

**RICHLAND COUNTY PLANNING COMMISSION**  
**February 4, 2019**

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*[Members Present: Karen Yip, Prentiss McLaurin, Stephen Gilchrist, Mettauer Carlisle, David Tuttle, Wallace Brown, Sr., Beverly Frierson; Absent: Heather Cairns]*

Called to order: 3:01 pm

CHAIRMAN GILCHRIST: I'd like to call the February 4<sup>th</sup> Planning Commission meeting to order. Please allow me to read into the Record, In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio, TV stations, newspapers and persons requesting notification, and posted on the bulletin board located in the County administration office. So we thank all of you for being here with us today. The first thing on our Agenda is the Election of Officers, and let me, before we do that let me just say Happy New Year to everybody. It's been, seems like it's been a while since we've been together, but Happy New Year to everyone and we look forward to another very successful year here on the Planning Commission. So at this time I will accept any motions regarding officers for the Planning Commission.

MR. BROWN: Mr. Chairman, I move that the current officers be re-elected for another year.

MR. TUTTLE: Second.

CHAIRMAN GILCHRIST: All in favor that the current officers will be reinstated for another year, please signify by raising your hand.

MR. PRICE: Those in favor: Yip, McLaurin, Gilchrist, Carlisle, Tuttle, Brown.

*[Approved: Yip, McLaurin, Gilchrist, Carlisle, Tuttle, Brown; Absent for vote: Frierson; Absent: Cairns]*

1 CHAIRMAN GILCHRIST: There are no opposed, so again Planning Commission  
2 Members, thank you all for allowing me to serve one more year as your Chairman and  
3 we certainly look forward to working with you and seeking your guidance and help as  
4 you've done in previous years as we move forward with the Planning Commission. So  
5 thank you. Consent Agenda.

6 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we remove all of the  
7 items under C, under Map Amendments from the Consent Agenda, and otherwise make  
8 a motion to approve the Consent Agenda.

9 CHAIRMAN GILCHRIST: Is there a second?

10 MR. BROWN: Second.

11 CHAIRMAN GILCHRIST: Okay, all in favor signify by raising your hand.

12 MR. PRICE: Those in favor: Yip, McLaurin, Gilchrist, Carlisle, Tuttle, Brown.

13 *[Approved: Yip, McLaurin, Gilchrist, Carlisle, Tuttle, Brown; Absent for vote: Frierson;*  
14 *Absent: Cairns]*

15 CHAIRMAN GILCHRIST: And for the – okay. That'll work. We're down to our first  
16 case.

17 MR. TUTTLE: Did you get in the Record [2:25]?

18 CHAIRMAN GILCHRIST: Statement? Yes. I did it kinda quick today, Mr. Tuttle.  
19 We did it kinda fast.

20 MR. TUTTLE: Forgive me.

21 CHAIRMAN GILCHRIST: No, you're fine. It's been a while since we've met.

22 **CASE NO. 18-048 MA:**

1 MR. PRICE: Okay, first item is Case 18-048 Map Amendment. The Applicant is  
2 James Kassler, the location is 3970 Leesburg Road. The Applicant is proposing to  
3 rezone a 1 acre tract from Rural to Neighborhood Commercial. Staff's recommendation  
4 was for disapproval, and this was based on that we felt that the proposed zoning was  
5 not consistent with the objectives outlined in the Comprehensive Plan as the Plan  
6 recommends commercial development within a neighborhood activity center and within  
7 contextually appropriate distances from the intersection of a primary arterial. The  
8 subject property is not at a traffic junction or within a contextually appropriate distance  
9 of an intersection. There was also a concern by Staff that this may encourage strip  
10 commercial development or leapfrogging of rezoning and development within this  
11 particular area. So again, these are the reasons Staff recommended disapproval.

12 CHAIRMAN GILCHRIST: Okay, any questions for the Staff? We do have the  
13 Applicant, James Kassler? Please give us your name and your address for the Record.  
14 Come to the podium. We got a podium on both sides now, I don't remember seeing that  
15 last year. Alright.

16 **TESTIMONY OF JAMES KASSLER:**

17 MR. KASSLER: Hi, how you doing? Thank you for having me. My name is James  
18 Kassler, I'm the owner of the property in question, 3970 Leesburg Road. And I, right  
19 now it's being utilized for storage, I own Party On Rentals here in Columbia, and I was  
20 going to use it for amusement purposes. There is a gas station right on the other side,  
21 not adjacent to it, it's called AM PM, and that is, on the map there it is right next to the  
22 Belair trailer complex, which is right to my building. So you see two down, talking about  
23 leapfrog, you just jump on over you'll see the AM PM gas station there. However, I have

1 a realtor here with me and we've had this advertised for sale for a little while. And, well  
2 a couple months. And we've had a lot of people interested in this property. I've tried to  
3 sell it as a residential; it's got an old 1980's trailer on it, it's not worth anything. Taxes,  
4 it's assessed really low. And so we're looking at trying to build the business up, either  
5 my business or the personnel that are looking at this property for an auto repair shop, a  
6 couple other different entities, but nothing with high visibility traffic. I have a turnabout at  
7 my property as you can see there if you zoom in where traffic can come in, go through a  
8 private secure fence, 6' fence, and come out the other side. And so if you need, you  
9 know, if you're concerned about the traffic, if it's gonna be utilized, you know, small  
10 entities, I do not see that being a problem. I do see the benefit financially for me and for  
11 the City or for the County to be able to utilize it as commercial in this area on those  
12 grounds.

