

**RICHLAND COUNTY PLANNING COMMISSION**

September 7, 2006

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5 *[Members Present: Anderson, Lucius, Furgess, Palmer, Green and Manning. Absent:*  
6 *Brawley, McBride and VanDine]*

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8 CHAIRMAN PALMER: We'll call the meeting to order. I'd like to read this into  
9 the record. "In accordance with the Freedom of Information Act a copy of the agenda  
10 was sent to radio and TV stations, newspapers, persons requesting notification, and  
11 posted on the bulletin board located in the lobby of the County Administration Building."  
12 Everybody get a chance to read the minutes from our last meeting?

13 MR. MANNING: Mr. Chairman, I was missing six pages in the minutes so I  
14 would like to defer voting on the minutes until I've got them, I've had a chance to read  
15 them.

16 CHAIRMAN PALMER: We have a motion to defer approval of the minutes until  
17 our next meeting.

18 MR. GREEN: Second.

19 CHAIRMAN PALMER: Motion and a second. All those in favor please signify by  
20 raising your hand.

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

23 CHAIRMAN PALMER: Agenda amendments? I know we have a request to  
24 move Case Nos. 06-45 MA, 06-46 MA, 06-47 MA and 06-48 MA to the front of the  
25 agenda.

26 MR. FURGESS: And 06-50.

27 MR. ALMEIDA: And 06-50.

1 CHAIRMAN PALMER: Along with Case 06-50 MA to the front of the agenda.  
2 And for all those interested that is the George Bunch cases as well as Brantley Manor.  
3 Do we have a motion to do that?

4 MR. MANNING: Mr. Chairman, I'd like to make a motion that we move the five  
5 cases just mentioned to the front of the agenda.

6 MR. GREEN: Second.

7 CHAIRMAN PALMER: We have a motion and a second. Any other agenda  
8 amendments?

9 MS. ALMEIDA: No, sir.

10 CHAIRMAN PALMER: All those in favor please signify by raising your hand.  
11 *[Approved: Anderson, Lucius, Furgess, Palmer, Green, Manning; Absent: Brawley,*  
12 *Van Dine, McBride]*

13 CHAIRMAN PALMER: New business. I guess we'll just handle those up front.

14 MR. GREEN: Handle those in the zoning part. I assume we have to do  
15 subdivision first.

16 MS. ALMEIDA: That is correct.

17 CHAIRMAN PALMER: Subdivision review. SD-04-242.

18 **CASE NO. SD-04-242:**

19 MS. ALMEIDA: Mr. Chairman, the Commission is reviewing two subdivisions  
20 before you due to the fact that Lake Carolina was under not only a PUD but a  
21 development agreement, planned unit development for the design but also a  
22 development agreement which at the time required that Planning Commission review all  
23 preliminary plans. Of course that is not the case now. That is why you have two

1 subdivisions before you to review and vote. So the first, the first case is Harborside at  
2 Lake Carolina, Parcel 2, Phase 2 on Long Pointe Lane. It is part of a larger PUD. It is  
3 only six units and as you can see from your packet on page three, it is six commercial  
4 lots. They are subject to the Lake Carolina TND overlay ordinance, Traditional  
5 Neighborhood Design of the PUD. The parcel is identified as general commercial and it  
6 is a mixed use development. Phase 1 in Town Center included an office, service, retail,  
7 restaurant use and it included a dozen live/work units. And of course Parcel 2, Phase 2  
8 is an extension of the current Phase 1. And Staff recommends conditional approval  
9 subject to the conditions found on page four.

10 MR. GREEN: Mr. Chairman, to get a motion on the floor I would move that we  
11 approve this subdivision subject to seven conditions outlined on page four of our Staff  
12 Report.

13 MR. MANNING: Second.

14 CHAIRMAN PALMER: We have a motion and a second. Any discussion? All  
15 those in favor to approve Case No. SD-04-242, please signify by raising your hand.

16 *[Approved: Anderson, Lucius, Furgess, Palmer, Green, Manning; Absent: Brawley,*  
17 *Van Dine, McBride]*

18 CHAIRMAN PALMER: Case No. SD-05-231.

19 **CASE NO. SD-05-231:**

20 MS. ALMEIDA: This is also located in Lake Carolina. Woodleigh Park, Phase 3  
21 and 4. It is a Parcel 2, Phase 2 of the overall PUD. It represents approximately 7.1  
22 acres. According to the PUD the gross density is five dwelling units per acre or 375  
23 total units. To date the applicant has received approvals for 124 units for Phase 1 and

1 2, which consist of a mixture of single family and town home lots. The traffic that's  
2 generated from the Lake Carolina development both for this development and the  
3 previous one voted on has been mitigated before and addressed in a development  
4 agreement. And Staff recommends conditional approval subject to the requirements  
5 found on page 10.

6 CHAIRMAN PALMER: Any motions?

7 MR. MANNING: Mr. Chairman, I make a motion that we approve this subject to  
8 conditions found on page 10, one through eight.

9 MR. GREEN: Second.

10 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?  
11 All those in favor to approve Case SD-05-231, please signify by raising your hand.

12 *[Approved: Anderson, Lucius, Furgess, Palmer, Green, Manning; Absent: Brawley,*  
13 *Van Dine, McBride]*

14 CHAIRMAN PALMER: Zoning map amendments. Case No. 06-45 MA.

15 **CASE NO. 06-45 MA:**

16 MS. ALMEIDA: Mr. Chairman, I believe the applicant is here. It would be best to  
17 hear from him.

18 CHAIRMAN PALMER: Mr. Bunch?

19 **TESTIMONY OF GEORGE BUNCH:**

20 MR. BUNCH: My name is Bill Bunch. I'm here representing my family. We're  
21 here to ask to withdraw our application at this time as we have been working with Staff  
22 and would like to go back and work with them on a PDD. We would like to further ask  
23 however that as we understand it if you're not withdrawn five days prior to this date

1 there's a 60-day sort of penalty period there during which you cannot reapply. We did  
2 not receive our notification of the opposition of Staff to our proposal or to our application  
3 within those five days and we would like to ask if y'all could please waive that  
4 requirement for us. Had we gotten this information early enough last week we would  
5 have withdrawn last week and would not be penalized that 60 days and we'd like to ask  
6 y'all's consideration on that.

7 CHAIRMAN PALMER: Do we have the ability to do that?

8 MS. LINDER: I'm not sure at this time.

9 MR. BUNCH: I could be a little wrong on that. There was some discussion  
10 about it we were trying to have with members of the Staff yesterday.

11 MS. ALMEIDA: I believe that –

12 MR. BUNCH: There was some discussion between here and the County Council  
13 versus the Planning Commission –

14 MS. ALMEIDA: Right.

15 MR. BUNCH: - and one does have such a prohibition, one does not. One also I  
16 think vary depending on whether – if we were coming back as a PDD as opposed to a  
17 straight zoning application that that might also nullify the 60-day penalty requirement.

18 MS. ALMEIDA: I believe that the Zoning Administrator has the option to accept  
19 the withdrawal from the applicant if it's five days prior. If not, the applicant has to  
20 appear before you to request that withdrawal.

21 MR. BUNCH: Okay.

22 MS. ALMEIDA: I think that is the definition.

23 MR. BUNCH: Okay. So I just wanted to make sure we –

1 MS. ALMEIDA: The 60 days remain the same.

2 MR. BUNCH: You're saying that we can't come back for 60 days?

3 MS. ALMEIDA: Right.

4 MR. BUNCH: Well I thought –

5 MS. ALMEIDA: It's a waiting period.

6 MR. BUNCH. – we - my understanding of our meeting yesterday or the day  
7 before was specifically that if we withdrew prior to five days the 60-day prohibition didn't  
8 apply. And somebody was down there looking it up but we were looking at a bunch of  
9 papers –

10 MS. ALMEIDA: Okay.

11 MR. BUNCH: - and everybody was a little confused.

12 MS. LINDER: Mr. Chairman, I think due to the logistics of submitting a PDD and  
13 the process that it would have to go to with review of the DRT Committee, I believe Staff  
14 is saying that the very earliest this would come back to you as a PDD would be in  
15 December; with the application that would have to be submitted and the material and  
16 the review process and of course that would meet the 60 days then.

17 MR. BUNCH: Are you saying that it is a requirement of the county Staff that we  
18 couldn't do it within that period of time or are you simply saying that y'all don't think we  
19 can do it within that period of time? If we are, if we're physically able we intend to do  
20 so. Now if there are circumstances that prohibit us from doing that then fine.

21 CHAIRMAN PALMER: I believe the Staff has what 30 or 45 days to respond to a  
22 PDD application?

23 MS. ALMEIDA: I'm sorry.

1 CHAIRMAN PALMER: How long does the Staff have to respond to a PDD  
2 application? What's the time frame on that?

3 MS. ALMEIDA: You have 15 days to deem it complete and then within a 30-day  
4 period you – so within 45 days of submission –

5 CHAIRMAN PALMER: Right.

6 MS. ALMEIDA: - you have to schedule it to a DRT meeting and then it gets  
7 placed on the Planning Commission meeting the first available.

8 MR. MANNING: But there's no prohibition against them submitting information  
9 as of tomorrow? The timeframe is set out in the code.

10 MS. LINDER: The timeframe deals with how much time has to go by before you  
11 see it again.

12 MS. ALMEIDA: Exactly.

13 CHAIRMAN PALMER: Okay. So he can submit it tomorrow, it just will not be on  
14 our agenda for two months?

15 MS. ALMEIDA: Exactly.

16 CHAIRMAN PALMER: It's going to take 45 days for the review process to occur  
17 anyhow.

18 MR. BUNCH: Well I understand that but y'all's Staff that was looking it up for us  
19 yesterday or the day before said – I mean they had it in front of us and said y'all can  
20 waive because we're not – we're within that five-day period y'all can waive the 60 day  
21 thing and we're just scared that something else is going to tie our hands even further.  
22 We're trying to do this in the most propitious manner possible.

1 CHAIRMAN PALMER: I understand. I think what the Staff is saying though is  
2 that even if the 60-day requirement was not there it's going to take 45 days for their  
3 review process to take place. If you submit the package tomorrow, which is impossible,  
4 but if you submitted it tomorrow it would still be 45 days before they gave you an answer  
5 as to whether or not they were going to give approval to the PDD package or not.

6 MR. BUNCH: I mean I do understand. It says they have, they have 45 days but  
7 hope if we work with them. I don't want to get up here and belabor the point and wear  
8 out our welcome but –

9 CHAIRMAN PALMER: I understand.

10 MR. BUNCH: - if we can work with the Staff and do it more efficiently and you  
11 have the ability to waive that 60 day thing we would ask you to do so. Thank you.

12 CHAIRMAN PALMER: Okay. Do we have a motion to withdraw?

13 MR. MANNING: Mr. Chairman, given the fact that the applicant has requested to  
14 change from a straight rezoning to a PDD I would make a motion that we accept the  
15 withdrawal.

16 MR. GREEN: Second.

17 CHAIRMAN PALMER: We have a motion and a second to accept the withdrawal  
18 of Case No. 06-45 MA. All those in favor please signify by raising your hand.

19 MS. LINDER: Mr. Chairman? Would you clarify whether it's just for one case or  
20 it's all four cases?

21 MR. BUNCH: It is for all four.

22 MR. MANNING: Four in a row then.



1 CHAIRMAN PALMER: I thought we would need to do it – address each one  
2 separately with a separate vote.

3 MS. LINDER: You could do that or either – you could do it either way.

4 CHAIRMAN PALMER: Let's just do them all at once then. Is there a motion to -

5 MR. MANNING: My motion is to take, accept 06-45 MA, 06-46 MA, 06-47 MA  
6 and 06-48 MA motion to withdraw.

7 MR. GREEN: Second.

8 CHAIRMAN PALMER: All those in favor for the withdrawal of the cases  
9 mentioned by Mr. Manning please signify by raising your hand.

10 *[Approved: Anderson, Lucius, Furgess, Palmer, Green, Manning; Absent: Brawley,*  
11 *McBride, VanDine]*

12 CHAIRMAN PALMER: Case No. 06-50 MA.

13 **CASE NO. 06-50 MA:**

14 MS. ALMEIDA: Mr. Chairman, that is Brantley Manor.

15 CHAIRMAN PALMER: Is the applicant here for Brantley Manor?

16 AUDIENCE MEMBER: I'm here representing Mr. Johnson.

17 MS. ALMEIDA: Are we hearing the case or is this for withdrawal?

18 CHAIRMAN PALMER: I was under the impression that you were going to  
19 request a withdrawal.

20 MS. ALMEIDA: Okay. So let's go through.

21 CHAIRMAN PALMER: Okay. Well we're – take a seat for us for just a minute if  
22 you would. Anna?

1 MS. ALMEIDA: Okay. Mr. Chairman, this application is – the site is located on  
2 10 Leitner Point Road as you can see on the screen. Staff's recommendation is for  
3 denial. The site currently has a large single-family estate style home which was built in  
4 1989, over 18,000 square feet, six bedroom and four baths according to county records.  
5 The site is located on a one lane privately maintained road that approximately has – it's  
6 approximately 12' in width. The applicant is requesting to have a bed and breakfast on  
7 the site. The surrounding area is single-family homes. We have no records of any  
8 rezonings in the area surrounding the property and Staff, through its analysis, has  
9 estimated as far as traffic impact we guesstimate about 47 ½ trips total per day on the  
10 site. The applicant is requesting to reduce the intensity of the zoning because the  
11 existing zoning is an RS-LD zoning designation which requires 12,000 square foot  
12 minimum lot size. And the applicant is requesting an RU zoning district which is the  
13 only district or one of the only districts other than GC that would allow a bed and  
14 breakfast. Staff has a lot of reservation as far as the functions that can go on in this bed  
15 and breakfast and the amount of traffic that could be generated from those functions,  
16 and therefore Staff recommends denial.

17 CHAIRMAN PALMER: By functions I take it you mean get togethers?

18 MS. ALMEIDA: Small parties.

19 CHAIRMAN PALMER: Parties, that kind of stuff?

20 MS. ALMEIDA: Yeah.

21 CHAIRMAN PALMER: Okay.

22 MS. ALMEIDA: We feel it will change the character of the neighborhood.

23 MR. MANNING: So the property's already zoned RS-LD?

1 MS. ALMEIDA: That is correct.

2 MR. MANNING: And they have requested an RU -

3 MS. ALMEIDA: Correct.

4 MR. MANNING: - which would reduce the potential for other homes being built  
5 on that from the current [inaudible]?

6 MS. ALMEIDA: Four larger lots, 33,000 square foot.

7 MR. MANNING: And your concerns with the bed and breakfast are that it would  
8 generate traffic, noise?

9 MS. ALMEIDA: Exactly. The more commercial type activities being generated  
10 from that site. Because those are things that can be done on a bed and breakfast and  
11 it's hard to monitor.

12 MR. GREEN: I guess there's no clarification in the code if there were a  
13 restaurant on the premises whether the restaurant could be open to the general public  
14 or not?

15 MS. ALMEIDA: It does. It indicates that the restaurant can only service the  
16 people who are staying in the facility. But again it's an enforcement issue. It can  
17 become a potential problem.

18 MR. MANNING: Could you clarify your concern about the access? Is this  
19 access -

20 MS. ALMEIDA: It is a privately maintained road – Leitner Point as you can see  
21 from the screen. It is not county maintained. We have looked at all the records and it is  
22 approximately 12' wide.

1 MR. MANNING: Now these, these other residents on Leitner Point are served by  
2 that -

3 MS. ALMEIDA: That is correct.

4 MR. MANNING: - road as well? Are there any access agreements to this  
5 property or -

6 MS. ALMEIDA: There are some access agreements towards the back of the  
7 property. If you see the indicator where it says site there's a property next door. It is  
8 actually - the property has an access easement. The property that is fronting Marina  
9 Road and kind of catty-corner into Leitner Point Road. That is the only access  
10 easement for the property in between the estate and the existing home. But that's on a  
11 rear property line.

12 MR. MANNING: Are there any special requirements for permitting a bed and  
13 breakfast? DHEC, county?

14 MS. ALMEIDA: Only a business license.

15 MR. MANNING: Okay.

16 CHAIRMAN PALMER: Any other questions for Staff? Don McLemore? And  
17 folks if we could if we could limit the comments to three minutes per person and when  
18 you take the podium if you would give your name and address for the record.

19 **TESTIMONY OF DON MCLEMORE:**

20 MR. MCLEMORE: Don McLemore. I actually have ownership interest in the  
21 Brantley Manor. I live at 137(?) Captain Lowman Road, Chapin, South Carolina. We're  
22 looking at turning this into a bed and breakfast. We're trying to limit it to six rooms, a  
23 very high end exclusive private area, you know. We don't want to jeopardize the

1 character of the area because that's what's going to draw our clientele basically. You  
2 know, there were questions regarding the roads coming in. In fact we're the only ones  
3 that are using that road at this point. There's probably not four cars that travel that road  
4 on a daily basis. The adjacent properties they have – their main driveways enter from  
5 Marina Road. You know, the traffic, that could be an issue but no one else is using  
6 Leitner Point at this point. I guess that's y'all's biggest concern. We don't intend on  
7 running a restaurant. Facilities would be for guests only and, you know, typical client for  
8 a bed and breakfast, a little older, more educated and want to stay in a place like this for  
9 the seclusion, for the privacy, for the peace and quiet and the atmosphere. That's about  
10 it.

