

RICHLAND COUNTY PLANNING COMMISSION

June 7, 2004

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

7
8 Called to Order: 1:02 p.m.

9 CHAIRMAN GREEN: We'll call the Richland County Planning Commission to
10 order, please. The first item of business on our agenda is the May 3rd minutes. Are
11 there any comments or corrections to those minutes?

12 MR. VAN DINE: Move for approval, Mr. Chairman.

13 MS. WYATT: I'll second.

14 CHAIRMAN GREEN: I have a motion and a second for approval. Any
15 objections? All those in favor of approval of the May 3rd minutes please signify by
16 saying aye.

17 CHAIRMAN GREEN: Opposed?

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

20 CHAIRMAN GREEN: Next agenda item is agenda amendments. We need to
21 take a brief recess to executive session for purposes of receiving legal advice.

22 MS. LINDER: Mr. Chairman. The Planning Commission went into executive
23 session to receive legal advice. No action was taken during the executive session and
24 we're ready to convene business. I would recommend though, based on our
25 discussion, that we reorder the agenda and take up subdivisions New Business before
26 we go to Old Business.

27 MS. WYATT: Mr. Chair, I'll make a motion that we take up subdivision review.

1 CHAIRMAN GREEN: Let me get a form out here so we can vote.

2 MS. WYATT: Then go back to –

3 MS. LINDER: Mr. Chairman? Regarding the agenda Mr. Gosline has one
4 comment on the agenda items that need to be taken up today.

5 CHAIRMAN GREEN: Mr. Gosline?

6 MR. GOSLINE: Yes, Mr. Chairman. Its come to my attention that item number
7 04-58, which is the last zoning item, this is the rezoning out on Longtown West Road,
8 wants to defer until July. Tom Walker's here – where is he?

9 MS. LINDER: 04-58?

10 MR. GOSLINE: You gonna defer it Tom?

11 MR. WALKER: Yes, I think so.

12 MR. GOSLINE: He wants to defer it until July.

13 MS. LINDER: Is this administratively deferred?

14 MR. GOSLINE: He's just asking to defer it and we wouldn't want to hold
15 anybody up who's sitting around waiting for it, that's all.

16 MS. LINDER: If this has not been administratively deferred the Planning
17 Commission will have to accept the deferral by motion.

18 CHAIRMAN GREEN: Okay. We have two different items under agenda
19 amendments. The first of which is to reorder our order of business, take up New
20 Business subdivision review first.

21 MR. VAN DINE: So moved.

22 CHAIRMAN GREEN: I have a motion.

23 MR. JACKSON: Second.

1 CHAIRMAN GREEN: And a second for that. All in favor of reordering the
2 agenda please raise your hand. Opposed?

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

5 CHAIRMAN GREEN: Second item its 04-58 MA which has been a request from
6 the applicant to defer until our next meeting.

7 MR. GOSLINE: Next meeting is July 12th.

8 CHAIRMAN GREEN: There are people that have signed up to speak on this
9 issue.

10 MR. DUNBAR: I move for deferral.

11 MR. JACKSON: Second.

12 CHAIRMAN GREEN: We have a motion and a second for a deferral. Any
13 discussion?

14 VAN DINE: Can I just ask the reason for the deferral? What's the reason for the
15 deferral?

16 MR. WALKER: Do I need to come down there?

17 MR. VAN DINE: I think you better, yeah. It's hard to record from over there.

18 CHAIRMAN GREEN: So those of you who don't know the number I'm referring
19 to, this is the Longtown West residential subdivision rezoning request.

20 MR. WALKER: My name is Thom Walker and here for the applicants [inaudible]
21 Investments. The reason I'd like to defer is that I think there's a good bit of
22 misinformation out about what we're trying to do there. We selected this particular
23 zoning classification in order to try to accomplish a cluster type of – a cluster type of

1 single-family development and I think I'd like have maybe another month to think about
2 whether or not we're making the right – actually going to use the proper zoning
3 classification to do this. The way it reads now it looks like a multi-family development
4 and that's not really our intention. And that it doesn't really compliment the
5 neighborhood and that's also not our intention.

6 MR. VAN DINE: Have you had an opportunity to get together with the residents
7 in the area to sit down and talk with them about these type things?

8 MR. WALKER: Not as much as I would like to. And that is another reason I
9 would like to defer.

10 CHAIRMAN GREEN: Any other questions for the applicant? We have a motion
11 on the floor to defer this agenda item. All those in favor of the deferral please raise your
12 hand. Opposed?

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

15 CHAIRMAN GREEN: That item will be deferred. Thank you, sir.

16 MR. WALKER: Thank you.

17 CHAIRMAN GREEN: Now I move to the next order of business.

18 MR. VAN DINE: For everybody who was here for that rezoning it is not going to
19 take place today so it'll be on the July 12th meeting back here.

20 **CASE SE-04-261:**

21 CHAIRMAN GREEN: Thank you, sir. Our next agenda item is under new
22 business subdivision review. The first project is SD-04-261, 3600 Broad River Road.
23 Mr. Gosline?

1 MR. GOSLINE: Mr. Chairman. Is it the Planning Commission's intention to not
2 do the one subdivision business under Old Business right now?

3 CHAIRMAN GREEN: We're covering new business subdivisions first was the
4 change we made –

5 Mr. GOSLINE: Alright.

6 CHAIRMAN GREEN: -- to the agenda.

7 Mr. GOSLINE: Mr. Chairman, Members,. this is a request for a commercial
8 subdivision on Broad River Road at St. Andrews Terrace. Staff recommends approval.
9 If you look at page 31, you'll notice that the parcel map shows this piece in two separate
10 pieces and that's correct, but once this gets platted the piece on Broad River Road will
11 all have different tax map numbers anyway. So I just wanted to – it shows up both in
12 the aerial on 30 and 31. I just wanted to make –

13 CHAIRMAN GREEN: Am I correct in my assumption that the only portions of the
14 owned property that are being subdivided are, is the front portion on Broad River Road?

15 Mr. GOSLINE: That's correct. That's correct.

16 CHAIRMAN GREEN: Not the back portion?

17 Mr. GOSLINE: That's correct.

18 MR. VAN DINE: Then why is the back portion –

19 MR. GOSLINE: It was all one big piece some time ago and when they split them
20 up they keep the same numbers sometimes.

21 MR. VAN DINE: So we're not dealing with the L-shaped piece in the back?

22 MR. GOSLINE: No, sir. Just the front piece on Broad River Road. In the tax
23 maps those pieces show up as the same – as one number.

1 MR. VAN DINE: And I'm also understanding the two that are not shaded are the
2 ones that are broken out?

3 MR. GOSLINE: That's correct.

4 MS. LUCIUS: That's that Dollar General, I think. Isn't that right? The Dollar
5 General is one of the areas that's not shaded.

6 CHAIRMAN GREEN: Discussion? Questions?

7 MR. VAN DINE: Move for approval.

8 MR. DUNBAR: Second.

9 CHAIRMAN GREEN: We have a motion for approval and a second. All those --
10 is this subject to the conditions on --

11 MR. VAN DINE: Yes.

12 CHAIRMAN GREEN: -- page 26 and 27?

13 MR. VAN DINE: Correct. Sorry.

14 CHAIRMAN GREEN: We have a motion for approval subject to the specific
15 conditions listed on page 26, 27 of our book. All those in favor of approval please raise
16 your hand. Opposed?

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

19 CHAIRMAN GREEN: Next agenda item.

20 **Case SD-04-271:**

21 MR. GOSLINE: The next item is also a minor subdivision. This is out on
22 Johnson Marina Road and Rucker Road. It's four lots. You can see on the aerial on
23 page 40 and parcel map on page 41 where it's located. Staff recommends approval.

1 MS. WYATT: Motion to approve subject to conditions on page 35?

2 CHAIRMAN GREEN: Thirty-six.

3 MS. LUCIUS: Thirty-six.

4 MS. WYATT: Thirty-six.

5 MS. LUCIUS: I'll second.

6 MR. VAN DINE: Mr. Chairman. The only concern I had with that was that lot 1
7 not be allowed to enter on Johnson Marina but instead off of the Rucker Road.

8 MR. GOSLINE: Right.

9 MR. VAN DINE: Johnson Marina would have too many curb cuts on it if we
10 started allowing all those to come in. I would ask that the motion to amended in that
11 regard.

12 MS. WYATT: So amended. Second?

13 CHAIRMAN GREEN: Ms. Lucius is that okay with you?

14 MS. LUCIUS: Yes, uh-huh (affirmative).

15 CHAIRMAN GREEN: And so we have a motion on the floor to approve 04-271
16 subject to conditions on page 36 and the further proviso that no lot have a curb cut on
17 Johnson Marina Road or specifically lot 1. All those in favor? Opposed?

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

20 CHAIRMAN GREEN: Next is SD-04-272.

21 **CASE SD-04-272**

22 MR. GOSLINE: This is a request for sub – preliminary plans approval for
23 Berkeley portion of the Lake Carolina development. It's up in the north central part of

1 the Lake Carolina development. Staff recommends approval subject to conditions on
2 page 47.

3 MR. JACKSON: Recommend approval subject to conditions.

4 CHAIRMAN GREEN: We have a motion to approve subject to the conditions
5 listed in the Staff Report. Is there a second?

6 MR. MCBRIDE: Second.

7 CHAIRMAN GREEN: Further discussion? All those in favor of approval please
8 raise your hand. Opposed?

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

11 CHAIRMAN GREEN: Approved. Next is SD-04-294.

12 **CASE SD-04-294:**

13 GOSLINE: Mr. Chairman, Members, this is a very unique subdivision out on the
14 Broad River Road. It has very large lots and you can – if you look at page 61 you can
15 see the location on the aerial. The topography is just unbelievable. There's lots of
16 gullies and, you know, just a wonderful, very unique subdivision we've had before us. If
17 you look at page 59, in case you're wondering, the blocks in the lots are the building
18 envelopes. Staff recommends approval subject to the conditions on page 56.

19 MS. LUCIUS: Mr. Gosline, you said it was on Broad River Road but actually it's
20 on the Broad River.

21 MR. GOSLINE: Yeah, right. A little bit of difference.

22 MS. LUCIUS: A little bit of difference.

23 CHAIRMAN GREEN: Questions? Comments?

1 MR. PALMER: Move for approval subject to conditions on page 56 and 57.

2 CHAIRMAN GREEN: I have a motion on the floor for approval. Do I a hear
3 second?

4 MR. FURGESS: Second.

5 CHAIRMAN GREEN: Further discussion? All those in favor to approval subject
6 to conditions please raise your hand. Thank you.

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

9 CHAIRMAN GREEN: One more in this section. Next is Palmetto Place.

10 **CASE SD-04-181:**

11 MR. GOSLINE: Woodcreek Farms.

12 CHAIRMAN GREEN: Woodcreek Farms, I'm sorry.

13 MR. GOSLINE: Mr. Chairman, Members, this is another portion of the
14 Woodcreek Farms PUD. This one is located right near the town center or the circle in
15 the middle to the project. Staff recommends approval subject to the conditions on page
16 66 and 67.

17 MS. WYATT: Mr. Chair, I make a motion we approve subject to conditions on
18 page 66 and 67.

19 CHAIRMAN GREEN: We have a motion for approval. Do I hear a second?

20 MR. MCBRIDE: Second.

21 CHAIRMAN GREEN: Discussion? Further comments? All those in favor of
22 approval please raise your hand. Opposed?

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

3 CHAIRMAN GREEN: Next is Palmetto Place.

4 **CASE SD-04-167:**

5 MR. GOSLINE: The next is Palmetto Place, phases four through seven. This is
6 completion of the Palmetto Place development, which is a part of a larger PUD,
7 subdivision development, I'm sorry. Staff recommends approval subject to the
8 conditions on page 76 and 77.

9 CHAIRMAN GREEN: Questions? Comments?

10 MR. PALMER: Move for approval subject to conditions on page 76 and 77.

11 CHAIRMAN GREEN: We have a motion for approval. Do I hear second?

12 MR. DUNBAR: Second.

13 CHAIRMAN GREEN: Further discussion? All those in favor of approval please
14 raise your hand.

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

17 CHAIRMAN GREEN: That gets us through – perfect timing. We got our
18 additional paperwork at the same time we got through those agenda items. We'll now
19 return to Old Business. The first item under Old Business is SD-04-205, Dutch Oak
20 subdivision deferred from our meeting of May 3rd, 2004.

21 **CASE SD-04-205:**

22 MR. GOSLINE: Mr. Chairman, Members, as this project was considered before,
23 the applicant has taken care of the reason for the deferral and has gotten or will get

1 shortly a disturbance, land disturbance permit from the county. Staff recommends
2 approval subject to the conditions on page 13 and 14.

