

**RICHLAND COUNTY PLANNING COMMISSION****May 7, 2012**1  
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*[Members Present: Heather Cairns (in @1:02), Olin Westbrook, Kathleen McDaniel, David Tuttle, Patrick Palmer, Deas Manning, Howard Van Dine, Wallace Brown, Sr.; Absent: Stephen Gilchrist]*

Called to order: 1:00 pm

CHAIRMAN PALMER: We'll call the May meeting of the Richland County Planning Commission to order. Allow me to read this into the Record, if you would. In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification and posted on the bulletin board located in the lobby of the County Administration building. We, did everybody get a copy of the March and April Minutes? Everything look good? We have any motions?

MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we approve the Minutes that were included in our package.

MR. WESTBROOK: I'll second.

MR. VAN DINE: Mr. Chairman, before we vote I was not at the March meeting so I will not be able to vote on approval of those Minutes.

CHAIRMAN PALMER: Okay.

MR. MANNING: The motion's for both sets of Minutes?

CHAIRMAN PALMER: Yeah. Is that a second?

MR. WESTBROOK: Yes.

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

*[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning; Abstained (March): Van Dine; Absent for vote: Cairns, Brown; Absent: Gilchrist]*

1 CHAIRMAN PALMER: Do we have any Agenda amendments?

2 MR. LINDER: Mr. Chairman, I believe that there are some administrative  
3 deferrals. The Zoning Administrator has deferred Case number 1, Case number 3 and  
4 Case number 4.

5 CHAIRMAN PALMER: Okay.

6 [Cairns in @ 1:02]

7 MS. LINDER: So those have been administratively deferred.

8 CHAIRMAN PALMER: Okay. Any other Agenda amendments? All those in  
9 favor signify, or just say aye? Any opposed?

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

12 [Brown in @ 1:03]

13 CHAIRMAN PALMER: For those of you here for the case with the Richland  
14 County Landfill or for Mr. Kim, which is Case No. 12-18 MA, Case No. 12-07 MA, or  
15 Case No. 12-19 MA, those cases have been deferred until next month. However, if  
16 you've signed up to speak, we understand and we appreciate you coming out today and  
17 taking time out of your schedule. If you would still like to speak on those issues you  
18 certainly can but those cases won't be heard until next month. Okay? Road names.

19 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we approve the road  
20 names as presented.

21 MR. VAN DINE: Second.

22 CHAIRMAN PALMER: Motion and a second, all those in favor say aye? Any  
23 opposed?

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

3 No listing of road names.

4 CHAIRMAN PALMER: Okay, Map Amendments, Case No. 12-15 MA.

5 **CASE NO. 12-15 MA:**

6 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Ms. Tonya  
7 Boyd, she's also the property owner. The property is located at 2400 Alpine Road, it is  
8 about a third of an acre in size. It's currently zoned RS-LD, Residential, Single-Family,  
9 Low Density and Ms. Boyd is requesting a GC, General Commercial district. The  
10 existing zoning is the original zoning approved in 1977, where the property has a little  
11 over 100' of frontage on Alpine Road. Some of the surrounding land use in the vicinity,  
12 we've got to the north General Commercial zoning, across the railroad tracks, and  
13 there's railroad tracks there and the property to the north is undeveloped and currently  
14 vacant. To the south we've got some M-1 zoned property where the Harrison Hydraulic  
15 Parts & Service Center is located. To the east we have RS-LD, single-family zoning  
16 and it's currently occupied by a number of residential uses in the Windsor Estates  
17 Subdivision. And to the west, the northwest, across the railroad tracks we have a mini-  
18 warehouse situation, kind of a storage facility. Our Comprehensive Plan recommends  
19 suburban on this property where office and commercial uses are typically located at  
20 traffic junctions or in areas where there's other commercial use. The Staff looked at the  
21 surrounding zoning and surrounding use for this site and found that the majority of  
22 commercial use was across the railroad track, with some of the light industrial across  
23 Alpine Road. Based on the surrounding residential uses to the east and to the north in

1 the existing subdivision there, and the use located on the property which is a single-  
2 family residence, the Staff recommended disapproval of this application. If you've got  
3 any questions I'll be glad to answer them.

4 CHAIRMAN PALMER: Any questions for Staff? Tonya Boyd? And if you would  
5 when you come up to the podium if you could limit your comments to, to two minutes  
6 we'd appreciate it, and give your name and address for the Record.

7 **TESTIMONY OF TONYA BOYD:**

8 MS. BOYD: I live at 5934 Fillmore Street, Columbia, South Carolina. Basically I  
9 was trying to rezone and put a small business in, and I went out and the houses on the  
10 side is residential, in the subdivision is only like eight houses. And then I've got 300'  
11 down that comes up North King and it's two houses on that side and then there's all  
12 commercial there, so – Magnolia Manor and then apartment complex and then it runs  
13 into North Trenholm, which is all commercial in there.

14 CHAIRMAN PALMER: Okay. Any questions for Ms. Boyd? Thank you. Robert  
15 Junior O'Brien?

16 **TESTIMONY OF ROBERT O'BRIEN:**

17 MR. O'BRIEN: Good afternoon, I'm Robert J. O'Brien, I reside at 9604 Highgate  
18 Road, Columbia, South Carolina. I'm the president of the Briarwood Neighborhood  
19 Association, we have 600 residents there in that area there, and we are totally against  
20 any zoning of that property being zoned commercial. It does not blend with the rest of  
21 the neighborhood. We also see that if there's a problem, traffic up there, you've got the  
22 railroad tracks right beside the house and so I'm here today to let you know that our

1 residents are definitely against the approval of that property for commercial use. Thank  
2 you.

3 CHAIRMAN PALMER: Thank you. Any – that’s all we have signed up to speak  
4 on the matter. Any motions or discussion?

5 MR. VAN DINE: Mr. Chairman, I’ll make a motion we send this forward with a  
6 recommendation of rejection. I think that this is an invasion of commercial into a  
7 predominantly residential area and we have in the past said that these type things  
8 should not be allowed, especially an invasion across the railroad tracks of this nature.  
9 So I would say we send this forward with a recommendation of denial.

