

RICHLAND COUNTY PLANNING COMMISSION
July 8, 2010

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4 *[Members Present: Heather Cairns, Olin Westbrook, Kathleen McDaniel, David Tuttle,*
5 *Pat Palmer, Steven Gilchrist, Wallace Brown, Sr.; Absent: Deas Manning, Elizabeth*
6 *Mattos-Ward]*

7
8 Called to order:

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10 CHAIRMAN PALMER: I'd like to call the July 8th Planning Commission Meeting
11 to order. I need to read into the record pursuant to the Freedom of Information Act a
12 copy of the Agenda was sent to radio, TV stations, newspaper, persons requesting
13 notification and was posted on the bulletin board located in the lobby of the County
14 Administration building. The Minutes from the June meeting, has everybody had a
15 chance to review those? You have any questions or motions?

16 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we approve the
17 minutes.

18 MS. CAIRNS: June 7th, I was actually present and I'm listed as absent on the
19 header.

20 MR. TUTTLE: That's a very critical point.

21 MS. CAIRNS: But other than that, I don't, I mean, June 21 I was absent.

22 CHAIRMAN PALMER: I defer to you, would you like to make a motion?

23 MS. CAIRNS: I make a motion to amend the Minutes showing that I be stricken
24 from being absent on June 7th.

25 MR. TUTTLE: Second.

26 CHAIRMAN PALMER: All those in favor of amending the Minutes? All those
27 opposed?

28 *[All approved: Absent: Manning, Mattos-Ward]*

1 CHAIRMAN PALMER: Do we have a motion to adopt the Minutes as amended?

2 MR. BROWN: So moved.

3 CHAIRMAN PALMER: Second?

4 MR. GILCHRIST: Second.

5 CHAIRMAN PALMER: All those in favor of adopting the Minutes as amended,
6 please signify by raising your hand.

7 *[All approved; absent: Manning, Mattos-Ward]*

8 CHAIRMAN PALMER: Road name approvals? Anyone?

9 MS. CAIRNS: I make a motion to approve the road names.

10 MR. TUTTLE: Second.

11 CHAIRMAN PALMER: I have a motion and second to approve the road names.

12 All those in favor, please signify by raising your hand.

13 *[All approved; absent: Manning, Mattos-Ward]*

14 CHAIRMAN PALMER: Agenda amendments.

15 MS. ALMEIDA: There are no Agenda amendments, Mr. Chairman.

16 CHAIRMAN PALMER: Okay. I understand that we have a new Planning
17 Director in the county and I would like to, on behalf of the Planning Commission, would
18 like to commend Ms. Anna Almeida for her new position as our Planning Director here
19 in Richland County and we know that you've done a great job in the past and we look
20 forward to what you'll do in the future with the planning here in Richland County.

21 MS. ALMEIDA: Thank you very much.

22 [Applause]

23 **CASE NO. 10-18 MA:**

1 CHAIRMAN PALMER: Alright. No Agenda amendments, let's move on to Map
2 Amendments, Case No. 10-18 MA.

3 MS. ALMEIDA: Yes, Mr. Chairman. The Applicant, Josh Williamson, property
4 owner, Ray Head. The acreage on this site is 2.35 acres, the existing zoning is PDD,
5 the requested zoning is General Commercial. This property is located on Garners Ferry
6 Road. As you can see from your Staff Report on page 2, the traffic counts were taken
7 along Garners Ferry Road and the Level of Service is estimated at an A. And no
8 planned or programmed improvements for that section of Garners Ferry Road. Staff
9 has reviewed this request and feels that the proposed rezoning would not be compatible
10 with the surrounding land uses. The PDD that was approved back in 2004 was a site
11 specific PDD, not like the PDD's that you see today with mixed use. They were building
12 specific, use specific so if anything was modified, it had to go back to the Planning
13 Commission and to County Council. We have noted that the parcel is located near a
14 major intersection; there is an existing one story structure approximately 1,700 square
15 feet on the parcel. It is near McCord's Ferry Road located approximately two miles east
16 of the site. There is water and sewer to the site. Again, I will ask that you look on page
17 three and we've explained what the PDD in specifics specified. The conditions under
18 the ordinance that were approved previously identified building locations with truck
19 wash, a mobile home, a one story restaurant. To date the truck wash, garage building
20 has been burned down. The mobile home has been removed from the site and the
21 restaurant is no longer in operation. The property owner and subsequent owners can
22 rebuild and operate the truck wash and restaurant as permitted, as a permitted use
23 under the approved PDD. The established PDD, of course as I just said, cannot be

1 amended unless they were to establish a mixed use type of design; commercial and
2 residential office. Three parcels east of the subject site are zoned PDD for commercial
3 uses. The first planned development parcel east of the subject site contains a vacant
4 restaurant. The southern parcel contains a vacant residential structure and both parcels
5 are part of that PDD approved in 2004. Again, Staff identified a fire station located on
6 Old Congaree Run that is roughly 3.5 miles west of the subject parcel. Fire Hydrants
7 are not available in the proximity to the parcel. The proposed zoning would not have a
8 negative impact on the public services or traffic, water and sewer is provided by well
9 and septic and Staff feels that at this time, we would need to recommend denial.

10 CHAIRMAN PALMER: Any questions for Staff?

11 MS. CAIRNS: I have one quick question in terms of the graphics on page four
12 and five, there's a parcel to the east that on page five is labeled as GC but appears to
13 be colored RC. Which one is it?

14 MS. ALMEIDA: RC?

15 MR. GILCHRIST: That would be Tri-County.

16 MS. ALMEIDA: On Page five?

17 MS. CAIRNS: Well Page 5, it's colored in RC, but on – no, on Page four it's color
18 the with the RC color, but on page five its labeled GC.

19 MS. ALMEIDA: It is RC, not GC. It was mislabeled.

20 CHAIRMAN PALMER: Any other questions for Staff? Josh Williamson and Ray
21 Head, and if you would limit your comments to two minutes and if you would give your
22 name and address for the Record, we'd appreciate it.

23 **TESTIMONY OF JOSH WILLIAMSON:**

1 MR. WILLIAMSON: Yeah, Josh Williamson. Address is 800 Willie Wilson Road,
2 Eastover, South Carolina 29044. I [inaudible] back from Mr. Head want to keep the
3 restaurant, there's \$30,000 of equipment in there, the sanitizing sink, the range, the
4 stove, flat-top stove, I want to keep that. But I want to take the rest of it and put it into a
5 convenience store restaurant. Of course, it's going to be a beer license but it will be
6 beer to go. It's not going to be nowhere on grounds to drink and I want to get all of it as
7 a general commercial because I would like to build back onto of the pre-existing slab
8 where the truck station was that used give service and provide services to Union Camp,
9 what is now International Paper, I want to build a steel building back on top of that and
10 put retail in it. There's, I mean, I know it's zoned as rural but there is no way, she just
11 had a picture of it, if you could please, looking at it from the highway – no, the picture of
12 the building you had up there the first thing you had up there a couple of minutes ago
13 when you cut the computer on. There's no way you're going to build houses there,
14 never. You just can't, I mean, rural is – I understand about the PDD, I mean, I don't, I'm
15 trying to make a business, I want to put gas stations there. I'll be hiring six, you know,
16 six local people in our area, the unemployment rate out here is outrageous already so, I
17 mean, it's, and that's all I really have to say. I'm pretty straightforward of what I want to
18 do with it.

19 CHAIRMAN PALMER: Thank you Mr. Williamson. Mr. Head?

20 **TESTIMONY OF RAY HEAD:**

21 MR. HEAD: My name is Ray Head, 3205 Highway 777 in Loris. I own the
22 property now. I am 72 years old, I've lost over \$100,000 on this piece of property. I
23 never intend to put anything on it or generate taxes. At my death, it will be willed to

1 Turbeville Children's Home in Turbeville, orphan home. They offer tax [inaudible]. This
2 is the only chance I've got to get rid of; I need all the help I can get. Like I say, if I don't
3 sell it to them, it won't be never a tax base there. And he's going to employ some
4 people. So, I need all the help I can get. Thank you. I lost \$100,000 on that building
5 when it burnt down, cause they took it on account of this PDD mess. Thank you.

6 CHAIRMAN PALMER: Thank you. So, I'm just a little foggy, I mean, what's
7 there now? A truck –

8 MR. WILLIAMSON: It's not there no more at all. It all burnt down, there's still a
9 pre-existing concrete slab which I'm a contractor already for the State of South Carolina,
10 and it's grandfathered in because the slab is still there. I can put another building on top
11 of that and, but it will not, it can only be used for a truck stop because of the PDD
12 zoning. All I want to do is put a gas station –

13 CHAIRMAN PALMER: If you could take the podium, please.

14 MR. WILLIAMSON: I'm sorry. I apologize; I thought my two minutes was up.

15 CHAIRMAN PALMER: It is.

16 MR. WILLIAMSON: All I want to do is go to the west of the building that's still
17 standing.

18 CHAIRMAN PALMER: Uh huh (affirmative).

19 MR. WILLIAMSON: Pay DHEC their \$25,000, let Marathon Gas come in, put
20 gas pumps down installed in the ground, put gas, keep the kitchen part, make a
21 convenience store/kitchen, let them still sell retail, fried food or whatever and sell retail
22 items out of it.

23 CHAIRMAN PALMER: You have a truck stop now but there's no gas?

1 MR. WILLIAMSON: No, it's not a truck stop. That building burnt down but the
2 slab is still there.

3 MS. CAIRNS: It was a truck wash.

4 MR. WILLIAMSON: It was a truck – no, they done truck maintenance, they
5 worked on all the 18 wheelers that was out there at Union Camp.

6 CHAIRMAN PALMER: But you never gave gas to trucks?

7 MR. WILLIAMSON: Sir? No –

8 CHAIRMAN PALMER: Never filled trucks with gas.

9 MR. WILLIAMSON: No, sir, they never filled – no, sir.

10 CHAIRMAN PALMER: Okay.

11 MR. WILLIAMSON: They worked on them, fixed them, done tires, put motors in
12 them and then on the other side, they had a washing station when they got through
13 working on them, they would pressure wash them and they would also eat from Old
14 Man Buck Bostick's kitchen which is right there, he owned both parts.

15 CHAIRMAN PALMER: And those uses were specific to the PDD?

16 MS. ALMEIDA: That is correct.

17 MR. WILLIAMSON: Correct.

18 CHAIRMAN PALMER: Is there not an option to amend that PDD?

19 MS. ALMEIDA: No, because it no longer exists.

20 MR. WILLIAMSON: Yeah, y'all don't have it no more, but if you look down in the
21 one part, I don't have it with me cause I turned it in, at the bottom, it says about what the
22 uses – it says uses, it don't say a special use. I tried, I think with Ms. Suzie to talk to
23 lawyers and Brian Cook and they said that the wordage was still what it was meant for.

1 Well, uses is plural with an “s”, use would have been singular determined to that one
2 specific thing it was meant to be used for. And I think the lawyers told them that the
3 wording didn’t matter. And if I’m not right, if I’m not incorrect, right?

4 CHAIRMAN PALMER: Brian?

5 MR. COOK: The PDD is site specific, it allowed the restaurant, the garage with
6 the wash, that’s pretty much, is what it is. He couldn’t come back in under a new PDD
7 because it’s really not a mixed use type deal there so, he’s kind of stuck with the PDD
8 that he has.

9 CHAIRMAN PALMER: What would classify as mixed use? You’d have to have
10 residential and commercial?

11 MS. ALMEIDA: Correct. Some residential component.

12 MR. WILLIAMSON: We’ve got public restrooms. [laughter] But you can look at
13 the map, there’s no way you can put no house in front Tri-County with all them
14 transformers and you’ve got a four-lane highway, going to and from Sumter everywhere
15 –

16 MS. ALMEIDA: And understand back in 2004 and previous to that, because the
17 area is so rural in nature, the site specific PDD’s were very much welcomed because it
18 really limited exactly what you could do.

19 CHAIRMAN PALMER: Right. Yeah, I remember.

20 MS. ALMEIDA: You know, the applicant couldn’t move beyond those
21 parameters.

22 MS. CAIRNS: I mean, is there any other zoning classification that could satisfy
23 those buyers?

1 MS. ALMEIDA: Well, I was just looking from the residential commercial; I'm sure,
2 have you all looked at that option?

3 MS. CAIRNS: RC –

4 MR. WILLIAMSON: It don't fall under the guidelines to put gas pumps in.

5 MS. ALMEIDA: Really?

6 MR. WILLIAMSON: That's what I was told.

7 CHAIRMAN PALMER: Didn't we do that so that, isn't there a rural commercial
8 so that we could put stations like this, C stores out in the middle of the area without
9 allowing all the other stuff that's in GC?

10 MS. ALMEIDA: I thought I just –

11 MR. WILLIAMSON: It's not like; I'm not wanting to put no bar –

12 MS. CAIRNS: No, that's fine but we're just trying – yeah

13 CHAIRMAN PALMER: We're trying to figure out a way to – I thought that's what
14 we did with rural commercial?

15 MS. CAIRNS: Mr. Williamson, it's one of the things, if we rezone something
16 that's general commercial –

17 MS. ALMEIDA: It is permitted a convenience store with gasoline pumps.

18 MS. CAIRNS: In RC?

19 MR. GILCHRIST: RC?

20 MS. ALMEIDA: In RC.

21 CHAIRMAN PALMER: Alright.

22 MS. CAIRNS: And a restaurant?

23 MR. WILLIAMSON: I was not told by that –

1 MS. ALMEIDA: Restaurant, let me see. Let me go –

2 MS. CAIRNS: Just so you know Mr. Williamson, if we rezone this general
3 commercial, any allowable use in general commercial could go in there, and while you
4 offer to us, this is what I intend to do and we appreciate that, we can't limit it to that. If it
5 gets rezoned general commercial, it could be any use allowable within general
6 commercial and we need to take that into consideration.

7 MR. WILLIAMSON: Yes, ma'am.

8 MS. CAIRNS: And that's, you know –

9 MR. WILLIAMSON: Well, I'm looking, I'm a young fellow, so I'm going to keep it
10 20-25 years however long I'm alive, as an investment.

11 MS. CAIRNS: Well, hopefully that's more than 25 years if you're a young fella.

12 [laughter]

13 MR. WILLIAMSON: In 10 years, Columbia's going to be from Sumter line.

14 MS. CAIRNS: Yeah.

15 CHAIRMAN PALMER: Hey look, I'm a young fella and there's things I have had
16 to let go of in the last year that I thought I was going to keep for 20 years. [laughter]

17 MR. BROWN: Mr. Chairman, I'm not sure that understand how relevant my
18 question is so if it's not, I apologize. But on page three, it says that the Old Congaree
19 Run, the Fire Station is 3.5 miles away, there's no fire hydrants, and water and sewer is
20 by well and septic tank. And that, I suspect, is part of the reason for the concern here,
21 and so how close is a fire hydrant to that parcel and if you're going to put –

22 MR. WILLIAMSON: It will be 3.5 miles. Old Congaree Fire Department is right
23 behind Mr. Bunky's, which borders McEntire Air Force Base, the fire hydrant they've

1 been running for the last 2 ½ years is straight across the street from Garners Ferry and
2 over floods into the ditch, they have a run-off right there. That's the closest fire hydrant,
3 sir.

4 MR. BROWN: Okay, now given that and the distance that that this from it, if
5 something where to happen on that site, what is the county's position on it since the
6 issue is getting water to it?

7 MR. WILLIAMSON: Well, it has [inaudible] commercial well there, but that'd be
8 the same thing on how getting water to it as it is to be [inaudible] out on Wilson Road
9 which is right across the street. A few years ago my mother died, it took the Fire
10 Department, let alone the ambulance 45 minutes to get there. So, it'd still, the same
11 thing would be in residence as it would be in this commercial. A time delay on having
12 the call put in for the fire or medical emergency assistance, it's still the same lapse.
13 That's like y'all paid, we paid to have that, right there at the top of Horrell Hill, we paid all
14 that money to have that EMS station built and I've seen everything but an EMS Station
15 sitting there [inaudible] it was built in the last year and a half.

16 MR. BROWN: Yeah, there is a –

17 MR. WILLIAMSON: Before that, they sat there and I've never seen one there
18 and the lights stay on 24 hours a day.

19 MR. BROWN: There is a new EMS in Eastover though. That's not the concern,
20 the concern would be having water and a fire hydrant near there, something should
21 happen there and you have 6 to 12,000 gallons of gas in the ground and something
22 happens and it explodes.

23 MR. WILLIAMSON: Yes, sir.

1 MR. BROWN: That's the question I have Mr. Chairman.

2 CHAIRMAN PALMER: Yeah, I understand that. But there's so many safety
3 precautions now with DHEC with the insulation of those tanks and the different bladders
4 and the shut-offs and that kind of stuff, I mean, my concern would possibly be the
5 building burning, which obviously could happen because it's obviously happened on this
6 site before.

7 MR. WILLIAMSON: They determined that was arson.

8 CHAIRMAN PALMER: Yeah, but they still couldn't put it out. But I understand
9 what you're saying. But there's, we have all kinds of commercial properties around this
10 county that are a couple of miles from different fire hydrants and whatnot.

11 MS. ALMEIDA: Well, there are other zoning districts that would fit the uses that
12 the gentleman is stipulating, but there are square footage limitations. And the intent of
13 the rural commercial, although allowing for these uses as well, one of the things it does
14 stipulate that the intent is not to have all this commercial spread along the corridors,
15 they should be near intersections or major arterials. So, that might be, that's a limiting
16 factor but the square footage of the buildings that you might want to be putting up would
17 probably be limited in the other zoning districts.

18 CHAIRMAN PALMER: Those are what, 5,000'?

19 MS. ALMEIDA: Five Thousand Feet?

20 CHAIRMAN PALMER: Isn't it 5,000, is that right?

21 MR. COOK: Say for example, in neighborhood commercial, for example,
22 building footprint of not more than 6,000'. As discussed previously the size and I think
23 that's kind of why he's leaning more towards General Commercial. The size limits that

1 were placed on other like neighborhood Commercial 6,000 square feet. Gross floor
2 area, new structures at two levels, 12,000 square feet, is what he'd be limited to. So –

3 CHAIRMAN PALMER: That's 6,000 per building, right?

4 MR. COOK: Correct.

5 MS. ALMEIDA: Yeah, there's only 1,700 on the site. I mean, that's the thing.

6 MR. WILLIAMSON: But it's 1,700 for the restaurant for the existing slab that the
7 garage sat on is 66 x 41, which is 2,716.

8 MS. CAIRNS: Yeah, that's way under [inaudible].

9 MR. WILLIAMSON: If you count the square footage for the canopy and the gas
10 pumps, there's your square footage.

11 MS. ALMEIDA: Per parcel. It's per parcel, not per building.

12 CHAIRMAN PALMER: And the canopy's count as where the gas pumps, that
13 would count as square footage?

14 MS. ALMEIDA: I don't think -

15 MR. WILLIAMSON: We would have full retaining walls around them.

16 MR. PRICE: Usually, what we we've been looking at anything with a roof on it -

17 CHAIRMAN PALMER: Uh-huh (affirmative).

18 MS. ALMEIDA: Square footage.

19 MR. PRICE: - we've been taking into consideration for square footage.

20 MS. ALMEIDA: That is impervious.

21 CHAIRMAN PALMER: Mixed in something?

22 MS. ALMEIDA: That is impervious surface.

1 CHAIRMAN PALMER: I guess it's based in something, right? It's not -
2 [inaudible].

3 MS. CAIRNS: How you measure square footage? Covered area?

4 MS. ALMEIDA: [Inaudible] surface. Yeah, coverage. Impervious surface.

5 MR. TUTTLE: Well, I'm not sure that's fair either. If you use, for instance, if you
6 use impervious surface and you had a two story building and you're square footage
7 would be double relative to that, so I'm not sure that's the right scale. Yeah.

8 MS. ALMEIDA: I know.

9 MR. PRICE: I mean, I was kind of off, I guess on what the original request is,
10 structure, and according to the Code, we'd be a square footage on the structure for the
11 district and a canopy would fall under that category of structure so that's why we count
12 that.

