

1 **RICHLAND COUNTY PLANNING COMMISSION MEETING**

2 **March 1, 2010**

3
4 *[Present: Cairns, Westbrook, McDaniel, Tuttle (in at 1:04), Palmer, Mattos-Ward,*
5 *Gilchrist; Absent: Manning]*

6 Meeting called to order: 1:02 p.m.

7 CHAIRMAN PALMER: I will now call the Richland County Planning Commission
8 to order. Let me read this into the Record: In accordance with the Freedom of
9 Information Act, a copy of the Agenda was sent to radio and TV stations, newspapers
10 and persons requesting notification and was posted on the bulletin board located in the
11 lobby of the County Administration Building. February Minutes, has everybody had a
12 chance to read those?

13 MS. MATTOS-WARD: I'll make a motion.

14 MR. WESTBROOK: I'll second.

15 CHAIRMAN PALMER: We have a motion to approve the February minutes. All
16 those in favor, please signify by raising your hand? None opposed.

17 *[Approved: Cairns, Westbrook, McDaniel, Palmer, Mattos-Ward, Gilchrist; Absent:*
18 *Tuttle, Manning]*

19 CHAIRMAN PALMER: Okay, we have no Road Names. Okay, Agenda
20 Amendments?

21 MS. ALMEIDA: Mr. Chairman, there was a revision to the Case Number 10-04,
22 some further information under the conclusion portion, Staff added some more
23 information and that should have been handed out to all of you today.

24 CHAIRMAN PALMER: Did everybody get a copy of it? Anything else?

25 MS. ALMEIDA: That's it.

1 CHAIRMAN PALMER: Do we have a motion to amend the Agenda?

2 MR. WESTBROOK: I move to amend the Agenda.

3 MR. GILCHRIST: Second, Mr. Chairman.

4 CHAIRMAN PALMER: We have a motion to amend the Agenda to include the
5 aforementioned. All those in favor, please signify by raising your hand?

6 *[Approved: Cairns, Westbrook, McDaniel, Palmer, Mattos-Ward, Gilchrist; Absent:*
7 *Tuttle, Manning]*

8 CHAIRMAN PALMER: Case Number 01-04 MA?

9 **CASE NO. 01-04 MA:**

10 MS. ALMEIDA: Mr. Chairman and Planning Commissioners, this application, the
11 applicant is Bob Davis. The property owner is Richland County School District 2
12 requesting this revision of a PDD. The actual amount of land that will be affected is
13 6.93 acres and adjacent to this parcel is the existing school, it's on Hardscrabble Road.
14 This parcel straddles Hardscrabble Road and Marchbank Parkway. The request is to
15 go to a amended PDD. The current zoning of PDD in the original Planned Development
16 of Rice Creek does not allow for that use. The use specified is residential. The parcel
17 use that the School Board wants to use or is purchasing is for a expansion of their
18 parking lot for their existing school, which they're expanding as well. Some background
19 information on this request is, it is a DOT road, the Traffic Station is 437, it exists south
20 of the site on Hardscrabble Road. The average daily traffic count is currently at 19,600.
21 Hardscrabble Road is classified a two lane undivided minor arterial road and maintained
22 by DOT. It has been functioning at this time, the capacity of operating at a Level of
23 Service F. As I said the subject parcel property is contiguous to the Ridge View High

1 School and would be compatible to the surroundings land uses. The proposing request
2 would decrease the amount of residential, as was stated before, allowed while
3 increasing the amount of open space. And when we say that we're, we're taking the
4 entire Rice Creek Plantation Planned Development into consideration. The amendment
5 would allow the high school the utilization of the property for additional parking and
6 practice fields. The proposed Amendment would decrease the gross average of
7 residential from 15, from 1,571.2 acres to 1,564.27 acres, which is a difference of 6.93
8 acres. The proposed amendment would also increase the gross open space and that is
9 in total, for the entire PDD, and would reduce the overall residential units by
10 approximately 28 units that would have been allowed on that parcel. The amendment
11 to the residential acreage would specifically reduce the dwelling units from what we
12 used to classify as an SF4, which was classified on the existing PUD, single-family land
13 use designation. That designation at the time would have allowed an 8,000 square foot
14 lot, which would amount to four dwelling units per acre, which the total PDD would have
15 allowed a 100, 1,238 dwelling units. The reduction again would be 28 units on that
16 parcel. The proposed rezoning would not have a negative impact Staff feels on the
17 public services and traffic. Water and sewer exist and are provided by the City of
18 Columbia. Staff feels that the proposed rezoning request is compatible with the
19 surrounding land uses and we request, our recommendation is for approval.

20 *[Tuttle in at 1:04pm]*

21 CHAIRMAN PALMER: Any questions for Staff?

22 MS. CAIRNS: Is the amendment required or whatever, I mean, is there a
23 buffering requirement for the change to the backs of the houses?

1 MS. ALMEIDA: It would, under the site plan requirement under our Land
2 Development Code, it would require a buffer from residential to a parking lot or athletic
3 fields. So, yes, within the existing Code, once the actual site plan would be submitted,
4 that would be required.

5 MS. CAIRNS: Even if it's a PDD?

6 MS. ALMEIDA: Yes.

7 MS. CAIRNS: Okay.

8 MR. GILCHRIST: And the most recent study that we have on traffic is from
9 2008?

10 MS. ALMEIDA: That is correct, those are the counts. We get those from DOT
11 directly.

12 MR. GILCHRIST: We didn't have anything in our package, but -

13 MS. ALMEIDA: On the counts?

14 MR. GILCHRIST: Yeah, except for -

15 MS. ALMEIDA: Right, this is a, a very old PDD, extremely old and back in the
16 day not a lot of information was provided as part of their PDD, just, what would be
17 provided is just density and the different uses that were allowed on the major Master
18 Plan and I don't know, Betty, did you put up the Master Plan, up there by any chance?
19 Oh, here it goes. The yellow is what is in question. This was basically, back when this
20 was submitted back in the '80s, this was basically what Staff has to work with and with
21 it, it's very hard to see. Site data identifies the different lot sizes and the different
22 acreages and the density that would correspond to that, that was basically a PDD.

1 MS. CAIRNS: It looks as though, that this whole corner, that lower left hand
2 corner appears to have been significantly amended.

3 MS. ALMEIDA: Correct and it was identified as what we can see as F4, which
4 was residential, so that 6.93 acres is, is requested to be carved out for the school.

5 CHAIRMAN PALMER: This is a general question in the future, with, with PDDs
6 and amended PDDs, I'm thinking we should see site plans on these, in the future just to
7 see what the layout's gonna look like as far as what it does to traffic and all that kind of
8 stuff. Is that, is that not something -

9 MS. ALMEIDA: Well, because that, that portion is being cut out -

10 CHAIRMAN PALMER: Uh-huh (affirmative).

11 MS. ALMEIDA: - and being added for the school it -

12 CHAIRMAN PALMER: Right.

13 MS. ALMEIDA: - normally if, if there is a portion of a PDD that's being added in,
14 we have a proposal of what they're gonna do if it's residential and how it's gonna be laid
15 out. In this case, we were told it, it is part of the school, it's, it's, the use is there, it's
16 existing.

17 CHAIRMAN PALMER: Yeah, I just know one of the major concerns and I've
18 gotten several calls and it's just, and really the only thing is the, the access and, and the
19 flow of traffic and, and whatnot, which I'm sure that the, the county will look at to make
20 sure all that's in compliance with, with current standards. But I mean, it would be helpful
21 if I could, if I could have shown something or told people that this -

22 MS. ALMEIDA: Okay.

23 CHAIRMAN PALMER: - is all going to be internal roads -

1 MS. ALMEIDA: Um-hum (affirmative).

2 CHAIRMAN PALMER: - and, and that kind of stuff, it would have been helpful, I
3 mean, just to, to see how the flow of traffic's gonna be.

4 MS. ALMEIDA: Well, the School Board is here to answer any questions if -

5 CHAIRMAN PALMER: Right, I just wanted to, just in the future, I mean, just the
6 more information the better.

7 MS. ALMEIDA: Right.

8 MS. CAIRNS: Well, but, yeah -

9 CHAIRMAN PALMER: Any other questions for Staff?

10 MS. ALMEIDA: And I'd also like to add it was very difficult for the engineer and
11 the architect because these are such old maps, to even attempt to reproduce something
12 like this. It, it's almost like they have to take the existing, scan it in and just free hand,
13 technology just wasn't available and to reproduce everything for 6.93 acres was just a, a
14 tremendous undertaking.

15 CHAIRMAN PALMER: Okay. Okay, we have five folks signed up to speak, all in
16 favor of and I'll just, I'll just say your names and gentlemen if y'all would like to take the
17 podium kind of in order or however you see fit. Mr. Montgomery, followed by Mr. Carter,
18 Mr. Watson, Mr. Scott and Mr. Quackenbush?

19 **TESTIMONY OF MIKE MONTGOMERY:**

20 MR. MONTGOMERY: Mr. Palmer, I, I don't think we want to talk you out of this,
21 but I do have just a couple of points. We have a site plan here.

22 MS. CAIRNS: Okay, I'll pass it down.

1 MR. MONTGOMERY: Which reflects, which reflects where the practice field is
2 and the buffer and the parking spaces. There are no new curb cuts being added to the
3 site plan, it's all for current access. But just from the question with regard to traffic, I'd
4 like to point out is all that's being done here is approximately 30 portables on the
5 campus, this expansion is not going to increase the student population and thereby the
6 traffic is only going to upgrade the size of the facility for the current student population.
7 It should not increase traffic, as you can see from the site plan, you've got parking on
8 the perimeter which is largely [inaudible] and current and then the area that's going to
9 abut the residential area, has the practice field on it, and then beyond the practice field
10 you can see a substantial buffer. So I hope that answers your questions. I'd be happy
11 to answer any questions, the architect and the facilities folks here are also signed up. If
12 you have any more questions, is not, what I can tell you is this is necessary for the
13 District to continue to operate appropriately Ridge View High School and make this
14 expansion and we appreciate your approval and recommendation to Council.

15 CHAIRMAN PALMER: Two things Mr. Montgomery, one if you could give your
16 name and address just for the -

17 MR. MONTGOMERY: I'm sorry, Mike Montgomery, 145 Carrington(?) Road,
18 Columbia.

19 CHAIRMAN PALMER: Yes, sir, the second thing, it actually looks like you're
20 closing an, an access point?

21 MR. MONTGOMERY: I think that's actually correct. That you're, if you're talking
22 about the area just slightly to the right on -

23 CHAIRMAN PALMER: On Hardscrabble?

1 MR. MONTGOMERY: Yes, that will not be used.

2 CHAIRMAN PALMER: Okay.

3 MR. MONTGOMERY: There is a curb cut there apparently.

4 CHAIRMAN PALMER: Right, okay. Any other questions for Mr. Montgomery?

5 Or I guess for any other member of the School Board, I mean, it -

6 MR. MONTGOMERY: Thank you all very much.

7 CHAIRMAN PALMER: Okay, I guess just for the record if Mr. Carter or Mr.
8 Watson, Mr. Scott and Mr. Quackenbush, are y'all all okay? Or would you like to take
9 the podium?

10 UNKNOWN MALE: That won't be necessary.

11 CHAIRMAN PALMER: Okay, they've all declined to speak and that's, that's all
12 we have signed up to speak, so that'll close our public hearing on this case.

13 MR. TUTTLE: Mr. Chairman, is it appropriate to make a motion at this point?

14 CHAIRMAN PALMER: Absolutely.

15 MR. TUTTLE: I'd like to make a motion that we move matter 01-04 MA forward
16 to Council with the recommendation for approval.

17 MR. GILCHRIST: Second Mr. Chairman.

18 CHAIRMAN PALMER: We have a motion and a second, any other discussion?
19 All those in favor to sending this case forward to Council with the recommend -

20 MR. GILCHRIST: Mr. Chairman?

21 CHAIRMAN PALMER: Yes?

22 MR. GILCHRIST: Staff.

1 MS. ALMEIDA: I would make a, a request if we could add the site plan as an
2 exhibit to this PDD as part of the approval?

3 CHAIRMAN PALMER: Would you like to amend your motion?

4 MR. TUTTLE: Sure, I'd like to amend the motion to take the site plan from
5 Quackenbush Architects and Planners be part of the package as it relates to the motion.

6 MR. GILCHRIST: Second.

7 CHAIRMAN PALMER: All those in favor of sending Case Number 01-04 MA
8 forward to Council with the recommendation of approval please signify by raising your
9 hand?

10 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Mattos-Ward, Gilchrist;*
11 *Absent: Manning]*

12 CHAIRMAN PALMER: And there's none opposed. Mr. Montgomery, as you
13 know, we are a recommending body to Council and this will be on Council's Agenda for,
14 when is that, when is that meeting?

15 MS. LINDER: March 23rd.

16 CHAIRMAN PALMER: On the 23rd.

17 MR. MONTGOMERY: Thank you, thank you Members.

18 CHAIRMAN PALMER: Case Number 10-05 MA.

19 **CASE NO. 10-05 MA:**

20 MS. ALMEIDA: Mr. Chairman and Planning Commissioners, the applicant is
21 Craig Metts for the property owner Village at Sandhills. As you can see from your
22 package, this application for the Village of Sandhills has been before you several times,
23 several years, last being July of 2008, with the swapping of property from either one

1 zoning designation to another in order to accommodate the development taking place
2 out in the Village of Sandhills. Today before you the applicant is requesting roughly a
3 half acre, Lot 5, which is C-1, and Lot 8, which is C-3 and proposing that to be switched
4 from C-3 to C-1. Again, and I'll go through this, the traffic count out in that area out on
5 Two Notch Road, it, it is located at Station 118, southeast of the site on Two Notch
6 Road. The average daily traffic count is 20,700. Two Notch Road is classified as a five
7 lane undivided principal arterial road maintained of course by DOT. The design
8 capacity is at 38,600. Currently Two Notch is functioning at, at a Level of Service B.
9 The site is located on several interior roads within the Village of Sandhills, specifically
10 this parcel is located near Forum Drive and Fashion Drive, all roads within the Village of
11 Sandhills are privately maintained. The Village itself consists of 298 acres total, mixed
12 use incorporating elements of residential, retail and recreational, office, institutional.
13 The approval of the Village includes a Development Agreement which this does not
14 conflict with. The provisions of the Agreement do permit the substitution of residential
15 uses for commercial uses and vice versa within the C-1 and C-3 tracts, transfer among
16 dwelling units, retirement units, office, institutional. The substitution must be swapped
17 at an equivalent ratio, 700 square feet of residential or retirement units to any
18 commercial use, it has to be a one-to-one and this does meet that requirement. The
19 map, the map amendment involves two parcels within the existing Village and the ratios
20 adhere to the requirements of the Development Agreement and Staff recommends
21 approval.

