

RICHLAND COUNTY PLANNING COMMISSION

May 3, 2004

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5 *[Members Present: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Wyatt,*
6 *McBride, Dunbar (1:15)]*

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8 Called to Order: 1:03 p.m.

9 CHAIRMAN GREEN: The third meeting of the Richland County Planning
10 Commission. First item of business is presentation of the minutes for approval. Do I
11 hear any motion with regard to the minutes.

12 MR. FURGESS: I move that we approve the minutes.

13 MS. WYATT: Second.

14 CHAIRMAN GREEN: The motion is seconded that we approve the April 5th, 2004
15 minutes. All those in favor? Opposed?

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

18 CHAIRMAN GREEN: Next our agenda amendments. I'd just like to say I don't
19 see John here today, but John Hicks, as you may have seen in the paper, will be
20 leaving the Richland County Planning Department. And just wanted to express to John
21 our appreciation for all his hard work and efforts. We certainly spent a lot of time with
22 John last year going through the Land Development Code discussion. And we'll
23 certainly miss John and wish him well. And I think he's moving on to the Town of
24 Blythewood. Michael had something else. I think – I guess he stepped out.

25 MS. WYATT: Mr. Chair, I apologize to you. I don't know if it's been given an item
26 number. I'm sure it's under Old Business on the review of the M-1 zoning. Due to the
27 fact that Council has taken that action back up and will be taking a look at it for second

1 reading tomorrow evening, I'm going to withdraw – or ask that we withdraw discussion
2 on that.

3 CHAIRMAN GREEN: We don't have it on our agenda at the present.

4 MS. LINDER: Yeah, it's under Other Business.

5 MS. WYATT: Yes, it is.

6 CHAIRMAN GREEN: Okay.

7 MS. LINDER: XIII-A.

8 CHAIRMAN GREEN: I'm sorry. You want to remove that from the agenda?

9 MS. WYATT: Yes.

10 CHAIRMAN GREEN: There's been a request to remove the M-1 zoning district.
11 What's specifically is happening with County Council?

12 MS. LINDER: The ordinance that had a public hearing back in July of 2003
13 received first reading at the last Council meeting and will be on the agenda for second
14 reading tomorrow.

15 CHAIRMAN GREEN: Any discussion with regard to removing under Other
16 Business the M-1 zoning district discussion? We will strike that. Anybody opposed to
17 removing it? We'll strike that agenda item. Any other agenda amendments for today?

18 MR. GOSLINE: Mr. Chairman?

19 CHAIRMAN GREEN: Yes, sir.

20 MR. GOSLINE: Pinnacle Point, on the first page of the Subdivision, Business
21 Park subdivision, has been deferred.

22 CHAIRMAN GREEN: So SD-04-208 will not be taken up today?

1 MR. GOSLINE: Correct. And we would suggest that you move SD-04-205 to the
2 end of the agenda or right after the – at least the end of the subdivision part. That may
3 take some discussion.

4 CHAIRMAN GREEN: Okay. Anybody opposed to moving –

5 MR. GOSLINE: Somewhere towards the end of [inaudible].

6 CHAIRMAN GREEN: - SD-04-205 to the end of the subdivision discussion? We
7 will do so. For those of you who are here, first we're going to go through our subdivision
8 review. That usually goes much quicker than the rezonings, but you will be given an
9 opportunity to speak at that time. Carl?

10 **CASE SD-04-119:**

11 MR. GOSLINE: First item on the agenda, Mr. Chairman, is Cedar Heights
12 Subdivision. It's at the northwest corner of Alpine Road and Old Percival Road. The
13 Staff, you have in your report, the Staff Report, Staff recommends denial for the reasons
14 show on page 13. Principally, it's not consistent with the Northeast Subarea
15 Comprehensive Plan. I don't see Jim May.

16 AUDIENCE MEMBER: I'm here as a spokesperson.

17 CHAIRMAN GREEN: Is the applicant here?

18 MR. WILSON BURR: Yes, I'm Wilson Burr [inaudible].

19 CHAIRMAN GREEN: Please, if you would state your name and address when
20 you come to the podium. Thank you.

21 MR. PALMER: I'm still hearing a lot of feedback. It's tough for me to listen.

22 MS. LUCIUS: It is hard.

23 MR. PALMER: To hear.

1 [EQUIPMENT DIFFICULTY]

2 **TESTIMONY OF WILSON BURR:**

3 MR. BURR: The proposal that's before you would actually have patio homes.
4 And the target audience for the people buying these patio homes, it is the intention,
5 would be elderly people in retirement phase. There was a mentioned traffic problems.
6 This particular portion of Alpine Road does not really have a significant traffic problem.
7 And if you would look at the numbers in the Richland County Traffic Report, there were
8 two studies done. One was site 498 and one is site 384. 498 is Old Alpine just as you
9 get to Faraway. And if you're familiar with that area, that coming from Interstate 20.
10 They have a right hand exit lane as your going towards Florence. You exit to your right.
11 You go to Alpine to your right. And you make a right turn that takes you straight to Blue
12 Cross – Blue Shield. That's what the second study tells you. As of 2002 there were
13 12600 vehicle passings. If you look at the study done just in front of or prior to Blue
14 Cross – Blue Shield, that number is 6100. So the bulk of that traffic is strictly people
15 going in and out of that office building. Once you get down to the residential area, Fort
16 Jackson has it completely land-locked on one side. So there's very little traffic in the
17 area at all. So I'm thinking ever who did the initial study maybe just saw some numbers
18 and could lead you to one impression. But if you actually look at what's located there,
19 the location, this is a perfect property. Probably the only use for this property would be
20 residential development. There is a mention in the report of the overall plan the
21 county's done. Once again, I apologize. I don't have an in-depth background in this
22 area. But I think part of the purpose, the objective, is to not have urban sprawl. Not go
23 out in an undeveloped area and create some massive development. This area is

1 completely developed on all four sides, everything from Fort Jackson back to 20. And
2 this is one of the few undeveloped areas left. And, obviously, would be ideal for the
3 plan that's been proposed. I also –

4 CHAIRMAN GREEN: If you could kind of finish up. [Inaudible] the time.

5 MR. BURR: Okay, sir, I will. I did leave with you, for your review, a report. We
6 had somebody go out this morning and actually – you see the board, Cedar Heights
7 subdivision formed by Mr. Mays and Associates. He actually went out, sat on site, and
8 counted cars this morning and put some pictures of what was happening between the
9 peak time periods. And if you look at those numbers in there, the only – if I could refer
10 to it as congestion which really is not congestion – but the bulk of that traffic is coming
11 from the I-20 area getting to Blue Cross – Blue Shield, which is a large employer outlet.
12 I think when the report was made, and I will summarize by saying when the report was
13 done, it was just based on some numbers, perhaps. And people didn't actually go and
14 investigate the site, itself. But I think this has been [inaudible] conformity with the
15 zoning which is residential. That's what Mr. Woody's held it for for all these years. And
16 it is certainly is desire to go forward with this current contract.

17 CHAIRMAN GREEN: Thank you, sir.

18 MR. BURR: Thank you very much.

19 CHAIRMAN GREEN: Any questions?

20 MR. PALMER: Mr. Chairman, this seems like this is what this property's intended
21 for. It's been this way for quite a number of years. It's been zoned residential. Just
22 because somebody may have had a crystal ball 10 years ago and wanted to say that
23 this should be commercial. It's not commercial. It's – everything around it's residential.

1 It's zoned residential. And, in the light of that, I make a motion for approval subject to
2 conditions on page 13.

3 CHAIRMAN GREEN: We have a motion. Is there a second?

4 MR. FURGESS: I second it.

5 CHAIRMAN GREEN: The motion is seconded. Discussion on the motion.

6 MS. LUCIUS: Yeah, I have a couple of questions. It just left my mind. I didn't
7 understand, Carl, what you said while ago. You recommended denial principally
8 because of - was it the traffic?

9 MR. GOSLINE: No, ma'am.

10 MS. LUCIUS: Okay, what was - I didn't hear what you said.

11 MR. GOSLINE: Traffic is - can you hear me okay?

12 MS. LUCIUS: Okay. What was your reason for denial?

13 MR. GOSLINE: That says not to get too close, so. No. Principally - traffic was
14 one of the issues. And, the gentleman was right, in this particular case the count station
15 is not terribly appropriate, but it's the only one there. The bigger issue, at least from our
16 side is that, right or wrong, the current comprehensive plan map designation is
17 office/institutional. And office/institutional is not supposed to be for residential. We've
18 had some other projects in this area. If you remember a couple of years ago Hennesey
19 Park, which is just on the other side of Alpine Road, not even half a mile away, that
20 particular portion of the area between Fort Jackson, Alpine and I-20 all the way up to
21 Clemson Road virtually all of it is M-1, or light industrial. And we recommended against
22 that one, too, on the same basis. So.

1 MS. LUCIUS: The only thing that concerns me when I look at this drawing it's
2 very dense. And I do agree that in-fill – we are trying to move toward in-fill. I do agree.
3 I have no problem with that. But is there anything on here, is there going to be any
4 buffering between this and the residential area I see on here? Because that's fairly
5 large lots around there.

6 MR. GOSLINE: Right. Well, certainly when the project comes in there'll be some
7 buffering in terms of the landscaping ordinance and that sort of thing as far as –

8 MS. LUCIUS: Well I just can't see anything on here about any buffering –

9 MR. GOSLINE: Right.

10 MS. LUCIUS: - or any sort of green space or anything being left.

11 MR. GOSLINE: You know there'll have to be some buffering. I would, also – I
12 think this is just another example of conflicting objectives, if you wish, in the plan. And
13 one is certainly in-fill like Mr. Palmer says. On the other hand, the techs and the maps
14 don't necessarily say the same thing, so.

15 MS. LUCIUS: No. I agree with Mr. Palmer about the in-fill. I'm just thinking that's
16 such an intense use, these patio homes. And -

17 MR. JACKSON: Well it's certainly zoned for that. I checked the traffic count
18 station. And I, too, came up with at station 384 with count of 5700 with a volume to
19 capacity ratio of 0.77 which did not change the volume.

20 MR. GOSLINE: Where's 384, Mr. Jackson? Where's 384 located?

21 MR. JACKSON: 384 is on Faraway. Station 498 is on Alpine.

22 MR. GOSLINE: On Alpine and [inaudible].

1 MR. JACKSON: So when I checked those figures I – it didn't change the level of
2 service. I did those figures. So I can support the development simply because it's
3 already zoned for that. It's not a zoning change.

4 MS. LUCIUS: But we're supposed to be looking at the design. This is a
5 subdivision approval. It's already zoned.

6 MR. JACKSON: Yeah. That's what I'm saying. So I can support it as a
7 residential development.

8 MS. LUCIUS: Do you think it's a good design?

9 MR. JACKSON: It's designed for – I can't get in detail on how it should be
10 designed. I guess for the PUD I could ask for some green space, but the thing says a
11 PUD.

12 CHAIRMAN GREEN: I'd like to speak in favor of the motion with one exception.
13 First of all, I've lived near this site for the better part of 45 years and I can't remember
14 the last time on this part of Alpine Road I ran into a traffic problem. Once, maybe 4th of
15 July, getting into Lawrence Britton's Barbecue Hut, but other than that I can't ever
16 remember a problem. This subdivision does exit out on Old Percival Road and Alpine
17 Road. Its movement can occur on Percival as well as Alpine and I-20. I think to take a
18 count right in front of Blue Cross is not indicative. The property is zoned RG-2. That's
19 what they're asking for. My one exception to the specific conditions in the motion – and
20 I'd like the maker and the second to consider this – but there's a statement under E.
21 "The County Fire Marshall requires all subdivision streets have a minimum of 26' of
22 pavement and cul-de-sacs will have a minimum radius of 45'." It's my understanding in
23 speaking with Legal Staff that this, in fact, not a requirement of the county. And it is a

1 subjective requirement. And my motion, I would ask that the motion be amended to
2 delete Item E and for us to utilize the existing ordinances we have with regard to street
3 widths and pavement.

4 MS. WYATT: I agree with you on that.

5 MR. PALMER: I would amend my motion, as such, to take E out of the specific
6 conditions and substitute whatever we currently have on the books.

7 CHAIRMAN GREEN: Mr. Furgess, you were the second for the motion.

8 MR. FURGESS: I second it.

9 CHAIRMAN GREEN: Do you accept that amendment to the motion?

10 MR. FURGESS: Yes.

11 MS> LUCIUS: Will my concern about any buffering be addressed?

12 MR. GOSLINE: Ma'am?

13 MS> LUCIUS: Will my concern about the buffering be addressed?

14 MR. GOSLINE: Yes.

15 MR. VAN DINE: May I ask a few questions? First is, I may be reading this map
16 wrong. I don't see an exit out onto [inaudible].

17 MR. GOSLINE: Yeah, it seemed to dead end.

18 MR. VAN DINE: The road will dead end there. So the discussion relative to Old
19 Percival being an exit, that does not appear to be, in fact, true.

20 MR. GOSLINE: That's an emergency exit.

21 MS. LINDER: Mr. Van Dine, will you pull your mic closer, please?

22 MR. VAN DINE: I'm sorry.

1 MR. GOSLINE: The main entrance is off Alpine. There's an – it's hard to see on
2 this, but that's designed as an emergency exit.

3 MR. VAN DINE: But it is not a –

4 MR. GOSLINE: Regular.

5 MR. VAN DINE: - cut-through exit, which I think was the representation that was
6 being addressed.

7 CHAIRMAN GREEN: I'm sorry if, in fact, that's what's meant. I misread the plat.

8 MR. VAN DINE: So, obviously, this is a dead end cul-de-sac [inaudible]. There
9 are some concerns relative to traffic issues. Where it may be an emergency only, but I
10 don't know how they're going to operate the emergency. I don't know what they're
11 going to do in that regard. So I've got some concerns with narrowing streets down or
12 [inaudible] cul-de-sac widths if, in fact, this may not, in fact, be the proper layout.

13 MR. GOSLINE: If I might, Mr. Chairman, I think that the applicant – and we've
14 done this on several occasions – had emergency, you know, exits. We did it in Lake
15 Carolina and we've done it in Caughman Ridge and maybe one or two other ones. So I
16 think this is the same thing in terms of the emergency access to Old Percival Road.
17 The main entrance would be off Alpine. The issue of paving in relationship to the fire
18 code is a very difficult one that we're struggling with internally. And I'll let Mike
19 elaborate.

20 MR. CRISS: The City of Columbia, of course, is a dominant water supplier in the
21 unincorporated area of Richland County where they, of course, do not have subdivision
22 review and approval authority or zoning approval. But they can turn the water on and
23 off. And the city has adopted the International Fire Code Appendix D that calls for

1 additional subdivision design measures to enhance fire safety, including multiple points
2 of access and street width. And we're trying to alert our development community well in
3 advance at the beginning of a project rather than at the end, that we the County, might
4 be precluded from issuing Certificates of Occupancy for the houses built in a subdivision
5 that's dependent on the city's water supply if the Department of Environmental Control
6 does not issue the permit to operate water because the provider, the city in this case,
7 will not issue the Operation and Maintenance letter because the developer hasn't met
8 their Fire Marshall's street design standards. So not something that we can enforce, but
9 we feel obligated to pass that information through to the developer at the beginning of
10 the project to make sure that they're in close discussion with the city on these design
11 aspects. The County Public Works Department is satisfied with the lesser street widths
12 called for in its design standards. And, in this particular case, you are seeing an
13 example of an additional secondary emergency ingress/egress not only for the
14 residents, but for fire apparatus and other emergency access. So that's the source of
15 that particular condition in your Staff Report. And we accept your striking it.

16 MR. VAN DINE: I think, in light of what's being said, I think the motion cannot be
17 that they can simply comply with County; that they're going to have to comply with
18 whatever the fire code and the city, because of the water, it has to impose on them. We
19 can't – I don't want anybody going out there and saying we have told them it's okay to
20 do so but the city won't let them hook up so something else has to happen. So I want to
21 be careful that the motion is not simply to remove it and say it's okay to meet only
22 county standards if, in fact, there's a Fire Marshall and a water. I think it has to make
23 sure that whatever recommendations are used specifically state that they're going to

1 have to comply with whatever building official and/or the Fire Marshall and/or the
2 building code or the water people indicate are appropriate.

3 CHAIRMAN GREEN: Is that or is that not covered, I would ask, by some of the
4 other language in the specific conditions? More specifically Item F, "The City of
5 Columbia must approve the water line construction plans", Item H, "DHEC must issue
6 the water line construction permits". Does that not cover any issue with regard to
7 water? And my concern is not that we don't alert people to the possibility they maybe
8 come under city requirements, but to state as a condition that our county Fire Marshall
9 requires all streets of this width, I don't believe it's a correct statement.

10 MR. PALMER: I wouldn't have a problem just striking E on it and not substituting
11 anything for it, just taking E out.

12 MR. VAN DINE: And making them comply with whatever requirements are going
13 to have to be there.

14 MR. PALMER: Well I agree with

15 CHAIRMAN GREEN: F and H. I think F and H address it. I'm not sure they do.
16 But then I was asking was there a belief that F and H address the water issue.

17 MR. JACKSON: Well I states that no building permits will be issued until all of the
18 conditions cited above are met.

19 MR. CRISS: Staff is endeavoring to have administration convene a meeting with
20 the city, both fire marshals, Public Works, planning departments to try to resolve this
21 difference in street design standards and fire safety access.

22 MR. JACKSON: Well I always have concern for safety and this is a fire engine
23 turning radius. We used to use 40', now we're using 50'. This has 45' But the safety

1 issue is always a concern. If a fire engine tried to turn around in there, it could have
2 problem. So that's my main concern. And the street width – sometimes some
3 subdivision, it's really narrow. And they design it so the traffic calming, but when there
4 comes an emergency, and for safety, we can have a problem, also. So I always tend to
5 have a standard and just 26' is really [inaudible] section that measures 26'.

6 MR. GOSLINE: Mr. Chairman, I think that what we're trying to be – you know
7 we've had lots of discussions, as you can imagine, with HBA and the developers,
8 individually, about this issue. And they're, I think, they're primary concern, obviously, is
9 to know up front whether it's 24' or 26', big difference in price, just to say the least. And
10 so what we've been trying to do for the last, since probably January or so, is put some
11 kind of statement in there to "wave the flag", as the Chairman and I think all of you are
12 saying. It may be when the Fire Marshall comments on these projects he says it's a
13 little, the way it's worded it's hard to tell whether it's a recommendation or a
14 requirement. So I would say, to make a long story short, I think that if you do eliminate
15 E - and you're going to have to do it all the way through all the rest of the subdivisions
16 because it's in all of them – that probably it's just having the F and G, or F and H or
17 whatever, would at least take care of it until we can get a definitive position to tell them
18 whether it's a requirement or a recommendation. There's lots of projects that this is
19 going to affect. They're just – It's a huge issue, to say the least.

20 MR. VAN DINE: Mr. Chairman, I think what – I would feel more comfortable we
21 simply had a statement that the subdivision has to comply with the requirements of
22 county and/or city's fire code. And then that issue has to be addressed at that point in

1 time. It's not setting a particular standard. And if there's some way that something can
2 be done, it's going to have to be done anyways in order to get the CO's. So.

3 MR. PALMER: Is that not just a given, though? I mean do we need to spell that
4 out every time or -

5 MR. VAN DINE: Well but the problem is, the problem is it says, "No building
6 permit shall be issued until all of the conditions cited above are met". And I –

7 MR. PALMER: Well no permit's going to issued until the Fire Marshall checks up
8 on it, anyhow.

9 MR. VAN DINE: But it's not part of the cited requirement. And I think what we
10 have to make sure that we're doing is we're backing ourselves into a corner where
11 somehow somebody's saying, "I was given permission to do so because of your
12 adoption and your approval." And those are the only conditions that are cited. We can't
13 do anything about what the city's going to require. So we would better suited to actually
14 have a language in there that simply says this subdivision has to comply with city and/or
15 county fire regulations. That way, if there is an issue that becomes addressed, it's
16 addressed at the stage of getting the permit and making sure it's in compliance. And
17 we're not being backed into a position of having to do – I mean it's a step they're going
18 to have to take anyway. But in light of that one statement in this, I would feel better with
19 a more affirmative statement that says they just have to comply and not set a standard
20 for what that is that they have to comply with.

21 CHAIRMAN GREEN: If I could ask Ms. Linder, do you have any suggestions for
22 us, as Council, the type of verbiage we would be appropriate to use with regard to what
23 this Body can do with regard to the street widths?

1 MS. LINDER: I believe that it would be appropriate if you just said in addition to
2 the conditions that you're imposing from the county's regulations that an applicant has
3 to meet all other applicable city and state requirements, local city, county and state
4 requirements. I do believe it is a given. If a person wants to – just because we don't
5 mention something and there's a state requirement, the applicant would still have to
6 follow state requirement. The same thing with the city. If they're asking for a service
7 from the city, they're going to have to meet the city requirements.

8 CHAIRMAN GREEN: Would you restate that just for us so we're clear on what
9 you would recommend for that verbiage to be?

10 MS. LINDER: In addition to the conditions referenced on page 13, taking out
11 requirement E, but then stating that the applicant must comply with all applicable city,
12 county, and state requirements.

13 CHAIRMAN GREEN: Thank you. By the nod of the head it looks like that that –

14 MR. PALMER: I would amend my motion to reflect that.

15 CHAIRMAN GREEN: Mr. Furgess?

16 MR. FURGESS: I second it

17 MR. VAN DINE: May I ask one more question? Isn't this in the same general
18 areas that , I mean that apartment complex area, that was before us where they were
19 trying to get, you know, an apartment complex or was that further down Percival? It
20 went into County - for some reason I'm thinking it's just up on Percival Road.

21 MR. GOSLINE: We had a subdivision called Anisee Park about two years ago
22 which is like less than ½ mile away.

23 MR. VAN DINE: This is within –

1 MS. WYATT: This is recent within the last four or five months.

2 MR. VAN DINE: This is within the last-. Yeah, I was thinking two to three
3 months. There was a request for a zoning change to allow an apartment complex to go
4 in just up from Old Percival Road to the north, I guess it would be.

5 MS. WYATT: I think that was on the other corner.

6 MR. VAN DINE: I'm just trying to figure out if we were pointing to the same area.

7 MR. GOSLINE: I don't remember.

8 CHAIRMAN GREEN: I don't recall, Howard.

9 MR. PALMER: Well if it goes on Old Percival, Old Percival isn't that long.

10 MR. VAN DINE: I mean – [inaudible].

11 CHAIRMAN GREEN: We had a subdivision on Old Percival, but not an
12 apartment complex.

13 MS. WYATT: No, it was apartments.

14 CHAIRMAN GREEN: Was it?

15 MS. WYATT: Howard's correct.

16 MR. VAN DINE: There were apartments that were being requested a change to -
17 it was an RG-2 or something in which they were going to put apartments in. And I was
18 just wondering what Council had done with that.

19 MS. LUCIUS: Oh, I do remember that.

20 MR. GOSLINE: Oh, oh, oh. I think what you're talking about is down near
21 Northeast High School. It was a rezoning change that – Boundary Road and
22 somewhere down.

23 MR. VAN DINE: That's further in towards – okay, okay.

1 MR. GOSLINE: Yeah, that's – yeah.

2 CHAIRMAN GREEN: Further discussion on the motion? Seeing no further
3 discussion, those in favor of approval of this subdivision subject to conditions on page
4 13 with the exception of Item E, which has been restated as Ms. Linder suggested to us,
5 please raise your hand. All those opposed.

6 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride,*
7 *Dunbar]*

8 CHAIRMAN GREEN: It is approved.

9 MS. LUCIUS: Mr. Chairman, since we went against Staff's recommendation do
10 we need to make a statement or anything?

11 MR. VAN DINE: I think the Record discussion reflects the statements and the
12 reasons.

13 MS. LUCIUS: Okay.

14 MR. PALMER: Mr. Chair, do we need to have something - so, from my
15 understanding, Carl, that's – line item E's going to be in all of the subdivision. Do we
16 need something –

17 MR. GOSLINE: Blanket for all of it.

18 MR. PALMER: Blanket everything or some kind of canned statement?

19 CHAIRMAN GREEN: I think we'll just have to just, since we're voting on them
20 each separately, we'll have to incorporate that into the motion for each particular –

21 MR. PALMER: Subdivision.

22 CHAIRMAN GREEN: - each particular subdivision.

23 MR. PALMER: [Inaudible] just to be clear.

1 MR. VAN DINE: Because I think on, also, some of them are not city related, not
2 city water for some reason. So therefore, they would not necessarily pick up that
3 requirement.

