

RICHLAND COUNTY PLANNING COMMISSION

May 3, 2010

[Members Present: Heather Cairns, Olin Westbrook, Kathleen McDaniel, David Tuttle, Pat Palmer, Deas Manning, Elizabeth Mattos-Ward, Stephen Gilchrist, Mr. Brown]

Called to order: 1:05 pm

CHAIRMAN PALMER: We'll call the May 3, 2010, meeting of the Planning Commission to order. Let me read this into the Record. Pursuant to the Freedom of Information act a copy of the Agenda was sent to radio and TV stations, newspapers and persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building. Has everyone had a chance to look at our Minutes from the April meeting?

MS. MATTOS-WARD: I make a motion that we accept the Minutes.

MR. WESTBROOK: I'll second.

CHAIRMAN PALMER: We have a motion to approve the Minutes and a second, all those in favor please signify by raising your hand.

[Approved: Westbrook McDaniel, Tuttle, Palmer, Manning, Mattos-Ward, Brown, Gilchrist; Abstained: Cairns]

MS. CAIRNS: I was not present at that meeting, so I am not voting.

CHAIRMAN PALMER: Any Agenda amendments?

MS. ALMEIDA: There are none.

CHAIRMAN PALMER: We have no road name approvals?

MS. ALMEIDA: Yes, we do. You should have a handout.

CHAIRMAN PALMER: Any motions on the road name approvals?

1 MR. BROWN: Mr. Chairman, I move approval of the amendments, the road
2 name approvals.

3 MR. GILCHRIST: Second, Mr. Chairman.

4 CHAIRMAN PALMER: The motion is second to approve road names, as those
5 in favor please signify by raising your hand.

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

8 CHAIRMAN PALMER: None opposed. Map Amendments Case No. 10-08 MA

9 **CASE NO. 10-08 MA:**

10 MS. ALMEIDA: Yes, Mr. Chairman. The Applicant owner Bierer & Associates,
11 Inc, located on 11142 Wilson Boulevard. The acreage of the site is 2.20. Currently
12 zoned RU and the proposed zoning request is OI, Office/Industrial District. The current
13 zoning of rural has been place since 1977. The parcel contains approximately 342'
14 along Wilson Boulevard. Staff feels that the proposed rezoning would be compatible
15 with the surrounding land uses. Currently there is a traffic station No. 139 north of the
16 parcel on Wilson Boulevard. We have a count of 3,300 average daily trips. We have
17 identified that currently the level of service on that road is an A. Wilson Boulevard has
18 been identified for road improvements into 2035, Code prioritization of Projects. The
19 section of Wilson Boulevard from Langford Road to Rames Road has been designated
20 to be widened from two to five lanes, but again it is ranked 54th and no funding has been
21 identified. The office/industrial district is intended to accommodate office, institutional
22 and certain types of residential uses in an area whose characteristics are neither
23 general commercial nor exclusively residential in nature. The parcel contains an

1 existing business and contiguous to other commercial uses that are not reflected in the
2 surrounding zoning. The parcel is also located within 200' of general commercial
3 district. Although the parcel is west of rurally zoned sites that contain residences, the
4 parcel is separate by railroad tracks, as you can see from your screen at the moment.
5 The existing business, manufactures wireless phasing voltage meters and it is an
6 established use. The existing business was established under the previous Land
7 Development Code that allowed a 5,000 square foot commercial building in the RU
8 zoning district. The existing business does not generate noise, odors or smoke
9 associated with manufacturing facilities. The subject parcel is north of tractor trailer
10 sales business. The property is also 600' north of a barbershop on the corner of Gunter
11 Road. The proposed rezoning would not, Staff feels, have a negative impact on public
12 services or traffic. The site is served by well and septic. And the Staff is recommending
13 approval.

14 CHAIRMAN PALMER: Any questions for Staff?

15 MR. BROWN: Look at Staff recommendations, Mr. Chairman [inaudible].

16 CHAIRMAN PALMER: We have no one signed up to speak.

17 MS. MCDANIEL: I do have one quick question. What are the other commercial
18 uses that are not reflected in the surrounding zoning? Are those non-conforming uses
19 from the –

20 MS. ALMEIDA: Most of them are. As I said before prior to July of 2005, in the
21 rural district there were some uses that were allowed up to 5,000 square feet, so you
22 will have some of that happening in the surrounding area.

23 MS. MCDANIEL: So, what are the specific commercial uses?

1 MS. ALMEIDA: I'm sorry?

2 MS. MCDANIEL: What are the specific commercial uses that are existing in that
3 area?

4 MS. ALMEIDA: Like barbershops, other very light industrial.

5 CHAIRMAN PALMER: Any other questions for Staff?

6 MS. CAIRNS: I guess I have one question. I mean, I appreciate the fact that it's
7 compatible with the existing uses, but certainly not compatible with the zoning. I mean,
8 if you look at the zoning and you see it all rural, plunking down an OI in the middle
9 would be odd but for the fact of what's actually been occurring out there –

10 MS. ALMEIDA: Well, I'd like to also bring forth, you know, we, Staff, has been
11 working on a comprehensive plan and it was approved. One of the elements that we
12 are still grappling with and need to address fairly soon is our zoning map that has not
13 been updated to kind of reflect what's on the ground and then ideally modify and
14 proactively rezone it to be compatible to what the uses are on the ground. So, you are
15 going to see a lot of this.

16 MS. CAIRNS: Okay. Good deal. Thank you.

17 MR. GILCHRIST: Mr. Chairman, I do have one question. Staff, you indicated
18 that the project is ranked 54th and no funding has been identified at this time for the
19 widening of the roads.

20 MS. ALMEIDA: Correct.

21 MR. GILCHRIST: That widening of the road, currently it's operating at –

22 MS. ALMEIDA: An A.

23 MR. GILCHRIST: Capacity, so –

1 MS. ALMEIDA: True.

2 MR. GILCHRIST: That shouldn't have any impact on this?

3 MS. ALMEIDA: Not at this time, no.

4 CHAIRMAN PALMER: Any other motions, comments?

5 MR. BROWN: I make a motion for approval, Mr. Chairman.

6 MR. WESTBROOK: I'll second.

7 CHAIRMAN PALMER: We have a motion and second in Case No. 10-08 MA
8 forward to Council with a recommendation of approval. All those in favor, please signify
9 by raising your hand.

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

12 CHAIRMAN PALMER: None opposed. I didn't see the Applicant here. But just
13 for public notice, we are a recommending Body to County Council, and the County
14 Council meeting will be on May 25th in these same chambers. So whatever
15 recommendation we make, you're certainly encouraged to come to the County Council
16 meeting because they have the final say on these zoning issues. Case No. 10-09 MA.

17 **CASE NO. 10-09 MA:**

18 MS. ALMEIDA: Yes, Mr. Chairman. The Applicant is Ernest W. Cromartie, III,
19 property owner, 1539 Horseshoe Lodging is the LLC. The acreage of the site is 4.86
20 acres. The existing zoning is General Commercial. The proposed zoning requests is
21 RM-HD, Residential Medium High Density. This property had been subject to a map
22 amendment back in '97. It did receive a special exception as you can see on page 7.
23 The parcel contains approximately 269.82' of frontage along Sarah Drive and 835' of

1 frontage along Horseshoe Drive. The DOT counts, Staff had identified Station 777 and I
2 did have Mr. Carl Gosline our traffic engineer also run the numbers for Station No. 113
3 which is shown on your page 11 and Station No. 111. Both of these stations were
4 analyzed and we were not able to come up with the exact numbers only because the
5 existing use we did not have the number of rooms in order to determine the impact.
6 But, from the count stations and the DOT information, they were coming up as Level of
7 Service A; for, even on Two Notch, for 113 and 111. The 777 Station is located on
8 Creekwood Drive and of course as you can see on page 8, it is also at a Level of
9 Service A. The parcel is located within School District Two and as you can see from our
10 Staff Report on page 8, it is surrounded by many schools, elementaries, high schools. It
11 is close to the Village at Sandhills and the Columbia Mall. The proposed development
12 is contiguous to Two Notch and Decker, the priority investment areas. Multi-family has
13 been identified as an appropriate land use when it completes a block face. That's
14 basically on our comprehensive plan. The subject parcel in this case acts as a
15 traditional, transitional land use between the commercial uses along Two Notch and the
16 residential uses along the Horseshoe Drive and Sarah Drive. The parcel currently
17 contains a five story hotel structure and the existing structure was formally the
18 Dentsville Motor Inn from our records, county records. As I said before, on July 1, '98, a
19 special exception was granted to permit the placement of a residential care facility in the
20 C-3 District which is now our GC District. But there was no documentation that the
21 residential care facility was ever established on the property. The proposed RM-HD
22 would allow for many uses, one of which could be a dormitory to be established on the
23 subject property. The majority of the parcels north and northwest of the parcel contain

1 triplex style residential units on individual lots. Again, there is a fire station located on
2 Fire Lane Road which is approximately a quarter mile south of the subject parcel. The
3 proposed rezoning would not have, Staff feels, a negative effect on public services or
4 traffic. Water is provided by the City of Columbia and sewer is provided by the East
5 Richland County Public Service District on site. Staff feels that it is compatible to the
6 surrounding land uses and recommends approval.

7 CHAIRMAN PALMER: Questions for Staff? We have several signed up to speak
8 on this issue and if you would when I call your name if you'd come down to the podium
9 and give us your name and address for the Record and if you would please, try to keep
10 your comments to two minutes, you know, we'd appreciate it. Ernest Cromartie, III,
11 guess by Reverend James S. Cooper.

12 **TESTIMONY OF ERNEST CROMARTIE:**

13 MR. CROMERTIE: Good afternoon. My name is Ernest Cromartie, III; I
14 represent 1539 Horseshoe Lodging, LLC. We appreciate your time and the
15 community's presence here today. We have worked closely with Staff with respect to
16 this rezoning. I would like to point out to this Body that they have concluded that is a
17 compatible use, that it is consistent with neighboring properties, that it is a legal use
18 consistent with the Richland County Code. One of the things that I think is important to
19 point out in your packet when looking at the criteria as to whether or not this is an
20 appropriate use I think is your zoning classification, I'm referencing this other depiction
21 right here. And I would point out to you that we already have RM-HD in that area. If
22 you look at the property immediately north of the subject property, those areas are
23 zoned RM-MD, RM-HD, duplex residences, and so as you look at the surrounding area

1 you find that the use that is desired by my client is one that is exceedingly consistent
2 with, of that area. That it is a proper use, that it is a compatible use and I'm ready for
3 any questions that you might have of my client or of the proposal. And we thank you
4 again for your time.

5 CHAIRMAN PALMER: Any questions for Mr. Cromartie? I have one. If you were
6 to – I imagine you're planning to redevelop this site. How many rooms are currently in
7 this hotel facility and would you plan to keep that amount of rooms or how would you
8 redevelop this site, would you try to bring it into conformity with our landscaping plans
9 and bring it up to Code that way or kind of what's your plan for it?

10 MR. CROMARTIE: We would bring it up to Code, it would maintain that
11 conformity and in addition, I have some other parties who are here [inaudible] to speak
12 with the specificity, can I have those individuals come down?

13 CHAIRMAN PALMER: Sure.

14 MR. CROMARTIE: The overriding tenor of my client's use of the property, of
15 course, is to bring it up to Code, maintain its landscaping and its continuity with the
16 surrounding community. That's the general nature and tenor of the whole project. So, I
17 just want to make you aware of that.

18 CHAIRMAN PALMER: Well, I guess one of my questions really is that if it's
19 currently zoning General Commercial?

20 MS. ALMEIDA: Correct.

21 CHAIRMAN PALMER: And it's going to RM-HD?

22 MS. ALMEIDA: Correct.

1 CHAIRMAN PALMER: Does not General Commercial currently allow for the 16
2 units per acre?

3 MS. ALMEIDA: Yes, it does.

4 MR. CAIRNS: But is dormitory style different?

5 MS. ALMEIDA: Yes.

6 MS. CAIRNS: So that's the issue. Is it because it's not going to be individually
7 self contained units, it's going to be –

8 MS. ALMEIDA: It's the use. The dormitory use is not allowed under General
9 Commercial.

10 MR. CROMARTIE: It is permitted as an RM-HD.

11 MS. ALMEIDA: That is correct.

12 CHAIRMAN PALMER: Sure. Yes, ma'am if you could for your name and
13 address for the Record?

14 **TESTIMONY OF BRENDA WALKER:**

15 MS. WALKER: My name is Brenda Walker, I'm with Benedict College our
16 address is 1600 Harden Street, Columbia, South Carolina.

17 CHAIRMAN PALMER: Well, I guess my question is simply how are you going to
18 redevelop the site? Are you going to, you know, we have new development standards
19 from when this facility was built years ago, and just wanted to know if you guys have
20 planned to bring it up to current landscaping standards or if you just plan to kind of do
21 an interior renovation or are you looking to really bring something back to the
22 community or what?

23 MS. WALKER: We're looking to bring the site up to current Building Codes.

1 CHAIRMAN PALMER: Alright.

2 MS. WALKER: And working very closely with county officials about how to do
3 that and that's what we plan to do.

4 CHAIRMAN PALMER: Okay. And how many rooms are currently in the facility?

5 MS. WALKER: One Hundred Eighty-Nine rooms are in the facility.

6 CHAIRMAN PALMER: One Hundred and Eighty-Nine. How would that comply,
7 Anna, with the 16 per acre? Would they still be able to keep their 189 rooms?

8 MS. ALMEIDA: Yes, they would.

9 CHAIRMAN PALMER: So the 77 number that's in our packet, for proposed
10 density would be if they tore down the facility and rebuilt –

11 MS. ALMEIDA: That is correct.

12 CHAIRMAN PALMER: - new. That's not what you plan to do; you don't plan to
13 do that.

14 MS. WALKER: No, we don't plan to tear the facility down.

15 CHAIRMAN PALMER: So, we're really talking about 189 dwelling units?

16 MS. WALKER: Right.

17 MS. CAIRNS: Dormitory rooms, which are different.

18 CHAIRMAN PALMER: Dormitory rooms.

19 MS. CAIRNS: Those are very different that dwelling units.

20 MS. ALMEIDA: Separate dwelling units, correct.

21 MS. CAIRNS: It's not going to be 189 residences; it's going to be 189 rooms in a
22 dorm.

23 MS. MATTOS-WARD: Dormitory.

1 MS. CAIRNS: Yeah, in a dormitory.

2 CHAIRMAN PALMER: Right.

3 MS. CAIRNS: They're not dwelling units.

4 CHAIRMAN PALMER: Well, but people would dwell in the 189 units.

5 MS. CAIRNS: Yeah, but it's not the same as a permanent residence sort of
6 facility which would be dwelling unit.

7 CHAIRMAN PALMER: No, no, I'm not saying that.

8 MS. CAIRNS: Yeah.

9 CHAIRMAN PALMER: Yeah, I mean, they're not individually deeded.

10 MS. CAIRNS: Hum-um (negative).

11 CHAIRMAN PALMER: What I'm looking to generate and trying to get to is the
12 number of people that it's putting into the area and out on the streets in that area with
13 vehicle movement and that kind of stuff.

14 MS. CAIRNS: Right, but if it's 189 apartment, I mean, hotel it would have the
15 same kind of impact anyway.

16 CHAIRMAN PALMER: Right. I was just trying to get to the 189 instead of 77.

17 MS. CAIRNS: I gotcha.

18 CHAIRMAN PALMER: Any other questions for the Applicant? Okay, thank you.

19 MS. CAIRNS: I'm sorry, I have one extra question. Just because this is
20 phenomenon I've seen at least through USC, so the students getting from this facility to
21 campus, will there be transportation assistance with the university?

