

RICHLAND COUNTY PLANNING COMMISSION

June 6, 2005

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

7
8 Called to order: 1:02 pm

9 CHAIRMAN VAN DINE: Alright. We're going to get started. We do have a
10 quorum. And I need our public announcement, please. Ladies and gentlemen, I'm
11 required to read the following into our Record so if you'll bear with me. In accordance
12 with the Freedom of Information Act, a copy of the agenda was sent to radio and TV
13 stations, newspapers, persons requesting notification, and was posted -

14 MS. ALMEIDA: Excuse me, Mr. Van Dine, we're not picking you up.

15 MR. GOSLINE: Speaker's not on?

16 MS. WYATT: Can y'all hear us out there?

17 MR. GREEN: Barbara, they can always hear you.

18 CHAIRMAN VAN DINE: Never had a problem with people saying they couldn't
19 hear me before. They're on. Thank you. How about now? Are people able to hear
20 better?

21 MS. WYATT: I hear it echo back now.

22 CHAIRMAN VAN DINE: Alright. I will start again. In accordance with the
23 Freedom of Information Act, a copy of the agenda was sent to radio and TV stations,
24 newspapers, persons requesting notification, and was posted on the bulletin board
25 located in the lobby of the County Administration Building. Alright. Next on our agenda
26 is the consideration of our May 2, 2005 minutes.

27 MR. FURGESS: I move that we accept the minutes.

1 MS. LUCIUS: Second.

2 CHAIRMAN VAN DINE: We have a motion for approval and acceptance of the
3 minutes and a second. For the Record, since I was not here I will not be voting on that
4 particular matter. All those in favor please signify by raising your hand. Opposed?
5 Motion carries.

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

8 CHAIRMAN VAN DINE: Any agenda amendments?

9 MR. GOSLINE: Yes. Mr. Chairman, can you hear me?

10 CHAIRMAN VAN DINE: Yes. I can. I don't know about anybody else.

11 MS. WYATT: Barely.

12 MR. GOSLINE: Can y'all hear me out there?

13 MS. LUCIUS: Speak into the mic.

14 MR. GOSLINE: On page 1 of the agenda, the project Centennial should be
15 Phase 18, not 19.

16 CHAIRMAN VAN DINE: Okay.

17 MR. GOSLINE: Bottom of the first page of the agenda. Project number SD-05-
18 279, Rainforest Private Driveway Subdivision, has asked to be deferred until next
19 month.

20 MR. GREEN: That was 05-279, Carl?

21 MR. GOSLINE: Yes.

22 MS. LINDER: That subdivision request to defer, you'll have to take a vote.

23 CHAIRMAN VAN DINE: Okay. Anything else?

1 MR. GOSLINE: Yes. Zoning case number 05-74 MA, Sam Coogler, has
2 withdrawn. And that's all the changes I have, Mr. Chairman.

3 CHAIRMAN VAN DINE: Alright.

4 MS. ALMEIDA: 05-75 MA would like to be put first on the agenda, under New
5 Business. Right. New Business for Zoning Map Amendments, they would like to be put
6 first.

7 MS. LUCIUS: We're not hearing anybody.

8 CHAIRMAN VAN DINE: Alright. Hold up one second. Anything else we need to
9 know about before we take any action?

10 MS. ALMEIDA: No, sir.

11 CHAIRMAN VAN DINE: Alright. We have a request on SD-05-279 for deferral.
12 Pursuant to our rules, that will require a motion and a vote from the Planning
13 Commission to defer that.

14 MS. WYATT: Mr. Chair, I'll make a motion we defer that until the July meeting.

15 MS. LUCIUS: Second.

16 MR. PALMER: What's the purpose of the deferral?

17 MR. GOSLINE: The applicant has requested more time to examine other options.

18 CHAIRMAN VAN DINE: That was a request by the applicant?

19 MR. GOSLINE: Yes.

20 CHAIRMAN VAN DINE: Do I hear any discussion? All those in favor of deferring
21 that please raise your hand.

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

1 CHAIRMAN VAN DINE: Alright. That one has been deferred.

2 MR. GREEN: Carl, your mic still isn't working.

3 CHAIRMAN VAN DINE: If you hold it close enough to you I think it'll be alright.

4 MR. GOSLINE: Is this better?

5 MS. LUCIUS: Uh-huh (affirmative).

6 CHAIRMAN VAN DINE: Alright. The next request has been made to move the
7 map amendment 05-75 MA to the first in our New Business. Mr. Kinder must be at the
8 City of Columbia for another request through that body. Anybody have a problem with
9 moving it first as far as that -

10 MS. WYATT: Mr. Chair, I make a motion that we move case number 05-75 MA to
11 the first under New Business Zoning Map Amendments.

12 MR. GREEN: Second.

13 MS. WYATT: All others to stay in order.

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

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

18 CHAIRMAN VAN DINE: Alright. We'll move that up to the first. Any other
19 changes to the agenda? Alright. Under our Old Business, we have back before us, it
20 looks like three separate matters. Is that true?

21 MS. ALMEIDA: Correct.

22 CHAIRMAN VAN DINE: The first up would be 05-66 MA, which is Windsor
23 Square. In light of the fact that we have had discussions of these matters in the past,

1 the Council has taken them up, we, from the Planning Commission, only need to hear
2 from the Staff on what the changes are to make whatever decisions are necessary at
3 this time.

4 MS. ALMEIDA: That is correct.

5 CHAIRMAN VAN DINE: Alright. Can you tell us why Windsor Square is back
6 before us?

7 MS. ALMEIDA: Mr. Chairman, the applicant is requesting a withdrawal.

8 CHAIRMAN VAN DINE: Alright.

9 MS. ALMEIDA: A deferral, I'm sorry.

10 MS. LUCIUS: A deferral.

11 MS. ALMEIDA: We're working out wording on the uses permitted under the
12 existing C-3 and the proposed GC zoning designation as of July 1st. And some of those
13 discussions will be taking place later on on the agenda.

14 CHAIRMAN VAN DINE: Alright.

15 MS. ALMEIDA: So the applicant is requesting to have - we have actually advised
16 the applicant to keep his options open. And so, therefore, he has agreed to defer this
17 matter.

18 MS. WYATT: This has actually not gone to Council. This was deferred last
19 month by us and he was asked to come back this month.

20 MS. ALMEIDA: That is correct.

21 CHAIRMAN VAN DINE: Alright. We have a request –

22 MS. WYATT: Just to clarify that, Mr. Chair. It's not gone to Council.

1 CHAIRMAN VAN DINE: Thank you. We have a request to defer 05-66 MA, a
2 request by the applicant. Do we have a motion to that effect?

3 MR. GREEN: Mr. Chairman, I would move that we defer, until our July meeting,
4 that case.

5 CHAIRMAN VAN DINE: Do I hear a second?

6 MR. FURGESS: I second.

7 MR. PALMER: I'd just like to make a statement if I could. I think we need to take
8 a look in our new code at some things. It's my understanding that our new code does
9 not really address flex-space, as it were, which is what some people are looking to do
10 with this piece of property. Currently that's taken care of with C-3 because the uses are
11 allowed in there. But we've taken the uses out. So we need to take a look at putting
12 something in our new code so it'll apply for flex-space and allow that in the county.

13 MS. WYATT: Well, we're going to discuss that under the –

14 MR. PALMER: Yeah, but I'm just saying that we need to put something in our
15 new code about that.

16 CHAIRMAN VAN DINE: Alright. All those in favor of deferring of 05-66 MA
17 please signify by raising your hand.

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

20 CHAIRMAN VAN DINE: Alright. Next we have is 05-39 MA, Clemson Road
21 Business Park.

22 MS. ALMEIDA: Yes, Mr. Chairman. The actual applicant and the Rose Creek
23 Homeowners Association are working diligently to come up with a compromise which

1 they're actually trying to seal up those negotiations. There is still some question as to
2 locations of the block wall, which is still being negotiated. We will be meeting with the
3 Rose Creek Homeowners Association today in sealing up those little outstanding
4 issues. But, for the most part, most of what you all approved, the applicant and the
5 owner of the property are willing to go above and beyond. So we just wanted you all to
6 be updated on those issues. But, mostly they revolve around buffering and landscaping
7 and clear cutting.

8 MS. WYATT: So are we asking for a deferment on this, also?

9 MS. ALMEIDA: No. This is just for informational purposes.

10 MS. WYATT: Okay.

11 CHAIRMAN VAN DINE: So we don't need to take any action on this?

12 MS. ALMEIDA: That is correct.

13 MS. WYATT: Well I understood that, since there was a change to it we had to,
14 that's why it's back on the agenda.

15 MS. ALMEIDA: Well, as of this morning, there is going to be another further
16 change where the site plan is going to be modified. Consolidation is going to be taking
17 place on the site. So you, probably, will be seeing this again if that is the case.

18 MS. WYATT: But, again, when we see next month we will be voting on it.

19 MS. ALMEIDA: Absolutely.

20 MS. WYATT: Okay. So actually, I mean I'm going to defer to legal, but I would
21 think that we would have to vote to defer this. It's on our agenda.

22 MS. ALMEIDA: Yes. Mr. Chairman -

1 MS. WYATT: Mr. Chair, I'm going to make a motion that we defer this until next
2 month while we give the applicant time to finish meeting with the homeowners
3 associations along Clemson Road.

4 MS. LUCIUS: Second.

5 CHAIRMAN VAN DINE: Motion and a second to defer 05-39 MA. All those in
6 favor please signify by raising your hand.

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

9 CHAIRMAN VAN DINE: Alright.

10 MS. WYATT: We're going to busy next month.

11 CHAIRMAN VAN DINE: As to this next matter, I will need to recuse myself on
12 this particular because of a matter that has arisen just recently. And so I will turn the
13 Chair over to Ms. Wyatt.

14 VICE-CHAIRMAN WYATT: Thank you. I'll just stay here.

15 MS.LINDER: Mr. Van Dine, do you have a letter of recusal that you need to put it
16 in Record?

17 VICE-CHAIRMAN WYATT: Yes. I'm getting ready to read it.

18 CHAIRMAN VAN DINE: I have turned that over already.

19 MS. LINDER: Thank you.

20 VICE-CHAIRMAN WYATT: "June 6, '05. Barbara Wyatt, Vice-Chair, Richland
21 County Planning Commission, 2020 Hampton Street, Columbia, 29204. Dear Ms.
22 Wyatt: I must request to be excused from participating in discussion or voting on
23 agenda item 05-52 MA, regarding NDK [sic], Inc., River Shoals, which is scheduled for

1 review and/or discussion at today's Planning Commission meeting. It is my
2 understanding of the Rules of Conduct provisions of the Ethics, Government
3 Accountability and Campaign Reform laws that since I [excuse me] that since the
4 brokers for the sale of lots has been represented by my firm on unrelated matters I will
5 be unable to participate in this matter through discussion or voting. I would, therefore,
6 respectfully request that you indicate for the Record that I did not participate in any
7 discussion or vote relating to this item representing a potential conflict of interest. I
8 would further request that you allow and direct this letter to be printed as part of the
9 official minutes and excuse me from such votes or deliberation and note such in the
10 minutes. Thank you for your consideration. Sincerely, Howard Van Dine." Let the
11 Record also show that Mr. Van Dine has left the room. Alright. I'll turn it over to Staff,
12 now.

13 MS. ALMEIDA: Ms. Chairwoman, the River Shoals, NKD, Inc./River Shoals,
14 Council has approved this subdivision. I'm sorry – this PD-, planned development
15 design, with 149 lots from 172 lots. The road configuration has changed. Found on
16 page 52 is the original road configuration. And, as per the handout given to you this
17 afternoon, you will see area C has changed. So there is a lot consolidation. There's
18 149 lots. All open space and amenities remain the same.

19 VICE-CHAIRMAN WYATT: Anna, can you refresh my mind? Last year, last
20 summer, when this project first came to us, how many homes were originally proposed?
21 Two thirty something?

22 MR. GOSLINE: One hundred and seventy-two.

23 VICE-CHAIRMAN WYATT: No, originally.

1 MS. ALMEIDA: No. It was originally 240?

2 VICE-CHAIRMAN WYATT: Two hundred and forty. I thought it was in the 230's.

3 So we've seen 90-some homes –

4 MS. ALMEIDA: Correct.

5 VICE-CHAIRMAN WYATT: Okay.

6 MR. GREEN: So let me - just to get a clarification – on page 33 of our Staff
7 Report the proposed use shows 170 – says 172 residences. That's now 149?

8 MS. ALMEIDA: That is correct. The ordinance that will go to Council will reflect
9 those changes.

10 MR. GREEN: Has this received first reading approval by County Council at 149?

11 MS. ALMEIDA: Yes, it has, 149. It has received its first hearing. Yes.

12 MR. GREEN: So it's public hearing and its first vote by Council?

13 MS. ALMEIDA: That is correct. It will be on the agenda for tomorrow for second
14 reading.

15 MR. GREEN: For second reading.

16 VICE-CHAIRMAN WYATT: I don't think it's on for tomorrow.

17 MR. MANNING: The road configuration.

18 VICE-CHAIRMAN WYATT: Any other questions?

19 MR. FURGESS: Go ahead.

20 MR. MANNING: Anna, the road reconfiguration's already been adopted? First
21 reading?

22 MS. ALMEIDA: To accommodate the 149 lots. That is the proposal that, in order
23 to meet that 149 lots, the Council will see that as the proposal.

1 VICE-CHAIRMAN WYATT: I'm sorry. Mr. Furgess, I think you had a question.
2 You were next.

3 MR. FURGESS: It was not a question, but that we go ahead and take the vote on
4 this if there are no more questions. Don't we have to vote on this?

5 MS. LUCIUS: I do have one question. It concerns –

6 VICE-CHAIRMAN WYATT: Just a minute. Mr. Jackson was next.

7 MS. LUCIUS: Oh, okay.

8 MR. JACKSON: I was just asking the road reconfiguration was just on the
9 property.

10 MS. ALMEIDA: Correct.

11 MR. JACKSON: It wasn't – okay. I thought there was some –

12 MS. ALMEIDA: Not on O'Sheal Road.

13 MR. JACKSON: - some funding for adjustment.

14 MS. ALMEIDA: No, sir.

15 VICE-CHAIRMAN WYATT: Now Ms. Lucius.

16 MS. LUCIUS: A question came up when we heard it last month about the
17 Conservation Easement document.

18 MS. ALMEIDA: Uh-hum (affirmative).

19 MS. LUCIUS: Do we have a Conservation Easement document, legal document?

20 MS. ALMEIDA: We have a copy of what will be filed.

21 MS. LUCIUS: So there is one on file that will protect -

22 MS. ALMEIDA: That is correct.

23 MS. LUCIUS: - those areas in a conservation easement?

1 MS. ALMEIDA: Yes.

2 MS. LUCIUS: Okay. That will run with the property?

3 MS. ALMEIDA: Absolutely.

4 VICE-CHAIRMAN WYATT: Any other questions? Do I hear a motion?

5 MR. PALMER: Madam Chairman, I make a motion in conjunction with the Staff
6 recommendation for that we send this forward to Council with a recommendation of
7 approval subject to conditions on page 40 and 41.

8 VICE-CHAIRMAN WYATT: Well, there really wouldn't be any conditions that we
9 would be changing. Those are already a matter of Record, the conditions. The only
10 thing that, you know, that I would caution is Legal making sure that when that final
11 ordinance gets up to Council that it does say 149 instead of 172, because there were no
12 changes made in what we have.

13 MS. LINDER: And I can assure you that the change has already been made for
14 the agenda purposes tomorrow.

15 VICE-CHAIRMAN WYATT: Okay. Good. Thank you.

16 MS. LINDER: So all we need is a recommendation whether you approve the plan
17 based on the 149 homes.

18 VICE-CHAIRMAN WYATT: Thank you.

19 MS. ALMEIDA: The General Development Plan.

20 VICE-CHAIRMAN WYATT: The General Development Plan. Is there a second?

21 MR. FURGESS: Second.

22 VICE-CHAIRMAN WYATT: We've got a motion on the floor, a proper second. All
23 those in favor signify by raising your right hand. Any opposed?

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

3 MS. LUCIUS: Madam Chair, may I just make a comment?

4 VICE-CHAIRMAN WYATT: Go ahead. Alright.

5 MS. LUCIUS: I don't think any case has been as hard for me to decide as this
6 one because this plan has everything in it that we should be demanding of every PUD
7 that we see. And I have to agree with Staff 100% that this is a beautiful PUD. I just
8 keep getting back to the core question, which is, to me, are we going to have any rural
9 land in Richland County. And we give a lot of lip-service, I think, to providing the types
10 of housing and the types of areas to people because everybody doesn't want the same
11 thing. And I just feel like we're really not being honest in saying we are providing the
12 rural property that so many people have said they wanted. When we go in and we – I
13 know it's a PUD, you know. But when we go in and we put something right in the
14 middle of this big, green area, it's going to open up that area to more development. And
15 who's to say that the next one that comes in is not going to be this pretty? And are we
16 going to raise the bar? Rural by design. I know what that is and I agree with it. But, at
17 the same time I just see our rural areas in Richland County being slowly eaten away.
18 That was how I approached this. That's why I had to vote no.

19 VICE-CHAIRMAN WYATT: Thank you, Ms. Lucius.

20 MS. LINDER: Madam Chairman, I would recommend that you also take a motion
21 on approving the General Development Plan so it's clear for the Record.

22 VICE-CHAIRMAN WYATT: And we did have some folks that had signed up to
23 speak against this matter and I hope that all of you will understand that, since this has

1 been referred back, we do not open public input again. So I apologize to you for having
2 signed up on that. Is there a motion to approve the General Development agreement?

3 MR. PALMER: I make a motion to approve the General Development agreement.

4 MR. FURGESS: Second.

5 VICE-CHAIRMAN WYATT: Okay. All those in favor signify by raising your right
6 hand. Opposed.

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

9 VICE-CHAIRMAN WYATT: Someone would –

10 MR. PALMER: Carl, just for information purposes for me, Carl? What
11 percentage of the land, would you say, in Richland County is zoned rural right now?

12 MR. GOSLINE: Zoned rural?

13 MR. PALMER: Correct. Just ballpark.

14 MR. GOSLINE: Probably a third.

15 MR. PALMER: It's much more than that, wouldn't you think?

16 MR. GOSLINE: It's kind of hard to tell for sure. You've got an awful lot in the
17 southeast, of course. [Inaudible].

18 MR. PALMER: Is there any way you can find out for next month?

19 MR. GOSLINE: Yeah. It might be more like a half. But not any more than that.

20 MR. PALMER: Can you find that out for next month? Just for my informational
21 purposes. Can you find that out for me by next month?

22 MR. GOSLINE: We'll give it a shot.

23 MR. PALMER: Thanks.

1 MS. LUCIUS: Well, I think you have to understand that some of the rural areas
2 are pocked with other zoning. So, I mean, I'm looking at rural as a large swath.

3 MR. PALMER: I understand. I'm just trying to figure out how much we have.

4 MR. GOSLINE: I assume, Mr. Palmer, that you're talking about zoned RU?

5 MR. PALMER: Zoned RU.

6 CHAIRMAN VAN DINE: We all set?

7 VICE-CHAIRMAN WYATT: Mr. Chair, I'll turn it back over to you.

8 CHAIRMAN VAN DINE: Thank you, ma'am. Next up is our Subdivision Review.
9 First we have is SD-05-231, which is Centennial Phase 18.

10 **PROJECT SD-05-231:**

11 MR. GOSLINE: Mr. Chairman and Members, this is a proposed preliminary
12 subdivision –

13 MS. LINDER: Mr. Chairman, before Mr. Gosline begins I'd just like to note for the
14 Record that the subdivision requests are proceeding under our current subdivision
15 regulations. And later, when we take up the new zoning, that will be under our new
16 Land Development Code that goes into effect July 1.

17 CHAIRMAN VAN DINE: Thank you.

18 MR. GOSLINE: This is a request for preliminary plans approval for Centennial
19 Phase 18, which is a portion of the Lake Carolina development down in the southeast
20 corner. Staff recommends approval subject to the conditions on page 56 and 57.

21 CHAIRMAN VAN DINE: Any discussion or questions from the Commission?

22 MS. WYATT: I'm going to bring up at this time a major concern that I have in
23 relationship to that whole area out there. And also, the comments made by Staff that

1 says that Clemson Road will operate at – I think it states in there that it's going to
2 operate at a service level C – that this will not have an impact. I have to assure you that
3 most of the people that are going to be coming out of that area are not going to be going
4 to Clemson Road. They're going to be coming out to the Hardscrabble Road area. So I
5 have to disagree with Staff on that. I have to also tell you that I have spent – actually
6 made a number of trips now up to that area in regard to the road that I was told,
7 probably six months ago by the developer, that had been cut through the Summit that
8 was going to help solve some of that problem with the traffic on Hardscrabble that I was
9 so concerned about. And I think the Planning Commission needs to know, clearly
10 needs to know that that road that I took to be, when it was presented to us, as basically
11 a parkway is nothing more than a road that is cutting through a subdivision of the
12 Summit. If one person parks their car in the street, then everybody's got to stop and
13 allow each other to come around. I think it's terrible that the county has allowed this to
14 happen both to the subdivision of the Summit and also to Lake Carolina and not finding
15 another way to funnel this traffic out. It's totally inexcusable. I do believe that there's
16 going to be some further investigating into how this matter occurred. This area was part
17 of the Summit PUD. We don't know when it was removed from the Summit PUD and
18 who and why that road was allowed to occur out there. I'm going to say go ahead and
19 approve this subdivision because it's no one's fault but, maybe, the county's. But it's
20 just inexcusable what has happened out there. And I'd like to encourage every one of
21 the Planning Commission Members to go out there and take a look at what was done
22 out there.

23 CHAIRMAN VAN DINE: Any other comments?

1 MR. PALMER: Was that a motion?

2 CHAIRMAN VAN DINE: I don't believe we have a motion at this time.

3 MS. LUCIUS: Was that a motion?

4 MS. WYATT: Well, somewhat was a motion. Yes.

5 CHAIRMAN VAN DINE: Well is it or is it not?

6 MS. WYATT: It's a motion for approval.

7 MR. MCBRIDE: I second.

8 CHAIRMAN VAN DINE: We have a motion for approval and a second. Any
9 further discussion?

10 MS. WYATT: I am going to add though, Mr. Chair, before I finish that I do not
11 believe that the Planning Commission should approve any other subdivisions out there
12 until this matter of what occurred and what happened with that road is resolved. I think
13 the developer should receive that word - I think his representative is here today - that
14 that's got to be resolved. That matter out there has got to be resolved.

