

RICHLAND COUNTY PLANNING COMMISSION**May 6, 2013**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

[Members Present: Olin Westbrook, David Tuttle, Patrick Palmer, Stephen Gilchrist, Howard Van Dine, Wallace Brown, Sr., Bill Theus; Absent: Kathleen McDaniel, Heather Cairns]

Called to order: 1:03 pm

CHAIRMAN PALMER: We'll call the May meeting of the Richland County Planning Commission to order. Allow me to read this into the Record. In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification and posted on the bulletin board located in the lobby of the County Administration Building.

MR. TUTTLE: Mr. Chairman, I'd like to make a motion that the Minutes from the April meeting be approved.

MR. GILCHRIST: Second, Mr. Chairman.

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

[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Van Dine, Theus; Abstained: Brown; Absent: McDaniel, Cairns]

MR. BROWN: Abstained.

CHAIRMAN PALMER: We have one abstention. The adoption of the Agenda, do we have any changes to the Agenda?

MS. HEGLER: No, Mr. Chairman.

CHAIRMAN PALMER: None from Staff? None from the Commission? Do we have a motion to adopt the Agenda?

1 MR. BROWN: So moved.

2 MR. THEUS: Second.

3 CHAIRMAN PALMER: We have a motion and a second. All those in favor say
4 aye.

5 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Van Dine, Brown, Theus; Absent:*
6 *McDaniel, Cairns]*

7 CHAIRMAN PALMER: Road name approvals.

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

10 *[Road Names: Nuttall Oak, Tulip Oak, Ascot Woods Loop, Robinson Woods Lane,*
11 *Aureo, Calycinum, Conferta, Grande Oak, Halcyon, Hyperian, Laurentia, Long Cove*
12 *Drive, Quercus, Shade Tree]*

13 MR. WESTBROOK: I'll second.

14 CHAIRMAN PALMER: We have a motion and a second. All those in favor say
15 aye.

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

18 CHAIRMAN PALMER: None opposed. Okay Map Amendments, Case No. 13-09
19 MA.

20 **CASE NO. 13-09 MA:**

21 MS. HEGLER: Good afternoon. Case No. 13-09 MA has been administratively
22 withdrawn. This is after the Applicant requested two deferrals.

23 CHAIRMAN PALMER: Okay. Case No. 13-12 MA.

1 **CASE NO. 13-12 MA:**

2 MR. LEGER: Thank you, Mr. Chairman. Our first Application, project number 13-
3 12 MA. The Applicant is Mr. Wayne Huggins. The property is located on Garners Ferry
4 Road and Congaree Road at the intersection there. It's 1.79 acres, currently zoned RU
5 and the Applicant is requesting OI, which is Office and Institutional District. You might
6 remember back in February the Applicant in this case requested GC. That Application
7 was withdrawn back at that time. Otherwise the current zoning RU is the original zoning
8 district. In the vicinity you have property zoned RU and GC, some of which is
9 undeveloped. Otherwise you have a residence to the east and the EMS ambulance
10 substation to the west. The property is occupied by an existing residential structure,
11 apparently one time used as a doctor's office. There's no sidewalks or street lights in
12 the vicinity. This area along Garners Ferry Road, like I mentioned previously, is mostly
13 undeveloped, some residential, some commercial, some industrial, but for the most part
14 it's zoned RU. The Comprehensive Plan recommends Rural for this site where
15 commercial and office uses ideally would be located at major traffic intersections, and
16 would recommend that any non-residential use not encroach on residential uses
17 otherwise. In our opinion Staff did not find this site to be located at a major traffic
18 junction. We would prefer that it would do so for a non-residential use. Because of the
19 residential nature in this vicinity, because of the RU zoning and the lack of non-
20 residential use, the Staff recommends disapproval of the zoning application at this time.

21 CHAIRMAN PALMER: Any questions for Staff?

22 MR. THEUS: I have one question. This may be dated information, but this is less
23 than two acres. Is that allowed?

1 MR. LEGER: The, it is less than two acres, you are correct. But there's an
2 obscure part of our Code that allows us to round up if you're over half a decimal point.
3 So it's my understanding that it's basically been ruled as two acres.

4 MR. THEUS: Meets the – okay.

5 MR. LEGER: We round it up to two.

6 CHAIRMAN PALMER: Okay. Any other questions for Staff?

7 MR. TUTTLE: You don't have a traffic count for Congaree Road, do you?

8 MS. HEGLER: No, sir.

9 CHAIRMAN PALMER: Alright. Wayne Huggins. And if you would, when we call
10 your name if you'd come and take the podium and give us your name and address for
11 the Record, and we try to limit the comments to three minutes if we could.

12 **TESTIMONY OF WAYNE HUGGINS:**

13 MR. HUGGINS: Good afternoon. Wayne Huggins, 229 Old Congaree Run,
14 Eastover, South Carolina. I was previously here back in February and had put in for a
15 General Commercial zoning, which at that time I was unaware, it came to my attention
16 that that was probably the zoning I needed for what I was trying to do. I resubmitted
17 again for OI and in speaking with some folks they said that's more in line with what I
18 needed. The person I'm trying to put into this piece of property is a clinical psychologist,
19 it's not a retail business, it's not a high traffic demand. She only sees her clients by
20 appointment and she is under contract with the government for McEntire, Shaw Field
21 and Ft. Jackson, so she deals with the soldiers out in our side of town. Very quiet, will
22 cause no problems. And the last time we were here for the meeting, we had some folks,
23 a neighbor and the, the person that had previously owned the house here to protest

1 General Commercial. They were afraid we were gonna try to put a gas station or a
2 restaurant or something on that property which is not true. I met with those folks
3 Saturday and they're fine. They said, they 100% behind what we're trying to do, they
4 said they would not be present here today, they would not protest it in any form. The
5 only other thing I can say, as far as the traffic goes, there's an intersection and a red
6 light which is Harmon Road at Garners Ferry Road. From the – I have two driveways in,
7 well actually three driveways into that piece of property; two on Congaree Road and one
8 that's at the corner of Congaree and Garners Ferry. From the intersection where the red
9 light's located, there are two General Commercial zoned properties there, but my point
10 is on the other side of the intersection Ace Hardware sits there. And I know Richard
11 Breeland very well. The footage from his business and the footage to my driveway on
12 the other side, there's no difference. So I'm as close as he is, I'm just on a, one side of
13 the hill, he's on the other side. He's General Commercial, I'm asking for OI. And there
14 again, it will not be a traffic flow in and out as far as like a retail business. I would ask if
15 it could be that, at least get approval here to go to County Council and give them the
16 opportunity to give me a shot at it at least. This, like I say, this is my second attempt and
17 I've already went through this process now for about five months, paid my fees, been to
18 the meetings. And that's about all I can ask for.

19 CHAIRMAN PALMER: Thank you.

20 MR. HUGGINS: Thank you.

21 CHAIRMAN PALMER: That's all we have signed up to speak.

1 MR. THEUS: I have a question for Staff. The 1.79 acres with a house on it on
2 Garners Ferry Road, what can he do with it under Rural zoning, other than, it's just a
3 residence, right? Just a house?

4 MR. LEGER: Mostly that's correct.

5 MR. THEUS: Not really a, in my opinion it's not a very desirable place to live. It's
6 a high traffic count spot, so. Mr. Chairman, I'd move that we, that we move this rezoning
7 request along with a recommendation for approval.

8 CHAIRMAN PALMER: Okay. We've got a motion to send this forward to Council
9 with a recommendation of approval. When we go against Staff's recommendation we
10 need to have some reasons for going against the Staff recommendation. And I guess
11 what I heard was the, due to the traffic count on the road and the, the high traffic volume
12 and the size and shape of the piece of property –

13 MR. THEUS: And the fact that he's, this use generates next to no traffic. Seems
14 like a good use of the property to me.

15 CHAIRMAN PALMER: Okay.

16 MR. TUTTLE: I'll second that motion.

17 CHAIRMAN PALMER: We have a motion and a second.

18 MR. VAN DINE: Mr. Chairman, I would just give my usual caution to everybody
19 at this point and that is that when we make a rezoning, we are putting it into a
20 classification and if its particular use that is being suggested does not go there,
21 everything else that can possibly be in that classification is now available for use on that
22 property. And we all need to keep that in mind while the, the particular use that's being
23 described is in fact something that I think is a good idea, I think we just need to keep

1 that in mind. Having said that I'm in favor of this particular recommendation but I think
2 that we all need to make sure that we maintain that thought process as we go forward
3 on all these requests.

4 CHAIRMAN PALMER: I agree, but if the break, if the break across Garners Ferry
5 had not been at this interchange, I would, I would feel a lot different about this, but, you
6 know, cause I know that some of the classifications that maybe the community may
7 have been afraid of are still allowed in the OI that are also allowed in the GC. But, you
8 know, absolutely we've always got to keep that in mind, but that's, that's the reason that
9 I'll be supporting it is because while there's not a light at the interchange, there is a
10 break in a four-lane highway to get across the interchange and it's, it's not segmented to
11 one side, so that's my thoughts. Anything else? Anyone else? We have a motion and a
12 second to send this forward to Council with a recommendation of approval. All those in
13 favor please raise their right hand? Any opposed?