22 MS. WALKER: Yes, the college will provide shuttle service to and from the
23 facility to the main campus.

1 MS. CAIRNS: Would it be, I mean, I don't know what the parking situation is like
2 at university, would it be, at your university, would it be infeasible for students to try to
3 drive themselves because of parking or is it feasible to drive themselves?

4 MS. WALKER: It's feasible for students to try and drive themselves but a lot of
5 the students probably will not even have their own transportation but will rely on the
6 shuttle service.

7 MS. CAIRNS: Okay, so, just so I'm clear. That it's just because your student
8 population, they don't all arrive with a car like at so many other universities, a lot of them
9 come without a car.

10 MS. WALKER: I would say a lot of our students do come without vehicles.

11 MS. CAIRNS: Okay.

12 CHAIRMAN PALMER: Other questions?

13 MR. TUTTLE: Yeah. Ms. Almeida, how many parking places, what's the ratio of
14 parking for the hotel use that's there now, is it one per room or two per room?

15 MS. ALMEIDA: I'm calling on Mr. Price the Zoning Administrator to come up, I
16 believe it's two per room up to a certain square footage but I will have Mr. Price here to
17 address that more properly.

18 CHAIRMAN PALMER: Here he is.

19 MR. PRICE: Yes, sir.

20 MR. TUTTLE: Mr. Price, I just had a question. As it sits now, how many parking
21 spaces are there per room as a hotel use? Is it allocated at one per room or two per
22 room?

23 MR. PRICE: Let me give you that information.

1 MR. TUTTLE: And how would that relate under the dormitory use? Would you
2 generally require two per room or?

3 MR. PRICE: Our Code doesn't, just to kind of jump ahead of your question, our
4 Code doesn't specifically address dormitories [inaudible] into a category that's more in
5 liking with dormitory [inaudible]. As far as this, as far as a hotel/motel they're required to
6 have one per room, one per 800 square feet, public meeting or restaurant space.
7 That's the minimum.

8 MR. TUTTLE: And do we know how many spaces are there under the current
9 configuration is, it's conforming?

10 MR. PRICE: Currently, no sir. We haven't reviewed site plans for a dormitory at
11 this time.

12 MS. CAIRNS: What would the number BE that you would use for dormitory
13 parking requirement?

14 MR. PRICE: Right now, like I said, would have to look for a use type within our
15 code that would be similar to the uses. Right now, it's hard to say, to make that
16 determination.

17 MR. TUTTLE: Yeah, I know ULI put out a publication it can go anywhere from 1/3
18 of a space per dorm room to 1.1 or 1.2, so it's certainly not, it's not a big number.

19 MS. CAIRNS: I was gonna say there are plenty of dormitories in the world that
20 don't have any.

21 MR. TUTTLE: Right.

22 MR. PRICE: And to be honest with you, while I am uncomfortable talking about
23 this as a dormitory right now, at this step, one of the things that – sorry – one of the

1 things that we would have to look at is, you know, typically dormitories are located near,
2 and in the case where you're talking about schools, universities and colleges,
3 dormitories are typically located right near them. So we kind of take into account that
4 [inaudible] located a little further away and may be more [inaudible] students that have
5 cars.

6 MR. TUTTLE: Thank you.

7 MR. BROWN: Mr. Chairman, didn't they indicate that they were going to use
8 shuttle services and not necessarily vehicles that students would be bringing to campus
9 with them, and we don't know how many parking spaces are currently there?

10 MS. ALMEIDA: Well, once the site plan would come in, they would still need to
11 meet some minimum standard.

12 MR. BROWN: No, I understand that. But do we know how many parking spaces

13 -

14 MS. ALMEIDA: We do not have a site plan in front of us in order to review.

15 MS. CAIRNS: Is this building currently vacant?

16 MS. ALMEIDA: That is correct.

17 MS. CAIRNS: It's been vacant for a number of years, hasn't it?

18 MS. ALMEIDA: right. That is correct.

19 MS. CAIRNS: But I mean, wouldn't it be allowed if somebody wanted to just
20 reopen it back up as a hotel tomorrow, they could even if it didn't meet the current
21 parking requirements and whatnot because of –

22 MS. ALMEIDA: They would have to get a variance.

23 MS. CAIRNS: Okay. If it was under –

1 MS. ALMEIDA: Because they've been closed for more than year. Yes.

2 MR. MANNING: Just going back to Mr. Brown's question, the number of spaces
3 that are on now site now, I guess the concern is if they're going to use it as a dormitory
4 and we don't know exactly how many spaces they need –

5 MS. ALMEIDA: Correct.

6 MR. MANNING: Or how many spaces are there. They may be going through a
7 process that isn't going to work down the road. I hate to see somebody get involved in
8 acquiring a piece of property, go through the rezoning process, and then determine
9 there's not enough there so if I knew that there was a one to one space to room ratio –

10 MS. ALMEIDA: Correct.

11 MR. MANNING: - you know, it might make me feel a little bit better about where
12 they're going and what they need down the road.

13 MS. ALMEIDA: Well normally –

14 MS. CAIRNS: Cause we, you know, I think as we've discussed though with a
15 straight rezoning, the question is, is this parcel suited for a change to RM-HD regardless
16 of the Applicant's intended use and based on the surrounding areas, you know, that's
17 really our question. You know, we're not here to approve a dormitory *per se*. But the
18 question is, you know, that owner or the Applicant is saying GC isn't working, we're
19 asking for a straight rezone to RM-HD and based on the surrounding area, they feel like
20 it's compatible, Staff feels that it's compatible, so that's really the question. Whether the
21 Applicant can use it for their intended purpose is not our problem.

22 MR. MANNING: Well, only to the extent that it's required for a dormitory to have
23 300 spaces and if you can only get 150 that's –

1 MS. CAIRNS: Right, but that's why our question is, is RM-HD a reasonable use
2 to switch this to and compatible with the zoning and inconsistent [sic] with our long-
3 range plans and the way to get this parcel, potentially functioning again. So that's why,
4 I mean, we don't have to worry about the details about of whether the dorms going to
5 work or not.

6 MR. MANNING: True.

7 MR. BROWN: And the Staff's recommendation is?

8 MS. ALMEIDA: Approval.

9 MS. CAIRNS: Approval.

10 MR. BROWN: Okay.

11 CHAIRMAN PALMER: See, that's where my issue comes in at, is that if for some
12 reason the dormitory doesn't work out, and I'm not saying the dormitory idea is a good
13 one or a bad one, what that would do then would then tie this piece of property to a
14 multi-family use only. Whereas, and I personally don't believe this is a multi-family site
15 where you have children running around this close to the interstate with a major
16 interchange, I just don't think it's a site suited solely for multi-family. I think the General
17 Commercial zoning more applicable to this site because it gives you such a wider
18 variety of uses. I understand why the Applicant wants to do it because it's now allowed
19 under General Commercial. But if I solely look at this is as a, all the other issues being
20 gone, what's best for this parcel of land, in my opinion, without taking into consideration
21 dormitory, I think it's better suited for a General Commercial. That's why in my mind,
22 I'm thinking about the dormitory and what a great benefit it could be to the area if it

1 could get worked out. But to take away all the other uses from General Commercial
2 and make it only have to be multi-family from then on out, I'm struggling with it.

3 MR. PRICE: Well, Mr. Palmer, actually in the RM-HD district, there are a number
4 of uses besides multi-family.

5 CHAIRMAN PALMER: Such as?

6 MR. PRICE: There could be some institutional and civic uses. Looking here,
7 ambulance services, I believe there's –

8 CHAIRMAN PALMER: Realistic uses.

9 MR. PRICE: [Inaudible] a convalescence home, orphanages, places of worship,
10 police stations, just letting you know that you wouldn't be limited to just Multi-family.

11 CHAIRMAN PALMER: But realistic uses. I mean, I don't see a lot of almost five
12 acre daycares.

13 MR. BROWN: What about churches? And you indicate –

14 CHAIRMAN PALMER: Churches can go under any zoning issue.

15 MS. CAIRNS: They can go anywhere.

16 MR. MANNING: They can go anyplace.

17 CHAIRMAN PALMER: They can go into any zoning district.

18 MR. WESTBROOK: [Inaudible] great membership.

19 CHAIRMAN PALMER: I understand but the churches can go in any zoning
20 classification so that's not really a specific use for that [inaudible].

21 MS. CAIRNS: But I mean Pat, we don't sit here to decide whether the Applicant's
22 making a wise business decision.

23 CHAIRMAN PALMER: I understand.

1 MS. CAIRNS: You know and, I mean, I think, I mean, we've also have an empty
2 hotel sitting there for a couple of years. You know, and so, I mean, I think if a hotel or a
3 GC was a great use, I think it would have been, you know, something may have already
4 been on it. And I just think if, you know, if we just look at it on what is our criteria for
5 deciding a straight map amendment? The Applicant wants to go from GC to RM-HD,
6 that's their choice to ask for that. We don't weigh on whether they're making a good
7 choice or not, the question is from the county standpoint and the public standpoint, is
8 the rezoning of this [inaudible] and a benefit to the community?

9 CHAIRMAN PALMER: And the question in my mind is to whether or not a 77 unit
10 multi-family site, if it was coming as solely as is as a multi-family apartment complex
11 with 77 dwelling units, would this be an appropriate site for it?

12 MS. CAIRNS: And I would –

13 MS. WALKER: It could be.

14 MS. CAIRNS: I would offer that I think even that would be very consistent with
15 the area because you've already got multi-housing, you know, with duplexes and
16 triplexes; you got good access to good transportation, you've got access to the
17 commercial and retail, which you want to have where you've got a lot of density. You
18 know, there's an interstate there, but there's also a separation between the interstate,
19 it's not like you run off unto the interstate. And a lot of times putting multi-family close to
20 an interstate is a good idea because it lets a lot of people get on major road really fast.

21 MR. WESTBROOK: Mr. Chairman?

22 MS. CAIRNS: It's a great location, even if it was for a tear down.

23 CHAIRMAN PALMER: Right.

1 MR. WESTBROOK: Mr. Chairman?

2 CHAIRMAN PALMER: Yes, sir.

3 MR. WESTBROOK: I would like to make a motion that we approve this map
4 amendment.

5 MR. BROWN: I'll second.

6 CHAIRMAN PALMER: We have a motion - well I'm sorry we don't, we need to
7 finish hearing the other people before we make a decision first. Mr. Reverend James
8 Cooper followed by Gary Knight, Bridget?

9 **TESTIMONY OF JAMES S. COOPER:**

10 REVEREND COOPER: I'm James S. Cooper and I live at 70 [inaudible] Spring
11 Flower Road.

12 CHAIRMAN PALMER: Yes, sir.

13 REVEREND COOPER: And presently, I am President of the Springwood Lake
14 United Neighbors which is our community association. We don't, we oppose of the
15 zone changing, we've had some previously, I guess, previous encounters with this type
16 of situation. We had Allen University to pick up residents pretty close to us in the
17 apartment buildings which was not helpful to the community at all. Now we have the
18 zoning of this to become a dormitory, we see is no use to the community at all. We see
19 a lot of problems with it in fact. We see gang related activities, it's our community. We
20 see physical abuse, maybe. We also see robberies, we see break-ins at homes and
21 things of this nature. We're not, we know college students got to live somewhere, we
22 understand that, but we're opposed to having it this close to our community with these
23 type of activities going on this close to an environment as it relates to living conditions.

1 So we are, we're really opposed. They also want me to let you know that, and this may
2 have no effect on you, but the community consists of about 400 homes, about 1,000
3 folks.

4 MR. MANNING: Excuse me, sir? One question, if this was just a – forget the
5 dormitory for a minute.

6 REVEREND COOPER: Okay.

7 MR. MANNING: And this was being rezoned to just a multi-family site with 77
8 units, what would the neighborhood –

9 REVEREND COOPER: We would still be opposed to that. Definitely be opposed
10 to that.

11 MR. MANNING: Thank you.

12 CHAIRMAN PALMER: Thank you. Gary Knight Bridget?

13 **TESTIMONY OF GARY KNIGHT:**

14 MR. KNIGHT: My name is Gary Knight, Benedict College, 1600 Harden Street.
15 The reason why I'm here is I just wanted to thank you for hearing us today but got to put
16 an ease to the fact about the crime rate. I would say too that we would – if this goes
17 through we will in fact have security there 24 hours a day like we do any of our other
18 dormitories. We'll have security there and if we have to, we'll put added security to what
19 it takes to make this thing work. Want to put the – I'm not sure of the crime rate in the
20 area now; I think that's something we probably should look at to see what the crime rate
21 has been over the past few years. We've only been – we were out there from maybe
22 about three months, so I'm not sure whether the rate went up that much or not, I'm not

1 sure. That's something we have to look at but rest assured we would put someone out
2 there 24 hours a day, like we cover any of my other dorms.

3 CHAIRMAN PALMER: Thank you. Alfonzo Jacobs, followed by Anthony
4 Kennedy and Harry Green, Jr. And if you could just line up and –

5 **TESTIMONY OF ALFONZO JACOBS:**

6 MR. JACOBS: Thank you, sir. Mr. Alfonzo Jacobs. I've been in the
7 neighborhood roughly 35 years. I live directly behind the property they're talking about.
8 It's only one way you can come in two ways, but if you come off of Two Notch, the main
9 road I come in, even coming through there 1:00 or 2:00 o'clock in the morning, if you
10 have a guard stationed, he only stationed at that motel, not in the area. I always see
11 kids on top of the cars, sitting around and they do have a bus come in and pick them up
12 some. That area for Two Notch you got Red Roof Inn, you got three or four motels and
13 they, traffic is heavy not only from that spot but if you control that area just in the motels
14 there, it's a tough area. And I oppose but I appreciate people getting a college degree
15 but I really don't want them living in my backyard, right? Thank you.

16 CHAIRMAN PALMER: Anthony Kennedy, followed by Harry Green, followed by
17 Ashley Dubb.

18 **TESTIMONY OF ANTHONY KENNEDY:**

19 MR. KENNEDY: Good afternoon, I'm Anthony Kennedy; I'm also the Vice
20 President of the Neighborhood Association. I'm definitely opposed to it. Mainly
21 because of the noise ordinance, loud music, parties, everything that comes along with
22 college activity; any other things of them sitting on cars, just walking around kind of
23 aimlessly, what have you. Basically when you bring in a dormitory it brings about a lot

1 other things that we really don't have time to deal with really. That's basically what I
2 have to say.

3 CHAIRMAN PALMER: Thank you. Harry Green?

4 **TESTIMONY OF HARRY GREEN:**

5 MR. GREEN: Good afternoon. Thank you for your time. I'm Harry Green, I've
6 lived on Sarah Drive and I've been in that residence about 25 years, and when Benedict
7 was there probably three months, we had a lot of trouble. I oppose them coming back.
8 Like Mr. Jacobs said, I'd like to see children have education, but not at my back door. I
9 can't get home in the afternoon coming from work and at night, from people sitting on
10 cars or partying in the street. The gentlemen say they'll have guards, but guards don't
11 watch people that coming in and out and coming down the street at night. We have
12 elderly people in the neighborhood that can't get to their door at times, and we've had
13 some incidence that young people are walking the neighborhood at 3:00 and 4:00
14 o'clock in the morning. We had one incident where one of my neighbors went to the
15 door and someone was sitting in his car, and when his wife went to the door, the person
16 got up and walked out. They has a way to get away very easy. Young people can run
17 pretty fast and we don't need them in our neighborhood and I oppose them coming.
18 Thank you.