3 CHAIRMAN GREEN: Question. Go ahead, Ms. Lucius.

4 MS. LUCIUS: I'm sorry. Mr. Gosline. What about DHEC and public works have
5 they, have they -

6 MR. GOSLINE: They declined to pursue any -

7 MS. LUCIUS: They declined to pursue any -

8 MR. GOSLINE: Yes.

9 MS. LUCIUS: - action?

10 CHAIRMAN GREEN: Under the findings of fact I noticed under number two is
11 that the plans do not comply with the fire marshal's road paving and access comments

12 -

13 MR. GOSLINE: Right.

14 CHAIRMAN GREEN: - identified in the sketch plan comments. Could you
15 amplify this for us?

16 MR. GOSLINE: Well I think we talked about this at the last, at the last meeting,
17 Mr. Chairman, and that is that the fire marshal has commented - in the sketch plan -
18 commented that if you have more than 30 lots you're supposed to have a secondary
19 access point and further that road width, paved width should be 26' with a turning radius
20 of 45'. This is different from the subdivision regulations. We have - felt obligated to put
21 in the findings of fact that the fire marshal had so commented. What you choose to do
22 with that is up to you, of course.

1 CHAIRMAN GREEN: Let me – on the site plan which is on page 15, I noticed
2 from one of the farther most cul-de-sacs in the lower left-hand side of the site plan
3 there's a dark shaded area that looks like it connects to Walnut Grove Circle; is that -

4 MR. GOSLINE: That –

5 CHAIRMAN GREEN: - good for any –

6 MR. GOSLINE: I would have to defer to the applicant but that could very well be
7 this temporary secondary access point.

8 AUDIENCE MEMBER: It is.

9 MR. GOSLINE: Okay.

10 CHAIRMAN GREEN: It's emergency access?

11 AUDIENCE MEMBER: Yes, sir.

12 MR. GOSLINE: That certainly addresses one of the fire marshal's comments.

13 MR. VAN DINE: If the fire marshal determines that the roads don't meet
14 whatever requirements he has, he has the ability to withhold certificates of occupancy
15 and other things; does he not?

16 MR. CRISS: No, sir. The fire marshal is guided by Appendix D of the 2000
17 Edition of the International Fire Code, which has not been explicitly adopted by Richland
18 County. It has been, as you may have heard, been adopted by the City of Columbia.
19 We don't have a regulatory requirement for that additional fire apparatus access as yet.
20 It's a recommendation.

21 MR. VAN DINE: So the comments he is making are based on Appendix D?

1 MR. CRISS: They would presumably be founded in Appendix D, which has not
2 been formally adopted by Richland County. So it is national and international guidance
3 on these issues but ultimately a recommendation.

4 CHAIRMAN GREEN: Discussion? Motion?

5 MR. DUNBAR: I move for approval, please.

6 MS. WYATT: I'd just like to ask Anna how did the Magistrate Court hearing go,
7 please?

8 MS. ALMEIDA: Ms. Wyatt, the applicant did appear before the Magistrate and
9 the applicant did pay his fine. And the Magistrate found the applicant guilty and it was
10 resolved.

11 MS. WYATT: Thank you.

12 CHAIRMAN GREEN: We have a motion on the floor for approval I assume
13 subject to conditions on pages 13 and 14.

14 MR. DUNBAR: Yes.

15 CHAIRMAN GREEN: Do I hear a second?

16 MS. LUCIUS: [Inaudible] oh, I'm sorry.

17 CHAIRMAN GREEN: Do I hear a second for the motion so we can it on the
18 floor?

19 MS. WYATT: Second.

20 CHAIRMAN GREEN: Second.

21 MS. LUCIUS: Can I ask just one question?

22 CHAIRMAN GREEN: Sure.

1 MS. LUCIUS: It takes me awhile to look at all my notes. On page 17 Shady
2 Grove Road is being – has been located or it is being relocated? Is that what I
3 understand? You see where it's got –

4 MR. GOSLINE: Where is doesn't quite –

5 MS. LUCIUS: Where it looks like its -

6 MR. GOSLINE: Doesn't quite go to the corner?

7 MS. LUCIUS: Yeah. It looks like its been moved. That road has been relocated
8 hasn't it, that part of Shady Grove Road? When I look at the map on page 15 it does
9 say "Relocated Shady Grove Road." See where I'm talking about?

10 MR. GOSLINE: Yeah. I don't know how to answer that. I would assume –

11 AUDIENCE MEMBER: I think it was about two years ago.

12 MS. LUCIUS: Has it been relocated already? Okay. I was just trying to
13 understand that.

14 MR. GOSLINE: So they just took – made the curb more.

15 MS. LUCIUS: So it looks like the entrance to Dutch Oaks is going to come out
16 right where that forks, right? I mean we're not --

17 MR. GOSLINE: Very close to it. Very close to it.

18 MS. LUCIUS: We're not creating a problem there, are we? Like the one on
19 Kennerly and Hollingshed. You know how those roads come together?

20 MR. GOSLINE: I certainly hope not.

21 MS. LUCIUS: Okay.

22 MR. GOSLINE: But we don't want to repeat that if we can avoid it.

23 MS. LUCIUS: Okay. That was the only thing I had observed on it.

1 CHAIRMAN GREEN: Further comments, questions, discussion? There is a
2 motion on the floor for approval subject to conditions on pages 13 and 14. All those in
3 favor please raise your hand. Opposed?

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

6 CHAIRMAN GREEN: Alright. It's all yours.

7 **CASE 04-41 MA:**

8 VICE-CHAIRMAN WYATT: Alright we're getting ready to take up under Old
9 Business a review of – I'm sorry, Spring Hill 04-41MA from RU to PUD 1-R. Broad
10 River and Freshly Mill Road. Mr. Green has had to recuse himself and I'm going to read
11 the recusal into the Record, please. "June 7, 2004. Ms. Barbara Wyatt, Vice Chair,
12 Richland County Planning Commission, 2020 Hampton Street, Columbia 29204. Ms.
13 Wyatt: I must request to be excused from participating in discussion or voting on
14 agenda item 04-41MA regarding reconsideration of rezoning to PUD, which is
15 scheduled for review and/or discussion at today's Planning Commission. Its my
16 understanding of the Rules of Conduct Provisions of the Ethics, Government
17 Accountability, and Campaign Reform laws that since I work for the real estate company
18 that represented the former landowners and recused myself in the original discussion in
19 consideration of this item, I'll be unable to participate in this matter through discussion
20 or voting. I would therefore respectfully request that you indicate for the Record I did
21 not participate in any discussion or vote relating to this item representing a potential
22 conflict of interest. I would further request that you allow and direct this letter to be
23 printed as part of the official minutes and excuse me from such votes or deliberations

1 and note such in the minutes. Thank you for your consideration in this matter.
2 Sincerely, Gene C. Green.” This is a matter that has come back to the Planning
3 Commission at the request of County Council. We are going to restrict any input today
4 except for the cases of Mr. Ward, Mr. Rick Quinn and I’m sorry - I’m having a hard time.
5 Wayne Duncan?

6 MR. DUNCAN: Correct.

7 VICE-CHAIRMAN WYATT: Okay. And then we have one Frederick Gertz?

8 MR. GERTZ: Yes, ma’am.

9 WYATT: Who is speaking for. Mr. Gertz you want to go ahead and go first?

10 **TESTIMONY OF FRED GERTZ:**

11 MR. GERTZ: Thank you for allowing me. On behalf of the applicant my name is
12 Fred Gertz. I represent the Mungo Company and I’ll be very brief. We would just like to
13 thank you for allowing us to present our position today. As you know this has been
14 returned from County Council. Previously this Commission approved the PUD 1-R for
15 this piece of property. It approved it with 640 units. During the proceedings before
16 Council, Council asked the applicant to meet with the homeowners, which we did. As a
17 result of those meetings there were some changes made, which we believe lessen the
18 impact of this development upon the property. First the number of homes was reduced
19 from 640 to 525 and then later in the proceedings to 490. The reason I say that is
20 there’s a letter from Mr. Savage around, which I know was submitted, which shows 525.
21 I just want to be clear that we are now asking for 150 less units from 640 to 490. The
22 open space has been increased from 15% of the project to 25% of the project. Sixty
23 acres is now open space. Of that 10% will be protect – 10% will be protected by

1 easements including a 20' buffer around the property. Fifteen percent will be owned by
2 the homeowners association as common area. We've agreed to no commercial
3 development, no multi-family or attached and that was agreed to by Mr. Savage of the
4 Ballentine-Dutch Fork Civic Association. He wrote on behalf of the executive board.
5 When we came back to Council for third reading the issue was raised whether the
6 statutes required we return here for your review and recommendation and that's what
7 we are here for today. We want to just point out a couple small points for your
8 consideration. There was an issue concerning traffic, which I think we addressed at the
9 last meeting but I think it should be – with 150 less units there will be less of a traffic
10 impact. The open space is substantially increased and now includes 60 acres, a
11 quarter of the project. There is now a buffer around the project to separate it from the
12 surrounding area and I think we have furnished documents with the last one about the
13 availability of sewer and water. We're asking here today for you to approve this PUD 1-
14 R again and if we have any questions we'll be happy to answer them. Thank you.

15 VICE CHAIRMAN WYATT: Thank you very much. Mr. Toby Ward.

16 **TESTIMONY OF TOBY WARD:**

17 WARD: Madam Chair and Members of the Commission, my name is Toby Ward.
18 I represent numerous residents in the Spring Hill area as well as the Spring Hill
19 Community Association, which is in its formative stages. This project is what has
20 brought about the formation of the Spring Hill Community Association and we wish it
21 weren't so. However, the development pressure that all of us see taking place in the
22 county is encroaching into areas where it's never been before. The reason the Spring
23 Hill Community Association came into existence is to help the residents in that area

1 resist this development. The residents in this area want to preserve what is unique in
2 Richland County. They want to preserve what draws people to this area of the county.
3 They believed that the current zoning RU was adequate to protect them. And then lo
4 and behold because of the development pressures and market forces, a new enemy
5 has presented itself in the form of a PUD. But to the residents of this area, to the folks
6 who've lived here and relied on the zoning, what's important to them is the RU zoning to
7 protect what is unique about this part of Richland County. I hope that each of you has
8 had an opportunity to drive this part of the county because I'll confess I never have until
9 recently. But it is truly a unique area. A space between 126 or 26 and Broad River that
10 has lazy country roads, large open spaces, beautiful well-kept properties. That's what
11 these people want to protect and preserve. It's what makes others want to come there.
12 What we're asking you to do is to allow them to protect and preserve that way of life.
13 And we think that under the existing zoning scheme, if it's adhered to in spirit, that you'll
14 be able to do that. To help them protect what they have. First of all remember today
15 the burden is on the applicant, not on these residents. The burden is on the applicant to
16 demonstrate to you that this change is necessary. There has been no showing that this
17 change benefits the residents of this area. They've all spoken to you before, I know,
18 about how it burdens them. Any time someone is asking for a change from the status
19 quo, especially a change that is codified in RU zoning, I think the burden on the
20 applicant should be a severe burden, a strong burden, a heavy showing that change is
21 needed for some reason. We don't think that that's been done in the Record in this
22 proceeding. Furthermore, your Staff – our Staff concluded that this area was not ready
23 for such a change. There's no - presently existing no sewer. Presently existing no

1 water for this project so why do we need it now? Why not let the amenities get there
2 before approving such a development? Furthermore, the roads aren't adequate at least
3 according to your Staff. Again, why encourage development when the infrastructure is
4 not in place to service it? That is not good planning and that's what we're here for today
5 is planning. That type of lack of planning has caused problems in other areas. You
6 know, I know ya'll hear it more than I do but, you know, Two Notch Road – no planning.
7 Things spring up before you can stop them. We're asking that you look at those things.
8 Don't let that happen again. I passed out in the materials a Code section. I think it
9 applies. We're asking you today to make a determination of whether or not this project
10 is in conflict with the comprehensive plan for zoning that exists in Richland County
11 because you're going to put public streets in this development and under the Code
12 section 6-29-540 that was enacted in 1994 as part of the joint effort by the association
13 of counties and the municipal association to modernize our laws, to strengthen them for
14 the citizens of the state, a duty was placed upon you to make a determination of
15 whether the location, character and extent of these improvements are compatible with
16 the comprehensive plan. That comprehensive plan is your RU zoning designation and
17 your own Staff concluded that this project, even with the changes, is not consistent with
18 good planning. What we should be about, we as citizens and you as Members of the
19 Planning Commission is good planning. And we submit that this is too much, too soon
20 and it's premature. Finally, I noted with some interest that my counterpart on the other
21 side of this question, Mr. Gertz, referred to but did not specifically introduce into the
22 Record a copy of the letter from the Ballentine-Dutch Fork Civic Association. I would
23 like to offer into the Record both the letter of the Ballentine-Dutch Fork Civic Association

1 and the Code section and attachment that I referred to. In closing, I'd first of all like to
2 thank you for allowing me to go over my time and to those of you who are here on other
3 matters, I apologize. I can only tell you that this is very serious to the folks that live in
4 northwest Richland County. Second of all there's another speaker who is on the way –
5 Representative Quinn. He's not quite made it yet so hopefully we can have a couple
6 more moments for him to arrive and let him speak about this issue and this part of the
7 county with which he and his family are infinitely familiar. So again I thank each and
8 every one of you not only for your consideration today but for your service on the
9 Planning Commission. I, more than you may realize, know that it's a thankless task and
10 that we trust ourselves to your good judgment.

11 VICE-CHAIRMAN WYATT: Thank you, Mr. Ward. Since we're waiting on
12 Representative Quinn we'll go ahead and let Mr. Wayne – now I do apologize. Is it
13 Duncan or Ducane?