11 CHAIRMAN PALMER: Do you have any plans for road improvements for Leitner  
12 Point?

13 MR. MCLEMORE: Well Leitner Point is a privately maintained road which is not  
14 being maintained. That's another issue. There's potholes, it's cracking. You know, we  
15 would be more than happy to go in and redo that if necessary. You know, with it being  
16 a privately maintained road I would assume that all the bordering properties are  
17 responsible for maintaining that road. You know, it's really not clear who is responsible  
18 for that maintenance but, you know, we could.

19 CHAIRMAN PALMER: But if they're not using it I would imagine you guys would  
20 take it –

21 MR. MCLEMORE: Absolutely.

22 CHAIRMAN PALMER: - by the horns and.

1 MR. MCLEMORE: Absolutely. And Mr. Brazell which is – whenever you come  
2 into the property on the right-hand side traffic - that would be the only property that  
3 would have a traffic concern. His home is located really close to the road and we'd be  
4 willing to do whatever it took to insure his privacy on the property whether it be build a  
5 wall or a landscape barrier or, you know, whatever we need to do.

6 MR. MANNING: How many rooms do you plan on having?

7 MR. MCLEMORE: The house currently – the main house is six bedrooms, 14  
8 baths. Of that six rooms, one is the Staff's quarters so that - there would only be five  
9 rooms used in the main house. The guest house has two bedrooms, two baths and that  
10 would be rented as one unit. So we're capping it at six and I think according to the  
11 guidelines y'all allow up to nine. We don't have nine. Do not plan on any further  
12 construction. We're not going to make any changes to the property. Everything's set in  
13 place and, you know, there's no need for any changes.

14 MR. MANNING: Do you plan to lease the space out for extra events?

15 MR. MCLEMORE: No intentions of that at this point. One issue was brought  
16 with parties, having parties. Since this place was built, there's probably been 150  
17 parties at this property. Gene Brantley built it back in the late '80s. That's why he built  
18 it. It was his private residence. He had his private parties. We did a fundraiser for a  
19 local politician a few months back, had 150 guests and no complaints from anybody.  
20 There's an eight foot brick wall that surrounds the property line. It is a very private,  
21 secluded area.

22 MR. MANNING: Thank you.

23 MR. MCLEMORE: Thanks for your time.

1 CHAIRMAN PALMER: Thank you. I can't hardly make this next name out. Is it  
2 Thomas Biffler, Midler, Jr.? 1908 Hollingshed?

3 **TESTIMONY OF TIM MARKELL(?) MILLER, JR.:**

4 MR. MILLER: My name is Tim Markell Miller, Jr. I live at 1908 Hollingshed Road  
5 in Irmo, South Carolina. I'm Dondy's(?) step-father and I've been kind of the  
6 superintendent of the maintenance operations at the Brantley estate since they  
7 purchased in May. We've spent over, probably just over a million dollars on  
8 maintenance on the property and there's no way we're going allow a bed and breakfast  
9 or any operations to degrade the property, degrade the home and if you don't know the  
10 home you probably need to see the home before you make a decision. It is a one-of-a-  
11 kind home. It's on the market for six million dollars. It's appraised county value at \$4.2  
12 million. So it's just – it's not a just a general home. This is a one-of-a-kind home. A  
13 home you don't want nothing to happen to. It's got 1700 artwork in it and it's just one-  
14 of-a-kind. Mr. Bruce Johnson, the owner out of Illinois, he don't want his property to be  
15 degraded by any means. Becoming a bed and breakfast if that would degrade he would  
16 not have it. He wants an exclusive bed and breakfast and that's all he wants. He wants  
17 to improve the entrance if the landowners, adjacent landowners will allow that. He's  
18 willing to do whatever they want. Money has not been an object and is not an object.  
19 So please consider that in making your decision. Please come visit the home before  
20 you make the decision. It might make you change your mind.

21 CHAIRMAN PALMER: David Clark? Followed by Sarah McAllister.

22 **TESTIMONY OF DAVID CLARK:**

1 MR. CLARK: David Clark. We live at 1 Leitner Point Road. My wife and I  
2 purchased the property [inaudible] two years ago. We bought it for the peace and quiet.  
3 We feel that having a bed and breakfast would interfere with our quiet enjoyment of our  
4 property. It would possibly reduce the value of us and surrounding homes. Leitner  
5 Point Road is a privately owned road. It is owned by my wife and I according to the plat.  
6 There is, as was mentioned, only a one-way access. It is maintained but it may be  
7 poorly maintained. We feel that, you know, I don't want to stop any man from making a  
8 dollar. I don't feel a house of that magnitude with six bedrooms is going to generate any  
9 kind of an income okay? I mean it just – I think something is like non-indicated. This is  
10 what they want to do for now but I think something's probably coming in the future which  
11 is going to create a lot more traffic. There is an ingress there which was mentioned, 12  
12 foot. There's another easement on the other side of our property which if those two  
13 ever joined could make a big U turn. So therefore it could be used in the future for  
14 something very big and create a lot of traffic. A bed and breakfast, yes. Could it be a  
15 marina, condos? It could be a number of things in the future. Any of these things would  
16 include a lot of traffic, staff, maintenance, coming and going all times of day would  
17 interfere again with the quiet enjoyment of the property. As of now the neighborhood  
18 enjoys a very low crime rate. Could that change? And lastly, my concern was – should  
19 be for them, what about emergency vehicles? On a one-lane road during such an  
20 event, a larger event will they be blocked, could you'd get ambulances, fire trucks and  
21 so forth to them? Thank you.

22 CHAIRMAN PALMER. Thank you. Sarah McAllister?

23 MS. MCALLISTER: I don't care to speak.



1 CHAIRMAN PALMER: Okay. William Shealy?

2 **TESTIMONY OF WILLIAM SHEALY:**

3 MR. SHEALY: Mr. Chairman, Members of the Commission, I'm William C.  
4 Shealy. I live on Cardinal Cove Road which is 133. And well when they had the picture  
5 up my home and my property adjoins that of what we call the Castle out there. But  
6 that's underwater. I own the property under the water in front of my house out to the  
7 mid-point of that neck. They own the property on the other side and there's no walls or  
8 anything to keep noise or to keep the appearance of what's going on over there away  
9 from me. And I know that their boat docks and things are right there backed up to mine  
10 and if this thing goes I know there are going to be boats and activities which will  
11 interfere with my lifestyle. I'm an old, retired GI and I like quiet out there and anything  
12 that disturbs that does bother me. I worked with the Ballentine Civic Association in  
13 getting the zoning for all of that area and worked with you folks and we've just been real  
14 pleased with it and I don't want to see any of that zoning changed which could allow  
15 activities that are really not good for residential area. Thank you very much.

16 CHAIRMAN PALMER: Thank you. Mary Gergel?

17 **TESTIMONY OF MARY GERGEL:**

18 MS. GERGEL: I appreciate you giving me this opportunity to speak. My folks  
19 have been residents of Lake Murray for 50 years and that pristine environment has  
20 been going down due to progress. And the Castle, as we term it – if it's a B&B it will  
21 upset this environment. We do not need any more pollution of the water, the air, boats  
22 and motors. At night now 2:00 and 3:00 o'clock in the morning we hear these big boats  
23 revving down the river, rather the lake and the whole house vibrates. And this B&B

1 comes up there these people will have the means to afford these outrageous boats and  
2 they will also pollute the air and the environment. We do not need this in our  
3 neighborhood. Like I said we've been up there many, many years and we do not need  
4 our environment to go down any further with any kind of development. Thank you.

5 CHAIRMAN PALMER: Ms. Gergel? Ms. Gergel?

6 MR. FURGESS: Give your name and address.

7 MS. GERGEL: 1923 –

8 MR. FURGESS: No. To the mic.

9 MS. GERGEL: 1923 Marina Road. I'm about a fourth of a mile from this  
10 environment. I can actually go on my pier and I can see the pier from this place and we  
11 can see and hear everything that's going on. It's very obvious because water, you  
12 know, carries the sound. Thank you.

13 CHAIRMAN PALMER: Thank you. Mr. or Mrs. Jenner?

14 **TESTIMONY OF ANA(?) JENNER:**

15 MS. JENNER: My name is Ana Laurie Jenner and I live on 102 Winding Road.  
16 In 1986 the whole area was designated as RS-1. We have been living in this area since  
17 1984. I cannot understand how anybody can build something and wants to turn it into a  
18 bed and breakfast with a tax in excess of \$50,000. How they could ever make this  
19 come out right. Now what is going to happen if they do open a bed and breakfast and  
20 after about a year the whole place folds and one of the big chains comes in because if it  
21 rural it is my understanding that just about anything can be built on the property. One of  
22 the big hotel chains will come in and they will build hotels, motels, whatever. And it has

1 become very, very crowded on that peninsula and I'm really against another bed and  
2 breakfast or any commercial venture. Thank you.

3 CHAIRMAN PALMER: Robert McAllister?

4 MR. MCALLISTER: I'll pass.

5 CHAIRMAN PALMER: Frank Gergel?

6 **TESTIMONY OF FRANK GERGEL:**

7 MR. GERGEL: My name is Frank Gergel. I live at 1923 Marina Road. And as  
8 my wife said we live about a quarter mile from the Castle and we just feel if it's open to  
9 this type zoning that this could lead in to either motels or hotels or whatever it might  
10 become. By changing this zoning we just feel it'll be detrimental to our neighborhood.  
11 Thank you.

12 CHAIRMAN PALMER: Just to clarify. Hotels and motels like a Comfort Inn, that  
13 kind of stuff, those are not allowed in RU zoning. It'd have to general commercial. So  
14 that would never occur in this zoning class.

15 MR. GERGEL: Could it not lead later to be turned into something like down at  
16 Jeckel Island as a hotel?

17 CHAIRMAN PALMER: No, sir. It would simply be limited to a maximum of nine  
18 rooms; is that correct?

19 MS. ALMEIDA: Yes.

20 CHAIRMAN PALMER: A maximum of nine rooms that they could rent out on a  
21 nightly basis.

22 MR. GERGEL: Okay.

23 CHAIRMAN PALMER: Dee Dee Cransberry maybe?

1 AUDIENCE MEMBER: [inaudible]

2 CHAIRMAN PALMER: Okay. Phil Savage?

3 **TESTIMONY OF PHIL SAVAGE:**

4 MR. SAVAGE: My name is Phil Savage. I live at e0 Manus Road, just off of  
5 Marina Road. I am opposed to this development. Almost every single resident in the  
6 area I've spoken to is opposed to it. I'm currently serving on the board of the Ballentine-  
7 Dutch Fork Civic Association. I used to serve as the president of that association. We  
8 work hard to try and keep the area, keep a plan – in fact we're trying to get a new one  
9 done up now and we want to try and follow the plan. We have a lot of concerns. I know  
10 right now the intentions – that I have a feeling anyway that the intentions of the folks  
11 that have invested in this are good. They want to do something that they think would be  
12 a good thing. But I also know that three out of every four business go bankrupt or don't  
13 - you know, end up going down within the first few years also and the residents that live  
14 out there would be left to deal with the aftermath. I would ask that these investors and  
15 that also each of you members think of your own residential communities that you live  
16 in. Picture the biggest and nicest home in there and then picture me coming out of  
17 Illinois to buy it or whatever, to buy it and convert it into a commercial venture. You can  
18 say what you want but it's defined in the ordinance that a bed and breakfast is a single-  
19 family dwelling. Usually a single-family dwelling's three bedrooms, two baths something  
20 like that. It's out in the country if it's a B&B. Maybe downtown if it's in San Francisco or  
21 something but it's not put into the middle of an RS-1 or low density, residential area.  
22 That area was not zoned for that purpose and it's not being utilized as that purpose.  
23 You're not rezoning just that dwelling. You're rezoning four acres and you can take, if

1 I'm not correct, you can take the remainder of that property later and ask that that  
2 property be used for some use that's allowed in rural use. Right? It used to be anyway  
3 that with a minor approval or exception you could put a grocery store up to 5,000 square  
4 feet in a rural zoning designation; is that not correct? There are a lot of uses. Yes, it is.  
5 There are a lot of uses that you can do in a rural area because when you're out in the  
6 country you can raise livestock in a rural without any approval. It's not appropriate to  
7 have a rural, four acres of rural property put into a pre-existing residential area where  
8 people bought and sank their life savings into their homes with the idea that they  
9 wouldn't have food service trucks from Sysco bringing in food, drinks for beer and things  
10 like that delivering food, commercial dumpsters dumping, hotel rooms for seven, eight  
11 people. It's a different type of an atmosphere than is up there now. Linens delivered.  
12 They have to be delivered two, three times a week. And we would agree with the Staff  
13 that it would in fact degradate the residential character of the area and we would ask  
14 that the Planning Commission Members please don't allow an investment which  
15 hopefully will still turn into a very good investment in what is actually a very proud spot  
16 in our neighborhood to be turned into a reviled, commercial area in a neighborhood and  
17 maybe set a precedent for other things. Had they asked for that, that house was built  
18 as a residence, you know what I mean, instead of a commercial area. Thank you very  
19 much.

20 CHAIRMAN PALMER: Thank you. Don Browning?

21 **TESTIMONY OF DON BROWNING:**

22 MR. BROWNING: Don Browning. We actually, we own the property next to this  
23 Brantley Manor on 5 Leitner. We have two acres there and we also own a piece

1 adjacent to that on Marina Road. We're basically in the cove. We have everything from  
2 the cove to the right. We're right next door to where the wall is. My main concern is  
3 that we don't have a lot of information on the roadway, the traffic on the little road which  
4 is a private road and I believe it's designated as a 20' wide easement on the plats.  
5 We're concerned about the lighting for that road. What would happen, what kind of  
6 lighting would be over at this Brantley Manor for the parking lots. We just think that  
7 there would be additional boat traffic in the cove. There'd just be a lot of activity over  
8 there that would probably be detrimental to us and we don't have enough information.  
9 We don't know what the final plan is going to be. That's the reason I signed up as  
10 opposed to it because we do have some property adjacent to it and we feel it would  
11 take down our property value. But we'd love to hear some more information on it. We  
12 just don't know anything except it's going to be a bed and breakfast. We don't have the  
13 plan. We don't know. That's our position right now is we think it would be harmful to us.  
14 Thank you very much.

15 CHAIRMAN PALMER: Thank you. Margaret Gergel?

16 AUDIENCE MEMBER: She had to leave.

17 CHAIRMAN PALMER: Okay. Jack Richardson.

18 **TESTIMONY OF JACK RICHARDSON:**

19 MR. RICHARDSON: My name is Jack Richardson. I live at 124 Cardinal Cove.  
20 I'm approximately two blocks away as the crow flies from this property. I cannot see it  
21 from my front yard but I can regularly hear it. The pine trees block my view but  
22 unfortunately they don't block the sound. First I'd like to thank you Members of the  
23 Commission for allowing us to come and speak. You've always been very gracious to

1 us in the past and we do appreciate it. Also I apologize for so many of us old folks  
2 hobbling down here. We don't move as quickly as Phil and some of the younger folks.  
3 As some of you know the residents of our area have fought diligently to uphold the  
4 zoning plan that you or your predecessors approved that, we as taxpayers paid for, and  
5 it had all over this property as RS-1. Most of us for lived there for 30 plus years full-  
6 time. Families own property there for Lord knows how long or prior to that. So our plea  
7 has always been keep the property zoning the way you paid for and we paid for and the  
8 way all of the residents around there built their homes when they were being  
9 constructed. We would like to continue with the single-family residential property. It's  
10 not up to me to question how a \$4 million piece of property can be supported by six,  
11 eight or nine rooms. I won't get there. That's not my problem. But I do know that  
12 things are expensive and we just would like to keep it in the same quiet residential,  
13 family oriented place that we have. You mentioned the acreage that's involved. All of  
14 that is currently RS-1. As your Staff pointed out earlier RS-1 allows X number of  
15 dwellings per square foot, per acre, per whatever. So the property could be converted  
16 to course into other single-family residential units and be completely within the current  
17 zoning regulations without requesting for exceptions. So our plea today to you is to  
18 continue to uphold as sacred the RS-1 zoning that is in place, that has held in place  
19 while there have been numerous other attempts to crack the RS-1 zoning areas up  
20 there. We have fought it vigorously and we have assured those folks who have already  
21 been turned down with zoning requests that the neighbors, the civic association, that  
22 the whole community would just as vigorously oppose any other attacks on this RS-1  
23 zoning as we approved theirs who was turned down. Thank you.

1 CHAIRMAN PALMER: Thank you. That's all who have signed up to speak. Any  
2 comments from the Commission?

3 MR. MANNING: I have a question for Anna. Are you familiar with any other bed  
4 and breakfasts on Lake Murray? Are there any operating up there now?

5 MS. ALMEIDA: I am not familiar with any on Lake Murray.

6 MR. MANNING: Okay.

7 MR. GREEN: Mr. Chairman, you know, as I looked at the zoning, you know, I  
8 think it's an intriguing thought about that property being used for a bed and breakfast.  
9 But if you look at what's permitted in an RU district the way our code's written there are  
10 about 20 uses that can go in an RU district of which I can't imagine any of them, if you  
11 set aside the bed and breakfast use, would be particular acceptable in a single-family  
12 district. Our rural/commercial district or in other areas, it's interesting in our RU districts  
13 there are no controls over bed and breakfasts while in other districts like the rural  
14 residential there are restrictions maximum of five rooms, no outside service, nobody but  
15 people, residents there or people staying there. There are about 15 or 20 restrictions  
16 on a bed and breakfast in a RR district that aren't relevant to an RU district. It's just an  
17 outright permitted use. So in light of the variety of uses, irrespective of what these folks  
18 plan to do, granting those range of uses as an entitlement of this property to me doesn't  
19 seem like an appropriate thing to do. And I at some point will make a motion that we  
20 send this forward with a recommendation for denial.