13 CHAIRMAN PALMER: Would the gas pumps not be an accessory use? Or does
14 it still not matter?

15 MS. CAIRNS: That's still square footage.

16 MR. PRICE: Yeah, we're not talking about the gas pumps; we're talking about
17 the canopy that goes over it. That would be considered a structure, thus we would have
18 to count the square footage.

19 MS. ALMEIDA: He needs to get a permit for a structure.

20 MR. PRICE: It's always up for another discussion.

21 CHAIRMAN PALMER: Yeah, I think that should probably come back up pretty
22 soon.

23 MR. WILLIAMSON: [Inaudible] boundaries.

1 MS. CAIRNS: No, it's just, it's, I mean, I would offer that I think it's totally
2 consistent, there's total square footage and then there's heated square footage which
3 where you get the difference about whether a front porch counts or this and that, it's still
4 square footage. I mean, it is part of the structure. It's just not heated.

5 CHAIRMAN PALMER: Yeah, but that not the intent of when that zoning
6 classification was put together was for that to the size of the building, the actual four
7 walls a roof.

8 MS. ALMEIDA: I don't know if that was the intent or not.

9 CHAIRMAN PALMER: I was here. So I know it was. But it's, that's not the intent
10 for those canopies for it to count that way. Anyhow.

11 MR. TUTTLE: It's relatively important, so that's the way the county would
12 interpret it?

13 CHAIRMAN PALMER: That's right. So, we are where we are with this situation.

14 MR. WILLIAMSON: I still wouldn't meet the 6,000 square foot requirements per
15 parcel.

16 CHAIRMAN PALMER: That's what I'm saying.

17 MR. WILLIAMSON: Seventeen Hundred, Twenty Seven, and then say another -
18 what 1800, [inaudible].

19 MS. CAIRNS: What's the square footage limitations, I mean, does neighborhood
20 commercial allow gas stations or just rural commercial? I thought you were checking out
21 RC.

22 MS. ALMEIDA: Yeah, RC does allow for all the uses.

23 MS. CAIRNS: But they were quoting square footage numbers –

1 MS. ALMEIDA: But the intent -

2 MS. CAIRNS: - out of NC, which I'm not sure that NC, allows gas stations.

3 MS. ALMEIDA: Yeah. And we also have to look at the intent of what the district
4 is.

5 MS. CAIRNS: Sure. I mean, I don't -

6 MS. ALMEIDA: It does, it does allow for those uses.

7 MS. CAIRNS: Okay. What are the -

8 CHAIRMAN PALMER: [Inaudible] there?

9 MS. CAIRNS: I mean, what's the difference between RC and NC as it relates to
10 this parcel, anything? Or would it make no difference based on what the -

11 MS. ALMEIDA: The structure - again, the same parameter, 6,000 square feet.

12 MS. CAIRNS: So, with respect to what the applicant's offered -

13 MS. ALMEIDA: And no more than -

14 MS. CAIRNS: - the difference, RC/NC would be the same. What his intended
15 uses are?

16 MR. PRICE: RC allows 20,000.

17 MS. CAIRNS: Even more. Yeah.

18 MR. PRICE: The NC is 6,000 - 12,000 [inaudible].

19 MS. MCDANIEL: But would RC or NC, would that still be compatible with the
20 surrounding uses and in compliance with the Comprehensive Plan?

21 MS. CAIRNS: Well, I think that - I'm not sure whether the Staff would need to re-
22 look at it. I mean, I'm not sure we can make this change on the fly.

23 MS. ALMEIDA: Right.

1 MS. CAIRNS: But, I'm just, you know, my feelings is how it sits here today, I
2 think it would be difficult to take it to GC as it is just this thing out in the middle of
3 nowhere, you know, the owner, you know, wanted to make a PDD with a very specific
4 use and now regrets that in essence and we're not really here to – but I mean now, you
5 know, now you're saying –

6 MR. WILLIAMSON: But the county forced him into doing that.

7 MS. CAIRNS: Well, but to get the uses he wanted, he had to do that and that
8 was because the county was saying we will only allow these uses. And I know you
9 could have just left it rural. And so now to come back five years later and say, okay,
10 well those uses, while they were beneficial at the time are no longer usable, does not
11 mean that you can then automatically step it up to a more intense use. I mean, that's
12 the whole thing is, you have the absolute right keep using it for what it was approved
13 for, and the fact that there's no market for that anymore, isn't something that we can
14 have anything to do with. But the answer is not that therefore, you get to increase –
15 cause had he come five years ago and said, I want to build a restaurant and
16 convenience store and put gas stations, he probably would have been denied. So, it's
17 like, okay there has been improvement, there has been costs. I mean, this one hurts.
18 Okay? I get it. I get that this is an awful situation to be in but we're not here to increase
19 and make a potential incompatible use even more incompatible because of the fact that
20 the market for the use that it was asked for five years ago is gone. Which is why, you
21 know, if you want to get rid of the PDD, it goes back to rural. The fact that there's no
22 use for that building under rural, is unbelievably unfortunate. But to ask for it to go –
23 and that's why, you know, I'm asking, you know, I'm trying to say, can we find some

1 solution that doesn't take it to GC but yet allows a use that may be a little more
2 compatible.

3 MR. TUTTLE: Heather, I clearly get your point, but isn't that the whole basis of
4 the ability to change zonings over time? Uses and patterns and stuff that change and
5 growth patterns change. So to say that because something was a PDD in X year
6 doesn't necessarily mean that it has to remain a PDD forever, otherwise we'd never
7 rezone any parcel.

8 MS. CAIRNS: Well, I know but the fact is that in the particular area outside of
9 this one specific parcel to make this thing GC is completely incompatible with what's
10 around it. Is it compatible with what's on this parcel? Sure. But is that our question?
11 No. Our question is what does it do the surrounding area, what is the impact on the
12 whole community? Is it appropriate to take this one parcel and make it GC and the Staff
13 offers that it's not.

14 MR. TUTTLE: Right.

15 MS. CAIRNS: So, you know, is it in this situation because of the existing
16 structure, can it easily be perceived as a hardship? Yeah, but that's not – you know, so
17 that's the thing is had the area started to grow up and it was a natural evolution that this
18 – but it's not there yet.

19 MS. ALMEIDA: Not yet.

20 MR. TUTTLE: Well, I mean, you could argue that the applicant perceives that
21 there's a need for this and therefore, it has grown up and it would be a reasonable use
22 of the land. I mean, he's certainly not going into this business because he thinks it's not
23 going to be used.

1 MS. CAIRNS: Well, I know but the issue for us to look at as a land use is what's
2 the impact on the surrounding areas?

3 MR. WILLIAMSON: Has the highway changed, Garners Ferry changed zoning
4 as it passes certain parts of -

5 MS. CAIRNS: Roads aren't zoned. Roads themselves aren't zoned.

6 MR. WILLIAMSON: Well, I didn't know, I figured I'd ask.

7 MS. CAIRNS: Yeah, it's just the land uses adjacent to them get zoning.

8 MR. WILLIAMSON: That's - alright.

9 MR. TUTTLE: So Anna, as a procedural question, if the applicant wanted to look
10 at a rural commercial zoning, he would have to withdraw this and start over and be
11 reposted. There's no way to do that at this particular meeting?

12 MS. ALMEIDA: Correct.

13 MR. TUTTLE: Is that correct?

14 MS. ALMEIDA: Correct. Even though it would be a down zoning, one can
15 consider it a down zoning, it's still public notice would need to be given. Absolutely.

16 CHAIRMAN PALMER: And if the applicant withdraws, how long does he then
17 have to wait to make reapplication?

18 MR. TUTTLE: Well, it's a new application entirely isn't it?

19 MR. PRICE: I believe according to the Planning Commission Rules, they have to
20 wait 60 days.

21 CHAIRMAN PALMER: Right.

22 MR. PRICE: However, they are your rules, so you can waive or suspend them
23 as a Body.

1 CHAIRMAN PALMER: Okay.

2 MR. TUTTLE: Is, the interpretation of that, is any subsequent application on a
3 parcel or if they've made an application in a different zoning classification, would that
4 not be a completely new application?

5 MS. CAIRNS: Can they just amend this application in other words and come
6 back?

7 MR. TUTTLE: Well, no what I'm saying is if they changed and came back under
8 this new classification, my interpretation would be that's a completely new thing and the
9 60 days wouldn't apply. I understood if you withdrew and you came back with the same
10 argument that you had to wait 60 days.

11 MR. PRICE: Actually if –

12 CHAIRMAN PALMER: If we deny it, I think –

13 MR. PRICE: I think usually if it's withdrawn, you can't come back. Once it gets
14 to County Council level, that's with – if y'all have denied you have to wait, I'm sorry,
15 denied, you have to wait a year. If it's withdrawn you can come back with a different
16 request in 60 days, but that's according to the rules of the Planning Commission.

17 MR. TUTTLE: So, then you said this Body has a mechanism by which we could
18 amend those rules, but if there's not a question before us, how can we amend the
19 rules? What would the procedure be for that?

20 MR. PRICE: Um, gee, it would be nice to have legal counsel here. Now, as I
21 believe in the particular case, he could make application, we could bring it before you
22 and we will point out to you that it doesn't meet the requirements but then you can make
23 the decision as to whether to waive it or not.

1 MS. CAIRNS: I gotcha. Yeah, that makes sense.

2 CHAIRMAN PALMER: But because we can't make the decision now to
3 recommend, and I'm not saying that anybody would do this, but to recommend denial of
4 GC but recommend something else? Does the Planning Commission have the authority
5 to do that?

6 MR. PRICE: To recommend something else?

7 CHAIRMAN PALMER: Because the Planning Commission can initiate rezonings
8 on its own.

9 MR. PRICE: Correct. But I mean, are y'all preparing as a Body to vote to
10 recommend –

11 CHAIRMAN PALMER: I'm just asking that as a procedural question.

12 MS. CAIRNS: I think the caution would be just not having the feedback based on
13 other zoning. I mean, granted it's a subtle change – but I mean.

14 CHAIRMAN PALMER: Right.

15 MS. CAIRNS: In essence we'd just be stepping out into the abyss to make a
16 decision without really knowing all –

17 CHAIRMAN PALMER: We have all of the information in front of us as it applies
18 to this parcel. All the information, and I make my decision based on the parcel, and I
19 know what's allowed in GC, what's allowed in RC and NC so, the information on the
20 parcel won't change.

21 MS. MCDANIEL: Wouldn't there a problem with notice to the public?

22 MR. PRICE: I think so.

23 MS. CAIRNS: Well, that's why we couldn't vote on – a difference.

1 MS. ALMEIDA: That's one thing that would concern me.

2 MS. CAIRNS: Right.

3 CHAIRMAN PALMER: But it was published, it was –

4 MS. ALMEIDA: As GC.

5 CHAIRMAN PALMER: But as a rezoning.

6 MS. ALMEIDA: Correct.

7 MR. PRICE: Right.

8 MS. CAIRNS: But to a specific.

9 MR. PRICE: But you have to understand Mr. Palmer, too, excuse me, Chairman
10 Palmer, if someone calls in and they ask what is the property being rezoned to and what
11 is the request, not necessarily in the particular case, any case, and we tell them is what
12 they're requesting, and they say, well, what are the allowed uses, we can tell them.
13 That may make them feel at ease, they may not feel a need to come in, whereas
14 another zoning designation may cause them some concerns, that's why we can repost it
15 and re-advertise the property.

16 CHAIRMAN PALMER: I'm just looking at in the future, just for procedural issues,
17 and if we could do that in the future, I'd just like to get the answer to question. I'm not
18 saying that that's what's going to occur today.

19 MR. PRICE: To be able to amend it on the fly, kind of here?

20 CHAIRMAN PALMER: That's right. And also the technical point of, I know we
21 have to advertise to the public as a rezoning, do we technically have to advertise what
22 it's going to?

23 MS. ALMEIDA: We do.

1 CHAIRMAN PALMER: And not just that's going to be rezoned.

2 MS. ALMEIDA: Correct.

3 CHAIRMAN PALMER: Okay.

4 MR. TUTTLE: Mr. Chairman, it was brought to my attention that the time period
5 would probably become less important because we don't meet in August.

6 MS. CAIRNS: Oh, good.

7 MR. TUTTLE: So, that, that helps a little bit anyway so if the applicant were to
8 choose to amend and come back it -

9 MS. ALMEIDA: And neither does Council.

10 MR. WILLIAMSON: I've got one question. If you've already posted the sign
11 there for 15 days prior to this meeting and it said GC, and you're going for something
12 less that is a less broad amount of what I could do with it, why do I have to go through
13 all of this again, do I just wait until the 27th and go in front of County Council [inaudible]?

14 MS. ALMEIDA: No we have to -

15 MR. WILLIAMSON: What did I pay my money for then?

16 MS. ALMEIDA: It's just that we have to let the public know what it's being
17 rezoned to. And if, you know, if the desire is to change it away from GC, we have to
18 repost.

19 MR. TUTTLE: Yeah, just, and I won't be specific to this case because that might
20 not be appropriate but just in general, so I understand, if the applicant got an up or
21 down vote today and got a down vote, he couldn't come back on his parcel for a year?

22 MS. ALMEIDA: It would go to County Council.

23 MR. TUTTLE: Yeah, but assuming County Council -

1 MS. ALMEIDA: Council denied –

2 MR. TUTTLE: - denied it, then it would be year before he could come back.

3 MR. PRICE: For the same request.

4 MS. ALMEIDA: For the same request.

5 MR. TUTTLE: The same request.

6 MS. CAIRNS: But if we did a down vote today and he withdrew before Council,
7 then he's still in that 60 day thing.

8 MS. ALMEIDA: Correct.

9 MR. TUTTLE: So in essence, someone could see their hand and choose to
10 withdraw before Council?

11 MS. ALMEIDA: Correct.

12 CHAIRMAN PALMER: Or in this case, since they can't come back until
13 September anyhow, they might as well see how Council votes?

14 MR. WILLIAMSON: Exactly [inaudible].

15 MS. ALMEIDA: But then you'd have to pay again.

16 CHAIRMAN PALMER: Yeah. In this case, if you withdraw you wouldn't have to
17 pay again for the rezoning but if you got denied at the Council level, you do the whole
18 process over again with fees and all that kind of stuff.

19 MR. WILLIAMSON: Well, I'll take the gamble [inaudible].

20 CHAIRMAN PALMER: I understand.

21 MR. WILLIAMSON: So if that's what my odds are –

22 CHAIRMAN PALMER: I understand.

1 MR. WILLIAMSON: - I might get rezoned from the other to keep from paying
2 another filing fee. If you come up front and told me I had to do seven appeals to make
3 it \$700 for seven appeals just to get it zoned, sure I'd give you \$700 right off the
4 [inaudible].

5 CHAIRMAN PALMER: Yeah, that's just –

6 MR. WILLIAMSON: [inaudible] patience.

7 CHAIRMAN PALMER: That's – I understand what you're saying and I'm not
8 faulting you for what you're saying. I just – we just need to know how we're going to
9 proceed forward and to give you your options as the applicant. You know, we take a
10 vote; we're a recommending Body to County Council. County Council has a say and
11 they can do and oftentimes do go against what we say or whatever, they do what they
12 want to do.

13 MR. WILLIAMSON: Yes, sir.

14 CHAIRMAN PALMER: But, you know, if they vote no, you can't come back in for
15 one year for that same zoning classification and we don't meet in August and Council
16 doesn't meet in August, we take one month off so it would be September again before
17 you come back in front of us.

18 MR. WILLIAMSON: Yes, sir.

19 CHAIRMAN PALMER: Really either way around it, whether you withdraw or if
20 you go in front of Council.

21 MR. TUTTLE: That being said Mr. Chairman; I'd like to make a motion on Case
22 No. 10-18 MA with a recommendation of approval to County Council.

1 CHAIRMAN PALMER: We have a recommendation of approval from PDD to
2 GC. Do we have a second?

3 MS. CAIRNS: Hang on a second.

4 MS. ALMEIDA: Yeah, I need findings of fact.

5 MR. TUTTLE: I thought we had to wait to see if the motion carried or not.

6 MS. ALMEIDA: Oh, I'm sorry. I thought you were making a motion.

7 MR. TUTTLE: I did make a motion, but I thought if it doesn't survive, I don't have
8 to justify it, right?

9 MS. ALMEIDA: I'm sorry?

10 MR. TUTTLE: That's the way we've always done it in the past, I thought.

11 MS. ALMEIDA: No, if it's against Staff recommendation, you have to also give
12 your findings.

13 MR. TUTTLE: I believe the existing zoning is too restrictive and I do believe that
14 it would be compatible and in similar uses to what's been on the property for the last X
15 years.

16 MS. ALMEIDA: Can you repeat that again, I'm sorry.

17 MR. TUTTLE: I'm not sure I can, Anna. [laughter]

18 MS. ALMEIDA: The existing uses. Existing zoning is too restrictive –

19 MS. CAIRNS: It's too restrictive and that the –

20 MR. TUTTLE: It's too restrictive and the property's been used to in a similar
21 manner to what's being proposed and I do believe it's compatible with the area with the
22 growth that's taken place since the PDD was put in place.

1 CHAIRMAN PALMER: I have a question. Just so all the options are put on the
2 table before we ask for a second. We could have a special called meeting for a specific
3 case and give a 24 hour notice of some sort, could we not?

4 MS. ALMEIDA: Correct.

5 CHAIRMAN PALMER: To get this on Council's agenda for August, the Zoning
6 Public Hearing.

7 MS. ALMEIDA: They're not meeting in August.

8 CHAIRMAN PALMER: Not in August, for this month. This month.

9 MR. PRICE: No. Well –

10 MS. CAIRNS: You'd have to repost it though.

11 MR. PRICE: Well, because the property has to be advertised 15 days in
12 advance of the Zoning Public Hearing and while it's already been sent to the
13 newspaper, I believe, posted on Monday the actual request would be different. Cause
14 it's been posted, it's advertised as a GC zoning.

15 CHAIRMAN PALMER: There's no way for us to have a special called meeting
16 tomorrow and have it on Council's –

17 MR. PRICE: For a Text Amendment, you can have a 24 hour meeting. If it's
18 going to be a Map Amendment, where the public will have some input, you have to give
19 10 days, that's according to your rules.

20 CHAIRMAN PALMER: We could waive our rules again?

21 MS. CAIRNS: Not with public notice.

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

23 MR. PRICE: Well –

1 CHAIRMAN PALMER: They're our rules again.

2 MR. PRICE: I mean, there's – that's within the rules or procedure for the
3 Planning Commission.

4 CHAIRMAN PALMER: Is that state law?

5 MR. PRICE: I would have to –

6 MS. ALMEIDA: We'd have to check that.

7 MS. CAIRNS: I think it's a horrendous precedent.

8 CHAIRMAN PALMER: I'm just wondering.

9 MR. PRICE: Yeah, and –

10 MS. CAIRNS: No, I mean, I just think then we would have, we would be
11 expected to do that potentially every time when we have a little bit of a glitch. How
12 would you justify doing it on –

13 CHAIRMAN PALMER: I don't know if we expect it. I'm just asking.

14 MS. CAIRNS: Yeah.

15 CHAIRMAN PALMER: That's all I'm doing. So, okay. So we have a motion for
16 approval, is there a second? The motion dies for lack of a second. Do we have another
17 motion?

18 MS. CAIRNS: I make a motion that we send Map Amendment 10-18 MA forward
19 to Council with a recommendation for denial.

20 MR. WESTBROOK: I'll second.

21 CHAIRMAN PALMER: We have a motion and a second. And just so I'm on the
22 Record, I know this parcel is not rural. I do not think rural is the classification for this
23 property. It's on a four-lane center divided highway; it has current structures on it. I'm

1 just not convinced that general commercial is the zoning classification necessary for it. I
2 think there's another classification possibly within our use matrix that could be better
3 suited for the parcel that I'd like to see put on it. And that's the reason that I'm
4 supporting the recommendation for denial. Any other things, any other comments? All
5 those in favor of the motion, please signify by raising your hand? All those opposed?

