

**RICHLAND COUNTY PLANNING COMMISSION**  
**March 7, 2016**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

*[Members Present: Pat Palmer, Beverly Frierson [in at 1:01pm], Heather Cairns, Stephen Gilchrist, Bill Theus, Wallace Brown, Sr.; Absent: Ed Greenleaf, David Tuttle, Chris Anderson]*

Called to order: 1:00 pm

CHAIRMAN GILCHRIST: We'll call the March meeting of the Richland County Planning Commission to order. Please 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, TV stations, newspapers, persons requesting notification, and posted on the bulletin board located in the County Administration office. Our first act for the day is our Consent Agenda. And, and we need to take a moment to see if there's anything on our Consent Agenda. While we're looking at that, Staff are there any changes to the Agenda?

MS. HEGLER: Well no changes as it's printed. I, I would recommend, in terms of the Consent Agenda you would want to remove the second and the third zoning cases because Staff recommended denial and you would want to discuss those.

CHAIRMAN GILCHRIST: Okay.

MS. HEGLER: Are there speakers present for –

MS. CAIRNS: Correct. So Item 1 also, 825 Hallbrook will get removed.

MS. HEGLER: Right.

CHAIRMAN GILCHRIST: Okay.

MS. HEGLER: You know, Staff is here and prepared to discuss the Text Amendments with you.

*[Frierson in at 1:01pm]*

1 CHAIRMAN GILCHRIST: Okay.

2 MS. HEGLER: So, you know, the way this would work is if whatever you don't  
3 remove you would then vote to approve all in one vote.

4 CHAIRMAN GILCHRIST: So in this case we've removed them all, so.

5 MS. HEGLER: We've removed all map amendments and then it's at your  
6 discretion to remove the Text Amendments. Again, we are prepared to discuss them  
7 with you, there probably are some questions regarding them. I would recommend you  
8 probably do unless you're –

9 CHAIRMAN GILCHRIST: Absolutely.

10 MS. HEGLER: - unless you're perfectly comfortable with the language that we  
11 proposed before you.

12 MS. CAIRNS: So you propose that we remove those also from the Consent  
13 Agenda.

14 MS. HEGLER: Right. Which would ultimately leave then a. and b. that you would  
15 be voting in one.

16 CHAIRMAN GILCHRIST: Okay, can I get a motion for that?

17 MR. THEUS: So moved.

18 CHAIRMAN GILCHRIST: Second?

19 MS. CAIRNS: Second.

20 CHAIRMAN GILCHRIST: Okay. All in favor of removing those items from the  
21 Consent Agenda please raise your hand. All opposed?

22 *[Approved: Palmer, Cairns, Gilchrist, Theus, Brown; Abstained: Frierson; Absent:*  
23 *Greenleaf, Tuttle, Anderson]*

1 CHAIRMAN GILCHRIST: Alright. Road Names.

2 MS. HEGLER: Right, so then what you can do at this point is actually make a  
3 motion to approve what's remaining.

4 MS. CAIRNS: Which is the Minutes and the –

5 MS. HEGLER: Which would be the Minutes and Road Names.

6 CHAIRMAN GILCHRIST: Okay.

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

8 MR. THEUS: Second.

9 CHAIRMAN GILCHRIST: Alright. All in favor?

10 *[Approved: Palmer, Frierson, Cairns, Gilchrist, Theus, Brown; Absent: Greenleaf, Tuttle,*  
11 *Anderson]*

12 CHAIRMAN GILCHRIST: Alright. Case No. 1.

13 **CASE NO. 16-06 MA:**

14 MS. HEGLER: Alright, Case No. 16-06, it's at 825 Hallbrook Drive, 16.25 acres.

15 The Applicant is requesting rezoning from RU to RM-HD, that's Rural to our Multi-family,  
16 High Density District. The Multi-family, High Density District is established to provide for  
17 high density residential development as its name implies, allows compact development  
18 consisting of the full spectrum of residential uses. This district may also serve as a  
19 transitional district between lower density residential and low intensity commercial uses.

20 The area surrounding this site is characterized by mostly residential uses to the west,  
21 north, and east. And there are some commercial uses to the south of the subject parcel.

22 Staff looked at the Comprehensive Area which is identified as a Neighborhood Activity  
23 Center, and those are areas where we really are supporting and encouraging

1 commercial and institutional uses that are necessary to support the common day  
2 activities of neighborhoods. And within that multi-family housing is allowed as a  
3 secondary land use. So for those reasons Staff recommended approval; it's consistent  
4 with the Comp Plan and consistent with the zoning district.

5 CHAIRMAN GILCHRIST: Okay. Any comments for Staff? Is the Applicant here,  
6 Mr. David Stuck? Would you like, any comments, sir, regarding –

7 MR. STUCK: I just agree with Staff.

8 CHAIRMAN GILCHRIST: Alright. We do have a couple of persons signed up to  
9 speak. When I call your name if you will come to the podium and give us your name and  
10 your address, please. Is this Virginia –

11 MS. SANDERS: Virginia Sanders.

12 CHAIRMAN GILCHRIST: - Sanders, okay.

13 **TESTIMONY OF VIRGINIA SANDERS:**

14 MS. SANDERS: Hello, my name is Virginia Sanders. The piece of property that  
15 I'm here references 812 Hallbrook. That's a piece of property that my daughter is  
16 currently living in, she's also here to speak. In about two years, because I'm a senior  
17 living in a larger house by myself with my dog, I'm going to be trading houses with my  
18 daughter. She'll take my big house and I'll take her small house. So as it stands the  
19 traffic along that area – wait, let me back up. You are requesting rezoning to high  
20 density. The properties in that area are single-family dwellings. These properties I know  
21 are maybe 30, 35 years old. People have been living there in single-family houses, so  
22 when new development is placed in an area I always thought that the county or the  
23 zoning or the Planning Department should put, put new development that's compatible

1 to what's there already. The properties that are there are low density, they're single-  
2 family housing which means that they're between, you can correct me if I'm wrong, six  
3 to eight houses per acre. With high density as being requested would be up to 16 units  
4 per acre which would really upset the whole balance of the community. Currently there  
5 is an apartment complex there, Mallard Pointe, with high density. And it's not only high  
6 density but it's high density, low income. And I don't believe it's fair to put those kind of  
7 dwellings all in one area. Within walking distance is another apartment complex which  
8 is, I know it's low income and that's Richland Village. Crime has risen in the area and  
9 I'm against putting a high density apartment complex in that area because I'm gonna be  
10 living there in two years.

11 CHAIRMAN GILCHRIST: Thank you, Ms. Sanders. Dionne Wade? Please give  
12 us your name and your address, please. For the Record.

13 **TESTIMONY OF DIONNE WADE:**

14 MS. WADE: My name is Dionne Wade, I currently reside at 812 Hallbrook Drive.  
15 My concerns are more personal at the moment. We are experiencing severe traffic  
16 problems. We suffer with recurrent accidents at the corner one house away from where  
17 I live because of the congestion. This road has already become somewhat of a  
18 thoroughfare when, when things take place, and it's difficult to get outta the yard on a  
19 routine basis, I can sit there for 10 to 15 minutes just trying to get out. Of course, it was  
20 mentioned that there is an apartment complex down the street. We are experiencing,  
21 we talked about crime, we've had our first prostitute, we've had shootings, things that  
22 never transpired in this area. There, there was not this number of people. I understand  
23 their need to sell this property, but this, this area's not conducive for that. We're already

1 suffering. Richland Village is around the corner, we're suffering as a result of a lot of the  
2 things that are transpiring there. In addition to that you have Gonzales Gardens that's  
3 about to close and those people are being required to move out. Those places, those  
4 are places that they're probably gonna end up moving. This is not something that we  
5 need. I've been there for 23 years and I've seen this increase, I've seen this transition,  
6 and what you're about to do to this neighborhood is devastating. Now I don't know if  
7 there's something else that this can be turned into but I'm appealing to you all to do that,  
8 because the rest of us have been there for several years. I'm not trying to stand in  
9 anyone's way but I'm trying to protect my investment and the investment of my  
10 neighbors. And a lot of these are elderly people. And getting in and out, you're asking  
11 for it!

12 CHAIRMAN GILCHRIST: Ms. Wade, thank you so much. We don't have anyone  
13 else signed up to speak. Comments from the Commissioners?

14 MR. BROWN: One question, Mr. Chairman.

15 CHAIRMAN GILCHRIST: Yes, sir. Mr. Brown.

16 MR. BROWN: The, the building that's next – white top building, what is that?

17 MR. THEUS: It's a Bi-Lo.

18 MR. BROWN: A Bi-Lo? Okay, thank you.

19 MR. THEUS: Well, it's a shopping center that includes Bi-Lo.

20 MR. BROWN: Okay.

21 CHAIRMAN GILCHRIST: Okay.

22 MS. FRIERSON: I have a question Mr. Chairperson.

23 CHAIRMAN GILCHRIST: Yes, ma'am, Ms. Frierson.

1 MS. FRIERSON: Is there another zoning classification that is less intense  
2 between the Rural and the high density, whereby the Applicant might have another  
3 option and the people that live there now might not be so adversely impacted?

4 CHAIRMAN GILCHRIST: I think what's before us is the current zoning  
5 opportunity, is that right Staff?

6 MS. HEGLER: Yeah, I mean, we sit down with the Applicant when they come in  
7 and request a rezoning and work with them through what it is that they want to do with  
8 the property and recommend any zoning district that works for them. There are, of  
9 course, zoning districts less intense than this one.

10 MS. FRIERSON: And that's, that was my concern because I know in previous  
11 hearing or proceedings sometimes, I know we have to vote either up or down with what  
12 is presented before us but sometimes we advise the Applicant to go back and talk with  
13 someone in zoning whereby a happy medium can be reached. And that's what I was  
14 curious about, could a happy medium be reached?

15 MS. HEGLER: That, that's up to the Applicant to make, to decide.

16 CHAIRMAN GILCHRIST: Mr. Palmer?

17 MR. PALMER: Mr. Chair –

18 CHAIRMAN GILCHRIST: Yes, sir.

19 MR. PALMER: - with this site being on a road that's currently classified as a B, I  
20 understand there's traffic concerns all across the county and that everyone would love  
21 to move through with, with not having to stop at a stop sign or a stop light or, or wait to  
22 get out into an intersection. But this road is currently operating at a B. The Road is  
23 designed to carry 8600, it's currently carrying 5600 cars a day. This project would not

1 put it into jeopardy from what SCDOT has it classified as. With the site location being on  
2 a road that can handle the traffic, as well as having the multi-family to the rear of it and  
3 the general commercial up on the corner, I would put a motion forward in agreement  
4 with the Staff's recommendation for approval.

5 CHAIRMAN GILCHRIST: Thank you, Mr. Palmer. Is there a second?

6 MR. THEUS: I second.

7 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that we  
8 send this case forward to Council with a recommendation of approval. All in favor  
9 please signify by raising your hand? All opposed?

10 *[Approved: Palmer, Cairns, Gilchrist, Theus; Opposed: Frierson, Brown; Absent:*  
11 *Greenleaf, Tuttle, Anderson]*

12 CHAIRMAN GILCHRIST: Okay. We are recommending Body to County  
13 Council and they will meet back here in these Chambers on March the 22<sup>nd</sup>, so thank  
14 you. Alright, next case.

