

RICHLAND COUNTY PLANNING COMMISSION
April 5, 2010

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3
4 *[Members Present: Olin Westbrook, Kathleen McDaniel, David Tuttle, Pat Palmer, Deas*
5 *Manning, Elizabeth Mattos-Ward, Wallace Brown, Sr.; Absent: Heather Cairns, Stephen*
6 *Gil]*

7 Called to order: 1:03 pm

8 CHAIRMAN PALMER: - Freedom of Information Act with a copy of the Agenda
9 was sent to radio and TV stations, newspapers and persons requesting notification, and
10 was posted on the bulletin board located in the lobby of the County Administration
11 Building. Has anyone had the chance to read the March Minutes? Before we take a look
12 at the March Minutes, I want to welcome Mr. Wallace Brown, our newest Member of the
13 Planning Commission.

14 MR. BROWN: Thank you.

15 CHAIRMAN PALMER: And we appreciate your service and look forward to
16 having you on, having your input.

17 MR. BROWN: Thank you Mr. Chairman, I'm delighted to be here.

18 CHAIRMAN PALMER: Appreciate it. March Minutes. Any changes, additions,
19 deletions, motions?

20 MS. MATTOS-WARD: I make a motion to approve the Minutes.

21 MR. WESTBROOK: I'll second.

22 CHAIRMAN PALMER: Motion to approve the Minutes. All those in favor of
23 approving the Minutes please signify by raising your hand.

24 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Mattos-Ward, Brown; Absent Cairns*
25 *Gilchrist; Abstaining: Manning, Brown]*

1 MR. MANNING: Mr. Chairman, I was not in attendance at the last meeting, so I'd
2 like the Record to reflect that I didn't vote.

3 MR. BROWN: Mr. Chairman, I am abstaining because I was not on the
4 Commission at the time.

5 CHAIRMAN PALMER: Understood. Road name approval. Oh, hang on a
6 minute, do we have any Agenda Amendments?

7 MS. ALMEIDA: No, we do not Mr. Chairman.

8 CHAIRMAN PALMER: Can we move that up on our packet? The Agenda? I
9 guess Agenda amendments should occur first?

10 MS. ALMEIDA: They should.

11 CHAIRMAN PALMER: Any Agenda amendments from the Commission? Road
12 Name Approval. Do we have any motions?

13 MR. BROWN: I have a question, Mr. Chairman. On these requested names on
14 there, are those from the community or from whom?

15 CHAIRMAN PALMER: Ms. Alfreida?

16 MS. TINDAL: Good afternoon, I'm Alfreida Tindal with Richland County
17 Addressing. Yes, sir. On the Bethel Camp Church Road, that was a request made by
18 the Public Works Department/Engineering. They changed the name because it has two
19 names like almost on the road to change that. [Inaudible] was petitioned by the
20 property owner to add the directional to those roads. And they are all informed, they
21 were all sent letters to agree or disagree with that.

22 MR. BROWN: No, disagreements?

1 MS. TINDAL: We had the majority to agree with that. Yes, sir. With those
2 directionals being placed on those street signs.

3 MR. BROWN: Thank you.

4 MS. TINDAL: Thank you.

5 MS. MCDANIEL: Ms. Tindal, what is the name of the street that had the
6 [inaudible].

7 MS. TINDAL: It's Harold Street. Yeah, it was Harold Street across there.

8 CHAIRMAN PALMER: Motions?

9 MR. BROWN: Move approval, Mr. Chairman.

10 MS. MATTOS-WARD: I'll second.

11 CHAIRMAN PALMER: Motion to Approve and a second. All those in favor of
12 approving the road name, please signify by raising your hand.

13 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Mattos-Ward, Brown;*

14 *Absent: Cairns, Gilchrist]*

15 CHAIRMAN PALMER: None opposed.

16 MS. TINDAL: Thank you.

17 CHAIRMAN PALMER: Map Amendments 10-03 MA.

18 **CASE NO.: 10-03 MA:**

19 MS. ALMEIDA: Yes, Mr. Chairman. This application was made for Killian
20 Crossing, the Applicant, Matthew Congdon; property owner, Crossing Development,
21 LLC. This property has a total of 415.95 acres as you can see on your screen, the
22 hatched blue mark. This had been approved as a planned development back in 2006,
23 and it is before you today. What the Applicant is proposing is to carve out 17.29 acres

1 and have it rezoned to General Commercial. The planned development is currently
2 located on Killian Road, Clemson Road, North Pines Road and Farrow Road; as you
3 can see from your screen. Staff has reviewed both the traffic counts, evaluated the
4 change in traffic and the level of service remains the same at the Level of Service C.
5 The proposed zoning would compliment the surrounding land uses because it is a
6 planned development and we have previously approved that. We do note that it would
7 have substantial impact on public services and traffic in the future once build-out has
8 occurred. We feel that the proposed general commercial parcel which runs along Killian
9 Road and has approximately 977.15' of frontage on the site, we feel it is appropriate to
10 rezone it General Commercial. The proposed amendment would reduce the actual
11 PPD acreage from 415.95 acres to 398.66 acres. We feel that the reduction in acreage
12 would not reduce the number of dwelling units or the commercial square footage.
13 We've identified Killian Crossing's green space acreage included 96.27 acres of lakes,
14 buffers, wetlands and open space. The proposed development is centered around 85
15 acres of open space including 17.11 acres of lake. That does keep in context with the
16 original approval which had identified approximately 25% of that acreage reserved for
17 open space. So, they have kept that integrity. The most southern parcel of the PPD is
18 contiguous to a Fire Station on Killian Road called Killian No. 27 on Farrow Road.
19 There are three fire hydrants on North Pines Road. We feel all the services are in
20 place. Water and sewer service will be provided by the City of Columbia and we feel
21 the rezoning is compatible to the surrounding land uses and as you see on page 7,
22 these are the proposed PDD conditions of the original planned development so
23 therefore, we have to evaluate these conditions and, of course, the 17.26 acres is just a

1 straight rezoning to General Commercial which would not have any conditions. So Staff
2 is recommending approval.

3 MS. MCDANIEL: Could you tell me where the [inaudible] on that?

4 MS. ALMEIDA: Yes. Could we identify that on the computer?

5 CHAIRMAN PALMER: I found that difficult to find as well.

6 MR. MANNING: I did too.

7 CHAIRMAN PALMER: Just a quick question for Staff, and we only have one
8 person signed up, Mr. Osbeck. When we take a look at the overall PDD, and we look at
9 the open space that's involved in that, we look at what's required and that kind of stuff.
10 Assuming that perhaps this site gets rezoned to General Commercial, what's going to
11 end up occurring there is some sort of, you know, building/sell off and is that still going
12 to be - I mean, for example, it's sold off, does that still, does that affect any of the open
13 requirements or any of that kind of stuff or?

14 MS. ALMEIDA: It wouldn't and that's the unique layout of how this has occurred.
15 That portion had been slated for a General Commercial use in the PDD document. The
16 question is the proposed buyer wanted to put a hotel and in the original document of the
17 Planned Development, there was one hotel slated and it had been actually identified on
18 the main parcel, okay, across the street on the main site. It had been slated there as a
19 potential hotel anchor. Not that the actual PDD disallowed a hotel on the 17.26 acres,
20 okay? You need to know that. But, because the PDD was so specific it identified the
21 hotel on the main parcel.

22 CHAIRMAN PALMER: And by simply - and I'm looking at the Killian Crossing
23 PDD on page 11 of our packet, it doesn't even have this site as a part of the PDD.

1 MR. MANNING: Anna, this is not in the -

2 MS. ALMEIDA: Oh, I'm sorry.

3 MR. MANNING: – it's in the back, [inaudible] PUD document?

4 MS. ALMEIDA: On the packet. Right, it has cut it out. It has carved it out
5 because this is the new PDD.

6 MR. ISHMAEL OSBECK: It's already been sold.

7 CHAIRMAN PALMER: This has already been sold?

8 MS. ALMEIDA: Right, its being shown, the PDD you have, the packet you have
9 is now going to be the new PDD omitting the 17.26 acres out of the original document.

10 MR. MANNING: And it will not be governed by the PDD that exists today?

11 MS. ALMEIDA: Correct. It will be under the General Commercial uses and our
12 Land Development Code.

13 CHAIRMAN PALMER: When this site went through its whole process and was
14 approved under this current PDD and the community bought into the PDD, it had this
15 site as part of it and it had restrictions on this site. But now the owner is looking to take
16 this site out of the PDD?

17 MS. ALMEIDA: Correct.

18 CHAIRMAN PALMER: And completely open up the usages to it?

19 MS. ALMEIDA: Well, no, the uses -

20 CHAIRMAN PALMER: To GC.

21 MS. ALMEIDA: Right, the uses that were allowed on that site were General
22 Commercial uses in the original document. However, the original document had slated

1 a hotel on the main parcel, not on this parcel, which would have allowed a hotel anyway
2 under the General Commercial uses. Okay?

3 MS. MCDANIEL: [Inaudible]

4 MS. ALMEIDA: Because there was some internal turmoil between the property
5 owner, the existing property owner and the proposed property owner who wanted to
6 purchase the 17.26 acres.

7 CHAIRMAN PALMER: Seems to me that when you're taking 17 acres out of a
8 400 acre tract that you need to simply amend the PDD and keep it all as a PDD when it
9 was sold to the community was a PDD as opposed to pulling it out and opening it up to
10 whatever. It completely releases it from any other regulations that are under the PDD
11 because they simply want to put a hotel.

12 MS. ALMEIDA: We've all - um-hum (affirmative).

13 CHAIRMAN PALMER: I'm sorry. He's just not putting a hotel in the PDD and
14 say on this site we amend the PDD to allow hotels on this site?

15 MS. ALMEIDA: There are a lot of other issues that could be attached to that.
16 There was no open space slated for this 17.26 acres. None of the original requirements
17 other than the uses and architectural controls were slated on this 17.26 acres. And
18 maybe Mr. Osbeck can speak to that issue a little more clearly as to why they have
19 negotiated taking that out. And we have in the past taken parcels out of PDDs
20 previously.

21 CHAIRMAN PALMER: So this, what other uses, besides hotels would then be
22 allowed in this that were not allowed under the PDD? Or are they?

23 MR. OSBECK: There is none.

1 MS. ALMEIDA: There were none really. Percentages of retail and office and it
2 really left it wide open.

3 MR. OSBECK: I think, Mr. Palmer, your original way of thinking is correct.

4 CHAIRMAN PALMER: If you could, state your name for the Record, you name
5 and address.

6 **TESTIMONY OF ISHMAEL OSBECK:**

7 MR. OSBECK: Yes. My name is Ishmael Osbeck. I work for B.P. Barber, I live
8 at 42 Lyme Bay, Columbia, SC 29212. We are the engineers and consultants for the
9 owner. Unfortunately, the owner had a death in the family today so he basically
10 appointed me to answer those questions. But again getting back to your analysis of
11 thinking is correct. It could have been handled in several different ways but because of
12 just being as specific as a hotel, which is also included in General Commercial, it
13 created an issue between the buyer and the seller so we came to the Staff and I guess
14 to mediate that and I guess this was a lot of the solutions, just to carve that out of the
15 PDD. That leaves the PDD probably more percentage of everything else as far as open
16 spaces and it really doesn't impact -

17 MS. ALMEIDA: There were some mitigation issues.

18 MR. OSBECK: And mitigation issues and all others, so everything is intact. And
19 the property is going to go back to General Commercial so the uses are whatever the
20 uses before, so, not change whatsoever. Yes, to answer your question, he could have
21 handled it several different ways. And they sort of had clean up issues in the PDD such
22 as acreage not adding up cause we used some architect, some planners and this was
23 a big, big parcel so [inaudible] to Staff we felt this would be a good time update the

1 maps, percentages, uses and make it more user friendly without taking anything away
2 from the original intent at all, other than taking out 17 acres.

3 MR. MANNING: Are you at liberty to expand on all the problems that it was
4 created?

5 MR. OSBECK: I really don't even know, I think as much as what Staff knows
6 because they've worked with both parties and this portion of the PDD has been sold out
7 along with the other two parcels adjacent to it, so everything on this side, but they are
8 still part of the PDD.

9 CHAIRMAN PALMER: The other two parcels will still be under the PDD under
10 the same architectural guidelines -

11 MR. OSBECK: Under different ownership, yes.

12 CHAIRMAN PALMER: - and everything will look the same except know there will
13 be a 17 acre tract in the middle that doesn't abide by any of the rules under the PDD.

14 MR. OSBECK: Other than it meets all the county requirements.

15 MR. BROWN: Mr. Chairman, if I may and I'm asking as a layman so excuse me
16 if I ask the wrong question. No one makes investment in property of this kind without
17 having a plan for its use but what is the five year plan for this?

18 MR. OSBECK: I'm sure they have a 15 year plan and it's been laid out on
19 what's called design guidelines or it's in the booklet, I don't know if you have it in your
20 package. This is a 15 year -

21 MR. BROWN: But this particular parcel, what is -

22 MR. OSBECK: No, there is no plan for any particular parcel, that's the general
23 use for all of them, to have them in sub-stages so I really don't know.

1 MS. ALMEIDA: Mr. Brown, you're questioning the 17.26 acres as General
2 Commercial.

3 MR. BROWN: Yes. What is the plan for that parcel?

4 MR. OSBECK: I don't know unless they applied for something. This is sold out
5 from our client and I don't know what their plan is.

6 MS. ALMEIDA: Mr. Osbeck represents Mr. Michael Congdon the property owner
7 that owns the entire parcel; he does not represent the buyer for the 17.26 acres.

8 MR. OSBECK: So basically, we're releasing them back to the General
9 Commercial use but we really, I don't know them. I wish the owner, but unfortunately,
10 he couldn't be here at this time, but he can provide that information as he knows it, I'm
11 not sure what it is.

12 MR. MANNING: But I think what you're saying is that the use on the 17.26 acres
13 is for a hotel, is that correct?

14 MR. OSBECK: Not necessarily.

15 MS. ALMEIDA: Could be.

16 MR. OSBECK: Could be, yeah.

17 MR. BROWN: Mr. Chairman, I'm sorry I interrupted you and I apologize. The
18 gentlemen whose standing over there is he going to shed some light on this?

19 CHAIRMAN PALMER: Yes, sir. Normally, we don't reopen it but absolutely
20 come on in and give us your name and address if you would sir.

21 **TESTIMONY OF KEN ORMAND:**

22 MR. KEN ORMAND: My name is Ken Ormand. I represent I-77, LLC, it is a
23 limited liability company owned by Roger Tanden(?) and [Inaudible]. They are the

1 purchasers of the 17 acres. And to clarify a couple of points, this property has been
2 involved in litigation concerning the, whether or not there was consent of covenants that
3 were in the PDD and the uses that were set forth in it. That litigation has been settled
4 contingent upon this Commission and Council approving these modifications. Initially
5 this property was allocated as General Commercial in the PDD. The question arose
6 over whether the purchase could put, whether the developer would agree to let the
7 purchaser place a hotel on this site. As was said earlier, the PDD itself did not have
8 hotel usage assigned to this, maybe did not have hotel usage assigned to this specific
9 site. There was a dispute that arose as to whether it would be on the main tract of land
10 or on this one. And if you will notice, this parcel of land is, along with a few pieces on
11 either side of it, is really divorced from the other portion, the rest of the PDD and is
12 separated by Killian Road. And some concern arose as to whether or not this property
13 should even properly be a part of the PDD but aside from that, we were able to resolve
14 this dispute and by way of agreeing that we would take this piece out of the PDD, it
15 would still be subject to all the same usages that it had been before. One thing that
16 would be different is that there would not be architectural control by the developer over
17 this property; however, I point out that particularly with hotels, the franchisor of the hotel
18 normally has architectural guidelines in place anyway so that really is not a big issue
19 here. The intent initially was to simply amend the PDD to take this property out of it and
20 leave it in its usage zoned as it was allocated for in the PDD. However, the developer
21 discovered at the same time that there were numerous discrepancies within the PDD.
22 Most of these were technical, like relationships of acreages and where lines ran and
23 such as that. So, the concept arose, I believe with Staff, that the easier way to do this

1 would just to redo the entire PDD, omit this from it and do it all at one time, which is why
2 we're all here today. If I can answer questions to or for you, I'll be glad to do so; Mr.
3 Tandon and Mr. Bynon are also here.

