

RICHLAND COUNTY PLANNING COMMISSION
September 6, 2012

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[Members Present: Heather Cairns, Olin Westbrook, Kathleen McDaniel, Howard Van Dine, Wallace Brown, Sr. Absent: David Tuttle, Patrick Palmer, Stephen Gilchrist, Deas Manning]

Called to order: 1:12 pm

ACTING CHAIRMAN VAN DINE: Okay, I'm gonna call this meeting to order. I am not Pat Palmer in case anybody wants to know, but that's okay. If our Chairman arrives I will relinquish the seat at this point. So, as is our responsibility, please have this – sorry, please add this as part of the Record. In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification and posted on the bulletin board located in the lobby of the County Administration building. And I believe that means we have properly noticed and can move forward, is that correct?

MS. LINDER: That's correct.

ACTING CHAIRMAN VAN DINE: Okay. Do we have any amendments to our Agenda?

MS. LINDER: Agenda Amendments, yes, sir. Case No. 4, or Agenda Item No. 4, Case No. 12-28, that has been administratively deferred by the Zoning Administrator.

ACTING CHAIRMAN VAN DINE: Alright.

MS. LINDER: And Case No., or Agenda No. 2, Case No. 12-26, we'd ask that to be held at the last, reorder that to be the last Map Amendment you take up.

ACTING CHAIRMAN VAN DINE: Alright.

MS. LINDER: We need to give the Applicant time to arrive.

1 ACTING CHAIRMAN VAN DINE: Before we can, we need our last Commission
2 Member to come in to actually adopt the Agenda since we don't have a quorum at this
3 particular moment. He stepped into the back. If anybody is here on the Map
4 Amendment request for Heyward Brockington Road and Monticello Road, that is going
5 to be deferred from this meeting and it will be taken up at our next meeting. Any my
6 understanding is the purpose is to allow for additional to contact the public regarding
7 what is being requested and what's sought and to look at the rezoning request again.
8 So if you are here on that particular matter, there's no reason to stay. Alright, we have
9 a quorum again, I would entertain a motion to amend our Agenda as discussed.

10 MS. MCDANIEL: So moved.

11 MS. CAIRNS: Second.

12 ACTING CHAIRMAN VAN DINE: I have a motion and a second to amend our
13 Agenda.

14 MR. BROWN: May I have the, what was the amendment, Mr. Chairman?

15 ACTING CHAIRMAN VAN DINE: The amendment was that Case No. 4 is going
16 to be deferred, it was administratively deferred so we're removing it from our Agenda,
17 and what was previously marked as number two will go to the end of the Map
18 Amendment section.

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

20 ACTING CHAIRMAN VAN DINE: Alright, all in favor please signify by raising
21 your hand.

22 *[Approved: Cairns, Westbrook, McDaniel, Van Dine, Brown; Absent: Tuttle, Palmer,*
23 *Gilchrist, Manning]*

1 ACTING CHAIRMAN VAN DINE: Alright. I will now open the Map Amendment
2 section and we will call case 12-25 MA.

3 **CASE NO.: 12-25 MA:**

4 MR. LEGER: Thank you, Mr. Van Dine. The project number for this first case is
5 12-25 MA. The Applicant is Ms. Angela Lawrence representing herself as the property
6 owner. It is located at Bluff Road, the size of the property is approximately two acres.
7 It's currently zoned RU which is our Rural Residential District and Ms. Lawrence is
8 requesting the RC District, which is our Rural Commercial District. The RU District is the
9 original zoning from 1977, and the property has about 300' of frontage currently on Bluff
10 Road. The properties in the vicinity are all zoned Rural Residential, most of which are
11 either occupied residentially, large lots, scattered residential of some sort, or
12 undeveloped and currently remain wooded in nature. Our Comprehensive Plan
13 recommends Rural for this area and in the Rural District, commercial and office
14 activities, which is what is being requested under the RC District, should be located at
15 major traffic junctions or where existing commercial and office uses are located.
16 Additionally, commercial in this designation should not penetrate or encroach within
17 other established residential areas. The Staff in our analysis has found that this site,
18 although is on a major road, is not at a major traffic junction. It is also not in the vicinity
19 of other commercial zoning classifications. There was one rezoning request that was
20 approved earlier this year, it's approximately 500' further west on Bluff Road. The
21 Council approved a Rural Commercial District near the intersection of that road about
22 500' to the west. The site is currently occupied by a painted brick, concrete masonry
23 unit, structure, cinder block structure, it's really been unoccupied for some time. It was

1 previously used commercially but has gone vacant for some period and the non-
2 conforming, legal non-conforming status has expired, and consequently the Applicant is
3 requesting this rezoning at this time. [Inaudible] the residential use in the area our Staff
4 could not support the request and tended to support the Comprehensive Plan instead
5 and for that reason we recommended disapproval of this request. If you have any
6 questions I'll be glad to try and answer them.

7 ACTING CHAIRMAN VAN DINE: Any questions for Staff?

8 MS. MCDANIEL: I do have one question. The rezoning that we did approve back
9 in May, if I remember correctly there was a commercial use on that property so the
10 rezoning that we recommended was actually in conformance with the use [inaudible] of
11 the property.

12 MR. LEGER: The previous request is similar to this one in that that request, that
13 [inaudible – recorder malfunction] on the site at one time but if you've had the
14 opportunity to go out there you can take a look at that other site, it's not been used
15 commercially for some period of time. So at least in our opinion these two cases are
16 similar in that they had commercial at one time but they're no longer commercially used.

17 MS. MCDANIEL: Okay.

18 ACTING CHAIRMAN VAN DINE: Any other questions for Staff? Angela
19 Lawrence? Please come on down and then followed by Carol Eddy. And if you could,
20 please state your name for the Record and speak as you can into the microphone so
21 that it can be recorded, thank you.