4 MR. GOSLINE: Mr. Chairman, the words that I've written down are "The project
5 shall comply with all applicable requirements – all applicable city, county and state
6 requirements."

7 CHAIRMAN GREEN: Correct.

8 MR. GOSLINE: So what I'd suggest you'd do is each time is just say to substitute
9 the – just so we'll have it for the Record. And we'll be sure and try to catch it.

10 CHAIRMAN GREEN: We would certainly encourage that these conversations
11 with regard to the city and the county and the Planning Commission, our subdivision
12 ordinance, take place sooner rather than later so we have clear direction as to what
13 regulations are and aren't going to be in affect in the county.

14 MR. CRISS: Staff will be glad to relay your concerns, Mr. Chair.

15 CHAIRMAN GREEN: Thank you. Next on our agenda is SD-04-205.

16 MR. VAN DINE: That was being –

17 MR. GOSLINE: We're going to put that one at the end.

18 CHAIRMAN GREEN: I'm sorry.

19 MR. GOSLINE: It's takes quite a while.

20 CHAIRMAN GREEN: That's being deferred to later.

21 **CASE SD-04-218:**

22 MR. GOSLINE: The next one on the agenda was Pinnacle Point and that got
23 deferred. The next one is SD-04-218, which is Seaton Ridge subdivision. This is on

1 Rimer Pond Road, half a mile west of Hardscrabble. This should be very familiar to
2 you. It's been up a couple times for rezoning and didn't get anywhere. So the applicant
3 came back to do a conventional subdivision. Staff recommends approval.

4 CHAIRMAN GREEN: Questions, comments from the Planning Commission?

5 MS. LUCIUS: Yeah, Carl, you answered my question. I thought this was that
6 one. It came before us last October for RS-1 and it came before us in January for a
7 PUD and neither one of them got anywhere. So now they're just going to leave it rural,
8 it's still conventional subdivision.

9 CHAIRMAN GREEN: Any questions, comments from the Planning Commission?

10 MR. PALMER: Mr. Chairman, I move for approval subject to conditions on page
11 44 – I'm sorry, 45.

12 MR. JACKSON: I second it.

13 CHAIRMAN GREEN: There's a motion on the floor that's been seconded
14 subject to specific conditions. I would assume that we would amend Item F –

15 MR. GOSLINE: Correct.

16 MR. PALMER: Correct.

17 CHAIRMAN GREEN: - to the language we previously discussed.

18 MR. PALMER: Correct.

19 CHAIRMAN GREEN: I would like to add a further stipulation with regard to, and I
20 don't see it in Staff recommendations, as to lots – and I apologize, I can't read all the lot
21 numbers – but certainly lot 1 and the other three lots that have a boundary on Rimer
22 Pond Road, that their access be limited to the internal street system, only. And that no
23 curb cut be permitted along Rimer Pond Road for those four lots.

1 MR. PALMER: Was that lot 1, 36, 37, and 38?

2 CHAIRMAN GREEN: You have younger eyes than I do, Patrick. That's what it
3 looks like. That's what it looks like.

4 MR. PALMER: I'd amend my motion.

5 MR. JACKSON: I will second it also.

6 CHAIRMAN GREEN: Further discussion?

7 MR. GOSLINE: Who seconded the motion? I'm sorry.

8 CHAIRMAN GREEN: Mr. Jackson. We have a motion on the floor for approval of
9 SD-04-218 subject to the rewording of Item F and the addition of a prohibition against
10 curb cuts on the four lots fronting on Rimer Pond Road. All those in favor raise your
11 hand. Opposed?

12 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride,*
13 *Dunbar]*

14 CHAIRMAN GREEN: Next on our agenda is SD-04-219.

15 **CASE SD-04-219:**

16 MR. GOSLINE: Mr. Chairman and Members, this is on the north side of Brickyard
17 Road opposite Cedar Springs subdivision, which is almost to Hardscrabble Road. This
18 project was, rezoning, was granted within the last few months. It's RS-2 subdivision, 89
19 parcels. Staff recommends approval subject to the conditions. In this case it would be
20 E that you would want to amend.

21 MR. FURGESS: See E, G and H, right?

22 CHAIRMAN GREEN: Discussion.

1 MR. VAN DINE: I would, in light of the prior one also, request that you limit
2 access onto Rimer – I mean onto Brickyard and make all lots – perhaps you can read
3 these. 1, 2, 3, 4.

4 MR. GOSLINE: It's Item I.

5 CHAIRMAN GREEN: Item I might address that.

6 MR. VAN DINE: Okay. That'll be fine.

7 CHAIRMAN GREEN: We have a motion for approval of this subdivision subject
8 to the specific conditions on page 55. Is there a second?

9 MR. MCBRIDE: Second.

10 MR. VAN DINE: Before – It appears as though lot 4, however, is not included in
11 your list. If I'm looking at them, lot 4 appears to be that angled one off of the –

12 MS. LUCIUS: It's not.

13 MR. VAN DINE: And, so I would ask that lot 4 be included in that list.

14 MR. GOSLINE: Thank you.

15 CHAIRMAN GREEN: We have a motion. Mr. McBride seconded the motion.
16 Further discussion?

17 MR. VAN DINE: That was subject to the removal of E and it's [inaudible] of that
18 and the addition of number 4 on I?

19 CHAIRMAN GREEN: That is correct. All those in favor of approval? Opposed?

20 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride,*
21 *Dunbar]*

22 CHAIRMAN GREEN: Next on our agenda is SD-04-219.

23 MR. GOSLINE: [Inaudible], that's the one we just did.

1 MS. WYATT: One nine.

2 MR. GOSLINE: Two -

3 CHAIRMAN GREEN: Is that we –

4 MR. GOSLINE: 226 is the next one.

5 MR. VAN DINE: 226.

6 CHAIRMAN GREEN: 226. I apologize.

7 **CASE SD-04-226:**

8 MR. GOSLINE: Mr. Chairman and Members, this is a three lot subdivision off of
9 Kennerly Road near Old Tamer Road. It's a minor subdivision. Staff recommends
10 approval.

11 MS. WYATT: I make a motion we approve subject to conditions –

12 MR. JACKSON: Question. Does A and B share the driveway or -

13 MR. GOSLINE: Yes.

14 MR. JACKSON: Okay.

15 MS. WYATT: Let's make sure he's finished with his question first.

16 CHAIRMAN GREEN: You have a motion, Ms. Wyatt?

17 MS. WYATT: Conditions on page 64.

18 CHAIRMAN GREEN: Okay. We have a motion for approval.

19 MS. LUCIUS: Second.

20 CHAIRMAN GREEN: Ms. Lucius seconded. Any further –

21 MR. VAN DINE: I'm sorry. What was it about the driveway? What was the
22 question about the driveway?

23 MR. JACKSON: If A and B share the same driveway.

1 MR. VAN DINE: Is that a condition any place in here?

2 CHAIRMAN GREEN: The drawing shows – a single driveway doesn't, a single
3 curb cut does it not?

4 MR. GOSLINE: It's not a condition, but it's a good idea to put that in there.

5 MR. VAN DINE: I think –

6 MS. WYATT: I'll amend my motion, then, to include a single driveway.

7 MS. LUCIUS: I amend my second.

8 CHAIRMAN GREEN: Is that what – my presumption is that's what this design,
9 although it's hard to read, provides for.

10 MS. LUCIUS: Uh, hum (affirmative).

11 CHAIRMAN GREEN: All right. Okay.

12 MR. GOSLINE: That's the presumption, but it won't hurt to put it in pure English.

13 CHAIRMAN GREEN: We have a motion on the floor to approve subject to the
14 stated conditions and the single driveway. Any further discussion?

15 MR. VAN DINE: You have single driveway for A and B or all three?

16 MR. GOSLINE: All three.

17 CHAIRMAN GREEN: All three.

18 MR. VAN DINE: Okay. Thank you.

19 CHAIRMAN GREEN: Any further discussion? Those in favor of approval?
20 Opposed?

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

23 CHAIRMAN GREEN: And I will turn the Chair over to Ms. Wyatt.

CASE SD-04-236:

VICE-CHAIRMAN WYATT: Oh, I'm sorry. Is this the one? The next item on our agenda is SD-04-236. Before we begin any discussion I need to read into the minutes. "Dated 5/3/04, Ms. Barbara Wyatt, Vice Chair Richland County Planning Commission. Dear Ms. Wyatt, I must request to be recused from participating in discussion or voting on agenda item SD-04-236 regarding Killian Station and Hester Woods which is scheduled for review and/or discussion at today's Planning Commission meeting. It's my understanding of the rules of conduct provisions of the Ethics Government Accountability Campaign Reform Laws that since I work for the real estate company representing the applicant on other business matters" - I believe is what he has written here - "I will be unable to participate in this matter through discussion or voting. I would, therefore, respectfully request that you indicate for the Record that I did not participate in any discussion or voting relating to this item representing a potential conflict of interest. I would further request that you allow and direct this letter to be printed as part of the official minutes and excuse me from such votes or deliberations and note such in the minutes. Thank you for consideration. Eugene Green." Mr. Corboy, do you wish to address us?

TESTIMONY OF STEVE CORBOY

MR. CORBOY: Yes. Thank you. Ladies and gentlemen, good afternoon. My name is Steve Corboy with SB Communities and I'd like to read a brief letter that we wrote for you concerning SD-04-256 (sic). Several points in the letter need to be corrected as follows: 1) The subject area is 99.694 acres, not 122.6 acres as stated in the report; and 2) Hester Woods has its access to Hardscrabble Road, not Clemson

1 Road as stated in the Report. "We object to Item E under specific conditions. The
2 County Fire Marshall requires all subdivision streets to have a minimum of 26' of
3 pavement and cul-de-sacs to have a minimum radius of 45' for the following reasons.
4 On September 8, 2003 the Planning Commission voted to recommend that the County
5 Council approve our proposed zoning map amendment request for RC Project 04-07-
6 MA. The approval states under PUD conditions D "Approval of the lotting study
7 Attachment C shall constitute approval of the sketch plan for subdivision purposes" and
8 PUD conditions F3 "Approve street standards as stated on page 17". The road
9 standards allow for road widths of 21' back of curb and 18' back of curb and cul-de-sacs
10 having a radius of 40. On September 23, 2003, Richland County conducted a public
11 hearing, first reading on September 23, 2003, second reading on October 7, 2003, and
12 third reading on October 21, 2003. The project received a unanimous approval of
13 Richland County Council. On November 4, 2003, Richland County Project 04-07-MA
14 became law. Included in the law are the specific items approving the above mentioned
15 road widths. Richland County adopted the 2000 International Fire Code but did not
16 adopt Appendix D of the Fire Code that contains language for road widths of 26'. The
17 current Richland County ordinance for subdivision streets requires minimum road widths
18 of 25' back of curb and cul-de-sac radius of 40'. We conducted a two hour meeting with
19 Richland County Department of Public Works regarding the design and engineering of
20 the project. We were informed that the current ordinance requires a minimum road
21 width of 25' back of curb and a cul-de-sac radius of 40' The Department of Public
22 Works stated that what Council and Planning approved do not meet their ordinance.
23 We undertook the design of the project based upon the requirements of Department of

1 Public Works. On May 29, 2004 (sic), we were advised that the Department of Public
2 Works has approved our plans as submitted.” And we have since gotten the approval
3 of the City of Columbia Engineer, David Johnson, for the water and sewer. “We have
4 spent a considerable sum of money and time to design this project and find it
5 unbelievable that this requirement would be impose on us at this late date without any
6 prior notification. There exists no law or ordinance in Richland County that requires
7 what the Richland County Fire Marshall wants to impose on us. Further we looked at
8 numerous subdivisions that have been built and paved within the past three months and
9 all have 25’ wide roads back of curb and 40’ radius in the cul-de-sacs. Respectfully
10 submitted.”

11 VICE CHAIRMAN WYATT: Any questions? Thank you, Mr. Corboy. Staff?

12 MR. GOSLINE: Well, I think we’ve talked about the basic issue here. This is just
13 another ramification of the – or not the right word – nuance, maybe, is a better word – of
14 the whole issue of paving width regarding meeting the fire code and whose going to
15 implement and all the rest of that. There’s not much more to say until we can get it
16 resolved.

17 MR. VAN DINE: I hate to be the one to raise this, but I will. Since earlier we had
18 a little discussion about “Oh, let’s not include things in our ordinances because they’re
19 going to be required anyways.” This is what you get when you don’t include things in
20 the ordinances and you don’t put it specifically as to what you want in subdivisions and
21 other things. We get that stuff thrown in our face. And I’m telling you right now if this is
22 the way it’s going to work, then from now on I’m going to require all PUDs that come
23 into this place to be fully designed in accordance with all the requirements, and we’re

1 not going to rely on the “Oh, don’t worry. It gets done at a later stage” idea because this
2 is what you get.

3 MR. DUNBAR: I’m missing something. How’s this one different from the ones we
4 talked about earlier? Am I missing the whole point?

5 MR. VAN DINE: There were discussions that we had on earlier subdivisions –

6 MR. DUNBAR: Right.

7 MR. VAN DINE: - that talked about what the requirements were. We are being
8 told by this letter that we can’t even go back about what anybody else has said. That
9 the County has approved an ordinance and has approved a PUD and therefore the
10 subdivision of that PUD with less restriction and less requirements for road widths.

11 MR. DUNBAR: But we’re talking about if the letter hadn’t been written we would
12 be sitting saying it’s approved subject to the same requirements we just had on the
13 other subdivisions. So how’s that an issue?

14 MS. LUCIUS: But this is a PUD.

15 MR. VAN DINE: And I raised the issue that we need to make sure that we have
16 everything in writing. We have everything down if this is the kind of stuff we’re going to
17 get.

18 MR. GOSLINE: Madam Chairman?

19 VICE CHAIRMAN WYATT: Yes.

20 MR. GOSLINE: There is a slight difference with this particular project because it
21 was a PUD that had specific different widths. And we’ve had a number of those in the
22 past, which is another nuance of this whole issue. So it is a little bit different, Pat, than
23 the ones we were talking about and the ones you will be talking about because they’re –

1 that's the only difference. In this particular case, the PUD was very specific about lane
2 widths and that sort of thing. Most of the ones we've done lately have been that way.
3 And some of them have been different than the code, current code, and some haven't.
4 That's just another part of the whole confusion, for lack of a better term.

5 MR. DUNBAR: I got in late and I'm sorry, but I got most of the earlier discussion.
6 But has the City of Columbia turned down any subdivision because of the road widths?

7 MR. GOSLINE: I'm not sure. We've heard that they were going to. It's kind of
8 hard for us to tell because we can't approve a bonded plat for recording without the city
9 approving the water construction plans. And if we don't ever get them, I guess they're
10 holding them for whatever reason. But the bigger issue is it's a huge intergovernmental
11 coordination issue, at the very least, to say nothing of, you know, at what point do we
12 start requiring things. And we've got all kinds of things in the pipeline. And where does
13 all, you know, that whole – it's a huge, huge issue that just gets more complicated the
14 more it goes on. And, you know, right now we're just trying to - I mean we feel like – I
15 think we all feel like we need to tell the developers, as soon as possible in the process,
16 what they've got to do. As Mr. Corboy's point is well taken. "Well, we went through the
17 PUD and we said was and blah, blah, blah, and blah, blah, blah." So.

18 MR. VAN DINE: I would think – the water plan deals with the sewer lines and
19 deals with everything else. We're talking about the fire code and a Fire Marshall who is
20 then interpreting what is going on. Talking about water plans is not what we're talking.
21 We're talking about pavement widths and all that kind of stuff.

22 MR. GOSLINE: Yes and no, Mr. Van Dine, because the city, at least, and it's
23 been a while since we've had some Staff conversation with them about it, but the city

1 Fire Marshall's position is we aren't going to approve the city water unless you have the
2 paving. So, and this is why it's a huge intergovernmental coordination issue. And, you
3 know, Michael's been trying for months to get with, get everybody to sit down and have
4 them beat up each other and come up with something.

5 MR. JACKSON: Did the county adopt the International Building Code?

6 MR. GOSLINE: They adopted the International Building Code and the
7 International Fire Code.

8 MR. JACKSON: International Fire Code.

9 MR. GOSLINE: This is in the fire code. The difference is the City of Columbia
10 adopted the appendices to the Fire Code, the county did not. Some of these
11 requirements, or recommendations, whatever term you want to use, are in the
12 appendices. So – and where does that leave us? I mean it's not – it's really, I mean,
13 our part of it is sort of being caught in the middle. It's much more important for the
14 applicants to know what they got to do and design their projects up front to do whatever
15 it is they got to do.

16 VICE CHAIRMAN WYATT: It's my turn. It is not fair to anyone in Richland
17 County, whether it be a homebuilder or anyone else, to be held hostage to the City of
18 Columbia possibly cutting water off. My attitude is we had adopted, we represent the
19 county. These applications are coming into the county. We go by the county codes. If
20 the City of Columbia said the Fire Marshall suddenly decides that he wants to change it,
21 then he needs to come down here and meet with the Legal Department, County
22 Council, and everyone else and say, "At this point we're going to start doing it." I think
23 to impose this kind of thing on Monday, May 3rd –

1 MR. GOSLINE: Well –

2 VICE CHAIRMAN WYATT: - with, in opinion and it's clearly only my opinion, with
3 no justification for doing it other than we might have a problem with the Fire Marshall,
4 the city Fire Marshall, at some time or another I think it's just totally wrong to do.

5 MR. GOSLINE: Part of the – may I speak?

6 MR. JACKSON: My concern has always been safety, turning radius and width of
7 the road. Fire Marshall has a reason why he refuse certain permits. And the fire engine

8 –

9 VICE CHAIRMAN WYATT: Hasn't refused it.

10 MR. JACKSON: - cannot turn on a 40' radius. I'm talking people buying houses,
11 living in a community, and there's a fire and the fire engine cannot turn. Cannot get
12 there. I'm talking about safety for the residents. I'm concerned. I understand the
13 builders or the developers want to build narrow roads to save money. When it comes to
14 the residents, I'm concerned for their safety.

15 MR. DUNBAR: Apparently the county Fire Marshall has agreed that the 40' is
16 okay or we wouldn't have the 40' rule.

17 [Inaudible discussion]

18 MR. JACKSON: It cannot turn on a 40' radius.

19 MR. DUNBAR: Is that a fact?

20 MR. JACKSON: Yes.

21 MR. DUNBAR: I mean, I don't know. But I would think the county Fire Marshal
22 would have an opinion. Apparently he's of the opinion that our code meets his
23 requirements.

1 MR. JACKSON: He may not have made a statement.

2 MR. DUNBAR: I agree with Barbara to this extent, too. We're talking about a
3 problem that may come up that hasn't come up. If Steve or Chuck or one of these
4 developers out here runs into the thing it's going to be their problem because they're
5 meeting the county requirements. If they don't meet the city and the city won't approve
6 the water plan, well then they got to deal with it at that point. So, you know, I agree with
7 Barbara. Why do we want to require something that may cover a problem that may
8 come up in the future?

9 MR. PALMER: I would have to agree with that, too. We're here to take a look at
10 the county's rules and the county's ordinances and what the county has to do. If we,
11 also have to take into account what the city does and all the city's rules and stuff, then
12 we all might as well just all be one body, but we're not. And there's some arguments to
13 having one body do all that but that's neither here nor there. But our job is to take a
14 look at the county ordinances and rules and regulations we have down here and to do
15 our best to make those go throughout the county. So I'm not concerned with what the
16 city does.

17 MR. JACKSON: All I'm saying is our job is also to look at safety issues.

18 MR. DUNBAR: Well then we need to change our code to do something with it.

19 MR. PALMER: I agree.

20 MR. JACKSON: Irregardless of the county or the city, our job is also to look at
21 safety issues. And if we see there may be a problem, our job is to investigate it.

22 MR. DUNBAR: Change our code to look at this.

23 MR. PALMER: Right.

1 MR. DUNBAR: I don't disagree with that.

2 VICE CHAIRMAN WYATT: But you also, and I think you would agree I'm one
3 that gets on that safety bandwagon quite often. And I use the example of the Woodland
4 subdivision out in northeast Columbia that's designed with very, very wide roads. What
5 has been the main issue for years out there is people flying down those roads. The
6 county has just recently within the last year come in and painted white lines down the
7 side of those roads for people to stroll their babies, ride their bicycles, and it has
8 actually, because I've been following it because of interest for my own community, it's
9 actually caused traffic to slow down. Because people have the perception that the road
10 is now more narrow. So I look at it differently from a safety standpoint than, I guess,
11 you do. Yes, fire trucks have to turn around. But at the same you don't want these
12 streets to be interstate size that people are going to fly down through our
13 neighborhoods. So, I look at it from a different issue of safety than you do.

14 MR. JACKSON: I understand what you're saying. But with those roads, even
15 though it's painted, the pavement is still there for the fire truck to turn.

16 VICE CHAIRMAN WYATT: Well, then –

17 MR. DUNBAR: I think if the fire is big enough I think that fire truck's going to turn
18 around in somebody's yard.

19 [Laughter]

20 VICE CHAIRMAN WYATT: Believe me! I'd let them turn around in mine.

21 MR. DUNBAR: I had a fire about 10 years ago at my home and we've got a 12'
22 paved private street coming in through some gateposts that are like 10' apart. And we
23 had four fire trucks in there and they did a wonderful job of getting it. And they worried

1 about where they were going to turn around after they put the fire out. So, I don't
2 disagree with what your saying though, Norman, if we want to enforce a code that the
3 city's got then we need to adopt that code as a county.

4 MR. VAN DINE: I have two concerns, first of all. The first is that I think that we,
5 as a Body, have an obligation to do our planning and to do everything that we are
6 supposed to. And that requires us to look into all aspects of whether or not a
7 subdivision can be done or not done in accordance with the requirements that exist
8 whether they be state, county or city, in this instance due to the water. So I think that
9 simply to say we apply only county is missing the boat on what our obligation is up here.
10 The second is a question. What, exactly, are the size of these roads that are in this
11 subdivision that has been planned?

12 MR. GOSLINE: That's - the one that we're discussing right now?

13 MR. VAN DINE: The ones that are in the plans before us that are sitting right
14 here. What are the size of the roads and what are the size of the cul-de-sacs?

15 MR. GORBOY: Twenty-five feet back of curb and 40' radius in the cul-de-sacs.

16 MR. VAN DINE: So we're, in essence, talking about 1' differential in the – or
17 maybe 2' if you're thinking curb.

18 MR. GOSLINE: Let me just – right. Current county code is 25' back of curb to
19 back of curb which results in a 24' pavement. The Fire Marshal requires/recommends,
20 whatever it should be, 26' of pavement. So it'd be 27' back to back.

21 MR. VAN DINE: Is this subdivision planned for curb and gutter?

22 MR. GOSLINE: Yes.

23 MR. VAN DINE: Okay. On the cul-de-sac.

1 MR. GOSLINE: What Mr. Corboy said was they meet the current county code
2 requirements for subdivisions in terms of pavement width.

3 MR. VAN DINE: There is a 40' in our present code?

4 MR. GOSLINE: Correct.

5 MR. VAN DINE: What is the new – what was the proposed land use, land
6 development? Do you recall what those are?

7 MR. GOSLINE: Probably the same thing because most of the time in the
8 subdivision discussions the fire code issue hasn't come up yet. So, probably is the
9 same thing. But, as you know, there's lots of issues here. I mean, we're faced with
10 conflicting objectives in our own Comprehensive Plan – safety versus traffic calming
11 versus adequate fire protection – all that kind of thing. This is a huge, you know, it's -
12 the more you think about it the more mind boggling it gets.

13 MR. DUNBAR: Madam Chairman?

14 VICE CHAIRMAN WYATT: Sir.

15 MR. DUNBAR: I'd like to make a motion we approve this plan subject to the
16 same change that we made in the earlier ones, reference to Item E, and the conditions
17 on page 75.

