

RICHLAND COUNTY PLANNING COMMISSION
May 2, 2016

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[Members Present: Pat Palmer, Beverly Frierson [in at 1:04p], Heather Cairns, Stephen Gilchrist, Bill Theus, David Tuttle, Wallace Brown, Sr.; Absent: Ed Greenleaf, Christopher Anderson

Called to order: 1:00 pm

CHAIRMAN GILCHRIST: I'd like to call the May 2nd Richland County Planning Commission into order. Let me read this statement in the Record, for 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. Staff, were there any changes to the Agenda?

MS. HEGLER: No changes to the Agenda but would recommend pulling a few from the Consent.

CHAIRMAN GILCHRIST: Yes.

MS. HEGLER: If you're ready to do that.

CHAIRMAN GILCHRIST: Yes, we are ready to do that.

MR. THEUS: There's somebody to speak on every one of those?

CHAIRMAN GILCHRIST: Um-hum (affirmative). Yes, somebody's signed up to speak on all of those.

MR. THEUS: I make a motion we, we approve the Consent Agenda with the exception – well, let's say the ones we wanna leave in the Consent Agenda would be the Minutes and the Road Names. But everything else we'll wanna discuss.

CHAIRMAN GILCHRIST: That's correct.

MR. TUTTLE: Do we have discussion on the text amendments?

1 CHAIRMAN GILCHRIST: We do, yes, sir. Can I get a second on that?

2 MR. BROWN: Second.

3 CHAIRMAN GILCHRIST: All in favor signify by saying aye? Opposed?

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

6 CHAIRMAN GILCHRIST: Okay. Just before we get started I wanna make sure
7 everybody has their mics on so we can hear for the Record. Alright. Thank you. Okay.

8 MS. HEGLER: Good afternoon.

9 CHAIRMAN GILCHRIST: First case.

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

11 MS. HEGLER: Yes. Case 16-13 is George Reed Jr., 2127 Long Trail Drive,
12 asking to rezone from RSMD to Rural. It's about 3.21 acres. As you know the Rural
13 District is intended to provide for areas of low intensity agricultural uses and very low
14 density single-family residential. Particularly it's intended to provide for the preservation
15 of open space, farmland in the rural areas that we have in the County. The
16 Neighborhood Master Plan, for this – I'm sorry, the Comprehensive Plan adopted in
17 2014 identifies this area as neighborhood, medium density in its future land use map.
18 These are areas where it is preferred that we, we encourage medium density residential
19 neighborhoods and those supporting neighborhood residential commercial scale
20 developments. Primary use within that land use, again is residential. It's also a part of
21 the Lower Richland Master Plan, this site is located within that area. It's particularly the
22 northwest planning area of the Lower Richland Master Plan where growth has started to
23 sort of extend from the City of Columbia. And it is a place with the, the Lower Richland

1 Master Plan where we would prefer to see that suburban growth continue so that we
2 can continue to preserve the rural parts of the rest of the, of the Master Planning area.
3 So because both the Comprehensive Plan and the Lower Richland Master Plan identify
4 this area as remaining residential and preserving that residential character and because
5 the Rural zoning district could allow for non-residential uses, agricultural, some
6 commercial, Staff thought that that would be out of character with the intentions of both
7 plans and recommended disapproval.

8 CHAIRMAN GILCHRIST: Okay. Any questions for Staff?

9 MS. CAIRNS: What's the minimum lot size in the, the existing zoning?

10 MS. HEGLER: Existing, MD is 8500 square feet.

11 MS. CAIRNS: And in rural it's 12000?

12 MS. HEGLER: 33000, sorry, low density is 12.

13 MS. CAIRNS: Okay, thank you.

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

15 CHAIRMAN GILCHRIST: Any additional questions for Staff?

16 *[Frierson in]*

17 AUDIENCE MEMBER: [Inaudible]

18 CHAIRMAN GILCHRIST: I'm sorry?

19 AUDIENCE MEMBER: Was there a recommendation?

20 MS. CAIRNS: Not by the Commission yet.

21 CHAIRMAN GILCHRIST: [Inaudible]. We do have the Applicant here, Mr. George
22 Reed. Feel free to come to the podium, sir. Give us your name, your address, and you
23 have a couple of minutes to provide any comments you wish. Thank you.

1 **TESTIMONY OF GEORGE REED JR.:**

2 MR. REED: Sure. George H. Reed, 2127 Long Trail, Hopkins, South Carolina.
3 Thank you, Mr. Chairman and the Commission for, for hearing my request to change
4 from a residential status to a rural status. And the reason being is I have equipment, I
5 have tractors, boats, all the equipment that goes along with, I have some property in
6 Sumter County, some land that I farm and, and take care of and I have nowhere to, to
7 put the equipment. So I'm trying to build an equipment shed with 1400 square feet by
8 Dennis Construction Company, very similar to what you'd see at one of your, one of
9 Richland County's parks, the large places where you have functions and things like that.
10 So that's what it would look like. So that's the request, to be able to, to build an
11 equipment shed to put my, my materials under, and that's it.

12 CHAIRMAN GILCHRIST: Okay, thank you, sir. Any questions for the Applicant?
13 Thank you, Mr. Reed. Questions, comments, motions?

14 MR. PALMER: Mr. Chair?

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

16 MR. PALMER: Unfortunately, I understand what the Applicant –

17 CHAIRMAN GILCHRIST: Mr. Palmer, do you, can you –

18 MR. PALMER: - I understand what the Applicant desires to do with the property
19 but a zoning change is not the avenue for that in my opinion because what it does then
20 is it opens it up to everything else that's allowed under that zoning classification. And
21 while what the Applicant desires to do with the site may be okay for the neighborhood,
22 what it would allow that site to do later on with mobile home parks and different things
23 would not be where the County's desiring the area to go to. So it would be my

1 recommendation to send this forward to Council with a recommendation of denial, by
2 motion.

3 CHAIRMAN GILCHRIST: Is there a second?

4 MR. THEUS: I have a question. What, what is to keep him from building a shed
5 in his yard now?

6 MR. PRICE: There's nothing that prevents it, it's just a square footage limitation.

7 MR. THEUS: What is the square footage limitation?

8 MR. PRICE: Well in the Rural District it's 2500 based on the acreage that he has.

9 MR. THEUS: What is it in, in the current zoning?

10 MR. PRICE: 1200.

11 CHAIRMAN GILCHRIST: I'm sorry, did you say 1200?

12 MR. THEUS: 1200 and he wants to build 1400 as I understood it.

13 MR. PRICE: Yes.

14 MS. HEGLER: And that's based on the size of the primary structure, right?

15 CHAIRMAN GILCHRIST: Mr. Brown?

16 MR. BROWN: I would second the motion of Mr. Palmer.

17 CHAIRMAN GILCHRIST: Okay, alright. There's been a motion and second to
18 send this case forward to Council with a recommendation of disapproval. All in favor
19 please signify by raising your hand? All opposed?

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

1 CHAIRMAN GILCHRIST: Sir, we are a recommending Body to County Council.
2 They will meet back in these Chambers on May the 24th so you can certainly feel free to
3 come back at that time. Thank you. Next case.