4 MR. MANNING: Mr. Ormand, I understand the intent; if you've got a section over
5 on, across the road that's designated for a hotel site. And this was going to become a
6 hotel site but now I'm being told that it may not be. I guess the concern I would have is
7 whether out parcels would be sold off that would have no association with the PDD and
8 its original intent. You brought up the point that this side of the road may or may not,
9 should have been included in the PDD but it was and we went through that process to
10 take all of the property in. I don't have a problem so much with the a hotel going there
11 but if you change it to GC and the purchaser or the owner now decides that's not what
12 he wants to do and puts a number of gas stations over there then that might be a totally
13 different issue. So, the idea of amending the PDD to allow the hotel to go on that site,
14 to me is something every easily done. And the language –

15 MR. ORMAND: Well, if the developer would have agreed to that, you're correct.
16 The developer did not want to. I mean, we were in litigation on it.

17 MR. MANNING: And he didn't want to agree to architectural review, release of
18 that?

19 MR. ORMAND: Actually, they were not interested in architectural because this
20 property is separated. And I believe that a portion of this property, I think I'm correct in
21 saying this, is, has been sold to a car dealership and there will be a dealership opening
22 the parcel nearest Farrow Road. Is that correct Roger?

23 MS. ALMEIDA: That is correct.

1 MR. ORMAND: So there will be related type, there could be related types of
2 usage there, but it's General Commercial, it was General Commercial under the PDD
3 except the question of the hotel. The way I view this, the worst thing that happens is we
4 actually use it for a hotel. Other than that, we would be using it for purposes that were
5 allocated under the PDD anyway.

6 MR. MANNING: Well, I understand that, I mean, I know that the hotel can go on
7 GC, but so can a lot of other things that weren't planned in the PDD.

8 MR. ORMAND: But they were planned in it.

9 CHAIRMAN PALMER: Was multi-family ever approved on this site?

10 MS. ALMEIDA: No, it was not.

11 CHAIRMAN PALMER: The General Commercial would open it up to multi-family
12 as well?

13 MS. ALMEIDA: Yes.

14 CHAIRMAN PALMER: It's kind of a big new thing that's allowed on there that
15 wasn't allowed previously.

16 MR. OSBECK: Mr. Manning, let me clarify that. There was no hotel sited on that
17 one. That's actually just the opposite. The hotel was sited on the main big parcel 400
18 acres.

19 MR. MANNING: Right. I know the uses allowed across the road on the GC
20 would allow the hotel.

21 MR. OSBECK: Of course. It would allow hotel and anything else, but it was all
22 General Commercial, there was nothing specific assigned to this side of Clemson Road
23 at that time.

1 MR. MANNING: But there are used in GC that were not included in the PDD.

2 MR. OSBECK: That's correct. If it is excluded, yes or exclusions, you're right.

3 MS. MCDANIEL: My concern is that two of the criteria that we are to consider are
4 the affect of the change on the property, surrounding properties and directly across the
5 street and even adjacent to it, you have rural uses which are low intensity agriculture
6 [inaudible] housing. What's going to be the effect of all these potential GC uses on that
7 [inaudible]?

8 MR. ORMAND: My understanding is that the same uses were allowed under the
9 PDD are being requested now. That what was allowed under GC zoning is what was
10 allowed under the PDD. I did not know there were restrictions; types of commercial
11 zonings could be used there. There were, what there were allocations of uses to
12 different sections of the PDD. But, and this was just General Commercial, so the
13 question that arose was whether this specific had been allocated to another site as
14 opposed to this one. Now in point of fact, the other site was supposed to have been a 5
15 acre parcel and only, I think 2 acres 2 ½ acres was necessary for a hotel site. So
16 arguably, a hotel could have still been erected on this under the PDD as it existed. I'm
17 failing to see where there is any difference between the use then and now and the
18 impact on the rest of the PDD.

19 MS. MCDANIEL: I think we're getting conflicting answers because you're saying
20 that there is no difference between what was allowed under the PDD and GC and Mr.
21 Osbeck is saying there were some uses that were not allowed on the PDD which are
22 allowed in the GC.

1 MR. ORMAND: And I think he's aiming that at a hotel. He represents the
2 developer – are there more?

3 MS. ALMEIDA: Multi-family.

4 MR. ORMAND: I am not claimed to be intimately familiar with the uses under
5 this PDD. I'll be glad to – fill my knowledge to someone who knows more.

6 MR. MANNING: Well I think that's something we probably want to see, if there
7 were any –

8 MR. OSBECK: That is meant sexually oriented business or undesirable, nothing
9 to do with hotels.

10 MR. MANNING: If there were any restrictions placed on the property that would
11 prohibit us from doing this, because they are use restrictions even under General
12 Commercial, it might be billboards, it might be, you know, restaurants that have fast
13 food service, it could be a number of things that would be under a GC that would have
14 use restrictions.

15 MS. ALMEIDA: The following uses would not be allowed in GC and everything
16 else would: construction, heavy outside storage, special trades, everything that has to
17 do with construction, repair/maintenance service would not be allowed. I mean, there
18 are a few things that would not be allowed; repair/maintenance service for boats,
19 commercial trucks. I mean -

20 CHAIRMAN PALMER: What are you comparing?

21 MS. ALMEIDA: To the PDD, I mean, it's the same that would not be allowed in
22 the PDD, it was very specific.

23 CHAIRMAN PALMER: The things that are not allowed under the PDD?

1 MS. ALMEIDA: Not allowed under General Commercial.

2 CHAIRMAN PALMER: That are currently allowed on this site?

3 MS. ALMEIDA: No, that are not allowed on this site. You want to know what's
4 allowed in the GC that would not be allowed under the PDD?

5 CHAIRMAN PALMER: Correct.

6 MS. ALMEIDA: They are very specific.

7 MR. ORMAND: Mr. Chairman, you know, if your concern is that there are uses
8 that she just read out might be allowed under GC, if that's all it is, we would agree to
9 private restriction prohibiting those specific uses.

10 CHAIRMAN PALMER: Well, that's where we were going with amending the
11 PDD, if you would've simply amended the PDD to allow hotels, that's a completely
12 different discussion than what we're going through now.

13 MR. ORMAND: I wish we had been doing that, I truly do but I had no control
14 over that.

15 MS. ALMEIDA: Well, I think the following uses that would be allowed in a
16 General Commercial that would not be allowed in the PDD, and you correct me Mr.
17 Osbeck, would be sexually oriented businesses, buildings, high rises 4 to 6 stories or
18 more -

19 MR. MANNING: That would not be allowed?

20 MS. ALMEIDA: In the PDD, but would be allowed in the General Commercial.

21 CHAIRMAN PALMER: So, we're picking up these uses.

22 MS. ALMEIDA: Correct. Probably amusement/arcades, athletic fields, batting
23 cages, under recreation, so some recreation uses that they would be picking up. Some

1 colleges, schools and then some residential that was not slated for that parcel, that
2 would be allowed under General Commercial.

3 CHAIRMAN PALMER: About 270 units, multi-family could go on that side?

4 MS. ALMEIDA: Whatever 17.26, those are probably gross numbers.

5 MR. ORMAND: I think gentlemen and lady that the prices we're talking about for
6 this plan that residential construction wouldn't be justified on it. So I don't think
7 residential. The only thing I've heard here that bothers me is 4 to 6 story structures, you
8 say that would not be and some of your chain hotels are that size, so with exception of
9 that, I don't think our client has any problem consenting to some covenants, a
10 declaration of covenants in places of those parts; if that will satisfy you.

11 MR. MANNING: Other than the general use provisions that you were just
12 reading –

13 MS. ALMEIDA: Correct.

14 MR. MANNING: - I want to go back to the PDD document itself, on Killian
15 Crossings and see if there was any use restrictions placed on the property as a part or
16 conditions of the part of the PDD. You know, as a part of their restricted covenant. Is
17 this going to violate the PDD agreement? There could be conditions in it that limit the
18 number of units to X the number of commercial X, sign restrictions a number of things
19 that are beyond just GC.

20 MS. ALMEIDA: Well, they modified all those numbers to reflect the original, the
21 omission of 17.26 acres, that's hence this new document.

22 MS. MCDANIEL: But perhaps we can see that old document.

23 MR. MANNING: That's correct, that's what I –

1 CHAIRMAN PALMER: Mr. Price?

2 MR. PRICE: Yeah, sorry. Kids come first. It was, what happened was, I met with
3 the applicants or we as a Staff met with the applicants and what they were doing, they
4 were selling a piece of property within there. And the piece was not going to be a part
5 of the Killian's Crossing which is something that is coming to develop later. So as
6 during our discussion, just take the 17 acres out, the 17+ acres but you're going to keep
7 the other rest of it pretty much would be the same PDD that was approved previously.
8 But what they had to do was they had to amend the numbers because 17 was coming
9 out. That means essentially it's the same PDD, it's just that now you're going to have a
10 17 acre GC parcel that's headed [inaudible] on Clemson Road.

11 MR. MANNING: Are you going to limit a hotel on the other side of the road, is
12 that going to be allowed is that part –

13 MR. PRICE: What happened is the GC zoning would allow pretty much
14 whatever our zoning district allows, all of the permitted uses in there, whether it be by
15 special requirement or special exception, are permitted outright would be allowed. Enjoy
16 all of those rights. But what happened is that the hotel that was originally allowed within
17 the original PDD ordinance is still going to be allowed it's just that more than likely it's
18 going to occur on the other side of the development rather than where the 17 acres is.

19 MR. WESTBROOK: Mr. Chairman.

20 CHAIRMAN PALMER: Yes, sir.

21 MR. WESTBROOK: It appears that the Staff has indicated that this change is
22 compatible with the surrounding land use. I think we can – sufficient information to
23 move on.

1 CHAIRMAN PALMER: Okay, I think there are some Members of the Commission
2 just have some questions about the rezoning.

3 MR. MANNING: Mr. Westbrook, my only concern is that if the original PDD
4 document restricted certain uses that this rezoning would eliminate, then I would like to
5 see what those are.

6 MR. PRICE: No, sir. No, sir, we pretty much took this same PDD and replied
7 [sic] it; we just had to really amend number. As far as uses –

8 MR. MANNING: I know you did on density –

9 MS. ALMEIDA: Right and uses.

10 MR. MANNING: - and commercial space.

11 MR. PRICE: Uh–huh (affirmative).

12 MR. MANNING: That's not what I'm talking about.

13 MS. ALMEIDA: The 17 –

14 MR. MANNING: I'm talking about an actual prohibition against some type of use
15 that was in the PDD document for signage, fast food restaurants, gas stations – you can
16 restrict that in the PDD, I did it myself in one.

17 MS. ALMEIDA: Correct.

18 MR. MANNIN: And I just want to know whether that was done in this PDD?

19 MR. PRICE: No, really I don't believe so because one of the things that I know
20 we talk to people about when they come in with a PDD, at least we try to, because
21 remember they are crafting their own zoning ordinance, is just to please identify the
22 uses that you plan to have within your PDD but it also helps us, at least it helps me
23 definitely as a Zoning Administrator, if you were to outline what is prohibited within the

1 original PDD. They really didn't prohibit anything. Mostly what you will see is either
2 retail, going to be some office or institutional, some type of residential. So that would
3 encompass many uses that are within our Code. So, I guess in short, does it prohibit
4 anything? Through my review of the original PDD and what they are proposing now, no.

5 MR. MANNING: That was my question.

6 MR. PRICE: Yes, sir.

7 MS. ALMEIDA: I mean, the 17.26 acres obviously were under the design
8 guidelines, were under every guideline that the original parcel was under and now
9 would not. I mean, that is a given. And as Mr. Price said, the retail office number
10 percentages had to be modified because that acreage was being taken out.

11 MR. MANNING: Right.

12 MS. ALMEIDA: And other than what was enumerated previously from the Code,
13 which was sexually oriented business, it would – yes, because it's a General
14 Commercial zoning. Yes, it could be allowed.

15 MR. PRICE: But the church that's right behind it would probably eliminate that.

16 MS. ALMEIDA: That's true.

17 MR. PRICE: There's a church and some residential and that, with being that it's
18 within 1,000' would eliminate that particular use.

19 CHAIRMAN PALMER: How does this site plan to handle access? I see on the
20 map that we have here that obviously this is a restricted access road, and it seems to
21 me that the two curb cuts, which made sense when this was all under the same
22 ownership, would occur because of the two curb cuts seem to be on the 17 acre site.

1 How will the other two sites then be able to get access with it being a restricted access
2 road?

3 MS. ALMEIDA: Well, they would have to get, obviously approval from DOT. I
4 know that the dealership would be working in conjunction with this lot in order to share
5 access. I don't think one use or the other wants to prohibit anyone's business. So, from
6 an overall when we see this site, we're going to try to master plan it out because
7 obviously it is 17 point and some odd acres.

8 CHAIRMAN PALMER: But what you lose now is when it's under the same
9 ownership you can make the owner, and say even though it's in a different entity or
10 whatever, you can say, look you have your access points here you got to distribute once
11 you get on your property.

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

13 CHAIRMAN PALMER: What's occurring now is this site is now going to have
14 two access points. The other sites don't have any, except you can't not grant them
15 access.

16 MS. ALMEIDA: Well, DOT would work with the property owner in order to -
17 obviously they've slated those access points already -

18 CHAIRMAN PALMER: Right.

19 MS. ALMEIDA: - and they're going to work with the property owner in order to
20 have internal access and to use those -

21 CHAIRMAN PALMER: Yeah, but if it's in different ownership hands, they can't
22 make owner Y grant access to these other two guys.

1 MS. ALMEIDA: But they can require them to stub it out. To have internal access
2 and have access easements between ownerships; they can do that ahead of time.
3 DOT and the county, we've done it before.

4 CHAIRMAN PALMER: Yeah, but the issue is these two are already stubbed out
5 on this guy's property.

6 MS. ALMEIDA: Correct.

7 CHAIRMAN PALMER: These are his access points and you can't force him to
8 give access to someone else in an adjacent parcel.

9 MS. ALMEIDA: When we're reviewing internally, we can require that property A
10 stub out and have a continuous driveway to property B.

11 CHAIRMAN PALMER: These were already here though.

12 MS. ALMEIDA: Correct.

13 CHAIRMAN PALMER: It's different.

14 MS. ALMEIDA: But when they come in with development, whoever that is – I
15 mean, that's something at the time depending on the use, depending on the layout.

16 CHAIRMAN PALMER: Yeah.

17 MS. ALMEIDA: We're going to have to look at all that.

18 CHAIRMAN PALMER: It all worked when it was one PDD and all one ownership
19 and here's your two access points for this side of the road, everything's going to flow
20 with internal roads but –

21 MS. ALMEIDA: But even at that, we didn't have a layout, so we didn't know what
22 it would occur internally or lot lines would occur.

23 CHAIRMAN PALMER: Yes, sir.

1 MR. OSBECK: Mr. Palmer, in addition to what Anna is saying there are other
2 lawsuits between DOT and other entities. These access points have been set by court
3 order and cannot be changed unless some other court decides that they will have
4 access. So they will have to work internally; that's by court order. These are fixed of
5 course unless somebody argues against it.

6 CHAIRMAN PALMER: It's just my opinion that it seems like a lot of headache to
7 allow a hotel site, you lose complete control over the site which was sold as complete
8 package, when all you want to do is to add the ability to put a hotel on the site. It would
9 have been a simple PDD amendment. But what we've done now is we've completely
10 thrown out the other PDD, asked to approve a whole brand new PDD which has a
11 completely new intricacies in it that may or may not be different from the other one.
12 Without a side-by-side comparison it's difficult, it seems like killing a fly with a sledge
13 hammer to me. And all you want to do is to add the hotel uses to a 17 acre site. That's
14 just my opinion on it.

15 MR. ORMAND: Well, may I point out to you Mr. Tandon has just told me that
16 indeed agreements are in place concerning internal access to the other property curb
17 cut. So that issue has already been dealt with. And I will not disagree with your
18 statement and easier, but unfortunately it has been a difficult situation for many, we're
19 trying to take something that has been difficult, clean it up and get life moving on.

20 CHAIRMAN PALMER: Well, I know that this whole site was an issue of
21 contention years ago when the whole PDD was vetted and planned out with a lot of
22 community input and so forth. The way it's done now is you get a whole new PDD and
23 the signage to the public simply says amendment to a PDD and then a PDD to GC.

1 That doesn't compare the same way as a rezoning from HI to a planned development
2 district for a 400 acre unit which, 400 acre site which is really what you're doing. I
3 mean, you're getting a whole brand new PDD, doing away with the old one, putting in a
4 new one.

