



Richland County Council
Zoning Public Hearing
May 25, 2021 – 7:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Paul Livingston, Chair; Yvonne McBride, Vice-chair, Bill Malinowski, Derrek Pugh, Allison Terracio, Gretchen Barron, Overture Walker, Jesica Mackey, Cheryl English, and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Angela Weathersby, Kyle Holsclaw, Geo Price, Clayton Voignier, Dale Welch, Elizabeth McLean, Bill Davis, Leonardo Brown, Lauren Hogan, Lori Thomas, Randy Pruitt, Tina Davis, Tommy DeLage, Andrea Mathis, Stacey Hamm, Tamar Black, Ronaldo Myers, Dwight Hanna, Sandra Haynes and Michael Byrd

II. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 7:00 PM.

III. **ADDITIONS/DELETIONS TO THE AGENDA** – There were no additions/deletions.

IV. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Ms. McBride, to adopt the agenda as published.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

V. **MAP AMENDMENTS**

1. *Case # 21-002 MA*
John Swistak
PDD to RM-HD (2.6 Acres)
S/E Rice Meadow Way
TMS# R20310-07-02 & 03 [FIRST READING]

Mr. Livingston opened the floor to the public hearing

Ms. Kim Pocock, on behalf of John Swistak, provided comments in support of the re-zoning request.

Ms. Carolyn Kennedy and the Sassafras and Persimmon Neighborhoods provided comments in opposition of the re-zoning.

The floor to the public hearing was closed.

Zoning Public Hearing
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Mr. O. Walker moved, seconded by Mr. Malinowski, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous

2. *Case # 21-005 MA*
James Charles Hester
RU to NC (2.12 Acres)
1220 Dutch Fork Road
TMS# R03303-01-01 [FIRST READING]

Mr. Livingston opened the floor to the public hearing

Mr. Jim Hester provided comments in support of the re-zoning request.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. O. Walker, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

3. *Case # 21-006 MA*
Richard Jackson
PDD to RS-E (308.24 Acres)
Nina Lee Drive
TMS# R14600-03-27 [FIRST READING]

Ms. Barron moved, seconded by Mr. Malinowski, to deny the applicant's request for deferral.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

Ms. Barron noted the citizens of Lake Elizabeth/Fairlawn deserve the right to be heard again. This same project was brought before Council October/November 2020. Per the rules, the applicant should have to wait a year.

Mr. Malinowski inquired if this re-zoning was denied when it was before Council, and, if so, is the current request for the same zoning.

Ms. Barron responded in the affirmative.

Mr. Malinowski inquired why the request is back before Council.

Mr. Price responded staff previously believed the property was zoned RU (Rural), and the re-zoning request was for RS-E (Single-Family Residential Estates). The correct zoning designation for the property was PDD, so the applicant was allowed to come back with their re-zoning request.

Mr. Malinowski inquired, so it is not the re-zoning request that cannot be same, it has to be the entire matter.

Mr. Price responded staff wanted to be sure the Planning Commission and Council were presented the correct information.

Mr. Malinowski stated, as Ms. Barron noted, the request for the re-zoning was denied, so why would that not come under the one-year rule.

Mr. Price responded staff looked at the information previously prepared and presented to determine if it was correct, and it was deemed it was not.

Mr. Malinowski inquired if staff requested a legal opinion.

Mr. Price responded staff did not.

Ms. McLean responded she agrees with Mr. Price. The information presented and reviewed by the Planning Commission/Zoning staff/Council could have influenced their decision on the re-zoning request.

Ms. Barron noted she forwarded, to Council, a memo sent to the applicant from the Zoning Department. She requested Mr. Price to explain what was sent to the applicant.

Mr. Price stated, when the current Land Development Code was adopted, there was a provision that stated, if the PDD was not initiated within 2 years, the General Development Plan would expire. Essentially, the parcel would be left with a zoning designation with no allowable development standards. Staff determined, you cannot have a piece of property that has no development standards, so it was reverted back to RU (Rural). Of course, once the case came before us, we had to do some reviews and investigations with what happened, and it was determined one of the provisions within the code was that Council could make the amendment to the zoning. Therefore, instead of the property being deemed RU (Rural) it was decided the property still maintained a PDD zoning designation without any development or use standards.

Ms. Barron noted none of this information was included in the agenda packet. It would have been helpful to have, so Council could make an informed decision on behalf of the citizens.

Mr. Livingston opened the floor to the public hearing

Ms. Alisa H. Mitchem, Mr. Melvin and Ms. Jerald McKie, Ms. Natalie Washington, and Ms. Cheryl Brown provided comments in opposition of the re-zoning request.

The floor to the public hearing was closed.

