

RICHLAND COUNTY PLANNING COMMISSION
February 1, 2016

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[Members Present: Heather Cairns, Ed Greenleaf, Beverly Frierson, David Tuttle, Pat Palmer, Stephen Gilchrist, Chris Anderson, Wallace Brown, Sr.; Absent: Bill Theus]

Called to order: 1:00 pm

CHAIRMAN PALMER: I'd like to call the February meeting of the Richland County Planning Commission to order. Please allow me to read this into the Record. In accordance with the Freedom of Information Act, a copy of the Agenda was sent to radio, TV stations, newspapers, persons requesting notification, and posted on the bulletin board located in the County Administration office. Our first act for the day is Election of Officers. So we elect a Chair and a Vice-Chair. I would nominate Stephen Gilchrist for Chair.

MS. FRIERSON: Second.

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

[Approved: Cairns, Greenleaf, Frierson, Tuttle, Palmer, Gilchrist, Anderson, Brown; Absent: Theus]

CHAIRMAN PALMER: Do we have a nomination for Vice-Chair?

MR. GILCHRIST: Mr. Chairman, I make a nomination that Heather Cairns, for Vice-Chair.

MR. BROWN: Second.

CHAIRMAN PALMER: We have a nomination and a second for Heather Cairns for Vice-Chair. Any others? All those in favor say aye?

1 *[Approved: Cairns, Greenleaf, Frierson, Tuttle, Palmer, Gilchrist, Anderson, Brown;*
2 *Absent: Theus]*

3 CHAIRMAN PALMER: Trade 'em up.

4 [Switching Chairman]

5 CHAIRMAN GILCHRIST: Well great. Fellow Commissioners, thank you, Mr.
6 Chairman we certainly are, appreciate your years of service as the Chairman of this
7 Commission. Obviously your shoes are remarkably big to fill but I'm delighted to not
8 only learn from you over these last few years but to have the opportunity to serve in
9 your stead now. So thank you Commissioners for allowing me to serve in this position.
10 And Heather, I'm looking forward to working with you.

11 MS. CAIRNS: Congratulations.

12 CHAIRMAN GILCHRIST: Absolutely. Alright, Consent Agenda.

13 MR. PALMER: Mr. Chair, if you don't mind if we could address something real
14 quick.

15 CHAIRMAN GILCHRIST: Yes, sir.

16 MR. PALMER: How that is addressed for us. It, it's somewhat confusing, I know
17 we just started it not long ago but one thing I'd like to throw out possibly to the Planning
18 Commission to consider is that when we have each case come up, that that case then
19 the Chairman or whoever takes a look and see if there is anybody signed up to speak
20 against it. If there is someone signed up to speak against it then, of course, we hear the
21 case out from Staff. If there's no one signed up to speak against it that the Chairman
22 were then asked if anyone on the Commission would like to hear the Staff's
23 recommendations on it or if we would just go by the package. It seems simpler for us to

1 address those on a case by case basis as opposed to all upfront, and we can be just as
2 swift in it; however, in those cases we don't have to look through and, and see who
3 signs up and who hasn't and then pull them off that way. It seems like a quicker solution
4 to handle them case by case as we, as we hit each one on the Agenda. Anyone else
5 agree or disagree?

6 MR. TUTTLE: Agree.

7 CHAIRMAN GILCHRIST: Mr. Palmer, I certainly agree with that. Any other
8 comments about that?

9 MR. PALMER: So if the Staff recommends approval of the case and there's no
10 one signed up to speak against it, when each case comes up then, of course, you know,
11 the Chairman or whoever will ask, does anyone on the Commission like to, want to hear
12 the case as we normally do. And if so we'll go through the normal process, if not we can
13 just take a vote at that point without, without having the Staff to take their time to relay
14 the information that's already in our package to us.

15 CHAIRMAN GILCHRIST: We need a motion to consider that recommendation?

16 MR. PALMER: I would just make a motion that we, that we address our Consent
17 Agendas that way on a case by case basis. It's not even a Consent Agenda anymore,
18 it's really more of a, a streamlined –

19 CHAIRMAN GILCHRIST: That's right.

20 MR. PALMER: - Agenda process.

21 MR. TUTTLE: Yeah, I would be opposed. I think we've come a long way trying to
22 create the Consent Agenda much like the City has and I would, I would just encourage
23 any, you know, Commission Members that if, if they wanna hear a particular case or

1 think there's objections or need any information on a case to pull that case out. But
2 otherwise it should, I think it should roll just like a Consent Agenda ought to and you
3 approve it in masse or, or pull items out to be talked about separately.

4 CHAIRMAN GILCHRIST: Okay, we have a motion on the floor to change the way
5 the Consent Agenda is considered. Get a second?

6 MR. ANDERSON: Making, making it not really a Consent Agenda anymore, just
7 a case by case.

8 MR. PALMER: Right, just kinda how we operate.

9 CHAIRMAN GILCHRIST: That's right.

10 MR. TUTTLE: Well, to, to be fair though we have operated under the, the new
11 Consent Agenda format for the last several months.

12 MR. PALMER: Right, we have.

13 CHAIRMAN GILCHRIST: We have.

14 MS. CAIRNS: I think we've also seen basically every case get pulled off it.

15 MR. TUTTLE: That's not been my experience. I haven't done any math on it but
16 there's certainly been some, some items that went through on a Consent Agenda. And,
17 you know, clearly today the Road Names and the approval of Minutes, etc. would, you
18 know, I don't know that they need to, the full Body's attention.

19 MR. PALMER: In those cases the Chairman would need to, before the meeting
20 we would, let's say our meeting starts at 1:00, we would probably really get started then
21 about 1:10 or so because the Chairman would then need to get the signup sheet,
22 compare that to the items on the Agenda that the Staff has recommended approval for
23 and see if there's anyone signed up to speak against those. And then he could put

1 together a Consent Agenda item. I just, my opinion it would be swifter to move through
2 each one as is. But I'm, I, either way's fine with me.

3 MR. TUTTLE: Yeah, here again I just can't reiterate, the City's been doing the
4 Consent Agenda for the last, gosh as far as I can remember back, 10 years and they
5 don't particularly start their meetings late or anything, they just run through real quick
6 and if there's people there that wanna speak against something they pull those out and
7 ask for those to be removed.

8 MR. ANDERSON: And just to be clear the Planning Commission Members, we
9 can stop a Consent Agenda from moving forward with everything in there if we see
10 something that we want addressed we could vote not to have that in there.

11 MR. PALMER: That's correct.

12 MS. CAIRNS: Right.

13 MR. ANDERSON: Okay.

14 CHAIRMAN GILCHRIST: Is there a second to Mr. Palmer's –

15 MS. CAIRNS: I'll second.

16 CHAIRMAN GILCHRIST: Okay. We have a motion and a second to consider the
17 items as they are on the Agenda and pull them out as needed, as we go through if in
18 fact a Commissioner wants to place them on a Consent Agenda. All in favor of the
19 motion signify by raising your hand. All opposed? I can't see Mr. Brown down there, is
20 he – oh, he's not even here.

21 *[Vote 3/3]*

22 MR. ANDERSON: He's probably in the restroom.

23 CHAIRMAN GILCHRIST: Okay. That's 4/3.

1 MR. GREENLEAF: I'm abstaining. I'm late for the discussion so I'm abstaining
2 from the decision.

3 CHAIRMAN GILCHRIST: So is that a – does the motion carry?

4 MS. HEGLER: It's 3/3.

5 MR. PALMER: No, 3/3 it doesn't carry.

6 CHAIRMAN GILCHRIST: Okay. Alright.

7 MR. ANDERSON: I'll just say something real quick, sorry Mr. Chair. I mean,
8 really and truly I can carry either way. I mean, I think the –

9 MR. PALMER: Yeah, either way's fine with me, too.

10 MR. ANDERSON: - the format, the format for Consent Agenda just makes for a
11 very smooth process in my thought. Can we – I mean, I don't know, it sounds like we're
12 doing the exact same thing just calling it something different. Cause if I want something
13 off the Consent Agenda as a Planning Commission Member I can say, I do not want
14 that on the Consent Agenda, I wanna hear that, correct?

15 MR. PALMER: Yeah. We'll just give it a run. I mean, I just know it caused some
16 issues for me when I was as Chair to get that stuff organized up front, but you know, if
17 we run through it and we wanna readdress it in six months or a year or whatever we can
18 always change it later if you want to.

19 MR. ANDERSON: So I would defer to Mr. Chair, how do you wanna do it since
20 you're the one running through it? It makes it easier for you?

21 CHAIRMAN GILCHRIST: You know, obviously, you know, we've tried the
22 Consent Agenda on a couple of occasions. The only concern I have is whenever we
23 have something on the Agenda and we have people that might come in late or whatever

1 the case may be that may wanna speak to that issue, whether it's approval or not, I
2 wanna make sure that there is an opportunity for people, for the public to be heard on
3 any Agenda item. And so –

4 MR. TUTTLE: Well to be, to be fair though, once case number one's heard it
5 can't be reopened for someone who were to get here late.

6 CHAIRMAN GILCHRIST: I totally agree.

7 MR. TUTTLE: You know, I, I was under the impression that, that we had a
8 process that we had thoroughly vetted and had implemented and had only been trying
9 for two or three months now and seem to be without, working well without exception. I'm
10 not sure the need to try to reinvent the wheel, you know.

11 CHAIRMAN GILCHRIST: Well, the motion failed, is that right?

12 MR. PALMER: Yeah.

13 CHAIRMAN GILCHRIST: And so I think we, we move on to the Agenda and I
14 guess we can bring this up at another point but thank you for considering this. So
15 Consent Agenda items.

16 MR. TUTTLE: Mr. Chairman, is anybody signed up to speak against any of these
17 items?

18 CHAIRMAN GILCHRIST: We have case #5, Case No. 16-03 MA. Case #7, Case
19 No. 16-05 MA. And that's it.

20 MR. TUTTLE: Mr. Chairman, if I could make a motion that we –

21 MS. HEGLER: Commissioners? Can Staff add to ask for one to be removed as
22 well before you make a motion?

23 CHAIRMAN GILCHRIST: Okay, which one is that?

1 MS. HEGLER: We would like to remove the first case, 15-49.

2 MR. TUTTLE: You mean remove it entirely?

3 MS. HEGLER: Remove it from the Consent so we can have a discussion.

4 MR. TUTTLE: Okay.

5 CHAIRMAN GILCHRIST: Okay. Number 1 is being removed from the Consent
6 Agenda.

7 MS. HEGLER: 15-49.

8 MR. PALMER: Yeah, any of them that the Staff recommends denial on need to
9 come out.

10 MS. CAIRNS: Well, that's what I was gonna say, yeah if the Staff recommends
11 denial does it fall of Consent automatically?

12 MR. PALMER: Right.

13 MS. CAIRNS: So it's only if the Staff recommendation is approval and nobody is
14 here to speak against it.

15 MR. PALMER: Right.

16 MS. CAIRNS: Or none of us.

17 MR. PALMER: Right, which is why it's difficult –

18 MS. CAIRNS: So for today there's only a couple for which that's true.

19 CHAIRMAN GILCHRIST: That's true.

20 MS. CAIRNS: I think. Is the – in the Text Amendments, I mean, they're under the
21 Consent Agenda, too, are we leaving them under the Consent? I'm so used to talking
22 about those.

1 CHAIRMAN GILCHRIST: They are under the Consent Agenda. Yeah. Mr. Tuttle,
2 your recommendation was to, motion was to?

3 MS. CAIRNS: It's – I mean, we've got, Item 1 is a disapproval so it comes off.

4 CHAIRMAN GILCHRIST: Correct.

5 MS. CAIRNS: Item 2 is a disapproval so it comes off. Item 3 is a disapproval so it
6 comes off. Item –

7 MR. GREENLEAF: Chairman Gilchrist?

8 CHAIRMAN GILCHRIST: Yes.

9 MR. GREENLEAF: Sorry for my delay in arriving here. In the interest of fairness
10 to the constituents of Richland County and, and openness and transparency, I think we
11 should go through each one before we change any sort of procedures.

12 MS. CAIRNS: Well, we've been operating under a Consent Agenda.

13 CHAIRMAN GILCHRIST: Yeah, the Consent Agenda is on, I mean, it's what
14 we're doing. I guess what we're trying to determine now is whether or not that is
15 something we should continue and we, we just voted on that. And so now we're trying
16 to, based on what the Consent Agenda means, take out what we have defined as being
17 on the Consent Agenda and not. So we're, we're at case #4 right now which will be
18 taken off the Consent Agenda.

19 MS. CAIRNS: So here's the only one left on is Rimer Pond Road. So there's no
20 one signed up against Rimer Pond Road?

21 CHAIRMAN GILCHRIST: Which case number is that?

22 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we remove everything
23 from the Consent Agenda except for the December Minutes, the Road Names, and

1 case #6, 16-04 MA. And I would make a motion those move forward with a
2 recommendation for approval.

