

RICHLAND COUNTY PLANNING COMMISSION
October 5, 2020 Zoom Meeting

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[Members Present: Jason Branham, Heather Cairns, Stephen Gilchrist, Christopher Yonke, Bryan Grady, Terrence Taylor, Gary Dennis, Beverly Frierson; Absent: Mettauer Carlisle]

Called to order: 3:00pm

CHAIRMAN GILCHRIST: Mr. Price?

MR. PRICE: Yes, sir. Okay. Looks like we have a quorum. If you would like to proceed we can, or if you want to give a couple of minutes for Mr. Taylor to show we can.

CHAIRMAN GILCHRIST: Yes, let's give Mr. Taylor an opportunity to join us here, so we'll just take another couple of minutes. Thank you. Mr. Price, are we ready to go?

MR. PRICE: Yes, I'm sorry, sir. We were just getting the screens ready. And Mr. Taylor just called and he said he'll be joining shortly. But if you want to we can go ahead and call the meeting to order and I'm sure by the time, you know, you do your spiel we will be ready for Mr. Taylor.

CHAIRMAN GILCHRIST: Okay, let's do that. I'd like to call the October 5th Planning Commission meeting to order. Please allow me to read this into the Record. In accordance with the Freedom of Information Act a copy of the Agenda posted on our bulletin board and was also sent to radio, TV stations, newspapers, and persons requesting notification and posted on the bulletin board in the County administration building. And so we thoroughly appreciate the public joining us and all of our Commissioners today on our Zoom call here and we look forward to Commissioner Taylor joining us here shortly. The first item on our Agenda is the Consent Agenda. Mr. Price, do we have persons – how did we handle this last time with regard to the

1 Consent Agenda, particular persons that have been signed up to speak on behalf of
2 certain cases?

3 MS. FRIERSON: I'm sorry, what did you say?

4 CHAIRMAN GILCHRIST: I was asking Mr. Price, we are at the Consent Agenda
5 Item, Item III, and I was asking whether or not – how did we handle this regarding
6 persons signed up to speak in favor or against certain cases as it relates to the Consent
7 Agenda.

8 MR. PRICE: Yes, sir. I apologize, we were just having some technical difficulties
9 behind the scenes so I just wanted to try to address those. What was your question
10 regarding number III?

11 CHAIRMAN GILCHRIST: Yeah, so the question is, the Consent Agenda items,
12 for persons that have signed up to speak for or against items, how do we, have you all
13 received information on that at this point?

14 MR. PRICE: Yes, sir. We have comments for Cases 1, which is 20-022 MA,
15 Case No. 2, which is, excuse me Item number 2, which is Case 20-027 MA. We don't
16 have any comments from the Applicant or from any of the people that live in the area for
17 Case No. 20-028 MA. For Case 20-029 MA, which is Item No. IV, we do have
18 comments from the Applicant. And for Case No. 5 or Item No. V, 20-030 MA, we also
19 have comments from the Applicant.

20 CHAIRMAN GILCHRIST: Okay, thank you very much, Mr. Price. So given that
21 line up I'll accept a motion on the Consent Agenda from the Commission.

1 MS. CAIRNS: Well, I think it would be, I think it's appropriate to amend the
2 Consent Agenda to pull – and I don't see any road names so we're not approving any
3 road names unless I just missed them.

4 MR. PRICE: No, ma'am.

5 CHAIRMAN GILCHRIST: There are no road names, that's correct.

6 MS. CAIRNS: So we are removing from the Consent Agenda Map Amendment
7 No. 1, Map Amendment No. 2, I think all of them.

8 CHAIRMAN GILCHRIST: All of them, yeah.

9 MS. CAIRNS: 3, 4 and 5, yep, I can do that faster.

10 MR. PRICE: I think Case No. 4 was the, Item No. 4 which is Case 20-029 is one
11 where the only comments we have is from the Applicant, and Staff did recommend
12 approval for that, so that actually was one that you typically could pull from the Consent
13 Agenda, leave on the Consent Agenda.

14 MS. CAIRNS: Yeah. Okay, so unless anybody on the Commission wishes to
15 discuss Case 4 what I offer is that we amend the Consent Agenda to remove items 1, 2,
16 3, and 5 for discussion.

17 CHAIRMAN GILCHRIST: Okay, so moved and properly seconded [sic] that we
18 amend the Consent Agenda accordingly regarding the Map Amendments. Is there a
19 second?

20 MS. FRIERSON: I second it, this is Beverly.

21 CHAIRMAN GILCHRIST: Okay Ms. Frierson, thank you. All in favor, we'll do a
22 roll call vote?

23 MR. PRICE: Okay. Gilchrist?

1 CHAIRMAN GILCHRIST: Aye.

2 MR. PRICE: Cairns?

3 MS. CAIRNS: Yes.

4 MR. PRICE: Yonke?

5 MR. YONKE: Aye.

6 MR. PRICE: Dennis?

7 MR. DENNIS: Aye.

8 MR. PRICE: Grady?

9 MR. GRADY: Aye.

10 MR. PRICE: Mr. Taylor?

11 MR. TAYLOR: [inaudible]

12 MR. PRICE: Branham?

13 MR. BRANHAM: Aye.

14 MR. PRICE: Frierson?

15 MS. FRIERSON: Aye.

16 CHAIRMAN GILCHRIST: Okay. Thank you all very much, the motion passes. Mr.
17 Price, our first case, Case No. 20-022 MA. And let me just mention one thing, Mr. Price,
18 for those persons that have sent in notifications regarding their interest for or against,
19 we certainly welcome all comments and I would ask the Staff if there are comments that
20 are very consistent with an argument please allow us to just be notified of that. That way
21 we don't have to prolong the meeting to the point where we don't have an opportunity to
22 hear diverse arguments. So please help us with that and manage that as we go through
23 our cases today. Does that make sense?

1 MR. PRICE: Yes, sir.

2 CHAIRMAN GILCHRIST: Okay. Alright, we'll go to our first case.

3 **CASE NO. 20-022 MA:**

4 MR. PRICE: Alrighty. Our first case, Case 20-022 MA, the Applicant is Bryan
5 DeBruin. The location is along Nina Lee Drive and 9216 and 9260 Wilson Boulevard.
6 The Applicant is requesting to rezone property zoned Rural to Residential Single-family
7 Estate. The acreage is 308.24 acres. Staff recommends approval of this request. The
8 basis for our approval is that it is consistent with the objectives outlined in the
9 Comprehensive Plan, the Plan recommends low density residential as the primary use
10 where the area serves as a transition between Rural and Neighborhood Medium
11 Density areas, and are opportunities for low density traditional neighborhood
12 development and open space developments that preserve open spaces and natural
13 features. The RSE District would allow for the development consistent with these
14 objectives; thus again, Staff recommends approval of this request.

15 CHAIRMAN GILCHRIST: Okay, great. Are there any questions for the Staff?

16 MR. GRADY: Yes, I have a question.

17 CHAIRMAN GILCHRIST: Okay, go right ahead Commissioner.

18 MR. GRADY: So my concern after viewing this application is the, what appears
19 to be some inconsistency between the neighborhood activity center designation and the
20 low density residential designation in terms of future land use. I guess my question
21 would be how does Staff weigh those two categories of land use in terms of importance
22 with one another, and would such a low density residential development taking up a
23 large portion of the neighborhood activity center area be consistent or inconsistent?

1 CHAIRMAN GILCHRIST: Mr. Price?

2 MR. PRICE: Mr. Crooks, you can take that.

3 MR. CROOKS: Yes Mr. Grady, so to your first point in terms of neighborhood
4 activity center versus the low density, neighborhood low density, they're treated equal.
5 The way that we look at it in the Comp Plan they're two separate designations, so kind
6 of following up on that, and we may need to pull up a map to kind of see this a little bit
7 better, but in terms of where that activity center is applied versus where the
8 neighborhood low density area is applied would kinda be two separate areas. So the
9 way that the neighborhood activity center would be applied is kinda contextually around
10 that intersection, so the way it's generally shown on that map it's kinda just, it's that dot
11 and that's really kind of all we see. But the way that we kinda look at it as Staff is where
12 is it consistent or contextually appropriate within that intersection. So Tommy, can we
13 pull up that – so that's the future land use map where those are kinda playing out, so
14 obviously it looks like there's some bleed in on that area, but can we pull up the actual, I
15 guess the aerial map, Tommy, real quick? So it may be hard to see on the aerial, but on
16 this case, so we're considering it to be as part of neighborhood low density and part of
17 the neighborhood activity center. So the neighborhood activity center, it's kinda
18 centered around directly on that intersection with Koon Store Road. And if you look at
19 the parcels on the site, so we obviously have the three parcels, there's this significant
20 large one which is outside of the neighborhood activity center, the smallest is within the
21 neighborhood activity center, and then a little corner portion so that little undeveloped
22 portion of that medium parcel would also fall within that neighborhood activity center. So
23 in terms of kind of how we kind of generally look at the neighborhood activity centers is

1 also kind of how has it developed and how does that, does the plan look at it to that
2 desired development pattern for it. So it's one of those things where this neighborhood
3 activity center is not necessarily developed out as others are, for instance, the Clemson
4 Road neighborhood activity center, that intersection. So we're kinda seeing the
5 development with the neighborhood low density to be in context with the development of
6 that activity center currently, if that makes sense. Does that answer your question, Mr.
7 Grady?

8 MR. GRADY: For the most part, yeah. I think I was just trying to get a handle on
9 how the Comprehensive Plan was trying to treat an area that sort of is in two different
10 future land uses. You know, looking at the neighborhood activity center description in
11 the Comprehensive Plan it certainly appeared as though that implied a higher level of
12 density, that it implied sort of a mixed-use concentration of development. And you know,
13 basically I was just concerned as to whether, you know, approving this would potentially
14 be in conflict with that. But I'll, the short answer, yes you answered that question so I'll
15 go ahead and let other Commissioners comment.

16 CHAIRMAN GILCHRIST: Thank you, Commissioner Grady. Are there any
17 additional comments for the Staff from the Commission? Alright so we have persons
18 that have sent information in including the Applicant.

19 MR. PRICE: Yes, sir.

20 CHAIRMAN GILCHRIST: Okay. We'll start with the Applicant, then.

21 MR. CROOKS: Mr. Gilchrist, the Applicant's statement from Bryan DeBruin: Dear
22 Planning Commission Members, St. Capitol is a South Carolina-based development
23 group in conjunction with Civil Engineering of Columbia and a national homebuilder, St.