18 MR. MCBRIDE: I second.

19 VICE CHAIRMAN WYATT: Shall we wait just a moment and let Mr. Van Dine get
20 his question answered and –

21 MR. DUNBAR: I thought he did. I'm sorry.

22 MR. VAN DINE: That's fine. Go ahead.

23 MR. DUNBAR: I thought he was finished.

1 MR. VAN DINE: No, we're all right.

2 MR. GOSLINE: Who seconded it?

3 MR. MCBRIDE: I did.

4 VICE CHAIRMAN WYATT: Do you want that question answered?

5 MR. VAN DINE: No, I'm okay. Thank you.

6 MR. DUNBAR: I didn't know I cut in on your question. I'm sorry.

7 VICE CHAIRMAN WYATT: [Inaudible] the book open.

8 MR. CRISS: I believe those standards are in a separate chapter. It's not
9 addressed in your proposed Land Development Code.

10 VICE CHAIRMAN WYATT: All right. We've had a motion. Was there a second?
11 I thought I heard –

12 MR. DUNBAR: Larry.

13 MR. MCBRIDE: I seconded.

14 MR. JACKSON: Larry seconded.

15 VICE CHAIRMAN WYATT: We've got a motion on the floor. All those in favor of
16 the motion with the clarification on E to be inserted please raise your hand. All those
17 opposed?

18 *[Approved: Palmer, Furgess, Jackson, Wyatt, McBride, Dunbar; Opposed: Lucius, Van*
19 *Dine; Recused: Green]*

20 MS. LUCIUS: I'd just like to explain the reason I voted against this rezoning
21 September 8th because of the 18 acres of commercial on Clemson Road. And so for
22 that reason I have to vote against the subdivision.

23 VICE CHAIRMAN WYATT: Thank you, Ms. Lucius.

1 MR. VAN DINE: Before we get to the next can I ask a question? The one which
2 is a rezoning request, it's 04-53. Does that have any relation to this project or is that a
3 different project all together?

4 MR. GOSLINE: No, it has no relationship.

5 MR. VAN DINE: Okay.

6 MR. GOSLINE: The only relationship is –

7 MR. VAN DINE: It's location.

8 MR. GOSLINE: - it's next door.

9 MR. VAN DINE: It's just location? Okay.

10 MR. GOSLINE: Right. Different company.

11 MR. PALMER: I have a question, also. Howard, I didn't quite follow what you
12 were mentioning on this about –

13 MR. VAN DINE: We were being thrown in about requirements that were taking
14 place as far as what could be and what could not be done and because it was in the
15 PUD approval or it wasn't in the PUD approval.

16 MR. PALMER: But the PUD approval followed – it tracked the county's
17 requirements. So –

18 MR. VAN DINE: I was hearing something different about an 18' right-of-way as
19 opposed to a 25' and other things of that nature. And so my concern is that if we're
20 going to start dealing with these PUD requirements, then we need a much more in-
21 depth review of the specifics in those PUD requirements to make sure that there is
22 nothing in those PUD requirements which modify our codes that are in existence
23 because that's what has happened in a number of these, lately. That we have actual

1 concerns or things that have come up in the actual PUD documents that have
2 attempted to modify the requirements of the code. Some are legitimate, some are not.

3 MR. PALMER: But this was not one of those cases.

4 MR. VAN DINE: Well, I'm being told that in that other on, since the roads are
5 being developed at county standards, that negates a lot of, as to this specific ones. But
6 I was being hearing that it was 18' and 30', or something like that, for road widths within
7 that subdivision. And if, in fact, we were going down to those 18 from 25, then we are
8 not even complying with our own regulations. And we need to be careful in the future
9 on PUD requirements that each and every element of that has been looked at to make
10 sure that they do comply with county codes or whether there's a legitimate reason for
11 the modification, as expressed to this Body, before we approve them.

12 MR. PALMER: Do we not do that?

13 MR. VAN DINE: I don't see that we do it as in-depth as it's going to be required in
14 the future.

15 VICE CHAIRMAN WYATT: Mr. Chair, I'm turning it back over to you.

16 CHAIRMAN GREEN: Thank you. Next agenda item is SD-04-238, Longtown
17 Place.

18 **CASE SD-04-238:**

19 MR. GOSLINE: Mr. Chairman, Members, this is another portion of the Villages at
20 Longtown. If you'll look on page 89 it shows where this is. This is the last piece, I
21 believe, of the aerial located along Lee Road and Longtown Road. The other one's - Ivy
22 Square, The Falls, etc. – they have all been before you. Portions of the Brookhaven

1 Park, which is kind of across the wetland area to the northwest, had been before you.
2 The subject sight is outlined in yellow on page 89. Staff recommends approval.

3 CHAIRMAN GREEN: I just had a question for Staff. Under the specific
4 conditions Item A it states – it's establishing certain minimum setback and lot coverage
5 requirements. I would assume that those are consistent with the approved PUD?

6 MR. GOSLINE: Yes, sir. In the PUDs, Mr. Chairman, we try – the applicant can
7 vary the setbacks project by project, or even street by street, if they wish to. And, so we
8 try to identify those right up front as part of the subdivision.

9 CHAIRMAN GREEN: So the specific conditions in A aren't in conflict with
10 anything that's in the PUD document?

11 MR. GOSLINE: No, because this is 1000 acre PUD and they're going to have
12 variable setbacks in various projects. So for each one we try to identify them
13 specifically.

14 MS. LUCIUS: Mr. Chair, I'd like –

15 CHAIRMAN GREEN: Ms. Lucius.

16 MS. LUCIUS: Oh, I'm sorry.

17 CHAIRMAN GREEN: Go ahead.

18 MS. LUCIUS: I was going to move for approval.

19 MR. VAN DINE: I just have a quick question on – has the flood ordinance thing
20 that was holding up some of the bridgework that we being done on this property been
21 resolved? Has it gotten through Council fully at this point? I don't know that it applies
22 specifically to this sight, but – this subdivision.

1 MS. LINDER: The two amendments that are going to deal with permitted uses in
2 floodways is going for second reading tomorrow night.

3 MR. GOSLINE: The subdivision and all the subdivision lots in this project are
4 above the 100 year elevation line. As you know we strongly, strongly encourage
5 everybody to do that. Just saves a lot of trouble down the road.

6 MR. VAN DINE: I was just wondering whether or not the, because I know to get
7 to Brookhaven, some of the other ones, there were questions that had arisen as to that.
8 I was just wondering that it finally resolution?

9 MS. LUCIUS: Carl, you tried to hide the land disturbance permit thing from me
10 this time. I was about to get upset. You've got it in specific condition G. But it's in
11 there.

12 CHAIRMAN GREEN: We have a motion on the floor from Ms. Lucius. Do I hear
13 a second?

14 MR. DUNBAR: Second.

15 CHAIRMAN GREEN: Mr. Dunbar seconded. Further discussion?

16 MS. WYATT: I'm just going to add that it, you know, it continues to be of concern
17 to me that we just keep building out on service level F roads with no plan to do any type
18 of improvement. Just wanted to state that.

19 MS. LUCIUS: You're right.

20 CHAIRMAN GREEN: Further discussion on the motion. We have a motion on
21 the floor for approval of SD-04-238 subject to the conditions on page 85. All those in
22 favor please signify by raising your hand. All those opposed.

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

3 CHAIRMAN GREEN: Motion passes. Next is SD-04-239.

4 MR. VAN DINE: Mr. Chairman, can I ask a question of Staff?

5 CHAIRMAN GREEN: Surely.

6 MR. VAN DINE: What is the status of Clemson Road extension and all of the
7 appropriation of land and all the rest of that in that area?

8 MR. GOSLINE: The last I heard, the contracts were supposed to be let virtually
9 any day.

10 MS. WYATT: Yep. First of May is what have chosen.

11 MR. GOSLINE: So -

12 MR. VAN DINE: Has there been any discussion or any resolution of connection
13 of the loop that's running down through the Longtown area into Clemson or how that's
14 going to take place? Do you know?

15 MR. GOSLINE: That will be several years away. The current program is to do
16 the first half a mile, three quarters of a mile, northern portion of the loop road, which is
17 Longreen Parkway. And then go on over and work on Brookhaven up to the north. And
18 then that last piece will come in. There's not a whole lot of point in doing it until the
19 road's in place, anyway, or pretty close to in place.

20 MR. VAN DINE: So, in essence, all of this is going to be let out onto Longtown
21 Road, all the ones that are being approved and all the ones that they are -

22 MR. GOSLINE: That's correct.

23 MR. VAN DINE: - are now going to be out on Longtown?

1 MR. GOSLINE: That's absolutely correct.

2 MR. VAN DINE: What about the discussion of the at grade crossing or at the
3 other end of the property and what is going on with that?

4 MR. GOSLINE: Right. We've had a number of discussions with the Mungo
5 Company and the developers of the piece adjacent to this where Hobart Road would
6 come straight across. And, in fact, there is an agreement that has been signed, or is
7 very close to being signed, to bring Hobart Road straight across to Longtown Road.
8 The developers of the project, which escapes my, and Mungo Company have given the
9 right-of-way. And there's going to be some no access, direct access, to it. It'll be a two-
10 laned, landscaped connection from across the railroad track to Longtown Road.

11 MR. VAN DINE: Has there been an approval by the railroad to allow it to cross?

12 MR. GOSLINE: Ah ha!

13 MS. WYATT: Ah ha!

14 MR. GOSLINE: Funny you should ask! Actually, the county's share of this little
15 [inaudible] is to get the railroad crossing approval.

16 MS. WYATT: Say that again, Carl.

17 MR. GOSLINE: The county's –

18 MR. VAN DINE: And at what point are those discussions?

19 MR. GOSLINE: You'll have to ask Mr. Pierson. But negotiating with the railroad
20 is, indeed, a unique experience.

21 MR. VAN DINE: I know. That's why I raised the question. All right. So they will
22 eliminate the one crossing that is there, now, and move it down the road, if you will.

1 MR. GOSLINE: It'll be essentially be a straight line shot from Farrow Road to
2 Longtown. Two lane but it's better than nothing.

3 MS. WYATT: Speaking of Mr. Pierce, there has been, but I understand it's not
4 quite completed as far as being introduced both to the Planning Commission and
5 Council, but have you received any update on how the traffic study that has been done,
6 when we can expect that to be presented?

7 MR. GOSLINE: For the northeast?

8 MS. WYATT: Yes.

9 MR. GOSLINE: No, I haven't heard anything about that for awhile.

10 MS. WYATT: I've had an opportunity to review it. And when I met with Staff
11 down there I understood that they were open to bring it to Council two months ago.

12 MR. GOSLINE: We'll have to find out. I don't know the answer to that.

13 MR. VAN DINE: Thank you, Mr. Chairman.

14 CHAIRMAN GREEN: Surely. Next on our list is SD-04-239.

15 **CASE SD-04-239:**

16 MR. GOSLINE: Mr. Chairman, Members, this is a minor subdivision, actually
17 minor commercial subdivision, at Alpine Road and Two Notch Road This is on the other
18 side, or the north side, of Two Notch Road where Alpine Road comes in to Two Notch.
19 This is the continuation of a project that got started several years ago. Staff
20 recommends approval subject to the conditions on page 95.

21 CHAIRMAN GREEN: Discussion?

22 MS. LUCIUS: Is it continuation of the project – is that that circular looking thing?

1 MR. GOSLINE: The original – well, it's kind of hard to tell from this plat, but there
2 are, if you look down toward the right corner of the plat, there are some commercial
3 buildings already in there. And at the end of Atrium Way there is an apartment
4 complex.

5 MS. LUCIUS: That's an apartment complex. Okay.

6 MR. GOSLINE: Yeah, and that was part of the original project. The lot that -
7 portions of the project, subject to this approval, are only the ones outlined in the dark
8 lines, the applicant may come back with what's now shown as parcels E and D and
9 subdivide them further.

10 MS. LUCIUS: Looks like a pretty wooded lot.

11 MR. GOSLINE: Not right now.

12 MS. LUCIUS: Well, that's [inaudible].

13 MR. GOSLINE: Most of this has been pretty well cleared off.

14 MS. LUCIUS: You're kidding!

15 MR. GOSLINE: Long time ago.

16 MS. WYATT: It's been that way for a long time.

17 MS. LUCIUS: So those pretty on 99 are gone?

18 MR. GOSLINE: No, ma'am. See, the subject site – well, those few trees in the
19 back, yeah, I believe they're still there.

20 MS. LUCIUS: I have to keep up my status as the Druid in residence, you
21 understand.

22 CHAIRMAN GREEN: This is basically a reconfiguration of an existing
23 commercial park, correct?

1 MR. GOSLINE: They're resubdividing a portion of it. That's correct.

2 MS. WYATT: Mr. Chairman, I'm going make a motion of approval subject to
3 conditions on page 95.

4 MR. VAN DINE: Second.

5 MR. MCBRIDE: Second.

6 CHAIRMAN GREEN: We have a motion and two seconds to approve this
7 subdivision. Further discussion?

8 MR. FURGESS: I have a question.

9 CHAIRMAN GREEN: Yes, sir.

10 MR. FURGESS: Look at that page 95, F. Does this mean that the county Fire
11 Marshal will have to give approval on this or -

12 MR. GOSLINE: That's what the condition is.

13 MR. FURGESS: And the ones prior to that was from the city Fire Marshal?

14 MR. GOSLINE: No. The ones -. This is a slightly different way of saying the
15 same - the - what you had changed before was a little more explicit. I would presume
16 that you'd want to change F to the current language which is "The project must meet
17 city, county ..." whatever.

18 CHAIRMAN GREEN: Mr. Van Dine, were you the maker of that motion?

19 MS. WYATT: I was.

20 CHAIRMAN GREEN: Ms. Wyatt.

21 MS. WYATT: Uh, hum (affirmative). I'll amend the motion to include that.

22 MR. VAN DINE: Second.

23 MR. GOSLINE: Thank you.

1 CHAIRMAN GREEN: Okay. Further discussion? All those in favor, subject to
2 conditions on page 95 with the exception of the rewording of line F, please raise your
3 hand. Opposed?

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

6 CHAIRMAN GREEN: Next is SD-04-241.

7 **CASE SD-04-241:**

8 MR. GOSLINE: Mr. Chairman and Members, this is a minor subdivision of a
9 portion of The Villages at Sandhills. This portion involved with this particular approval is
10 outlined in dark and it's on page 109. The Staff recommends approval.

11 MS. WYATT: It was one minor correction that I felt needed to be made. I'm
12 sorry, I should have highlighted it like I did a lot of things. Oh, I'm sorry. It's on page
13 105, Item #3. The entrances to the project are limited to two point on Clemson Road,
14 one on Two Notch, and one on North Springs. That is not correct. There are three
15 entrances on North Springs Road.

16 MR. GOSLINE: Three?

17 MS. LUCIUS: Three?

18 MS. WYATT: Three.

19 MS. LUCIUS: I saw two. Oh, I see three.

20 MS. WYATT: Throughout the completion of the project. Currently, right now,
21 there's two.

22 MS. LUCIUS: Two. Right.

23 MS. WYATT: But total will be three.

1 MR. GOSLINE: Thank you.

2 CHAIRMAN GREEN: Discussion?

3 MS. LUCIUS: I don't see the one on Two Notch.

4 CHAIRMAN GREEN: The one on Two Notch is all the way to the lower left side
5 of the site plan where it crosses the railroad track and the road is not extended. It's not
6 extended to that portion of the property, yet.

7 MS. WYATT: Yet.

8 MS. LUCIUS: Oh, okay.

9 MR. GOSLINE: Mr. Chairman, the Villages at Sandhills has an 80' easement
10 across the bottom of the Park One development property, which is the one on the
11 northeast corner of the site. And currently they have access across that to Two Notch
12 Road. Working with the railroad and the DOT to get an expanded entrance, so that's
13 there. The condition that Ms. Wyatt has brought up is really a bit misleading in a sense
14 that the whole project has three access points.

15 CHAIRMAN GREEN: Questions, further discussion?

16 MS. LUCIUS: But there are two access on North Springs on page 109.

17 CHAIRMAN GREEN: There's a rear one. I think that's were the apartment site
18 is, isn't that right Ms. Wyatt?

19 MS. WYATT: Up on the top? There are two in there, now.

20 MS. LUCIUS: Yeah. On this one right now.

21 MS. WYATT: Right.

22 CHAIRMAN GREEN: Right.

23 MS. LUCIUS: Okay.

1 MS. WYATT: That we approved a year or so ago. I just – I'm going to say this
2 again. I just don't know how much longer we can continue to build and totally ignore
3 that we are creating traffic problems out there that we're not going to be able to solve.
4 There's no way we can build our way out of this.

5 CHAIRMAN GREEN: Further discussion?

6 MR. GOSLINE: Who moved and seconded it?

7 CHAIRMAN GREEN: We don't have a motion.

8 MR. GOSLINE: Oh, okay.

9 MR. DUNBAR: I make a motion we approve it subject to conditions listed.

10 MR. JACKSON: I second.

11 MR. VAN DINE: Taking out, I would assume, D, which is that Fire Marshal issue.

12 MR. DUNBAR: I'll take that modification.

13 CHAIRMAN GREEN: Do I hear a second?

14 MR. GOSLINE: I assume you're going to amend D to the standard language.

15 MR. VAN DINE: Yeah. It's part of the motion.

16 CHAIRMAN GREEN: We have a motion from Mr. Dunbar. Second by Mr.
17 Jackson. Further discussion? Seeing none, all those in favor please raise your hand.

18 MS. WYATT: Mr. Green, may ask just a question? Have we not, maybe it was
19 during the second subdivision review of this project, has the county not agreed, either
20 through our process or through the development agreement, that there can be some
21 streets within the Village that were smaller?

22 MS. LUCIUS: Uh, hum (affirmative).

23 MS. WYATT: Then, I guess, my question is how's this going to affect Mr. Kahn?

1 MR. GOSLINE: Very good question.

2 MS. WYATT: I mean it's justifiable question.

3 MR. GOSLINE: Yes, ma'am. Absolutely.

4 MS. WYATT: I mean because we spend a lot of money on this project as tax
5 payers. He's spent a lot of money. And now, all of a sudden, because it truly fits the
6 "Town and Country" to have the narrower streets, you're telling us that the possibility
7 exists that it's all for naught. And I mean I just – I'm sitting here thinking what a
8 nightmare this is becoming. And it's not fair to anyone in this county that tomorrow
9 morning Cary McSwain is not over at the city getting this problem straightened out.
10 Don't start - there's a motion. Let's vote.

11 CHAIRMAN GREEN: We have a motion on the floor. Those in favor of approval
12 please raise your hand. Those opposed?

13 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride,*
14 *Dunbar]*

15 CHAIRMAN GREEN: Next on our agenda is SD-04-242.

16 MS. WYATT: Y'all will have to pay attention to the fire thing.

17 MR. PALMER: I'd like to say something if I could.

18 CHAIRMAN GREEN: Yes, sir.

19 MR. PALMER: That's twice I've heard Ms. Wyatt say something about the traffic
20 out there, but yet I've seen you vote it twice. Do you have anything that -

21 MS. WYATT: You really don't have much choice, Mr. Dunbar (sic). It's already
22 been approved several years ago.

23 MS. LUCIUS: Not Mr. Dunbar. [Laughter]

1 MS. WYATT: This is subdivision review. It's not a rezoning issue.

2 MR. PALMER: I understand. But, I mean, are you going to – do we have any
3 kind of plan? I'm with you in the same thing. But I'm just saying is there a plan that
4 anybody can put forward to do anything about this, about the traffic problem out there.

5 MS. WYATT: You and I can have that discussion later.

6 MR. PALMER: Okay.

7 CHAIRMAN GREEN: Thank you. Next on our agenda is SD-04-242. Can I have
8 the report?

9 [Inaudible discussions]

10 **CASE SD-04-242:**

11 MR. GOSLINE: Mr. Chairman, Members, this is the last portions of the
12 Harborside, of the residential portions of the Harborside project in Lake Carolina. This
13 is to the east, I guess, of the Visitor Center and fountain area. Staff recommends
14 approval.

15 MR. DUNBAR: Mr. Chairman, I make a motion for approval, subject to conditions
16 on 117.

17 MR. MCBRIDE: Second.

18 MR. VAN DINE: Everybody wants to remove that one.

19 CHAIRMAN GREEN: I just have a question.

20 MR. GOSLINE: Amending F, I presume.

21 CHAIRMAN GREEN: What does it mean when the Staff recommends that the
22 County Fire Marshal must approve the project with or without conditions? What does
23 that sentence mean?

1 MS. WYATT: It changes every [inaudible].

2 MR. VAN DINE: Whatever they want to do.

3 MR. GOSLINE: It means, well for example, all of y'all's approvals are conditional
4 on certain things. He could approve it. The idea – it doesn't matter because we're
5 going to change it anyway.

6 CHAIRMAN GREEN: Okay. I just wondered what that meant. We have a motion
7 and a second on the floor to approve -

8 MR. GOSLINE: Who seconded it?

9 MR. MCBRIDE: I did.

10 CHAIRMAN GREEN: - SD-04-242. Further discussion?

11 MS. WYATT: I just make the same comments I've made earlier. Please let's
12 recognize that we're talking 32,000 vehicular trips a day on a road designed for 86. No
13 plans for improvement in place.

14 CHAIRMAN GREEN: Further discussion?

15 MR. VAN DINE: For clarification purposes, are we modifying that condition?

16 MR. GOSLINE: Yes.

17 MS. WYATT: I thought we had earlier said we were going to modify them all the
18 way through.

19 MR. VAN DINE: I think we have to do it on each one.

20 MS. WYATT: Okay.

21 CHAIRMAN GREEN: Just to get it into the Record that we are modifying the Fire
22 Marshal language. All those in favor of approval? All those opposed?

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

3 CHAIRMAN GREEN: Next is SD-04-243.

4 **CASE SD-04-243:**

5 MR. GOSLINE: Mr. Chairman and Members, this is continuation of the Willow
6 Lakes subdivision on Farrow Road near Jenkins Brother Road. This is Phase 4. This
7 project started out many years ago and is know as Dee Lakes. It is now Willow Lakes.
8 The next portion of it is 49 lots. Staff recommends approval.

9 MR. VAN DINE: So moved.

10 MR. JACKSON: Second.

11 MR. VAN DINE: Subject to conditions on page 126, 127, eliminating, or changing
12 the language that we talked about in relation to the Fire Marshal.

13 CHAIRMAN GREEN: The motion is seconded. Further discussion? Those in
14 favor of approval –

15 MR. GOSLINE: Who seconded?

16 MR. VAN DINE: Mr. Jackson.

17 CHAIRMAN GREEN: Mr. Jackson.

18 MS. LUCIUS: Mr. Jackson did.

19 CHAIRMAN GREEN: All those in favor? Opposed?

20 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride,*
21 *Dunbar]*

22 CHAIRMAN GREEN: Approved. The last one is the -

1 MR. VAN DINE: I want to go back if I can now that I have a map in front of me
2 here. On the Hobart Road extension, will there have to be a modification because that's
3 going to be extended? If you look on 131.

4 MR. GOSLINE: 131.

5 MR. VAN DINE: That's the road that's being rerouted toward the railroad
6 crossing. That lower portion of it. See where it says Farrow Road. It's got the dark
7 line.

8 MR. GOSLINE: Yes.

9 MR. VAN DINE: Will there have to be a modification to the PUD for the
10 subdivisions in order to accommodate that change?

11 MR. GOSLINE: If so, it would be minor one, which the Planning Commission or
12 the Staff could do. I'll have to look at the ordinance specifically. But, yes, it'll have to
13 get modified somehow.

14 MR. VAN DINE: Okay. I just want to make sure that everybody's aware that
15 that's going to change whatever is laid out or whatever has previously been approved
16 so we're going to have to either look at it or consider it a minor – I don't think it can be
17 considered a minor because it's actually going to close off some of the upper area.

18 CHAIRMAN GREEN: And we get to SD-04-205, which we deferred from the start
19 of today's session to the end of the subdivision review. Staff?

20 **CASE SD-04-205:**

21 MR. GOSLINE: Mr. Chairman and Members, this is a proposed subdivision at
22 Shady Grove Road and Old Tamer Road, a proposed 76 lots. This area was rezoned
23 within the last six months or so to residential. The Staff investigation is documented on

1 page 22 and 23. In short, there was a number of violations that we, at least alleged
2 violations, of various portions of the county code which are described on 22, 23, and 24.
3 The Department's position is that the Commission should defer further consideration of
4 this project until the final adjudication of various violations of the county code and/or
5 state laws is completed. The applicant is here and I'm sure he'll want to say something.

