

RICHLAND COUNTY PLANNING COMMISSION

Sept 1, 2005

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

7
8 Called to order: 1:02 pm

9 CHAIRMAN VAN DINE: Let's call our meeting to order. I recognize we have a
10 quorum. For the Record, Mr. Green called this morning and indicated he had some
11 personal issues that he had to attend to and he would not be able to attend today's
12 meeting. Please note that he has been excused from this meeting. Alright. "In
13 accordance with the Freedom of Information Act, a copy of the agenda was sent to
14 radio and TV stations, newspapers, persons requesting notification, and was posted on
15 the bulletin board located in the lobby of the County Administration Building."
16 Accordingly, the notice was properly given for this meeting and we will proceed. Next
17 on our agenda is the presentation of the minutes for the August 1st, 2005 meeting.

18 MS. WYATT: Mr. Chair, I'll make a motion of approval of the minutes.

19 MR. FURGESS: Second.

20 CHAIRMAN VAN DINE: Any comments, questions? Hearing none, all those in
21 favor please signify by raising your hand. Alright.

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

24 MS. WYATT: Mr. Chair, since we're talking about minutes, I think I'll just point out
25 that the requested work session minutes from November 10, 2003 have been placed in
26 front of us. And we thank you for getting that done.

27 CHAIRMAN VAN DINE: Okay. Next, do we have any agenda amendments?

1 MS. ALMEIDA: No, sir. There are no amendments. Can you hear me?

2 CHAIRMAN VAN DINE: I can hear you. But - any changes, additions,
3 subtractions by the Planning Commission? Hearing none, we'll go on. We have no Old
4 Business. Is that correct?

5 MS. ALMEIDA: Mr. Chairman, there is an amendment for case number 05-55.
6 What should it be?

7 MS. LINDER: Mr. Chairman, if I could have an Executive Session for legal
8 advice, please.

9 CHAIRMAN VAN DINE: Yes, ma'am. We will take a short break for legal advice.

10 *[Executive Session]*

11 CHAIRMAN VAN DINE: Ms. Linder, please report us out of Executive Session.

12 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive
13 Session to receive legal advice and no action was taken in that meeting.

14 CHAIRMAN VAN DINE: Thank you. We have no Old Business. Is that correct?

15 MS. ALMEIDA: That is correct. But we do have an amendment.

16 CHAIRMAN VAN DINE: Alright.

17 MS. ALMEIDA: Case number 05-55, there is a typographical error. The current
18 zoning is RU and the proposed parcel zoning is GC, General Commercial.

19 CHAIRMAN VAN DINE: And that GC was, in fact, on the application. Correct?

20 MR. GOSLINE: Yes.

21 MS. ALMEIDA: That is correct.

22 CHAIRMAN VAN DINE: Alright. Open our New Business. First is 05-84 MA.

1 **CASE 05-84 MA:**

2 MR. GOSLINE: Mr. Chairman and Members, this is a proposal from Harold
3 Pickerel for rezoning 80 acres along Boney Road north of Blythewood, this piece sits
4 between I-77 and Boney Road north of Blythewood, from RU to RS-LD. The
5 Department recommends approval. The applicant is here if you wish to ask any
6 questions.

7 CHAIRMAN VAN DINE: This is not related in any way to that 77 acres that
8 they're talking about out of Blythewood as far as the light industrial or any of that?

9 MR. GOSLINE: No. The light industrial area –

10 CHAIRMAN VAN DINE: That's actually in Blythewood.

11 MR. GOSLINE: That's southwest side of –

12 CHAIRMAN VAN DINE: Okay.

13 MR. GOSLINE: - Blythewood Road and I-77. We also provided notice to the
14 Town of Blythewood, provided them with a copy of the Staff Report.

15 CHAIRMAN VAN DINE: Okay.

16 MS. WYATT: I think, in all fairness to Mr. Pickerel, since I went out there the
17 other day we need to let it be known that he did not take the trees down on that piece of
18 property, since I got on him last time about trees. [Laughter]

19 CHAIRMAN VAN DINE: Alright. Mr. Pickerel, you're the only one signed up
20 either for or against. Do you have anything you want to say?

21 MR. PICKEREL: I'll answer any question you guys have, but it's pretty
22 straightforward.

1 MS. WYATT: Mr. Chair, I'll make a motion we send this forward with a
2 recommendation of approval.

3 MR. MANNING: Second.

4 CHAIRMAN VAN DINE: Any questions or comments for Staff? All those in favor
5 of sending it forward with a recommendation of approval please signify by raising your
6 hand. Opposed.

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

9 CHAIRMAN VAN DINE: What is the meeting? September what?

10 MR. GOSLINE: I think it's the 25th. 25th or 26th.

11 MS. WYATT: No. It would have to be the 27th. Monday's the 26th.

12 MS. LINDER: September 27th.

13 CHAIRMAN VAN DINE: September 27th it will be up on the agenda for County
14 Council. Alright. The next we have is 05-55 MA.

15 **CASE 05-55 MA:**

16 MR. GOSLINE: Mr. Chairman and Members, this is a request to change a parcel
17 of property from RU to GC. This was before you a few months back, came through as
18 an LI. And y'all recommended approval of it. County Council subsequently decided to
19 recommend the applicant seek a different zoning category. And the applicant has
20 chosen to request GC. Staff recommends approval.

21 CHAIRMAN VAN DINE: Did County Council suggest, by any chance, what
22 classification they wanted? [Laughter]

23 MR. GOSLINE: We try to get them not to do that.

1 CHAIRMAN VAN DINE: Okay.

2 MR. GOSLINE: To just say, "Seek a different category." Because, otherwise, it
3 creates false impressions.

4 MS. WYATT: Uh-hum (affirmative).

5 MR. GOSLINE: Or might be false. Better state, "It may create false impressions."

6 MR. MANNING: Was there a reason they didn't like the LI designation?

7 MR. THOMAS MANN: [Inaudible – away from mic]

8 MR. GOSLINE: Go up to the podium.

9 CHAIRMAN VAN DINE: First of all, wait until you get up there to speak so that
10 she can record and then give us your name and address, please.

11 **TESTIMONY OF THOMAS MANN:**

12 MR. MANN: My name is Thomas Mann. I'm at 1527 Richland Street. I'm the
13 attorney for the applicant. I met with members of County Council. And the reason this
14 action was taken was the zoning designation we requested was more than we needed.
15 Some of the residents in the area were worried about what might happen 20 years
16 down the road if my clients eventually sold the property that something beyond what we
17 ever anticipated could be put there. And the designation that we needed is GC. So the
18 County Council asked that we change our designation or our request for zoning from L1
19 to GC. GC will encompass everything that we ever intended to do, anyway.

20 CHAIRMAN VAN DINE: Are there uses in GC which would not have been
21 available in the light industrial or does the light industrial actually have some uses that
22 would not have been available in the GC?

1 MR. GOSLINE: They're pretty close, but there's different ones that are available
2 in LI than in GC. I'm not sure that answers your question.

3 CHAIRMAN VAN DINE: Have we done any kind of a review to determine –

4 MS. ALMEIDA: For instance, in the LI many of the uses would be outright
5 permitted, where in the GC they would be subjected to special requirements whether it
6 be buffering or lighting or noise. So in the GC area it's more restricted as far as what
7 needs to be implemented above and beyond just special requirements.

8 CHAIRMAN VAN DINE: Alright.

9 MS. ALMEIDA: You'll see that on page 25, 25-25.

10 MR. MANN: And that was the concern, that there were some things that could
11 happen under an LI that could not happen under a GC. And we don't anticipate ever
12 wanting to do any of those things. And, so, we certainly agree with the community out
13 there. If they don't want those things ever done, we certainly don't ever anticipate doing
14 them. And, so, we're comfortable with the GC.

15 CHAIRMAN VAN DINE: Alright. Mr. Mann is the only individual who has signed
16 up either for or against. Yes, sir?

17 MR. GOSLINE: Mr. Chairman, just for the Record. Tommy, you do know that
18 you're limited to 12,000 square feet of area for your warehouse.

19 MR. MANN: That's enough. I've gone over that with my client again. If you can
20 hear me. I've gone over that with my client and we're perfectly happy with the GC.

21 CHAIRMAN VAN DINE: Alright. Any other questions from the Commission? Do
22 I hear a motion?

1 MS. WYATT: Mr. Chair, I'll make a motion we send this forward with
2 recommendation of approval.

3 CHAIRMAN VAN DINE: Do I hear a second?

4 MR. MANNING: Second.

5 CHAIRMAN VAN DINE: We have a motion and a second to send this forward,
6 05-55 MA, forward with a recommendation of approval.

7 MS. WYATT: And, Mr. Chair, let me just back up on my motion to make sure that
8 there's no conditions. I'm sorry I didn't – to add that in.

9 MR. GOSLINE: No, ma'am. It's straight zoning.

10 MS. WYATT: No? Okay. Excuse me.

11 CHAIRMAN VAN DINE: Alright. All those in favor of the motion we send it
12 forward with a recommendation of approval please signify by raising your hand. Alright.
13 *[Approved: Furgess, Lucius, Jackson, Van Dine, Wyatt, Manning; Absent: Palmer,*
14 *Green, McBride]*

15 CHAIRMAN VAN DINE: Next we have will be New Business under our Text
16 Amendments. The first is Permitted Wholesale Trade land uses in the General
17 Commercial District. This amendment would be such as might change the rules that we
18 have now. Correct?

19 MS. ALMEIDA: Correct. Under the Code.

20 CHAIRMAN VAN DINE: How would that apply to the zoning that we just sent
21 forward with a recommendation of approval? Let's assume that we agree to the
22 changes here.

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

1 CHAIRMAN VAN DINE: Would those become effective - I want to find out
2 whether we're changing what he wants to do in any way, shape, or form from what -

3 MS. LINDER: The amended text would allow additional wholesale uses in the
4 General Commercial. But all of the additional wholesale uses have special
5 requirements that have to be met.

6 CHAIRMAN VAN DINE: Right. And, since we just sent forward with
7 recommendation of approval a switch to a General Commercial, would the code in
8 existence now be the applicable code for him to work under or would, if we were to
9 make changes here, would that be the applicable code that he would have to work
10 under?

11 MS. ALMEIDA: No.

12 MS. LINDER: There would be no conflict. I mean, he would be able – he's not
13 losing anything with the GC zoning that he already would get just under straight GC. If
14 we change the text for GC, he'd just be getting some additional uses added into it that
15 would be available to him. But he would not be losing that he would gain by having the
16 GC.

17 MS. WYATT: I guess I watch too much TV, maybe. But it would seem to me
18 that, legally, if County Council approves his recommendation before they give reading to
19 our text amendment that that wouldn't happen.

20 CHAIRMAN VAN DINE: Would he get the benefit of the change down the road
21 but not have it eventually?

22 MS. LINDER: Yes. That's correct.

23 CHAIRMAN VAN DINE: I mean, at first instance.

1 MS. LINDER: Yes, because no one has those benefits now. All the GC will be
2 gaining by that text amendment.

3 MR. CRISS: Yeah. All the existing parcels would inherit them.

4 MS. LINDER: Right. Right. All the existing parcels would gain.

5 MS. WYATT: Okay. Even the ones that we did last month?

6 MS. LINDER: That's correct.

7 MS. WYATT: Okay.

8 MR. CRISS: As soon as it takes effect, every property inherits the [inaudible].

9 CHAIRMAN VAN DINE: Okay. What specific changes are we making in relation
10 to this Code provision?

11 MS. ALMEIDA: Okay. Well, found on page 24 and 25, everywhere you see
12 highlighted in yellow with an SR, the use can be done in the GC but with special
13 requirements, where previously it was outright permitted. Or – wasn't permitted at all.
14 Was not permitted at all.

15 MS. LINDER: Not permitted under the new Code, but, perhaps, permitted under
16 the old Code. So we are requested that the uses be permitted, but with special
17 requirements.

18 CHAIRMAN VAN DINE: Alright. So, just for example, Here's a line item for
19 "Motor Vehicles, Tires, and Tubes." We would then need to go to the Code to find out
20 what those special requirements are. Correct?

21 MS. ALMEIDA: Right.

22 MS. LINDER: Which is part of the ordinance that's before you.

23 MR. MANNING: Do you know what page that would be?

1 MS. WYATT: Well, I guess I have a question. What's "Paints and Varnishes"?

2 MS. LINDER: Page 50. "Paints and Varnishes" is on page 51. I believe all the
3 special requirements are the same for all these new use groups.

4 MR. MANNING: Are these conditions, say take H, which is the perimeter of the
5 property having a landscape buffer, is that consistent with the landscaping ordinance on
6 the conditions set forth in other areas of the Code –

7 MS. ALMEIDA: Yeah.

8 MR. MANNING: - or is this something we're doing especially for –

9 MS. ALMEIDA: In addition to.

10 MR. MANNING: - this use?

11 MS. ALMEIDA: No, these are things that are in the Code as a general provision.
12 But in order to have this ability to have "Paints and Varnishes" they have to meet that
13 minimum, -

14 MR. MANNING: Right.

15 MS. ALMEIDA: - where normally they may not for whatever reason.

16 MR. MANNING: But this wouldn't be - say 15' for "Paints and Varnishes" – when
17 you got back to "Professional and Commercial Equipment Supplies", which is a
18 permitted use, is it consistent with that? Same –

19 MS. ALMEIDA: As far as the special requirements?

20 MR. MANNING: Right.

21 MS. ALMEIDA: Pretty much, yeah. We're using the 15' of buffer.

1 CHAIRMAN VAN DINE: Is there – I mean, can you tell us what is included in the
2 “Motor Vehicles, Tires, and Tubes” or in the “Paints and Varnishes”? I mean, I see the
3 title but I don’t know what you’re saying can be done.

4 MS. ALMEIDA: Well, in order to have – in the existing code that we have now,
5 let’s take “Paints and Varnishes.” It’s not allowed. Okay?

6 CHAIRMAN VAN DINE: Correct.

7 MS. ALMEIDA: It’s not allowed today.

8 CHAIRMAN VAN DINE: I want to take a step even further back. Tell me what
9 “Paints and Varnishes” means.

10 MS. ALMEIDA: Well, we’d have to go to the NAICO(?) code.

11 MS. WYATT: I think my question, then, why I brought “Paints and Varnishes” up
12 was – I don’t know. Help me out, Marsha. A year or so ago we had an applicant in
13 here up on Two Notch Road that was wanting to do some kind of like a storage facility
14 because he restored old cars. And that wasn’t allowed under the Code. And to me,
15 that whole idea of restoring cars is paint and varnish.

16 MS. ALMEIDA: Uh-hum (affirmative). Well, Staff looked at each and every one
17 of these. Took out the NAICO code. Looked at what the definition was and evaluated it
18 subject to. And we evaluated to think about the surrounding uses and if it were allowed,
19 what would be the special requirements in order to coexist against a residential district.
20 And that’s how we came up with the special requirements. And they, pretty much, are
21 consistent throughout all of these special requirements in a general commercial area
22 because usually general commercial usually abuts a residential district of some sort.

23 MS. LINDER: Again, this is wholesale trade, not retail.

1 MR. MANNING: Wholesale trade, not –

2 MS. LINDER: And it's not industrial.

3 MR. MANNING: Car body shops. You know, that sort of thing.

4 MR. CRISS: It's not service. It's not –

5 MS. LINDER: It's not service. It's not industrial. It's not retail. It's wholesaling.

6 MR. CRISS: Of products.

7 CHAIRMAN VAN DINE: Wholesaling entails warehousing and transportation and
8 could be semis and stuff like that. Correct.

9 MS. ALMEIDA: That's correct.

10 CHAIRMAN VAN DINE: Do we take into account, here, hours of operation next
11 to that?

12 MS. ALMEIDA: Yes.

13 CHAIRMAN VAN DINE: I don't see where hours of operation are included in any
14 of these special requirements.

15 MS. WYATT: And we certainly did restrict hours on some things in the new Code.

16 MS. LUCIUS: Especially clubs and lodges.

17 MS. WYATT: Yeah! That's what I'm talking about.

18 MS. LINDER: That could certainly be a condition you'd want to add to all of these
19 new uses or some of the new uses, at your discretion. I don't think it was discussed at
20 the last Planning Commission meeting so the Staff did not put it in.

21 CHAIRMAN VAN DINE: But I don't see in any of things where there's anything
22 about hours of operation. I'm looking at things like drugs and druggist sundries.

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

1 CHAIRMAN VAN DINE: I mean, it would seem to me that, unfortunately in this
2 day and age of people likely to rip off drugs, that you would have some requirements for
3 safety rules or protection or some of those things to protect neighborhoods that are
4 around them.

5 MS. ALMEIDA: We somewhat assume that if you're having a company who's
6 selling these things you're going to have some sort of –

7 MS. WYATT: Security.

8 MS. ALMEIDA: - protection lighting and some sort of system. What we were
9 concerned about is the nuisance to the residential district. So if you're going to have
10 security lighting, we would request that it be shielded and turned away from the
11 residences. That's the approach we took, not so much from the protection of the actual
12 trade.

13 MS. WYATT: We had that already. Didn't we?

14 CHAIRMAN VAN DINE: I guess my concern is that, if we don't put some things in
15 here, we have learned from past experiences that we can assume all we want and
16 people don't have to do it unless it's actually written in here. So, I mean, there are
17 certain things like that that I think that we can't assume. We have to make an
18 affirmative stance that says you have to do some of these things for protection. I mean,
19 I just – a number of these things could turn into much more noise or traffic or other
20 related problems. Hazardous waste, hazardous chemical emissions, anything that you
21 can think of that we need to be concern of in a general -

22 MS. ALMEIDA: Well, that's why –

23 MS. WYATT: And we've got golf courses in here -

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

2 MS. WYATT: - for example. And I don't play golf, but Mr. Van Dine might be able
3 to answer this. Most of your golf courses have some type of clubhouse, eating facility,
4 and that sort of thing. And under the Code, didn't we restrict the hours on those.

5 MS. LUCIUS: Yeah. It's on page 37, those time limits.

6 MR. MANNING: Under the permitted uses section aren't there guidelines for
7 hours of operations for all of these, accessory dwellings, amusement parks or animal
8 shelters?

9 MS. ALMEIDA: There are. These are just above and beyond.

10 MR. MANNING: Somewhere else in the Code? So anything that we're doing
11 here that is dealing with wholesale trade is already governed somewhere else in the
12 Code for hours of operation.

13 MS. ALMEIDA: True. These are above and beyond those requirements that are
14 listed. So your point was well taken, Ms. Wyatt. The golf course has hours of
15 operation. We weren't redundant in listing it again. But there are special requirements
16 above and beyond what's required in the other sections. So, if a golf course wanted to
17 situate itself in a light industrial area, it would go by the basic rules under permitted
18 uses. If it wanted to locate in a general commercial area it would have to go under the
19 special requirements which are above and beyond. So in addition to the requirements
20 under permitted uses they would have to meet the requirements of, the special
21 requirements.

22 CHAIRMAN VAN DINE: But then –

1 MS. WYATT: Well, I think one of the things – excuse, Mr. Chair. I think one of
2 the things that I recall hearing back several years ago, now. It's almost hard to believe
3 that we're talking years ago that we were working on this. But one of the things that we
4 kept being told was this wasn't easy to read. It's not user friendly. And I don't care if it
5 takes an extra piece of paper to say these are the hours of operation. I feel like it needs
6 to be, even if it's in two, three, four, five, 10 places, we need to be redundant and put it
7 on everything.

8 CHAIRMAN VAN DINE: I think, frankly, golf courses are not included in what
9 we're proposing to change. So we're not going to change any of the things that are
10 there. I'm looking at the specifics here and wholesale generally entails bringing in of
11 bulk and the sending out of bulk.

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

13 CHAIRMAN VAN DINE: And I'm looking at a number of these things and
14 wondering if they are, in fact, compatible –

15 MS. WYATT: With subdivisions.

16 CHAIRMAN VAN DINE: - with what might be next door in a subdivision. Let's
17 take example the Long Town Road. We just approved a commercial subdivision along
18 Long Town right there where Lee Road, whatever the intersection is now called. Any
19 one of these wholesale trades could go into that area.

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

21 CHAIRMAN VAN DINE: There's a whole lot of housing and other issues that
22 come into play that I'm - I mean I know the special requirements have a number of

1 things that they have to do. But are we going far enough in the regulation of them in
2 this area, especially where it's next to residential areas.