3 MR. ANDERSON: Second.

4 CHAIRMAN GILCHRIST: Got a motion and a second. Any other discussion? All
5 in favor?

6 *[Approved: Cairns, Greenleaf, Frierson, Tuttle [abstained on December Minutes],*
7 *Palmer, Gilchrist, Anderson, Brown; Absent: Theus]*

8 MR. TUTTLE: Mr. Chairman, if you'd let the Record reflect I did not vote on the
9 December Minutes because I wasn't here.

10 CHAIRMAN GILCHRIST: Yes, sir, we'll do that. Okay. We're at the Road Names.

11 MS. CAIRNS: No, we did Road – we just had to approve the Consent Agenda.

12 MR. GREENLEAF: Case No. 1.

13 CHAIRMAN GILCHRIST: Yes, yes, yes, I'm sorry. Case #1.

14 **CASE NO. 15-49 MA:**

15 MS. HEGLER: Case 15-49 is located at the intersection of Hardscrabble and
16 Summit Parkway, it's part of the Summit PDD, 9.11 acres. The request is to change the
17 zoning designations within that PDD so it's technically a, a rezoning. Again, the subject
18 parcel is part of the Summit Planned Development District. They are requesting
19 specifically to move from a low, medium density residential to a commercial district or
20 zoning category. The surrounding area is characterized by residential uses to the east,
21 commercial development to the north. One parcel to the west is undeveloped and
22 contains an elementary school. The Master Plan calls for this area to be designated as
23 neighborhood medium density where the area should be primarily residential in nature.

1 Staff, within your report and the reason I asked to pull this is because we actually have
2 received new information which I think Mr. Price is passing out to you that does impact
3 our recommendation. The report that you received, the Staff's recommendation was for
4 denial and the reason for that was even though it explicitly complied with the PDD and
5 the fact that it was mixed use, we felt that some of the allowable uses within the General
6 Commercial District were too extensive and actually didn't meet the intent of the PDD,
7 which was to have more of a neighborhood scale feel. So the Staff was a little
8 concerned about the depth of the commercial uses that were allowed. We have since
9 worked with the Applicant, because this is a PDD they can be much more refined in
10 what uses they do allow and what they proscribe. They have since submitted what's in
11 front of you today. We have had a chance to review those. They've excluded a lot of
12 the, I guess, more higher intensity General Commercial uses that don't have that
13 neighborhood that they were looking for, and having reviewed those we do think it is
14 much more compatible with the area and, and would recommend approval. So that was
15 the reason Staff requested to pull that, we have actually received additional information
16 that makes it more compliant in our opinion.

17 CHAIRMAN GILCHRIST: Okay. Questions for Staff?

18 MS. FRIERSON: I have a question. On the initial sheet where we have existing
19 zoning it says PDD and it says proposed zoning PDD. And in, on the sheet that we see
20 just a moment ago it's the same classification, at least the way it's, the verbiage. Would
21 you please clarify that for me?

22 MS. HEGLER: Yeah, I'll try to. Within a PDD there are a number of different
23 zoning designations or uses that are, are allowed. What they're doing is they're

1 attempting, when they get the original PDD approved at the time of its development
2 there's a contract and a Master Plan that goes with that. They're trying to tweak the
3 uses within the PDD, they're changing it. So in this case they're going from residential to
4 commercial within that PDD. So the zoning change is a PDD to a PDD with subtleties
5 internal to it, so it looks confusing but it's, it's, really all they're doing is they're
6 attempting to change the agreed upon uses and zoning within that PDD classification,
7 which is what a PDD allows them to do. Okay, it's a little more fine or refined than some
8 of our other zoning classifications, so it's a PDD to a PDD but the change is within the
9 uses within it. I know that's confusing.

10 MS. FRIERSON: Any way we can – I understand what you're saying – but is
11 there any way we can state that clearly so it doesn't seem to be that we are not –

12 MS. HEGLER: We tried to. In the text it should say what it's going to and from
13 and that is omitted so I tried to explain to begin with, you're correct yes, ma'am.

14 MS. LINDER: When, when I do the Map Amendment it says it's an amended
15 PDD.

16 MS. FRIERSON: Thank you.

17 MS. HEGLER: We can, yeah. That's a good idea.

18 MS. FRIERSON: Okay. Thank you.

19 CHAIRMAN GILCHRIST: Okay, any additional questions for Staff?

20 MR. BROWN: I have just one.

21 CHAIRMAN GILCHRIST: Yes, sir.

22 MR. BROWN: On that particular corner and next to this property under
23 consideration, is that a church that's next to it?

1 MS. HEGLER: Yes.

2 MR. TUTTLE: Yes.

3 MR. BROWN: I think it's –

4 MS. HEGLER: The church is on the parcel south of our subject parcel. So yes, I
5 guess next door.

6 MR. BROWN: Okay. And, and the, next to that is a, is vacant land, is that right?

7 MS. HEGLER: [Nods yes].

8 MR. BROWN: Okay.

9 MS. HEGLER: Yes, sir.

10 MR. BROWN: Thank you.

11 CHAIRMAN GILCHRIST: Additional questions for Staff? We do have someone
12 signed up to speak. When we call your name if you'll come up and please give us your
13 name and your address we would certainly appreciate that. Mr. David Powlen?

14 MR. PALMER: While Mr. Powlen's coming up, so the Staff is now in favor of?

15 MS. HEGLER: That's correct.

16 MR. PALMER: Okay.

17 **TESTIMONY OF DAVID POWLEN:**

18 MR. POWLEN: Good afternoon. David Powlen with the firm Little Diversified
19 Architectural Consulting, 5815 West Park Drive, Charlotte, North Carolina. And I
20 appreciate Mr. Price working with us as he has since the original recommendation came
21 out. So actually my presentation now is gonna be rather short because we've been able
22 to work with him, but I did want to just kinda show you from the neighborhood
23 standpoint. What we're proposing right now is to put a grocery store on the corner there

1 that would be just a single story grocery store and this is an architectural rendering of
2 what that store would look like. So it is we feel like very much a neighborhood use that
3 will work well with the surrounding residential that's there. Someone asked the question
4 about the church that is just to the south of us. Actually as part of our development we
5 are gonna be improving Bombing Range Road which is the road between us and the
6 church, which is also the church's primary access to their facility, so we're gonna be
7 doing some improvements to that road, too, that'll make access to and from the church
8 actually easier on their standpoint. And I'll be happy to answer any questions that you
9 all may have.

10 MS. FRIERSON: Are you at liberty to say what grocery store it would be?

11 MR. POWLEN: Yes, ma'am, it's a Lidl Grocery Store, L-I-D-L. They are actually
12 the largest retailer in Europe and they are just now establishing a footprint here in the
13 US. And their, right now their footprint is gonna stretch along the Mid-Atlantic and then
14 basically from kind of Philadelphia down through Columbia and Atlanta.

15 MS. FRIERSON: Can you give us any specifics as to what type of grocery store?
16 Is it a specialty grocery store or?

17 MR. POWLEN: It's, it is more of a neighborhood grocery store. Our building is
18 36,000 square feet, which is actually smaller than a lotta the larger grocery stores that
19 are going in now that are more 50 to 55,000 square feet. It will have products locally
20 sourced products, and it'll have some products that are European in nature that you
21 wouldn't normally find in, in grocery stores. But it'll also have the regular brands that
22 you're used to seeing. So it's more of a neighborhood type of a grocery store.

23 MS. FRIERSON: Thank you.

1 MR. POWLEN: You're welcome.

2 MR. TUTTLE: Mr. Chairman, I have a question.

3 CHAIRMAN GILCHRIST: Yes, sir, Mr. Tuttle.

4 MR. TUTTLE: I just wanna make sure with Staff, what's before us today is
5 anything that's on this sheet is an approved use in the GC under the PDD, correct?

6 MS. HEGLER: Correct.

7 MR. TUTTLE: Thank you.

8 MR. POWLEN: And I, I guess I should follow up with that. The grocery store is
9 not taking up the entire eight acres of this land. There will be some remaining acreage
10 and that, that's why this rezoning still allows for some other uses that would be
11 compatible with that.

12 CHAIRMAN GILCHRIST: Any additional questions? Yes, sir?

13 MR. BROWN: This may, might have needed to go to Staff, I'm not sure but the
14 traffic, there's a traffic light if I recall correctly, right at Summit Parkway and
15 Hardscrabble. And the, turning into that the, the traffic count there, I'm concerned about
16 congestion.

17 MR. POWLEN: We, we have already had a traffic study done and we have been
18 working with Richland County Transportation as well as SCDOT. SCDOT right now has
19 planned improvements for Hardscrabble Road. Part of those planned improvements are
20 a concrete median along Hardscrabble Road. Now we currently have a request into
21 them for what they call a left over, which would allow a left turn into Bombing Range
22 Road, but there will not be a left turn out of Bombing Range Road. And our other access

1 point will be off of Summit and it will become the fourth leg of the traffic signal that's
2 currently there for the shopping center across the street.

3 MR. BROWN: The, right at that intersection, Mr. Chairman, I just raise this for the
4 Commission to – you have, there's an elementary school across from that, across the
5 street, across the road and then the, a primary turn into Summit Parkway. And if you
6 have a left turn that they're going to put in the question is going to be the congestion at
7 that intersection, and I just raise that – unless they're going to widen that road so that
8 it's four lanes instead of two lanes, that's just –

9 MR. POWLEN: That's actually – the SCDOT project that is not part of our project
10 that is already a planned project by them will be widening the road to four lanes.

11 MR. BROWN: Thank you.

12 MR. TUTTLE: And Mr. Chairman I might add –

13 CHAIRMAN GILCHRIST: Yes, sir.

14 MR. TUTTLE: With the, with the penny tax, etc., they've already purchased right-
15 of-ways along Hardscrabble Road so it's my understanding that potentially contracts will
16 be let in 2016 and construction could actually begin in 20-late-16 to 2017. So I think
17 going to five lanes would certainly bring it from an F back down to something
18 reasonable.

19 MR. BROWN: Thank you.

20 CHAIRMAN GILCHRIST: Any additional questions for the Applicant? Thank you,
21 Mr. Powlen.

22 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we send Case 15-49
23 MA forward to Council with a recommendation for approval.

1 MR. ANDERSON: Second.

2 CHAIRMAN GILCHRIST: Motion and second. All in favor? All opposed?

3 *[Approved]*

4 CHAIRMAN GILCHRIST: This group is a recommending Body to County Council
5 and they will meet back in these Chambers on February the 23rd, so thank you. Alright,
6 next case.

7 **CASE NO. 15-50 MA:**

8 MS. HEGLER: Case 15-50, the Applicant is Hugo Gonzales, location is 10958
9 and 10962 Two Notch Road, about 3.59 acres in total. The request is to rezone from
10 Office Institutional to Light Industrial. The surrounding area is characterized by scattered
11 non-conforming commercial uses, residences, and undeveloped parcels. Specifically
12 the parcels to the south and the east of the site are undeveloped. The Richland County
13 Comprehensive Plan adopted in 2014 designates this area as Neighborhood Medium
14 Density, again where medium density residential neighborhoods are the primary use.
15 Non-residential development may be considered for location along main corridors in that
16 intersection. Staff is of the opinion that the request is not in compliance with those
17 intentions then of the Comprehensive Plan. The site is fairly far from an intersection
18 and, and furthermore the Comprehensive Plan recommends supporting neighborhood
19 commercial scale development for areas designated as neighborhood medium density
20 which this is, and discourages fragmented leapfrogging, which this would be in our
21 opinion. Staff's view is that the request does not provide for neighborhood scale
22 development as the Light Industrial District promotes wholesaling, distribution, storage,
23 processing, light manufacturing and general commercial uses. It would also be

1 introducing a land use or, I'm sorry, a zoning district in the area where it currently
2 doesn't exist and would be incompatible. For those reasons we recommend
3 disapproval.

4 CHAIRMAN GILCHRIST: Okay, any additional questions for Staff? We do have
5 someone signed up for this case. Mr. Hugo Gonzales? Please give us your name and
6 your address, please, for the Record.

7 **TESTIMONY OF HUGO GONZALES:**

8 MR. GONZALES: My name is Hugo Gonzales. I'm actually the person who
9 purchased the parcels. In that area there's, there's nothing that's really developed for
10 that but we are a small construction company and the reason we selected Light
11 Industrial was to have outdoor storage in a presentable fashion. We plan to expand our
12 business to do landscaping materials, in a sense kinda stone and maybe small trees,
13 something like that. And there's a couple other places like Fresh Limbs up the street but
14 it's about two miles south of that. And in the Elgin area all the way up to Lugoff and
15 Camden there's nothing of that nature, so that was the reason we came into the
16 Planning Department. We discussed a couple options and that was one that would
17 allow us to do outdoor storage. Not necessarily for manufacturing purposes or any of
18 that. We don't have any intended use of that, I mean, our, more kinda leaning towards
19 just having the flexibility for the outdoor storage. That's all.

20 CHAIRMAN GILCHRIST: Okay. Thank you. Any additional questions for the
21 Applicant? Yes, sir.

22 MR. GREENLEAF: Mr. Gonzales, did you consider a different designation
23 outside of LI, Light Industrial?

1 MR. GONZALES: We have as a secondary choice I think it was General
2 Commercial. But I think there's some restrictions for the type business that we're in for
3 that, so that's the main reason why we went towards LI.