14 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Van Dine, Brown, Theus; Absent:*
15 *McDaniel, Cairns]*

16 CHAIRMAN PALMER: Okay. And we are just a recommending Body to County
17 Council, but they'll meet back here in these same chambers on, when are they gonna
18 be in here? On the 28th, so that's when the public hearing will be on this matter, okay?
19 Next case, Case No. 13-13 MA?

20 **CASE NO. 13-13 MA:**

21 MR. LEGER: Yes, sir. Thank you, Mr. Chairman. The Applicant in this case is
22 John Loveless. The property is located on Screaming Eagle Road near the county's
23 landfill. It's currently zoned RU, Rural district. The Applicant is requesting RC, which is

1 our Rural Commercial district. It's about five acres in size and the RU district is the
2 original zoning from 1977. This is a very rural area in the county and not very much
3 developed in the vicinity. It is located near the county's landfill like I said. The property
4 to the south is zoned RS-1 which is in the City of Columbia, it's the Ft. Jackson. The
5 property to the east and west is zoned Rural as well. To the east you've got, if I'm not
6 mistaken, the Loveless facility, it's a mining and mineral extraction and also a landfill.
7 And again to the west you've got the county landfill. The property is really undeveloped
8 and wooded. Also the area has really been developed really kind of industrial uses in
9 the fact that there are landfill and mineral extraction facilities that were there prior to
10 zoning. The Comprehensive Plan recommends Rural for this site where it discusses
11 commercial and office activities at major traffic junctions.

12 MR. BROWN: Mr. Chairman?

13 CHAIRMAN PALMER: Yes.

14 MR. BROWN: Do we have the correct –

15 CHAIRMAN PALMER: No.

16 MR. BROWN: Okay, we don't have the correct map. Okay.

17 CHAIRMAN PALMER: Can you pull up the aerial map for us?

18 MR. TUTTLE: Yeah, the photographic aerial is of the previous case I believe, in
19 our package.

20 MR. LEGER: So the aerial's being corrected. I apologize for that. It should be
21 correct on the PowerPoint. The Staff found that this site was really not located at a
22 major traffic junction, not really conducive to, to commercial use in accordance with our

1 Comprehensive Plan. Based on the Rural use and undeveloped nature of this area the
2 Staff recommended disapproval of the RC at this time.

3 CHAIRMAN PALMER: Any questions for Staff?

4 MR. TUTTLE: Do we have any comments from our friends at Ft. Jackson?

5 MR. DELAGE: We did not. A letter was sent to our contact in the Department of
6 Public Works for the Base as well as an email. I did receive an email back
7 acknowledging that it had been forwarded to the right person, but there was no
8 response for or against.

9 CHAIRMAN PALMER: Any other questions for Staff? John Loveless?

10 **TESTIMONY OF JOHN LOVELESS:**

11 MR. LOVELESS: My name is John Loveless. I live at 4136 Sandwood Drive,
12 Columbia 29206. I've owned this property since 1981. If you take a look at the map
13 there's a long line of sight in each direction along that, along that road. What I intend to
14 do is put a convenience store there with some gas pumps. There is a lot of traffic in and
15 out from the landfill that I owned up until December, and also Waste Management's
16 landfill which is [inaudible]. The only thing surrounding that is, one side a TV tower with
17 over 100 acres of land, which won't be developed, my landfill and mine which, and my
18 office that I previously owned, which surrounds it on two sides, and Waste
19 Management's landfill on the other. And across the street is Ft. Jackson which is totally
20 undeveloped. There's no other thing that you can do with that five acres. Nobody's ever
21 gonna live there, obviously, and couldn't possibly farm it. So I can't, and it's a, it's a
22 really good place to serve the people who use that road. Nobody's gonna come there
23 from anywhere else, we're talking about the people who already pass down that road

1 and have nowhere to get a loaf of bread or, you know, have to go all the way to, to
2 some far off location to even get some gas. I can't see how this presents any problem to
3 anyone. And my feeling is I ought to be able to use the land for something. I think that's
4 about all I have to say.

5 CHAIRMAN PALMER: Thank you. That's all we've got signed up.

6 MR. VAN DINE: Mr. Chairman?

7 CHAIRMAN PALMER: Yes.

8 MR. VAN DINE: I recognize the Staff's concerns, but this area is in fact, it's sort
9 of an isolated area with a fair amount of what you might not consider reasonable
10 commercial or, or normal commercial. It is surrounded by an area and I do not see that
11 somebody would actually want to be putting a house in there to, to live on. And I think
12 that, that we are not actually setting a precedent in this area, but based upon the other
13 uses in the area, I would make a motion we send this forward to Council with a
14 recommendation of approval.

15 MR. TUTTLE: Second.

16 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

17 All those in favor of the motion please signify by raising your right hand? Any opposed?

18 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Van Dine, Brown, Theus; Absent:*
19 *McDaniel, Cairns]*

20 CHAIRMAN PALMER: Alright, next case. Case No. 13-14 MA.

21 **CASE NO. 13-14 MA:**

22 MR. LEGER: Yes, sir, Mr. Chairman. Thank you. The Applicant in this case is
23 Boyce Haigler. The property's located at 1051 Market Street, it's a little over an acre in

1 size, currently zoned HI which is our Heavy Industrial district. The Applicant is
2 requesting GC, General Commercial. HI was the original zoning district from 1977. This,
3 this site is very near to the Carolina Stadium. To the north the property is zoned C-3
4 which is General Commercial in the City of Columbia. It is occupied by condominiums,
5 Stadium Village. To the south we've got GC and HI, we've got some game day parking
6 and Stadium Place facility. To the east you have Heavy Industrial, automobile repair,
7 Fleet Guard Maintenance. To the west again we've got C-3 in the City of Columbia and
8 those are also condominiums. Essentially you have industrial, residential, and game day
9 uses in the vicinity. The Comprehensive Plan recommends urban for this site. There's
10 not a whole lot I can say about it other than that the Staff felt like this, this Application
11 was in compliance with our Comprehensive Plan and we recommended approval.

12 CHAIRMAN PALMER: Any questions for Staff? Boyce Haigler?

13 **TESTIMONY OF BOYCE HAIGLER:**

14 MR. HAIGLER: I'm Boyce Haigler, owner of 1051 Market Street in Columbia.
15 This is an enhancement from Heavy Industrial to GC. It's an environment in which will
16 allow an upscale fitness center to be able to locate there. On the present zoning it is
17 not, the one entity on Market Street that is now zoned Heavy Industrial, we have a letter
18 here that indicates that they have no opposition to that at all. If you would like to see
19 that I'd be glad to present it to you.

20 CHAIRMAN PALMER: Sure. Thank you.

21 MR. HAIGLER: Along with that would be an enhancement on the architectural
22 structure of the building. We have drawings here that shows the enhancement and if
23 any Member of the Commission would like to see that I'd be glad to pass that out to

1 you. It is contiguous to Stadium Village Lofts, which is 119 condominiums, upscale,
2 which I also developed and so I would not be asking for a change in any type of zoning
3 that I'd be thinking would diminish the value of that property. I'll be glad to answer any
4 questions.

5 CHAIRMAN PALMER: Any questions for Mr. Haigler? Thank you.

6 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we move Case 13-14
7 MA forward to Council with a recommendation for approval.

8 MR. GILCHRIST: Second, Mr. Chairman.

9 CHAIRMAN PALMER: We have a motion and a second. Any other discussions?
10 All those in favor of the motion please signify by raising your hand? Those opposed?

11 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Van Dine, Brown, Theus; Absent:*
12 *McDaniel, Cairns]*

13 CHAIRMAN PALMER: Okay, Case No. 13-15 MA.

14 **CASE NO. 13-15 MA:**

15 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Intertake
16 Polymer Corporation. The site is located at 1091 Carolina Pines Drive. It's about 33 ½
17 acres in size, currently zoned M-1, Light Industrial. The Applicant is requesting HI which
18 is our Heavy Industrial district. The property was originally zoned D-1 which was
19 development district in 1977, and has since been rezoned to the M-1 district. In the
20 vicinity, if you've been out there, there are plenty of industrial or light industrial
21 warehousing facilities, you've got the Belk Distribution Center and some other
22 industrials sites, Spirax. The property is also located very near Interstate 77, directly
23 across Carolina Pines Drive to, to the west. The site is occupied by a very large

1 warehousing facility, about 350,000 square feet, large structure. We provided this
2 information to our Economic Development Department and the Director there to get his
3 comments and he was basically in support of the request. If we do, just as a courtesy
4 and a concern for the reduction of, well the potential reduction of industrial facilities in
5 the county. Essentially our Comprehensive Plan recommends priority investment area.
6 The Staff felt like this facility met those requirements for the priority investment area,
7 mixed use and industrial use in the facility. Basically because the site has adequate
8 infrastructure, it's located near other industrial facilities, our Staff recommended
9 approval.

