

RICHLAND COUNTY PLANNING COMMISSION
October 3, 2016

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[Members Present: Pat Palmer, Ed Greenleaf [in at 1:10], Beverly Frierson [in at 1:08], Heather Cairns, Stephen Gilchrist, David Tuttle, Wallace Brown, Sr.; Absent: Bill Theus, Christopher Anderson]

Called to order: 1:02 pm

CHAIRMAN GILCHRIST: I'd like to call the October 3rd Planning Commission meeting into order. Please allow me read this into the Record. In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio and TV stations, newspapers, and persons requesting notification, and posted on the bulletin board located in the County Administration Office. First item on the Agenda, Consent Agenda. Staff, are there any additional amendments to the Agenda?

MS. HEGLER: Good afternoon, Chairman. No, sir.

CHAIRMAN GILCHRIST: Okay. Consent Agenda. Do we have a motion on the Consent Agenda?

MR. TUTTLE: Mr. Chairman, do you have any people up to speak on any matters?

CHAIRMAN GILCHRIST: We have –

MS. CAIRNS: Yes.

CHAIRMAN GILCHRIST: - two cases, Mr. Tuttle, where we have folk ready -

MR. TUTTLE: Which cases?

CHAIRMAN GILCHRIST: - signed up to speak. Case No. 16-029 MA and also Case No. 16-030 MA. And, I'm sorry, and we have Case No. 16-031 MA, all three of those cases, persons signed up to speak.

MR. TUTTLE: Okay, in that case –

1 MS. CAIRNS: Well, and I'd like Case No. 16-30 Map Amendment, I'd like to bring
2 that one off the Consent Agenda.

3 MR. TUTTLE: Which one? I'm sorry.

4 MS. CAIRNS: Third one, 16-30.

5 CHAIRMAN GILCHRIST: 16-30.

6 MR. TUTTLE: Right, so that was already off.

7 CHAIRMAN GILCHRIST: Okay, hold on one second. So let me share that with
8 you again. The cases where we have folk signed up to speak – Case No. 16-029 MA,
9 and then Case No. 16-03 MA, and then – 31 MA, I'm sorry. And then Case No. 16-030
10 MA. So the only case that we have no one signed up to speak on is Case No. –

11 MR. TUTTLE: Mr. Chairman, if I could make a motion?

12 CHAIRMAN GILCHRIST: Yes, sir.

13 MR. TUTTLE: I'd like to remove Items 2, 3, and 4 from the Consent Agenda on
14 the published Agenda. And additionally move forward to approve Item No. 1 under the
15 Consent Agenda.

16 MR. BROWN: Second.

17 CHAIRMAN GILCHRIST: Okay, there's been a motion and a second. All in favor
18 please signify by raising your hand? All opposed?

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

21 CHAIRMAN GILCHRIST: Okay. First case, Case No. 2.

22 **CASE NO. 16-029 MA:**

1 MS. HEGLER: Good afternoon again. Case 16-29 is on Crane Church Road,
2 2.63 acres currently zoned CC-1. The proposed or requested zoning is CC-3. The CC
3 zoning district is a designation that's within our Crane Creek Neighborhood Master Plan.
4 Particularly that Master Plan has four sub-district classifications and the sub-districts are
5 categorized by a mixture of intensities and uses allowed, so this is a special
6 classification within the County. The current zoning CC-1 was adopted in June of 2010,
7 and that corresponded to the adoption of that Master Plan for the Crane Creek area.
8 The proposed zoning, CC-3, is an activity center mixed use. This district permits higher
9 density mixed use buildings than those prior to it, CC-2 and CC-1, so that they go up in
10 intensity. The zone allows a variety of building types including civic, institutional, loft
11 dwelling units, townhouses, and detached single-family housing. It also allows
12 commercial, office and encourages and mix of uses within the buildings. You see that
13 there's a pretty proscribed density matrix for this zoning districts, it's a really well
14 thought out area in the County as far as zoning is concerned. The immediate area is
15 characterized by residential uses to the west and institutional uses to the north.
16 Southeast of the site is currently undeveloped. The Richland County Comprehensive
17 Plan that was recently adopted identifies this area as a neighborhood medium-density;
18 these are areas that include medium-density residential neighborhoods and supporting
19 neighborhood commercial scale development. The neighborhoods particularly in this
20 designation provide a transition from low density to the more intense mixed use areas.
21 Because it seems to comply with the Comprehensive Plan and it's also at a major
22 intersection, the location of this site does not seem to conflict with the Crane Creek
23 Master Plan. Staff at this time suggested approval of the Map Amendment.

1 CHAIRMAN GILCHRIST: Okay, any questions for Staff? Is the Applicant here?
2 Sir, would you like to say anything about the property? Please come to the mic for us.
3 Please give us your name and your address for the Record, please.

4 **TESTIMONY OF RICHARD BATES:**

5 MR. BATES: Richard Bates, 317 Barberry Drive, Lexington, South Carolina.
6 29072. I've owned that property for five or six years and originally had purchased it to
7 utilize the bottomlands or the swamp as part of a project, I have an environmental
8 consulting firm. And we've been working out there for five years or so doing some
9 restoration. Of course, it got pretty damaged by the storm, but everything worked out
10 okay. And so this area up along the road is not included within that restoration parcel
11 and I'd like to be able to try to put that on the market for a commercial development
12 some time down the road. And then as far as the remaining 80 or so acres, I've talked
13 to Richland County Parks & Recreation about possibly giving that property to them to
14 use as a park some time down the road, too - when we're done with our project, which'll
15 be next June, June 2017. That's pretty much the gist - I'd like to try to keep that 2.6 or
16 so acres separated out though.

17 *[Frierson in at 1:08]*

18 CHAIRMAN GILCHRIST: Thank you, sir. We do have persons signed up to
19 speak. When I ask you to come up, please give us your name and your address for the
20 Record. Mr. Anthony Irvin? Is that right? Jr.? Okay. Sr.? Okay.

21 **TESTIMONY OF ANTHONY IRVIN, SR.:**

22 MR. IRVIN: My name is Anthony Irvin, Sr., I live at 100 Lincoln Parkway, which is
23 actually the corner house right behind the proposed project that Mr. Bates is trying to
24 get approval on. We've been there 42 years and, of course, from what we've heard

1 through the neighborhood association meetings, that this is, they're trying to get this
2 particular piece of property rezoned from CC-1 to CC-3 because they want to actually
3 put a Dollar General or something to that effect in our back door. We don't have all the
4 logistics, however, we are trying to find out, Mr. Bates, what are gonna be, I mean, I
5 don't know what the County ordinances are, but when it comes to you wanting to rezone
6 this for a commercial use, because nobody have a problem having neighbors in their
7 backyard, but I think nobody in here would like to have a Dollar General in their
8 backyard. Because it can bring on so much other issues. So if this would supposedly
9 happen what is gonna be the dividing line? What are the ordinance for your CC-3
10 business so it won't be too close to our backyard, our property line? Now, we just got
11 this letter a couple of days ago –

12 *[Greenleaf in at 1:10]*

13 CHAIRMAN GILCHRIST: Just wanna make one comment about your comments,
14 if you could direct them to the Planning Commission and not to anyone in the audience
15 that'll be great, thank you.

16 MR. IRVIN: Yes, sir. I apologize for that. But if there are any ordinances, what
17 may they be for this property line? Because I look at the picture and it is a driveway
18 there on Crane Church Road, and it's a lot between the two. So we don't know if it's
19 gonna be 50 yards, I mean, I don't know if you all, Mr. Gilchrist, if you can answer that
20 question, is it an ordinance of 50 yards from residential property lines? Is it 100 yards?
21 What may it be?

22 CHAIRMAN GILCHRIST: Well, this Commission will take that up once your
23 comments are completed, sir.

1 MR. IRVIN: Okay, okay. And I also briefly saw whereas the CC-3 actually can be,
2 like I heard the young lady say, an activity center and, but it's a variety of things that it
3 actually falls up under, which means it could actually be a Dollar General. It means it
4 actually could be a Family Dollar. Means it actually could be anything such as. And I
5 don't think anybody in here would want to have a business such as that 20, 30, 50 yards
6 in their backyard.

7 CHAIRMAN GILCHRIST: Thank you, Mr. Irvin. That's all we have signed up to
8 speak. Any questions, comments for Staff?

9 MR. TUTTLE: Mr. Chairman, if I may ask –

10 CHAIRMAN GILCHRIST: Yes, sir, Mr. Tuttle?

11 MR. TUTTLE: - Staff a question. I assume the setbacks are covered in the, in the
12 PDD or PUD, whichever?

13 MS. HEGLER: Well –

14 MR. TUTTLE: Or the Crane Creek Master Plan?

15 MS. HEGLER: - in the Crane Creek Master Plan – Tommy, do you have those
16 available?

17 MR. TUTTLE: I guess it would depend upon which use or variety of mixed uses
18 they use there?

19 MR. DELAGE: I just wanna make sure, since we haven't had more than one site
20 plan in this area in a while, so if not it's gonna defer back to the landscaping section, but
21 I just wanted to verify that real quick.