4 MR. GREENLEAF: Thank you very much. Appreciate it.

5 CHAIRMAN GILCHRIST: Any additional questions? Motions? Considerations?
6 Yes, sir?

7 MR. ANDERSON: I do have a quick question. So storage on OI, nothing of the
8 construction nature at all, Geo?

9 MS. HEGLER: Mr. Price?

10 MR. PRICE: Yes.

11 MR. ANDERSON: So there is some type of storage, just –

12 MR. PRICE: Yes, typically when you're looking at the commercial districts and
13 you get to that type of outdoor storage, especially of materials from I guess the, the
14 profession that's taking place there, those are usually limited to the industrial districts.
15 When you get to General Commercial the uses are typically inside and then so you just
16 start going back to the NC, RC, and OI districts; those uses are pretty limited to indoor
17 uses.

18 MR. ANDERSON: Okay.

19 CHAIRMAN GILCHRIST: Any additional questions? Any motions?

20 MR. ANDERSON: Mr. Chair, I make a motion that we send Case 15-50 MA to
21 Council with a recommendation of denial, or disapproval, excuse me.

22 CHAIRMAN GILCHRIST: Is there a second?

23 MR. GREENLEAF: Second.

1 CHAIRMAN GILCHRIST: We have a motion and a second. All in favor of sending
2 this case forward with a recommendation of disapproval signify by raising your hand. All
3 opposed?

4 *[Denied]*

5 CHAIRMAN GILCHRIST: Sir, again we are a recommending Body to County
6 Council. They will meet here again in these Chambers on February 23rd. Thank you.
7 Alright. Next case?

8 **CASE NO. 16-01 MA:**

9 MS. HEGLER: Case 16-01, Mr. John Monroe located at 10740 Two Notch Road,
10 a little over 4 ½ acres. The request is to rezone from Rural to General Commercial. This
11 subject parcel, if you'll see on the map in a moment, is split along Two Notch Road. The
12 parcel's wooded and undeveloped and the immediate area is comprised primarily of
13 residentially developed parcels, and mostly undeveloped as well. Again as in the prior
14 cases the Comprehensive Plan calls for this area to be designated as neighborhood
15 medium density where residential uses are the, the preferred use. With that in mind
16 Staff is of the opinion that the request is not in compliance with the Comp Plan. Again,
17 we're not at a traffic junction, we're not within a, an appropriate distance from the
18 intersection of a primary arterial, nor does the proposed zoning district support a
19 neighborhood scale development which the Comprehensive Plan calls for. And again,
20 the Plan discourages leapfrogging. And again, the approval of the rezoning request
21 would not be in character with the existing surrounding development pattern and
22 therefore Staff recommended disapproval.

23 CHAIRMAN GILCHRIST: Okay, any questions for Staff? We do have – I'm sorry,
24 Mr. Anderson?

1 MR. ANDERSON: Go ahead.

2 CHAIRMAN GILCHRIST: We do have an Applicant signed up to speak, Mr.
3 Monroe?

4 **TESTIMONY OF JOHN MONROE:**

5 MR. MONROE: Thank you, Mr. Chairman, Board Members. I'm John Monroe, I
6 live at 10740 Two Notch Road, lived there for 76 years. We bought this land 55 years
7 ago with the understanding that we would develop it as the county, as the county moved
8 out. It's just now getting out to this point. I don't plan to sell this property, I don't plan to
9 have it rezoned to sell it. I plan to build on it for income stream. We own land in that
10 area, in fact four years ago we put 240 acres in a Conservation Easement, just about a
11 block from this property, Old, what's that, Old National Road. And it runs about a half a
12 mile on both sides of Two Notch and we set that aside. It's worth some 5, 6 million
13 dollars it's been appraised at. But the farm had been in our family for some, since 1884,
14 some 130 years, so we wanted to preserve this property. If you're familiar with it,
15 coming down Two Notch all of that that you see when you come down, the chicken
16 farm, all of that is in a Conservation Easement. We wanted a piece of property that we
17 could set aside for an income stream for our kids and grandkids in future. It's come to
18 that point that I'm getting a lot of inquiries about it. In fact a bank had been at me a
19 couple years to build a bank, I said, I'm not interested in selling, I'll lease you piece of
20 land. So hopefully, you know, this will come. As I said, we don't, we don't plan to, to sell
21 it, we plan to develop it out, and for income stream later on. I've got, you know, family
22 living in the area and whatever goes in there will certainly be compatible with the
23 surrounding. I've got brothers and sisters, nieces, nephews living all around this

1 property so it would certainly be something compatible and would produce a good
2 income stream when I'm gone. And I hope you will consider this. Let – can I say one
3 other thing?

4 CHAIRMAN GILCHRIST: Yes, sir. One minute.

5 MR. MONROE: I think one thing I got a letter, well I got it Friday from the office
6 and I think they make my case. It's the zoning district summary. It says, The General
7 Commercial District is intended to accommodate a variety of commercial and non-
8 residential uses characterized primarily by retail, office and service establishment
9 oriented, primarily to major traffic arteries or extensive areas of commercial usage. And
10 in the letter it says some 18,000 cars pass that property a day, so I would, I would think
11 that would be a good use for it. General Commercial with that traffic stream by there
12 each day. Thank you.

13 CHAIRMAN GILCHRIST: Thank you, Mr. Monroe. Additional questions?

14 MR. TUTTLE: I have a question for –

15 CHAIRMAN GILCHRIST: Yes, sir, Mr. Tuttle.

16 MR. TUTTLE: The, the property to the west I assume that's part of the PDD of
17 Greenhill Parish?

18 MS. HEGLER: It is.

19 MR. TUTTLE: What is that particular section within the PDD zoned for?

20 MS. HEGLER: There is a small remaining piece of commercial and it is not
21 contiguous to this but near it.

22 MR. TUTTLE: The original PDD for Greenhill Parish, did it not have more
23 commercial there along Two Notch?

1 MS. HEGLER: It did. It has all been converted to residential. Correct. I believe
2 so.

3 MR. TUTTLE: So there was, there was a period of time where the County
4 thought commercial growth along this corridor was, was appropriate.

5 MS. HEGLER: Within the PDD.

6 MR. TUTTLE: And has, has such changed because the PDD has changed based
7 upon demand and economies, etc.

8 MS. HEGLER: Correct. But I don't know what the details of the PDD were, they
9 may have more finite uses that would've been allowed than just open General
10 Commercial would.

11 MR. PALMER: Is there anyone signed up to speak?

12 CHAIRMAN GILCHRIST: No, not against it, no.

13 MR. PALMER: Okay. This site obviously is bordered and, and, by the railroad
14 track on one side and I think if you look at, to the left of this site it is an operating either
15 junk yard or car lot of some kind, obviously a legal non-conforming use on the site. So
16 while our map shows it is as Rural, there's actually a commercial business on there.
17 You've got 18,000 cars per day on US Highway 1, which stretches from Key West to
18 Canada. On this site you've got some folks who over the years have, have lived on Two
19 Notch Road but because of the traffic that is on the road they've decided to move
20 elsewhere, and this is one of those areas where we take a look at the Comprehensive
21 Plan as a county-wide guide. However, in certain areas we know that the
22 Comprehensive Plan is not the law, yet it's a guide and we know that in certain times we
23 need to go against the Comprehensive Plan. This is one of those instances in my mind

1 where obviously you've got a piece of property that has commercial uses on both sides
2 of it, the PDD which is on the other side of Two Notch Road, the south side of Two
3 Notch Road, at one time did have commercial; whether it does now or not I'm not sure, I
4 didn't hear that discussion. But I do know that if you pull back from our close up site that
5 we have of this, if you pull back there's a tremendous amount of General Commercial
6 along Two Notch Road that is not at intersections. Two Notch Road, everyone in this
7 county knows as a commercial corridor and expects it to be a commercial corridor. My
8 motion would be that for those reasons that we send this forward to Council with a
9 recommendation of approval. And those are my reasons for going against the
10 Comprehensive Plan.

11 MR. TUTTLE: Second.

12 CHAIRMAN GILCHRIST: We have a motion and a second. Any –

13 MS. CAIRNS: I mean, just, you know, as somewhat consistent but I, I don't find
14 that traffic counts of 1800 [sic] and being a major road means that –

15 MR. PALMER: Eighteen thousand.

16 MS. CAIRNS: Eighteen thousand, sorry. Would mean that therefore it should be
17 commercial. I mean, that would envision that basically every major corrido would have
18 commercial from county to county, eventually. And I think that that would make for a
19 pretty horrific county if all of our corridors were just commercial. So if, I mean, if that's
20 the main reason is you've got a lotta cars and, and therefore, you know, it's a big road it
21 oughta have commercial, to me that's not sufficient reason. I mean, I think that we will
22 have non – I hope we have non-commercial uses on major corridors.

1 MR. PALMER: But Heather, that's the reason that we have commercial corridors
2 is because the roads are designed to handle that type of traffic. This is a center lane,
3 four lane divided road with proper access. We don't want the commercial back in interior
4 roads, we want the commercial along roads that are designed to handle that amount of
5 traffic, which this is.

6 MS. CAIRNS: But not every inch of those corridors. I mean, I think that if you -

7 MR. PALMER: Oh, I agree but we're not talking about every inch, we're talking
8 about a single zoning here. This is not a county-wide rezoning, proactive rezoning of
9 parcels along sites. This site I believe calls for it. It's, it's not a massive impact, it's not a
10 100 acre rezoning.

11 MR. ANDERSON: Can we back up the, the image? Just a little bit?

12 MR. TUTTLE: Mr. Chairman, may I ask the Applicant -

13 CHAIRMAN GILCHRIST: Yes, sir.

14 MR. TUTTLE: - a question?

15 CHAIRMAN GILCHRIST: Go right ahead, Mr. Tuttle.

16 MR. TUTTLE: Mr. Monroe, the area that you've set aside for Conservation
17 Easement, how many lineal feet along Two Notch Road do you think you've preserved?

18 MR. MONROE: It's about half a mile. It, on the other side of the railroad my
19 brother put 75 acres in a Conservation Easement starting at the skating rink. Runs all
20 the way, follows the railroad on the other side, probably, I don't know, several thousand
21 feet on that side. And then starting at Old National Road down around the curve on to
22 the next curve, on both sides, the pond, the chicken farm, all of that is set aside. It was
23 valued at some 4 to 5, depends on what real estate company you're talking to, 4 to 5 to

1 6 million dollars. And as I said it's been in the family, you know, we intend to keep it.
2 You know, whatever we do would be compatible with the community. As I said my
3 family lives there and, you know, we plan to, to keep it in that setting.

4 MR. ANDERSON: Help me remember, the, the property just to the, I guess on
5 our map it's kinda to the west of you, that's part of the Greenhill PDD, that was a, a
6 commercial golf driving range for many years, wasn't it?

7 MR. MONROE: Yes, sir. Where my property starts toward Columbia was the
8 driving range. Yeah.

9 MR. ANDERSON: Okay.

10 MR. MONROE: That's where it is, it runs down, I think it's 680' we have on Two
11 Notch Road. So it'd be, you know, conducive to a nice drug store, a bank, you know,
12 these type shops, these type things.

13 CHAIRMAN GILCHRIST: Mr. Anderson? Then Mr. Greenleaf. Did you have a
14 question? Okay.

15 MR. MONROE: But you approved 20-what-260 homes right behind this on a 60
16 some acre tract, so.

17 CHAIRMAN GILCHRIST: Yeah.

18 MR. MONROE: We gone need some taxes to pay for these kids going to school.

19 CHAIRMAN GILCHRIST: [Laughter] Mr. Greenleaf.

20 MR. GREENLEAF: Mr. Monroe, the property is located at 10740 Two Notch –

21 MR. MONROE: Yes, sir.

22 MR. GREENLEAF: - and your home is located where?

23 MR. MONROE: I'm just down the, the hill.

1 MR. GREENLEAF: What's the number on that?

2 MR. MONROE: 10740, sorry.

3 MR. GREENLEAF: 10740, both of them are 10740.

4 MR. MONROE: No. Mine, that's where I live.

5 MR. GREENLEAF: Okay, and that's, okay that's the same as the location –

6 MR. MONROE: No. No, it's not the same – well, we don't live there but it's down,
7 down around the curve from, from that.

8 MR. GREENLEAF: Thank you very much.

9 MR. MONROE: Yes, sir.

10 MR. GREENLEAF: I'd like to call the question to move this forward to Council
11 with approval.

12 CHAIRMAN GILCHRIST: Okay, we have a motion and a second. All in favor?

13 *[Approved]*

14 CHAIRMAN GILCHRIST: And this is based on the –

15 MR. PALMER: The motion, with the reasons stated.

16 CHAIRMAN GILCHRIST: That, that Mr. Palmer had given earlier.

17 MR. PALMER: To against the Staff's recommendation.

18 CHAIRMAN GILCHRIST: Yes. Alright. Thank you, Mr. Monroe, and –

19 MR. BROWN: Call for disapproval, Mr. Chairman.

20 CHAIRMAN GILCHRIST: Oh, I'm sorry, I thought it was – disapproval? Again
21 sorry, sorry about that. Disapproval? Okay, just. Alright. We are a recommending Body
22 as you know and we'll see you back in these Chambers on the 23rd.