4 **CASE NO. 16-14 MA:**

5 MS. HEGLER: Case 16-14, it's at 3800 Elberta Street. We've heard from this
6 property before a couple months ago, 2.13 acres. The Applicant is requesting the OI
7 zoning designation, it's currently zoned RMHD, that's our multi-family, high density
8 neighborhood zoning district. Again, it was before you a few months ago, they had
9 asked for General Commercial and withdrew before the zoning public hearing so that
10 was not heard. The Office and Institutional District is intended to accommodate just that,
11 office and institutional uses in an area whose characteristics are neither General
12 Commercial nor exclusively residential in nature. The site borders Lexington County,
13 this is that one where Lexington County's kind of on the backside of the property. And
14 on that site is a pond, around it is multi-family and residential structures that kinda
15 makes up the uses surrounding the site. The 2014 Comprehensive Plan calls this a
16 mixed residential area, again because we're bordering other municipalities and
17 coordinating with their efforts there, both desire development patterns as to encourage
18 residential growth, and to the extent possible locate commercial and office development
19 in activity centers or along mixed use corridors. This area is also part of the Broad River
20 Road Corridor and Community Study Area. One of the major goals of that Master
21 Planning effort was to preserve and enhance the stable single-family neighborhoods in
22 the area. It anticipates that in the short-term little change will happen but over time new
23 development in the neighborhoods should be primarily residential in emphasis. For

1 those reasons Staff recommended denial, particularly because they thought the request
2 was not in compliance with the intentions of both the Comp Plan and the Broad River
3 Road Master Plan whose desire is to keep this residential.

4 CHAIRMAN GILCHRIST: Okay, thank you. Any questions for Staff? We do have
5 a couple of persons signed up to speak. Janice Pratt? Please provide us your, your
6 name and address, please, for the Record.

7 **TESTIMONY OF JANICE PRATT:**

8 MS. PRATT: My name is Janice Pratt. The address is 3800 Elberta Street,
9 Columbia 29210. We are requesting this because we wanted to create a premier
10 wedding venue in our area that could seat up to 200 guests. We're easily accessible to
11 all the major interstates. We sit on nearly five acres, we're very immaculately well-
12 maintained inside as well as outside. This venue will also bring an appraised value to
13 the area, it could increase values of the homes in the area. This venue would also be
14 able to employ additional people in the area so it could actually bring jobs to the area as
15 well. And this would be catered just for weddings, it's not for anything else it's, just
16 would be catering for weddings for only. We do understand that it's in a residential
17 neighborhood but it would only be open on the weekends or if someone were to have a
18 wedding during the week, but it's more so for a planned event, and it would also be
19 maintained and, with staff as well.

20 CHAIRMAN GILCHRIST: Okay. Thank you. Any questions for the Applicant?
21 Theresa Rhodes? And Mr. Rhodes, please give us your name and your address for the
22 Record, please.

23 **TESTIMONY OF THERESA RHODES:**

1 MS. RHODES: Hi, I'm Theresa Rhodes, 3800 Elberta Street, Columbia, South
2 Carolina 29210. And just to reiterate what Janice just said, that this is a property on five,
3 little under five acres of land that we're trying to create a social gathering, meeting
4 facility. And mainly for weddings that would house, that would accommodate up to 200
5 guests. I do like to say that we did go to the homeowner's association meeting last week
6 and was 100% behind us in this facility. They felt that this would be a good thing for the
7 community. It's not, excuse me, an open to the public, say any time come in, clubbing or
8 anything like that, it's well-maintained like she said, it's gated, it comes into a dead end
9 so there's no thru-traffic on this street. The only property that's on Elberta is down at the
10 corner of Evelyn and Elberta, there's a small condominium complex, and then there's
11 two or three houses. There's an apartment complex to the right of it but the entrance to
12 this complex is on actually Elberta Street, so we don't think that this would disrupt traffic
13 or have a, cause problems with traffic coming in and out.

14 CHAIRMAN GILCHRIST: Okay.

15 MS. RHODES: That's pretty much it.

16 CHAIRMAN GILCHRIST: Thank you. Thank you for your comments. That's all
17 we have signed up to speak. Any comments?

18 MR. BROWN: Mr. Chairman? I'd like to ask Staff if I may what is currently at that
19 property –

20 CHAIRMAN GILCHRIST: Yeah, that was gonna be my question.

21 MR. BROWN: - and is it a gated property?

1 MS. HEGLER: A, I mean, it looks like a single-family residence, brick structure. If
2 you look at one of the pictures in your packet that's the gate entering the site. You kinda
3 see through there the single story kinda ranch style structure.

4 CHAIRMAN GILCHRIST: Any other questions? Comment?

5 MR. BROWN: And the – excuse me, I'm sorry -

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

7 MR. BROWN: - Mr. Chairman. Looking southwest of the site what does that
8 property represent?

9 MS. HEGLER: Directly south –

10 MR. BROWN: The, in the picture that's saying looking southwest of site.

11 MS. CAIRNS: Is that down Elberta Street?

12 MS. HEGLER: Are you still following Elberta towards Evelyn or are you coming
13 across –

14 MR. BROWN: I'm looking at this picture that's provided.

15 MS. HEGLER: - yeah, apartments?

16 MR. BROWN: It's an apartment complex?

17 MS. HEGLER: Correct.

18 MR. BROWN: Okay. Thank you.

19 CHAIRMAN GILCHRIST: Any additional comments, recommendations?

20 Motions?

21 MR. PALMER: Mr. Chairman, I think, I think our County allows for quite a lot of
22 commercial properties along already significantly traveled roads and with the Comp
23 Plan calling for this to be denied and with this being yet a further encroachment, just

1 because the structure's there doesn't mean that that's what the land needs to be zoned
2 for. We have an ample amount of property in this County that is currently zoned to
3 accommodate features like this such as weddings or anything else if someone else
4 would like to go onto. And I think we're, you know, we're always battling with this, does
5 the structure dictate what goes on the site, and in this case because of what I see the
6 surrounding being, the Comprehensive Plan telling us not to do it, and because it's
7 being accessed off of one singular road, my recommendation would be in compliance
8 with the Staff's recommendation to send this forward to Council with a recommendation
9 of denial.

10 MR. THEUS: I'll second it.

11 CHAIRMAN GILCHRIST: We have a motion and second to send this case
12 forward to Council with a recommendation of disapproval. All in favor please signify by
13 raising your hand. All opposed?

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

16 CHAIRMAN GILCHRIST: And again we are a recommending Body to County
17 Council. They will meet again in these Chambers on May 24th and so you're free to
18 come to that if you wish. Thank you. Next case.

19 MS. HEGLER: Case 16-15 has been administratively deferred. We did get a
20 request from the Applicant a couple weeks ago but just neglected to take it off of, of this
21 Agenda, so.

