

RICHLAND COUNTY PLANNING COMMISSION
October 7, 2024

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[Members Present: Christopher Yonke, Frederick Johnson, II, Mark Duffy, Charles Durant, Terrence Taylor; Absent: Beverly Frierson, John Metts, Chris Siercks, Bryan Grady]

Called to order: 6:04pm

CHAIRMAN YONKE: I'd like to call to order the October 7th, 2024 Richland County Planning Commission meeting. Staff, please confirm the following: in accordance with the Freedom of Information Act a copy of the Agenda was sent to the news media, persons requesting notification, and posted on the bulletin board located in the county administration building. Is that correct?

MR. PRICE: That is correct.

CHAIRMAN YONKE: Thank you. Staff, can you please take attendance for today's meeting?

MR. PRICE: Alright, attendance for the Monday, October 7th, 2024 Planning Commission meeting, Yonke?

CHAIRMAN YONKE: Here.

MR. PRICE: Frierson? Johnson?

MR. JOHNSON: Here.

MR. PRICE: Duffy?

MR. DUFFY: Here.

MR. PRICE: Metts? Durant?

MR. DURANT: Here.

MR. PRICE: Taylor?

1 MR. TAYLOR: Here.

2 MR. PRICE: Siercks? Grady? Okay, we have a quorum.

3 CHAIRMAN YONKE: Thank you, Staff. Ladies, and gentlemen, welcome to the
4 October 7th, 2024 Richland County Planning Commission meeting. As Planning
5 Commissioners we are concerned residents of Richland County who volunteer our time
6 to thoroughly review and make recommendations to County Council. Our
7 recommendations are to approve or deny Zoning Map Amendment requests. Per Title
8 VI, Chapter 29 of the *SC Code of Laws* Planning Commission may also prepare and
9 revise plans and programs for the development or redevelopment of unincorporated
10 portions of the County. The County's Land Development Code rewrite process
11 conducted last year is an example of this. Once again, we are a recommending body to
12 County Council and they will conduct their own public hearing and take official votes to
13 approve or deny map amendments and text amendments on a future date to be
14 published by the county. Council typically holds Zoning Public Hearings on the fourth
15 Tuesday of the month. Please check the county's website for updated agendas, dates
16 and times. Please take note of the following guidelines for today's meeting. Please turn
17 off or silence any cellphones. Audience members may quietly come and go as needed.
18 Applicants are allowed up to two minutes to make statements. Citizens signed up to
19 speak are also allowed up to two minutes to speak. Redundant comments should be
20 minimized. Please only address remarks to the Commission and do not expect the
21 Commission to respond to questions from the speakers in a back and forth style, that's
22 not the purpose of the meeting. Please no audience/speaker exchanges. No audience
23 demonstrations or other disruptions to the meeting are permitted nor are comments

1 from anyone other than the speaker at the podium. Please remember the meeting is
2 being recorded. Please speak into the microphone and give your name and address.
3 Abusive language is inappropriate and will not be tolerated. Please don't voice
4 displeasure or frustration at a recommendation while the Planning Commission is still
5 conducting business. If you have any questions or concerns you can contact Richland
6 County Planning Department Staff down below here. This now takes us to Item number
7 3 on our Agenda which is Additions and Deletions. Are there any motions for additions
8 or deletions to the Agenda, Commissioners? We did notice a typo on page, the second
9 page, third page where it says, it's supposed to be Zoning Public Hearing, it's just the
10 text that explains what's happening, it says, "oning" public hearing, it's just missing the
11 Z.

12 MR. PRICE: Which page was that?

13 CHAIRMAN YONKE: Three.

14 MR. PRICE: Okay.

15 CHAIRMAN YONKE: That's for future agendas, probably. I don't think we need
16 to do anything. Anything else in the Agenda today for any changes? No? Okay. We'll
17 move on to number 4 then. The Staff provided the Commission with copies of the
18 transcript of the Commission's September 2024 meeting. Do Commissioners have any
19 comments or concerns regarding these transcripts? Okay, hearing none the Chair
20 makes a motion to approve the Minutes unless there's an objection. Do I have a
21 second?

22 MR. DURANT: Second.

1 CHAIRMAN YONKE: Thank you, Commissioner Durant. With a motion and a
2 second, Staff please take a vote to approve the Minutes.

3 MR. PRICE: Alright, those in favor of the approval of the September 5th, 2024
4 Planning Commission Minutes, Yonke?

5 CHAIRMAN YONKE: Aye.

6 MR. PRICE: Johnson?

7 MR. JOHNSON: Aye.

8 MR. PRICE: Duffy?

9 MR. DUFFY: Aye.

10 MR. PRICE: Durant?

11 MR. DURANT: Aye.

12 MR. PRICE: Taylor?

13 MR. TAYLOR: Aye.

14 *[Approved: Yonke, Johnson, Duffy, Durant, Taylor; Absent: Frierson, Metts, Siercks,*
15 *Grady]*

16 MR. PRICE: Motion passes.

17 CHAIRMAN YONKE: Thank you, Staff. That moves us on to number 5, the
18 Consent Agenda. The Consent Agenda is an action item that allows the Commission to
19 approve road names and Map Amendment requests where the Staff recommends
20 approval and no one from the public has signed up to speak against the amendment or
21 no Member of the Commission is in need of further discussion on the request. I took a
22 look through the signup sheet here and we have some amendments that were
23 recommended approval by Staff. So I would like to make a motion to just remove Cases

1 5.b.3., 7, and 9. That would leave all the other cases where Staff recommended
2 approval on the Consent Agenda, making our recommendation approval to County
3 Council. Commissioners, any discussion on that? Okay. So I'll say it more formally as a
4 motion. I'd like to make a motion to move forward with the Consent Agenda 5.a., Road
5 Names, 5.b.1., 2, 4, 5, 6 and 8. Do I have a second?

6 MR. DUFFY: Second.

7 CHAIRMAN YONKE: I got a second from Commissioner Duffy. Hopefully that
8 makes sense. Staff, can you take a vote? Commissioner Johnson?

9 MR. JOHNSON: I want to just confirm that nobody came in late.

10 CHAIRMAN YONKE: Yes. Anyone come in late and want to speak on any of
11 these properties? The ones that we will be discussing tonight would be Ross Road,
12 5.b.3., 5.b.7., which is Congaree Road, and Ridge Road, 9. Those are the ones we'll be
13 talking about. Did I miss anyone? Okay. So with a motion and a second, Staff needs to
14 take a vote.

15 MR. PRICE: Alright, those in favor of the Consent Agenda as presented, Yonke?

16 CHAIRMAN YONKE: Aye.

17 MR. PRICE: Johnson?

18 MR. JOHNSON: Aye.

19 MR. PRICE: Duffy?

20 MR. DUFFY: Aye.

21 MR. PRICE: Durant?

22 MR. DURANT: Aye.

23 MR. PRICE: Taylor?

1 MR. TAYLOR: Aye.

2 *[Approved: Yonke, Johnson, Duffy, Durant, Taylor; Absent: Frierson, Metts, Siercks,*
3 *Grady]*

4 MR. PRICE: Alright, the motion passes.

5 CHAIRMAN YONKE: Thank you, Staff. So we will begin tonight with 5.b.3., Case
6 No. 24-035 MA. I'll hand it back over to Staff, please.

7 **CASE NO. 24-035 MA:**

8 MR. PRICE: Our first item is Case –

9 CHAIRMAN YONKE: We notice on the Agenda on page 27 when you get into
10 the packet the –

11 MR. PRICE: Tax map number.

12 CHAIRMAN YONKE: - project number is 21-015, that's gotta be incorrect, right?

13 MR. PRICE: That's correct.

14 CHAIRMAN YONKE: Okay.

15 MR. PRICE: Yeah, we'll, there are two typos on that that we'll make the
16 correction on, actually maybe – that's correct. That project number should be 24-035
17 MA.

18 CHAIRMAN YONKE: As we wait for you to begin, one more explanation; the
19 Consent Agenda, I know we just ushered six properties as approval that then goes to
20 County Council as a recommendation of approval and they'll be looking at at their next
21 meeting, right?

22 MR. PRICE: That is correct.

23 CHAIRMAN YONKE: Mr. Price, what's the date on that?

1 MR. PRICE: That will be the 22nd of October.

2 CHAIRMAN YONKE: Thank you.

3 MR. TAYLOR: Another typo that it says approval for Staff recommendation?

4 MR. PRICE: Yes, sir.

5 CHAIRMAN YONKE: Okay, we're gonna give Staff a few minutes.

6 MR. PRICE: We're ready. Okay, so I apologize, one more correction on page 29
7 under the Conclusion, again it does say approval, it should say disapproval. And it
8 actually should read, The proposed rezoning is not consistent with the objectives
9 outlined in the Comprehensive Plan under the first sentence. And under the second
10 paragraph it should be, Further, approval of the rezoning request would not be in
11 character with the existing commercial development patterns. Again, my apologies for
12 that.

13 MR. TAYLOR: How about the second sentence? [Inaudible] is in character?

14 MR. PRICE: That's what I was saying it would be, would not be in character.

15 MR. TAYLOR: I'm talking about the very second sentence [inaudible].

16 MR. PRICE: Oh, the second sentence, sorry. Yes, sir, is not. Yes, sir. Okay.

17 CHAIRMAN YONKE: Thank you.

18 MR. PRICE: So again, apologies for that. The first item is Case 24-035 MA. The
19 Applicant is Robert C. Lee. The location is 511 Ross Road. The Applicant is requesting
20 to rezone a little less than an acre of land that's currently zoned General Commercial to
21 Residential Transition known as RT zoning designation. You will note that this parcel
22 was previously rezoned and I think that may have been part of the confusion that we
23 have, but it was previously rezoned under Case 21-015 that was referenced earlier to

1 General Commercial. So that would've been in '21. This particular area falls within the
2 mixed use corridor. The mixed use corridor provides vertical, horizontal mix of suburban
3 scale retail, commercial, office, high density residential and institutional land uses.
4 Looking at the proposed request it would not be supportive of those recommendations,
5 thus Staff recommends disapproval of this request. And again, for the Record it is,
6 Staff's recommendations are based solely on the guidelines and recommendations of
7 the Comprehensive Plan.

8 CHAIRMAN YONKE: Okay, thank you Staff. Commissioners, any questions for
9 Staff? Yes, Commission Taylor?

10 MR. TAYLOR: Page 32 in the packet, the subject property seems to be
11 [inaudible].

12 MR. PRICE: Again, that should be General Commercial. That should be red.
13 Again, I'm not sure [inaudible] but it should be red, General Commercial.

14 MR. TAYLOR: Okay, thank you.

15 CHAIRMAN YONKE: Mr. Price, what was it previously before General
16 Commercial? Before 2021?

17 MR. PRICE: Before 2021 it was zoned D1, yes it was zoned D1 and then that
18 became Rural, so during the time that the original request in 2021 came before the
19 Planning Commission and Council the subject parcel was zoned Rural and they made a
20 request to rezone it to General Commercial.

21 CHAIRMAN YONKE: I'm looking at the signup sheet and I don't see anyone
22 signed up to speak. Okay.

23 MR. LEE: I did not sign up, sir, I didn't think –

1 CHAIRMAN YONKE: You can come on down to the podium. Give us your name
2 and address, we'll give you two minutes.

3 **TESTMONY OF ROBERT C. LEE:**

4 MR. LEE: Thank you, sir.

5 CHAIRMAN YONKE: Yes.

6 MR. LEE: Yes, sir. The name's Robert C. Lee, I own the property. It was
7 originally my father's property, he had a mobile home. The driveway does not meet
8 commercial requirements, the width requirements and so I filed for, I was gonna put my
9 business there, I don't need to do that anymore. I want to take it back to where I can put
10 a mobile home and put my father-in-law there. The driveway, it goes across a pond
11 dam, you can't make it any wider. So as a commercial piece of property I was told you
12 couldn't put a business over there.