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

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

19 CHAIRMAN VAN DINE: Alright. The next item has been deferred. Our next
20 agenda item is SD-05-276.

1 **PROJECT SD-05-276:**

2 MR. GOSLINE: Mr. Chairman and Members, this is a request for a minor
3 subdivision on Koon Road about a quarter of a mile east of Coogler Road. Staff
4 recommends approval subject to the conditions on page 76.

5 MS. LUCIUS: You said the existing driveways will continue. They are – do they
6 meet our regulations, our separation?

7 MR. GOSLINE: They're already there.

8 MS. LUCIUS: Yeah, I know. But do they meet the separation requirements?
9 Just out of curiosity, I guess.

10 MR. GOSLINE: Probably, for that side of the road.

11 MS. LUCIUS: We're just redrawing the property lines is what I understand.

12 MR. GOSLINE: Right.

13 CHAIRMAN VAN DINE: We're actually dividing the property into smaller pieces.
14 We're not just redrawing.

15 MS. LUCIUS: Oh.

16 MR. JACKSON: Because it was needed.

17 MR. FURGESS: Carl, this map that we have in the book is, currently that's how it
18 is now or is this [inaudible]?

19 MR. GOSLINE: This is the proposed plat. The foldout?

20 MR. FURGESS: This is the proposed plat.

21 MR. GOSLINE: Are you speaking of the foldout, Mr. Furgess? The foldout?

22 MS. WYATT: Yes. That's what he's -

23 MR. GOSLINE: That's the proposed plat, proposed subdivision.

1 CHAIRMAN VAN DINE: My map doesn't show any driveways or anything. So
2 I'm not quite sure where or how you would even be able to tell where they were.

3 MR. JACKSON: Does D share a driveway with C?

4 MR. GOSLINE: Well, let's see. The plat is a little unclear in that regard. But if
5 you look at the aerial, you can see the driveways.

6 MS. LUCIUS: You can?

7 MR. GOSLINE: There's two, actually two, existing driveways there for the
8 existing residences.

9 MR. GREEN: In this plan it just states four, correct?

10 MR. GOSLINE: Excuse me?

11 MR. JACKSON: Will there be any share drive?

12 CHAIRMAN VAN DINE: Does A encompass part of the pond and then run to the
13 front?

14 MS. LUCIUS: It looks like that.

15 MS. WYATT: That's what it looks like.

16 MR. FURGESS: Carl, the driveway's on Koon Road?

17 MR. GOSLINE: It's on Koon Road just east of Coogler Road.

18 MR. PALMER: And they have two driveways. They're not asking for any more,
19 correct?

20 MR. GOSLINE: No. They have two – they have a driveway. Actually, there's two
21 driveways. If you look at the plat, they're showing a 50' wide access easement -

22 MR. PALMER: Right.

23 MR. GOSLINE: - across Parcel B to get to Parcel A.

1 MR. PALMER: That's correct.

2 MR. GOSLINE: It's, basically already there.

3 MR. PALMER: Correct.

4 MR. GOSLINE: I mean the driveway's already there.

5 CHAIRMAN VAN DINE: But does A encompass both existing houses?

6 MR. GOSLINE: Yes.

7 [Inaudible discussions]

8 MR. GOSLINE: Four parcels.

9 CHAIRMAN VAN DINE: This may sound like a dumb question but, if you look at
10 the aerial, what is the disturbed area below the dam?

11 MR. GOSLINE: That's – I don't really know what that is. It's clear – this is – most
12 of this area is pasture around here. So I assume that's just more pasture. We couldn't
13 get back there to look at that.

14 CHAIRMAN VAN DINE: Okay. But C and D would have separate, would have
15 the ability to have separate drives, correct?

16 MR. GOSLINE: Yes. It would certainly be appropriate to make a condition that D
17 get its access from C. We've done that so that we don't have too many cuts.

18 MR. JACKSON: So will C and B share a driveway?

19 CHAIRMAN VAN DINE: Not at this point. Not as –

20 MR. GOSLINE: That would be an appropriate condition to make, Mr. Jackson,
21 that C and D be required to share the driveway.

22 MS. LUCIUS: It would.

23 MR. GOSLINE: Share the access.

1 CHAIRMAN VAN DINE: Anybody on the Commission have any thoughts or –

2 MR. JACKSON: I said that the A and D shares a driveway, C and D share a
3 driveway then this piece in the middle would be okay.

4 [Inaudible discussion]

5 MS. LUCIUS: Oh, that! Okay. I see now. Okay. Okay.

6 CHAIRMAN VAN DINE: The property line actually runs halfway through the
7 pond.

8 MS. LUCIUS: Do you – okay. I see.

9 MR. JACKSON: So we're saying –

10 MS. LUCIUS: So A's going to need a driveway, too.

11 MR. JACKSON: They have a driveway here.

12 CHAIRMAN VAN DINE: The front part of A would be a drive here.

13 MS. LUCIUS: But you'd have to go across the pond to get to –

14 CHAIRMAN VAN DINE: The front part of A would need a driveway.

15 MS. LUCIUS: The front part will need a driveway.

16 CHAIRMAN VAN DINE: You'll need three drives no matter how you – at a
17 minimum, no matter how you figure -

18 MS. LUCIUS: Unless you're going to go around the back and get in the boat.

19 [Laughter]

20 CHAIRMAN VAN DINE: True.

21 MR. JACKSON: Well A and B can share a driveway. A and B could share a
22 driveway [inaudible].

1 MR. GREEN: Mr. Chairman, I would make a motion that we approve this
2 subdivision subject to conditions on page 76 with the additional stipulation that lot C and
3 D share an access point.

4 MS. LUCIUS: I second.

5 CHAIRMAN VAN DINE: Do I hear any further discussion?

6 MR. JACKSON: I –

7 CHAIRMAN VAN DINE: Go ahead.

8 MR. JACKSON: No. I was just curious that this has been brought to us and then
9 we're in here trying to figure where these driveways should be. I think Staff should have
10 at least figured and make some recommendation before it comes to us based on the
11 driveway separation standards.

12 CHAIRMAN VAN DINE: Mr. Gosline.

13 MR. GOSLINE: Yes. When they – the final plat that they'll do they'll make a
14 change because I assume that one of the recommendations that you all made has to do
15 with C and D sharing access. So they'll have to change the plat. And when we record it
16 we make them show the driveway cuts on the plat that gets recorded. So they will show
17 the ones that are there and the new ones when it gets recorded.

18 MS. LUCIUS: Okay.

19 CHAIRMAN VAN DINE: We have a motion for approval subject to the conditions
20 on page 76 with the additional condition that lots C and D share access. All those in
21 favor please signify by raising your hand.

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

1 CHAIRMAN VAN DINE: Next we have is SD-05-265.

2 **PROJECT SD-05-265:**

3 MR. GOSLINE: Mr. Chairman and Members, this is a request by Blair Giles to
4 create a minor subdivision of four lots on Wylie Road east of Harmon Road. Staff
5 recommends approval subject to the conditions on page 84.

6 CHAIRMAN VAN DINE: Do we have an idea about driveway cuts and
7 separations on this one?

8 MS. LUCIUS: Yeah. [Inaudible]

9 MR. GOSLINE: You could make that a condition. However, this particular
10 situation is basically a subdivision street. If you look at the aerial on 86, this is a dead
11 end road and there's, you know, one and two and three acre lots out there already.
12 That's why we didn't really put that in there, but if you feel better you can certainly do
13 that.

14 MS. LUCIUS: Well it looks to me like they're already sharing drives.

15 MR. GOSLINE: Oh, right.

16 MS. LUCIUS: One and two and three and four.

17 MR. GOSLINE: Sorry.

18 MS. LUCIUS: According to the plat.

19 MR. GOSLINE: Yes, I'm sorry. We actually – the plat does show joint access. I
20 missed that.

21 MR. JACKSON: Shared drive.

22 MS. LUCIUS: Shared drive.

1 MR. PALMER: Mr. Chair, I make a motion to approve subject to conditions on
2 page 84 and 85 – or just 84, I guess.

3 MR. FURGESS: Second.

4 CHAIRMAN VAN DINE: We have a motion for approval and a second subject to
5 conditions on page 84. All those in favor please signify by raising your hand.

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

8 CHAIRMAN VAN DINE: Next is SD-05-242.

9 **PROJECT SD-05-242:**

10 MR. GOSLINE: Mr. Chairman and Members, this is the preliminary subdivision
11 plans for a project known as the Courtyards at Salem Place out on Salem Church Road.
12 This came before you a few months ago as a PUD. Staff recommends approval subject
13 to the conditions on pages 94 and 95.

14 MS. WYATT: Mr. Chair, I make a motion of approval based on conditions on
15 those pages.

16 CHAIRMAN VAN DINE: Just so I understand. On page 91 it says Courtyards at
17 Salem Place Phases 1, 2, and 3.

18 MR. GOSLINE: Correct.

19 CHAIRMAN VAN DINE: The only map I have is with me is Phase 1.

20 MR. GOSLINE: There should have been two other plats in your document, Mr.
21 Chairman. But it is for Phases 1, 2, and 3.

22 CHAIRMAN VAN DINE: Is the entire area exiting on 1?

23 MR. GOSLINE: One application, yes. Phases 1, 2, and 3.

1 CHAIRMAN VAN DINE: But is it all coming out on Salem Methodist Church
2 Road?

3 MR. GOSLINE: Yes.

4 CHAIRMAN VAN DINE: The entire -

5 MR. GOSLINE: Yes.

6 CHAIRMAN VAN DINE: And, in combination, do they all comply with the
7 requirements of the PUD for subdivisions?

8 MR. GOSLINE: Yes.

9 MR. GREEN: Are those two other attachment sheets available, readily available?

10 CHAIRMAN VAN DINE: Ladies and gentlemen, we're going to take a short break
11 so we can -

12 *[Break]*

13 MR. PALMER: It's three.

14 MR. GOSLINE: Second page has both Phase 2 and 3 on it.

15 MR. PALMER: Oh, okay. I just saw it outlined as Phase 2.

16 MR. GOSLINE: It reflects the PUD that was approved a couple of months ago.

17 MS. LUCIUS: It did not escape my attention that it's heavily wooded with
18 hardwood trees.

19 MR. GOSLINE: Yes, it is.

20 MS. LUCIUS: I'll keep my eye on that one. *[Laughter]*. It's a lot of environmental
21 issues with this one. Also has an intermittent stream traveling through it.

22 MR. GOSLINE: The plan, the subdivision plan and the PUD plan, made
23 provisions, created common area for those intermittent corridors.

1 MS. LUCIUS: I know they increased the green space -

2 MR. GOSLINE: Right.

3 MS. LUCIUS: - 29% and reduced the homes from the original. It was originally
4 85. They came down to 72 after meeting with the Tattler's Wharf, so.

5 CHAIRMAN VAN DINE: Any other questions for Staff? Do I hear a motion?

6 MR. GREEN: Mr. Chairman, subject to the Staff recommendations on page 94
7 and 95 of the Planning Commission Report, I would move that we approve the
8 subdivision.

9 MS. WYATT: I second.

10 CHAIRMAN VAN DINE: Any further discussion? All those in favor please signify
11 by raising your hand.

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

14 CHAIRMAN VAN DINE: Next we have SD-05-275 in Arthurtown, Phase IV.

15 **PROJECT SD-05-275:**

16 MR. GOSLINE: Mr. Chairman and Members, this is a proposal to create a minor
17 subdivision known as Arthurtown Phase IV on Riley Road in the Arthurtown area for
18 seven lots. Staff recommends approval subject to the conditions on page 106. We
19 believe this certainly fulfills the objectives for infill projects providing affordable housing
20 for folks in that part of the county.

21 MS. LUCIUS: And actually, this is a little less dense than what actually could be
22 allowed in there.

23 MR. GOSLINE: That's correct.

1 MS. LUCIUS: Mr. Chair, I'd like to make a motion that we approve this subject to
2 the conditions on page 106.

3 MR. JACKSON: I'll second it.

4 MR. FURGESS: I second it.

5 CHAIRMAN VAN DINE: Well I have one quick question. If you could look at the
6 plat. Lot 6 appears to have a line sort of bisecting it, but it's not the end line. Can you
7 tell me what that is?

8 MS. WYATT: Looks like an easement line. You've got one up here, too. An
9 overhead power.

10 MR. GOSLINE: Is Mr. Devine here? I'll ask the applicant, Mr. Devine. I'm not
11 sure what that is.

12 MS. WYATT: With those markings it's going to be some kind of easement.

13 MR. DEVINE: On Lot 6, that line, basically this is two pieces of – it was two
14 pieces of property before we purchased the property. It was an old property line.

15 MR. GREEN: So if we look at our - I think if we look at page 109 you see it's
16 actually two lots that are being but together then resubdivided.

17 MR. DEVINE: Correct.

18 MS. LUCIUS: Oh!

19 CHAIRMAN VAN DINE: So you condensed lots, what would have been lot
20 seven, to a smaller lot.

21 MR. DEVINE: Correct.

1 CHAIRMAN VAN DINE: Okay. Thank you. Any other questions? All those in
2 favor of the motion to approve subject to the conditions on page 106 please raise your
3 hand.

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

6 CHAIRMAN VAN DINE: Alright. This takes us into the New Business – Zoning
7 Map Amendments. Per our prior motion and approval, we are going to move 05-75 MA
8 up to the first on our agenda. You'll find that in page 153.

9 **CASE 05-75 MA:**

10 MR. GOSLINE: Mr. Chairman and Members, this is a request by the James
11 Company and Cliff Kinder to rezone a portion of property near the corner of
12 Hardscrabble and Farrow Road from M-1 to RS-HD, which is equivalent to the RS-3
13 today. Staff recommends approval subject to comments on page 157 and 156.

14 CHAIRMAN VAN DINE: Was this part of a prior that we did? Or was this – this
15 was the one that you were talking, originally, that you wanted the entire parcel zoned as
16 one component? Okay.

17 MR. GOSLINE: Yes, sir.

18 MS. WYATT: It's the old YMCA property.

19 MR. GREEN: And the map that's shown on 159 is up to date since it does take
20 some time on these maps for the zonings to be updated. This is updated since the last
21 time this property came in?

22 MR. GOSLINE: Yes.

1 MS. LUCIUS: Mr. Gosline, is that RS-3, that orange that loops around the subject
2 property, is that a continuation of Washington Heights or is it - what is that?

3 MR. GOSLINE: No.

4 MS. LUCIUS: It's not?

5 MR. GOSLINE: No, it's not a continuation of Washington Heights. That came
6 before you four or five months ago, Cliff?

7 MS. LUCIUS: Oh, really?

8 MR. GOSLINE: Yep.

9 MS. LUCIUS: And I didn't find it? [Laughter] Okay. Thank you.

10 CHAIRMAN VAN DINE: Yeah. That was one that had been approved -

11 MS. LUCIUS: Okay.

12 CHAIRMAN VAN DINE: - earlier this year at some point [inaudible].

13 MS. LUCIUS: I don't know how I missed that looking back. But, you know.
14 Okay.

15 CHAIRMAN VAN DINE: Mr. Kinder.

16 **TESTIMONY OF CLIFF KINDER:**

17 MR. KINDER: Mr. Chairman, Commission Members, my name is Cliff Kinder. I
18 am the developer for this piece of property, which is the final phase of a larger, single-
19 family community that is outlined in orange on your maps that Mrs. Lucius referred to.
20 We are bringing this smaller portion to you today because when we brought the original
21 37 acres – 43 acres, excuse me – before you back last winter our plans were not
22 formalized or finalized for this particular piece of property. There was some discussion
23 at that point in time about, perhaps, trying to get permission to develop it multi-family.

1 We have decided that it'd be more appropriate for our company and this property to
2 make it part of the balance of the 43 acres that was zoned RS-3 some time ago. Be
3 happy to answer any questions that any of you may have.

4 CHAIRMAN VAN DINE: Have you started any of the development work on the
5 part that has already been -

6 MR. KINDER: We're still in design. We haven't started any earth moving work.

7 CHAIRMAN VAN DINE: Any questions for Mr. Kinder from the Commission?

8 MR. GREEN: Will the internal road system of this new piece connect with the
9 internal road system of the piece that's been rezoned?

10 MR. KINDER: Absolutely. Both at the front and the back. So it'd be one
11 comprehensive community.

12 CHAIRMAN VAN DINE: So I guess one of the concerns I would have, especially
13 that area of Farrow Road that's right on that curve right there, you wouldn't be planning
14 on and additional entrance point off of Farrow Road? You're looking at one entrance
15 point off of that curved area?

16 MR. KINDER: Actually, the land plan that we have in front of y'all, that I believe is
17 in your package, shows two entrances on Farrow, one adjacent to the future
18 commercial corner. We would share an entrance there. And then our main entrance a
19 few hundred feet further down Farrow.

20 MR. GREEN: We don't have that.

21 CHAIRMAN VAN DINE: We don't have that as part of our package.

22 MR. GOSLINE: No, because it's straight zoning.

1 MS. LUCIUS: That area. Yeah. Well this is a rezoning. It's not a subdivision.
2 It's a straight rezone.

3 MS. WYATT: Do you have it with you?

4 MR. KINDER: I do not. But I think Staff has it, I believe.

5 CHAIRMAN VAN DINE: And I'm assuming the corner lot –

6 MR. GOSLINE: All we have is the plat.

7 CHAIRMAN VAN DINE: I'm sorry. I'm assuming corner lot is going to be
8 commercial.

9 MR. KINDER: That's right. We don't own the corner lot. I was just reminded,
10 though, that we have met with Councilman McEachern on the big part of our project and
11 this part of our project. And we have met with the Washington Heights homeowners
12 last Thursday night. And, as far as I know, and I was there, they had no questions or
13 concerns that were voiced to me about this plan.

14 CHAIRMAN VAN DINE: Thank you, sir.

15 MR. KINDER: Thank you.

16 CHAIRMAN VAN DINE: Mr. Simmons, did you have any –

17 MR. SIMMONS: [Inaudible]

18 CHAIRMAN VAN DINE: Alright. No one else has signed up on this particular
19 matter to speak. Commission have any questions or comments for Staff or the
20 applicant?

21 MR. GREEN: Mr. Chairman, I make a motion that we send this rezoning request
22 forward to Council with a recommendation for approval.

23 MR. PALMER: Second.

1 CHAIRMAN VAN DINE: We have a motion for approval for sending it forward
2 with a recommendation of approval and a second.

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

4 CHAIRMAN VAN DINE: Mr. Palmer. All those in favor please signify by raising
5 your hand.

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

8 CHAIRMAN VAN DINE: Thank you, sir.

9 MR. KINDER: Thank you.

10 CHAIRMAN VAN DINE: We will now go back to our case 05-55 MA, which can
11 be found on page 113.

12 **CASE 05-55 MA:**

13 MR. GOSLINE: Mr. Chairman and Members, this is a request to –

14 MR. GREEN: Carl, for some reason the sound system's still not working really
15 well. I'm struggling to hear you.

16 MR. GOSLINE: I'm struggling to talk.

17 MR. GREEN: Okay. Maybe that's the problem.

18 MS. WYATT: You need something to drink?

19 MR. GOSLINE: Always!

20 [Laughter]

21 CHAIRMAN VAN DINE: I'm sorry we cannot serve that during our Commission
22 meetings.

23 [Laughter]

1 MS. WYATT: I'm very serious. Would you like me to get some water or
2 something in the back?

3 MR. GOSLINE: Mr. Chairman and Members, this is a request to rezone 2.2 acre
4 piece of property from RU to LI on Fairfield Road. Staff recommends approval subject
5 to the conditions on page 117. There is - if you'll look at the zoning map on page 119,
6 we've had some other requests in the past, one down on Boswell and Fairfield Road,
7 and the long piece adjacent to the subject piece is already being used for equipment
8 storage. But the long and short of it is there's a number of commercial activities out
9 here that are nonconforming use. Staff recommended approval for this particular one
10 primarily because we think this is a reasonable place to draw the line for any
11 commercial zoning. The light blue that you see on your zoning map is the Oak Hills
12 Country Club.

13 MS. WYATT: The what?

14 MR. GOSLINE: Oak Hills Country Club.

15 MS. WYATT: Oh, okay.

16 CHAIRMAN VAN DINE: Where was that large, industrial park, if you will, that we
17 had approved?

18 MR. GOSLINE: That was on Monticello Road for Richardson.

19 CHAIRMAN VAN DINE: Okay. So that wasn't on Fairfield?

20 MR. GOSLINE: No.

21 CHAIRMAN VAN DINE: Okay.

1 MS. LUCIUS: I'm having a problem with Fairfield just like I do with Wilson
2 Boulevard. It's so long I don't know what's close to it. But we voted for denial last
3 month to C-3 on Fairfield and Webber?

4 MR. GOSLINE: Yeah. That's in -

5 MS. LUCIUS: How far from that is this?

6 MR. GOSLINE: Oh, that's probably a mile and a half closer toward I-20.

7 MS. WYATT: Webber or this?

8 MR. GOSLINE: Webber.

9 MS. LUCIUS: Webber, the one last month we denied a C-3.

10 MR. GOSLINE: This is -

11 MS. LUCIUS: And I want to make sure I'm being consistent on Fairfield Road.

12 MR. GOSLINE: Right. This about two and a half or three miles north of I-20.

13 MS. LUCIUS: Okay. I was wondering why we denied the one. Is it just because
14 of what's next to it that this one, you look at it more favorably?

15 MR. GOSLINE: Yes, ma'am, because it has an old commercial building, one of
16 the real old roadside stores. The property next to it, the long one that you see on your
17 zoning map at Boswell and Fairfield, is already occupied by an equipment manufacturer
18 - or not a manufacturer but equipment storage. And it's already being used that way. If
19 you recall about maybe two years, maybe three years ago, the southeast corner of
20 Boswell and Fairfield came in for a couple of pieces in there for rezoning. And we
21 recommended - I forget what we recommended, but it never took place. And then on
22 down the road there's a landscape place with stones and landscape supplies and then

1 there's a roofing company and I think Waste Management's out there, as well, or Waste
2 Management Company's office, further down.