6 MR. VAN DINE: Has there already been citations issued on these?

7 MR. GOSLINE: Yes.

8 MR. VAN DINE: So it is presently pending in the courts?

9 MR. GOSLINE: Yes.

10 MR. VAN DINE: What is -

11 MS. WYATT: In front of magistrate?

12 MR. GOSLINE: Yes.

13 MR. VAN DINE: What is the result if, in fact, some approval would be given?
14 Would it negate and/or moot those charges that are presently pending? That may,
15 perhaps, a legal issue.

16 MS. ALMEIDA: Well the largest penalty can be \$1085 which the magistrate can
17 impose and/or 30 days in jail. But I believe the applicant has indicated today that he
18 has posted bail – bond – sorry.

19 [Laughter]

20 MS. ALMEIDA: Sorry. Bond. And he –

21 MS. WYATT: Same thing.

22 MS. ALMEIDA: I guess will or will not appear in court. I'm not quite sure.

23 MS. WYATT: \$1085 –

1 MS. LUCIUS: That's it?

2 MS. WYATT: - is the maximum fine that's allowed under state law for a county to
3 charge for this type of, how do I put it nicely, raping of the land. We – I have a lot of
4 questions on this. You might want to sit down because it's going be - if you, first of all,
5 when you go to the magistrate there's a fee for filing.

6 MS. ALMEIDA: That is correct.

7 MS. WYATT: The county –

8 MS. ALMEIDA: That is including the fee for filing and –

9 MS. WYATT: This includes the fee for that file.

10 MS. ALMEIDA: Yes, ma'am.

11 MS. WYATT: So we're not really – we're not even really getting \$1085 for what
12 was done to the piece of property because we have to take the court cost out of that.

13 MS. ALMEIDA: Right. That is the fine and court costs, \$1085. And, at the
14 present time, our code does not allow for any restoration plan. Our proposed code, of
15 course as you know, instead of or, instead of these fines we would prefer that the
16 applicant would have a restoration plan in place which would, of course, be a more
17 rational -

18 MS. WYATT: Do you have a date for the court?

19 MS. ALMEIDA: Not as of today, not yet, no.

20 MS. ALMEIDA: It is the 7th? It is the 7th of May.

21 MS. WYATT: May 7th?

22 MS. ALMEIDA: So it's this Friday.

23 MS. WYATT: This Friday? At what court?

1 MS. ALMEIDA: Mr. Bailey?

2 AUDIENCE MEMBER: It's on St. Andrews Rd.

3 MS. ALMEIDA: St. Andrews Rd. We can get all that information.

4 MS. WYATT: What road?

5 MS. ALMEIDA: St. Andrews.

6 MS. LUCIUS: St. Andrews. It's –

7 CHAIRMAN GREEN: Anna, could you pull that microphone a little bit closer. I'm
8 having a hard time hearing.

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

10 MS. WYATT: I am, too.

11 MS. LUCIUS: That's where the magistrate is where we disapproved the
12 Walgreen's.

13 MR. VAN DINE: Is this for a preliminary hearing, a bond hearing, or is it actual
14 trial date?

15 MS. ALMEIDA: No, it's for a hearing.

16 MR. VAN DINE: Is it the actual trial date?

17 MS. ALMEIDA: Yes.

18 CHAIRMAN GREEN: Any other questions of Staff before we entertain comments
19 from the applicant? If you would, state your name and address for the record.

20 **TESTIMONY OF HAROLD PICKRELL:**

21 MR. PICKRELL: Yes, I'm Harold Pickrell. I represent Willow Ridge, LLC, which
22 is the developer in charge of the development that we're doing on Shady Grove Road.
23 As Staff said, we changed the zoning on this property. I think it actually was approved

1 in November or December of last year. We went from RU to RS-1. The property
2 consists of about 37 acres that the front seven or eight acres of it comes down to a pie.
3 There's a pond there, an old home place. And then the back property, the roughly
4 29/30 acres that's left, is rolling. Got a creek running through it. A sewer line had
5 already been cut through it from when Walnut Grove was developed, or Ashford, one of
6 the two. We took no trees off the front of the property. On the back of the property, it
7 was being destroyed by pine beetles. We cut 30 acres of some pines. There was a
8 hardwood that was bigger than 92" cut. I marked them. Timber guy cut them. As I told
9 Ms. Almeida, I had no idea that - we had not submitted for subdivision. As I have
10 recently found out, once you've changed the zoning, I guess regardless, you still have
11 to submit your plan to the county and get your timbering permit or whatever it would be,
12 or your tree ordinance. This is the 6th subdivision I've done in Richland County. I've
13 never cut a tree. Never been cited for anything until now. And then I did go pay the
14 \$1085 the day after I got the citation. But as I said then, and as I'm saying now, I had
15 no clue. I do have pictures to prove that the pine beetles were - we got \$14,000 off of
16 30 acres. Anybody that knows anything about timber, figure that one out. So, you
17 know, I did it. Had no idea that it was breaking the law. But I did and I went and paid
18 the fine that I was given. Raping the land? [Laughter] Look at the subdivisions I've
19 developed in Richland County. I don't think you can say that about anything I've done.
20 I've done 12, six in Richland in the last five years, four in Lexington, two in Kershaw.
21 First one I've ever cut. I don't think I'm a land raper by any stretch of the imagination.
22 So, anyway, there was some other things in terms of the fire code. I think our road's 27'
23 back of curb to back of curb. That was a mistake in there. So far as in keeping with the

1 "Town and Country" plan, it's identical, basically, to Walnut Grove and Ashford, which
2 are right beside of it. It's interesting that the county's now wanting us to make it more
3 dense instead of less. But we did the best we could do so far as how many lots we got
4 on it. We'd love to get another 25 lots if we could, but I don't - it's a hillside. I don't see
5 how you could do it. So that's all I got to say.

6 MR. MCBRIDE: I'm just curious whether or not the other six that you developed
7 whether you developed them without coming through the Planning Commission?

8 MR. PICKRELL: Well no, that's impossible.

9 CHAIRMAN GREEN: Any questions for the applicant?

10 MR. PICKRELL: I do have one other thing to say.

11 CHAIRMAN GREEN: Sure.

12 MR. PICKRELL: The property was not cleared as in graded. The only people
13 that have been on that property is the timber guys. That's it. They came in. They take
14 their tractor and cut a road to get to the timber because we didn't timber the front side.
15 There was some big oaks around the old home place. The home place is still setting
16 there. We got behind the home place, that first seven or eight acres, and we did timber
17 it back there. But so far as grading equipment, any kind of site contractor -

18 MS. WYATT: Harold, have you looked into if the courts came back and said that
19 you had to go back and reforest those larger trees that you took down that was in
20 violation of the county code, have you checked into what that's going to cost you?

21 MR. PICKRELL: No. We've got, I mean based on the other plans that you guys
22 have given back to me before, the buffering where you're not allowed to take any trees

1 down. And, again, they did cut one that was bigger than 92". It was marked. I don't
2 know why they cut it. They cut it.

3 MS. WYATT: Well why do – well this [inaudible].

4 MR. VAN DINE: Did you say there was a creek running through?

5 MR. PICKRELL: Yeah, there's a creek that runs through sort of the middle of the
6 back section. And that's also where they put the sewer line that services, I believe,
7 Ashford and Walnut Grove.

8 MR. VAN DINE: Was that area cut, as well, around that creek area or was there
9 a -

10 MR. PICKRELL: There's no. No, the timber guy stayed off of that. They have to
11 stay a certain amount of feet. I don't know what that footage is. But they have to stay
12 away from it. I don't know if it's deemed wetlands or not. I don't believe it is.

13 MR. GOSLINE: Down to the creek.

14 MS. WYATT: Ana, do you have any idea - so much with the landscaping and let's
15 just - I mean you've personally been out there and looked at the property.

16 MS. ALMEIDA: Yes, ma'am.

17 MS. WYATT: And if we wanted to put it back into what is current codes as far as
18 what was removed, any idea of what we'd be talking about, dollar-wise, from your
19 experience and -

20 MS. ALMEIDA: Well, not if you're going to develop the property, obviously,
21 because you have building envelopes you would never be able to -

22 MS. WYATT: Right.

23 MS. ALMEIDA: But you're talking significant amount of money.

1 MS. WYATT: What do you mean by significant?

2 MS. ALMEIDA: I mean you're talking about –

3 MS. WYATT: The ballpark –

4 MS. ALMEIDA: Depending on the caliper of trees that you'd be willing to replant,
5 I mean, anything in a B & B you're talking about a \$600-\$700 tree. And if you require a
6 3 to 1 replacement you're talking about \$2100-\$3000 for every one tree that you've cut
7 down, so probably under \$10,000.

8 MS. WYATT: How much?

9 MS. ALMEIDA: Under 10.

10 MR. VAN DINE: I hate to ask a question, but do we even require it under the
11 present code that -

12 MS. ALMEIDA: No, we do not. We don't have that authority. We only have the
13 authority to fine the ones that we do find, that one-time clearing.

14 MR. DUNBAR: I've got a question and it's not really relevant to this but just for
15 my edification and others as well. If you had 100 acres of RS-1 property and you had
16 no plans to develop it but you had pines on it and you wanted to timber it, is there
17 anything to keep you from timbering it?

18 MS. ALMEIDA: Yes, there is. You cannot clear but about 20% per year. But
19 these were hardwoods.

20 MR. DUNBAR: Because of the zoning?

21 MS. ALMEIDA: Right. But these were hardwoods. These –

22 MR. DUNBAR: Okay. I'm just talking about in general.

23 MS. ALMEIDA: Right.

1 MR. DUNBAR: You have a pine tract of RS-1 land.

2 MS. ALMEIDA: Twenty percent unless you're – of course, you wouldn't be a
3 timbering operation because you wouldn't be doing that sort of thing in an RS-1. You'd
4 be doing it in an RU.

5 MR. DUNBAR: And that's in our current -

6 MS. ALMEIDA: That is correct.

7 MR. DUNBAR: Okay.

8 MR. ALMEIDA: Yes.

9 MR. PALMER: What's the percentage for C-3?

10 MS. ALMEIDA: I'm sorry?

11 MR. PALMER: What's the percentage for C-3?

12 MS. ALMEIDA: It is the same. You can only do silviculture or timbering in RU
13 and, I believe – rural. There're only 2 -- M-1. There's only two zoning designations that
14 you can do timbering as an operation, as a business, so you can go in and cut
15 everything down and replant.

16 MR. JACKSON: So a private resident have some land, can they cut -

17 MS. ALMEIDA: If it's in rural. They can cut 20% a year.

18 MR. JACKSON: Only 20% per year?

19 MS. ALMEIDA: Correct.

20 MS. WYATT: Horticulture.

21 MS. ALMEIDA: But if they come in, if they're devastated with pine beetles, they
22 would come in and, of course, explain what their extenuating circumstances are. And,

1 obviously, they've had somebody go out there and assess the property as to the
2 damage and then we would just sign off and that would be the end of it.

3 MR. JACKSON: There's been some bad practice in the rural community because
4 they have been just cutting everything on their property.

5 MS. WYATT: Well, we can fine them a whole \$1085.

6 MR. JACKSON: We can but we haven't been doing it.

7 MS. LUCIUS: Well, she's being – she's being sarcastic.

8 MR. DUNBAR: Do we have any other issues with this subdivision?

9 [Inaudible discussion]

10 MR. JACKSON: I'm just saying, I'm just saying what we have -

11 MR. DUNBAR: Mr. Chairman, do we have any other issues with the subdivision
12 other than the trees? In other words, if we were to say, "Okay. The tree issue's going to
13 be resolved in court fairly shortly and he's going to have to comply with whatever
14 requirements the court decides," do we have any other issues besides the trees so we
15 could deal with this and then let the court deal with the trees?

16 MS. ALMEIDA: Yes, sir.

17 MS. LUCIUS: But Staff is recommending we don't.

18 MR. DUNBAR: I understand that. I'm just thinking that that's going to be
19 resolved. It's going to have to -

20 MS. LUCIUS: Yeah. But this was the only 92" one that – that's a very [inaudible]
21 -.

22 MS. ALMEIDA: That we found.

23 MS. LUCIUS: That's a white oak.

1 MS. ALMEIDA: Right.

2 MS. LUCIUS: Was a white oak, excuse me.

3 MR. GOSLINE: A white oak stump.

4 MS. LUCIUS: Yeah.

5 MR. VAN DINE: I think that we are setting –

6 MS. WYATT: Did you ask if that was the only one?

7 MS. LUCIUS: I did, but there are others?

8 MS. ALMEIDA: There were others identified on a plan that we received. I don't
9 know if that was done afterwards or before [inaudible].

10 MR. PICKRELL: You mean that are still standing?

11 MS. ALMEIDA: Right. That are still standing.

12 MR. PICKRELL: I think that's the only one that the timber guys cut. But, again, I
13 marked it, you know. They cut it. I don't know how I can - can't fix it.

14 MS. LUCIUS: I know.

15 MR. VAN DINE: I think approving, while there are pending charges and stuff out
16 there, approving a subdivision sends the wrong message to individuals at this stage.
17 And I think that we ought to let the court system run its course before we take this
18 matter up. So I would support the Staff's request to defer this pending the resolution of
19 all those other matters. If there is a trial to be held on May 7th, then obviously it will take
20 out quicker and things can be addressed at a different time. But I think that simply to
21 say, "Okay, we'll let that one go by but we'll go ahead and approve this anyways and let
22 people move forward, " sends the wrong message from this Body. At this stage, I'm not
23 sure I can support an approval of this subdivision under those circumstance.

1 MS. LUCIUS: Mr. Van Dine, I like to second that and not so much for this case,
2 but like you say, I think it sends the wrong message. If we can only charge \$1000 it's
3 going to be easier for anyone just to pay the fine and get on with it.

4 MS. WYATT: And I guess, and maybe Mr. Van Dine can answer this. I've not
5 spent a whole lot of time, thank God, in the court systems, but Harold mentioned that
6 he's paid the \$1085. Does he still have to go in front of the magistrate? I mean,
7 basically, I'm assuming by paying that he's pled guilty.

8 MS. ALMEIDA: They will still hear the case but they'll just resolve it at the
9 magistrate's office if he doesn't appear.

10 MR. PICKRELL: You know, when I met with Ms. Almeida I told her exactly, you
11 know, what happened. We got it rezoned. We didn't, you know, I guess we could have
12 timbered it before then, but we didn't own it until December. We timbered it after we got
13 it rezoned. They cut a tree they were not supposed to cut. I got the citation. I paid the
14 fine, which I readily admitted. I mean that's what happened. But I would think that, at
15 this point, would it not – wouldn't you rather see a developed subdivision out there
16 where people are putting landscaping back, landscaped entrance ways. Like I said, the
17 front seven acres we retained the pond, the 4 ½ acres that goes with the home place,
18 all the old oak trees around the home place are still there. Wouldn't that look better
19 than leaving a piece of property out there that's got branches and stuff laying on the
20 ground or wouldn't it be better to clean it up?

21 MR. DUNBAR: It seems to me that if we're going to approve it we're going to do
22 it next month or this month. So if, unless we have some doubt as to whether we're

1 going to approve it, I think we ought to just go ahead and deal with it and let the court
2 deal with the legalities of that issue.

3 MR. PALMER: But what I'm hearing, also, is not only that but is it just a formality
4 that, you know, you have this guy that did something wrong. And it's almost like he's
5 already said, "Yes, I've done something wrong." And he's already paid the penalty for it.
6 Now it just has to wait for the court docket to come up and say, "Okay, now it's a formal
7 thing that, yes, he has done something wrong and, yes, he's already paid his penalty." I
8 mean what's going to happened to the –

9 MS. ALMEIDA: Well we'll go to the magistrate's office with all of our
10 documentation. If Mr. Bailey wants to go and refute that, he has that opportunity in the
11 court. We can't just not appear and just assume –

12 MR. PALMER: Okay. Just my own personal - go under the assumption that he
13 does say he's guilty like he said today here probably 20 times. And he does say he's
14 guilty. That's the end of the court situation. Am I correct?

15 MS. ALMEIDA: It can be. I don't know what the magistrate would do beyond
16 that.

17 MR. PALMER: But does the magistrate have the authority to impose stricter
18 penalties than the \$1085 fine?

19 MS. ALMEIDA: Yes, he does or she does, yes.

20 MR. PALMER: Him or her.

21 MS. ALMEIDA: Yes, they can, at a worst case scenario, give someone a 30-day
22 stay in jail.

23 MR. PALMER: Okay.

1 MR. VAN DINE: All you have done at this point in time is posted a bond that says
2 I will appear. It has not been resolved. If he walks out of here today, he can decide to
3 go down there, oppose whatever he wants to. Fact of the matter is, until December 7th
4 [sic], it is a pending, open matter and nothing has been resolved. So, at this stage,
5 while the bond has been posted, it has not, in any way, resolved the matter until the
6 judge or the magistrate actually assigns and places his seal and signature on an order
7 that says this is what is going to happen.

8 MR. PALMER: But does that judge's decision and what that judge may or may
9 not do in any way affect the plans of this subdivision?

10 MR. VAN DINE: In my opinion it does substantially because I don't think that we
11 are –

12 MS. WYATT: [Inaudible] I'm sorry.

13 MR. VAN DINE: I think that – I mean my opinion is that as long as there is a
14 pending case out there that this matter ought to be deferred until such time as that has
15 been resolved and that matter has now been finalized as far as what can or cannot
16 happen.

17 MR. PALMER: But the magistrate has the authority to make them reforest or is it
18 just a fine and/or 30-days in jail?

19 MR. VAN DINE: That I can't tell you. I do not know the answer.

20 MS. WYATT: What are you asking for?

21 MS. ALMEIDA: At this point it's just a matter of that's all we can require because
22 the magistrate will ask us, "What does your code allow for?" And that's the only thing it
23 allows for is the fine.

1 MR. PALMER: So reforestation is not even on the table?

2 MS. ALMEIDA: No, not as an option for us.

3 MR. PALMER: Well in that case, in my mind if that's not an option and it's only a
4 matter of fine or jail time, that in no way – I mean the trees are already gone. I'm sorry
5 they're gone. I really, truly am. But there's nothing that can – nobody's going to put
6 them back. So that doesn't affect the subdivision or the subdivision approval, in my
7 mind.

8 MR. DUNBAR: I agree and I think it's unlikely they're going to throw him in jail.

9 MR. PALMER: I don't think he's going to either.

10 MR. DUNBAR: I've been to magistrate's court recently for theft on a construction
11 job. And people stealing stuff don't go to jail. They don't even pay back the people that
12 they stole things from, so - but my point was that, I mean, if we're going to accomplish
13 something by waiting 30 days I have no problem with waiting 30 days. And I doubt that
14 the developer does either. But if we're just going to wait 30 days and approve it and it's
15 just a point we're making, I don't know what the point is.

16 MR. PALMER: I don't either because it doesn't affect the project.

17 CHAIRMAN GREEN: Mr. Gosline.

18 MR. GOSLINE: Mr. Chairman and members, remind you that all the discussion
19 we've had so far is only violations of the landscape code. We have cited a bunch of
20 other county code requirements and, possibly - I don't know what DHEC is or isn't going
21 to do. So there are other code requirements that are administered by Public Works and
22 other people that may or may not come into play. So it's not simply a matter of the
23 subdivision requirements. The other thing is, if you'll look on page 22, the flood

1 elevation statement has been disapproved. And that's usually just going to take some
2 more engineering work. That's not a big deal. And then, if you'll look at number 3,
3 here, again, is the fire, on page 22 is the fire issue, which we've already discussed. So,
4 in terms of technical requirements for the subdivision, setting aside the landscaping,
5 they would, for sure, need to do the flood elevation. That could be one of the standard
6 conditions, if that's what approve to do. But I just wanted to remind you that we're
7 talking about more than just violations of the landscape code here.

8 MS. LUCIUS: You said the Department has notified DHEC of the storm water
9 management and erosion sediment control. Have they responded?

10 MR. GOSLINE: I don't know. Have you heard anything from DHEC?

11 MS. ALMEIDA: Hu-uh (negative).

12 MR. JACKSON: I think everything should be resolved before we make -

13 MS. LUCIUS: I do to.

14 MS. WYATT: Can they also implement fee, excuse me, fines?

15 MS. ALMEIDA: Yes, ma'am.

16 MS. WYATT: Does that also go through the magistrate process?

17 MS. LUCIUS: It's more than just the trees.

18 MR. GOSLINE: Excuse me?

19 MS. WYATT: That's by ordinance.

20 MS. ALMEIDA: Ordinance.

21 MS. WYATT: That's what I thought. Okay.

1 MR. VAN DINE: Mr. Chairman, I make a motion that we defer this matter until our
2 June meeting to allow the court systems to resolve the matters, whether it be landscape
3 or other related to other issues.

4 MS. LUCIUS: Now I've already seconded it.

5 CHAIRMAN GREEN: We have a motion on the floor that's been seconded. Any
6 further discussion on the motion? Those in favor of deferral of this agenda item please
7 indicate by raising your hand. Those opposed?

8 *[Approved: Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride; Opposed:*
9 *Palmer, Dunbar]*

10 CHAIRMAN GREEN: We're deferred.

11 MS. WYATT: I – my next – I'm sorry. [Inaudible]

12 CHAIRMAN GREEN: Is that our last subdivision?

13 MS. WYATT: Yes.

14 CHAIRMAN GREEN: I've been requested by members of the Commission to
15 take a five minute break before we start on our zoning map amendment hearing so we
16 will adjourn for five and five minutes only.

17 *[BREAK]*

18 CHAIRMAN GREEN: If we could, grab a seat, please. We're going to get started
19 back. We are entering to the portion of the meeting on zoning map amendments. I
20 would ask everybody that has signed up to speak be ready to speak when I call your
21 name. If you would, give us your name and address for the Record when you do come
22 to the podium. While our timer alerts you that your two minutes to speak are up is
23 broken, we'll have a hand signal or something. So do try and keep your comments

1 limited to the two minutes we've provided for that. The recommendations that the
2 Planning Commission has today on each of these cases will go to County Council. The
3 County Council's public hearing on all zoning matters will be held on Tuesday, May 25th
4 at 7:00 PM. While we do approve subdivision, we do not approve zoning changes.
5 We're simply a recommending Body to County Council. We send our recommendations
6 to County Council. I would encourage anybody, irrespective of which side of an issue
7 you may or may not be on, that this is heard again in public hearing at County Council,
8 again in this case, on Tuesday, May 25th at 7:00 PM for their public hearing portion.
9 Our first case is 04-36 MA.

10 **CASE 04-36 MA:**

11 MR. GOSLINE: Mr. Chairman and Members, this is a petition by Judy West to
12 change the zoning on a 2.25-acre piece from RU to C-2. This is located on Dreher
13 Shoals Road just south of the intersection of Dutch Fork Road in the Ballentine area.
14 This matter came before us a couple of years ago, three years maybe now. Staff
15 recommended denial at that time and Staff recommends denial again this time
16 principally because it's not consistent with the Comprehensive Plan map designation for
17 the area.

18 CHAIRMAN GREEN: Thank you. Carl, just for future, if you could just – I don't
19 know whether it's the sound system or my hearing today – just pull that microphone a
20 little bit closer.

21 MS. WYATT: I, too, am having a problem. I don't think it's your hearing, Mr.
22 Green.

23 CHAIRMAN GREEN: The first person signed up is Judy West.

1 **TESTIMONY OF JUDY WEST:**

2 MS. WEST: This land's been in my family -

3 CHAIRMAN GREEN: Would you give your name and address for the Record,
4 please ma'am.

5 MS. WYATT: Tilt the mike down, Ms. West, please.

6 CHAIRMAN GREEN: Thank you.

7 MS. WEST: Judith Ann West, 243 Willow Lake Road, Lexington, South Carolina.

8 CHAIRMAN GREEN: Thank you.

9 MS. WEST: And this property's been in my family for, maybe, at least five
10 generations. And I feel like I could use it if I go through the Small Business
11 Administrator, the Chamber of Commerce, or somebody to give me some guidelines,
12 and use it to create at least a few jobs for people, including myself. And I would just like
13 to have it rezoned so I could put up a small business of some type and go ahead and
14 use and make it, you know, it would be useful instead of just sitting there. Thank you.