13 CHAIRMAN YONKE: Thank you.

14 MR. LEE: Thank you, sir.

15 CHAIRMAN YONKE: Did you say your address?

16 MR. LEE: I'm sorry, 511 Ross Road.

17 CHAIRMAN YONKE: Thanks a lot.

18 MR. LEE: Yes, sir. Thank you.

19 CHAIRMAN YONKE: Was there anyone else for this property? No? Okay. Okay
20 Commission, this is now on the floor for discussion. Staff, would you mind turning on the
21 zoning layer for the map? That one's correct. Thank you. What happens if a parcel's not
22 suitable for its zone?

23 MR. PRICE: You mean for development purposes?

1 CHAIRMAN YONKE: Yes.

2 MR. PRICE: It, it's just there. Yeah, if the parcel can't be developed, I mean, that
3 doesn't change the zoning. The zoning will still be there and it may be a use that could
4 be located on that parcel as established, if not you may have a case where a rezoning
5 requesting may come in such as what you have today.

6 CHAIRMAN YONKE: Is that RT to the north of it?

7 MR. PRICE: Yes, sir.

8 CHAIRMAN YONKE: Do you mind zooming the map out, like one click? If there's
9 not discussion, any motions?

10 MR. DURANT: Question, Mr. Chairman.

11 CHAIRMAN YONKE: Commissioner Durant?

12 MR. DURANT: Staff, I just wanna make sure I'm clear here. The parcel at issue
13 is being sought to be changed, to have its zoning changed to RT which is similar to the
14 parcels that are to its north and part to its west, correct?

15 MR. PRICE: That is correct.

16 MR. DURANT: And Staff has concluded that making this change would not be
17 consistent with the Comprehensive Plan. Those properties to the north that are already
18 RT, are they consistent with the Comprehensive Plan?

19 MR. PRICE: No, sir, not from a zoning standpoint.

20 MR. DURANT: Thank you.

21 CHAIRMAN YONKE: Thank you, Commissioner Durant. And Staff, these
22 conclusions come from the future land use map and the Comp Plan?

23 MR. PRICE: Yes, sir.

1 CHAIRMAN YONKE: Okay. Staff, for the other parcels that are RT, those are
2 residences currently?

3 MR. PRICE: They seem to be commercial. Can you zoom in on those, Tommy?
4 Actually they're –

5 CHAIRMAN YONKE: Commercial with a swimming pool?

6 MR. PRICE: - residential. They're residential, yes, sir.

7 CHAIRMAN YONKE: Okay. Looking at the map when it's zoomed out it looks like
8 it's like a mixed use area. That kind of is a stretch, I don't know, lots of different colors.
9 Are you pulling something up, Staff?

10 MR. PRICE: We're just kind of taking a look at the existing commercial structure
11 that's kind of east of it. I was trying to get the date of that use being established. Can
12 you check the assessor's information, Tommy?

13 CHAIRMAN YONKE: Can we see that image again?

14 MR. PRICE: We were just kind of looking at kind of the history of that adjacent
15 parcel, when that may have been established.

16 CHAIRMAN YONKE: Cause it looks like you're showing over time that this area
17 has been commercialized. That might not be the best word, but, developed. And that
18 went in accordance with the Comp Plan. Correct?

19 MR. PRICE: Yes, sir.

20 CHAIRMAN YONKE: Looking at the map my opinion would say that this looks
21 like that flag lot is in character of the surrounding residences with the water feature in
22 the middle [inaudible]. But by day I'm a map guy and looking at the map that's what I
23 see. I'm gonna lean on my Commissioners though for discussion or a motion.

1 MR. DURANT: Mr. Chair?

2 CHAIRMAN YONKE: Yes, Commissioner Durant.

3 MR. DURANT: Just to clarify what you just said.

4 CHAIRMAN YONKE: Yes.

5 MR. DURANT: You're saying the parcels to the north of the parcel at issue is
6 residential in nature?

7 CHAIRMAN YONKE: That's what it appears to be. And I see as you zoom out
8 the map there's a lot of residences in the area as well, making it in character. I'm happy
9 to discuss if anyone doesn't see that.

10 MR. DUFFY: I've got a question for Mr. Price.

11 CHAIRMAN YONKE: Commissioner Duffy?

12 MR. DUFFY: Is there any reason not to move forward with the proposed rezoning
13 to RT, aside from the Comp Plan, the thing out of character with the Comp Plan, is there
14 any other major red flags on your end?

15 MR. PRICE: No, sir. Put the flood zone back up. Move it up a little bit. Okay. The
16 reason why I was asking Mr. DeLage to kind of look at this, so when you're – a lot of
17 times when we are looking at these, at the specific designations of the future land use
18 map, again there's no specific boundary for those at some point. And it looks like the
19 area that we do have identified as the mixed use corridor is right near that edge of
20 where it would also be neighborhood medium density also. So it doesn't, because if
21 you see where 277 comes in – Tommy, can you point to 277 – yeah, just right up in that
22 area where Mr. DeLage is pointing, that's kind of almost like the breaking point from the
23 mixed use corridor to the neighborhood medium density. Now again, if that ever was

1 deemed to be neighborhood medium density, Staff's recommendation would again still
2 be for disapproval again because of the density that's being requested would not
3 coincide with what the Comprehensive Plan has recommended for that area. But it just
4 goes to show you from a commercial kind of area to a more residential, that line is really
5 not that far. So I guess Mr. Duffy, to answer your question probably not.

6 CHAIRMAN YONKE: Thank you, Staff. Commissioners, ready for a motion?
7 Commissioner Durant?

8 MR. DURANT: Mr. Chair, I move that we move project 24-035 MA on to County
9 Council with a recommendation of approval in that it appears to be consistent with the
10 character of the land use surrounding it.

11 CHAIRMAN YONKE: Thank you, Commissioner Durant. Do I have a second?

12 MR. DUFFY: Second.

13 CHAIRMAN YONKE: Second from Commissioner Duffy. Thank you. With that we
14 can take a vote, please Staff?

15 MR. PRICE: Alright, those in favor of the motion for the approval of Case 24-035
16 MA based on the request being consistent with the land uses of the surrounding area.
17 Those in favor, Yonke?

18 CHAIRMAN YONK: Aye.

19 MR. PRICE: Johnson?

20 MR. JOHNSON: Aye.

21 MR. PRICE: Durant?

22 MR. DURANT: Aye.

23 MR. PRICE: Taylor?

1 MR. TAYLOR: Aye.

2 MR. PRICE: Duffy?

3 MR. DUFFY: Aye.

4 *[Approved: Yonke, Johnson, Durant, Taylor, Duffy; Absent: Frierson, Metts, Siercks,*
5 *Grady]*

6 MR. PRICE: Alright, that motion passes.

7 CHAIRMAN YONKE: Thank you, Staff. That's a recommendation of approval.
8 County Council will take that up on the fourth Tuesday. That meeting is October 22nd.
9 Thank you. So now we're gonna jump down to Case No. 7., which is Case 24-039 MA.
10 I'm gonna give it back to Staff.

11 **CASE NO. 24-039 MA:**

12 MR. PRICE: Our next item is 24-039 MA. The Applicant is Joy C. McMillion. The
13 location of the request is 1140 Congaree Road. The Applicant is requesting to rezone
14 just a little bit more than four acres from HM which is Homestead District, to RT which is
15 Residential Transition. Again, based on the location of the property which falls within our
16 neighborhood medium density of the Comp Plan, the proposed request would not be
17 consistent with any of the objectives and recommendations for that designation, thus
18 Staff recommends disapproval, again based on the findings of the Comprehensive Plan.

19 CHAIRMAN YONKE: Okay, thank you Staff. Do we have any questions for Staff?
20 Okay, hearing none we'll look at our signup sheet. Commissioner Durant, can you read
21 the names?

22 MR. DURANT: Yes Mr. Chairman, we have one person signed up to speak for it,
23 it's the Applicant Ms. Joy McMillion.

1 CHAIRMAN YONKE: Come on down, please. State your name and address.

2 **TESTIMONY OF JOY C. MCMILLION:**

3 MS. MCMILLION: I'm Joy McMillion. I actually reside at 1172 Congaree Road
4 which is the adjoining property and my request is to change the property at 1140
5 Congaree Road from the HM to the RT which is what the majority of the surrounding
6 properties are zoned. However, the only property that's not zoned that RT around it is
7 my personal residence. That's the primary reason for trying to get it rezoned here is
8 because I would like to purchase a piece of this property out of the four acres and the
9 owners have agreed to sell it to me but they can't based on the zoning requirements,
10 unless it's changed to the RT. And it's a hayfield, it's strictly agricultural. I've been
11 farming it for close to 20 years, or my father and I and my husband.

12 CHAIRMAN YONKE: Thank you. Thanks for coming down today. Are there any
13 other names?

14 MR. DURANT: No, Mr. Chair.

15 CHAIRMAN YONKE: Okay, thank you. Okay Commission, this is on the floor for
16 discussion. I have a question about the density for this. How many units? I mean, we're
17 talking about small parcel here but just out of curiosity.

18 MR. PRICE: For the HM, for every dwelling unit you would need to have 1.52
19 acres. Under the RT you would need to have one acre.

20 CHAIRMAN YONKE: With this being four acres –

21 MR. PRICE: Right, so it just depending on how it would be subdivided you could
22 subdivide it and create I guess, I think it's just to how it's gonna be subdivided was the
23 issue.

1 CHAIRMAN YONKE: Can you zoom the map out a little bit? Any thoughts,
2 Commission?

3 MR. DURANT: Question for Staff, Mr. Chair.

4 CHAIRMAN YONKE: Yes, Commissioner Durant?

5 MR. DURANT: Staff, this parcel at issue appears to be surrounded on almost all
6 four side by properties that are already zoned RT, is that correct?

7 MR. PRICE: Yes, sir, a majority seemed to be zoned RT.

8 MR. DURANT: And the reasoning for the Staff's disapproval of this is that it's not
9 consistent with the objectives for the rural land use designation outlined in the
10 Comprehensive Plan. Would that be the case for the other surrounding properties that
11 are already zoned RT?

12 MR. PRICE: Yeah, so based on the future land use map all of the parcels in that
13 area are actually non-conforming according to the Comprehensive Plan. Just based on
14 their zoning. The Comprehensive Plan recommends this for more high density
15 development, so probably something along the R2, 3 and 4, maybe even a bit higher,
16 yes, for this particular area. However, I think we went over this last month where, you
17 know, the Comprehensive Plan has designated an area, however, the established
18 character goes against what you may see for the recommendations of the
19 Comprehensive Plan also.

20 MR. DURANT: Another question, Mr. Chair, for Staff.

21 CHAIRMAN YONKE: Yes.

1 MR. DURANT: Mr. Price, as we said all the surrounding, almost all the
2 surrounding properties to this parcel are already zoned RT, and so they're essentially
3 non-conforming, correct?

4 MR. PRICE: So, Tommy go back to the Comprehensive Plan. Right, so if you
5 take a look at where the arrow's pointing, at that brighter shade of yellow, so all of those
6 parcels there fall within that designation of yellow and that is for neighborhood medium
7 density. So the, any – I don't want to go back to our former zoning designations, but all
8 of the parcels that were formally rural that based on acreage became either AG, RT or
9 HM, would not be in compliance with the those recommendations of the Comprehensive
10 Plan for this area.

11 MR. DURANT: So stupid question maybe, but with all the other parcels
12 surrounding essentially being in non-conformance, what do we do, just leave them that
13 way?