22 CHAIRMAN GILCHRIST: Okay.

1 MR. DELAGE: "Landscaping shall be consistent with the requirements of §26-
2 176." It just refers back to our general landscaping standards.

3 MS. HEGLER: So it would be a high intensity use next to –

4 MR. BATES: Yes, there would be a buffer –

5 MS. HEGLER: There would be no setback requirement, but there would have to
6 be buffer, landscape buffering between the two uses, but there's no requirement to
7 separate the distance.

8 MR. BROWN: Mr. Chairman, how much of a buffer?

9 MS. HEGLER: Ten feet, right?

10 CHAIRMAN GILCHRIST: Ten feet minimum? Okay.

11 MR. BATES: Can I just make another comment on that?

12 CHAIRMAN GILCHRIST: Sir, we've closed the – unless one of the
13 Commissioners have a comment. Anything else?

14 MR. TUTTLE: Just refresh my memory cause it's been a while, so the folks in
15 Crane Creek area got together with Staff and created an overlay district for this area.

16 MS. HEGLER: That's correct.

17 MR. TUTTLE: And when they did that they contemplated mixed uses and
18 setbacks related from one use versus another and deferred to the Code, but all that was
19 contemplated when they did the overall Master Plan for the area?

20 MS. HEGLER: That's what I understand.

21 MR. TUTTLE: Had multiple neighborhood meetings with input and –

22 MS. HEGLER: Correct.

1 MR. TUTTLE: - that went on for a long period of time, I think, with input and
2 tweaks and so forth if memory serves.

3 MS. HEGLER: Yes, that's correct.

4 MR. TUTTLE: Thank you.

5 MR. PALMER: David, I was part of that conversation back when this occurred
6 and this was actually the first one, if I remember correctly, where the overlay district
7 became mandatory. Where the overlay district became mandatory for the zoning. And
8 we knew at that time that we couldn't identify each individual specific parcel and say,
9 okay this is what it is, cause we changed the zoning for the whole area, it was a mass
10 rezoning basically. And so we knew that cases such as this would occur. And it's
11 contemplated in the documented, and so, you know, from time to time rezonings do
12 need to occur. And I, I don't know where this logic comes from but I've seen it several
13 times sitting up here and also being an audience member, where if in a rural district or
14 an area where it's not a downtown, someone's not asking for General Commercial, but
15 for some reason the public always defaults to a Dollar General. Whether that's going
16 there or not. Most of the time these folks are looking to rezone the property so they
17 know what they can then deal with and what is able to go on the property. At this point
18 no commercial business can go on there. And I, I just, I've seen it so many times and I
19 just don't understand it, I mean, I don't know what this man has in mind for the property
20 but I doubt very seriously if he's got a Dollar General because the site would be under
21 contract at this point. But I just wanted to mention that to the people in the audience that
22 somehow that always gets started, we see it so many times that, in a rural type setting
23 that, well it's gonna be a Dollar General or a Family Dollar. What I see a lotta times

1 being in the commercial industry is folks preparing their property for some future use.
2 Not being reactionary, kinda trying to be proactive on the sites and not reactive, so
3 that's just my, my two cents on it. And, you know, this site is on, I mean, the Staff's
4 report is comprehensive and when people ask to rezone a piece of property, especially
5 in one of our districts that we've outlaid, one of our 10 districts that we spent so much
6 time and effort and energy taking a look at to see what the people of that community
7 wanted, if someone comes up and wants to change that I put a lot of faith and stock in
8 what the Staff says in their report when their recommendation comes down. And if they
9 recommend approval, they've done their research and they've done their thought
10 process to say that this does fit in with what the thought process was in the plan when it
11 was written and now today. So I would make a motion we agree with Staff and
12 recommend approval.

13 CHAIRMAN GILCHRIST: We have a motion, is there a second?

14 MR. TUTTLE: Second.

15 MS. CAIRNS: I've got some additional comments.

16 CHAIRMAN GILCHRIST: Okay. Ms. Cairns?

17 MS. CAIRNS: Yeah I just, I mean, I guess one of my questions is, you know, sort
18 of for Staff is that, you know, we did spend a lotta time with the Crane Creek area, is
19 that the areas in that neighborhood that have been identified for commercial use, have
20 they gone into commercial use? Or is there CC-3 within the area that is still vacant and
21 therefore – cause that's the whole thing is, yes the neighborhood got together and they
22 decided, we really wanna see residential here, we really wanna see commercial there.
23 And not that you never rezone but at the same time if there hasn't been, you know, if

1 there hasn't been development in the CC-3, do we just simply throw up our hands and
2 say, well we failed because now maybe there is some commercial development
3 pressure and we've got it in the wrong place? But, I mean, so I have a hard time kind of
4 rezoning this, cause this is an area we put a lotta time and a lotta effort in, the
5 community got involved in, and we're not taking something out of residential into
6 commercial without any kind of showing or understanding that the existing commercial
7 is either one, been proved to be an utter failure, that it's got no ability to go to
8 commercial, or that it's all used up and that there's pressure for more. Cause otherwise
9 we just sorta saying, well I guess we failed on our Master Plan, that the first thing that
10 comes in is a rezone. So I mean, is there any, has any of it gone into commercial
11 development that is CC-3?

12 MS. HEGLER: I think we've had some interest in it but I wouldn't say it's built out.

13 MS. CAIRNS: Well, I mean, so that's where I have problems with just saying, oh
14 well, you know, it's just time to change it without looking comprehensively at the whole
15 plan and saying, you know, do we need to tweak it, do we need to take this back?
16 Cause I just, cause we did spend more time looking at this than – I mean, our general
17 zoning, I think, you know, Mr. Palmer's comment that there's times when, you know, we
18 do this generalized zoning then we come back and look at a specific and say, oh you
19 know, based on all these factors looking specific it is time to rezone this. But I have a
20 hard time inside a Master Plan that's relatively new saying, oh well, you know, I guess
21 we didn't look carefully enough at this one.

22 CHAIRMAN GILCHRIST: Mr. Greenleaf? Then Mr. Palmer.

1 MR. GREENLEAF: Thank you very much, Chairman Gilchrist. Quick question,
2 could Staff define for me the difference between base and bonus in the zoning – each
3 one of the categories lists a base and a bonus per categorization?

4 MS. HEGLER: Yeah, base would be just be that, it would be a base – well,
5 Tommy's getting that – my guess is the bonus allows some sort of an increase in your
6 density for some trade off of something. Maybe more open space or better design
7 standards or something like that.

8 MR. GREENLEAF: Okay, I just would like that clarification before casting my
9 vote. Thank you.

10 CHAIRMAN GILCHRIST: Mr. Palmer? Oh, Mr. Greenleaf are you complete?

11 MR. GREENLEAF: I am, well as soon as I hear from Staff.

12 CHAIRMAN GILCHRIST: Okay. Alright.

13 MR. DELAGE: And the bonus density, essentially the bonus density's gonna be
14 dependent upon using the standards that are under – it has it as the section for open
15 space requirements. So essentially providing some land to be set aside in a reduction
16 for, or an increase in the dwelling units or from the base density.

17 MR. GREENLEAF: In exchange elsewhere in the County or within that –

18 MR. DELAGE: Parcel.

19 MR. GREENLEAF: - particular parcel? Within that parcel.

20 MS. HEGLER: Right.

21 MR. GREENLEAF: Thank you very much.

22 MS. HEGLER: So it's a trade-off.

23 MR. GREENLEAF: Thank you very much.

1 CHAIRMAN GILCHRIST: Okay Mr. Palmer.

2 MR. PALMER: Yes, we have items that we look at for a rezoning, and it's, in my
3 opinion, completely onerous on an applicant to have to prove or go out and do an
4 inventory of sites to say, these sites have been developed, there's this amount of vacant
5 land in this category, so now that we've reached a threshold of, say there's only 20%
6 available property, now we can open this area back up for rezonings again, that doesn't
7 make sense to me. We as a Planning Commission take a look at the site, we take a
8 look at what the Staff's recommendations are, and we take a look at these items that
9 they laid out to us; traffic, infrastructure, roads. I mean, it's a center-lane divider four-
10 lane road at a major interchange with frontage along that road. Yes it does back up to
11 residential, but I've said this over and over and over again, if we have a problem with
12 the setbacks that are in commercial property, if 10' is not enough and we don't think it
13 is, then let's address that and let's say, okay 10' is not enough, let's make it so that
14 when a commercial does want to abut residential then we have something in our Code
15 that gives us comfort that says, okay we're okay with that because the buffering's there
16 that we're comfortable with. But we can't not rezone a piece of property because we
17 don't like some of the things that are in our Code as far as buffering.

18 CHAIRMAN GILCHRIST: Thank you, Mr. Palmer. Any additional comments? We
19 have a motion and a second on the floor to send Case No. 16-29 MA forward to Council
20 with a recommendation of approval. All in favor please signify by raising, saying yes? All
21 opposed?