15 **CASE NO. 16-07 MA:**

16 MS. HEGLER: Chairman, we do have a request from the Applicant to defer this  
17 case.

18 CHAIRMAN GILCHRIST: Okay.

19 MS. HEGLER: So Staff would, would recommend doing so if you so choose.

20 MR. THEUS: You need a motion? So moved to defer.

21 CHAIRMAN GILCHRIST: Second?

22 MR. BROWN: Second.

23 CHAIRMAN GILCHRIST: Okay, all in favor?



1 [Approved: Palmer, Frierson, Cairns, Gilchrist, Theus, Brown; Absent: Greenleaf, Tuttle,  
2 Anderson]

3 CHAIRMAN GILCHRIST: Alright. Case No. 16-08 MA.

4 **CASE NO. 16-08 MA:**

5 MS. HEGLER: Alright, let me catch up. Alright, Case 16-08 is located at 3800  
6 Elberta Street. It's a little over two acres. The Applicant is requesting a rezoning from  
7 RM-HD, the Multi-family High Density, to GC, General Commercial. I think y'all are  
8 pretty aware of what the General Commercial District allows, but it's intended to  
9 accommodate a variety of commercial uses and non-residential uses characterized  
10 primarily by retail, office, and service establishments, oriented primarily towards traffic  
11 arteries or in areas that it's predominately commercial in usage. This site is surrounded  
12 mostly by residential, single-family, low density zoning and some multi-family high  
13 density zoning. Again, the immediate area is characterized by residential uses mostly.  
14 To the west of the parcel are some limited uses, that's in Lexington County abutting the  
15 frontage road there along the interstate. This is an area within the Comprehensive Plan  
16 that's called mixed residential in the future land use designation. These are areas, you  
17 know, that are more densely developed urban and suburban areas that are kind of on  
18 the fringe of the jurisdiction of, of the City of Columbia. These are areas where  
19 commercial and office development are allowed by primarily within activities centers or  
20 in mixed uses corridors. Also, over this area the County does have an approved Master  
21 Plan, the Broad River Road Corridor Community Study. This area talks about  
22 redevelopment of the corridor, mostly Broad River Road. Of course, this is fairly away  
23 from that area but within the study, or the plan itself, it does support keeping these sorts

1 of areas suburban and residential in nature. Staff recommends disapproval of the Map  
2 Amendment at this time primarily because it is not in a commercial area, there are not  
3 commercial uses around it. It's not in compliance with the intention of the desired  
4 development pattern that I just read to you as the site's not located within an activity  
5 center or on a mixed use corridor. Residential uses are mostly encouraged around here,  
6 supported by both the Master Plan and the Comprehensive Plan of the County. And for  
7 those reasons again we, we recommended disapproval.

8 CHAIRMAN GILCHRIST: Okay. Any questions for Staff? Is the Applicant  
9 present? Would you like to speak? Please give us your name and your address, please,  
10 for the Record.

11 **TESTIMONY OF JANICE PRATT:**

12 MS. PRATT: My name is Janice Pratt, the address is 3800 Elberta Street,  
13 Columbia 29210.

14 CHAIRMAN GILCHRIST: Yeah, I can't, we can't hear her.

15 MS. PRATT: Is that better?

16 CHAIRMAN GILCHRIST: That's better.

17 MS. PRATT: My name is Janice Pratt, the address is 3800 Elberta Street, it's  
18 Columbia 29210. We are requesting an addition so we can cater more to weddings and  
19 business meetings. That would allow an additional 200 seating. Not only will that cater  
20 to weddings to businesses it will also create jobs because we would then need to  
21 employ about two to three additional people to help with that addition. We're centrally  
22 located in the Columbia area, we are sitting on, like you said the acres here and it's  
23 wonderfully maintained, well immaculate.

1 CHAIRMAN GILCHRIST: Okay, any questions for the Applicant? Thank you. We  
2 do have several persons signed up to speak. When you come up to the podium please  
3 give us your name and your address. Janice Pratt. Harold Johnson.

4 **TESTIMONY OF HAROLD JOHNSON:**

5 MR. JOHNSON: Good afternoon. My name is Harold Johnson, 3800 Elberta  
6 Street. The property that we are asking to be rezoned to General Commercial is,  
7 actually is 4.78 acres with the same address at 3800, 2.13 acres is zoned residential,  
8 2.51 acres is zoned commercial, that's in Lexington County. But it's the same address  
9 as 3800 Elberta Street. We pay separate taxes; one in Lexington, one in Richland  
10 County. And sit back on a dead end street, very private with a wall circling the whole  
11 property. Thank you.

12 CHAIRMAN GILCHRIST: Thank you, sir. Theresa Rhodes?

13 **TESTIMONY OF THERESA RHODES:**

14 MS. RHODES: Hi, my name is Theresa Rhodes, 3800 Elberta Street. Just to  
15 repeat what's already been said, the property that we're trying to get rezoned, it would  
16 be used as a event venue for social gatherings, private social gatherings and business  
17 meetings, and mainly weddings. We wanted to just build a atrium that would seat 200  
18 people, adding it on to the structure that's already on the property. This atrium would  
19 just more beautify the place, bring it outside/inside to where the weddings could be held  
20 all year long. And again, like he said this property is split in half; half is on multi-family  
21 residential, the other half is commercial, and we just are requesting that this property be  
22 incorporated to be commercial. The Lexington County side of the property is right  
23 behind Fernandina Road, which has Terminex in front of it, I believe that Mobility Center

1 is behind, also behind the property. It's sitting on almost five acres, well away from the  
2 single-family homes that's behind it. And then there's apartment complex in front of it.

3 CHAIRMAN GILCHRIST: Okay. Thank you, Ms. Rhodes. Steven Lantry?

4 **TESTIMONY OF STEVEN LANTRY:**

5 MR. LANTRY: Yes, I live at 615 Evelyn Drive, which is right on the, the main road  
6 going, going through the neighborhood there. And of course we have a brand new  
7 Walmart at the end of our street. The County has also built a new, towards the end of  
8 Evelyn Drive right before you get to Broad River Road, there's been a new park that the,  
9 that the County has put in there with a swimming pool and, and all that kinda stuff,  
10 which has increased our traffic greatly down the road that we live in. And then I've also,  
11 some years back when they changed the zoning and allowed apartments in there,  
12 which is something they should've never, ever done, but there's a lotta problems where  
13 we live, mostly with the apartment complexes because what at one point in time was  
14 probably nice apartments has turned into low income, and I don't know the exact zoning  
15 on it other than I know that we have a lot of issues with, with the apartments there. Our  
16 residents and the residents that live around us, namely 615 Evelyn Drive and 619  
17 Evelyn Drive, the home that's right next to us, the neighbors would actually like to see  
18 those properties rezoned commercial instead of residential, because it's just gotten to  
19 where the land use is not, not like it was 20 years ago, 30 years ago when these houses  
20 were built with all the development and, and, and things around us. So we are for,  
21 myself and our neighbors, are for this zoning being approved because we would  
22 eventually like to see our property and the property next to us changed to more of a  
23 commercial zoning which would increase the property values and these homes that are,

1 are currently, you know, 30 plus years old would, would, I mean, as much as we don't,  
2 we, we would hate to see the house go in terms of the land usage, we, we really do feel  
3 that it would be better appropriated as a, as a commercial small business type zoning.

4 CHAIRMAN GILCHRIST: Thank you, Mr. Lantry.

5 MR. LANTRY: Thank you.

6 CHAIRMAN GILCHRIST: Frank Mitchell?

7 **TESTIMONY OF FRANK MITCHELL:**

8 MR. MITCHELL: Good afternoon.

9 CHAIRMAN GILCHRIST: Good afternoon, sir.

10 MR. MITCHELL: My name is Frank Mitchell. My office is at 1428 Charity Street  
11 here in Columbia. I'm a general contractor by trade and I'm here on behalf of,  
12 supporting the request for the zoning change. Again, half of the property is located in  
13 Lexington County and it's compliance with Lexington County, the zoning. However,  
14 we're trying to do the addition on Richland side of the property. We have went to the  
15 neighbors in the area, there were no complaints from any of the community. And  
16 besides what we believe will be improving the tax value in the area it will provide jobs  
17 and opportunity as well as provide a needed service for the community. Based upon  
18 that we request that the Commission grant the request for zoning change. Thank you.

19 CHAIRMAN GILCHRIST: Thank you, Mr. Mitchell. That's all we have signed up  
20 to speak. Questions for Staff? I do have a question. Is, what structure is on this site? Is  
21 there something?

22 MS. HEGLER: Yeah, I mean, it's a, it's a ranch style home. Do we have pictures?  
23 I believe it's a single story.

1 CHAIRMAN GILCHRIST: Okay. Okay.

2 MR. THEUS: So is that, is that the end of Elberta Street?

3 MS. HEGLER: It is. Right. So you drive in through those gates and there's a  
4 moderately sized ranch style, single-family, all brick home.

5 CHAIRMAN GILCHRIST: Okay.

6 MR. THEUS: Tell us, tell us about the parcel that's in Lexington County, what do  
7 we know?

8 MS. HEGLER: Yeah, I was asking Tommy actually, we may need to pull up  
9 Google Earth to see if there's access to it, unless the owner could speak to that. You  
10 know, in these cases we would often confer with the other jurisdiction. For us the  
11 concern that Staff, you know, felt clearly this is being accessed through the  
12 neighborhoods on Richland County side. And that, I think the Lexington County  
13 commercial is oriented far more towards the Fernandina piece, which is a frontage road  
14 right off of the interstate, so you know, we were concerned with the access through the  
15 neighborhoods in Richland County. But I, I don't know if we can tell from this map if  
16 there's access to it or not.

17 MR. PALMER: It appears the rear has mostly got a pond on it of some kind.

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

19 MR. PALMER: What's – it's zoned multi-family now, is there, is it a multi-family,  
20 are there apartment units on it or is it single-family, somebody living there? What's the,  
21 what's the deal with it?

22 MS. HEGLER: I don't know if it's being lived in or not. You may wanna ask the  
23 Applicant that. But it is just a single-family structure.

1 CHAIRMAN GILCHRIST: Sir, do you mind coming back up to the mic for us,  
2 please?

3 MR. JOHNSON: [Inaudible] Okay, what was the question y'all was asking?

4 MR. PALMER: What's going on there now? Is it, is somebody living there or is it  
5 vacant or?

6 MR. JOHNSON: No, we're renovating it and we do meetings.

7 MR. PALMER: They have meetings there now?

8 MR. JOHNSON: Yeah. And, but those apartments, it's a private road that go in  
9 from off Evelyn. Where the entrance to those apartments not off of that particular street,  
10 so the traffic wouldn't have anything to do with the apartments. The apartment have  
11 their own separate entrance. So when you come off of Evelyn there's only three houses  
12 on that street. And those people, you know, they have no problem with what we trying to  
13 do.

14 MR. PALMER: Appreciate it.

15 CHAIRMAN GILCHRIST: Thank you, sir.

16 AUDIENCE MEMBER: [Inaudible]

17 CHAIRMAN GILCHRIST: Ma'am, we've, we've closed the – unless a  
18 Commissioner has a question. Any additional comments from the Commission?

19 MR. PALMER: Mr. Chair, I make a motion to send this forward to Council with a  
20 recommendation of denial. It's not at an interchange, it's inside, there's so many  
21 reasons not to as they're explained in the Staff's recommendations.

22 CHAIRMAN GILCHRIST: Is there a second?

23 MR. THEUS: Second.

1 CHAIRMAN GILCHRIST: All in favor of sending Case No. 16-08 MA forward to  
2 Council with a recommendation of denial please raise your hand. All opposed?

3 *[Approved: Palmer, Gilchrist, Theus, Brown; Abstained: Frierson, Cairns; Absent:*  
4 *Greenleaf, Tuttle, Anderson]*

5 MS. CAIRNS: I don't, I mean, I mean, I hate to say it but I haven't voted cause I  
6 feel, I mean, I understand, I totally dislike that the traffic is through, is down a residential  
7 street. It is interesting that there's only three houses. And certainly zoned multi-family, I  
8 mean, it could be 16 unit apartments that go in there which would generate the same  
9 type of traffic. But at the same time we rezone it General Commercial it could become a  
10 gas station. It could become, you know, any number of commercial uses not just  
11 residential use. But I mean, I think that I support the motion to recommend denial  
12 because while I feel this is a really close call I think that it is allowing General  
13 Commercial to be piercing inside a residential district. And while the use is admirable  
14 and I think that, you know, but it, it's, you know, a request for General Commercial in  
15 that area just is not compatible with what we have going on. So I, you know, I would  
16 support the motion for sending it forward with a recommendation of denial but I want the  
17 Applicants to understand that this is, this is a difficult call.