10 CHAIRMAN PALMER: Any questions for Staff?

11 MR. THEUS: I have a question. This is my own ignorance. The, the, why does
12 this need to be Heavy Industrial rather than Light Industrial? Or M-1 for that matter? It's,
13 it's, I understand it to be the manufacture of tape.

14 MR. PRICE: Yes, sir. I was able to go out to the existing site off of Bluff Road and
15 take a look at the actual operation, and then comparing what, my findings out there to
16 what we had in our Code, that it fits within the category that's only allowed in the HI
17 district.

18 MR. THEUS: Okay. Thank you.

19 CHAIRMAN PALMER: Alright, any other questions for Staff? Gary Morris?

20 **TESTIMONY OF GARY MORRIS:**

21 MR. MORRIS: My name is Gary Morris. I'm a lawyer with Haynesworth, Sinkler,
22 Boyd and I represent Intertake Polymer. The plant manager is here with me today, Don
23 Hoffman, and, representing the company. The company is obviously trying to transition

1 over to the old Lampson & Sessions building, which is this property. When Mr. Price
2 came out he said it needed to be zoned H-1 so we're requesting that zoning. Once I
3 looked at the title work I noticed that there were restrictive covenants that required, that
4 limited to light industrial manufacturing. As a result of that we have gone to the owners
5 and we've gotten covenants amended. We've had at least, there were two sets of
6 covenants, we have gotten the owners of the, of the properties around sufficient number
7 to get the covenants amended. The last piece is BOSE has consented to having the
8 covenants amended to allow heavy industrial there. We have not received their final
9 consent but I did receive an email from their lawyer today saying they're getting the
10 paperwork signed and will be sending it in, and I have copies of those proposed
11 amendments to the declaration if you'd like to see them.

12 CHAIRMAN PALMER: Would anybody like to see those?

13 MR. THEUS: That's an issue separate from the zoning I would think.

14 MR. MORRIS: It is separate from the zoning but it shows the consent of the
15 owners surrounding the property.

16 MR. THEUS: Right.

17 CHAIRMAN PALMER: Okay. Any other questions for Mr. Morris? Thank you.

18 MR. VAN DINE: Mr. Chairman, I make a recommendation we send Case 13-15
19 MA forward with a recommendation of approval.

20 MR. GILCHRIST: Second, Mr. Chairman.

21 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

22 All those in favor please signify by raising your right hand.

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

3 CHAIRMAN PALMER: There's none opposed. Alright next case, Case No. 13-16
4 MA.

5 **CASE NO. 13-16 MA:**

6 MR. LEGER: Thank you, Mr. Chairman. I think Mr. Price is gonna have some
7 comments, I'll just go through preliminarily the information. The application is number 16
8 for the year. The property's located at the intersection of West Killian Road and Farrow
9 Road, it's almost 400 acres in size and I'm talking about the entire PDD at this point. It's
10 zoned, again it's zoned PDD and the Applicant is requesting a change to the PDD for a
11 small portion of it located at that intersection. In 1977, the original zoning was Light
12 Industrial and was later rezoned to PDD. We have quite a bit of information about the
13 PDD itself in the write up; to the north you've got some undeveloped property, to the
14 south undeveloped as well, to the east you've got a storage facility, and to the west
15 Killian Road Baptist Church. It's my understanding that the Applicant is looking to
16 change some of the use on this site to take 16,000 square feet of what was retail and
17 convert it to what they're calling kind of a new category which is perimeter heavy
18 commercial. It's for three acres only. The Comprehensive Plan recommends priority
19 investment area on this site, I'm sorry, yeah priority investment area and urban village.
20 Urban village calls for a mixture of uses for which we feel that the Killian Crossing urban
21 village meets that intent, and this is really a minor change to the overall project, and for
22 that reason we recommended approval at this time. If you have questions we'll be glad
23 to try and answer them.

1 MR. VAN DINE: Can you tell me where it is on this entire piece of property?
2 There's some across the road, I'm trying to figure out where the actual change is taking
3 place.

4 MR. LEGER: On the western corner.

5 MR. VAN DINE: Western corner is over I-77, right?

6 MR. LEGER: It is the western corner of Farrow and, and West Killian.

7 MR. PRICE: In this area.

8 MR. VAN DINE: Alright, so it's below, it's between West Killian and Killian.

9 MR. PRICE: Yes, sir.

10 MR. LEGER: Yes, sir.

11 MR. VAN DINE: Okay.

12 MR. PRICE: It's where West Killian Road intersects with Farrow Road, right there
13 at that corner.

14 MR. VAN DINE: Which is the dead-end that doesn't go anyplace anymore, right?

15 MR. PRICE: You can make a left or a right.

16 MR. VAN DINE: Okay.

17 MR. PRICE: You can't cross over the railroads and continue.

18 MR. VAN DINE: Alright.

19 CHAIRMAN PALMER: Any questions for Staff? Ryan Slattery?

20 **TESTIMONY OF RYAN SLATTERY:**

21 MR. SLATTERY: Good afternoon, my name is Ryan Slattery, I represent
22 Alliance Consulting Engineers, I'm a civil engineer working on behalf of Crossings
23 Development, LCC and the new owner which would be John Harris Body Shops. Over

1 the last six months we actually received conceptual approval on the layout and come to
2 find out after we submit our, our engineering drawings, which are now in the final stages
3 of being approved, that even though the PDD states that there's a particular mix of uses
4 including industrial, commercial and residential uses that this particular use that we're
5 deeming heavy commercial district specifically for the repair and maintenance of
6 service, automobile, major/minor as classified in the zoning ordinance was not listed as
7 a permitted use. So this amendment modifies the PDD just for the three acres on the
8 northwest corner of Farrow Road and Killian Road. Just some important history or
9 clarification to the Staff Report, this was zoned, before it was PDD it actually was zoned
10 HI which was an appropriate use for this. There is railroad facility on the east side. We
11 spoke with not only Staff but some of County Council as well and their concern was that
12 we need to reach out to the church that's directly adjacent to us. We have, we met with
13 Pastor Humphries early this month and he's in support of our project as well. With that,
14 this is a, this is a compatible land use, it's actually a mix of use inside the building itself;
15 Enterprise Rent-A-Car and John Harris Body Shops will actually share the facility there
16 so they'll have a mix of use inside the building. This is compatible use to all of the
17 surrounding uses and all the constructed uses within Killian Crossing PDD and has also
18 been approved by the master develop, the master development plan, we have that
19 approval in place as well. At this point we're asking for your approval today and I'll open
20 it up to any questions you may have.

21 MR. VAN DINE: Where are your curb cuts gonna be?

22 MR. MORRIS: Curb cuts actually are already approved by SCDOT, we have the
23 approval letter. They are as far away from the intersection as we could on that piece of

1 property. As you know, as you may or may not know, Frank's Car Wash was on the
2 other side of the roadway on Farrow Road and we've, we've met DOT standards with
3 the location of our curb cuts. Thank you for bringing up one other point of clarification
4 that I'd like to make with the Staff review. The, there is a comment on the Staff PDD
5 conditions on number i that says that the Applicant shall install a right turn deceleration
6 lane and left turn lane on Farrow Road. I'd just like clarification that that is not part of
7 this development that already has DOT approval. We have already received a permit
8 from DOT, so that deceleration lane was not a requirement to mitigate the, the traffic
9 flow to this development.

10 MR. VAN DINE: But the entrance is probably gonna be from both Killian and
11 Farrow or just from Farrow?

12 MR. SLATTERY: Both. Yes, sir, we are a corner lot so that is, that is permitted.

13 CHAIRMAN PALMER: Any other questions for Mr. Slattery? Thank you.

14 MR. SLATTERY: Thank you.

15 CHAIRMAN PALMER: Any motions, concerns, comments? Discussion?

16 MR. TUTTLE: Mr. Chairman, I'll make a motion to send Case 13-16 MA forward
17 to Council with a recommendation for approval.

18 MR. THEUS: Second.

19 MR. VAN DINE: Subject to the conditions on page 52 of our Agenda?

20 CHAIRMAN PALMER: With or without I?

21 MR. TUTTLE: Clearly if DOT has stated they're not gonna allow him or require
22 him to do that, I don't know how the County could compel them to do something, so I

1 would eliminate, with the elimination of I, and all the other A-Q requirements would be,
2 remain imposed.

3 MR. THEUS: And I'll second that.

4 CHAIRMAN PALMER: Okay. We have a motion and a second. Any other
5 discussion? All those in favor of the motion please signify by raising your hand? Any
6 opposed?