6 *[Vote: 6:1 to deny; absent: Manning, Mattos-Ward]*

7 CHAIRMAN PALMER: And we're a recommending Body to Council, like I told
8 you before. This will go in front of Council, on July 27th at 7:00 pm, same place. So, if
9 you want to hear any more about the options, you get with Anna or Geo and they'll
10 explain it to you probably much better than I could as to what the steps are and so forth,
11 so it will go to Council on the 27th. Thank you.

12 **CASE NO. 10-19 MA:**

13 MS. ALMEIDA: Yes, Mr. Chairman and Planning Commission Members, the
14 Applicant, Robert Lapine, property owner, Parklane Investment. The location of the
15 property's on Parklane Road. The acreage of the site is approximately 3.5 acres,
16 currently zoned M-1. The applicant is requesting a general commercial zoning. The
17 property had been rezoned back in 1993 from RU to M-1. The parcel has
18 approximately 92' of frontage on Parklane Road. The Level of Service on Parklane
19 Road is a Level of Service B. No planned or programmed improvements for that road.
20 Staff feels that the rezoning would be compatible with the surrounding land uses. The
21 character of the area is mostly commercial office and residential uses. The property
22 was previously utilized as an appliance repair center for Sears, if that rings a bell. And
23 there is an existing 20,437 square foot building on the site currently. South of the

1 subject property, you have property zoned GC or rezoned GC, RU to the south of the
2 site, to the west we have the South Carolina State Archives Building and the State Park
3 Health Center which contains office and institutional uses. Currently, there are no
4 industrial uses or businesses located in the immediate area surrounding the parcel.
5 The subject site is currently zoned M-1 and would permit uses that would not be in
6 character also with the surrounding area. These uses could include manufacturing,
7 paper products, etc. The Dentsville Fire Station is located on Fire Lane approximately
8 1.5 miles south of the parcel, two fire hydrants located on the parcel. We feel that the
9 proposed rezoning would not have a negative impact on public services or traffic.
10 Water is provided by the City of Columbia, sewer by the East Richland County Public
11 Service District. And Staff is recommending approval.

12 CHAIRMAN PALMER: Any questions for Staff? We have four signed up to
13 speak, all for this rezoning. And if you would, just take the podium in order: Patrick
14 Chambers, Benjamin Kelly, Brian Muller and Rob Lapine. And if you would, give your
15 name and address for the Record, we'd appreciate it. Thank you.

16 **TESTIMONY OF ROBERT LAPINE:**

17 MR. LAPINE: My name is Robert Lapine, 217 Camden Chase, Columbia, and
18 I'm the agent, one of the agents representing the private school that's going to buy the
19 property. If you have any questions, I've got the representative from the school here,
20 Patrick, who also represents the seller of the property. So, if you have any questions,
21 I'd be happy to answer them.

22 CHAIRMAN PALMER: And I guess everyone else, Mr. Chambers, would you
23 like to say anything or –

1 MR. CHAMBERS: I'm just for it; I represent the land owner along with Ben Kelly.

2 CHAIRMAN PALMER: Right. Mr. Kelly, the same?

3 MR. KELLY: The same.

4 CHAIRMAN PALMER: Mr. Muller.

5 **TESTIMONY OF BRIAN MULLER:**

6 MR. MULLER: I live at 3534 Greenway Drive in Columbia, 29206 and I'm the
7 principal of the school.

8 CHAIRMAN PALMER: Okay. Well, I think this is a classic example of what we'll
9 be talking about later in our meeting that M-1 is somewhat taking care of itself in kind of
10 the rezoning and as the uses dictate themselves, they come in and more times than not,
11 ask for an appropriate rezoning for the area in which they're looking to go in and it's just
12 I think a great example of that, in my opinion. I would certainly be in favor of it. I can't
13 make a motion though.

14 MR. TUTTLE: Alright. I'd like to make a motion that Case No. 10-19 MA be sent
15 forward to Council with the recommendation for approval.

16 MR. GILCHRIST: Second, Mr. Chairman.

17 CHAIRMAN PALMER: We have a motion and a second together. Discussion?
18 All those in favor, please signify by raising your hand.

19 *[All approved; absent: Manning, Mattos-Ward]*

20 CHAIRMAN PALMER: And again, we're a recommending Body to the Council;
21 they meet here on the 27th at 7 o'clock.

22 **CASE NO. 10-20 MA:**

1 MS. ALMEIDA: Mr. Chairman and Planning Commission, the applicant Mark
2 James, the property owner Tucker Oil Company, Inc. This property is located on the
3 intersection of Bluff Road and Blair Street. The acreage of the site is 1.02, existing
4 zoning is M-1 and the request is for GC. The parcel contains approximately, well 200'
5 of frontage along Bluff Road and 225' along Blair Street. The proposed Level of Service
6 or the Level of Service of Bluff Road has been operating at an LOS of B. There are no
7 planned or programmed improvements for Bluff Road. Staff has analyzed and visited
8 the site and feels that is compatible with the surrounding land uses. East of the parcel
9 is multi-family development, Copper Beach Townhomes that you all should be familiar
10 with, approximately 26 acres. The property was successfully rezoned from a heavy
11 industrial zoning district to an RMMD zoning district. Additionally, there is a 5.46 acre
12 property owned by Copper Beach that was also approved in 2007, again from the heavy
13 industrial to the residential use. Abutting the parcel to the southwest is another
14 residential development which is somewhat surrounding this parcel. It is called The
15 Retreat, if any of you are familiar with that. And the parcel, the subject parcel of The
16 Retreat is contiguous to the City of Cayce. Staff feels that due to the size of the subject
17 parcel, any development would be constrained by setbacks and buffers. The general
18 commercial zoning district requires 25' of frontage and 10 rear yard setbacks. The light
19 industrial, which is the M-1, however, does not permit parking. The current zoning does
20 not permit parking in any setback and that would further limit that parcel in what they
21 want to do. Therefore, the Applicant is requesting the GC zoning district. The Industrial
22 Park Fire Station is located on A Street, roughly 1.2 miles southeast of the parcel, there
23 is a fire hydrant located west along Bluff Road. We feel that the proposed rezoning

1 would not have a negative impact on public services or traffic. Water and sewer is
2 provided by the City of Columbia and Staff is recommending approval.

3 CHAIRMAN PALMER: Any questions for Staff? Mark James?

4 **TESTIMONY OF MARK JAMES:**

5 MR. JAMES: My name is Mark James, 5046 Courtney Road, Columbia, and I'm
6 the developer of this project and I believe Anna has pretty well covered what we're
7 doing and the reason we're here. And I'm available here to answer any questions, if
8 you have any.

9 CHAIRMAN PALMER: Any questions for Mr. James? Thank you. This is pretty
10 much my opinion the same as before, M-1 –

11 MS. ALMEIDA: I want to also point out that, you know, we do have the
12 requirement for the two acre, but it's contiguous across the street. So, they're able to
13 rezone.

14 CHAIRMAN PALMER: And just for my information, are those parcels, if you
15 have two individual tax map sheet numbers, can you combine those to meet the
16 minimum requirement?

17 MS. ALMEIDA: Sure.

18 CHAIRMAN PALMER: So, even if there's no, there's no general commercial
19 around it, but two parcels come in that are combined are over the requirement -

20 MS. ALMEIDA: Over it, you're right.

21 CHAIRMAN PALMER: - then, you'll be fine.

22 MS. ALMEIDA: Two acres or more, um-hum (affirmative).

23 CHAIRMAN PALMER: Okay.

1 MS. CAIRNS: But do they, I mean, I'm just curious, do they have to be combined
2 or can you, I mean, could you bring in three, one acre parcels and say I want to rezone
3 all three so that meets the two acre minimum?

4 MS. ALMEIDA: We'll accept that that way. Yeah.

5 MS. CAIRNS: That's what I thought, yeah.

6 MS. ALMEIDA: We've had -

7 CHAIRMAN PALMER: We had one off earlier off of Garners Ferry, that was one
8 of the questions I had about that was did it meet the requirements. Let's not get off on
9 that.

10 MS. CAIRNS: Okay.

11 MS. ALMEIDA: Okay.

12 CHAIRMAN PALMER: Sorry. Any motions?

13 MR. GILCHRIST: Mr. Chairman, I make a motion that Case No. 10-20 MA move
14 forward to Council with approval.

15 MR. TUTTLE: Second.

16 CHAIRMAN PALMER: We have a motion and a second. All those in favor,
17 please signify by raising your hand.

18 *[All approved; absent: Manning, Mattos-Ward]*

19 CHAIRMAN PALMER: Okay, Mr. James, the 27th.

20 MR. JAMES: Thank you.

21 CHAIRMAN PALMER: Back to the other discussion, so they can stay separate
22 tax map sheet numbers, they don't have to combine under one tax map number.

23 MS. ALMEIDA: Correct, as long as you can get -

1 CHAIRMAN PALMER: As long as they come in together and apply.

2 MS. ALMEIDA: A total of two.

3 MR. PRICE: [Inaudible].

4 CHAIRMAN PALMER: Okay.

5 MS. ALMEIDA: We've had several on the lake where you have several
6 residential parcels that want to be rezoned and you get your neighbors together and you
7 can do that.

8 MS. CAIRNS: Yeah, but that's probably where we've seen it, over on the lake.

9 MS. ALMEIDA: Yes.

10 CHAIRMAN PALMER: Right.

11 MS. CAIRNS: Yeah.

12 **CASE NO. 10-21 MA:**

13 CHAIRMAN PALMER: Okay. Case No. 10-21 MA?

14 MS. ALMEIDA: Yes, Mr. Chairman and Planning Commissioners, the applicant
15 is Benjamin Kelly, III, property owner RDS Associates. The location of the site is
16 Clemson Road and Long Green Parkway. The acreage of the site is 4.5, the existing
17 zoning is HI. The proposed zoning request is GC. The HI zoning district has been in
18 effect since the beginning of zoning –

19 MS. CAIRNS: Since the beginning of time?

20 MS. ALMEIDA: - since the beginning of time, since the originally adopted in
21 1977. The parcel contains 400' on Clemson Road and 475' of frontage on Long Green
22 Parkway. The Level of Service on Clemson Road is a Level of Service C; it is
23 considered a minor arterial. Staff feels that the proposed rezoning would be compatible

1 with the surrounding land uses. We find that the character and the services provided in
2 the immediate area of the parcel are residential and general commercial in nature. The
3 parcel is contiguous to the north to Residential Multi-Family High Density. Moving north
4 of the site on Long Green Parkway, there are a number of subdivisions including
5 Landings Place, Heather Green. The subdivisions are a part of a larger PDD. Long
6 Leaf Middle School's located .25 or a quarter mile north of the subject property along
7 Long Green Parkway. Surrounding the area of heavy industrial district, really that
8 zoning district is not reflective of the uses on those parcels. Northwest of the site is
9 Sam's Crossing Development, that contains a number of commercial uses including gas
10 stations, banks, fast food restaurants, a church, home improvement store and three
11 chain pharmacies. The closest fire station is Killian Fire Station on Farrow Road
12 roughly .4 miles south of the parcel. We feel that the proposed rezoning would not have
13 a negative impact on public services or traffic. Water and sewer is provided by the City
14 of Columbia. And Staff is recommending approval.

15 CHAIRMAN PALMER: We don't have anyone signed up to speak. Mr. Kelly,
16 would you like to speak?

17 **TESTIMONY OF BEN KELLY:**

18 MR. KELLY: Only if [inaudible]. I'm Ben Kelly, 1492 Fulmer Road, Blythewood,
19 South Carolina. Here on behalf of the property owner RDS Associates. I think Staff has
20 explained the parking issue relative to the HI zoning versus General Commercial. I
21 think most of the other uses in the area were able to accommodate the use with larger
22 setbacks but this site has been much more difficult to lay out under HI zoning.

23 CHAIRMAN PALMER: Any questions for Mr. Kelly?

1 MS. CAIRNS: No.

2 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that Case No. 10-21 MA
3 be sent forward to Council with the recommendation for approval.

4 MR. GILCHRIST: Second.

5 CHAIRMAN PALMER: All those in favor, please signify by raising you hand.

6 *[All approved: absent: Manning, Mattos-Ward]*

7 CHAIRMAN PALMER: None opposed.

8 MR. KELLY: Thank you.

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

10 CHAIRMAN PALMER: Case No. 10-22 MA.

11 MS. ALMEIDA: Mr. Chairman, Planning Commissioners, the applicant Butch
12 Barr, property owner Mr. Robert Shealy and Daniel Golsby. The location of the
13 property is on Bluff Road, the acreage is .35 acres, existing zoning is HI. Proposed
14 zoning request is general commercial. The zoning of HI is the original zoning of the
15 property since 1977. The parcel contains approximately 93' of frontage along Bluff
16 Road. The Level of Service along Bluff Road is currently at a Level of Service B. The
17 proposed rezoning we feel would be compatible with the surrounding land uses. Just to
18 give you a perspective, west and north of the parcel is Stadium Place which provides
19 game day parking and activities centered on the University of South Carolina Football
20 Stadium. East of the subject parcel is existing commercial businesses which specialize
21 anywhere from home appliances and home builders and remodeling contractors, south
22 of the parcel is the South Carolina National Guard Armory. There is an existing 2,648
23 square foot heated building located on the site currently. The previous use of the

1 subject property was for a janitorial and security service. Due to the size of the subject
2 parcel, we feel that any development would be constrained by setbacks and buffers.
3 Again, the setbacks for HI are pretty restrictive and of course, they don't allow for
4 parking in the setbacks, so we feel it would be difficult to have redevelopment take
5 place on the site. Regarding the minimum two acre eligibility requirement, the subject
6 parcel qualifies because it would be an addition to the general commercial that is
7 contiguous to the industrial zoning district north of the subject parcel. The parcel is
8 located along an arterial road with existing access onto Bluff Road. There is a Fire
9 Station Industrial Park located on Ferguson Street roughly one mile west of the parcel.
10 There is a fire hydrant located east along Bluff Road; the proposed rezoning would not
11 have a negative impact on any of the public services or traffic. Water and sewer
12 provided by the City of Columbia. And Staff is recommending approval.

13 CHAIRMAN PALMER: Any questions for Staff? Ben Kelly followed by Patrick
14 Chambers and followed by Robert Shealy.

15 AUDIENCE MEMBER: I think we're on the wrong sheet.

16 CHAIRMAN PALMER: Sure you don't want to say something? You too Mr.
17 Chambers, wrong sheet?

18 MR. CHAMBERS: Yeah, I [inaudible] it myself.

19 CHAIRMAN PALMER: Robert Shealy?

20 **TESTIMONY OF ROBERT SHEALY:**

21 MR. SHEALY: My name is Robert Shealy and I'm at 14 Tennis Court in Chapin,
22 South Carolina, and I own the property with my business partner Dan Goolsby. And our
23 intent is for this property to be sold to the Waffle House to put up a little restaurant.

1 CHAIRMAN PALMER: Okay, any questions for Mr. Shealy? Thank you. I can
2 see where y'all got confused. Okay, I've got it now. Just give me one minute. I just
3 have one question Anna. I guess this is all the same parcel with this property to the
4 north I guess is some sort of parking structure, I guess. Right? For maybe the games
5 or something?

6 MS. ALMEIDA: Yes.

7 CHAIRMAN PALMER: Is that a different tax map sheet number than what we're
8 asking about here?

9 MS. ALMEIDA: I cannot answer that question.

10 MS. CAIRNS: Those parking lots are all individual tax map numbers.

11 MS. ALMEIDA: This .3 is showing up as one.

12 CHAIRMAN PALMER: I'm just wondering how we meet the contiguous part of
13 this.

14 MR. PRICE: Actually, according to the Code, you can request a zoning which is
15 GC either contiguous with the industrial district.

16 CHAIRMAN PALMER: Industrial District?

17 MR. PRICE: Yes.

18 CHAIRMAN PALMER: Okay. That's the only question I had.

19 MS. ALMEIDA: And I'll also point out that the City of Columbia is creeping up
20 pretty quickly, probably about two parcels northwest, so soon enough.

21 MR. GILCHRIST: Mr. Chairman, I'd like to make a motion that Case No. 10-22
22 MA be moved forward to Council with approval.

23 MR. WESTBROOK: I'll second.

1 CHAIRMAN PALMER: We have a motion and a second. All those in favor,
2 please signify by raising your hand.

3 *[All approved; absent: Manning, Mattos-Ward]*

4 CHAIRMAN PALMER: None opposed. Ready to keep moving with the Text
5 Amendments?

6 MS. CAIRNS: A break?

7 CHAIRMAN PALMER: Two minutes.

8 *[BREAK]*

9 CHAIRMAN PALMER: Call the meeting back to order. Text Amendments, No.
10 1, Anna.

11 MS. ALMEIDA: Yes, Mr. Chairman, we have really two Text Amendments but
12 the first Text Amendment has to do with Section 26-22 definitions. Staff felt that we
13 needed to be as specific as possible of the different definitions of defining dormitories,
14 hotels, motels, transient lodging and primary campus. We have Geonard Price, our
15 Zoning Administrator that will be here to answer any questions and possibly explain
16 anything you might need but it's pretty straightforward, the definitions of all those words.

17 CHAIRMAN PALMER: Mr. Price?

18 MR. PRICE: I concur with Ms. Almeida. And also one of the definitions that y'all
19 did not have last time but it was, the request was primary campus, so that definition has
20 been added and also one of the reasons why we pulled it, we didn't want this one
21 necessarily attached to the other ordinance because if the other one got turned down,
22 so would this part.

1 MS. CAIRNS: I just, I have one question about the definition of dormitory.
2 Cause at the very end it says for living and sleeping but not for cooking purposes. I just
3 think it's an odd way to define it and I was thinking that basically to me what makes a
4 dormitory different is that I would basically strike the "not for cooking purposes" and say
5 something along the lines that "they're not fully self contained residential units". I mean,
6 cause sometimes it's because they don't have a rest room, sometimes it's because they
7 don't have cooking or sometimes cause if they only have limited – I mean, it's like but
8 they're not fully self contained residential units.

9 MS. ALMEIDA: Your dormitory room does not on average have a bathroom or a
10 cooking facility.

11 MS. CAIRNS: I know but they do vary a lot and I'm not sure that's what – but I
12 mean, so if somebody put a cooking facility in there, would it suddenly not be a dorm?

13 MS. ALMEIDA: Well, I don't think we would consider a hot plate, a cooking
14 facility.

15 MS. CAIRNS: I know, but I mean, that's – but I mean, if it didn't have a bathroom
16 under this it still could become non-classified as a dorm. I think most people would
17 think a bathroom down the hallway is sort of the definition of a dorm? But I know some
18 dorms have restrooms attached.

19 MS. ALMEIDA: They do.

20 MS. CAIRNS: And so that's why, I was just trying to look for a definition that
21 didn't specifically hinge on cooking yet somehow tried to say they're not fully self-
22 contained residential units. I mean, however why they fail, but they fail as such. That's

23 –

1 MR. PRICE: Suggestions welcome.

2 MS. CAIRNS: That's all. I just didn't like what limited it to being a dorm was the
3 cooking.

4 MS. ALMEIDA: Is that agreeable to all the Commissioners? That possibly
5 striking "but not for cooking purposes" and adding "not fully self-contained cooking
6 facilities" –

7 MS. CAIRNS: Residential units.

8 MS. ALMEIDA: Residential units?

9 CHAIRMAN PALMER: Could you mention that again Anna, I'm sorry.

10 MS. ALMEIDA: Staff is, as per Ms. Cairns request, if "but not for cooking
11 purposes" is stricken and adding "not fully self-contained residential facilities".

12 MS. CAIRNS: But are not. Yeah, but are not.

13 MS. ALMEIDA: But are not. "But are not fully self-contained residential
14 facilities".

15 MS. CAIRNS: Because, I mean, you guess, you also get into the phenomenon
16 that sometimes universities operate apartments.

17 MS. ALMEIDA: Suites.

18 MR. MANNING: But I mean, they operate apartment some times, like for married
19 couples, traditionally.

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

21 MS. CAIRNS: So it's like, is that going to be a dorm if it's an apartment that just
22 happens to be operated by the University? And I would say that it's not a dorm if it's an
23 apartment that's operated by the University. Those are apartments.