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

1 CHAIRMAN GILCHRIST: Okay. We are a recommending Body to County
2 Council. They will meet back in these Chambers again on October the 25th, and you're
3 welcome to come at that time. Thank you. Next case?

4 **CASE NO. 16-030 MA:**

5 MS. HEGLER: Case No. 16-30, it's located at 424 Lee Road, it's 17 acres
6 currently zoned Rural. The request is for our Office and Institutional, OI. The Office and
7 Institutional District is intended to accommodate just that, office, institutional and certain
8 types of residential uses in areas whose characteristics are neither fully General
9 Commercial or exclusively residential in nature. The immediate area is characterized by
10 residential uses to the west, south and east of the site. North of the site is an
11 undeveloped PDD. In the 2014 Richland County Comprehensive Plan this area was
12 designated as neighborhood, medium-density. Like the last case these are areas that
13 include medium-density residential neighborhoods and supporting neighborhood
14 commercial scale development. Again, these are transitions from low density
15 neighborhood to our more intense mixed use urban environments. Non-residential
16 developments may be considered for location along main corridors and within a
17 contextually appropriate distance from intersections. Staff is of the opinion that the
18 proposed rezoning is consistent with the objectives outlined in the Comp Plan that
19 recommends commercial development along main corridors and within a contextually
20 appropriate distance from the intersection. Granted this is not at a traffic junction,
21 however, it is on a major corridor and there are commercial sites within close proximity
22 to this. For that reason we recommend approval.

23 CHAIRMAN GILCHRIST: Questions, comments for Staff?

1 MR. PALMER: How much of a variation of this from what is currently allowed
2 under the PDD which is in place now?

3 MS. CAIRNS: Half of our packet – some of our packet says it's Rural and some
4 of it says it's PDD.

5 MR. DELAGE: Right, yeah – they, we went through, we had to do some
6 research. Apparently when it was split off from the other parcel, or something had
7 happened where they assigned it PDD, it is actually zoned RU, so it's just straight Rural
8 zoning district.

9 MR. PALMER: What – help me if I've missed it but what is that structure that's
10 currently on there?

11 MR. DELAGE: A place of worship.

12 MR. PALMER: Okay.

13 MS. CAIRNS: Yeah, I mean, I'll just offer, I was the one that asked that this get
14 pulled off the Consent Agenda because, you know, my guess is that it's a church
15 looking to run a daycare. But when I look at it as just a straight rezoning from RU to OI I
16 don't see anything in this particular area that supports Office/Institutional, you know, OI
17 uses in this, you know, what appears to be a completely residential area. So to me it,
18 you know, I don't know if the Applicant is here at all. He is? Okay.

19 CHAIRMAN GILCHRIST: Okay, sir if you'd give us your name and your address
20 for the Record, please.

21 **TESTIMONY OF ARTHUR BUSH:**

22 MR. BUSH: My name is Arthur Bush, 300 Cresthaven Drive, Columbia, South
23 Carolina 29229. I'm a deacon at the church and when we bought the property it was RU

1 property and we built a church on it, and we're gonna expand. We don't wanna do any
2 heavy commercial but we just want it zoned Commercial for – we might do a daycare or
3 something like that, but we do have plans to expand the building, what we're in now, so
4 we, we was looking to get it zoned appropriately so as we go forward we won't have to
5 go through this again.

6 CHAIRMAN GILCHRIST: Any questions for Mr. Bush? Thank you, sir.

7 MR. BUSH: Thank you.

8 CHAIRMAN GILCHRIST: Comments, questions, motions?

9 MS. CAIRNS: I just, I mean, I just – I mean, I have a hard time following Staff
10 recommendation on this one. I don't, I don't feel that this parcel zoned OI in this
11 completely residential area makes any sense.

12 MR. GREENLEAF: Mr. Chairman, any commentary from the residents in the
13 area?

14 CHAIRMAN GILCHRIST: We've not heard any, have we?

15 MS. CAIRNS: There's no one signed up.

16 MS. HEGLER: Nor is there anybody signed up.

17 CHAIRMAN GILCHRIST: Nobody signed up to speak against it, so. Motions?

18 MR. PALMER: I'd be interested though, Heather what parts of it do you not agree
19 with? Just to try to help me out.

20 MS. CAIRNS: I just, when I look at this area and say, is this an appropriate area
21 for there to be OI, I don't see anything that supports it being OI. It's just a completely
22 residential area. I mean. So I don't, you know, I mean, if somebody, if this was vacant

1 land and somebody was planning to come in and build an office building I think that it
2 would be clear that it was not appropriate.

3 MR. PALMER: But it is in line with our Comprehensive Plan for the area.

4 MS. CAIRNS: I, I mean, Staff has said that it's, you know, located somewhat
5 close to commercial junctions and existing – I mean, you know, there's
6 commercial/institutional uses within the immediate area, but I'm saying that I sit here as
7 a Commissioner and look at this and say, this is a completely residential area. The fact
8 that there's some commercial and institutional use nearby, okay. But I don't support this
9 large parcel in a completely residential area getting rezoned to office/institutional use. I
10 don't see anything that supports it. I just disagree with Staff, that's all.

11 MR. TUTTLE: Mr. Chair, I think if, if the map were to be enlarged I think you'll
12 see as it relates to the map kinda southeast of there, maybe, I don't know, 800 or 900
13 yards, 1500 yards, I'm not sure, there's a whole small office park with 15 or 20, you
14 know, office buildings within that park. I don't know that this is a much different situation
15 than that situation further down is, so I'm, you know, I would be inclined to move
16 forward, especially when you look out Longtown Road which couldn't be but, the closest
17 points probably, what, 700, 800'? You've got gas stations and schools and strip centers
18 and all that. I mean.

19 MS. CAIRNS: I understand that, but at the same time, I mean, I harp on this
20 frequently is that the fact that there's something nearby doesn't mean that we allow non-
21 residential uses to sort of just leak down these roads that happen to – yeah, this road
22 connects Longtown to, what is it Hardscrabble?

23 CHAIRMAN GILCHRIST: Hardscrabble, yeah.

1 MS. CAIRNS: Okay, but I mean, so are we of the decision that this road should
2 simply become, you know, a commercial office/institutional corridor? Because, you
3 know, other – but the fact that, you know, you can go to the end of the street and find
4 something and the end of the street and find something, okay. That's fine. But I'm just
5 saying I don't support this one.

6 MR. TUTTLE: But if I'm following your logic then the only way to develop the
7 middle of the road is everything contiguous to that, the owners would all have to be in
8 agreement at similar times to want to rezone their property. Otherwise you could never
9 skip a parcel if I follow the logic.

10 MS. CAIRNS: Well, I mean, to me – I mean, we fundamentally differ on this, but I
11 mean, I just, I don't like allowing commercial type uses and office type uses to simply
12 leak down residential streets because there's stuff nearby. And yes, I think part of
13 planning is that we would look at something like this and say, you know, are we looking
14 at the idea that Lee Road should become a commercial corridor, and if so then yeah, if
15 anybody comes in they can get their rezoning. But I don't see, just the fact that at the
16 edges of this on otherwise major roads there is commercial that therefore the connector
17 road should start looking at office/institutional and commercial. So to me I just, I think
18 that the Comp Plan and this location would need to be more clearly something that this
19 type of change of use is a perfect fit, as opposed to, well it's close and there's other stuff
20 nearby and, you know. So no, I don't agree that I would never support if it wasn't
21 everybody, but I don't support this one.

22 CHAIRMAN GILCHRIST: Mr. Palmer?

1 MR. PALMER: Well, you did mention though that if it was at the end you'd be in
2 favor of it, but yet on the previous case it was at the intersection of a major road and
3 was not in favor of it.

4 MS. CAIRNS: There's – I'm never gonna have an absolute.

5 MR. PALMER: I understand, but I'm saying generalities. But, but also on this
6 case you can't lump commercial as one big lump. There's different degrees of
7 commercial, which is why we have it built into our Code to gradually move away from
8 interchanges and down roads. This is, if this site came in and wanted to be General
9 Commercial I would be against it. But it's not, it's coming in as an office and industrial
10 use on a road that's, that's obviously not a residential road. These residents that are on
11 that road, some of them do access off Lee Road but the majority of those that you see
12 right there, those residents are accessed through internal roads from their
13 neighborhood. And so, you know, you've got a commercial structure on the site already
14 and that, I agree does not play into it cause they can go on, a church can go on
15 whatever zoning classification they wanna go on.

16 MS. CAIRNS: Right, so it's not a –

17 MR. PALMER: But, but what you've got is a structure that is already creating a lot
18 of traffic in the area at certain times, whether it be Sundays or Wednesdays or
19 whenever they have events. So this community, and it's, it's a big loud, you know,
20 bullhorn to me that, you know, no one in the community came out and said, hey I'm
21 against this. So I've got a Staff recommendation for approval, I've got no one from the
22 community, none of these neighborhood associations come out and said, I'm against
23 this, and I just don't see the logic for sitting here saying, no because I just don't wanna

1 start rezoning pieces of property unless they all come in or multiple ones come in. I just,
2 I don't understand it, that's not what we're here to do. In my opinion.