14 MR. DUNCAN: [Inaudible].

15 VICE-CHAIR WYATT: Sir, if you'll come down to the mic. Sir, I need you to
16 come down to the mike and state your name and address for the record, please. Make
17 sure you adjust that mike to your height, please because we can't always hear.

18 **TESTIMONY OF WAYNE DUNCAN:**

19 DUNCAN: I was going to say Mr. Ward pretty much covered the items that I
20 wanted to talk about. Mr. Quinn will be here shortly. Both of these folks are eloquent
21 speakers. I'm just a novice at this so I'll defer to him. Well let me hit a couple of things
22 while I'm here. One of my concerns has been early on that this is going to be a
23 precedent setting development. It's right in the center between Ballentine and Chapin

1 and it's going to open up 100 square miles of development. It's going to go from RU to
2 PUD RS-1. These folks that you see around you here are going to lose their lifestyle.
3 It's also going to cost the District 5 people – that's School District 5 two clusters of
4 schools to the total of \$240 million over an eight year period. I think Mr. Dunbar
5 considered the fact that we're going to have this new tax base. Well the new tax base
6 may be a drop in the bucket. It's going to cost me a lot of money. Thank you.

7 MS. LINDER: Madam Chairman. Would you ask the gentleman please to state
8 his name and address for the Record.

9 VICE-CHAIRMAN WYATT: Sir, sir? Would you please come back and state
10 your name and address for the Record.

11 MR. DUNCAN: Like I said I'm a novice at this. I'm Wayne Duncan, 9 Amenity
12 Court, Chapin 29036. I actually live in Ballentine.

13 VICE-CHAIRMAN WYATT: Thank you. Commission we do have
14 Representative Rick Quinn who is signed up to speak but he's not here. What's the
15 wishes of the Commission?

16 MR. DUNBAR: Did somebody say when he was going to be here or we just -

17 MR. WARD: Madam Chair. I can report on his whereabouts. He's telephoned
18 twice. He's on Greystone Boulevard now so he's expected, you know, within ten or 15
19 minutes. I would ask if you can to recess this go on to other matters and then simply
20 back to us. I think most of the folks here are against the project and don't have any
21 objection to that brief delay. I can't speak for Mr. Gertz.

22 VICE-CHAIRMAN WYATT: What are the feelings of the Commission?

1 MR. VAN DINE: I personally don't have a problem holding off because it looks to
2 me like the majority of the people who are out there are here on this matter and seems
3 to me might as well have a full record of what's being said. I'm sorry?

4 MS. LUCIUS: I'm not hearing anybody.

5 VAN DINE: Personally I don't have a problem with delaying until he has an
6 opportunity to get here to speak.

7 VICE-CHAIR WYATT: Other comments?

8 MS. LUCIUS: I agree with Howard. I think a lot of people have shown up for
9 this. I think we should –

10 MR. VAN DINE: I guess what I would do is move for an abeyance of this
11 pending Mr. Quinn's arrival and then we can take it up immediately after finishing
12 whatever business we're on at that time.

13 MS. LUCIUS: We need a motion for that?

14 MR. VAN DINE: I believe I just – that was in the form of a motion.

15 MS. LUCIUS: That was a motion? I'll second.

16 VICE-CHAIR WYATT: All those in favor signify by raising your hands, please.

17 *[Approved: Palmer, Furgess, Lucius, Wyatt, Van Dine, Dunbar, McBride; Recused:*
18 *Green; Not Voting: Jackson]*

19 VICE-CHAIRMAN WYATT: Alright. I'll have Mr. Green come back in and we'll
20 move on with New Business zoning map amendments.

21 CHAIRMAN GREEN: We'll move on to the next agenda item which is zoning
22 map amendment 04-55 MA, MCA Architecture. The rezoning matters that we're
23 hearing today will be heard by County Council at a zoning public hearing at 7:00 on

1 June 22nd. So any issues you are here for that County Council is going to be voting on
2 for zoning changes there'll be an opportunity to speak at a zoning public hearing. Again
3 that will be at 7:00 on June 22nd. Again our next agenda item is the 04-55 MA. Carl?

4 **CASE 04-55 MA:**

5 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone 19 acres
6 from RU to M1 located approximately a mile west of the Town of Blythewood on
7 Blythewood Road for an administration office, operations center, and warehouse for
8 Fairfield Electric Company. The Department recommends denial for the reasons
9 discussed on page 88 and 89. Principally it's not compatible with the adjacent
10 development. It's not consistent with the proposed land use map and its not consistent
11 with the objective and principals of the north central sub area plan. There are a number
12 of people here to speak.

13 CHAIRMAN GREEN: Is the applicant – Mr. Bill Hart?

14 MR. DUNBAR: Carl, is this about a mile from the interstate?

15 MR. GOSLINE: Excuse me?

16 MR. DUNBAR: Is it about a mile from the interstate?

17 MR. GOSLINE: Yes.

18 MR. DUNBAR: Okay.

19 **TESTIMONY OF DON ROBINSON:**

20 MR. ROBINSON: Mr. Chairman, my name is Don Robinson. I'm an attorney for
21 Fairfield Electric Cooperative. I'm going to introduce Mr. Bill Hart. We actually have Mr.
22 Hart who is the CEO of Fairfield Electric Cooperative and Keith Clark with MCA
23 Architecture here for any questions that you may have and then I'll probably, with the

1 Commission's permission, have a couple of comments after Mr. Hart makes a
2 presentation.

3 **TESTIMONY OF BILL HART:**

4 MR. HART: Thank you, Mr. Chairman and other commissioners. This piece of
5 property, as Mr. Gosline said, is about a mile off the interstate. Fairfield Electric
6 Cooperative is an electric utility membership cooperative. We serve in northeast
7 Richland County, Kershaw County, Fairfield County and Chester County. Our biggest
8 growth areas are in that northeast Richland and Kershaw counties as you can imagine
9 from what the subdivisions you approved today. Two of those we serve. Berkeley and
10 the Wood Creek area that's adding an additional 150 lots into our membership. This
11 property is – does touch up to some property the Town of Blythewood has annexed and
12 zoned. I think there is some question about that, whether it was D or light industrial
13 zoning. It was our recollection that it was light industrial for research. What we're
14 trying to do is put a corporate office facility on this piece of property. The impact would
15 be about between \$5 to \$6.5 million, around 60 jobs to start with that would be located
16 into that facility. We do have a branch that's located on Langford Road. That branch
17 would be closed and moved to this facility. We are a good corporate neighbor and have
18 been in that area for a long, long time. We intend on being that. We have several
19 people here with us today who will speak for us, people who live right around that
20 property and adjacent to it. I'll open it up if there's any questions unanswered. The
21 other thing is the reason we were told we had to go to M1 – we're – this is not – we're
22 not industrial. We don't manufacture anything. We're mainly because – I reckon
23 because we would have some warehouse facilities for our supplies mainly to maintain

1 the poles and we have our trucks was the reason we were steered over into that section
2 like that. So further down the interstate is not in our service territory that is why we were
3 up in this area to look for a piece of property that would be in our service territory.

4 CHAIRMAN GREEN: Any questions for the applicant. I just have one for staff.
5 How big is the warehouse portion of what's going to be constructed?

6 MR. HART: Warehouse is about roughly 16,000 square feet but it would be in
7 behind that project.

8 CHAIRMAN GREEN: Is it because the size of the warehouse it's not considered
9 an accessory use?

10 MR. GOSLINE: Yes. Because you're having the warehousing and outdoor
11 storage of some of the equipment and office.

12 MR. HART: And the other thing if there was a buffering concern we've
13 addressed all that in any of our conceptual site plans for buffering. So it would not be a
14 buffering problem.

15 CHAIRMAN GREEN: Thank you, sir. Next on my list and if I mispronounce this
16 or don't get it correctly, forgive me. Mr. and Mrs. Rimer?

17 **TESTIMONY OF NANCY RIMER(?)**:

18 MS. RIMER: Mr. Chairman and ladies and gentlemen of the Commission, my
19 name is Nancy Rimer. I live at 1160 Trading Post Road in Blythewood. I have been a
20 lifelong resident of the Blythewood area and I own a business in the Town of
21 Blythewood. I am very much interested in the development of Blythewood and the
22 surrounding area and I feel that Fairfield Electric would be a good business to be
23 located there. They are within our community now. On Trading Post Road where I live

1 I'm only approximately two miles from the present branch that he talked about. They
2 keep the property very clean and very neat. The traffic is not an overabundance of
3 traffic and the majority of the traffic that it does create is doing work within our
4 community for the subscribers that they do serve. They are very community oriented.
5 They participate in all kind of community activities. A lot of their employees live within
6 our community and they're as interested in developing the community as we are. And I
7 feel that this location would be a good location for them to locate on and that they would
8 be an asset to our community. And I appreciate your time in listening to this concern.
9 Thanks.

10 CHAIRMAN GREEN: William Shives?

11 **TESTIMONY OF WILLIAM SHIVES:**

12 MR. SHIVES: Some of us are a little bit shorter than others. This is Bill and
13 Barbara Shives and we live at 813 Blythewood Road. We're not here to oppose
14 Fairfield Electric in anyway from coming into the area or coming into that particular
15 piece of property. We are concerned about the zoning category that they must – that
16 they are having to apply coming in under the industrial development. We feel as though
17 that this bring forth a chain reaction down – you know, everybody says well the adjacent
18 piece of property is zoned thus and so. Well you know using that theory then there's no
19 use to have but one zoning in the county. Everybody joins somebody's, you know,
20 some other property and they'd all end up being the same zoning. But we feel as
21 though that this would bring forth a chain reaction for industrial changes on Blythewood
22 Road. We had always envisioned that Blythewood Road would be possibly like
23 Trenholm Road to where residential and commercial could jointly exist; not to turn it into

1 another Bluff Road. And we would very much like for you folks to consider if there is a
2 utility zoning category that might be put under, but once it's put under industrial as such
3 then Blythewood Road is – I'm afraid headed towards industrial development. You folks
4 have been selected to represent all the people of the county and we sincerely hope that
5 you'll be mindful of the trust and confidence placed in you when you vote. This issue
6 deserves not only your careful, but also your prayerful consideration. We ask that you
7 be – all we ask is that you be honest and fair of people of the community, Richland
8 County and with yourselves. May God Bless each of you as you search your hearts
9 and souls for the future reputation of Blythewood. It is a nice residential business and
10 residential community. Thank you so much.

11 CHAIRMAN GREEN: Thank you. Next on our list is H.P. McLean, Jr. followed
12 by William Dubard. If the second person up could kind of be ready so we can keep
13 moving through the public hearing portion.

14 **TESTIMONY OF HUDNELL(?) MCLEAN, JR.:**

15 MR. MCLEAN: Mr. Chairman, Commissioners, thank you. My name is Hudnell
16 McLean, Jr. and I reside at 150 Deerwood Farm Trail in Blythewood. Additionally I'm a
17 lifelong resident of the community and in three weeks will be 70 years old. I realize
18 that's not an issue here, but I bring it up only because I can vividly remember the days
19 when many parts of Blythewood were dark after the sun went down and this is a fact. I
20 remember visiting my grandmother – friends, teenage friends of mine and many others
21 who were less fortunate or lived off of the main arteries where electricity was only
22 available. Got many recollections of that type of life and in the late 1940s was when it
23 changed and it was in fact Fairfield Electric Co-op that brought electric power

1 throughout the outlying areas of our community. Believe me, the trucks and line crews
2 of Fairfield Electric Co-op were a welcome sight in those days and I might just add, just
3 as they are today when we are temporarily inconvenienced by a temporary electrical
4 outage. During the ensuing 50 years or so since the late 1940s, many changes have
5 taken place. Number one, Blythewood is growing beyond anybody's expectations,
6 certainly mine as a lifelong resident of it. And these changes – many of them affect our
7 lifestyles and our lives in many ways. One of these changes we can safely conclude is
8 that we've become even more dependent upon reliable electric power for our comfort
9 and well-being. Considering the reality that Blythewood and adjoining areas are
10 growing the plan presented by Fairfield Electric Co-op to accommodate this growth
11 should be favorable considered. The benefits to the community are obvious to me.
12 Fairfield has always enjoyed a good community relations as previously stated within the
13 community and I feel that this legacy will certainly continue and be enhanced by this
14 new location. And just for your information I do not live adjacent to this property. But if
15 my property were adjacent to this zoning change I would still feel exactly as I do today,
16 that I would support it wholeheartedly. I would much prefer to have Fairfield Electric
17 and their operation as my neighbor than to have 30 or 40 houses spring up next to me
18 with all of the associated confusion and traffic that this would bring, and it will bring it.
19 To summarize, based on the obvious benefits and merits to the Blythewood community
20 of having the co-op locate their new business, support facilities and work crews there
21 then I hope that you the Planning Commission will endorse favorably this zoning
22 request and I thank you.