14 MR. PRICE: Well, we were gonna get to this later on in the Agenda, but we will –
15 again, I think that's gonna be part of the process. And again, we ask that you, you know,
16 kinda put a little bookmark on cases such as this as we kinda go forward because as we
17 go forward with our Comprehensive Plan update we're gonna look a little closer at some
18 of these areas. And there may be some cases that you feel that this area should
19 continue to be designated for higher density growth. You know, again it's future land
20 use, how should the area grow, or do you kind of move the line in a bit and kind of keep
21 this at another designation for maybe a lower density. Again, you know, what's the term,
22 Mr. Yonke, we use a broad – it's the broad brush, painting -

1 CHAIRMAN YONKE: I'm ready to make my thoughts on this area as this is near
2 and dear.

3 MR. PRICE: Yes.

4 CHAIRMAN YONKE: This side of town for me.

5 MR. PRICE: Right.

6 CHAIRMAN YONKE: So yeah, broad paint brush, exactly. If you zoom out we
7 are not far from the end of the runway at McEntire so you're gonna get a lotta aircrafts
8 coming through here. And it, I mean, it's a step in the right direction, the request, if you
9 are looking for it to be denser. But I don't necessarily agree with it being as dense as
10 the future land use map and that's something we'll put a bookmark and on discuss in
11 the future. But looking at this case alone, wouldn't the Staff say it's in the right direction
12 of the Comp Plan 2015?

13 MR. PRICE: You mean the current zoning or the request?

14 CHAIRMAN YONKE: The request. Going from HM to RT if Staff says that this
15 should be a denser area.

16 MR. PRICE: I mean, ideally if it was going to be denser according to the
17 Comprehensive Plan we would look for something a little higher, again we're looking
18 more at the R designations.

19 CHAIRMAN YONKE: Granted that it's a large paintbrush in the area that we're in,
20 I would feel like the yellow should be moved to the west some. And that's something
21 we'll discuss for the 2025 Comp Plan.

22 MR. PRICE: Yes.

1 CHAIRMAN YONKE: As Chair though it's just an opinion. Let's open this up for
2 discussion or motions from the Commission here.

3 MR. TAYLOR: Mr. Chair, I have a question.

4 CHAIRMAN YONKE: Yes, Commissioner Taylor?

5 MR. TAYLOR: Can you zoom in just a little bit? And maybe not in this particular
6 case but one of the things I was trying to consider, even when we see similar properties
7 butting up, and I guess the access, even though they're back to back the access is on
8 different sides, correct?

9 MR. PRICE: Yes, sir. I think that's –

10 MR. TAYLOR: So I guess what I'm driving at, when we're looking at these kind of
11 things is that something we should also consider, like the access to these parcels?
12 Cause even though they're butting together and kinda back to back, could access from
13 one area also be part of the reason for disapprovals, if that makes sense? Or you know,
14 let me get to – and it's not necessarily in this case but I know, like some of the I guess
15 traffic considerations and access to these particular parcels, even though they may
16 seem very similar to existing parcels, I'm just wondering if that's something we should
17 also consider, not just blanket look at the colors on the map so to speak.

18 MR. PRICE: I mean, I think there are a lotta things you should consider when
19 you're looking at these. I don't know if in this particular case, you know, kind of looking
20 at the different frontages for the parcels in this area really makes a difference for this
21 particular request.

22 MR. TAYLOR: Right, not in this particular case but I was just saying sometimes I
23 think we get stuck on just that it's around the same, you know, that there's the same

1 color or the same designation surrounding it, but if traffic characteristics or things like
2 that come into play it would be tied to the access to those particular parcels. I guess, I'm
3 looking at, really I'm looking at Congaree Road versus Fox Meadow Lane in this
4 particular instance.

5 MR. PRICE: Right.

6 MR. TAYLOR: And those seem to be, you know, pretty much the same kinda
7 characteristics as well, but. That's just really for future consideration.

8 MR. PRICE: Yeah, I think that the parcels along Fox Meadow, they just happen
9 to be more developed and more uniform as far as from an acreage standpoint versus if
10 you go on Congaree I think you're getting into a lot larger tracts that I think development
11 hasn't quite gotten there yet, at least not in the same manner that you may see on Fox
12 Meadow and, is that Horrell Hill, I believe also Horrell Hill Road; I think it just hasn't
13 gotten to that point yet. So I think, you know, one of the things that we've talked about,
14 and this, again this is kind of, I think it's kind of jumping ahead, especially as we start
15 getting into the Comprehensive Plan, I think what you as a body and also Council in
16 their decision or capacity, one of the things you would be looking at is when you come
17 across a situation like this you may find that maybe the Comprehensive Plan isn't
18 correct for this area. And so one of the things that we'll probably start pushing a little
19 more, at least as a Staff, is that when we find situations like that in which it's deemed
20 that the Comprehensive Plan is not appropriate at this location, that if you're going to
21 deny requests for that reason or go against the Comprehensive Plan that we come back
22 and look to update the Comprehensive Plan for that area. And I think by doing that we'll

1 establish more consistency throughout the County in establishing where and how
2 development should take place.

3 CHAIRMAN YONKE: Thank you, Staff. Commissioner Taylor, just so that I'm
4 understanding you, you were concerned about traffic on Congaree Road if this parcel
5 was rezoned and then developed with maximum four dwelling units?

6 MR. TAYLOR: I mean, that could be something. That really wasn't what I was
7 thinking *per se* cause even though I made the comment I don't think it necessarily
8 applies here but I think sometimes we just blindly look at the colors and if the colors are
9 there, you know, considering when I first looked at the parcel my thought was, you
10 know, it's right beside all the existing ones but access to some is on Fox Meadow and
11 others on Congaree, so just not blindly making a decision based on, you know,
12 proximity to other parcels. I wanted to make sure when we're thinking about it and
13 making our decisions that we're considering all those things, and I'm thinking that's, you
14 know, again why the traffic characteristics and the other metrics that are given are also
15 considered. That was really the main reason. I still kind of agree with what's being said
16 thus far but I just wanted to be sure cause at first glance that was my thought.

17 CHAIRMAN YONKE: Thank you, I feel like that was a good point that you
18 brought up.

19 MR. PRICE: Yeah, and again, you know, not just this particular request, until we
20 actually get to an updated Comprehensive Plan I think one of the biggest hurdles we're
21 gonna run across is when we get into the former rural zoning designations because, you
22 know, our Comprehensive Plan currently just doesn't truly give us any guidelines
23 between AG, HM, RT and you could even argue R1, which all kinda came about from

1 the former rural zoning designations. Also it really doesn't give us any guidelines of,
2 okay well this particular area kinda should be even a lower density, say maybe an AG,
3 which requires at least three acres per parcel, and then kind of transition back in. So
4 you know, again everything now is either gonna be a low density, and if it falls into the
5 low density the likelihood is the recommendations are gonna be for support of it; if it's
6 not we're gonna recommend against it.

7 CHAIRMAN YONKE: Okay Commission, who's gonna be my brave
8 commissioner to put a motion out there? Come on Commissioner Johnson, what've you
9 got? I'll call on you guys.

10 MR. JOHNSON: I mean, what's in my mind is actually going in a little bit of a
11 different path but I don't mind making a motion, but let me ask a squirrely question
12 [inaudible] Mr. Price. When you were addressing this earlier I was actually trying to read
13 the equivalency table in our work session, cause I can't remember – the rural areas
14 were broken into three broad areas based on land mass.

15 MR. PRICE: Yes, sir.

16 MR. JOHNSON: Okay. Without taking too long, I mean, I guess what I'm trying to
17 look at is so this one ended up being HM, but based on the acreage.

18 MR. PRICE: Yes, sir.

19 MR. JOHNSON: [Inaudible] the other two areas were what other two results
20 putting on if it was, say 40 acres – what would the other bridge –

21 MR. PRICE: The AG was 35 acres or larger. The HM was less than 35 but at
22 least three acres. And anything less than three acres became RT.

1 MR. JOHNSON: And then what's the relationship between what's allowed under
2 R2 and under HM?

3 MR. PRICE: You mean RT?

4 MR. JOHNSON: RT.

5 MR. PRICE: That's why I include it in your packets, Commissioner Johnson.

6 CHAIRMAN YONKE: Page 74.

7 MR. PRICE: Yeah, I believe that the HM, just you know, kind of taking a glance,
8 may allow for a few, especially if you're looking at the agricultural and forestry related,
9 you'll see that it does allow for a veterinarian service.

10 MR. JOHNSON: I asked a poor question.

11 MR. PRICE: Okay, I'm sorry.

12 MR. JOHNSON: I asked a poor question. What I was trying, in looking at, zeroing
13 in on the residential I really was trying to see the distinction between the level of density
14 on residential. In other words right now we're at one per acre, so if it was under RT what
15 would that give us for residential?

16 MR. PRICE: One acre. They're required to have, under RT is a one acre parcel.
17 It's essentially the HM and the RT are separated by about half an acre.

18 MR. JOHNSON: I apologize, I didn't phrase my question well.

19 CHAIRMAN YONKE: Thank you for the discussion.

20 MR. JOHNSON: Mr. Chairman, then if I'm hearing correctly, reading between the
21 lines, while the Comprehensive Plan as presented is inconsistent with the outcome
22 that's requested in this case, from a fundamental sense of fairness that it might be
23 appropriate to entertain a motion to approve it despite being inconsistent with the

1 Comprehensive Plan. So to that end then for 24-039 MA, 1140 Congaree Road, if there
2 is a second would move to approve, send to Council with a recommendation for
3 approval.

4 CHAIRMAN YONKE: Thank you, Commissioner Johnson. We have a motion. Do
5 we have a second?

6 MR. DURANT: Second.

7 CHAIRMAN YONKE: Thank you, Commissioner Durant. With that, Staff please
8 take a vote.

9 MR. PRICE: And that motion, because it's going against the recommendations
10 that's based on –

11 CHAIRMAN YONKE: Commissioner Johnson, do you want to explain your
12 motion?

13 MR. JOHNSON: Based on the, the trend, what is happening within that corridor
14 in terms of what's happening in terms of actual development, what we're actually
15 seeing, versus what's stated as the desired outcome from the Comprehensive Plan.
16 Commissioner Taylor said it, I mean, it's not so much as simple as just that that's simply
17 what's there, but that's just what seems to be appropriate for that subarea.

18 CHAIRMAN YONKE: Mr. Price, would you try to paraphrase that?

19 MR. PRICE: No, actually, I actually like the language. So we have a motion for
20 the approval of Case 24-039 based on, because it's going against the Comprehensive
21 Plan, the recommendations of the Comprehensive Plan, but it's due to the trend in that
22 corridor as far as character it's more consistent than the recommendations of the
23 Comprehensive Plan.

1 CHAIRMAN YONKE: Thank you, sounds good.

2 MR. PRICE: Okay. Alright, so those in favor of the motion for the approval of this
3 case, Yonke?

4 CHAIRMAN YONKE: Aye.

5 MR. PRICE: Duffy?

6 MR. DUFFY: Aye.

7 MR. PRICE: Durant?

8 MR. DURANT: Aye.

9 MR. PRICE: Johnson?

10 MR. JOHNSON: Aye.

11 MR. PRICE: Taylor?

12 MR. TAYLOR: Aye.

13 *[Approved: Yonke, Duffy, Durant, Johnson, Taylor; Absent: Frierson, Metts, Siercks,*
14 *Grady]*

15 CHAIRMAN YONKE: Thank you, Staff. That moves forward as a
16 recommendation of approval to County Council, October 22nd they'll have their meeting.
17 Thank you. And this will move us along to our final case under 5.b.9., Case No. 24-041
18 MA. I'll give it back to Staff.

19 **CASE NO. 24-041 MA:**

20 MR. PRICE: Okay. Again the next item is Case 24-041 MA. The Applicant is
21 Norman E. Gross. The Applicant is requesting to rezone a little more than 40 acres
22 that's located at 1463 Ridge Road. The Applicant is requesting to rezone that parcel
23 from Agricultural District, AG, to Homestead, HM. We're gonna kinda go back where we

1 were. Comprehensive Plan recommends this area, and you know, you can go back and
2 you can see that we're going back to that yellow for the neighborhood medium density,
3 you can see it goes all the way from Leesburg Road to Air Base Road, and so it
4 encompasses a good portion of the area along, in the southeast part of the County.
5 Again, Staff recommends disapproval of this request as being within the neighborhood
6 medium density designation, the requested zoning does not promote the
7 recommendations and guidelines of the neighborhood medium density designation. So
8 again Staff recommends disapproval of this request. And in addition the proposed
9 rezoning would conflict with the recommendations of the Lower Richland Strategic
10 Community Master Plan for this area, which you'll find on page 88 because it does fall
11 within a master planned area, and the Lower Richland Strategic Community Master
12 Plan identifies this area as a suburban transition area with a recommendation to provide
13 a variety of housing types to include townhomes and apartments. The plan states that
14 new housing developments should not be limited to traditional $\frac{3}{4}$ of an acre single-family
15 lots to accommodate shifts in buyer preference. A range of housing options including
16 single-family, townhomes and apartments is appropriate and the requested zoning
17 would not support, other than single-family, would not support the townhomes or
18 apartments.