22 CHAIRMAN GILCHRIST: Okay.

23 MS. HEGLER: We'll defer it at this time.

1 **CASE NO. 16-16 MA:**

2 MS. HEGLER: The fourth case, Case 16-16f, Wanda Morris is the Applicant at
3 413 Killian Road. A little under ½ an acre, current zoning is Rural, the request is for
4 General Commercial. And they're allowed to ask for this rezoning request given its
5 proximity to, or its adjacency to the same zoning district. It's right next to or kind of
6 within Killian's Crossing PDD, it's surrounded by that on, on almost all sides and a
7 heavy industrial on the other. The area is within what's called the economic
8 development center or corridor, future land use area identified in the Comprehensive
9 Plan. Of course these are areas where we wanna concentrate our high quality
10 employment facilities integrated with or adjacent to retail and commercial uses. Again,
11 it's surrounded by Killian's Crossing PDD. For this reason and because it's consistent
12 with that economic development corridor we recommended approval of the rezoning.

13 CHAIRMAN GILCHRIST: Okay. Any additional questions for Staff? We do have
14 one person signed up to speak, Eva Rhinehart? Ms. Rhinehart, if you'll provide us your
15 name and address for the Record we'd appreciate it. Thank you.

16 **TESTIMONY OF EVA RHINEHART:**

17 MS. RHINEHART: Okay. I'm Eva D. Rhinehart, my address is 1030 Bellevue
18 Street, Columbia, South Carolina 29201.

19 CHAIRMAN GILCHRIST: Okay.

20 MS. RHINEHART: Okay. And I, I'm just asking a question, with this rezoning,
21 with it being rural and, you know, going commercial, whatever, how is this gonna affect
22 my taxes?

23 CHAIRMAN GILCHRIST: Well, part of what we take into consideration is –

1 MS. RHINEHART: Uh-huh (affirmative).

2 CHAIRMAN GILCHRIST: - whether or not this particular zoning is appropriate for

3 -

4 MS. RHINEHART: Okay.

5 CHAIRMAN GILCHRIST: - the area that its being asked to be rezoned in, so -

6 MS. RHINEHART: Uh-huh (affirmative).

7 CHAIRMAN GILCHRIST: - certainly you can have that question asked with our
8 tax office and people like that.

9 MS. RHINEHART: Uh-huh (affirmative).

10 CHAIRMAN GILCHRIST: But for our purpose here today it's to look strictly at
11 whether or not this zoning is appropriate for that area.

12 MS. RHINEHART: Okay.

13 CHAIRMAN GILCHRIST: Yes, ma'am.

14 MS. RHINEHART: So you've already approved it as, as -

15 CHAIRMAN GILCHRIST: We have not approved anything at this point. We're
16 listening to the case.

17 MS. RHINEHART: Oh, okay.

18 CHAIRMAN GILCHRIST: Yes.

19 MS. RHINEHART: Okay. Okay, that was my main thing of asking the question
20 today.

21 CHAIRMAN GILCHRIST: Okay.

22 MS. RHINEHART: If I wanna ask a question about that I need to come back to
23 the next meeting.

1 CHAIRMAN GILCHRIST: No, you can certainly ask any question you wish.

2 MS. RHINEHART: Okay.

3 CHAIRMAN GILCHRIST: If, if you are for it or if you're against it you can certainly
4 give us reasons why you feel that way.

5 MS. RHINEHART: Uh-huh (affirmative).

6 CHAIRMAN GILCHRIST: But this Planning Commission will make a decision and
7 a recommendation to Council today on this particular –

8 MS. RHINEHART: Oh, okay. Okay.

9 CHAIRMAN GILCHRIST: - yes.

10 MS. RHINEHART: Okay. Okay, so just, I'll just –

11 MR. PALMER: Where is Bellevue?

12 MS. RHINEHART: Oh, it's down off of Main Street, down in the Elmwood area,
13 that's where I live.

14 MR. PALMER: This will have no effect on your taxes.

15 CHAIRMAN GILCHRIST: Yeah.

16 MS. RHINEHART: No, not on my taxes but I own property there.

17 MS. CAIRNS: You own some of the other parcels around this?

18 MR. PALMER: Beside it?

19 MS. RHINEHART: Yeah, beside this property that's being rezoned there.

20 MR. PALMER: It will have no effect on your property.

21 MS. RHINEHART: On, it won't?

22 MR. PALMER: Cause you're, you're still zoned RU, is that correct? Or are you
23 zoned commercial?

1 MS. RHINEHART: I, I'm zoned Rural right next door.

2 MR. PALMER: Right.

3 MS. CAIRNS: Yeah.

4 MS. RHINEHART: To that property.

5 MR. PALMER: Yes, ma'am, as long as – is there a residence on there?

6 MS. RHINEHART: No.

7 MR. PALMER: If it's not an inhabited residence then it will be zoned, it will be
8 taxed based on its commercial value, which under the current classification all you can
9 do is grow crops.

10 MS. RHINEHART: Uh-huh (affirmative).

11 MR. PALMER: Or trees or whatever you wanna grow.

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

13 MR. PALMER: And so that's the way the assessor looks at it. If your property
14 were to come in and be zoned commercial then it would be taxed as commercial.

15 MS. RHINEHART: Okay. Alright, okay. Thank you.

16 CHAIRMAN GILCHRIST: Um-hum (affirmative). Heather, you wanted to –

17 MR. TUTTLE: Mr. Chairman, I'd like to make a recommendation we send Case
18 16-16 forward to Council with a recommendation of approval.

19 MR. THEUS: Second.

20 MR. BROWN: Second.

21 CHAIRMAN GILCHRIST: Motion and a second to send Case 16-16 forward to
22 Council with approval. All in favor please signify by raising your hand. All opposed?

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

3 CHAIRMAN GILCHRIST: Thank you. Yes, sir, Mr. Palmer?

4 MR. PALMER: We oftentimes kick around the idea of proactively zoning pieces
5 of property. I think this young lady is a prime example of why we do not want to move
6 forward to proactively zoning parcels in this County and taking people's ability to take a
7 look at those as rural classifications versus commercial. Because she came all the way
8 down here to ask, what's gonna happen to my parcel next door? And this is one of
9 those prime areas where we as a County are taking a look at and saying, you know
10 what, everyone else in here should also be commercial. She took the time out of her
11 schedule to come down here and say, hey what's gonna happen to my property? And if
12 we were to take her property and proactively zone that commercial and she did not want
13 it commercial her taxes would go up without her having any say in it. That's just my
14 soapbox, I'm gonna put it back under here again real quick.

15 CHAIRMAN GILCHRIST: Thank you, Mr. Palmer.

16 MS. CAIRNS: Well actually I'll slight a different foil to that because when I saw
17 this case that whole issue of proactive rezoning and also being well aware of the effect
18 of taxes is when I look at this case I have just a slightly more complicated reaction to it.
19 As I look at these four parcels and say, they should all get rezoned commercial,
20 however, if the request is a proactive request from Planning Commission that that not
21 trigger reassessment by the County. Because the problem is, and I think it's in our state
22 law, is that when, there's certain events that will trigger a reassessment, and one of

1 them is a zoning change. To me that's the problem. Not that we shouldn't proactively
2 rezone but that, that should not generate a reassessment.