19 CHAIRMAN PALMER: Ashley Dubb followed by Louis Turner and then Melanie
20 Kennedy.

21 **TESTIMONY OF LOUIS TURNER:**

22 MR. TURNER: Hello ladies and gentlemen, I'm Lou Turner, actually Ashley Dubb
23 is going to pass on his speaking, he's my next door neighbor. I live at 7242 Sarah

1 Drive. Full disclosure, I am a news reporter for WLTX but today I'm just speaking as a
2 citizen, so not that I'm, I guess my colleagues are here but it has nothing to do with me.
3 The pine trees that have growing, the pine cones actually fall into the parking lot of this
4 property and that just let's you know how close I am. I'm literally, I was watching them
5 paint it purple so many months ago back. So, that's just how close it is. I have no
6 problem with the dormitory, that's not the problem. It's, I think you had brought up the
7 point, that would it be a problem if it was duplexes or triplexes there. And that wouldn't
8 be a problem, but we're talking about a 189 plex and I think that's the issue is that there
9 will be so many folks saturated into that area, and I understand as a hotel it would be
10 too, but not fully loaded all the time. I mean, we're not talking about full-time citizens
11 here. So that's kind of [inaudible]. Thank you. I'm opposed if you didn't gather.

12 CHAIRMAN PALMER: Thank you. Melanie Kennedy?

13 **TESTIMONY OF MELANIE KENNEDY:**

14 MS. KENNEDY: Hi, good afternoon. My name is Melanie Kennedy. I stay at
15 8001 Spring Pond Road. I am, I do understand Benedict's wishes, I am a college
16 graduate myself with an advanced degree and I stayed on campus both times. I would
17 like to think that I myself was always respectful of the neighborhood around me but I
18 cannot say the same for all of my classmates. I'm also a frequent traveler who stays in
19 hotels often, so there is big difference between a hotel and a dormitory. Those of us
20 who use the property for hotels go in, we take care of our work during the day, we stay
21 there for the evening and then we leave. It's not a permanent residence. So I am firmly
22 opposed to having the dormitory there. Just for the amount of traffic, the amount of
23 noise and for the fact that, unfortunately, not all students are there with the idea of

1 getting a degree; some are there for the purpose of having, partying and everything
2 else, and they are not located in an area that is close to the main campus which I think
3 is the most important fact is the fact that they are not anywhere near the main campus.

4 Thank you.

5 CHAIRMAN PALMER: Thank you. Nobody else signed up to speak.

6 MR. CROMARTIE: Mr. Chairman, might [inaudible].

7 CHAIRMAN PALMER: It's not our practice, but we'll grant you two minutes.

8 MR. CROMARTIE: Thank you, Mr. Chairman. I've been informed by a
9 prospective user, we've heard the community's concerns and we're going to work with
10 community to resolve those concerns and address them. We've heard that, from my
11 Applicant or the prospective user, that there's a midnight curfew for all Benedict College
12 students. Then, of course, again, I'd like to reiterate that fact that what is before this
13 body is whether or [inaudible] is and I think it is [inaudible] they have recommended
14 approval of this matter. [Inaudible] in this way, consistent with your Code. But to
15 address some of the community concerns, there are steps that have been and will be
16 taken to allay the concerns and make sure that Benedict College continues to be a good
17 corporate citizen of the, residential citizen of the [inaudible]. Thank you.

18 CHAIRMAN PALMER: Thank you Mr. Cromartie.

19 MS. CAIRNS: Mr. Chairman?

20 CHAIRMAN PALMER: That closes our –

21 MS. CAIRNS: Mr. Chairman, I believe there is one person who would like to
22 speak that did not sign up.

1 CHAIRMAN PALMER: Yes, ma'am. Can you give me your name and address
2 for the record?

3 **TESTIMONY OF GWENDOLYN D. KENNEDY:**

4 MS. KENNEDY: Yes, Gwendolyn Davis Kennedy, Councilwoman for this
5 particular district. My address is 201 Glennshire Drive. And I'm here to represent my
6 constituents in this district and their desires. And have been flooded with calls
7 concerning this, the approval of this, and at this point, I hope that you are taking into
8 consideration all that has been said by the constituents in this area and what, the affect
9 it's going to have on them because most of them are longtime constituents of the area
10 and they know exactly what's happening within that area. And they made me aware of
11 different things that are taking place in the area. At this point, I'm just asking you to
12 consider all that's involved in this. I have talked with Mr. Cromartie, who's the attorney
13 for the group and he would like to meet with them. But at this time, these residents
14 definitely oppose to any change in this. Thank you for your time.

15 MR. GILCHRIST: Mr. Chairman?

16 CHAIRMAN PALMER: Yes, sir.

17 MR. GILCHRIST: Mr. Chairman, I would just like to ask that Applicant, has there
18 been any discussion with the community about this proposed plan?

19 CHAIRMAN PALMER: Mr. Gilchrist before you do that, could we take a moment
20 for Executive Session?

21 MR. GILCHRIST: Sure.

22 CHAIRMAN PALMER: To receive legal advice? We'll be right back folks.

23 *[Executive Session]*

1 CHAIRMAN PALMER: Ms. Linder, would you like to report the black out?

2 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive
3 Session to receive legal advice, no action was taken.

4 CHAIRMAN PALMER: Thank you.

5 MR. BROWN: Mr. Chairman? May I ask a question please?

6 CHAIRMAN PALMER: Absolutely.

7 MR. BROWN: Mr. Chairman, given all that we have heard the, did the Staff
8 review all of these concerns before they came here? Did they talk to the community
9 involved?

10 MS. ALMEIDA: Staff does not go out and personally go out and speak to the
11 community, we post the property, the property is advertised, we talk to the Applicant.
12 But this is what this meeting is for, for the public to come out and voice their opinion or
13 their concerns and then, of course, once the matter goes to our Zoning Public Hearing,
14 which is the ultimate body who decides on these matters, then there is a Public Hearing
15 and all of those concerns are taken into consideration. Staff reviews the zoning for the
16 potential use, and very objective concerns about what is the surrounding area like, what
17 its potential use could be, we take traffic considerations, it is very – we try to be as
18 objective as possible. So to answer your question, no, we do not solicit or go out and
19 canvas the community and the HOA's to find out their concerns, no, we do not.

20 CHAIRMAN PALMER: Mr. Gilchrist, I believe had a question before we went into
21 Executive Session.

22 MR. GILCHRIST: Yes, Mr. Chairman. I was just asking has the Applicant had
23 any conversation with this community about this proposed plan?

1 MR. CROMARTIE: Mr. Gilchrist, to date we have not as has been reiterated by
2 Staff it is an objective decision based upon the Land Use Code and appropriate and
3 proper use. We have in the works, prior to the Public Hearing, meeting with the
4 community, having discussions with the representatives and the communities at the
5 various organizations. We understand the importance of that [inaudible] matters this
6 issue has been addressed and resolved. We work closely with Staff to assess the
7 objective criteria, look at the traffic quota and to reach this point, and has been stated by
8 members of the community and Ms. Kennedy, we're scheduled to meet and have
9 discussions and address those concerns as this is an objective decision as a public
10 interest, Public Hearing [inaudible] in the future.

11 CHAIRMAN PALMER: Ms. Ward.

12 MS. MATTOS-WARD: I would like to speak with the Staff. When you send or
13 post the notices like you do, do you never receive opposing remarks or letters from the
14 residents?

15 MS. ALMEIDA: We do get concerned citizens who will call in and ask questions
16 about what the possible use might be for the property or questions regarding who the
17 Applicant might be and that is the surrounding area. We do have pre-application
18 meetings where our Zoning Administrator and Staff sit with the proposed Applicant and
19 we do suggest, of course, that the Applicant meet with the community, meet with
20 Council and try to give as much notice to the surrounding area as possible. But that
21 really is in their best interest to do so prior to these meetings.

22 MS. MATTOS-WARD: But you never receive opposing –

1 MS. ALMEIDA: Sure we do, we will get phone calls from people who will ask just
2 certain basic questions.

3 MS. MATTOS-WARD: Okay.

4 MS. ALMEIDA: Yeah.

5 CHAIRMAN PALMER: Anyone else?

6 MS. MCDANIEL: Well, I would just say that I do agree with the Applicant to a
7 certain extent that this is an objective determination. But one of the things that we are
8 to consider within that objective determination is the effect of the change on the
9 surrounding property. And I can see how this could have a negative effect on the
10 people who live close by. I would have more concern about it though if it were going
11 from a low density zoning to a high density. It's already zoned General Commercial and
12 a dormitory could be allowed in that zoning classification by special exception. So, am I
13 wrong?

14 MS. ALMEIDA: Mr. Price? In the General Commercial Zoning District?

15 MS. MCDANIEL: Um-hum (affirmative). Is that right or is that wrong?

16 MR. PRICE: For the dormitory, would be allowed in the General Commercial but
17 by special exception. One of the reasons why, and once again we come back to the
18 dorm, but one of the reasons why they were unable to take that action is because one
19 the criteria within the Land Development Code upon the Board approving the use would
20 be they had to be within ½ mile –

21 MS. ALMEIDA: Half a mile?

22 MR. PRICE: - of the primary campus.

23 MS. MCDANIEL: Oh.

1 MR. PRICE: Thus the Board would not be able to approve it, so they had to go
2 through the rezoning route.

3 MS. ALMEIDA: So, it's just that –

4 MS. MCDANIEL: Well, that changes my analysis.

5 MS. ALMEIDA: Yes.

6 CHAIRMAN PALMER: Here's my issue, and I couldn't agree more with Mr.
7 Turner who came up earlier, this is almost a backdoor way of getting this dormitory with
8 this many rooms on it. If this were a vacant piece of land of almost five acres, there's
9 no way they could a 189 dormitory dwelling units on it. I believe that they would be – if
10 they went to this zoning district of RM-HD, they could put a total of 77 dormitory dwelling
11 units on it under the RM-HD zoning classification, they would not be allowed to put the
12 189 units. But because the hotel was there previously, and they're rezoning a current
13 existing structure, they're able to get the much large density units. So, while the 189 is
14 a lot of people in a hotel, those 189 people are not there 24 hours a day, seven days a
15 week. Sometimes the hotel's full, sometimes it's not. A lot of time the hotel's only full in
16 the evenings when people are actually sleeping, and there's not that big of an impact on
17 the community. But with 189 rooms, people being there all day except for class times,
18 it's quite a different environment than a hotel with 189 rooms. Now, am I incorrect in
19 that, or would they be able to put a 189 dormitories on there, if it was RM-HD?

20 MR. PRICE: Density applies when you're talking about from a residential
21 standpoint such as single-family or even a multi-family. Dormitories, hotels and motels I
22 believe in the case; that the density would apply.

1 CHAIRMAN PALMER: Can you come up to the microphone for us because I'm
2 very interested to see if this was a vacant piece of land that was almost five acres and it
3 came in simply as a dormitory, how many rooms would you allow them to have, how
4 many dorm rooms would you allow them to have?

5 MR. PRICE: I need to look at that again, because I said, from a hotel standpoint,
6 there would be no maximum number; there would there be a maximum number of units.

7 CHAIRMAN PALMER: Right.

8 MR. PRICE: But from a dormitory, probably need to look at that a little bit more,
9 one again it's not a residential dwelling.

10 MS. ALMEIDA: It doesn't have a kitchen.

11 MR. PRICE: That's typically what we use for that density, to determine the
12 density is residential use, as I stated previously. Stick built homes –

13 CHAIRMAN PALMER: Right.

14 MR. PRICE: - maybe even multi-family. But I think that a dormitory may be
15 more in the hotel/motel type use thus we wouldn't apply that density.

16 CHAIRMAN PALMER: But it seems like you're trying to get the best of both
17 worlds by going with the General Commercial hotel/motel application to a dormitory but
18 not applying the zoning application to the dormitory. In other words, if you're going to
19 call a, if you're going to go the density factor for a hotel why wouldn't you go to hotel for
20 the zoning as well, since we don't currently have that in our zoning classification, for a
21 dormitory? In other words, a dormitory you're classifying as a hotel when it comes to the
22 density, but you're not classifying it as a hotel when it comes to zoning.

23 MR. PRICE: Right.

1 CHAIRMAN PALMER: I don't understand why you wouldn't do both things.

2 MR. PRICE: Going by the Code and going by the type of uses.

3 MS. CAIRNS: Maybe dormitory should have been in General Commercial?

4 MR. PRICE: I mean, that has been a thought.

5 MS. MCDANIEL: Well, you're right Heather, because the density requirements
6 under RM-HD, it's no more than 16 units per acre which is completely inapplicable for a
7 dormitory.

8 MS. CAIRNS: That's the thing, is a dorm is not a residential unit.

9 MS. MCDANIEL: Um-hum (affirmative). So essentially, there is no standard.

10 CHAIRMAN PALMER: Right.

11 MS. MCDANIEL: Apparently.

12 CHAIRMAN PALMER: Which is why I don't understand why we're triggering a
13 rezoning for something we don't have a standard for.

14 MR. PRICE: Within our Code, I'm just going to read you a definition for a
15 dwelling unit. "Any building designed, occupied or intended for human occupancy
16 provided, however, a dwelling shall not include hotel, motel, rooming house, hospital,
17 accommodations used more or less for a transient occupancy. You know, once again
18 right now, I haven't had a chance to really look at that, the question that you asked, to
19 really make a really informed determination as far as the numbers.

20 MR. BROWN: Mr. Chairman, would it be inappropriate to make a substitute
21 motion at this point?

22 CHAIRMAN PALMER: Not a bit.

23 MR. BROWN: I move that, in substitute motion, that we defer this matter.

1 MS. CAIRNS: Because of what? Why?

2 MR. BROWN: The reason for it basically is we don't have all the information as it
3 has is being suggested.

4 MS. CAIRNS: We're being asked to just do a straight rezone, to change it -

5 MR. BROWN: We understand that but we still don't have, based on what we've
6 just heard, we don't have all the information to make that determination of.

7 MS. CAIRNS: We're not determining whether this should be allowed to be a
8 dorm. What we're determining is whether this piece of land should be allowed to have
9 the uses that are allowed under RM-HD.

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

11 MS. CAIRNS: That's all we're determining. I mean, the Applicant's stated
12 intentions today are simply not relevant to our determination as a planning and
13 recommending board whether this piece of dirt would be more suited to be zoned RM-
14 HD as opposed to GC.

15 MR. BROWN: Um-hum (affirmative), I understand that.

16 MS. CAIRNS: You know, so the specifics of dormitory I would offer are not really
17 relevant at all. That's something for the Applicant to be more concerned about whether,
18 you know, they ultimately are able to use it to what they thought, that's really not our
19 concern. The question is, you know, from a community standpoint, is this piece of land
20 better suited to be zoned RM-HD than GC? You know, based on all the factors that we
21 take into account from map amendments, the current use, the surrounding uses, the
22 intended use, the future growth of the county, where things are coming and going, and
23 is it well suited for that?

1 MR. PRICE: Mr. Palmer, can I ask you a question – go back to it? You know,
2 one of the things that I would use to once again formulate my determination would be,
3 what is a dorm more liking to, residential use, multi-family or more of a, like a
4 rooming/boarding house. I think just based on that determination, would determine
5 whether a dwelling would apply to, the term dwelling would apply to it.