1 CHAIRMAN PALMER: In the future, I know at one point we did get, I mean, we
2 showed on our maps where the traffic count stations are? I mean, traffic count station
3 118 doesn't mean a lot to me. I mean, we can all look up, look it up ourselves.

4 MS. ALMEIDA: Not today, okay.

5 UNKNOWN: [Inaudible]

6 MS. ALMEIDA: We can provide in the future just a separate slide of where it is.

7 CHAIRMAN PALMER: That shows where that is?

8 MS. ALMEIDA: Um-hum (affirmative).

9 CHAIRMAN PALMER: The other thing I have is, it looks like some of these sites
10 are actually into existing buildings. I mean I, I know there's not an exact science.

11 MS. ALMEIDA: It, it's not, and it, it's just our GIS, the way it's -

12 MS. CAIRNS: But it's a developed, developed section of the development.

13 CHAIRMAN PALMER: I mean, it just kind of seems like that we're, we're trading
14 out stuff that wouldn't be used and, and kind of, I mean, it, it seems we're really picking
15 up some, you know, for example, it's a, if you're trading out a loading dock for, for you're
16 trading up and getting more C-3 stuff, I mean, you know, it just, I don't, I don't know, it
17 just seems like -

18 MS. ALMEIDA: Well, the Agreement is pretty -

19 CHAIRMAN PALMER: I mean, I guess -

20 MS. ALMEIDA: - how should I put it, to their advantage where as long as it's that
21 ratio and -

22 CHAIRMAN PALMER: Right.

23 MS. ALMEIDA: - we really -

1 CHAIRMAN PALMER: I mean, I, I know the plan was kind of sold to the
2 community and this what it's gonna look like and this is kind of what we're sticking to
3 and if you're able to take, you know, and put C-3 stuff now up in premier areas and kind
4 of move the C-1 stuff back to the corner where it may or may not ever get in, developed,
5 I mean, I don't know if that's really what the, what the people kind of signed on for. I
6 mean, I know it's in the Development Agreement, I know they can do it and that kind of
7 stuff, but I mean, there, there is an approval process -

8 MS. ALMEIDA: Um-hum (affirmative).

9 CHAIRMAN PALMER: - and I find it a little disheartening that the applicant's not
10 even here to speak to it. There's nobody signed up to speak either for or against it.

11 MS. ALMEIDA: Um-hum (affirmative).

12 CHAIRMAN PALMER: That's just kind of my thoughts on it, as to why you need
13 it? What, I mean, what's, what's going on or, or anything? There's, there's no one for it.

14 MS. ALMEIDA: Mr. Price can speak to some of that, I'm sorry.

15 MS. CAIRNS: Does the Development Plan have any criteria for evaluation?
16 Because it seems to me that if it's simply, the numbers match and therefore you get to
17 do it, that wouldn't be a review. You know, I mean, if it, if it was just an administrative -

18 CHAIRMAN PALMER: Then why would we need to be seeing it?

19 MS. CAIRNS: Why would we be seeing it?

20 CHAIRMAN PALMER: Right.

21 MR. PRICE: Well, because we can, it's still a rezoning and we cannot
22 administratively rezone property even though it's a switch, it technically a rezoning, so it

1 has to go through the full process. The Development Agreement just keeps it at the old,
2 the, the building in which it came in under.

3 MS. CAIRNS: Right, but I mean, it does, I mean, I agree with Pat, it's, I mean, it
4 does seem like this is -

5 CHAIRMAN PALMER: It's a new year, a new day. [Laughter]

6 MS. CAIRNS: - that here's a certain amount of sort of -

7 MR. PRICE: Adjourned.

8 MS. CAIRNS: What?

9 MR. PRICE: Meeting adjourned. [Laughter]

10 MS. CAIRNS: Yeah, there's a certain gamesmanship going on, because they're
11 rezoning a parcel that's, that's clearly developed, I mean, not vacant land, you know,
12 that it does just seem weird that they could, you know, push stuff around and not stay
13 true to the original concept of it, so -

14 MR. TUTTLE: Well, one thing I think is a little confusing with the drawing though
15 is just because it's a parking lot, it's still developable land, so I, I get the loading dock
16 may be in there, but they could, I mean, they could put a structure there at some point in
17 the future just because it's -

18 MS. CAIRNS: It's a driveway and a sign, maybe the sign, maybe that part in the
19 dirt, but I mean, I think it would, it would take a redevelopment of that whole area to call
20 the little parcel on the left hand side not already decided as to what it's gonna be.
21 Certainly the parcels to the right are, they're, it's not like a rectangle in the middle of a
22 parking lot.

1 CHAIRMAN PALMER: Is, I'm just of the concept that it's already being done
2 that way and to – well, we don't have anybody signed up to speak.

3 MR. PRICE: Mr. Chairman, the history, the history of this, why this is necessary,
4 not to speak for the applicant, but going over my pre-application meeting, there was
5 actually a tenant that was scheduled to go back in the area I guess where you see the
6 dirt and therefore the, that tenant decided not to go there and so the new tenant that's
7 coming in, the footprint it a little bigger, because if you remember they actually had to
8 amend the, this dirt area previously to get the, the former tenant in there, because
9 they're, just depending on the square footage of the building, because a lot of that, with
10 the C-1 zoning you are allowed to do, you know, your offices and parking. The problem
11 is any portion of that building that's going to evolve into retail has to be on, on C-3
12 zoning, that's why you'll see the little shifts, maybe to move some of the C-1 out. This is
13 a case where it's just a small portion of the building will lie into, lie in the C-1 zoning and
14 had to come in and amend it.

15 CHAIRMAN PALMER: When, when the applicants come in, do you, do you
16 request that they be here perhaps to answer any questions that we may or may not
17 have or -

18 MR. PRICE: I think every rezoning that we had that it's understood that they,
19 that they should come into the Planning Commission and County Council -

20 CHAIRMAN PALMER: Right.

21 MR. PRICE: - in case you had any questions.

22 MS. CAIRNS: I know that I would, I mean, before I feel comfortable weighing in
23 on this, I think I would like to sort of have more information about what, sort of, you

1 know, there's got to be something by which I make my decision, not just the numbers
2 balance. And if it's the, you know, the overall theme, what things were supposed to look
3 like and how this change fits, I mean, I imagine it's in the document somewhere, there's
4 got to be some descriptors that can say this either does or doesn't stay true to the
5 original plan.

6 CHAIRMAN PALMER: I would perhaps even like to see a, a plat of some sort or
7 a property description that shows me on the ground these are the metes and bounds as
8 to what's being swapped out, this is what's - because what, what we've got now is, I
9 understand Geo this is not an exact system and we do what we can, but these squares,
10 I mean, you know, I'm, I'm just a little concerned about this site up here that it seems
11 like it's getting into an existing structure, you know. I mean, I don't know.

12 MS. CAIRNS: Well you're, I think, I mean I, are these parcels existing parcels or
13 are they configured just to make the boundaries? I mean, I imagine they're new
14 parcels, new metes and bounds, new, you know -

15 CHAIRMAN PALMER: Some sort of subdivision or -

16 MS. CAIRNS: - but I just think that, that we need to have something by which we
17 could make a decision whether this indeed does or doesn't stay true to the overall
18 concept, not just that it's a number swap, so I would -

19 MS. ALMEIDA: Well, well Staff has obviously looked at the major, the Master
20 Plan and due to the uses that the uses that were proposed, it, it does.

21 MS. CAIRNS: But the location of the uses is shifting.

1 CHAIRMAN PALMER: And the actual uses themselves that fall under C-1/C-3
2 category are different than what we have now currently. So we're not really able to take
3 a look at those uses and see if those may or may not be appropriate.

4 MS. ALMEIDA: I've got a, I've got a survey map here if anyone would like to look
5 at it, which identifies the area. I've got several.

6 CHAIRMAN PALMER: I guess as well as the, as the use matrix because that
7 has changed from GC to C-3, C-1 and C-2 from OI?

8 MS. CAIRNS: I imagine their uses are dictated by their PUD, not by their zoning
9 uses.

10 MS. ALMEIDA: Um-hum (affirmative).

11 MS. CAIRNS: I mean, are there C-4s and C-3s?

12 MS. ALMEIDA: They're, they don't have a PUD, it's a straight -

13 MS. CAIRNS: Oh, okay, my bad.

14 MS. ALMEIDA: - rezoning.

15 CHAIRMAN PALMER: See, don't have C-1 and C-3 anymore, so we've changed
16 what goes on those uses as well.

17 MS. ALMEIDA: But they are bound to the existing -

18 CHAIRMAN PALMER: But what I'm saying is we don't have that documentation,
19 I mean, I guess we could look it up somewhere in our old files, but as far as what we
20 have to look at, what uses are allowed in the C-3 aren't exactly the same uses that are
21 allowed in the GC.

22 MS. ALMEIDA: By the Development Agreement they are bound by the existing
23 zoning at that time.

1 CHAIRMAN PALMER: That's what I'm saying, we don't have copies of that now.

2 MR. PRICE: [Inaudible].

3 CHAIRMAN PALMER: Yeah, but to what would extend that C-3 versus C-1? I
4 mean, normally I would look at my, at my Code and look at GC, however GC and C-3
5 don't correlate.

6 MR. PRICE: Uh-huh (affirmative).

7 MR. TUTTLE: But just so I'm clear on it, the, the, the definition of C-1 and C-3
8 don't really matter, they're already guaranteed those, they're just trying to swap the
9 location of C-3 and C-1, from one location to another in equal balance?

10 MR. PRICE: Correct.

11 MR. TUTTLE: So whether or not it's an identified use or not is not relevant other
12 than the location -

13 MS. ALMEIDA: By the Development Agreement.

14 MR. PRICE: It's, it's very similar to any rezonings that come before you, the
15 propose use isn't really relevant, it's just I guess more the appropriateness of that
16 zoning in that area.

17 CHAIRMAN PALMER: Right, which is what we have to look at to see if, you
18 know, for example this is in the middle of nothing, I mean, is this just going to be a
19 parking lot? Or, I mean, what's their plans for it? I mean, or are they just kind of swap
20 this stuff around -

21 MS. ALMEIDA: It's a straight rezoning.

22 MR. PRICE: A lot of times they will come in and they will divulge to us exactly
23 what their plans are and why, such as I told you before, that [inaudible] proposed

1 building is going to encroach, which is what this, which is, necessitates the, the rezoning
2 request. But really it's just like any other rezoning, they don't necessarily have to give
3 us that information, it just helps.

4 MR. GILCHRIST: Let me ask you a question on that, because I've heard us say
5 that time and time again that that's really none of our interest in that part of it and I don't
6 know if that's because it's written in the law or whatever the case may be, but I think
7 sometimes it's important for us to know some of the uses.

8 MS. CAIRNS: Well no, there's, so this is, so this is

9 MR. GILCHRIST: I'm not suggesting that this particular case that, be that, but,
10 but I, but I do want to have a conversation at some point about that because I think, I
11 mean, we were just having a little side bar about that, that there is some merit to some
12 of that, at certain, during certain times.

13 MS. CAIRNS: Well, let me, let me, alright, so this is a straight rezoning? The
14 only thing that's different about this area is just that somewhere there's a rubber band
15 out there that says if you're inside this area, straight rezone, well it's just a rezone like
16 anybody else?

17 MS. ALMEIDA: They, they have a Master Plan, but it's a straight rezoning and
18 they have a Development Agreement that's attached to it that provides them or gives
19 them some -

20 MS. CAIRNS: So part of the rezoning that occurred some time ago, that even
21 started this thing was Richland County always wanted to have a swap [inaudible] going
22 on?

1 MS. ALMEIDA: No, that was, that was the developer who put that in the
2 Development Agreement.

3 MS. CAIRNS: Well, yeah, okay, but I mean, at some point way back when there
4 was a rezoning that started Sandhills?

5 MR. PRICE: Yes.

6 MS. ALMEIDA: Yes.

7 MS. CAIRNS: And part of that was this ongoing straight rezoning?

8 MS. ALMEIDA: I mean, since 2001 as you can see from page seven, that was
9 the initial rezoning and then we've had one, two, three, four, four or five rezonings since
10 then, minor but yet modifications.

11 MR. PRICE: It's almost like a PUD -

12 MS. CAIRNS: It's a weird -

13 MR. PRICE: - it's a PUD -

14 MS. CAIRNS: - it's a weird hybrid, but they would -

15 MR. PRICE: - they just have to come in and ask for permissions because under
16 your, if this was a PUD they would have some language there that allows them a little,
17 you know, kind of a, it may say in this particular area it may be office or retail or they
18 would be able to adjust it as they need to. Unfortunately, because they went in as a
19 Development Agreement, they're locked in with those zonings, so they have to come
20 through this process every time.

21 MS. CAIRNS: So a part of that Development Agreement is what keeps the, the
22 same classes that existed at the time, the current, so that's the other little tweak is they
23 get to hang on to what was allowed in those uses back then?