15 CHAIRMAN GREEN: Thank you. F. M. West is signed up to speak.

16 AUDIENCE MEMBER: [Inaudible]

17 CHAIRMAN GREEN: Okay. Those are the only people that we have signed up
18 on this particular issue. I'll open it up for discussion for the Planning Commission.

19 MR. VAN DINE: Mr. Chairman, I think we have been fairly consistent in
20 attempting to maintain the business/commercial area and not to expand it out and to
21 allow for leap-frogging to occur. And I think it was rejected in the past for a request for
22 rezoning and feel that it, again, ought to be rejected in this instance simply because it's
23 extending the commercial out into area that is not designed for nor should be expanded

1 in that area. And because of that I would make a motion that we send this forward with
2 a recommendation of denial.

3 MS. WYATT: I have to add to that that's it's just the beginning of the creeping
4 into the rural areas which we have at least attempted to begin to protect. And I, too,
5 cannot support this, so I will second Mr. Van Dine's motion.

6 CHAIRMAN GREEN: A motion and a second. Just for my input on this
7 particular rezoning, it is a C-2, not a C-3, and the uses in a C-2 are much more limited.
8 But it we – if you at your aerial photograph, this is almost in that main business
9 crossroads in Ballentine. And this piece of property sits across the street from a large
10 paved area that's a church. Two lots down across the street are warehouses. Let's
11 face it folks, this is not the – this is a developing area. If we can envision what would
12 occur here, it's going to be either residential or some form of commercial. It's not going
13 to be residential at 2.2 acres. If this were a C-3 I think I might agree with my fellow
14 Commissioners. But as a C-2, I see that as a lesser intense use across the street,
15 already, from a large paved area and very close to some large warehouses. And I
16 happened to visit this area not three or four weeks ago when we had our other zoning
17 out there, and I would think this is appropriate for the growing commercial node in this
18 particular location, which you can clearly see on your aerial. So I would, you know, I
19 plan to vote against the motion that's on the floor.

20 MR. JACKSON: I can't agree with that.

21 MS. LUCIUS: But that's – I agree that's a node, but you're expanding it, that
22 node, pretty far down the road. And that is a church across the street. It's not like it's a
23 business.

1 MR. VAN DINE: And it's also zoned RU across in that church area.

2 CHAIRMAN GREEN: Further discussion on the motion?

3 MR. DUNBAR: I can see both points and I would tend to agree with Gene on the
4 thing because I - and I - looking at the aerial it would seem to me like if this were a C-2,
5 it would represent the boundary because it's almost at the end of that church property,
6 so that if we were to approve this, I would think that would be as far down Highway 6 -
7 60, whichever it is - I never can remember - as far as we'd want to go. And I would
8 disagree with the first point. But I believe since it's all commercial along that down to
9 the church that this would probably be a good stopping point.

10 CHAIRMAN GREEN: Further discussion on the motion?

11 MR. PALMER: Well, I don't quite know, yet, how I'm going to vote on this,
12 actually. But I see both sides and I see both points. I know that a church can go
13 anywhere, so that's, you know, since the church is zoned rural, I mean, the church can
14 go over there if it was zoned C-3. They don't have to come in for rezoning.

15 MR. VAN DINE: Correct.

16 MR. PALMER: So, you know I mean it's C-3, then a church which very easily
17 could have been C-3. I don't know, I mean it's - you'd already been - you know two
18 acres. It's not going to be a residential community. I don't know.

19 MR. JACKSON: A rural community needs some form of commercial.

20 MS. LUCIUS: But it's up on Dutch Fork Road. There's plenty of commercial on
21 Dutch Fork Road. You don't have to have it right next to the house. The sidewalk's that
22 right marker.

1 MR. JACKSON: It's close to the intersection, close enough, for commercial uses
2 across the street from it. The church is -

3 MR. PALMER: How far is this property from that intersection, Carl?

4 MS. WYATT: I think it's too far down.

5 MR. GOSLINE: Half a mile tops. Part of that -

6 MR. VAN DINE: If it even that far.

7 MR. GOSLINE: Yeah, it probably isn't. Mr. Chairman. He want's me to sit closer
8 and you keep pushing it away.

9 MS. LUCIUS: It's feedback.

10 MR. GOSLINE: Yeah, I know.

11 CHAIRMAN GREEN: Just yell.

12 MR. GOSLINE: Just for y'all's information, don't forget that right, just kind of off to
13 the left top corner of this project is, about a year ago we rezoned 20, almost 30, acre
14 piece of commercial property that sits next to Milford Park and Bickley Road school. So
15 there's lots of commercial sites there in addition to last month recommended some
16 property that's on up the road a mile or so, not even a mile, across from the Post Office
17 on Dutch Fork Road. Point of information, that's all.

18 MR. VAN DINE: I think the other reason is we have been talking about sort of this
19 strip down the middle which is bounded by the railroad on one side and we've been
20 fairly consistent in allowing the commercial to take over that strip in that area. And it
21 just seems like we're now sort of extending it down Dreher Shoals Road as opposed to
22 keeping it confined and up into the upper area. And I just think that what we're doing is

1 we're allowing a leap-frogging and an ability to extend that out further. And I think that
2 we ought to be avoiding the temptation to do so.

3 MR. GOSLINE: Mr. Chairman and Members, this is – everybody here recognizes
4 that the Ballentine area's center for commercial activity and it's a question of where to
5 draw the line. It's kind of that simple.

6 CHAIRMAN GREEN: Any further discussion on the motion?

7 MS. WYATT: Chair, call the question, please.

8 CHAIRMAN GREEN: The question's been called. The motion on the floor is to
9 send this forward with a recommendation for denial. Those in favor of the motion,
10 please signify by raising your hand. Those opposed to the motion.

11 *[Approve to Deny: Furgess, Lucius, Jackson, Van Dine, Wyatt, McBride; Opposed:*
12 *Palmer, Dunbar, Green]*

13 CHAIRMAN GREEN: This will go forward to County Council with a
14 recommendation for denial. Everyone that wishes to speak will be given an opportunity
15 to speak at County Council at that point in time. Thank you very much. The next one is
16 04-45 MA.

17 **CASE 04-45 MA:**

18 MR. GOSLINE: Mr. Chairman and Members, this is a petition by Rhett Jacobs to
19 rezone two basically small lots on Spears Creek Church Road just south of Two Notch
20 Road. There's commercial on the other side of the road. Staff recommends approval of
21 this project and we hope that that would be as far down Spears Creek Church Road that
22 we do the commercial.

23 MS. WYATT: Took the words out of my mouth.

1 MR. VAN DINE: Mr. Gosline, from our zoning map it appears as though that
2 whole undeveloped lot has already been approved as a commercial. Is that correct?

3 MR. GOSLINE: I'm sorry. What are you talking about?

4 MR. VAN DINE: If you go between the aerial photograph and the zoning 149 and
5 150.

6 MR. GOSLINE: Oh, yeah. There are two houses on this site.

7 MR. VAN DINE: Not the two parcels that they're talking about. The large
8 undeveloped area behind that, it's already C-3. Is that correct?

9 MR. GOSLINE: That's correct. We understand that there's a shopping center in
10 the works.

11 MR. VAN DINE: Okay.

12 CHAIRMAN GREEN: Discussion.

13 MS. LUCIUS: I make a motion we approve.

14 CHAIRMAN GREEN: The motion from Ms. Lucius for approval of a
15 recommendation of approval.

16 MR. VAN DINE: Second.

17 MS. LUCIUS: Subject to the conditions.

18 MR. VAN DINE: No, there are no conditions.

19 MS. LUCIUS: There are no conditions. Okay. I just make a motion that we
20 approve.

21 MR. VAN DINE: I'll second the motion.

22 CHAIRMAN GREEN: We have a motion and a second to send this forward with a
23 recommendation for approval. Further discussion.

1 MS. WYATT: I would just like to add that I don't know if everyone heard Carl, but
2 it's truly something that I agree very strongly with Carl on. This is one of the last major
3 nodes in the northeast that has not totally been destroyed, so to speak. And I think it's
4 – and I do support the rezoning of this property – but I certainly feel that before we
5 intrude into, which Spears Creek Road is primarily residential now, just about a half a
6 mile from this we denied, two months ago, a C-2 rezoning - that we need to be very
7 clear that we're drawing the line at this node; that there's no commercial intruding into
8 the residential areas beyond this point.

9 CHAIRMAN GREEN: Thank you, Ms. Wyatt. Further discussion? A motion on
10 the floor to recommend approval. All those in favor please raise your hand. All those
11 opposed?

12 *[Approved: Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride, Palmer,*
13 *Dunbar]*

14 CHAIRMAN GREEN: This will go forward with a recommendation of approval.

15 MR. VAN DINE: Mr. Chairman, can I ask you a real quick question on it?

16 CHAIRMAN GREEN: Sure.

17 MR. VAN DINE: If you look at 150, is that a – upper right, to the right, almost off
18 the edge of the page – is that a junkyard area in there?

19 MS. WYATT: Show me.

20 MR. GOSLINE: Yes, it is.

21 MS. WYATT: No.

22 MR. VAN DINE: What is that?

23 MS. LUCIUS: It looks like a racetrack. *[Laughter]*

1 MR. VAN DINE: It's a rural county racetrack.

2 CHAIRMAN GREEN: There's a cemetery somewhere in there, Howard.

3 MR. GOSLINE: The cemetery, I think, is a little bit further out.

4 MS. WYATT: No, it's much – the cemetery is much further out.

5 MR. GOSLINE: Yeah, it's out past –

6 MS. WYATT: Let me think.

7 MR. VAN DINE: Is there any idea what it is?

8 MR. GOSLINE: I don't – I have not been back there. I would concur that it looks
9 like a junkyard.

10 MS. WYATT: Well you've got the driving range. You've got Green Hill Parish.

11 MR. GOSLINE: You don't have the driving range anymore.

12 MS. WYATT: All back up in here?

13 MR. VAN DINE: If that's a driving range there's some big golf balls out there.

14 MS. WYATT: That piece is not the driving range.

15 MR. VAN DINE: That's our –

16 CHAIRMAN GREEN: Next on our agenda is 04-50 MA.

17 **CASE 04-50 MA:**

18 MR. GOSLINE: Mr. Chairman and members, this is a petition by Robert Brandy
19 to rezone a two acre parcel on Wilson Boulevard at I-77, as shown on page 159. Staff
20 recommends approval. This should have been rezoned commercial some time ago.

21 CHAIRMAN GREEN: We have nobody signed up to speak on this –

22 MS. WYATT: Mr. Chair, I make a motion of approval.

23 MR. MCBRIDE: Second.

1 CHAIRMAN GREEN: We have a motion to send forth with a recommendation of
2 approval which has been seconded.

3 MR. VAN DINE: Is there any reason why it was built? Is this an allowed use?

4 MR. GOSLINE: Yeah, it was built a long - there's a gas station and maybe a
5 Burger King attached to it. The piece that shows rural right next to it to the south is a
6 barbecue place. They've been there for a long time. And, if I remember correctly, it –

7 MR. VAN DINE: I guess it obviously had been upgraded since.

8 MR. GOSLINE: As a special exception.

9 MR. VAN DINE: Okay.

10 MR. GOSLINE: And the reason they have to come is because they want to
11 expand and they have to be zoned right to expand.

12 CHAIRMAN GREEN: Any further discussion? We have a motion on the floor to
13 recommend approval. All those in favor of recommending approval please raise your
14 hand. All those opposed.

15 *[Approved: Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride, Palmer,*
16 *Dunbar]*

17 CHAIRMAN GREEN: This will go forward with a recommendation for approval.
18 Next on our agenda is 04-51 MA.

19 **CASE 04-51MA:**

20 MR. GOSLINE: Mr. Chairman and Members, this is a petition by Gregg Douglas
21 to rezone a portion, approximately 22 acre piece, from RU to RS-3. This is on, actually
22 it's off North Pines Road and Wilson Boulevard area. Mr. Douglas got a subdivision,

1 which right now is under the way, that is the blank, if you will, orange piece. This is a
2 continuation of that subdivision. Staff recommends approval.

3 CHAIRMAN GREEN: The only one signed up to speak is the applicant, Mr.
4 Douglas.

5 **TESTIMONY OF GREGG DOUGLAS:**

6 MR. DOUGLAS: My name is Gregg Douglas. What we're trying to do is just
7 continue the subdivision on up through there so it will be like an in-fill subdivision. It's
8 probably the best use for the land. Thank you.

9 CHAIRMAN GREEN: Thank you, sir. Anybody have any questions for the
10 applicant?

11 MR. PALMER: Mr. Chairman, I make a motion to approve.

12 CHAIRMAN GREEN: We have a motion on the floor for approval. Do I hear a
13 second?

14 MR. MCBRIDE: Second.

15 DR. JASON WAGES: Before approval, if I'm in order, I think I'm down the street,
16 too. I don't know if I just have the right form or not.

17 CHAIRMAN GREEN: I don't have anyone but Mr. Douglas signed up. But if you
18 would like to speak on this.

19 MS. WYATT: What's your name, sir?

20 DR. WAGES: My name is –

21 MS. WYATT: See if he's signed up for the next one.

22 DR. WAGES: I'm Dr. Jason Wages.

23 CHAIRMAN GREEN: Yes, sir.

1 **TESTIMONY OF DR. JASON WAGES:**

2 DR. WAGES: And I brought the law with me to these proceedings. And as I said
3 before, I'm Dr. Jason Wages. And I'm here on behalf of my parents, Melvin and Pauline
4 Wages of Blythewood, and also other members of my family, two of whom are here
5 today, Mr. Hal Alvin Wages and also Mr. Willie Clarence Wages. We just had some
6 questions about the property that's being considered for rezoning. My parents had
7 gotten this letter from Mrs. Ferguson, the Assistant to the Zoning Administrator. And in
8 that letter it was pointed out that the property at Summer Pines Drive east of Wilson
9 Boulevard was under consideration for rezoning. My family and I have some questions
10 that we would like to have addressed about it. We wanted to know what is the current
11 status of the properties in the area. We also would like to know that, if given approval
12 for a residential subdivision, what type of homes would go in there. And we're also real
13 concerned to, as I looked at the agenda, I noticed that there was a different name on
14 the agenda as opposed to what was sent out in the letter from Mrs. Ferguson. The
15 property owner listed in the letter is Mr. Albert Ezell Garrett Lyer. But upon arriving here
16 and looking at the agenda for today, we notice that you have Mr. Gregg Douglas. And I
17 was wondering why there's a conflict there. And, also, we'd like to know what type of
18 criteria the landowner is meeting in order for such a rezoning to occur. We'd also like to
19 know how many homes will be permitted in the subdivision if it's granted. We're very
20 concerned how the rezoning would affect our adjacent property. Also, we're concerned
21 about the rezoning effect on the value of the property in general. And last, but not least,
22 what will be the last status of those individuals who are not seeking rezoning at this
23 time? So there's a lot to be considered here. So, on behalf of my mother and father,

1 Mr. and Mrs. Melvin Wages, and other members of my family, we're asking that a
2 number of questions be addressed prior to approval of any type of rezoning. Thank
3 you.

4 CHAIRMAN GREEN: Thank you, sir.

5 MR. VAN DINE: Mr. Chairman, can I ask Mr. Wages what piece of property they
6 own. Where is it in relation to this map, if you know?

7 DR. WAGES: I don't have a map with me, but it's in the adjacent area. And I
8 haven't seen the property in a good while. I could ask my cousin to assist me, my
9 uncle. They have visited the property recently.

10 MR. VAN DINE: I guess I'm curious as to whether or not it is an adjacent piece of
11 property or whether -

12 DR. WAGES: Well in the letter from Ms. Ferguson it said adjacent -

13 MR. VAN DINE: Okay.

14 DR. WAGES: - to the property. I'm very concerned about it. And if anybody
15 knows me quite well know that my concern goes beyond just being told anything. So
16 we're going to have to be satisfied with some direct and concrete answers because
17 there are some concerns. Do you know exactly where this property because you -

18 MS. WYATT: Where your property is, that's what we need to know.

19 DR. WAGES: Yes, yes. The property, particularly my parents' property, is three
20 acres and it's adjacent property.

21 MR. VAN DINE: Does it have a frontage on Wilson Road or is it landlocked?

22 DR. WAGES: I don't think it's landlocked.

23 AUDIENCE MEMBER: No, it's not landlocked.

1 DR. WAGES: It's here.

2 AUDIENCE MEMBER: Yeah, that's what I think. I don't see the gym there either.

3 MR. VAN DINE: Mr. Chairman, if it's not landlocked it gives me an idea of where
4 it is and that's sufficient for me at this time.

5 CHAIRMAN GREEN: Thank you.

6 DR. WAGES: When you say it's sufficient for you at this time –

7 MR. VAN DINE: To know where your property is located.

8 DR. WAGES: Oh, okay.

9 CHAIRMAN GREEN: Thank you, sir.

10 DR. WAGES: Thank you for the time.

11 CHAIRMAN GREEN: Thank you. I'll open the floor for discussion among
12 Planning Commission Members on this request.

13 MR. GOSLINE: Mr. Chairman, do you wish Staff to try to answer these
14 questions?

15 MS. LUCIUS: Yeah, he wanted to know how many houses were going to be built.

16 CHAIRMAN GREEN: The 21 acres, if were rezoned RS-3 is permitted to have
17 residential lots with a minimum of 5000 square feet.

18 MS. LUCIUS: Right.

19 CHAIRMAN GREEN: This project, before it gets final approval, would have to
20 come back to have the design and layout of those lots approved under our subdivision
21 ordinance.

22 MS. LUCIUS: Right. Right.

1 CHAIRMAN GREEN: I mean it would be subject to, of course, other regulations
2 and development rules of the county. So there is a second hearing. At this point I don't
3 know if, you know, at least the Planning Commission would know anything beyond what
4 permitted uses are on that property, which would be single-family residences on lots of
5 a minimum size of 5000 square feet.

6 MR. GOSLINE: Mr. Chairman, it would be basically a continuation of the project,
7 of Summer Pines project that's already under construction.

8 CHAIRMAN GREEN: The adjacent subdivisions are developed under the same
9 zoning district as is being requested here.

10 DR. WAGES: Oh, were you addressing me?

11 CHAIRMAN GREEN: No, I was just trying to fill you in [inaudible] information.

12 MR. GOSLINE: We're trying to answer –

13 MS. LUCIUS: Well answer your questions.

14 DR. WAGES: Oh, I'm very appreciative that you're doing that. I wasn't aware
15 that you were addressing me particularly.

16 CHAIRMAN GREEN: I guess we're saying the anticipated development we
17 would assume is going to be fairly consistent with the adjacent subdivisions developed
18 by the same individual under the same zoning classification; that this will come back
19 before this body for subdivision design approval. And there will be a hearing here when
20 that design comes back to make sure it's consistent with the code and the development
21 ordinances of the county.

22 MS. LUCIUS: The one on North Pines Road, that's existing now. Is that already
23 built out?

1 MR. GOSLINE: The one that shows the lot has been there forever. The one that
2 is blank is under development. It's called Summer Pines.

3 MS. LUCIUS: So it's going to look pretty much like what's on North Pines Road
4 now.

5 MR. GOSLINE: Yeah, it's all going to be the same.

6 DR. WAGES: In consideration of what you just said, will property owners be
7 notified by letter that given meetings will take place because some of my family
8 members didn't get letters?

9 MR. GOSLINE: Mr. Chairman, let me just make sure everybody understands.
10 We, as y'all requested us a year or so ago, we send out notification letters to adjacent
11 property owners only. And that's just for the rezoning, which is why you're here tonight
12 which is why you got the letter. At subdivisions, we don't do that. So if you have some
13 questions, would this be the appropriate time to try to answer his questions, Mr.
14 Chairman, or do you want to – how do you want to do that?

15 CHAIRMAN GREEN: I mean I don't know how much more we can answer at this
16 particular stage, you know, not being the developer. We know what the zoning
17 classification permits and that adjacent property has been developed that way.

18 MR. GOSLINE: I might, Mr. Chairman, I might suggest that you - have you met
19 with Mr. Douglas and asked him these questions?

20 DR. WAGES: No. Today is the first day I've heard of Mr. Douglas because the
21 letter that was sent on April 21st to my parents does not have Mr. Douglas' name on
22 that.

23 MR. GOSLINE: Right. The -

1 DR. WAGES: It's almost like a total switch. The way it was a switch come to us.

2 MR. GOSLINE: No, well not really.

3 DR. WAGES: It had one thing listed from, you know, from Ms. Ferguson. Then
4 another thing on the agenda so there's a conflict there.

5 MR. GOSLINE: Let me address that, please. The letter was addressed to the
6 property owner of record in the Property Assessor's database or it was, as the
7 applicant. But the owner of record in the Property Assessor's database died. We have
8 a certificate of death and a written authorization by the executor of the estate to act in,
9 for Mr. Douglas to act in behalf of the estate. That's correct.

10 DR. WAGES: This person is deceased.

11 MR. GOSLINE: Yes.

12 DR. WAGES: Okay. Then that clarifies that.

13 MR. GOSLINE: Right.

14 CHAIRMAN GREEN: Okay. I'll entertain any discussion from the Planning
15 Commission Members on the rezoning request.

16 MR. VAN DINE: Mr. Chairman, I have a little concern with the density of housing
17 that is being proposed here. I recognize that it appears as though the developed
18 community is developed under an RS-3 and there is an area that is being developed
19 under and RS-3. I think we're starting to sort of inundate this area with both this as well
20 as other requests. And I have a concern for the extent of the density, especially at a
21 minimum of 5000 square feet. I mean that's eight houses per acre on that which means
22 160 houses, give or take, could be put onto that property under the present proposal,
23 recognizing that there will in fact be stuff taken out for infrastructure. So my – one of the

1 problems I have is allowing this much density in an area, which is, in essence, rural in
2 nature. It is, once again, sort of opening up the floodgates.

3 MR. JACKSON: I have the same concern.

4 DR. WAGES: May I say something, please?

5 CHAIRMAN GREEN: No, sir.

6 MR. VAN DINE: I think we're all –

7 CHAIRMAN GREEN: We've – is there any – unless there's specific questions for
8 either the applicant or anybody else, we're –

9 DR. WAGES: Yeah, this is specific and –

10 CHAIRMAN GREEN: No, from the Planning Commission.

11 DR. WAGES: Yes, sir.

12 CHAIRMAN GREEN: We're through the public input portion because
13 everybody's signed up is –

14 DR. WAGES: Oh!

15 CHAIRMAN GREEN: But if anybody on the Planning Commission has a specific
16 question for either the applicant or for you, they certainly can ask it.

17 DR. WAGES: Well, but what I was saying, I just want to address what this
18 gentleman just said about population density. I just want to comment on that.

19 CHAIRMAN GREEN: If you would, finish up your comments quickly because
20 you're already over the allocated time for it.

21 DR. WAGES: I am very concerned about population density, too. With my
22 background in sociology I've done a lot on studying population trends. I'm also
23 originally from Blythewood and that's where my parents' property is located and that's

1 where my parents have been for the last 52 plus years. And I know most of you have
2 driven or are familiar with 555, currently known as Farrow Road now. The traffic level,
3 which tells population density is very, very intense as opposed to, I would say, five to 10
4 years earlier. Putting that many homes in there, definitely, you talk about congestion
5 already. It doesn't take a rocket scientist to realize the congestion that's already there
6 without, say, an additional 160 houses being place in there. So I do have concerns
7 about that. I have overall concern about the rezoning, period. And that's why I'm going
8 to definitely keep up with what's going on on behalf of not only my parents but my other
9 relatives as well because something not quite right about it.

10 CHAIRMAN GREEN: Thank you, sir.

11 DR. WAGES: Thank you very much for allowing the time to address this Body.

12 CHAIRMAN GREEN: Thank you.

13 MS. LUCIUS: What did we just approve up on Martha Ann Road?

14 MR. GOSLINE: No. That's –

15 MS. WYATT: The industrial park.

16 MS. LUCIUS: The industrial park. Right.

17 MR. GOSLINE: Half - the industrial park. Right.

18 MS. LUCIUS: It's that whole little area there, that little –

19 MR. GOSLINE: Right.

20 CHAIRMAN GREEN: You know we've talked about this, I think, among ourselves
21 and as we've considered rezonings before. And, you know, we go back and forth, I
22 think, sometimes. You know, on the one hand we don't want to go into rural areas. You
23 can see the proximity to Interstate 77, here, and some major employment centers very

1 close to this property. So I don't know how much this is adventuring out in the rural
2 areas. And I know we all struggle with the issue of we don't want to use up all the land
3 in the county building houses. But if we don't allow density, I don't know how many
4 houses are going to end up here. Let's just say, for argument's sake, there're going to
5 be 100 houses here.

