

RICHLAND COUNTY PLANNING COMMISSION

May 2, 2005

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5 *[Members Present: Palmer, Furgess [in at 1:40], Jackson, Green, Wyatt, Lucius,*
6 *McBride, Van Dine, Manning]*

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8 VICE-CHAIRMAN WYATT: May I have everyone's attention, please. I'd like to,
9 at this time, call the Monday, May 2, 2005, Planning Commission meeting to order.
10 We'll recognize that we do have a quorum. At this time – and I hope everyone'll bear
11 with me – I've got more papers up here than I have room - at this time I need to read
12 into the record, please. "In accordance with the Freedom of Information Act, a copy of
13 the agenda was sent to radio and television stations, newspapers, persons requesting
14 notification, and was posted on the bulletin board located in the lobby of the County
15 Administration Building." At this time I'll ask if there was any corrections, additions,
16 deletions, changes to the minutes that you received in your package.

17 MS. LUCIUS: Madam Chair, I move we approve the minutes for April.

18 MR. GREEN: Second.

19 VICE-CHAIRMAN WYATT: All those in favor signify by raising your hand.

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

22 VICE-CHAIRMAN WYATT: Okay. The one thing that we're going to do now
23 that's not actually on your agenda, the Chair, Mr. Van Dine, on April 14th his father in
24 Vermont was in a very, very bad automobile accident. Mr. Van Dine has returned to
25 Vermont to be with his family. His father is not doing well and since the accident has
26 not regained consciousness. So we, at this time, because I'm going to have to recuse
27 myself on a case, we're going to have to, under our Rules of Procedure, elect a

1 chairperson to step in on a case. But before I open the floor to that, I've given you kind
2 of the bad news. And when I talked to Howard on Friday I asked if there was anything
3 we could do for him and he said just say prayers for me. So I'm going to ask that we all
4 continue to keep the Van Dine family in their prayers. And, on a lighter side, I want to
5 congratulate Mr. Palmer on the birth, a couple of weeks ago, of his new baby daughter.
6 We congratulate you, Pat.

7 MR. PALMER: Thank you.

8 VICE-CHAIRMAN WYATT: And I'll now open the floor for nominations for acting
9 chair for case number 05-71 MA.

10 MR. GREEN: Madam Chairman, my understanding is Patrick Palmer is the next
11 ranking officer of the Commission. And I would nominate Patrick to sit in on the case
12 that you have to recuse yourself on.

13 VICE-CHAIRMAN WYATT: Okay.

14 MS. LUCIUS: You need a second.

15 MR. JACKSON: I second it.

16 VICE-CHAIRMAN WYATT: There again, I will not vote on the Chair. But all
17 those in favor of Patrick please signify by raising your right hand. That's 'left', Patrick.

18 [Laughter]

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

21 MR. PALMER: Y'all sure about that one, then?

1 VICE-CHAIRMAN WYATT: And I'm going to hand this down so you can read it
2 when we get to that case. Thank you very much for your patience on that matter. Are
3 there any agenda amendments that we need to address at this time? Staff?

4 MS. LINDER: Madam Chairman, on your amended agenda we would like to
5 request that Case 05-03 MA be removed from the agenda.

6 VICE-CHAIRMAN WYATT: I'm sorry. Which one is that?

7 MS. LINDER: It's on the amended agenda. Case 05-03, Steadfast Unmovable
8 Ministries.

9 MS. LUCIUS: It's not on –

10 VICE-CHAIRMAN WYATT: It was not on what was sent to us.

11 MS. ALMEIDA: It was a more updated -

12 MR. GREEN: We don't have an 05-03.

13 VICE-CHAIRMAN WYATT: That was never added I don't think. We got these
14 late on Friday, Amelia. So I think –

15 MS. LINDER: Alright. This is the last agenda that I received.

16 VICE-CHAIRMAN WYATT: Well, apparently there was one sent out Friday.

17 MS. LUCIUS: Do you have one dated April 29th?

18 MS. LINDER: I've got one updated May 2nd.

19 MS. LUCIUS: Oh, well yours is later than ours.

20 MS. ALMEIDA: They are all dated May 2nd.

21 MR. GREEN: I have an April 29th that was sent to me.

22 VICE-CHAIRMAN WYATT: Well, in any case, do we need – would you
23 recommend that we formally take a vote that we understand in case there is some

1 confusion that we're not hearing that case today. That it's going back to the Department
2 and will be on a later agenda?

3 MS. LINDER: Maybe you would just for the Record want to just, now, introduce
4 every case that is on the agenda so we all know which cases are going to be taken up
5 right now.

6 VICE-CHAIRMAN WYATT: Okay. Alright. Under Old Business – just go through
7 every one of them?

8 MS. LINDER: Please.

9 VICE-CHAIRMAN WYATT: Under Old Business: SD-05-206, Polo Village; SD-
10 05-193, Jacobs Creek; SD-05-97, known as BJ Glover Private Subdivision. These are
11 referrals back from County Council last Tuesday night. Case 05-39 MA. And referred
12 back from County Council, Case 05-45 MA. Subdivision Review, we're seeing
13 Woodcreek Farms – I'm sorry. Let me give you those numbers. SD-05-201,
14 Woodcreek Farms; SD-05-226, River Trails; SD-05-232, Brookhaven; SD-05-199 –

15 MR. GOSLINE: Madam Chairman, the applicant for 05-199 wishes to defer
16 consideration until the June meeting.

17 VICE-CHAIRMAN WYATT: Stonington is requesting to defer?

18 MR. GOSLINE: Yes, ma'am.

19 VICE-CHAIRMAN WYATT: Did we not defer that last month?

20 MR. GOSLINE: No.

21 VICE-CHAIRMAN WYATT: Okay.

22 MS. LINDER: Madam Chair, when you accept the agenda you'll have to – if it's
23 not administratively deferred you'll have to vote on that.

1 VICE-CHAIRMAN WYATT: Right. I'm going to go ahead and read all these and
2 then we'll come back to that. Case 05-59 MA, Case 05-60 MA, Case 05-61 MA, Case
3 05-62 MA, Case 05-63 MA, 05-64 MA, 05-65 MA, 05-66 MA, 05-67 MA, 05-68 MA, 65-
4 70 MA [sic], 05-71 MA.

5 MR. GOSLINE: Madam Chairman, the applicant for 05-71 MA has requested a
6 withdrawal.

7 VICE-CHAIRMAN WYATT: 05-71?

8 MR. GOSLINE: Yes, ma'am.

9 VICE-CHAIRMAN WYATT: Kotti, Unspecified Commercial?

10 MR. GOSLINE: Yes, ma'am.

11 VICE-CHAIRMAN WYATT: Okay.

12 MS. LUCIUS: Withdrawn?

13 MR. GOSLINE: Yes, ma'am.

14 VICE-CHAIRMAN WYATT: Okay. Alright. At this time we need to go back on
15 the case SD-05-199, Subdivision Review. They have requested deferring until next
16 month.

17 MR. GOSLINE: That's Stonington, Phase II, Madam Chairman.

18 VICE-CHAIRMAN WYATT: Stonington Phase II.

19 MR. GREEN: This is a question for Staff. This is at the applicant's request?

20 MR. GOSLINE: Yes, sir.

21 MS. LUCIUS: Need a motion.

22 VICE-CHAIRMAN WYATT: The only concern that I have with deferring this is a
23 couple of things. I don't mind deferring it, but it's my understanding that Mr. Rocky

1 Archer had a presentation on this particular case. And I would not be objectionable to
2 going ahead and hearing what he has to say so that, as a county employee, he's out
3 doing his job next month instead of back here for the second time. If there's no problem
4 with that, we can go ahead and hear that. Would that be okay – to hear from him?

5 MR. PALMER: Well, the only problem with that I would see would be that
6 somebody who is not here, today, Howard would not be privy to that information if he's
7 going to take a vote on something next month.

8 VICE-CHAIRMAN WYATT: Well that's true, too.

9 **TESTIMONY OF ROCKY ARCHER:**

10 MR. ROCKY ARCHER: If I may, I was only - Good afternoon. Rocky Archer,
11 Stormwater Manager for Richland County. The material that I had was just simply here
12 for purposes of your enlightenment or for your knowledge if you needed it. I had no
13 formal presentation to make.

14 VICE-CHAIRMAN WYATT: Rocky, is it something that's in writing that you can
15 give to Staff that they can put in our reports next month?

16 MR. ARCHER: I would think so.

17 VICE-CHAIRMAN WYATT: Okay. Well if you'd like to do that then that would be
18 fine and you won't have to make that presentation next month unless you want to come
19 spend the afternoon with us.

20 MR. ARCHER: I'll think about that one.

21 VICE-CHAIRMAN WYATT: Okay. [Laughter]

22 MR. ARCHER: Thank you.

23 VICE-CHAIRMAN WYATT: Thank you. Alright. Is there a motion?

1 MS. LUCIUS: Madam Chair, I make a motion we defer Case – what's the case
2 number?

3 VICE-CHAIRMAN WYATT: 05-199.

4 MS. LUCIUS: 05-199, Stonington Phase II, until the June Planning Commission
5 meeting.

6 MR. JACKSON: I second it.

7 VICE-CHAIRMAN WYATT: Okay. There's been a motion to defer and a proper
8 second. All those in favor signify by raising your right hand.

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

11 VICE-CHAIRMAN WYATT: Okay. Please show that that's been deferred until
12 next month. Is there anything else on the amendments that we need to take care of?

13 MR. GOSLINE: Yes, ma'am. You need to – don't they need to vote on 05-71,
14 Mr. Kotti's request for withdrawal, as well. No? Okay. Legal Counsel says no.

15 VICE-CHAIRMAN WYATT: Since that's the case I recused myself on, does it
16 matter if I go ahead and chair for a vote or do we need to have him step in, Mr. Palmer?

17 MS. LINDER: If the applicant has withdrawn, then that's – and the Staff has
18 accepted that, that would be an administrative withdrawal and it's handled. You do not
19 need to vote on it.

20 VICE-CHAIRMAN WYATT: Okay. Well he's saying we needed to vote, so. We
21 don't need to. Okay. Thank you very much. Anything else under Agenda
22 Amendments? Okay, then if not we'll go into Case SD-05-206. This was deferred from
23 the April 4th meeting. Polo Village Minor Subdivision. And I'll turn this over to Staff now.

1 **CASE SD-05-206:**

2 MR. GOSLINE: Yes, ma'am. Madam Chairman and Members, this is a request
3 for minor subdivision plans for Polo Apartments and two commercial out-parcels for
4 apartments Polo Road adjacent to the new Polo Road Elementary School. Your Staff
5 Report was provided to you before last month. Want to make sure everybody
6 understands. Apartments are permitted use in the zoning district. But the Staff
7 recommends that the minor subdivision be denied as presented for the reasons we
8 outline on pages 5 and 6 in your package. The applicant is here if you – the applicant's
9 representative is here.

10 VICE-CHAIRMAN WYATT: Who's speaking on this?

11 **TESTIMONY OF ROBERT FULLER:**

12 MR. FULLER: Madam Chairman, my name is Robert Fuller. I'm an attorney here
13 in Columbia representing the applicant, or the developer/applicant in this matter,
14 Applegate Company from Charleston. Kevin Eubanks is here who is an engineer with
15 Cox & Dinkins who is actually the record applicant on this particular application in behalf
16 of the developer of the property. This site presents to us a situation that is a real
17 dilemma for, perhaps, you and certainly, for the owner of the property who has owned it
18 for some time. This is 17 acres of property that is zoned C-3. It's on Polo Road. It is a
19 location on Polo Road that is significantly traveled. It is popular. It is busy. The uses
20 that are proposed for this property are significantly less intensive than could be possible
21 on this entire site. With the proposal of a 240 unit, nice apartment project on this
22 acreage, the density is well under what could be realized on a wholesale development
23 of the property; could be intensified considerably. The retention of two future

1 development parcels is completely within the requirements of the zoning ordinance in
2 establishing uses on the property for the present and reserving the opportunity for the
3 owner to further develop the property at a later date. We submit to you that there is
4 really not anything in the world that a landowner right there can do about Polo Road
5 other than make provisions for decel and turn-entry lanes into the property that is in
6 question, which are provided for in the site plan presented for your consideration and
7 use in conjunction with this matter. If we wait for the county or the state to do
8 something about the properties on Polo Road and the traffic impacts upon them,
9 essentially the properties are taken off the use business from now on. There's nothing
10 in the works that will address general traffic considerations on Polo Road. The school
11 location adjacent to this property and just up Polo will certainly increase property on
12 Polo Road. This project would certainly increase, to a limited extent, the property on –
13 the traffic on Polo Road. But, we have a circumstance here where everything that is
14 being proposed within this plan is proposed within the current zoning. The site plan is
15 sensitive to the topography, to the location, and everything else that goes with it. It is a
16 well-reasoned use of the property. And we submit to you that there's really not much
17 else that we can do but make a utilization proposal that complies with the requirements,
18 complies with the law, and utilizes land uses that are permitted in the zoning district in
19 which this property is and will remain. So we have – if there are technical questions to
20 address the site, Mr. Eubanks is here. He's been involved in the layout and design of
21 the property. It is located in such a way that there is a retained ability to use two front
22 sites at a later date. But the zoning on the entire tract is C-3 and compatible with both
23 the multi-family usage that is presently proposed and C-3 uses would be left available

1 on the two frontage parcels that would remain on Polo Road. Access to those parcels is
2 directly available from the South Carolina Department of Highways and Public
3 Transportation onto those sites. We are creating, by this plan, a single entry into the
4 rear portion of the property, the larger portion of it, with one access point to Polo Road.

5 VICE-CHAIRMAN WYATT: Thank you, Mr. Fuller.

6 MR. GREEN: Do we have a larger – it's awful difficult to read this 8 1/2 by 11,
7 reduced. You can't –

8 MR. FULLER: I have a –

9 MR. GREEN: I couldn't tell from this that is was an accel or decel lane or there
10 was a shared access point, so.

11 MS. LUCIUS: I couldn't tell.

12 VICE-CHAIRMAN WYATT: Mr. Eubanks, why don't you bring that – try to bring it
13 to the middle here.

14 MR. GREEN: We have a boundary survey, but we don't have the benefit of
15 having seen this.

16 VICE-CHAIRMAN WYATT: Y'all want to come down and take a look at this.

17 **TESTIMONY OF MR. EUBANKS:**

18 MR. EUBANKS: [Inaudible] they're widening. Basically, we're here on this side
19 over here. We are continuing their widening all the way across our frontage. We have
20 a decel lane coming into our entrance. And we also created a left-hand turn lane
21 [inaudible].

22 MR. GREEN: What is this?

23 MR. EUBANKS: That is a created, painted median per DOT regulations.

1 MR. GREEN: And a deceleration lane runs the entire length of [inaudible]?

2 MR. EUBANKS: Yes, sir. The deceleration lane runs all the way into our
3 entrance from – it ties –

4 MR. GREEN: [Inaudible] of your property line.

5 MR. EUBANKS: It ties in to where the school district's driveway on, closer to that
6 corner where it starts to taper out. And we're adjoined – before it tapers we're adjoined
7 to their full-length lane and it continues all the way to our entrance.

8 MR. PALMER: Your decel lane kind of starts through their acceleration lane.

9 MR. EUBANKS: Correct.

10 MR. GREEN: And this is going to be paved –

11 MR. EUBANKS: Yes, sir.

12 MR. GREEN: - as part of the development.

13 MR. EUBANKS: Yes, sir.

14 MR. GREEN: Is there an acceleration lane coming out of the –

15 MR. EUBANKS: The DOT does only two-lane road, typically does not allow full-
16 length acceleration lanes.

17 MR. GREEN: How would you access this lot?

18 MR. EUBANKS: Per DOT regulations, we would be a certain distance from our
19 main entrance and have a, basically, a 32' wide –

20 MR. GREEN: You would come back for another curb cut.

21 MR. EUBANKS: Yes, sir. Another curb cut.

22 MR. GREEN: And this property would also be another curb cut?

23 MR. EUBANKS: Yes, sir.

1 MR. GREEN: These aren't going to share a single entrance point – exit point.

2 MR. EUBANKS: That is not the plan as of this time. As of right now, nothing is in
3 concrete –

4 MR. GREEN: Okay.

5 MR. EUBANKS: - in his development on those two parcels.

6 MS. LUCIUS: Did you say there was an access over here?

7 MR. EUBANKS: Yes, ma'am. We – if –

8 MS. LUCIUS: Here?

9 MR. EUBANKS: No, ma'am. That is –

10 MS. LUCIUS: It won't tie in and come out on Alpine?

11 MR. EUBANKS: No, ma'am. That's BlueCross/BlueShield –

12 MS. LUCIUS: Yeah, I know.

13 MR. EUBANKS: - facility over there.

14 MS. LUCIUS: I was wondering. Okay. Because I know there's an existing road.
15 I thought [inaudible].

16 VICE-CHAIRMAN WYATT: Okay. Any other questions while we've got the map
17 here? Thank you very much, Mr. Eubanks.

18 MS. LUCIUS: I thought –

19 VICE-CHAIRMAN WYATT: Any other questions from the Planning Commission?

20 MR. GREEN: Anybody signed up?

21 VICE-CHAIRMAN WYATT: This is Subdivision Review so there's no sign up.
22 What has just been presented to me on the future development end of it I could not
23 support with that coming in there and having just one access point. That is an area,

1 when you end up with the curve in the road there, with it being next to the school, with it
2 being as close as it is to Alpine Road, there's already a bottleneaking problem there.
3 It's going to be even worse, by far, with the addition of the new school. I've just got
4 some great concerns, you know, about the future of that.

5 MR. PALMER: How far down does the Sesqui property run? After this tract is the
6 school district. And then the rest of it down to the ball fields, is that all Sesqui?

7 VICE-CHAIRMAN WYATT: No.

8 MR. GOSLINE: No. Sesqui is north, or behind it, Patrick.

9 MR. PALMER: So what's adjacent to the –

10 MR. GOSLINE: The school.

11 MR. PALMER: - the school? Is that another privately owned piece of property?

12 MR. GOSLINE: Uh-hum (affirmative).

13 MR. PALMER: Because the tax maps just don't show that. It doesn't.

14 MS. LUCIUS: On the other side of the school?

15 MR. GOSLINE: On page –

16 MR. PALMER: All that looks like it's part of Sesqui.

17 MR. GOSLINE: The parcel on page 8, the one next to the one in yellow is the
18 school site.

19 MR. PALMER: Correct. And then the one next to that, it looks like all that stuff is
20 Sesqui.

21 MR. GOSLINE: I'm not real sure.

22 MR. PALMER: I think it is.

1 MR. GOSLINE: My recollection is that there are a couple of more parcels, but I'm
2 not real sure.

3 MR. GREEN: Actually, I think you're correct that the piece next to it's the school
4 and the rest is Sesqui.

5 MR. PALMER: That's what I was –

6 VICE-CHAIRMAN WYATT: And Sesqui fronts to the county – the soccer field
7 complex there.

8 MR. PALMER: So it would make sense that everything between there is Sesqui.

9 VICE-CHAIRMAN WYATT: The soccer field is actually Sesqui, also.

10 MR. GOSLINE: I didn't know that.

11 MR. PALMER: Well, that would calm my concerns somewhat of –

12 MR. GOSLINE: Right.

13 MR. PALMER: - I guess what could possibly occur with the stripping of Polo
14 Road. That this looks – I know that things could certainly happen with Sesqui and it's
15 never – possibility of something happening with them selling property, but not very
16 likely; that this would be the last tract of land on that road to be developed. I don't think
17 I have a problem with at least two accesses, possibly the 3rd access point, on that road
18 simply because it's not going to be stripped out anymore, in my mind.

19 MR. GREEN: Barbara, I share your concern. I felt somewhat better in seeing the
20 deceleration lane. But if you drive Polo Road, there is no shoulder on that road. I mean
21 on one side of the road on the interstate side you have the right-of-way fence for the
22 interstate. I mean, literally, there's not 2' of shoulder on either side. Clearly,
23 apartments – without those two out-parcels – apartments could be built there. It's

1 properly zoned for it. They could proceed and build apartments there. With C-3, if they
2 wanted to use it all as one parcel, they could build whatever they, you know, a shopping
3 center if they wanted to. I'm very uncomfortable with three curb cuts in a place with no
4 turning lane. I understand they can't put an acceleration lane in even if they want to.
5 I'm just concerned here with the volume of traffic, the backup of traffic, and the
6 narrowness of those shoulders to put in three curb cuts. Because if you get something
7 on those two out-parcels, they're going to probably be high traffic users and a lot of in
8 and out. And, therefore, I don't know that I could support the subdivision of the site with
9 three access point.

10 MR. PALMER: How much frontage does this have?

11 MR. GREEN: I can't quite read – I've been by the property but I can't read the –

12 MR. GOSLINE: I'm sorry, Mr. Palmer.

13 MR. PALMER: How much frontage on Polo?

14 VICE-CHAIRMAN WYATT: Road frontage. Mr. Eubanks, do you know that off
15 the top of your head?

16 MR. GOSLINE: It's about 300 feet or so, isn't it?

17 VICE-CHAIRMAN WYATT: What is it?

18 MS. LUCIUS: I think this is-

19 MR. JACKSON: It depends on the speed limit. It's in the speed limit is 45 mph.

20 MS. LUCIUS: Well, you can kind of – here's a little –

21 VICE-CHAIRMAN WYATT: I'm thinking it's 35 right in there.

22 MR. JACKSON: 35?

23 VICE-CHAIRMAN WYATT: I think.

1 [Inaudible discussion]

2 MR. GREEN: Pat, one of the other things that concerns me –

3 MR. EUBANKS: Approximately – excuse me – approximately a 1,000' or so.

4 MR. GOSLINE: A thousand feet?

5 MR. JACKSON: That's a [inaudible].

6 MR. GREEN: One of the things that's going to happen with a curb cut on Parcel
7 C is that curb cut is going to conflict with the deceleration lane.

8 MR. PALMER: It will. But I was thinking it's long enough. And what's going to
9 happen is if they come into an apartment complex to access these commercial
10 properties since this is such a small stretch here, if those are high traffic users, that's
11 going to end up backing up out there. People trying to turn left across, people coming
12 out of the - I was thinking the possibility of two access points, one coming in to access
13 this first commercial parcel where the deceleration lane is and the main access coming
14 in to the apartments. And then one for the commercial project right after that. Because
15 what's going to end up happening is they're going to have cutting across that because
16 people coming out of the apartment complex. People coming out of the commercial
17 parcel are trying to get back on that main road, as well. That's just going to cause a
18 major bottleneck right there with that one commercial and the people coming in and out
19 of the apartment complex. And then trying to get, also, across that main street going
20 into the apartment complex – get into further commercial piece. So I was thinking
21 possibly two, one being the main entrance that'll access the first piece of commercial as
22 well as the apartment complex and the commercial piece closest to Alpine having its
23 own access point on Polo.

1 MR. JACKSON: My concern, basically, is – number one is safety. That road is a
2 two-lane ditch section. It was 45 mph. I understand it's 35, now. And if it's reduced,
3 that's a problem with a lot of these roads where when you continue to put all these
4 apartments or units or subdivisions, then the travel time is reduced. Normally in some
5 areas it would take 15 minutes to get to work. Now it's been 30 minutes, 45 minutes
6 because there's not enough road. We have a two-lane ditch section to service all these
7 units. It can't hold it. There's a curve right at the beginning. That's dangerous even if
8 you put a decel lane. It's still – I see it as – for apartments to be placed there with so
9 many units – so much vehicles per day trips, I can't support it. To me it's a safety
10 problem.

11 MR. PALMER: We're not voting on the apartments. We're voting on the
12 subdivision. He can put as many as –

13 MR. JACKSON: I understand.

14 MR. PALMER: - many apartments in there all day long without our approval.

15 MR. JACKSON: That's true. But I still have to voice my safety concern whether
16 he puts it or not.

17 MR. PALMER: It sounds like to me you're voicing a safety concern about some
18 number of apartments that are going in there, not the actual parcels of property.

19 MR. JACKSON: Doesn't matter.

20 MR. EUBANKS: I'm sorry. Could I address that safety factor?

21 VICE-CHAIRMAN WYATT: I'll let you speak again when we're finished with our
22 discussion, Mr. Eubanks.

1 MR. MANNING: I've got a question of Mr. Eubanks. Have you applied for curb
2 cuts for A and C?

3 MR. EUBANKS: No, sir. Richland County regulations, we can not – with their
4 coordination with the DOT we cannot submit anything to DOT unless we have land
5 disturbance approval from Richland County.

6 MR. MANNING: Have you had anyone discuss that with the Highway
7 Department – the [inaudible]?

8 MR. EUBANKS: Yes, sir. We do have a consultant that has coordinated and
9 consulted with DOT.

10 MR. MANNING: And the curb cuts for those would be sufficient? I mean the
11 [inaudible] distance is okay?

12 MR. EUBANKS: Yes, sir. They would meet regulation.

13 VICE-CHAIRMAN WYATT: One of the – it's funny this whole issue should come
14 up. I had a conversation with someone this morning about curb cuts. And one of the
15 things I personally feel that Richland County has got to start doing, every time we put a
16 cut on a road we're slowing the traffic down tremendously. This is part of what is
17 causing our bottlenecks in some of our roads in the northeast. And until we realize that
18 and we accept the fact we're going to have to limit curb cuts. And this is a prime
19 example of an area that would need to be limited. In coming in and creating ways that
20 you can come in and go out this way and develop, we've got to seriously start taking a
21 look at curb cuts. If you go to some of your areas – and I'll give the example of Exit 8
22 off of 400 in Atlanta, Mansell Road, there is not one curb cut on that road. Everything
23 turns off a side road and comes back in. I can fly through Atlanta with a million people

1 on the road that I can't get through on Polo Road in the afternoons. We've got to get
2 real on these curb cuts. And I cannot support this project primarily because I have this
3 fear that you're going to come in there and put in two additional curb cuts on it. Besides
4 that, I also don't support the subdivision of the property for commercial. That is pretty
5 much an area there, with BlueCross and BlueShield and the other project there, it's
6 really not a commercial node as we see the commercial nodes in, you know, in some of
7 the other areas. So, as presented, I cannot support this project.

8 MR. PALMER: The property is commercial. It's C-3.

9 VICE-CHAIRMAN WYATT: Mr. Palmer, I understand that. But they're looking at
10 subdividing it. And it's here for subdivision review, so.

11 MS. ALMEIDA: Ms. Chairman?

12 VICE-CHAIRMAN WYATT: Anything else? Oh, I'm sorry. And, Mr. Eubanks, I
13 haven't forgotten you wanted to address us again. Go ahead.

14 MS. ALMEIDA: Ms. Chairman, I would also like to respond to Mr. Manning. Even
15 though the applicant may meet the basic standard of DOT for curb cuts, they have to
16 analyze it on a case by case basis due to the parameters where the existing site is. So
17 even though they may meet the 300' requirement, they have to take into consideration
18 where the site is located and what other factors need to go into that decision. DOT has
19 worked with the County recently, past year or so, because of the various cases where
20 you, the Planning Commission, or County Council have requested that certain curb cuts
21 be eliminated and, therefore, made a ruling to not give curb cuts or take in any
22 application ahead of time before the application is approved by this Board or County
23 Council. So they're doing it to assist you all, as well.

1 VICE-CHAIRMAN WYATT: Thank you. Go ahead [inaudible].

2 MR. GREEN: Just a question for Staff. I am assuming – it's my assumption that
3 if we were to turn down the request to subdivide the property nothing would prohibit the
4 owner of the property from coming in tomorrow and pulling a building permit to develop
5 the site for apartments.

6 MS. ALMEIDA: That is correct.

7 MR. GREEN: Thank you.

8 VICE-CHAIRMAN WYATT: Please, Mr. Eubanks, go ahead.

9 MR. EUBANKS: I just wanted to say that we have looked at the safety factors of
10 these driveways with the site distance and everything. And we have looked at the curve
11 that Mr. Jackson has mentioned. And we would meet the site distance requirements.

12 VICE-CHAIRMAN WYATT: Thank you.

13 MR. MANNING: Mr. Eubanks, as far as the A and C parcels, do you have any
14 intention of putting a particular commercial building in there?

15 MR. EUBANKS: Sir, at this time my client, he's thinking probably one of the out-
16 parcels would be daycare and the other one he's – nothing's real concrete right now.
17 He's looking at maybe either office or retail. But nothing is concrete.

18 VICE-CHAIRMAN WYATT: Any other questions from Members of Council?
19 Excuse me! Members of Planning Commission. I'm thinking ahead to something
20 coming up.