21 MR. ANDERSON: I'll second that.

22 CHAIRMAN PALMER: I'd have to agree as well. Whoever built this house built  
23 a magnificent house but to open it up to, even though it's technically not a commercial



1 use, you know, if the person who built it doesn't want to live there now they need to find  
2 some other family [inaudible]. And they may have overbuilt the neighborhood or  
3 whatever which happens all the time but it's their prerogative to do so. But I would not  
4 feel comfortable opening it up to a bed and breakfast. And like you said I noticed the  
5 other uses that are in an RU district that while you typically wouldn't put those uses on a  
6 six million dollar piece of property but you'd have the ability to do that if you wanted to.  
7 So I would have to agree with that. Any other comments?

8 MR. MANNING: Yeah. Mr. Chairman? As Mr. Green mentioned it's an  
9 intriguing idea and I – on the surface it appeared to be a logical use but obviously I don't  
10 live there and I don't know all the finality of the plan as well. But I'm wondering if the  
11 applicant came back with a PDD; is that something that a B&B can fall into?

12 MS. ALMEIDA: Not really.

13 MR. MANNING: Or something with a development agreement that could answer  
14 the questions that the residents in the area seem to have concerns about. I mean if it  
15 addressed noise and lighting and those kind of things. And I'm not advocating y'all may  
16 want to do that but it maybe an avenue to do something nice and it wouldn't be  
17 obtrusive to the area. And the other question I've got is if you had a development  
18 agreement with a particular individual on a plot and it didn't pan out or the venture failed  
19 could you have a reverted clause in it to take it back to where it was?

20 MS. ALMEIDA: Well the problem, Mr. Manning, is that, and correct me if I'm  
21 wrong Ms. Linder, in the state of South Carolina in order for a development agreement  
22 to be placed you need a minimum of 10 acres on - this site -

23 MR. MANNING: On a development agreement?

1 MS. ALMEIDA: - does not have 10 acres. So it would have to be something  
2 between –

3 MR. MANNING: Can you –

4 MS. ALMEIDA: - the property owners. It would have to be something civilly  
5 between the property owners and the applicant and still we would not be able to get  
6 involved.

7 MR. GREEN: Mr. Chairman, I'd like to get a motion on the floor and would make  
8 a motion for denial.

9 MR. ANDERSON: I second.

10 CHAIRMAN PALMER: We have a motion and second to send this forward to  
11 Council with a recommendation of denial. All those in favor please signify by raising  
12 your hand.

13 *[Approved to deny: Anderson, Lucius, Furgess, Palmer, Green, Manning; Absent:*  
14 *Brawley, Van Dine, McBride]*

15 CHAIRMAN PALMER: We are a recommending body to County Council. They  
16 have the final say on the issue if you wish to proceed forward with it and their say will be  
17 final on it. And the County Council meeting is –

18 MS. ALMEIDA: September 26<sup>th</sup>.

19 CHAIRMAN PALMER: It'll be on agenda for September the 26<sup>th</sup> in front of  
20 County Council where you can do the whole thing again. But we're just a  
21 recommending body to them.

22 MR. GREEN: What time is that meeting?

23 MS. ALMEIDA: At 7:00 p.m.

1 CHAIRMAN PALMER: At 7:00 p.m.

2 MR. GREEN: Seven p.m.

3 CHAIRMAN PALMER: Case No. 06-39 MA. Parker Jennings.

4 **CASE NO. 06-39 MA:**

5 MS. ALMEIDA: Mr. Chairman, this property is located on the southern side of  
6 Peace Haven Road approximately a quarter mile west of Three Dog Road. It is a PDD,  
7 a Planned Development District. The site is bound to the south by the Columbia,  
8 Newberry and Laurens Railroad. It has no access to Dutch Fork Road, which is  
9 Highway 76. According to the applicant since 2000, the property has had a metal  
10 structure and two mobile homes which possibly were utilized as office trailers. The  
11 surrounding properties are zoned RU however there are some non-conforming uses  
12 located on the property south of the site. The applicant retains ownership of the  
13 property directly to the east approximately 3.6 acres. And staff is recommending  
14 approval. Peace Haven Road is a two-lane rural local road maintained by DOT. And as  
15 seen on page 17 are the, if you chose to approve it these are Staff recommendations of  
16 conditions.

17 CHAIRMAN PALMER: And this is basically to make the property come into  
18 conformity of what's already there?

19 MS. ALMEIDA: Conformity and the PDD does limit the square footage of what  
20 the applicant is proposing. There is a detailed landscaping plan that is submitted so the  
21 applicant does have to abide by those requirements depicted in the Planned  
22 Development District.

23 CHAIRMAN PALMER: Steve Greer?

1 **TESTIMONY OF STEVE GREER:**

2 MR. GREER: Steve Greer, 1230 Peace Haven Road. I've got the property next  
3 door to that one. I don't have any problem with it. Mr. Parker takes good care of that  
4 property. I just don't see any problem with what he's trying to do so I support it.

5 CHAIRMAN PALMER: Thank you. Bud Cooper?

6 **TESTIMONY OF BUD COOPER:**

7 MR. COOPER: I'm Bud Cooper, 1308 Peace Haven Road. I own the two  
8 warehouses to the east of that property. When Mr. Parker bought that property the  
9 previous owner hadn't maintained it at all. It was all grown up and the old pole building  
10 that was on there had collapsed. As soon as he bought it he cleaned it up real good,  
11 leveled it, sowed it in grass and I really appreciated the way he cleaned it up and the  
12 work he did to it. I very much support what he proposes to do with it. I think it's a good  
13 use for the property.

14 CHAIRMAN PALMER: Thank you. Eric Strom?

15 **TESTIMONY OF ERIC STROM:**

16 MR. STROM: Ladies and gentlemen, my name is Eric Strom. I live at 1213  
17 Peace Haven Road. I'm a hydrologist and am the director of a water science agency.  
18 However, I'm speaking to you today as a concerned private citizen. I have a bachelor's  
19 degree in geology from Rice University, a Masters Degree in science and geology from  
20 Texas A&M with an emphasis on hydro-geology and I have worked extensively studying  
21 both ground and surface water supplies and water quality. My concerns with this  
22 proposed rezoning has to do with hydrologic and water quality concerns. An operation  
23 of this kind has the potential to release environmentally sensitize and potentially toxic

1 materials to land surface. Once at land surfaces this material can be dissolved and  
2 carried to the underlying fractured rock aquifer. On the hydrologic characteristics of  
3 fractured systems there's extreme sensitivity to environmental contaminants released at  
4 the land surface. Fractures can carry groundwater at rates of up to 100' per day in the  
5 subsurface. All the residences surrounding this proposed development rely exclusively  
6 on wells, tap [inaudible] rock aquifers as their water supply. [Thus, the release of any  
7 kind of chemical at land surface could rapidly and possibly irreparably contaminate our  
8 drinking water supplies. As you can see from the aerial photograph and topographic  
9 map the development is located at the top of our watershed. Water draining from this  
10 site has a potential to move into the rest of the Wateree Creek watershed. Much of this  
11 water movement will occur in the subsurface by means of groundwater flow. This  
12 groundwater is the water supply for many of the residents that's shown on that map. In  
13 addition this site represents the headwaters of Wateree Creek. Thus any contaminants  
14 emanating from the site have the potential to contaminate surface water in addition to  
15 ground water. Considering the sensitive location of the proposed development and  
16 considering the potential for release of contaminants the Planning Board should either  
17 not recommend that it go forward or possibly alternatively more thoroughly investigate  
18 the hydrologic consequences with the oversight from the State Department of Health  
19 and Environmental Control. On a personal note my daughter and I explore that creek  
20 and enjoy the clean rural nature of our community. We don't want to do anything that  
21 would degrade that. We would like to keep it rural. Thank you.

22 CHAIRMAN PALMER: Jennings Parker.

23 **TESTIMONY OF JENNINGS PARKER:**

1 MR. PARKER: My name is Jennings Parker. I live at 748 Highway 76, Little  
2 Mountain. I'm the owner and president of Lake Murray Utility Company which was  
3 formed in 1998. July of 2000, I bought the property at 1300 Peace Haven Road with the  
4 intentions of using it as, for my business to run a small – have an office in there and to  
5 be able to store and repair some of my equipment. What our company does, we install  
6 water, sewer lines, storm drainage, some small grading. We do a lot of work for  
7 Richland County. We feel like we've made great improvements to the property. We  
8 done a lot of grassing. Everything we did we did by code. We had Richland County -  
9 before I could get the building permit they had to come out, had a grading. Spent a lot  
10 of money trying to do everything that the county wanted. The reason we're asking for  
11 the PDD is it seems like that's the only thing that would try to protect the people that is  
12 against us. We tried to rezone this thing once before to an M-1 I think and when you  
13 get into reading that people are scared to death of chemicals or kind of like that  
14 gentleman was talking about I think. Since then we've had engineers out there looking  
15 at, met with the county several times and the PDD would kind of give us what we want  
16 to do and protect our neighbors. God knows we're having to do all kind of landscaping  
17 details. It's just – I didn't know they made so many different kinds of trees. Anyway we  
18 want to be a great neighbor. I try to get along with everybody. I bought that property  
19 hoping to use it. I mean it'd be kind of like you buying a new Corvette and wanting to  
20 drive it and your Dad telling you, you can't. It's about what I'm facing here. I would just  
21 like to y'all to support us. I feel like we haven't hurt anyone. I know there's people  
22 that's against us but I think that would be the case with anything you do. I'd just like for  
23 y'all put yourself in my shoes and, you know, if we could have a site meeting with the

1 neighbors, we've tried that once before explaining. I really don't see the problem. If you  
2 could see the land before we bought it and then right now it's just – we've done a lot of  
3 work out there and spent a lot of time. Our engineer, Dan, has really worked hard trying  
4 to meet this PDD thing and I think we have so I hope it'll make it but I don't know what  
5 else to say. But thank y'all.

6 CHAIRMAN PALMER: Thank you. Peggy McArthur?

7 **TESTIMONY OF PEGGY MCARTHUR:**

8 MS. MCARTHUR: Mr. Chairman and Members of the Planning Commission, I'm  
9 Peggy McArthur and I live at 1309 Peace Haven Road. I own the 10 acres directly  
10 across the road from 1300 Peace Haven Road and my home is on that property. I have  
11 lived at this locations for 44 ½ years and I live with the hope that my daughter will  
12 someday inherit this. Our neighborhood is a very quiet, residential area with many  
13 homes valued in excess of \$350,000. One of the homes nearby is for sale. It's near the  
14 property. It's for sale for \$465,000. This type of commercial business is not compatible  
15 to our neighborhood. Numerous people use Peace Haven Road to walk, ride bikes, go  
16 carts and horseback as well as to stroll their small children. This includes members of  
17 the Chapin High School track and cross-country teams and children get on and off  
18 school buses. During the time the applicant used the property Peace Haven  
19 deteriorated badly. The intersection of Peace Haven Road and Three Dog Road  
20 collapsed. The applicants have made no effort to approach any of the neighbors on  
21 Peace Haven Road to inform us of their plan or to get feedback from us. Please be  
22 aware that as the business grows and expands this matter will have a bigger impact on  
23 our community. Why should the residents in the area sacrifice our rural lifestyle in this

1 predominantly residential area? There are many more suitable places for this type of  
2 business elsewhere. The residents are not against private enterprise nor change, nor  
3 against change. However, we are united in protecting the quality and character of our  
4 community and the value of our homes, the citizens most significant long-term financial  
5 investment. On behalf of the neighbors I thank you for the opportunity to speak before  
6 you since this matter is of extreme importance to all of us as we all have our entire lives,  
7 earnings and hopes tied up in this community. This matter has been denied numerous  
8 times in the past. Please continue to support the residents. Thank you.

9 CHAIRMAN PALMER: Paul Abby? Addy?

10 **TESTIMONY OF PAUL ADDY:**

11 MR. ADDY: I'm Paul Addy at 1331 Peace Haven Road. I'm in the storage  
12 business. I'm against this business because I have 43 acres located right down the  
13 road where the heavy trucks go past on both sides of Peace Haven Road toward Three  
14 Dog Road. I am planning on developing my property into residential housing. I don't  
15 believe this type of business would be conducive [sic] for a peaceful, family  
16 neighborhood. I believe that the increased noise and traffic from those huge vehicles  
17 will be a nuisance that would ruin any hope for a successful development of my property  
18 into a neighborhood where families would now live. About 20 years ago I was planning  
19 on building a storage facility in the Hilton area. I went to the Richland County office and  
20 spoke with a young man, Mr. Terry Brown. I explained what I wanted to do. He  
21 suggested that I first go and talk with everyone living in the area and let them know what  
22 I plan to do, get their input regarding my idea. It took me about three weeks to visit  
23 everyone and talk to them regarding my plan to build a storage facility in their



1 neighborhood. I was able to address their concerns and reassure them that my  
2 business Hilton Storage would be clean, quiet and secure. Everyone thanked me for  
3 coming and speaking with them first. Then at the hearings no one opposed my  
4 business. This man has not talked with me at all. He has given me no assurance that  
5 his proposed business will not harm or prevent the future development of my property. I  
6 believe that given the type of business that he plans to develop that it would significantly  
7 reduce any future opportunity for me and my [inaudible]. I believe that it will seriously  
8 limit any hope of developing my property into a neighborhood in which families would  
9 want to live and raise their children. Therefore, I ask you to deny approval for this type  
10 of business as it will likely create greater harm than benefit for our peaceful community.

11 CHAIRMAN PALMER: Thank you. Robert Ginsberg?

12 **TESTIMONY OF ROBERT GINSBERG:**

13 MR. GINSBERG: My name is Robert Ginsberg. I'm a computer programmer  
14 and the owner of a Columbia-based software consulting business. We also pay taxes  
15 so I like to be able to talk to you guys. I also take note of the fact that right of there it  
16 says "Uniquely Rural." That's what we are in Peace Haven. My wife and two children  
17 built a house at 1219 Peace Haven Road. We enjoy the rural lifestyle out there. Like  
18 the other residents you've heard from I object strenuously to the rezoning and the  
19 repurposing of this property. This particular question has been brought before Council  
20 and vigorously denied almost unanimously last time it came up. Their reasoning then,  
21 as yours should be today, is that this proposed use is not consistent with the residential  
22 nature of the neighborhood. Nor is it in the best interest of Richland County. In July  
23 2002, the owners formally declared to this Council that the building on the land in

1 question are intended for the storage and maintenance of their personal property. They  
2 declared it a non-commercial property. Then without consulting us in the community or  
3 anyone else they're asking you to repurpose that property for their own new intentions.  
4 It's clear that the owner has made no attempt to communicate with us as a community  
5 nor to come to any agreement that's mutually beneficial. Based on their application  
6 which we've looked at, to the best of our evaluation we're deeply concerned for our  
7 safety, our health and the integrity of our real estate investments. I'm going to share  
8 just a few of those concerns with you. Their application clearly asserts that the path that  
9 their heavy equipment will travel passes in front of five rental dwellings. This is  
10 incorrect. It passes in front of one rental dwelling, several private residences, many of  
11 which are the home to small children who'll be waiting out front right along that path for  
12 their school buses in the morning; the same times that they propose to operate their  
13 business. The application states that they will not store hazardous or environmentally  
14 dangerous materials. The fact is you can't service this type of equipment without  
15 degreasers, oil, fuel and things like that. All of those things are rather noxious. I've  
16 never seen stuff like that that's not environmentally hazardous. The equipment is also  
17 intended to be used in other locations. It will bring that type of environmental toxins into  
18 our neighborhood and as Eric was describing to you they go straight into our water  
19 supply. This is a clear and significant threat to the private well systems that we all use  
20 in this neighborhood. Since the last time this issue has been discussed the owners kind  
21 of re-parceled their property. The last time he was asking for a larger, larger designation  
22 as light industrial. Now he's cut it into smaller pieces and is asking for a PDD. A PDD  
23 by the way that while he says he's put a lot of effort into we've heard nothing about.

1 We've not participated in any of the conversations. So even though this rearrangement  
2 is there it's clear that this is not an industrial park. This is not someplace where  
3 someone needs to come in and put light industry. It is – the proposed use is not an  
4 economic boon to White Rock. There's not a whole lot of new jobs. We're not going to  
5 generate a lot of tax revenue. What this is is an intrusion by an industrial venture into a  
6 generally residential neighborhood and we object most strenuously to it and hope that  
7 you forward your recommendation for denial.