3 MR. PALMER: But it, but it does with state law and this –

4 MS. CAIRNS: Oh, I know but I'm just saying that that's my reaction, it's not we
5 should not proactively rezone, we should proactively rezone but we need to solve the
6 problem of that being a reassessment trigger. To me that's the problem, not proactive
7 rezoning. The problem is –

8 MR. PALMER: Maybe it's, maybe it's my jadedness from having done this for 14
9 years, that what we do on the Planning Commission nowhere even come close to
10 addressing state issues.

11 MS. CAIRNS: No, I know that but, I mean, to me that's, that's the issue here
12 because as a Planning Body we should be looking at proactive rezoning, because this
13 property all should be zoned commercial, it should be ready to go and be a part of what
14 it is, which is a totally commercial corridor.

15 MR. PALMER: Or perhaps we could, we should bring the assessor into the fold
16 of the County, which now is an autonomous body that sits over there.

17 CHAIRMAN GILCHRIST: That was gonna be my question.

18 MS. CAIRNS: Actually it's not, it's, it's a staff position now. It's no longer elected.
19 Yeah, the assessor's a staff position.

20 MR. PALMER: Oh!

21 MS. CAIRNS: But –

22 MR. PALMER: Then great.

23 MS. CAIRNS: - but it's state law that triggers the reassessment. So I mean, it's –

1 MR. PALMER: That's, but I think that's based on point of sale though, right?

2 MS. CAIRNS: There's a number of events, it's not just point of sale. And one of
3 the events – cause I've had this discussion with the assessor because I feel proactive
4 zoning is absolutely something we should be doing. But I don't think, just like this
5 woman says, I don't think that our recognition of what's best for the County should
6 generate an increased tax bill for her. I'm 100% in agreement with that. But I don't say
7 the solution is we don't proactively rezone. I say the solution is let's start looking at
8 when a Staff initiated rezoning occurs it not be a triggering event for reassessment.
9 That's the problem. And to me, you know, that's the kind of thing to take up; not just
10 say, oh, perfect example why we should never proactively rezone.

11 MR. PALMER: No, there's another reason for it, too, it's not just taxes, it's
12 property rights and the fact that the owner is asking for it, and so if, if we get the taxes
13 outta the way that's one thing for me personally. The other is just a land rights issue in
14 which an owner has asked for something, it's been granted, and then Richland County
15 government coming in and telling, I'm sorry, in my infinite wisdom I believe this site is
16 better for the whole good as opposed to what you bought the property for. That's, that's
17 a completely separate issue for me.

18 MS. CAIRNS: Yeah.

19 MR. PALMER: With, within property rights as –

20 MS. CAIRNS: Right, I mean, I can imagine that you hold property rights at a very
21 paramount level and I hold them in balance with the governmental rights and the issue
22 of zoning and planning.

23 MR. PALMER: That's, and that's all we have permission to do.

1 CHAIRMAN GILCHRIST: Yeah, this obviously sounds like one of those retreat
2 issues that we can bring up.

3 MS. CAIRNS: But it is, yeah, I mean, but I get that.

4 CHAIRMAN GILCHRIST: Thank you, Mr. Palmer. Thank you, Mr. Cairns for
5 those comments. Alright, next case.

6 **CASE NO. 16-17 MA:**

7 MS. HEGLER: The last Map Amendment today is 16-17, Derrick Harris, 7708
8 Fairfield Road. A little under two acres, the request is for Office and Institutional, the
9 site's currently zoned Rural. Again, they can ask for that even though they're under that
10 two acre minimum because of the adjacent zoning districts. The Office and Institutional
11 District as you know again is intended to accommodate office, institutional and certain
12 types of residential uses in an area where, whose characteristics are neither general
13 commercial nor exclusively residential in character. The site is surrounded by either
14 residents, undeveloped property, or an auto salvage yard. There is a heavy industrial
15 zoning to the north of this site. The site has frontage along Fairfield Road and contains
16 a nonresidential structure. The Comprehensive Plan calls for neighborhood low density
17 in its future land use designation. These are areas where low density is the primary use.
18 They serve as a transition between rural and a neighborhood more medium density
19 residential. Commercial development is encouraged to be located with nearby
20 neighborhood activity centers and may be considered along main road corridors close
21 to, to major intersections. The desired development pattern is for lower density, single-
22 family neighborhood developments. For this reason Staff believes that the rezoning
23 would be inconsistent with the objectives of the 2014 Comprehensive Plan. It's not

1 located near an intersection, it's not in an activity center, and therefore recommended
2 disapproval at this time.

3 CHAIRMAN GILCHRIST: Thank you, Tracy. Any additional comments for Staff?

4 MS. CAIRNS: I just have some quick questions. So this, based on the
5 photographs provided in our packet it appears that this parcel has a residence on it? But
6 that the parcel to the south has a nonresidential property?

7 MS. HEGLER: No, I think this site has a structure with the appearance of a
8 residence but I don't believe it is residential. Is that correct?

9 MS. CAIRNS: But the one, I mean, on our page 38, the photo at the bottom says,
10 looking south of site, that was, is that on the property zoned Rural? On the bottom of
11 our page.

12 MS. HEGLER: Yeah.

13 MS. CAIRNS: That's clearly not a residential structure.

14 MS. HEGLER: No.

15 MS. CAIRNS: So that's the one that's offsite. But in-between our property and
16 then the area zoned residential.

17 MS. HEGLER: Correct.

18 MS. CAIRNS: And then this ranch, long structure is what's on our property?
19 Which, yeah, you can't really tell –

20 MS. HEGLER: With the long drive.

21 MS. CAIRNS: - you can't tell from that what kinda structure it is.

22 MS. HEGLER: Correct.

23 MR. PALMER: It appears that south of the site is, is on the M1 parcel.

1 MS. CAIRNS: Oh I see, it's the purple parcel?

2 MS. HEGLER: Purple, yes.

3 MS. CAIRNS: Ahh, okay. Okay. Okay, my bad, I'm sorry.

4 MS. HEGLER: There's nothing on the site in-between – well they got something
5 way back. We don't have a picture of that.

6 MS. CAIRNS: Okay. Okay, my, I didn't, I got it now. I apologize. So is the
7 Applicant here? Sorry, your job.

8 CHAIRMAN GILCHRIST: Yeah, no problem. Applicant, Mr. Harris? Yes, sir.
9 Please give us your name and your address for the Record.