3 MS. ALMEIDA: Well, I believe that, frankly, that is why, when the Code was
4 being written, Staff was trying to be as pure as could be to put these uses in light
5 industrial and other areas. I agree there are special exceptions for certain wholesale
6 trade that could go in a GC. For instance, you've got Home Depot and Lowe's that are
7 in, technically, GC zoned property. They do have tractor-trailers coming in, you know.

8 MS. WYATT: All hours.

9 MS. ALMEIDA: You know, that's why we tried to put together a list and have you
10 kind of mull it over and see what you think.

11 MR. JACKSON: I'm just concerned especially like with paint and varnishes. You
12 have a fire or something like that. To evacuate the community or the precautions taken
13 to put in a warehouse or storage space in that area, I just have a great concern about
14 that if no additional precautions are taken or instructions.

15 CHAIRMAN VAN DINE: Alright let's – why don't we do this for the time being.

16 MS. ALMEIDA: Well, this was a first attempt.

17 CHAIRMAN VAN DINE: Let's – there are two people who have signed up to
18 speak on this. Let's let them have their say and then we'll come back to the
19 conversation. Mr. Duffy?

20 **TESTIMONY OF MIKE DUFFY:**

21 MR. DUFFY: Yes. I'm Mike Duffy. I live at 10 Regatta Court.

22 CHAIRMAN VAN DINE: Remember. We have a three-minute limit on -

1 MR. DUFFY: Three minutes. Yes, sir. I'll be brief. This proposed amendment to
2 the Land Development Code adds back many of the wholesale trade uses now
3 prohibited in GC zones, but adds special requirements, which, unfortunately, will offset
4 much of the potential benefits. Number one, by imposing size limits which are unfair
5 and inequitable to larger property owners and are inconsistent with the treatment of
6 other, currently permitted, wholesale uses and the 12,000 square foot warehouse use
7 that we were just talking about a minute ago. Number two, by compelling excessive
8 new requirements for lighting, parking, drives, and landscaping, which are not required
9 for other currently permitted wholesale, industrial, or retail uses. For example, a
10 wholesale drug operation is not a whole lot different than a retail drug operation, as we
11 were just discussing. The same kind of incidents could occur to a retail drug store.
12 These items are already extensively addressed in 33 pages of regulations regarding
13 operations of businesses in the Code, pages 238 to 271. And they will not likely be met
14 by existing properties, which, effectively, continues the prohibition against wholesale
15 trade uses in GC zones. If this resolution is implemented as proposed, the result will be
16 a continuation of the continued impairment of business and property values and
17 locations for job growth. I urge you to change this amendment to reflect the size limit
18 and apply it on a per use, per business, per establishment basis as it was in the original
19 zoning ordinance, which is consistent with the Code's current 12,000 square foot limit
20 on warehousing and without onerous new requirements on lighting, parking, drives, or
21 landscaping. Thank you.

22 CHAIRMAN VAN DINE: Thank you. Mr. Nix.

1 **TESTIMONY OF MARK NIX:**

2 MR. NIX: Thank you. My name is Mark Nix. I'm the Executive Director of the
3 South Carolina Landowners' Association, 1419 Pendleton Street, 29201. I agree with
4 Mr. Duffy. Actually, Mr. Duffy's one of our experts, especially in this field, that I go to, at
5 least have the issues for not only for Richland County but for the entire state. I just want
6 to thank Staff for moving forward with this – with these changes. I applaud them for
7 that. I agree with Mr. Duffy, also, the idea of the lot sizes are almost egregious to the
8 point, depending on the property owner. Many of the same issues we brought before,
9 like the paint, varnishing, and the drugs, are actually ramifications with DHEC, too.
10 DHEC regulates many of the uses of those, also, and where they can be, where they
11 can't be put, too. So the idea of fires and such have been dictated by DHEC what can
12 be used from those issues. So I hope that you'll look at Mr. Duffy's recommendations
13 and take them under consideration. Thank you.

14 CHAIRMAN VAN DINE: Thank you. Any other comments?

15 MS. ALMEDIA: I would just like to clarify that the 8,000 square foot limit is per
16 parcel and that has been looked at by the Zoning Administrator. And he has deemed
17 that per parcel. So that is not new.

18 CHAIRMAN VAN DINE: Any questions or comments by the Planning
19 Commission? Mr. Criss, did you have anything you wanted to add?

20 MR. CRISS: No, sir. Not at this time.

21 CHAIRMAN VAN DINE: I guess the first thing I need to say is that, as far as
22 existing parcel owners, they are grandfathered in to whatever is allowed at the present
23 time, regardless of what happens. This application would only apply – or these

1 regulations would only apply to future uses or future established items. I have some
2 concerns with not understanding, perhaps, well enough the specific classifications or
3 names that have been listed on this document as to whether or not I'm comfortable with
4 it to say "Drugs and Druggist Sundries" being acceptable under the requirements or
5 whether those requirements need to change, either less or more. "Paints and
6 Varnishes" we've talking a lot about. "Machinery and Equipment Supplies", I mean,
7 these are all wholesaling activities. These are not retail activities. These are the
8 bringing in of bulk items into an area for distribution out as individual pieces. So I'm
9 struggling with the idea of going back to the original as to whether or not we even ought
10 to be allowing them in the Commercial district to begin with. I understand the concerns
11 that have been raised by existing property owners. I understand the concerns that have
12 been raised by people who want to develop certain areas. I just – I don't feel
13 comfortable with allowing wholesale trades, even on the limited, small size, per parcel
14 basis in areas that would be in close proximity to residential or other. I think they ought
15 to be – the wholesaling activities ought to be in the M1, LI, HI areas as they have been
16 all along. But, I guess –

17 MR. JACKSON: I concur.

18 CHAIRMAN VAN DINE: - I'm certainly to hear whatever anybody else has to say
19 about that particular issue.

20 MR. JACKSON: Yeah, with wholesale I'm concerned about noise pollution. It
21 depends on the hours of operation, receiving goods. I know especially by the airport,
22 that area, a lot of business that operates at night with large trucks between, I think, like
23 10:00 and 6:00 a.m., that's when most of the shipping, the unloading, loading takes

1 places. These similar things are allowed in some neighborhoods or some areas, I'm
2 concerned about the truck traffic, the noise during the hours of operation. Usually they
3 operate different hours. So there's some concern about noise pollution.

4 MR. MANNING: Mr. Chairman, I'm a little bit confused about how we got here, as
5 well. I think Mr. Duffy was caught kind of in between the change in the –

6 MS. ALMEIDA: Right. Mr. Duffy is a property owner who owned some property
7 designated as C-3 and has a very unique business.

8 MR. MANNING: And his business would be a retail/wholesale commercial
9 establishment that has smaller offices that carry on what Staff would consider as
10 wholesale trade –

11 MR. DUFFY: Right.

12 MR. MANNING: - in a commercial district. And, basically, you're being not
13 grandfathered in.

14 MR. DUFFY: Right.

15 MS. ALMEIDA: Well, the existing –

16 MS. WYATT: His existing property was –

17 MS. ALMEIDA: Right. His existing property.

18 MR. DUFFY: It is not. I've been told by Staff that my existing properties are not
19 grandfathered in. If we have a new wholesale use in an existing property that's zoned
20 GC and they have to go get a business license, they will be denied if they're not on this
21 list. So we are being denied the use. Although we have the properties grandfathered
22 in, but the uses are not.

1 MS. ALMEIDA: His new tenants, because he has a high turnover, were – well
2 hopefully now, but -

3 MR. MANNING: What's the average size of a space?

4 MR. DUFFY: A typical unit is 1,600 to 2,000 square feet. And, you know, by
5 limiting the size, whether it's 6,000, 8,000, or 12,000 square feet, we eliminate the
6 potential for large-volume trucks coming in and out. Our typical tenant may receive one
7 truck a week and they ship it out in smaller deliveries. I mean, that's what a wholesaler
8 does. I mean, they're not going to ship the same thing out that comes in. They break it
9 down in smaller packages.

10 MR. MANNING: Is there a retail trade also going on?

11 MR. DUFFY: There's retail trade going on and service companies. I mean, a lot
12 of small trucks coming in and out but not that much in the way of large deliveries coming
13 in.

14 CHAIRMAN VAN DINE: I hate to sound harsh, but we cannot fall into the trap of
15 trying to make a Code, which is county-wide, fit one specific individual's issues. I
16 understand what Mr. Duffy is saying. And I would like to try to see if there's a way we
17 can find a solution for that. But I don't think the solution is opening the Code for these
18 areas to larger and more expansive uses and sizes than what we had talked about
19 originally when the Code went into effect. So, on the one hand, we as a Planning
20 Commission have the responsibility to look to the county and what is the best interest
21 for the county. And while individual citizens that live in the county certainly have impact
22 upon what we do, I think we have to look beyond that. So, I think what we have to do at

1 some point in time is figure out how we can make your issue work without impacting the
2 entire county or the Code that we have – we worked hard on putting into place.

3 MR. DUFFY: Yes, sir.

4 CHAIRMAN VAN DINE: And that's – to the extent that we can do something
5 along those lines, I think we would be better served than opening up all of these
6 individual uses to allow it to perpetuate and to expand beyond where we are right now,
7 which was to try and isolate issues in certain areas.

8 MR. JACKSON: A special exception.

9 MR. DUFFY: Sir?

10 CHAIRMAN VAN DINE: Hold on for a minute, please.

11 MR. DUFFY: Okay.

12 CHAIRMAN VAN DINE: Yes, ma'am.

13 MS. LINDER: One possible way of addressing that would be to amend the Code
14 to allow use variances. And then the uses that would be prohibited, the applicant could
15 come in and request a variance to that use. We'd have to amend the Code, but I do
16 believe state law allows that if we address it in our ordinance. The applicant would then
17 go to the Board of Zoning Appeals to request a variance on the use. Use variances are
18 not normally allowed. We'd have to specifically address that. And I'd still want to go
19 back to review the state law to make sure nothing's been changed since the last time I
20 looked at it. So I guess what I'm saying is if you would like to defer this ordinance
21 instead of sending it down to the Zoning Public Hearing it would give Staff more
22 opportunity to look at options, based on what you're discussing here, today.

23 CHAIRMAN VAN DINE: Mr. Duffy, one last time.

1 MR. DUFFY: Sure. Although I'm the face that you see here at every meeting and
2 the one you receive e-mails from, there are a lot of other people in individual businesses
3 that are in the same condition. I'm not just the only person. Mark can give you a list.
4 And I'll give you a few names. There's Dutch Fork Business Park. Sam Thomas has a
5 office-warehouse-flex space development up in Ballentine which is affected. There are
6 people adjacent to my properties. There's an office supply, commercial office furniture
7 company. There's a plumbing distributor down the street from the Business Park of St.
8 Andrews. There's another one across from our property on Alpine Road. All these
9 companies are wholesale distributors as defined in this ordinance. And the individual
10 companies, they hope to grow their companies and eventually sell them. Well, when
11 that new entity comes in to buy a business license they'll be denied if they're not
12 permitted under this Code. And when my tenants move out that I have that are
13 grandfathered in and we want to bring in a new wholesale use or want to bring in a new
14 wholesale use to a currently vacant unit, it will be denied if it's not allowed under this
15 ordinance. So it's not – unfortunately, people tend to let the person most directly
16 affected do their speaking for them, but there are a number of people involved, affected
17 by this.

18 MR. MANNING: Mr. Duffy, where would these people go if they came to you and
19 tried to lease space and they were denied that ability?

20 MR. DUFFY: Well, they'd have to find something in an industrial area, which
21 most likely would be down on Bluff Road or somewhere like that.

22 MR. MANNING: Mr. Chairman, I thought the process that we were working with
23 over the last couple of months was to, in fact, try to find some uses that we felt like

1 would fit in to the GC district that would be acceptable to the GC district. It's unfortunate
2 that Gene's not here again today, because he's the person that's most familiar with that
3 end of it. But, you know, maybe some of these are uses that should be prohibited. I
4 don't have the ability to answer that right this second, but I was hoping that we were
5 going to find uses that would be compatible so that Mr. Duffy or other flex-space owners
6 could move forward with -

7 MR. DUFFY: I don't have any problem with the proposed, conditional, permitted
8 uses. I mean, it could be more but I don't have a problem with it. I think if you limit the
9 size you're limiting the potential for noise, heavy truck activity, so on and so forth. It's
10 proposed at 8,000. I feel like it should be based on a per business basis because there
11 are 30,000 square foot buildings out there and there are 10,000 square foot buildings.
12 There's a five acre tract that I own and there's one-acre tracts that are out there. And,
13 you know, to have the same limitation regardless of the size is not fair. It's not fair to
14 the larger property owners. And to have greater restrictions on a wholesaler that is – a
15 proposed permission like electronic goods – to have restrictions on him but not have
16 restrictions on already existing permitted uses like hardware is also not fair. They're
17 both wholesalers. They're going to have the same size trucks, same hours of operation.

18 MS. ALMEIDA: One of the reasons Staff wanted the per parcel limit is to kind of
19 keep that wholesale in control, especially being, existing sites that we've seen they do
20 have some nuisances against residential districts. About the existing buildings now and
21 being grandfathered in, obviously they're limited on what they can do as far as
22 upgrading their site. And it would be unfair to have them go in and have to upgrade
23 their site, putting in landscaping and other things like that. But we're trying to limit the

1 square footage per parcel to at least mediate that nuisance. Because if it's per
2 business, I mean, you might as well be in a light industrial area. It can get out of control

3 MR. MANNING: So what you're saying is that if Mr. Duffy had a 12,000 square
4 foot building only 8,000 of it could be used for wholesale trade?

5 MS. ALMEIDA: On his existing sites everything has been grandfathered in
6 beyond 12,000 square feet. Everything he's had out there.

7 MR. DUFFY: The buildings but not the uses.

8 MR. CRISS: That's correct.

9 MS. ALMEIDA: Right.

10 MR. MANNING: So it's the substance of a form. I mean –

11 MR. DUFFY: We're still prohibited from leasing the wholesale trade uses for new
12 tenants.

13 MS. ALMEIDA: For new tenants.

14 MR. DUFFY: And owners of wholesale businesses are prevented from selling
15 their properties.

16 CHAIRMAN VAN DINE: I guess here is my dilemma. I don't want this to take off
17 and become a problem. If we change the Code to say these things come in, even
18 under special requirements, anything new that is built is allowed to be doing what is
19 here, which means we're expanding what we determined was a problem back when.
20 To the extent that we need to deal with the existing buildings and/or uses to make sure
21 that we are not imposing unreasonable restrictions on them, that's where we ought to
22 be focusing, not on a wholesale change of this which will impact everything from here
23 on out in the future. So, I personally, cannot support this to add the special

1 requirements, forgetting for now the actual special requirements, because I don't want
2 to increase the problems that we have or we can have in the future. But, at the same
3 time, we need to figure out some way in order to work on the use issue of existing
4 buildings, because, in that regard, Mr. Duffy's absolutely correct, if you have a present
5 building that the use is going to change and you can't make a use except that exact
6 same use, not everybody is going to shift business for business and in the same areas.
7 So we need to be focusing on that particular aspect. But I don't want to do the entire
8 wholesale change (no pun intended) to this Code in order to exacerbate a problem that I
9 think exists presently. We have exacerbated so many problems already through
10 subdivisions and all the other things that we add into places that don't have adequate
11 road systems. And I don't want to take a new step into a new area of doing that. Yes,
12 ma'am.

13 MS. WYATT: May I? At least for myself, Mr. Chair, when I started into rewriting
14 the Land Development Code of Richland County, one of the things that stayed foremost
15 in my mind was making Richland County a place that was great to live, great to work. It
16 was a place that, because we were a great place to live and to work, we could develop
17 our county economically. We come in here and we start making these changes, two
18 things that I can tell you, as a homeowner, I would not want in my neighborhood we've
19 changed it. I am like you. I kind of agree with some things Mr. Duffy has to say. What I
20 would personally like to see us do, because I truly think sometimes that we have too
21 much government but then, again, we don't have enough, I would support Ms. Linder's
22 looking into a variance. And at least having the Zoning Board of Appeals look at this
23 variance and giving an opportunity to the homeowners to come out and see what's

1 going to happen and speak on it. That I could support. As this is written right now, I
2 couldn't.

3 CHAIRMAN VAN DINE: Yes, ma'am.

4 MS. ALMEIDA: We did find in the Land Development Code on page 329 non-
5 conforming uses. If Mr. Duffy so had a tenant that was non-conforming, he could go to
6 the Board of Zoning Appeals to request leniency in order to have that use.

7 MR. DUFFY: By that time they'd go to another county, somewhere else.

8 CHAIRMAN VAN DINE: Alright.

9 MS. WYATT: And that would be under non-conforming use?

10 MS. ALMEIDA: That's correct.

11 MS. WYATT: Mr. Duffy, you know, has a tenant right now that moves out. It
12 becomes a non-conforming use. In order for me to do a wholesale business I would
13 have to go to the Zoning Board of Appeals and ask for, basically, a variance.

14 MS. ALMEIDA: That's correct.

15 MR. JACKSON: I thought that's why we had it.

16 MS. ALMEIDA: Unless the land use was in the building previously.

17 MS. WYATT: Then why are we even bothering with this?

18 MS. ALMEIDA: And that's basically, I mean, a use variance, what Ms. Linder was
19 talking about.

20 MS. WYATT: Then what's the point in looking at this? If it's a non-conforming –

21 MS. ALMEIDA: Because –

22 MS. WYATT: We're giving Mr. Duffy the chance.

1 MR. DUFFY: The process will drive away prospective tenants. They will not want
2 to face the hassle of going through this - the weeks involved in it. I've been working on
3 this thing since last November trying to get this changed. I mean, a zoning change
4 takes what? A couple of months.

5 MS. ALMEIDA: About 30 days.

6 MR. DUFFY: Yeah. So, I mean, these people come in on a Friday. They want to
7 move in on Monday. They want to start their business. Start hiring employees, hooking
8 up phones. The Board of Zoning Appeals would be - is just not a viable option.

9 MR. MANNING: Well, I hate to see Mr. Duffy in a situation where every time you
10 lose a tenant we're dealing with a non-conforming use. There's got to be a solution to it
11 that would not be onerous on, you know, an applicant every time he loses a - either we
12 got to, I think, either find the uses that make sense or figure out a way to grandfather his
13 uses into what they're doing. I feel like if you keep them small -

14 MS. WYATT: Why do we have to do that for someone, Mr. Manning? That just -

15 MR. MANNING: Well, he's allowed to do something now that he's being told he
16 can't do in the future through no fault of his own.

17 MS. WYATT: But we changed things for everyone in this Code, even you as a
18 developer. It had changes that you could have done in June that you can't do now.

19 MR. MANNING: I understand that. But I'll have to do things differently in the
20 future if that is the case. He's got a building that's laid out and designed just for this
21 type of use. What is he going to do?

22 MR. DUFFY: If we could have a 12,000 -

1 CHAIRMAN VAN DINE: Hold on, please. Ms. Linder, is there any reason why
2 we could not make the quote “non-conforming” portion of this statute include the uses
3 that were in existence at the time the building was established.

4 MS. ALMEIDA: Well, that’s what Mr. Criss was saying. All the uses that Mr.
5 Duffy has in his structure now, okay?

6 CHAIRMAN VAN DINE: I’m not talking about – I’m talking about –

7 MS. WYATT: Let her finish.

8 CHAIRMAN VAN DINE: But I know where she’s going. So I’ll try and narrow it
9 down. If, in fact, everything he has in there is non-conforming now, if somebody moves
10 out he wants to put another use in that spot –

11 MS. ALMEIDA: Right. If it’s the same –

12 CHAIRMAN VAN DINE: - that was included in the list prior to June 30th of this
13 year, is there any reason why we cannot grandfather the parcel with the list of uses that
14 were existing prior as opposed to making a modification for future things down the
15 road?

16 MS. ALMEIDA: Well correct me if I’m wrong, Mr. Duffy, you’re also concerned
17 with other parcels that you’re developing.

18 MS. WYATT: He wanted to rezone on Alpine Road.

19 MR. DUFFY: That’s true. And, you know, I really –

20 CHAIRMAN VAN DINE: And that particular aspect of it I frankly don’t really care
21 about, because that’s a future activity that I’m trying to stop. I’m trying to solve a
22 problem relating to properties that presently exist and we are now having difficulty with.
23 So I don’t really, frankly and in no disrespect, care about things that are coming in the

1 future. They need to apply the Code as it exists now the same as everybody else does
2 to everything else that's in that Code. So it's the existing uses that I have some concern
3 with and some problems with that we are actually impacting existing buildings and
4 existing operations by that. And I'm trying to find a solution to that aspect of it.