Ms. Barron moved, seconded by Mr. Malinowski, to deny the re-zoning request.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

Ms. Newton inquired if the motion to not accept the applicant's request for deferral was required, or is Council at liberty to take a different action.

Mr. Livingston responded he does not know, but he felt it would be easier to make a motion.

4. *Case # 21-007 MA*
Jessica Haygood
NC/RU to LI (2 Acres)
1041 McCords Ferry Road
TMS# R38000-03-01 & 02 [FIRST READING]

Mr. Livingston opened the floor to the public hearing

Mr. Price noted the comments were read into the record at the March Zoning Public Hearing.

The floor to the public hearing was closed.

Ms. English moved, seconded by Ms. McBride, to deny the re-zoning request.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

5. *Case # 20-038MA*
Roberto Garcia
RU to LI (acres)
1917 Screaming Eagle Road
TMS# R33900-01-02 [FIRST READING]

Mr. Livingston opened the floor to the public hearing

Mr. Roberto Garcia, the applicant, provided comments in support of the re-zoning request.

Ms. Susan B. Lord and Ms. Cathy Hartman provided comments in opposition of the re-zoning request.

The floor to the public hearing was closed.

Ms. Mackey moved, seconded by Mr. Malinowski, to deny the re-zoning request.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

6. *Case # 21-010 MA*
Kevin Steelman
PDD to PDD
8930 Rabbit Run
TMS# R21800-01-06 [FIRST READING]

Ms. Newton moved, seconded by Ms. McBride, to defer the public hearing and the item until the July Zoning Public Hearing.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English, and Newton

Not Present: J. Walker

The vote in favor of deferral was unanimous.

7. *Case # 21-011 MA*
Michael S. Houck/Susan E. Houck
RS-HD to RU (20.7 Acres)
109 Crane Branch Lane
TMS# R20200-03-39 [FIRST READING]

Mr. O. Walker moved, seconded by Ms. Newton, to defer the public hearing and the item until the June Zoning Public Hearing.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor of deferral was unanimous.

8. *Case # 21-012MA*
Wyman Shull
RU to RS-MD (0.144 Acres)
1111 A J Amick Road
TMS# R02414-02-32 (portion of) [FIRST READING]

Mr. Livingston opened the floor to the public hearing

Mr. Wyman Shull provided comments in support of the re-zoning request.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Barron, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

9. *Case #21-013MA*
Ryan Maltba
PDD to GC
4561 Hardscrabble Rd
TMS# R20300-04-15 [FIRST READING]

Mr. Livingston opened the floor to the public hearing

No comments were received for this re-zoning request.

The floor to the public hearing was closed.

Mr. O. Walker moved, seconded by Mr. Malinowski, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

10. *Case #21-014MA*
David Goodson
RU to GC
613 Starling Goodson Rd
TMS# R22013-01-04 [FIRST READING]

Ms. Newton moved, seconded by Ms. McBride, to deny the applicant's request for withdrawal.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

Mr. Livingston opened the floor to the public hearing

No comments were received for this item.

The floor to the public hearing was closed.

Ms. Newton moved, seconded by Mr. Malinowski, to deny the re-zoning request.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

TEXT AMENDMENT

11. Amending the "2015 Richland County Comprehensive Plan – Putting the Pieces in Place", by incorporating and adopting the "Rediscover Sandhills" Neighborhood Master Plan into the Plan [FIRST READING]

Mr. Crooks provided an overview of the request to amend the Comprehensive Plan to incorporate the master plan. The master plan will focus on Pontiac, Northeast Industrial Park, as well as the Royal Pines Estates Subdivision. The plan area encompasses approximately 1.25 sq. miles/800 acres. The plan looks to establish a vision for the area that sets forth a rediscovered Northeast Richland County community to provide safe and walkable streets, thriving businesses, quality services, and increased recreational opportunities.

Ms. Mackey moved, seconded by Ms. Barron, to approve this item.

Ms. Mackey noted the master plan was established under former Councilman Chip Jackson.

Ms. Barron inquired, how often is the Comprehensive Plan updated? In addition, is staff looking at making any further revisions?

Mr. Crooks responded, per State law, the Comprehensive Plan is updated every 10 years. Within the interim you have the ability to make updates or changes at the 5-year mark. Staff is looking at some other revisions to make to the plan, prior to the 2025 Comprehensive Plan update.

Mr. Malinowski inquired if all of the necessary public hearings input been done on the plan.

Mr. Crooks responded in the affirmative.

Ms. Newton stated, as we look at the Comprehensive Plan, she would request we pay particular attention to the areas where we know there has been a “mismatch”.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Not Present: J. Walker

The vote in favor was unanimous.

VI **OTHER BUSINESS** - There was no other business.

VII. **ADJOURNMENT** - The meeting adjourned at approximately 7:30PM.