21 MR. GREEN: Does that mean we've been demoted?

22 VICE-CHAIRMAN WYATT: Shall we take a vote?

1 MS. LUCIUS: I have to say too that the three curb cuts are my big concern, too,
2 because of the reasons that you stated.

3 VICE-CHAIRMAN WYATT: Do I hear any motions?

4 MR. PALMER: I just have one question. If we were to approve this as three
5 parcels of property, he's not automatically granted those curb cuts to Parcel A and C.

6 MR. GOSLINE: No, sir.

7 MR. PALMER: He'd still be required to access those two parcels through internal
8 roads. And that's not something that needs to be handled as of this stage. As of this
9 stage right now we're taking a look at whether or not this piece of property should be
10 broken up into three separate parcels. And the curb cuts are addressed at a later time.

11 VICE-CHAIRMAN WYATT: It wouldn't come back to us at a later time, Mr.
12 Palmer.

13 MR. GOSLINE: Well, this is, Mr. Palmer, this is a minor subdivision and minor
14 subdivisions we address the curb cuts at the subdivision stage because it's a one step
15 subdivision process. If y'all are of a mind to grant the three parcel configuration, the
16 Department would strongly recommend one access point. The point you were making
17 about having some conflicting movements may be true, but at least the conflicting
18 movements would be off of Polo Road.

19 MR. GREEN: Madam Chair.

20 VICE-CHAIRMAN WYATT: Do I hear any motions, please?

21 MR. GREEN: Madam Chair, in looking at the site plan, it doesn't look like the
22 current building configuration/parking lot configuration from what we saw really is set up

1 to offer the alternative of internal circulation at a later point. And, therefore, I would
2 make a motion that we would deny the subdivision request.

3 MR. JACKSON: I second it.

4 MR. GOSLINE: Who seconded it? I'm sorry.

5 VICE-CHAIRMAN WYATT: Mr. Jackson. There's a motion on the floor
6 recommending denial. It's been properly seconded. All those in favor of the motion of
7 denial please signify by raising your right hand. Opposed to the motion?

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

10 VICE-CHAIRMAN WYATT: Thank you. Okay. Case number SD-05-193, Jacobs
11 Creek Phase III.

12 **CASE SD-05-193:**

13 MR. GOSLINE: Madam Chairman and Members, this project was deferred a
14 month or so ago pending receipt of the wetlands permit from the Corps. That permit
15 has been received. Staff recommends approval subject to the conditions in the Staff
16 Report.

17 VICE-CHAIRMAN WYATT: Let me ask Staff and it may be something the
18 applicant has to answer. This has been deferred before because of the wetlands thing.

19 MR. GOSLINE: Yes, ma'am.

20 VICE-CHAIRMAN WYATT: Is it because the Corps just hasn't gotten out there or
21 have we had problem with the wetlands on this property?

1 MR. GOSLINE: They – I'm trying to remember the words – but, in effect, the
2 Corps has approved the delineation of the wetland. What they do is approve the
3 delineation lines of the wetlands and they have done that as of a week or so ago.

4 VICE-CHAIRMAN WYATT: So, I guess my next question is it would seem that
5 the Corps is slowing down on getting out and delineating those since this has been
6 deferred?

7 MR. GOSLINE: In practice, what happens is the developers hire a private
8 consultant to go delineate the wetlands. The consultant submits the material to the
9 Corps of Engineers in Charleston. And the Corps has to verify their work. That process
10 takes a long time because they're short handed just like most everybody else in
11 government.

12 VICE-CHAIRMAN WYATT: Thank you, Mr. Gosline. Is the applicant here?

13 MR. HALTIWANGER: Yes, ma'am.

14 VICE-CHAIRMAN WYATT: Oh! Okay, I'm sorry. I was looking for John. If you'd
15 like to come up here, please and state your name and address for the Record. And I
16 did omit that, while he's coming down, anybody that's going to speak today I do need
17 you, when you come to the podium, to state your name and address, please.

18 **TESTIMONY OF BRANDON HALTIWANGER:**

19 MR. HALTIWANGER: My name is Brandon Haltiwanger, Centex Homes, 3740
20 Fernandina Road, Columbia, 29210. I'm Land Development Manager for Centex and
21 this is Phase III of Jacobs Creek.

22 MR. GREEN: I had a question for Staff on one of the specific conditions of the
23 Staff recommendations for approval and that's Condition I. I'm just not used to seeing

1 this on a large piece of property that we know's going to be multiply phased. And
2 maybe I'm misreading the sentence. It says, "The applicant must present a phasing
3 plan for the whole Jacobs Creek project, prior to any building permits being issued." Am
4 I mistaken in that we require that for the first building permit – to have a phasing plan for
5 [inaudible]?

6 MR. GOSLINE: We require phasing plan for all subdivisions. And, at this point in
7 time, we've received three phases. It's up to you whether you, I guess, whether you
8 want to adopt that as a whole, you know, those words in total. But the importance of the
9 phasing plan is that's how stuff is permitted by the regulatory agencies. And we need to
10 have some sense of how things fit together. You all are, I'm sure, are interested in how
11 all the phases fit together, particularly for these larger projects. So we've been
12 requesting phasing plans for a long time now. And usually that's not a big issue.
13 Whether you want to hold up building permits or not is a - I guess your question –

14 MR. GREEN: I guess my question is I don't recall having seen that stipulation in
15 other large acreage approvals. Maybe it's been in there. And has it been in the first two
16 phases of this project or is it just showing up in the third phase?

17 MR. GOSLINE: Well, I think the different words here are "prior to any building
18 permits being issued". We've consistently asked for phasing plan and we did in phases
19 1 and 2, as well. So we haven't gotten that phasing plan yet, so we're trying to push
20 them a little bit.

21 MS. LUCIUS: Is it a requirement of the PUD to have a phasing plan?

22 VICE-CHAIRMAN WYATT: I thought it was.

23 MR. GOSLINE: Yes, I'm sure. I'm sure it is.

1 VICE-CHAIRMAN WYATT: I've always thought that that's an argument we've
2 had on a couple of these –

3 MR. GOSLINE: Right.

4 VICE-CHAIRMAN WYATT: - is we were supposed to have a phasing plan -

5 MS. LUCIUS: One in particular.

6 VICE-CHAIRMAN WYATT: - as part of the PUD. So if this condition is in here
7 are you trying to say to us we don't have that as part of this PUD?

8 MR. GOSLINE: No, ma'am. We've always –

9 VICE-CHAIRMAN WYATT: No, ma'am, what?

10 MR. GOSLINE: - whether it's a -

11 VICE-CHAIRMAN WYATT: It's a real simple question. Yes or no, Carl.

12 MR. GOSLINE: We do not currently have a phasing plan for the whole project.

13 MR. GREEN: But that is a requirement of the PUD submittal?

14 MR. GOSLINE: Yes.

15 VICE-CHAIRMAN WYATT: Then – I'm going to take a deep breath and count to
16 10. Then why are we seeing this? I would not want to hold these people up. They've
17 already been held up with the wetlands thing. But, as I clearly remember, we've had
18 this discussion about these PUDs and phasing plans.

19 MR. GOSLINE: Right.

20 VICE-CHAIRMAN WYATT: We have denied applications on PUDs here because
21 they weren't provided to us. So, you know, I go back to what I said last month. Let's be
22 consistent. You know, I mean I, personally, am going to sit right here and recommend
23 we approve this because it's unfair to these applicants. But it's also unfair to the people

1 of Richland County that when we put an ordinance out there and it says that's part of
2 the process, then we're violating our own ordinances. And that's inexcusable.

3 MR. GOSLINE: Yes, ma'am. In both Phases 1 and 2, one of the conditions of
4 approval was a phasing plan. We have not yet received it. So what we did is in this, in
5 Phase 3 we added the words "prior to any building permits" to put some heat on them to
6 get it done.

7 MR. JACKSON: Okay.

8 VICE-CHAIRMAN WYATT: Alright then, let's –

9 MR. GREEN: Just a question for the applicant. Is the phasing plan done?

10 MR. HALTIWANGER: Yes, sir, it is. My understanding was we couldn't get our
11 clearing permit without that. That was one of –

12 MR. GOSLINE: No. We're talking about a phasing plan for the entire –

13 MR. HALTIWANGER: Whole thing.

14 VICE-CHAIRMAN WYATT: Date, time [inaudible].

15 MR. HALTIWANGER: If you don't have it I don't know why you don't and it'll be
16 down here today.

17 MR. JACKSON: We don't have it – so.

18 MR. PALMER: Thank you.

19 MR. HALTIWANGER: I mean it's done. It's been done. I don't know why –

20 MR. GOSLINE: I think it worked.

21 MR. HALTIWANGER: It must have just gotten misplaced.

22 MR. GREEN: Thank you.

23 MR. PALMER: You don't have a problem with Condition I.

1 MR. HALTIWANGER: No, absolutely not.

2 MR. JACKSON: I move –

3 VICE-CHAIRMAN WYATT: I'm sorry, Mr. Jackson. Go ahead.

4 MR. JACKSON: I said I move that it should be approved.

5 VICE-CHAIRMAN WYATT: Is there a second?

6 MR. MCBRIDE: I second.

7 MR. GREEN: I assume this is subject to conditions on pages 15 and 16?

8 MR. JACKSON: Subject, yeah.

9 VICE-CHAIRMAN WYATT: Okay. There's a motion on the floor and a proper
10 second. All those in favor signify by raising your right hand. Any opposed?

11 *[Approved: Palmer, Furgess, Lucius, Jackson, Wyatt, Green, Manning, McBride;*

12 *Absent: Van Dine]*

13 VICE-CHAIRMAN WYATT: Thank you. Okay. The next thing we're going to be
14 looking at is SD- - thank you, by the way, sir.

15 MR. HALTIWANGER: Thank you.

16 VICE-CHAIRMAN WYATT: SD-05-97, B J Glover Private Driveway Subdivision,
17 page 21 of your agenda.

18 **CASE SD-05-97:**

19 MR. GOSLINE: Yes, ma'am. Madam Chairman and Members, this was
20 deferred, I think, twice trying to work out – this is the private driveway subdivision that's
21 trying to get six one-acre lots out of 5.7 acres, which is tough to do. I met with the
22 applicant about 10 days or so ago and we worked out a possible strategy part of which,
23 I think y'all were talking about, is cutting off one piece and that kind of thing. Well the

1 applicant has failed to bring anything forward to us about that. So it was still on the
2 agenda, so I don't know what y'all want to do with this. You could approve it subject to,
3 you know, working out the lots and all that or deny it or do whatever you want to do.

4 MR. GREEN: Is the applicant here?

5 MR. GOSLINE: No.

6 MR. FURGESS: Oh, I move that [inaudible].

7 VICE-CHAIRMAN WYATT: Was the applicant notified that this was going to be
8 heard?

9 MR. GOSLINE: Yes, ma'am. I personally met with the applicant and said we
10 needed to have so and so by such and such a date.

11 VICE-CHAIRMAN WYATT: Yeah, because I thought we also had requested
12 because of their being out of state that they knew we were going to hear this today.
13 Thank you, Carl.

14 MR. JACKSON: So nothing else changed then?

15 VICE-CHAIRMAN WYATT: No.

16 MR. JACKSON: Can't support it.

17 MR. FURGESS: I move for denial on it.

18 VICE-CHAIRMAN WYATT: Okay.

19 MR. MANNING: Can we defer this?

20 MR. GOSLINE: What was it?

21 VICE-CHAIRMAN WYATT: Sorry?

22 MR. MANNING: Do we have the ability to defer this?

23 MR. GREEN: Sure.

1 MS. LUCIUS: It's been deferred once.

2 VICE-CHAIRMAN WYATT: It's been deferred.

3 MR. GOSLINE: Right. And if I recall the Rules of Procedure, you can do
4 whatever you want to do right now.

5 VICE-CHAIRMAN WYATT: The only concern – and we do have a motion on the
6 floor but I'm going to - The only concern that I have in denying this, you know, goes
7 back to the applicant not being told that that was a requirement under Private Driveway
8 Subdivision. And, you know, it's easy enough to leave here and try to meet with
9 surveyors, attorneys, all these kind of people. But it's kind of hard sometimes to do that
10 in a 30-day period.

11 MR. JACKSON: I think Staff informed them.

12 MR. GOSLINE: Madam Chairman, just for the Record, I met with the applicant,
13 themselves, the daughter of Mr. Glover.

14 VICE-CHAIRMAN WYATT: After last month's meeting.

15 MR. GOSLINE: Yes, ma'am.

16 VICE-CHAIRMAN WYATT: What I'm referring to is prior to – up until they
17 showed up here last month they didn't realize the minimum requirement. Okay?

18 MR. GOSLINE: Right. That issue had never come up before so we weren't sure
19 what the requirements were. And the Legal Department determined that it had to have
20 an acre – so.

21 MR. CRISS: We suggested to the family that they consider enlarging the one
22 private road lot that's less than an acre at the expense of the existing homestead by
23 perhaps annexing the front yard, so to speak. We think there might be a design

1 compromise in here, but we have to have a proposal from the applicant. So it's really
2 your discretion. We would recommend you to defer or deny.

3 VICE-CHAIRMAN WYATT: Well, I just feel that, you know there again, under the
4 circumstances that, you know as I recall, the daughter of the applicant was here from
5 New Jersey. You know, we're trying to deal with things long distance. And I mean I
6 would – I, personally, would rather that we deferred this until next month and at least
7 give them another chance. Amelia?

8 MS. LINDER: Madam Chair and Board Members, your Planning Commission
9 rules say that if you do make a motion to approve another deferral that would be a
10 second deferral and that will be treated as a withdrawal by the applicant. So if you
11 make a motion to defer it would be a withdrawal.

12 MR. GOSLINE: For the second time.

13 MR. FURGESS: They only had two.

14 MR. GREEN: Matter of information. But if we vote to deny they're a year before
15 they could come back in.

16 MS. LINDER: No. If you recommend denial then it's just a matter of getting their
17 new subdivision plan in on their deadline. [Inaudible].

18 VICE-CHAIRMAN WYATT: Okay.

19 MR. GREEN: Right.

20 MR. GOSLINE: Right. And they would have to get it in prior to July 1st, obviously.

21 MS. LUCIUS: So if we defer today it's, in effect, a withdrawal. Same thing.

22 MS. LINDER: According to the rules, yes.

1 VICE-CHAIRMAN WYATT: Does it make a difference, Ms. Linder, that it was the
2 applicant requesting deferment last time and us this time? As I recall – and, believe me,
3 I haven't – you know, the minutes are up here somewhere. But –

4 MR. JACKSON: We recommended –

5 MS. LINDER: The applicant requested deferral, but you had voted on deferral.
6 So it's your vote.

7 VICE-CHAIRMAN WYATT: Okay.

8 MS. LINDER: Two consecutive votes constitutes a withdrawal.

9 MR. PALMER: In my mind I wouldn't vote for this because it's not legal. So, you
10 know, if we just vote to deny this if they want to come in tomorrow and give us a plan
11 that's actually legal then we can take it up next month.

12 VICE-CHAIRMAN WYATT: Right. Right. Okay. There's a motion on the floor
13 for denial.

14 MR. JACKSON: Second.

15 VICE-CHAIRMAN WYATT: And a proper second. All those in favor of
16 recommendation of denial please signify by raising your right hand.

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

19 VICE-CHAIRMAN WYATT: Alright. On your agenda you'll note that the next two
20 cases have been sent back to us from the County Council meeting last Tuesday night,
21 April 26th. I happen to have been present at that Council meeting and the information
22 that these are minor changes coming back to us now, Ms. Linder informed me that
23 they're recommending that we see these minor changes back on PUDs and PDDs that

1 are coming from Council. So, I don't know, is Staff going to make a minor report on?
2 You notice I said "minor" meaning we don't have to get into [inaudible].

3 **CASE 05-39 MA:**

4 MS. LINDER: Yes, ma'am. Madam Chair, you've got the ordinance that's been
5 amended based on what happened at the Zoning Public Hearing. It's Case 05-39. The
6 new language has double underlines and the old language that's been taken out has a
7 strike through through it. So it basically affects the PDD site development requirements
8 B, that no structure on the site shall exceed 35' in height" instead of 50'. And we're
9 limiting that to front grade elevation. And 05-39. Does everybody have that ordinance?

10 VICE-CHAIRMAN WYATT: I do not have that one. I have the next one.

11 MR. GREEN: Anybody see an extra one of these laying around?

12 [Inaudible discussion]

13 MR. ROBERT FULLER: Madam Chair.

14 VICE-CHAIRMAN WYATT: Just a minute Mr. Fuller. Okay, sir, go ahead.

15 **TESTIMONY OF ROBERT FULLER:**

16 MR. FULLER: Simply, I'm Bob Fuller. I'm the attorney for the applicant on this
17 matter that has been referred back to you from County Council. We have been in
18 discussions with Ms. Linder and with the Planning and Services Department since the
19 Council meeting and have agreed on the revised ordinance language and the
20 placement of the various things in the proposed ordinance document. There is one
21 piece of that that is subject to a consideration by one of the neighborhood organizations
22 out there that is still under some review and may need some revision. What I would like
23 to suggest is is that if we might have the Planning Commission receive this matter back

1 to consider, not this evening, but at the next Commission meeting and make sure that
2 we have all of the language that has been discussed with everybody in attendance
3 completed and reviewed so that it really will be a routine return to you. County Council
4 gave first reading approval and sent this back to you all to accede to or to consider plan
5 changes that were made, principally, in the perimeter [inaudible] of the property. And
6 those changes have all been agreed to by the developer and the neighborhoods. As it
7 is reflected in the most recent language between Ms. Linder and me, there is one error
8 in that that is at variance with what we agreed to do for the neighborhood. And I want to
9 make sure that we have a completed, agreed to solution before we go further with that.
10 Our discussions would continue with Ms. Linder and with the Department. The
11 neighborhood would be informed. We would have all of those documents provided for
12 you prior to your June meeting. And then it would go back to Council for second and
13 third reading on the revised ordinance language.

14 VICE-CHAIRMAN WYATT: Ms. Linder.

15 MS. LINDER: Madam Chairman, based on what Mr. Fuller's presenting today, I
16 think it would be prudent to defer this and allow him to work with Staff to get the correct
17 language before we send this on to Council for second reading.

18 VICE-CHAIRMAN WYATT: When is Council to have second reading on this?

19 MS. LINDER: It's been taken off their agenda. It's not appearing on their agenda
20 for tomorrow. And it would not be added to their agenda until you make your
21 recommendation on it.

22 VICE-CHAIRMAN WYATT: You understand that? That it probably won't be
23 heard?

1 MR. FULLER: Yes.

2 VICE-CHAIRMAN WYATT: Okay.

3 MR. FULLER: Part of the problem, Ms. Wyatt, is we were struggling to get it here
4 today in order that there not be a month loss in taking it back. But it's a little risky to do
5 that. We need to get it right – not overly expediting.

6 VICE-CHAIRMAN WYATT: Thank you. So recommendation from Staff is that
7 this matter be deferred until –

8 MS. LINDER: That is correct.

9 MS. ALMEIDA: That would be acceptable.

10 MS. LINDER: Deferred until next month's Planning Commission meeting.

11 VICE-CHAIRMAN WYATT: Okay. Do we need to take a vote on Staff
12 recommendations?

13 MS. LINDER: Yes, please.

14 VICE-CHAIRMAN WYATT: Okay.

15 MR. GREEN: Madam Chair, I make a motion we defer this until next Planning
16 Commission meeting.

17 MR. JACKSON: Second.

18 VICE-CHAIRMAN WYATT: Okay. It's a proper motion for deferral and a second.
19 All those in favor signify by raising your right hand, please. Thank you.

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

22 MR. FULLER: Thank you, ma'am.

1 VICE-CHAIRMAN WYATT: Thank you. Okay. Next case is another that was
2 sent back Tuesday night to us from Council and that's the Walter Taylor property at the
3 intersection of I-77 and Wilson Boulevard, case number 05-45-MA.

4 **CASE 05-45-MA:**

5 MS. LINDER: That ordinance has also been handed out to you. The new
6 additional language has double underlines under it. And I believe the new language
7 puts more restrictions on the property.

8 MS. ALMEIDA: Mrs. Chairman, I gave you a little memo that just gives you a
9 highlight of what was discussed at the County Council meeting. Just to point out a
10 couple of changes. There was an entrance that was deleted off of Marthann Road. The
11 applicant has agreed to that and has agreed to a 25' vegetative buffer established on
12 the subject property along its common property line with Marthann Road and the
13 property owners. And the applicant also agrees to provide a half-acre of land to be
14 reserved for a top lot. Public Works Department is conducting a stormwater
15 assessment of the area, including this parcel, because of some stormwater complaints
16 in the area. And the applicant agrees that, in the future development, engineering and
17 construction will provide for access of public water to Marthann Road.

18 VICE-CHAIRMAN WYATT: Then Mr. Archer, Rocky Archer from Public Works
19 Stormwater –

20 MS. ALMEIDA: Yes, ma'am.

21 VICE-CHAIRMAN WYATT: - who was here earlier to speak on another. But this,
22 actually, is almost the same impact.

23 MS. ALMEIDA: Correct.

1 VICE-CHAIRMAN WYATT: So we probably should have had him stay and
2 address this.

3 MS. ALMEIDA: Well, they have not begun the stormwater assessment so they
4 are in the process of doing that.

5 VICE-CHAIRMAN WYATT: Okay.

6 MS. ALMEIDA: And I believe Mr. Simmons is here to –

7 VICE-CHAIRMAN WYATT: Go ahead, sir.

8 **TESTIMONY OF KENNETH SIMMONS:**

9 MR. SIMMONS: Madam Chair, my name is Kenneth Simmons. I'm the
10 landscape architect, the author of the PUD. Three of the four comments here resulted
11 from a meeting with Mr. McEachern and the neighborhood association – or a
12 representative of the neighborhood association. The fourth one has to do with the one
13 half acre park. My clients fully agree with all three of them. It appears that the well
14 water in this neighborhood is very bad. Several residents have spent thousands and
15 thousands of dollars to try to filter water, so we're glad to work as a good neighbor to
16 help out and get public water to the neighborhood. The buffers are just common sense.
17 We have no problem with that. And we have agreed to allow at least 10% of the project
18 in open space, so a half acre park is certainly no problem. And the Marthann Road was
19 a result of the residents on Marthann not desiring to have an entrance there. As long as
20 we have enough entrances, four entrances which comply with the two entrances per
21 subdivision and the commercial. In other words we have no problem with any of this.
22 Hopefully you'll accept those conditions. Thank you.

1 MR. MANNING: I've got a question. Didn't we have some discussion about
2 adding or deleting the road at our last meeting?

3 MR. SIMMONS: The agreement the way I understood it was that we were going
4 to eliminate one entrance off of Wilson Boulevard if we kept the Marthann Road
5 entrance. If we had to give up the Marthann entrance road, then you would allow us to
6 put the second entrance in. And that is covered properly in the working that's in the
7 ordinance, now. I didn't see the ordinance until I got here today. But we're very
8 comfortable with the way the wording is.

9 MS. LINDER: The site plan will be amended to address the four entrances on
10 Highway 21.

11 MR. SIMMONS: Right. But one thing, one of the conditions – I'm not sure
12 whether it's written in here – we were going to try to coordinate one of the entrances
13 with the proposed development across Wilson Boulevard. Hawkins –

14 VICE-CHAIRMAN WYATT: Hawkins Creek.

15 MR. SIMMONS: Hawkins Creek. We need to get from Staff or someone a plan
16 from that so we can see where their proposed entrance is. And then Staff has asked
17 me to revise our PUD concept plan so that the locations are fairly accurate. We'll be
18 glad to do it but we need to know where their [inaudible] is.

19 MR. PALMER: Anna, I have a question for you. This project has how much open
20 space in it? What percentage? 10%?

21 MR. SIMMONS: We said a minimum of 10%.

22 MR. PALMER: Okay.

23 MS. ALMEIDA: In addition to the half acre that has now been requested.

1 MR. SIMMONS: Right. And the wetlands will only account for a maximum of half
2 of that 10%. So there will be more than 10%.

3 MR. PALMER: Right.

4 MR. SIMMONS: We won't know until we get the wetlands delineated. And,
5 Madam Chairman, just for your interest, on a normal basis, that's a six to nine month
6 process from the time you start delineating wetlands until they're surveyed, until they're
7 submitted to the Corps and approved by the Corps.

8 VICE-CHAIRMAN WYATT: Thank you, sir.

9 MR. PALMER: My other question is this. This 25' vegetative buffer, would this be
10 part of the 10%? Or be in addition to the 10%?

11 MS. ALMEIDA: No. It would be in addition to. I know that the original PUD had
12 incorporated, I believe, 10' or something around the entire perimeter. But this would be
13 in addition to. So another 15' or so.

14 MR. SIMMONS: Trying to be a good neighbor.

15 VICE-CHAIRMAN WYATT: I guess I [inaudible] a question and express a
16 concern is that they're moving entrances around. To me, that classifies a major change
17 to a PUD. And major changes to PUDs should come back to the Planning Commission
18 for approval. And we're not seeing the entrances today.

19 MS. ALMEIDA: The actual plan.

20 VICE-CHAIRMAN WYATT: Huh?

21 MS. ALMEIDA: The PUD plan. Right.

22 MS. LINDER: You're seeing three of the entrances on the plan with one
23 uncertain one but it's going to be, as much as possible, adjacent to this other

1 subdivision across the road, to my understanding. So that's three out of the four have
2 been identified.

3 MR. SIMMONS: Really, there were more entrances on here. You eliminated one
4 additional one on Wilson Boulevard. So the entrance locations are the same unless
5 we're directed by Staff to move it. We're not asking to move entrances.

6 VICE-CHAIRMAN WYATT: Thank you, sir.

7 MR. SIMMONS: Thank you.

8 MR. CRISS: Madam Chair, I think the Planning Commission had an interest in
9 that Marthann Road access for circulation and safety. Apparently the community, the
10 neighbors, are not anxious to have that entrance on Marthann.

11 VICE-CHAIRMAN WYATT: I do know that the Planning Commission spent a
12 good bit of time discussing that. And, you know, I certainly do empathize and
13 sympathize with, you know, with the neighbors on that. But at the same time, the safety
14 issue, ultimately, affects those neighbors. Anybody else have anything?

15 MR. GREEN: Madam Chair, I would make a motion that we would approve this
16 subdivision plan as revised.

17 MR. PALMER: Second.

18 VICE-CHAIRMAN WYATT: Any further discussion? Comments? Anything from
19 the Staff? Okay we've got a motion on the floor for approval on this – would we call it
20 amendment to the PUD? All those in favor of approval raise your right hand, please.

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

1 VICE-CHAIRMAN WYATT: I'd like to bring up something at this time. This will be
2 directed to the Legal Department. In the past, when Council has made a small change,
3 a slight change, actually an improvement to a PUD, it has not come back to us. You
4 know, if it's the recommendation now, that it come back, is there some way that we
5 could call it a policy change and ask or give Staff the authority on these minor policy
6 changes, almost, to the ordinance that we not have to, necessarily, see it or hear it
7 again?

8 MS. LINDER: I believe the ordinance says minor changes can be made
9 administratively, but that the changes that were being proposed from the Zoning Public
10 Hearing exceeded the minor changes. And that Staff and Legal, concurrently, both felt
11 like it'd be more prudent and best to bring it before you. But, again, it seemed like the
12 changes were exceeding more than – it was more than just minor changes.

13 MR. MANNING: As a matter of policy, could y'all tell us what is minor and major
14 here?

15 MS. ALMEIDA: Yeah. In the PUD requirements.

16 MR. MANNING: In what we're approving today. Because all of it, to us, other
17 than, to me, other than possibly the road appear to be a minor change.

18 MR. CRISS: The road change is major.

19 VICE-CHAIRMAN WYATT: And I feel the same way about the PDD. I mean that
20 was – I attended community meetings. I was at Council last week. The applicant has
21 agreed to put a brick wall up between the neighborhood. He's adding more
22 landscaping. That's minor. That's an improvement. I mean I –

1 MS. ALMEIDA: True. But when the PDDs, as approved or as approved when
2 you see them, no modification can be made. So, therefore, in a PDD any change is
3 considered a major change. And, therefore, we felt – Staff felt that you all needed to be
4 alerted to that fact that the PDD that was approved previously had significantly
5 changed. I mean there was a - we felt that you all needed to be alerted to that.

6 MR. GREEN: Will this process, then, change at all when the new Land
7 Development Code takes effect in terms of what has to come back to us?

8 MR. ALMEIDA: No. Our PDDs policies are pretty much the same. We no longer
9 will have a PUD. It'll only be a PDD. And the requirements of whether it's a major
10 change or a minor change have pretty much stayed consistent.

