

RICHLAND COUNTY PLANNING COMMISSION

March 7, 2005

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4 *[Members Present: Furgess, Lucius, Jackson (1:11 p.m.), Van Dine, Wyatt, Manning,*
5 *McBride; Absent: Palmer, Green]*

6
7 Called to Order: 1:06 p.m.

8 CHAIRMAN VAN DINE: Alright, I'm going to call our March 7th meeting to order.
9 We have a quorum. For the Record, Mr. Green and Mr. Palmer have both contacted
10 me to indicate that they had prior business engagements that they had to attend and so
11 therefore they are not going to be here today. We have a public notice announcement,
12 is that something I'm supposed to be doing? May I have a copy of what I'm supposed
13 to read please? Thank you. "Pursuant to requirements, in accordance with the
14 Freedom of Information Act, a copy of the agenda was to radio and TV stations,
15 newspapers, persons requesting notification and posted on the bulletin board located in
16 the lobby of the County Administration Building." Therefore I believe the agenda that
17 we have before us is appropriately advertised. Next are our February 7th minutes, do I
18 hear any -

19 MR. FURGESS: I so move.

20 CHAIRMAN VAN DINE: Objections to them?

21 MR. FURGESS: I so move.

22 CHAIRMAN VAN DINE: Motion for approval.

23 MS. WYATT: Second.

24 CHAIRMAN VAN DINE: And a second. For the purpose of the Record, I was
25 not present on February 7th, so therefore I will not be able to vote on approval of these.
26 All those in favor please signify by raising their hand, all those opposed?

1 *[Approved: Furgess, Lucius, Wyatt, McBride; Abstained: Van Dine, Manning; Absent:*
2 *Palmer, Green, Jackson]*

3 CHAIRMAN VAN DINE: Next we have agenda amendments. I believe there are
4 a couple of things that I'm aware of up front. First is that 05-42 MA has been deferred.
5 Is that by a request of the applicant? By request of the applicant, so we will not be
6 taking up the intersection of Farrow Road and Wilson Boulevard, so if there's anybody
7 here for that particular rezoning, that is going to be scheduled at a later meeting. I'll let
8 you proceed on the other item that you know we have an issue on.

9 MS. ALMEIDA: Mr. Chairman, there is a map amendment, 05-45. It is a PUD
10 document, tax map 14900-04-01 and tax map number 14800-02-22, 23 and 02, for Mr.
11 Walter Taylor, and there is a letter before you, dated March 6, 2004 (sic), and a memo
12 that was submitted with your packet, 2005, and a memo dated March 4, 2005, that was
13 delivered with your PUD package. And the applicant is requesting to be put on agenda.

14 CHAIRMAN VAN DINE: If I understand the issue correctly, we apparently had a
15 miscommunication where the information was not clearly communicated with the
16 applicant?

17 MS. ALMEIDA: That is correct. Staff wanted to notify the applicant that we
18 would like to defer the application because of the deficiencies and instead the
19 communication went across as a negative recommendation, but that the applicant
20 would be on the agenda and that was not the case. Staff did not put him on the
21 agenda.

22 CHAIRMAN VAN DINE: And ultimately he was not placed on the agenda?

23 MS. ALMEIDA: That is correct.

1 CHAIRMAN VAN DINE: And I believe he has requested to be put on the agenda
2 despite the negative recommendation.

3 MS. ALMEDIA: That is correct.

4 CHAIRMAN VAN DINE: So he has not requested a deferral?

5 MS. ALMEDIA: That is correct.

6 MS. WYATT: Chair, I'll make a motion that we amend the agenda to include that
7 particular, I'm sorry I didn't write the zoning map case down, but will refer to it as the
8 Wilson, Taylor/Wilson Boulevard property.

9 MS. LUCIUS: I'll second the motion.

10 MR. FURGESS: That will come under Other Business?

11 MS. ALMEDIA: Will that be at the end of the Map Amendments?

12 CHAIRMAN VAN DINE: That's –

13 MR. FURGESS: Under Other Business, or what?

14 CHAIRMAN VAN DINE: No, I think we would add that to the end of the Zoning
15 Map Amendments because it is a zoning map amendment request; so therefore it will
16 be added. What is the, it is 05- what?

17 MS. ALMEDIA: It is 05-45 MA.

18 CHAIRMAN VAN DINE: Okay. Do we have any discussion? Do we have a
19 second to the motion?

20 MS. WYATT: Marsha seconded the motion.

21 CHAIRMAN VAN DINE: We do have it, okay. All those in favor of adding 05-45
22 MA, which is the I-77, US Highway 21, PUD request to the agenda at the end of our
23 Zoning Map Amendments, please indicate by raising your hand, all those opposed?

1 *[Approved: Furgess, Lucius, Van Dine, Wyatt, Manning, McBride; Not voting: Jackson;*
2 *Absent: Palmer, Green]*

3 CHAIRMAN VAN DINE: Alright, we will add it to the end of our agenda. One
4 moment please. Has a sign up sheet been placed outside for that particular matter?
5 Okay, I think we need to get a sign up sheet, so if there's anybody here that wants to
6 speak on the matter; they will have the opportunity to do so. I'm sorry, Mr. Manning.

7 MR. MANNING: Mr. Chairman, to clarify the posting or the advertising as it
8 relates to the first reading on this case.

9 CHAIRMAN VAN DINE: I was going to do this later, but we can do it at this
10 point. Based upon the fact that this particular item was not on the agenda for this
11 meeting, it has not been advertised for first reading before a County Council on what is -

12 MS. LINDER: March 22nd.

13 CHAIRMAN VAN DINE: March 22nd, therefore, regardless of what we do at this
14 meeting, first reading will not be held on this matter before County Council until April,
15 unless County Council wishes to do something other than that in their own volition. So
16 therefore, regardless of what we do here, it will not be before County Council until April,
17 as far as I understand the posting.

18 MS. LINDER: It will be the fourth Tuesday in April, which I believe is the 26th.

19 CHAIRMAN VAN DINE: Alright, any other amendments or items that someone
20 wishes to place on the agenda?

21 MS. WYATT: Mr. Chair, I'm going to ask that we add to the agenda, discussion
22 on moving the deadline dates back two weeks, to the 15th of the month, instead of the
23 last day of the month. We'll have discussion of that under Other Business.

1 CHAIRMAN VAN DINE: And as I understand it, your request is relating to filing
2 of an application package, so as opposed to being on the 31st.

3 MS. WYATT: Or the 30th.

4 CHAIRMAN VAN DINE: Or the 30th, it would have to be into the office by the 15th
5 of the month, so in essences it would be a 45-day time period.

6 MS. WYATT: That is correct.

7 CHAIRMAN VAN DINE: For the next agenda item.

8 MS. WYATT: That's correct.

9 CHAIRMAN VAN DINE: Is there any discussion of that request?

10 MS. WYATT: I make that in the form a motion, that that be added to the agenda.

11 MR. FURGESS: Second.

12 CHAIRMAN VAN DINE: We have a motion and a second, any further
13 discussion? All those in favor please signify by raising your hand.

14 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
15 *Palmer, Green]*

16 CHAIRMAN VAN DINE: Alright, that will be added as Other Business and I have
17 referred to it as 'filing dates' on my agenda. Alright, any other items to add to the
18 agenda? Alright, I would like to modify the order of our agenda, if we could. The Old
19 Business we have, is just to discuss the planning area boundaries and the private
20 driveway subdivision. It's listed before the subdivisions and the other. I would prefer
21 that that be actually placed at the end, so that people who are sitting hear wouldn't have
22 to sit and listen to us talk about something which they may or may not be interested in.

23 MR. CRISS: After the Zoning Map Amendments, Mr. Chair?

1 CHAIRMAN VAN DINE: That would be correct.

2 MS. WYATT: Why don't we put that after Other Business, before the Planning
3 Director's Report?

4 CHAIRMAN VAN DINE: Either place is fine with me.

5 MR. CRISS: That would be satisfactory.

6 CHAIRMAN VAN DINE: So, we're just going to realign the agenda to move the
7 Old Business until after Other Business on our agenda. Alright, first, we are now in to
8 our Subdivision Review, first we have is SD-05-97.

9 **CASE SD-05-97:**

10 MR. GOSLINE: Mr. Chairman, Members, this is a request of Glover Estate to do
11 a private driveway subdivision on, off Piney Woods Road. The Staff recommends
12 approval subject to the conditions on page 5 and, well basically 5.

13 CHAIRMAN VAN DINE: Does anybody have any comments or questions?

14 MR. MANNING: Mr. Chairman I was concerned about the comment in the Staff
15 Report that the Commission needs to decide how to reconcile [inaudible] the
16 requirements, so we've got a lot that is less than the required one acre.

17 MR. GOSLINE: That's on page 4.

18 MS. LUCIUS: I believe two lots or less than one acre.

19 MR. GOSLINE: Mr. Chairman, in essence the issue is that the private driveway
20 subdivision process was established for the rural areas. However, it doesn't say
21 anything in the regulations about different zoning, so I guess you can do it in RS-1
22 zoning, such as this, but then the problem is that that specific part of the subdivision
23 regs require a minimum one acre lot. In this particular case, there really isn't any way to

1 accomplish that because you have an existing home that's right on Piney Woods Road.
2 So this is, I guess this is, the only issue here is how to reconcile those two conflicting
3 requirements.

4 CHAIRMAN VAN DINE: If you're going under a private driveway subdivision,
5 there are certain size requirements that are necessary, in order to be able to provide the
6 type roads and the other things that show up, is that correct?

7 MR. GOSLINE: That's correct. In a private driveway subdivision, the roads are
8 not required to be paved.

9 CHAIRMAN VAN DINE: Right. If this were coming forward other than a private
10 driveway subdivision, would that road would have to be paved?

11 MR. GOSLINE: Yes.

12 CHAIRMAN VAN DINE: My, I will say my gut reaction to this is that they are
13 moving forward under a private driveway subdivision, they're using certain aspects of it
14 in order to get the advantages of non-paved roads. Therefore I think you either take it
15 all or you take none of it, and if you don't have it to do then you're going to have to
16 readjust and go under some other mechanism.

17 MR. GOSLINE: Right and this, I think that's a reasonable point. The flipside, the
18 argument is that this is the purpose of private driveways, is to establish for family
19 members the ability to have family in one road without having to go to the expense of
20 paving. So, I mean I don't, this is the first time, first of all we haven't had hardly any
21 private driveway subdivisions, then this time we get two. And then, this is the first time
22 this issue's come up, but it may come up more frequently.

1 CHAIRMAN VAN DINE: It just seems to me that, if you're trying to utilize, for the
2 purpose of establishing a private driveway and you want to do it in the form of a non-
3 paved surfaced, all aspects of it have to be met. I can't help it if this particular parcel
4 doesn't necessarily allow itself to be divided in that way.

5 MR. MANNING: Mr. Gosline, could you leave lot one under an RS-1 zoning,
6 provide an easement through it to the other three lots, about four lots in the back? Have
7 lot one and lot six in an RS-1?

8 CHAIRMAN VAN DINE: I think you'd have to do a rezoning then in order to -

9 MR. GOSLINE: You know, I think the more I think about, the more I think maybe
10 the thing to do is to put this off until we, County Council does whatever they're going to
11 do with the private driveway subdivision process. Because it's possible for one - I
12 mean, one of the amendments that could be made to the private driveway subdivision is
13 that they'd have to meet the lot size in the zoning district, just say for an example; which
14 would take care of this problem.

15 CHAIRMAN VAN DINE: The problem we have though is that we're operating
16 under, at this stage, under old rules.

17 MR. GOSLINE: Right.

18 CHAIRMAN VAN DINE: So, I'm not sure that this, that would be solved by the
19 new rules being amended in any way, shape or form, so I think we still have to deal with
20 this as it is here. Ms. Linder, you had -

21 MS. LINDER: Just as a point of information, Richland County ordinances
22 traditionally have a clause in all ordinances that any contradictory language by - when
23 we adopt an ordinance we say anything that contradicts with this ordinance is hereby

1 repealed, so the issue here, if there's two different code sections that contradict, is
2 which every ordinance went into effect latest would supersede the previous or former
3 and without doing the research I do not know which ordinance went into effect first. But,
4 there is a legal procedure that would address contradictory language.

5 MR. GOSLINE: Maybe the thing to do would be to defer it for a month until we
6 can resolve that issue. But, I'm pretty sure that the private driveway subdivision
7 ordinance came in after the zoning. I'm just about willing to bet on it, but as Almeida
8 said, we'd have to pin that down.

9 CHAIRMAN VAN DINE: Personally I would, at this stage, I would prefer to
10 actually defer and allow the research into the back and you might want to also talk with
11 the applicant and find out about specifics, because I'm inclined to say that if you're
12 under one, you're under it for all purposes.

13 MR. GOSLINE: Yeah. We've had that, that's one reason why this was suppose
14 to come in two or three months ago, and we've had those conversations with them and
15 it boiled down to the fact that the department wasn't sure what the Commission felt
16 about this issue, this problem. Amelia raises a correct point of, you know, which came
17 first, the private driveway or the zoning?

18 CHAIRMAN VAN DINE: Anybody else up here have any questions or
19 comments, want to make a motion of any kind?

20 MR. FURGESS: I make a motion that we defer this because there's some
21 questions that still need to be answered on the private driveway situation, that, even I
22 don't have a clear understanding of which way that might go, the Council and the new

1 ordinance that we might have. Also, my question is, you have six lots there, five lots,
2 and if this be divided.

3 MR. GOSLINE: Excuse me?

4 MR. FURGESS: I said if these lots are going to be divided and given out to
5 family members?

6 MR. GOSLINE: Yes.

7 MR. FURGESS: By what I read.

8 MR. GOSLINE: Correct.

9 MR. FURGESS: Once these are signed over to those certain family members,
10 someone could sell these lots, or their acreage and then someone could come in and
11 ask for another zoning request and you're going back through the same thing again.

12 MR. GOSLINE: Well, the private driveway subdivision has a requirement that
13 they maintain the ownership for a least two years, in the family member. After that –
14 and the reality is there's no way that we can monitor that at all anyway. And what, I
15 think Mr. Furgess, what you're getting at, is one of the fundamental questions about the
16 whole private driveway subdivision process itself.

17 MR. FURGESS: That's right.

18 MS. WYATT: I think what he's trying to address is the paving, correct Mr.
19 Furgess?

20 MR. FURGESS: Right.

21 MR. MANNING: Could you not, by deed restriction or covenant, disallow the
22 transfer to the people beyond family members?

23 MR. GOSLINE: Um-hum (affirmative).

1 MR. CRISS: But, of course, private covenants are privately enforceable. We
2 wouldn't have any jurisdiction.

3 MR. MANNING: Well if you record it with the deed and you, they're required to
4 bring a copy of the deed upon application.

5 MR. CRISS: We could see to it that they go on record.

6 MR. GOSLINE: Yeah we do and we do do that.

7 CHAIRMAN VAN DINE: I think you're going to have a problem legally down the
8 road, however, with any kind of restriction on the alienation or any ability of that
9 property. To say that it can only be transferred to family members, without some
10 defined limits on that timeframe, I will venture a guess that you will loose any kind of a
11 legal challenge on that particular aspect.

12 MR. GOSLINE: Yeah this, if memory serves me correctly, this came in about
13 1995 or so, so it's been 10 years and, you know, that we've been doing it this way, that
14 doesn't mean it's right, but – so we have, did we get a second on the deferral?

15 CHAIRMAN VAN DINE: We have a motion to defer it until next month to clear up
16 some of these issues, do I hear a second.

17 MR. MCBRIDE: I'll second.

18 CHAIRMAN VAN DINE: We have a second. Alright, any further discussion? All
19 those in favor of deferral for one month and then bring it up at our next meeting, please
20 raise your hand.

21 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
22 *Palmer, Green]*

1 CHAIRMAN VAN DINE: It will be back on our agenda at next month's meeting,
2 is that correct? The next we have is SD-05-177, Brookhaven Phase 4.

3 **CASE SD-05-177:**

4 MR. GOSLINE: Mr. Chairman, Members, this is the fourth phase of the
5 Brookhaven project that the Mungo Company is doing, off Longtown Road. Staff
6 recommends approval, subject to the conditions on page 15.

7 CHAIRMAN VAN DINE: Any discussion or comments?

8 MS. LUCIUS: This is on our favorite Hobart Road.

9 CHAIRMAN VAN DINE: Yes, it is.

10 MS. LUCIUS: This is one of the developments that had offered to pay –

11 MR. GOSLINE: Excuse me?

12 MS. LUCIUS: This is one of the developments that had offered to pay to have
13 Hobart Road realigned?

14 MR. GOSLINE: Yes, ma'am.

15 CHAIRMAN VAN DINE: I'm looking on page 18 of the – is that particular
16 notation in the wrong place? It appears to be on the wrong side of the road.

17 MR. GOSLINE: No.

18 CHAIRMAN VAN DINE: Or is that the railroad track?

19 MR. GOSLINE: That's the railroad track.

20 CHAIRMAN VAN DINE: In essence what we are doing at this stage is since we
21 don't have anything to realign the road and cross over the railroad track, we are in the
22 process of approving all of these particular subdivisions, with the ability to cross over at
23 that 295, 90 degree turn, at a, basically a sand cross-over, over the railroad track?

1 MR. GOSLINE: Well it won't be sand because between the Mungo Company
2 and Deer Creek, they'll pave Hobart Road.

3 CHAIRMAN VAN DINE: Up to the railroad track?

4 MR. GOSLINE: Up to the - well, first of all they'll pave it, the aligned road so it
5 lines up and it'll stop at the railroad track. But, then most of the new road, the existing
6 Hobart Road will get - name will get changed eventually and it'll be paved through the
7 Deer Creek and Brookhaven subdivisions.

8 CHAIRMAN VAN DINE: But up to the actual intersection, the crossover that's
9 there now, the people will be able to use the exit over that railroad?