5 MR. DUFFY: Sir, I understand the concern about –

6 CHAIRMAN VAN DINE: Mr. Duffy, I've been really, really patient up here.

7 MR. DUFFY: I'm sorry. Okay.

8 CHAIRMAN VAN DINE: We have a three minute time for you to speak. And the
9 fact that we are having a debate amongst us does not engender the opportunity for you
10 to engage in that debate along with us.

11 MR. DUFFY: Yes, sir.

12 CHAIRMAN VAN DINE: If certain questions are asked, that's fine. But, if we
13 could, until you are called on, with all due respect, could you please sit down?

14 MR. DUFFY: Yes, sir.

15 CHAIRMAN VAN DINE: Thank you.

16 MR. CRISS: Mr. Chair, if I may. At the Zoning Administrator's determination, not
17 only would the existing non-conforming land uses in Mr. Duffy's existing facilities be
18 grandfathered in but all of the previous tenants, which he can verify had tenancy.

19 CHAIRMAN VAN DINE: But does that take into account – and I hate to go back
20 to it – does it take into account – let's assume for a minute some of these warehousing
21 he'd never had in the building.

22 MR. CRISS: Right. A new wholesale trade land use going into the existing
23 facility would be problematic.

1 CHAIRMAN VAN DINE: That would have been allowed prior to July 1 of this
2 year. To the extent that we can solve the problem by allowing the grandfathering to
3 really be what I consider grandfathering, which is you get to do what you could have
4 done beforehand.

5 MS. ALMEIDA: In those existing buildings.

6 CHAIRMAN VAN DINE: In those existing buildings. That, to me, is a solution to
7 all of the existing grandfathering issues.

8 MR. CRISS: We have apples and oranges between the old Code and new Code.
9 The old Code was unrestrictive in the nature of the wholesale trade land use that was
10 allowed, wide open. It was restrictive in the square footage. New Code takes the
11 opposite approach. It's restrictive in the land uses, the types of wholesale trade that
12 you can have in a General Commercial zoning district, but it's permissive in terms of the
13 square footage. The text amendment pending before you is a compromise on both
14 aspects.

15 CHAIRMAN VAN DINE: But actually – well – to me it seems like it creates - now
16 we create more problems on both [inaudible] with a compromise.

17 MR. CRISS: Yeah. Potential to make it worse. Perhaps we could ask Geo Price,
18 as Zoning Administrator, how he would treat a new, wholesale trade land use going in to
19 Mr. Duffy's existing facility in the General Commercial zoning district, a land use which
20 had not previously occupied that building or structure.

21 MR. GEO PRICE: Without having the previous zoning ordinance before me, I
22 think I'm kind of in agreement with you, Mr. Van Dine, if I'm going along with what you
23 were saying. I would look at, just treat what is existing, just grandfather those uses that

1 are there are limited to 8,000 square feet. That's what was allowed there before. It
2 would be pretty much open to the uses except for what was previously prohibited. So I
3 don't think that, you know, using the matrix we have here, what the different uses of
4 what's allowed/what's not allowed would necessarily apply for what is existing. He
5 would continue to use it. Just couldn't exceed the square footage.

6 MR. CRISS: So 8,000 square feet of the total building could be wholesale
7 [inaudible]?

8 MR. PRICE: Yeah. I mean he's there. He's there. I don't think the uses are
9 really limited there presently.

10 CHAIRMAN VAN DINE: So in other words, if he came forward with a use that
11 had not been in the building before, as long as it was in the matrix of the list from the
12 prior Code he would be allowed to do that.

13 MR. PRICE: I'll feel comfortable with that, especially with the - you know. In his,
14 since we're specifically talking about Mr. Duffy's uses, especially seeing the buildings
15 he's had, I would feel very comfortable using that.

16 MS. WYATT: I guess the only problem I've got with that, Geo, and - let me think
17 how I want to say this. That's your interpretation. If you leave us tomorrow and we
18 have a new Zoning Administrator, which we have run into, believe me, Mr. Hicks didn't
19 always see things the way Michael saw them or Carl saw them or I even saw them.
20 What's going to happen when that next Zoning Administrator comes in and they don't
21 see it the same way? I mean, that would be my concern.

22 MR. PRICE: Well, I mean, that can be the concern for the entire Code, now. I
23 mean it leaves it up for some interpretations in certain areas. So regardless of, not just

1 this particular section, but all sections of the Code. And Michael did point out that it is
2 appealable to the Board of Zoning Appeals, the decision of any Zoning Administrator.

3 MR. MANNING: Would a memorandum to the applicant be in order? Or a
4 position -

5 CHAIRMAN VAN DINE: I would think that – I don't think we want to direct it
6 directly to Mr. Duffy. But, perhaps, some kind of a memorandum from the Zoning
7 Administrator to the Planning Commission as to your interpretation would be something
8 that would be – I would think it would carry weight in the future to avoid Ms. Wyatt's
9 concern.

10 MR. MANNING: Mr. Chairman, going back to the idea of creating uses – and I
11 understand your concern for [inaudible] establishments – I'm wondering now are any of
12 these uses that we've got added to the wholesale trade already uses that Mr. Price
13 would consider available as grandfathered?

14 MS. WYATT: Mr. Price, have you had an opportunity to study this?

15 MR. PRICE: No. Not that much. I can look at it. I mean, it's pretty simple.

16 MS. WYATT: Why don't we just defer this until next month? I'd like to [inaudible]
17 a little bit of study some of the uses from the old Code to the new Code myself. Let Mr.
18 Price have an opportunity to take a look at it, come back and make a presentation to us.

19 CHAIRMAN VAN DINE: I'd also like to add some kind of an explanation of what
20 the specific uses are because –

21 MS. ALMEIDA: We will provide you with those.

22 MS. WYATT: Paint and varnish.

1 CHAIRMAN VAN DINE: - I mean there may be, excuse me, there may be things
2 in here that I can agree with would not create some of the concerns that I'm seeing out
3 there.

4 MS. ALMEIDA: We'll provide a copy.

5 MS. WYATT: I don't have my code with me. Do we have a definition for "Paint
6 and Varnish"?

7 MS. ALMEIDA: It's in the NAICS code. It's not part of the –

8 CHAIRMAN VAN DINE: Which is adopted as part of this Code.

9 MS. WYATT: Right. Right.

10 CHAIRMAN VAN DINE: It's not actually –

11 MS. ALMEIDA: I can provide you a copy of that.

12 MS. WYATT: Do we have a copy of that? We were never given that, were we?

13 MS. ALMEIDA: I don't know. Could be. We'll provide you a hard copy.

14 CHAIRMAN VAN DINE: I mean, does anybody object to deferring it? And,
15 frankly, Mr. Green does have more information concerning this. And, unfortunately, he
16 could not be here because of some family problems. It would seem that, in light of the
17 conversation we've had today, the issues that we've talked about, and the fact that he's
18 not present to perhaps counter some of the discussions we've had, that it would be
19 probably in the best interest before we take a step forward with this to go forward and
20 put it on our next agenda and obtain the information that we've requested. Does
21 anybody have a problem doing that?

1 MS. WYATT: And I'd like to go one step further to – I'm going to call what I said a
2 few minutes ago a motion – to having Mr. Price take a look at it and give us his opinion
3 also as the Zoning Administrator.

4 CHAIRMAN VAN DINE: Alright.

5 MR. MANNING: At the same time, I would like for legal to possibly provide to the
6 Chairman a memorandum outlining the policy that Staff may take in the future if we go
7 in that direction.

8 MS. WYATT: I think before that happens Mr. Price would be the person that
9 would have to issue that memorandum.

10 MR. MANNING: Well, that's true.

11 MS. WYATT: He needs to see that this is - so I think you're putting it one step
12 ahead.

13 CHAIRMAN VAN DINE: And I'm not quite sure what the purpose of having legal
14 review the Administrator's –

15 MR. MANNING: Well, maybe not legal, then having the Staff provide a policy
16 memorandum dealing with the issue of grandfathering certain uses.

17 MS. WYATT: Maybe if Mr. Price is agreeable with this. Mr. Price, what you could
18 possibly do is do that memorandum to bring back to us next month, if you support
19 what's in this language. How about that?

20 MR. PRICE: Okay.

21 CHAIRMAN VAN DINE: Or, frankly, if you would prefer to see some other
22 approach taken than what is requested here.

23 MR. PRICE: Okay.

1 CHAIRMAN VAN DINE: Alright. Was that a form of a motion?

2 MS. WYATT: That was.

3 CHAIRMAN VAN DINE: Alright. We have another convoluted motion which I will
4 try and restate to the best of my ability.

5 MS. WYATT: We don't have a second.

6 CHAIRMAN VAN DINE: I'm going to try and restate it so we can find out if we
7 have a second.

8 MS. WYATT: Oh! Okay.

9 CHAIRMAN VAN DINE: The motion would be to defer until our October meeting
10 the discussion on the Wholesale Trade changes to the code. And, at the same time, to
11 ask the Zoning Administrator to provide us with a memorandum of his position regarding
12 the existing uses and existing structure issue and to also provide us with information
13 concerning the use codes and the use definitions. And I think that's all that was part of
14 it.

15 MS. LUCIUS: I'd like to second, Mr. Chair.

16 CHAIRMAN VAN DINE: Alright. Any further discussion? All those in favor of the
17 motion please signify by raising your hand.

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

20 CHAIRMAN VAN DINE: We will take this up at our October meeting and
21 hopefully we can have a resolution at that time. Alright. Next is our Definition of Major
22 Subdivisions. It'll be found on page 75 of your -

1 MS. LINDER: Mr. Chairman, this ordinance is a clarification ordinance. I believe,
2 when you define subdivisions “major” and “minor” the intent was to not classify – not to
3 include new roads as part of the requirements, necessarily, for a “major” subdivision.
4 So it’s just clarification that a public purpose does not mean new roads.

5 CHAIRMAN VAN DINE: Alright. So, if I’m understanding, we’re eliminating,
6 under “Major Subdivision” the “dedication of land to the county for open space or other
7 public purposes” as being a requirement?

8 MS. LINDER: That’s because the very first sentence takes care of the second
9 sentence and it’s redundant.

10 CHAIRMAN VAN DINE: Alright.

11 MS. LINDER: In subdivision “minor”, we’re saying that it does not – it consists of
12 less than 50 lots. It does not involve the dedication of land to the county for open space
13 or other public purposes, but we don’t mean new roads for public purposes. Because in
14 the Record I believe we – there was –

15 MS. ALMEIDA: Included roads.

16 MS. LINDER: We had included roads and there was discussion about eliminating
17 that.

18 MS. ALMEIDA: Right.

19 MS. LINDER: And the public purpose, I believe, it was not our intent to include
20 new roads in that.

21 MS. ALMEIDA: There had been discussion in several of the workshops. And
22 then it was – Mr. Criss did find documentation that stated that roads would not be
23 included in that definition. And, inadvertently, it was included in the final draft. So when

1 we were getting – as of July when we were getting a subdivision for 48 lots, which is a
2 minor subdivision, if they showed a new road that would trigger it to be a major. And
3 that was brought to our attention and Staff did review it and researched it and did find
4 that there was documentation that stated that, even though you have 49 lots or 48 lots
5 with a new road, it is still considered a minor subdivision.

6 MS. WYATT: What is the current, and I mean, like as of yesterday, Public Works
7 guidelines for dedication of the roads, how long a developer's got to guarantee those,
8 how much of a bond they've got to put up for that guarantee?

9 MS. ALMEIDA: I believe that's still under discussion with Administration and Mr.
10 Criss Eversman. Is it not?

11 MR. CRISS: If I may, Mr. Chair and Commissioners, these topics are currently
12 being debated. But the current Public Works requirements are for, I believe, a 125%
13 bond amount on unconstructed infrastructure. After a road is accepted into the Public
14 Works County Maintenance System there's a road warranty that's sometimes referred
15 to as a bond as well, but it's a performance bond. It's a road warranty. And, let's see,
16 where are we? I've heard so many versions. Three years –

17 MS. LINDER: No. The County Council's moving it to two years.

18 MS. ALMEIDA: Two years.

19 MR. CRISS: And Council's considering reducing that.

20 MR. JACKSON: You say the road warranty. I mean, for how long the road can
21 physically –

22 MR. CRISS: For failures –

23 MR. JACKSON: For failure?

1 MR. CRISS: - in the construction of the road itself –

2 MR. JACKSON: Only two years.

3 MR. CRISS: - or the associated storm drainage.

4 MS. LINDER: That's a Chapter 21 amendment, which is why you have not seen
5 it. It would amend the bond requirement to a two-year bond and 40%, a warranty period
6 for two years and a 40% bond.

7 MS. WYATT: Would that be coming to us?

8 MS. LINDER: It will not be coming to you. It's going to Council for either 1st or 2nd
9 reading. I'm not sure.

10 CHAIRMAN VAN DINE: Two years from when?

11 MR. CRISS: From the final plat, I would presume, the point at which the county
12 accepts the road and associated storm drainage into the County Maintenance System.

13 MR. MANNING: Once the deeds are delivered.

14 CHAIRMAN VAN DINE: So –

15 MR. MANNING: I think once the deeds are delivered for the roads.

16 CHAIRMAN VAN DINE: So if it takes –

17 MS. WYATT: It starts at that moment that it's recorded for two years.

18 CHAIRMAN VAN DINE: If it takes three years for them to build out before
19 dedicating the road, then it's really a five-year –

20 MR. MANNING: Right.

21 CHAIRMAN VAN DINE: - type thing. Okay. So it's not two years from the time
22 of construction.

23 MR. MANNING: Huh-uh (negative).

1 CHAIRMAN VAN DINE: Okay. As to the ordinance before us, the language may
2 not be as clear as, perhaps, we want it. And I'm wondering if we ought to add the words
3 "You have provided, however, such public purpose should not included new roads."
4 You might want to say, "... should not include the dedication of new roads." Because I
5 would think that every subdivision would include new roads.

6 MR. JACKSON: Is that paved roads or dirt roads?

7 MS. WYATT: Especially since we're not allowing paved dirt.

8 MR. JACKSON: Because I remember the first time we got rid of the name "minor
9 subdivision" there's a lot of dirt road subdivisions considered minor subdivisions. And
10 that's why it was really taken out, the term "minor subdivision." People are building
11 minor subdivisions with unpaved roads.

12 MS. ALMEIDA: They can't.

13 MR. CRISS: I'm sorry. I didn't listen.

14 MR. JACKSON: I'm saying in the past the reason why "minor subdivision" was
15 taken out initially was because they were building minor subdivisions with unpaved
16 roads. They were dirt road subdivisions.

17 MR. CRISS: On existing, county-maintained, unpaved roads.

18 MR. JACKSON: Yeah.

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

20 MR. JACKSON: And that's why "minor subdivision" was actually taken out of the
21 Code.

22 MS. WYATT: I don't remember us taking out minor subdivisions in the new Code.

23 MR. FURGESS: Yeah, for dirt roads.

1 CHAIRMAN VAN DINE: Dirt-road subdivisions.

2 MS. WYATT: Right. Dirt roads, but not –

3 MR. JACKSON: Yeah. But the minor subdivision was – most of the minor
4 subdivisions were dirt roads. That’s what it was. And that’s why the whole big
5 discussion came about, was how it was defined.

6 CHAIRMAN VAN DINE: Well, I think what happened was dirt road subdivisions
7 were removed from the code replaced with the definition of “Minor Subdivision.” And
8 “Minor Subdivision” had certain requirements attached to it which raised the issue of
9 whether or not what was proceeding under the “Dirt Road” was something that really
10 should have been allowed to continue or should have been rolled into the “Minor
11 Subdivision.” So “Minor Subdivision” has always existed in the new Code. “Dirt Road
12 Subdivisions” have not.

13 MS. WYATT: Right.

14 CHAIRMAN VAN DINE: And that’s what was removed.

15 MS. WYATT: That’s what I thought.

16 MR. JACKSON: We didn’t have a “Dirt Road Subdivision.”

17 MR. CRISS: Planning Commission, of course, recommended to the County
18 Council at the beginning of 2004 in its draft Land Development Code that privately
19 maintained, unpaved-road subdivisions be discontinued. And that’s the way the Land
20 Development Code was adopted. And that matter is being revisited by the County
21 Council –

22 MS. WYATT: Ms. Scott.

23 MR. CRISS: - as we speak.

1 MS. LINDER: But that's pending 2nd reading next Tuesday to put it back in.

2 MR. CRISS: However, I believe –

3 MS. WYATT: Second reading for what, Ms. Linder?

4 MS. LINDER: Private driveway subdivision – private road subdivisions.

5 MS. WYATT: Unpaved private road.

6 MR. CRISS: To reestablish the privilege of a new, privately maintained, unpaved
7 road subdivision, such as you had in your older Code.

8 MR. JACKSON: That's why, also, in the past why I had made a request for
9 alternate surface treatment so that study could be included in what they're reviewing
10 now for the simple reason, even though it may be a private maintained dirt road
11 subdivision or something like that, emergency vehicles – right – in case we have fire,
12 things like that, and these vehicles cannot travel those dirt roads. That's why I called for
13 the study for the alternative surface treatment, which would be considered to be
14 included in those subdivisions.

15 MR. CRISS: And, indeed, if the privately maintained, unpaved road subdivision
16 privilege is restored to the Land Development Code and these emerging soil
17 stabilization techniques prove valuable and effective and affordable, I could imagine that
18 the private road subdivision standards might be revised in the future to require a more
19 durable unpaved road. But that's an issue that's still under study.

20 MR. JACKSON: Yeah. I understand. The main issue why it came up initially
21 was because of safety. And that's why we discussed it and decided that it was not safe
22 to have, even though it's privately maintained and it's a dirt road subdivision, it was not
23 safe. People died in the past because of that.

1 MS. WYATT: May I ask the question will that – I'm sorry. I want to - Council is
2 going to give 2nd reading next week? Is that what you just said? Somebody said.

3 MS. LINDER: Yes, this upcoming Tuesday. Next Tuesday.

4 MS. WYATT: To put unpaved roads back into the County. Will that come back to
5 us?

6 MS. LINDER: No, ma'am. Your recommendation was to deny it.

7 CHAIRMAN VAN DINE: And that recommendation was accepted as the adoption
8 of the new Code. This is an amendment to the new Code and, therefore, is an entirely
9 new process.

10 MS. LINDER: The amendment to the Code did come before you.

11 MR. CRISS: Subsequent to the adoption of the Land Development Code.

12 MS. ALMEIDA: And you denied it again.

13 MR. CRISS: And you voted 7-0 to maintain the new Land Development Code as
14 it exists today.

15 MS. LINDER: And it went to the Zoning Public Hearing. And there was a public
16 hearing I believe. And I think 1st reading was deferred. And it was deferred several
17 times after. And then, eventually, it got first reading.

18 MS. WYATT: And I'm sorry. County Council of Richland County, who asked us
19 to move forward and make this a better place to live and work, supports now going back
20 to unpaved roads in this county? Where's *The State* newspaper when you need them?

21 MR. CRISS: This privately maintained road subdivision issue, as complicated
22 and current as it is, is separate from the "minor" versus "major" subdivision definition on
23 your agenda.

1 MR. MANNING: Could I ask a question?

2 MR. FURGESS: This right here is for minor subdivision with paved road that we
3 have before us now? Not dirt roads?

4 MS. ALMEIDA: Right.

5 MR. FURGESS: So you're going to do one for paved roads and one for dirt
6 roads?

7 MS. ALMEIDA: Well, it can only have, what, seven lots?

8 MR. FURGESS: And the same thing will be with "major"?

9 MR. CRISS: The Staff recommendation on this topic of "Minor Subdivisions" was,
10 if you're going to have a new paved road and associated storm drainage to be built for
11 the project to serve the new lots and be accepted into the county maintenance system,
12 at taxpayers expense in perpetuity, that it required a more through review comparable
13 to the major projects. But, as I recall, it was Council, during their deliberations on the
14 Land Development Code that decided to ease that requirement and struck the reference
15 to dedication of new roads so that a 48 or 49 lot residential subdivision would not be
16 escalated or elevated into the higher category. But other language was left in the text,
17 inadvertently that causes confusion. And that's the amendment before you today, to
18 clarify.

19 MR. MANNING: Well, basically, the language that had the including new roads
20 would prohibit having a minor subdivision. And, so, by deleting that, you do have a
21 distinction between "major" and "minor." It's not changing anything in the specifications
22 dealing with the roads.