19 CHAIRMAN YONKE: Thank you, Staff. Any questions for Staff? Hearing none,
20 Commissioner Durant, can you read the names?

21 MR. DURANT: Yes, we have one speaker, the Applicant, Mr. Norman Gross.

22 CHAIRMAN YONKE: Come on down, state your name and address. You have
23 two minutes.

TESTIMONY OF NORMAN GROSS:

MR. GROSS: I'm Norman Gross. I live at Ridge Road, 1463 Ridge Road. I have that property that's 40 acres. It was zoned $\frac{3}{4}$ of an acre, you know, when I bought it 25 years ago and I bought it knowing that someday I may need some extra money or whatever, I could see a couple lots off the front. But they just changed it as they were speaking because it's over 35 acres it automatically went to AG. All the, all the properties around me are either Homestead or RT. To the left of me, to the right of me, Healing Springs has, like 18 lots that are RT and they've got three that I think were Homestead. To the back of me is a nice subdivision called Marco's Estates, it is broke up between RT and a few Homesteads. People to the left of me are Homestead or RT and the people in front of me are all Homestead. The difference with what they've changed is now if I have, somebody wants to buy a lot on the front of my property which you can see is pretty big in the front, road frontage, I'd have to sell a three acre lot just, you know, for somebody to have a house. That's a lot to expect for one person to have to buy three acres to put up a home. And I don't, I think I got a little more confused listening to you guys asking the questions about the zoning plan and the colors. I'm not sure if they want us to go down or go up, but my property's not conclusive topographically for AG which is a farm, it's all woods, it's rolling hills, it's creeks. I'd like to keep it that way. You know, I don't think somebody's gonna come in a clear cut that property in front of everything when you've got RT and Homestead around you. And I'm not quite sure because down the road we've got 68 acres that they're gonna put 200 homes on. So alls I'm trying to do is keep it within my neighbors, everybody to the left,

1 the right and to the front are an acre and a half or a little bit more. And I would like to
2 keep it the same way so it fits the neighborhood.

3 CHAIRMAN YONKE: Thank you, sir.

4 MR. GROSS: Thank you.

5 CHAIRMAN YONKE: Commissioner Durant, is there anyone else signed up to
6 speak?

7 MR. DURANT: No one else.

8 CHAIRMAN YONKE: Anyone else miss the sign-up list?

9 AUDIENCE MEMBER: Is it too late to speak?

10 CHAIRMAN YONKE: Come on down, sir. We'll give you two minutes. Just state
11 your name and address so that we can write it down.

12 **TESTIMONY OF EDDIE WEBB:**

13 MR. WEBB: My name is Eddie Webb. I live on 120 Healing Springs Road. I'm
14 probably about a quarter of a mile or less from his property. And my concern is Ridge
15 Road, Ridge Road is kinda like a cut through to Fort Jackson so there's a lotta traffic
16 coming through that road between, like 6:00 and 8:00. The gate on Fort Jackson, Gate
17 5, it's open from 6:00 to 8:00 in the mornings and from 3:00 to 5:00 in the afternoon so
18 there's a lotta traffic on that road, and a development might mean more traffic on that
19 road, okay? Now, his property and my property, we're probably a mile from Horrell Hill
20 Elementary School so there's school buses going up and down that road and you have
21 another development you're gonna have increased traffic on that road. So that's my
22 biggest concern. Thank you.

23 MR. DURANT: Sir, could I get your name and address again? I'm sorry.

1 MR. WEBB: My name is Eddie Webb. I live on 120 Healing Springs Road.

2 MR. DURANT: Thank you.

3 MR. WEBB: Thank you.

4 CHAIRMAN YONKE: Thank you, sir. Anyone that wanted to speak? Okay. This
5 is open on the floor for discussion, Commission. Question, comment?

6 MR. JOHNSON: Question.

7 CHAIRMAN YONKE: Commissioner Johnson.

8 MR. JOHNSON: Mr. Price, the Lower Richland Strategic Community Master
9 Plan, this reference, when was that adopted?

10 MR. PRICE: We'll pull that up for you. March of 2014.

11 MR. JOHNSON: And in layman's terms that particular master plan is actually
12 calling for more dense development than what would be provided for under the 2015
13 Comp Plan or what the Applicant has requested. Is that a fair statement?

14 MR. PRICE: That is correct. And also if you take note, Mr. DeLage if you'd go
15 back to what you had previously. If you'll zoom out, you can do a little more. So if you
16 take note it looks like Lower Richland or the southeast area of the County all falls within
17 that master plan. So you could argue almost any request is not gonna be in compliance
18 with the Lower Richland Master Plan area. Ideally a master plan should not encompass
19 an entire area of the county but in this particular case this one does.

20 CHAIRMAN YONKE: Question for Staff. That was the consensus back in 2014,
21 that all of Lower Richland should be more dense.

22 MR. PRICE: I believe that was the push for the representative of that area. I don't
23 know if that necessarily was something that from a Staff standpoint that was supported

1 or maybe from others. Again, it was just, it was exclusively for the Lower Richland area
2 and thus it was more initiated by the district representative at that time.

3 CHAIRMAN YONKE: An area with multiple military bases would want that to be
4 more dense. Question.

5 MR. PRICE: I would say the answer would be no. I mean, I think, you know, even
6 as you look at, you know, the Comprehensive Plan for that area, that, they conflict with
7 each other clearly looking at the future land use designations throughout that area when
8 you kinda do a comparison.

9 MR. JOHNSON: Mr. Chairman?

10 CHAIRMAN YONKE: Yes, Commissioner Johnson.

11 MR. JOHNSON: Mr. Price, in recent history the representative from that area and
12 some of other representatives have been doing more community engagement
13 [inaudible] public meetings most recently as some of the cases have come through
14 [inaudible] some public meetings about some of the cases?

15 MR. PRICE: Yes, sir. I think it's kind of the practice for a number of the
16 Councilmembers including the district representatives to have what they call town halls
17 on these cases, and so there was one held in September. I don't have the exact date
18 but a number of the applicants that have come before you were present at that meeting.

19 MR. JOHNSON: Was this general area and this property the subject of any of
20 those town halls?

21 MR. PRICE: Yes, so actually the, I believe the last two cases that you had were
22 both at the same town hall.

1 MR. JOHNSON: I guess what I'm trying to put out is, is there any feedback
2 coming from that town hall that would be –

3 MR. PRICE: I, sorry about that, yeah so I believe as I've gotten a lot of people
4 like to, or some, they don't necessarily object to it but then you also have some that
5 actually feel it should remain the same, and so – and when I say remain the same we're
6 referring to the new zoning designations that came into effect on March 1st of this year.
7 So everybody was, I think everybody was pretty content with the rural previously and a
8 lotta people are a lot more happier in some of these areas with the, evidently a little
9 lower density of the zoning designations found in our current Land Development Code.

10 CHAIRMAN YONKE: I would just comment from my person experience up here
11 since 2019 that this neighborhood, people do speak up from Ridge Road and that's why
12 I looked around the room a few times to see if anybody wanted to speak, I would do that
13 in any case, but not hearing a lot of outcry from the neighborhood suggests this doesn't
14 seem like a big problem for them. Going up and down Ridge Road it is a road that
15 SCDOT needs to work on. I live in this school district and I'm sure it needs some
16 assistance as well, so we need to look at our plans with the Comp Plan moving forward,
17 but we would hear more from other neighbors if they were adamantly against this
18 request today. And looking at the zoning by itself, and Tommy could you put the zoning
19 back on? This request does look like it would be in character with surrounding
20 properties. And again, that's my opinion. Any other questions or are we up for more
21 discussion or a motion?

22 MR. JOHNSON: I think just my two cents –

23 CHAIRMAN YONKE: Commissioner Johnson.

1 MR. JOHNSON: Thank you. As we've navigated through the rewrite process
2 we've constricted their amount of more dense development, but this particular area
3 seems to have survived that in terms of not constricting additionally, so I agree with you,
4 you can make an argument either way with what's currently there. But if I'm
5 understanding the request correctly it would provide less dense development moving
6 forward.

7 MR. DURANT: Mr. Chair?

8 CHAIRMAN YONKE: Thank you, Commissioner Johnson. Yes, Commissioner
9 Durant.

10 MR. DURANT: With all due respect Commissioner Taylor pointing out that we
11 shouldn't just rely on the colors on the page, if I do that in this one it seems that the
12 request is simply putting this parcel in, making it consistent with everything around it,
13 which would mean the trend on the character is consistent with the request.

14 CHAIRMAN YONKE: Thank you, Commissioner Durant. Would you like to resay
15 that as a motion?

16 MR. DURANT: In that regard I move that we move project 24-041 MA to County
17 Council with a recommendation of approval based on the map amendment request
18 being consistent with the existing character and zoning of the properties surrounding it.

19 CHAIRMAN YONKE: Thank you, Commissioner Durant. With that do we have a
20 second?

21 MR. TAYLOR: Second.

22 CHAIRMAN YONKE: Second from Commissioner Taylor. Staff, please take a
23 vote.

1 MR. PRICE: Thank you. Alright, so we have a motion for the approval of Case
2 24-041 MA and because that motion goes against the recommendations of the
3 Comprehensive Plan and it's based on the trend is consistent, the trend of the request
4 is consistent with the character and zoning of the surrounding area. So those in favor of
5 that motion, Yonke?

6 CHAIRMAN YONKE: Aye.

7 MR. PRICE: Duffy?

8 MR. DUFFY: Aye.

9 MR. PRICE: Durant?

10 MR. DURANT: Aye.

11 MR. PRICE: Johnson?

12 MR. JOHNSON: Nay.

13 MR. PRICE: Taylor?

14 MR. TAYLOR: Aye.

15 *[Approved: Yonke, Duffy, Durant, Taylor; Opposed: Johnson; Absent: Frierson, Metts,*
16 *Siercks, Grady]*

17 MR. PRICE: Alright, that motion passes.

18 CHAIRMAN YONKE: Thank you, Staff. Recommendation of approval, County
19 Council will take it up October 22nd. Thank you. That wraps up the b. portion of 5. And
20 now Staff, please educate us on c., Administrative Review, Case AR-24-001.

21 **CASE NO. AR-24-001:**

22 MR. PRICE: Okay. So this goes back to the previous Land Development Code
23 and it is very consistent with our current Land Development Code also in which an

1 appeal of the determination of, of Staff, of Planning Staff, can be taken to either the
2 Board of Zoning Appeals or the Planning Commission. Typically any decision that
3 relates to land development is taken to the Planning Commission, so in this particular
4 case you become a *quasi*-judicial body and as such you have the choices of either
5 upholding the determination of, in this case the Zoning Administrator or Staff, you can
6 go against the, you can go against the determination of the Zoning Administrator or
7 Staff also. And as such, again this is a, you're acting as *quasi*-judicial, Staff will present
8 the request to you, will present its findings of the request, and the appellant can, will
9 then have an opportunity to then come and present. Typically no one is held to the two
10 minutes on these particular cases and they will get their chance to present to you their
11 reasonings and to object to the determination of Staff. This is also a public hearing so it
12 is open for anyone that may have signed up to speak.

13 CHAIRMAN YONKE: A question for Staff. Does that make us, since it's *quasi*-
14 judicial, is this a final decision or does this go to County Council?

15 MR. PRICE: No, you make the final decision. However, anyone that feels
16 aggrieved by your decision can appeal this to circuit court.