3 MS. CAIRNS: Well, I disagree with some of your characterization but I think that
4 we can have disagreements.

5 MR. PALMER: Agreed.

6 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that Case 16-030 MA
7 move forward to Council with a recommendation of approval.

8 MR. BROWN: Second.

9 CHAIRMAN GILCHRIST: It's been moved and properly seconded that we send
10 Case 16-030 MA forward to Council with a recommendation of approval. All in favor
11 please signify by raising your hand? All opposed?

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

14 CHAIRMAN GILCHRIST: Again sir, we are a recommending Body to County
15 Council. They will meet back in these Chambers again on October the 25th. Yes, sir.
16 Alrighty. Next case.

17 **CASE NO. 16-031 MA:**

18 MS. HEGLER: Your last rezoning today is Case No. 16-031. It's 1025 Ellett
19 Road, 2.29 acres currently zoned Rural, asking for Office and Institutional. Many similar
20 characteristics to the last case, to some degree. Again Office and Institutional is just
21 that, it provides for office and institutional uses. I think where this does differ is that
22 immediate area is completely surrounded by residential uses; north, west, east and
23 south. The master, or the Comprehensive Plan for this area actually designates it as

1 neighborhood low density, which is a little different as well from our last case. These are
2 areas where low density residential is the primary use and they serve as transitions
3 from rural areas and our medium density areas, and are opportunities for low density
4 neighborhood development. Commercial or non-residential development should be
5 located within nearby neighborhood activity centers, which the Comprehensive Plan
6 does call out, and may be considered for location along main road corridors with a
7 contextually appropriate distance from the intersection of a primary arterial. The desired
8 development pattern thus is lower density, single-family neighborhood developments.
9 Because there is such a heavy surrounding residential character here and because the
10 Comprehensive Plan recommends that non-residential uses be located within
11 neighborhood commercial activity centers, Staff recommended disapproval.

12 CHAIRMAN GILCHRIST: Okay, any questions for Staff? Is the Applicant
13 present? Please. Please give us your name and your address for the Record.

14 **TESTIMONY OF BERNICE SHEALY:**

15 MS. SHEALY: My name is Bernice Shealy, it's 1025 Ellett Road. My residence is
16 actually 160 Crestville Road in Irmo. I looked at property this past year. After my mother
17 died I thought I would do something good with her funds, and I had looked at some
18 property just one cove over from this particular property, it was a rental property – daily,
19 weekly rentals. This house is a big house, I'm by myself, I have no husband, I have no
20 children. So I wanted to get some help in terms of making it workable for me,
21 particularly financially but I think I overstretched myself a little bit. But I've been a
22 resident of Richland County for 70 years, I've been a high school administrator and
23 special ed coordinator 47 years. Too old to go back into the school system, so I need to

1 have some type of job for myself. I have some rental property, Hilton Head and also
2 North Myrtle Beach that were my mother's things that are now mine cause I'm an only
3 child. What I want to do with this particular property, it has a nice house on it, three story
4 house, needed a lot of work, lot of renovation and [inaudible]. So I've been working for
5 about six or seven months to try to get this house in shape. What I would like to do is, it
6 has what I think would be called mother-in-law suite, I would like to rent it and let me
7 stay on the main floor. At first I thought I was just gonna rent the whole house, but as I
8 get it repaired and it gets in better shape, I actually like being there and I've got that
9 area that could be used by someone else to come in on the weekends. I thought maybe
10 I would have a couple and maybe they would have two kids, maybe not, and so on a
11 week or a weekend basis to be able to rent. That would mean probably one car would
12 be coming to my house and, besides my one car, and we'd have one car which would
13 be no change in traffic. The other thing that I was interested in, I went to a bridal show. I
14 never had a real wedding so a bridal show was a treat, I went in January and I
15 discovered that they were ripping off these young kids with these bridal shows in terms
16 of the fees and things that were involved in having weddings. And I thought, well
17 wouldn't it be cool – I got 2.29 acres, I got a dock, I've got a boat – wouldn't it be nice
18 for a young couple to be able to come out and be on the dock or be in the yard and get
19 married.

20 CHAIRMAN GILCHRIST: Thank you.

21 MS. SHEALY: Okay? And that's the other part of what I wanted to do, but that
22 would be small, intimate things. And I talked with Tommy extensively on Friday and I
23 found out that yes, I can rent my property. You can't keep me from renting. Okay? But it

1 needs to be what type of rental. And I can have weddings but I can have 'em with
2 friends and with family.

3 CHAIRMAN GILCHRIST: Thank you, Ms. Shealy.

4 MS. SHEALY: So that's all I wanted. I didn't even know about all of this zoning
5 thing that was different. The only reason this got involved at all is that I joined the Irmo
6 Chamber, which I'd been a volunteer with for about 30 years, but I joined the Chamber.
7 Someone at the Chamber sent information to you folks saying that I had, I was going to
8 have a – what was it, a boarding house, a bed and breakfast, no they said a bed and
9 breakfast. And I thought, I told Tommy, I said, I can't even cook, why in the world would
10 I have a bed and breakfast, this is crazy. So, and none of my neighbors at all have
11 asked me anything about it. If they'd come to me I would've told 'em what I was
12 planning to do. You know, it's making it sound like I'm gonna have a million people on
13 my property. I only have a sleigh bed and a pull out sofa, you know, I don't think that's
14 gonna be too much harm.

15 CHAIRMAN GILCHRIST: Well Ms. Shealy, thank you so much. We have some
16 additional persons signed up to speak. When we call your name we ask that you give us
17 your name and your address for the Record. Cindy Smith?

18 **TESTIMONY OF CINDY SMITH:**

19 MS. SMITH: I'm Cindy Smith, I'm at 101 Cureman Drive in Chapin, that's the
20 little road right off from Ellett Road. And we the residents of Ellett Road community and
21 the surrounding cove respectfully ask that you accept our petition opposing the proposal
22 of the zoning request of 1025 Ellett Road. And accompanying this position there is a
23 letter from a resident that's out this week and she could not be here, and we'd just ask if

1 you'd be so kind to take a minute or so and read her letter that's in this packet before
2 you make your decision. And at the same time, we've also for your convenience have
3 included Ms. Shealy's mailed pamphlet. She'd put a sign out at the corner of 76 and
4 Johnson Marina Road, and this is her mailed pamphlet with the information to rent three
5 efficiency apartments. And then from her current active website we have made the
6 copies of what her plans were, according to that website. And so may I present the
7 petition packets to you?

8 CHAIRMAN GILCHRIST: You know, we don't accept any additional information
9 except for what Staff has already given to us, so thank you.

10 MS. SMITH: Okay, thank you. Thank you for your time.

11 CHAIRMAN GILCHRIST: Absolutely. Robert Smith?

12 **TESTIMONY OF ROBERT SMITH:**

13 MR. SMITH: Robert Smith at 101 Cureman, Chapin. Just would like to address a
14 few items that we're all concerned about in the neighborhood. Down that little road, that
15 is a dead-end road by the way, there're approximately 29 homes. And across the street
16 from 1025 Ellett Road there's an undeveloped piece of property, and I'm not sure the
17 acreage, it's either 8 or 11 acres, which eventually will surely be developed for single-
18 family residential use. Ellett Road is just a tar and gravel road with no sidewalks, it's a
19 very narrow road and could not afford on-street parking. There're no sidewalks in this
20 little neighborhood. And we have a great many older people, I would say the majority,
21 well the majority of the people living in the neighborhood are between 55 and 85 years
22 of age, and quite often walking their also old dogs down this one little narrow road. Also
23 parking, if parking were allowed on the road it would interfere with any emergency

1 vehicles that had to access that road. The cove that is behind this property is a very
2 narrow cove, it comes to an end shortly past this property, and any excess boating
3 traffic, especially of a commercial nature, would cause quite a bit of congestion in this
4 small cove. We therefore would like to ask you to disapprove this request for rezoning,
5 and thank you for your time.