1 Capitol has created a master plan for the development of multiple new residential
2 communities within the site. This rezoning allows the site along Wilson Boulevard to be
3 developed in a way more fitting to the area than the previously zoned PDD. Cypress
4 Grove Development name will offer homeowners multiple home styles and price points,
5 all while keeping with the area and the County's Comprehensive Plan. This site will
6 embrace the existing natural landscape throughout the development plus an amenity
7 package meant to promote community involvement will be available on the site to
8 include pool, clubhouse, dog parks, tennis courts, nature trails and outdoor gathering
9 areas available to the community. We appreciate the time and consideration of the
10 Planning Commission. That was a statement from the Applicant. And then we have
11 additional comments as well in opposition to the request.

12 CHAIRMAN GILCHRIST: Okay, before we go forward I just wanna ask the
13 Commission, are there any comments regarding the Applicant's statement? Any
14 observations? I guess we'll go forward with the additional comments.

15 MR. CROOKS: Alright, first comment is from Alisa H. Mitchum, 333 Nina Lee
16 Drive, Columbia, South Carolina. Dear Richland County Community Planning and
17 Development, I am the homeowner residing at 333 Nina Lee Drive and received notice
18 of the proposed zoning map amendment being presented before the Richland County
19 Planning Commission. Let me start by stating that I am against the amendment to
20 change the zoning of the area proposed. This area is a rural-zoned area and is what
21 played a major reason on why I chose to buy my property and build my home here. As
22 my family and I work in town where it's heavily populated, it has been a source of
23 release to come home to a neighborhood that is peaceful and not so heavily populated.

1 I settled on this location so that my children would be able to ride their bicycles and my
2 family could take family walks for exercise. The change in zoning would bring a great
3 deal of traffic into this neighborhood. We have experienced very negative effects of
4 increase traffic that was rerouted from Wilson Boulevard after the flood of October 2015.
5 During this time we suffered cars crashing into our brick columns at the entrance to our
6 home on two occasions and attempted burglary of our vehicle from our property. With
7 the entrance and exit way to this proposed site development on Nine Lee Drive will yet
8 again bring a significant amount of traffic into this neighborhood, denying my family the
9 quiet enjoyment of our neighborhood. As a tax paying citizens of Richland County I
10 made the decision to buy property in the area well aware of the zoning. The investment
11 group that purchased this property knew what the zoning was when they chose to
12 purchase and should not now be launching a plan that would upset the lives of and
13 enjoyment of the residents that live in this neighborhood. Please put the citizens of this
14 neighborhood before profit. Sincerely submitted, Alisa H. Mitchum. Alright the next
15 comment from Mary Jane M. Lever, 9227 Wilson Boulevard. My objections would be the
16 same as my son stated for me and sent for the September meeting. The area is growing
17 rapidly, unfortunately the rural roads do not support the traffic. I have sat in my driveway
18 during the hours of 7:30 to 9:00am and waited to get out of five plus minutes onto
19 Highway 21. I can only imagine the problem the residents will encounter on
20 Hardscrabble Road near Lake Elizabeth. I was glad to hear the proposal had changed
21 to RSE, however, this will still introduce over 1,000 extra cars to our roads. If this
22 change is passed I hope the roads will be adapted, widened, along with extra stoplights
23 to ensure safety. I have enjoyed the rural environment for the last 20+ years, I do realize

1 change is what happens. I want to ensure that it is positive change for all involved.

2 Thank you, Mary Jane M. Lever. Alright, the next comment from Melvin and Gerald

3 Lillian McKee, no address listed. Dear Richland County Planning Commission, we are

4 sending this letter to you to request your consideration and support in denying the

5 request of Case No. 20-022 MA, rezoning of 308 acres from RU to RSE, which is part of

6 the zoning map amendment before the Richland County Planning Commission. Our

7 residence is located at 401 Nina Lee Drive, Columbia, South Carolina 29203. We are

8 writing this letter to explain our rationale requesting denial of the rezoning proposed

9 submitted to the Planning Commission. Lake Elizabeth Estates founded in 1961 is a

10 residential community. We are surrounded by two major arteries, Hardscrabble Road

11 and Wilson Boulevard. Nine Lee, Boylston and Pressley are the streets within our

12 community used by residents to exit the neighborhood. As a neighborhood that was

13 tremendously impacted by the flood of 2015, we are on the Crane Creek Watershed,

14 Lake Elizabeth's downward sloping land mass increases its vulnerability to flooding

15 which is a constant threat. The environmental effects from runoff from clearcutting and

16 altering the landscape will be very harmful to our community and downtown Columbia

17 as the slope continues towards the City Proper. Medium density for the parcel in

18 question means that the traffic into and out of that development averaging two cars per

19 family could be as high as 1,232 cars that would be routed directly onto Boylston, Nina

20 Lee and Pressley, which would significantly impact traffic flow of our community. During

21 the 2015 flood when the Wilson Bridge closed our neighborhood became the detour for

22 traffic and there was anywhere between 2,000 to 3,000 per day during rush hour in

23 particular passing our homes. The trash, accidents, noise pollution and danger was with

1 us for two years until the bridge was repaired in 2017. Of course our streets were
2 destroyed by the uptick in traffic and had to be repaved completely more than once. We
3 have personally witnessed many accidents on Nina Lee, Boylston and Pressley of
4 trucks, cars, vans, 18-wheelers and SUVs for drivers who do not obey the traffic limit set
5 for our street. Nina Lee in particular has a sharp 90° turn three houses from our address
6 and a very sharp steep curved hill at Hardscrabble side. It is very dangerous when
7 drivers turn off Hardscrabble to cut through our neighborhood to go to Wilson
8 Boulevard. We also must deal with trash thrown from car windows all over the
9 neighborhood, dumping of furniture, mattresses, unwanted pets and individuals who
10 park on our two side streets. Donald and Ted performing sexual acts and/or drinking.
11 Also this tide flow of entry in our community may bring forth an opportunity for an
12 increase in crimes being committed which we have already experienced with home
13 break ins. We are taxpayers, we work to keep our properties looking respectable, we
14 have a homeowners association that works on our behalf and we are law abiding
15 citizens. We ask that you please consider the denial for Case No. 20-022 to move
16 forward by making your recommendation to County Council that this request is denied.
17 Marvin and Gerald Lillian McKee. The next comment from Thomas and Sharon Perez,
18 9121 Wilson Boulevard. We are Thomas and Sharon Perez and reside at 9121 Wilson
19 Boulevard, Columbia, South Carolina 29203. The reason for this email is to voice our
20 disapproval of the zoning change before you on 10/5/2020. One of the reasons why we
21 purchased this home in this zone was because of Sharon's health; we needed to be
22 rural in order for her health to improve. There is enough traffic and problems on Wilson
23 Boulevard. Thank you very much for your help in advance on this matter. Next comment

1 from the residents of Lake Elizabeth Estates, and this one's a little bit longer so I'm
2 gonna make sure that I keep track of my two minutes. Dear Planning Commission
3 Members, Mr. Price, the residents of Lake Elizabeth Estates are petitioning you to deny
4 the zoning map amendment request that will come before you at the October 5th
5 Richland County Council meeting. Lake Elizabeth is a relatively small and largely retired
6 residential community. We are nestled between Wilson Boulevard and Hardscrabble
7 Road and we have seen our share of disruption and uninvited infringement on our
8 community. We consider this particular zoning request to be particularly worrisome for
9 the following reasons: this request before Council is for a rezoning only, if approved this
10 would open the doors for any number of residential development endeavors which will
11 allow for developer changes after rezoning has occurred. This rezoning amendment
12 hearing is the only opportunity we have to protect our community. We are aware that
13 the developer has changed the rezoning request to RSE and we are aware that this
14 change will reduce the number of lots per acre, however, this does not diminish or
15 change our concerns for the following reasons. One, the likely fast development plan
16 will involve high volume production resulting in clearcutting of these 308 acres. Lake
17 Elizabeth borders this tract of land and we are immediately downhill which means that
18 we are already vulnerable to flooding from natural rainfall because so many of our
19 community residents either border wetlands or partial wetlands. The impact of increased
20 flooding and massive runoff even with holding ponds could be catastrophic. Two, Lake
21 Elizabeth community streets are constructed as low volume roads meaning they are not
22 suited for high volumes of traffic. Many homes actually sit right on the street, potentially
23 traffic from hundreds of new residents accessing the development by Boylston Road,

1 Pressley Drive Nina Lee Drive with two dangerous 90° curves would quickly destroy
2 these low volume roads, and result in increased accidents [inaudible] would eliminate
3 one of the most significant businesses to our residents being able to engage in
4 recreational activities for walking and riding bikes in our quiet community. This is not
5 hypothetical for us, for two and a half years – and that's two minutes, Mr. Chair. It
6 continues to go with some of the same about traffic volume and decrease in I guess
7 walking space and biking. They conclude with, We appreciate your support of Lake
8 Elizabeth Estates and they have attached photos of their streets and signatures for this
9 petition. That is all the comments for this case, Mr. Chair.

10 CHAIRMAN GILCHRIST: Thank you, Mr. Crooks. Are there any comments,
11 again, for the Staff based upon the comments we've received from the public?

12 MR. PRICE: Mr. Chair, I'd just like to point out from that last comment that Mr.
13 Crooks read that those photos and also that letter from Lake Elizabeth was included in
14 your package so you were able to see the photos that they provided to the County.

15 CHAIRMAN GILCHRIST: That's correct. Thank you, Mr. Price.

16 MR. PRICE: Yes, sir.

17 CHAIRMAN GILCHRIST: Questions, comments? Any motions? I just – one thing
18 that I'll just highlight and I think this is certainly one good thing about this particular area.
19 I was a little concerned about the situation with the dam in that area but delighted that in
20 our County we were able to get this somewhat squared away so that it would not
21 impede into development. So thank you for the Staff for highlighting that in our report to
22 make sure that that was something that we could take into consideration as we're
23 considering this. Are there any questions for the Staff?

1 MR. BRANHAM: Mr. Chair?

2 CHAIRMAN GILCHRIST: Yes, Mr. Branham?

3 MR. BRANHAM: I appreciate the call out regarding the dam because certainly
4 impact on surrounding parcels is an important factor in our analysis. Short of that, we've
5 got some anecdotal information related to the post-2015 flood, an obviously
6 catastrophic event. But would the Staff have any additional information related to
7 potential for specific potential as it relates to this parcel and the surrounding parcels for
8 runoff and for flooding, being that it's in that watershed?

9 MR. PRICE: Not at this point in the process. Again, we are just for the rezoning
10 of the property to identify which uses would be allowed. However, that is something that
11 Staff will be looking at once plans are submitted from the engineer regarding your
12 concerns.

