

**RICHLAND COUNTY PLANNING COMMISSION**  
**October 7, 2013**

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

Called to order: 1:09 pm

CHAIRMAN PALMER: So we'll call the October meeting of the Planning Commission to order. Did everyone get a copy of the June/July Minutes?

MEMBERS: Yes.

CHAIRMAN PALMER: Do we have a motion?

MR. THEUS: Motion to approve.

MR. WESTBROOK: I'll second.

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

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

CHAIRMAN PALMER: Do we have any Agenda amendments?

MS. HEGLER: No, sir.

CHAIRMAN PALMER: Any from the Commission? Do we have a motion to approve the Agenda?

MR. BROWN: So moved.

MR. THEUS: Second.

CHAIRMAN PALMER: All those in favor say aye?

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

3 CHAIRMAN PALMER: Road Names?

4 [September: Opportunity Way, Millers Hill Road, Threshers Loop, Cayden Court, Hollow  
5 Cove Road, Calycinum, Conferta, Longcove, Muhlenbergia, North & South Aureo,  
6 Ventricosa, Shear Water, Wood Stork Court, Angelina Drive, Calgary Drive,  
7 Conservation Woods, Long Pine, Halycon; October: Calgary, East Palladium, Elliptica,  
8 Halycon, Long Pine, Lucida, Plumosa, South Palladium]

9 MR. BROWN: Move approval.

10 MR. THEUS: Second.

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

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

15 CHAIRMAN PALMER: Subdivision Review. Case No. SD-05-231.

16 **CASE SD-05-231:**

17 MR. WILLIAMSON: [Inaudible] Williamson, Interim Land Development  
18 Administrator. This is the Lake Carolina Subdivision and it's something that the Staff  
19 normally reviews, but because it's Lake Carolina, we bring everything to the Planning  
20 Commission. The Applicant is Lake Carolina Development, Inc. The Subdivision is  
21 Centennial, Phase 24 at Lake Carolina, located in the eastern portion of Lake Carolina.  
22 It's 26.64 acres, currently zoned PDD with 78 units. The site is located north, northeast  
23 of existing Centennial at Lake Carolina, Phase 21, on the eastern side of the Lake

1 Carolina development. The site is bordered by two existing ponds to the west and east.  
2 And based on the Findings of Fact summarized below in your packet, the Planning &  
3 Development Services Department recommends conditional approval of the preliminary  
4 subdivision plans for Centennial, Phase 24. And you'll just see from the comments, just  
5 pretty standard comments primarily from Engineering and GIS, so conditional approval  
6 is recommended.

7 CHAIRMAN PALMER: Any questions for Staff? Do we have a motion to approve  
8 or not?

9 MR. BROWN: So moved, Mr. Chairman, approval.

10 MR. THEUS: Second.

11 CHAIRMAN PALMER: We have a motion to approve.

12 MS. LINDER: Is that to approve conditionally, based on Staff recommendation?

13 MR. BROWN: Approve conditionally, based on Staff recommendation.

14 MS. LINDER: Thank you.

15 MR. THEUS: Second.

16 CHAIRMAN PALMER: All those in favor say aye? Any opposed?

17 *[Approved: Cairns, Westbrook, Palmer, Theus, Brown; Absent for vote: Gilchrist;*

18 *Absent: McDaniel, Tuttle, Van Dine]*

19 CHAIRMAN PALMER: Alright, Map Amendments, Case No. 13-07 MA.

20 **CASE NO. 13-07 MA:**

21 MR. LEGER: Thank you, Mr. Chairman. We do have a long Agenda today so I'll  
22 do my best to give you appropriate information but will be brief. Please be assured if  
23 you have any questions we are here to answer them. Our first Map Amendment today is

1 Case No. 13-07 MA, Mr. Greg Ross is the Applicant. The property is located with road  
2 frontage on Elmgren Street, Atlantic Drive and Bentley Drive. The property acreage is  
3 21, about 21 ½ acres and about ½ acre, for two individual properties. They are zoned  
4 RU and RS-LD. The Applicant is asking for the RM-HD, which is residential, multi-  
5 family, high density. The two current zoning classifications applied to the property are  
6 basically the original zoning, RS-LD and the other being D-1, which was converted to  
7 RU. Let's see, there were a couple of other zoning applications for this property but both  
8 of which were withdrawn earlier in 1997 and 1996. The surrounding zoning and land  
9 use, to the north, south and east they're zoned RG-2, which is a zoning classification in  
10 the City of Columbia that allows for multi-family apartments. To the north you have  
11 Riverwalk, to the south you have Bentley Court, to the east you have Broad River  
12 Township, and to the west the property is zoned RS-LD, which is our single-family  
13 district, and it's zoned residentially. The property has about 1,100' of frontage on  
14 Elmgren Street, about 700' of frontage on Atlantic Drive, and 1,100' of frontage on  
15 Bentley Avenue. Basically the area is made up of multi-family apartments in three  
16 directions, it's [inaudible] residential development in the other. Our Comprehensive Plan  
17 recommends priority investment area for this locale, where housing should be  
18 developed at higher densities of 4 to 16 dwelling units per acre. The Staff has found that  
19 the proposed request will meet that intent of 4 to 16 dwelling units per acre if rezoned.  
20 Because the Staff felt that the Application met the Comprehensive Plan and was similar  
21 to other zoning districts in the area, the Staff recommended approval. If you have any  
22 questions, we'll be glad to try and answer them.

1 CHAIRMAN PALMER: So this site, although it's surrounded by the City of  
2 Columbia, the City's zoning on it is for multi-family, is that correct?

3 MR. LEGER: That's correct.

4 CHAIRMAN PALMER: And then we have one border which is RS-LD. Correct?

5 MR. LEGER: Correct.

6 CHAIRMAN PALMER: Okay. Any other questions for Staff? Okay, we have a list  
7 signed up here to speak and if you would when I call your name, if you'd come down to  
8 the podium and give your name and address for the Record, and if you'd limit your  
9 comments to two minutes, we would certainly appreciate it. And if you would just like to  
10 echo the comments of a person before you, we certainly accept that as well. Greg  
11 Ross? And just so you know I will probably butcher 50% of the names in the room, but –  
12 unfortunately. Yeah, and if we could, if we could just get a line going, we got Michael  
13 Haggie next, followed by Ena Fort and Jim Koon. Okay.

14 **TESTIMONY OF GREG ROSS:**

15 MR. ROSS: Yes, sir, my clients had an appraisal done on this property back in  
16 2002, whereby Rosen Associates did the appraisal and they recommended the property  
17 be rezoned to RM-HD to maximize the use of the property. And that's simply what my  
18 clients are doing, and they fully, my clients fully concur with the Staff's recommendation.  
19 I think your Staff has done traffic studies, other studies that are required, and so we fully  
20 concur with that. Okay?

21 CHAIRMAN PALMER: Great. Any questions? Michael Heggler. Ena Fort.

22 **TESTIMONY OF MICHAEL HEGLER:**

1 MR. HEGLER: My name is Michael Hegler, I live at 1529 Elm Abode Terrace. I'm  
2 president of Elm Abode, Huffman Heights Neighborhood Association, I'm representing  
3 the 300 homeowners affected by this Application, and also those in attendance, mostly  
4 behind me. I will be speaking on their behalf. We had a long planning session and I was  
5 designated as speaker, so I'm hoping that at least 20 or 30 of you will defer your two  
6 minutes and I promise I won't take 60. There are a few who've got comments on  
7 specific issues that will follow me. Also just for your information, and I can provide  
8 copies for you, we have now a total of 134 signatures of a petition opposing this  
9 rezoning. And I'd like to address some of our, some of our major points, largely in  
10 response to Staff because Staff has recommended approval, we'd like to address some  
11 of those points. Primarily starting with encroachment. I appreciate the history of  
12 Richland County in protecting intact neighborhoods from encroachment. In this case it  
13 seems Staff is citing one reason for, part of the 2009 Comprehensive Plan that allows  
14 encroachment and the case that allows encroachment is when the encroaching zoning  
15 provides a buffer from a higher intensity use. It also states that multi-family  
16 developments are appropriate when completing a block face or in conjunction with a  
17 PDD, Planned Development District. None of these exceptions apply to us. This is not  
18 a, there is not a higher intensity use to buffer from, there is no completing a block face,  
19 nor is it part of a PDD. So we feel the allowance for an encroachment is out of  
20 character, out of policy and does not apply to this property. Secondly, the impact on  
21 Elmgren Street, the little street that borders this, is, is really the worse scenario for the  
22 neighbors living on that street, because unusually the property goes all the way to the  
23 street as opposed to coming to the rear property line of a residential neighborhood. So

1 this, in our opinion, is a classic, classic impact and encroachment. Traffic, Staff did refer  
2 to studies they had done on Broad River Road and River Drive, but they neglected to  
3 address the tremendous impact traffic has within our neighborhood as the increasing  
4 number of traffic has to wind its way through our small streets to even get to Broad  
5 River Road. There are only two traffic lights on Broad River Road near us. Compatibility,  
6 Staff mentions the proposed use would be compatible but our opinion is multi-family,  
7 high density is by definition not compatible with single-family. And the significance to us  
8 beyond scale, size, density, is the lack of homeownership. I think that's the key for us.  
9 And thereby with the lack of homeownership does not promote pride, upkeep and  
10 investment in the neighborhood. The proposed zoning would allow dorms, fraternity  
11 houses, sorority houses, group homes, rooming and boarding houses, totally  
12 incompatible with a single-family neighborhood. The prime example for us is right  
13 across the street, Bentley Court Apartments, which was built and has become a bane of  
14 our existence ever since it was built. We have an example of the proposed uses that  
15 would be similar to this property; dormitories and apartments, a relatively negative  
16 impact by virtue of transient occupants, a market increase in incidents on crime and  
17 police and fire department traffic. Next to the last point is economics. This, as you're  
18 aware, the Application is being made by an agent who is also the real estate agent for  
19 this property, who is also actively marketing it for sale so it seems there's no intent on,  
20 or any interest in the wellbeing or the property values of our neighborhood. Rezoning  
21 would probably increase the sales price so that would be of benefit for the owners and  
22 their real estate agent, but it would be decreasing our property values.

23 CHAIRMAN PALMER: Mr. Hegler, if you could wrap up for us we'd appreciate it.

1 MR. HEGLER: Yep, on to conclusion. So the, the issue of benefitting one  
2 property and hurting 300 residents purely by economics seems to be a bad direction. In  
3 conclusion, we're an intact, established neighborhood, single-family homes, trying hard  
4 to maintain a sense of community. We appreciate the efforts of Richland County to help  
5 in the Neighborhood Improvements Program, for example, but we're feeling confronted  
6 on all sides by challenges. We're evolving into a very diverse neighborhood that's, that  
7 hopes to continue that way and we oppose the encroachment of multi-family, high  
8 density. Thank you.

9 CHAIRMAN PALMER: Thank you. Dina Ford, followed by Jim Koon

10 **TESTIMONY OF INA FORD:**

11 MS. FORD: My name Ina Ford and I live at 1801 Carl Road in the Elm Abode  
12 Subdivision. I own five properties between the two neighborhoods of Huffman Heights  
13 and Elm Abode Terrace. I own a small Montessori school which is a private school. We  
14 are licensed for 213 children, small children, at the corner of Canal Street and Balsam  
15 Road. The traffic is already a nightmare with families trying to get out of, of our property  
16 in the morning rush hours. About maybe 100' down on Canal Drive at 1405 Canal Drive  
17 or 1510 Canal Drive, there's recently newly zoned day nursery for infants and toddlers  
18 that is licensed for 40 plus very, very small children. The traffic on Canal Street, I know  
19 there's been a lot of real concern about Atlantic, but Canal is just as bad. There are no  
20 stop signs, there's no stop light to get out on Broad River Road. The reason there's a  
21 four-way stop right now at Greenville Circle and Canal is because of a death, a fatality  
22 where someone ran the stop sign, a seven year old child thrown through the car, the car  
23 rolled I don't know how many times, and because it happened when we were outside on



1 the playground I was the first responder. And trust me, you can unsee a dead child with  
2 no head, and it was horrific. And that's not the only, it's the only death but it's not the  
3 only accident. There was one a couple years ago where we had a mother trying to get  
4 out on Canal, out onto Broad River Road, her van landed upside down on one side of  
5 the street, the engine on the other, and she had a small child belted into the back seat.  
6 And I could do this for probably 20 minutes. There have been accidents, there have  
7 been no traffic studies on Canal or Atlantic to my knowledge, except for a feasibility  
8 study where we've been trying since 2007 to work with DOT to slow the traffic down on  
9 Atlantic. We have worked with Jim Smith and DOT about the feasibility of the three-way  
10 stop at Mangum and Atlantic, and that stop sign was considered, that might not correct  
11 the problem but it was approved by DOT to, that in order, there would be calming  
12 devices such as speed bumps that would be allowed if the county paid for them and  
13 maintained them, so it is recognized there is an issue on Atlantic already documented  
14 that the traffic is too much and too fast. It is life threatening. And we hope that you will  
15 help us prevent it from getting worse.

16 CHAIRMAN PALMER: Thank you. Jim Koon? Followed by Les Clark and  
17 Anthony Bell. Derrick Brown. Shana, I can't see the last name, at 1719 Atlantic Drive?

18 MS. CAIRNS: Are you Mr. Brown?

19 MR. CLARK: No, I'm Clark.

20 CHAIRMAN PALMER: We got Jim Koon, Les Clark, Anthony Bell and Derrick  
21 Brown. Okay, Les Clark?

22 **TESTIMONY OF LES CLARK:**

1 MR. CLARK: I'm Les Clark, I live at 1836 Elm Abode Terrace. I'm gonna speak  
2 on the traffic through this portion of the neighborhood. I'm approximately four or five  
3 blocks from Atlantic. I've been in the neighborhood approximately 16 years now and  
4 have watched the traffic increase down the street that I live on. There are only two stop  
5 lights from the Broad River bridge to Elm Abode Terrace. One of them is at a side street  
6 that nobody uses. The traffic comes through my neighborhood, because that's the only  
7 way at 8:00 in the morning or at 5:00 in the afternoon that you can get out of our  
8 neighborhood because of all the stops signs and the traffic. They come through at  
9 excessive speeds, we have elderly and children in our neighborhood who walk in the  
10 streets, who play in the streets, walk their pets in the streets. Like I said, I've seen this  
11 traffic increase over the last 15 years. The noise, they come through, the younger ones,  
12 with those radios blaring, the car is shaking. The volume has increased terribly. I will no  
13 longer walk my dog on the street that I live on. They go around curves on the wrong  
14 side of the street. This neighborhood was not made for the amount of traffic that another  
15 apartment complex will bring through this neighborhood. That's the main point I have is  
16 that they do not use the main streets to get out, you can't get out at Atlantic at 8:00 in  
17 the morning or 5:00 in the afternoon, so they're coming through the neighborhood  
18 proper to the one stop light. I appreciate it, thank you.

19 CHAIRMAN PALMER: Thank you. Anthony Bell?

20 *[Gilchrist in at 1:26pm]*

21 **TESTIMONY OF ANTHONY BELL:**

22 MR. BELL: My name is Anthony Bell and I live at Broad River Township and first  
23 of all I want to thank you for this hearing and the opportunity for us to make a, to make a

1 case. I want to draw attention just to one, one feature in particular and that is that it is  
2 already a very high density area. In the distance on Bentley Drive, which is a .5 mile  
3 distance, represents about 40 acres at the most, maybe 30 acres. There are already  
4 1,216 different units between the apartments and the condominiums that are already  
5 located there. That is a very, already a very high density environment. And this would  
6 increase it in terms of the, the area by at least 50%, cause this would add another 21  
7 acres to it. So this makes it a very high density area already and we really would like to  
8 underscore that. And I'd like to also reflect on the economic impact of that. It's not just  
9 bad for Bentley Drive and that area, it's bad for the residential community. It's not, and  
10 the residential community that goes up to Broad River Road, it's bad for the  
11 development of Broad River Road. This could potentially, if this deteriorates this area,  
12 this could have an impact on the economic development of whatever Dutch Square Mall  
13 becomes. If it's bad for that area, then it's bad for Columbia. So what we'd like to, what  
14 we'd like to underscore is the fact that the density of this, that this would increase, has  
15 ramifications that are far greater than just this particular area. So we really thank you for  
16 considering us. We ask you to, not to give approval to this particular, to this particular  
17 request.

18 CHAIRMAN PALMER: Thank you. Derrick Brown followed by Shana at 1719  
19 Atlantic, followed by Linda Taylor.

20 **TESTIMONY OF DERRICK BROWN:**

21 MR. BROWN: Derrick Brown, representing Broad River Township, the treasurer  
22 for the Association. Our president could not be here today. Tony was also representing  
23 Broad River Township, but wanted to kind of again underscore what he said, 1,216

1 units, the fact that the high density's already too bad should not be a supporting reason  
2 for more density on such a small stretch. The roads as they've said are overused. It  
3 should be noted Bentley Court that they talked about has 45 units of which 180 students  
4 live in They put two per bedroom in there so it is full blown dormitories, not student  
5 apartments. They run big, Bentley, they run buses through there on those roads that are  
6 too small, bringing them to and from school, which is, make the traffic issues they talk  
7 about worse. Canal, because of the bridge construction that may never finish, has all  
8 the traffic that would normally go out that way. It is nearly impossible to turn left off of  
9 Canal onto Broad River Road as it is. It is nearly impossible to also do it off of Bentley  
10 onto Broad River Road as it is, and now it's completely blocked. But all of that traffic is  
11 running through there and that road, you have to slow down almost 5 miles an hour to  
12 pass another car coming across the other way. The road is too small as it is. To go to  
13 some new things, the police already monitor Atlantic Drive, I see them out there pulling  
14 cars all the time with the only purpose of trying to slow people down because they talk  
15 about the traffic issues. I've been pulled there and they've told me that's why. They said,  
16 we're only giving you a warning, we're just trying to get people to slow down because  
17 everybody through here goes way too fast for this road and it is safety issue. I was told  
18 that directly by a police officer. All the traffic funneled down Canal is just gonna get  
19 worse. This, Elmgren is a street, it's just a dead end street, there's nothing there so  
20 there's no support from that road, it's all Atlantic, Canal and Bentley. And those have  
21 major issues and I have a hard time believing any traffic study was done on that and if  
22 there was and they said it was able to support it, they should be fired from whatever job  
23 they have. You know, new construction, the rivers are right there, there's already

1 environmental issues, we have major settling issues at Broad River Township. I don't  
2 know what kind of environmental studies have been done but I'm probably gonna guess  
3 there hasn't been a whole lot. Our gate has been struck by lightning multiple times,  
4 which is 10' from the property in question, multiple times in the last three or four years  
5 and we've been told that it is due to the terrain and that it increases the likelihood for  
6 that due to the rocky terrain by the river. Ten feet from the property seems to be a pretty  
7 big fire risk there for new construction. You know, and the crime, we've had a lot of  
8 break ins in our neighborhood, there's been a lot of break ins in other neighborhoods.  
9 Adding more high density, more people in to that location, the community feels would  
10 only make it worse. I personally had my house broken into in the last three years twice,  
11 three months apart, and my next door neighbor had his house broken into. I would also  
12 like to correct the idea that Broad River Township may be zoned multi-family but it is not  
13 an apartment complex. It is a series of condos, townhouses and patio homeowners that  
14 are all single-family residences, and I think it was pretty misconstrued. It made it sound  
15 like we were an apartment complex sitting there right next to the property. So our  
16 property values as well, which have already significantly declined with everything else  
17 going on back there, but you know, Elm Abode people will also have serious property  
18 declines. And we ask that you take these considerations seriously and deny the request  
19 and, you know, think more outside the box than the fact that there's already too much  
20 high density in an area; that that justifies putting more high density in an area. And  
21 please go ride down, we ask you, I do ask you this, please go, like they said, in the busy  
22 times, you know, 8:00 to 9:00 or 4:30 to 6:00 and please ride through those roads and  
23 see how traffic flows and try and pass somebody on some of those roads, especially

1 Canal. And like they said, with the children in the roads. But I would hope you would  
2 ride down those roads before you approve anything.

3 CHAIRMAN PALMER: Shana? Linda Taylor? Followed by Eric Easterling and  
4 Frances Powell.

5 **TESTIMONY OF LINDA TAYLOR:**

6 MS. TAYLOR: My name is Linda Taylor and I live on Elmgren Street. I live on  
7 1441, directly across from where a lot of this building. I moved there about 15 years  
8 ago. We had no crime, it was one of the best places you could ever hope to live. In that  
9 length of time, though, I, in the last three years, two years, I've had two break ins, my  
10 neighbors had two break ins, another neighbor's had a break in, and it is just gone to  
11 pot. The other thing that is a problem is people do not put their trash where it ought to  
12 go. I spend, when I'm not working, I walk Atlantic Drive and some of the others and I  
13 pick up trash. In a fourth of a mile surround, I picked up 24 green trash bags. No, we  
14 don't need another apartment complex or anything else there, we've got four, we've got  
15 our share. So please don't pass this.

16 CHAIRMAN PALMER: Thank you. Eric Easterling, Frances Powell and Grace  
17 Pound?

18 **TESTIMONY OF ERIC EASTERLING:**

19 MR. EASTERLING: Yes, I'm Eric Easterling, I live at 1801 Atlantic Drive, one of  
20 the properties that touches on this item being considered today. We thank you for  
21 hearing out objections. My complaint is, or one of them, on my telephone I have pictures  
22 of the Sheriff's Department with a drug arrest in front of my house at 1:30 in the  
23 morning. I have the scales, the dope, the whole shooting match here. Here I have

1 pictures of the traffic patterns that we're to endure. The last time this thing went through,  
2 Luther Battiste was City Councilman and he had a traffic study done, there were 3,000  
3 cars a day go up and down Atlantic Drive. I don't think that number has decreased,  
4 because the number of apartments are still over 2,000 in this high density area that  
5 we're being considered. So another 600 units would only produce another 1,000 cars to  
6 go up and down those narrow streets a day. Thank you for your consideration.

7 CHAIRMAN PALMER: Frances Powell, Grace Pound and Doris Hudson?

8 **TESTIMONY OF FRANCES POWELL:**

9 MS. POWELL: Yeah, I'm Frances Powell, 910 Greenville Circle. Our family's  
10 been part of this neighborhood since 1931. We were the first home built in that area. My  
11 grandfather did the consultations with the Huffman's to build this, to open this property  
12 to family dwellings and it was always supposed to be single family dwellings. This make  
13 my grandfather look bad, he has been gone for years but everyone has honored his  
14 request until now. These other apartments, my grandfather would've had nothing to do  
15 with, nor would the Huffman family have had anything to do with that. The traffic on  
16 Greenville Circle is unreal. Saturday, no Thursday when a young man was working on  
17 my home there, there was a motorcycle that went up Greenville Circle, did not stop at  
18 the four-way stop. He had to be going at least 80 to 90 miles an hour. The young man  
19 that was working for me said, that guy's gonna be dead in a few minutes. Canal Drive is  
20 not kept up, there are potholes that a small car, it could break the axle if they hit them.  
21 And we've got buses driving young people, college kids, up and down this road.  
22 Greenville Circle is not kept up because the highway department doesn't deem it fit for  
23 them to keep the sidewalk, the sides of the roads cleared. You cannot pass, two cars

1 cannot pass each other at the lower end of Greenville Circle. And the people that walk  
2 on Greenville Circle, it's a large amount and there are no sidewalks, there's nothing to  
3 protect them from being hit and that is not fair to these people who have lived there all  
4 of their life. Our family has owned the single home since 1931. It is still owned by us. It  
5 will continue to be owned by us. We will not let anyone buy it. We've been offered  
6 money for it. No, our grandfather built quite a few homes in that area. What's going on  
7 with big companies is not right. We're being pushed out, our homes are being devalued.  
8 I have recently totally remodeled my home and it is not fair to us to have to put up with  
9 this kind of stuff; trash in our yards every single day. You have to be out and pick it up.  
10 But the consideration of young people being bused up and down –

11 CHAIRMAN PALMER: Ms. Powell, if you could wrap up for us we'd appreciate it.

12 MS. POWELL: I will. The consideration needs to be for the children on these  
13 buses that go up and down these roads. These roads are not conducive to that. Thank  
14 you.

15 CHAIRMAN PALMER: Thank you. Doris Hudson, Margaret Fitz, Elizabeth Bell?

16 **TESTIMONY OF GRACE POUND:**

17 MS. POUND: I'm Grace Pound and I also am a co-owner at the property at 910  
18 Greenville Circle. To reiterate what my sister said, we've been there for five  
19 generations. That was the house I came home to when I was born in this hospital. I  
20 can't believe that anyone with any foresight could not look at any traffic study; I don't  
21 know what time they did these traffic studies because there's no way. Both of my  
22 children have lived in that home when they went to college, when they worked. This is a  
23 travesty of the greatest magnitude that the Planning Commission would deem to put



1 more apartments in that area. It's no place for them. It's no place for the people. We are  
2 full. We are full. And we would like to maintain the quiet family neighborhood that we  
3 want to return to. With your help we can do it. But without your help there's no hope and  
4 you'll just do this to other neighborhoods as well. I hope you will listen to the passionate  
5 plea of the people that live in this area. The economic impact is far greater to maintain  
6 the residences, the single and some of these patio homes, those residences. We are a  
7 multi-cultural neighborhood and we want to maintain the dignity that was afforded by  
8 those before us. Thank you for listening.