10 MR. GOSLINE: Yep.

11 CHAIRMAN VAN DINE: If you were to block that off they'd all have to exit into
12 Longtown.

13 MR. GOSLINE: Yes, sir.

14 CHAIRMAN VAN DINE: And wasn't part of our discussion about the whole issue
15 out there was there was going to be an alternative access so it wasn't going to dump
16 everybody back into Longtown?

17 MR. GOSLINE: Yes, it was.

18 MS. LUCIUS: County Council denied the funds to get this fixed.

19 MR. GOSLINE: That's correct. To be more correct, County Council, the Public
20 Works Department worked out the deal, went to the County Council to get the money.
21 The County Council said go to the CTC. CTC, County Transportation Committee, said
22 no.

23 MS. LUCIUS: And they both washed their hands of the whole deal?

1 MR. GOSLINE: That's an accurate -

2 MS. LUCIUS: So we're sitting here with a mess.

3 MR. GOSLINE: Excuse me?

4 MS. LUCIUS: Nothing. I'm not talking very loud.

5 CHAIRMAN VAN DINE: I have some serious concerns with the number of things
6 that we are putting up in that area under a, what appears now to be a wing and a prayer
7 that something will ever take place at that railroad crossing. I just, I mean I think we're
8 exacerbating a problem and I don't think we're doing anything to look at it in a rational or
9 reasonable way.

10 MR. GOSLINE: Well, the two-lane Hobart Road would certainly help give a
11 secondary access point over to Farrow Road. The reality is, with the projected
12 development in the area, a four lane road would have been more reasonable; but two is
13 better than nothing. But we currently don't have that either.

14 CHAIRMAN VAN DINE: Any other questions or comments, or do I hear a
15 motion?

16 MS. WYATT: I would just like to say Mr. Chair that I agree with you about the
17 railroad crossing issue. I know that we think it's a simple thing, you know, pick up the
18 phone and call and say, you know, please let us access, but I know even with the
19 Village at Sand Hills, Mr. Kahn has continued to have a real problem gaining access
20 there and especially in light of what's happened recently, in one of our neighboring
21 counties, I see the restrictions becoming even tighter on allow anymore cuts across
22 some of these railroad tracks and, you know, some of these areas that I, I mean, I
23 spoke against this project, three, four, five, years ago because of the traffic concerns.

1 That was my only objection. It still, we've sat in a, what know, maybe, Marsha help me
2 out, nine months ago, we had a presentation and Longtown Road, even with
3 improvements, still operates at a failure and we're just totally ignoring the
4 recommendations of the experts and we just keep putting things out there with no
5 thought. And, I mean going, you know, I'm certainly going to vote to approve this
6 because I don't see that we have a whole lot of choice. But, this is truly a mistake that
7 the county needs to learn from and that's these type of issues, with the railroad
8 crossings and, yes, we'll get it six months, nine months, 10 years from now without
9 addressing the real problem that you may not.

10 CHAIRMAN VAN DINE: I think one of the problems we are having up here as a
11 Commission is everything is let's approve it now and we'll worry about what happens
12 down the road. I don't think that's the proper way for use to be doing things. I think we
13 ought to be having everything in line before we start approving things, because
14 otherwise we are not, we're doing nothing except throwing more out there with only a
15 hope that we will actually get something done.

16 MS. WYATT: Mr. Chair, I'm going to tell you that to a point I agree with you and
17 to another point, I have to say I think this Body, this Body has been well aware of the
18 problems. We have tried to address them, it's when it goes forward that there's the
19 breakdown totally in planning.

20 CHAIRMAN VAN DINE: Do I hear a motion?

21 MR. MCBRIDE: I make a motion that we accept it based on Staff
22 recommendation.

23 MS. WYATT: I'll second.

1 CHAIRMAN VAN DINE: Any discussion? All those in favor of the motion please
2 signify by raising your hand, all those opposed.

3 *[Approved: Furgess, Wyatt, Manning, McBride; Opposed: Lucius, Jackson, Van Dine;*
4 *Absent: Palmer, Green]*

5 MR. CRISS: Four/three.

6 CHAIRMAN VAN DINE: Next we have is SD-05-173.

7 **CASE 05-SD-173:**

8 MR. GOSLINE: Mr. Chairman, Members, this is a private driveway subdivision
9 out off of Friendly Wood Road, which is north of Campground Road. Staff recommends
10 approval subject to the conditions on page 25.

11 CHAIRMAN VAN DINE: Any questions for Staff or any comments?

12 MS. LUCIUS: This is another private drive subdivision?

13 MR. GOSLINE: Yes, ma'am.

14 MR. MANNING: Carl, the access point into Friendly Wood Road, would that
15 have to be approved by South Carolina DOT?

16 MR. GOSLINE: Yes, sir.

17 MR. MANNING: And would come in at a 90 into the -

18 MR. GOSLINE: They may end up having to do that.

19 MR. MANNING: Can you do that, the way it's laid out?

20 MR. GOSLINE: That's really their call, but probably not, that's a good point. So
21 we may, the plat may actually have to have a right angle entrance.

22 CHAIRMAN VAN DINE: It almost appears to me, as being set up for further
23 subdivision on either side of [inaudible].

1 MR. GOSLINE: Well, not really because what, the plat doesn't really show it too
2 well, but the Alminger Court that you see as the driveway, that's the edge of the power
3 line, 300' wide power line easement, so that all the lot, all the portion of the lots to the
4 right of that driveway are in the power line easement.

5 MR. FURGESS: It's four lots total Carl, four lots altogether?

6 MR. GOSLINE: [Nods yes]

7 MS. LUCIUS: Uh huh (affirmative). You said that Alminger Court parallels the
8 easement, is that what you said?

9 MR. GOSLINE: Yes, that will be their access road.

10 MS. LUCIUS: It's a dirt road?

11 MR. GOSLINE: It will be, yeah. Under the rules they have to show 50' of right-
12 of-way and they maintain a minimum 20' wide passable surface, which basically means
13 crush and run, or usually unless it's a -

14 MR. JACKSON: How much time do they have to apply it?

15 MR. GOSLINE: Excuse me?

16 MR. JACKSON: The passable surface, they have to maintain it obviously.

17 MR. GOSLINE: Yes.

18 MR. JACKSON: Or it's monitored by the county?

19 MR. GOSLINE: No, what happens in these private driveway subdivisions is they
20 enter into a hold harmless agreement with the county, relieving the county of any liability
21 or responsibility for paving. And then they also have a separate document, the deed
22 restrictions, which talk about, you know, you got hold the property and who's
23 responsible for maintaining it and that kind of stuff.

1 MR. JACKSON: To begin with they can put crush and run and 10 years down
2 the road there is none.

3 MR. GOSLINE: You're talking about the long term monitoring

4 MR. JACKSON: Yeah.

5 MR. GOSLINE: I would doubt that we would be doing that, but there just -

6 MR. MANNING: I would hope we wouldn't.

7 MR. GOSLINE: I think it would be that, it would be that, most likely it would be
8 the situation of driving by and seeing something that needs to be done and, you know,
9 getting a hold of the, the Public Works Department would get a hold of the people when
10 they notice it wasn't -

11 MR. JACKSON: My main concern is always safety.

12 MR. GOSLINE: Right.

13 MR. JACKSON: And after a while someone can, after two years someone can
14 sell the property or whatever and – with the promise of what happened in the past,
15 there's - always the problems that the county will pave it later.

16 MR. GOSLINE: Well it's recorded, it's recorded.

17 MR. JACKSON: I understand it's recorded, but -

18 MR. GOSLINE: On the plat.

19 MR. JACKSON: But the regular consumer there, they don't know that. They're
20 purchasing the property because, on based on what's told to them by the seller, the
21 county will pave it soon. And 10 years down the road it's not paved, they found out
22 that's not true.

23 MR. GOSLINE: Well all, yeah, I understand what you're saying.

1 MR. JACKSON: You have potholes, it's not safe.

2 MR. GOSLINE: But all we can do is get the instruments in place that we have
3 and that's the hold harmless agreement and the deed restrictions. We can't enforce the
4 deed restrictions.

5 MR. JACKSON: I understand and that protects the county. But I'm talking about
6 the safety of the people who are living on it.

7 CHAIRMAN VAN DINE: And I think this may be a good segway into our later
8 discussion, of whether or not we want to amend the new code to add the private
9 driveway subdivision provision. And I'm with Mr. Jackson, I don't think that that's
10 something we ought to be dealing with, especially in light of the paving issues that go
11 on.

12 MR. GOSLINE: Well, I think that's true and we can talk about it at that time. My
13 personal feeling is that the bigger issue is the county maintaining dirt roads that have
14 substandard right-of-way. It's a lot more, it's not a bigger problem that a couple dozen
15 private driveway subdivisions, but that's my opinion.

16 MR. JACKSON: Isn't the minimum right-of-way 50'?

17 MR. GOSLINE: For?

18 MR. JACKSON: You said substandard right-of-way. I'm saying isn't the
19 minimum right-of-way 50'?

20 MR. GOSLINE: There are lots of dirt road that the county maintains that do not
21 have 50' of right-of-way.

22 MR. MCBRIDE: But that is the requirement though, right?

23 MR. GOSLINE: Excuse me?

1 MR. MCBRIDE: That's the requirement, 50'?

2 CHAIRMAN VAN DINE: Any more questions now concerning this? Do I hear a
3 motion?

4 MR. MANNING: Mr. Chairman I think we, it's best we make a motion to defer
5 this one as well until clarified further the same questions as this [inaudible].

6 MS. WYATT: We cannot hear you.

7 MR. MANNING: I'm sorry. I'd make a motion that we defer this manner until we
8 get further information from Staff regarding the proposed amendments.

9 CHAIRMAN VAN DINE: I'm not quite so sure that we have the same issue here.
10 The other issue we had was the lot size in relation to the underlying zoning. This, these
11 lots have all in excess of one acre which would comply with the private driveway
12 subdivision lot sizes. So I'm not sure that we do have the same issue, but certainly if
13 others feel differently and I hear a second we can vote on the motion. Do I have a
14 second to Mr. Manning's motion? Hearing no second, it dies as - for a lack of a second.
15 Do I hear an alternative motion?

16 MR. MANNING: Given that the subdivision meets the requirement code, then I
17 make a motion to approve it.

18 MS. WYATT: I second that.

19 CHAIRMAN VAN DINE: We have a motion for approval and a second, any
20 discussion?

21 MR. GOSLINE: Mr. Chairman, I would assume that that would be with the
22 stipulation of having the right angle entrance?

23 MR. MANNING: Right, correct.

1 MR. GOSLINE: That's a simple matter of adjusting the plat accordingly.

2 CHAIRMAN VAN DINE: I guess my only question to that is, if in fact that is in, to
3 make it a 90 degree angle, that puts it into the easement of the power line and you
4 might not be able to do that.

5 MR. GOSLINE: That's correct.

6 CHAIRMAN VAN DINE: So, in any event, we have a motion and a second. I
7 assume it is subject to the conditions on page 25, that's correct?

8 MR. MANNING: That's correct.

9 CHAIRMAN VAN DINE: All those in favor, please signify by raising your hand.
10 All those opposed?

11 *[Approved: Wyatt, Manning, McBride; Opposed: Furgess, Lucius, Jackson, Van Dine;*

12 *Absent: Palmer, Green]*

13 CHAIRMAN VAN DINE: Four/three?

14 MR. CRISS: Three/ four.

15 CHAIRMAN VAN DINE: We need an alternative motion then to deny or does the
16 defeating of the motion -

17 MS. LINDER: If there is no further motion, the motion to approve died so it would
18 be a denial or you could officially make a motion to deny it.

19 CHAIRMAN VAN DINE: But the defeating of the motion to approve acts as a
20 denial?

21 MS. LINDER: Right now your action is to deny, by not approving it you have
22 denied it.

1 CHAIRMAN VAN DINE: Okay. Does anybody want to make an alternative
2 motion or do they want to leave it as is? The consensus is we leave it as is.

3 MR. GOSLINE: Mr. Chairman, for the Record, what would be the reasons that
4 we would use when we convey this to the applicant?

5 MR. JACKSON: My concern is safety with dirt road. As I've said again, for the
6 past three years now, I've asked Public Works Department to come up with some
7 alternative pavement which would help in these situations. I've haven't got a report
8 from them and how they're moving with it. But, just to have a dirt road there and
9 whenever you have a lot of rain, you have these potholes, school bus can't get down
10 there, emergency vehicles can't travel, it's a safety issue. And in this day in time to
11 build subdivisions with dirt roads, I think we should have some form of alternate
12 treatment to keep a hard surface and a safe travel way. That's my main concern,
13 safety.

14 MS. LUCIUS: For that reason and also for the question about the easement, I
15 just didn't -

16 MR. GOSLINE: And what is the question about the easement?

17 MS. LUCIUS: Well, you're talking about allowing the power line easement and
18 road.

19 MR. GOSLINE: Okay.

20 MS. LUCIUS: Both of those, I didn't think it was clear enough yet.

21 AUDIENCE MEMBER: [Inaudible]

1 CHAIRMAN VAN DINE: Ma'am, if you're going to say something you have to
2 come up here and say something because, I'm sorry, it's hard to hear from all the way
3 back there. If you would state your name so we can have it for the Record, thank you.

4 **TESTIMONY OF MS. MENGER:**

5 MS. MENGER: My name is [inaudible] Menger and I'm the owner of the
6 property. My brother lives here, I don't live here in the city but my brother does
7 [inaudible] is my sister and my brother. They're not living here today, they are going to
8 move when they retire. Like my brother live in Boston, when he retire he's going to
9 move here. When I retire I plan to move back and my niece will be living there, I guess
10 within the next year or so. The property next door is my brother; if we need and
11 easement there's no problem we can change that.

12 CHAIRMAN VAN DINE: Which property is it?

13 MS. MENGER: Al Menger

14 CHAIRMAN VAN DINE: Yeah, but which property is your brothers?

15 MS. MENGER: My brother's is the one that's on the plat. This one here is my
16 brother's.

17 CHAIRMAN VAN DINE: The one that says TMS 0990-06-05, is that it?

18 MS. MENGER: Yes.

19 CHAIRMAN VAN DINE: That's his?

20 MS. MENGER: Yes, that's his. So we can change that. And there are a lot of
21 dirt roads over [inaudible]. But the road look good because the ground is very hard, it's
22 a hard surface. It don't have anything next door to it. And we looking at about five or
23 six years before those four places will be fully utilized.

1 MR. JACKSON: Mr. Gosline, how long do you think the Public Works
2 Department will come up with some alternate surface treatment?

3 MR. GOSLINE: I have no idea.

4 MR. JACKSON: They have established a partnership with South Carolina State
5 University?

6 MR. GOSLINE: Yeah, we provided the Commission with that information either
7 last month or the month before, the status of that and we have the schedule for the April
8 meeting at noon, presentation by Public Works about all that.

9 MR. JACKSON: I mean, because why I'm saying that's very important, if the
10 county can come up with an alternate surface treatment which is very inexpensive then
11 that would -

12 MR. GOSLINE: The current wording says passable surface.

13 MR. JACKSON: I understand what the current wording says, but I'm just saying
14 my concern from the beginning was always safety, the strength and the wear and tear
15 of that surface. It's a regular dirt surface, it's passable yes, but, that is the main concern
16 why we [inaudible], try to get the private subdivision off the ordinance.

17 MR. GOSLINE: Okay, so the question is safety of dirt road and the right angle
18 easement within the, the reasons for denial are safety, concerns for safety of the road
19 and the right angle easement within the power line easement, is that correct?

20 MS. LUCIUS: Um-hum (affirmative).

21 MR. GOSLINE: Okay, thank you.

22 MS. MENGER: You're not going to let us change the easement?

1 CHAIRMAN VAN DINE: I need to ask a question. At this stage, a vote has been
2 taken and a denial has been set. Do they have a length of time in which they have to
3 wait prior to coming back for a subdivision?

4 MR. GOSLINE: No, but your decision is final. With the Planning Commission
5 decision, subdivision issues is final. And I defer to Amelia, they can appeal, I guess
6 they would have to go to the Circuit Court to appeal your decision, unless you want to
7 reconsider it, is that correct?

8 MS. MENGER: Please reconsider. My niece need a place to stay.

9 MS. LINDER: It's my understanding that you're asking the applicant to amend
10 the plat and then they, she could resubmit it as a new plat.

11 MS. GOSLINE: I didn't understand that at all.

12 MS. WYATT: That's not how I understood it. It's a denial.

13 MS. LINDER: You're denying what's before you.

14 MS. WYATT: That was one of the reasons, was because of the -

15 MS. LINDER: You've denied what's before you, but if she refigures the plat and
16 submits a new plat, you'd reconsider, I mean, you'd take it up again.

17 MR. JACKSON: But one of the reasons for denial was that surface and
18 easement, those two things [inaudible].

19 MS. WYATT: Two things not just one. Revising the plat is not the only thing.

20 MS. LINDER: I thought the applicant was going to address those two issues.

21 MR. MANNING: I think that was the Chairman's question though, could she
22 come back before this Body if she realigned the easement or changed the plat or was
23 she going to be denied -

1 CHAIRMAN VAN DINE: I guess there's a more fundamental question and that is
2 if she comes back is it considered a new application or is it just a reconsideration or a,
3 because the issue now is that we were starting to bump up against the applications for
4 the new code, which at the present time does not have any of this requirements on it.

5 MR. GOSLINE: The subdivision part of that doesn't going into effect until July
6 1st.

7 CHAIRMAN VAN DINE: So there is no lead time on that?

8 MR. GOSLINE: So, the answer to the question is the applicant could redesign,
9 reconfigure the plat and come back. It's sort of immaterial whether it's a new project or
10 not.

11 CHAIRMAN VAN DINE: The other is, practically speaking, we have only
12 defeated the motion to approve and at this stage I would guess the applicant could
13 request a deferral until the next meeting, so that they could fix those particular issues
14 and it would be back before us at that time as opposed to being a denial.