5 MR. ORMAND: That's a problem I can't address, I cannot address the changes
6 that the developer are making. I was told these were all technical changes. Our
7 request, very simply, is to amend the PDD to take our property out of it, because it was
8 not possible the owners of our property and the developer to work together on the
9 development and if the same uses are in place, and then there is no, there should not
10 be any greater burden on the public or on any of the infrastructure that applies to the
11 property and that's what we thought we were coming here and requesting. I would very
12 much appreciate the Commission approving our withdrawal of the 17 acres from – the
13 developer has agreed to, all the parties involved have agreed to it and – if you've ever
14 been involved in complex litigation with a number of parties, if you can get everyone to
15 agree to it then it's a major accomplishment. I don't want to have to redo, I don't want to
16 have to go back to where we were, actually 4 or 5 months ago.

17 MR. BROWN: Mr. Chairman, you have technical changes which basically as you
18 pointed out through this amendment changes the whole use plan. Am I correct?

19 CHAIRMAN PALMER: You're being asked to vote on a 300 some odd acre PDD,
20 irrespective of the other one that was in place.

21 MR. BROWN: Okay, we don't know really what the plan is for the use, what the
22 planned use of that property is.

1 CHAIRMAN PALMER: You cannot – that's what you're losing is the ability to say
2 was goes on that 17 acres, all you do is now you look at the use matrix of the General
3 Commercial in our Chapter 26 of our Code and any and all of those uses are allowed
4 under those current development guidelines.

5 MR. BROWN: Now, given the area that we're talking about, given the residential
6 areas surrounding, given everything else, should we do that without really knowing what
7 we're doing?

8 CHAIRMAN PALMER: Well, that's the question. We know what can go there
9 now. When we know how it's going to look because of the architectural guidelines.
10 Taking it out of the PDD it just opens it up to everything that's under the General
11 Commercial.

12 MR. BROWN: Yeah, that's part of the concern that I have. I don't think we really
13 know, and I'm not sure the community or the people who approved the original
14 document know.

15 MR. TUTTLE: Ms. Almeida, I have a question as it relates to the modification of
16 the PDD. My understanding that the difference between the PDD now and the PDD
17 before is the net sum effect of removing 17 acres from it.

18 MS. ALMEIDA: Correct.

19 MR. TUTTLE: There have been no other changes to the PDD document other
20 than those related to the 17 acres being removed?

21 MS. ALMEIDA: Correct and the fact that –

22 MR. TUTTLE: Cause you would have to modify that if had X acres and you took
23 Y acres out, you would have to modify the PDD, correct?

1 MS. ALMEIDA: And that's what the applicant did. The only difference between
2 the General Commercial and the existing PDD and the proposed PDD are the
3 percentages of the retail and office that were modified, the open space remain the
4 same, architectural guidelines remain the same, that's on the new PDD, all of the
5 restrictions remain the same, other than the omission of 17.29 acres. Now, the 17.29
6 acres which would be going to General Commercial, the only differences would be
7 multi-family use, sexually oriented business, but as Mr. Price says, there's a church
8 nearby so that would be omitted, and there would not be any design guidelines because
9 Richland County does not have any design guidelines. All other operational standards
10 would go into place. Those are the differences. And I apologize, Staff did not feel that
11 there was much, there was really no difference between design guidelines of the old
12 PDD and the new PDD as far as signage, as far as façade makeup, none of that
13 changed. The only thing that changed were the percentages of retail, office there was
14 no open space on the 17.29 acres so in fact, if you really look at it, you're getting more
15 open space because the percentages of retail and office have now decreased on the
16 original PDD. Those were the changes, if there were significant changes from the
17 original PDD to the one that's before you now, we would have enumerated them.
18 Those were the differences and the only thing now is the 17.29 acres is now not
19 involved in any of the litigation with the wetlands or Army Corps or any of that that's
20 been imposed on that main parcel. It's free and clear but it does not have design
21 guidelines.

22 MS. MCDANIEL: Our biggest concern is that there were design guidelines on the
23 PDD that now would be released on the [inaudible] parcel to GC.

1 MS. ALMEIDA: Correct.

2 MS. MCDANIEL: And in comparing the PDD document that we do have
3 [inaudible] PDD versus what's allowed in GC just looking very quickly, there are
4 differences in parking, signage and lighting – that there are several difference between
5 what would be required on the PDD and what would now be allowed.

6 MS. ALMEIDA: Well, of course, because your PDD, you're creating your own
7 zoning district.

8 MS. MCDANIEL: And I think that's what surprises me was [inaudible] you're
9 losing those restrictions that were part of the PDD [inaudible].

10 MS. ALMEIDA: Those design guidelines.

11 MS. MCDANIEL: Correct, the guidelines.

12 MS. ALMEIDA: Correct.

13 CHAIRMAN PALMER: [Inaudible] keeps a homogenous feel of that whole site; I
14 mean, if you say that this is divorced from the PDD, I mean, the other two sites on either
15 side then. What you've got here now is a wedge in the middle of two other sites which
16 are governed by the guidelines and you've got a whole quadrant in here that's governed
17 by the same guidelines but you're going to breakout 17 acres which just doesn't go to
18 the planning aspect of planning that whole area which is all one area. You take out a
19 piece in the middle; say you don't abide by the guidelines which are in place for
20 everyone around.

21 MS. ALMEIDA: Well, I would argue that point if it were on the other side of the
22 street in the main 350 some odd acres, it would look a bit odd not having – being across

1 the street kind of separates it on its own. So from a design guideline aspect, it could
2 look divorced from anything on the other side of the street.

3 MR. MANNING: Did the car dealership adhere to the design guidelines?

4 MS. ALMEIDA: We did receive plans and car dealerships, they are kind of a
5 unique animal, so they're not, they want to have a very nice Bill McDaniel's' Audi.

6 MR. MANNING: But they're still under the PDD restrictions and guidelines?

7 MS. ALMEIDA: They have to get sign off from Mr. Congdon and I believe they
8 did. So whatever they're design is, it's accepting. You know, car dealership usually has
9 their unique look and if it is a hotel, the hotel usually has their unique look. So, it's not
10 like we're building residential or anything of that nature.

11 MR. PRICE: Mr. Chair, I would like to point out that within a PDD, really the
12 benefits of going to a PDD is you get to choose your density, you get to choose your
13 uses within that development and you also get to do your lot width, setback
14 requirements and really maximum height. However, as far as the other development
15 standards that are found within our Code, whether we're talking about landscaping,
16 parking, sidewalks, signage, it all falls under what our current Code allows. They have
17 to at least meet the minimum requirements of what's in our current Code. So when
18 you're talking about whether it be lighting, or sidewalks or landscaping and the parking
19 and all those other issues, they – what's in the GC district what is in this PDD are the
20 same as from a minimum standpoint.

21 MS. ALMEIDA: And please remember, if they have not actually identified it on the
22 PDD it defaults to what we have in place.

23 MR. PRICE: It's going to default anyway.

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

2 MR. PRICE: Those are the minimum, they can exceed but they cannot give us
3 the minimum. I mean, or the below the minimum.

4 MS. MCDANIEL: One of the other criteria that we're supposed to consider is the
5 amount of land in the area having the same classification. Is it the Planning
6 Department's contention that because the PDD is [inaudible]?

7 MS. ALMEIDA: We felt, we took that into consideration what the existing uses
8 were allocated on that parcel and we felt that it was compatible. Other than, and I don't
9 want to use the word perceived design guidelines but guidelines as far as design is
10 concerned, which we don't have in place, it was pretty compatible. We didn't see much
11 of a difference. We did not feel, and I'll be frank, we do not feel we were going to get a
12 sexually oriented business there or anything like that, so we felt that the uses that were
13 on that site, slated possible uses were compatible.

14 MS. MCDANIEL: Except the potential for multi-family housing?

15 MS. ALMEIDA: Right, which we felt there was so much slated on the main parcel
16 and we've been seeing, you know, more General Commercial uses like car dealerships
17 and light manufacturing, light industrial, slated up and down Killian Road that we just
18 didn't feel that that would really be appropriate for housings.

19 MR. MANNING: The height restriction, not an issue, height restriction?

20 MS. ALMEIDA: They're under the General commercial, there is a height
21 restriction.

22 MR. PRICE: Yes.

23 MR. MANNING: There is none but there was a height restriction.

1 MS. ALMEIDA: Actually in the PDD, they were going pretty high. They had
2 identified –

3 MR. MANNING: I thought we a minute ago concluded that -

4 MS. ALMEIDA: - do you remember what?

5 MR. MANNING: - they could do 4 to 6 stories [inaudible].

6 MS. ALMEIDA: They exceeded that I believe.

7 MR. PRICE: Well, the PDD would actually exceed what the GC would allow.

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

9 CHAIRMAN PALMER: It sounds like to me that the purchaser of this property just
10 completely wants to divorce itself from the owner after the purchase; that they just don't
11 want to have to go back perhaps for any approvals with the owner or whatever, and just
12 completely be out on its own. You know, I'm not sure that that really should play into
13 kind of what the thinking is on the site. I mean, it just seems like you're losing the
14 homogenous feel of this whole quadrant when you divorce 17 acres, which I understand
15 are across the street but are still sandwiched between two other parcels that are still
16 taking part of the PDD. Just my thoughts on the situation. I mean, if the hotel issue is
17 the main driving force issue, then I would think that simply amending the PDD to allow
18 hotels on this site would have been technical change that could have taken place very
19 simply and very easily; still stayed as part of the PDD. It sounds like to me that there's,
20 that to me would have been the way to handle this, is taking a look at what's available,
21 the different property owners in our Code; if the hotel was the only issue. That's just my
22 thoughts on it.

1 MR. BROWN: I think you, Mr. Chairman, you kind of getting at what part of my
2 concern with this. Somebody has decided to carve out, somebody's decided to
3 purchase, you don't usually do that unless you have something in mind. So, I'm not
4 sure what it is, and then how that's going to impact that whole area.

5 CHAIRMAN PALMER: I have a technical question for Staff. Is there any way
6 amend the PDD at this juncture or is this wrapped up into one case. Can the PDD be
7 amended to include all the sites in this new PDD which would take care of all the
8 technical issues which seem to have occurred but include this 17 acre site or is this all
9 wrapped up into one vote that we amend the PDD and we take out this site and we
10 rezone this site from PDD to GC?

11 MS. ALMEIDA: You can make whatever recommendation that you feel would be
12 a valid recommendation. So I guess, you could make either; you could go either way.

13 CHAIRMAN PALMER: Well, the way I would like to do it is the way that it was
14 advertised. If this was advertised, if it's advertised as amending the PDD and changing
15 this site from PDD to GC, all as one case, that's the way that we have to vote on it all as
16 one case.

17 MS. ALMEIDA: It is. Then, yes proceed that way.

18 CHAIRMAN PALMER: Okay. It is my opinion we don't have the option to just
19 simply amend the PDD to take care of the technical aspects, we have to remove the
20 17.629 acres and then change that zoning to General Commercial along with the
21 [inaudible].

22 MR. BROWN: Do we have enough information to really make that decision Mr.
23 Chairman?

1 CHAIRMAN PALMER: That's up to the Members of the Commission.

2 MS. ALMEIDA: You can attach the, I mean, if there are conditions that you all are
3 looking to put on the existing PDD that can be done and added to the existing PDD. But
4 the 17.29 acres is going to a General Commercial use, so there's no conditions.

5 MR. MANNING: Right, we cannot restrict it.

6 MS. ALMEIDA: You can't –

7 MR. MANNING: But we could add to the PDD [inaudible] –

8 MS. ALMEIDA: Correct.

9 MR. MANNING: - but we can't to the GC.

10 MS. ALMEIDA: Right, because that's outright.

11 MR. MANNING: Mr. Chairman, I, you know, I know that the Applicant has had a
12 problem with the grantor and whatever reasons they're unable to deal with some of the
13 issues on the design guidelines but that doesn't preclude opening this 17 acres up just
14 to anything under a General Commercial zoning and I am concerned about doing that.
15 If I knew that it was going to be a hotel so be it. But, that's not what we're being asked
16 to do. We're asking for straight rezoning, a lot of issues will come into play, some of
17 which you mentioned earlier, and I would be opposed to you just making a straight out
18 rezoning. If you'd like that in a motion or have further discussion.

19 MR. ORMAND: Mr. Chairman?

20 CHAIRMAN PALMER: We can have a motion and then further discussion if we
21 need to.

22 MR. MANNING: Okay, I'd like to make motion that we deny the request to rezone
23 the 17.26 acres to General Commercial because this is in opposition to the Staff's

1 recommendation, I feel like there are conditions and issues that were a part of the
2 original PUD that place protection items onto this piece of property, we do not know
3 what's going to happen if this property is rezoned into a General Commercial.

4 MS. ALMEIDA: So the conditions of design guidelines, I need to –

5 MR. MANNING: Correct.

6 MS. ALMEIDA: So – and uses?

7 MR. BROWN: [Inaudible]

8 MR. MANNING: Excuse me?

9 MS. ALMEIDA: And the uses that are allowed in General Commercial?

10 MR. MANNING: And the uses that are allowed in General Commercial.

11 MR. BROWN: I'll second the motion, Mr. Chairman.

12 CHAIRMAN PALMER: We have a motion and a second. Any further discussion?

13 MR. ORMAND: Mr. Chairman?

14 CHAIRMAN PALMER: Yes, sir.

15 MR. ORMAND: If I'm understanding what your concern – I'm still trying to
16 concern your concern, Mr. Manning. Under the PDD we are allowed to do anything that
17 is allowed in GC.

18 CHAIRMAN PALMER: No, sir.

19 MR. ORMAND: Yes, sir.

20 CHAIRMAN PALMER: Not multi-family.

21 MR. ORMAND: Except certain limited things.

22 CHAIRMAN PALMER: That's right, no multi-family.

23 MR. ORMAND: And I've already said we're willing to make a condition of this –

1 CHAIRMAN PALMER: We can't do that though.

2 MR. ORMAND: But we can volunteer to do it. Absolutely, you can't do it, but we
3 can. We can do a declaration of restrictions that says, we will not use it for sexually
4 explicit whatever businesses. We don't object to having, I need to verify this –

5 MS. ALMEIDA: That's true.

6 MR. ORMAND: - we don't have an objection to limiting it to restricting against
7 multi-family development. I mean, we don't mind taking the exceptions that were in the
8 original PDD and creating a private covenant, you want to make this your
9 recommendation and approval based on our doing that.

10 CHAIRMAN PALMER: Well, can we do that? I mean, that's – we've never been
11 offered a deal from the podium, I mean, to, and this has been posted to the public as a
12 certain way and [inaudible].

13 MS. ALMEIDA: There have been instances where residential development has
14 limited their number of dwelling units and they have devised a private agreement that
15 runs with the land that when the land gets sold, if it gets sold. Of course, it's something
16 that is taken to civil court, I'm not an attorney but the county, of course, doesn't get
17 involved. It's between –

18 CHAIRMAN PALMER: It is my understanding those are done privately and are
19 not enforceable by our county regulations.

20 MS. MCDANIEL: [Inaudible]

21 MS. ALMEIDA: No, we cannot. Not contingent upon.

22 MR. MANNING: And we've not done that in the past.

1 CHAIRMAN PALMER: Right. I mean, that seems to me that every contentious,
2 you know, if somebody comes up here and says, well, I'll take that use out, I'll take that
3 use out, and that's in essence what we've asked do here with amending the PDD to
4 simply allow hotels on this site. I mean, we would have stayed under that same
5 requirement had that been the request in front of us but it is taking you completely out of
6 the PDD and is now opening it to any and all uses that are under the General
7 Commercial. That's all we have before us to act on, we don't have any other options to
8 go with.

9 MR. ORMAND: I would ask you to use some reason in there. This site is not
10 usable for just any purpose imaginable. It is not, you cannot have a car dealership
11 sitting next to you and have residential use next door to it, it doesn't work. The dollar
12 value of the property doesn't permit it. The design guidelines, and I'm not certain just
13 what design guidelines are actually in there except that the developer has set out a list
14 of about a half a dozen different design styles that he wants the area utilized and he has
15 the right to approve it, and therein does lie our problem. Because the developer has the
16 ability to deny, and deny and deny and we have no way to rectify that except to go back
17 into court again. And this has already been a difficult situation to begin with.

18 MR. MANNING: Mr. Ormand, don't you normally do that when you do due
19 diligence before you acquire the property?

20 MR. ORMAND: Well, there was a dispute as to that as to whether there was
21 even knowledge that these were going to be placed in position and to litigate this issue
22 would, I mean, it could take years. It's a big issue, if we had to go back. So, no, we
23 don't want to litigate it. We're trying to reach this by private agreement between the

1 parties, between the developer and actually just one purchaser, the other purchaser of
2 land in there is aware of it, has not objected to it, has no concerns with it. But he has
3 not had a dispute with the developer, we have. And that's what's hurting us.