23 MR. MONROE: Okay, thank you.

1 CHAIRMAN GILCHRIST: Alright. Sorry about that. Next case.

2 **CASE NO. 16-02 MA:**

3 MS. HEGLER: Case 16-02, Charlotte Huggins at 10512 Garners Ferry Road,
4 little under two acres. The request is for, to rezone from Rural to General Commercial.
5 Again, the subject parcel obviously has frontage along Garners Ferry Road and
6 contains two non-residential structures. The immediate area is characterized by large lot
7 residential uses along the north and the south of Garners Ferry, and then there's a
8 convenience store with pumps south of the subject parcel. The Comprehensive Plan
9 calls for this area to be designated as Rural, as does the community Neighborhood
10 Master Plan that's been adopted by County Council. In these areas rural development
11 and smaller agricultural operations are appropriate and preferred in these service
12 transitions between very low density rural areas and suburban neighborhood
13 developments. These rural areas should be designed to accommodate single-family
14 residential developments in a rural setting. Staffs of the opinion that the proposed
15 rezoning would not be consistent with that objective. The Richland County Comp Plan
16 recommends residential development on large lots in these areas and the Plan also
17 supports that commercial development should be located at rural crossroads only.
18 Further, Staff believes that approval of the rezoning request would not be in character
19 with the rural pattern that we already have on Garners Ferry Road. For these reasons
20 we recommend disapproval.

21 CHAIRMAN GILCHRIST: Okay, any additional questions for Staff?

22 MR. BROWN: Just one. What is –

23 CHAIRMAN GILCHRIST: Yes, sir.

1 MR. BROWN: - the, what's currently on that property?

2 MS. HEGLER: Two structures, Tommy do you know what, what they're used for?

3 They're not homes.

4 MR. BROWN: What kind of structures?

5 MS. HEGLER: They're –

6 MR. BROWN: They're not homes?

7 MS. HEGLER: Correct. The Applicant might be able to speak to that.

8 CHAIRMAN GILCHRIST: Ms. Charlotte Huggins? Yes, if you'll give us your
9 name and your address, please.

10 **TESTIMONY OF CHARLOTTE HUGGINS:**

11 MS. HUGGINS: Charlotte Huggins, I live at 273 Old Congaree Run Road, it's
12 about a mile from this location off the main highway there. Been there 34 years. You
13 want me to continue?

14 CHAIRMAN GILCHRIST: Yes, ma'am, go right ahead.

15 MS. HEGLER: For part of her time do you want her to answer what those
16 buildings are?

17 MR. BROWN: If, if you would, yes. What is currently on the property? There
18 seems to be a building of some kind.

19 MS. HUGGINS: It is a tri-plex. That's three apartments joined, a tri-plex. On the
20 backside.

21 MR. BROWN: Thank you.

22 MS. HUGGINS: Yes, sir. I was just – for some history, like I said we've been out
23 in that area 34 years and when we actually bought this property it was actually listed

1 from the realtor as commercial, which of course was in error, we found that out. So
2 that's why we're here today. But getting toward retirement age, would like to put
3 something out there to help serve the community and all the traffic that is on the road,
4 which of course runs from Sumter to I-77. So with that, you know, started with the
5 paperwork and Tommy and Suzie most helpful, you know, in the Zoning Department to,
6 you know, get me here today with getting what you needed on the plat and so therefore,
7 you know, moving forward there is – even though I have the 1.86 it doesn't meet the 2
8 acre requirement. But however, there is an adjacent embroidery shop across the road
9 that's 1 acre, and also the Mr. Bunky's store on the corner which is also 1 acre, but I'm
10 sure he was grandfathered in. He's been there probably longer than I have out there in
11 the area. But certainly would like to put a business there, nothing set in stone yet. But,
12 you know, something to help serve the community. But that's what we're looking to do,
13 to make use of, you know, the building.

14 CHAIRMAN GILCHRIST: Okay. Thank you, Ms. Huggins. Any additional
15 questions for the Applicant?

16 MR. BROWN: Mr. Chairman, the, what is pictured here looks like a garage of
17 some type or a shed of some type?

18 MS. HUGGINS: It's the actual building itself that's already pre-existing. I know it's
19 over 3,000 square feet. And in the past they've had honored a Special Exception back
20 in 1990 – I call it Special Exception of, you know, from the zoning, in 1999. And in
21 addition to years past it has been an embroidery shop, it has been a boat repair and a
22 daycare and a restaurant, so many things over the years in the past. I don't know if that

1 was prior to, I think at one point the City turned over their records to Richland County
2 but it has been several businesses as long as I've been out there.

3 MR. BROWN: The tri-plex that you reference, is that behind this building?

4 MS. HUGGINS: Yes, sir, actually in the far back, almost, you know, on the line.

5 MR. BROWN: Okay, yes. Thank you, Mr. Chairman.

6 CHAIRMAN GILCHRIST: Yes, sir. Any additional questions for the Applicant?

7 Thank you, Ms. Huggins. Yes, sir, Mr. Palmer?

8 MR. PALMER: Anyone else signed up?

9 CHAIRMAN GILCHRIST: No, that's it.

10 MR. PALMER: Mr. Chair, I – Mr. Chair, this case, with the availability of General
11 Commercial in the area generally available and this site not being at an interchange, I, I
12 would agree with Staff's recommendation and make a motion that we send this forward
13 to Council with a recommendation of denial.

14 MR. GREENLEAF: Second that motion.

15 MR. ANDERSON: I'd like to say something just real quick.

16 CHAIRMAN GILCHRIST: Yes, sir, Mr. Anderson.

17 MR. ANDERSON: Before we vote. So I travel down this road quite a bit, in fact a
18 lot. I use Mr. Bunky's a lot. That – so the, the spotty commercial in that area when you
19 drive down 378 past McEntire Air Force Base, you – I know we're not calling this a, a
20 major arterial here but I don't have a problem with this particular parcel here because it
21 is right across from Mr. Bunky's. And you'll notice the, the feel, when you go down that
22 road, I mean, when I go down it at least twice a week sometimes, I mean, it feels
23 commercial. And again, I think some of our responsibilities here are, are to kinda mash

1 that commercial where it already is, where those stores already wanna go, there's, you
2 know, decent turning lanes there, the, the left hand turn to Mr. Bunky's is not terrible. So
3 I, I don't particularly have a problem with it, you know, it, it is at a rural type intersection,
4 so I mean, that, that was just what I would say. I mean, you're talking to somebody that
5 drives down that road all the time and would much rather see this right here than at, you
6 know, two miles down the road on the left smack dab in-between, you know, two, you
7 know, farms or something like that. So again, I just wanted to make that, that known that
8 when you get in these very, very rural areas those pockets of commercial do tend to
9 clump together, and it's better to have them clumped together. I don't know if you
10 remember, we had the gentleman here weeks, or excuse me, months ago from the
11 Eastover area and they were wanting the commercial clumped. They were wanting all
12 that in their area just to bring some revenue. And, and this area is a fantastic rural area
13 when you take a left or a right, I mean, it doesn't take long to see a ton of rural, so is this
14 gonna develop and become Two Notch Road? Absolutely not. But I just wanted to state
15 that opinion because, I mean, again I drive down it a lot.

16 MR. PALMER: Mr. Chair?

17 CHAIRMAN GILCHRIST: Yes, sir, Mr. Palmer?

18 MR. PALMER: Chris, I, I completely agree with you. I, I just don't wanna step into
19 an issue that we had before in the past. I'm not saying that I wouldn't support, I don't
20 have the report in front of me, I haven't taken a look at it, I would – I know that it's tough
21 for us. We have to address what's in front of us.

22 MR. ANDERSON: Sure.

1 MR. PALMER: So for the General Commercial zoning, and I wouldn't want the
2 Applicant to take anything or read anything into it, but there are lesser, less intense
3 commercial applications that may be more appropriate for this rather than a General
4 Commercial zoning. But as, as far as a General Commercial that was, that was my
5 thinking behind it is that there is a less intense, more suited for rural areas commercial
6 applications in our zoning matrix, rather than a General Commercial.

7 MR. ANDERSON: And, and ma'am, you can talk to Staff about what those are
8 and if those would fit your particular needs. I just wanted to make the general point that,
9 I mean, it is a rural area and there is –

10 MR. PALMER: I getcha, I understand, yeah.

11 MR. ANDERSON: - there's nothing that says in our Code that GC can't be in a
12 rural area. I know it's a very long stretch, I know this isn't a true intersection, but again
13 your, your turn lanes aren't terrible there, you see a lotta traffic through there. Again, I'm
14 just saying if it's gonna be anywhere I'd rather it be right where Mr. Bunky's is than a
15 mile down the road.

16 MR. PALMER: I would agree.

17 CHAIRMAN GILCHRIST: Ms. Cairns.

18 MS. CAIRNS: Yeah, I, I have to sorta chuckle, I'm actually in a lot of agreement
19 with Mr. Anderson and I, you know, for me when I looked at this the fact that the other
20 side of the road is already all zoned GC, I look at this and say, okay we're gonna end up
21 with a GC node out here at this spot on Garners Ferry. And again, as long as it doesn't
22 continue to go east and west down the whole length of the road, you know, I support the
23 congregation of all this. And, you know, I, you know, why it's zoned across the road and

1 has been developed that's not an issue for us, but I, I mean, I support this becoming GC
2 just because it's, it's, you know, it's already zoned to sorta become a node. So.

3 CHAIRMAN GILCHRIST: Okay. We have a motion and a second on the floor.

4 Any other discussion?

5 MS. FRIERSON: Could the motion be restated? It's been a while now.

6 CHAIRMAN GILCHRIST: Yes.

7 MR. PALMER: Just a motion to send this forward to Council with a
8 recommendation of denial.

9 MS. FRIERSON: Of what?

10 MR. PALMER: Denial.

11 CHAIRMAN GILCHRIST: And Mr. Greenleaf seconded.

12 MS. CAIRNS: Which was the Staff's recommendation, which was disapproval.

13 CHAIRMAN GILCHRIST: Correct. All in favor of sending this case forward now
14 please raise your hand. All opposed?

15 *[3/5]*

16 MR. PALMER: We need an affirmative motion.

17 CHAIRMAN GILCHRIST: Yes. Yes, sir, Mr. Anderson.

18 MR. ANDERSON: Mr. Chair, I'd like to make a motion that we send Case 16-02
19 MA ahead to Council with a recommendation of approval based on the following
20 arguments. That the zoning in question tends to match the zoning across the street with
21 Mr. Bunky's. That it albeit not at a lighted intersection be close to an intersection on a
22 major arterial road, with good turn lanes. And that would be the motion.

23 MR. BROWN: Second.

1 CHAIRMAN GILCHRIST: Alright, we have a motion and a second to send this
2 case forward to Council with a recommendation of approval based on the
3 recommendations from Mr. Anderson. All in favor? All opposed?

4 [6/2]

5 CHAIRMAN GILCHRIST: Ms. Huggins, we are recommending Body to County
6 Council and they will meet back in these Chambers again on February the 23rd. So
7 thank you. Alright. Next case.

8 **CASE NO. 16-03 MA:**

9 MS. HEGLER: Case 16-03 brought forward by D.R. Horton, Crown LLC. It's
10 located at 1635 Hollingshed Road, about 25.34 acres in total. The request is to rezone
11 from Rural to RS-MD, our medium density, single-family residential district. The
12 immediate area is characterized by residential and institutional uses along this portion of
13 Hollingshed Road. The County's Comprehensive Plan calls for the area to be
14 designated as medium density, neighborhood. And you've heard this a couple times
15 today, residential neighborhoods of medium density are the preferred use. With that in
16 mind the proposed rezoning would be consistent with the objectives, Staff felt, outlined
17 in the Comprehensive Plan. It's also in character with the land use that's existing along
18 Hollingshed Road and the development patterns that are currently there. For those
19 reasons Staff recommended approval.

20 CHAIRMAN GILCHRIST: Alright, any questions for Staff? Chuck Munn, the
21 Applicant, is he here?

22 MR. TUTTLE: Actually that's, that's the next case.

23 CHAIRMAN GILCHRIST: Is that the next case?

1 MR. TUTTLE: Something got confused there.

2 CHAIRMAN GILCHRIST: No, I'm sorry. Yeah. Charles Lee?

3 **TESTIMONY OF CHARLES LEE:**

4 MR. LEE: Hello, my name is Charles Lee. My address is 219 Jesse Derrick
5 Road, Irmo, South Carolina 29063. Thank you for hearing me. I'm new at these kind of
6 hearings and stuff like this, I've lived in that area for 15 years and have enjoyed the rural
7 feel to it for a long time. Over the years I've noticed it grow and build, the traffic's just
8 gotten unbelievable. Let's see, I've seen Foxborough I, II, and III be built out there,
9 Ascot behind me, and now they're wanting to take these section of rural area away from
10 us, and I strongly oppose it for that reason. The traffic, and I just wonder when is
11 enough? How many more houses are they gonna try to put in there? I'm not sure what
12 one voice can, difference one voice can make in this but I'd like to be heard and I don't
13 know exactly what all to say.