1 CHAIRMAN GREEN: Thank you. William Dubard's next followed by Melissa
2 Purvis.

3 **TESTIMONY OF WILLIAM DUBARD:**

4 MR. DUBARD: Mr. Chairman, Members of the Planning Commission, my name
5 is William Dubard. I reside at 1853 Cedar Creek Road in the Cedar Creek section of
6 upper Richland County. We live just a few miles from Blythewood. Until my retirement
7 about a year ago or a little over a year ago I was privileged to be a community and
8 member relations representative for Fairfield Electric, working out of the Blythewood
9 office and I came into contact with many of our member-owners in this capacity. What
10 Fairfield Electric seeks to do in seeking this zoning change and to relocate into the
11 upper part of Richland County is to relocate their headquarters, ladies and gentlemen,
12 to Blythewood, South Carolina and you heard Mr. Hart say this will bring in the
13 neighborhood of 60 jobs to that area. These people will trade – these employees will
14 trade in the local businesses. They will eat at the restaurants. They'll buy gasoline.
15 They'll buy groceries in the Blythewood community and it – I think is a great thing for the
16 Blythewood area and they're much in favor of your changing the zoning that is required
17 for this – construction of this facility. Just a couple of points in this matter. One in
18 particular that I would like to bring to your attention. Working in the Blythewood office I
19 had occasion to observe how many customers, how many member-owners come to the
20 office to pay their bill. And very often this is in the form of depositing their payment in a
21 night drop facility. The site that we have there in Blythewood now is no longer adequate
22 for our needs but the reason I allude to the method of payment is this. I had a part in
23 selecting this site on Blythewood Road and I can tell you that it is ideally suited for this

1 facility. It's accessible. It's on a well-traveled highway and one of the things that you
2 think about when you locate such a thing as a night drop is the safety involved. And
3 you don't know – you would no sooner want your spouse or your child or a loved one to
4 have to go down a dark alley to use an ATM machine or to go back into the woods to
5 pay a bill. That's the reason I say locate it on Blythewood Road. It's accessible. It's
6 visible. It's convenience to the customer and I am very much in favor of Fairfield
7 locating their facility at this chosen site on Blythewood Road and I thank you for your
8 attention.

9 CHAIRMAN GREEN: Thank you. Melissa Purvis followed by David Swygert.

10 **TESTIMONY OF MELISSA PURVIS:**

11 MS. PURVIS: Hi. My name's Melissa Purvis and I live at 617 Blythewood Road
12 and I am the landowner that is directly beside them. I am a younger generation on
13 family land that has been owned by my family for many, many years. I have two young
14 children and I'm very much in favor for them coming beside me because that I would
15 really – I enjoy the type of environment that we live in where my children can go out and
16 play. We don't live in a neighborhood. We don't have houses right beside each other
17 and I'm all for Fairfield coming because it will be a nice facility, but I won't have to worry
18 about a neighborhood coming there where my children will want go over there and stuff
19 like that. I have lived there all my life. I actually live in my great-grandmother's house
20 that I redid and moved into. So I am just all for them coming and very excited and hope
21 you will take that into consideration.

22 CHAIRMAN GREEN: Thank you. David Swygert followed by T. Ed Cooper.

23 **TESTIMONY OF DAVID SWYGERT:**

1 MR. SWYGERT: I'm David Swygert, 501 Blythewood Road. I live in sight of the
2 location that's in question. I've been living there all my life. And me and my family all
3 own land adjoining this property that they're trying to rezone and we're in favor of it.
4 Thank you.

5 CHAIRMAN GREEN: Thank you. T. Ed Cooper followed by Chris Walden.

6 **TESTIMONY OF T. ED COOPER:**

7 MR. COOPER: I'm T. Edward Cooper. I live at 613 Blythewood Road which is
8 adjacent to this property. This property that they're requesting a zoning change on is
9 part of old family property that I – where I was born. It been there all my life and I have
10 no objection to them. I would feel – nothing to say but that I'd welcome them. I think
11 they're a good neighbor and for the community I would much rather see them than lots
12 of small, lots of homes and things that would keeps us more in my opinion as a rural
13 community and I feel that they'd be a good neighbor to us and I have no objections and
14 I'd love to see them come and I hope you'll take that into your consideration. Thank you
15 very much.

16 CHAIRMAN GREEN: Thank you. Chris Walden followed by Keith Clark.

17 **TESTIMONY OF CHRIS WALDEN:**

18 MR. WALDEN: My name's Chris Walden. I live at 1016 Blythewood Road and
19 as Mr. Duncan said, I am a novice as well. I signed the wrong paper. I'm not opposing
20 Fairfield Electric, but my concerns are what Mr. Gosline said earlier is the conformity to
21 the land use map that was adopted recently. It doesn't fit. We just bought a house the
22 day before the sign went up for the zoning on 1016 Blythewood Road and envisioned
23 raising my family in what Blythewood is, is a country area. We get our electricity from

1 Fairfield Electric so I'm not opposed to Fairfield Electric. It's the zoning that Mr. Shives
2 referred to also. The question is once you open this up the possibilities of that much
3 industrial coming into that Blythewood Road area is alarming. It's not really where I feel
4 I would want to raise my family. I know this is kind of hindsight now. Had the zoning
5 signs gone up prior to the closing date of our house I possibly would have reconsidered
6 is this really where I want to settle down at? I've lived in Blythewood for five years and
7 now my children, I'm looking for to, as many of the residents have said, have been
8 lifelong Blythewood residents. I'd love to be able to say you know 50, you know, 70
9 years down the road my family has been a lifelong resident of Blythewood. It's my
10 understanding that in the city limits there are already light industrial zoning
11 classifications there. Why would we need to add more when there's property that's
12 readily available and nearby that's already zoned what they're asking to be zoned for?
13 Why would we need to zone more property that way? The concern with the
14 neighborhood or a subdivision coming on that property, again being a novice, I don't
15 know how this operates. A subdivision just couldn't appear there. It would have to go
16 through the same zoning process as well and be approved; is that correct? I mean, you
17 couldn't just drop a subdivision in somewhere. So the concern that a subdivision you
18 know and 30, 40 houses might appear there one day that would also have to come
19 through the Commission. Thank y'all for your time.

20 CHAIRMAN GREEN: Thank you. Keith Clark followed by W. D. Plunkett.

21 **TESTIMONY OF KEITH CLARK:**

22 MR. CLARK: I'm Keith Clark. I'm going to be the architect for the project if it
23 moves forward. My address is in Greenville, South Carolina. Do I need to give you the

1 road address for Greenville? Okay. A couple points. I think that we've heard from a lot
2 both for and against today and those that are against aren't necessarily against the
3 project but they're against the potential zoning. And just to reiterate what Mr. Hart said
4 that the administrative functions that will go on here are no different than what are
5 allowed in the RU district or either the public buildings, the nursing homes, the hospitals.
6 The truck traffic will be no different than what would be involved with the wholesale
7 commercial greenhouses that would be - that's allowed in RU and certainly the impact is
8 going to be much less than the solid waste management facility that's also allowed in an
9 RU district. So I'm wondering if there's a way to get a special exception to the RU
10 district because there's not an opposition to the project, just to the, just to the zoning.

11 CHAIRMAN GREEN: Thank you. W.D. Plunkett.

12 **TESTIMONY OF W. D. PLUNKETT:**

13 MR. PLUNKETT: I'm W.D. or Bill Plunkett. I reside at 154 Wilcox Road, 29016,
14 Blythewood approximately three miles from the subject property. I ditto most of the
15 remarks that have already been in positive favor of my good neighbor, Fairfield Electric,
16 and I feel I have a unique perspective being real estate appraiser. From what I
17 understand of the project at hand and the conformity currently on Blythewood Road it
18 would have very little impact. And I must counter some words that I've heard in the
19 community that will effect single-family residents a mile away. I do not feel that is true
20 on the same road because of the non-conformity at this time. Are there any questions?
21 Thank you.

22 CHAIRMAN GREEN: Thank you. That's everyone we have signed up on this
23 particular agenda item. I'll open the floor for discussion among – I'm sorry.

1 MR. ROBINSON: If I could just make a few closing remarks. Again my name is
2 Don Robinson. I'm the attorney for Fairfield Electric Cooperative. As you have heard
3 today, no one who has come here today is in opposition of this project. You've heard
4 concerns about the possibility of other industrial projects coming after this project.
5 However, as the Commission well knows any of those other industrial projects who try
6 to move in the area surrounding this would have to come in front of this Commission as
7 well to change the zoning to allow them to move into the area. I will tell you that I have
8 a map from the South Carolina Department of Commerce dated January 2001 and as
9 has already been pointed out this property is adjacent to the city limits of Blythewood.
10 As you are aware Blythewood is in a restructuring period right now in their city
11 government I guess you might say. We had a very difficult time obtaining current
12 zoning maps for the adjacent property, but what I do have is a South Carolina
13 Department of Commerce map, which shows the property south of the proposed project
14 that we're here for today as a proposed light industrial area, which would be consistent
15 with an area similar to what we are asking for. As you've heard the president or the
16 CEO of Fairfield say to you earlier, they're looking to put an office building, a place
17 where people can come pay their power bill, a place to store their vehicles, their service
18 vehicle in the area. Fairfield Electric has been in the Blythewood area for many years.
19 They've been a friend to the community. They're in a position that they need to grow
20 inasmuch as their service area is growing. They have property restrictions where they
21 are right now and the property surrounding them is not for sale. So in order for them to
22 grow they must move their location and that's what they're attempting to do here today

1 and we hope that you will consider one of your factors being the general well-being of
2 the community and approving this project so that it can move on to Council. Thank you.

3 CHAIRMAN GREEN: Thank you. Again that's all – that's everyone that's signed
4 up for the project so I open the floor for discussion among the Planning Commission
5 Members. I guess my first, my question for the applicant was a PUD designation
6 considered as a possible alternative since that specifies buffering and building
7 placements and use?

8 MR. CLARK: We looked at a PUD 1-C. The minimum requirement to get to the
9 M-1 zoning is 50 to 80 acres. This site is 19.2 acres so we did not qualify on that
10 benefit and we did not pursue that avenue.

11 MR. VAN DINE: Mr. Chairman. But a PDD district is a two-acre minimum, which
12 would have the basic same requirements as a PUD, which would then restrict the use
13 from all the litany of uses which would be under an M-1. So under a PDD or a planned
14 development district designation you would gain the benefit of what you're looking for
15 and protect from having an opening of the doors or as some people have indicated on
16 this particular parcel of property. So as opposed to a PUD which does have the larger
17 designation of acreage the planned development district would be a more amenable
18 designation of what you're looking for.

19 MR. CLARK: We were not told to pursue that avenue. If a PDD works then we'll
20 certainly pursue that.

21 MR. JACKSON: Staff did not raise a point about the PDD?

22 MR. GOSLINE: Mr. Jackson, I don't remember if we did or not. I defer to Mr.
23 Clark and Mr. Certick(?) who is the real estate man in that discussion. But we usually

1 do. I mean, as a matter of course we usually – particularly for something like this. They
2 ask the applicants to consider it. Mr. Clark is right. There's a table in our code now that
3 if you want to do M-1 uses you have 50 to 80 acres. That's one of the things we need
4 to get rid of because it's ridiculously restricting.

5 MR. VAN DINE: But that's under the PUD designation.

6 MR. GOSLINE: Right. To answer your question Mr. Jackson, I don't remember
7 if we did or not. We usually do. That's all I can say.

8 MR. VAN DINE: And I'll tell you the reason for my – because when I came in
9 here, I don't know whether I was the only lucky one but for some reason my e-mail, my
10 inbox was loaded with people who had access to electronics and wanted to tell me that
11 they hated this particular facility. So I was very surprised that very few people came to
12 actually do it, but I have a whole read outbox of e-mails that didn't like this. And the
13 basic reason was because of the extended list of M-1 uses beyond what is being
14 proposed. Not – again not that they were opposed to Fairfield, but they didn't like the
15 possibility that the minute you walk out the door you could decide that's not the right
16 facility and now that entire list is available on that 19 acres. I would feel much more
17 comfortable if a PDD designation were attached to it. Fortunately what that does is
18 require some more work and layouts and stuff for the plans to come forward but I would
19 feel much more comfortable if that was the designation that we used on this particular
20 property.

21 MR. PALMER: I would agree with Howard. I don't – what we've got to look at
22 here is is this property suitable for M-1 zoning; not is it suitable for this project that's
23 going on there and taking that into mind I think it's a great project. I think it would fit in

1 nicely and it certainly serves the community. But there is that what if 20 years from now
2 you guys outgrow this facility and need to move on? Well you've left an M-1 piece of
3 property that doesn't fit. And so I agree that the PDD would probably be the route to go
4 and I don't think I could support just straight out rezoning this property to M-1.

5 MR. JACKSON: It meets the same objective.

6 MR. HART: We don't have a problem going PDD. I mean we – that's not a
7 problem restricting it. Time is of the essence though a little bit with out contracting. We
8 were just – is there some way we could have it zoned with that PDD, you know,
9 exception there that we could move on forward?

10 CHAIRMAN GREEN: Unfortunately, I think the requirements – you know, the
11 requirements are fairly extensive in a PDD with regard to set backs, buffering, building
12 placements and the like and there's no, there's no shortcut way to get to a PDD.

13 MS. WYATT: Plus we have to post it to the public.

14 CHAIRMAN GREEN: If we were to table this for now or –

15 MR. PALMER: I did have one question. What – how large is the office facility
16 going to be?

17 MR. HART: Thirty – roughly 32,000 square feet.

18 MR. PALMER: I'm still – somewhat agree with Gene. Why would the warehouse
19 facility not be an accessory use to the office facility?