17 CHAIRMAN YONKE: Okay, questions for Staff before we begin?

18 MR. DUFFY: Mr. Price, can you just –

19 CHAIRMAN YONKE: Commissioner Duffy.

20 MR. DUFFY: Yeah, can you just, there's some background here in terms of
21 litigation, that a community resident in Long Creek Plantation sued to block the
22 approval, they also contend the Planning Department did not follow its guidelines and it

1 was tied up in court for three years and the approval was withdrawn. Do you have any
2 more background on that or the litigation that took place around this matter?

3 MR. PRICE: I think that's something we can get to once we open that up. At this
4 time I just wanted to kind of give you kind of a little brief background on the appeal
5 process. And being that we are, you are acting as a *quasi-judicial*, you would need to
6 swear in all parties that would be testifying, which would include myself.

7 CHAIRMAN YONKE: Okay, thank you Staff. I'm sure you'll walk us through this,
8 right?

9 MR. PRICE: Yes, sir.

10 CHAIRMAN YONKE: Okay.

11 MR. DURANT: Mr. Chair?

12 CHAIRMAN YONKE: Question, Commissioner Durant?

13 MR. DURANT: A question on the process again. We're acting as a *quasi-judicial*
14 panel, so we can expect opening statements from the County and the Applicant?

15 MR. PRICE: Yes, sir.

16 MR. DURANT: And are we, do we have the ability to question the County and the
17 Applicant?

18 MR. PRICE: Yes.

19 MR. DURANT: Thank you.

20 CHAIRMAN YONKE: Any further questions before we begin, Commission? I'll
21 hand it back to you, Mr. Price.

1 MR. PRICE: Okay, yes so I think we haven't really done the swearing in on this
2 one part but we have an attorney or two up there. It's the basics, you know, do you
3 swear to tell the truth, the whole truth, nothing but the truth, so help you God?

4 CHAIRMAN YONKE: Is one of my attorneys up here that wanna do this?

5 MR. DURANT: I am an attorney but for the Record I'm not admitted in South
6 Carolina.

7 MR. PRICE: It's just the words as a Member of the Planning Commission.

8 CHAIRMAN YONKE: You're acting VP today so go ahead, sir.

9 MR. PRICE: And you would also, the Applicant would also need, the Appellant
10 would also need to be sworn in also.

11 CHAIRMAN YONKE: Can we do it together?

12 MR. PRICE: You can do it together, yes, sir.

13 CHAIRMAN YONKE: Alright. Okay, would the Appellant like to come up?

14 MR. PRICE: Yes, so typical case, those that are gonna testify we raise our hand
15 and then you'll swear us in and then we can proceed. So we would just, you can go
16 ahead, we can get our hand up.

17 CHAIRMAN YONKE: This, at the podium?

18 MR. PRICE: Yes.

19 CHAIRMAN YONKE: Okay, Commission Durant, do you wanna take it away?

20 MR. DURANT: Mr. Price and the Applicant, do you swear to tell the truth,
21 nothing but the truth so help you God?

22 MR. PRICE: I do.

23 MR. BAKHAUS: I do.

1 CHAIRMAN YONKE: Okay, thank you. So we begin with Mr. Price?

2 MR. PRICE: Yes, sir.

3 CHAIRMAN YONKE: Thanks.

4 MR. PRICE: Alright, so I'll try to keep this relatively brief on Staff's determination.

5 So on page 97 of your packet under the request, §26-181 in which the development that
6 came before Staff, which was Link Side Villa subdivision, which is under Case files
7 SD22-006 was the sketch plan and that is attached on page 100 of your package – you
8 can turn to that if you don't mind. According to §181 Road Standards, it specifically
9 states, excuse me, it provides provisions for the extension of roads and right-of-ways
10 within developing subdivision. This provision establishes criteria for when roads should
11 be extended to the boundaries of adjoining undeveloped property to allow for the future
12 development of a logical road pattern. I kind of wanna make sure I highlight that it talks
13 about undeveloped property. Tommy, do you have the aerial? So the subject site is the
14 one that Mr. DeLage has just highlighted. It was Staff's determination simply that this
15 particular development or this parcel did not extend to an undeveloped portion of a
16 parcel. As you will note there is a golf course that sits between this parcel and the one,
17 the adjacent one above it. Because of those, the incompatible characteristics of a golf
18 course and a residential subdivision, it was not deemed to be logical to require
19 connectivity between those two, thus it was Staff's determination that based on that
20 section of the, of §26-181, again §26-181(3)(B) and you will find that on page 98 where
21 it says, Access to undeveloped property. Being that the property is developed, it may
22 not have a building on it but it is developed for a specific use and that was a golf course,
23 the Staff felt that it was not required to have connectivity.

1 CHAIRMAN YONKE: Commission, questions at this point? Can we do that?

2 MR. PRICE: Yes.

3 CHAIRMAN YONKE: Just so we're understanding the case. Is the property
4 highlighted in – the golf course is highlighted right now, it was developed obviously first
5 cause the other area is not developed.

6 MR. PRICE: Yes, that -

7 CHAIRMAN YONKE: And there was no need for Staff or the County to have
8 there be a connection between the two.

9 MR. PRICE: Correct. Yeah, I think if we -

10 CHAIRMAN YONKE: We cut through, the County cut through a parcel?

11 MR. PRICE: Not a parcel that the County doesn't own or is not part of a
12 development.

13 MR. BAKHAUS: Mr. Chairman, [inaudible]? Mr. Chairman, we're working with an
14 untruth here and I don't know –

15 MR. PRICE: It's not.

16 MR. BAKHAUS: - how long should I let this go before I can speak?

17 MR. PRICE: [Inaudible] to speak.

18 CHAIRMAN YONKE: Okay, absolutely. I wanna hear from both of you. We have
19 a golf course that surrounds this area and we're highlighted on this blue property now.

20 The property north of it, same owner?

21 MR. PRICE: It was.

22 CHAIRMAN YONKE: Has to do with this? It was, okay.

1 MR. PRICE: At one point this was all under the same ownership. As you can see
2 the piece that Mr. DeLage has highlighted is not part of any of the other developments
3 at this time.

4 MR. DURANT: Mr. Chair?

5 CHAIRMAN YONKE: Yes, Commissioner Durant.

6 MR. DURANT: Question Mr. Price, where on this map is the area that would've
7 been connectivity?

8 MR. PRICE: Right where Mr. DeLage has his, the mouse. That particular section
9 shows as a, I believe a golf cart path for the golf course.

10 CHAIRMAN YONKE: Mr. Price, did you explain to us at least your opening
11 statement here so I can hand it over and let him have his opening statement?

12 MR. PRICE: Yes, sir.

13 CHAIRMAN YONKE: Okay. Take it away, sir. What's your name?

14 **TESTIMONY OF JOHN BAKHAUS:**

15 MR. BAKHAUS: Okay. I represent Fairways Development which has been a
16 developer in Richland County since 1980. We've developed a little over 1,000 acres in
17 this area right here. I'm very familiar with the development plan, approval process and
18 unfortunately this piece of property has been a real, real issue with the County. In 2008,
19 when the real estate market crisis hit we'd been developing for about 24 years I guess
20 at that point, and we stopped and we sold tracts of land because we were, in honesty,
21 afraid to keep developing after that point. So this piece of land you see in a blue line
22 right there is a 20 acre parcel that we sold to another developer and he optioned the
23 contiguous piece of property, and it is contiguous; I keep hearing that it's not contiguous

1 but it is. For years it was taxed as a 100 acre parcel of land. We carved off 20 acres,
2 sold it, that buyer took an option on the remaining acres. He then submitted a plan
3 which you mentioned so I guess you all have read the letter that was submitted with the
4 package. The original buyer took an option on the remaining 80 acres and submitted it
5 as one development plan to the County in 2015 I believe it was, one 100 acre parcel.
6 The County approved that 100 acre parcel which had 20 and 80 acres connected
7 together at one point. That, that approval was litigated by a resident of Long Creek
8 Plantation who sued the County for allowing too much density in that 100 acre parcel.
9 And he kept that in court for three years and the County finally withdrew its approval of
10 that 100 acres. So the point I'm trying to make is that piece of property was submitted
11 as a 100 acre piece of property to be developed at one time and that plan was approved
12 as a 100 acre parcel of land. Even though there was a line separating the 20 and the
13 80, that developer was saying, I'm gonna develop the whole 100 acres and here's how
14 I'm gonna connect those two pieces right through that area where the little hand is next
15 to the line up there on the screen. That's how that plan was shown. I don't know
16 whether Mr. Price has that plan that he could show or not, but that plan was approved
17 as a 100 acre parcel. So at that time there was no question about the 20 and the 80
18 being connected, it was submitted as one parcel of land for approval. When I sold the
19 20 acres to this particular buyer we used the same attorney and that attorney prepared
20 the contract. And then that contract, because I am reasonably experienced, intelligent
21 developer, I knew that if somebody bought the 20 acres but didn't buy the rest of it at
22 that time there was a chance they would not complete the entire purchase. So we spent
23 more time in negotiating that contract discussing the easement through the 20 acres, in

1 the event that they do not purchase the 80 acres we've got to have access. Otherwise,
2 the 80 acres you see there on the other side of that blue line is landlocked. The only
3 access to that 80 acres is through the golf course which means either you close a hole
4 or you close the whole golf course or whatever if that access is denied. There's no other
5 way to get to the 80 acres. So we spent a tremendous amount of time discussing that
6 easement, how it would be done, who would pay for the road, etc., etc., etc. It was the
7 largest part of that contract was the easement agreement. We used the same attorney,
8 the attorney who had been our attorney for all the years that we developed this property
9 here. We used the same attorney, that attorney drew up the contract, closed the
10 transaction with the easement in it but he did not record the easement agreement after
11 the closing. Since then we have been trying to get the original purchaser of that 20
12 acres who is not the current owner of the 20 acres to agree that there was an easement
13 agreement understood between the parties. Unfortunately, when we went back to the
14 attorney to say, hey you made a mistake here, we've got to correct this issue with the
15 easement, the attorney's file on this particular transaction, the contract had disappeared
16 out of that file. There was no contract. We went to his computer which had prepared the
17 contract, there was no copy of the contract in his computer. So the original purchasers
18 about that time got amnesia about the easement agreement, they just couldn't
19 remember if there really was an easement agreement or not. So they, since they
20 decided not to buy the 80 acres they decided later to see the 20 acres. And when it
21 became evident that they were gonna sell the 20 acres we went back again and said,
22 look we've got to define this easement agreement because if we don't we're gonna end
23 up with 80 landlocked acres which you had intended to buy. So no agreement was

1 reached. Again, everybody kept saying, well I don't remember anything about an
2 easement. So I hired an attorney to try to get an agreement worked out on the
3 easement from the 20 acres to the 80 acres and we had agreed to file a *lis pendens* on
4 the property to stop the sale from the original purchaser from us to the second
5 purchaser, and when he got there to file the *lis pendens* he found out that the sale had
6 closed two hours before. So now the current owner of the 20 acres is denying any
7 knowledge of an access from the 20 acres to the 80 acres and that is the only access
8 through to a public road. And so we're here today because the current owner had told
9 Mr. Price that those two pieces of property were not connected because I had visited
10 Mr. Price before the plan came in and I said, when this plan comes in there's probably
11 gonna be an effort to leave our 80 acres landlocked. And so I said, I'm hoping that your
12 standards in the County over the years, which I have recognized in all of the different
13 approvals I have applied for, development approvals, that the County looks at having
14 contiguous properties have connectivity through to main arteries. And so I said, I hope
15 when you get to this plan you will consider that relative to the 80 acres that could be
16 landlocked. And he said, I can't make any guarantees but that is something we always
17 look at. So the plan was approved without requiring any connectivity through to the 80
18 acres and I am here to tell you that the County has argued with me over and over that
19 the two pieces of property are not connected, and they are connected. They're
20 connected at one property line. You see two lines there, that second line is an
21 easement for a golf cart path crossing between the hole on the eastern side of the
22 property to the hole on the western side, I guess southwestern side of this 20 acre
23 parcel. But the 20 acres is definitely connected to the 80 acres, there's one property line

1 through between the two of them. So basically what we're asking for is that the
2 roadways in the 20 acres be extended to the edge of the property line so they can be
3 connected to the 80 acre parcel.

