



## Richland County Council

ZONING PUBLIC HEARING  
November 16, 2017 – 7:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

**COUNCIL MEMBERS PRESENT:** Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Norman Jackson, Paul Livingston, Calvin “Chip” Jackson, Jim Manning, and Dalhi Myers

**OTHERS PRESENT:** Michelle Onley, Geo Price, Tracy Hegler, Tommy DeLage, Larry Smith, and Kim Williams-Roberts

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 7:00 PM.

Ms. Dickerson stated Ms. McBride was not able to attend tonight’s meeting due to a previous commitment to attend a community meeting in her district.

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

3. **ADOPTION OF THE AGENDA** – Mr. Livingston moved, seconded by Mr. Malinowski, to adopt the agenda as published.

In Favor: Malinowski, C. Jackson, Myers, Dickerson, N. Jackson, and Livingston

The vote in favor was unanimous.

4. **MAP AMENDMENTS**

- a. 17-022 MA  
Chuck Munn  
RU to RS-LD (38 Acres)  
5339 Hard Scrabble Road  
TMS# R20500-04-06 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Chuck Munn spoke in favor of this item.

The floor to the public hearing was closed.

Mr. C. Jackson moved, seconded by Mr. Livingston, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Dickerson, N. Jackson, and Livingston

The vote in favor was unanimous.

- b. 17-028MA  
Jesse Bray  
RU to RS-LD (40.67 Acres)  
Koon Road  
TMS# R03400-02-56 [FIRST READING]

Mr. Malinowski moved, seconded by Ms. Myers, to defer the Public Hearing and this item until after meeting with the community and developers. He will instruct staff when the meeting has taken place, so that it may be placed back on the agenda.

In Favor: Malinowski, C. Jackson, Myers, Dickerson, N. Jackson, and Livingston

The vote in favor was unanimous.

- c. 17-033MA  
Derrick J. Harris, Sr.  
RU to LI (1.19 Acres)  
7640 Fairfield Road  
TMS# R12000-02-01 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Derrick Harris, Sr. spoke in favor of this item.

The floor to the public hearing was closed.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to deny the re-zoning request.

Mr. C. Jackson requested that staff provide an explanation for why they are recommending disapproval.

Ms. Hegler stated in respecting the recommendations of the Comprehensive Plan recommending disapproval in this area it is noted as being Neighborhood Medium or Low Density in its future land use element, which prefers to have residential. Staff recognized that is not the character of the surrounding area, which is technically what the Planning Commission agreed as well. The Comprehensive Plan is a very high, broad recommending document. Staff tries to stay very true to that and was honest about that in the report. Staff noted it does not necessarily meet the surrounding area. The Planning Commission took it to the next level and agreed that the character of the area conflicted with what the future land element said.

Mr. C. Jackson stated he would use the word "the reality of the area" does not reflect it either from one end of the strip to the other end of the road. Although he can respect the Comprehensive Plan's vision for and desire for a certain look. The fact that it is not conforming now to the Comprehensive Plan and we would deny any future deviation where it has been deviated up and down that strip causes him to wonder whether we should revisit the Comprehensive Plan given the nature of what is on that strip at this time.

Ms. Myers inquired if he is now landlocked because he is between all businesses.

Ms. Hegler stated he is surrounding by a non-residential structure, a warehouse and undeveloped property.

Ms. Myers stated for clarification that technically if he were to use his property and build what we are suggesting, which would be a home, he would be out of character with everything there, but his home.

Ms. Hegler stated she does not think there is a residential structure.

Ms. Myers stated everyone else who is using their property on that strip is making commercial use of it or holding it.

Ms. Hegler stated there is a home adjacent to the property to the north.

Mr. Malinowski stated looking at the site, if it is not built, it is zoned for RU-MD. Depending on what goes in there a LI could have a negative effect on all the properties that border the current property. Remember, while the applicant may say they are going to build one thing there once the zoning changes they can do what they want within that zoning classification. They can sell it to someone that wants to do something different. So we need to be careful of the integrity of the residences that currently exist there.

In Favor: Malinowski, Dickerson, and N. Jackson

Opposed: C. Jackson, Myers, and Livingston

The motion for denial failed.

**POINT OF ORDER** – Ms. Myers stated if Council wanted to defer this to vote on whether or not to approve it when we could hear from Ms. Kennedy, does this mean now that he can...she inquired technically what that meant because they voted on the motion to deny, but it was not to approve. So does that by definition, under our rules, mean one or the other?

Mr. Smith stated the motion to deny failed, so it still survives to that extent. So you could technically, at this point, make another motion if you wanted to.

**POINT OF CLARIFICATION** – Mr. Manning inquired if that means it goes on our next agenda for First Reading.

Mr. Smith stated he said, at this point, because that particular motion did not pass you have the opportunity to make another motion. He further stated that is appeared perhaps someone did not cast their vote.

