman, I'd like to, yes.

7 MR. GILCHRIST: Second.

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

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

12 CHAIRMAN PALMER: Road Names.

13 MR. TUTTLE: Mr. Chairman, I'd like to send the, approve the Road Names as
14 amended, so we're gonna approve numbers 7 and 8 as submitted, only. [Road Names:
15 Gonda, Attwell Spring]

16 MR. THEUS: Second.

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

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

21 [Brown and Cairns in @1:02pm]

22 CHAIRMAN PALMER: Case Number 13-08 MA. And what we'll do, just for the
23 members in the audience, is when I call your name if you would come down to the

1 podium, give us your name and address for the Record. And if you could limit your
2 comments to about two minutes we would certainly appreciate it. Thanks.

3 **CASE NO. 13-08 MA:**

4 MR. LEGER: Thank you, Mr. Chairman. Good afternoon everyone. Our first
5 request is located at 7100 Fairfield Road, the Project Number is 13-08 MA, and the
6 Applicant is Mr. Otis Smith. It's about one and a quarter acres in size, currently zoned
7 RS-HD, which is residential, single-family, high density. The Applicant is requesting a
8 GC, General Commercial District. This application, because it is less than two acres,
9 does meet our requirement for application as it is a GC request adjacent to an industrial
10 district, so it meets that exception. The property is, was originally zoned RS-HD in 1977.
11 There have been a couple of other applications for rezoning, both of which were denied.
12 The first or which was for C-3 and the second one was for M-1. In the vicinity you've
13 majority of which is RS-HD, residential, single-family, high density district, either
14 occupied residentially or undeveloped. To the west you've got a piece of property,
15 several properties zoned M-1, Light Industrial. That is undeveloped as well. The subject
16 property is cleared, undeveloped at the moment. The vicinity is really made up of mostly
17 residential uses or undeveloped properties. To the northwest you've got the Highway
18 Department maintenance facility. Further south, four or five hundred feet you've got a
19 convenience, commercial facility. And to the north several lots up there's also a billiards
20 parlor. The Comprehensive Plan recommends suburban for this site where office and
21 commercial uses should be at traffic junctions and not encroach upon residential use.
22 The property is not at a traffic junction. The Staff felt like it was not near enough to other
23 commercial uses and would possibly encroach on residential use for the future. Given

1 the fact that properties in the vicinity for the most part are zoned RS-HD, and the
2 predominant development pattern nearby, either residential or undeveloped, the Staff
3 felt that the site was not compatible with the Comprehensive Plan recommendations
4 because it was not at an intersection and not near other commercial use, and for that
5 reason we recommended disapproval at this time.

6 CHAIRMAN PALMER: Any questions for Staff?

7 MR. BROWN: Mr. Chairman, on that property, up at the corner of Sharpe Road
8 and Fairfield Road, what is that on the corner? What type of business is that?

9 MR. LEGER: That is Brown's Billiards, that is a, kind of a pool hall.

10 MR. BROWN: Okay, what is next to that, between the property in the discussion
11 and the pool hall?

12 MR. LEGER: That's a single-family residential structure.

13 MR. BROWN: Okay, thank you.

14 MR. LEGER: Yes, sir.

15 CHAIRMAN PALMER: Any other questions? Otis Smith? Okay, is that Kenyata,
16 right, Smith? Okay, if you could come on down and take the podium for us and give us
17 your name and address.

18 AUDIENCE MEMBER: [Inaudible]?

19 CHAIRMAN PALMER: I think they're all gonna go, I'm just going down the order
20 of what you guys signed up in.

21 **TESTIMONY OF KENYATA SMITH:**

22 MR. SMITH: Yes, sir. My name's Kenyata Smith, I stay at 116 Fox Grove Circle,
23 my parents stay at 116 Brick Iron Road. And the reason why we here, because we

1 wanted to get light commercial because they had it for so long and we never really did
2 nothing to it but paid taxes all this time. And we just trying to at least get something
3 there to at least accumulate a little money for my parents since they getting older.

4 CHAIRMAN PALMER: Okay. Thank you.

5 MR. SMITH: You're welcome.

6 CHAIRMAN PALMER: We've got Jamie Smith?

7 **TESTIMONY OF JAMIE SMITH:**

8 MS. SMITH: My name Jamie Smith, I'm Otis Smith wife. And yes, we trying to get
9 this rezoned because around the place on Fairfield Road we have a lot of commercial
10 business going on and we just want to get it rezoned. Because we have a lot of stuff out
11 there has commercial on it.

12 CHAIRMAN PALMER: Okay. Thank you.

13 MS. SMITH: You welcome.

14 CHAIRMAN PALMER: Nathaniel Calloway. Followed by Phillip Britalic, maybe?

15 **TESTIMONY OF NATHANIEL CALLOWAY:**

16 MR. CALLOWAY: How y'all doing? My name is Nathaniel Calloway. I live at
17 6949 Wakefield Road. I live next door to the property. On that part of the, Wakefield
18 Road going out to Shop Road we have a lot of junk out there, can't even get that, that
19 part straightened out. Now we fixing to get something else and they fixing to have a
20 problem out of it. So I don't even want it zoned. I mean, that's, you know, they got a big
21 bank, problem you can't even see down the road for the big bank. Over the years, over
22 the years that thing wasn't nothing but an eyesore and still an eyesore. So if they get it
23 rezoned I don't know what they gonna put in there, and I live next door to the thing and I

1 know what's going on. I been in before Hollywood Hills built, and ever since I was over
2 there it's been a, it's been a problem. And to get it rezoned now, what kind of else
3 problem you think we gonna have?

4 CHAIRMAN PALMER: Thank you. Phillip Britalic? Okay. Which list do you want
5 to be one?

6 AUDIENCE MEMBER: Case No. 2.

7 CHAIRMAN PALMER: That's all we have signed up to speak on this case.
8 Anybody?

9 MR. BROWN: Mr. Chairman? The properties that are between Webber Street
10 and Shop Road that are bordering on Wakefield Road, are all those residences?

11 CHAIRMAN PALMER: Well, they're zoned residential. So it would appear to be.

12 MR. BROWN: Yeah, but are there residences there?

13 MR. THEUS: All along Fairfield Road?

14 MR. BROWN: Yes. On Fairfield Road, are those all residential?

15 MR. LEGER: It's a mixture, mixed bag really. A lot of it is vacant and
16 undeveloped, wooded, not much there. My notes –

17 MR. BROWN: There appears to be a dwelling just below that property in a
18 clearing according to this map?

19 CHAIRMAN PALMER: That seems to be on the general commercial zoned
20 parcel that's there. Because the Beaver Brook Ts in right there with it.

21 MR. LEGER: The property that's immediately adjacent on the south side on
22 Fairfield is vacant but the next property down is a single-family residential structure.

1 MR. BROWN: Okay, and then the property between the Shop Road and the
2 property under discussion, that's single-family, is that right?

3 MR. LEGER: That's correct.

4 MR. BROWN: Okay. Thank you.

5 MR. LEGER: Yes, sir.

6 MR. THEUS: Mr. Chairman, I make a motion that we move Case No. 13-08 MA
7 forward with a recommendation for disapproval.

8 MR. WESTBROOK: I'll second.

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

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

13 CHAIRMAN PALMER: And there's none opposed. We are a recommending
14 Body to County Council. They'll have final say on the matter and they'll meet back in
15 these same Chambers on June the 25th, which I'd recommend any of the Applicants be
16 in here for, or anybody who has a stake in the case. Okay? Next case, Case No. 13-17
17 MA.

18 **CASE NO. 13-17 MA:**

19 MR. LEGER: Yes, sir. The Applicant in this case has been amended. The
20 representative today for this case are Mr. Stewart Mungo and Mr. Gerald Steele. Those
21 are the only amendments that I know of to this case. The property is addressed at 1842
22 Kennerly Road, it's almost 60 acres in size currently zoned RU, which is our Rural
23 Residential District. The Applicant is requesting RS-LD, which is Residential, Single-

1 family, Low Density. The RU District is the original zoning from 1977, and if you've had
2 the chance to go out to the site you can see that, you know, much of the property in the
3 area is zoned RU or RS-LD. The Ascot Estate residential subdivision to the east is
4 zoned in part RU, part of it is zoned RS-LD as well. The River Springs School and the
5 Belfair subdivision nearby are zoned RS-LD. The subject property is, for the most part,
6 unoccupied. There is a single-family structure on each site though. Primarily the other
7 properties in the vicinity are either rural large lot, scattered residential or actually fully
8 developed as in the Belfair subdivision or Ascot subdivisions. Our Comprehensive Plan
9 recommends for suburban use on the property which calls for the larger lot residential
10 uses similar to the RS-LD district which is much more compatible than the RU District.
11 Based on the surrounding development, the surrounding subdivisions and the
12 surrounding zoning being for the most part RS-LD, the Staff felt that this rezoning was in
13 character with the use and the Comprehensive Plan and for that reason we
14 recommended approval of this application.

15 CHAIRMAN PALMER: Any questions for Staff?

16 MS. CAIRNS: I have one sort of a quick question on the map provided for us on
17 page 18 of our packet. It shows rezoning approvals in, like '94 and '97. Which lots were
18 those for? Cause if it's – doesn't make sense. I mean, it's currently superimposed on
19 these two parcels.

20 MR. DELAGE: There was a rezoning and it's been attached to that number
21 because of the way our Assessor Office assigns the different zoning, the tax map
22 numbers. It just piggybacked on to the parent which were assigned down and so it just,
23 it's part of our records just because of how they do it, it's showing up for those parcels.

