



Richland County Council

ZONING PUBLIC HEARING
February 27, 2018 – 7:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Calvin “Chip” Jackson, Norman Jackson, Paul Livingston, Jim Manning, Yvonne McBride, Dalhi Myers, Greg Pearce, and Seth Rose

OTHERS PRESENT: Michelle Onley, Geo Price, Tracy Hegler, Tommy DeLage, Larry Smith, Ashley Powell, Dale Welch, Trena Bowers, Brad Farrar, Jamelle Ellis and Kim Williams-Roberts

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 7:00 PM.
2. **ADDITIONS/DELETIONS TO THE AGENDA** – There were no additions or deletions.
3. **ADOPTION OF THE AGENDA** – Mr. N. Jackson moved, seconded by Mr. Malinowski, to adopt the agenda as published.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Manning, Dickerson, N. Jackson, Rose and McBride

The vote in favor was unanimous.

4. **MAP AMENDMENTS**

- a. 17-025 MA
Hugh Palmer
RS-MD to NC (5.23 Acres)
502 Rimer Pond Road
TMS# R20500-04-27 [FIRST READING]

Mr. C. Jackson moved, seconded by Mr. Manning, to deny the re-zoning request.

Mr. C. Jackson stated he feels very strongly about this situation and the way the process is working. Quite candidly, he believes the process for approving zoning changes is flawed and it needs to have its guidelines reworked. He has shared these comments with Ms. Hegler and she has indicated in the code rewrite they are going to do that. In the interim, he would like to go on record to state his views and concerns. He thinks the process does not accommodate and add any weight to community support or non-support for any zoning request. The process does not accommodate a support or non-support by the school district, if one is affected by a zoning request. The process does not accommodate for regulatory agency (i.e. DHEC) approval in advance. The number of times a parcel can be re-zoned in the course of its life and be presented should be identified. He does not think any request for a re-zoning should be brought to Council without a recommendation from both staff and the Planning Commission. We should not be asked to take action on an item that has not

had that level of recommendation by both parties. None of these measures are in place and because they are not in place we are having situations, like tonight, where Council is being asked to make difficult decisions without the kind of input he believes is absolutely critical and fair in making those decisions. And because of that he is not willing to make a decision without those levels of involvement and participation.

Mr. N. Jackson requested clarification if this item went through the Planning Commission or staff.

Mr. C. Jackson stated the Planning Commission did not offer a recommendation. Staff did offer a recommendation.

Mr. N. Jackson stated in the past there have been times when Council committees have forwarded items without recommendation. If the Planning Commission votes for or against it, Council still has to make a decision to approve it or not. He is not trying to go for or against any entity. He wants to be fair in the process. If there has been a Comprehensive Land Use Plan or Neighborhood Master Plan usually staff has a recommendation. If Council does anything different than staff's recommendation a justification is given. He believes this item followed the process that has been followed over the years for all cases and he does not see where it is flawed. Sometimes we do not get a recommendation from the Planning Commission or staff.

Mr. C. Jackson stated he knows of some situations where there would be some issues that may be environmentally effected and the process says re-zone and then we will get with DHEC and make sure that happens. He believes that is flawed. The plan for having DHEC approve it should come before it is re-zoned, not after it is re-zoned.

Ms. Hegler stated Mr. C. Jackson is correct in the sense that the re-zoning recommendations from staff are based on the Comprehensive Plan and the general characteristics of the surrounding area. Staff does not do impact studies. Those are done currently at the time of development and the code requires that. The thinking is the re-zoning is about the use of the property. Whether or not it can be developed in compliance with County or State regulations happens at the time of development. Staff is working on finding a happy medium and making sure they are providing more information. In her 6 years with the County, staff has always provided a recommendation. They try to stay consistent with their interpretation of the Comprehensive Plan. Planning Commission, by their rules, can land on a tie and that comes forward without a recommendation. That happens frequently. The Planning Commission is working on updating their rules and we can bring that to their attention.

Mr. Manning stated he hates to vote against business development in the County. He hates to vote against someone wanting to sell their property to make money. He hates to vote against businesses opening because somebody may rob it. He hates to think County Council would move into the area of determining if certain businesses are needed. He hates think we would do things to stifle business growth that helps to financially support our school districts. He hates to think that staff spends so much time and energy creating a Comprehensive Plan and we would disregard it. He hates to think the owner has adjusted the request based on what they have heard at public hearings previously in this Chamber. However, when he saw the number of people that showed up on the Tuesday night before Christmas, that continue in their efforts to communicate with him, as a Council member, through hundreds of emails over a course of a couple months he has to go with power with the people.

Mr. Malinowski stated he wanted to comment on Ms. Hegler's response regarding the tie vote. When Council has a tie vote the item winds up not passing and is a denial. Why would not the same rules apply to the Planning Commission?

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

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Myers recognized that Rep. Joe McEachern was in the audience.

- b. 17-042MA
Avon Banks
RM-HD to OI (26.14 Acres)
5071 Percival Road
TMS# 28800-02-25 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Avon Banks spoke in favor of this item.

The floor to the public hearing was closed.

Mr. C. Jackson moved, seconded by Mr. N. Jackson, to approve this item.

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

The vote in favor was unanimous.