6 CHAIRMAN PALMER: It would seem to me then that the rezoning wouldn't be
7 necessary, if you were going to classify it that way it could be able to operate under
8 General Commercial as, almost the same way a hotel does.

9 MR. PRICE: No, sir. And to be honest, we really didn't get into whether the
10 rezoning would be necessary or not. It's up to the Applicant to come in and ask for
11 specific rezoning requirement.

12 CHAIRMAN PALMER: Right.

13 MR. PRICE: And the only time that we really discuss what the proposed use will
14 be was to ensure that he was [inaudible] to get into that category. But it's really, we
15 even talked about this specific [inaudible].

16 CHAIRMAN PALMER: Okay. We do have a substitute motion on the floor do we
17 have a second for a substitute motion?

18 MR. GILCHRIST: I'll second it, Mr. Chairman.

19 CHAIRMAN PALMER: We have a motion and a second. Does anybody have a
20 question for Mr. Cromartie? Unless we have a question. My concern stands the same
21 in that I'm not sure and I can't get an answer out of the Staff as to if this were a vacant
22 piece of land, how many residents could go on here. And we have to look at all cases
23 under the current zoning. In other words, we rezone it up to a multi-family, to RM-HD,

1 we have to take into account how many new structures go on there, new dormitory
2 rooms can go on there and at this point, we don't have the information to know how
3 many dormitory rooms would be allowed on there, if this structure were knocked down
4 and a new one was built. We do that they can put 77 single-family, I mean, 77
5 apartment units on there. But we don't know how many dwelling units would be
6 allowed, dormitory.

7 MS. CAIRNS: But they aren't –

8 MR. PRICE: If I were to take the approach that this is more in line with the
9 rooming and boarding house, just by the definition I read for a dwelling, there would be
10 no cap on the number of units.

11 CHAIRMAN PALMER: So, they could build a high rise here with dormitories in
12 it?

13 MR. PRICE: Yes. And a high rise would have to go through a special exception
14 once you go over a certain height.

15 CHAIRMAN PALMER: Right, so we could be talking about more cause this is
16 what a two, how many story building is this currently?

17 MS. ALMEIDA: Five.

18 MR. PRICE: Five.

19 CHAIRMAN PALMER: Five. Yep, there's just a lot of unanswered questions.

20 MR. MANNING: Mr. Chairman, I agree. I think the motion is legitimate in that we
21 don't have all the information available to us about what this does from the standpoint of
22 parking and how this affects density. But going back to Heather's comment earlier
23 about this is a straight rezoning and it either should be a an up or down call, I would

1 tend to agree with that. I just don't happen to believe that the highest and best use is
2 for RM-HD. And I think that the neighborhood has expressed a great concern about the
3 use and they are willing to let the General Commercial stand and I think we need to
4 listen to the community as much as we can.

5 CHAIRMAN PALMER: I agree.

6 MR. MANNING: So I would be in opposition to deferring just because I'd like to
7 get to the vote, and I understand the need for Benedict to expand its campus, but the
8 neighborhood is also something that we've got to consider in that process.

9 MR. PRICE: If you defer this it would be for what information for a straight
10 rezoning? What information would you require in this particular case for a straight
11 rezoning?

12 MR. MANNING: Well, I think the question that the Chairman asked about how
13 many units would be allowed –

14 MR. PRICE: That was just answered.

15 MR. MANNING: Yeah, and then we've got the same issue on parking, I mean,
16 what's the ratio? How do you establish that? And I heard the college administrator say
17 that, you know, security was going to be there. Well, we can't take that into
18 consideration as a part as a straight rezoning. It's either an up or down situation, so I
19 think we need to listen to the neighborhood.

20 CHAIRMAN PALMER: Ms. Almeida?

21 MS. ALMEIDA: Well, as far as addressing the concern about the units and Mr.
22 Price's determination which is somewhat correct, we don't regulate the amount of units
23 but we do regulate the height and we regulate the parking, so it dictates really how

1 many units are going to be in that building because if you cannot meet the parking ratio,
2 unless they're going to put a parking garage. In any site of that kind of density, multi-
3 family, retail, it really is dictated by parking and it limits how much square footage or
4 how many units you're going to have on that site, really. Because if you cannot meet
5 the standards, then you cannot build the square footage or you cannot put in the units
6 that are required so that's how retail and multi-family are built, it's not – you can over
7 design the site and get yourself into a quandary where you cannot get a variance so
8 really the parking dictates how many units and the height of the building is going to
9 dictate how many units.

10 MR. MANNING: That was my original question. How many parking spaces are
11 there now?

12 MS. CAIRNS: But again, on a straight rezone –

13 MR. MANNING: It we're going to go that way, then that's fine.

14 MS. CAIRNS: I think that's the only way we are authorized and delegated to do
15 is to just give a up or down vote to Council on whether we think as a straight rezone,
16 this is an appropriate change for this piece of property. You know, and Horseshoe
17 Drive at this point is far enough off of Two Notch that I can easily believe that General
18 Commercial is not going to work that far back off Two Notch, and it, you know, that little
19 hotel by itself is just sort of this anomaly. I mean, you pull down that street and you can
20 kind of feel like you turned back in time because that street is not, you know, hotel like,
21 and I can see why just as a general person of the public, just traveling about, I can
22 understand why that's not been a hot commodity for commercial.

1 MR. MANNING: I could see it being General Commercial easier than I could a
2 77 unit apartment complex.

3 CHAIRMAN PALMER: Okay, I'm going to address the motion that we current
4 have on the floor. It seems like we're going down a different path. I'm going to address
5 the substitute motion and second which was to defer this matter. All those in favor of
6 the substitute motion to defer this until our next month's planning commission meeting,
7 please signify by raising your hand.

8 *[Approved: Brown, Gilchrist; Opposed: Cairns, Westbrook, Manning, Tuttle, Palmer,*
9 *McDaniel, Mattos-Ward]*

10 CHAIRMAN PALMER: Okay, we now have, we do currently have a motion on the
11 floor and a second to send this forward for a recommendation of approval.

12 MR. BROWN: Mr. Chairman, I would withdraw my second.

13 CHAIRMAN PALMER: You've withdrawn the second? We do still have the
14 motion, is there a second?

15 MS. CAIRNS: I second.

16 CHAIRMAN PALMER: The motion is second; now a discussion on that motion.

17 MR. MANNING: Well, I think, going back to what I just said before, I think the
18 neighborhood's reluctance to this is something that we need to listen to. I think the
19 number of units and the uses associated with making it a dormitory are problematic for
20 the community, and from a compatibility with the land plan for the neighborhood, I don't
21 think it's consistent. I think the General Commercial will work, there are unknowns
22 about the density, parking requirement so I would be opposed.

23 MR. BROWN: Mr. Chairman?

1 CHAIRMAN PALMER: Yes.

2 MR. BROWN: Excuse me; I'm sorry Mr. Westbrook wishes to speak.

3 MR. WESTBROOK: I understand the parking is, will be governed and sometime
4 this could be an improvement for a neighborhood, doesn't necessarily have to be
5 derogatory. I still stand that we move forward with approval.

6 MR. BROWN: Mr. Chairman, I still have a lot of questions that's why I wanted a
7 deferral. I also think in all due respect to what our role may be, that there has to be
8 some work in the community and the people who are making the proposal. I didn't get
9 enough clear answers from the Staff and therefore, that's why I withdrew my second
10 and I will oppose it. Thank you.

11 CHAIRMAN PALMER: Here's my issue. We have a vacant piece of land that's
12 been vacant for quite some time now and I don't see how this Planning Body could say
13 that taking out, and I'm just using a number here, I know it's going to be pretty darn
14 close, taking away somewhere close to 90% of the uses by going down from General
15 Commercial, to RM-HD. By taking away those different possibilities for this site in order
16 to get one new one which would be a dormitory does not make sense to me in the
17 planning of this county. If we're trying to do what's best for this community, we need to
18 give them as many avenues to get something on that property other than what's current
19 sitting there as we can. And right now they have got a wide range of uses that are
20 available to them including the multi-family 16 units per acre if someone wanted to
21 develop it as that. They can do it currently under the General Commercial zoning. So,
22 for us to take away numerous possible uses in order to pick up one possible use,
23 doesn't make sense to me, so I would also be in opposition to the rezoning as well. I

1 just don't, I don't see how down zoning this parcel can help anything with the
2 community, especially if this one deal doesn't go through, I mean, it's now stuck at RM-
3 HD which is going to be harsh for the area.

4 MS. CAIRNS: I would just really quick, I apologize, but just under GC while 16
5 unit apartment complexes are permitted, under RM-HD, there are additional, like
6 duplexes which you can build duplexes in RM-HD which you cannot build in GC, you
7 can also build zero lot line, single-family, you can also build single-family detached in
8 RM-HD, which you cannot do in GC. So, this is not adding one single use, and actually
9 like duplexes and triplexes is what's in that neighborhood right now on Horseshoe Drive,
10 and so I think that's a little bit of a misstatement to say that it's only adding one thing
11 and taking away a lot, it's actually adding a number of – flexibility.

12 CHAIRMAN PALMER: Well, there are a couple of –

13 MS. CAIRNS: Hey, but it allows more flexibility for what type of residential use
14 you would put on that property. It does eliminate many of the commercial uses but it
15 adds residential uses that aren't otherwise allowed.

16 CHAIRMAN PALMER: Yeah. I just don't see this as developing as duplexes, I
17 mean, there's a lot of single-family RS-LD in that area as well, but there's a lot more
18 uses to this site. And I would imagine that the pricing would not be conducive and I
19 don't know about the pricing. All I'm looking at is the parcel of land, where it sits at an
20 interchange, if this was sitting out somewhere else, when you look at all the other
21 General Commercial that's in the area, typically property that sits at an interchange,
22 especially at the interchange at US Highway 1 and Interstate 20, is going to be General
23 Commercial property.

1 MS. CAIRNS: Yeah, but then that, you know, Horseshoe Drive is a hidden drive
2 practically for the real world.

3 MR. WESTBROOK: Mr. Chairman, we can discuss this until tomorrow.
4 [Inaudible].

5 CHAIRMAN PALMER: We can, we were just having some discussion on the
6 current motion which hadn't been on the floor but for maybe three or four minutes. Any
7 other discussion on the current motion? Well, we have a motion and a second to send
8 Case No. 10-09 MA forward to Council with the recommendation of approval. All those
9 in favor, please signify by raising your hand? All those opposed?

10 [*Approval: Cairns, Westbrook; Opposed: Manning, Tuttle, Palmer, McDaniel, Mattos-*
11 *Ward, Brown and Gilchrist*]

12 CHAIRMAN PALMER: That motion failed, we need another motion.

13 MR. MANNING: Mr. Chairman, unless somebody has – Mr. Gilchrist you want
14 to?

15 MR. GILCHRIST: Please go ahead.

16 MR. MANNING: Mr. Chairman, I'd like to make the recommendation that we
17 send this forward with denial and because the Staff has recommended this, I would
18 suggest that the reason for it would be I think the existing zoning is consistent,
19 compatible with the neighborhood, the neighborhood is in opposition to the change in
20 use, specifically dormitories. Is that enough? Is that okay?

21 MS. ALMEIDA: That'll do.

22 MR. MANNING: Okay.

23 CHAIRMAN PALMER: We have a motion, do we have a second?

1 MR. BROWN: Second.

2 CHAIRMAN PALMER: Any other discussion on that motion? All those in favor of
3 sending Case No. 10-09 MA forward to council with the recommendation of denial,
4 please signify by raising your hand. All those opposed?

5 [*Approved: Manning, Tuttle, Palmer, McDaniel, Mattos-Ward, Brown, Gilchrist;*
6 *Opposed: Cairns, Westbrook*]

7 CHAIRMAN PALMER: And again, we are a recommending Body; this will go to
8 Council on May 25th for their Public Hearing. Case No. 10-10 MA.

9 **CASE NO. 10-10 MA:**

10 MS. ALMEIDA: Mr. Chairman, the Applicant is Charles Salley; the property
11 owner is Wells Fargo. As you can see from your screen, the acreage on the site is 12.6
12 acres and the zoning has, the parcel has two zonings, one of which is RU, Rural, and
13 other as Office/Institutional. The current zoning of RU and OI reflects the original
14 zoning since 1977. The parcel contains approximately 510.44' of frontage along
15 Browning Road. The closest traffic count stations Staff feels do not reflect the road
16 classification of Browning Road. It's not planned or programmed on any road
17 improvements. As you can see from page 16, there are some concerns regarding the
18 generation of traffic due to the warehouse use that exists on the site. The proposed
19 rezoning to Light Industrial potentially allows for a more intense use than currently exists
20 in the area. The parcel is surrounded by office and warehouse and residential uses to
21 the south. All abutting the parcel to the west are zoned residential, single-family RS-
22 MD. The parcel also contains frontage along Browning Road with indirect access to I-
23 20 and I-26 from Browning Road to Bush River Road. The businesses to the south of

1 the subject parcel along Browning Road include Kenneth Shuler's School of
2 Cosmetology and the ITT Institute. The main access to the subject parcel from the
3 southern area is through an electronic gate, so it is a gated area. The main entrance
4 from Browning Road is not gated. The Light Industrial zoning district permits many
5 outright uses and as you can see on page 17 from your Staff Report, anything from
6 metal production to major repair and maintenance service, building supply stores with
7 outside storage. The above uses create additional commercial vehicle traffic and noise
8 that would conflict with the established residential single-family medium density district.
9 As you can see from the aerials, there is a large buffer there. Several permitted uses
10 under the LI district would result in an increase of truck traffic, the unloading and loading
11 of materials and other operational practices associated with industrial uses. A rental car
12 service with an outside storage facility, commercial automobile parking, building supply
13 with outside storage, this could require additional lighting, compared to residential
14 districts. The additional lighting or hours of operation needed to support several of
15 these outright permitted uses in LI could create a problem and could be out of
16 character, Staff feels, with the established residential district to the east. We have some
17 fire stations located off of Briar Gate Circle roughly a half mile northeast of the site, the
18 proposed rezoning would not have a negative impact on the public services or traffic,
19 but water and sewer is provided by the City of Columbia. We feel that the use that
20 currently exists on the site is associated with Wells Fargo which from what Staff
21 understands it's some sort of storage facility for their inventory paper, etc. We feel that
22 going from the RU/OI to Light Industrial would be a negative impact and we are
23 recommending denial.

1 CHAIRMAN PALMER: Any questions for Staff? Chuck Salley?

2 **TESTIMONY OF CHUCK SALLEY:**

3 MR. SALLEY: How do you do? My name is Chuck Salley. I'm the listing agent of
4 this property with Colliers Kennan Brokerage Community and we represent Wells Fargo
5 on this property. I don't know how this property was constructed on this current zoning.
6 It's a 70,000 square foot warehouse facility and it does not meet the requirements of
7 this current zoning but apparently it was granted a building permit and it was allowed to
8 be constructed. It's of considerable value, you're talking about a facility, the
9 improvements themselves are probably worth two million dollars, over two million
10 dollars to reproduce today. If it weren't for the fact that its metal siding, although it's in
11 very good condition, it would be considered a Class A industrial building in this market.
12 It's a 30' clear, heating and air conditioned storage warehouse distribution facility. And
13 it would be a considerable degradation in the value of the property on the market to try
14 and sell it without, as a nonconforming use. If this was a piece of property where you
15 had an older facility on it that was, probably didn't have as much value as this property
16 does, it wouldn't be as much of a burden. The property has been in existence on the
17 site for, how many years Brian? 1992? Since 1992. I will say I'm a little bit surprised
18 about the process because I did meet with Staff and I am very surprised that they are
19 recommending denial because they never even mentioned ANY kind of a concern to me
20 about it at all. But I guess that's the way this process goes. I'd like to approach the
21 bench with some exhibits, if you don't mind? [Inaudible].