8 CHAIRMAN PALMER: Dan Creed?

9 **TESTIMONY OF DAN CREED:**

10 MR. CREED: My name's Dan Creed with Heritage Engineering, 10719 Wilson  
11 Boulevard in Blythewood. We prepared or assisted Mr. Parker in preparing the PDD  
12 documents so if I can answer any questions you have there. I would like to touch on a  
13 few things. One, the rezoning of this to any designation certainly does not relieve Mr.  
14 Parker's responsibility to comply with the requirements of pollution prevention plans,  
15 best management practices and in fact the PDD document does state that equipment  
16 maintenance will occur inside the building. Secondly, again as you know this is  
17 basically an existing structure next to adjacent non-conforming structures that we are  
18 trying to allow Mr. Parker to utilize in a way that benefits or allows him to use his  
19 property, at the same time providing assurances to the neighborhood and to the  
20 Commission and to Council. Thirdly, if I could speak to the traffic study which was done  
21 by Dennis Corporation. Mr. Dennis anticipates 36 daily, weekday trips down – from this  
22 facility at Peace Haven and Three Dog Road and states in his report that the level of

1 service will remain at an A condition at Peace Haven and Three Dog Road. If there's  
2 any questions [inaudible].

3 CHAIRMAN PALMER: Beth Brown?

4 **TESTIMONY OF BETH BROWN:**

5 MS. BROWN: Hello Staff and thank you so much for what you've done for our  
6 community already. I am Beth Brown. I live at 221 McLeod Road, White Rock. I am a  
7 retired nurse. My family moved to White Rock 12 years ago when my husband retired  
8 from the military. We wanted to raise our family in a rural community where we could  
9 walk outside and have the open woods at our door. To be able to walk or bike our  
10 roads. We hoped to be away from heavy traffic. We hoped our grandchildren who will  
11 be here soon will be able to come and see nature at their frequent visits. We want to  
12 see Peace Haven's rural zoning stay as it is today. I would like our voice heard. Keep  
13 our community rural. Thank you.

14 CHAIRMAN PALMER: Steven Harper?

15 **TESTIMONY OF STEVEN HARPER:**

16 MR. HARPER: 914 Peace Haven Road. Steven W. Harper. I just built a house  
17 there within the past six months. I don't think the roads can handle the additional traffic.  
18 Very thin and a lot of patchwork already there, a fair amount of potholes. It is rural. It's  
19 very pleasant. I don't think loud equipment trucks, 18-wheelers hauling tractors or  
20 anything like that would benefit the community and I strongly oppose this.

21 CHAIRMAN PALMER: That's all who signed up to speak.

1 MR. GREEN: I have a question for Staff. A little bit on the history of the  
2 property. I was of the erroneous assumption when I read this is that business was  
3 already operating there.

4 MS. ALMEIDA: It is operating there.

5 MR. GREEN: As a non?

6 MS. ALMEIDA: A non-conforming in an RU zone. Under the PDD he is limited  
7 to what he is proposing which is an additional 1,200 square feet. The applicant had  
8 come in to put the storage shed on the property and was denied because of being a  
9 non-conforming use. You cannot expand a non-conforming use.

10 MR. GREEN: And this grandfathered in when the county went to zoning –

11 MS. ALMEIDA: In 1973, yeah.

12 MR. GREEN: - 30 years, 30 years ago? It's been in the same use throughout  
13 that period.

14 MS. ALMEIDA: Well we haven't been able to go back that far but as far as our  
15 records show it's been RU and somehow this business came about.

16 MR. MANNING: I have a question for Mr. Creed. Currently the scope of the  
17 work is storage of construction materials and equipment?

18 MR. CREED: Yes, sir. And administrative functions.

19 MR. MANNING: And there's already equipment like diesel fuel, oil stored there?

20 MR. CREED: Well my visits to the site and I've not been inside the building.  
21 There may have been a few odds and ends on the ground but I did not see equipment  
22 stored on the site nor did, have I seen significant, frankly significant materials.

1 MR. MANNING: How would it operate it as a business if it didn't and they're in  
2 the construction business, how would it operate if all that wasn't there?

3 MR. CREED: Better ask Mr. Parker, he could better address that.

4 MR. MANNING: Excuse me?

5 MR. CREED: I'm not sure that presently it is operating as a business at that  
6 point.

7 MR. MANNING: Okay. Is the applicant here? Could you speak to that for a  
8 minute?

9 MR. PARKER: Yes, sir. We were operating in there and we kind of got out of  
10 there awhile trying to keep everybody happy I guess you would say. We're in business,  
11 we've been in business since 1998. We – I think we actually got a fine from the county  
12 and it wasn't our equipment. I let the railroad company – they were doing some work in  
13 the area and they wanted to store some equipment there. And, you know, we got our  
14 building permit and everything from the county so and as the gentleman said, we – I  
15 think there was a clause in there where it was supposed to be some personal stuff there  
16 which, you know, that thing kind of goes either way. You know, to me I personally own  
17 the company. I've got boats in there, I've got -

18 MR. MANNING: How long since you've operated the business there?

19 MR. PARKER: Since about probably – we never had our office in there. We've  
20 – I don't have any equipment. Last time we had equipment in there was probably two  
21 years ago maybe. I'm in and out of there personally, you know, doing some things but  
22 nobody since we got denied the first time with the M-1 we haven't – we moved  
23 everything that looked, that looked like – there is some pipe, some duct(?) wire and pipe

1 stored on the yard. No fuel tanks, no anything like that is out there right now. It's pretty  
2 clean.

3 MR. GREEN: So we don't have an operating business there now and haven't for  
4 several years; is that correct?

5 MR. PARKER: Yes, sir. We were actually using it until we got, you know, when  
6 there was a misunderstanding about the personal and the business and then we pretty  
7 much quit, quit using it.

8 MR. MANNING: So someone with county told you that it was improper to keep,  
9 store any business materials on that site and at that point you removed it?

10 MR. PARKER: Yes, sir. And it – but they really didn't tell us we couldn't run our  
11 business. It seemed like we could run an office but we couldn't have – the main  
12 concern out there I think was big trucks running in and out the road, which we don't  
13 even own dump trucks. We rent those. We do have a lowboy that hauls our equipment  
14 in and out. You know, we met with the Highway Department, tried to, you know, we  
15 wanted to even – I think it's a 35 miles per hour speed zone through there. There's  
16 families in there, kids. I mean I have two kids myself, I understand the concern there.  
17 We can only enter into that property one way. We met with the railroad. You know, I  
18 was even going to try to build a approach(?) [inaudible] everybody with the county said,  
19 you know, if we could get a way on our property off of Highway 76 to come directly into  
20 the property instead of Peace Haven Road it wouldn't be no problem. But the railroad,  
21 you know, it's impossible to deal with those guys. We can only enter one way. The  
22 gentleman that has the new house is up on the other end of the road. We can't come in

1 that way. Our truck can't even make the turn. We can only come in the intersection of  
2 Three Dog and 76 and then Three Dog and Peace Haven so.

3 MR. MANNING: Thank you.

4 CHAIRMAN PALMER: These structures that our next door, Anna what's, legal  
5 non-conformings or what?

6 MS. ALMEIDA: That is correct.

7 MR. GREEN: I'm just a little – I don't know if confused is the right word but this is  
8 a non-conforming use and most of our non-conforming uses were created by  
9 businesses in existence prior to the zoning of the county.

10 MS. ALMEIDA: Correct.

11 MR. GREEN: But apparently the age and the construction of these aren't a non,  
12 I mean isn't there a distinction between a non-conforming use and an illegal use?

13 MS. ALMEIDA: That is true. Mr. Geo Price is not here. I don't see him.

14 MR. GREEN: Sure he is.

15 MS. ALMEIDA: Well maybe he can come and speak to that, to that question.  
16 The applicant in his application, which I was just looking at, stated that there was a  
17 utility construction office and it was I believe in certain conversations that it was being  
18 used as a construction utility yard.

19 MR. PRICE: The difference be –

20 CHAIRMAN PALMER: Name and address, please.

21 MR. PRICE: Geonard Price, 2020 Hampton Street. The difference is a non-  
22 conforming use is a use that was legally established prior to either, prior to zoning or to  
23 the adoption of, you know, a section of the code and is allowed to remain. We have



1 certain standards on how they can remain. An illegal use is just one that was probably  
2 shouldn't be there at all.

3 MR. GREEN: Which one are we dealing – which one are we reviewing here in  
4 your opinion?

5 MS. ALMEIDA: Legal non-conforming.

6 MR. PRICE: You know, that's a good one. I'm not really sure because I'm not  
7 sure what type of activity has taking place over there in the last couple of years. I was  
8 just recently talking to Mike Spearman who probably in the late '90s, early 2000s, he  
9 actually had to issue some summons for activity that took place on that property. But  
10 since that point we have not been called out there. I'm sure we would have if there was  
11 a lot of activity taking place.

12 MR. GREEN: Thank you.

13 AUDIENCE MEMBER: I don't know if it's appropriate but I have the last Council  
14 meeting the timeline of the prior events relative to the property if you like me to give you  
15 a copy of it to review. I'm one of the residents [inaudible].

16 CHAIRMAN PALMER: I don't think - but thank you. We appreciate it. But the  
17 building permits were issued for these structures what in the last five, six, seven years?

18 MS. ALMEIDA: Within that timeframe.

19 MR. PARKER: When we bought the property we were – it was in a – the  
20 grandfather clause is what we tell you. You know our – we bought it through a realty  
21 company and - but I think when we bought the property in 2000 I'm thinking. Well  
22 where the problem become is we did not build – there was a building already there but it  
23 was just I mean trashed. The top had caved in and like I said we went in and cleaned

1 up, got a grading plan and everything from the county and told them what we was  
2 wanting to do. But I did not build the building within two years from the time I bought the  
3 property. And I think in that time is and I'm not a hundred percent sure of this but I'm  
4 thinking in that time if I would have built in a year's time I would have stayed under the  
5 grandfather clause and the building – I would have been able to use the building. Since  
6 it was two years I think the grandfather clause, we might have lost that but we were told  
7 not - that we could build the same building, same size but we couldn't go big. So when  
8 we surveyed the property we built the new building exactly and the same size as the  
9 building that was there and the same – there's a little trailer there as a mobile home and  
10 we actually tore it down – it was an office and we moved the new office trailer in and set  
11 it – had it surveyed at the same identical spot where the other one was. But there's  
12 been a business run in there since I was a kid. I'm 40 years old. I bank with the guy  
13 that financed – they made the little plastic cups for the pills that you put in in the hospital  
14 but the property has been RU forever. But I know there was three businesses in there  
15 before, you know, we actually moved there.

16 CHAIRMAN PALMER: Thank you.

17 MS. LUCIUS: Mr. Chairman, I'm really confused; if I could just - normally when  
18 we see a PDD like this it's to make an existing use conforming. But under the PDD the  
19 business is not allowed to expand, it just stays the way it is. So if there's not a business  
20 there now I don't understand how if we allow a PDD then they can bring all this other  
21 stuff in. Am I making sense?

22 CHAIRMAN PALMER: You are. That's kind of what Gene was getting at.  
23 Whether this property has been used – I think what we've come to here is this property

1 has been used in the past as the electrical company but in the past two years they've  
2 had to stop using it as the electrical business and move their stuff they were doing there  
3 somewhere else because of code enforcement, citations or fines that were levied and  
4 so in the past two years it has not been used as a business.

5 MS. LUCIUS: So with this PDD they would actually become a fully functioning  
6 business with storage and –

7 CHAIRMAN PALMER: Which is what the property was used for -

8 MS. LUCIUS: - and maintenance.

9 CHAIRMAN PALMER: - prior to it being stopped two years ago. And I know that  
10 the process has taken awhile. When - Mr. Parker, when did you first submit a rezoning  
11 application to M-1 or [inaudible]?

12 MS. LUCIUS: I can tell you when that was. May of 2003.

13 CHAIRMAN PALMER: That may have been what triggered the thought process  
14 to turn, to look at this property and see that there was something going on there that  
15 perhaps shouldn't have been going on.

16 MS. LUCIUS: That was when they were requesting M-1 and the Planning  
17 Commission approved it by a vote of five to three. I think the three votes against it was  
18 the idea of expanding anything into the rural area on the other side of the tracks.

19 CHAIRMAN PALMER: Correct. But this is and probably some of that also and  
20 also at the Council level was probably all the rest of the stuff that could go along with M-  
21 1.

22 MS. LUCIUS: Maybe. I don't know what –

1 CHAIRMAN PALMER: And the expansion of the business more than just the  
2 buildings that are on there you'd be able to put a lot more square footage on the site.

3 MS. LUCIUS: I don't know what their reasons were.

4 CHAIRMAN PALMER: Any comments? Motions?

5 MR. GREEN: Mr. Chairman, I'm just not inclined in this kind of location to create  
6 a business use with potentially substantial outside storage of materials for a use that  
7 may well have been an illegal use even prior to the current ownership at that location.  
8 And therefore I would make a motion that we send this forward to Council with a  
9 recommendation for denial.

10 MS. LUCIUS: Second.

11 CHAIRMAN PALMER: All of the storage, the repair work will happen inside?  
12 That's what the PDD calls for?

13 MS. ALMEIDA: Correct. Inside the storage shed.

14 CHAIRMAN PALMER: Which is in –

15 MS. ALMEIDA: Twelve hundred square feet.

16 CHAIRMAN PALMER: But it's an open air structure? Does it have walls?

17 MS. ALMEIDA: You'd have to ask the applicant but a storage shed we're  
18 assuming it is completely enclosed.

19 CHAIRMAN PALMER: Enclosed? I just have a problem with the building  
20 permits being issued.

21 MR. GREEN: On this one too. I agree with you.

22 CHAIRMAN PALMER: If this was a bare site and somebody wanted to do this it  
23 would be an open and shut case in my mind but the county issued the building permits

1 on this site and the individual constructed the building with the thought process that he  
2 could use those as his personal business and that's just the definition of personal I  
3 could understand where his thinking would be that this is my personal business, this is  
4 my personal property, I own these tractors and so forth. I could see where the thinking  
5 would go that way. And then also the Staff's recommendation of approval for the PDD  
6 carries some weight in my mind as well, as it usually does. So I'm inclined to vote for  
7 the PDD. There's an existing - whether it's legal or illegal non-conforming use next to it  
8 with two large warehouses. It appears to me that the applicant has tried everything that  
9 he can to conform and to protect the citizens around him with limiting to exactly what's  
10 there now. If the building permits had not been issued and he'd just gone in and was  
11 basically asking for forgiveness rather than permission I would not be inclined to vote for  
12 it. But with the - in light of the Staff recommendation, the building permits being issued  
13 and so forth and tying down to exactly what's there now I would be inclined to vote for  
14 the PDD.

15 MR. ANDERSON: Mr. Chair, in a perfect world if this would come out on Dutch  
16 Fork Road I mean it would be a no brainer in my mind. But it is coming out on Peace  
17 Haven and I don't know, I mean just looking at it in a ball, you know, just that particular  
18 area and it looks like a bank or a restaurant down in one area and I don't quite know  
19 what all the cars and storage are. You know, it is a PDD, it is highly regulated. You  
20 said flatbed trucks will be coming out?

21 MR. PARKER: We own one flatbed truck, one lowboy truck but I think we put in  
22 there that we would try to come in and out, you know, at a certain hour. We're a pretty  
23 small business to be honest with you. Our equipment's at that shop -

1 CHAIRMAN PALMER: Would you take the podium for us, sir?

2 MR. PARKER: Like I said, we don't, you know, we don't – you have to watch  
3 what we tell y'all guys because y'all hold us to all that stuff but you know I don't want to  
4 tell you we're going to come in twice a day and then ya'll up there with the clicker  
5 catching us come in three times. But, you know, we really I mean we want to be fair.  
6 We want everybody to be happy there. We just – we feel like we not asking anything.  
7 We do have one lowboy truck and it would - normally he comes – our driver keeps the  
8 truck at his house. Usually we, most of our guys don't even come to the shop. They go  
9 straight to the job. They all have company vehicles. Our business hours are from 7:00  
10 to 5:30. So who would come in would be in that time. I mean we will do whatever. I  
11 mean we just – I mean we've had that property and we pay some huge taxes on it and  
12 can't use it. It's just – but all at the same time we'd like for our neighbors to be happy  
13 with what we're doing too.

14 CHAIRMAN PALMER: Yeah. I understand.

15 MR. ANDERSON: But I, you know, along the same lines I mean I go back and  
16 forth – I'm going back and forth on this. The only thing that I don't really like is coming  
17 out on Peace Haven but the buffers.

18 MR. PARKER: Well another quick thing too. We tried to even talk to the railroad  
19 to get, to building a road beside the railroad but there's no way. That's just our only way  
20 in or out.

21 MR. ANDERSON: The buffers in there's at least – well I can't tell. There's not a  
22 [inaudible] I mean there's a lot of, there's a lot of space between Peace Haven and the  
23 structure.

1 CHAIRMAN PALMER: There was a building permit issued by the county for a  
2 5,030 square foot building. I don't know of anyone – I personally don't know of anyone  
3 who would build a structure that large for their personal use as far as storing their ATVs  
4 or whatever in it. The county had to know at that point that this was not going to be  
5 used for his personal storing of whatever. That's a very large building for personal use.  
6 That's one of my main problems with this is that a building permit was issued and that  
7 certain – and he was to operate the business under that and now there's a problem with  
8 the - as well as the 907 square foot, you know, 5,100 square feet of building on site. I  
9 think we ought to let the man use it. Any other questions or comments? We have a  
10 motion and a second to send this forward to Council with a recommendation of denial.  
11 All those in favor please signify by raising your hand. All those opposed?