1 MS. ALMEIDA: Correct.

2 MR. PRICE: Yes.

3 MS. CAIRNS: But other than that, it's a straight rezone?

4 MR. PRICE: Correct.

5 MS. CAIRNS: So the criteria to decide, it's no different than if it was a straight
6 rezoning? Okay, that helps me.

7 CHAIRMAN PALMER: But it seems like -

8 MS. CAIRNS: I understand what you're saying about wanting site plans, but I
9 think frankly as a Zoning Board, in essence on these kinds of things that, that that's a
10 level of detail which really isn't relevant. I understand the desire to want to know more,
11 but when, when, when we look at zoning as a police power in a valid function of the
12 government, that does not go to that level of detail. Our decision is would the allowable
13 uses be compatible to the other surrounding uses and therefore is this rezoning
14 something that's good for the public? You know.

15 CHAIRMAN PALMER: What I'm looking at is there was a, a plan that was sold
16 to the public out there through months and months and months of, and many, many,
17 many community meetings that this is where stuff's going and this is what it's going look
18 like and, and finally people bought into it and, and that's when it went through and this
19 was a Development Agreement and everybody was sold on the fact that it, with the
20 Development Agreement, this is what's going to be.

21 MS. CAIRNS: Well, but within that Development Agreement was -

22 CHAIRMAN PALMER: I know -

23 MS. CAIRNS: - the chance that -

1 CHAIRMAN PALMER: - was a change in, I know, I understand -

2 MS. CAIRNS: - you know -

3 CHAIRMAN PALMER: - but what it seems like to me is as the plan changes
4 there's no real, and this is where the applicant may be able to help me out and it just
5 seems like to me, and if they were here they could answer this question, there doesn't
6 seem to be any real thought into what's going on, it's, it's, it's the market dictating what's
7 going on where and for example we're, we're now changing zoning from the middle of a
8 dirt field and it's almost like a land bank, well I need another 20' over here, so I'm just
9 gonna pull it from this area and shift it over there and I'm gonna let that sit and wait, I
10 don't know what's going on there. And when it was reality it was sold to the public as
11 this is where things are going, now it's just kind of become a, a hodgepodge because
12 nobody knows where things may or may not end up being or how it's going to end up
13 forming and everything else.

14 MS. CAIRNS: But I mean, I think that just as we look at any rezoning, we get to
15 look at this as that, you know, do we see this shifting as something that isn't appropriate
16 or is it okay? I mean, I just think we have the ability to make our determinations based
17 on is this straight rezoning? I mean, it's clearly in compliance with the Agreement
18 because it's a swap acres for acres piece, so then the question just becomes, just like
19 any other rezoning request for a lot, you know, the fact that this particular person has
20 the ability to do all this Swiss cheese stuff is just the fact that they own large tracts of
21 land. But, you know, I think just the question is, is that, you know, from our general
22 review of map amendments, does this one -

1 CHAIRMAN PALMER: Yeah, but it gives them the right to, to, to request it, it
2 doesn't give him the right to do it.

3 MS. CAIRNS: No, but no, no, no, nobody asking for a map amendment has the
4 right to get it -

5 CHAIRMAN PALMER: Right, so, so while it may be appropriate for this area in
6 the rear over here to be C-3, which allows some uses that people may not seem to be
7 offensive, but then to put it up into a prominent corner, on the corner of Fashion and
8 Forum, may not have been appropriate.

9 MS. CAIRNS: It's actually the other way, it's going to the other way actually.

10 MR. PRICE: Yeah, actually -

11 MS. CAIRNS: From 3 to 1.

12 MR. PRICE: - I think what may help you all, or at least to some of your questions
13 Mr. Palmer is probably looking at the Development Agreement because I know they're,
14 what they've done is they have locked themselves in with a total square footage for the
15 various zoning districts. But I believe, I can always grab it, they also have restricted
16 some of the locations of, let's say general commercial, because I think that was a part of
17 the, I guess discussion with the community, that to restrict maybe some C-3 from going
18 right near North Springs Road, certain areas.

19 CHAIRMAN PALMER: Right.

20 MR. PRICE: Or even abutting the residential that's in the rear. I mean, I think
21 that everybody understood that they would have to do some flipping within.

22 MS. MATTOS-WARD: Can we wait until the applicant comes before us because
23 we're second guessing what we think here?

1 MR. PRICE: From talking to the applicant, the applicant has requested that the
2 Board make a motion either for or against.

3 MS. LINDER: And, and also pursuant to a County Council motion, there is a
4 Special Called Zoning Public Hearing scheduled for tomorrow on this matter.

5 MS. ALMEIDA: And the applicant was notified.

6 MS. CAIRNS: Well Geo, are you saying that the applicant has specifically asked
7 us to make a -

8 MR. PRICE: What, what would happen, this needs, this needs, this is scheduled
9 for tomorrow, so it's going, it needs to be one way or another. I don't believe tabling or
10 deferring this matter is an option at this time.

11 CHAIRMAN PALMER: I have a, I have quick question for that legally. Why is
12 that not an option for us? Just because the applicant has requested that we vote up or
13 down and there's a Public Hearing scheduled for tomorrow, that doesn't dictate what
14 this Body can or can't do. I mean, if Council still wants to act on it tomorrow, they
15 certainly can.

16 MS. LINDER: I, I guess Staff is recommending that you vote it up or down
17 because County Council has initiated the process on this, as far as having it go forward
18 to -

19 CHAIRMAN PALMER: County Council is asking for this, this zoning request? Or
20 the applicant is?

21 MS. LINDER: The applicant's requesting it and the County Council at this point
22 is supporting it and as far as getting it at an expedited Zoning Public Hearing, yes.

1 CHAIRMAN PALMER: I don't think that it's appropriate that County Council is
2 supporting anything -

3 MR. GILCHRIST: No I don't, I don't either.

4 CHAIRMAN PALMER: - in front of, to us.

5 MS. CAIRNS: We can strike that, I mean, I don't, I mean, just ignore that
6 comment.

7 MR. GILCHRIST: That kind of makes a lot of -

8 MS. CAIRNS: That, that's something we're -

9 MR. TUTTLE: It's irrelevant.

10 MS. CAIRNS: - yeah, I mean, we're capable of ignoring that comment.

11 MS. ALMEIDA: If it gives you any comfort, the applicant had written on the
12 application form that the change in the building footprint of a proposed retail store in the
13 Village, that's all they wrote down.

14 CHAIRMAN PALMER: And didn't -

15 MS. ALMEIDA: Didn't specify what store -

16 CHAIRMAN PALMER: - notify the meeting or when, or when this meeting was to
17 occur?

18 MS. ALMEIDA: Yes, that was sent out February 18th.

19 MS. CAIRNS: I would like to make a motion.

20 CHAIRMAN PALMER: Okay.

21 MS. CAIRNS: If anyone's, I mean, I make a motion that we send this forward
22 with a recommendation of not approving it based on the absence of the applicant's
23 presence at the hearing. I mean, they, they've come and offered us nothing.

1 MR. TUTTLE: Yeah, I -

2 MS. CAIRNS: And I just think that without -

3 MR. TUTTLE: - I mean, I hear that, but I'm not sure it's a requirement -

4 MS. ALMEIDA: It's not a requirement.

5 MR. TUTTLE: - for them to be here, so I'm not sure that's a, I mean, I, I hear
6 where you're coming from, I'm just saying I'm not sure that would be a good reason.

7 MS. CAIRNS: Okay, I can withdraw my motion.

8 MR. WESTBROOK: What's the worst scenario if we, this can create? Can
9 anyone explain what's the worst that could happen if we approve it as presented?

10 MS. CAIRNS: I mean, it's -

11 MS. MCDANIEL: Essentially you're asking what's the difference between C-1
12 and C-3?

13 MR. WESTBROOK: Yeah, um-hum (affirmative), what's the worst?

14 MR. PRICE: What's the worst case scenario? You mean if this is not approved?

15 MS. MCDANIEL: If it is approved.

16 MR. WESTBROOK: If it is.

17 MR. PRICE: The building could be a little bit larger.

18 MR. WESTBROOK: The building is gonna be a little bit larger?

19 MR. PRICE: The proposed building that they're looking to locate on the site
20 would be a little larger and that's, which is the whole purpose of it.

21 MS. CAIRNS: Does it shift uses into or out of areas that are specifically better or
22 worse suited for those uses?

23 MR. PRICE: Well, it potentially could.

1 MS. CAIRNS: Such as?

2 MR. PRICE: Offices versus retail.

3 MS. CAIRNS: And the purple is, so like the purple is retail and the brown is
4 offices?

5 MR. PRICE: Purple is retail, yes.

6 MS. ALMEIDA: The purple is GC.

7 MS. MCDANIEL: I think what's making this so difficult is that we don't know what
8 C-1 and C-3 are and so we have no way to know if the uses that are allowed in C-1 are
9 appropriate for the site that is now C-3.

10 MR. WESTBROOK: Correct.

11 MR. PRICE: And, and -

12 MS. MCDANIEL: Which is what we are to base our decision on.

13 MR. PRICE: - right. And, and in a nutshell the C-3 was, would allow your retail
14 establishments, which is, anybody who's been out to the Village, that's pretty much
15 what you see down in the Town Center. The OI would not allow any retail
16 establishments, the idea is really for offices, no, no retail.

17 MR. TUTTLE: But isn't this site just a, a few hundred yards from the TJ Maxx,
18 etc., etc. right there that's retail?

19 MR. PRICE: Yeah, it's just -

20 MR. TUTTLE: Old Navy and all that -

21 MR. PRICE: - right, right between where the TJ Maxx and the Belk, kind of right
22 between there.

1 CHAIRMAN PALMER: I think, I think to your motion, I mean, it's, it would be
2 completely appropriate, I mean, if you had questions of the applicant that were only able
3 to be answered by the applicant, I mean, to request that, that they be here. I mean I, I
4 personally would like to, to see the need for it and have the applicant be here to explain
5 the need for, for why they need to have this change.

6 MR. TUTTLE: I'm confused, is there a motion on the table or not?

7 MS. CAIRNS: No, I withdrew my motion.

8 MR. TUTTLE: I'd like to make a motion. I'd like to make a motion that matter 10-
9 05 MA be sent to Council with for recommendation for approval.

10 MR. WESTBROOK: I'll second.

11 CHAIRMAN PALMER: We have a motion and a second. Any other discussion
12 on the matter? In the – well, I'll just keep that separate. All those in favor of sending
13 Case Number 10-05 MA forward to Council with the recommendation of approval,
14 please signify by raising your hand? All those opposed?

15 *[Approved: Cairns, Westbrook, Tuttle. Opposed: McDaniel, Palmer, Mattos-Ward,*
16 *Gilchrist; Absent: Manning]*

17 CHAIRMAN PALMER: We'll need a, another motion since that motion failed.

18 MR. PRICE: Well, it's just past this area, what you'll see right before you is the
19 Best Buy, that's what was to be in there originally, which is what, which is when they
20 came in for a previous rezoning was to locate a Best Buy, same situation where, where
21 part of the Best Buy was to encroach into a C-1 zoning, thus it wouldn't have been, it
22 wouldn't have been permitted, but they had that, with a little shifting. In this case, you
23 can take that same Best Buy and you need to increase the square footage of it a little bit

1 more for the proposed use, thus once again another flip, because you can have retail,
2 you can't have retail in C-1, but you can have the parking in C-1.

3 MS. CAIRNS: Yeah. I mean, one of the things I'd like to just sort of offer as to
4 why on the previous motion as I was willing to offer support is that in the big schemes of
5 things, this is a very deminimus rezoning, we're talking, I think it's a total of a half an
6 acre or so?

7 MS. ALMEIDA: Um-hum (affirmative).

8 MS. CAIRNS: And that what he's, it's, you know, this C-1, C-3, there's no other
9 land use adjacent to any of these parcels that's being changed. I mean, it's not like
10 we're moving a C-1 to a C-3 that's adjacent to a residential neighborhood or something.
11 I mean, all of this is surrounded by offices and commercial, but I think, you know, when
12 you factor in that it's deminimus and that it's two, two uses that are fundamentally
13 compatible with each other and aren't adjacent to anything that tends to offer a noxious
14 use to either of these, I think it's, you know, I just think that if you take that into
15 consideration with this, and the fact that in an apparent, you know, under this
16 Development Plan, so long as the developer matches numbers and that would have
17 been part of the original Development Plan is that nobody had an, you know, if the
18 original Development Plan was for a certain amount of acreage for certain uses, the
19 shifting of that acreage is something the developer maintained the right to do. You
20 know, so I just, I think that sort of factoring in, look at what it's around and look at how
21 much it is, I feel that I can offer support to this map amendment.

22 CHAIRMAN PALMER: What are the requirements under the Development
23 Agreement for swapping land?

1 MS. ALMEIDA: Just that they swap on a one-to-one ratio.

2 MR. PRICE: Yeah.

3 MS. ALMEIDA: From the -

4 CHAIRMAN PALMER: They don't have to -

5 MS. ALMEIDA: - C-1 to C-3.

6 CHAIRMAN PALMER: - they don't have to prove anything? I mean, it would be
7 helpful, I, my vote for, to, for denial is based solely on a lack of information that we're
8 being, that we've asked to make a decision on something we don't have the information
9 on and as a principal matter to be asked to go from a C-3 to a C-1 and I'm not familiar
10 with what's in those zoning classifications and then to not have a, you know, to know
11 what the process is for this change to go on, and when I know how much effort and time
12 went into this Plan years ago, is the reason for, for my lack of support of the previous
13 motion. And I, I still don't feel comfortable.