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

9 CHAIRMAN PALMER: Okay. Text Amendments.

10 **TEXT AMENDMENT NO. 1:**

11 MS. HEGLER: Mr. Chairman, you have before you an ordinance amending the
12 County Code of Ordinances, Chapter 26, in various places, to develop an ordinance for
13 development with open space design standards. This is a Staff proposal before you. We
14 were instructed to work on this quite frankly as the direction that the County wants to
15 move in in terms of creating more open space in the, in the county through its
16 development standards, giving options to developers to do so. This will, in fact, replace
17 the Green Code if that is, if that is the direction of you and Council. We had a work
18 session on April 22nd, Earth Day, with Planning Commissioners and heard some
19 comments so I think what you have in front of you, you have a clean version in the
20 Agenda and you also have a redline that we handed out today which I thought might be
21 helpful in showing precisely what we changed based on comments from the Planning
22 Commission work session. I'm happy to answer questions, we went into a lot of detail
23 during that work session, we had great attendance.

1 MR. VAN DINE: You handed out a redline today?

2 MR. THEUS: I didn't see that.

3 MS. HEGLER: It just shows what we did make changes to, but you have the
4 changes in your Agenda.

5 MR. THEUS: Okay.

6 MR. VAN DINE: We never got the redlined version.

7 MS. HEGLER: What you have is a clean Agenda that has it clean in there. Those
8 same changes are in the Agenda, just not shown as red. Oh, you haven't gotten it yet,
9 I'm sorry.

10 MR. VAN DINE: No, that's what I meant.

11 MS. HEGLER: Coming to you.

12 MR. VAN DINE: I don't have it.

13 MS. HEGLER: Those changes were already made in the packet that was sent to
14 you last week. I just wanted you to be able to highlight.

15 MR. VAN DINE: We're good but we can't divine these things.

16 MS. HEGLER: No!

17 MR. VAN DINE: Can we have one more? We don't have enough.

18 MS. HEGLER: We have more, I printed quite a few. Again, I think we had a great
19 work session on April 22nd, lots of feedback, good attendance. Again, those changes
20 were made and shown on the copy and in the version you had in your packet. I'm happy
21 to answer any questions, we, we can go into more detail if you'd like.

22 CHAIRMAN PALMER: Any questions for Staff? Alright, we have two signed up to
23 speak. Sam Brick, followed by Bernie Randolph.

1 **TESTIMONY OF SAM BRICK:**

2 MR. BRICK: Afternoon, my name is Sam Brick, 124 Runnymede Drive,
3 Blythewood. The first comment is a work session is, follows under the Freedom of
4 Information Act. The Attorney General Guide to Public Officials indicates it simply does
5 not matter what the group is called, including study committee, *ad hoc* committee and
6 advisory committee. It's a composition, not the name, that is the deciding factor. Calling
7 a meeting a work session does not exempt it from FOI. There's been no Agenda of any
8 work session on this legislation, I have no clue what your redline is, I have no clue what
9 the Agenda is. Now, I hope you guys do, it's very important. There is a 30 day public
10 notice requirement under the state law. The 30 day requirement comes at 629, 1130(B)
11 and it's very specific. It has to have the date, time, place and nature and character of
12 the proposed action. It's not the 15 day provision in the ordinance we have in, in
13 Richland County. The provision goes with the zoning provision, this is not a zoning
14 provision we're changing, it's a land development provision. So I just want to make sure
15 that we, we get that when we have proper notice and an ability to have a public meeting
16 on this that is well attended and the public has an idea of what's going on and not
17 something that's been done in secret. Especially in legislation that affects the whole
18 county and that does a couple of other things. One of the things this legislation would do
19 that I can see from what was in the Agenda we just got last Friday, that, one of the
20 things it does is it gives the Planning Department basically the right to change zoning all
21 on their own. Just a two acre parcel and you can change the zoning under this provision
22 by putting a little piece of property away. So all these things that you were just looking at
23 a couple of minutes ago go down the toilet if people did right and they wanted to, it

1 would, it would give the Planning Department basically a lot of authority in this area. I
2 don't know whether you want to do this or not. If you do that, that's up to you. But one of
3 the other things it has to do, the state law says when you do this sort of thing you have
4 to look at your priority investment element. It's very specific, 629, 1130(A), priority
5 investment element. Alright, now if you want to, to provide [sic] for relaxed zoning
6 provisions in a priority investment element, and that's what you do when you have the
7 Comprehensive Plan. Now if this is gonna be –

8 MR. TUTTLE: Mr. Brick, excuse me for a minute. Can I interrupt you for a
9 second?

10 MR. BRICK: Sure.

11 MR. TUTTLE: I'm confused. Are you here to speak about the open space
12 ordinance?

13 MR. BRICK: Yes, I am.

14 MR. TUTTLE: Okay. Cause I'm, I'm a little confused.

15 MR. BRICK: Well, the open space ordinance has relaxed zoning provisions in it,
16 it provides for that.

17 MR. TUTTLE: Would you like to provide comment on this rather than quote the
18 state law to me?

19 MR. BRICK: Well, the state law governs, is in the ordinances.

20 MR. TUTTLE: I understand that.

21 MR. BRICK: Right.

22 MR. TUTTLE: You have an opportunity for two minutes to speak to this
23 ordinance. I do not wish for a primer on state law.

1 MR. BRICK: Okay. The ordinance itself, first of all it has to abide by state law.

2 MR. TUTTLE: I understand that.

3 MR. BRICK: And then the standards and the requirements issues in this
4 particular ordinance, we had a lot of problem with that in the Green Code. It doesn't
5 change that, you're gonna still have the same problem with it the way the language is. It
6 could be changed, it could be changed if you did it a little differently. The, also another
7 area is H(1)(a) where you're talking about things that should be under the, the area of
8 the Conservation Department. They've got it all under the area of the Planning
9 Department. It would give the Planning Department just ultimate authority in this area
10 where you have other factors. They're not the ones that should be handling this. The
11 other things is the pervious soil requirements. If this is gonna be a Green type Code,
12 you need to have pervious soil requirements, they do not have them in here except for
13 recreational area requirements. Okay, that, if that's my time.

14 CHAIRMAN PALMER: Yes, sir.

15 MR. BRICK: Okay, thank you.

16 CHAIRMAN PALMER: Thank you.

17 MR. BRICK: It's a very bizarre and a complicated provision that the community
18 needs to know about.

19 CHAIRMAN PALMER: Thank you. Bernie Randolph?

20 MR. TUTTLE: Well Mr. Chair, can I ask Staff a question in-between speakers?

21 CHAIRMAN PALMER: Sure, absolutely.

22 MR. TUTTLE: Amelia, was this properly posted?

23 MS. LINDER: It was not posted, it was advertised in the paper.

1 MR. TUTTLE: So we met the requirements of the state statute?

2 MS. LINDER: To my knowledge we have met all legal requirements for the
3 notification of this, the work session and for the taking up of this Agenda item.

4 MR. TUTTLE: Thank you.

5 CHAIRMAN PALMER: Mr. Randolph?

6 **TESTIMONY OF BERNIE RANDOLPH:**

7 MR. RANDOLPH: Bernie Randolph, 212 Cartgate Circle, that's Windermere in
8 Longcreek Plantation. We just did get this off the Internet the other day and I'd like to
9 say that I hope for Heaven's sake that you people have had an opportunity to read
10 through this. We made most of our comments back on the Green Code and those
11 comments are still in here, but one thing that really bothers me about this is the impact
12 that it's gonna have on property owner associations. You're mandating a lot of impact
13 and cost, ongoing cost to homeowners associations and you're also asking for changes
14 to the covenants on some of the homeowners associations. Now, I don't know if you've
15 ever been through that exercise but that's a very, very expensive exercise to put
16 through any amendment to a set of covenants and restrictions. So I, I think the
17 document needs a lot more work, it should have impact from some of the people in
18 some of the property owners associations in the area before it's put into full effect. And
19 that's all I've got to say on it.

20 MR. VAN DINE: Mr. Chairman, could I ask a question?

21 CHAIRMAN PALMER: Sure, and I have one for Mr. Randolph too.

1 MR. VAN DINE: Let me ask a quick question. This is a perspective ordinance
2 only. Anybody who is in a homeowners association now is not impacted by this, it's if
3 somebody wants to do it in the future, correct?

4 MS. HEGLER: Right, this is for new development, new POAs, new covenants as
5 they're being –

6 MR. VAN DINE: And so those, those particular developers or whoever is going to
7 set up a POA is going to incorporate whatever is included in this, if they wish to get the
8 bonuses or whatever, correct?

9 MS. HEGLER: By choice. It is an optional code, yes, sir.

10 MR. VAN DINE: Okay. Thank you.

11 MR. RANDOLPH: I think you need to read the, some of the covenants to
12 understand that the option to put this, put property into the POAs existing remains with
13 the owner. That's what happens in Longcreek Plantation. So it isn't a matter of setting
14 up a new one, he can do that, but he can also bring it in and then it's subject to all the
15 requirements in here.

16 CHAIRMAN PALMER: Well then that would be an issue for the POA to take up
17 with the developer, not with a county issue, that's something for the POA.

18 MR. RANDOLPH: I don't believe that's the case.

19 CHAIRMAN PALMER: That's okay.

20 MR. RANDOLPH: We have no control over the developer.

21 CHAIRMAN PALMER: Alright. Any other questions for Staff? Any questions on
22 the, the language? That's all we have signed up to speak. Do we have any motions on
23 the Text Amendment? Discussion? Motions?