Ms. Dickerson stated that is correct because there are 7 Council members present and only 6 votes.

Mr. Smith stated under Council Rules the vote goes to the prevailing side.

Ms. Dickerson stated so that means the motion failed.

Mr. N. Jackson stated there is no prevailing side.

Ms. Dickerson stated for clarification there are 7 Council members present and 6 members voted.

Mr. Smith stated he will have to defer to the Clerk.

Ms. Dickerson inquired of the Clerk about how many members voted.

Ms. Onley stated there were 6 votes cast; 3 in favor and 3 opposed.

Ms. Dickerson stated and the motion was to deny. When we have a 3 – 3 vote or 5-5 vote, that means the motion failed.

Mr. Livingston inquired if the motion should be to reconsider.

Mr. Smith stated he believes that is what he was suggesting. It appeared you had the opportunity to make another motion if you intended to do so.

Ms. Dickerson stated she acknowledged that Mr. Livingston made a motion to defer this item until the December 19<sup>th</sup> Zoning Public Hearing.

Mr. Malinowski stated for clarification that is not the same as a motion to reconsider.

Mr. Livingston moved, seconded by Ms. Myers, to defer this item.

Mr. N. Jackson inquired if you would not need to make a motion for reconsideration first.

Mr. Smith stated the motion failed.

Mr. Malinowski requested clarification. He stated we have never do that where if somebody wants to make a motion, a motion is made. If they want to do a substitute motion, a second substitute motion, they do it while the item is active and on the floor. The vote was taken. The item at that point becomes ended. You do not, all of a sudden, start making more motions. He stated he has never heard that in all his years on Council.

Mr. Smith stated it is his understanding that there was a motion made to deny this and that motion failed. At this point, you have the opportunity.

Mr. Malinowski stated he thought the motion passed because of the tied vote. He thought it was a done deal with the passage.

In Favor: C. Jackson, Myers, Manning, and N. Jackson

Opposed: Malinowski and Dickerson

The vote was in favor.

- d. 17-034MA  
Crudie Torian  
PDD to PDD (.56 Acres)  
113 Barton Creek Court  
TMS# R20206-03-03 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

The applicant chose not to speak at this time.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Mr. Malinowski, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Dickerson, N. Jackson, and Livingston

The vote in favor was unanimous.

- e. 17-035MA  
Allen Ackerman  
RU to RS-LD (10.3 Acres)  
7525 Fairfield Road  
TMS# R12003-01-05 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to deny the re-zoning request.

In Favor: Malinowski, C. Jackson, Myers, Manning, Dickerson, N. Jackson, and Livingston

The vote in favor was unanimous.

- f. 17-036MA  
Richland County  
PDD to PDD (2 Acres)  
1 Summit Parkway  
TMS# R23000-03-07 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Manning stated this particular building and piece of property under the PDD currently is for a library, correct?

Ms. Hegler responded in the affirmative.

Mr. Manning stated and under PDD we can specify exactly what, correct?

Ms. Hegler responded in the affirmative.

Mr. Manning stated his understanding was, when we had some discussion about this, related to the sale of the property, this was going to be a childcare center. What we have before us is wide open to where it could be about 40 – 45 different uses depending on who bought, sold or traded the property. He inquired if he was reading that correctly.

Ms. Hegler responded it is an expanded set of uses.

POINT OF CLARIFICATION – Mr. Livingston inquired if it has to be an approved plan.

Ms. Hegler inquired what Mr. Livingston meant by an approved plan. There is an approved plan and in this case there is already a building. It just had a very specific use attached it as far as its uses.

Mr. C. Jackson stated he was the one that asked at one of the earlier meetings what was going to be the intended use of the building once it was being sold. He was told it was for childcare development. He is vehemently opposed to it being so wide open that it could be available for 40 different uses. Of which, one may not end up being a child development center. It is in front of the neighborhood in which he lives. It has been a vacant building now for more than a year. Since the library moved out. He certainly knows that his neighbors and Mr. Manning's constituents would be adamantly opposed if it ended up being something different than what we have been told. Mr. Manning's told them and he has told them it is being proposed to be used as. He would request that we not approve this change based upon those comments.

Mr. Manning and Mr. C. Jackson will meet to review the list of possibilities. Anyone else that is interested is invited to join them. He believes we should be able to bring back to the December meeting which of the 45 possibilities we would narrow down to make a motion.

Mr. N. Jackson requested a definition of a PDD.

Ms. Hegler stated it is a Plan Development District. It is allowed by State law as a way to be more flexible and specific in your site design and uses than the underlying zoning allows. In this case, we have an adopted PDD with specific uses and site plan.

Mr. N. Jackson stated specific to childcare. They should not be able to divert from that.

Ms. Hegler stated if that is what you adopt that would be correct. For instance, what is currently on the site was only a library. That was the only thing that could be in that building.