6 CHAIRMAN GILCHRIST: Thank you, Mr. Smith. Peggy Andrea? Is that right?

7 **TESTIMONY OF PEGGY ANDREA:**

8 MS. ANDREA: That's correct. My name's Peggy Andrea, I live at 121 Cureman
9 Drive, right off of Elletts [sic] Road, in Chapin, South Carolina. We had several concerns
10 in addition to Mr. Smith's concerns which have to do with the safety of the neighborhood
11 again, and also with public health concerns. I know that Ms. Shealy has painted a very
12 nice altruistic picture of what she's doing with the property, but in reality she is actively
13 marketing it on her website as a three apartment rental, a whole house rental, and also
14 renting it for parties, stating that there is room for up to 125 people at these parties.
15 There's also concern about the dumpster that would need to remain onsite to
16 accommodate the trash from these parties. There is also concern about the septic
17 system on the property, which in the past the previous neighbor had one party at that
18 house with approximately 75 people and the septic system could not accommodate that
19 number of people. So there's a great deal of concern there about that. There's also, this
20 neighborhood is deep within a residential community as the woman stated. Other than
21 the marina which is located on Johnson Marina Road, there is no other business within
22 2 ½ to 3 miles of this deep residential community. Of all of the houses that we have
23 talked to, the people in the houses in the neighborhood, everyone that we talked to was

1 more than willing to sign our petition and in fact all of the houses, I'm not sure which
2 house Ms. Shealy was speaking of or which property that she said does have some
3 commercial ties, we did not find that in the neighborhood. What we are aware of is that
4 almost exclusively they are all year round occupied houses, they're not vacation
5 houses. And the people that, the two or three people that do not live there year round
6 are actually, they don't rent their properties out. So we're in a place where we've got
7 residents, lotsa residents with one access road in and out that could not accommodate
8 and hold that many people. Mrs. Shealy's actions to this date have demonstrated I
9 believe blatant disregard for your authority as a Planning Board and blatant disregard
10 for us as neighbors. We can only conclude that by her actions that she is aware that her
11 plans threaten the integrity and the safety of our neighborhood and is aware that her
12 plans most likely will not be approved when presented to Planning Board, and that was
13 why she consistently, even after being told to cease and desist, continued to build a
14 dock on the property, or a deck, I'm sorry.

15 CHAIRMAN GILCHRIST: Thank you.

16 MS. ANDREA: A deck. You know, this is not something that is gonna cause a
17 minor disruption to our neighborhood, this going to be a major problem for our
18 neighborhood, and we are asking that you do consider this petition, taking into account
19 those concerns of the neighbors who are unanimous in their support of not approving, of
20 asking you not to approve this zoning change.

21 CHAIRMAN GILCHRIST: Thank you so much. Thank you.

22 MS. ANDREA: Thank you.

23 CHAIRMAN GILCHRIST: John Peake?

TESTIMONY OF JOHN PEAKE:

1 MR. PEAKE: I'm John Peake. I live at 1217 Ellett Road, Chapin. You know, I
2 looked on line this morning to see what the definition of OI zoning was, and it clearly
3 states in there that it is not intended for exclusive residential in nature. That whole
4 community is exclusive residential. Further I went on and looked at the zoning map and
5 looked all the way down Highway 76 going down, all the way Johnson Road, there's
6 only one piece of property that is zoned OI and that's 360 Marina. So there is, to sum it
7 up there's nothing down there but residential in that area. I'm very concerned about, you
8 know, that we got stuck, people coming in already off these rental properties. We got a
9 very, very safe neighborhood and I fear that we got people coming in and looking at
10 properties down there that is now safe. Roads, the roads are less than 20' wide. I agree
11 that there's no parking will ever be allowed on that road. It's tough enough to get two
12 cars to pass. And I think the last thing that I'm very concerned about, if this is allowed to
13 continue is the property value. It took me a long time to get up to the lake and it took a
14 lotta money to get up to the lake, and I don't want the values to go down. With that,
15 thank you.

16 CHAIRMAN GILCHRIST: Mr. Peake, thank you sir. Wayne Duncan?

TESTIMONY OF WAYNE DUNCAN:

17 MR. DUNCAN: I'm Wayne Duncan, 9 Amenity Court, I'm about a half mile down
18 Johnson Marina Road from this facility. The thing that bothers me about this is it seems
19 to me that there was some clandestine thought patterns in the lady's mind. She went in
20 and renovated a piece of property, turned it into a three rental, three access location
21 without the prior knowledge of anybody. Let me give you a good example, Ben Arnold
22
23

1 over at Marina Bay, he wanted to rezone a piece of property on the corner of Marina
2 Road to have off property parking, overflow parking. He had the decency to go to the
3 Dutch Fork Civic Association and ask for a meeting, he called a meeting, we blew his
4 meeting up, told him we were not gonna have this. The reason being, that was a
5 toehold to rezone all the way down to the old mansion on the lake for commercial
6 property. He took it off the table. She decides to go in and renovate the property and
7 assume that she could come in and plead ignorance and ask for forgiveness. I don't see
8 that happening. Thank you.

9 CHAIRMAN GILCHRIST: Thank you, sir. Is it Ollie Holcomb? Is that right?
10 Debbie. Okay.

11 **TESTIMONY OF DEBBIE HOLCOMBE:**

12 MS. HOLCOMBE: Hi, my name is Debbie Holcombe and I live at 1800 Johnson
13 Marina Road, and my property is right next door to this property. It butts up to her line.
14 Ms. Shealy originally bought this house to the people that she bought it from because
15 she was saying she was gonna move there. But theoretically she had intentions of
16 making this a three level, separate entrance each level, property to rent. She told me
17 herself that was her plans to do three level renting. I never saw a building permit over
18 there when all the renovations took place. Then I understand that there was a cease
19 and assist [sic] done in August and after that was done, on August 27th and 28th and
20 29th, which was a weekend, there were two Champion Builder trucks there doing
21 renovations, outside and inside, and putting in glass doors and building, enclosing the
22 room downstairs for this entrance on the basement level. We all have rules and
23 regulations and I don't feel that this was done in a forthright manner. We're a

1 neighborhood, I've been over there since 1990, and I still work, I'm 61 years old and I
2 have to work to pay my payment. We have children up there, I have an autistic nephew
3 that's outside and if there's weddings, which she has said she wants to do weddings
4 and boat rentals and the golf cart, you know, I mean, it's right there. You know, I've
5 gotta worry about my autistic nephew that stays with me going over there and that being
6 in a dangerous situation cause they wander. So I just don't feel that Ms. Shealy has
7 been very forthright in this because everyone in the neighborhood knows what is going
8 on, and you can see what has happened and what has taken place. Thank you and I
9 ask you to disapprove this.

10 CHAIRMAN GILCHRIST: Thank you, Ms. Holcombe. Andrew Wyatt, is that right?
11 Surrett?

12 **TESTIMONY OF ANDREW SURRETT:**

13 MR. SURRETT: My name is Andrew Surrett, I'm an attorney, I represent Pete
14 Holcombe who lives at 1800 Johnson Marina Road which is adjacent to this property.
15 I've read the Staff Report and I think they have accurately summed up the situation. My
16 concern is not with what Ms. Shealy says her plans are, but what can be done in an OI
17 district and that is all of the problems that the people have already spoken about; traffic,
18 large weddings, large parties, basically transient rentals, turning the place basically into
19 a motel. This area is entirely residential and it should stay that way.

20 CHAIRMAN GILCHRIST: Thank you, Mr. Surrett. That's all we have signed up to
21 speak. Questions, comments?

22 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we send Case 16-031
23 MA forward to Council with a recommendation of disapproval.

1 MR. BROWN: Second.

2 CHAIRMAN GILCHRIST: It's been moved and properly seconded that we send
3 Case 16-031 MA forward to Council with a recommendation of disapproval. All in favor
4 signify by raising your hand? All opposed?

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

7 CHAIRMAN GILCHRIST: Again, we are a recommending Body to County
8 Council and they will meet back in these Chambers again on October the 25th. Thank
9 you.

10 AUDIENCE MEMBER: [Inaudible]

11 CHAIRMAN GILCHRIST: We've closed it out, ma'am.

12 AUDIENCE MEMBER: [Inaudible]

13 CHAIRMAN GILCHRIST: If, if you all could take this outside if you're gonna
14 discuss the case we'd appreciate that. Alright, is there anything else?

15 MS. HEGLER: Yeah, I just have like a couple of announcements if you'll give me
16 a second.

17 CHAIRMAN GILCHRIST: Alright.

18 MS. HEGLER: Under Other Business. We did not schedule at the beginning of
19 the year a November date because we knew there would be a lot of fluctuation in this
20 room due to the election. We do have, it is available November 14th, can I suggest that
21 and ask you to act on that if that's a good date? Because currently you do not have a
22 November meeting scheduled.

23 CHAIRMAN GILCHRIST: November the 14th, potential Planning Commission.

1 MS. HEGLER: That is Monday I'm sure, let me see.

2 MS. CAIRNS: I think I may be conflicted on that day, just FYI.

3 MS. HEGLER: That is a Monday so, of course, that's the second Monday.

4 MR. PALMER: I'm good.

5 CHAIRMAN GILCHRIST: How do we look on that date, everybody? Let's make it
6 work, the 14th.

7 MS. HEGLER: So same time, 1:00, same place, November 14th. Also wanted to
8 just make an announcement. As we talked about our wonderful Comprehensive Plan
9 today that we along with the City of Columbia did win an award with the South Carolina
10 APA, American Planning Association, under the category of multi-jurisdictional awards.
11 So this is pretty profound because if you recall we both worked on that plan at the same
12 time and we had a lot of joint meetings, if you will, and the land use plan itself they're
13 very complimentary and compatible, so that's pretty cool to have won such an award.
14 Our Chairman and the Mayor submitted a letter supporting that, you know, so just as we
15 start to, you know, chip away at this multi-jurisdictional thing these are things that help
16 make us feel better about it.