6 MR. DOUGLAS: Seventy-four.

7 CHAIRMAN GREEN: Seventy-four? If there're going to be 74 houses here, we'd
8 use up this amount of acreage for 74 houses or would you rather go out in an RU
9 zoning and use up twice as many acres for housing? So I know that's a problem we all
10 struggle with. I find this particular site, attached to similarly zoned property, virtually on
11 an interstate, virtually at large employment centers. What I thought we were trying to
12 accomplish in terms of development. And I would support the rezoning of this property.

13 MR. VAN DINE: Mr. Chairman, if what I'm hearing is 74 houses is what they
14 want, then they don't need an RS-3 zoning to put that on it. RS – if this is what they're
15 looking for. Either an RS-1 or even an RS-1A would be the appropriate zoning for this
16 because of the fact of the density they're looking at.

17 CHAIRMAN GREEN: Just a question of the applicant. Was there a reason for
18 the RS-3 zoning request?

19 MR. DOUGLAS: Great deal of wetlands on it.

20 MS. LUCIUS: [Inaudible] see that in here.

21 MR. GOSLINE: Mr. Chairman, if you look at the aerial on page 170, there's a
22 creek coming down through this property that goes into the pond. And there is wetlands
23 associated with that. I don't know what the acreage is, *per se*, but it looks like eight or

1 nine acres, let's say. He asked for the density so that you can get, you know, stay out
2 of the wetlands and all the rest of that. We routinely get folks coming in for RS-3, but
3 they end up building RS-1. I mean the lots end up being RS-1 size.

4 CHAIRMAN GREEN: Further discussion?

5 MR. DUNBAR: Carl, is that North Pines subdivision right there in front of it?

6 MR. GOSLINE: Yes.

7 MS. WYATT: Yes.

8 MR. DUNBAR: Which was developed in the late '60s and early '70s which is
9 similar density, I think.

10 MR. GOSLINE: Yes.

11 MS. WYATT: A lot of 235s over there.

12 MR. GOSLINE: Yep.

13 MR. DUNBAR: And, you know, another argument we have here, or another issue
14 that we grapple with as Ms. Wyatt's stated on a number of occasions, if we are going to
15 get people to build houses outside of the Clemson/Hardscrabble area in this part of the
16 county, the logical place for it to go is west of 77 rather than east of 77. So I get a little
17 conflicted about what we try to accomplish sometimes.

18 MR. VAN DINE: Do we have a motion on the floor?

19 MR. DUNBAR: No.

20 MR. JACKSON: I just have concern about the capacity, the size lots, and you
21 have urban, suburban, and rural. And sometime I just have concern when you do an
22 urban type design density in a rural community. That's my concern.

1 MS. LUCIUS: And I agree with Mr. Green, too. We are trying to encourage
2 higher density in certain areas to preserve the rural countryside. But I think it is a hard
3 questions because you have - just like in this area, our Staff Report says that that road
4 on Wilson Boulevard could reach a 2.4 volume to capacity ratio, that's on page 166,
5 with one being dangerous.

6 MR. JACKSON: I'm looking at exits and lots apart from the subdivision.

7 MS. LUCIUS: Yeah, and so he - yeah, right. You're right. But I think we have to
8 be so careful about where we put this high density to see if the infrastructure - it is. It's
9 conflicting. It is. And I agree.

10 MR. VAN DINE: There's one comment I make to the interstate. There is no
11 access to the interstate from this.

12 MS. LUCIUS: No.

13 MR. VAN DINE: But you will all have to get out on Wilson Road in order to get
14 back.

15 MS. LUCIUS: And back up to Killian to get across.

16 MR. VAN DINE: So the two roads you see are both fly-overs over the interstate.
17 They are not actually access points onto the interstate.

18 MS. LUCIUS: But apparently he's determined he can only put 74 homes in there
19 because of the wetlands even if we zone it RS-3. Is that what I'm understanding?

20 CHAIRMAN GREEN: That's what the applicant said.

21 MR. JACKSON: Where will this property go, the exit-entrance for this property?

22 MS. LUCIUS: It will be through the subdivision already existing [inaudible]

1 CHAIRMAN GREEN: It would access North Pines Road. This parcel would.
2 That's the only way it could get to the road would be to –

3 MR. VAN DINE: Have we approved the subdivision of the other portion? Have
4 we looked at it?

5 MR. JACKSON: So we dump all this traffic through the existing subdivision.

6 MR. GOSLINE: Summer Pines I and II.

7 MR. DUNBAR: Was that Shumaker? Was that the Shumaker subdivision?

8 MR. GOSLINE: No, it was Gregg Douglas.

9 MR. DUNBAR: The same one.

10 MR. VAN DINE: So the triangle is approved?

11 CHAIRMAN GREEN: Further discussion or a motion.

12 MR. JACKSON: I just have one concern –

13 MR. PALMER: I've already made a motion and a second.

14 MR. JACKSON: I just had one question.

15 CHAIRMAN GREEN: We've already had a motion and second.

16 MR. JACKSON: The existing subdivision, all this will be coming through the
17 existing subdivision.

18 MR. GOSLINE: That's correct. Phase I and II Summer Pines subdivision. This
19 will be Phase III.

20 MR. JACKSON: So all this traffic will be coming through the existing subdivision.

21 MR. GOSLINE: Right.

22 MS. LUCIUS: Looks like there're three -

1 MR. GOSLINE: Not the one where lots are shown, the one that's under
2 construction which is the trapezoidal shape or rectangle or whatever that is in orange
3 right in the middle. In orange, right in the middle.

4 MS. LUCIUS: It will all come through here.

5 MR. GOSLINE: This property was rezoned a couple of years ago and since then
6 you've approved Summer Pines I and II, which is in this. The property under question
7 will be Summer Pines III.

8 CHAIRMAN GREEN: I've obviously lost track of where I am in the meeting. Do
9 we have a motion on the floor?

10 MR. GOSLINE: No.

11 CHAIRMAN GREEN: I didn't think so.

12 MR. PALMER: Yes we do. We have a motion and a second.

13 MR. GOSLINE: Who? You?

14 MS. WYATT: Who made the motion then?

15 MS. BIRCH: Mr. Palmer.

16 MS. WYATT: Who seconded?

17 MS. BIRCH: Mr. McBride.

18 MR. VAN DINE: And what was the motion since I did not hear it?

19 MR. PALMER: To approve.

20 MS. WYATT: I didn't hear it, either.

21 MS. LUCIUS: To approve?

22 MR. PALMER: Motion to approve.

1 CHAIRMAN GREEN: We have a motion on the floor to approve, to recommend
2 approval. Further discussion? Any further discussion?

3 MR. DUNBAR: Call the question.

4 MS. WYATT: I'm going to add my comments that I've been making all day long.
5 You take a look at the traffic. You're operating at a completely normal service level C.
6 We've only approved two subdivisions in that area. With this one we're automatically
7 bringing that area into a service level F without the first thought being given to
8 transportation needs of that area.

9 CHAIRMAN GREEN: Well, level of service C is 8600. And with this project they
10 say we're going to be at 6759. So we're not going to even be at level of service D.

11 MR. JACKSON: With the other project –

12 MR. VAN DINE: Exclusive of the other projects.

13 MS. WYATT: You read right here.

14 MS. LUCIUS: Read on page 166.

15 MS. WYATT: You read right here and it's the service level. Right here.

16 CHAIRMAN GREEN: That's if everybody goes, if every car in that place goes in
17 the same direction, which we know is ludicrous. I mean, it means every car that's
18 coming out of this subdivision, which has three different ways to go, is going by one
19 point in the road.

20 MS. WYATT: But I can tell you from being very familiar with that area, the
21 chances of that happening are pretty darn good because, as your comments just made,
22 they've got to go to the interstate that's got to go that way.

1 CHAIRMAN GREEN: Well they have three different ways you can go. Three
2 different ways. We have a motion on the floor.

3 MR. VAN DINE: Call the question, please.

4 CHAIRMAN GREEN: Those in favor of sending this forward with a
5 recommendation of approval please raise your hand. Those opposed?

6 *[Approved: Palmer, Furgess, Green, McBride, Dunbar; Opposed: Lucius, Wyatt, Van*
7 *Dine, Jackson]*

8 MR. CRISS: Five to four carries.

9 CHAIRMAN GREEN: This will go forward to County Council with a
10 recommendation for approval. Everyone will be given an opportunity to speak at that
11 public hearing on May the 25th, Tuesday at 7:00 PM.

12 MR. VAN DINE: Mr. Chairman, I would request that the Staff provide to Council
13 the break down of the vote for this particular matter on a 5/4 basis.

14 CHAIRMAN GREEN: Thank you, sir. Next on the agenda is 04-52 MA.

15 **CASE 04-52 MA:**

16 MR. GOSLINE: Mr. Chairman and Members, this is petition. This one was up
17 three years ago, maybe even four. This is petition to rezone a piece of property, a three
18 acre piece of property, at Elm Abode Terrace and Broad River Road right where Bush
19 River Road comes is. This is, unfortunately hope the pictures do this justice, this is a
20 huge house that sits on a three acre piece of ground. It originally came in, almost four
21 years ago now, shortly after I got here -

22 MS. LUCIUS: I have it. October –

1 MR. GOSLINE: and for C-3 zoning. The applicant is back for C-1 zoning. The
2 Staff recommends approval. This is the perfect example of what C-1 zoning should do
3 and that is buffer the residential from the heavy duty commercial on Broad River Road.
4 It's a great opportunity for studios, law offices. Of course, Mr. Van Dine looks for
5 renters, probably. But that sort of thing. Staff recommends approval.

6 CHAIRMAN GREEN: We have a number of people signed up to speak on this
7 particular issue. There's some handwriting. If I don't read your name correctly, please
8 forgive me. You probably know who you are with the bad handwriting so it won't come
9 as a surprise. The applicant is here, I believe, to speak. Mr. Banning.

10 MR. CRISS: Mr. Chair, a brief pause, if I may. The transcriptionist would like to
11 clarify the opposing votes on the previous motion.

12 CHAIRMAN GREEN: Those of you who voted 'No' against the previous motion
13 just raise your hand so it can get recorded.

14 MS. BIRCH: Thank you.

15 MR. CRISS: Thank you very much.

16 CHAIRMAN GREEN: Thank you.

17 **TESTIMONY OF WILLIAM BANNING:**

18 MR. BANNING: Mr. Chair, Commissioners, my name is Bill Banning. My
19 address is 2109 Beaver Lane, Columbia, 29169. And y'all all have your Staff Report in
20 front of you so I certainly wouldn't want to give you any redundancy there. I want to
21 make three points. First, we've had the property on the market for over four years trying
22 to market it residential. We've had several initiatives in the commercial area but they
23 turned it down because they didn't want to wait on the zoning. So at this point we've

1 have figured out we've got to move forward with rezoning in order to do something with
2 the property. The next point, right now we have two companies in negotiation. One is
3 an insurance organization. The other is a medical services with interest in either
4 purchasing or leasing the property for office type space. Again, we can't move forward
5 until we get zoning done. I would ask you to look at the map that your Staff has for you.
6 I want to make one quick point and I will sit down and shut up. If you look at our
7 property, the first property that touches my property that landowner is here and in
8 support. The other two lots to the back of our property, that's our property, we're not
9 asking for rezoning. We're considering that as a buffer to remain residential. And if you
10 see the property, as Staff has pointed out, it's very thick so we have plenty of growth
11 there that we could use for buffering and we intend to do that for the neighborhood.
12 And that's all really I have to say unless someone, Commission, has questions for us.

13 CHAIRMAN GREEN: Thank you, sir.

14 MR. BANNING: Thank you.

15 CHAIRMAN GREEN: Ann List. I would ask that everybody, from here on, keep
16 their comments, if they could, to two minutes. If someone has said exact, you know,
17 pretty much what you would like to say, it's certainly permissible to stand up and say I
18 agree with the prior speaker.

19 **TESTIMONY OF ANN LIST:**

20 MS. LIST: I just have a comment and observation. The property was –

21 MR. GOSLINE: Ann didn't identify herself.

22 MS. LIST: - up for auction a couple of months ago.

23 CHAIRMAN GREEN: Name and address, please, for the Record, if you could.

1 MS. LIST: I'm sorry. Ann List. 1230 Balsam Road, Columbia, South Carolina.

2 CHAIRMAN GREEN: Thank you.

3 MS. LIST: And it's my understanding that there were a couple of discussions in
4 regards to using it for private property at that time of the auction. And I was wondering
5 what happened to those discussions rather than to make it a commercial type property.

6 CHAIRMAN GREEN: Thank you. Tom Ashburn.

7 AUDIENCE MEMBER: Tom had to leave. He's not here. I'm sorry.

8 CHAIRMAN GREEN: Okay. Kathy Holder.

9 **TESTIMONY OF KATHY HOLDER:**

10 MS. HOLDER: My name is Kathy Holder and I live at 1437 Thor Drive, and I'm
11 here today to ask you to deny the request for rezoning. My home borders this property
12 with my only 65' from the property line. I ask you not to allow this encroachment into
13 our neighborhood that could destroy the heavily wooded buffer it provides from the
14 traffic of Broad River Road. Many of our neighbors are elderly. A lot of them have lived
15 there for 30 or 40 years. They're now selling their homes to move to retirement villages,
16 retirement homes, or nursing homes, and are dependent on the property value resale of
17 their home. This also allows for new families to move in. We are getting new
18 neighbors, some young families with children, which is very nice to see. So I ask you to
19 protect our neighborhood. I have a letter from a new neighbor. Her name is Vicky Deal
20 and she lives at 1515 Elm Abode Terrace. "When you round the bend into Elm Abode
21 Terrace you leave the traffic-congested, noisy, frenzied, and chaotic rat race behind and
22 enter a world of quiet peace and beauty. My husband and I have only lived in our home
23 since March 26th of this year. We looked long and hard for a nice home in a nice

1 neighborhood. We found it at Elm Abode. It's a wonderful neighborhood with wonderful
2 people. Now, after a short period of time of residency there, we found that our tranquil,
3 peaceful neighborhood is in jeopardy. This is unacceptable to us. I protest the rezoning
4 of Elmgrin House from residential to Commercial. Vicky Deal." Thank you.

5 CHAIRMAN GREEN: Danny Turner.

6 **TESTIMONY OF DANNY TURNER:**

7 MR. TURNER: I don't wish to speak. I just support a rezoning.

8 CHAIRMAN GREEN: Thank you, sir. Mary Golden. Mary Golden. Bobby. It's a
9 Florence address.

10 AUDIENCE MEMBER: Okay. I don't want to speak, either. But I'm for this
11 rezoning.

12 CHAIRMAN GREEN: Carl Golden, Sr. Carl Golden, Jr. Jeffery Sheheen.

13 **TESTIMONY OF JEFFERY SHEHEEN:**

14 MR. SHEHEEN: Jeffery Sheheen. 2020 Melissa Lane, Columbia, South
15 Carolina. I own the property directly behind this facility. And I have spoken with the
16 property owners and I do support this rezoning.

17 CHAIRMAN GREEN: Thank you. Michael Haigler.

18 **TESTIMONY OF MICHAEL HAIGLER:**

19 MR. HAIGLER: My name is Michael Haigler and I live at 1529 Elm Abode
20 Terrace. I'm also serving as the president of a neighborhood association which
21 represents 300 residents behind this property. We're opposed to the rezoning as we
22 have been over the last, probably, 10 years when this has come up. This rezoning
23 application is identical to the application four years ago. And we have our same

1 concerns. The only thing that has changed is that, evidently, Staff has switched from
2 opposing it to supporting it, which I find upsetting. And I want to address some of their
3 issues. I guess we're mainly at issue with Staff at this point. The main issue on turning
4 it down four years ago was it was an encroachment into an established residential
5 neighborhood. And if you look at your map, I think anybody could look at that map and
6 see that it's a major encroachment. They dismissed the encroachment by saying it's
7 not an encroachment until it gets to Thor Drive. Well, that's like saying it's not an
8 encroachment until it's an encroachment. So it seems to be a conflict there. So the
9 encroachment issue, I think, is still an important one. Switching to commercial in a
10 residential area. I think we all are aware of commercial zones that get changed and
11 then it goes one after another, a domino effect. And we're concerned about the
12 property values contiguous to that zone and the impact it would have on the
13 neighborhood. Some other points on the Staff review, they kind of go back and forth.
14 Yes. No. Yes. No. So I had a little trouble figuring out what they were really trying to
15 say. But I think their bottom line was they were for the rezoning. But when you tally it
16 up, it's like four or five issues that they are against and five or six issues they're for. So
17 the ones that they say support rezoning I'd like to speak to. Minimizing incompatibility.
18 I fail to understand how a commercial property could act as a transition from a
19 commercial property to a residential property. The encroachment issue I've already
20 addressed. It is encroaching. The definition of encroaching is to advance beyond the
21 proper or usual limits, to intrude gradually upon the possessions or rights of another.
22 This seems to be a very obvious encroachment. They did say the applicant has not
23 provided sufficient factual information, which I agree with that. The amendment is not

1 compatible with your map. C-1, C-2, and C-3 are not compatible and they recommend
2 other things that would be compatible. Traffic analysis. They say there's no impact but
3 they say there was no study done. In most of their findings they say "NP", not possible
4 to determine. Fact is that intersection is awfully dangerous. All of our neighbors go
5 other directions to avoid it because it's dangerous. Inviting either more customers or
6 clients into that is inviting, I think, disaster. Let's see. We had about 12 or 15 other
7 neighbors opposing it, some of whom have had to leave. But I'd like for you to raise
8 your if you're here, still. Faithful neighbors. And I guess that's all I have time for. But
9 we recommend opposition as you did four years ago. Thank you.

10 CHAIRMAN GREEN: Thank you, sir. Vincent Mills.

11 MR. SHEALY: Mr. Chairman, I didn't get to sign up. I got in some traffic that's
12 some construction around Palmetto-Richland Hospital. And I'd like to take one minute
13 of the time that some of our neighbors have declined.

14 CHAIRMAN GREEN: State your name and address for the Record, please. And
15 we need your name and address for the Record and if you would limit your comments to
16 two minutes.

17 **TESTIMONY OF LONNIE SHEALY:**

18 MR. SHEALY: Okay. My name is Lonnie Shealy. I've lived in Elm Abode
19 Terrace for 36 years. And we have traveled this road that we are on today for five
20 times. We have been successful in getting County Council to go along with our wishes
21 and we hope that that will continue to be the case. Three sentences is all I want to take.
22 No structure shall be erected, altered, placed, or permitted to remain on said lot other
23 than one single-family dwelling. Such dwelling shall never be occupied or used for any

1 purpose except for that of a private residence exclusively. No trade or business and no
2 obnoxious or offensive activity shall be carried on upon said lot or dwelling nor shall
3 anything be done thereon which may be or which may become an annoyance or
4 nuisance to the neighborhood. This is the title to my property. Thank you.

5 CHAIRMAN GREEN: Thank you, sir. Vincent Mills.

6 **TESTIMONY OF VINCENT MILLS:**

7 MR. MILLS: Yes, my name is Vincent Mills. I live at 1414 Thor Drive, and I just
8 purchased my home over a year ago. Me and my wife have two kids. And we
9 purchased it under the fact that we thought that we was moving to a nice, well-built
10 neighborhood. I mean we did some research before we bought the home. And we
11 found out that we had elderly neighbors in the community and I felt I wanted my family
12 to grow up in an elderly neighborhood. And I was – contradicting one of his statements
13 that he made that they was not getting anybody to move forward by purchasing the
14 property – I was there among one of the auctions that they had in there. Somebody
15 offered about \$400,000 for that property and they turned it down. And I done did a lot of
16 restructure to my property, cut down trees, planted grass, things of that nature, thinking
17 that my house would be there for a little while for my kids and me. And I do dis-oppose,
18 disapprove, for this thing being, because I mean it can be turned into a gentleman's club
19 or a mall or a food store. And just last Sunday it was a – I don't know if any occupant
20 had died – but I knew that there was a very bad accident right on Elm Abode Terrace,
21 the next block over, and Bush River and Broad River last Sunday. There was an
22 accident there and I know somebody severely got hurt in that accident. And it's
23 congested traffic all day. I come from the bottom of the hill. I don't even use the exit

1 anymore because the traffic is so congested. I mean for me, being from Broad River to
2 Bush River and from the bottom on the hill, it can take anywhere from 15 to 20 minutes
3 to get from Sunset Drive to Elm Abode in the afternoon traffic. I mean the traffic can be
4 built up from, I mean, going along driving. It takes 15 minutes to get home. And I really
5 hoping that y'all can understand where we're coming from. And me being a young man,
6 I guess the youngest in the community, trying to have my family brought up in a nice
7 neighborhood. And people behind me that were here I guess feel the same way.
8 Thank you.

9 CHAIRMAN GREEN: Thank you, sir. That's everyone signed up to speak on this
10 particular issue. So I'll open it up for discussion with the Planning Commission.

11 MS. WYATT: It was mentioned a few minutes ago that this has been up here five
12 times. I think I've seen it all five times. And I haven't changed my opinion. It is clearly
13 an invasion into the residential communities. It's unfortunate that someone – and I have
14 actually been in this home – it's unfortunate that someone, roughly 70 years ago,
15 overbuilt for the neighborhood. But the rest of the neighbors shouldn't have to pay for
16 that. So I am going to make a motion for denial.

17 MR. JACKSON: I second it on the fact that other communities we have protected
18 would feel part, as an example, of a community where we have denied encroachment in
19 the community. And I have to support Ms. Wyatt's recommendation.

20 MS. LUCIUS: I wanted to take just a small issue with - in the Staff Report it said
21 that the case was amended to C-1 to reflect the recommendation of the Planning
22 Commission on October 2, 2000. I went back into my archives and printed off the
23 minutes from that meeting. And nowhere in here did we recommend that we would

1 approve this as a C-1. C-1 was mentioned as a possibility, but we never made a motion
2 that we would look it as a C-1. And we voted unanimously against this rezoning in
3 2000. And I haven't changed my mind about it either.

4 CHAIRMAN GREEN: Further discussion on the motion?

5 MR. VAN DINE: I need to ask a question. There was some discussion about an
6 auction or a couple of auctions. What is that? What's going on with the auction?

7 MR. GOSLINE: You'd have to ask the applicant about that.

8 MR. VAN DINE: Were there auctions?

9 MR. BANNING: You'd like me to answer that?

10 MR. VAN DINE: Please.

11 MR. BANNING: [Inaudible]. As I mentioned earlier, we've had the property on
12 the market for four years, almost five years. About, I guess, eight months ago my
13 partners and I decided to try to auction the property. We paid significant amount of
14 money, as y'all well know, to an auction company. And it didn't come anywhere near
15 the minimum asking price, which was, naturally, what we have in the property. So,
16 naturally, you don't sell property for a loss. And that's why it did not sell. I would also
17 point out that the property sat there for four years. It's been ransacked. The property's
18 been - you know everything's been stolen out of it from toilets to the light fixtures to
19 everything. So, you know, it's not really a safe situation for the neighbors or anything
20 else. There's been drugs going on in there. We can't keep the police department out
21 there enough to even keep it clean. Kids in there smoking and sexing and everything
22 else. So it doesn't need to sit there like that for the neighbors. It needs to be occupied.
23 And, again, I have two negotiations going forward with commercial properties. It can't

1 go unless it's C-1. So I would urge you to please reconsider your thoughts there
2 because it's certainly not helping the neighborhood. It's not helping the community.
3 And, naturally, we as owners are going to have to go back, you know, to the County and
4 say, "Hey, something's got to go with our taxes, too, because pull the value down if we
5 can't do anything with it." You know, it's not a plus for the county or the community.
6 And I hate that the citizens feel like they do. And I know how that "But not in my
7 backyard" theory goes. But if you'll look at that map folks, it's C-3 all around us. And
8 it's not really fair to look at me and say, "No. It shouldn't be." All of the property
9 touching me is C-3.