22 MR. MANNING: While we're waiting, as I understand it, you say there's a 30,000
23 square foot -

1 MR. SALLEY: Seventy Thousand square feet.

2 MR. MANNING: Seventy Thousand square feet. And when was the building
3 built?

4 MR. SALLEY: 1992.

5 MR. MANNING: And it is an industrial use.

6 MR. SALLEY: Correct. Always has been.

7 MR. MANNING: And the building next door to it is what?

8 MR. SALLEY: It was the former Wachovia Operations Center. And it was the
9 National Bank of South Carolina's Operation Center before that, they were bought by
10 Wachovia. And it's currently being utilized and has been since it was constructed as a
11 records storage and retrieval facility, unlike a, just like an iron mountain, except for it
12 was privately done for Wachovia. But any of their branches, etc. that need records,
13 they were stored in the same way, if you would at record storage facility, they're
14 requested, they're shipped to the branch bank site or wherever they need to going and
15 then they're retrieved and put back into storage.

16 MR. MANNING: So the bank that was in that building now or previously, built the
17 other building?

18 MR. SALLEY: They built that facility on the site for that specific purpose; records
19 storage. As you can see, as you can see by those photographs and by the aerials,
20 there's a significant buffer between the residential and the property. And that's a, that
21 buffer has got old growth trees, it's very densely forested, it's 105' from the edge of the
22 building to the property line. And of that 105', 100 of that is that undisturbed, natural
23 buffer. It's also a significant grade difference in the two sites. There's basically, that

1 100', is a drainage basin that goes through there and you can see the actual water is
2 depicted on the aerial of the map, showing where that goes through. So that's basically
3 a drainage basin that acts as a buffer on that site. The speculation on increased truck
4 traffic is just that, speculation. Noise factor is just that, it's all speculation and opinion.
5 And the property has operated for over a decade as a warehouse facility, we're
6 requesting LI, which does not allow many uses that an M1 zoning would allow. So it is
7 a lesser zoning and more restrictive zoning than a normal industrial zoning, and
8 Office/Institutional is not the appropriate zoning for this piece of property. It's simply
9 saying you can't call a dog house an office building. You can't call a warehouse an
10 office building, this is not something that can be converted into an office building, it is a
11 warehouse facility.

12 MR. MANNING: Can you explain to us kind of the process of what happens when
13 you're trying to market a property that has a nonconforming use?

14 MR. SALLEY: Well, first objection that you have to come through is a buyer
15 looking into this property says, if I own this property, and then I decided to go sell it or if
16 I outgrow it or if I have to leave, and while I'm marketing it if it stays empty for a year,
17 what happens? You have to overcome that objection and the fact that you could, well, it
18 could be that it could stay empty for a year and you wouldn't be able to use it again as a
19 warehouse facility. And then you've just invested two million dollars in a warehouse
20 facility or 2 ½ million dollars in a warehouse facility that you can't use any more. If it
21 were to burn down in a fire, you couldn't rebuild it. If a hurricane were to come through,
22 you couldn't rebuild it and operate it. In this market, that's the buyer's objection and

1 now you've a lender to deal with. The lenders are going to be probably more, scrutinize
2 it more than the actual owner of the property and –

3 MR. MANNING: Can you get financing on a building that's got nonconforming
4 use?

5 MR. SALLEY: I couldn't say yes or no. I know that it would be challenging if it
6 has a nonconforming use. It would be very challenging and I know that the value of the
7 property which we have, we had the property listed for 2 ½ million dollars which frankly
8 is indicative of the market right now. If this was 2008, we'd have probably listed it for 3
9 ½ million dollars, but we think the 2 ½ million dollars is probably where the market is in
10 today's economy based on the fact that it's a normal conforming warehouse facility. If
11 we were to do basically have to go back to the market as a nonconforming use, we're
12 going to reduce it even further. And it's basically on the county tax rolls right now at 2 ½
13 million dollars.

14 CHAIRMAN PALMER: Any other questions for Mr. Salley? Thank you. There's
15 no one else signed up to speak.

16 MR. TUTTLE: Mr. Chairman, I think Ms. Almeida has some -

17 CHAIRMAN PALMER: Ms. Almeida?

18 MS. ALMEIDA: Mr. Chairman, I would like to make a statement to maybe put the
19 Applicant's fears at ease. There is a provision in the Code that does stipulate that as
20 long as the owner has actively and continuously marketed the land or structure for sale
21 or lease, or has been making necessary improvements in order to continue the use,
22 they can continue, obviously, having that use. So, if he is continuously marketing that
23 property as such, he can continue that use. If he's looking at the office, you know,

1 medical, dental, any of those uses within his existing OI that is permitted outright. He is,
2 you know, we were looking at the LI, and yes, when you go into the wholesale trade
3 designation where you're talking about motor vehicles, lumber, construction, things of
4 that nature, you know, tobacco stores, electronics, you know, more of your warehouse
5 scrap and recycling material, paints and varnishes, etc., commercial equipment
6 supplies; yes, that's not allowed outright in OI. And it is allowed in the LI, many, many
7 uses in the LI. The M1 designation, no one can rezone to M1 at this time until that is
8 resolved by Council, so that would not be an option for the Applicant. So, I'd just like to
9 make that statement for the Record.

10 MS. CAIRNS: I have a question for Staff. What's its current, I mean, currently is
11 it deemed a warehouse?

12 MS. ALMEIDA: Currently it's storing, it's –

13 MS. CAIRNS: But, I mean, just, you know, I'm just trying to sort of get to some
14 resolution of its existence and this and that. Because I see under OI, warehouses just
15 have special requirements.

16 MS. ALMEIDA: It's a warehouse but in the OI, there is a limit to square footage
17 of floor area and you can have it as an accessory use but you're limited to 2,000 square
18 feet of floor area and they have 70,000.

19 MS. CAIRNS: But I mean, so were there ever applications made for special
20 exceptions or variances or anything to be allowed to build it?

21 MS. ALMEIDA: Not that we're aware of. The previous Code may have allowed
22 the 70,000 square feet under the old Code. And of course, it would be nonconforming,
23 but like I said before, the sales – it can be marketed and continued even though there

1 may not be a tenant as long as the land is being marketed, it can continue, it will not
2 lose its ability to be used as a warehouse even though it does not conform to the limit of
3 2,000 square feet.

4 CHAIRMAN PALMER: But it would have be the specific use which it was prior.
5 In other words, it would have to be used as –

6 MS. ALMEIDA: Storage, which is what it –

7 CHAIRMAN PALMER: Storage.

8 MS. ALMEIDA: - yeah, general storage nonhazardous, yeah.

9 MS. CAIRNS: Enclosed.

10 MS. ALMEIDA: Enclosed.

11 MS. CAIRNS: Otherwise it is a change in –

12 MS. ALMEIDA: Absolutely.

13 MS. CAIRNS: - use to go [inaudible] under LI.

14 MR. MANNING: Mr. Salley, you got a question?

15 MR. SALLEY: I'd just like to address that again. I understand that provision in
16 the law but it still, you have the same problem if you have a fire or a hurricane and you
17 lose a portion of it, you don't have the ability then to rebuild as that use. In the event
18 down the road, I mean, and I've seen it happen, I mean, I've been in this business for
19 28 years and I've seen it happen where an owner didn't realize that law was in effect
20 and their property did revert back to the other zoning cause for whatever reason, they
21 didn't have it on the market or whatnot. So, you know, that is still a viable concern and,
22 you know, what do you do? What do you do if you've got a, you're marketing the
23 property and you got a used equipment parts wants to put used parts in the building and

1 use it as an automotive parts storage or a diesel equipment parts storage facility. And
2 what if they want to do some small motor repair inside there? Can you market it for
3 that? I don't think so. So, I think that the structure, the fact that it's got an interstate on
4 two boundaries of it and an office facility on the other and then it's got a very, about as
5 nice a buffer as anybody could ask for and I can assure you that's probably why there's
6 nobody in the neighborhood that's here today objecting to it is because it hasn't been a
7 problem for them because they can barely even see the facility from their houses.

8 MR. BROWN: Mr. Chairman?

9 CHAIRMAN PALMER: Sir?

10 MR. BROWN: When was this facility built?

11 CHAIRMAN PALMER: Did I hear, '92?

12 MS. MATTOS-WARD: 1992, is what I have.

13 MR. BROWN: And the zoning, the original zoning was adopted in '77?

14 MS. ALMEIDA: In '77.

15 MR. BROWN: And what is – when the facility was built, was it in compliance at
16 the time?

17 MS. ALMEIDA: Yes, and I believe it was one lot which encompassed all the
18 different buildings. But, yes, once the Code was modified in 2005, then of course, we
19 ran into the limit of floor area for warehouse.

20 MR. BROWN: So, this is not the original building, this is an expanded building, is
21 that right?

22 MS. ALMEIDA: No, it's the same. It's an existing building.

23 MR. BROWN: Existing building built to Code at the time.

1 MS. ALMEIDA: At the time, yes.

2 MS. CAIRNS: But that was also, I think as you offered that it was one parcel with
3 the building out front so it was an accessory use to the building out front?

4 MS. ALMEIDA: Correct, correct.

5 MS. CAIRNS: And now they're asking to subdivide it –

6 MS. ALMEIDA: It was subdivided already. It has been subdivided.

7 MS. CAIRNS: But at the time it was conforming.

8 MS. ALMEIDA: Correct.

9 MS. CAIRNS: So the subdivision was part of the creating a nonconforming use
10 as well as changes in the Code because now it's no longer an accessory use.

11 MS. ALMEIDA: Correct, correct.

12 MR. BROWN: My question is in all that was done, and excuse my ignorance, but
13 let me just ask the question anyway, has the property owner been put in a position
14 where they can't really use the property for very much that's profitable and then
15 secondly, can't sell it for anything that can be used?

16 CHAIRMAN PALMER: I believe that's the argument that you have an industrial
17 building sitting on an office zoned piece of property, is kind of the crux of it.

18 MS. CAIRNS: Right, but if it's a hardship, it's a hardship created largely by the
19 Applicant, or the predecessor in use. I mean, that's the thing is that if this whole thing
20 was a single parcel, and it was being marketed together, all the uses would be – and it
21 does have grandfathering rights, I mean, so it can continue to operate exactly as is.

22 CHAIRMAN PALMER: Right, but –

1 MS. CAIRNS: But to rezone this as Light Industrial is a significant change in the
2 possible uses and it's not limited to what's current use.

3 MR. TUTTLE: But as the Applicant stated, it would still be at the mercy of the
4 hurricane, tornado, fire scenario even though the use is grandfathered, if it burned down
5 it wouldn't be replaced.

6 MS. ALMEIDA: Well, it could be replaced but it would have limit of 2,000 square
7 feet.

8 MR. TUTTLE: Well that's a significant difference between 70,000 and 2,000.

9 MS. CAIRNS: Right. But, you know, to come in ask to go from OI to LI would
10 open up this site for major changes in a residential area. I mean, this is tough because
11 it's next to interstate but it's also not really where you'd be putting LI considering you a
12 residential neighborhood nearby and that the Applicant created the hardship.

13 MS. MCDANIEL: Now, give me a little bit more information about why it's not in
14 compliance with the comprehensive plan?

15 MS. ALMEIDA: Well, let me go – mainly because under the future land use
16 designated area urban in the beltway, as you can see as the objective, industrial activity
17 should be compatible with surrounding land uses. It is also stated that anything that
18 produces noise, smoke, odors should not locate near residential or commercial uses
19 without adequate buffers and setbacks and of course, the existing infrastructure and
20 adequate room for expansion. I mean, basically we wouldn't allow the number of uses
21 that would not be compatible with the existing residential uses that are east of the
22 subject parcel. We feel that whatever the uses that would be allowed under the LI
23 would not be compatible.

1 MR. SALLEY: One more time. So, LI allows industry that produces smoke, odor
2 and noise and it's allowed in LI, is that what you're saying?

3 MS. ALMEIDA: Correct.

4 MR. SALLEY: I thought that was HI?

5 MR. MANNING: Mr. Chairman, it seems to me, I mean, that's obviously
6 something that's got a history that goes way back and the uses have already been
7 established it's obviously been a good neighbor to the surrounding area and from a
8 compatibility standpoint if we were proactively going out looking to bring land into the
9 comprehensive plan, then I'd look at this building and say it is an industrial building.
10 That'd be one that we will – that's what LI is for. So, it seems to me that the buffers are
11 sufficient; I think they exceed the LI requirement in the Code today, if you were going to
12 put an industrial use adjoining a neighborhood, it exceeds that. I would make a motion
13 that would send this forward for approval.

14 CHAIRMAN PALMER: We have a motion for approval, do we have a second?

15 MR. TUTTLE: Second.

16 MR. GILCHRIST: Second, Mr. Chairman.

17 CHAIRMAN PALMER: We have a motion and a second. Any other comments
18 on the motion?

19 MR. BROWN: One question. The current owner of this property, when did they
20 purchase it, this is to the Staff.

21 MS. ALMEIDA: I'm sorry?

22 MR. BROWN: The current owner of the property, when did they purchase it?

23 MS. ALMEIDA: I'm unaware of when they purchased it.

1 MS. CAIRNS: They were the ones that constructed the buildings.

2 MR. BROWN: So, they're the original owners?

3 MS. CAIRNS: Yeah, cause it was Wachovia who has now been bought out by
4 Wells Fargo, so that's why – but that's just been a corporate change not really a change
5 in owner.

6 MR. SALLEY: First National Bank was originally the owner of the operations
7 center and then they were acquired by Wachovia and now, Wells Fargo.

8 MS. CAIRNS: But they're all successors-in-interest of a corporate structure, it's
9 not really been a sale. So it's owned by the person who built the buildings in essence.

10 MR. BROWN: And when they purchased it, they purchased it with the knowledge
11 that they would be able to do what with it? Again, historically but at that time?

12 MS. CAIRNS: Sounds like it was, the buildings were built by the current owners.

13 MR. BROWN: Right.

14 MS. CAIRNS: And I mean, I don't know if any of us know when it was – the
15 building in the back we just said was '92, I don't know about the buildings in the front.

16 MS. ALMEIDA: I have no idea.

17 MR. TUTTLE: For clarity it was built under a different Code. The Code was
18 different and since we subsequently changed the Code, it makes it's nonconforming as
19 it is. It was fine when it was done, I mean, it's not fine now.

20 MS. ALMEIDA: We think, yeah.

21 MR. BROWN: Based on what I'm looking at again, this is pretty well shielded
22 from the community with access to a major road, is that right? The buffer, I mean,
23 there's a significant buffer there, is that correct?

1 MS. CAIRNS: There is. What's the required buffered between an LI and
2 residential?

3 MS. ALMEIDA: Well, it could be as low as 10'. They could go in -

4 MS. CAIRNS: They clear cut that and make it 10'.

5 MS. ALMEIDA: Yes, they could.

6 MS. CAIRNS: There's nothing that guarantees that existing buffer would survive
7 a zone change.

8 MR. MANNING: No, there isn't but there is a 100' I think we would told the back
9 of the residential property lines and a drainage area alongside the building, I think it
10 shows up as stream bed, so quite grade in there.

11 MS. ALMEIDA: I was just -

12 MS. SALLEY: It would have to be done, if it was clear cutted, it'd have to be
13 done out of spite, cause it wouldn't be any economical or commercial reason to do it.