20 MR. CRISS: There are actually multiple land uses proposed for this site. Office,
21 warehouse.

22 MR. PALMER: How do you determine which is the primary use?

23 MR. CRISS: [inaudible] well that's a Zoning Administrator's call.

1 MR. PALMER: I guess you made the call that the outside storage would be the
2 primary use?

3 MR. CRISS: Well it's a principal use. There are multiple principal uses. They
4 need that flexibility to grow and expand in the future – rearrange their site plan, so doing
5 a PDD up front is more difficult because they have to specifically lay out building
6 placements and sizes and so forth. But they could come back in the future for
7 expansion, for site plan rearrangement.

8 MR. PALMER: Okay.

9 MR. VAN DINE: Would we be able to in essence defer it for today, put it on the
10 July agenda, if the proper paperwork can be submitted for July?

11 MR. GOSLINE: I would defer to Amelia, but you have to re-advertise it for what
12 its going to be and that, you know.

13 MS. WYATT: Well otherwise they're looking at September.

14 MR. GOSLINE: Right. We did, I'm sure we did discuss that and that they're
15 concerned about the time delay.

16 MR. CRISS: Special called?

17 MR. DUNBAR: Is it possible for us to take, is it possible for us to take a vote
18 subject to their providing the Staff with the proper documentation prior to it going to
19 Council?

20 MS. WYATT: Not been posted, properly posted.

21 MS. LINDER: Mr., Mr. Chairman, because there are unique requirements for a
22 PDD that the Planning Commission is required to look at, you know, it's possibly a
23 different type of a zoning classification that you're considering you could do that. But

1 because certain specific things need to be submitted for your review, you really need
2 that documentation submitted before you take, make a recommendation one way or the
3 other.

4 MR. VAN DINE: I mean, it seems to me we're talking about a PDD and it seems
5 to me that what they're doing is saying PDD is something that they would be amenable
6 to doing. As far as posting the property, you can post the property as under a PDD
7 designation and the documentation could be submitted between now and July for our
8 review.

9 MR. GOSLINE: I'll defer, I'll defer to Amelia but –

10 MS. LINDER: Yes, you could – in my opinion you could defer it to the July
11 meeting. It would then go the zoning public hearing at the end of July possibly getting a
12 first reading but it would not get second and third readings until September because of
13 Council's recess in August.

14 MR. PALMER: Not only that but there's a – these guys would have – and I don't
15 know if they know what all's involved in the PDD, but they would need to go ahead and
16 decide - and they may have already done that – what buildings go where and square
17 footages.

18 MR. HART: Not to the point of – yeah we haven't gotten that far down the road.

19 MR. PALMER: Right. And I don't know if that's something that can be decided –

20 MR. HART: I mean it's rough and –

21 MR. VAN DINE: I'm just trying to look for a way to help move the process
22 forward because I mean, as of right now I can't support the designation requested and
23 I'm trying to find a way -

1 MR. PALMER: I couldn't either. (inaudible) about it.

2 MS. WYATT: First of all I think it's up to the applicant to request to be deferred
3 not for us to sit up here and make the recommendations.

4 MR. DUNBAR: I'd like to add my two cents worth here. I agree with everything
5 that's been said and one other thing is it's a tribute to Fairfield Cooperative's community
6 involvement that they've even gotten the support because I can't imagine any other
7 company coming in here with this request getting this support. Because I don't think
8 this is the place for M-1 zoning and I think it's a totally unique thing and I believe that if
9 we don't do something like PDD the next six months, a year from now, somebody will
10 come and say, well Fairfield's right there. We want to do something similar next door.
11 It'd be hard for us to argue against that. And I think if we do a PDD, which I support, we
12 need to read into the minutes that this is an island of PDD and we have no intention of
13 spreading industrial – even commercial. We need to be thinking seriously about
14 whether we want to spread commercial down Blythewood Road because it's very much
15 like the Dutch Fork area that we talked about earlier. This is – I mean, a rural area that
16 does need to be preserved and certainly M-1 is not consistent with that area. Fairfield
17 Cooperatives may be the unique thing that is.

18 MR. JACKSON: But even discussing the zoning change for M-1. I have concern
19 about M-1 zoning yes, but at the same time we [inaudible] we have hurricane,
20 tornadoes, ice storms and to have Fairfield in the community – its equipment and all its
21 facility readily available to help whatever emergency needs. It will be an asset to the
22 community.

23 MR. DUNBAR: I think we all agree with that.

1 MS. WYATT: Mr. Jackson, they're just down the road on Langford Road.

2 MR. JACKSON: I understand but expanding their facility also they would need
3 more.

4 MR. VAN DINE: They're closing the Langford Road to move to the new site.

5 MR. JACKSON: To move to Blythewood. That's what I'm saying. Right, which
6 is a larger facility.

7 MR. PALMER: I agree with you, Norman, I just think it needs to be done under a
8 different zoning category than M-1.

9 MR. JACKSON: Well I'm sorry that exchange didn't get to the applicant by the
10 Staff. I would sure hope that the Staff would have informed them to have all this delay –
11 all this setback.

12 MR. PALMER: I would hope so too.

13 CHAIRMAN GREEN: Once the applicants can decide - we can proceed forward
14 with a vote on the M-1 or if you have a – based on what you've heard here if you would
15 like to consider and have us defer it, I think that request might, from what I'm hearing,
16 be favorably considered by the Planning Commission.

17 MR. ROBINSON: Mr. Chairman, may I ask if the – a vote is taken today to either
18 accept or reject the request does that postpone – I don't and I don't know – would that
19 postpone in any way a public hearing on a PDD request?

20 CHAIRMAN GREEN: Yes. We would have to – you would have –

21 MR. ROBINSON: It would be the same amount of time because a PDD as I
22 understand it would also have to be posted and also have to be advertised. So a vote

1 today would not at all in any way postpone the next available hearing for the PDD
2 request; is that right?

3 CHAIRMAN GREEN: If you are turned down – depends on what happens at
4 County Council. This is – we are the recommending body to the County Council. If it
5 goes to County Council and it is not approved it would be one year before you can
6 reapply for rezoning of the property.

7 MR. VAN DINE: I think to answer your question more directly is once it leaves us
8 with a recommendation one way or the other we cannot take up an alternative until it's
9 either withdrawn or sent back to us by County Council. So we can't – we can't be going
10 forward on dual tracks is what I'm saying

11 CHAIRMAN GREEN: Mr. Gosline?

12 MR. GOSLINE: Mr. Chairman, just so you'd know, if you, if you choose to go
13 ahead and then withdraw before it gets to the County Council then it's 90 days before
14 you can come back. So that's kind of the timeframe that you're stuck with. The other
15 side of this though is that if you get to even for considered in July and the County
16 Council heard the end of July it wouldn't be official until October anyway. So I don't –

17 MR. ROBINSON: Mr. Chairman, a deferment probably would then be our best
18 option. I do wish that Fairfield would have been informed that this was a possibility prior
19 to today because they would have worked – as Mr. Hart has said, we're under
20 contractual restraints to purchase this property. I don't know that [inaudible] the
21 possibility but a deferment I guess would be [inaudible] unless there's something we
22 could -

1 MS. WYATT: Let's make sure, Staff, that since they've requested the deferment
2 that they are given every courtesy to come back on in July under old business. It'll
3 actually have to be new business if it goes to a PDD. I understand that we have a cut
4 off date of June but I think under the circumstances to have them back in July is most
5 appropriate.

6 MR. CRISS: As long as we meet all the requirements for legal posting and
7 advertising.

8 MS. WYATT: As long as they do what they're supposed to do, yes.

9 MR. VAN DINE: I would make a motion that we defer this to the July meeting
10 based upon the applicant's request that the property be posted as a PDD for hearing at
11 that. So we don't have a question of the posting requirements or anything like that and
12 that you're going to have to get with the Staff to make sure you have all of the
13 documentation you need in order to be back here in July to make that meeting.

14 MR. PALMER: I would second that with the recommendation that you get with
15 them as soon as possible because it is a lot of information you got to give them.

16 CHAIRMAN GREEN: We have a motion on the floor and a second to defer this
17 to our July meeting.

18 MR. GOSLINE: Mr. Palmer, what was your – I didn't.

19 MR. PALMER: Recommend that they get with them as soon as possible you
20 know tomorrow morning at 9:00 kind of thing.

21 MS. WYATT: They're here at 8:30, why not 8:30?

1 CHAIRMAN GREEN: We have a motion on floor and a second. Discussion on
2 the motion? All those in favor of deferral to our next regularly scheduled planning
3 commission meeting please raise your hand. Opposed?

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

6 CHAIRMAN GREEN: Thank you.

7 MS. WYATT: Let me ask one question while we're in the process of him leaving
8 the room. Under the M-1 did Council give third reading to the removal of the –

9 MR. CRISS: Dwelling units from M-1 by special exception?

10 MS. WYATT: Yes.

11 MR. CRISS: Yes.

12 MS. WYATT: Okay. So it made third reading?

13 MR. CRISS: Yes.

14 VICE-CHAIRMAN WYATT: Thank you. All right. We're going to back to Case
15 No. 04-41. We have been waiting on Representative Rick Quinn to arrive and I believe
16 he is here. Give just a second and let the room clear out, please. State your name and
17 address please for the record.

18 **TESTIMONY OF REPRESENTATIVE RICK QUINN:**

19 REPRESENTATIVE QUINN: My name is Rick Quinn and I guess – my current
20 address is 39 East Pine Court, but I'm moving soon so I'll give you the one I'm in now. I
21 do appreciate – I imagine it's an extraordinary situation to hold the agenda up and I
22 can't tell you how much I appreciate it. It was – I know y'all are busy. I know you're not
23 doing this for a big juicy salary so I do appreciate you giving me the extra time in

1 delaying and giving me a chance to get here. I'm here to support my constituents and
2 really asking the Commission to give a pause to what's happening out in our area and
3 just to give you kind of a thumbnail from my point of view. I mentioned to you I was
4 moving earlier and I am moving into the West Shady Grove area there of the county and
5 I would tell you that, and I'm sure you're aware that there are at least four developments
6 now that are on the books. In other words that are either have been approved and
7 construction is starting or they're about to start in Richland County. There are two
8 others that I have knowledge of just a mile or so, maybe two miles down the way just
9 across the county line. I know you all are aware the Lexington County line comes very
10 close to where – to the kind of the Peak exit – maybe four, five miles down the road
11 towards Newberry. The Lexington County line comes in there and I know for a fact
12 there was at least one development that recently was approved at 240 acres and
13 there's another one about to be or at least submit a request to the Lexington County
14 Planning Commission. And so my point to you would be is that we've got a huge
15 number of developments coming in. It's cost – we have three new schools that are
16 being constructed right now. That doesn't count any kind of adjustments that may have
17 to be made for the other developments coming into the area. And while I'm sure that
18 the developments y'all are considering, including this one, are going to be very high,
19 you know, quality developments I think – I'm asking you to give a pause to the those –
20 to the consideration of those because it's not just the, you know, the burden of traffic
21 and other issues it's also the issues of how we support these matters – the construction
22 of these new developments in our community. And one thing I've learned and some of
23 you may know that I'm working on a tax plan that has to do with education funding and

1 the truth is is that many of these homes that are being constructed in our area are being
2 done because of the schools. It's an attraction. It's a magnet to folks to move out there
3 who care about their children's education. And unfortunately very seldom does the
4 home and the property tax on the home that's being paid actually pay for themselves
5 when it comes to educating these children in schools. The state gives roughly half the
6 money to the school districts. The other comes from parent fees and property taxes
7 and roughly that means about \$4,000 to \$5,000 a child. And I think – I guess my point
8 to you is I don't think – we need a little breath out here. We've got so many things going
9 on that we're not able to keep up with it and I understand you even have another one –
10 another request today. Let's take a pause, take a breath here and kind of figure out
11 how we're going to handle all these things. You know, we have – how the roads are
12 going to be handled – maybe give us some chances in our area, especially particular
13 around a school district to figure out how we're going to – where we're going to put
14 these kids and - but at any rate, I'm sure I spent my talk here really educated y'all's
15 point of view on this – being fictitious, of course. But I do appreciate your allowing me
16 to speak at least on behalf of my constitutes today and I know that with y'all's schedule
17 it was a difficult position for you. But give us a pause out here. Give us a little time to
18 kind of handle what's happening. I mean, just take a drive out there sometime. I know
19 Mr. Dunbar knows – has seen it first-hand out there. It is incredible what's happening. I
20 was on a road just recently that I hadn't been on in about a year and there was literally
21 30 new homes on that road that had just really recently been started to develop since
22 that last year I'd been on it and things are moving so fast that we're not able to keep up.
23 So I appreciate your consideration and I hope delaying for me to speak didn't actually

1 hurt my cause today. I hope I didn't make y'all mad with that but I do apologize. Thank
2 you.