3 MS. LUCIUS: I wish I could see Fairfield from a higher -

4 MR. GOSLINE: This is about where the, where the four - this is, the four laning
5 ends just north of this piece of property right at the Oak Hills Country Club entrance.

6 MS. LUCIUS: So you're saying we should try to contain the commercial right
7 here.

8 MR. GOSLINE: Staff recommendation is to approve this and kind of draw the
9 line.

10 MS. LUCIUS: Draw the line. And let me ask you one more thing. In January we
11 rezoned three acres to C-3. I don't know where it was. Do you know where it was? On
12 Fairfield. I've got we rezoned three acres to C-3 on January 6, '03. And it was very
13 close vote. I don't know where it was.

14 MR. PALMER: Did you say of '03.

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

16 MR. GREEN: I have one other question. Carl?

17 MS. LUCIUS: Fairfield. I just want to make sure I'm not being capricious in, you
18 know, in where we think C-3 could go and not, you know, because - I'm not saying
19 you're being capricious. I said I don't want me to be capricious. [Laughter]

20 CHAIRMAN VAN DINE: You don't have to answer that, Carl.

21 MR. GOSLINE: We would never do that.

22 MR. GREEN: Carl, let me ask a question. From looking at the map on 119, this
23 includes four different tax map parcels?

1 MR. GOSLINE: That's correct.

2 MR. GREEN: And all four are currently vacant? It's a little hard to see, with the
3 tree cover, the aerial. Is the back portion of this -

4 MR. GOSLINE: Yes. They're - except for the store that you see in the picture -

5 MR. GREEN: Right.

6 MR. GOSLINE: - right on -

7 MR. GREEN: The very back portion of this there're no structures under the
8 trees?

9 MR. GOSLINE: Right. There are residential structures to the east and to the
10 north of it. And on down Nelson Road there are residential structures.

11 CHAIRMAN VAN DINE: Mr. Mann, did you want to say anything? Mr. Mullis, you
12 would be after Mr. Mann if you had anything to say. If you had anything further to say
13 you would be after -

14 **TESTIMONY OF THOMAS MANN:**

15 MR. MANN: Mr. Chairman, Members, the only thing that I would call your
16 attention to is what Mr. Gosline has been saying. The - and if I could show the Chair
17 this. [Inaudible] probably he's talking about, Mr. Mullis presently owns and operates on
18 is here, adjoins this property all the way down. So this is really the commercial that -
19 there's a commercial building on this piece, here, as well. There's a commercial
20 building on this piece of property now that is abandoned. And, in addition, the residents
21 as you were asking about on this property are burned out, two burned out mobile
22 homes. There's nothing on it that's occupied at the present time. This is a blown up
23 picture of the existing [inaudible].

1 CHAIRMAN VAN DINE: Mr. Mann, I'm sorry. They're having problems with
2 hearing you and recording you. So if you would move.

3 MR. MANN: I'm sorry. I'll just speak from here. The existing building on it was
4 used as a honky-tonk and, at one time, as a used car lot. Mr. Mullis has since bought
5 this property and all the adjoining properties and wants to build an office building and
6 clean up the area and enhance the property as the adjoining property. So we request
7 that you grant us the zoning change.

8 CHAIRMAN VAN DINE: Thank you.

9 MR. MANN: Mr. Mullis has a drawing. I don't know at this point that it's relevant
10 since we're asking for a rezoning and not an approval of a building.

11 MR. GOSLINE: Did you identify yourself for the Record?

12 MR. MANN: I'm Thomas Mann.

13 MR. GOSLINE: Okay.

14 MR. MANN: Mr. Gosline. I'm an attorney. I represent Mr. Mullis.

15 MS. LUCIUS: Can I just clear up what I was saying? It's just that when you look
16 at it like this, you're looking at it so close up. I want to look at Fairfield Road from a long
17 way off and see if there's a pattern. That's all I'm saying.

18 MS. WYATT: Ms. Lucius, are you trying to plan Fairfield Road?

19 MS. LUCIUS: I guess that's what I'm trying to do. And I apologize. [Laughter]

20 MR. GOSLINE: The zoning map.

21 MS. LUCIUS: Yeah. Some real planning on Fairfield instead of just –

22 MR. GOSLINE: Right.

23 MR. GREEN: And I know at our last –

1 MS. LUCIUS: That's what I was trying to get to.

2 MR. GREEN: In our last meeting we had asked that, in some of these cases, that
3 there be a drawn-back view of the zoning so we could have a better appreciation for
4 what Ms. Lucius is referring to.

5 MR. GOSLINE: What – the –

6 MS. LUCIUS: Right. What I'm seeing there is – I understand why, your
7 argument. But just looking, I just want to draw back and look at it from a farther
8 distance.

9 MR. GOSLINE: Right. The zoning map wouldn't show you a whole lot different
10 because there's an awful lot of nonconforming uses there.

11 MS. LUCIUS: Nonconforming, right, I understand.

12 MR. GOSLINE: But the aerial gives you a better idea. If you'll look at the aerial
13 on page 118 you'll see that down the road a ways is a large building with parking area.
14 And I really don't remember exactly what that was.

15 MS. LUCIUS: I see that. Uh-huh (Affirmative).

16 MR. GOSLINE: But most of these buildings along Fairfield Road are unoccupied,
17 but were, in the past, been commercial structures. And then you have the big, long,
18 narrow piece adjacent to the subject site which is –

19 MS. LUCIUS: Right. Of course, it's nonconforming commercial.

20 MR. GOSLINE: Right.

21 MS. LUCIUS: And I just want to make sure, you know, we don't rezone just
22 because there's nonconforming commercial beside it. I don't want that to be the
23 deciding factor. That's all I'm saying.

1 MR. GOSLINE: Well, it's – you know, it's always a tough decision far as the
2 Department as to what to recommend in these kind of cases. At some point we all try to
3 draw the line. Sometimes this thing works. Sometimes it doesn't.

4 MS. WYATT: It doesn't mater what you do.

5 MS. LUCIUS: You mean with nonconforming?

6 MR. GOSLINE: No. With the microphone.

7 [Laughter]

8 CHAIRMAN VAN DINE: Mr. Mullis, did you have anything to add to what has
9 already been stated?

10 MR. MULLIS: No, sir.

11 CHAIRMAN VAN DINE: If you would identify yourself if you're going to say
12 anything.

13 **TESTIMONY OF BILL MULLIS:**

14 MR. MULLIS: My name is Bill Mullis and we're the applicant on this. Up and
15 down the road there, within a mile of us, there are about a dozen fairly big businesses. I
16 think this will way improve what's there. It'll clean up the property and that kind of thing.
17 And, you know, Fairfield Road is a major road and it's pretty much commercial up and
18 down there. Now the zoning and that kind of thing I don't have a clue about. But it is
19 all, you know, all the neighbors are commercial or pretty much most of the neighbors
20 are commercial.

21 MS. LUCIUS: I understand. We're just trying not to strip out these roads with
22 commercial.

23 MR. MULLIS: [Inaudible]

1 MS. LUCIUS: Right.

2 MR. MULLIS: If y'all would like a picture of anything of what we've got in mind, I'd
3 be glad to, you know.

4 MS. LUCIUS: Actually the subject site I don't have any problem with. And I
5 would make a recommendation that we send it forward with a recommendation of
6 approval.

7 CHAIRMAN VAN DINE: We have a motion to send it forward with a
8 recommendation of approval. Do I hear a second?

9 MS. WYATT: I second.

10 CHAIRMAN VAN DINE: We have a second. Any further discussion or
11 questions? All those in favor of the motion please signify by raising your hand.

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

14 MR. MULLIS: Folks, thank y'all very much.

15 MR. MANN: Thank you very much.

16 MS. LUCIUS: I would like to [inaudible].

17 CHAIRMAN VAN DINE: Now this is going to be on – what's the Council meeting?

18 MR. GOSLINE: 28th – no 20 -

19 CHAIRMAN VAN DINE: This'll have to go before. We're a recommending body
20 so that's [inaudible]. Okay.

21 MR. MULLIS: I understand entirely.

22 MR. GOSLINE: 28th?

23 MS. LINDER: This'll be the fourth Tuesday of the month.

1 MR. GOSLINE: Which is -

2 MR. CRISS: 28th.

3 MR. GOSLINE: 28th.

4 MR. MANN: Of June.

5 CHAIRMAN VAN DINE: 28th of June it'll be before Council on their agenda.

6 MR. GOSLINE: You'll get a letter.

7 CHAIRMAN VAN DINE: Alright. Next. 05-72 MA, Warner Road near Fontaine
8 Road, 123.

9 **CASE 05-72 MA:**

10 MR. GOSLINE: Mr. Chairman and Members, this is a request to change 1.2
11 acres from D-1 to LI on Warner Road, which, if you'll look at the zoning map and your
12 aerial on page 128 and 129, you can see the location of the subject site. It's roughly
13 across the interstate from the South Carolina Retirement Office. And it sits in the inside
14 of the curve. Staff recommends denial for the reasons found on page 126. The
15 applicant is here, I assume.

16 CHAIRMAN VAN DINE: Ms. Linder.

17 MS. LINDER: Mr. Chairman, just keeping in mind when the – if you give approval
18 to this, it's actually going to be going from an RU zoning because the D-1 is going to
19 transfer to an RU in about three weeks. And, so, and if you recommend denial it will go
20 to an RU in about three weeks, July 1st.

21 CHAIRMAN VAN DINE: Is Mr. Clarke present? Would you like to come up and –

1 **TESTIMONY OF KEITH CLARKE:**

2 MR. CLARKE: My name's Keith Clarke. Basically, I've got a heating and air
3 business. I don't know what it needs to go to. Just like when I talked to them.

4 CHAIRMAN VAN DINE: Alright. Anything else you'd like to add to your request?

5 MR. CLARKE: I just – the area it's in, I mean if I put a steel building up there with
6 a brick front, the only thing it's going to do is raise the value of everything around it, you
7 know.

8 CHAIRMAN VAN DINE: Okay. Does anybody have any questions for Mr.
9 Clarke? Thank you, sir.

10 MR. CLARKE: I don't understand. What's RU? What can you do?

11 MR. GOSLINE: Rural. Rural.

12 CHAIRMAN VAN DINE: It's a rural zoning.

13 MR. CLARKE: Okay.

14 CHAIRMAN VAN DINE: Is there anything going down, Mr. Gosline?

15 [Laughter]

16 MS. WYATT: I do believe I need to get him some water.

17 CHAIRMAN VAN DINE: Thank you, Mr. Clarke. Mr. Speed.

18 **TESTIMONY OF EUGENE SPEED:**

19 MR. SPEED: Mr. Chairman, members, my name's Eugene Speed. I'm the
20 president of the homeowners association of Newcastle. We don't want that to happen.
21 We like it as a D-1 development. I don't know what the RU is, also. We've already had
22 263 people sign a petition. I have members from Newcastle, right now, in the rear here

1 representing us. Our concerns are traffic, burglary, trash, and noise. That's our walking
2 street that we usually do walk. I run that road every morning. That's all I have to say.

3 CHAIRMAN VAN DINE: Thank you, sir. Mr. McCants.

4 **TESTIMONY OF THERON MCCANTS:**

5 MR. MCCANTS: My name is Theron McCants. To the Chairman and the
6 Members of the Planning Commission and the Staff, we're totally against changing that.
7 And we feel a little insulted that Mr. Clarke said putting up a steel building with brick
8 front will improve that area and make it better. That'll make it worse. Everything that's
9 on the right side of Warner Drive when you come in off of Fontaine Road, once you
10 pass the beginning where the commercial building, everything is totally residential. And
11 we want to keep it residential. And if it's not, we want to change it so that any future act,
12 as far as that lot, be totally residential, as far as building houses. And as far as the
13 people from Newcastle, we'd like for them to stand and show their support. We're
14 totally against that change. And we want it to be totally residential. And, again, we
15 don't want it to happen. Thank you, sir.

16 MR. GOSLINE: Mr. Chairman, we need to get addresses for both of these
17 people.

18 MR. MCCANTS: Okay. My address is 305 Newcastle Drive, Columbia 29223.

19 MR. SPEED: My address is 309 Newcastle Drive, Columbia, SC 29223.

20 MR. MCCANTS: And as far as the information that's listed as I-277 and Fontaine
21 Rd., that's totally deceptive. The actual address is 412 Warner Drive.

22 MS. LUCIUS: Right.

1 MR. MCCANTS: Which could have been put there just be calling the Planning
2 Office. It's 412 Warner Drive, not I-277 and Fontaine Road. That's totally commercial
3 at that point.

4 MR. SPEED: And that 412 Warner Drive overlooks 277.

5 CHAIRMAN VAN DINE: Thank you, sir. Lorie Collins.

6 **TESTIMONY OF LORIE COLLINS:**

7 MS. COLLINS: Hello. Can y'all hear me? I'm kind of nervous. As they say, I
8 don't know anything about RU or anything.

9 CHAIRMAN VAN DINE: I'm sorry. Can you please give us your name and
10 address?

11 MS. COLLINS: Oh, I'm sorry. My name is Lorie Collins. I live at 14 Oakley Court
12 That's in Newcastle. Again, this is my first time in a meeting. I'm here and I don't know
13 anything about RU or anything. But I've been at 14 Oakley Court for 10 years. And I'm
14 a single parent with three small kids. And the area that he's wanting to make heating
15 and air conditioning industrial, that's directly behind my home. And I don't think it's
16 good for the kids or anything to have that. And, as he said it will bring the value of our
17 property up, I disagree with that because the area where I'm at is real neat and clean.
18 And everybody are hardworking families. Most of them are married. But as I am, I'm
19 single. And everybody tries hard to keep their area clean. The reason why they want to
20 put that there is because it's so nice and neat and you can see it off the highway. But,
21 again, by them building that directly behind my house, that takes away from the area.
22 Plus, I have to worry about my kids. Right now we're in a great area. There's nothing
23 back there but woods. By him putting that, again, directly behind my house there's no

1 place – the area’s small as it is. He will have to tear down land and everything else
2 around it just to put that there. And there’s barely any place for the kids to play. We
3 don’t even have like a gym or anything in our neighborhood as it is. And by him building
4 that that takes away from the neighborhood. And I ask y’all, please, do not let them
5 take away from what we try to work hard to keep in our area. Thank you.

6 CHAIRMAN VAN DINE: Thank you, ma’am.

7 MR. SPEED: Mr. Chairman, I’ve got another person that would like to speak. He
8 didn’t sign up, though.

9 CHAIRMAN VAN DINE: Alright. Please.

10 **TESTIMONY OF MICHAEL BROOMFIELD:**

11 MR. BROOMFIELD: With respect to the Chair, my name is Michael Broomfield.
12 My property is, actually, right behind where this proposal addition is. With respect to Mr.
13 Clarke, the new property owner, I’ve been living at this site for 25 years. I have four
14 different concerns about this. The full length of my neighbor’s back yard runs along this
15 new acquisition by Mr. Clarke. The subdivision access from Trenholm Acres all the way
16 to Oakley actually runs along Warner Drive. This gives us a natural barrier to our
17 subdivision. Our subdivision is strictly, as we thought, residential. This access that Mr.
18 Clarke will propose will give direct access, I think, for noise ordinance concerns. The
19 cutting of the trees will impact the greenhouse effect, will allow our natural wind and
20 noise barrier to be disallowed. Pollution from the highway, then, will creep into our
21 neighborhood from the cars along that I-277 corridor. The potential for the health
22 hazards, which is from fire, from spills, operation of the industrial equipment, could be a
23 possible concern of ours. The criminal element. As you look from the South Carolina

1 Retirement System's property, I think it's also Patterson Dental Health supply - I walk
2 this area - when you look within that old Conders area, and for those of you all that
3 know what used to be Old Conders' Barn, know that I've been living in this area for a
4 long time. When you look across from the South Carolina Compensation Group area
5 over to this property, you can see that it is a wooded area. It's a green area. And I can
6 see why it might be a particular prospective area for Mr. Clarke, but because of that
7 access it's a criminal element that Mr. Clarke will be opening up to our residential
8 neighborhood. And I'm concerned that the residences in that area that are adjacent to
9 this property will be subjecting our kids, such as my neighbor here spoke, subjecting our
10 kids and our family members to a criminal element. This we don't want to see happen.
11 Like I said, this natural barrier from the Warner Drive corridor acts as a natural barrier
12 against this type of information and this type of things. If he does get granted this
13 access or whatever, will he provide us with some type of a noise barrier? Will he
14 provide us with some type of pollution barrier? Is he capable of providing that for us
15 when we've had this all along by the natural scenery that it is there? That's the question
16 I'm just going to leave on the table. Thank you.

17 CHAIRMAN VAN DINE: Thank you. Those are the only people that have signed
18 up to speak on this. Mr. Green.

19 MR. GREEN: Mr. Chairman, I'd like to start the conversation on this issue with a
20 motion that we sent this forth with a recommendation to deny the zoning change. I don't
21 know if there've been many cases since I've started serving on the Commission that
22 needs not to be approved more than this one. And I would encourage all of the people
23 who live in this neighborhood to come to County Council. I look back on an action we

1 took a couple of months ago when we voted 6 to 1 against a rezoning to commercial in
2 a residential area and for some unknown reason to me, County Council voted 9 to 0 in
3 favor of it. And the final decision on all rezonings is made by County Council and we
4 are just a recommending body. But I would encourage you to come to that meeting and
5 talk to your County Council person. And, again, I would like to place my motion on the
6 floor.

7 MS. WYATT: I'll second that motion.

8 CHAIRMAN VAN DINE: I would like to state that I am in support of the motion. I
9 agree with Mr. Green that this is one of the instances where the decision is really not
10 that hard. I mean in order to get in that area as a commercial business, you have to
11 come down what amounts to residential roads a long ways into residential areas from
12 either direction. This is entirely surrounded by residential areas. And this particular
13 spot ought to remain residential and we should not allow commercial to intrude into that
14 area. So I'm in support of Mr. Green's motion.

15 MS. LUCIUS: I'm concerned as to how did that get to be D-1 and all of that along
16 the edge going down Warner get to be zoned D-1 and not RS-2 with –

17 MR. JACKSON: It probably was done years ago.

18 MR. FURGESS: That's an old [inaudible].

19 MR. PALMER: Been [inaudible] that since '76.

20 MS. LUCIUS: I'm a little concerned about what could go on there as D-1.

21 MR. GREEN: But not anymore because come July 1st it'll be RU.

22 MR. JACKSON: It'll be rural.

1 MR. FURGESS: In that area across the street on Fontaine Road is a commercial
2 development. I can't understand why the applicant didn't put in for across the street
3 where you have places for that type of industry to go. Doesn't make - like the young
4 man said, the green zone effect space that we have there- I live in that area. And it
5 does – means a lot for the traffic on that. On Warner Street I think you have a church
6 going around to Warner Street where it stops. Where you come into that neighborhood
7 that it shouldn't be any commercial on that street at all, really.

8 MS. LUCIUS: And another thing, on page 130 on the picture there it says 1.2
9 acre commercial.

10 MR. GOSLINE: That's what the sign on the property says.

11 MS. LUCIUS: But it's not commercial.

12 MR. GOSLINE: That's correct.

13 MS. LUCIUS: I don't understand that.

14 MR. GOSLINE: We run into that a lot.

15 MS. LUCIUS: It wasn't sold under misconception, was it?

16 MR. GOSLINE: I have no idea. I'm not sure what role the county, if any, would
17 have in those kinds of – that kind of signage.

18 MR. JACKSON: Well, I hope by July 1st - I know there wouldn't be any more
19 proposal by now anyhow. So –

20 MR. FURGESS: Right. [Inaudible]

21 MR. JACKSON: It's sort of in a safe zone. But this really affects the quality of life

22 –

23 MR. FURGESS: Right.

1 MR. JACKSON: - of the area. And I totally support the motion.

2 CHAIRMAN VAN DINE: Alright. All those in favor of sending this forward with a
3 recommendation of denial please raise your hand.

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

6 CHAIRMAN VAN DINE: Okay. We would appreciate it if was strongly made to
7 Council that this was a unanimous vote by this body to send it forward with a
8 recommendation of denial. Highlight it in red if you have to.

9 MR. FURGESS: Make sure you're there on the 28th.

10 MR. JACKSON: The 28th.

11 MS. WYATT: Mr. Chair, why don't you go to Council and say that to them?

12 CHAIRMAN VAN DINE: Unfortunately, I will be in Vermont on June 28th and I
13 don't believe I will be back at that point.

14 MS. LUCIUS: Call them from Vermont.

15 MR. JACKSON: On June 28th.

16 MR. FURGESS: Be at the County Council meeting on June 28th.

17 MS. WYATT: I'll be more than happy to come if –

18 MR. SPEED: We will be there. And thank you, Mr. Chairman.

19 CHAIRMAN VAN DINE: June 28th is the meeting where the Council will take it up
20 for the first time. Understand they have three readings before it will become an official
21 denial if they so choose or whatever they do with that. Ladies and gentlemen, I'm going
22 to call a short five minute break. We've been going on for two and a half hours or three
23 hours or thereabouts, two hours, so.

1 *[BREAK]*

2 CHAIRMAN VAN DINE: The next we have is 05-73 MA, section of Marthann and
3 New Free Hope Church Road.

4 **CASE 05-73 MA:**

5 MR. GOSLINE: Mr. Chairman and members, this is a request by Greg Douglas
6 to rezone 21 acres from RU to RS-HD. This is located behind, adjacent to the existing
7 Summer Pines development that Mr. Douglas has been working on for some time now.
8 If you look at the aerial, you'll show the site and how it connects. There is some
9 wetlands in there which we've dealt with in Phases 3 and 4 of the subdivision for
10 Summer Pines. Staff recommends approval subject to the comments and conditions on
11 136 and 137.

12 CHAIRMAN VAN DINE: Mr. Douglas.

13 **TESTIMONY OF GREG DOUGLAS:**

14 MR. DOUGLAS: My name is Greg Douglas. And the whole idea behind this was
15 to provide another entrance.

16 CHAIRMAN VAN DINE: Excuse me. Your address, please. I'm sorry.

17 MR. DOUGLAS: Oh, P.O. Box 955, Blythewood, or do you want street address?

18 CHAIRMAN VAN DINE: That's fine. Thanks.

19 MR. DOUGLAS: 29016. The whole idea behind this is to provide another access
20 road into this subdivision. And, naturally, we'd want to build houses on the property to
21 get to the other paved road. And the idea would be to be able to have another road
22 going out instead of having just one road into a subdivision.