14 CHAIRMAN GILCHRIST: No, I think you did great, absolutely. Any additional
15 questions for this gentleman? Thank you, sir. Is the Applicant here? Yes, sir? Please
16 give us your name and your address, please, for the Record.

17 **TESTIMONY OF JORDAN HAMMOND:**

18 MR. HAMMOND: My name is Jordan Hammond, I live at 626 Deer Track Run,
19 that's in Lexington. Just wanted to make a couple notes. We will, I've already
20 communicated with Tyler Clark with Department of Transportation. We will be working
21 with them to make sure any uses, any encroachments we have into the roads will be in
22 compliance with what they would require of us. I've communicated with Mark
23 Bounds(?), the Chief Information Officer with Lexington/Richland School District 5, they

1 are prepared to serve this area if more houses and more children are added. I've
2 communicated with councilman in this district, Malinowski. He has obviously not given
3 me any sort of approval but he has met with Tracy Hegler and discussed this that it
4 does fit in with the, the Comprehensive Plan. We will obviously be communicating with
5 him, Mr. Lee and any folks that live out that way to make sure that, that our use is better
6 for the long term of this, this area out there. I do wanna point out, it may have been
7 mentioned in the Staff recommendation, but there is a Richland County sewer line at the
8 low point of this, kind of in the, I don't wanna call it a creek area, but in the low area of
9 this actual site, so the County, I believe that's y'all's line of course and would service this
10 sewer and receive those fees as well.

11 CHAIRMAN GILCHRIST: Okay. Any additional questions for the Applicant?

12 MR. BROWN: Mr. Chairman?

13 CHAIRMAN GILCHRIST: Yes, sir.

14 MR. BROWN: I have on question, and this continually comes up for development
15 in that particular area, and that is the traffic count and the impact of traffic. Have you
16 talked to DOT with respect to that and what have they told you?

17 MR. HAMMOND: Well, we'll communicate with them more extensively, but talked
18 to Tyler Clark and from his just quick review of it it looks like there's enough width in the
19 pavement there to do some restriping to get in any kind of a turn lane we would need, if
20 necessary. But they would have us do a, maybe call it a light study or a, maybe a traffic
21 memo to make sure that we're not overly negatively impacting any nearby intersections.

22 MR. BROWN: Thank you.

1 CHAIRMAN GILCHRIST: Thank you, Mr. Brown. Any additional questions for the
2 Applicant?

3 MR. ANDERSON: Mr. Chair, I'd like to make a motion that we send Case No. 16-
4 03 MA ahead to Council with a recommendation of approval.

5 CHAIRMAN GILCHRIST: We have a motion. Second?

6 MR. GREENLEAF: Second.

7 CHAIRMAN GILCHRIST: Okay, we have a motion and a second. All in favor of
8 sending this case forward to Council with approval please raise your hand. All those
9 opposed? Thank you.

10 *[Approved]*

11 CHAIRMAN GILCHRIST: Sir, we're a recommending Body to Council. They'll be
12 back in these Chambers on the 23rd of February. Thank you. Next case.

13 MS. HEGLER: You recall 16-04 was approved on consent.

14 CHAIRMAN GILCHRIST: Um-hum (affirmative).

15 **CASE NO. 16-05 MA:**

16 MS. HEGLER: The last rezoning case before you, 16-05 is on Bookman Road,
17 27 ½ acres. The request is to rezone from Rural to RS-MD, it's our medium density,
18 single-family district. The location is near the county border. The immediate area is
19 characterized by residential uses on large lots and undeveloped parcels. Specifically
20 north and east of the subject parcel is undeveloped and there're residential uses south
21 and west. As before the Richland County Comprehensive Plan designated this area as
22 neighborhood medium density whereby medium density residential is the preferred use.
23 So for that reason principally Staff did recommend approval for this rezoning. It is

1 consistent with the basic objectives outlined in the Comprehensive Plan. However, you
2 know, in looking at the area a little more closely we did wanna note that we really felt it
3 was pretty highly inconsistent with the development patterns there and, and I might
4 quote somebody earlier that this is a county-wide Comprehensive Plan and it's a guide,
5 and though we recommend approval because that's how we would consistently make
6 our recommendations based on what the Comp Plan, we did wanna note to you that we
7 thought this would be introducing a land use that, or a zoning and uses that really aren't
8 out there, that is pretty rural in nature, and we thought it would be really incompatible
9 with the rural character of the area. We just bring that up for conservation, but we did
10 recommend approval because that's what the Comprehensive Plan calls for.

11 CHAIRMAN GILCHRIST: Any additional questions for Staff? We do have a
12 couple people signed up for this case. The Applicant, Keith Utheim? Please give us
13 your name and your address for the Record, please.

14 **TESTIMONY OF KEITH UTHEIM:**

15 MR. UTHEIM: Good afternoon. My name's Keith Utheim, I work for an
16 engineering firm called Hussey Gaye Bell. We are located on 1219 Assembly Street.
17 We're assisting the developer with this rezoning and I'll just keep this pretty short. The
18 intent of the rezoning is to develop a community of single-family residential homes.
19 Right, the lots would be, you know, about 70' wide which would meet the threshold of
20 that rezoning. From a traffic standpoint on Bookman Road, the threshold, we would be
21 well under the threshold. I guess Bookman Road is, has plenty of capacity for this new
22 development, we'd certainly do a more detailed, you know, traffic analysis to show that,

1 and of course we'd have to get approval from the DOT. One thing that Staff noted was it
2 does fall into the Comprehensive Plan, I think that's [inaudible]. Thank you.

3 CHAIRMAN GILCHRIST: Thank you, sir. We, we do have someone else signed
4 up to speak. Dennis Brantley? Please give us your name and your address for the
5 Record, please.

6 **TESTIMONY OF DENNIS BRANTLEY:**

7 MR. BRANTLEY: Hi, my name is Dennis Brantley. I live at 1401 Bookman Road
8 in Elgin, the parcel directly across the street from the Agenda item. If I may,
9 Commissioners, I wanted to thank you for the opportunity to talk with you, this is not
10 something that I've done before. Although I did sign up in opposition to this particular
11 zoning change, my opposition is more a concern. Having lived adjacent to this property
12 for seven years, I have personally witnessed four single car accidents at the intersection
13 of Jay Drive North and Bookman Road, which is directly across the street from this
14 parcel. Within 2/10ths of a mile of our location is Bookman Road Elementary School.
15 There is a significant change in elevation from Bookman Road Elementary to where Jay
16 Drive North intersects Bookman Road obviously. It's probably 20+, 20+ feet of elevation
17 change, it is a blind hill, traffic comes past Bookman Road Elementary at a high rate of
18 speed typically, unless there is a light in, in action. I personally pulled a woman outta the
19 road with her car upside down at the end of my driveway several years ago. Within two
20 weeks there was another accident at the same location. I simply mention this because
21 my family leaves Jay Drive North exiting onto Bookman Road on a daily basis. We have
22 traffic coming from Kershaw County which is difficult for us to see as it is, traffic coming
23 over the hill from the other direction from Bookman Road Elementary. There are

1 significant challenges there just from a personal perspective. We have 10 homes on Jay
2 Drive North which is directly, again, across the street from this parcel that is, has a
3 rezone request. So I, I, I certainly don't begrudge anyone for growth or taking advantage
4 of an opportunity that they may have, but as a resident, as a father, as a local business
5 owner, I, I'm sensitive to the traffic safety component of this. I'm not sure what that
6 means with regard to your decisions but I wanted you to be aware of it because it is
7 important to me and all the families that, that live on that road and travel up and down
8 that road.

9 CHAIRMAN GILCHRIST: Thank you, sir. That's all we have signed up to speak.
10 Motions, comments?

11 MS. CAIRNS: I would like to offer that when I, you know, was reviewing the
12 packet and saw this was a recommendation for approval I was a little surprised cause it
13 really is way out in the county, away from a whole lotta density. And when I saw the final
14 comment that basically Staff, you know, sort of almost felt beholden to say approval
15 because that's what the Comp Plan recommended, and yet offered that maybe we
16 oughta be amending the Comp Plan, that I, you know, I – so basically I don't support
17 this rezoning. I think it's too much density too far away in an area that doesn't have
18 anything like that. So I would, you know, I would offer that I think disapproval for this
19 rezoning request would be more appropriate for the uses in that area. And again, yeah I
20 mean, the Comp Plan is a very broad brush document and it only makes sense that
21 every once in a while we catch spots that sort of with greater scrutiny don't really fit
22 rezoning requests. So my recommendation would be for disapproval.

23 CHAIRMAN GILCHRIST: Okay. Ms. Frierson.

1 MS. FRIERSON: Mr. Chair, I also recommend disapproval I listened to the
2 gentleman that lives in that area. I live near that area and I'm always concerned when
3 people make mention of accidents and when he described it, not only do I believe him
4 but having traveled that area frequently myself as a shortcut to get to Highway #1, it is
5 treacherous. And in accordance and agreement with Heather, whenever we are aware
6 of a situation that could cause problems and taking into account what Staff mentioned in
7 terms of the inconsistencies of what the Plan states and the reality, I too would be in
8 favor of disapproving this particular request.

9 MR. BROWN: Mr. Chairman?

10 CHAIRMAN GILCHRIST: Yes, sir, Mr. Brown?

11 MR. BROWN: Question of Staff. Is there any plans to broaden Bookman Road?

12 MS. HEGLER: I don't think so, no there are no planned improvements for
13 Bookman.

14 MR. BROWN: That area?

15 MS. HEGLER: No, sir.

16 MR. BROWN: Okay.

17 CHAIRMAN GILCHRIST: Any other comments?

18 MR. PALMER: For me I, I understand every time that a zoning classification's
19 gonna be changed there's accidents that occur everywhere. No road is straight, there's
20 hills everywhere, but our SCDOT has things in place such as speed limits. Do people
21 obey the speed limit? Probably not. But these roads are designed to be safe for people
22 to travel them if it, if, if the road, if you need to travel at 35 the road will be safe at 35
23 and you can see around the turns. So my, my thinking process in this, I understand that,

1 that currently people may fly through this area because it's a rural area and people do
2 that. The more it develops the less that'll occur. But, so that does not play into my
3 thinking as heavily as the RS-MD zoning classification for this site. I believe SCDOT can
4 handle the traffic, they can tell people at what speed they need to travel, that's what
5 they do. That's what they do for a living, that's where they have all their equations, that's
6 what, they know how fast you should go to be safe on the road. But for me, just like the
7 previous case that we've had come up before, RS-LD, we, we do have lesser intense
8 zoning classifications for areas such as this; we have an RSE, we have an RS-LD. RS-
9 MD at 8500 square foot lots out in this area may be a bit much. I understand there's
10 schools, there's infrastructure, there's different things going on out in this area. I
11 would've like to have seen an RS-MD come in as a second or third or fourth rezoning as
12 opposed to a primary rezoning out in this area, which would be my thought process as
13 to why I would support the motion for denial in that I think RS-MD is just a, a little too
14 much for right now.

15 CHAIRMAN GILCHRIST: Any other comments?

16 MS. FRIERSON: I have one.

17 CHAIRMAN GILCHRIST: Yes, Ms. Frierson.

18 MS. FRIERSON: How should I say this? I would like to add that although we do
19 have professionals whose job it is to look at the density or what a road can safely
20 encompass, when you are familiar with a particular stretch of the road, sometimes the
21 unique characteristics of that area, as the gentleman described, make it far more
22 treacherous than what maybe the Department of Transportation might have on paper.
23 And since I'm really familiar with it whenever we can, in my opinion, include actual

1 knowledge of an area as being treacherous I think that that is something that we should
2 take into account. And I don't wanna say too much cause you and I are perhaps gonna
3 vote the same way anyway, but I wanted to make mention of that, that's a particularly
4 treacherous section, even if you are going slowly.

5 MR. PALMER: No, I understand, Ms. Frierson. But I've lived in this county for 38
6 years, I've traveled this road more times than I can count. I'm very familiar with it.

7 MS. FRIERSON: I am, too.

8 MR. PALMER: And the northeast area is, is somewhere that, that I travel on a
9 daily basis. So I understand that, that you may travel it, I also as many of the
10 Councilmembers here, Planning Commission Members, also travel it quite a bit and are
11 very familiar with it. So I, I understand what's going on out there but, you know, 38 years
12 in the county I, I've spent quite a lotta time out here.

13 MS. FRIERSON: I haven't spent that many years in the county, haven't lived
14 here that long, but in reference to that particular stretch, I still hold it's very treacherous.
15 But I don't wanna argue with you.

16 MR. PALMER: I understand.

17 MS. FRIERSON: But let's move forward.

18 CHAIRMAN GILCHRIST: Thank you. Any other comments? Can I get a motion?
19 Ms. Cairns, you wanna make that –

20 MS. CAIRNS: I make, yes, I'll make a motion –

21 MR. TUTTLE: I thought we – didn't we have a motion?

22 MS. CAIRNS: I never, I never –

23 CHAIRMAN GILCHRIST: She never made a motion.

1 MS. CAIRNS: I never made the motion. I went through the motion. [Laughter]
2 Okay, I make a motion that we send project 16-05 MA forward to County Council with a
3 recommendation of disapproval. I think primarily based on the fact that it is inconsistent
4 with the existing uses out there, irregardless of it matching what the Comp Plan that,
5 you know, that may be a bit of an anomaly on the Comp Plan, but that the, the lack of
6 compatibility with the existing uses in the area make it not a good thing.