- c. 17-045MA
Jesse Bray
RU to RS-E (72.79 & 8.97 = 81.76 Acres)
Johnson Marina Road & Forrest Shealy Road
TMS# R01510-01-01 & R01509-01-04 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Jesses Bray, Mr. Jordan Hammond, and Mr. Gerald Steele spoke in favor of this item.

Mr. Lou Urshel, Ms. Farrah Brown, Ms. Donna Cole, Mr. William Young, Mr. Rudy Harrington, Mr. Thomas Callan, Ms. Kim Murphy, Mr. Wayne Duncan, Ms. Lisa Weir and Ms. Janice Decker spoke in opposition of this item.

The floor to the public hearing was closed.

Mr. Malinowski stated for clarification on statements made earlier regarding 4 roads projects in the area. He does not know what SCDOT has planned or when they will be done. A statement was made that Guise Road may be paved and used as a possible entrance/exit to the development. He spoke with the Transportation Department and was told it is on the list of dirt roads to be paved, but it is not in sight to be paved. He also stated one of the roads that runs past the Lowman Home is under consideration to be closed because the speed bumps have not been helping and we need to protect the seniors in that area. To assume the problems would be handled by other government agencies...When will they be handled? And by who? That leaves a lot to conjecture. After initially speaking with the community and developers, it seemed the biggest concern of density was resolved by a reduction of 40% to 178 units, less the bonuses. Since that time many other questions and

concerns have come up besides density. An impact study has not been conducted in the areas of law enforcement, fire, EMS, current traffic and future road improvements to alleviate the congestion. There are existing sewer problems in the area that include overflows and backups into homes. Silt run off into Lake Murray having a negative effect on the lake. And as mentioned earlier, the cove was tested and fecal matter was identified in the cove from the sewer overflow. The schools serving the area have a freeze due to overcrowding and students will have to be bused elsewhere. He commended Jesse Bray with D. R. Horton for working with the community and Richland County on this matter and reducing the zoning density, but we must adapt to changing times. With all the existing infrastructure problems we have right now he does not feel it is beneficial to the community nor to Richland County to move forward, at this time. He believes we can reconsider this in the future when these problems are taken care of.

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

Mr. Pearce stated it really concerns him about the sewer issues. He inquired if this is the Broad River Sewer System.

Mr. Malinowski stated it is the County's sewer and was discussed in Executive Session last year. The Administrator and staff have had meetings with the individuals affected by these problems. The Administrator has a plan for resolution, but it will take approximately 2 years before it is completed and functioning.

Mr. Pearce stated the lake is very fragile and it is getting beat up all over the place. If the County is contributing to it with the sewer, we need to make it a priority.

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

The vote in favor was unanimous.

- d. 17-046MA
David Gates
RU to NC (8.21 Acres)
1700 Dutch Fork Road
TMS# R02408-02-02 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

The citizens chose not to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to approve this item.

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

The vote in favor was unanimous.

- e. 17-047MA
Sharon Mann
RU to GC (3.2 Acres)
2250 Legrand Rd. & Pinnacle Point Drive

TMS# R17108-01-05 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Livingston moved, seconded by Mr. N. Jackson, to approve this item.

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

The vote in favor was unanimous.

- f. 17-048MA
Mike McCall
RU to RS-LD (.49 Acres)
10 North Drive
TMS# R02403-01-10 [FIRST READING]

Mr. Malinowski moved, seconded by Mr. Livingston, to defer the public hearing and the item until the March Zoning Public Hearing.

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

The vote in favor was unanimous.

- g. 18-001MA
Matt Mungo
RM-HD to RS-HD (10.39 Acres)
Bush Road
TMS# R20200-01-53 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Mr. N. Jackson, to approve this item.

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

The vote in favor was unanimous.

- h. 18-002MA
Jesse Bray
RU to RS-E (40.67 Acres)
Koon Road
TMS# R03400-02-56 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Jesse Bray and Mr. Jordan Hammond spoke in favor of this item.

Mr. David Mullins and Ms. Kim Murphy spoke in opposition of this item.

The floor to the public hearing was closed.

Mr. Malinowski stated in regards to other land that is not developed in this area, it is up to this Council to decide whether or not we should approve additional re-zoning in the future. He has spoken with Mr. Bray and Mr. Hammond and has requested they consider the residents' request for strong buffers in the backyards of the homes bordering Koon Road. They have stated they will do the best they can. Originally the request was for 147 homes. The new request is for 107 homes. Their hands are tied in reference to entrances and roads because of SCDOT rules. In reference to traffic, he would like to see Richland County Sheriff's Department to check into alleviating the congestion during school times or if this development creates additional congestion.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to approve this item.

Mr. C. Jackson stated when there are serious environmental issues that everyone is aware that must be addressed, he would like to see them addressed in advance of a zoning change. Where there are potential spillway problems or dam problems that are already at capacity that may be affected negatively he would like to be assured those are going to be addressed before the zoning change. Where DHEC's minimum standards are in place and those minimum standards may not be sufficient for those families that are downhill of those proposed zoning change, he would like to see those approvals by DHEC be given in advance for more than just the minimum but to assure those affected have those issues resolved before a zoning request has been approved.

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

The vote in favor was unanimous.

5. **ADJOURNMENT** – The meeting adjourned at approximately 8:07 PM.