1 It was actually, there was numerous rezonings in the area, mainly around Ascot and it's
2 just picked up on that.

3 MS. CAIRNS: So these were like portions of –

4 MR. DELAGE: Right.

5 MS. CAIRNS: - phenomenons, okay. You might want to work on that.

6 CHAIRMAN PALMER: Any other questions for Staff? Mr. Mungo?

7 **TESTIMONY OF BILL DIXON:**

8 MR. DIXON: Good afternoon. I'm Bill Dixon here with The Mungo Company, 441
9 Western Lane. Don't really have anything to add above what Staff has said, but I'm
10 happy to answer any questions you may have.

11 CHAIRMAN PALMER: Okay. Any questions for Mr. Dixon? Thank you. Gerald
12 Steele? Okay. Charlene Metz?

13 **TESTIMONY OF CHARLENE METZ:**

14 MS. METZ: Good afternoon. Charlene Metz, 133 Charlie Griner Road, Irmo, just
15 off of Kennerly Road. I really don't have too much of a problem with considering some
16 zoning in that area, however I would prefer it to be left Rural, large lots. That's what we
17 have there now. And the population there now seems to have settled in pretty well, the
18 school seems to be servicing those residents, so I don't seen the need to go with a high
19 density property and change the nature of the way the property, the, the community is
20 designed at this point. One of my major concerns, however, are, in addition to this, is
21 the traffic on Kennerly Road. Kennerly Road is a farm to market type road and it, it is
22 now stressed beyond its limits with the traffic flow going up and down Kennerly Road.
23 We've had three schools built there, we've had numerous subdivisions with very little

1 change to the traffic situation or no, very little change to the roads. A couple of turn
2 lanes, which is, which is very, very handy, and one stop light. We need another stop
3 light, I've done a tiny bit of research, as much as my brain can absorb, which is what
4 DOT has in store and I don't see a lot of plans in the immediate future for DOT to do
5 any improvements to this road. And I really would like the committee to consider having
6 some kind of limitation put on this until we get some, something done with the traffic
7 situation. And then on behalf of my family, the taxes we pay, I would ask that council
8 keep the zoning the way it is, which is Rural, large lot. Thank you.

9 CHAIRMAN PALMER: Thank you. Mark Root? Followed by June Cook.

10 **TESTIMONY OF MARK ROOT:**

11 MR. ROOT: I'm Mark Root, 209 Lorick Way in Irmo. I'm here with a group of
12 neighbors, we've started a petition just last Wednesday in regards to this and we have
13 about 318 people opposing it primarily for three, three reasons. One is as the previous
14 speaker mentioned the traffic. The second is school congestion, can the schools,
15 particularly Oak Point and River Springs, handle the new influx of kids. And also the
16 home values and also the glutton of homes that are on the market now that are not
17 selling. If we add, there's already gonna be Ascot Woods coming in, and if we add 10,
18 15, 50 or 100 new homes, what is that gonna do to the, to the marketplace? We do
19 need that light at Steeple Ridge, Kennerly and Coogler. DRT has told residents that
20 there needs to be a fatality there in order for the light to go in. There will be a fatality if
21 you don't put a light in so that needs to be addressed as well. You've also got the new
22 high school, Spring Hill which is at the end of Kennerly and we don't know how that's
23 gonna effect traffic as well as the hospital and all the growth that's gonna be on Broad

1 River at Kennerly with Walgreens, Publix. And also the next intersection where the
2 Extended Stay and where the hospital is. The other thing I, just one question as far as
3 Staff recommending this, does any of the Staff actually live in the area, drive the road,
4 know what the traffic things are? That's, primarily traffic is gonna be a big issue. Thank
5 you.

6 CHAIRMAN PALMER: Thank you. June Cook?

7 **TESTIMONY OF JUNE COOK:**

8 MS. COOK: June Cook, 50 Cromwell Court, Irmo. It's a residential area. But to
9 put so many houses on a quarter acre lot with as heavy a traffic flow as we have, it's
10 just ludicrous, it needs to be large lots. The schools are wonderful now but they will be
11 overcrowded. There will be many, many new families move in with children and we like
12 families and we like children, but we don't want the traffic, it is dangerous now. The road
13 has not been improved. We're constantly fighting potholes and it's dangerous. And I
14 don't see any minimum square footage. Mungo put in Ascot, he is putting in a
15 subdivision right next to Ascot, and now we're going to put another one on the other
16 side. You really need to look at the traffic patterns, you need to consider the schools,
17 and you need to consider density. It just is not a good idea. Thank you.

18 CHAIRMAN PALMER: Thank you. Christina McCarthy?

19 **TESTIMONY OF CHRISTINA MCCARTY:**

20 MS. MCCARTY: I'm Christina McCarty at 121 Laurent Way, Irmo. And right now
21 Kennerly is currently way over capacity, the traffic is ridiculous morning, noon and night.
22 I'm an avid biker and runner and I know every time on the road on Kennerly I am fearing
23 for my life because there's no shoulder. Now that we have those, I don't know what you

1 call it, the divets along the road on Kennerly, we've literally lost two feet of road. That
2 increases traffic, it increases accidents. I'm afraid that there will be a fatality at Kennerly
3 and Steeple Ridge. And if you put in 10 more houses, 20 more houses, 100 more
4 houses, I, I just don't see where all that traffic and the people are gonna go. The
5 schools' are gonna be overcrowded. And I've also heard that there are, there's a
6 cemetery somewhere on that property and I'm just wondering what's gonna happen with
7 those bodies, are they, are they family of the owners, are they, somebody said they
8 were slave, slave graves? I, I have no idea what's out there. I just don't think that we
9 need any more homes in that area, I think we all live out in Irmo where it's semi-
10 wooded. We, we like the trees, we like the nature, we're not living downtown on small
11 little lots, we, with that area backing up to Ascot Estates where it's one acre minimum,
12 we like our land, we like our trees, we like our privacy and I'm afraid with this new
13 development we're gonna lose it. Thank you.

14 CHAIRMAN PALMER: Thank you. Frances Abante?

15 **TESTIMONY OF FRANCES ABANTE:**

16 MS. ABANTE: Frances Abante, 207 Laurent Way. As a mother and also PTO
17 president for the River Springs Elementary School, I'm here because I am really
18 opposed to this. This will bring approximately 150 more houses that will feed in an
19 average two kids per household. I don't know where are we going to put all those kids?
20 That is not including kids that will be living also in the 50 houses are building in Ascot
21 now, Ascot Woods. So that means that we have 400 kids that we will be needing of
22 school. Right now the capacity at River Springs and Oak Point, we have a capacity of
23 130 kids more. Now if we build these 150 houses, plus the other 50 houses that are

1 being built from Ascot Woods, where are we going to put 400 kids? That is my biggest
2 concern as a mother of two kids. My other concern that I have at this moment is my
3 property value. Right now in a three miles radius from the area, I have a map that I can
4 show you, whatever is marked in green that is the area that we are talking about in
5 here, whatever is in pink is in three miles radius. We have 130, 143 houses that are
6 foreclosure or in some type of distress and we have 288 houses that are for sale. That
7 is not including the 50 new houses that we are building in Ascot Woods. What is going
8 to happen with our property value? If those houses are not selling, what, you know, this
9 new proposed zoning that we are doing to create 150 more houses, I don't think that we
10 need more houses at this moment. My last concern is the traffic like everybody's saying.
11 The petition that we started last week we so far in a few days we got 318 signatures.
12 And [inaudible] is going up by the hour. That Kennerly Road is being graded by the
13 Department of Transportation, it's grade of F, which is the lowest, that grade that a road
14 can have. I don't know how we are going to support with Kennerly Road, all the traffic
15 that will be coming out of the new proposed neighborhood and the 50 other houses that
16 are being built in Ascot Woods. I have another map but I'm running out of time, but that
17 is a worry that I have. That is going to increase the dangerous road that we have as,
18 you know, Kennerly Road, that intersection in there is very dangerous, plus I don't think
19 that this road itself is designed to put more traffic on it. Right now it's, you know, it's in
20 the worst it can be. The other two houses that support the traffic is Broad River Road
21 and they're in the same situation, so I please, bring this up so, for consideration. We
22 don't want a smaller lots in there, we want an acre lot size like it is at this moment.
23 Thank you so much.

1 CHAIRMAN PALMER: Thank you. Phillip Brutalic?

2 **TESTIMONY OF PHILLIP BRUTALIC:**

3 MR. BRUTALIC: Good afternoon, my name is Phillip Brutalic, I live at 120
4 Landstone Circle in Ascot. I came to the development 16 years ago and I remember
5 very clearly looking at the Land Use Development Plan for the area and saying, this is
6 the ideal location for somebody who wants a rural, pastoral area to live, to raise their
7 family. The combination of the schools, the neighborhood and the community was the
8 combination that brought me here. And I stand in opposition to the proposal for three
9 reasons. One, I don't believe that Kennerly Road can ever handle the traffic that this
10 neighborhood is proposing in addition to the other neighborhoods, Ascot Woods, as well
11 as the schools that are going in the area. I ask the Planning Commission, did you do a
12 traffic impact analysis to determine whether or not a two lane rural highway can sustain
13 this added impact? Number two, the area has extensive rural character to it. One of the
14 reasons why we moved into the neighborhood was because of the significant amount of
15 open space. We're going to be taking a significant amount of open space, wildlife
16 habitat, ground water recharge, air quality improvements from photosynthesis, away
17 from the neighborhood and impacting the environment to a greater degree than it's
18 impacted now. Three, very concerned about property values and taxes. We have new
19 schools that are gonna have to be built, we don't have the budget for the new high
20 school let alone the school upgrades that are gonna be required to handle this. So I'm
21 curious, did the developer submit an overall environmental and economic impact
22 analysis and an impact plan to determine if this use was compatible and is it affordable
23 for the tax payers who are ultimately gonna have to pay for the cost to up, to maintain

1 all of the amenities, to maintain all the systems, sewer, water, traffic management in the
2 area? Having served on two other Planning Commissions in Pennsylvania, if this project
3 was brought before us we would've denied it because there was not significant amount
4 of impact analysis done to determine if the carrying capacity of the land and the
5 systems and infrastructure in the area could've handled it. So again, I voice an
6 opposition and I hope that the Planning Commission will delve into this a little bit more
7 deeper before they rule. Thank you.