4 CHAIRMAN YONKE: I hear a Commissioner with a question. Commissioner
5 Johnson?

6 MR. JOHNSON: Yes, well before I ask my question let me ask an initial question,
7 please. Truly what is, and I hate to use the word legally, but it is at issue because the
8 Applicant is stating two components of it. So Mr. Price, from your vantage point the
9 relief that is being sought is for what?

10 MR. PRICE: The Applicant is requesting a required connection to I guess that
11 center parcel, right there that Tommy highlighted, for future – so if that property is
12 developed they would be able to connect to the 20 acre tract that's being developed
13 now and it's also, the plan is included in your packet for access.

14 MR. JOHNSON: And for the Applicant my question, if Mr. Price's statement of
15 the issue about the connectivity, you said your attorney drafted the easement.

16 MR. BAKHAUS: The attorney who represented both parties, the buyer and the
17 seller, drafted the easement agreement, yes.

18 MR. JOHNSON: So what's presented to us in the section on access to
19 undeveloped property, part of the provisions of making such provision is for a 10 year
20 escrow to be placed, so did your attorney place the 10 year escrow?

21 MR. BAKHAUS: I'm not sure what you mean by that.

22 MR. JOHNSON: Access to undeveloped property, subsection (B)(ii), reservation
23 of road connections. In the case, in certain situations development may permit a lot to

1 be reserved for future connection in lieu of construction, of actually constructing the
2 road, my words, in a case an escrow account will be established in favor of the County
3 for a 10 year period, an amount to be determined by the County Engineer to cover the
4 cost of construction. So if an easement was prepared then there would've been an
5 escrow placed.

6 MR. BAKHAUS: No, the cost of the road according to that easement agreement
7 would be shared between our company if we had to develop the 80 acres, if they didn't
8 buy it –

9 MR. JOHNSON: I don't disagree with you but I'm saying that as a part of that
10 process of that easement, if that easement was put in place they would've required an
11 escrow.

12 MR. BAKHAUS: I don't know anything about the escrow. We were not looking to
13 the County to do the roadwork. The roadwork was gonna be done between us.

14 MR. JOHNSON: I understand that. What I'm saying, from a permitting standpoint
15 am I not reading that correctly, Mr. Price?

16 MR. PRICE: So, Tommy can you go to that site plan? Alright, so if you, in looking
17 at lot, I believe that's 81, my eyes are bad, I apologize.

18 CHAIRMAN YONKE: That's just difficult to see overall. Can we zoom in again?

19 MR. PRICE: Okay, 51. So on that development, Link Side Village, if it was
20 determined that connectivity would've been required to an undeveloped parcel, the
21 section that you're referencing the developer could either go ahead and construct the
22 road and dead end, and have it dead end at the property line or they could just leave
23 that section undeveloped but they would then do an escrow so that when it was time to

1 develop it the funds would be there for the County to then, for it to be constructed to
2 allow for connectivity.

3 MR. JOHNSON: That is my question.

4 MR. PRICE: Yes, so, but that would've been done by the developer of the Link
5 Side development, not necessarily by the seller of the adjacent parcel.

6 MR. JOHNSON: I thought he said that the same attorney represented both
7 parties.

8 MR. BAKHAUS: No, no, that was the first sale of the 20 acres the same attorney
9 represented both. The property then sold again from the first buyer to a second buyer
10 and he's saying that it would've been the responsibility of the second buyer to do that.

11 MR. TAYLOR: And the first sale of the 20 acres is where we're saying the
12 easement was not recorded?

13 MR. BAKHAUS: Right. Right, and what I'm – under the Agenda here, under the
14 Administrative Review, Mr. Price put down this §26-181 which requires the roadway
15 that, I guess the County could require the roadway to be taken to the end of the
16 property. That's basically what we're asking to do is get the property, get the roadway
17 to the end of the property, we can connect to it at that point. And all I'm saying is and
18 the case I'm making here today is the County did not require that to happen when they
19 approved that plan. Knowing that there was a piece of property, a large piece of
20 property, valuable piece of property that would be landlocked by not requiring the road
21 to be taken to the end of the property.

22 MR. JOHNSON: Is it the County's position that it's landlocked?

1 MR. PRICE: No, sir. But because both, excuse me, can you go to the aerial and
2 zoom out a little bit. So if you're looking at this you're really looking at four sections.
3 There's the two that you see highlighted there, so if the golf course is, I mean, if we're
4 saying that you can't crossover because of the golf course then those parcels, both of
5 those are landlocked already, especially the one at the top portion – go up Tommy,
6 yeah right there – that one would be deemed to be landlocked also.

7 MR. JOHNSON: Is that parcel that you were just referring to, part of the 100?

8 MR. PRICE: Yes, sir, that was part of the 100. So, and again being that the, that
9 parcel – Tommy can you just double click on that again? Alright, so being that that
10 parcel – and click on the golf course – there're under the same ownership so if this is
11 gonna be developed, the golf course and those remaining parcels are under the same
12 ownership so –

13 MR. JOHNSON: Then why are we here?

14 MR. PRICE: Because the Applicant, he made an appeal.

15 MR. DURANT: Mr. Chair, question for the Applicant. I'm sorry, go ahead.

16 MR. JOHNSON: So including Club Colony Circle which appears to dead end to
17 that –

18 MR. PRICE: So Club Colony Circle, because it is a private road, if a development
19 were to take place and the intent was to turn the roads over to the County, the County
20 would not accept those into our inventory because the County would not use private
21 roads as a means to access public roads. So Club Colony, Club Colony Circle would
22 also need to be either brought to County standards and then deeded to the County for

1 the future development of a site, or they would have to provide another means of
2 access into those, for the development of those parcels.

3 MR. DURANT: Go ahead.

4 MR. JOHNSON: Just make sure I'm hearing correctly. The residual two portions
5 of those parcels and the golf course are under some form of common ownership.

6 MR. PRICE: Yes, sir.

7 MR. JOHNSON: Okay.

8 MR. BAKHAUS: The golf course and the two remaining properties, I mean, the
9 80 acres are under the same ownership, yes. But there is no access through the golf
10 course to the 80 acres.

11 MR. DURANT: I have a question for the Applicant.

12 CHAIRMAN YONKE: Please.

13 MR. DURANT: You said earlier I think that the properties were considered
14 contiguous for a long time. And it stopped being considered contiguous when you got
15 the easement or tried to get the easement?

16 MR. BAKHAUS: No, it was, we sold the 20 acres originally with the
17 understanding that that is our access to a public road, that 20 acres is our access to
18 frontage on that 20 acres, it is the only access for the whole 100 acres to a public road.
19 So when we sold the 20 acres off we knew that we were cutting the 80 acres off from
20 road access, that's why we developed an easement agreement in that contract, to give
21 us access through the 20 acres to the 80 acres. And through mistakes made by
22 attorneys it didn't happen, it didn't get recorded. And so we were left without access. We

1 assumed that the buyer of this piece of property would grant us access through the 20
2 acres but they have not.

3 MR. DURANT: And because the easement never got recorded that means it
4 doesn't exist.

5 MR. BAKHAUS: Excuse me?

6 MR. DURANT: Because the easement never got recorded, does that mean it
7 doesn't exist?

8 MR. BAKHAUS: I guess it doesn't exist, we can't find record of it at this point,
9 and the attorney has dementia, he doesn't remember anything about it, unfortunately.
10 And he has been in that state of mind for some number of years now. So we tried to get
11 him to bring it back; he can't understand where the files went, where the, why it doesn't
12 show up in his computer, etc., etc., but it just didn't.

13 MR. DURANT: One final question to follow along from Mr. Johnson earlier. What
14 exactly are you asking this panel to do?

15 MR. BAKHAUS: I'm asking this panel to ask Mr. Price to require the developer of
16 the 20 acres to extend his roadways to the edges of the property so we can connect to it
17 from the 80 acres. As required in provision, §26-181(B).

18 CHAIRMAN YONKE: Commissioner Duffy.

19 MR. DUFFY: Just to follow up on my colleagues. On the same attorney that you
20 used, obviously that sounds like it presented a significant conflict of interest, but the
21 attorney didn't record the easement agreement and then obviously the attorney was
22 acting for both parties so it's extremely unclear where things stand. And obviously, have
23 you, is there no recourse between yourself and the attorney who acted for you at the

1 time? Is there nothing done to try and, you know, if there was an easement agreement
2 in the legally binding contract would that have been filed somewhere or in a, you know,
3 a circuit court or something?

4 MR. BAKHAUS: The contract was not filed. It was filed in his office and
5 somehow disappeared out of the file in the office. I suspect some deviousness in there.
6 The people who bought the 20 acres originally from us would enjoy the fact that the 80
7 acres might be landlocked. And I guess the current owner would like to see it
8 landlocked as well. So it is a large, valuable piece of land that would produce a lot of tax
9 revenue for Richland County if it were developed.

10 CHAIRMAN YONKE: Yes, Commissioner Johnson.

11 MR. JOHNSON: Well let me ask you, for the 20 acre parcel is there an approved
12 site plan for that parcel?

13 MR. PRICE: Yes, sir.

14 MR. JOHNSON: Okay, and is that what's –

15 MR. PRICE: Yes, sir.

16 MR. JOHNSON: Okay. And this is a separate plan from the plan that the
17 Applicant has said that the courts threw out.

18 MR. PRICE: Yes, sir. May I elaborate a little bit on that?

19 MR. JOHNSON: Please.

20 MR. PRICE: He is correct that at one time, and Mr. DeLage if you'll go back to
21 the aerial, there was a sale for all of that property, not the golf course but those, but the
22 three parcels that you see there kind of like dinosaur-ish looking shape there. And had
23 an approval, it was a resident of the area that protested against our approval, we did

1 spend some time in court and the applicant did withdraw, I mean, excuse me, we did
2 rescind, we ended up having to rescind our approval; thus that original approval was
3 voided, so it was not there so we go back to what you have before you. Seems like at
4 some point it might've been under the same tax map number, it was deemed to be one
5 parcel, one tax map number, one parcel even though the golf course runs between it.
6 That 20 acre tract was sold separately, it was sold separately and so it was looked at
7 that it's not necessarily landlocked because again, one it was under the same
8 ownership, the golf course and the remaining parcels; secondly we didn't feel that it was
9 necessary for connectivity because there was an incompatible land use that was
10 between those two uses. Also probably one of the things too when we were just kind of
11 talking about the development, even if there was connectivity required between the 20
12 acre tract and the remainder when the other portions are developed they would also
13 have to provide some, a secondary means of access also into that development. So at
14 some point more than likely either another road would have to be constructed or
15 another emergency, either it be through emergency access or just another full blown
16 road to get to the remainder of the parcels or access would have to be provided to Club
17 Colony Circle in which those roads would all then have to be deeded over to the County
18 and they could not remain private.

19 MR. JOHNSON: Mr. Chairman, one final question please.

20 CHAIRMAN YONKE: Yes, Commissioner Johnson.

21 MR. JOHNSON: The Applicant's relief requested in terms of the requirement of
22 road access from this parcel but the site plan is reflected in our package, those rights
23 are fully vested in that owner as presented?

1 MR. PRICE: Yes.

2 MR. BAKHAUS: It is my contention that the County made a mistake by not
3 enforcing 26-181 and requiring that person, that owner of that property to extend the
4 roads to the ends of the property. And we've, our company's been a victim of a
5 conspiracy that's been going on for some time, trying to land lock this property. The golf
6 course was designed by Pete Dye and some of you may have an interest in golf, you
7 may not, he's probably the most notable golf course designer in the world. Richland
8 County is lucky to have a golf course designed by the best designer in the world. For us
9 to say, well okay we'll just cut a hole through the golf course somewhere so we can put
10 a road into this 80 acres would not, would not do justice to the golf course. And so to
11 say, well it's in the same ownership, but it's a totally different entity, it's a standalone
12 entity that really cannot be carved up and be the same as it was.