13 CHAIRMAN GILCHRIST: Okay, are there any other questions for Mr. Kassler?  
14 Any questions for the Staff at this moment?

15 MS. YIP: I have a question. When was the gas station, I guess the one that's  
16 already zoned NC that's two properties over, when, do we have a record as to when  
17 they got that zoning?

18 MR. PRICE: Yes, in your package on page 1 under the Zoning History for the  
19 General Area, it was 16-28 was the case for this particular rezoning so it was in 2016.

20 MS. YIP: Oh, it was in 2016, sorry I missed that. So that was an exception that  
21 was made for that particular piece of property, obviously that was agreed upon. Okay. I  
22 was just curious just because the other one, I mean, really that was three years ago so  
23 that was fairly recent.

1 MR. PRICE: Yeah, I think one of the hardest things I think that – whether it be the  
2 Planning Commission or Council looks at when you talk about certain rezonings in  
3 certain areas is when there's an established use already on the property. They're asking  
4 for the rezoning. You know, clearly if it's the area is just wooded along the entire, you  
5 know, corridor it's a little easier to kinda stick with the Comprehensive Plan, but I do  
6 think that you run into the issues sometimes when there's an existing commercial use  
7 on the property.

8 [Frierson in at 3:08pm]

9 MR. KASSLER: Well if I may –

10 CHAIRMAN GILCHRIST: Excuse me one second, Mr. Kassler.

11 MS. YIP: Oh no, I mean, and that's why, I mean, to your point Geo so like if  
12 there's an existing use then it's easier to go against the Comprehensive Plan, is that  
13 what you're saying?

14 MR. PRICE: No. No, I wasn't saying that. I was just saying is that I know a lotta  
15 times when you're looking at it, and also Council, that that does kinda come into play,  
16 that there's an existing use and I think it does make it a little different during your  
17 determination.

18 MS. YIP: I see.

19 MR. TUTTLE: Mr. Chairman, I've seen that as a rationale many times in my  
20 service here where it was a grandfathered existing non-conforming use and that  
21 certainly weighed as part of the decision to go against the Comprehensive Plan.

22 MS. YIP: Of course. Of course.

23 CHAIRMAN GILCHRIST: Any other questions for the Applicant?

1 MS. YIP: I'm sorry, could you tell me, so what again is on the property presently,  
2 just the mobile home?

3 MR. KASSLER: Well, I did have equipment that I was storing for the party  
4 equipment and the event rentals for Party On Rentals. Right now it's a vacant mobile  
5 home, I was having a person live there for security reasons for the equipment that I  
6 have there. But I do have a leased facility closer to the City where a majority of my stuff  
7 is at. Now if I was able to rezone that I wanted to add another entity, another business  
8 on there and that would be the amusement side of it, which would be perfectly  
9 acceptable under the NC Code. And I would call it mobile, Party On Mobile Attractions.  
10 So there would be another reason to utilize that. Right now I really can't utilize it, it's  
11 residential, I can only use it as a storage warehouse. I can't advertise, can't put a sign  
12 on there, can't publicize it on Google or whatever as an actual business location. So it  
13 would add to my business venture as well. As he was stating, that using that as a  
14 commercial that's already in place.

15 MS. YIP: That's all the questions that I have, thank you.

16 CHAIRMAN GILCHRIST: Thank you, Ms. Yip. Any other questions for the  
17 Applicant? Thank you, sir.

18 MR. KASSLER: Thank you.

19 CHAIRMAN GILCHRIST: Jake Neidifer?

20 **TESTIMONY OF JAKE NEIDIFER:**

21 MR. NEIDIFER: Thanks for having me. I just kinda wanna clarify, the last name  
22 is Neidifer, it gets misspelled, it's quite common.

23 CHAIRMAN GILCHRIST: Oh. Okay, alright. Thank you for correcting that.

1 MR. NEIDIFER: Not a problem. Like James mentioned, I'm a real estate broker,  
2 commercial real estate broker with Trinity Partners in Columbia. It's a new firm. James  
3 has been my client for a few months. We came across this property just with me having  
4 just a few amount of commercial listings at this moment, by far my most popular. I get  
5 calls on it every day. People wanted to use it for auto repair, custom race cars, little bit  
6 of, I had a towing company interested in it, and everybody just seemed kind of, I know it  
7 doesn't mean a whole lot, but how it would be able to switch from residential to  
8 commercial if that would be an issue. And basically I just wanted to show my face and  
9 show that it is a, it is definitely a prominent issue that I'm running into trying to get rid of  
10 it as a residential property for a commercial use. I'm not advertising it as commercial  
11 but, you know, I would like to at least show my face and mention that it would  
12 appreciate the attention.

13 CHAIRMAN GILCHRIST: Thank you, sir.

14 MR. NEIDIFER: Thank you.

15 CHAIRMAN GILCHRIST: Okay guys, that's all we have signed up to speak. Are  
16 there any motions on this particular case? Additional comments for the Staff? Motions.  
17 This is again one of those interesting cases where we can see some historical evidence  
18 of something similar, but unfortunately due to the current Plan it doesn't allow us to  
19 make that a blanket recommendation from the Staff. So are there any motions to  
20 consider the current designation Staff has recommended?

21 MR. TUTTLE: Mr. Chairman, I'll make a recommendation that we send Case 18-  
22 048 MA forward to Council with a recommendation for disapproval.

23 CHAIRMAN GILCHRIST: Is there a second?

1 MS. YIP: I'll second that.

2 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that we  
3 send Case No. 18-048 MA forward to Council with a recommendation of disapproval. All  
4 in favor signify by raising your hand?