3 VICE-CHAIRMAN WYATT: I'm going to have to ask you a question.

4 REPRESENTATIVE QUINN: Sure.

5 VICE-CHAIRMAN WYATT: Based on what you just said are you suggesting that
6 we do a moratorium in Richland County?

7 REPRESENTATIVE QUINN: See now you're – well actually you're going to think
8 I'm crazy but I would say yes, at least in our corridor, ma'am – in our corridor. I don't
9 know what's happening in the rest of Richland County. I have folks that tell me that it's
10 really bad in Richland Two and I know it is. But all I know is where I live and where I,
11 you know, drive to and from every day. And I, I'll give you an example. There were two
12 roads that I – because as state representative I'm going to try to help anybody I can in
13 my district - but there are two counties roads that we don't have funds for that – where
14 we're got developments that are going on. I mean, the road paving there is not going to
15 last the trucks going over – back and forth on it. And I've got three roads, three roads in
16 my district that deal with probably 500 homes a piece that we're talking millions of
17 dollars to repair these roads and prepare and fix them. One of – they told us yesterday
18 it was going to take three years to get another money just to fix the road, an existing
19 road going to houses much less the new homes. And honestly what I would say is yes
20 to you. I may - and I know that may sound somewhat draconian but at least giving us a
21 period of time to try and figure out – plan a little bit. Figure out where they're going to
22 be, where the best places for these developments are. Helping us give us some time
23 for our streets and roads committee to maybe react to the future developments that are

1 coming in. Our school districts – I mean, three schools and are not accounting of any of
2 these new developments – six new developments I've told you about.

3 VICE-CHAIRMAN WYATT: Mr. Quinn, it would help us and we've had some
4 discussion I think - I've been on the commission since '97 and I think this is the first
5 time you've addressed us.

6 REPRESENTATIVE QUINN: I think I was here sometime after Buddy Meetze
7 was elected. I think I came on one other –

8 VICE-CHAIRMAN WYATT: We have -

9 REPRESENTATIVE QUINN: Because I understand we didn't have a
10 Councilman, we didn't have a Councilman until ten years.

11 VICE-CHAIRMAN WYATT: We have labored over these roads, the funding of
12 roads, the widening of roads and, you know, we as a Planning Commission can do
13 nothing about that. It goes back to a state level. And what we need some help in is at
14 the state level in trying to fund a gasoline tax increase so that these roads can get
15 improved.

16 REPRESENTATIVE QUINN: And actually I understand that responsibility on the
17 part of the state and that's one of the reasons in my tax plan that I'm trying, I'm trying to
18 address that issue. But what I would tell you is, you know, this is a county and state
19 problem. And I don't – I would say to you that I understand y'all's position. Y'all are not
20 in a situation where you can come and say, okay here's where the road's going to be
21 paved next and the new school's going to be built here. But I think you do have a
22 control over at least how rapidly we are doing this. And there's – again six
23 developments in District Five that I'm aware of and I'm sure there are others that I'm not

1 aware of that are going on right now and I just think we're not able to keep up with them.
2 So I would ask give us a pause, give us some time.

3 VICE-CHAIRMAN WYATT: Does anybody have the transportation plan that has
4 just been presented to us in our packets? That we can give Representative Quinn a
5 copy so he can just see the – some of the other areas of –

6 MS. LUCIUS: He can have mine.

7 VICE-CHAIRMAN WYATT: Let him have yours. Just as information purposes.

8 MR. JACKSON: And this is not for the whole county?

9 MS. LUCIUS: This is Northeast.

10 VICE-CHAIRMAN WYATT: That's just the Northeast.

11 MS. LUCIUS: I can get another one.

12 REPRESENTATIVE QUINN: I know this is not a problem unique to our area. I
13 mean, we – in our infrastructure bank we put a billion dollars in construction projects
14 and then the next year we were told that we were about \$3 billion behind. So I just
15 would appreciate again a pause. Just give us a little time.

16 MR. MCBRIDE: Representative Quinn, at least 150 that was reduced, those
17 were all Democrats. I want you to know that.

18 REPRESENTATIVE QUINN: [Laughter] There aren't many, there aren't many of
19 them out my way, sir. But, you know, honestly, you know, one of the things about this
20 area that's remarkable to me is this vision that our district somehow is so wealthy and a
21 lot of the folks who live out here have kind of staked their claim many years ago and
22 that's one of the issues about – there is a kind of a clash between the folks that are
23 there now and the new folks coming in that's even kind of exacerbating this problem.

1 They're not used to paying the property taxes. We're having – twelve and a half per
2 cent per year over the last four years is how much our district budget has gone up. And
3 I'm not blaming the school board. In a lot of cases they're having to do that because of
4 the growth in the area. And that – so it's so – it's a very complex problem and we just
5 need some time. But I do appreciate so much your consideration today. I hope I didn't
6 hurt my cause – again please don't hold it against my constituents because y'all move
7 the agenda a little bit for me. But thank you so much.

8 VICE-CHAIRMAN WYATT: We understand the traffic problems.

9 REPRESENTATIVE QUINN: That's exactly right. Thank you.

10 VICE-CHAIRMAN WYATT: Use that excuse. At least you didn't get stopped by
11 the city police, right?

12 REPRESENTATIVE QUINN: No, ma'am. When I heard, when I heard y'all held
13 the agenda up I parked illegally so as I recall it was a City Councilman that had gotten in
14 trouble for that last time. I hope y'all would speak up for me when the newspapers
15 come beating up on me on this one. But thanks so much. I do appreciate it.

16 VICE-CHAIRMAN WYATT: Thank you. Any further discussion on 04-41?

17 MR. DUNBAR: Well I made the motion twice before and nothing's changed
18 except the reduced number of units. So I make the motion for approval again.

19 MR. MCBRIDE: I second.

20 MS. LINDER: Madam Chairman, I would like to point out in the ordinance that I
21 handed to you there are some alternative conditions in the ordinance on page two. I
22 believe the two – the two – subparagraph (a)'s in there. The top paragraph (a) was in
23 the original and it's being proposed that we go to the second paragraph (a). The Staff

1 has no objections to the second paragraph (a) and the same thing with paragraph
2 (b)(2). First (b)(2) was in the original ordinance and the second (b)(2) is the proposed
3 amendment that Staff is also recommending. And then if you go down a little bit further
4 in paragraph nine, we're recommending that one clause be struck.

5 MR. VAN DINE: I'm sorry. You said that Staff is recommending. I thought Staff
6 was not recommending this.

7 VICE-CHAIRMAN WYATT: As approval.

8 MS. LINDER: If subject is the – if the ordinance goes forward then these are
9 preferable language. Thank you for clarifying that. The ordinance was prepared
10 because Council had given it favorable approval. The applicant then amended some of
11 his requests by making – by putting some more restrictions on what he did and then we
12 came up with some alternative language.

13 MR. JACKSON: Wouldn't that have to be in the motion? Yeah but if we're
14 making a motion here?

15 MR. PALMER: Was (a) what the applicant has come up with?

16 MS. LINDER: The second paragraph (a) is what the applicant – is the language
17 preferred by the applicant.

18 MR. PALMER: And the second number two?

19 MS. LINDER: And the second number two is preferred language by the
20 applicant.

21 MR. PALMER: And what about in paragraph nine?

22 MS. LINDER: That's preferred, that's preferred language by the citizens that are
23 represented by Derrick Jackson and Toby Ward.

1 MR. PALMER: They would prefer to strike that language?

2 MS. LINDER: Yes.

3 VICE-CHAIRMAN WYATT: Are you suggesting by those statements that those
4 changes, that the motion be amended? Is that what you're asking?

5 MS. LINDER: Well I need to know whether you want it to go forward with your
6 recommendations as it went forward the first time. Or whether you're agreeable to the
7 amendments within the ordinance?

8 MR. DUNBAR: These amendments make it consistent with the revisions for
9 reduced density and higher green space?

10 MS. LINDER: That is correct. It's consistent with the amendments, yes.

11 MR. DUNBAR: I would modify my motion to reflect that then.

12 MR. PALMER: But you need to determine if you would like to make your motion
13 for the second (a) or the second number two.

14 MR. DUNBAR: I think we're – by doing this – as I understand, maybe I'm totally
15 confused, we would need to do the second (a) and the second two to reflect the current
16 application as it's been revised.

17 MR. PALMER: And what about the language that they want to strike?

18 MR. DUNBAR: I'm not real sure about the stricken language.

19 MS. LINDER: The stricken language is – at one point, at one point in the
20 ordinance you want to limit the density to 490 homes, but by putting the implication that
21 you could still increase density by ten per cent – we want to eliminate that confusion.
22 So the density of 490 would be locked in and you couldn't even put one additional – you
23 could not even put 491 homes without coming back for an amendment.

1 MR. DUNBAR: It's the intent of the applicant to develop 490 units?

2 MS. LINDER: The 490 –

3 MR. DUNBAR: Or not more than 490 units?

4 MS. LINDER: That's the maximum units, yes.

5 MR. DUNBAR: All right. Well I would accept that amendment as well so my
6 motion be amended to take the second (a), the second two and the stricken language in
7 paragraph nine.

8 MR. MCBRIDE: I second.

9 MR. PALMER: I would support that for all the same reasons that were given in
10 last discussion.

11 MR. VAN DINE: Alright. Now I need to understand something here so that we
12 could, we could do this properly so it doesn't bounce back again for some reason. As I
13 understand it, the Staff is still recommending denial of the rezoning request. This is
14 back to us on an opportunity to review the entire request, not just these changes here.
15 So what we are doing is we're back – in essence back to square one; is that correct?

16 MS. LINDER: That is correct. You have the opportunity to review the whole
17 project.

18 MR. PALMER: But nothing has changed from square one all the way to these
19 changes?

20 MR. VAN DINE: I just to make sure I know where we're coming from and what –
21 that everybody knows what we're talking about. Alright. I have a couple of questions I
22 need answered. First. Sewer and water. Are they in? Are they already going in? Or

1 are we doing this as a perspective zoning? It seems to me they aren't even there. I
2 mean, we're sort of going on a yeah I think we're going to do this type scenario.

3 MR. GOSLINE: Water and sewer are not currently there. There are plans to
4 extend both water and sewer.

5 MR. VAN DINE: Have all of the properties been acquired in order to do so?

6 MR. GOSLINE: I have no idea.

7 MR. VAN DINE: And what is the – what has been going on with the idea of tap
8 fees and the county has to pay for tap fees in order to go on.

9 MR. GOSLINE: I'm not sure I understand the question.

10 MR. VAN DINE: There has been discussion that through some settlement of
11 something, and I have no idea what it is, that in essence the county is going to have to
12 reimburse the developer of this property for lines that it lays as well as not charge for
13 any tap fees on this property.

14 MR. CRISS: Planning and Development Staff have not been party to those
15 conversations as yet.

16 MR. DUNBAR: Is this an area going to be provided by the City of Columbia or
17 Richland County for sewer?

18 MR. CRISS: It could be city water and county sewer. We're not sure.

19 MR. DUNBAR: Don't know?

20 VICE-CHAIRMAN WYATT: Not sure.

21 MR> VAN DINE: Is there a financial cost that the county has got to bear if this
22 development goes in?

1 MR. GOSLINE: Are you talking about water and sewer or are you talking about
2 everything?

3 MR. VAN DINE: For now water and sewer.

4 MR. GOSLINE: I, again we haven't been party of those conversations. I have no
5 way to know how to answer that.

6 MR. VAN DINE: Does the applicant know whether or not that is – what that
7 whole discussion is about that I have been hit with e-mails on.

8 MR. GERTZ: Would you like me to respond?

9 MR. VAN DINE: If you would, please.

10 MR. GERTZ: The history of this is a little convoluted. Mr. McSwain is here. He
11 will probably – he lived this with us and I'm sure can correct any mistake I make. A
12 number of years back the county sold the Nicholas Creek Sewer Plant, which it owned,
13 for non-payment of taxes. The Mungo Company, as did other people, owned the rights
14 to capacity in that plant because they had paid substantial amounts of money to have
15 the plant built. As part of the settlement of that an order was entered into, a court order
16 – which I'm not sure really plays in this [inaudible]. Okay. Whereby certain taps were
17 given to the Mungo Company and others to make up for their contribution to create the
18 sewer plant. I believe most of those taps have been used, have they not?

19 MR. CARY MCSWAIN: Would you like to address it?

20 MR. VAN DINE: Somebody needs to clarify it for me.

21 VICE-CHAIRMAN WYATT: And please speak into the mic. With the air
22 conditioner going it's very hard to hear up here.

1 MR. MCSWAIN: First of all the county did not own the Nicholas sewer plant. It
2 was maintained that it did. It tried to prove that it did but it never legally owned it and we
3 had to negotiate it and the county now does own that plant. It is no longer in service.
4 The settlement agreement was basically because certain companies had purchased
5 capacity rights in that plant as it was to be developed. The issuance of those rights
6 were the equivalent of sewer tap payments or reimbursements that were appropriate to
7 the sewer taps. The county in clearing that up negotiated for a revenue stream to be
8 able to buy it back from the people who held it from the tax sale. And in that process
9 the Mungo Company obtained a number of sewer taps. Part of what I cleared up at the
10 time was those taps were being appreciated and accruing interest at one and a half
11 percent a year and they were infinite so we locked that down, reissued sewer taps
12 certificates and the Mungo Company agreed to use those taps only for its own
13 properties which created a sewer tap revenue stream for the county. That is probably
14 more information you ever wanted to know. And that particular complex situation – it
15 took about nine months to negotiate it. The net result today is that Stewart Mungo has
16 reported to me – I haven't looked at the numbers but just as a verbal, that they have
17 used up all the taps that were in the settlement that resolved that whole issue regarding
18 the old Nicholas Creek Sewer Plant. And today if – the policy of the county is that if a
19 developer according to the master plan, sewer plan of the county builds a connector line
20 at its own expense then if that is approved by the county and it meets the county
21 standards it can be reimbursed with an equal amount of value of sewer taps relative to
22 the value of the construction of the connector line. Not for internal lines, not for
23 subdivision lines but only for major connector lines. And if you had – each sewer tap is

1 valued at \$2,200. So if you had a \$220,000 line, a company who put that in and it was
2 approved by the county, they would receive ten sewer taps to be used as they were to
3 develop properties.