10 MR. VAN DINE: Thank you. I've had my question answered. Thank you.

11 MR. DUNBAR: I've got a question for Mr. Banning. Is your property restricted as
12 in the – one of the speakers read the restrictions on some of the Elm Abode property.

13 MR. BANNING: Not to my knowledge it is not, sir.

14 MR. DUNBAR: You're not a part of the Elm Abode subdivision.

15 MR. BANNING: I do not think so.

16 MR. DUNBAR: That house probably predated Elm Abode, I suppose.

17 MR. BANNING: Probably so, I would assume. I think that might have been the
18 land that was owned by the doctor that built that property.

19 AUDIENCE MEMBER: It's on [inaudible] Elm Abode. It's on the road to the
20 subdivision. [Inaudible]

21 CHAIRMAN GREEN: Further discussion? We have a motion on the floor. Is
22 there any further discussion among the Planning Commission? The motion is to send

1 this forward with a recommendation for denial. Those in favor of the motion please
2 signify by raising your hand. Those opposed to the motion raise your hand.

3 *[Approve to Deny: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, McBride*
4 *Jackson]*

5 CHAIRMAN GREEN: This will go forward with a recommendation to County
6 Council for denial and be heard on May 25th at their 7:00 PM public hearing.

7 MR. HAIGLER: May I ask a question?

8 CHAIRMAN GREEN: Yes, sir.

9 MR. HAIGLER: Would it be within the purview of Planning Commission to
10 suggest a task force to study the use of this property? Is that anything y'all would get
11 into because we would be receptive to that.

12 CHAIRMAN GREEN: A suggestion, certainly, to Staff in the context of their work
13 program would be the place to –

14 MR. HAIGLER: We would love to work with the owner's and anybody on County
15 Council to look at coming up with a solution here because we don't want it to sit empty
16 either.

17 CHAIRMAN GREEN: Okay. Thank you, sir.

18 MR. HAIGLER: Could we talk to Staff?

19 CHAIRMAN GREEN: Yes. Next on our agenda is 04-53 MA.

20 **CASE 04-53 MA:**

21 MR. GOSLINE: Mr. Chairman and Members, this is a 9.9 acre parcel that's on
22 Hardscrabble Road adjacent to the entrance of the Hester Woods, proposed Hester
23 Woods subdivision we talked about earlier, roughly across from – what's that – Azalea –

1 what's the name of that Barbara? The subdivision down there right near the creek?
2 Azalea something? Anyway, this is a proposal to rezone two lots, essentially two lots,
3 of the old Pepper Tree subdivision from RU to RS-1. Staff recommends approval.

4 MR. VAN DINE: Was this one up before us a while ago for –

5 MR. GOSLINE: I don't think so. We've had some other portions.

6 MS. LUCIUS: Yes, it was.

7 MR. GOSLINE: Pepper Tree subdivision runs between Clemson Road and
8 Hardscrabble in this area. Mr. Corboy's project is adjacent to this on the east or south,
9 whichever it is, or west or south.

10 MR. VAN DINE: For some reason, I mean, it's very familiar, both the shape and
11 the location.

12 MS. LUCIUS: That's that blue.

13 MR. GOSLINE: Yeah, the Pepper Tree subdivision has a lot of flag lots. There's
14 a lot of deep flags with big lots. That whole area between, once you get away from the
15 corner of Clemson and Hardscrabble, that whole area all the way through from Clemson
16 to Hardscrabble is old Pepper Tree subdivision. Some of it has lots in the front, but
17 there's lots of, no pun intended, flag lots. Big flag lots.

18 CHAIRMAN GREEN: Carl, how old's this aerial?

19 MR. GOSLINE: Excuse me?

20 CHAIRMAN GREEN: How old is this aerial photograph?

21 MR. GOSLINE: Probably two years or three.

22 MS. WYATT: I bet it's 2000.

23 MR. GOSLINE: Yeah, it's almost four.

1 CHAIRMAN GREEN: That's years old or?

2 MR. GOSLINE: 2000 years old, yeah.

3 MS. WYATT: The year 2000, isn't that when they did the aerial?

4 MR. PALMER: When are they slated to do more aerials? We need new aerials.

5 MR. GOSLINE: Not soon enough. But –

6 CHAIRMAN GREEN: The whole county's been [inaudible] February of 04.

7 MR. GOSLINE: I think – I'm sorry Mike isn't here because he's been tracking
8 that. There are some newer ones coming out that'll probably only be a couple of years
9 old. It's just –

10 MR. PALMER: Wonderful.

11 CHAIRMAN GREEN: Carl, we have a full set digitized at the office that are
12 February 20, '04.

13 MS. WYATT: And the school district has just paid to have them done, too, for the
14 County.

15 MR. VAN DINE: Donate them.

16 CHAIRMAN GREEN: I mean we wouldn't want to be abreast of the times
17 because –

18 MR. GOSLINE: Well, I don't know. I mean I don't know the answer to your
19 question why we don't have them.

20 CHAIRMAN GREEN: Comments on -

21 MR. PALMER: Have somebody find out for me?

22 MS. WYATT: Can you sell them to us for a [inaudible]? Like a dollar?

23 MR. GOSLINE: Mike'll know.

1 CHAIRMAN GREEN: I'll talk to you later. We have one individual signed up to
2 speak on this, Tray Berry.

3 MR. BERRY: That's me.

4 CHAIRMAN GREEN: Any comments you'd like to make?

5 MR. BERRY: Not unless y'all have questions. I recommend approval.

6 CHAIRMAN GREEN: Okay. Thank you. We can stand [inaudible]. Discussion.

7 MR. DUNBAR: I move for approval.

8 MR. MCBRIDE: Second.

9 CHAIRMAN GREEN: We have a motion that we send this forward with a
10 recommendation for approval that's been seconded. Further discussion. Seeing none,
11 those in favor of sending this forward with a recommendation for approval, 04-53 MA,
12 please signify by raising your hand. Those opposed.

13 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, McBride, Dunbar; Opposed:*
14 *Wyatt, Van Dine]*

15 CHAIRMAN GREEN: This motion will go forward with a recommendation for
16 approval. Our last rezoning issue, we appreciate the patience of those of you out there.
17 It only took us three hours to get here. But this is 04-54 MA. We do have a, not a large
18 number, but some number signed up to speak. I believe this has been in front of us
19 before, Mr. Gosline.

20 **CASE 04-54 MA:**

21 MR. GOSLINE: Yes, it certainly has. Mr. Chairman and Members, this request to
22 rezone four acres from D-1 and C-1 to PDD to essentially operate a dormitory and
23 boarding house space. We've worked with the applicant in terms of the site plan and so

1 on. Staff recommends approval. The site plan, it's a bit vague, but it's on page 202.
2 And it's essentially the existing house and existing dormitory plus a couple of newer
3 ones on four of the seven or so acres that the applicant owns. So we're only rezoning a
4 portion of the property. We're only rezoning a four acre portion.

5 MR. DUNBAR: Carl, where is –

6 CHAIRMAN GREEN: Under – I'm sorry. Mr. Dunbar?

7 MR. DUNBAR: Where was this in relation to the similar property that was built
8 without permits? Is that -

9 MR. GOSLINE: This is the same one.

10 MR. DUNBAR: This is the property?

11 MR. GOSLINE: Yes.

12 MR. DUNBAR: Okay.

13 CHAIRMAN GREEN: Mr. Gosline, my question is under this PDD arrangement
14 we see the improvements that's currently built on the 4.02 acre site. I'm assuming this
15 means no other improvement can be built on this site?

16 MR. GOSLINE: Correct. Not without coming back.

17 MS. LUCIUS: So we're just making what they've already build – we're making it
18 come in –

19 MR. GOSLINE: It's hard to see on the drawing on page 202, but there is one
20 addition. I believe there's one additional building besides the two that are already there.
21 One that's there is in the existing house. And then the other one was the one that
22 shows up in the pictures on page 201. It's essentially dormitories, single-story dormitory
23 space.

1 CHAIRMAN GREEN: I assume this meets all the 13 criteria of a PDD and the
2 site plan requirements ordinance.

3 MR. GOSLINE: It's the Staff's position that it does so, yes.

4 CHAIRMAN GREEN: I was looking for the open space and public area and buffer
5 and landscape plan.

6 MR. GOSLINE: Well, what you see – it's kind of hard to tell from this drawing on
7 page 202. But the property and the only building that will occur is the building you see
8 and the parking. And the rest of it is open space. It's not designated as such.

9 CHAIRMAN GREEN: Okay.

10 MR. GOSLINE: But it's there.

11 MR. VAN DINE: It says "Future parking." So I assume that that – what we're
12 doing is we're being asked to approve parking that they want to put around these
13 buildings.

14 MR. GOSLINE: Yes.

15 MR. VAN DINE: So that's part of the request. So these are not just what exists
16 there now. There is some future construction that will take place.

17 MR. GOSLINE: Yes.

18 MR. FURGESS: Carl, is this –

19 MR. GOSLINE: Limited to what you see here, though.

20 MR. FURGESS: Is this the same one that had the big, two-story house in the
21 front?

22 MS. LUCIUS: No.

1 MR. FURGESS: The family house in the front with the apartments in the back
2 Columbia College students?

3 MR. GOSLINE: No, it's not – the house – the existing house is not visible from
4 Monticello Road. And it's –

5 MR. FURGESS: But it's the one with the apartments in the back.

6 MR. GOSLINE: It might be a one and a half story house, but –

7 AUDIENCE MEMBER: No, single story.

8 MR. GOSLINE: Single story house.

9 MR. DUNBAR: Carl, how is the – the construction of the buildings that were built
10 without permits, how is that being dealt with? I know that's not our subject to – dealing
11 here, but what's the status of that?

12 MR. GOSLINE: Well, since that time, we – the applicant's been coming to get
13 back and forth for rezoning so nothing's, I mean, nothing's been occupied. And we
14 haven't pursued any litigation or anything because they've been attempting to get
15 something rezoned to accommodate what they're trying to do.

16 CHAIRMAN GREEN: So we go through the inspection process after the
17 rezoning?

18 MR. GOSLINE: Yeah.

19 CHAIRMAN GREEN: Is that what your saying? The inspection and permitting?

20 MR. GOSLINE: Right. I mean they'll likely be, the existing building will likely
21 have some things that'll have to be done to come into building code.

22 CHAIRMAN GREEN: We have, like I said, several people signed up to speak.
23 The applicant's Pat Murphy.

1 MR. MURPHY: I don't [inaudible] unless they're any questions.

2 CHAIRMAN GREEN: Okay. Shirley Lamar.

3 MR. AUGHTRY: Mr. Chair, I'm Dennis Aughtry. I represent Shirley and she
4 would [inaudible].

5 CHAIRMAN GREEN: Okay. You're signed up so please feel –

6 MR. AUGHTRY: Yes, sir. Thank you.

7 CHAIRMAN GREEN: Please help yourself to the podium.

8 MR. VAN DINE: Carl, while he's coming up can I ask a question? On the map on
9 202, there appears to be three smaller structures on the lower right-hand side.

10 MR. GOSLINE: Those are not part of – those are on separate piece of property.

11 MR. VAN DINE: Okay.

12 MR. GOSLINE: This property is, basically, kind of a flag. The driveway and the
13 existing buildings and the, sort of, trapezoidal shaped thing right in the - where they're
14 around the existing building. It doesn't come out as clearly as we had hoped.

15 MR. VAN DINE: Okay.

16 CHAIRMAN GREEN: Okay. Mr. Aughtry.

17 **TESTIMONY OF DENNIS AUGHTRY:**

18 MR. AUGHTRY: Mr. Chairman, ladies and gentlemen of this Commission, I know
19 you're tired because you've talked about everything from pine beetles to disposition of
20 magistrate's court. And I'm tired, too. And I see some of you yawning. I'm yawning
21 right along with you. I'm going to be very brief. Mac Johnson, who's been hired as an
22 architect, is here to answer any technical questions. And I would – he would like to
23 speak very briefly after me. I'll limit this to a minute. I have two documents. One is a

1 letter from Columbia International University and the other's a little history that Shirley –
2 Shirley, would you raise your hand to be recognized - Shirley's well known in the area –
3 prepared for me so that I would be oriented towards that history of the area. Let me
4 read that to you real quick and I'm going to sit down and let you go home. "The
5 property at 7118 Monticello Road was purchased in 1930 to 32 piece by piece in five
6 portions totally 23 acres by John G. and Etta V. Martin. I, Shirley Lamar, am the
7 daughter of John and Etta Martin. Between 1930 and 1932 my dad built a small house
8 on the property. Over the years he made several additions to the house. I was born in
9 a back bedroom of that house. About 1935 my dad built a country store on the corner
10 of Monticello on Sarah Matthews Roads. It had a one-bedroom efficiency apartment in
11 the back. Four of us (my older sister was born before my mom and dad acquired the
12 property) lived in the efficiency apartment during World War II so my parents could rent
13 out the house for extra income. Sometime during the late 1950's Columbia International
14 University, CIU, moved to Monticello Road. By this time Mom and Dad were no longer
15 operating the store but it was being rented out and continued to operate under various
16 renters as a store, craft shop, skateboarding, manufacturing shop. Eventually it was
17 rented out to students. Mom and Dad befriended many of the students, even taking
18 them in on weekends and holidays. In fact, their friendships continue as some of them
19 still come back and visit. [And this is Shirley speaking] Dad died about 1974 leaving
20 everything to Mom. I have to maintain the property and continue renting the store.
21 After Mom entered a nursing facility the house was rented to CIU students. It used to
22 be the old Bible College. It was rented continuously and even remained rented after her
23 death in 1999. Mom willed the property to my sister and me to be divided equally by

1 value. My sister gave her eight acres to her son, Allen Meronek. I built on the old home
2 place [And this is the structure y'all are asking about was it one story or two stories] so I
3 could continue the tradition of supporting CIU by housing off-campus students. I, and
4 the next generation of my family, continue to pay taxes on parcel build 7118 Monticello
5 Road and hope we can continue to be an asset to the community." There's a need for
6 student housing out there. I have a brief statement from Columbia International
7 University. This is addressed to Richland County Council. It's signed by R. Gregg
8 Shulty. "Columbia International University appreciates any quality accommodations
9 available in the immediate area surrounding the University for many of our single or
10 married students." So there's a tradition of accommodating students. There's a
11 friendly, symbiotic relationship. There were some mistakes made. But our people have
12 met with the Planning Staff many times and we're satisfied we've done everything we're
13 required to do under that classification. As you all know, you voted it down on October
14 the 6th unanimously, but since then we've completely complied with everything you
15 asked. And we would ask approval. And I think Mr. Johnson would like to speak to you
16 briefly.

17 CHAIRMAN GREEN: Mr. Johnson.

18 **TESTIMONY OF WILLIAM M. JOHNSON, SR.:**

19 MR. JOHNSON: Good evening. I am William M. Mac, Johnson, Sr. and I reside
20 at 217 Headwater Circle, Columbia, South Carolina. I'm a native Columbian. Been
21 here all my life. In fact I was born right here where the old hospital used to occupy this
22 property. And certainly resided in Richland County for a number of those years. Dennis
23 has overstated my qualifications. I am not an architect. I am a developer with Hilton

1 Development, Inc. I'm also a licensed general contractor. But neither of those are a
2 part of this project. And I am not the developer of record and I am not the contractor of
3 record. What I've done is to lend some of my expertise to the family in addressing this
4 particular project. Most of you here on the Commission already know the history of the
5 project. But to date, we looked at the project as if we were a developer. And looking at
6 the existing facilities, looking at it from, obviously, a needs standpoint which the
7 University has already addressed that issue that there is a real critical need of housing
8 for the students of that university. Also we looked at the existing facilities to see what
9 would be required to meet the need of the new zoning, i.e., boarding houses. We had a
10 licensed architect go out and review the project and do a code review so we knew, you
11 know, what some of the situations would be facing us to bring those facilities up to code
12 standards to meet the requirements of boarding houses. I hope that may answer some
13 of the questions of what's going to happen in the near future provided zoning goes
14 ahead. Still there are issues to deal with as far as developing a set of design criteria,
15 plans, developing a landscape plan that shows the green area, those kind of things. I
16 would add, right now, that Mr. Murphy, to date, as I observe the property, has not
17 disturbed any of the large growth of the trees out there. What is existing right now is on
18 land that was already pre-cleared. It was not, when that happened nobody knows. At
19 least I'm not aware of when it happened. It did not happen during construction. But a
20 lot of the green area, like you say, you cannot really see the property from Monticello
21 Road, but there's a lot of that area already in place. I hope, maybe, that may have
22 answered some of the questions you have.

23 CHAIRMAN GREEN: Thank you. Susan Meronek.

1 **TESTIMONY OF SUSAN MERONEK:**

2 MS. MERONEK: For the Record, my name is Susan Meronek. I live at 100
3 Cobblestone Way, Alpharetta, Georgia. And, may I, before my time starts, may I ask a
4 couple of questions of clarification?

5 CHAIRMAN GREEN: Just speak – if you can be brief and quick. Thank you.

6 MS. MERONEK: Okay. When I came down to the zoning office and looked at
7 the plans that were provided to me, it actually showed the two illegal buildings and then
8 it showed two more proposed 12-bedroom facilities. Is that not correct? Has that been
9 changed?

10 CHAIRMAN GREEN: My understanding is the only buildings that would qualify
11 under the zoning that's being requested are the existing buildings and that we're not
12 approving any new buildings on the site. What I understood Carl to tell us.

13 MR. CRISS: That is my understanding.

14 MS. MERONEK: So it's an amended application, is that -

15 CHAIRMAN GREEN: I'm assuming that's the case. It doesn't –

16 MS. MERONEK: This was like a week ago that I looked at it.

17 CHAIRMAN GREEN: There's a future one-story boarding house on here. So we
18 are approving an existing boarding house, two existing and one additional. Is that
19 correct?

20 MS. ALMEIDA: That is correct to bring the property up to code – up to the correct
21 zoning, up to compliance.

22 CHAIRMAN GREEN: Okay. But it shows an existing 10-bedroom house, a 12-
23 bedroom, and then a future 12-bedroom.

1 MS. MERONEK: And a parking lot along the property border.

2 CHAIRMAN GREEN: Correct.

3 MS. MERONEK: To the north.

4 CHAIRMAN GREEN: It's very loud. It's difficult to hear.

5 MS. MERONEK: It is loud. Is that better? Alan Meronek, my brother, lives on
6 the adjacent property to the north of this proposed development. Yes, there is a history
7 to it, in my view, because I've also - my mother grew up on the property. I used to visit
8 as a child and an older person, etc. It's not entirely accurate but I'll forgo challenging
9 that because of the shortness of time. Generally, as you know, the whole area is
10 basically D-1, woodland, rural, etc. There's not a lot of development on it. My brother
11 has experience. Due to the fact that these buildings were built illegally, the
12 repercussions, if it were rezoned, be complete and unalterable and an inescapable
13 change of lifestyle. Many people coming and going. Cars driving up and down.
14 Wayward pets coming on to this property. His home, the front door of his home, is 79'
15 from this land. Where the proposed parking lot is supposed to go there are a number of
16 large oaks, cedars, etc. that would have to be razed to the ground which would
17 obliterate a green zone between the two lots. That's his first objection, that it would
18 drastically alter the character of the area. Contrary to the view that the Columbia
19 International University requires or is in need of further accommodations, they
20 appreciate good quality accommodation in the area. We all appreciate lots of things in
21 our area but we don't say, "We need it." Also, if further accommodation is required for
22 the students, she's got 15.2 acres of land. Why right in my brother's front yard? Why
23 not away tucked in a different area of the property? Also, any boarders or short-term

1 residents, they neither suffer personal financial loss due to diminution of land value nor
2 the long-term effects of the destruction of quality of life and peaceful and quiet
3 enjoyment of a countryside location. Also, my brother would personally suffer financial
4 loss. He's actually spoken to Mr. McEachern. My brother also intends to speak.
5 However, I can speak on his behalf and continue, if I'm allow to?

6 CHAIRMAN GREEN: You wrap it up [inaudible].

7 MS. MERONEK: Thank you. I'll take his two minutes. Would that be okay? And
8 he won't speak.

9 CHAIRMAN GREEN: It's a little unusual, but go ahead and resume.

10 MS. MERONEK: Thank you. Thank you for your consideration. He had actually
11 spoken to Mr. McEachern about donating a portion of his land along Sarah Matthews
12 Road, having it paved. He's spoken to developers about the value of his land as single-
13 family residential one acre lots coming off Sarah Matthews Road and he'd been going
14 down that process, discussing people, looking at the market, what kinds of homes are
15 suited to that area, etc., bearing in mind the Richardson Construction application of -
16 back last year about the shopping center, etc. So, he'd planned to pursue that. This
17 obliterates any future of that. He's been told that high-density, multi-residential
18 complexes just devalue the land. People don't want to live beside it. Who knows? It
19 could, as other people have said in other cases, turn into a brothel or a wayward home
20 for recovering drug addicts or whatever. Okay. And where will the development stop?
21 That's another one of his points. And, briefly, to wrap it up, it wouldn't be a good
22 example for this Commission nor the Council to legitimize illegal operations where, for
23 example, you cut the trees down first thing. Go, "Oh, sorry. I made a mistake. Here's

1 the fine. It's all okay, now." These are illegal buildings. I've been in the construction
2 industry for five years. And, walking around there, the substrate soil is not compacted
3 properly. The foundations, cinder block foundations, are starting to crack up. There's
4 been some kind of fire. It's a disaster waiting to happen right next to my brother. And
5 the headlines will be, you know, 36 Bible college students burned on Earth rather than
6 somewhere else. So I think it would be a mighty brave Commission and Council to
7 approve this and it would send a very, very clear message to the development
8 community that your rules mean nothing. So thank you for your consideration in this
9 matter.

10 CHAIRMAN GREEN: That concludes the public input portion of this and I'll open
11 it up for comments and questions from the Planning Commission.

12 MS. LUCIUS: I thought we were just doing this to bring what was already built
13 into compliance. I didn't know we were approving additional building and additional
14 parking.

15 MS. ALMEIDA: Well it's – right – it's part of the PDD.

16 MS. LUCIUS: Yeah, I knew about the PDD, but I thought we were just doing this
17 to bring what's already built into compliance. I didn't know -

18 MS. ALMEIDA: Well the applicant has -

19 MS. LUCIUS: - we were doing this allow even more building than what's already
20 there.

21 MS. ALMEIDA: He's choosing, at this time, to come in for future expansion so he
22 wouldn't have to come before this Board.

1 MR. VAN DINE: Has there been any action civilly, penalty-wise, taken for the fact
2 that this was done improperly?

3 MS. ALMEIDA: There was a stop work order. There were some fire marshal
4 fines back in October. Other than that I'm not -

5 MR. CRISS: I think summons for building code and land clearing.

6 MR. VAN DINE: Were any of those resolved? What was the outcome?

7 MR. CRISS: I don't know the present status. I think it's all been held in abeyance
8 pending good faith efforts to come into compliance.

9 MR. VAN DINE: So if I got this right, just so that I want to make sure, we're going
10 to hold this in abeyance, which is actual construction of facilities without building
11 permits, without anything, and ultimately maybe not fine them. Not do anything to them.
12 Yet, somebody cut down the trees earlier. We've ran off to the magistrate court. We
13 fined him and we did whatever. You want to tell me where the fairness, if you will, is in
14 that? Where we are choosing to not impact this building?

15 MS. ALMEIDA: Mr. Van Dine, this applicant did not receive a fine for controlled
16 clearing because in M-1 you can clear a certain percentage of the property. But he did
17 receive some fire marshal -

18 MR. VAN DINE: I'm not worried about clearing. I'm worried about the fact that
19 this was done entirely in violation of all of the rules for construction that goes on. And
20 we basically have not done anything.

21 MS. ALMEIDA: I'm not quite sure what the status is. I think you'd need to speak
22 to the applicant on that issue.

1 MR. CRISS: I don't have the building official with us at this time. He issued stop
2 work and they do have techniques for retroactively inspecting. It may require digging up
3 portions of the foundation or moving interior walls and so forth to expose the methods of
4 construction. But it is up to the building official to determine how best to bring the
5 structure into compliance.

6 MR. VAN DINE: But that's only bringing it into compliance. That's not handling
7 the fact that, as a preliminary matter, this was done illegally and improperly.