15 MR. GOSLINE: I think that would be true.

16 MS. WYATT: Well I know I for one would support letting the applicant defer until
17 next month.

18 MS. MENGER: Till when next month because I'm out of town?

19 CHAIRMAN VAN DINE: April, what's our April -

20 MR. GOSLINE: Fourth.

21 CHAIRMAN VAN DINE: Fourth.

22 MS. MENGER: April the 4th?

23 CHAIRMAN VAN DINE: April 4th.

1 MS. MENGER: What can I do, can I have somebody else here?

2 CHAIRMAN VAN DINE: Oh sure. You can just have somebody else come in
3 your stead. You just give them the Power of Attorney or authority to act on your behalf.

4 MS. MENGER: So you need me to change those two things before I come, what
5 do I need to do to be -

6 CHAIRMAN VAN DINE: From this Body, I think you need to talk with the Staff
7 about what needs to be done as opposed to, we can't give you advice from up here on
8 the bench. I believe that the Staff would be able to do so.

9 MR. GOSLINE: Call me tomorrow morning.

10 MS. WYATT: After our meeting today.

11 CHAIRMAN VAN DINE: I am, hold on for a minute. It's my understanding that
12 based upon the conversation we've had that you'd like to defer it until the April meeting
13 to address the issues that were presented, is that correct?

14 MS. MENGER: Yes.

15 CHAIRMAN VAN DINE: Do I hear a motion to accept the deferral?

16 MS. WYATT: I'll make, I'll accept, make that motion.

17 MR. FURGESS: Second.

18 CHAIRMAN VAN DINE: We have a motion to accept the deferral until the next
19 month's meeting so they can talk with Staff. All those in favor please signify by raising
20 your hand. Alright.

21 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
22 *Palmer, Green]*

23 MS. MENGER: Thank you.

1 CHAIRMAN VAN DINE: Next we have is SD-05-179, Slake subdivision.

2 **CASE NO. SD-05-179:**

3 MR. GOSLINE: Mr. Chairman, Members this is a proposed minor subdivision,
4 actually in the Spring Valley project itself on Southlake Road. Staff recommends
5 approval subject to the conditions on page 34 and 35.

6 CHAIRMAN VAN DINE: Any questions for Staff?

7 MS. WYATT: Mr. Chair, I'm going to make a motion for approval, subject to the
8 conditions on page 34 and 35.

9 MS. LUCIUS: Could I ask a question of Staff before I give a second, well I'll
10 second, but I want to ask Staff a question.

11 CHAIRMAN VAN DINE: We have a motion and a second for approval, go
12 ahead.

13 MS. LUCIUS: I just noticed, looking at the aerial picture, it looks like there's a
14 nice tree buffer along Two Notch right there. This drawing, is it going to preserve that
15 tree buffer?

16 MS. GOSLINE: This project backs up to the railroad track.

17 CHAIRMAN VAN DINE: That railroad track, that's between the railroad track and

18 -

19 MR. GOSLINE: It's the where, it's where the railroad track parallels.

20 MS. LUCIUS: Okay, so is it between the track and the houses, isn't it?

21 MR. GOSLINE: So this project is adjacent to the railroad track, not Two Notch.

22 MR. JACKSON: The entrances?

23 CHAIRMAN VAN DINE: They will all be internal.

1 [Inaudible discussions]

2 MS. LUCIUS: So it's buffered from the railroad track.

3 MR. FURGESS: Right.

4 MS. LUCIUS: Right? You see what I'm talking about?

5 MS. WYATT: If you want to call that railroad track a buffer.

6 MS. LUCIUS: No, [inaudible] the railroad track, by the railroad track.

7 MS. ALMEDIA: Ms. Lucius, they can cut down the tress if they choose to, if
8 they're pines. I'm not quite sure if you have any hardwoods out there but.

9 CHAIRMAN VAN DINE: Up to the railroad track?

10 MS. ALMEDIA: Up to the railroad tracks.

11 MS. LUCIUS: Okay, well you know me. It looks like a nice wooded lot there,
12 okay.

13 MS. WYATT: Overall that subdivision is pretty wooded out there.

14 MS. LUCIUS: Yes, it looks like it is, yes.

15 CHAIRMAN VAN DINE: Alright, we have a motion for approval and a second.
16 All those in favor please signify by raising your hand.

17 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
18 *Palmer, Green]*

19 MS. ALMEIDA: Mr. Chairman, I have been asked by the applicant on the Walter
20 Taylor PUD, if they could be moved up, they're requesting to be heard and deferred.

21 CHAIRMAN VAN DINE: On the what?

1 MS. ALMEIDA: On the 05-45 map amendment, if they can be moved up on the
2 agenda instead of being heard at the end of the agenda. They would like to be first.
3 They would like to defer.

4 CHAIRMAN VAN DINE: Okay.

5 MS. WYATT: I guess my question, Mr. Chair, is since we've already amended
6 the agenda by a vote, do we need to do that again?

7 CHAIRMAN VAN DINE: I think it's within our prerogative to realign things within
8 the thing. To the extent it is to request a deferral, I do not have a problem with it,
9 however, if we're going to get into the meat of the things and start having discussions,
10 then I do have a problem with it, rearranging the agenda. However, under the nod of
11 the head that I've gotten, it appears to be a deferral so therefore, please.

12 MS. LINDER: Mr. Chairman, you would first have to have a motion to amend the
13 agenda and then take up the case.

14 CHAIRMAN VAN DINE: We've already had a motion to amend, to add this to the
15 case.

16 MS. LINDER: Correct, but now you want to reorder the agenda.

17 CHAIRMAN VAN DINE: Just order, reorder it within the same business section.
18 We can do that – these are all new business map amendments.

19 MS. LINDER: My recommendation would be to take a vote.

20 CHAIRMAN VAN DINE: Would someone like to make a motion to bring 05-45
21 MA as to the first case?

22 MS. WYATT: Mr. Chair, I'll make that motion.

23 MR. MCBRIDE: Second.

1 CHAIRMAN VAN DINE: All those in favor of realigning to bring 05-45 MA into
2 the first of our New Business, please signify by raising your hand.

3 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
4 *Palmer, Green]*

5 CHAIRMAN VAN DINE: Alright, for purposes of the record, 05-45 MA, which is
6 the I-77, US 21 PUD, is presently before us, I understand the applicant has a statement
7 they wish to make.

8 **TESTIMONY OF MR. BILL THEAUS:**

9 MR. THEAUS: Thank you, Ladies and Gentlemen, I'm Bill Theaus with Walter
10 Taylor and Company. We were not aware until the beginning of this meeting that in
11 effect in our calendar of our attempt to rezone this property, we've already lost our 30
12 days, because of the lack of public notice for the public hearing with County Council.
13 So, in effect, in terms of time, which is of major interest to us, the damage has been
14 done. So we'll do our best to work with Staff to comply with the - and we will comply
15 with the ordinance and come back at the next meeting. One thing we have clarified with
16 Staff is that whatever new rules are coming into play, we're under the old rules since we
17 have applied in January. Thank you.

18 CHAIRMAN VAN DINE: That is my understanding as well.

19 MS. WYATT: Now my question, I understand from the conversations, time is of
20 the essence with the contract on this piece of property. So today is the 7th, they will not
21 be appearing at our April meeting?

22 CHAIRMAN VAN DINE: They will be.

1 MS. ALMEIDA: No, they will be on our April 4th meeting. They have received a
2 copy, that was faxed and e-mailed and a hard copy sent of the specific deficiencies.

3 MS. WYATT: I just wanted to make sure.

4 CHAIRMAN VAN DINE: It will be on our April agenda.

5 MS. LINDER: Mr. Chairman, you need to take a vote to defer please.

6 MS. WYATT: Mr. Chair, I make a motion that we defer this until April's meeting.

7 MR. JACKSON: Second.

8 CHAIRMAN VAN DINE: We have a second. All those in favor of deferral until
9 our April meeting please signify by raising your hand. Thank you, Ms. Linder, for
10 reminding me.

11 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
12 *Palmer, Green]*

13 CHAIRMAN VAN DINE: Alright next, 05-41 MA.

14 **CASE 05-41-MA:**

15 MR. GOSLINE: Mr. Chairman, Members this is a request by Leah Browder on
16 121 Arrowwood Drive, which is just off of Bush River Road, in the, near the shopping
17 center there, to rezone a lot from RS-1 to C-1. Staff recommends approval. You may
18 remember, this particular property's come up before, that before they were looking for, I
19 think, C-3 zoning. Staff believes that this, that the C-1 zoning is very appropriate here,
20 cause that's the purpose of the C-1 zoning, is to provide a buffer between the
21 commercial and residential. Staff recommends approval subject to the conditions; well
22 there aren't any, recommends approval.

1 CHAIRMAN VAN DINE: Is the applicant here? Would you like to come down
2 and say anything? I assume that Mr. Brewer, Mr. Newman, is that correct, thank you,
3 cause they are the only two who have signed up on the sheet.

4 **TESTIMONY OF MR. BARNEY BREWER:**

5 MR. BREWER: Barney Brewer and actually we're the owners of the property.
6 We went ahead and purchased the property, maybe kind of foolishly. The, what we're
7 trying to do is basically have office space for a financial planning office or at least have it
8 [inaudible] that. The building has not been lived in probably 10 years; I'm not sure, so it
9 needs a lot of renovation, repairs. We think, one it would certainly help the
10 neighborhood because, or the area, as far as the value of the surrounding, not just this
11 particular location, but the surrounding buildings just simply because the building's in
12 disrepair now. It's close to our current building, which has worked real well for us and
13 that's the reason we're asking for zoning, rezoning on it.

14 CHAIRMAN VAN DINE: Well this be an adaptive reuse of the existing building or
15 do you intend to move that building?

16 MR. BREWER: It depends on the severity of it, but we would like to be able to
17 have it to the point where we could use the existing building; that's the intent.

18 CHAIRMAN VAN DINE: Okay, Anna, Anna, if in fact they were to remove the
19 building, it looks to be a rather wooded lot, what kind of preservation of the trees and
20 stuff on that lot would be necessary?

21 MS. ALMEIDA: Well depending on the time of submission, if they submitted on
22 July 1st then they would be subject to the new code, which, of course, preserves pines

1 and hardwoods alike. If they submit prior to then they would be under the old code,
2 which would allow them to clear off every last piece of tree that's there.

3 MS. LUCIUS: No, that's not true, is it? They could clear off every tree that's
4 there?

5 MS. ALMEIDA: If they are pines, yes.

6 CHAIRMAN VAN DINE: If they are pines.

7 MS. LUCIUS: If they are pines, it looks to me like they're mostly hardwoods.

8 MS. ALMEIDA: Outside the building envelope, then they would have to work
9 around that.

10 MR. BREWER: May I speak? The pines are very mature pines and I think it's a
11 matter of time probably before they would present a problem, maybe, because we have
12 huge problems with huge pines, some of them have knots; so they're pretty but they're
13 not the healthiest pines in the world. We have no intentions of taking the pines down,
14 but the only hardwoods that I can remember that would be in front of the house are a
15 few pecan trees. There is, probably the prettiest magnolia tree you've ever seen in the
16 yard that would stay and just a lot of underbrush and growth on it that would have to be
17 cleared out. It would just beautify it.

18 CHAIRMAN VAN DINE: Alright.

19 MS. WYATT: Mr. Chair, I'm going to make a motion that we send this forward
20 with a recommendation of approval subject to conditions on page 40 - oops, there are
21 none, sorry, my apologies. Recommendation of approval.

22 CHAIRMAN VAN DINE: We have a recommendation for approval, do I hear a
23 second?

1 MR. MANNING: Second.

2 MR. FURGESS: Second.

3 CHAIRMAN VAN DINE: We have multiple seconds. Any further discussion?

4 MR. GOSLINE: Do we get to choose which one?

5 MS. LUCIUS: Could I say a few things? I'm diametrically opposed to this
6 motion. I understand what you're saying about the house being in disrepair. If the only
7 way to fix this was to zone it to C-1, half the houses in my neighborhood would be
8 zoned to C-1, because they're so many in disrepair. So I don't see that as a viable
9 reason to bring C-1 down into a neighborhood. I just think this is taking off another bite
10 of a residence, a residential area. I know you want to say something. What's on the
11 other side of this house? Is there another residence on the other side of this house that
12 may be coming in a year from now and wanting to be C-1 because the house next to
13 them is C-1?

14 MR. GOSLINE: No, adjacent to it on the north, or on the top of the, toward the
15 top of the aerial.

16 MS. LUCIUS: Well on down, on down now, see -

17 MR. GOSLINE: Just residents, everything else down the road is single-family
18 detached residents.

19 MS. LUCIUS: And that's why I'm saying, for me it's just going on down a
20 residential road, regardless of the shape the house is in, that's just my idea.

21 CHAIRMAN VAN DINE: I think - are you finished?

22 MS. LUCIUS: Well, yeah I guess I'm finished, because I know the way the vote's
23 going to go. I just don't see the justification for bringing more commercial, whether it's

1 C-1, C-2, or C-3 down a residential road. I mean that is a very old neighborhood in
2 there and I just see it getting chipped away, everything that's on the other side of the
3 road, that was before our time, we can't go back and undo that. I just - and okay, I
4 know the other thing I wanted, another point I wanted to make, Bush River Road, Bush
5 River Road, we don't have enough commercial on Bush River Road that we've got to
6 come down in this neighborhood and do this? Bush River Road, which has the ugliest
7 abandoned mall in Columbia? I just wanted to make those points.

8 MR. GOSLINE: Certainly one of the ugliest.

9 MS. LUCIUS: The ugliest.

10 MS. WYATT: I was going to say, I think there's one on Decker that I'd put at the
11 top of the list.

12 MS. LUCIUS: No I think Bush River's got it, it gets the blue ribbon for ugly.
13 That's just my thoughts, I just wanted to, you know, I understand your justification and it
14 does make sense, but I just hate to see Arrowwood Road getting chipped away, little by
15 little by little.

16 MR. GOSLINE: Mr. Chairman, Members, the few of these that we've had have
17 used the existing residential structures and converted them to office.

18 MS. LUCIUS: And if I thought that was going to be the case, but that hasn't been
19 made 100% sure that they're going to use that structure.

20 MR. GOSLINE: And that's, I think, the intent, of at least the C-1, but the flipside
21 is there is no prohibition in the current code to keep them from demolishing the building
22 and -

23 MS. LUCIUS: I understand.

1 MR. GOSLINE: - putting it up.

2 MS. WYATT: Marsha, when they look at the cost of building on that piece of
3 property, I'm sure they will do everything they can to save this one.

4 MS. LUCIUS: Well, it's just so close to Bush River Road and you know why I'm
5 saying that area of Bush River Road is just – and it's just, to me it's just, although I
6 understand what you are trying to do; to come down that residential road with more
7 commercial when you've got Bush River sitting there like a – I can't even think of the
8 analogy I'm trying to use, but that's just my objection.

9 CHAIRMAN VAN DINE: Staff has made, in my opinion, a very good decision,
10 based upon the fact if you look at the C-3 that is around it, there has to be a buffer of
11 some kind as it comes down. You always have the decision of where do you draw the
12 line when you're doing these things. If it were to stay in the residential, at some point in
13 time it is going to get to the point where it is unusable and can be overrun with all of the
14 other problems that exist. I think that by making this particular piece of property a C-1,
15 what you've done is establishing a gradient down to the residential neighborhood in the
16 back and this should be, in essence, a stopping point of the gradient down into the
17 neighborhood. If, I guess the problem with leaving it as residential, if it's C-3 next to it
18 you're going to be extremely hard pressed to have any residential use next to a C-3
19 property.

20 MS. LUCIUS: I understand.

21 CHAIRMAN VAN DINE: And I guess that's why, I'm not as concerned with the
22 one step down gradient. Had it been coming in as a C-3, I would be right there with you
23 saying that, but I just think this is a better approach to take in this area.

1 MS. LUCIUS: I do see that, I do see that. I guess the thing I want to express is
2 that if this is going to be a C-1, and it will be, that it be buffered or landscaped so that
3 the house beside it is not going to feel like they're the buffer now, between commercial
4 and residential, you see what I'm saying?

5 MS. ALMEIDA: Well that is the case. The one residence along side, they will
6 have to maintain the buffer and Staff does work very diligently with applicants in
7 requesting that they save as much as they can.

8 MS. LUCIUS: Well that's how we decide for the residential neighborhoods
9 because then it's almost like a domino effect. Well, they don't want to live next to
10 commercial either, so they want to rezone and it goes on and on. So I want to, you
11 know, I would like to see it stay as wooded, as buffered possible to protect that
12 neighborhood. It's like I say, it's an old established neighborhood and we need to start
13 taking care of these older established neighborhoods, they're under a lot of pressure.

14 CHAIRMAN VAN DINE: Mr. Gosline.

15 MR GOSLINE: I think that, in my mind, that the C-1 has two purposes, or, well
16 it's primary purpose is to, like we've all said, is to buffer the commercial from the
17 residential. But that's, there's also in my mind, an architectural component to that and
18 that is to the maximum extent possible you leave the residential structure and convert it
19 to a small office kind of building. The thing that's right across the street, the Fireman's
20 Association is a residential structure. We've done one behind the Ramada Inn.

21 MS. LUCIUS: I would feel this way about any neighborhood, not just this one
22 and I guess I needed to say to those things just because I think it's so important that we
23 do use this approach toward our neighborhoods and try to protect them from – okay.

1 CHAIRMAN VAN DINE: Any other comments? All those in favor of sending this
2 forward with a recommendation of approval, please signify by raising your hand. Those
3 opposed?

4 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
5 *Palmer, Green]*

6 CHAIRMAN VAN DINE: It will be on the March 22nd agenda of County Council
7 for first reading. It has received our blessing. The next we had was 05-42 MA; it was
8 deferred.