10 MR. MANNING: Second.

11 CHAIRMAN PALMER: I’m in complete agreement. I, I could not see a more  
12 clear cut case of a piece of property that needs to remain residential as opposed to  
13 General Commercial. Any other comments or questions? We have a motion to send  
14 this case forward to Council with a recommendation of denial. All those in favor say  
15 aye? Any opposed?

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

18 CHAIRMAN PALMER: We’re a recommending Body to County Council. County  
19 Council will take up this matter on May the 22<sup>nd</sup> in these same chambers, so any zoning  
20 map amendment that you folks may be here for, I would recommend you come back on  
21 May the 22<sup>nd</sup> as well for the Council hearing on these same matters. Case No. 12-18  
22 MA has been deferred, however, if anybody, we have one person signed up to speak,  
23 Mr. Johnny Gim, is that right?

1 MS. CAIRNS: I think he left, one fellow left.

2 CHAIRMAN PALMER: Okay. And no one is signed up to speak for Case No.  
3 12-19 MA. So Case No. 12-20 MA.

4 **CASE NO. 12-20 MA:**

5 MR. LEGER: Mr. Chairman, the applicant in this case is Jacqueline Reese, this  
6 property is located on Bluff Road. It's two acres in size, currently zoned RU. The  
7 applicant is requesting RC, which is Rural Commercial district. RU district is the original  
8 zoning from 1977, and the property has almost 300' of frontage on Bluff Road. The  
9 area is made up, for the most part, of residential uses, large lot, acreage, very rural,  
10 timbered properties, not [inaudible] the vicinity other than residential use or timbered  
11 properties. Our Comprehensive Plan recommends Rural in this instance, again where  
12 office and commercial use should be located at major traffic junctions or areas where  
13 there is other commercial uses of a similar nature. We have found that this is not the  
14 case, this is not really much of a traffic junction here. Clarkson Road is a very small  
15 scale road, really intended to serve residential use, if any. And [inaudible] in the vicinity.  
16 The nearest commercial properties are three miles, at least three miles in either  
17 direction. So again, there's not much commercial use in the vicinity. The property is,  
18 what was a commercial use, has gone vacant for an extended period of time, and lost  
19 its legal non-conforming status, consequently my understanding is the applicant would  
20 like to rezone to Rural Commercial at this time. Because of the surrounding use,  
21 surrounding zoning, the characteristics of the area, the Staff recommends disapproval  
22 of the change to RC at this time. If you have any questions I'll be glad to try and answer  
23 them.

1 CHAIRMAN PALMER: Any questions for Staff? Jacqueline Reese?

2 **TESTIMONY OF JACQUELINE REESE:**

3 MS. REESE: Hi, I'm Jacqueline Bush Reese, 7122 Bluff Road address, Hopkins,  
4 South Carolina 29061. My dad had this business opened up for over 30 something  
5 years and he lost his life in that business and I wanted to keep his legacy going. Had I  
6 known at the time that my siblings did not do the proper things to keep it going, then I  
7 would have, so I'm up here now to try to get it established back to keep William Bush  
8 legacy going. We have the monument that's, it's presently not really new to the area  
9 but they have, on Mountain View on down the road, it's a lot of customers that comes  
10 there and they'll, you know, stop by if I'm out cutting the grass and they're like, when the  
11 store, you know, gets open, you know, if they want a soda pop or something like that,  
12 that's what they were used to before he passed away. And all I'm trying to do is just try  
13 and keep his legacy going and fulfill the things that were there before he left here.

14 CHAIRMAN PALMER: Okay, thank you. Any questions for Ms. Reese?

15 MR. MANNING: Ms. Reese, how long has the businesses that were located  
16 there been out of business?

17 MS. REESE: My dad got killed in '05.

18 MR. MANNING: '05.

19 MS. REESE: Yes, sir.

20 MR. MANNING: So, and the business was shut down after that?

21 MS. REESE: Yes, sir.

22 MR. MANNING: And this was a grocery or?

23 MS. REESE: Yes, sir.

1 MR. MANNING: Okay. A retail establishment.

2 MS. REESE: Yes, sir.

3 MR. MANNING: Thank you.

4 MR. BROWN: He asked my question.

5 CHAIRMAN PALMER: Okay. Anything else? Thank you, Ms. Reese.

6 MS. REESE: Thank you, sir.

7 CHAIRMAN PALMER: Edna Mosley?

8 MS. MOSLEY: [Inaudible]

9 CHAIRMAN PALMER: Okay, you're for, you're in favor of the rezoning?

10 MS. MOSLEY: Yeah [inaudible].

11 CHAIRMAN PALMER: Oh, okay. Okay, thank you. That's all we have signed up  
12 to speak.

13 MR. TUTTLE: I have a question for Ms. Linder if I could.

14 CHAIRMAN PALMER: Sure.

15 MR. TUTTLE: Is there any opportunity when a business that was non-  
16 conforming who gets past its grandfather stage to go back to the Board of Zoning  
17 Appeals and ask for a variance? Rather than rezone the property, is that possible?

18 MS. LINDER: The ordinance is very clear that [inaudible] reestablish the use and  
19 the Board of Zoning Appeals cannot vary uses.

20 MR. MANNING: One other question for Staff.

21 CHAIRMAN PALMER: Sure.

22 MR. MANNING: Is there any notification on, you know, once the business  
23 discontinues that they have a certain period of time to bring it, keep it in conformance?



1 MR. PRICE: No, sir.

2 MS. CAIRNS: Well yes, I mean, the Code exists. I mean, everyone's on notice  
3 of the Code.

4 MR. MANNING: Well, I just didn't know whether, you know, a business operating  
5 does not file a business license with the county is there any communication going back  
6 and forth that that needed to happen or they would lose – I know it's in the Code, but I  
7 didn't know whether that was a policy.