10 **TESTIMONY OF DERRICK HARRIS:**

11 MR. HARRIS: Hi, thank you Mr. Chairman and the rest of the Board. My name's
12 Derrick Harris, my address is 62 Teaberry Lane, Elgin, South Carolina 29045. And
13 today I'm coming before you to get your recommendation for this property because this
14 is family land, and we've owned this property for a little over 30 years and it was zoned
15 as a restaurant before and that's what we wanna do now, put a barbeque restaurant on
16 here. And that's a full service restaurant without a drive-thru. And what you see behind
17 there is my mom and dad's house which is on the other parcel and which we own also.
18 The building that sits right there which is actually the restaurant that was zoned a
19 restaurant back in 2000, and I mean, this is family owned property. We can't do
20 anything else with it. So we almost are at the mercy of the Planning Commission
21 because what else are we gonna do with this property? It has a full kitchen in it,
22 everything's already set up for a restaurant, so I mean, right now, I mean, we keep
23 going through – I think went for General Commercial at one particular point in time that

1 was denied. Because they say it was too large. [Inaudible] for the restaurant itself. And I
2 think that parcel there sits on 1.83 acres of land, has plenty of parking, and there are
3 businesses around there to support what we wanna do there for the restaurant itself.
4 And also on the other side, which is the junkyard, and then on the, which is heavy
5 industrial, and on the opposite side it's, I think it's MI, I think that's medium industrial,
6 whatever, but across the street directly across from the there's a pump house. I mean,
7 there's no, really no residences around is. And then this is not like a big commercial
8 building or a big commercial business *per se*, but it's a family owned business that was
9 there before the zoning laws changed cause it was a restaurant before. And so now
10 we're sitting there with this building which is a restaurant and we can't do anything with
11 it. And so, you know, I think that it would benefit the community, it's jobs, it's also a
12 place where, that's in need of a restaurant, there's not one four miles on either side.
13 There's a restaurant which is, I think it's gonna be Denny's up by the Flyin' J and then
14 there's nothing for miles. So I think that our, our plan is to make a restaurant in this, in
15 this area like it was before. And the reason why we closed it before was my brother
16 passed away and we never did renew the license. He had a liver transplant and we
17 went to Charleston so we abandoned the building to go take care of him. But it would've
18 been zoned that, had he not gotten sick we would've kept the business license the
19 entire time. And so, and the next thing is the taxes on it. I mean, this property's gone
20 through a bunch of tax, problems with us trying to pay the taxes cause it's a building
21 that's sitting there. Fully operational, just got the wrong zoning for it. And it was zoned
22 that way before. So pray that, you know, we get a good recommendation, that you
23 approve it for us.

1 CHAIRMAN GILCHRIST: Well, we appreciate you coming today, absolutely.
2 Thank you.

3 MR. HARRIS: Alright. Thank you.

4 CHAIRMAN GILCHRIST: Ernest Jacobs?

5 **TESTIMONY OF ERNEST JACOBS:**

6 MR. JACOBS: Hello, my name is Ernest Jacobs, address is 651 Cindy Drive,
7 Columbia, South Carolina 29203. I'm thinking that it's, this property would be a good
8 property, it's a lotta land in front and I know the plans are to actually use it for, also use
9 it for the community if they wanna come out and have picnics and things like that. I
10 mean, it's not set up for nothing crazy. I mean, it's mainly for the community to come out
11 and have a good time. Thank you.

12 CHAIRMAN GILCHRIST: Okay, thank you Mr. Jacobs. That's all we have signed
13 up to speak. Questions, comments?

14 MR. PALMER: Mr. Chairman?

15 CHAIRMAN GILCHRIST: Yes, sir, Mr. Palmer?

16 MR. PALMER: This is one of those areas where I think we take a look at and you
17 take a look at the Comprehensive Plan and you see a very wide swath of yellow, which
18 is low density residential. And it just takes into account a whole lot of properties. What
19 we've got on this site is a site that's sandwiched in-between heavy industrial, M1,
20 neighborhood commercial, and on the other side some more M1. We've got a four-lane,
21 non-divider road of which we as the County, and we all passed this plan, said that this
22 should be residential, medium density that accesses this road. Well, there's a four lane
23 road out front with no suicide lane, it's, it's not divided.

1 MS. CAIRNS: It's only a two lane road in front of this parcel.

2 MR. PALMER: Well I'm, I'm reading the Staff Report.

3 MS. CAIRNS: The four lane gives up at Oak Hill just south of it, that's interesting.

4 It transitions from a four lane to two lane right just south of this at Oak Hill Golf Club.

5 MR. DELAGE: Probably where the traffic county station is.

6 MS. CAIRNS: Okay.

7 MS. HEGLER: Okay. So just two lanes in front of the site.

8 MR. PALMER: What's the speed limit down here? So we'll get back to the road in
9 a second. So we in our infinite wisdom have, you know, when we take a look at this we,
10 we look at it and we just put everything in wide swaths and we say, okay this is the
11 area, and what we do then is we say if there's a certain area that we see doesn't abide
12 by what we've taken a look at we need to readdress it. This obviously is an area, in my
13 opinion, where the Comprehensive Plan is incorrect in that you've got HI to the north,
14 you've got M1 to the north, you've got M1 to the south, and you've got neighborhood
15 commercial to the south. With this area in-between, and for some reason we believe
16 people are gonna use in an agricultural manner or put $\frac{3}{4}$ of an acre lot homes on it,
17 which some Members of the Planning Commission believe is too small of a lot for rural.
18 Anyhow, so this should be perhaps a rural area. I just don't, I just do not see this as
19 being zoned properly or being zoned for medium density. Because of what is directly to
20 the north, what is directly to the south, and can you tell me what the speed limit is on -

21 MR. DELAGE: Fifty-five.

22 MR. PALMER: Fifty-five miles an hour on this part of the road. Now for a medium
23 density residential development to be along a 55 mile an hour highway in my mind is

1 something that we need to take a look at, and I think we got improper when we took a
2 look at the County and the Comprehensive Plan and we took it as a, as a big broad
3 brush. I understand the Staff's recommendation but it's based on the Comp Plan. I think
4 the Comp Plan is wrong in this case. And so for those reasons I'd make a
5 recommendation that we send this forward to the Council with a recommendation of
6 approval.

7 MR. THEUS: I'll second that.

8 CHAIRMAN GILCHRIST: It's been motioned and properly seconded that we
9 send Case NO. 16-17 MA forward to Council with a recommendation of approval based
10 upon the comments Mr. Palmer just –

11 MR. PALMER: And I'd add one more caveat. With the traffic this road is designed
12 to carry a traffic load of 21,600 vehicles per day, it's currently carrying 6,400 per day,
13 well below what's needed.

14 CHAIRMAN GILCHRIST: Heather?

15 MS. CAIRNS: Yeah, I just wanna, I mean, I agree with the result of
16 recommending this with approval but I wouldn't quite go so far as to say the Comp Plan
17 is wrong. I just think the Comp Plan didn't get to this level of detail when it came to this
18 parcel, cause I do think it's appropriate for this parcel to get out of residential use and
19 into some type of commercial use through the OI. But I don't think that it's that the
20 Comp Plan's wrong, I just think Comp Plan doesn't address this level of detail all that
21 well in all parts of its swathing.

22 MR. PALMER: I will take accept that backhanded compliment. [Laughter]

23 MS. HEGLER: I'm just gonna say Mr. Palmer said it's wrong.

1 CHAIRMAN GILCHRIST: All in favor of sending Case No. 16-17 MA forward to
2 Council with approval please raise your hand. All opposed?