8 CHAIRMAN PALMER: Thank you. That's all we've got signed up.

9 AUDIENCE MEMBER: I tried to sign up but it was already gone. Can I speak?

10 CHAIRMAN PALMER: Sure, come on down. Is there anybody else? If so, just
11 please line up for us.

12 **TESTIMONY OF TOM ROGERS:**

13 MR. ROGERS: My name is Tom Rogers, I live at 85 Cannonade Court. I, I
14 observed the presentation that was given here and I noticed the pictures of the area do
15 not accurately reflect what all of my neighbors are trying to articulate. There are three
16 highly congested intersections all along Kennerly Road. One is the intersection where
17 Steeple Ridge, Coogler and Kennerly come together, and accidents happen there on a
18 regular basis. It's very difficult to exit off of Steeple Ridge onto Kennerly because of the
19 way of the curve of the road and cars coming around at a high speed at 45 miles an
20 hour, that often cause accidents. The next one is where Kennerly crosses in front of
21 River Springs Elementary School. It's very difficult to get in and get out in egress. The
22 third one is at the intersection where, the next one down, Hollingshed, where
23 Hollingshed crosses into Kennerly. My point is is that this is, there are certain times of

1 the day when this is such a congested area when so many accidents happen and on a
2 regular basis that this is a problem for the residents. It's a problem for the safety of our
3 children. It's a problem for people walking, riding, bicycling in the area, running. It's, it's
4 an issue for us so safety is our main concern. Next obviously as we've stated from a
5 property value standpoint there are a large number of high density areas in the area that
6 have a large number of foreclosures that are gonna impact our property values. That's
7 not why we moved there, okay? We all recognize that you can't control economic
8 conditions but we're in the area because of the way it is zoned. We continue to support
9 the existing zoning for large lots. That's our, those are our two main issues. So the
10 safety of the residents and the children in the area and for our property values, and we
11 ask that you not change the zoning. Thank you.

12 CHAIRMAN PALMER: Thank you. Yes, sir?

13 **TESTIMONY OF RUSSELL BOUKNIGHT:**

14 MR. BOUKNIGHT: Mr. Chairman, lady and gentlemen, my wife and I, I'm Russell
15 Bouknight, I live at 225 Laurent Way, my wife and I own two homes in this community,
16 both of which, one, one backs up to the new Ascot Woods which also is adjacent to this
17 proposed zoning change, and the other one we purchased in August of 2012, less than
18 a year ago, which backs up to this property. We have a one acre minimum lot, I mean,
19 the home that we just purchased. I believe if, if we had known this was gonna go to
20 quarter acre lot size with possibly 200 homes being put there, we'd have never spent
21 the money to buy the second home. Again, we have two in this neighborhood, one my
22 in-laws are in and the, the traffic is just horrendous on Kennerly Road as it is. We've, we
23 used to come in and out at Steeple Ridge and Kennerly that frankly became too

1 dangerous. We, we're now on the other end at Laurent and Kennerly, even there the
2 traffic is terrible, particularly in the mornings and from the 5:00 traffic. The, our daughter,
3 our seven year old child goes to River Springs Elementary which right now she's in a, a,
4 what I believe is an overcapacity class, it's, it's 20 some kids in her class. You're
5 adding, as Frances mentioned earlier, nearly 400 children to go to the two elementary
6 schools that are in this area. It, it's just way too much overcrowding for this particular
7 area. Ascot Woods is more than enough new homes to come into our area. If you look
8 at the street that I live on now, Laurent Way, there are houses that are in foreclosure.
9 The property values are where they are because there's no quarter acre lots back up to
10 us and, and we have tremendous concern for our property values.

11 CHAIRMAN PALMER: Thank you.

12 **TESTIMONY OF JOHN GEPHART:**

13 MR. GEPHART: Hi, my name is John Gephart, I'm in Belfair subdivision. I don't
14 have a whole lot to say other than just to echo my colleagues that have just, my
15 neighbors have just said. But I would like to say that I almost lost a good dear friend at
16 one of the intersections, and if you ever go up and down that road there's kids walking
17 on a routine basis. And in fact, the YMCA just had a, a triathlon and you increase the
18 traffic, you increase the number of homes that are going back there, there's just, just the
19 outcome is gonna, is gonna be there and there's gonna be more deaths. That's really
20 the bottom line. So I'd just like you all to consider that and, and pose an opposition to
21 the rezoning as well.

22 CHAIRMAN PALMER: Thank you.

23 **TESTIMONY OF CRAIG YOUNG:**

1 MR. YOUNG: My name's Craig Young, I live at 260 Gallant Tree Ridge. I'm a
2 new, I guess resident in Ascot and I love it here. Have a lot of my friends and family
3 here. I, we, as a society, are not against growth but you're our leaders and we come
4 before you trusting you to make the right decision for us. This is about quality of life, it's
5 about our kids, it's about property values, for all of us this is probably our largest
6 investment. And, and at the same time we want businessmen to be able to thrive and
7 do well. I'm a businessman, I make money off profits. There has to be, like in my
8 marriage, you both have to be able to get what you want, you just can't always get it at
9 the same time. So I'm gonna approach this a little bit differently, I'm a God-fearing man
10 and I believe God has put all of y'all in place. And if I could take this time I'd just like to
11 pray for this board for wisdom, understanding, discernment and knowledge. So if y'all
12 would I'm just gonna pray real quick. Lord, we just thank You for your love for us. We
13 thank You how You have blessed us as a nation. We thank You for how You have
14 blessed our communities. And Lord, we just ask for this board for wisdom, Lord, for
15 discernment, knowledge and understanding that they would get on their knees and ask
16 you, Lord, for what's right at this time. We thank You for your love. In Jesus name we
17 pray, amen. Thank you.

18 CHAIRMAN PALMER: And that's all we've got signed up to speak on this case.

19 MR. GILCHRIST: Mr. Chairman, I have a question. For the Staff. The latest traffic
20 report that we have is from 2011. Is that the latest? We don't have anything –

21 MR. DELAGE: DOT generally releases the prior year's counts in April, so we'll be
22 getting 2012 in, you know, coming up here pretty soon. But they're always a year
23 behind, so unfortunately they're gonna be back and sometimes they're not always

1 available in April, sometimes it takes a little bit longer. It just depends on what the
2 collection is.

3 MR. BROWN: Mr. Chairman? I'm sorry, excuse me.

4 MR. GILCHRIST: Excuse me. You said April, right? So we hadn't gotten
5 anything?

6 MR. DELAGE: Not that I'm aware of. I got the new maps that were updated
7 recently cause some of the traffic count locations changed, but I haven't seen any of the
8 newer numbers.

9 MR. BROWN: Excuse me, Mr. Chairman. Kennerly Road is a main artery into
10 these communities. Are there any plans to widen Kennerly that we are aware of? It is a
11 two lane road.

12 CHAIRMAN PALMER: As far as I know, me personally, I mean, Staff may have
13 some more information that I don't, but I don't know of anything. But I do know that, and
14 Staff correct me if I'm wrong, that when the project, if it were to move forward, were to
15 come in for the development plans, that DOT is going to require the traffic calming
16 measures to be put in place for getting the traffic in and out of this neighborhood onto
17 Kennerly in such a way through acceleration lane, deceleration lanes. If the traffic
18 generated off this justifies the need for a new signalized intersection or something, DOT
19 will, will make them do all that stuff prior to being able to develop the site. This, what's in
20 front of our board is whether or not this area, this piece of land, we're not getting into the
21 development of the site, but does this piece of land, these two tracts, do they deserve
22 or, or do they in the future plans of the county, need to be RS-LD? If you take into
23 account what our Comprehensive Plan is, what the surrounding area is developing as,

1 what it looks like, what the surrounding zonings are, all these factors are what we take
2 into account. But the actual layout of the, of the subdivision, the traffic calming
3 measures that DOT makes you put into place, the water quality, how all that stuff is
4 protected, a lady emailed us as well that there's a stream in the area that she's
5 concerned about from the run off and all that kind of stuff, those, those are not issues
6 that's in front of our board at this time. Those are things that are handled through the
7 regulations that we have in place, not only state regulations but also DHEC regulations
8 and everything else to make sure the development is developed, if it were to be
9 developed, in the proper manner and that's where those regulations come into place.
10 That's, that's not what is before us today. All those can be, factors that we take into
11 account when we take a look at rezoning piece of property, but that's just, the traffic
12 concerns, I mean, they are a concern but I know that those get handled at the DOT
13 level.

14 AUDIENCE: No, they don't.

15 CHAIRMAN PALMER: I'm sorry, folks, folks, I'm sorry. I'm sorry. But there are
16 regulations in place from DOT before they are granted curb cuts to –

17 AUDIENCE MEMBER: What have they done so far?

18 CHAIRMAN PALMER: - to be able to, to DOT standards, these roads, these will
19 have to be built to DOT standards. And if our community doesn't like – I'm sorry sir, but
20 we've closed the public hearing – if our community doesn't like the DOT standards that
21 are currently in place, then we need to lobby DOT to change the current standards.