23 MR. CRISS: Right.

1 MR. MANNING: It's only how it's –

2 MR. CRISS: How it's reviewed.

3 MR. MANNING: - reviewed.

4 MS. WYATT: How it's reviewed.

5 MR. MANNING: I guess the only other question I've got, other than wanting to
6 add in dedication like the Chairman suggested, would be what is the definition of "open
7 space"? I mean, is that – would that be a detention pond? Well, you can't have a
8 street without a detention pond. So we've got the same issue there, then.

9 MS. ALMEIDA: Well, if you're going to dedicate that maintenance –

10 MR. MANNING: So what I'm saying is, if you've got a public street that the
11 county will own, the storm drain goes with it that's got a detention pond, typically. If the
12 detention pond's included in the language as far as open space, then we need to deal
13 with open space just like we are with roads.

14 MS. WYATT: Uh-hum (affirmative). I can see your point on that.

15 MS. LINDER: Open space is defined as "An area that is designed for
16 environmental, scenic, or recreational purposes."

17 MR. MANNING: So is there a separate definition in the Code for detention or
18 retention?

19 MS. LINDER: "Open space may include, but is not limited to, lawns, walkways,
20 active and passive recreation areas, playgrounds, swimming pools, wooded areas, and
21 water courses."

22 MS. WYATT: Water what?

1 MS. LINDER: Water courses. It's not including driveways, parking lots, or other
2 surfaces designed for vehicular travel.

3 MR. MANNING: I'd like to suggest that we change the language on open space
4 because I think 50 lot subdivisions should have it. I think that the criteria for open space
5 shouldn't be based on 50 lots. I think what we were looking at was the level of review
6 and the time it took between a major and a minor subdivision.

7 MR. JACKSON: I agree we have to revisit, in the near future, open space, also,
8 because I've seen some subdivision considered by the residents failed because they
9 have open space. But it's such a wooded area and it's so dangerous the kids have
10 nowhere to play. But it's open space. And, as the definition right there says, parks, it's
11 not necessarily have to be parks. It could be a wooded area. And I've seen a lot of
12 subdivisions now have wooded area, but no one can use it. And it's more an eyesore, a
13 dump site eventually, in the community.

14 CHAIRMAN VAN DINE: I guess the problem with not having some form of review
15 for the dedication, you know, as the list of open space seems to indicate would be that
16 Mr. Jackson's indicating that you might get somebody saying something's open space
17 and say, "Here county, here it is." And they next thing you know it's a disaster to try and
18 maintain or to keep up. And if we take the dedication of land to the county for open
19 space out of a minor subdivision or allow it occur in a minor subdivision under 50 lots,
20 then the question becomes what are we really getting in that area. I understand your
21 issue on the detention pond. That might actually be something that we can include in
22 the thing so it would be such that "such public purpose shall not include the dedication

1 of new roads or detention ponds.” Or something to that effect to take into count what is
2 encompassed by the road system and the drainage system.

3 MR. MANNING: I think that would work. You know, going back to open space for
4 a second. In most 50 lot subdivisions there’s not going to be a dedication of open
5 space to the county anyway.

6 CHAIRMAN VAN DINE: Right.

7 MR. MANNING: I mean, it would be owned by and association or a homeowners’
8 association. So that’s really not an issue.

9 CHAIRMAN VAN DINE: But I think the issue of the detention pond as part of the
10 drainage system probably needs to be incorporated into this definition, or into this
11 changed language.

12 MR. CRISS: If I may –

13 MS. WYATT: Well, let me - you know, we’re sitting here making – letting this
14 thing blow up. But, yet again at the same time, and I’ll use North Springs as a prime
15 example. Our lake is a retention pond but is owned by the homeowners’ association.
16 So should – I mean, should we add some kind of language “unless deeded to a
17 homeowners’ association”?

18 MR. JACKSON: Some subdivisions don’t have homeowners’ association.

19 MS. WYATT: Woodlake? Isn’t Woodlake a detention lake?

20 MR. MANNING: It is and I – and wetlands used to be, as well, used for detention.

21 MS. WYATT: Right. Right.

1 MR. MANNING: But, I think under the current ordinance with Public Works that
2 other forms of detention are going to have to be in place rather than just using lakes
3 now, or wetlands. I think that's all changing.

4 MS. WYATT: Time out just a minute. I think this is a prime example of the
5 breakdown between the Planning Commission and what else is going on. If Public
6 Works are setting some of these guidelines for detention ponds that we're not aware of,
7 then we're no longer - are you trying to tell me that - I want to make sure I'm
8 understanding you, Mr. Manning,

9 MR. MANNING: I have been -

10 MS. WYATT: - that Public Works is now saying that a developer cannot create a
11 lake for their subdivision because it's a retention pond?

12 MR. MANNING: No, I would say that they are going to ask the developer to
13 detain or retain water prior to letting it get into the lake. There'll be a sediment basin, a
14 silting pond, something possibly in place to catch that water -

15 MR. CRISS: Maybe a [inaudible].

16 MR. MANNING: - rather than directly into the lake.

17 MR. CRISS: Shallow depression to catch that first flush of sediment.

18 MR. MANNING: [Inaudible]. Let me -

19 MS. WYATT: Well, I would think that storm water would require that.

20 MR. MANNING: I'm not saying that is the law. I've been told that that is, in fact,
21 being suggested. I don't know if they're implementing that or not.

22 MR. JACKSON: Those are some engineering techniques to ensure -

1 MS. WYATT: Well, going back to what I just said, would the recommendation be,
2 if we're going to change that on the open space issue, we say, in reference to the
3 retention/detention ponds, "unless deeded to"?

4 CHAIRMAN VAN DINE: No, because if it's "deeded to" it's not given to the
5 county as open space.

6 MS. WYATT: Okay. Okay.

7 CHAIRMAN VAN DINE: If it's deeded to any homeowners' association the county
8 doesn't have anything to do with it.

9 MR. CRISS: The difference in the review between minor and major is that minor
10 goes to the Planning Department and is, basically, handled there unless there's some
11 kind of dispute, appeal. The major goes to the Planning Department and then one of
12 the twice monthly Development Review Team meetings that are interdepartmental. And
13 it is further reported to the Planning Commission after the fact. So you really only have
14 one additional review step that's taking place at least twice a month. And there wouldn't
15 be, in my opinion, significant additional delay.

16 CHAIRMAN VAN DINE: And, if I'm understanding correctly, from our perspective
17 up here as it sits right now, it doesn't make any difference because we don't hear or talk
18 about it at all. Correct?

19 MR. CRISS: Unless a decision of the Development Review Team is appealed by
20 an eligible party.

21 CHAIRMAN VAN DINE: So from our perspective up here it doesn't make any
22 difference. It's a matter of what the steps are internal to the Department as to how they
23 handle each particular issue.

1 MR. CRISS: And the reason the Staff recommended that 48-49 lot subdivisions
2 be considered major, if they have new roads, is because you're making a significant
3 commitment of county resources and taxpayer funds in the future for maintenance and
4 that the interdepartmental Development Review Team ought to bring all of its expertise
5 to bear on the project as though it were more than 50 lots.

6 MR. JACKSON: Isn't the County Council's suggestion now that the bonding for
7 the roads it says two years and they're going to make it less? How much is it –

8 MR. CRISS: The road warranty after completion, Mr. Jackson?

9 MR. JACKSON: Yeah.

10 MS. ALMEIDA: Two years and 40%

11 MS. LINDER: It's going to go from three years to two years.

12 MR. JACKSON: So it's less now. They're going to make it less.

13 MS. LINDER: That's correct.

14 MR. JACKSON: So I can – I feel a concern of trying to, I mean, put in more roads
15 into the system. With the CTC, the County Transportation Committee, they have
16 problems with subdivisions now and in the past that the roads fail so soon that the funds
17 that's used to pave roads in the county is depleted because it's been failing. And now
18 I'm hearing that County Council even trying to lessen the time for the bond. So what
19 are we improving?

20 MS. WYATT: What's the current bond amount?

21 MS. ALMEIDA: 125%.

22 MR. CRISS: For incomplete infrastructure.

23 MR. MANNING: Not under warranty.

1 MS. WYATT: Not warranting the roads.

2 MR. CRISS: After the road is completed, accepted by the county, then a three
3 year bond at 100%.

4 MR. MANNING: 100%.

5 MR. CRISS: And the development community is saying, "Well look! We're not
6 going to have 100% failure on the entire road and storm drainage system. It's going to
7 fail in parts, pieces. So why not lower the amount?" Public Works agreed with that
8 position but they wanted to up the length of time under which the road would be
9 warrantied. They wanted to go to, maybe, five years. Four or five years.

10 MS. LINDER: The Public Works Department recommended four years.

11 MR. CRISS: Thank you.

12 MR. MANNING: What was happening, though, as a lot of the roads that were
13 coming up for warranty couldn't get bonding. The insurance companies wouldn't go out
14 that far with that amount. And so capacity became a problem but just writing the policy
15 became a problem. And the only alternative to that was cash or security. And,
16 obviously, that got pretty expensive.

17 MS. WYATT: And I can see that if I, as a developer, had to go to Bank of
18 America and say, "I need to," – and I'm basing this on the information from Public Works
19 as to the cost of roads and creating them. If I, as a developer, had to go out and ask
20 Bank of America to give me a million dollar loan to guarantee roads for three, four, or
21 five years, I can guarantee you I'm going to be out of business in a year because
22 nobody else is going to turn around with a debt like that and loan me any money to start

1 another subdivision. I mean, I see that as driving us out of business in Richland
2 County.

3 MR. JACKSON: Yeah. But at the same time –

4 MS. WYATT: For 100% guarantee or anything – I mean, really major guarantee.

5 MR. JACKSON: My main concern was just in the past a lot of these subdivisions
6 the roads failed within two years. And the money that's been used to pave roads in the
7 county was used for resurfacing. And I'm not sure why – I mean, they're built to some
8 code, yes, but I'm not sure why these roads are failing so quick.

9 MR. MANNING: Norman, I asked that question of Public Works, was there any
10 cases of total failure. And they couldn't give me any.

11 MR. JACKSON: I didn't say total failure. Right. But what I'm saying is the money
12 has been used. The gasoline tax that's supposed to pave other roads in the county is
13 being used for resurfacing in most subdivisions, not total failure, but a lot of these roads
14 have been failed.

15 MS. WYATT: But some of the C-funds are allowed to do that. A portion of them
16 have to go back into these roads.

17 MR. JACKSON: I understand. But what I'm saying is you have people living on
18 dirt roads for 30 years can't get their road paved. And these guys build a subdivision
19 and within two years money – they're getting resurfaced.

20 CHAIRMAN VAN DINE: More importantly, now we're going to add more dirt
21 roads in so those people are going to come back and do another 30 years.

22 MS. LUCIUS: We're going the wrong way!

1 MS. WYATT: We're going – Norm, you need to come and speak next Tuesday
2 night.

3 CHAIRMAN VAN DINE: I have two particular questions. Fifty-lot subdivisions.
4 Are we seeing a trend towards the quote "48" so they can get under the 50?

5 MS. ALMEIDA: Well, I think it's too early to tell, but no. We haven't really.

6 CHAIRMAN VAN DINE: Okay. The other is –

7 MR. CRISS: And if I may, Mr. Chair, your Land Development Code chains
8 phased subdivision projects together in a five year period so that, if a 50 lot threshold is
9 reached, you can't avoid it merely by dividing the project into smaller components.

10 CHAIRMAN VAN DINE: The other is that under the amount of the cost, it seems
11 to me that, in light of our present fuel and petroleum situations, the cost of paving is
12 going to go up even higher, which means we're going to have less money – well, we'll
13 have the same amount of money to pave less because it's going to cost us more. How
14 is that being factored in to the issue of the cost for bonds or other things of that nature
15 to make sure that we're not somehow getting sold "a pig in a poke," as they say.

16 MR. CRISS: Well, not to speak for the Public Works Department or its director,
17 but I did hear some of the discussions/debates on the topic. And, again, their position
18 was they were comfortable lowering the road warranty bond amount as long as they got
19 more time under warranty. Because they were getting some failures in that three or four
20 year period that they thought, perhaps, should be covered by warranty. But they agreed
21 with the development community, in large part, that you don't have total, systemic
22 failure in most of these cases. We do have a couple of subdivision phases out there

1 that I won't name at present that are having spot failures throughout the road and storm
2 drainage system. I wouldn't call it a 100% failure, but it's widespread and –

3 MS. WYATT: Well, I personally would like to hear you tell me what they are so I
4 can go look at them.

5 MR. CRISS: Ashleigh Ridge Phase I.

6 MS. WYATT: Say it again.

7 MR. CRISS: Ashleigh Ridge Phase I.

8 MS. WYATT: Oh, well. Yes. I'm familiar with that. I know that one!

9 MR. MANNING: Mr. Chairman, the question you were asking about how do you
10 determine the amount, the County Engineer will require a letter from the developer's
11 engineer referring back to the contract. So the contract's going to reflect pricing at its
12 current level. And, so, asphalt today is going to be more expensive tomorrow and it's
13 going to be based on that from the engineers.

14 CHAIRMAN VAN DINE: So there hasn't been any inflationary factors or other
15 considerations taken?

16 MR. JACKSON: Also, that new study also with address some stabilization of sub-
17 grades also which may come into effect which will be less expensive when the study's
18 completed.

19 MR. CRISS: Yes.

20 MR. JACKSON: So that may be a big help to the development community when
21 it's completed.

22 CHAIRMAN VAN DINE: Alright. We need to get back on to this particular issue
23 that we have here. And that is the question of the adoption or rejection of the language

1 here or modification of the language that we have for this “minor” or “major” subdivision
2 issue. And I think what we’re trying to accomplish is to remove the roads from the
3 “minor” in order to comply with what everybody was saying we were going to do at the
4 time we did the adoption. And, also, there seems to be some issues as to the question
5 of whether or not new roads would be considered to encompass the storm drainage and
6 some of the runoff areas of that storm drainage in that area so as not to include those in
7 the review process. Is that sort of a synopsis of what we’ve been talking about?

8 MR. MANNING: Right. Now –

9 MS. WYATT: Make a motion on that statement.

10 MR. MANNING: - just one point. There is a review process by Public Works on
11 all storm drain roads.

12 CHAIRMAN VAN DINE: Right.

13 MR. MANNING: But that being said, I’d like to make a motion that we modify the
14 language in the “Minor Subdivision” paragraph to reflect dedication of new roads and/or
15 detention facilities.

16 CHAIRMAN VAN DINE: Do we – the detention facilities, though, from the
17 discussions we had earlier, could include lakes as it exists now. That would seem to be
18 something that would be a little more expansive than what we’re really trying to
19 accomplish.

20 MS. WYATT: That’s why I was saying they weren’t to be deeded to a
21 homeowners. I was trying to narrow that.

22 MR. MANNING: Well, the dedication -

1 CHAIRMAN VAN DINE: Well, one thing doesn't dedicate that lake over to the
2 county.

3 MR. MANNING: That lake's privately owned.

4 CHAIRMAN VAN DINE: Yeah.

5 MS. WYATT: To a homeowners' association.

6 MR. MANNING: Typically, you would dedicate, along with the roads, all the storm
7 drainage facilities and detention ponds. In the case of a lake, most of those
8 developments are retaining those lakes in an association. And it's not being given to
9 the county.

10 MR. JACKSON: Supposed it doesn't have a homeowners' association?

11 MR. MANNING: Well somebody's got to take it. So either the county's got to do
12 it or the community's got to do it. And the county's not going to do it without the full
13 facility. In other words, you can't give them the road without the storm drain facility.

14 CHAIRMAN VAN DINE: Would a detention pond be considered part of the storm
15 drain facility?

16 MR. CRISS: Yes.

17 CHAIRMAN VAN DINE: Then why would we not simply say, "The dedication of
18 new roads and storm drain facilities," and avoid the issue of detention ponds –

19 MR. MANNING: That's fine.

20 MR. CRISS: Yeah.

21 CHAIRMAN VAN DINE: - that could be, in fact, a lake?

22 MR. CRISS: Perhaps say, "Provided, however, such public purposes shall not
23 include new roads or storm drainage facilities..."

1 CHAIRMAN VAN DINE: "The dedication of new roads or storm drain facilities."

2 MR. CRISS: You've got the word "dedication" previously in the - ah!

3 CHAIRMAN VAN DINE: There's a *proviso* and the *proviso* then it becomes a new
4 segment to the language.

5 MR. CRISS: I sit corrected.

6 CHAIRMAN VAN DINE: So I would think we would want to modify that to say, "...
7 however, such public purpose shall not include the dedication of new roads or storm
8 drain facilities."

9 MS. WYATT: And then should we, somewhere in the code, define "storm water
10 facilities"?

11 CHAIRMAN VAN DINE: I think the Public Works can define that for you.

12 MS. WYATT: Okay.

13 CHAIRMAN VAN DINE: Unless Public Works has a definition that you want to
14 engraft in the code, I wouldn't try and change the definition because, then they might
15 have a different definition than what we're using.

16 MR. CRISS: We do have a definition of storm water management facilities.

17 CHAIRMAN VAN DINE: Which is what?

18 MR. CRISS: "Structures and manmade features designed for the collection,
19 conveyance, storage, treatment, and disposal of storm water runoff into and through the
20 drainage system. Storm water management facilities include vegetative and/or
21 structural measures to control the increased volume and rate of storm water runoff
22 caused by manmade changes to the land."

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

1 CHAIRMAN VAN DINE: Why don't we incorporate that term?

2 MR. CRISS: Storm water management facilities.

3 MS. WYATT: Give me the last five words of that.

4 MR. CRISS: Sure. "... caused by manmade changes to the land." Development.

5 MS. WYATT: Okay.

6 CHAIRMAN VAN DINE: So why don't we engraft that term as the part of the – so
7 it refers back to the definition. Alright. Do I hear a motion on this?

8 MS. WYATT: Yeah. I feel better about that.

9 MS. LINDER: Mr. Chairman, are you amending both sections of this proposed
10 ordinance? Section 1, which is Section 26.22 of the ordinance and Section 2, which is
11 Section 26.54 of the ordinance.

12 CHAIRMAN VAN DINE: And Section 3.

13 MR. CRISS: There's a third one.

14 MS. LINDER: And – correct.

15 CHAIRMAN VAN DINE: And also removing the language from "Major
16 Subdivision" as well as part of that motion. Assuming somebody makes the motion.

17 [Laughter]

18 MS. WYATT: Would you amend your motion?

19 MR. MANNING: I would to amend my motion to include all the things the
20 Chairman just discussed. [Laughter]

21 MS. WYATT: I'll second that.

22 CHAIRMAN VAN DINE: Do I need to restate it for you Ms. Linder, or do you think
23 we can -

1 MS. LINDER: No, sir. You're amending –

2 CHAIRMAN VAN DINE: How about if I do this? The motion is to amend the
3 ordinance sections 1, 2 and 3. The language and the *proviso* should now read, "...
4 provided, however, such public purpose shall not include the dedication of new roads
5 and . . ." –

6 MR. CRISS: Storm water management facilities.

7 MS. LINDER: And/or storm water management facilities.

8 CHAIRMAN VAN DINE: "... and/or storm water management facilities."

9 MS. WYATT: That's just what he said!

10 MS. LINDER: And that language will be applied to the following two sections,
11 Section 2 of the ordinance and Section 3 of the ordinance.

12 CHAIRMAN VAN DINE: Correct. Correct.

13 MS. WYATT: You did a great job repeating what Mr. Manning said.

14 MR. MANNING: I couldn't have said it better.

15 CHAIRMAN VAN DINE: Does anybody want to discuss this further?

16 MR. FURGESS: No.

17 CHAIRMAN VAN DINE: All those in favor of the motion please signify by raising
18 your hand.

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

21 MS. WYATT: Wes wants to discuss unpaved roads again I can see.

22 CHAIRMAN VAN DINE: So moved. Alright. Next we have is Road Name
23 Approvals.

1 MR. JACKSON: So moved for approval of roads.

2 CHAIRMAN VAN DINE: Ms. Lucius, anything we need to know about?

3 MS. LUCIUS: There were very few and nothing to laugh at. I move we approve
4 them.

5 MR. JACKSON: Second that.

6 CHAIRMAN VAN DINE: Alright. The only one I have issue is Manzanita Court
7 seems to be at Farrow Court Subdivision.

8 MS. LUCIUS: Manzanita. That's Farrow.

9 CHAIRMAN VAN DINE: We have a motion to approve the subdivision names
10 and a second. All those in favor please signify by raising your hand.