13 MR. BRANHAM: And I want to commend the Applicant for the apparent change
14 to the requested zoning classification to the Estate designation. As the Comprehensive
15 Plan lies over this parcel of land, other than the remark made related to the activity
16 center, besides that the requested designation seems to be right in line with the
17 Comprehensive Plan's intent for growth pattern in this particular area. So all too often I
18 feel like we see applicants going for something that's more dense than is appropriate,
19 particularly on a first petition. To my knowledge this is the first petition that I've seen of
20 this parcel, so again I commend the Applicant for reasonable zoning designation
21 request. That's all I have.

22 CHAIRMAN GILCHRIST: Thank you, Mr. Branham. I agree with that sentiment.
23 Any additional on, coming from the Staff? The Chair will entertain a motion on this case.

1 MS. FRIERSON: Mr. Chair, this is Ms. Frierson. I would like to make a motion
2 that we reject that particular item in that it goes against Staff recommendation. You
3 need me to state a reason why, don't you?

4 CHAIRMAN GILCHRIST: Yes, ma'am, I do.

5 MS. FRIERSON: Okay. I appreciate the information that Staff has provided but
6 that particular area is an area I'm very familiar with, it's not, it's in Northeast and I
7 intentionally drive by that area frequently because after the floods wherein there was a
8 detour as you see in some of the comments that we received from the people that live
9 there, it is factual that those people were indeed impacted negatively and it was for an
10 extreme period of time. It's also factual that some of those homes are almost adjacent
11 to the sidewalk areas and you know how sometimes we see something in writing in
12 terms of what goes in line with what's permissible, but the reality of that particular area
13 does concern me greatly. And as I mentioned I intentionally go by that area and have
14 done so for many, a couple of years now, and I am in agreement with those people that
15 voiced their concerns about how it would impact their community most negatively. And
16 for that reason I make a motion that we reject this application for the rezoning.

17 CHAIRMAN GILCHRIST: Was there a second? Is there a second?

18 MR. GRADY: I'll second that.

19 CHAIRMAN GILCHRIST: Okay. Alright it's been moved and properly seconded
20 that we send Case No. 20-022 MA forward to Council with a recommendation of
21 disapproval based upon the recommendation from Mrs. Frierson. Any discussion? The
22 Chair is ready for a roll call vote. Yes Commissioner, go right ahead, yes.

23 : So this is, the motion is to deny this, correct?

1 CHAIRMAN GILCHRIST: The motion is to deny this case, yes.

2 : Okay. Yeah, let's just put it to a vote then.

3 CHAIRMAN GILCHRIST: Okay. Any additional comments? Alright the Chair will
4 entertain a roll call vote.

5 MR. PRICE: Okay. Gilchrist?

6 CHAIRMAN GILCHRIST: I'm voting no against the motion.

7 MR. PRICE: Cairns?

8 MS. CAIRNS: Yes.

9 MR. PRICE: You're supporting the motion?

10 MS. CAIRNS: Correct.

11 MR. PRICE: Okay. Yonke?

12 MR. YONKE: No against the motion.

13 MR. PRICE: Dennis?

14 MR. DENNIS: No against the motion.

15 MR. PRICE: Grady?

16 MR. GRADY: Yes in favor of the motion.

17 MR. PRICE: Taylor? Mr. Taylor? Mr. Taylor?

18 MR. TAYLOR: [Inaudible]

19 MR. PRICE: He was muted, we can try to come back to him. Branham?

20 MR. BRANHAM: No.

21 MR. PRICE: You're against the motion?

22 MR. BRANHAM: Correct. Against.

23 MR. PRICE: And Frierson?

1 MS. FRIERSON: Yes in favor of my motion.

2 MR. PRICE: Okay, so we're just kind of – Mr. Taylor?

3 CHAIRMAN GILCHRIST: Is Mr. Taylor still with us?

4 MR. PRICE: He's showing.

5 CHAIRMAN GILCHRIST: He's showing?

6 MR. PRICE: Mr. Taylor? Yes, sir, I'm on live with Mr. Taylor right now. Okay, so
7 are you, we need to hear you vote whether you're for the motion made or against?

8 MR. TAYLOR: [Inaudible]

9 MR. PRICE: So you're voting against it. Okay, so that leaves us with a tie.

10 *[Approved to deny: Cairns, Grady, Frierson; Opposed: Gilchrist, Yonke, Dennis,*
11 *Branham, Taylor]*

12 CHAIRMAN GILCHRIST: Leaves us with a tie?

13 MR. PRICE: Yes, I believe that's a tie.

14 : Mr. Price, did you say Taylor was voting against or for the motion?

15 MR. PRICE: He's against the motion.

16 CHAIRMAN GILCHRIST: If he's against that's five votes, right?

17 : If he's against then –

18 MR. PRICE: Alright, we can do that one more time since we can get Mr. Taylor.
19 Alright, Mr. Gilchrist?

20 CHAIRMAN GILCHRIST: Gilchrist voting no.

21 MR. PRICE: Okay, you're against the motion. Cairns?

22 MS. CAIRNS: Yes.

23 MR. PRICE: She supports the motion. Yonke?

1 MR. YONKE: No.

2 MR. PRICE: He's against the motion. Dennis?

3 MR. DENNIS: No.

4 MR. PRICE: Is against the motion. Grady?

5 MR. GRADY: Yes, in favor of the motion.

6 MR. PRICE: In favor of the motion. Taylor? He's against the motion. Branham?

7 MR. BRANHAM: No.

8 MR. PRICE: He's against the motion, that's five. And Frierson?

9 MS. FRIERSON: Yes.

10 MR. PRICE: Alright, so that motion is defeated five to three.

11 CHAIRMAN GILCHRIST: Okay. The Chair will entertain an additional motion to

12 Case No. 20-022 MA.

13 MR. DENNIS: Yes, I'd like to make a motion to pass this along to Council for

14 approval as Staff's recommendation.

15 CHAIRMAN GILCHRIST: Okay, is there a second?

16 MR. BRANHAM: Second.

17 CHAIRMAN GILCHRIST: Alright, it's been moved and properly seconded that we

18 send Case No. 20-022 MA forward with recommendation of approval. Any discussion?

19 The Chair will entertain a roll call vote.

20 MR. PRICE: Okay. The motion is for approval. Gilchrist?

21 CHAIRMAN GILCHRIST: Aye.

22 MR. PRICE: Cairns?

23 MS. CAIRNS: No.

1 MR. PRICE: Yonke?

2 MR. YONKE: Aye.

3 MR. PRICE: Dennis?

4 MR. DENNIS: Aye.

5 MR. PRICE: Grady?

6 MR. GRADY: No.

7 MR. PRICE: Taylor?

8 MR. TAYLOR: Aye.

9 MR. PRICE: Branham?

10 MR. BRANHAM: Aye.

11 MR. PRICE: Frierson?

12 MS. FRIERSON: No.

13 MR. PRICE: Alright, that motion passes for approval, 5/3.

14 CHAIRMAN GILCHRIST: Okay, and we are recommending Body to County
15 Council. They will have their meeting on October the 27th and at that time the public is
16 welcome to come back and share thoughts again regarding this case. Thank you all
17 very much. Okay, next case.

18 **CASE NO. 20-027 MA:**

19 MR. PRICE: Okay, Mr. Chair I'm gonna take a moment to try to multi-task here.
20 One of the comments that came in, but Case 20-028 MA is still on the Agenda. It was
21 not removed from the Agenda.

22 CHAIRMAN GILCHRIST: Okay.

1 MR. PRICE: Alright, your next case is Case 20-027 MA. The Applicant is Robert
2 F. Fuller is asking to rezone a little more than three acres located at 302 Connie Wright
3 Road from Rural to Rural Commercial. Staff recommends disapproval of this request as
4 the proposed rezoning does not meet the objectives or desired development pattern of
5 the Comprehensive Plan for the neighborhood, medium density future land use
6 designation. The proposed request permits uses that would be inconsistent with the
7 recommended land uses of the Comprehensive Plan as well as uses that would not be
8 in character with the existing residential uses and zoning districts in the immediate area.
9 In addition the subject site is in conflict with the Comprehensive Plan's
10 recommendations to limit non-residential development to main road corridors and within
11 a contextually appropriate distance from the intersection of a primary arterial. Again, for
12 these reasons Staff recommends disapproval.

13 CHAIRMAN GILCHRIST: Okay, any questions for the Staff in this case?

14 MR. BRANHAM: Mr. Chair?

15 CHAIRMAN GILCHRIST: Mr. Branham?

16 MR. BRANHAM: Thank you. I wanted to ask about, you know, the indication and
17 what I saw in person as well as the site has a commercial structure on it that appeared
18 to be used for construction or a contractor type business. Do we have any information
19 as to that usage, was that in fact the usage, was it a non-conforming permitted use?

20 MR. PRICE: Yes, that type of use is not permitted in the rural district so it would
21 be non-conforming.

1 MR. BRANHAM: Well the last date I saw there just on the map's records
2 indicated it was from 1911? Do we have any other information about any [inaudible]
3 since then?

4 MR. PRICE: No, sir. Mr. DeLage, do you have any additional information?

5 MR. DELAGE: No, sir.

6 MR. BRANHAM: Okay. Thank you.

7 CHAIRMAN GILCHRIST: Thank you, Mr. Branham. Any additional comments
8 from the Staff? We have persons including the Applicant signed up to speak here, Mr.
9 Price?

10 MR. PRICE: Yes, we have comments from the Applicant. We also have a
11 comment in support of the request and we have a number of people who have
12 submitted comments against the request.