1 CHAIRMAN VAN DINE: The reason the request is RS-HD is because that's what
2 RS-3 is converting to?

3 MR. GOSLINE: [Nods yes]

4 CHAIRMAN VAN DINE: Okay.

5 MR. DOUGLAS: And all the other adjoining properties is that same behind it.

6 CHAIRMAN VAN DINE: Any questions for Mr. Douglas? He's the only one
7 signed up on this particular matter. Any questions for Staff? Do I hear a motion?

8 MR. PALMER: I make a motion to send this forward to Council with a
9 recommendation of approval.

10 MS. WYATT: I'll second.

11 CHAIRMAN VAN DINE: Further discussion? All those –

12 MR. JACKSON: I just –

13 CHAIRMAN VAN DINE: I'm sorry. Go ahead.

14 MR. JACKSON: My, just, concern is this would be – went from one unit per acre
15 to about eight units per acre. I see the adjoining is RS-3, also. I'm just concerned that,
16 in the future, all this area won't be just strictly RS-3 or people trying to rezone because
17 it's already RS-3 in most of the areas. That's my only concern for future development.

18 CHAIRMAN VAN DINE: Any other discussion, questions, comments? One quick
19 question. How close is this to the –

20 MR. GOSLINE: Very.

21 CHAIRMAN VAN DINE: - Blythewood –

22 MR. GOSLINE: Taylor rezoning is this piece right here. And Stonington is down
23 here.

1 CHAIRMAN VAN DINE: Okay.

2 MR. GOSLINE: And Beasley Creek and all those are right in the same general
3 area.

4 CHAIRMAN VAN DINE: And all the traffic's going to have to exit out of these
5 onto Wilson Boulevard or across the interstate on either Marthann or Pines. Is that
6 right?

7 MR. GOSLINE: That's correct.

8 CHAIRMAN VAN DINE: Any further questions or comments?

9 MS. WYATT: Call the question, Mr. Chair.

10 CHAIRMAN VAN DINE: All those in favor of sending this forward with a
11 recommendation of approval please signify by raising your hand.

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

14 MR. DOUGLAS: Thank you very much.

15 CHAIRMAN VAN DINE: June 28th will be the next meeting of County Council.

16 MS. WYATT: Mr. Chair, for just a second. I'd like to ask Mr. Gosline a question
17 since we bought up the Walter Taylor it brought to mind the Stonington. Were they not
18 supposed to be back on our agenda today?

19 MR. GOSLINE: Which?

20 MS. WYATT: Stonington for subdivision approval.

21 MS. LUCIUS: Stonington [inaudible].

22 MS. WYATT: Rocky Archer –

23 MR. GOSLINE: No.

1 MS. WYATT: - you know came to speak to us.

2 MR. GOSLINE: No. Next month we have Stonington Phase 3, but we are still
3 working on the wetlands and all the rest of that on Phase 1 and 2.

4 MR. DOUGLAS: Can I make another comment?

5 MS. WYATT: Just don't forget to invite Mr. Archer back.

6 MR. DOUGLAS: I'd just like to make a comment that I've noticed it may not be
7 relevant at all. I noticed that whenever you put these numbers on these sheets like his
8 comment of eight units per acre, when the public sees that that's not really what's
9 reflected can actually be put on the property. Wouldn't it be better to determine what
10 can be put on there because of the wetlands that's already on the property? How many
11 houses can be put there than to incite a riot?

12 [Laughter]

13 CHAIRMAN VAN DINE: What we have to do is put what the maximum amounts
14 are and what things are to be approved at because if you were to sell the property
15 somebody coming on after you can put on whatever the zoning could put on. So our
16 requirements are that we actually put what could be there, not necessarily what you're
17 going to put there. But that's what could be there.

18 MR. DOUGLAS: Could we maybe add a disclaimer that if the property was
19 perfect and there were no wetlands or other restrictions?

20 MR. GOSLINE: Greg, we expect you to come up and say that we're only going to
21 half of that and then it makes you look better.

22 MS. LUCIUS: I did notice that the wetlands cut that property right in half.

23 MR. DOUGLAS: Dead down the center of it.

1 MS. LUCIUS: Uh-huh (affirmative). Uh-huh (affirmative).

2 MR. DOUGLAS: And we lost a lot in Summer Pines. On 20 acres we don't have
3 but 64 houses. I mean the wetlands - and then, now, if you had took that 20 acres and
4 you had put on there that I was going to put 160, which you could put on there, if I was
5 the adjoining landowner I would have had a fit. So it makes a difference.

6 CHAIRMAN VAN DINE: And they do.

7 MR. DOUGLAS: Oh, yes. I just saw that. Thank you.

8 CHAIRMAN VAN DINE: Alright. The next one we have is 05-76 MA. It can be
9 found on page 163.

10 **CASE 05-76 MA:**

11 MR. GOSLINE: Mr. Chairman and Members, this is a request by the Steadfast
12 Unmovable Ministries to rezone a piece of property on Clemson Road west of
13 Hardscrabble. This property came before you some months ago for C-3. The County
14 Council, basically, sent it back to try to find some other options. So the applicant has
15 applied for OI. Staff recommends denial for the reasons found on page 167.

16 CHAIRMAN VAN DINE: Ms. Johnson, please.

17 **TESTIMONY OF NANCY JOHNSON:**

18 MS. JOHNSON: Sir, would you restate what you said? I could hardly hear you in
19 the back.

20 MR. GOSLINE: I can hardly talk.

21 MS. JOHNSON: You look tired.

22 MR. GOSLINE: The staff recommends denial for the reasons found on page 167.

1 MS. JOHNSON: Uh-hum (affirmative). Okay. Well, again, our request is still for
2 C-1. We met with someone from the County Council. And I think that, before it was
3 denied basically because C-3 would have a lot of traffic in the area. And at that time we
4 got up and we told you that the property right across the street was zoned C-1 and was
5 going to have, possibly, the same type of an effect on Clemson Road as this property
6 would. So, again, we're here again to ask for the C-1 zoning.

7 CHAIRMAN VAN DINE: Is C-1 the same as the OI [inaudible]?

8 MS. ALMEIDA: Yes, it is. That is the new zoning designation.

9 CHAIRMAN VAN DINE: Thank you.

10 MS. WYATT: [Inaudible] better with you.

11 MS. ALMEIDA: No. Right?

12 CHAIRMAN VAN DINE: Fannie Goodwin.

13 **TESTIMONY OF FANNIE GOODWIN:**

14 MS. GOODWIN: Fannie Goodwin, 316 Wilkeshire Way. And the reason that we
15 would like to have the land rezoned is the church's vision has changed. And so we
16 were trying to go from the standing that we had to a C-1. So we're asking, since our
17 vision has changed, that we be allowed to go to a C-1.

18 CHAIRMAN VAN DINE: Thank you.

19 MS. WYATT: Ms. Goodwin, do you have a buyer for the property?

20 MS. GOODWIN: Not at the present. We're trying to get it changed before we get
21 the buyer.

22 CHAIRMAN VAN DINE: Mr. Corboy.

1 **TESTIMONY OF STEVE CORBOY:**

2 MR. CORBOY: Mr. Chairman, ladies and gentleman, I'm the developer and one
3 of the owners of the 100 acres immediately across the street that is zoned PUD-1R, not
4 C-1. And of the 100 acres, 12.5 acres is slated for office buildings. Our concern is –
5 and I met with these people and they're nice and I'm sorry they lost their mission - but I
6 told them we would fight the C-3 all day and all night. They agreed to try another use,
7 C-1. I told them I would not opposed C-1. But our concerns as the immediate, adjacent
8 property owner is what are the restrictions on the square foot of the office buildings?
9 What type of buildings? Will they be brick like ours are? What about parking, curb
10 cuts? I think they're asking for two. They're on the inside of the curve. One should be
11 all. We've only got one and a bigger piece of property. They also have approximately
12 40% or more of the land is wetland or floodplain or backs up to Barton Creek. And to
13 develop that property it's going to have to be filled. And what criteria are going to be
14 used for that so that it will not implode the wetlands, blow into Barton Creek, and come
15 down to our property? And those are my concerns. And the fact that County Council,
16 at the last public hearing, the request was withdrawn from C-3 to C-1 and they gave it
17 first reading approval. And I think someone in the County figured out that they couldn't
18 do that or shouldn't have done it, but they did. So my fear is that no matter what you
19 do, when it gets back up there they're going to approve it and then we lose control.
20 Thank you.

21 CHAIRMAN VAN DINE: Those are all the people who have signed up to speak.
22 Ms. Linder.

1 MS. LINDER: Mr. Chairman, again, this is currently an RS-2. July 1st this will
2 become an RS-MD, which is residential, medium density, I believe. So if you approve
3 the change it'll be going from RS-MD to an OI. If you do not recommend approval, it'll
4 be going to RS-2 to an RS-MD July 1st.

5 CHAIRMAN VAN DINE: Alright. Thank you. Any questions or comments from
6 the Commission Members?

7 MS. WYATT: I'll give my same old story, just a different day, just a different time.
8 Clemson Road is designed to be a residential corridor. And I must say that I thank Staff
9 are putting the objectives on page 166. One of the recommendations for denial is
10 because this is a residential corridor and is not part of a commercial area. If you will
11 think back, we, any number of times – and I must apologize, I can't think of his name.
12 But the gentleman that owns the Chinese restaurant where the Piggly-Wiggly's at, has
13 come before this body any number of times between this property and the Baptist
14 church up there and asked for C-1 zoning. He's been repeatedly denied because we
15 were concentrating on keeping commercial at that node. And I do agree with Staff. I
16 feel very strongly that to permit this will definitely be spot zoning. One of the things that,
17 unless you've been out there and you know that area, one of the things, too that's not
18 given to you in your Staff Report is this is truly surrounded by residential. This area,
19 when it was developed many years ago there area all kinds of five acre parcels with
20 homes back behind on Clemson Road, more so than you see because, of course,
21 they've, you know, they've left the, you know, their homes wooded. But this is truly,
22 truly a residential end of Clemson Road that should not be disturbed.

1 MS. LUCIUS: I am troubled by the person that Barbara referred to. I can't think
2 of his name right now, either. I thought I had it with me that he's come before us three
3 separate times.

4 MS. ALMEIDA: Mr. Kim.

5 MS. LUCIUS: Mr. Kim.

6 MS. WYATT: Mr. Kim. That's his [inaudible].

7 MS. LUCIUS: Three separate times for commercial and we've denied him. And I
8 don't know how we could explain that to him if we approved this. And, also, yeah, on
9 page 166, you said this site would constitute strip development. I think you meant to
10 say spot development, didn't you? Spot zoning?

11 MS. WYATT: He says that in the sentence above it.

12 MS. LUCIUS: Oh. Okay. Alright. We – I'm sorry. Go ahead.

13 MS. WYATT: Please finish.

14 MS. LUCIUS: I was just going to say we've just rezoned 40 acres to C-3 at
15 Clemson and Longtown, which is just how far up the road?

16 MS. WYATT: About three-quarters of a mile, if that.

17 MS. LUCIUS: Forty acres of commercial.

18 CHAIRMAN VAN DINE: Any other comments, questions?

19 MR. MCBRIDE: Yeah. It was my understanding that when they came to us at
20 first that they had the C-3.

21 MS. LUCIUS: They did.

22 MR. MCBRIDE: Then if they changed it to C-1 it was my understanding that
23 possibly that would help them move it forward. What happened?

1 MS. ALMEIDA: That was the directive from Council, who suggested possibly
2 coming back as a C-1.

3 MS. LUCIUS: But I think our position is that commercial of any kind, whether it's
4 C-1 or C-3, is not appropriate there.

5 MS. WYATT: And I guess I have to ask the question. I don't agree at all with
6 what Council did in giving it first reading for C-1. I have to say I do not agree with the
7 fact that it was down zoning because the request was C-3 to C-1, when, truly in fact, it
8 wasn't. But, you know, this body has not had a chance, which, by law, I believe, we are
9 the recommending body for zoning changes, and, yet, we have not had an opportunity
10 to tell Council that we don't support a C-1 zoning on that piece of property. And, yet,
11 they've already gone ahead and given it first reading. What's the status of that?

12 MS. LINDER: That is not going anywhere because the applicant has, basically,
13 reapplied for this OI. So that first reading, we're just starting from the beginning, again.

14 MS. WYATT: So there'll be another public hearing –

15 MS. LINDER: That's correct.

16 MS. WYATT: - allowing the public to come and speak –

17 MS. LINDER: That's correct. [Inaudible] this month.

18 MS. WYATT: - in opposition to the C-1?

19 MS. LINDER: That's correct.

20 MS. WYATT: Okay. Okay.

21 CHAIRMAN VAN DINE: I guess the more important question is how are they
22 even making the changes like that? The changes that – to say that they're going from
23 C-3 down to C-1 is a down zoning is ridiculous. It's still whatever it's zoned in until the

1 change has been made. So taking it from C-3 to C-1, or whatever the new terminology
2 is, is a difference in the request. It has not been zoned so it could not possibly be down
3 zoned from that spot. And, perhaps some people on Council need to be taught a little
4 bit about what zoning does and when effective things happen in zoning. Because it
5 seems to me that they're just sort of flying off the handle and doing whatever they feel
6 like doing at times and not paying attention to either the rules or the procedures that are
7 necessary.

8 MS. LINDER: Yes. We're trying to be more conscientious to bring it to Council's
9 attention when things do need to come back.

10 CHAIRMAN VAN DINE: As to this particular piece of property, I sort of relate this
11 property to what we did on Warner Road, earlier. You just look at the colors! This sits
12 dead center in the middle of residential property. And we have always tried to maintain
13 the nodes on Clemson Road. And we've been trying not to let it creep down.
14 Unfortunately it has been doing it in certain instances. And I just don't think that this is
15 an appropriate place to put even a C-1 or anything else on this particular piece of
16 property. So, do I hear a motion in relation to this –

17 MS. JOHNSON: Excuse me. Before you hear the motion, I'd like two
18 clarifications if I can have them, please. What is zoning RS-MD? What is that new
19 zoning going to be July 1st? And the second question is how is this that different than
20 the property directly across the street within a rock's throw?

21 MS. WYATT: A lot.

22 CHAIRMAN VAN DINE: The first –

23 MS. JOHNSON: I want explanations for those two.

1 CHAIRMAN VAN DINE: In answer to your first question, RS-2 –

2 MS. LUCIUS: RS-MD.

3 MS. WYATT: RS-MD.

4 CHAIRMAN VAN DINE: RS-2 and RS-MD are, in essence, the same thing.

5 MS. JOHNSON: Okay.

6 CHAIRMAN VAN DINE: It is a name change.

7 MS. JOHNSON: Okay.

8 CHAIRMAN VAN DINE: So that part, there's nothing changing with the property.

9 It has the same rights as it had under the RS-2 classification.

10 MS. JOHNSON: Uh-hum (affirmative).

11 CHAIRMAN VAN DINE: And I mean everybody can sort of speak to their mind if
12 they feel it necessary about the property across the street, but, you know, I just – I don't
13 believe that we should have been doing the commercial across the street. It was part of
14 a PUD proposal. And I wasn't really in favor of that, either. So I can't say that there is a
15 difference in my position now or then.

16 MR. PALMER: Well, I'd like to say, if I could, I think we're all getting to the same
17 point. I'm just getting there a different route than you guys are. I'm in the minority that I
18 think that, perhaps, C-1 may be okay in this site. But, having said that, I would like to
19 see things tied down on it just like it is across the street as to what they're going to look
20 like, the buildings are going to look like, the size, and different things that go in there.
21 And, having said that, that's the difference – to answer your question – in my mind that's
22 the difference is what's going on across the street is tied to specific standards.
23 Whereas C-1 just floats with the property and anything that's allowed in C-1, if the

1 rezoning were to take place, could happen on this parcel. Nobody has any control over
2 what happens on it. And it's just a flat out rezoning. What's occurred across the street
3 is specific things; A, B, and C; have to be met. And that's not what you're asking for
4 here on this site. So having said that, I would make a motion that we send this forward
5 to Council with a recommendation of denial.

6 MS. WYATT: I'll second that.

7 CHAIRMAN VAN DINE: Any further discussion?

8 MS. JOHNSON: I still haven't had the explanation that I asked for.

9 CHAIRMAN VAN DINE: I think, unfortunately, you may not believe that you have
10 had the explanation, but I think that's the only explanation that we can give you at this
11 point in time.

12 MS. JOHNSON: Okay. So you're not sure why the other one was approved, but
13 you're definitely sure that this one should not be?

14 MS. WYATT: There's a difference, Nancy, in the fact that you're coming to us
15 with an unknown, okay? Basically, we have no idea what's going to go on that piece of
16 property, just like you don't. I've already asked the question 'Is there a buyer?'

17 MS. JOHNSON: Uh-hum (affirmative).

18 MS. WYATT: So there's no plan for it. I was opposed to what went across the
19 street. But, at the same time, that developer came to us and laid out the plans and said,
20 "This is how many homes I'm putting here. This is how many doctor's offices. This is
21 how many veterinarian offices." We knew exactly, to protect the residents, every single
22 thing that was going across the street. And he cannot change it, not one thing, without
23 coming back to this body.

1 MS. JOHNSON: Uh-hum (affirmative).

2 MS. WYATT: Now do you understand the differences? You're an unknown.
3 That was a known.

4 MS. JOHNSON: I understand, just like those of you who are in here that are part
5 of this Planning, throw around the terminology. And we're to assume that we know
6 what the next step is. All we know is when something is denied there's another \$200
7 fee, you apply again. Nobody tells you the exact rule of the games. And, if we had
8 been told that if you go and ask for a C-1 zoning, you need to put together a package
9 that says that this is what you're going to possibly put on that property and then we can
10 tag it and say, "We approve it subject to these different items being there." No one has
11 said that to us.

12 MS. WYATT: Well, if you don't have a buyer, you can't do that because you
13 really - and you just made the comment yourself, "What we think we're going to do on
14 that piece of property."

15 MS. JOHNSON: No. When you -

16 MS. WYATT: We have to know -

17 MS. JOHNSON: When you have a buyer -

18 MS. WYATT: - exactly what's going to be there. So until you know exactly, you
19 can't be any different than a C-1.

20 MR. PALMER: One of the prerequisites for applying for a change in zoning is
21 there needs to be a need for the change in zoning. And here I don't see that there's a
22 need being presented by the applicant that -

1 MS. JOHNSON: Our need is, as Ms. Goodwin said, the need is is the church has
2 changed direction. Their ministry is going to be inner city. What the recommendation to
3 us was on this piece of property was to put up 25 single-family homes on Clemson
4 Road Now, as we stated, half of the property's already taken away – the value's taken
5 away because it has to be reserved for the wetlands.

6 MR. PALMER: Uh-hum (affirmative).

7 MS. JOHNSON: So you've only got 4.7 acres that you could do something with.

8 MR. PALMER: Uh-hum (affirmative).

9 MS. JOHNSON: And you're talking about property across the street that is zoned
10 that's the value. What we're talking about is maybe \$25,000 an acre. And you're
11 talking about property that's been approved across the street for maybe 10 times that.
12 And so you're saying, "Just take the low road and do as we say. Put houses there or do
13 nothing because we're not going to change the zoning." Yet you do it for somebody
14 right across the street with really not a whole lot of prudence about it.

15 MR. PALMER: There's an awful lot of prudence about it.

16 CHAIRMAN VAN DINE: Ms. - Anna, you had –

17 MS. ALMEIDA: I take exception. When applicants come before Staff in
18 presenting their proposal for rezoning, we don't suggest or recommend anything. We
19 present the options to the applicant and the applicant must take that information and
20 decide what they want to do with it. In Ms. Johnson's case, the rezoning to requesting a
21 C-1 was done at Council, not at Staff level.

22 MS. JOHNSON: Because you would not allow it. I came back up and said, "Can
23 I change my request to C-1?" And you said no.

1 MS. ALMEIDA: Because that is not the process. But, just so our Planning
2 Commission is aware, the fee was waived in that case because Council recommended
3 that zoning change. But I just want to make it clear that Staff presents all options to the
4 applicant. And the applicant must make that choice. It is not the Staff that pushes or
5 recommends any one zoning district in particular over any other zoning district. We give
6 them all options and it is up to the applicant to choose what options they want to take
7 according to what their plans are.

8 CHAIRMAN VAN DINE: Alright. Do we have a motion on the floor? Do we?
9 Yes.

10 MS. WYATT: Yes.

11 CHAIRMAN VAN DINE: We have a motion on the floor to send this forward with
12 a recommendation of denial and a second. All those in favor please signify by raising
13 your hand. All those opposed.

14 MS. JOHNSON: I think you're making a very biased decision.

15 CHAIRMAN VAN DINE: All those opposed.

16 *[Approved to Deny: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning,*
17 *Opposed: McBride; Abstained: Green]*

18 MR. GREEN: Mr. Chairman, please let the Record show that I abstained from
19 voting and discussing anything on this particular case.

20 MS. WYATT: This is another one of those cases just like Warner Road a few
21 minutes ago, and I will do everything in my power to be there on June 28th, but I'm
22 asking Staff,. this is a repeat asking, that County Council be told how strongly this

1 Planning Commission felt about this change. The clear intrusion into residential by
2 commercial zoning has got to stop.

3 CHAIRMAN VAN DINE: Alright. We're on to Text Amendments, 173, Digital
4 Data Submission.

5 MR. CRISS: Mr. Chair, we have with us, today, Staff from the IT, Information
6 Technology Department to explain the nature of this initiative and, I believe, provide you
7 with an additional handout. I see Pat Bresnahan. Dr. Bresnahan is the Geographic
8 Information Officer, or GIO, of IT's GIS Division. And he has with him Brian Fitzgerald
9 of his staff.

10 DR. PATRICK BRESNAHAN: Good afternoon, everybody. You're going to get a
11 packet here in just a second. This is a change, I believe, in the new ordinance.

12 MR. CRISS: New Land Development Code.

13 DR. BRESNAHAN: Right. To how we do business in the Planning Department,
14 not only Planning but in Public Works. Previously, I'm not sure if you noticed, but your
15 packets have changed quite a bit in the last four or five years. Getting your pieces of
16 property and showing them with everything, surroundings, is pretty important to you,
17 obviously.