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

13 CHAIRMAN VAN DINE: Alright. Other Business.

14 MS. WYATT: You shouldn't have voted on Killian Crossing. That's a conflict of
15 interest.

16 MR. MANNING: Is it? Better retract it.

17 CHAIRMAN VAN DINE: The Development Review Team report of actions taken
18 on August 19, 2005.

19 MS. ALMEIDA: Yes, Mr. Chairman. That memo is found on page 79. We're
20 reporting an action of the Development Review Team. It was a sketch plan called
21 Summer Hill Phases 5, 6, and 7, along Hardscrabble Road and Highway 21. And found
22 on page 80 and 81 are some aerials for your assistance. And the Development Review
23 Team voted 9-0 to approve the sketch plat with several conditions as listed.

1 CHAIRMAN VAN DINE: These would be – this would have been a major
2 subdivision, then, I assume. Because if it had took –

3 MS. ALMEIDA: It would have gone before you, eventually, as a preliminary, yes,
4 subdivision.

5 CHAIRMAN VAN DINE: But in relation to our last discussion, would this have
6 been considered a major subdivision as opposed to a minor?

7 MS. ALMEIDA: Yes, a major.

8 CHAIRMAN VAN DINE: Okay. Ms. Wyatt has asked the question, who are the
9 nine?

10 MS. ALMEIDA: Who are the nine? The nine members are comprised of
11 Development Services Manager –

12 MS. WYATT: Who? Speak up a little.

13 MS. ALMEIDA: Development Services Manager, Planning Director, Planning
14 Services Manager, Flood Coordinator, two appointed people from Public Works, Zoning
15 Administrator. How many do I have now?

16 MS. LUCIUS: You've got seven.

17 MS. ALMEIDA: Seven.

18 MS. WYATT: Six?

19 MS. ALMEIDA: I only have six?

20 MS. WYATT: Well, two. I'm sorry, seven. You need two more.

21 MS. ALMEIDA: We have one person, Flood Coordinator. Do I have that?

22 MS. WYATT: You have Flood. Harry's down there.

23 MS. ALMEIDA: We have the Fire Marshall.

1 MS. WYATT: Okay.

2 MS. ALMEIDA: And we have someone from the Recreational Commission.
3 Parks and Rec.

4 MS. WYATT: Recreational Commission?

5 MS. LUCIUS: Parks and Recreation.

6 MS. ALMEIDA: Land Development Administrator.

7 MS. WYATT: I'm sorry. Recreation Commission?

8 MS. ALMEIDA: I'm sorry. Parks and Recreation. They don't have a vote but
9 they do come and assist in hearing the cases.

10 CHAIRMAN VAN DINE: Are they considered in the nine?

11 MS. WYATT: Not if they don't have a vote.

12 MS. ALMEIDA: No, they are not part of the voting members.

13 MR. JACKSON: Is the Department adequately staffed now?

14 MS. ALMEIDA: We have a full house.

15 MR. JACKSON: Okay, because in the past I understood that you guys were
16 understaffed and overworked.

17 MS. ALMEIDA: Oh! We're still understaffed and overworked. But we have
18 enough people to –

19 MR. JACKSON: Well, that was my concern, taking on these additional duties.

20 MS. ALMEIDA: Well, we have to try to make do due to the development that's
21 going on and what we're required to comply with. So every – we meet two Friday's,
22 every other Friday, twice a month. And we review several of these applications.

1 MR. MANNING: Anna, it'd be helpful if y'all could maybe in our next package,
2 give us a list of all the DRT members by their names so if that we have to have a –

3 MS. ALMEIDA: Well, you have to understand that certain – due to – it's mostly
4 positions because, for instance, from Public Works right now we have Charles Beam
5 and Mr. Gordon Green. If they can't be there then Mr. Ralph Pierson, Ms. Chris Truluck
6 would fit, you know, kind of sit in for them.

7 MR. MANNING: Right. I understand. I mean but who your normal, you know.

8 MS. ALMEIDA: Okay. That'll be fine.

9 CHAIRMAN VAN DINE: Alright. Anything else on that?

10 MR. MANNING: I've got one question regarding the Summer Hill project. One of
11 the conditions shown on the bottom of "All Lots Must Be Shown Outside the Floodplain
12 Area." Is that policy you're taking that there cannot be a lot in the floodplain area?
13 Explain that position.

14 MS. ALMEIDA: Do you want to explain it?

15 MR. CRISS: It varies.

16 MS. ALMEIDA: Actually, it's our Floodplain Coordinator following the ordinance
17 of –

18 MR. CRISS: The stated intent to preclude development in floodplain where
19 possible. Now if you had water based recreation or other land uses that wouldn't be
20 possible. He is actively discouraging the creation of lots, new lots, within the designated
21 floodplain.

22 MR. MANNING: I think we had this conversation not too long ago. But I don't
23 think there's anything in the Code that prohibits a lot from being in the floodplain. Now

1 I'm not saying it's not something you want to deter or minimize. But there're going to be
2 lots all over the county that are going to have floodplain lines on them. And if the Code
3 allows for something to be built in the floodplain, I'm curious as to why we're making
4 that a condition that it can't be in this particular subdivision.

5 MR. CRISS: It's apparently Harry Reed's determination that, while there is no
6 strict prohibition, the legislative intent of the Floodplain Management portion of the new
7 Land Development Code is to direct development away from the 100 year floodplain.
8 And he's discouraging the creation of new lots in those designated areas.

9 MR. MANNING: Do you have a copy of the plat that shows those lots in the
10 floodplain?

11 MS. WYATT: You see why it's important for us to review subdivisions?

12 MS. LUCIUS: We didn't get to see this.

13 [Inaudible discussions]

14 MR. MANNING: We had, Anna, not too long ago we talked about this. A couple
15 of different subdivisions that came before us that had lots in the floodplain.

16 MS. ALMEIDA: Right.

17 MR. MANNING: Or a floodplain line in a lot. And at that time it was determined
18 that the building envelope should be shown on the plat. And that those lots would be –
19 it'd be prohibitive to build on those lots until an elevation, a 100 year flood elevation,
20 could be provided to the Floodplain Coordinator. And so this is a different position than
21 that position and another position that we had taken on the same case.

22 MR. CRISS: I think one of the paragraphs that – from the new Land Development
23 Code – that Mr. Reed is considering as he makes these recommendations is our

1 “Standards in the Floodplain” on page 141 of the new Code. Under “General
2 Standards” there’s an “Alternative Sites” paragraph that states “Where alternative
3 locations exist, development shall not occur in the floodplain due to the inherent
4 hazards and risks involved. Before a permit is issued the applicant shall demonstrate
5 that new structures cannot be located out of the floodplain and that encroachments onto
6 the floodplain are minimized. New development, if permitted in the area of special flood
7 hazard,” that would be the 100 year floodplain, “shall minimize disruption to shorelines,
8 stream channels, stream banks, and the regulatory floodway.” So I agree with Mr.
9 Manning that it’s not a strict prohibition, but it is [inaudible] discouraging new
10 development, including the subdivision of lots which you would expect to be altered,
11 used, built upon in the floodplain.

12 CHAIRMAN VAN DINE: Mr. Phipps.

13 MR. DONNIE PHIPPS: Thank you. Donnie Phipps, Interim Director for Planning.
14 I think Staff has had some mixed concerns on this and I am one that agrees with Mr.
15 Manning that if its FEMA regulates floodplain and allows you to build there, they do
16 discourage it but they do have requirements to build in the floodplain that we should
17 allow it. I’ve also got Skip looking for a letter or a memo back to Harry from our Legal
18 supporting Harry’s recommendation. So at the time of the meeting that we had, that
19 was where we did not challenge this. But I think –

20 MR. MANNING: I guess, you know, without seeing the plat you really can’t say
21 whether it was a good thing or a bad thing.

22 MR. PHIPPS: I think if you could see the plat it’d help.

23 MS. ALMEIDA: I apologize for that. That should have been in the packet.

1 MR. PHIPPS: Yes.

2 MR. MANNING: You know, you could have a lot that had floodplain line in the
3 rear of it that only encompassed 10'.

4 MR. PHIPPS: Some of these lots were that way. You could have built on them,
5 however, you were buying more land, which was not, in Harry's sense, buildable.
6 Whereas, there again though, you know that you can build on a floodplain. You just
7 have to pay flood insurance. And I know we're all very sensitive right now to flood.

8 CHAIRMAN VAN DINE: I think, to take Mr. Manning's concerns to the extreme, if
9 you will, there are lakes and ponds in which the property line runs to the middle of the
10 pond. That is, without a question, in a floodplain because that is deeded property over
11 of the pond itself. So I think what we're – I think the last time we discussed it we were
12 talking about the buildable space and receiving the – they had to receive the flood –
13 FEMA's or somebody's approval on the map or whatever before they could start the
14 development. And if I'm recalling the last discussion we had, then that was going to be
15 a requirement before they could do any kind of building in those areas.

16 MR. MANNING: That's correct.

17 MS. WYATT: I think we spent a good bit of time talking about this when we were
18 doing the Code.

19 MR. PHIPPS: It is an issue, this and probably one other that Mr. Manning and I
20 have talked about the last couple of days that I would like to get with you and maybe a
21 few others and let's roundtable, just some discussion, in the direction for DRT and
22 maybe some supportive measures that will allow the DRT, to have a situation like this or
23 a prime example of this lot being where sidewalks were required and it's the last

1 subdivision in a group of subdivisions and why have the sidewalks. The developer
2 agreed to put the monies into the Parks and Recreation to help with the facilities, to help
3 with basketball courts, tennis courts, or however Parks and Recs wanted to use them.
4 We were all in favor of it but the ordinance didn't allow us to do it. Something like that,
5 to me, met the intent and the scope of the Code, whereas I, as the Interim Director at
6 this time, would be able to bring a motion to membership to support something like that.
7 And instead of you having to hear it all again, that would be an easy way of handling
8 some of our situations where the ordinance would not allow us to do it. And expedite
9 the development that we want to do anyway.

10 CHAIRMAN VAN DINE: Ms. Linder, could I ask if we could have an Executive
11 Session real quick to discuss some legal issues?

12 MS. LINDER: Certainly.

13 CHAIRMAN VAN DINE: Can we, please, all adjourn for about three minutes.

14 [*Executive Session*]

15 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive
16 Session for the receipt of legal advice. No action was taken in that meeting.

17 CHAIRMAN VAN DINE: Thank you. I'm sorry.

18 MS. ALMEIDA: The actual plat for Summer Hill Phase 5, 6, and 7.

19 CHAIRMAN VAN DINE: Does it have any floodplain lines on it?

20 MS. ALMEDIA: Yes, it does. Approximate location on the right-hand side
21 towards the east -

22 CHAIRMAN VAN DINE: Okay.

1 MS. ALMEIDA: - of 100 year floodplain. It is the solid with three dash, little points
2 near Lot 19.

3 CHAIRMAN VAN DINE: Isn't Lot 11 entirely within the floodplain? It's in the
4 upper center.

5 MS. ALMEIDA: Oh! Yeah.

6 CHAIRMAN VAN DINE: If I'm looking at the line, it's the one with the dash and
7 three dots. Follow that, Lot 11 –

8 MS. ALMEIDA: That's the floodplain, yes.

9 CHAIRMAN VAN DINE: - is entirely –

10 MS. ALMEIDA: Yes.

11 MS. WYATT: And yet it's subdivided out?

12 MS. ALMEIDA: Might be a pool area. I don't know. The motion was to take all of
13 the lots out of the floodplain. So that would have eliminated, really buildable 8, 9, 10,
14 11.

15 MR. MANNING: So I guess what we're looking at is lots 2 through 10 and 11
16 would be eliminated from the site plan.

17 CHAIRMAN VAN DINE: No, 3, 4, 5 certainly –

18 MS. ALMEIDA: No, 3, 4, 5 would be –

19 MR. MANNING: But 3, 4, 5 not in the floodplain?

20 MR. PHIPPS: But they have to make a property line.

21 MR. MANNING: Okay.

22 MS. ALMEIDA: Right. The property would need to come in, smaller.

23 MR. PHIPPS: The property line would become the floodplain line is what –

1 MR. MANNING: Well, therein lies another problem, though. I mean, if you had a
2 floodplain line that was well into a lot, you may not be able to push that line further over
3 and still maintain having two lots. Whereas, if the floodplain line was allowed in the lot
4 and the building envelope was sufficient, with setbacks, to build a house on it, you
5 wouldn't lose a lot.

6 CHAIRMAN VAN DINE: I think, perhaps, the discussion we're having right now
7 actually starts to encompass what is "C", under Other Business.

8 MR. MANNING: Okay.

9 CHAIRMAN VAN DINE: And I think that "C" under Other Business refers to
10 whether or not these particular plats are even coming before us anymore. And,
11 perhaps, this, for the discussion we're having right now, is an enlightening discussion of
12 concerns that develop when it doesn't come before this body.

13 MR. FURGESS: Uh-hum. [Affirmative]

14 CHAIRMAN VAN DINE: Not that we are, perhaps, any more qualified than the 9
15 people who looked at it, but we may bring a different perspective on the individual
16 discussions that are being taken.

17 MS. ALMEIDA: Well clearly the Development Review Team is going by the
18 ordinance. And we don't have a leeway of providing any flexibility. And, therefore, the
19 applicant would need to appeal. And that's this body.

20 MR. JACKSON: But that's double. I mean it goes to you then it comes to us. I
21 mean that's double work. And the Staff is given an opinion. Following some policy they
22 give an opinion to what they think should be or should not be. And if it's appealed then
23 it comes to the Planning Commission. I think that's competing.

1 MS. ALMEIDA: I understand that, but you know, this was the Land Development
2 Code that you all reviewed and was –

3 MR. MANNING: But I think that's -

4 MS. WYATT: But we still do not feel that we supported this. I'm going to tell you
5 that.

6 MR. JACKSON: No, we never supported it!

7 MS. ALMEIDA: Yeah.

8 MS. WYATT: We never supported that. You said that last month and that's why I
9 screamed and threw a fit for this because this is not what this body recommended to
10 County Council.

11 MR. JACKSON: I remember why it was not supported by the Planning
12 Commission.

13 MS. ALMEIDA: Well, and I think the intent, when looking at these approvals and
14 reviews was to expedite for development.

15 MR. JACKSON: That wasn't the intent of the Planning Commission. I don't know
16 who's intent it was.

17 MS. WYATT: Well, if you're going to have things like – and the one person that I
18 respect the most in this county is Mr. Harry Reed. He does an outstanding job for the
19 real estate community, helping us. Okay? But you've already got an appealable
20 situation in this first one that Development Services has even looked at. So where have
21 you saved anybody any time?

22 MR. MANNING: I guess, without passing judgment on whether, you know, the
23 DRT will function properly or not and whether the appeal is the mechanism for an

1 applicant or whether we should be involved, that's a whole other issue. But, going back
2 to what you said a minute ago about you had no alternative except to go by the code
3 and we've already seen three different interpretations in the code on this very same
4 issue, and so I would suggest that consistency has got to be paramount for the DRT to
5 work. And so I think the code says something other than what you – how you just
6 interpreted it, you know. And you may be right. But it's going to have to be consistent
7 or it's not going to work. And so some of the appeal that is going to come is going to be
8 subdivision review – and I'll go ahead and say it – dealing with level of service on roads.
9 You know, what is the position of Staff going to take when it's not a Level C.

10 MR. JACKSON: Does the Review Team justify whatever decision they make in
11 writing?

12 MS. ALMEIDA: Yes. Yes, they do.

13 MR. MANNING: And that's going to happen –

14 MS. WYATT: And to who do you give that justification to?

15 MS. ALMEIDA: We write a letter to the applicant and it becomes part of the
16 documented record.

17 MR. CRISS: Of course if the Development Review Team turns down a new,
18 residential subdivision based on –

19 MR. MANNING: Or an existing phase.

20 MR. CRISS: - traffic impacts, that's appealable by the developer to the Planning
21 Commission.

22 MR. MANNING: It is. But what's happened at that point? Every subdivision that
23 comes out – or comes before you at a Level C or less – or whatever the standard is that

1 you're working off of, will have to be that way from that point forward. Which means
2 there's going to be a lot of appeals coming before us. And if there're going –

3 MR. FURGESS: [Inaudible]

4 MR. MANNING: - to be a lot of appeals coming before us, we've got to have a
5 record –

6 MR. JACKSON: [Inaudible] or address it.

7 MR. MANNING: - to work off of. And I'm not sure the memo would serve as a
8 record. And I don't know whether that's, from a legal standpoint, would that suffice to
9 make a decision on.

10 CHAIRMAN VAN DINE: And I don't know what's in the memo, so I can't tell you
11 whether it has sufficient basis in what it says or foundation in facts or whatever. But it
12 seems –

13 MS. ALMEIDA: A report wasn't submitted here for your review because this is
14 just for informational purposes.

15 MR. MANNING: Is the report – is it transcribed? Is there somebody there taking
16 notes?

17 MS. ALMEIDA: Yes, the meeting is taped and minutes are taken. Yes.

18 MS. WYATT: Well, Mr. Chair, I don't know what's the next thing, if I need to make
19 a motion or request legal to come up with an ordinance change. We had some
20 discussion on this last month. I still feel very strongly that these things need to be
21 coming to the Planning Commission and not to a Developmental Services group. And
22 I'd like to ask, at this time, either a motion and/or a change go forward to County
23 Council to their next meeting that the Land Development Code be amended to include

1 that this comes back. And I am going to tell you that within 25 minutes of my arriving
2 home from the last Planning Commission meeting, a Council member had already
3 gotten word that we were not reviewing subdivisions. And he could not believe it. He
4 fully agreed with me - which, you know, I practice law quite often without a license – that
5 what we're doing is illegal. That this is supposed to be coming to the Planning
6 Commission. And he told me that he expected me to go forward and ask that it come
7 back to us because he felt that strongly on it.

8 MR. JACKSON: And I'll support any motion you make regarding that.

9 MS. ALMEIDA: Are you going to make -?

10 MS. WYATT: I've made the motion.

11 MR. JACKSON: I second the motion.

12 MS. WYATT: Whichever way it needs to go, either amendment to the Land
13 Development Code or that it go forward that Council, as quickly as possible, send these
14 things back to us.

15 MS. ALMEIDA: Ms. Wyatt, so you're making a motion to review all major
16 subdivisions and major site plans?

17 MS. WYATT: Yes.

18 MR. JACKSON: As we did in the past.

19 MR. MANNING: Can we have some discussion on that?

20 MS. WYATT: I don't have a second, so.

21 MS. LUCIUS: Yeah, Norman did.

22 MS. WYATT: Oh! I've got several seconds.

23 MS. LUCIUS: Well, that's why I didn't, because he jumped in.

1 MR. JACKSON: Well, I've been [inaudible] with some of the Council members at
2 some meetings I've been having with them, also.

3 MR. MANNING: Last month I obviously spoke out and said I felt strongly about
4 the position that the Planning Commission, or the role the Planning Commission has
5 played in the review process, and I do feel like they, obviously, as a body contribute
6 greatly to that process. After thinking about this whole situation with the DRT, I think the
7 truth's going to be in the pudding whether it functions properly or not. And I don't know
8 whether or not we ought to give them a shot and see whether this process could work,
9 could expedite the timing or not. We're, obviously, going to find out whether or not it's
10 functioning based on the appeals that would come back before us the next month.
11 That's really all I've got to say is that, you know, I'm – we're changing a lot.

12 MR. JACKSON: Basically, my opinion is not really too much concern about the
13 Development Team, whether they're doing it right or wrong or anything. I'm also
14 concerned about the citizens we represent. As least we are some watchdog or some
15 concern for the citizens and can give our opinion. Which Staff, really, I'm not saying
16 they're not supposed to give an opinion, but you really carry out certain policies. And
17 the Planning Commission was appointed to do planning and give our opinion and
18 recommendation to County Council. With a subdivision we don't do that, the decision is
19 final with the Planning Commission. Giving that to the Staff, we're not doing our job.
20 We're giving it to someone else. And in proper planning, I think the Planning
21 Commission should be involved in all steps and all decision that's made. And this was
22 not done.