12 *[Approved to Deny: Lucius, Green, Manning; Opposed: Anderson, Palmer, Furgess;*  
13 *Absent: Brawley, Van Dine, McBride]*

14 MR. GREEN: This goes forward with no recommendation?

15 MS. ALMEIDA: That's correct.

16 MS. LUCIUS: Council hates that.

17 CHAIRMAN PALMER: We do make, we do have the option to make a motion to  
18 send this forward to Council with a recommendation of approval since that motion failed.

19 MR. GREEN: That motion did fail.

20 MS. ALMEIDA: Right.

21 CHAIRMAN PALMER: So someone can make a motion to send it forward to  
22 Council with a recommendation for approval.

1 MR. ANDERSON: Well I make a motion to send Case No. 41 [sic] MA forward to  
2 Council with a recommendation of approval.

3 CHAIRMAN PALMER: I'll second that. All those in favor to send –

4 MR. GREEN: Can we have a discussion? I'd just like to make one comment on  
5 the motion. The site – while the buildings are relatively small compared to the size of  
6 the site if you look at the number of acres involved and the size of the buildings. The  
7 buildings are fairly small. But if you read in the PUD, PDD application this is over three  
8 acres and it says that equipment not being utilized will be stored outside. It also says  
9 that material used in the work such as pipes, fittings, hydrants and similar material will  
10 be stored inside and outside in the yard area. The site will be operating – the earliest  
11 time the site will be operating is 6:00 a.m. I mean you could end up with the growth of  
12 this business having a three acre storage yard of materials and equipment and I just  
13 don't think that's an appropriate use of almost – of over three acres of land irrespective  
14 of the size of the building. And that furthers my position in opposition to the rezoning.

15 CHAIRMAN PALMER: We have a motion and a second to send this forward to  
16 Council with a recommendation of approval. Any other comments or questions? All  
17 those in favor please signify by raising your hand. All those opposed?

18 *[Approved: Anderson, Palmer, Furgess; Opposed: Lucius, Green, Manning; Absent:*  
19 *Brawley, Van Dine, McBride]*

20 CHAIRMAN PALMER: No recommendation to Council. This will go forward to  
21 Council on the 27<sup>th</sup> at 7:00 o'clock.

22 MS. ALMEIDA: It's the 26<sup>th</sup>.



1 CHAIRMAN PALMER: The 26<sup>th</sup> at 7:00 o'clock and they will not have a  
2 recommendation from us.

3 AUDIENCE MEMBER: [inaudible]

4 CHAIRMAN PALMER: It'll be the whole thing again. The public hearing and  
5 everything again.

6 AUDIENCE MEMBER: Just a procedural question. At the next meeting is it  
7 possible to introduce the evidence to answer your questions about the building permits?

8 MR. GREEN: We've already voted.

9 CHAIRMAN PALMER: We've already voted but this is a whole new – it'll be a  
10 whole new, it'll be the County Council members. And whatever information you want to  
11 give to those folks.

12 AUDIENCE MEMBER: [inaudible] as far in advance as necessary.

13 CHAIRMAN PALMER: It's all new again. Let's do the next case. I have to  
14 recuse myself for this case and Mr. Manning will -

15 MR. MANNING: Thank you. I've been asked to read this into the record. "Dear  
16 Mr. Manning: I must request to be excused from participating in discussions or voting  
17 on agenda item No. 06-41 MA regarding a rezoning which is scheduled for review  
18 and/or discussion at today's Planning Commission meeting. It is my understanding of  
19 the Rules of Conduct, provisions of the Ethics, Government Accountability and  
20 Campaign Reform laws that since I work for the company that is the applicant I will be  
21 unable to participate in this matter through discussion or voting. I would therefore  
22 respectfully request that you indicate for the record that I did not participate in any  
23 discussion or vote relating to this item representing a potential conflict of interest. I

1 would further request that you allow and direct this letter to be printed as part of the  
2 official minutes and excuse me from such votes or deliberations and note such in the  
3 minutes. Thank you for your consideration in this matter. Sincerely, Patrick Palmer.”

4 Do I need to make any further comment about the minutes or? Okay, is the applicant  
5 here?

6 **CASE NO. 06-41 MA:**

7 MS. ALMEIDA: Let me give you some history on the site before you call anyone  
8 to the podium(?).

9 MR. MANNING: Oh, I'm sorry. I'm sorry. Go ahead. Trying to get ahead of  
10 myself here?

11 MS. ALMEIDA: Mr. Chairman. This existing zoning is M-1 and they're  
12 requesting to go to a GC. The site is located on Killian Road down from I-77. This  
13 parcel is part of a larger parcel. The parcel before you is 16.92 acres. It was part of a  
14 185 acre site that encompassed – you see, there you go. Where the arrow is hatched  
15 the outer perimeter of the lot that surrounds it, that was part of the 185 acre site. It is  
16 zoned M-1. North of this site is the Wal-Mart property if you remember that rezoning  
17 and that was approximately forty acres. It has been rezoned to GC and it did receive  
18 third reading at Council July 11<sup>th</sup>. Then if we travel east past I-77, going east, we have  
19 the 400 acre Killian Crossing site that has also been approved by Planning  
20 Commission. That was approved in July and it has received first reading by County  
21 Council on July 25<sup>th</sup>. It is before Council this month for second and third reading. Killian  
22 Road as you all know presently as far as traffic is concerned is at a Level of Service F.  
23 Both Killian Crossing and Wal-Mart have extensive agreements both with the county

1 and DOT as far as road improvements for the widening, installation of traffic signals and  
2 some widening on the on ramps going south on I-77 towards Columbia. There are  
3 some widening on the other side of I-77 as well coming off that interchange. What  
4 else? As far as analyzing this rezoning request, Staff has analyzed those four  
5 quadrants on the I-77 which are all zoned M-1 and through the years have been  
6 rezoned GC and other zoning designations because of industry that has located in that  
7 area. And it is Staff's recommendation that the area is better suited for the commercial  
8 use instead of the industrial use which had been first designated by our comprehensive  
9 plan. We do note that we would recommend, you know, analyzing the intrusion of that  
10 commercial use towards, towards the I-77 corridor and not trying to bleed west or  
11 further east into residentially zoned property. But we feel with the Wal-Mart being  
12 rezoned in that quadrant and all of the M-1 property that straddles the I-77, it would be  
13 in keeping with the existing character of what's going on in that area. And therefore  
14 Staff recommends approval.

15 MR. MANNING: Thank you. One question for Staff. Anna, are there any other  
16 conditions in the Wal-Mart agreement that, other than traffic, that would relate to this  
17 site? Anything?

18 MS. ALMEIDA: Other than traffic, other than -

19 MR. MANNING: Improvements?

20 MS. ALMEIDA: - extensive landscaping. We're still working that out. They're  
21 imposing some low impact design for some of their out parcels – that is Wal-Mart. But  
22 they are doing decel, acceleration lanes in front of their property, installing a traffic light

1 and of course working on that leg of I-77. It was DOT's opinion that to put a loop would  
2 just not be conducive for the Wal-Mart.

3 MR. MANNING: Any other questions for Staff? Signed up to speak, Tim  
4 Rodgers?

5 **TESTIMONY OF TIM RODGERS:**

6 MR. RODGERS: Good afternoon, Mr. Chairman. I'm Tim Rodgers. I'm  
7 representing the applicant. My address is 508 Hampton Street in Columbia. I really  
8 have nothing to add to the Staff presentation but will be glad to respond to any  
9 questions that any members would have. But we would just ask that you follow the  
10 Staff recommendation on the basis of their evaluation and analysis which has just been  
11 published to you. Thank you.

12 MR. MANNING: Thank you. Any discussion?

13 MS. LUCIUS: I would say it's probably west, it's probably as west as we would  
14 want to take out commercial on Killian Road.

15 MS. ALMEIDA: No. Because you do have substantially zoned – I mean Killian  
16 Crossing is 400 plus acres of retail and it is a lot of general commercial uses.

17 MS. LUCIUS: But that's to the east, right?

18 MS. ALMEIDA: That's to the east.

19 MS. LUCIUS: It's to the west .

20 MS. ALMEIDA: It is –

21 MS LUCIUS: It says further west is large lot single-family homes so I –

22 MS. ALMEIDA: Right.

1 MS. LUCIUS: -- you'd say that is probably as far west as you want to take the  
2 commercial?

3 MS. ALMEIDA: Right. Because of all the property between this site and I-77.  
4 There are huge swaths.

5 MS. LUCIUS: That [inaudible] commercial, right?

6 MS. ALMEIDA: Yeah.

7 MS. LUCIUS: But we probably wouldn't want to go any further into that  
8 [inaudible]?

9 MS. ALMEIDA: It would not be prudent to do that. It would not be Staff's  
10 recommendation to do that.

11 MR. MANNING: Any further discussion?

12 MS. LUCIUS: Mr. Chairman, I would like to make -- do we not have anyone  
13 signed up to speak?

14 MR. MANNING: No one else is signed up to speak.

15 MS. LUCIUS: I would like to make the motion then to send this forward to  
16 Council with a recommendation of approval.

17 MR. FURGESS: Second.

18 MR. MANNING: We have a motion to approve and a second. All those in favor  
19 say aye, raise your hand.

20 *[Approved: Anderson, Lucius, Furgess, Palmer, Manning; Recused: Green; Absent:*  
21 *Brawley, Van Dine, McBride]*

22 CHAIRMAN PALMER: Do you want to take a break? We'll take a five-minute  
23 break.

1 [BREAK]

2 CHAIRMAN PALMER: Case No. 06-42 MA.

3 **CASE NO. 06-42 MA:**

4 MS. ALMEIDA: Mr. Chairman, this is the Manchester Farms approximately 3.95  
5 acres. The applicant is requesting to go to a proposed zoning of rural commercial.  
6 Manchester Farms is a family-owned and operated [inaudible] distribution center and  
7 their business office is currently located in Sumter. The distribution center is currently  
8 located on the adjacent site. The site is located on Lower Richland Boulevard, Highway  
9 37, two-lane collector road and is currently maintained by DOT. As far as our zoning  
10 records show there has not been a rezoning request for this property or surrounding  
11 properties since 1977. We have no record. The proposed use is an office building for  
12 agricultural operation. The site will have no part of the processing operations.  
13 Limitations placed on the development by the zoning district further ensure that the  
14 capability with the surrounding rural nature of the community will be up kept. This is the  
15 first request to rezone the property and it is consistent with the surrounding nature of the  
16 community. Staff recommends approval.

17 CHAIRMAN PALMER: Steve Odom?

18 **TESTIMONY OF STEVEN ODOM:**

19 MR. ODOM: Steven Odom. I actually reside at 425 Lost Creek Drive in  
20 Columbia. As the Staff said all we want to do is move our current offices from Sumter.  
21 It's a family-owned business. My parents are in the process of retiring. The rest of our  
22 management staff lives in Columbia. We just want to move our office building from the

1 Sumter location to Columbia so that I don't have to drive an hour round trip every day  
2 and we just ask you to follow the Staff's recommendation. Thank you.

3 CHAIRMAN PALMER: Thank you. Any questions of Mr. Odom?

4 MR. MANNING: Yeah. Are you bringing any employees with you from Sumter?

5 MR. ODOM: There – we have four management people in the office that already  
6 reside in Columbia. There will be four additional clerical staff that will probably not  
7 come with us so we will have to hire from the Columbia area for those four clerical  
8 positions.

9 MR. MANNING: Okay. Thank you.

10 MR. ODOM: Thank you.

11 CHAIRMAN PALMER: [Inaudible] Miller?

12 AUDIENCE MEMBER: I'll pass.

13 CHAIRMAN PALMER: Janet Odom?

14 **TESTIMONY OF JANET ODOM:**

15 MS. ODOM: Good afternoon. I am Janet Odom. I live at 733 Reynolds Road in  
16 Sumter. Our office is in Sumter because that's where our business began. After Hugo  
17 we purchased the property in Columbia and put our distribution center there. I  
18 personally do own the property to the north and to the south of this particular tract so I'm  
19 - obviously I am in favor of rezoning and moving the office to Richland County.

20 CHAIRMAN PALMER: There's no one else signed up to speak. Motion?

21 MR. GREEN: Mr. Chairman, I agree with Staff's recommendation on this case  
22 and would make a motion that we send this forward to County Council with a  
23 recommendation for approval.

1 MR. FURGESS: Second.

2 CHAIRMAN PALMER: We have a motion and second to send Case No. 06-42  
3 MA forward to Council with a recommendation of approval. All those in favor please  
4 signify by raising your hand.

5 *[Approved: Anderson, Lucius, Furgess, Palmer, Green, Manning; Absent: Brawley,*  
6 *Van Dine, McBride]*

7 CHAIRMAN PALMER: Case No. 06-43 MA.

8 **CASE NO. 06-43 MA:**

9 MS. ALMEIDA: Mr. Chairman: This is Stonemont Phase 2. It is a site 26.30  
10 acres. The existing zoning is RU. They're requesting the RS-MD zoning. This is part –  
11 actually part of a second phase to Stonemont Phase 1 which is currently adjacent to the  
12 site. The site is located on Coon Road. The site is heavily wooded with mature  
13 hardwoods. Obviously the applicant is requesting to rezone to combine the subject  
14 property with the Phase 1. Stonemont Phase 1 is approximately 29.1 acres and has  
15 received preliminary and bonded plat approval for 75 lots. And Staff recommends  
16 approval.

17 MR. GREEN: Anna? Is the map on page 38 correct and that it's showing  
18 Stonemont Phase 1 as zoned RU?

19 MS. ALMEIDA: The hatched mark?

20 MR. GREEN: The –

21 MS. ALMEIDA: No. It is not.

22 MR. GREEN: The immediate – I would assume to the northeast where it says  
23 Stonemont Drive is Phase 1?



1 MS. ALMEIDA: That is Phase 1 and it is RS MD.

2 MR. GREEN: Okay. So that should not be green, it should be yellow?

3 MS. ALMEIDA: That is correct.

4 MR. GREEN: Do we think there are any other errors on this map?

5 MS. ALMEIDA: No.

6 MR. GREEN: Okay. Thank you.

7 CHAIRMAN PALMER: Joe Pope?

8 **TESTIMONY OF JOE POPE:**

9 MR. POPE: Mr. Chairman, Members of the Commission, my name is Joe Pope,  
10 5847 Shakespeare Road. Schumacher Homes has developed Phase 1 of Stonemont  
11 and we would like to rezone the property from RU to RS-MD, which is the same zoning  
12 we have at Stonemont Phase 1. Water and sewer are already located on the site.  
13 Access to the subdivision will be through our current subdivision. There is a 50' access  
14 from the subject property to Coon Road and that would be used for emergency vehicles  
15 only. And I'll be happy to answer any questions you have.

16 MR. MANNING: There are two small slivers of land, one coming out to Coon  
17 Road and then the other looks like it goes out to Trent Court. Is that going to be utilized  
18 for – up in the top next to where that little pond is? I guess that would be west, the  
19 northwest?

20 MR. POPE: No. That would not be – if I - I think I see what you're –

21 MR. MANNING: Yeah. You see it right – it goes out to Trent Court.

1 MR. POPE: Oh, that property. No. It's not part of our subdivision. It's currently  
2 zoned rural as well and – but it is not part of our subdivision. As far as I know Trent  
3 Court is a privately maintained road and that's the only access to that property.

4 CHAIRMAN PALMER: Any other questions for Mr. Pope? Thank you. There's  
5 no one else signed up to speak. Any motions?

6 MR. MANNING: Mr. Chairman, given the fact that we've already got Phase 1 in  
7 place and this is a continuation of that, no opposition and Staff recommends approval, I  
8 would like to send this forward – make a motion to send this forward with a  
9 recommendation of approval.

10 MR. ANDERSON: I second that.

11 CHAIRMAN PALMER: All those in favor of sending Case No. 06-43 MA forward  
12 to Council with a recommendation of approval please signify by raising your hand.

13 *[Approved: Anderson, Lucius, Furgess, Palmer, Green, Manning; Absent: Brawley,*  
14 *Van Dine, McBride]*

15 CHAIRMAN PALMER: Case No. 06-44 MA.

16 **CASE NO. 06-44 MA:**

17 MS. ALMEIDA: Mr. Chairman, this application is 2.09 acres currently zoned RU.  
18 The requested zoning is RS-LD. The RS-LD requires a minimum lot area of 12,000  
19 square feet and the surrounding area is zoned primarily RU. However, many of the lots,  
20 after Staff did some investigation, many of the lots in the area do not conform to the  
21 33,000 square foot minimum lot size which in investigating it typical throughout Lake  
22 Murray. Recent activity surrounding Brody Road came up as Johnson Marina Road.  
23 There were some expansions, lot splits, just some minor subdivisions that have

1 occurred off of Rucker Road which is south of the site. It is Staff's recommendation that  
2 the intensity of the resident development that is currently being proposed would not  
3 adversely affect the traffic on the road being that the lot is only 2.09 acres. There has  
4 been a lot of development taking place north on Johnson Marina Road. As you all know  
5 Eagles Glen, Fox Port, Lake Port and along the Three Dog Road area which has been a  
6 traffic concern. But that traffic mostly dumps on Dutch Fork Road. Therefore it is Staff's  
7 opinion that this development as I said before would not adversely affect the traffic  
8 currently on Johnson Marina Road and Staff recommends approval.