22 AUDIENCE MEMBER: It's Richland County funding that has to require a road,
23 not DOT.

1 CHAIRMAN PALMER: Yes, sir, I appreciate that. Thank you. So that's, that's
2 where that comes in. And the traffic county station that, that we have at 493 Coogler
3 Road, per to your point, 2011 numbers, operates at a Level A. We don't have a traffic
4 count station, unfortunately, in front of this location. The nearest one on Kennerly from
5 what the data we have is, what, 1.9 miles away? Which is not gonna give an accurate
6 portrayal, plus or minus where this is. Unfortunately, DOT doesn't have a traffic count
7 station in this area. So – no, ma'am, I'm sorry, we really can't.

8 MR. TUTTLE: Mr. Chairman, I'd like to make a motion to send Case 13-17 MA
9 forward to Council with a recommendation for approval.

10 MR. GILCHRIST: Second, Mr. Chairman.

11 MS. CAIRNS: I'd like to have some additional discussion before we take a vote.

12 CHAIRMAN PALMER: Absolutely.

13 MS. CAIRNS: I would just like to offer that I have a couple of issues. One is I
14 think that what we've heard is that Kennerly Road is the collector road not Coogler so
15 the traffic count on Coogler being A doesn't mean that Kennerly Road is not overly
16 burdened and I think two miles away is not unduly unfar to offer that Kennerly Road is
17 probably grossly over utilized. The other thing I sort of have issue with is that while the
18 Comprehensive Plan says this is to be residential development, $\frac{3}{4}$ acre lot rural is
19 residential development, we also have that the properties around it are zoned RS-LD
20 and developed as such. But looking at our map and hearing the public speak, the lots
21 are acre lots which are even less dense than rural. And just looking you can see that
22 this Laurent Way has much bigger lots than quarter acre lots on it. So the fact that it's

1 zoned RS-LD does not reflect how it's currently developed and it is developed in much
2 larger lots.

3 MR. TUTTLE: Well, if I could interject. I happen to build, in a previous life, some
4 of the first houses in Ascot and I remember when Ascot was developed how
5 controversial it was. It's too dense, too much traffic, it's gonna overburden the schools,
6 don't need to do it here, let's go somewhere else. And unfortunately, as development
7 patterns happen we, we can't always go where there's a six lane road and there's
8 schools at half capacity. It seems that people want to go where other people live and
9 that's what creates some of these issues. Within Ascot there are much small lots than
10 one acre lots. In fact, the minority of the lots in Ascot are one acre lots. There are patio
11 homes within Ascot. If you look at the map with the RS-LD adjacent to this property, in
12 essence almost on three sides that's where I find the justification of moving forward with
13 it, there's certainly more less than one acre lots than there are one acre or greater lots
14 in the area.

15 MS. CAIRNS: Just, I still would like to finish, that even though the land
16 surrounding this is zoned RS-LD, the density of the lots is not quarter acre lots based on
17 the graphics that we've been provided. I mean, if you look at Belfair Road, my guess is
18 those little rectangles are probably your quarter acre lots. If you look at what's adjacent
19 to here, those lots are much larger, almost without exception. There are a few that are
20 close to what – and so I do not feel that I can offer any support for this proposal
21 because I do not feel that based on the traffic counts and the surrounding development
22 that going to quarter acre lots is an appropriate density for that area.

1 MR. TUTTLE: I would just like to interject that as you start to develop the
2 property the topography and geometry will lead you to different size lots. Not every lot
3 will be a perfect 12,000 square foot lot, and that's probably why you see some disparity
4 in the size of the lots as it relates to cul-de-sacs, you know, curvature of roads, etc.
5 That's why there are different configurations, it's not because they intentionally wanted
6 to have $\frac{3}{4}$ acre lots mixed in with $\frac{1}{4}$ acre lots.

7 MS. CAIRNS: It doesn't affect my statement.

8 MR. TUTTLE: Well, I'm just trying to explain the logic of why the development
9 plan has different squiggles on the page.

10 MS. CAIRNS: I am perfectly aware of why lots vary in size. I also have extensive
11 background in development.

12 MR. TUTTLE: Thank you.

13 AUDIENCE MEMBER: How can you justify –

14 CHAIRMAN PALMER: Ma'am. We can't, we really can't open it up.

15 AUDIENCE MEMBER: There are almost 300 houses –

16 CHAIRMAN PALMER: Ma'am?

17 AUDIENCE MEMBER: - for sale in the area.

18 CHAIRMAN PALMER: Ma'am? Thank you but we really can't open it back up for
19 public comment. So we've got a motion and a second. Any other discussion? All those
20 in favor of the motion please signify by raising your hand. All those opposed?

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

1 CHAIRMAN PALMER: Okay. And again folks, we're just a recommending body
2 to Council, they'll have the final say on the matter. I believe it's the 25th, correct the 25th
3 of this month. We'll take just a moment. Alright next case, Case No. 13-18 MA.

4 **CASE NO. 13-18 MA:**

5 MR. LEGER: Mr. Chairman, I'd like to make note to the Commission that the
6 Staff Report has been revised. It's my understanding that has been distributed to you all
7 based on some information that was received at a late date regarding water availability.

8 CHAIRMAN PALMER: We got it.

9 MR. LEGER: Thank you.

10 CHAIRMAN PALMER: Does anybody need one up here? Alright.

11 MR. LEGER: This is Case No. 18, the Applicant is Mr. Larry Brazell. The property
12 is located on Bluff Road. It is almost 150 acres in size, currently zoned RU, our Rural
13 Residential District, and the Applicant is requesting LI, which is our Light Industrial
14 District. RU was the original zoning district from 1977. There was an application for
15 rezoning to LI in 2007, however, that was withdrawn at the time. Much of the property in
16 the vicinity is either undeveloped and wooded or agricultural in nature or, or residential
17 in all directions of this property. The property has almost 2,000' of frontage on Bluff
18 Road. Probably the nearest significant development is the detention center which is
19 located to the, to the northeast on Bluff Road about a half a mile away. Our
20 Comprehensive Plan recommends rural for this site. Based on that recommendation
21 the, the Staff found that this site has plenty of room for buffering and expansion, has a
22 light industrial district, it also has the infrastructure in place to develop, water and sewer
23 is provided by the City of Columbia. Based on the ability to provide services and the

1 Comprehensive Plan recommendation the Staff recommends approval of this rezoning
2 at this time.

3 CHAIRMAN PALMER: Any questions for Staff? Larry Brazell?

4 AUDIENCE MEMBER: I think we agreed Nelson Lindsay will speak on our
5 behalf. Mr. Brazell is the director of East Richland County Public Service District. I think
6 Mr. Lindsay's –

7 CHAIRMAN PALMER: Right, we just, as a courtesy, allow the Applicant to go
8 first if they want to say anything. But Mr. Brazell, that's fine. Mr. Lindsay?

9 **TESTIMONY OF NELSON LINDSAY:**

10 MR. LINDSAY: Thank you. Nelson Lindsay, 1201 Main Street. For those that I
11 have not met, I'm the director of economic development for Richland County. I came on
12 the job about a year and a half, almost two years ago. And one of the major initiatives
13 that Council has put in my office is the development of future industrial sites and parks
14 so that when companies come to, to look for sites, that we have a place for them to
15 land. And that is a, a challenge in an area where industrially zoned property is in short
16 supply. So what we look for is property that is close to the interstate, close to
17 transportation, access to utilities and similar, that work with compatible uses. And so
18 this property meets those criteria; if you look at the map it's just over three miles to
19 Interstate 77, it has access to water and sewer, and I don't know if you can see but just
20 north of it, whatever color purple that is, is already zoned industrial property so this is
21 not unique to this site. And so with that and the ability to, to have additional industrially
22 zoned property in, in our basket so that when companies come looking, that's my, the
23 reason for my support for this rezoning.

1 CHAIRMAN PALMER: Thank you, Mr. Lindsay. Any questions? Thank you.
2 Bruce Holloman?

3 **TESTIMONY OF BRUCE HOLLOMAN:**

4 MR. HOLLOMAN: My name's Bruce Holloman, I live at 1101 Montgomery Lane.
5 And basically my property doesn't butt into this land but it backs into it maybe a couple a
6 hundred yards across a field, crossing of the farmland actually. This land, I been out
7 here since 1989, I moved on this property in 1989 and I bought it probably about seven
8 or eight years ago, but the greater council for Richland County, the land use stops at
9 Adams Pond, which is right before you get to this property. The industrial area on this is
10 actually, if you go and look at your run offs and everything, goes directly into Mill Creek.
11 Mill Creek, which feeds into the Congaree National Forest, which is probably one of the
12 better things in the State of South Carolina, I don't see where you have thousands of
13 acres on Garners Ferry Road, on Shop Road, on Pineview, that has been up for sale for
14 years that hasn't sold. And now you go out, when you start going out Bluff Road you
15 really get into the rural area where you need, you need, you need some relief from the
16 city. You can't, you can't put the city all in Columbia, you got to give, you got to give
17 room for, you got to have room for trees. Without trees, you ain't gonna have air to
18 breath, you not gonna have a city, and I just think that this is carrying it just a little bit too
19 far. I think Council needs to go back and look at the land use that you have closer to 77,
20 it's all around 77, that's what this was designed for, that's what 77 was put in for. And
21 you're stretching out past your reaches on this. They haven't even come up and said
22 what kind of industrial they want to put it in, they want to rezone it for light industrial,
23 okay what are you gonna put in? What kind of light industry you gonna put in? I haven't

1 heard Mr. Brazell or anybody else say what they want to do, what do you want to put in?
2 You gonna put in, you know, what, what's the design to build? What are you gonna put
3 there? We don't know. So that's why we're opposing this because we don't know what
4 they want to do. I think I'm the only person that signed up but I have several of my
5 neighbors that came in today and I'm sure they would like to have something to say
6 about this too, their land actually backs into that and I just want to oppose it, that's all.