23 CHAIRMAN VAN DINE: Mr. Phipps.

1 MR. PHIPPS: Thank you. Donnie Phipps. I hope that you'll give the DRT a
2 chance to prove that it will work. Our objective is to enforce the ordinances and not
3 make changes or things that you are empowered to do. And the idea being that we are
4 able to move projects along, whether it's one day quicker or a month quicker, is why the
5 DRT was basically, in my opinion, set up. If there's concern that, just like we just had
6 with the first one – and I'm glad it came up. I'd have hated for it to have been down the
7 road. And any project, whether it's small or large, is major. But we start trying to fix it.
8 It's not perfect. It does need to be tweaked. And with your help we can work together
9 and do this. The objective here, in my opinion again, is that we move forward in taking
10 work off of you, as well. But we don't make the changes. You do. And if there's a
11 concern like the floodplain – and I agree with you on the floodplain – and if there's
12 something that we can do to bring forward like, instead of the sidewalks in the case of
13 putting the money into Parks and Recs, then I'd be able to bring that motion to you with
14 why we're doing it and the applicant come forward, too. But I ask you to vote this down
15 this time. Give us a chance to prove to you that you've got good employees. And I
16 know you do. And I know you believe that. And I don't mean it in any other way.
17 Believe me. Honestly! We want to do our job and help make your job easier, too.

18 MR. JACKSON: I understand his concern. So –

19 MS. LUCIUS: I [inaudible].

20 MS. WYATT: Mr. Phipps, I'm going to tell you that you just made me very angry.

21 MR. PHIPPS: I hope I didn't. I apologize.

22 MS. WYATT: I am a volunteer. Okay? My \$4 a gas-gallon is not reimbursed by
23 this county!

1 MR. PHIPPS: I understand.

2 MS. WYATT: And I'm going to tell you something, sir. If I didn't want to give the
3 time to do this I could very easily leave after serving for eight years.

4 MR. PHIPPS: My sincere apologies.

5 MS. WYATT: I am not going to say that Development Services Team won't do its
6 job. But I've been asked to plan for this county and I can't plan if I don't know what's
7 going on out there.

8 MR. PHIPPS: Yes, ma'am.

9 MS. WYATT: But you need to be reminded, sir, that we are volunteers. When
10 you talk about us wasting our time. We don't have to waste our time.

11 MR. PHIPPS: I hope I didn't say that, because I assure you your time is not
12 wasted. Your time is needed. And I apologize, sir. I hope that we can work this out
13 together to where we can do what we do and bring it to you with information. If y'all
14 want to do this, then we're not going to fight it. We're going to move forward and do
15 what we do and make our recommendations as it was done in the past.

16 MR. JACKSON: One of my main concern is how this whole process was
17 developed.

18 MS. LUCIUS: How did it get changed?

19 MR. JACKSON: I just heard it was changed and it's been done and next month
20 the Review Team will do the job.

21 MR. FURGESS: Right.

22 MR. JACKSON: I was not included in the discussion or the development of a
23 Review Team or anything. I was told we voted not to support. And things we do not

1 recall we did or we said. My concern, again, is that we represent the county, as a
2 whole, and the citizens for safe living, the quality of life, everything, put together. And
3 the citizens having an idea or comfort that, at least, there's a committee that's looking
4 out for their safety and wellbeing. And to have Staff making opinions, I just have
5 concerns.

6 MR. CRISS: Mr. Chair, if I may?

7 MS. WYATT: Mr. Chair, there's a motion on the floor and a proper second. I'm
8 going to call the question, sir.

9 CHAIRMAN VAN DINE: If you would indulge me for one minute.

10 MS. WYATT: Okay. Alright. You, I will, sir.

11 CHAIRMAN VAN DINE: It seems to me that one of the issues that we need to be
12 cognizant of is that Staff and the development community have to work together. We
13 become a foil and a sounding board for issues that are raised within that process. I
14 would be concerned that at some point in time one side or the other might feel a need
15 for concession or other things that go on simply because the amount of work that may
16 be coming through. It may not be necessary if, in fact, there is an independent body
17 which is taking a look and approving or dealing with certain issues. We have, in the
18 past, had a multitude of subdivisions come before us in which changes to the
19 recommendations or the conditions that were placed on those subdivisions have been
20 made by this body. Absent our ability to do that, or somebody's ability to do that in the
21 future, I don't see how some of those particular issues are going to be dealt with to the
22 satisfaction of both sides. It's because of that that I think this body plays a role in other
23 than just an appeal role in the decisions that are being made concerning the

1 subdivisions. Forgetting for a moment whether or not we want to have more on our
2 agenda each month or not, I do think that we play an important role and we have, in the
3 past, played an important role in the issues that are here. I don't think we're trying to
4 take over from the Development Review Team. I don't think we're trying to – I don't
5 think we can. But at the same time, I think, for the purposes of them having a sounding
6 board, us understanding the process that's going on other than a one-page "This is
7 what happened", that doesn't help us understand some of the trends that are going on
8 or, for rezoning purposes, what, in fact, we are looking at rezoning. I can rezone a
9 piece of property. If I never know what goes on that piece of property I can't tell you
10 whether the next rezoning next door is compatible, incompatible, has any basis, has any
11 relevance to what's going on. That's why I think this body has got to have some
12 involvement in the process. And, other than just, "Here's for your information." I don't
13 know how we work through that. I don't know how we get to the position of having
14 everybody looking over everything and making sure that what's happening is actually
15 happening for the best part of the county. But it seems to me that all the parties have
16 got a role in this. And that right now this body does not have a role in the planning,
17 which is this body's charge – is to plan –

18 [TAPE CHANGE]

19 CHAIRMAN VAN DINE: I think we need to be subjected back into the process at
20 some point and not just as an appeal issue. Because, frankly, I'll tell you the
21 discussions you guys hold downstairs in those meetings with the developer may never
22 get up to this level. So we don't understand what's going on and what's being said.

1 And, therefore, we can't make rational and reasoned decisions on other issues unless
2 we know what's being said and how it's being presented.

3 MS. WYATT: And Mr. Chair, I'm just sitting here thinking, I'm even going to add
4 that because, for seven and a half, well actually I'll say seven because when I first got
5 on the Planning Commission we didn't look at subdivisions, but actually being able to
6 see these subdivisions, being able to answer these questions, listening to the
7 developers, listening to the communities has been an educational process for me to
8 write the new Land Development Code. And if I wasn't hearing some of this and
9 learning, because I'm not seeing the subdivisions, I don't know about the curb cuts and
10 on and on and on, I couldn't have really sat down and worked as well as I did on the
11 new Land Development Code. I think you're taking away, by pulling the Planning
12 Commission out, I mean, really a purpose that's put there for us to help the
13 communities.

14 CHAIRMAN VAN DINE: Can somebody please tell me what the motion is
15 specifically that's on the floor?

16 MS. WYATT: I can tell you what it is.

17 MS. ALMEIDA: I believe the motion is to have a text amendment to include
18 major subdivisions and major site plans for the Planning Commission to review. That is
19 what was on the floor.

20 MS. WYATT: And seconded by Mr. Jackson.

21 MR. CRISS: If I may clarify, Mr. Chair? The Department of Planning and
22 Development Services' recommendation for the Land Development Code as it was
23 evolving before the Planning Commission in 2003, was indeed to have both a

1 Development Review Team and Planning Commission review and voting on major
2 subdivisions and land developments. It was the Planning Commission itself that struck
3 the language for Planning Commission review of major subdivisions and land
4 developments. In the September 11, 2003 version – I've only got two copies because
5 of printer problems – I'll ask you to share until we can provide more. The language that
6 you want to look at [inaudible] 46 at the bottom called "Formal Review" and page 55,
7 again, near the bottom, called "Formal Review". This is the language pertaining to the
8 Planning Commission's review of major land developments and major subdivisions, and
9 it was at that time in the summer of 2003 that was stricken. We're still trying to recover
10 the discussion. We had more extensive recording and transcription of the longer
11 workshops that were held in October, September, October, November of 2003, but I
12 don't know if we have a detailed account of this debate and discussion. We're still
13 trying to retrieve that, so I can't give you much more legislative intent as to the reason
14 for the change, but I can assure you it took place within the Planning Commission's
15 discussion of the Code and it wasn't until the beginning of 2004 that you passed on a
16 complete Code recommendation to the Council and they then spent most of 2004
17 deliberating, debating and modifying the Code before it was adopted in November of
18 2004. So I believe this is a very pertinent debate/discussion. Something you should
19 return to. I would remind you that you have language, literally before you, in the
20 previous version for Planning Commission review and voting on major subdivisions and
21 land developments. And that may be a basis for you to continue the discussion of
22 whether this authority should be restored.

23 MS. WYATT: I've made a motion and I'm going to stick by it, Mr. Criss.

1 MR. JACKSON: And I continue as the second. I see what's printed there, but I
2 don't remember any discussion like that.

3 CHAIRMAN VAN DINE: And frankly, this does not say, if I'm reading it correctly,
4 what – it says, "Following receipt of a report or appeal on a proposed major land
5 development plan, the matter shall be scheduled for report or hearing by the Richland
6 County Planning Commission . . . shall be considered at its next available meeting.
7 There shall be no public hearing held in conjunction with the report of the development
8 project approved by the Development Review Team. In this case the Commission shall
9 receive a report on the decision . . .", etc.

10 MR. CRISS: That's the language that survived into the adopted Land
11 Development Code. It's the stricken language that I draw your attention to. What was
12 previously in the proposed Code.

13 CHAIRMAN VAN DINE: You're saying the stricken is "scheduled public
14 hearing"?

15 MR. CRISS: Um-hum (affirmative).

16 CHAIRMAN VAN DINE: We have never had a public hearing on a subdivision
17 review. We don't hold public hearings on subdivision reviews. We do not take any
18 [inaudible] from Staff.

19 MR. CRISS: And we the Staff were recommending that you hold a formal public
20 hearing on major land developments and major subdivisions.

21 CHAIRMAN VAN DINE: And we said we did not want formal public hearing,
22 where somebody stood up there from the community and had an opportunity to discuss

1 it. That did not mean that we did not want to have input on the process that was taking
2 place or have input on the actual decisions.

3 MR. JACKSON: Because – by discussions in the zoning, so we didn't need
4 discussion on the –

5 MS. WYATT: Our whole comment was it's already been zoned. That's the time
6 that the public can come and say, "I don't want a subdivision next door to me" or
7 whatever.

8 MR. CRISS: The language may be more understandable on page 55, which is
9 the major subdivision section. Notice the stricken language, "The Planning Commission
10 shall review the subdivision and approve, approve with conditions or deny the
11 application for the major subdivision within fourteen (14) days of the hearing." It was at
12 this point in your deliberation as a Body on this Land Development Code that you chose
13 to strike that review.

14 MR. JACKSON: I think that is a misunderstanding. There's no way.

15 MR. CRISS: Again, we'll try to recapture legislative intent, some of the
16 discussion and debate.

17 MR. JACKSON: There was some misunderstanding.

18 MS. WYATT: See, we're not reading this the same way, Michael. Not even that
19 line am I reading the same you're reading.

20 MR. JACKSON: What it's saying was it was stricken by the Commission. That
21 part on page 55, that's the part I cannot recall any discussion of us restricting anything
22 like that. So how it got in there -

1 MS. WYATT: Well, I think that's irrelevant. I've put a motion on the floor. It has
2 been properly seconded.

3 MR. JACKSON: Call for a vote.

4 MS. WYATT: Irregardless – Ms. Linder has her hand up.

5 CHAIRMAN VAN DINE: Yes, ma'am.

6 MS. LINDER: Just for clarification, Ms. Wyatt, is your motion for Staff to draft the
7 ordinance to come back to you before it goes to the Zoning Public Hearing, which is
8 what I would recommend, that we get some language before you to make sure it's what
9 it is you want.

10 MS. WYATT: Well, I mean, we wanted it to Council next week.

11 MS. LINDER: I'm sorry?

12 MS. WYATT: Or the very first opportunity that Council has public – so they have
13 to have public input on this?

14 MS. LINDER: September 27th. You want it to go to the Zoning Public Hearing?

15 MS. WYATT: We're talking December or January before we ever start planning
16 again for this County, based on your interpretation of what language is in there.

17 MS. LINDER: I, again, would recommend that we draft – you allow us an
18 opportunity to draft the language.

19 MR. JACKSON: Just include the language that was stricken.

20 MS. LINDER: I mean, certainly if you're directing us and we're – I just don't want
21 there to be, again, a miscommunication of what you want and what we come up with.

22 MR. JACKSON: The language that was stricken, alright? I'd like to see it
23 replaced.

1 MS. LUCIUS: Just reinserted.

2 MR. JACKSON: That's all I'm saying. The duties and the responsibilities we had
3 before, right? I'd like to see the same duties and responsibilities restored.

4 MS. LINDER: What you're saying is for it to come to the Planning Commission
5 for action, but not to have a public hearing on it. So there's portion you want restored
6 and portions you do not want restored.

7 MR. JACKSON: Never had a public hearing on subdivision. We had a zoning –
8 we had a public hearing on zoning and then the subdivision review, we didn't have a
9 public hearing. We never did.

10 MS. LINDER: So, again, I'd have to be very careful drafting the language in that
11 I'm not bringing back everything that was stricken, I'm just bringing back a portion of
12 what was stricken.

13 MR. CRISS: And there's the land development side of this coin that we haven't
14 fully addressed. There's the industrial, commercial, office, institutional land uses that
15 the draft Land Development Code recommended go before you if they were "major"
16 land developments and that's –

17 MS. LINDER: There may be multiple sections of the Code though, that are going
18 to have to be addressed and amended to accomplish this.

19 CHAIRMAN VAN DINE: I think that page 55, under "Formal Review", the
20 stricken language is in essence what Ms. Wyatt would like to have reinserted into the
21 Code.

22 MS. WYATT: That is correct.

1 CHAIRMAN VAN DINE: Which says, "The Planning Commission shall review
2 the subdivision and approve, approve with conditions or deny the application for a major
3 subdivision within fourteen (14) days of the hearing."

4 MS. LINDER: But there will not be hearing.

5 CHAIRMAN VAN DINE: Correct. So I think you have to just end it after ". . .
6 major subdivision". And site plan or whatever the other thing we're talking about. The
7 motion is to include that, the language that was just discussed as a text amendment to
8 send forward to County Council.

9 MS. WYATT: As soon as possible. No, no, I'm going to specify by September
10 27th meeting of County Council. I'm going to give you a deadline, how's that?

11 MR. JACKSON: That's not impossible.

12 MS. LINDER: What Staff could do is work together and we could email you
13 before, we could email you the draft to make sure you're all aware of what we are
14 submitting to the Zoning Public Hearing.

15 MR. JACKSON: That's fine.

16 CHAIRMAN VAN DINE: That's fine. And in essence that would bring
17 subdivision, major subdivision review back before this Body for approval, etc. It does
18 not remove the DRT or anything from their, from the process.

19 MS. ALMEIDA: No, the DRT would still review sketch plats and Staff would
20 administratively review minor subdivisions and minor site plans and administrative
21 subdivisions.

22 MS. WYATT: Now from a legal standpoint, Ms. Linder, can we request that
23 these approvals be put back on our October agenda, pending County Council's vote?

1 CHAIRMAN VAN DINE: They won't change before at least the third reading.

2 MR. JACKSON: But County Council's ready to change it.

3 MS. WYATT: Oh, I know they are.

4 CHAIRMAN VAN DINE: In essence, I don't know how you want to particularly
5 craft the language, but in essence this Body, assuming that the vote goes according to
6 the motion, is requesting subdivision review be brought back before this Body.

7 MS. LINDER: Major subdivision review.

8 MR. FURGESS: Major or minor.

9 CHAIRMAN VAN DINE: Well, I mean, do we have – how many minors have we
10 been doing?

11 MS. ALMEIDA: You've been doing a lot. Let's revisit that. Anything under 50
12 lots is a minor subdivision. That's the definition, and no dedication of new streets.
13 Anything over 50 lots is a major subdivision. Anything over, I think it's 150,000 square
14 feet is –

15 MS. WYATT: I think all.

16 CHAIRMAN VAN DINE: This Body is not limiting it to major. We're just saying it
17 wants subdivision review approval back under its wing.

18 MS. WYATT: I don't care if it's a family subdivision, I mean, just in the last three
19 months we found, what I think of as a minor family subdivision that had a flaw in it.

20 MS. ALMEIDA: So you want minor and major subdivisions.

21 MR. JACKSON: All subdivisions.

22 MR. FURGESS: All subdivisions.

23 MS. ALMEIDA: And what kind of commercial review site plans do you want?

1 CHAIRMAN VAN DINE: Alright, we're having problems getting a recording of
2 this and it's because this Body is talking over itself up here. So I think one at a time
3 might be the best way to handle this.

4 MS. LINDER: Mr. Chairman, I'd request, again, an Executive Session for the
5 purpose of giving legal advice.

6 CHAIRMAN VAN DINE: Alright.

7 *[Executive Session]*

8 CHAIRMAN VAN DINE: Ms. Linder, can you please report us out of Executive
9 Session?

10 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive
11 Session to receive legal advice. No action was taken in that session.

12 CHAIRMAN VAN DINE: Thank you. And we are going to take a five minute
13 break.

14 *[Break]*

15 CHAIRMAN VAN DINE: We are back in session. I believe when we left, after
16 taking legal advice, where we are left is there is a motion pending on the floor to have
17 subdivision review placed back with the Planning Commission. It is my – and that has
18 been seconded – it is my understanding there has been a concern raised as to the
19 specific languages and provisions that will be impacted by such a – I'll call it a
20 theoretical change – to the Code. And the question has become whether or not we are
21 better to have specific language before us or to continue with the theoretical motion. I
22 think that what a compromise to that would be – and this is me speaking, this is not, it's
23 obviously for everybody to take into consideration, would be to vote on the motion on a

1 theoretical basis and then to obtain the language to make, to effectuate that particular
2 change as a second step in the process of getting it before County Council. I don't
3 believe that we can bring forward an unseen document to County Council for the
4 purposes of them making a recommendation or voting on it. So that would be my
5 suggestion that we go ahead and vote on the motion before us, but that we bring up the
6 actual language at a later date and that language then has to be voted on in order to
7 take it before County Council. So I think as an initial step we need to vote on the motion
8 before us. So having said that, if I hear no objection, I'm going to take a vote on the
9 motion, which is to bring subdivision review back with – the general concepts, not the
10 specifics of subdivision review back before the Planning Commission.

11 MS. WYATT: Mr. Chair, since I made the motion I just want to say a couple of
12 things, or throw out at least for discussion for the Planning Commission. And that's
13 basically the question about the commercial review. And in coming back to us with an
14 ordinance I somehow would like for Staff to look at putting in the commercial plans,
15 based maybe on a square footage or size building. I don't think every Mom and Pop
16 operation out there we need to look at, but if it's, you know, if it's a big commercial
17 impact that, you know, and, I mean, it was already zoned that way, but I think of, you
18 know, of the Kohl's parking lot and, you know, all those kinds of things out there that
19 was so mass it affected the communities, I personally would've liked to have been able
20 to limit some curb cuts and maybe drop them down a couple of inches. You know, and
21 I'll just say we've got a situation out there on Sparkleberry where the Publix on the right
22 hand side if you're facing the Kroger, their driveway's down here and coming out of the
23 Kohl's, it's up here. And you're taking your life in your hands trying to come out either

1 way and go the opposite. And so, I mean, for that reason I'd like to see us take a look,
2 but, you know, it was pointed out to me that you see hundreds of commercial things. I
3 don't need to see everyone of them, but I think it probably would benefit the county if
4 we'd start taking a look at some of these. And there again, I'm going to rely on Staff to
5 maybe take a look at, you know, at a size, you know, something along those lines for us
6 to even look at commercial. I know that I'm taking on more work, but as a volunteer I'm
7 willing to do it.

8 CHAIRMAN VAN DINE: Okay, let's take a vote on the specific theoretical motion
9 that we have. We'll talk about specifics after the motion has been addressed.

10 MR. MANNING: Mr. Chairman, could you clarify that motion. Are you asking us
11 to vote just hypothetically on a motion that we haven't seen?

12 CHAIRMAN VAN DINE: You are being asked to vote on the question of whether
13 or not Planning Commission wants subdivision review back within its purview. The
14 specific location of those changes to the Code would have to be addressed in a
15 subsequent document and motion by this Body.

16 MR. MANNING: And all those specifics would be voted on at a later date?

17 CHAIRMAN VAN DINE: That's correct.

18 MS. WYATT: At the October 3rd meeting, instead of a special meeting. Since
19 we're going to add commercial let's give it a little bit more time.