13 CHAIRMAN GILCHRIST: Okay. We'll hear from the Applicant.

14 MR. DELAGE: Alright, I've got a letter here from Robert F. Fuller and it says,
15 Commissioners, Applicant Joe Edwards owns the referenced 2.8 acre parcel. The
16 Application was purposely filed to facilitate the least intensive commercial district
17 classification available to accommodate the intended use. This is not a General
18 Commercial application. By way of the background, the parcel was purchased by
19 Edwards from Connie Wright for whom the supporting road is named. Years prior to the
20 Applicant's purchase of the property in 1986, Wright had built two existing commercial
21 buildings on the property to operate his automobile repair/garage business, complete
22 with heavy grade air compressor, hydraulic vehicle lift and a paved stripped nine to 10-
23 space parking lot. On the property and outside of the same building Edwards

1 established his commercial construction company including outside storage of heavy
2 construction equipment. All of these clearly commercial uses were permitted outright in
3 the RU zoning district. After operating the construction company on this site for nearly
4 25 years, for health reasons Mr. Edwards closed down the construction company in
5 2011. The property has not been in active use for almost 10 years. In conjunction with
6 preparing for sale of the property to a buyer proposing to establish a boat wash and
7 detailing business using already existing commercial buildings and site layout, it was
8 determined that the proposed is not permitted in the current RU district. The proposed
9 use would be permitted in the General Commercial or the Rural Commercial
10 designations under the Richland County Ordinance. The Rural Commercial district is
11 intended to be a flexible district allowing a mixture of uses in order to accommodate
12 commercial service activities oriented primarily to serving the needs of persons who live
13 in nearby areas. The RC district is proposed to be within or adjacent to residential
14 neighborhoods where large commercial uses are inappropriate. Staff Report as the
15 Applicant Mr. Edwards, selected the restrictive RC classification to enable the sale of
16 this property while providing the least intrusive commercial classification under the
17 ordinance for the convenience of residential neighbors. Joe Edwards personally
18 canvassed the near neighbors and received generally favorable support from a number
19 of those proximate long-time residents. The present rezoning is moved in the area
20 directly across from the site while the construction company was still in active operation
21 on the property. The property parcel is not residential whenever it's been used for other
22 than commercial operations, the property itself is large enough to accommodate onsite
23 all business-related activity without adversely effect upon the closest residential

1 neighbors. The proposed Rural Commercial classification is not unlimited General
2 Commercial designation. This is precisely the type of use situation for which the
3 ordinance classified was established. The proposed amendment permits only limited
4 intensity commercial use. It's totally compatible with the surrounding area. Very truly
5 yours, Robert Fuller. And then we have a letter from, in support, from Barbara Taylor. It
6 says, To Whom It May Concern, I have no objections for the three acres at 302 Connie
7 Wright Road referenced in the TMS number being rezoned. I am aware that some
8 neighbors are in opposition to this but with some of the surrounding properties already
9 being dilapidated trailer homes I'm not processing how the property in question, which
10 already has a commercial appearance, could be such an eyesore. Respectfully,
11 Barbara Taylor, [inaudible] resident. Alright and then –

12 CHAIRMAN GILCHRIST: Mr. DeLage, hold on one second. Let's give the
13 Commission an opportunity to weigh in on the Applicant's comments if there are any.
14 Any Commissioners have any comments regarding the Applicant's response?

15 MR. BRANHAM: I do.

16 CHAIRMAN GILCHRIST: Okay, go right ahead Mr. Branham.

17 MR. BRANHAM: So admittedly by the Applicant the non-conforming use has not
18 been active for 10 years or more. This looks like a – I mean, the public policy is to end
19 non-conforming uses basically as soon as the law will permit it [inaudible] permitted.
20 And this is basically just an attempt to revive a non-conforming use that is not
21 permissible under the law. So I mean, that, it's pretty plain and simple, that's the way I
22 see it, that's what it looks like on the map but that's just, that's my two cents for now.

1 CHAIRMAN GILCHRIST: Thank you, Mr. Branham. Any additional comments?
2 Okay. Is there a comment I heard from someone?

3 MR. : I'll say every time I go to say something Mr. Branham always beats me to
4 the unmute button. [Laughter]

5 CHAIRMAN GILCHRIST: Gotta be quick on the trigger, man. [Laughter]

6 MR. PRICE: Mr. Chair and the other Planning Commission Members, just gonna
7 want to point this out, this occurs every so often, that the non-conforming status of this
8 has been lost, so technically it's not a non-conforming use any more.

9 CHAIRMAN GILCHRIST: Okay. Ms. Cairns, did I hear you make –

10 MS. CAIRNS: I just find these incredibly frustrating because I understand that the
11 grandfathering's been lost but, I mean, just looking at the street view, I mean, this is an
12 industrial/commercial enterprise. I mean, I'm just – was this, Geo, was this use ever
13 allowed in Rural?

14 MR. PRICE: No, ma'am. As I go back and I look at previous codes, no.
15 Automobile repair shop, mechanic shop, whichever category you would like to place
16 that in, was never permitted in the Rural district.

17 MS. CAIRNS: So the zoning goes back to '77, right?

18 MR. PRICE: Yes.

19 MS. CAIRNS: Does this use predate '77? I don't recall it in the discussion, I'm
20 sorry.

21 MR. BRANHAM: If I may, the application said they built an auto repair shop there
22 in 1986, and then after that a construction company was operated on the same site.

1 MS. CAIRNS: So I mean, like how do we let this happen? I mean, cause there's
2 part of me that has a hard time saying rezoning this to what it currently is is a problem. I
3 mean, because to say no it has to stay rural is basically destined this to just decay. You
4 know, and if you're telling me somebody was allowed to go build this significant an
5 enterprise completely in violation of all zoning and operate it for 30 years, that doesn't
6 make sense either. I mean, we've got a major problem with our enforcement of laws.

7 MR. DENNIS: Ms. Cairns?

8 MS. CAIRNS: Yes.

9 MR. DENNIS: I agree with you on that, I mean, they had to apply for building
10 permits and somebody –

11 MS. CAIRNS: Well you'd think they would. I'm not always convinced of that.

12 MR. DENNIS: But I mean, I don't understand how we can have that built on a
13 piece of property and not know it. I mean, I drive by that area but I don't, you know, I'm
14 not looking at every zoning when I drive by. But I mean, if that's been in there since the
15 '80s and it's 2020, how did we even allow that to happen? I don't understand.

16 CHAIRMAN GILCHRIST: Does Staff have a comment on that?

17 MR. DENNIS: Because now you've got somebody that, if permits were applied
18 for and they built these properties knowing that they applied for it and it wasn't done
19 correctly but they didn't know that. They put all this money into their business, now
20 they're trying to sell it, now they can't sell their business for the intent that it was built
21 for.

22 MS. CAIRNS: I mean, you could argue though that, you know, you got away with
23 it for 40 years, you know, you should've had your return on investment. I mean, it's an

1 arguable point, you know, and just say, okay you got away with it for all these years but
2 it's time to let this thing go back to what it should be.

3 MR. PRICE: Yeah, unfortunately there's probably a lot more construction and
4 operations that take place in Richland County that we just aren't aware of. You know, I
5 wish we could put eyes on every project that's been developed over the years, every
6 time someone's doing something without a permit unfortunately we are unable to do
7 that. And a lotta times we do rely upon citizens, you know, when they see something
8 going on to let us know. Now again, I don't know exactly the full circumstances, but this
9 is something that we don't always know that is taking place and not everybody comes in
10 and does what they're supposed to correctly. I am not saying that this is what the
11 property owner did, just stating that it wouldn't be something new that someone actually
12 went and added onto their property without actually obtaining the correct permits and
13 meeting the development standards as defined in the zoning code.

14 CHAIRMAN GILCHRIST: Any additional comments from the Commissioners. Mr.
15 Price, we have some persons signed up to speak against this, is that right?

16 MR. PRICE: Yes.

17 CHAIRMAN GILCHRIST: Okay. Please feel free to share that with us now.

18 MR. DELAGE: Alright, the first comment in opposition is from Allen Porter. It
19 says, Dear Sir, It has come to my attention that the above-referenced property is up for
20 rezoning to change it to commercial. I would like to state that I am against the rezoning.
21 I have lived on this road for 47 years and have seen residential growth with the
22 exception of an elementary school. Even though a boat detailing facility seems innocent
23 enough I have two concerns. If the boat detailing business does not work out the

1 property will still be classified as a commercial and an undesirable business could move
2 in without any input from the residential neighbors. The traffic has increased over the
3 years with the addition of two elementary schools and Dutch Fork High and Middle
4 Schools, Connie Wright Road is used by teachers, parents, students and school buses
5 as well as residents. Plus with the addition of many developments in the area, residents
6 use Connie Wright Road as a shortcut to heavily traveled roads; Koon Road and
7 Kennerly Road. I think that the additional traffic with boats would be an additional
8 hazard for such a heavily traveled road. Thank you for your consideration on this
9 rezoning request. Allen Porter. Alright and the next letter is from Carl and Debbie
10 Wright. It says, We oppose the rezoning of the Rural Connie Wright Road to a GC or
11 RC classification. We are Carl and Debbie Wright, owners of 1312 Connie Wright Road
12 located right next door to 302 Connie Wright Road. We have lived in our home since
13 1972, long before Joe Edwards bought the property next door. We have been married
14 55 years and have raised two children here. We are both retired and I, Debbie, am also
15 disabled. In the past years we have had to deal with the noise and traffic surrounding
16 the business next door. We even had to put up our own privacy fence that would block
17 out some of the noise and visual disturbances. There were times that trucks pulled into
18 the lot next door before daybreak; the privacy fence could only help so much. We do not
19 approve of any commercial businesses being in our rural residential area. We do not
20 appreciate the noise and the extra traffic through the years with more and more traffic
21 going to and from River Springs Elementary School. We have developed a concern for
22 any added traffic flow. It is difficult pulling off Connie Wright Road onto Koon Road when
23 there is a lot of traffic turning onto Connie Wright from Koon. That intersection in fact

1 has been the site of several accidents. There is so much commercial availability on
2 Broad River Road, 1.5 miles away, so we do not feel that 302 Connie Wright Road
3 needs to be changed to an RC or GC zoning. It's time to bring peace and quiet back to
4 this residential neighborhood and we need to strive to minimize the potentially
5 dangerous traffic on a road that only has one lane going east and one lane going west.
6 Thank you. And then our next letter is from David M. Ratchford. It says, Dear Honorable
7 Commission, Recently the above parcels applied for a rezoning change to his property.
8 I want to express my objection to changing the zoning to any use other than single-
9 family residential. The property is located on a small beautiful country road with
10 residential housing only. My home is an adjacent parcel to Dr. Milano and I will be close
11 enough to hear commercial traffic. Also, the road is narrow and not suitable for
12 commercial [inaudible] winding and beautiful. In order to be used as applied I feel the
13 County would have to widen this road, therefore it can be properly used as applied for.
14 Additionally, the road leads to a grammar school and ends on Kennerly Road. Please
15 do not let this private and special place be impaired by commercial use and large trucks
16 and boats and other distasteful vehicles. Sincerely, David M. Ratchford. Alright, and the
17 next comment is from Donnie Houston and it says, Connie Wright Road is off of Koon
18 Road which is a heavily traveled road and serves many residential areas as well as
19 traffic to three schools. Rezoning of this area could result in added risk to everyone.
20 Donnie Houston, 227 Twin Flower Lane, Irmo. Alright, the next letter is from Douglas
21 and Melinda White. It says, To Whom It May Concern, My husband and I are owners
22 and occupants of 1009 Koon Road, which is located at the intersection of Koon and
23 Connie Wright Roads in Northwest Richland County. It is our understanding a rezoning