14 MS. ALMEIDA: Well, I'd, I'd like to provide that Staff does look at the
15 Development Agreement, it is a lengthy document. We tend not to want to reproduce
16 such a lengthy document added into this. I mean, one of the background things that
17 Staff does do is to make sure that Development Agreements are adhered to, that the
18 zoning requests are compatible before we even get to this point, and, and frankly that's
19 why we don't include restrictive covenants or documents of, of that nature because it
20 can get cumbersome. But if that is the pleasure of the Board, we will definitely add that
21 to the documents when we provide them to you, but it, I, I will tell you that it is a lengthy
22 document. Probably what 50 pages?

1 CHAIRMAN PALMER: But I'm not, I'm not, I don't need to see the whole
2 document *per se*, but, but what I am interested in is the procedure and I'm a little
3 perplexed as to why, if it's a foregone conclusion that these things can be swapped out
4 and they can be swapped out anywhere within the whole project -

5 MS. ALMEIDA: Correct.

6 CHAIRMAN PALMER: - and then they're never, that there not need to be a
7 justification for the swapping out, not for where something's going but for perhaps where
8 you're shifting that land to, some thought put into it as to why you're changing
9 something from C-3 to C-1, as opposed to just we'll deal with that later down the road?

10 MS. ALMEIDA: Well, they provided it because they need the footprint for the
11 building -

12 CHAIRMAN PALMER: I understand, but this -

13 MS. ALMEIDA: - I mean, that was their justification.

14 CHAIRMAN PALMER: - for, for the site that's going from C-3 to C-1, I
15 understand that, that there's a need for one site, but, but where you're swapping from, it
16 seems like it's almost like a land bank of some sort in the middle of a, I mean, why
17 change that to what you're changing it to? I mean, there's no thought process put into
18 the, to the other side of it. I understand that you need to pull it from somewhere, but
19 why are you pulling it from there as opposed to somewhere else? And, and it, I mean,
20 is that in a clustered area or, I mean, it would be helpful if, if we could understand
21 perhaps from the applicant as to why they're pulling from a certain area and changing
22 back and forth and that kind of thing. That's the, that's the only reason I'm, it's just, I,

1 you know, if you, if you just pull from anywhere, it, it seems like if it's a one-for-one, just
2 do it and do it.

3 MS. CAIRNS: Well, well, but I think that there would be times when we might,
4 you know, if you had a situation where they were, you know, your use of term, sort of
5 land banking, but switching something adjacent to a residential area for example, where
6 they were switching it from a use that, you know, one that would allow, you know, a C-1,
7 C-3 allowed an automatic flip, but somebody would say well having a C-1 next to this
8 residential area is not a problem but having C-3 is a problem, then I think you, you
9 know, we would sit here and say while this matches the square footage requirements
10 that it's a one-to-one, we could sit there and say well we don't feel that, you know, that
11 use adjacent to this other use is compatible. So we're gonna deny that, but I think in
12 this situation, I, I mean, I don't disagree with this concept that it's land banking, but I
13 think that when you look at what all the surrounding uses are and it's something that
14 they have the, you know -

15 CHAIRMAN PALMER: It seems like we're shifting around parking lots.

16 MS. CAIRNS: I disagree.

17 MR. PRICE: I mean, Mr., Mr. Palmer, if you'll look at the screen, I think Staff's
18 position may, it would actually change, you see that part right there where, where it's
19 showing at, it has the arrows is a multi-family zoning district. That was a area where
20 they tried to, you know, do a land switch, a commercial back there. I think our, you
21 know, our, our look, our outlook on this would be a lot different because now you're
22 really starting to encroach and you can kind of see most of the, I don't disagree with the

1 parking, you know, the parking lot, but most of the, the retail and offices are located
2 within the Village side of it.

3 MR. WESTBROOK: Mr. Chairman, didn't we take a vote?

4 CHAIRMAN PALMER: We did and it failed.

5 MR. WESTBROOK: And it failed?

6 CHAIRMAN PALMER: Yes, sir.

7 MR. WESTBROOK: So are we passing that down?

8 CHAIRMAN PALMER: But we need to have an affirmative vote.

9 MS. CAIRNS: We haven't had an alternate -

10 CHAIRMAN PALMER: We need to have an affirmative vote.

11 MS. CAIRNS: But I mean -

12 CHAIRMAN PALMER: We can't just vote denial.

13 MS. CAIRNS: - I just want to, for, for Staff, I mean, okay so the C brown, C-1 is
14 supposed to be like offices OI?

15 MR. PRICE: Yes.

16 MS. CAIRNS: And the other stuff is retail, so they can put a parking lot that
17 serves a retail area in the office area?

18 MR. PRICE: Yes.

19 MS. CAIRNS: So there's really under our current rule bricks, there's no
20 guarantee that you ever get office space because you can zone the lots retail and zone
21 the parking lots office and satisfy our zoning requirement?

22 MR. PRICE: Correct, but after a while you run out of [inaudible].

1 MS. CAIRNS: Sure, but I mean, that's, but I mean, sort of that's I think one of the
2 interesting features of this and why, you know, Pat your hold thing about well they're
3 land banking parking lots, but if, if they're allowed to use OI or C-1 zoned land to satisfy
4 their parking requirement of a C-3, we have a problem within our Code, which makes
5 the percentages of intended uses illusory anyways.

6 CHAIRMAN PALMER: Well, I just, and I understand what you're saying and I, I
7 agree, I mean, but this, this deal is what it is, but I've, I've heard many times sitting up
8 here that, that there's available sites, there's available land, there's available buildings
9 right down the street when people come in for rezoning and the availability of space in
10 the area for what somebody wants to do, you know, for example these, these guys need
11 to, to build this new facility when there's an abundance of available space out at the
12 Village. What I'm saying Geo is when, when people come in for a rezoning on a certain
13 tract of land, one of the arguments that goes against it many, many times is well a
14 quarter of a mile down the road this parcel is already zoned general commercial and
15 they could go on this site if they wanted to. Or there's availability in this area, they could
16 go here if they wanted to, when this seems to be the same exact thing, there's
17 availability within the Village without having to do this rezoning.

18 MS. ALMEIDA: But this is a Master Planned area and -

19 CHAIRMAN PALMER: No, I understand -

20 MS. ALMEIDA: - and they have -

21 CHAIRMAN PALMER: - I understand.

22 MS. ALMEIDA: - this Development Agreement which gives them the right, so -

1 CHAIRMAN PALMER: I understand, I just, I understand. But after seeing this
2 plan and I guess, you know, them having the right to do it and, and, you know, my
3 problem's not with what they're wanting to do, it's with the lack of information and the
4 lack of availability of the applicant to be here to answer questions, and Mr. Price in the
5 future I would, I would strongly urge you again to ask the applicant to be here for any
6 rezoning cases.

7 MR. PRICE: We won't ask, we'll tell them that it's almost mandatory.

8 CHAIRMAN PALMER: But having said that with the, with the new discussion
9 and information that was put forth with this Plan, I, I may be inclined to change my vote
10 to the, on the issue, I can't make it.

11 MR. TUTTLE: I'll try again. I'd like to make a motion that matter 10-05 MA be
12 sent forward to Council with the recommendation for approval.

13 MR. WESTBROOK: Second.

14 CHAIRMAN PALMER: We have a motion and a second. Any other discussion
15 on the issue? All those in favor of sending Case Number 10-05 MA forward to Council
16 with the recommendation of approval, please signify by raising your hand? All those
17 opposed?

18 *[Approved: Westbrook, Tuttle, Cairns, McDaniel, Palmer; Opposed: Mattos-Ward,*
19 *Gilchrist; Absent: Manning]*

20 CHAIRMAN PALMER: Okay, that concludes our Zoning Public Hearing.
21 However just for informational purposes, we do still list as March the 23rd and it would
22 be helpful to know if the Zoning Public Hearing is going to occurring the day after we
23 vote on this.

1 MS. ALMEIDA: It will be March 2nd.

2 MR. PRICE: It will be a Public Hearing.

3 CHAIRMAN PALMER: I'm sorry?

4 MR. PRICE: To have a Public Hearing, just that the map amendment -

5 MS. CAIRNS: You were commenting, saying that we were done with the public
6 portion, we were just done, done with -

7 CHAIRMAN PALMER: Yeah, the map amendments, I'm sorry, with the map
8 amendments. Okay, text amendments. Crane Creek?

9 MS. ALMEIDA: Ms. Tia Rutherford will be here to make a brief presentation.

10 **TESTIMONY OF TIA RUTHERFORD:**

11 MS. RUTHERFORD: Good afternoon. We are here to discuss to Crane
12 Neighborhood District. As Staff was directed, we have moved away from form based
13 Code from Trenholm Acres, the Newcastle Master Plans, as well as Crane Creek
14 Master Plans and before you today we are presenting new language for implementation
15 of the Crane Creek Master Plan. We're calling that the Crane Creek [inaudible] District.
16 Next slide? The purpose of that District is to improve the image of Crane Creek, to
17 preserve existing single-family neighborhoods, develop local retail services and limit
18 industrial zone expansion, create walkable communities with sidewalks and bike trails,
19 increase recreational facilities and preserve existing wetlands and community open
20 space. Next slide? Those districts, that is pretty hard to read, okay, those districts
21 include the residential district of CC-1, the neighborhood mixed use district CC-2,
22 activity center mixed use district CC-3 and industrial district CC-4. Next slide? This is
23 our proposed map of what those districts would, would look like for implementation.

1 Next slide? The types of buildings, again that we're looking to have in this district
2 include single-family townhouse, live, work, loft, civil institutional, commercial office
3 space, and mixed use non-residential, that would be your industrial area. Our parking
4 standards have minimum and maximum limits, as well as ratios to determine shared
5 parking calculations. And if you all have any questions for me, I'd love to answer them.

6 MS. CAIRNS: One question I have is just so these, the CC-1s through 4s, that, I
7 mean, in essence I know we're not doing the map amendment *per se* yet, but this would
8 be like in essence sort of a PDD just for this region?

9 MS. RUTHERFORD: In essence.

10 MS. CAIRNS: Okay.

11 MS. RUTHERFORD: Could you go to the map? Any more questions of me?

12 MS. CAIRNS: I have one. I, I mean, I have one specific question about one of
13 the definitions and I have lots of little comments, as you could imagine.

14 MS. RUTHERFORD: Okay.

15 MS. CAIRNS: On the loft dwelling -

16 MS. RUTHERFORD: Yes.

17 MS. CAIRNS: - we have that basically the upper part can only be a third of the
18 part that it's over? Like why is it limited to that, an internal. I just thought that was odd.
19 And I know that loft dwelling is typically where you go build a floor in between otherwise
20 an exorbitantly high roof. Why can that added on floor only be one-third the square
21 footage of the footprint of the lower floor?

22 MS. RUTHERFORD: A good question. I don't have an answer for you for that,
23 but if there is an alternative definition for what a loft dwelling is, this is what we consider

1 to be a loft dwelling, essentially your, your upper portions of that space would be smaller
2 than the bottom portion.

3 MS. CAIRNS: Right.

4 MS. RUTHERFORD: But, do you have an alternative definition?

5 MS. CAIRNS: [Inaudible] as opposed to one-third, I just, one-third, I mean,
6 you're -

7 MS. RUTHERFORD: So one-third is the hiccup?

8 MS. CAIRNS: Yeah, yeah, yeah, that's the hiccup, is why is it only one-third? I
9 mean I've known a lot of spaces like these and a lot of times it's not that small of a
10 platform.

11 MS. RUTHERFORD: Okay, next question?

12 MS. CAIRNS: On, I mean, I don't know, I mean, do you want to go through this
13 sort of the word by word, sort of tedious stuff that we do other times?

14 MS. RUTHERFORD: No, I'd really love an amendment, a, a motion to approve.
15 [Laughter]

16 MS. CAIRNS: I have, I have just, I mean, I even, I mean, there's typos
17 sometimes.

18 MS. RUTHERFORD: Okay. I think it would help us, so when we finalize this
19 document, if we could have that on Record, whatever the typos are that need to
20 changed prior to the -

21 MS. CAIRNS: I'll just kind of wander through all my comments that I picked up
22 on.

23 MS. RUTHERFORD: Okay.

1 MS. CAIRNS: Starting on our page 21, is the, is Section D Loft Dwelling Units.

2 MS. RUTHERFORD: Uh-huh (affirmative).

3 MS. CAIRNS: On page 22 it, under 12(b), it talks about all proposed structures, I
4 mean, it's just all structures shall include safe, safe light of pedestrian -

5 MS. RUTHERFORD: Okay.

6 MS. CAIRNS: I mean, whether it's an existing structure or not, so I just thought
7 that was - under E there was, you're talking about commercial and office uses,
8 setbacks. The side setback was zero structures attached to side lot, lot lines, otherwise
9 15'. So it confused me that if I own one lot unless, so would it take an agreement with
10 my next door neighborhood that he would also build at zero, at which point we could
11 build side-by-side?

12 MS. RUTHERFORD: Correct.

13 MS. CAIRNS: Okay, so -

14 MS. RUTHERFORD: So you could be, you could be building an entire plaza or
15 you could -

16 MS. CAIRNS: Right, but if I'm just me myself, I have to setback 15', alright,
17 unless I've got my next door neighbor at the same time building a building with a zero
18 lot line? I mean, I just, that was just kind of odd that it, if, that if two adjacent lots get
19 together and agree to do zero lot line, but if, if I just own my one parcel I can't do zero
20 lot line without my neighbor building at the same time?