4 MR. VAN DINE: So the lines that – you said none of this applies to internal lines,
5 internal to a subdivision.

6 MR. MCSWAIN: No. It's only for connector lines. We do not, we do not
7 consider any of those lines that are not transmission or connector lines [inaudible].

8 MR. VAN DINE: So how is the entity supposed to, other than buying the property
9 itself to install the lines, how is the entity getting from the existing sewer line to its
10 property across other people's property?

11 MR. MCSWAIN: The company would have to obtain the rights-of-way or the
12 easements and build the line, the connector line and –

13 MR. VAN DINE: Does the county have any obligation to ease that process in
14 any way, i.e. condemnation of property owners that are in the way so that a
15 development such as this that does not exist today would be easier to get in because
16 you have now condemned the line to attach into that subdivision?

17 MR. MCSWAIN: Well the County Council does not very easily condemn property
18 and typically we have not condemned property for those kinds of lines to run that way.
19 If they were an internal part of the system and a very badly needed connector line or
20 new taking of force fed line as opposed to a gravity line or replacing it with gravity, we
21 would probably participate in that in some way.

22 MR. VAN DINE: So I go back to one of the original questions I had for Staff.
23 Have the lines for the sewer been obtained at this point to connect from the existing line

1 into this development, or are we voting on this particular thing on a perspective nature
2 that that is going to occur some time down the road?

3 MR. MCSWAIN: I do not know the status of approval of any lines that have been
4 proposed. I am not aware that they have been approved. They may have been but I'm
5 not aware that they have been approved.

6 MR. DUNBAR: Well I doubt that the developer, until he has the proper zoning on
7 the property, is going to be acquiring sewer easements. In fact, I probably could guess
8 that answer.

9 MR. MCSWAIN: Yeah, the developer would have to acquire the easements.

10 MR. DUNBAR: He's going to wait until he gets his zoning approved and then
11 he's going to go out and acquire the sewer easements.

12 MR. MCSWAIN: The engineering of that and the location of the lines and all
13 would have to be submitted and approved by our Utilities Department.

14 MR. GERTZ: We have started that process [inaudible].

15 MR. VAN DINE: When is the – is there any proposed development timeframe for
16 these water and sewer lines at this stage?

17 MR. GERTZ: The city has sent a letter to County Council I believe I have
18 [inaudible]. I'm sorry. The city has sent a letter to County Council. I believe have a
19 copy of saying it's part of the city's master plan and they're proceeding to provide water
20 to that area.

21 MR. VAN DINE: Is there any schedule for construction?

22 MR. GERTZ: I do not know the answer when the construction will start but it's in
23 their plan and they have, they have said that they will be providing water.

1 MR. DUNBAR: Again, they're not going to do the lines until the zoning's in place
2 and the developer's got a project.

3 MR. GERTZ: Right.

4 MR. JACKSON: They could not.

5 MR. DUNBAR: That's right. They're not going to go lay the lines – the lines are
6 not – some people think the city goes out and lays lines way out and then that provides
7 the infrastructure for development. That's not the way it works. The developers
8 develop property, they increase the lines, as Mr. McSwain has said, turn them over to
9 the county or the city and that's how it gets done. So it's never done really with public
10 money. One of the few things that's probably – covers itself financially. In fact in the
11 city's case it's very profitable.

12 MR. PALMER: It's not done proactively either. It has to be something designed
13 for that piece of property for them to run water to it. If not you're going to run it out in
14 the middle of nowhere for no reason.

15 MR. MCSWAIN: But the county does have an approval process in that it must
16 meet our building standards for it and construction standards for it to be accepted and
17 approved by the county and thus reimbursed with sewer taps.

18 MR. GERTZ: And just one point. The order which people are referring to had
19 some provisions governing building future lines but it's also the county policy available
20 to any developer. It's not unique to the Mungo Company. Thank you.

21 VICE-CHAIRMAN WYATT: Mr. Ward? You try to keep it down to about three
22 minutes, sir.

1 MR. WARD: Thank you, Madam Chair. I simply wanted to say that I have a
2 copy of the order with me today that I'd be glad to share with you. However, it may be
3 the only one I have so at the conclusion I'd like to get it back. It was entered in a civil
4 action in 1995. I'm going to hand it to the Chair now and I would direct your attention to
5 page eight and nine, paragraph nine. And that particular provision deals with the matter
6 of sewer lines and it says, "Mungo or its affiliates may at its option install Electro trunk or
7 other lines or mains." So it's not limited to any particular type of line. It says other lines
8 and then in connection with the right of condemnation, it says, "Richland County may at
9 the request of the Mungo Company or its affiliates to the extent possible require rights-
10 of-way and any other property through condemnation for facilities outside the Mungo
11 Company or its affiliates developments." So we think that is a unique right that Mungo
12 and its affiliates enjoys that other companies don't enjoy – that is the right to ask the
13 county to do condemnations and were it simply at the discretion of the county why
14 would they need a court order saying that Mungo Company could ask? Because
15 anyone can ask. So again I'm handing this up for information.

16 VICE-CHAIRMAN WYATT: Thank you, sir.

17 MR. DUNBAR: Was this all a part of the settlement that Mr. McSwain was
18 talking about? I'm a little bit confused now.

19 MR. MCSWAIN: Yes, that document is a part of the negotiations and settlement
20 of the Nicholas Creek situation.

21 MR. DUNBAR: So that's why it's unique to the Mungo Company because they
22 had put up money?

1 MR. MCSWAIN: That's correct and as I recall – I haven't read it in some time,
2 but as I recall it is – it sounded correct to me where it said may because I remember
3 with Mr. Gertz we negotiated that issue and they wanted it to be more affirmative but I
4 insisted that it be may. That gives the Council the option. They have not been really
5 proactive in condemning property and it doesn't convey to the Mungo Company any
6 more status with respect to obtaining easements or rights-of-way than any other
7 company who may come and ask for a condemnation of what would be ultimately a
8 public line. Because it says very emphatically, it says "may", not "shall".

9 MR. VAN DINE: I just have just one last comment I need to make. It seems to
10 me that we had an earlier discussion involving some of the rights of the citizens who
11 were in the area and frankly on that [inaudible] county I was here to vote against it in its
12 entirety until the community spoke and seemed to indicate that they didn't have a
13 problem with the company. I think we're losing sight of this Planning Commission of the
14 wishes of the community that surrounds these developments that go in. And I think that
15 the citizens of this particular area have some very valid points and concerns in relation
16 to what goes in and what does not go into these particular areas. And in that regard I
17 think if we don't listen to the people then we are not doing our job. But the community
18 involvement has to take a – at least a part of our decision process up here. This is not a
19 board which greases the skids for anybody who wants to come in to try and do things. I
20 think we have to look hard at all aspects of it and one of the aspects is the community
21 that it is going into and what their wish is. So again, I have a problem with this and I've
22 had a problem with this particular development all along and I think the number of

1 citizens that have come out to talk on it is just a further example of the problems that
2 exist with this particular project.

3 MR. PALMER: I agree that citizens are a part of what's necessary for our
4 decision-making up here but its also not a popularity contest and I'm not going to vote
5 with whoever can get the most people to come out and support or in support or to
6 oppose a project. It is a very key part and I do listen intently to what the citizens have to
7 say but its just one of many parts that we take a look at in making our decision.

8 MR. JACKSON: I agree. This is – we have listened to all citizens in all hearings
9 in the past and this is a Planning Commission and we have to plan accordingly. If you
10 ever have a PUD that we had to approve previously but then it has been reduced to four
11 hundred and what ninety lots? And the respect of the developer I can see compared to
12 other communities. For example, like some of the Lower Richland community as you
13 have compared in the past, you have developers coming want an RS3 and just dump
14 houses in the area. Here the developer has a PUD where he has green space. He has
15 a recreation area. It compliments the area. You have to have growth. There are no
16 houses there. There's a need for houses there. The Staff recommended in one area
17 where one community there was 1,000 houses and they needed affordable housing.
18 This area has none. So I have to make a judgment on the planning process on the
19 needs. I understand the citizens concern but I also have to understand that you have to
20 plan accordingly.

21 MS. LUCIUS: Well I don't see where anyone has actually proved a need to
22 rezone this piece of property. I have a real problem with that. I think the burden is on
23 the applicant and the applicant has got to prove why this piece of property needs to be

1 rezoned. I haven't been convinced that it needs to be rezoned for rural. It doesn't
2 matter if it's a PUD going in or an RS-2 or an RS-3. That's not the question. The
3 question is should it be rezoned from rural? That's what we need to be looking at. And
4 I think this is a real test for us. One of the principals of our Town and Country is we
5 don't extend development or extend sewer and water to promote more development.
6 That we don't extend development out into areas which don't already have it. And I
7 think we're just going against one of our basic principals. I think for that and the reason
8 that the need has not been established, I don't see how we can look any further than
9 that. So I'm totally against this rezoning.

10 MR. JACKSON: I understand what you're saying. I'm just being consistent. It's
11 done with all the areas. The Lower Richland community it's been done and I will be
12 consistent with all the areas.

13 MS. LUCIUS: Well I try, I try to be consistent too. I don't take care of one area
14 and –

15 MR. JACKSON: I treat each area the same.

16 MS. LUCIUS: - brush off the other. I treat each area the same too and I don't
17 think anyone could back to any of the meetings of any of the votings that I've made and
18 make a valid case that I don't do that.

19 MR. JACKSON: I'm not saying you did.

20 MS. LUCIUS: I know, but anyway I just think we need to remember what the
21 main question is. It's not about sewer taps. It's about does this piece of property need
22 to be rezoned? I say no.

23 MR. DUNBAR: I call for the question.

1 VICE-CHAIRMAN WYATT: There's a motion on the floor with a proper second.

2 Would the –

3 MR. VAN DINE: Do you understand which one of the amendments –

4 VICE-CHAIRMAN WYATT: To send this forward with County Council for a
5 recommendation of approval with the proper amendments that have been added to the
6 ordinance. All those in favor signify by raising your hand. All those opposed?

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

9 MR. CRISS: Four, four vote. No action.

10 MR. VAN DINE: It would go forward without recommendation?

11 MS. LINDER: That is correct.

12 MR. WARD: Madam Chair?

13 VICE-CHAIRMAN WYATT: Yes. I'm sorry.

14 MR. WARD: Toby Ward again on behalf of the opponents. Are we going to
15 address the issue about the roads and the finding whether or not this is in conflict with
16 the comprehensive plan?

17 MR. VAN DINE: I think the vote that was taken is in essence the vote that's
18 going forward to County Council at this point in time. Council can make that
19 determination as they see fit.

20 MR. WARD: Thank you for your time and your consideration of this matter.

21 VICE-CHAIRMAN WYATT: Thank you. It's been requested that we take a five
22 minute break up here. And since I haven't turned it back over to you, I'm going to take
23 that five minute break.

1 [Break]

2 **CASE 04-56MA:**

3 MR. GOSLINE: . . . buildings that were permitted and now seeking to correct
4 that error I guess is the way to put it. The staff recommends against the proposal for
5 based on page 96 the finding of fact. I assume the applicant's here or somebody is
6 representing the applicant.

7 CHAIRMAN GREEN: Quick question for Staff. The current estimate of building
8 square footage is 5,472 square feet? Or is that – it was limited to 5,472; is that correct
9 by the original PDD?

10 MR. GOSLINE: Yes.

11 CHAIRMAN GREEN: And how – is there an estimate from Staff of what -

12 MR. GOSLINE: The bottom –

13 CHAIRMAN GREEN: - the square footage -

14 MR. GOSLINE: The bottom line is that they're about 19 –

15 CHAIRMAN GREEN: Sorry, 7,762?

16 MR. GOSLINE: About 1,950 feet over what they were originally permitted for
17 and they're seeking approval for that 1,950 feet.

18 CHAIRMAN GREEN: Is the applicant here? I assume you're Norman Agnew?

19 MR. AGNEW: Yes, sir.

20 MR. VAN DINE: May I ask a question first? How do we determine whether it's a
21 minor amendment or a major amendment? I mean, in an instance like this, I mean,
22 what makes this a minor versus a major?

1 MR. GOSLINE: In a PDD the rules aren't – well in PUDs they're vague and in
2 PDDs they're vaguer.

3 MR. VAN DINE: They're non-existent?

4 MR. AGNEW: We had some discussion about this in a meeting that I was at or I
5 would defer to your judgment and expertise. We went -

6 CHAIRMAN GREEN: If you would state your name and address.

7 **TESTIMONY OF NORMAN AGNEW:**

8 AGNEW: My name is Norman Agnew representing Agnew Lake Service at 301
9 Shadow Wood Road and we tried to come up with what classification and I can't
10 remember who all was at that meeting, Skip. Quite a number of people. Ann Almeida,
11 myself, County Councilwoman Doris Meetze Corley, just trying to decide because we
12 had a building burn in November under very fishy circumstances to say the least and I
13 came down trying to get a building permit to put the building back plus some square
14 footage because I would like to put all of my supplies and everything inside of the
15 building for security reasons. And anyway I went through the process of getting of the
16 site planner and the landscape engineer and everything to get everything into the
17 county for approval and then I was told that the PDD didn't support the amount of
18 square footage that I was asking for. And so I called – kind of put together the meeting
19 that I mentioned between the Staff and myself and my father trying to come up with
20 what I needed to do to go forward and it was at that time that we went into what would
21 be considered a major amendment, what would be considered a minor amendment and
22 according to all of the information that they had there and looking at the bylaws and
23 everything else, they found that there would be no significant impact on traffic or density

1 or anything else. And that was when at that time they said it would be a minor
2 amendment to the PDD.