17 [Applaud]

18 CHAIRMAN GILCHRIST: That's excellent.

19 MS. HEGLER: And we also have submitted an award for the National APA which
20 would be, bring us some really great coverage. Third item, it is Community Planning
21 Month, Council has agreed to proclaim it as such as they do every year. I'm gonna ask
22 them to read that on the 18th of, or is that the 14th? What's their next meeting? Not
23 tomorrow night – it'll be the 18th, so if you would like to be present while they read that I

1 think that's nice. It gives them an opportunity to recognize you for your hard work, and
2 that's at 6:00pm in here. We also have planned a Spirit Week. We did this last year and
3 wanna just kinda bring planning to our citizens, help them understand what community
4 planning is, what we do, and I left a flyer in front of you. So that's the week of October
5 17th, a couple fun events you might wanna consider attending so we can kinda spread
6 the word to our citizens what planning is and what planning does. And the last item is
7 just to kind of give you just a quick intro, next month we will likely be presenting a text
8 amendment to you, just thought I'd give you a little heads up to start thinking about this.
9 We're having a lot of discussions lately about some options for tree replacements when
10 folks are redeveloping properties. We do have requirements for tree replacements on
11 that site, currently as the only option, sometimes it's becoming unfeasible to do so. So
12 we have been, Staff, working on some options, potentially mitigation, banking if you will
13 of trees, maybe some fee in lieu of those replacements on sites. So just wanted to give
14 you a heads up that we're working on something like that, give you some time to kinda
15 think about those options before we bring it to you potentially next month.

16 CHAIRMAN GILCHRIST: Great.

17 MS. HEGLER: That's all I have.

18 CHAIRMAN GILCHRIST: One thing I'll just mention, if you could certainly send
19 us an email reminding us about the 18th meeting – no, well that too, the 14th, but the 18th
20 for the meeting before Council. It'd be great for all of us to be able to at least, or as
21 many of us that can be here, to help support National Planning Week I think that'll be
22 good, or Planning Month. Just two things real quick to the Commission. First let me
23 thank you for, you and the Staff for your attendance at the retreat. I thought it was not

1 only a well-planned opportunity but I think we learned a lot about lots of different areas,
2 and I would hope that we could continue to move forward with some of those things that
3 we heard from that. Hopefully, I'm putting together Tracy so I'll get with you on this
4 maybe, kind of a synopsis of what we ended up coming up with hearing from that
5 particular retreat. But we heard great comments and I can't thank you enough for not
6 only allowing us to have it but, but Mr. Tuttle, thank you for allowing us to be at your
7 wonderful place.

8 MR. TUTTLE: Thank y'all for coming.

9 CHAIRMAN GILCHRIST: We enjoyed it, we'd love to be invited to come back at
10 some point. But we thank you for that. The second thing I wanna ask and just put on the
11 radar screen, it's always important for the public to have as much access to what we do,
12 and obviously we, we always watch Council meetings being aired on –

13 MS. HEGLER: Oh, you do. You're the four people.

14 CHAIRMAN GILCHRIST: Well, some of us do. But my question would be is if
15 there's an opportunity to explore that even with our Planning Commission meetings, and
16 I'll tell you why. We meet in the middle of the day, it's a lotta people who can't get to
17 these meetings in the middle of the day and so when you hear people say, well I really
18 don't know a lot about what goes on in these Planning Commission meetings, I think it
19 would be really interesting to explore whether or not we could potentially have our
20 Planning Commission meetings aired so that the public would have more access to that.
21 Now, you know, we can certainly talk about that more as a body but that is certainly
22 something I wanted to put on the radar screen for us to begin to think about. Yes, sir?

1 MR. BROWN: One of the things you might want to do is to have our meetings
2 listed in the newspaper.

3 CHAIRMAN GILCHRIST: Okay. They should already be, yeah.

4 MR. BROWN: When the City lists theirs – I have not seen it in *The State*
5 *Newspaper*.

6 MS. HEGLER: We list the, the rezonings are in the paper every month. The
7 rezonings themselves, the cases are listed in the paper.

8 MR. TUTTLE: If we're going to be on TV I'd like for Mr. Gilchrist to remember the
9 rule for the Chairman of wearing a tie. [Laughter] I would hate for you to have exposure
10 for not wearing the proper attire.

11 CHAIRMAN GILCHRIST: So moved, Mr. Tuttle, so moved [laughter]. But I
12 learned well from my last Chairman, you better believe it.

13 MS. HEGLER: I'll be happy to get a quote on that. I will tell you I know it's highly,
14 highly, highly expensive and I'll tell you why. What you don't realize that happens during
15 those meetings, there are multiple cameras in here and there is a gentleman that I think
16 we probably pay overtime to sit up in a room and he manually turns the camera on
17 whoever is speaking. And he sits up there for every single minute of that meeting. In
18 fact they do not air the committees or the zoning public hearings for that purpose cause
19 it's highly expensive. So I'll be happy to bring a quote back to you to let you see that,
20 but.

21 CHAIRMAN GILCHRIST: I would just be curious to explore it. Yeah, I mean.

22 MS. HEGLER: It's a very expensive proposition.

23 CHAIRMAN GILCHRIST: But I'd be curious to know. Yes, sir, Mr. Palmer?

1 MR. PALMER: Quick question. I didn't wanna ask it while everyone was here, but
2 to the point that this lady – if you have a residential property, not specific to this one
3 case maybe, but if I own a residential house and I wanna rent it out for a day – can you
4 do that? I mean, I, I see a backdoor way of her doing what she wants to do.

5 MS. CAIRNS: Well, cause what does the –

6 MS. HEGLER: And it's happening with Air B&Bs, I mean, it's definitely a growing
7 issue.

8 MS. CAIRNS: But I mean, if I live in my home, my right to rent – I can rent a
9 portion without any zoning change whatsoever.

10 MS. HEGLER: Right.

11 MS. CAIRNS: Full time, 365.

12 MR. DELAGE: The key is transient and it's defined in the Code, basically 30 days
13 or less. Like, once you hit that threshold of a month it, it won't trigger it to look at it as
14 such as potentially either being a rooming and boarding house or a bed and breakfast
15 or –

16 MS. CAIRNS: Right, but I mean, if I live there full time I can have an apartment in
17 my house.

18 MR. DELAGE: Um-hum.

19 MS. CAIRNS: Can I have two apartments in my house?

20 MR. DELAGE: No. Technically the Code pretty much says that with the
21 accessory dwelling there's a limit on the square footage. It's gonna depend upon the
22 size of the house, but generally it's 500' or I believe –

23 MS. CAIRNS: What if I live in the little thing and rent the big thing?

1 MR. DELAGE: You would just be living in the accessory dwelling unit and your
2 principal structure would be the rental.

3 MS. HEGLER: That's still only two.

4 MS. CAIRNS: That's still only two, so you could, but you could absolutely rent a
5 portion of your house and nobody can touch you.

6 MR. DELAGE: That's right.

7 MS. CAIRNS: Full term, long term.

8 MR. TUTTLE: But the one thing that would be important though is I think if you
9 did where you moved into the smaller house and rented the bigger house I think you'd
10 have a hard time claiming the bigger residence as your primary residence. And I think
11 that –

12 MS. CAIRNS: That's a whole nother, yeah the tax implications are a whole
13 nother thing.

14 MR. TUTTLE: Yeah, but that's very significant.

15 MS. CAIRNS: Sure, sure, but I'm just, but I mean, in terms of land use.

16 MR. PALMER: I guess to my point though, if I – so you cannot rent something, I
17 can't rent a portion of my house to a friend for a weekend.

18 MR. DELAGE: I mean, technically from what the Code says, even if you did it for
19 free it'd be frequency. I mean, if it was something that happened once, twice, you know,
20 that's kind of a, the Code doesn't necessarily say it it just specifically says, less than 30
21 days. I think the idea more though is, is use, whether or not goods are, you know,
22 money is changing hands, so.

1 MR. PALMER: So the houses that are at the beach that are obviously weekly
2 rentals, there's a zoning classification down there for that I guess.

3 MR. DELAGE: Yeah. That'd be my assumption.

4 MR. PALMER: Right, but – so this lady really if she wanted to have a wedding, I
5 mean, the wedding season is three months maybe, she could have a wedding a month
6 if she wanted to at her house.

7 MS. CAIRNS: But not for, not for money. She can't charge for a wedding cause
8 then it's a commercial operation.

9 MR. PALMER: But she's just renting the house. She's renting the house to
10 someone, say I'm gonna rent it to you for the whole month of June for \$4,000 and it's
11 your house. You can have a wedding at your house.