20 CHAIRMAN VAN DINE: All those in favor of the motion please signify by raising
21 your hand. Those opposed.

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

1 CHAIRMAN VAN DINE: Alright. At our October 3rd meeting we would like to see
2 language that would effectuate the intent of what we are trying to accomplish here and
3 that would include having the Planning Commission review subdivision materials. To
4 the extent we can get the language prior to that meeting so we could have it and see it,
5 that would be greatly appreciated.

6 MR. MANNING: Mr. Chairman, can I say one thing?

7 CHAIRMAN VAN DINE: Sure.

8 MR. MANNING: I was struggling with that decision and it felt like the
9 Commission needed consensus to pass back to the Council. I was hesitant to vote yes,
10 but I think the Staff does a good job. I think they have a lot on their plate. And I'm not
11 so sure that this process couldn't work, but it was very apparent that this was going to
12 go a particular way and I felt like we needed to have consensus, so.

13 CHAIRMAN VAN DINE: Thank you, sir.

14 MS. LUCIUS: Mr. Chair, if we don't see the language until the first of October,
15 how far will that put us now before we'll see them again?

16 CHAIRMAN VAN DINE: If we assume that we pass the language at our October
17 3rd meeting, the first reading would be then the end of October, correct?

18 MS. WYATT: Third week of October, is that what –

19 MS. LINDER: It would be advertised for Zoning Public Hearing for October, 4th
20 Tuesday in October. If County Council wanted to apply the Pending Ordinance Doctrine
21 at that time, there could be a motion at the October Zoning Public Hearing to apply the
22 Pending Ordinance Doctrine, which means it could go into effect then.

23 MS. LUCIUS: Oh!

1 CHAIRMAN VAN DINE: Okay. But at the very least, we would not see any
2 subdivisions until December.

3 MS. LINDER: November. It could possible – well, December.

4 CHAIRMAN VAN DINE: December would be more likely. Okay.

5 MR. JACKSON: Quick question. Could any member of County Council make a
6 motion to do that?

7 MS. LINDER: Yes, sir.

8 MR. JACKSON: Just curious.

9 MS. LINDER: The Pending Ordinance Doctrine can apply once you've
10 advertised for the Zoning Public Hearing and you have the intention to change the
11 ordinance.

12 MS. WYATT: But they could do that – what he's saying is Council, on
13 September the 27th, could place a motion on the floor and they could vote on it without it
14 coming as a recommendation or an ordinance change from the Planning Commission.
15 Isn't that what you were asking, Norm?

16 MR. JACKSON: Yes.

17 MS. WYATT: Ms. Linder, all I've got to say if they can amend on Clemson Road
18 from C-3 to C-1 when it's rural, I don't know why they can't make the motion to
19 [laughter] –

20 MS. LINDER: I believe that they could. It's a question about whether Council's
21 taking up the motion to give an ordinance first reading or that they're advertising for the
22 public hearing. Again, if you're planning to advertise for a public hearing for September
23 27th, the question becomes how quickly can we get, draft the language and get it to you

1 to review and vote on. I don't know that Council would take it up if it wasn't placed on
2 the Agenda.

3 MR. JACKSON: That wasn't the question I asked. The question I asked was
4 could any member of County Council at their meeting, make a recommendation without
5 anything coming from the Planning Commission to make the changes?

6 MS. LINDER: Can they initiate it?

7 MS. WYATT: Um-hum (affirmative).

8 MS. LINDER: Text amendments I believe they could. I believe that what they
9 could would be give something first reading, by title only, but again they'd have to have
10 a title. They would have to then send it to you prior to second reading to advertise for
11 the Zoning Public Hearing then the following month.

12 MR. JACKSON: The only reason why I ask is because –

13 MS. WYATT: In title only, would then therefore the subdivisions come back to us
14 in November if they did so in September?

15 MS. LINDER: You would have to – again, it's a question about whether you've
16 advertised for the public hearing and you know what the law is going to be, whether you
17 can apply the Pending Ordinance Doctrine.

18 CHAIRMAN VAN DINE: I think the uncomplicated answer is as long as the
19 language is not before anybody, but prior to our meeting in October, that they may be
20 able to make a recommendation that all subdivisions come back to us through some
21 administrative or Council oversight, but as far as the specific language that is applying
22 or the pending legislative doctrine, that cannot apply until we actually approve the
23 language in October.

1 MS. LINDER: Exactly, to move the ordinance forward. They could can certainly
2 vote on what they want to have done or to recommend somebody take some action to
3 do something, yes.

4 MR. JACKSON: The reason why I asked because several members of County
5 Council said they'd like to see that done, but I haven't heard anyone planning to make,
6 do anything about it. So I'm not trying to put them on the spot, but I'm just trying to
7 understand if that's possible so I can at least call a few members of County Council and
8 say, "Here, this is what you can do." And see if they'll do it or not. That's the only
9 reason why I asked.

10 MS. WYATT: But Norm, if it's not going to move it up to, for us to see these
11 subdivisions any faster – I mean, it sounds like we're not going to see subdivisions any
12 way we do it until November, even if –

13 MR. JACKSON: December.

14 MS. WYATT: December, I'm sorry. So even if Council, September 27th, gives it
15 first reading in title only, then they can't do second until when? They could do second
16 reading on text amendment in two weeks, then that, and by the time Staff – it still looks
17 as if it would be December.

18 MR. JACKSON: No, the only reason I asked [inaudible] last month.

19 MS. WYATT: Right, right.

20 CHAIRMAN VAN DINE: I have a suggestion, that is if anybody wishes to move
21 this any further along that they have a meeting with Legal and/or the County Council
22 member who wishes to do so as opposed to this Body taking up any more time trying to

1 figure out machinations to try and get something to us any sooner than what would be
2 reality.

3 MS. WYATT: I think that's very good, Mr. Van Dine.

4 MS. LINDER: Mr. Chairman, to the extent possible, Staff can work as fast as
5 possible to get something to the Planning Commission maybe two weeks from now to
6 review, which is two weeks prior to the October meeting, and we can communicate in-
7 between times to make sure that we're on track with what you're, what the Body's
8 intention is.

9 CHAIRMAN VAN DINE: Alright.

10 MR. JACKSON: That's fine.

11 CHAIRMAN VAN DINE: Next thing we have is discussion of changing the
12 minimum parcel size in the RU zoning. Page 83, it's a memo that was sent to you.

13 MS. LUCIUS: Mr. Chair, I'd like to ask Staff a question. Is this because of the
14 fact that I wanted to talk about this today? Since it was done –

15 MR. CRISS: And we may have over simplified your interest. Your interest may
16 go beyond the issue of minimum lot sizes in the rural zoning district.

17 MR. JACKSON: What is the new minimum lot size?

18 MS. WYATT: An acre.

19 MR. CRISS: It was 33,000 square feet under the old Code. The Planning
20 Commission recommended that that be increased to one acre. County Council revised
21 or amended the draft Land Development Code to return to the same 33,000 square foot
22 minimum lot size for the rural zoning district, and that's what was adopted.

23 MR. JACKSON: Okay.

1 MS. LUCIUS: So basically there's really no difference between rural and rural
2 residential.

3 MR. CRISS: In terms of minimum lot size, you're correct.

4 MS. LUCIUS: And our intention was to create a real difference between truly
5 rural and rural residential.

6 MR. CRISS: And, you know, one could argue that even a one acre minimum is
7 not truly rural.

8 MS. LUCIUS: Is not truly rural, no.

9 MR. CRISS: You, as a Planning Commission, may want to consider a whole
10 new zoning district category.

11 MS. LUCIUS: I was – what time is it? Since he did this at my request, I was
12 wondering if anyone would be, would mind if we just held this over till our next meeting.

13 MR. JACKSON: Well, a quick question because it was just brought up, what are
14 you trying to achieve?

15 MS. WYATT: Trying to keep rural rural, I mean, truly rural is not –

16 MR. JACKSON: But as the residents who have been living there for the past 20,
17 50 years, as they see it, the characteristic of rural is having, by DHEC, 3,300 [sic]
18 square foot because it supplies the water and the septic tank, or the well and the septic
19 tank has to have a minimum distance. And that's how they came up with that formula
20 with 3,300 [sic] square foot. And that has been rural.

21 MS. WYATT: But that's a guideline for well and water and septic tanks so that
22 we don't end up with the problems our friends are facing in New Orleans right now. It's
23 got nothing to do with trying to create a character of Richland County.

1 MR. JACKSON: But the character now is at it is. I mean, are we trying to
2 change it and make it different from what it is? That's the way it has been.

3 MR. MANNING: I think what some of the discussion revolved around was that
4 the 33,000 square foot lot really did not maintain the rural character of the community.

5 MR. JACKSON: By whose opinion?

6 MR. MANNING: Well, mine.

7 MR. JACKSON: The people who live there, that's their way of life.

8 MR. MANNING: Let me back up. I'm not trying to say that they can't have a
9 33,000 square foot lot. I would like to see a revision, or an addition to the Code to allow
10 for a larger lot that would really promote more green space. Now, we've had
11 discussions with Mr. Criss about incentives to create those open space areas and
12 maintain some of the corridors that we have without eliminating anybody's personal
13 desire to have a 33,000 square foot lot, but a 33,000 square foot lot really is not rural.

14 MS. WYATT: It's a Wildewood lot.

15 MR. JACKSON: But do you realize –

16 MS. WYATT: Is that rural?

17 MR. JACKSON: That's by your opinion. Right? Do you realize the people who
18 are living now, especially I can speak for the Lower Richland community, I've lived there
19 over 27 years, and that area has been deemed economically distressed community.
20 That means they, with the quality of life and the median income is below the state
21 average.

22 MR. MANNING: I don't think –

1 MR. JACKSON: What I'm saying is when you're talking about larger lot size,
2 you're talking about people paying more.

3 MR. MANNING: No.

4 MR. JACKSON: Don't tell me someone is going to pay the same price for two
5 acres as they pay for three quarters of an acre. And what we're trying to do now is
6 saying, okay we don't agree with the lifestyle or the characteristic you're used to, we
7 think you should have larger lots. That's not all opinion, not by the people who live
8 there.

9 CHAIRMAN VAN DINE: I don't think what we're talking about –

10 MR. JACKSON: Well, we're creating a hardship.

11 MS. LUCIUS: Hum-um (negative).

12 CHAIRMAN VAN DINE: I don't think what we're talking about is changing the
13 specific sizing of somebody coming in and buying new. I think what we're talking about
14 here is what is a rural lot, what is the characteristic of a rural lot, are there advantages
15 that we can give to a larger lot that would therefore be considered a true rural lot?
16 Frankly, I own a lot which is larger than the 3,300 [sic] square feet, and I'm far from in a
17 rural setting. So the question really is not so much who's gonna buy what or not buy.
18 The question is as far as a classification, do we want to have something within the Code
19 which allows for a truly rural lot, as a new classification, not as a change to an old
20 classification, but as some kind of a new classification that people could put themselves
21 in if they wanted to do that. And, at least that's what I'm understanding the situation to
22 be. It's not to say that somebody who has a 3,300 [sic] square foot lot has to be, you
23 know, has to somehow combine with others to get into this rural setting. What it's

1 saying is in reality what we're looking at is what is truly rural from a general perspective
2 and what is more rural residential, if you will, from that?

3 MR. JACKSON: But 33 is a minimum. It's a minimum lot size. I'm not saying
4 you can't have five acres if you choose, we're just saying it's a minimum.

5 CHAIRMAN VAN DINE: What is the advantage of remaining in a rural, a 3,300
6 [sic] square feet?

7 MR. JACKSON: Are you talking to me?

8 CHAIRMAN VAN DINE: Yeah. What is the advantage of a 3,300 [sic] square
9 foot lot under a rural classification?

10 MR. JACKSON: I don't - the only advantage I can see is an economical
11 advantage to people who cannot afford something more than $\frac{3}{4}$ of an acre.

12 CHAIRMAN VAN DINE: So if you made it -

13 MR. JACKSON: But for safety by DHEC standard and for the past 50 years or
14 however it has been, that's the rural characteristic of the area.

15 MS. LUCIUS: Well that's rural residential.

16 CHAIRMAN VAN DINE: Well that -

17 MS. LUCIUS: To me, that's rural residential.

18 CHAIRMAN VAN DINE: A DHEC characteristic is a sewer, water, health issue.

19 MR. JACKSON: Yeah.

20 CHAIRMAN VAN DINE: That has nothing to do with size of lots because they
21 may not be able to do sewer and water on a five acre lot because nothing perks.

22 MR. JACKSON: I understand.

1 CHAIRMAN VAN DINE: So the question is in reality a 3,300 [sic] square foot lot

2 –

3 MR. JACKSON: Minimum.

4 CHAIRMAN VAN DINE: A 3,300 [sic] which, okay, make it 3,500 [sic] –

5 MS. WYATT: Thousand.

6 CHAIRMAN VAN DINE: Thousand square foot lot is going to be what people who
7 are trying to develop in a “residential” area are going to make their lots.

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

9 CHAIRMAN VAN DINE: So if in fact that’s true, that is not rural in nature.

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

11 CHAIRMAN VAN DINE: The question then becomes is what is the purpose of
12 rural and why does a minimum lot size of 33,000 square feet become the driving force,
13 because we can make lots of things 33,000 square feet that are not rural. If we truly
14 want to make a rural community and we really want to have a rural characteristic, then it
15 would seem to me larger land holdings are what people would be looking at for the rural
16 characteristics.

17 MS. LUCIUS: With more agricultural.

18 CHAIRMAN VAN DINE: And if in fact someone wants to live in the rural type
19 setting, the rural residential becomes the fallback zone for the particular classification.
20 Now having said all of this, I’m not sure where we’re going with it because it seems to
21 me that County Council has already come down and said they don’t want to have the
22 one acre lots for rural, they want to leave it at 33,000 square feet. So I’m not sure what

1 we're accomplishing through the whole discussion that we had at the time we actually
2 went to an acre during the Land Code.

3 MR. JACKSON: And my whole discussion was based on 33,000 square foot
4 based on one acre. That's all it was based on. It wasn't based on anything larger than
5 one acre. I was just comparing what it was, 33,000, to one acre. That's what I was
6 basing it on.

7 MS. LINDER: I believe the discussion was on maintaining the existing
8 requirements of property owners and not imposing, you know, an additional, I guess,
9 additional requirements. I do not believe there was discussion about creating a new
10 zoning classification, an optional zoning classification that person could request, have
11 minimum acreage of 15 acres, for example, or 20 acres or 50 acres.

12 CHAIRMAN VAN DINE: What's the true difference between rural residential and
13 rural in the Code?

14 MS. LINDER: Very little.

15 MR. CRISS: The land uses allowed. The rural district allows all your agricultural,
16 silvicultural activities, whereas the rural residential does not.

17 CHAIRMAN VAN DINE: I mean, in reality if both lots are the same size, what's
18 the advantage of a rural residential over a rural? If you get more in rural, stay rural. I
19 mean, explain to me what the purpose is of rural residential if, in fact, the lot sizes are
20 the same?

21 MR. CRISS: Yeah, of course, Staff wanted to see some distinction between the
22 old rural residential, RR zoning district, and the old RU, rural district, and recommended
23 that one acre minimum lot size. But that in and of itself, the minimum lot size is only

1 one fact, of course, of land use. If we truly want a rural landscape in Richland County to
2 remain this century, we're going to have to do more than what we've done so far.

3 MR. JACKSON: But who wants that?

4 MS. WYATT: Well, you know, Mr. Jackson –

5 MR. JACKSON: I heard that's what Staff wanted, but I mean, who wants that?
6 Is it about the people?

7 MS. LUCIUS: People said they did.

8 MS. WYATT: Mr. Jackson I –

9 CHAIRMAN VAN DINE: Wait, let's go one at a time please. One at a time
10 please. One at a time please.

11 MS. WYATT: I'd like to answer that, Mr. Jackson. We sat in here several
12 evenings from 5:00 to 9:00 for public input and I would say that this room was pretty full
13 and the majority of those folks came from the Lower Richland community and I still have
14 my notebook of the comments made. Those people begged us not to chop them up
15 and turn them into Northeast Richland County. They wanted their 100 year old trees
16 saved and on and on and on. They didn't want to become to look like other parts of the
17 county.

18 MR. JACKSON: They wanted to be left alone.

19 MS. WYATT: They wanted to be left alone. Well how do you leave them alone?
20 You leave them rural.

21 MR. JACKSON: Thirty-three thousand square foot. They did not want eight
22 houses per acre.

23 MR. MANNING: Well they go that.

1 MS. WYATT: That's what –

2 MR. JACKSON: They said they did not want, in a rural community –

3 MS. WYATT: And that's why we're trying to –

4 MR. JACKSON: Right? They wanted to keep it –

5 CHAIRMAN VAN DINE: Whoa, whoa, alright. If we can't stop talking over each
6 other –

7 MR. JACKSON: No, she asked me a question.

8 CHAIRMAN VAN DINE: Stop –

9 MR. JACKSON: And I'm answering it.

10 CHAIRMAN VAN DINE: Stop!

11 MR. JACKSON: But every time I speak you're telling me to stop. I have never
12 completed anything I'm saying!

13 CHAIRMAN VAN DINE: Mr. Jackson.

14 MR. JACKSON: Whenever I speak I'm told to stop or someone jumps in and cut
15 me short!

16 CHAIRMAN VAN DINE: Mr. Jackson, I will recognize you and have no problem
17 letting you speak –

18 MR. JACKSON: Well when I'm speaking no one should interrupt!

19 CHAIRMAN VAN DINE: The Court Reporter's having a hard time understanding
20 –

21 MR. JACKSON: I understand.

22 CHAIRMAN VAN DINE: - everything that is going on.

1 MR. JACKSON: But every time I speak someone cuts me and tells me they want
2 to respond.

3 CHAIRMAN VAN DINE: Alright. From this point forward if you wish to speak,
4 ask the Chair to recognize you and I will recognize anybody who wishes to speak, if we
5 can't treat each other with respect. Now, Mr. Jackson, did you have something you
6 wished to say?

7 MR. JACKSON: I was merely saying that the people in the area did not want to
8 see eight houses per acre. They were satisfied with the 33,000 square foot they had as
9 their rural character. That's what they wanted. Now I'm hearing is that we need larger
10 lot sizes to make it truly rural. By who? That's just my question. At this time, from the
11 meetings we had and the place was filled with people, their main concern they did not
12 want to be a Northeast, they wanted to be left alone. We told them that they could not
13 be left alone. Some red dots was placed on the map, which was taken off and told to
14 the citizens that it no longer existed. We realize that was not true. It was like a
15 camouflage, it was taken off, right? It still existed. But all I'm saying is that the 33,000
16 square foot was a mark, even though DHEC said that's the minimum lot size for safety
17 or health reason, their concern was that they wanted to remain minimum 33,000 square
18 foot. That's all I have to say.

19 CHAIRMAN VAN DINE: Ms. Wyatt, did you want to –

20 MS. WYATT: No, thank you.

21 CHAIRMAN VAN DINE: Mr. Manning, please.

22 MR. MANNING: I don't know how this has gotten so convoluted, but what I was
23 trying to say was that the 33,000 square foot lot can remain and anybody who wants to

1 have it should have it. And if there are landowners out there who want to go to a new
2 classification that would further protect the corridors and open space of our rural county,
3 so be it. I think we need to look at a new classification that would be basically optional
4 for the landowner. There may be incentives involved to help landowners restrict their
5 property to a larger lot size. It may be 10 acres, it may be 50 acres, I don't know what
6 that is. But it's certainly not designed to take any rights away from anybody that's there
7 now, economically or otherwise, and I think it should be done to help promote the rural
8 character that's out there that's not just 33,000 square feet.

9 CHAIRMAN VAN DINE: Mr. Jackson, did you have something to add?

10 MR. JACKSON: There's no, from what I understand now there's no maximum.
11 There is a minimum. So to create something larger, I can't see the relevance of
12 creating something larger than 33,000 square foot. Thirty-three thousand square foot is
13 a minimum, so I'm confused about creating a true rural character. There's no limit on
14 the size of the lot.

15 MR. CRISS: If we're to maintain agricultural and silvicultural and horticultural
16 and hunting and fishing and surface mining lands in Richland County, we cannot allow
17 $\frac{3}{4}$ acre lot encroachment into those landscapes because there will be inevitable land
18 use conflicts and the $\frac{3}{4}$ acre property owners will win.

19 MS. WYATT: In a court.

20 CHAIRMAN VAN DINE: What is the suggestion to then maintain or to attempt to
21 come up with some logical way of dealing with both issues?