8 MR. PRICE: No, sir, we do not notify.

9 MR. TUTTLE: Yeah, and I'm gonna probably ask the same question differently.  
10 Is there any notification of businesses that are non-conforming uses? How would they  
11 know they're a non-conforming use? Is it at the business license phase when they send  
12 in their update on their business, somebody tells them they're – how would you know?

13 MR. PRICE: No, sir. Normally when they find that they're non-conforming it's  
14 typically when they're, they may come in to expand the use, change the use or make  
15 some changes to the property. But if they're a non-conforming use from a business  
16 license standpoint, typically you're gonna continue what was grandfathered in, as we  
17 like say, you will just come in and renew your license.

18 MR. TUTTLE: But in, somewhere in the 35 years the business has been there,  
19 plus or minus, no one would've ever sent a letter saying it was non-conforming, so the  
20 owner now the family would've had any idea it's non-conforming if they didn't attempt  
21 the improvements, is that fair?

22 MR. PRICE: Correct, yes. Unfortunately, there's many circumstances similar to  
23 what you have before you occur where, you know, maybe a sickness or whatever

1 reasons it's been vacant for a number of years and they lose their grandfather status,  
2 the non-conformity status.

3 MR. TUTTLE: Okay.

4 CHAIRMAN PALMER: Any other questions for Staff? I have a question for Staff.  
5 Just – one minute, ma'am, I'll let you – that's fine, if you'd like to come down that's fine.  
6 What would classify, and this is the whole thought process behind Rural Commercial, a  
7 major node in the rural area? It seems to me that if there's a major node it probably  
8 would not be rural in a lot of cases. What classifications do you guys go through in  
9 order to say, well this is a major node in a rural area, it needs Rural Commercial and,  
10 and under what classifications? I mean, if there's a lighted interchange at some point  
11 typically you're looking at maybe some GC or some more intense commercial. What,  
12 what do you look for in order to, because we do have, you know, four roads, you know,  
13 we do have an intersection here, I'm wondering what classification you look for to say,  
14 okay this is a rural intersection?

15 MR. LEGER: I would venture to say more of a collector, and I, I'm not familiar  
16 with that Bluff Road area, but much more of a collector where there are higher traffic  
17 volumes.

18 CHAIRMAN PALMER: Isn't that the whole reason for Rural though?

19 MR. LEGER: I'm sorry?

20 CHAIRMAN PALMER: I mean, we're, we're going to a Rural Commercial zoning,  
21 I mean, if there's, the reasoning behind that is to put some of these smaller uses out in  
22 the areas so these folks don't have to travel as far to get minor things that they need on  
23 their daily life, whatever it be, milk, bread, sodas, whatever, on small tracts of land out in

1 the rural communities. If these are major roads, I mean, we'd be looking at a GC kind of  
2 situation or something like that, but I'm just trying to figure out, I mean, and in the Staff  
3 Report it mentions that there's no commercial zoning anywhere close to this. So the  
4 people who are out in this area who are looking for something small to not have to come  
5 all the way back into town to go to a grocery store, it seems like if we're looking at  
6 intersections for that to occur, I'm just wondering what the classification would be for the  
7 rural, for the Staff to agree that the Rural Commercial would be necessary.

8 MR. PRICE: Just looking in our Code under Purpose Statement, and this, you  
9 know, I think we've looked at Rural Commercial over the years, it's a tough one trying to  
10 establish the areas where we want it, but if you're looking in the Purpose Statement it's  
11 meant to be at intersections of arterial or major collector roads. I think one of the things  
12 that we were looking at, you could put Bluff Road into one of those categories, I don't  
13 think we would put Clarkson Road in there, thus it wouldn't be considered to be at an  
14 intersection.

15 MS. MCDANIEL: What now? Are you saying that this would qualify as an  
16 intersection under –

17 MR. PRICE: No, when we say Bluff Road –

18 MS. MCDANIEL: Okay.

19 MR. PRICE: - may fall into one of the categories of arterial or collector. Clarkson  
20 Road wouldn't.

21 MS. MCDANIEL: And Clarkson does not, okay.

1 MR. PRICE: And so if you just go by just the Purpose Statement of what Rural  
2 Commercial is, they're designed to be located at the intersections of those two types of  
3 roads. And in this case it doesn't.

4 CHAIRMAN PALMER: Yeah, I mean, I can understand that, that thought  
5 process but, I mean, you've got a four-way here. Sometimes you, you know, have a  
6 two way or a three way, you know, where just Bluff Road would be going down and one  
7 road would come in from the side, but this is a four-way interchange. I mean, with there  
8 not being anything, I mean, even per the Staff Report, nothing in the area for these  
9 people, they've really got to go a good ways to get to something, which is what you  
10 want in the rural character, that's what people want, but – I don't know, it's tough, I  
11 mean, when you've got an existing facility, existing building, you're at an interchange  
12 although it may not be two collector roads, one of them certainly is a highly traveled  
13 road, you know, it seems to me that this is kind of what the rural character of the rural  
14 community could use and would need and has become accustomed to, where it's not a  
15 large facility, it's a small facility at a four-way stop and there's nothing in the area like it.

16 MR. PRICE: Right, and I think one of the things that Staff pointed out was, one  
17 of the reasons were pointed out where the other similar type uses would be and I  
18 believe it was stated it's about three miles away. So I guess the next question  
19 becomes, you know, what distance should we use to separate, you know, these similar  
20 type uses, at least the Rural Commercial zoning designations.

21 CHAIRMAN PALMER: Right.

22 MS. CAIRNS: Yeah, it's not very far. I mean, three miles isn't very far in the  
23 rural area.

1 CHAIRMAN PALMER: It is if you're walking. Ms. Mosley?

2 [Inaudible discussion]

3 **TESTMONY OF EDNA MOSLEY:**

4 MS. MOSLEY: I'm Edna Mosley, 119 Mosley Oaks Road, Hopkins, South  
5 Carolina. I think that there is a lot of traffic out there because of, people use Mountain  
6 View to go to the National Monument. There's Hopkins Middle School and the, the Fire  
7 Station there off of Clarkson Road over there, and there's a lot of traffic on Bluff Road  
8 and there would be a use for that as Ms. Reese said. Her father lost his life in that  
9 business. If you go back and you look at the news clippings, it was an accidental death.  
10 Had it not been the business would have still been there and people would stop to get a  
11 soda pop or some ice cream. So we would like for you all to reconsider the zoning for  
12 Ms. Reese. Thank you.