11 MR. MANNING: I don't want to speak for the Commission, but let's assume for a
12 minute that they decided that they felt this was a minor change or in the future there
13 were minor changes and they did not vote, what would happen if it went back to Council
14 with no action?

15 MS. LINDER: You're asking what would happen if this went back with no
16 recommendation?

17 MR. MANNING: Correct.

18 MS. LINDER: We would report it to Council that you made no recommendation
19 because you felt this was a minor change. We're just planning to make a report back to
20 Council.

21 VICE-CHAIRMAN WYATT: It just seems to me that, you know, in fairness,
22 actually to Staff, we're adding a lot of burden back to you and to the applicants by
23 having to, you know, appear back in front of us. It takes extra time for all this paperwork

1 that you handed out to us today. And, you know, it just seems like there could be some
2 type way we could create to cut some of this out. But that's my thought. Okay. We'll
3 now move into new business matters, Zoning Map Amendments. Case 05-59.

4 MS. LUCIUS: Subdivision Review.

5 VICE-CHAIRMAN WYATT: Oh! I'm so sorry. I'm trying to jump right ahead,
6 here. My apologies. Thank you very much, Ms. Lucius. We're now going – I thought
7 we'd already done subdivision. That was all deferred. Subdivision Review, please.
8 Project SD-05-201, Woodcreek Farms Village, Phase 2.

9 **PROJECT SD-05-201:**

10 MR. GOSLINE: Madam Chairman and Members, this is Phase 2 of the
11 Woodcreek Farms Village, which is a portion of the project kind of north of the
12 Towncenter. Staff recommends approval subject to the conditions.

13 MR. GREEN: Madam Chair, I would make a motion that, subject to the specific
14 conditions outlined on page 35, that we approve this subdivision request.

15 MR. JACKSON: Second.

16 VICE-CHAIRMAN WYATT: Okay. We've got a motion on the floor for approval
17 and a proper second.

18 MS. LUCIUS: I just have one question. This was deferred from last month,
19 wasn't it?

20 VICE-CHAIRMAN WYATT: Huh-uh (negative).

21 MR. GREEN: I don't think we've seen this one.

22 VICE-CHAIRMAN WYATT: We haven't seen this.

1 MS. LUCIUS: Oh, we haven't? I'm sorry. I must be confusing this with
2 something else. I beg your pardon.

3 VICE-CHAIRMAN WYATT: Okay. There's proper motion and second on the
4 floor. All those in –

5 MR. GOSLINE: Who was the second?

6 MR. JACKSON: I was.

7 VICE-CHAIRMAN WYATT: Mr. Jackson. All those in favor of the motion please
8 raise your right hand.

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

11 VICE-CHAIRMAN WYATT: Okay. No opposition. Alright. The next one, SD-05-
12 226, River Trails Minor Subdivision, Kennerly Road. It's on page 39 in your Staff
13 Report.

14 **PROJECT SD-05-226:**

15 MR. GOSLINE: Madam Chairman and members, this is a piece of – that was cut
16 off of the O'Sheal Road PUD. This piece is across O'Sheal Road from the proposed
17 River Shoals PUD. And it's a minor subdivision. Staff recommends approval subject to
18 the conditions on 42 and 43.

19 MS. LUCIUS: Madam Chair, I'd like to –

20 MR. GREEN: Does Staff have a full-sized plat that is readable?

21 MR. GOSLINE: We have – we used to, if you recall, we used to –

22 MR. GREEN: Used to have one?

1 MR. GOSLINE: No. We used to give y'all 11x17s in our reports. That just
2 significantly slows down reproduction and preparation of the document.

3 MR. GREEN: It slows down review when we can't read them, too. [Laughter] I
4 would request that, at least, somebody take a look at the copy that we get before it's put
5 in the book. I mean I can't even read the size of the lots on –

6 MR. PALMER: No, there's no point in even putting this in there.

7 MR. GREEN: Yeah.

8 MR. GOSLINE: We'll take that up. See what we can do.

9 MR. GREEN: I assume all of them meet the 33,000 square foot minimum
10 requirement?

11 MR. GOSLINE: Yes.

12 MS. LUCIUS: Looks like there's several shared driveways.

13 MR. GOSLINE: Yes.

14 MR. GREEN: Three driveways.

15 MS. LUCIUS: Three shared.

16 MR. GREEN: Three shared and one [inaudible].

17 MS. LUCIUS: Madam Chair, I'd like to make a motion that we approve this
18 subdivision subject to the specific conditions on page 43.

19 MR. MCBRIDE: Forty-two.

20 MR. GREEN: Second.

21 VICE-CHAIRMAN WYATT: Okay. I'm sorry. There's been a motion for approval
22 and a proper second. All those in favor signify by raising your right hand.

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

3 AUDIENCE MEMBER: Thank you.

4 VICE-CHAIRMAN WYATT: Thank you, sir. Okay. The next case, SD-05-232,
5 Brookhaven Phase 6, Hobart Road near railroad track.

6 MR. GOSLINE: Madam Chairman and Members –

7 VICE-CHAIRMAN WYATT: Page 47. I'm sorry, Mr. Gosline.

8 **PROJECT SD-05-232:**

9 MR. GOSLINE: I'm sorry. This is, obviously, Phase 6 of the Brookhaven
10 subdivision, which is – the Brookhaven project is the portion of the 1,000 acre Mungo
11 PUD that runs, roughly, along the railroad track between the railroad track and the
12 major wetlands that goes through this project. Staff recommends approval subject to
13 the conditions on pages 51 and 52.

14 MS. ALMEIDA: Mrs. Chairman, the e-mail from Mr. Chris Eversmann addressing
15 your concern is before you.

16 VICE-CHAIRMAN WYATT: I'm sorry. Anna, I'm going to have to ask you to
17 repeat that. Mr. Criss was talking to me.

18 MS. ALMEIDA: Oh, I was just indicating that the e-mail, copy of the e-mail, that
19 the Department received from Mr. Chris Eversmann, Public Works, in relation to where
20 the status of the Hobart Road construction, is before you.

21 VICE-CHAIRMAN WYATT: I'll just tell Planning Commission Members you recall
22 from the minutes of last month when Chris Eversmann, the Director of Public Works,
23 spoke to us on C Funding, he was asked the question about the status of Hobart Road

1 out in the northeast area. And in following up, I had called him Thursday afternoon –
2 excuse me, Wednesday afternoon. He returned my call on Thursday. And, you know,
3 told him that we'd really like that status. And he has e-mailed Michael, basically, and I'll
4 read it. Then I'll give it to you, okay? It says, "Michael, good afternoon, sir. Barbara
5 Wyatt called me to follow up on the status of the subject as was inquired last month
6 during the C Fund presentation. The agreement has been amended by which the
7 participation by the two other parties, being the Mungo Company, was contingent upon
8 future County funding. You might recall that we were unsuccessful in our attempts to
9 program residential C Funds from our Paving Program. I told her I would pass this
10 information on to you to inform the Planning Commission. If you have other questions,
11 please contact Ralph Pierson. Have an erosion-free weekend, Chris Eversmann,
12 Director of Public Works." So that's the response that we had to our - an erosion-free
13 weekend. And we had a storm, right? [Laughter]. I'm sorry.

14 MR. GOSLINE: And who says engineers don't have a sense of humor.

15 VICE-CHAIRMAN WYATT: Right. Is the applicant here? Want to come up and
16 address us, please, sir?

17 **TESTIMONY OF GREG LEHMAN:**

18 MR. LEHMAN: Good afternoon. I'm Greg Lehman, with the Mungo Company,
19 441 Western Lane, Irmo, South Carolina. And can answer any questions, hopefully,
20 that you might have [inaudible].

21 VICE-CHAIRMAN WYATT: Anybody have any questions?

22 MS. LUCIUS: I have one question. Mr. Gosline, we never received a phasing
23 plan for the Longtown PUD did we?

1 MR. GOSLINE: Yeah. We have a phasing plan. In the Longtown PUD there's
2 three separate areas of development. One is Brookhaven. We do have a phasing plan
3 for that. Y'all approved a bunch of plats around –

4 MS. LUCIUS: What I'm referring to, when we rezoned the 1,000 acres, did we
5 get a phasing plan for that?

6 MR. GOSLINE: Yes, ma'am.

7 MS. LUCIUS: We did? Okay. I didn't think we had ever gotten one.

8 MR. GOSLINE: No. Well, we haven't shown you the whole thing because
9 Brookhaven is a big project and it's got, so far, six phases you got. Is that about it?

10 AUDIENCE MEMBER: Yes, sir.

11 MR. GOSLINE: And then the plats that you all approved for about the last year,
12 in terms of Thomaston and Mason Ridge and all those, is another separate group of
13 residential projects that are on the Longtown Road side of the property. The third group
14 is – you saw a month or two ago called Heather Green. That's on the bottom end of the
15 project.

16 MS. LUCIUS: Okay. I was just – when I was looking back over when we
17 approved this in July you kept asking for a phasing plan, but we did not make that a
18 requirement of the PUD. And I just didn't think we'd ever gotten one.

19 MR. GOSLINE: This particular PUD didn't have – wasn't one of the conditions of
20 a PUD. But we always ask for it. And we always get, or eventually, phasing plans – for
21 any, whether it's a PUD or not we ask for a phasing plan for any subdivision.

22 MS. LUCIUS: You know, seeing as how we just were told, again, that Hobart
23 Road is not going to be done, and a lot of this development that we approved out here

1 was contingent upon Hobart Road being taken across, I have a problem with approving
2 even more knowing now it's not going to happen.

3 MR. GOSLINE: Well, Hobart Road is being built. Hobart Road, the extension of
4 Hobart Road, straight over from Farrow Road it does this, right? The Mungo Company
5 and Deer Creek projects are building the road from the railroad track to Longtown.

6 MS. LUCIUS: Right.

7 MR. GOSLINE: Their portion of it. Building it, landscaping it, and turning it over
8 to the county for maintenance.

9 MS. LUCIUS: Right. I understand.

10 MR. GOSLINE: The missing piece is the crossing.

11 MS. LUCIUS: So now all the traffic's going to go the other way out to Longtown.
12 I mean –

13 MR. GOSLINE: Well, it will until Long Green Parkway is opened up when
14 Clemson Road opens up. If you recall the PUD, there's a road that comes in right at
15 Lee –

16 MS. LUCIUS: Long Green completion is how far out in the future?

17 MR. GOSLINE: It's built now down to the wetland, the first wetland. And in the
18 PUD conditions, one of the conditions was that they would have it ready within 90 days
19 of opening of Clemson Road.

20 MS. LUCIUS: Right.

21 MR. GOSLINE: So you'll have a road that does this to Clemson Road, which will
22 funnel some of the traffic off of Longtown onto Clemson where it will pile up at I-77.

23 MS. LUCIUS: Thank you.

1 MR. GREEN: And it looks like the Clemson Road extension is, what, about six
2 months away from opening?

3 MR. GOSLINE: Something like that.

4 MS. LUCIUS: Okay. It's just that we've discussed Hobart Road for so many
5 years. And it just jumps out at you when you see it coming up again.

6 VICE-CHAIRMAN WYATT: And you mentioned something a second ago I want
7 some clarification on. Deerfield subdivision –

8 MR. GOSLINE: Deer Creek.

9 VICE-CHAIRMAN WYATT: I'm sorry. Deer Creek is the subdivision on
10 Longtown Road, no, excuse me. What is that road if you go down Longtown and turn
11 left? Deerfield is a couple of miles up on the left.

12 MR. GOSLINE: Deer Creek – right. The Deer Creek subdivision has frontage on
13 Long Creek [sic]. I mean Longtown Road and Long Creek Plantation or Longtown
14 West.

15 VICE-CHAIRMAN WYATT: Okay. So it's like an 'L'.

16 MR. GOSLINE: Right. It fits – the Mungo project comes like this, like this and
17 down. It kind of fits in right between Mungo and the Long Creek Plantation project.

18 VICE-CHAIRMAN WYATT: Okay. So, let me see if I'm understanding this right.
19 Mr. Lehman, you jump in if you feel you need to. The developers of Deer Creek are
20 responsible for part of the road. And then the Mungo Company is responsible for the
21 other part of the road.

22 MR. LEHMAN: That's correct.

1 VICE-CHAIRMAN WYATT: However, the agreement – the minutes from Council
2 would show that the county's portion of that promise, the funding has not been – there's
3 been no funding to do what –

4 MR. GOSLINE: I'm sorry.

5 VICE-CHAIRMAN WYATT: - what the county promised to do.

6 MR. GOSLINE: Well, I think that's – Madam Chairman, with all due respect – it's
7 a bit unfair to characterize it as a county promise. The deal or the –

8 VICE-CHAIRMAN WYATT: I was at the Council meeting when Mr. Fred Pierce
9 sat down there and made a promise, it was a promise. Go back and listen to the tapes.

10 MR. GOSLINE: Okay. Well, I didn't – sorry – I wasn't aware of that.

11 VICE-CHAIRMAN WYATT: He even referred back to when Long Creek
12 subdivision was built that the people out there had been promised. So I'm using a word
13 that is reflective of what was in Council. It's not my word, okay?

14 MR. GOSLINE: Yeah. There's absolutely no question that the Hobart Road
15 extension, or straightening out or realignment or whatever term you want to use,
16 between Farrow and Longtown is something that many people have been after for a
17 long time. And when this latest effort started a year or so ago, Mr. Pierson went to the
18 developers, worked out a conceptual deal about who is sharing, cost sharing thing,
19 public/private partnership. It went to County Council. And, as you know, the County
20 Council didn't want to fund it. And they sent it to the CTC and the CTC didn't want to
21 fund it. The county's portion was the railroad crossing. The developers are doing the
22 rest. So, in that sense, in effect, they didn't approve – the Council didn't approve the
23 draft agreement that Mr. Pierson had worked out with the developers.

1 VICE-CHAIRMAN WYATT: Well, if the county is supposed to be looking and
2 working with it, I'm not sure which line that is, CRX, or whoever owns that particular line,
3 trunk as they refer to it, who within the county is supposed to be addressing that,
4 handling that and knocking on the doors of the railroad people and -

5 MR. GOSLINE: Well, Public Works was going to do that but they didn't get the
6 funding to do it.

7 MR. JACKSON: So if there's no funding there's a problem.

8 MR. GOSLINE: Say that again.

9 MR. JACKSON: If there's no funding there is a problem.

10 MR. GOSLINE: That's correct.

11 MS. LUCIUS: Well, I just think that if we had known at the time that we were
12 looking at all this - if we had known there was not going to be any sort of access, that
13 everything was going to go to Longtown, we wouldn't have approved a lot of this. I'm
14 sorry. Go ahead.

15 MR. GOSLINE: Well, this PUD came through long before the efforts started to
16 materialize for the Hobart Road realignment.

17 MS. LUCIUS: I understand that. I'm just saying now that we know Hobart's not
18 going to happen.

19 VICE-CHAIRMAN WYATT: Well, I don't think it's Hobart that's not going to
20 happen.

21 MR. JACKSON: The railroad crossing.

22 VICE-CHAIRMAN WYATT: It's the railroad crossing that's -

1 MS. LUCIUS: You know, I guess what I'm trying to say is if we had known that all
2 the – that there would be no other access out of there except back to Longtown –

3 MR. LEHMAN: If I might –

4 MR. GREEN: But really the -

5 VICE-CHAIRMAN WYATT: Time out. Time out. Mr. Lehman, go ahead.

6 MR. LEHMAN: If I might interject just for a moment a few bits of information is
7 something that I might be able to share with you that may help move this along.

8 VICE-CHAIRMAN WYATT: Thank you.

9 MR. LEHMAN: One thing is our plan at this point is to complete Long Green
10 Parkway in conjunction and have it completed at the same time as the opening of the
11 Clemson Road Extension. The major part of that has been done. Just recently we
12 received our wetland permits. And that wetland crossing has been made just past Ivy
13 Square as well as we're working on the second wetland crossing that will connect to the
14 Manning property and, actually, take the road right to the Clemson Road Extension, so
15 that part has been done. And our intention is to have that road ready by this fall. I
16 believe the plan for Clemson Road is to have it ready by either the end of September or
17 the first of October. The existing railroad crossing with Hobart Road is still there. Now
18 our PUD was approved in November of 2002. I believe that's correct. And I'm not real
19 sure exactly where the impetus came from that – you know, I think everyone will agree
20 that it's a good idea that we realign Hobart Road and straighten that crossing out and
21 take it straight across. And that's what we allowed for. Now where the idea came from
22 I'm not sure – if it was generated from Council or from us or from the people that are
23 doing Deer Creek, but we have worked in cooperation with them to align those roads

1 up. We are not doing away with the existing road crossing at this point in time that is
2 there now on Hobart Road. And, as a matter of fact, the old Hobart Road will be still a
3 street. And I think it's in our Phase 4 of Brookhaven, which has already been approved.
4 Phase 3 is the part that has the realignment of Hobart Road. And that runs from - I
5 believe it's Longtown West through Deer Creek all the way to our property. And, I
6 guess, our plan now is we're moving forward. We will pick up that realignment of
7 Hobart Road in our Phase 3, take it almost to the railroad right-of-way and back up an
8 existing street that we have that's already been approved in Phase 3 and back to the
9 existing Hobart Road. And we will continue to pave up to the railroad crossing. So
10 there will be, you know, an access point there, as well. We are not going to do away
11 with that access point. Now we might agree that it's not the best situation at this point in
12 time. But there will be access to Hobart Road as well as Long Green Parkway. And,
13 hopefully, we can work something out with the county to get us past this. Now one
14 other thing, it's my understanding that we have also agreed to - and I don't know the
15 exact dollar figure - but I do believe that the developer of Deer Creek, as well as the
16 Mungo Company, has agreed to put some money towards this railroad crossing, as
17 well. But I'm sure exactly what the dollar figure is and I apologize that I don't know that.
18 But I've not been involved with those conversations. So that's where we stand at this
19 point.

20 MR. GREEN: I think we all know that it would be desirable for Hobart to be fully
21 up and operational. That really, as far as internal traffic from this 1,000 acres, their
22 principal means of access is still going to be their new parkway and the new Clemson
23 extension. And that's not really going to push, at least, the traffic from this subdivision

1 onto Longtown without Hobart being further improved. You know, my recollection was
2 that the idea about Hobart was to try and get another way of exit out for people that
3 were north of this development.

4 MS. LUCIUS: Farrow.

5 MR. GREEN: Farrow Road. And, having said that, just to get a motion on the
6 floor, I would move we would approve this subdivision request.

7 MR. MCBRIDE: I'll second it.

8 VICE-CHAIRMAN WYATT: The only thing I will say to you, –

9 MR. GREEN: Excuse me.

10 VICE-CHAIRMAN WYATT: Mr. Green and, you know, I'm certainly going to
11 support the motion. But the only thing that I will say – and it's from living very close to a
12 school – the people within that subdivision will be coming back to Longtown Road
13 because the schools are going to be at that end. Correct?

14 MR. LEHMAN: There is a school planned for that intersection. [Inaudible]

15 VICE-CHAIRMAN WYATT: And that's where they're going to be coming and
16 dropping them out. And I can assure you, in the mornings they're going back to
17 Longtown Road.

18 MR. GREEN: My motion, of course, is subject to conditions spelled out on page
19 51 and 52 of Staff Report.

20 MR. JACKSON: I have a question.

21 VICE-CHAIRMAN WYATT: Go ahead, Mr. Jackson.

22 MR. JACKSON: Staff, is that railroad crossing – is that included in Central
23 Midlands long-range plan?

1 MR. GOSLINE No.

2 MR. JACKSON: [Inaudible] there is no -

3 MR. GOSLINE: That's not – that would not be in the COATS plan. That's not a
4 major enough project.

5 MR. JACKSON: Thank you.

6 VICE-CHAIRMAN WYATT: Okay. There's a motion on the floor for approval
7 subject to conditions. All those in favor signify by raising your right hand. All opposed.

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

10 VICE-CHAIRMAN WYATT: Thank you, Mr. Lehman.

11 MR. LEHMAN: Thank you very much.

12 VICE-CHAIRMAN WYATT: Let's see. The next case, SD-05-199, Stonington
13 has been deferred.

14 MR. GOSLINE: Correct.

15 VICE-CHAIRMAN WYATT: So at this point we're ready to go into New Business,
16 Zoning Map Amendments. The first case is 05-59-MA. The applicant, Otis Smith. Its
17 location is the east side of Fairfield Road near Webber. Request is to go from RS-3 to
18 C-3. This is on page 63 of your Staff Report.

19 **CASE 05-59 MA:**

20 MR. GOSLINE: Madam Chairman and Members, this is a proposal by the
21 applicant to rezone a couple of acres to C-3 to do a tire repair shop. The Staff
22 recommends denial for the reasons on pages 67 and 68.

1 VICE-CHAIRMAN WYATT: Thank you, Mr. Gosline. Is the applicant, Mr. Smith,
2 here? If you'd like to stand up here please, sir, and give your name and address for the
3 Record.

4 **TESTIMONY OF OTIS SMITH:**

5 MR. SMITH: Yes. My name is Otis Smith. I live at 115 Brick Iron Road,
6 Columbia, South Carolina. And I put in for a C-3 for a tire repair shop.

7 VICE-CHAIRMAN WYATT: Any questions?

8 MR. FURGESS: What is on this property, now? Look like trailers or –

9 MR. GOSLINE: Yes.

10 MR. JACKSON: What is this?

11 MR. FURGESS: I don't know. There're two trailers.

12 MR. GOSLINE: On page 67 one of our comments was that the trailers – that
13 these are trailers, not mobile homes, now. These are tractor-trailer trailers. And they're
14 being stored illegally.

15 MR. FURGESS: They're not supposed to be there.

16 MR. GOSLINE: No, sir.

17 MR. SMITH: They have been moved.

18 MR. FURGESS: Already moved?

19 MR. SMITH: Moved to [inaudible].

20 MS. LUCIUS: Mr. Gosline, what's the plat on page 73?

21 MR. GOSLINE: Excuse me?

22 MS. LUCIUS: What is the plat on page 73?

23 VICE-CHAIRMAN WYATT: It's of the residential area out there.

1 MS. LUCIUS: Is that what it was originally platted for? Is that –

2 VICE-CHAIRMAN WYATT: What it looks like, anyway.

3 MR. GOSLINE: I would presume so, yes. That's the –

4 VICE-CHAIRMAN WYATT: What it looks like.

5 MS. LUCIUS: That's the way it's recorded. That's the RS-3.

6 MR. GOSLINE: Many, many hundreds of years ago, yes.

7 MS. LUCIUS: Yeah, well, yeah. It's kind of old. I was just curious.

8 VICE-CHAIRMAN WYATT: They had to get this off of microfiche it's so old, Ms.
9 Lucius.

10 MS. LUCIUS: Yeah, you're right. [Laughter] So that's the way it was recorded,
11 then, at the county office for housing. Well, it's in the middle of a block. It's [inaudible].

12 MR. GOSLINE: This isn't – the area, if you'll look at page 69, the surrounding
13 area on this side of Fairfield Road is residential. The building that you see across
14 Fairfield, on the left side of the picture, is the DOT office. That's actually where they
15 issue the encroachment permits. The Staff feels like - we've had a couple other
16 requests I think, perhaps, the one right on the corner, for rezoning in this area. And we
17 just believe that, particularly, a tire shop and that sort of thing is inappropriate. You
18 know, we're trying to get some redevelopment in some of these areas. And this is not
19 particularly desirable land use.

20 MS. LUCIUS: Well, it's clearly not in a node, in a commercial node.

21 MR. FURGESS: I think the problem that you have right here, Carl, is that one
22 block is residential and the next block is commercial, like every other one going down
23 Fairfield Road. So you know you're going to have that because that's the way it was set

1 up years ago. And then, people that have their personal property in there, on one side
2 of it could be residential on the other side could be commercial.

3 MR. GOSLINE: Right.

4 MR. FURGESS: So – you’re stuck, you know, when you want to go and do some
5 business for yourself, whether the zoning is C-3 or not.

6 VICE-CHAIRMAN WYATT: But wouldn’t that be illegal uses because it’s zoned
7 RS?

8 MS. LUCIUS: It’s probably nonconforming uses.

9 VICE-CHAIRMAN WYATT: Unless they’ve been given a special exception, I’d
10 say they’re illegal uses.

11 MR. GOSLINE: The statement on page 67 is from your Rules of Procedure that,
12 when the last time we did the amendment, we added this that “where there are existing
13 violations of those portions of the County Code for which the Department,” meaning us,
14 “has enforcement responsibility on the subject site, the Planning Commission may delay
15 consideration of subject project for up to 90 days to get the violations cleared up before
16 you consider the merits of the case.” One of the issues here with rezoning for
17 commercial in residential areas is that once you start doing it then you really create a
18 snowball effect. And, you know, Monticello Road and Denny Terrace and some of
19 those are perfect examples of what happens. So that’s why the Department
20 recommended denial.

21 VICE-CHAIRMAN WYATT: Thank you, Mr. Smith. We’ve had one person to sign
22 up to speak against this, Mr. Nathaniel Calloway. Mr. Calloway, if you’ll come up and

1 state your name and address for the Record. And try to keep your comments to about
2 two minutes if you don't mind, sir.

3 **TESTIMONY OF NATHANIEL CALLOWAY:**

4 MR. CALLOWAY: My name is Mr. Nathaniel Calloway. I live at 6949 Wakefield
5 Road, 29203. The property next door to me. For years it's been a sore eye. I'm
6 getting ready to retire in a couple more years. And all that hustle and bustle of life and
7 all that tires and all that noise, I don't think I want nothing like that next to me. That's my
8 residence and the lot is next door. And I know it could be a whole lot of noise and a
9 whole of stuff. Because I can't sleep or rest during the day. If I want to come home and
10 relax it could be whole lot of, especially on a tire shop, a truck tire shop. I know you got
11 to have a lot of air compressors and stuff to do your stuff with. And how can I live the
12 rest of retirement with something like that next door to me? I do not want it next door to
13 me.

14 VICE-CHAIRMAN WYATT: Thank you very much, sir.

15 MR. CALLOWAY: I'm sorry about it, but that's just my opinion.

16 VICE-CHAIRMAN WYATT: Thank you, sir.

17 MR. WILLIAM MCCANTS: Excuse me. I missed the sign up sheet. I saw it on
18 the letter, but may I come forward, please? Thank you.

19 VICE-CHAIRMAN WYATT: State your name and address – excuse me. Hold on
20 just a minute, sir. Hold on just a minute. I believe under our Rules of Procedure I do
21 have to ask if anyone has an objection to letting this gentleman speak. Okay. Come on
22 down. Please state your name and address for the Record, sir.

1 **TESTIMONY OF WILLIAM MCCANTS:**

2 MR. MCCANTS: First of all, I apologize for not signing up. I looked for the sheet
3 but I didn't see it. Secondly, I have a hearing problem so if I'm loud it's so I'm trying to
4 hear myself. I am William McCants. I live at 7128 Fairfield Road. And I've never been
5 to one of these hearings so I may be a little out of order. My language may be a little off
6 base, so I would beg your indulgence in that. I have a problem with understanding the
7 rezoning problem that we have here. I think that you're talking about, if I'm correct,
8 changing the zoning from single-member district, or basically houses, to businesses,
9 right? There is somewhat of a problem with that. I live right next to one business that's
10 a bar and a grill. That's the C&J right on the corner of Fairfield Road and Sharp Road.
11 Just before that there is the Ebony Package Store and a store there that's owned by Mr.
12 Louie Ducket. And it gets to be kind of a hectic – I don't know what kind of business
13 we're talking about opening there, but we would take under consideration that this is,
14 basically, a neighborhood of housing development. And I'm still a little lost. I have no
15 earthly idea what Mr. Smith wants to do with his property, but I would certainly would
16 have thought that if he wanted to open up some type of business or something he would
17 have consulted the people in the neighborhood before we go to changing zonings. And,
18 as you know, that most businesses, when you open up a business, then that creates a
19 lot of traffic, shall we say. And when you live between a bar and a grill, a package shop
20 on the corner, and another thing on the corner, that also brings in a lot of traffic that kind
21 of makes you have to keep your doors locked.

22 VICE-CHAIRMAN WYATT: Mr. McCants, we thank you for coming to speak
23 today.

1 MR. MCCANTS: Thank you very much for hearing me.

2 VICE-CHAIRMAN WYATT: You're welcome, sir. I'm sorry, sir.

3 AUDIENCE MEMBER: My name is Richard M. Willis. I forgot to sign in, too. I
4 didn't know where the sign in place. I'd like to address this committee please, ma'am, if
5 you will.