4 MR. TUTTLE: Ms. Almeida, would it be possible, since we can't do what Mr.
5 Ormand has suggested, it seems as though if your client was willing to adhere to these
6 design guidelines and these restrictive uses, perhaps they could come back as a PDD
7 and be approved. Seventeen acres is certainly big enough to do that.

8 MS. ALMEIDA: True.

9 MR. ORMAND: Well, actually we had suggested it a one time.

10 MS. ALMEIDA: Well, and I apologize, PDD's need to mixed use.

11 MR. MANNING: Need to be what?

12 MS. ALMEIDA: Mixed use.

13 MR. TUTTLE: Ah.

14 MS. ALMEIDA: That's one of the requirements. So –

15 MR. ORMAND: Actually it was never the intent to utilize this entire 17 acres for a
16 hotel. Northeast Columbia can't handle a hotel that big. As a matter of fact, I don't think
17 Disney World could. Only a portion of this land was to be utilized for a hotel probably
18 two to three acres.

19 CHAIRMAN PALMER: Mr. Ormand, I don't disagree with anything that you're
20 saying, it's just that what's in front of this Body and I believe you wholeheartedly that
21 what you say is going there is going there. I have no problem with that but what you've
22 done now is by it not being in the PDD and by taking it out and by simply asking for a
23 flat out rezoning to General Commercial, the charge to this Body is to take a look at

1 every use that is in the General Commercial district and to see if all of those uses and if
2 not all of them, perhaps a chance on that this one won't be done, is what we need to
3 take a look at and I understand that, you know, only maybe 5 acres is for a hotel and so
4 forth and so on, and I hate that your purchasers bought the property without or with or, I
5 hate that there is a bad blood between the developer and the purchaser and it's not just
6 an outright purchase. But you know, that's just, you know, the way that this deal, I
7 guess, has gone down. But that's not for this Body to referee through using our aspects
8 of being able to recommend or not recommend zonings, to referee a dispute between
9 the developer and the new owner. What we have to do is look at the information that's
10 in front of us and we're being asked to take this out of the PDD and to make it a flat out
11 General Commercial zoning. That's all we have to go on.

12 MS. MCDANIEL: [Inaudible] motion [inaudible].

13 [Inaudible]

14 CHAIRMAN PALMER: We have a motion and a second, any other discussion?
15 All those in favor of sending Case No. 10-03 MA forward to Council the
16 recommendation of denial please signify by raising your hand. All those opposed?
17 *[Approved: Westbrook, McDaniel, Palmer, Manning, Mattos-Ward, Brown; Opposed:*
18 *Tuttle; Absent: Cairns, Gilchrist]*

19 CHAIRMAN PALMER: And Mr. Osbeck and Mr. Ormand as you know, we are
20 only a recommending Body. County Council will meet April 27th here in these same
21 chambers at 7:00 o'clock.

1 MR. MANNING: Mr. Chairman, before we leave this case, could I make a couple
2 of comments about the just PDD conditions that y'all had requested. G, A and L, are
3 those conditions that would be normal, I mean, that's –

4 MS. ALMEIDA: I'm sorry? G?

5 MR. MANNING: G, A and L on page 8.

6 MS. ALMEIDA: Those were the conditions of the original PDD and we wanted to
7 keep true to the original conditions.

8 MR. MANNING: [Inaudible] ask for somebody to consider.

9 MS. ALMEIDA: Like I said, we, they had identified something.

10 MR. MANNING: To me that should have been a part of the PDD if you really
11 wanted it to a condition of the PDD.

12 MS. ALMEIDA: They had identified a site slated.

13 MR. MANNING: And going back to the internal streets, if streets are designed to
14 the Richland County or DOT standards within a PDD, they can be proved as an
15 exception.

16 MS. ALMEIDA: Yes, but they were not. There were not.

17 MR. MANNING: They were not?

18 MS. ALMEIDA: There were roads that were very narrow.

19 MR. PRICE: Narrow.

20 MR. MANNING: Okay.

21 CHAIRMAN PALMER: Now as those design standards change, I mean, I know
22 we're trying to get to -

23 MS. ALMEIDA: True.

1 CHAIRMAN PALMER: - at one time we didn't allow the roundabouts and all that
2 kind of stuff and then developers liked them but the county didn't, I mean.

3 MS. ALMEIDA: Right.

4 CHAIRMAN PALMER: Has all that been resolved or is it that same way? I mean,
5 if you put in traffic calming circles then that doesn't –

6 MS. ALMEIDA: It's still being considered, it's on a case by case basis though
7 depending on the design and depending on the layout.

8 CHAIRMAN PALMER: Case No. 10-06 MA.

9 **CASE NO.: 10-06 MA:**

10 MR. TUTTLE: Mr. Chairman, I'd like to give you this letter recusing myself.

11 CHAIRMAN PALMER: Alright. Let me read this into the Minutes. Dear Mr.
12 Palmer, I've requested to be excused from participating in the discussion or voting on
13 Agenda Item No. 10-06 MA regarding Case No. 10-06 MA Lake Carolina scheduled for
14 review and/or discussion at today's Planning Commission meeting. It is my
15 understanding of the Rules of Conduct Provisions of the Ethics Government
16 Accountability and Campaign Reform Laws that since I am an interest in the property, I
17 will be unable to participate in this matter through discussion or voting. I therefore
18 respectfully request that you indicate for the Record that I did not participate in any
19 discussion or vote relating to this item representing a potential conflict of interest. I
20 would further request that you allow and direct this letter to be printed as part of the
21 official Minutes and excuse me from such votes or deliberations and note such in
22 minutes. Thank you for your consideration to this matter, Sincerely, David Tuttle.

1 MS. ALMEIDA: Mr. Chairman, the property owner, Lake Carolina Development,
2 LLC located on Kelly Mill Road, the acreage 22.05, the existing planned developed and
3 they're requesting the zoning to go to RU. This planned development was previously
4 approved and amended back in 2007. The parcel contains 1,224.64' of frontage along
5 Kelly Mill Road. The existing Lake Carolina development would be reduced from the
6 original acreage of 1,268.1 acres to a 1,246.1 acres, a reduction of 22.05 acres. The
7 elimination of this acreage from the planned development will reduced the total
8 allowable dwelling units by 7,158 dwelling units to 7,076 dwelling units. There is a fire
9 station along Bear Creek located on Heinz Road, roughly 2.2 miles from the subject
10 parcel. The proposed amendment is for the placement of a school to service the
11 surrounding residential area. The site is suitable for a school location due to its close
12 proximity to existing residential subdivisions and the need, of course, of a new facility.
13 This proposed location would eliminate the needing or most need for busing students
14 from surrounding area schools. Staff has reviewed the overall request, its location, its
15 effect on the community and Staff believes it is compatible with the surrounding land
16 uses and recommends that this 22.05 acres be taken out of the Lake Carolina PDD and
17 Staff recommends approval of the map amendment.

18 CHAIRMAN PALMER: Any questions for Staff? Julie Jones? And if you would
19 state your name and address for the Record.

20 **TESTIMONY OF JULIE JONES:**

21 MS. JONES: Okay, good afternoon. I am Julie Jones and I am representing
22 Lake Carolina Development which is 300 Long Pointe Lane, Columbia 29223.
23 Basically, we had worked it out with Richland School District Two for them to acquire

1 this 22 acres and we're asking for it be taken out of our PDD according to their policies
2 so that they may propose a elementary school on this site.

3 CHAIRMAN PALMER: When you say, their policies, they don't operate under
4 PDDs?

5 MS. JONES: As far as I know, they don't do PDD's anymore. Lake Carolina
6 Elementary was done that way, it just makes sense for them not to do that, there are
7 certain PDDs are restricted for certain Homeowners Associations, that sort of thing.
8 Which doesn't necessarily work for a school.

9 CHAIRMAN PALMER: Okay, any other questions for Ms. Jones?

10 MR. MANNING: Have you determined the access points for this school or is that
11 something that would come through on DRT.

12 MS. ALMEIDA: It would be something that would be at the design phase once
13 the school has submitted their plans.

14 MR. MANNING: Does anybody want to speak to that; I mean, does anybody
15 have any ideas as to how that's going to work?

16 MS. JONES: I would have to defer to the school district on that, once they
17 formally propose their elementary school on that site. That hasn't, to my knowledge,
18 been done.

19 MS. ALMEIDA: I am aware that most of the schools now when they're
20 surrounded by an existing development , they do want to face the public road instead of
21 the internal roads to make it more appealing to the surrounding area and not to make it
22 so inclusive into the development just for perception of the community.

1 CHAIRMAN PALMER: Are these roads, and I'm just looking at the site, are these
2 just, I guess, sketched in roads that are not cut yet or ones that are on our map?

3 MS. ALMEIDA: They're proposed.

4 CHAIRMAN PALMER: It's proposed? I guess, I mean, we wouldn't have any ability, I
5 know on the Polo Road site we requested that they get some walking access to Sesqui
6 and that kind of stuff, I mean, once it's rezoned, I mean, that stuff, Richland Two owns it
7 and they can turn their back to development and not even give any access through the
8 development or anything else, right?

9 MS. ALMEIDA: That is correct. Although they have been more amenable to
10 coming to the table and talking to Staff and trying to create more community
11 involvement and access. But that is correct, once they have their prototype of whatever
12 school they're going to put on the site, they pretty much come in fully developed design
13 wise and, of course, work with DOT as far as circulation.

14 MS. JONES: And Mr. Berry here from School District Two may be able to speak
15 to that.

16 **TESTIMONY OF AL BERRY:**

17 MR. BERRY: I'm Al Berry. I'm the agent for the School District and have
18 represented them for the last 15 years in our property matters. I can speak to your
19 question in regards to access. As a part of our due diligence, we are involved with DOT
20 already on site; that occurred probably two months ago, with State Department of
21 Education and their Office of Facilities Management, and so all of those previews have
22 already been made. In terms of the development itself, we have also in our agreement
23 with the developer, we'll be allowing internal accessibility to the site and that's being put

1 in the paper now in the terms of the design of the site plan. So people who live within
2 the development would not have to go back to Kelly Mill Road but would access directly
3 on the site.

4 CHAIRMAN PALMER: Mr. Berry, do you have any of those layouts now? You
5 say it's just being done?

6 MR. BERRY: No, I do not have it. But if you look at the site itself and if we could
7 pull up the one with the roads at the turn about that you mentioned on Ashland, there's
8 a road there and a part of our agreement the developer will bring that road straight in
9 that's showing internal to the site, it will come right in to the site that's a side access into
10 the school. Then there will be a de-loading place there as well as loading so that
11 parents can bring their vehicles in and stack up for either drop off or pick up.

12 MR. MANNING: But there would ingress and egress off of Kelly Mill to the site as
13 well?

14 MR. BERRY: One of the things in regards to a school site is the accessibility, this
15 school is not far from Lake Carolina, even though we recognize that the current Lake
16 Carolina Elementary is about 300 students over capacity at this time and as they
17 continue to grow in there, our last re-student assignment we had to move kids out of
18 Lake Carolina to another school, which people in there really, you know, hated to do
19 that. So, this will take up the excess students and they'll be able to come in here but we
20 do have to have accessibility off of Kelly Mill Road, DOT's already approved two access
21 points on that, and they have communicated and worked with our design people in
22 regards to that. So they'll be two on the road, one primarily for teachers and one for
23 support type services.

1 MR. MANNING: Well, really they'll be three access points.

2 MR. BERRY: There will be.

3 MR. MANNING: One from inside the community -

4 MR. BERRY: One internal and two on Kelly Mill

5 MR. MANNING: - and the frontage on Kelly Mill's sufficient to stack traffic -

6 MR. BERRY: Right.

7 MR. MANNING: - and, if necessary.

8 MR. BERRY: But we'll bring them on site, we'll bring them on site and off Kelly
9 Mill so that no parents will have to stop out on the road. DOT has regulations in regards
10 to our stacking and they have to approve our site plans before it can go to bid.

11 CHAIRMAN PALMER: Mr. Berry, do you foresee any access off Ashland Drive?
12 Which is the road being off -

13 MR. BERRY: Well, that's what I'm saying off of Ashland the turnabout, that road
14 that they show up there that's where it's coming straight into the school.

15 CHAIRMAN PALMER: I was looking at the lower level Ashland Drive which is
16 across from Hart Mill?

17 MR. BERRY: Well, you have a lot of wetlands there that's permitted and already
18 in place.

19 CHAIRMAN PALMER: You can't get back in there?

20 MR. BERRY: No. And actually that would be coming through the playground
21 area of the school, that's how we are bringing sewer in that direction but all of these
22 issues were negotiated and all that's part of our due diligence as to how all that would
23 work.

1 CHAIRMAN PALMER: Right. My whole thing would just be about planning the
2 school out, I mean, everybody coming out of Hart Mill, take a right on Bud Keef, taking a
3 left on Kelly Mill. I would just have been hopeful that there would have been a better
4 way to keep them off of Kelly Mill but I can see this, you know, this Bud Keef
5 Intersection and Kelly Mill already is an issue and just, not being able to keep them
6 internal. I know that doesn't seem to be there way because you're not buying land all
7 the way out to Bud Keef.

8 MR. BERRY: Well, you can actually do that, if you see the intersection on Bud
9 Keef Road, the turnabout ends over in Lake Carolina, that road does internally go right
10 into the side of the school. So you would not have to go to Kelly Mill.

11 CHAIRMAN PALMER: Say that to me again.

12 MR. BERRY: In the bottom right [inaudible] where you see the turnabout, if you
13 go straight across Bud Keef and follow Ashland Drive you come to the next turnabout
14 and go right into the school without having to go to Kelly Mill Road.

15 MR. BROWN: I have a question to Staff if I may. The traffic on Kelly Mill Road
16 and Bud Keef Road, if I got that right, has that been looked at and projection done on
17 that?

18 MS. ALMEIDA: Yes, on page 14 we've identified the existing traffic counts on
19 Hardscrabble Road, Rhimer Pond Road, and we've identified – they're identified on the
20 count stations. Count stations are not on every road, but we do have a count station on
21 Rhimer Pond Road and that's operating a Level of Service A.

22 MR. BROWN: And Kelly Road is a two lane undivided, is that right?

1 MS. ALMEIDA: Yes, but the applicant will then, at the time of submitting
2 construction plans, will then do a traffic impact analysis and identify what those traffic
3 counts are at the time. We can only go by if you see on the screen, Count Station 705,
4 which is currently located on Rhimer Pond Road and that is determined by DOT, so
5 those are the count stations that we use.

6 MR. BROWN: What are they telling us they're projected – given that it's an
7 elementary school you're going to have parents coming to pick up children and so forth,
8 you're going to have an impact, people coming in and out of those subdivisions and so
9 forth. What are they telling you?

10 MS. ALMEIDA: Well, that's when the school will need to submit a traffic impact
11 study. What Staff reviews is what Rhimer Pond Road at that traffic count, our traffic
12 count station for DOT, if you see on the screen, is currently on Rhimer Pond Road,
13 that's the closest count station; if you look on the screen. It's Count Station 705 at that
14 location. And at that location, it is saying that the road capacity is at 8,600, average
15 daily trips, Rhimer Pond Road is not at 8,600 it's currently at 3,800 at that location and
16 therefore, a Level of Service A. But Staff has identified on the Staff Report on page 14
17 that when the school submits plans, they will need to identify that traffic impact at that
18 location on Kelly Mill Road and how they're going to determine traffic coming in and out
19 of their school.

20 MR. BROWN: By recommending this to County Council then we're not going to
21 place them in a difficult position of having crowded –

22 MS. ALMEIDA: At this juncture of map amendment, all we are presenting is the
23 zoning of the property.

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

2 MS. ALMEIDA: It would be up to the school board and whoever purchases that
3 property to then do their homework and identify what the impacts are depending on the
4 use.

5 MR. BROWN: We don't have any idea of what any future planned use,
6 residential or commercial or –

7 MS. ALMEIDA: It's for a school. It is slated for a school.

8 MR. BROWN: Only for school?

9 MS. ALMEIDA: It is slated for a school.

10 MR. BROWN: Okay.

11 MS. ALMEIDA: Yes.

12 MR. BROWN: But, I mean, surrounding that.

13 MS. ALMEIDA: It's residential.

14 MR. BROWN: It is residential.

15 MS. ALMEIDA: Yes, it is.

16 MR. BROWN: And Lake Carolina property owners are satisfied that they're not
17 going to have tremendous problems with that.

18 MS. JONES: Sure, I mean, this is essentially on the outskirts of our development.
19 So, and it only benefits us to have another school on site.