7 MR. GREENLEAF: I'd like to second the motion, please.

8 CHAIRMAN GILCHRIST: Got a motion and a second. All in favor of sending
9 Case, this case forward to Council with a recommendation of disapproval please raise
10 your hand. Is that a unanimous vote, all in favor? That's unanimous?

11 MR. BROWN: I voted disapproval.

12 CHAIRMAN GILCHRIST: Okay, great.

13 *[Approved]*

14 CHAIRMAN GILCHRIST: We are a recommending Body to County Council and
15 they will meet back in these Chambers here again on February 23rd. Thank you.

16 MR. BROWN: Mr. Chairman, you did not ask for those who disagree, but –

17 CHAIRMAN GILCHRIST: Oh, I, I'm sorry, I thought you said you voted for it. I
18 didn't see your hand –

19 MR. BROWN: No, no, I voted –

20 CHAIRMAN GILCHRIST: - against it.

21 MR. BROWN: - with the majority to disapprove, but those who voted for approval,
22 I didn't see.

1 MS. CAIRNS: But we thought – I think the Chairman believed that it was a
2 unanimous vote. He believed he saw all hands up, which is why he didn't –

3 CHAIRMAN GILCHRIST: Yeah.

4 MR. BROWN: I apologize. I apologize, Mr. Chairman.

5 CHAIRMAN GILCHRIST: Not a problem. Next case, please.

6 MS. HEGLER: You have two Text Amendments in your packet today that have
7 been proposed by County Council.

8 **TEXT AMENDMENT #1:**

9 MS. HEGLER: The first is an amendment to §26-172, that's our Density and
10 Dimensional Standards. The amendment is to allow that fences and walls not be over 7'
11 in height in the side and rear yards.

12 CHAIRMAN GILCHRIST: Okay. Any comments, discussion?

13 MR. PALMER: What's the –

14 MS. HEGLER: Mr. Price, do you know what really led to this? I understand it was
15 a motion by Council to address it, cause it isn't addressed and I think there was a
16 situation of a fairly high fence in somebody's district.

17 MR. ANDERSON: We got a container issue going on again?

18 MS. HEGLER: No, we solved that. Mr. Price, do you have any more history on
19 that?

20 MR. PRICE: As is stated it was one issue that came up and the question came to
21 Staff were there any restrictions on the height of fences or walls in a residential area on
22 the side and the rear yard. And currently the way our Code is written is there are none.
23 So we looked back at our previous Code and our Code did address that the, excuse

1 me, the height requirements for fences in the side and rear yard, and so what this
2 ordinance essentially does is just kinda mirror what we previously had.

3 MR. TUTTLE: We might need some refinement on the, on the statement. So for
4 instance, there, there are plenty of retaining walls in the county that are appropriate
5 being more than 7' tall. So I understand the goal is to limit what you see above grade,
6 but you think about, you know, schools and shopping centers and stuff there are many
7 that have 20' retaining walls in the County. And if I'm reading this right that wouldn't be
8 allowed.

9 MS. CAIRNS: Should it just be that it's a freestanding wall?

10 MS. HEGLER: Yeah, I mean –

11 MS. CAIRNS: Which would eliminate retaining walls.

12 MR. TUTTLE: You see my point though –

13 MS. CAIRNS: Oh yeah, totally.

14 MR. TUTTLE: - with the, with the section cause I –

15 MS. CAIRNS: Well, and my thought, too, is, you know, having served on Board
16 of Zoning Appeals for many years this is something where, you know, even if a
17 particular site made sense to have a 10' fence, freestanding fence just because of all
18 kinds of interesting grade issues, they could always ask for a Special Exception from
19 that if they had a particular situation. But I appreciate that yeah, retaining walls, I don't
20 think we're trying to limit the height of retaining walls, so maybe we just need to change
21 that to freestanding walls.

22 MR. TUTTLE: And then my other comment, cause, cause we've had to address
23 this in some neighborhoods I'm involved in, we originally set out with 4' front fences and

1 then we realized that there are a lotta dogs that that would not, you know, that they
2 could jump a 4' fence, so we relaxed the front fence in many of our PUD neighborhoods
3 to be 6' to match the side fence. You start getting some awkward stuff when you have a
4 7' side fence and a 4' front fence. So I've just, I'm just merely bringing that up, I know
5 that's not what's in front of us but.

6 MS. HEGLER: I mean, you could add that.

7 MR. TUTTLE: When you think about, I mean, this is saying privacy fences in your
8 front yard can't be more 4' tall.

9 MR. PRICE: Correct. And one of the reasons behind that is it's purely from a
10 safety standpoint. Now from a, from a interpretation standpoint if someone came in and
11 had a cyclone fence, and let's say the cyclone fence was about 5', it meets the intent of
12 the Code because it doesn't impede visibility. But when you're talking about a privacy
13 fence and when you get up to a certain height, especially it could be on a corner or
14 people backing out or driving on the street, what it does is because it impedes visibility
15 that was the requirement for the 4.

16 MR. PALMER: What do you do in those cases though, Geo, when the neighbor
17 is upset that his neighbor came in and put a 5' cyclone fence and the neighbor comes in
18 and says, no Mr. Zoning Administrator, it specifically says it can't be 4', he's gotta take
19 his fence down because I don't like it.

20 MR. PRICE: [Inaudible] would ask that question. [Laughter]

21 MR. PALMER: There's no way you figured I was gonna ask that question.

22 [Laughter]

23 MR. TUTTLE: And evidently the 4' fence is already in the Code.

1 MS. HEGLER: Correct.

2 MR. TUTTLE: Four foot front fence.

3 MR. PALMER: But to that point if you need a higher fence.

4 MR. TUTTLE: Yeah, but you're gonna have to go prove hardship, how are you
5 gonna approve hardship when a customer just wants a 6' fence. I mean.

6 MR. PALMER: Yeah. Because my dog can jump that high?

7 MR. TUTTLE: Yeah. Or I have a pool and I want privacy, or whatever it might be,
8 right?

9 MR. PALMER: Yeah. Yeah.

10 MS. CAIRNS: Yeah, but it's the whole front yard/back yard, I mean, it is odd to
11 have a 6' – if you had a 6' solid fence in the front yard that would not be typical with our
12 design patterns.

13 MR. TUTTLE: Oh, it's very pervasive.

14 MS. CAIRNS: Solid 6' fence in a front yard?

15 MR. TUTTLE: Yeah, every townhome community we've ever done as they tie the
16 fences together in the front, you know, it might only be a four or five foot section, but
17 that, that stays at 6'. You know, even in our, our most restrictive area in Lake Carolina in
18 Harborside we softened that, the front fences went from 4', and Andre [inaudible] The
19 Great even said we could move it to 6' cause it made sense.

20 MS. CAIRNS: Well yeah, no in townhomes, yeah in walled developments
21 basically, so that's what you've got in townhome set ups.

22 MR. TUTTLE: Townhome set ups and then –

23 MS. CAIRNS: Yeah, okay.

1 MR. TUTTLE: - you know, you know, and the single-family detached is
2 throughout Harborside with the T&D genre but as you fence your yard if areas of the
3 front yard is public space and the back yard's private space and therefore that's a line of
4 delineation between the two.

5 MS. CAIRNS: Right.

6 MR. TUTTLE: I mean, you know, 4' fence is a little, you know, little taller than a
7 table, that's not really providing a whole lotta privacy to the –

8 MS. CAIRNS: No, it doesn't, it's – yeah.

9 MR. TUTTLE: I could understand if it was a front fence. If you were saying, I'm
10 coming out to the front property line we don't want 6' fences on the front property line.

11 MS. CAIRNS: Right, that's what I'm saying, 6' on the front.

12 MR. TUTTLE: But what this would say is, if you have a house and the fence turns
13 the corner and ties into the middle of the house or the rear corner of the house it can
14 only be 4' tall.

15 MS. CAIRNS: Along the side of the house?

16 MR. TUTTLE: Where it turns, so you got a fence, three sides. If it turns and ties
17 into the house, if it ties into the rear of the house, the middle of the house, or the very
18 front of the house, it can only be 4' tall. If I'm reading this Code.

19 MS. CAIRNS: Well, that's what the definition of front yard though, I think front
20 yard is in front of the house.

21 MR. TUTTLE: I would argue that, that the intent of a 4' fence would be for the
22 people in certain neighborhoods where you put the fence on your front property line, not
23 at the front of your house.

1 MS. CAIRNS: Right. That's what I'm visualizing. That's what, yeah.

2 MR. TUTTLE: I'm talking about the front of the house. Most people done fence in
3 their front yards.

4 MS. CAIRNS: Right.

5 MR. TUTTLE: So I'm gonna argue, are you saying that's a side fence that, where
6 it ties into the house? Or is that a front fence?

7 MR. PRICE: Required front yard where the fence cannot exceed 4' is in your
8 typical residential zoning it's 25' from the front property line.

9 MR. TUTTLE: Back off the property line, tying it in front of the house would only
10 be a 4' tall fence.

11 MS. CAIRNS: Yeah, I totally wouldn't have read it that way. But I follow what
12 you're saying. Yeah, if I've got a 6' fence running around the back of my house I should
13 be able to tie it into my house without dropping it.

14 MR. TUTTLE: Right.

15 MS. CAIRNS: Yeah, but not go around the front of the house.

16 MR. TUTTLE: And clearly that's not what we're here to talk about so I'm sorry I'm
17 bringing that up, but it just, it just hit me.

18 MS. CAIRNS: It's what happens when you give us stuff.

19 MR. TUTTLE: I hadn't noticed that in the Code. I'm not sure that's gonna
20 [inaudible].

21 MS. CAIRNS: Yeah, what's the definition of a front yard fence? You're saying it's
22 anything within 25' of the front yard property line? So even if the house, so if the house
23 only has to sit back, I mean, but sometimes our setbacks are less than 25'.

1 MR. PRICE: No, [inaudible] residential use.

2 MS. CAIRNS: The house is always more than 25 back.

3 MR. PRICE: Yeah, there might be a case where you may have cluster housing
4 and there're some other provisions that will allow them to reduce the lots and the
5 setbacks, but your typical lot is 25' from the front, it's 25'.

6 MS. CAIRNS: Okay.

7 MR. PALMER: Mr. Chair, just to get something out there I make the motion to
8 approve as submitted with the exception that retaining walls be omitted from number 4.

9 MR. TUTTLE: Second.

10 CHAIRMAN GILCHRIST: Okay, we have a motion and a second. Discussion?

11 Alright, all in favor –

12 MR. ANDERSON: Just for clarification real quick.

13 CHAIRMAN GILCHRIST: Mr. Anderson?

14 MR. ANDERSON: Did we put freestanding in that?

15 MS. CAIRNS: We're just somehow trying to figure – I mean, it's interesting cause
16 –

17 MR. PALMER: No, cause then we're gonna get a definition of freestanding cause
18 if you tie it into the house it's not freestanding.

19 MR. ANDERSON: Okay, I gotcha. Alright.

20 CHAIRMAN GILCHRIST: You good?

21 MR. ANDERSON: Good.

22 CHAIRMAN GILCHRIST: Okay.

23 MS. HEGLER: So we would just be adding exempting retaining walls.

1 MR. TUTTLE: Yeah, I think more cleverly you probably wanna do something
2 where the height of the retaining wall can't exceed more than 7', the grade on the uphill
3 side or something like that would be the way to keep it. Otherwise somebody could just
4 go down and built a 20' tall retaining wall but just sticks up the air 20' and they've
5 circumvented the Code.

6 MR. PALMER: That's a pretty expensive way to circumvent the Code. [Laughter]

7 MS. HEGLER: You know, while we're on this conversation, Mr. Price, we've had
8 this come up before, should we clarify that it's above what you can see, above ground?
9 No? Okay.

10 MS. CAIRNS: Oh, above grade on either side?

11 MS. HEGLER: Yeah, cause there's been a lotta conversation about that before.

12 MS. CAIRNS: Okay.

13 MS. HEGLER: Okay, I think I have the amendment.

14 MR. ANDERSON: Is there a second?

15 CHAIRMAN GILCHRIST: Yes, we have a second. Yes, ma'am, Ms. Frierson?

16 MS. FRIERSON: Before we have the second, would you please read the entire
17 thing with the revisions? I wanna get it exactly, in my notes.

18 CHAIRMAN GILCHRIST: Mr. Palmer, do you mind stating your motion?

19 MR. PALMER: Yeah. I make a motion to, make the motion to approve the
20 language as submitted, with the addition on number 4 that retaining walls are excluded
21 from this requirement.

22 MS. FRIERSON: That's, that's, you want that inserted at the very end?

23 MR. PALMER: Correct.

1 MS. FRIERSON: Okay. Thank you.

2 CHAIRMAN GILCHRIST: Okay, any other questions? Comments? All in favor
3 signify by raising your hand? All opposed?

4 *[Approved]*

5 CHAIRMAN GILCHRIST: None, and Mr. Brown has also voted in favor of the
6 project, so. Next case.

7 **TEXT AMENDMENT #2:**

8 MS. HEGLER: The last Text Amendment before you amends §26-173, that's our
9 Off Street Parking Standards, so as to add utility trailers and to allow that such vehicles
10 and trailers can be parked on any lot within the County. And there's a chart that shows
11 you where and how.