5 MR. PRICE: Those in favor: Yip, Gilchrist, Carlisle, Tuttle, Brown.

6 CHAIRMAN GILCHRIST: All opposed?

7 MR. PRICE: Those opposed: McLaurin.

8 MS. FRIERSON: And I abstained.

9 *[Approved to deny: Yip, Gilchrist, Carlisle, Tuttle, Brown; Opposed: McLaurin;*  
10 *Abstained: Frierson; Absent: Cairns]*

11 CHAIRMAN GILCHRIST: Okay. Sir, we are a recommending Body to County  
12 Council. They will meet back in these Chambers on February the 26<sup>th</sup>, and so you're  
13 welcome to come back at that time. Okay? Thank you guys so much for being here.  
14 Okay. Next case.

15 **CASE NO. 18-49 MA:**

16 MR. PRICE: The next item is Case 18-049 MA. The location is 4026  
17 Hardscrabble Road. The Applicant is requesting to rezone about 4.6 acres from Rural to  
18 General Commercial. Staff recommends disapproval of this particular request as we feel  
19 that it's inconsistent with the Comprehensive Plan's recommendations of locating non-  
20 residential development along main road corridors, as Hardscrabble Road is classified  
21 as a two-lane undivided minor arterial. It also does not meet the objective of being  
22 within a contextually appropriate distance for the intersection of a primary arterial, and is  
23 not consistent with, the request is not consistent with the type of commercial, which is

1 neighborhood scale which the Comprehensive Plan promotes also. The approval of the  
2 rezoning request would be out of character with the surrounding development pattern  
3 and zoning districts of the area. And it's also, the Plan also recommends a more  
4 suitable transitional zoning in this particular area rather than the General Commercial  
5 that's requested. This is one, you know, again Hardscrabble Road, we've had  
6 discussions on this a few times. One of the questions that did come up previously, I  
7 believe it was with the improvements that are taking place along Hardscrabble Road,  
8 does that really change up how it's being categorized, and it would not promote it to  
9 another level. That was from a discussion I had with a DOT representative regarding  
10 this. Again, this is, you know, we're looking at an area that's kind of in transition and it's  
11 just a matter of how we wanna envision Hardscrabble Road in the future.

12 CHAIRMAN GILCHRIST: Any questions for the Staff? The Applicant, Ki Kwon?  
13 Please. Please give us your name and your address for the Record.

14 **TESTIMONY OF KI KWON:**

15 MS. KWON: Thank you for having me. My name is Ki Kwon and my address is  
16 4026 Hardscrabble Road. And I been live there ever since 1985 for past 20 year, and  
17 traffic backing up. So my husband got sick so we move to another location. So I been  
18 renting out since 1999. And has been, it just gotta, location is getting too much heavy  
19 traffic. I been renting and several people been rent it out it's been so much problem. So  
20 I decide oh maybe, my husband passed away in '99, so I try to do, compromise that  
21 property to using for tax office. Also I'm a South Carolina licensed realty, realtor and  
22 hopefully I can get the license, I can move in back to General Commercial to open up  
23 the tax office, for the real estate office right now planning to do. I been already paying

1 for already 6% and hopefully would like to do, to do commercial, the General  
2 Commercial.

3 CHAIRMAN GILCHRIST: Are there any questions for the Applicant? Thank you  
4 very much. Motions on this one?

5 MR. BROWN: Mr. Chairman, I have a question for Staff.

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

7 MR. BROWN: How close is this property to Clemson Road as opposed to Farrow  
8 Road?

9 MR. PRICE: I'm sorry.

10 MR. BROWN: How close is this property to Clemson Road as opposed to Farrow  
11 Road?

12 MR. PRICE: Oh, I'm sorry. Do these things show up on your – okay, so Mr.  
13 DeLage is actually a measurement right now to show you. If you take a look it's about  
14 4,200', probably about  $\frac{3}{4}$  of a mile if my math is anywhere near that.

15 MR. BROWN: From Clemson or from Farrow?

16 MR. PRICE: From Clemson.

17 MR. BROWN: From Clemson Road.

18 MR. PRICE: Yes, sir.

19 MR. BROWN: So it's, if I remember correctly, there are some, several churches  
20 just before this property if you're coming from Clemson Road.

21 MR. PRICE: That is correct.

22 MR. BROWN: And then across from this property, again if I'm remembering  
23 correctly, it's – I'm trying to –

1 MR. PRICE: This particular area, you're correct in identifying that there are  
2 churches in this area, there are a number of churches in this area, but there's also a  
3 good bit of residential also. Hardscrabble Road has a number of access points that lead  
4 to subdivisions but there are a number of parcels that were residentially developed that  
5 are, some that are still there along Hardscrabble Road. And particularly in this particular  
6 area of the request.

7 MR. BROWN: There are real estate or financial services?

8 MR. PRICE: So far on Hardscrabble Road most of the commercial, most of the  
9 non-residential uses either are near Clemson Road, I think – there's a carwash in that  
10 area – so if you're looking, actually if you would go down to Mann Road – Tommy, can  
11 you put it right there – right there. So I would say from that particular parcel that Tommy  
12 has the hand on and going up toward Clemson Road, some of those have been recently  
13 rezoned to Neighborhood Commercial, or some non-residential zoning. But from that  
14 point going, I guess this is kind of southwest or westward, that those are, those have all  
15 maintained a residential zoning. And so there're no commercial uses there until you get  
16 near Farrow Road.