21 MS. RUTHERFORD: That's my understanding.

22 MS. CAIRNS: I thought that was odd.

23 MS. RUTHERFORD: Is there an alternative you'd like to propose or -

1 MS. CAIRNS: That if you're gonna let offices be zero lot line, because I mean,
2 you can't dictate what your next door neighbor does, you can't make him do 15', but if
3 we're going to allow zero lot line on the side, we should allow zero lot line on the side.
4 Or don't allow, but to allow it only because your next door neighbor does the same at
5 the same time I think it makes it odd. On page 26, you had a section about Transitional
6 Yards -

7 MS. RUTHERFORD: Um-hum (affirmative).

8 MS. CAIRNS: You're supposed to have a 30' opaque transitional buffer? Is it a
9 vegetative buffer? Is it a fence? It is opaque in the summer and translucent in the
10 winter? I mean -

11 MS. RUTHERFORD: So do we need to define opaque transitional buffer?

12 MS. CAIRNS: I think it needs to either have that it's a fence or that it's vegetative
13 with the predominance of evergreen materials or something, but I mean -

14 MS. RUTHERFORD: Would you like, can we change it to vegetative now?
15 Okay.

16 MS. CAIRNS: I mean, I don't know if the intention was to say there should be a
17 fence as a part of that 30, I mean, when I see opaque I say well the only way you can
18 get opaque is to put up a fence. Is that was intended? Or was it intended to be a
19 vegetative buffer?

20 MS. ALMEIDA: Well, you can get opacity with evergreens and -

21 MS. CAIRNS: Well, that's, yeah, I'm just, I mean, if somebody told me that you
22 have -

23 MS. ALMEIDA: - on our landscaping -

1 MS. CAIRNS: - to make this opaque, I'd have to put up a fence. Otherwise I'm
2 hoping that the plants accomplish that, that's why if the goal was an evergreen
3 vegetative buffer, then call it an evergreen vegetative buffer. You know, they reach it,
4 you know, with, with it, you know - there was something, no building shall be - so, okay
5 in this transitional yard, E(1), no building shall be constructed closer than the building
6 height from a single-family detached resident.

7 CHAIRMAN PALMER: Where Heather?

8 MS. CAIRNS: It's page 26, (8)(1).

9 CHAIRMAN PALMER: Okay.

10 MS. CAIRNS: So is it that if I've a CC-4, my building height is limited by the, no
11 my setback, I'm very confused -

12 MS. ALMEIDA: Your setback.

13 MS. CAIRNS: - my setback is the height of the house on the neighboring lot?

14 MS. RUTHERFORD: No.

15 MS. ALMEIDA: That's a detached residence.

16 MS. RUTHERFORD: The proximity to the building next to you can only be as tall
17 as the building next to you.

18 MS. CAIRNS: So if my, if my, my next door neighbor's house is a 30' tall
19 structure -

20 MS. RUTHERFORD: You would have to go 30'.

21 MS. CAIRNS: My setback would be 30'?

22 MS. MCDANIEL: So the building height is the height of the residence, not of the
23 other building?

1 MS. RUTHERFORD: No building shall be -

2 CHAIRMAN PALMER: What's the purpose in that?

3 MS. CAIRNS: It's just bizarre.

4 CHAIRMAN PALMER: As opposed to just being the setbacks from your own
5 property line?

6 MS. CAIRNS: And the building height, I mean, I think it's saying that it's the
7 height of the building I'm intending to build. Right, that's what you just said, so if I want
8 to build a 75' tall building I have to sit 75' from the house, not from my property line?
9 And I'm not, I don't like it when we have, have things in our Code that's setback from
10 uses and not property lines and I think those are problematic. Because that's what
11 you're saying though is that -

12 MS. RUTHERFORD: Would you like to remove that language?

13 MS. CAIRNS: I would like something that's more, I don't, I don't, I mean, I've
14 just, I've seen this before when I was on the Board of Zoning Appeals and I think that
15 setbacks from structures on other parcels is just problematic. It, I can't give you a great,
16 a great reason, I just think it's odd.

17 MR. TUTTLE: Well, clearly a good reason would be you could buy a, a piece of
18 property with a structure next door and that structure could change over time and it
19 would completely change -

20 MS. CAIRNS: Well, yeah, but it also means like maybe -

21 MR. TUTTLE: - what your setback would be.

1 MS. CAIRNS: - if I buy the CC-4 that happens to have a vacant lot next to it, I
2 could build right up on the edge and then I've suddenly made this residential lot pretty
3 useless because nobody's gonna buy it, I mean, I've killed it's value.

4 CHAIRMAN PALMER: Well, what really happens is you've got your house sitting
5 on yours, I go build a 75' building next to you, that really hampers from what you can do
6 with your lot anymore because now you have to fall under this is you develop your lot.

7 MS. CAIRNS: Well, I don't think there's a, this doesn't restrict me, I could tear
8 down my house and move closer.

9 CHAIRMAN PALMER: If you redevelop your lot.

10 MS. CAIRNS: No, this is a requirement, this is a, this is a restriction on the CC-4,
11 which is also why I find it perverse. I think I could tear down my house and move it
12 closer to the property line because I'm building closer to an existing known thing.

13 CHAIRMAN PALMER: Okay.

14 MS. CAIRNS: But what, what is says to me is if I happen to find that CC-4 lot
15 next to a vacant residential lot, I could build right up close to the lot and no one now is
16 going to build on that residential lot. You know, which is why I just think setbacks
17 should be from property lines if, if, you know. So, I mean, if it's, if it's that the setback is
18 the height of your building, if you're next to residentially zoned land, then that's where it
19 should be. I'm not sure that's where it should be, but -

20 CHAIRMAN PALMER: Is this the only place you saw Heather where it's, it's from
21 other structures and not property lines?

22 MS. CAIRNS: That's the only place I, I think that I've got it caught, but I just, I, I
23 just think those are -

1 CHAIRMAN PALMER: I think what we need to do then is perhaps if, if we're
2 looking to make a motion on this today is, is to, at the time we're, we're discussing these
3 if, if you'd like to amend it in some kind of way, we could, could -

4 MS. CAIRNS: Well, what's the, okay what's the -

5 CHAIRMAN PALMER: - try to hash that out and we've got to move forward on
6 the issue.

7 MS. CAIRNS: I mean, I, I think they are hoping us, hoping we vote on this today,
8 correct? Yeah, how high can I be in a CC-4? Seventy-five feet?

9 MS. RUTHERFORD: Yes.

10 MS. CAIRNS: So I would say that a, a CC-4 should be, what, what's the
11 minimum, so there's no minimum setback in a CC-4?

12 MS. RUTHERFORD: Minimum setback for the front yard is 15, rear 15, side 15,
13 for industrial uses which we intend to be in CC-4.

14 MS. CAIRNS: But what we're talking here is when CC-4 is adjacent to, well
15 residential is allowed in all other uses, so it's basically all other uses?

16 MS. RUTHERFORD: Except for CC-4.

17 MS. CAIRNS: Right, but that's what I'm saying, but this transitional yard, this -

18 CHAIRMAN PALMER: Can you go to the map?

19 MS. CAIRNS: - can't be specific to CC-4 when it's next to anything. So CC-4s,
20 the building setbacks, if I only building a 15' tall building, that would be 15'? And that's,
21 it, it's just a challenge to try to figure out how to word this sitting here, but I just think that
22 it should, that the setback, that there should be - I know you've got that the minimum
23 setback is going to be 15' just because, so if I want to build my building somewhere

1 between 15' and 75', I think I should keep having to push back my setback until and I
2 would say fifty feet would be the maximum.

3 MS. RUTERFORD: So residential areas, a buffer?

4 MS. CAIRNS: Yeah, to any of it, I mean, it's to any of it, I mean, for instance CC-
5 1 through 3 all allow residential.

6 CHAIRMAN PALMER: So you, you would then be increasing the buffer just from
7 a hard 15' to a hard 50'?

8 MS. CAIRNS: No, based on the height of the building. The, the sliding scale,
9 basically the sliding scale setback is from the height of your building. So if you're
10 building a 20' building, a 20' tall building, you've got to setback 20'. If you're gonna
11 build a 75' tall building, though you only have to setback 50. We're not gonna make you
12 do a whole 75 because the house is going to have some setbacks on it's own site
13 anyways.

14 MS. ALMEIDA: But there's a minimum if you're adjacent to residential you have
15 an automatic 25' transitional buffer to separate right there.

16 MS. CAIRNS: B-1?

17 MS. ALMEIDA: But that's it you're adjacent -

18 MS. CAIRNS: But all of them, well that's why, I see I just, I think it's, parcels that
19 abut single-family residential uses, again I think all, since CC-1 through CC-3 all
20 residential use, they should all be treated the same. I mean, if we want, you know,
21 because then we get into this argument well what's its current use? We're not really
22 sure what it's being used for right today, you know, and maybe, the person's moved out,

1 ah, this lot's not being used residential, you know, I just think it's neater and cleaner to
2 just setbacks from property lines and setbacks from allowable uses, not actual uses.

3 MR. PRICE: But we ran -

4 MS. CAIRNS: And if you want to make from 25 to 50 based on the height of the
5 building, if you could figure out how to word that.

6 MR. PRICE: We ran into this issue with the Board, Board Zoning Appeals,
7 somebody left, [laughter] and we, the Board had concerns also about communication
8 towers abutting not residential structures but residential zoning districts and the
9 language was amended to where a communication tower abutting a residentially zoned
10 parcel to have a minimum setback of one foot, foot of height of tower as measured from
11 the base of the tower, with the maximum required setback should be 250'. So I think
12 you could change that instead of structure in the zoning, in a residential zoning district,
13 you have to have a one-to-one ratio and if you want we can establish a maximum -

14 MS. CAIRNS: A minimum of 25 and a maximum of 50.

15 MR. PRICE: Right.

16 MS. CAIRNS: I mean, I think that's -

17 CHAIRMAN PALMER: Does that apply solely for within the District? For
18 example the peripheral pieces of property, if it's a residentially zoned piece of property
19 that's on the other side of the line, would it then apply as well?

20 MS. CAIRNS: Because it's, it's, this is a requirement, I mean, if the parcel
21 zoned, right, so basically on, I see what you're talking about -

22 MS. RUTHERFORD: It's strictly for parcels in CC-4, so it's for [inaudible].

1 MS. CAIRNS: Right, but if you're, but if you're in CC-4 and you're, and across
2 the street from you is land outside of Crane Creek -

3 CHAIRMAN PALMER: It it's a white parcel -

4 MS. CAIRNS: - and if it's zoned residential -

5 CHAIRMAN PALMER: - but it's zoned RU, would that be classified as
6 residential?

7 MR. PRICE: Well, that's potentially, I would have to make a determination as to
8 whether it was commercial, institutional, industrial or residential.

9 CHAIRMAN PALMER: I would think that the rules inside this overlay district only
10 apply to parcels beside this -

11 MS. CAIRNS: Well, they do, but the setbacks are gonna be setbacks.

12 MR. PRICE: I think we look at [inaudible] parcels throughout this Code [inaudible]
13 - away from mic].

14 MS. RUTHERFORD: Do you have substitute language?

15 MS. CAIRNS: So basically to mimic, I don't know what Geo is planning, but
16 basically say that it should be, in essence a sliding scale of 25 to 50 based on the height
17 of the structure.

18 MR. PRICE: [Inaudible]

19 MS. CAIRNS: Oh, yeah, that was on page 22 actually.

20 MR. PRICE: [Inaudible].

21 MS. CAIRNS: Well, this, I just, I mean, certainly office and commercial uses, I
22 mean, I just think we have to decide whether we're gonna have zero lot line and if so
23 allow it. I just think it's odd here that it, that you can only get it if you're next, you know,

1 I, I guess if I bought my next door neighbor's lot, but then have you be suddenly
2 beholding that parcel to have to build a zero lot line? You know, so fine, let's say I own
3 two parcels and I build my zero lot line office building and then I end up selling the other
4 lot, does that person have to build a zero lot line building on that parcel?

5 MS. RUTHERFORD: No, they can have 15'.

6 MS. CAIRNS: But that's not what this says.

7 MR. PRICE: So that could be on the side, zero or at least 15' [inaudible].

8 MS. CAIRNS: But it's saying that the structures have to be attached?

9 MR. PRICE: No, what I'm saying is if you change the [inaudible].

10 MS. CAIRNS: But, I mean, are we, are we going, are we trying to, I mean maybe
11 what we're trying to do here is allow someone to go in and build a single building and
12 then split it into separate lots -

13 MS. RUTHERFORD: I think that defeats you're, right, commercial or office
14 space, exactly because we're trying to create mixed use.

15 MS. CAIRNS: So maybe I just didn't visualize that when I read it the first time.
16 But that's what that is, it allows a subsequent subdivision, yeah.

17 MS. RUTHERFORD: Okay?

18 MS. CAIRNS: So that one's fine.

19 MS. RUTHERFORD: Do you have another comment?

20 CHAIRMAN PALMER: Did you, did we come to any resolution on this (B)(1)?

21 MS. RUTHERFORD: (8)(B)(1) we're going to have a sentence that allows for 25
22 to 50' of transition based upon height of structure, at a minimum 25'.

23 MS. CAIRNS: Yeah, and for each additional foot of height of building -

1 MS. RUTHERFORD: Similar to the language for communication towers, so
2 we're gonna mimic that language and include the 25 to 50'.

3 CHAIRMAN PALMER: Okay.

4 MS. CAIRNS: And also I think in (8)(A) -

5 MS. RUTHERFORD: We did vegetative, opaque, vegetat, opaque, evergreen
6 vegetative buffer as a substitution.

7 MS. CAIRNS: Okay. The shared parking, which we've had our fun with, it, I
8 understand the fundamental concept of the shared parking, but is it, by whom is it
9 shared? Different parcels? Different tenants? There was no definition of what shared
10 parking is *per se*. I mean, it's implied certainly over and over through this, but after I
11 read all this and I kind of got to the end and I went back and I was like well -

12 MS. RUTHERFORD: Well, it's uses, all uses with CC-2 and again our intent in
13 thinking was that those uses could be mixed in mixed use buildings, uses within CC-2
14 and CC-3 may be mixed use buildings.

15 MS. CAIRNS: Okay, well the, okay, that was being - because you said shared
16 parking is encouraged and then (B)(1) says that a shared parking analysis is required?