1 CHAIRMAN PALMER: Right.

2 MS. CAIRNS: I mean, cause usually, the University wouldn't, you know, but I
3 mean that's, you know, we get into this – or do we simply want to say that it's housing
4 provided by University period, and therefore, it's a dorm? You know, which would
5 encompass all the apartments that campuses sometimes run for students?

6 CHAIRMAN PALMER: No.

7 MS. CAIRNS: No? I know but that's, I mean –

8 CHAIRMAN PALMER: Right.

9 MS. CAIRNS: - it's a very fluid concept, that's all.

10 MR. TUTTLE: Walk me back to the amendments, is it related to the restrooms?

11 MS. CAIRNS: We're not saying anything specific, but we're just trying to change
12 the definition of dormitory. Because I would say, reading this definition –

13 MR. TUTTLE: Right.

14 MS. CAIRNS: - the limiting is that it's operated by the school for their students
15 and then it said, "but not for cooking purposes".

16 MR. TUTTLE: Right. I got that part but what was the amended part about the
17 restrooms, that's all I want to –

18 MS. CAIRNS: I was using it as an example that sometimes a dorm -

19 MR. TUTTLE: I'm sorry, let me start over. Anna, would you read back what you
20 said about the bathrooms?

21 MS. ALMEIDA: That sometimes dorms share bathroom facilities.

22 MR. TUTTLE: Right, okay.

1 MS. ALMEIDA: And sometimes do have a cooking unit on each floor for
2 everyone.

3 MR. TUTTLE: So having an internal bathroom would not exclude you from being
4 defined as a dormitory.

5 MS. ALMEIDA: Right. Cause sometimes the architecture does change over
6 time. They'll have a bathroom per so many suites but I'd like to know if everyone's
7 comfortable with the proposed wording.

8 CHAIRMAN PALMER: Well, I mean, that's not the – you know, I understand
9 what you're saying Heather, but I mean, that's – it's not there for cooking purposes.
10 That's not what the - it's almost like an exception, you know, the hot plate issue or the
11 microwave or whatever, I mean, that's just an ancillary use that goes on there but what I
12 think the Staff is saying is that it's not, that can't be one of the uses that go on there, is a
13 primary use of it to be cooking. Like you can't have a kitchen, is what you're saying –
14 full service.

15 MS. ALMEIDA: I think but not as proposed “but not fully self-contained
16 residential units” so a self-contained residential unit would have a kitchen and
17 bathroom.

18 MS. CAIRNS: Right but, I mean, what I'm saying is arguably if an academic
19 institution had a building that had multiple units intended residents, but they put full cook
20 kitchens in them, they would then not be a dormitory, under this. If the definition of a
21 dormitory is operated by the University for the students, and you can't cook in it, well
22 okay – I'll make it so you can cook in it and guess what? I don't have a dorm.

23 CHAIRMAN PALMER: I understand what you're saying.

1 MS. CAIRNS: Yeah. And so that's why I'm trying to say, okay let's just say that
2 it's operated by the University for its students and they aren't fully self-contained, you
3 know, or we just eliminate that and say if an academic institution operates housing for a
4 student, it is a dorm regardless – well then we just strike all of the end. But that would
5 pick up apartments.

6 CHAIRMAN PALMER: Can something like that be done through addressing, that
7 it doesn't have its own address or something? Wouldn't the apartments have their own
8 address through 911 and dormitories would not?

9 MS. ALMEIDA: Apartments do have their own.

10 MS. CAIRNS: But that would be a Post Office [inaudible]. I mean, that's –

11 CHAIRMAN PALMER: I'm saying that's a way to differentiate it that it would not
12 have its own – and we'd get away from what all's in there, and it's just not its own –

13 MS. CAIRNS: But I think since we're a use based body, I kind of have a strange
14 time turning to the post office's definition of –

15 CHAIRMAN PALMER: Well, we have it now on the [inaudible]?

16 MS. CAIRNS: But I mean, you can – you're saying like a boarding house, the
17 post office isn't going to give individual addresses, but with apartments they will.

18 CHAIRMAN PALMER: Right. Dormitory, you wouldn't have your individual
19 address.

20 MS. CAIRNS: But we had boxes. I mean, at my dorm, we had PO boxes. In the
21 dorm and that's what my Dad would write to.

22 MR. TUTTLE: To change gears on you, I think if you're going to put students or
23 residents or something, you also need to put and/or staff cause a lot of dormitories will

1 employ people to live in the dormitory that aren't necessarily students and I wouldn't
2 want to get caught [inaudible].

3 MR. BROWN: Mr. Chairman, backing up to what you just raised, it seems to me
4 used by enrolled residents of the institution. Because if you just leave residents, that's
5 anybody. But enrolled means enrolled or and/or employed.

6 CHAIRMAN PALMER: You want to add the word enrolled?

7 MR. BROWN: Enrolled and/or employed residents of the institution for living and
8 sleeping.

9 CHAIRMAN PALMER: Okay.

10 MS. CAIRNS: So, instead of the word residents make it enrollees and/or
11 employees?

12 MR. GILCHRIST: Enrollees and –

13 MS. CAIRNS: Well, it would be –

14 MR. BROWN: I would accept that, I was trying to get around just having a
15 blanket statement there of residents which means it could be people that have no
16 association to the institution.

17 MS. CAIRNS: Right, but it did say residents of the institution. But it's weird,
18 you're not really a resident of a university, you're more of an enrollee.

19 MR. BROWN: That's correct.

20 MS. CAIRNS: Or a student.

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

22 CHAIRMAN PALMER: Used by enrollees or employees of the institution?

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

1 CHAIRMAN PALMER: Okay.

2 MR. BROWN: You're talking about accountability there on the part of the
3 institution.

4 MS. CAIRNS: Right.

5 CHAIRMAN PALMER: So Anna, what do we have so far from the definition of
6 dormitory?

7 MS. ALMEIDA: Okay, a building or part of a building operated by an academic
8 institution containing rooms forming one or more habitable units that are used or
9 intended to be used by enrollees or employees of the institution for living and sleeping
10 but not fully self-contained residential units.

11 CHAIRMAN PALMER: Okay, that sounds good to me.

12 MR. TUTTLE: Yeah, not to split hairs with you but the one dormitory I was
13 involved in, in these particular units where they hired the older people to live in there,
14 those units did have a fully operable kitchen, so I wouldn't want you to get down the
15 road and because they have two kitchens in a building that somehow changes the
16 classification. I don't know if you want to put a "majority of them aren't self-contained"
17 or "limited to X number that are self-contained"?

18 MR. PRICE: We're comfortable as is, because when you start adding those
19 extra words and –

20 MR. TUTTLE: Okay, so if I bring a plan to you tomorrow that's similar to one that
21 we were involved in at Allen, and they have full kitchens for staff members that are to
22 live in the dorm to help supervise the students, does that classify under your definition
23 as a dormitory or not?

1 MR. PRICE: I would still say it's a dorm. Even some of the dorms I stayed in in
2 college, a resident director actually had a –

3 MS. CAIRNS: Yeah, the RD often – yeah, the RD usually gets –

4 MR. TUTTLE: Okay, I'm just – if that's the way it's interpreted, then there's no
5 problem.

6 MS. CAIRNS: But not every single room is a suite.

7 MR. TUTTLE: Well, that's – yeah, that was the point I was trying to make.

8 MS. CAIRNS: Right.

9 CHAIRMAN PALMER: Alright.

10 MS. ALMEIDA: You all comfortable? Okay.

11 CHAIRMAN PALMER: We have quite a few signed up to speak.

12 MS. CAIRNS: Wait, you want to make a motion on just this one ordinance?

13 CHAIRMAN PALMER: We have people signed up to speak on this.

14 MS. CAIRNS: Oh, on this the definitions?

15 CHAIRMAN PALMER: 26-22.

16 MS. ALMEIDA: 26-22 definition?

17 CHAIRMAN PALMER: Yep.

18 MR. PRICE: Offer a suggestion, I think we know they're here – I don't want to
19 assume - I think most of them are here for the Text Amendments as regarding, you
20 know, the permissibility of the dormitory, rather than the definition. They have signed
21 up.

22 CHAIRMAN PALMER: Right. Folks, I see that a lot of people have signed up
23 and the same folks that signed up for three different cases. The case that we're

1 discussing right now is simply to define several things in our ordinance, one of those
2 being dormitories and it's simply the definition of what dormitory means. You folks fully
3 have the right to speak to it, and we will certainly grant you those rights. But I perceive
4 that perhaps what you may want to do speak to is coming up later in the Agenda.
5 However, if you want to speak to what we have just discussed and not pertaining to
6 anything else as far as where dormitories go or any of that kind of stuff, we'll be
7 discussing that later; what we're discussing right now is simply what you can see – can
8 you pull that back up – is what you see on the screen, those definitions? And one of
9 those definitions should say that or should say something else? That's what we've been
10 discussing so, as I call your name if you'll have your comments and specifically to those
11 definitions we'd appreciate it and if you want to waive your time, you're free to. But
12 since you've signed up, I certainly want to call you and give you the opportunity to
13 speak to the issue. So, and if I butcher your name, I apologize; I'm not very good at
14 that. Nathaniel Robinson?

15 **TESTIMONY OF NATHANIEL ROBINSON:**

16 MR. ROBINSON: Might I make a suggestion? I think all of us are here to protest
17 the approval of an amendment that would allow for a dormitory to be placed in our
18 community.

19 CHAIRMAN PALMER: Okay.

20 MR. ROBINSON: So, then if the definitions is one that lends legitimacy to a
21 dormitory we would be opposed to that. Then all of us will speak to those issues given
22 the fact that if the definition for a dormitory would include that building then we stand

1 against that as well as opposed to having everybody come up and speak and say the
2 same thing.

3 CHAIRMAN PALMER: I understand, but what's in front of us right now is we
4 can't – we're not addressing that one issue.

5 MR. ROBINSON: Right.

6 CHAIRMAN PALMER: What we're addressing is, are these definitions – and if
7 you guys have any suggestions to changes to those definitions, feel free to make those
8 suggestions and we'll certainly take those under consideration.

9 MR. ROBINSON: Just let me say this for my two minutes.

10 CHAIRMAN PALMER: Yes, sir.

11 MR. ROBINSON: If the – and let me remind you that the reason these
12 amendments are being suggested or proposed is because of Benedict College's need
13 to have a dormitory to house its students. And anything that would give legitimacy to an
14 amendment that would allow for those kinds of buildings to be placed, particularly at this
15 stage, at the backend of Springwood Lakes, we are opposed to it.

16 CHAIRMAN PALMER: Right.

17 MR. ROBINSON: So, then this definition it seems to me would lend some
18 credibility to the building as it is now that would make it easier for them to use it as a
19 dormitory and I think some of the facilities within probably is the reason why you're
20 having this difficulty trying to define what a dormitory is for the purpose of housing
21 students, and we are opposed to that as well.

22 CHAIRMAN PALMER: I appreciate your comments. But what – we don't know
23 what's in any building that you're discussing. I don't know in what's in each room,

1 what's not in each room and that's really not for us to discuss especially not on this
2 case.

3 MR. ROBINSON: But if you have the general definition, that would allow for that
4 building as it exists now -

5 CHAIRMAN PALMER: I don't know what's in that building and I none of us know
6 what's in that building.

7 MR. ROBINSON: And that's our problem.

8 CHAIRMAN PALMER: Right.

9 MR. ROBINSON: So then that's -

10 CHAIRMAN PALMER: We're not taking that building into account, is what's I'm
11 telling you and we can't and we're not, so I understand what your position is but we're
12 not taking that building into account under this case.

13 MR. ROBINSON: Okay. But let me suggest to you that the reason these
14 changes and variances are being requested so as to make that building compatible with
15 what your definition would be as a dormitory. Well, then the root cause of the problem
16 is actually -

17 MS. CAIRNS: No, I mean, I would offer to you that one of the reasons why we're
18 looking at the definition of dormitory and this and that is that it is common when an issue
19 comes up that realize, I mean, just as you, I think you heard earlier when we're talking
20 about how do they calculate square footage, something comes up and we go, wow, we
21 don't have a definition for dormitory even though we consider it a specific land use. And
22 so, we go back and fix it. So that's all. So this definition of dormitory is an attempt to
23 define a dormitory just so that when we have to decide, we know what a dormitory is.

1 So you're right, it's because Benedict has requested this rezoning, but this is not
2 designed to make sure something fits or doesn't fit. The generic, I mean, this is a
3 generic definitional fix and this is something we do all the time when we realize there's a
4 gap on the whole or an ambiguity, we fix it.

5 MR. TUTTLE: Yeah, and obviously it would be impossible to have a debate on a
6 particular dormitory if you didn't understand what a dormitory was defined as.

7 MR. ROBINSON: Right.

8 MR. TUTTLE: So, therefore, we have to define it before can have a subsequent
9 debate relative to a particular ordinance.

10 MR. ROBINSON: Okay.

11 MR. TUTTLE: Thank you.

12 CHAIRMAN PALMER: Thank you.

13 MS. ALMEIDA: Mr. Chairman, I would also bring notice to the other definitions
14 that are defined in that ordinance as well that were, are not part of the Code currently.

15 CHAIRMAN PALMER: For primary campus?

16 MS. ALMEIDA: Correct. Hotel, motel –

17 CHAIRMAN PALMER: Okay. Harry Green? Mr. Green?

18 MR. GREEN: [Inaudible].

19 CHAIRMAN PALMER: Thank you. Anthony Kennedy?

20 MR. KENNEDY: I abstain.

21 CHAIRMAN PALMER: Alfonso Jacobs?

22 MR. JACOBS: [Inaudible].

23 CHAIRMAN PALMER: Kathy Locklier?

1 **TESTIMONY OF KATHY LOCKLIER:**

2 MS. LOCKLIER: I'm Kathy Locklier and I live in that neighborhood that this has
3 nothing to do with. But on the first one you've that it's a continuous area of land, so it's
4 – or contiguous whatever. So, it's saying where that body is a dormitory can I request
5 that we add within two miles of the primary campus?

6 CHAIRMAN PALMER: I think that may come up later. That will come up later
7 under the Text Amendment. This is simply to define what a dormitory is.

8 MS. LOCKLIER: Okay.

9 MS. CAIRNS: Not where it can or can't be.

10 MS. LOCKLIER: Can't?

11 CHAIRMAN PALMER: Not where it can be.

12 MS. LOCKLIER: Can't do that at this point.

13 MS. CAIRNS: It would be odd to – I know what you're saying, but it would be
14 odd to add proximity issues for what defines something being.

15 MS. LOCKLIER: Yeah, but well, that's why I pointed out on the first one though it
16 does say a proximity or whatever, it does kind of limit the, you know, where it is. So I
17 thought maybe it would, I don't know, we could get this done by just saying two miles
18 right there. Wouldn't that just be easier? Okay. That was my suggestion though, on
19 the Record that I suggest you have within two miles as the main campus.

20 CHAIRMAN PALMER: Very interesting suggestion.

21 MS. CAIRNS: It is.

22 CHAIRMAN PALMER: Sarah Murphy? Ed Bergeron? Lee Harley?

23 MR. HARLEY: [Inaudible].

1 CHAIRMAN PALMER: Nancy Harley? Linda Jones?

2 MS. JONES: Waive.

3 CHAIRMAN PALMER: Wendy Jones?

4 MS. JONES: I waive.

5 CHAIRMAN PALMER: John Jones?

6 MR. JONES: Yeah, I'd like to [inaudible] later.

7 CHAIRMAN PALMER: And Renee, I can't make out your last name.

8 RENE: [Inaudible] I'll wait.

9 CHAIRMAN PALMER: Okay. That's all who have signed up to speak on this
10 issue.

11 MR. BROWN: Mr. Chairman?

12 MS. CAIRNS: We've got a fellow how would like to recant his waive.

13 CHAIRMAN PALMER: Alfonso?

14 MR. KENNEDY: No, Anthony.

15 CHAIRMAN PALMER: Anthony Kennedy?

16 MR. KENNEDY: Yes.

17 CHAIRMAN PALMER: Okay.

18 **TESTIMONY OF ANTHONY KENNEDY:**

19 MR. KENNEDY: I'm Anthony Kennedy. I'm at 8001 Spring Pond Road. I
20 actually stay in this same neighborhood. Just looking at these definitions, I don't know if
21 I'm able to ask a question or not but, I'm just wondering if there are any other variations
22 of definitions to where these definitions came from. Like is it more than one definition to
23 say what a dormitory is?

1 CHAIRMAN PALMER: That's what we're discussing. These are the way we are
2 going to determine, we're going to define these terms within the county within our
3 ordinance, based on what we come up with here.

4 MS. CAIRNS: But your question, yeah, I mean, every land use governing
5 agency, which there are a fair number in this country, could have a definition of
6 dormitory. And I'm sure there's some variation.

7 MR. KENNEDY: Okay, and that's my thing. I didn't want to be stuck to one
8 variation and say - okay.

9 MS. CAIRNS: Oh yeah, but once we adopt one, it becomes ours.

10 CHAIRMAN PALMER: We don't go by Webster.

11 MS. CAIRNS: But the question is, you know, are there other definitions out
12 there. The answer is yes, however, once we adopt a definition, that's our definition.

13 CHAIRMAN PALMER: We go by Richland County.

14 MS. CAIRNS: At this point, we don't have an adopted definition.

15 CHAIRMAN PALMER: Right.

16 MR. KENNEDY: So Webster wouldn't be good for us.

17 CHAIRMAN PALMER: Webster is a default. If we don't define it in our own stuff,
18 then we go to Webster. But if we define it, then that's what we use. That's why we're
19 debating the way these are defined.

20 MR. KENNEDY: Alright. Thank you.

21 MS. CAIRNS: And what does Webster say? [laughter]

22 CHAIRMAN PALMER: Don't worry about. Okay.

23 MS. CAIRNS: Or Wikipedia no less? I mean, that's even better than – [laughter]

1 CHAIRMAN PALMER: [Inaudible] doesn't it?

2 MS. CAIRNS: Yeah, yeah.

3 CHAIRMAN PALMER: Okay, any other comments, questions, discussion on the
4 definitions?

5 MR. ROBINSON: Mr. Chairman, I thought I heard some corrections being made
6 to the last sentence where it says "as used by –

7 CHAIRMAN PALMER: Under dormitories?

8 MR. ROBINSON: Yes. Students and/or employees of the institution?

9 MS. ALMEIDA: Yes.

10 MR. ROBINSON: That has not been put in yet, that's the one that was proposed,
11 this one is making no suggestion.

12 MS. CAIRNS: Right.

13 CHAIRMAN PALMER: Yes –

14 MS. CAIRNS: That doesn't get changed on the fly on the screen.

15 MR. ROBINSON: Okay.

16 CHAIRMAN PALMER: We'll review it again prior to the vote. That was very
17 interesting, the comment about the proximity on the dormitories in the definition. And
18 we do define it in primary campus, I'm just throwing it out there, as a contiguous area –

19 MS. CAIRNS: But again, so what happens if you go and build something more
20 than two miles away that smells of a dormitory but yet falls outside the definition, is it
21 then barred?

1 CHAIRMAN PALMER: But I guess what you – we would just have to define
2 what, or Geo would have to make a ruling as to what that fall under our zoning
3 classification when it came in.

4 MS. CAIRNS: But I mean, that's why – but I think that's why it's better to put in
5 the use to say –

6 CHAIRMAN PALMER: I don't disagree, I mean –

7 MS. CAIRNS: - if you find this thing somewhere out there, it is a dorm, and then
8 you say, and it's only allowed to exist within these areas. But if you go out there and
9 say, oh, well here's this thing that smells like a dorm, but it's five miles from campus, oh,
10 but it can't be dorm, cause it's more than five miles, you get back caught where we are
11 now. If, you know, if you say to be deemed a dorm, you must be within two miles of
12 campus, if you're four miles off campus, what are you?

13 CHAIRMAN PALMER: Well, it's the same thing here. If – in order for you to call
14 it a dorm, it's going to have to be two, three, four miles from campus, whatever it is, in
15 order for it to be classified as a dorm under the use matrix. And then if –

16 MS. CAIRNS: No, but then now the definition would look at this thing and say,
17 you know what, this is a dorm operated by an academic institution for the students,
18 there's rooms; it's a dorm. And then you go to the use matrix and say, it's gotta be
19 within two miles or one mile or whatever the number is from campus.