12 MS. CAIRNS: That's not what our next text amendment is.

13 CHAIRMAN GILCHRIST: No, it's not.

14 MS. CAIRNS: Our next text amendment is about boat ramps.

15 CHAIRMAN GILCHRIST: Boat ramps.

16 MS. HEGLER: Ooh, I don't have –

17 MR. GREENLEAF: Oh, ramps and marinas, yeah.

18 MS. CAIRNS: If we looked bemused that's why.

19 MS. HEGLER: Well yeah, I would be, too. I don't have that in mine.

20 CHAIRMAN GILCHRIST: That, that's it.

21 MR. GREENLEAF: Received, delivered to our homes.

22 MS. CAIRNS: Our pages 73, 74 is about boat ramps and she's offering that it
23 should've been about off street commercial parking.

1 MR. GREENLEAF: Yeah, yeah. Mr. Chair, can we send this back to Council for –

2 CHAIRMAN GILCHRIST: Sends it back to Staff.

3 MR. GREENLEAF: Or back to Staff.

4 MR. PALMER: Do you guys want us to address the marinas?

5 MS. CAIRNS: Which one was it supposed to be?

6 MR. PALMER: Did you want us to address adding the marinas as a –

7 MS. HEGLER: No, that was not supposed to be before you. So –

8 CHAIRMAN GILCHRIST: Okay.

9 MR. PALMER: Motion to deny the Text Amendment as submitted.

10 [Inaudible discussion]

11 CHAIRMAN GILCHRIST: What do, so what do we do on this particular –

12 MR. GREENLEAF: It's on the Agenda, we have to vote on it.

13 MS. CAIRNS: Oh yeah, the text amendment, the Agenda lists what you're talking
14 about but our packet –

15 CHAIRMAN GILCHRIST: Has something different.

16 MS. CAIRNS: - does not have that. Our packet has, so our, so our, you know, on
17 our Agenda it lists what you offered, in our packet it's boat trailers.

18 MS. HEGLER: It's the wrong ordinance inside the packet.

19 MS. CAIRNS: Correct.

20 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we defer Item No. 2.

21 MS. HEGLER: Since you don't have the actual ordinance in front of you. Fair
22 enough.

23 CHAIRMAN GILCHRIST: Okay, got a motion. Second?

1 MS. CAIRNS: Second.

2 CHAIRMAN GILCHRIST: Okay, all in favor of deferring this item to March signify
3 by raising your hand. All opposed?

4 *[Approved]*

5 CHAIRMAN GILCHRIST: Great. Alrighty. Other Business. Yes, sir?

6 MR. GREENLEAF: Mr. Chairman?

7 CHAIRMAN GILCHRIST: Mr. Greenleaf?

8 MR. GREENLEAF: Thank you. When we received our package I noticed a report
9 dated December 15th, it was one of the last items. It was basically the County Council's
10 decisions on our recommendations. And it listed three different cases and one of them
11 jumped out to me as particularly, to me at least, disturbingly somewhat that this Body
12 had voted unanimously to disapprove the decision, and our governing body voted to
13 disregard that unanimous vote unanimously the other way. I think it would be useful if
14 we could place on this document how we voted on the decision so we can see what
15 Council's doing with our work. I think it's useful and I think some media might be
16 interested in, in that information. In particularly in the light of the case in particular.

17 MR. ANDERSON: That was a big – you talking about Leevy Johnson?

18 MR. GREENLEAF: Leevy Johnson, yes.

19 MR. ANDERSON; Leevy Johnson?

20 CHAIRMAN GILCHRIST: Yeah.

21 MR. ANDERSON: Yeah, that was a big –

1 MR. GREENLEAF: Yeah, Case 15-45 MA, yes, sir. We had voted unanimously
2 one way and Council voted unanimously to approve. The others were in, in line with
3 what we did.

4 CHAIRMAN GILCHRIST: Okay.

5 MR. GREENLEAF: And I found that just quite interesting and curious. I did speak
6 to my, my representative about that and actually I'm, I, I attempted to speak to my
7 representative but I did not get a response.

8 CHAIRMAN GILCHRIST: Sure. Just two comments on that from me. Obviously
9 this Body has the, the authority to decide what they believe that is in in the best interest
10 of rezoning property for purposes of Council, and Council certainly has the authority to
11 decide against what we have recommended. So obviously there may be some ways, I
12 know we get a report back about what Council's pleasure was and in particular what
13 ours was, so maybe we can maybe show that as an example of what Council
14 recommended and what we as a Body recommended to, to them.

15 MR. GREENLEAF: And I, I'd, Mr. Chairman, I'd simply request that the Staff just
16 include a statement on how we voted; not necessarily –

17 CHAIRMAN GILCHRIST: Sure.

18 MR. GREENLEAF: - the whole discussion and who voted what, but –

19 CHAIRMAN GILCHRIST: That makes sense.

20 MR. GREENLEAF: - just the number, the split.

21 CHAIRMAN GILCHRIST: Yeah.

22 MR. GREENLEAF: And then, so it's clearly indicated so that the community will
23 understand –

1 CHAIRMAN GILCHRIST: Totally agree.

2 MR. GREENLEAF: - that the Planning Commission voted one way and County
3 Council voted another way. I think those are curious things.

4 CHAIRMAN GILCHRIST: Absolutely. Ms. Cairns?

5 MS. CAIRNS: I just say one, I mean, just to, to add even more entertainment is to
6 put the Staff recommendation and then our vote and then Council's vote.

7 MR. GREENLEAF: Oh! That's good. I would not disagree, I think that's a great
8 idea. Ms. Vice-Chairman. Vice-Chairwoman.

9 MS. FRIERSON: Chairperson.

10 MR. GREENLEAF: Chairperson.

11 MS. CAIRNS: Chair.

12 MR. GREENLEAF: Yeah, all three, all three; Staff recommendation, Planning
13 Commission's recommendation, and County Council's decision. I think that would be
14 quite nice.

15 CHAIRMAN GILCHRIST: Mr. Brown?

16 MR. GREENLEAF: Very transparent.

17 CHAIRMAN GILCHRIST: I agree.

18 MR. BROWN: If we do that then it seems to me you have to put the reasons that
19 we voted down that particular request.

20 MS. CAIRNS: If it was against Staff. Cause if it's not against Staff –

21 MR. BROWN: If it was against Staff. If it was against Staff.

22 CHAIRMAN GILCHRIST: Correct.

23 MR. BROWN: I think the reason should be there.

1 CHAIRMAN GILCHRIST: Absolutely. Y'all get all that? [Laughter]

2 MR. PALMER: Do y'all think that if we see – just piggy tailing on the discussion –
3 if we see Council's desire to move a certain area in a certain direction that if something
4 significant as this changes that we take a look at that area in the Comp Plan as to see if
5 we're keeping up with where things need to be. As, you know, staying on top of the
6 Comprehensive Plan and seeing where, where things are moving.

7 MS. CAIRNS: And that's also where having all three, three things would help
8 cause I, what I can't recall at all is in that particular one, Staff may have recommended
9 it, we may have gone against Staff, which means then if Council had followed Staff then
10 the Comp Plan was consistent. If that makes sense. But I don't remember what Staff
11 offered on that one.

12 MR. GREENLEAF: On, on MA 15-45? Is that the one?

13 MS. CAIRNS: I just, yeah, I mean, I just can't –

14 MR. GREENLEAF: In that particular case Staff had voted to disapprove as well.

15 MS. CAIRNS: Okay.

16 CHAIRMAN GILCHRIST: Okay.

17 MR. GREENLEAF: And recommended we disapprove.

18 MR. PALMER: So perhaps we need to take a look in that area and see what's
19 going on with it. And I mean, just other areas as they come up as, as obviously
20 Council's moving in a different direction on certain areas of the County, whatever they
21 may be. If we're gonna constantly get a conflict between what Council's doing and what
22 the Comprehensive Plan says perhaps we need to take a look at the Comprehensive
23 Plan, more often than once every 10 years.

1 MS. HEGLER: Agree.

2 CHAIRMAN GILCHRIST: That should be fine.

3 MS. HEGLER: Well we do that as Staff and, and we would probably bring
4 something forward that seemed to be so glaring and obvious, but I think that's a good
5 idea. We can do that. Noted.

6 CHAIRMAN GILCHRIST: Great. Next on the Agenda, Zoning Definitions,
7 whatever that means?

8 MS. HEGLER: Yeah, this is a carryover we've had on the Agenda for some time.
9 Just, you know, partially at the request of the Commission but also Staff, just that we've
10 had a lotta conversation about these commercial districts, our rural commercial, our
11 neighborhood commercial and our general commercial, and the definitions and the
12 purpose statements and I think even the uses within those having a lotta conflict or a
13 lotta discussion and really maybe wanted to take the opportunity to tweak those a little
14 finer. We are updating the Code. We're, we're a little behind on that but, I mean, instead
15 of waiting for a total Code rewrite this may be something that the Commission wants to
16 address sooner rather than later so you have those three sections that are in your
17 packet, just keeping it on the Agenda at your pleasure whenever you wanna talk about
18 maybe proposing some changes or whatever's really concerning to you. However, you
19 wanna do that, it, it's on the Agenda, so.

20 CHAIRMAN GILCHRIST: Okay, great. Do we need to schedule something to do
21 that or just?

22 MS. HEGLER: I, I mean, we're prepared to talk about it at any time.

23 CHAIRMAN GILCHRIST: Any time?

1 MS. HEGLER: But we're really interested in hearing from you what your
2 perspective is; where do you find particular – I know Ms. Frierson has had some
3 concern about these purpose statements before. You know, ideally you start redlining
4 and drafting and presenting to your colleagues and, and we take notes and help but
5 that's your direction.

6 CHAIRMAN GILCHRIST: Any comments on that? Yes, ma'am, Ms. Frierson.

7 MS. FRIERSON: I was just gonna say that it's been on the Agenda at various
8 times for months and I'm not suggesting that we do it right now but it might be that we
9 need a special work session to address that specifically. Because generally when we
10 have dealt with the cases before us and text amendments it gets kind of late. But if we
11 keep putting it off and putting it off, then we'll never get it done, so we might wanna
12 consider a special work session to deal with sections at a time so that we can advance
13 it.

14 CHAIRMAN GILCHRIST: Sounds like a plan.

15 MR. PALMER: Ms. Frierson, I, I understand that but I would, I would prefer to
16 have those occur on that days that we already take off work to come here, because I
17 know that a lotta times historically over the past 12, 13 years when we have a work
18 session there's maybe three or four show up. I think the last couple, I mean, there's, the
19 Body doesn't show up like it does for this. And personally I've kinda taken off the
20 afternoon for this however long this day may go for once a month to have these things
21 occur. If I get back in the office great, if I don't, I, I've kinda planned for it. So these are
22 kinda the days that I've done that so whether it's this month or next month I think we get
23 better participation from the Planning Commission, from the Staff if, if, if we take these

1 issues, whether slowly or quickly, maybe we do one at a time or something, but I would
2 prefer to have them here because we get a lot more input from the folks that are here as
3 opposed to a work session.

4 MS. FRIERSON: I understand, and, and you have a valid point. Maybe what we
5 could do is keep it on the same date as our regular Planning Commission day, but
6 maybe we would meet a bit earlier and have lunch or something, cause your statement
7 is quite valid. But we, we definitely need to stop avoiding it.

8 MR. PALMER: Well, let's take up Neighborhood Commercial now.

9 MR. TUTTLE: Perhaps a Consent Agenda will enable us to have more time to do
10 more of these things.

11 MS. HEGLER: And I would also add as a note, you have two rezonings for
12 March's Agenda, so it's light.

13 CHAIRMAN GILCHRIST: Okay, good. So we can at least start it then.

14 MR. PALMER: Well, before we do, I mean, I'm not saying we, we take this up
15 today, but I would at least like to hear so our thinking be in for next month when we do
16 address these things, what Staff's thought process is to the purpose statement. Cause I
17 think that's probably where a lot of our discussion is gonna be centered around as to
18 what weight the purpose statement gives. So I'd, whether we discuss it here or not
19 between us, I would at least like to hear historically and what the current Staff thinking is
20 as to what, what the purpose statement, why it's in here, what weight it gets, and what
21 usefulness it has for us. And if you're not able, I mean, you know, I'm, we'd like to put
22 some thought into it and come back next month, that's fine, I don't mean to put you on
23 the spot.

1 MS. HEGLER: No, that's, that's alright. You know, we could probably clarify more
2 next month, but you know, from a Staff perspective, and I'll let Mr. Price really speak to
3 the purpose statement, but you know our recommendations we make primarily based
4 upon the Comprehensive Plan. That's our guidance cause that's the long-term vision for
5 where we wanna go. I see the purpose statement of a zoning district as really how you
6 envision that particular zoning district looking. I don't use that necessarily in decision-
7 making. Okay, so it's, it's, it exemplifies what that zoning district should look like, what
8 it's intended to do, but when we're looking at rezonings which is really what this Body,
9 you know, spends most of their time doing, we look at the future growth of the area and
10 that's the Comprehensive Plan. Mr. Price, would you –

11 MR. ANDERSON: That's like the preface of a book, nobody reads it but it's there
12 in case you want to. I mean, that's how I look at it.