20 MR. BROWN: I mean, spillover into the, into where Lake Carolina, the Kelly Mill
21 Road, all of that area those access –

22 MS. JONES: As far as I know, there is no one that's been opposed to this.

23 MR. BROWN: Thank you, thank you.

1 CHAIRMAN PALMER: Where this differs in my mind from the previous case, and
2 this is all I have to say about it is, this is going to a less intense zoning class. I
3 understand a school's slated for it and I'm all for that but what, again, what we're
4 charged with is to take a look at what the RU zoning classification would do to this site.
5 And I'm satisfied that a reduction of 82 housing units, and when you look at the
6 surrounding properties which are RU in nature or else RSLD which, you know, are very
7 large lots, I'm comfortable that what I perceive to be a down zoning of this site to RU
8 would be quite different than the previous case which did not have the compatible
9 zoning around it but that's my difference between this case and the previous case is
10 that this is actually more in tune with what the surrounding areas are. My personal
11 opinion.

12 MS. MCDANIEL: Mr. Chairman, [inaudible] I move that the [inaudible] RC project
13 we send 10-06 MA forward to City Council with a recommendation of approval.

14 MR. WESTBROOK: I second.

15 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
16 All those in favor sending Case No. 10-06 MA forward to the Council with the
17 recommendation of approval, please signify by raising your hand. All those opposed?

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

20 MS. JONES: Thank you.

21 CHAIRMAN PALMER: And again we're just a recommending Body. Case No.
22 10-07 MA.

23 **CASE NO.: 10-07 MA:**

1 MS. ALMEIDA: Mr. Chairman, Ms. Tia Rutherford is here to discuss the Crane
2 Creek Master Planned Neighborhood District.

3 MS. RUTHERFORD: How are you all? This map amendment is coming forward
4 as a accumulation of the Crane Creek Master Planning Process. On March 1st you
5 approved the Crane Creek Neighborhood District. We are following up with you today
6 with the recommendation for map amendment to implement that Crane Creek
7 Neighborhood District. The community behind me has been throughout this process for
8 about 2 ½ years, coming before you meeting after meeting after meeting, requesting
9 that the Master Plan be approved in their area to allow for redevelopment. So this
10 would be the last in allowing and seeing that Master Plan to come fruition.

11 CHAIRMAN PALMER: Any question for Ms. Rutherford?

12 MS. MCDANIEL: Have there been any changes to this map since we saw it the
13 last time [inaudible]?

14 MS. RUTHERFORD: No, there has not. And in your packet, you will see that all
15 of those thousands of parcels were notified of the changes that would be made, so
16 nothing has changed from this map as it was mailed out to the community.

17 MR. MANNING: They have already been notified?

18 MS. RUTHERFORD: They have already been notified. All of the parcels
19 included in the Master Plan, as well as several hundred on the periphery, those
20 adjacent and contiguous to the Master Planning area.

21 CHAIRMAN PALMER: Ms. Rutherford, I just want to tell you I really appreciate
22 your service to the community and your ability to stick with this process. I know that the
23 Planning Commission is probably not the easiest Body to deal with.

1 MS. RUTHERFORD: I never said that.

2 CHAIRMAN PALMER: I know you didn't. I just wanted to let you know that I do
3 appreciate all your efforts and I am 100% in favor of this new Crane Creek Master Plan
4 Map Rezoning and I just wanted to tell you that I appreciate your time and effort in this
5 endeavor with all the community.

6 MS. RUTHERFORD: Well, I want to thank you all as well as a Commissioner, I
7 do empathize with what you all have to do and what you're charged with and asking
8 questions and being involved in the process and ensuring that we do allow citizens to
9 come forward to you and tell you what it is they would like to see happen in their
10 communities.

11 MR. MANNING: Now, let's go find some of that money.

12 MS. RUTHERFORD: They're working on that as we speak; I tell you we were in
13 a grueling meeting last week looking for money so we're actively working just to
14 reassure the community. We as a Staff are actively working on pilot projects in their
15 area as well as long term funding for a lot of the projects you see in all of the Master
16 Plan.

17 CHAIRMAN PALMER: I just have one question. And I'm very trustworthy that
18 someone whose in these tax map sheet numbers is not unintentionally getting rezoned,
19 these are all, have been checked, rechecked and double checked.

20 MS. RUTHERFORD: They have all been rechecked and double checked by
21 myself, by our in-house attorney as well as other Staff members. We have caught
22 some different errors as we've all combed that list of about 3,000 plus parcels, but yeah.
23 As of right now, we don't see any errors, caught them all.

1 CHAIRMAN PALMER: Okay. Any other comments? We do have a lot of folks
2 signed up to speak. You are free to come to take the podium for your two minutes and
3 if you would, give your name and address. If you're for the project just so that you know
4 that there is no one signed up to speak against the project but you are certainly
5 welcome and invited to take a few minutes and speak about the project. I will call
6 everyone's name and if you want to, you can line up and if you have the same
7 sentiments as the person before you, feel free to say I agree or you're just for the plan.
8 And forgive me, I'm going to butcher all these probably. Eugene – Davis maybe? Eden
9 Anderson, Ada Mae Taylor, Margaret Duvall, Marie – can't get the last name.

10 MS. RUTHERFORD: Mr. Palmer? I think the understanding is that persons
11 wanted to sign up to show you that they were in favor of this map amendment.

12 CHAIRMAN PALMER: Okay.

13 MS. RUTHERFORD: Not that they necessarily had any comments but I'll
14 continue to let you read off the list in case someone does.

15 CHAIRMAN PALMER: I appreciate it. Let me just read these off so that we're all
16 formal here. Angus Ruff and Thera?

17 MS. RUTHERFORD: Someone put my name up there?

18 CHAIRMAN PALMER: No, no, no. You get as long as you want.

19 MS. RUTHERFORD: Okay. No, I do want to clarify that that list of 3,000 plus
20 parcels was combed over by GIS Staff, Brenda Carter and Betty Etheridge, myself,
21 Amelia Linder and I think Geo may have looked at it as well but we kind of, we spent a
22 lot of, a few weeks on that list making sure that we got all the parcels correct.

1 CHAIRMAN PALMER: I'm glad to see that Geo's now responsible for this as
2 well. Do we have any comments, motions? Unless anybody who I called out would like
3 to speak. Okay, we'll close the –

4 MS. RUTHERFORD: You may have comment.

5 CHAIRMAN PALMER: Yes, ma'am, sir?

6 **TESTIMONY OF EUGENE DUVALL:**

7 MR. DUVALL: Eugene Duvall, 131 Wages Road, Columbia, SC. And I'm truly for
8 the rezoning of the Crane Creek Committee. Glad to see the word get around

9 CHAIRMAN PALMER: We appreciate the neighborhood's input. Yes, ma'am.

10 **TESTIMONY OF NICOLE RHONE:**

11 MS. RHONE: Nicole Rhone, President Booker Heights Community good to see
12 you all again. Thank you for your diligence, thank Tia Rutherford for her diligence and
13 we appreciate the approval of this map amendment so that the Crane Creek Master
14 Plan may be adopted so that our area can begin its revitalization process. Thank you
15 very much.

16 CHAIRMAN PALMER: Thank you. Yes, ma'am.

17 **TESTIMONY OF AGNES RUFF:**

18 MS. RUFF: Yes, my name is Agnes Ruff AND I live at 114 Widgen Drive, I'm
19 also the Secretary of the Forrest Heights Community Organization, we're very proud
20 and we've been waiting on this for a long time. Where I live at on Widgen Drive, there's
21 a piece of land that was a street called Spruce Wood. I've been over there since 1987
22 and a lot of developers have looked at that property but no one has been able to build
23 anything on that property.

1 **TESTIMON OF Ellen ANDERSON:**

2 MS. ANDERSON: Good afternoon, my name is Ellen Anderson, 1008 Flamingo
3 Drive in Crane Forrest Area. I appreciate what y'all doing, we've been praying about
4 this a long time and we thank you for everything that you're doing for our community.
5 For Tia working so hard, we're working hard with her. Praying and thanking God for you
6 all.

7 CHAIRMAN PALMER: Thank you. Anyone else?

8 MR. TUTTLE: Mr. Chairman, I would like to make a motion that we take Case
9 No. 10-07 MA push it forward to Council with a recommendation of approval.

10 MS. MATTOS-WARD: I second.

11 CHAIRMAN PALMER: I have a motion and a second, any other discussion? All
12 those in favor of sending Case No. 10-07 MA forward to Council recommendation of
13 approval, please signify by raising your hand.

14 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Mattos-Ward, Brown;*
15 *Absent: Cairns, Gilchrist]*

16 CHAIRMAN PALMER: Ms. Rutherford, we await your next neighborhood.

17 MS. RUTHERFORD: Coming forward.

18 CHAIRMAN PALMER: You want to take a quick break or run on through text
19 amendments? Text amendment, first one?

20 MS. LINDER: Mr. Chairman, this amendment came to Staff's attention because
21 in the matrix of uses, we have schools, public and private, as being a special exception
22 in the M-1 District which is fine except when you get to the special exception language,
23 there's no mention of schools. And so we need some guidance from you as to whether

1 you want the schools with special exceptions in the M-1? Do you want to allow them as
2 a permitted use in the M-1; do you want to prohibit them in the M-1? The ordinance
3 that's in the package would make them permitted. The ordinance that was just a
4 handed out would make them prohibited. And I would certainly entertain some
5 discussion from you as well as from our Zoning Administrator as to what Staff's
6 recommendation on that would be.

7 CHAIRMAN PALMER: What is a – so we get two options?

8 MS. LINDER: There's actually three.

9 CHAIRMAN PALMER: Did we not get a special requirement option?

10 MS. LINDER: You could have schools as a special requirement. Special
11 requirement, special exception, permitted or prohibited.

12 CHAIRMAN PALMER: But obviously Staff doesn't want special requirements.

13 MS. ALMEIDA: Correct.

14 CHAIRMAN PALMER: Which one are you backing, Mr. Price?

15 MR. PRICE: Oh, actually at this time we're backing that the schools be
16 prohibited in the M1 Zoning District and the reason why is because, I believe at the last
17 meeting you looked at what is to become of the M1 Zoning District? And looking within
18 our matrix, within the LI Zoning District, schools are prohibited. Within the GC Zoning
19 District, schools are permitted, I believe outright. So, what we're saying is let's go
20 ahead and prohibit schools now under the M1 and then when we decide what to do with
21 the M-1 zoning look at what happened with schools. There really was no need to allow
22 them an M1 then they become non-conforming.

1 MS. MCDANIEL: [Inaudible] prohibit schools in M1 will prevent problems in the
2 future when M1 doesn't.

3 MR. PRICE: Potentially goes away.

4 CHAIRMAN PALMER: I have one question for the Legal Staff. With us just being
5 handed the new ordinance was that properly advertised?

6 MS. LINDER: The ordinance would have been advertised in just a general
7 fashion that we were doing something with the M1 and schools and so it will get
8 advertised for the zoning public hearing in the proper manner as to what ordinance
9 we're dealing with.

10 CHAIRMAN PALMER: But in the publication of our Agenda to the local media,
11 radio, and all that stuff.

12 MS. LINDER: In my opinion, you can accept the amended version that was just
13 handed out to you and it would be properly before you.

14 MR. MANNING: If there's no further discussion, I'd like to make a motion for
15 recommendation -

16 CHAIRMAN PALMER: Approval that M1 not be allowed?

17 MR. MANNING: Yeah.

18 CHAIRMAN PALMER: We have a motion to recommend to Council a text
19 amendment prohibiting schools, including public and private, from the M1 zoning
20 outright. I have a motion, do we have a second?

21 MS. MCDANIEL: I second.

22 MR. BROWN: Mr. Chairman?

23 CHAIRMAN PALMER: Yes, sir.

1 MR. BROWN: Information point and please excuse me. Again, M1 is
2 manufacturing?

3 CHAIRMAN PALMER: No, sir, M1 is a zoning classification which we've had on
4 the books for a number of years now which includes, it would seem to be M1, but
5 includes a lot of other uses including some of the General Commercial uses and is
6 slated to be revisited by this Planning Commission. It was addressed when we redid
7 our plan five years ago. And it has manufacturing uses in it; it also has commercial uses
8 in it. It's kind of a catch-all kind of classification which, you know, we may or may not be
9 changing in the future, I don't know. But you cannot ask to be rezoned to M1 at this
10 current time in our classification. If you had M1 five years ago, you were able to keep it,
11 and we were going to readdress it coming up soon. But it's not something that you can
12 apply for.

13 MR. BROWN: And by this recommendation we're basically saying you cannot put
14 schools in M1?

15 CHAIRMAN PALMER: That's right.

16 MR. BROWN: What impact would that have on [inaudible]?

17 CHAIRMAN PALMER: My opinion, if they wanted to purchase an M1 site, they
18 would need to come back and have it rezoned, like what we just saw.

19 MR. BROWN: In our first item, today?

20 CHAIRMAN PALMER: In our second item where they were purchasing from the
21 PDD they had to come in and get that rezoned to RU that would then allow them to do
22 that. Most of the M1 zonings are in areas that had anticipated manufacturing.

1 MR. BROWN: That's what I thought but I wasn't sure and I just wanted to ask.
2 What I understood you to say is that it's multiple use at this point.

3 CHAIRMAN PALMER: It is.

4 MR. BROWN: And that some time in the future we're looking at limiting it to
5 manufacturing.

6 CHAIRMAN PALMER: Or General Commercial.

7 MR. BROWN: Or General Commercial.

8 CHAIRMAN PALMER: Or leaving it alone. There's all three options are on the
9 table.

10 MR. BROWN: Well, then would it make – since we don't know what were going
11 to do, we send this forward with the recommendation to limit schools being in this area
12 have we already recreated a situation where it is – I mean, I'm not sure.

13 CHAIRMAN PALMER: I think what we've done is we've increased the oversight
14 of the county by then having a zoning district that schools would need to come in and
15 have rezoned so we would have more information of knowing where the schools are
16 going. Right now, we've got as an issue because if a school comes in and buys an M1
17 piece of property there are - it doesn't outright allow it, but doesn't give the guidelines by
18 which it needs to be developed either. It's an issue that obviously our Staff has caught
19 but it will be an issue if a school buys an M1 piece of property and wants to use it as a
20 school, we're going to have issues because it gives, it puts requirements on that school
21 that we don't have in our Code as an absolute requirement. We need to do either for or
22 against; one of the two has to happen but it's a problem with our current Code, the way
23 it's written.

1 MR. BROWN: What makes this important for us to do right now, this particular
2 item rather than taking on the whole issue?

3 CHAIRMAN PALMER: We're just not ready to take on the whole issue yet. I
4 mean, it was a very contentious issue five years ago which required a lot of public
5 vetting to find out what happens to the M1 zoning. That's just my opinion on it.

6 MR. MANNING: And I think – excuse me, I'm sorry. I think that to err on the side
7 of caution, I think that Mr. Price is recommending that we don't allow a school into an
8 M1 classification where there is a potential use that could be next to a school that would
9 be detrimental [inaudible]. So I think just eliminating those kinds of possibilities until this
10 other issue is resolved, makes some headway there.

11 CHAIRMAN PALMER: Yeah, we wouldn't want a school going by a brick
12 manufacturing plant or –

13 MR. BROWN: No, I can understand that.

14 CHAIRMAN PALMER: I think it's just an abundance of caution at this point to
15 say, if you're going to put a school, you know, and you want to go on an M1 piece of
16 property we need to see it and rezone it for you.

17 MR. BROWN: This doesn't say you can't do it but you've got to come here and
18 we've got to act on it.

19 CHAIRMAN PALMER: Rezone you.

20 MR. BROWN: Thank you, Mr. Chairman.

21 CHAIRMAN PALMER: Any other concerns? We have a motion to second on the
22 floor to recommend that Council not allow schools, including public or private, in M1
23 zoning. All those in favor please signify by raising your hand. All those opposed?

1 [Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Mattos-Ward, Brown;
2 Absent: Cairns, Gilchrist]

3 CHAIRMAN PALMER: Number two.

4 MS. ALMEIDA: Mr. Chairman, you have an ordinance before you regarding Bed
5 and Breakfasts as a permitted use with special requirements in the following districts:
6 RU, LI, and C and GC and to remove from the M1 zoning district and Mr. Price is here
7 to address any concerns.

8 CHAIRMAN PALMER: Mr. Price, do we have a large number of Bed and
9 Breakfast that want to come into this community?

10 MR. PRICE: Mr. Chair, the simple answer to that is no. This was an ordinance
11 that was initiated through County Council. I guess as a way to encourage more Bed
12 and Breakfast and so one of the things that we looked at was that a Bed and Breakfast
13 homes and inns were permitted in some districts. Unfortunately, those districts had no
14 criteria as far as establishing them. So, what this does is it moves them all to a special
15 requirements, to the special requirements and actually puts criteria on how they would
16 have to be established.