14 MS. ALMEIDA: I was just told by Staff that the outer perimeter where you see, I
15 don't know if Betty can - the pointed arrow, the outside the lot is actually zoned Rural
16 and that's where the buffers are. The inside is currently zoned the OI, office
17 institutional, so they want to rezone the entire parcel. Two parcels Light Industrial.

18 MS. CAIRNS: So, when that building was built, the zoning was Rural?

19 MS. ALMEIDA: Part Rural and part OI, correct.

20 MS. CAIRNS: You're saying that we allowed - oh, it was because, cause see
21 that's the whole - at the time that that was Rural, they could build the warehouse
22 because it had the office building.

23 MS. ALMEIDA: It was an accessory structure to the primary use.

1 MS. CAIRNS: But 70,000 square foot would have been an accessory use.

2 MS. ALMEIDA: Hum-um (affirmative).

3 MS. CAIRNS: So again, it's when they subdivided it off that it stopped being an
4 accessory use.

5 MS. ALMEIDA: Right.

6 CHAIRMAN PALMER: Well, the building itself sits on the OI zoning piece of
7 property. You couldn't –

8 MS. CAIRNS: No, it does not.

9 CHAIRMAN PALMER: - build a building over two different zoning classifications.

10 MS. ALMEIDA: Yes, they did.

11 MRS. CAIRNS: Look at the map, look at the map.

12 MS. ALMEIDA: Didn't it?

13 CHAIRMAN PALMER: You can't go by those lines.

14 MS. CAIRNS: Yeah, but they're not that far off. You couldn't fit that building
15 inside the OI.

16 MS. ALMEIDA: Right.

17 CHAIRMAN PALMER: I've never been able to build a building [inaudible].

18 MS. ALMEIDA: This map is off. The one we're looking at right now.

19 MS. CAIRNS: But I don't think you could get it to fit in there.

20 CHAIRMAN PALMER: You're not going to be able to build –

21 MS. ALMEIDA: The building is in the OI.

22 CHAIRMAN PALMER: The building sits in the OI.

23 MS. ALMEIDA: Yes, this map is off.

1 CHAIRMAN PALMER: [Inaudible]. Which is amazing to me that there's still
2 rurally zoned property in downtown Columbia.

3 MS. CAIRNS: But the request is also to rezone the rural to LI, not just the OI
4 portion of the property.

5 MR. TUTTLE: Well, I mean, clearly if you just did the OI portion, you wouldn't
6 meet any setback requirement so it still would be nonconforming.

7 MS. CAIRNS: We don't, I mean, I'm not there. I mean –

8 MR. TUTTLE: Well, I mean you can look at it. If it's over the line, clearly you
9 wouldn't meet any setbacks, that's fairly obvious.

10 MS. CAIRNS: That's been told that, that's not –

11 MS. ALMEIDA: No, the property, the actual building is in the inner portion lot –

12 MR. TUTTLE: Right and how –

13 MS. ALMEIDA: These lot lines are off.

14 MR. TUTTLE: But I mean, to my point – from the building that exists now to the
15 RU line, probably doesn't meet the standard setback for that use.

16 CHAIRMAN PALMER: Between Rural and office industrial.

17 MS. CAIRNS: Ten foot maybe?

18 MR. TUTTLE: Well my point would be, you'd be doing a complete disservice just
19 to concentrate on the OI parcel and try to get that –

20 MS. ALMEIDA: Well and for expansion purposes, obviously.

21 MR. TUTTLE: Sure.

22 CHAIRMAN PALMER: And even so, I don't think RU belongs in downtown.

23 MS. CAIRNS: Yeah, but maybe neither does LI.

1 CHAIRMAN PALMER: There'd be a lot of people [inaudible].

2 MS. CAIRNS: Yeah, but I said maybe.

3 MR. MANNING: Mr. Chairman, I go back to the building use frankly and an
4 industrial warehouse. I mean, obviously, 70,000 square feet, [inaudible] that's not going
5 to be anything but a buffer and it was allowed previous as an accessory use. And it's
6 problematic that the Code changed and I think given the economic times that we've got
7 now, I would like to see Richland County create as many tax dollars as it can. And if we
8 don't, I would dare say that it's going to diminish in value. And it only makes practical
9 sense that we make the recommendation that I did.

10 MS. ALMEIDA: The setback is – there are no side setbacks and 10' rear.

11 CHAIRMAN PALMER: The rear between LI and RU?

12 MS. ALMEIDA: Yeah, that's the setback.

13 CHAIRMAN PALMER: I do think it speaks volumes though that none of the
14 neighbors that abut this parcel and there seem to be quite a few, which I assume they
15 all got notification for the rezoning? I think it's very telling that none of them have come
16 out -

17 MS. ALMEIDA: Well, again if the buffer remains.

18 MS. CAIRNS: Right, if the buffer, I mean I would offer that that's the, that's my
19 heartburn is and, I mean, I do appreciate the information about the fact, obviously I was
20 not able to tell at all that that was a drainage, you know, it slopes that it would be difficult
21 to clear, but I agree, that you could just sort of lop off that back part and say that stays
22 as is and the rest of it, then I think that the proximity to the interstate and whatever else

1 does totally lend itself to the request. That's just my concern, is that buffer to the
2 neighborhood.

3 CHAIRMAN PALMER: I understand. I think at some point -

4 MS CAIRNS: That's it.

5 CHAIRMAN PALMER: - you've to take a look at the land and like Mr. Salley said,
6 it would have to be simply out of spite and I got to believe that, you know, people aren't
7 that way with it. You know?

8 MS. CAIRNS: Yeah, but I mean -

9 CHAIRMAN PALMER: At some point you've got to, I mean -

10 MS. CAIRNS: I just couldn't tell that, I mean looking at what was given.

11 CHAIRMAN PALMER: But that's not the reason for them to do that.

12 MS. CAIRNS: Right, but I mean, if you didn't, if that was flat land, there would
13 absolutely be economic reason to clear cut that if it wasn't a drainage area, cause that's
14 a big piece, you know, you could definitely use that for surface uses, if it wasn't
15 infeasible topographically.

16 CHAIRMAN PALMER: We do have a motion and a second to send this forward
17 with a recommendation of approval. Do we have any other discussion? All those in
18 favor of sending Case No. 10-10 MA - Mr. Manning, you made the motion?

19 MR. MANNING: I did.

20 CHAIRMAN PALMER: Did you give reasons for your motion?

21 MR. MANNING: Not yet.

22 MS. ALMEIDA: I was going to ask you.

23 MR. MANNING: Do we need that before the vote is taken?

1 MS. ALMEIDA: Yes.

2 MR. TUTTLE: Yeah, we do.

3 MR. MANNING: I would recommend that we send this forward with approval,
4 one, it is an industrial building it will be an industrial use going forward; the buffer areas
5 are sufficient to protect the surrounding community; it's compatible with the other uses
6 adjoining it, because of the Code change that took place years ago, I think it would be
7 not be in light of the best interest of the county to have a building of the size and value
8 with a nonconforming use.

9 CHAIRMAN PALMER: Do I have the same second?

10 MR. GILCHRIST: Yes, same second, yes.

11 CHAIRMAN PALMER: All those in favor of sending Case No. 10-10 MA forward
12 to council with the recommendation of approval, please signify by raising your hand?
13 Those opposed?

14 *[Approved: Tuttle, Palmer, Manning, Mattos-Ward, Brown, Gilchrist; Opposed: Cairns,*
15 *Westbrook, McDaniel]*

16 CHAIRMAN PALMER: Okay. Anyone want to take a quick break or just keep
17 marching through?

18 MS. CAIRNS: I would like a break. I make a motion for a break.

19 CHAIRMAN PALMER: Take a five minute break.

20 *[Break]*

21 CHAIRMAN PALMER: Alright. Case No. 10-11 MA.

22 **CASE NO. 10-10 MA:**

1 MS. ALMEIDA: Yes, Mr. Chairman. The Applicant, Allen House, property
2 owner, Wateree Baptist Associates. The location of the property is Clarkson Road; the
3 total acreage of the site is 43.9 acres. The current zoning on the property is RU and
4 their request is for a PDD. The current zoning of RU is reflective from the original
5 zoning of 1977, the property prior to 2003 had been permitted for some single shelters
6 on site, there is well and septic. But the actual work had never been initiated and, of
7 course, all the permits had expired. They had never requested a rezoning but under
8 RU, they were permitted to put up single shelters and they did not do the work within the
9 permitted time. The parcel contains approximately 1,305' of frontage along Clarkson
10 Road, as you can see from your aerial. The PDD district, of course, talks about mixed
11 use development and as you can see from your Staff Report, or packet, I should say,
12 and I apologize the master plan, I will have the master plan distributed to you, there is
13 site specific indications of where these shelters and proposed PDD will be. Do they
14 have them?

15 CHAIRMAN PALMER: Yeah, we've got the whole.

16 MS. ALMEIDA: Oh, I'm sorry, having a moment there. Currently the site is
17 heavily wooded and it does have access through an existing unpaved road divided by
18 an existing SCE&G transmission line. The rezoning request would create 43.9 acres of
19 a retreat center for recreational uses, intended for church members and their guests
20 which would include cabins for overnight lodging, recreational vehicles for a parking
21 facilities, tent camping, picnic shelters, anything that you could expect to be associated
22 with church function, shelter, retreat type activities. Maximum of 50,900 square feet is
23 proposed for the entire site as far as building with a maximum 40' building height.

1 There are three planned phases to the PDD as you can see. Phase One included 7
2 cabins and 20,400 square feet of building, Phase Two 10,500' Family Life Center, and
3 3,000 of maintenance building for a total square footage of 13,500, and Phase Three
4 includes a proposed 17,000 square foot assisted living facility. We feel that the PDD is
5 compatible; it does identify setting aside 25 acres of open space, which includes sports
6 facilities and a lake. The site does contain a little over 15 acres of wetlands and is
7 identified as open space. Portions of those wetlands are identified on the National
8 Wetlands Inventory as Zone A. The identified floodplain and wetlands will remain
9 undisturbed. A 20' wooded buffer transition yard is proposed along the eastern and
10 southerly parcel lines outside the floodplain and wetlands and a 15' street protective
11 yard is proposed along the Clarkson Road. Again, the subject parcel is surrounded on
12 all sides by rural district zoned properties. The majority of the land uses are
13 undeveloped parcels with some larger tracts of rural south and west of the subject
14 property. The smallest residential tract that Staff was able to identify abuts the subject
15 property to the south and it's approximately a little over 3.3 acres. The buffer transition
16 yard in addition to the undisturbed wetlands and floodplains will provide, we feel, an
17 adequate buffer to the surrounding parcels. We feel that the proposed rezoning would
18 not have a negative impact on public services and traffic. Water and sewer are
19 provided by well and septic. And we feel that this use is compatible to the surrounding
20 area and we are, Staff is recommending approval. I would like to just address two
21 things on the proposed PDD conditions on page 25. One under C, a Traffic Impact
22 Assessment, Staff has identified that it shall be submitted at the time a major
23 subdivision, there is some confusion on whether the traffic planner had represented to

1 the Applicant that a Traffic Impact Assessment would not be required. Our Traffic
2 Planner is not here today, Mr. Carl Gosline; therefore, some discussion would need to
3 be taken place on that. And Item F, the Applicant shall dedicate to Richland County
4 right-of-way. I was told by the Applicant that there is 66' along Clarkson Road that
5 exists there today unless SCDOT would require additional dedication for turning lanes
6 or stacking lanes or road widening. Staff would recommend that, that be noted as part
7 of F, if SCDOT required additional right-of-way, then the Applicant would dedicate that
8 additional right-of-way.

9 CHAIRMAN PALMER: Any other questions for Staff?

10 MR. BROWN: Mr. Chairman, let me ask. The dedication that you're referring to
11 on the roadside, would that be sufficient and will it allow for widening of that road based
12 upon future development of the site?

13 MS. ALMEIDA: That is the question a traffic impact study might be required by
14 DOT if further development were to take place depending on the Phases and the
15 intensity. It would really need to be assessed by DOT. Right now, there is 66'; the road
16 is not obviously paved to 66'. It could accommodate a turning lane, a 13' turning lane.
17 We would, professional speaking, I think it would accommodate because the use is not
18 an intense use, used 24/7. But, of course, that would be something that would have to
19 be determined at a later date.

20 MR. BROWN: But you're saying that with the dedication of that additional
21 frontage, in effect, that could be accomplished without a problem?

22 MS. ALMEIDA: Correct, at 66'. But if DOT determined that more right-of-way
23 would be required, Staff would like to, as a condition, the way F is presented to you, we

1 would like to just add language that would in essence say the Applicant shall dedicate
2 right-of-way if determined by DOT, that additional right-of-way would be required above
3 and beyond the 66'.

4 MR. BROWN: Does the Applicant have any objection to that?

5 MS. ALMEIDA: The Applicant is here and they would need to address that. But I
6 did speak to the engineer of Record.

7 CHAIRMAN PALMER: Any other questions for Staff?

8 MS. CAIRNS: Just one quick question about the, the stub of the road that goes
9 in that, the intention is to dig the cul-de-sac. Is that something that county wanted that
10 stub in? Or that was just something that the Applicant wanted to be able to deed over?

11 MS. ALMEIDA: No, that was something that the Applicant has proposed.

12 MS. CAIRNS: Okay. Thank you.

13 MS. MCDANIELS: In K, we say the Applicant shall consider using low impact
14 design regarding storm water.

15 MS. ALMEIDA: True.

16 MS. MCDANIEL: That seems toothless to me.

17 MR. BROWN: I couldn't hear you, I'm sorry.

18 MS. MCDANIEL: Why don't we just make a condition that they use low impact
19 storm water? They're very close to a wetland and it's going to drain into the river. Let's
20 just ahead and protect.

21 MS. ALMEIDA: Well, our new storm water regs do require a lot of low impact
22 design so, it would be to their benefit and I believe Public Works would lean towards
23 them using low impact. So -

1 MS. MCDANIEL: That's still pretty wishy-washy.

2 MS. ALMEIDA: It's kind of giving the engineer kind of creative liberty. If they can
3 achieve and satisfy Public Works in using, you know, both low impact and standards,
4 regular standards of engineering. We like to give that flexibility to the Applicant
5 depending on economic situation of the Applicant.

6 MS. MCDANIEL: But even though it's going to be a PDD, they would still have to
7 meet the storm water regulation.

8 MS. ALMEIDA: Absolutely.

9 MR. MANNING: Anna?

10 MS. ALMEIDA: We could reword that to – Ms. Linder said to consider and utilize
11 where feasible.

12 MS. LINDER: We could take out the consider word and just say the Applicant
13 shall utilize low impact or other acceptable storm water practices.

14 MS. MCDANIEL: Well, that's what I would like for it to say.

15 MS. LINDER: We could do that.

16 MS. MCDANIEL: But that's completely different from what [inaudible].

17 MR. TUTTLE: Is Staff in a position to require that? If the storm water ordinance
18 is there, how as a condition of the PDD can you require somebody to go above and
19 beyond?

20 MS. ALMEIDA: That's just a recommendation.

21 MR. TUTTLE: Right. But I'm just, I mean, that's purely what it is, is a
22 recommendation, there's no obligation and you don't have the authority to make it an
23 obligation. Just to be clear.