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

19 DR. BRESNAHAN: Changing the way we do business, previously, was handled
20 in the Storm Water Ordinance, where each plan that needed a storm water plan or
21 grading permit had to be submitted with certain standards. And from what I understand,
22 that the Storm Water Ordinance will now go away, Ms. Linder, and be part of, really, all
23 those are now covered in the new Land Development Ordinance. Right.

1 MS. LINDER: That is correct. Chapter 8's Storm Water is now merged into
2 Chapter 26, which is the new Land Development Code, effective July 1st.

3 DR. BRESNAHAN: So what these are are the standards that we developed and
4 were using under the Storm Water Ordinance and, hopefully, using them for all land
5 development now. And I think, actually, the case of what we're doing is really a very
6 good thing and novel and some - the way of the future was demonstrated this afternoon
7 when, I believe, Ms. Wyatt asked about the subdivisions out in the northeast. And you
8 can go to our web site and look at all those roads that aren't even built yet and you can
9 see that. That's because of digital data submission. And your packet just shows you
10 how we use that. Not we - we're the enablers, but Planning Department and Public
11 Works. And how, in the particular case today, I believe with - I think there was a
12 question of entrances on a particular subdivision - how, with digital data submission,
13 you can see that. We could only catch things, previously, with the Storm Water
14 Ordinance. Now we'd like to do it with all properties. And just in the packet there're
15 several items there showing you what we've done to help the community, the
16 professional community, move towards this; spending a quarter of a million dollars in
17 establishing survey monuments to tie in all our subdivisions into a coordinate system.
18 And I just hope that, as a practice, we'd move forward and transfer this from the Storm
19 Water Ordinance to the new Land Development Ordinance.

20 MR. MANNING: Aren't we currently required to provide digital information on
21 subdivisions and sketch plans, all of that review process?

22 MR. CRISS: Digital data submission is part of the larger subdivision review and
23 approval process already, through the Storm Water Management/Sediment Erosion

1 Control measures, or regulations, of Public Works. But we are not capturing the digital
2 data of the new parcels that are in minor subdivisions and single lot splits and the like.
3 This reaches down to the other plats that come through the county for review for
4 recording. That's the significance.

5 MR. GREEN: Michael, let me ask you this. If I were coming in and I owned three
6 acres out in a remote part of the county, I wanted to split it off and give a lot to my son,
7 and, you know, survey would cost a minimum - what would be the additional expense
8 on someone to have a digital format plat prepared?

9 MR. CRISS: That's an excellent question. I'll defer to Pat on that.

10 DR. BRESNAHAN: That depends on the surveyor you use. And we've - now it's
11 part of the way most do business if they're using a CAD package, possibly. It's all built
12 into the CAD packages nowadays. And I believe with publications in "Professional
13 Surveyor" magazine and others, that this is the way the technology is moving.

14 MR. GREEN: Well, I understand that. I'm just trying to get a sense of, for
15 someone doing a simple subdivision -

16 MS. WYATT: Minor subdivision.

17 MR. GREEN: - what additional expense this might entail for an individual doing a
18 relatively low-key type of subdivision? Just out of -

19 DR. BRESNAHAN: Again, that goes to the surveyor you use - if they have
20 AutoCAD. Or, if they're doing it by hand, that would be an expense. But if they're not
21 doing it by hand, if they're using any computer at all, it shouldn't be an additional
22 expense.

1 MR. GREEN: So it's about the same cost on the [inaudible] to prepare a plat
2 digitally or how it's prepared now is about the same expense?

3 MR. CRISS: It's a question of having the right software and training.

4 MR. GREEN: Well, I understand all that, but I mean –

5 MR. CRISS: The transmittal, itself, of course, is cheaper than reducing the plat to
6 hardcopy.

7 MR. GREEN: Now the only other question I had, which is, you know, not a huge
8 concern but a little. Under the first part of this draft amendment it's also requiring a
9 digital plat for a zoning map change, whereas now someone does not have to submit a
10 survey to request their property be rezoned. I'm just wondering if that's an expense to
11 the taxpayer that's appropriate for a rezoning to have to have a digitally prepared plat
12 when they have no plat requirements now. Is that correct?

13 MS. ALMEIDA: They are required to submit a paper copy.

14 MR. GREEN: Of a new survey?

15 MS. ALMEIDA: The survey. Yeah.

16 MR. GREEN: For a zoning change?

17 MS. ALMEIDA: That is correct.

18 MR. GREEN: So a lot of the old surveys that we're seeing in our packages now,
19 that are, obviously 30, 40, 50 years old, that changes with the new - I just don't recall all
20 the parts in the new Land Development Code.

21 MS. ALMEIDA: Right. If it is over a certain amount of years old we do require
22 that they submit an updated survey. We check with the existing – with our existing files.

1 If it pretty much hasn't changed over the years, we accept it. But most of our map
2 amendments are required to have up to date surveys – paper.

3 DR. BRESNAHAN: And, Anna, wouldn't that be, also, the partial zoning changes,
4 where the zoning is partial?

5 MS. ALMEIDA: Right. Where they're subdividing and –

6 DR. BRESNAHAN: Right. So you would need a survey for that.

7 MS. ALMEIDA: - cutting off a piece of property. If you have a larger piece, you
8 need at least two acres to rezone. And they don't want to rezone the entire parcel, so
9 they subdivide prior to. We get a lot of those. So they are up to date surveys.

10 CHAIRMAN VAN DINE: I understand the need for digital data. But I have a
11 concern that there is, because we discussed, you know, there are Fords and there are
12 Chevy's and there are Volkswagens and there're everything else out there in these
13 systems that you're putting together. Well we have selected one as the county. Parts
14 are not interchangeable. And I'm wondering what the expense is to individuals to have
15 to convert from a system that they may be using for digital data in order to meet our
16 requirements here and whether or not that is creating a hardship on people and cutting
17 some people out of the business of being able to actually make submissions into the
18 county.

19 DR. BRESNAHAN: And your question goes directly to standards. And there are
20 standards with all of those packages. And for the last five years we've been working
21 with the professional community, the surveyors and the engineers, and helping them,
22 showing them how to use their CAD package or their survey package. And I don't
23 believe we've come across a single package that their software can export to a common

1 standard. They don't have to write to a standard that we - or a proprietary format that
2 we use. It's an international standard that they write to. So all of their packages – if
3 you're using a package, it can output to that format.

4 CHAIRMAN VAN DINE: And what is the conversion requirements and how much
5 of a hardship is it on individuals to make those conversions between the various
6 packages?

7 DR. BRESNAHAN: To show you – a good example of that would be an
8 engineering firm uses their own layering scheme. They've determined these are the
9 layers we're going to submit in a CAD file. Well we've worked with the – even with the
10 Vocational Rehabilitation Center and paid folks to show engineering firms and surveyors
11 how to map to. They don't have to change their internal standard. But it goes from this
12 layer in our Company X to Richland County Layer 2. It's a set up once. And we did that
13 for one or two firms, actually, showing them how to do that. And once you set up that
14 conversion, it takes about 20 minutes to set it up the first time, and after that it's the
15 push of a button.

16 CHAIRMAN VAN DINE: Those would be firms that would be using the system
17 multiple times. What about someone who's, say, has been hired out of Greenville or
18 been hired out of some other locale where they may come in once or twice to this area?
19 I mean how - I guess what I'm trying to avoid the situation is we, all of a sudden, have
20 sort of isolated to a select group of individuals to do - and they're the only ones, really,
21 can understand what we're doing here.

22 DR. BRESNAHAN: I would disagree with that, respectfully, sir, because
23 Spartanburg County, as a matter of fact, in the "Herald Journal" last October referenced

1 our digital data submission that counties are moving toward that and that the way we've
2 gone is professional practice and the way it should be done. Now, I understand, there
3 are those that don't have it currently in other counties. But we are helping them through
4 professional development. We put on seminars. We do additional training here. And
5 we installed a quarter million dollars worth of monuments out there to tie to. So we're
6 trying to - we understand the concept that we're not going to put an undue burden on
7 someone without helping them getting - meeting us part of the way. So we're helping
8 them do that. So we do try to catch those.

9 CHAIRMAN VAN DINE: What is your time lag in a request? If you have
10 somebody has the package that says, "I need to submit this." What's the timeframe in
11 which something like that can be accomplished?

12 DR. BRESNAHAN: In the past four years as we've been doing it under the Storm
13 Water Ordinance I believe, Ms. Carter, they submit it and you get back to them within
14 just a couple of days. And she helps them. Here's a good example. We've had folks
15 that may submit it and it's just not right. Our staff and Planning staff work with them to
16 show them how to do it exactly right. And now they come back and it's - and we assist
17 with that, because we've been doing it for about four years with the Storm Water
18 Ordinance and now that's going away. We would be taking a huge step backwards if
19 we didn't pick it up somewhere, now.

20 MR. CRISS: If I may direct a question to Dr. Bresnahan. Pat, what plans does
21 IT, in conjunction with Planning Department and Public Works, have for training and
22 possibly delaying effective date of the digital data submission requirement? How much
23 time are we going to give the community to adjust to this new scheme?

1 DR. BRESNAHAN: Well, the majority of the community we've given them notice
2 five years ago and supported training over the last five years with engineers and
3 surveyors. In this particular case, we can put on as many training sessions as
4 necessary.

5 MR. CRISS: And it may not be necessary to implement July 1st coincident with
6 the new Land Development Code. There could be a few months of delay if Council
7 decides, ultimately, that the community needs time to adjust to the new submittal
8 requirements.

9 MS. LINDER: Just a slight correction on Mr. Criss. This ordinance would not go
10 into effect July 1st. It would go first reading, possibly, at the end of this month. Second
11 reading and third reading in the middle of July.

12 MR. CRISS: At the earliest.

13 MS. LINDER: At the earliest.

14 DR. BRESNAHAN: And I believe if the Storm Water Ordinance is – becomes –

15 MS. LINDER: The Storm Water Ordinance, Chapter 8, is gone as effective July
16 1.

17 DR. BRESNAHAN: So between July 1 and whatever time you want to wait, that
18 means we're going back to paper.

19 MR. MANNING: Going back to what Mr. Green said about individuals coming - I
20 think the development community's okay with this. But I, as a homeowner, want to
21 transfer my house to a child and I've got a current survey. What's going to happen in
22 that process when I need to record that deed.

23 DR. BRESNAHAN: Recording at the Register of Deeds Office?

1 MR. MANNING: When I want to transfer a piece of property, a house, a lot; I'm
2 not subdividing anything, what would happen?

3 MR. CRISS: If you're submitting the plat for recording as opposed to just the
4 deed, you'd have to have a digital submission.

5 MR. MANNING: So would that require a new survey in a digital form for a
6 homeowner to transfer that property?

7 MR. BRIAN FITZGERALD: My name is Brian Fitzgerald. I'm an employee, here,
8 in the GIS Department. This would only affect those things that are reviewed by the
9 Planning Department. So any deeds or plats that are submitted directly to ROD,
10 including the example you gave of transferring one piece of land over, would not be
11 included in this.

12 DR. BRESNAHAN: If it's not reviewed by Planning –

13 MR. FITZGERALD: Right.

14 DR. BRESNAHAN: - it's not covered under that.

15 MR. PALMER: I have some of those same concerns that Mr. Green was talking
16 about. That if it's not currently required under zoning – and I know Anna said that
17 there's a certain timeframe - we see some of these that are extremely old. What's the
18 timeframe that you say is, that if it's under a certain time frame? What do you guys look
19 at? 20 years?

20 MS. ALMEIDA: Well we – I mean, obviously, if something is 15-20 years old and
21 we look it up, review the actual plat, if it's pretty much a mirror image of what's on our
22 files we really don't require anything if they're not going to subdivide. But if there is any

1 change in lot lines that we can see, we require the applicant to have an updated survey,
2 obviously, because something was done along the way that we never saw.

3 MR. PALMER: Sure. Well in the hot areas I mean there's been multiple times
4 these parcels have been rezoned.

5 MS. ALMEIDA: Right.

6 MR. PALMER: But, as you know, in our county a lot of stuff is reversed back to
7 what it was like we saw today with the D-1 property. That's what it was back in '76
8 when they applied for it.

9 MS. ALMEIDA: Uh-hum (affirmative).

10 MR. PALMER: So that's my first concern. My second is we make allowance in
11 our new Land Development Code and we split up development into major and minor.

12 MS. ALMEIDA: Right.

13 MR. PALMER: I think this may be a case where we would use that same split
14 and use what we've already put in our Land Development Code to perhaps require
15 something like this for major development but not for a minor development. Because
16 we have people come in that want to give two or three lots to their kids. And they've got
17 the survey that their daddy used and he's got a plat on file from, you know, whenever.
18 And he doesn't have this kind of technology. And if what I'm hearing you is correct, that
19 if people are using more current surveyors, that it's at no additional charge to have this
20 stuff, so when they come in for a minor say, "Hey, look. If you guys have this just give it
21 to us." And it shouldn't be a big deal. But if we require them to do it, then it could cause
22 some people that don't really have the monies to do it to go out and get this thing
23 resurveyed and get it on a digital plan. I would just – I would think we might need to

1 look at maybe requiring for major and not minor. And then the minor, if you've already
2 got it give it to us. But if you don't have it it's not required.

3 CHAIRMAN VAN DINE: I guess what I – I'm almost of the opinion that if we do it
4 for one we've got to do it for everybody, because the submissions that are coming in are
5 going to come in in one form. And if we start mish-mashing two separate types of
6 submissions we're going to get even more confused than we have been in the past with
7 some of the things that have went on here and then we didn't know that it went on over
8 here. So, I mean I think if we're going to have submissions then the submissions ought
9 to be standardized in how they come forward. What I'm trying to figure out is is there a
10 way that we can do it in which it's not a burden on individuals to do that.

11 MR. PALMER: Well, that's why I think we should use the major and minor that
12 we already have in our code. We've already split it out to where they are treated
13 separately. And use that split that we already have to be able to allow people with
14 smaller parcels, minor subdivisions, to not have to go through the digital submission.

15 MR. JACKSON: I think as technology changes with engineering firms, surveyors,
16 they all upgrade their equipment. Just like you talk about may be a burden on some
17 surveying companies, but just like the building code when it changes all builders have to
18 adhere to the new code or whatever new technology you use to do what they have to
19 do.

20 MR. PALMER: Sure.

21 MR. JACKSON: But, daily, all engineering and surveying companies are
22 updating daily to move along with technology. So I don't see – I work with surveyors

1 and, well maybe because of where I work I get all these digital surveys coming in, but
2 the trend is that all engineering and surveying companies updates their equipment.

3 MR. PALMER: But a lot of times there are probably quite a few – and I can think
4 of some – that are just locals, what I call “Mom and Pop” shops, that do small kind of
5 work like we see somebody who wants to leave his lots to two kids. He’ll come out
6 there. It’s almost on the napkin kind of stuff that we kid around with, you know.

7 MR. JACKSON: Yeah. I understand. I’m just saying when you contact an
8 engineer, a surveying company, their equipment is updated.

9 MR. PALMER: A lot of them are. And I’m not really concerned about the
10 companies because they need to update if they want to stay up with the times. I’m
11 concerned with the father that wants to leave lots to two kids. That kind of thing, and,
12 you know, has to go through an additional step now to get something done digitally that
13 -. Engineers aren’t cheap. Surveyors aren’t cheap.

14 MR. JACKSON: I just said over the past five years – over the past five years
15 everything I’ve seen is digital.

16 CHAIRMAN VAN DINE: Would we even allow somebody to just come in with a
17 hand drawn something that isn’t surveyed to make a subdivision?

18 MS. ALMEIDA: Uh-huh (negative). No.

19 CHAIRMAN VAN DINE: So I mean the requirement is that somebody’s going to
20 have somebody draw up the subdivision at some point.

21 MS. ALMEIDA: That is correct. The survey.

22 CHAIRMAN VAN DINE: The question really becomes is how is it presented?
23 Was it digitally or is it the otherwise? And if I’m hearing it correctly, what was being said

1 is that, for the most part, surveyors are on line, if you will, with what they're doing. I
2 guess, sort of going along with what's being said here though, is I'm concerned about
3 the price aspect of a conversion with people going digital versus what they might have
4 done in the past. I mean, obviously, they have to pay for the purchase of the programs
5 and all of the other equipment that's necessary in their own offices so they're going to
6 pass that on to their customer, which means that they're going to increase the cost of
7 whatever they do. Now I just can't gauge the magnitude difference between what was
8 done and what is being proposed.

9 DR. BRESNAHAN: Well, as the enablers, we're not the ones who work on these
10 data every day. It's Planning and Public Works. We just try to make it happen. And
11 we've invested a lot of money through the Storm Water Ordinance, previously, to make
12 it happen and put those monuments out there, hold the training sessions, and present at
13 the local surveyor meetings. I would hope that we would continue moving forward
14 instead of going backwards. And the cost of converting is quite minimal. When you're
15 going to submit it and if you're drawing it – yes, if you're drawing it by hand and
16 sketching it out on – somebody used the term 'napkin' or something – yes, there is a
17 cost to putting it digitally. But if you're already using any of the tools, electronic tools
18 that are available out there, the cost is minimal. And we can even help show them how
19 to do that.

20 MR. JACKSON: And what –

21 MS. WYATT: Mr. –

22 CHAIRMAN VAN DINE: I'm sorry. Go ahead.

1 MR. JACKSON: No. What I understand, also, they can be transmitted
2 electronically via phone or computer.

3 DR. BRESNAHAN: Oh, we're just trying to get – [laughter].

4 MR. JACKSON: What I'm saying it's a lot cheaper.

5 DR. BRESNAHAN: Sure!

6 MR. JACKSON: From my understanding what the practice is today.

7 DR. BRESNAHAN: Sure! We're just trying to get this settled. That would be
8 great, too.

9 CHAIRMAN VAN DINE: Ms. Wyatt.

10 MS. WYATT: I was just going to say, Mr. Chair, if that seems to be a concern of
11 yours, as well as a couple of other Members that I share, would be the cost to
12 individuals, why don't we defer this until next month and ask Staff to call? Ask this
13 gentleman to make a few phone calls to Cox and Dinkins and a few of the other big
14 companies and ask what the difference in price is. I think we're going to be surprised to
15 find out it's very little.

16 MR. GREEN: Well somebody like Cox and Dinkins is doing it digitally anyway.

17 MR. PALMER: I would think so.

18 MR. MANNING: Yeah. They're not -

19 MS. WYATT: Well, you know, I just used them because they –

20 MR. GREEN: Let me ask you this, Anna. And just so I'm clear on this point –
21 and I'm getting back just to the requirement of the digital plat for a zoning map
22 amendment. It says, "A petition for amendment to the zoning map shall be filed on a

1 form provided by the Richland County Planning and Development Services
2 Department.” That form currently requires a current survey?

3 MS. ALMEIDA: Correct.

4 MR. GREEN: Okay.

5 MS. ALMEIDA: And we evaluate it on a case by case basis.

6 CHAIRMAN VAN DINE: Just out of curiosity. I’m reading sort of behind – that all
7 of the digital work that’s been performed on the Storm Water Management you’re
8 saying will not be necessary as of July 1. What is happening?

9 DR. BRESNAHAN: That ordinance is –

10 MR. CRISS: The requirements continue. They’re just in a different chapter of the
11 code.

12 CHAIRMAN VAN DINE: Oh. Okay. We’re not getting rid of them.

13 MR. CRISS: Oh, no! No.

14 CHAIRMAN VAN DINE: Okay.

15 MR. CRISS: We must be 80% there in terms of digital data capture of new
16 parcels. But, indeed, the burden is hereby proposed to shift down to the smaller
17 subdivisions and parceling to keep the 145,000, and growing, parcel digital data layer of
18 Richland County current, accurate, and complete. As Pat indicates, the county’s sunk
19 many millions of dollars into this enterprise, GIS system, gone beyond the requirements
20 to provide support to the private sector in terms of geodetic monumentation, training.
21 And, again, Pat’s staff is offering to provide some guidance – can’t do the work for the
22 private sector – but to provide guidance to those who might need some assistance,
23 especially the first few times. We did have some delays in digital data submissions on

1 major projects, especially when new firms first formed and were getting into the trade
2 and weren't quite familiar with the local practices. And, you know, needed a few months
3 to learn how to do it. But they do adjust - most of them. It might be the single proprietor
4 surveying companies that would be most impacted.

5 DR. BRESNAHAN: Can I ask a question of Amelia, I guess? With the way the
6 Storm Water Ordinance will be brought into the Land Development Code, as of July 1st
7 is there any way to capture digital data submission anywhere until this amendment is
8 made?

9 MS. LINDER: Without reviewing and comparing the two ordinances, I can't really
10 opine right now.

11 DR. BRESNAHAN: Right.

12 MS. LINDER: But if there is a requirement in the current Storm Water Ordinance
13 and it has not been brought forward on digital submissions, then we need to address it
14 in the new Land Development Code.

15 DR. BRESNAHAN: So any digital data submission, if it hasn't been brought
16 forward, we're back to paper.

17 MR. CRISS: I think the current language of the adopted Land Development Code
18 taking effect July 1st has placed that authority in the County Engineer to determine the
19 adequacy of submittals. And if it's digital, so be it. Of course, that has been the
20 practice, as Pat indicates, for some time now.

21 DR. BRESNAHAN: I just want to make sure we don't end up going really
22 backwards. So we might want to check.

1 MR. FITZGERALD: My understanding is that it is that in the old Storm Water
2 Ordinance it was explicitly written that it was required. And the transference to the new
3 Land Development Code does not explicitly require it. So, essentially we would – all of
4 our maintenance procedures for all of our GIS layers and, essentially, all the digital
5 processes that we use today could potentially go away July 1st.

6 DR. BRESNAHAN: For the subdivision review process?

7 MR. FITZGERALD: Correct.

8 DR. BRESNAHAN: Right.

9 MR. JACKSON: Only other thing is, apart from all that, I see where the property
10 lines and the right-of-way lines – lines are pretty neat on this right here. When I go to
11 the web site it's all –

12 DR. BRESNAHAN: That's our parcel conversion project. That'll be done
13 November of this year. You're still seeing those old parcels. And it says, "These are
14 really bad."

15 MR. JACKSON: Yeah.

16 DR. BRESNAHAN: The new ones are – we're three-quarters of the way done.
17 So if you turn on the parcel conversion layer –

18 MR. JACKSON: Yeah.

19 DR. BRESNAHAN: I'm glad you're using [inaudible].

20 MR. PALMER: You need to go to 96 polygons.

21 DR. BRESNAHAN: No! Those are the bad ones.

22 MR. PALMER: Oh! I got a bad info from somebody.

1 DR. BRESNAHAN: That was the bad one. No, no! The partial conversion
2 polygons are the good polygons. That's where they show up right.