6 VICE-CHAIRMAN WYATT: Name and address and please try to keep it to two
7 minutes. And while you're moving up there, sir, let me ask. The public hearing on
8 these issues that we're seeing, hearing today, when will that be? Council public
9 hearing?

10 MS. LINDER: May 24th.

11 VICE-CHAIRMAN WYATT: May 24th?

12 MS. LINDER: That's correct.

13 VICE-CHAIRMAN WYATT: Okay. I'm sorry, sir. Go ahead and state your name
14 and address for the Record, please.

15 **TESTIMONY OF RICHARD M. WILLIS:**

16 MR. WILLIS: My name is Richard M. Willis. I'm at 521 Dubard Boyle Road,
17 Columbia, South Carolina. And I'm also a transportation officer, self-independent. This
18 property what we're speaking about, we need to change that to commercial. We need a
19 business that'll service trucks because right now we have to go to Orangeburg or
20 Greenville to get our service. And that's making it tougher and tougher for us to meet
21 federal and state DOT regulations for just about everything else around here is closed
22 up. Now the same piece of property I notice the gentleman's speaking about, he
23 speaks nothing about people's dumping there that we have to clean it up. If we could

1 do something with this type property, we can eliminate all this illegal dumping there.
2 And for other indecent reasons why people's using it at night, I notice nothing was
3 spoken about that, either. But if we can get this into commercial and put some type of
4 business there, I'm quite sure all that kind of stuff can be eliminated. And as far as
5 noise, the new type, rotary type compressor do not make noise. You can stand outside
6 that building and won't even hear it. They're not like the old, piston-driven compressor.
7 They're very quiet. In fact, by the South Carolina State Vehicle Maintenance Yard is
8 right across, almost completely across the street, in front of that. And I wondered if the
9 gentleman stated that he hears those compressors running. I'm quite sure he don't.
10 And they must have at least 20 of them over there for the amount of traffic and trucks
11 they have to handle there.

12 VICE-CHAIRMAN WYATT: Thank you, sir.

13 MR. WILLIS: Thank you very much for your time. And I pray that y'all will take
14 this under consideration.

15 VICE-CHAIRMAN WYATT: Let me ask you a question, sir. You mentioned – at
16 least I believe I understood you to mention tractor-trailer truck tires.

17 MR. WILLIS: Yes, ma'am.

18 VICE-CHAIRMAN WYATT: And I'm going to ask you, sir, is it the intention - are
19 you a tractor-trailer truck driver?

20 MR. WILLIS: Yes, ma'am. I'm also an owner.

21 MR. WILLIS: And it's your intention that you would take your tractor-trailer truck
22 into this residential neighborhood to have your tires serviced instead of going to
23 Orangeburg or elsewhere. Is that what you're telling us?

1 MR. WILLIS: May I [Inaudible]. Federal and state DOT only give us five miles
2 from the interstate. This place is approximately two miles from the interstate. And it's
3 right on 321, which is a US highway. We don't have to go into no private streets or
4 residential streets to get to it. You can turn right in off the major highway, right in there.
5 There's four driveways there. And to comply with their rules and regulations, it would be
6 a safe matter because Orangeburg, when you have problems like that, it's too
7 dangerously far and Greenville is too dangerously far. And, furthermore, it's out of
8 bound. And they're not going to allow you to go that far because they only allow you
9 five miles. Now we had a place over here on Bluff Road.

10 VICE-CHAIRMAN WYATT: Mr. Willis.

11 MR. WILLIS: Yes, ma'am.

12 VICE-CHAIRMAN WYATT: Thank you. You answered my question.

13 MR. WILLIS: Thank you, ma'am.

14 VICE-CHAIRMAN WYATT: Thank you.

15 MR. WILLIS: Thank you, ma'am.

16 VICE-CHAIRMAN WYATT: Let me go back to Staff and ask under the violations
17 violations. To your knowledge, when code enforcement, Mr. Spearman, has been out
18 there were they, in fact, repairing these Mayflower tractor-trailer trucks that are in our
19 photos here?

20 MR. GOSLINE: No, ma'am. When we were out there before to take the pictures
21 for the Planning Commission meeting, there was several tractor-trailers sitting on the
22 property, which is a violation of the RS-3 zoning district.

1 VICE-CHAIRMAN WYATT: Okay. So, in other words, the violation that you saw
2 was just strictly that they were parked there?

3 MR. GOSLINE: Correct.

4 VICE-CHAIRMAN WYATT: No violation that the man was using the property
5 against what it's zoned for.

6 MR. GOSLINE: Well, there was also some filling going on, as well, which it's a
7 little hard to tell whether that's illegal or not.

8 VICE-CHAIRMAN WYATT: Okay.

9 MR. GOSLINE: Then we didn't go out and wait around at night to see the illicit
10 things. So –

11 VICE-CHAIRMAN WYATT: I'm sorry?

12 MR. GOSLINE: We didn't go out at night and wait for the applicant – or the
13 neighbors suggested there were other things going on at night. We didn't take our
14 infrareds out or anything.

15 MR. GREEN: Madam Chair, you know, if you look in this area there's plenty of
16 property on the west side of Fairfield Road that's already zoned appropriately for this.
17 To allow a lot that goes all the way through to a back street that's exclusively residential
18 I don't think's in the best interest of the area given other, you know, and they're certainly
19 other alternatives. I would make a motion that we send this forward with a
20 recommendation to County Council to deny the rezoning request.

21 VICE-CHAIRMAN WYATT: Do we have a motion? Do we have a second?

22 MR. JACKSON: I'd second it.

1 VICE-CHAIRMAN WYATT: Mr. Jackson will second. The motion is for
2 recommending denial of the C-3 zoning request. All those in favor signify by raising
3 your right hand.

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

6 MS. LUCIUS: Could I ask a question of Staff before we move on to the next one?
7 He said there was a bar and grill on the corner of Sharp and Fairfield.

8 MR. FURGESS: Yeah.

9 MR. PALMER: That was my question, too. Is that allowed?

10 MS. LUCIUS: Is that in that C-2 area?

11 MR. PALMER: That's C-1!

12 MS. LUCIUS: Or is that C-1? That's C-2, isn't it?

13 VICE-CHAIRMAN WYATT: Didn't even notice that.

14 MR. PALMER: Well, it's not C-3 whatever it is.

15 MS. LUCIUS: Huh-uh (negative).

16 MR. GREEN: Not on the C-3 piece because that's vacant if you look at the aerial.

17 MS. LUCIUS: That's why I'm wondering.

18 MR. PALMER: Yeah, I'm talking about the corner of Sharp and Fairfield.

19 VICE-CHAIRMAN WYATT: What page is that?

20 MR. GOSLINE: The southeast corner?

21 MR. GREEN: Yeah.

22 MR. GOSLINE: That's a convenience store I know for sure. I don't think that's
23 the grill.

1 MS. LUCIUS: That's not the grill?

2 MR. PALMER: C J?

3 AUDIENCE MEMBER: [Inaudible] grill.

4 MR. GOSLINE: Oh, it is?

5 MR. MCBRIDE: You probably can go there and get you a beer.

6 MR. GOSLINE: The southeast corner –

7 VICE-CHAIRMAN WYATT: Show him the colored rendering that we're looking at
8 and ask him to point out C&J's to us.

9 MR. FURGESS: C&J is up this way.

10 VICE-CHAIRMAN WYATT: Mr. Furgess, do you know?

11 MR. FURGESS: Yeah.

12 AUDIENCE MEMBER: This is the convenience store and stuff. And this is the
13 property we're talking about, the bar and grill.

14 MR. FURGESS: Hang out spot. [Laughter]

15 MR. GOSLINE: Oh, that is the bar and grill?

16 VICE-CHAIRMAN WYATT: You'll have to show me on the map.

17 MR. GOSLINE: Well, that's interesting.

18 VICE-CHAIRMAN WYATT: Show me on the map.

19 MR. GOSLINE: Yes, the bar and grill is at the southeast corner of Sharp and –

20 MR. FURGESS: That's where the [inaudible] is.

21 [Inaudible discussion]

22 MR. GREEN: Is that a planned use, a violation of the C-2 district?

1 MS. ALMEIDA: It could be grandfathered in. But Staff would also like to bring to
2 light that in the C-3, truck – any sort of truck repair or truck terminal is prohibited in a C-
3 3. So the applicant had requested a tire repair shop, but had not been, necessarily,
4 clear that it was going to be mostly trucks.

5 VICE-CHAIRMAN WYATT: Of course, we've already denied it, but just for
6 educational standpoint, tractor-trailer truck repair – I don't quite see – is that a use
7 under C-3? I wouldn't think so. Okay. So actually he's applied for the wrong zoning to
8 begin with for the purpose that's been stated on our Record.

9 MS. ALMEIDA: Correct.

10 AUDIENCE MEMBER: [Inaudible] tractor-trailers.

11 VICE-CHAIRMAN WYATT: Mr. Smith, we thank you. We are recommending
12 body to County Council. They do have the final say. And on May the 24th – that's 7:00
13 o'clock I believe, sir – your case will come up. You need to be present at that time and
14 address County Council.

15 MR. SMITH: [Inaudible]

16 VICE-CHAIRMAN WYATT: Okay. We've already taken our vote. Okay. Let's –

17 MR. GREEN: Just a question for Staff before you move on. When we put these
18 together, it would be helpful for me to see, not only the couple of blocks immediately
19 around the piece that we are rezoning, but maybe even pull back and see about a six
20 block radius. And I wonder if it would possible in future reports that we get the narrower
21 view, which is helpful, but maybe a little bit broader view so we can put it a little bit more
22 into context.

23 MR. CRISS: Perhaps another map, Mr. Green?

1 MR. GREEN: Yeah. An additional –

2 MR. CRISS: A different scale.

3 MR. GOSLINE: We could just step back a notch –

4 MR. GREEN: Right.

5 MR. GOSLINE: - for this map and show the same - yeah, that's easy enough to
6 do.

7 MR. GREEN: Okay. Thank you.

8 MR. JACKSON: Also, a quick question. Sometimes, I'm not sure of all the roads
9 in Richland County, sometimes could you give a description how to get there. You may
10 show two roads and I have to try and get a map and figure out. And I'm driving around
11 trying to find these places.

12 MS. LUCIUS: That big county -

13 VICE-CHAIRMAN WYATT: Mr. Jackson, I know you're Internet savvy. Why not
14 get on the Internet and get a map?

15 MR. JACKSON: By the time I get this –

16 MS. LUCIUS: Did you not get one of the big County Map books?

17 VICE-CHAIRMAN WYATT: Do we have any more of those downstairs?

18 MS. LUCIUS: That's really helpful. It's really helpful to look up the little small
19 roads.

20 VICE-CHAIRMAN WYATT: It's something y'all can consider. How's that? Okay.
21 Let's move on, now. The next case that we're going to hear is 05-60. This is a request
22 from Randy Mosteller for RU to C-3, Dutch Fork Road near the Lowman Home. Staff?

1 **CASE 05-60 MA:**

2 MR. GOSLINE: Madam Chairman and Members, this is a request to change 2.9
3 acres from RU to C-3. This is directly across from the Lowman Home. It's found on
4 page 81. Staff recommends approval.

5 VICE-CHAIRMAN WYATT: Okay. Thank you.

6 **TESTIMONY OF RANDY MOSTELLER:**

7 MR. MOSTELLER: I'm Randy Mosteller.

8 VICE-CHAIRMAN WYATT: Okay. Go ahead, Mr. Mosteller.

9 MR. MOSTELLER: The property is – been grandfathered. It's used for
10 commercial now. Some of the old buildings on there kind of an eye sore. Under the
11 zoning now, under the Letter of Compliance now I can only repair the buildings. And
12 they're kind of – kind of see one of them – in bad shape and an eye sore [inaudible].
13 We'd like to – I could put a new building there but I can't proceed until I get the
14 rezoning.

15 VICE-CHAIRMAN WYATT: Thank you, sir.

16 MR. MOSTELLER: Talked to the Ballentine Civic Association about what I'm
17 doing and they're for it. Everybody I talked to so far has been for it.

18 VICE-CHAIRMAN WYATT: Thank you, sir. We've had no one signed up to
19 speak against this case.

20 MS. LUCIUS: Madam Chairman, I would like to recommend that we send this
21 forward with a recommendation of approval subject to the conditions on page – oh,
22 there's not any conditions.

23 MR. PALMER: Second.

1 VICE-CHAIRMAN WYATT: Okay. We've had a motion and a proper second. All
2 those in favor of the recommendation of approval raise your right hand, please.

3 *[Approved: Palmer, Furgess, Lucius, Jackson, Wyatt, Green, Manning, McBride*

4 *Abstained: Manning; Absent: Van Dine]*

5 VICE-CHAIRMAN WYATT: Thank you.

6 MS. LUCIUS: May I ask one question of Staff? Are those cars being stored there
7 – on the aerial shot at 81?

8 MR. GOSLINE: Yes.

9 MS. LUCIUS: Well, that won't be –

10 MR. MOSTELLER: Those are jet skis.

11 MS. LUCIUS: Those are jet skis?

12 MR. GOSLINE: Oh, I'm sorry. That's right. That's a jet ski store.

13 MR. MOSTELLER: Those are jet skis.

14 MS. LUCIUS: Okay.

15 MR. MOSTELLER: There's a jet ski [inaudible] place.

16 MS. LUCIUS: Okay. Well storage – is that allowed in C-3?

17 MR. MOSTELLER: It's not storage. It's a jet ski repair [inaudible], they do repair
18 of jet skis.

19 MR. GOSLINE: The business was there and what the applicant is saying is he
20 wants to change it to commercial so he can do some renovations and stuff. Otherwise
21 he couldn't do it.

22 MS. LUCIUS: Nice photograph on page 83.

23 VICE-CHAIRMAN WYATT: Who's the guy in the photo at the bottom?

1 MR. MCBRIDE: They should have taken him out of there.

2 MR. MANNING: Just make sure you don't do truck repair.

3 VICE-CHAIRMAN WYATT: I think we're getting tired up here. We're getting silly.

4 MS. LINDER: Madam Chairman, may I just clarify whether that was a unanimous
5 vote or was there any people voting against it.

6 MR. MANNING: I did not vote. I didn't. But I've changed my vote for approval.

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

9 MS. LINDER: All right. So it is now officially an 8-0 vote in approval. Thank you.

10 VICE-CHAIRMAN WYATT: Thank you. I believe there's been a request to take a
11 seven minute break.

12 MR. JACKSON: [Inaudible]

13 VICE-CHAIRMAN WYATT: I'm sorry? So we'll take adjournment for about seven
14 minutes.

15 *[BREAK]*

16 VICE-CHAIRMAN WYATT: If I can have your attention, please. I'd like to come
17 back to order. The next case is 05-61 MA. The request is for D-1 to C-3, Broad River
18 Road and Sease Road. The applicant's David Lucas. Information from Staff can be
19 found beginning on page 85. Carl?

20 **CASE 05-61 MA:**

21 MR. GOSLINE: Madam Chairman and Members, this is a request for rezoning
22 parcel D-1 to C-3. And if you'll look at the zoning map, this is one of the few remaining,
23 not C-3 on the left side of Broad River Road, this location. About a year or two ago, we

1 did the parcel that shows on page 91, the white parcel immediately adjacent to it with
2 the mobile home on it that has since been removed. Staff recommends approval.

3 VICE-CHAIRMAN WYATT: Thank you. Mr. Sease. Sir.

4 **TESTIMONY OF DAVID LUCAS:**

5 MR. LUCAS: David Lucas, address is 1108-A Lyke's Lane, Irmo. And I have no
6 comments other than we own the property next door and we're just trying to get the
7 zoning consistent with the other properties [inaudible].

8 MR. MANNING: You own the property on the corner?

9 MR. LUCAS: We own the piece that we're asking for rezoning and the C-3's
10 adjacent to it.

11 MR. MANNING: Okay.

12 VICE-CHAIRMAN WYATT: Thank you, sir. Okay. We've had a couple of people
13 signed up to speak against this. We've got, I'm assuming, husband and wife. Does one
14 person want to speak? John and Meara Howard. Sir, if you'll state your name and
15 address for the Record, please.

16 **TESTIMONY OF JOHN HOWARD:**

17 MR. HOWARD: Good afternoon, Madam Chair, Members of the Commission.
18 I'm John Howard, 105 James Ballentine Road, Irmo, South Carolina. I'll be speaking on
19 behalf of my wife, Meara, and my mother and father, Dawn and Gary, who could not
20 stay. We are opposed to this because, not only as longtime residents of this area and
21 direct descendants of those who had originally settled the area, but as members of
22 Bethlehem Lutheran Church, which is directly across the street from this parcel. There
23 is no designation as to what this will become. And we feel that if this is zoned for

1 commercial that we could be looking at any number of things directly across from our
2 house of worship and would very much not like to walk out on Easter Sunday morning
3 to some gaudy monstrosity. So we're opposed and we wanted to express before you
4 today.

5 VICE-CHAIRMAN WYATT: Thank you, sir.

6 MR. HOWARD: Thank you for your time.

7 VICE-CHAIRMAN WYATT: I'm going to beg forgiveness. I cannot read the first
8 two names. It appears it might be Gary Howard?

9 MR. HOWARD: That's my father. They could not stay.

10 VICE-CHAIRMAN WYATT: Oh, okay. Okay. So you're echoing –

11 MR. HOWARD: Correct.

12 VICE-CHAIRMAN WYATT: Okay. Alright. Anything from Commission?

13 MR. PALMER: In accordance with Staff recommendation, I would make a motion
14 to recommend to Council approval.

15 MR. MANNING: Second.

16 VICE-CHAIRMAN WYATT: Second?

17 MS. LUCIUS: I understand the concern about being across from the church.
18 However, when I look at this from a planning standpoint, it just makes sense for that, on
19 the corner, to be rezoned commercial.

20 MR. JACKSON: I also understand the church's concern. What they're [inaudible]
21 that protect or prevent certain businesses to be close to a church or within a 1,000' of a
22 church, also. But there is some protection on what type of business can be placed on
23 that property, also.

1 VICE-CHAIRMAN WYATT: Sir, go ahead, sir.

2 MR. HOWARD: If I'm not mistaken, in Richland County that only applies to adult
3 businesses. Is that correct?

4 VICE-CHAIRMAN WYATT: No, not necessarily.

5 MR. HOWARD: No? Okay.

6 MR. JACKSON: Where alcohol is served, also.

7 MR. HOWARD: Okay. Thank you.

8 VICE-CHAIRMAN WYATT: Okay.

9 MR. PALMER: That's 300' from the entrance?

10 MR. JACKSON: 1,000 I think.

11 MR. PALMER: I think it's 300.

12 VICE-CHAIRMAN WYATT: Oh, I was thinking 300.

13 MR. GREEN: Depends on whether they're in an incorporated area or not.

14 MR. PALMER: I think in Richland County it's 300 and in the city it's [inaudible].

15 MR. JACKSON: Does Staff know? Could they find out?

16 MR. GOSLINE: It's right straight across the street.

17 VICE-CHAIRMAN WYATT: Do y'all know the answer to the question? I don't
18 know if you heard it from Mr. Jackson.

19 MR. PALMER: Serve liquor?

20 MR. JACKSON: The distance.

21 MR. GOSLINE: There's a state statute that has to do with that. I don't recall what
22 the separation is.

23 MR. JACKSON: Well, there's so much feet you have -

1 MR. GOSLINE: Yeah. There's – but the basic answer is yeah. They can't do
2 just anything. There's some other statutes and ordinances that control, you know, the
3 presence of bars and stuff like that too close to churches.

4 MR. JACKSON: Yeah, to a place of worship.

5 VICE-CHAIRMAN WYATT: Okay. We've had a motion on the floor and a proper
6 second to send this forward with a recommendation of approval. All those in favor
7 please raise your right hand. No opposition.

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

10 VICE-CHAIRMAN WYATT: Thank you. Case 05-62 MA, Karen McMillan
11 requesting to go from RS-2 to C-1, 5752 Knightner Road near Monticello, for the
12 purpose of a boarding house.

13 **CASE 05-62 MA:**

14 MR. GOSLINE: Madam Chairman and Members, this is a request to change,
15 basically, one house to operate as a boarding house. The best way to view the location
16 is on page 101 of the aerial. And then we have pictures of the existing site on 103. The
17 house at the bottom of page 103 is an existing boarding house. Staff recommends
18 approval.

19 VICE-CHAIRMAN WYATT: I'm sorry. There's already a boarding house –

20 MR. GOSLINE: Next door.

21 VICE-CHAIRMAN WYATT: Is that operating under a special exception?

22 MS. LUCIUS: It's C-1. It is C-1.

23 VICE-CHAIRMAN WYATT: Is it? Okay. Alright.

1 MS. LUCIUS: If you want to know the history on that I'll be glad to supply it.

2 MR. PALMER: I'd like to know.

3 MS. LUCIUS: In May of '01, the Planning Commission unanimously denied
4 changing that piece of property to C-1. It got to Council and they unanimously approved
5 it.

6 MR. PALMER: What's entailed in a boarding house? What's the definition of a
7 boarding house? Well I know it's 40 people, but what is there –

8 MR. GOSLINE: I'm sorry.

9 MR. PALMER: - is there a limited number of people that can be there? Or –

10 MR. GOSLINE: Yeah. DHEC will limit the number of people.

11 MS. LUCIUS: That's how it got in there.

12 MR. PALMER: But by rezoning it to C-1 it could be any C-1 use, not just a
13 boarding house.

14 MR. GOSLINE: Right.

15 MS. LUCIUS: But since that C-1's already been allowed in.

16 VICE-CHAIRMAN WYATT: Boarding houses are going to be in the new code
17 under same –

18 MR. GREEN: OI will be permitted in a – boarding house will be permitted in an OI
19 district. I just don't have my new code with me.

20 MS. ALMEIDA: That is correct.

21 MR. CRISS: I'll try to catch up to you. The current code, the current zoning
22 ordinance, defines rooming and boarding houses as any dwelling other than a hotel or
23 motel in which three or more persons who are not members of the owner's or operator's

1 family are housed or lodged in rooms used or intended to be used for living and
2 sleeping but not for cooking or eating purposes, for compensation with or without meals
3 being provided. Any dwelling in which such accommodations are offered in 10 or more
4 rooms shall be considered to be a hotel or motel. It has to do with the building
5 configuration.

6 VICE-CHAIRMAN WYATT: Does that answer your question, Mr. Palmer?

7 MR. PALMER: It does. How many rooms are in this house?

8 **TESTIMONY OF KAREN MCMILLAN:**

9 MS. MCMILLAN: You mean everything or bedrooms?

10 MR. PALMER: Bedrooms.

11 MS. MCMILLAN: Six bedrooms.

12 MR. FURGESS: But you can put two people per room.

13 MS. MCMILLAN: No, not really. I didn't –

14 MR. FURGESS: Or one person per -

15 VICE-CHAIRMAN WYATT: Whoa, whoa, whoa. Time out just a minute, please.
16 Are you Karen McMillan?

17 MS. MCMILLAN: Yes, ma'am.

18 VICE-CHAIRMAN WYATT: Ms. McMillan is the applicant. Ms. McMillan if you'll
19 state your name and address for the Record then please go ahead and start speaking.

20 MS. MCMILLAN: I'm Karen McMillan, 604 Ridgemont Circle, Columbia 29203. I
21 also own the boarding home next door. There I do have clients that are two to a room,
22 under DHEC rules they're allowed because it's approved by DHEC. Because of my
23 experience dealing with the individuals in the double rooms, when this house was –

1 .when I decided to put it there, my intent was to have people have their own personal
2 privacy because I have run into a lot of clients that need their privacy. And, you know,
3 it's not – to me it just wasn't right for them to have to share a room with somebody, a
4 total stranger. So that – I've eliminated the purpose of putting them – doubling them up.

5 VICE-CHAIRMAN WYATT: Thank you, Ms. McMillan. Also signed up to speak in
6 favor is William R. Taylor. Please state your name and address for the Record, sir.

7 **TESTIMONY OF BILL TAYLOR:**

8 MR. TAYLOR: I'm Bill Taylor, attorney for Ms. McMillan. I'll be glad to answer
9 any questions. I think she has, essentially, addressed what the situation is there. This
10 needs to be rezoned [inaudible].

11 VICE-CHAIRMAN WYATT: Thank you, sir.

12 MR. MANNING: I've got a question for Mr. Taylor. Are these rooms rented on a
13 long-term basis or do you take care of people in there? I'm confused as to what –

14 MS. MCMILLAN: No, it's not. If they decide – like normally the clients that I get
15 are those that are on a limited income. And if they choose – the way I manage it, if they
16 choose to come for the month of April and they want to compensate me the \$300 cost
17 for April, they choose to stay to April. I don't require a security deposit. I don't require a
18 lease or a contract because most of these individuals are – they're just not stable to
19 that. Some come and will stay continually. Some come and stay two or three months
20 and then they decide they want to leave. You know, there's not a thing where I require
21 a lease or anything. I don't care for them. And the boarding home – see, the thing is,
22 the boarding home and the community care home - see, the home next door is a
23 community care home. I refer to it, now, as a community care home. And over there I

1 care for those. They have 24 hour supervision in that home. The boarding home is
2 where I don't have hands-on. These are individuals that come and go, take care of
3 themselves. If they're on medication, take their own medication, manage their own
4 care.

5 MR. PALMER: Does this road dead end?

6 MR. FURGESS: It's a circle.

7 MR. GOSLINE: No, it loops.

8 MR. JACKSON: It loops. There's a mechanic shop further down the road.

9 MR. FURGESS: Yeah. It's a circle like.

10 MR. JACKSON: Mechanic's garage.

11 VICE-CHAIRMAN WYATT: Any other questions? Anyone? Thank you, Ms.
12 McMillan.

13 MS. LINDER: Madam Chairman?

14 VICE-CHAIRMAN WYATT: Yes.

15 MS. LINDER: For the Record, could we clarify from Staff whether this is RS-2 or
16 RS-3 current zoning because in the agenda package it's written both ways? On the
17 agenda itself, I think it says RS-2. But there's other evidence in the package that it's
18 RS-3.

19 MS. LUCIUS: The map shows –

20 MR. FURGESS: RS-3.

21 MR. JACKSON: It wasn't RS-3, but –

22 VICE-CHAIRMAN WYATT: Our staff report shows RS-3. The agenda shows
23 RS-2. Staff, can you -

1 MR. GOSLINE: As far as I know it's RS-3. It's just a mistake in the agenda
2 package. But we'll be sure before it goes on.

3 MR. PALMER: Anyone else signed up to speak?

4 VICE-CHAIRMAN WYATT: No.

5 MR. JACKSON: I know a part of that road is a mechanic's shop further down on
6 the same side, about four houses down.

7 MR. PALMER: Where that larger shot would help.

8 MR. JACKSON: Large, real large shot.

9 MR. MANNING: Larger map.

10 MR. JACKSON: Oh, okay. But there's a mechanic's shop further down the road.
11 I think you can see part of it. Where they store cars and have a building and everything.

12 MS. LUCIUS: They'll be required to go to the BZA to get a special exception to
13 allow the rooming house on top of the rezoning. Isn't that right?

14 MR. PRICE: Yeah, if the full process isn't finalized by July the 1st, they would be
15 required to go to the Board. If everything is finalized before July 1st, then boarding
16 houses would be a permitted use under C-1 [inaudible].

17 MR. GOSLINE: Right.

18 MS. LUCIUS: Oh, okay. I see. Okay.

19 VICE-CHAIRMAN WYATT: Thank you, Mr. Price. Anything else?

20 MR. PALMER: My personal thing is I'm a little torn. Typically, I wouldn't like to
21 see this in a neighborhood. However, there's already one next door. This is pretty
22 close to an intersection on a major road. And no one, not a single person in the
23 neighborhood has come out to say, "No, I don't want it." And if this other boarding

1 house had been run improperly, then I would imagine the people in the neighborhood
2 would use this opportunity to come out and say, "This is what's going on. We don't
3 want any more of this in our neighborhood." So I don't know. I don't know.