1 MR. VAN DINE: Mr. Chairman, I – we had a, a work session in which a lot of the
2 issues that are showing up as changes were discussed at various points, there were
3 people available to answer the questions and I'm satisfied that this is a perspective
4 ordinance only, it doesn't impact individuals that presently exist in property owners
5 associations. And it certainly, in my opinion, is a, better than what we were working with
6 under the Green Code before. And based upon that I would recommend we send this
7 ordinance forward to the County with a recommendation that it be adopted with the
8 modifications and changes that are shown in here.

9 MR. BROWN: Second.

10 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
11 All those in favor please signify by raising your hand?

12 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Van Dine, Brown, Theus; Absent:*
13 *McDaniel, Cairns]*

14 CHAIRMAN PALMER: There's none opposed. Okay, next Text Amendment.

15 **TEXT AMENDMENT NO. 2:**

16 MR. PRICE: The next Text Amendment that you have before you, on a
17 discussion with a citizen, come to find out there was a brief, I think a brief loophole in
18 our map amendment section of our Land Development Code, which it didn't address
19 what would happen if property was abutting an industrial district. And so what this does
20 is just allows someone that if your property, if you do not have the required two acres
21 but you're abutting a light industrial district, you do have the opportunity to come in and
22 ask for a rezoning.

23 CHAIRMAN PALMER: We don't have anyone signed up to speak. Any motions?

1 MR. TUTTLE: Mr. Chairman, I'd like to make a motion, I'm not sure what to call
2 this.

3 CHAIRMAN PALMER: Text Amendment No. 2.

4 MR. TUTTLE: Alright, how about Text Amendment No. 2 move forward to
5 Council with a recommendation for approval.

6 MR. GILCHRIST: Second, Mr. Chairman.

7 MR. VAN DINE: Mr. Chairman, could I ask a question? Geo, is there, I mean,
8 there are other zoning classifications out there as well. I mean, are we trying to set up a
9 situation where they're adjoining or, or abutting properties that even expand the same
10 zoning down to those other properties?

11 MR. PRICE: I'm sorry, could you say that again?

12 MR. VAN DINE: Sure. I mean, we have other zoning classifications other than
13 what are showing up in this particular document.

14 MR. PRICE: Correct.

15 MR. VAN DINE: And, like take HI for example.

16 MR. PRICE: Right.

17 MR. VAN DINE: Is there a reason why we're not making those classifications
18 similar to the LI? I mean, let's assume that somebody wants to move something that's
19 less than two acres into an HI that's right next door.

20 MR. PRICE: If they were abutting an existing HI district and they did not have the
21 two acres, of course they could ask for it. The issue would be if you were, if you were
22 abutting a, let's say an LI district, is that appropriate to then ask for a higher –

1 MR. VAN DINE: I guess what I'm saying is, I mean, we're going through here and
2 we're listing specific ones that say, you know, LI zoning contiguous to an existing
3 industrial zoning. HI doesn't show up in here, why are we not using, doing HI the same
4 we're doing LI?

5 MR. PRICE: I'm still trying to get an understanding of what you're saying.

6 MR. VAN DINE: Somebody wants –

7 MR. TUTTLE: See if I can jump in and help.

8 MR. PRICE: Yeah.

9 MR. TUTTLE: Currently, if I have a GC parcel that's less than two acres but it's
10 contiguous to GC, I can therefore ask for mine to be zoned GC.

11 MR. PRICE: Yes, or a lesser zoning.

12 MR. TUTTLE: Or lesser zoning. And my understanding, this was an oversight
13 that LI was not mentioned in the same light as the other zoning classifications
14 contiguous to.

15 MR. PRICE: Well, there was no industrial reference to this at all.

16 MR. TUTTLE: Okay.

17 MR. PRICE: And that's – it, it was harder to try to, try to incorporate the HI
18 because it really is, you know, really our highest industrial zoning designation.

19 MS. LINDER: I believe that these are lower uses, lower intense uses that can go
20 next to a higher intense use, rather a high use, a higher intense use can come in
21 because there's a lower intense use here. We're trying to not encourage the high
22 intense uses to come in, in a lower intensified [sic] area but we're seeing no harm if it's a
23 similar low intense going next to a higher intense.

1 MR. PRICE: If you look specifically at the instance that brought this before us,
2 because looking at the M-1 district, which we, you know, when we adopted our current
3 Land Development Code we said we would go back and revisit, which we did and we
4 decided to keep it, well one of the issues came up, if you're abutting M-1 designation
5 you were not able to ask for the rezoning if you didn't have two acres. So that was one
6 of the main purposes behind this.

7 MR. VAN DINE: Okay. I, I'm not opposed to what we're doing here, I was just
8 wondering whether or not we were, there were other things we needed to put in here in
9 addition to this.

10 MR. THEUS: Yeah, why couldn't it be a rural property? Why, any, any –

11 MR. VAN DINE: I mean, if we're making, if we're making changes, shouldn't we
12 make all the changes we want instead of doing it piecemeal, one at a time?

13 MR. PRICE: Well, one of the – well, go back to what you were saying with rural,
14 there are certain zoning designations; rural and PDD specifically, in which I would, as
15 the Zoning Administrator I can make an interpretation as to what that area is. So if
16 somebody had a rural piece of property and they, excuse me, it was a rural parcel I can
17 make a determination of whether it's commercial, industrial or residential. So that's just
18 what the Code allows and that would make a determination whether they could come
19 forward. So I think rural in this case is, is taken care of. These are most of, basically this
20 would cover just about every one of our basic zoning designations, other than maybe
21 HI. And HI would be allowed – funny thing about this Code is that if you were abutting
22 an HI in another jurisdiction you would be eligible to ask for the HI.

23 MR. VAN DINE: Okay. Alright.

1 MR. THEUS: I hate to vote on something that I, I don't understand. It looks like
2 number one takes into account everything, (B)(1), an extension of the same existing
3 zoning district boundary.

4 CHAIRMAN PALMER: Yeah, but what this does is this lets LI come in next to HI.

5 MR. PRICE: And M-1.

6 CHAIRMAN PALMER: And M-1. It's not saying if you have HI you can come in
7 because you're next to HI. This is saying that you can come in –

8 MR. THEUS: Okay.

9 CHAIRMAN PALMER: - as LI at a lower grade.

10 MR. THEUS: Alright.

11 CHAIRMAN PALMER: Alright, any other questions? Thanks.

12 MR. THEUS: We've got a motion and a second, right?

13 MR. TUTTLE: I know we had a motion.

14 MR. GILCHRIST: Yeah, second.

15 CHAIRMAN PALMER: We've got a motion and a second. Any other discussion?
16 All those in favor of the motion signify by raising your hand? Any opposed?

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

19 CHAIRMAN PALMER: Text Amendment No. 3.

20 **TEXT AMENDMENT NO. 3:**

21 CHAIRMAN PALMER: Are they all the same, Mr. Price?

22 MR. PRICE: You have two copies, one is stapled and the other one is stand
23 alone.

1 [Inaudible discussion]

2 MR. PRICE: What you have before you, I think the, we have a Text Amendment
3 and the intent of course was to, we looked at some of the uses in the current OI zoning
4 designation and the idea was to make them really agree with the purpose statement of
5 the OI district. So there were a few uses that Staff was recommending to be removed
6 from the OI designation, which would include convenience stores and those with and
7 without gas pumps, and also single-family dwellings. During our last discussion I
8 believe, Mr. Chair, you had some questions about what would happen to current
9 convenience stores, regardless of their age. They would become nonconforming so
10 what we did was we, what you have before you pretty much every convenience store or
11 gas station with convenience stores or just stand alone convenience stores in Richland
12 County, according to Richland County Business Licenses, their staff identified those
13 locations and also the zoning. And as you will see there are no convenience stores or
14 gas stations within the OI district, so I just wanted to address one of your concerns and
15 we would be creating a number of nonconforming uses.

16 CHAIRMAN PALMER: Fantastic.

17 MR. PRICE: Cause as you see there are a number that are nonconforming now,
18 but they're in rural areas, but would not be creating this.

19 CHAIRMAN PALMER: Fantastic. So what's the problem then? So what's the
20 problem then?

21 MR. PRICE: Once again, the idea is we're just trying to get the permitted uses
22 within the OI district to agree with what the purpose statement of the OI is. Of course as

1 you see there are a number that are nonconforming now but they're in rural areas. But
2 would not be creating –

3 CHAIRMAN PALMER: Fantastic. So what's the problem then? So what's the
4 problem then?

5 MR. PRICE: Once again, the idea is we're just trying to get the permitted uses
6 within the OI district to agree with what the purpose statement of the OI is.

7 MR. TUTTLE: So, so the only problem would be somebody that has that use now
8 or would want to convert to that use within the zoning that wouldn't be allowed going
9 forward.