3 MR. FITZGERALD: But your statement is very, you know, it definitely addresses
4 this issue because the maintenance of those parcels that come in depend on these
5 requirements.

6 MR. CRISS: The language in the new Land Development Code regarding Storm
7 Water Management Design Plans includes the following phrase: "Application for
8 approval of a Storm Water Management Design Plan shall be made to the County
9 Engineer on forms furnished by the county and shall include all items required on that
10 application." So it is generic language but it does not –

11 DR. BRESNAHAN: The explicit digital data [inaudible].

12 MR. CRISS: - remove the digital requirement.

13 MR. GREEN: So the form could actually say one of the kinds you have to submit
14 is a digital.

15 DR. BRESNAHAN: So we have to contact the Engineering Office.

16 MR. CRISS: Yeah. I think it could be made more explicit. And that is our intent.

17 CHAIRMAN VAN DINE: Alright. Well, what does everybody want to do with the
18 ordinance proposals that we have in front of us?

19 MS. LUCIUS: I kind of go along with Barbara's recommendation that maybe we
20 get some figures on it and look at it next month.

21 MR. PALMER: I would agree with that. I'd like to call some surveying companies
22 myself.

1 MS. LUCIUS: Just to feel more comfortable with it? One month can't make that
2 make that much difference.

3 MR. GREEN: It's still required by form.

4 MS. WYATT: Especially because of the minor, the exchanging of properties with
5 children and that kind of thing. You know, I certainly wouldn't want to add the cost of
6 that to an individual family. I think from the, you know, the standpoint – and correct me,
7 Mr. Manning – but I think from the standpoint of the residential developer, it's actually an
8 asset to them.

9 MR. MANNING: Yeah. I don't have a problem with, you know, subdivisions, you
10 know, larger subdivisions. It's just when it comes down to the individual.

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

12 MR. MANNING: And the administrative review at the Planning Department
13 [inaudible], we've already got a backlog there. So we're now going to tell people they've
14 got to go resurvey something, put it on digital form, and bring it back at an unknown
15 cost. I've got a problem with that.

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

17 DR. BRESNAHAN: Pickens County addressed that very concern by just charging
18 a surveyor, say that "Mom and Pop" that you mentioned, if they couldn't provide it
19 digitally. I believe Pickens County charges per – like a \$50, because the staff would
20 then have to digitize that. A per parcel fee.

21 MR. PALMER: That was my next question. Is this something that they can
22 submit the numbers to you guys and y'all can convert or what?

1 DR. BRESNAHAN: Then we'd have to hire some folks to digitize that, if it's the
2 "Mom and Pop" shop you're talking about.

3 MR. JACKSON: Do they still sell the old survey equipment?

4 CHAIRMAN VAN DINE: Hire someone?

5 MS. WYATT: Hire? Do we do that in this county?

6 MR. JACKSON: I've been using digital for the past 15 years, now, so I'm just
7 curious.

8 MR. MANNING: Michael, could you –

9 DR. BRESNAHAN: I really couldn't tell you.

10 MR. MANNING: - let us know –

11 MS. WYATT: Did you hear that word "hire"?

12 MR. JACKSON: Those things are like dinosaurs, now.

13 MR. MANNING: - [inaudible] administrative review on simple approval? What
14 are we looking at? Is that 500? Is that 100? How many do you have a month?

15 MS. ALMEIDA: You're probably looking at the most, 20 a month, maybe not even
16 lot splits. I wouldn't even think the numbers are that high.

17 MR. GREEN: Do you think that's – just out of curiosity – do you think that's going
18 to go up when all these small D-1 pieces convert to RU?

19 MS. ALMEIDA: No, I do not.

20 MR. GREEN: You don't?

21 MS. ALMEIDA: Huh-uh (negative). Not lot splits. Not what is now considered
22 administrative review.

1 CHAIRMAN VAN DINE: The only thing I would caution everybody is thinking that
2 we're going to get any more staff if we start to put one more thing on top of this. We
3 saw the budget and we saw what was proposed as far as Planning positions and other
4 things.

5 MS. LUCIUS: We've already made Carl sick.

6 CHAIRMAN VAN DINE: So I think we need to be aware that we're not going to
7 have the ability to drop more on the laps of the Planning Staff to fill in the numbers. I
8 think this is something that we're going to have to rely on others to do outside to get the
9 information in if we're going to do this.

10 MS. WYATT: The difference, Mr. Chair, though – and I think I'll just mention at
11 this point is you're talking IT versus Planning Department. And I think if you look at the
12 IT budget you will see that IT has not gone lacking for anything they've asked for in their
13 budget, unlike the Planning Department. So just making sure that you understand that
14 just because they work together doesn't mean they hire together. And they're not being
15 treated equal in the budget process, in my opinion.

16 CHAIRMAN VAN DINE: However, the IT Department needs the Planning
17 personnel in order to assist them to do that work. So, I mean –

18 MS. WYATT: So maybe you should start calling yourselves IT and you'd get
19 hired.

20 MS. ALMEIDA: Okay.

21 DR. BRESNAHAN: We don't do the work for them. We enable. And using these
22 technology we –

1 CHAIRMAN VAN DINE: I am hearing a consensus up here that we defer this
2 particular amendment until July when we have some additional information concerning
3 costs? And that we should address this at that point in time. While I understand it
4 delays it a month, I think everybody up here would certainly feel more comfortable if we
5 had some additional information which to base our decision on. So.

6 MR. GREEN: I make a motion to what you said.

7 MS. ALMEIDA: Mr. Chairman? Just keep in mind County Council does not meet
8 in August. So that would not be a month delay, it could possibly be a 60 day delay.

9 MR. GREEN: But we still have an administrative ability to require digital
10 submissions should you wish to do so.

11 MR. CRISS: For the major subdivisions going through Engineering.

12 DR. BRESNAHAN: We would have to [inaudible] Engineering [inaudible].

13 MR. GREEN: For anything that has a form, the Land Development Code says,
14 you know, that your filing meet the requirements of submittal. And you can make the
15 requirement of submittal anything you want to at this juncture.

16 MR. CRISS: Arguably, but we wouldn't change policy without an explicit
17 discussion, debate and approval of -

18 MR. GREEN: I mean so everything you're getting now you still have the ability to
19 get for the next two months.

20 MR. CRISS: Yeah. I don't think we need to go backwards, at all. I think we can
21 continue, as a county, to insist on the same requirements that are in place today.

22 MR. GREEN: Right.

23 MR. CRISS: And transition into these smaller plats.

1 MR. GREEN: Okay.

2 DR. BRESNAHAN: Michael, we would have to work with the County Engineer to,
3 like you said, they have to put that on their list. So we need to get them on board here.

4 MR. CRISS: Agreed. Well, I presume they are on board because they have
5 been gathering this information.

6 CHAIRMAN VAN DINE: We have a motion on the floor to defer this until July
7 when further information is to be received. Do I hear a second?

8 MS LUCIUS: Second.

9 MS. WYATT: Second.

10 MR. PALMER: I'd like to say one thing, though. And I just thought about this.
11 Would the Staff – would you guys have a problem with, when you apply for your zoning
12 change – and this is just for thought process – when you apply for your zoning change
13 you don't have to submit the digital unless you are given the zoning change? Then, to
14 update our records, you would need to submit something digitally because the digitals
15 aren't going to do you any good unless it's changed. You're not going to need to
16 change anything in your system unless the zoning is approved.

17 MR. CRISS: Well, actually, we want the digital up front because we want to make
18 sure that what the applicant is requesting is legal. That he's not encroaching on
19 someone else's property or leaving a gap between the property proposed for rezoning
20 and the adjacent parcels, so that we know the pieces of the puzzle fit before they go
21 through the approval process. So we know exactly what it is that County Council gives
22 third reading to.

1 MR. PALMER: I'm just not a big fan of paying a bunch of money when you don't
2 know if you're going to get what you're asking for.

3 MS. WYATT: Mr. Chair, I call the question, sir.

4 MR. CRISS: Of course, we're only talking, you know -

5 CHAIRMAN VAN DINE: [Inaudible]

6 MR. CRISS: - 50 or 100 plats a year that go through rezoning.

7 MR. PALMER: Yeah.

8 MR. CRISS: It's the routine subdivision of property that is most affected by digital
9 data submission.

10 CHAIRMAN VAN DINE: We have a motion on the floor and someone has asked
11 to call the question. I will make the suggestion, depending on how the vote comes out,
12 that if anybody has suggestions that they want to discuss at our next meeting that they
13 prepare them in advance so we will have time for people to look at them and to discuss
14 them. All those in favor of deferral of this until our July meeting please signify by raising
15 your hand.

16 MS. WYATT: Mr. Chair, can I just ask one question? Who's going to make those
17 phone calls? Someone on staff will do that?

18 MR. CRISS: Yeah. Between the two departments we'll collaborate.

19 MS. WYATT: Okay. Alright.

20 MR. CRISS: Provide a report of some sort.

21 CHAIRMAN VAN DINE: Let's revote again. All those in favor of deferral please
22 raise your hand.

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

3 CHAIRMAN VAN DINE: Alright. The next item we have is the Vesting of
4 Subdivision Development Rights.

5 MR. CRISS: Page 179.

6 CHAIRMAN VAN DINE: Page 179.

7 MR. CRISS: Mr. Chair, this proposed text amendment for the new Land
8 Development Code would modify the existing language relative to the vesting of
9 subdivision plats that you already have in your adopted Land Development Code that
10 takes effect July 1st. But that only gives a two-year vesting. This amendment would
11 add the five one year annual extensions, such as are proposed to be allowed under the
12 Land Development Permits for office, commercial, factory, and other single-parcel
13 developments.

14 CHAIRMAN VAN DINE: Mr. Manning had a question that he had posed to me
15 and I will let you try to answer his question.

16 MR. MANNING: Thank you. Michael, the Research Department sent out a list of
17 other jurisdictions. Some use preliminary approval. Some use sketch plan or other
18 plans. Some vested phasing. And I noticed one thing in our draft that's not included.
19 And that would concern me if I was being required to spend the time and the money to
20 size, you know, drainage systems, roads. Do the engineering for future phases and
21 those phases weren't included as a part of that package. They would be site specific
22 plans. And I feel like that needs to be added into it. I would say more than half of the

1 other counties had that. And I've looked into it further and see that it's fairly common to
2 have phases vested along with site-specific plans.

3 MR. CRISS: We'll vest as many phases as the developer wants to submit
4 simultaneously.

5 MR. MANNING: Could that wording be added to the ordinance?

6 MR. CRISS: I think the language we have covers that. We allow developers to
7 divide large subdivisions into, virtually, as many phases as they want as long as the
8 resulting infrastructure is sufficient to support that particular phase assuming no other
9 phases are built. So that would be your road network and your storm drainage and
10 water and sewer, primarily. If you want to do a preliminary plat of ten phases,
11 simultaneously, you can do so and be vested. And then you can proceed to develop
12 certain phases ahead of others through bonded or final plat approval.

13 MR. MANNING: I didn't read it that way in the other jurisdictions. It seemed to
14 me that they were getting a preliminary plat of –

15 MR. CRISS: A sketch plan?

16 MR. MANNING: Well they called it preliminary plat or sketch plan. Some
17 required sketch. Some required preliminary plat. This draft requires a preliminary
18 subdivision plan or site specific plan.

19 MR. CRISS: Yeah, we believe preliminary is appropriate.

20 MR. MANNING: But there are phases that are connected to that that are an
21 integral part from [inaudible].

22 MR. CRISS: That will be and haven't gotten as far as preliminary plat approval?

23 MR. MANNING: Correct.

1 MR. CRISS: Yeah. We're saying that until you have the engineering for the
2 preliminary plat approval you're not entitled to vesting.

3 MR. MANNING: But we are, in fact, required to do the engineering for that phase
4 one, in many cases, to ensure that we can get to the [inaudible].

5 MR. CRISS: We would encourage you to do as much engineering as you can
6 afford. So we would say if you're going to do the engineering for, say, the entire project
7 and it has ten phases, submit a preliminary plat that shows ten phases. Get it vested.
8 And then proceed to develop the individual phases ahead of one another.

9 MR. MANNING: What would be the reluctance on the county's part to approve a
10 phase – let's just say it was two for simplicity, two phases. You do the engineering on
11 one and we are required to, in that engineering, size the lines through phase one, roads
12 through phase one to accommodate the future growth. It would seem to me that I
13 shouldn't be required to engineer the next phase, which would require, you know, going
14 through and doing the whole storm water, water distribution system, road system, until
15 it's ready. I've given the county, in that situation, enough information to ensure that it
16 will be conforming to whatever is acceptable for that phase at that time.

17 MR. CRISS: You're providing connection capacity but you haven't assured
18 yourself or the county that the second phase can be built as proposed. Until it's
19 engineered and designed, you don't know.

20 MR. MANNING: Well if my engineer says this line's going to be big enough to
21 accommodate 100 units, and I'm putting 50 in now –

22 MR. CRISS: That is one aspect of the engineering, yes.

1 MR. MANNING: - and 50 in later and I'm not engineering that phase, I'm going to
2 hold him accountable of that.

3 MR. CRISS: But you don't know the cut and fill. You don't know the rock that you
4 might run into. You don't know the wetlands conditions. You haven't designed your
5 second phase at that point.

6 MR. MANNING: I'm not totally designing it but I'm designing it enough to ensure
7 the county that the standards will be met. Obviously, wetlands have to be dealt with as
8 a separate issue, phase by phase.

9 MS. WYATT: Those are kind of obvious to you if you're standing out there
10 looking at the piece of property, too.

11 MR. MANNING: But I could be required to spend large sums of money to protect
12 the future phasing. In other words, I've got to make a tap for a 10" water line versus a
13 6" water line.

14 MR. CRISS: Uh-hum (affirmative).

15 MR. MANNING: What I want to ensure is that the person who has to spend those
16 dollars to ensure future development are protected for what they're having to spend.

17 MR. CRISS: Following that login out, you could engineer for 5 acres out of a 100
18 and ask to vest the other 95.

19 MR. MANNING: Well if your engineer told you you had enough capacity and you
20 didn't, somebody's got a problem.

21 MR. CRISS: And I respectfully submit that until you have a preliminary plat based
22 on sound engineering, reviewed and approved by the County Engineer, you don't have

1 vesting in a subdivision that requires infrastructure. And that's the predominate
2 philosophy of jurisdictions throughout South Carolina.

3 MR. MANNING: I would disagree with you, Michael. There're plenty of them that
4 phasing as a part of the vesting rights, in some that you sent us as well as some others
5 that I've looked into.

6 MR. CRISS: We allow phasing, too.

7 MR. MANNING: I think we've got a difference of opinion, then, on what phasing
8 constitutes. Fully engineered phasing to a preliminary plan is different than, saying I've
9 got a 100 lot subdivision, doing the engineering that would allow for phase one to
10 accommodate phase two and not having to go through and design the whole road
11 system, storm drainage system.

12 MR. CRISS: Again, extending that logic, you could assume that adjacent parcels
13 you haven't purchased yet should be grandfathered in, vested under an initial phase
14 one preliminary plat approval because you might connect to them. Where does it end?

15 MR. MANNING: Sometimes the county requires landowners to make
16 accommodations for connectivity.

17 MR. CRISS: To provide for future connections, indeed. And I think we'll see
18 more of that.

19 MR. MANNING: So, you know, would that be vested?

20 MR. CRISS: In my opinion, until you have an engineered plan approved by the
21 county for construction, you don't have subdivision vesting.

22 MS. WYATT: That's your opinion.

1 MR. CRISS: It's a bright line and it's well followed throughout the State of South
2 Carolina.

3 CHAIRMAN VAN DINE: What is the difference in the terminology you use here
4 between a "phased development plan"? What does that mean?

5 MR. CRISS: The legislation is somewhat vague and unspecific. I think they're
6 referring to multiple phase subdivisions, predominately.

7 CHAIRMAN VAN DINE: Well, I mean I'm reading like the Greenville one.
8 "Development rights are vested after preliminary approval for both specific as well as
9 phased development plans."

10 MR. CRISS: Preliminary plat approval, right. Not sketch plan. Preliminary plat,
11 engineered.

12 CHAIRMAN VAN DINE: So phased development plans are preliminary plat
13 approval? My question is the term that is used here, the way that I read it, seems to
14 have two different scenarios. There's one. And then something called a phased
15 development plan. To me that would sound like there's something less rigorous on the
16 second than on the primary.

17 MS. WYATT: It must mean that [inaudible] or something like that.

18 MR. CRISS: I believe the legislation is referring to portions of a large project that
19 are intended to be built in the future that are not for –

20 CHAIRMAN VAN DINE: That's phasing. I understand the phasing. My question,
21 more, is what is being required of people in these other counties under the term
22 "phased development plans" that make it such that it is different from the other.

1 Because, I mean, there are two steps. It's an "and" or an "or" in here, which means, to
2 me, that there are two different requirements. And what are the requirements?

3 MR. CRISS: A site specific development plan is a generic term for what is
4 typically thought of as a gas station, grocery store, or office building. A phased
5 development plan is generic speak for a subdivision that has multiple phases.

6 CHAIRMAN VAN DINE: Okay. I understand all that.

7 MR. CRISS: And, again, most jurisdictions will not vest until you have preliminary
8 plat approval for the particular phase or phases. And we allow considerable discretion
9 in the sequencing and timing.

10 CHAIRMAN VAN DINE: Okay. What happens to a PUD that's been approved?

11 MR. CRISS: Uh-hum (affirmative).

12 CHAIRMAN VAN DINE: Does that vest at the time the PUD is approved or –

13 MR. CRISS: The zoning certainly does.

14 MS. WYATT: Say that again.

15 MR. CRISS: The zoning certainly does.

16 MS. WYATT: Yeah, it's the zoning. But what about the rights? See that's the
17 one I have –

18 MR. CRISS: The subdivision doesn't, necessarily. If the Storm Water
19 Management Design Standards were to change between the time you get the property
20 rezoned and the time you decide to build, you could face a more expensive pipe type for
21 transferring storm water runoff.

22 MR. GREEN: [Inaudible] construction requirements as opposed to the right to
23 build to whatever the standards are.

1 MR. CRISS: Pardon?

2 MR. GREEN: They don't strike me as being the same thing. I mean the vested
3 right to build that many lots is different than the size water line I may have to have or the
4 width of road or the turnaround radius of a cul-de-sac for a fire engine could change.

5 MR. CRISS: I believe the intent of the vested rights act is to protect the developer
6 against changes in engineering and other design requirements from pavement
7 thickness to pipe types to landscaping requirements.

8 MR. GREEN: [Inaudible] you're covering vesting [inaudible]. When you say that
9 something is vested you're saying they're vested in whatever development standards
10 that exist at the time of vesting.

11 MR. CRISS: The current standards. Right. So that if the county wants to build
12 better roads and wants to transition those requirements into new developments, they
13 have to consider which projects are already vested and protected from those changes.

14 MS. WYATT: Well what about a situation that we had several months ago that
15 the City of Columbia decided that the roads had to be wider because of the fire trucks
16 turning around.

17 MR. CRISS: Uh-hum (Affirmative).

18 MS. WYATT: I mean to me those people had a vested right not to change those
19 roads. But yet you've got someone that comes in and says you will do it or –

20 MR. CRISS: Certainly have the right with respect to the county. But now you're
21 talking about two separate jurisdictions with independent development regulations. And
22 the city, in that case, has a water supply system that the developer wants. So it's a
23 process of negotiation between, in that instance, I would argue, two equal parties.

1 MR. MANNING: Michael, Lexington County basically allows for vested rights to a
2 site-specific plan or a phased development plan. And their definition of that means “A
3 development plan submitted to a local governing body by a landowner that shows the
4 types and density or intensity of uses for specific property or properties to be developed
5 in phases but which do not satisfy the requirements for the site specific development
6 plan.” I mean you can spend a lot of money up front ensuring that these future phases
7 will meet the standard. I don’t understand why that should not be included as part of
8 our vesting. They come under the same scrutiny, the two-year period of time, so that if
9 there was a change in an ordinance that needed to take place those future phases
10 would be under that same –

11 MR. CRISS: Well, the consequence of adopting, say, vesting of subdivisions in
12 sketch plan means that as soon as Public Works indicates that it’s going to strengthen
13 its design requirements for roads or storm drainage, we’ll have a flood of sketch plans
14 come in for undeveloped property.

15 MR. GREEN: Anna, do we have a definition for vested rights in our new Land
16 Development Code?

17 MS. ALMEIDA: No.

18 MR. GREEN: So we don’t define what’s vested in the code?

19 MR. CRISS: Well, we have vesting in the new Land Development Code for
20 preliminary plats, already. But it’s only for that initial two-year period. It doesn’t –

21 MR. GREEN: “Vested rights” isn’t a defined term in our ordinance?

22 MS. LINDER: Well, because the ordinance cross-references a state statute of 6-
23 29-15(10) and I don’t know that it’s for sure, but it may be defined in the state statute.

1 MS. ALMEIDA: And aren't we in conflict with the state statute? That's why we're
2 changing this?

3 MR. CRISS: No. We're not in conflict. What we're trying to do is synchronize the
4 vesting process for single-parcel developments - offices, schools, factories - and
5 subdivisions so they have a two-year initial and a five-year one extension, five annual
6 extensions.

7 MS. WYATT: Maybe I had a dream, but has Council not already looked at this?
8 Was that not on their agenda roughly a month ago?

9 MR. CRISS: You have looked at and they are looking at the vesting of single-
10 parcel developments - offices, factories, and so forth - because we didn't have any
11 vesting for those in the new Land Development Code. What you're talking about today
12 is giving the existing vesting in the new Land Development Code for subdivisions more
13 latitude, more flexibility, more privilege for the property owner/developer, the five one-
14 year annual extensions on top of the initial two-year.

15 CHAIRMAN VAN DINE: Let's assume for a minute that this particular
16 amendment was put in place. How would you handle a Lake Carolina or a Summit or
17 something of the magnitude that we're talking about that is not going to be fully built out
18 for, I don't know -

19 MS. WYATT: Ten years.

20 CHAIRMAN VAN DINE: Make it 10 years, 15 years, whatever the number is.

21 MR. CRISS: You lock in their -

22 MS. WYATT: Mungo at Longtown. I mean there's lots of them out there.

1 MR. CRISS: - their parcel or lot configuration and road and storm drainage
2 engineering design standards at each preliminary plat approval for each successive
3 phase.