9 CHAIRMAN PALMER: Thank you. Doris Hudson? Margaret Fitz and Elizabeth  
10 Bell?

11 **TESTIMONY OF MARGARET FITZ:**

12 MS. FITZ: Hello. My name is Margaret Fitz, and I'm so glad that the gentleman  
13 from Broad River Township clarified the fact that there are single-family dwellings in this  
14 area along Bentley Drive. I live on Bentley Drive and I live in a single-family dwelling. I'm  
15 not part of Broad River Township but there are single-family dwellings on Bentley Drive.  
16 And we have lived there for almost 18 years and I'm just here to attest to the dangerous  
17 nature of Bentley Drive. I don't believe there's ever been a study of Bentley Drive and I  
18 believe that it was a very short sighted plan that put that high of density on that sort of  
19 street. It's a short street, it's quite narrow, there are no center lanes, there are no  
20 shoulders to walk on, there are no sidewalks. And Bentley Drive has curves and hills  
21 and, and it's just very difficult to see. When you're coming out of Broad River Township  
22 you have to come out into the road to be able to see if traffic's coming either way. If you  
23 are on Atlantic making a left turn or a right turn onto Bentley, you have to come out into

1 Bentley Drive to be able to see if anyone's coming because some people are coming  
2 over the top of a hill, some people are coming around a corner. The signage there  
3 saying yield, it, it's just very confusing there. And as I say, it is a very narrow winding  
4 street. There are school buses that pick up children at the end of Bentley at that last  
5 apartment complex. There are school buses that stop on Atlantic as soon, in addition,  
6 and this is small, these are grammar school children, these are not the mini-buses that  
7 come busing the Benedict College students back and forth. And so there, also there is a  
8 major city lift station on Bentley Drive and the trucks that service that station, some of  
9 them are even semi-trailers, and they can't get in the driveway. That road is so narrow,  
10 and so they have to back up and they block traffic. And there are already so many  
11 people and I can attest to the fact of the dangerousness of Bentley Drive with the  
12 density that it is. If we add that many more units, it will just be so unsafe. It's unsafe  
13 now, there's still, there are lots of accidents and it's, it would just be a travesty to put  
14 more people on, on that. And I don't understand why the Planning Commission has not  
15 ever come out, and to the best of my knowledge they have never driven Bentley. But if  
16 you are entertaining it any way, the consideration of putting more units on this road, I  
17 would love for you to come have breakfast with me at 6:00 one morning and then get  
18 out with the rest of us. I will be glad to serve you breakfast and I'm a pretty good cook,  
19 so. But –

20 CHAIRMAN PALMER: Ms. Fitz, if you could – if you could wrap up for us we'd  
21 appreciate it.

22 MS. FITZ: And also to get out of the neighborhood. Excuse me?

23 CHAIRMAN PALMER: If you could wrap up for us we'd appreciate it.

1 MS. FITZ: I will. I will. My one last point is getting out, for anybody, I have, I  
2 usually go through the neighborhood, Huffman Heights to get out because getting out  
3 on Broad River on Bentley's very, very difficult. Even getting out through the  
4 neighborhood. It's a nightmare.

5 CHAIRMAN PALMER: Thank you.

6 MS. FITZ: Thank you.

7 CHAIRMAN PALMER: Elizabeth Bell, Art Whisnant, Juliette Graden?

8 **TESTIMONY OF ELIZABETH BELL:**

9 MS. BELL: Hi, my name is Elizabeth Bell and I live at 109 River Bluff Court, part  
10 of Broad River Township. I would just like to have on the Record that I agree with  
11 everything that everyone has said in opposition to this rezoning. Thank you.

12 CHAIRMAN PALMER: Thank you. Art Whisnant? Juliette? Yes, ma'am, if you'd  
13 like to come down. Mr. Whisnant, would you like to? Okay. If you'd give us your name  
14 and address for the Record.

15 **TESTIMONY OF JULIETTE GADISON:**

16 MS. GADISON: Yeah. Hi, my name is Juliette Gadison. I'm at 1616 Carl Road  
17 and I agree with everything that everyone has said about the neighborhood so far.  
18 Thank you.

19 CHAIRMAN PALMER: Thank you. Melinza Cannon and Jeanine Byrd? And  
20 Diane Flashnick

21 **TESTIMONY OF JEAN BYRD:**

22 MS. BYRD: My name's Jean Byrd and I live at 1506 Elm Abode Terrace. And  
23 one of the things I wanted to speak about is the fact that we do have a, not only multi-

1 cultural but multi-generational neighborhood and neighborhood association that we're  
2 very proud of. And although we do have a lot of diversity, on this one point we do agree  
3 and we have a lot of pride in ownership of our homes there. So much so that four times  
4 a year we have a beautification project and we go out and, actually put on the orange  
5 vests and drag trash bags around and we pick up trash. On Atlantic Boulevard and  
6 especially near Bentley Courts, we pick up the most trash. We pick up anywhere from  
7 12 to 20 bags of trash on that one road. And it's the people in the neighborhoods that  
8 are picking up the trash, but it's not the people or the tenants in the rented areas that  
9 are picking up the trash. They're the ones creating it. We actually had a trailer load of  
10 tires that we picked up and had picked up by Richland County. So we, the tenants and  
11 the corporate entities have not proven to be good neighbors or good for our  
12 neighborhood. So I would like for you to think about that before you destroy the beauty  
13 that we have in our neighborhood. Thank you very much.

14 CHAIRMAN PALMER: Thank you. Melinza Cannon?

15 **TESTIMONY OF MELZINA CANNON:**

16 MS. CANNON: My name is Melzina Cannon and first of all I'd like to say I agree  
17 with everything everyone's saying about our neighborhood. I am new to this area, I'm  
18 from Detroit, Michigan. I just moved here two years ago, 1703 Elm Abode Terrace, and I  
19 love the area. I am so pleased with the quietness. But if you put more people in there,  
20 more traffic, you can't live like that. You know, that's one of the main reasons I moved  
21 because I wanted the peace and quiet, and the stable neighborhood where we got  
22 neighbors that's stable, that talk to you. So please consider that. Keep it a stable  
23 neighborhood. Thank you.

1 CHAIRMAN PALMER: Thank you. Jeanine Byrd? Oh, I'm sorry. Diane  
2 Flashnick?

3 **TESTIMONY OF DIANE FLASHNICK:**

4 MS. FLASHNICK: I'm Diane Flashnick. I live in Broad River Township at 228  
5 River Bluff Way. I moved there and built a patio home about 14 years ago. When I  
6 moved in my son moved in there with me and liked the area so much that he's bought  
7 and remodeled a home on Greenville Circle. So our family is invested in the community.  
8 And we have seen an increase in crime and traffic and, and all of the unfortunately  
9 negatives to a really beautiful community. I echo everything that everyone else has said.  
10 One thing that has not been mentioned and I think it's often not mentioned before  
11 something like this occurs, but after, and I don't know what kind of studies may have  
12 been done, but whether or not the water and sewerage infrastructure can handle this  
13 community having another high density apartment complex put in. So I won't go into all  
14 of the other issues because I certainly echo everything that's been said by my  
15 neighbors and those in the other communities. Before I go I would like everyone here  
16 that's support 'no' vote for this zoning to pass, would y'all stand up?

17 CHAIRMAN PALMER: Thank you, we appreciate it. And that's all we have  
18 signed up to speak, so that ends the public input session for Case No. 13-07 MA. Any  
19 questions for Staff?

20 MR. THEUS: I have a question. Have there been any studies done of these  
21 roads, Elmgren, Atlantic, Bentley Drive and Canal that you're aware of?

1 MS. HEGLER: Not that we're aware of. What you would see in there is the only  
2 studies that were available to us from the DOT in terms of traffic counts. Studies are  
3 typically required at the time of development.

4 MR. THEUS: Yeah.

5 CHAIRMAN PALMER: And let's say that the traffic counts would be too high for,  
6 you know, a multi-family project that's looking to go in here, the county would at that  
7 point require traffic calming mechanisms to go into place, whether it be turn lanes or  
8 improvement to the road or whatever is necessary for that development to move  
9 forward.

10 MS. HEGLER: The DOT will on state streets.

11 CHAIRMAN PALMER: Right.

12 MS. HEGLER: Yeah, they would require the traffic study, we do as well and we  
13 pretty much concur with what the DOT requires. The traffic study would have to  
14 recommend mediation for whatever the impacts are, if they are deemed to be negative.  
15 And those items would be required by the DOT.

16 CHAIRMAN PALMER: Right.

17 MR. GILCHRIST: Before any development, correct?

18 MS. HEGLER: Correct.

19 CHAIRMAN PALMER: And so what's in front of us, just so that everybody in the  
20 audience knows, is we don't get into the development side, whether the infrastructure's  
21 there as far as water and sewer to handle a project. We look at a piece of property, not  
22 with specific items in mind for it, but our zoning classification allows to go on that site.  
23 And do we think that that is an appropriate use for that site. When someone gets into

1 the development side of the piece of property, that's when the governmental regulations  
2 and the entities come into play that handle those type of regulations as far as the  
3 capacity. I know one lady brought up the sewer capacity, the water capacity. If those  
4 capacities aren't there, developers have to then put in place mechanisms to make those  
5 capacities available for their project or they can't do them. Same thing with DOT, when  
6 a project gets approved, there has to be calming mechanisms in place if DOT deems  
7 that there's a traffic issue out there on the site. So, but what's before this Body is the  
8 rezoning of the property itself as to whether or not all the information that we have in  
9 front of us points to this site being needed in the county for a multi-family site or not, and  
10 all the data that we have in front of us. So just wanted to explain that to everybody.

11 MR. THEUS: But Mr. Chairman, traffic is a consideration. It's put in our package  
12 every time.

13 CHAIRMAN PALMER: Absolutely.

14 MR. THEUS: I've been, this is an area I've been into frequently and these roads  
15 are narrow winding roads that I don't see any way there can be measures put in place  
16 to allow another 300 some odd apartment units in there. So I, what concerns me as the  
17 Planning Commission, that we rezone it and that builds the momentum to try to,  
18 somehow they try to finesse it and wedge it in through DOT and, when it never  
19 should've been zoned that in the first place. So those are my thoughts. I, I move that, I  
20 make a motion that we move it forward to the Council with a recommendation for  
21 disapproval.

22 CHAIRMAN PALMER: Mr. Theus, do you have any reasons for going against  
23 Staff recommendation?

1 MR. THEUS: Because of the traffic considerations.

2 CHAIRMAN PALMER: Okay.

3 MS. CAIRNS: I'd like to second that, but I'd actually offer some additional  
4 reasons as to why to go against Staff. I mean, the Applicant offers that the only reason  
5 is to maximize property value of that parcel. That's typically not enough reason, I think,  
6 to ask for a rezoning and it would have to be balanced against what impacts it would  
7 have on the adjacent parcels, cause I'm sure that it would have some negative impact  
8 on some of the single-family homes. I also believe that even just reading, like the Comp  
9 Plan objectives and about the housing is everything talks about diversity of housing and  
10 that this would basically be congregating a lot of really high density housing and not  
11 really mixing. I mean, based on the road capacities in the area and the fact that it's off of  
12 a major road, that I would argue that there's already enough of the really high density in  
13 that area and it would be better to have some, you know, medium to low density  
14 housing fit in there; that this really doesn't, I mean, this is just putting a whole ton of like  
15 housing types together, not really diversifying the housing types off of these roads. But I  
16 think that, I think given the road structure, the area, the, being off of a major road and  
17 the existing high density, that it's not, it doesn't promote, I mean, there's even the  
18 phrase that, you know, yeah the transitional district. Simply putting in more high density  
19 up against other high density and then right up against low density is not transitioning at  
20 all. So I think that this just isn't, you know, this particular lot is not particularly well suited  
21 to become an additional high density housing area. So I would second that, but then  
22 also incorporate those as the reasons why to go against the Staff recommendation.



1 CHAIRMAN PALMER: Did Staff get those down? Okay. Do we ever get traffic  
2 counts on internal roads? I know most of the ones that I see are on main thoroughfares.

3 MS. HEGLER: Just wherever the DOT, wherever they take their counts.

4 CHAIRMAN PALMER: Okay. When we take a look at information in our  
5 packages, obviously the community here has done a good job of informing us of what  
6 goes on in an area with internal roads and this site's obviously accessed via internal  
7 roads and, like Heather says, not connected to the main thoroughfare. Does the Staff  
8 ever go out and do any of its own calculations, or is everything just via computer and  
9 what data's out there? Do you guys ever go out and sit and notice what's going on on  
10 these internal roads?

11 MS. HEGLER: We certainly check the sites out and observe them. We don't take  
12 manual counts.

13 CHAIRMAN PALMER: Right.

14 MS. HEGLER: Public Works might do that, I can look into whether or not they  
15 actually have the – I don't know if we even own the instruments to do such a thing, and  
16 certainly there's a cost to hiring consultants to do that.

17 CHAIRMAN PALMER: Right.

18 MR. THEUS: I'm certainly not impugning Staff for not having that information, I'm  
19 just saying, we don't have that information. It's critical to this piece of property.

20 MS. HEGLER: Yeah, it's not readily available to us.

21 CHAIRMAN PALMER: Right. I'm just wondering if we have something that, I  
22 mean, I see these strung across the streets all over the place, these counts, and for  
23 something like this, this seems like it may have been, maybe a good idea moving

1 forward that if we could get a couple of those in-house then we would maybe do  
2 something like that where we can notice that there's a lot of traffic, but nowhere to grab  
3 a count from, from DOT records.

4 MS. HEGLER: We can investigate the cost of doing something.

5 CHAIRMAN PALMER: Okay. We have a motion and a second. Any other  
6 comments or questions? All those in favor of the motion to send this forward to Council  
7 with a recommendation of denial please signify by raising your hand. Any opposed?

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

10 Applause

11 CHAIRMAN PALMER: Folks, folks. We appreciate the enthusiasm but we've got  
12 to keep a certain level of order here, so. We will be back, this case will be back in front  
13 of Council on the –

14 MS. LINDER: October, Tuesday, October 22<sup>nd</sup>, 7:00pm.

15 CHAIRMAN PALMER: - October the 22<sup>nd</sup>, back in these same Chambers, at  
16 7:00, so if you have an interest in it, you may want to come back and see us again. And  
17 we'll wait just a minute or two if you want to leave to carry on any further conversations  
18 outside, we'd appreciate it. Folks, if we could move along outside and carry on  
19 conversations out there we'd appreciate it. Okay. Is everybody back in? Alright next  
20 case, Case NO. 13-26 MA.

21 **CASE NO. 13-26 MA:**

22 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Mr. Charles  
23 Medlin. The property is located on Two Notch Road, it's about three acres in size,

1 currently zoned GC. Mr. Medlin is asking for the LI, which is light industrial district. The  
2 property was originally zoned RU, which is our rural residential district in 1977. In the  
3 year 2000 it was rezoned to general commercial district. In the vicinity, to the north,  
4 south and east, I'm sorry to the west; north, south and west, we have other properties  
5 zoned Rural. They are occupied by residences or undeveloped. And to the south, I  
6 mean, to the east we have property that's zoned GC and it is currently undeveloped.  
7 This property has 150' of frontage on Two Notch Road and is currently occupied by a  
8 metal paneled building with a dirt drive that accesses the building. For the most part in  
9 this area we have residential uses, undeveloped and wooded parcels. Our  
10 Comprehensive Plan recommends suburban for this property where industrial activities  
11 should be compatible with other industrial activities in the area, should not locate near  
12 residential use or commercial use, and have adequate space for buffering and  
13 setbacks. The Staff found that this property was not in compliance with the  
14 Comprehensive Plan recommendation because of the residential use and the  
15 undeveloped parcels nearby and the lack of infrastructure. For these reasons the Staff,  
16 because of the noncompliance, the Staff felt that our recommendation would be better  
17 served by recommending disapproval. If you have any questions I'll be glad to try and  
18 answer them.

19 CHAIRMAN PALMER: Any questions for Staff? Mr. Medlin?

20 **TESTIMONY OF CHARLES MEDLIN:**

21 MR. MEDLIN: I don't understand why I'm going through this stuff cause it's been  
22 commercial for 20 years. And now here lately, the people that's planning on renting the  
23 property and building gonna use the same building, same infrastructure, but the only

1 difference is I brought it up to Code for the restrooms and the handicap parking and  
2 stuff like that. But it's gonna be, everything gone be included in the building itself, there'll  
3 be no additional stuff put on the building, added to or nothing. But it's been commercial  
4 for 20 years. And it's a cemetery across the road from it. And it's right directly on #1  
5 Highway, I have no, you know, I haven't had any complaints at all with the building for  
6 the last 20 years so I don't understand why I'm having a problem now.

7 CHAIRMAN PALMER: Is it because you wanted to use it for a mechanic or?

8 MR. MEDLIN: I used it for mechanic shop for 20 years.

9 CHAIRMAN PALMER: Okay. What's caused this to come back in, Geo?

10 MR. MEDLIN: I've rented, I want to rent it to a man to make commercial cabinets  
11 for houses. He's gonna haul them to the house, he makes them inside the shop. It's just  
12 –

13 MR. PRICE: Proposed change of use.

14 MR. MEDLIN: Change of use is what it is. But there's been no complaints or  
15 nothing about the property or nothing like that, but they want to change it to a light  
16 commercial I think that is?

17 CHAIRMAN PALMER: Light industrial, yeah.

18 MR. MEDLIN: And it's, you know, I was doing, repairing vehicles before. And  
19 now it's [inaudible] it to one building which is no improvement, I mean, enlargement of  
20 the building and they got their own container for hauling off all the trash.

21 CHAIRMAN PALMER: Okay. Any questions for Mr. Medlin?

22 MR. BROWN: Mr. Chairman, the change of use for the property, and it's really  
23 not for him as it is as much for Staff, what are the other uses other than cabinetmaking?

1 CHAIRMAN PALMER: I think because it's not really open to the public and it's  
2 used more for a manufacturing type situation as opposed to a retail type use, where he  
3 makes them on sight, delivers them somewhere else, it's actually a less intense use but  
4 I would imagine I guess from what our report says that the Comp Plan does not call for  
5 it in this area.

6 MR. MEDLIN: But it's right by some commercial property, right by it, and we're  
7 right in the commercial area. Because there's been, a lot of commercial across the road  
8 in front of it and everything. And there's nothing, nothing been changed, in fact there's  
9 lights and the traffic is less now than it was when I had it as a shop.

10 CHAIRMAN PALMER: Thank you, Mr. Medlin. That's everybody that's signed up  
11 to speak. This is, in my view this is one of those cases where if this site were probably  
12 to come in zoned from Rural to General Commercial, probably would not get a  
13 recommendation. In this case you've got a site that's been used as a current use and  
14 zoned properly for a number of years and then the owner wants to lessen the intensity  
15 or lessen the ability of the site to be used commercially, runs into a situation where, you  
16 know, you can't do it, even though they want to downgrade the site, well I wouldn't say  
17 downgrade, but lessen the intensity from GC to LI and it doesn't comply with the Comp  
18 Plan. Well, GC doesn't comply with the Comp Plan either. So it's one of those kind of  
19 sites where if we get more into conformity than less, it may make sense than what we  
20 currently have in my opinion.

21 MS. CAIRNS: Light industrial is – well, I guess it's arguable as to whether it's a  
22 more intense use or not. I think on our chart it's considered more intense, not less  
23 intense than GC.

1 CHAIRMAN PALMER: I think it's just the – it doesn't go from less to more, more,  
2 more, more, more, it's just –

3 MS. CAIRNS: I know, but I just –

4 CHAIRMAN PALMER: I would argue that LI is, is a much less, and that's prior to  
5 when we had the C-1, C-2, C-3 zoning classifications.

6 MS. CAIRNS: It's just this, you know, you can get outside storage in LI that you  
7 can't get in GC.

8 CHAIRMAN PALMER: Yeah, and you can get gas stations in GC.

9 MS. CAIRNS: I understand, but not with outside storage.

10 CHAIRMAN PALMER: Yeah, the outside storage, I understand your concern,  
11 which is –

12 MR. THEUS: Mr. Chairman, on the chart of uses permitted in LI that are not  
13 allowed in GC, it says, under LI, repair and maintenance services, automobile, major.  
14 So as I understand it he's been doing auto repair. Is it not okay to have auto repair in  
15 GC?

16 MS. CAIRNS: If it's minor. There's auto repair minor that's allowed in GC, and it's  
17 auto repair major that's not.

18 MR. THEUS: How is that defined?

19 MS. CAIRNS: That's, Mr. Geo can handle that. Basically asking how what he's  
20 doing there now was compatible. Was the auto repair shop compatible with the Code?  
21 Or in compliance I guess?

22 MR. THEUS: It's been zoned GC and used as an automobile repair shop.

1 MR. PRICE: It's been used as an automobile repair shop. Now I haven't seen the  
2 site, I think it was major or minor on there. Yeah, the GC would allow minor use which  
3 would be your simple repairs. Typically, you know, your oil changes, like you would find  
4 at a Pep Boys or Good year or something. When you get into more of the heavier type  
5 repairs; transmissions and so on, that would fall into the category of major and that  
6 would need to be in the industrial district.

7 CHAIRMAN PALMER: I would view the LI as a less intense use than General  
8 Commercial, and I think the general public would do that as well, to bring this site into a  
9 closer conformity to what is around it.

10 MS. CAIRNS: I would completely disagree. I mean, I think the increased use  
11 types and the increased buffering that's required between LI and other things would  
12 indicate that LI is considered a more noxious zoning than less. I mean, I'm just offering  
13 that I just disagree.

14 CHAIRMAN PALMER: That's alright, that's why we're up here. Okay, do we have  
15 any other questions for Staff? Any other comments, any motions?

16 MR. GILCHRIST: Mr. Chairman, I would recommend that we send Case 13-26  
17 MA forward to Council with a recommendation of disapproval.

18 CHAIRMAN PALMER: Do we have a second?

19 MS. CAIRNS: I'll second it.

20 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

21 MS. CAIRNS: I mean, I would just offer I find these to be just some of the most  
22 difficult cases.

23 MR. MEDLIN: Can I say something?

1 CHAIRMAN PALMER: Mr. Medlin, I appreciate it but we just can't reopen it again  
2 to the public. If we do that once we'll have to do it every other time. I appreciate it,  
3 though. Heather?

4 MS. CAIRNS: I just, just like, you know, these are phenomenally difficult. I mean,  
5 I just think it's a bummer that there's no, that GC wouldn't allow the construction of  
6 something that has no outside storage. I mean, I just, cause these are incredibly difficult  
7 cases. I mean, I find it incompatible to allow industrial use into the area, even though  
8 the particular tenant would probably not be more noxious than what was there. But, I'm  
9 just frustrated by the lack of good solutions to these problems.

10 CHAIRMAN PALMER: Well, if you remember correctly, I think I put forth some  
11 language not long ago for us to do that, which didn't pass through the Planning  
12 Commission for some auto repair that had outdoor storage, which is the reason that  
13 everybody knocked it down was cause it had outdoor storage, so. I mean, I tried to –

14 MS. CAIRNS: But that's what I'm saying here where we've got someone who's  
15 gonna do manufacturing but all self-contained within a structure. So it's like, to me it's  
16 frustrating that something that doesn't have any outdoor storage requirements still  
17 somehow can't fit in GC. So it was, I would offer it's distinctly different than what your  
18 request had been a few months ago. But.

19 CHAIRMAN PALMER: Well, personally I think it should be rezoned to Light  
20 Industrial, but we have a – any other thoughts or questions on it? We have a motion and  
21 a second to send this case forward to Council with a recommendation of denial. All  
22 those in favor of the motion please signify by raising your hand. All those opposed?



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

3 CHAIRMAN PALMER: That motion fails. Do we have a new motion?

4 MR. THEUS: I move we move it forward with a recommendation for approval,  
5 rezoned to LI.

6 MR. BROWN: Second.

7 CHAIRMAN PALMER: We have a motion and a second. Is there a reason for  
8 going against Council's recommendation for disapproval? I would offer up that it brings  
9 the site into closer conformity to what the Comp Plan calls for. And again, it's  
10 unfortunate that we don't allow that in the General Commercial zoning, but in this case  
11 we don't. In any case, that's my thoughts on it. Do you agree?

12 MR. THEUS: Yes.

13 CHAIRMAN PALMER: We have a motion and a second to send this case  
14 forward to Council with a recommendation of approval. All those in favor of the motion  
15 please signify by raising your hand. All those opposed?

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

18 CHAIRMAN PALMER: Okay, you can't vote both ways on this thing. [Laughter]

19 MS. CAIRNS: Cause there's reasons given to go against Staff and so if you don't  
20 support the reasons then you don't automatically support the opposite motion.

21 CHAIRMAN PALMER: Mr. Westbrook, what reasons did you vote against it in the  
22 first place?

23 MR. WESTBROOK: I erred. I go back.

1 CHAIRMAN PALMER: Do you want to vote for approval of the site, or  
2 disapproval?

3 MR. WESTBROOK: Disapproval.

4 CHAIRMAN PALMER: Okay, well we need another – we have a motion that's  
5 failed, we have both motions as failed. What do we do, legal?

6 MS. LINDER: A tie motion would be no recommendation. It would go forward  
7 without a recommendation. A 3/3 vote to approve. It's three votes to approve and three  
8 votes to deny.

9 MS. CAIRNS: Which is what we've got, that's what we had on our second motion  
10 was a 3/3.

11 MS. LINDER: Then you would go forward with no recommendation.

12 MS. CAIRNS: So that's what it –

13 MS. LINDER: I believe. Let me check your rules real quick.

14 CHAIRMAN PALMER: Yeah, I think we have to have a recommendation.

15 MS. LINDER: That is correct, a tie vote is no recommendation. And it goes  
16 forward with no recommendation.

17 MR. THEUS: You don't need a motion for – it's just, that's just the outcome of  
18 that.

19 MS. HEGLER: Maybe you should vote again.

20 MS. CAIRNS: No.

21 MS. LINDER: Let just read this. A tie vote for motions regarding  
22 recommendations to the County Council is a no recommendation vote. A tie vote for  
23 motions regarding action wherein the Planning Commission has final authority is a failed

1 vote. In that case it would be going to the next, rescheduled to the next Commission  
2 meeting.