22 **TESTIMONY OF ANGELA LAWRENCE:**

1 MS. LAWRENCE: Alright, my name is Angela Lawrence and I'm, my father left
2 me the, the store. He built the store back in 1950, and he, and it was, we ran it until
3 2005, when he died. And at the time I was not aware of the zoning that, you know, that
4 it reverts back to Rural from Commercial. I always thought that, you know, whenever
5 we wanted to reopen the store that we would be able to reopen the store. And when I
6 went to make the request then I realized it had revert to Rural. But the store was, was
7 never, wasn't abandoned. The lights were on, we go in there, we keep the store up, we,
8 we have a garden down there and we, we process our vegetables in there and I wanted
9 to reopen the store for a snack bar and vegetable area, you know, where we can,
10 people can come and get fresh vegetables and, and – stuff like that. And I'm not really
11 comfortable with speaking in front of people, but I, you know, I would really like to
12 reopen the store. The store is in good standing, it's on two acres of land. It would be
13 beneficial to the community because there's not, like he was saying, it's a Rural area,
14 people will have to go all the way to Garners Ferry Road to, to get, like simple things,
15 and we, I've gotten a lot of people in the community asking if we could reopen the store
16 because when my dad ran the store, it benefited them, they had a place to go where
17 they could get a snack or they can get sodas or chips, and, and I'm approaching
18 retirement and I would like to do, like a Mom and Pop, cause it's really close to the
19 Congaree National Park and, and it's an area where people turn around because they
20 miss the road to the Congaree National Park. And they're always, you know, asking if
21 we have, like ice or things like that and I would like that, you know, have a place where
22 people can come get ice. I think it would [inaudible – recording malfunction]

1 ACTING CHAIRMAN VAN DINE: Alright, thank you. Any questions for Ms.
2 Lawrence? Thank you. Ms. Eddy?

3 **TESTIMONY OF CAROL GOODSON EDDY:**

4 MS. EDDY: Hi, I'm Carol Goodson Eddy. I live at 1204 Clarkson Road in
5 Hopkins and I'm here to support Angela Lawrence in opening the business over at the
6 store that they have. I, I'm shocked to hear that it was not approved because that was,
7 that is a place that can be beneficial to the Congaree Swamp area. I mean, just like Ms.
8 Lawrence was saying, most of the time if a person is lost that area right there in front of
9 her store is where they would turn around and ask for directions going back to the,
10 getting to the Swamp, to the Congaree National Park. But we call it the Swamp, so I
11 apologize for that. I'm known for calling it the Swamp. So I would definitely like for you
12 guys to consider her having a chance to reopen this to honor what her father had
13 worked so hard to have. Cause it was a place that was beneficial to us to have it, and
14 because from Westinghouse to Gadsden, not Gaston but Gadsden, I don't think there's
15 a place to stop at an open store if you wanted to get something cold to drink or a snack.
16 And that area is right in the middle and I really appreciate it if you guys would consider
17 giving her the opportunity to do, to do this in honor of her father. Thank you.

18 ACTING CHAIRMAN VAN DINE: Thank you. Alright, no one else is signed up to
19 speak. Any questions from anybody?

20 MR. BROWN: Mr. Chairman, did we consider this or something similar not too
21 long ago?

22 ACTING CHAIRMAN VAN DINE: I believe we considered something similar, is
23 that correct?

1 MS. CAIRNS: Yeah, the one across the street.

2 MR. LEGER: That's correct.

3 MS. CAIRNS: Right.

4 ACTING CHAIRMAN VAN DINE: I do have a couple of quick questions for you if
5 I could. The use that was on the property prior to 2005, it was a non-conforming use? Is
6 that correct?

7 MR. LEGER: That's correct.

8 ACTING CHAIRMAN VAN DINE: And the zoning that was on it was from '76 or
9 sometime like that when we actually established the zoning? There hasn't been any
10 request to change it at any time?

11 MR. LEGER: Only the request previously this summer for GC, otherwise no, sir,
12 there have been none that we're aware of.

13 ACTING CHAIRMAN VAN DINE: Okay. The only other thing I would caution the
14 Commission Members of is that when we adopt a new zoning classification such as an
15 RC, while the uses that are being requested by the Applicant may fit within those, there
16 are also a lot of other uses that would become applicable to a particular parcel were she
17 to sell it, or whoever down the road might sell it. So we should be considering it and
18 keeping in mind the uses that are there, not just the specific use that is being talked
19 about here. Any comments from –

20 MR. BROWN: Yes, another question. What action did we take on the property
21 across the street?

22 ACTING CHAIRMAN VAN DINE: You want to answer that?

23 MR. PRICE: The Commission recommended approval.

1 ACTING CHAIRMAN VAN DINE: And was it, did it go forward to Council?

2 MR. PRICE: And it was approved by County Council.

3 ACTING CHAIRMAN VAN DINE: So, and that parcel is across the street from
4 this?

5 MR. PRICE: Yes, sir, as you can see displayed before you that's the site that's
6 circled by red.

7 MS. CAIRNS: That's the one that was approved earlier.

8 MR. BROWN: And if I may, Mr. Chairman, Geo did we do that based on the
9 grandfathering in that property across the street?

10 MR. PRICE: No, sir, because the grandfathering status of that parcel had
11 ceased. It not longer had that status, it was just a vacant building on a Rural parcel.

12 MR. BROWN: Staff determined that the property has been in continuous use for
13 the same thing?

14 MR. PRICE: No, sir. It had been vacant. It was no longer grandfathered in.

15 ACTING CHAIRMAN VAN DINE: Right across the street was approved as an
16 RC not a GC, correct?

17 MR. PRICE: RC, yes, sir.

18 MS. CAIRNS: Well, as this one is being requested.

19 ACTING CHAIRMAN VAN DINE: Certainly, yes. Yes, I was just asking the
20 question to make sure we were talking apples to apples.

21 MS. MCDANIEL: Is this within any perimeter where the park needs to be
22 consulted about what they feel should be done with the property?

23 MR. PRICE: This, we could zoom out – you mean the, Congaree?

1 MS. MCDANIEL: Yes.

2 MR. PRICE: I mean, you can kind of look at it, we didn't feel that it was.

3 ACTING CHAIRMAN VAN DINE: I'm not so sure the Park has the authority to
4 tell us what to do with property around there anyways, so.

5 MS. MCDANIEL: I don't know that they do, but.

6 MR. PRICE: But we do send notification to the abutting and adjacent owners
7 within a certain radius of the parcel, so the Park either didn't get one because they
8 would not have been in that radius or they decided not to show up. I would have to look
9 through our records to determine if they received it.

