



Richland County Council

ZONING PUBLIC HEARING
September 25, 2018 – 7:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Greg Pearce, Yvonne McBride, Norman Jackson, Paul Livingston, Gwen Kennedy, and Dalhi Myers,

OTHERS PRESENT: Michelle Onley, Geo Price, Tommy DeLage, Trenia Bowers, Larry Smith, Ashley Powell and Kimberly Williams-Roberts

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 7:01 PM.
2. **ADDITIONS/DELETIONS TO THE AGENDA** – Ms. Myers moved to defer Items #6 “Case # 18-031MA” to the October Zoning Public Hearing and #7 “Case # 18-032MA”.

Mr. Livingston inquired about the difference between deferral and removal.

Mr. Price stated if the item is deferred they will have to go through the advertisement and posting of the property, and will come before Council in October.

Ms. Myers stated if we remove them then they will not.

Mr. Price stated, what you may be thinking about is if you take action on it and deny it then it ends it. If you defer it, it comes back at a later time.

Mr. Livingston stated he wants to be sure it is clear in terms of the terminology.

Mr. Price stated the terminology we have always used is you either withdraw, defer or take action on it.

Ms. Myers stated #6 we can withdraw and #7 she would like to defer to the next meeting.

Ms. Dickerson stated when we get to that point, she will let Ms. Myers take it up then.

Mr. N. Jackson stated, if it is on the agenda, we can take action to defer it or deny it. If it is removed from the agenda, it is like the timeframe when it appeared on the agenda would have to be readjusted.

Mr. Price based on his time here he has never seen a case removed from the agenda unless it was at the request of the applicant to have it withdrawn.

Mr. N. Jackson stated that was his concern. He just wanted to know the difference between and how it would affect the request. He supports the Council person and what they want to do.

Mr. Price stated, in this case, if the action is to withdraw it, it means it is taken off the agenda and they will have to start over with this request.

Ms. Dickerson stated, for clarification, the Council can ask for deferral or deletion, correct?

Mr. Price stated he has never seen where the withdrawal has been done by Council.

3. **ADOPTION OF THE AGENDA**

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous to adopt the agenda.

4. **MAP AMENDMENTS**

- a. 18-026MA
Tom James
NC to GC (5.53 Acres)
Lower Richland Boulevard
TMS# R21800-04-20 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Tom James, Mr. Peyton Bryant, Mr. Tony Sheppard, Ms. Laura Baker, and Mr. Bob Fuller spoke in favor of this item.

Mr. Stan Harpe spoke against this item.

The floor to the public hearing was closed.

Mr. N. Jackson stated he supports moving forward, but he would like before the next meeting a study on how we move forward in safe manner. When you have so much traffic at an intersection close to a major highway like Garners Ferry Road and you have 3 businesses dumping traffic, and a turning lane entering the property, it poses safety problems. What he would like to see is a turn lane or storage lane for the new business to bring more safety for traffic trying to access the property from Garners Ferry Road to Lower Richland Boulevard. It backs up onto Garners Ferry Road and there is a problem with cars waiting to turn. Maybe they could do something to access each other's property to alleviate some of the traffic going back on the main road.

Mr. N. Jackson moved, seconded by Mr. Pearce, to approve this item and receive a study back prior to the next reading.

Mr. Pearce inquired if the County owns a tract of land down there.

Mr. N. Jackson stated the land is behind this development.

Mr. Pearce stated this is not the proposed site for the medical facility.

Mr. Malinowski inquired if Lower Richland Boulevard and Garners Ferry Road are County or State roads.

Mr. N. Jackson stated they are State roads.

Mr. Malinowski stated he does not know how they plan on getting a traffic study done. They can recommend it, but the State can do what they want.

Mr. Price stated during submittal of the plans for the development of the site they are required to work with the State to get the appropriate traffic study done to see what type of changes need to be made to the road system to allow for safe passage.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- b. 18-027MA
David Edenfield
RU to RC (2.19 Acres)
1024 Mount Vernon Church Road
TMS# R01600-10-28 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. David Edenfield and Mr. Wallace Hubbard spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Malinowski stated under the Zoning History it says the Light Industrial District east of the subject parcel was re-zoned. East of the subject parcel, and what he is being told, is undeveloped/Rural. He inquired if that is a mistake.

Mr. Price stated it is actually further out than what we are depicting on the map.

Mr. Malinowski stated on p. 10 "Traffic Characteristics" you mention about Mt. Vernon Church Road, what it is classified, design capacity...the last line says, "This segment of Broad River Road is currently operating at Level of Service (LOS) A." He inquired if staff went to Broad River or does this refer to Mt. Vernon Church Road.