1 MS. LINDER: You could make it an obligation to be stronger. As a condition,
2 that's an option –

3 CHAIRMAN PALMER: You could [inaudible].

4 MS. LINDER: - that you have. Staff is recommending the low impact design or
5 other acceptable.

6 MR. TUTTLE: Okay, I'm just going to – bear with me for a second, how is that
7 possible when there's not even a storm water management plan in place now, how can
8 we comment on what it may or may not be able to be in the future? And to say it should
9 be, have [inaudible] principles, how many?

10 MS. ALMEIDA: Under a PDD –

11 MR. TUTTLE: Twenty, 30 which BMP's are [inaudible].

12 MS. ALMEIDA: Right, under a PDD requirement, part of being a PDD is to be,
13 you know, utilize better design, be innovative, it's not just your regular site plan or
14 regular zoning so -

15 MR. TUTTLE: I guess if we're making a recommendation to that level, wouldn't it
16 need to be quantified in some way? I mean, what does that – if you change it to say that
17 you're required to use lead principles, which ones, how many? Because the way the
18 storm water ordinance is written, there's already actual protections in there for wetlands,
19 etc.

20 MS. LINDER: But this recommendation is not saying that the Applicant would
21 have to do low impact design. It's either or.

22 MS. ALMEIDA: Right.

1 MR. TUTTLE: Right. So what's the purpose of changing the language? If it's
2 just a suggestion? Okay. I'm just, I just didn't want to go down the slope where all of a
3 sudden now in PDD's we're allowed to just require somebody to do low impact
4 development.

5 MS. LINDER: I think as Ms. Almeida said, it still needs to meet the storm water
6 regulations –

7 MR. TUTTLE: Which is already –

8 MS. LINDER: - and get the approval of the Public Works Director.

9 MR. TUTTLE: Right, which it was already, I mean, that's already codified.
10 Right?

11 MS. ALMEIDA: Correct.

12 MS. MCDANIEL: So in K, the other acceptable storm water management
13 technologies essentially are [inaudible]?

14 MS. ALMEIDA: Correct, correct.

15 CHAIRMAN PALMER: Mr. Manning, do you have a question?

16 MR. MANNING: In the PDD requirements, there is no prohibition or restriction on
17 water and sewer from wells or –

18 MS. ALMEIDA: No, there is not.

19 CHAIRMAN PALMER: Am I'm I completely looking at this wrong or is there one
20 way and one way out of this site?

21 MS. ALMEIDA: There's one way in and one way out of this site. As proposed.

22 CHAIRMAN PALMER: I thought we tried to get away from that as far as fire
23 protection, I mean, if there's some sort of incident at the beginning of this property -

1 MS. ALMEIDA: This is just conceptual. There may be some modifications
2 required and really considering the amount of wetlands that are on the site, depending
3 on the fire marshal's review at time of site plan, they may be required to make some
4 minor modifications.

5 CHAIRMAN PALMER: What is our current standard for cul-de-sac length?

6 MS. ALMEIDA: I believe it's 800 linear feet with some sort of turn around and
7 then you can continue again.

8 CHAIRMAN PALMER: Okay. All these little –

9 MS. ALMEIDA: Bump outs.

10 CHAIRMAN PALMER: [Inaudible] over here.

11 MS. ALMEIDA: Little – yeah.

12 CHAIRMAN PALMER: But it still doesn't do anything if there's –

13 MS. ALMEIDA: Correct.

14 CHAIRMAN PALMER: I remember specifically in the case of Gene Green, when
15 he was on with us, if you had a fire at the entrance to this other subdivision, no one
16 could leave the subdivision and no one could get in. So that whole issue was resolved.
17 What really stuck with me is the issue as to why not to do this.

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

19 MS. CAIRNS: Well, but yeah. I always laughed, all of Hilton Head Island there's
20 one way in and one way out. I mean, you know, you hit hinge points all over the place.

21 CHAIRMAN PALMER: Any other questions for Staff? So when you say this is
22 conceptual, I mean, this plan's not, we're not voting to approve this plan, that's really up
23 to you guys to approve the plan, right? You guys aren't approving the plan.

1 MS. ALMEIDA: Well, the basic, obviously the square footage, the density is
2 established, the access is established, the basic uses are established and anything
3 that's not addressed reverts to the existing Code. So, things can be, once engineering
4 is done, things can be modified, you just can't have – if a major modification comes
5 through, then it would have to come back before this Board.

6 CHAIRMAN PALMER: I assume you guys looked at this and didn't have any
7 problem with the access, correct?

8 MS. ALMEIDA: Again, we didn't look at access in depth, that's something that
9 the fire marshal is going to have to really look at. And they look at fire suppression and
10 they look at all of that in this area.

11 CHAIRMAN PALMER: Okay. Any other questions for Staff? Okay, we have a
12 few people signed up to speak and I'll probably either get your first or last but not both
13 names correct. So, if you would, please line up for us and if you agree with the person
14 in front of you, we take I agree with the people in front of me all day long. So, if you
15 would give your name and address for the Record and please limit it to two minutes.
16 We've got Sammy Wade followed by Henry Bates, followed by –

17 MS. CAIRNS: I'm sorry is this the Applicant. We haven't heard from the
18 Applicant yet I don't think.

19 CHAIRMAN PALMER: The Applicant is typically is –

20 MS. ALMEIDA: First.

21 CHAIRMAN PALMER: - is signed up and he's on here at the end.

1 MR. BROWN: Mr. Chairman, also I believe there's a representative from
2 participating churches in that association. So, I believe it's the association that owns
3 the property, am I right Pastor Wade?

4 PASTOR WADE: Yes, it is.

5 MR. BROWN: Okay.

6 CHAIRMAN PALMER: Let's go down this list of people who signed up and then
7 if somebody hasn't signed up like the Applicant, I would imagine –

8 MS. CAIRNS: Okay.

9 CHAIRMAN PALMER: That just needs to sign up.

10 ? : Mr. Wade is the Applicant.

11 CHAIRMAN PALMER: Right.

12 MS. CAIRNS: Okay.

13 MR. BROWN: That's what I was saying.

14 MS. CAIRNS: I saw someone at the podium who never spoke and sat back
15 down. So that was –

16 CHAIRMAN PALMER: Okay. Mr. Wade, followed by Henry Bates, followed by
17 Fred – I'm not going to even attempt his last name. Zack Taylor, Hanes – Alvin Hanes
18 maybe? Olivia – and then Gerald Lonon. Yes, sir.

19 **TESTIMONY OF SAMMY WADE:**

20 PASTOR WADE: Good afternoon. Mr. Chairman, we have agreed as a group
21 to curtail my speaking and to strike the names of those who signed up to speak and if I
22 could just be assisted by Mr. Lonon who is the engineer, of the project the Wateree
23 Retreat Center.

1 CHAIRMAN PALMER: Okay.

2 PASTOR WADE: I just wanted to say that the project is a worthwhile project, it's
3 seen that way from community residents and about 20 churches in the area who are in
4 collaboration. It is a neighborhood friendly project as well as environmental friendly
5 project. So, we thank you for your time this afternoon and if there are any other
6 questions or comments, I'm going to ask Mr. Lonon, whose the engineer who put
7 together the conceptual drawing for us to please come.

8 CHAIRMAN PALMER: I have a question for you Mr. Wade. Is this a park type of
9 situation open to the public or is there something for y'all's community of churches or
10 how do you plan on operating this?

11 PASTOR WADE: It is for the public, but as far as primary responsibility of
12 operation it would be a collaborative effort between the churches.

13 CHAIRMAN PALMER: But will you operate under certain hours or will it be open,
14 if anybody wants to come in play basketball that's not a member of your churches or –

15 PASTOR WADE: It would be operated under certain hours.

16 CHAIRMAN PALMER: And as a private entity for your churches or just for
17 anyone who –

18 PASTOR WADE: For anyone who would like to come in.

19 MS. CAIRNS: It has a gated entrance after the public dedication, right?

20 PASTOR WADE: Right.

21 CHAIRMAN PALMER: Okay. Any other questions for Pastor Wade?

22 PASTOR WADE: No, sir.

1 CHAIRMAN PALMER: Okay, I've just got to run down this list just as protocol.

2 Mr. Bates, do you wish to speak?

3 MR. BATES: No, thanks.

4 CHAIRMAN PALMER: Okay. Mr. Fred, Zack Taylor? Is it Alan Hadens? And
5 Mr. Gerald Lonon.

6 **TESTIMONY OF GERALD LONON:**

7 MR. LONON: Yes, I'm Gerald Lonon with Pace Engineering representing the
8 client here. And I prepared the guidelines and been working on this for nearly two
9 years. And I'd like to go into those issues that were discussed in detail.

10 CHAIRMAN PALMER: Sure.

11 MR. LONON: First, before we get too far into speculation. In the right-of-way
12 width certainly if DOT asks for additional right-of-way we'll have to grant it. But I will tell
13 you that we've made an application to DOT for the entrance as shown. They have
14 commented on it [inaudible] issues. And the issue of turning lanes has not come up or
15 any additional right-of-way. That's not approved yet, we're that far along.

16 CHAIRMAN PALMER: But you wouldn't object to a statement in the PDD
17 conditions that if they did request that, that you guys would grant that.

18 MR. LONON: That's right, no objection to that. Yeah. On the condition of traffic
19 impact, initially that was a requirement. We met last summer with Staff, Carl Gosline at
20 the time pointed out that had been a requirement to Council making a change to the
21 Land Development Code that would alleviate that requirement, [inaudible] was made. I
22 have emails here where I asked Geo Price for the latest regulations after the change
23 was adopted, which he sent to me. I passed that on the Carl Gosline and asked him if

1 he could help us determine whether a Traffic Impact Assessment was needed. It wasn't
2 clear to me; although it seemed to be. Carl Gosline emailed me back September 22nd
3 [inaudible] assuming the overall development hasn't substantially changed the Wateree
4 Development will not require Traffic Impact Assessment. That was because of the
5 change in the Land Development Code. So, we have done no more in it. So, I would
6 think that maybe Item C there needs to be clarified somehow perhaps come to the
7 effect that only a PDD development of this type requires a Traffic Impact Assessment,
8 but it's not absolutely required, it seems that it's not required at all under the Code.

9 CHAIRMAN PALMER: Okay, any other issues besides traffic impact?

10 MR. LONON: Oh, I need to tell you that low impact development is almost is
11 unavoidable here because of the wide buffer of wetlands and floodplain from Cedar
12 Creek. Cedar Creek being the direction where everything flows from – there's up to
13 500' of buffer, 300-500' of wetlands and floodplain that we don't plan anything in except
14 trails there. And we've already submitted a limited set of construction plans to Public
15 Works proposing using those buffers for water quality with, it's an onsite detention. And
16 if you look in Appendix U, you'll see their response. They came back and more or less
17 approved that concept from, asking for some more information on it, the concept of
18 utilizing the wetlands as buffers which is a low impact plan [inaudible] as received
19 [inaudible].

20 CHAIRMAN PALMER: Okay, anything else?

21 MR. LONON: That's all.

22 MR. MANNING: I have a question for Mr. Lonon. Obviously, you do have a lot
23 of lines on this site plan, floodplains and wetlands and no disturbance zones, all kind of

1 interesting lines and I was wondering when you prepared this, were you aware of the
2 county buffer requirements that relate to floodplains?

3 MR. LONON: New requirements?

4 MR. MANNING: The new requirements.

5 MR. LONON: That's right, I'm aware of that.

6 MR. MANNING: Cause it [inaudible] a 100', it's floodway, whatever that floodway
7 line is, and I didn't want anyone to be – there is a hardship language, there is some
8 hardship language in the ordinance that allows you to make a case but that's a no
9 disturb zone. I guess you've got part of a proposed lake in it?

10 MR. LONON: That's right. That's right, but now our drawings went to Public
11 Works some months ago before that was ever adopted.

12 MR. MANNING: And I don't know what the distances are but they way the
13 ordinance is it really doesn't matter. You know, a floodway is no disturbance so I just
14 wanted you to be aware of that, if you had not taken that into consideration.

15 MR. LONON: Right, the floodway if you notice there is no – is far enough away it
16 wouldn't be an issue for wetlands [inaudible] could be.

17 MR. MANNING: Right, the wetlands are delineated; I'm assuming the floodplain
18 and flood way lines have been determined by –

19 MR. LONON: That's right.

20 MR. MANNING: FEMA map.

21 MR. LONON: That's right.

22 MR. MANNING: Or did you do the calculations on that?

23 MR. LONON: Several years ago.

1 MR. MANNING: Okay. Staff, it looks like that's not correct what I'm telling you
2 but I've –

3 MS. ALMEIDA: Mr. Chairman, what we'd like to state is that there has not been a
4 formal submission for any of this as of today. And all submissions, formal submissions
5 come through the Planning and Zoning Department. So, there may have been some
6 informal conversations that have taken place, but this would be under all requirements
7 of the new regulations.

8 MR. MANNING: Right. Well, I didn't see any language in the conditions
9 regarding the buffer areas and their buildings and parking lots and –

10 MS. ALMEIDA: Well, because we have not gotten, this is just basic, generic –
11 they're still required to go by the storm water regs that are place today. So –

12 MR. MANNING: I knew they would be.

13 MS. ALMEIDA: Yeah.

14 MR. MANNING: My point is that we're looking at a plat or a site plan that's –

15 MS. ALMEIDA: Very generic.

16 MR. MANNING: - [inaudible] to as we go forward and that buffer requirement and
17 I just want to make sure Mr. Lonon was aware of it.

18 MR. LONON: Yes.

19 MR. MANNING: Okay.

20 MR. BROWN: Mr. Chairman?

21 CHAIRMAN PALMER: Sir.

22 MR. BROWN: If I may ask, are you planning to accommodate people staying
23 overnight at this facility?

1 MR. LONON: We have RV spaces and cabins proposed there and that's it.

2 MR. BROWN: How many people?

3 MR. LONON: I would have to look on the counts. Seven cabins, and as I recall
4 four or five [inaudible] probably about 40 beds total.

5 MR. BROWN: [Inaudible] 40 beds total.

6 MR. LONON: Seven. Total in all, seven.

7 MR. BROWN: Total in all. Okay, so at any one given time, people staying
8 overnight there would be 40.

9 MR. LONON: Plus RV spaces and there are perhaps 10 RV spaces.

10 MR. BROWN: Okay, alright. So you would have less than 100 people. Is that
11 fair? Staying overnight at this – the rest of it are people coming in during the day using
12 these shelters and so forth and the lake and what have you. Okay. And now going
13 back to the proposed PDD conditions Item C, when you – well let me just ask the
14 question, this is going to always be a retreat, is that the intention of this Wateree
15 Association of Churches?

16 PASTOR WADE: Yes, it is.

17 MR. BROWN: Okay. So, there is no plan for this to have any residential uses?

18 CHAIRMAN PALMER: What's the assisted living area about?

19 PASTOR WADE: The assisted living area belongs to Phase Three, has to do
20 with developing a housing area for senior citizens of the congregation, a potential
21 housing area.

22 MR. BROWN: And how many people – let me ask this, how far off is Phase
23 Three [inaudible]?

1 PASTOR WADE: At this time, to me that would be difficult to answer because of
2 looking at Phase One, along with the conceptual drawing, of course, Phase Three is a
3 long ways off which would entail finances and economics and all the existing policies at
4 that particular time that would dictate whether or not we would be able to do assisted
5 living. So that part when it comes to my mind belongs to Phase Three, it is a dream.
6 It's not finalized.