10 ACTING CHAIRMAN VAN DINE: Any more questions? If not I would entertain a
11 motion.

12 MS. CAIRNS: I would, I mean, just discussion a little bit more, I apologize for
13 being out of order or whatnot, but I mean, I can offer that in some ways this is a more,
14 better request than the last one because the building's in more consistent shape, I
15 mean, the other one the building needed reconstruction. This one the building is
16 standing. And I understand about the whole, you know, anything allowable in RC could
17 go in there, but at the same time it does seem like it's a pretty good location, even
18 though there's the lack of a major intersection, it seems like it's a fundamentally good
19 location for some small Rural Commercial. I mean, maybe the Rural, I mean, I'm
20 looking at the allowable uses inside Rural Commercial and I can agree that I think some
21 of those uses in that spot might be disruptive, but maybe that's, maybe there's too many
22 uses allowed in Rural Commercial. When you think of, you know, I think when we think
23 of Rural Commercial we're thinking of the Mom and Pop type store, you know, and yet

1 the allowable uses go well beyond that, you know, but. I mean, I can just offer that I'm
2 very, I'm very torn on this one because I, I support the idea that the Rural ought to be
3 Rural, but we ought to have Rural Commercial somewhere. You know, and it's, so I
4 don't know, just discussion, I don't really have an answer.

5 ACTING CHAIRMAN VAN DINE: My thought process on this is that, similar to
6 the one that was before that I agree, the property itself is in much better shape, the
7 surrounding community does not have a use within the proximity that we're talking
8 about and it seems to me that, and we've got one area of Residential Commercial, I'm
9 not sure I see the difference between this one and that one, other than perhaps the age.
10 So I would be in favor of sending it forward with a recommendation of approval simply
11 because I think that it follows along with what we've done in the past and what we had
12 decided to do in the past. And I recognize, as I said, that other uses can go in there and,
13 and you know, maybe we do need to change some of the uses that are in Rural
14 Commercial, but – so.

15 MR. WESTBROOK: Mr. Chairman, I recommend that we send project 12-25 MA
16 to Council for approval.

17 MR. BROWN: Second.

18 ACTING CHAIRMAN VAN DINE: As a result of the fact that we are going
19 against the Staff's recommendation, what are the specific reasons for going against
20 Staff recommendations?

21 MR. WESTBROOK: Because there's a project across the street that has the
22 same zoning.

1 ACTING CHAIRMAN VAN DINE: Okay. Any other discussion? Any other
2 comments? All those in favor of sending 12-25 forward with a recommendation of
3 approval under the reasons stated, not just recently but also the reasons that were
4 stated earlier by Ms. Cairns and myself, please signify by raising your hands.

5 *[Approved: Cairns, Westbrook, McDaniel, Van Dine, Brown; Absent: Tuttle, Palmer,*
6 *Gilchrist, Manning]*

7 ACTING CHAIRMAN VAN DINE: None opposed. Understand, we're a
8 recommending Body. This will now have to go forward to County Council for their
9 approval of the zoning request, so unfortunately you're gonna have to do the same
10 thing, only this time in front of County Council to get the request approved. But this
11 Body has, will be sending it forward with a recommendation of approval, and I believe
12 the zoning, when is the next zoning, September 25th, back here in these Chambers.
13 Alright, the next we have is 12-27 MA.

14 **CASE NO. 12-27 MA:**

15 MR. LEGER: Thank you, Mr. Van Dine. The Applicant here is Ms. Clara
16 Beasley representing Barbara Bratcher. The property is located on Garners Ferry Road
17 with about 2.5 acres in size, it's currently zoned RU. The Applicant is requesting GC,
18 General Commercial. The RU District is the original zoning from 1977, and the property
19 has a little over 200' of frontage on Garners Ferry Road. This property is surrounded by
20 a number of different uses, some commercial some industrial, light industrial, office. But
21 in particular to the north we have an office, brick office building, and immediately
22 adjacent in all the other directions is undeveloped and wooded, however, again there
23 are commercial and industrial uses in the vicinity. There is commercial zoning across

1 the street but all other adjacent properties are zoned Rural Residential. Our
2 Comprehensive Plan recommends suburban on this site; again, the commercial and
3 office should be located at major traffic junctions or near existing commercial and
4 should not encroach on the residential. The Staff looked at this application and found
5 that, again there is existing commercial and an office use in the vicinity and that this site
6 would not encroach on any established residential neighborhood or subdivision by its
7 location. It is not located in our Southeast Richland Neighborhood Master Plan, only by
8 a small portion, probably 50 yards or so to the east. We will be preparing the Lower
9 Richland Master Plan, that is coming, we'll begin, we'll start probably later this month,
10 it'll probably be a year long process, but there will be a new master plan coming for this
11 area. This property is, contains a number, a couple of commercial uses; one is a bait
12 and tackle shop as well as an insurance office. So it is occupied currently and used
13 currently for commercial use. Again, there are a number of commercial properties in the
14 vicinity and Snyder Electric is one of the industrial properties further to the east. Based
15 on the number of commercial uses in the vicinity and the fact that the property is located
16 on a major traffic arterial the Staff could support the rezoning request at this time and
17 recommended approval of the change to GC, General Commercial. If you have any
18 questions I'll be glad to try and answer them.

19 ACTING CHAIRMAN VAN DINE: Any questions for Staff? We have a couple of
20 people signed up to speak. Elaine Fantt, would you like to come up and –

21 MS. FANTT: [Inaudible]

1 ACTING CHAIRMAN VAN DINE: Okay. And Thomas Fantt? Let the Record
2 reflect that Mr. and Mrs. Fantt were in favor of the recommendation. We have no one
3 else signed up to speak on this particular matter.

4 MS. MCDANIEL: Is the Applicant not here?

5 ACTING CHAIRMAN VAN DINE: The Applicant is, did not sign up however.

6 MR. BROWN: Mr. Chairman, I move that we support Staff's recommendation.

7 ACTING CHAIRMAN VAN DINE: That we send it forward with a recommendation
8 of approval?

9 MR. BROWN: Yes, sir.

10 ACTING CHAIRMAN VAN DINE: Do I have a second to that motion?

11 MS. MCDANIEL: I second it.

12 ACTING CHAIRMAN VAN DINE: Any further discussion? All those in favor
13 please signify by raising your hand. All those opposed?