13 MR. PRICE: [Inaudible]

14 MR. PALMER: Right, [inaudible] Mr. Price. [Laughter]

15 MR. PRICE: No, it's –

16 MS. CAIRNS: It's funny looking at this stuff, I mean, there's some really bad
17 inconsistencies.

18 CHAIRMAN GILCHRIST: There really is.

19 MS. FRIERSON: There really are.

20 MS. CAIRNS: I mean, I like that, so Neighborhood Commercial allows eight
21 dwelling units per acre but under the Table of Permitted Uses no residential uses
22 allowed. So that's sort of an interesting density standard.

1 MS. HEGLER: Which I would say is why Staff added the whole section to this
2 conversation cause I think it started as a conversation about the purpose statement,
3 because Planning Commission has used the purpose statement as reasons for
4 approving or denying projects before. And you know, I would say that that can be
5 concerning if it's not also in line with the vision and the growth, and that's something
6 that you need to be careful with. So that's why I think it originally became an agenda
7 item for you to consider. But Ms. Cairns, yes, I think there's a lot of other items within
8 here and the standards themselves that do actually cause heartburn, and I think a lot
9 with the uses. I think you could probably get a lot more detailed in terms of the
10 differences in the uses between these districts so that you're a lot more comfortable
11 granting commercial rezonings requests. We can give applicants a lot better guidance,
12 right now they're all, they're all so similar and broad and vague that everybody comes in
13 for GC when that's maybe not the most appropriate thing. So yes, you're right.

14 MR. PALMER: And some things may be needed in districts as it goes to the use
15 matrix. I know it's been a constant issue across the County and we had one today, not
16 that it would've been appropriate there anyhow, but for example, a landscaping yard
17 that has outside mulch and pebbles and rocks and where you can buy ponds and that
18 kinda stuff, well unfortunately they can't go on a general commercial zoning piece of
19 property where people would expect to be able to go to get that type thing, they can't go
20 there. They've got to go into an industrial area where it's light industrial or heavy
21 industrial because you have outside storage. Well, I would typically think that if you
22 wanted to get mulch you could go somewhere in a commercial area and stop at Lowe's
23 and get your, your sprinklers and then go down the street and order your mulch and

1 have it come in or get the mulch yourself which I do a lotta times, or whatever. But, but
2 they can't go in general commercial zonings, they've gotta go out in industrial areas,
3 which is, which is odd to me somewhat. So maybe we, you know, we need to look at
4 some of that stuff to see if, if there's some uses that could be allowed or – and we also
5 have the ability to not only just flat out permit something but also have special
6 requirements to it where they would, if they do go in a general commercial zoning they
7 can only have such and such or we can restrict them or some other kinda way. But at
8 least they're allowed to do it and don't have to go into an industrial area. And that's just
9 one thing I'm thinking about, I haven't looked at the matrix in, in quite some time overall
10 since we last rewrote it some 10 years ago or whatever, but those are things that just
11 kind of evolve.

12 CHAIRMAN GILCHRIST: Thank you, Mr. Palmer. Obviously this, this is gonna
13 take some time to go through. And if we're gonna try to do it during a regular session
14 obviously we're gonna need to do that when we have a very, very light agenda at least
15 to begin the conversation. So I, you know, I know we haven't had a great track record
16 when it comes to work sessions in the past but something like this seems to be of
17 importance that I think we're gonna, we need to spend some time. So I hope if we're
18 gonna do this during a work, I mean, during a regular meeting I hope we can have time
19 to do it in an agenda that's fairly light.

20 MS. HEGLER: Like I said, March's is light and just bring a lotta coffee.

21 MR. PALMER: And what's the, what's the expectation level of Planning
22 Commission Members is that, that what's the timeframe normally I guess you'd expect

1 to get out – I mean, would the Planning Commission Members have a problem with
2 staying till 5:00 to work on something like this or?

3 CHAIRMAN GILCHRIST: No, not if we know that –

4 MS. CAIRNS: No, I think, I mean, like you I usually block out all of Monday
5 afternoons on these –

6 MR. PALMER: Right.

7 MS. CAIRNS: - so it's bonus time when we end early.

8 MR. PALMER: Right.

9 CHAIRMAN GILCHRIST: Right. We can do that.

10 MS. HEGLER: And Staff is here, so.

11 MS. FRIERSON: If we stay till 5:00 we should have some lunch. I'm serious, 1:00
12 to 5:00 that's a long time.

13 MS. CAIRNS: We don't get lunch anymore.

14 MS. HEGLER: Yeah.

15 MS. FRIERSON: I'm serious.

16 MS. CAIRNS: You needed to be here years ago.

17 MR. ANDERSON: Yes. And that was when we ended at, like 8:00 or 9:00 at
18 night.

19 MS. FRIERSON: I can't hear what you all are saying.

20 MS. CAIRNS: We're just laughing that lunch was a historical artifact.

21 CHAIRMAN GILCHRIST: We miss the good old days.

22 MS. CAIRNS: You didn't join in time. [Laughter]

23 MS. FRIERSON: Bring back the good old days.

1 MS. HEGLER: I know.

2 CHAIRMAN GILCHRIST: Well Tracy, I think –

3 MS. HEGLER: I might whip up some cookies for you.

4 CHAIRMAN GILCHRIST: - I think we'll then start the discussion at our March
5 meeting then.

6 MS. HEGLER: Okay.

7 CHAIRMAN GILCHRIST: Yeah, absolutely.

8 MS. HEGLER: Well, you know, if there's anything you think of beforehand, I
9 mean, like Mr. Palmer's comment about mulch yards, that has come up in multiple
10 conversations we've had with applicants. If there's any other particular items that if you
11 get it to us and we can bring some examples or even some pictures, or it's some case
12 history that we've had on an item, go ahead and just send that to us in an email so we
13 can come with some information before you. Otherwise, we're really, we're interested in
14 hearing from you on this, so we're not necessarily bringing anything to the table.

15 MS. FRIERSON: Okay.

16 CHAIRMAN GILCHRIST: Sure.

17 MR. PALMER: Mr. Chair, I, I might would –

18 CHAIRMAN GILCHRIST: Yes, sir.

19 MR. PALMER: - suggest that perhaps we tackle these one at a time and see how
20 we do and so perhaps the next meeting we, we pick a classification and see how far we
21 get, and maybe we can knock out Neighborhood Commercial or General Commercial or
22 Rural Commercial.

1 MS. CAIRNS: These three really do work, I mean, if we're trying to distinguish
2 them it's hard to do them in isolation.

3 MR. GREENLEAF: Can we go ahead and plan for the next meeting?

4 CHAIRMAN GILCHRIST: I would think. Yeah.

5 MS. CAIRNS: They're so, I mean, the key is, what we're trying to do is dovetail
6 them.

7 MR. GREENLEAF: Wipe out all afternoon.

8 CHAIRMAN GILCHRIST: Yes. Yeah, yeah, we'll, I think we do need to plan for
9 the afternoon up until about 5:00 to get this done.

10 MS. HEGLER: And where we may start is with the purpose statements of all
11 three, instead of getting, you know, see where that takes you.

12 MS. CAIRNS: Start with the cookies.

13 MS. HEGLER: And some cookies.

14 CHAIRMAN GILCHRIST: We're not gonna forget about the cookies, either.

15 [Inaudible discussion – laughter]

16 MR. PALMER: The purpose statement – the overall thought that what we're
17 putting in here is Code, and so –

18 MS. CAIRNS: Purpose is not Code though.

19 MR. PALMER: - historically over the years when we're writing this, I mean, this
20 is, this is a Code and the purpose statement, if it's part of the Code then it needs to be
21 enforced as part of the Code. But if not, if it's a narrative or if it's a thought process or if
22 it's a generality there may be another appendix or there may be somewhere else to put
23 it rather than in the Code itself. Just a thought, I don't know, but.

1 MS. CAIRNS: Well, is there a section in the Code though that explains that
2 purpose statements are not themselves Code? I mean, just like usually see things as,
3 you know, headers and whatnot are not part of the agreement, you know what I'm
4 talking about? I mean, is there somewhere else that it explains? I mean, it'd just be a
5 standard statutory construct to have somewhere else in the Code something that says,
6 purpose statements themselves are not legally binding, they're descriptive.

7 MR. PALMER: Yeah.

8 MS. CAIRNS: Just like headers are typically not binding, they're descriptive.

9 MR. PALMER: But then, but see we're gonna get in discussion and debate over
10 something that is not, that's like when people come in front of us and they're like, well I
11 wanna put a, a kennel or I wanna put an orphanage, that's great but it's not really
12 something for us to take into thought process. Just like purpose statements, unless we
13 decided they need to be something you take into account, they don't need to be taken
14 into account. So we need to kinda, kinda go one way or the other with it.

15 MR. ANDERSON: And I, I agree with Mr. Palmer, I mean, granted I think they're
16 nice when you're thumbing through and it gives us a, a nice little idea, but I look at them
17 as like the preface. If it's a really good book I'm getting right into the book, I'm not
18 reading the preface. If I understand what's happening I, I mean, again using them to
19 approve or deny rezonings is not where I think we need to be, so I kinda agree with Mr.
20 Palmer, either they're there for a purpose and they're clearly outlined as, hey this is our
21 'mission statement' or this is where, you know, this Code originated from and kinda
22 what we're looking at. But I mean, I, I don't think we need to spend more than maybe 30

1 minutes on each purpose for each, for each zoning classification on the – because I
2 think if we're giving that weight it might as well be Code.

3 MS. HEGLER: Right.

4 MR. PALMER: It's according to whether we're giving it weight or not, that's what
5 we gotta decide first.

6 MR. ANDERSON: Yeah.

7 CHAIRMAN GILCHRIST: Right.

8 MR. PALMER: And so that's the first question, if we do then it's gonna be a much
9 longer discussion because it's part of the Code.

10 MR. ANDERSON: Well, and I think, I think that's something good to think about
11 before we come in the next meeting; do we want the purpose statement to carry weight
12 or not. If we don't want it to carry weight then, I mean, it should be a 10 minute
13 discussion.

14 MR. PALMER: Yeah.

15 MS. FRIERSON: Well not necessarily because if you look at a purpose
16 statement and then you look at the details under it, if there are inconsistencies then you
17 run into problems. Sometimes there are phrases wherein definitions are just thrown out,
18 like say a residential accessory building and if it's not clearly stated what it means you
19 can run into some problems. So I don't think you can just arbitrarily say, let's give this
20 maybe 10 minutes of our time, we have to look at the whole thing as a unit to see if
21 problems exist and then work consistently to get some of those problems out.

22 MS. CAIRNS: I, I think that the statements do, I mean, for example general
23 commercial says it's for a variety of general commercial and non-residential uses, and

1 yet we allow 16 unit multi-family, so I guess multi-family's not residential? I mean, we've
2 got such inconsistency we, we look –

3 MR. PALMER: But what happens though, but what happens though is that the
4 Code dictates.

5 MS. CAIRNS: I know that, but –

6 MR. PALMER: So the Code wins and we were saying it up front.

7 MS. CAIRNS: - but I, but I mean, to have the purpose statements so inaccurate.

8 MR. PALMER: So why even put it there? Is what I'm saying. But, I mean, there's
9 so many things that are, that are up for interpretation in the purpose statement. I'm just
10 reading the Neighborhood Commercial now where it says, this district is designed to be
11 located within or adjacent to, that word adjacent is subjective, is it across the street, is it
12 right next door to, residential neighborhoods where large commercial uses are
13 inappropriate. Well now you gotta determine where are large uses inappropriate? That's
14 different from me and you, Heather. Those, that's different right out the bat. So it's not
15 something that belongs in a Code as far as black or white issues, it's something that's in
16 the –

17 MS. CAIRNS: Right.

18 MR. PALMER: - statements of the Comprehensive Plan that this is what we, we
19 designed this area, this is what we want it to look like, this is, this is what we're thinking.
20 But not in the chapter and verse of the Code.

21 CHAIRMAN GILCHRIST: Yeah.

1 MS. FRIERSON: Well, I think if we do find inconsistencies or concerns if we do
2 as you suggested, send it to Tracy and it can be reproduced for the entire group to look
3 at, that'll help move us forward.

4 CHAIRMAN GILCHRIST: Absolutely will. Thank you all for the comments on that,
5 and obviously that certainly sets the stage for much needed discussion. So in March at
6 least we can begin the discussion during that time and go from there.

7 MR. TUTTLE: Mr. Chairman, I'd like to make a motion we adjourn.

8 CHAIRMAN GILCHRIST: Yes, sir.

9 MS. CAIRNS: Second.

10 MR. GREENLEAF: I'll second that motion.

11 CHAIRMAN GILCHRIST: All in favor, aye. Thank y'all. Who's opposed?

12 *[Approved]*

13

14

[Meeting Adjourned at 2:48pm]