4 VICE-CHAIRMAN WYATT: The only thoughts I have on that, Mr. Palmer, is I
5 never rely or get concerned when someone doesn't speak. And I say that only because
6 so many times, so many times, and especially like we had Saturday with the heavy
7 rains that came through here about 12:00 o'clock, signs get torn down. Kids take them
8 away; that, oftentimes, people are not aware of it just because they don't see the
9 posting. So just someone doesn't come to speak -

10 MR. PALMER: Yeah. But I have to go under the assumption that these people
11 have had every opportunity to be notified about this property, whether it's through the
12 paper or through our published agenda or through our extra step of posting the
13 property. And nobody in the neighborhood has come out to complain about it. I have to
14 go under the assumption that they are aware of it because we will make every effort to
15 inform them that -

16 VICE-CHAIRMAN WYATT: Okay. Any - Mr. Manning?

17 MR. MANNING: Could the property, or both properties, be rezoned as a PDD
18 limiting the uses to a boarding house?

19 MR. GOSLINE: Sure.

20 [Inaudible discussion]

21 MR. GOSLINE: No, I'm sorry. If you met the minimum two acre requirement.
22 These are like quarter-acre lots.

23 MS. LUCIUS: That's right.

1 MR. MANNING: In the new code could they?

2 MS. LUCIUS: Huh-uh (negative).

3 MR. MANNING: There's no limitation on use – I mean size in the [inaudible]?

4 MR. GOSLINE: No. In the minimum two acres PDD – there is no PUDs in the
5 new code. There's a PDD and it's a minimum two acre size to zone to PDD.

6 VICE-CHAIRMAN WYATT: That was something we did not change, correct?

7 MR. GOSLINE: Right.

8 VICE-CHAIRMAN WYATT: The minimum requirement for a PDD.

9 MR. MANNING: That wouldn't be an option for them at this time.

10 MR. GOSLINE: If they could get enough people to get two acres. These are
11 quarter-acre lots. This is only a quarter acre. So they'd have to get several more
12 persons. And it's kind of unlikely that all of them would want to do boarding house or
13 whatever.

14 VICE-CHAIRMAN WYATT: I don't think we need to get in the real estate
15 business, this Planning Commission.

16 MR. PALMER: How is the – how's the parking met for this location for a C-1
17 building.

18 MR. GOSLINE: Well, defer to the applicant, but most of these people don't have
19 transportation. That's one of the advantages to this site because there's buses on
20 Monticello Road.

21 MR. PALMER: Will they not have to abide by any – is there no parking
22 requirements for a boarding house?

23 MR. GOSLINE: Good question.

1 VICE-CHAIRMAN WYATT: I would certainly think that there's still some
2 requirements for a C-1 zoning.

3 MR. GOSLINE: [Inaudible] get four cars off the street. There is – when we were
4 out there there wasn't any cars next door. Yeah, they're gonna have to supply the
5 space; that's true.

6 VICE-CHAIRMAN WYATT: Is that something they can go to BZA and request on
7 the parking?

8 MR. PALMER: Yeah, they can go get a variance.

9 VICE-CHAIRMAN WYATT: I would think so.

10 MR. CRISS: We're looking at the parking requirements under the current zoning
11 ordinance. Doesn't seem to apply specifically to rooming and boarding houses, but well
12 - ah, it was blended in with motels and hotels. "One space for each rental unit."

13 MR. GREEN: Six off-street parking spaces would be required –

14 MS. LUCIUS: Minimum?

15 MR. GREEN: - for this house?

16 WYATT: Ms. McMillan, how many do you have on the other piece of property?

17 MS. MCMILLAN: How many?

18 WYATT: Parking spots.

19 MS. MCMILLAN: Really, I don't – I mean you can go clean in the yard. If I had to
20 get, I don't know, six or eight cars in the yard I could get them in there. In this home,
21 which they're speaking about now, you can go clean around this house. You know, on
22 the side I have a van there now that I use that's parked there. I can get my vehicle I'm
23 currently driving and maybe two more in there. Depends. I put up - because these –

1 most of them don't have vehicles. Every now and then I have someone that comes in
2 and has a vehicle. I even put a sitting area with two swings where it would be used,
3 possibly, as parking. But, you know, it's not needed. Sitting area was more needed
4 than for vehicles.

5 VICE-CHAIRMAN WYATT: And at the one that you already operate as a
6 boarding home, you have now many residents?

7 MS. MCMILLAN: Eleven residents.

8 VICE-CHAIRMAN WYATT: Eleven residents. Then –

9 MR. JACKSON: That's two to a room.

10 VICE-CHAIRMAN WYATT: - if I – Michael, Anna, please pay attention to me –

11 MR. CRISS: Sorry.

12 VICE-CHAIRMAN WYATT: - because you're the one with the book open.

13 MR. CRISS: Yep.

14 VICE-CHAIRMAN WYATT: She's currently got 11 residents in the one across the
15 street. Based on what you just read over there, she's in violation, is she not?

16 MS. MCMILLAN: Under DHEC regs, I'm not in violation. The DHEC inspector,
17 they accounted for all of that. They did the measurements. That home is under DHEC.
18 And it's called a Community Care Home now. It's not under boarding home. They use
19 the same topic for two different things, here. So, you know that confuses it.

20 MR. JACKSON: It said "people per room", so.

21 MS. MCMILLAN: In the Community Care Home there are two people per room. I
22 have one room that is a single –

23 VICE-CHAIRMAN WYATT: Go by that red.

1 MR. JACKSON: I thought that –

2 VICE-CHAIRMAN WYATT: Thank you. Ms. McMillan, sit down, please, and let
3 me [inaudible].

4 MR. JACKSON: I thought that says per unit.

5 MR. CRISS: Per rental unit.

6 MR. JACKSON: Per rental unit.

7 MR. CRISS: They've got two per unit –

8 MR. JACKSON: Per unit.

9 MR. CRISS: - in the community care facility.

10 VICE-CHAIRMAN WYATT: So she'd have five and a half.

11 MR. CRISS: Six.

12 VICE-CHAIRMAN WYATT: And then you must take into consideration, I believe I
13 understood her to say it's a 24-7 care facility so you'd also have employees. And how
14 does that work – with the zoning matter over at DHEC? DHEC enforces what's going
15 on in there, but they don't set the zoning matter.

16 MR. CRISS: Right. Separate parallel enforcement. You have to meet the
17 requirements of both agencies.

18 MR. PALMER: Would 11 residents be considered a motel, then? Anything over
19 10 is a motel, is it not?

20 MR. FURGESS: Not in community care.

21 MS. ALMEIDA: Community care.

22 MR. GOSLINE: Well, we've probably got a little problem between us and our
23 regs and DHEC in this regard because DHEC, you know, under the statute – and I don't

1 remember correctly – there's separate requirements for community care facilities. And
2 they're permitted in residential areas up to some number and I really don't recall what
3 that is. But that's different from a boarding house. In a boarding house, according to
4 the code, they can have – Ms. McMillan can do what she wants to do. She's still going
5 to have to supply the parking spaces for the boarding house. I'm not sure – and we'd
6 have to do some more research on the community care facility. But that's a different
7 animal under the statute.

8 VICE-CHAIRMAN WYATT: Do we have, under our ordinances, a community
9 care definition, so to speak?

10 MR. GOSLINE: I think we do under the –

11 VICE-CHAIRMAN WYATT: Under the old or the new.

12 MR. GOSLINE: Right. I don't think we specifically set out, under the current
13 code, a community care facility. But I'm pretty sure we took care of it in the new code.

14 MR. CRISS: Yeah. I believe the current code goes all the way to a full-fledged
15 nursing home with round-the-clock care and doesn't recognize that intermediate –

16 VICE-CHAIRMAN WYATT: It does not?

17 MR. CRISS: - care environment. Whereas the new Land Development Code that
18 takes effect in July does have community care facilities.

19 VICE-CHAIRMAN WYATT: Well, what's the differences in the requirement from
20 community home care under the new code, versus boarding houses?

21 MR. CRISS: That would require some more time to research.

1 MR. PALMER: Well, anyhow, this is – and I'm going down the same track you
2 are, Ms. Wyatt, but this is the piece of property we've got to really be concerned with
3 today.

4 MR. JACKSON: That's true.

5 MR. PALMER: It's not the place next door; this tract that she wants to get
6 rezoned now.

7 VICE-CHAIRMAN WYATT: Well I'm a little bit concerned, Mr. Palmer, that under
8 the piece that she's looking at, does not have the suitable parking as required.

9 MR. JACKSON: Quick question.

10 VICE-CHAIRMAN WYATT: And if there is a difference – I think you feel I'm trying
11 to hurt the applicant and actually I'm trying to take a look at it and see –

12 MR. PALMER: No. I know. What I was –

13 VICE-CHAIRMAN WYATT: - under the new – under Community Homes, do they
14 change the number of parking requirements.

15 MR. PALMER: I think she has the parking because she can park anywhere
16 around that structure she wants to.

17 MR. JACKSON: That was the question I was going to ask. What's the square
18 footage of the house? Quick question.

19 MS. MCMILLAN: It's about 2,300 square feet.

20 MR. JACKSON: Okay. And this is almost 11,000 square foot property, so you
21 have enough space. So that should take care of it. So parking is not an issue. So I
22 guess we eliminate the parking problem.

23 MR. FURGESS: And those people are transient, anyway.

1 VICE-CHAIRMAN WYATT: How does the county – Geo, how does the county
2 look at – especially, you know, pretend I'm in front of the Zoning Board of Appeals for
3 parking purposes [inaudible] allow or look at a home and say as long as you can park
4 six cars there you're okay? Or are we looking at paved pieces of property – paved,
5 marked pieces of property? What do we look at, for –

6 MR. PRICE: If they have to go before the Board then, of course, it'll be after July
7 and they'll have to submit site plans. And if I'm correct, they would have to designate
8 on those site plans the parking areas. And I believe, it doesn't have to be paved. But
9 they would have to designate those areas. I think in this particular case, if it comes in
10 after July and they do have to go before the Board of Zoning Appeals for a special
11 exception request, they may also want to request a variance to reduce the required
12 number of parking spaces, also. So that would probably be taken care of from that
13 standpoint.

14 MR. JACKSON: But as it is now, there's no problem with the parking.

15 MR. PRICE: Well, one of the things now –

16 MR. JACKSON: I understand. I'm just saying but there's no, I mean, if they were
17 to provide parking, they would have space to provide parking. You have almost 11,000
18 square foot property. You have 2,300 square foot building. You have space to place
19 six cars. A parking space for a car is approximately [inaudible] by 20' long. So it
20 wouldn't be any problem in parking cars there.

21 MR. PRICE: Just depending on the time that this structure and this use has been
22 established. This may just be just grandfathered in. And the one next door might be,
23 also. You know, just we have to look into that. But if they're both –

1 VICE-CHAIRMAN WYATT: Not talking about the existing property.

2 MR. PRICE: Right. Well, I'm talking both. Just depending on how long they've
3 been there. If they have been grandfathered in, we wouldn't, you know, get into the
4 parking or any additional requirements and we'd just let it say as is. So, once again you
5 know, the parking would come in to a hand if everything is not finished by July 1st.

6 VICE-CHAIRMAN WYATT: Thank you, Mr. Price. Okay. Mr. Manning?

7 MR. MANNING: Carl, can you explain the C-3 zoning strip along Monticello
8 Road? Is that correct?

9 MR. GOSLINE: Yes. That's correct. This is one of the areas where the road
10 sliced off some lots. And there's a bunch of narrow pieces of property there. I'm trying
11 to remember. There's an old – and you get further south on Monticello there's like an
12 old store that's right on the sidewalk, or right on the right-of-way. So, yeah, it doesn't
13 make any sense. But, yeah.

14 MR. MANNING: Okay.

15 MR. GOSLINE: Probably what happened was there was commercial before the
16 road got widened.

17 MR. MANNING: Uh-hum (affirmative).

18 MR. GOSLINE: And this is what's left.

19 VICE-CHAIRMAN WYATT: Okay. Any other questions? Do I hear any motions?

20 MR. JACKSON: Just based on what I've seen, there's a mechanic shop just
21 down the same street. And I don't see any safety problems. I see adequate space for
22 parking space if it becomes a problem. I move that it be approved.

23 MR. FURGESS: I second.

1 VICE-CHAIRMAN WYATT: Okay. We've got a motion for approval and a proper
2 second. All those in favor of the motion for approval signify by raising your right hand.
3 All those opposed?

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

6 WYATT: Alright. Thank you, Ms. McMillan. Next case, 05-63 MA, Christina
7 Middleton requesting amendment from D-1 to RS-2, 2.2 acres, single-family, detached
8 subdivision located on Lower Richland Boulevard. Can be found on page 105 in your
9 staff reports. Staff?

10 **CASE 05-63 MA:**

11 MR. GOSLINE: Madam Chairman and Members, this is a request to change – it
12 should be 2.2 acres, I think. It's not 22, is it?

13 MR. CRISS: 2.2.

14 WYATT: I apologize. I might have said it wrong.

15 MR. GOSLINE: Yeah. Anyway, this is a request to change the property that you
16 see on – the property's on page 110 – from D-1 to RS-2 for purposes of tearing down
17 some substandard structures and rebuilding and putting in a single-family, detached
18 subdivision. Staff recommends approval.

19 WYATT: Okay. Ms. Middleton. Do you want to come up and speak to us,
20 ma'am? Please make sure you state your name and address for the Record.

21 **TESTIMONY OF CHRISTINA MIDDLETON:**

22 MS. MIDDLETON: Hi. I'm Christina Middleton, 2900 Ebony South Drive, Fort
23 Mill, South Carolina 29708.

1 VICE-CHAIRMAN WYATT: Thank you, ma'am. Anything you'd like to say to us,
2 today?

3 MR. GOSLINE: She agrees with the Staff Report. [Laughter]

4 MS. MIDDLETON: I agree with it. [Laughter]

5 VICE-CHAIRMAN WYATT: You think it's a good idea, right?

6 MS. MIDDLETON: Yes.

7 MR. JACKSON: I would think so.

8 VICE-CHAIRMAN WYATT: Okay. Thank you, Ms. Middleton. Commissioners?

9 MR. JACKSON: My first concern, especially on Lower Richland Blvd., most of
10 those lots are one acre lots within that area. Is this supplied by city water and sewer?

11 MR. GOSLINE: Water and sewer is – I'm not sure about sewer, but water,
12 certainly, is in Lower Richland Boulevard. A little bit off the top of the aerial on page 110
13 is a bunch of subdivision development and then behind it, also.

14 MR. JACKSON: There where Padgett Road and –

15 MR. GOSLINE: Right.

16 MR. JACKSON: - and all that area. I seen where –

17 MR. GOSLINE: The Department thinks this is particularly good because we're
18 getting rid of some junky housing and going to have a new subdivision, so.

19 MR. JACKSON: Yeah. But some people that's all they can afford is junky
20 housing until they can do better to fix it.

21 MR. GOSLINE: It's substandard that probably should be torn down.

22 MR. JACKSON: Yeah. But if they have no money to tear it down they have to
23 live there until they can.

1 VICE-CHAIRMAN WYATT: Some of them aren't even occupied.

2 MR. JACKSON: That may be true, but I'm just saying some people may live in
3 what seems to be junky houses but if they do not have the funding they can't help it.
4 They have to live there. So that just is one of my concerns. In an area where you have
5 a lot of mobile homes, some substandard, the lots were one acre, we're going to put –
6 what eight houses on two acres?

7 MR. GOSLINE: Yeah. They'd probably get seven or eight in on 8,000 square
8 foot lots.

9 MR. GREEN: I mean it just seems to me that with the RS-2 zoning all behind it
10 and the RS-3 zoning across the street it's consistent with zoning in the area. And just to
11 get a motion on the floor, I would make a motion that we would send this forward with a
12 recommendation for approval.

13 MS. LUCIUS: Now this property, under the new code, would revert to rural
14 wouldn't it?

15 MR. GOSLINE: Yes.

16 MS. LUCIUS: Which is what it's surrounded by on both sides.

17 MR. JACKSON: Is this the side of the road that's in the Lower Richland part or is
18 the side that's -

19 MR. GOSLINE: It's on the west side of Lower Richland Boulevard. It's just south
20 of Padgett Road.

21 MR. JACKSON: So that's considered – that's not the part where it's supposed to
22 be particularly rural character.

23 MR. GOSLINE: No. It's in – land use designation is [inaudible].

1 MR. JACKSON: I see C-3 to RS-3.

2 MS. LUCIUS: Uh-hum (affirmative).

3 MR. GOSLINE: Yeah. The line between the current line on the sub-area map
4 between developing area and "rural area," is Lower Richland Boulevard.

5 MR. PALMER: Second.

6 VICE-CHAIRMAN WYATT: Okay.

7 MS. LUCIUS: Somebody make a motion?

8 VICE-CHAIRMAN WYATT: Yeah. We had a motion from Mr. –

9 MS. LUCIUS: Oh, that's right.

10 VICE-CHAIRMAN WYATT: - Green for approval. And – I'm sorry – was that Mr.
11 Palmer that did the second? Okay. We've had a motion on the floor to send this
12 forward with recommendation of approval. All those in favor raise your right hand.
13 Opposed?

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

16 VICE-CHAIRMAN WYATT: Okay. Thank you, Ms. Middleton. Okay the next
17 case is 05-64 MA. Applicant is Carroll Investment Properties. Construct multi-family
18 development, north side of Garners Ferry at Mill Creek. The current zoning is C-3 and
19 D-1. This would be going to RG-2 [sic]. It's on page 115 of the Staff Report.

20 **CASE 05-64 MA:**

21 MR. GOSLINE: Madam Chairman, this is a request to rezone 19 acres for the
22 purpose of constructing multi-family residences. The aerial on page 121 shows the
23 location. If you're familiar with the area, this is where the Holly Funeral Home is. It's

1 one of the buildings in the foreground that this kind of goes around. There's a produce
2 stand across the street and a golf driving range and so on. Staff recommends approval
3 for the reasons stated in page 118 and 119.

4 MR. JACKSON: That's where the soccer complex – the soccer complex, also.

5 MR. GOSLINE: No, no. That's a mile further east.

6 MR. JACKSON: It's further down?

7 MR. GOSLINE: This is right next to Mill Pond. On the aerial all that blue is Mill
8 Pond and -

9 VICE-CHAIRMAN WYATT: Okay. Who's speaking for Carroll Investment
10 Properties? Please come down and state your name and address for the Record.

11 **TESTIMONY OF ROY CARROLL:**

12 MR. CARROLL: Good afternoon, Madam Chairman, Commission Members. My
13 name is Roy Carroll. I own Carroll Investment Properties. My address is 404 N.
14 Eugene Street, Greensboro, North Carolina. My company is very excited about the
15 prospects of building this multi-family community on Garners Ferry Road as described
16 by the Staff. We've been searching for a site in this community for some time. It's a
17 great community and we look forward to being a good neighbor in this community. The
18 apartment community that we hope to build I just want to go into it a little bit about the
19 type of communities that we build in North Carolina and South Carolina. These
20 buildings are typically brick veneered. It's gated access. We have a pool, tennis court,
21 clubhouse, exercise facility. And we have a full-time management staff of five people
22 who take care of these communities. I typically do not sell. I have not sold any of the
23 communities that I've built over the years. I keep them all. I have my own management

1 company, Capstone Management, that I'd be turning over the management
2 responsibilities to. And, therefore, I can tell you that we take good care of our
3 communities. If someone has a problem, call our management company, they can call
4 me, and we'll be right on it. Our communities are typically communities that I'd want my
5 own family to live in. So we look to have a community that is attractive, it's clean, and
6 it's secure. And that's why we like the gated access. I'll tell you that we also run credit
7 reports on every applicant. In addition, we run criminal reports on every applicant. And
8 I'd be glad to make myself available. We also have Jim Footer, our engineer, here for
9 questions. And also have a site plan. I apologize for [inaudible] site plan here this
10 afternoon, but be glad to bring this up. May I approach and share it with you if you
11 [inaudible]?

12 MR. MANNING: Mr. Carroll, under the request, part of the property is already
13 zoned C-3, is that correct?

14 MR. CARROLL: I believe so.

15 MR. MANNING: And do you know how much that is?

16 MR. CARROLL: As far as density?

17 MR. MANNING: As far as acreage.

18 MR. CARROLL: I think it's 19. The property that we're looking at is 19 acres.

19 MR. MANNING: Part of that is zoned C-3?

20 MR. GOSLINE: Well, the Holly Funeral Home and the vacant construction office
21 is zoned C-3. And that line actually went back into the – a little bit into the farmland.
22 But their request is to make what you see outlined RG-2, or multi-family. So there was
23 some little portion of it. But it's mostly D-1, by far.

1 VICE-CHAIRMAN WYATT: Okay. Any questions of –

2 MR. JACKSON: Sure.

3 VICE-CHAIRMAN WYATT: I'm sorry.

4 MR. JACKSON: Okay.

5 VICE-CHAIRMAN WYATT: Please go ahead, Mr. Jackson.

6 MR. JACKSON: What I'm saying that portion of Garners Ferry Road is 55 mph,
7 correct?

8 MR. GOSLINE: Yeah.

9 MR. JACKSON: Okay. Well, my concern is having an apartment complex and
10 the traffic coming in on a 55 mph road. I spoke earlier of reducing the speed limit to 45
11 mph, maybe 35 mph increasing time traveled to work. And that's a concern of mine.
12 Also, for a complex of this size with the total vehicles traveled per day, I'm concerned
13 about accel lane, decel lane, storage lane coming from Columbia to that property, also.

14 MR. GOSLINE: Right.

15 MR. JACKSON: Central Midlands in 1998 or '99, I'd requested to make it a
16 seven-lane highway. And those funds were used for Clemson Road. And, as you said
17 a few months ago repeatedly that there's no funding or no recommendation with Central
18 Midlands for any funding for the next 10 years. So I'd be concerned in putting this much
19 traffic on an already crowded road with a safety concern for accel lane and decel lane
20 and storage lane for the property. A property approved several months ago further
21 down the road – at Caughman Road or Trotter Road near that intersection – there's
22 some discussion for a storage lane.

23 MR. GOSLINE: Trotter Road.

1 MR. JACKSON: Yeah. Trotter.

2 MR. GOSLINE: Right. The two PUDs. There's two PUDs, Mr. Kinder's.

3 MR. JACKSON: Yes.

4 MR. GOSLINE: Right.

5 MR. JACKSON: There was discussion with the Department of Transportation for
6 a storage lane and decel lane for that property. I haven't heard anything mentioned or
7 discussed on this one.

8 MR. GOSLINE: Well, if they get their zoning, then in the site plan process we'd
9 address the accel/decel lane, the median cut, the storage lane and the median. And,
10 fortunately, we have a median in this portion of the road.

11 VICE-CHAIRMAN WYATT: Well, will this come back, as RG, will it come back to
12 us for subdivision review?

13 MR. GOSLINE: Not very likely because it'll be one piece and they're going to
14 lease it all, so. But they'll still have to come through us, the Department, for site plan
15 review.

16 MR. JACKSON: Well, my only concern is the other one, with Trotter Road,
17 there's a traffic light there. And the speed limit is reduced to 45 mph. Plus there's a
18 stopping condition. This right here it's 55 mph. And I just have a concern about all this
19 traffic in the morning or in the evening in and out of this subdivision.

20 MR. GOSLINE: Well, they – like I said – in the site plan process we'd certainly
21 have to address the storage lanes and the median. In this case we've got a median so
22 that they have some storage lane. As you well know, DOT extended the one at

1 Pineview and Garners Ferry about – it's now about almost a half mile long and it's still
2 isn't enough, so.

3 MR. JACKSON: And if you remember in the initial discussion I said that it would
4 have to be so long to store all those cars. And which, finally, that's what has happened.
5 But that's one of my main concern.

6 MR. GOSLINE: Right.

7 MR. JACKSON: A US route dumping all those vehicles on a 55 mph road. I
8 mean I can't wait until there's something approved and hope that the discussions
9 happen and it's built properly.

10 MR. GOSLINE: Well, this is a straight rezoning so that you can't condition the
11 approval on all that. All I can tell you –

12 MR. JACKSON: I understand. But there's a safety problem.

13 MR. GOSLINE: Right.

14 MR. JACKSON: And I can speak on that. But if –

15 VICE-CHAIRMAN WYATT: You've got one entrance. One entrance off of
16 Garners Ferry.

17 MR. CARROLL: We're surrounded by other properties. This is a cross
18 [inaudible]. I suspect that will in line [inaudible] turn lanes in and out.

19 MR. GOSLINE: Well, currently, they couldn't put any multi-family units in the D-1
20 portion of the 19 acres.

21 MR. MANNING: In the C-3 portion, how many units would they get?

22 MR. PRICE: RG-2. [Inaudible]

23 MS. LUCIUS: RG-2.

1 MR. PRICE: Sixteen units.

2 MR. GOSLINE: So, you know, 16 units per acre, perhaps. But, mostly, you won't
3 get that. More realistically you're talking about 10 or 12 units per acre by the time you
4 take parking and all that stuff out.

5 MR. MANNING: So you're looking at about 10 acres under the C-3 classification?

6 MR. PALMER: Looks like it's about half the property.

7 MR. GOSLINE: Possibly.

8 MR. MANNING: So, basically, you could do half the density without changing
9 anything.

10 MR. GOSLINE: Right.

11 MR. JACKSON: You're talking.

12 MR. GREEN: I'm sorry.

13 MR. JACKSON: No, I'm just saying you're talking 2,700, almost 3,000 vehicles,
14 right?

15 MR. GOSLINE: Right.

16 MR. JACKSON: And just from the design, with the entrance, I see a major safety
17 problem, 55 mph, someone trying to cross or shoot out across that highway, a US
18 highway, I see a major safety problem.

19 MR. GREEN: Question. Under the new Land Development Code, developments
20 of 'x' size, do they not come to Planning Commission for site plan and review? And
21 what's that minimum and how would this apply?

22 MR. CRISS: Certain 50 or more dwelling units would be considered a major -

1 MR. GREEN: So this comes back. Under the new code, this comes back to us
2 for site plan approval.

3 MR. CRISS: Not exactly. It goes to your Planning Department Development
4 Review Team. And it's reported to the Planning Commission, subsequently, unless one
5 side or another appeals the decision of the Development Review Team. Then it comes
6 before you for a vote. Does that make sense?

7 MR. GREEN: But that threshold's 50 units?

8 MR. CRISS: One hundred and fifty.

9 MR. GREEN: One hundred and fifty.

10 VICE-CHAIRMAN WYATT: On the Polo Road that we looked at a few minutes
11 ago, for some reason I'm not finding - what was the number of units in there? Do you
12 recall?

13 MR. GREEN: Two forty what I thought he had said.

14 MS. LUCIUS: How many units in the - 210? You're looking for the number of
15 units in them?

16 MR. GREEN: Yeah.

17 MS. LUCIUS: Two ten.

18 VICE-CHAIRMAN WYATT: No, I'm looking for the number of units on the Polo
19 Road -

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

21 VICE-CHAIRMAN WYATT: - project. I was just trying to compare and I don't see
22 the number.

1 MR. PALMER: I just don't understand the - it seems like it's a 'Catch-22' for
2 apartment developers. You know, you go on Polo Road where it's a smaller road, less
3 traffic, less speed limit, developer wants to put two hundred and something units on it.
4 "Nope, can't do it. You're going to put too much traffic out on the road." Now the
5 developer comes on a four-lane road with a median in it and now I hear, "Too fast.
6 Can't do it." It just - I don't understand where you want to put them at.

7 MR. JACKSON: Well, let me explain it to you, then.

8 MR. PALMER: No. I understand if it's 55 mph somebody's got to turn off it.
9 That's where decel and acceleration lane come in.

10 MR. JACKSON: You say you don't understand so I'm explaining it to you.

11 MR. PALMER: Let me hear it.

12 MR. JACKSON: Part of what I do as a living is safety review or redesign. You're
13 up at the Polo Road. It's a two-lane, big section. There're no shoulders. And that's a
14 safety hazard. Right?

15 MR. PALMER: We don't hardly have shoulders anywhere in this county.

16 MR. JACKSON: Well, some farm to market roads are you'll have to find an area
17 where you could put it safely or in an urban area. This is rural. On a 55 mph road, US
18 route with four lanes and you're putting almost 3,000 vehicles running straight across
19 the street, no traffic light, it's a safety problem. Life depends on it. People can die. We
20 can say, "Okay. We don't see the problem. We need apartments and say, 'Okay. Build
21 it.'" One of our jobs is to consider safety. And until I can see a development where
22 safety is considered, then I can support it. But there's no safety. There's no accel lane,
23 no decel lane, no storage lane. It's in the middle of a 55 mph road.

1 MR. PALMER: This is not the stage in which we look at –

2 VICE-CHAIRMAN WYATT: Subdivision review.

3 MR. PALMER: - that part. This is where we look at rezoning the parcel to RS-2.

4 MR. JACKSON: The Staff just told you it may not come back to us.

5 MR. PALMER: They have stuff in place in our ordinances and through the
6 Department of Transportation and everybody else that makes the project safe when you
7 build it.