7 CHAIRMAN PALMER: Sounds good, I appreciate it. Thank you. Mr. Price? Is
8 there any way that you could get Mr. Holloman just a copy of the permitted uses that are
9 in LI? I mean, not right now but just at some point? No, this is Mr. Holloman back here,
10 I'm not sure who this gentleman is.

11 MR. PRICE: Yes, I'll be happy to get that to him.

12 CHAIRMAN PALMER: Because when you rezone a parcel, any of the uses that
13 are allowed in that district will be allowed. I don't think there's a specific use planned for
14 this time, but this Body doesn't take into account specific plans anyhow. We have to
15 take a look at all the zoning, whatever is available under that zoning classification.

16 MR. HOLLOMAN: Yeah, it's the same piece of property, I'm sure you have the
17 information too. The piece of property was up for development in 2007, but when we
18 came in front of the Commission on that, we knew what they were gonna put there.

19 CHAIRMAN PALMER: Yes, sir. I –

20 MR. HOLLOMAN: And, and, and like I said, now we don't. But it was denied then
21 and I, I mean, other than seven years ago about, I don't see a whole lot of, well six
22 years, not a whole lot of difference between 2007 and 2013.

23 CHAIRMAN PALMER: I appreciate it, thank you.

1 MR. HOLLOMAN: Yes, sir.

2 CHAIRMAN PALMER: Alright, that's all that we have signed up to speak on it.

3 Would you – yeah.

4 **TESTIMONY OF DAVID WELSFORD:**

5 MR. WELSFORD: Yeah, I'm sorry I missed the sign in sheet. My name's David
6 Welsford, I live right next door to the property, about 300' from the property. I'm
7 opposed to it. They didn't tell us the plans because the plans are to take raw sewerage
8 and throw it out on the dirt and let it dry. So they didn't tell us that's the plan but I think
9 that's what the plan is from what I've heard. And I'm definitely opposed to it cause I live
10 right next door and how would you like it if they did that right next door to your house?
11 So I'm opposed, against it. But the other thing is what Bruce was saying too is that
12 seven years ago or five years ago they did this same thing and the overall plan, which
13 y'all know about, for rural to be right here, not for industrial to be right here. Where that
14 creek is and where that pond is is where the stop is for the overall plan, so if you stick
15 with the plan and what the plan is, you would leave it as rural. So that's all I had to say.

16 CHAIRMAN PALMER: Okay, thank you. That's all we've got signed up for it. Any
17 thoughts? Comments? Motions?

18 MR. BROWN: Mr. Chairman, how far out, how far is this property from the
19 beltway?

20 CHAIRMAN PALMER: Staff?

21 MS. HEGLER: Three miles.

22 MR. BROWN: Three miles? South of the beltway?

23 AUDIENCE MEMBER: May I speak? I missed the sign-up sheet also.

1 CHAIRMAN PALMER: Why not? Open that door.

2 **TESTIMONY OF DEBRA POTTS:**

3 MS. POTTS: My name is Debra Potts and I live at 5400 Bluff Road. I'm the first
4 little triangle you see there adjoining this property. We own 15 acres and then there's
5 eight acres next door, and there's also another five acre lot, that's the other triangle. But
6 we've been out there approximately 30 years and we love living in the country, we
7 bought on this property because it was rural and all the, we would love for it to be five or
8 ten acre lots next door and all through the 150 acres. We're hearing that they plan to put
9 some kind of sludge all over this property, I don't know if it has any odor to it and I don't
10 really know what the plan is cause it hasn't been said. But we love living in the country
11 and we want it to stay rural. And so we're opposed to it. And it also, all these neighbors
12 down Montgomery Lane are opposed to it, they came with us last time to fight the same
13 thing.

14 CHAIRMAN PALMER: Alright, thank you. So the public hearing is not closed on
15 this case. Alright? So we've got, in our new packets there's water to the site, is that
16 right?

17 MS. HEGLER: Ability to get on water. Water goes all the way down to
18 Westinghouse past here.

19 CHAIRMAN PALMER: Okay.

20 MS. HEGLER: It is within the service area.

21 CHAIRMAN PALMER: Right. We've got a tremendous amount of LI just north.

22 MR. THEUS: What was the, what changed in order to go from recommendation
23 of disapproval to approval?

1 MS. HEGLER: Information on water availability. We were not comfortable
2 recommending approval until we knew that it had met that, that threshold.

3 CHAIRMAN PALMER: Just because of the need for industrial land, industrial
4 type use?

5 MS. HEGLER: You know, our Comp Plan requires us to look at industrial on a
6 case by case basis and answer a few strategic questions; proximity to arterial and
7 interstates, plenty of room or ample room for expansion and buffering, and utility
8 availability, and we didn't have that information until very late. We were waiting for the
9 City to respond to us.

10 MS. CAIRNS: How far from the interstate does one have to be before they aren't
11 close?

12 MR. HEGLER: And it is, actually the Comp Plan requires it to be on an arterial,
13 which I would consider Bluff Road.

14 MR. GILCHRIST: Do you know how long water has been on the site?

15 MS. HEGLER: I don't remember how long, I know they ran it to Westinghouse,
16 which is another couple miles in the southward direction.

17 CHAIRMAN PALMER: And then, I know in, you know, a lot of times we take a
18 look at these sites, but our – and it goes somewhat to what I mentioned before in our
19 other case, in that our Code, state statute as far as a sludge plant or whatever's put out
20 there, not that that's gonna go or whatever, but just worse case, whatever the, the
21 community may be afraid of, all these industries in our zoning Code have built in it what
22 the community believes to be proper regulations and what the governing authorities
23 believe to be. We have setbacks built in between light industrial properties and

1 residential properties. If we don't think those setbacks are enough we need to readdress
2 that issue. We have water quality in place, we have the storm water management plan
3 in Richland County, which is fairly aggressive for developing sites that have any of
4 those kind of futures to them. The protection of the wetlands, so forth and so on. So the,
5 you know, in my mind the points that Staff puts out are legitimate and, you know, I
6 certainly couldn't support it if, if there were no, if there was no water availability to the
7 site, it just doesn't make sense to put a, some sort of manufacturing facility on a, on a
8 well type system. I guess it can happen it just doesn't make sense to me, but. You
9 know, those are my thoughts on the subject.

10 MS. CAIRNS: So did the Comp Plan call this part of Bluff Road to stay rural?
11 Except for that, I heard you offer that industrial requests are taken on a case by case,
12 but in terms of the general overall Comp Plan, showed this area staying rural?

13 MS. HEGLER: Yes. I believe so.

14 MS. CAIRNS: So if the only justification is that Bluff Road's arterial, which I guess
15 it would be arterial from its entire length, so any place there's water that could be an
16 industrial site, it would qualify?

17 MS. HEGLER: I mean, I think proximity to the interstate, three miles is, is, I
18 mean, that kind of fit our definition of proximity. Water doesn't go too far beyond here. In
19 fact, that was one of the reasons we waited for the answer, it was –

20 MS. CAIRNS: Right, but then it comes down to the fact that only the water, which
21 is something that we don't have any say so as to where it is or isn't, is the only thing that
22 controls where industrial is determined to be an approvable –

1 MS. HEGLER: I think all three of those factors together were what we were
2 looking at. Not just one or the other.

3 CHAIRMAN PALMER: Any other thoughts or comments?

4 MS. CAIRNS: I guess my one other question, maybe it was the first fellow would
5 be the best to answer is, I mean, I can appreciate needing to have undeveloped
6 available industrial land as part of our basket of goods. But how much do we have,
7 already available for the cold call that comes in? Does he, did he –

8 MR. LINDSAY: It is there, depending on the size of the [inaudible] –

9 CHAIRMAN PALMER: Mr. Lindsay, can you come – cause we record these.

10 MS. CAIRNS: Thank you for coming back. I apologize.

11 MR. LINDSAY: No problem. What you want is varying levels or sizes of acreage.
12 What this allows for is a larger size parcel that, you know, we just do not have a lot of
13 with all those other attributes; access to interstate, access to water and sewer. And it's
14 that close proximity to the interstate that is, is critical as well.

15 MR. THEUS: So just off the top of your head how many 150 acre sites would you
16 have in Richland County that are in reasonable proximity to the interstate with utilities?

17 MR. LINDSAY: Zoned appropriately?

18 MR. THEUS: Yeah.

19 MR. LINDSAY: Less than 10. And that's strictly off the top of my head. And most
20 of those are in an industrial park.

21 MR. THEUS: What's the significance of being in an industrial park?

22 MR. LINDSAY: I'm just saying those are already developed with other tenants in
23 them.

1 MS. CAIRNS: Okay. But, I mean, I guess just sort of looking at Bluff Road, the
2 three and a half miles from the interstate to this parcel is not all industrial either. It looks
3 like there's a fair amount of residential development on this section of Bluff Road. So
4 while you may say three and a half miles from the interstate is not far, if the three and a
5 half miles comprises a fair amount of residential use and you put industrial use saying,
6 well it's great cause it's near the interstate, you're saying you anticipate a lot of traffic,
7 it'll be industrial type traffic on a road that qualifies as arterial just cause it's one of the
8 few roads out there. I just think, you know, that maybe that needs to also be one of the
9 factors is what's the character of the road that we're asking industrial traffic to now start
10 heavily use?

11 CHAIRMAN PALMER: Any other comments? Motions?

12 MR. TUTTLE: Mr. Chairman, I recommend that we send Case 13-18 MA forward
13 to Council with a recommendation for approval.