17 MS. RUTHERFORD: If you are going to share parking, that's your intent with
18 your neighbors, we've now given you a ratio on how to calculate your shared parking,
19 that's, that was our intent. So if you're looking to reduce your parking numbers -

20 MS. CAIRNS: But, I mean, so, but I mean, when I say is required, I sit here
21 thinking okay I'm doing a development, I have to show how shared parking's gonna
22 work?

23 MS. RUTHERFORD: Correct.

1 MS. CAIRNS: But I guess if I've got enough lots on my parcel, I don't, okay.

2 CHAIRMAN PALMER: The shared parking obviously is not a requirement, if
3 you're going to use shared parking, then you've got to do A, B, and C?

4 MS. RUTHERFORD: Correct.

5 CHAIRMAN PALMER: Why do we even put statements in like is encouraged
6 when it's -

7 MS. CAIRNS: Yeah.

8 MS. RUTHERFORD: That's a legal question.

9 MS. CAIRNS: It's just, why not put is allowed?

10 CHAIRMAN PALMER: I mean, why do we even put, why even put statements in
11 that, that are just waste of ink time in my opinion? Shared parking is encouraged where
12 feasible.

13 MS. LINDER: With all due respect, I think that's a policy decision.

14 CHAIRMAN PALMER: I just, I, I don't think we should put stuff like that in Code
15 that just our wish list, me personally.

16 MS. RUTHERFORD: Okay. Would you like to substitute some language or
17 should we take it out?

18 CHAIRMAN PALMER: I just think we should take it out, I just don't think it
19 belongs in the Code, but that's just me, one person.

20 MS. CAIRNS: But it needs to say that shared parking is allowed. I mean, I don't
21 have any, I don't have any particular heartburn with that because I think what it's trying
22 to do is, you know, is that it's allowed -

23 MS. RUTHERFORD: Okay.

1 MS. CAIRNS: - it's a policy statement, it's just trying to -

2 CHAIRMAN PALMER: And so the words encourage where feasible, the word
3 allowed to be substituted in? Right? Well, when we make a motion at the end, we're
4 gonna have to put all of these in, so I just -

5 MS. CAIRNS: Right.

6 CHAIRMAN PALMER: - kind of taking notes as to whoever may be doing that.

7 MS. CAIRNS: So we want to change this to a - okay. Alright on page 29, you're
8 talking about changes and it talks about prior to any change in ownership or use.

9 MS. RUTHERFORD: Where are you, on page 29?

10 MS. CAIRNS: Page 29 of paragraph, like the third line of the paragraph, the
11 paragraph outside the box, it seems to me that a change in ownership wouldn't
12 necessarily mean, I mean, I think it's a change in land use. I mean, it, you know, the
13 owner of the shopping center could sell it and it would make no difference to the
14 function and use. So I don't think a change of ownership is the trigger, I think a change
15 in use is the trigger.

16 MS. RUTHERFORD: Alright, we will remove ownership.

17 MS. CAIRNS: And then it's, I think it would be the owner or lessee, I mean, if
18 somebody's, would apply, I mean, could the lessee apply for, to the Zoning
19 Administration or do it have to -

20 MS. RUTHERFORD: It would be the lessee, owner and lessee.

21 MR. PRICE: [Inaudible]

22 MS. RUTHERFORD: Or their agent? Okay.

23 MR. PRICE: [Inaudible]

1 MS. RUTHERFORD: Okay.

2 CHAIRMAN PALMER: I have a question on that point also. The, the change in
3 use, does that mean any change of actual going from a, a video to a, a cell phone store,
4 is that the change in mercantile to service?

5 MR. PRICE: [Inaudible]

6 MS. CAIRNS: Well it would be a change in use that changes the parking
7 requirements associated with that use, right? So, I mean, if it went from a -

8 CHAIRMAN PALMER: No, what they're saying is that a change in use is a
9 change from mercantile at, at least through the building officials is a change in
10 mercantile to the service and the service, if you stay within the mercantile you're fine,
11 you can do this stuff all day long, but that's what triggered a change in the Building
12 Code.

13 MS. CAIRNS: Right, but this, I mean -

14 CHAIRMAN PALMER: But I didn't know what kind of definition of use you were, I
15 mean, any kind of, as long as keep a video store in there you're fine, but if you're
16 wanting to change it to a cell phone store -

17 MR. PRICE: I mean, all you're doing is, all you're doing is if a store is coming in
18 and making this change, [inaudible].

19 CHAIRMAN PALMER: Okay.

20 MR. PRICE: I mean, you could have similar uses in the next person that comes
21 in wants to expand [inaudible].

22 CHAIRMAN PALMER: Okay.

1 MS. CAIRNS: Okay, on page 30, the fourth line down, it talks about alterations
2 to existing curb line, I think it should say at cost to the property owner, that's just a typo,
3 I mean, as opposed to at the cost, I think it's just at cost.

4 MS. RUTHERFORD: Alright.

5 MS. CAIRNS: On page 31, we have a section titled Ground Mounted and Free
6 Standing Signs? Are free standing signs allowed? I never see them just, they're all
7 ground mounted signs apparently.

8 MS. RUTHERFORD: Where?

9 MS. CAIRNS: On 31, B -

10 MS. RUTHERFORD: Ground Mounted and Free Standing Signs?

11 MS. CAIRNS: Right, but underneath that everything is about ground mounted
12 signs.

13 MS. RUTHERFORD: Number four is about free standing.

14 MS. CAIRNS: No, it's free standing -

15 MS. RUTHERFORD: [Inaudible]

16 MS. CAIRNS: - a development is allowed one ground sign. I see the word free
17 standing again, but it's not referring to a free standing sign. Or is that supposed to be
18 one free standing sign? Or one ground sign, because it doesn't say ground mounted?
19 Somewhere there's just a disconnect.

20 MS. RUTHERFORD: Do you want us to remove free standing?

21 MS. CAIRNS: I just want it to -

22 MS. RUTHERFORD: So you're saying that -

1 MS. CAIRNS: - I mean, should, should four say one, I mean, is, is (B)(4)
2 supposed to say each free standing commercial mixed use or civic development is
3 permitted one free standing sign? Or is it supposed to say one ground mounted sign?
4 It says one ground sign, I'm not sure what a ground sign is.

5 MS. RUTHERFORD: One ground mounted.

6 MS. CAIRNS: That's supposed to be ground mounted?

7 MS. RUTHERFORD: Right.

8 MS. CAIRNS: And so then just delete free standing sign.

9 MS. RUTHERFORD: Okay, we're deleting free standing, we're deleting the word
10 free standing in the title of the section and each place where it says ground we're going
11 to hyphenate ground-mounted.

12 MS. CAIRNS: And, I mean, on page 51, I mean, y'all can fire me, okay, on page
13 51, Section H, there's a space missing between 5 and or, in the title line. I said you can
14 fire me. I'm done.

15 MS. RUTHERFORD: Thank you.

16 MS. MCDANIEL: Let's go back to that sign issue. If you look on page 14, there's
17 a definition of sign, ground, and it's defined as a free standing sign. Is there any
18 inconsistency there with what we just decided with the ground-mounted and free
19 standing signs? So is a free standing sign the same thing as a ground common sign?

20 MR. PRICE: A ground mounted sign is a type of a free standing sign.

21 MS. RUTHERFORD: Right.

22 MS. CAIRNS: Free standing as opposed to what, wall mounted?

23 MR. PRICE: Right.

1 MS. CAIRNS: Or roof mounted or -

2 MS. MCDANIEL: So what other types of free standing sign would there be?

3 Other than ground mounted, one that's -

4 MS. CAIRNS: A pole -

5 MS. RUTHERFORD: A pole -

6 MS. CAIRNS: Pole signs is what they're not allowing.

7 MS. MCDANIEL: Okay, gotcha.

8 MS. CAIRNS: I don't think, I mean, we don't have pole signs.

9 MS. RUTHERFORD: Okay.

10 MS. CAIRNS: That's it, I'm done.

11 CHAIRMAN PALMER: Is that all?

12 MS. CAIRNS: Yes, sir.

13 CHAIRMAN PALMER: Any other questions or comments for Ms. Rutherford?

14 Any other motions or issues?

15 MR. TUTTLE: I have a comment. Thank you Ms. Rutherford for all this hard
16 work. I know you've gone back to the drawing board several times, so thank you for
17 sticking with it.

18 MS. RUTHERFORD: Thank you.

19 CHAIRMAN PALMER: Any other motions?

20 MS. CAIRNS: I make a motion that we send this forward with a recommendation
21 for approval with the amendments as we discussed.

22 MR. TUTTLE: Second.

23 CHAIRMAN PALMER: Is that going to be adequate for -

1 MS. ALMEIDA: Yes.

2 MS. RUTHERFORD: I have them all, I have them all written and if need be we'll
3 play back the -

4 CHAIRMAN PALMER: We have a motion and a second. All those in favor,
5 please signify by raising your hand?

6 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Mattos-Ward, Gilchrist;*
7 *Absent: Manning]*

8 CHAIRMAN PALMER: None opposed. Color of poles.

9 MS. ALMEIDA: Mr. Chairman, we have Geo Price, who will be talking on this
10 text amendment.

11 MR. PRICE: One of the issues that we've come across is that there have been a
12 number of developments where there's either an increase in, or an addition to a
13 building, which required them to add more lighting or change in lighting, then have to
14 come in and meet the requirements of our Code. You may actually have a development
15 where all the poles are black, now the two new poles that they add would have to be
16 silver, they can't be black. But what we did was we looked at and we said okay if
17 there's a, an existing development that is 75% developed, allow them to come in and it
18 kind of keeps everything uniform with the same color poles that are in existence.

19 CHAIRMAN PALMER: Mr. Price, why do we care what color people make their
20 poles?

21 MR. PRICE: I'll defer to Ms. Almeida.

22 MS. CAIRNS: Why do we care what color a pole is?

1 MS. ALMEIDA: Well, from discussing with the experts in the lighting industry,
2 about a year or so ago or two years ago now, where the heights of poles were an issue,
3 or Staff didn't want such large poles and the community didn't want such large poles,
4 the experts in the industry indicated that color has a lot to do with height. So if the pole
5 is over 20' high and it's a very dark color like brown or black, it's seen in the daylight
6 hours. If you color it a light color like silver, white, okay, it's irrelevant how tall the pole
7 is because it becomes invisible, you don't see it.

8 CHAIRMAN PALMER: People run into it? [Laughter]

9 MS. ALMEIDA: I have not yet found anyone who has run into a pole

10 CHAIRMAN PALMER: That could be the safety issue.

11 MS. ALMEIDA: And there are certain, excuse me, certain communities across
12 the nation that have supported that theory, but now of course we come into a different
13 issue where we have developments that have not fully built out and we're running into
14 communities or developments where you have dark poles that were once allowed at
15 18', which was the Code back then. And now it's not so much an issue of height,
16 because they're willing to go down to the 18' or whatever it is, but now they want to be
17 consistent with the color or the architectural. A lot of these very ornate type light poles
18 are dark colors.

19 MS. CAIRNS: So you can see them?

20 MS. ALMEIDA: So you can see them.

21 CHAIRMAN PALMER: And I guess Geo you determine what is of similar color?

22 MR. PRICE: That would seem to be the case.

1 MR. TUTTLE: Geo, the, the majority of the poles like SCE&G provides, are we
2 talking about just on commercial sites or subdivisions? Because most SCE&G's poles
3 that they provide are black.

4 MR. PRICE: This actually applies commercially.

5 MS. CAIRNS: It's commercial.

6 MR. TUTTLE: It's commercially? If I'm building a Walmart, the ones on my site
7 need, can't be black, they need to be silver?

8 MS. ALMEIDA: Right.

9 CHAIRMAN PALMER: So what if, what is SCE&G is going to supply lights for an
10 area? They then have to comply to our Code or -

11 MS. ALMEIDA: They have in the past.

12 MS. CAIRNS: Okay, but this is an existing, I mean, the requirements to use light
13 colored poles is our Code right now?

14 MS. ALMEIDA: Is our current Code.

15 MS. CAIRNS: All we're doing is adding a wrinkle to allow existing developments
16 with dark poles to continue putting up dark poles?

17 MS. ALMEIDA: If you're gonna put a pole that 24' in height, then you've got to
18 meet that color requirement.

19 CHAIRMAN PALMER: How long do -

20 MS. ALMEIDA: If you want to do 18', you could do black.

21 CHAIRMAN PALMER: - oh.

22 MS. CAIRNS: And this is just saying tat if you've got existing tall blacks, you can
23 put more tall blacks there?

1 MS. ALMEIDA: Right.

2 CHAIRMAN PALMER: How long has, has this Code been in affect with the
3 colors?

4 MS. ALMEIDA: Two years? Probably about a year, a year and a half possibly.

5 CHAIRMAN PALMER: What?

6 MS. ALMEIDA: 2008? Okay.

7 CHAIRMAN PALMER: And I guess SCE&G has put up poles since then and
8 have complied with this?

9 MS. ALMEIDA: That is correct.

10 CHAIRMAN PALMER: Okay.

11 MS. CAIRNS: I'll make a motion that we send Ordinance correcting the Light
12 Standards Section 26, 77(H) to the Board with a recommendation of approval.

13 MR. GILCHRIST: Second.

14 CHAIRMAN PALMER: Any other discussion? All those in favor to send the Light
15 Pole Ordinance forward to Council with the recommendation of approval, please signify
16 by raising your hands?

17 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Mattos-Ward, Gilchrist;*

18 *Absent: Manning]*

19 CHAIRMAN PALMER: None opposed. And -

20 MS. ALMEIDA: Mr. Chairman, under the Discussion, we have a representative
21 from the Assessor's Office that has been sitting here since 1:30 and we'd like, we'd
22 request if, at the pleasure of the Board, if we could discuss definitions before the
23 discussion of #1 on the M-1 zoning.