9 MR. GOSLINE: Correct.

10 CHAIRMAN VAN DINE: Next we have is 05-46 MA

11 **CASE 05-46-MA:**

12 MR. GOSLINE: Mr. Chairman, Members this a request of Pioneer Land
13 Company, Rhett Jacobs, to rezone what is an existing house to C-3. It's located just off
14 the corner of Two Notch and Spears Creek Church Road. Staff recommends approval.

15 CHAIRMAN VAN DINE: Mr. Gosline?

16 MR. GOSLINE: Yes, sir.

17 CHAIRMAN VAN DINE: Quickly, is the PUD next to, what is the PUD next to
18 this part of - do we know?

19 MR. GOSLINE: Oh that's the part of Green Hill Parrish.

20 MR. MANNING: That's a PUD, Mr. Jacobs' property called Green Hill Parrish.

21 MS. LUCIUS: Green Hill Parrish.

22 MS. WYATT: Are you familiar with that piece of property?

1 CHAIRMAN VAN DINE: I've never heard of it. Mr. Jacobs, did you want to say
2 something?

3 **TESTIMONY OF MR. RHETT JACOBS:**

4 MR. JACOBS: My name is Rhett Jacobs and thank you Mr. Chairman, Ladies
5 and Gentlemen. I'm just wanting to get this site, which is a D-1 now, zoned to C-3
6 because the two lots on Spears Creek and Two Notch is already C-3 and I got a
7 company wants to build on there and for them to build they need to come up to the
8 property line of this other one. I've had four or five bites, people wanting to use this
9 other one and it's got C-3 in the back, C-3 in the front, for the sides, C-3 in the – across.
10 It's got two D-1 lots in there and the rest of it's PUD. So, it's right across the street from
11 Ms. Wyatt's office and I was just trying to clean it up to where she'd have a nice view
12 when she looked out the front window.

13 MS. WYATT: Mr. Jacobs, you need to know that I'm not employed at that office
14 any longer.

15 CHAIRMAN VAN DINE: My understanding is we're only looking at one of the
16 probably two parcels, is that correct though?

17 MR. JACOBS: Right.

18 CHAIRMAN VAN DINE: Okay.

19 MR. JACOBS: The other fellow would like to get his rezoned too, that other D-1,
20 but, I mean, that's his problem, not mine.

21 CHAIRMAN VAN DINE: They should have done it as a joint package.

22 MR. GOSLINE: It's too bad you couldn't both come in at once and be done with
23 it, but.

1 CHAIRMAN VAN DINE: Any question for the applicant? Mr. Jacobs is the only
2 one who has signed up to speak on behalf of this one.

3 MS. LUCIUS: Mr. Chairman, I'd like to move for approval.

4 MR. MCBRIDE: I'll second it.

5 CHAIRMAN VAN DINE: Any discussion got any questions or comments?

6 MS. WYATT: The only comment I'm going to make, when Mr. Jacobs was here
7 a few months ago and we went down Spears Creek with the C-3, I said this was one of
8 the last protected nodes out in the Northeast that, you know, that we have not just run
9 away with. This particular piece of property, I do agree though, needs to be a C-3, but I
10 also feel that this kind of needs to be the stopping line.

11 MS. LUCIUS: Exactly.

12 MS. WYATT: You don't go but - help me out Mr. Manning - half a mile, before
13 you pick up the C-3, Green Hill Parrish. I know we're going to have another applicant in
14 here in the next couple of months wanting C-3 all along that road. You know, we need
15 to start being careful on stripping out these roads with the C-3 zoning. But this
16 particular, it's next door to a, what was a gas station, you know and stuff, I think the C-3
17 zoning for this piece of property is fine. But I wouldn't, I would not support going much
18 further down the road with it.

19 MS. LUCIUS: I would not and, you know, I looked back, going all the way back
20 to my minutes, all the way back to '98 and I can't see where, that must have been done
21 before I was on the Commission.

22 MS. WYATT: What's that?

23 MS. LUCIUS: All of this red.

1 MS. WYATT: It's been that way for, I moved to Columbia in '81.

2 MS. LUCIUS: I was going to say it was before '90.

3 MR. JACOBS: They zoned it years, they zoned it like that.

4 MS. LUCIUS: It was before '98.

5 MR. JACOBS: That was in the beginning, when it was zoned in the beginning
6 they put -

7 MS. LUCIUS: Right and that's way too far down Spears Creek.

8 MR. JACOBS: Well that's right in the heart of town, that's right on Main Street.

9 MS. LUCIUS: Yeah, but I'd support this – yeah.

10 MS. WYATT: You make that a motion, correct?

11 MS. LUCIUS: I made it a motion.

12 MS. WYATT: I'll second it.

13 CHAIRMAN VAN DINE: It 's already been seconded by Mr. McBride.

14 MS. WYATT: Oh, I'm sorry.

15 CHAIRMAN VAN DINE: Not only do I agree that this one ought to be, but I wish
16 there were a way that we could simply take the next one and do it as a C-3 because
17 that way we wouldn't have to be back in here next time dealing with it, I mean, you have
18 a natural boundary at the PUD borders for there and you wouldn't - be in that square
19 and everything would be taken care of.

20 MR. GOSLINE: Mr. Chairman, the Planning Commission has the authority to do
21 that.

22 MS. WYATT: Who owns that piece of property, Rhett?

23 MR. JACOBS: Ma'am?

1 MR. GOSLINE: To initiate – yes, to be correct.

2 MS. WYATT: Who owns the piece of property?

3 MR. JACOBS: Tim.

4 MS. WYATT: Oh, okay.

5 MR. JACOBS: It's up for sale but it's got a good price on it.

6 MS. WYATT: I won't tell everybody in this room, Mr. Jacobs, that you think more
7 than a \$1,000.00 an acre is a big price. [Laughter]

8 MR. JACOBS: It's a whole lot more than that.

9 CHAIRMAN VAN DINE: Alright all those in favor of sending this forward with a
10 recommendation of approval, please signify by raising your hand.

11 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
12 *Palmer, Green]*

13 CHAIRMAN VAN DINE: You might want to talk with our neighbor and tell him to
14 come down and get this done so we can get rid of it.

15 MR. JACOBS: Okay. Thank you, sir, I appreciate it. Thank you all.

16 CHAIRMAN VAN DINE: It will be on the County Council's agenda on March
17 22nd. Next we have is 05-47 MA.

18 **CASE 05-47-MA:**

19 MR. GOSLINE: Mr. Chairman, Members this is a request to change zoning from
20 RU to C-3 on Wilson Boulevard, just a half a mile or so north of the I-77 interchange.
21 Staff recommends approval.

22 CHAIRMAN VAN DINE: Mr. Morrison, please.

23 **TESTIMONY OF MR. MIKE MORRISON:**

1 MR. MORRISON: Mike Morrison, 9916 Wilson Boulevard.

2 CHAIRMAN VAN DINE: Do you have anything you want to say about the
3 property?

4 MR. MORRISON: Actually I'm going to leave the house, actually operate out of
5 the house. I do have a business in Columbia and we're also operating it now in
6 Blythewood. The facility that we have there now is too small and I am going to leave
7 the house as a residence and operate a retail framing art gallery out of the building, out
8 of the house.

9 CHAIRMAN VAN DINE: Thank you. Any questions for Staff?

10 MR. GOSLINE: Mr. Chairman, I might say that, you know, here again is a case
11 where we need to draw a line someplace on the rezoning. And, the principal reason the
12 Staff supported it is you already have M-1 zoning adjacent to it and C-3 across the
13 street. But we probably wouldn't support any more than maybe the next piece, but that,
14 that northward, that would be as far as we would want to support it, the commercial
15 zoning.

16 MS. LUCIUS: Could I ask a question of Staff?

17 CHAIRMAN VAN DINE: Excuse me for a minute, folks. Go ahead, I'm sorry; I
18 apologize.

19 MS. LUCIUS: Yeah, all the commercial on the other side of the road, what, I
20 couldn't find that anywhere either, on going all the way back to '98. What is, what was
21 that rezoned for because when I look there's nothing?

22 MR. GOSLINE: It's, the bigger piece is vacant.

23 MS. LUCIUS: And the -

1 MR. GOSLINE: In fact, most of it's vacant. The only thing is, that there's a, it's a
2 gas station right on the corner, Jenkins, it's a BP gas station I believe.

3 MS. LUCIUS: I see the gas station, but the first block of red right there where it
4 says Jenkins Brother's Road, I looked up that on the GIS System, that's still a
5 residential use there, even though it's red.

6 MR. GOSLINE: No, it's a gas station.

7 MS. LUCIUS: I was puzzled - it says residential on the GIS System.

8 MS. WYATT: You have to remember, that system's not been fully operated, or
9 updated yet, I think, is Brenda still working on that?

10 MR. GOSLINE: Excuse me?

11 MS. WYATT: I know from real estates, I've looked at few things and I know
12 we're not, you know, we're not correct.

13 MR. CRISS: You can't trust the parcel data layer on the current version of
14 richlandmaps.com.

15 MS. LUCIUS: Okay, but it didn't look like anything was in this huge commercial
16 area. I was kind of puzzled as to why that is commercial. I mean, that's being used to
17 justify this, but when I look at this I see, I see the commercial stopping right there where
18 it is now at Hail Valley Road and I don't understand why you would recommend
19 commercial in there. It's not even a node.

20 MR. GOSLINE: Well, I wouldn't necessarily disagree with you, that maybe all
21 that shouldn't be commercial and if the Commission's willing to entertain some down
22 zoning then we would, we could evaluate that. But the current situation is it's, I mean,
23 it's adjacent to a C-3 and M-1 so.

1 MS. LUCIUS: The case that was deferred that we had earlier, is just a little bit
2 further up this road.

3 MR. GOSLINE: Right.

4 MS. LUCIUS: And you recommended against commercial there.

5 MR. GOSLINE: Right.

6 MS. LUCIUS: So putting those together and looking at it on the broad picture, I
7 couldn't see why you would not recommend it there but yet you'd recommend it here,
8 when that whole swath through there looks like it should remain.

9 MR. GOSLINE: Well, but it's not adjacent see. The other one is another $\frac{1}{4}$ of, $\frac{1}{2}$
10 mile up the road.

11 MS. LUCIUS: Right.

12 MR. GOSLINE: And it was an issue in the other one as - wanted to draw a line
13 some place and I think in the Staff Report we said draw the line where the existing C-3
14 is on the east side of the road and maybe no more than this particular one.

15 MS. LUCIUS: I see the line drawn already on Hail Valley Road.

16 MR. JACKSON: What's the right-of-way, do you have an idea of the right-of-
17 way?

18 MR. GOSLINE: For Wilson Boulevard?

19 MR. JACKSON: Yes.

20 MR. GOSLINE: I think this is, it narrows down to two lanes, right about here, but
21 it's still, until you get, once you get past Jenkins Brother Road it goes from four to two.

22 MR. JACKSON: The [inaudible] in the right-of-way if it was still 66 or -

1 MR. GOSLINE: I don't know what the right-of-way width is, but I would guess it
2 would be at least that because it's a wide two-lane, wider two-lane road.

3 MS. WYATT: Carl, could he operate the art gallery in a C-1?

4 MR. GOSLINE: I think.

5 MS. WYATT: I mean, for some reason something's coming out that that could
6 fall under a C-1 zoning?

7 MR. GOSLINE: Did, I wasn't in the pre-app meeting, did, was that issue
8 discussed, whether it could be a C-1 or a C-2 zoning?

9 MR. MORRISON: I never applied for C-1. As I understood the C-3 was just
10 approved beside this and across the street is C-3 and all behind it being, is the property
11 behind this commercial as well? Is that M-1?

12 MR. GOSLINE: Right. I don't know the answer right off the top of my head. Do
13 you, do you have a copy of the code with you?

14 MR. MANNING: Is that a strip of M-1 to a plant site, is that an access zoning?

15 MS. LUCIUS: It looks like a road access.

16 MR. GOSLINE: Well, I think this might be part - see the big gray area at the top
17 left of - that's part of the Lucent site and so this may be part of that, I don't really know.
18 But this is another, this is another area in which some proactive zoning would be
19 appropriate because if you look at Jenkins Brothers Road here, that, there's two or
20 three rural pieces there and we just did one not too long ago for Brandy, about a year
21 ago for the gas station, convenience store and so there's a couple of other pieces in
22 there that would be an appropriate place to do some proactive rezoning.

1 MS. LUCIUS: What is that down below there, between Entzminger and that long
2 dirt road, I can't tell?

3 MR. GOSLINE: Hail Valley Road?

4 MS. LUCIUS: Are those large lot residences or is that -

5 MR. GOSLINE: Those are residences.

6 MS. LUCIUS: So really it's mostly large lot residences on that side of the road.

7 MR. GOSLINE: Uh-huh (affirmative).

8 MS. LUCIUS: I just, C-3 just looks a little intrusive to me.

9 CHAIRMAN VAN DINE: Mr. Criss?

10 MR. CRISS: Mr. Chair, the current zoning ordinance under the C-1 office and
11 institutional zoning district does allow photography studios, art studios, art galleries, art
12 sales, interior design studios, craft studios, craft sales, antique shops. I think a framing
13 shop fits in there fine.

14 CHAIRMAN VAN DINE: Do I hear a motion?

15 MS. WYATT: I, you know, I just, I think it's becoming more apparent and more
16 important throughout the county that we start easing from C-3's into the C-1 zonings,
17 you know, especially with some of the residential areas. I mean, I realize that there's C-
18 3 across the street, but we have C-1 that has C-3 next to and across the street on some
19 things that we've looked at earlier and I just couldn't support this as a C-3. You know, I
20 could as a C-1 since the use is there as a C-1, but not as a C-3.

21 CHAIRMAN VAN DINE: Is that in a form of a motion?

22 MS. WATT: I'll make that a form of a motion Mr. Chair.

23 MS. LUCIUS: I second.

1 CHAIRMAN VAN DINE: We have a motion for denial of the request as it
2 presently sits as a C-3, and a second. Any further discussion? All those in favor of
3 sending this forward with a recommendation of denial with the present request for a C-
4 3, please signify by raising your hand. All those opposed?

5 *[Approved to Deny: Furgess, Lucius, Jackson, Van Dine, Wyatt, McBride; Opposed:*
6 *Manning; Absent: Palmer, Green]*

7 CHAIRMAN VAN DINE: This will go forward to County Council with a
8 recommendation of denial under the present C-3. You do have the options available to
9 you to get with Staff to withdraw the present request, modification to a lesser category,
10 or other things as they may wish to discuss with you. But as it stands right now, it would
11 go forward to County Council on March 22nd as a recommendation of denial of your
12 request.

13 MR. MORRISON: When would I be able to ask for another -

14 CHAIRMAN VAN DINE: You would have to get with Staff and, I don't know if this
15 would be considered just a, whether it could show up on the next meeting or whether or
16 not it would be, it would have to be two months from now. But I think you're going to
17 have to get with Staff to do that because I can't tell you from sitting up here at this point.

18 MR. MORRISON: Okay, thank you.

19 CHAIRMAN VAN DINE: Ladies and Gentlemen, we've been asked to take a
20 short five minute break, so.

21 MS. WYATT: Mr. Chair, do we just have one case left?

22 MS. LUCIUS: Two.

23 MS. WYATT: Okay, okay.

1 [RECESS]

2 CHAIRMAN VAN DINE: We're back in session. Next on our agenda is 05-49
3 MA. Mr. Dinkins.

4 **CASE 05-49-MA:**

5 MR. GOSLINE: Mr. Chairman, Members, this is a request by Gene Dinkins to
6 construct the Walgreens at Dutch Fork Road and Dreher Shoals Road. Staff
7 recommends approval subject to the, well, recommends approval period.

8 CHAIRMAN VAN DINE: I assume we have proper authorization on behalf of
9 Walgreens to -

10 MR. GOSLINE: Yes, yes.

11 CHAIRMAN VAN DINE: Alright, Mr. Dinkins please.

12 **TESTIMONY OF MR. GENE DINKINS:**

13 MR. DINKINS: As Staff has presented, this request is to rezone property that is
14 currently RU to C-3 for the construction of a Walgreens drug store. The property across
15 the street is C-3. This is at a significant intersection in the Ballentine area and we
16 believe that it's compatible with the long range plans of the community. I'll be glad to
17 answer any questions.

18 MS. WYATT: Mr. Chair I'm going to make a motion we send this forward with a
19 recommendation of approval.

20 MR. JACKSON: Second.

21 CHAIRMAN VAN DINE: We have a motion for approval and a second. I have
22 one quick question. On the, page 95 which is our zoning map, what is the C-3 to the
23 right? It certainly does not appear to be anything on the -

1 MR. GOSLINE: It's currently undeveloped.

2 CHAIRMAN VAN DINE: Any idea how long ago that was zoned as a C-3?

3 MR. GOSLINE: No, sir, long time.

4 MS. LUCIUS: We'll go back and fix that one too.

5 CHAIRMAN VAN DINE: Do you have any idea when that was – [laughter]

6 MS. LUCIUS: No, I don't. It was before my time, which means before Noah and
7 the flood [laughter].

8 CHAIRMAN VAN DINE: We have a motion to send this forward with a
9 recommendation of approval. Do I hear any questions, comments? Hearing none, all
10 those in favor, please signify by raising your hand.

11 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
12 *Palmer, Green]*

13 MR. DINKINS: Thank you.

14 CHAIRMAN VAN DINE: Thank you. At the break, Mr. Clark came forward and
15 requested that both 05-50 and 05-51 be withdrawn. He intends to bring it forward as a
16 combined PUD, as a later application and I believe in order to effectuate his request, we
17 need a motion by this Body to withdraw.