7 MR. BROWN: Okay. How much property has been dedicated to Phase Three,
8 out of the whole thing, out of the 44 acres?

9 MR. LONON: Phase Three is 3.7.

10 MR. BROWN: Acres?

11 MR. LONON: Approximately half acreages [inaudible] wasn't it? So we're
12 focusing on about [inaudible] acres.

13 MR. BROWN: Okay, totally. But you're saying that three of those would be
14 assisted living?

15 MR. LONON: Include the assisted living [inaudible]. That's Phase Three which
16 that was the only building proposed on Phase Three. That's right, the building and
17 parking for assisted living was only part of Phase Three.

18 MR. BROWN: Okay.

19 CHAIRMAN PALMER: Any other questions? Thank you.

20 MR. LONON: May I say one thing, just to clarify something?

21 CHAIRMAN PALMER: Sure.

22 MR. LONON: On the condition I, Army Corp of Engineers approvals of the
23 wetlands, that is complete. That's been filed with the Corp of Engineers, they agree

1 with the wetlands delineation. [Inaudible] And FEMA approval is in one of the
2 appendices, the [inaudible] map there. That's not from the FEMA website; it's not on
3 their website but documents [inaudible].

4 MS. ALMEIDA: Well, at the time of submission, you can submit copies of all that.

5 MR. LONON: Right. So that, that is complete. Those are quite substantial task
6 but they are done.

7 CHAIRMAN PALMER: Okay. Thank you. Anna, when is a Traffic Management
8 Plan required or is it subjective?

9 MS. ALMEIDA: We have criteria that generates the requirement of a Traffic
10 Impact Assessment. It depends on how much traffic is generated from the site and
11 there's a threshold and our Transportation Planner has an entire criteria. But it doesn't
12 go by the square footage of anything, it just goes by the, obviously the traffic that it
13 would generate. If it trips a certain number, it would require the submission of one.

14 MS. MCDANIEL: The traffic engineer has already determined then that this does
15 not meet those criteria for a traffic assessment?

16 MS. ALMEIDA: Well, unfortunately, our Traffic Planner's not here today, he's at
17 a meeting. But from what Mr. Lonon has stated and identified in an email which was
18 dated, I believe September of '09, I would need to really talk to our Traffic Planner in
19 order to determine how he came up with that assessment. And if that is the case, then
20 we would obviously adhere to that.

21 MS. CAIRNS: But does C have to be amended to say that a traffic assessment
22 shall be submitted if required by the traffic engineer?

23 MS. ALMEIDA: Right, may be required, yes.

1 MS. CAIRNS: Yeah. Cause that way –

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

3 CHAIRMAN PALMER: What's the need for PDD here? Because under current
4 RU standards you can do a recreation/vehicle parks and a recreational camps.

5 MS. ALMEIDA: Well, I believe Mr. Price is here to determine that, it is mixed
6 use. I believe Family Life Center, overnight stay in cabins, I think just the different uses
7 that are created in allowing the flexibility of the different uses, but Mr. Price is here and
8 he can address that properly, I suppose.

9 MR. PRICE: She is correct. [Laughter]

10 MS. ALMEIDA: Thank you.

11 MR. PRICE: The multitude of use that were proposed here –

12 CHAIRMAN PALMER: I'm sorry?

13 MR. PRICE: - pushed us to PDD [inaudible].

14 MS. ALMEIDA: Like, you could have bed and breakfast in a Rural but, I believe
15 you can't have a motel or a hotel or so –

16 CHAIRMAN PALMER: It just seems like to me that, you know, they're looking to
17 do an RV park, with recreational camps, with recreation camps. And then, in the Third
18 Phase which may or may not ever get here, I mean, it seems like it's dream of theirs
19 one day -

20 MS. ALMEIDA: But cabins and overnight stays –

21 MS. CAIRNS: And a Family Life Center, those –

22 MS. ALMEIDA: That's the Third Phase.

23 MS. CAIRNS: No, the Second Phase, is a Family Life Center.

1 MS. ALMEIDA: Or is that the Second Phase?

2 CHAIRMAN PALMER: Phase Two is a gym.

3 MS. CAIRNS: Is that an outright use in Rural, I thought that that generally
4 applied?

5 MS. ALMEIDA: No, the assisted living is the Third Phase.

6 MR. BROWN: Mr. Chairman, I think also you have to take into account this is all
7 for a religious purpose because, well, if the –

8 CHAIRMAN PALMER: Sounds like it's for profit.

9 MR. BROWN: No, I mean, you've got a retreat center –

10 CHAIRMAN PALMER: Yeah, but they're open to the public for RV parks and
11 stuff.

12 MR. BROWN: Sure they can do that.

13 CHAIRMAN PALMER: Yeah.

14 MR. BROWN: You have 20 – how many churches listed there who are a part of
15 that association basically, going to be utilizing this particular property.

16 MS. CAIRNS: The only reason, I mean, I was shaking my head no in that we
17 don't, I don't feel it's appropriate to take into account that it's a church asking for this.
18 Even if this was a pure for profit entity that wanted to create a retreat center so that
19 groups could come in and use it, I feel that as Board we should consider those
20 Applicants equally.

21 MR. BROWN: Well, I have no –

22 MS. CAIRNS: That's why I was shaking my head no.

1 MR. BROWN: Well, I understand, I understand that. But what I'm pointing out is,
2 is that while it's open to the public simply because they're not going to stop people from
3 basically wanting to use it, let's say if Presbyterians and somebody else wanted to use it
4 other than Baptist, it's still pretty much restricted for religious purposes. Same as a
5 church would be.

6 MR. TUTTLE: Mr. Chairman, I'd like to make a motion. I'd like to make a motion
7 that Case No. 10-11 MA with the following change under the proposed PDD condition C
8 be modified to say "if required", be sent forward to Council with a recommendation of
9 approval.

10 MR. BROWN: I second.

11 CHAIRMAN PALMER: We have a motion and a second. I'm just looking through
12 the range of uses here, Geo.

13 MS. ALMEIDA: Yes.

14 CHAIRMAN PALMER: Oh, I mean, I don't have a problem with doing it; I just
15 don't want to make double work for you here. We're talking about, you know, under RU,
16 you can do public and private parks, public recreation facilities, which I guess would be
17 the Family Life Center or the gym, right?

18 MR. PRICE: The public and private.

19 CHAIRMAN PALMER: Public and private parks, public recreation facilities. You
20 can do nursing and convalescent homes.

21 MR. PRICE: What about the cabins, how would that fit in?

22 CHAIRMAN PALMER: That would go under the recreation camps.

23 MS. ALMEIDA: Hum-um (negative).

1 MS. CAIRNS: But all under a single parcel?

2 MR. WESTBROOK: Right, that was me.

3 MS. CAIRNS: That'd be like, you know, if you chopped it up into separate
4 parcels and dedicated a use to each one. But to do –

5 CHAIRMAN PALMER: You can do these all under – you don't have to have
6 different parcels to do different [inaudible] on it.

7 MR. PRICE: If you had a recreation camp.

8 CHAIRMAN PALMER: This talks about recreational vehicle parks, which is what
9 they want to do, an RV park -

10 MR. PRICE: Okay.

11 CHAIRMAN PALMER: - and recreation camps. Recreation camps is the cabin.
12 Recreation camp.

13 MR. PRICE: See that under the recreational uses?

14 CHAIRMAN PALMER: Under RU? Under Business Professional and Personal
15 Services.

16 MR. PRICE: [Inaudible].

17 MS. CAIRNS: Certainly the, assisted living require – you can do assisted living
18 anywhere?

19 CHAIRMAN PALMER: It says nursing home and convalescent, I mean – I don't.

20 MR. PRICE: Actually, okay – got a few questions there, hold on.

21 CHAIRMAN PALMER: Nursing and convalescent homes, I mean, it's a special
22 exception, you've got to go in front of the Board of Zoning Appeals, but still there's an
23 avenue if you can do it under our current Code, under its current zoning.

1 MR. PRICE: [Inaudible] care retirement center, actually by –

2 MR. TUTTLE: No, but if the Applicant requested a PDD it's certainly not our
3 obligation to figure out whether it could be done under the existing zoning.

4 MS. CAIRNS: Right, but sometimes we do try to avoid PDD's that don't need to
5 be PDD's.

6 MR. TUTTLE: Well, I think this one clearly does. I think they're certainly
7 providing more to us concrete in writing than we would get under the general zoning so,

8 -

9 MS. CAIRNS: Right, but it just –

10 MR. TUTTLE: - and it's a mixed use so I'd certainly think it's in – certainly in the
11 applicable use of the PDD.

12 MS. CAIRNS: I think because of all the mixed uses, I agree. I think the PDD is
13 good way to go. But, I mean, we sometimes we have Applicants come in for PDD's that
14 all they're asking for is a single use, they just don't want to do a straight rezone and
15 those are the ones that are –

16 CHAIRMAN PALMER: But I don't want somebody to come in and do PDD in a
17 general commercial when all the uses are currently allowed on general commercial.

18 MS. CAIRNS: Right, which you just do a straight rezone.

19 MR. MANNING: Mr. Chairman, I'd like to call for a question. I think we have a
20 debate –

21 CHAIRMAN PALMER: Okay, that's fine; that's fine, I don't have a problem with
22 that. I just –

1 MS. ALMEIDA: Well, I would to add that in the PDD it does restrict the square
2 footage and the amount of these uses that you would have on this site, so it would be to
3 our benefit, so to speak.

4 CHAIRMAN PALMER: But we don't typically don't do PDD's to [inaudible].

5 MS. ALMEIDA: No, not at all.

6 MS. CAIRNS: But I would also say that the, you know, if the assisted living
7 facility would require a special exception in the future, this way this Applicant knows that
8 they have a right to build that without having to go through any of this in the future.

9 CHAIRMAN PALMER: Alright, we have a motion and a second to send us
10 forward to Council with a recommendation of approval with the current –

11 MS. LINDER: Mr. Chairman, I'm just asking on the motion for approval, with the
12 conditions, the only condition you're changing is Item C, is that correct?

13 MR. TUTTLE: Yeah, that was my motion.

14 MS. LINDER: Thank you.

15 CHAIRMAN PALMER: But we'd also like to add in the motion as well that if
16 SCDOT required any additional right-of-way that is dedicated?

17 MS. ALMEIDA: Staff had added that as part of the motion.

18 MS. CAIRNS: Yeah, so F is getting amended.

19 MS. ALMEIDA: Staff had identified that requirement.

20 CHAIRMAN PALMER: Is that under F?

21 MR. TUTTLE: Yeah, okay I'll amend my motion to reflect that under the proposed
22 PDD conditions, Item F, if for some reason SCDOT required greater right-of-way, they
23 would dedicate that.

1 MR. BROWN: I'll accept that, Mr. Chairman.

2 CHAIRMAN PALMER: We have a motion and a second to send Case No. 10-11
3 MA forward to Council with a recommendation of approval subject to the proposed PDD
4 conditions as amended on page 25. All those in favor please signify by raising your
5 hand.

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

8 CHAIRMAN PALMER: None opposed.

9 MR. PRICE: I did have your answer but –

10 CHAIRMAN PALMER: You'll share it with me later.

11 MR. PRICE: No, we're done. [Laughter]

12 CHAIRMAN PALMER: Okay, text amendments.

13 MS. ALMEIDA: Mr. Chairman, found on page 29 is a revision to our existing
14 lighting ordinance that addresses only the provision of outdoor retail. Staff is
15 recommending that the actual lumens be increased and that's about it, at this point.
16 One of the reasons for this modification was we have been getting for instance, some
17 car dealerships that have been coming into our community and the industry itself
18 requires additional lighting, higher intensity light. We have situations where they're
19 coming and doing infill and the surrounding areas, of course, were under an old Code,
20 which allowed for a lot more lighting and the Applicants are having difficulty meeting our
21 lumens requirement. So in the past, we have revised some of our lighting standards for
22 example, athletic fields. Staff was unaware of the requirements that a field at night
23 requires a lot of lighting and we had to modify that. So, we are slowly, when these uses

1 are coming in, because our lighting standards tend to be more on the generic side, we
2 are getting a real education on what the industry requires and so we met with a light
3 expert for, specifically for outdoor retail, for instance RV and car dealerships, and we
4 came up with these standards. Two of the car dealerships that have come into our
5 community in the past two years have come under the old Code. So this is something
6 new for us. So, this is the standards that we did come up with, with the
7 recommendation and there was a lot of give and take as far as the lumen requirements,
8 so we propose that all other standards remain unchanged and this is the only
9 modification that we've seen that we propose or that we request as a recommendation.

10 MS. CAIRNS: I have only one quick question.

11 MS. ALMEIDA: Yes.

12 MS. CAIRNS: Is outdoor retail defined?

13 MS. ALMEIDA: Where's Mr. Price? I believe it is. Yes.

14 MS. CAIRNS: Mr. Price, is outdoor -?

15 MR. PRICE: Y'all are on a roll. [Laughter]

16 MS. CAIRNS: I guess that it wouldn't allow the increase for that amount of
17 lighting in a parking lot of a retail store.

18 MR. PRICE: Outdoor retail; commercial sale of large items traditionally occurring
19 outside.

20 MS. CAIRNS: Okay.

21 MR. PRICE: Auto dealerships, lumber yards –

22 MS. ALMEIDA: And all other standards, the shielding, the full cutoff, everything
23 else remains intact.

1 CHAIRMAN PALMER: And no one is signed up to speak.

2 MR. MANNING: So, what we're doing is we're doubling the amount of light during
3 the daytime or business hours if it goes into the night –

4 MS. ALMEIDA: Correct.

5 MR. MANNING: - and reducing the light for security purposes? Going from 180 to
6 –

7 MS. ALMEIDA: Slightly, yes. Slightly.

8 MR. MANNING: So we increase it by double during business hours?

9 MS. ALMEIDA: During evening, yeah. They have – there is an unbelievable
10 amount of information that the industry has provided on even the color of light. It is a
11 science all in itself.

12 MR. TUTTLE: Yeah, as it was previously written, arguably it's one of the tightest
13 –

14 MS. ALMEIDA: From what I understand.

15 MR. TUTTLE: - [inaudible] in the nation.

16 MS. ALMEIDA: Yeah.

17 MR. TUTTLE: If not the – so it's gone from probably [inaudible].

18 CHAIRMAN PALMER: Okay.

19 [Inaudible discussion]

20 MS. ALMEIDA: Apparently so.

21 MS. CAIRNS: You can't find a thing there at night.

22 MS. ALMEIDA: Well, and I believe the reason being, you know, in Hilton Head
23 you have a lot of buffer requirements.

1 MS. CAIRNS: Right.

2 MS. ALMEIDA: So, you have your display areas that are contained more inside
3 of the site. We don't have such strict buffer requirements, so when you're going 10'
4 from a property line, it is becoming almost impossible to reach that .1 requirement, so
5 we played a lot with how this one car dealership would have to display and we're
6 talking, and I believe, Geo, what was it 80', they would have to come in at minimum to
7 even come close. So, it almost became – no display area for the car dealership.

8 CHAIRMAN PALMER: That's good. Motions?

9 MS. CAIRNS: I'd make a motion that we send Ordinance NHR forward with a
10 recommendation of approval.

11 MR. GILCHRIST: Second.

12 CHAIRMAN PALMER: We got a motion and a second, all those in favor please
13 signify by raising your hand?

14 *[Approved: Cairns, Westbrook, Tuttle, Palmer, Manning, Mattos-Ward, McDaniel,*
15 *Brown Gilchrist]*

16 CHAIRMAN PALMER: None opposed. Do we have a motion to adjourn?
17 Adjourned. None opposed.

18

19

[Meeting Adjourned at 4:00pm]