8 MR. JACKSON: But I'm discussing –

9 MR. PALMER: Okay. There's laws in place.

10 MR. JACKSON: I'm discussing it. I have to consider safety. I cannot depend on
11 anyone else to say, "Okay. They'll discuss safety for me or for my purpose."

12 MR. PALMER: That's their job!

13 MR. JACKSON: Well, that's my old job, also, to discuss safety.

14 MR. PALMER: But not at this stage. That's not what this is for. That's at
15 subdivision review.

16 MR. JACKSON: We may not get it back!

17 MR. PALMER: But we have put steps and measures in place –

18 MR. JACKSON: We just denied one on Polo Road.

19 MR. PALMER: - for the Staff to take care of the safety issues and it's [inaudible].

20 MR. JACKSON: We just denied Polo Road because of safety. Alright?

21 MR. PALMER: I didn't deny one Polo Road because of safety.

1 MR. JACKSON: Well, majority was denied because of safety. I'm just saying we
2 cannot continue to dump 2,700 – 3,000 vehicles on a 55 mph road with no safety in
3 consideration.

4 MR. PALMER: Safety will be in consideration when the project [inaudible].

5 MR. JACKSON: I don't know about that. That's not what they approved here.
6 And I cannot - as a member of the Planning Commission, part of my job is to consider
7 safety.

8 MR. PALMER: We're not approving the apartment complex. We're approving the
9 rezoning.

10 MR. JACKSON: It does matter. We're approving what will be built there.

11 VICE-CHAIRMAN WYATT: No, we're not.

12 MR. JACKSON: What do you mean we're not?

13 VICE-CHAIRMAN WYATT: No, we're not.

14 MR. JACKSON: A plan was shown to me of what proposed to be there. And
15 that's included in our discussion or to make a decision.

16 MR. PALMER: If I was [inaudible] by a project, I would take a much harder look
17 at that project than the man walking by with it on a billboard. I'd be looking at it a lot
18 harder. And that's what our Staff's there for – to take a look at that stuff in much more
19 detail.

20 MR. JACKSON: I understand. In all of the decisions we have made we have
21 considered everything, including safety. And I cannot make a decision to ignore safety
22 and rely or depend on someone else to consider safety, which it may not come back to
23 us. Anything happens they say, "Well, the Planning Commission, they approved it."

1 MR. PALMER: We approve the rezoning.

2 MR. JACKSON: Our job is to consider the safety of the citizens of Richland
3 County and that's part of our decision, what we're supposed to do. Polo Road was
4 denied because there's a safety issue. It was two lanes, a ditch, no shoulders, near a
5 curve. This is 55 mph.

6 MR. PALMER: I think part of the Polo Road was the traffic backup.

7 VICE-CHAIRMAN WYATT: My reason, which is a matter of Record for
8 requesting that denial was the subdivision of the property.

9 MR. JACKSON: I understand. But safety -

10 VICE-CHAIRMAN WYATT: It has nothing whatsoever to do with what was going
11 there -

12 MR. JACKSON: My decision was based on safety.

13 VICE-CHAIRMAN WYATT: - the safety. I did not support the subdividing of the
14 property into commercial.

15 MR. JACKSON: The discussion -

16 VICE-CHAIRMAN WYATT: And Mr. Jackson, in - you know, I do truly
17 understand where you're coming from. But at the same time, I mean just sitting here
18 and listening to you and in kind of reflecting somewhat on the county, as a whole, if we
19 addressed every single project as far as speed and safety and, you know, everything
20 else, we wouldn't be rezoning another piece of property in this county because there's
21 not an area!

22 MR. JACKSON: I [inaudible].

1 VICE-CHAIRMAN WYATT: Northwest, O'Sheal Road, you know, has got a traffic
2 problem. They don't want things up there. The northeast has got traffic problems. We
3 don't want any. Lower Richland, you know.

4 MR. JACKSON: Well, what are we doing about it?

5 VICE-CHAIRMAN WYATT: What authority do we have to do anything about it?

6 MR. JACKSON: We have the authority to make a recommendation to County
7 Council to at least force them to study it. I recommended a moratorium for at least three
8 months to discuss the problems we're having now, widening roads. I just mentioned
9 Central Midlands - right - has no funds to foresee widening or building any roads in
10 Richland County for the next 10 years. We continue to build. We continue to okay
11 development. And then we sit back and say, "Well, we can't do anything about it. We'll
12 worry about the traffic, watch the accidents, watch the time travel get longer." And,
13 then, we didn't do our job.

14 VICE-CHAIRMAN WYATT: Mr. Jackson, in all fairness, yes, we recommend –

15 MR. JACKSON: I'm just asking what you said.

16 VICE-CHAIRMAN WYATT: Yes, we recommended to County Council over a
17 year ago. County Council was given, after spending much taxpayer money, they were
18 given a traffic analysis of the northeast. They've, yet -

19 MR. JACKSON: This is not the northeast.

20 VICE-CHAIRMAN WYATT: They've yet to vote on it.

21 MR. JACKSON: But this is not the northeast.

22 VICE-CHAIRMAN WYATT: So what's the point of making –

23 MR. JACKSON: This is not the northeast.

1 VICE-CHAIRMAN WYATT: - recommendations, though, on matters of traffic
2 when County Council ignores them!

3 MR. JACKSON: I'll answer that. At least we did our job! It's up to them. You
4 can blame County Council for not doing their job. But I think we should not deny doing
5 our job.

6 VICE-CHAIRMAN WYATT: Okay. Alright.

7 MR. GREEN: Madam Chairman.

8 VICE-CHAIRMAN WYATT: Mr. Jackson, Mr. Jackson -

9 MR. JACKSON: You asked a question and I'm answering.

10 VICE-CHAIRMAN WYATT: - would you like to put that in the form of a motion,
11 now, for denial? Is that?

12 MR. JACKSON: Yes, I put that in a form of a motion of denial.

13 VICE-CHAIRMAN WYATT: Okay. Mr. Jackson is making a motion for denial. Is
14 there any second? No second. Is there –

15 MR. GREEN: Madam Chair?

16 VICE-CHAIRMAN WYATT: Thank you, sir. Go ahead.

17 MR. GREEN: This piece of property, thank goodness from some of them that we
18 see, has about 800' of frontage on Garners Ferry Road. I think there's an opportunity
19 there, on the developer's land, to look at things that can be done from a traffic
20 standpoint. You know, we've looked at some that have had much more restricted
21 frontages to be able to try and cope with these things. And, given that, I would make a
22 motion that we send this forward with a recommendation of approval.

23 VICE-CHAIRMAN WYATT: Is there a second?

1 MR. PALMER: Second.

2 MS. LUCIUS: Is Garners Ferry – is that considered an arterial?

3 MR. GOSLINE: It's a principal arterial, yes.

4 MR. JACKSON: Principal arterial.

5 MS. LUCIUS: Because I know the principal says it's – this high density is
6 preferable on collector roads.

7 MR. GOSLINE: It's collector or arterial.

8 MS. LUCIUS: Yeah. But at the same time – and I understand where Mr. Jackson
9 is coming from – but at the same time I think this is an opportunity to see inspired
10 design and, maybe, alleviate – hopefully alleviate – the problem Mr. Jackson foresees
11 with this much traffic coming out onto a major arterial. Sorry.

12 VICE-CHAIRMAN WYATT: Okay. There's been a proper motion and second.
13 All those in favor of the motion to send it forward with recommendation of approval
14 signify by raising your right hand. Opposed? Thank you, sir.

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

17 WYATT: Okay. Next case, 05-65 MA, Resource Properties requesting C-3 to
18 PDD for the purpose of existing office/distribution facility.

19 **CASE 05-65 MA:**

20 MS. ALMEIDA: Yes, Mrs. Chairman. This is an existing site off of St. Andrews
21 Road. It's an existing warehousing use. And the applicant is requesting an approval of
22 a PDD due to the amount of square footage of warehousing space that exists,

1 presently, on site. And he's doing so in order to have his uses for the new code and be
2 able to continue to operate. And I believe the applicant is here.

3 VICE-CHAIRMAN WYATT: What's the Staff's recommendation?

4 MS. ALMEIDA: Staff's recommendation is approval.

5 VICE-CHAIRMAN WYATT: Thank you. Okay, sir. Please state your name and
6 address for the Record.

7 **TESTIMONY OF MIKE DUFFY:**

8 MR. DUFFY: My name is Mike Duffy. I live at 10 Regatta Court, Columbia, South
9 Carolina. I'm the owner of Resource Properties and, also the owner of the property
10 that's coming up in the next review. I've put together a handout including both
11 properties so you won't have to rehash the same issues. Basically, our company has
12 applied for these rezonings at the suggestion of the Planning Department to preserve
13 the existing C-3 commercial uses for these properties, which will otherwise change
14 dramatically when the new Land Development Code becomes effective. If this code is
15 allowed to stand as is, we have documented to the Planning Department that our GC-
16 zoned office/distribution/rental properties could lose up to 50% of their potential
17 wholesale or tenants and therefore, 50% of their value. We believe that is
18 representative of the effect it will have on many office/distribution/rental property.
19 Single-occupant, wholesale business properties could lose substantially more value. If
20 businesses are unable to sell or lease property for use by wholesalers, to wholesale
21 distributors starting up or coming in to Richland County as branches of out of town
22 companies, they will find space available and higher land prices and rents for whatever
23 is left, which will result in higher priced goods and services for all of us. Or they may

1 simply choose to make their investments and hire their employees in other, nearby
2 counties. Clearly this law needs to be changed. But until it is, we hope to protect our
3 property values with this rezoning procedure. For the Business Park of St. Andrews,
4 which is the first one on the agenda, we merely request the right to continue using our
5 buildings as we have since they were built in 1989. At Windsor Square Business
6 Center we intend to construct similar office/distribution buildings, similar to our other
7 existing development. We expect the tenant types to also be similar. But we need the
8 flexibility to develop this property within the existing, permitted, commercial uses of C-3
9 zoned property. Some of our other properties that we developed that are somewhat
10 similar, we have Two Notch Commercial Park. You have that in the package. That's an
11 M-1 zoned office/warehouse development just off Fontaine Road and at SC-277. We
12 started that in 1987. The Business Park of St. Andrews, the first item on the agenda
13 there, is a GC zoned office/distribution property located in the 1400 block of St.
14 Andrews Road. Each of the 48 units of these developments has been rented three to
15 four times over the years, indicating 150 to 200 tenants have been in these
16 developments in the 18 years since we started the first one. We've never had any
17 zoning or other code violations. They're intended for small, wholesale distributors,
18 retailers and service companies. Our typical tenants provide materials and services for
19 the construction industry, healthcare industry, computer technology, various business
20 and consumer products and services. They seek easy access to interstate highways for
21 sales, deliveries, and service calls. Most of their customers do not come to them. They
22 require only a small office and some warehouse space. They, generally, use the
23 premises during regular, daylight, business hours. The Windsor Square Business

1 Center, our land – we bought that property in September, 2004. It's zoned C-3, general
2 commercial. Our first phase has already been approved by the Land Development
3 Review Team. In that first phase we plan 11 units totaling 22,800 square feet of
4 office/distribution space, typical floor plan. It includes a reception area, two offices,
5 restroom, warehouse. Most of them are drive-in warehouses. Some of them have a
6 loading dock as the grade permits. We intend a brick elevation similar to this one
7 depicted, which happens to be in West Park, office in the front, warehouse in the back
8 hidden from view. Central Midlands Council of Governments forecasts a 25% increase
9 in households within a five mile radius of this site in the next five years and a 2009
10 population of 100,000 persons. These people will have needs for products and
11 services, locations to start new businesses, and to be employed by them. At the same
12 time, the latest Central Midlands commercial real estate survey showed zero
13 office/distribution developments in northeast Richland and none planned.

14 VICE-CHAIRMAN WYATT: Mr. Duffy, can I please ask a favor of you, sir? I think
15 you're batting from one case to another.

16 MR. DUFFY: Sorry.

17 VICE-CHAIRMAN WYATT: What we're looking at right now is St. Andrews Road,
18 so please don't keep bouncing back because they're totally different issues.

19 MR. DUFFY: Okay.

20 VICE-CHAIRMAN WYATT: If you don't mind. You're getting me confused.

21 MR. DUFFY: Okay. Well, the one issue that is the same is that they are both
22 zoned C-3. And we're asking for the retention of the C-3 zoning for both of these
23 properties. Now I understand that we have a new Land Development Code. It's going

1 to change a lot of these permitted uses. And you, I understand from Staff that you
2 would prefer to see a list of what additional permitted uses that we're requesting and
3 that's attached in the packet.

4 MS. ALMEIDA: Mr. Duffy, could Staff have a copy of that?

5 VICE-CHAIRMAN WYATT: It's what was in our package.

6 MS. ALMEIDA: Oh, it's just that. Okay.

7 MR. DUFFY: I'm sorry. It's in their package. [Inaudible]

8 MS. ALMEIDA: Oh! Not in our package.

9 MR. MANNING: Mr. Duffy?

10 VICE-CHAIRMAN WYATT: I think it came in our package also from Staff though.

11 We got some kind of -

12 MS. ALMEIDA: No.

13 MR. MANNING: I'm a little bit confused. On the St. Andrews Park there is no
14 more construction.

15 MR. DUFFY: Right. Just [inaudible].

16 MR. MANNING: Basically, it's either a non-conforming or a conforming use issue.

17 MR. DUFFY: Right.

18 MR. MANNING: Would this not be okay left alone and going forward and not
19 having to go to a PDD?

20 MS. ALMEIDA: No. Because right now the site is non-conforming because the
21 site has – what was built on site is over the limitation that in the existing code only
22 allows up to 8,000 square feet. So that's an issue.

23 MR. MANNING: Eight thousand total square feet in each building?

1 MR. CRISS: No, of wholesale trade.

2 MS. ALMEIDA: Per parcel.

3 MR. CRISS: The C-3 district in the current code is very generous in terms of
4 retail, business professional, wholesale trade activities allowed in these flex-space units.
5 The problem is that in the C-3 the wholesale and distribution establishments are limited
6 to 8,000 square feet in the aggregate. And it could diminish Mr. Duffy's choice of
7 tenants now or in the future should he have a variety of wholesale trade.

8 MR. MANNING: But is everybody in there considered wholesale?

9 MR. CRISS: No. Indeed, as Mr. Duffy has indicated, there's a fair amount of
10 turnover in these establishments. So the mix of wholesale, retail, business professional
11 varies over time. And he would like to be released from the constraint of the current
12 zoning ordinance 8,000 square foot limitation on the wholesale trade category. Just
13 because you conduct wholesale trade in your business doesn't mean you're necessarily
14 a wholesaler. Under the current zoning ordinance you might qualify as retail or
15 business professional or some other category. But Mr. Duffy doesn't want to have to
16 turn away any wholesale trade tenant, now or in the future, in these already built-out,
17 well-established, well-known facilities on St. Andrews Road. The land use you see is
18 the land use you get.

19 MR. GREEN: Question for the applicant. Have you had an opportunity to review
20 the PDD conditions that Staff recommends be attached if this goes forward with a
21 zoning change?

22 MR. DUFFY: For St. Andrews?

23 MR. GREEN: For St. Andrews.

1 MR. DUFFY: Basically, it's just asking that we maintain what's there, as I
2 understand it.

3 MR. GREEN: I just want to make clear that you have seen these lettered A
4 through J and all of these are consistent with what you're asking for.

5 MR. DUFFY: Yeah. There were a couple of corrections that needed to be made
6 because it only listed two of our three buildings so I'm not sure if the latest version
7 reflects that.

8 MS. ALMEIDA: I believe you need to reflect that for the Record – what the total
9 warehousing and office breakdown was for each lot.

10 MR. DUFFY: In the PDD conditions, Section B, the first sentence talking about
11 11,000 square feet of warehouse space, 3,900 square feet for Lot 28 is correct.

12 MS. ALMEIDA: Okay.

13 MR. DUFFY: The next section talking about 12,823 square feet of warehouse
14 space and 3,602 of office for Lot 32 is incorrect. That's actually Lot 37.

15 MS. ALMEIDA: Okay.

16 MR. DUFFY: The adjoining lot, 32, is not covered at all. And it is 3,315 square
17 feet of office and 11,944 of warehouse. Total of 15,259. The reason that I'm concerned
18 about this whole thing is because of interpretations of the new code. For example, I just
19 had an interpretation of the old code, which now says, contrary to the interpretation
20 when I built these buildings in 1989 by Terry Brown – had the zoning at that time, the
21 8,000 square foot was applied, as it says in the code, per establishment. That means
22 per business, per use. It doesn't mean building or parcel. Now it's being applied in a
23 different manner. It means what it says, per establishment, per business.

1 MR. CRISS: Mr. Duffy's contention, in other words, is that you can have
2 innumerable 8,000 square foot flex-space units on the same parcel. That is not the
3 interpretation of the Zoning Administrator. We want to rectify this non-conformity and
4 give Mr. Duffy the opportunity to continue the business that he has conducted so
5 successfully out there with the mix of tenants that he desires.

6 MR. DUFFY: The other aspect is that when we get a tenant hopefully we'll get a
7 tenant that's still interested in leasing in a C-3 zone is even willing to call us. We can't
8 wait and depend on, the interpretation of people who have a vague set of laws to go by.
9 The definition of wholesale trade is extremely vague. This list of permitted uses
10 excludes something like 90% of the potential wholesale uses. So many miscellaneous
11 categories are excluded. That's why we need to have the law changed. And that's why
12 were here trying to protect what we have had the last 15 years.

13 MR. MANNING: As it relates to the conditions in B, with the mix of tenants
14 coming in and out, does that ever change?

15 MR. DUFFY: Sure, yeah.

16 MR. MANNING: Office – I mean so – office -

17 MR. DUFFY: Well, the square footage shouldn't change of any, you know,
18 consequence. The main thing is –

19 MR. MANNING: But if I came and wanted to rent one of those units and I wanted
20 an additional 1,000 square feet of office and less warehouse, what's going to happen?

21 MR. DUFFY: As a practice, I don't allow that to happen. I mean we don't allow –
22 you know, we're not going to change the development from an office/warehouse type
23 property to an office property. We don't have the parking for it. Would this, you know,

1 cause a problem for other tenants? And it would cause a problem from the standpoint
2 of marketing because that's what I –

3 MR. MANNING: That's why I was asking the question because you are, under
4 this, agreeing to those conditions about changing.

5 MR. DUFFY: Well, I'd certainly rather not have that restriction in there.

6 MR. PALMER: So you don't allow people to build out their own space in their
7 own four walls?

8 MR. DUFFY: No. No. No, these have been in existence 15 years and are
9 [inaudible]. The maximum I would go would be, you know, 35-40% office simply
10 because of a marketing standpoint. I pay for, every day, advertising office/warehouse
11 space. People don't – you know, once that tenant moves out people aren't going to call
12 me for office space. That's not what we do.

13 VICE-CHAIRMAN WYATT: Okay.

14 MR. PALMER: Well, if you're fine with these, I would make a motion to send this
15 forward to Council with a recommendation of approval.

16 MR. DUFFY: Well, like I said, the only thing I would ask you is that, you know,
17 let's not nail it down to the last square footage. I mean, general sense, this is correct.
18 But, you know, if a person wanted to add another office, they'd be penalized because of
19 it.

20 MR. MCBRIDE: And I second it.

21 MR. PALMER: What are the thoughts of allowing a 10% fluctuation one way or
22 the other on these numbers?

1 MS. ALMEIDA: PDD's are very specific. Now, are we – you need to vote on
2 each individually. So the existing site is the existing site. You're not going to – you're
3 built-out on the existing site.

4 MR. DUFFY: Yeah.

5 MS. ALMEIDA: Okay. So I think we need to take them up separately.

6 MR. PALMER: Well, sure. Sure.

7 MR. CRISS: I think that Commission Palmer's –

8 VICE-CHAIRMAN WYATT: We have to take them up separately.

9 MS. ALMEIDA: Right. [Inaudible] per square -

10 MR. CRISS: - referring to minor modifications within the existing walls of certain
11 units.

12 MR. PALMER: Sure.

13 MR. CRISS: And I agree there ought to be some flexibility there. I'm more
14 concerned about nailing down the land uses that are allowed than the mix of office and
15 warehouse in an individual unit.

16 MR. PALMER: Well let's just take out Condition B. Are you fine with that?

17 MS. ALMEIDA: On which one?

18 MR. PALMER: Well I'm just speaking about St. Andrews property.

19 VICE-CHAIRMAN WYATT: That's all we're addressing.

20 MR. PALMER: Yeah.

21 MS. ALMEIDA: St. Andrews.

22 VICE-CHAIRMAN WYATT: That's all.

23 MR. PALMER: That's right.

1 VICE-CHAIRMAN WYATT: We haven't gotten to Windsor Lake, yet. I've asked
2 that they be kept totally separate.

3 MS. ALMEIDA: But as Mr. Duffy said, if it's constructed it doesn't modify.
4 Correct?

5 MR. PALMER: No. But the interior of the spaces do modify. The interior of the
6 spaces do. The actual brick and mortar, the load bearing walls on the exterior of the
7 structure don't modify. But what goes on inside those spaces does. Somebody has
8 three secretaries as opposed to two and they want to put another cubicle office in there,
9 they need to have the ability to do that. I don't see what tying the square footage down
10 to what has to be what.

11 MR. CRISS: Maybe it would be acceptable to all to have a limit on the total
12 square footage, in other words the existing footprints of those buildings, to document
13 that we're not adding on to the existing buildings. And what they do inside as far as the
14 mix of office and warehouse in an individual tenant space doesn't really matter.

15 MR. GREEN: Not talking about square footages here that are going to impact the
16 thing one way or the other if they move around.

17 MR. CRISS: Right.

18 MR. PALMER: No.

19 MR. CRISS: Yeah, you could tie it to the existing footprints of the existing
20 buildings.

21 MR. PALMER: I would be fine with the existing footprint.

22 MR. CRISS: Whatever [inaudible].

1 MR. PALMER: Whatever existing built-out square footage is on that site is all that
2 can be there.

3 MR. CRISS: And as far as –

4 MR. GREEN: As Condition B.

5 MR. PALMER: As Condition B.

6 VICE-CHAIRMAN WYATT: Mr. Duffy, I want to thank you. We've got several
7 other people that have signed up to speak on this issue.

8 MR. DUFFY: Sure. Okay.

9 MR. PALMER: I apologize. I did not know.

10 MS. LINDER: The parking ratios do change?

11 VICE-CHAIRMAN WYATT: Mr. Mark Nix from the South Carolina Landowners
12 Association. Mr. Nix, if you would do us a favor, please, sir. We have a long agenda. If
13 you'd try to keep it –

14 **TESTIMONY OF MARK NIX:**

15 MR. MARK NIX: Trust me. He said everything I need to say just about. I'm the
16 Executive Director of the Landowners Association for non-profit organizations. Its
17 mission is education and protection of property rights. I'm here today, basically what he
18 said, he had an expectation of what his land was supposed to be used for. He actually
19 bought the land. He's used the land with that expectation. There's no more devastating
20 effect to that and to the value of that property if you take it away from him. So I echo
21 everything he said. And I believe that the property owner, since he's had this he's had
22 the expectation of the land, the existing uses should remain. Thank you.

1 VICE-CHAIRMAN WYATT: Thank you, sir. And the following people have
2 signed up to speak against this. And there, again, I'm going to – if I mispronounce your
3 name. Barbara Weideman. Did I say it right, ma'am?

4 MS. WEIDEMAN: No. Weideman.

5 WYATT: "Weideman. [sic] I got the "Barbara" right, though, didn't I?

6 MS. WEIDEMAN: Barbara. Yes.

7 VICE-CHAIRMAN WYATT: Ma'am, please make sure you state your name and
8 address for the Record.

9 **TESTIMONY OF BARBARA WEIDEMAN:**

10 MS. WEIDEMAN: Barbara Weideman, 1501 St. Michael's Road. My property
11 joins Mr. Duffy's at the back. My backyard and Mr. Duffy's property join together. I
12 have a retainment fence that goes the full length of my back. This is no reflection on
13 Mr. Duffy, but we get a lot of people who walk through on Mr. Duffy's side. It's a
14 shortcut to Broad River Road. They come from apartments further down at the end of
15 Broad River. I beg your pardon, St. Andrews Road. I know they've torn up Mr. Duffy's
16 gate numerous times. Now they're jumping over my fence. It's problems like that that
17 we're sort of squeezed in in our neighborhood. And I've lived there since May of '61.
18 And I'm a widow. And I try to take good care of my property. And that's about all I have
19 to say. And sometimes we get noise. And this is like on a Saturday night, maybe. I
20 made one call to 911 because it woke me up at 1:00 o'clock in the morning. And I told
21 them there was a car parked behind one of the buildings, a unit. And the music was
22 coming from there. And they came out, the deputy did. And I haven't heard it since.
23 So they put a stop to that. And that's all I have to say.

1 VICE-CHAIRMAN WYATT: Thank you very much. Okay. The next person that's
2 signed up – and I'm going to spell the last name – it's Patsy F (as in Frank) – E–A–G–I–
3 N.

4 MS. FEAGIN: Feagin.

5 VICE-CHAIRMAN WYATT: Feagin.

6 MS. FEAGIN: Right.

7 VICE-CHAIRMAN WYATT: Okay. Please state your name and address for the
8 Record, Ms. Feagin.

9 **TESTIMONY OF PATSY FEAGIN:**

10 MS. FEAGIN: Patsy Feagin, 1505 St. Michael's Road, Columbia. And I'd like to
11 echo what Barbara had, but first I'd want to thank y'all. We've lived in our house for
12 over 40 years and this is the first time we've ever got a letter saying anything was being
13 done in our neighborhood. And we appreciate it. The second thing is I'd like to ask Mr.
14 Duffy to cut his shrubs [laughter]. Cut them and clean them out. You find all sorts of
15 things in there. But I have no problems with Mr. Duffy or his apartment. And the radios
16 have been taken care of every time we've called. And I echo Barbara. I've learned a
17 few new words from people walking behind our house. And I would just wish there was
18 some way – this isn't Mr. Duffy's fault. I wish there was some way we could cut out that
19 little cut through. I don't know how you'd do it other than electrify them which [laughter -
20 inaudible]. But just thank you. And thank you, again, for sending us the letter. We
21 really appreciate it.

22 VICE-CHAIRMAN WYATT: Mr. Duffy might be in agreement to do that, ma'am.
23 Okay. Bill Feagin.

1 MR. FEAGIN: Well, I don't have – I don't have [inaudible].

2 VICE-CHAIRMAN WYATT: Okay. Thank you. That's everyone that has signed
3 up to speak on this case.

4 MS. LUCIUS: Madam Chair, if I could just have a minute. I know this area very
5 well because St. Michael's – this neighborhood is right next to Pine Valley and
6 Kingswood which is where I live. I come out St. Michael's all the time. And I know the
7 apartment buildings that they're talking about because we've had a lot of problems with
8 drugs being run from that apartment building through the back, behind the back of Pine
9 Valley. So I know the kind of problems they're up against. And when I saw this I was
10 looking at the aerial and I was wondering – and that was one of the things I had written
11 down – if there was some way to buffer these people on St. Michael's a little bit more
12 from this commercial. Because I don't think there's very much there.

13 MS. FEAGIN: The noise isn't really coming from Mr. Duffy. It's people walking
14 back behind there.

15 MS. LUCIUS: No. I understand. But you were talking about cutting out where
16 they're cutting across. And that would protect the neighborhood a little bit more from St.
17 Andrews Road. That was just a thought.

18 VICE-CHAIRMAN WYATT: Let me ask a question of Staff. With this going to a
19 PDD under the new code, would he not be required to do some additional landscaping?

20 MS. ALMEIDA: Not on the existing site. He's not expanding by any percentage.
21 So, no, Mr. Duffy would not be required. Although I don't know how he was not required
22 to do so when he built the buildings. But a lot of things happen.

1 MS. LUCIUS: Well I see a lot of commercial out there in that area. And I think it
2 probably got in under the wire, too. Where there's residential and commercial and
3 there's nothing between them but a falling down fence.

4 MS. ALMEIDA: Right. Although Mr. Duffy does have some plantings, some red
5 tips, as far as visual screening goes.

6 MS. LUCIUS: Well, the red tips'll be gone. They'll be dead in a year or so.

7 [Laughter]

8 MS. ALMEIDA: No. They're very nice.

9 MR. DUFFY: They're doing very well.

10 MS. LUCIUS: If they haven't been trimmed they're probably okay.

11 MR. DUFFY: Right. Trimming them, actually I was going to respond.

12 MS. LUCIUS: Pruning them ruins them.

13 MR. DUFFY: Trimming them tends to cause a fungus that kills them.

14 MS. LUCIUS: Right.

15 MR. DUFFY: These are 20' high in places, an excellent screen where they have
16 grown that way. Some newer ones brought last [inaudible].