17 MR. BROWN: When we look at this particular piece of property in relationship to  
18 all of that what is the possibility that that corridor, that stretch of Hardscrabble will be  
19 commercial?

20 MR. PRICE: I mean, I think in looking at this you, again this discussion came up  
21 previously and there is just an assumption that once the roads become four lanes or five  
22 lanes that it automatically becomes commercial. But I believe Planning Commission  
23 Member Heather Cairns pointed out an area such as Trenholm Road where you still

1 have a lot of residential, even though it is, you know, potentially a five lane road. So  
2 really one of the things that has been pushed to the Planning Commission and also  
3 discussed with some of the Members of Council, particularly those Members who  
4 represent these areas, it's to really let's sit back and look at this area so we'll have kind  
5 of an idea of how this, it should grow. This is no way trying to, with the actual request  
6 here, trying to put this off, but I think this would be a good time to actually look at this  
7 area, cause you can see from all of the green, a lotta property's zoned Rural, and to  
8 have an idea what it is that the County wants in this particular area as opposed to an  
9 applicant continuing to come in and kind of nickel and dime the zoning, you know, due  
10 to their individual requests.

11 CHAIRMAN GILCHRIST: Well is that the role of the Planning Commission to be  
12 looking at that?

13 MR. PRICE: I think it is. I mean, I think over the years, I mean, unfortunately I  
14 think sometimes I think that the Planning Commission has been kinda pushed into just  
15 hear a couple of rezoning requests as they come in, and also maybe some text  
16 amendments. But I think as a Planning Commission that you do have the authority and I  
17 think you almost have the duty to look at certain areas and make recommendations to  
18 Council on how growth should occur.

19 CHAIRMAN GILCHRIST: Glad to hear you say that. I totally agree.

20 MS. YIP: That's good news. The Chairman agrees with you.

21 CHAIRMAN GILCHRIST: Anything else, Mr. Brown?

22 MR. BROWN: No, I'll wait. Go right ahead.

23 CHAIRMAN GILCHRIST: Okay. Ms. Yip.

1 MS. YIP: I just, you know, at least from my personal perspective I'm inclined to  
2 agree with Chairman and Mr. Price's assessment, just because this is an area of town  
3 that I grew up in, in northeast specifically, and it's great that change is rapidly  
4 happening, it's great that Hardscrabble Road is being widened, but I just think that the  
5 longer that I have spent time on this Commission, which is, you know, I'm still the junior  
6 member here, but just knowing that General Commercial has such a wide range of uses  
7 that it can be used for, you know, I think that's the challenge is, you know, you can't  
8 really down zone it as we are up zoning it now is the question at hand. And so I'm just  
9 personally hesitant to grant such a wide ranging General Commercial zoning at this  
10 time, given the fact that there are still such a large swath of, you know, residential  
11 housing surrounding it in the zoning that it's currently in at this time. So that's my  
12 personal opinion.

13 CHAIRMAN GILCHRIST: Thank you, Ms. Yip. Any additional questions for the  
14 Staff? Are there any motions?

15 MS. FRIERSON: Mr. Chairman, I move that we advance this particular item to  
16 County Council with a recommendation of disapproval for the reasons as stated in  
17 [inaudible].

18 CHAIRMAN GILCHRIST: Okay, it's been moved. Is there a second?

19 MR. MCLAURIN: Second.

20 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that we  
21 send Case No. 18-049 MA forward to Council with a recommendation of disapproval. All  
22 in favor signify by raising your hand.

23 MR. PRICE: Those in favor: Frierson, Yip, McLaurin, Gilchrist, Carlisle, Tuttle.

1 CHAIRMAN GILCHRIST: Opposed?

2 MR. PRICE: Opposed: Brown.

3 *[Approved to deny: Frierson, Yip, McLaurin, Gilchrist, Carlisle, Tuttle; Opposed: Brown;*  
4 *Absent: Cairns]*

5 CHAIRMAN GILCHRIST: Okay. Again ma'am, we are a recommending Body to  
6 County Council and they will meet back in these Chambers on February the 26<sup>th</sup> and  
7 you're welcome to come back at that time. Okay? Thank you so much. Alrighty, next  
8 case.

9 **CASE NO. 18-050 MA:**

10 MR. PRICE: The next item is Case 18-050 MA. The Applicant is Margaret  
11 Chichester, the location is on Congaree Road. The Applicant is requesting to rezone  
12 about 2.2 acres from Rural to General Commercial. Staff's recommendation was for  
13 disapproval. Staff is of the opinion the request is not in compliance or consistent with  
14 the objectives for commercial development within the rural activity center designation.  
15 The intensity of the uses permitted under the requested GC district would be out of  
16 character with the existing uses in the surrounding area. Again, for these reasons Staff  
17 recommended disapproval.

18 CHAIRMAN GILCHRIST: Okay. Any questions for the Staff? We do have the  
19 Applicant, Margaret Chichester. Please come up to the podium and give us your name  
20 and address for the Record.

21 **TESTIMONY OF MARGARET CHICHESTER:**

22 MS. CHICHESTER: Margaret Chichester, 2847 Congaree Road, Gadsden,  
23 South Carolina 29052. This is my third time around trying to get this approved for

1 commercial use. There is other commercial businesses in the area. There's a Dollar  
2 General and then we've got several little stores in the area. However, I know we're  
3 going towards trying to get a car lot, a garage in that, you know, on this property and  
4 we've had, that garage has been used years ago and it benefited all the people in the  
5 neighborhood. And I've had several in the neighborhood approach me asking, you  
6 know, are we ever gonna get this garage up and running, that it's, you know, more  
7 convenient to the people in the neighborhood to have their cars taken there and have  
8 worked on, and also purchase cars. And I just feel like that, you know, with that type of  
9 business, you know, that it would help the community, and along with the others, like I  
10 said, the other little stores I feel like that, you know, commercial is needed in that area.