18 CHAIRMAN GILCHRIST: Yeah.

19 MS. CAIRNS: Because I, you know, what your intended use for is, is admirable  
20 and I think it probably would make a beautiful wedding venue, however we can't say  
21 rezoning it a wedding venue. What we can say is it needs to be General Commercial  
22 and that use in this area with the access the way it is is really hard to support because  
23 of what it does to the neighborhood. And I mean, it, you know, yet the fellow in the



1 neighbor – you know, if the whole neighborhood wanted to come forward and say, let's  
2 just rezone this whole thing that'd be a different question. And I don't know what the  
3 answer, I mean, I'm not gonna pretend to say what that would go, but it would be a  
4 different type of request. But I think as it is right now it's, it's just a, it's a severe piercing  
5 of a residential neighborhood with General Commercial use.

6 MS. FRIERSON: Yeah, my conundrum is –

7 CHAIRMAN GILCHRIST: Yes, ma'am, Ms. Frierson.

8 MS. FRIERSON: - the unique situation that I heard wherein they said that a  
9 portion of this property is in Lexington and a portion is in Richland, and what's running  
10 through my mind is why can't it be deferred whereby, again, something can be worked  
11 out? Cause I really don't recall us coming across one wherein a portion of the area is in  
12 one county and a portion is another county, and that's my concern.

13 MS. CAIRNS: That is something that we see on occasion.

14 CHAIRMAN GILCHRIST: Yeah.

15 MS. CAIRNS: I mean, or we'll see stuff where it's partly in a city, maybe City of  
16 Columbia, one of the other cities, but again what I think drives this is the access point. I  
17 mean, if there's an access off Fernandina and so this would be the back side of some  
18 commercial I think it would be a different set of, of questions. But, you know, because  
19 we're always gonna have, I mean, granted, you know, Fernandina is all commercial,  
20 which is very, very close to this but it's, it's part of the whole access thing. We just, we  
21 encounter split parcels, I mean, they just happen.

22 MS. FRIERSON: And I'm sure they do but see, I haven't been on the  
23 Commission as long –

1 MS. CAIRNS: Sure.

2 MS. FRIERSON: - as you so I haven't had that experience. And then the other  
3 thing that was of concern to me was I heard that there was one access point for the  
4 apartment area and another access point for the proposed venue, but yet I understand  
5 we have to vote on what's before us. But those are my concerns. It seems like more  
6 study or more information needs to be presented to us and it ought to be deferred but  
7 that's just my opinion.

8 CHAIRMAN GILCHRIST: Any other comments? Yes, ma'am, Staff?

9 MS. LINDER: On the motion to deny and it was seconded, could you take the  
10 vote again so we can be clear on who's voting for?

11 CHAIRMAN GILCRIST: Yeah.

12 MS. LINDER: And who's voting against?

13 CHAIRMAN GILCHRIST: Okay, alright.

14 MS. CAIRNS: I would second that.

15 CHAIRMAN GILCHRIST: Mr. Palmer, you wanna make that motion again and  
16 we'll -

17 MR. PALMER: I make a motion to send this forward to Council with a  
18 recommendation of denial in support of the Staff's recommendation.

19 MR. THEUS: And I seconded it.

20 CHAIRMAN GILCHRIST: Okay. Raise your hand all in favor. All opposed?

21 MR. PALMER: Gotta vote.

22 MS. FRIERSON: Can't abstain?

23 CHAIRMAN GILCHRIST: Well -

1 MS. FRIERSON: Okay, well then I'll vote to go along with Staff recommendation  
2 then.

3 CHAIRMAN GILCHRIST: Okay, so is that a unanimous vote?

4 MS. LINDER: It would be a vote of 6/0.

5 CHAIRMAN GILCHRIST: Okay.

6 *[Approved to deny: Palmer, Frierson, Cairns, Gilchrist, Theus, Brown; Absent:*  
7 *Greenleaf, Tuttle, Anderson]*

8 CHAIRMAN GILCHRIST: We are recommending Body to County Council and  
9 you certainly can come back here on March 22<sup>nd</sup> to the hearing during that time, okay?  
10 Thank you so much. Alright. Text Amendments.

11 **TEXT AMENDMENT #1:**

12 MS. HEGLER: Chairman, we have four Text Amendments proposed for you  
13 today. I'll try and cover this one. I'll have Geonard Price cover the rest. This was a  
14 motion made by Councilman Malinowski some time ago, it's been kind of talked about a  
15 few times with Council, it may have even been presented to you before. But the idea is  
16 to, I guess insert language that would permit parking of, you know, travel trailers, boats,  
17 and whatnot, off-street. And this case forward again by Mr. Malinowski so this language  
18 is attempting to respond to that motion to allow for recreational vehicles to be parked  
19 off-street, presumably in the yard.

20 CHAIRMAN GILCHRIST: Okay.

21 MS. HEGLER: And I'll attempt to answer some questions -

22 CHAIRMAN GILCHRIST: Any questions?

23 MS. HEGLER: - if you have any. It's not one I've been following too much.

1 CHAIRMAN GILCHRIST: Mr. Theus, we are on the Text Amendment.

2 MR. THEUS: Okay, didn't mean for you to wait on me.

3 CHAIRMAN GILCHRIST: No, just wanna make sure you have, if you have any  
4 questions on it.

5 MR. PALMER: I'll make a motion to send the first Text Amendment forward to  
6 Council with a recommendation of approval.

7 MR. BROWN: Second.

8 CHAIRMAN GILCHRIST: All in favor? All opposed?

9 *[Approved: Palmer, Frierson, Cairns, Gilchrist, Theus, Brown; Absent: Greenleaf, Tuttle,*  
10 *Anderson]*

11 CHAIRMAN GILCHRIST: Alright, next Text Amendment.

12 **TEXT AMENDMENT #2:**

13 MS. HEGLER: Was it – it was 6/0?

14 CHAIRMAN GILCHRIST: Yeah, 6/0.

15 MS. HEGLER: Alright, unfortunately we really do need the Zoning Administrator  
16 for these next few, unless you would like to. I mean, I guess I'll give it a little bit of  
17 background cause I think the, the next three actually are, are somewhat related. We've  
18 had a, you know, a number of conversations with Councilmembers in the past about  
19 how we permit restaurants versus bars, how these establishments differ. And it's really  
20 just, you know, come to light to Staff that we maybe could have a, you know, better,  
21 finer grained set of definitions and requirements for each of those so that's it clear really  
22 on the onset when somebody comes in for a business license and, you know, is telling  
23 us it is what they wanna do that we are, you know, more clear and direct in the

1 information that we're obtaining from them. And, and that it's clearer to them to know  
2 what it is that we're expecting from them in the sense of is it truly a restaurant, is it a  
3 bar? And this has come up because a lot of times if it's gray enough that somebody  
4 may come in and say that they're a restaurant, get a business license to be a  
5 restaurant, but then they, they proceed to operate more like a bar. And they have  
6 different standards for those and they may not be allowed within those zoning districts.  
7 So we're trying to just more proactively capture those definitions in a better manner to  
8 begin with. We do have the Director of the Business Service Center here too if you have  
9 any questions related to that, but I'll, I'll turn it over to, to Mr. Price. Geo, I, I just opened  
10 with it, we're trying to just get a better definition for the next three.

11 MR. PRICE: Yes.

12 MS. HEGLER: You wanna speak to #2 which is how we establish requirements  
13 for restaurants.

14 MR. PRICE: Well yes, to kind of give you a quick little rundown on what, how we  
15 got to this. This really, this initially started from a couple of motions by Council, not  
16 necessarily at their – Councilman Jackson expressed some concerns with some of the,  
17 the zoning issues that we have out there and so I took that, but also I have a  
18 conversation with Councilman Rose who was interested in an ordinance regarding cigar  
19 bars. And so based on those conversations we created some language as Ms. Hegler  
20 was stating to kinda help give us a little more clarification on exactly what they are and  
21 establish some rules. So not only for Staff but also for the Applicant that when they  
22 come in they'll know exactly what the expectations are for what it is they're doing, and  
23 they don't get confused by saying, we're going to be this, because in their minds that's

1 what they are, but it turns out they're actually operating as something else. Just trying  
2 to, trying to take care of things from the beginning as opposed to trying to go out later  
3 on trying to enforce. But again, going to the second ordinance, I did a little research,  
4 went online saw how other municipalities and jurisdictions, what type of requirements  
5 they had for establishing what is a restaurant, and I took a lot of that language but I also  
6 incorporated some of the issues that I see on a day-to-day basis. And so what we did  
7 was we created the special requirements for what, what would be a restaurant to kind of  
8 clearly identify to the Applicant when they come in, and also from a Staff standpoint that  
9 if we go out we should know exactly what should be on the site. I am very open to any  
10 suggestions or recommendations from the Planning Commission.

11 CHAIRMAN GILCHRIST: Any questions for Staff? I, I do have – so we're, we're  
12 talking about just kinda – the only thing that concerns me about trying to address this  
13 right now is that we have a whole lot of businesses, people that are interested in  
14 wanting to do restaurants and I would not wanna do anything abruptly to in any way  
15 minimize folk from wanting to go into that business. And certainly would love to hear  
16 more what the Commission has to say about this but I, I don't wanna be too aggressive  
17 by looking at some of this and making sure that we don't go too far with it.

18 MR. PRICE: Chairman Gilchrist, one of the things that we did was the intent was  
19 not to in any way prevent businesses from being able to come in and open. Again, I  
20 don't think that any of these requirements would, if somebody was coming in to actually  
21 operate a true restaurant, that this would prohibit them from doing it. What this does is  
22 it, it, it helps out those people who are kinda walking that fence where, you know, in a  
23 nutshell they're saying, I'm serving food so that makes me a restaurant. But they're not

1 operating as a restaurant. And what it does is if we can get this on the beginning and we  
2 can clearly establish what it is in the long run instead of us going out trying to enforce  
3 saying, you're –

4 CHAIRMAN GILCHRIST: You're a restaurant.

5 MR. PRICE: - okay you're not longer operating as a restaurant, now we have to  
6 continue to issue citations and we have to keep going to the site and trying to bring  
7 them into compliance. But if we can help them out along with ourselves by saying, this  
8 is the criteria that you must meet prior to opening, you should. And again, we went over  
9 each one of these requirements and I don't think in any way if somebody's coming in to  
10 be a true restaurant that this would prohibit them in any way.

11 CHAIRMAN GILCHRIST: Like someone approached me a couple weeks ago  
12 and mentioned a mobile restaurant, for example, these food trucks that go around. And  
13 I know, I recognize it's a whole nother classification, but –

14 MR. PRICE: Right, this, this – and to give you an example, and this is one and it  
15 just so happened to occur from, from a zoning standpoint, from a Staff standpoint that  
16 does raise some concerns that what we deal with on a day to day basis, when we had  
17 an applicant come in, and I'm just gonna summarize, on a Monday and they wanted to  
18 open up a, a bar or a lounge. Looking at the requirements of our Code they said, we  
19 told them that they would not be able to open it up because of its proximity to a church.  
20 They were in on a Tuesday to open up a restaurant, with a menu and a seating layout  
21 which we requested. Now again, I'm not in the restaurant business, I don't know a lot  
22 about the restaurant business, but it would seem like if you can make that change from,  
23 you know, day one to day two and already have your business ready to operate,

1 something's a little shaky. And as of today we have, they have not opened because  
2 they have not met some of our requirements that we've asked for. But, but there're  
3 many times when those type businesses come in, they'll come and say, "We're gonna  
4 be a restaurant." If we were to sign off on it, we will spend the next year or so trying to  
5 bring them into compliance.

6 CHAIRMAN GILCHRIST: No, I got it. Thank you, sir. Any additional questions?

7 MR. THEUS: I have concerns about it cause I, I don't know the restaurant  
8 business.

9 MR. PRICE: Um-hum (affirmative).

10 MR. THEUS: And it – when, when we, I know when we go to change  
11 development guidelines we, we have roundtables of people in the development  
12 business to talk through the issues with them. I, I just wonder if that could be done here.  
13 I, you know, I see things such as identification checks on patrons. Well, they're gonna  
14 do that to serve somebody a drink.