20 MR. TUTTLE: Yeah, but wouldn't that get complicated? Because when you have
21 uses that aren't allowed within certain proximity of one another in the definition of that
22 use, you don't prescribe that it can't be closer than x or y to the other one.

23 MS. ALMEIDA: Normally, that's not –

1 MS. CAIRNS: It's in the use. Or it's in the -

2 MR. TUTTLE: Right. So, I'm saying, if you put in definition, then you would have
3 different -

4 MS. ALMEIDA: Yes.

5 MS. CAIRNS: Yeah. I agree it can't be in the definition.

6 CHAIRMAN PALMER: Okay.

7 MS. CAIRNS: It's an interesting concept, but I don't think it works.

8 MR. TUTTLE: Mr. Chairman, I would like to recommend 26-22 move forward to
9 Council for approval as amended here today.

10 MR. WESTBROOK: I'll second.

11 CHAIRMAN PALMER: And can we read that once more, just for us and for the
12 people in the audience?

13 MS. ALMEIDA: Yes, we can. The definition of dormitory: A building or part of a
14 building operated by an academic institution, containing rooms forming one or more
15 habitable units that are used or intended to be used by enrollees or employees of the
16 institution for living and sleeping, but not fully self-contained residential units.

17 CHAIRMAN PALMER: Okay.

18 MS. MCDANIEL: I believe it should say, but are not

19 MS. ALMEIDA: But are not – that is correct.

20 MS. MCDANIEL: Thank you. [laughter]

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

22 MR. WESTBROOK: I made a second.

23 CHAIRMAN PALMER: All those in favor, please signify by raising your hand.

1 *[All approved; absent: Manning, Mattos-Ward]*

2 CHAIRMAN PALMER: None opposed. Text Amendment No. 2.

3 **TEXT AMENDMENT NO. 2:**

4 MS. ALMEIDA: Mr. Chairman, the Text Amendment before you is the one that
5 came down from Council and Mr. Geonard Price is here to explain that Text
6 Amendment.

7 MR. PRICE: Under our current Code, the office and institutional districts OI and
8 the GC district which is general commercial, dormitories are allowed by special
9 exception and one of the standards that the Board of Zoning Appeals would have to
10 apply to that special exception is that it has to be within a half mile of the primary
11 campus, if we have a definition. What County Council has proposed is to allow to take it
12 out from a special exception and make it a special requirement. In addition to that, to
13 increase that radius from the campus from a half mile to seven miles; also to put in
14 some additional standards for buffer type standards to protect any residentially zoned
15 used property that abuts the subject property.

16 MR. BROWN: Mr. Chairman, what's the intent of Council on this?

17 MS. CAIRNS: What's the intent of Council? There's no -

18 MR. BROWN: What's the stated intent of Council on this?

19 MR. PRICE: To allow dormitories by special requirement.

20 MR. BROWN: Okay, and the effect of that would be?

21 MR. PRICE: The effect of that would be any dormitories that's within seven miles
22 of a, any structure that's within seven miles of a primary campus, could be used as a
23 dormitory.

1 MS. CAIRNS: Well, and also that any structure within RMHD wherever it is could
2 be a dorm.

3 MS. ALMEIDA: Correct.

4 MR. PRICE: They did not address RMHD District which is Residential Multi-
5 Family High Density. Still, according to this proposed ordinance, it would still be
6 allowed as a permitted use in that district. Those standards.

7 MR. BROWN: So, in effect Mr. Chairman, if a dormitory is seven miles, 10 mile
8 or 15 miles from the campus under this definition that would be fine should this be
9 approved?

10 MR. PRICE: If the dormitory was seven, 10, 15 miles and it was zoned RMHD,
11 that would be allowed. But if it's zoned OI or GC it has to be within seven miles of the
12 campus.

13 CHAIRMAN PALMER: Any other questions for Staff?

14 MR. TUTTLE: Is it customary to have a second public input on the same
15 ordinance?

16 MS. ALMEIDA: No, not on the same ordinance.

17 MR. TUTTLE: Right, and this is the same ordinance that we've already –

18 MS. ALMEIDA: Unless it has been modified.

19 MR. TUTTLE: - public input on, is that correct?

20 MS. ALMEIDA: You could have public input on the following ordinance –

21 MR. TUTTLE: Correct.

22 MS. ALMEIDA: - but this one, we've already vetted. This is a meeting.

23 MR. PRICE: I would like to state that this is not a public hearing.

1 MS. ALMEIDA: Correct.

2 MR. PRICE: Which Council typically has. This is a public meeting so you can
3 [inaudible] a little different.

4 MS. ALMEIDA: You can.

5 MR. TUTTLE: You can open this up for a second –

6 MR. TUTTLE: Traditionally, customarily have you had a second public input on
7 the same ordinances as it appeared the second time?

8 MS. ALMEIDA: It would have to have major modifications. Usually with your
9 major modifications, then we hear from the public, yes.

10 CHAIRMAN PALMER: Here's where we are folks. We have folks signed up to
11 speak on this issue and what Mr. Tuttle had brought up was that this was on our
12 previous month's agenda and we've already had a public hearing on this. However, I
13 do appreciate your coming out here in the middle of the afternoon on a Thursday and I
14 appreciate your involvement in your neighborhood and because of that, I'm going to
15 respect the fact that you all came out and give you two minutes. I ask that you respect
16 your two minutes because you've already had the opportunity to speak on this issue
17 before and to please limit your comments to those two minutes. Because it's not
18 customary to give you that, to go through this process again but because I do respect
19 your time, I do appreciate you coming out and being involved in the process, we're
20 going to move forward and allow you to do that. So, if you could, come down or, and if
21 you could just line up for us, it would make the process quicker and if you would, please
22 respect the two minutes, I would certainly appreciate it. Mr. Robinson?

1 MS. CAIRNS: Do we want to comment on the fact that we'll be taking up the
2 second ordinance later and that they want to comment, that there'll be an opportunity to
3 – just let them know that, that's all.

4 CHAIRMAN PALMER: Sure. We have this – what we're addressing now is the
5 same ordinance that was before us at Council last month which you all were here for,
6 which had the seven mile radius in it, which you all addressed last month or perhaps
7 some new folks. But, what this ordinance does is it allows for there to be a dormitory
8 within seven miles under general commercial and OI District and to have certain
9 requirements for you to do that, with some hedging and different things. But it's the
10 same ordinance that was in front of last month and we deferred to this month. Our next
11 case on the Agenda is what the Planning Commission has come out - we had a special
12 called meeting on the 21st in which we discussed some things that we would like to see
13 come forth and I'm sure that you all have that information as well. So, we'll be taking
14 both of these up for vote. We'll vote on what the Council has sent us first and after we
15 vote on that, either up or down, we will then vote on what came out of our June 21st
16 meeting either up or down, out of the Planning Commission meeting which occurred on
17 January [sic] 21st which addresses the same issue, and one of the major differences in
18 the two ordinances from Council and from what we've come up with, are the distances.
19 Council is seven miles; ours has two miles in it. So, just so you know, that's kind of
20 what we're doing and that's going to be the process and you'll have the opportunity to
21 speak again on the next Text Amendment, which is the Planning Commission, which
22 came out of our 21st meeting of the Planning commission. So, that's just kind of the

1 process, it's what we're going to do for the next two case, so hopefully that will help with
2 the discussion and so forth.

3 MS. CAIRNS: Alright, thank you.

4 CHAIRMAN PALMER: Anything else? Alright. Good, we needed to do that. Mr.
5 Robinson? Followed by Harry Green –

6 MR. ROBERSON: Roberson.

7 CHAIRMAN PALMER: Roberson, I'm sorry. Harry Green and then Kathy
8 Locklier.

9 **TESTIMONY OF MR. ROBERSON:**

10 MR. ROBERSON: I just a little bit confused. Are we talking now about the
11 ordinance of Council suggested seven miles?

12 CHAIRMAN PALMER: Council's ordinance, seven miles.

13 MR. ROBERSON: - and then you're committee's suggested two miles?

14 CHAIRMAN PALMER: That's next.

15 MS. CAIRNS: That'll be after another vote.

16 MS. MCDANIEL: Right.

17 CHAIRMAN PALMER: We're voting on the seven miles right now.

18 MS. CAIRNS: We're asking for discussion and then we'll vote on the seven
19 miles.

20 MR. ROBERSON: Okay. Yes, sir. We're opposed to the seven mile radius.
21 Because the seven miles would all for it to be up on the backend of our community and I
22 think you've heard from us before, and we've given various unsundry reasons why we
23 think that it's just not compatible with the existing land use. All the other issues

1 concerning safety, health, traffic, conduct, noise, those things are still in play.
2 Additionally, if you open up dormitories as is, may currently be defined, then you open
3 up every inch of properties where a college may be classified as a primary campus and
4 then they could come in and put a dormitory and I don't know how you could regulate
5 that. We just think the seven miles is too great, there's no such thing as being
6 connected to a campus that's almost – college life ought to stand for something. Seven
7 miles away and not on a campus, you're not connected to the campus, you don't enjoy
8 the benefits of student life. We just think seven miles is too great and we're opposed to
9 that.

10 CHAIRMAN PALMER: Thank you. Mr. Green?

11 **TESTIMONY OF HARRY GREEN:**

12 MR. GREEN: Harry Green, 7309 Sarah Drive. We're opposed, as a
13 representative of the Springwood Lake Association, we're opposed to the seven mile
14 radius. It's ridiculous that Benedict would try to bring a dormitory into a subdivision of
15 that nature with the representation of elderly people in wheelchairs, can't really move
16 around on their own to bring that type of activity into our neighborhood and we're
17 opposed to them coming seven miles out. Thank you.

18 CHAIRMAN PALMER: Thank you. Kathy Locklier? Followed by Sarah Murphy,
19 Anthony Kennedy?

20 MR. KENNEDY: I agree with what was previously said.

21 CHAIRMAN PALMER: Thank you. Alfonso Jacobs?

22 **TESTIMONY OF ALFONSO JACOBS:**

1 MR. JACOBS: My name is Alfonso Jacobs, 7324 Sarah Drive. I'm coming so
2 much you can put me on the payroll.

3 MS. CAIRNS: You can get paid as much as we do.

4 MR. JACOBS: Well, if I could [inaudible], I would vote against this one. I'm
5 opposed to this. I'm learning a lot. Y'all voted on it, I felt good, the County Council says
6 apparently you don't know what you're doing; they're making you vote on it again. I just
7 think it's a bad decision; if you lived in that neighborhood, you wouldn't want it destroyed
8 and when you're making changes to the amendment are you doing that to all of the
9 colleges and the dorms that don't have the standard that you're changing it to, do they
10 have to come up to that standard? I'm just opposed to this with all my heart. Thank you.

11 CHAIRMAN PALMER: Thank you. Ed Bergeron? Followed by Lee Hartley.

12 **TESTIMONY OF ED BERGERON:**

13 MR. BURGERON: Ed Bergeron, 7827 Nell Street, right down the street from
14 where this proposed dormitory would be. And I'm opposed to any kind of changes to
15 the regulations or ordinance or whatever you want to call them that would allow this
16 dormitory to be placed in this old community.

17 CHAIRMAN PALMER: Thank you. Lee Hartley followed by Nancy Hartley?

18 **TESTIMONY OF LEE HARTLEY:**

19 MR. HARTLEY: My name is Lee Hartley, 7913 Edgewater Drive. I'm a retired
20 faculty member of USC so I've worked with students for 20 some years. Seven miles is
21 too far for students to be from the campus. They need library support, they need social
22 interaction, they need involvement with other students and clubs and organizations and

1 so forth. I think it's a bad decision educationally, to have the students that far from
2 campus.

3 CHAIRMAN PALMER: Thank you. Nancy Hartley? Followed by Linda Jones.

4 MR. HARTLEY: I agree with him.

5 CHAIRMAN PALMER: Linda Jones and Whitney Jones?

6 **TESTIMONY OF LINDA JONES:**

7 MS. JONES: My name is Linda Jones, 8301 Spring Flower Road, Columbia,
8 29223. I live in the Springwood Lakes Subdivision. I graduated from Benedict College
9 and have no problem with the college. I am retired, just like most of the folks who live in
10 the neighborhood, and I oppose any changes to the current ordinance that would put a
11 college dorm by Benedict or any other college in the neighborhood. Thank you.

12 CHAIRMAN PALMER: Thank you. Whitney Jones? Renee Gregg?

13 **TESTIMONYH OF WHITNEY JONES:**

14 MS. JONES: Hi, I'm Whitney Jones, 8301 Spring Flower Road, Columbia, South
15 Carolina. And I'm a recent graduate of Furman University and one of the big things I
16 thought was important about Furman was the small campus and the fact that all our
17 dorms are very close to the classrooms, to the libraries, to adults, you know, we were
18 adults but you're very young adults. And the college years are very important years for
19 young adults where you're having new ideas, you're trying things out and I think that it is
20 important for you to be near people who are older, who've made these choices before
21 us so that they can help you with your decisions and so that there's less problems. I
22 know a lot of my classmates, you know, some of them they did try to experiment with
23 things but being at Furman, it's very hard to get away with things because you're right

1 there. There's always someone right there to put you right back on track. So, it's more
2 than just being in a neighborhood or not being in a neighborhood, I think that as a
3 student, you do need to be near your college professors. I'm also an educator in District
4 Two and one of the big things they teach us about in education is proximity. Close
5 proximity. It always alleviates a lot of issues that could possibly happen. So, that's my
6 two cents in two minutes. Thank you.

7 CHAIRMAN PALMER: Thanks.

8 MS. CAIRNS: You're not retired yet? [laughter]

9 CHAIRMAN PALMER: Renee Gregg and John Jones?

10 **TESTIMONY OF RENEE GREGG:**

11 MS. GREGG: I'm Renee Gregg, 7827 Edgewater Drive. I am a proud graduate
12 of Benedict College. I'm not going to tell what year. However, with that being said, I'm
13 opposed to change to the seven mile radius. I am opposed to a dorm being placed in
14 my backyard.

15 CHAIRMAN PALMER: John Jones?

16 **TESTIMONY OF JOHN JONES:**

17 MR. JONES: My name is John Jones, I live at 8301 Spring Flower Road and in
18 respect for the two minutes, I think my wife and my daughter spoke everything I could
19 think of and I yield my time to anyone who has anything else to say. I'm opposed to it.

20 CHAIRMAN PALMER: Thank you. That's all we have signed up to speak. Any
21 discussion, comments, concerns, motions? I think we've all discussed this pretty heavily
22 at our last meeting. We actually had a meeting on the 21st about it as well and as far as
23 I'm concerned, I said it last meeting and I said enough on the 21st, I'm certainly opposed

1 to the seven mile radius. I don't think that dormitories should be that far away from the
2 school and I think that the people from one particular neighborhood has as many good
3 points as anyone would need to vote down the seven miles radius. I believe our next
4 amendment has a much better distance involved with it. There is no way I can support
5 a seven mile radius from a main campus.

6 MR. TUTTLE: What would the title of this ordinance be?

7 MS. CAIRNS: As a reference about page numbers or something?

8 MS. ALMEIDA: Chapter 26.

9 CHAIRMAN PALMER: [Inaudible]?

10 MS. ALMEIDA: 5-2. Yes.

11 MS. CAIRNS: So it has, that's exactly the same as the next one though.

12 MS. ALMEIDA: I would just probably reference the Text Amendment brought
13 down by, requested by Council and we can make the differentiation. Your Text
14 Amendment has the RMHD zoning designations identified.

15 MR. TUTTLE: Mr. Chairman, I would like to send forward to Council Text
16 Amendment No. 2 with the recommendation of denial.

17 MR. GILCHRIST: Second.

18 CHAIRMAN PALMER: We have a motion and second to send Text Amendment
19 No. 2 for our Agenda that Council's recommended a seven mile radius for dormitories
20 with a recommendation of denial. All those in favor, please signify by raising your hand.

21 *[All approved; absent: Manning, Mattos-Ward]*

22 CHAIRMAN PALMER: There's none opposed.

23 **TEXT AMENDMENT NO. 3:**

1 CHAIRMAN PALMER: Text Amendment No. 3.

2 MS. ALMEIDA: Mr. Chairman, that is the Text Amendment that was brought
3 forth from your special called meeting, work session, I'm sorry; which identifies the
4 RMHD Multi-Family High Density District as a special exception and Mr. Price is here to
5 make a statement regarding those differences.

6 CHAIRMAN PALMER: Mr. Price.

7 MR. PRICE: This particular ordinance is similar to what you just reviewed. The
8 difference would be that in the office and institutional district and the general
9 commercial, the dorms would be allowed by special requirements again, but the
10 difference would be that they had to be located within a two mile radius of the primary
11 campus as opposed to a seven mile. And the other difference was that a dorm, dorms
12 were no longer permitted use or they're not proposed to be a permitted use in the
13 RMHD District, rather they're allowed by special exception, which means they would
14 have to go to the Board of Zoning Appeals for review and essentially a public hearing
15 prior to approval or denial. And I believe, also it has to be within – let me just double
16 check so I can state for the Record, it also has to be within two miles of the primary
17 campus.

18 CHAIRMAN PALMER: Okay.

19 MR. BROWN: Mr. Chairman, just so I make sure I heard Mr. Price correctly,
20 where it says, "so as to permit dormitories in the RM-HD residential multi-family high
21 density district as special exceptions", what you're saying is that the two mile rule would
22 apply for that also and, two miles of the institution, we'd have to go to the Board of
23 Appeals, is that right?

1 MR. PRICE: Yes, sir.

2 MR. BROWN: Okay.

3 MS. CAIRNS: Yeah.

4 MR. BROWN: What zoning districts would it allow in residential?

5 MR. PRICE: Only the RMHD District, would be the only residential district that a
6 dorm would be permitted. This case would be allowed by special exception.

7 MR. BROWN: But it would have to be within two miles of the campus –

8 MR. PRICE: Yes.

9 MR. BROWN: - even if it's in the particular zoning.

10 MR. PRICE: Yes, sir.

11 CHAIRMAN PALMER: Here's how the breakdown is – no matter where a
12 dormitory in unincorporated Richland County, it would have to be within two miles of the
13 primary campus.

14 MR. PRICE: But they're only allowed in three districts.

15 CHAIRMAN PALMER: I'm saying, but anywhere in the whole county, it's going
16 to be two miles. Now, you have to find three zoning districts to put a dormitory in. Two
17 of those you're allowed to do it without the public knowing about it; OI and general
18 commercial as long as you meet guidelines 1, 2, 3 and 4. If you want to put it into an
19 RMHD District, you then have to go in front of the Board of Zoning Appeals where you
20 still have to meet guidelines 1, 2, 3 and 4 but you've also got to get the Board of Zoning
21 Appeals where there's a public hearing process to agree to put it in that zoning
22 classification.

1 MR. PRICE: And also the Board also has the ability to add other stipulations to
2 their approval.

3 CHAIRMAN PALMER: Right.

4 MR. BROWN: The residents who spoke today, for their understanding, tell them
5 how that would affect their particular subdivision.

6 CHAIRMAN PALMER: Well, for example, if a parcel is zoned general
7 commercial, it would have to be within two miles of the primary campus in order for
8 someone to put a dormitory on it. If a parcel is say, six miles from a primary campus,
9 you could not put a dormitory on it. So any dormitory would have to be within two miles
10 of a primary campus is which is why we went over the definitions previously as to why it
11 was important for us to get a definition as a primary campus, put in the ordinance.

12 MR. PRICE: And also I think to be more specific Chairman Palmer, for the
13 reason that they're here, the location that they're concerned about would not be eligible
14 by special requirement or special exception for a dormitory.