10 CHAIRMAN PALMER: Right.

11 MR. TUTTLE: Right?

12 MR. PRICE: They have some land and it's not developed or as a certain use and
13 they decided they wanted to, let's say do a convenience store, if this were passed they
14 would have to rezone the property.

15 MR. TUTTLE: Yeah, or it could, it could be a standing structure they converted
16 from one use to another and became a convenience store –

17 MR. PRICE: Right.

18 MR. TUTTLE: - right? And they wouldn't be allowed to do that without rezoning.

19 MR. PRICE: Correct.

20 MR. THEUS: Suppose there could be a convenience store owner that has
21 bought a site zoned OI planning to build a convenience store, he, and he hasn't gone to
22 pull a permit to construct it yet, but I don't know how we would ever get our hands
23 around that.

1 CHAIRMAN PALMER: What's the, what's the heartburn with the convenience
2 store without gas? I mean, I see a lot of these convenience stores now popping up in
3 shopping centers and – yeah, that they're, they do everything that the inside of a
4 convenience store does but it's inside of a shopping center or something. It's, it's all the
5 loaves of bread and the stuff like that the previous gentleman today was talking about
6 out in the rural area, that they'll pop up in a shopping center without gas but it sells all
7 the same stuff as you would in a C store. I mean, what's the – I can somewhat
8 understand the with gas maybe, I mean, I really don't even understand that but without
9 gas –

10 MR. PRICE: This still goes back to, once again, eliminating some of the retail
11 establishments within the OI district. And those convenience stores are retail.

12 CHAIRMAN PALMER: So if it doesn't have anything to do with office stuff, I
13 mean, what about drug stores?

14 MR. PRICE: Drug stores?

15 CHAIRMAN PALMER: Yeah.

16 MR. PRICE: Looking at those, those seem to be the uses that would be
17 compatible with the OI district.

18 CHAIRMAN PALMER: But they're retail.

19 MR. PRICE: Are you looking at – once again are you talking – I think we had this
20 discussion before. You're talking pharmacies such as a Long's or a Hawthorne's where
21 it's not the retail establishment that you think of with a CVS or a Rite-Aid or those type
22 uses.

23 CHAIRMAN PALMER: How would you classify those?

1 MR. PRICE: I'm sorry I should've had that term.

2 CHAIRMAN PALMER: That's okay. Cause it says drug stores, pharmacies with
3 drive-thru's and without drive-thru's are permitted.

4 MR. PRICE: Right, that's what – a drug store or a pharmacy, that is your Long's
5 or your Hawthorne's.

6 CHAIRMAN PALMER: Okay, so you don't –

7 MR. PRICE: Not a CVS. If a CVS came in they would just come in as a retail
8 establishment, not as a drug store. That would just be a component of that retail
9 establishment.

10 MR. THEUS: CVS and somebody else like that, they sell lots of other things
11 besides drugs and pharmaceuticals. Long's virtually nothing but.

12 CHAIRMAN PALMER: I would think the SIC codes would differ with the thought
13 process on Walgreen's being a drugstore or a retail store.

14 MR. VAN DINE: They may, but the actual use that's included, I mean, when you
15 start selling, when you start selling, you know, your Christmas Santa's and your blowup
16 turkey's for Halloween, you know, that takes you outside of the pharmacy I think.

17 CHAIRMAN PALMER: Alright, so the only thing you want to leave inside the
18 office and industrial is Hawthorne's and Long's and restaurants – right?

19 MR. PRICE: Yes, sir. If there are some other uses that you feel would not be
20 appropriate, Staff would be more than happy to accept those.

21 MR. VAN DINE: I mean, if you go through optical and, and supply stores included
22 in there – got caterers, books, periodicals, music, art dealers, antique stores.

1 CHAIRMAN PALMER: What's the difference between a service station with
2 gasoline and a C store?

3 MR. PRICE: One just has gas. One serves gas in addition to just the other retail
4 uses.

5 MR. VAN DINE: Those are probably the old gas stations that we grew up with
6 where they actually did stuff like fix a car.

7 CHAIRMAN PALMER: Yeah, but they're allowed in GC but repair shops are not
8 allowed in GC.

9 MR. VAN DINE: Small time.

10 MR. THEUS: Huh?

11 MR. VAN DINE: Small time stations.

12 CHAIRMAN PALMER: Small time, three bays or less, just throwing a number
13 out.

14 MR. PRICE: Two bays.

15 CHAIRMAN PALMER: Two bays, okay.

16 MR. PRICE: I'm trying to think the last time I saw a convenience store, just a
17 standalone convenience store.

18 CHAIRMAN PALMER: I know of a couple.

19 MR. PRICE: Not from 20 years ago.

20 CHAIRMAN PALMER: No, no, no. No, no, there's one right across from
21 Columbia Mall in the old, there's the old furniture store across from what used to be
22 Rookie's. Same side of the road as Best Buy, a little further down. I was just telling you
23 when the last one I know about -

1 MR. PRICE: I would just like to see it.

2 MR. THEUS: If you could speak, I'm trying to understand what the Genesis of
3 this is. What, what is the objection to convenience stores with or without gasoline
4 relative to having full service restaurants and limited service restaurants.

5 MR. PRICE: And this really came about from also discussion we've had with
6 some Councilmembers with some concerns they've also had and, with the OI zoning
7 designation so it's kind of a Staff initiated from discussions with Council. But those are
8 some of the uses that they did have concerns with, that type of retail within the OI
9 district.

10 MR. THEUS: I mean, I can almost understand that we want to take those as well
11 as restaurants out of the OI district.

12 MR. PRICE: I believe –

13 MR. THEUS: I mean, I, I can see that logic better than taking one or the other
14 out. So we would have the same nonconforming use issues but –

15 MR. TUTTLE: So if we – I'm sorry – so if we had an office park, we don't want to
16 have restaurants there to service all the people working, we want them to get in their car
17 and drive to the GC center to eat lunch? I mean, I don't –

18 MR. THEUS: That's a, you're right, that's a component of it, but.

19 MR. TUTTLE: You know, I mean, I think it would be nice to go pick up a loaf of
20 bread without having to go –

21 MR. THEUS: You don't want a small gas station in an office park. I mean, I don't
22 know.

1 MR. TUTTLE: I mean, they have them on Main Street, not Main Street, Main
2 Street, but some areas you have them on Main Street. Right? Downtown Manhattan's
3 got office buildings and gas stations and –

4 CHAIRMAN PALMER: Yeah.

5 MR. TUTTLE: - it –

6 CHAIRMAN PALMER: I don't have a problem with the gas stations, it hadn't
7 become a problem, I don't see it becoming a problem. If all of a sudden we've got
8 people coming in a C store, operators coming in and not saying, look we don't want to
9 be on General Commercial we want to find a way, a loophole around this, and we start
10 seeing C stores going in the middle of neighborhoods or something where there's OI
11 that may be an issue. But every single one of them we've got is in a commercial area. I
12 personally don't have a problem with it.

13 MR. THEUS: You don't have a problem with what?

14 CHAIRMAN PALMER: With the General Commercial, I mean, with the OI having
15 –

16 MR. THEUS: Okay.

17 CHAIRMAN PALMER: - convenience stores in there. I don't, I don't see a lot of
18 the citizenry coming in and saying, why is there a gas station in this office complex?
19 That doesn't make any sense to me. Why is there a convenience store out here? I
20 mean, it's already an office complex of some kind.

21 MR. VAN DINE: I guess my question is, why should we be sitting here being
22 reactive all the time as opposed to proactive? I mean, if we do everything that sits here
23 because it's a, all of a sudden somebody complained, that's not the way you run a

1 railroad, you try and set things up and it's called planning. Planning is moving forward in
2 the future and reactionary is not planning.

3 CHAIRMAN PALMER: Yeah, but the problem is we only put general commercial
4 stuff at nodes of interchanges so everybody's gonna be driving to a lighted interchange
5 to get into a gas station or, or any of these other retail uses. If we take all the retail uses
6 out of an office area then people are gonna get in their cars, go to get whatever they
7 want, come back, somebody needs a pack of cigarettes or whatever, they're gonna get
8 in their car and go down there and get it and come back.

9 MR. VAN DINE: I don't think you're taking all the retail out of it, you're taking the
10 gas station and, and a convenience store with or without gas pumps out of that. That
11 seems to me what we're talking about. That, that's the only thing I'm seeing in this thing
12 we're talking about.

13 CHAIRMAN PALMER: I understand.

14 MR. VAN DINE: And you're – we're going to expand it to something much
15 greater than that. Well, it's not, it's limited to these two things which are here and I –

16 MR. TUTTLE: And what is the benefit to the users of the OI district for not having
17 a convenience store in the district? I don't, I don't understand the proactive, if you will,
18 benefit.

19 MR. VAN DINE: The benefit is that you're clustering areas and things in there, I
20 think a convenience store as a general commercial use. I don't think it's an OI use. I –

21 CHAIRMAN PALMER: Well, it's a neighborhood commercial use, it's a rural
22 commercial use, it's an M-1 use, it's an LI use and it's an HI use, why is it not an OI
23 use?