22 MR. CRISS: It's a huge challenge and I appreciate Commissioner Manning's
23 suggestion. One way to look at the future land use of Richland County is to forget

1 zoning districts, if that's at all possible, I know it's really hard for us to drift away from
2 those. Consider broad categories of future land use from urban to suburban to, call it
3 rural, and I would include residential in that category, and maybe a working lands
4 category or some people would call it agricultural, but it's really more than farming, it's
5 timbering and pasture and horticulture and mining and hunting and fishing and so forth,
6 and perhaps some kind of voluntary rezoning to such a category. We'd have to come up
7 with a zoning district or maybe more than one that would be suitable. What incentives
8 would we be able to provide remain to be seen, but it seems to me that we've got to find
9 ways to pay people not to develop their land. If a conservation easement's on them and
10 secure tax benefits, but there are those who don't have the income stream to take
11 advantage of the tax benefits of conservations easements and we, the county, and
12 adjoining jurisdictions may need to look at creative ways to encourage large scale – I
13 don't want to say preservation. I don't even want to say conservation, but maintenance
14 of that rural character that I think Commissioner Wyatt is speaking of. We're hearing
15 about this down in Lower Richland at the neighborhood master planning meetings.
16 There's a real dichotomy. Folks that want the privilege of dividing their own land for
17 their children or whomever, but are fearful of development coming in and dividing
18 surround lands as of right. And, of course, most of that area's zoned rural and anyone
19 can come in right now and cut it up into $\frac{3}{4}$ acre lots, as many as you can fit on the
20 property, if you can find the road and the water and the sewer to support it, or, in some
21 cases, well and septic. The conservation category would be your National Park and
22 your Sesqui Centennial State Park and maybe some county greenway system in the
23 future; lands truly reserved for natural land cover.

1 CHAIRMAN VAN DINE: Ms. Linder, you had something?

2 MS. LINDER: I was just going to attempt to address Mr. Jackson's question
3 about the – what's the advantage to having a larger one, because a person can
4 voluntarily have larger tracts. And I would just sort, I think Michael Criss was alluding to
5 that or stating that, that it would bind future use of the land. If the land is sold to
6 someone they would have to follow that new zoning of the larger acreage and they
7 would not be able to break the acreage down if you have a larger size. So it's not so
8 much that what a person – certainly a person that currently owns land has the option to
9 keep the large tract, but this would bind future owners of the tract.

10 CHAIRMAN VAN DINE: The – I'll go back to the earlier question. The difference
11 between rural residential and rural in our classification is there is more, I'll call it
12 agricultural use, in the rural than there is in rural residential.

13 MR. CRISS: Yeah, the rural district allows your animal production and support
14 services, your crop production and support services, your fish hatcheries and forestry
15 and support services, your poultry farms and the produce stands, not the swine farms;
16 that's the one land use not allowed in any district, and your veterinary services for
17 livestock. None of those uses are allowed in the RR. But the minimum lot size and the
18 one dwelling unit per lot and the 120' minimum lot are the same.

19 CHAIRMAN VAN DINE: So the true difference between those two classifications
20 is a use, the use that the land can be applied to, correct?

21 MR. CRISS: That is the essential distinction between the current rural and RR,
22 rural residential.

1 CHAIRMAN VAN DINE: So the availability of $\frac{3}{4}$ acre lots is available right now
2 under both of those classifications?

3 MR. CRISS: Correct.

4 CHAIRMAN VAN DINE: And if, in fact, an individual wished to fall within a rural
5 residential, $\frac{3}{4}$ acre, assuming for a moment that a change in the size of rural were to be
6 implemented, the only difference would be what they could do with that specific piece of
7 property. It doesn't mean that rural residential couldn't be 15 acres either.

8 MR. CRISS: Right.

9 CHAIRMAN VAN DINE: So what we're talking about is a use question, not a
10 size question. How the property itself is used, not the size of the property that would be
11 used, the minimum size of the property, is that basically the difference between the
12 two?

13 MR. CRISS: Yeah, land uses are the essential difference because the current
14 rural zoning district is relatively lenient in terms of its minimum lot size. It allows
15 suburban style residential development to take place out to the county line.

16 CHAIRMAN VAN DINE: Okay, then let me ask Ms. Lucius the question which I
17 started to allude to earlier and that is what is the, what are we trying to accomplish with
18 the question that's being raised as to the lot size differential between rural and – I mean,
19 we just went – and the reason I'm asking is because we just went through a rather large
20 process where there was reclassifications of various properties. If we actually were to
21 take and make a change to rural then we would be reclassification all rural property now
22 with minimum lot sizes of one acre. That, to me, sounds like we're plowing ground that
23 Council didn't want us to plow.

1 MS. LUCIUS: Well, really I was thinking more of the rural in the northwest when I
2 brought this back up, especially because of O'Shiel. There's a – I just feel like we did
3 have people come here and people, there are people that want rural. We say that we
4 want to provide different housing for different needs, different wants, different income
5 levels, and I don't see that we're really protecting the truly rural areas for the people
6 who have moved there and want it to stay rural and not have the 33,000 square foot lots
7 coming in. You know, Kennerly Road, we had farmers come up and said they can't
8 even get their tractors out on the road anymore. I mean, is that what we want for
9 Richland County? Do we not want anymore rural land, anymore farms, anymore, you
10 know, truly distinguish between rural and residential and we're not doing that right now.
11 I mean, if we leave it the way it is right now we're saying we don't want anymore really
12 rural land in Richland County. And that was just my point, and I don't know how get to
13 it. And I'm certainly not trying to, you know, put a hardship on anyone. That's not my
14 idea at all. I just think of the people that, just like in the northwest, they say, "We moved
15 out here because we love the rural countryside and now that's disappearing." And
16 where are they gonna go? And they're not rich people. I'm not talking about wealthy
17 people. I'm talking about people that just want to live in the country. That was the only
18 reason I brought it back up. How we get to it, I don't know if it's a matter of square feet,
19 you know. It's a problem.

20 CHAIRMAN VAN DINE: Mr. Newman, you had something? Did you have
21 something you wanted to add? She can't hear a word you're saying.

22 MR. NEWMAN: If the distinction between rural residential and rural is usage
23 categories, I would point out that in terms of agricultural, silvicultural, poultry, livestock,

1 you can't – none of those uses are viable on a five acre parcel, much less a $\frac{3}{4}$ of an
2 acre parcel.

3 MS. LUCIUS: Right.

4 MR. NEWMAN: And that's maybe what some of you are getting at there. If the
5 definition of rural is truly agriculture, silviculture, livestock, maybe hunting and fishing,
6 you know, pasture land, the traditional definition of rural, like I said, five acres is not
7 even viable in most cases.

8 MS. LUCIUS: Yeah. I understand that. I don't know how you get to it. It's just a
9 concern. It's just a thought, you know.

10 MR. CRISS: And indeed, at present we're relying on individual private property
11 owners and the market to decide what is rural and what is converted. But it may be
12 possible for us to consider ways to provide incentives for those landowners who truly
13 want to keep large tracts intact in a global economy with many pressures to sell and
14 develop.

15 CHAIRMAN VAN DINE: It doesn't seem to me that we can accomplish the truly
16 agricultural unless we made some drastic change in the size. If we were to do that – an
17 acre isn't going to do it – so if we were going to do that though, we would again have to
18 be looking at every parcel in the rural inventory and I'm not sure that we want to take on
19 that at this point in time, because I think if we had a problem some of the LI and the M1,
20 M2 issues, I can imagine the issues we would face with all of the individuals, as Mr.
21 Jackson is pointing out, who have the smaller areas which they do want in the rural
22 setting that we have defined in our Code. We would have a very, very tough road of
23 trying to increase the sizes of property to areas that were really and truly agriculture.

1 Having said that, you know, is there a reason why we couldn't say that somebody could
2 get into some classification that we establish that was 20 acres or greater in saying if
3 you want to get in there, you know, that's great, we'll put you there and here, we're
4 going to restrict even more what you can and can't do in those areas, because we want
5 this to be pastoral or we want something else. That's just something, it's food for
6 thoughts. It's not necessarily something we can act on at this point in time because I
7 don't think we can make changes to that.

8 MS. LUCIUS: Well, you know, it's just people do want that and how do we
9 provide it for them? How do we save it for them?

10 CHAIRMAN VAN DINE: Mr. Manning, please.

11 MR. MANNING: Mr. Chairman, you hit on something there with the, you know,
12 some people may voluntarily just put it in there. It is somewhat of a protective measure
13 that provides a comfort level for certain areas to accomplish the same thing that
14 conservation easements may provide. You know, you brought up O'Shiel Road and I
15 recommend that they go out in that area - look to get together, the people who had
16 larger tracts and put conversation easements on them and that would protect
17 themselves. I mean, they're going out and being proactive about it. One acre lots or
18 33,000 square foot lots just are going to continually encroach into that rural character.
19 And I know Mr. Jackson's got an impression that there's a lot of 33,000 square foot lots
20 down there that I think people ought to have the right to build on and not be subjected to
21 more regulation. I think over time if we could provide a larger classification, whether by
22 incentive or voluntary, I think the county will benefit in maintaining that rural character.

23 MS. LUCIUS: More than 33,000 square is going to –

1 MR. MANNING: I don't see that that's providing any protection to the
2 communities from encroachment on development. I'm not trying to do it to be restrictive
3 to those individuals who have 33,000 square foot lots, that's not the point at all from my
4 standpoint. And I think there is a way that we could promote better stewardship of the
5 land by having another category.

6 MS. LUCIUS: Well that was my idea. It wasn't the size lots so much as just why
7 we have the two categories, and there's really no difference between them, very little.

8 CHAIRMAN VAN DINE: Ms. Wyatt, did you have something you wanted add?

9 MS. WYATT: No.

10 MS. LUCIUS: That was all I wanted to bring up.

11 MR. CRISS: In Montgomery County, Maryland, they face the same development
12 pressures that we do, rapid suburbanization, encroaching into rural landscapes, and
13 they set up a purchase of development rights, well, call is a transfer of development
14 rights program where rural property owners who volunteered to participate were paid
15 not to develop their property beyond a certain rural threshold and the money, in
16 essence, came from property owners and developers in the more urban and suburban
17 portion of the county that wanted to get density bonuses or other development benefits.
18 And I'm not saying that Richland County could sustain such a market unto itself. I
19 imagine if the entire metropolitan region of Richland, Lexington, City of Columbia
20 participated, we'd have a real shot at conserving rural landscapes by paying property
21 owners not to develop.

22 MS. WYATT: And don't forget Kershaw County.

1 MR. MANNING: Didn't Beaufort County just create a bond issue to buy
2 development rights?

3 MR. CRISS: Yeah, they just flat out, they just issues a \$40,000,000 bond to give
4 them a reserve fund from which they can procure development rights or fee simple title
5 to critical lands. They just bit the bullet with local revenues and apparently had enough
6 support amongst the voters.

7 CHAIRMAN VAN DINE: I guess the question really becomes is, based on the
8 topic that we're talking about, is there anything that is being proposed to be done or is
9 this just continued discussion? I mean, what are we trying to accomplish and where are
10 we going?

11 MR. NEWMAN: I think, as you pointed out, in terms of – well Michael said in the
12 beginning that if you can, you know, place this apart from zoning and fix this as land use
13 classifications, and you pointed out the extreme political difficulty of maybe creating a
14 new zoning district. Maybe the place for this to begin is with, is policy recommendations
15 in the Comprehensive Plan, making up space for such provisions for protection of true
16 agricultural land, true silvicultural land, as a viable land use category. Down the road
17 those recommendations can be taken to the Land Development Code and a new zoning
18 district created. Maybe or maybe not, but it has to start with policy, recommendations, a
19 recognition that these areas should and must be protected.

20 CHAIRMAN VAN DINE: I think that may be one of the better suggestions we've
21 had come out of here lately is that the discussion that we've been having is probably
22 better directed to the Comprehensive Plan and the review and rewrite of the
23 Comprehensive Plan and the question that arise from this issue that we're talking about

1 as part of that discussion. Because I'm not sure there's anything we can do as we
2 presently sit here other than try to monkey with numbers and things like that, and I just
3 don't think that's going to be possible or that's going to happen. So perhaps that is a
4 discussion that we should be taking up in the Comprehensive Plan review, which is also
5 – I will call it our last topic on our thing is what are we doing and how are we doing it?

6 MR. MANNING: Talking about the Comprehensive Land Review and looking at
7 the rural lot sizes, what would be important for that would be an inventory of parcels.
8 Just take an area –

9 MR. NEWMAN: First step is the current use –

10 MR. MANNING: Well, I understand that, but the Chairman asked a question a
11 minute ago and it sparked something, you know, we don't know how many people we're
12 dealing with in Lower Richland that, you know, have an acre or 100 acres. Is there any
13 way y'all could determine, take an area and say there's 5,000 parcels out there and
14 here's the sizes. Could you do that?

15 MR. NEWMAN: We could take the current state of Richland County now and
16 classify them, as supporting to this, and you need to have that first before you can make
17 recommendations for the future.

18 MR. MANNING: I realize that, but size. Can you do size?

19 MR. NEWMAN: Right. Instead of individual parcels, it'll be polygons of those
20 particular uses according to acreage.

21 MR. CRISS: The county, as we've previously reported, is converting its old
22 fashioned ink on mylar tax maps to a computer based, digital cadastre, they call it.
23 That'll be done in the spring. Lower Richland is the last area to be done, but great

1 progress is being made. A lot of this is visible on your web site, richlandmaps.com.
2 John and Carl and I have been brainstorming approaches to the update of the
3 Comprehensive Plan and see, at least initially, some principal tasks of identifying
4 existing land use; that would address Commissioner Manning's question or comment.
5 Future land use, that's the tough one. I'll skip that for the moment. Master thoroughfare
6 plan, we ought to classify all the major roads in this county, unincorporated area, and
7 designate future rights-of-way and be setting buildings outside of them and managing
8 access along them for traffic safety and congestion relief and other reasons. Water,
9 sewer mapping, John's been working hard on trying to get the digital data out of the
10 various providers so that we can have a unified water, sewer of at least unincorporated
11 Richland County so you can see the influence of that essential infrastructure on the
12 growth and development pattern. And we'd also –

13 CHAIRMAN VAN DINE: Mr. Criss, would that include the proposed new – what
14 is it Hopkins just had a bond issue or something for a small sewer plant or project down
15 there?

16 MR. CRISS: Richland County Public Utilities has proposed to County Council a
17 county water supply and sewerage disposal system for the Hopkins area.

18 CHAIRMAN VAN DINE: Okay.

19 MR. CRISS: That Council will be taking up as they return from their recess, so.

20 CHAIRMAN VAN DINE: Would that be something that you would include in the –

21 MR. NEWMAN: Anything to spend – what I would consider proposed is
22 something that maybe the more appropriate term would be plan as just as well maybe
23 we ought to do. If it's planned for it'll be on there.

1 CHAIRMAN VAN DINE: Okay.

2 MR. CRISS: So existing and planned. And another task is to establish another
3 Planning 101 seminar with Council, perhaps on the CIP, Capital Improvements Program
4 process.

5 CHAIRMAN VAN DINE: Do we need to, as a Planning Commission, start
6 establishing meetings to get together and talk about these particular issues?

7 MR. CRISS: Yes, indeed.

8 CHAIRMAN VAN DINE: And I believe in our August meeting we attempted to set
9 up some time to do something like that and we came to no amenable dates that were
10 available.

11 MR. NEWMAN: We had hoped that this meeting, the agenda items were going
12 to be so light that there would be plenty of time, but that didn't –

13 CHAIRMAN VAN DINE: Apparently not.

14 MR. CRISS: What we're thinking of doing as Staff over the coming months is
15 prototype maps of future urban, suburban, rural, working lands, conservation lands that
16 would not be definitive or final, but help us understand that current growth and
17 development pattern of the county and how it might be filled in, fleshed out, added to,
18 changed, revised in the coming decade, and where those land use patterns might lead
19 in terms of planning policies for the different landscapes. Capital Improvements
20 programming for road, water, sewer, storm water, schools, public safety, recreation, etc.
21 Land Development Code regulations can be tailored to the different landscape types.
22 What's appropriate in urban may not be quite right for suburban, may not be quite right
23 for rural. What about service levels? The Commission can also be looking at solid

1 waste, recreation or other service delivery, ambulance response times, for the different
2 landscape types. And indeed we should broach the topic of annexation, specifically a
3 relationship with the City of Columbia. They need to know where they're going to grow
4 over the next day, so do we, and we need to know where they're going to extend or not
5 extend their water and sewer lines. There's a potential partnership there between city
6 and county. And it may be a basis for negotiation.

7 CHAIRMAN VAN DINE: I guess at this point in time I suggest that we set aside
8 an evening that as a Planning Commission and Staff to get together to talk about some
9 of the initial concepts. What I would request is that you send out to each and every
10 Planning Commission Member a couple of dates, three, four, five –

11 MS. WYATT: In September?

12 CHAIRMAN VAN DINE: In September –

13 MR. CRISS: Evenings?

14 CHAIRMAN VAN DINE: Evenings.

15 MR. CRISS: Weekday?

16 CHAIRMAN VAN DINE: Evenings I think are better, I think, for most people.

17 MR. CRISS: Weekday evenings I meant, as opposed to weekend evenings.

18 CHAIRMAN VAN DINE: Yes.

19 MS. WYATT: No, I think Saturday nights. [Laughter]

20 CHAIRMAN VAN DINE: And I would suggest that everybody on the Planning
21 Commission make every effort to find dates that work. Last time we had so many
22 people saying they couldn't do it. It was August, vacations and everything were taking
23 place.

1 MR. CRISS: Yeah, we couldn't coincide those dates that we –

2 CHAIRMAN VAN DINE: We are going to have to, even if some people can't
3 make it, we're going to have to start working on some of these things in order to do is.
4 Certainly, there are times when I may not be able to be there and that doesn't mean that
5 we should stop the process simply because I'm not there or Gene's not there or Norman
6 can't be there or whatever, so I think we all need to indicate that we have faith in
7 everybody else to sort of come up with some realistic plans for what we're going to do.

8 MR. CRISS: How many hours? What time of evening?

9 CHAIRMAN VAN DINE: I think we need about four hour blocks. I don't think we
10 can go any more than four hours, 5:00 to 9:00.

11 MR. CRISS: 4:00 to 8:00, 5:00 to 9:00.

12 MS. LUCIUS: I was reading back in the minutes and Mr. Dunbar said, "I'm
13 getting too damn old to work till 9:00." [Laughter].

14 MS. WYATT: That's why we got rid of him.

15 CHAIRMAN VAN DINE: I would suggest that you put 5:00 to 9:00, but
16 recognizing that if we start to lose, as we do sometimes –

17 MS. WYATT: We need to have County Council make that a requirement of
18 coming on the Planning Commission is that you be younger than Mr. Dunbar.
19 [Laughter].

20 MS. LUCIUS: I think he was younger than me.

21 MR. CRISS: He's still going strong.

1 CHAIRMAN VAN DINE: Alright, if you will do that then for us and get it out as
2 quickly as possible. Are there any other agenda items or things that people would like
3 to discuss or are we about talked out?

4 MS. LUCIUS: I think we're worn out.

5 CHAIRMAN VAN DINE: Mr. Phipps?

6 MR. PHIPPS: One thing I'd like – I hate to mention to you that Mr. Skip has
7 accepted a position with the County of Greenville. His last day will be the 19th.

8 MR. LIMBAKER: Or the 23rd, three weeks.

9 MR. PHIPPS: So we are surely going to miss him. He has been a major asset
10 to us.

11 CHAIRMAN VAN DINE: We hate to see you go. Wish you luck.

12 MR. LIMBAKER: Thank you. It's been a pleasure working with all y'all.

13 MR. JACKSON: I wish you the best as you go on.

14 MR. LIMBAKER: Thank you. And actually I'll be doing the same thing there.

15 CHAIRMAN VAN DINE: Maybe you can tell us what we're doing wrong in a
16 couple of years. [Laughter]

17 MS. WYATT: I've already given him a list of questions I want answered within a
18 week of him starting in Greenville.

19 CHAIRMAN VAN DINE: Well, we will miss you. Alright, I thank you all. Ladies,
20 and gentleman, we are adjourned.

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22 *[Adjourned 4:48 p.m.]*
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*[Approved: Van Dine, Wyatt, Furgess, Jackson, Lucius, Manning; Opposed: None;
Absent: Palmer, Green, McBride]*

Adjourned: 5:42 p.m.