15 MR. BROWN: That's what I wanted, thank you.

16 MS. CAIRNS: Right.

17 CHAIRMAN PALMER: Okay, another other discussion?

18 MS. CAIRNS: Well, I'm just, I mean, I apologize greatly for missing the meeting
19 a week or so ago, I was very crunched on time having some scheduled vacation time
20 that needed to stay at work on that afternoon, but I was a little bit baffled that basically
21 what we're saying is that dorms can be within two miles – cause we had talked about
22 half mile versus – like using distance as the thing that triggered the difference between
23 SE and SR versus, zoning classification. And what I read here is that, because again, I

1 mean, I think in OI and GC, two miles from campus that's no dorm. You're two miles off
2 campus; you're not in a dorm. I mean, you're not having student life, if you're – you
3 know, and so while I understand the need to not try to land lock campuses to the half
4 mile no matter what, which could be very burdensome in an urban setting which is
5 where most of our universities are, but to simply say, you know, so long as you put up a
6 fence and some hedges you can be within two miles without any public input as to
7 whether that's a good spot for a dorm, I'm troubled with. I mean, I, you know, I did miss
8 the meeting but I would really like to see an ordinance that says it's special
9 requirements within a half a mile of campus but between a half a mile and two miles for
10 all three of these zoning classifications it's an SE, it's a special exception. I just think
11 that the, you know I think it's hard to defend why zoning classification should make such
12 a big difference not the distance from campus. To me, the bigger trigger is distance
13 from campus not the underlying zoning classification.

14 CHAIRMAN PALMER: Well, I think some of that, and at least for me personally
15 and what came out of the meeting was that in OI and general commercial districts
16 people are already accustomed to commercial type activities, they're accustomed to
17 large amounts of people, different hours, lighting, all those standards are different and
18 we still want to keep those dormitories close to a main campus but yet the people in the
19 surrounding neighborhoods are already used and already know that this kind of activity
20 is going to be occurring. However, in what people perceive to be a residential district,
21 which is multi-family, even though it is a higher density, it's still a residential district that
22 people care about where they live and so forth and so on, so the neighborhoods, in my
23 opinion, deserve to have an input as to what goes into a residential setting that they live

1 by as opposed to what goes into a commercial district where there's, that expectation is
2 already there.

3 MS. CAIRNS: Right. I mean, one of the other things, especially having served
4 on BOZA, I mean, the requirements of simply saying this is what the special exceptions
5 are, virtually any RMHD could meet those, at which point, if BOZA says, well the
6 neighborhood just doesn't want it, that's not a good reason to deny it. I mean, there has
7 to be a reason why a special exception doesn't fit there and it's not just because the
8 neighbors don't want it. So, I mean, again it's like I understand the OI/GC thing about
9 that those are more commercial type uses and you're not impacting a residential
10 neighborhood the same that you are in RMHD, but again, so then why isn't RMHD
11 within a half mile of campus? Because I mean, if I live in an RMHD and I'm two miles
12 from a campus, I'm going to be real surprised if a dorm goes in next door and I don't
13 think that the SE requirement's the right way to control that basically.

14 CHAIRMAN PALMER: My question is for you Mr. Price. Is the burden of proof
15 on the applicant to prove why they need to change something under an SE or are they
16 automatically granted it and then someone has to prove why not to?

17 MR. PRICE: Yes. They're – the standards for a special exception, it's kind of
18 tough to prohibit a use. As Ms. Cairns stated, you know, I think I stated at the last
19 meeting, the main criteria that the Board is looking at is traffic impact, vehicle and
20 pedestrian safety, potential impact of noise, lights, fumes, obstruction of air flow,
21 adverse impact of the proposed use on the aesthetic character, which may include
22 screening, but that's already kind of placed in there, orientation and spacing of
23 improvements or buildings. I mean, you really –

1 CHAIRMAN PALMER: Could you not, would not noise and what was the other
2 one you said in there? Would those not -

3 MR. PRICE: Noise, lights, fumes or obstruction of air flow on adjoining
4 properties.

5 CHAIRMAN PALMER: Would that not be a possibility for not granting a special
6 exception if those were going to be violated?

7 MR. PRICE: I would find it hard to see what a Board would turn down let's say a
8 dorm, because the noise that they perceive might come from it can't really – it's kind of
9 hard to say that these students will be this noisy.

10 MR. TUTTLE: Let me just make sure I understand. If it's RMHD and we build
11 something that's classified as an apartment, and I have the same group of people living
12 there as I would if I built something that was classified as a dormitory, by-rights the
13 RMHD as apartments, the same activities, the same people, the same density are all
14 automatically allowed but now because it's university owned and the students happen to
15 all be students of a common university, now it's not by-rights and you're wanting to
16 further restrict that, I don't understand that logic.

17 CHAIRMAN PALMER: No, apartments aren't dorms. That's what we just went
18 through with the definition of dormitories with not being –

19 MS. CAIRNS: That's the whole thing. But once you're in RMHD and you've got
20 that kind of density, how do you somehow say, well because the people in this building
21 are students, they're somehow more obnoxious than the people over here who are just
22 in an apartment. I mean, that's what you're asking BOZA to make arbitrary decisions, I
23 think.

1 CHAIRMAN PALMER: But dorms have a greater density.

2 MR. TUTTLE: But not in RMHD, they don't it's limited by the zoning
3 classification.

4 MS. CAIRNS: No, dorms aren't.

5 CHAIRMAN PALMER: No, they're not.

6 MS. CAIRNS: No, they're not.

7 CHAIRMAN PALMER: That's the whole discussion we had last time.

8 MS. CAIRNS: They aren't dwelling units.

9 CHAIRMAN PALMER: They're not limited to 16 per acre.

10 MR. PRICE: Right.

11 CHAIRMAN PALMER: Which is the reason why they could go into current
12 building which is what they were looking at over there on 77.

13 MR. TUTTLE: No, they weren't on RMHD over there, they were –

14 CHAIRMAN PALMER: But still those aren't 16 per acre dwelling units.

15 MS. CAIRNS: I guess, I mean –

16 MR. TUTTLE: That makes sense.

17 MS. CAIRNS: I mean, basically what we're setting up is that any time a dorm
18 wants to go into – basically dorms are only going to try to into OI and GC and they're
19 going to try to rezone just to avoid having to have a public meeting for RMHD. Because
20 it's just going be a bruha. And I'm not, you know, so it's like if we're – you know. So we
21 either decide that RMHD is an allowable use within certain distance of campus, I think
22 two miles is too far, or we just, you know, that's just – I just, having been on Board of
23 Zoning Appeal and knowing how completely arbitrary and how with certain uses, I

1 mean, you can pretty much guarantee that you would fill this room with people saying, I
2 don't want it.

3 CHAIRMAN PALMER: Well, I'm opposed to dormitories in RMHD or if they are
4 in RMHD you –

5 MS. CAIRNS: I think they should be very close to campus.

6 CHAIRMAN PALMER: - you vary the number of people per dormitory. The
7 problem I have is dormitories aren't limited to the 16 per acre.

8 MS. CAIRNS: Right. I just think they need to be closer to campus. Because I
9 think if, you know, if you live within a half a mile of campus, you can pretty much expect
10 to be influenced by – I mean ask people on Green Street that live in beautiful single
11 family homes. They live on campus – practically. But they know that when they buy
12 there, that's the whole thing. As when you buy that close to campus, you know that
13 your daily life will be impacted by students. But when you're two miles from campus
14 and you're in a residential district?

15 MR. TUTTLE: Yeah, but if you look at the other side of the coin, if you take and
16 draw a half mile circle around a university and that's the only property they can ever
17 expand their population and growth –

18 MS. CAIRNS: No, I'm not opposed to the [inaudible] life.

19 MR. TUTTLE: - that's a huge financial burden on that institution.

20 MS. CAIRNS: Right, I mean, but all urban universities deal with this; how to get
21 dorms close to campus, I mean, they just do. But I mean, the fact that GC and OI,
22 we've got a two mile perimeter on that, it's just this residential district. I don't like the

1 two miles within the residential district and I don't like it at special exception without
2 anything specific other than how much the neighborhood come and complain.

3 CHAIRMAN PALMER: Well, this is a great graphic. I would imagine the lighter
4 shaded is the unincorporated? The lighter – the dark is the City of Columbia?

5 MS. ALMEIDA: Correct.

6 MR. TUTTLE: Yeah.

7 MS. ETHERIDGE: Most of it. This area is Forest Acres.

8 MS. CAIRNS: But it's in non-unincorporated.

9 CHAIRMAN PALMER: It's not us.

10 MR. PRICE: Yeah.

11 MS. CAIRNS: So, we're fighting for – so we're fighting for those three parcels?

12 CHAIRMAN PALMER: Right.

13 MS. CAIRNS: And the flood plain down there on the bottom?

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

15 CHAIRMAN PALMER: Right.

16 MS. ETHERIDGE: This is Lexington County.

17 MS. CAIRNS: Yeah, well, there's a little bit that hooks up, I'm sure that's down in
18 the flood plain.

19 CHAIRMAN PALMER: Right.

20 MS. ETHERIDGE: Yeah, this is Richland County.

21 CHAIRMAN PALMER: But what we have to look at is the possibility of, and like
22 Mr. Tuttle brought up earlier, what if Phoenix University wants to become a primary

1 campus and we have these same issues and we're not just dealing with existing
2 universities or colleges.

3 MS. CAIRNS: Right. Right, there's always a chance of a new university out in
4 the [inaudible].

5 MR. PRICE: But if that, with that being the case, let's just use an example,
6 Phoenix University more than likely would be located somewhere in the unincorporated
7 area of the county, if you look at some of their current locations, you put a two mile
8 radius around that, you really do open up the possibilities for dorms going places where
9 maybe they shouldn't. But right now, and one of the conversations I had with one of my
10 colleagues from the City of Columbia, was right now a half of mile, if one the colleges
11 which are in the City of Columbia wanted to do a dorm, chances are it's going to go
12 through the City. Because even if the parcel's in the county, see they're going to go
13 through annexation at a rezoning but it's really going to be dealt with by the City. The
14 more you increase that radius the more you bring it to the unincorporated area of
15 Richland County.

16 MS. CAIRNS: Which in theory means you're getting away from an urban
17 campus.

18 MS. ALMEIDA: Right.

19 MS. CAIRNS: And so, giving them two miles really let's – I mean, a half a mile
20 around a campus it's not in an urban setting ought to be [inaudible]. And two miles with
21 the OI/GC, I mean, to me they've got tons of flexibility. But –

22 CHAIRMAN PALMER: You know, if –

1 MR. TUTTLE: I was under the impression that this group had reached a
2 consensus and put forth a document the group was standing behind.

3 MS. CAIRNS: Well, I know – I [inaudible] out that I apologized for having missed
4 the meeting.

5 MR. TUTTLE: I know but I'm just, you know, I mean, I thought that's where we
6 were.

7 CHAIRMAN PALMER: Well, let's open it for public comment and then we'll get
8 back to the discussion and motion section. We have a few signed up to speak. Mr.
9 Roberson?

10 [Inaudible]

11 CHAIRMAN PALMER: Two miles in general commercial and office industrial and
12 RMHD. Two miles and only in those three zoning classifications.

13 MR. ROBERSON: I'm in favor of it.

14 CHAIRMAN PALMER: Okay. Mr. Green?

15 MR. GREEN: I'm in favor.

16 CHAIRMAN PALMER: Kathy Locklier?

17 MS. LOCKLIER: [Inaudible]. Yes.

18 CHAIRMAN PALMER: Sarah Murphy? Anthony Kennedy? Alfonso Jacobs? Ed
19 Bergeron?

20 MR. BURGERON: I'll speak.

21 CHAIRMAN PALMER: Okay. Followed by Lee Hartley and Nancy Hartley. Mr.
22 Bergeron?

1 MR. BURGERON: Ed Bergeron, 7827 Nell Street. Most neighborhoods have
2 groceries stores, small businesses, hotels and so forth close to the edge of the
3 neighborhood and along the traffic arteries that lead to the neighborhood. The primary
4 campus as y'all did your definition is defined as being contiguous. I believe any dorm
5 should be within the contiguous campus. I'm opposed to changing from a half mile to
6 anything further or anything else that makes it easier to put a dorm in an established
7 residential area.

8 CHAIRMAN PALMER: Thank you. Linda Jones?

9 [Inaudible discussion]

10 CHAIRMAN PALMER: Mr. Bergeron? Okay. Linda Jones?

11 MS. JONES: And I spoke earlier. As I said earlier, I think its better.

12 CHAIRMAN PALMER: If you could come take the podium.

13 MS. CAIRNS: We need you on the mic, that's all.

14 MS. W. JONES: As I said earlier, I think it's more important for you to be closer
15 like you were saying. I think that smaller than two miles would be more appropriate.

16 CHAIRMAN PALMER: Thank you. John Jones? Then Renee Gregg.

17 MR. JONES: John Jones, 8301 Spring Flower Road. I agree with everything
18 that Ed Bergeron said.

19 CHAIRMAN PALMER: Thank you. Renee Gregg?

20 MS. GREGG: Renee Gregg, 7827 Edgewater Drive. I agree with Ed and I want
21 to add with that within a two mile radius of our subdivision is South University, Virginia
22 College, Webster University and Phoenix University.

23 CHAIRMAN PALMER: That's all who signed up to speak.

1 MR. BROWN: Mr. Chairman, if we were to pass this then the other universities
2 that the last person identified –

3 MS. CAIRNS: Talk to your mic.

4 MR. BROWN: I'm sorry. The, based on what we just heard, the other
5 universities mentioned could in fact then take – could put a dormitory in the same
6 location of concern, is that right?

7 MS. CAIRNS: Yes. Cause isn't the hotel zoned GC right now?

8 MR. PRICE: Yes.

9 MS. CAIRNS: Yeah.

10 MR. BROWN: And they would not have to come back before us or the Zoning
11 Board in order to accomplish it because they would be within the two miles. So in
12 effect, you could create discrimination there.

13 MS. CAIRNS: Why is that discrimination?

14 MR. BROWN: Because you have basically blocked out one school and you've
15 opened it up to others.

16 MS. CAIRNS: That's not discrimination.

17 MR. BROWN: It's not? Well, maybe I'm using the wrong term.

18 MR. TUTTLE: But to expand on your point, we could pick any point in
19 unincorporated Richland County that currently doesn't have a school and a new school
20 could come there tomorrow and it would open up the same problem whether it be half a
21 mile or two miles or anything.

22 MR. BROWN: Yep.

1 MR. TUTTLE: So, I mean, I think that, you know, I don't know how you would
2 ever solve that.

3 CHAIRMAN PALMER: Right.

4 MR. BROWN: I don't either but I'm just saying that that worries me, that's all.

5 CHAIRMAN PALMER: I think the over or the underlying question is how far do
6 we think dormitories, a dormitory for colleges should be away from campus.

7 MS. CAIRNS: Half a mile.

8 CHAIRMAN PALMER: And I think that's what we're getting at, and for me from
9 our last meeting and from our special called meeting I personally am comfortable with a
10 two mile radius and, for a college or university from their campus. I think a half mile is
11 completely too restrictive because of the availability of land. If you'll bring up again that
12 half mile radius from any school, it doesn't have to be [inaudible].

13 MR. GILCHRIST: Mr. Chairman?

14 CHAIRMAN PALMER: That's four of them or five of them. And that's the only
15 availability that we're going to allow them to put dormitories for their schools? I mean,
16 you want to talk about -

17 MS. CAIRNS: Well, but, but -

18 CHAIRMAN PALMER: - once it gets out that a school needs a dormitory, think
19 about the inflation of land that the people around there that have the availability of land,
20 that when you're talking about such a small market.

21 MS. CAIRNS: That's been going on for decades, I would offer to you.

22 CHAIRMAN PALMER: That doesn't make it right.

1 MS. CAIRNS: But, I mean, its part of the reason why dorms don't have density
2 requirements and things like that because the nature of a dorm is that it's near campus.
3 I mean, dorms are on campus, that's just kind of the definition of a dorm and you decide
4 to live in a dorm on campus, or you live off campus. But this idea of a university having
5 a dorm two miles, I mean, I can't, I mean, personally cannot support – the only way I
6 could have supported two miles with special exceptions and I think the only by-right you
7 should be within a half mile of campus. And that's just the nature of what it's like to be
8 an urban university and that's been true for urban universities forever and always will be
9 that they deal with how to get their dorms close to campus as they grow.

10 MR. GILCHRIST: Mr. Chairman, what was our rationale for recommending the
11 two miles?

12 CHAIRMAN PALMER: It's, in my opinion, it's a reasonable distance for someone
13 to get back to campus who does not have their own mode of transportation if need be,
14 that it's a reasonable distance for someone to travel either by foot or taxi or scooter or
15 bicycle or something. It's reasonable for a student to get back and not have to depend
16 upon shuttle transportation.

17 MR. GILCHRIST: But we could certainly make an argument that the current
18 ordinance allows for that now.

19 CHAIRMAN PALMER: Well, a half mile is certainly closer than two miles.

20 MS. CAIRNS: Well, the problem with the current ordinance those is you're
21 RMHD anywhere in the county you can build a dorm.

22 CHAIRMAN PALMER: Right.

1 MS. CAIRNS: I mean, that's, you know, you're right. The current ordinance has
2 the OI/GC a half a mile but it has an RMHD as a by-right use regardless of its location in
3 the county.

4 MR. WESTBROOK: Mr. Chairman, We all have your difference of opinion and I
5 can respect the difference of opinions. I personally believe that the two mile radius is
6 not bad, that's my opinion.

7 CHAIRMAN PALMER: Right. Any other discussion or comments, concerns or
8 motions? Motion?

9 MR. TUTTLE: I guess I'm going to get some bonus points for the most motions
10 in one day. Mr. Chairman, I would like to take Text Amendment No. 3 and send it
11 forward to Council with a recommendation for approval.

12 MR. WESBROOK: I second.

13 CHAIRMAN PALMER: We have a motion and a second to send forward to
14 Council Text Amendment No. 3 of our Agenda amending where dormitories and what
15 distance they can be from a primary campus in the county. All those in favor of the
16 motion, please signify by raising your hand. All those opposed?

17 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Brown, Gilchrist; Opposed: Cairns;*
18 *Absent: Manning, Mattos-Ward]*

19 CHAIRMAN PALMER: That will go to Council on the 27th as well?

20 MS. ALMEIDA: Correct.

21 MR. PRICE: Just an opportunity to explain to them.

22 CHAIRMAN PALMER: Sure.

1 MR. PRICE: On the 27th, County Council will have three amendments before
2 them, I guess regarding dormitories. The first one will be a – I'm not sure of the order,
3 but one will be the Map Amendment which was deferred by County Council in order to
4 get the Text Amendment going, so that will be one where you're rezoning from GC to
5 RMHD. And under the current zoning ordinance, RMHD district would allow dormitory
6 as an outright use. And the other two you have going before you are two Text
7 Amendments, you can refer to one as the seven mile and the one as the two mile or
8 Council version and as the Planning Commission version. There will be three
9 amendments on the 27th.

10 CHAIRMAN PALMER: And if anyone is unclear about that, they can certainly
11 call down to the county and get further clarification. What is that 576.6000? [laughter]
12 Thanks everybody for your time, we really appreciate it. We know you guys stuck with
13 these issues. We'll give them just a few minutes and we'll move on [inaudible]. Alright,
14 Other Business.

15 MS. ALMEIDA: Mr. Chairman, we have got before you a request to look at our
16 M-1 Zoning District. If you refer to Page 135 when our new Code went into effect July
17 1, 2005, the M-1 classification remained in place for all property that currently had M-1
18 zoning. No other property could be rezoned to M-1 and one of the stipulations was to
19 revisit the M-1 zoning five years later and to consider either an amendment to L-1 or to
20 keep it as is M-1 or to look at all M-1 property and analyze to see what it could be
21 rezoned to. This needs to be brought to Council for a review and we would like a
22 recommendation from the Planning Commission.

1 CHAIRMAN PALMER: I just want to be clear real quick Anna. Our only two
2 objectives that were tasked to us five years ago was to one, whether or not the current
3 M-1 zoning District should be amended to L-I; question 1; that's either yes or no, and
4 any amendments thereto. And whether or not the M-1 Zoning District and any
5 reference thereto should be deleted from the chapter.