1 application for 302 Connie Wright Road has been filed with your office for consideration.
2 We would like to oppose this rezoning application. We've lived at the Koon Road
3 address for five years, this area is highly residential with three schools within a mile
4 from the subject property. The roads in the area two-lane rural with many steep grades
5 and blind curves. Although a flashing light has been installed to warn drivers of the
6 intersection in the short time we've lived in the area we have seen countless accidents
7 at or near where the two roads meet, many due to high speed or oversight of the
8 intersection. Aside from the impact on property values of a commercial business in a
9 high residential area, the addition of a proposed boat business would lead to larger
10 vehicle traffic in the area with many trucks and trailers. Finally, the Stonemont
11 subdivision located within a quarter mile of the Connie Wright Road property is currently
12 undergoing an expansion as well as a new subdivision commencing construction on
13 Koon Road. The continuing construction of homes in the area will increase the amount
14 of traffic. This coupled with potential and added larger vehicles with boats and trailers
15 could potentially make a hazardous intersection even more dangerous. For these
16 reasons we oppose the potential rezoning of 302 Connie Wright Road. Thank you for
17 your time and for your consideration. Douglas and Melinda White. Alright, next letter we
18 have is Joyce and Joe Wright. It says, We oppose the rezoning of 302 Connie Wright
19 Road to a GC or RC classification. We are Joe and Joyce Wright, the owners of 305
20 Connie Wright Road, located across the street from 302 Connie Wright Road. I, Joe
21 Wright, have lived on Connie Wright Road for 82 years, we've been married for 62
22 years, have raised two children in our home. Before Joe Edwards bought the property
23 across the street from my daddy, we were under the belief that he was going to build his

1 home on it. Instead a construction company was established with heavy machinery and
2 concrete and pavement trucks pulling out of the property. Many times trucks would pull
3 in and out before daylight creating quite a noise disturbance. We understand that any
4 business setting across the street from our front yard could change down the road and
5 become any business as long as zoning permits. We do not want to look at a bunch of
6 boats sitting on property in front of us if the zoning changes and a boat detailing
7 business goes in. But what is even worse is the business can be bought and sold,
8 change hands and different businesses go in. We do not feel that it is fair for our
9 neighborhood considering it's all residential. Also it is difficult enough for us to pull out of
10 our own driveway due to traffic, it is limited visibility on the east side of my property and
11 the property at Connie Wright Road due to a sharp curve in the road. This makes it
12 dangerous for anyone, including school buses, traveling down Connie Wright Road if
13 there are commercial vehicles including boat trailers pulling out of the property. Seeing
14 as it has been several years since 302 Connie Wright Road has ever been the site of a
15 business, previously Premier Construction since the owner Joe became a realtor, has
16 been selling off his commercial equipment or leasing it out. It has been quieter for our
17 family and has been safer for traffic. Please keep 302 Connie Wright Road a rural
18 classification. Thank you, Joe and Joyce Wright. Alright, and then – alright the next
19 letter is from Lindsay Lybrand. And I apologize if I butcher anyone's name. Please
20 accept this letter as my opposition of the rezoning of Rural district 302 Connie Wright
21 Road to Rural Commercial. My name is Lindsay Lybrand and my son is a student at
22 Riversprings Elementary School located on Connie Wright Road, only half a mile from
23 the property up for rezoning. My ex-husband lives on Kennerly Road very close to the

1 school, and I share car transport duties to bring our son to and from school. I am
2 concerned about the increased traffic on Kennerly and Connie Wright Road if zoning
3 starts changing to commercial classifications. Connie Wright Road, Koon Road and
4 Kennerly Road are two-lane roads with double-yellow lines, sharp curves, dips in the
5 road, already rendering the roads more dangerous than straight away roads like Broad
6 River Road. Additional, the playground for the children at Riversprings is right on
7 Connie Wright Road and the children have to be spread out and play outside due to
8 social distancing right now. If commercial vehicles start traveling nearby roads this
9 would pose a danger to children as many commercial vehicles including trucks and
10 trailers have blind spots and limited visibility to begin with. 302 Connie Wright Road in
11 Irmo should not be rezoned to Rural Commercial. Thank you. And as I'm pulling up
12 some of these other letters, a lotta times it's addressing, you know, traffic and safety
13 concerns. Let's see here. It's roughly about six more letters and I'm happy to continue, I
14 just wanted to express that.

15 CHAIRMAN GILCHRIST: Okay. The remaining letters are very consistent with
16 the arguments we've heard, Mr. DeLage?

17 MR. DELAGE: Yes, sir, Mr. Chairman.

18 CHAIRMAN GILCHRIST: Okay. Alright. Well I will pause there to see if
19 Commissioners want to make any additional comments or if we've gleaned enough
20 information to be prepared to make a motion?

21 MR. DENNIS: I think we've heard enough to make a motion.

22 CHAIRMAN GILCHRIST: Then we will entertain a motion if that's appropriate.

23 MR. BRANHAM: Mr. Chair, I'd like to make a motion.

1 CHAIRMAN GILCHRIST: Okay.

2 MR. BRANHAM: I'll move that we send this case, 20-027 MA, to Council with a
3 recommendation of disapproval for the reasons set forth by the Staff in the Report. Just
4 looking at the four elements that we're supposed to review, this application doesn't
5 check any of the boxes at all for me. The Comprehensive Plan – it's clearly not near a
6 major arterial or a neighborhood activity center. Neighboring parcels, the zoning of
7 those, it's just in the middle of a blanket of Rural tracts of land and it itself is a Rural
8 tract of land. The impact on the surrounding parcels is pretty clear, it's like two-lane, up
9 and down, winding around road with nothing but houses and then an elementary school
10 on the end and this would just be sort of in the middle, a commercial island in the sea of
11 the rural. And then the justification seems to be just that the history of the parcel and the
12 use on the parcel, it would seem to me that this, if it was gonna half stand a chance as a
13 non-conformance that was permitted, it would be front of the Board of Zoning Appeals
14 that Ms. Cairns and I have both served on. I don't see this getting through, which is
15 probably why it's not in front of them and it's in front of us. I don't see the justification.
16 The business has been dormant for over 10 years, it's a long way from meeting the
17 criteria for continuance usage so that it would qualify. But beyond that, I mean, just
18 disregarding that, if you want, just looking at the four elements as the property lays right
19 now and as the plan for development stands, it seems clear cut to me with all due
20 respect and I appreciate any debate or discussion that remains but that's my motion, to
21 send it to Council with a recommendation of disapproval.

22 CHAIRMAN GILCHRIST: Thank you, Mr. Branham. Is there a second?

23 MR. : I second.

1 MS. FRIERSON: Second.

2 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that we
3 send Case 20-027 MA forward to Council with a recommendation of disapproval. Is
4 there any discussion? Okay, hearing none the Chair will entertain a roll call.

5 MR. PRICE: Okay. Gilchrist?

6 CHAIRMAN GILCHRIST: Aye.

7 MR. PRICE: Cairns?

8 MS. CAIRNS: Yes.

9 MR. PRICE: Yonke?

10 MR. YONKE: Aye.

11 MR. PRICE: Dennis?

12 MR. DENNIS: Aye.

13 MR. PRICE: Grady?

14 MR. GRADY: Aye.

15 MR. PRICE: Taylor?

16 MR. TAYLOR: Yes.

17 MR. PRICE: Branham?

18 MR. BRANHAM: Aye.

19 MR. PRICE: Frierson?

20 MS. FRIERSON: Aye.

21 *[Approved to deny: Gilchrist, Cairns, Yonke, Dennis, Grady, Taylor, Branham, Frierson;*

22 *Absent: Carlisle]*

23 MR. PRICE: Alright, so the motion for disapproval was approved 8/0.

1 CHAIRMAN GILCHRIST: Okay again, we are recommending Body, Council will
2 meet again on the 27th of October, and for those that are on the call along with the
3 Applicant are welcome to come back at that time. Thank you very much. Mr. Price, we'll
4 move on to our next case. We'll give you a minute to kinda make your transition.

5 **CASE NO. 20-028 MA:**

6 MR. PRICE: Alright, our next item is Case 20-028 MA. The Applicant is Jake
7 Nidiffer. The location is 3771 McCords Ferry Road. The Applicant is requesting to
8 rezone just a little bit under 20 acres from Rural to Heavy Industrial. Staff recommends
9 disapproval of this particular request as the primary intent of the HI District to
10 accommodate uses such as manufacturing of industrial nature and secondly uses that
11 are functionally related thereto such as distribution, storage and processing. And we
12 feel that with that, with the intent of the HI District that the proposed rezoning would be
13 inconsistent with the recommendations of the 2015 Comprehensive Plan as industrial
14 uses are not supported by the desired development. Approval of the requested zoning
15 would be out of character with the existing uses in the area also. Likewise, the request
16 to rezone from Rural to HI is inconsistent with the recommendation of the Lower
17 Richland Master Plan for the Cowassee which looks to protect the natural and
18 environmental character to low intensity uses. Again for these reasons Staff
19 recommends disapproval of this request.

20 CHAIRMAN GILCHRIST: Okay, thank you Mr. Price. Are there any questions for
21 Mr. Price? Okay Mr. Price, is the Applicant available or the comments from the
22 Applicant available?

23 MR. PRICE: We did not receive any comments from the Applicant.

1 CHAIRMAN GILCHRIST: Okay. Are there any coming from the public,
2 community?

3 MR. PRICE: No, we did not receive any comments from the public either.

4 CHAIRMAN GILCHRIST: Okay. Any questions for our Staff on this case? If not,
5 the Chair will entertain a motion on the Staff's recommendation.

6 MS. CAIRNS: So I'm just looking at the map and it's just interesting that Union
7 Camp has this massive industrial footprint, you know, nearby. You know, but I guess it
8 just sorta sits out there by its own self.

9 CHAIRMAN GILCHRIST: Mr. DeLage, could you pull up the map for us?

10 MR. PRICE: Yes, sir.

11 CHAIRMAN GILCHRIST: Okay, thank you.

12 MR. PRICE: Are you looking for the aerial of the site?

13 CHAIRMAN GILCHRIST: Yes. We got it, okay. Ms. Cairns, I'm sorry, did I cut
14 you off?

15 MS. CAIRNS: No, no, and I mean, I'll offer that I'm not, I support the Staff
16 recommendation that this not be rezoned Heavy Industrial. But this just sort of an
17 interesting little area that you've got Union Camp and a huge, I guess SCE&G footprint
18 down there. I know we've had some previous rezoning requests in this general area. I
19 don't remember the results of them but I remember them. But you know, I think that it's
20 – I mean, I'd be more than happy to make a motion to recommend we send this forward
21 to Council supporting Staff saying disapproval. But I'll entertain other, I mean, I'll listen.