3 CHAIRMAN PALMER: Is it a no recommendation or a "no" recommendation.

4 MS. LINDER: It's a "no" recommendation.

5 CHAIRMAN PALMER: So it's a –

6 MS. CAIRNS: Not a recommendation of no, but no recommendation.

7 MS. THEUS: It's neutral.

8 MS. HEGLER: It's just zero.

9 MS. LINDER: You're not making a recommendation.

10 CHAIRMAN PALMER: Okay. Alright. So.

11 MS. CAIRNS: So that's that.

12 CHAIRMAN PALMER: Unfortunately, we don't have a recommendation to  
13 Council on this case. Mr. Medlin, so this case will come back in front of Council on, what  
14 did you say, the 22<sup>nd</sup>? On the 22<sup>nd</sup> at 7:00 in these Chambers and Council will not  
15 receive a recommendation from this Body.

16 MS. CAIRNS: But they will proceed forward.

17 CHAIRMAN PALMER: They will proceed forward and make the decision on the  
18 22<sup>nd</sup>.

19 MR. MEDLIN: Okay, let me write this down? Now, when will it be?

20 MS. CAIRNS: Here.

21 CHAIRMAN PALMER: On the 22<sup>nd</sup>, 7:00.

22 MR. MEDLIN: The 22<sup>nd</sup> of this month?

23 CHAIRMAN PALMER: Yes, sir.

1 MR. MEDLIN: Do you have any idea of any information I need to bring or  
2 anything? I don't understand the confusion, but.

3 MR. PRICE: Let me explain it to you.

4 CHAIRMAN PALMER: Mr. Price, you can get together with Mr. Price and he can  
5 explain it to you.

6 MR. MEDLIN: Okay, thank you.

7 CHAIRMAN PALMER: Thank you. Next case, 13-27 MA.

8 **CASE NO. 13-27 MA:**

9 MR. LEGER: Yes, sir, Mr. Chairman, the Applicant in this case is Mr. Bill  
10 Bouknight. The property is located at 2101 Kennerly Road. It's 3.3 acres in size,  
11 currently zoned RU, Rural. The Applicant is requesting the OI, Office and Institutional  
12 zoning classification. The RU district is the original zoning from 1977. The properties in  
13 the vicinity are all zoned RU, our rural district. To the north we have undeveloped and  
14 residential properties. To the south we have residences as well, large lots. To the east  
15 we have the Oak Point Elementary School and a cell tower location. And to the west we  
16 have undeveloped property as well. The property contains a 5,000 square foot in size  
17 metal paneled building. It also has a single-wide manufactured home behind the metal  
18 building. It appears to be used for some type of storage. Essentially in the area the  
19 properties are made up of residential use, large lots, undeveloped wooded properties,  
20 except for the school and the cell tower, which are institutional uses. The  
21 Comprehensive Plan recommends suburban on this site where commercial and office  
22 activities should be at major traffic junctions, all where existing in commercial uses are  
23 located. The Staff found that this site was not in compliance with that recommendation

1 because of the residential use nearby and also not locating where other commercial and  
2 office uses are located. Because of the residential use, the zoning districts all being RU,  
3 rural, the Staff recommended disapproval of this Application. If you have any questions  
4 we'd be glad to try and answer them.

5 CHAIRMAN PALMER: Any questions for Staff? Bill Bouknight?

6 **TESTIMONY OF BILL BOUKNIGHT:**

7 MR. BOUKNIGHT: Good afternoon, Mr. Chairman and Members. My name is Bill  
8 Bouknight, I live at 1632 Shady Grove Road, Irmo. This piece of property belongs to an  
9 old masonic lodge. I am the taskmaster and front secretary. I represent 465 members.  
10 We have had this property since 2007, it's been on the market. We can't sell it. We've  
11 got an offer. If we get it we may sell it and then we may not, but we need to do  
12 something. It's costing about \$2,500 a year for insurance and we're paying light bill, \$77  
13 a month. So it's a drain on us and we highly recommend that you – if you don't approve  
14 it we gone set there until we try and sell it and it's just costing us more money. And the  
15 Planning Commission recommends it not be approved because they don't want an  
16 industry out there. It's gonna be small industrious, not gonna be anything major. It's  
17 right across the road from the school. We've had one day care contact us about it, it's  
18 ideal for that but nothing has come through. Numerous churches have contacted, but  
19 they never come back. So if you could please consider our recommendation I'd  
20 appreciate it very much. Thank you.

21 CHAIRMAN PALMER: Thank you. I have no idea. Maybe it's Wanda? You got  
22 any idea on this one?

23 MR. GILCHRIST: That's what it looks like. Wanda. Kennerly Road.

1 CHAIRMAN PALMER: If you're signed, if you want to speak on the Kennerly  
2 Road site, if you would come on down. Then we got Kendral Hammonds, Chris –

3 MS. CAIRNS: Well, there's two Kennerly Road issues. The 8<sup>th</sup> one on the –

4 CHAIRMAN PALMER: Okay. So we got Kendral Hammonds, Chris Lindler and  
5 Linda Amick? Are any of y'all for this one?

6 **TESTIMONY OF CHRIS LINDLER:**

7 MR. LINDLER: My name is Chris Lindler. I live at 2344 Wessinger Road, which is  
8 actually in Lexington County. But I'm a member of Boylston Lodge as well which  
9 actually makes me part owner of this property. As well as Sheriff Leon Lott who's a  
10 member of this lodge and I have a letter I'd like to read to you from Sheriff Lott that I'd  
11 like to move forward to – and y'all just tell me who I need to give it to, but. He addresses  
12 this: To Whom It May Concern: I'm pleased to offer my support for Boylston Masonic  
13 Lodge's efforts to secure a change in the zoning of their property located at 2101  
14 Kennerly Road in Irmo. As you may know this property address is zoned Rural and  
15 they're seeking to have it changed to Office or Light Industrial. This zoning change will  
16 enable them to sell the property to a potential buyer. As the Sheriff of Richland County, I  
17 support the efforts of our community leaders to seek changes that would grant them the  
18 ability to succeed in this competitive society. I hope you will accept this letter of support  
19 and give consideration to this effort. I'm also the major crime sergeant at the Sheriff's  
20 Department and I work for Sheriff Lott. And I can tell you on a couple of instances we've  
21 had to do reports for Bill and those guys out there at the lodge because the air  
22 conditioning units, as you all know, on something that sits vacant, people know that it  
23 sits vacant. They've had to spend money to replace those air conditioning units, not

1 once but twice where they've been vandalized. And if it continues to sit vacant it's  
2 gonna happen and as you know, a vacant property also breeds, brings in things you  
3 don't want out there. So we would appreciate your support in changing this. Thank you.

4 CHAIRMAN PALMER: Thank you.

5 MR. LINDLER: Who do I need to give this letter to from the Sheriff?

6 CHAIRMAN PALMER: Just give it to Staff. Thank you. Yes, sir, if you'll come  
7 down and give us your name and address?

8 **TESTIMONY OF CLARK THOMAS:**

9 MR. THOMAS: Yes, my name is Clark Thomas. I live at 2165 Kennerly Road, the  
10 property that's next to the property in question here. And I just have a concern with it. I  
11 can't really say I'm for it or against it at this point. I'm a little concerned, I don't  
12 understand the zoning implications as well as you guys do. So what I'm concerned  
13 about it the potential for, that any property owner would have who's got adjacent  
14 property for the future; whether it be something coming there that's gonna be loud or  
15 something that could be potential for any kind of problem, whether it may decrease the  
16 property value of any way. So I know it's quite an albatross for the folks who own the  
17 property now and they need to be able to offload it. So I'm just concerned and I wanted  
18 to make you guys aware that as a property owner with the new zoning that's coming  
19 into place, how is that gonna affect me or how could that affect me down the road, 5,  
20 10, 15, 30 years down the road? This is family property, had it for a long time, will  
21 probably be there for a lot more time to come, so I'm just expressing my concern.

22 CHAIRMAN PALMER: And the short answer I can tell you is that if you take at  
23 these yellow signs that we put out, it says what the classification's going from and what

1 it's going to. On the richlandcounty.gov website, if you go to the Code of Ordinances  
2 under Chapter 26, it would give you a matrix of what's permitted and what's not  
3 permitted under the different zoning classifications. And you can take a look at what it's  
4 going from and what it's going to. Or if you'd like to come down, they'll give you a copy  
5 of it as well.

6 MR. THOMAS: Okay. Yeah, I see the OI is Office and Institutional district.

7 CHAIRMAN PALMER: Right.

8 MR. THOMAS: I did a little research on that. I'm still not 100% clear as to what  
9 kinds of businesses could be put in there down the road.

10 CHAIRMAN PALMER: It spells it out specifically. It goes from auditoriums,  
11 colleges, courts, government offices, hospitals. If you'll take a look there it'll spell it out  
12 specifically. And Geo can get you a copy of it too. He's right behind you.

13 MR. THOMAS: Alright.

14 MS. CAIRNS: Here's – sir, there's a list for you.

15 CHAIRMAN PALMER: Okay. Is that everyone we have? Signed up under the  
16 right thing. Okay. That's all we have signed up to speak on it. So the main reason for  
17 this denial is based on the Comp Plan?

18 MS. HEGLER: Yes, sir. Compatibility.

19 MS. CAIRNS: I'd say, I mean, I would offer sort of support of the Staff  
20 recommendation in this situation, almost regardless of the Comp Plan. I mean, you've  
21 got a totally rural area and basically, you know, at some point in time somebody, I  
22 mean, I put in my notes that it was a, you know, a red herring and the neighborhood,  
23 you know, called it an albatross. And in essence that's what's happened, is the property



1 owner ended up with something that's totally a fish out of water and is now trying to cure  
2 it through a zoning, you know, and I don't think that that's enough reason to just rezone  
3 something. I mean, it's not – you know, I mean, okay it's not compatible as is as a  
4 storage building and it's in a totally rural area, residential area, and I don't believe that  
5 it's appropriate to zone it to office when it, you know, none of the criteria necessary are  
6 present.

7 CHAIRMAN PALMER: Mr. Price, is a masonic lodge classified as a religious  
8 organization? Do you know? How would you classify that?

9 MR. PRICE: We wouldn't have classified it as that. I look through our Code but I  
10 don't think we would've classified it as a religious organization.

11 MS. CAIRNS: Private group.

12 CHAIRMAN PALMER: I'm just wondering how it would get, be able to use the  
13 property with a rural classification.

14 MR. PRICE: It depends on how long it's been there. You know, we have a  
15 number of uses and I don't have my previous Code in front of me, but I believe our  
16 previous Code allowed clubs, lodges and that sort, essentially those nonprofit type  
17 uses, to go into a rural area. So it would've been either grandfathered or, I'm checking  
18 in my Code, maybe it's allowed.

19 CHAIRMAN PALMER: Okay.

20 MR. PRICE: With that use now.

21 MS. CAIRNS: Well, we also have that weird thing that if you have a residence  
22 you can build a storage building. And so my guess is that mobile home in the back was

1 probably at some point to be the residence that allowed the building of this enormous  
2 storage building that then just became a lodge.

3 CHAIRMAN PALMER: But it still couldn't have gotten its occupancy.

4 MS. CAIRNS: Well, but then it's

5 MR. BOUKNIGHT: [Inaudible]

6 MS. CAIRNS: Was it? Okay.

7 MR. PRICE: In our current Code clubs and lodges is the category we would put  
8 this into, would be allowed by special exception in a Rural district. But it was permitted  
9 outright in the previous Code.

10 MS. CAIRNS: Okay, so it's an allowed use as it is. It's just there appears to be no  
11 market for it based on what the Applicants have offered. I mean, so that's the problem is  
12 you've got a, you've got a use that's compatible with the zoning, it's an allowed use, it's  
13 just they are finding there's no market to sell it to. And I just don't think that's why we  
14 rezone something when it's completely incompatible with the neighborhood.

15 CHAIRMAN PALMER: Any other questions for Staff? Or is that a motion,  
16 Heather?

17 MS. CAIRNS: I make a motion that we send it forward to Council with a  
18 recommendation of disapproval.

19 MR. THEUS: Second.

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

22 *[Approved to deny: Cairns, Westbrook, Palmer, Gilchrist, Theus, Brown; Absent:*  
23 *McDaniel, Tuttle, Van Dine]*

1 CHAIRMAN PALMER: Alright. Case No. 13-28 MA.

2 **CASE NO. 13-28 MA:**

3 MR. LEGER: Yes, sir, Mr. Chairman, the Applicant in this case is Mr. John  
4 Kilmartin. The property is located on Broad River Road, not too very far west from the  
5 Peake exit and the Food Lion there at the Peake exit. The property is about 14 acres in  
6 size out of a larger parcel of 41 acres. It's current zoned M-1, which is our Light  
7 Industrial district, and the Applicant is requesting RU, which is a Rural residential  
8 district. The Light Industrial district or the M-1 district is the original zoning from 1977. In  
9 the vicinity we have a number of different zoning classifications; RU to the north, which  
10 is occupied by residents and the Wood Smoke Campground nearby, to the south we  
11 have the interstate, 26, and to the east we've got other property that's zoned M-1, it is  
12 currently undeveloped and wooded, and to the northwest or west the property's zoned  
13 RM-MD, which is the Wescott Ridge Subdivision, has developed and is currently  
14 developing some more. The property has about 100' of frontage along Broad River  
15 Road and it's currently undeveloped. And quite a bit of it is in floodplain. Our  
16 Comprehensive Plan recommends suburban in this vicinity where residential uses  
17 should be at 4 to 8 units per acre. The Staff found this one to be not in compliance with  
18 that recommendation, however, we felt that given the development constraints in the  
19 vicinity, the floodplain, that residential, low density residential would be more  
20 appropriate on this site than would industrial uses, again because of the development  
21 constraints in the floodplain. So for those reasons the Staff feels that the RM, I'm sorry,  
22 the RU district would be more appropriate than the M-1 district and recommends  
23 approval at this time.

1 CHAIRMAN PALMER: I have a question for Staff. The light blue that you're  
2 showing as the flood zone A on the map, is that the 100 year flood or the 500 year  
3 flood?

4 MS. HEGLER: It should be the 100.

5 CHAIRMAN PALMER: It's very difficult to, to see it coming up that far with no, I  
6 mean, I'm not sure where it's coming from.

7 MR. THEUS: Are there any speakers?

8 CHAIRMAN PALMER: Oh, there's actually a flowing creek back there.

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

10 CHAIRMAN PALMER: Is that what it's showing?

11 MS. CAIRNS: Yeah, you can see it cutting through the trees.

12 MR. THEUS: Yeah.

13 MS. CAIRNS: It almost looks like the property line is the creek.

14 CHAIRMAN PALMER: Where is this creek that runs across a power line  
15 easement?

16 MS. CAIRNS: I mean, you can see it, you can see the tree.

17 CHAIRMAN PALMER: Yeah, you can see it.

18 MS. CAIRNS: And it's probably that property line, the jagged property line to the  
19 east is probably the center line, it's probably center line of the creek property line.

20 CHAIRMAN PALMER: I wonder why the floodplain doesn't follow the creek all  
21 the way?

22 MS. CAIRNS: Steep sides and then it flattens out, maybe?

1 CHAIRMAN PALMER: Okay, so that's the 100 year that we're looking at? I just  
2 don't understand that. Can you pull up the 500 year on there? It doesn't matter, I'm  
3 must making sure that it's correct.

4 MR. DELAGE: It is.

5 CHAIRMAN PALMER: Okay, cause I've had the 500 pull up before as well.  
6 Okay. John Kilmartin? And then Keith Neshaw and Brian Clifton?

7 **TESTIMONY OF KEITH NESHAW:**

8 MR. NESHAW: Yeah, I'm Keith Neshaw representing Grace Point Presbyterian  
9 Church.

10 CHAIRMAN PALMER: Okay.

11 MR. NESHAW: John Kilmartin did the filing, one of the signers for our  
12 corporation.

13 CHAIRMAN PALMER: Okay.

14 MR. NESHAW: We, as a congregation of about 200 people, we own this, the  
15 larger, the whole parcel. We'll be developing out there at some point. The, cross that  
16 creek, it'd be in [inaudible] cost us substantial amounts to get across that creek and  
17 honor the wetlands which have grown as they've redrawn some of those floodplains.  
18 And so in that, we, there's really in the back corner about six acres of developable  
19 property, and really one viable purchaser and that's the development to, that's adjacent  
20 there. And so we're looking to rezone that to RU so that that could be possible. And  
21 that's why.

22 CHAIRMAN PALMER: Okay. Brian Clifton?

23 **TESTIMONY OF BRIAN CLIFTON:**

1 MR. CLIFTON: I'm the owner of Wescott Ridge and working with Grace Point.  
2 The creek that divides the floodplain was redone, which gave the opportunity for them  
3 not to be able to cross it anymore. So what we're doing is accessing it through the back  
4 side and it's the only way to get to that portion or piece of property. The topo is severely  
5 steep, we have looked at the floodplain but it has probably increased by 50% when the  
6 last floodplain study was done, which was after Grace Point bought the property. We're  
7 gonna buy some of the floodplain as well as some of the property to do open space to  
8 add a few more house into Wescott Ridge that'll be the exact same houses we're  
9 already building in there.

10 CHAIRMAN PALMER: So I just want to be clear here, that the Comp Plan does  
11 not recommend this approval, and that it's just to, because the use needs to be  
12 something differently than what the property is situated as.

13 MS. HEGLER: The Comp Plan recommends a higher yield.

14 CHAIRMAN PALMER: Right.

15 MS. HEGLER: In suburban. And we discussed that a lot as Staff that this wasn't  
16 as far as we'd like it to go in terms of meeting that compatibility with suburban, but it is  
17 closer and more compatible than its existing use. So that coupled with the inability to  
18 really utilize the lot, made us comfortable with recommending approval.

19 CHAIRMAN PALMER: Okay. That's all we've got signed up to speak.

20 MS. CAIRNS: Well, I'll make a motion that we send 13-28 MA forward to Council  
21 with a recommendation of approval.

22 MR. WESTBROOK: I'll second.

1 CHAIRMAN PALMER: Any other discussion? All those in favor the motion please  
2 signify by raising your hand. Any opposed?

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

5 CHAIRMAN PALMER: Case No. 13-29 MA.

6 **CASE NO. 13-29 MA:**

7 ME. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Mr. Bill  
8 Dixon. The property has frontage on Two Notch Road and Green Hill Parrish Parkway,  
9 as well as Spears Creek Church Road. It is currently 80 acres and is part of a larger  
10 PDD. The original zoning in 1977 was RU, which is our Rural Residential district. The  
11 property was rezoned to PDD in 1999. To the north we have property zoned RU and  
12 GC, some undeveloped property, rural residential, some conservation easement and  
13 railroad right-of-way. To the south and east we have PDD, Planned Development  
14 District, part of which is Green Hill Parrish Subdivision and the Legacy Sandhill  
15 Apartments. To the west we have property zoned RU and GC that is occupied by  
16 residences and undeveloped properties. This is, again this is a Planned Development  
17 District with frontage on three of those different roads. The property in question appears  
18 to contain a golf center, it's no longer the use. It's currently unoccupied but cleared. It's  
19 really undeveloped at this point. The Green Hill Parrish PDD has 246 acres of  
20 residential. They want to change this 80 acres from commercial use, for the most part to  
21 residential, and the breakdown of those acreages are in the next paragraph. I won't get  
22 into all of that detail, but most of the acreage is coming from the commercial use change  
23 to residential. Our Comp Plan recommends suburban at this time for medium use, 4 to 8

1 units per acre. The change in use to allow more residential would be at 6 units per acre,  
2 which is compatible with our Comprehensive Plan recommendation and for that reason  
3 the Staff thinks this would be a good change and recommends approval at this time.

4 CHAIRMAN PALMER: Any questions for Staff?

5 MS. HEGLER: I'd like to add a note if I may.

6 CHAIRMAN PALMER: Yes.

7 MS. HEGLER: As we often do, but I certainly want to make you aware, that we  
8 certainly had a substantial amount of discussion on this particular PDD. Holland gave  
9 me the reasons why we technically recommended approval. But we discussed the  
10 character and the original intent in the PDD. PDD's in and of themselves are somewhat  
11 different in that you can impose additional conditions and/or I think have a little more  
12 subjectivity in terms of character and intent of the original PDD. So I would just, I would  
13 just mention to you that we certainly felt that the change would change the character of  
14 this rezoning, would change the character of the original PDD and I think that's  
15 something you have to consider. I'd also make a note that in your report we had listed a  
16 number of conditions. We need to strike F, that's incorrect. And we've actually kind of  
17 considered a few more that you might like to consider as well. We think that the PDD  
18 should specify the uses that are allowed within the remaining commercial, and you  
19 actually have additional information that's been submitted to you. There was a traffic  
20 study that was submitted by the Applicant, or a type of traffic study. I think they might've  
21 recommended what that commercial would be. Number two, we think you should  
22 consider requiring a phasing plan to ensure that a certain amount of commercial use is  
23 actually developed. You know being a PDD there has to be a mix of uses, so you may



1 consider a phasing plan that makes sure certain commercial uses are developed before  
2 this single-family residential is built out. And I think I mentioned striking F. We'd like to  
3 make some edits to the new note, number 7, that was submitted by the Applicant, that's  
4 on your page 7 of the PDD proposal. We think it should more strongly state that only  
5 low impact development storm water facilities will be allowed in the open space and  
6 should require prior approval of Richland County. I think it's currently a 'may' and we  
7 think that certainly sticking with the original intent of this being a, a compact and green  
8 community, that should be much more of a 'shall' than a 'may'. And lastly, I will mention  
9 that you did receive some additional information from concerned citizens and the  
10 Applicant, so if you do not have a copy of that, let me know.

11 CHAIRMAN PALMER: Any questions for Staff?

12 MS. CAIRNS: I just, I have a quick question, sort of in quick response to some of  
13 what you've just brought up. This is in no particular order, but a phasing plan, what I  
14 heard you say was a phasing plan that would in essence require that the commercial be  
15 built before the residential could be built. Is that a requirement we've ever required  
16 before of a developer; that they do phases in a specific order?

17 MS. HEGLER: Not that I'm aware of. Geo might know more. That would only be  
18 something that existed in a PDD, but, so that's something you could do.

19 MS. CAIRNS: Is that something that's traditionally done?

20 MS. HEGLER: Mr. Price, can you help?

21 MS. CAIRNS: I've just never heard that, but I'm not any expert by any means.

22 MR. PRICE: No, she's correct. I can't really think of any that this has been  
23 required of.

1 MS. CAIRNS: Okay.

2 MR. PRICE: But one of the things, one of the reasons behind Staff's  
3 recommendation for this is while there are a number of large scale PDDs that have  
4 been developed and they have incorporated the commercial within there, there are a  
5 number of PDDs in Richland County that came in with the commercial, I guess, to meet  
6 the mixed use intent of the PDD, but to this day have never, ever been developed. But  
7 the residential is there.

8 MS. CAIRNS: Right, I understand. I understand.

9 MS. HEGLER: That's purely to keep with the intent of it being mixed use.

10 MS. CAIRNS: Right, but we've never, it sounds as if we have not required of that  
11 before and that we've allowed market forces to allow the developers to do – and then  
12 obviously there's always the opportunity of a zoning change down the road. Just as we  
13 see here now. Interesting. Okay. For right now that's it.

14 CHAIRMAN PALMER: Bill Dixon?

15 MR. DIXON: Ken Simmons is signed up.

16 CHAIRMAN PALMER: Okay, sometimes – typically we go with the Applicant first.  
17 But that's, it doesn't matter. Ken?

18 MS. CAIRNS: He's pretending to be the Applicant.

19 **TESTIMONY OF KEN SIMMONS:**

20 MR. SIMMONS: Thank you, Mr. Chairman, Commission. My name is Kenneth  
21 Simmons, I live at 610 Springlake Road. I had the pleasure of designing this project and  
22 writing the original PUD for Mr. Manning back in 1999. I'm now working with Mr. Dixon  
23 on, on the rewrite of it. I thought it'd be interesting to give you a little bit of background

1 on the original PUD. The original PUD was designed under the Town & Country concept  
2 and if you remember that required high density close to the town center and then  
3 lowering density the further away from the town center or the node, whatever's required,  
4 in the PUD. So the planning concept has changed based on county requirements. Also  
5 when the commercial was proposed we had a healthy economic climate and I think  
6 most importantly that's before Sandhills development really came on the economic  
7 ground as far as being open for business. In today's climate, of course, we don't have a  
8 very strong economic climate. That land has been zoned commercial for 14 years and  
9 no one has really purchased any of it for commercial use. And then thirdly, Sandhills is  
10 such a dynamic commercial development, I think you would have a hard time building a  
11 50 or 60 acre commercial project at this time in competition with such a dynamic project.  
12 And that's my rationale to why we originally designed it one way and we feel that things  
13 have changed over the last 14 years. I'll be glad to answer your questions you have on  
14 it, but thank you.

15 CHAIRMAN PALMER: Deas Manning? Okay.

16 **TESTIMONY OF BILL DIXON:**

17 MR. DIXON: Bill Dixon with Mungo Homes. Not much to add to that. We do  
18 obviously think this property is compatible for residential development and be happy to  
19 answer any questions you've got.

20 CHAIRMAN PALMER: Thanks. Deas Manning?

21 **TESTIMONY OF DEAS MANNING:**

22 MR. MANNING: Thank you, Mr. Chairman. When I originally saw the Staff  
23 Report, I tried to contact Tracy and she was unavailable and I met with Mr. Smith

1 regarding a couple of points that were in the report, which was approval. One was that  
2 the, there was some RG-2 property being affected by the rezoning, which is not correct.  
3 All of the RG-2 property was consolidated on the northeastern side of the parkway back  
4 in 2007. The PUD was actually changed back then. If you look at the RG-1 property  
5 along Old National, the yellow, it was combined with the RG-2, the two RG-2 tracts were  
6 combined together to give better access and flow to the Greenhill Parrish Parkway and  
7 to Two Notch, so it was a good move to take the pressure off of the traffic at the other  
8 end of the parkway which is Spears Creek and the Greenhill Parrish Parkway. So those  
9 two things weren't, that one issue was not addressed in the Staff Report. The other was  
10 I read a number of locations on traffic analysis and there really wasn't a traffic analysis  
11 done, or an impact study done. There was one done in 2007 when the apartments were  
12 rezoned and it identified a number of problems with the existing conditions on the  
13 Greenhill Parrish Parkway and at all the intersections at Two Notch, Two Notch at  
14 Spears Creek, Two Notch at, I mean, Greenhill Parrish and Spears Creek, and on  
15 National. So I provided the Staff with that report, that should have been in the file  
16 anyway based on the previous rezoning of the PUD back in 2007. You gonna let me  
17 have a few more minutes?