13 MR. PRICE: And –

14 MR. JOHNSON: [Inaudible]

15 CHAIRMAN YONKE: This is great, go ahead Commissioner Johnson.

16 MR. JOHNSON: Let's assume that's the case in terms of the connectivity
17 between this 20 and that parcel, then where's the connectivity to the other parcel?

18 MR. BAKHAUS: It's through, there's a road, well there's common land through,
19 between there. Are you talking about to the third parcel? There is connectivity through
20 there.

21 MR. TAYLOR: [Inaudible] parcel is part of the 80? Excuse me.

22 MR. BAKHAUS: Yeah, the third parcel is part of the 80.

23 MR. TAYLOR: Okay.

1 MR. BAKHAUS: There are two parcels that make up the 80 and one parcel that
2 makes up the 20.

3 MR. JOHNSON: So there's connectivity to the golf course on the, I guess north
4 side but not on the south side?

5 MR. BAKHAUS: It's actually, there's an area between two holes on the golf
6 course that's open, just an open stretch of property that holds the whole thing together
7 but it has no consequent on the golf course. The road would be put through that open
8 area in there. And it's – I wish I had the design that was originally submitted showing the
9 design of the whole 100 acres together, which the County approved. The County
10 approved it with a road going right through hole number 10 and hole number 11, right
11 where, just below where the hand is on the screen there right now. That was the access
12 that was presented to the County and the County approved it. That was back in 2015.

13 CHAIRMAN YONKE: But from what you said it would still be cutting through this
14 beautiful golf course –

15 MR. BAKHAUS: No, no, there's no – with that design there's no cutting through
16 the golf course.

17 CHAIRMAN YONKE: What's going on with Flycatcher Lane, is that a public road,
18 Mr. Price?

19 MR. PRICE: It is.

20 MR. BAKHAUS: Flycatcher Lane's down on –

21 CHAIRMAN YONKE: Does that connect to the northern landlocked parcel?

22 MR. PRICE: No, sir.

1 MR. BAKHAUS: No, it – well no, it, there are two lots past the end of Flycatcher
2 Lane right there. Yeah, that's Flycatcher, there are two, well actually there are three lots
3 past the end of Flycatcher that prevent connection to the, to the property at that point.

4 CHAIRMAN YONKE: Tommy, can you click on that larger parcel. Is it the same
5 ownership, different ownership? Different ownership, okay. Commissioners, questions?
6 I didn't mean to just jump in.

7 MR. PRICE: Yeah, just also for the Record –

8 CHAIRMAN YONKE: Hold on, Mr. Price. Yes, you good? Okay Mr. Price.

9 MR. PRICE: For the Record, and it is noted on page 97 of your packet that, that
10 those parcels that were, that connect to Flycatcher Lane were formerly owned by
11 Fairways Development and they were sold, subdivided and sold. Thus, that kind of
12 helped create an additional, I guess you could call it landlocked, you know, the parcel if
13 that's the case because that actually would've provided access from that particular part
14 of this, I guess the remaining 80 acre tract because Flycatcher is a county road.

15 MR. DURANT: Mr. Chair?

16 CHAIRMAN YONKE: Yes, Commissioner Durant?

17 MR. DURANT: Question for Mr. Price representing the County. Mr. Price, does
18 the County understand exactly what the Applicant is seeking here?

19 MR. PRICE: Yes.

20 MR. DURANT: And is the [inaudible] say assuming just for argument sake, we
21 favored the Applicant, is the County legally able to grant what he's asking for?

22 MR. PRICE: I think we would probably end up in some form of litigation from the
23 developer of the parcel. So I mean, that's not our issue for making our determination but

1 to answer your question, I'm sure there would be essentially some litigation from them
2 regarding –

3 MR. DURANT: What harm would the County suffer in the event you had to grant
4 [inaudible]?

5 MR. PRICE: You know, there would be a cost, of course, we would have to go to
6 court to defend our actions.

7 MR. JOHNSON: Pull that back up one more time, I'm sorry. I'm trying to see Club
8 Colony Circle again. I understand that's a private road but – there was a scenario where
9 that would have to become public at some point in the conversation.

10 MR. PRICE: Yes.

11 MR. JOHNSON: Which would provide access to the third parcel which, and the
12 Applicant says there's connectivity between the third and the second parcel.

13 MR. BAKHAUS: I can partially answer that question. We approached the
14 community association that owns Club Colony Circle and asked them if we could
15 develop just a small portion of that area that, that faces on the other side of the golf hole
16 that you see right there and they said no way, we don't want anything else developed.
17 We own the road, we're not gonna grant even a small portion of land to be developed
18 off of our private drive. So they closed us down pretty quickly when we requested that.

19 MR. PRICE: So it would seem like that parcel couldn't be developed.

20 CHAIRMAN YONKE: Commissioner Duffy.

21 MR. DUFFY: Just a question for you, Mr. Price. Is there any precedent to what
22 this gentleman is asking for on other developments in the County that you've seen or is
23 this a unique or one of a kind situation?

1 MR. PRICE: I mean, one of the things that, you know, as he stated it's in our
2 Code, both previous Code and our current Code, that anytime a development comes in
3 and there are adjacent, adjoining an undeveloped larger tract, you know, we aren't
4 gonna make somebody connect to a one acre tract or something along those lines, but
5 if they're adjacent to another tract that potentially could be developed residentially, we
6 do require them to connect. Or at least provide a means for connectivity.

7 CHAIRMAN YONKE: Go ahead.

8 MR. BAKHAUS: I have spent nine months trying to resolve this matter without
9 litigation. I've tried every reasonable method I can. I approached Mr. Price before this
10 plan on the 20 acres came to him and I said, I have a suspicion that they're gonna try to
11 land lock the 80 acres when they bring this plan in to you, so please be cognizant of that
12 fact. And so obviously connectivity is gonna be important here to us and again I say 26-
13 181 requires the County where two pieces of property connect and requiring one of the
14 property owners to extend the road to the end of the property so an adjacent property
15 can connect to it. That didn't happen here. And I, I'd prefer to handle this without
16 litigation. I've been to Mr. Price who I've known for many years, I've been to Eric
17 Jenson, I've been to everybody except for the County Manager to see if there's some
18 way we can resolve this matter without having to go to litigation. But it's too valuable a
19 piece of property for us to let it go so if we can't resolve it here we probably will have to
20 litigate it. I've run out of other solutions at this point.

21 MR. PRICE: Yeah, again I think if the Applicant, I think the Applicant may agree
22 that that back portion is, can't be developed, the third parcel. That right there, it looks

1 like, I mean, I think based on testimony that parcel can't be developed at this point so
2 we're not really talking about the full 80 acres.

3 CHAIRMAN YONKE: Go ahead and click on that, Tommy.

4 MR. PRICE: And I'm only saying that because the Applicant has stated that, you
5 know, about going across the golf course, I don't believe that that's something that's
6 practical for the development of the site, so if crossing a golf course isn't practical then
7 you can't really develop that site. But if you can go across the golf course then that
8 means you can go across the other portions of it, which again under the same
9 ownership.

10 CHAIRMAN YONKE: Commissioner Johnson.

11 MR. JOHNSON: The transfer that Mr. Price referenced at the end of Flycatcher
12 Lane, what's the date of those conveyances relative to the date of splitting up this other
13 20 acres?

14 CHAIRMAN YONKE: Am I correct, 2016 when it changed hands from Fairways?
15 2008.

16 MR. JOHNSON: And Mr. Chairman?

17 CHAIRMAN YONKE: Yes.

18 MR. JOHNSON: That was the second sale of the 20 acres, when was the first
19 sale of the 20 acres done?

20 CHAIRMAN YONKE: 2012.

21 MR. JOHNSON: Four years later.

22 MR. BAKHAUS: That property was sold again with the understanding that there
23 was gonna be a, that there was an easement agreement through the 20 to the 80. And

1 there was an agreement, there isn't any question about it. Unfortunately we're not in a
2 position to prove it.

3 CHAIRMAN YONKE: Any further questions? Staff, from this we would – I took
4 notes from earlier, we would either uphold the Staff's decision or go against it and we
5 would do that through a motion?

6 MR. PRICE: Yes, sir.

7 MR. JOHNSON: And when you say uphold Staff's position, what position?

8 CHAIRMAN YONKE: Staff?

9 MR. PRICE: Yeah, so essentially, I know you've heard a lot, you've heard a lot
10 about the sale of the property, you've heard a lot about, you know, previous
11 development of the site and so on. But really what we're looking at is essentially §26-
12 181 when it refers, 26-181(3)(B), when we're talking about access to undeveloped
13 property. Again as Staff has, you know, upon Staff's review of this it's not undeveloped
14 property, I believe even the Applicant has stated, you know, the design of the golf
15 course. I think he's referred to it more than just a piece of land that's just there. So with
16 that being said we deem that to be a developed piece of property that was not
17 compatible with the residential development that you have before you of Link Side
18 Village and thus connectivity was not required according to the Code. So we really
19 didn't get into the other matters, it's really this particular section talks about connectivity
20 when it's logical and at this point because it was abutting a portion of a golf course,
21 regardless of how that section was being used, it was just deemed not to be logical or
22 compatible and thus not required.

23 CHAIRMAN YONKE: Sir, what's your response to that?

1 MR. BAKHAUS: My response is that for some reason Mr. Price has it stuck in his
2 head that the property ends at the end of that property line on the 20 acres and that
3 there is a golf course between the 20 acres and the 80 acres. There is not, there's no
4 golf course between the 80 acres and the 20 acres. They are there but there is a
5 passageway through for a roadway to go into the 80 acre piece of property that was
6 submitted in the plan to the County 10 years ago, which they approved. That, that
7 property is connected at that point, there is not golf course intervening between those
8 pieces, two pieces of property.

9 MR. JOHNSON: What's the distance between those?

10 CHAIRMAN YONKE: Commissioner Johnson.

11 MR. JOHNSON: I'm sorry, Mr. Chairman, I apologize.

12 CHAIRMAN YONKE: Just wanna help our Staff, thank you.

13 MR. BAKHAUS: The area between the yellow line and the blue line is an
14 easement for the golf cart path. You can see the sand trail going through there, that is a
15 golf cart path. The properties connect at that blue line, the 80 acres and the 20 acres
16 connect at that blue line. That is not an interruption, that is an easement for a golf cart
17 path.

18 CHAIRMAN YONKE: Is our parcel map incorrect?

19 MR. PRICE: No, sir, I don't believe it is.

20 CHAIRMAN YONKE: And there's no proof of this easement.

21 MR. PRICE: I think it's, unless the Applicant can show that this, that there is
22 connectivity between the two and that there is not essentially separated by the golf

1 course as you see before you, unless that's something that can be brought to us then
2 we contend that there is a separation between those two bodies.

3 CHAIRMAN YONKE: Looking at the map that the parcels are correct we see a
4 26' gap there. Commissioners, do we all see that?

5 [Yes]

6 CHAIRMAN YONKE: Okay. Okay, go ahead, sir.

7 MR. BAKHAUS: I can prove that the two parcels connect at that blue line.

8 CHAIRMAN YONKE: What do you, what evidence do you have to provide us
9 proof.

10 MR. BAKHAUS: I don't have it with me but I can produce surveys that will show
11 that the two, that that is a common line between two pieces of property.

12 CHAIRMAN YONKE: You're saying that the northern yellow line border does not
13 exist and it should extend and touch.

14 MR. BAKHAUS: Right. Right.

15 CHAIRMAN YONKE: Mr. Price?

16 MR. PRICE: A recorded plat would prove that there's no separation between
17 those, that they connect. A survey is something that could just be drawn but if it's not
18 actually recorded then it's really just a conceptual plan.