22 MS. FRIERSON: I second the motion.

1 CHAIRMAN GILCHRIST: Any additional comments from Commissioners on this
2 case?

3 MR. YONKE: I'm looking at the YouTube feed, this is Chris Yonke, and there are
4 a couple comments from the public. With our virtual meetings do these get verbalized
5 by you, Geo?

6 MS. CAIRNS: There's a YouTube feed?

7 MR. PRICE: No, sir.

8 MR. YONKE: I mean, our meeting is live right now.

9 MR. PRICE: Yes. No, sir, the comments that you see on the YouTube channel
10 are not verbalized to the Planning Commission.

11 MR. YONKE: We've got Ms. Dorothy Kendall, a neighbor in the area. She
12 supports disapproval of the rezoning. She says that Highway 601 is a scenic corridor in
13 the Cowassee Basin Conservation Area and Heavy Industrial is an inappropriate use.

14 CHAIRMAN GILCHRIST: Mr. Yonke, let me pause that for just a second. Mr.
15 Price, are we supposed to be, for comments that the public is making, should they be
16 submitted directly to the Staff, is that right?

17 MR. PRICE: Yes, what we do is any comments for any of the requests that come
18 before you we ask that the Applicants or anybody wishing to make any comments
19 regarding the case submit those to Staff in writing prior to the meeting. And as such we
20 prepare them and we will read them to you, and in some cases if they're extensive we
21 would try to get them to you in advance. I would caution about reading comments that
22 come onto YouTube because I think what you may do is you kinda set a precedent for
23 future meetings and future cases where the question may become, well why aren't you

1 reading mine, and people just using that as another means to, you know, make
2 comments outside of the period that we've established.

3 MR. YONKE: [Inaudible] Geo, at one point it seemed like you replied to one of
4 the earlier comments to someone's question, so.

5 MR. PRICE: Yeah, I think the only reason why I did that was because they were
6 asking if the case had been withdrawn. And what I don't want someone to do is to miss
7 a case. But as far as any specific comment to a case I would not read any of those into
8 the Record.

9 CHAIRMAN GILCHRIST: Yeah, and I would strongly encourage members of the
10 public, we wanna hear all comments and we certainly want those comments to be on
11 the Record, and so if there are concerns or comments that the public wants to make we
12 certainly welcome those comments just so we can make sure that, for Record purposes,
13 that that information is recorded. So thank you, Mr. Yonke, for raising that point and we
14 want [inaudible].

15 MR. PRICE: Yeah, Mr. Chair, may I point out for anybody wishing to make
16 comments when this case goes before the County Council for the Zoning Public
17 Hearing on the 27th, we will accept comments up until the end of, close of business on
18 the 26th. So they have between now and the 26th of October to submit comments to
19 Planning Commission at richlandcountysc.gov.

20 CHAIRMAN GILCHRIST: Thank you, Mr. Price. Alright, any additional comments
21 from our Commission? Ms. Cairns, was that a motion that you shared with us earlier?

22 MS. CAIRNS: That's fine, yeah. If it was sufficient, if not I'll restate it.

1 CHAIRMAN GILCHRIST: If you'll restate it, I believe I heard a second but if you'll
2 restate that motion that'd be great.

3 MS. CAIRNS: Sure. So I make the motion that we send Case No. 20-028 MA
4 forward to Council with a recommendation of disapproval, consistent with the reasons
5 why Staff has offered the same.

6 MS. FRIERSON: I second the motion, Frierson.

7 CHAIRMAN GILCHRIST: Okay, thank you, Ms. Frierson. It's been moved and
8 properly seconded then that we send Case No. 20-028 MA forward to Council with a
9 recommendation of disapproval based upon the Staff recommendation. Any additional
10 discussion? If not, the Chair will entertain a roll call vote.

11 MR. PRICE: Alright, Gilchrist?

12 CHAIRMAN GILCHRIST: Aye.

13 MR. PRICE: Cairns?

14 MS. CAIRNS: Yes.

15 MR. PRICE: Yonke?

16 MR. YONKE: Aye.

17 MR. PRICE: Dennis?

18 MR. DENNIS: Aye.

19 MR. PRICE: Grady?

20 MR. GRADY: Aye.

21 MR. PRICE: Taylor?

22 MR. TAYLOR: Yes.

23 MR. PRICE: Branham?

1 MR. BRANHAM: Aye.

2 MR. PRICE: Frierson?

3 MS. FRIERSON: Aye.

4 *[Approved to deny: Gilchrist, Cairns, Yonke, Dennis, Grady, Taylor, Branham, Frierson;*
5 *Absent: Carlisle]*

6 MR. PRICE: Alright. So that motion for disapproval passes 8/0.

7 CHAIRMAN GILCHRIST: Okay. And again, we are a recommending Body to
8 County Council. They will meet back again in their Zoom call on the 27th of October, so
9 [inaudible]. Alright, moving onto to the next case, Mr. Price, and we'll give you an
10 opportunity to make the transition.

11 **CASE NO. 20-030 MA:**

12 MR. PRICE: The next item is Case 20-030 MA. The Applicant is Donald W.
13 Toner. The location is 8805 Two Notch Road. The Applicant is requesting to rezone
14 approximately 2.24 acres from General Commercial to Light Industrial. Staff
15 recommends disapproval of this particular request as the request is deemed not to be in
16 compliance with the recommendations and is also deemed to be inconsistent with the
17 objectives outlined in the Comprehensive Plan. The plan recommends that areas that
18 should provide a vertical and horizontal mix of suburban-scale retail, commercial, office,
19 high density residential and institutional land uses. The uses allowed within the LI
20 District would not be appropriate to achieve the type of integration of uses within the
21 mixed use corridor designated as recommended. And for these reasons Staff
22 recommends disapproval again.

23 CHAIRMAN GILCHRIST: Okay, thank you Mr. Price. Any questions for the Staff?

1 MR. PRICE: We do have something from – oh, I'm sorry.

2 CHAIRMAN GILCHRIST: I was asking the Commission if there are any additional
3 questions they want to ask Staff. We have the information from the Applicant?

4 MR. PRICE: Yes, we do.

5 CHAIRMAN GILCHRIST: Okay. We certainly can entertain that at this time.

6 MR. DELAGE: Alright, so we've got a comment from Mr. Toner. It says,
7 Distinguished Commissioners, this letter regards the Map Amendment application for
8 8805 Two Notch Road, Richland County [inaudible] Development, LLC submitted for a
9 Map Amendment to modify the zoning of the property from GC to LI to allow for the
10 development of a nationally branded auto body repair shop/collision center. A GC
11 zoning does not formally allow the use LI zoning does. Richland County Planning Staff
12 recommended disapproval of this Map Amendment as the request would be
13 inconsistent with the objectives outlined in the Comprehensive future land use plan. Our
14 proposed use is consistent with the Comprehensive Plan and with existing similar uses.
15 We would prefer to maintain the current GC and develop the auto body shop as many
16 similar facilities are in GC zoning. We've requested the LI rezoning because the nearest
17 zoning to GC that allows auto body/collision centers under that current role. Multiple
18 auto body facilities currently exist in the Two Notch Road corridor in GC zoning, the
19 current zoning for our proposed development, and then areas that are located for mixed
20 use and residential zones under the future land use plan, and the proposed commercial
21 development is consistent in design and function with the Richland County's long-term
22 plan for the area. We have expanded on these points below and we propose approval
23 of the LI with the condition that restricts the property to the front of the retail or office

1 area. Point number one is multiple auto body locations currently operate in the
2 northeast planning area and of course the packet is sent to the Planning Commission
3 with the visuals but it says, the map shows collision centers and auto body repair shops
4 in the Comprehensive Plan, northeast planning area overlay, the future land use
5 [inaudible] is provided by Richland County zoning Staff. The red highlighted area shows
6 that the mixed use corridor of the Comp Plan, there are at least 14 existing auto body
7 shops, heavy mechanical locations in the northeast planning area along the Two Notch
8 Road corridor, many of which currently operate in the GC zone. All of those locations
9 currently operate in the future land use neighborhood, medium density, mixed
10 residential high density or mixed use corridor designated area as per the adopted March
11 17th, 2015 Comprehensive Plan use plan. The Applicant goes on to list a number of
12 auto body repair, collision and repair facilities located within the Comprehensive Plan
13 northeast planning area or Two Notch Road corridor. Future land use in prior
14 investment areas is shown on the map. We have also provided current zoning for these
15 district locations, many of which operate under the current GC. The existing business
16 will set a precedent that collision centers are approved uses in multiple zoning
17 categories as well as multiple future land use designations. Basically the proposed
18 development complies in design and function with the future land use plan, the location
19 is in a GC and as per the 2015 Comprehensive Plan designated as mixed use corridor
20 which should provide a vertical and horizontal mix of suburban-scale retail, office, high
21 density residential and institutional land uses. The proposed development is a retail
22 commercial oriented development which is consistent with the intent of the mixed use
23 corridor as described in the Comprehensive Plan. [Inaudible] Development LLC has

1 proposed redevelopment of the property for a nationally branded auto body repair
2 location. The proposed [inaudible] retail storefront and receiving area built with the brick
3 block and retail storefront glass, this retail and receiving area is the only portion of the
4 building that would be visible on Two Notch Road. All auto body repair will be completed
5 inside [inaudible] space to the rear of the building. This area of the property will also be
6 fenced. No work will be performed outside the building and there will be no outdoor
7 sales, exhibits or storage and materials. There will be no added noise or air pollution
8 and the new infrastructure will eliminate outdoor storage that is currently on the
9 property. Those examples and materials and the presentation that would be used for
10 the proposed development were included in your packet. Tuckerman Development LLC
11 is requesting a map amendment to allow the development of a new collision center, the
12 use is retail focused and consistent with Richland County's long-term plan for the area,
13 and with the retail commercial elements in the mixed use corridor of the future land use
14 plan. Furthermore, the location [inaudible] have set a precedent [inaudible] within the
15 mixed use corridor. We anticipate the proposed development will approximate a \$3M
16 gross investment and provide 20 to 25 full-time jobs. Thank you for your time and
17 consideration in this matter. Eric Emory and Jake Toner. And I apologize, I did run a
18 little bit over the two minutes.