4 CHAIRMAN VAN DINE: So it's whatever is in effect at the time –

5 MR. CRISS: Of preliminary plat approval.

6 CHAIRMAN VAN DINE: - preliminary plat approval would become the standard.
7 It's not going to be whether or not somebody has the right to build or not. Is that what
8 you're saying? It's going to be the standards that are applicable to those –

9 MR. CRISS: Well in a subdivision you have I mean, presumably, some right to
10 build something on each parcel, whether it's a residential, commercial, industrial, some
11 combination. I mean it could be a PUD with a mixture of land uses. But, typically, in
12 Richland County, you're talking single-family, detached residential. Right? There is no
13 district that disallows that. Well.

14 CHAIRMAN VAN DINE: Then what is the best thing if people can come in under
15 the zoning that they've done and then get a subdivision approval?

16 MR. CRISS: The zoning allows the land use. It's the subdivision regulations that
17 require the quality of road, storm drainage, water, sewer, and other infrastructure.

18 CHAIRMAN VAN DINE: And those are the technical requirements. What are we
19 vesting people with when they come in?

20 MR. CRISS: Land use and construction standards.

21 MS. LINDER: Of the current ordinance in effect. This would protect them if
22 Council wanted to change the ordinance to different standards.

1 CHAIRMAN VAN DINE: As it stands right now, what do we have for vesting
2 requirements and/or –

3 MR. CRISS: In effect, you're relying, currently, on the building permit for the
4 single-parcel development - the school, the office, the store - and in the case of a
5 subdivision whose lots will be built on over, presumably some years, the preliminary
6 plat.

7 MS. WYATT: Well, I'm going to carry it one step further because we actually in
8 fact do have a development agreement with Lake Carolina. Where does your
9 development agreement impact your vested rights? Because to me, that development
10 agreement vests those rights.

11 MR. CRISS: Agreed. That's a custom vesting for a particular project. That's the
12 purpose of a development agreement is to lock in your land use and your design
13 standards.

14 MR. GREEN: Is that addressed in this ordinance?

15 MS. LINDER: The few development agreements that we have will be conforming
16 and have to conform with the existing zoning and subdivision regulations. And they do
17 not go to the new Land Development Code until the development agreement expires.

18 MR. MANNING: Michael, I think clearly what y'all sent us distinguishes a specific-
19 site development plan and a phased development plan. And I think we need to get
20 clarification as to what the two really are. I don't know whether we've got any definitions
21 of those two in our code. But I think that other municipalities are vesting the phased
22 development plans and I think we need to know why. I think I know why, but I think we
23 should consider that as a part of this ordinance.

1 [Inaudible discussions]

2 MR. CRISS: Perhaps the Commission will consider a deferral to get further
3 information.

4 MS. WYATT: I was about to say that.

5 MR. GREEN: You know we can't get through with any of things in one
6 discussion.

7 CHAIRMAN VAN DINE: I think a deferral, based upon the discussion we've had,
8 is probably the best route to take at this point in time. I think that what we need to be
9 looking at is the idea of long-term impacts upon people's investments in certain aspects
10 of what's going on. I'm a little concerned because I was under the impression that PUD
11 and stuff like that was going to give you – was almost synonymous with a development
12 agreement and was giving you more rights. And what you seem to be telling me, I
13 mean, it's almost as if you're nothing more than in – yeah, you're a PUD but you're an
14 RS-1 PUD. And it doesn't really matter what happens if you're in that category, you
15 know, five years down the road we're going to make you do whatever we tell you we're
16 going to make you do. And I guess my problem is we put a lot of people under this
17 PUD or PDD classification and they're probably under the same mistaken belief I am in
18 that they've been sort of locked in to a lot of the things that are going on out there as to
19 what's been around.

20 MS. WYATT: Conditional approval for the whole PUD is what we give them.

21 CHAIRMAN VAN DINE: If that's not true, if that's not what's going on, then I have
22 been mistaken in what I have been believing all along. And we may have been guiding
23 people in the wrong direction. So I think, especially with PUDs and PDDs, we need to

1 be looking at what we've been telling people and how we've been maybe leading them
2 down the road to thinking that they're fitting within whatever is in existence now, not
3 what's going to happen in the future.

4 MR. CRISS: You are granting in the approval, or Council is granting in the
5 approval of PUDs, a vesting in the land uses and the land use configuration and even
6 building footprints. But you haven't said anything specific about the quality of the
7 parking lot, pavement thickness, or the way that sediment is controlled on the site
8 during rainstorms, or water quality is enhanced before it leaves the site. All those
9 design construction standards that affect cost and, of course, resulting quality of the
10 project change over time. And part of the vesting of single-parcel or multiple-parcel
11 projects is the construction standards, not just the land use type.

12 CHAIRMAN VAN DINE: All I can say is that I've been going forward under a
13 misconception as to some of the things that were being granted under a PUD. So I will
14 tell you that, for me personally – I'm not sure about anybody else up here – but part of
15 my thought process probably has been faulty in what I've been determining with a PUD,
16 because I had the impression that there was more granted to them when they locked in
17 to those specific things other than just the land use. I mean, we ask them for a lot more
18 material in those PUD submissions as to what they're going to do and how they're going
19 to do it. If we're not saying that those things are valid down the road when they start to
20 do something, then why are we even asking them for that information?

21 MS. LINDER: I think what you're doing is you're approving the PUD
22 requirements, but you're not approving subdivision requirements at the time of the PUD
23 submittal.

1 CHAIRMAN VAN DINE: But we are approving.

2 MS. LUCIUS: Yes, we are.

3 CHAIRMAN VAN DINE: There are some people that are talking about road
4 widths. There are some people who are talking about other things of that nature.
5 Those are technical requirements that we are actually locking people into. So we are
6 giving them more than just land use.

7 MS. LINDER: If that's lock into an ordinance, then they're locked in.

8 MR. CRISS: Right. But you're not specifying the hundreds of design aspects of
9 every project in every approval.

10 CHAIRMAN VAN DINE: I'm not suggesting we are. But what it sounds to me is
11 all – what you're saying is the only thing we're giving them on a PUD is “here's your
12 land use.”

13 MR. CRISS: That's the essential approval. But as Ms. Linder points out, if you
14 have other explicit conditions in there, a more narrow road, for example, to calm traffic,
15 then that's vested, as well.

16 MS. LINDER: It's also my understanding that several developers had
17 approached the Planning Department and requested this amendment to the ordinance.
18 And Planning Staff concurred with the developers. So it's my understanding that
19 developers were in support of this amendment.

20 MR. MANNING: That is partially correct, but not totally. I mean, we had
21 discussion about vesting the subdivision portion of the ordinance, not just the zoning
22 portion of the ordinance. And there was discussion about that and this is the draft that

1 came from that discussion. And all I'm asking is that we consider some additions to it
2 so that we answer the questions, I think, have been raised here today.

3 MS. LINDER: So you, basically, just want to tweak the ordinance a little bit.

4 MR. MANNING: Correct.

5 CHAIRMAN VAN DINE: And I'm not suggesting that we're going to take a Lake
6 Carolina, which has a 15 year build out, and say that you're going to be locked in with
7 the technical requirements of today. But there's got to be something more than just,
8 "Sorry, you're on your own if we decide to do something down the road."

9 MS. WYATT: Well Lake Carolina's not a good example because they do have a
10 development agreement.

11 CHAIRMAN VAN DINE: I'm just talking size of a project, a project that size.

12 MS. WYATT: Take the Mungo project, then. That [inaudible] still has a long way
13 to go.

14 MS. LUCIUS: Yeah, take that one.

15 CHAIRMAN VAN DINE: Not the way they're building out there, it doesn't. Looks
16 to me like they're moving pretty quick!

17 MS. WYATT: Yeah. But have you seen anybody move in?

18 MS. LINDER: Well, as the drafter of the ordinance, I guess I would recommend,
19 or advise, that we defer this so I can get some additional language and then meet with
20 the Planning Staff to see if it's compatible with their needs. But I have not seen
21 alternative language.

22 MS. WYATT: Mr. Chair, I'm going to make a motion that we continue the
23 discussion regarding the vested rights until our July meeting.

1 MR. JACKSON: I second it.

2 MS. LINDER: And if Mr. Manning, maybe, could provide me some alternative
3 language then I could take a look at that.

4 MR. MANNING: Thank you.

5 CHAIRMAN VAN DINE: All those in favor of deferring please signify by raising
6 your hand.

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

9 CHAIRMAN VAN DINE: If there is no vesting at the present time other than what
10 is under state law, then it would seem if we're are doing the office and the other areas
11 that we at least need to try and make sure there's some compatibility between the two
12 vestings when we finally get around to dealing with it.

13 MR. CRISS: That was part of the intent of this text amendment, to make them
14 synchronous.

15 CHAIRMAN VAN DINE: Alright. The next up on our agenda is the approval of
16 road names.

17 MS. LUCIUS: Mr. Chair, I move that we approve the proposed street names,
18 regardless of their lack of humor this time.

19 MR. JACKSON: I second.

20 MR. GREEN: And subdivision names?

21 MS. LUCIUS: We don't have to approve those.

22 MR. GREEN: Okay.

23 MS. WYATT: Second.

1 MR. GREEN: Second.

2 CHAIRMAN VAN DINE: Well everybody has. Okay. All those in favor please
3 signify by raising your hand.

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

6 CHAIRMAN VAN DINE: Alright. Next we have, I assume it's just for report, the
7 actions by County Council.

8 MS. ALMEIDA: Yes, it is.

9 MS. WYATT: I don't think we need to discuss that, Mr. Chair.

10 MS. ALMEIDA: And you should have received the actual May actions under
11 separate cover.

12 MR. GREEN: We did. And I want to thank you for doing this. This is a big help.

13 MS. LUCIUS: Yeah.

14 CHAIRMAN VAN DINE: It does help me. And frankly I want to know what they
15 were thinking about on 05-47 MA.

16 MS. LUCIUS: For the – I'm sorry.

17 CHAIRMAN VAN DINE: Which raises another question that we have been
18 discussing. If County Council goes against the recommendations of the Planning
19 Commission –

20 MS. ALMEIDA: Correct.

21 CHAIRMAN VAN DINE: - are they required to state their reasons for rejecting our
22 opinions specifically on the Record?

23 MS. LINDER: No, sir.

1 CHAIRMAN VAN DINE: So –

2 MS. WYATT: So counties that have been by –

3 CHAIRMAN VAN DINE: - we're a superfluous body for the most part, at times?

4 Is that a fair -

5 MS. LINDER: Well, again, as you know, you're a recommending body. But
6 Council has to make the ultimate decision.

7 CHAIRMAN VAN DINE: And I've seen the amount of in-depth discussion they've
8 had on a number of the project that are before them, so I'm not quite sure how they're
9 making any decisions on some of these.

10 MS. LUCIUS: Well any time we go against Staff's recommendation we have to
11 explain why. It just makes sense to me that if they went opposite of our
12 recommendation why they wouldn't have to make a statement.

13 MS. WYATT: Counties, such as Greenville, that has that type of response back
14 that if they go against the recommendations of the Planning Commission they have to
15 state - what created that - a county ordinance - that Council has to explain their vote if
16 it's against the recommendations of this body?

17 MS. LINDER: I'm not familiar with Greenville County. I don't know if that's by
18 ordinance if they do that or by a policy decision that they have made. I do not know.

19 CHAIRMAN VAN DINE: In any event, Other Business – our Discussions on
20 Wholesale Trade Land Uses in the General Commercial Zoning District. We have a
21 memo on page 185.

22 MR. CRISS: This is a recycled memo. The Commission has previously
23 considered this matter. We have Michael Duffy in the audience today, one of the

1 business people most interested in what the new Land Development Code allows in
2 terms of wholesale trade land uses in general commercial zoning districts, what are now
3 called C-3 and will be come GC, general commercial zoning, as of July 1st. When the
4 matter reached County Council, the Council asked specifically for the Planning
5 Commission's opinion, recommendations, on whether more wholesale trade land uses
6 should be allowed in the new GC, general commercial, zoning district, which is why we
7 included an excerpt of your Table of Permitted Uses from the new Land Development
8 Code after the memo. You'll see the Wholesale Trade category starts in the middle of
9 the first page and goes on for another page or more. The GC zoning district is the
10 fourth from the right column. And you can see where it allows certain wholesale trade
11 land uses outright, P for permitted. And others are disallowed, indicated by the blank
12 cells, or boxes, in that table, or matrix. And, again, Council's asking you to consider
13 whether some of those disallowed wholesale trade land uses should be allowed in the
14 new GC, general commercial, zoning district. And Staff rests with its conclusion from
15 the April memo: "The new Land Development Code appropriately directs most types of
16 wholesale trade to the light industrial and heavy industrial zoning districts." But can also
17 accommodate Mr. Duffy's, in this case, and others', present and future land uses in
18 either general commercial district or a PDD, planned development district. That's
19 another way, of course, of mixing the variety of land uses allowed on a specific parcel
20 for a particular development proposal.

21 CHAIRMAN VAN DINE: Was there any kind of a list or proposal as to which of
22 these uses they were suggesting ought to be in this?

1 MR. CRISS: The Council did not specify any particular wholesale trade land uses
2 that they wanted to see added to the GC, general commercial district. Their request of
3 the Commission was more general: Which, if any, of those not allowed should be added
4 to the GC column.

5 MS. LUCIUS: We spent a lot of time going through this.

6 MS. WYATT: If any.

7 MS. LUCIUS: Yeah.

8 MR. CRISS: If any.

9 MR. GREEN: You know I felt like, at the time we were discussing this, and I still
10 feel like it, is that there may be a couple of these uses that, by just the description of the
11 use, you may want to exclude from being in a certain area; chemical wholesaling, for
12 instance. But by and large, I think it's a function of size. For instance, we permit, in a
13 GC district, toy/hobby goods wholesaling. We don't permit tobacco product
14 wholesalers. Now, a guy that's wholesaling cigarettes and cigars in a 5,000 square foot
15 warehouse is just as compatible in a GC district as a toy distributor with a 50,000
16 square foot building, if not more so. It's really not an issue of use. He's not
17 manufacturing anything on the site. He's simply – it's a break in bulk. And they're
18 wholesaling it out to the eventual retailer of the product. And to me it's an issue of how
19 large a facility are you going to allow more so than a specific use. And we had some of
20 that language in the old code.

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

22 MR. GREEN: And I know there were some reasons not to do that in the new
23 code. But I still feel like that's the appropriate way to deal with it in the new code. Is,

1 you know, you probably don't want to put petroleum products in a GC district,
2 irrespective of size. But certain other of these things like, you know, if you're a small,
3 equipment supplier and you're in three or four thousand square feet, how – you can only
4 – how big of equipment are you going to bringing in there? So I'd like to see us
5 approach it from how big of a building for a single user would be permitted in a GC
6 district for wholesaling purposes.

7 MR. CRISS: And, of course, your new Land Development Code provides a
8 vehicle, a mechanism, the SR, special requirements, to allow a particular land use
9 outright in a zoning district but with specific design limitations or –

10 MR. GREEN: I don't have all that in front of me at the moment.

11 MR. MANNING: But in that situation you would have to come back before the
12 Planning Commission every time you [inaudible] something.

13 MR. CRISS: No. The use would be allowed outright. Where you see the SR in
14 your Table of Permitted Uses in your new Land Development Code, that's the same
15 thing as P for permitted but there are additional design – and I should say or operational
16 standards that might apply – that do apply to that use in that district to make it more
17 compatible with surrounding properties.

18 MR. GREEN: Right now there's only one -

19 MR. CRISS: Hours of operation, buffers.

20 MR. GREEN: Right now there's only one wholesale use that has an SR
21 designation in a GC district.

22 MR. CRISS: And we can –

23 MR. GREEN: And that's "Market Showrooms."

1 MR. CRISS: We can look up that [inaudible].

2 MR. GREEN: Special market showrooms. You could have a gun market
3 showroom, whereas firearms aren't permitted in a GC.

4 MS. WYATT: I think your special requirement would be bulletproof glass?
5 [Laughter]

6 MR. GREEN: That's right. Or no angry Planning Commission members.

7 MR. CRISS: The special requirement for a market showroom in a general
8 commercial zoning district, under the new Land Development Code, is that "display
9 areas shall exist within permanent buildings only." That's it.

10 *[Mr. Jackson out: 4:12]*

11 MR. GREEN: So maybe that's an approach instead of trying to deal with each of
12 these categories is to have some additional categories with SR designations.

13 MR. PALMER: And then just have the square footage that was agreed upon, 5,
14 6, 7, whatever thousand square feet it is.

15 CHAIRMAN VAN DINE: Well, I mean, market showrooms – and it says,
16 "(furniture, apparel, etc." special requirements. You go back one page and it says,
17 "Furniture and home furnishings," and it doesn't have anything. How can you have
18 market showrooms that relate to furniture but not furniture and home furnishings? I
19 mean, it would seem to me that, at the very least, the furniture and home furnishings
20 ought to be that same special requirements because it says, "Market showroom
21 furniture."

22 MR. CRISS: The definition of market showroom is "a building or structure used
23 principally for the display of merchandise." And the Wholesale Furniture and Home

1 Furnishings category under the NAICS document, which is a reference, not an
2 incorporated definition: "Establishments primarily engaged in wholesaling furniture and
3 home furnishings or house wares."

4 CHAIRMAN VAN DINE: Well if it's a permanent showroom for furniture doesn't
5 that make it a retail, not a wholesale?

6 MR. GREEN: Well, like in Atlanta, you've got a lot of wholesalers that only
7 wholesale. You have to have a dealer's license to go in them.

8 CHAIRMAN VAN DINE: And a dealer's license would seem to me, that you only
9 need a dealer's license would be more inclined with the light industrial or the other ones
10 as opposed to a general retail and the home furnishings, which would be more of a
11 retail or a sale would be SR.

12 MR. CRISS: General commercial has, virtually, all forms of retail.

13 MR. GREEN: I'd like, you know, I'd like for us to look at this list under Wholesale
14 Trade to add some additional SR definitions to some of the other uses. Omitting those
15 that have the real danger of, you know, again, maybe chemicals and petroleum and a
16 couple of others, those other tires and inner tubes and a few of those where you don't
17 want those. But, otherwise, I think it should pretty much be limited by size. You would
18 have scrap and recyclable materials, of course, and a couple of those others.

19 CHAIRMAN VAN DINE: It would seem – I agree with Gene that some of these
20 areas, probably with special requirements for size of the buildings or the size of the use
21 or, you know, maybe some of the other requirements, would fit within that general
22 commercial. And obviously you don't want the entire huge facility of warehousing or
23 wholesaling out of it. And, I guess, assuming that the Commission Members are

1 agreeable, what I would like to see happen is the Staff to go back and take a look at
2 these uses and see if there are any of these uses which, under certain size constraints
3 and other things, would be appropriate under special requirements or some other type
4 constraints.

5 MR. CRISS: The current ordinance, of course, does allow wholesaling business
6 activities in the C-3, general commercial zoning district, but quite restricted, in my
7 opinion, to 8,000 square. feet of total floor area per parcel.

8 MS. WYATT: Per parcel.

9 MR. MANNING: Is that per parcel or per unit?

10 MR. CRISS: Per parcel.

11 CHAIRMAN VAN DINE: I mean, it just seems to me that we may need to look at
12 some of these things. Now, the other question we've got is the general commercial,
13 does that equate to C-3 or is that a condensation of others, as well?

14 MR. CRISS: C-3 becomes GC July 1st.

15 MR. GREEN: A more restrictive. But it's more restrictive than the current.

16 CHAIRMAN VAN DINE: I guess the direction -

17 MR. CRISS: Well, it depends on how you look at it. The wholesaling, indeed, I
18 think 11 out of 34 wholesaling land use categories are allowed in the new GC. So you
19 could argue well it must mean that there's 23 that aren't. But the wholesaling in the new
20 code is unlimited as to floor space, whereas the current code says 8,000 square feet in
21 a C-3.

22 CHAIRMAN VAN DINE: I guess the directive from the Planning Commission –
23 I'm using my directive powers – and the consensus that I'm hearing, we would like the

1 Staff to take a look at some of these uses, determine whether or not there are, in fact,
2 some of these uses that could be appropriate under size constraints or some other –

3 MR. CRISS: Some special requirements.

4 CHAIRMAN VAN DINE: - reasonable constraints for use in these areas.

5 MS. LINDER: Would you, as the Planning Commission, like to make a
6 recommendation of which ones Staff look at to put the special requirements on?

7 CHAIRMAN VAN DINE: I think that what we would like to see is Staff
8 suggestions and we'll discuss it at the next meeting because I'd hate to sit here for the
9 next – like we did when were doing this land code.

10 MS. WYATT: Two hours.

11 MS. LUCIUS: We spent a long time.

12 CHAIRMAN VAN DINE: The better part of five and six hour nights going over
13 lists exactly like this.

14 MS. WYATT: I don't think the budget can handle feeding us dinner.

15 MR. CRISS: Until July.

16 MR. GREEN: We had a very nice lunch and we'd hate for you to bear that same
17 expense again.

18 CHAIRMAN VAN DINE: Alright. The last item on our – actually the next to the
19 last item on our agenda here is a vote on whether or not we wish to have a meeting in
20 August. As everybody knows, the County Council does not usually meet in August and
21 it has been our practice in the past not to hold meetings in August.

22 MS. WYATT: Except for last year.

23 MS. LUCIUS: Last year we said we're never going to skip August again.

1 MS. WYATT: We've met a couple of times.

2 MS. LUCIUS: You remember how bad September was?

3 CHAIRMAN VAN DINE: I remember it.

4 MS. WYATT: We, actually met though, in August the last year. But it was on the
5 Land Development Code.

6 MS. LUCIUS: Right.

7 CHAIRMAN VAN DINE: Yes. But we had other - not agenda wise.

8 MS. LUCIUS: But September was awful.

9 MS. WYATT: Well I, for one, Mr. Chair, would rather go ahead and meet in
10 August and get things over with. I understand, from speaking with staff this morning,
11 that July is tremendous. You know, if we can avoid having to sit here for nine or 10
12 hours in September I'd rather go ahead and do it.