13 CHAIRMAN PALMER: Thank you.

14 MS. MCDANIEL: You know, one thing if this business had been, obviously it's  
15 been there for over 30 years and hasn't engendered any further the encroachment into  
16 the rural character of the neighborhood. I'm kind of conflicted by this cause obviously I  
17 don't, I want it to stay rural, I wouldn't want any encroachment of commercial uses into  
18 what is otherwise the rural area, but it doesn't seem like in the past 30 days that it has  
19 occurred so I'm kind of –

20 CHAIRMAN PALMER: And with the property being posted and not being an  
21 outcry from the community coming out and saying, hey we don't want this, this has been  
22 a nuisance in our area for 30 years, you know, we don't want to see this thing return, all  
23 that kind of stuff, I mean, I don't see that.

1 MS. MCDANIEL: How close is it to Congaree, the National Park?

2 MR. REESE: [Inaudible]

3 CHAIRMAN PALMER: Ms. Reese, if you would come down to the podium it  
4 would, it would – no, no it's okay, it'd just help our transcriptionist when we record every  
5 word that you say.

6 [Laughter]

7 MS. REESE: Okay, where Clarkson is and Bluff Road, Clarkson goes, turns over  
8 to Mountain View. Mountain View goes down to the end of Old Bluff, you hang that right  
9 and the Monument is, if, a mile down there, down the road on the right. And most of the  
10 time the travelers, you know, when they're hiking or whatever, they normally hike, the  
11 other day they were out there and they were saying, they had some children with them,  
12 they were saying, well when the store, you know, opens up and, you know, I told them I  
13 said, well these are what those signs were for, for me to try to get this back. But it's not  
14 that far. And then the bikers also, they use Bluff Road for training, they're traveling or  
15 whatever and they normally stand out there and they'll ask me, you know, it's okay, I tell  
16 them they can stand up under the tree, you know, and drink their water or what have  
17 you. And all I'm trying to do is just keep my dad's legacy alive. Like you said, it had not  
18 been no problem while it was in existence with him and prayerfully I won't have no  
19 problems, you know.

20 CHAIRMAN PALMER: Thank you.

21 MS. CAIRNS: Is the building still usable?

22 MS. REESE: Yes, ma'am.

23 CHAIRMAN PALMER: Any other questions for Ms. Reese? Thank you.

1 MR. MANNING: Mr. Chairman?

2 CHAIRMAN PALMER: Yes, sir, Mr. Manning?

3 MR. MANNING: I'd like to make a motion that we send this forward with a  
4 recommendation of approval. Given the fact that it's an existing business or was an  
5 existing business there, and the Rural Commercial, I believe is intended for this type of  
6 property where the services in the community are very scattered, this is at an  
7 intersection, whether Clarkson is high enough traffic or not, I, I can't answer that  
8 question but if we're gonna begin to do that type of analysis then we need to go to, you  
9 know, trips per day and put that in the Code or – but it seems to me this is a perfect fit  
10 for that type of situation and I recommend we approve it.

11 MR. TUTTLE: Second.

12 MR. BROWN: Second.

13 CHAIRMAN PALMER: We have multiple seconds.

14 MR. VAN DINE: Mr. Chairman, if I could – I'm in support of the motion. I just  
15 want us to make sure that we don't start going down a road here where now all of a  
16 sudden this becomes standard for where a node would be like [inaudible] for a Rural  
17 Commercial zone. I'm a little concerned that the crossroad is a little bit small for us to  
18 be considering it as a node, but I do agree that the locale that we're in and the area that  
19 we are looking at is appropriate for this type of a zoning. So I just want to make sure we  
20 don't take ourselves down a road somehow by taking this first step.

21 CHAIRMAN PALMER: Any other questions or comments? All those in favor of  
22 the motion please signify by raising your hand. Did you get it? All those opposed?

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

3 CHAIRMAN PALMER: Okay. So our recommendation is for Council to approve,  
4 but the 22<sup>nd</sup> back in these chambers is where they'll hear the official case for them to  
5 make a ruling on it. Thank you. Case No. 12-21 MA.

6 **CASE NO. 12-21 MA:**

7 MR. LEGER: Mr. Chairman, the applicant in this case is Ismail Ozbek  
8 representing Lexington County Health Services District. The property is just under an  
9 acre in size, it's currently zoned PDD and the applicant is requesting a change to the  
10 PDD District. The PDD District was approved in November of 1988. The property  
11 currently is occupied by some type of, kind of an office type structure, a brick office  
12 structure facing Summit Parkway. It is surrounded on three sides by residential town  
13 homes in the PDD District. And across Summit Parkway there is a number of non-  
14 residential uses, offices and the Richland County Library. The applicant wants to  
15 change, make a change to the PDD District to allow the, the office structure to continue  
16 to be used as an office structure. Originally the site was approved as a temporary sales  
17 and marketing office within the PDD District. It was shown on the original drawing as  
18 such. The entire PDD is about 1,600, 1,700 acres in size, about 1,200 acres of that is  
19 residential use with about 40 acres as commercial, about 20 acres as office, 120 acres  
20 of school property, about 150 acres of open space and another in access of 100 acres  
21 in roadway and infrastructure. This section of the PDD site plan was originally  
22 designated as medium to high density residential, but again with this temporary office  
23 located on site for sales and marketing. Given the circumstances that the office already



1 exists in the site, the Staff felt like there wouldn't be any additional encroachment of  
2 non-residential use as it's already in existence and could support the change to the  
3 PDD District at this time. If you have any questions I'll be glad to answer them.