11 CHAIRMAN GILCHRIST: Questions for the Applicant? Thank you, Ms.  
12 Chichester.

13 MS. CHICHESTER: Okay. Could I add one more thing?

14 CHAIRMAN GILCHRIST: Sure, go right ahead.

15 MS. CHICHESTER: The gentleman, he had to step out, but that would like to run  
16 this little, you know, operation, he works with men in the neighborhood to, you know,  
17 train and help them learn work habits as far as to go out into the community and work.  
18 That was one of his other side points and we didn't know how to get it, you know, put it  
19 in the paperwork. But that's one of his goals as well is to train and support the  
20 neighborhood in that angle as well.

21 CHAIRMAN GILCHRIST: Thank you very much. Are there any questions for the  
22 Staff? Recommendations, motions? Do we have someone else signed up to speak?  
23 Hannah Gillette?

1 **TESTIMONY OF HANNAH GILLETTE:**

2 MS. GILLETTE: Good evening. My name is Hannah Gillette. I reside at the end  
3 of Gadsden, where Gadsden meet Hopkins. I hold a lot of, I guess, I don't know the  
4 term but I have five kids that go to Gadsden, which will be maybe one block off of the  
5 property now that's trying to be sold for development, for commercial development. You  
6 know, as I listen to the owner she failed to mention that there's also a church directly  
7 across the street from this property. I as a parent would not like to see any more  
8 development in this area. I'm not from the area, I moved from Louisiana in the heart of  
9 the City of the New of New Orleans. I moved purposely to Gadsden, Hopkins area to  
10 raise my family. I don't want the city coming down there. I don't want much traffic. You  
11 know, I pay for the cost of living there as far as convenience because the nearest major  
12 store is maybe 15, 20 miles away. That's an inconvenience for me and my family but I'm  
13 willing to do that for the peace and serenity that we have, that I'm able to raise my  
14 family in. I don't want that to be the next city, the next Columbia or the next, you know,  
15 busy body spot. We're, yes we do have a Dollar General and it just got there. As far as  
16 the little stores, there're Mom and Pop stores that have been there. There's a eating  
17 spot, JD's, that's been there, I've only been there nine years, he's been there longer  
18 than me. He's an older guy. There's another guy, Gadsden Community Store, they just  
19 got there, they're a big help to the community. And down the street there's another  
20 store, but these are stores that have been there for years on top of years on top of  
21 years, so these are community built and we wanna keep it like that. Bad enough Dollar  
22 General's there but it helps. It doesn't help much because I don't see many of our  
23 residents in the area employed by that Dollar General. So, you know.

1 CHAIRMAN GILCHRIST: Thank you so much, Ms. Gillette.

2 MS. GILLETTE: Okay. Thank you.

3 CHAIRMAN GILCHRIST: Okay. Any motions? From the Commission?

4 MS. YIP: I'd like to make a recommendation to County Council to send Case 18-  
5 050 MA to follow the Staff's recommendation of disapproval.

6 CHAIRMAN GILCHRIST: Is there a second?

7 MS. FRIERSON: Second.

8 CHAIRMAN GILCHRIST: It's been moved and properly seconded that we send  
9 Case No. 18-050 MA forward to Council with a recommendation of disapproval. All in  
10 favor signify by raising your hand. All opposed?

11 *[Approved to deny: Frierson, Yip, McLaurin, Gilchrist, Carlisle, Tuttle, Brown; Absent:*  
12 *Cairns]*

13 CHAIRMAN GILCHRIST: And again we are a recommending Body to County  
14 Council. They will meet back in these Chambers on February the 26<sup>th</sup>, okay? Thank you  
15 all so much for being here today. Okay. Other Business?

16 MR. PRICE: Just for the Record, that vote was unanimous. Just want to put that  
17 on the Record.

18 CHAIRMAN GILCHRIST: Oh, I'm sorry.

19 MS. POWELL: Mr. Chair, we are now at Phase III of the Land Development  
20 Code rewrite and we have our Comprehensive Planner Brian Crooks that has our  
21 proposed schedule for Phase III consultant meetings that he will pass out to you all and  
22 give you a brief summary of.

1 MR. PRICE: While those are being passed out to you, I think one of the things  
2 that was brought up by the Planning Commission previously was, because it looks like  
3 you have a few of you who's terms are gonna, are up this year. And I know we're in the  
4 middle of a Code rewrite and so it was, I spoke to the Chair who was during the time  
5 was the Chair of the Rules and Appointments Committee about maybe some  
6 amendments to their rules to allow you to remain until such time that we finish the Code  
7 rewrite. He was not particularly in favor of that at this time. He just feels that when it's  
8 time to go it's your time and that, you know, others will come on board and we're always  
9 gonna have changes. And that would've been Councilman Malinowski. However, he did  
10 point out that if it is your desire to stay that you do speak to other Councilmembers, you  
11 know, about your desire to remain on until the Code rewrite is finished and he'd be  
12 willing to listen. But he just spoke, you know, specifically for his opinion.