9 CHAIRMAN PALMER: Chip Barnard? Lee Robertson?

10 AUDIENCE MEMBER: I don't have anything to say unless there are any  
11 questions.

12 CHAIRMAN PALMER: That's all who signed up to speak.

13 MR. GREEN: I'm [inaudible] since I just said something should not be RU up  
14 here and should be kept RS-LD it'd be hard for me to argue against this going from RU  
15 to RS-LD and I would therefore make a motion we send this forward to Council with a  
16 recommendation for approval.

17 MR. MANNING: Second.

18 CHAIRMAN PALMER: Any other questions, comments? All those in favor of  
19 sending Case No. 06-44 MA forward to Council with a recommendation of approval  
20 please signify by raising your hand.

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

23 CHAIRMAN PALMER: There's none opposed.

1 CHAIRMAN PALMER: We're really moving today, aren't we?

2 MR. FURGESS: Howard's not here.

3 CHAIRMAN PALMER: Howard's not here.

4 MR. GREEN: That's why we're having so much agreement. Howard's not here.

5 [Laughter]

6 CHAIRMAN PALMER: That's going to make in on the minutes, isn't it?

7 MS. LUCIUS: Yeah. Leave that in the minutes.

8 CHAIRMAN PALMER: Case No. 06-49 MA.

9 **CASE NO. 06-49 MA:**

10 MS. ALMEIDA: Mr. Chairman, this application is located on Monticello Road,  
11 Highway 215 which presently is a two-lane minor arterial currently maintained by DOT.  
12 The applicant is requesting to go from an RU zoning designation to a heavy industrial.  
13 The acreage of the site is 1,396 acres. The proposed use is to continue and expand the  
14 existing mining operation on the site. Although the area is rural in nature this immediate  
15 area has become sprinkled with industrial type businesses. For one the expansion  
16 plans for the Richland County C&D Landfill, the Fire Marshal Training Academy, and  
17 there is an existing salvage yard, has significantly changed the character of the area a  
18 little bit. It is Staff's recommendation to approve this request.

19 CHAIRMAN PALMER: F.M. Frawley?

20 **TESTIMONY OF F.M. FRAZY:**

21 MR. FRAZY: I'm F. M. Frazy. I live in Batesburg-Leesville. I worked that  
22 property [inaudible] and what not for a long time but the noise and all that comes from in  
23 there and I own property adjoining it, I'm definitely against any addition to it. Now if they

1 have a gravel business and all down there and I realize the fire academy and I spent 26  
2 years with the fire department. The fire academy's behind that and at the present time I  
3 think it should be left as is which the way I understand it is a residential rather than what  
4 they have there. According to the map that I was sent too it's all together different. I  
5 own property according to this map for they sent me, I own property that's in this yellow  
6 area and my sister owns property in this area. So I don't know exactly how the county  
7 got a hold of this but the road that goes up through there is Dipsy Do. My Daddy named  
8 that road and it runs from Flatstone Creek to Nipper Creek the whole road does and  
9 they got it on the left-hand side. Everything on the left-hand side is on this yellow map.  
10 But there's three of us owns property that's in there where it's showing to be rezoned  
11 and I don't know how the county got a hold to this map showing there because like I say  
12 there's three pieces of property in this yellow area that's residential now and I own some  
13 of it, my sister owns some of it and my old, our old house is owned by another lady  
14 that's in this area. But I'm strictly against them changing this here to coming all the way  
15 out to the road. Thank you.

16 CHAIRMAN PALMER: Thank you.

17 MS. ALMEIDA: Mr. Chairman, there was an error that the gentleman probably  
18 was one of the people who got the incorrect map. We had several phone calls and  
19 those maps were reissued to those people but the gentleman probably got the incorrect  
20 map.

21 CHAIRMAN PALMER: Leah Deaver? Leah?

22 AUDIENCE MEMBER: I don't think she wants to [inaudible].

23 CHAIRMAN PALMER: Doesn't want to speak? Doesn't want to speak?

1 AUDIENCE MEMBER: No, sir.

2 CHAIRMAN PALMER: Layton Lord?

3 **TESTIMONY OF LAYTON LORD:**

4 MR. LORD: Mr. Chairman and Commissioners, thank you. My name's Layton  
5 Lord. I'm with the law firm of Nexsen Pruet and I represent Martin Marietta Materials  
6 which is the applicant on behalf of Indigo Associates. And this is one large parcel,  
7 contiguous parcel that we are asking be rezoned from RU to HI today. And let me  
8 explain. It's adjacent to the Broad River. There's a rail line that goes along Broad  
9 River. It's right along Broad River and there's a rail line right along there and then you  
10 have Monticello Road up here. Our entrance is actually up through here so we don't  
11 really use that road. And the individuals that I suspect are going to speak today live on  
12 the backside. Can you flash the other map that shows the existing use? Thank you.  
13 Okay. I'm sorry. And oh, by the way, this is not water. This is not underwater. This is  
14 a flood zone. This is our existing mine. It's been there for 27 years and this is a – it's  
15 truly grandfathered into the Richland County zoning because it was there before. And  
16 the mine's been going on for some time and we've leased this 300 acres from Indigo  
17 Associates for that period of time. We have now entered into a lease for the entire  
18 1,396 acres and what we're asking you all to recommend to County Council is a  
19 rezoning of the whole thing. Even though this part is grandfathered we find it  
20 appropriate to rezone the entire parcel as HI because we intend to use it for mining,  
21 overburden storage, and all the things that would qualify under HI. I'll quickly go  
22 through the standards. There's a definite need and justification for this map  
23 amendment. You can only mine granite where you find granite and this is a place

1 where granite exists and it's really that simple. We can't just put a mine anywhere;  
2 we've got to find the granite. There's plenty of granite right here. We also try to find a  
3 place that is as far away from where folks live as possible and this is. It's a very large  
4 parcel. That's the existing mine. That piece right there has lasted 27 years and you  
5 know, as we move there's a lot of potential for this to keep as a legitimate mine. It's  
6 also got a rail line which is very important. We need to be able to move granite out with  
7 a rail line and there aren't many sites where you can find this large a tract of land, a rail  
8 line and as far away from where folks live as possible. The change is consistent with  
9 the existing area. The state fire marshal – the training area is right along here. It's a  
10 fairly large facility, you know trucks, a lot of noise and activity. We're a good neighbor.  
11 Matter of fact people at the fire marshal - John Reich and Ed Roper said we could use  
12 their names and cite them and you're welcome to call them because they are in support  
13 of this. And they're the people most impacted. They're right there and that's where our  
14 existing mine is. Balcon(?) has an existing mine right here which I believe is  
15 grandfathered in. Richland County has a landfill up here. So it's consistent with the  
16 surrounding areas. It's also – this is consistent with what we believe the planning  
17 should be in this area because this corridor along here has become consistent with  
18 heavy industrial use. It's been used for that and we merely want to continue that. The  
19 alternative is to put a mine somewhere else and have to come back to you guys and  
20 ask for a zoning change potentially to mine in another location. We think it's more  
21 appropriate with planning to simply increase what we've already been doing for 27  
22 years. There may be some question about trucks. Again, we come up through here  
23 which we think is the least burdensome place to come in and out. Come up here and

1 get on the highway. I can't hold this thing very well, Geo. I'm sorry. We come up  
2 through here. We don't utilize this road at all. Thanks for trying to get back onto the  
3 road. We also utilize the rail line quite a bit and if this mine does expand – if it's for local  
4 granite we use trucks. If it's for granite outside of the local area we use trains. So if we  
5 expand to a great deal the train traffic's liable to increase more than the truck traffic. So  
6 we don't believe that will be a problem either. Again when Staff recommends I'm  
7 tempted just to sit down and shut up which I'm going to do. Steve McKeel who's our  
8 geologist is here and Steve's going to say a few words about why this site is so  
9 important. We also have several other people who could speak but they are not going  
10 to speak unless you have questions. We have an environmental engineer, plant  
11 manager and one of our vice presidents. Thank you.

12 CHAIRMAN PALMER: Mr. McKeel?

13 **TESTIMONY OF STEVE MCKEEL:**

14 Mr. McKeel: Yes, good afternoon. My name is Steve McKeel. I am manager of  
15 the natural resources for the southeast division, Martin Marietta Materials. Our  
16 operation – good afternoon, thank you for seeing us today. Our operation began in  
17 1973. We've continuously mined from that operation, crushed stone for that period of  
18 time. The crushed stone is used in concrete, asphalt and [inaudible] construction type  
19 uses. There are only a handful of granite opportunities - I am a geologist by training -  
20 Granite opportunities in the Columbia, South Carolina area. Part of the reason the  
21 quarry was located back in 1973 of course was because that is the location of the  
22 granite. Outside of that we've had, as was mentioned earlier – we've had several  
23 additional industrial uses come in beside us. We are looking to potentially expand. Our



1 intent is to continue mining in the progression that you see now. We have [inaudible]  
2 about 60 acres of open pit in 25 plus years. The footprint of our operation is about a  
3 hundred eighty [inaudible]. It is approximately 5,700' or over a mile from our plant office  
4 to the eastern most boundary of the property that we're asking for rezoning. We've  
5 used that entrance road since the opening of the quarry operation. As I mentioned  
6 about 35% of the material that exits the site is by rail. We would like to continue to mine  
7 there. There is – I believe that Richland County is looking into or on track for  
8 developing a comprehensive mine land, or comprehensive use plan for the county. I  
9 think our operation is conducive to the heavy industrial uses that are currently there and  
10 if you have any questions for us we are definitely here to answer them. Now today with  
11 us also or here on his own, John Reich is the deputy director of the state fire marshal's  
12 office. The state fire marshal's office regulates our blasting permits and they are our  
13 closest neighbor to the south. If there area any questions along that nature he is  
14 present. We would certainly like to answer those and if he would like to speak  
15 [inaudible] ask that he could. Thank you.

16 CHAIRMAN PALMER: Russell Frazy? June?

17 AUDIENCE MEMBER: Crisostometes.

18 CHAIRMAN PALMER. I didn't want to try that one.

19 **TESTIMONY OF JUNE CRISOSTOMETES:**

20 MS. CRISTOMETES: June Crisostometes, 8701 Monticello Road. Thank you  
21 for the opportunity to allow me to speak on behalf of my family and neighbors. We have  
22 a petition that we presented to the Staff. We were only able to obtain 44 opposals to  
23 this rezoning and I think I can speak for the 44 that were able to sign this petition on

1 such a short notice. We're concerned that this site of 1,396 acres, there's so much  
2 historical value there. This was the old Bookter(?) Plantation and there are burial  
3 grounds on this site. And I have contacted Ms. Nina Rice with the USC Archeology  
4 Department and also the Sierra Club and they have a great interest in doing some  
5 research on this area for historical value. Also those of us that have lived there, our  
6 family in particular for over 15 years and other neighbors in excess of 100, you know,  
7 this – the reason we're there is for the rural value, the peace, the quiet which we really  
8 don't have as much anymore because we are constantly hearing blasting, whistles,  
9 bells. The traffic from the trucks is just horrendous. We have children that go to school  
10 up and down that road. You know, this is a wonderful nature spot even though the  
11 other sites that this gentleman was talking about were all grandfathered in we really  
12 oppose to rezoning this to heavy industrial simply because the environmental issues.  
13 We would like to request an environmental study on the drainage from the pits that go  
14 into the Broad River. There is at any, a lot of given times you can see for a mile a milky  
15 film on top of the water. I'm not real familiar with any environmental studies but would  
16 certainly like to be. Also we have some issues just in our neighborhood on up 215 with  
17 wells, those that have wells there with the fact that some of the wells have been  
18 condemned. There have been cobalt discovered in some of the local wells there – not  
19 fit for drinking, bathing or animals. We also, you know, we also have the future of our  
20 children, you know, that we would want to inherit our properties that board here. This  
21 does not leave our property values, you know, with all of this heavy industry that is  
22 currently there at such a great value. I appreciate the opportunity. Please consider our  
23 opposal. Thank you.

1 CHAIRMAN PALMER: Andy?

2 **TESTIMONY OF ANDY CRISOSTOMETES:**

3 MR. CRISOSTOMETES: I go along with what my wife says. There ain't going to  
4 be a cricket left out alive or a worm either.

5 CHAIRMAN PALMER: Okay.

6 MR. CRISOSTOMETES: If y'all let it go on. I mean really.

7 CHAIRMAN PALMER: Thank you.

8 MR. CRISOSTOMETES: Thank you. My name's Andy Cristometes. I live at  
9 8701 Monticello Road and myself and the neighbors are really upset about it because  
10 there's not going to be a cricket, a worm, a frog, nothing left. You can go back there by  
11 the quarry and it's like powder. You can turn over, you know, they say you can turn  
12 over a rock and find something. You turn over a rock you ain't going to find nothing  
13 back there. The ducks that fly over won't even land in the pits because the acid kills  
14 them. I mean it's terrible. Not only that I've lost three windshields this year by the rock  
15 trucks, but that's beside the point. The kids out there – I mean you go sit out in the  
16 woods now and you can see animals and find Indian arrowheads and stuff like that but  
17 y'all just can't let them do this. I mean it's going to ruin it. The kids are not going to  
18 have anything left. I mean we've all lived a good while you know and we're happy with  
19 those things but these kids are coming up – our kids y'all it ain't going to happen.  
20 Nothing's going to be left out there. So please shoot this thing down. Thank you.

21 CHAIRMAN PALMER: Thank you. John Rabon? Toby Ward?

22 **TESTIMONY OF TOBY WARD:**

1 MR. WARD: Thank you, Mr. Chairman and the Members of the Planning  
2 Commission. I'm Toby Ward and I represent Dino Crisostometes who is a doctor and  
3 couldn't be here today. He asked me to come on his behalf. He owns 70 acres that is  
4 adjacent to this property and he is vitally concerned about what you do today and  
5 adamantly opposed to this request. I want to say a couple things about what's already  
6 been said. Staff gave this their due consideration and recommended it but I don't think  
7 their heart's in it because the comment that was made by Staff was that this area was  
8 sprinkled with industrial and that this area had changed a little bit. And what you're  
9 being asked to do is to change things 180 degrees. Because you're going from rural to  
10 heavy industrial and heavy industrial doesn't mean just a mine. It can mean a lot of  
11 things. Also Mr. Lord on behalf of his client mentioned that this is for a lease. Okay?  
12 This is not for a purchase of the property, this is for a lease. In other words you're going  
13 to permanently rezone 1,400 acres to heavy industrial because of a lease. He also  
14 mentioned that this property is going to be used for overburden. Does anyone here  
15 know what overburden is? That is a large stack of spoil that goes up in the air. I'll let  
16 them tell you how high they put it and then we'll see five or 10 years from now if you let  
17 this go through if they stick to that. But that means when you ride by this property you'll  
18 see a big pile of dirt that nothing will grow in because granite I don't believe supports  
19 plant life. So what are the terms of this lease? We're going to rezone 1,400 acres for a  
20 300 acre mine to heavy industrial and y'all know better than I what heavy industrial can  
21 involve and who it can involve because once you rezone anyone can buy or sell the  
22 property. So first of all here are my points, and I hope you'll let me go over like you did  
23 Mr. Lord because he got more than three minutes and I'm eating up mine fast. First of

1 all RU is low intensity agricultural or low density residential. Heavy industrial is just that  
2 – manufacturing and industry and then once you put in a heavy industrial designation  
3 any number of uses are available and y'all know better than I do what those are.  
4 Second of all the lease is what's driving this rezoning. This rezoning is not because of  
5 any need in the community for this use. This rezoning is to facilitate the lease and the  
6 lease is to facilitate the additional mining but no one who lives in that community – no  
7 one who lives in that community is asking you to rezone this property. So we don't think  
8 there's really a need for it. Next, this is – what you're doing if you do this is you're going  
9 to expand a non-conforming use and you're not only going to expand it a little bit but  
10 what's it going to be? Fourfold increase in the non-conforming use. I understand that  
11 they're there now grandfathered in. You make it heavy industrial, you know, you're just  
12 making a bigger non-conforming use in relation to the other property, presenting more  
13 opportunities for those properties that are adjacent to that to apply for an HI zoning  
14 because they touch an HI zoned piece of property. So we think it's like putting a cancer  
15 in the neighborhood. If you make it bigger it's just going to keep getting bigger. There  
16 are environmental questions about this piece of property. People are saying that the  
17 character of this area has changed. I submit to you that the character of this area might  
18 be changing based upon what you do today but the character of this area has not  
19 changed and that's why, you know, the comments about "sprinkled" and "changing a  
20 little bit" were made because this area's not really changing. Your recommendation is  
21 vitally important not only to County Council but to the citizens that live in this area  
22 because they rely upon you to use your judgment to hear both sides of this and make a  
23 recommendation and we appreciate that. We believe very strongly that this area is at a

1 crossroads. Is it going to stay rural or is it going to go heavy industrial? And that hangs  
2 in the balance today. The fate of the people who live in this area is really in your hands  
3 because this isn't about 70 acres, this isn't about 300 acres. This is about 1,400 acres  
4 of property that would be zoned heavy industrial for anyone and everyone to make any  
5 use of that property that is authorized by a heavy industrial classification. I thank you  
6 for letting me talk to you today. I appreciate the work you do for our community and I  
7 hope you listen to everyone who speaks to you today and do what you in your heart  
8 think is right. Thank you.