14 MR. THEUS: Second.

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

17 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Theus, Brown; Opposed: Cairns;*

18 *Absent: McDaniel, Van Dine]*

19 CHAIRMAN PALMER: Case No. 13-19 MA. And some of you may have come in
20 late but we're a referral Body to County Council. They'll meet back here in these same
21 Chambers on the 25th if you'd like to be back for those.

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

1 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Mr. Will
2 Holmes. The property is located at 2312 Clemson Road. It's a little over 15 acres in
3 size, currently zoned RS-MD, residential, single-family, medium density. The Applicant
4 is requesting OI, Office and Institutional. The original zoning was RS-2 which is similar
5 to what it is today, residential, single-family, medium density. The designation was
6 changed in 2005 when the Code was updated. In the vicinity you have a mixture of
7 uses. To the north you have property zoned RS-MD and RU, it is a large subdivision,
8 Winslow subdivision as a matter of fact. And an undeveloped tract immediately adjacent
9 to the north, west. To the south you have a number of different uses; Abundant Life
10 Church and a medical office, Palmetto Family Medicine, some residences and some
11 undeveloped properties. The property for the most part is undeveloped, there is a
12 single-family home located in the center of it. Clemson Road is a five lane arterial, very
13 busy, with sidewalks. Again, the area is characterized by residential use and some
14 office and institutional. The Comprehensive Plan recommends suburban for this
15 property where that plan recommends that rezoned to office and commercial be located
16 near other office and commercial zonings. The Staff felt that this property met that
17 criteria, we felt that the floodplain to the north would separate this property from the
18 residential subdivision and in doing so there would be no encroachment from the office
19 into the residential use. Based on the recommendation of the Comprehensive Plan, the
20 surrounding land use and zoning, the Staff recommended approval of this rezone at this
21 time.

22 CHAIRMAN PALMER: Will Holmes?

23 **TESTIMONY OF BRIAN SLATTERY:**

1 MR. SLATTERY: Good afternoon. Brian Slattery with Alliance Consulting
2 Engineers. I'm representing Mr. Holmes and actually the land owner who's Fred Berry. I
3 have nothing further to add to the Staff Report except for one clarification. The rezoning
4 request is actually for, and I have to clarify this as well so before we go to Council, I
5 believe it's only tracts C3 and C2, not C1. So this overall tax map parcel actually
6 includes, and I'm referencing a plat that was submitted, which I have a copy of and can
7 furnish that to Staff as well, but there's actually one of the tracts, this was the C parcel
8 of Sealum Investments tract that was completed back in 1979. So there's two of those
9 tracts, just want to make sure that, that moving forward that we got the right parcels on
10 here and apologize if that was not clear. But the, the size and acreage needs to be
11 clarified that one of those tracts is not requested to be rezoned. With that I'll open it up
12 to any questions or comments.

13 MR. THEUS: So what is the acreage of the parcel?

14 MR. SLATTERY: The acreage is approximately 10 acres. I think it's about 10.2,
15 it's the western two-thirds of the parcel.

16 CHAIRMAN PALMER: Can we see a plat?

17 MR. LEGER: It says 15 on the Application.

18 MR. SLATTERY: Okay. Well then that is our error, but I just wanted to clarify
19 that.

20 MR. TUTTLE: Mr. Chairman, I have a question for Staff.

21 CHAIRMAN PALMER: Sure.

22 MR. TUTTLE: What do we need to do with this? Is this something, Amelia is this
23 something we can still act on today?

1 MS. LINDER: Let me confer with Staff.

2 MR. SLATTERY: This is a reduction of what was asked for.

3 MS. CAIRNS: Yeah, but –

4 MR. SLATTERY: Yeah.

5 MS. HEGLER: I mean, it's posted.

6 MR. SLATTERY: And the owner has signed it as well.

7 MS. CAIRNS: It's just you're asking us to vote on something other than what's
8 before us.

9 MR. SLATTERY: If, if, if it cannot be voted on otherwise, then proceed as it was
10 submitted. Cause it was approved by the landowner.

11 CHAIRMAN PALMER: I think what's – here's my thought on it. We got an
12 application in front of us, we've got duly authorized by everyone necessary to go
13 forward with it, I don't even know if Mr. Slattery has the ability to pull it off.

14 MR. SLATTERY: Yeah, we'll leave it as is then. Then we'll leave it as submitted.

15 CHAIRMAN PALMER: And if somebody – that's always the tricky part with
16 bringing three parcels in under one. But.

17 MR. TUTTLE: So Mr. Chairman, my understanding is there's no one signed up to
18 speak?

19 CHAIRMAN PALMER: Nobody's signed up to speak.

20 MR. TUTTLE: With that said, I'd like to make a motion that Case 13-19 MA be
21 sent forward to Council with a recommendation for approval.

22 MR. GILCHRIST: Second, Mr. Chairman.

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

3 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Theus, Brown; Abstained: Cairns,*
4 *Absent: McDaniel, Van Dine]*

5 MS. CAIRNS: I just wanted to talk and I never got a chance, so.

6 CHAIRMAN PALMER: Well, I asked for any other discussion.

7 MS. CAIRNS: I know, I know you did. You did. I didn't jump fast enough. I'm not
8 saying you didn't.

9 MS. SWORD: So are you not voting?

10 MS. CAIRNS: I guess I didn't vote, right.

11 CHAIRMAN PALMER: But you have to vote under our rules.

12 MS. CAIRNS: Oh, that's true I do. If I don't – I mean, I just, I guess my question
13 to Staff, I mean, we've had Clemson Road come up before and we know that Clemson
14 Road is this massive giant road that now is capable of handling all kinds of traffic. But, I
15 mean, is it our plan to always have these big roads just simply become always some
16 type of commercial development? I mean, if we have nothing, I mean, if all your, you
17 know, basically you're saying, we now think this is best as office or commercial or
18 general commercial, neighborhood commercial, office, OI, and we're just gonna let
19 every single road just become – that's just, I mean, it's been a concern of mine and I'm
20 not, you know, on this particular parcel, you know, it's just, it just seems that we're
21 gonna create a whole bunch of Two Notches and Sunset Boulevards and places like
22 that.

1 CHAIRMAN PALMER: Whoa, whoa, whoa, whoa, whoa, whoa. Whoa, whoa,
2 whoa.

3 MS. CAIRNS: We're zoning anything that fronts a major road into some kind of
4 commercial use.

5 MS. HEGLER: We have a lot before you that we recommended denial for on
6 Clemson Road recently.

7 MS. CAIRNS: Okay.

8 MS. HEGLER: So I don't think you can –

9 MS. CAIRNS: No, I know, I know we've been denying but it's like –

10 MS. HEGLER: That's not all we look at.

11 MS. CAIRNS: - these give me heartburn. But I will cast my vote in favor of this
12 one cause I think this one is appropriate, but I just, I just have some fundamental
13 concerns about the amount of frontage on major roads that we just turn to commercial
14 use because I just see –

15 CHAIRMAN PALMER: But I think if you'll keep in mind, we see every rezoning
16 for the county and over the last month we've generated seven for the entire county. And
17 our dockets have been much slimmer than this over the previous months. So there's a
18 lot of development going on on already zoned parcels of land that aren't coming in for
19 rezoning because they're trying to see out those already zoned pieces of property.

20 MS. CAIRNS: That's fine.

21 CHAIRMAN PALMER: You know, that's not a tremendous amount of rezonings
22 requested for a county our size.

1 MS. CAIRNS: I have no opinion on that. I'm just saying that I have problems with
2 the fact that we're turning every arterial into nothing but commercial development. I
3 don't think it's good at the end of the day. I think in 30 or 40 years that's not gonna be
4 good. Whether it's because it's already existing zoning or new zoning or whatever.
5 That's just, I don't think it's a good plan.

6 *[Final vote - Approved: Cairns, Westbrook, Tuttle, Palmer, Gilchrist, Theus, Brown;*
7 *Absent: McDaniel, Van Dine]*

8
9 CHAIRMAN PALMER: I appreciate that. Case No. 13-20 MA.

10 MS. CAIRNS: Did you get my vote? Thank you.

11 **CASE NO. 13-20 MA:**

12 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is John
13 Champoux. The property is located on Knollside Drive, which is proposed to be a new
14 street located to the west of Foxhill Drive behind several residences that are currently
15 under construction. The entire property is made up of three separate tax IDs and is
16 almost seven acres in size. It's currently zoned RU, which is kind of an island of RU, our
17 Rural District, between the TROS or golf course district and the RS-LD, the low density
18 residential zoning to the east. The RU District is the original zoning from 1977. Much of
19 this area has developed residentially in a subdivision, you have the Columbia Country
20 Club golf course there to the west. Our Comprehensive Plan recommends suburban for
21 our larger lot residential. We felt like this property needed to be rezoned from the RU to
22 the RS-LD as it was more appropriate as RS-LD than RU. Based on the fact that our
23 Comprehensive Plan supports it, there's plenty of RS-LD similar zoning in the vicinity,

1 and the types of residential uses in the vicinity, our Staff recommended approval at this
2 time.

3 CHAIRMAN PALMER: Any questions for Staff? Were these just not used for the
4 golf course?

5 MR. LEGER: I'm sorry?

6 CHAIRMAN PALMER: Were these just not used for the golf course?

7 MR. TUTTLE: I think they were privately held and I think the developer that's
8 done the other stuff has now obtained that land.

9 CHAIRMAN PALMER: Okay, because I mean, I see the easement back over to
10 the golf course it looks like.

11 MR. TUTTLE: Yeah. I don't know about that.

12 CHAIRMAN PALMER: Alright. John Champoux?

13 **TESTIMONY OF JOHN CHAMPOUX:**

14 MR. CHAMPOUX: Hi, John Champoux with Sustainable Design Consultants. I
15 am representing the owners who happen to be here if you've got questions for them.
16 Other than what Staff's already said, I'd just like to add that this is a portion of a huge
17 community called Longcreek Plantation, Northeast Richland. Everything that we're
18 proposing is in line with the ordinance, the letter and the law, and we respectfully
19 request that you pass this one with a recommendation for approval.