1 CHAIRMAN PALMER: I'm sorry, can you say that again?

2 MS. ALMEIDA: Can we alter and discuss the definitions which is item 2 under
3 discussion?

4 CHAIRMAN PALMER: Sure, yeah, we need to have a motion to amend the,
5 amend the Agenda.

6 MR. TUTTLE: Yeah, I'd like to propose a motion to move item for Discussion
7 number 2, switch item #1 and 2.

8 MS. MCDANIEL: Second.

9 CHAIRMAN PALMER: All those in favor, signify by raising your hand?

10 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Mattos-Ward, Gilchrist;*
11 *Absent: Manning]*

12 CHAIRMAN PALMER: None opposed.

13 MS. ALMEIDA: I believe at the last Planning Commission meeting there was a
14 request for an explanation of definitions of agriculture. I believe Mr. Manning was
15 requesting that definition and we have a representative here who will discuss the
16 definition of agriculture according to the Assessor's Office.

17 CHAIRMAN PALMER: Okay.

18 **TESTIMONY OF TERRY FANCY:**

19 MR. FANCY: Hi, my name is Terry Fancy, I'm the Assessor for Appraisal. Mr.
20 Clويد would like to have been here, but he couldn't miss his doctor's appointment.
21 Basically when it comes to definition of agricultural, our office follows strict guidelines,
22 the statutory requirements. They may or may not reflect actual [inaudible] of the
23 property. I spoke with Mr. Clويد ahead of time and he feels that there's about 360

1 genuine farm operations in Richland County. Yet, we have over 6,000 parcels that
2 receive agriculture use. He said 360 parcels that are genuine farming operations, they
3 derive their income of more than a \$1,000.00 a year from that. They are income
4 producing properties and that's where the main source of income is from, is from
5 farming operations. However, statutes as established the legislature over several
6 years, going back to the '70s and some revisions back in the '90s that Mr. Cloid was
7 instrumental in, have changed that such that all that's required is you comply with the
8 statutory requirements as far as acreage. The minimum acreage for crop land would be
9 10 acres, that you have at least 10 acres in crops or five acres for timberland. I
10 understand that timberland is a crop, but they have a different requirement for acreage
11 for timberland. Quite frankly we're seeing a lot of subdivisions coming on line of five,
12 six, seven acres and you take one acre out for the home site and you still have at least
13 five acres left for timberland and you've got a bunch of trees on it and they apply for
14 agricultural use as timberland. Now the laws are very specific and it has to be a *bona*
15 *fide* agricultural use. Our experience over time has been with the Board of Appeals and
16 Administrative Law Judges and other people making decisions that what we think may
17 not necessarily be *bona fide* gets overturned in, on, on an appeal situation. And so
18 quite frankly it's become a point of if you have the sufficient acreage, if you have
19 sufficient number of trees, then you're allowed the agricultural use. We can also ask
20 for, as an example, for a management plan and it becomes a timberland and they'll go
21 the State Forester and just give us a management plan of how they plan on using that
22 five acres and, and we're sort of pretty much stuck with granting that. And have, well a
23 classic example right now is we're before the Administrative Law Judge with a property

1 over on Two Notch Road by the, it used to be the Polo Road Theatres, now a funeral
2 home and behind there where the Good Will is now, they're trying to claim agricultural
3 use for that sandpit, they've planted five acres of trees, seedlings. I call it the moveable
4 tree farm because they keep moving around as they get the heavy equipment in and
5 start digging things out and they've taken millions of cubic yards of sand out of there
6 and sold it and so it's a profit venture. So we're going around on that, but I mean, that's
7 how technical it gets as to how many acres are involved, is it 50% more of the use of
8 the property. If you have 10 acres that's crop planted and six acres that are actually
9 being tilled and you've got four acres just in scrub stuff that doesn't really count much
10 for anything, that 50% rule would say as long as those four acres were not being used
11 for a commercial purpose, then the whole parcel gets agricultural use. So another thing
12 is if, well I had a call just recently, a guy's got four acres of land, there are exceptions, if
13 you have less than five acres, say for timberland or crop land if you meet the exceptions
14 you also get agricultural use. In his case, he's gonna be raising Nubian goats, that's
15 livestock. Nubian goats are what zoos buy for their livestock.

16 CHAIRMAN PALMER: [Inaudible]

17 MR. FANCY: Huh? Well it's the goat, not the run of a mill goat, they're a Nubian
18 goat and he plans on making an income off of that and so if we can in the next five
19 years, of three of those five years have a \$1,000.00 of income, at least a \$1,000.00 of
20 income in three of the next five years, then we have to give him agricultural use. Now
21 we can ask to see his appropriate schedule from the State Income Tax Return showing
22 farm income and if he doesn't comply with that, then we can go back and remove that
23 agricultural use for those years that we granted it. But if he complies with it or if he's

1 already had done it for five years and can show us three year's worth of income of a
2 \$1,000.00 or more, then we grant Ag use, that's on a four and half acre piece of land.
3 You don't think of farms as being four and half acres or five acres, you think of larger
4 acreage tracts, larger timber tracts, that would be, trees would be harvested to produce
5 an income and then there would be a, a period of rotating and, and coming back every
6 20 years, maybe and harvesting something that had been harvested before, depending
7 on the use. So, so it comes down to basically our granting of agricultural use is strictly
8 in compliance with statutory requirements. It is not saying that that is an actual *bona*
9 *fide* genuine considered, you would think to be an agricultural use of the property, or
10 farm use of the property.

11 CHAIRMAN PALMER: So the actual harvesting of timber would do nothing but
12 strengthen your case I guess that you are using the site as timber land and that kind of
13 stuff?

14 MR. FANCY: Um-hum (affirmative), typically we don't see three five acre tracts
15 harvested.

16 CHAIRMAN PALMER: Right.

17 MR. FANCY: We see larger acreage tracts. I had a funny case -

18 CHAIRMAN PALMER: Right, because it's not worth their time to go harvest that
19 kind of stuff -

20 MR. FANCY: Yeah, and Mr. Clويد himself had a seven acre tract harvested, but
21 that was after 30 years of timber growth.

22 CHAIRMAN PALMER: Right.

1 MR. FANCY: The next time it's harvested will be 30 years down the road and
2 like you said he'll be long dead before he sees that happen. I had a case where I was
3 called for some reason as an expert witness where some timber was cut and the cutter,
4 for paper mill purposes, and the cutter crossed over into somebody else's parcel and
5 they shouldn't have, it was clearly marked, so there's a court case as to the trees and
6 the value of the trees that were cut. It was about 20 acres of land and the owner clearly
7 stated on the stand that he had no intention of ever using for agricultural purposes, it
8 was purely for hunting and recreational use.

9 MS. CAIRNS: Oops.

10 MR. FANCY: So I immediately went back and took away his agricultural use,
11 then he immediately came back and filed a, a harvest plan, a management plan, timber
12 management plan. He has a legitimate plan, you can't deny him then. And that's one
13 of the things we follow is the Department of Revenue Code and one of the things they
14 look at is, is there a management plan in place. You might just want to be cautioned
15 that, because we grant agricultural use as a tax valuation process does not mean it
16 necessarily gets a genuine farm. Quite frankly some of the land up in the Sandhills that
17 you were talking about before, a lot of that, his undeveloped acreage has agricultural
18 use and we monitor that every time he converts, Mr. Kahn converts something into a
19 commercial site, you take that acreage and do the five a year rollback tax on that
20 because it had agricultural use.

21 CHAIRMAN PALMER: Explain to me the five year rollback?

22 MR. FANCY: Basically it's the current year plus the previous four or five, I'm not
23 really sure. It basically says if you had an agricultural use value, your annual tax was,

1 was a \$100.00 a year on 50 acres of land, but now you're growing houses on that 50
2 acres, then you pay the difference in tax you would have paid had there not been
3 agricultural use versus actually having the agricultural use. And say if you had not had
4 agricultural use for the past five years, that land you paid tax say \$3,000.00 a year on
5 taxes, but you paid \$100.00 because of the agricultural use and for five years you pay
6 the difference as agreed upon between the buyer and seller, this is their issue not our
7 issue, we just do the rollback.

8 CHAIRMAN PALMER: Now why, why, what's the [inaudible] of that, how did that
9 come about? I mean, it seems like you're -

10 MR. FANCY: That's purely state statute.

11 MS. CAIRNS: Yeah, that's state statute.

12 MR. FANCY: Yeah, that, that's, that applies all throughout the State of South
13 Carolina, we have no control over that.

14 MS. CAIRNS: And it's also, isn't it true it doesn't matter whether, like if it was
15 tree farm and they timbered it and then sold it off for development, it still goes rolls back
16 five years?

17 MR. FANCY: Right, yeah, that would be -

18 MS. CAIRNS: Because it clearly was agricultural use?

19 MR. FANCY: - right, the Toyota Place over on, off 26 there up by Ballentine, that
20 whole parcel had agricultural use, so when they, they developed their half of it, then we
21 went back for the acreage in question to determine the rollback of the five years
22 because that had agricultural use.

23 MS. CAIRNS: That's just it, it's a state law.

1 MR. FANCY: And it's basically a lot, a lot of subdivision developers and real
2 estate developers will own large acreage tracts of land and they'll have agricultural use
3 on it and as they take, now they may have a couple hundred acres, you know, they do
4 20, 30 acres at a time as a plat for five years and then we go take and remove that use
5 for that and it's when use changes, it's not a case of when someone applies for
6 something. So if one of our appraisers is in the field and all of a sudden sees a road
7 being cut where there's no road before, we come back, we see where there's a plat
8 filed, now they're working on the plat, they say, we say okay you just lost agricultural
9 use plus you have to pay five years worth of rollback. It's intended, agricultural use in
10 my mind, being a Yankee at heart, like I say from the North, is, is to help legitimate
11 farming operations. A lot of states have a use value when it comes to farming property
12 to help farmers out and not saddle them with huge tax burdens for the amount of
13 property they have to own to have a legitimate farming operation. But over time things
14 change and so parcels get it whether or not it's an actual legitimate farming operation or
15 not, all we're doing is complying with the statutory requirements. And also they've
16 changed it such that if we deny someone agricultural use, they appeal to the Law Judge
17 they can go to the Board of Appeals first and then to the Administrative Law Judge, the
18 Law Judge can rule that we were unreasonable and therefore we have to pay all their
19 Court costs, or the county actually has to pay all their court costs.

20 CHAIRMAN PALMER: So for our purposes, for planning purposes just because
21 you label something agricultural we may or may not need to use that in our planning
22 purposes?

23 MR. FANCY: I would be cautious with it.

1 MS. CAIRNS: [Inaudible] we shouldn't because it has nothing to actual -

2 CHAIRMAN PALMER: On three hundred and something parcels it does.

3 MS. CAIRNS: Yeah, but I mean we, but we shouldn't use their classification -

4 CHAIRMAN PALMER: I understand.

5 MS. CAIRNS: - we need to come up with some other mechanism to determine.

6 CHAIRMAN PALMER: Right.

7 MR. FANCY: All we're doing is complying with the statute as it's been changed
8 by the legislature.

9 CHAIRMAN PALMER: Thank you, any other questions?

10 MS. ALMEIDA: Thank you.

11 CHAIRMAN PALMER: Thanks for your time.

12 MS. CAIRNS: Thank you.

13 CHAIRMAN PALMER: Okay?

14 MS. ALMEIDA: Next, the next item for discussion is our wonderful M-1 zoning
15 designation. In the July 1, 2005 rewrite of the Code M-1, that was an existing zoning
16 designation, remained and our Council enacted and drafted an ordinance that it would
17 remain for five years. So technically by July 1st of this year, 2010, M-1 supposedly will
18 be reconsidered, either will be L-1 or will I'm sure there might be a request to continue
19 M-1. I really don't know what the decision might be, but Staff and myself decided to
20 give you a little bit of information on that and have you look it over. One of the things or
21 questions that I guess might be considered is how much property has been rezoned
22 since 2005 from M-1 to LI and that you will see on this one sheet and I apologize for it
23 not being labeled, but there were two actually that came up on our, on our data files.

1 The other sheet, the other sheet that says properties rezoned from M-1, there are 42,
2 there were 42 properties that were M-1 and they were rezoned to other zoning
3 designations, GC, RM-HD, PDD, RS-MD, RS-HD. Also there's a table of permitted
4 uses which identify what is outright permitted, what is special requirements under the M-
5 1 that we felt you all should have a copy of and should look at. So basically this was for
6 informational purposes and we need to bring it back before you prior to July 1st as a
7 recommendation. It's something that we will be discussing with Council because we
8 don't, we want to be ahead of the curve before it just expires or something happens, so
9 we'd like a recommendation, some of your thoughts on this request, and if you are, if
10 you desire anymore information we can provide for you and we have enough time to
11 provide that to you. So, with that, do you have any questions or concerns?

12 MR. TUTTLE: So if there's a piece property that's zoned M-1 -

13 MS. ALMEIDA: Correct.

14 MR. TUTTLE: - and it expires? How, how do you -

15 CHAIRMAN PALMER: No, it doesn't, it doesn't expire, it's just simply -

16 MS. ALMEIDA: Not yet -

17 CHAIRMAN PALMER: - the Code only says and not even on November, it just
18 simply says that the Planning Commission will forward it's recommendation to Council
19 as to what to do with the property by November the -

20 MS. CAIRNS: No, by July 1st -

21 MS. ALMEIDA: July 1st.

22 MS. CAIRNS: If we do nothing, what happens?

23 MS. ALMEIDA: Well -

1 MS. LINDER: You're in violation of the Ordinance.

2 MS. CAIRNS: Huh?

3 MS. ALMEIDA: Council will need -

4 MS. LINDER: You would be in violation of the Ordinance because the Ordinance
5 says the Planning Commission shall make a recommendation -

6 CHAIRMAN PALMER: Go to jail, you're going to jail Heather – [laughter]

7 MS. LINDER: - prior to July 1.

8 MS. CAIRNS: Okay.

9 MS. ALMEIDA: On this issue.

10 MS. LINDER: Correct.

11 MS. CAIRNS: Civil contempt, huh? Okay.

12 MS. LINDER: So, so I think the question is do we keep the M-1 or would your
13 recommendation be to switch those properties that are currently M-1 to an LI? Do we
14 stay M-1 or do we get those over to LI now?