14 MS. CAIRNS: I'm gonna be a no though.

15 *[Approved: Westbrook, McDaniel, Van Dine, Brown; Opposed: Cairns; Absent: Tuttle,*
16 *Palmer, Gilchrist, Manning]*

17 ACTING CHAIRMAN VAN DINE: The motion passed. Again, we are a
18 recommending Body. This will need to be approved by County Council and their next
19 meeting to hear it will be on September 25th. The next case, 12-28 MA has been
20 administratively deferred. The next is 12-29 MA.

21 **CASE NO. 12-29 MA:**

22 MR. LEGER: Yes, sir, thank you, Mr. Van Dine. The Applicant in this case is Mr.
23 Lee Blythe representing Marion Bouknight, the property owner. His property is located

1 on Old Tamah Road, it's almost 30 acres in size, it's currently zoned RU, our Rural
2 Residential District. The Applicant is requesting the RS-LD Residential Single-Family
3 Low Density District. The RU District is original zoning from 1977. The Applicant
4 requested the RS-MD District earlier in this year, however that was denied by Council in
5 July of this year, so there has been a previous request on this property, however the
6 only one was denied. It has about a little over 500' of frontage on Old Tamah Road and
7 is located near the Dutch Fork High School and Dutch Fork Middle School. Properties in
8 the vicinity for the most part are zoned RU, our Rural Residential District, but to the east
9 is an RS-MD District, which is the Kingston Village subdivision recently and currently
10 under development. Our Comprehensive Plan recommends suburban for this site.
11 Suburban recommendation calls for four to eight units per acre, residential density.
12 When you calculate the gross density on this site it comes up to 3.6, which is just under
13 that four, however, our Zoning Administrator has ruled that by rounding 3.6, it's basically
14 equivalent to four, so with that said, the Council, I mean the Staff supports the request
15 to RS-LD because it comes closer to meeting the requested, required – recommended
16 density from the Comprehensive Plan at four to eight, than the RU District did. The
17 property is basically undeveloped and wooded, again near some scattered residential
18 and other subdivisions in the vicinity and near the high school. For that reason we felt
19 like the RS-LD was the most appropriate district for this site and recommended approval
20 at this time. If you have any questions I'll be glad to try and answer them.

21 ACTING CHAIRMAN VAN DINE: Any questions for Staff?

22 MR. BROWN: One would be, why did Council reject it?

1 MR. LEGER: I'm not quite sure I can answer that for Councilman Malinowski. I'm
2 sure he, probably had something to do with the density of the RS-MD District, which is a
3 little higher density. But I'm not sure I can answer that for him.

4 MR. BROWN: But we had recommended it, is that right?

5 MR. LEGER: The Planning Commission supported the previous rezoning to RS-
6 MD, yes, sir.

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

8 ACTING CHAIRMAN VAN DINE: Alright, I have a number of people signed up
9 and I will apologize if I happen to butcher somebody's name, but unfortunately some
10 people's writing is worse than mine. Bill, I believe it's Bouknight.

11 MR. BILL BOUKNIGHT: That's me.

12 ACTING CHAIRMAN VAN DINE: Do you have anything you'd like to say? You
13 need to stand up here and give us your name and address, please. Brian Bouknight
14 would follow.

15 **TESTIMONY OF BILL BOUKNIGHT:**

16 MR. BILL BOUKNIGHT: The Applicant is here, he didn't sign up. I'm not sure if
17 you prefer to go in that order, but the Applicant is here.

18 ACTING CHAIRMAN VAN DINE: Okay, why don't you come on up after Mr.
19 Bouknight.

20 MR. BILL BOUKNIGHT: Yeah, I got to pay the parking meter in about five
21 minutes. My name is Bill Bouknight, I live on Shady Grove Road. This land has been in
22 our families since, got it from the King of England. It's never been rezoned, it's always
23 been Rural and whatever. My concern is traffic. With the school and stuff, I'm retired

1 and if I go to get out of my driveway it's 25 or 30 cars a day I've got to wait on in the
2 mornings, in afternoon from 3:30 to 5:00 it's traffic right and left everywhere. And I don't
3 see how we can, another 100 houses in there, there's probably 200 or 300 more cars.
4 And that road just can't handle it, they're in the process of putting a new bridge in but it's
5 not gonna be a double bridge, it's gonna be a single bridge. That's my only concern.

6 ACTING CHAIRMAN VAN DINE: You want to come up and speak? Please give
7 us your name and address.

8 **TESTIMONY OF FRANK CASON:**

9 MR. CASON: My name's Frank Cason, I'm actually partners with Lee Blythe
10 whose name is down as the Applicant. I live at 4615 Limestone Street. We, as was
11 mentioned earlier we did some of this earlier in the year for medium density and the
12 Commission approved, but Councilman Malinowski was not in favor of the medium
13 density, so we decided to bring it back through at a lower density and I think, it's my
14 understand it fits in with the Comprehensive Plan, the level of service of the road is an
15 A, and I'm here to answer any questions that y'all have.

16 ACTING CHAIRMAN VAN DINE: Any questions? Thank you. Bryan Bouknight.

17 **TESTIMONY OF BRYAN BOUKNIGHT:**

18 MR. BRYAN BOUKNIGHT: Bryan Bouknight, I'm at 1830 Shady Grove Road.
19 This land is gonna be right behind me, you can see where the pond is right there, I still
20 have a farm and still have the pond and all that. And traffic, trying to get out is already
21 terrible. It's only gonna get worse if you bring more in. And you bring more people, a
22 housing development right on my line with animals, people gonna be getting in my
23 fence, that's gonna force me to get rid of my animals and all that. If, I can't have the

1 liability of cows getting out and going through a neighbors or, I mean, we still have Rural
2 and I'd like to keep it Rural. Once it's gone, it's gone. There's housing developments all
3 around us and the more people sell out the more houses come in, there's no more
4 Rural. So, I mean, if you could look at that, that's the biggest thing I'd like to look at.
5 And, and the next thing the roads can't handle the traffic. The schools are already full,
6 they're building more and more schools, they can't handle the people there now. I think
7 that's been looked in, I think Malinowski looked into all of that now and it was, the
8 schools couldn't handle anymore and that's why it was turned down by the County
9 Councilman. So that's, that's my statement on it. Thank you.