6 MS. ALMEIDA: Correct.

7 CHAIRMAN PALMER: Okay.

8 MR. TUTTLE: Okay, it is –

9 MS. ALMEIDA: And that's what –

10 MR. PRICE: Well, I spoke to Ms. Linder regarding that. One of the things she
11 said, she kind of – that was her way of condensing that, the options. But she stated her
12 opinion that she feels it's open for you to make any type of recommendation as to what
13 should happen to the M-1. You're not just limited to those two.

14 CHAIRMAN PALMER: But we can do that of our fruition but as it applies to our
15 requirements under this chapter, the reason we have to look at this is to look at just
16 these two documents.

17 MR. PRICE: I think that's way it was worded –

18 MS. ALMEIDA: Yes.

19 MR. PRICE: - but I don't think that was the intent.

20 MR. TUTTLE: So my question is, would it be appropriate for this Body if they
21 chose to, to just say that we were going to keep as is for a five year period and
22 readdress in 2015?

23 MS. ALMEIDA: Absolutely, that's an option.

1 MR. TUTTLE: And the theory being that the M-1's we had two or three come
2 today and they converted over time and –

3 MS. ALMEIDA: That is something I would like to bring before the Board. I know
4 for some of the newer members. We provided on Page 147 just a list from '05 through
5 '08 just a list of rezoning requests that we've had. In and of themselves, they're being
6 rezoned. The market is dictating how they should be rezoned, so –

7 MR. TUTTLE: And just to put some scope on this, do you have an approximate
8 number of parcels in Richland County that are currently zoned M-1?

9 MS. ALMEIDA: We do. And I believe, is that map on Page 136?

10 MR. PRICE: One Thousand Eight Hundred and twenty-four.

11 MS. ALMEIDA: Parcels.

12 CHAIRMAN PALMER: I think it's also very pertinent to notice that all of the
13 zoning classifications that were requested from M-1 with the exception of one were
14 approved. So it seems to be this is one case where the problem is resolving itself. And
15 it's not really a contentious issue within the community when people come in to try to
16 rezone thing. So, I'm going – I don't know if that's [inaudible] to you or not, but I'm in
17 agreement that I think M-1 needs to give some time to kind of flush itself out and see
18 where things may go. And I'm inclined to leave it alone and not touch it for another five
19 to 10 years. But we do have folks signed up to speak but that's just –

20 MR. TUTTLE: Well, and if I could make one point. I think, you know, the
21 rationale at the time may have been based on an economy that was normal for that
22 period of time and clearly we've been through a couple of years that were different
23 without as much commercial development, so the theory might have been that more

1 would have flushed through by now and we'd be dealing with fewer M-1 parcels than
2 there are currently.

3 MS. ALMEIDA: Correct and back in 2005, at the time when we were doing a
4 rewrite of the Code, we were not at the point where we wanted to really analyze the
5 land use map that marries the Land Development Code because there are a lot of non-
6 conforming uses that are out on the land use map. We were going to address that at a
7 later date, so I think there was a good compromise at the time not to have any more
8 property rezoned to M-1 because we obviously did not want to continue that but to at
9 least revisit it and at least the people who had the M-1 could keep it and see in the five
10 year period what the market was doing.

11 CHAIRMAN PALMER: One thing that I'd like to throw out just for thought while
12 we have the public hearing is just personally being involved in real estate, I know it can
13 cause a headache for property owners who are zoned M-1 with this looming five year
14 what if issue that's out there when it come to lending and we all know how difficult
15 lending is these days to get any kind of project done. And that's just another issue that
16 people have to get over when they go in front of a bank to try to get a project approved.
17 If once their project's approved under the current zoning, if it is then changed to L-I it will
18 become a legal non-conforming. The banks aren't very willing to loan on that. So, you
19 know, I would even be in favor personally of keeping M-1, having no one else be able to
20 apply for it, but if you've got it in the county, you can stay under it, under the uses that
21 are current under in perpetuity. That's just my personal opinion, I understand there may
22 not be some, but I would be fine with M-1 staying as it is for the people that have it. No

1 one else can get it, but if you have it, your uses are fine with it until its rezoned
2 [inaudible].

3 MS. ALMEIDA: And deleting the time limit again?

4 CHAIRMAN PALMER: Deleting the time limit and just leaving it as is, as M-1.

5 MR. PRICE: I'm looking at lot of [inaudible] zones. Particularly [inaudible] it
6 seems like [inaudible] issues [inaudible] would then allow most of them. [Inaudible].

7 MS. CAIRNS: Do we have any idea how many projects were built on M-1 in this
8 five year timeframe? How many permits where somebody did not ask for a rezone, they
9 just left the M-1 and built under it?

10 MS. ALMEIDA: We could find out.

11 MS. CAIRNS: I mean, cause I think that would be interesting as to how many
12 people have just said M-1, great, I'm going to go and build with it without having to do a
13 rezone. You know, cause I mean, it seem to be an unbelievably vast land use allowable
14 thing.

15 MS. ALMEIDA: But we have had issues where people have gone through a –
16 built on the M-1 and then have come back and rezoned with that issue because, you
17 know, there is the five year stipulation and sometimes there is some legal.

18 CHAIRMAN PALMER: Even with – not only lenders but when you try to sell to a
19 third party a structure that you built and it shows up in the title where this is a zoning
20 and it could be illegal or non-conforming if something where to occur, I mean, it's just –
21 it's a bug that in my opinion, is a very pesky one and I just, I don't have a problem with
22 M-1 zoning, so I don't see a reason with –

23 MS. CAIRNS: Well, yeah you wouldn't because it lets you do almost anything.

1 MS. ALMEIDA: Or if they're rezoning –

2 MS. CAIRNS: But from a land use control standpoint it's a [inaudible] -

3 MS. ALMEIDA: Right or if they're expanding, we do find a lot of issues with the
4 no parking in the setbacks, so they do rezone for that. Especially if they're going to do a
5 general commercial use on the property that becomes limiting. There are some
6 similarities.

7 MR. TUTTLE: So, back to the original question. Would it be, not understanding
8 the edict in front of us completely, if we just said M-1 was going to be a zoning going
9 forward with no other properties coming in and since they were grandfathered in
10 perpetuity, is that an acceptable solution too?

11 MS. ALMEIDA: That's an option to bring before Council.

12 MS. CAIRNS: Basically, we would say no to rezoning M-1 to L-I, we would say
13 no to deleting M-1 and simply say M-1 but yes to keeping the moratorium [inaudible].

14 MS. ALMEIDA: Right.

15 MS. CAIRNS: But then not have a window again.

16 MS. ALMEIDA: I will also, you know, on Staff's behalf we've had a lot of
17 conversation about this, to just blanketly rezone everything from M-1 to L-I, I think Staff
18 would need time analyze all of those M-1 properties in those different areas and really
19 see what's happening in the areas and propose an option because there are certainly
20 areas that have gone from M-1 to GC that just to blanketly say the rest of the M-1 in
21 those areas go to L-I might not be –

22 MS. CAIRNS: Right. Some should be GC some should probably go L-I and
23 some might go H-I.

1 MS. ALMEIDA: That is true.

2 MS. CAIRNS: And some might be L-I. I mean, that's the thing is there's –

3 MS. ALMEIDA: So, Staff would have real trepidation to just say blanketly change
4 everything from M-1 to L-I.

5 MR. TUTTLE: Anna – I'm sorry Anna. In the last five years, how many
6 properties went through and changed on their own?

7 MS. CAIRNS: It's that last page.

8 MS. ALMEIDA: I believe we've had more but on page 142 we have a list from
9 '05 through '08.

10 MR. TUTTLE: In a three year period roughly you've had how many?

11 MS. ALMEIDA: Yeah.

12 CHAIRMAN PALMER: About 50.

13 MS. CAIRNS: About 50.

14 MS. ALMEIDA: Yeah.

15 MS. CAIRNS: Probably not too many in '09.

16 MS. ALMEIDA: So probably 50 some odd.

17 CHAIRMAN PALMER: As you can tell, we haven't had a log of rezonings
18 [inaudible].

19 MS. ALMEIDA: Yeah.

20 CHAIRMAN PALMER: But, you know, I agree. You can't blanket 1,800 parcels
21 and just say these all should just - with us not even looking at them. But I think the M-1
22 situation as we can tell by two previous rezoning today is kind of solving itself. So, I'm
23 not in favor of –

1 MR. TUTTLE: So, Anna, what's the process? Would Staff then write -

2 MS. ALMEIDA: We would put a memorandum together to Council with Planning
3 Commission's recommendations.

4 CHAIRMAN PALMER: I think if we vote no on the two issues, we have two
5 issues in front of us: should M-1 got to L-I and should M-1 be deleted? I think if we vote
6 no on both those issues the five years goes away by itself and it just completely stays
7 by itself. It's another – we'd have to change the ordinance to revisit it again in five
8 years.

9 MS. ALMEIDA: You could or Council could stipulate another five years, sure.

10 CHAIRMAN PALMER: And that's okay. But as far as we're concerned if we just
11 vote no on those two issues, the moratorium goes away, as far as the Planning
12 Commission recommendation.

13 MR. TUTTLE: But I would be more comfortable stating that we want –

14 MS. ALMEIDA: Requesting.

15 MR. TUTTLE: - and our intent was that it remain in perpetuity and that way they
16 don't think it was an oversight.

17 CHAIRMAN PALMER: Any other questions for Staff?

18 MS. MCDANIEL: Well, I do have a question. If instead of letting it remain in
19 perpetuity, if we wanted to get things out of them and you all did your analysis to say,
20 alright, these parcels should go L-I, these parcels should go GC, does that mean we're
21 going to have 1,800 rezonings come through?

22 MS. ALMEIDA: You might. Absolutely.

1 MS. CAIRNS: Well the other thing is just when someone goes to build on it that
2 they pick one of the existing classifications to put it into. So they can't state, you know,
3 like there is this desire not to keep M-1 but if someone comes in and says, look this
4 one's M-1 but it's best, you know, now I'm ready to build on it and I want it to be this,
5 they zone into it. But as long as what they're wanting to do fits it, then they just get it.
6 You know, I don't know how we can minimize our burden, right – I know that's the
7 challenge, is I don't want to burden you all, I'm not trying to do that – promise. But you
8 know, to not just keep this M-1 forever –

9 MR. TUTTLE: And the downside of that is?

10 MS. CAIRNS: Just that, you know, that if it's a perfectly appropriate thing that
11 this M-1 become GC and we have to have this huge public process and all this and the
12 public comes in and says, no, no, no, because they just don't want their backyard
13 changing, that would be a burden on development and I'm not trying to impose that.

14 MR. TUTTLE: Right but if you stay as an M-1, I don't understand where the
15 county's been overwrought or overburdened or we've had bad development practices
16 by virtue of having an M-1 classification. I'm trying to understand the real goal of
17 eliminating – what are we hope to –

18 MS. CAIRNS: I think M-1 is too, it's got too many allowable uses to really allow
19 the land use map to control what goes on inside it.

20 MR. TUTTLE: Can you state a specific example of where something's been out
21 of context?

1 MS. CAIRNS: Just when I read, I mean, just when I – I mean, no I don't. One
2 thing I can sit here and say well, there must be something or we never would have had
3 this issue come up.

4 MR. TUTTLE: Well, that's what I'm trying to get to. I don't know all the areas
5 [inaudible].

6 MS. CAIRNS: When I read through all, you know, this chart that they handily
7 provided us that shows what's allowed in M-1, it's about anything except for residential.
8 And even in residential, you are allowed accessory dwellings. You know, so I mean,
9 that's, I mean, from someone who's trained in land use and using zoning to control land
10 use, I look at this and say oh, my God, M-1 doesn't control anything except for
11 residential. It's too vast a use category. I mean, it almost belies what are you zoning if
12 you allow everything but residential.

13 MR. TUTTLE: Right, but it's also, and I know what you're going to come back
14 and say but I have to say is anyway, I mean, it's also very difficult when somebody
15 enters into a transaction and owns a piece of property with inherent granted rights.

16 MS. CAIRNS: Right.

17 MR. TUTTLE: By-right. And then summarily without anybody being able to
18 articulate a particular reason or a particular problem that's arisen, to summarily change
19 that classification to something that's arbitrary, I don't get the logic there.

20 MS. CAIRNS: Well I'd just have to know what happened five years ago they
21 decided there was problem with M-1 and maybe read the notes from five years ago
22 when Council decided that M-1 needed to go away. Other than the fact that I think it
23 just –

1 CHAIRMAN PALMER: - I wasn't [inaudible].

2 MS. MCDANIEL: Well unfortunately, I [inaudible] whoever has invested right in a
3 zoning classification. I mean, it could always change.

4 CHAIRMAN PALMER: And legally they won't.

5 MS. CAIRNS: Yeah, that's right. You don't – with vacant land you have no
6 vested right.

7 MS. MCDANIEL: You have an expectation.

8 MS. CAIRNS: You have more of a vested right in this state than other states.

9 MR. TUTTLE: So, I guess if that were the case, there'd never be a takings case
10 ever then.

11 MS. CAIRNS: No takings is different, you don't have a takings with a zoning
12 change.

13 MS. ALMEIDA: Right.

14 MR. TUTTLE: You do with a use.

15 MS. CAIRNS: If you have an existing use that gets – but that's different.

16 MR. TUTTLE: Well, that's what you're doing. If I build a building under M-1 and
17 you change –

18 MS. CAIRNS: But that's not vacant land then.

19 MR. TUTTLE: Oh, okay. But –

20 MS. CAIRNS: With vacant land, I have a vested interest.

21 MR. TUTTLE: Okay, so how do you defend that then? I build a building and you
22 do away with my classification –

23 MS. CAIRNS: Get grandfathered in so that you amortize your time.

1 MS. MCDANIEL: Right.

2 MS. CAIRNS: But you can be taken out if it's for the public good, you can be
3 taken out over time.

4 CHAIRMAN PALMER: All I'm saying is that –

5 MR. TUTTLE: Right but I don't understand – I'm sorry – I don't understand
6 where the public – still nobody has gotten to the heart of the matter of why this is such a
7 big issue and where we're inherently having problems because we have M-1 zoning. I
8 don't –

9 MS. CAIRNS: I don't know, I mean, I understand your question.

10 MR. TUTTLE: Okay.

11 MS. CAIRNS: I don't know the answer.

12 CHAIRMAN PALMER: Well, I agree that there's – this is a non-issue for me
13 because if nobody can point to one single issue in the county over the last five years
14 where M-1 zoning has caused a problem, I don't see a reason to change it.

15 MS. ALMEIDA: Right off the top of my head but –

16 MS. CAIRNS: I think it would be something prior to five years but –

17 CHAIRMAN PALMER: Let's open it up for public comment. Mark James
18 followed by Tom Milliken.

19 **TESTIMONY OF MARK JAMES:**

20 MR. JAMES: Mark James, I'm 5046 Courtney Road here in Columbia. I'm
21 speaking to you today not as a real estate developer like my other project before you
22 earlier today, but as the Chairman of the CID and we are the commercial practitioner's
23 realtors associated with the Central Carolina Realtors Association. The total

1 association has over 1,100 members. Our CID has over 100 commercial practitioners
2 in the Columbia Metro area. We are opposed to the elimination of M-1 and the
3 conversion of all M-1 properties to Light Industrial. As I think we've witnessed, this is a
4 fairly complicated process. The impact on property owners or potential property owners
5 is pretty great. I think that what has worked very well over the last five years is a
6 process of saying, we'll leave M-1 as it is, and no properties could come into that zoning
7 classification but we will allow M-1 at certain times, as we've seen today; two properties
8 coming before you that's more appropriately zoned come out of M-1. And I think over
9 time what we'll see is this resolve itself. I do believe that there are substantial property
10 owners, investors across the city and from out-of-town that have purchased property,
11 purchased raw land with a cognition of what they're zoning was and a value was based
12 on that zoning and the change would impact that. And to do that, I think investors need
13 predictability and, in order to make comfortable investments in our community and
14 change it this way that's been described, I think would negatively impact our view of
15 developers or purchasers of commercial property in the Columbia in Richland County. I
16 would like to – I'm free to answer any questions and anything else. Thank you.

17 CHAIRMAN PALMER: Thank you. Mr. Milliken?

18 **TESTIMONY OF TOM MILLIKEN:**

19 MR. MILLIKEN: I'm Tom Milliken at 21 Cedarwood Lane, 29205. I'm in
20 commercial real estate with NEI Avant. I'm here actually representing myself and lots of
21 land owners that own M-1 land. A lot of these landowners, myself included, bought
22 property 15 to 30 years ago that had M-1 zoning. Some of it hasn't matured yet. And
23 we've made plans over the years as to how we'd like to develop these properties; still

1 have to have approval by the county. To take these tracts of land and take uses from
2 us, we've been planning on for many, many, many years it's not fair to a landowner.
3 Until this recent weeks, the last five years I was very involved five years ago when this
4 came before County Council in meetings. But until just the last few recent weeks, I
5 haven't heard one thing mentioned about M-1 zoning either by county Staff or public
6 sector. It's worked its way through the system. Today I watched several tracts zoned
7 M-1 get approval, commercial mostly just because of parking. Changing M-1 right now
8 and not – and I agree with what's been brought up, it should be in perpetuity. The
9 bottom line is it's just not fair to a tremendous amount of landowners. One other reason
10 is we don't have much land zoned for industrial development in Richland County.
11 Manufacturing Districts, you have very, very few tracts of land. We've lost tremendous
12 opportunities in Richland County in the last five years. Lexington, Kershaw, Fairfield,
13 counties that have been very proactive and also have lots more land zoned for industrial
14 use than we do. If we strip this M-1 zoning, and go strictly L-I, I know the economic
15 development people would be very disappointed and upset. I'm talking about Mike
16 Briggs and Mark Simmons' group, they've been very outspoken in the fact that they
17 think Richland County, if they're going to get some of the opportunities that we've
18 already missed out on in recent years, it's very important to keep the zoning that we
19 have in place. They had clients come in to look at, prospects to come in an look a
20 property for industrial use, zoning must be in place you can't take three, four, five, six
21 months to go through the process and the politics in getting something rezoned. Thank
22 you for giving us a chance to speak today.

23 CHAIRMAN PALMER: Thank you. Yes, sir.

1 MR. AUGBEEN: I was wondering if I could speak. The paper was gone when I
2 came in.

3 CHAIRMAN PALMER: Yes, sir. Come on up.

4 **TESTIMONY OF MAC AUGBURN:**

5 MR. AUGBURN: My name is Mac Augburn. I live at 224 Shore Breeze Drive in
6 Irmo and I'm in the CID. I work for CB Richard Ellis and we have, most of my work is in
7 the industrial area and I want to echo what Tom said. Richland County is at a distinct
8 disadvantage because of some of the problems we've had with government and the
9 incentives for industries to locate in Richland County and if we eliminate more of the
10 land, that's just going to put us in a much more difficult position and as you have seen
11 today, the, some of the land that was zoned M-1 has been converted because of the
12 business development cycle and I think the business will take care of the zoning, so I
13 agree with what you had said about it should be in perpetuity. We shouldn't take any off
14 the rolls but not allow any more to go into it. Thanks.

15 CHAIRMAN PALMER: That's all.

16 MR. GILCHRIST: Mr. Chairman?

17 CHAIRMAN PALMER: Yes, sir.

18 MR. GILCHRIST: Are we under a timetable to get this somewhere?

19 MS. ALMEIDA: Yes.

20 MR. GILCHRIST: What is it?

21 MS. ALMEIDA: Well, actually it was – is it February? July 1st.

22 MR. GILCHRIST: Okay.

23 MS. ALMEIDA: So, it was a couple of days ago.

1 MR. GILCHRIST: A few days ago.

2 MS. CAIRNS: Are within a half mile proximity?

3 MS. MCDANIEL: So, when this ordinance was passed by five year ago, why
4 was it?

5 MS. ALMEIDA: This M-1? I think, I mean, I'm not going to go back and be able
6 to remember every thought process but I believe one of the reasons we were trying to,
7 all the zoning designations, try to not have such zoning designations that were all
8 encompassing. Trying to compartmentalize and streamline each of the different zoning
9 designations to be more compatible with the uses within that zoning designation. But I
10 think because of the M-1 and it being so self-encompassing, one of the things that
11 would have to be done even at that time, we discussed looking at the land use map,
12 analyzing what's on the ground, what it's zoned, what the use is and making an
13 appropriate recommendation. And I believe at that time because we were dealing with
14 the Land Development Code, it was just too overwhelming an issue to deal with and
15 Council just felt, well let's just look at what will transpire in five years, that's a good
16 starting point.