15 MR. TUTTLE: And what Anna in a nutshell, what are the differences are we
16 starting -

17 MS. ALMEIDA: Did you not get a chart?

18 MS. CAIRNS: We did, I actually -

19 MR. TUTTLE: I came in late.

20 MS. CAIRNS: - I got it, but I forgot mine.

21 MS. ALMEIDA: There should be some here.

22 MS. LINDER: It was in the package.

23 MS. CAIRNS: It was in the package.

1 CHAIRMAN PALMER: It's a very specific request, though, it's not M-1 to GC or
2 M-1 to HI, it's only M-1 to LI?

3 MS. LINDER: Because it's the light of the proposal, the M-1 and the L-1 are
4 currently our two light industrial businesses.

5 MS. ALMEIDA: Correct.

6 CHAIRMAN PALMER: Well M-1 is much more than that.

7 MS. ALMEIDA: And a lot of these -

8 MS. CAIRNS: But they're the most, the two sort of most -

9 MS. ALMEIDA: - most compatible with each other.

10 MS. CAIRNS: - equal to each other. You, can you offer, I mean, I was not here
11 five years ago when all this occurred, what the rationale? I mean, any, just sort of
12 general idea about why we killed M-1?

13 CHAIRMAN PALMER: Wait a minute, wait a minute -

14 MS. CAIRNS: I mean, what was so disliked about M-1?

15 CHAIRMAN PALMER: Can someone really give their rationale without putting
16 personal opinion on that at this point Heather?

17 MS. CAIRNS: But I'm also asking -

18 CHAIRMAN PALMER: Just kidding -

19 MS. ALMEIDA: All I can say -

20 MS. CAIRNS: I, I understand -

21 CHAIRMAN PALMER: - I'm just kidding with you.

22 MS. CAIRNS: - well I know, but I'm just -

1 MS. ALMEIDA: - all I can say was, is and, and Geo can discuss this as well and
2 add his comments, M-1 was a lot more permissible and when the zoning designations,
3 with the new Code we tried to be more specific, so some of the uses that were in the
4 general M-1 were put into LI, HI, we were just more specific.

5 MS. CAIRNS: Okay, so M-1 just allowed too many different types of uses?

6 MS. ALMEIDA: It, it did and because of the opposition, many M-1 property
7 owners came out and said no we want to keep the M-1 because it allowed for a lot of
8 flexibility -

9 MS. CAIRNS: Right.

10 MS. ALMEIDA: - Council said fine then what we will do is allow a five year hiatus
11 and you can keep it and let's see what has transpired since then.

12 MS. CAIRNS: And do we have any sense how many M-1 parcels have been
13 built or are vacant?

14 MS. ALMEIDA: I knew you were going to ask me that.

15 MS. ALMEIDA: No, not yet, no.

16 MS. CAIRNS: I mean, is that attainable?

17 MS. ALMEIDA: How many M-1 properties are a vacant?

18 MS. CAIRNS: Yeah, like how many of them are raw land and how many of them
19 actually have -

20 CHAIRMAN PALMER: And I, I'm more interested in, in and that's a good
21 question, I'm more interested in how many issues have we had with M-1? With people
22 developing it in an inappropriate manner or what the Staff or the county would see as an
23 inappropriate manner?

1 MS. ALMEIDA: The, the only issue that we've had in the past three years or so
2 was, and, and that was rectified, was the apartments in M-1, that was then taken out,
3 that was a permitted use. Other than that -

4 CHAIRMAN PALMER: Really a non-issue as far as Staff's -

5 MS. ALMEIDA: I can't, I can't come up with anything right now.

6 MS. CAIRNS: Well, but I mean, if something is an allowable use within a zoning
7 district, it would be hard to have somebody come forward and say okay I have this piece
8 dirt, it's in an allowable use, I'm gonna build it and then somebody to say oh no you
9 can't build that there because you could.

10 CHAIRMAN PALMER: No, no, no, but you do have -

11 MS. CAIRNS: You have people who's -

12 CHAIRMAN PALMER: - neighborhood, yeah, and you have, you have
13 neighborhoods that have raised issues, but I, I personally haven't heard of any issues
14 where M-1 has caused it, someone could do something under M-1 where the
15 neighborhood said wait a minute, we didn't know all that stuff was going on, this is, this
16 is -

17 MS. CAIRNS: And I also wonder how many M-1 parcels have experienced
18 development in this weird five year time because it sounds like a lot of times, you know,
19 we've had a lot of people come to us saying I'm M-1, I'd just as soon get zoned -

20 CHAIRMAN PALMER: Well, they can -

21 MS. CAIRNS: - out of it. Yeah, but I mean, I, I think, you know, I just wonder
22 how many, five years ago when this ball started rolling, how many of the vacant parcels
23 of land that were zoned M-1 then, if it had been built on without a change in zoning in

1 that time period? My guess is not very many. You see what I'm saying? I mean, like
2 your, your question is how many times did people use their by right right to build
3 whatever they wanted allowable under M-1 and I'm just, I don't know how many M-1
4 parcels have actually gotten built.

5 MS. ALMEIDA: We've had a few and -

6 MS. CAIRNS: Okay, I mean, and I don't -

7 MS. ALMEIDA: - it tends to kind of be near the interchanges and we've had quite
8 a bit.

9 CHAIRMAN PALMER: And what is, what is this again Anna, I'm sorry?

10 MS. ALMEIDA: Those are just -

11 CHAIRMAN PALMER: Parcels that have -

12 MS. ALMEIDA: Two, two M-1 parcels that switched to specifically light industrial.

13 CHAIRMAN PALMER: And how many have gone from M-1 to something else?

14 MS. ALMEIDA: That is in, 42, that is the -

15 MS. CAIRNS: That is a big jump -

16 MS. ALMEIDA: - other handout that says, did you get that one? Properties
17 rezoned from M-1? If you don't have it, I can give it to you.

18 CHAIRMAN PALMER: I've got it.

19 MS. ALMEIDA: Okay, we're going on 42.

20 MS. CAIRNS: I just didn't have it when I came.

21 MS. ALMEIDA: And really 40 because the first two were done before July, so,
22 but 42.

1 MR. PRICE: Heather, you may recount, I think you may remember one of the
2 issues, this is a small issue between the M-1 and let's say general, the general
3 commercial district was that in the M-1 you cannot park in the front yard setback and so
4 what we ended up having was as people came into do what is a true retail type
5 business that really should be more in your GC district, had to, had to ask for variances
6 to either encroach into required setbacks or in some cases they have come before
7 County Council and had the property rezoned.

8 CHAIRMAN PALMER: I would, I would think very clearly due to this chart that
9 the conversion should not be considered LI, but should be considered GC if anything.
10 We've had two parcels requested over the five years and look at the numerous parcels
11 that have requested a commercial designation from General Commercial to, you know -

12 MR. TUTTLE: Excuse me for interrupting, Amelia, can you come over here for a
13 second? I have a question for you.

14 MS. ALMEIDA: I would probably suggest that you, you really need to look at the
15 locations of these because you are correct if, if you notice Killian Road, I-77, most of
16 that property that was M-1 was rezoned to GC. North Farrow Road, it, you know, a lot
17 of our commercial retail which Geo was just discussing about not being able to park in
18 the front yard, a lot of that, those parcels, Long Town Road, you know, where new
19 development, retail has occurred that were M-1 had those issues so you can kind of see
20 where it has occurred. I would probably from a Staff perspective would want to look at
21 where the remaining M-1 parcels are and kind of do an analysis and not just do a
22 blanket, you know -

23 MS. CAIRNS: Well, I would think -

1 MS. ALMEIDA: - L-1 or GC.

2 MS. CAIRNS: - using the ones that have left M-1 might be a very bad
3 thermometer because the ones that are still in M-1 maybe, may have stayed there
4 because that's, the GC isn't, you know, I mean, I think, I understand what you're saying,
5 but it's like the ones that are still in M-1, L-1 might be the better. But not, I mean, I don't
6 think there's any, I think we need a lot more data -

7 CHAIRMAN PALMER: Oh, we do and I think just Anna just brought it for
8 information, for us just to let us know this something we've got to take a look at, but I
9 think one thing to keep in mind as we take a look at it in the future is that the Ordinance
10 is very specific. It's not saying should we address it as it goes to GC, it's just should it
11 go from M-1 to LI, all the parcels at one time?

12 MS. CAIRNS: That's the only thing we're looking at?

13 MS. ALMEIDA: Well, that's what the Ordinance states.

14 MS. CAIRNS: The Ordinance says we have to decide whether to zone this all -
15 we could say no and just leave it M-1?

16 CHAIRMAN PALMER: Right.

17 MS. ALMEIDA: You could or you could say, I mean -

18 MR. TUTTLE: Right, excuse Mr. Chairman, in abundance of precaution I just
19 want to let you know that when this matter comes before us again I'll have to recuse
20 myself because I currently own property that's M-1.

21 CHAIRMAN PALMER: I think if you looked at the, I mean, out of an abundance
22 of caution, you can do what you want to, but I think what I've been told by the State

1 Ethics Commission is that if it's a county wide issue, even if you own one parcel and if
2 it's a county wide issue, you're able to participate in that, but do what you want to do.

3 MR. TUTTLE: Well, I mean, I just want to, let's word that a different way, if you
4 could research that, Ms. Linder, to make sure that, let me know which direction I need to
5 go.

6 CHAIRMAN PALMER: I would suggest you call the Ethics Commission yourself
7 and talk to Ms. Hazelwood and get her recommendation on that.

8 MS. ALMEIDA: Yes, the State Ethics Commission, if anyone has a question
9 about their ethical responsibilities, the State Ethics Commission is available to you.

10 CHAIRMAN PALMER: Yeah, I'll give you -

11 MR. TUTTLE: Do you have that number?

12 CHAIRMAN PALMER: Yeah.

13 MS. ALMEIDA: What Staff could do is provide some, we'll work with, with our
14 GIS Department, Division and look at identifying those parcels that have not been, that
15 are existing M-1 and kind of give you a little more information the next time and -

16 CHAIRMAN PALMER: When this does come up on our Agenda will all the M-1
17 property owners be notified?

18 MS. ALMEIDA: Absolutely.

19 CHAIRMAN PALMER: And adjacent M-1, and adjacent to M-1 property owners?
20 We got to get, we got to get all of them, or just the property owners? Because when a
21 rezoning comes in, aren't the adjacent property owners notified as well?

22 MR. PRICE: There's something in our Code we need to look at about when you
23 do a county wide rezoning.

1 MS. ALMEIDA: The property doesn't have to be posted.

2 MS. LINDER: Well, again at this point this is just a recommendation to County
3 Council and should County Council, let's say decide to rezone the M-1s to an LI, that
4 would be a rezoning and at that point we'd have to go through an official rezoning
5 process with, with the public notice and, and the properties, with the property
6 notification.

7 MS. MCDANIEL: So wouldn't this actually be a rezoning initiated by Staff?

8 MS. LINDER: Well it's -

9 MS. MCDANIEL: Well, okay, it's not -

10 MS. ALMEIDA: It's an Ordinance.

11 MS. LINDER: We would take your, we would take your recommendations to
12 County Council and then get the guidance from County Council as to what County
13 Council wants to do.

14 MS. ALMEIDA: But we just wanted to be a little proactive in providing this
15 information and not giving it to you all at once and ask you to make a decision.

16 CHAIRMAN PALMER: Yeah, and just so you, you know, my, one of the main
17 issues that I, I remember from this because I was on the Commission back then was,
18 and some people weigh in and some people don't different ways is that people
19 purchase land with certain things in mind and I know that goes from time to time and
20 that thing changes. However, when people buy M-1 property it's currently priced such
21 that it takes into account the wide range of uses that are in it and it gives the property
22 owner the ability to do such a numerous amount of things that the price reflects that and

1 that was one thing that people considered previously was taking that away after people
2 had already purchased such a high price.

3 MS. CAIRNS: Well, also due diligence would have let anybody know this day
4 was coming.

5 CHAIRMAN PALMER: I'm saying before when it was previously enacted.

6 MS. CAIRNS: Right, but that's why five, I mean, there's been five years of -

7 CHAIRMAN PALMER: Of no development and no lending.

8 MS. CAIRNS: Well, we just heard there's been lots of development on M-1s, you
9 know, but also just, just to sort of, you know, it also has in here that we, we, we have a
10 couple of things we're being asked to do. One is whether to recommend all the M-1s go
11 to L1, but also whether L1 ought to be amended, because that -

12 CHAIRMAN PALMER: We can do that at any time, too.

13 MS. CAIRNS: I know, but just, that it's all within this chart, it's not only, you
14 know, should M-1 become L1, should L1 be amended and then should M-1 move on, so
15 that's sort of our charge.

16 MR. PRICE: Yeah, but we do actually a zoning district in which no one can
17 actually rezoned to.

18 MS. CAIRNS: Oh, it can go into an M-1.

19 MR. PRICE: Right, but you can't -

20 MS. CAIRNS: Right.

21 MR. PRICE: - it's there.

22 CHAIRMAN PALMER: Okay, any other discussion?

23 MS. ALMEIDA: That's it.

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CHAIRMAN PALMER: Can I have a motion to adjourn?

MS. CAIRNS: I make a motion to adjourn, I make a motion.

[Meeting adjourned at 3:02 pm]