Mr. N. Jackson stated an applicant in a PDD has to make a specific intention. Which is why he requested clarification of a PDD.

Ms. Hegler stated this is, in a way, more specific than a General Commercial. It can be specific with 50 uses. It can be specific with 1.

Mr. N. Jackson stated he just wanted clarification what a PDD and if it was specific as childcare because he had not heard that mentioned. And Mr. C. Jackson previously stated he had been told it was. That is why he is asking if it was specific as a childcare and a PDD.

Mr. Manning moved, seconded by Mr. Livingston, to defer this item until the December 19<sup>th</sup> Zoning Public Hearing.

In Favor: Malinowski, C. Jackson, Myers, Manning, Dickerson, N. Jackson and Livingston

The vote in favor was unanimous.

- g. 17-037MA  
Dave Moore IV  
RS-LD to RM-HD (1.09 Acres)  
7230 Hilo Street  
TMS# R19202-07-29 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Dave Moore spoke in favor of this item.

L. Carol Watford spoke against this item.

The floor to the public hearing was closed.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to deny the r-zoning request.

In Favor: Malinowski, C. Jackson, Myers, Dickerson, N. Jackson, and Livingston

The vote in favor was unanimous.

5. **TEXT AMENDMENTS**

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-181, Roads; Subsection(B), Design Standards for Public or Private Roads; Paragraph (4), Cul-de-Sacs; Subparagraph (C), Cul-de-Sac Design; so as to amend the requirement for a landscaped interior island [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Hegler stated the requirement of landscaped islands in cul-de-sacs is a result of some development roundtable many years ago when we were looking to make the standards more environmentally friendly. We have not built very many. The few that we have we received complaints from citizens that built into and bought into cul-de-sacs and find these islands to be problematic and take away from the enjoyment of the island. As a fact, you had a gentleman speak at during citizens' input at one of your regular session about them. Staff agreed to work on a compromise. We did so with the development and the conservation community. The compromise is instead of requiring the landscaped islands in cul-de-sacs we give them an option that still presented the pervious pavement and permeability of the land that we were trying to achieve without taking away the usefulness of the cul-de-sac.

Ms. Myers inquired as to why, if you had an area, which already had a naturally occurring stream or wetland could it not be incorporated into an island. She stated does not understand the logic of it.

Ms. Hegler stated the requirement is with any new development that has a cul-de-sac design they are required to develop a raised, landscaped island in the center of it. What we heard from citizens, in the few that have been built since we created that requirement, without any exception or ability to deviate from it they are difficult to navigate around, no one is maintaining them. It was a problem. I do not know that it is necessarily tied to streams. The intent of the original requirement was the development was creating more permeability than would otherwise be there. The idea of the landscaped islands was instead of having a fully paved cul-de-sac there would be some landscaping in it. We wanted to go above and beyond the areas they would have already preserved, such as wetland and buffers. If they wish to increase upon the required buffer that would meet the idea of additional space. The idea was going above and beyond what was already required or already not able to be built upon in taking away some of the pavement and impervious surfaces you often see in developments.

Mr. C. Jackson stated one of the neighborhoods that Ms. Hegler referred to that has this situation is in his district. He has spoken with them a number of times about it. The other issues that was not mentioned yet that concerns his constituents in this community was, in this particular neighborhood, the raised island in the cul-de-sac was not there when the homes were purchased

nor was it indicated there would be established in the cul-de-sac. After the homes were purchased the citizens woke up one morning to find they were pouring concrete and creating this raised island in the middle of their cul-de-sac. They purchased their homes in the cul-de-sac for the purpose of being able to go in the middle of the cul-de-sac and do things the raised island would prevent. So the first problem was they were not there when the homes were purchased. They were there after the fact. The second problem is, if it was just landscaping versus a raised island, there would not be nearly the opposition to it. But the raised, concrete islands that are being poured create, as Ms. Hegler alluded to, driving hazards, the turnaround capability in the area, as well. The concern that has been shared with him is that the environment they purchased their homes in is now radically changing after they have purchased their homes and they do not feel that is fair.

Mr. C. Jackson moved, seconded by Mr. Malinowski, to defer this item to the December 19<sup>th</sup> Zoning Public Hearing.

Ms. Hegler inquired as to what the ordinance does not do that Mr. C. Jackson was hoping it would do.

Mr. C. Jackson stated Ms. Hegler made a statement that it was left up to the developers, if he understood here correctly, they can create this impervious barrier or they do not have to. Is that correct?

Ms. Hegler stated they have to do one or the other because we want it to still have the same amount of space of permeable pavement. Less water run off if you will.

**POINT OF ORDER** – Mr. Malinowski stated this is now debating the motion for deferral.

In Favor: Malinowski, C. Jackson, Myers, Dickerson, N. Jackson, and Livingston

The vote in favor was unanimous.

6. **ADJOURNMENT** – The meeting adjourned at approximately 7:55 PM.