18 MS. WYATT: Mr. Chair, I make a motion to allow for withdrawal on those two.

19 CHAIRMAN VAN DINE: It will be 05-50 MA and 05-51 MA

20 MS. WYATT: That's correct.

21 MR. MCBRIDE: Second.

22 CHAIRMAN VAN DINE: Any discussion? All those in favor please signify by
23 raising your hand.

1 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
2 *Palmer, Green]*

3 CHAIRMAN VAN DINE: Those two then have been withdrawn and I believe they
4 will be back later. That ends our Zoning Map Amendment requests. We are now on to
5 the Road Name Approvals, page 125 and 126.

6 MS. LUCIUS: Mr. Chair, I move to approve.

7 CHAIRMAN VAN DINE: Do I hear a second?

8 MR. FURGESS: Second.

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

10 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
11 *Palmer, Green]*

12 CHAIRMAN VAN DINE: Next on our agenda is Other Business. I believe the
13 first we have for Other Business is the discussion of the definition of, and requirements
14 for a Planned Unit Development zoning designation. Did we receive any specific
15 material on that?

16 MS. ALMEIDA: At the previous meeting it was delivered, it was given to you at
17 the last meeting, the definition of open space and the existing PUD requirement, and
18 the proposed, or the new definition of a PDD.

19 CHAIRMAN VAN DINE: Is there something specifically we were to be discussing
20 about that?

21 MS. WYATT: Mr. Chair, I had actually ask that we put this on for a little bit of
22 discussion and maybe even some clarification. It certainly, and I'm glad to see Mr.
23 McEachern has walked in the door because he's part of the reason that I did this. It is

1 come to my attention that apparently there is some misunderstanding and breakdown
2 maybe between the Planning Commission and County Council as to what a PUD is,
3 And I know, even amongst the Council, excuse me, even amongst the Planning
4 Commission, that Ms. Lucius has a different definition than I do. And I certainly thought
5 that maybe it was time that we took a look and clearly defined what a PUD is. I know
6 that some people feel that it must have an element of commercial. I do not. And I just
7 wanted us to kind of, as a Body, clarify this. Maybe after we have done so, that we
8 transmit a letter to County Council clearly defining what we are approving that we feel
9 are PUD's, that are reaching them and they're disagreeing with our actions and, you
10 know, and that kind of thing. So, I'm actually the person that requested this so that we
11 could clearly - just a little better defined.

12 CHAIRMAN VAN DINE: At this stage, it would seem as though what we ought to
13 be discussing is the new code requirements as opposed to any of the old, because as
14 of the end of this month, or actually as of now, I would think, anything that is submitted,
15 at this stage would be under the new code requirement, is that correct?

16 MS. ALMEIDA: Correct.

17 CHAIRMAN VAN DINE: So from that, that baseline I guess, the question
18 becomes, what specifically do we believe is necessary to really make a PUD a PUD?

19 MS. LUCIUS: Is it in the new code, is there a page -

20 MS. ALMEIDA: There is.

21 MS. LUCIUS: What page is that?

22 MS. ALMEIDA: It would be found on page 126 of the new code and it is
23 identified as PDD.

1 MS. LUCIUS: PDD?

2 MS. ALMEIDA: Yeah.

3 CHAIRMAN VAN DINE: We no longer have the PUD designation.

4 MS. LUCIUS: We no longer have the PUD.

5 MS. ALMEIDA: Right, they're Planned Development Districts.

6 MS. WYATT: Planned Development District.

7 MS. ALEMIDA: And they specify all the different components of what needs to
8 be in a submission, a design for a PDD.

9 MS. WYATT: What brought this action about, Mr. Chair and Mr. Manning I know
10 were not here last month but, we had taken a look, I think it was October of last year, at
11 a piece of property out in the Blythewood area, in the rural area, that - and please help
12 me Staff I meant to bring and I forgot to, last months, that was 25 acres that we were
13 putting 42 homes on; or was it 42 acres and 25 homes, that we zoned as a straight
14 rezoning. When it got to County Council, the recommendation was that the applicant
15 withdraw and come back as a PUD. Well, clearly it was not a PUD. It was a straight
16 rezoning issue and, I mean to, I guess the feeling is out there, I know amongst some
17 people that I've talked to, the feeling is we'd like everything a PUD because we feel like
18 we can control it, which in fact we really can't control it anymore than we can anything
19 else. So that's why I'm thinking that there's, you know, there's clearly a breakdown as
20 to what a PUD is. Once it leaves us and goes to County Council, it's happened a
21 couple of times that recommendations have been full rezonings and come back as
22 PUD's when they don't fit the definition, or a least what we are approving up here, as
23 PUD's.

1 CHAIRMAN VAN DINE: I think that one of the things that PUD actually, PUD's,
2 PDD's actually do provide us more, in the way of understanding of what is going into
3 those areas as well as roll over certain aspects. But a straight rezoning leaves it
4 entirely up to whatever the individual classifications that we rezone to allow. The PUD's
5 and PPD designations actually provide us with restrictions that people are putting on the
6 developments that they put forth. The issue of whether or not a residential can be a
7 PUD in and of itself, or whether it must have a commercial component, I think is
8 probably an area that is the least clear amongst everybody who is either sitting up here
9 or probably out there right now in the community looking at it, and I think we probably
10 need to address and look at that area as one of the major areas to think about, whether
11 or not anything coming forward has got to have a commercial as well as residential
12 component. Under the old code, we had it, we've had PUD residential and PUD
13 commercial, so they in fact, there were areas that could be either or. But under the new
14 code, I don't know that we actually have those two designations.

15 MR. CRISS: That's correct, under the new code taking effect July 1st, we just
16 have the PDD, Planned Development District. It's intended for mix-use, but it allows
17 residential, commercial, institutional and/or industrial development.

18 MR. FURGESS: It's light-industrial?

19 MR. CRISS: So it's as flexible as the current code in terms of how many land
20 uses [inaudible] -

21 MR. FURGESS: For light industrial?

22 MS. LUCIUS: I don't know.

1 MR. MANNING: Are there limitations on acreage or requirements on how you
2 divide up the mix-use, PUD 1-R, we previously had -

3 CHAIRMAN VAN DINE: Isn't it that a total of 15 acres has to be in -

4 MR. CRISS: Two acres in the new code.

5 CHAIRMAN VAN DINE: Two acres.

6 MS. LUCIUS: See, this clearly says mixed-use.

7 MR. CRISS: Yes, it does.

8 CHAIRMAN VAN DINE: But there's an and/or provision.

9 MS. LUCIUS: No, not for that it doesn't.

10 MR. FURGESS: But also in that, when we did that, are we talking about, when
11 we say mixed, light industrial or heavy industrial? Is that supposed to be separate when
12 you say mixed? Cause on one side of the street could be heavy industrial and see we
13 don't have it broken out, we don't have it clarified and it's some stuff that comes to us
14 like that.

15 MR. CRISS: What the Commission is looking for is more retail, neighborhood
16 service, convenience, commercial, maybe some more institutional uses, more walk-
17 ability, more truly mixed-use design and you can recommend for or against on the
18 merits of each particular project and if you're not satisfied that they have enough of a
19 mix of uses, say so and recommend denial.

20 MS. LUCIUS: Allow flexibility in new mixed-use development.

21 MR. CRISS: Is intended.

22 MS. LUCIUS: Is intended.

23 MR. CRISS: And I would read that to mean that -

1 MS. LUCIUS: Innovation in site planning.

2 MR. CRISS: You can do residential in open space, just like you can now.

3 MS. LUCIUS: Well it says it's to preserve more open space. But so often we've
4 gotten clearly RS-2 projects in here but they were called PUD's.

5 MR. FURGESS: That's true.

6 MS. LUCIUS: Which they weren't, because I think the development community
7 has learned that we are more likely to approve a PUD than we are a straight zoning.

8 MR. CRISS: Council seems to like Planned Unit Developments under the
9 current Code because they do enable them to put a cap on the total number of dwelling
10 units.

11 MR. MANNING: So you're saying that we could have a RS-1 [inaudible] with no
12 mix-use?

13 MR. CRISS: Well presumably you would have some open space.

14 MR. MANNING: And you can have open space in an RS-1 if you want.

15 MR. CRISS: If you had all private property with a few public road rights-of-way
16 and storm drainage ditches -

17 MS. LUCIUS: Well I'm just remembering one in particular that the green space
18 was the border that couldn't be built in any way. It was pure RS-3, houses lined up,
19 nothing innovative about it.

20 MR. CRISS: Declared to be conventional zoning in PUD clothing.

21 MS. LUCIUS: Nothing innovative about it.

22 MS. WYATT: That particular piece of property -

23 MS. LUCIUS: And you know the one I'm talking about.

1 MS. WYATT: The one that we looked at last month clearly was not, even though
2 we approved it and it's going forward now to Council as a PUD, it's not a PUD.

3 MR. CRISS: Just as the current Planned Unit Development gives the developer
4 flexibility in his proposals, or her proposals, it also gives you the flexibility to recommend
5 against mediocre design.

6 MS. LUCIUS: It allows them to, they can vary from the, from the rules to make it
7 more innovative, to say more mixed, you know, to say more open space.

8 MR. CRISS: There should be a public benefit derived.

9 MS. LUCIUS: Imaginative design and the one we've seen, well we've seen a few
10 that truly fit that definition.

11 MR. CRISS: And in recent discussions, we've heard Commissioner's commend
12 certain projects -

13 MS. LUCIUS: Because they really were.

14 MR. CRISS: - to the audience for consideration, as examples of what it is you're
15 looking for and Staff would certainly support more of that commentary.

16 MR. MANNING: What is the open space requirement under the new code for a
17 PUD?

18 MR. CRISS: It's wide open.

19 MR. MANNING: It doesn't define it by percentage, or size, or -

20 MR. CRISS: You do have, under your Parks and Open Space sections, some
21 additional design flexibility for conventional zoning districts if you provide more and
22 more open space. But in the Planned Development District zone itself, it's really at the

1 developer's discretion to propose a design that satisfies you, the Planning Commission,
2 and the County Council, as to its integrity, its function, its benefit to the community.

3 MR. MANNING: What is the open space requirement under RS-1?

4 MR. CRISS: Under current zoning?

5 MS. LUCIUS: I think it's like 10%.

6 MR. MANNING: New code.

7 MS. WYATT: New Code.

8 MR. MANNING: New Code.

9 MS. LUCIUS: Oh the new Code.

10 MR. CRISS: That zone becomes RSLD, Residential Single-family Low Density,
11 and it just has a minimum lot area, with no minimum open space required, but you can
12 choose to take advantage of that Parks and Open Space section by providing 10% or
13 more open space.

14 MR. MANNING: So there really is no requirement?

15 MR. CRISS: Not across the board.

16 MR. MANNING: For a the PUD or for the [inaudible].

17 MR. CRISS: In the Planned Development District, recreation, open space
18 standards says, "Open space shall be provided for new developments and expansions
19 of existing developments in accordance with Parks and Open Space section 26-184",
20 and that's the one that has the 10% minimum, so yes.

21 MS. WYATT: See I've always understood there was, under the PDD.

22 MR. CRISS: In the PDD you do have a floor. Now what becomes really
23 interesting is when you provide 25% or more open space and all the minimum lot area,

1 lot width, lot coverage requirements are waived; well, I shouldn't say that, can be
2 waived.

3 MS. WYATT: But I go back and I make the statement that irregardless, the
4 Carey Lee property that came back to us last month that we approved in October, did
5 not fit the PDD designation. There was no green space in that. There really wasn't
6 room for green space the way it was laid out, but yet it's going to Council because
7 Council recommended a PDD or a PUD, when in fact that's not the proper zoning for it.

8 MS. ALMEIDA: Right and I think the question that needs to be kind of brought
9 up, is what innovated design, what have they done different, that they wouldn't have
10 done in a regular rezoning, if they just wanted an RS-2 or and RS-1?

11 MS. WYATT: Not one thing.

12 MR. JACKSON: Well did Staff advise them that -

13 MS. ALMEIDA: What are the differences?

14 MR. MANNING: I don't know that they have.

15 MS. LUCIUS: They didn't.

16 MS. ALMEIDA: Right, they haven't.

17 MR. MANNING: That's the point, but what I want to do as a part of all this too, is
18 make sure we're clear on what's the requirement to the applicant?

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

20 MR. MANNING: So that there's no confusion as to what the standards are for
21 the PDD request [inaudible] might be some concern there.

22 MR. CRISS: Well the conventional zoning districts, by their nature, have
23 minimums, but Planned Development District, in the new code, is intended to inspire

1 excellence in design and so it's a judgment call by the Planning Commission and
2 County Council as to whether the developer's plan meets those community objectives.
3 So, it isn't just a matter of meeting the minimums.

4 MS. WYATT: And, and I'm not sure I haven't followed through, that particular
5 now calling a PUD, went to Council two weeks ago, did it get first reading?

6 MS. LINDER: Without checking I don't know.

7 MS WYATT.: It's not that important. But if in fact they did, they're moving a
8 PUD/PUD that in fact is not.

9 MS. ALMEIDA: Right.

10 MS. WYATT: And I just think that goes against everything that we've been trying
11 to create in the New Land Development Code with PDD's; to require an applicant to
12 come back when it is not a PDD, there was not green space in that piece of property, to
13 me was harmful almost to the county. And I think it something that we need to be very
14 clear, you know, that gets transmitted to County Council, that not everything that is
15 rezoned in this county fits a PDD.

16 MR. JACKSON: Well did the Staff advise them that it was -

17 MS. WYATT: Staff recommended straight rezoning and we approved it
18 unanimously, I believe ,as a straight rezoning and then it gets sent back to us with the
19 recommendation that the it becomes a PUD, when in fact it wasn't.

20 MR. JACKSON: At that time did Staff advise County Council that it was not a
21 PUD? I mean, that's were my concern was.

22 MS ALMEIDA: Yes, we did.

1 MR. JACKSON: And they ignored your recommendation or – that's the
2 misunderstanding part I'm getting.

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

4 CHAIRMAN VAN DINE: If things do not, don't comply with the statute, they
5 haven't followed through with the open space, or whatever else they're doing in relation
6 to the PUD requirement, how is it even properly before a Body, regardless of whether
7 it's us or County Council?

8 MS. ALMEIDA: Well I think the problem is the requirements are so vague and so
9 they don't give a lot of direction to both the applicant or Staff. And it's the intent that we
10 all talk about. As Mr. Manning suggested earlier, it's knowing what the rules are up
11 front. The nature of the PUD in itself talks about more in the comprehensive planning
12 realm and what we're getting is just straight rezoning. We need specifics and we need
13 good land planning and knowing the raw material and what we're working with. But, I
14 will concede it's very difficult for the applicant to know what it is they need to do
15 because if you open up the requirements they're very general; they don't give a lot of
16 direction.

17 CHAIRMAN VAN DINE: But that's the very nature of a PUD is to provide an
18 open-ended ability because of, to trying to get innovation in the process.

19 MS. ALMEIDA: Right as far as design flexibility, that is true. But you need to
20 evaluate your surroundings and you need to know your traffic and you need to know
21 what's around you and what you can do on your, on the land in order to integrate that
22 design into that property.

1 CHAIRMAN VAN DINE: I guess the real question, the real question becomes a
2 benchmark then. What is the baseline benchmark in which an approval or at least a
3 review can take place under these designations? If in fact it is so open ended that no
4 one knows whether or not they're meeting or not, then it sounds to me like we do not
5 have a baseline requirement that people can shoot for before they even, before it's even
6 reviewed by anybody.

7 MS. WYATT: Well the, somewhat the problem that you've got, Mr. Chair, is the
8 applicant comes in, they sit down with Carl, "We want to build 'X' number of homes on
9 40 acres of property", and Staff's recommendation, based on what the applicant has
10 said they wanted, this is straight rezoning. Staff's recommendation to us was approval,
11 it gets to County Council and County Council says, "Nope, we want it a PUD, send it
12 back to the Planning Commission", when in fact it's not a PUD. So, I mean, I'd be
13 pulling my hair out if I were Staff.

14 MR. MANNING: I want to make sure though that it's not [inaudible] we know
15 what the rules are, the applicant knows what the rules are and that's the basis of going
16 forward. I mean, on Wednesday our opinion might be one thing and on Thursday
17 another and that's not fair to the public.

18 MS. LUCIUS: I think of PUD's as being real useful when we're building on, say
19 environmentally sensitive land, where you perhaps have a lot of wetlands, the land is
20 not level, that you can take liberties with the setback, you can take liberties with most of
21 the things that you're normally tied into with a straight zoning and make it fit the land
22 more properly. That's a PUD in my mind. I'm not saying it has to have commercial in it,
23 I'm not sure about that, Barbara and I have argued about this, even though the

1 definition in here purely says mixed-use, but I look at it as being something that's more
2 flexible, where you know you can't go in on this piece of property and put 'X' number of
3 houses, the land won't allow it environmentally. So, you're allowed to go in and you can
4 take, like I said, take liberties with some of these rules that you have to follow in straight
5 zoning. That's the way I look at it.

6 CHAIRMAN VAN DINE: The other think to consider though, however, is that
7 PDD's and PUD's are in fact tools to be used to provide certainty as to some things that
8 are going on. The certainty the aspect of it is what, is what has been the main focus at
9 this point in time, which is probably the reason for the request from a straight zoning to
10 a PUD, because we all have seen the examples of somebody comes in and says I want
11 to do this under a straight zoning; they walk out the door, the property is sold and three
12 weeks later what they said they were going to do is not part of any requirements we can
13 hold them to is doubled, because of who they've sold it to. So, the PUD and the PDD
14 actually provides a mechanism by which you can understand what is going in and you
15 can actually plan beyond that particular piece of property and the other properties in the
16 area and say, look this is what's going on over here. In order to make sure that we
17 don't inflate or damage that anticipation or the feelings of the people who are buying in
18 there, you now have another benchmark in which to work from. So, my personal feeling
19 is the PUD and the PDD works as to the assurances, as well as the flexibility to design.
20 Do we have enough standards to make sure that we're getting innovative and other
21 things? Probably not, but the fact of the matter is that particular tool needs to be
22 available to make sure we all understand what's going in and we're not – I've sat out
23 here a number of times where we've actually denied people's requests under the fear of

1 what could go in there, regardless of what they have said and had they come forward
2 and said, as they did, this is what I intend to do and we've been able to lock them into
3 what they were supposed to be doing, it could have gone forward. So, I think that's
4 where the PUD is important. Do we have the rules set up to fully implement what we're
5 doing? Probably not. We probably need to take a look at what we have in order to
6 make sure that we're, we are creating some kind of certainty and, as Mr. Manning was
7 saying, as to what is required before we get in here.