10 ACTING CHAIRMAN VAN DINE: Alright, thank you. Toby Bouknight.

11 **TESTIMONY OF TOBY BOUKNIGHT:**

12 MR. T. BOUKNIGHT: Hello, I'm Toby Bouknight, I live at 1825 Shady Grove
13 Road and the biggest concern I've got with it is the basic, not just the traffic it's the type
14 of traffic we have. The traffic we have on Shady Grove is inexperienced drivers.
15 Basically they're mostly young kids going to school, commuting back and forth twice a
16 day, so if we, at this particular location to go out in front of all these people, if we put
17 100 houses in there we've got, you know, 200 to 300 cars entering that freeway every
18 morning to these kids going to school. It's already bad enough where it's close enough
19 to the school, now you're gonna have, you know, 100, 150 kids walking to school where
20 we don't have sidewalks or anything else of the sort. The actual experience of the
21 drivers is a huge concern. There's white crosses lining Shady Grove Road now, there
22 have been for a long time. A speaker that was up here a minute ago actually got hit by
23 one of these white crosses, so you know, I feel like that's a major concern for Shady

1 Grove Road. We don't need a road that can't handle the cars we already have, and to
2 add that many more is just, you know, a disaster. Okay, thank you.

3 ACTING CHAIRMAN VAN DINE: Thank you. Donald Bouknight.

4 **TESTIMONY OF DONALD BOUKNIGHT:**

5 MR. D. BOUKNIGHT: I'm Donald Bouknight, I live at 1638 Shady Grove Road.
6 And my problem is too, in the mornings there's a housing development right in front of
7 my driveway, quarter till 8:00 till actually 8:00, you might as well go in and drink your
8 coffee, you cannot get out. The roads is jammed almost, too much traffic on that road.

9 ACTING CHAIRMAN VAN DINE: Thank you. Naomi Hollis? Not here? I'm sorry,
10 the next one I believe it's Jarvis but, 1608 Old Tamah Road? I'm sorry, I told you I
11 wouldn't be able to read some of it.

12 **TESTIMONY OF JOHN MEETZE:**

13 MR. MEETZE: My name is John Meetze, I live at 1608 Old Tamah Road, and I
14 got the same grievances as my friends over here about the traffic and, and all the
15 problems it's gonna cause and I'm totally against it. Thank you.

16 ACTING CHAIRMAN VAN DINE: Thank you. Kim Murphy.

17 **TESTIMONY OF KIM MURPHY:**

18 MS. MURPHY: Hi there, Kim Murphy, 154 Old Laurel Lane, Chapin. I serve on
19 the School Board and also on the Richland County Appearance Commission and I'm
20 not here in that capacity, but I am intimately involved with the School District and, and I
21 am very concerned about the burden on our school facilities as well as the
22 infrastructure, the roads. I do want to point out there was a rezoning several months ago
23 where the superintendent of the schools submitted a letter in favor of a rezoning. Now

1 that had not been brought before the Board and neither has this, so the Board has not
2 been asked to endorse or deny such a thing, but I, from my personal standpoint and the
3 knowledge I have in our school district this would be an additional burden that I don't
4 think would be beneficial to us. And I ask that you deny it. Thank you.

5 ACTING CHAIRMAN VAN DINE: Thank you. Those are all the people who have
6 signed up. I have a question for Staff. What is the difference in the number of units that
7 could be put on this property in RS-LD versus RU?

8 MR. PRICE: You're probably looking at about 150 if it was MD.

9 ACTING CHAIRMAN VAN DINE: LD

10 MS. CAIRNS: No, LD versus RU?

11 MR. PRICE: I'm sorry, it was RU?

12 ACTING CHAIRMAN VAN DINE: RU.

13 MS. CAIRNS: As is it would support how many?

14 ACTING CHAIRMAN VAN DINE: My calculation is approximately 40 in the RU,
15 and what was it again in the LD?

16 MS. CAIRNS: Net is around 75.

17 MR. LEGER: The net density is 75.

18 ACTING CHAIRMAN VAN DINE: So we're talking a difference between 75 and
19 40 if they went forward with an RU.

20 MR. PRICE: That's the net, of course, that 75.

21 ACTING CHAIRMAN VAN DINE: Right, okay.

22 MS. MCDANIEL: Have there been any traffic studies done to look at the impact
23 that 75 houses on this road?

1 MR. PRICE: [Inaudible]

2 MS. MCDANIEL: Okay, and the road that's Level of Service A is Old Tamah? Is
3 that right? And that's the road that goes by the high school?

4 MR. LEGER: Yes.

5 ACTING CHAIRMAN VAN DINE: Do we have any kind of level of service on,
6 what is it, Shady Grove?

7 MR. PRICE: No, sir, we don't have it here. We can gather that information if need
8 be.

9 ACTING CHAIRMAN VAN DINE: Any other questions for Staff?

10 MS. MCDANIEL: I mean, the same question as before, the Applicant just didn't
11 sign up to speak?

12 MR. PRICE: Yeah, actually –

13 MS. MCDANIEL: Oh, I'm sorry, the property owner. Sorry.

14 ACTING CHAIRMAN VAN DINE: Mr. Cason was here speaking on behalf of the
15 Applicant.

16 MS. MCDANIEL: Gotcha.

17 ACTING CHAIRMAN VAN DINE: Any discussion? Any thoughts?

18 MS. MCDANIEL: Well, the road that this would be on going to the school, if it's
19 already, if it's Level of Service A, I don't have, that doesn't give me any concerns about
20 the traffic impact onto this particular property. Granted, we don't know what the impact
21 would be on Shady Grove specifically, but it doesn't sound like it would have a negative
22 impact on Old Tamah. And this is suburban where this type of growth is supposed to be
23 focused, so it seems consistent with me.

1 ACTING CHAIRMAN VAN DINE: Any other comments?

2 MS. MCDANIEL: With that said, I would make a motion that we send Case 12-
3 29 MA forward to County Council for approval.

4 MR. WESTBROOK: I'll second.

5 ACTING CHAIRMAN VAN DINE: Any further discussion? All those in favor of
6 the motion to send 12-29 MA forward with a recommendation of approval signify by
7 raising your hand. All those opposed?