15 MR. PRICE: No, sir. Maybe – let me address those as you bring them up. If  
16 you're looking at that particular section, that, that item, let me make sure I'm looking at  
17 that, and that would be K, what we're looking at is there are many, I've gone to some  
18 restaurants where by the time I got outta the car when I went to the sidewalk I was  
19 already wanded, frisked, and asked to show ID prior to entering.

20 MR. THEUS: Oh, okay.

21 MR. PRICE: And what I'm asking you to do is to look at this as you would as if  
22 you and your family or someone who was going out to a restaurant. You know, these



1 are what the, I think all of these apply to what you, your normal expectations should be

2 –

3 MR. THEUS: Right.

4 MR. PRICE: - for going to a restaurant.

5 MR. THEUS: I just, the whole policing of this, the, the supervision. I mean,  
6 somebody comes and gets a business license to open it whose gonna check behind  
7 them to know whether they did away with the seating for 20 patrons or?

8 MR. PRICE: That, that, again just like anything else in our Code, it's there. If we,  
9 if we are informed that they're no longer operating in, in compliance with our Code we  
10 will go out and take a look. Sometimes we may have to do periodic checks, just  
11 depending on what we're hearing. But that's, you know, within our Code it all, all of our,  
12 all of our provisions of the Land Development Code do require us to periodically check  
13 an area or we wait for someone to call in a complaint.

14 MS. HEGLER: And, and if I can add, I think the thinking here is that it makes it  
15 easier when we do go to inspect to have some of the parameters –

16 MR. THEUS: To have some of that, I understand that. I just –

17 MS. HEGLER: - that we have in here that we don't have today.

18 MR. THEUS: - I, speaking for myself I would like to see a group of five or six  
19 quality –

20 CHAIRMAN GILCHRIST: Yeah, I would too.

21 MR. THEUS: - restaurant owners together who can go through these and add  
22 some and delete some and modify some to say, this is what a quality restaurant

1 operation will do; rather than six of us who don't know how to run a restaurant, that's  
2 stabbing at what the rules should be.

3 MR. PRICE: Again, I, I believe if you're talking about your national chain  
4 restaurants and the ones that you're familiar with, I don't believe that this would affect  
5 them in any way.

6 MS. HEGLER: Well, and actually, and I would say that I don't, you know, this was  
7 done with, by researching other codes. These, there's nothing in here that doesn't exist  
8 somewhere else. As we –

9 CHAIRMAN GILCHRIST: I understand.

10 MR. HEGLER: - as, as being used.

11 CHAIRMAN GILCHRIST: Ms., Ms. Cairns and then Mr. Brown.

12 MR. BROWN: I needed to ask, how would this effect the Mom and Pop/grill type  
13 operations?

14 MR. PRICE: Again, if you're, if, if you – this was addressed to meet those. I  
15 mean, there's nothing in here that says that you can't operate a Mom and Pop store.  
16 Like I say I can go through each one of these provisions and what is, just saying, this is  
17 what should be in there or this is what you cannot do. But in no way does this prohibit  
18 them from opening. Again, you know, from my experiences as the Zoning Administrator  
19 many come in, "Oh, we're just gonna be a little restaurant, gonna be a little Mom and  
20 Pop store", next thing you know they're everything but. So ideally, as Ms. Hegler just  
21 stated, what, this makes it easier from an enforcement standpoint, but not only just from  
22 a Zoning Administrator but also the rest of Staff or anyone else can go out there and  
23 see that they're operating with, in compliance with each of these provisions.

1 MR. BROWN: So what you're trying to prevent, people opening up businesses  
2 with food in it as an excuse for other activity.

3 MR. PRICE: Correct.

4 MR. BROWN: Okay.

5 MR. PRICE: And again, not to be repetitive but, you know, going back to Mr.  
6 Theus', you know, questions and concerns, again if you're looking at, either you can  
7 almost name any restaurant that you have frequented over the last, you know, really the  
8 last year or so or even over the weekend, I think that each of these provisions would  
9 apply and would not in any way prohibit them from being, operating or from being in  
10 some type of violation.

11 CHAIRMAN GILCHRIST: Ms. Cairns, did you have a question?

12 MS. CAIRNS: No, I mean, I – just listening to the whole discussion I think that  
13 this is a very positive step. I think clarity is always a good thing. And I, I agree that I  
14 don't, I don't think there's any place that any of us ever go to that we think of as a  
15 restaurant that would violate any of this. I mean, and it's, you know, to help businesses,  
16 I mean, even to help a business that's not really sure what they wanna be, this'll let  
17 them know, you know, like well I'm gonna open up a restaurant and then they, they look  
18 through this and say, well yeah, I totally want a dancing pole, well they get to know that  
19 therefore then they're not a restaurant. And it, you know, gives the Applicants clarity,  
20 too, that you know, I mean, I find in my line of work the use of terminology, I mean, we  
21 all use different words to describe similar things. So this is making it more clear that,  
22 you know, read through this, what are you trying to be, let's just make sure that we start  
23 out, are you truly a restaurant or are you truly a lounge? And so it'll be, I think it'll be

1 better for the applicants in a lotta ways because it'll make it clearer. And, I mean, I think  
2 that, I mean, I, I appreciate wanting to have people in these industries often share with  
3 us stuff, but I, I don't, I mean, I don't see anything on this list, I mean, the only thing I  
4 wonder is on K should we add that, you know, that the use of metal detection wands  
5 upon patrons, you know, prior to entry or as a, as a requirement of entry or something  
6 like that so that yeah, you don't run into this, well you can't check my ID for beer cause  
7 then you won't be a restaurant, you know. So, you know, just a little bit of clarity on that  
8 one thing. But I, I think that this is a, a good move, I think it adds more clarity to our  
9 Code, which I think is always a good thing, without any true change to what's expected.

10 MR. THEUS: Excuse me, I'm sorry, I interrupted.

11 MS. CAIRNS: Go ahead.

12 CHAIRMAN GILCHRIST: Go right ahead.

13 MR. THEUS: Do we have any requirements now?

14 MR. PRICE: For a restaurant?

15 MR. THEUS: Right.

16 MR. PRICE: No, sir. Not really.

17 MR. THEUS: So when these, when these, I'll just call them what they are, when  
18 these strip clubs open on Decker Boulevard, all in that area, under what, under what  
19 basis, on what basis have we closed them down?

20 MR. PRICE: Closed them down [laughter]?

21 CHAIRMAN GILCHRIST: I was gonna say, I don't think that we have.

22 MR. THEUS: They're not closed down?

1 MR. PRICE: Again, we're getting back to the enforcement issue. One of the  
2 things, it's harder to close them down once they're open than when they're, than to stop  
3 them in the beginning. Because what happens is, the way our Code, the way our Code  
4 is written the idea is to give notification, to serve summons if they continue to be in  
5 violation, take them to court. Many times these may end, again, now you know, jumping  
6 ahead to a, to an SOB, you're gonna spend years in court making that argument, and  
7 the whole time they continue to operate over and over.

8 MS. HEGLER: And technically only the courts can close them.

9 MR. THEUS: I just know pressure has been brought to bear on these businesses  
10 by the sheriff and such, and I don't know on what basis he's done it, but.

11 MR. PRICE: Usually the ones that have closed there've been other issues, other  
12 nuisance type violations.

13 MR. THEUS: Right.

14 MR. PRICE: Shootings or that type where I think it's been, a file has been made  
15 that this place, if you were to permit them to have alcohol there, would be a nuisance.  
16 So it's really been more about the, the restricting of them having alcohol on the  
17 premises is what's closed them down rather than just the business.

18 MR. THEUS: And, and, again I don't know that much about it but I think in order  
19 to have an ABC license you have to have a certain percentage, used to be, I don't know  
20 if it is anymore, certain percentage of your revenue come from food and not alcohol. Is  
21 that, is that not correct?

22 MR. PRICE: I'm not sure. During my research I did not see – I think they have  
23 specific categories but, you know, again they allow restaurants to serve –

1 MR. PALMER: You just have to have food available.

2 MR. THEUS: Really?

3 MR. PALMER: Yeah. It's the old, I have a microwave and a frozen burrito in the  
4 back, that's my meal.

5 MS. CAIRNS: Right.

6 MR. PRICE: Right, and to show you how we're trying to, trying to close up some  
7 of the loopholes that are, that we're finding, during my discussion with DHEC, if you  
8 wanted to operate a restaurant you have to have a full kitchen that they have gone out  
9 and inspected and approved. You don't have to use that kitchen for the preparation of  
10 your food or serving the food, you just have to have the restaurant. Well that, you know,  
11 [laughter] let's just say I've gone into some enforcement, when I've gone in to do some  
12 enforcement where I've had some of the people looking at me laughing that I actually  
13 missed the food. "Oh, you should've been here earlier." You can tell that kitchen was  
14 never, ever used. But, and that was another one of those, it came in as a restaurant but  
15 guess what you really are, you're something else.

16 MR. PALMER: Here, here's my question on the issue, and we discussed this  
17 some. A lotta times when we write commercial leases and the landlord wants to protect  
18 against a bar [inaudible] tied to sales. Now –

19 MR. THEUS: What?

20 MR. PALMER: Tied to sales, the actual sales in the establishment; 51% food to  
21 49% alcohol.

22 MR. THEUS: Yeah, I understand what you're saying.

1 MR. PALMER: The issue with this is that would be retroactive issue that would  
2 occur because we wouldn't have those sales till after a year and then again they're  
3 open already and then it's tougher to close. So that's one avenue to do it. I understand  
4 what you're saying here, Geo, and I understand it's an issue but fundamentally the  
5 difference between someone opening a bar and someone opening a restaurant in a  
6 General Commercial zoning classification, is there an issue with that?

7 MR. PRICE: Well, under our current Code if you open up a restaurant you really  
8 don't have many restrictions. If you open up a bar there are required setbacks from  
9 specific uses.

10 MR. PALMER: So this is all about the setbacks between the bars –

11 MR. PRICE: If you are a bar you're required – and again, that's another  
12 ordinance that's here – if you're a bar you're required to be 600' from a church or a  
13 place of worship, excuse me, a place of worship or a school, and 400' from another bar.  
14 Those are current requirements.

15 MR. PALMER: Right.

16 MR. PRICE: But if you're a restaurant you can come in and as long as you're  
17 zoned that way and appropriately, and your site is developed as such then you can,  
18 you're allowed to open.

19 MR. PALMER: So I guess the issue may be with the setbacks. I mean, is it really  
20 an issue with the bar or if you have a shopping center and you're gonna open a bar in it  
21 it seems like people are trying to skirt the issue to make it a restaurant because we  
22 have restrictions in our Code that may or not may not need to be there, I'm not sure.

1 MS. CAIRNS: Right. I mean, that would be, that would be the second way to skin  
2 the cat is just simply, should we be zoning bars and restaurants the same?

3 MR. PALMER: Right. And so that's another, I mean, I know that the state, to get  
4 your liquor license from SLED they have certain requirements in place from churches or  
5 places of worship already so that's an oversight, and, and schools, so that's another  
6 level that they've gotta get through to get their liquor license from the Department of  
7 Revenue.

8 CHAIRMAN GILCHRIST: Right.

9 MR. PALMER: And so, you know, if we could take it off the plate altogether for,  
10 for our Staff and say, hey look, you know, if you're in a General Commercial zoning  
11 classification and you wanna open a bar or you open a restaurant get your licenses to  
12 get it done. I mean, is there really an issue there I wonder?

13 MR. PRICE: Well Mr. Palmer, what, I think what you're discussing is another text  
14 amendment. What I would –

15 MR. PALMER: Right. But I think it goes to the principle of this, too.

16 MR. PRICE: - what I would ask is let's kind of, if you could let's look at this  
17 separately and if that is something, I think as the Planning Commission, that you wish to  
18 initiate which you know, as a Body you can initiate text amendments, and that's  
19 something that we could kinda craft the language and then send that forward to maybe  
20 eliminate that.