17 MR. MANNING: Is there a definition to a Bed and Breakfast? I mean, do we
18 know what that really looks like?

19 MR. PRICE: Looks like, no sir. I don't believe that [inaudible] –

20 MR. MANNING: I mean, are there –

21 MR. PRICE: - definition.

22 MR. MANNING: - square footage requirements or parking requirements or?

1 MS. ALMEIDA: There's landscaping requirements, there's also requirements that
2 the main caretaker must live in the home.

3 MR. PRICE: Yes, sir, I can kind of give you a quick rundown, if you would like, of
4 the requirements for a Bed and Breakfast. They have to be located in at least 1,500
5 square feet, excuse, 1,500' from another Bed and Breakfast Inn. Owner or manager of
6 the home must reside on the property. Maximum number of guests as you will see with
7 me in your amendment will be nine as opposed to currently being five. Activities and
8 functions designated to accommodate the guests shall take place within structure, there
9 are off street parking requirements. Also signage requirement, exterior lighting shall be
10 residential in nature and shall not be directed to an adjacent property. No meals may
11 be served to anyone other than staff and guests registered at the Inn. No exterior
12 alterations other than those necessary to ensure the safety and accessibility of the
13 structure shall be made to the building for the proposed Bed and Breakfast Inn. As far
14 as square footage.

15 CHAIRMAN PALMER: I have another quick question. If we're going to allow
16 them in the OI and the GC districts, are they allowed in other districts as well that we
17 don't want to allow hotels in? I was just wondering why we make a distinction.

18 MR. PRICE: Currently hotels and motels are allowed in the more commercial to
19 the light industrial zoning.

20 CHAIRMAN PALMER: Are Bed and Breakfast allowed in those same districts?

21 MR. PRICE: Bed and Breakfasts are allowed [inaudible] family zoning districts,
22 high density and medium density, they're also allowed in office and institutional and the
23 neighborhood commercial zoning districts. But –

1 MR. MANNING: Not in resident?

2 MR. PRICE: No, sir.

3 CHAIRMAN PALMER: Isn't that kind of where the houses would be at?

4 MR. PRICE: And I can tell you that, you know, I understand what your question
5 is but I can tell you from a zoning and enforcement standpoint I could just imagine if
6 these were allowed in the rural, excuse me, in the residential districts. Everyone would
7 have a Bed and Breakfast of some manner. Opposed to having a Rooming and
8 Boarding house with distinction and it would be something almost unenforceable.

9 MR. MANNING: Well take downtown, where a lot of old homes are and there's
10 mixed uses in and around it, but it's zoned residential so what happened in that
11 situation. An old home you want to –

12 MR. PRICE: Hopefully there is something that City of Columbia would deal with
13 cause they would have those types of – remember we're talking about an
14 unincorporated area of the county and I would kind of wager that if there were going to
15 be a Bed and Breakfast, it would more than likely be in some type of rural zoning
16 designation. Not to say they can't be in a single family, but like in a rural area. The idea
17 –there's an old home, it would be kind of historic looking home; they want to stay there
18 for the night and enjoy the area, leave.

19 MS. MCDANIEL: Mr. Price, I wanted to point out [inaudible] inconsistency
20 between the ordinance the table of uses under rural commercial, it is permitted outright.
21 Is that correct? Or is it with special requirement?

22 MR. PRICE: In the Bed and Breakfast Homes and Inns commercial by special
23 requirement.

1 MS. MCDANIEL: Okay, well the [inaudible] . I just wanted to make sure that's in
2 this one. And what is the reason for increasing the maximum number of guests from
3 five to nine?

4 MR. PRICE: That came from Council, the idea. The information that I got was
5 that five was not going to allow for people to encourage its use.

6 MS. MCDANIEL: Um-hum (affirmative).

7 MR. PRICE: I don't know.

8 MR. MANNING: Why not 10?

9 MR. PRICE: Well because if you go up to 10 then you would be considered to
10 be a hotel/motel by definition. I was ready for that one.

11 MR. BROWN: Mr. Chairman, a question. When we look at how Bed and
12 Breakfasts are used in other places, other counties and so forth what do they do, how
13 do they handle it?

14 MR. PRICE: I don't have an answer for that.

15 MR. BROWN: I mean, if I were to go to, the only one I've ever stayed was in
16 Asheville, North Carolina and that was in the neighborhood, that was the reason I asked
17 the question.

18 CHAIRMAN PALMER: Any other concerns or comments or motions?

19 MR. WESTBROOK: I make a motion that we approve No. 2 ordinance
20 [inaudible].

21 MR. TUTTLE: I second.

22 CHAIRMAN PALMER: Motion and a second. All those in favor –

1 MS. LINDER: But Mr. Chairman that would be with the correction in the table.
2 Okay, thank you.

3 CHAIRMAN PALMER: Yes. All those in favor please signify by raising your
4 hand. All opposed?

5 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Mattos-Ward, Brown;*
6 *Absent: Cairns, Gilchrist]*

7 CHAIRMAN PALMER: Number three.

8 MS. ALMEIDA: Might as well stay up there. This is an ordinance having to deal
9 with governmental signs? Is that correct, Mr. Price?

10 MR. PRICE: Yes, sir.

11 MS. RUTHERFORD: With some clarification, Staff is working on gateway
12 signage in our neighborhood improvement program and for our master planning areas
13 and when we started looking at the sign ordinance for a county or government erected
14 sign, we wanted to minimize the amount of regulation we would need to go through in
15 order to put our own sign for our own interest.

16 MR. MANNING: Imagine that.

17 MS. RUTHERFORD: Imagine that! So we wanted to make sure we included in
18 the language that county erected gateway signage in neighborhood improvement areas
19 or master planned areas would be able to happen. It wasn't real clear when we started
20 reading the sign language as to whether or not we could or couldn't erect a gateway
21 sign.

22 CHAIRMAN PALMER: I think if it's good for the county it should be good
23 everybody in the county?

1 MS. RUTHERFORD: Well, I think you all have made a statement earlier today
2 that you're in affirmation of master planning areas and what we'd like to be able to do as
3 a department and as a county, is to erect signage to pretty much state that this one of
4 our areas. For instance, in Crane Creek, we're looking to erect identifiers, the Crane
5 Creek Community, Welcome to the Crane Creek Community or personally, Welcome to
6 Decker Boulevard. So, we want to be able to erect those kinds of signage in our master
7 planning areas.

8 MR. MANNING: Well, what would keep you from doing that now and would it limit
9 the same criteria that a private industry would have to do? I mean, come in and get
10 approval, sign size, lighting?

11 MS. RUTHERFORD: We'd still have to do all the permitting process, the
12 language just wasn't clear for us as a government body to be able to erect that sign.

13 CHAIRMAN PALMER: But you - I'm sorry, go ahead

14 MR. MANNING: The criteria would remain the same?

15 MS. RUTHERFORD: The criteria would remain the same, we would still need to
16 go through the permitting process from the way I understand it.

17 MS. LINDER: I believe government sponsored –

18 MS. RUTHERFORD: Oh, they're exempt for regulation, we wouldn't do any
19 permitting. However, we would have to still work with DOT and Public Works to make
20 sure any signs erected would be out of the sight triangle, what have you but we just
21 needed to make it a streamlined process for us erect our gateway signage.

22 CHAIRMAN PALMER: But the size of the signage, the site all that kind of stuff,
23 the colors and none of the stuff is regulated?

1 MS. RUTHERFORD: That it is. Formally, no but informally we are going, we're
2 approaching those communities to get their buy-in as to how the signs should look.

3 MR. TUTTLE: So, just as a question. So there could be a piece of property
4 directly across from a planned district that wouldn't be allowed to have the same
5 signage that you would have across the street.

6 MS. LINDER: I believe that is correct because this is a provision that's only for
7 governments to issue signs; your local state or federal government issuing the signs, it's
8 not private industry issuing the signs.

9 MR. TUTTLE: Right, but in these potential districts, the signs could contain the
10 same information that a private developer might want to have.

11 MS. LINDER: And would not be allowed.

12 MR. TUTTLE: On his property.

13 MS. ALMEIDA: Correct.

14 MS. LINDER: Well, it would be regulated.

15 MS. ALMEIDA: Mr. Price? I think Mr. Price can –

16 MR. PRICE: When you say a private developer or a private interest, what kind of
17 signage are you referring to? These really should just –

18 MR. TUTTLE: Well, for instance, I would assume that if you came into Crane
19 Creek one day, we'd hopefully have a sign up that might be a kiosk sign that said the
20 neighborhood commercial district whatever it might be named is the right and the
21 residential areas to the left and so and so's down the street, and the industrial district is
22 2.5 miles on the right.

23 MR. PRICE: No, sir.

1 MR. TUTTLE: No?

2 MR. PRICE: No, sir. There are similarities if you are coming into, I don't know a
3 state or a county, you know, Welcome To.

4 MR. TUTTLE: Okay, so –

5 CHAIRMAN PALMER: That's what it is for now but by deregulating it, you can
6 put anything you want to put.

7 MR. PRICE: No, sir it's still up for, really it's still up for interpretation as far as
8 what community gateway identification signs, identifying that community.

9 MR. TUTTLE: But if I went out tomorrow and had a 100 acres and was doing a
10 planned development privately, I can't under the sign ordinance as I understand it, I
11 can't erect a sign that says Welcome ABC Development.

12 MR. PRICE: You could as part of you're – I'm assuming you're talking about a
13 planned development district.

14 MR. TUTTLE: Well if it was a PUD, I could.

15 MR. PRICE: Right but this is part of the neighborhood improvement.

16 MS. ALMEIDA: Well most subdivisions have subdivision names and they have
17 their signage, but our older neighborhoods do not.

18 MR. TUTTLE: But I worry that as you got into these commercial districts, there
19 could be a series of signs that highlighted the commercial district that wouldn't be fair to
20 the guy across the street having to try to highlight his commercial potentially.

21 MR. MANNING: So this would allow the county to do off site signage?

22 MR. PRICE: Yes, sir.

23 MR. MANNING: Not attached to the neighborhood?

1 MR. PRICE: Yes, sir.

2 MR. MANNING: Which private landowners are not allowed to do. I mean, they
3 can advertise on a billboard but they couldn't put a permanent sign somewhere else to
4 advertise their [inaudible].

5 MR. PRICE: Correct.

6 CHAIRMAN PALMER: And how would the county go about, would they lease
7 the land from a private owner or would they buy that land and if they didn't buy it would
8 it then effect the private owner's right to his signage, because it then takes up some of
9 the signage because of the street frontage or?

10 MR. PRICE: The last part of your question, it wouldn't effect if someone had
11 some property and they wanted to put their own signage for their own business, this
12 would not affect it. But as far as –

13 MS. RUTHERFORD: We would work with Public Works to gain access to that
14 property. So as of right now, we haven't determined what's the best interest for the
15 county as to go out and purchase the property or to just gain an easement to access the
16 land to erect the sign and then maintain that site as well.

17 CHAIRMAN PALMER: The county does have eminent domain I guess, right?

18 MS. RUTHERFORD: We have what?

19 CHAIRMAN PALMER: Where you can take the property.

20 MS. RUTHERFORD: I'm being facetious, we don't like that word.

21 MR. MANNING: They city does.

22 CHAIRMAN PALMER: Would the county then be able to put it in the right-of-
23 ways and then, I guess potentially block other private owner sites?

1 MS. RUTHERFORD: No, we'd still have to follow all of the requirements by
2 SCDOT. And if DOT would not give us the right-of-way access, then we couldn't erect a
3 sign. If by chance –

4 CHAIRMAN PALMER: If [inaudible] let you put it in the right-of-way then you
5 could –

6 MS. RUTHERFORD: If by chance, they allowed us, we – there are some right-of-
7 way we'd like to have but as of right now from what I'm hearing, DOT doesn't allow a
8 whole lot of access to their right-of-way.

9 MR. MANNING: I guess if this ordinance is to clarify what steps the county has to
10 go through to get assigned permitted that's one thing and I'm all in favor of reducing all
11 the hoops you have to jump through cause they're awful on the other side too. But I
12 think it ought to be done within the confounds of the ordinance that everybody else has
13 to abide by, doesn't allow the county to increase the sign signage that's not already
14 allowable in our ordinance or do something with digital text that's not allowable in our
15 ordinance but it – what's good for the goose is good for the gander, I guess.

16 MS. RUTHERFORD: It's not our intent to exceed existing sign requirements as
17 already being implemented within the county. It's our plan to stay within the confines of
18 our Code to erect our own signs, we just want to have the ability do it and not impact a
19 property owner who would also need a sign for a business.

20 CHAIRMAN PALMER: Ms. Rutherford, would it not be a way to handle this would
21 be to have that as part of the master plan to designate those areas when the master
22 plan's approved?

1 MS. RUTHERFORD: They are. If you look at Crane Creek, Candlewood, if you
2 look at all the approved master plans there are areas within those master plans that
3 have identified opportunities for signage or gateway signage, we're now needing to
4 have the language in place so we can do that. That's a part of one of those pilot
5 projects that I've not elaborated a whole lot on, but that's a part of the pilot projects that
6 we as a Staff see that's implementable with the existing funding is the gateway signage.

7 CHAIRMAN PALMER: Are there any of those site identified in the Decker master
8 plan?

9 MS. RUTHERFORD: Yes, sir.

10 CHAIRMAN PALMER: Where are these?

11 MS. RUTHERFORD: Right off the top the entryway to, on Percival Road and
12 Decker as well as Two Notch and Decker. Internally we are trying to identify additional
13 sites along Decker Boulevard that would be more feasible because if you look at both of
14 those ends, that's a lot of SCDOT right-of-way and commercial property that's already
15 built right up to the curb line.

16 CHAIRMAN PALMER: Couldn't it be handled with the kinds of sign that Decker's
17 already put up, with Decker International Boulevard free poles?

18 MS. RUTHERFORD: It could, but the community has identified within that master
19 plan they want gateway signage. So what we're trying to do is to implement projects
20 that would benefit all of the areas and I think gateway signage welcoming the
21 surrounding community to a Richland County master planned area is necessary for
22 these communities.

1 CHAIRMAN PALMER: In those master plans is it, I mean, it details a lot of things
2 in those master plans. Is the detail of those gateway signs not in those master plans as
3 to what they potentially would look like?

4 MS. RUTHERFORD: It is more specifically in Crane Creek, Candlewood,
5 Trenholm Acres you have examples of what that signage should look like.

6 CHAIRMAN PALMER: Why should we not tie that into the ordinance then instead
7 it should be allowed without regulation in master planned areas they need to be built per
8 the standard of the -

9 MS. RUTHERFORD: Because the master plan just kind of gave us a concept,
10 essentially just a picture of how they'd like it to look. When we get out into the
11 community and realize we may not have as much land available to us, we may need to
12 amend what those signs look like. But we are trying to stick as close as we can to the
13 concepts that the communities approved.

14 CHAIRMAN PALMER: The only thing that concerns me is if this is allowed then,
15 and I understand that it's not the intent of the current people who are in charge of this
16 stuff, but the ability of the county to force a sign onto someone's site who may not want
17 the sign.

18 MS. RUTHERFORD: Our intent is to look for amenable property owners.

19 CHAIRMAN PALMER: I see.

20 MS. RUTHERFORD: Yeah. And I'll be honest with you, if we find down the road
21 that there are no amenable property owners we may have to really take a step back
22 from it. But our approach right off, and it's because I'm leading that task, is that we're
23 looking to get amenable property owners.

1 CHAIRMAN PALMER: How's that going so far?

2 MS. RUTHERFORD: It's going pretty well. Decker is not a hard, not a hard sell
3 but a hard identifier because of how built up that corridor is. Crane Creek, Candlewood
4 and Trenholm is a little bit difficult as well because of how built out that community is.
5 But all the other areas are proving to be a lot easier to work in. And that's just right off
6 of my initial assessment of different lots. We have to go through a bid process with
7 procurement so that's a whole other step. But at first glance, there's some areas that
8 are posing to be more of a challenge than others.

9 CHAIRMAN PALMER: How have you originally looked to handle it through
10 leasing land or buying land or – I know you guys have a plan or something. Donation of
11 land or –

12 MS. RUTHERFORD: We're going to work with procurement as well as Public
13 Works and administration to identify what's best for the county. As of right now, I don't
14 have, I cannot say as to how we're going to approach that, we do not have that
15 identified.