13 MR. BROWN: Mr. Chairman, once this presentation is done can we get who's  
14 terms are up?

15 CHAIRMAN GILCHRIST: I think we passed it out today.

16 MR. BROWN: Oh, I'm sorry, I didn't get – thank you.

17 MR. CROOKS: Brian Crooks, I'm the Comprehensive Planner with the County.  
18 I've been in this position for a little over six months now, since about August as Ms.  
19 Powell stated we have a schedule for the next upcoming Code rewrite sessions. So it's  
20 gonna be two days at the end of this month, the 25<sup>th</sup> and the 26<sup>th</sup>, and most particularly  
21 as it pertains to you guys we're looking at having a work session for y'all from 3:00 to  
22 4:45, so about 3:00 to 5:00 o'clock on Monday, the 25<sup>th</sup>, that's gonna be here in this  
23 Chambers. So this is gonna be the opportunity for you guys to be able to discuss, talk

1 about everything that's happening with the Code rewrite and kinda see what's been  
2 going on with that. We're also gonna be having another forum discussion, so as we had  
3 previously, that we're gonna be having the consultants come in, open to the public, live  
4 stream, that evening on the 25<sup>th</sup>, and that'll be from 6:00 to about 7:30-8:00. And then  
5 we will be having a second forum on the 26<sup>th</sup> in the afternoon from about 1:00 to 2:30.  
6 So there's gonna be those two opportunities for the public to come in, view, ask  
7 questions, see kinda what's going on with it, as well as the various stakeholder  
8 meetings that we're gonna be having those two days.

9 CHAIRMAN GILCHRIST: Okay. Great. Any questions? Thank you so much for  
10 laying this out for us. And I do hope that Monday the 25<sup>th</sup>, that we can all try to be a part  
11 of this. This is very important getting into a critical phase of the rewrite and thank you so  
12 much for all of the work that all of the Staff has been doing on this. We're excited about  
13 it because, we're excited about the fact that we'll have a new document that we can  
14 refer to at some point here real soon, so thank you all so much for your help on that, for  
15 sure. Alright, is that it on that?

16 MS. POWEL: Yes, sir.

17 CHAIRMAN GILCHRIST: Okay, great. Chairman's Report. First thing on the  
18 Report is Impact Fees, review of impact fees. We have a document in front of us about  
19 this, so.

20 MR. PRICE: [Inaudible]

21 CHAIRMAN GILCHRIST: Okay, that's fine, we can do that. I was wondering, why  
22 did I suggest a conversation on impact – although I am very much interested in that  
23 conversation by the way. Chairman's Report, just a couple things real quick. Let me

1 thank you again, Commissioners, for allowing me to serve again as one more year as  
2 your Chairman. And I'm glad that all of you are gonna be here with me so that we can  
3 continue to do our great work, so thank you for that. I just have a couple of questions, a  
4 couple comments. Update on the penny projects, it's been a while since we've gotten  
5 an update on where we are with penny projects in the County. I would like to try to see if  
6 we couldn't have an opportunity to have somebody come and give us an update on  
7 what's going on with this, what's happening in the County. So that we can at least as we  
8 even move through, forward with the rewrite, we understand where we are in the  
9 County on some of that. Is that possible at a future date, not too distant future but, have  
10 somebody to come and talk to us about that? The second thing I just wanna mention to  
11 the Staff, I've got a few calls about ordinances that govern cameras in neighborhoods.  
12 And I mentioned to this to the Planning Director already about whether or not there are  
13 ordinances that govern that. If there are I would like to certainly have this Commission  
14 take a look at that. If they're not I certainly would like for you guys to do some research  
15 on finding out if in fact something like that exists, because I think that, I'm very much  
16 interested in knowing some of the privacy nuances of some of that, and more  
17 specifically just how we would frame that. So if you could check into that for us and  
18 bring that back to us as a Commission I would be interested to know a little bit about  
19 that at our next meeting. And if there's something you found out already, Geo, but.

20 MR. PRICE: I'm not aware of any [inaudible] – sorry. If it's something that you  
21 may want the Planning Commission to look at, is there a particular items you want to  
22 address regarding cameras in neighborhoods or?

1 CHAIRMAN GILCHRIST: Just, I mean, I guess the larger question is, I mean, do  
2 we allow, is that something allowable, and I don't know, I mean, in a development?

3 MR. PRICE: You mean with neighbors, with your neighbors or cameras to drive  
4 in to neighborhoods or?

5 CHAIRMAN GILCHRIST: Yeah, um-hum. I know we got some developers up  
6 here who can probably speak to some of that.

7 MR. TUTTLE: Well if you notice within the City Limits of Columbia you'll see that  
8 there's a lotta camera boxes that the City actually controls on public right-of-ways. And  
9 my understanding is if it's a public road then the municipality would have the right to  
10 camera that road and focus the camera in such an area that doesn't impede on  
11 somebody's privacy. Relative to their back yard or their front yard or whatever it might  
12 be. But I think it's been pretty truly vetted and is legal to do that, with my limited  
13 experience that's what I've learned.

14 CHAIRMAN GILCHRIST: I'm familiar with it regarding municipalities. What I  
15 wasn't as familiar is how does that work in more –

16 MR. TUTTLE: So it's interesting, so the only place it would be different from that  
17 would be a neighborhood that was a private neighborhood that had a gate with private  
18 roads. And I would assume those roadways and public areas would be governed by  
19 their HOA or Association or whomever governed those roads. But just because you're in  
20 a neighborhood, say for instance, Lake Carolina for instance, if you were in a  
21 neighborhood in Lake Carolina and the County wanted to put cameras in a particular  
22 neighborhood, my understanding is they would have the ability to do that cause those  
23 are public roads.