21 MR. PALMER: I think if some of the, but I think if some of this stuff goes into the  
22 bar situation, if, if, if our goal is to not allow SOBs to open, they're hard to close –

23 MR. PRICE: It's not just SOBs.



1 MR. PALMER: Well I understand. But let's put that in the, in the bar section or in  
2 all the sections that you can't have dance poles in a restaurant or a bar. Or, you know,  
3 some of this stuff kinda concerns me and I just see it from a liability standpoint, if, if we  
4 tell a restaurant that they can't use metal detectors, wands or frisking, the first, first time  
5 somebody gets shot they're gonna say, "Well I wanted to frisk these people and  
6 somebody gets shot, you guys wouldn't let me do it, it's your fault."

7 MR. PRICE: That's probably a restaurant you shouldn't go to. But I understand.

8 MR. PALMER: But I understand what you're saying. But, but, but I mean, when  
9 you stop people from taking safety precautions it's like saying that you can't have -

10 MS. CAIRNS: It's just that if they're gonna, if, if they feel that their business  
11 needs that level of safety then they're gonna be classified as a bar.

12 MR. PALMER: Well, that's what I'm saying but maybe -

13 MS. CAIRNS: So it's not that we're saying you can't do it it's just, you know, if  
14 you're, I mean, a restaurant, I don't know if there's a restaurant out there that really  
15 orients its, and feels itself and believe itself to be a restaurant that ever feels the need to  
16 do metal detectors.

17 MR. PALMER: Oh I understand, and, and I, and I haven't been in one that does,  
18 but for us to tell them that, for your own safety reasons you can't have metal detectors, I  
19 mean, there needs to be, in my opinion there needs to be metal detectors in a lot more  
20 places than where there are. Just because of the culture in what we live in today, I  
21 mean, you go into movie theaters now and, I mean, you know, I mean, you see metal  
22 detectors and wands going into the stadium.

23 MS. CAIRNS: Um-hum (affirmative).

1 MR. PALMER: You know. So if it gets to that level, I mean, I just didn't wanna tell  
2 somebody they couldn't do it if they operate a restaurant, that's all I'm saying. But I  
3 guess the overall fundamental thing for us to discuss is in these zoning classifications  
4 as the County is there a difference between putting a bar and putting a restaurant in?

5 MS. CAIRNS: But that's really not the question in front of us today cause that  
6 question is, do we wanna change the zoning rules for those things? The question that  
7 we –

8 MR. PALMER: [Inaudible]

9 MS. CAIRNS: No, we have existing zoning rules for restaurants and bars. I  
10 mean, in our Code now if you're a restaurant this set of rules applies, and if you're a bar  
11 this set of rules applies. But we don't have –

12 MR. PALMER: I don't think we have that.

13 MS. CAIRNS: Yes.

14 MR. PRICE: We do.

15 MS. CAIRNS: That's what we have.

16 MR. PALMER: What's the difference between a bar and a restaurant?

17 MS. CAIRNS: That's what we don't have a very good definition of.

18 MR. PRICE: [Inaudible] right.

19 MR. PALMER: What is it?

20 MR. PRICE: Just the primary activity of the business.

21 MR. PALMER: But I think to this point it's been really up to the Zoning  
22 Administrator to classify those, the difference between the two, right?

23 MR. PRICE: Correct.

1 MR. PALMER: So it's not like we have –

2 MS. CAIRNS: So what he's asking for is just codification of some clarity. So that  
3 everybody knows instead of –

4 MR. PALMER: Right, and I, I get that.

5 MS. CAIRNS: - so that's a good thing. I mean, we've gotta, we treat these things  
6 differently now in our Code but what we don't have is a good way to define what you  
7 are, other than the discretion of the Zoning Administrator.

8 MR. PALMER: Yeah, I mean, if that's the route that people wanna take, I mean,  
9 there, there's really no reason for there to be a dance floor in a restaurant, period. So  
10 why do you have 250 square feet in a restaurant of a dance floor?

11 MS. CAIRNS: I, there's lots of restaurants that have small dance floors. That get  
12 used a couple days a year.

13 CHAIRMAN GILCHRIST: You know, this –

14 MR. THEUS: Geo, we, will you tell me, please, what problem this is addressing,  
15 this proposed change?

16 MR. PRICE: Again, what it does is it provides clarity to a number of, well to, to  
17 potential business owners when they come in so they'll know exactly which category  
18 they fit in. If you, you know, again you could almost, you almost have to compare the  
19 two, two of the proposed ordinances. But if somebody's coming in and saying, this is  
20 what I plan to do primarily, to serve, I really wanna serve alcohol but I'll also provide  
21 some level of food, then you really more are a bar.

1 MR. THEUS: And then what applies to you if you're a bar and not a restaurant?  
2 What I mean is in what situation can a bar not going, go into a building that a restaurant  
3 could?

4 MR. PRICE: It currently in our Code, depending on what the proximity of that  
5 proposed location to a place of worship, a school, and another bar.

6 MS. HEGLER: So there're a lotta places that a restaurant could go that a bar  
7 could not. I think the current, you know, problem is also for the Applicant. They see that  
8 the only differential between a restaurant and a bar now is, they equate it as serving  
9 food. Well, almost every bar has to serve food by the state standards but that doesn't  
10 make them a restaurant, predominately. And it's that term, you know, predominately or  
11 primarily that does become the subjectivity of the Staff, and that's where we, we find  
12 ourselves getting in trouble. So, so we have a conversation with the Applicant, they  
13 convince us through what they think to truly be right, hey we are a restaurant –

14 MS. CAIRNS: We're serving food.

15 MS. HEGLER: - we're serving food. We have a conversation with them, we have  
16 no real way to dice that anymore and so we issue them a, a permit. And, you know,  
17 within months we're getting a call that this is – and really it turns in, it's not, it's often that  
18 it's just a nice, quiet bar that is operating mostly as a bar, it's that these are, they turn  
19 into clubs, they're late, they're – you couldn't go in and get food at 9:00 at night. Now  
20 this is no longer a restaurant by our impression and by Council's impression and by  
21 most, you know, citizens' impression; this is now really a, a bar. But we weren't able to,  
22 to really finesse that definition on the frontend and now we have a situation on our  
23 hands where we have somebody operating in violation of that. You know, to the degree

1 that each one of these items, I mean, the, the wand, I think this is just our first stab at  
2 presenting something to you. If you want to –

3 MR. PALMER: Yeah, I mean, I think the way around that is instead with the  
4 wand and stuff you just say you can't prohibit people from entering based on age.

5 MS. CAIRNS: No. No. That's not –

6 MS. FRIERSON: No.

7 CHAIRMAN GILCHRIST: No, we don't want –

8 MS. CAIRNS: I think, I think that –

9 MR. PALMER: If you can allow anyone in and they wanna wand a 12 year old  
10 they can wand a 12 year old.

11 MS. CAIRNS: I think, I mean, I disagree. I think that this section K is an indicator  
12 of a bar over a restaurant. And it's not that we're saying you can't whisk, wand and, you  
13 know, have people identify themselves but if that's what you do before anybody can  
14 even enter then you're a bar. And if that becomes too restrictive, if we end up as a  
15 community that to go to Applebee's they're gonna do metal detection, wand, well  
16 then -

17 MR. PALMER: Why would you not let them do that if they wanted to?

18 MS. CAIRNS: I think in the society –

19 MR. PALMER: I mean, there's so many other things in place.

20 MS. CAIRNS: - these are, these are things that can be changed as we go  
21 forward, but I think in the society we live in today, which is what we're trying to do, if you  
22 are being wanded or frisked before you enter an establishment it's probably a bar and

1 not a restaurant. And if that changes, if that changes in 12 months then we'll change  
2 that.

3 MR. PALMER: Every sporting arena you go into.

4 MS. CAIRNS: But those are different, I mean, first of all those aren't detection  
5 wands those are, like we've got a walk through thing.

6 MR. PALMER: I've been wanded many times going into the stadium. My  
7 goodness.

8 MS. CAIRNS: Well, but I mean, I just think that, I think that we can live with this  
9 and see if it becomes a problem. I mean, I, one of the things I'm curious about is I'm  
10 looking at part C where we have to have 20, seating for 20 cause, I mean, there's a lotta  
11 little hole in the wall places that are clearly restaurants that don't sit 20 people. Yeah, I  
12 mean, I just wonder, you know, can it say, you know, seating for 20 patrons or, like, or  
13 you know, I don't, I mean, I don't wanna make it too complicated but I can just see that  
14 you might not quite be 20 unless that's just, I mean, is that a minimum level for  
15 restaurants to be viable. But I just, I think, you know, that's just the only thing is, you  
16 know, if I am dedicating 100% of my space and most of my business is come and go,  
17 you know, carry out and so I only sit 10 people or something like that, but I'm clearly a  
18 restaurant. I mean, I may not even serve liquor, I mean, whereas, you know, I mean, is  
19 there, is there, cause I mean, I might just be a coffee shop kinda thing or something.  
20 But, you know, that's –

21 CHAIRMAN GILCHRIST: Geo, are we under any pressure to, to get this done?

22 MR. PRICE: Not necessarily. But then I guess if we do defer this exactly what is  
23 it that the Planning Commission wants us to bring back?

1 CHAIRMAN GILCHRIST: Well, you know, I, I like Bill's recommendation. I, I think  
2 industry professionals should be engaged in this conversation.

3 MR. THEUS: If nothing else they get buy-in, they have buy-in into it. They may,  
4 they may say I'm 100% with you but if we, if we stub our toe here on something and,  
5 and then we have three or four –

6 CHAIRMAN GILCHRIST: I mean, I'm not opposed to any of this, I just –

7 MR. THEUS: Yeah, me neither but I don't know what I'm missing.

8 MR. PRICE: Just know, whichever direction you want to go I will tell you that I  
9 don't believe that the industry professionals that you may be looking at are affected by  
10 this.

11 MS. CAIRNS: Yeah, I don't, I don't –

12 MR. PRICE: That's, this is not going to cause them any problems.

13 CHAIRMAN GILCHRIST: So let, let me define what I mean by industry  
14 professionals. I, I mean anyone that has a Mom and Pop restaurant or an Applebee's.

15 MS. CAIRNS: But there's nothing on here that would stop an Applebee's.

16 CHAIRMAN GILCHRIST: Well, I, I hear you, and I'm not suggesting that it is but  
17 –

18 MR. THEUS: What's the down side in talking to them?

19 MR. PRICE: How do you suggest we notify them? I mean, one of the things we  
20 do prior to bringing any amendments is we do put it in the paper. Do we just go out and  
21 select specific individuals?

22 MR. THEUS: Is there not a, I mean, I just don't know, is there a restaurant  
23 association?

1 CHAIRMAN GILCHRIST: Yeah.

2 MR. THEUS: A Columbia restaurant association or?

3 MS. CAIRNS: I mean, I think that, I mean, just for me looking at this knowing  
4 what I know about restaurants and bars and this and that, I don't see anything in here  
5 that would give any restaurant any cause for concern. And I think that it's clarifying  
6 what, what the Zoning Administrator is having to address potentially, you know, with  
7 every week I can imagine that somebody might be coming forward with a restaurant/bar  
8 proposal. And so, you know, and this is, this is not, like zoning classification changes.  
9 This is not changing what someone, like can and can't do, it's just clarifying. I think this  
10 is a great step forward, it's a recognition of a gray area in our Code and I just, I don't  
11 see anything in here that's controversial.

12 CHAIRMAN GILCHRIST: I, I totally would agree. I, I guess I'm looking at D, for  
13 example, tables and booths must be of adequate height and size. Is that addressed  
14 somewhere else in the Code, adequate height and size?

15 MR. PRICE: No, sir.

16 CHAIRMAN GILCHRIST: So what does that, I mean, what does that mean?

17 MR. PRICE: But you have to kinda read the full, you have to read the full, the full  
18 provision.

19 CHAIRMAN GILCHRIST: With a number of chairs found at the table?

20 MS. CAIRNS: No it's, in other words if you walk in and the table is about a 12"  
21 circle on top of a post so that you can set your beer down, that's not a table that's  
22 accommodating a meal.