20 CHAIRMAN PALMER: Any questions? Thanks. Thank you.

21 MR. THEUS: Is that it?

22 CHAIRMAN PALMER: That's it. Nobody else signed up.

1 MR. THEUS: Mr. Chairman, I move that we move Case 13-20 MA forward to
2 County Council with a recommendation for approval.

3 MR. GILCHRIST: Second, Mr. Chairman.

4 CHAIRMAN PALMER: A motion and a second. Any other discussion?

5 MR. TUTTLE: Going once, going twice.

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

8 *[Approved: Cairns, Westbrook, Tuttle, Palmer, Gilchrist, Theus, Brown; Absent:*
9 *McDaniel, Van Dine]*

10 CHAIRMAN PALMER: Okay. Case No. 13-22 MA.

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

12 MR. LEGER: Yes, Mr. Chairman. The Applicant in this case is Terry Harris. The
13 property is located at 7950 Bluff Road. It is almost 13 acres in size, currently zoned RU,
14 Rural Residential, now it is requesting to be RC District, Rural Commercial. That RU
15 District is original from 1977. If you've been out to the site you will find that all of the
16 zoning in the vicinity is currently RU, much of it either developed or undeveloped
17 agricultural or residential in nature. The subject property has a non-residential structure
18 on it as well as what appears to be the, kind of a baseball diamond arrangement to the
19 north of the structure. The, probably the nearest commercial property is to the west,
20 Freeman's Convenience Store, another facility Lucky 7 #2 is also a commercial
21 structure at the intersection of Bluff Road and Congaree, which is zoned RU and is off
22 of your map. It is currently zoned RU. The Comprehensive Plan recommends Rural for
23 this property, suggesting that commercial and office activities be at intersections or at

1 locations where other commercial office use is located. It is our opinion that this is not
2 the case for this site. It is not at an intersection or a traffic junction, it is not near other
3 commercial or office use, and our Staff could not support the rezoning this time because
4 we felt like it would contribute the kind of random scattering of Rural Commercial zoning
5 in the countryside where there is already some commercial to serve the community. So
6 for those reasons the Staff recommends disapproval.

7 CHAIRMAN PALMER: Any questions for Staff? Terry Harris? Yes, sir, Mr.
8 Brown?

9 MR. BROWN: One question. What is this, on page 56, what is that structure used
10 for or was used for?

11 CHAIRMAN PALMER: I think we can ask Mr. Harris when he comes down
12 maybe.

13 MR. BROWN: That's fine, Mr. Chairman.

14 **TESTIMONY OF TERRY HARRIS:**

15 MR. HARRIS: Good evening. I'm Terry Harris, I live at 204 Kendal Park Drive,
16 Columbia, South Carolina. I am representing the owner of the property. That property is
17 used as an entertainment bar. It's been there for the last 25 years and from my
18 understanding that's what it has been. The owner had closed it down about three years
19 ago from my understanding, and he was saying that the upkeep, I think it's 13, 14 acres
20 of property plus the building itself, is, is tremendous on the building with an upkeep and
21 the building and the property itself without being open. And he actually thought that he
22 was grandfathered in. So he wanted to come back and re-establish the building as he
23 had in the past. And unfortunately he found out that because of the length of time that

1 the grandfather clause had no longer applied to him. Also in doing so he found out that
2 the, the zoning had changed. But I think it would be detrimental to the community and I
3 also think it would be detrimental to the owner to not be able to open up and operate
4 because he's actually carrying two liabilities. First of all he's got to do a care of
5 maintenance for the 14 acres of property, and second of all, you know, he still have to
6 pay taxes on the building that he really can't generate any revenue from. So I think you
7 will be doing a disservice to the community as well as the owner to not be able to
8 actually allow him to open up, run the business and operate as an entrepreneur. And in
9 doing so I understand with that area you talking about unemployment is pretty high and
10 that would give some offset to unemployment and there's other opportunities for other
11 growth development within that area, within the 14 acres of property and, you know,
12 within the building structure itself. Because from my understanding the people that was
13 actually working there when it was open were locals, were people that was actually
14 living with that perimeters, within that area. And so I can see that as a –

15 CHAIRMAN PALMER: Mr. Harris, if you could wrap it up for us we'd appreciate
16 it.

17 MR. HARRIS: Yes, sir. I can see that as being very helpful to the community as
18 well as to the owner.

19 CHAIRMAN PALMER: Okay. Mr. Brown, does that answer your question about
20 the building's use?

21 MR. BROWN: Yeah, it, I understand that directly it was a commercial use and it
22 was grandfathered, the grandfathering ran out.

23 CHAIRMAN PALMER: That's correct.

1 MR. BROWN: Is that correct?

2 CHAIRMAN PALMER: If it's closed for more than a year you lose the ability to
3 redo it.

4 MR. BROWN: Okay, thank you.

5 CHAIRMAN PALMER: Thank you, Mr. Harris.

6 MR. HARRIS: Thank you.

7 MR. TUTTLE: I've got a question for Staff.

8 CHAIRMAN PALMER: Absolutely.

9 MR. TUTTLE: Is there, if someone has a non-conforming use are they aware of
10 that?

11 MS. CAIRNS: Yes.

12 MR. PRICE: I'm not sure. We run into a number of people that come in – I think if
13 I had to just give an answer I would say no because a lot of people come in and this
14 situation is not unique where someone comes in and says, we would like to get a
15 business license or start a business, you know, we tell them that, sorry your non-
16 conformity has expired or, so you can't go in here.

17 MR. TUTTLE: But if someone's operating in a non-conforming use and they
18 apply for a business license, does anybody say, hey just so you know you're non-
19 conforming use and if you shut down for a year consecutively you lose this?

20 MR. PRICE: I mean, if somebody comes in and the use is non-conforming and
21 they come in we'll approve it. I don't know if we get into that dialogue. Maybe during the
22 discussion of approving the license we'll say, okay wait a minute, your zoning doesn't
23 meet this use but you're grandfathered in, you know, maybe that will come out just

1 during casual conversation but we don't necessarily go out of our way to inform them of
2 the non-conforming provisions of our Code.

3 MR. TUTTLE: Thank you. I'm not saying it's relevant I was just curious.

4 CHAIRMAN PALMER: It's kind of one of those things you need to know as an
5 owner of a business.

6 MS. CAIRNS: Well, a lot of times the person applying for the business license
7 isn't necessarily the property owner, it could be a tenant. So, I mean, you know, they
8 may not even get, you know, but also anybody is charged with knowledge of the law. I
9 mean, so.

10 CHAIRMAN PALMER: Where's the closest cross street as far as full interchange,
11 not just streets coming in it?

12 MR. LEGER: Driving to the west Congaree Road, and it's off your map, I thought
13 I might be able to show it with the IMS but Congaree Road comes, intersects with Bluff
14 Road to the west about a mile away. It's kind of the center of Gasden.

15 MS. CAIRNS: So that's a mile from that, Gasden Road to our property,
16 approximately?

17 MR. LEGER: Approximately, yes, ma'am.

18 CHAIRMAN PALMER: You know, it's always tough on these Rural Commercial
19 because when you get out into the rural areas of our community it may be a while
20 before you get a true cross road. Which is where I know we typically try to put these
21 rezonings at.

22 MR. THEUS: Mr. Chairman, I have a question. Is there any appeal process of the
23 grandfathering, the non-conforming use? Is it just cut and dried, it's a year and that's it?

1 MR. PRICE: It's not cut and dry that it's a year. I want to turn to it so I won't give
2 you any inaccurate information. If the owner has been maintaining the land and
3 structure in accordance with the Building Code and has been actively and continuously
4 marketing the land or structure for sale and making necessary improvements in order to
5 continue the use, that will overcome the discontinuance, how we deem it to be
6 discontinued and the vacating of the grandfathering.

7 MS. CAIRNS: So a For Sale sign out front will keep it in grandfathered status
8 indefinitely, as long as the Code, as long as the property's maintained?

9 MR. PRICE: The property is maintained or they've been actively –

10 MS. CAIRNS: Or you have a For Sale sign out front.

11 MR. PRICE: - right. I mean, there's – you're exactly right. And once again, I
12 guess that's why I have a job – but the Code's not in black and white and so you, you're
13 right, you could stick a sign in a building and five years later and say, look we were
14 trying to sell it, we just couldn't get somebody in there. But I think the intent of this of
15 course is so that you get down to that last day of the year and you say, you know what, I
16 don't have a choice, I'm just gonna rent it to this person that I know, is not the
17 appropriate person so it does give you some leeway to be, I guess, selective as to who
18 you're going to have in there.

19 MR. THEUS: Well, do we know that the Applicant does not comply with that
20 provision?

21 MR. PRICE: I think I would need to check with him.

22 MR. HARRIS: The building has been very well maintained and also the lot as
23 well.

1 MR. PRICE: But it's, you know, we're going three years. I mean, you can check if
2 they've been trying to market this, if they've been trying to sell it or they've been trying
3 to rent this out, we don't know.

4 MR. HARRIS: We got a rental sign on it and had it on there for quite some time.

5 CHAIRMAN PALMER: I would almost think it may be best to defer this for 30
6 days, see if, see where it sits with the, get that issue resolved. If not maybe bring it back
7 to us if that gets resolved or not, that's probably my feelings on it. And this is the least
8 intrusive commercial classification we have on the books.