19 CHAIRMAN GILCHRIST: No worries, thank you. Any questions for the
20 Applicant?

21 MR. BRANHAM: I have questions.

22 CHAIRMAN GILCHRIST: Yes, sir, Mr. Branham?

1 MR. BRANHAM: But first I want to ask if Mr. Dennis has any questions or
2 comments.

3 MR. DENNIS: Actually, yes I do. Real quick, in this area there's a, it is General
4 Commercial and there's a lot of things going on in this area cause I live up in this area
5 and drive by this about five to six times a day. I know that we're looking for a body shop
6 to go here, that's what they're looking for, and that's not in line with General
7 Commercial. However, how is that not in line with General Commercial but an oil
8 change auto service kinda is? That's one of the questions I had for that, cause I know
9 there is a oil change service area and auto repair shop that's right around the corner on
10 Ripon Road, and if I'm not mistaken that is actually in a GC classification.

11 MR. PRICE: Yes, sir. Commissioner Dennis, I figured you would be asking that
12 question or one of the Commissioners would. The distinction between repair and
13 maintenance services is between a major and a minor. And the minor is allowed in the
14 General Commercial designation. And according to our Code it's an establishment
15 engaged in the sale or automobile fuels or oils and the incidental repair and
16 replacement of parts and motor services to automobiles including oil changes, tire sales
17 and alignment, but not including any operations specified under repair and maintenance
18 services or automobile major. So just by definition, so when you see an oil change
19 establishment, a tire repair, somebody doing really kinda, you know, your incidental
20 repairs to a vehicle, those are allowed in the General Commercial. However, once you
21 get into the painting of vehicles, body repair, body shops, removing parts of the vehicle,
22 engine rebuilding, reconditioning of automobiles, that automatically defaults to the major
23 repair and maintenance services category.

1 MR. DENNIS: Well, that answers my question. Thank you, Mr. Price.

2 MR. PRICE: Yes, sir.

3 CHAIRMAN GILCHRIST: Mr. Branham? So you've given Mr. Dennis first right of
4 refusal so we'll come back to you now.

5 MR. BRANHAM: Yes, so to me that is very much the crux, being whether it
6 qualifies as minor or major repair and maintenance services absolutely answers the
7 question of why the application is before us. Under the major use category and
8 therefore it's not permitted under General Commercial zoning district and otherwise I
9 would just – and my consideration as much as the application's information goes way,
10 way, way down the rabbit hole of the proposed specific use. Just trying to caution
11 myself against going too far down that; the application before us is whether or not the
12 proposed zoning district is appropriate, not so much a specific proposed use. That's all I
13 have for now, thank you.

14 CHAIRMAN GILCHRIST: Okay. Thank you, Mr. Branham. Any additional
15 comments from Commissioners?

16 MS. CAIRNS: I mean, and I agree with yeah, we don't go down the rabbit hole.
17 But I think what's interesting is I would offer that the major/minor auto repair, I think all
18 goes back to, you know, what's a more noxious use, why is it more noxious, because
19 it'll often allow onsite storage of car parts, you know, outdoor storage, this and that.
20 What I think would be interesting is, you know, can we get to where if somebody wants
21 to operate a repair shop but they have no outdoor storage can we deem that less
22 obnoxious? I don't know if I'm making sense, but to me, I mean, I do not support this
23 rezoning for all the very good reasons that have been offered, but I see it as an

1 opportunity, you know, do we need to – cause we've had this come up a couple times.
2 There's a guy that wanted to be a cabinetmaker, well that was deemed industrial. He
3 was saying, look all of my work will be done inside, so he didn't really feel like he should
4 be considered sort of a noxious use. So again to me it's something, you know, as we
5 look at our Code rewrite can we start trying to get some nuance in saying, you know,
6 how is the business dealing with outdoor storage, cause I think that's the sort of noxious
7 issue. So that's all I have to say.

8 CHAIRMAN GILCHRIST: Great point, great point. Any additional comments,
9 Commissioners? Do we have persons signed up to speak in favor or against this
10 particular Map Amendment?

11 MR. PRICE: No, sir, I don't believe we do.

12 CHAIRMAN GILCHRIST: Okay, alright. Well if not, the Chair will certainly
13 entertain a motion on this Map Amendment. Any motions?

14 MR. BRANHAM: I'll move to send it up for disapproval.

15 CHAIRMAN GILCHRIST: Okay, is there a second?

16 MR. : Second.

17 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that we
18 send Case No. 20-030 MA forward to Council with a recommendation of disapproval
19 based upon Staff recommendation. Any additional discussion? All in favor, we'll do roll
20 call vote.

21 MR. PRICE: Alright. Gilchrist?

22 CHAIRMAN GILCHRIST: Aye.

23 MR. PRICE: Cairns?

1 MS. CAIRNS: Yes.

2 MR. PRICE: Yonke?

3 MR. YONKE: Aye.

4 MR. PRICE: Dennis?

5 MR. DENNIS: Aye.

6 MR. PRICE: Grady?

7 MR. GRADY: Aye.

8 MR. PRICE: Taylor?

9 MR. TAYLOR: Yes.

10 MR. PRICE: Branham?

11 MR. BRANHAM: Aye.

12 MR. PRICE: Frierson?

13 MS. FRIERSON: Aye.

14 *[Approved to deny: Gilchrist, Cairns, Yonke, Dennis, Grady, Taylor, Branham, Frierson;*

15 *Absent: Carlisle]*

16 MR. PRICE: Alright, the motion passes 8/0 for disapproval.

17 CHAIRMAN GILCHRIST: Okay, and again we are a recommending Body to

18 County Council. They will meet again on the 27th and at that time the Applicant is

19 welcome to come back at that time. Thank you all very much, very insightful meeting.

20 We are at now Agenda Item No. IV, Other Business.

21 MR. PRICE: Yes, I'll turn it over to Mr. Crooks. I'm not sure if he has any

22 information regarding the Code rewrite.

23 CHAIRMAN GILCHRIST: Mr. Crooks?

1 MR. CROOKS: Sorry Mr. Chair, I was having trouble unmuting myself. I believe
2 Mr. DeLage is actually gonna be speaking first on this item.

3 CHAIRMAN GILCHRIST: Okay.

4 MR. DELAGE: Alright, hopefully – let's see. Alright, just wanted to make sure my
5 camera was on so I could talk with y'all. But good afternoon and hopefully we've got
6 some exiting news. We received the testing document. We'll be meeting with County
7 Council to discuss that. We'll also be sending out the results of this testing of those four
8 locations here over the next couple of weeks. We wanted to have the consultants here
9 today to actually be able to discuss those results and do a presentation, maybe answer
10 some questions. Unfortunately some of them had a conflict in their schedules so they
11 weren't able to make it. So we're gonna look at trying to reschedule that in the future.
12 But principally it's four sites and I'll do a quick screen share here just to kind of give you
13 an idea of kind of what it looks like. We have the – so and this particular location is off of
14 Two Notch Road. It's the Tiffany's Bakery location, and again as part of this testing that
15 we did, we had to make sure we had very recently approved site plans; that way we
16 could look exactly with how it aligned with our current development requirements and
17 then how it would look with our, you know, newly adopted. So this is one example of just
18 how it would change, if you kinda drive by there now it's kinda the reverse of what this is
19 depicting. So the current site has, you know, your road frontage to Two Notch Road and
20 then you kinda see your parking lot and then the building's set back further back behind
21 the parking; whereas, under the new Code in this particular area what it would
22 potentially be rezoned or mapped to this is kinda how the form would fall. We'd have the
23 buildings closer to the street in addition to your parking to the rear and more kinda

1 screening, so I just wanted to give you kind of an idea of, you know, what we are
2 looking at and that what you'll be receiving soon will be this document kinda laying out
3 one of the other areas, again just as a, kind of just an example with say a rural
4 subdivision and kinda how it looks now how it could've developed potentially under the
5 conservation subdivision. It also has some stuff to do with the compatibility buffer for AG
6 as well. But we'll be getting this out to you in the next couple weeks.

7 CHAIRMAN GILCHRIST: Great, great, great. Well, so Mr. DeLage, we are on
8 track from a timeline perspective based on the timeline that we originally talked about
9 on the Code rewrite, we're still on track for that timeline?

10 MR. DELAGE: So I would say that the timeline has been revised a few times
11 over the years. We had hoped to have it done by now but as we all know there's been a
12 couple curve balls that have been thrown at us for 2020 and, but so we have proposed
13 a new timeline kinda to make sure that we stay on track. So as of right now we're on
14 track for a, more than likely an April adoption and we'll also be sending out some
15 information in the near future, of course, about ways to potentially participate in virtual
16 meetings as well as some other meetings that we are hoping to host. We're waiting on
17 some confirmation from sites so we can make sure we get that information out to y'all
18 and also to the public. Of course, at any point in time, you know,
19 www.weplantogether.org is still open, of course we'll take any kind of comments or
20 concerns and then we basically catalogue those and then of course we'll address those.
21 We have been meeting with some other groups as well that have had concerns,
22 stakeholder groups. But we look to also restart our more formal stakeholder groups very
23 soon with our intent of trying to get as much input as possible over the next two months.

1 CHAIRMAN GILCHRIST: Great. Any questions for Mr. DeLage? We certainly
2 see it coming together so that's a great thing. So we appreciate all the great work that
3 the Staff has done to get us to this point. And we're excited about what the future holds
4 so thank you, sir, so much for your report today.

5 MR. DELAGE: Yes, sir. You're welcome, Mr. Chairman.

6 CHAIRMAN GILCHRIST: Item V, Chairman's Report. Just a couple of things that
7 I want to share with the Commission. Over the last few years we've tried to have a
8 retreat; obviously with what's happened with Covid that's certainly altered things
9 somewhat. But it has been remarkably helpful in bringing together other stakeholders to
10 really hear from us, what our plans are and from them how they intersect with what we
11 do on the Planning Commission. And I just wanted to put that out there to remind all of
12 us, particularly now that we have a full Commission and new Commission Members,
13 that this is something that hopefully we may be able to try to do virtually or at some level
14 coming up in the not too distant future. But I just wanted to put that on the Staff's radar
15 screen and just remind the Commission that this is something that's been very helpful to
16 our planning purposes each year and we don't wanna lose sight of that. The other piece
17 to that, starting in 2021 we're gonna have a very new Council. And I mentioned to Mr.
18 Price I think it's extraordinarily important that we bring these Members in at some point
19 to make sure that they are brought up to speed on exactly what this Commission by
20 their direction is doing to help continue to provide adequate planning for the County. At
21 the same time being able to keep them also up to speed by where we are with the
22 rewrite, and so I just wanted to place that on the radar screen for us to be thinking about
23 over the next several months, what some of that would look like and how we would

1 make that happen. The only other thing I just want to just say it again, I know the Staff
2 was working very hard on trying to come up with an overlay district or something that
3 would highlight opportunity zones. As a matter of fact a couple cases I looked at today
4 were very much either in an opportunity zone, very close to one. I don't know how much
5 you guys have been able to put anything together, Mr. Price, on that but I just want to
6 continue to remind the Staff and thank them for their work on helping to identify what
7 that type of district would look like. I think it's a huge opportunity, particularly, and it will
8 have an impact on some of our efforts to develop the County going forward. And so just
9 wanted to put that out there. Have we made any headway on any of that, Mr. Price? Did
10 he leave us?