18 CHAIRMAN PALMER: A few.

19 MR. MANNING: In that package I provided y'all with some historical information  
20 on Greenhill Parrish, how it was designed. Ken Simmons was engaged to do that for me  
21 at that time. We went before the Planning Commission and the Council without any  
22 opposition, it was approved unanimously. Part of that plan was to create a town center,  
23 we had to have mixed use to do a PUD and along with it, substantial integrated

1 connections with streets. We put the Parkway in there to access Spears Creek to Old  
2 National, and then there was a loop road that was also designed to go out to Two Notch  
3 Road to connect the commercial area, and then phase down the densities away from  
4 the commercial and keep the residential component on the south side of the Parkway.  
5 All the development to date has been done according to that plan. The residential  
6 densities on the south side in the four communities that have been developed,  
7 approximately 198 where we could've gone to 500 approximately. We've created a  
8 number of parks, open spaces, and we've also provided a conservation easement, the  
9 blue area, to Richland County, protecting that from further development. I also gave you  
10 some concerns that I had regarding the Application. Obviously the biggest one is to  
11 reduce the commercial property from approximately 60 acres to 3.5 I think was what I  
12 saw on the last report. I don't know if that's changed since the, the last hearing was  
13 deferred or not. The 3.5 is basically useless in its connectivity to the neighborhood.  
14 There are a couple little small slivers of commercial along Two Notch. I don't even know  
15 whether you could use them as commercial, they're very narrow strips and I think the  
16 only reason for them is to meet the intent of the PUD requirement to have some  
17 commercial component. It certainly does not provide any purpose to the existing  
18 neighborhood, the people in Greenhill Parrish, to allow that connectivity to shop there.  
19 Obviously, a project of this scale was to serve a greater community. There's a lot of  
20 developing areas on Two Notch and the other side of Two Notch as well as Woodcreek  
21 behind us, all of which would be connected to that property. By the elimination of the  
22 road designs, the major boulevard coming in to the project, as well as the loop road, any  
23 connectivity to the Parkway back to Two Notch Road is really gonna serve nothing more

1 than a cut through street. There's no reason for anybody in Greenhill Parrish to go to  
2 Two Notch Road at this point. So I'm concerned about just having the traffic come back  
3 into the Parkway that wouldn't have normally come that way anyway. I am concerned  
4 about the density. I mentioned to you the RG-1, RG-2 property. RG-1 could allow  
5 approximately 130 units, that's what's remaining in the residential component of that 80  
6 acres. What we're looking at now is potentially 250, 300, I don't know the exact number  
7 but it's a large number of residential units. With the road designs that I've been told, I  
8 think that we're gonna put a lot of pressure on the Greenhill Parrish Parkway and  
9 Spears Creek. If you would just, I won't belabor the point, but look at the traffic study  
10 that was done in 2007. Mass grading is probably required for this type of project, to get  
11 that kind of density and lot size. That brings a number of concerns to the table; one is  
12 the buffering aspects, two is the detention. The property has probably three different  
13 drainage basins, areas that water will flow. I'd be concerned if it's all directed into one  
14 mass detention pond, whether it's dry or wet, and it would probably be just north of the  
15 conservation easement, north of the Parkway. So I think it could have some negative  
16 impact on that. The last point, well one other one. Compatibility was brought up and,  
17 you know, I think if you go back to what this property was zoned under back in 2000  
18 said the intent of planned unit development one districts to derive the benefits of  
19 efficiency, economy, flexibility by encouraging unified development of large sites while  
20 also obtaining the advantages of creative site design, improved appearance,  
21 compatibility of uses, optimum service by community facilities and better functioning of  
22 vehicular access and circulation. The types of residential dwelling units and the types of  
23 non-residential uses allowed in this district increase with increasing site size based

1 upon the premise that increased site size will allow proper design, including functional  
2 interrelations, buffer treatments, separating uses with potential incompatible  
3 characteristics, other uses, design of access patterns and relationships of uses, in such  
4 planned unit developments in adjacent districts. All the things we've done to date have  
5 basically incorporated this and I'm concerned to see the potential for that not  
6 happening. The property, you know, we are in a different economic time and would be  
7 foolish not to recognize that. Is 60 acres the number that's the magic number on the  
8 commercial? I don't really know. But to totally negate the benefit of that in the project I  
9 think would not be warranted. The property's currently owned by a bank, the persons  
10 who bought it from us had built the apartments and during the real estate depression  
11 lost it to the bank. And I understand their desire to liquidate and get out of their debt, but  
12 at the same time I would believe this property is contingent upon this rezoning request.  
13 So before the cat gets out the bag I would hope y'all would all look at all of the issues  
14 involving a change in a PUD of this size. Typically your changes in PUDs are a street  
15 change or a density moving to another area, but to take the major design elements out  
16 of the intent of the PUD, I just don't feel would be warranted. So if you've got any  
17 questions I'd be glad to answer them. Thank you for your time.

18 CHAIRMAN PALMER: Thank you, Mr. Manning. [Inaudible]? Mr. or Ms. Kim?  
19 No? Don Dotson? Thomas and Denise Powell?

20 **TESTIMONY OF DON DOTSON:**

21 MR. DOTSON: I'm Don Dotson, I live in Greenhill Parrish. I appreciate the  
22 opportunity to speak with you. I have served on all kinds of boards and commissions in  
23 different states and much like where you're sitting now, and I see this same old story

1 over and over. Here we have an approved plan, we've had it for over a dozen years.  
2 Then a company comes in and wants to change it, in this case Mungo, which is a large  
3 company, and then it's changed. They come in, they make their profit, they leave and  
4 we're stuck with all the negative consequences and there are a lot of negative  
5 consequences here. This is where we built our retirement home nearly four years ago.  
6 We researched this carefully. Part of why we are where we are right now, and this is our  
7 chosen place, is because we knew what was going to be around us. We had had a bad  
8 experience with zoning before which just decimated a really nice neighborhood. The  
9 property values in Greenhill Parrish will go down. Since we have moved into Greenhill  
10 Parrish, we have had a huge Verizon company go in, which has significantly increased  
11 the traffic, not only on Spears Creek, but also cut through. We have had a new school  
12 built and we even had to have our entrance changed to accommodate the school buses  
13 and there's still issues with that, and people who don't use the school buses of cutting  
14 through to get to the school. Woodcreek Farms has added several, a major  
15 development, which is out of character with what originally was there and it's high  
16 density and that's more cut through. If you have been on Greenhill Parrish Parkway and  
17 tried to get on to Two Notch Road at any number of times of day, it's dangerous. It's  
18 going to get more so if we throw in a bunch of high density housing. And we still have  
19 many lots in Greenhill Parrish that will have houses on them, and that's going to add to  
20 it, but that is part of the plan. So I want to encourage you to deny this. We're going to  
21 live with the consequences. Mungo will leave and they won't live there, but we do and it  
22 is, it just goes against the grain of all of these people, and I speak for a lot of people  
23 who are working and couldn't be here today. I'm retired. But we have invested a great



1 deal of our time, our money, our effort to have a neighborhood that we thought was  
2 secure and now we have this come up. It is just simply not right. Thank you.

3 CHAIRMAN PALMER: Thank you. Thomas and Denise Powell?

4 **TESTIMONY OF DENISE POWELL:**

5 MS. POWELL: Good morning, my name is Denise Powell, I live at 779 Dowe  
6 Creek Road. My husband and I just completed our home in Greenhill Parrish in June of  
7 this year. The reason why, three years ago we actually did recons on where we wanted  
8 to live in South Carolina because we're not from here. Greenhill Parrish was selected  
9 for us because we thought that the overarching design was going to remain the same.  
10 We purchased a home on the cul de sac and we felt that it was a perfect place for us to  
11 retire because it was, you know, it was a design that we were very comfortable with.  
12 Our number one concern is the overall design and the traffic pattern of the project will  
13 be altered. And the alterfication [sic] of that we truly believe that it's going to impact if we  
14 ever decide the cost of our home, which we just made a major purchase into this home.  
15 We're also concerned about the potential density of this project. And the purpose, the  
16 sole purpose of actually trying to rezone it in the first place, what is the intent of that. Mr.  
17 Deas, I echo exactly what he said, I'm in agreement with that. It said that the traffic  
18 impact study was prepared by SRS Engineers for the apartment project and that was  
19 done in 2006. And the study actually stated that the modification to this on Spears  
20 Creek Church Road and Greenhill Parrish Parkway, the study actually indicated that it  
21 was not adequate to try to build any high density areas there. So I would caution you to  
22 take a look at that as well. Like I said, I agree with everything everyone has said so far  
23 from Greenhill Parrish and we like it there and we will continue to, we would like to stay

1 there under the circumstances, so we would greatly appreciate it if you would  
2 disapprove this. Thank you.

3 CHAIRMAN PALMER: Ed Best? Followed by David Madlock and Rick Johnson?

4 **TESTIMONY OF ED BEST:**

5 MR. BEST: Hello, my name is Ed Best. I live at 324 Upland Trail Road in  
6 Greenhill Parrish, and I agree with what everybody's saying here. I think the high  
7 density is the thing that really disturbs me the most, primarily because it's gonna be a  
8 presentation of the community at large cause it's gonna be right out there on the street,  
9 it's gonna be right on Spears Creek and Two Notch Road. And that's gonna, what  
10 people are gonna get, the perception of Greenhill Parrish, which is entirely not what it is.  
11 And I agree with what everyone else has said we've heard so far. The reason we live  
12 there, we live right across from Wildside Park cause we knew when we looked out there  
13 we were never gonna see any homes built right beside our house. And I agree with  
14 what Mr. Manning said, all of the planning went there and even though the density was  
15 allowed to be heavier in our plan it was never built that way and I think that's the reason  
16 that we moved there and I think that's the reason that a lot of people have moved into  
17 that area. Because it's a beautiful place and I certainly don't want to see any high  
18 density things along the entrance to it. Secondly, the traffic pattern right now, even  
19 when the school came in, you could see it moving, and then you've got the school  
20 buses and then if you put the high density there at 8:00 in the morning it is gonna be a  
21 total disaster where the Greenhill Parkway meets Spears Creek Church Road. Even  
22 now at night, at the 4:00, 6:00 hour, the traffic from Two Notch and Spears Creek backs  
23 up clear past our property. I mean, it'll back up clear past when you come up Greenhill

1 Parkway, when you look south you can't see the end of it it's so far. And if you put more  
2 housing there, I don't know what's gonna happen. So I just wanted to support  
3 everybody else too. Thank you.

4 CHAIRMAN PALMER: David Badlock?

5 **TESTIMONY OF DAVID DABLOCK(?):**

6 MR. DABLOCK: My name's Dave Dablock. I live in 740 Dowe Creek Road in  
7 Greenhill Parrish. I can't say enough good things about our neighborhood. Mr. Manning  
8 and company have done a great job and I'm proud to call Greenhill Parrish my home.  
9 As some of our other neighbors said, we have a pretty diverse community. There's  
10 some retirees, there's some full time employment of folks that, you know, so I go very  
11 early in the morning to work, so traffic for me isn't so bad. Although I have come home  
12 at off times and I have left at later times and traffic has been a problem. Some folks that  
13 I work with couldn't be here, they travel a little later in the day. And I always say, well I  
14 haven't had any problems getting on Greenhill Parrish Parkway, and they have. So I  
15 really think that the traffic could impact our area and I, I would much appreciate your  
16 disapproval of this.

17 CHAIRMAN PALMER: Thank you. Rick Johnson?

18 **TESTIMONY OF RICK JOHNSON:**

19 MR. JOHNSON: My name's Rick Johnson. I live at 403 Parrish Walk. We built  
20 our house in Greenhill Parrish about nine years ago and to be very straight to the point,  
21 we ain't got no more room for any more houses. Especially high density housing. We're  
22 already, with the apartments and that kind of thing, we already see traffic problems and  
23 of those kinds of difficulties. So I'd greatly appreciate that you take what Deas had to

1 say to heart and think about the decision you're about to make and that I stand against  
2 supporting this issue. Thank you.

3 CHAIRMAN PALMER: That's all we've got signed up.

4 MR. THEUS: I have a question for Staff. As the PDD is currently laid out, the land  
5 that is C-3 is now, I presume would be considered GC, is that correct?

6 MS. CAIRNS: No.

7 MS. HEGLER:

8 MR. THEUS: It wouldn't? What would rule in terms of the zoning classification?

9 MS. CAIRNS: It is, I mean, it is PDD and it's just within the PDD they called it C-  
10 3. And then the PDD itself controls what can and can't exist inside that thing they deem  
11 C-3.

12 MR. THEUS: Well, is there anything that would, under GC, apartments can be  
13 built. Would apartments be able to be built on this C-3 property?

14 MR. PRICE: Currently?

15 MR. THEUS: Yeah.

16 MR. PRICE: Under the current PDD no, sir.

17 MR. THEUS: Because of maximum densities?

18 MR. PRICE: Well, actually if you were to look at the land use summary of the  
19 former PDD, or excuse me, of the current PDD, under the GC area, and I'm sorry I don't  
20 have it before me, but it designates those, that, the area as not having any residential  
21 yield or units.

22 CHAIRMAN PALMER: So they tailored that years ago to pull the multi-family out  
23 of the C-3?

1 MR. PRICE: That was, yes, sir.

2 MR. THEUS: So even if the rest of the PUD was not reaching its maximum  
3 density, they couldn't allocate units over to the C-3?

4 MR. PRICE: Not without going through this process that they're going through  
5 now.

6 MR. THEUS: Not without going through this.

7 MR. PRICE: Yes, sir.

8 MR. THEUS: This is a tough one. We, I mean, to see – I feel like the world's  
9 upside down, we got somebody coming in going from M-1 to RU, and now we got  
10 somebody, if this were not part of the PDD, was zoned Rural and somebody was trying  
11 to rezone it GC, we would have to be in the Koger Center the crowd would be so big  
12 opposing it. We, we're normally, now we're trying to – generally people would be  
13 received with open arms going from commercial to residential use. We were developing  
14 neighborhoods at about the same time and we were being sort of forced by the county  
15 at that time to try to integrate commercial uses into properties when it didn't even, didn't  
16 make any sense at all. And there's, we can go across the state now and see failed  
17 commercial developments that were forced into residential areas and there just wasn't  
18 enough population to support it. It's tough. I'm just, just a stream of consciousness, I –  
19 in terms, I'm hearing people's concerns about housing values and I give you, which is  
20 really not a consideration that we should be undertaking, but I know it's a problem, I'll  
21 give you one anecdote to deal with that. We, I'm part owner of Saluda River Club,  
22 developer on Corley Mill Road, and Mungo's at our front door. They had already bought  
23 a set of lots there when we started development, and their housing prices are

1 significantly less than ours. And we've done, particularly in light of the economy over the  
2 last few years, we've done exceedingly well, with some houses selling for \$200, \$250 a  
3 square foot. And they're sold out but they're \$90, \$100 a square foot. It hasn't hurt us at  
4 all. It seems those concerns I think can be allayed by, I think neighborhoods by and  
5 large stand on their own. We've got another neighborhood just a stone's throw away  
6 from Saluda River Club that Hurricane Construction came in and built these massive  
7 boxes, sold those for \$70 a foot. And we've not been impacted. So I don't know where  
8 I'm going with my conclusion to this, other than it's tough. I mean, I, there, you know,  
9 there are a lot of considerations. I'm friends with all these people, so.

10 CHAIRMAN PALMER: I have a question for Staff and perhaps Deas can answer  
11 this as well. What's the average lot size in Greenhill Parrish? If you had to take a look at  
12 all of them, what's the average lot size?

13 MR. PRICE: I think maybe Mr. Manning could answer that.

14 MS. CAIRNS: Well, it called for three.

15 MR. MANNING: There are four different neighborhoods that we developed  
16 residentially and all of them are a little bit different, but they all were meeting the RS-1  
17 classification, which is 12,000 square feet. It was either 80 by 150 or 110 by 180 or 70  
18 by 150, so all, all the development I did was under the RS-1.

19 CHAIRMAN PALMER: So you have no lots less than 12,000 square feet?

20 MR. MANNING: Don't think so. And I think this is 7,200 square feet,  
21 approximately? Which is, you know, 60' by 120' lot. So there is a difference. And I'm not  
22 here to tell you that Mungo can't do a good job. I'm not saying that at all. You hadn't  
23 heard me say that. I just want to make sure the compatibility is there and that the

1 alterations of the traffic patterns that were originally put in place are gonna have an  
2 impact on what the traffic situation will grow to. I mean, you can't take 120' boulevard  
3 coming off of the Two Notch Road hitting a 66' right-of-way on a loop road, down to  
4 another 66' right-of-way and not disperse the traffic better. I mean, we've got basically in  
5 that design a cut through street that goes to the C-3, which does not serve anything. I  
6 mean, you know, you might be able to put a 7/11 up there, but it's really not a  
7 commercial property. And I know the economics and I know that Sandhills has  
8 struggled, everybody's struggled, I don't care whether you're downtown. But at some  
9 point in time there will be a need and that's why we did it to start with. Things have  
10 changed. Whether it be 60 acres, I don't know, but I think there will be a need for  
11 services commercial in the future out there again.

12 CHAIRMAN PALMER: Bill, I completely understand where you're coming from on  
13 this. Over the years I've, PDDs are different to me, and they are to everyone, in that,  
14 especially one that's as far along as this is. And you have residents who've come into  
15 this area, bought into a plan and have been given every assurance, at least as much as  
16 can reasonably be given to someone, that this is what this plan is for this neighborhood.  
17 They go in and they invest, and I understand that things change, the markets change,  
18 it's not that people haven't tried to put commercial in the corner, it maybe just doesn't  
19 work. I would just expect that someone who would take a look at it would take into  
20 account the intent of what the neighborhood has and what the neighborhood has  
21 developed thus far, and perhaps not to try to go as far as the HD zoning classification  
22 on it to get as maximized site out of it as possible. I think that's where my problem  
23 comes in is, is – and I understand the thought process, I understand Mungo builds a

1 great product, I don't have any problem with what they do, they built quality product. But  
2 in going from a General Commercial it's a natural thought that, well we can put high  
3 density in here, Staff recommends approval. I, I don't fault anybody for that process for  
4 the way of thinking about it, but when you step back and look at the people that have  
5 invested themselves into this neighborhood, into what they were sold as the PDD plan, I  
6 would, I would have expected and would expect a less density to take into account the  
7 homes that are currently already out there and perhaps maybe, you know, even an MD  
8 zoning is 8,500 square foot lots. You know, I could understand maybe something like  
9 that, I just, I personally have a problem with the HD zoning on it and kind of a –

10 MR. THEUS: I think you have a problem with – not you, but I think one has a  
11 problem with changing it at all. The lot size, there are, you've seen in it Wildewood,  
12 you've seen it Spring Valley, you see it at Lake Murray, you see very expensive homes  
13 on tiny lots. I mean, the lot size alone doesn't matter to me. It's either the greater issue  
14 of, we wanted commercial here, traffic pattern works better with the thoroughfares  
15 coming through there, and that's what was sold. Which I understand that argument. Or,  
16 or you just, or you're willing to accept residential in there.

17 CHAIRMAN PALMER: I think it's the number of residential units that can go in  
18 there. For me. It's the capacity of the land.

19 MR. THEUS: Yeah. Well, I mean –

20 CHAIRMAN PALMER: It's not the price of the home, but nobody's even talking  
21 about the price of the home, we're talking about the amount of units that are going in  
22 there.



1 MR. THEUS: Well, but we see that the retail, nothing would generate, nothing  
2 that would be built on here would generate more traffic than the retail would.

3 CHAIRMAN PALMER: Well, I guess it's according to what retail's in there, but  
4 you're, but theoretically you're correct. But if this stays commercial it will stay vacant for  
5 quite some time to come. My opinion.

6 MR. THEUS: No question. Mr. Price, did you take the podium for a reason?

7 MR. PRICE: I just, for the Record, we keep referring to HD, actually in our Code  
8 HD would allow 5,000 square foot lots. This actually is above.

9 MR. THEUS: I didn't hear you, I'm sorry.

10 MR. PRICE: I said, we refer to this as RS-HD and if you look in our current Code,  
11 the minimum lot size in it for HD zoned lot is 5,000 square feet. They're actually  
12 proposing 7,200 so that is a little bit above and falls a little closer to the RS-MD zoning  
13 designation.

14 CHAIRMAN PALMER: Which is 8,500 square feet.

15 MR. PRICE: Right. And really with a lot of these PDDs and I guess it's just easier  
16 just to go ahead and pick a zoning designation from our Codes and put it in there, but  
17 really they could just come in a label this as R and call out their lot area, lot size and  
18 setbacks that they're proposing for it.

19 CHAIRMAN PALMER: I don't, you know, again, my major issue comes in with  
20 being part of a PDD originally and then being built out that way, and then coming back  
21 in and changing it. The people out in that area, the people in the community always  
22 have a great voice, but I think the people that are under that scenario have even a  
23 louder microphone in my head when they've vested into a planned development like

1 that, that was developed out that way. And I understand factors happen, people lose  
2 property, it goes back to lenders and all that kind of stuff happens, but in the same vein,  
3 the lender knew what they were getting into when they got this property, they knew what  
4 it was zoned, they knew what had to go there.

5 MS. CAIRNS: Well, but, I mean, but our zoning, even inside PDDs is subject to  
6 review and change. And, I mean, if we're gonna change our PDD laws that say, you  
7 know, if you're gonna go into the PDD that you must build certain ratios of commercial  
8 and retail before you can go further, then we need to make a significant change to our  
9 Code. But we don't have that. You know, and if we had a must build for commercial,  
10 then you know, when things like Sandhills came forward we could've said, well you  
11 know what, we've already got, we know x number of square feet of retail's gonna come  
12 before these houses come. We don't have that requirement. And I think to try to come in  
13 after and say to this person, you have to do these things, I mean, right/wrong and, you  
14 know, whether there's private mechanisms of the issue of changing PDDs, that's a  
15 whole, I mean, in my background that's what I've always known is that there's a, you  
16 know, there can be issues to pursue on the private side just like when covenants are  
17 violated and whatnot. But I think that, you know, sounds like, what, it's been 15 years  
18 and no commercial's been built and there's been significant changes, you know, we  
19 need to just view this as a traditional rezoning. I mean, I get the whole, like people  
20 bought in with the understanding that this was gonna be there, but at the same time to  
21 just say, you know, sorry there's no market for it, but you know, but we're not gonna let  
22 you change.

1 CHAIRMAN PALMER: I'm not saying I wouldn't vote for a change, what I'm  
2 saying is I think it may be too intense. And to your point, I'm not sure if an HD zoning  
3 classification on this site with the access points where they are, I'm not sure that you or  
4 I would support that on a standalone basis under the HD zoning classification. I know  
5 that -

6 MS. CAIRNS: Well, I mean, I understand that and, you know, as Mr. Price said,  
7 it's really not HD, it's -

8 CHAIRMAN PALMER: Well, it's not MD so you have to go with the other one.

9 MS. CAIRNS: - it's a hybrid. It's a hybrid, you know, it's a custom basically.

10 CHAIRMAN PALMER: But if you wanted 7,200 square foot lots you'd have to  
11 come in as an HD zoning, wouldn't you?

12 MS. CAIRNS: No, you - as a PDD you say, we're gonna have 7,200 square foot  
13 lots, period. You don't have to call it some existing zoning.

14 CHAIRMAN PALMER: But to the point, if they were to, if we were to look at this  
15 as a flat out rezoning, which is what you're saying, we need to take this out of the PDD  
16 realm -

17 MS. CAIRNS: No, no, it can be a flat out rezoning from PDD to PDD, that's a  
18 rezoning.

19 CHAIRMAN PALMER: I understand that. But this, if we were to look at this as not  
20 a PDD, the people that came in under the PDD, that they don't have any vested rights.  
21 That the PDD can be changed. And if someone should want to come in and rezone this  
22 tract of land they would have to go as an HD, not as an MD.

1 MS. CAIRNS: No, they can do what they're doing. They can go from PDD to  
2 PDD. They can come in and say they want 7,200 square foot lots and they can impose  
3 any other kind of requirements above and beyond what the zoning requires or not  
4 requires.

5 MR. THEUS: You're saying if this land were not part of the PDD and somebody  
6 came in here and wanted to do 7,200 square foot lots they would have to go with HD.

7 CHAIRMAN PALMER: That's correct.

8 MS. CAIRNS: Right, or they could come up with a PDD and say we're gonna  
9 have a PDD with 7,200 square foot lots. They would not have to go –

10 CHAIRMAN PALMER: With a mixed use project.

11 MR. THEUS: It has to be mixed use.

12 MS. CAIRNS: Right, well they've got some mixed use is my understanding.

13 CHAIRMAN PALMER: But it has to be a true mixed use, you can't just grab  
14 something and say, okay we're –

15 MS. CAIRNS: But at the same time they could never build it out.

16 CHAIRMAN PALMER: I understand. I understand, Heather.

17 MS. CAIRNS: You know, just like you see. But the other thing is, is that – oh, is if  
18 this was, you know, just as one of you pointed out is that, you know, traditionally  
19 something with this kind of commercial would've been GC, which would've allowed 16  
20 dwelling units per acre. So had this, you know, it's not, it's not GC, it is this C-1 within a  
21 PUD, but you know, if this were straight zoning this C-1 would've allowed 16 dwelling  
22 units per acre, it could be apartments. And there's nothing any of us could say, so it's  
23 interesting that because it was PDD GC in essence, you know, PDD commercial,

1 housing wasn't allowed. So, I mean, it's a, you know, it's weird, hybrid thing. And yeah, I  
2 understand your question about let's just back up and say, okay let's not worry about  
3 what it was supposed to be, let's just look at the question, is 7,200 square foot lots the  
4 appropriate use, given all the factors around. And I think that's just the only question we  
5 need to be looking at is, is that the proper level of density, regardless of what it was  
6 supposed to be.