9 CHAIRMAN PALMER: Thank you. Earlwood James?

10 **TESTIMONY OF EARLWOOD JAMES:**

11 MR. JAMES: Hi. I'm Earlwood James, 711 Barkley Lane, Columbia, South  
12 Carolina. And I agree and totally agree with pretty much with everything that's been  
13 said by the others before me and I have one question. If any of you have ever  
14 experienced driving through West Virginia, Kentucky and those areas that have been  
15 strip mined and left abandoned with all the holes and the contaminations and all the  
16 other things, it will never be fixed again. So please consider that and refuse this  
17 [inaudible]. Thank you.

18 CHAIRMAN PALMER: Jasper Cureton? Mr. Cureton?

19 **TESTIMONY OF JASPER CURETON:**

20 MR. CURETON: Thank you, Mr. Chairman and Members of the Commission.  
21 I'm Jasper Cureton. I live at 8930 Monticello Road. I've been there for 21 years and I  
22 appreciate the opportunity to address you this afternoon and to indicate my opposition  
23 to the rezoning. I of course agree with the comments made by the others who have

1 opposed this rezoning. Additionally I would like to point out the fact that - if you put that  
2 map back up showing with the yellow on it, that little right-of-way looks like maybe 50'  
3 feet or something. They recently have marked it off and surveyed it off – right there. It  
4 goes from Monticello Road back to this property. I am concerned that by rezoning this  
5 property that it would also rezone that road and they may open it up. That's right in  
6 front of my house. It's almost at the crest of the hill. These people can tell you that over  
7 the last 20 years I've seen a number of wrecks right there in that location where that  
8 road could be. So under no circumstances should you permit or recommend that that  
9 little strip of land be rezoned because it's going to create a safety hazard. I can imagine  
10 trucks coming out right at the crest of that hill – well it's right beyond the crest of that hill.  
11 Right now I've got a circular driveway. I don't even come out if I can help it where that  
12 right-of-way protrudes out to Monticello Road because you cannot see over that hill very  
13 well. Because, you know, they're making a racetrack coming up and down 215. So I  
14 come out the other end so I can see better cars coming south on Monticello Road. I  
15 agree that the traffic is horrendous. I don't know that they are responsible for all those  
16 trucks but there sure are plenty of them. I know coming in this morning at 9:00 o'clock  
17 from where I live down to 20, I counted 14 rock trucks – trucks hauling rock. There's  
18 plenty of them that use that road and I can tell you they take quite a toll on that road.  
19 That road was resurfaced just a few years back, now there's ruts all up and down it  
20 because of those rock trucks. I'm not saying that they are the cause of all those ruts but  
21 it takes quite a toll on the road out there. Of course there's plenty noise. And I just ask  
22 that you consider the desires of the residents of that area and that you not approved or

1 you send to County Council your recommendations of approval of this rezoning. Thank  
2 you very much and thank you for the work you do.

3 CHAIRMAN PALMER: Thank you. Ms. Queenie?

4 **TESTIMONY OF QUEENIE CANZATER:**

5 MS. CANZATER: My name is Queenie Canzater. The property that I have  
6 interest in is my property is 9051 Monticello Road. And I am strongly opposed to this  
7 and I fully agree with all that has been said before because with a heavy industrial area  
8 you have the potential of turning into more than just what has been stated. I was  
9 concerned about the chemicals that perhaps will be used. I don't know very much  
10 about the expand [sic] of how far those chemicals can travel but there is a Columbia  
11 International College and University some miles near that area which you have a lot of  
12 international students as well as an elementary school that's already in that area too.  
13 So not only are we affecting our residents there but you have other people that are  
14 commuting in, a lot of them are from other countries too. So I was concerned about the  
15 environmental affect as well as the noise and just the pollution in the area all together.  
16 So I recommend that you do not approve this.

17 CHAIRMAN PALMER: Thank you. Barbara DeVashed?

18 **TESTIMONY OF BARBARA DEVASHED:**

19 MS. DEVASHED: I'm Barbara DeVashed. I live at 8759 Monticello Road. I  
20 drive Monticello Road every day going back and forth to work. And as everybody has  
21 said the traffic is horrible. Sometimes you're in the midst of five and six of these great  
22 big trucks and I drive a little bitty car and I feel lost. When they come out of the gravel  
23 pit they come down a hill, they come to the bottom and they don't stop. If they can see



1 their way clear of 200' they pull out there and they pull out slow. And there you are  
2 slamming on your brakes to keep from running up behind the back of them. Also, the  
3 dust and the noise will be terrible and I would ask that you please vote no. Thank you.

4 CHAIRMAN PALMER: Thank you. David Myers?

5 **TESTIMONY OF DAVID MYERS:**

6 MR. MYERS: My name's David Myers. I live at 8400 Monticello Road. Just in  
7 addition to everything that's been said I wanted to touch on also that the college and  
8 Ben Lippen School is there and all of these dump trucks have to go right through right  
9 where that college is, right where the school is. I have a family and a small child  
10 [inaudible] navigate 60, 70 miles an hour. It takes a long ways for it to stop. So I'm  
11 concerned about the danger. The increase in truck traffic is going to be quite a bit.  
12 Touched on it – their representation touched on it earlier that they didn't think that would  
13 be much of a problem but they did go back and say that 65% of the use is by trucks for  
14 the local area. Only 35% is by the rail. So if they make this heavy industrial the  
15 majority of their use is going to be from trucks which is the local area. So it's going to  
16 increase the truck traffic. In addition, you know, the pollution. I've worked in the truck  
17 washing business for quite awhile and the amount of grease and oil that comes off the  
18 trucks can be tremendous. In addition to that driving up and down Monticello with  
19 [inaudible] Andy had commented on the number of windshields that he's had replaced  
20 and a lot of times those trucks they're not exactly water tight or sand tight – the sand  
21 and the screenings are left on the road which increases, you know, increases the  
22 chances for an accident. The amount of noise is horrendous. I know if you're familiar  
23 with a jake(?) brake. In addition to using the regular brakes, the jake brakes are used to

1 help slow them down. It's a process with the transmission. I don't, not real savvy all of  
2 it. All I know is the noise is horrendous. The trucks usually start winding up around  
3 6:30 in the morning. And that's basically – that's my time? Anyway without rambling I  
4 hope that this [inaudible] heavy industrial scares a lot of people. You guys know a lot  
5 better about what heavy industrial is but I know that if we change the zoning, the  
6 zoning's probably changed forever and I know that the area has a few other somewhat  
7 industrial type areas. There's the dump, there's an auto salvage yard but the auto  
8 salvage yard doesn't have a lot of large trucks coming through and just because it's  
9 somewhat – there's a few industrial areas. I don't think we need to change the whole  
10 area to heavy industrial just because there's a few there. I think there's enough  
11 industrial type businesses in the area. I don't think we need to add to it. Thank you.

12 CHAIRMAN PALMER: Thank you. This last one, I don't know. Stevie? Stevie?  
13 Somebody actually signed it and I can't tell really what it is.

14 AUDIENCE MEMBER: I decline.

15 CHAIRMAN PALMER: Thank you. That's all who signed up to speak.

16 MR. LORD: Mr. Chairman, could I address just factual?

17 CHAIRMAN PALMER: If someone has a question for you, Mr. Lord, then you  
18 can but typically we don't reopen it back up.

19 MR. MANNING: I do have a couple of questions.

20 CHAIRMAN PALMER: Okay. If someone would like to –

21 MR. MANNING: Could he come back up?

22 CHAIRMAN PALMER: Absolutely.

1 MR. MANNING: A couple of points that were brought out, one regarding the  
2 [inaudible] purchase and I guess my question goes back to the need to rezone so much.  
3 The existing pit is how big?

4 MR. LORD: The existing pit is about 60 acres.

5 MR. MANNING: Sixty acres?

6 MR. LORD: Right. And our existing lease is for – the whole mine site is a 300. a  
7 300 acre parcel which essentially goes along Broad River. If you could run a line over  
8 where you see the existing mine that's our parcel.

9 MR. GREEN: So 300 acres would encompass everything, every part of the  
10 operation that's currently going on?

11 MR. LORD: That's right.

12 MR. GREEN: From mining to whatever else is done there, 300 acres is the  
13 envelope -

14 MR. LORD: Right.

15 MR. GREEN: - at which that's happening at?

16 MR. LORD: Yeah. Plus an additional 1,000 is what we're asking to be added.  
17 Now this land is somewhat challenged. DHEC's going to make us put a buffer around it  
18 like they always do. So we've got to back all that land out. There's a huge SCE&G  
19 power line that runs right through the middle. As you can see that is stuff we can't use.  
20 We've got to work around that power line. So the entire 1,000 acres will not be a mine  
21 for overburden storage because DHEC – we're heavily regulated by DHEC. They  
22 require buffers, they require where we put things and we've got to work around that  
23 power line.

1 MR MANNING: The useful life of that 300 acres is what?

2 MR. LORD: I'll ask the geologist that.

3 MR. MCKEEL: Well, that's a rather difficult question because at present we're  
4 mining to the north. You see we have a competitor to the north – the Balcon(?)  
5 Materials. The body of our materials lies basically in this area and it is covered  
6 overburden [inaudible] answer that question you brought up earlier by dirt.  
7 Overburden's just dirt. We have to remove it to get to the rock. There will be a little bit  
8 of rock at the top that's not useable, it's not quality material, we have to remove that as  
9 well but as far as overburden storage goes that's basically what we're looking for in this  
10 property. Now I can't say unequivocally that we will never actively mine in this direction  
11 but our intended use right now is to continue with this pit, develop it in this area, remove  
12 this overburden, which is dirt, and place it back out in this area beginning up in here.  
13 Now the overburden is dirt and we are required by the state to have a reclamation plan  
14 we submit to the state. It will include the size of the berm, the height of the berm. It will  
15 include how we will vegetate the berm. It will include erosion control measures. It will  
16 control quite a number of things. Basically getting back to your question – I apologize –  
17 if we're able to remove this overburden and find suitable storage for it then we can  
18 make this 300 acres work for us for a pretty good period of time. If we're not able to  
19 remove that overburden then we're looking a significantly reduced life expectancy of this  
20 operation. If we cannot remove this overburden and must – basically we don't have  
21 room on the 300 acres right now to move all of this overburden is what I'm trying to say.

22 MR. MANNING: So basically the 300 acre site is not sufficient -

23 MR. MCKEEL: Correct.

1 MR. MANNING: - to handle what you've got there now?

2 MR. MCKEEL: Yes. Thank you for summarizing that for me.

3 MR. LORD: And again we've got to work under that power line which is about  
4 100'?

5 MR. MCKEEL: Yes.

6 MR. MANNING: How long will it take to make the determination? What do you  
7 have to do to make the determination of whether you've got to move the overburden to  
8 some other location or?

9 MR. MCKEEL: We have drilled the entire property and as a geologist we found  
10 that all the available, suitable material is in this area. There's a little bit up in here. If we  
11 cannot mine this area and this area then we would have to resort to this area or find a  
12 new location. Our intent is to mine, continually mine this area, remove the overburden  
13 and store it up in this area and then progress from there in terms of starting in this area  
14 and moving further north with the overburden storage.

15 MR. MANNING: So out of the 1,400 acres how much of the site do you think is  
16 not suitable?

17 MR. MCKEEL: Not suitable in terms of the actual granite? Right.

18 MR. MANNING: That you won't be able to use?

19 MR. MCKEEL: Well for the pit itself I'd say our total acreage, mineable acreage  
20 is about a 140 to 160 acres additional, right in this area. And the rest of, and the rest of  
21 the site will be either utilized for overburden storage or it will remain as it is now.

22 MR. MANNING: Buffers?

23 MR. MCKEEL: Buffers.

1 MR. MANNING: One last question. There was some discussion about a road  
2 going back out to Monticello Road. Is it -

3 MR. LORD: It's not part of our lease. We can't use that road. The Guignard  
4 family owns that but they didn't include it in our lease so we don't have any rights to it.

5 MR. MANNING: So the yellow road, the yellow -

6 MR. LORD: Right.

7 MR. MANNING: - going back to Monticello is not -

8 MR. LORD: It's not part of our lease.

9 MR. MANNING: And no encroachment permits have been applied for to use that  
10 as a -

11 MR. MCKEEL: No intent to use it.

12 MR. LORD: No intent to use it.

13 MR. MANNING: Okay.

14 CHAIRMAN PALMER: Mr. Anderson.

15 MR. ANDERSON: It's been operating as RU. Why change it to HI now?

16 MR. LORD: Well it's - we're grandfathered in since we started 27 years ago and  
17 we thought it appropriate since we need to expand beyond the 300 acre footprint that  
18 we already have. We've done a lot of research on the Expansion Doctrine and the  
19 legalities of that and we just thought it was the most up front thing to do to come to you  
20 all and ask for a rezoning of what we were going to do. Rather than get into a legal fight  
21 about whether or not we had the right to expand under the Expansion Doctrine.

22 MR. MANNING: So the existing permit you have is through DHEC?

1 MR. LORD: It's through DHEC, yeah. We have to get a DHEC permit to do  
2 anything.

3 MR. MANNING: And it's for 300 acres where you are now?

4 MR. MCKEEL: Yes.

5 MR. LORD: Yes. It is. It's just for our old lease, not for the new ones.

6 MR. MCKEEL: Permitted and bonded. Any additional activity on the extra  
7 property that we're asking to be rezoned will be also permitted and bonded.

8 MR. LORD: It's a heavily regulated site.

9 CHAIRMAN PALMER: What does FEMA do as far as operating in the  
10 floodplain? I guess you're fairly diminishing the floodplain by digging it out?

11 MR. LORD: The Army Corps has to approve anything we do also. So there's  
12 actually – you can almost see it. There's a berm around the mine. Is that Army Corps  
13 required?

14 MR. MCKEEL: That berm has been there for a good number of years and your  
15 question really goes right to the heart of our request here today. We need to be able to  
16 take this overburden and remove it from the floodway and get it up onto a highland area  
17 because we cannot really take all of this overburden and store it on our 300 acres in the  
18 floodway. We will work through Richland County and through the Corps of Engineers.  
19 Whatever berming we need to do around the perimeter of the pit will comply with  
20 regulations.

21 MR. LORD: Ironically enough we are looked upon as a good thing for the  
22 floodway because we slow it down, if you can imagine. It's a big pit so.

1 MR. GREEN: What would be the typical treatment of the existing pit area once  
2 you finish in there?

3 MR. LORD: Again, I'll let Steve talk to that but we have – there's a detailed  
4 reclamation plan. The gentleman was correct about West Virginia and this is not a  
5 West Virginia coal mine and we have a very specific reclamation plan we have to file  
6 with DHEC which is bonded. So in case we went belly up there's money there to make  
7 sure it gets done. But I'll let Steve address that.

8 MR. MCKEEL: Well the pit itself will gradually fill up with water and become a  
9 lake. All of the affected area will have to be sloped, graded, seeded, and we have a  
10 bond that's required by the state. The bond will not be released back to us until that is  
11 accomplished and there are I think two growing seasons if I'm not mistaken. The state  
12 likes to see two growing seasons so that all the soil is stabilized – there's no erosion. It  
13 doesn't become an issue. But the pit itself will be a lake.

14 MR. GREEN: I have a question, Pat, for the environmental, I think they said  
15 environmental engineer. I think there were some environmental issues.

16 MR. LORD: We do. We have an environmental engineer.

17 MR. GREEN: Some environmental issues raised in the public comment. We'd  
18 just like to hear the response to those questions or issues.

19 **TESTIMONY OF RICHARD BROUGHTON:**

20 MR. BROUGHTON: My name is Richard Broughton. I reside at 106 Tideland(?)  
21 Court, Columbia. What was the question?



1 MR. GREEN: We heard a number of environmental issues raised in the  
2 comments and just wanted to know if you had any response to any of those issues that  
3 were raised?

4 MR. BROUGHTON: Working, working from memory now, somebody raised the  
5 issue about archeological resources on site. As part of the mining permit process with  
6 DHEC we would have to do an archeological and cultural resources study of the entire  
7 site so anything that was there would come up during that period. We do have a  
8 individual MPDS discharge permit issued by DHEC that regulates the quality of the  
9 water that we discharge from our site. We try and reuse as much of the water on the  
10 site as possible. Basically what we discharge is the excess storm water that gets into  
11 the pit we don't have a use for. But there is a permit issued by DHEC that regulates the  
12 water quality of that. We're regulated for total suspended solids and PH. We do not  
13 chemically treat any of our water.

14 MR. MANNING: There was also a question –

15 MR. LORD: There was a question of mines being contaminated by cobalt?

16 MR. BROUGHTON: I'm not familiar with any cobalt on the facility. It'd be more a  
17 question in line for Steve.

18 MR. MANNING: There was a question that there was some surrounding wells in  
19 the area that had been contaminated and is there anything in your cleaning process or  
20 that takes place on that 300 acres [inaudible]?

21 MR. BROUGHTON: Our mining process uses water to wash, basically wash the  
22 granite finds off the material. We use gravity settling to settle the suspended solids out  
23 of the water and we reuse that wash water as much as possible. We do not use any

1 chemicals in the mining process. We do have diesel fuel petroleum products stored on  
2 site. They're stored in above ground containment structures. No underground tanks.

3 MR. MANNING: Do y'all have monitored wells on your site?

4 MR. BROUGHTON: No.

5 CHAIRMAN PALMER: Well if they don't use any chemical and don't have any  
6 underground tanks?

7 MR. GREEN: The material, the surface material that's removed. There was an  
8 issue raised with regard to how deep or how high this material is stored.