8 MS. LUCIUS: The one that recently happened though, where it was sold and
9 then something exactly the opposite was done, that was a PUD.

10 CHAIRMAN VAN DINE: It was and somehow that -

11 MS. LUCIUS: So that was no safeguard there.

12 MS. ALMEIDA: Mr. Chairman, I think what Staff has been wrestling with in the
13 past months and years about this is that the abuse of which the PUD tool is being used
14 as limiting factors as far as number of lots. You cannot use the PUD tool just for that
15 because it's not intended for that and that's all we've been seeing for the most part. It's
16 not being used for, maybe creating a little more density, but creating a better design or
17 preserving something. It's just for a limiting factor of how many lots and I think that's
18 what's disturbing.

19 CHAIRMAN VAN DINE: Well then perhaps what is really going on here is we're
20 not getting enough information or creative design up front during the application process
21 to be able to make those determinations and that the process we have in place now
22 allows for too easy an initial step and that we probably need to have more detail of

1 what's coming forward when a PUD sits in your lap so that you can really make those
2 determinations.

3 MS. ALMEIDA: Exactly.

4 CHAIRMAN VAN DINE: And it would seem to me that what we ought to be
5 doing is tightening up on the submissions, make sure that we know really what we're
6 getting, so the PUD or PDD as it would now be called, can in fact do what it's supposed
7 to do. And while I understand there's always a cost factor involved in anything that you
8 do, perhaps PDD needs to be used for the innovation and a little more cost creates a
9 little more innovation.

10 MR. MANNING: Well there is a cost associated with it, there's time as well. I'm
11 concerned that to get to the level I think Staff is suggesting, you're going to have to
12 engineer a site you might not even be in control of, you're going to have to do a lot of
13 engineering work, a lot of planning, architectural work for a rezoning that should be for a
14 PUD. How do you spend dollars and time on something that you don't own and you're
15 subject not to receiving a satisfactory approval to move forward? [Inaudible] process I
16 think allows for the Staff and the Individual to review the layout at the sketch plan level
17 and [inaudible] plat to work out those details. Otherwise you're going to see people
18 coming in here just requesting C-3 or [inaudible]. I don't think that's going to accomplish
19 what we're after.

20 CHAIRMAN VAN DINE: But, a couple of things, I think there's a misconception
21 of the right that someone has to have their property rezoned. I think that the rezoning to
22 a different use is something that needs review and needs to have people look at it. So I
23 don't think it's an automatic right that somebody can go forward. I do, however, think

1 that the individuals have a right to develop their property. If someone is developing a
2 property or speculating on a property and are relying on the rezoning as the initial step
3 for that, then I think that they need to put a little bit more effort into convincing the
4 individuals as to what the reason for that rezoning, or the reason for that PUD request
5 is. And I'm, I happen to agree that PUD's are a different animal. PUD's require more
6 than a straight rezoning does and we're not here as rubber stamps nor or we here to
7 grease the rails for people to move forward. I think simply because someone says it
8 cost too much money for me to do X, Y, Z, prior to getting a rezoning, I don't buy that.
9 The rezoning is part of the process and you need to be able to justify what you're doing.
10 If it cost you a little bit more to justify it, then maybe it would make you look a harder
11 instead of just taking it on a wing and a prayer that you can get something done, which
12 a lot of things that we've seen have been that. Simply a wing and a prayer, "Whelp, I'm
13 going to come in here, I'm going to see whether I can get it rezoned, then I'll do some
14 work." Well after it's rezoned there is no control, there is nothing that can really be done
15 if you comply with whatever that zoning request is. So, therefore, for our decisional
16 process, we have to again, take it on faith that a lot of this is going to happen and it
17 doesn't.

18 MS. WYATT: And it doesn't.

19 CHAIRMAN VAN DINE: And therein lies the problem that we have, in that we
20 would like to know that what we're doing and what we're saying has some meaning in
21 the future of what's going on.

22 MR. MANNING: You know, I've heard prior cases where open space
23 requirements [inaudible] that came before you for rezoning requests [inaudible] at

1 certain levels of open space or a type of design that wasn't adhered to when the
2 property was sold [inaudible]. There's a way to control that, I think, without going,
3 requiring such a higher level of detail on the front end. You could do it through deed
4 restrictions. Staff could approve it based on, I mean, it's got to go back to Staff for their
5 approval.

6 CHAIRMAN VAN DINE: All we're doing by doing that is providing another level
7 of government oversight, which frankly we don't have the resources to deal with. Deed
8 restrictions are private right of action that takes place. The county is not going to go out
9 on each individual piece of property that is deeded over to somebody, come back and
10 say, "You didn't comply with this small little thing and so therefore we're going to sue
11 you over it." That's just not going to happen.

12 MR. MANNING: No, but if they said we would want 20% open space and they
13 bring a plan in, a sketch plan review that doesn't have 20% on it [inaudible] approve it
14 to that condition, they ought to adhere to it.

15 MR. FURGESS: If I was an applicant coming here wanting to apply, have some
16 property I wanted to have rezoned, wouldn't common sense be that you get all the
17 information up front before you invest into that property, like having it rezoned, find out
18 C-1, C-2, C-3 is and what you have to do in order to get it rezoned before spending any
19 money or buy this property?

20 MR. MANNING: I hear what you're saying but I think at the same time the
21 conditions that the Staff may require may be onerous on the applicant.

22 MR. FURGESS: But I mean he's getting his information from the Staff.

23 MR. MANNING: Right.

1 MR. FURGESS: Staff is telling him this might be the best route for you to go, you
2 know, with this piece of property. That way you have, when you, when I come back to
3 Staff and fill out my application all that will be on there. Now if Staff change because
4 they, with the wind, then I have something to fall back on. So, when I came to you two
5 months ago, you say this will be the best thing for me, help me. Sometimes we create
6 problems that's not there because we don't use common sense.

7 MS. WYATT: The problem with that though, Wes, is Staff may make a
8 recommendation and tell the applicant, you know, our feeling is this is the way you
9 should go and it's happened up here, Carl will start shaking your head, in a number of
10 times that we've gone against Staff recommendations, so -

11 MR. FURGESS: Well maybe the application maybe need to be updated or some
12 things, some strength in their application need to be stronger than what they have out,
13 maybe it's just a general application, maybe it need to be, some other things need to be
14 added to the application, so the applicant would know what he need to do.

15 MS. ALMEIDA: Well in the new code we're addressing that and the new
16 provisions for open space give applicants a lot of flexibility and, I for one will say, I
17 foresee the PDD or PUD, as we know it, to somewhat diminish in the future because of
18 that flexibility. But it doesn't preclude the applicant from providing good open space and
19 good design, but it does allow for more flexibility which does not exist in the code today
20 and we are trying to be, at least for July, more specific as to what the requirements are.

21 CHAIRMAN VAN DINE: Didn't we develop a checklist?

22 MS. ALMEIDA: We are, yes.

1 CHAIRMAN VAN DINE: And that will be at least fundamental, basic information
2 that needs to be required of all applicants.

3 MS. ALMEIDA: Absolutely.

4 MS. WYATT: Is that check list coming back to us for approval? I mean, I
5 personally would like to see it.

6 MS. ALMEIDA: I believe it's not for -

7 MS. WYATT: Am I going to be able to give my input?

8 MS. ALMEIDA: For review?

9 MS. WYATT: Right. Before we put it into effect.

10 MS. ALMEIDA: Yes.

11 MR. MANNING: Is this the checklist just for PUD or is this the -

12 MR. FURGESS: Application.

13 MR. MANNING: The application or is this some of the information that y'all are
14 [inaudible] now that Council's got -

15 MS. ALMEIDA: For all types, for Map Amendments, everything.

16 MR. MANNING: - Landscape ordinance.

17 CHAIRMAN VAN DINE: As far as the moving forward, what do we, if anything,
18 to make the process more transparent to people coming in? What, if there is a problem,
19 if there are things that are confusing to people, do we have an idea of what those are so
20 that we can address those?

21 MS. ALMEIDA: Sure, it's just that we're finding that in order to review these
22 documents, as far as PUD documents, we just need a little more time. You know,
23 there's a lot of information to digest, a lot to, calculations to go over and of course, at

1 that point, in order to notify the applicant and post - and many times we're posting and
2 making our agenda and posting the notification in the paper before we're even through
3 reviewing the PUD application, so it becomes a very fast process. But, we're achieving,
4 or trying, our goal is to be very specific so that the applicant can go down a list and
5 check off and see exactly what they have and what they haven't done. We're trying the
6 pre-application meetings, the Development Review Team meetings, we're focusing on
7 that and having the applicant in when they even think of proposing a development, what
8 are they going to be up against?

9 MR. MANNING: The new code does allow for more time doesn't it?

10 CHAIRMAN VAN DINE: There is some additional time for review, yeah. I can't
11 tell you the specifics of it.

12 MR. CRISS: And the new code does require a pre-application conference with
13 Staff. It encourages, but does not require a neighborhood meeting. All this will, I think,
14 enhance the communication between Staff and developers, certainly, and hopefully with
15 the neighbors. What you might see under the new code is folks avoiding the PDD and
16 going to a straight parks and open space flexibility, provide 25% or more open space
17 and you can ask for no minimum lot size, no minimum lot width, no minimum/maximum
18 lot coverage. Now that's subject to Staff review and approval and appealable to you.

19 CHAIRMAN VAN DINE: Does that come in during the subdivision phase or -

20 MR. CRISS: In effect, yes. It would come before you as the subdivision.

21 CHAIRMAN VAN DINE: And as part - so therefore if, let's assume that we went
22 with, somebody went with the 25%, it would be one of the specific conditions that would
23 show up as part of the subdivision approval?

1 MR. CRISS: Staff says, "No, we don't like it." Developer says, "Fine I'm taking it
2 to Planning Commission. Or Staff says, "Yeah we love this", but neighbors find out
3 about it don't like, they appeal and one of the things we're worried about is -

4 MS. WYATT: They appeal to us?

5 MR. CRISS: - how does the neighbor participate in an internal Development
6 Review Team meeting that's outside of the form of a public hearing?

7 CHAIRMAN VAN DINE: Well I guess my, that wasn't really my question. My
8 question was if someone, if a developer proposes and says, "I'm going to do 25% so I
9 can get some flexibility", that becomes a specific condition in the subdivision approval.

10 MR. CRISS: Right and they may concurrently seek reduction in lot size and -

11 CHAIRMAN VAN DINE: Sure. But those, whatever those agreements or the
12 concessions, if you will, by a certain developer will be the conditions which would have
13 to then be met as part of the subdivision development?

14 MR. CRISS: Right.

15 MS. ALMEIDA: That's correct.

16 MR. CRISS: If everyone agrees, it can be done at Staff level. It's the, it'd be
17 reported to you after the fact, but if any side should appeal, then it comes before you for
18 your review and decision.

19 CHAIRMAN VAN DINE: Does anybody have any other comments concerning
20 the PUD/PDD issues at this point in time or want, have any requests from Staff?

21 MR. MANNING: Going back to Ms. Wyatt's concern, what can we do to send a
22 message to Council, planning is taking place here, Staff may or may not recommend
23 that we approve or disapprove, but it's being used somewhat as political cover and -

1 CHAIRMAN VAN DINE: I agree with that.

2 MR. JACKSON: Just send it back.

3 MR. MANNING: And therein lies part of the problem with the community too. I
4 mean it takes on a different meaning of -

5 CHAIRMAN VAN DINE: Unfortunately, as a recommending Body, we have the
6 ability to recommend. To the extent, such as that other one that came back to this Body
7 and it was put in as a PUD as opposed to a straight rezoning, the message that should
8 have come from this Body, if we really, strongly believed it should have remained a
9 straight zoning was, we don't approve your PUD designation, we think it remains a
10 straight rezoning. So we vote no on the PUD and send it back to them with the
11 explanation that we think it should be a straight rezoning, that it doesn't fit the definition
12 of a PUD. Ultimately, Council has the ability to do as they see fit, subject to the power
13 of an applicant, or an aggrieved party to go to court. There isn't much else that this
14 Body can do, except to send the message and maybe if we send it enough times it will
15 actually get through. Now, the more interesting question will be when the new PDD
16 regulations go into effect, whether or not the same attempts will be made because, I
17 think, there are more tools in that PDD to, in order to look at, say this just doesn't make
18 it. So, I mean, is this Body, you know, can this Body send something up that says we
19 think that you're misconstruing or misusing a PUD? I think we have that right. The
20 question becomes, do we really want to lock ourselves in with something were we say it
21 once and we're not sure that we know fully, the full outcome of that?

22 MS. LUCIUS: I think we were afraid we were catching an innocent party in the
23 middle of, as to what we did last time and sent it back as approval as a PUD, we didn't

1 want to do this to the applicant, to send a message and take a chance on, you know,
2 nixing the project which we had already approved unanimously.

3 CHAIRMAN VAN DINE: And that's a very real problem to be facing and I, I
4 mean, I certainly don't have any answers on how do you address that or how do you
5 make it work.

6 MS. WYATT: Mr. Chair I think - I appreciate all, everyone taking the time to have
7 some discussion on this. You know, I think, especially with the new development code
8 it might be a little more clear to all of us, hopefully to Council also and the only thing, I
9 guess, at this point we can do is kind of monitor that once the new Land Development
10 Code goes into effect in July. We'll see what kind of response, what things are coming
11 back to us and, you know, maybe readdress it if we see it becoming a problem.

12 CHAIRMAN VAN DINE: And not that it would've done any good, perhaps, but
13 perhaps with the last item that went up, simply send a line that says that we just don't
14 think that this is the right, but while we're approving it, we're approving it because we
15 don't want to injure the applicant, but we don't think this is the proper use of PUD
16 designation.

17 MS. WYATT: But the problem, and I do attend Council meetings, and I'll be
18 careful how I say this, I think sometimes the problem is the communication from us to
19 Council, as to what we're trying to get across; sometimes doesn't get relayed. When I
20 sit back in there, an awful lot of times I want to jump up and say, "Listen that's not what
21 we said" or to be a little more forceful in what we're saying the way it's relayed.

22 MR. JACKSON: [Inaudible] to County Council so we can make a note
23 sometimes.

1 MS. WYATT: Okay, go ahead Mr. Chair, and move a long. Thank you everyone
2 for-

3 CHAIRMAN VAN DINE: I think as part of that discussion and an extension of
4 that discussion was the issue we added, which was the filing dates Ms. Wyatt brought
5 up. And I believe her request, or her suggestion was that we actually modify our
6 submission schedule so that we don't run into some of the difficulties that arose as a
7 result of this meeting, so that as opposed to the end of the month it would be the 15th of
8 the month prior. So it'd would give you a full 45 days and then we have a mandatory 10
9 day notice requirement that it has to be done and posted and sent out, not just to the
10 people who submitted it, but to the actual applicants and in that way there can be no
11 confusion as to who is getting what. That was the suggestion I heard being made.

12 MS. WYATT: I thought we were going to discuss that later. D you me to go
13 ahead and bring that up know?

14 CHAIRMAN VAN DINE: I mean, I think this is a good -

15 MS. WYATT: I think it's the proper time. It clearly, and I have tried, a couple of
16 months ago, as the Body will remember, I tried to modify a little bit, our rules of
17 procedure so that applicants get a little more notice. It's very troubling to me that on
18 Thursday and Friday before you're supposed to be here today, you're not getting the
19 word out. And at the same time, at the very same time, I think we have an outstanding
20 Staff, overworked and underpaid and - just like me [laughter] - and it's very, very difficult
21 when you've got the phones ringing constantly, people walking in, sometimes you can't
22 always get your job done for, you know, putting out the fires. So I understand
23 everybody's side and, you know, I've been trying to figure out how, you know, we can

1 be a good county to the applicants but at the same time, you know, respect that y'all
2 have a job to do and, you know, the only thing that I have been able to balance that we
3 can do both of those things is to move, if you either want to say move up our deadline
4 application to the 15th, in other words you'd apply by the 15th and not be heard at
5 Planning Commission for six weeks; that would certainly give Staff two additional
6 weeks, you know, especially on some of the PUD's and PDD's, you know, a little more
7 time to review that, meet with the applicants. But to make this work successfully for
8 everybody we've got to do something with that response time to the applicants and
9 that's why, Mr. Van Dine said it far better than I could that we move that to a, you know,
10 to a 10 day, instead of, I think our rules currently say seven. We've got to let these
11 people know, but at the same time you can't let them know when you don't have
12 everything; I understand both sides of it.

13 CHAIRMAN VAN DINE: Under the new code that's coming in, I mean, I don't
14 want to -

15 MS. ALMEIDA: Right, I agree.

16 CHAIRMAN VAN DINE: - monkey around with the deadlines that are in there
17 and my question is, what are the deadlines that are required under the new code for
18 submission and notice, so that we, I mean, if it's already coming into effect on July 1,
19 then we may be, it may be unnecessary for us to do anything.

20 MS. ALMEDIA: I would respectfully request that Staff go back and review that
21 and bring that up in April so that we can all review when the deadlines would be and we
22 can make a more conscience decision at that point, before the new code, because we

1 only have a couple of months and it would be somewhat probably, confusing and
2 disturbing to the public to change that midstream.