1 MR. PRICE: There are enough, again, a lot of this was drafted, this language  
2 was taken from other jurisdictions –

3 CHAIRMAN GILCHRIST: No, I got it.

4 MR. PRICE: - and municipalities. But a lot of it was also based on some personal  
5 experiences I've had doing enforcement where I've gone into places that were going to  
6 be a restaurant but the only tables they had were bar tables. And again as Ms. Cairns  
7 was saying, there are the small ones really designed to put a beer, couple of beers on it  
8 and that's it. It's really not there for food. Again, if you're a restaurant this isn't going to  
9 be an issue.

10 CHAIRMAN GILCHRIST: Alright.

11 MR. THEUS: I'm a broken record, I just, we're getting ready to – if we would be  
12 impacting a number of business people in this community without talking to them, and  
13 not one of us who sits up here in our own businesses would want our situations  
14 impacted without somebody talking to us. That's all I'm saying.

15 MS. CAIRNS: Well, at what point does our public notification of all Code  
16 changes, is it irrelevant? I mean, that's the thing is we do have public notice. I mean, so  
17 if every time we have an ordinance –

18 MR. THEUS: This is, this is specific to one particular business. We, I just, I don't  
19 see the down side of talking to them. There's no rush here, but that's my, I made myself  
20 –

21 MS. CAIRNS: But at what, I mean, do you have any guidelines for when have we  
22 spoken to them? I mean, like who is it that we speak to?

1 MR. THEUS: I'd go to, I'd find, probably Google restaurant, Columbia Restaurant  
2 Association right now. If nothing else we tried.

3 CHAIRMAN GILCHRIST: Right.

4 MR. THEUS: You know?

5 MR. PRICE: I hear you, I'm just – this is not –

6 MS. HEGLER: We did talk about that and maybe there's, there's a difference  
7 precedence between the roundtable and that being an organized group, and this being  
8 a new group we're working with. We, we talked about that as Staff and, and what we  
9 kinda concluded was that prior to the Zoning Public Hearing making it very clear that  
10 they see the public notice and that they do have an opportunity to read it and come out  
11 and make their, their voices heard, like hey, you know, E or J or K doesn't make any  
12 sense to us.

13 MR. THEUS: And where, so where is this publicized? I mean, I'm just –

14 MS. HEGLER: I mean, it's in the paper. It's, there wouldn't be any signage  
15 anywhere else, it's in the paper.

16 MR. PRICE: It's gonna be in the notification –

17 MR. THEUS: The legals of the newspaper?

18 MS. HEGLER: But actually taking it a step further than we would with, cause we  
19 can't, we can only do so much in terms of public notice, but you know, send that to a  
20 restaurant association, which I'm sure there is such a thing, and saying, hey you need  
21 to be aware that this is coming before Council, please make your voices heard. You  
22 know, we brought it to you today before doing that to start to get, I mean, you are the,  
23 the drivers of the Code and, and the recommending Body so, I mean, this is all open to

1 discussion and, and I think it's valuable to say they should see this and have an  
2 opportunity to speak, and I wholeheartedly agree. When we do that or how, and how  
3 much input we really do, do take, cause nothing, again, is in here that we haven't seen  
4 somewhere else.

5 MS. CAIRNS: Well, I think you can also set yourself up for some really bad  
6 precedent though, that if, you know, we're dealing with something with restaurants, let's  
7 make sure we contact the restaurant association, they give it their blessing. And then all  
8 of a sudden some other group that's the, you know, alternate restaurant association  
9 gets to say, whoa you didn't tell us.

10 MR. PALMER: But we're under no obligation to tell anybody, but -

11 MS. CAIRNS: Like we either - no, I know but you start -

12 MR. PALMER: - a common courtesy.

13 MS. CAIRNS: - to set a precedent, you know -

14 MR. PALMER: No you don't start to set a precedent. If you see something -

15 MS. CAIRNS: Yes, you do.

16 MR. PALMER: - and you wanna do it you can do it. If you don't, you don't.

17 There's no precedent involved with it, it's not a court.

18 MS. CAIRNS: So then which restaurant association do you contact? What if  
19 there's more than one. I mean, you do set a precedent. We have a standard by which  
20 we're supposed to notice the public and we notice the public that way.

21 MR. PALMER: And if we wanna do above and beyond that we certainly, we do  
22 above and beyond it now.

1 MS. HEGLER: It's a decent point though. Often we get our hand slapped  
2 because no good deed goes unpunished. Somebody would get excluded from this I'm  
3 sure. And the difference between, you know, reaching out to a stakeholder group like  
4 this and really taking their input and doing something with it is very different from the  
5 roundtable in that there were other parties to that group. You know, it's not always just  
6 the development community, it's also the other side of the table is off to the  
7 conversation group, so what happens in that regard is usually it's a well vetted and  
8 kinda hashed out consensus document before it gets here. And we haven't been doing  
9 that lately cause that group doesn't meet anymore, but you know, the compromise that  
10 we thought as Staff made a lot more sense is to let this organization or these  
11 stakeholder groups use what is allowed to them, which is the Zoning Public Hearing,  
12 and they're certainly capable of calling Council and making their comments heard. But  
13 it, it would be no different than the conversation we're having right now for Staff to sit  
14 down with them and them say, oh well, you know, I don't mind wands but I don't want  
15 frisking or, we would still be just kinda sitting there having this kinda conversation. You  
16 all, we're still the guiders of this document and they can have their say in front of  
17 Council and Council can either take that or not. But I hear you and I understand that this  
18 more than a lot of other text amendments.

19 MR. PALMER: Let me ask you, is Liberty, is Liberty Tap a bar or a restaurant?

20 MS. HEGLER: I would consider that a restaurant.

21 MR. PRICE: I haven't been there.

22 MS. HEGLER: He likes to say those are – well, no the one in the Lake is in the  
23 County.

1 MR. THEUS: How about Henry's on Devine Street? Now these are in the City,  
2 but.

3 MR. PALMER: But something like that opening in the County. Is that a bar or a  
4 restaurant?

5 MS. HEGLER: We could ask the City Zoning Administrator. [Laughter]

6 MR. PALMER: Well here, just like Geo, to your credit though Geo you've gone  
7 out and gotten what other people do and that's fantastic. But what we do here other  
8 people around us are grab it and say, well Richland County just did this now we need to  
9 do this, or it's approved over here. And I understand the dilemma that we're in, I get it.  
10 But you gotta place like Liberty Tap who I go there for lunch down in the Vista all day  
11 long, go there for dinner with my wife, however, they also have an outdoor concert area  
12 and they have concerts there.

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

14 MR. PALMER: And so it would be classified as a bar and not a restaurant under  
15 these classifications. You know? And you go to somewhere like Jillian's, Jillian's you  
16 can go there and eat lunch, you can go there and eat dinner.

17 MS. CAIRNS: Not anymore, they're gone.

18 MR. PALMER: Not anymore. But somewhere like that, somewhere like Tin  
19 Lizzy's would be classified as a bar.

20 MS. HEGLER: Probably. By this. I don't know that Liberty would be. Or Henry's.

21 MS. CAIRNS: I don't think Henry's would be.

22 MS. HEGLER: I mean, these are places that have legitimate seating areas. I  
23 mean, I would take my family in there.

1 MR. PALMER: Yeah.

2 MS. HEGLER: I could choose to eat a full meal at most of the opening hours,  
3 there's another differential.

4 MR. PALMER: You can a full meal at midnight.

5 MS. HEGLER: Right.

6 MR. PALMER: At Liberty if you want to, or at Henry's.

7 MS. HEGLER: Which is why I think would make it more restaurant than bar.

8 CHAIRMAN GILCHRIST: In, in terms of time I think we asked earlier, are we  
9 under pressure to try to move this forward?

10 MR. PRICE: No, not, not really. But you know, again the question is if we defer  
11 what's the next step?

12 MS. HEGLER: And can I interject real quickly. Mr. Price, the cigar ordinance, that  
13 has been specifically requested by Council. There are some pending applications for  
14 such. Didn't these other definitions though kinda come to play in that –

15 MR. PRICE: They did.

16 MS. HEGLER: - ordinance? So is it possible to go forward with the cigar  
17 ordinance on its own?

18 MR. PRICE: I, I'm fine. As long, you know, again, we can still have the discussion  
19 and if it's the decision of the Planning Commission to defer or vote one way or the other  
20 it's fine. The only that's kinda more pressing would be the cigar bars.

21 CHAIRMAN GILCHRIST: Yeah. Any other questions for Staff?

22 MS. CAIRNS: Well what are we doing?

23 [Inaudible discussion]

1 CHAIRMAN GILCHRIST: We've gotta vote on it, is that right?

2 MS. HEGLER: Yeah, yeah, so my question for Mr. Price was if 3 could go on its  
3 own.

4 CHAIRMAN GILCHRIST: Okay. Do we have a motion on the table?

5 MR. THEUS: A motion for the –

6 CHAIRMAN GILCHRIST: For this Text Amendment?

7 MS. HEGLER: Just Text Amendment #2.

8 CHAIRMAN GILCHRIST: Right.

9 MS. HEGLER: So as to establish special requirements for restaurants.

10 MR. THEUS: Can a motion, can a motion be a deferral –

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

12 MR. THEUS: - and seeking input from industry professionals?

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

14 CHAIRMAN GILCHRIST: Sure.

15 MR. THEUS: That's my motion.

16 CHAIRMAN GILCHRIST: Is there a second?

17 MS. FRIERSON: I second.

18 CHAIRMAN GILCHRIST: Okay. All in favor of sending this –

19 MS. CAIRNS: Deferring it.

20 CHAIRMAN GILCHRIST: - deferring it, I'm sorry, until a later time please signify  
21 by raising your hand.

22 *[Approved: Palmer, Frierson, Gilchrist, Theus, Brown; Opposed: Cairns; Absent:*  
23 *Greenleaf, Tuttle, Anderson]*

1 CHAIRMAN GILCHRIST: And I'm assuming the, the reasoning was captured in  
2 terms of what Mr. Theus indicated.

3 MS. CAIRNS: Oh, in the request that, the request is restaurant –

4 MR. THEUS: Seeking the input of industry professionals.

5 CHAIRMAN GILCHRIST: Right. Did, did, I guess I'm asking did you get that?

6 MS. HEGLER: Yeah, I mean, well was the motion to defer or the motion to defer  
7 and seek input from –

8 MS. CAIRNS: Defer and seek.

9 MR. THEUS: Yeah.

10 CHAIRMAN GILCHRIST: Defer and seek, yeah.

11 MS. HEGLER: Okay.

12 MR. THEUS: If no one wants to say anything –

13 MS. CAIRNS: I mean, can we say that it's deferred to the next meeting? I mean,  
14 cause there's gotta be some –

15 MR. PALMER: Yeah, I think it's deferred to the next meeting. I also wanna, I also  
16 would press the Commission, I get where Geo's coming from and I understand the need  
17 for this, but if we could all pay attention over the next 30 days of the restaurants that we  
18 go into and the size of the bar that is in those restaurants and how much square footage  
19 you think that takes up, the bar area, and see, see if the difference is, see, see what's  
20 going on with those.

21 MS. CAIRNS: I don't think there's a limit to the bar –

22 MR. PALMER: Yeah there is, 25%.

23 MS. HEGLER: And you can't send me the bill. [Laughter]



1 MS. THEUS: This, this is government work. [Laughter]

2 MS. HEGLER: I like how Mr. Price said that, his enforcement efforts [laughter].

3 MR. PRICE: So you want us to contact the Restaurant Association or?

4 MR. THEUS: I'll talk, I'll try to help you if you'd like me to.

5 MR. PRICE: Oh, I mean, I'm just –

6 MS. HEGLER: I'm sure there's a restaurant association but if you –

7 MR. THEUS: Greater Columbia Restaurant Association, I mean, we can call  
8 some restaurant owners. I mean, at least we've tried. Even if we get stiff armed and  
9 nobody wants to –

10 CHAIRMAN GILCHRIST: And I got a bunch of them in the Chamber. We can  
11 certainly send them to you.

12 MR. PRICE: Yeah, the ones I wish we could get to where, again it's not people  
13 that are necessarily members of the Restaurant Association, just the, you know, the  
14 people coming in to start their Mom and Pop stores or –

15 CHAIRMAN GILCHRIST: Those are the ones I wanna send to you [laughter].

16 MR. PRICE: Right. Those are – if you, if you can get those to look at it I think  
17 they would be more effected than anything.