9 MR. BROUGHTON: That would be regulated under our mining permit.

10 MR. GREEN: Typically what would we expect to see with the depth of that  
11 material?

12 MR. BROUGHTON: It's a function – DHEC requires that we maintain a three to  
13 one slope on any earthen structure that we construct. So it's a function of the footprints  
14 of where we're going to put the dirt and how far you can go up – you can carry the three  
15 to one slope up before you hit the top.

16 MR. GREEN: There's no regulation on depth. It's simply a function of the size  
17 and slope?

18 MR. BROUGHTON: Yes.

19 MR. GREEN: When you're through, completely through with the site and the  
20 reclamation process comes back, do you do anything with that fill area?

21 MR. BROUGHTON: Generally when we close out a site most of those berms are  
22 heavily vegetated and have a good stand of trees on them so we try not to affect that if  
23 we don't have to. The newer areas that do not have a stand of vegetation on them

1 would have to be grassed, would have to go through two growing seasons before  
2 DHEC would release our bond.

3 CHAIRMAN PALMER: Any other questions?

4 MR. BROUGHTON: Thank you.

5 MR. LORD: Thank y'all very much.

6 CHAIRMAN PALMER: Any comments?

7 MR. GREEN: You know, I guess maybe the biggest issue I'm wrestling with and  
8 we have this – we talk about this a lot in various cases not just this particular one. I'm  
9 sure these folks [inaudible] sign a very long term land lease if they're going to put this  
10 kind of money into this site. However, there's nothing to stop them from tomorrow  
11 reaching an agreement with the landowner to terminate that lease. We're being asked  
12 to rezone 1,300 acres for – and I didn't bring my zoning book with me today. I've been  
13 borrowing Chris's all day. But the number of potential uses – let's set aside what these  
14 folks are asking for. The number of potential uses that can go on this site in a heavy  
15 industrial category literally cover every kind of industrial use conceivable in Richland  
16 County. And I just don't know that I'm comfortable – I know what these folks plan to do.  
17 They're not going to put in a chemical plant. They're not in the chemical business.  
18 They're not going to put a lot of things in that an HI district would permit. But we're  
19 giving the owner of the property the right to put any of that in here. I'm not comfortable  
20 with doing that on 1,300 odd acres with no more of a plan than we see knowing the  
21 number of uses that potentially could go in there. And that could happen tomorrow for  
22 all we know. I would be more comfortable not – I don't know how I would vote but, you  
23 know, going from a 300 acre footprint to a 1,40 acre footprint after you've needed 30

1 acres – used only 300 acres for twenty-seven years is another area of my concern.  
2 Why the need to ask for almost 1,100 more acres in all, all at one time? I don't know if  
3 there's a way to break this down or not. But my central concern gets back to we're  
4 granting not to these folks who are going to be leasing this property, we're granting to  
5 whoever owns that property the right to put in virtually any kind of industrial use  
6 conceivable and I'm just not comfortable with that.

7 MS. LUCIUS: I might add it also includes general commercial too. It says on  
8 page 77, "General commercial uses are allowed." So you're opening it up to a lot more  
9 than just industrial uses.

10 MR. GREEN: My concern's really the manufacturing uses that could go here in  
11 such a broad category we're being asked to rezone it to. And that's really no reflection  
12 on the folks who are in front of us today.

13 CHAIRMAN PALMER: That's some of the same thoughts I was having. If the  
14 landowner would – may not want to do that is to come in and subdivide the property or  
15 whatever I don't know how I would vote but I know that leases are bought out every day  
16 and if someone else came along and wanted to use the front portion of this property and  
17 these people with the rock quarry weren't using it I would image that they would be able  
18 to buy the lease out and sell that front portion or lease that front portion to someone  
19 else. I understand all the conditions are ripe for a rock quarry here. It's along the  
20 railroad, rock's there, been operating for years but to rezone the whole tract to HI and  
21 this is something that we talk about all the time is that when we look at these things you  
22 can't really look at the use. You have to look at the zoning and is heavy industrial the  
23 right zoning for this 1,300 acre tract, you know, irrespective of what the use is. And

1 would I want to see 1,300 or 1,400 acres of heavy industrial use next to these  
2 residential structures – I don't think so. I wouldn't want to see it. Smaller portions of  
3 this tract just like Gene was saying, you know, might could work but the whole tract is  
4 very difficult to swallow of what could go on and that's my thoughts as well. That's all I  
5 have. Anything else?

6 MS. LUCIUS: I would agree. It's the sheer size that concerns me and opening it  
7 up to so many uses with no guarantee of what would come in there. I have no problem  
8 with the mining itself except I would like to know more about, as a card carrying member  
9 of American Rivers I am greatly concerned about what we put on the river. Yeah. I'm  
10 more than just a druid. Yeah. I am concerned, you know, about the river and the size I  
11 think is the biggest problem I have.

12 CHAIRMAN PALMER: This may even be a very good site for a PDD. I don't  
13 know. Any other questions or comments? Do we have a motion?

14 MR. LORD: Could we, based on your comments, withdraw our application at this  
15 time?

16 CHAIRMAN PALMER: We would need to have a motion from the Planning  
17 Commission to do that.

18 MR. LORD: Y'all made very good comments and we've taken them all in and  
19 we'd like to see if what you said is possible before we have an up or down vote.

20 CHAIRMAN PALMER: What is the process if – they are able to withdraw before  
21 it goes to Council, correct?

22 MS. LINDER: The applicant is asking you to withdraw. You could vote on  
23 accepting that withdrawal.

1 CHAIRMAN PALMER: But if we did not allow the withdrawal, if we voted that  
2 down they'd still have the opportunity to withdraw before it goes to Council?

3 MS. LINDER: That is correct.

4 CHAIRMAN PALMER: But then would be a 60-day wait period which is the  
5 same thing that they'll have now?

6 MS. LINDER: That'd be correct.

7 CHAIRMAN PALMER: So one way or the other --

8 MR. MANNING: They're asking for withdrawal without [inaudible].

9 MS. LUCIUS: Would it be detrimental to - if we vote and it -- say it's negative?

10 MS. ALMEIDA: Well we need to post the agenda tomorrow. Therefore, they  
11 would have to withdraw today.

12 MS. LINDER: I'm not sure what your question is.

13 MS. LUCIUS: Well I mean would the affect on them be the same whether we  
14 voted and then they withdrew before it went to Council or will our vote have a negative  
15 impact?

16 MS. LINDER: Your vote to accept a withdrawal would take it off the table today.

17 CHAIRMAN PALMER: Mr. Lord, did y'all have a meeting with the property  
18 owners prior?

19 MR. LORD: We went around. My clients went around, they drove around tried  
20 to meet with as many as possible.

21 CHAIRMAN PALMER: How many did they end up meeting with?

1 AUDIENCE MEMBER: We met with – excuse me. We met with nine on the  
2 west side of Monticello Road. We did not meet with anyone on the east side of  
3 Monticello.

4 MR. WARD: Speaking for my client I would be very happy if they withdrew it  
5 because [inaudible] go anywhere right now and I think that they would like to go back -

6 CHAIRMAN PALMER: Mr. Ward, would you take the podium. We understand  
7 what you're saying. The only reason I was even thinking that way was the fact that  
8 these people have come out and I hate to see them back out again. If we have a  
9 motion from the Commission to withdraw I certainly wouldn't oppose that.

10 MR. GREEN: I'm not opposed to voting to allow them to withdraw because from  
11 a practical standpoint they can withdraw it after we vote anyway. So I mean we're not  
12 helping or hurting anybody's position I think by not allowing a withdrawal and, you know,  
13 hopefully our conversation today has been helpful and I would, I would move that we  
14 allow the applicant to withdraw their application at this time.

15 MS. LUCIUS: Second.

16 CHAIRMAN PALMER: All those in favor for allowing Case No. 06-49 MA to be  
17 withdrawn please signify by raising your hand.

18 *[Approved: Anderson, Lucius, Furgess, Palmer, Green, Manning; Absent: Brawley,*  
19 *Van Dine, McBride]*

20 CHAIRMAN PALMER: That concludes our zoning session. New business.

21 MS. ALMEIDA: Mr. Chairman, there are no text amendments before you. They  
22 will be before you in October. The comprehensive plan, Mr. Mike Criss is here to talk  
23 about the update, but before that I was asked by Mr. Phipps to introduce our new

1 neighborhood planner, Mr. Tia Rutherford. She comes to us from private sector and  
2 has experience working with the COG and she's been with us probably two weeks now.  
3 Yeah, two weeks. She's still here.

4 CHAIRMAN PALMER: What's your experience with the COG?

5 MS. RUTHERFORD: I worked four and a half years with Central Midlands  
6 Council of Government doing water quality and managing the [inaudible] water quality  
7 management plan for the region. For the last two years I've been at Parson [inaudible]  
8 and Douglas which is a transportation engineering firm responsible for the Arthur  
9 Ravenel Bridge in Charleston and North Main Street streetscape here in Columbia. And  
10 I'm ecstatic about joining the county. I think my career's come full circle.

11 CHAIRMAN PALMER: Really?

12 MS. RUTHERFORD: Yeah. I've gone from [inaudible] government to private  
13 back to municipalities.

14 MR. MANNING: Have you been involved yet with the Southeastern Region  
15 Comprehensive Plan? [Laughter]

16 MS. RUTHERFORD: Not [inaudible] but I'm [inaudible]. Okay. Yeah, but thank  
17 you for having me.

18 CHAIRMAN PALMER: Well, welcome.

19 MR. PRICE: She'll only be here a couple weeks.

20 CHAIRMAN PALMER: Well Michael, what have you got for us?

21 MS. ALMEIDA: Does everyone like our new screen?

22 MR. GREEN: I do like the new graphics. It does make it easier.

23 MS. ALMEIDA: We're trying. We're only going to get better and better so.



1 MR. GREEN: The one thing, the only thing I would ask for is if we can and we  
2 don't have to do it in the books, we can do it on the screen is that pull back a little bit  
3 farther when we're looking at, especially some of the more rural areas, sometimes we're  
4 focused in on about a tenth of a mile radius around the subject and sometimes it's  
5 helpful to maybe have either a zoning map or an aerial that pulls back a little bit –

6 MS. ALMEIDA: Farther.

7 MR. GREEN: - a little bit farther to give us a little bit broader view of other things  
8 nearby.

9 CHAIRMAN PALMER: Yeah. If we could have seen Three Dog Road on that  
10 other one.

11 MS. ALMEIDA: I would also request, you know, these are new – I'm sorry,  
12 Michael – a new format for staff reports if there's anything, more information, less  
13 information, any critiques would be helpful.

14 MR. GREEN: I like it's brevity and its to the pointness.

15 MS. ALMEIDA: Yeah. I tend to like that too.

16 MR. GREEN: Especially the to the pointness.

17 MS. ALMEIDA: Well you know how that is. But if there's anything we would  
18 welcome those comments.

19 CHAIRMAN PALMER: I'll bring them up [inaudible].

20 MS. ALMEIDA: Oh, okay. Yes. I hear you.

21 CHAIRMAN PALMER: Preferably when the paper's here. All right, Michael.

22 MR. CRISS: And on the comprehensive plan we are actively recruiting for two  
23 comprehensive planners; had one interview so far. Of course you just met our newest

1 professional planner, Tia Rutherford. Our neighborhood planner taking over from  
2 Susan Britt who left for York County to become their planning director and has become  
3 absorbed in their planning activities. A rapidly growing area facing many of the same  
4 issues as we do here in Richland County. We're also putting together a request for  
5 qualifications to solicit consultant help on the comp plan to try to accelerate its  
6 production. The next Planning Commission work session is scheduled for Thursday,  
7 September 21<sup>st</sup>. What we have on the agenda is a continuation of the debate and  
8 discussion from the last August 10<sup>th</sup> meeting and that's the purpose of the memo in front  
9 of you.

10 CHAIRMAN PALMER: We didn't get any funding for the comp plan.

11 MR. CRISS: We didn't get additional funding.

12 MR. GREEN: And so we – the RFP that's going out, how much money is going  
13 to support the services requested in the RFP?

14 MR. CRISS: We got \$70,000 in professional services. Whether other monies  
15 from other accounts can be used as well, I don't know. But assuming that is capped at  
16 \$70,000 you have to take the transcription services off the top, any other services that  
17 might come out of that account during the year. So you might have \$50,000.

18 MR. GREEN: And our conclusion several months ago is it would take many  
19 times that amount to get the kind of assistance we feel like we need to move this  
20 process along.

21 MR. CRISS: Yeah, to your satisfaction. So the RFQ I'm putting together  
22 anticipates some kind of incremental process funded as we go.

1 MS. ALMEIDA: And I believe Staff – we met on all this and we felt it was better  
2 to take at least small steps than no step at all -

3 MR. GREEN: I agree.

4 MS. ALMEIDA: - in getting somewhere.

5 MR. MANNING: Would you be able to, in that type of proposal that's done  
6 incrementally, would you be able to piece it all together? Would you be able to get a  
7 contractor to come in and do that?

8 MR. CRISS: That's an excellent question. You need continuity either in-house  
9 Staff or a consultant who acts as an umbrella coordinator of other consultants doing  
10 demographics or housing or water/sewer mapping or whatever the task may be.  
11 Because we don't want to end up with a quilt work.

12 MR. GREEN: The half a million dollars I think was the number that was put into  
13 these small neighborhood plans; is that by grant and that money – none of that money  
14 can be shifted over?

15 MR. CRISS: That money is approximately \$580,000 a years now because it's  
16 one-half mil of the property tax collected in Richland County which turns out to generate  
17 about \$580,000 dollars a year. It is all dedicated to the neighborhood improvement  
18 program which is primarily the small scale neighborhood master plans, three of which  
19 we're working on now, seven of which are waiting. The neighborhood matching grants  
20 in the \$45-50,000 dollar a year range – these are given out \$2,500 maximum matching  
21 per project, though more than one grant can go to the same neighborhood. We're also  
22 going to be offering the neighborhood leadership training as a follow up to the annual  
23 neighborhood planning conference but that's only a few thousand dollars of expenses

1 over the year. And I could see the neighborhood improvement program also  
2 participating heavily in a multi-departmental, clean sweep code enforcement effort. But  
3 again we're not talking significant capital outlay. It's more a burden on the Staff time.

4 MR. MANNING: So basically you feel we've got about \$50,000 –

5 MR. CRISS: Fifty to play with this year.

6 MR. MANNING: - that we should use this year and if there's not change in the  
7 budget next year –

8 MS. ALMEIDA: Well I think through the –

9 MR. MANNING: - then we would be looking at this process for five years.

10 MS. ALMEIDA: Well I think through the proposal knowing exactly in dollars what  
11 it would take actually would be a good plan to go to Council with and say, look we've  
12 gone this far and this is what we need to fund everything else. Not having a concrete  
13 number becomes very nebulous.

14 MR. CRISS: Chicken and egg problem. If you have a budget then you're going  
15 to get better responses. One way to attack this is to have an RFQ for qualifications only  
16 to develop a short list of qualified vendors that could work on one or more elements of  
17 the comp plan. That's where we're going. Then you have an RFP, Request for  
18 Proposals to specifically address why I want to do the transportation element first. I've  
19 got three different consultants who are qualified and you send it just to them. But you're  
20 still constrained of course by your budget. And for now we think we're looking at  
21 \$50,000 from the current fiscal year. There are other proposals circulating. The County  
22 Council is deliberating on bus funding. That may translate into additional monies for our  
23 department to hire a transportation planning consultant. That has been mentioned by

1 some Council members as one prospect or possibility so. Can't promise that of course.  
2 The bus funding debate will continue September 12<sup>th</sup> before the Council. A public  
3 hearing and first reading here. The other item is of course the neighborhood mixed use  
4 zoning district which you debated heavily at your last work session and you have now a  
5 summary sheet from Tripp Muldrow and Carroll Ray(?) the consultants who worked with  
6 you last time summarizing what we think are your concerns and possible  
7 answers/remedies. And we will have another draft of this neighborhood mixed used  
8 zoning district in your hands hopefully in time for you to read it before that next work  
9 session. We've got two weeks. I'd love to have it in your hands a week ahead, but that  
10 depends on the consultant's schedule. That's all I have, Mr. Chair.

11 CHAIRMAN PALMER: Thank you. Development Review Team actions?

12 MS. ALMEIDA: No, sir. None today.

13 CHAIRMAN PALMER: Road name approvals?

14 MR. FURGESS: I move we approve the roads.

15 CHAIRMAN PALMER: Is there one you don't want to approve?

16 MS. LUCIUS: Clabber?

17 MR. GREEN: I'll pitch in a couple bucks if anybody knows if anybody knows a  
18 list of street name that we can send Cliff to use.

19 MS. LUCIUS: Silage? I think they meant Mourning Dove. M-O-U-R-N-I-NG.

20 MR. GREEN: Not morning. Mr. Chairman, with a great reluctance I make a  
21 motion we adopt the subdivision street names proposed.

22 MR. ANDERSON: I'll second.

1 CHAIRMAN PALMER: We have a motion and a second to approve street  
2 names. All those in favor please signify by raising your hand.

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

5 CHAIRMAN PALMER: Motion to adjourn? Motion seconded and carried.]

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*[Meeting adjourned at 4:20 p.m.]*