7 CHAIRMAN PALMER: Do you think it is?

8 MS. CAIRNS: I don't know, but I don't think that that's what the, I mean, I think  
9 that the concerns from the neighborhood about traffic is that that's less traffic than what  
10 it would be if it was built out as what it's zoned. No, but I mean, if it was built out as what  
11 it's zoned, I mean, yeah, obviously it's the lowest amount of traffic if it stays non-  
12 marketable in essence. Pragmatically non-marketable. Not legally, but pragmatically.

13 MR. THEUS: I have a question for Staff. There's so many different acreage  
14 numbers around, I see 53 and, does the proposed revision include this land that shows  
15 RG-2, 21.29 acres? I think it does. We're talking about 80 acres, so to get to 80 we  
16 have to include that I believe. The shaded is only – it doesn't add up to the 80 acres.

17 MS. HEGLER: It doesn't. What was, what was our –

18 MS. CAIRNS: Well, I mean, I'm trying to figure, I mean, it looks like – sorry.

19 CHAIRMAN PALMER: Is that a question – are you answering –

20 MR. THEUS: Yeah, sure.

21 CHAIRMAN PALMER: - Bill's question, Deas? Or is it?

22 MR. MANNING: I'm not sure I quite understand what Mr. Smith was referring to  
23 on the requirement of certain zoning classifications within the PUD, but as I understood

1 it when we developed Greenhill Parrish, we had to basically lay out the densities under  
2 certain zoning classifications within certain neighborhoods. And we had to abide by  
3 those ordinances, you know, for RS-1, RS-2, whatever the zoning classification was. I  
4 was under the impression you could put some apartments in the GC land. Maybe I was  
5 wrong. The concept at the time was obviously more of a town center, was focal points,  
6 and if there was some upstairs lofts in that area, that was fine. You know, we're kind of  
7 going back to marketability, you know, and I've said, I don't know that 60 acres can be  
8 supported. I don't know what that number is. But the difference, Bill, in having  
9 something before and after the fact, I mean, when you did Saluda River Club they were  
10 right there at the entrance already, before you ever started.

11 MR. THEUS: Simultaneously.

12 MR. MANNING: Well, but that was all known upfront. The difference here was  
13 the PUD was established and it was developed out according to the PUD plan, and a  
14 phasing plan actually we had. And everything was done in accordance with that.  
15 Unfortunately, the developer who started the apartments got those started and was  
16 unable to get to the next point. He was trying to build rooftops, he didn't try to market  
17 that property for three or four years. He got caught in a bad time. You know, so the  
18 result was that the bank took it back over. And when that happened, you know, they  
19 don't care what the original design was or the intent was. But the people who live there  
20 do and I think to just abandon, which is what this proposal does, the infrastructure, the  
21 connectivity and the commercial, I think it's just not warranted. You know, I'm sorry that  
22 the bank's got a piece of property that they think is not, I mean, is not marketable under  
23 that situation, and it's probably a contingent contract, but.

1 CHAIRMAN PALMER: Alright, Deas. Appreciate it.

2 MS. CAIRNS: I have a question for Staff cause I'm trying to sort out some of  
3 these numbers, cause I see on page 42 in the parcel area characteristics it says that the  
4 amendment reduces the multi-family units from 347 to 340. And then the Dennis  
5 Corporation traffic study says under the current zoning 224 apartments would be  
6 available, and instead they're proposing to build 250 homes. I mean, what was, like  
7 under what's – the area that's proposed to be rezoned, what was the allowable dwelling  
8 units?

9 MS. HEGLER: If you look at the PDD, according to its land use summary, C-3  
10 had no residential yield.

11 MS. CAIRNS: I know, but I'm looking at the –

12 MS. HEGLER: So there would be no –

13 MS. CAIRNS: - on page 42 of what you handed out there's something about the  
14 fact that the amendment reduced the number of family units. I mean, is that including  
15 the ones in areas that aren't being rezoned? I mean, is that 374 number the whole  
16 Greenhill Parrish?

17 MS. HEGLER: Yeah, it would've helped if that traffic study had a map of the area  
18 that it was considering.

19 MS. CAIRNS: Well, but I'm looking at the one that the Dennis Corporation just  
20 did, but I'm also, I mean, I'm looking at the current stuff and that's what, you know, I  
21 mean, you know, in the Dennis thing they're saying that the current plan would allow  
22 224 apartments. You're saying that the current plan would allow 374. And we're saying  
23 that this is increasing the number of units cause we're putting 250 in. Well, I don't see

1 where there's an increase. But I do see under the, you know, the little bubble diagram  
2 that we've got up on there that yeah, that what was deemed C-3 I guess didn't allow any  
3 dwelling units, only that RG-2 would've allowed, what, 16 dwelling units per acre. Nine  
4 acres, so that would've only been about 150 or so. I mean, are we going from 150  
5 possible homes to 250? Are we going from -

6 MS. HEGLER: Well, you have a drop in the RG-2 to open space. That's only 9  
7 acres.

8 MS. CAIRNS: Well, that's - oh, that's where the - yeah, okay so under the,  
9 what's - if we're grabbing both of the RG-2's off of the pictogram, that's a total of 22, 23  
10 acres that could be 16 dwelling units per acre. So that's where you're -

11 MS. HEGLER: It might be considering a full build out of even pieces that aren't  
12 being rezoned.

13 MS. CAIRNS: Well yeah, but if it's 16 dwelling units - no but this, I mean, the 370  
14 number comes off of your Staff Report.

15 MS. HEGLER: Right.

16 MS. CAIRNS: And I think you're getting that because we've got these two RG-2 -

17 MS. HEGLER: Right.

18 MS. CAIRNS: - that allowed 16 dwelling units per acre.

19 MS. HEGLER: What's left to be built, yes.

20 MS. CAIRNS: So the existing zoning would allow over 300 units in apartments.

21 MS. HEGLER: In our opinion not in the area that is being rezoned from  
22 commercial, but yes overall for the whole PDD.



1 MS. CAIRNS: Well, but this pictogram, I mean, does not, so this, okay so the  
2 orange bubble to the right is basically outside the rezoned area?

3 MS. HEGLER: Yes.

4 MS. CAIRNS: Possibly? I mean, it's hard to follow how this yellow line matches  
5 this.

6 MS. HEGLER: Right. I would use the bubble diagram with the color.

7 MS. CAIRNS: This one.

8 MS. HEGLER: Yeah.

9 MS. CAIRNS: But that's the thing is, I mean, it shows, it shows 23 acres of 16  
10 dwelling units per acre land. That's a lot of units. And that this proposed plan has a total  
11 of 250 dwelling units? So we are decreasing the overall allowable density. And  
12 eviscerating all of the commercial. I mean, I'll just offer that, that it's a, you know.

13 MR. THEUS: Is that all, is everybody clear on, I'm not clear on the acreage.

14 MS. CAIRNS: I'm not clear on much of anything.

15 MR. THEUS: Yeah, I'm not either. Is it 80 acres or 50, what is it?

16 MS. HEGLER: I don't know where any of this came from.

17 MR. THEUS: This property that shows on this map in the revised –

18 MS. CAIRNS: This is the old, yeah, this is the original.

19 MS. HEGLER: Yeah, sheet 1 versus sheet 2 in your –

20 MR. THEUS: Okay, this is the revised proposed. We've gone from, the existing  
21 PDD has a 13.9 acre RG-2 site, is that part of this property?

22 MS. HEGLER: I do not believe so.

23 MR. THEUS: So how do we get to 80 acres in terms of –

1           ?: The 80 is incorrect.

2           MS. HEGLER: It's not 80. I think it's 60-something, 65. Is it 80 in our report?

3           MR. THEUS: Eighty's in the report.

4           MS. CAIRNS: So they're not, they're not rezoning the same – we got problems.  
5 Cause this, I mean, okay so if you take, if you take this, those yellow lines match  
6 pictograms in this proposed thing, but like that orange right there is not the same size or  
7 shape as the orange that was in the original. So clearly we're rezoning that too.

8           MS. HEGLER: It looks like it is to me.

9           MR. THEUS: We're going from 13.9 to 21.2 now.

10          MS. CAIRNS: Right, and it changes shape.

11          MR. THEUS: Yeah.

12          MS. HEGLER: This little piece right here?

13          [Inaudible discussion]

14          MS. HEGLER: It matches exactly to me, the area that's hash-tagged.

15          MS. CAIRNS: No, I understand, I'm not disagreeing with that, but I'm saying if  
16 you look, this is what, we've been offered that this is the existing zoning by Mr.  
17 Manning, gave us this. Okay, in this existing zoning map, this RG-2 is 13.9 acres and  
18 has a different shape than what is outside of the proposed rezoning showing 21 acres of  
19 RG-2.

20          MS. HEGLER: It does, so technically it is increased.

21          MS. CAIRNS: A lot.

22          MS. HEGLER: But it's not in the hashing.

1 MS. CAIRNS: But it means that they're grabbing, I mean, they can't, we can't  
2 change the shape and rezone parts of it without rezoning –

3 MS. HEGLER: I think they just meant to hash that. It was commercial. They have  
4 increased.

5 MS. CAIRNS: They've got 8 more acres of –

6 MS. HEGLER: RG-2, cause it was C-3 in the original. The hashing is deceptive.

7 MS. CAIRNS: I mean, they've eliminated the RG-2 that's over on the way left.

8 MS. HEGLER: Right.

9 MS. CAIRNS: But the aggregate's not the sum.

10 MS. HEGLER: But the aggregate is still – well, it's close.

11 CHAIRMAN PALMER: So it sounds like we need to tighten up some issues here.

12 MS. CAIRNS: Yeah.

13 MS. HEGLER: Multiple times I was told it was tight.

14 CHAIRMAN PALMER: Do we agree?

15 MR. THEUS: I agree.

16 MS. CAIRNS: Just defer it?

17 CHAIRMAN PALMER: Yeah.

18 MS. HEGLER: What would you be looking for, just numbers?

19 MS. CAIRNS: I want to understand the project better because based on what I  
20 had to go over, I didn't get it. I feel I've got more of it now, but I don't feel like I was  
21 given an opportunity to sufficiently review what was really being done. Because I saw it  
22 as a net decrease in the overall number of units, significantly. I mean.

1 MR. THEUS: That as well as an absolute clear understanding that apartments  
2 could not be built under, on any of this C-3 property.

3 MS. CAIRNS: Well, I think that's clear, cause that's in the chart here it says there  
4 is no residential in C-3.

5 MR. THEUS: Okay. Alright. But you're right, the density that could go in there  
6 now on the RG-2 that's being –

7 CHAIRMAN PALMER: Ken, can you offer any –

8 MR. THEUS: - [inaudible] before and after densities.

9 CHAIRMAN PALMER: - can you offer any insight into this before we –

10 MR. SIMMONS: Yes, I can.

11 CHAIRMAN PALMER: - decide?

12 MR. SIMMONS: First of all please keep in mind that both of these gentleman are  
13 my clients, and we did do the first one. What happened, I'm gonna pass this around,  
14 was, I don't have a duplicate that I put up here, but the shape of the, of the RG-2  
15 change, the bank bought the, or someone bought the multi-family and the commercial,  
16 and in some part of the process they changed the shape. Let me just – this was the  
17 original shape of the RG-2 and the change, so some RG-2 came off and some  
18 [inaudible].

19 MS. CAIRNS: Yeah, but the sale didn't change the zoning.

20 MR. SIMMONS: No, but, but – you're correct, it did not change the zoning but  
21 we're requesting a change to the entire PUD, so in my opinion you can change any  
22 parts of the entire PUD since a PUD is an individual written zoning ordinance.

23 MS. CAIRNS: Right.

1 MR. SIMMONS: And I'm just clarifying the differences of the shapes versus the  
2 acreage here.

3 CHAIRMAN PALMER: So are you looking to change zoning on property that's  
4 not owned by the current client because they're part of a PUD?

5 MR. SIMMONS: The client is the same, is it not, Bill?

6 MR. DIXON: Yeah.

7 MR. SIMMONS: Somebody else's property.

8 MS. CAIRNS: But I mean, like outside this – is the land inside this yellow line and  
9 outside the yellow line over here owned by the same person? Cause that's the thing is,  
10 what you're showing is changes to zoning beyond that yellow boundary line.

11 MR. DIXON: Yeah, this is boundary of the property –

12 MS. CAIRNS: Right, but the, but what's in your PUD book shows more land  
13 rezoned than what's outside this yellow line, than what's inside this yellow line.

14 MR. DIXON: That was not the intent.

15 MS. CAIRNS: But that's what it does. I mean, I think it's just a matter of cleaning  
16 it up.

17 CHAIRMAN PALMER: Yeah.

18 MS. CAIRNS: But I think it needs to be cleaned up.

19 MR. THEUS: That's the same that is in your package here.

20 MS. CAIRNS: I mean, part of is that we've got, you know, an RG-2 area that  
21 went from 13.9 acres and is now 21.29 acres but yet this boundary line I think follows  
22 this line. Well, clearly that's not the same as this.

23 MR. SIMMONS: I know that this shape is not the same as that shape.

1 MS. CAIRNS: I know, but this shape matches this shape. How did this, how did  
2 this grow in zoning?

3 MR. SIMMONS: See that line right there? It shrunk. See this line right here?

4 MS. CAIRNS: Yeah, but this orange area grew. Eight acres. It just needs to be  
5 addressed in all of this. That's the problem is this boundary line and these boundary  
6 lines and these boundaries, they don't all match. I mean, this went from 13.9 acres to  
7 21.29, but yet it appears that all of that orange is outside of our request. And how did it  
8 get bigger than it used to be without a rezoning? That's – it did remain commercial. No,  
9 it did remain commercial.

10 CHAIRMAN PALMER: Okay, here's where we are. Alright, here we go.

11 MR. PRICE: Let me ask if you would just defer this, that way we can meet with  
12 the Applicants and we'll get the numbers right. There's too much going on right now.

13 MS. CAIRNS: Right.

14 CHAIRMAN PALMER: Right. Do we have a motion on this issue?

15 MR. BROWN: To defer.

16 CHAIRMAN PALMER: We have a motion to defer.

17 MR. THEUS: Second.

18 CHAIRMAN PALMER: We have a second, until our next meeting, is that correct?

19 MR. BROWN: Yes.

20 MR. THEUS: Yes.

21 CHAIRMAN PALMER: All those in favor say aye.

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

1 CHAIRMAN PALMER: And then we got to get together – no, that’s what we’re  
2 here for, we’re here to talk about these issues and to figure out the process and if we  
3 can’t get all the answers we need, we’ll bring it back next month. I mean, that’s the  
4 reason we’re here is to ask questions and to find out answers. So. Okay, next case.  
5 Case No. 13-30 MA.

6 **CASE NO. 13-30 MA:**

7 MR. LEGER: Yes, sir, Mr. Chairman, the Applicant here is Ms. Denise Bryant.  
8 The property is located on Wessinger Road.

9 [Inaudible discussion]

10 MR. LEGER: It’s about 17 acres in size, it’s currently zoned M-1, which is our  
11 light industrial district. The Applicant is requesting RM-HD, which is residential, multi-  
12 family, high density. The M-1 district was the original zoning from 1977. There were a  
13 couple of previous requests that were withdrawn. In the vicinity a lot of undeveloped  
14 property. To the north it’s zoned M-1 and RU, which is undeveloped. To the south you  
15 have property that’s zoned HI, which is heavy industrial. It is a fenced property and at  
16 one time I think it was Whitaker Containers. It’s not clear when you drive by what’s  
17 exactly going on on the property, it didn’t appear to be much at this point, but I did my  
18 best. To the east we’ve got M-1 and RU, much of it is undeveloped and some  
19 manufactured homes. And to the west we’ve got M-1 as well and that is a roofing and  
20 painting company on Fairfield Road. The subject property has about 700’ of frontage on  
21 Wessinger. Again, there’s a mix of zoning in the area, much of it is undeveloped. And  
22 the Applicant is looking for that multi-family. Our Comprehensive Plan recommends  
23 suburban at this point, looking for residential use at 4 to 8 units per acre. We felt like the

1 request was not in compliance because it is looking to develop 16 units an acre on this  
2 site. Given the zoning classifications of the area and the types of uses going on in the  
3 vicinity, we felt that the rezoning was incompatible with the Comprehensive Plan and we  
4 recommended, the Staff recommended disapproval at this point.

5 CHAIRMAN PALMER: Any questions for Staff? Denise Bryant?

6 **TESTIMONY OF DENISE BRYANT:**

7 MS. BRYANT: I'm Denise Bryant. Thank you, Chairman and Commission for  
8 allowing me this time. I'd like to note for the Record that it was not intended that this  
9 property be rezoned RM-HD, it had come before the zoning board once before and we  
10 were well aware that HD was not compatible with this area. There was much discussion  
11 with the zoning board regarding making that amendment. I had met with the zoning  
12 board just recently, just over a week ago with Mr. Price and he suggested that we  
13 proceed with this October 7<sup>th</sup> hearing and bring it to the Commission's attention and ask  
14 whether or not a RM-MD would make a difference for this particular area. I would like to  
15 state that the owner owns about 33 acres in this particular zoning area. This particular  
16 lot that we're looking to be rezoned is 17.34 acres and we are, the development actually  
17 for this property is medium density with 7.3 units per acre. And the zoning board  
18 recommended not approving the request I think primarily on the high, because of the  
19 high density, but the project itself is not a high density project, it's a medium density.  
20 And then also looking in the Comprehensive Plan, which I received a copy of, it states  
21 that for this particular area, the north central planning area, there's expected a 35.8%  
22 population increase by 2035, and also there would be an increase of 1,700 individuals  
23 in the area between 2005 and 2020. What this means is that by the 2020 north central



1 planning area would need to create a minimum of 607 dwelling units given the 2.8  
2 current average household residents in that area. And in order to accommodate this  
3 35.8% population growth in the north central area where the property exists, there  
4 needs to be rezoning of existing undeveloped land. AO Company had purchased this  
5 property approximately 2007, these acres, with the intent of developing that land to  
6 mixed residential property. On page 41 in your Comprehensive Plan it reads that  
7 affordable housing is lacking. Part of this development, the reason for the rezoning is to  
8 provide affordable housing in that area and under the goals, the Comp Plan goals and  
9 implementation strategies, it states under goal 2 to focus neighborhood revitalization in  
10 areas that are in need and goal 3 reads, it says to create housing choices for all  
11 household types, sizes and incomes. And the timeframe is continuous. So our, what  
12 we're requesting is, what we're needing for this particular parcel, it's not a high density  
13 zoning but a medium density zoning. And some of the reasons that I think that this  
14 should be allowed, and it does meet the existing areas, is that the rezoning request will  
15 promote neighborhood revitalization according to the Comp Plan, the rezoning request  
16 is in the north central area where 35.8% increase in population growth is expected. And,  
17 you know, adequate utilities exist for either a MD or HD rezoning request. SCE&G ran a  
18 new utility line in the area in 2009. Traffic flow would not be impacted with MD or HD.  
19 And then our development of a mere 128 residential units when a minimum of 600 are  
20 needed by 2020, and 1,513 by 2035, should be welcome. But it does require rezoning  
21 the existing property. Rezoning this particular property from light industrial to a medium  
22 industrial, I'm sorry, residential mixed property with a medium density would not be, it  
23 would not create an impact upon the surrounding area. It would be like, it would not be

1 like throwing a rock in a pond and you'd have a splash and have a rippling effect,  
2 actually it'd be more so like a leaf on the, the floating water. You would recognize it,  
3 you'll see it and identify it, but it would not create an impact in the surrounding area. And  
4 the design of the plan, there is single homes right next to the residential, Mr. Holland,  
5 when he looked at the design, indicated that he had no problem with it because the  
6 single homes in there represented a buffer between the current rural lots. And, but yet  
7 the –

8 CHAIRMAN PALMER: Ms. Bryant, if you could wrap it up for us, we'd appreciate  
9 it.

10 MS. BRYANT: I will, I will. In closing the request to rezone this property is with  
11 the intent to operate and cooperate with requirements and projections of the Richland  
12 County Comprehensive Plan. I humbly ask if this honorable board or Commission would  
13 take into further consideration the need for adequate housing, given the projected  
14 population growth in the north central area that coincides with the Comprehensive  
15 Plan's model looking forward to future growth, and grant a recommendation to County  
16 Council to rezone this property from L-1, or M-1 to RM-MD instead of RM-HD. So we're  
17 looking for a recommendation that this property be rezoned to RM-MD.

18 CHAIRMAN PALMER: Ms. Bryant, unfortunately, what's in front of us is a  
19 rezoning Application to RM-HD.

20 MS. BRYANT: I understand that.

21 CHAIRMAN PALMER: That's the only thing that we can consider. We can't  
22 consider RM-MD. And our recommendation has to be based on that. Now, Mr. Price  
23 can tell you the nuances of the Code that whatever we recommend, and I'm not sure,

1 we still have some folks signed up to speak, whatever our recommendation is, he can  
2 give you the next steps and the avenues that can be taken, that you may or may not  
3 want to take, once that recommendation is made.

4 MS. BRYANT: Well, we, we discussed this and Mr. Price said, we discussed the  
5 process in which to make that amendment and that's he suggested to ask the  
6 Commission whether or not an RM-MD would be –

7 CHAIRMAN PALMER: Well, we can't, we cannot tell you whether, without the  
8 information put before us, whether we would recommend for or against MD. All we can  
9 tell you is currently what we would recommend on RM-HD. But the reason that Mr. Price  
10 probably told you that was because the timeframes would be the same whether you  
11 move under this proposal or whether you pull this and come back again next month  
12 under a new zoning Application, so you might as well see what happens here and then  
13 make that decision after this recommendation as to what you may or may not want to  
14 do.

15 MS. BRYANT: So you cannot tell me –

16 CHAIRMAN PALMER: No, ma'am. Nope.

17 MS. BRYAN: Okay.

18 CHAIRMAN PALMER: Because we don't have any of that information and  
19 because the public hasn't been notified as to that zoning classification and so forth, so  
20 we don't have any of that data in front of us to make that recommendation. But, what we  
21 have is HD. But you, but if you listen closely you, you may can surmise maybe some of  
22 your own interpretations. Through the discussion of the board.

23 MS. BRYANT: Okay.

1 CHAIRMAN PALMER: Okay? Thanks.

2 MS. BRYANT: Thank you.

3 CHAIRMAN PALMER: Annie Ethridge? Margaret Glover? Nadine William? Joann  
4 Faust? Bridgett Deline?

5 **TESTIMONY OF BRIDGETT DELINE:**

6 MS. DELINE: Good afternoon Council, my name is Bridgett Deline. My address  
7 is 1000 Windsor Shores Drive, Columbia, South Carolina 29223. I strongly support the  
8 rezoning of the Wessinger project because I truly believe it will add a great deal of  
9 economic gain and community development to this area of the city. It will not only  
10 provide jobs for the people living in the community, but it will form a unity of people who  
11 plan to bring beautification to the property. Most importantly, I support the efforts of the  
12 landowner and the developer, Bishop William Lee Bonner, because he has a 60 year  
13 proven track record of raising the property value, not only in the Eau Claire community  
14 here in Columbia, but in other cities throughout the United States, including New York  
15 City, Detroit, Michigan, Washington, DC and Jackson, Mississippi. I ask you and plead  
16 with you today to please consider rezoning this property. Thank you.

17 CHAIRMAN PALMER: Thank you. Ethel Brown? Elaine Bowers:

18 **TESTIMONY OF ELAINE BOWERS:**

19 MS. BOWERS: Hello. I also agree with the zoning for the project to take place. I  
20 myself live in an area where it's a highly crime area and when these homes are built, I  
21 will be one of the residents to stay in there. I'm a mother, a grandmother and a great  
22 grandmother and I need a peaceful place to stay for the eternity of my life, so I would  
23 appreciate it if you would agree with us and our decision. Thank you.

1 CHAIRMAN PALMER: That's all we've got signed – no, it's not, sorry. Yes,  
2 ma'am, you guys have been here quite a while. I'd hate for you to be here and not be  
3 able to speak. Carolyn Lawturn? Patty Barrett, Hadley Barrett? Johnny Taylor? Betty  
4 Sims? Eleanor Willy Gladney? If y'all just want to say that you agree then you can  
5 certainly do that.

6 AUDIENCE MEMBERS: We agree.

7 CHAIRMAN PALMER: Okay. Okay. Just want to make sure we're on the right list  
8 here. I just – Melissa O'Neal? Carolyn Wolfe? We all got them signed up under the "For"  
9 category. Just so that the Commissioners know, all these names are signed up under  
10 for the rezoning. Dawn Mills Campbell? Victor Culbreth? [Inaudible] Heart? Bernice,  
11 can't see the last, starts with a P? Aiken Stewart? Shina Stewart, maybe? Lilly  
12 Kennedy? Yvette Guinard? Andrea Williams? Doris Hudson? Elaine McQueen? Petri?  
13 Natasha? Walter McCoy? Richard Oliver? Johnny Goodwin? Barbara Goodwin?  
14 Vincent Hampton? Tony Johnson? Dr. Seeley? Ms. Shelton? At 8101 River Walk?  
15 Sylvester Reed? Bishop Minor? Peggy Swinton? And that's all. Alright. Yes, ma'am?  
16 Would y'all like to come up?