18 CHAIRMAN GILCHRIST: Absolutely.

19 MR. THEUS: I just ate at Nathan's, I can't help but wonder if Nathan's complies.  
20 You know, Nathan's right here?

21 MR. PRICE: Yes.

22 MR. THEUS: It may, it may not, I don't know. They don't even serve alcohol, so.

1 MS. CAIRNS: Yeah, it's kinda hard to be a bar if you don't serve alcohol.

2 [Laughter]

3 MR. THEUS: Yeah. But if, if they did, if they did.

4 MR. PRICE: But if they didn't serve, I mean, they're a restaurant, right? Even if  
5 they, they have a little bar in there, what, what would change –

6 MR. THEUS: Yeah, I just, it's, but that's a, just an example of my – Henry's is a,  
7 is a better example, on Devine Street.

8 MS. HEGLER: But I would press that the fact that you're asking those questions,  
9 so too do the Applicants and so do we when we're sitting there looking at –

10 MR. THEUS: I understand, I understand the need for it. I'm not saying, I got the  
11 need.

12 MR. PALMER: And plus, I just don't know that we wanna put them under a bar if  
13 we keep the restrictions in place where they gotta be this far away from other stuff if  
14 they're really a restaurant and they happen to serve alcohol. I mean, honestly a  
15 restaurant probably shouldn't be open at 2:00 in the morning, but we don't wanna start  
16 going down that path because then people that do wanna operate a restaurant at 2:00  
17 in the morning they certainly can. Now those are few and far between but we don't  
18 wanna limit the hours and say, you know, if you're open at 1:30 in the morning you're  
19 probably a bar, there's not a lotta families going out to eat dinner.

20 MS. HEGLER: Right.

21 MR. PALMER: But, you know, at the same time it's just, it's a tough dilemma to  
22 get into.

23 MS. CAIRNS: Waffle Houses are open all the time.

1 MR. PALMER: I understand there's always an exception. But, I mean, some of  
2 this stuff, I mean, and we can get into it next time, not to beat this dead horse, but you  
3 know, how do you classify a hot meal? Some places they, they don't have hot meals,  
4 they are deli's, true deli's by the sense and they – okay. Alright.

5 CHAIRMAN GILCHRIST: Alright, is that good?

6 MS. HEGLER: Did you vote on the deferral.

7 CHAIRMAN GILCHRIST: I thought we did.

8 MR. THEUS: We did.

9 MS. HEGLER: Yes, we did.

10 CHAIRMAN GILCHRIST: It was a unanimous vote.

11 MR. THEUS: Actually –

12 CHAIRMAN GILCHRIST: Oh, Heather voted against, I'm sorry.

13 MS. CAIRNS: There's one in every crowd.

14 CHAIRMAN GILCHRIST: Yeah, we have one vote against. One in every crowd,  
15 that's right.

16 MR. PALMER: Is the cigar bars next?

17 MS. HEGLER: Yes, cigar bars.

18 CHAIRMAN GILCHRIST: Yes, cigar bars next. Got a few questions about that,  
19 too. [Laughter]

20 **TEXT AMENDMENT #3:**

21 MR. PRICE: I have no more to say. [Laughter]

1 MR. PALMER: Does anybody mind if I make a motion to send the Text  
2 Amendment pertaining to cigar bars forward to Council with a recommendation as  
3 presented by Staff.

4 MS. CAIRNS: With no discussion.

5 MR. PALMER: Well just the Text Amendment as presented by Staff.

6 MR. PRICE: Approval?

7 CHAIRMAN GILCHRIST: Is that a motion?

8 MR. BROWN: He made a motion, I second it.

9 CHAIRMAN GILCHRIST: Alright.

10 MR. PALMER: And that's just where to allow those, is that correct, and then the  
11 language that goes with it? Yep.

12 CHAIRMAN GILCHRIST: Motion and seconded. Discussion? Can't believe  
13 there's no discussion.

14 MR. THEUS: You know, I'm for it. I just, I always wonder how, how you enforce  
15 these things, who's gonna audit?

16 MS. CAIRNS: Well that's with, I mean, that's with anything that's true.

17 MR. THEUS: Yeah.

18 CHAIRMAN GILCHRIST: Alright. It's been motioned and seconded, any other  
19 questions? All in favor?

20 *[Approved: Palmer, Frierson, Cairns, Gilchrist, Theus, Brown; Absent: Greenleaf, Tuttle,*  
21 *Anderson]*

22 CHAIRMAN GILCHRIST: Alright. That was pretty easy, Geo. Next Text  
23 Amendment.

1 **TEXT AMENDMENT #4:**

2 MS. HEGLER: Last Text Amendment is amending the special requirements for  
3 bars and other drinking places, probably in line with the second one you just deferred,  
4 or Mr. Price, what's the major change?

5 MR. PRICE: Actually the major change again is highlighted in red. Now I do need  
6 to give you this, I apologize. But if you look at what's in your package, if you take a look  
7 at – what we have, what was stricken out was 'however', under 8B, 'however, if a place  
8 of worship is located in a GC, M1 or LI zoning district and so on. . .' those –

9 MR. THEUS: That was not supposed to be struck, is that what you're saying?

10 MR. PRICE: No, that should not be. Do you have one?

11 MS. CAIRNS: The one you handed out is –

12 MS. FRIERSON: Correct.

13 MR. BROWN: You need this?

14 CHAIRMAN GILCHRIST: Yes, pass that right there.

15 MR. THEUS: Oh, I'm sorry.

16 CHAIRMAN GILCHRIST: No, you're fine.

17 MR. PRICE: You, you had it where that part was not.

18 MR. THEUS: I was gonna say I thought we killed that cockroach a year or so  
19 ago.

20 MR. PRICE: Yes. Right, so it was actually only –

21 [Inaudible discussion]

22 MR. PRICE: So what you have, what I handed you is actually the correct version.

23 MR. THEUS: Okay.

1 MR. PRICE: So in a nutshell we've included, stated that if you're a bar or drinking  
2 establishment, again I'm gonna start backwards, you should provide to us a floor plan  
3 showing us what it is you're gonna have in there. You also, dance poles are prohibited.  
4 But probably the biggest one is that we're going to change up the way we measure.  
5 Currently we measure, I think the old saying is as the crow flies, so without any  
6 intervening buildings or roads or railroads or anything else, we'll just go in a straight line.  
7 This, what this language is essentially copied from SLED and how they do their  
8 measurements where we would take the normal vehicular or pedestrian pathway to the,  
9 in this case the place of worship or a school to determine the, that the 600' setback is  
10 being met or not being met.

11 CHAIRMAN GILCHRIST: Questions for Staff?

12 MR. THEUS: I move for approval.

13 CHAIRMAN GILCHRIST: Is there a second?

14 MR. BROWN: I'll second, Mr. Chairman.

15 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded. All in  
16 favor of – any discussion before we move forward? Alright, all in favor?

17 *[Approved: Frierson, Cairns, Gilchrist, Theus, Brown; Absent for vote: Palmer; Absent:*  
18 *Greenleaf, Tuttle, Anderson]*

19 CHAIRMAN GILCHRIST: Great. And is that it? All the Text Amendments? Okay.  
20 Zoning definitions.

21 MS. HEGLER: Chairman Gilchrist, this is the item that's been on the Agenda for  
22 several months now to discuss the definitions and purpose statements of the three  
23 commercial district we have; rural commercial, neighborhood commercial, and general

1 commercial. This was brought forth, you know, I think some, some months ago a  
2 Commissioner mentioned that the definition and the purpose statement just didn't seem  
3 to make sense, there was some conflicts within itself. And there's some disparity  
4 between the three different commercial districts. So we've, we've put it before you a  
5 couple months in a row now. The idea is just to maybe have a conversation with you,  
6 how you feel about the purpose statements, what changes, if any, you would propose or  
7 recommend. The importance or the weight of those purpose statements, how they're  
8 being used. We discussed last time, you know, bringing before you how often we have  
9 rezonings related to these and we, we do a lot. I mean, we've had a lot of rural  
10 commercial and general commercial rezoning requests and just wanna make sure that  
11 the purpose statements are fitting in line with your vision for those zoning districts.

12 CHAIRMAN GILCHRIST: Any questions on this?

13 MS. HEGLER: So we're prepared to –

14 CHAIRMAN GILCHRIST: I mean, obviously I, I certainly, and I know we need to  
15 go through this but I certainly would like to have at least more of our Commission  
16 Members here so that we can kinda go through this and make sure that there's any  
17 questions any of them may have on this.

18 MS. HEGLER: Yeah, you are missing three and Mr. Palmer just disappeared.

19 CHAIRMAN GILCHRIST: Yeah, we're missing about four of them today, so. Is  
20 there a way we can move this to the next meeting?

21 MS. HEGLER: It's, it's your discretion.

22 CHAIRMAN GILCHRIST: Commission Members, what do you think?

23 MS. CAIRNS: I support [inaudible].

1 CHAIRMAN GILCHRIST: I'm sorry?

2 MS. CAIRNS: Yeah, I think waiting till we have a larger quorum.

3 CHAIRMAN GILCHRIST: Can I get a motion to – do we need a motion to do  
4 that?

5 MS. CAIRNS: No.

6 MS. HEGLER: No, cause this is all just for conversation and potential action, but.

7 CHAIRMAN GILCHRIST: Okay, perfect. Alright, well then we'll just wait till the  
8 next meeting and make sure we –

9 MS. HEGLER: Okay. And I will mention again if there's anything that you would  
10 like for Staff to help you with that you can guide us on that we could bring back to you  
11 that would be great. And, but otherwise we're looking for conversation with you to, to  
12 ensure that these purpose statements make sense to you. So it wouldn't be helpful to  
13 us to just prepare language and bring it to you but if there's some examples or some  
14 images or any sorta documentation, maybe examples from other places that we could  
15 bring to you beforehand, let us know, or any suggestions you already have that you  
16 wanna share with us, we could draft that up and have those as talking points.

17 MR. THEUS: Have we asked for this?

18 CHAIRMAN GILCHRIST: Yeah, I was gonna ask you, can you submit –

19 MS. CAIRNS: We asked for some, I mean, we asked for the general gist of  
20 where you are.

21 MS. HEGLER: Right.

22 MS. CAIRNS: But, I mean, do we have in our County examples of what we think  
23 are great rural commercial, neighborhood commercial, and general commercial areas?



1 MS. HEGLER: Yeah, you know, Staff has talked about that a lot. I think we could  
2 identify a few. The trickiest one really is neighborhood commercial. We do have –

3 MS. CAIRNS: Most of those are grandfathered, non-conforming use areas.

4 MS. HEGLER: And you have a lotta those in probably the City.

5 MS. CAIRNS: Yeah.

6 MS. HEGLER: In areas where there is a small Mom and Pop or a corner store,  
7 which is how I visualize neighborhood commercial. We don't have a lotta places where  
8 those would or could exist in the County, maybe within the Summit. But those are all  
9 within PDDs which kinda self-describe themselves.

10 MS. CAIRNS: Well yeah, but I mean, but at the same time maybe –

11 MS. HEGLER: As a visual?

12 MS. CAIRNS: - you know, as a visual and, you know, even if there's examples of  
13 where things might be zoned rural commercial but there's a general sense that it's not a  
14 positive overall thing for the neighborhood, the community, the County to have these  
15 things. I mean, I don't know, you know, I mean, that's always a sticky thing when you  
16 say, this is bad.

17 MS. HEGLER: Yeah, we try not to pick on people, yeah.

18 MS. CAIRNS: You know, go outside the County for those. You know, but I mean,  
19 but to show where, you know, kinda what you're, you know, I mean, do we have good  
20 examples of these things and, and –

21 MS. HEGLER: We can try and look for some, but again those would just be our  
22 opinion so it still needs to be driven by your goals and, and hopes and desires for  
23 growth in any of those areas. But yeah, we'll see.