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

5 CHAIRMAN GILCHRIST: Thank you, sir. And we're a recommending Body to
6 County Council. They'll meet back in these Chambers on May 24th. Thank you. Alright.

7 MS. CAIRNS: I gotta take a break.

8 CHAIRMAN GILCHRIST: Need a, need a minute break. Get everybody out then
9 we'll go on.

10 *[Recess]*

11 CHAIRMAN GILCHRIST: Just give us a couple of seconds to get everybody
12 back, Tracy. We've got some folk that need to depart a little early so I wanna try to get
13 on through this Agenda if we can.

14 MR. PALMER: Mr. Chair, I'd like to amend my motion just so it gets on the
15 Record and so that it can be addressed from Staff. And if it fails it fails or doesn't get a
16 second, that's fine as well. I made my motion for the previous statement to say that for
17 all the same reasons why I would be voting to send that forward to Council with a
18 recommendation of approval would be that we would take a look at Fairfield Road.
19 Because of its unique situation in the County and what we've seen go on on there that
20 Staff would, would take a look at Fairfield Road and bring it to us and perhaps we need
21 to take a more detailed look at that road and say certain areas need to be designated as
22 certain zoning classifications per our Comp Plan and maybe we do need to breakdown

1 Farrow [sic] Road a little bit more because it's one of those unique areas in our County,
2 and ask them to do that for us.

3 CHAIRMAN GILCHRIST: Okay.

4 MS. HEGLER: I believe you're asking us to evaluate whether the future land use
5 map in that area is appropriate.

6 MR. PALMER: Is appropriate, correct.

7 MR. BROWN: Is that a motion?

8 MR. PALMER: That is a motion.

9 MR. BROWN: Second.

10 CHAIRMAN GILCHRIST: Okay. Motion and properly seconded that we amend
11 the earlier motion to include that language. All in favor?

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

14 CHAIRMAN GILCHRIST: Okay. Thank you, Mr. Palmer. Alright, next case, text
15 amendment.

16 MS. HEGLER: Text amendments Mr. Price will introduce to you.

17 **TEXT AMENDMENT #1:**

18 MR. PRICE: Okay the first Text Amendment I believe it has clarified the minimum
19 lot area, maximum density. Staff was taking a look at the zoning districts and looking at
20 some of the language in there, and I know we have in here, we actually have 10
21 sections, excuse me, 11 sections and they all differ slightly. I can kind of go over each
22 one and just tell you why we're making the change. And under Section 1 where we're
23 dealing with the Rural District, we feel that it conflicts with the development standards

1 which allows application of the open space provisions. If you look in there under the
2 Rural District it says that you can apply the open space provisions. Within the open
3 space provisions you can reduce the lot sizes if you preserve a certain amount of area.
4 However, on looking at the minimum lot area, maximum density, it then states, and
5 you'll see the line that's struck where it says 'but in no case shall it be less than 33000
6 square feet'. Well, that's kind of a conflict so we were just trying to clear that language
7 up. Also, in Section 2 it's the same, same thing where we feel that having that language
8 where it says 'but in no case shall it be less than 33000' contradicts with the ability to
9 use the open space, which actually would allow you to reduce to less than 33000. Page
10 42, it is the same with the R, excuse me, with the RSE Districts. Again, 20000 it was
11 saying that in no case shall be less than 20000 square feet, but application of the open
12 space would allow it to be less than 20000. Also, the part where it says, 'however see
13 the special requirement provisions for single-family, zero lot line dwellings' at §26-
14 151(C), that is actually addressed under the setback standards for that district also.
15 That actually shouldn't go with the lot area or maximum density, it actually deals more
16 with setbacks so it's already in the Code, so we're just, just clarifying that section. It is
17 the same for Section 4, Section 5, Section 6, Section 7, and Section 8, and under
18 Section 9 it, it states that for residential uses no more than 16 dwelling units per acre.
19 This I under OI District, the OI District does not allow residential uses. So we wanted to
20 clarify that. Under Section 10 it is same, that district does not allow, the Neighborhood
21 Commercial does not allow residential so there should be no reference as to what the
22 density for that district is. And under Section 11, which is GC, that is addressed under

1 the special requirements. Again that's not the appropriate place for the setbacks. This
2 area is for the minimum lot area, maximum density.

3 *[Tuttle out at 1:41pm]*

4 MR. PALMER: So basically Mr. Price this is tidying up our ordinance to bring this
5 section into conformity and just taking things that could make one or the other side be,
6 you know, gray on this matter, taking that out and just kinda tightening up the Code.

7 MR. PRICE: Yes.

8 MR. PALMER: Okay.

9 MR. BROWN: Mr. Chairman?

10 CHAIRMAN GILCHRIST: Yes, sir.

11 MR. BROWN: Also this, in taking this out the caveat here is, requires DHEC
12 approval, is that right?

13 MR. PRICE: Yes.

14 MR. BROWN: So it would conform with what they require with respect to square
15 footage or depending on whether they have, for the lack of a better way, municipal
16 water as opposed to well water or septic tanks and drain fields.

17 MR. PRICE: Correct. In this case DHEC could require larger lots. But say take a
18 case where the applicant is not required, not going to apply the open space provision of
19 our Code, then I'm just using Rural as an example, then the minimum lot area would be
20 33000 and DHEC could not vary that to make it smaller. They can require larger but
21 they cannot make it smaller than what we would allow.

22 MR. BROWN: But at any rate DHEC still would have to approve anyway, is that
23 right?

1 MR. PRICE: Yes, in cases especially when there's a septic tank.

2 MR. BROWN: Thank you.

3 CHAIRMAN GILCHRIST: Yes, ma'am, Ms. Frierson?

4 MS. FRIERSON: Mr. Chair, after hearing the report of Mr. Price I move that we
5 accept these contextual modifications –

6 CHAIRMAN GILCHRIST: We, we do have a couple people signed up to speak,
7 so.

8 MS. FRIERSON: Oh, I'm sorry.

9 CHAIRMAN GILCHRIST: Yes, ma'am.

10 MS. CAIRNS: When I – Mr. Price, I have one quick question –

11 CHAIRMAN GILCHRIST: Yeah.

12 MS. CAIRNS: - cause I just – under 1.1 where it talks about minimum lot area,
13 33000 square feet, and then it says one acre, well that's not an acre. So I mean, can we
14 just strike the one acre? Acre's bigger than 33000 –

15 MR. PRICE: Thank you, we'll be happy to include that.

16 CHAIRMAN GILCHRIST: Any additional questions for Staff? We do have a
17 couple persons signed up to speak. Please give us your name – I'm sorry? This is on
18 the, no this is [inaudible]. Mr. Samuel Brick. Please give us your name and your
19 address.