16 CHAIRMAN PALMER: Because the county can't enter into long term leases, can
17 it? Or does it want to?

18 MS. RUTHERFORD: I don't have an answer for that.

19 CHAIRMAN PALMER: Ten year leases or something?

20 MS. ALMEIDA: We normally don't want to but –

21 CHAIRMAN PALMER: Okay, that's my concern is that if, you know, allowing
22 them to do it and you know, the powers the county has, it just concerns me a little bit.

1 MR. MANNING: I guess going to the imminent domain, they can do that anyway.
2 It's not the most effective way to go and ten times the amount of money trying to do it,
3 you know, I mean, [inaudible].

4 MS. MCDANIEL: [inaudible] that they could [inaudible] because this is essentially
5 for a private use to them that the neighborhood correct?

6 MS. RUTHERFORD: Correct.

7 MS. MCDANIEL: There might be some question about whether -

8 MR. MANNING: You could even do -

9 MS. MCDANIEL: Yeah. [Inaudible] rely solely on them being able to do that.
10 And I may have completely missed this but what is it in the regulation that is difficult to
11 be doing?

12 MS. RUTHERFORD: We wanted to be able to include our master planning areas
13 as areas that are exempt from the sign regulation because we're going to be erecting
14 the signs.

15 MS. MCDANIEL: Yeah, I see that.

16 MS. RUTHERFORD: It wasn't clear.

17 MS. MCDANIEL: But what is it in the regulations that's difficult for those master
18 planning area signs to comply with [inaudible]?

19 MS. RUTHERFORD: We wanted to be clear that -

20 CHAIRMAN PALMER: I don't think you can do off site signage - not the
21 [inaudible].

22 MS. MCDANIEL: That's the problem?

23 MR. MANNING: I think that's it.

1 MS. MCDANIEL: Okay.

2 CHAIRMAN PALMER: Anything else?

3 MS. MCDANIEL: Is there not some other way to amend this so that you aren't
4 necessarily exempt from all the regulations [inaudible] the limitations for offsite signage?

5 MS. RUTHERFORD: Not that I'm aware. From the opinions that I received from
6 legal counsel as well as our Zoning Administrator, this would be the best avenue as we
7 discussed what the process and the intent of amending this ordinance, this was the best
8 route.

9 MS. MCDANIEL: Well, you know, on Page 375 of our Code of Ordinances, I
10 [inaudible] as off premises signs, all off premises signs unless specifically allowed
11 elsewhere, [inaudible] are prohibited. So we could just specifically allow it or [inaudible].

12 MR. MANNING: Is that -

13 MS. MCDANIEL: Page 375.

14 MR. MANNING: Does that bring in the question if they were allowed to do that
15 then the developer would be allowed to do it also?

16 MS. MCDANIEL: Well I think you have that same question with the way that we
17 are supposed to be able to do it.

18 MR. PRICE: [Inaudible].

19 MS. MCDANIEL: It's Page 375 of the [inaudible] Code. Well it's my version of it.
20 Alright it's Section 26-180(E).

21 MS. LINDER: Right now what Ms. Rutherford wants to do with her master plan
22 signs, but they would not be allowed because they'd be off premises. What we're not
23 doing is we're allowing them as permitted signs because there's so many different

1 zoning districts that these signs could potentially go into. And so we felt it would be the
2 easiest thing is to put them under exempt signs from the government point of view
3 because they're not that different from a welcome sign.

4 MR. PRICE: I'm sorry. Yeah, and also and kind of going backward. One of the
5 reasons why is because if you'll look at the ordinance that you have before you, you
6 know, it clearly states signs posted by various local, state and federal agencies. But
7 what about if you were to put it under the section that you looked that, under –
8 potentially that could [inaudible] others saying I'll – I'm putting up a sign, just so
9 happens to be within a Richland County neighborhood improvement program. What
10 this does is it limits it, but that idea is to pretty much limit putting up [inaudible]. That's
11 one of the main things. We are on government [inaudible] we have to be part
12 [inaudible].

13 MS. MCDANIEL: Well it seems to me that all of that to be attached [inaudible] .
14 That would be, unfortunately less [inaudible] to the county. [Inaudible] The purpose of
15 the sign ordinance I thought was to have consistency throughout the county in signage
16 and not have a whole bunch of different looking signs everywhere at least that's one
17 [inaudible]. And if the [inaudible] neighborhood signs don't have to comply with that –

18 MR. PRICE: So you're worried more about the regulations that –

19 MS. MCDANIEL: I think the county should have to comply with all the
20 regulations except for allowing [inaudible].

21 CHAIRMAN PALMER: In allowing it in any zoning classification.

22 MS. MCDANIEL: Yes.

1 CHAIRMAN PALMER: Are those the two main issues? I mean, you guys want
2 to, y'all want to construct it to a different standards and lighting standards and pole
3 colors and all that kind of stuff, right?

4 MR. PRICE: And you would have to spell it out, you'd have to spell out
5 everything from size, location, numbers type because the zoning districts allow different
6 types of signage.

7 MR. MANNING: Has the Appearance Commission [inaudible] in this ordinance?

8 MR. PRICE: I don't know.

9 MR. MANNING: Well, every other one that's comes before us, they have.

10 CHAIRMAN PALMER: True.

11 MS. RUTHERFORD: We're not changing the ordinance; we're just allowing
12 ourselves to be able to erect governmental signs. We've not dictated what the signs
13 should look like as of yet, we're just allowing ourselves the ability to erect a sign in
14 neighborhood areas.

15 MR. TUTTLE: Right, but the ordinance says you're completely exempt from any
16 of the regulations.

17 MS. MCDANIEL: [Inaudible] flashing colors.

18 MR. PRICE: Right now, the county's exempt from those same regulations
19 [inaudible] neighborhood improvement program with the [inaudible] that county's not
20 going to put up signs [inaudible].

21 MS. RUTHERFORD: And I think it's pretty safe to say we would not erect a sign
22 that's not permissible in Richland County so if those kinds of amenities to signs are not

1 permissible today we would not erect a flashing a neon 200' sign with a green pole in,
2 you know, in Richland County.

3 MR. MANNING: You could.

4 MR. TUTTLE: But then to your point, then all you need is the exemption to do off
5 site signage. You don't need relief from the actual guideline; that's the purpose.

6 MS. RUTHERFORD: We need the flexibility to be able to erect a sign that's
7 complimentary to the community that it's going in. And those would be different from
8 Crane Creek to Candlewood, the type of sign we put in would definitely be different,
9 when you look at those areas. So we need the ability to erect a sign that compliments
10 the community that it's going in.

11 MR. MANNING: That's fine but if, I mean, [inaudible] ordinance except site
12 premises and [inaudible]. Those are really the only two issues you've got. If you're
13 going to do everything in conformity with the ordinance, that's it. So you're exempt from
14 the offsite and zoning requirements for where a sign can be [inaudible].

15 CHAIRMAN PALMER: I think our signage [inaudible] is pretty flexible to allow for
16 different areas.

17 MR. PRICE: It sounds like what you're saying is rather than [inaudible] you have
18 a proposal and of course rather than putting it under the one [inaudible] we'll just create
19 a whole new section for neighborhood improvement [inaudible].

20 MS. MCDANIEL: Yeah, I think that we could just amend (E)(1) if whatever –

21 MR. PRICE: If you amend (E))1) [inaudible] specifically allow elsewhere in this
22 chapter then [inaudible]. Just as we've done this –

1 MS. MCDANIEL: I would say all off premises signs except those in neighborhood
2 [inaudible] and unless [inaudible].

3 MR. PRICE: Spell out those regulations that [inaudible] regarding height, square
4 footage.

5 MS. MCDANIEL: [Inaudible] would because all of those regulations are still
6 [inaudible] signs would still apply.

7 MS. RUTHERFORD: This isn't a use or district, this isn't – Richland County isn't
8 a use or a district. So, why would we limit our ability to erect a sign outside of, we don't
9 have a particular General Commercial use for instance as General Commercial has a
10 particular kind of sign that's allowed based upon square footage of your building that's
11 going in, you're allowed so much square footage on your sign. We're not that case,
12 we're not erecting a commercial, General Commercial business entity or use under that
13 classification so why would we limit the ability to build a sign that would compliment an
14 area versus a use within a zone?

15 MS. MCDANIEL: I see what you're saying, -

16 MS. RUTHERFORD: Yeah.

17 MS. MCDANIEL: - because [inaudible] the place where you want to put the sign
18 has a different zoning than the place that you're putting the sign to –

19 MS. RUTHERFORD: Well, we can't control the zoning.

20 MS. MCDANIEL: Right.

21 MS. RUTHERFORD: As a county, we can't control the zoning of where we'd like
22 to place the sign. So we don't want to put a limitation on a sign for General Commercial
23 where in fact, a sign may have to go on a rural piece of property. We don't want to –

1 MS. MCDANIEL: [Inaudible] zone of the parcel where the sign is going
2 [inaudible]?

3 CHAIRMAN PALMER: In other words, you don't want to put a sign that's allowed
4 in General Commercial on a rurally zone piece of property, even though it's the gateway
5 you would still want to keep it in character of what the zoning is.

6 MS. RUTHERFORD: You want to keep it in character for the area for the
7 community, exactly. Exactly.

8 CHAIRMAN PALMER: Typically, in other words, if the General Commercial sign
9 allowed is larger than what would be allowed in the rural zoning but your rural piece of
10 property is what you see first coming in, that's where you're going to put your sign at,
11 that's typically in conjunction with what that gateway is. I mean, if you're going to put
12 that first piece of property, typically, I mean, let's take Decker for example, I imagine
13 both end of Decker General Commercial there's no rural on there. Just like I'd imagine
14 in Crane Creek, you know, take a look it, when you coming in off these back streets and
15 stuff is zone CC-1.

16 MS. RUTHERFORD: But when you look at Lower Richland for instance, when
17 you start looking at the zoning in that area, Trenholm Acres and Candlewood, which is
18 all residential, we want to have the flexibility to erect a sign that's complimentary to the
19 community.

20 CHAIRMAN PALMER: So you want to go bigger than what the zoning is?

21 MS. RUTHERFORD: Potentially. And again, this is blindly not having an
22 improved design for the sign, we have some ideas as to how big of a sign should be

1 erected but again, we don't want to limit ourselves before we get out there to say one
2 area could support a larger sign, or an area could only support a smaller sign.

3 CHAIRMAN PALMER: I don't know, I think those residents who live by that sign
4 would have different views to how big that sign should be. I mean, if it's on a residential
5 piece of property, I don't think they'd want a commercial sized sign going up to advertise
6 their neighborhood, you know what I mean? They bought those homes with the
7 intention of not having any signs there.

8 MS. RUTHERFORD: And there are properties that have signs for instance in
9 Candlewood, there's existing signage that's inadequate and the property owners in that
10 area have expressed their interest in allowing the county to erect a Welcome to
11 Candlewood sign.

12 CHAIRMAN PALMER: It's inadequate because it's placed; it's not out on the
13 main street.

14 MS. RUTHERFORD: The materials over the years have worn, it's not big
15 enough, it can be missed, not reflective, you name it, it's just not – it just does not
16 express the unique character of that community.

17 [Inaudible]

18 MS. RUTHERFORD: Um-hum (affirmative), and we are. We are meeting with
19 each community, their leaders to assign in designing their signs. I anticipate gateway
20 signage in all of our ten master planning communities to be completely different from
21 the next.

22 CHAIRMAN PALMER: I understand, I just – I would feel sorry for the guy that
23 bought the lot right next to the big sign.

1 MS. MCDANIEL: That leaves out the people adjacent to the property [inaudible].
2 And they're not having a say what sign [inaudible].

3 CHAIRMAN PALMER: They're one say versus the whole community. Of course,
4 the people in back of the community, yeah, get more people in here, make the sign big,
5 nice, bright, but the guy right next to it don't like it too much.

6 MS. MCDANIEL: And he's the one that designed regulations to amend the
7 zoning area [inaudible].

8 MS. RUTHERFORD: I mean, I think we have in place now when we start
9 erecting signs for different businesses, the guy next door was there for years, his sign's
10 a certain way, and we have new sign regulations that are stating the sign needs to be
11 erected this way. As of 2010 versus, you know '79 or '87 when that sign was erected,
12 there's differences all over.

13 CHAIRMAN PALMER: It's just a little different when you can say we have sign
14 ordinances in the county, which is always a contentious issue and a nice debate and
15 everything else, but then to say that it's great for the county but it ain't great for us. It's
16 a little difficult to swallow.

17 MS. RUTHERFORD: I think that this is a new step for the county, erecting our
18 own signs.

19 MS. MCDANIEL: To benefit private property [inaudible].

20 MS. RUTHERFORD: Well, to benefit the county as a whole and the investment
21 we have in our areas.

22 MS. MCDANIEL: The redevelopment of the area, now that I understand.

1 MS. RUTHERFORD: I mean, you have to look at it as that it's not, we're not a
2 private property owner, we are making investments large amounts of investments in
3 communities that Council has bought into ten master planning areas, so.

4 MR. MANNING: But at the same time, we want to protect the people who are not
5 necessarily a part of that from something that would be adverse to them.

6 MS. RUTHERFORD: Definitely.

7 MR. MANNING: So, we've got to balance that all out.

8 CHAIRMAN PALMER: I think it's odd for me because that's usually the
9 arguments that the property owners are coming in with, arguing for better and bigger
10 signage on their property. The same ones we just heard from the county for better and
11 bigger signage on things they want to advertise.

12 MS. RUTHERFORD: I didn't say that. Let's be fair. We just said we want the
13 ability to erect a sign, not stated how big it's going to be, what it's going to look like,
14 what the materials are, we just want the ability to erect a sign.

15 MR. MANNING: And as contentious as the sign ordinance issue [inaudible]
16 dealing with have been, I think for us just to have blanket exemption for the county
17 would not look very good to the Commission [inaudible]. I think it sends a bad message
18 to the communities that, okay, the county is different. But we understand you do have a
19 difference in promoting community redevelopment and, therefore, you know, allowing
20 off premises signs and in all zoning districts, I think is a big step in achieving that, but
21 just to say you can go build what you want to build, when you want to build it, even
22 though I know that's not your intent, that's the message that's sent from this
23 Commission to the general public.

1 CHAIRMAN PALMER: I'm absolutely in favor of taking a look at our signage
2 ordinance and having something in it that allows for offsite signage and directional and
3 information for the public and kiosk and, I think we should look at all that.

4 MR. MANNING: You approve this and you'll get another shot at it.

5 CHAIRMAN PALMER: That's my thinking. But I don't – personally, I don't think I
6 could support just carte blanche just allowing it because, I mean, signage is too big of
7 an issue in this county. That's my personal opinion. I would be in favor of seeing some
8 language if we do put welcome signs in neighborhoods, these are the guidelines we're
9 going to put them in under or [inaudible] but I think we're all amenable to the signage,
10 it's just not opening up the carte blanche whatever you want to do whenever you want
11 to do it.

12 MS. ALMEIDA: What kind of changes would you like to see and we can
13 incorporate them?

14 CHAIRMAN PALMER: Whatever guidelines y'all think would be appropriate for
15 erecting signs under, welcome signs.

16 MS. ALMEIDA: So, height –

17 CHAIRMAN PALMER: Whatever y'all put on the private community, I mean, it
18 should be the same standards, I mean, you know, it can only be this size, it can only –
19 you know.

20 MR. PRICE: I hear - [inaudible] Mr. Chairman, [inaudible] bring this to you.

21 CHAIRMAN PALMER: I think the size of the sign should be done based on the
22 road frontage. As large as the road that it's advertising on, the more signage you need

1 because you need more people to see it. If it's on a two lane collector road, it doesn't
2 need to be as big as it does on the end of Decker Boulevard.

3 MR. PRICE: That's [inaudible].

4 CHAIRMAN PALMER: That kind of stuff.

5 MR. PRICE: I mean, I don't know [inaudible] bring it to you [inaudible] something
6 else [inaudible].

7 MR. MANNING: Where's the problem though in going back with just those two
8 issues? Zoning and off site premise signs? I mean, you know, if you had a rural piece of
9 property that you're trying to promote, advertise for, and its sign is going to be on a
10 commercial piece of property, you've got to have a [inaudible] commercial property will
11 allow for a bigger and better sign than a rural would get so there's a benefit to that
12 already.

13 CHAIRMAN PALMER: Let's just take for example, Crane Creek for a second.
14 When you look at the roads coming in you can see where the welcome signage should
15 be and what it should look like, I mean, this is simply dictated by the zoning. I mean, if
16 you're coming in on Blue Ridge Terr. I can understand there being a sign right there on
17 Monticello and Blue Ridge that's a pretty good sized sign but then also the underlying
18 zoning dictates that as well.

19 MS. ALMEIDA: Well, I think Staff will go back and re-evaluate that and come
20 back with a proposal at the next Planning Commission meeting.