13 MS. LUCIUS: I'm with Barbara.

14 CHAIRMAN VAN DINE: Would we –

15 MR. GREEN: I concur.

16 CHAIRMAN VAN DINE: Will there be a slow down do you think in what comes in
17 as a result of the fact, the changeover, on July 1?

18 MS. ALMEIDA: Slow down?

19 [Inaudible discussion]

20 MS. ALMEIDA: I don't anticipate a slow down.

21 CHAIRMAN VAN DINE: Okay.

22 MS. ALMEIDA: I mean, I think it'll just stay steady, if anything.

23 CHAIRMAN VAN DINE: What does everybody think? August meeting?

1 MR. GREEN: Meeting.

2 MS. WYATT: I make a motion we meet in August –

3 MS. LUCIUS: Second.

4 MS. WYATT: - for regular, scheduled Planning Commission meeting regarding
5 map amendments and etc.

6 CHAIRMAN VAN DINE: We have a motion. Do I have a second?

7 MS. LUCIUS: Second.

8 CHAIRMAN VAN DINE: Alright. All those in favor of meeting in August please
9 raise your hand.

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

12 CHAIRMAN VAN DINE: Sorry.

13 MR. GREEN: Wes, that seemed like a reluctant hand raise.

14 MR. FURGESS: It was.

15 MS. LUCIUS: It does. September is a nightmare.

16 CHAIRMAN VAN DINE: That's right. Mr. Criss, do you have a Planning
17 Director's Report or anything you wish to add?

18 MR. CRISS: Yes, sir.

19 MS. WYATT: Uh-oh! He's getting a whole book out.

20 MS. LUCIUS: Oh, no!

21 MR. GREEN: I move we adjourn.

22 MS. WYATT: Uh-oh!

23 [Laughter]

1 MR. CRISS: Homework assignment.

2 CHAIRMAN VAN DINE: I'm sorry I asked.

3 MR. CRISS: The lack of budget and time at the end of the fiscal year precluded
4 me from providing you with the full packet of materials from your Planning 101 Seminar.
5 But you will be receiving now the transcript of the afternoon discussion. And,
6 subsequently, all the PowerPoint slide shows from the professors of Clemson who
7 presented that morning and requests for your input on future seminar topics.

8 MS. WYATT: Well I thought that had already discussed at this that the next thing
9 that we needed to look at was capital improvements plan.

10 MR. CRISS: Some was, indeed, but of course only – I'm sorry - only half of the
11 membership was in attendance.

12 MS. WYATT: Yes, I realize that.

13 MR. CRISS: We're trying to provide the other Members of the Commission and
14 Council a transcript of the proceedings and the PowerPoint materials to catch up, so to
15 speak, and then collectively come to consensus on next topic, date and time. We're
16 thinking September, after the Council recess, possibly.

17 MR. MANNING: Mike, one of the things that we discussed there was beginning
18 the process of bringing all of the participants in –

19 MR. CRISS: The other parties.

20 MR. MANNING: - facilities plan to the table. I don't know how you plan to do
21 that, you know, at these meetings or special sessions or – but there's a lot of them.

22 MR. CRISS: Right, especially when –

23 MR. MANNING: And we've got to start hearing from them.

1 MR. CRISS: - when one considers a capital improvements planning process.
2 You've got school districts and utility providers and other jurisdictions, numerous
3 parties. And, no, we don't yet have a plan for including all, though it is our intent to
4 include all, sooner or later. Whether we can do that all or once remains to be seen.
5 What's the feeling of the Commission? Some of the feedback we got from the group
6 that attended, a retreat, a one- day or half-day, I should say, event. Maybe four or five
7 hours long instead of the six hours. Maybe 4:00 to 9:00 in the evening with a meal as
8 opposed to the 9:00 to 3:00 with a lunch.

9 MR. GREEN: No meals. You let them start eating and it's just, we waste way too
10 much time at meals.

11 MR. MANNING: I think if you bring all the players at one time it's going to be so
12 diluted it's not going to make much sense.

13 MR. CRISS: Hum.

14 MR. MANNING: I'd rather sit down with DOT or Central Midlands or –

15 MR. CRISS: Just the school districts.

16 MR. MANNING: - the school districts and really try to understand what it is
17 they're trying to achieve and have them hear from us what we see as some of the
18 problems rather than –

19 MR. CRISS: Of course, the Commission can be meeting with these groups
20 separately and apart from any gatherings with Council. So don't feel limited. The
21 Planning 101 Seminar series is specifically designed to get County Council and the
22 Planning Commission together on major planning policies and principles. And we'll

1 continue to pursue that. But if you feel a need to meet additionally with school district or
2 utility provider or DOT representatives, we will pursue that as well.

3 MS. LUCIUS: Did you get into the fundamental planning policies during the
4 discussion?

5 MS. WYATT: Council's waiting on us to jump in with it.

6 MR. CRISS: Some.

7 MS. LUCIUS: You did. I'm anxious to -

8 MR. CRISS: Look at the transcript and see what you think.

9 MS. LUCIUS: I'm anxious to read the transcript and see because I had jotted
10 down two things that you were gonna talk about. That was one and the other one was
11 proactive zoning and the effect on homeowners' taxes. Was that discussed?

12 MR. CRISS: We had a lively discussion on a wide variety of topics. I can't say
13 that we came to written consensus on major planning policies.

14 MS. LUCIUS: Yeah. I had written this down because I thought I was going to be
15 there and then I had to miss. Those two items we wanted to talk about.

16 MR. CRISS: And this transcript and the subsequent PowerPoint presentations
17 are an attempt to catch everyone up to that first meeting and decide where to go from
18 here.

19 MS. LUCIUS: This fundamental planning policy was what I was trying to
20 remember earlier today when I was talking about rural.

21 MR. CRISS: There was significant discussion about rural.

22 MS. LUCIUS: As a fundamental planning policy. Okay.

23 MR. CRISS: Will it remain on the Richland County landscape for our lifetime?

1 MS. LUCIUS: I think [inaudible].

2 [Laughter]

3 MS. WYATT: Do what?

4 MS. LUCIUS: He said I'm talking too much.

5 [Laughter]

6 CHAIRMAN VAN DINE: Apparently, before we have a problem at the other end
7 of the dais, I suggest we adjourn our meeting and allow them to take it to the parking
8 garage if they have a problem.

9 [Laughter]

10 MR. GREEN: One thing –

11 MR. CRISS: I would point out –

12 MR. GREEN: [Inaudible] there are [inaudible] I can get two short answers.

13 MR. CRISS: Sure.

14 MS. WYATT: Yeah. I wanted to ask something.

15 MR. GREEN: Where are we on initiating work on the new comprehensive plan?

16 MR. CRISS: We're doing background research now. And the –

17 MR. GREEN: Nowhere. Okay. That's the answer to number one.

18 MS. WYATT: Okay. That was it.

19 MR. GREEN: Question number two, have we identified any -

20 MR. CRISS: I cannot – can't say that. If you'd like John Newman to report to you
21 now or afterwards -

22 MR. GREEN: Yeah. I will just catch him afterwards.

23 MR. CRISS: Can do so.

1 MR. GREEN: Are we in – I say we – have there been any other alternative,
2 continuing education for those of us who were not able to attend the scheduled
3 sessions that have occurred? We need to know about other opportunities to get our
4 continuing -

5 MR. CRISS: The – yeah, there's an August 23rd three hour session that you can
6 still catch and will count. You don't have to have gone to the first one. I am pressing
7 the Association of Counties to provide both sessions that they have sponsored with ETV
8 on DVD so that I, as a member of the American Institute of Certified Planners, can
9 proctor them for those members who need the credit, the time.

10 MR. PALMER: Now how many hours do we have to have?

11 MR. CRISS: Six, before January.

12 CHAIRMAN VAN DINE: Some of us went to some of the stuff last summer out at
13 the Convention Center. Didn't that count for some?

14 MR. CRISS: None of it has been authorized by the State Committee except for
15 the six hours of Association of Counties ETV Teleconference, one of which has already
16 occurred, one of which will occur in August.

17 MS. WYATT: Well how about if you're off January 8th? Can I just get by with not
18 going?

19 MR. CRISS: As long as you don't make any decisions.

20 MS. WYATT: Decisions when?

21 MR. GREEN: In January.

22 CHAIRMAN VAN DINE: In January.

23 MS. WYATT: Oh, okay.

1 MR. CRISS: And I am pleased to report that the three land use inspectors that
2 you have long-sought to help us implement the new Land Development Code are back
3 in the Council's budget for fiscal year '05-06.

4 MS. WYATT: [Inaudible]

5 MS. LUCIUS: Alright [Applause]

6 MR. CRISS: Third and final reading is 4:00 o'clock on Wednesday right here.

7 MS. WYATT: Don't hold your breath until 4:00 o'clock on Wednesday, though.

8 MS. LUCIUS: I won't. I won't. But that's good. That's good that they're back.

9 MR. CRISS: Thanks to the leadership of Councilwoman Hutchinson, in particular,
10 all five positions recommended by the Department have been added back to the
11 Council budget.

12 MR. GREEN: We have candidates in waiting for these slots?

13 MR. CRISS: Sir, I don't know. The Clerk of Council's Office receives all
14 applications. And I haven't checked to see if there are any outstanding or pending.

15 MS. WYATT: Have those jobs been posted?

16 MR. CRISS: Oh, I'm sorry. I'm misunderstanding you. We cannot advertise for
17 any position that doesn't exist on the payroll. And those five positions that I was talking
18 about don't exist yet.

19 MS. LUCIUS: Not until the budget's passed.

20 MR. CRISS: They wouldn't until July 1st at the earliest.

21 CHAIRMAN VAN DINE: The answer is they haven't been budgeted, yet, so
22 they're not [inaudible].

23 MR. CRISS: So we're glad –

1 MR. GREEN: We'll be at least halfway through the year before we'll have any
2 chance of having them filled.

3 MR. CRISS: We're always glad to take resumes in anticipation of positions
4 opening up, if you know folks that are interested.

5 MS. WYATT: Well, let's go back to Mr. Green's comments. And I –

6 MR. CRISS: Another part of the compromise is we're going to have to delay the
7 hire in order to afford them.

8 MR. PALMER: Of what?

9 MS. WYATT: Huh?

10 MR. CRISS: We're going to have to delay the hiring of these personnel in order
11 to afford them.

12 MS. WYATT: Well then why don't we delay the implementation on July 1st until
13 we can properly staff this department to do what we promised the residents of this
14 county we were going to do?

15 MR. PALMER: Amen!

16 MS. WYATT: And that was deliberate – I mean implement – deliberate –
17 implement with out any problems. I mean how many times, over and over again, were
18 we asked that?

19 MR. CRISS: Specifically, we're proposing the first land use inspector October 1st
20 and the other two January 1st.

21 MS. WYATT: I mean I'm sitting here next to Ms. Lucius with minutes from years
22 ago that clearly said that we were approving fee increases with the condition that they

1 only be used for staffing. Then we turn right back around in the next sentence we
2 amend some ordinance. Let me get it here.

3 MS. LUCIUS: His schedule was in the [inaudible].

4 MS. WYATT: 22-74, to let Council throw that into the General Fund. I mean, you
5 know, you just have to read right here. "Mr. Van Dine: On all the fees that are being
6 charged for land development and the services downstairs, we were told that was going
7 to be used, in its entirety, for increasing Staff to improve all other stuff." Mr. Hicks'
8 comments back: "And you believe that?" "Mr. Van Dine: It was pretty heavily in that
9 fashion, so the answer was yes. I guess we were all pretty naïve." "Ms. Wyatt: I think
10 we even approved it subject to that."

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

12 MS. WYATT: And I just – I'm just terribly disappointed, just terribly disappointed.
13 Because, you know, you can go back and we've asked repeatedly I still would like to
14 have all of the minutes from the workshops that we put together this Land Development
15 Code. Because I think you will find in there that we've asked repeatedly. And I'm not
16 faulting you, believe me, Michael. If I sound like I'm coming across at you, you know
17 how angry for a month I've been over this issue. Because I truly do believe we're not
18 ready to implement. And it's just not fair to Staff. It's not fair to the residents of this
19 county. It's not fair to anyone that we're getting ready to move forward with something
20 that's going to just turn this whole county upside down.

21 MR. MANNING: Michael, why is it going to be –

22 MS. WYATT: Why is it taking so long to hire people?

23 MR. CRISS: Which people?

1 MS. WYATT: The three. You're talking like –

2 MR. CRISS: Oh! Oh!

3 MS. LUCIUS: October.

4 MR. CRISS: In order to –

5 MS. WYATT: I'm sorry.

6 MS. LUCIUS: It's all right.

7 MR. CRISS: - solicit the support of a majority of Council for adding these five
8 positions back into the budget, Councilwoman Hutchinson, in concert with Planning and
9 Development Staff, came up with compensating revenue. Fee increases, building
10 permit fee increases, and delayed hiring – in other words salary savings, at least for the
11 first year – to offset the additional cost of the five people and their cars and computers
12 and desks and other resources.

13 MS. WYATT: But do they understand –

14 MS. LUCIUS: More fee increases?

15 MS. WYATT: - and I've met with Ms. Hutchinson, myself, on this matter - I
16 thought she was pretty clear in understanding why we had to have these folks, at the
17 three land use inspectors, was to successfully implement this plan on July 1st.

18 MR. CRISS: I think she understands very well the need. And has –

19 MS. WYATT: Well then why would anybody support delaying the hiring –

20 MR. CRISS: Well I propose –

21 MS. WYATT: - until October. It just doesn't –

1 MR. CRISS: She needed a scenario to show additional revenues and/or cost
2 savings commensurate with the increased cost of the five positions on the payroll, at
3 least for the first year.

4 MS. WYATT: If these fees –

5 MR. CRISS: So that she wouldn't have to propose a property tax increase or any
6 portion of these positions.

7 MS. WYATT: If these fees go into effect – and I don't know what happens
8 anymore - it used to be that before any fees could be increased from the Development
9 Services Department it had to come through the Planning Commission.

10 MR. CRISS: County Council has the authority through the budget -

11 MS. WYATT: Well we voted on it in the past. Okay?

12 MR. CRISS: - budget ordinance.

13 MS. WYATT: But let's say Council, Wednesday, as part of its budget approval,
14 agrees to these fee increases. Is it going to be part of what they see tomorrow?

15 MR. CRISS: It should be part of what they see on Wednesday afternoon. Yes.

16 MS. WYATT: Okay. They approve it. When could it go into effect?

17 MR. CRISS: Well, that's up to them. But we propose July 1st.

18 MS. WYATT: Alright. You've got July 1st. You've got this additional income
19 coming in.

20 MR. CRISS: But it won't accrue.

21 MS. WYATT: Anna, what were the numbers that you and I discussed? It's a lot
22 of money, right?

23 MS. ALMEIDA: Uh-hum (affirmative).

1 MS. WYATT: Several, couple of hundred thousand dollars?

2 MR. CRISS: We anticipate on the order of \$165,000 over the first year.

3 MS. WYATT: And what's it going to cost to staff these folks? \$22,000, I think
4 was – 22 to 24?

5 MR. CRISS: You're looking at, with fringe and –

6 MS. WYATT: Oh, they get fringe benefits.

7 MR. CRISS: - equipment, including three cars - a couple of hundred thousand
8 dollars.

9 MR. MANNING: And the salary range would be what?

10 MR. CRISS: Let's see. The land use inspectors would be a grade 8, non-
11 exempt. And then you're talking \$22,000 to start.

12 MR. MANNING: So three grade 8's would be \$75,000.

13 MR. CRISS: Or a little more with fringe, 17% fringe.

14 MS. WYATT: With benefits let's say \$100,000.

15 MR. MANNING: So 75 to 200 and something thousand in benefits?

16 MR. CRISS: You've got three cars that you have to buy. Computers. Cell
17 phones. Desk phones. Furniture. We have no floor space to put them in.

18 MR. MANNING: The fees are going to be charged effective when?

19 MR. CRISS: I believe July 1st.

20 MR. GREEN: The vacant permits [inaudible].

21 MR. MANNING: No, I'm just – and I know that [inaudible]

22 MR. CRISS: The other two positions –

23 MR. MANNING: - in these discussions [inaudible]

1 MR. MANNING: - they need to participate to help fund. I mean, you know, I just
2 want to know are they aware that there's going to be a delayed implementation of what
3 they're voting on?

4 MR. CRISS: Yes.

5 MR. MANNING: They do?

6 MR. CRISS: The – well the principle sponsor, so to speak, Councilwoman
7 Hutchinson was preparing that information over the weekend to disseminate to all of
8 Council in time for the third and final reading. Those five positions were put back into
9 the budget at second reading of the budget.

10 MS. WYATT: Which was last week.

11 MR. CRISS: Yeah.

12 MR. PALMER: You know, Ms. Wyatt, if you would like to propose that we send
13 up a Council recommendation to delay the implementation of the Land Development
14 Code, I would support that.

15 [Laughter]

16 CHAIRMAN VAN DINE: You sure opened that barn door, didn't you?

17 MR. PALMER: Just to let you know.

18 MS. WYATT: You know, Mr. Palmer, it's something that I'm sitting here very
19 much would like to do.

20 MR. PALMER: Well do it!

21 MS. WYATT: To send a message. But at the same time I think it would be a slap
22 in the face of all of you for something that we worked very hard to do and that we set
23 this implementation date not to go forward with it. I would rather – and this doesn't go

1 on the record – I'd rather be able to go to County Council meeting and stand at that
2 podium in August or September and say, "I told you so," than I had to delay the whole
3 thing –

4 MR. PALMER: We didn't come up with the –

5 MS. WYATT: - because of all the money that's been spent.

6 MR. PALMER: We didn't come up with the effective date, did we? We didn't
7 come up with the - we recommended nine months, didn't we?

8 MS. WYATT: Well we sort of did.

9 MR. PALMER: This is shorter than what we recommended.

10 MS. WYATT: Well I don't think so. Because by the time we sent it –

11 MS. LUCIUS: Didn't we recommend the [inaudible]?

12 MS. WYATT: I think we said nine months.

13 MR. CRISS: Well there were various versions, but, yes, the Planning
14 Commission, at one point, did have a nine month interim period –

15 MS. WYATT: Yeah. Nine months.

16 MR. CRISS: - rather than the six month interim period. But you anticipated this
17 might be approved sooner than it actually was.

18 MR. PALMER: Just so that you know, the vote's there for you if you want it.

19 MR. CRISS: There have been several effective dates.

20 MR. PALMER: My vote's sitting there for you.

21 MS. WYATT: Maybe what you should do for us tomorrow – excuse me,
22 Wednesday – at 4:00 o'clock –

23 MR. CRISS: Uh-hum (affirmative).

1 MS. WYATT: - maybe you should tell County Council, "Gee, that Planning
2 Commission's really considering not implementing." [Laughter]

3 CHAIRMAN VAN DINE: I will caution everybody because ultimately what would
4 happen is, if you do not implement those positions –

5 MS. WYATT: It would be a disaster.

6 CHAIRMAN VAN DINE: - those positions will be pulled off the table and you
7 won't have them at all.

8 MR. CRISS: No.

9 CHAIRMAN VAN DINE: You need to have something available and some reason
10 for it to go [inaudible].

11 MR. FURGESS: Well they're not gonna have them with \$22,000. [Laughter]

12 MR. CRISS: There's already a property tax proposed, property tax increase. And
13 it was determined by, at least some Council Members, that additional property tax
14 increases should be avoided and that other revenue sources and cost savings should
15 be examined to compensate, so to speak, for these five more positions.

16 CHAIRMAN VAN DINE: I want to change gears just a hair and ask a question
17 which is how are we dealing with our capital improvements plan and the fact that we
18 were supposed to be addressing that as a part of this Commission's duties?

19 MS. WYATT: Read your – right here. Read that and you'll find out.

20 CHAIRMAN VAN DINE: Well I'd like –

21 MR. CRISS: It was a principal topic of the Planning 101 seminar. And it looks
22 like that might be our next agenda.

1 CHAIRMAN VAN DINE: Would that be after we deal with the land use or
2 beforehand? Because if it's afterwards then I can sort of put it away from my mind for a
3 long time.

4 MS. WYATT: Mr. Chair, Mr. Criss will give you one opinion. I'm going to give you
5 another. My interpretation of what County Council said to me at the Congaree was "We
6 want to impose impact fees. We finally have come to the realization that we can't do
7 that without a capital improvements plan. How fast can y'all get back to us on that?"
8 That was *my* interpretation.

9 MR. GREEN: You know, I've never worked on a capital improvements plan in my
10 life that you didn't have the land use plan done first.

11 MS. WYATT: You've got to have it.

12 MR. GREEN: Where do you know where you've got to put things until you have a
13 plan? I mean that's – this is going to be real interesting to see.

14 MS. WYATT: But you might also know, Mr. Green, and I thought it was very
15 interesting and the Council Member looked at me and asked the question. I don't know
16 that he was directing it to me, necessarily. But I don't even think Council understands
17 they were truly asking me, "Well, do you think we're supposed to include libraries in
18 that? What about fire stations?" And I'm sitting there thinking, "Well what do you think
19 goes into this?"

20 MR. GREEN: I think I'll come in with my clothes on backwards next month.

21 [Laughter]

22 MR. PALMER: You know something good's coming when Howard grabs his mic.

1 CHAIRMAN VAN DINE: You know, that little think about that we were talking
2 about representation, people? I hope somebody represents somebody real soon at this
3 point.

4 MR. CRISS: Yeah. No short cuts. No short cuts.

5 CHAIRMAN VAN DINE: We've lost all control up here.

6 MR. CRISS: Okay.

7 CHAIRMAN VAN DINE: The meeting is now adjourned.

8 MS. WYATT: Well I thought we adjourned 10 minutes ago. I told her nothing
9 else was on the Record.

10 MS. LUCIUS: And you thought I was bad.

11 MR. PALMER: Well that's all on the Record.

12 MR. GREEN: Well it's clear, with this group, when we should have adjourned and
13 when we don't.

14 CHAIRMAN VAN DINE: That's right. Every month. Based upon our last
15 discussion –

16 MR. PALMER: It's when all the citizens leave. That's what happens.

17 MS. WYATT: You know, you could blip out the last 10 minutes.

18 CHAIRMAN VAN DINE: I may decide that somebody's representing somebody
19 before us on some matters that I have to be [inaudible].

20 MS. WYATT: You know that guy from your law firm, right?

21
22 *Adjourned: 4:42 p.m.*