8 *[Approved: Cairns, Westbrook, McDaniel, Brown; Opposed: Van Dine; Absent: Tuttle,*
9 *Palmer, Gilchrist, Manning]*

10 ACTING CHAIRMAN VAN DINE: Again, we are a recommending Body. County
11 Council will have say on their September 25th meeting and you'll need to be in
12 attendance then. Alright, back to 12-26 MA. Is the Applicant here at this point in time?

13 MS. LINDER: Mr. Chairman, you would have the option of going forward or
14 deferring, either way, at your pleasure.

15 ACTING CHAIRMAN VAN DINE: What is the Commission's pleasure? Let me
16 ask you, why was the Applicant, I understood we moved it to accommodate the
17 Applicant coming in. What was the reason given for the delay, if any?

18 MR. PRICE: The Applicant actually spoke to a Staff member who is not here right
19 now to give the information, but they had stated that they would be running a little bit
20 late for the meeting. I expected them to be here by now, but. We can, you know –

21 ACTING CHAIRMAN VAN DINE: Let me make a suggestion, that we defer this
22 till the end of our Agenda and if they have not shown up by that point in time we can

1 take it up then. But that would need to be in the form of a motion to amend our Agenda
2 as such.

3 MR. BROWN: So moved, Mr. Chairman.

4 ACTING CHAIRMAN VAN DINE: And before we get into that a minute, the
5 Agenda also neglected to insert a part where we to approve the Minutes from prior
6 meetings, so I would ask that that be added as a, also an Agenda item.

7 MR. BROWN: Agreed to.

8 ACTING CHAIRMAN VAN DINE: Do I have a second?

9 MS. LINDER: Mr. Chairman, I would at this time ask for an Executive Session.

10 ACTING CHAIRMAN VAN DINE: Alright.

11 MS. LINDER: For the purpose of dispensing legal advice.

12 ACTING CHAIRMAN VAN DINE: Alright. Excuse us for a moment, folks.

13 *[Executive Session]*

14 ACTING CHAIRMAN VAN DINE: We had a motion to rearrange the Agenda to
15 add, the Case 12-26 MA to the end and we have had legal advice regarding the Minutes
16 and so therefore I would withdraw my request concerning the Minutes.

17 MR. BROWN: Agreed to.

18 ACTING CHAIRMAN VAN DINE: And do we have a second?

19 MS. MCDANIEL: Second.

20 ACTING CHAIRMAN VAN DINE: Okay, all those in favor of rearranging the
21 Agenda please signify by raising your hand.

22 *[Approved: Cairns, Westbrook, McDaniel, Van Dine, Brown; Absent: Tuttle, Palmer,*
23 *Gilchrist, Manning]*

1 ACTING CHAIRMAN VAN DINE: Okay. Alright, next we have are text
2 amendments. The first is concerning conservation easements.

3 **TEXT AMENDMENT #1:**

4 MS. HEGLER: Thank you. This is a Council initiated amendment to Chapter 26,
5 Table of Permitted Uses with Special Requirements and Special Exceptions, the second
6 on transportation, information, warehousing, waste management and utilities, to amend
7 Table 26, Version 2 in Article VI, Permitted Uses with Special Requirements so as to
8 prohibit underground utilities from crossing perpetual conservations easements. That
9 was forwarded by Mr. Malinowski through committee and you have in front of you the
10 Council request for that amendment. We'll answer any questions if we can.

11 MS. LINDER: The substantive language can be found on page 60.

12 MS. HEGLER: To the highlighted – do you have a colored version? Sorry.

13 MS. MCDANIEL: Well I, this just seems like an odd amendment to be because a
14 conservation easement is something that's voluntary, so it can have whatever terms in it
15 it wants to, you know, that would make, be consistent with all the regulations that go
16 around those. And it seems like if you wanted to exclude utility easements through that
17 you could do that in a private manner, it doesn't have to be a public law, statute, I'm
18 sorry, ordinance to prevent that. Am I wrong? I don't know, I may be wrong.

19 MS. HEGLER: I'll ask, Buddy will address that if he can.

20 MR. BUDDY ATKINS: Hi, I'm Buddy Atkins, I'm the Director of the County's new
21 Conservation Department and formerly a member of the Planning Department. Utilities
22 have the power of eminent domain.

23 MS. MCDANIEL: That's true.

1 MR. ATKINS: So if there is an existing conservation easement, let's say for
2 example if a municipality wanted to run an underground forced main sewer line through
3 a conservation easement, if they could not get an easement from that landowner who
4 holds the conservation easement or is granted the conservation easement, then they
5 could condemn that and run that sewer line. So what Mr. Malinowski was after we
6 believe is to try and protect existing conservation easements from underground utilities
7 being run through those easements. Now, the second sentence, I want to make sure
8 everybody understood that, when we, for example, the Richland County Conservation
9 Commission and the Richland Soil and Water Conservation District are entities that can
10 take and hold conservation easements as are other qualified entities like Congaree
11 Land Trust, Trust for Public Land, so forth and so on. What we do is when we work with
12 a landowner and they voluntarily bring us their easement and we accept that, lots of
13 times there will be a cut out in that easement where somebody will want to build a
14 single-family home, so in those circumstances we allow them to run a sewer line or a
15 water line to serve that one residence, and that's agreed to as a part of the conservation
16 easement. So that's what the second sentence allows, so we take that into account
17 before we finalize the conservation easement and Council then approves that easement
18 if it's, let's say if it's with the Conservation Commission. The first sentence has to do
19 with transmission facilities, so for example, a forced main, a water main, not a service
20 line to a house, so that's the difference.

21 ACTING CHAIRMAN VAN DINE: Will inserting this into the Code, I mean, I'm
22 not sure that has any impact upon whether somebody can exert eminent domain and

1 condemn it. I mean, I – and it seems to me that utilities have got a whole lot more power
2 than worrying about what's in the Code.

3 MR. ATKINS: I am not a lawyer.

4 ACTING CHAIRMAN VAN DINE: Has anybody looked into that, whether this, I
5 mean, cause this, cause we're trying to protect against the big company coming in and
6 getting an easement, I mean, I know what it says but is it gonna have any legal affect? I
7 mean, has anybody, Staff looked at that question?