3 MS. WYATT: Well then how did - if we have not, I personally, and Mr. Van
4 Dine's younger so his memory's better than mine, I don't remember that we changed a
5 whole lot of that. I know we added Staff meeting requirements and things like that.

6 MS. ALMEIDA: A couple of days.

7 MS. WYATT: I don't think we addressed application deadlines, in the new Land
8 Development Code and -

9 MS. ALMEIDA: We'd have to go back and look at that and revisit it and why
10 don't we just bring a detailed list.

11 MS. WYATT: With that, if in April you come back to us and say, "Gee we
12 researched it, we don't have this 45 days", that I'm speaking of, approximately 45 days,
13 are, can we do that just by, how can we do that without touching the Land Development
14 Code, Ms. Linder?

15 CHAIRMAN VAN DINE: It's not in the Land Development Code.

16 MR. GOSLINE: No, it's in your Rules of Procedure and I would guess, you know,
17 I'd defer to Amelia, but I guess it's a matter of changing in the Rules of Procedure.

18 MS. WYATT: Changing our procedures on application deadlines?

19 CHAIRMAN VAN DINE: Assuming that we don't damage any of the timelines in
20 the new code, I mean, practically speaking, we couldn't do it until the next meeting
21 anyways, so we would have to say the applications for June would have to come in by
22 April 15th, which means we're only talking one month differential, if there is something
23 already in the code.

1 MS. ALMEIDA: Right, you might as well just put it for the new code if we can do
2 that.

3 MS. WYATT: Did you have something Amelia?

4 MS. ALMEILA: Well, I'm just looking at the section of the new Land
5 Development Code that deals with Map Amendments and there is no timeline
6 mentioned as far as when you have to submit it, so again, it is in your Rules. If you do
7 want to change those Rules it would be under Section 4 I believe, on the Application
8 Deadlines and I've got some, I just quickly drafted some recommended language, if you
9 wanted to vote on it and take action today.

10 CHAIRMAN VAN DINE: I think, I agree with Anna that I think we probably need
11 to make sure we fully look at all of the issues, just to make sure that we're not missing
12 something in some other part and come back on, at your next meeting with that, that
13 particular - if in fact it's not there then, certainly propose some language for our next
14 meeting, which would be fine.

15 MS. ALMEDIA: We can do that.

16 MS. WYATT: So then I'd like to ask Staff to to put that on our agenda for next
17 month, that you research it and then it comes to us for a vote, to amend our Rules of
18 Procedure, if it does, if the new Land Development Code does not, which Ms. Lindler's
19 already said it doesn't, address the timeframe, application deadlines, let's call it that.

20 MR. CRISS: The new code does have some response requirements.

21 MS. ALMEIDA: Let me amend that a little bit. Once the application comes in,
22 Staff has 10 days to review it. If the application is complete then they schedule it for the
23 next available meeting.

1 MR. CRISS: And Planning Commission has 30 days to report to Council after
2 they've considered, but the details aren't all there.

3 MS. WYATT: All that's saying is that, once Carl gets it he's got 10 days to
4 respond. If we make the deadline the 15th, then he's got to respond by the 25th. I mean
5 I don't see us amending our rules.

6 CHAIRMAN VAN DINE: As to completeness.

7 MS. WYATT: Right, I don't think that's going to affect our rules of changing that,
8 the 15th at all. That's my interpretation of what you just read.

9 MR. CRISS: So we need to examine the current Planning Commission Rules for
10 discussion next month.

11 MR. MANNING: Exactly, you know, reading the correspondence on the
12 application today, I hope there are not other applicants out there in this same situation.
13 Clearly -

14 MS. WYATT: There has been.

15 MR. MANNING: We can't make the rules up as we go. You know, I understand
16 the problems y'all had with the Ombudsman's Office and having to respond to all the
17 zoning issues, but that was well know prior to that and hopefully we've got to put some
18 safeguards in place so that the county's business doesn't stop.

19 CHAIRMAN VAN DINE: I don't want; I don't want people to be left with the
20 wrong impression about what went on today. I think that what happed today was more
21 of a miscommunication as far as what was being said as opposed to a lack of
22 communication. I think that the language that was being used could have been clearer
23 as to what the options were available. I think that there was a notice to, within the

1 timeframes allotted to an individual who was on that design team. Unfortunately the
2 language did not fully lay out the options that were available and that's why we found
3 ourselves in the position that we did. So, I don't want people to be left with the
4 misconception that there was no communication because I have read the lengthy
5 communications, back and forth, and I think there was plenty of communication going
6 on.

7 MR. MANNING: And the timeframe should have allowed for this process to
8 move forward without this result, that's my point.

9 CHAIRMAN VAN DINE: And that's probably true and I think that's what we're
10 trying to correct with some of these discussions on the amendments of the timing to
11 make sure that things do happen.

12 MS. WYATT: And, you know, I want it to be clear, that just what happened today
13 is not my reason for bringing this up. You know, there've been other situations, two and
14 three months ago, that I brought to Council's attention, that communications were, I
15 won't say communications, but the mailman didn't deliver the mail on time, let's blame it
16 on the mailman. You know, so it's definitely a problem. It is a problem with everyone
17 not just, not just what we looked at today, or didn't look at today.

18 CHAIRMAN VAN DINE: Alright so as far as the filing dates then, Staff is going to
19 get back to us at the next meeting with an idea of what our, what the timeline would be
20 for an application so we can make decisions as to if we need to extend it, extending it in
21 the right way.

22 MS. ALMEIDA: That's right.

1 CHAIRMAN VAN DINE: Okay. The next we have is a discussion of the work
2 schedule regarding the current Comprehensive Plan. And have no fear; I have not
3 forgotten that we have Old Business to get back to. Mr. Criss, would you like to give us
4 a short discussion of what you'd handed out?

5 MR. CRISS: Yeah, sorry for not having this ready for you in the packet.

6 CHAIRMAN VAN DINE: Without the snickering from your Staff.

7 MR. CRISS: But for - perhaps for the benefit of the audience, I could read
8 portions of this draft work plan for the revision, I'm sorry, updated would be the proper
9 term, of the County's Comprehensive Land Use Plan. Our Imagine Richland 2020
10 Comprehensive Plan was adopted in May of 1999, in time for the first five year deadline
11 of the '94 Planning Act. And the Act specifies that these plans, local government
12 Comprehensive Plans, are to be reviewed every five years and updated every 10, at
13 least. And, of course, this Planning Commission, back in May of 2004, resolved that the
14 Imagine Richland 2020 Comprehensive Plan was out of date and needed wholesale
15 updating along the lines of the 10 year review envisioned in the '94 Planning Act.
16 We've broken this draft work plan down into four tasks so far, that need more detail.
17 First task is inventory elements. You've got eight mandatory elements in a local
18 government Comprehensive Land Use Plan. There were seven when the '94 Act was
19 first adopted and one more has been added. The first six we regard as essentially
20 inventory of population, economic development, natural resources, cultural resources,
21 community facilities and housing. The other two are your Land Use and your Priority
22 Investment Areas, that's the new element, the 8th element that has been added since
23 the original adoption of the Act. First six are challenging enough, but there's plenty of

1 information out there for us to be gathering over the next six or 12 months. That
2 existing land use is much more challenging. We do have the benefit of an Enterprise
3 GIS System in existence and under development here in Richland County that will
4 assist greatly in this task. We envision that a complete accurate and current Land Use
5 Map of, certainly unincorporated Richland County, if not all of Richland County, is a
6 fundamental tool for the update of this Comprehensive Plan and would hope to use that
7 technology to characterize landscapes as urban, suburban, rural, natural with detailed
8 designations of residential, commercial, industrial, institutional, open space, recreational
9 and other land uses. Task two, the Planning Policies. We suggest, that concurrent with
10 the Staff research on the Inventory Elements that Planning Commission and County
11 Council collaborate on a driving consensus for planning policies which will guide the
12 preparation of a future Land Use Map for the county; that is the culmination of the
13 comprehensive planning process, the goal, the ultimate objective. A series of joint
14 seminars and workshops for the Commission and Council are being planned now to
15 start in May of 2005 and topics include, but are not limited to, Priority Investment Areas,
16 Capital Improvements Planning, Transportation Planning, Utility Extensions, Proactive
17 Zoning. We've discussed that in the meeting today, at least on one site. School
18 Sighting and Design, Intergovernmental Annexation Agreements, especially with the
19 City of Columbia, and Implementation Strategies and Timeframes. Public participation,
20 the County worked hard and long at public participation in the adoption of the 1999
21 Comprehensive Plan, we like to summarize it by saying that it was produced by a
22 collaboration of county officials and Staff and consultants and over 2,000 citizens, who
23 participated in surveys and focus groups and visioning workshops and task forces

1 during a two year period. Many of you participated personally in that process, as did I. I
2 don't know if we can match that performance the next time around but the Planning
3 Commission should establish, at least, a comparable public participation process and
4 we don't have the details of that sketched out for you as yet. Future Land Use Map,
5 task four. Yes you have designated your planning areas, that's only the first step of 100
6 steps to a future Land Use Map, which will then guide rezoning and community
7 infrastructure investment and intergovernmental land use decisions; the foundation for
8 the Staff Reports and zoning map amendment assessments. The development of a
9 true county wide Capitol Improvements Plan for community infrastructure, in the form of
10 roads and storm drainage, water, sewer, schools, public safety facilities, parks, libraries
11 and the like, and perhaps the most difficult to achieve, intergovernmental coordination
12 and cooperation of land uses at the edge of the municipal boundaries. We have
13 tremendous fragmentation of current municipal boundaries, as you've seen on your
14 zoning maps, with many inclusions of unincorporated Richland County area, inside
15 cities and towns. We have some rapidly expanding jurisdictions, like Blythewood on the
16 I-77 corridor and other communities in need of deliberate, targeted infrastructure
17 investment.

18 CHAIRMAN VAN DINE: I guess there are a couple of questions that come from
19 this. First it appears as though you're looking anywhere's from six to 18 month,
20 depending on which task you're look at for -

21 MR. CRISS: I'm thinking a year and half to two years.

22 CHAIRMAN VAN DINE: Which would, in essence, indicate that more than was
23 initially considered is going to be the scope of this project. So, with that in mind, what

1 kind of individual involvement are you looking for from the Commission and also, what
2 kind of financial support to have from the county in order the carry out some of these
3 tasks? Because I notice you're looking at outsourcing a number of these things.

4 MR. CRISS: Yes, I think we should consider outsourcing. It'll depend on our
5 fiscal budget. Our current fiscal ends June 30th. A new budget will be implemented by
6 July 1st, presumably, so we can all stay in business. We think we have adequate
7 resources programmed but it's up to the County Council, ultimately, to decide what
8 resources are allocated to any given department, including Planning and Development.
9 We have some additional Staff capacity to add to the current roster of planners and
10 others who would support this Plan, but I can imagine a combination of internal and
11 external or outsourced planning effort.

12 CHAIRMAN VAN DINE: If I'm reading correctly then it appears as though,
13 assuming this were to be started today, which obviously it's very, very unlikely event,
14 however -

15 MR. CRISS: Well you have started with your planning areas. Thank you.

16 CHAIRMAN VAN DINE: If - it would appear as though as far as the Planning
17 Commission is concerned, we really are not going to have much in the way of data or
18 information or involvement for the first six months, because it looks as though that's a
19 collection period for the first six elements.

20 MR. CRISS: We'll be reporting back to you during the collection effort. I want
21 you to focus your attention and thought on collaboration with the County Council on
22 planning policies that will guide the development of the Comp Plan update and we're

1 hopeful that the Planning 101 vehicle will offer new opportunities for the two Bodies to
2 share openly, honestly and earnestly.

3 MS. WYATT: You're in the process, probably now, of beginning to take a look at
4 your budget requests. Are you going to request this money in your budget?

5 MR. CRISS: Our budget is already submitted for the next fiscal year.

6 MS. WYATT: Oh it's already been, okay.

7 MR. CRISS: So it can be revised, of course, by, especially by the County
8 Council.

9 CHAIRMAN VAN DINE: For everybody's understanding, we had a meeting last
10 Friday, on the initial steps of the Planning 101. The present Plan is to utilize Clemson
11 University as a facilitator/teacher of the initial stages, sort of to give background
12 foundation for planning. Also, an applicant section in which there would be Council,
13 Commissioner discussion, facilitated by Clemson, with the hopes that we would not get
14 dominated by political speeches or any other such disruptive events.

15 MS. WYATT: Boy you're asking for a lot, Mr. Chair.

16 CHAIRMAN VAN DINE: We figured that if we brought an inside, an outside,
17 independent, unbiased, individual in to do it, that perhaps we'd have more chance of
18 that occurring.

19 MR. CRISS: We're hiring four.

20 MS. LUCIUS: Is that Dr. Ferris?

21 MR. CRISS: Dr. Terry Ferris, Dr. Barry Knots, Dr. Mickey Loriaum(?) and Mark
22 Tollison, attorney.

23 MS. LUCIUS: Good.

1 CHAIRMAN VAN DINE: So, they have some pretty impressive individuals to
2 deal with that. That is only the initial stage. From there they have been, at least a
3 discussion has been had with them that we might require their services for other similar
4 type activities, not necessarily that they're going to do the work for us but sort of guiding
5 hands, if you will, to help. And the events, while primarily, in the one in May, primarily
6 for Commission and for Council will be open for other people to be in the audience,
7 however, if they are in fact going to be asking questions, that those questions will have
8 to be submitted in writing to the facilitators to be asking the questions so that it can
9 remain as an internal discussional process between the two Bodies. The hope is that
10 we can reach some consensus and understanding of what we're really doing and why
11 we're doing some of the stuff that we're doing and that we can then, perhaps, resolve
12 some of the issues that we talked about earlier with PUD and the other issues and
13 maybe reach some understanding between the two Bodies.

14 MR. CRISS: Hopefully the perfect forum.

15 CHAIRMAN VAN DINE: So that is, what are we -

16 MR. CRISS: We're talking May 6th as the first seminar.

17 CHAIRMAN VAN DINE: That's tentatively scheduled would be May 6th which
18 would be the Saturday before our Commission meeting.

19 MR. CRISS; I think it's a Friday.

20 CHAIRMAN VAN DINE: Or Friday beforehand. Maybe it's the Friday after our
21 first meeting.

22 MR. CRISS: Friday after your first. May starts on a Sunday and May the 2nd is a
23 Monday.

1 CHAIRMAN VAN DINE: What, if anything, do you need us to do in relation to
2 this document? Do you need us to give you a blessing to move forward with this, do
3 you need -

4 MR. CRISS: Your consensus to proceed. Obviously it needs a lot more detail
5 and I think we'll have to bring back a subsequent versions at your next and other
6 Planning Commission meetings, your interest in participated in Planning 101, before we
7 commit the resources.

8 CHAIRMAN VAN DINE: I personally, I think the Planning 101 would be helpful if
9 we can control the participants.

10 MS. WYATT: Careful, careful.

11 CHAIRMAN VAN DINE: I said the participants that would include us on this
12 Body as well.

13 MR. CRISS: You can bring your gavel.

14 CHAIRMAN VAN DINE: And they can gag me if they wish. The other was that I
15 would prefer that we start moving forward on this sooner rather than later. So to the
16 extent that we can get some of these balls rolling - I was involved in the 1999 effort and
17 frankly I thought it took a year too long. I think we wasted too much time going back
18 and forth and I think that we need to move forward more directly and more decisively
19 when we do start moving forward.

20 MR. CRISS: That' why we're proposing concurrently, Staff gathering inventory,
21 baseline information, while the decision-makers are in structured dialogue over
22 fundamental planning policies.

23 CHAIRMAN VAN DINE: Mr. Manning, sir?

1 MR. MANNING: Two quick points. Back, I guess it was in January when you
2 brought to us the Comprehensive Plan, Imagine Plan 2020 and they were, you know,
3 pages and pages and pages of policy; kind of a wish list of things that the community
4 desired and I think we've requested that it would be helpful if y'all could go through that
5 and strike out what isn't applicable to the code as it is, you know, at, in its current form.
6 There were certain things in there that would have made some of those policies
7 unusable. So I guess getting some guidance from you all, when we look at the Imagine
8 2020, certainly some of that [inaudible] in the existing code and if there are
9 discrepancies there -

10 MR. CRISS: Can you think of any particular examples, Mr. Manning?

11 MR. MANNING: Not right off the top of my head but, you know, I'm sure there's
12 laws or statues [inaudible]. One issue that keeps coming back up is the wetlands,
13 isolated wetlands, what is a policy?

14 MR. CRISS: What is the County policy on isolated wetlands?

15 MR. MANNING: What is the Federal Government saying? I mean we've got
16 conflict.

17 MR. CRISS: Essentially, at this point, we take whatever the [inaudible] Corps of
18 Engineer says in writing.

19 MR. MANNING: But those kind of issues, you know.

20 MR. CRISS: Though that could take six to 12 months for a developer to get.

21 MR. MANNING: I avoid it [laughter]. The other thing is, in your planning policies,
22 proactive zoning, which is a tool that I think y'all desperately need to use, to utilize in
23 order to achieve some of the – we say it today. I just ask, Mr. Cloyd, what the position

1 of the Assessor's Office is based on tax. We got an elderly couple who's living in a rural
2 building surrounded by commercial and, you know, they're being taxed based on
3 zoning. I mean, so you might want to explore the aspects of how to not tax people out
4 of their homes for proactive zoning, Mr. Cloyd does not think you can to that and if it's
5 commercial use, you tax it commercial. So -

6 MR. CRISS: Does the actual use of the land dominate the allowed uses of the
7 land, when it comes to property tax assessment?

8 MR. MANNING: Well he even went the other way. He said if you were to down
9 zone you may have a taking, you know, so that's the flipside. I don't know, but he's
10 saying if it's zoned commercial it's going to be taxed at a higher level.