17 **TESTIMONY OF RONALD TIDWELL:**

18 MR. TIDWELL: Yes, I live at 116 Wessinger Lane. I've lived there my whole life  
19 and I believe you put an apartment complex, it's no infrastructure out there anyway,  
20 there's no sewer system, there's no water system. The only water that comes up there  
21 is  $\frac{3}{4}$  water line and I'm sure that can't hold to an apartment. And I think the sewer  
22 system's across the street, the four lane highway, and I don't see how you can take, I  
23 do plumbing, you can't take a sewer system up hill and make it float. They'd have to

1 have a, more to do there. So I disagree with it and I believe it, you know, high density is  
2 high crime, which I've seen, you know, over the area out there. And there's another set  
3 of apartments right up there, right up the road close to Food Lion that's been  
4 abandoned and I think that's for sale now. I don't see why they don't develop that  
5 instead. Thank you, that's all.

6 CHAIRMAN PALMER: Okay. Thanks. Can I get your name and address for the  
7 Record?

8 MR. TIDWELL: Ronald Tidwell, 116 Wessinger Lane.

9 CHAIRMAN PALMER: Okay.

10 **TESTIMONY OF RENE TIDWELL:**

11 MS. TIDWELL: My name's Rene Tidwell, 116 Wessinger Lane. I think our  
12 biggest issue with the proposed development is that it's just too much in our area. We're  
13 extremely rural, uniquely rural, we like it like that. We, most of us that live out there own  
14 wells, your own septic tanks. We probably have [inaudible] the area there, hmm, 60  
15 single-family homes and when you're talking about putting in another 112 or, you know,  
16 even more residents on top of that, it's kind of scary. We are on a two lane road that just  
17 recently got the lines put on it and a stop sign to get off of, to Fairfield with. And a speed  
18 limit sign. Across the road off the right a little is Whitaker Container Services. They  
19 actually have a air curtain incinerator that they operate on that 99 acres of land. We did  
20 try to fight that when it came about, but because it was already grandfathered in there  
21 wasn't anything we could do about it. We already lived there, so kind of out of luck on  
22 that. But I don't understand why you'd want to bring more high density or even medium  
23 density population into that area. There are no bus services out that far. We can't even

1 get Time Warner cable to run out to us because there's not enough residents at our  
2 particular side of the road. So that is really my biggest issue is just we don't have the  
3 infrastructure, we don't have the services. We make do with what we have now. Our  
4 road that we live on is a dirt road, it's not even maintained by the county for some  
5 reason. So, just would like you to please take that into consideration.

6 CHAIRMAN PALMER: Thank you. Alright, that's all we have signed up to speak.  
7 What are the thoughts?

8 MS. CAIRNS: I've got one question for Staff based on something that the  
9 Applicant said. Talking about the Comp Plan, future growth projections. Do those take  
10 into account, like unbuilt but approved subdivisions? Or do they, I mean, where does  
11 that number come from? She offered, I think it was 35% growth projection.

12 MS. HEGLER: It's just projected census data in the Comprehensive Plan.

13 MS. CAIRNS: But we don't have any idea how much unbuilt, already zoned land  
14 that – cause, I mean –

15 MS. HEGLER: Right.

16 MS. CAIRNS: - I think I'm correct that there's some subdivisions up there that  
17 have been approved that haven't been built out. On Fairfield Road? I think so.

18 MS. HEGLER: Probably so. Yeah, it's a, The Comp Plan doesn't do an apples to  
19 apples comparison as to, this is what the growth will be therefore you need – we do  
20 estimate how many housing units we'll need, but we don't necessarily locate them and  
21 subtract the capacity that we already have.

22 MS. CAIRNS: Right, okay. Thank you.

23 CHAIRMAN PALMER: Any other thoughts? Any questions or comment?

1 MS. CAIRNS: I mean, I would make a motion, I mean, I'd be willing to entertain a  
2 motion to send this forward to Council with a recommendation of disapproval, just the  
3 density request is too great for the area.

4 MR. THEUS: I'll second that.

5 CHAIRMAN PALMER: Mr. Price, what's the timeframe for coming back? You  
6 know, we heard the Applicant say that they may not need the RM-HD, but could do with  
7 perhaps an MD zoning classification or lesser, less dense zoning classification. What's  
8 the timeframes for that?

9 MR. PRICE: Right now if the Applicant withdrew prior to going to – well, actually  
10 the Applicant could actually still go forward to the zoning public hearing and still after  
11 that meeting resubmit for a different zoning request. And that would be started in  
12 December.

13 CHAIRMAN PALMER: To be on our December list and then Council's December  
14 list as well?

15 MR. PRICE: Yes. And that's regardless of whether they withdrew today -

16 CHAIRMAN PALMER: Right.

17 MR. PRICE: - or they took it to Council.

18 CHAIRMAN PALMER: Right.

19 MS. HEGLER: So you're saying there's no required separation between requests  
20 cause they could withdraw.

21 MS. CAIRNS: Cause I think as long as they withdraw before Council has a final  
22 determination.



1 MR. PRICE: It wouldn't make a difference. If Council, if it's denied at Council,  
2 they could come in for a separate request.

3 MS. HEGLER: Cause it's considered a separate unrelated request.

4 MS. CAIRNS: Oh, I gotcha. I get it.

5 MS. HEGLER: For a different zoning district.

6 CHAIRMAN PALMER: But you couldn't do it for the same classification.

7 MS. CAIRNS: You couldn't ask for the same thing again.

8 MS. HEGLER: You can't ask for the same thing.

9 MR. PRICE: Correct.

10 MS. CAIRNS: Okay. Gotcha. Yeah.

11 CHAIRMAN PALMER: Because, I mean, I, I like the use, I like the down zone  
12 from M-1 to the, to the residential use. However, if what's needed out there for this  
13 particular project is not the HD zoning, it may would make more sense for a less zoning  
14 because as we know the zoning carries with the land and not with the project, in case  
15 there was something that perhaps were not to work with the project, the zoning would  
16 be with the land.

17 MR. PRICE: The only thing, I think we've, you've been on here forever also, in  
18 dealing with the Planning Commission is that we always kind of suggest that you just  
19 kind of vote on what you have before you.

20 CHAIRMAN PALMER: Right.

21 MR. PRICE: We've had times when the Planning Commission has kind of, you  
22 know, insinuated what they would prefer –

23 CHAIRMAN PALMER: Right.

1 MR. PRICE: - and the Applicant came back for it thinking that's all they had to do,  
2 it was still denied and then there are a lot of questions, so.

3 CHAIRMAN PALMER: Right. Yeah, and that's why I said, you know, we can't –

4 MS. CAIRNS: Tried to avoid that.

5 MR. THEUS: Right.

6 CHAIRMAN PALMER: But it, it certainly would perhaps make it more palatable  
7 for the community and for everyone involved if there was no need for the possibility of  
8 193 dwelling units on the site to ask for that. When the Staff's recommendation is for  
9 denial on that 193 units. So, Heather did you make a motion?

10 MS. CAIRNS: I did.

11 MR. THEUS: She did and I seconded.

12 CHAIRMAN PALMER: And we got a second?

13 MR. THEUS: Yeah.

14 CHAIRMAN PALMER: Are there any other questions or comments on it?

15 MR. BROWN: One question, Mr. Chairman, this Wessinger Road, what is, and I  
16 apologize having stepped out, but what is the traffic on that road? Traffic count on that  
17 road?

18 MS. CAIRNS: There probably isn't one. It's just a country road.

19 CHAIRMAN PALMER: The road's operating at a Level B.

20 MR. BROWN: The access to Fairfield Road for this property is Wessinger Road,  
21 is that right?

22 MR. THEUS: Yeah. We don't have that information apparently.

23 MS. CAIRNS: No.

1 MR. BROWN: Where is the, where is the amount of traffic that was early referred  
2 to, where is that being picked up? How would this project impact the traffic pattern?

3 MR. DELAGE: The SCDOT traffic station is located south on Fairfield Road,  
4 going towards town.

5 MR. BROWN: But Wessinger Road –

6 MR. DELAGE: Right, SCDOT doesn't normally do count stations for local roads,  
7 they stick to the major ones.

8 MR. BROWN: Okay, so the access to Fairfield Road for this property then is  
9 either Boswell Road or it is Wessinger Road, is that right?

10 MR. DELAGE: That's correct, sir.

11 MR. BROWN: Alright. And so the amount of traffic that was alluded to earlier only  
12 dealt with what is on Fairfield Road, it had nothing to do with what's in that  
13 neighborhood.

14 MR. DELAGE: If we're talking about the count station, the level of service, then  
15 yes, sir, that's correct.

16 MR. BROWN: And how many residents are in that area; Boswell Road, Murdock  
17 Street, Wessinger Lane and so forth?

18 MR. DELAGE: It would be hard to say without looking at census block data or  
19 looking at anything else getting more in-depth about what's existing there now. It'd be  
20 hard to say for now.

21 MR. BROWN: I raise the question is because the objection to all of this and the  
22 concern for all of this was density. So how do we arrive at that?

1 MR. DELAGE: For the recommendation for the amount of density that's allowed  
2 under the HD district?

3 MR. BROWN: Um-hum (affirmative).

4 MR. DELAGE: That is looked at upon the objective for the Comprehensive Plan.  
5 The suburban recommends 4 to 8 dwelling units, generally, per acre as far as for the  
6 land use. And the, since the HD does 16, that's where the recommendation for  
7 disapproval came from. Based upon the dwelling units and the higher density.

8 CHAIRMAN PALMER: What's the dwelling units for RM-MD, 4 to 8?

9 MR. DELAGE: Eight.

10 MR. PRICE: Eight.

11 CHAIRMAN PALMER: Eight?

12 MR. PRICE: Yes, sir, 8.71 I believe to be exact. I could be wrong, it may just be  
13 8.

14 CHAIRMAN PALMER: So with that being the only objection I can see from Staff,  
15 is the Comprehensive Plan, all other factors being the same, do you think the Staff  
16 could recommend approval under RM-MD?

17 MR. PRICE: Well, also if you look at your, at the conclusion on page 51, it also  
18 states that it was Staff's opinion that it was not compatible with the zoning of the  
19 adjacent parcels either.

20 CHAIRMAN PALMER: But it's certainly large enough to be rezoned by itself, and  
21 not be classified –

22 MR. PRICE: Yes, sir, correct. I mean, and this goes back to, I think a  
23 conversation that we had on our case of maybe a couple of months ago. You know,

1 when you look at a case, situation such as you're gonna put a zoning that doesn't seem  
2 to be compatible with the surrounding areas, I think you also have to start looking at all  
3 the adjacent parcels to kind of almost fill in those areas with the same request. Because  
4 essentially that's what we're gonna lead to.

5 CHAIRMAN PALMER: Right. Well, I can tell you this much. In my opinion this  
6 site does not need to be manufacturing. Because it's accessed off of an interior road,  
7 not on a state road. The access to it would be horrible for any kind of trucking and the  
8 residents around it, right across the street, would not be very well impacted by an  
9 industrial type use on this site. So having said that, personally I could support the RM-  
10 HD because I think it could work. And that if the demand was there for 16 units per acre,  
11 you know, God bless them. But I understand other people's concerns on it as well. But  
12 we, so that's my thoughts on it. We have a – any other thoughts on the issue? We've  
13 got a motion and a second on the floor. All those in favor of the motion please signify by  
14 raising your hand. All those opposed?

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

17 CHAIRMAN PALMER: So we have a 3/3.

18 MS. CAIRNS: That goes forward with no recommendation.

19 MR. THEUS: Here we go again.

20 MS. CAIRNS: Cause it didn't fail.

21 CHAIRMAN PALMER: Right. Okay. So we have a no recommendation to  
22 Council. Alright.

23 MR. PRICE: I'm sorry, who voted against that? And Mr. Brown, thank you.

1 CHAIRMAN PALMER: Alright, so unfortunately folks, we have a no  
2 recommendation to Council. But this will be back in front of Council unless the Applicant  
3 decides to do something else with it between now and the 22<sup>nd</sup>. And then the Council,  
4 we're just a recommending Body to Council anyhow, the Council has the final say on  
5 the matter. So they'll take this up on the 22<sup>nd</sup> unless something's done with it before  
6 then. Okay?

7 MS. CAIRNS: Can we take a quick break?

8 CHAIRMAN PALMER: Yes.

9 MS. CAIRNS: Thank you.

10 MR. GILCHRIST: Thank you.

11 *Recess*

12 CHAIRMAN PALMER: Alright, let's move on to Text Amendments. Text  
13 Amendments, we'll take a break from these until Holland gets in. Alright, Text  
14 Amendment #1.

15 MS. CAIRNS: I think we have to wait for Staff, don't we?

16 CHAIRMAN PALMER: Well, we've got the, we've got it right here.

17 MS. LINDER: Definition is, the redefinition is found on page 93 of your Agenda.

18 CHAIRMAN PALMER: Oh, is this being recorded? We got to record this, is she  
19 recording? Alright, well now that Holland's back let's do the Map Amendments. Okay.

20 MR. THEUS: So we're not going to Text Amendments.

21 CHAIRMAN PALMER: No. We were just doing that for Amelia.

22 MR. THEUS: Expediency.

23 CHAIRMAN PALMER: Yeah. Okay, Case No. 13-31 MA.

1 **CASE NO. 13-31 MA:**

2 MR. LEGER: Yes, sir, thank you. The Applicant for this request is Mr. Ron  
3 Johnson. The property is located with frontage on Longtown Road West and Plantation  
4 Parkway. It's about 25 acres out of a total 33 acres, it's currently zoned RU, which is our  
5 Rural Residential district. The Applicant is requesting RS-LD, which is residential,  
6 single-family, low density. The D-1 was the original zoning classification which was  
7 converted to Rural so that is basically the original. There were a couple of previous  
8 rezoning requests on this property but they were withdrawn. In the vicinity we have a  
9 number of different zoning classifications. To the north we have RS-MD, which is  
10 residential, single-family medium density, which is Plantation Park Subdivision. To the  
11 south is a Planned Development District and is developed as Brookhaven in part. To the  
12 east we have other RU zoning, which is large lot, single-family residential. And to the  
13 west we have a Planned Development which is also part of Brookhaven. The subject  
14 property of the 33 acres was originally a tennis club and a pool and amenity area. They  
15 would like to convert that to residential. It has, the property has frontage, about 60' of  
16 frontage on Longtown and 37' approximately on Plantation Parkway. The property is  
17 mostly wooded, undeveloped, except for those kind of amenity areas. The area is really  
18 characterized by kind of medium to low density development. Our Comprehensive Plan  
19 recommends suburban, which is as far as a residential area, of 4 to 8 units per acre.  
20 Our Staff felt like the RS-LD was in compliance with that because the RS-LD allows up  
21 to 3.6 units per acre, which is much closer to the recommended density than the RU  
22 district currently applied. Because of the residential uses in the vicinity, the types of  
23 zoning, and the types of characteristics along with the residential use, the Staff felt like

1 this Application met our Comprehensive Plan and we recommended approval at this  
2 time.

3 CHAIRMAN PALMER: Any questions for Staff? Ron Johnson? Yeah, Bill  
4 Flours?

5 **TESTIMONY OF BILL FLOURS:**

6 MR. FLOURS: Yeah, Ron's not here. I'm gonna speak on his behalf. Good  
7 afternoon, my name is Bill Flours. I live at 14 Maple Tree Court and finally you have a  
8 case that's pretty straight forward. We're requesting a rezoning from RU to RS-LD.  
9 That's just one zoning classification difference. The only remaining area in this area that  
10 is still RU are the large lots along Longtown Road, everything else in the area is either  
11 RS-LD or RS-MD. So this is very compatible with what's going on completely  
12 surrounding the area. And I think it's a pretty straight forward request. Thank you.

13 CHAIRMAN PALMER: Any questions for Bill? Alright, James Young? Followed  
14 by Elizabeth Hardwick and Marie McCarty?

15 **TESTIMONY OF JAMES YOUNG:**

16 MR. YOUNG: Share some pictures with you. I'm Col. Jim Young. I bought my  
17 property back when it was Columbia Country Club Estates and you had to have four  
18 acres to have horses. And my wife, we won't go there, but we had two horses. And we  
19 bought out here because I was the administrator of the hospital at Fort Jackson. And  
20 that property behind me was horse riding trail areas, that's what it was designed and  
21 sold for, and I couldn't buy it because that was what it was set aside for. And I, it was  
22 four acres, so I bought that and that first picture you see is, is the state drainage ditch.  
23 That is on the side of my property. And on the next page back are the two drains put in



1 by the state Highway Department, and they drain into that ditch. And it's a major,  
2 because of the topography of the land, a lot of water goes in there. And then the next  
3 page back is a picture of the actual manhole cover that used to be there. Now for some  
4 reason it is a plain manhole cover, but the state one is gone. And then the end state  
5 maintenance sign is down the road a bit north of where we're talking about. So in fact  
6 this is a state highway and a state road and maintained by the State of South Carolina.  
7 So I don't know what the ramifications of, of digging up the state's drainage ditch and  
8 their drainage system, because that's who it belongs to. And that's why my land is  
9 adjacent to that. Okay, I'm running out of time. The bottom line is that I don't want them  
10 to put a road right next to my house and run over the, a state drainage ditch that I've  
11 had to deal with for 35 years. Other people will tell you about horses and feeding and  
12 little kids having houses behind horses. My horses are gone now, my barn is still there  
13 and someone may buy my house, I'm 75 years old, when I croak, and put horses in  
14 there, but the bottom line is we only have one house now in the area with horses but it  
15 only takes one hand and one carrot and one horse to destroy that child. This case has  
16 gone about 10 years ago before you people and before the county to do exactly what  
17 we're talking about doing today and it was disapproved. And obviously they had  
18 rationale for that. That's all I have, thank you.

19 CHAIRMAN PALMER: Thank you. Elizabeth Hardwick?

20 **TESTIMONY OF ELIZABETH HARDWICK:**

21 MS. HARDWICK: Hi, I'm Elizabeth Hardwick and my husband and I purchased  
22 our home at 808 Longtown Road West in 2012. One of the attractive features of the  
23 home is that it has green space and trails behind the property. We have four horses. We

1 were made aware by the neighbors that the issue of rezoning the area behind the  
2 property had been put before the Planning Commission in the past and that it was  
3 struck down because there were horses adjacent to the property and they pose an  
4 imminent danger to people that are uneducated about the harm horses can cause. A  
5 widely known legal principle is that landowners have no duty to keep their land in a safe  
6 condition to protect trespassers. The Attractive Nuisance Doctrine in which South  
7 Carolina has adopted, is considered an exception to this rule. An attractive nuisance is  
8 a potentially harmful object on or condition of the land that by its features tends to lure  
9 children. Children, because of their age, do not appreciate the danger and can be at  
10 risk. Attractive Nuisances are typically not natural land conditions found on the land, but  
11 rather are conditions created by someone. Over the years there have been court cases  
12 that involved horses as an Attractive Nuisance. In a Louisiana Court of Appeals, a  
13 couple living in a neighborhood that backed up to a horse pasture sued the owners of a  
14 horse that killed their 3 year old son when he crawled under the pasture fence to  
15 retrieve a ball while he was playing with his brother. The pasture had adequate fencing  
16 but was not childproof. In this case the horse owner was found not guilty but still  
17 incurred the expenses involved with being sued and had to live with the fact that his  
18 horse killed a child. The Kentucky Supreme Court ruled that the owner of a small farm  
19 situated near two subdivisions was not responsible for injuries suffered by a trespassing  
20 child who was kicked in the head and severely injured. Both of these court cases  
21 could've been avoided if the developers of neighborhoods and the zoning commissions  
22 would've considered the danger they were placing people in. Another case in Ramona,  
23 California involved a man being threatened with a lawsuit by his neighbors, claiming his

1 horses were a nuisance. Even though his neighborhood is zoned for horses, his  
2 neighbors have no experience with horses and do not like the smell or the bugs that  
3 they bring to the area. Everyone may remember the news report in 2009 about the girl  
4 on the USC equestrian team that suffered a life threatening head injury from a horse  
5 that kicked her in the face and knocked her down. And as recent as September 24<sup>th</sup> in  
6 *The State* paper there was an article about a case going to the supreme court in  
7 Connecticut that would classify horses as a naturally vicious species because a young  
8 boy was bitten in the face when he tried to pet a horse. Our current neighbors are  
9 educated about the dangers of horses and have experience with the smells, bugs and  
10 diseases that come along with their presence. Horses are large, powerful animals,  
11 easily capable of injuring a person. The biggest risk in being around horses occurs  
12 when they are frightened. They're only concerns are escape and survival. And people  
13 who are in the wrong place at the wrong time can be hurt. Horses are prey animals in  
14 the wild, they're constantly at risk of being eaten. As a result they have evolved systems  
15 of behavior to help them successfully detect and avoid predators. By their nature  
16 children represent those things horses find most frightening; sudden movements and  
17 loud noises. They have several blind spots around their bodies which can lead them to  
18 hit or kick a person without even knowing they are there. Children are particularly at risk  
19 of serious or fatal injury from a horse kick, because –

20 CHAIRMAN PALMER: Ms. Hardwick, can we, can we wrap it up for you?

21 MS. HARDWICK: Yeah. Hold on. Biting is another potential threat that non horse  
22 people do not see as a danger. My husband and I would greatly appreciate the  
23 committee considering the liability that we will face if the land behind our horses is

1 rezoned and allowed to be developed. Unsuspecting families with children will move in  
2 and the potential for accidents is imminent. Horses are large, powerful and wild in  
3 nature and not a good place for young children to be. I beg this committee to please  
4 take into consideration the dangers that are possible if this land is rezoned and  
5 developed, and to disapprove the case. Thanks.

6 CHAIRMAN PALMER: Thanks. Maria Carty?

7 **TESTIMONY OF MARIA CARDY:**

8 MS. CARDY: My name is Maria Cardy and I live 818 Longtown Road West, I  
9 moved in two weeks ago and I was very disappointed to see the sign about the zoning  
10 change. I moved to South Carolina because of the zoning, because of the rural area  
11 and as you can see by the map where they're putting, where they want to change the  
12 zoning is the side of the road where all of the large acreages and all of the horses. And I  
13 feel it would just change the whole character of the area if they were to come in and  
14 knock down all of the trees that are between my home and the home next door. It runs  
15 for 600', it's a beautiful pine forest and I just cringe at the thought of what that will do to  
16 the environment. So I urge you to please disapprove this project.

17 CHAIRMAN PALMER: That's all we've got signed up to speak. Just for  
18 information purposes, and I know you all know it, but just for the information of maybe  
19 some of the folks in our audience, but rural land, as people in the audience know, can  
20 be lived on and as it currently sits now can be subdivided into  $\frac{3}{4}$  acre lots where people  
21 can buy the homes and live on  $\frac{3}{4}$  of an acre. So that amount of homes can go back  
22 there and what the Applicant's asking for is instead of  $\frac{3}{4}$  of an acre lot, he's asking for

1 12,000 square foot lots instead of, what is that, 28,500, something like that? Is where it  
2 would be at under –

3 MR. THEUS: Thirty-three.

4 CHAIRMAN PALMER: Thirty-three?

5 MR. THEUS: Yeah.

6 CHAIRMAN PALMER: Yeah, that's right, 33,000 square foot lots. So anyhow,  
7 just, I understand the thought process behind the children and the kids and the concern  
8 with the horses and all that kind of stuff, but keep in mind that people can live back  
9 there now on  $\frac{3}{4}$  acre lots, so. Just for information purposes. Any thoughts?

10 MR. THEUS: This does have access along Spring Park Drive, it fronts on Spring  
11 Park Drive? Is that right?

12 MS. CAIRNS: Is that a private road or public road?

13 MR. THEUS: Why is it blue?

14 MS. CAIRNS: Yeah, it says that part of it, is that a –

15 CHAIRMAN PALMER: It's blue cause it's part of the PDD zoning.

16 MS. CAIRNS: But is it public or private? I mean, is it a gated?

17 MR. THEUS: I mean, can they access that?

18 MR. PRICE: According to the Applicant it's in the process of being turned over,  
19 so right now it's not a county maintained road, that portion of Spring Park Drive that's in  
20 blue.

21 MR. FLOURS: [Inaudible]

22 MR. THEUS: It's what?

1 CHAIRMAN PALMER: It was intended as a public it just hadn't been turned over  
2 yet to the county.

3 MR. YOUNG: [Inaudible]?

4 CHAIRMAN PALMER: No, sir, not unless we have a question.

5 MR. YOUNG: Just that little narrow strip there, that's next to my property and  
6 that's where they want to put the exit road.

7 CHAIRMAN PALMER: No, we're not gonna get into this back and forth, but I  
8 appreciate it.

9 MR. THEUS: However it's done it will be engineered to meet standards and deal  
10 with drainage and –

11 CHAIRMAN PALMER: That's correct. Alright.

12 MR. THEUS: Mr. Chairman, I make a motion that we move this forward with a  
13 recommendation of approval.

14 MR. GILCHRIST: Second, Mr. Chairman.

15 CHAIRMAN PALMER: Do we have any other discussion? All those in favor of the  
16 motion please signify by raising your hand. All those opposed?

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

19 CHAIRMAN PALMER: Okay. Case No. 13-32 MA.

20 **CASE NO. 13-32 MA:**

21 MR. LEGER: Yes, Mr. Chairman, the next, the Applicant is Mr. Mark Mack. The  
22 property is located at Kennerly Road, not far from Broad River Road intersection. The  
23 Applicant is requesting for two acres to be rezoned to, from RU to LI. It is part of a larger

1 property that's almost 9 acres in size. The RU district is original from 1977. The zoning  
2 in the area in all directions is RU, which is our Rural district. And in all directions  
3 property remains either agricultural, undeveloped or residential in nature. The property  
4 has about 360' of frontage on the two roads that it does have frontage on, which is  
5 Kennerly Road and Sid Sikes Road. It is currently being utilized as an agriculturally or  
6 corn field. Again, the immediate area is residential or undeveloped in nature and all  
7 zoned Rural Residential. Our Comprehensive Plan recommends suburban in this area  
8 where industrial activities should have frontage on major arterials and should be located  
9 in areas where other types of service and industrial uses are located. Staff found that  
10 this property does not have access to major arterials and is not located near, in the  
11 vicinity of other industrial type uses and for those reasons is in non-compliance with our  
12 Comprehensive Plan. Because of the residential use in the vicinity, because of the  
13 zoning classifications in all directions being RU, the lack of infrastructure and the lack of  
14 frontage on a major arterial, the Staff recommends disapproval at this time.