12 MS. CAIRNS: Yeah.

13 MS. HEGLER: Yeah.

14 MR. PALMER: So if she wanted to have – she could do it once, one time a
15 month and not get in trouble.

16 MR. GREENLEAF: I found the website. She's out there marketing.

17 MS. CAIRNS: Oh yeah, I pulled up the website. It was wild. She's on Google
18 Maps.

19 CHAIRMAN GILCHRIST: Yeah, she's marketing.

20 MS. HEGLER: But, you know, I think to your question, you know, when we do get
21 into updating the Code I think that's something to consider. Obviously a lotta places are
22 looking at how to handle the Air B&Bs and the VRBOs and, I mean, that is a, it is a
23 growing situation that, you know, municipalities are trying to deal with. And we haven't

1 even touched it, so I mean, that's something to consider when we are looking at the
2 Code where you would wanna allow that and how.

3 MR. PALMER: I could see someone wanting to and, and if I'm a neighbor I don't
4 necessarily have a problem with somebody renting a large house on Lake Murray for a
5 week for their family vacation.

6 MS. HEGLER: Right.

7 MR. PALMER: I don't have a problem with that. The same thing that happens
8 down at Surfside. You know, I mean, there's residents that live in Surfside and then
9 there's people that rent. I mean, Lake Murray is a huge attraction, it's a –

10 MS. CAIRNS: Yeah, but you start letting week to week rentals, you've totally
11 changed a neighborhood. Totally.

12 MR. TUTTLE: I don't know what the zonings are but there are houses that you
13 can rent week to week on Lake Murray now. They might be in Lexington County or
14 Gilbert or somewhere.

15 MS. CAIRNS: They might be in violation of any Code.

16 MR. TUTTLE: There could be violations but they're, you can Google them,
17 there's many of them out there.

18 MS. CAIRNS: [Inaudible] that allowed week to week rentals as a place to live,
19 awful. Awful. Cause the person who comes and rents for a week doesn't act that week
20 like they do at their own home.

21 CHAIRMAN GILCHRIST: Right.

22 MS. CAIRNS: So I mean, it, I mean, you know, could there be a part of Lake
23 Murray that allowed week to week rentals? I'm not opposed to that. But to slip it in to

1 existing neighborhoods, you've just totally changed that neighborhood. Whether you've
2 destroyed it or not, it might be your perception, your perspective. But you've completely
3 changed it. But it is interesting that, you know, so if I just decide I'm gonna go to the
4 beach for a week so I let someone rent my house for a week, it's the Clemson/Carolina
5 game, I'm gonna rent it out, I'm technically in violation but I'm not likely to get busted.

6 MS. HEGLER: You'd probably get away with it.

7 CHAIRMAN GILCHRIST: Right.

8 MR. PALMER: I mean, it's just like for the Master's in Augusta.

9 MS. HELGER: Right.

10 MR. PALMER: I mean, those people pay for their vacations by renting their
11 houses for a week.

12 MS. CAIRNS: And it is, I've got an aunt that does it in Ohio, she coordinates
13 weekend rentals for home football games for Ohio State.

14 MR. TUTTLE: Yeah.

15 CHAIRMAN GILCHRIST: Interesting.

16 MS. HEGLER: You know, what Tommy said is the frequency of it. I mean, if it
17 doesn't register on our radar for any reason then, it's not a nuisance.

18 MS. CAIRNS: Did she get nailed for that allegation that there was a Stop Work
19 Order and the contractor came?

20 MS. HEGLER: I wrote a note to check on that. That would probably be something
21 that was in the Building Department. Unless you know?

22 MR. DELAGE: I can't speak to Building Department violations or potential, I know
23 that we received a service request through the One Stop and that's kinda how we

1 became aware. And then we did, my understanding was they went out there and placed
2 basically a Notice of Violation at the property to get her to get into contact with us, and
3 then her and what has been presented to be her business partner came down and they
4 kinda discussed it and, and once we found out what they were doing this was one of the
5 potential avenues that they could pursue.

6 MS. CAIRNS: So it wasn't the Stop Work Order.

7 MR. DELAGE: There could've been one placed but I know that it was a Notice of
8 Violation basically that we leave, usually if no one's home we try to leave that rather,
9 you know, to get them to come in to discuss, you know, what's going on on the property.

10 MS. CAIRNS: If there was a Stop Work Order and, and, like if there was a Stop
11 Work Order, I'm not saying there was but if there was one, a contractor showed up and
12 a neighbor called the sheriff, would they do anything with that?

13 MR. DELAGE: I'm really not sure.

14 MR. TUTTLE: It's a, I can speak to that. It's a, it's a citation. If you're issued a
15 Stop Work Order related to storm water prevention, BMPs, whatever it might be,
16 construction defects or whatever, if you continue to work my understanding is they can't
17 arrest you but they can fine you daily for activity.

18 MS. CAIRNS: But will the sheriff react is my – or is it gonna be one of these
19 classic Code enforcement where you need the Monday through Friday guy?

20 MR. TUTTLE: No, I've seen it happen with storm water and construction. I can't
21 speak to, you know, a violation of –

22 MR. DELAGE: I'm not aware of that happening in the past and I honestly don't
23 know. I mean, I could look into it. But normally in cases where we get these they, of

1 course, refer – if the Sheriff’s Department ends up getting a request, you know, they
2 end up referring them back to us.

3 MS. CAIRNS: Yeah. But I mean, I just, you know, one of my fundamental beefs
4 with the Code is the lack of code enforcement, because so much of it falls on your
5 Monday through Friday, 9:00 to 5:00’s. And you know, so I mean, if I could wave my
6 magic wand I’d want more ability for us to actually do code enforcement. I mean, I used
7 to laugh at the guy at the end of the street I used to live at, every Friday afternoon he
8 dragged out all his illegal signs, and on Sunday night he dragged them all in. I mean, it
9 went on for over a year, it was one of the Mattress Firm places. I think that’s one of their
10 specialties is living off the edge of every sign ordinance. But I mean, you know, he left
11 the stakes out there that he hung his illegal sign from, but on Sunday night he pulled
12 them in and on Friday afternoon he took them out, cause he knew darn well – I mean,
13 finally the City sign enforcement guy quit taking my calls. But I’m like, you gotta –

14 [Inaudible – laughter]

15 MS. CAIRNS: Willie Wilson, I mean, he quit listening, he quit talking to me
16 because I, you know. So that’s why I asked that question. I’m not saying she did that or
17 whatever but I mean, I think we need to have code enforcement that’s enforced.

18 MR. PALMER: Let me bring this up, too, just – and I’ve mentioned it today in our
19 session but – and I’m, I think what we have in place works, I think it’s fine, but I would
20 like to at least address so that this issue of commercial next to residential because of
21 buffering, comes off the table as a reason not to rezone something because it’s next to
22 commercial. Commercial next to residential. And so maybe even if there’s a sliding
23 scale, this is our base 10’ and because of other certain circumstances we need to

1 increase that to 50 in this case. I don't know if that's legally possible. Or if we just need
2 to increase it. But I think we've gotta get that off the table because if not we just say,
3 we're not gonna rezone commercial stuff if it's adjacent to residential, the residential
4 overrides anything they wanna do. But we have stuff in place. And so I really think we
5 need to address that so that the people on the Planning Commission and maybe even
6 Council are comfortable moving forward with a rezoning of commercial that is next to
7 residential. Or we just take a stance and say, sorry if residential is there first we're not
8 gonna do it. But I really think it's something we need to take a look at.

9 MR. TUTTLE: Well, and I know you're aware of this but just for everybody's
10 edification, I mean, there's already a different standard dependent upon the intensity of
11 the use and the adjacent use from a landscaping perspective. Right?

12 MR. WILLIAMS: There is but there's not a whole lotta difference between the
13 landscape buffer types. But there is a difference. But that's definitely we can look at
14 [inaudible].

15 MR. TUTTLE: And then you can mitigate that through fencing and that relieves
16 you one level or however it works. I'm a little foggy on it, but.

17 MR. BROWN: I may be saying the same thing, but I think that you do need to
18 look at that buffer issue between commercial and residential. Because I think that's a
19 legitimate concern. When you have traffic, several of the neighborhoods have that issue
20 as it stands right now with the amount of traffic coming into a commercial establishment
21 that's really in a residential area. But just look at the buffer itself to see if that is really
22 what it should be.

1 MR. PALMER: I don't know if it's so much buffer as it is blocking what occurs.
2 Like for, at nighttime if somebody drives around the back of the building you don't want
3 their headlights going into somebody's house.

4 MR. BROWN: That's true, too.

5 MR. PALMER: You know?

6 MR. BROWN: But that's part of what I'm seeing as buffering.

7 MR. PALMER: Yeah. And so I mean, I don't really see, personally I don't see a
8 big difference between 10' and probably 50'. I mean, there's not a big difference, but,
9 but actually buffering that business. If you can do it in that 10' where it's either a wall or
10 something to that nature, and then have, make sure you have directional lighting in
11 place where there's no light overspill.