9 MS. HEGLER: [Nods yes]

10 MS. CAIRNS: I, I have one other just fact question I'm just really curious about.
11 So we, and sorry I sort of digress on the discussion, but we've got a mile from that
12 Gasden Road coming into Bluff. What's the, how far is it to the next significant
13 intersection, like true intersection?

14 MR. LEGER: I may need some help with Tommy on that one. I don't know.

15 MR. HARRIS: At least another mile or so. Or more.

16 MS. CAIRNS: Yeah. I mean, I just know when you get out Bluff Road it gets
17 pretty, the stretches get vast so a mile could be considered close. On Bluff Road, it
18 could be very close to an intersection.

19 CHAIRMAN PALMER: Well, I think also in cases like this, and in all cases but
20 especially in something like this where it has been a drinking establishment in the past,
21 which is sometimes a nuisance for the area, I think having the property posted, the
22 community knowing what it was in the past, knowing that that's probably what's gonna

1 come in the future and having no one come in and object to it or send in a letter or
2 anything to that matter kind of weighs heavily in some of these rural cases as well. So.

3 MR. TUTTLE: Mr. Tuttle, I'll make a motion that Item No. 13-22 MA be sent
4 forward to Council with a recommendation for approval. I guess I have to give you a
5 reason why, don't I? I'll rely on some of the things that were said, when you get that far
6 away from densely populated areas your proximity to a cross road, you know, you don't
7 have them every block so I'm gonna rely on the mile being close enough to say it's
8 close to the cross road. Does that work?

9 MR. WESTBROOK: Second.

10 CHAIRMAN PALMER: And then with the, perhaps with the past case history of
11 what the property was previously used for and being in that same vein.

12 MR. TUTTLE: Yeah, I'll accept that.

13 MR. BROWN: And I'll second that.

14 MR. WESTBROOK: I've already seconded it.

15 MR. BROWN: I'm sorry.

16 CHAIRMAN PALMER: We have a motion and multiple seconds. All those in favor
17 – any other discussion? All those in favor of the motion please signify by raising your
18 hand.

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

21 CHAIRMAN PALMER: None opposed. Case No. 13-23 MA.

22 **CASE NO. 13-23 MA:**

1 MR. LEGER: Yes, Mr. Chairman. This is a proposal to amend a Planned
2 Development District. The Applicant is Mark Lowen and Kristi Neznanski, my best effort.
3 The property is actually 6.5 acres in size and I would like to point out that the maps that
4 you have before you illustrate that part of the property is on the other side of Summit
5 Center Drive; that is part of the property but not part of the application, so I want to
6 clarify that before I move forward. The total size was 7.62 acres, but again we're only
7 looking at 6.5 acres. The Planned Development District was proposed for this site in
8 1988. Otherwise, the original zoning was RU prior to that. Some of the use and zoning
9 in the vicinity, a good bit of it is part of The Summit Planned Development District, you
10 have dentist's office to the north, you have North Springs subdivision to the south
11 across Clemson Road. You have the Sandhills Branch of the library located to the east.
12 And North Springs Elementary School to the west, which is not part of the Planned
13 Development District at this time. The site is basically mostly wooded, undeveloped. It
14 does have frontage on Clemson Road but access is restricted from Clemson Road.
15 Again, it's vacant. The change in the Planned Development District is to go from
16 originally being proposed as office use where the Applicant would like to utilize the site
17 as congruent, independent living. Our Comprehensive Plan recommends suburban for
18 this site and the PDD I think fits into that suburban district, allowing the continuing
19 care/retirement center. It is situated in such a, such a nature to offer pedestrian access
20 to medical facilities, to the library, it's nearby schools and other residential properties.
21 Based on the uses in the vicinity, the fact that this is a Planned Development District
22 that otherwise would allow flexibility in its uses, and the Comprehensive
23 recommendation, the Staff recommended approval of this application at this time.

1 CHAIRMAN PALMER: Any questions for Staff? Mark Lowen or Kristi Neznanski,
2 you can come if you'd like.

3 **TESTIMONY OF MARK LOWEN:**

4 MR. LOWEN: Good afternoon, I'm Mark Lowen with Lennity(?) Architecture.
5 Compliments to Staff for pronouncing Kristina Neznanski's name properly, I'm very
6 impressed with that. Just wanted to say that we are in support of the Staff Report and
7 the Staff conclusion of recommendation. We feel very confident that the, that the
8 retirement residence that we're hoping to locate on this site is gonna be a really nice fit
9 for that area. So I'm here to answer any questions you may have. Beyond that we, we
10 are in support of the recommendation.

11 CHAIRMAN PALMER: Any questions? Thanks. That's all we've got signed up.
12 Motion?

13 MS. CAIRNS: I'll make a motion that we send Project 13-23 MA forward to
14 Council with a recommendation of approval.

15 MR. TUTTLE: I'd like to have discussion. [Laughter]

16 MR. GILCHRIST: Second, Mr. Chairman.

17 CHAIRMAN PALMER: We have a motion and a second. All those in favor please
18 signify by raising your hand.

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

21 CHAIRMAN PALMER: And there's none opposed. Action Items, Rules and
22 Procedures?

1 MS. HEGLER: At our last meeting we, I think discussed one minor change, which
2 was the *quasi* judicial nature of the board and we made sure that we made that
3 correction. We were also asked to look into how we might be able to add a consent
4 section; we're not complete with that research but what we wondered was, if you
5 wanted to consider what you have before you now and we can come back to you with
6 additional changes, or if you want to continue to defer adoption of your Rules and
7 Procedures until we have that, that information for you.

8 MR. PRICE: I apologize. On page 4 is the, is the edit that, that Planning Director
9 Hegler spoke of and – that she spoke of. And I just had to make one change because I
10 didn't take out 'appeal', you'll see where I had to scratch it and just put 'matter' but that
11 will be corrected when you get the final version of it. We did take into account the
12 suggestion of Chairman Palmer at the last reading.

13 CHAIRMAN PALMER: Y'all want to take this up when we can address the
14 consent items as well?

15 MR. GILCHRIST: Yes.

16 CHAIRMAN PALMER: And knock it all out at once?

17 MR. TUTTLE: Yep.

18 CHAIRMAN PALMER: You need direction on consent items?

19 MR. PRICE: Well, we can, it's just that I know there are some things that we
20 would like to, we'll look into the consent items but it would just be my suggestion that we
21 at least have a more up to date Rules of Procedure so that we can go forward now.
22 Cause we're not exactly sure, you know, when you'll have everything addressed with
23 the consent items.

1 CHAIRMAN PALMER: Well, we may can handle that at our next Action Item,
2 which is the August meeting schedule. If we can handle a lot of, I thinking if we could
3 handle a lot of in-house items like that in August since what we send up to Council is
4 gonna sit anyhow from a zoning matter; that we could put together an agenda of that
5 and perhaps some of the other discussion work session kind of things that we've been
6 putting off.

7 MR. PRICE: No map and text amendments, just –

8 CHAIRMAN PALMER: I mean, my thought on it always is that they're gonna sit
9 there anyhow at Council level no matter what we do with them, so why not get things in
10 the pipeline and let people know what the normal procedure is instead of having to
11 explain to them, yeah it's gonna go through Planning Commission but then it's just
12 gonna sit at Council for a month? In other words, just like all those people that were in
13 here today, they're in here today and then they would come back in a couple of weeks
14 for the zoning matter, that's always been my thought on it, use the August session to
15 catch up on some of the other in-house things that we've been kind of kicking the can
16 on.

17 MR. PRICE: Traditionally we, we start advising applicants that since they won't
18 be, that there won't be an August meeting of the Planning Commission cause Council
19 won't meet so that's how we advise them, you know, a few months out so they'll know
20 when to submit. To either start it in June or start in September.

21 CHAIRMAN PALMER: But I guess since we're actually gonna hold a meeting
22 where we'll take a vote at, you'll have to inform them that we will have a meeting if, I

1 guess if they would like to they could, there's no way to tell them they can't be on the
2 agenda I guess.

3 MR. PRICE: Well, if you, I think if you, if you are going to have an August
4 meeting but only for, I guess, in-house matters as opposed to map amendments and
5 text amendments I believe you could do that.

6 CHAIRMAN PALMER: Okay. That's my suggestion. I mean, that's not what we
7 have to do, so whatever y'all think.

8 MR. THEUS: Just a work session.

9 CHAIRMAN PALMER: Where we could take action.

10 MR. TUTTLE: Staff would know right now how many map amendments
11 potentially you would have, right?

12 MR. PRICE: No, because we have until the end of this month to be on the, for
13 the August agenda.

14 CHAIRMAN PALMER: Yeah, we're just now in June.

15 MS. HEGLER: We're preparing July's.

16 MR. TUTTLE: I'm confused, I thought the deadline for an August would be now.

17 MR. PRICE: No, sir. It would be the last working day of June.

18 MR. TUTTLE: I'm sorry, you're right. Okay.

19 CHAIRMAN PALMER: Alright, so can we get a motion to do whatever we're
20 gonna do on the Rules and Procedures matter?

21 MR. THEUS: What were you suggesting, deferring it to -

22 CHAIRMAN PALMER: Yeah, until our August meeting.

23 MR. BROWN: So moved, Mr. Chairman.

1 MR. GILCHRIST: Second.

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

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

6 CHAIRMAN PALMER: And then in the August meeting we take up no zoning
7 matters or text amendments. And then we've got your report to take a look at.

8 MS. HEGLER: Information.

9 CHAIRMAN PALMER: That's it? Do we have a motion to adjourn?

10 MR. GILCHRIST: So moved.

11 MR. TUTTLE: Second.

12 CHAIRMAN PALMER: Second? All those in favor say aye.

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

15

16

[Meeting Adjourned at 2:45 pm]