4 CHAIRMAN PALMER: Any questions for Staff? Mr. Ozbek?

5 **TESTIMONY OF ISMAIL OZBEK:**

6 MR. OZBEK: Good afternoon, my name is Ismail Ozbek with Alliance Consulting  
7 Engineers. I'm here representing the owner and if you have any questions related to  
8 technically what this site is about - I believe you've read the Staff Report, it was very  
9 comprehensive. Again we're not changing PDD to PDD except for use being confirmed  
10 as office. And also the owners of this entity are here with me if you have any questions  
11 [inaudible]. Thank you.

12 CHAIRMAN PALMER: Have any questions for Mr. Ozbek? Jay Jones? Would  
13 you like to add anything?

14 MR. JONES: No.

15 CHAIRMAN PALMER: Okay. Maggie Longshore?

16 **TESTIMONY OF MAGGIE LONGSHORE:**

17 MS. LONGSHORE: I'm Maggie Longshore, 710 Summit Square. I live in the  
18 residential area that's right next to the, the office site. All I want to be assured of is  
19 there's adequate parking around that building. There are 19 parking spaces, two of  
20 which are handicapped. I understand it's gonna be used as a medical office building to  
21 see patients during the day. I don't know how many physicians and staff are gonna  
22 occupy that building and what the frequency of the appointments will be; every 15  
23 minutes, [inaudible] the doctors and you can do the math. So that was my concern.

1 CHAIRMAN PALMER: Okay.

2 MR. TUTTLE: Mr. Chairman, I'd like to make a motion to send case 12-21 MA  
3 forward to Council with a recommendation of approval.

4 CHAIRMAN PALMER: Do we have a second?

5 MR. WESTBROOK: I'll second.

6 CHAIRMAN PALMER: We have a motion and a second. All those in favor of the  
7 motion please say aye? Any opposed?

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

10 CHAIRMAN PALMER: And – were your questions answered, ma'am, about the  
11 parking, talking to Mr. Ozbek?

12 MS. LONGSHORE: [Inaudible]

13 CHAIRMAN PALMER: Mr. Price down here on the front row, if you'd like to get  
14 with him he can answer any questions you may have about it. Okay? Thank you.  
15 Alright, that concludes our Zoning Map Amendments. Text Amendments? Number  
16 one?

17 **TEXT AMENDMENT #1:**

18 MR. PRICE: What you have is a text amendment to essentially move the M-1  
19 zoning, excuse me, the – radio and cell towers that are allowed in M-1 zoning  
20 designation are allowed by special requirements; all of the other designations in which  
21 cell towers are allowed are by special exception in which you have to go to the Board of  
22 Zoning Appeals. So what we're doing is just making this just like the other zoning  
23 designations where they'll have to go before the Board of Zoning Appeals for approval.

1 CHAIRMAN PALMER: What are the Board of Zoning Appeals' requirements for  
2 approving the special exception for the towers?

3 MR. PRICE: There are a number, I can give those to you, kind of read them to  
4 you. Some of the main issues that we look at are regarding the setback from residential  
5 uses and other uses, they also look at the illumination requirement if a tower's gonna be  
6 over a certain height it has to be illuminated, so they look at that, the impact it may  
7 have. There's requirements for landscaping, requirements for the dismantling of the  
8 tower once it's been vacant for a certain period of time. Most of those are just  
9 automatically, they automatically go with the approval by the Board. And of course they  
10 look at also the other standards that apply for most special exceptions, traffic impact,  
11 vehicular impact and any other requirements that the Board may choose to impose  
12 upon, you know, approval of the use.

13 CHAIRMAN PALMER: Well, those all sound like items that can fall under a  
14 special requirement except for whether the community wants it or not.

15 MR. PRICE: No, sir. Well, one of the things, the Board is not, when the Board  
16 reviews these cases it's not just a matter of does the community want it. They will listen  
17 to what the community has. The community needs to also bring up some issues that the  
18 Code addresses and show that it will have negative impact on their surrounding area.

19 CHAIRMAN PALMER: It sounds like to me the, the topics that you've put out  
20 can all be handled under special requirements, where it's a black and white issue. I'm  
21 not quite sure how much traffic a cell tower will cause.

22 MR. PRICE: It doesn't, and actually what we're looking at here, they're two, this  
23 could go one of two ways. We can move the M-1 over to the special exceptions and

1 thus all uses for a cell tower would fall under a special exception. Or we could look at  
2 the other categories, whether it be Heavy Industrial or the General Commercial and  
3 determine if those could be handled under special requirements as opposed to special  
4 exceptions. It's just that what we have, you know, one district allows them by special  
5 exception, one district, I mean, the other, excuse me, one district allows them by special  
6 requirement, other districts allow them by special exception.

7 CHAIRMAN PALMER: Well, I can understand where there's a, you know, maybe  
8 some residential uses where I would want the public, you know, if somebody wanted to  
9 come out and put a cell tower, you know, within, you know, eye sight of your  
10 neighborhood, yeah I want those people to, you know, have a voice, but I don't know if  
11 anybody's gonna come out in favor of a cell tower till they turn on their cell phone. So  
12 opening it up to the public input, while good it seems like to me that the setbacks and  
13 the safety issues, the dismantling, the landscaping, all these things can be handled  
14 under a black and white regulatory issue as opposed to a, you know, how do we feel, I  
15 don't want it near my house kind of scenario.

16 MR. PRICE: And, and actually Staff has discussed that and there have been,  
17 after a few cell towers that have come before the Board, it is, has gotten to the point  
18 where maybe they would be better served in the special requirements as opposed to  
19 special exceptions because I have not based on my time here come across a tower that  
20 has been denied, that there's been grounds for denial.

21 CHAIRMAN PALMER: Right.

1 MS. MCDANIEL: But that doesn't mean that there won't be. And isn't it the case  
2 that the, the intent is to eventually get property out of M-1 and move it into a more  
3 permanent classification?

4 CHAIRMAN PALMER: No.

5 MR. PRICE: That was, that was, I think that was addressed by the  
6 recommendation of the Planning Commission and ultimately the Council to keep M-1  
7 zoning designation.