17 MS. MCDANIEL: And it's clear that some parcels have naturally gravitated
18 towards GC.

19 MS. ALMEIDA: Yes.

20 MS. MCDANIEL: Because of the parking requirements. Is there any reason that
21 they would naturally gravitate towards L-1?

22 MS. ALMEIDA: Sure, some of them would.

1 MS. CAIRNS: But it would like have better – it still got the stringent setback
2 requirements, right?

3 CHAIRMAN PALMER: I don't think we've had any request to go to it.

4 MR. PRICE: Yeah, we do have a few.

5 MS. ALMEIDA: Geo? We've had a few, I thought.

6 MR. PRICE: L-I?

7 CHAIRMAN PALMER: Yeah.

8 MS. CAIRNS: From M-1 to L-I.

9 MR. PRICE: I think, what did I -

10 CHAIRMAN PALMER: There's not a single one on the list go to L-I.

11 MR. PRICE: We've had some go to the L-I, I don't know –

12 MS. ALMEIDA: Not from M-1.

13 CHAIRMAN PALMER: Right. But no M-1 to L-1.

14 MS. ALMEIDA: Not on – no.

15 MS. CAIRNS: Well but does it – but the question would be if L-1 doesn't gain
16 you anything you wouldn't rezone, you would just build in M-1.

17 MS. ALMEIDA: Right. Only if you had some sort of property restriction.

18 MS. CAIRNS: Yeah, if there was some condition difference or there was some
19 use difference about it.

20 MS. ALMEIDA: Right.

21 MS. CAIRNS: But I don't think –

22 MR. GILCHRIST: Mr. Chairman?

23 CHAIRMAN PALMER: Yes, sir.

1 MR. GILCHRIST: How many Commission Members were around here two years
2 ago? Raise your hand if you were here two years ago. Raise your hand if you've been
3 here a year or a little longer than a year. And the reason I'm bringing that up is because
4 y'all talking about something five years ago, I don't have a damn clue about what you're
5 talking about. And I would like to have at least some discussion among this
6 Commission and from Staff's perspective about why we're at this point and give me
7 some historical knowledge about why we're here so that we can make some informed
8 decisions about this. Which is the reason I asked if we're under some time constraint
9 on this then that, you know, but I don't, Mr. Chairman, I'm not asking for another work
10 session but –

11 MS. CAIRNS: Yeah, thank you.

12 CHAIRMAN PALMER: I understand.

13 MR. GILCHRIST: - but I, you know, whatever.

14 MR. TUTTLE: To follow-up on your thought. If we don't take action today then in
15 theory Council could move forward on their own?

16 MS. ALMEIDA: They could if they chose to.

17 MR. TUTTLE: Without any recommendation from Planning Commission
18 whatsoever.

19 CHAIRMAN PALMER: I think your point Mr. Gilchrist, is a very valid one. The
20 reason the Council put this in the ordinance was because at the time, they either didn't
21 know what to or didn't want to do anything with M-1 and they didn't give any instruction
22 as to what to do, they simply said guys, we don't want to address it right now, let's
23 address it in five years. So, really why they did that while interesting, what they were

1 saying was address it in five years under whatever conditions are occurring in five years
2 with the new Planning Commission with the new Council with new votes and everything
3 else. The Council five years ago didn't want M-1 to go away or else they would have
4 voted for M-1 to go away five years ago. And that's what they did.

5 MS. CAIRNS: Well, or – and I'm not so sure that's a safe statement because –

6 CHAIRMAN PALMER: Well, if they had wanted it to, it would have gone away.

7 MS. CAIRNS: Well, but we've heard from Staff what an unbelievable – to simply
8 go under the zoning Code and say, we're just going to eliminate M-1, you can't really
9 do.

10 CHAIRMAN PALMER: But there's been no work done in the last five years to
11 put an analysis on [inaudible].

12 MS. CAIRNS: We've done nothing for five years. I know, but that's the problem
13 is, you know, I would – I would differ and say, obviously there some issue about M-1, it
14 was too huge a problem to deal with five years and like any good parent, they pushed it
15 off for five years. And here we sit.

16 CHAIRMAN PALMER: Well, there hasn't been anything changed in the five
17 years.

18 MS. CAIRNS: I know, I understand. But it doesn't mean –

19 CHAIRMAN PALMER: And what makes you think that the works going to get
20 done in the next five years?

21 MS. CAIRNS: Right. But I mean, to say that, you know, that they didn't want to
22 get rid of it or they would have, is not, I don't believe is an accurate statement.

1 CHAIRMAN PALMER: Well, it's obvious that if they wanted to, they could have
2 put the time in and gotten the work done and gotten satisfied with it, they didn't want it
3 bad enough to get it changed.

4 MS. ALMEIDA: And Mr. Chairman, I think what it would have done or at the time
5 opened up Pandora's Box in looking at every zoning designation to analyze it which
6 would have been a good exercise obviously would be something that should be done
7 some day, but I mean, we can get more data, you know, what has been rezoned to L-1
8 and I don't think we've had that much to H-I.

9 MS. CAIRNS: Well, I think, I mean, to me what I'm more curious about is what
10 are the uses? Because I mean, the issue about vacant land and people buying vacant
11 land speculating on what it might be worth in five or 10 years and not developing it, they
12 don't have vested rights. I'm sorry, the law is clear as a bell. The county under their
13 police powers to control the public safety are clearly allowed to rezone that land and it is
14 not a taking. That's a risk anybody does when they buy land and don't develop on it.
15 So I'm just not even going to address that. I mean, I know it's a big deal for the pocket
16 book, but I'm telling you as someone who's been asked to look at zoning for the public
17 good, that's not my issue. But what my concern is, what uses exists in M-1? Are they
18 going to be negatively impacted, and where does M-1 live where it maybe ought to go to
19 H-I? I mean, it's possible that some of this stuff ought to be industrial use and not L-I.
20 So, I don't like the idea of a blanket rezoning because I think it's wrong. But to say that
21 people who have vacant land have a vested right in being allowed to do this huge, I
22 don't, that's just not an issue. I mean, it's who's, who's developed, who's built, what's
23 out there, what's it next to and what should it be?

1 MR. TUTTLE: So, your theory is that you can't blanket say it should become L-I
2 or H-I?

3 MS. CAIRNS: No, I don't.

4 MR. TUTTLE: - or anything? But yet somehow instead of looking at blanket
5 you're going to take certain microcosms and prescribe which areas should be H-I and
6 which ones should be L-I and so forth? I-

7 MS. CAIRNS: That's - no. I mean, I'm going to look at it and say in this area -
8 alright what, is it being used for something? And if so, what zoning classification should
9 it become based on what its use is and is that use compatible or should it be a
10 grandfathered use?

11 MR. TUTTLE: Right but I -

12 MS. CAIRNS: And then, and if it's vacant land, what's the area happening?
13 What should it be? That's what zonings all about. That's -

14 MR. TUTTLE: I understand that but I you sat here five years ago and looked at
15 the Bluff Road corridor, you would have predicted that it would have developed at a
16 completely different manner than it has.

17 MS. CAIRNS: Right.

18 MR. TUTTLE: So I don't understand how you can take somebody who's sitting
19 here with an M-1 and they have this breadth of things that they could do and summarily
20 nine people or a Staff can -

21 MS. CAIRNS: But that's what we're charged with doing.

22 MR. TUTTLE: Well, I understand that -

23 MS. CAIRNS: That's what planning is.

1 MR. TUTTLE: Okay, what public good is served by this particular mass
2 rezoning?

3 MS. CAIRNS: Well, I'm not saying – I'm not in favor of just saying, M-1 goes to
4 L-1. I'm not favor of that. But I mean, at the same time, you know, what's happened on
5 Bluff Road, it would be pretty easy to argue what's happened on Bluff Road is horrid.
6 Because we've lost industrial, we've got dense residential next to industrial uses and
7 now you've got land use conflicts going on. You know – so.

8 CHAIRMAN PALMER: How many individual parcels that came in for rezoning
9 and were vetted and - [inaudible] by their counsel and –

10 MS. CAIRNS: I know, because we don't really do planning. We don't really plan.
11 We look at microcosms every single time. And as Mr. Tuttle offered, you know, I'm just
12 going to look at this piece and say is it right for this piece? And to me that's not what
13 you do. It's you look at the neighborhood; you look at what's going on. That's planning.

14 CHAIRMAN PALMER: I'm just not – I understand what the law says, I
15 understand that technically, you are absolutely correct that no one has vested rights.
16 However, I look at the person and I look at what goes on a day-to-day basis and in my
17 personal opinion, when people have purchased a piece of property and have paid a
18 certain price for it based on that zoning and there's been no evidence that that zoning is
19 wrong for that parcel, nothing's been put forward in five years has ever said, and Mr.
20 Milliken may have hit the nail on the head when he said, this hasn't been an issue for
21 five years until we were forced to address it because of what we did five years ago.

22 MS. CAIRNS: Right.

23 CHAIRMAN PALMER: So, what's the problem?

1 MS. ALMEIDA: Well, then I would offer this Mr. Chairman. I mean, clearly the
2 Planning Commission can send it off as a recommendation to Council to revisit the
3 issue with more information, or Council can – but I mean you can make that
4 recommendation that you want to revisit it and have more time to study this issue. Staff
5 just feels it would not be good precedent to overlook the time limit –

6 CHAIRMAN PALMER: Right.

7 MS. ALMEIDA: I mean, we need to address the time limit.

8 MR. TUTTLE: Well, Mr. Chairman, I'd like to make a motion [inaudible]
9 Commissioners.

10 CHAIRMAN PALMER: Mr. Brown and Mr. Gilchrist back there? [Inaudible].

11 [Inaudible discussion]

12 MS. MCDANIEL: So, let me ask another question of Staff. If we did consider,
13 you know, doing the analysis, figuring what each parcel should be, wouldn't the
14 landowner have input into that process? I mean, they know what they might want the
15 piece of property for in the future. Wouldn't you work with them to say, alright, this is
16 what the surrounding uses are, what are you looking to use it for, let's come to some
17 agreement about what this should be. I mean, they would not be left out that process
18 would they?

19 MS. ALMEIDA: No. I mean, there would be usually public input, public
20 meetings, I mean, that's usually when you're reviewing whether land use code or land
21 use map. Yes, you have to have public hearings. Yes.

22 CHAIRMAN PALMER: But that's in the [inaudible] world where the landowner
23 lives right down the street and can come down here and talk to people and let's all

1 figure this thing out. I know personally of a lady who owns 160 acres behind some
2 acreage that my company owns; she lives in Kentucky and could care less really about
3 what goes on with it right now. And to get her down here for some kind of planning to
4 see what she wants to do with it, I mean, and you've got to do that with 1,800 times with
5 absentee landowners.

6 MS. CAIRNS: Well, and the other – see, I mean, I would offer that, to me what a
7 lot of this is about is what I've seen in this Planning Commission and in Richland County
8 is that by and large map amendments are done because a personal property owners
9 wants something, wants to be able to do something different with their land. But from a
10 standpoint of planning, it is very common in other parts of this country that boards like
11 us get together and Councils get together and they look at the map of their county and
12 they decide what should be rezoned.

13 CHAIRMAN PALMER: That should not [inaudible].

14 MS. CAIRNS: Without the property owner.

15 CHAIRMAN PALMER: That should not occur in this county, in my opinion.

16 MS. CAIRNS: Well, but I mean, that's the fundamental - that you guys tend to
17 start with the fact that we're property owners, we're developers and it should always be
18 the individual who decides what should happen with their land. And I come from a
19 background and a training that says, zoning exists for the betterment of the community
20 and it is absolutely appropriate for a community to sit down every 10 years, look at the
21 land use zoning map and say, what is going on and where do we need to rezone? Do
22 we have problem areas? Do we have conflict areas? Do we need to allow more
23 residential in an area? Do we need to start to conserving an area? Do we need to

1 expand or contract the industrial areas? That's a normal process. And land gets
2 rezoned without the property owner being the applicant. But just because the county
3 says it's time. And the ordinance says, every 10 years, we're supposed to do that. But
4 under state law –

5 MS. ALMEIDA: But there is public input. I mean, there's absolutely [inaudible].

6 MS. CAIRNS: With public input. It's not that it just happens –

7 CHAIRMAN PALMER: Well, I –

8 MS. CAIRNS: - but there's notice and public input. And I mean, it's a big deal
9 and, I mean, the extreme is Portland, Oregon which is an unbelievable land use area.
10 Where nothing, you know, the property owner can't ask for anything. It's all done by the
11 government.

12 CHAIRMAN PALMER: The other extreme is Houston that has no zoning.

13 MS. CAIRNS: Well, it's all done by private covenant which is scary as all get-out
14 too.

15 MR. TUTTLE: But –

16 MS. CAIRNS: Cause then they're permanent. Cause then they're permanent
17 which is what's interesting.

18 CHAIRMAN PALMER: Right.

19 MS. CAIRNS: You know, private covenant, you can't change.

20 MR. TUTTLE: But back to the point earlier where you were going to try to
21 analyze and take one of Mr. Milliken's parcels and determine that it should be L-I or GC
22 and I would contend that maybe it should be either.

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

1 MR. TUTTLE: He doesn't know.

2 MS. ALMEIDA: Right.

3 MR. TUTTLE: It could, you know, Walmart could show up or FM Manufacturing
4 could want to expand its machine gun factory. I mean, either one of those might be
5 appropriate. So, I just –

6 MS. CAIRNS: To me, that's why you always look at it from what's going on in the
7 area and the community, where's residential, where's employment, where's
8 transportation, where are natural resources, where's land that's fundamentally
9 compatible for uses and where's land not? And that's how you zone.

10 MR. TUTTLE: At a minimum, if you bought into that argument, I would assume
11 Staff with limited resources and time; you're looking at a minimum of five years to be
12 able to ascertain all that.

13 MS. ALMEIDA: Well, I wouldn't say five years but I mean –

14 MR. TUTTLE: Some period of time.

15 MS. ALMEIDA: We could not be doing it in 60 days, yes.

16 MR. TUTTLE: So, it –

17 MS. ALMEIDA: It would be something –

18 MS. CAIRNS: I mean, if you read the state law, it says every 10 years we're
19 supposed to do that.

20 CHAIRMAN PALMER: Well, we do.

21 MS. ALMEIDA: To be compatible with the comprehensive plan.

22 MR. TUTTLE: Yeah.

23 MS. ALMEIDA: I mean, it should be – yes, [inaudible].

1 MR. BROWN: Mr. Chairman?

2 MS. CAIRNS: But to have the zoning be a legitimate government power.

3 MR. WESTBROOK: How do we bring this issue to conclusion?

4 MR. BROWN: Mr. Chairman, question. This is something that Council wants
5 done, when was it sent to the Commission?

6 CHAIRMAN PALMER: Several months ago –

7 MS. CAIRNS: Five years ago. [laughter]

8 CHAIRMAN PALMER: - we started discussing it. We started discussing it what -
9 3 months ago?

10 MS. ALMEIDA: Three months ago.

11 CHAIRMAN PALMER: Yeah.

12 MS. ALMEIDA: As a discussion.

13 MR. BROWN: So, we've been working on this for three months?

14 CHAIRMAN PALMER: We've been discussing it, yeah.

15 MR. TUTTLE: Mr. Chairman, if you'd indulge me.

16 CHAIRMAN PALMER: Absolutely.

17 MR. TUTTLE: I'd like to make a motion that we create a memorandum and send
18 it forward to Council with a recommendation that we not to change M-1 to L-1 summarily
19 and that we change the ordinance, and you'll have to help me with the language, to
20 state that M-1 is a zoning classification in perpetuity, no additionally properties can be
21 added to M-1 but the existing M-1s would have their existing zoning.

22 CHAIRMAN PALMER: It's under Section II, right? Section II to remain the same
23 –

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

2 CHAIRMAN PALMER: - for M-1 not to be changed to L-1, for M-1 not be
3 deleted, those are our two questions. And then –

4 MR. TUTTLE: And then I'd like to add that M-1 stay as a rezoning classification
5 in perpetuity.

6 MS. CAIRNS: Well, just as like anything else.

7 MR. TUTTLE: Well, yeah.

8 MS. CAIRNS: Anything's eligible for amendment.

9 CHAIRMAN PALMER: Right.

10 MR. TUTTLE: Well, I just want to – but I mean I want Council to see that –

11 CHAIRMAN PALMER: For the time limit from our view –

12 MR. TUTTLE: - from our perspective that I was saying that it should go on –
13 rather than it's something that we overlooked and didn't set a limit.

14 CHAIRMAN PALMER: Maybe for the time limit not to be renewed or something
15 like that?

16 MS. ALMEIDA: No time limit at all.

17 CHAIRMAN PALMER: Yeah.

18 MS. ALMEIDA: No expiration.

19 MR. TUTTLE: I mean, you'll have to clean that up obviously.

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

21 MR. WESTBROOK: Do you need a second?

22 MR. TUTTLE: I assume I do, yes sir.

23 MR. WESTBROOK: I'll second that one.

1 CHAIRMAN PALMER: Does everybody understand the motion?

2 MS. CAIRNS: We're saying no and no.

3 CHAIRMAN PALMER: We're saying M-1 does not go to L-1 and we're saying
4 that M-1 is not deleted from our use matrix. We're saying that the moratorium stays in
5 place, that no one can ask to be rezoned to M-1, and the fourth issue is that the M-1
6 zoning not receive a sunset and that if you currently have M-1 you can keep it and not
7 have to worry about a five or 10 year halo hanging over your head.

8 MR. GILCHRIST: We're not changing a whole lot?

9 MS. CAIRNS: Well or we're changing a lot, it depends.

10 CHAIRMAN PALMER: We've done what the Council's asked us to do, we've
11 readdressed it five years from that date and we're telling them what we think we should
12 do with it.

13 MS. CAIRNS: The main thing we've done is removed the halo.

14 MR. GILCHRIST: Yeah.

15 MS. CAIRNS: We're just saying M-1 gets to be a zoning classification.

16 MS. ALMEIDA: Right, no more –

17 MS. CAIRNS: And the only real deal is you can't become it.

18 CHAIRMAN PALMER: Right.

19 MS. ALMEIDA: Right.

20 CHAIRMAN PALMER: Have I got it? All those in favor of the motion, please
21 signify by raising your hand. All those opposed?

22 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Brown, Gilchrist; Opposed: Cairns;*
23 *Absent: Manning, Mattos-Ward]*

1 MS. ALMEIDA: Thank you. I would like to just take a moment and introduce, I
2 guess just one of our new members of our team. I don't know if you've met Mr. Holland
3 Legea.

4 MS. CAIRNS: I know, we've been staring at him for a couple of hours.

5 MS. ALMEIDA: Right. He's our new Planning Manager and he'll be overseeing
6 the comprehensive plan and also working on Planning Commission and so we're very
7 happy to have him aboard.

8 CHAIRMAN PALMER: Mr. Holland is it?

9 MR. LEGEA: That's my first name, yes sir.

10 MS. ALMEIDA: Holland, um-hum (affirmative).

11 MS. CAIRNS: So, what's your name? Legea?

12 MS. ALMEIDA: Legea.

13 MS. CAIRNS: Legea? I said, is it Greek? I'm kidding.

14 CHAIRMAN PALMER: So, we're going to be seeing a lot more of Mr. Holland
15 and less of you?

16 MS. ALMEIDA: No, I'll be here but – yes. More of him.

17 CHAIRMAN PALMER: Very good.

18 MS. CAIRNS: But he'll be running the meetings and you'll be sitting in the
19 kitchen chairs?

20 MS. ALMEIDA: Cooking.

21 MS. CAIRNS: Ha, ha – cooking.

22 CHAIRMAN PALMER: Any other business?

23 MR. TUTTLE: That's it.

1

CHAIRMAN PALMER: Welcome aboard Mr. Holland.

2

3

[Meeting Adjourned: _____]