1 MR. VAN DINE: Because one it has more office and institutional setting, it's not
2 the commercial setting which is, which you've described in the other areas. I don't, I
3 mean –

4 CHAIRMAN PALMER: Well, it's not an industrial setting. Maybe we should take
5 them out of LI and HI too?

6 MR. THEUS: I have another – Geo, did I, excuse me, Mr. Price, did I understand
7 you to say that this was a request of a Councilmember?

8 MR. PRICE: Well, this came about from discussion with some Councilmembers
9 and, and there was some thought about them actually proposing an ordinance, but we
10 said as a Staff we could do the same.

11 MR. THEUS: Was there concern about a particular site that might be developed
12 for a convenience store?

13 MR. PRICE: No, I think this is something that has occurred with a few rezonings
14 that have occurred over the, I'll say over the last year where the applicants would
15 propose OI. I mean, I think even Staff has expressed some concerns with looking at the
16 uses that the OI district would allow that it'd be appropriate, however, you know, if they
17 were to place, you know, convenience stores in those areas that that might not be an
18 appropriate use.

19 MS. HEGLER: I mean, I can think of a couple rezoning requests that were either
20 withdrawn or denied because they were so close to residential that the concern over
21 gas stations –

22 MR. PRICE: And I believe you had one today that that concern also comes up,
23 the one on Garners Ferry. I think, you know, even the Applicant expressed that some of

1 the community was concerned with some of the potential uses that could come about
2 from that property being rezoned.

3 MR. TUTTLE: I think it would be hard, I mean, I think the great majority of
4 convenience stores are adjacent to residential. I know it's not contiguous but they're
5 pretty darn close if they're not contiguous so, I mean –

6 MS. HEGLER: Where there's GC.

7 MR. PRICE: Right.

8 MR. TUTTLE: Or NC.

9 MS. HEGLER: We've had a lot of OI that I think is more, I mean, I guess it's more
10 closely located within residential areas. And it's just been a lot of concern for residents
11 and even Staff as we look at the rezoning requests; that that one use just makes us
12 really uncomfortable in the OI.

13 MR. VAN DINE: Mr. Chairman, for the, for the purpose of having something on
14 the floor that we can at least be dealing with, I would make a motion we send these
15 changes forward to County Council with a recommendation of adoption and approval.

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

17 MR. GILCHRIST: Second, Mr. Chairman.

18 CHAIRMAN PALMER: We have a motion and a second. I, I just don't see where
19 it's warranted and I don't see where it's, for some reason gas stations, and I can
20 understand years ago when they would just put a metal tank in the ground and the stuff
21 would spill or whatever, it's – I don't understand the, the fear that people have of a gas
22 station and for some reason there's going to be all this crazy stuff going on. I mean, but
23 anyhow I, I don't see the potential issue, to address what you said Howard, to be

1 proactive versus reactive, I don't see the potential downfall that we're waiting to go off
2 the cliff of or something that, that can happen that all the C stores are gonna start
3 popping up in, in these office and industrial zoned parcels of property. So I just, I don't
4 see the need for it. That's my view. Anyone else? So we have a motion to send this
5 forward to Council with a recommendation of approval of the Text Amendment. All those
6 in favor please raise your hand. All those opposed?

7 *[Approved: Westbrook, Gilchrist, Van Dine, Brown; Opposed: Tuttle, Palmer, Theus;*
8 *Absent: McDaniel, Cairns]*

9 CHAIRMAN PALMER: Rules and Procedures.

10 MR. PRICE: I believe you actually received those this time. And we have gone
11 over these previously. And what you should have before you are the changes I think
12 that you discussed and Staff incorporated into the newer version of the Rules of
13 Procedure.

14 CHAIRMAN PALMER: Was that separate than attached to our Agenda?

15 MR. VAN DINE: It was part of the package.

16 *[Inaudible discussion]*

17 CHAIRMAN PALMER: They seem to be all stapled together. This is what you
18 had before, is that right?

19 MR. PRICE: Yes, like I say you have two versions; one's the final version then
20 ones, well actually both of the final versions, one just has the markups what show you
21 the changes.

1 MR. VAN DINE: I think this was discussed when I wasn't here, but the removal of
2 the executive session stuff, is that just because that's basically covered by Code, what
3 goes on, so we don't need it in here?

4 MR. PRICE: Yes, sir. Correct.

5 MR. VAN DINE: Okay.

6 CHAIRMAN PALMER: Okay. I'd like to throw out an idea I guess.

7 MR. TUTTLE: You can throw it out and point it to me.

8 CHAIRMAN PALMER: I'll throw it out.

9 MR. TUTTLE: Oh no, that's okay, I don't mind.

10 CHAIRMAN PALMER: Okay.

11 MR. TUTTLE: Yeah, this has been brought up before, is, is there a way that we
12 could amend our procedures to go to a, a consent agenda similar to what the City of
13 Columbia uses? For instance today there were several items where Staff was pro
14 approval, there was no one in opposition and it seemed like we had a, you know, a
15 unanimous vote here. What the City does is they basically put everything that Staff
16 approves on a consent agenda and then as they get the signup sheets if any signs up in
17 opposition it's taken off the consent agenda when the agenda's approved at the
18 beginning of the meeting, and if not, they vote on all the consent items as a, as a bulk,
19 all in one. And it's been a pretty efficient mechanism for them. I don't think they've had
20 any adverse effects from it and seems to make things go much quicker for Staff and
21 everybody else. And, and the citizens who are here for a case later on.

1 MR. VAN DINE: The other thing that, that, which neglected, was that any
2 commission member could ask that something be pulled, even if it wasn't, nobody had
3 signed up opposed to it.

4 MR. TUTTLE: Right.

5 MS. LINDER: I believe this would be a Council rule change so we can bring that
6 up to Council perhaps, how they want to put the zoning public hearing together.

7 CHAIRMAN PALMER: Why is that a Council rule change? This is for us, for our
8 Body.

9 MR. PRICE: It would just be for the PC.

10 MS. HEGLER: Their rules and procedures.

11 CHAIRMAN PALMER: For our Body.

12 MS. LINDER: Oh, for your Body.

13 MR. TUTTLE: Yes.

14 CHAIRMAN PALMER: Yeah.

15 MS. LINDER: Okay.

16 MS. HEGLER: And just following that similar process. Yeah, I think so.

17 MR. THEUS: It's [inaudible] in County Council now.

18 MR. TUTTLE: Yeah, they also, the City does it at the Council level but that'd be a
19 decision for Council. I'm not gonna get involved in that.

20 MR. VAN DINE: You don't want to try and adopt the – [laughter]

21 MR. PRICE: I mean, I think we can look into that if you want to. Whichever
22 direction you want to take on this, if you go ahead and adopt this we can still –

23 MR. TUTTLE: Yeah, I don't have a problem coming back to that.

1 MR. PRICE: - look into that procedure and then look for an amended version to
2 come forward later on once we get all of the procedures from the City.

3 CHAIRMAN PALMER: Okay. Yeah, we'll do that.

4 MR. VAN DINE: The other thing, and you may, it may be taken up some place
5 else, if you go to Section 13(C), which was removed, which was the withdrawal by the
6 Zoning Administrator, is there a reason why that's pulled out? I mean, is that a, is that a
7 right that the Zoning Administrator has some place, that's given to them someplace
8 else?

9 MR. PRICE: [Inaudible]. Okay, you're talking about the removal of items B and
10 C?

11 MR. VAN DINE: I'm, yeah, I'm just, I'm just looking at C only, not B.

12 MR. PRICE: Well, if you remember this came about a few years ago during, I
13 believe when Mr. Gosline was here and one of the, he really had some objections to
14 people using the rezoning mechanism as a way to correct a violation so he incorporated
15 that into the Minutes that y'all essentially approved. One of the reasons why we're
16 taking this out is because in a case where we found that there are violations and let's
17 say it's because of a rezoning issue, we can take them to court before a magistrate but
18 the magistrate's just going to stay the proceedings until they have a chance to go
19 through the rezoning. And that was the reason why we just took this out, and it really
20 had no, really no place for us to hold up someone because there's a violation on the
21 property. And we'll just tell you, go ahead and correct the violation and then once you
22 correct it, now you can come in for a rezoning.

1 MR. VAN DINE: Yeah, but what this is, but what's here is talking about more than
2 just a violation based upon a zoning issue. This is talking about a violation based upon
3 the County Code.

4 MR. PRICE: Right.

5 MR. THEUS: Could be building code, could be –

6 MR. VAN DINE: So, so, I mean, if we're all of a sudden, you know, we're gonna
7 bring it before then somebody's got a building code violation or they've got a, you know,
8 a handicap violation or something else, we're all of a sudden gonna be still sitting here
9 talking about whether or not that's the appropriate thing to do? I mean, I think that
10 certain things like that need to be cleaned up before we waste our time sitting up here
11 having somebody try to explain to me why they have a building code violation that we
12 ought to be doing something with in the, as a, you know, [inaudible] here. I think we're
13 dealing with zoning matters and I would not want to have something that comes here
14 with all of the other problems as baggage. Now, if it's, I don't have a problem with it if
15 they have a zoning violation coming before us cause that's what we're dealing with. But
16 I don't want to get into the middle of an argument over whether the stair sizes are the
17 right or the slope on the, you know, risers are the right thing.