8 MS. MCDANIEL: I know we're planning to keep it, but that could, that property  
9 won't necessarily stay in one forever, so I think if it could be switched to something else  
10 then it needs to have the same, I think it needs to go to special exceptions.

11 MR. VAN DINE: Mr. Chairman, I, just so I'm understanding. They're under  
12 special requirements now. If you move it to special exception, those special  
13 requirements are no longer mandated, they're just something to look at during the  
14 process, is that, am I correct in that?

15 MR. PRICE: The special, right now under the M-1 district for a radio and  
16 communications tower there are certain standards that automatically go with the  
17 approval of a cell tower.

18 MR. VAN DINE: Regardless of the zoning classification –

19 MR. PRICE: This is just for the M-1 under special requirements.

20 MR. VAN DINE: Right.

21 MR. PRICE: However, under the special exceptions [inaudible] also there, it's  
22 just that they automatically go with the approval.

23 MR. VAN DINE: Well, when I hear words like, pretty much –

1 MR. PRICE: I'm sorry, they do, they go.

2 MR. VAN DINE: Okay.

3 MR. PRICE: I'm sorry.

4 CHAIRMAN PALMER: Do they have to go with the approval?

5 MR. PRICE: Yes. All of the standards that are filed under special requirements  
6 and special exceptions, they have to go with the project, you know, if it's approved,  
7 approval or if it's allowed outright, there's no variance from it.

8 CHAIRMAN PALMER: And so the reason – what I'm trying to get to here is the  
9 reason for the special exception instead of the special requirement is to have a public  
10 hearing on it.

11 MR. PRICE: Yeah, and allow a Body to give an overview just to really look at any  
12 potential impact.

13 CHAIRMAN PALMER: It just opens it up to a subjective type issue and there will  
14 be no where in the county where they will be outright permitted; everything will have to  
15 go in front of a Board to be subjective and if enough people come out it could sway the  
16 Board one way or the other for or against.

17 MR. PRICE: Sure, it could. But if the Board, you know, if the Board applies the  
18 standards, which they have, for the review of a special exception for a tower that's  
19 gonna determine whether it should be approved or not. Once again, we've had a  
20 number of people come out and say, we don't want this tower in our backyard, we don't  
21 want this tower near us, and that is not within the [inaudible].

22 CHAIRMAN PALMER: Under what grounds could you see a cell tower being  
23 denied under special exceptions?

1 MR. PRICE: That's a good question.

2 MS. LINDER: I think for any of, not meeting any of the special requirements; if  
3 they hadn't attempted to co-locate, if they didn't meet the setback requirements, if they  
4 –

5 CHAIRMAN PALMER: Well, I understand the – it sounds like if they meet the  
6 requirements there wouldn't be a reason for denial. And the requirements go along  
7 under special requirements anyhow, they have to meet those requirements anyhow.

8 MS. LINDER: That is correct.

9 CHAIRMAN PALMER: So what's the reason in going in front the Board of  
10 Zoning Appeals and putting something else on their Agenda as opposed to letting  
11 somebody move forward with their project?

12 MS. LINDER: I think there is an argument to making all of them as permitted,  
13 excuse me, as making all of the, changing all of the radio and cell towers, make them  
14 special requirements.

15 MS. CAIRNS: I can, I mean, I can offer that when I sat on the Board of Zoning  
16 Appeals that there were sometimes factual issues that I thought it was valid we were  
17 looking at, such as where exactly was a residential use because the setback is often not  
18 taken from zoning property lines but from where actual houses were. And so there  
19 were times where the Board of Zoning Appeals was making factual findings as to  
20 whether a house was still a house or an empty structure and therefore no longer subject  
21 to the setback or not, whether that should apply. And I also think it gives Board of  
22 Zoning Appeals an opportunity that in a situation where it might be appropriate for there  
23 to be additional requirements, they can be added. You know, like some of the, I know

1 that it was City of Columbia that put the one over there on Trenholm and Beltline that  
2 just went up that's looking like a pine tree. You know, in a situation like that it would  
3 give, it gives the Board of Zoning Appeals the ability to add some requirements if it's  
4 appropriate for that location. I mean, we didn't, and I agree, I don't think were denied  
5 while I was there but, I mean, there were, I mean, cause I had that same thing, why  
6 aren't these special exceptions, why are we, I mean, special requirements, but I, but  
7 then I saw some cases come up where I thought, this is useful for there to be a deciding  
8 body instead of just the Staff trying to decide.

9 CHAIRMAN PALMER: Yeah, I think under those circumstances that you bring  
10 up are issues that need to be handled under special requirements. I think that we as a  
11 county are trying to move more to, especially as it relates to development or zoning  
12 issues, more of a black and white issue so the community knows what they're dealing  
13 with by looking at our Code, not some interpretation type issue or can I, can't I, what if,  
14 what if not? I mean, if there's cases like you said for example where you see that the  
15 property needs to be measured not from the structure, not from a vacant structure but  
16 from property line to the structure, how would those measurements need to occur, that  
17 needs to be in the Code. So when somebody's taking a look at a piece of property they  
18 can look at it and say, okay I'm 490' from this residential property, I've got to be 500,  
19 this site's not gonna work. And it's not gonna go in front of some board or committee  
20 that says, okay we can kind of move that 10' cause there's nobody living in the house,  
21 or this or that. I mean, those are type issues and if you're putting one up that's in a  
22 residential community you have to do it to those standards, you have to make it look like  
23 a tree or whatever. Those are things that I think need to be handled under the special



1 requirements instead of adding another layer of government or another layer of another  
2 board to go in front of where it may be black and white whether you get it or not. I  
3 mean, this seems prime for a case that can be handled in our Code and what the Code  
4 is made for.

5 MR. PRICE: And one of the reasons why I think, Ms. Cairns just pointed out, one  
6 of the reasons why it hasn't been a big issue I think when you hear about, you know,  
7 [inaudible] being sued or the community coming out is because a majority of these  
8 towers that we have are placed either out in the rural area, we've had a few in  
9 commercial areas where they haven't had much of an impact on residential areas.  
10 However, I could foresee in the future once they try to build more towers that a case will  
11 come up to where, as you stated, where we may need to camouflage the towers a little  
12 bit more.