15 CHAIRMAN PALMER: Any questions for Staff? Mark Mack?

16 **TESTIMONY OF KENDRA HAMMONS:**

17 MS. HAMMONS: My name is Kendra Hammons and we were gonna put a  
18 mulch yard there. There's quite a few landscaping businesses on that road and he owns  
19 that property, the 9 acres, and his brother owns right next to him. And we have no  
20 intentions of selling it for commercial use at all. We just wanted to put a mulch yard  
21 there and that's how they said we had to zone it. We didn't, he, he can't sell it to a gas  
22 station cause we're not trying to rezone the whole thing. We just trying to rezone that  
23 one little area for a small mulch yard.

1 CHAIRMAN PALMER: Okay. Thank you. Rhonda Dudley? Followed by Heyward  
2 Cleckley? Doris, Jeff and Margaret.

3 **TESTIMONY OF RHONDA DUDLEY:**

4 MS. DUDLEY: I'm Rhonda Dudley and I live at 1016 Sid Sikes Road. My  
5 property adjoins the property. Mr. Cleckley was right across from this property. I've been  
6 there for 22 years. I've also been a broker in real estate for 15 years, so I know the area  
7 very well. The map that you sent out, every person that was on that map is zoned Rural,  
8 there is no light industrial, commercial businesses anywhere in that area. Sid Sites  
9 Road is kind of like a cut through road from people coming off of 176 to Kennerly Road  
10 and those properties beyond Kennerly Road. So our roads stay constantly with potholes  
11 in them. So we would not be able to handle or endure any other kind of heavy  
12 equipment or anything like that. The one thing that we're concerned about is, you know,  
13 the, creating like additional noise and reducing the market value of our homes, and just  
14 the presence. Cause right now we are a, a rural area, we are nothing but, I mean,  
15 everyone in that area has homes on, like at least 3 plus acre tracts of land. As an  
16 individual my husband and I are trying to deter development in that area. In 1999, we  
17 purchased a 14 acre tract and we, right there on Sid Sites Road, and divided it into  
18 three 4.8 acre tracts. And we also purchased another 42 acres on Bookie Richardson,  
19 which is right at the entrance of Sid Sites from 176, and we developed that into six  
20 tracts from 5 acres to 8 ½ acres, trying to deter development in that area. We're just  
21 really concerned about, you know, the fact that even though they're stating that all they  
22 want to do is to put mulch, you go from a rural to a light industrial, what's gonna happen  
23 later on down the road? I mean, anything could end up on that two acre tract. Plus, they



1 have an additional, that's an almost 8 ½ acre tract, they could, you know, extend that,  
2 you know, and have something else bigger there. So that is just a real concern that we  
3 have as to what's gonna happen in the future. And like I've said, I've been there for 22  
4 years and I have, you know, like I said, been in real estate for 15 years and I just don't  
5 see that this area can accommodate something that's being recommended for this  
6 corner.

7 CHAIRMAN PALMER: Thank you.

8 MS. DUDLEY: Thank you.

9 CHAIRMAN PALMER: Heyward? Doris Cleckley and then Jeff Cleckley, then  
10 Margaret Cleckley?

11 **TESTIMONY OF HEYWARD CLECKLEY:**

12 MR. CLECKLEY: Thank you, Mr. Chairman. My name is Heyward Cleckley and I  
13 live at 3589 Kennerly Road. This is on the southeast corner of Sid Sites Road and  
14 Kennerly Road and my property, my home faces directly across the road, Kennerly  
15 Road from this property that we're talking about. I agree with everything that Mrs.  
16 Dudley has said. I cannot add to that, I'm just simply here to represent the other  
17 members, the other people in the community who own property here or live here, there,  
18 or have other interests there, and they have authorized me to speak for them. I have in  
19 my hands a signed statement from them requesting that this rezoning be denied, that  
20 they oppose the rezoning. I have a total of 56 individuals who have signed this property  
21 [sic]. They listed their addresses and their phone numbers and this community is quite  
22 upset at this time. And that's really all I have to say, but I do, would appreciate your

1 consideration in denying this rezoning. Could I submit this, would you be interested in  
2 it?

3 CHAIRMAN PALMER: Doris Cleckley? Jeff Cleckley? Margaret Cleckley? Okay,  
4 great. That's all we've got signed up.

5 MS. HAMMONS: [Inaudible]

6 CHAIRMAN PALMER: I gotcha, thank you. Alright, any questions for Staff?

7 MR. THEUS: Mr. Price, I assume that a, you can't have a mulch yard in a rural  
8 zoning. That's, is that right?

9 MR. PRICE: You assume correctly.

10 CHAIRMAN PALMER: Some things just seem like they fit, don't they?

11 MR. THEUS: Yeah, I mean, it's mulch, but.

12 MR. PRICE: Go on back. Some of the previous cases we have, understand from  
13 a Staff standpoint that when the Applicant comes in we look at the proposed use, we  
14 ask them to describe it, we do all we can to find a category in which the use will fit. If it  
15 doesn't, if we can't find one, of the current zoning we tell them what they would need to  
16 do to rezone. So you had a couple come before you today, they asked to rezone for that  
17 use. Now, on the other end, as the Planning Commission, if you see certain uses that  
18 you feel should be allowed in certain districts, that is something that you can also  
19 propose as a Planning Commission so that we can amend the Land Development Code  
20 to allow those uses.

21 CHAIRMAN PALMER: Yeah. Unfortunately, a mulch yard would also require  
22 outdoor storage, which we know gets no play outside of a General Commercial, well not  
23 even a General Commercial, it's got to be LI or HI district.

1 MR. PRICE: Right. I mean, once again it could be special requirements, you can  
2 impose all that you want. There's so many things that you can do within the Code that  
3 you think are appropriate in a district.

4 CHAIRMAN PALMER: Appreciate it.

5 MR. PRICE: Do what I can.

6 MR. THEUS: Well, I have sympathy for her inability to run a mulch yard there, but  
7 I don't want to rezone the corner in order to accommodate a use. So.

8 CHAIRMAN PALMER: Agreed.

9 MR. THEUS: If you're ready I'll make a motion that we –

10 CHAIRMAN PALMER: Yes.

11 MR. THEUS: - send forward with a recommendation for disapproval.

12 CHAIRMAN PALMER: Do we have a second?

13 MR. WESTBROOK: I'll second.

14 CHAIRMAN PALMER: Any other discussion? All those in favor please signify by  
15 raising your hand. All those opposed?

16 *[Approved to deny: Cairns, Westbrook, Palmer, Gilchrist, Theus, Brown; Absent:*  
17 *McDaniel, Tuttle, Van Dine]*

18 CHAIRMAN PALMER: Case No. 13-33 MA, Carolyn Peake.

19 **CASE NO. 13-33 MA:**

20 MR. LEGER: Yes, sir. The location of this property is Two Notch Road and Old  
21 Two Notch Road. The RU district is original from 1977. Some of the zoning and uses in  
22 the vicinity, you have RU zoning to the north, you have a railroad right-of-way, to the  
23 south you've got property that's zoned, some of which is undeveloped and you also

1 have convenience store/gas station there. To the east the property's zoned RU, same to  
2 the west. To the east you have undeveloped and modular mobile home, manufactured  
3 housing. And to the west undeveloped and residential. The property, subject property,  
4 three parcels has about 1,100' of frontage on Two Notch Road, about 100' of frontage  
5 on Old Two Notch Road. It is currently occupied by Bulldog Towing and U-Haul Rental  
6 as well, and some fenced in car storage on the property. The Comprehensive Plan  
7 recommends suburban where commercial and office should be located at traffic  
8 junctions and where other commercial office is located. It should not encroach upon  
9 residential use. A lot of the property in the vicinity is either undeveloped, some of which  
10 is residential. There are scattered commercial sites in the vicinity, however, the Staff felt  
11 like the Comprehensive Plan recommendation, and this is for commercial, in this vicinity  
12 was inappropriate. The commercial would encroach upon some of the residential use in  
13 the vicinity and therefore we recommended disapproval of this Application at this time.

14 CHAIRMAN PALMER: Any questions for Staff?

15 MS. CAIRNS: Do the existing businesses have, so all the existing businesses are  
16 nonconforming it sounds like. Based on the fact that it's zoned Rural. Geo's here. Mr.  
17 Price?

18 MR. PRICE: Yes.

19 MS. CAIRNS: They're all nonconforming.

20 MR. PRICE: Yes.

21 MS. CAIRNS: But they've been there for –

22 MR. PRICE: Ever, could be.

23 CHAIRMAN PALMER: Okay. Carol Peake? Carolyn Peake?

1 **TESTIMONY OF CAROLYN PEAKE:**

2 MS. PEAKE: Good afternoon, I'm Carol Peake. I live at 101 Shoal Creek Lane  
3 and I'm speaking on behalf of my, the property owner, my mother, Mary Brazell. Mom  
4 owns four, 1 acre lots that are adjacent to one another. As said, they're all zoned Rural.  
5 As I understand it if you have more than two acres that are adjacent to one another they  
6 could be rezoned General Commercial. Two of the lots that she owns are, have 3,000  
7 square foot buildings on them with very large bay doors that are just, have been  
8 previously run as, used as shops. They're very conducive to vehicle repairs. One of the  
9 buildings are uninhabited, we had to evict the previous tenant because he was abusing  
10 the property, didn't take care of it, which was totally unacceptable, looked pretty bad.  
11 But in the process of trying to get a new tenant in, have been unsuccessful in finding  
12 anybody that wants to rent it under an RU status. My mom and dad built the, both of  
13 those buildings about 30 some odd years ago with the plans that it would help pay for  
14 her retirement income. As they said, all the businesses around there are  
15 nonconforming, they have been run like that for, you know, that one building for 30  
16 some odd years. We've had it used as shops, there's a gas station immediately across  
17 the street, convenience store, barber shop, hair salon, photography studio, a tailor shop,  
18 an auto repair shop, that are, the gas station's immediately across from these four acres  
19 we're trying to have zoned General Commercial to provide her income. We have made  
20 improvements to the building since we removed the last tenant, trying to get it rented,  
21 have improved the road access by pulling the, when we replaced the fencing, pulled it  
22 back off of the road so there's no problem with the accessibility of the lot. And there are  
23 no subdivisions next to this property, although there are a few single wide mobile home

1 parks nearby. And we'd just like to, because of the fact that there are many General  
2 Commercial, or commercial businesses around there, would like to respectfully request  
3 from the Commission that they zone it General Commercial.

4 CHAIRMAN PALMER: Thank you.

5 MS. PEAKE: Thank you.

6 CHAIRMAN PALMER: Mr. Deandrea? He may have signed up on the wrong  
7 one. That's all we've got signed up to speak. I'm a little baffled on this one. You've got  
8 land sandwiched between a railroad track and US Highway 1, zoned Rural. Everything  
9 across the street's General Commercial, to the South's General Commercial. If the site  
10 were to be redeveloped with new buildings, the setbacks would almost be prohibitive to  
11 build something in there of any kind of new structure. You've to pretty much use what's  
12 there. I'm, I'm not sure what, if General Commercial, what this site needs to be other  
13 than what's currently there. I, I don't understand the disapproval from the council, I  
14 mean, from the Staff. And the Staff mentions that it's on a minor arterial road, it's on US  
15 Highway 1.

16 MS. HEGLER: I understand it was categorized as a minor arterial, we're just  
17 sticking with the intent of the Comp Plan. It's just pushing more and more commercial  
18 legitimately out.

19 CHAIRMAN PALMER: But you've already got it out, it's directly across the  
20 street.

21 MS. HEGLER: You do.

22 CHAIRMAN PALMER: It's sandwiched between a railroad track. It's US Highway  
23 1. Makes no sense to me. We'll go against the Comp Plan three other places, but won't

1 go against the Comp Plan here when this is obviously what it needs to be. It doesn't –  
2 it's crazy to me. Anyhow. Any other thoughts? I mean, it's not Rural.

3 MS. CAIRNS: No, yeah I guess my thing is, and you say obviously it should be  
4 General Commercial, I'm not sure that just being sandwiched between Two Notch and  
5 the road, but the fact that there's existing commercial structures that have been there  
6 forever.

7 CHAIRMAN PALMER: Agreed, that's what there and it's, there's, it's non  
8 redevelopable basically because of the setbacks that are required to redevelop a piece  
9 of property.

10 MS. CAIRNS: Well, but I mean, it could go, well Rural setbacks are pretty big.

11 CHAIRMAN PALMER: But there's no commercial, and no one wants to live  
12 between a railroad track and US Highway 1. Much less farm it.

13 MS. CAIRNS: I understand.

14 CHAIRMAN PALMER: And you can't put a mulch yard there, we know that now.  
15 [Laughter] So

16 MS. CAIRNS: Well, but we also know with  $\frac{3}{4}$  acre lots you're not exactly farming  
17 in the Rural.

18 CHAIRMAN PALMER: It's true, but show me somebody that wants to live on a  $\frac{3}{4}$   
19 acre lot between the railroad track and US Highway 1. Anyhow, that's my thoughts on it.  
20 Don't really like to make motions, but I will if I need to.

21 MS. CAIRNS: Is someone motioning?

22 CHAIRMAN PALMER: Yeah, I'll make a motion that we send this forward to  
23 Council with a recommendation of approval based on the fact that it is on a major US

1 Highway 1, between the interstate, I mean, between the US Highway 1 and the railroad  
2 tracks and that because of the size and shapes of the property and what's currently  
3 existing there, that it make sense for this property to be zoned General Commercial.

4 MR. THEUS: I'll second it.

5 MR. BROWN: I'll move the Chairman's recommendation, relieve him of that  
6 responsibility.

7 CHAIRMAN PALMER: Okay. Mr. Brown made the motion.

8 MR. THEUS: And I seconded it.

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

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

13 CHAIRMAN PALMER: Alright, Case No. 13-34 MA.

14 **CASE NO. 13-34 MA:**

15 MS. HEGLER: Mr. Chairman, if I may. Throughout the course of the afternoon  
16 we got a note requesting to defer, the Applicant had another meeting. So you may –

17 CHAIRMAN PALMER: Does somebody make a motion to defer Case No. 13-34  
18 MA?

19 MR. THEUS: So moved.

20 MR. GILCHRIST: Second.

21 CHAIRMAN PALMER: We have a motion and a second, that's till next meeting?

22 MS. HEGLER: For the November 4<sup>th</sup> meeting, correct.



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

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

5 CHAIRMAN PALMER: Alright. Text Amendments? Text Amendment #1?

6 **TEXT AMENDMENT #1:**

7 MR. PRICE: Alright. Hopefully I still have your attention.

8 CHAIRMAN PALMER: Can we get the two minute clock going? [Laughter]

9 MR. PRICE: At the, I believe this was, this was brought before you, it should've  
10 been in July since y'all didn't meet in October [sic]. And one of the things that you  
11 wanted us to do was we had the terms freeway and expressway and I think there was  
12 some concerns that we were using terms that were not in our Land Development Code.  
13 So Staff went back and we included the term for, for the roads that were actually in our  
14 Land Development Code, so [inaudible].

15 CHAIRMAN PALMER: Alright. What do you think? Want to approve it? Motion to  
16 approve?

17 MS. CAIRNS: I just have a question. I mean, I understand that you corrected  
18 using that terms that are defined. So we're saying that if there's a minor arterial road,  
19 you do not have continuity, I mean, is that the way it is now or is that new, that we're  
20 letting a minor road severe, and I can't the word right, continuity –

21 MS. HEGLER: Contiguity?

22 MS. CAIRNS: There you go, thank you very much. I mean, is that new, that we're  
23 letting minor arterial roads severe -

1 MR. THEUS: We're not, are we?

2 MS. CAIRNS: - contiguousness?

3 MR. PRICE: No, actually the language that you have before you is new. Before it  
4 was just, we just defined the word contiguous as applied to lots or districts has having a  
5 boundary of 10'. And one of the issues that came up is, okay well, you know, what if  
6 you're, you know, separated, you know, just right across the road or an interstate or  
7 what actually separates?

8 MS. CAIRNS: So it looks like what we, okay I understand that. So we're adding  
9 this definition, but I mean, so am I correct in reading this that basically virtually every  
10 road will sever if we go all the way down to a minor road. I mean, what kind of road is  
11 smaller than a minor road?

12 MS. HEGLER: I think we're saying the opposite.

13 MR. THEUS: I think you're reading it wrong.

14 MS. HEGLER: The contiguity will not be severed.

15 MR. THEUS: Will not be affected.

16 MS. HEGLER: By those items.

17 MS. CAIRNS: Yeah, but it says, except, shall not be affected, provided, however,  
18 shall be assumed to be disrupted by the existence of a thoroughfare, collector, principal  
19 arterial or minor arterial, so the very – in the beginning you say, a road doesn't sever,  
20 unless it's one of these roads, and we go all the way down to minor. Which means  
21 we've basically severed everything.

22 MR. PRICE: Well, we do have what the road categories and you can –

23 MR. THEUS: Oh, you're right, it contradicts itself.

1 MS. CAIRNS: Yeah, like pulls it, it starts out by saying will not be affected by a  
2 road.

3 MR. THEUS: And at the end it says the other.

4 MS. CAIRNS: Unless, and then it defines virtually every road we have. So what  
5 road is smaller? I think we messed up. Cause yeah, what we scratched out, freeway,  
6 expressway would've been big boys.

7 MS. HEGLER: We don't have defined.

8 MS. CAIRNS: But what will you put in instead was all the little boys.

9 MR. PRICE: We have local residential, local commercial.

10 MS. CAIRNS: Are smaller than minor arterials?

11 MR. PRICE: Yes.

12 MS. CAIRNS: But we have collector road is one that severs.

13 MR. PRICE: Yes.

14 MS. CAIRNS: How many roads do we define?

15 MR. THEUS: Has contiguous not been previously defined?

16 MS. CAIRNS: Just to talk about what happened when there was a road.

17 MR. PRICE: Ten foot boundary, where was that boundary?

18 MS. CAIRNS: You could be jumping an interstate and call yourself contiguous.

19 MR. PRICE: Right.

20 MS. CAIRNS: But now you can't jump anything.

21 MR. PRICE: You know, you still have your local, as I say, you know, you still  
22 have your local residential roads, you have your local commercial roads that would be,  
23 not be considered as preventing rezoning.

1 MS. CAIRNS: You have local, commercial.

2 MR. THEUS: Don't we want to say it's contiguous unless the freeway or an  
3 expressway going through it? Isn't that what we're saying?

4 MR. PRICE: Well, we took out the term freeway and expressway [inaudible]  
5 Code. Thoroughfare road would serve to replace those.

6 MS. CAIRNS: So a thoroughfare road is basically a limited access road? So  
7 we're trying to make sure that freeways sever contiguousness.

8 CHAIRMAN PALMER: Does limited access mean controlled access?

9 MR. PRICE: Thoroughfare road, interstates, other freeways, expressways or  
10 major roads that provide for the expeditious movement of high volumes of traffic within a  
11 county.

12 MR. THEUS: That's the definition of a thoroughfare.

13 MS. CAIRNS: Okay, so what's a collector road?

14 MR. PRICE: Collector road, a roadway which provides connection between  
15 arterial road system and local roads as well as traffic circulation within a residential,  
16 commercial and industrial areas.

17 MS. CAIRNS: That sounds a lot like a local residential if it's traffic within a  
18 residential area.

19 CHAIRMAN PALMER: Does the state, doesn't the state classify these roads?

20 MR. PRICE: They do.

21 CHAIRMAN PALMER: Yeah.

22 MS. CAIRNS: I just think we put too many in here to sever contiguousness.  
23 That's my concern. I mean, I don't have any problem with thoroughfare road. But, and

1 maybe principal arterial, but when we start throwing in minor arterial and then you're  
2 telling me that local commercial and local residential but what you've just read as the  
3 definition of collector seems inconsistent.

4 CHAIRMAN PALMER: So you're saying that the contiguous part, portions of land  
5 do not jump thoroughfares or collector roads. But will, but you think they should, parcels  
6 across the street from each other should be considered contiguous as long as they're  
7 not along a thoroughfare or a collector.

8 MS. CAIRNS: Probably, but I just want to make sure that our definitions, I mean,  
9 I just felt like this went to wipe out virtually all roads. Would cause almost every road to  
10 sever when –

11 MR. PRICE: Well –

12 MR. DELAGE: Prior Code, all the zoning district lines go to the middle of the road  
13 essentially, so even though the parcel line may stop at the right-of-way, the zoning  
14 district extends out to the center of the road.

15 MS. CAIRNS: Oh, [inaudible] district, so is the zoning a district? So this is a non-  
16 issue then?

17 MR. DELAGE: I think it's more of a clarification and cleaning up some language.

18 CHAIRMAN PALMER: All they did was they took out freeway and expressway  
19 and then put in thoroughfare road and collector.

20 MS. CAIRNS: Yeah, I mean, it seems to me we should just stop at thoroughfare.  
21 I mean, especially if you're, so now what you're telling me is that the zoning district isn't  
22 even severed by a road at all, it is by definition contiguous regardless of the existence of  
23 the road. So then why are we saying road sever contiguousness and now you're saying,

1 well no it doesn't cause it only goes to the middle of the road? Except for freeways, I  
2 mean, we don't zone freeways I would imagine.

3 MR. PRICE: Right. And that's, once again I think you said earlier, it's one of the  
4 problems. You know, you have a lot here and they're abutted by a freeway, does that  
5 automatically mean you –

6 MS. CAIRNS: No, I mean, I totally agree with the thoroughfare road being in  
7 there. And maybe collector road, but you know. I mean, I – all I did, when I read this it  
8 looked to me that we had said, roads don't matter except all these roads of which are  
9 probably 90 to 100% of the roads in the county. And so I had a problem. And now  
10 you're saying, well the zoning, but you know, when you give us our maps the zoning  
11 doesn't go to the middle of the road. I mean you give us our maps and the roads are  
12 white. Is that just so that we can follow our pictograms?

13 MS. HEGLER: [Inaudible] go to the middle of the road because the road itself  
14 doesn't – is what's highlighted what is new from the last time Planning Commission saw  
15 this?

16 MR. PRICE: Yes. The principal arterial and the minor [inaudible] by DOT.

17 CHAIRMAN PALMER: So is it pretty much the consensus of the Planning  
18 Commission that thoroughfares should be a dividing boundary between parcels?

19 MS. CAIRNS: Well I just think, yeah. I mean, I don't think you should be able to  
20 claim that you're contiguous to a type land because it's across an interstate.

21 CHAIRMAN PALMER: Agreed. I think we can all agree on that. What's a  
22 collector road? Is Two Notch Road a collector road?

23 MR. THEUS: No.

1 MS. CAIRNS: Probably a principal arterial.

2 MS. HEGLER: [Inaudible] where we were earlier, it's a minor arterial.

3 MS. CAIRNS: It might be a minor arterial.

4 MS. HEGLER: Even on US 1 it's a minor arterial.

5 CHAIRMAN PALMER: Is Forest and Trenholm, is Forest Drive and Trenholm  
6 Road, are they, right there where they intersect, are they collector roads?

7 MS. HEGLER: We need to be able to define it by our definitions.

8 MS. CAIRNS: But what's it say? Read us the – well, he's searching.

9 MR. PRICE: Are you looking for collector again?

10 MS. CAIRNS: Yeah, well how is it defined in ours?

11 MR. PRICE: Yeah, the collector road is defined in ours as a roadway which  
12 provides connection between arterial road system and local roads, as well as traffic  
13 circulation within residential, commercial and industrial areas.

14 MS. CAIRNS: Yeah, that's the, I mean, the tail end of that, you know, including  
15 traffic within a residential area.

16 CHAIRMAN PALMER: Well, it doesn't really matter what we call, what the  
17 definition says because DOT dictates what these roads are called. So we just have to  
18 look up what DOT calls it and then that's what it –

19 MS. CAIRNS: Okay, so there's a bible out there that tells us.

20 CHAIRMAN PALMER: Right.

21 MS. CAIRNS: Okay. I gotcha. I mean, that's why Two Notch can be a minor  
22 arterial.

1 CHAIRMAN PALMER: At some point. And then, yeah, they just haven't – but.  
2 Clemson Road, for example, do you think Clemson Road across from each other should  
3 be counted as contiguous? That's a question. That size road.

4 MR. THEUS: Is Clemson a connector road?

5 MS. CAIRNS: No, I think he's probably asking me.

6 CHAIRMAN PALMER: Yeah, I'm trying to ask the Commission so we can get a  
7 resolution and move forward.

8 MS. CAIRNS: No, I mean, I'm thinking. I mean.

9 CHAIRMAN PALMER: It doesn't matter what they call them, just what kind of  
10 roads do we think they should be on?

11 MS. CAIRNS: Well, I guess the question is do we want, do we want consistent  
12 land use, you know, is our ultimate goal to have consistent land uses on two sides of a  
13 road, or is it better to have –

14 CHAIRMAN PALMER: I would argue it is because we try to keep commercial  
15 uses around nodes and not one side of the road as an area from a node should grow  
16 consistently, not one site grow commercially and then the other side grow residentially. I  
17 would think that we would want uniformity. If we're trying to center things around nodes,  
18 which is what we've been trying to do for years around the county, seems like you  
19 should grow out a steady pace from that node.