8 MS. LINDER: I have not looked at that issue, but maybe the language that's
9 being proposed is better than nothing.

10 ACTING CHAIRMAN VAN DINE: I don't disagree with you there, I'm just –

11 MS. CAIRNS: Well I can, I mean, I can recall previous discussions we've had
12 with the problem with some of the easements and stuff getting just almost voluntary,
13 you know, they get set up and then the developer or whoever, you know, goes ahead
14 and kind of wipes them out with utilities anyway, so you end up not getting what you
15 want. And I, you know, sort as Council was saying is that, I mean, we have a bad
16 history in this country of taking out parks and natural areas for interstates, so I think
17 anything you can do to try to say that these are to be protected can make, you know,
18 can help.

19 MS. MCDANIEL: But this is just for underground utilities.

20 MS. CAIRNS: I know, but it's the – yeah.

21 MS. MCDANIEL: So the, so any impact –

22 MR. ATKINS: That's correct.

1 MS. MCDANIEL: - would be temporary, ostensibly. Once it's back, once you
2 complete the construction you would hope that it would go back to the original state.

3 ACTING CHAIRMAN VAN DINE: Why are we limiting this to underground
4 utilities? I mean, if you're trying to protect it from use –

5 MR. ATKINS: That was Mr. Malinowski's request to Staff. This was his motion.

6 ACTING CHAIRMAN VAN DINE: Okay. Is section 1 which is on page 53, that
7 would also be part of this amendment, is that a new definition or is that –

8 MS. LINDER: That is a new definition.

9 ACTING CHAIRMAN VAN DINE: So that's part of what we're talking about too,
10 some use of the operative language, it's both the language on 53 and 60, correct?

11 MS. LINDER: We had to define a term that we were using.

12 ACTING CHAIRMAN VAN DINE: Right, okay. Well, I don't have a problem with
13 taking a shot at it and trying to do this. I'm not quite sure whether it can hold up, but I
14 guess my next question would be, while I don't, you know, this only goes halfway, why
15 would we not want to, if we're gonna take a shot at it why don't we take a shot at it both
16 underground and above ground utilities for an easement? I mean, above ground is
17 much worse looking than underground.

18 MS. HEGLER: I think you can make that recommendation. You can, I mean, you
19 can amend, you can recommend with amendments.

20 ACTING CHAIRMAN VAN DINE: I think what I would like to do with the
21 Commission's approval is, is I'd like to take up this and then I have, if we take up this I
22 have a recommendation that we can give back to her, so I think we ought to take up this
23 particular portion of it now and then we can deal with it with my question later. Is there

1 any more questions for Staff from anybody concerning this? If not, I'm open to a motion.
2 Is there something else we need to add?

3 MS. HEGLER: I think you just said what I said to you.

4 ACTING CHAIRMAN VAN DINE: Okay.

5 MS. CAIRNS: You think.

6 MS. HEGLER: I think. I think if you forward with an approval and have
7 recommendations we just need to be very clear on what those recommendations are.

8 ACTING CHAIRMAN VAN DINE: Yes.

9 MS. HEGLER: For amendments.

10 ACTING CHAIRMAN VAN DINE: Okay.

11 MS. CAIRNS: Well, I make a motion that we send forward the ordinance
12 concerning conservation easements – we have no way of referencing this – between
13 pages 53 and 60 forward to Council with a recommendation of approval.

14 ACTING CHAIRMAN VAN DINE: Do I hear a second?

15 MR. WESTBROOK: I'll second.

16 ACTING CHAIRMAN VAN DINE: Alright, any discussion? All those in favor
17 please signify by raising your hand.

18 *[Approved: Cairns, Westbrook, McDaniel, Van Dine, Brown; Absent: Tuttle, Palmer,*
19 *Gilchrist, Manning]*

20 ACTING CHAIRMAN VAN DINE: Alright, my recommendation going forward
21 would be that we simply take an adopt the similar language that we have here, but we
22 apply it also to above ground utilities and if the logic is that we don't want to have
23 conservation easements disturbed by utilities, it makes no sense to me to limit it only to

1 underground when the bigger eye sore is the above ground utilities. So what I would
2 recommend or suggest is that we be presented with an ordinance which also adopts
3 this language as far as above ground utilities.

4 MS. HEGLER: Okay, instead of altering the current language in front of you?

5 ACTING CHAIRMAN VAN DINE: We have already voted on the language which
6 is here. The underground utility portion is going forward with a recommendation of
7 approval. I'm asking for a second because it would be more than just changing this
8 cause this is section 71 which deals with underground utilities, and seems to me we
9 need to have whatever language we're gonna have as part of the above ground utilities
10 section.

11 MR. BROWN: Do you need a motion, Mr. Chairman?

12 ACTING CHAIRMAN VAN DINE: That's just a request to come back to us with
13 that language.

14 MS. HEGLER: And so for clarity for Staff, we'll prepare language virtually similar
15 to this but including all utilities, including overhead.

16 MS. CAIRNS: Just make a separate one.

17 ACTING CHAIRMAN VAN DINE: Well, I think a separate one needs to be done.

18 MS. HEGLER: But everything else similar.

19 ACTING CHAIRMAN VAN DINE: Yes. Alright, the next is Text Amendment #2
20 which deals with Section 26-58.

21 **TEXT AMENDMENT #2:**

1 MS. HEGLER: Yes, this is just brought to your attention that it's a reference
2 correction that's been incorrect in the Code. The incorrect section was being
3 referenced, it's just a fix.

4 MS. CAIRNS: I make a motion that we send Text Amendment #2 forward to
5 Council with a recommendation of approval.

6 ACTING CHAIRMAN VAN DINE: Do I have a second?

7 MS. MCDANIEL: Second.

8 ACTING CHAIRMAN VAN DINE: All those in favor please signify by raising your
9 hand.

10 *[Approved: Cairns, Westbrook, McDaniel, Van Dine, Brown; Absent: Tuttle, Palmer,*
11 *Gilchrist, Manning]*

12 ACTING CHAIRMAN VAN DINE: Alright. As part of your Agenda, please note
13 that there were, what the Council actions were relative to public hearings on June 26th
14 and July 31st. That's for information purposes only.

15 MS. HEGLER: Other Business just prior to that?

16 ACTING CHAIRMAN VAN DINE: The, as far as going back to our earlier –

17 MS. CAIRNS: We've got the Land Disturbance Permit and the group homes
18 section.

19 ACTING CHAIRMAN VAN DINE: Okay. Where do we actually insert going back
20 and looking at that Map Amendment? Was it at the very end, is that what we were
21 doing?