1 CHAIRMAN GILCHRIST: So what governs that in the County? What, is there an  
2 ordinance that governs that?

3 MR. TUTTLE: It's relative to who owns the roads.

4 CHAIRMAN GILCHRIST: No, who, I mean, is there, the County can just decide  
5 to put cameras up without there being some governing –

6 MR. PRICE: No, that is something we'll do a little more research on. I'm sure that  
7 if the County's gonna look at the resources to place cameras in a community there must  
8 be a reason, usually some crime or something that's going on, not just because it was  
9 requested.

10 CHAIRMAN GILCHRIST: That's what I'm, yeah exactly. Okay.

11 MR. TUTTLE: Yeah, and they're pretty expensive so I think – the City has  
12 perceived areas where they deem it important to have them for whatever reasons. You  
13 know, they're not everywhere in the City, obviously.

14 CHAIRMAN GILCHRIST: Okay yeah, anything you find on that would be good.  
15 Also and the last point, you know, we didn't have our little retreat last year but it's  
16 getting nice and warm now, and I certainly would like to try to consider doing that again  
17 this year at some point. So just wanna put that out there for us to begin to think about it.  
18 It may be worth, you know, as we get through the rewrite and the conversation at that  
19 point. But Mr. Tuttle, you wanna make a comment on that?

20 MR. TUTTLE: Well, I was just gonna extend, you know, if the Commission were  
21 to choose and wanted to come to the Lake House at Lake Carolina again, whether I'm  
22 still on this Commission at that time or not we certainly would always extend that  
23 invitation to this group.

1 CHAIRMAN GILCHRIST: We're gonna make sure you're on. But no, that's great.  
2 We had a great time there last time and we certainly appreciate Mr. Tuttle offering the  
3 place at Lake Carolina, it was a beautiful place and we enjoyed being there for the day.  
4 So certainly let's think about that and maybe at our next meeting we can begin to start  
5 planning that for the rest of the year. Okay, that's all I have on my report. So now we'll  
6 get down to the Planning Director's Report on the Impact Fees.

7 MS. POWELL: Yes, sir, Mr. Chair and Members of Planning Commission. What  
8 you have before you is the briefing document that went forward to Richland County  
9 Council at its 12.11 meeting in response to a motion made by past-Councilmember  
10 Norman Jackson asking that we take a look at impact fees. If you'll look at the third  
11 page of the briefing document under Alternatives there are three Staff recommended  
12 alternatives for Council to consider. At that 12.11 meeting Council asked that this come  
13 to Planning Commission, that you all consider those three alternatives and make a  
14 recommendation to full Council on how you would like to proceed. So what we've done  
15 for today is simply bring the briefing document and the supplemental information before  
16 you as information so that you have time to read over it between now and the next  
17 meeting. And we would ask for action and conversation about that at that time.

18 MR. TUTTLE: I'm having trouble finding the –

19 MS. YIP: What are the three options?

20 CHAIRMAN GILCHRIST: Right here.

21 MS. POWELL: The three alternatives are –

22 CHAIRMAN GILCHRIST: Let me make sure I'm understanding this right.

23 MS. POWELL: Yes, sir.

1 CHAIRMAN GILCHRIST: So Council's asking us to come up with a resolution,  
2 enact a resolution directing the Planning Commission to conduct the required studies of  
3 the Code, South Carolina Code.

4 MS. POWELL: I do not believe that Council's asking for a resolution at this time.  
5 What they're asking for is for you all to have some conversation surrounding the issue  
6 of impact fees and decide if this is something you would like to take up. And if so, move  
7 that recommendation back to full Council.

8 MR. TUTTLE: Mr. Chairman, if I may.

9 CHAIRMAN GILCHRIST: Yes, sir.

10 MR. TUTTLE: Typically when we've had, at least in my tenure when we've had  
11 relatively controversial things come before this group we've reached out and tried to  
12 assemble a group of stakeholders that might have various interests in whatever was  
13 before us. And I would humbly suggest that might be a mechanism that we use again to  
14 quickly gather different perspectives relative to this. I know this is something that has  
15 been litigated around the state and in fact there was just a case that I think ended up at  
16 the Supreme Court or it's almost there or just ruled, but they greatly changed the way  
17 that stuff was done in Dorchester County I believe. So I think there's some experts here  
18 locally that could certainly help us understand better the ins and outs and the pros and  
19 cons.

20 CHAIRMAN GILCHRIST: I think that's an excellent suggestion and, so Staff will  
21 begin to work on pulling together the, we can certainly help, for those who have some  
22 interest in that area. But I do agree that we need to have some other folk brought to the

1 table to have a conversation. But this Planning Commission will certainly be responsible  
2 for sending that recommendation back to Council. So I guess to be continued on this.

3 MS. POWELL: Yes, sir.

4 MR. TUTTLE: Mr. Chairman, if I could interrupt, I'm sorry. I saw Councilman  
5 Jackson's quote, can you give me any further background? I'm not sure what  
6 infrastructure relative to development he's referring to as an added cost to the County?

7 CHAIRMAN GILCHRIST: Where are you referring to, Mr. Tuttle?

8 MR. TUTTLE: Page one.

9 MS. POWELL: At the very top of the first page.

10 MR. TUTTLE: Review impact fees for development community on projects that  
11 will cost additional infrastructure. What, are we talking about night safety,  
12 fire/ambulance, police, are we talking about – cause typically in developments as we all  
13 know that the roads and sewer and storm water infrastructures and all those things are  
14 paid for generally by the development community and donated to the appropriate  
15 municipalities, businesses, etc. that then use those services for the betterment of their  
16 businesses. For instance, we put in waterlines, give them to the City of Columbia and  
17 the City of Columbia charges us not only to use the waterlines that we just donated, but  
18 then they also charge us a monthly fee for the water that flows through the waterlines.  
19 So there's really no net impact to the City of a new development for waterlines. So I was  
20 just trying to understand is it, is it relative to schools? I mean, what, I'm just trying to  
21 understand the genesis of the thought that infrastructure costs the municipalities money  
22 relative to new development.