20 MS. CAIRNS: I don't know.

21 MR. THEUS: I don't, I'm not aware of all the circumstances under which the  
22 contiguous property comes into play.

23 MS. CAIRNS: If you're zoning less than two acres.



1 MR. THEUS: Oh, I'm not denying it, I'm just, I'm just not –

2 MR. PRICE: It comes in a good bit. More than you think, you know, either when,  
3 you know, someone's coming in, we've had a couple that have withdrawn but, you  
4 know, I think as a Staff we –

5 MR. THEUS: So what issue, zoning? Like she's saying, let's, you've got to be  
6 contiguous to, be less than two acres and it's –

7 CHAIRMAN PALMER: Let's do this. I think that the more lenient the contiguous  
8 language is the better because then people get to come in and air the issue as opposed  
9 to just being ruled out from the issue because they're not contiguous.

10 MS. CAIRNS: Right, it doesn't grant them an automatic rezone.

11 CHAIRMAN PALMER: Right, right.

12 MS. CAIRNS: It just gives them a –

13 CHAIRMAN PALMER: So let's let people apply more and find out the answer  
14 rather than just saying you can't because, that's my thought process.

15 MR. THEUS: I like just leaving, keep thoroughfare out.

16 CHAIRMAN PALMER: Yeah, keep thoroughfare out.

17 MS. CAIRNS: And strike the rest of it.

18 MR. PRICE: Even principal arterial roads?

19 CHAIRMAN PALMER: Yeah.

20 MR. PRICE: Or minor arterial?

21 CHAIRMAN PALMER: Don't be jumping no interstate. Yeah, so everything else  
22 comes out except for collector, thoroughfare. We want to make a motion on that and a  
23 vote?

1 MR. PRICE: I'm sorry, you said everything comes out but what?

2 CHAIRMAN PALMER: Thoroughfare stays in.

3 MR. PRICE: Okay.

4 MS. CAIRNS: So the front half of the sentence is more consistent with the back  
5 half, also. Which is that roads don't matter unless it's an interstate. I think we can all  
6 agree that makes sense.

7 MR. THEUS: If you can walk across it you're contiguous.

8 MS. CAIRNS: Well, let's not go that far. [Laughter]

9 MR. PRICE: I mean, I'm going on 277 and a lot of people across there.

10 CHAIRMAN PALMER: Ain't nobody walking, they're running. Alright, so we need  
11 a vote on that? We got a motion to amend it, to include just thoroughfare?

12 MR. GILCHRIST: So moved.

13 MR. THEUS: Second.

14 CHAIRMAN PALMER: Motion and a second. All those in favor say aye.

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

17 CHAIRMAN PALMER: Alright, next issue.

18 **TEXT AMENDMENT #2:**

19 MS. HEGLER: Yeah, this was just cleaning the language.

20 MR. PRICE: We're pretty much eliminating all residential but remember a lot of  
21 things were carried over, so this just makes it more consistent with what we have in our  
22 Code as to where we allowed residential development to occur, and manufactured  
23 home parks are considered to be residential.

1 CHAIRMAN PALMER: Any motions?

2 MS. CAIRNS: I make a motion that we approve the amendment to the definition  
3 of manufactured home park to strike the MR district as a use district, as shown on page  
4 95 of our Agenda.

5 MR. WESTBROOK: You need a second?

6 CHAIRMAN PALMER: If you'd like to second it.

7 MR. WESTBROOK: Okay, I'll second.

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

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

12 **TEXT AMENDMENT #3:**

13 MR. PRICE: Okay, while I still have you. This is actually a motion from Council,  
14 so they asked that we try to come up with a recommendation today where we took a  
15 look at the special congregant facilities and we wanted to, what we wanted to do was  
16 just to add some additional language. I believe since the, you've seen some of the  
17 discussions going on with the City of Columbia and some of their proposals and I think  
18 there was some concern that all of a sudden they may just start building facilities for,  
19 you know, the homeless out in the unincorporated area of Richland County. And so  
20 Council decided we should look at these standards that we have for the special  
21 exception because a special exception doesn't necessarily, is not a means for denying  
22 a request. And to introduce some additional standards to ensure that when they're  
23 located they're appropriately located. Staff did some research on this and we looked at

1 how other cities and other towns have, you know, some of the regulations they have  
2 and so we borrowed a few from this. And really, hopefully it's just a way to kind of get  
3 discussion going with the Planning Commission as we work together to come up with  
4 quality criteria for special congregant facilities.

5 MR. THEUS: Please define special congregant facilities.

6 MR. PRICE: Oh. I'm going to go to my –

7 MR. THEUS: I think they're talking about these halfway houses.

8 CHAIRMAN PALMER: They're talking about homeless shelters.

9 MR. THEUS: Oh.

10 CHAIRMAN PALMER: But F makes no sense to me why we would be getting  
11 into that business.

12 MR. PRICE: Well, let me read the definition. Congregant facilities characterized  
13 by clientele composed of persons who generally do not possess personal automobiles  
14 to assist them in their daily transportation throughout the area and its vicinity. Such  
15 facilities may include indigent care facilities, shelter facilities, hostels and similar  
16 facilities.

17 CHAIRMAN PALMER: Hostels. Does that answer it for you?

18 MR. THEUS: Yeah. I know what they're talking about now.

19 CHAIRMAN PALMER: So we're, we're gonna mandate that they put together a  
20 written management plan?

21 MS. CAIRNS: Yeah, I think, as part of the zoning?

22 CHAIRMAN PALMER: Yeah, that's what I'm saying, and then we, they have to  
23 include these things?

1 MR. PRICE: Well, when they go into the Board of Zoning, this, because these  
2 are going before the Board of Zoning Appeals, it can give them an idea of exactly what  
3 it is that they're proposing.

4 CHAIRMAN PALMER: So then the Board of Zoning Appeals is required to read  
5 these management plans and make sure that all these items are in the management  
6 plan?

7 MS. CAIRNS: Does the congregant facility have to pull a permit to be  
8 functioning?

9 MR. PRICE: You mean like a building permit?

10 MS. CAIRNS: Well, no like an operational permit, a business permit?

11 CHAIRMAN PALMER: Or DHEC?

12 MS. CAIRNS: I mean, it just seems odd to have, you know, this in the level of  
13 zoning. Even as a special requirement. I mean, do they just have to say, here's our plan  
14 and, like would the BOZA then say, okay I see you have a plan? Like who reviews the  
15 plan? I mean, are we getting into land use bodies reviewing plans for management?

16 MR. PRICE: It would be by the Board of Zoning Appeals, yes.

17 CHAIRMAN PALMER: But all you got to do is, to Heather's point, just put  
18 together a bullet point and say, none, none, none, none. Or the management plan is –

19 MS. CAIRNS: Or just say, we'll train our staff, we do outreach to the  
20 neighborhood. We'll provide security.

21 CHAIRMAN PALMER: Yeah.

22 MS. CAIRNS: And, I mean, we're zoning, we're not management.

23 MS. HEGLER: Mr. Price, I think you took examples from other places.

1 MR. PRICE: Yes.

2 MS. HEGLER: So you are welcome to make suggestions. This is just taken from  
3 another one.

4 MR. PRICE: And I think they would also outline what the security measures are.

5 MS. CAIRNS: But I just, I just feel, I don't necessarily disagree that a congregant  
6 facility should have this, I just don't, not convinced that the zoning code is where this  
7 should be.

8 MR. THEUS: Right.

9 CHAIRMAN PALMER: I agree.

10 MS. CAIRNS: Cause I don't think we have the capacity to properly review and  
11 enforce this.

12 CHAIRMAN PALMER: Who's to say it's a good plan? There's no standard.

13 MR. PRICE: Right, this is – this is one of the reasons why it was brought before  
14 you to try to get your input.

15 CHAIRMAN PALMER: Gotcha. I'm not saying, but this is what you brought to us  
16 so we're just giving you the reasons why we may not want to do it. The half mile of an  
17 existing bus route, is that done as the crow flies, through roads, walking? How you  
18 gonna measure that? Property line to property line?

19 MR. PRICE: Well, typically we measure property line to property line. However,  
20 we could spell out how it's gonna be measured.

21 MS. CAIRNS: But, I mean, so is this – I'm sorry, I mean, is this, I will offer to you  
22 all, reading this I see something that says, we are trying real sure to make sure we don't  
23 get any of these. Okay? So when you flip to the second page and you got to be at least

1 300' away from a school, at least 1,000' away from a daycare school, and at least  
2 1,000' away from a public park or library, which is, like frankly being 1,000' from a public  
3 library, people in need of help are in need of help. But they have to be within a half a  
4 mile of an office, a grocery store, job development. My guess is if you tried to put this  
5 into the GIS data base you might hit a couple of points, and so I have, I am the bleeding  
6 liberal, I mean, I have problems with trying to simply zone out facilities that need to exist  
7 in a public.

8 CHAIRMAN PALMER: How do you get 300' away from a residential district? Is  
9 the rural classification as a residential district?

10 MS. CAIRNS: Yep.

11 MR. PRICE: We would –

12 CHAIRMAN PALMER: No?

13 MS. CAIRNS: Yeah.

14 MR. PRICE: It could be. The rural district and the PDDs, as the zoning  
15 administrator I'm charged at looking at them individually to make a determination if they  
16 fall into a rural, excuse me, a residential, commercial or industrial use. Or they should  
17 be classified as one of those districts.

18 MS. CAIRNS: The chances are if you're finding a grocery store, if you're within a  
19 half a mile of a grocery store and a doctor's office, you're also gonna be within 300' of a  
20 house, a residential district.

21 CHAIRMAN PALMER: Or a daycare.

22 MS. CAIRNS: I mean, I just don't think you're gonna find hardly anything that  
23 satisfies all this. And so right off the bat I just say no.

1 CHAIRMAN PALMER: And when we're looking at –

2 MR. PRICE: [Inaudible] the 300'.

3 MS. CAIRNS: It's the combination. You're saying away, away, away; close,  
4 close, close, and I'm telling you I bet there's nowhere in the county that satisfies this.

5 MR. THEUS: That's the intent apparently.

6 MS. CAIRNS: Right, and that's where I just would say no.

7 CHAIRMAN PALMER: Don't you remember when we did the strip club, we had  
8 to find out how many places they could go with the zoning and all the stuff we put on  
9 them?

10 MS. CAIRNS: Yeah, but SOBs are, they, they have really good lawyers.

11 CHAIRMAN PALMER: But that's the same principle we're going by here. If you  
12 draw this in –

13 MS. CAIRNS: [Inaudible] you're trying to legislate it out and say, well it's not our  
14 fault.

15 CHAIRMAN PALMER: Right.

16 MS. CAIRNS: Cause we can, we can justify every one of these individual things.  
17 But, I mean, once you say you've got to be near a doctor's office but you can't be near a  
18 public library, I mean, when you're talking about people down on their luck, a public  
19 library is often the only place they can get on the internet, which is often the only place  
20 they can try to find help and services.

21 CHAIRMAN PALMER: Why do you care if they're near a public library?

22 MS. CAIRNS: Because that's where people that don't have computers and wi-fi  
23 can get it.



1 MR. THEUS: That's where they go to be on the internet.

2 CHAIRMAN PALMER: Well, then don't offer free internet if you don't want them  
3 in the library.

4 MS. CAIRNS: That's what a public library's all about.

5 CHAIRMAN PALMER: That's what I'm saying. So why do we complain if people  
6 go, that's another issue, but why complain about it if people use the service that's  
7 offered to them?

8 MS. CAIRNS: Right, but we're telling them that they can't be within 1,000' –

9 CHAIRMAN PALMER: That they can't go use it.

10 MS. CAIRNS: - of a library.

11 CHAIRMAN PALMER: Yeah, it's crazy.

12 MS. CAIRNS: But they've got to be within 300' of a doctor's office.

13 CHAIRMAN PALMER: I agree with you, Heather.

14 MS. CAIRNS: And legal services.

15 CHAIRMAN PALMER: Alright, let's make a motion. Can we defer –

16 MS. CAIRNS: No, I'd just deny it.

17 MS. HEGLER: We have a, currently there's a moratorium on these facilities until  
18 we get the language straight. Understand, Staff went into this hoping very much that we  
19 would have lively discussion and a lot of recommendations from you. Cause we were  
20 given zero guidance but asked to do something, so we just looked for other examples.  
21 Clearly this exists in other places, certainly we should tailor ours, it's a starting point but  
22 we don't have a lot of time.

1 MS. CAIRNS: Well, my thing is, is I just, I mean – and it is, it's difficult, I mean,  
2 what I'm, I mean, we just have such vast amounts of varied land use out there. To come  
3 up, I mean, I think that probably the GIS data base could crunch something close, but  
4 yeah, what we call rural, I mean, I would offer that our rural is by and large residential.  
5 You know, and so that pretty much just wipes out the entire county until you get into  
6 residential districts where there's really, I mean, how many – and if you're starting to get  
7 into the industrial area, so we're saying, you know, I would just be curious, if you take  
8 the assumption that rural is residential, is there any spot in the county that satisfies  
9 these requirements?

10 CHAIRMAN PALMER: I think personally if you take out F, I, and J all together.

11 MS. CAIRNS: And H, I don't think H should be part of zoning. I think it should be  
12 part of licensure. I think F and H need to be part of licensure and I would agree that just  
13 simply yes, strike I, J and what was the other one?

14 CHAIRMAN PALMER: How are you gonna enforce at the zoning issue? Are you  
15 gonna take someone's zoning if all of a sudden they start allowing loitering?

16 MR. THEUS: Start allowing loitering?

17 MS. CAIRNS: Yeah, it's saying you can't have loitering.

18 CHAIRMAN PALMER: There shall be no loitering at the facility. Well, that's, what  
19 are we gonna do, go in and just revoke their zoning? This is a zoning issue.

20 MS. CAIRNS: That's got to be a licensing thing.

21 CHAIRMAN PALMER: Yeah, that's –

22 MS. LINDER: Which they'd be given a uniform ordinance summons, violating the  
23 zoning ordinance. They'd be given a ticket. The facility.

1 MS. CAIRNS: It still should be a licensing issue. I think it should be a licensing  
2 issue. I mean, require that they have a business license.

3 CHAIRMAN PALMER: So every day that somebody's loitering they get a ticket?

4 MS. CAIRNS: Every day the zoning officer determines that there's someone  
5 loitering.

6 MR. THEUS: Geo, did you take these comprehensively from somebody else's -

7 MR. PRICE: Yes.

8 MR. THEUS: - plan? They were not taken in total, they were

9 MR. PRICE: No, no, no, they were kind of pieced from various -

10 MR. THEUS: Yeah. I feel like we're being handed a hot potato that we have no, I  
11 know you are too, but we have no experience in this world and how we're gonna  
12 imagine all the possibilities and settle this. I mean, it's -

13 MR. WESTBROOK: Then why don't we leave it to the Staff?

14 MS. HEGLER: What Staff had thought about coming to you with was something  
15 blank. So we started out talking points of things we'd seen in other areas. We feel the  
16 same pressure. We need guidance.

17 MS. CAIRNS: I mean, I almost feel though that like, even C, I'm not even sure, I  
18 mean, my sense is that C, F, and H should be removed from zoning and potentially  
19 made part of the licensuring requirement. I mean, even if the county wants to come up  
20 with a special license requirement.

21 MR. THEUS: Special license to run a congregant care facility.

22 MS. CAIRNS: Right.

23 MS. HEGLER: So Geo, C is, C we currently have.

1 MR. PRICE: It's in our Code.

2 MS. CAIRNS: Oh, I know but I just, you know, I mean, like –

3 MR. PRICE: I was just pointing that out.

4 MS. CAIRNS: I understand what you're saying but I'm just like, you know, again,  
5 as we often seen, that once you bring something before us we tend to go after things  
6 that aren't even changing. But, and I wouldn't say by itself it was enough to justify a  
7 change, but if we're gonna make a change, I frankly think that C, F and H need to be  
8 removed from zoning.

9 CHAIRMAN PALMER: So as far as we're concerned –

10 MS. CAIRNS: I, I, J and –

11 MS. HEGLER: C probably.

12 CHAIRMAN PALMER: Is that a motion to remove C, F, H, I and J and send it  
13 forward with a recommendation of approval, Heather?

14 MS. CAIRNS: Okay, let me see. I think so. C, F –

15 MR. PRICE: Now, C, F and H I believe you said that they should be more of a  
16 licensing issue.

17 MS. CAIRNS: - H, I and J. Well, but I mean, in terms of what we can, right but  
18 they need to be struck from this because they aren't appropriate.

19 MR. PRICE: Right.

20 MS. CAIRNS: It's like the comments will say that they could be somewhere else.

21 MR. PRICE: Okay, and then when looking at I and J.

22 MS. CAIRNS: They should, they need to be struck.

1 MR. PRICE: Yeah, and I think that one of the issues, of course, was it was just a  
2 fear that, gonna go out, find some land that's out there and essentially build a camp.

3 MS. CAIRNS: Right.

4 MR. PRICE: And I think the thought process is if you are building for those who  
5 are in need, that they should be near some sort of resources as opposed to, you know,  
6 busing them in, but they can actually get to.

7 MS. CAIRNS: Well, then just take out I and leave J. I mean, but to put I and J  
8 both in, I think pushes you into no-man's land. Cause I –

9 MS. HEGLER: I and take out J.

10 MR. PRICE: I'm more comfortable with –

11 MS. CAIRNS: - says you got to be close, and J says you gotta be away.

12 MS. HEGLER: I say take out J.

13 MR. PRICE: I'm more comfortable with removing J and keeping I.

14 MS. CAIRNS: Okay, that's a good point. I appreciate that.

15 MS. HEGLER: I is the more proactive, positive.

16 MS. CAIRNS: Right, leave I in. You gotta be close to stuff. Right, cause I don't  
17 support just building a camp in the boonies.

18 MS. HEGLER: That is really what we're trying to prevent.

19 MS. CAIRNS: Right. So yeah, so take out J.

20 CHAIRMAN PALMER: No, I is awful.

21 MS. CAIRNS: No, I says you gotta be close to stuff, that's good.

22 CHAIRMAN PALMER: Yeah, stuff that moves all around in a commercial district  
23 that's never gonna be there permanently. And number 4 says providers of services

1 often utilized by the clientele. Come on. And then somebody's got to be near a grocery  
2 store, they gotta be near a doctor's office, legal services, professional services. It just  
3 says, such as. It's so open ended.

4 MS. CAIRNS: Or provide them within.

5 CHAIRMAN PALMER: They gotta be near professional services such as doctors'  
6 offices and legal services.

7 MS. CAIRNS: Well, remember the beginning of I though says that you can  
8 provide it at the facility. So as long as you bring in a doctor and you bring in –

9 CHAIRMAN PALMER: But it just says, legal services such as.

10 MS. CAIRNS: Right, and professional services.

11 MR. WESTBROOK: Let's call this compromise in.

12 CHAIRMAN PALMER: What's a grocery store? How you gonna classify a  
13 grocery store? Job development centers? Well, those are easy enough to start.

14 MS. CAIRNS: I mean, that would, probably they'd bring it inside.

15 CHAIRMAN PALMER: I'm just saying, who –

16 MS. CAIRNS: I know. I follow you. I follow you.

17 CHAIRMAN PALMER: It's so generic, it doesn't need to be in the Code. But we  
18 gotta get something figured out here.

19 MS. CAIRNS: Yeah, I mean, we could say it needs to be within a half mile of  
20 zoning, but he's right, how can you – cause what happens if the one grocery store  
21 leaves? Are they then grandfathered in?

22 MR. PRICE: Yes.

23 MS. CAIRNS: But how, but I mean, but so, but –

1 CHAIRMAN PALMER: But they can't expand.

2 MS. CAIRNS: But then they can't, so then all the, but they're forced into a  
3 nonconforming status based on nothing that they've done themselves. Just because a  
4 grocery store closes?

5 MR. PRICE: You know what, going back on that. I would, cause we run into this  
6 stuff, you know, such as the SOBs and, you know, churches and those type things. I  
7 think in this particular case if it was legally established and it met all the requirements, I  
8 don't know if the removal of a grocery store or certain of these other uses would make it  
9 nonconforming.

10 MS. CAIRNS: For the squeaky neighbor it would.

11 MR. PRICE: Because they were there first and they met all the requirements. I  
12 don't know if that would make it nonconforming. Something we could look at.

13 CHAIRMAN PALMER: Do we have a definition for a grocery store?

14 MR. PRICE: I'm sure we do.

15 CHAIRMAN PALMER: And a definition for all the other stuff?

16 MS. CAIRNS: The gas station that sells a loaf of bread? I mean, the gas station  
17 at the end of my street sells some groceries, so it is a grocery store? And I can buy  
18 eggs?

19 CHAIRMAN PALMER: I mean, this other stuff, every one of these is so generic.  
20 Providers of services often utilized by the clientele. Job development centers.

21 MR. PRICE: Grocery food stores, not including convenience stores,  
22 establishments primarily engaged in retailing a general line of food products.

1 MS. CAIRNS: Which there's like, virtually none of in the rural areas. Right, aren't  
2 there very few grocery stores?

3 CHAIRMAN PALMER: They usually go on main arteries.

4 [Inaudible discussion]

5 MS. CAIRNS: You can have a daycare near a grocery store.

6 MR. THEUS: This is going under office and institutional or general commercial,  
7 right? That's the only places this –

8 MR. PRICE: Yes, this is where they're allowed. So, I mean, they should be  
9 located near these anyway.

10 MR. THEUS: Yeah. They're not gonna get, more than likely, out in the country.

11 MS. CAIRNS: I don't know, we just put some GC out in the country on Two  
12 Notch. Some more GC.

13 CHAIRMAN PALMER: But we didn't allow somebody to not be GC either. We  
14 kept GC out there where we didn't really need it.

15 MS. CAIRNS: Alright, so I guess our task is how do we make this the best it can  
16 be?

17 MR. PRICE: [Inaudible] going back to where are they gonna be located in the two  
18 zoning designations that we've, they're allowed? These other uses really should be –  
19 that's where you will find these other uses.

20 CHAIRMAN PALMER: That's, personally as this things written in front of me,  
21 that's what I would recommend would be taking out F, take out H, take out I, take out J,  
22 and then if Council wants to put stuff back in they can certainly drop it back in. But as far  
23 as I'm concerned that stuff doesn't need to be in there.



1 MS. CAIRNS: That is a good point that yeah, we've limited it to OI/GC so there's  
2 at least a possibility of the services, based on zoning.

3 MS. HEGLER: It was already limited to OI.

4 MR. THEUS: What are you taking, what do you want to take out?

5 CHAIRMAN PALMER: I want to take out F, H, I and J.

6 MR. BROWN: Move the Chairman's recommendations.

7 MS. CAIRNS: So you got E and G.

8 MR. PRICE: What about C?

9 MS. CAIRNS: So we agree to add E and G. I'm fine with leaving the existing.

10 MR. PRICE: Okay.

11 MS. CAIRNS: I mean, I'm not gonna get all bent out of shape about it.

12 MR. THEUS: So you're eliminating F –

13 CHAIRMAN PALMER: H, I and J.

14 MR. THEUS: Okay, so it leaves in -

15 MS. CAIRNS: The new stuff, this -

16 MR. THEUS: E, G.

17 CHAIRMAN PALMER: We have a motion, do we have a second?

18 MR. THEUS: Second.

19 CHAIRMAN PALMER: All those in favor say aye? Any opposed?

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

22 CHAIRMAN PALMER: No. Do we have a motion to adjourn?

23 MR. THEUS: Yes, sir.

1 CHAIRMAN PALMER: So we have – what do we have?

2 MS. CAIRNS: He has more items on his Agenda.

3 CHAIRMAN PALMER: We have something else?

4 MS. HEGLER: We have two quick updates. I will do it very fast. Given all of the  
5 lively discussion today and the claim that we aren't consistent with our Comp Plan, I  
6 think it's time to update it. So quickly you just scroll through these. We are getting ready  
7 to update, do a five year update on our Comprehensive Plan. We have been asked by  
8 Council at their retreat to focus specifically on the land use and priority investment  
9 elements. So we'll start there instead of trying to update all of the others. We are getting  
10 ready to go out for a consultant to help us with that, so probably just about every month  
11 now for the next year, we're gonna be bringing you updates on the Comp Plan because  
12 it is purely, you know, your responsibility for making those recommendations.

13 CHAIRMAN PALMER: Are we gonna try to do it all at one time or are you gonna  
14 try to piecemeal it?

15 MS. HEGLER: I'm gonna try and do it all at one time. I think –

16 CHAIRMAN PALMER: I'm saying when you're bringing us updates is that just for  
17 informational purposes?

18 MS. HEGLER: I think so. Yes, yes, I'm not gonna have you, like vote on different  
19 things.

20 CHAIRMAN PALMER: Okay.

21 MS. HEGLER: We're gonna, just like I said, be focusing on those two elements  
22 first and probably Staff will in-house update census data. But that, if we're going to meet  
23 our five year obligation, needs to be adopted by December, so we're gonna really

1 crunch it. We have a lot of public meetings and that's why we'll bring in a consultant to  
2 help us do all that. So no, we'll present to one draft.

3 CHAIRMAN PALMER: Okay.

4 MS. HEGLER: Is that what you mean? Okay. One draft probably in  
5 September/October, but we'll be updating you along the way so there's no surprises.  
6 Lastly, the Neighborhood Planning Conference, which is award winning, I have the  
7 award in front of me, our last year's was award winning, is this Saturday from 8:30 to  
8 2:30. It's a really exciting agenda as it always is. It's at the Metropolitan Convention  
9 Center. And you do get your hours of training if you show up. And I think you might have  
10 a good time. That's all. You have cards too with all that information in front of you.

11 CHAIRMAN PALMER: Motion to adjourn?

12 MS. CAIRNS: Yeah, motion to adjourn.

13 CHAIRMAN PALMER: Do we have a second?

14 MR. THEUS: Second.

15 CHAIRMAN PALMER: All those in favor say aye.

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

18

19

*[Meeting Adjourned at 5:30 pm]*

20