13 MS. CAIRNS: One of the, I'm sorry, just one of the things I recall, considering I  
14 don't have my Code book in front of me, but was the availability of other towers to carry  
15 the capacity, is that still something the BOZA has to look at?

16 MR. PRICE: The Board does look at that, but we're kind of handcuffed from that  
17 standpoint because what we have to do is we essentially have to rely on the information  
18 brought to us by the applicant. I know the county did look at, a few years ago the  
19 county looked at essentially having our own reviewing panel to determine whether, you  
20 know, somebody said a cell tower needed to go here, that that's where it needed to go,  
21 that it would provide this coverage that we could verify that, but that really didn't go  
22 anywhere. A lot of just legal issues that had to be looked at so that was dropped. But

1 what we do right now is we've relied on the applicant, their testimony from their experts  
2 as to the need and the coverage.

3 MS. CAIRNS: But I also thought there was the issue that, you know, company A  
4 had already put a tower up and company B couldn't go across the street.

5 MR. PRICE: No.

6 MS. CAIRNS: They can do that.

7 MR. PRICE: If they can show that that tower, the first tower does not provide the  
8 necessary coverage.

9 MS. CAIRNS: But they have to show that.

10 MR. PRICE: Yes.

11 MR. TUTTLE: Mr. Price, maybe it's buried in the details, but is there a fall  
12 requirement and then the engineering associated with that as part of approval? You  
13 know, these towers are generally built in a manner in which they don't fall outside the  
14 property line?

15 MR. PRICE: Oh, yes.

16 MR. TUTTLE: Cause otherwise the adjacent properties can't ever refinance?  
17 And the engineering associated with that has to be on file somewhere as well, is that  
18 part of the special requirement that's looked at for approval?

19 MR. PRICE: There's a setback required from, from the properties depending on  
20 what the use is. And typically it's a one to one ratio if there's a residential. Commercial  
21 there isn't, that one to one ratio doesn't, isn't required.

22 MR. TUTTLE: Okay, cause the one's that I've been involved you engineer them  
23 with guy wires and so forth so that in essence it collapses, the whole thing can't fall one

1 direction, it collapses within itself so you wouldn't need 200' for a 200' tower, you'd just  
2 need engineering associated with, it's only gonna fall 75' out any direction.

3 MR. PRICE: Right, during the testimony of some of these applicants, that is what  
4 they state. You know, they talk about the fall zone and how the towers do, they're  
5 intended to collapse and then fall as opposed to just tilting all the way over.

6 MR. TUTTLE: But is that, is that a requirement, I mean, does anybody have to  
7 prove that to a board or to Staff, depending on whether it's a special requirement or  
8 special exception?

9 MR. PRICE: It, but it's not specifically addressed under the standards as a  
10 question that they need to answer but the Board will typically ask that question.

11 CHAIRMAN PALMER: I personally think we just need to get a set of standards  
12 and put them in place for the development of cell towers in Richland County, whether  
13 they're a certain distance from residential, they may need to be camouflaged if they're  
14 not, talk about the falls, talk about the setbacks, talk about the landscaping and have a  
15 set of standards for cell towers so that it applies across the board for everybody. And if  
16 you meet the standards, great build a cell tower, if you don't meet the standards, don't,  
17 find another piece of property.

18 MS. MCDANIEL: I just don't agree with that. I feel like cell towers are a unique  
19 type of thing and, you know, that could be close to a residential neighborhood or even,  
20 you know, commercial areas, and that special exceptions do give that extra layer of  
21 protection and let the surrounding community come in and have a say. And, you know,  
22 special exceptions with requirements are not usually exclusive. The way we have it set  
23 up now where they are allowed by special exception, you still have all of the

1 requirements you were talking about; it's not really an either/or. So if we did have a  
2 special, we did go to special exceptions for this, those requirements would still apply.

3 CHAIRMAN PALMER: Yeah, but if we did that with every nuisance use in the  
4 county where somebody in the neighborhood may not like it being within a vicinity, we  
5 would be sending a lot more stuff to the Board of Zoning Appeals for a wide variety of  
6 uses in the county, I mean, that people may or may not like just to have it vetted in front  
7 of the Board of Zoning Appeals. I mean, I don't think that's – I think if you can come up  
8 with a set of standards it doesn't need to go in front of a Board. If, if there's areas  
9 where you need a variance from something, you have some sort of extenuating  
10 circumstance that, you know, this piece of property's shaped oddly, those kind of things,  
11 that's where the Board of Zoning Appeals is there for. But if you can come up with a set  
12 of standards for the development of something in the county those standards need to be  
13 there and be in place. You know, it's not an arbitrary issue of, you know, we know that  
14 within a certain distance to a residential community, make it whatever distance you  
15 want, these things have to be camouflaged in these standards. I mean, this isn't a new  
16 technology that's out there, there's enough information, there's enough "code and  
17 ordinances" that are out there that, that we can come up with something that's good for  
18 our county.

19 MR. VAN DINE: Mr. Chairman, it seems to me what we're talking about is  
20 fundamentally a balancing of people's use and enjoyment of property, and it seems to  
21 me that there has to be this balancing taking place and a set of rules which says  
22 automatically you can do it if you hit X, Y, and Z, doesn't take into account the, what we  
23 have in the county which is that we have multiple people living here and multiple people

1 needing to have the ability to understand what is gonna surround them and the input on  
2 what might be there. And it seems to me that the special exception allows for some of  
3 that balancing to take place. It is not, it's not a one over the other where you're not  
4 gonna be able to say anything if you meet this checklist that's put forth, and I don't see  
5 the problem with allowing people the opportunity to speak and frankly I think we ought  
6 to be having it on more things than what we have in there, especially on something like  
7 this which is as intrusive as it can be to views and to everything else that can take  
8 place. It just, I don't see the problem with going to a special exception and not being in  
9 the position to allow people to have some input.