11 MR. CRISS: Clearly any zoning, proactive or not, it's coming through this Body
12 and the County Council and -

13 MR. MANNING: Right but it's a tool that needs to be utilized. So try not to, we
14 don't want to be onerous on the public who might want to cooperate.

15 MR. CRISS: Yeah, we hope that we would be able to solicit a property owner's
16 participation, just as you attempted to do in the case today.

17 MS. WYATT: But you do, and I understand what Mr. Manning's saying, and
18 actually some of Blythewood and Pontiac, up near Green Hill Parrish area, come to my
19 mind, but you've got 70 year old people that have been living in those houses forever
20 that are surrounded, you know, by C-3 zoning and for us to go in and, you know, rezone
21 it because we feel that's the best use.

22 MR. JACKSON: Aren't they exempt?

1 MS. WYATT: Not if it goes to a commercial, they would have homestead
2 exemption. But if we go an zone it commercial property even though they're still living
3 in it they'd be taxed at a commercial rate.

4 MR. CRISS: I think you're more likely to proactively zone undeveloped property,
5 but yes land uses could be affected.

6 CHAIRMAN VAN DINE: Can I make a suggestion? While this is in fact a very
7 interesting discussion, it's also one that has a whole lot of holes in it that we don't know
8 about and before we get to far off the beaten track perhaps we might want to wait until
9 we actually get some good information to make discussions off of.

10 MR. CRISS: Well put that down as one of your Planning 101 seminar topics.

11 CHAIRMAN VAN DINE: We have two other items on the agenda, but while we
12 were talking about Planning 101, I wanted to remind everybody that Stephanie handed
13 out, earlier, they're holding a annual neighborhood planning conference on April 16th
14 and there are going to be a number of fairly prominent individuals speaking at that.

15 MS. WYATT: Including Mr. Van Dine.

16 CHAIRMAN VAN DINE: Like I said prominent, that's why I have not included
17 anything [laughter]. I would suggest that everybody make an effort to attend that simply
18 because I think it's a good lead in to our discussion that we can have with the Planning
19 101 because this is actually some of the stuff that we might be considering as part of
20 what we do. So if you didn't get a copy of this, there are other copies available and you
21 might want to consider getting, going to it. The next is, let's talk about the
22 Comprehensive Planning Area Boundaries Revision. I'm not quite sure why that's
23 there.

1 MR. CRISS: Well, I think that may be something of a misnomer, thanks to
2 Comprehensive Planner John Newman for authoring the draft work plan, subject to
3 some of my edits. He's now presenting -

4 MS. WYATT: Oh, red dots.

5 MR. CRISS: -the scrubbed version of the southeast planning map.

6 CHAIRMAN VAN DINE: Alright, so that everybody understands sort of where
7 we're going with this, and maybe I can short circuit a whole lot of stuff; that the
8 discussions we had at one point in time, it was please remove the red dots and
9 somebody requested an ordinance to do so. The ordinance is not necessary because
10 that map is not part of anything that would be ordinance related. It is an administrative,
11 we're administratively capable of making that to remove the red dots from the
12 southeast, which is the only place that the red dots ever showed up. It does not change
13 the vision aspect of the Comprehensive Plan but we would be removing the red dots
14 from that to eliminate the thing. That map that you are looking at right there would not
15 be part of the elimination.

16 MS. LUCIUS: There are red dots everywhere.

17 CHAIRMAN VAN DINE: Yes. But as far as the southeastern map, which is what
18 we were originally talking about, we would be removing the red dots administratively
19 from that.

20 MR. CRISS: We didn't feel we could touch the red dots in the Imagine Richland
21 2020 Comp Plan without public review and a formal approval by County Council and
22 republishing of that document and that would divert resources that are needed for the
23 update of the Plan. The other planning area maps that we have used in our Staff

1 Reports for zoning map amendments don't have the red dots, don't have the rural cross
2 road commercial development indicated. Indeed there seem to be conflicting versions
3 of the red dot maps themselves, as to how many red dots there are supposed to be. I
4 believe the vision map in the Comp Plan is merely illustrative, suggestive of small scale,
5 mixed-use neighborhood, commercial services at rural crossroads. The town part of the
6 Town and Country landscape.

7 CHAIRMAN VAN DINE: In any event, so as to avoid the need to rewrite an
8 ordinance, which would in fact be more confusing than it would be helpful, we will, we
9 are, I guess we need a motion from this Body to do so and it would be within our
10 prerogative to do so, but to eliminate the red dots from the southeastern planning area,
11 which is the only area that it showed up in.

12 MS. WYATT: Mr. Chair, I make a motion we will remove the red dots from the
13 southeastern comp map.

14 MR. JACKSON: Second.

15 CHAIRMAN VAN DINE: I would call it the Southeastern Land Use Planning
16 Map.

17 MS. WYATT: Excuse me, I'll amend, Land Use Planning Map.

18 MR. FURGESS: Per Norman.

19 CHAIRMAN VAN DINE: We have a motion and a second, all those in favor
20 please signify by raising your hand.

21 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
22 *Palmer, Green]*

23 CHAIRMAN VAN DINE: They are gone.

1 MS. LUCIUS: I'll never understand how they ended up just in the southeast
2 when the northwest had more than the southeast.

3 CHAIRMAN VAN DINE: Don't raise, don't raise the issue.

4 MS. LUCIUS: I know but.

5 CHAIRMAN VAN DINE: Alright now, we have one last issue and that is the
6 Private Road Subdivision Ordinance, which we have been requested to review and to
7 take action on.

8 MR. CRISS: That was in your February agenda. I don't know if you have that
9 agenda or other copy material in front of you.

10 CHAIRMAN VAN DINE: It was actually emailed to us again.

11 MR. CRISS: The language is the same as the language you reviewed as
12 Planning Commission when you were considering the new Land Development Code,
13 over the period of a year or so. The Commission decided to delete that privilege and
14 the version of the Land Development Code that was adopted by County Council does
15 not have privately maintained, unpaved road subdivision privileges, but County Council
16 wants to reconsider that topic and has initiated a zoning text amendment for the new
17 Land Development Code, which, of course, is scheduled to take effect July 1st. The
18 principal differences from the current Code, the current Land Development Regulations
19 of the County Code of Ordinances would be that the familial relationships, you can only
20 give or sell the land to certain designated family relationships, has been struck. We feel
21 that that's unenforceable and if we're going to have private maintained, unpaved road
22 subdivisions we shouldn't be checking birth certificates or marriage licenses for those

1 relationships. And that these private road subdivisions be limited to the RU or rural
2 zoning district, specifically.

3 CHAIRMAN VAN DINE: Ladies and Gentlemen, I hate to be the one to take the
4 lead, because I'll probably get in trouble for it, but -

5 MS. WYATT: Take it.

6 CHAIRMAN VAN DINE: As we did with the Land Use Plan, I don't find that this
7 particular type of subdivision has any necessity, especially since the elimination of any
8 kind of familial aspect of it. I believe that it is simply a perpetuation of a problem that
9 exists in this county, which is that we have so many dirt roads we can't pave them now
10 and regardless of what it says, all of these roads will ultimately come back to the county
11 to pave.

12 MR. FURGESS: True.

13 CHAIRMAN VAN DINE: Somehow, someday down the road the county, they're
14 going to try and deed them over the county. We have the safety issue, we have the
15 inability of the police, fire, ambulance, or anybody to get down there. While I
16 understand that the prevision talks about that they need to be accessible by the
17 emergency services, we've seen how those roads are maintained and we've seen how
18 the roads go forward. I just don't see that this has any basis whatsoever in the need in
19 the county. I think that we ought to maintain the position we took when we sent the
20 Land Development Code forward and I think we ought to continue with what has
21 actually been adopted by County Council at this point in time, which was to eliminate
22 that as part of the code. Therefore, I will be voting against this particular amendment.

23 MS. WYATT: I will also, Mr. Chair.

1 MR. MANNING: Well I've got a couple of questions. I hear all the concerns, but
2 I lived on a dirt road for a long time and my mailbox was three miles at the end of it and
3 I went and picked my mail up.

4 MR. GOSLINE: Yeah but that's when they, you had to get on that horse to get
5 there.

6 MR. MANNING: You know, I didn't have to worry about them coming down there
7 to pickup my garbage but -

8 CHAIRMAN VAN DINE: And he also walked to school every year.

9 MR. MANNING: I rode a horse.

10 MS. LUCIUS: In three feet of snow.

11 MS. WYATT: You road a horse?

12 CHAIRMAN VAN DINE: I'm sorry.

13 MS. WYATT: This is a horse fan, okay.

14 MR. MANNING: But the reality of it is is how does a rural land owner, I mean
15 you know, we want to keep the southeastern area and I've heard numerous times, the
16 rural nature of that. How do you, if I wanted to build a house on 10 acres of land and
17 there's already existing - how do I do that? I mean, what's the avenue to be able to go
18 forward? All dirt roads are not bad but from a -

19 CHAIRMAN VAN DINE: One house, you build your own driveway.

20 MR. JACKSON: Subdivisions.

21 CHAIRMAN VAN DINE: We're talking subdivisions.

22 MR. MANNING: Well if my family wanted to live on a 100 acres, how do you go
23 about doing that?

1 MR. CRISS: If you have enough frontage on an existing publicly maintained
2 road, whether it's paved or unpaved, you can bring driveways out to that public right-of-
3 way. The problem is when you have land that is in such a location, shape, that there
4 isn't much frontage and in order to create the number of lots you desire you have to
5 provide new access, a new road.

6 MR. MANNING: I don't disagree with safety and all those issues and if
7 somebody's using that to circumvent putting up a paved road, you know, and curb and
8 gutter in, that's not the intent but I certainly wouldn't want curb and gutter running
9 through one of my [inaudible].

10 MR. JACKSON: First of all, you have building codes for safety, you have
11 electrical code, codes for construction, you have different type building codes. I think
12 you should have some code for roads. That's the reason initially when I spoke about
13 the partnership with Department of Public Works and South Carolina State University, to
14 develop some alternate surface treatment that could be used where we could allow
15 these things to happen. But until then, to allow, the problem we have seen in the past
16 that a lot of people said they have relatives and wanted to have a minor subdivision or a
17 family. What's happening is that, they keep selling the land, selling the property, and
18 people come back to the county wanting the road to be paved. But they were promised
19 that the roads will be paved, which is not true. These things are popping up all over in
20 the rural communities and it's a safety problem. So that is one of my intent initially, one
21 of the reason to really cut down on these type of loopholes in development rural
22 communities.

1 MS. LUCIUS: I think eliminating the family requirement make the loophole even
2 bigger, so doing that is really a step in the other direction, as far as I'm concerned
3 because at least knowing it was family members kind of closed the loopholes as far as
4 people coming in and doing a smaller development without going through the minor
5 subdivision. So that really took the only protection out that there was, even though we
6 weren't enforcing it.

7 MR. JACKSON: I could say, after Public Works Department comes up with
8 some alternative paving process, that we could revisit it.

9 MR. CRISS: In preparing for this topic for the County Council January retreat,
10 we found that there were about a half a dozen privately maintained, unpaved road
11 subdivisions approved since the year 2000. None of them, interestingly, maximized the
12 number of lots permissible, up to seven. They all had lots an acre or larger, as required,
13 but we didn't do anything particular as Staff to assure that the parcels ended up in the
14 hands of spouse, parents, grandparents, great grandparents, brothers, sisters, children,
15 grand children, great-grand children, of either the grantor or the spouse.

16 MS. LUCIUS: It's seven, why is it, I mean, why is that a magic number? I mean,
17 maybe we shouldn't allow that many.

18 MR. CRISS: That was one of the discussions. You could reduce the maximum
19 number of lots allowed.

20 CHAIRMAN VAN DINE: The difficulty is, the initial step - I'm sorry if you want to
21 be deviant and go around it, the initial step is if you put at four, they're going to
22 subdivide at four and one lot's going to be 60 acres and you're still going subdivide that
23 into four, and you're going to subdivide that, so it's not a matter of the number of lots.

1 The fundamental question is whether or not these type roads and these type
2 developments ought to be allowed at all. I mean, and I just, I don't believe that they
3 should be within the county, especially when we hear so much about all the problems
4 that exist with roads and they need to be paving and as, Mr. Jackson is saying, people
5 are being told, 'oh no the county will pave that', I mean, there are little stretches of road
6 where they haven't been paved for 40 years and they've been told they're going to get
7 paved and we're just adding more to the inventory of ultimately what's going to have to
8 be paved so, I -

9 MR. GOSLINE: You know, I think the fundamental question here is, we have a
10 lot of people, particularly in the southeast that talk about they're trying to build the
11 wealth of the community, which is certainly true and in order to do that you have to raise
12 property values, you pave roads instead of doing dirt, that's just one of the things, you
13 get. But then the flipside is, a lot of people can't afford to be there anymore and the
14 original reason for this was to allow families to, who's property has been handed down
15 since, you know, reconstruction, to have all their people, or as many as they could on
16 that site in the first place and that's the original intent and that's why the families. We
17 don't police, there's no way in the world we could do that. So the question really is,
18 should we have something, some level of unpaved road subdivisions at all? Now that's
19 a huge policy decision for y'all and the County Council.

20 MS. LUCIUS: And apparently, it doesn't apply just to rural, we find out today.

21 MR. CRISS: At present, the amendment would limit the privately maintained,
22 unpaved road subdivisions.

23 MS. LUCIUS: It would limit it to rural.

1 MR. CRISS: To rural.

2 MR. GOSLINE: To rural zoned property.

3 MR. JACKSON: I think that this same section -

4 MS. LUCIUS: Rural zoned not rural area, right.

5 MR. CRISS: Capital R, capital U.

6 MS. LUCIUS: Right.

7 MR. JACKSON: I think the same safety standards should exist everywhere for
8 every one; there shouldn't be any exemption. As I'm saying earlier that if we can up
9 with some alternate surface treatments, that these roads could be paved, very
10 inexpensive. Lexington County is doing it, Newberry is doing it and few other counties
11 are doing it. If the Public Works Department could come up with some approval or
12 some, conclude their testing and come up with something, then I could really look
13 forward to saying, having a discussion to have some alternate paved surface, but just to
14 have dirt road and it be scraped or it crush-an-run and then 10 years later we say, oh,
15 okay they'll do it again.

16 MS. ALMEIDA: Well I think what Public Works needs to do, because when we
17 were researching these private roads for the, for County Council, we came to the
18 conclusion there are no standards for dirt roads, nothing whatsoever. So if there was
19 some sort of minimum standard for a dirt road, it might alleviate some of these problems
20 that occur where these people can't even pass and it becomes a danger zone.

21 MR. JACKSON: But we'd monitor it.

22 MS. ALMEDIA: Well that would have to be something that would be part of the
23 approval process. I mean you can't monitor everything.

1 CHAIRMAN VAN DINE: All this document says is that the roads, before they get
2 turned over, would have to meet, so there is no standard, there is no baseline, you
3 could have a dirt track with two wheel ruts, which would in essence comply with this
4 ordinance.

5 MS. ALMEIDA: Well our private road subdivisions, I mean, even though they're
6 paved, we have no control over potholes and things like that within the private
7 subdivision.

8 CHAIRMAN VAN DINE: You don't.

9 MS. ALMEIDA: But the homeowner's association or some sort of other
10 mechanism would then be liable for upgrading and resurfacing.

11 MR. GOSLINE: The one difference is that even in the private subdivisions that
12 we have they have to be built to county standards so that the roads, for the most part,
13 could be taken over if the peninsula(?) decided they wanted to do it.

14 MR. JACKSON: I say it's simple, if you're building a house you have codes for
15 safety, right? Therefore the roads, they should be safety also, you should have some
16 standard and until we have some standard I can't support all of these private driveway
17 subdivisions.

18 MS. WYATT: Mr. Chair?

19 CHAIRMAN VAN DINE: Ms. Wyatt.

20 MS. WYATT: I'd like to make a motion that we recommend to County Council
21 that they not approve this new draft ordinance.

1 CHAIRMAN VAN DINE: We have a motion to send a recommendation to County
2 Council that we do not adopt what has been referenced as section 26-224. Do I have a
3 second?

4 MS. LUCIUS: Second.

5 CHAIRMAN VAN DINE: Any further discussion?

6 MR. MANNING: Let me add something to that. If there's any way that we can
7 have the county, I'm not in favor of maintaining, you know, private dirt roads or having to
8 check birth certificates, but if there is a way to have a dirt road, where somebody can
9 have two or three houses or whatever, I think it helps maintain the rural nature of the
10 county. I mean, there's some wonderful vistas in that part of the county that are dirt.
11 Now, I don't know how you get around all the issues we've just talked about, but I'd like
12 to see something come back from the Council that may be a little more definable, and
13 creative that we might be able to move forward on.

14 MS. LUCIUS: Some standards for the dirt roads.

15 MR. JACKSON: Public Works have the answer.

16 MS. LUCIUS: Or at least some standard for the dirt roads.

17 CHAIRMAN VAN DINE: Alright, we have a motion to send this forward with a
18 recommendation of, that it not be approved and a second. All those in favor please
19 signify by raising you hand. All those opposed?

20 *[Approved to Deny: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning, McBride;*
21 *Absent: Palmer, Green]*

22 CHAIRMAN VAN DINE: Unanimous from those present. That Ladies and
23 Gentlemen is our agenda. Thank you very much for your time.

1 MR. JACKSON: Move to adjourn.

2 MS. WYATT: Second.

3 CHAIRMAN VAN DINE: So moved.

4 MS. LINDER: And I behaved.

5 CHAIRMAN VAN DINE: I think you've lost the attention. I think we can save it.

6 MS. WYATT: Was it anything important?

7 MR. CRISS: I would note that the economic impact study prepared for the
8 county regarding the new Land Development Code has been released, published and if
9 you folks are interested we'll find ways to reproduce it.

10 CHAIRMAN VAN DINE: Send me a copy. Thank you.

11 MR. CRISS: Thank you.

12

13

[Adjourned at 4:21 p.m.]