17 MS. LUCIUS: Just don't touch them and they should be all right.

18 VICE-CHAIRMAN WYATT: Anything else, Ms. Lucius?

19 MS. LUCIUS: No, but I just wanted to say I sympathize with these people. I
20 know the area they're talking about. I live there.

21 MR. GREEN: If I could just get a clarification just so I'm sure. The request, from
22 a use standpoint, is to allow all uses permitted under the new GC district plus the
23 wholesale trade uses that are – plus all wholesale trade uses.

1 MR. DUFFY: Right.

2 MR. GREEN: Okay.

3 MR. DUFFY: If, you know, if it [inaudible] to the new code, otherwise, you know,
4 all C-3 uses are included.

5 MR. GREEN: Right.

6 MR. CRISS: The new code, of course, has a more explicit list of allowed land
7 uses. And that might be beneficial to tie the rezoning to the new code. But you've got
8 140 retail and business professional uses alone. You've got institutional civic. You've
9 got, I think, 11 out of 34 wholesale – something like that – permitted outright in the new
10 GC. So you could, as a Commission, recommend that all or any mixture of those
11 wholesale trade uses in the new code be allowed in Mr. Duffy's establishment. And I
12 think what Mr. Green just referred to is all wholesale trade.

13 MR. GREEN: That's what was attached in –

14 MS. ALMEIDA: Right.

15 MR. DUFFY: Right.

16 MR. GREEN: Frankly, if we were dealing on a piece of vacant property, it might
17 be one thing because you could envision - at least given the amount of development on
18 this site you're not talking about a huge, wholesale operation that's going to be running
19 16 – I mean you've got a fairly shallow, small bay configuration here. So I don't have a
20 problem at all and I don't know, do we have a motion on the floor for approval?

21 VICE-CHAIRMAN WYATT: No, sir. We do not.

1 MR. GREEN: I would move that we send this forward with recommendation of
2 approval with an amendment to provision B to provide that the site development shall
3 be limited to the existing footprints of the buildings.

4 MS. ALMEIDA: Uh-hum (affirmative).

5 MR. GREEN: And that all wholesale trade uses be permitted on the site in
6 addition to other uses also permitted.

7 MR. CRISS: In the GC?

8 MR. GREEN: In the GC district.

9 MR. CRISS: Of the new code.

10 MR. PALMER: I did have a motion, but I withdraw my motion.

11 VICE-CHAIRMAN WYATT: I do apologize to you, Mr. Palmer. I didn't –

12 MR. GREEN: Motion and –

13 MR. MCBRIDE: And I seconded.

14 MR. GREEN: - a second.

15 VICE-CHAIRMAN WYATT: I do apologize.

16 MR. PALMER: That's okay. I withdraw. I'll second Mr. Green's.

17 VICE-CHAIRMAN WYATT: Thank you. There's a motion on the floor for
18 recommendation of approval. All those in favor raise your right hand. All those
19 opposed.

20 *[Approved: Palmer, Furgess, Lucius, Jackson, Wyatt, Green, Manning, McBride;*

21 *Absent: Van Dine]*

22 VICE-CHAIRMAN WYATT: Thank you.

23 MR. DUFFY: Thank you.

1 VICE-CHAIRMAN WYATT: Mr. Palmer, sir, I'm going to ask – I just happened to
2 look at my watch. And I actually had an appointment. So I want to go out and make a
3 phone call and apologize. Would you come up and take the Chair on this next until I
4 can get back? I didn't think we were going to be here this long today.

5 MS. LUCIUS: You never know.

6 CHAIRMAN PALMER: Okay. We can go on Case 05-66 MA.

7 **CASE 05-66 MA:**

8 MS. ALMEIDA: Again, Mr. Chairman, 05-66 is found on page 139. The applicant
9 is requesting all C-3 uses. He's applying for a PDD for flex-space. And Staff
10 recommends deferral. And Finding of Facts are found on page 144.

11 ACTING CHAIRMAN PALMER: [Inaudible] signed up to speak. Mr. Duffy.

12 MR. GREEN: Can I have just a quick question of Staff? Recommendation for
13 deferral is based on your assessment that the requirements for a PDD submittal have
14 not been met by the applicant.

15 MS. ALMEIDA: That is correct. The applicant submitted a site plan for Phase 1
16 and 2. Phase 1, 2, and 3. Phase 1 was complete. But Phase 2 and 3 did not have all
17 the requirements attached to it.

18 MR. GREEN: This is a matter of procedure and y'all aren't picking on this case at
19 all.

20 MS. ALMEIDA: Correct. Correct.

21 MR. GREEN: As a matter of procedure, do we typically hear PDD cases where
22 Staff has said they don't have a complete application?

1 MS. ALMEIDA: Well, because it was one, big submission we didn't want to
2 penalize Mr. Duffy for Phase 1. And so we felt he needed to come and address the
3 Commission in that respect.

4 MR. GREEN: Thank you.

5 **TESTIMONY OF MIKE DUFFY:**

6 MR. DUFFY: Well, to quickly address that issue. I understand that there're some
7 changes in the new GC code which allow sort of generalized PDD designation. You
8 don't have to have a complete site plan approval. You know, we have submitted for
9 Phase 1 of this development. It's been approved through the land development review
10 process. For part of that we submitted a conceptual site plan for Phases 2 and 3 of
11 similar types of properties. But it's not intended to be complete. Of course, we know
12 we're going to have to go through a full land development review process for each of
13 those two new phases. So I just don't – you know I don't – didn't feel like we needed to
14 spend the money right now or there was any reason to try and define something that
15 might change later on down the road.

16 MS. ALMEIDA: The PDD requirements are very specific.

17 MR. DUFFY: The current one.

18 MS. ALMEIDA: The current one, yes.

19 MR. GREEN: If the - just as a matter of legal aspects then, are we able to look at
20 the rezoning for this entire tract if only a portion has been deemed to be complete or
21 would we be looking at rezoning a portion of the property that's covered by the Phase 1
22 submittal?

1 MS. LINDER: What I can say is that the ordinance requires that the site plan
2 shall be submitted with the request to rezone it and there's 12 or 13 items that have to
3 be addressed in that site plan. And if Staff says that those requirements have not been
4 met, then I do not believe the zoning can proceed.

5 MR. MANNING: That is under the new code?

6 MS. LINDER: That's under existing code.

7 MR. MANNING: Existing code.

8 MS. ALMEIDA: The new code is very specific, as well, for the PDD requirements.

9 MR. DUFFY: Well, all I can say is I'm here. I was recommended to come here as
10 a way of resolving this issue. To spend several thousand dollars of site planning that
11 might change, you waste a lot of money and a lot of people's time, including the
12 Commission's time. It's not appropriate to come up with a site plan for something years
13 in the future. We have C-3 zoned property and we'd like the opportunity to continue to
14 use it the way it's currently been [inaudible]. Continue to rely on interpretation from a
15 Zoning Administrator or Zoning Board of Appeals every time we have a prospective new
16 use is not feasible.

17 ACTING CHAIRMAN PALMER: What's really happened here is that you've
18 requested that's very specific and is going to be tied down to a very specific thing -

19 MR. DUFFY: Right.

20 ACTING CHAIRMAN PALMER: - for as long as, it'll run with the property. And
21 for you to be able to get the benefit of getting those extra things you haven't done, in
22 this case, what's required to ask for that. And I'm very sympathetic to what you're trying
23 to do, but you just haven't met all the requirements under the current code that we're

1 operating under today to be able to do that in this case. And so our hands are basically
2 tied in this instance. And we really can't do anything for you.

3 MR. JACKSON: I move that it should be deferred.

4 ACTING CHAIRMAN PALMER: We have a motion. Do we have a second?

5 MR. MCBRIDE: Second.

6 MR. MANNING: And I just had a question, Patrick.

7 ACTING CHAIRMAN PALMER: Yeah. Certainly.

8 MR. MANNING: From a definition standpoint, site plan would include, in the
9 ordinance now, and I've seen PUDs –

10 MS. ALMEIDA: Complete building footprints, complete building footprints, parking
11 areas, driveways, curb cuts, all the requirements as listed, as Mr. Duffy did for Phase 1.
12 I know he's pretty anxious in continuing his development. And I think the issue is more
13 the uses than anything else. And therefore that was one way of addressing it was to do
14 a PDD so it wouldn't impede his – expedite his building or anything else that he needed
15 to do.

16 ACTING CHAIRMAN PALMER: Was he informed, prior to this, that he did not
17 have enough information in this?

18 MR. GOSLINE: Yes.

19 ACTING CHAIRMAN PALMER: Okay.

20 MS. ALMEIDA: I'm sorry.

21 ACTING CHAIRMAN PALMER: Okay. Carl answered it. Anything else.

22 MR. JACKSON: He was – he was [inaudible]?

1 MS. ALMEIDA: Yes, we did. And you're within your purview to wave those
2 requirements, if you choose so – to do so. Mr. Geo Price –

3 MR. DUFFY: It's not like we didn't submit a site plan at all. We do have a site
4 plan that shows, roughly, the outline of the entry drives and the buildings, the parking,
5 and so forth. And it has been reviewed by the land development review team. Part of
6 the package for Phase 1.

7 ACTING CHAIRMAN PALMER: Phase 1 has been reviewed by the Review
8 Team. Phase 2 and 3 haven't even been looked at?

9 MS. ALMEIDA: They're not complete.

10 MR. CRISS: Phase 1 was reviewed under the existing zoning –

11 MS. ALMEIDA: C-3.

12 MR. CRISS: - as opposed to consideration of the rezoning to a PDD, which
13 would allow, perhaps, more flexible land use choices, depending on the outcome.

14 MR. MANNING: Does Phase 2 access Alpine or are you using existing -

15 MR. DUFFY: It would share the access that's already been approved.

16 MR. MANNING: Shared access?

17 MR. DUFFY: There would be no additional access off Alpine Road.

18 MR. FURGESS: This is by the school, right? Across the street from the school?

19 MR. DUFFY: That's right.

20 MR. MANNING: So there'll be no additional access.

21 MR. DUFFY: Right. There's two drives approved for Phase 1 and one of those
22 will also be used for Phase 2.

1 MR. MANNING: Correct me if I'm wrong, Carl. I know we've seen PUDs and
2 we're not approving –

3 MS. ALMEIDA: This is not a PUD. It's a PDD.

4 MR. MANNING: Well –

5 MS. ALMEIDA: It's different.

6 MR. MANNING: We're taking the PUD to the PDD, are we not? I mean that's
7 basically the concept.

8 MR. GOSLINE: I think the basic issue here in my mind is not the merits of the
9 ultimate development. The fact is that the application isn't complete so that you can
10 accurately judge the merits, based on what's in the code. It's that simple in my mind.

11 MR. MANNING: Had Mr. Duffy come in under a PUD rather than a PDD we'd be
12 having this same conversation.

13 MR. GOSLINE: Well, my recollection is - he applied after April?

14 MR. DUFFY: No. March [inaudible].

15 MR. CRISS: What do you think?

16 MR. GOSLINE: Probably not because the PUD is more a conceptual plan.

17 MS. ALMEIDA: He doesn't have the acreage.

18 MR. GOSLINE: Oh, that's right. He couldn't come in as a PUD because he
19 doesn't have the acreage. So that's why he got steered to the PDD.

20 MR. GREEN: PUD requires 20 acres, right?

21 MR. GOSLINE: Right. That's why we keep Anna around.

22 MS. ALMEIDA: Yeah. After April 1st he may have more flexibility because there's
23 a two acre minimum for a PDD. But a PUD – July 1st, I'm sorry.

1 MR. MANNING: Okay.

2 MR. GOSLINE: Gets better when July 1st gets here [inaudible].

3 MS. ALMEIDA: Yeah, right. But right now –

4 MR. DUFFY: There's a couple of other ways to skin this cat. One is to change
5 the law. The law needs to be changed. The Commission has the ability to make
6 recommendations to Council to have that law changed. The definition of "wholesale
7 trade" is too vague for any businessperson [inaudible]. There's a page in your package
8 there's a copy of the NAICS "wholesale trade" definition. It's two pages. It says
9 business-to-business sales are wholesale. It says sales of large volume are wholesale.
10 But it doesn't define it. It leaves it up to loosey/goosey interpretation. A business-to-
11 business sale by a window supplier to a builder is a business-to-business sale,
12 certainly. It's even put into a house that is ultimately sold by that builder. But the seller
13 is a retailer under state law. He has to have a retail license. He has to collect sales tax
14 from the builder. And he should be considered a retailer under Richland County law, as
15 well. There shouldn't be a conflict. If we get an interpretation, as I suggested, to the
16 Planning Department who's stating that? That would be a major [inaudible]. And, of
17 course, the law still needs [inaudible].

18 MR. MANNING: I might agree with you [inaudible] you're talking to the wrong
19 folks.

20 MR. DUFFY: Well, you guys have the right to make recommendations to Council.

21 ACTING CHAIRMAN PALMER: Okay. I don't need to go through the list of -
22 where you – we have a motion from a Commission Member to defer, I won't need to go
23 through the Public Hearing list would I?

1 MR. GOSLINE: You have a motion to defer and a second. You need to have a
2 vote.

3 ACTING CHAIRMAN PALMER: I understand that. But we don't need to go
4 through the public input section if we're going to defer the matter.

5 MS. LINDER: That would be at your discretion.

6 ACTING CHAIRMAN PALMER: Okay. Alright. We have a motion and a second
7 on the floor. All those in favor raise your hand.

8 *[Approved: Palmer, Furgess, Lucius, Jackson, Wyatt, Green, Manning, McBride; Absent*
9 *for vote: Wyatt, Van Dine]*

10 MR. DUFFY: Thank you.

11 AUDIENCE MEMBER: Mr. Palmer, I didn't hear what your answer was. Are you
12 going to entertain some comments from the public?

13 ACTING CHAIRMAN PALMER: No, sir. We are not. We have deferred this
14 matter and it will be on our next month's agenda. We won't hear anything on this one
15 today.

16 AUDIENCE MEMBER: Okay. Could I plead with the Council to listen to me for a
17 moment as I am the adjacent property owner? I don't have - I'm not here to complain.

18 ACTING CHAIRMAN PALMER: No, sir. We really did not open it up to public
19 input today. But I appreciate it.

20 AUDIENCE MEMBER: Thank you.

21 MS. LUCIUS: Staff? Can I have a question of Staff?

22 ACTING CHAIRMAN PALMER: Sure.

1 MS. LUCIUS: Before we go to the next case, I was looking at the aerial, 147, and
2 that's clearly a junkyard next to that property. Then when I look over on page 148 it
3 looks like it's zoned RS-1?

4 MR. GOSLINE: How about that!

5 MS. LUCIUS: How about that!

6 MR. GREEN: Is that a grandfathered use?

7 MR. CRISS: Non-conforming.

8 MS. LUCIUS: It's grandfathered?

9 MR. GREEN: Alpine Road, back 25 years ago, 30 years ago, before
10 developments went out there was a mixture of, primarily, commercial uses that were – I
11 don't know what they were zoned, pre-zoning.

12 MR. CRISS: Yeah.

13 MR. GREEN: There's a manufacturing – there're two or three manufacturing
14 operations mixed in with houses that came later mixed in with auto repair.

15 VICE-CHAIRMAN WYATT: Plumbing.

16 MR. GREEN: Plumbing supplies.

17 MR. GOSLINE: Right.

18 MR. GREEN: So Alpine's one of those old, pre-zoning areas, pre-housing growth
19 areas, that pretty much was a collection of disparate kind of [inaudible].

20 MR. GOSLINE: If y'all recall, -

21 VICE-CHAIRMAN WYATT: Because you could get some absolutely gorgeous
22 bird feeders – bird baths – out on Alpine Road.

23 MR. FURGESS: Beautiful place.

1 MS. LUCIUS: Could get some [inaudible]?

2 VICE-CHAIRMAN WYATT: Yes!

3 MS. LUCIUS: I just noticed, though, there's a neighborhood right beside on the
4 other –

5 MR. FURGESS: Behind it, too. Behind the bird feeder [inaudible].

6 MS. LUCIUS: Beside it. And it looks like a fairly nice neighborhood, you know.

7 MR. GREEN: I think the commercial use probably pre-dated the residential
8 development –

9 MS. LUCIUS: Right.

10 MR. GREEN: - if my memory serves me correctly.

11 MS. LUCIUS: Okay. I would just hate to see that junkyard as a magnet to bring
12 more bad things into the neighborhood. Okay.

13 VICE-CHAIRMAN WYATT: Okay. I'm sorry. Yes?

14 MS. LINDER: Madam Chairman, I would request an Executive Session for the
15 purpose of dispensing legal advice.

16 VICE-CHAIRMAN WYATT: All right. At this time let the Record show that that
17 the Planning Commission went into Executive Session for the purpose of receiving legal
18 advice.

19 *[EXECUTIVE SESSION]*

20 MS. LINDER: Madam Chairman, the Planning Commission went to Executive
21 Session to receive legal advice. No action was taken in that session.

22 VICE-CHAIRMAN WYATT: Thank you. And you are leaving at this time?

23 MS. LINDER: And I'm going to ask the Deputy County Attorney to come down.

1 VICE-CHAIRMAN WYATT: Okay. Thank you. We would appreciate that. The
2 next case before us is 05-67 MA, South Capital Group, requesting to go from D-1 to
3 RG-2, Interstate 77 Frontage Road at Windsor Lake Boulevard. You can find Staff
4 recommendations on page 153. Staff?

5 **CASE 05-67 MA:**

6 MR. GOSLINE: Madam Chairman, this is a request to rezone D-1 to RG-2 for the
7 purpose of 87 townhouses. The aerial on page 159 shows the location. It's adjacent to
8 an existing apartment complex, which, I believe, is the Hunter's Mill Apartments.

9 VICE-CHAIRMAN WYATT: Hunter's Mill?

10 MR. GOSLINE: Yes, ma'am.

11 VICE-CHAIRMAN WYATT: Okay.

12 MR. GOSLINE: And this is down – this is – it's kind of hard to say. But it's behind
13 the existing Windsor Lake Village project that's just about complete, right at the corner
14 of the frontage road and Windsor Lake Boulevard. Staff recommends approval.

15 MR. GREEN: Question for Staff. I can't tell from the aerial. What's the principal
16 point of access to this property from a major road?

17 MR. GOSLINE: The frontage road.

18 MR. GREEN: The frontage road runs all the way up and comes - I just don't see
19 where it comes back into Trenholm right there.

20 MR. GOSLINE: Well it doesn't go into Trenholm. It goes south to – it goes the
21 other way to Windsor Lake Boulevard.

22 MR. GREEN: And is it paved? It looks like a portion of it's not paved [inaudible].

1 MR. GOSLINE: It's not real – no, it's paved. But it's real bad, obviously, it'll be
2 built -

3 MR. JACKSON: Overgrown.

4 MR. GOSLINE: It'd be built to county standards.

5 MR. GREEN: Okay.

6 MR. PALMER: And this is those new duplexes or quadplexes that they're
7 popping up right there on Windsor Lake Boulevard?

8 MR. GOSLINE: This is behind, down that road that's adjacent.

9 MR. PALMER: It'd be the access road off of Windsor Lake Boulevard right there?
10 Have access to the boulevard?

11 MR. GOSLINE: The, so called, frontage road that goes right next to those quad-
12 units, or duplex units. It goes all the way back almost to Trenholm, but not quite.

13 MR. PALMER: So this is going to dump out more traffic onto Windsor Lake
14 Boulevard?

15 MR. GOSLINE: Correct.

16 MR. PALMER: Right on that turn.

17 MR. GOSLINE: Yes, sir.

18 MR. PALMER: And I have a question about that turn there. We approved some
19 homes right there that we had shared drives. And now they each have their own drive.

20 MR. GOSLINE: Yes. We noticed that. Some of them – we had a minor
21 subdivision about two years ago that had shared drives that backed up to the lake.

22 MR. PALMER: Right.

1 MR. GOSLINE: That had shared drives. About half of them ended up with
2 shared drives and the other ones didn't.

3 MR. PALMER: Anything to be done? Because that's on that turn where this is
4 dumping out at.

5 MR. GOSLINE: Right. That's – I don't really know the answer to that. We'll wait
6 until Legal Council gets here and ask them.

7 VICE-CHAIRMAN WYATT: Legal Council had to leave but Brad, the other
8 Assistant County Attorney, is supposed to be coming down. So if you could save that
9 until after the applicant and those speak.

10 MR. PALMER: Yeah. It plays on my thought because that's just where it's
11 dumping out into right there at that –

12 MS. LUCIUS: It doesn't show up on it.

13 VICE-CHAIRMAN WYATT: Okay. Is the applicant here, please? Sir, if you'd be
14 so kind as to come down and state your name and address for the Record.

15 **TESTIMONY OF ROSSER BAXTER:**

16 MR. BAXTER: Roster Baxter, 533 Harden Street.

17 VICE-CHAIRMAN WYATT: Do you have anything to say to us, sir?

18 MR. BAXTER: I'll answer any questions. We just feel that surrounding zoning
19 uses of all the surrounding property, we just want to conform to the surrounding uses.
20 And, yes, we'll probably put a few more cars on Windsor Lake Boulevard. But you're on
21 77. You can just continue on and go [inaudible] traffic somewhere else, too. And we
22 have no incoming traffic. We're at the very end of the road. I mean the very end. We'll

1 probably get rid of a small bit of crime that might go on down in that area [inaudible]
2 make very good use of the property.

3 VICE-CHAIRMAN WYATT: Thank you, sir.

4 MR. BAXTER: Thank you.

5 MR. PALMER: I have a question for the applicant if I could.

6 VICE-CHAIRMAN WYATT: Please. I'm sorry, Mr. Palmer.

7 MR. PALMER: Have you talked to the owner of this apartment complex in any
8 way as far as getting access through there? Have you thought of that?

9 MR. BAXTER: The topography would not allow such. Evidently, at some time
10 along the line – I mean I did a topo and I just know what it looks like, now. I have no
11 idea what it looked like 20 years ago. But my guess is it came down later. We sit about
12 5' lower in grade than the apartments above it, which there's a berm that comes down
13 like this. And we're down here. They're up here and our land is down here.

14 MR. GREEN: Let me just – I'm trying to understand what road's going to be used
15 to access out of the site and who's going to be responsible for - obviously from the
16 photo on 161 it's a narrow, modestly paved – I don't even know which –

17 MR. BAXTER: Twenty-four foot wide DOT road. It'll be maintained. It's within
18 the I-77 right-of-way.

19 VICE-CHAIRMAN WYATT: It's within the right-of-way?

20 MR. BAXTER: It's the I-77 right-or-way. It's the frontage road. It's a DOT
21 maintained road.

22 MR. GOSLINE: Really!

23 MR. GREEN: This just doesn't look paved all the way based on the aerial.

1 MR. BAXTER: Well, because of the trees you can't see. I mean the trees – they
2 have not maintained the trees on the side of it very well.

3 MR. JACKSON: It hasn't been used.

4 MR. BAXTER: Right. Hasn't been used. Right. There's no reason to go down
5 there.

6 MR. JACKSON: So it's just overgrown.

7 MR. BAXTER: Goes nowhere. The road leads to nothing.

8 MR. GREEN: Okay. Thank you.

9 MR. JACKSON: A question to Staff. Under the current zoning, what's the
10 maximum units [inaudible]?

11 MR. GREEN: D-1.

12 MR. GOSLINE: Well, on RG it's 17 units per acre, 15 units per acre. But they're
13 only requesting 87 on how many acres, Rosser?

14 MR. GREEN: They've got about 14 units an acre.

15 MR. JACKSON: Fourteen units per acre.

16 MR. BAXTER: And we've got 40 acres in open space. They've got 20 more
17 parking spaces than are required.

18 MR. JACKSON: What did he say green space?

19 MR. BAXTER: Got 20 more spaces than are required, 48% open space.

20 MR. JACKSON: So it will be like 20(?) units per acre.

21 MR. GREEN: My math's 14.

22 MR. JACKSON: He said 40% open space.

23 MR. BAXTER: Forty-eight percent open space.

1 VICE-CHAIRMAN WYATT: Forty-eight.

2 MR. JACKSON: That is a 48% open space. So, therefore, you're talking about
3 almost 3 acres to build on. That's why I said it will be 28. It would double.

4 VICE-CHAIRMAN WYATT: You agree? Thank you, sir.

5 MR. BAXTER: Thank you, ma'am.

6 VICE-CHAIRMAN WYATT: We've had one person to sign up to speak against
7 this, Ms. Linda Brinison. Did I do well, ma'am, or not?

8 MS. BRINISON: Yes. It's fine.

9 VICE-CHAIRMAN WYATT: Would you state your name and address for the
10 record, please, ma'am.

11 **TESTIMONY OF LINDA BRINISON:**

12 MS. BRINISON: I'm Linda Brinison. I live at 140 Calloway Court, Columbia.
13 That is directly behind, on your map there, directly behind the property that's up for
14 rezoning. I'm concerned. One thing I'm concerned with is the access to this property.
15 My fear is that there're already two – they mentioned one apartment complex – but
16 there's actually two. One of them exits out on King's Way, which is adjacent to the
17 Trenholm Road Extension. The other one exits, also, out onto Pine Lane, which is a
18 couple of blocks from where I live. We've had numerous problems associated with the
19 two apartment complexes that are currently there, which I won't go into great detail. But
20 there've been numerous problems. My fear is that they will open up this frontage road
21 and that people will be coming from the existing apartment complex as well as the
22 townhomes that are to be built that we're talking about today. Plus, also there's
23 duplexes that are currently under construction. This frontage road runs right – Calloway

1 Court is a cul-de-sac. This frontage road that he's speaking of runs right behind this
2 cul-de-sac. There's two roads there, Calloway and Baynard – excuse me – and then
3 Windsor. I think there's going to be traffic day and night on that road, in and out, in and
4 out of the two complexes. And what's going to happen? Is it going to occur that this
5 second, existing, complex is also going to gain access to that road? I would not be
6 surprised if that happened. If they don't have actual access, they will be walking up and
7 down it. We've had much crime. We've had gangs. We've had littering and noise.
8 And, you know, I think something needs to be done to slow the multi-family growth in
9 this very small confined area. And if you have any questions about where anything is
10 located or what it looks like, I've walked down that frontage road, myself. My daughter
11 learned to ride a bicycle on it. And I've lived there since 1988.

12 VICE-CHAIRMAN WYATT: Thank you very much, ma'am. Members, any
13 questions? Mr. Manning, please go ahead.

14 MR. MANNING: Do both of these apartment projects have access to the
15 frontage road?

16 MR. BAXTER: No, neither have access to the frontage road.

17 MR. MANNING: Neither do?

18 MR. BAXTER: Neither do.

19 MR. GOSLINE: - well they could get four cars off the street. When we were out
20 there, there wasn't any cars next door.

21 MR. PALMER: Now, I know that there was [inaudible] get an exception.

22 MR. GOSLINE: Yeah, they're going to have to supply the space. That's true.

1 VICE-CHAIRMAN WYATT: Is that something they can go to BZA and request –
2 on the parking?

3 MR. PALMER: Yeah, they can go get a variance.

4 VICE-CHAIRMAN WYATT: I would think so.

5 MR. PALMER: Yeah.

6 MR. GOSLINE: In order not to waste
7

8 [TAPE 3]

9 [continuation of 05-67 MA]

10 VICE-CHAIRMAN WYATT: All right, Mr. Manning, please go ahead.

11 MR. MANNING: Do both of these apartment projects have access to the frontage
12 road?

13 MR. GOSLINE: Neither.

14 MR. BAXTER: Neither.

15 VICE-CHAIRMAN WYATT: Neither.

16 AUDIENCE MEMBER: Neither. Neither have access to the frontage road.

17 MR. MANNING: Neither do.

18 MR. BAXTER: Neither do. And you can rest assured they don't come through
19 this piece of property here.

20 MR. MANNING: Is there an assurance that that wouldn't happen later?

21 MR. BAXTER: Yes.

22 MR. GREEN: Are these going to be rental townhomes or are these going to be -

23 MR. BAXTER: Single family residential.

1 MR. GREEN: For sale?

2 MR. BAXTER: For sale. Yes. For sale.

3 MR. PALMER: I just have a problem. I drive by this almost everyday.

4 MR. BAXTER: This property?

5 MR. PALMER: Not this actual parcel, but Windsor Lake Boulevard.

6 MR. BAXTER: Okay.

7 MR. PALMER: I drive down Windsor Lake Boulevard. And with the number of
8 units that are being put on Windsor Lake Boulevard now, I never thought I'd see it, but
9 there's townhomes that are going up there as well as the shared driveways that have
10 occurred, putting that many more homes out there, I really would feel sorry for the
11 people that live back in that neighborhood if this goes - and I know I sit on an advisory
12 board for the Sheriff's Department. And this apartment complex has extremely high
13 drug traffic in it that is right here on Trenholm Road Extension. And it's just a problem
14 area. And I would prefer - I would like to see this area - I think it's suited well for what's
15 already been back there with these single-family residential, detached. And I think it - I
16 agree with Mr. Jackson - I think it's too many units for that parcel. I think it's too many
17 units per acre, taking into light what's already being dumped out onto Windsor Lake
18 Boulevard on that turn.