Mr. Price stated it should have been Mt. Vernon Church Road.

Mr. Malinowski stated the Planning Commission, while they disagreed with staff, they said, "There has not been any opposition to the previous commercial use." He inquired how they know that. He stated that sounds like a far-fetched one.

Mr. Price stated that was the reason they gave.

Mr. Malinowski stated he does not think we need to be making decisions based on supposition by the Planning Commission. He stated this business that is currently there, or the buildings for this business, has been defunct for years, as far as being open to the public. He stated they may be operating something, but there is no sign of a lot of business.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to deny the re-zoning request.

In Favor: Malinowski, Myers, Kennedy, Dickerson, N. Jackson and McBride

Opposed: Pearce and Livingston

The vote was in favor.

- c. 18-028MA
Ray Derrick
RU to GC (3.76 Acres)
1012 Bickley Road
TMS # R02415-02-01 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. Livingston, to deny the re-zoning request.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- d. 18-029MA
Ken Jones
RS-LD to GC (1.62 Acres)
3409 Hardscrabble Road
TMS # R17300-06-08 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Ken Jones spoke in favor of this item.

The floor to the public hearing was closed.

Ms. Kennedy moved, seconded by Mr. Malinowski, to deny the re-zoning request.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- e. 18-030MA
Stanley T. Bell
RS-HD to RU (.44 Acres)
2024 Harlem Street
TMS # R13515-05-06 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Myers moved, seconded by Mr. Malinowski, to defer this item until the October Zoning Public Hearing.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- f. 18-031MA
Margaret Chichester
RU to LI (10 Acres)
E/S Congaree Road
TMS # R32404-01-01 [FIRST READING]

Mr. Price stated, as he is looking in the Land Development Code regarding Map Amendments for County Council Review and Action, it says, "County Council within 180 after the public hearing shall either adopt or deny the amendment." When it comes to withdrawal...

Ms. Myers stated we can move to follow staff's recommendation, and it will be a denial.

Ms. Dickerson stated she is not understanding the motion.

Ms. Myers stated we asked the applicant to withdraw this before it got to the Planning Commission. They went to the Planning Commission, and said they wanted to take their chances. She was trying to help them redo it. She stated it will not get approved in this form, so she is moving for a denial.

Mr. N. Jackson inquired if the applicant can request a withdrawal at the meeting.

Mr. Price responded in the affirmative.

Ms. Dickerson opened the floor to the public hearing.

Ms. Margaret Chichester, the applicant requested a withdrawal of this item.

The floor to the public hearing was closed.

Ms. Dickerson inquired if this is the format where we withdraw a case.

Mr. Price stated if it was 15 days prior to the meeting, it could have been administratively withdrawn, but once it falls within the 15 days of the meeting, the applicant has to appear and Council has to vote on whether to accept the withdrawal.

Ms. Myers moved, seconded by Mr. N. Jackson, to accept the applicant's withdrawal.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- g. 18-033MA
Sanjiv Narang
HI to GC (1.46 Acres)
809 Idlewild Boulevard
TMS # R11209-02-04 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Myers moved, seconded by Mr. Livingston, to defer this item until the October Zoning Public Hearing.

In Favor: Malinowski, Myers, Pearce, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

5. **OTHER BUSINESS**

- a. An Ordinance Amending the Richland County Code of Ordinances ; Chapter 26, so as to permit radio, television, and other similar transmitting towers with special requirements in the Rural (RU), Light Industrial (LI), and Heavy Industrial (HI) Districts and to remove the special exception requirements for radio, television, and other similar transmitting towers in the Rural (RU), Light Industrial (LI), and Heavy Industrial (HI) Districts

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Price stated currently in the Rural, Light Industrial and Heavy Industrial Districts in order to establish a cell tower you would go before the Board of Zoning Appeals for a Special Exception. What we are doing is the same requirements would be used to make their determination of approval or denial are still there, but instead of going before the Board there would be special requirements.

Mr. Malinowski stated reading through the ordinance on p. 57 he is confused because on the 8th line down it starts out, "to permit radio, television, and other similar transmitting towers with special requirements in" these areas, followed by, "to remove the special exception" in those same areas.

Mr. Malinowski moved, seconded by Ms. McBride, to defer this item to the October Zoning Public Hearing.

Mr. Pearce stated on cases like this it made no sense to the average citizen. It would be very helpful if you could explain in layman's terms why we are doing it.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

6. **ADJOURNMENT** – The meeting adjourned at approximately 7:39 PM.