19 CHAIRMAN YONKE: Do you have a recorded plat, sir?

20 MR. BAKHAUS: Yes.

21 CHAIRMAN YONKE: Okay. Mr. Price and Staff, how legal are the parcels in our
22 database? We're right in my world now of GIS, like when we look at these lines they're

1 reviewed through county administrators and posted online. Are we looking at something
2 that's not accurate where we need to refer back to a written plat?

3 MR. PRICE: I mean, if that's really, if that's the point of contention for your
4 decision making, I would make a recommendation to the Planning Commission to defer
5 this until your November meeting and in such time allow the Applicant to actually bring
6 in a recorded plat showing these, showing this as one. If that is something that you feel
7 you need to make your decision.

8 CHAIRMAN YONKE: Commission, you wanna discuss that?

9 MR. DURANT: That's a reasonable path.

10 CHAIRMAN YONKE: Sir, would you be willing to defer this to our next meeting?

11 MR. BAKHAUS: I've been deferring forever, I'll defer one more time, absolutely.

12 CHAIRMAN YONKE: That would help your case if the two touch.

13 MR. BAKHAUS: Right. Right.

14 CHAIRMAN YONKE: Okay as Chair I'll make a motion to defer this case until our
15 next meeting. What's the date of that, Staff? November 4th says Commissioner Duffy.
16 Do we have a second for a motion of deferral?

17 MR. TAYLOR: Second.

18 CHAIRMAN YONKE: Commissioner Taylor seconds. Staff, please take a vote.

19 MR. PRICE: Alright, those in favor of the motion to defer to the November 4th,
20 2024 PC –

21 CHAIRMAN YONKE: Just on the basis of the Applicant is going to provide
22 information, thank you.

1 MR. PRICE: So we wouldn't need to go back through this exercise again, you
2 just really need that I believe if that is part of your request. But those in favor, Yonke?

3 CHAIRMAN YONKE: Aye.

4 MR. PRICE: Duffy?

5 MR. DUFFY: Aye.

6 MR. PRICE: Durant?

7 MR. DURANT: Aye.

8 MR. PRICE: Johnson?

9 MR. JOHNSON: Aye.

10 MR. PRICE: Taylor?

11 MR. TAYLOR: Aye.

12 *[Approved: Yonke, Duffy, Durant, Johnson, Taylor; Absent: Frierson, Metts, Siercks,*
13 *Grady]*

14 MR. PRICE: That motion passes.

15 CHAIRMAN YONKE: Thank you, sir. Thank you for the discussion today, sir.

16 MR. BAKHAUS: I just wanna thank you for your careful consideration of this
17 matter because it is extremely important. Thank you very much, all of you.

18 CHAIRMAN YONKE: Speaking on behalf of myself I really care about our
19 County. I want to make good decisions for it, so we can take the time to do this. Thank
20 you.

21 MR. BAKHAUS: Thank you.

22 CHAIRMAN YONKE: Final thoughts, Commission, on this? We can wait until
23 November to talk again.

1 MR. TAYLOR: Yeah, and we'll probably have to [inaudible] other Members come.

2 CHAIRMAN YONKE: Commissioner Johnson, go ahead.

3 MR. JOHNSON: To the Applicant I would just say there are two key pieces of
4 disposing of this; one we're addressing in terms of seeing this recorded plat, but the
5 other I would just, from an evidentiary standpoint just ask you to be prepared to address
6 – it sounds as if the section of the Code that was given to us in our material, that it was
7 the second conveyance that did not make the appropriate securing of a future road. So
8 there's an intervening transaction there and so from my standpoint, I'm just one Member
9 of the panel, I'm gonna wanna understand that a little bit better. I don't mean tonight, I
10 just mean just when we have this conversation.

11 MR. BAKHAUS: Okay. Well, I think the second owner did not want it to happen
12 so that's why they made no effort to secure. I don't know whether their intent is to leave
13 that landlocked thinking they're the only ones that can buy it because they're the only
14 ones that have access. And I've had it sold four or five times if I can get the access
15 worked out.

16 MR. DURANT: One final thing, sir, I don't think we got your name on the Record.

17 MR. BAKHAUS: I signed in here but I'll give it to you again. I signed in on the
18 sheet.

19 CHAIRMAN YONKE: Pronounce your name for me?

20 MR. BAKHAUS: Last name is Bakhaus, B-A-K-H-A-U-S.

21 CHAIRMAN YONKE: Yes, we have it. Thank you.

22 MR. BAKHAUS: Thank you.

23 CHAIRMAN YONKE: Okay, we'll see you in November.

1 MR. BAKHAUS: Okay.

2 MR. DUFFY: One final question for Mr. Price. There's no active litigation right
3 now for y'all on this but there is the threat of potential down the road.

4 MR. PRICE: I guess so, yes, sir.

5 MR. DUFFY: So you'll be getting legal advice prior to coming into our next
6 meeting or if there's more questions on the way we go?

7 MR. PRICE: At this point we will just bring you in the plat.

8 MR. DUFFY: Yeah, yeah, [inaudible] if there's follow up. Thank you.

9 CHAIRMAN YONKE: Okay, we're gonna move on to number 6. in our Agenda
10 which is Other Items that we have. Olympia Mills Neighborhood Character Overlay
11 update.

12 MR. PRICE: Yes, so we've gone over the character overlay. We've gone over
13 this for quite a while and you've looked at the language that's being proposed. And I
14 think some of you were able to actually go on the tour of the Olympia area just kind of
15 as a means that you could see how some of those, how some of the language that's
16 being proposed relates to the area. At this point unless there's something that the
17 Planning Commission, some additional information that you need or you wanna point us
18 in a different direction, what we will begin doing is preparing to have a couple of
19 community meetings with the property owners that would be affected, we will provide
20 notifications to them and establish a couple of meetings where we can kind of outline
21 what this request, excuse me, what the neighborhood character overlay is and will be in
22 this particular area. And after that then we will then begin a public hearing back with the
23 Planning Commission where, you know, you will look to review the language and give

1 this approval and forward it to County Council. And of course that would be after the
2 public is allowed to speak on it.

3 CHAIRMAN YONKE: Any questions regarding that, Commission? Sounds like a
4 good path forward, thank you.

5 MR. PRICE: Okay.

6 CHAIRMAN YONKE: Any other items for discussion under this section?

7 MR. PRICE: Yes, our – I don't know if everybody's had the opportunity to meet
8 Ms. Williams, Synethia Williams. She's the new Director of the Community Planning and
9 Development. Also, that also entails being the Planning Director. She's present here
10 and she will give you a Comprehensive Plan update at this time.

11 CHAIRMAN YONKE: Thank you.

12 MS. WILLIAMS: So good afternoon, I'm Synethia Williams, the new Director of
13 Community Planning and Development. I've been here a month and we've been
14 working really hard on getting the Comprehensive Plan process started. We've got
15 Nelon Planning on board, they're the consultant that'll be helping us through this
16 process. We've had several kickoff meetings with them and we've scheduled bi-monthly
17 meetings with Nelon Planning so that we can continue to get updates. Right now we are
18 working with them to finalize a project schedule and identify the outreach techniques
19 we're gonna be using. They recommended putting together an advisory council,
20 advisory committee. This advisory committee is not to take the place of Planning
21 Commission or County Council, they are mostly to assist us with getting public input and
22 champion the plan to the public. So we've been asking County Council to consider
23 representatives to sit on this advisory committee. The advisory committee, like I said,

1 they'll just kinda go through some of the recommendations and the feedback and vet
2 that information before we present it to you all at Planning Commission. You still make
3 the ultimate recommendation to County Council to approve or disapprove the
4 Comprehensive Plan. We're also looking at several in-person and virtual ways that we
5 can receive input from the public regarding the Comprehensive Plan so we'll be
6 finalizing that with Nelson Planning in the upcoming few months. And they do wanna do
7 a tour of the County so we will be bringing the consultant team in, taking them around
8 the County so they can see some of the development pressures that we have, the way
9 growth is happening in Richland County, so they can take that into consideration as
10 they're getting this public feedback. The plan we split up into three parts; this first phase
11 they're doing data gathering so they're pulling plans, old Comp Plan, the land
12 ordinance, they're looking at GIS data to kinda just get a baseline of where we are.
13 Then they'll be putting together those recommendations, getting a lotta input based off
14 of the data they've gathered. And then finally they'll have a draft plan that they'll be
15 presenting to the public and Planning Commission for consideration. So we're hoping to
16 get this process taken care of in about a year because the plan has to be updated every
17 10 years so the deadline is by the end of 2025. So we'll be moving quite swiftly with
18 trying to get that public input.

19 MR. TAYLOR: Question.

20 CHAIRMAN YONKE: Commissioner Taylor?

21 MR. TAYLOR: How many members are you looking for the advisory committee,
22 did you say?

1 MS. WILLIAMS: The recommendation is just have about 12 to maybe 14
2 members on the advisory committee. We will be also holding a stakeholder meeting so,
3 for instance, Planning Commission, instead of having you on that advisory committee
4 having you participate in a stakeholder group or a focus group discussion. That way we
5 can get direct input from you all from your point of view as Planning Commission
6 Members and members of the community. So you'll probably be interviewed from that
7 focus group status whereas being on that advisory committee where they'll just be
8 betting a lot of the different data that we're gathering and all of the input that we're
9 receiving. And also if we're putting together messages we wanna run it through the
10 advisory committee to make sure our messages are clear as we put it back out to the
11 community.

12 CHAIRMAN YONKE: Any further questions? Thank you for joining the team.
13 We're happy to have you here.

14 MS. WILLIAMS: Glad to be back in Richland County. I was here before and so
15 I'm glad to be back, so thank you. And thank you all for your service on the Planning
16 Commission, I do appreciate your efforts.

17 CHAIRMAN YONKE: Mr. Price, anything else under number 6?

18 MR. PRICE: No, sir.

19 CHAIRMAN YONKE: Okay. Now we'll get to number 7., which is Chairman's
20 Report. I just wanna say thank you guys for all the hard work you do. Thank you for the
21 Olympia tour, Staff, for setting that up, that was great, and for the Commissioners that
22 were able to attend. She already mentioned the Comp Plan, we're gonna get done by
23 the end of next year so any workshop meetings that we need to schedule as we plan

1 out, let's do that. And that can coincide with Planning Commission, training sessions or
2 whatever we need as we look ahead at our calendar. And we'll need to look at
3 rescheduling our workshop meeting we were supposed to have today.

4 MR. PRICE: Yes. Well, if you, I mean, if you would like we could, again just move
5 it to November prior to the meeting. If 4:00 is an issue – I don't know, you know, again
6 putting it together I think it something we could potentially get done within an hour, just
7 depends on questions you have for Staff. But it is really up to you.

8 CHAIRMAN YONKE: My concern is that we have a small quorum right now and I
9 would like to hear from those who are missing a time that they could be here for that. So
10 my suggestion would be that we meet normally in November and then at that meeting
11 schedule this workshop within a week or two after, it's just a suggestion.

12 MR. DUFFY: Yeah, that sounds like a great idea since we're down so many
13 people tonight, yeah.

14 CHAIRMAN YONKE: That's Commissioner Duffy. I see head nods.

15 MR. DURANT: Sounds good to me.

16 CHAIRMAN YONKE: Okay, alright. And that's the end of the Chairman's Report
17 then. Thank you. Planning Director's Report. Does she get to come back up, number 8?

18 MR. PRICE: It's on page 105, it's just the report of County Council's actions on
19 cases that you've previously heard and made recommendations on.

20 CHAIRMAN YONKE: Alright. That wraps up number 8. Number 9., which is
21 adjournment. The Chair would like to make a motion for adjournment. Do I have a
22 second?

23 MR. DURANT: Second.

1 CHAIRMAN YONKE: Second from Commissioner Durant. We'll do this by show
2 of hands.

3 MR. PRICE: Unanimous.

4 CHAIRMAN YONKE: Unanimous, alright thank you, Staff. Thank you,
5 Commission. Adjourned.

6

7

[Meeting Adjourned at 8:30pm]