21 MR. TUTTLE: If I could add one thing though, I do think it would be important if
22 the county's leading the charge on this signage, that –

23 MS. ALMEIDA: Yes.

1 MR. TUTTLE: - it shouldn't take away from that commercial –

2 MS. ALMEIDA: Absolutely.

3 MR. TUTTLE: - landowner's right to have their own sign.

4 CHAIRMAN PALMER: Yeah, I think they said earlier, that's not going to –

5 MS. ALMEIDA: Right.

6 CHAIRMAN PALMER: - it doesn't count against you towards you're –

7 MR. TUTTLE: [Inaudible].

8 CHAIRMAN PALMER: Right.

9 MS. RUTHERFORD: Let's let them vote.

10 CHAIRMAN PALMER: It might should enhance it. If a county sign goes on there,
11 you may be able to double what you currently put. Anyone –

12 MS. ALMEIDA: So would you like to make a motion?

13 CHAIRMAN PALMER: [Inaudible] defer or –

14 MR. MANNING: Personally, you know, if we're going to, someone should make a
15 motion to defer all we're going to do is ask the county to come back with language that
16 is going to specify or clarify what can be put on certain properties size wise, so on and
17 so forth and I think we can go right back to amending the existing code with the couple
18 of provisions to allow the county to do certain things and not have to address all that.
19 But I just see this getting very long winded.

20 MS. MCDANIEL: [Inaudible].

21 CHAIRMAN PALMER: Well, I think whatever motion you need to make if it goes
22 up to Council, you need to have it specifically in there not just a motion for approval or
23 denial. So whatever y'all want to do.

1 MS. MCDANIEL: The Staff has some potential language [inaudible].

2 MR. PRICE: We'd like to defer this until next month's meeting.

3 MR. MANNING: That's fine but what do you – you going to come back with
4 language that –

5 MR. PRICE: Some standards for these signs. We'll look to see if there's some
6 standards that should be imposed.

7 MR. MANNING: So, those standards would be basically not the norm according
8 to our ordinance?

9 MR. PRICE: We're going to have to look at that.

10 MR. MANNING: I really don't want to re-address the signage ordinance.

11 MR. PRICE: No, we don't either.

12 MR. BROWN: But, Mr. Chairman, if I may ask this. You're not going to come
13 back with something that says as I understood you mentioned earlier if it's one type of
14 design and one community that's compatible to that as opposed to another community
15 that's compatible to that, I mean, cause we don't know all the places that you want to
16 put signs, is that right? So what we're asking them to do in deferring this just come up
17 with general guidelines and that's all they really can do until they can get to a specific
18 community or specific sign.

19 CHAIRMAN PALMER: Right, but they can put those guidelines forward to the
20 community and say these are the guidelines we have to work in, let's come up with
21 something within these guidelines that works for your community.

1 MR. BROWN: But what you're asking them to bring back was basically would
2 require them before they decide to put a sign is to go to that community, here's what we
3 want to do, and if they have a problem with it.

4 MR. TUTTLE: Well, my thought was different. I thought we were going to ask
5 them to go back and actually comply with the existing sign ordinance but just give them
6 relief in the areas where being a governmental agency, they don't have that stuff. I
7 don't think, I mean, I don't think it's fair nor politically expedient to create a different set
8 of guidelines for the county versus the general public.

9 MR. BROWN: I'm just asking a question now.

10 CHAIRMAN PALMER: No, I understand, I do.

11 MR. PRICE: And I think we can go in that direction.

12 MS. MCDANIEL: I would [inaudible].

13 MR. MANNING: And it is and if there's a way to add a provision that if
14 something's not in conformity you can bring it back to the Planning Commission we
15 review certain things, you know, we do PUD's and we hear appeals and so maybe
16 there's a way to bring that, if it's not in conformity, back to the Planning Commission we
17 can vote on it.

18 CHAIRMAN PALMER: I think so to cause I think one thing you're going to run
19 into possibly if you just go with the underlying zoning is like Ms. Rutherford said that
20 perhaps the county has to buy a 20 square foot piece of property. I mean, what's the
21 signage for that in a General Commercial? I mean, you're going on street signage,
22 you're going on road frontage when road frontage doesn't really apply because you're
23 buying as much land as you need just simply for the off street signage, your off site

1 signage. So, I can see some other issues coming up if you just simply say those are
2 the only two the underlying zoning and the off site, there's probably some other issues
3 in there as well.

4 MR. PRICE: Right, and that's what -

5 MS. RUTHERFORD: That's why we came here with this.

6 CHAIRMAN PALMER: Yeah, I think the main issue is that the people of the
7 community will have and other members that come down here about signage, look how
8 big it is.

9 MS. RUTHERFORD: Well, which is why we're working with the communities. I
10 mean, we have ten areas that we're working with to create signage for them. And I
11 guarantee you we are taking these, our intents to community meetings. I mean, we're
12 not just going to, in our little bubble on the first floor, design a sign and go out and erect.
13 We are working with the communities and getting buy-in from the Council persons.

14 CHAIRMAN PALMER: I understand all that 100%. It's just like I told the other
15 gentlemen today, what we have to go on is what's in front of us, and we understand
16 what the intent is and I believe you 110%. I trust you 110% that you're going to do the
17 right thing for the community. However, you could tomorrow decide that you want to run
18 for the Senate and leave the job. The next person that comes in may not have the
19 same intent that you have. So, what we have to go on is what's in front of us and
20 what's going to be allowed by the ordinance, you understand that as well as anybody
21 else does. So all I know is that the community's very touchy about the size signage,
22 what it looks like and where it goes. There have big fights in this county about it and to
23 simply wave the wand say, Richland County, you ain't got to abide by none of these

1 rules that everybody else has fought over for years, I don't think would go over too well.
2 I think the main issues that in my opinion need to be addressed is, the size of the sign,
3 and what it looks like. Just my opinion. Do we have a motion to defer?

4 MR. BROWN: So moved Mr. Chairman.

5 MS. MCDANIEL: I'll second.

6 CHAIRMAN PALMER: We have a motion and a second to defer and we'll take a
7 look at what comes back next month. All those in favor please signify by raising your
8 hand. None opposed.

9 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Mattos-Ward, Brown;*
10 *Absent: Cairns, Gilchrist]*

11 CHAIRMAN PALMER: Number four.

12 MS. ALMEIDA: Mr. Chairman, Staff has this ordinance before you having to deal
13 with authority to reduce road standards. Prior to our new Code being enacted, the
14 Planning Commission reviewed subdivisions and land development and had that
15 authority. Today, once the new Code was put into, enacted, the authority lies as far as
16 review of development at the DRT, Subdivisions and Land Development. We are
17 requesting that this ordinance be approved to be in conformance with what the DRT has
18 authority to do. And, therefore, remove that from the Planning Commission due to the
19 fact that you all do not review or approve subdivisions or land development any further.
20 We're trying to be consistent.

21 CHAIRMAN PALMER: Currently the Planning Commission has the authority to
22 allow?

23 MS. ALMEIDA: To reduce road standards.

1 CHAIRMAN PALMER: Reduce road standards?

2 MS. ALMEIDA: Correct.

3 MS. MCDANIEL: [Inaudible].

4 MS. ALMEIDA: No, the county engineer reviews and makes recommendation
5 and they would make recommendation of that reduction according to the Code to the
6 Planning Commission and the Commission would be the body which at that point would
7 either approve or deny. That recommendation is still made by the county engineer but
8 instead of coming to the Planning Commission, they would be going to the Development
9 Review Team.

10 MS. MCDANIEL: Okay, well I'm looking specifically at the [inaudible]
11 Redevelopment District and it says that the road standards for the district can be
12 different than those [inaudible] but must be approved by the county engineer [inaudible].

13 MS. ALMEIDA: Well the – right, right, right. The county engineer or county
14 engineer's office is part of the Development Review Team, correct.

15 MS. MCDANIEL: But [inaudible].

16 MS. ALMEIDA: I'll have Mr. Price look at that.

17 MR. MANNING: Anna so if the county engineer saw it fit to reduce a road from
18 50 to 25, the DRT could come back and say they don't agree with that?

19 MS. ALMEIDA: Well, they would have to review the recommendation or the
20 request, the approval and just deem it approved or [inaudible].

21 MR. MANNING: Previously it used to left up to the county engineer, I mean, that
22 was, we couldn't do innovative design if he didn't approve it.

1 MS. ALMEIDA: That is correct, but it would come to the Planning Commission at
2 the time.

3 MR. MANNING: Everything had to be approved by him.

4 MS. ALMEIDA: But all subdivisions were reviewed and approved, were
5 approved by the Planning Commission prior the new Code being enacted.

6 MR. BROWN: Mr. Chairman, again I'm asking because I don't know.

7 CHAIRMAN PALMER: Absolutely.

8 MR. BROWN: If someone came to us with let's take the one project that we had
9 concern about earlier today and our issue had to do with widths of walkways or even
10 roads and so forth, what have you, how would what is being proposed impact on that?

11 CHAIRMAN PALMER: The only way that we would see those would be a PDD
12 process; you'd see the layout of the subdivision and that kind of stuff that's part of the
13 PDD. We don't have any control anymore over subdivision approval. It used to be, and
14 this is a carryover from that, it used to be when someone came in and brought in a
15 subdivision and Lake Carolina is the only subdivision out there that is still like this,
16 because it's under their PDD requirements. It used to be we would take look at it and if
17 we for some reason didn't think that this lot was a safe lot, we could say, you can't have
18 lot 12, or your ingress and egress needs to be bigger or smaller and we would have
19 final say over the subdivisions. When our new Code was enacted, that then was taken
20 from the Planning Commission put into the Development Review Team which is a group
21 of our Staff members from every aspect from the Fire Marshal to Anna to neighborhood
22 and they get together and you actually have a meeting and present your case and they
23 tell you, everybody weighs in they say, I don't like this, I don't like that, and or I like it all

1 and your approved or you're conditionally approved. We don't have the control
2 anymore over subdivisions. What they're asking us to do is since we don't have control
3 over subdivisions and we still obviously have control over the size of the roads and how
4 they're built and that kind of stuff, it doesn't make sense for us to have that control
5 anymore and all that needs to be handed over the Development Review Team stage.
6 It's just a carryover, it's another catch that's occurred, and it's the Staff's opinion, we
7 don't need to have say over the design standards of the roads, that needs to be at the
8 planning process when you're laying out the subdivisions. An example, the subdivision
9 wants to put in roundabouts, that needs to be option that's available to them at the DRT
10 to say, okay, we agree that perhaps this doesn't meet our county standards, but in this
11 subdivision it makes sense, let's approve it.

12 MR. BROWN: Okay, understood. But let's say that raised the question, you want
13 to protect that subdivision or subdivisions or residential areas when you have other
14 zoning areas where you got other uses in mind, you're trying to protect them, does that
15 limit your ability to do that?

16 CHAIRMAN PALMER: We wouldn't even see that. That wouldn't even come to
17 us. That wouldn't even come to our attention. We wouldn't even know what was going
18 on.

19 MR. BROWN: Okay, I just wanted to make sure that we're not doing something
20 that's going to tie our hands down the road that's [inaudible].

21 CHAIRMAN PALMER: When they enacted the new Code they put an awful lot of
22 faith in the Development Review Team. That's where it all is, that's where it all lies and

1 at this point, that's how the county operates. Any other comments, questions or
2 concerns?

3 MS. MCDANIEL: Well, personally I think its fine [inaudible] but I just want to
4 make sure that [inaudible]?

5 MR. PRICE: [Inaudible]

6 MS. MCDANIEL: Okay.

7 CHAIRMAN PALMER: Perhaps Anna at our next meeting, we could put
8 something on at the end of the Agenda just as a, cause we have some many new
9 council members or Commission Members, just kind of a rundown as to what happens
10 with the process of development in the county, just so that everybody's up to speed as
11 to kind of how it happens and so forth and so on, with the Development Review Team,
12 these are maybe terms that people aren't familiar and just kind of explain to everybody
13 what all occurs.

14 MR. WESTBROOK: I think we also need to; the new council members would like
15 to meet with the old council members and get to know one another.

16 CHAIRMAN PALMER: Absolutely.

17 MR. WESTBROOK: Because, you know, [inaudible] it would be a good idea. We
18 also might want to do a little address [inaudible].

19 CHAIRMAN PALMER: I agree, I agree it's just been occurring this way for years
20 and we can – we can certainly address that.

21 MR. MANNING: That's when they used to give lunch back there, we'd all get
22 together and –

23 MR. WESTBROOK: [Inaudible], we wouldn't need dinner.

1 MR. MANNING: I'm not asking for dinner.

2 MS. MCDANIEL: Maybe we could come a half hour early next month and go
3 through this.

4 MS. ALMEIDA: Okay. Is that amenable? Mr. Chairman?

5 CHAIRMAN PALMER: That's fine, is everybody else okay with that or would
6 people prefer a half hour later?

7 MS. ALMEIDA: Earlier.

8 MR. WESTBROOK: Earlier.

9 MR. MANNING: Earlier.

10 MR. TUTTLE: Earlier.

11 CHAIRMAN PALMER: Earlier it is. Well, we'll have a 12:30 work session and a
12 1:00 o'clock Commission meeting.

13 MS. ALMEIDA: Right here?

14 CHAIRMAN PALMER: Same chambers.

15 [Inaudible]

16 CHAIRMAN PALMER: Alright, so we got any motions on this current ordinance
17 before us?

18 MR. BROWN: I motion for the Staff recommendation.

19 MS. MATTOS-WARD: I second.

20 CHAIRMAN PALMER: We have a motion and a second for, recommend
21 approval on text amendment Number four. All those in favor, please signify by raising
22 your hand. None opposed.

1 [Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Mattos-Ward, Brown;
2 Absent: Cairns, Gilchrist]

3 MS. ALMEIDA: Okay, Mr. Chairman there is consideration of an ordinance to
4 establish a road impact fee and it has been signed by the Chair or County Council, in
5 initiating that process. It's here for your consideration. It's just for informational
6 purposes and we can have Mr. Gosline here at the next Planning Commission to give
7 you more information regarding that impact fee.

8 MR. MANNING: Were we able to pass an impact fee ordinance at this point? Is
9 the county in a position to do that legally? I mean, I know there were in the
10 comprehensive plan; there are conditions that you have to meet in order to.

11 MS. ALMEIDA: We want to be able – yes, we want to be able to - yes, County
12 Council has authorized funds to prepare a road impact fee ordinance.

13 CHAIRMAN PALMER: Under the Capital Improvements Plan?

14 MS. ALMEIDA: Within 24 months, County Council –

15 MR. MANNING: Set down criteria –

16 MS. ALMEIDA: Yes.

17 MR. MANNING: - part of it.

18 MS. ALMEIDA: And we want hire a consultant and see those options.

19 MR. MANNING: Not to lengthen the meeting any longer, that's something I would
20 like, Mr. Chairman at some point if we could start that process of revisiting the Capital
21 Facilities Plan because I think that's probably the most important work we can do.

22 CHAIRMAN PALMER: Well absolutely, it's going to be long past when I'm on
23 here, when that thing gets done.

1 MR. HAMMETT: Just quickly we do have funding for the first phase which is the
2 affordable housing study and then we have not met the CIP Requirements as of yet, but
3 the affordable housing study would be the first step in the process.

4 MS. MCDANIEL: [Inaudible]

5 CHAIRMAN PALMER: You mean the Capital Improvements Plan?

6 MS. MCDANIEL: No, in the – well the impact [inaudible]. The way I read the
7 ordinance, is that the Planning Commission was instructed to develop the impact fee
8 ordinance.

9 MS. ALMEIDA: Correct.

10 MS. MCDANIEL: Alright, so what was [inaudible] we need to do?

11 MS. ALMEIDA: Well, we're basically, hopefully, going to look into hiring a
12 consultant who will then make recommendations and then we can devise an ordinance
13 accordingly. So that information will be transmitted to you all and we will bring it before
14 you and have many discussions regarding that issue.

15 MR. HAMMETT: And that set up a state statute so basically we would get the
16 consultant, do the affordable house study and then that would come back before the
17 Planning Commission.

18 MS. ALMEIDA: Exactly.

19 CHAIRMAN PALMER: Could I make a request that the consultant be from this
20 state?

21 MS. ALMEIDA: Sure.

22 CHAIRMAN PALMER: That's always a request.

23 MS. ALMEIDA: It would help.

1 CHAIRMAN PALMER: Well, I've seen are typos in here from Richmond – any
2 other businesses? Any other issues? Is there a motion to adjourn?

3 MR. BROWN: So moved.

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[Meeting Adjourned at 4:00pm]