8 MR. CRISS: True. But there has been considerable delay in the progress of this
9 development. We did remove the tenants.

10 MR. PALMER: I agree with Howard. You know the other project, they've actually
11 got a structure on the ground here. And the other project they just began the site
12 clearing and cleared some things. And that's like this guy's done a major, you know,
13 problem with the county. And this one, there's actual structures on the ground where
14 people could have been living in there. And nobody has inspected it. Nobody's looked
15 at the electrical or anything else. And it poses a hazard to people's health and it kind of
16 gets swept under the rug.

17 MR. CRISS: We did inspect and had the occupants removed.

18 MR. JACKSON: So if people are living there. It's a danger.

19 CHAIRMAN GREEN: To me the central issue here that strikes me is if we forget
20 what's proposed, if we forget what's there, if we forget it was done without proper
21 permitting - I mean, to me, the fundamental question it comes back to if this application
22 had come in and not a thing touched on that site, would we have looked at this site as
23 an appropriate place for high-density housing? And -

1 MR. PALMER: Well I don't like how the parking lot abuts this property right
2 beside it.

3 CHAIRMAN GREEN: And, I mean, that's, if I ask myself that central question, "Is
4 this an appropriate location for high-density housing?", you know, I don't know that I
5 necessarily feel that in this specific location what, in essence, comes out to over 30
6 dwelling units on this size piece of property is appropriate for the area.

7 MR. JACKSON: I just feel like when they build it illegally at first it sort of force a
8 hand that the building is already there so they'll bring it up to code and we should go
9 ahead and approve it. And that is how I feel it has been done. I don't feel comfortable
10 the way the whole thing was developed. Anyone in this county is doing any type of
11 development knows there are some procedures. And I think the whole thing was done,
12 was done with intent, and clearly unfair to others if we approve it.

13 MR. MCBRIDE: I don't feel comfortable myself. And anyone doing a PDD and
14 allow them to expand the lots, also, you know, that's somebody doing something
15 improperly. And then you allow them to even add on with that.

16 MS. LUCIUS: Well that was my –

17 MR. MCBRIDE: I have a problem with that also.

18 MS. LUCIUS: That was my problem, too. I thought, when we discussed it the
19 last time, that perhaps they could come up with a PDD and at least get what's already
20 been done into compliance. But this is bigger future expansion. I can't support that.

21 MR. PALMER: Mr. Chairman, I move for denial. I move for a recommendation of
22 denial.

23 CHAIRMAN GREEN: We have a motion on the floor –

1 MR. DUNBAR: I second that.

2 CHAIRMAN GREEN: - and a second to recommend to County Council the
3 application for rezoning be denied. Further discussion?

4 MR. VAN DINE: I support the motion. And as an alternative and additional
5 reason, I support it because I think that when we allow people to do what they're doing
6 to come back in and we retroactively approve we are sending the wrong message to
7 some people out there in the community. A lot of people will not use this. But there are
8 people out there who actually will use this as a route to get things done, where they
9 actually come in here. And I think we need to put a stop to it. And that's why I would
10 support the motion.

11 CHAIRMAN GREEN: Okay. We have a motion on the floor to recommend
12 denial. Any further discussion?

13 MR. AUGHTRY: Mr. Chairman?

14 CHAIRMAN GREEN: Yes, sir.

15 MR. AUGHTRY: I don't know if it's a problem or not, but may we be heard
16 another two minutes?

17 CHAIRMAN GREEN: I'm sorry, sir. We've been consistent throughout the years
18 that when the public input sections over, unless there're questions for the applicant, that
19 we –

20 MR. AUGHTRY: Can anyone move for reconsideration?

21 CHAIRMAN GREEN: You have an opportunity at the May 25th County Council
22 meeting. This is simply a recommending Body to County Council. And, like I have said
23 on other occasions, County Council will actually make the decision, ours is simply a

1 recommending Body, on Tuesday, May 25th. We have a motion on the floor. Any
2 further discussion? Those in favor of the motion to send this to County Council with a
3 recommendation for denial raise your hand.

4 MR. GOSLINE: 1,2,3,4,5,6,7,8,9. That's pretty clear.

5 CHAIRMAN GREEN: Those opposed?

6 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride,*
7 *Dunbar]*

8 CHAIRMAN GREEN: This will go forward to County Council with a
9 recommendation for denial. And we'll move to our next agenda item and that is the
10 subdivision and street names.

11 MR. VAN DINE: I move approval.

12 MR. JACKSON: Second.

13 CHAIRMAN GREEN: We have a –

14 MS. WYATT: We had two motions and two approvals. That's pretty good.

15 CHAIRMAN GREEN: Okay.

16 MS. LUCIUS: I'd just like to add somebody needs to learn to spell, though.

17 CHAIRMAN GREEN: Are the street names – are these plants misspelled?

18 MS. LUCIUS: These plants are misspelled.

19 CHAIRMAN GREEN: Cleyera's misspelled, isn't it?

20 MS. LUCIUS: Cleyera is misspelled.

21 MR. JACKSON: You name it.

22 MS. LUCIUS: And I think "Alelia" is supposed to be "Abelia". And "Gingo" is
23 supposed to be "Ginkgo".

1 MR. JACKSON: What's a "Cuba"?

2 MS. LUCIUS: Well, now, "Cuba" is right.

3 CHAIRMAN GREEN: The "Cuba Gooding"?

4 MS. LUCIUS: The "Cuba" is good.

5 CHAIRMAN GREEN: Okay. We have - wow! We've had - while the developer's
6 misspell them, they can spell their street names anyway they want to, I would assume,
7 under county law. They can spell them like they want.

8 MR. JACKSON: That's right.

9 MS. LUCIUS: That's what they want.

10 CHAIRMAN GREEN: We have a motion and second for approval. All those in
11 favor raise your hand. All those opposed?

12 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Wyatt, McBride,*
13 *Dunbar]*

14 CHAIRMAN GREEN: We move on to our next agenda item. As you recall we
15 voted to, or we elected to drop from consideration the discussion of "Residential Uses in
16 an M-1 Zone", which gets us to "Discussion Regarding the Status Report of Planning
17 Commission Recommendations to the County Council." We didn't have anything in our
18 package, as I recall, on this issue.

19 MR. CRISS: No, my understanding was that we had narrowed this down,
20 essentially, to the special exception authority, "The Board of Zoning Appeals to grant
21 residential in the M-1 and M-2." But there were a couple of other issues that Amelia
22 found in her tracking sheet that I thought we wrapped into the proposed Land
23 Development Code discussion, but I don't have them with me. I've lost two principle

1 staff members for this particular meeting and don't have additional information unless
2 Amelia can recall what those issues might have been. Wasn't there a, I don't know,
3 was it cluster – was it cluster -

4 CHAIRMAN GREEN: Well, needless to say, we won't discussing them since we
5 don't have anything to read, so -

6 MR. CRISS: Yeah. Because we don't have anything in front of us.

7 MR. VAN DINE: Will you bring them up at the next or whenever.

8 MR. CRISS: The principal progress has been made thanks to Amelia's initiative
9 to put that M-1/M-2 issue back on Council agenda and it's gone through first reading.

10 CHAIRMAN GREEN: Rebecca is glad that she waited 3 ½ hours to find out that's
11 what we were going to do. But we enjoyed having you.

12 MR. CRISS: Find out what that is.

13 CHAIRMAN GREEN: Okay.

14 MR. CRISS: I believe it's scheduled for second reading tomorrow evening?

15 MS. ALMEIDA: Yes.

16 CHAIRMAN GREEN: Question. I assume other members of the Commission,
17 like I have been getting just for the last month or two the report out on how Council has
18 voted on the various rezoning issues that we've sent to them, is everybody getting that?
19 Okay, good.

20 MS. WYATT: Well, that's something we've instructed staff to give us.

21 CHAIRMAN GREEN: Right. "C", and I didn't see anything in our package, either,
22 was -

1 MR. CRISS: Got handouts for the "Rules of Procedure" if you'd like to have a
2 fresh copy, take them home and consider -

3 MS. WYATT: Can we go back up for just a second -

4 CHAIRMAN GREEN: Sure.

5 MS. WYATT: - before we go into "Rules of Procedure" and that's updating. I very
6 much would like to have, also, included in our packages, not this, but just like the letter
7 form, sort of, that you've been sending of the BZA meetings. And they, in turn, would
8 like to get our agendas - since we seem to be running into, occasionally, some like
9 these things. That's actually what the whole issue of the M-1 back up. So let's make
10 sure we start getting those.

11 MS. LUCIUS: And we're supposed to get the Zoning Public Hearing agenda. I
12 don't think I got mine last time.

13 MS. WYATT: We're only supposed to - we only asked for the actions to come
14 back. So, you're not going to get one.

15 MS. ALMEIDA: Do you want the actual agenda?

16 MS. LUCIUS: I like to know what's coming up on the - we got one a couple of
17 time.

18 MR. PRICE: Do you want them physically delivered to you or would e-mail
19 suffice?

20 MS. LUCIUS: E-mail would be fine. But I would like to, you know -

21 MR. PRICE: We could e-mail along one of those to you.

22 MS. LUCIUS: And I've noticed the last couple of ones I've seen that there were
23 errors on it as to Planning Commission's recommendations? I know at one point, you

1 know, there's a column where they can put how the votes break out, 9 to 0, 3 to 4.
2 Some of them are not on there. Some of them are actually incorrect. And I actually
3 saw one one time that was complete opposite. It was one that we had denied and it
4 was reported to them that we had approved it. So I want to see those if it's possible.

5 MR. VAN DINE: I think what's being said is we want to make sure that the proper
6 material and information is being transmitted up.

7 MS. WYATT: You think that's what we said?

8 MS. LUCIUS: I think that's what we said.

9 MR. PALMER: That's what I heard.

10 MR. PRICE: [Inaudible] Staff is able to give you any kind of an advance copy
11 before we actually put them together. If y'all could respond back as quickly as possible
12 anything -

13 MS. WYATT: All right. That would be great, Geo. Thank you.

14 CHAIRMAN GREEN: That'd be great. That would be wonderful. Geo, thank
15 you.

16 MS. WYATT: Okay.

17 CHAIRMAN GREEN: This is our current procedures. What we would like very
18 much to do is have each of you - we need to have a routine review of our procedures,
19 rules of procedure. If you would, take these home. Look at them. I believe [inaudible]
20 and look at them and see if there's a feeling that we need to change any of these
21 processes that we uses, processes, whatever the right word is.

22 MR. VAN DINE: Are there any areas of specific concern at this point?

23 MS. WYATT: Yeah, what brought about the need to review it?

1 CHAIRMAN GREEN: Just as a matter of making sure it's up to date.

2 MR. CRISS: Routine review. Chair Green and the Treasurer Furgess, met in our
3 offices on April 16th - I believe that Vice Chair Wyatt was unavailable for that particular
4 meeting - to discuss potential changes to the bylaws, the rules of procedure. And they
5 also got into some internal departmental workflow and process issues. Just to stimulate
6 your attention. Certainly welcome comments from the Commission. Perhaps a
7 subcommittee will be established to actually review and revise your bylaws. In the
8 process, me might go beyond just the purview of the bylaws and look at departmental
9 operations and our support of the Planning Commission generally. Commission
10 appointments, what was our concern there? Keeping track of them, certainly.

11 CHAIRMAN GREEN: Keeping track of appointments. There're certain
12 requirements for continued membership that we wanted to have everybody look at and
13 make sure that we were in sync with what we wanted to do with those requirements on
14 attendance.

15 MR. CRISS: Deferrals. I explain those more clearly on application forms so that
16 applicants were aware of our concerns about last minute deferrals. Commission
17 meeting start time. I guess a [inaudible] to me. Tough one.

18 CHAIRMAN GREEN: Part of the thought there is that, and of course, while we all
19 take off from work, you know, to come here, are we better off starting at 4:00 o'clock
20 and giving an opportunity to the public, who can't get off from work, a better opportunity
21 to show up at public hearings?

22 MS. LUCIUS: Good thought.

1 CHAIRMAN GREEN: I am concerned we don't have people, that we're not
2 providing appropriate access to people that don't have the option as we're all fortunate
3 enough to be able to work our schedules around this meeting.

4 MR. CRISS: If we start later we're going to need to take a break and feed you.
5 Provide some sustenance.

6 MS. LUCIUS: For a change! [Laughter] We work until 7:00 a lot of times,
7 anyway, and don't get fed.

8 MS. WYATT: I've been attending those budget workshops sessions. I see no
9 room for food for anyone.

10 MR. CRISS: We have tried to do a little bit better than the snacks, but it's a
11 concern [inaudible].

12 CHAIRMAN GREEN: You know, if we started at 4:00 and we got through by 8:00
13 by and large, usually, the meetings, usually, don't run often over four hours, maybe
14 occasionally. But I don't know how y'all feel about that. I do feel that we aren't serving
15 the public, necessarily, as well starting at 1:00 o'clock or 12:30 as we would at, let's say,
16 4:00 o'clock.

17 MR. PALMER: I wouldn't mind eating after the meeting, either. I wouldn't need to
18 eat there. That's just me. But I'm sure other people would like to eat dinner.

19 CHAIRMAN GREEN: That time of night it's mostly liquid dinner, so.

20 MS. WYATT: Well I say we can have it later.

21 MS. LUCIUS: Uh, hum. [Affirmative]

22 MR. PALMER: Yeah, I'd like to have it later.

23 MS. LUCIUS: It's really in deference to the public, really.

1 CHAIRMAN GREEN: Anybody have any thoughts? I mean I'm happy to keep it
2 the way it is.

3 REBECCA (?): The City Council meets a 5:30 so, in case you have people that
4 are doing both. You know, sometimes you have an applicant at both. That might be a
5 concern because I now have to scoot over there, so.

6 MR. PRICE: But the Planning Commission, I believe, meets in the morning, like
7 10:00 in the morning.

8 MS. LUCIUS: Right.

9 REBECCA: They're meeting at 5:30.

10 CHAIRMAN GREEN: Well that obviously creates a problem for us with our
11 schedules the way they're set up.

12 MS. WYATT: Well, and I think some – I do appreciate, very much, that we're
13 trying to give the public an opportunity, but I think we need to be reminded that we have
14 a staff that comes on board at 8:00 o'clock. The Chair almost asking to put in 12 to 13 –
15 14 hours days and be right back here, it's –

16 CHAIRMAN GREEN: I wouldn't mind letting them come in at noon.

17 REBECCA: The public, also, has –

18 MR. DUNBAR: I think a valid point is how effective are we? Some of us start our
19 businesses at 6:30 – 7:00 o'clock in the morning, too.

20 MS. WYATT: That late?!?

21 MS. LUCIUS: Right.

22 MR. DUNBAR: By 6:00 o'clock in the evening, I don't know about the rest of you,
23 but I'm not as effective as I would be at this time of day.

1 MS. LUCIUS: I agree. My work starts at 7:30.

2 CHAIRMAN GREEN: Well, there's not a great feeling that we need to change. I
3 just thought we'd at least raise the issue.

4 MS. WYATT: I say leave it alone. That's my vote.

5 MR. CRISS: The concern I share with the Commission, effective code cross
6 enforcement amongst building [inaudible] with the zoning code and subdivision
7 regulations [inaudible]. We're starting to address that in the proposed Land
8 Development Code. Time will tell how far we progress and how we should proceed.
9 Officially the Land Development Code is scheduled for a second reading June 15th
10 before County Council. But no other work session meetings have been schedule in the
11 interim, to my knowledge. The first 10 or 12 potential text amendments from County
12 Council are being worked up by Legal for eventual review by the County Council. But
13 that hasn't been scheduled, to my knowledge. There are several hundred proposed
14 amendments if you divide them into individual issues. They've been somewhat
15 consolidated into a hundred and thirty-odd issues that may or may not be drafted for
16 Council's further consideration. We're trying to get Council to vote as a body on the
17 individual items. So we know that it's worth Legal's time, consultant's time, Staff's time
18 to draft them [inaudible] for subsequent review. Comprehensive Plan update is due.
19 And we're going to present a work program to you. But it's going to require some
20 staffing. We'll talk about that, ultimately.

21 CHAIRMAN GREEN: So there's currently no budgeted funds nor timeframe from
22 County Council with regard to updating the Comprehensive Plan?

1 MR. CRISS: That is correct, sir. Our current focus with Council is approve the
2 Land Development Code.

3 MR. JACKSON: Okay. What about the CIP?

4 MR. CRISS: Capital Improvements Plan.

5 MR. JACKSON: Yeah.

6 MR. CRISS: We keep reminding Council of the need for that third leg of the stool.
7 And there is no budget or work plan, as yet, for developing a Capital Improvements Plan
8 for Richland County.

9 CHAIRMAN GREEN: Do you think if the entire Planning Commission resigned on
10 the same day because of the absence of a Comprehensive Plan that that would make
11 any impact, or do you think anybody would care?

12 MR. CRISS: Are we still, on the record, Stephanie?

13 MS. WYATT: They wouldn't care until after the election.

14 [Laughter]

15 MS. LUCIUS: Good point.

16 MR. VAN DINE: The answer is NO.

17 CHAIRMAN GREEN: That was a rhetorical question. Don't answer it. Please
18 continue.

19 MR. CRISS: County imagery update. Pat Bresnahan, the head of the GIS
20 section in the Information Technology Department, is looking for a summer acquisition
21 of new imagery. We want to get to the point where it's at least annual and we can show
22 you change [inaudible] over time. That's the ultimate goal, but don't have a definite plan
23 for you. I know that your imagery is starting to get stale, though used to be four or five

1 year old imagery was considered fresh! Nowadays, it's old hat, especially in rapidly
2 growing areas. So we recognize the need. We want to get you fresh imagery, at least
3 within the year. And hopefully we're headed that way, but I don't know the specifics yet.
4 By the way, it's those commercial spy-quality satellites that are up there competing with
5 each other, driving the cost, that make this countywide imagery acquisition more
6 feasible and cost effective. But a lot of those satellites are being diverted to the was
7 effort. A lot of the sensing type. And so public entities, like county governments, are
8 having to compete for time and attention for those permits. Several folks mentioned
9 having a contextual zoning map for the agenda, something that isn't quite so large
10 scale, zoomed in that you can see a bigger area. We've got to work that our
11 graphically, but I agree that's a valid need to enhance your agendas. Zoning
12 amendment status for the agenda, I think we had some discussion on that, getting some
13 kind of spreadsheet table in there so we can all keep up with the status of all the
14 pending map and text amendments. Turnaround time for the simple plat application,
15 that's an internal Staffing issue. Talk a little bit more about that in a minute. Zoning
16 map amendment recommendation language and Staff Reports – simplify. Another
17 internal work process issue. And if you'll indulge me, I have a memorandum to read
18 into our record dated 30th of April, 2004; to Michael Criss, Planning Director; copies to
19 Milton Pope, the Assistant County Administrator; and Dwight Hannah, the Personnel
20 Director; from John W. Hicks, Development Services Manager; Notice of Resignation
21 effective May 14, 2004. "Please accept this memorandum as confirmation of my
22 discussion of my resignation from employment with Richland County effective May 14,
23 2004. I have decided to accept employment with the Town of Blythewood, South

1 Carolina, in a position of Town Administrator and Planner as of May 17, 2004. The
2 years since March 21, 2000, that I have had the privilege of working with Richland
3 County, have been rewarding ones. The County leadership, including the Council, the
4 Administrator, the Assistant Administrator, and you, has been extremely supportive and
5 generous. The excellent staff of this division the County leadership has worked with me
6 to assemble has given great professional satisfaction and will be missed often. My
7 relationship with Richland County is not being severed but only transformed. The
8 County's investment in the Town of Blythewood is vital and evident. It will be one of my
9 principal objectives to continue to nurture that excellent partnership. I know that I can
10 rely upon the goodwill and public spirit of all my old friends at the County and assure
11 them that they can always rely upon me." With regrets. Thank you for your indulgence.

12 CHAIRMAN GREEN: Staffing-wise, we have how many unfilled vacancies?

13 MR. CRISS: We have six. No, seven.

14 CHAIRMAN GREEN: How many are funded and approved?

15 MR. CRISS: All funded and approved to carry over the fiscal year boundary, July
16 1st. Planning Commission recommended three additional Land Use Inspectors as part
17 of the Land Development Code implementation. That is in the Department's budget
18 request under consideration. Right now your County Administrator is combining all the
19 various department requests into a single unified package. I don't know, yet, what
20 remains or doesn't remain in my department's budget.

21 MS. WYATT: Want me to tell you what he just said? The County Administrator is
22 trying to find \$20,000,000 to short, okay.

23 MR. CRISS: Will be presented to County Council soon. And I expect –

1 CHAIRMAN GREEN: But you have seven funded positions in addition to
2 [inaudible].

3 MR. CRISS: I expect no disturbance to those existing seven funded vacancies.

4 CHAIRMAN GREEN: How many applicants – how close are they to being filled
5 with -

6 MR. CRISS: We have 10 interviews scheduled for the first of the five, or now six,
7 professional positions open and are constantly advertising, recruiting –

8 CHAIRMAN GREEN: Nobody's been offered a job for any of the seven yet?

9 MR. CRISS: Not yet. But, ironically, the delay in the Land Development Code, if I
10 can call it that, has given me and other management time to pay attention to internal
11 administrative matters, like filling vacancies. And we're putting on a "full court press"
12 with the help of Policy Analysts and the Administrator's Office to recruit, hire, and team
13 together.

14 CHAIRMAN GREEN: The quicker the better.

15 MR. CRISS: The quicker the better, indeed, indeed.

16 CHAIRMAN GREEN: Thank you.

17 MR. CRISS: And I can assure you that the Development Services Manager
18 position will assume a priority relative to the others.

19 MR. JACKSON: I just urge, somehow, Council to start at process with the CIP.

20 MR. CRISS: Well, that's something we can take on.

21 MS. WYATT: Like what - I mean why are you encouraging them to –

1 MR. JACKSON: The County needs a CIP program and we were supposed to
2 start it last year discussing it and trying to develop a plan. And it's been keep delayed
3 year after year. It's needed.

4 MR. CRISS: We need to provide you the staff and the resources, the budget. I
5 presume we're going to need some outside consulting help for a project of that
6 magnitude. And I have made requests in our department budget for next fiscal year to
7 do exactly that. A little premature to guess what we'll have, come July, but hopefully by
8 then we'll be fully staffed and have enough resources to help the Planning Commission
9 turn it's attention to Capital Improvements programming.

10 MR. JACKSON: But there's a layout, a financial layout, of, also, a budgeted
11 layout of different areas of the county: operations, budgets, and everything.

12 MR. CRISS: We still need to gather the fundamental data layers of existing
13 infrastructure. I don't know where the sewer and water pipes are. And that will be part
14 of the work program.

15 CHAIRMAN GREEN: But our sub-year plans are only 12 years old. They ought
16 to last, at least, another 12 years.

17 MR. VAN DINE: Twenty year programs, that's not too much.

18 MR. CRISS: Oh, and as part of the imagery update, you may know that the
19 County has contracted with a vendor to convert the ink on mylar tax maps and zoning
20 district boundary overlays to computer digital cadaster(?) parcel data layer; that over the
21 next 18 months or so. We already see the initial fruits of that labor. They started near
22 downtown Columbia because of the dense urban fabric and the difficulty of getting it
23 right on such small parcels. And the work is coming out beautifully. The structures are

1 falling within the property lines as they're supposed to. Road center lines are lining up
2 with the images. It's looking good. We're talking 145,000 digital parcels being
3 developed -

4 MR. JACKSON: I must visit the site.

5 MR. CRISS: - over the next year and a half. And I think that will be a tremendous
6 tool for our work and certainly yours.

7 MR. PALMER: Is that when they'll be available to the public on the web?

8 MR. CRISS: I think they're going to release it incrementally, Pat. But I don't have
9 a plan. That would be up to the Information Technology section.

10 MS. LUCIUS: He's got his hammer.

11 MR. JACKSON: I second.

12 CHAIRMAN GREEN: Just one request. If we're being served a meal at the next
13 meeting, stick something in the meeting notice that -

14 MS. WYATT: Not to eat.

15 CHAIRMAN GREEN: - don't go by No Name Deli on your way here. We stand
16 adjourned.

17
18 *[Adjourned 4:55 p.m.]*