1 MS. POWELL: Yes, sir. I don't know that I can explain to you the thought process  
2 behind the motion, but what I can tell you is that the motion is speaking to any additional  
3 infrastructure that would be necessary for new development.

4 MR. TUTTLE: Yeah well then, so just to bring everybody up to speed, this was  
5 recently covered in Lexington County and there was a study commissioned that actually  
6 was presented to the Lexington County Chamber and the Lexington County Council that  
7 empirically showed that new development is actually a net benefit to municipalities and  
8 the myth that new development cost municipalities net, net money was flawed. And I  
9 just wanna provide that to this Body, if anybody'd like to see that. It's pretty interesting  
10 because the general assumption is, gosh there's a new development, we have to build  
11 new schools, build new fire stations, etc., etc., but when you look at the tremendous  
12 amount of tax money that's gained in the fees and the process and the permitting and  
13 so forth, generally according to the studies I've seen there's a net benefit to the  
14 counties, and has allowed counties not to raise taxes over time because new  
15 development has helped offset some of those burdens of the typical structures of county  
16 government that need raises and new chambers and those type things. So I think we  
17 should be very cautious as we just assume certain things relative to development and  
18 impact fees. Generally speaking when you tax something or charge an impact fee for it  
19 you generally get less of it, and I'm not sure we can sustain less development right now  
20 given our current tax structure within the County. Thank you for listening.

21 CHAIRMAN GILCHRIST: No, I hear you. Well that, and I mean, this is not  
22 relative to impact fees but it certainly raises another interest that we've talked about on  
23 this Planning Commission and I hope we're gonna see something in the rewrite on this.

1 And that is affordable housing, obviously Allen Benedict situation has risen that  
2 conversation to an almost new level of dialogue in this County. And we've talked about  
3 it on this Planning Commission, more specifically about whether or not we have any  
4 ordinances that governs what affordable housing is or how we even define it. So I'll be  
5 interested in kinda seeing how some of that plays into some of these conversations, and  
6 if in fact Council's thought process had anything to do with some of those kinds of things  
7 as well.

8 MS. POWELL: Yes, sir, Mr. Gilchrist. Neither advocating for or speaking against  
9 this item before you at the current you'll find that in this briefing document, affordable  
10 housing is a part of the consideration that must go into the report generated. If you  
11 should choose to take up impact fees, you must specifically define how that will be  
12 affected through certain matrix as established by state law.

13 CHAIRMAN GILCHRIST: Yeah, in some of my experiences before I've seen  
14 where we've had opportunities to look at impact fees, if in fact that's something you  
15 consider to address affordable housing. That's interesting. Alright, thank you so much.  
16 Anybody, any other questions on this?

17 MS. YIP: I just wanna say that I agree with Mr. Tuttle, for us to make an informed  
18 decision and make a recommendation to County Council, cause this is quite a big  
19 issues that I would not take lightly, would actually very impact, pun intended I guess,  
20 right, impact the growth of the County, right? We have a responsibility in our volunteer  
21 position here to represent the community and make recommendations from an  
22 educated standpoint, and so if I could ask Staff to, you know, maybe get some names of  
23 some people that, you know, can either submit stuff for us to review or something so

1 that I can educate myself. I'd like to hear the different points of view quite frankly, and  
2 I'd like to know, maybe I could contact Mr. Jackson and ask him what he meant by the  
3 infrastructure. I mean, that's actually a very good question, so.

4 CHAIRMAN GILCHRIST: What's our timeline on this, do you know?

5 MS. POWELL: There was no prescribed timeline when it came before Council.  
6 They didn't ask for it back at any certain time. I think that we could absolutely give an  
7 update that the Commission saw fit to assemble a stakeholder group and so that it's  
8 gonna take some time for us to do that.

9 CHAIRMAN GILCHRIST: Sure, sounds good. Alright.

10 MS. POWELL: Okay.

11 MS. FRIERSON: [Inaudible]

12 CHAIRMAN GILCHRIST: Alrighty. Is there anything else? Mr. Tuttle?

13 MR. TUTTLE: Mr. Chairman, I make a motion –

14 MS. POWELL: Can I mention one more thing before you do that? I'm sorry.

15 CHAIRMAN GILCHRIST: Sure. I'm sorry.

16 MS. POWELL: Just to draw your attention to Item B under Planning Director's  
17 Report, there is the Report of Council Action for you at the end of your Agenda, pages  
18 25 and 26. And that is everything from me.

19 CHAIRMAN GILCHRIST: Yes. Okay, motion to adjourn.

20 MR. TUTTLE: So moved.

21 MR. BROWN: Second.

22 CHAIRMAN GILCHRIST: We're good. All in favor? Let's redo that motion again  
23 to make it clear.

1 MR. TUTTLE: I make a motion to adjourn the meeting.

2 MR. BROWN: Second.

3 CHAIRMAN GILCHRIST: All in favor?

4 *[Approved to deny: Frierson, Yip, McLaurin, Gilchrist, Carlisle, Tuttle, Brown; Absent:*  
5 *Cairns]*

6

7 *[Meeting Adjourned at 3:54pm]*