22 MS. LINDER: I think that would be open to interpretation. I think the motion was
23 at the end of the Agenda.

1 ACTING CHAIRMAN VAN DINE: Okay. Alright. Other Business, Land
2 Disturbance Permit.

3 MS. HEGLER: These are items that the Commission asked us to investigate and
4 discuss. I believe Commissioner Tuttle wanted to talk about maybe establishing some
5 minimum thresholds for Land Disturbance Permits, maybe considering deferring that.

6 ACTING CHAIRMAN VAN DINE: Alright.

7 MS. HEGLER: All we were going to do today was offer some of our research and
8 background and, and have some dialogue over what it is that you might like to see.

9 MS. MCDANIEL: Well, since the member who requested that information isn't
10 here I would move that we defer that.

11 ACTING CHAIRMAN VAN DINE: Do I hear a second?

12 MS. CAIRNS: Second.

13 ACTING CHAIRMAN VAN DINE: All those in favor please raise your hand.

14 *[Approved: Cairns, Westbrook, McDaniel, Van Dine, Brown; Absent: Tuttle, Palmer,*
15 *Gilchrist, Manning]*

16 ACTING CHAIRMAN VAN DINE: Alright, group homes, 10 to 15, less than five
17 acres.

18 MS. HEGLER: This is a similar situation where we were asked to establish some
19 special exceptions. Staff wanted to have a conversation with you about what those sorts
20 of items might be or those special exceptions. I don't recall who requested that, was
21 that you, Mr. Van Dine?

22 ACTING CHAIRMAN VAN DINE: I think Mr. Manning was the one who did so. In
23 light of the fact that we only have five of our Members present, it seems to me that that

1 would be a discussion better held when we have a greater number present. So I would
2 entertain a motion to defer that as well.

3 MS. MCDANIEL: So moved.

4 ACTING CHAIRMAN VAN DINE: Do I hear a second?

5 MR. WESTBROOK: Second.

6 ACTING CHAIRMAN VAN DINE: We have a second. All those in favor please
7 signify by raising your hand.

8 *[Approved: Cairns, Westbrook, McDaniel, Van Dine, Brown; Absent: Tuttle, Palmer,*
9 *Gilchrist, Manning]*

10 ACTING CHAIRMAN VAN DINE: Which brings us back to our last item, which is
11 12-26 MA. There is one person who is signed up for it, no one has signed up against. I
12 know the Applicant is not here, but the Staff has recommended approval so I'm willing
13 to take it up at this time. It doesn't seem that we need to wait.

14 MS. MCDANIEL: I agree.

15 ACTING CHAIRMAN VAN DINE: Alright, go ahead.

16 **CASE NO. 12-26 MA:**

17 MR. LEGER: Thank you, Mr. Van Dine. The Applicant here is Mr. John
18 Blackmon, representing several apartment owners, 3P, LLC, it's a corporation, a dentist,
19 Dentist Christopher Robnett, and the Pine Springs, Inc., which I believe is an entity of
20 homeowners association of a subdivision to the north. The addresses of the property
21 are there, the property does have frontage on North Springs and North Brickyard. It's
22 almost two acres in size, currently zoned Heavy Industrial. The Applicant is requesting
23 GC. The Heavy Industrial District is the original zoning from 1977, however, it's really a

1 relic from probably 100 years ago as this area was utilized industrially because of the
2 railroad and the brick and surrounding plant nearby over the years, so that is why the
3 Heavy Industrial District is there. Some of the land use in the vicinity, to the north is RS-
4 LD, which is the Spring Valley subdivision. You have HI to the south and east and a
5 number of different uses there from offices, commercial, realty companies, dentists,
6 security companies and so forth. To the west we have Carolina Ceramics which again is
7 kind of a brickyard. Our Comprehensive Plan recommends suburban in this area where
8 commercial and office activities are located on major thoroughfares and traffic junctions
9 that should not encroach in residential uses. The Staff felt like this site was located at a
10 traffic junction, North Springs and Brickyard, and because of the way it's located would
11 not encroach in the residential subdivision to the north. The site is occupied currently by
12 non-residential use, Pre-Chem, which is kind of a, it's a kind of light industrial business,
13 however, I don't think it's operational. The dentist office is obviously not industrial and
14 there is Legend Security on the third property on the south. You have restaurants, other
15 types of offices, you have an electric substation in the brickyard in the vicinity,
16 Woodley's Garden Center, we have a rezoning request that took place not too very long
17 ago on a vacant piece of property to the east, that was rezoned from HI to GC, that was
18 approved by, recommended for approval by Staff, approved by the Commission and
19 Council, was rezoned to GC. Basically because of the characteristics in the area, the
20 commercial uses, the fact that there's really not much industrial use in the vicinity, the
21 Staff recommended that this request be approved. If you have any questions I'll be glad
22 to try and answer them.

1 ACTING CHAIRMAN VAN DINE: Any questions for Staff? Mr. Miller? Did you
2 wish to say something?

3 MR. MILLER: Oh, no.

4 ACTING CHAIRMAN VAN DINE: Mr. Miller was the only one signed up and he
5 signed up in favor of the request, so. Do we have any discussion?

6 MS. MCDANIEL: Certainly seems like GC would be more favorable to the
7 neighborhoods than the possibility of something going into the HI. That seems, GC
8 seems much more consistent with the surrounding properties.

9 ACTING CHAIRMAN VAN DINE: Do I have a motion?

10 MS. MCDANIEL: So I would move that we send Application 12-26 MA forward to
11 County Council with a recommendation of approval.

12 ACTING CHAIRMAN VAN DINE: Do I have a second?

13 MR. WESTBROOK: I'll second.

14 ACTING CHAIRMAN VAN DINE: All those in favor please signify by raising your
15 hand.

16 *[Approved: Cairns, Westbrook, McDaniel, Van Dine, Brown; Absent: Tuttle, Palmer,*
17 *Gilchrist, Manning]*

18 ACTING CHAIRMAN VAN DINE: Thank you all. I believe that brings us to
19 the end of our Agenda. As a result we are hereby adjourned from this month's
20 Planning Commission meeting. Thank you all.

21

22

[Meeting adjourned at 2:15 pm]