10 CHAIRMAN PALMER: I, I couldn't disagree more, I think that the property owner  
11 who buys a home within a certain distance to a piece of property will know now that  
12 there could be a cell tower on this site. The owner of this property has to, can and has  
13 the real possibility of putting a cell tower on the site. As it will be presented to them in  
14 the future is, yeah but it's still got to, they don't have the right to do it, they have to go in  
15 front of the Board of Zoning Appeals and they have to approve them to do it, so they  
16 don't have the right to put a cell tower here. But if we, we come up with those rules all  
17 the time for the county. There's certain distances for tattoo parlors, has to be a certain  
18 distance from schools, from, liquor stores, sex shops, I mean, we've come up with those  
19 offensive uses, we've come up with those rules now to put in place and it's black and  
20 white, that if you've got a GC piece of property, yeah you can put a sex shop on it if you  
21 want to, you can put a sexually oriented business but you've got to be these distances.  
22 And people that buy in a community or decide to live in an apartment complex in a GC  
23 zoned piece of property right next to another GC zoned piece of property, they know

1 that there's a possibility of there being a sexually oriented business right next to them.  
2 So it's according to who got there first, so they, I mean, I completely disagree that I think  
3 knowing that a cell tower as a publicized business could go on this piece of property is a  
4 whole lot more information to a potential property owner for an adjacent piece of  
5 property than, this is just a special exception, I'm not sure if they can go there or not.

6 MR. VAN DINE: Mr. Chairman, I'm gonna – just to put something on the table so  
7 we can find out one way or the other, I'm gonna make a motion we send Text  
8 Amendment #1 forward with a recommendation of approval, and for the reasons I  
9 stated.

10 MS. MCDANIEL: Second.

11 CHAIRMAN PALMER: We have a motion and a second. I would prefer to take a  
12 look at this. I'm gonna vote no to the motion because I'd like to take a look at what the  
13 special requirements would be to either make them all special requirements, make them  
14 all special exceptions, or perhaps a nice group thereof that perhaps some special  
15 exceptions need to occur in residential areas, maybe GC because it does have some  
16 residential component to it, a mix of the both, other than just flat out saying, they're not  
17 permitted anywhere, you've got to go in front of the Board of Zoning Appeals for  
18 everything; M-1, H-1, that's what I'd like to see. So I'll be voting against the motion.

19 MR. VAN DINE: Mr. Chairman, I call the question.

20 CHAIRMAN PALMER: We have a motion and a second. All those in favor of the  
21 motion please raise your hand. All those opposed?

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

1 CHAIRMAN PALMER: Five to three? Okay.

2 MS. LINDER: Mr. Chairman, just for the Record, there is a scrivener's error on  
3 page 56 and I am gonna be making that correction. In subsection, or in section 2, it's  
4 referenced paragraph 60, radios, television and other similar transmitting towers, it's  
5 really supposed to paragraph 59 instead of 60. So it's just a minor scrivener's error  
6 there.

7 CHAIRMAN PALMER: Okay.

8 MS. CAIRNS: I would just like offer, I mean, I know we've taken our vote and  
9 stuff but I think that it is good when we can get the public involved and I think that  
10 there's always the opportunity for a better end result than anybody could've visualized in  
11 the beginning if we can get the public involved in what's going on in the community.  
12 And this is just one of those opportunities.

13 MR. VAN DINE: Mr. Chairman, I've got – Pat makes some good points about  
14 talking about things that have to be dealt with and I think I would ask the Staff to come  
15 back across the board to find out on some of these things if there are ways that you can  
16 actually put these into boxes so that everybody does know generically what they have  
17 to do, so if you will go back and look at that, take a look at it.

18 MR. PRICE: Maybe one of the things that we could also do, when we have  
19 future cell tower cases to go before the Board we'll be happy to notify you in case you  
20 would like to come in and observe and see some of the questions and decisions that go  
21 into approval or denying a tower.

22 CHAIRMAN PALMER: County Council Report of Action?

1 MS. LINDER: That is just in your package for information, to show you what  
2 actions the Council took at the Zoning Public Hearing from previous months.

3 MS. MCDANIEL: Thank you for including that it was very helpful.

4 MR. VAN DINE: Yeah, it was.

5 MR. MANNING: Mr. Chairman, I just want to make a comment on the last issue.  
6 I agree with both of you, I think this is a difficult situation and I agree with Heather on the  
7 community input to a certain point is needed. But people need to know, at the same  
8 time, where they are on a particular piece of property, what they can and can't do and  
9 strip uses out of some and some on others and where does that stop? I mean, we've  
10 seen that also apply to subdivision review and other issues that have come before us in  
11 the past, so what we need is consistency I think, and knowing where we are and as Mr.  
12 Van Dine pointed out, seeing if those, those requirements can be standardized and  
13 more clearly defined I think is helpful.

14 CHAIRMAN PALMER: Which is where I was coming from, Mr. Manning, that I  
15 want to take a look at the issue together instead of making a ruling on it today, take a  
16 look at it as to what we could or could not do, maybe some needed some special  
17 exceptions, maybe some needed special requirements, maybe none or maybe all, but  
18 seems like we've moved forward on the issue, so. Do we have a motion to adjourn?

19 MR. VAN DINE: Were we gonna talk about roundtable materials today? I  
20 thought that was supposed to be back on?

21 MS. LINDER: I believe our Assistant County Administrator wanted to hold off  
22 one more month and bring it back in June for you.



1 MS. HEGLER: That is correct. [Inaudible] the roundtable and we presented your  
2 discussions and comments and they're still reviewing. So we're meeting this Friday to  
3 get their final thoughts and we'll bring it back in June.

4 MR. VAN DINE: Okay.

5 MR. BROWN: Mr. Chairman? I'd just like to express my appreciation for the  
6 kind cards and thoughts and the [inaudible] I received.

7 CHAIRMAN PALMER: And our sincerest condolences to you.

8 MR. BROWN: Thank you.

9 CHAIRMAN PALMER: Motion to adjourn?

10 MR. VAN DINE: So moved.

11

12

*[Meeting Adjourned at 2:00 pm]*