12 MR. BROWN: Yeah.

13 MR. PALMER: I think it will do a lot for the communities as well as us to be able
14 to say, guys look, I know there may be a Dollar General there, which I hate that by the
15 way.

16 MS. CAIRNS: It is funny that that's the evil.

17 CHAIRMAN GILCHRIST: That's the default.

18 MS. CAIRNS: It's gonna be a Dollar General. But they do go everywhere. But I
19 thought that was an interesting comment that that's the evil.

20 MR. PALMER: Yeah. It is.

21 MS. CAIRNS: It's the Dollar General.

22 MR. PALMER: Dollar General. And so, you know, yeah it may go there, don't get
23 me wrong, but if it does go there you're not gonna be able to see it, or it's gonna be very

1 minimal compared to what you've got now sitting there. Or we're gonna end up with
2 circumstances like what happened on, you know, Clemson Road where the developer
3 didn't get his Walmart cause the neighbors said they like walking their dogs through the
4 trees and he went in there and set a bomb off and said, fine you like the trees?

5 MS. FRIERSON: My sister thought that's what they did, I said, no.

6 MR. PALMER: Yeah.

7 MS. CAIRNS: They just cut the trees down?

8 MS. FRIERSON: Cut the trees down.

9 MR. PALMER: I mean, you can timber something nicely.

10 MR. TUTTLE: So Mr. Palmer, just for the Record, timbered that property, they did
11 not bomb the property. [Laughter] I just wanted to –

12 MR. PALMER: He timbered that property, he did. So now, so now for two years
13 it's gotta sit there or else he's gotta have major penalties for developing it.

14 CHAIRMAN GILCHRIST: Absolutely.

15 MR. PALMER: But when it comes back in again those neighbors aren't gonna
16 have the same thought process about that piece of property.

17 CHAIRMAN GILCHRIST: No.

18 MR. PALMER: It's not a nice wooded piece of property anymore.

19 MS. HEGLER: Can we, maybe Staff next month bring back a presentation and
20 explain our landscaping ordinance to you?

21 CHAIRMAN GILCHRIST: That'd be great.

22 MS. HEGLER: Give you some – and remember we are getting ready to redo the
23 whole Code so, you know, I'm gonna look to y'all –

1 CHAIRMAN GILCHRIST: When is that?

2 MS. HEGLER: - to prioritize. And I'm not saying this isn't important, I believe it
3 really is, so is this something you wanna take on out of cycle? And if so then I wanna
4 start by telling you what we have and then having a lotta discourse, instead of us just
5 kind of proposing something and it not being right.

6 CHAIRMAN GILCHRIST: I would agree with that.

7 MS. CAIRNS: I will agree with Mr. Palmer that if we could get true buffering, and I
8 think the lights, and again to me that comes into code enforcement cause that is the
9 obnoxious thing. The headlights and those parking lights. You know, and we –

10 MR. TUTTLE: The street lights are already covered by the Code. You can't –

11 MR. PALMER: See, nobody knows that.

12 MR. TUTTLE: You can't have light going to other properties.

13 MS. CAIRNS: Oh, it does though?

14 MR. PALMER: Yeah, it does.

15 MS. CAIRNS: It totally does.

16 [Inaudible discussion]

17 MR. PALMER: Well then they're not doing it correctly, I mean, if you take a look
18 at the new car dealerships that're up, used to be they were, you could seem them from
19 a mile away. You can't, those are all direct – go down Killian Road now, those are all
20 directional, down to the parking lot and they cut off on a line. And so.

21 CHAIRMAN GILCHRIST: That's true.

22 MR. BROWN: But I think Mr. Palmer makes a good point, particularly with
23 vehicular traffic and so forth. And I don't know if you can do this or not, but if you can

1 put it in there so that a wall or some barrier that, that separates that commercial
2 property from that residential property and minimizes the amount of, the impact of that
3 traffic on that, on the residential would be great. And I think what he is saying helps with
4 that.

5 MR. PALMER: Well, we've gotta differentiate – before we only did it based on the
6 zoning on the property. I think there needs to be a structure on that property that is a
7 residential structure, because we classify rural as residential. And so the next guy down
8 the street he may be wanting to do the same thing, but if we've got to put these fences
9 up –

10 MS. HEGLER: We're looking at use.

11 MR. PALMER: Use.

12 MS. HEGLER: Yeah.

13 MR. PALMER: So if, so there's gotta be a –

14 MS. CAIRNS: So if it's vacant then the commercial person doesn't have to put up
15 a fence?

16 MR. WILLIAMS: If it's vacant we look at the most highest use [inaudible].

17 MS. CAIRNS: But no you've gotta – cause otherwise, if you're saying that – so
18 I'm gonna put in a commercial use but by chance that land next door is vacant right
19 now. Zoned for residential but it's vacant, I don't have to put up my buffering fence? But
20 that means that when somebody comes in to build a house they're gonna have to put
21 up a buffering fence?

22 MR. PALMER: Well if it's zoned commercial you don't have to.

1 MS. CAIRNS: No but, so you're talking, you're gonna take Fairfield Road and
2 you're gonna put in a commercial use, currently behind that use is property zoned rural
3 and undeveloped, it's just trees.

4 MR. PALMER: Right.

5 MS. CAIRNS: So you're saying this commercial builder doesn't have to buffer
6 cause there's no actual use back there that needs buffering.

7 MS. HEGLER: No. We're not saying that.

8 MR. PALMER: We'd have to buffer now, but what I'm saying is we need to take a
9 look at that. Because –

10 MS. CAIRNS: Well I think he has to cause otherwise you'd kill the likelihood of
11 the thing behind gets –

12 MR. PALMER: Well, then we need to take a look at if it's on a major road,
13 because the last thing we wanna have are these massive structures between
14 commercial businesses.

15 MS. CAIRNS: Well but between, you don't need those between. It's between the
16 commercial and the, and the –

17 MR. PALMER: Yeah, but let's say you go on Fairfield Road and the site next
18 door is zoned rural.

19 MS. CAIRNS: Oh, still fronting on the road. I gotcha. I gotcha. Well that's why –
20 you know, and the other thing, you know, when you said that it's too much of a burden
21 on a developer to have to come in and show that this needs to go to commercial
22 because there's no other, I understand what you're saying on that private individual but
23 to me that's sort of the basis of planning is that we, we should be planning based on

1 what our community needs. And so, you know, I mean, so I don't think it's all that much
2 for, if I'm coming and saying, you know, listen this rurally zoned area, undeveloped area
3 needs to go to commercial use, the fact that I have to show that there's some need for
4 that I don't think is asking all that much.

5 MR. PALMER: But you can't determine what those people – I mean, like for
6 example, you take a look at the vacant grocery stores at Clemson and Hardscrabble.
7 The community looks at that and says, well you know what, there's availability, Walmart
8 could go in one of these.

9 MS. CAIRNS: Right.

10 MR. PALMER: But they can't. Because of the current contracts that are in place.

11 MS. CAIRNS: Well, and that's where we have to have laws that don't allow that.

12 MR. PALMER: But we don't do that. I mean, there's no way we're getting into
13 that.

14 MS. CAIRNS: No, but that's where, but I mean, that's – cause it's ridiculous that
15 we're gonna build more commercial and let this sit empty, how do we as a community
16 support that?! That's nuts!

17 MR. PALMER: But you can't because this guy, let's say that somebody has the
18 piece of property and let's say in this Crane Creek area one guy's got a large tract and
19 he's like, well you know what guys, I got the commercial, ain't nobody else gonna get it,
20 mine just now went up 200%, if you wanna do commercial you gotta come see me. Or
21 the guy that lives out in California who's never seen the property cause he's inherited it,
22 he doesn't care what happens to it and yeah it's an availability on our schedule but
23 nobody's able to develop it. You can't do anything on it. So there's pinned up demand

1 and these people out there in the market want it but they can't do anything because you
2 can't control what somebody else does on their property; whether they wanna sell it,
3 whether they wanna do anything with it or not.

4 MS. CAIRNS: I know.

5 CHAIRMAN GILCHRIST: Yeah, it's a huge issue and some kind of – well, Ms.
6 Frierson yes, go ahead.

7 MS. FRIERSON: When you make your presentation next month I'm gonna be
8 very interested in that part that you talked about with reference to tree mitigation and
9 people that might be able to pay in case they cut down the trees. Anyway, the other
10 thing is the training that we usually have every month, I haven't received any emails
11 recently about it, and I love that training. Is that still in the works?

12 MS. HEGLER: That's just something I have dropped, I will – that is something I
13 think that I have dropped so I will – Suzie usually does that for us so I will check back up
14 on those and get those out to you.

15 MS. FRIERSON: Thank you.

16 MR. PALMER: Motion to adjourn.

17 MR. BROWN: Second.

18 CHAIRMAN GILCHRIST: Alright. Let's do it. Thank y'all.

19

20

[Meeting adjourned at 2:25pm]