20 **TESTIMONY OF SAMUEL BRICK:**

21 MR. BRICK: Mr. Chairman, Members of the Commission, my name is Samuel T.
22 Brick and I live in Richland County at 124 Runnymede Drive. I'm a taxpayer. I'm
23 opposed to the, to the ordinance that would amend the Land Development Code

1 regarding minimum lot area density requirements. This is not a clarification of zoning
2 laws, it's not that at all. This is a change to several zoning provisions and what they
3 clearly state. Calling it and advertising it as a clarifying amendment fails to meet the
4 South Carolina's notice requirements for these changes. Removal of language, but in
5 no case shall it be less than is not conforming or clarifying, it is an emasculation of a
6 very strong zoning provision the great Nation was founded on its laws. Clear and
7 specific laws. The language 'but in no case shall be less than' is clear and specific, it
8 tells taxpayers in the County who invest in single-family homes what they can expect.
9 Minimum lots of no less than in the case of low density 12000 square feet. Two
10 exceptions as required by DHEC and except for what Mr. Price said, he's wrong, there
11 is a specific exception to the open space law in those provisions. No other exceptions,
12 taking out this language does not clarify anything. Just the opposite. It obfuscates your
13 zoning provisions. An example of this is a small 10 acre plot you saw a few, few years
14 ago zoned as a, zoned residential rural area for change to medium density. Our
15 neighborhood fought that, we actually asked for it to be low density but you guys went
16 ahead following after the developer gave you a plat that showed medium density lots.
17 You approved medium density zoning. What we got is an area with high density lots in a
18 medium density zoned area. The medium zone now without, 'in the no case shall it be
19 less than' language, that's the only one that's already been happened, you've already
20 taken that language out. The Planning Department approved this in the face of deed
21 restrictive violations brought to its attention on high density lots. Please do not remove
22 the strong and clear language. It actually would lessen what is specific and a clear
23 minimum lot size without any reason to do so, and leave no specific minimums. It is a

1 major change that only undercuts zoning to obtain more houses without the required
2 County infrastructure. That is not clarifying or conforming, it is an emasculation of these
3 zoning provisions that clearly require lot sizes of specific areas. That's another area
4 that's not conforming, that's a complete change and it doesn't have anything to do with
5 residential houses cause it's not a residential zoning district, 25-95 and 26-96, they're
6 not clarifying they just take away the, the provisions. And besides that they're poorly
7 written. I mean, you know, you say no high density and then you have a high density not
8 applied. That's, it's really not very good legislative drafting, it's confusing, it's
9 obfuscating, and there's no reason for it. Thank you very much, I hope you oppose the
10 proposal.

11 CHAIRMAN GILCHRIST: Thank you, Mr. Brick. Mr. Bernie Randolph?

12 **TESTIMONY OF BERNIE RANDOLPH:**

13 MR. RANDOLPH: Bernie Randolph, 212 Cartgate Circle, Blythewood. I think
14 Sam summarized pretty well what we're concerned about. But I think in looking over
15 these if you don't maintain the square footages that are shown for the various zoning
16 districts you're opening up the whole planning option to interpretation. And if you do that
17 you're gonna ultimately end up with parcels that are not conforming to the current
18 zoning and in essence you're doing a zoning change. So I would vote against that.

19 CHAIRMAN GILCHRIST: Thank you, Mr. Randolph. That's all we have signed up
20 to speak on the Text Amendment. Questions, comments, motions?

21 MR. PALMER: Mr. Chairman, this Planning Commission as well as the County
22 Council years ago decided to allow for zoning density bonuses, and in doing so decided
23 in our current Code which we all rewrote probably 10, 12 years ago, the ability to leave

1 larger open spaces in some areas and in exchange for that the developer would then be
2 able to make smaller lots.

3 CHAIRMAN GILCHRIST: Um-hum (affirmative).

4 MR. PALMER: What this does is while yes it basically brings what we did 10
5 years ago into conformity by, by making, by taking out these minimum lot requirements
6 here and basically solidifies the fact that a developer can do that. And so I can
7 understand why folks that are out in the community would look at it and say, well you
8 know, there's always a minimum lot size so, so the, so the density bonus can't be there
9 actually. Well, the County decided 10 or so years ago to allow density bonuses and
10 someone has now figured out that, well because of this little quirk in the Code it's
11 technically not allowed. Well, that's the direction the County has been heading, that's
12 the direction I think the County should head, and that's the direction I think that the
13 country is heading with allowing more open space in certain areas and allowing for
14 smaller lots because the general public desires smaller lots in these days, but yet larger
15 open spaces for them to walk in and have parks and that kinda stuff, but yet a smaller
16 lot that their family has to maintain privately. So hearing what the public has said, I
17 would make a motion that we send this forward to Council with a recommendation of
18 approval, knowing that it is not just simply bringing it into conformity, it is actually
19 changing the zoning ordinance and I do understand that.

20 CHAIRMAN GILCHRIST: Thank you, Mr. Palmer. Is there a second on this?

21 MR. THEUS: Second.

22 CHAIRMAN GILCHRIST: Okay.

23 MS. FRIERSON: I have a question.

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

2 MS. FRIERSON: With that motion that you said approval, are you referring to
3 approving the changes that Geo mentioned or not?

4 MR. PALMER: That Geo mentioned as well as the, what Heather said as far as
5 taking out the one acre, the one acre requirement.

6 CHAIRMAN GILCHRIST: Yeah.

7 MS. FRIERSON: Thank you.

8 CHAIRMAN GILCHRIST: Any other questions? Okay, all in favor signify by
9 raising your hand. All opposed?

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

12 CHAIRMAN GILCHRIST: Thank you. Alright. Next Text Amendment. Yes, sir,
13 Mr. Price?

14 **TEXT AMENDMENT #2:**

15 MR. PRICE: What you have before you is an amendment to the special
16 exception conditions that are automatically imposed by the Board of Zoning Appeals
17 during a special exception for the establishment of communication towers. This motion
18 came from County Council. Currently under our current provisions when you establish a
19 communication tower that abuts a residential district you're required to have a one to
20 one ratio of height for setback, or setback for height, each foot of height. Example, 200'
21 tower, you have to be 200' away from the property line. And what this provision does is
22 it takes into consideration the fall zone of the tower. It'll be 100% of the tower's fall zone
23 plus a safety factor of 10%. This is, again this comes from Council, Staff has taken a

1 look at this, currently don't have any objections to this. I would recommend one change
2 to the provision you have before you where it says, 'Communication towers abutting a
3 residentially zoned parcel shall have a minimum setback of one foot for every foot of
4 tower height, or 100% of the tower's fall zone, plus a safety factor of 10%' and I would
5 just say period, and take out the part where it says, 'whichever is less'. I think by having
6 that language of 'whichever is less' it actually will prevent an applicant from having
7 options of maybe they just want to do a one to one, maybe they want to take the, rather
8 than take the minimum requirements they may wanna go ahead and exceed what's
9 there. That's it.

10 CHAIRMAN GILCHRIST: Okay. Thank you, Mr. Price. Were there any questions
11 for Staff? We do have someone signed up to speak. Mr. James La Pann.