18 MR. PRICE: There are other avenues for, if there's, violations are found, some of
19 the instances that you just described, there are other bodies that will take those up,
20 such as the Building Boards of Adjustments for stair issues or for something to deal with
21 the building code specifically.

22 MS. HEGLER: Yeah, this section doesn't allow what you're, what you're
23 describing. It's for portions of the County Code that are being violated, administered by

1 the Department, we don't administer building codes do you wouldn't have that
2 opportunity. Anyway, I think this is only speaking to 26, don't you think?

3 MR. PRICE: Yes.

4 MS. HEGLER: So it would be a zoning violation like you've just described. If
5 there's any other violations on the parcel pertinent to some other codes, be it building,
6 we don't administer that. That wouldn't come before us anyway.

7 MR. VAN DINE: Okay.

8 CHAIRMAN PALMER: Two quick things, one this section 5, ex parte
9 communications, I think that should be more generalized into when we take on a quasi
10 judicial role. I think that's the same way also with road name approvals. And then from
11 time to time we'll also still have some old cases come up with PDDs like, such as Lake
12 Carolina, that has that same classification to it. So just nailing it down to just the
13 administrative decisions, appeals of the administrative decisions, it's maybe too narrow.

14 MR. PRICE: Okay.

15 CHAIRMAN PALMER: I mean, those are just the three cases I know of.

16 MR. PRICE: Because I think the –

17 CHAIRMAN PALMER: Unless I'm missing something.

18 MR. PRICE: - I remember we talked about this. It says, Commission shall not
19 discuss matters involving appeals of administrative decisions. So you said it should be –

20 CHAIRMAN PALMER: I know it's also road names, road name approvals, and
21 then there's still some old cases that are out there and the only one I can think of is
22 Lake Carolina where we're still –

23 MR. TUTTLE: Because of the Development Agreement.

1 CHAIRMAN PALMER: - cause of the Development Agreement.

2 MR. TUTTLE: There could be other Development Agreements.

3 CHAIRMAN PALMER: There could be other ones.

4 MR. TUTTLE: Yeah, I think Sandhills is another one.

5 MR. PRICE: Okay, so you want to include those.

6 CHAIRMAN PALMER: I think that you just need to, to mention, or just when the
7 Commission takes on a quasi judicial role perhaps.

8 MR. PRICE: Okay.

9 CHAIRMAN PALMER: Okay?

10 MR. PRICE: Okay.

11 CHAIRMAN PALMER: Also, and it may have just been a matter of, ever since
12 I've been on the Commission we've done this and I've never really seen any other
13 bodies do it, but when we have a conflict of interest, for some reason it's protocol for our
14 members to leave the room. Where'd that come from, where'd that start and why do we
15 do that? I mean, it's not part of our rules, it's not part of what the Ethics Commission,
16 I've asked them, they don't require you to leave the room or anything. I don't, why does
17 that happen?

18 MS. LINDER: I think it was just out of an abundance of caution, just to prevent
19 any appearance of, of any influence.

20 MR. VAN DINE: It's a perceptual issue more than a legal issue.

21 CHAIRMAN PALMER: Ah, okay.

1 MR. TUTTLE: Yeah, for instance the other places you just leave the bench if you
2 will and sit in the audience during that period of time and then you come back rather
3 than being sequestered.

4 CHAIRMAN PALMER: Alright, so are we gonna address those two issues or?

5 MR. PRICE: Yes.

6 MR. HEGLER: I have one, what's the other one?

7 CHAIRMAN PALMER: So we're gonna defer this? Or are we gonna – I mean, it's
8 no big deal.

9 MS. HEGLER: The first issue being Mr. Tuttle's –

10 CHAIRMAN PALMER: Right.

11 MS. HEGLER: - suggestion?

12 MR. PRICE: The consent.

13 MS. HEGLER: Well, we could do it a number of ways, I mean, we could go
14 ahead and adopt this and then make changes and amend it.

15 CHAIRMAN PALMER: Well, we had those other changes too, to the –

16 MS. HEGLER: Yeah, we have the one that you just suggested.

17 CHAIRMAN PALMER: Yeah.

18 MR. PRICE: And it's not a big rush.

19 CHAIRMAN PALMER: Okay.

20 MR. PRICE: Once again it was just something we, I don't know, a few months
21 ago decided.

22 CHAIRMAN PALMER: Let's try to wrap this up at the next meeting then.

23 MR. PRICE: We'll try.

1 CHAIRMAN PALMER: Do we have a motion to defer this, I guess?

2 MR. VAN DINE: So moved.

3 MR. THEUS: Second.

4 CHAIRMAN PALMER: A motion and a second. All those in favor say aye?

5 *[Approved: Westbrook, Tuttle, Palmer, Gilchrist, Van Dine, Brown, Theus; Absent:*
6 *McDaniel, Cairns]*

7 MR. VAN DINE: And the motion was to defer it to the next meeting.

8 CHAIRMAN PALMER: Next meeting. Items for discussion? RU District?

9 MR. PRICE: Yes, I'm gonna turn this over to Mr. Van Dine. At our last
10 meeting he asked me to put this on.

11 MR. VAN DINE: Say what?

12 MR. PRICE: You forgot about it?

13 MR. VAN DINE: I did. What are we talking about?

14 MR. PRICE: Well, we were talking about the rural districts. I think there
15 was just some concerns where – and I think Staff shares the concerns, exactly
16 what is rural in Richland County. Right now should our rural districts be re-
17 evaluated?

18 MR. VAN DINE: I think in part, what my concern was, I mean, we call
19 something a rural district and, you know, it can be $\frac{3}{4}$ of an acre. And really the
20 question is is that really rural when we deal with it? And I was only raising it, the
21 issues as to whether we wanted to have a discussion. We talked about it at one
22 time a long time ago about expanding rural to something larger than a certain

1 size, but that would require us to basically take and rezone parts of the county
2 that are presently rural now. I just, you know, when we talked about some of
3 these things when they come before us and we talk about it, it's you know, a rural
4 district, and you look at it and it's an RU in the middle of RSLD or RSMD or
5 something like that and that's not really a rural district. And so it seems to me
6 that we ought to be dealing somehow with a true rural definition which is, you
7 know, something more than five acres or something more than – whatever
8 number we went to. But I just, you know, somebody says it's a rural district now
9 on some of the rezonings and I, I mean, I want to sit here and laugh.

10 CHAIRMAN PALMER: Yeah.

11 MR. VAN DINE: So I don't know whether, how we want to do it. I don't
12 know if we want to do anything with it, but it just seems to me that we ought to be
13 taking a look at what is truly a rural classification in order for us to be properly
14 looking at what rural is versus what is more suburban in nature.

15 MR. PRICE: I think one of things that, once again these are some of the
16 same concerns that Staff has, I believe if you would maybe give us till next
17 month, month after, where we can come up with a few options on how to
18 approach this and then we'll bring those options back to you and I think once you
19 decide which avenue you would like to take, then that'll give us an idea how we
20 need to prepare any information to bring forward.

21 MR. VAN DINE: And it seems to me that you could leave the RU rules
22 applying to some of the smaller ones that exist now, but you have the larger

1 parcels that if you truly went to a rural that is something completely different. I
2 mean, we've got, you know, 25 acres, that's rural. You got an acre and a half,
3 that's not rural.

4 MR. PRICE: Right. I mean, and you're talking – yeah, I mean, really
5 looking at it we could, you know, some of the options are to create a, a new
6 category to address rural on what we consider rural, maybe keep rural and
7 change the standards within our Code such as the acreage, lot size and so on,
8 but, and also look into proactively rezoning some, some of the rural parcels that
9 we have that right now probably serve more as a transitional zoning as opposed
10 to just being a true rural.

11 MR. VAN DINE: I think what brought it up was the, the
12 Longcreek/Longtown East that came before us. It was a rural zone but I mean,
13 there was developments all over the place around it and it just didn't seem like it
14 fit that classification anymore. So if you'll just take a look at it and see if there's
15 something to propose. I don't know how we could get it done without quite a bit of
16 legwork and quite a bit of talking with people, but.

17 MS. HEGLER: And I would say the Conservation Department has done a
18 lot of that because I know there's a concern about farmland preservation and
19 what, what you would call really truly rural, so I think that that's a place we can
20 start. We can start with some of the conversations they've already had.

21 MR. VAN DINE: Alright. Move we adjourn.

22 CHAIRMAN PALMER: Okay, anything else?

1 MR. TUTTLE: Second.

2 CHAIRMAN PALMER: All those in favor.

3

4

[Meeting Adjourned at 2:30pm]

5

6