1 MS. CAIRNS: You know, any time we can just have a greater common  
2 knowledge base.

3 MS. HEGLER: Yep, we will try to establish some of that.

4 CHAIRMAN GILCHRIST: Alright, so we'll move it to the next meeting. Perfect.  
5 Chairman's Report, I just want to thank you Staff for the great work that you do to help  
6 us. We certainly appreciate that and we applaud you for the work that you do. Just a  
7 couple things I wanna bring to the Commission's attention. One, you know, obviously  
8 we, we come to these meetings and, and we have the opportunity to, to review our  
9 information prior to the meeting and then we have the opportunity to debate this when  
10 we're sitting here. And all of that's great, but I think when we want to dive into some of  
11 these, particularly some of our ordinances and policies in a little bit more greater detail  
12 it's probably important for us to, to set aside some time, particularly now since we have  
13 a Commission where we've pretty much got a solid body together for a while, hopefully,  
14 to maybe have some time set aside to do a retreat. And I would like to propose, and I  
15 certainly I would like to propose this for some dates coming up at our next meeting to  
16 think about a day-long retreat, one day is all we're asking of your time, just so that we  
17 can sit down. And I know that's a lot, but I, I think it would be important for us to have a  
18 conversation about a number of things that I'm concerned about and would like some  
19 clarity on and we can't typically do that sitting here. So Commissioners, if you think that  
20 that's something we can do I would ask all of us to begin to think about some dates that  
21 we could do that. I don't wanna go too far in the year without getting that done, but  
22 certainly it would be something I think would be beneficial to everybody. Okay? We  
23 don't need a motion on that, so. Thank you. Rules of Procedure.

1 MS. HEGLER: That is, those are your current Rules and Procedures. A few  
2 years ago we talked about amending those.

3 CHAIRMAN GILCHRIST: Um-hum (affirmative).

4 MS. HEGLER: And they never were amended, so I would suggest or, you know,  
5 just recommend that you take a look at those again and see if there are some changes  
6 you would want to make to them. Otherwise, this is kind of a, a placeholder for the  
7 Chairman to discuss other things that you may so choose to discuss.

8 CHAIRMAN GILCHRIST: Are there any comments from the Commissioners  
9 about anything?

10 MR. BROWN: We're gonna take this up at, at –

11 [Inaudible discussion]

12 CHAIRMAN GILCHRIST: Yeah, we can do that at our next meeting.

13 MS. HEGLER: Okay.

14 CHAIRMAN GILCHRIST: Development Review Team Report.

15 MS. HEGLER: That is for information only.

16 CHAIRMAN GILCHRIST: Alright, anything else? Make a motion to adjourn?

17 MR. BROWN: Mr. Chairman, is it appropriate for us to –

18 CHAIRMAN GILCHRIST: Hold one second, Mr. Brown, I think –

19 MS. CAIRNS: We have a member of the public –

20 [Inaudible]

21 CHAIRMAN GILCHRIST: We typically don't allow that unless it's [inaudible]. But  
22 we'll give you a couple of minutes to come up and, and address us if that's okay,  
23 Commissioners?

1 MR. FRANKLIN DUBOSE: Thank you very much.

2 CHAIRMAN GILCHRIST: You're a taxpayer, that's important.

3 MR. BROWN: [Inaudible] Mr. Chairman, in all due respect, point out that we're all  
4 volunteers and we are taxpayers, too.

5 MR. DUBOSE: Thank you, sir, for serving your community as you do. My wife  
6 and I serve our community also. One thing that did upset me a little bit today, I  
7 apologize that I didn't get here early enough to voice my opinion about the first item on  
8 your Agenda. But unfortunately we had, or fortunately, we had a sheriff's deputy show  
9 up at our house this morning in reference to a zoning issue that we were concerned  
10 about, and I did not want to make his trip not productive so we stayed a little longer than  
11 we probably should have to converse with him because it effects our neighborhood  
12 directly. The issue that was covered earlier first thing today effects our neighborhood  
13 also and I just would like to plant a seed in your mind to think about this. In our  
14 neighborhood we have a lot of high density subdivisions, quite a few, and this proposal  
15 was to add another one. What we've experienced in the past, and we've been living in  
16 this area of Columbia since 1965, and I apologize I didn't introduce myself. I'm Franklin  
17 R. DuBose, born in Columbia, 72 years old, going on 73 in May, so I've grown up in  
18 Forest Acres and I've lived out off of Leesburg Road ever since 1965. And that  
19 neighborhood was developed beginning in 1940 era, right after World War II, and most  
20 of the development occurred as what you would call low density. What we've seen with  
21 high density homes being developed in our area is an increase in transient residents.  
22 Not long-term residents like myself and many other people that are still living. Most of  
23 those people they bought back when it was being developed in the '60s are either

1 passed on or gone to nursing homes. Unfortunately their children have elected to live in  
2 other areas of the County or even moved to Lexington County for various reasons. So  
3 we have a high population of rental properties and what we typically see in small homes  
4 with small lots are beginning homeowners and they probably don't stay there more than  
5 10 years, then they wanna move up to something bigger because by that point in time  
6 they've got children. Well, a lotta times those homes become rental homes and  
7 everybody deserves a place to stay and live and I understand that, but a lotta times the  
8 renters don't really care about how the outside or exterior of their property looks. And  
9 with the absentee landlords they don't really care as long as they collect their money.  
10 But I care and other residents that are long-term residents do care because it brings the  
11 value of our property down. And if we don't die in an accident eventually we're gonna go  
12 to a nursing home and if we weren't smart enough to buy a long-term care policy to  
13 begin with we're gonna have to sell our house to pay for the nursing home expense.  
14 And so the property values have gone down because of poor planning, we're stuck  
15 between a rock and a hard place. So think about that when you're making zoning issue  
16 decisions.

17 CHAIRMAN GILCHRIST: Yes, sir.

18 MR. DUBOSE: If this planner had planned on putting a high density or preferably  
19 a medium density development in that area and earmarked it for retirees that situation  
20 would be more tolerable than just open to the general public. Because retirees don't  
21 need a lotta land, they just need a house with a roof that doesn't leak, and a place to  
22 park their car. And they usually only have one car, at most two. But when you have  
23 young families moving in there they're gonna at least have two cars and most of these

1 lots are not big enough to park two cars off the street in the property. They have a  
2 garage but they turn it into a storage room, and they have a driveway. That effects all of  
3 us, cluster. The other thing that upsets me is I had the impression that this is an open  
4 forum for the general public to voice their opinion. Well, on our way in today we found  
5 out that apparently y'all had already made a decision to approve that proposal off of  
6 Hallbrook Road because the white signs were already up today indicating there was  
7 gonna be decided at the County Council meeting, which means that you had already  
8 made a decision –

9 CHAIRMAN GILCHRIST: No, sir.

10 MR. DUBOSE: - to go along with it without hearing our input.

11 CHAIRMAN GILCHRIST: No, sir.

12 MR. DUBOSE: Or it was bad timing on somebody's part to put the sign up ahead  
13 of time.

14 MS. CAIRNS: We can explain how that all happens. That's not –

15 MR. DUBOSE: Appreciate it.

16 MS. CAIRNS: Yeah.

17 CHAIRMAN GILCHRIST: Absolutely.

18 MS. CAIRNS: Do you wanna?

19 CHAIRMAN GILCHRIST: You can certainly go ahead.

20 MS. CAIRNS: We're, the Planning Commission is a recommending Body.

21 MR. DUBOSE: Yes, ma'am.

22 MS. CAIRNS: So what happens is an applicant makes an application to the  
23 County, goes through the Staff process. And when all the timing is right it comes to us

1 to review what their decision is and to make a recommendation to Council. So the fact  
2 that it goes to Council is automatically a part of the process. So it gets –

3 MR. DUBOSE: But it wasn't based on your decision.

4 MS. CAIRNS: Right, that's right. It gets notice to go to Council irregardless of  
5 what we would decide or whatnot.

6 MR. DUBOSE: Okay.

7 MS. CAIRNS: I mean, sometimes, you know, in the process if, especially if Staff  
8 is recommending denial or something, the applicant may choose to withdraw.

9 MR. DUBOSE: Yes, ma'am.

10 MS. CAIRNS: But whether we vote something up or down, it goes to Council  
11 cause we sit as a recommending, we're not a, we're not a necessary step in terms of  
12 approval. So the fact that you saw those signs noticing it for Council, that's just the way  
13 the process works. It goes have –

14 MR. DUBOSE: Well, I apologize to each of you cause I thought you had already  
15 made your mind up.

16 CHAIRMAN GILCHRIST: Oh no, no.

17 MS. CAIRNS: No, I can totally imagine that that would, that would cause a tad bit  
18 of heartburn. But I, and I, I don't know if you have more to offer, I'd be interested to hear  
19 but, I mean, I, I do think you've raised some, some questions, you know, in terms of  
20 how we do it.

21 MR. DUBOSE: Well, I appreciate it. A couple more minutes just to wrap it all up.

22 MS. CAIRNS: Okay.

1 MR. DUBOSE: If you check the police reports with the sheriff's department for  
2 our neighborhoods you will find that the apartment complex, which is adjacent to where  
3 this high density is planned or proposed, has a high level of reported problems. If you  
4 talk to the residents that live on Hallbrook Road you'll find that they are very concerned  
5 because of the crime rate that emanates from the apartment complex. That apartment  
6 complex has got more land area open to the general public than this high density  
7 housing development's gonna have. That high density development is gonna put more  
8 cars on the road, more people in that area that may or may not be concerned citizens of  
9 the area, long-term, and it's just gonna bring the property values down, all the other  
10 homes that are out there that are built on a half-acre or a third of an acre of land. And  
11 this proposal high density you're gonna put 16 homes in one acre? The lot the house is  
12 sitting on is not much bigger than the house itself. One of the ordinances with Richland  
13 County is if you have a travel trailer or a large boat it has to be parked in the back yard  
14 or the side yard. There is no way you can get anything bigger than a lawnmower in the  
15 back yard of a high density development. So it's just ridiculous to expect that. Now I  
16 understand y'all are considering or something with County Council is considering  
17 changing that ordinance so that you don't have to park your large boat or your travel  
18 trailer in the back yard, you can park it in the front yard. Well, what that does for crime  
19 watch groups like we have, you can't see from one neighbor's house to the next  
20 neighbor's house to see if somebody's breaking in their front door and stealing  
21 something. So hopefully all of y'all are fortunate and wealthy enough to live in nice,  
22 planned neighborhoods with adequate space, maybe some of you even live in gated  
23 communities, that's wonderful, I'm happy for you. But most of us out in that area can't



1 afford that. But we shouldn't be subject to high crime because of what the zoning has  
2 allowed to happen. So please take those things into consideration. Now, I don't know  
3 what y'all's occupations are outside of this position but I know this gentleman sitting  
4 here, he's a developer as far as managing retail properties cause I know he owns the  
5 strip malls over on Two Notch Road and Decker Boulevard. Maybe all of y'all have a  
6 vested interest in, in proving the business opportunities for the local entrepreneurs. But  
7 make sure you don't have them so close to the residents' homes that it effects their  
8 values. And the proposal he brought up a few minutes ago about the distance from a  
9 bar to a church or a school being measure at 600', and his suggestion instead of doing  
10 a direct line use a normal path to get there like a roadway.

11 CHAIRMAN GILCHRIST: Yes, sir.

12 MR. DUBOSE: Suppose you had a church [inaudible], and suppose 600' is down  
13 this road and down this road, 300' each. That means that this proposed bar is only 300'  
14 from that church. Y'all approved it without thinking about that I don't think.

15 CHAIRMAN GILCHRIST: Well, we, we appreciate it, sir, and certainly appreciate  
16 those comments and we appreciate you coming and being a taxpayer of Richland  
17 County, definitely.

18 MR. DUBOSE: I'm sorry I didn't stand up sooner.

19 CHAIRMAN GILCHRIST: No, you're fine, you're fine. Thank you so much and  
20 please come again. Is there a motion to adjourn?

21 MR. BROWN: So moved.

22 MR. THEUS: Second.

23 CHAIRMAN GILCHRIST: Thank you.

1

2

*[Meeting Adjourned at 2:40pm]*