12 **TESTIMONY OF JAMES LA PANN:**

13 MR. LA PANN: Good afternoon.

14 CHAIRMAN GILCHRIST: Good afternoon, sir.

15 MR. LA PANN: If you're from northern New York State like I am you pronounce
16 that La Pann.

17 CHAIRMAN GILCHRIST: La Pann, alright.

18 MR. LA PANN: I'm a zoning specialist with Faulk & Foster. We've been hired by
19 Verizon Wireless. I, my address is 1800 North Hills Road in York, Pennsylvania. And
20 today I am going to briefly speak in support of this amendment for, for three main
21 reasons. One is is that it substantially improves the financial protection of the County.
22 This, this new, the other law did not have in it the requirement for indemnity and this
23 does. Anybody who wants to have a tower that's gonna be less than one foot for one is

1 going to indemnify the County, hold them harmless, and that also includes any property
2 owner that allows the, a, a tower to fall, fall zone to be on their property. It's a very, very
3 serious and safe indemnification provision for the County, that's the first main, main
4 piece. The second thing is is that it has to do with protecting the physical safety of the
5 people that live in the County and travel through the County. One important aspect of
6 this is the real detail that, that Deputy Attorney Elizabeth McLean who, who wrote this
7 law put in here. She put in that the, the fall zone cannot include any right-of-way,
8 property lines, or structure. Those, those were just fine points that were not in the
9 previous. I, I call the current, the version of it the first generation of these laws, but as
10 density has been, as the density of the towers has been needed to be increased, then
11 generation two came along. The reason for this increase in density is, is the fact of data.
12 Everybody you know, I mean, five years ago there weren't as many people that had cell
13 phones. Today there still were a lot but, but today even more, and, and people are
14 always on looking up data, they're looking up questions on the Internet, they're looking
15 at a movie or this or that. Or they're – and so that data requires many more towers and
16 this, this ordinance is gonna be very supportive of that. But it is going to add that, that
17 not only is it gonna be the entire fall zone but it's gonna be a 10% safety zone on top of
18 that. There are, I did some research as to whether anybody, any other counties in this
19 area are using this type of law, and what I found was that of the seven counties that
20 surround Richland County, four of them; Calhoun, Fairfield, Lexington, and Newberry,
21 all have this type of law, law currently. And again, that doesn't mean that you have to do
22 it because they, they're doing it, but what I'm suggesting is the fact that they, they use
23 that as well as Darlington County, Cities of Charleston, Myrtle Beach, Beaufort County,

1 that, that, those are all counties that are sophisticated and they do have this type of, of
2 law. And those are my comments in favor of it. I, I don't know if anyone has any
3 questions for me on this aspect or not.

4 CHAIRMAN GILCHRIST: Thank you, Mr. La Pann. Any questions? Thank you,
5 sir.

6 MR. LA PANN: Okay, thank you.

7 CHAIRMAN GILCHRIST: Thank you for visiting with us today.

8 MR. BROWN: Mr. Chairman?

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

10 MR. BROWN: It's my understanding that it's, that Geo recommended that the
11 words 'whichever is less' –

12 CHAIRMAN GILCHRIST: Is removed.

13 MR. BROWN: - be deleted. Is that correct?

14 CHAIRMAN GILCHRIST: That's correct. Yes, sir.

15 MR. BROWN: Thank you.

16 CHAIRMAN GILCHRIST: Is there a motion to –

17 MR. BROWN: Move approval with the recommendation of Geo.

18 MR. THEUS: Second.

19 CHAIRMAN GILCHRIST: Okay. It's moved and properly seconded that we
20 accept this recommendation, move forward to Council with the deletion of 'whichever is
21 less'. All in favor please signify by raising your hand. All opposed?

22 *[Approved: Palmer, Frierson, Cairns, Gilchrist, Theus, Brown; Absent for vote: Tuttle;*

23 *Absent: Greenleaf, Anderson]*

1 CHAIRMAN GILCHRIST: Alrighty. Other Business?

2 MS. HEGLER: None.

3 CHAIRMAN GILCHRIST: Okay. Chairman's Report? Oh, was there Other
4 Business, Mr. Price?

5 MR. PRICE: One other thing, and I will send this out to you. In Suzie's absence
6 we did receive some information from the COG about a training that's upcoming, and
7 actually one of the things that did surprise me as I read it, which I normally don't, is that
8 one of the presenters will be our own Planning Director, Tracy Hegler.

9 CHAIRMAN GILCHRIST: Oh great, yes.

10 MR. PRICE: And it will be on the 12th of May, but I will send forward that
11 information to you.

12 CHAIRMAN GILCHRIST: Fantastic. Well we certainly will look forward to getting
13 that information, absolutely.

14 MR. PALMER: I would encourage everyone to make that. I've heard her speak
15 before and it's, it's really good.

16 CHAIRMAN GILCHRIST: Yeah. She's good, yeah, absolutely. Glad you're here,
17 you bet.

18 MS. FRIERSON: Do we have the time of that and –

19 MS. HEGLER: It is a morning, it's at the Bar Association, SCAC's putting it on,
20 South Carolina Association of Counties. It's from 9:30 to 12:30 I think but we'll send you
21 an email.

22 CHAIRMAN GILCHRIST: Just a couple of quick points of information. The
23 retreat, we're still trying to get, find out who from the Association could potentially help

1 us facilitate that that day. I, I know Suzie was gonna be looking into that so I don't know
2 what the deal is on that but we need to kinda circle back up with her and find out who
3 has been able to commit to helping us so that we can come up with a date sooner
4 rather than later to try to do our retreat. The second thing I wanna just put on the radar
5 screen, the conversation we had today about assessment value, that's a very
6 interesting conversation that I think I would like at some point I would like to have the
7 assessor come to one of our Planning Commission meetings because I wanna hear
8 more detail about specifically when Staff is making a recommendation about
9 assessment values, I mean, zoning, whether or not we're taking in consideration those
10 assessment values and what does that mean and what does that look like. So just FYI
11 to put that on the radar screen to begin to think about. And then finally Staff, we wanna,
12 I wanna thank you for what you do and the great work that you do to help us out and
13 certainly help me, so thank all of you and all of our Commissioners for, for your time
14 commitments to this Planning Commission. Is there anything else to report? I know we
15 have the Development Review Team Report.

16 MS. HEGLER: Yep, that's for information only. And I think you also got a report
17 of the actions from the last zoning public hearing handed to you.

18 CHAIRMAN GILCHRIST: Yes, we did. Got it. And did anyone else have their
19 information delayed to them? My, my, I didn't get mine till late so I don't know if that was
20 – but one of the things that I would ask also, I know at one point we were sending this
21 via email. If, if we could do that just to ensure that, in case of whatever, you know, the
22 dog ate it, whatever, we can have it. Alright –

23 MS. FRIERSON: Mr. Chair?

1 CHAIRMAN GILCHRIST: - yes, ma'am, Ms. Frierson?

2 MS. FRIERSON: Do we have a date yet for the retreat?

3 CHAIRMAN GILCHRIST: We do not, not at this point. Hopefully, soon as we can
4 kind of find out what's going on with the Association I'll get back with you all on that, get
5 it out to you. Okay? Anything else?

6 MR. BROWN: Move to adjourn, Mr. Chairman.

7 CHAIRMAN GILCHRIST: So moved. Thank you.

8

9

[Meeting Adjourned at 2:05 pm]