11 MR. DELAGE: I think, Mr. Chairman, I think Mr. Crooks might be able to speak a
12 little bit on the opportunity zones.

13 CHAIRMAN GILCHRIST: Okay. Thank you, Mr. Crooks.

14 MR. CROOKS: Yes, that was actually one thing I wanted to ask at this meeting is
15 what, really what all you're wanting us to look into in regards to those? I know you had
16 mentioned things like overlays and whatnot, and so just, I just wanted to get a little bit
17 more background from you on kinda what you're wanting us to look at in regards to that.
18 I have started some initial research but nothing too in-depth at the moment and I was
19 gonna try to bring something back either at the next Commission meeting or the one
20 after once I can kinda dive into it a little bit more once I kind of know what you're really
21 looking for with that.

22 CHAIRMAN GILCHRIST: Absolutely. Thank you for that. Let's, can we chat off
23 line about that after the meeting? If you'll give me a call, I would like to share a couple

1 thoughts with you about that? There's some things that I've given some thought to. And
2 maybe connecting with some folk that can potentially help flesh this out for us as we
3 think about what an overlay district would look like. Is that okay? Mr. Crooks?

4 MR. CROOKS: I believe so, yes, sir. That works for me.

5 CHAIRMAN GILCHRIST: Yeah, let's do that. And then at the next meeting
6 hopefully we can come and share with the Planning Commission at least what we've
7 come up with at that point. Does that make sense?

8 MR. CROOKS: Yes, sir, we can definitely talk about it.

9 CHAIRMAN GILCHRIST: Alright, let's do it. Let's see. That's all I had on my
10 agenda. I just again wanna thank the Commission for the diligence regarding the Zoom
11 calls, Staff has done an awesome job in not only working with our public to ensure that
12 they're engaged but to make sure that we have the tools necessary to be effective in
13 doing our work here. So I wanna thank you, Staff, for that and thank the Commission for
14 your attendance and your engagement in this process going forward. Item No. VI,
15 Planning Director's Report?

16 MR. : Good afternoon, Mr. Chair and Members of the Planning Commission. I
17 don't have anything additional to add other than echoing the Staff's work on the Land
18 Development Code rewrite and the results of the zoning public hearing which is in your
19 packet on page 41.

20 CHAIRMAN GILCHRIST: Yes, sir. We saw that, very good. Any questions for the
21 Planning Director? Alright, well that's all I have.

22 MR. PRICE: Mr. Chair?

23 CHAIRMAN GILCHRIST: Yes, sir, Mr. Price?

1 MR. PRICE: Yeah, I just wanted to, there were a couple of things, you know, that
2 kinda pop up during meetings, just kinda wanted to just make sure that we have an
3 understanding or at least a clearer understanding, at least from my standpoint. One of
4 the things that Mr. Branham had mentioned about non-conforming uses going before
5 the Board of Zoning Appeals, while there is a provision in our Code that allows for a
6 non-conforming use to go to the Board of Zoning Appeals essentially to reestablish
7 another use that may be deemed less impactful or you could argue no more impactful
8 than what is currently there. However, one of the things as I pointed out earlier was that
9 in order to go to the Board you still have to be deemed a non-conforming use. And so
10 the one that we were looking at, especially I think on Connie Wright Road, if the status
11 of that garage, if it no longer maintained a non-conforming status then it would not have
12 been eligible to go to the Board of Zoning Appeals for another use.

13 CHAIRMAN GILCHRIST: Okay.

14 MR. PRICE: That's one.

15 CHAIRMAN GILCHRIST: Mr. Branham, do you wanna comment on that?

16 MR. BRANHAM: Yeah, I just wanna make sure I heard right. I guess I'm a little
17 rusty.

18 MR. PRICE: You weren't there long.

19 MR. BRANHAM: So it would have to be an existing, it would have to have a
20 current, active permitted non-conforming use and then the application to BOZA would
21 be for a less intrusive, is that kind of it?

22 MS. CAIRNS: Or similar.

23 MR. BRANHAM: Or similar non-conforming use?

1 MS. CAIRNS: Yeah, to me – you have to have an active non-conforming use
2 going on just trying to sort of transition to its slightly either less or similar non-
3 conforming. Whereas this one, they had lost their non-conforming by sitting vacant.

4 MR. BRANHAM: Yeah. Yeah, the Applicant was very forthright about that fact, so
5 there's the reason why it wasn't in front of BOZA.

6 CHAIRMAN GILCHRIST: Okay. Mr. Branham, you good with that?

7 MR. BRANHAM: Got it, thank you.

8 CHAIRMAN GILCHRIST: Alright. Thank you, Mr. Price. Anything else you want
9 to bring to our attention before we adjourn? Mr. Price?

10 MR. PRICE: I apologize, I muted myself. I was talking to you the whole time and
11 didn't realize that, I apologize. Wow. Okay, going to Mr. Grady's question I think he had
12 at the very beginning of the meeting for the first case where he was looking at the
13 activity center designation. You know, the more I look at that and just kinda just
14 throwing this out as kind of a thought, one of the things that I would like to definitely get
15 with the rest of Staff and look at because, you know, everything was broadly painted
16 and so we like to, you know, term the Comprehensive Plan when we're looking at areas,
17 and I kind of question whether that particular type of activity center is appropriate when
18 you look at the surrounding designation of low density in that area. So maybe rather
19 than being, excuse me, you know, maybe it should have been, rather than being a
20 neighborhood activity center, maybe it should've been a rural activity center, which
21 actually would've gone along with the surrounding area and that designation. But I'd like
22 to thank you for bringing that up to us and looking into that in-depth because those are

1 things we'll be looking at, make some corrections or maybe just have, you know, better
2 discussion as we go forward with these cases.

3 MR. GRADY: Thank you, I appreciate that.

4 MR. PRICE: Yes, sir.

5 CHAIRMAN GILCHRIST: Yes, I thought the Commission raised some great
6 points today and it was so good on the heels of what we hope to see with our rewrite, so
7 thank you guys so much. Anything else, Mr. Price?

8 MR. PRICE: No, sir. Again as Ms. Cairns pointed out, we do run into the issue
9 again of existing commercial uses in the rural area, but in order for them to either
10 reestablish or convert to another use, it requires a rezoning. And typically those
11 rezonings are not compatible with the surrounding area and they really are inconsistent
12 with the objectives of the Comprehensive Plan, you know, as you so often hear. So that
13 may be something as we go forward with our Code rewrite that we start looking into
14 options, you know, that may be available as opposed to either, you know, you get it all
15 or you get nothing.

16 CHAIRMAN GILCHRIST: Exactly.

17 MS. CAIRNS: I mean, it's just interesting cause it seems like so many of our
18 issues and problems have to do with Code enforcement. I mean, just you know, a lotta
19 the calls I think, I'm pretty sure that, you know, Stephen, get some of these, you know,
20 just neighborhoods that are frustrated that things happen that shouldn't that are clear
21 violations of Code. You know, I mean, that fact that that whole business got built and
22 existed for decades in a non-conforming status, I mean, yeah I can spin that with

1 sympathy or I can spin it with, you know, that you got more than you bargained for. I
2 just, I'm so frustrated by our Code's inability to be enforced.

3 MR. PRICE: Again, you know, I point out, I need to point out that one of the
4 things from a, you know, I been doing Code enforcement for a while in different
5 positions here with the County. You know, one of the things we do really depend on is
6 again the citizens of the County to let us know what's going on. So kinda give you, I'll
7 kinda over simplify this, so you have somebody in the neighborhood, everybody loves
8 that neighbor, he's a good guy. And he does additions onto home, maybe he adds
9 another storage shed, maybe he does different things that normally wouldn't be in
10 compliance. Well, we don't know about it because no one tells us and, you know, we
11 just don't have that kind of staff, the number of staff and I don't know if we would ever
12 have the numbers that would allow us to go out and police areas and, you know,
13 immediately see, hey wait a minute, that wasn't there a year ago or a few weeks ago.
14 So we do depend on the public to let us know when something has taken place. So
15 again, going back to the example I was using, so if someone doesn't tell us, so
16 someone may have actually added onto their house for years and it doesn't come to the
17 County's attention until someone else moves into the home with some different
18 intentions or try to get a permit and then they find out, wait a minute, we don't have any
19 records of this addition. So I understand your frustrations from that standpoint but again,
20 we just can't be everywhere and there are just some areas, you know, I can argue when
21 I was going down Connie Wright Road, I would've never, ever turned down Connie
22 Wright Road unless I was going there for a specific reason, either through a complaint
23 or someone I knew was going down there. It's just kind of off the cut for me.

1 CHAIRMAN GILCHRIST: Yeah. No, Ms. Cairns, you're correct, I mean, that is
2 one of the large – I mean, we've talked about this for years that Code enforcement has
3 certainly been somewhat of an inhibitor when it comes to – one of the things that I've
4 talked quite a bit about is whether or not there are variations of how we look at Code
5 enforcement. So if we don't have the capacity to do just a full enforcement of
6 everything, how do we begin to, and I hate to use the word prioritize, but find a way to
7 ensure that we do have some element of enforcement that speaks to what Mr. Price
8 was referring to. And we brought this up early on when our consultants were working on
9 the rewrite, so it's my hope that as we continue to move forward that that is certainly
10 one of the areas that not only if we can have a conversation about but maybe County
11 Council because they too get the calls about enforcement and what needs to happen on
12 that front. So to be continued for sure.

13 MR. PRICE: Yeah, I think we're just really looking at proactive versus reactive
14 enforcement. And that, since I've been here, you know, regardless of the number of
15 code enforcement officers we've had, we've always kinda been more on the reactive
16 more than proactive.

17 CHAIRMAN GILCHRIST: Very good. Great discussion today. It's great to be on a
18 Commission with such talented Commissioners and we certainly have a great
19 [inaudible] and I'm delighted to be able to serve with you guys, so with that I will
20 entertain a motion to adjourn if there is nothing else.

21 MS. CAIRNS: So moved.

22 CHAIRMAN GILCHRIST: Aye. Have a good weekend everybody.

23 [Meeting Adjourned at _____pm]