19 VICE-CHAIRMAN WYATT: Anything else? Other comments? Questions? I'll
20 only say that I agree on the number of units. However, you know, at the same time I
21 think there've been enough studies done by the National Association of Realtors that
22 will show that crime is reduced when there is homeownership. And if there is anything I

1 do like about this is that it's, you know, it's property that will be homeownership and not
2 rental units.

3 MR. GREEN: But as it – this then, obviously, will come back to us for subdivision
4 review since it will be a “for sale” piece of property.

5 MR. PALMER: Barbara – I mean Ms. Wyatt – you know just as well as I do,
6 being in the real estate business, that these type units a lot of times don't end up with
7 the end user. People come in and buy four or five units and a lot of these are rental
8 units, such as the Parliament Lake subdivision is. It's detached, single-family. But I
9 would estimate over half of those houses in there are rentals.

10 MS. LUCIUS: Well, too, I know when all those duplexes were built next to our
11 subdivision, they started owner occupied and they're not. So that, I don't think, doesn't
12 have any bearing as far as I'm concerned.

13 MR. JACKSON: I'd have to recommend –

14 VICE-CHAIRMAN WYATT: Well, it really – it really shouldn't. It should just be a
15 matter of the density issue.

16 MR. JACKSON: I'd have to recommend denial for the simple reason that if this
17 was an urban setting where you have reaction time with police, fire, and everything I
18 probably could support it as an urban setting. But in the suburbs you have 87 units,
19 detached townhomes, I just can't support that. To me it's a safety factor and everything
20 else; crime, fire, everything because it's not in an urban setting.

21 MR. PALMER: I would second the motion. If this parcel somehow got access
22 onto Trenholm Road or maybe even to the corner of Kings right there, if this could
23 somehow get access through that apartment complex and get some kind of joint stuff,

1 joint way through there, I'd be in favor of it. But bringing everything back out this way
2 onto Windsor Lake Boulevard, I just can't see it. I would second the motion.

3 VICE-CHAIRMAN WYATT: Thank you. I'm sorry. We've got a motion on the
4 floor to recommend denial. It's been properly seconded. All those in favor of the
5 recommendation of denial please signify by raising your right hand. All those in favor
6 [sic].

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

9 VICE-CHAIRMAN WYATT: Okay. Mr. Manning. Thank you, sir.

10 MR. BAXTER: Thank you, ma'am.

11 VICE-CHAIRMAN WYATT: Alright. The next case, 05-68 MA, a request for a
12 PUD-MH to a PUD-O, three acres, office park, Summit Terrace Court. Staff Report's on
13 page 163, begins on 163.

14 **CASE 05-68 MA:**

15 MR. GOSLINE: Madam Chairman and Members, if you'll look at the aerial on
16 page 168, it shows the subject site. This is a fairly simple matter of changing the land
17 use designation for this three acre parcel from high-density residential, which is – the
18 terminology here is the one that was used in the PUD, the Summit PUD, so don't
19 confuse it with what's in the code. This is what was used when the Summit PUD was
20 granted to O for office space. Staff recommends approval.

21 MR. FURGESS: This is going to be used for office space?

22 MR. GOSLINE: Yes, sir.

1 MR. GREEN: Carl, let me ask you. If we look on page 172 and 173, the existing
2 land use plan and the proposed land use plan –

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

4 MR. GREEN: My presumption is the only difference in this general development
5 plan, the re-designation, if we look at the lower kind of left side of the site plan, under
6 the proposed you've got an arrow to that one small lot that says "O" in the middle of it.

7 MR. GOSLINE: That is absolutely true.

8 MR. GREEN: Other than that, all of the existing general development plan
9 remains the same –

10 MR. GOSLINE: Yes.

11 MR. GREEN: - with the exception of that one lot.

12 MR. GOSLINE: Yes.

13 MR. GREEN: Has the applicant had a chance to see the PUD conditions
14 attached on 165 and 166?

15 **TESTIMONY OF JEFF FREEMAN:**

16 MR. FREEMAN: I'm Jeff Freeman, 432 Prince Wales Drive, Columbia. I'm the
17 agent for the applicant.

18 MR. GREEN: Have you seen the stipulations attached to the changes in the Staff
19 Report where it provides –

20 MR. FREEMAN: Mr. Green, was that A through something?

21 MR. GREEN: A through L, comments A through L, attached to the Staff
22 recommendations.

23 MR. GOSLINE: Page 165 – 166 of our – well, you won't have the pages, Jeff.

1 MR. GREEN: They were PUD conditions. I guess K's not a condition since it's a
2 question mark by Staff.

3 MR. FREEMAN: Start's here - PUD conditions?

4 MR. GREEN: Uh-hum (affirmative). I just wanted to see if those were acceptable
5 to the applicant. Because it's possible, if we take affirmative action, it would be adopted
6 with those specific conditions attached to the motion.

7 MR. FREEMAN: As I read them, do they refer to an ongoing approval process
8 once this is approved? Is that what most of these are? I have not read these in detail.

9 MR. GREEN: Okay.

10 MR. FREEMAN: Primarily, what we're attempting to do here is to just add a
11 permitted use to MH zoning. But in order to do that I've been advised that we need
12 change it to a PUD to O, office, to permit that use. We're not changing anything
13 radically here. We're just, basically, making one small revision for potential
14 development as office.

15 VICE-CHAIRMAN WYATT: Mr. Gosline.

16 MR. GOSLINE: Madam Chairman, I think we've had the discussion with Mr.
17 Freeman. And he just said something that gives me a little pause. If this gets changed,
18 you will only be able to do office, nothing else. You don't have any flexibility. So if it
19 gets changed to office that's what it's going to be. And if you want to do – if your client
20 wants to do something else, Jeff, then you'll have to come back and do it again.

21 MR. FREEMAN: Mr. Gosline, your department asked me to submit permitted
22 principal uses and structures for this piece. Am I not correct in that?

23 MR. GOSLINE: Yeah.

1 MR. FREEMAN: You reviewed that?

2 MR. GOSLINE: Yeah.

3 MR. FREEMAN: General offices. Basically, we're – are we creating something
4 new here where uses have to be determined?

5 MR. GOSLINE: You will be - Jeff, just want to make sure you understand that if
6 this PUD goes through, you'll be limited to the uses on page 174, period. You won't be
7 able to –

8 MR. GREEN: That does include residential development, as well as office
9 development.

10 MR. FREEMAN: Carl, that has been a misunderstanding from the very
11 beginning.

12 VICE-CHAIRMAN WYATT: Mr. Freeman, if I may interrupt you, sir, since there
13 seems to be some confusion.

14 MR. FREEMAN: Yeah, sure.

15 VICE-CHAIRMAN WYATT: I'd like to suggest that you and Mr. Gosline get over
16 in the corner and discuss this. And we'll let you come back in a few minutes. And we'll
17 go on to our other case.

18 MR. FREEMAN: That's good. Fine.

19 VICE-CHAIRMAN WYATT: Because it could take a few minutes here.

20 MR. FREEMAN: Yeah. Sure.

21 VICE-CHAIRMAN WYATT: And we have people sitting out here for many hours
22 this afternoon. Is that okay with the two of you?

23 MR. GOSLINE: Sure.

1 VICE-CHAIRMAN WYATT: Okay. Thank you very much for doing that. I have to
2 be somewhere a few minutes from now. Okay. Case 05-70 MA. This is referred to as
3 the Village of Hope, from RG-2 to a PUD, McRae and Gibson Road. You can find your
4 staff reports beginning on page 175.

5 **CASE 05-70 MA:**

6 MS. ALMEIDA: Yes. This is Roosevelt Home site on Gibson Street and McRae.
7 This application is before us. And found on page 180 and 181 are the PUD conditions
8 and Staff recommends approval.

9 VICE-CHAIRMAN WYATT: Okay. Is the applicant here?

10 MS. ALMEIDA: Yes.

11 VICE-CHAIRMAN WYATT: Okay. If you'd like to go ahead and state your name
12 and address for the Record.

13 **TESTIMONY OF SHARON LEOPARD:**

14 MS. LEOPARD: I'm Sharon Leopard, 145 Kings Street, Charleston, SC.

15 VICE-CHAIRMAN WYATT: Go ahead, ma'am.

16 MS. LEOPARD: I agree with the Staff to approve our PUD. [Laughter]

17 MR. FURGESS: Madam Chair, this area I'm familiar with. It's off of Broad River.
18 This has been an eyesore spot for many, many years. I'm glad it's being updated
19 because it's by a neighborhood, also, that's been there a long time, [Inaudible]view
20 Terrace. Also, you have the city park, walking park that comes through there on the
21 Congaree River. By updating this, this will give this community new life because it is an
22 old community.

23 MS. LUCIUS: Broad River.

1 MR. FURGESS: Broad River. A new life. So I support it. I really do support this
2 because that neighborhood really needs this.

3 MR. JACKSON: Is that a motion?

4 MR. FURGESS: That's a motion.

5 MS. LUCIUS: And I –

6 MR. MCBRIDE: Second.

7 MS. LUCIUS: I second it.

8 VICE-CHAIRMAN WYATT: Well, hold on, guys. I think we need to – these other
9 people that have signed up the opportunity to speak for two minutes.

10 MS. LUCIUS: Okay.

11 MR. GREEN: There are advantages to being last after a long day.

12 MR. MCBRIDE: It's a blessing.

13 VICE-CHAIRMAN WYATT: And it's a little confusing. I think some folks –

14 MR. FURGESS: They left.

15 VICE-CHAIRMAN WYATT: - wanted to speak for it and they put themselves on
16 the against side and scratched it out and then stepped on it. But I do have one person
17 that is signed up against. And it looks like it's either H-A-T-H or N-A-T-H. It could even
18 be a K. Is there anyone here by that name? And it just says "Mr." It doesn't give me a
19 first name.

20 MR. FURGESS: That's why they stepped on it. They didn't want to [inaudible].

21 VICE-CHAIRMAN WYATT: Okay. Alright. Then we have next Ms. Betty Spells
22 Price. Ms. Price? Apparently she's left. George Taylor, Sr.

23 MR. FURGESS: Senior citizens. They've gone home.

1 VICE-CHAIRMAN WYATT: Madrass Boyd. Eurlene Jacobs. I guess they all
2 went home, huh? Okay. Then that's everybody that has signed up to speak. Now I'll
3 listen to a motion.

4 MR. JACKSON: It has already been done.

5 MR. FURGESS: It's already moved and second. What about you?

6 VICE-CHAIRMAN WYATT: Oh, I'm sorry.

7 MS. LUCIUS: I've seconded it three times!

8 VICE-CHAIRMAN WYATT: Sorry. It's been a long day.

9 MR. JACKSON: The only thing I'd like to say is I'm glad to see a CDC has
10 stepped in to do some housing development.

11 MS. ALMEIDA: Yes.

12 MR. JACKSON: They talk about affordable housing and I haven't seen any
13 affordable housing development. I've been asking for the longest -

14 MS. LUCIUS: Right.

15 MR. FURGESS: We're proud of that.

16 MR. JACKSON: - of CDC and you explained your buydown and your lot price
17 and things like that. I'm glad to see that CDC is doing something and we'll have some
18 affordable housing. I would hope that they try to make it mixed where it's not specified
19 to just one, the low-income, but you have different prices of houses and people living
20 there also. That helps because usually when you have a community that's just basically
21 50 to 80 – or 50% below the median income then you usually have a problem. But if
22 you have mixed where you could sell other price houses there, it would be a good idea.

1 VICE-CHAIRMAN WYATT: Okay. We have a motion on the floor with a proper
2 second. All those in favor of the motion for approval signify by raising your right hand.

3 Any opposed? Okay.

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

6 VICE-CHAIRMAN WYATT: And the next case that was on our agenda –

7 MR. CRISS: Madam Chair, if I may interrupt.

8 VICE-CHAIRMAN WYATT: I'm sorry.

9 MR. CRISS: Did that motion include approval of the general development plan or
10 would that require a separate motion?

11 VICE-CHAIRMAN WYATT: Who made the motion?

12 MR. JACKSON: Wes.

13 MR. FURGESS: I did.

14 VICE-CHAIRMAN WYATT: Wes.

15 MR. FURGESS: It included it.

16 VICE-CHAIRMAN WYATT: It included?

17 MR. FURGESS: It included all of it.

18 VICE-CHAIRMAN WYATT: And the second, also, included general development
19 plan.

20 MR. CRISS: Thank you for that clarification.

21 VICE-CHAIRMAN WYATT: Thank you. You're welcome.

22 MR. GREEN: Good luck to you.

1 VICE-CHAIRMAN WYATT: Thank you, ma'am. We'll go back to Case 05-68 MA.
2 Mr. Freeman, you want to come back up, sir? You understood the conditions, now, sir?
3 What's going on?

4 MR. FREEMAN: Seem to be okay.

5 VICE-CHAIRMAN WYATT: I'm sorry?

6 MR. FREEMAN: They seem to be fine.

7 VICE-CHAIRMAN WYATT: They seem to be fine?

8 MR. FREEMAN: The conditions that Mr. Green was referring to?

9 MR. GREEN: Right.

10 MR. FREEMAN: Yes.

11 MR. GREEN: Okay.

12 VICE-CHAIRMAN WYATT: You understand them?

13 MR. GREEN: It was clear to you and there's clarity on the uses that there's more
14 than just office use to that site, right?

15 MR. FREEMAN: It is.

16 MR. GREEN: I would like to make a motion that we, first, approve the general
17 development plan for the site followed by a motion to subsequently then approve the
18 request – to recommend the approval of the request for rezoning.

19 VICE-CHAIRMAN WYATT: For the amendment of the PUD?

20 MR. GREEN: Right. Subject to conditions pointed out in the Staff Report.

21 VICE-CHAIRMAN WYATT: Okay. So let me make sure I have the motion before
22 we get a second. It's for the general development approvement [sic] and also the
23 amendment of the PUD.

1 MR. GREEN: Right.

2 VICE-CHAIRMAN WYATT: Okay.

3 MR. GREEN: Subject to stipulations in the Staff Report.

4 VICE-CHAIRMAN WYATT: Okay. Thank you. Is there a second?

5 MR. MANNING: Second.

6 MR. FREEMAN: Let me ask one thing. Mr. Gosline and I just talked briefly about
7 the use, the potential use for this property if it goes to a PUD-O, which is office. And my
8 understanding is, from that conversation, that we do have flexibility to sell it for other
9 uses. And those are limited.

10 MR. GREEN: I would assume those are the uses pointed out in the Staff Report?

11 MR. GOSLINE: Yeah. Mr. Freeman, you are limited to the uses on page 174.

12 And we looked at those and you said that was fine. Correct?

13 MR. FREEMAN: I don't have a number on my sheet, so I'm sorry.

14 MR. GOSLINE: Attachment D.

15 MR. FREEMAN: But it was on two different sheets, that's why. That's fine. Sure.

16 Thank you.

17 VICE-CHAIRMAN WYATT: Alright. Thank you. There's a motion on the floor,

18 proper second. All those in favor signify by raising your right hand. Any opposed?

19 Thank you.

20 *[Approved: Palmer, Furgess, Lucius, Jackson, Wyatt, Green, Manning, McBride;*

21 *Absent: Van Dine]*

22 VICE-CHAIRMAN WYATT: Okay. The next case, 05-71 MA was withdrawn.

23 MR. GOSLINE: Correct.

1 VICE-CHAIRMAN WYATT: The next thing on our list is Road Name Approvals.
2 You'll find those on page 199.

3 MR. GOSLINE: Madam Chairman, there are two additions in street names. On
4 page 200, Button Bush Court and Sand Iris Court, both in the Rice Creek Ridge
5 subdivision. Sand Iris Court, Button Bush Court should be added to the list on page
6 200.

7 MR. GREEN: Neck Duck Court.

8 MR. PALMER: I move to approve.

9 MS. LUCIUS: Lot of ducks in there.

10 VICE-CHAIRMAN WYATT: Okay. There's been a motion for approval. Second?

11 MR. JACKSON: Second.

12 VICE-CHAIRMAN WYATT: All those in favor raise your right hand. Thank you.

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

15 MR. GREEN: How can you have an Anchor Watch because an anchor's in the
16 water? [Laughter] It must be hard to pick street names.

17 VICE-CHAIRMAN WYATT: Okay. Other Business. Guys, Other Business.

18 MR. MANNING: Madam Chairman, I have a couple of things I'd like for Staff to –
19 I know we had to do this thing before. But back a few days ago I met with Michael
20 regarding the vested right language as it applied to subdivisions and that was – it was
21 determined it wasn't consistent with the language [inaudible] vested rights for zoning.
22 And I would like for Staff, at the next meeting, to provide us with an amendment that

1 would bring those two together so that the vested rights in subdivisions would have the
2 extension period that you find in the zoning vested rights.

3 VICE-CHAIRMAN WYATT: When that went to Council last week, I – there seems
4 to be a little confusion on that. I thought before it went that there had been –

5 MR. CRISS: The one that you saw and acted on recently does have the
6 extensions, but that was for the Land Development Permits for the commercial
7 shopping centers and the office buildings and the apartment complexes, and so forth.
8 What Commissioner Manning is referring to is the existing language already adopted in
9 the new Land Development Code that vests subdivisions at the preliminary plat stage,
10 but it's only for that initial two year period. It doesn't count the one year extensions.
11 And the Commissioner would like to see a text amendment to the new Land
12 Development Code to bring the two vesting procedures into sync.

13 VICE-CHAIRMAN WYATT: So that would be something you'd bring back to us
14 next month so we need to put it on the agenda?

15 MR. CRISS: We'd be bringing back to you is a text amendment -

16 VICE-CHAIRMAN WYATT: Okay.

17 MR. CRISS: - under the new Land Development Code.

18 VICE-CHAIRMAN WYATT: Okay. Let's do that.

19 MR. CRISS: We're, also, still debating this wholesale trade in general
20 commercial zoning districts issue. You have dealt with Mr. Duffy's specific request on
21 two sites, today. Well, one has been deferred for further action. But there's a broader
22 debate still taking place about the new Land Development Code's affect on wholesale
23 trade land uses in general commercial zoning districts. And you may see a text

1 amendment on that topic, as well, by the next meeting. And the only other thing I'd like
2 to –

3 VICE-CHAIRMAN WYATT: So we've gone from Other Business to Planning
4 Director's –

5 MR. CRISS: Yeah, we have segued into the Planning Director's Report –

6 VICE-CHAIRMAN WYATT: Okay. Just double checking.

7 MR. CRISS: - seamlessly. The Planning 101 Seminar is this Friday. Raise a
8 hand. Who's going to make it? We have one, two, three

9 VICE-CHAIRMAN WYATT: Marcia.

10 MR. CRISS: Maybe Wes. Pat's a possible. Pat, morning? Afternoon? Don't
11 know yet?

12 MR. PALMER: Don't know yet.

13 MR. CRISS: Don't know yet.

14 MR. FURGESS: I'll be in Florida.

15 MR. PALMER: I've got to see the itinerary.

16 VICE-CHAIRMAN WYATT: Florida?

17 MR. PALMER: One week-old child.

18 MR. FURGESS: Yes.

19 VICE-CHAIRMAN WYATT: Going to Disney World?

20 MR. CRISS: Yeah, yeah. Other duties as required.

21 MR. FURGESS: I need to work on my tan.

22 MR. CRISS: Marcia, you going to make it to the Planning 101 Seminar on
23 Friday?

1 MS. LUCIUS: May not be able to.

2 VICE-CHAIRMAN WYATT: Why not?

3 MR. PALMER: I have a question for Brad while he's here.

4 MS. LUCIUS: Well, let me explain.

5 VICE-CHAIRMAN WYATT: I didn't mean to push you, Ms. Lucius.

6 MS. LUCIUS: I had told – I had – no. I want you to understand because I had put
7 this as the highest priority. And my husband's niece is graduating from law school
8 Friday at the University. I told him that I couldn't go, that I had to go to this.

9 MR. FURGESS: And he told you to make up your mind.

10 MS. LUCIUS: And it did not go over very well.

11 MR. CRISS: Didn't go over very well.

12 MS. LUCIUS: And I had to make [inaudible].

13 MR. GREEN: May be going to Florida with Wes to get a tan. [Laughter]

14 MR. FURGESS: Tell him all our secrets.

15 MS. LUCIUS: No! He did not become [inaudible]. [Laughter]

16 MR. GREEN: Are we adjourned yet? We're not adjourned.

17 VICE-CHAIRMAN WYATT: Well -

18 MS. LUCIUS: I was going to tell you later. I was going to break it to everybody
19 because I hate to miss it. But it was one of those things.

20 MR. CRISS: For those of you who can only make part of the day, we welcome
21 your attendance for any portion thereof.

1 MR. GREEN: I did have one question about the Land Development Code. There
2 was some discussion or something flying around about the exhibits or additions the
3 Land Development Code –

4 MR. CRISS: Ah – maybe the Development Design Manual, possibly?

5 MR. GREEN: - and that. And there was some discussion as to whether that
6 potentially could delay the implementation of the new Land Development. And I just
7 wanted to get an update if there was any - I'm not trying to discuss the issue. I'm just
8 trying to understand the issue.

9 MS. ALMEIDA: The Design Manual, a complete draft, will be done by May 17th.
10 It's a pictorial of the ordinance. That's all it is. It's a picture interpretation.

11 MR. GREEN: And I was just interested in, apparently, there was some thought
12 that there would be a delay time between when that was presented and adopted as a
13 part of the code and when the code would go into effect. Is that not the case? I'm just
14 looking for information.

15 MR. CRISS: It has been discussed, but it's not a decision that has been made by
16 Council. We're still assuming July 1st is the effective date for the new Land
17 Development Code.

18 MR. MANNING: And also, the Design Manual, some of the Landscaping
19 Schedules -

20 MS. ALMEIDA: Everything.

21 MR. MANNING: - specifics to the Ordinance. [Inaudible] go on and hand it out in
22 draft form.

1 MS. ALMEIDA: The Design Manual will be in a complete, draft form May 17th.
2 The applications have all been – all the forms and applications have been reviewed.
3 And that's –

4 MR. MANNING: What happens at that point? Does that come before the
5 Planning Commission for review or does that just - I know that there was a review
6 process prior to the adoption –

7 MS. ALMEIDA: Right.

8 MR. MANNING: - of the code in July.

9 MS. ALMEIDA: Right. We can bring you all the forms if you'd like to look at
10 them.

11 MR. MANNING: And that would be available for discussion prior to adoption in
12 July.

13 MS. ALMEIDA: Yes. We –

14 MR. MANNING: I mean there could be amendments to that or changes.

15 MS. ALMEIDA: Well, it was just a review. That's all it was.

16 MR. MANNING: But the purpose of the review is to make sure we understood it.

17 MS. ALMEIDA: Right.

18 MR. MANNING: That there was, you know, some agreement.

19 MS. ALMEIDA: Yes. We have met with the homebuilders and we've gone
20 through them.

21 MR. FURGESS: Mike, for your information, at the Council meeting on the 26th – I
22 forgot when that was. When all those people was here we deny – we sent it back to –
23 we denied it and sent it back to Council. On that neighborhood –

1 MS. LUCIUS: Which one? O'Sheal Road?

2 MR. FURGESS: O'Sheal Road. How did that turn out?

3 MR. CRISS: Well, interesting you should ask.

4 VICE-CHAIRMAN WYATT: The power went out. Let's keep it at that.

5 MR. CRISS: The power went out in this room during that –

6 MS. LUCIUS: It did? [Laughter]

7 MR. CRISS: - hearing. And the meeting was recessed until tomorrow night at
8 7:00 o'clock in the Chambers at which time the case will – the meeting will reconvene
9 and the case will be continued.

10 MS. LUCIUS: That's the first hearing?

11 MR. CRISS: I think Council's going to start over.

12 MS. LUCIUS: Start over.

13 VICE-CHAIRMAN WYATT: Yeah. They only heard about 10 minutes of it.

14 MS. LUCIUS: Okay. I didn't know that.

15 VICE-CHAIRMAN WYATT: I thought I told you.

16 MR. CRISS: It was quite a scene.

17 MR. GREEN: I wonder who found the fuse box?

18 MS. LUCIUS: No, but the power going –

19 VICE-CHAIRMAN WYATT: I told somebody earlier today I left about 8:30. I
20 threw the switch on my way out. [Laughter]

21 MR. PALMER: I have two things real quick. One I know we've asked for in the
22 past and Gene was talking about it, too. If we can get an update in our packages as to
23 the actions that Council takes on what we have recommended, it'd be great.

1 MR. CRISS: Yeah. You have asked for that.

2 MS. ALMEIDA: How often would you want that?

3 MR. PALMER: Every month. What they've – our action that we take and how
4 Council has –

5 MR. CRISS: In other words, carry the map amendment and text amendments
6 through to conclusion.

7 MR. PALMER: Correct.

8 VICE-CHAIRMAN WYATT: We'd like a report back on the actions we sent to
9 Council. It's that simple. We've asked for it a thousand and one times.

10 MR. GREEN: Right.

11 VICE-CHAIRMAN WYATT: It's called "planning", Michael.

12 MR. CRISS: A hundred and one times.

13 VICE-CHAIRMAN WYATT: We can't plan if we don't know what's going on with
14 Council.

15 MR. CRISS: We owe you that.

16 VICE-CHAIRMAN WYATT: Now, speaking of planning –

17 MR. GOSLINE: You don't want to go to all the Council meetings. That's for sure.

18 VICE-CHAIRMAN WYATT: Speaking of planning, Michael, and this is not the first
19 time we've had this discussion, but I want to go on Record in front of everybody. We
20 need to support the schools in their planning efforts.

21 MR. CRISS: Hmm.

22 VICE-CHAIRMAN WYATT: They have asked repeatedly. I know District 2 has
23 asked me for almost two years to get our packets so that they can see how many

1 subdivisions are coming in, how many houses. As of this morning, they had not
2 received one. And it's just not fair, when we're asking them to join us in planning, that
3 we're not sharing our information.

4 MS. ALMEIDA: We do – we do have them on our List Serve that we e-mail them
5 the – at least the agenda's every month.

6 VICE-CHAIRMAN WYATT: It's not so much the agenda that they need for
7 planning purposes. It's the number of units. They actually need to get this. And I,
8 personally, will be happy to walk it to my backyard neighbor if y'all will just bring me two
9 of them.

10 MR. CRISS: We do have Planning Liaisons identified in each of the Districts,
11 now. And we are communicating with them regularly by e-mail. And, yes, we do want
12 to provide more comprehensive development statistics to everyone. And it'll probably
13 go on the county web site, would be my guess.

14 MS. ALMEIDA: The package is on the County website so you can download it.

15 MR. CRISS: And, of course, these agenda's are available on the county website.

16 MS. ALMEIDA: That would help.

17 VICE-CHAIRMAN WYATT: The whole thing?

18 MS. ALMEIDA: The whole thing.

19 MR. CRISS: Yeah. It may be hard to download, but you can look at it on the
20 screen.

21 MS. LUCIUS: Don't hit "print."

22 VICE-CHAIRMAN WYATT: Yeah!

1 MR. PALMER: Now back to my second question. About this shared driveway on
2 Windsor Lake Blvd.? What can be done about that, Brad, if anything [inaudible]?

3 MR. GOSLINE: We'll have to discuss it with him, Patrick. He's blinded sided on
4 the issue.

5 MR. PALMER: But he's quick. I'm kidding. I'm kidding. I'm kidding. I'm kidding.
6 I just wanted to see if I could hear something back next month. What happens when
7 they do what they're not supposed to?

8 MR. JACKSON: Enforcement issue.

9 MR. PALMER: Yeah.

10 VICE-CHAIRMAN WYATT: Okay. Do I hear a motion for adjournment? Okay.
11 Thank y'all for your support this time.

12

13

Adjourned: 5:42 p.m.