3 MR. VAN DINE: So the size, the size of the request really doesn't factor into the
4 major/minor decision?

5 MR. GOSLINE: No. Really what - in all the PUDs and PDDs it's the off-site
6 impacts - the change in the off-site impacts is the concern.

7 CHAIRMAN GREEN: Quick question for the applicant. According to Staff the
8 site plan that was actually developed was 7,762 square feet.

9 MR. AGNEW: Uh-huh (affirmative).

10 CHAIRMAN GREEN: How much of that was the building that burned down?

11 MR. AGNEW: The - I wish I had brought a picture, an aerial photo that was
12 done last October just before the fire happened showing our building. The original
13 building that is in question so to speak was 24 x 48 and it was essentially just a
14 construction shed for floating docks. Then as business grew we needed more storage
15 area for floatation and lumber and built sheds along the side of that - lean-to type sheds
16 to put this material under to protect it from the weather and the overall footprint of the
17 area that I'm talking about replacing wound up being 48 x 72. And essentially what I'm
18 asking to do is enclose that footprint - 48 x 72 in a sixty by sixty square so to speak.
19 The difference in square footage between 48 x 72 and 60 x 60 is somewhere around
20 200 square feet I believe.

21 CHAIRMAN GREEN: Any other - anything else you want to say on your behalf?

22 MR. AGNEW: Not necessarily. I don't understand why the Staff is going against
23 me. But I'm just trying to move forward with a business. I'm working under a shed right

1 now and have about 16 weeks worth of work to do back logged and the whole process
2 of getting a building has hurt my business pretty badly.

3 MR. VAN DINE: Which of the buildings is the one that burned? We do have an
4 aerial but I don't know and obviously isn't not recent.

5 MR. AGNEW: May I look at the aerial and point it out? If you go straight down
6 from the site arrow there's a big silver building.

7 MR. VAN DINE: A square like?

8 MR. AGNEW: A square like building. It's that one right there. That's the one
9 that burned down. This building and this building and this building are still there.

10 MR. VAN DINE: And all of this on the outside?

11 MR. AGNEW: All the buffer area, yes, sir.

12 MR. VAN DINE: And so are any of the other facilities going to be removed?

13 MR. AGNEW: Sir?

14 MR. VAN DINE: Are any of the other buildings going to be removed in order to
15 put this in or are you just enlarging that one building?

16 MR. AGNEW: Enlarging that one building.

17 CHAIRMAN GREEN: Any other questions for the applicant? Thank you, sir.
18 Carl, I just had a quick question.

19 MR. GOSLINE: Yes, sir.

20 CHAIRMAN GREEN: Is the primary reason for Staff's recommendation for
21 denial the fact that more square footage was constructed than was originally approved
22 under the PDD?

23 MR. GOSLINE: Yes.

1 CHAIRMAN GREEN: Huh?

2 MR. GOSLINE: Yes.

3 CHAIRMAN GREEN: Okay. Comments? Discussion?

4 MR. AGNEW: Can I say one more thing?

5 CHAIRMAN GREEN: Quickly.

6 MR. AGNEW: Sorry to hold y'all up. The square footage that your speaking of
7 probably was put up in an understanding that we didn't need to do anything differently
8 than we already had. It was not a malicious act or anything else.

9 CHAIRMAN GREEN. Thank you.

10 MR. VAN DINE: Carl, let's assume for a minute the building hadn't been
11 improved or increased in size. Would Staff still be recommending against enlarging this
12 size of this – forget about the fact that the work's been done and this is more of an ask
13 permission, I mean forgiveness afterwards. Let's assume for a minute it came in fresh
14 and they asked to increase the size. Would Staff have an objection to that request?

15 MR. GOSLINE: No.

16 MR. MCBRIDE: Well I have a personal problem with people constructing stuff
17 that they haven't been approved for. You know, we need to look at that.

18 MR. VAN DINE: What are the penalties for building buildings without permits
19 and all the rest of that?

20 MR. GOSLINE: Double the permit fee.

21 MS. WYATT: Say that again.

22 MR. GOSLINE: Double the permit fee and then I guess we could take him to the
23 magistrate and the most we could probably get is \$1,000.

1 MR. VAN DINE: Would you be doubling the permit fee on this particular matter if
2 we were to approve it?

3 MR. GOSLINE: Excuse me?

4 MR. VAN DINE: Would you be doubling the permit fee on this if we were to
5 approve the amendment to rebuild? He has to come in and get a building permit?

6 MR. GOSLINE: I don't think so because – well I really don't have any way of
7 knowing. I don't know what - the building permit fees are calculated by square footage.
8 I don't know what the rate is off the top of my head for commercial buildings.

9 MR. AGNEW: When we tried to submit the building permit fee and were denied
10 because of this problem it was \$900 something dollars to get the building permit.

11 MR. VAN DINE: That – is that a normal fee or is that –

12 MR. CRISS: It'd be up to the building official to determine any additional fees for
13 building permits.

14 MR. DUNBAR: Howard, I think your question's a real good one. I'm glad you
15 asked it because I was a little confused here. But if the answer is if this was applied for
16 in the proper channels prior to the expansion and the recommendation by Staff was
17 going to be favored.

18 MR. GOSLINE: Correct.

19 MR. DUNBAR: Then I'd be persuaded to support the change for that very
20 reason. I think the Agnew business has been a good one out there. They've generally
21 tried to live by the rules in my experience. They've been in a lot of times when we have
22 denied rezoning requests. They've been here several times. I've been one to vote
23 against their rezoning requests a number of times. But they operate a good business;

1 they're good people and I don't think they're doing it – we had one here that was out off
2 of Monticello Road where somebody went out and developed a deal and didn't have a
3 building permit. I think that was a different situation?

4 MS. LUCIUS: I was trying to figure out how these – I was thinking of that one
5 and how these compare.

6 MR. DUNBAR: I perceive it being different. Being a builder I get a little bit tense
7 when people have – they go out an build without them because I've got to come down
8 here and go through all this stuff Michael and them put me through to build a house.

9 MR. PALMER: I think the guy on Monticello went and built living quarters back in
10 the woods and got completely done with it and was actually starting to rent it out.

11 MR. DUNBAR: I think they got caught doing something they didn't expect to get
12 caught doing. I don't believe that's the situation here so I make a motion that we
13 approve this request.

14 MR. PALMER: Second on that.

15 CHAIRMAN GREEN: We have a motion to approve and a second. Further
16 discussion?

17 MR. VAN DINE: The only thing I'd like – I would like to see and I know this may
18 sound like punishment but I'd almost like to see somebody make a request of the
19 building official that the doubling of the fee be a requirement in this instance because of
20 the fact that it's – you do have to make a stand against people coming in looking for
21 forgiveness afterwards because if there is no penalty for doing so then people will do it
22 a lot more. I almost suggest that a building official be put on notice of this particular
23 failure to do so.

1 MR. CRISS: We'll so inform the building official.

2 CHAIRMAN GREEN: And I think we're going to see some other language in the
3 rules and procedures as we'll talk about later that further address the issue of what
4 happens in situations like this.

5 MR. JACKSON: Was this because of a fire at your building?

6 MS. LUCIUS: In this case, yeah.

7 MR. JACKSON: In this case I can see some misunderstanding also. I can see
8 deliberate if they went and put up a building without any permit compared to a building
9 destroyed by fire and start to rebuild.

10 MS. LUCIUS: But they did put up a building without permits.

11 MR. VAN DINE: But they did do that before the fire happened.

12 MR. JACKSON: This was before the fire happened?

13 MS. LUCIUS: Several buildings.

14 MR. JACKSON: [inaudible] after.

15 MS. LUCIUS: No. All of these, all of these were built without permits. All the
16 red. This is the only one that they [inaudible]. This is the one that burned. All of these
17 were built without permits.

18 MR. PALMER: Well a motion was – bigger than what you got now without –

19 CHAIRMAN GREEN: There's a motion and a second on the floor. Is there any
20 further discussion on the motion?

21 MR. PALMER: I want to get something cleared up. All of these buildings were
22 built without abiding by the rules?

1 MR. GOSLINE: Correct. Well all but one. The ones shown in red according to
2 our records were built without permits.

3 MR. AGNEW: I'll bring my Dad down here next week and y'all can slap his wrist
4 because I'm a second generation. But whatever needs to be done to rectify the
5 situation in the fastest manner, please let me know what to do because I've been trying
6 to go through this process now for about six months and I've got a building sitting there
7 that I've ordered that's rusting away to nothing because it's not put up.

8 MS. WYATT: Tell Dad to bring his checkbook.

9 MR. AGNEW: Well I've got access to that so just tell me what I need to do.

10 MR. PALMER: How long ago were these building built?

11 MR. GOSLINE: Over a period of time from essentially I guess, again I'd have to
12 ask, direct it to the applicant but the original zoning was in 1990 and then the original
13 PDD zoning was in 1990. So over the last ten years or so give or take a few.

14 CHAIRMAN GREEN: We have a motion and a second on the floor. Is there any
15 further discussion on the motion? I see no further discussion. I call for a vote. Those in
16 favor of granting the minor PDD amendment, please raise your hand. Those opposed?
17 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar;*
18 *Opposed: McBride]*

19 CHAIRMAN GREEN: Thank you. Next on our agenda is 04-57 MA.

20 MR. VAN DINE: Does that have to go to Council for approval?

21 MR. GOSLINE: No, no. That's it.

22 MR. VAN DINE: But they still got to come in and get building permits and all the
23 rest of the stuff, right?

1 **CASE 04-57MA:**

2 CHAIRMAN GREEN: I have three people signed up on this.

3 MR. GOSLINE: Mr. Chair and Members.

4 CHAIRMAN GREEN: Yes, sir.

5 MR. GOSLINE: This is a request to change a 3.3 acre parcel from C-3 to M-1.
6 It's located on Two Notch Road and Vallenga Road which is almost to the county line.
7 Staff recommends denial for the reasons found on page 108 and 109.

8 CHAIRMAN GREEN: Okay. Any questions for Staff?

9 MR. VAN DINE: Does a body shop not fit under C-3?

10 MR. GOSLINE: No.

11 CHAIRMAN GREEN: Bart Bartlett.

12 **TESTIMONY OF BART BARTLETT:**

13 MR. BARTLETT: Thank you, sir. My name is Bart Bartlett. I am here
14 representing -

15 CHAIRMAN GREEN: Would you state your address just for the Record?

16 MR. BARLETT: Sure. 1713-B Woodcreek Farms Road.

17 CHAIRMAN GREEN: Thank you.

18 MR. BARTLETT: In Columbia. I'm here on behalf of Brokers Realty who's the
19 owner of the property. Specifically Jim – James Podell is the president of that. He is
20 the owner and we are here also in support of Mr. Hinkel who is a prospective purchaser
21 of the property, really just looking for a solution for Mr. Hinkel. He is looking at Lot 1
22 which is there primarily for the purposes of doing auto repair work. I'll let Mr. Hinkel
23 address you moment – in just a moment but I will tell you it is my understanding that –

1 it's his understanding that once he got this lot he would be able to have the shop there
2 under the C-3 as currently zoned for C-3. But then was told that if he was going to paint
3 anything in the shop that it would need to be an M-1. So while we're here asking for M-
4 1 or asking for that because that's what we were told we needed to ask for, what we're
5 really here asking for is a solution to assist Mr. Hinkel with his business. At this time I
6 will let Mr. Hinkel address you and tell you his story.

7 CHAIRMAN GREEN: Thank you. Mr. Hinkel.

8 **TESTIMONY OF MIKE HINKEL:**

9 HINKEL: Good afternoon ladies and gentlemen. The month of December was
10 kind of rough for me but anyway I've succeeded. I've tried to purchase a piece of
11 property. I've been leasing a piece of property for 14 years and the realtor I've been
12 leasing I've been leasing it from had fraudulently, you know, get me off the property. So
13 I've been fighting him in court as of the 15th of this month. And I'm a single parent. I've
14 been raising my child since he was 14 months old. Ninety-nine percent of the body
15 shops in the State of South Carolina probably all 50 states are on C-3 property. I don't
16 know when this law had changed but under my impression it was recently and I
17 purchased this property on the 9th of December to have that choice of not being a
18 lessee but a purchaser of a piece of property in the county which I grew up in. As you
19 can tell I'm a little bit nervous but anyway, you know, also in the month of December I
20 was – I had another child he was premature so he, you know, needs 24-hour a day
21 attention. I cannot go work for somebody five days a week, 60-80 hours a week. I
22 repair cars. I restore vintage cars. I'm preserving the lifestyle that is very, very, almost
23 obsolete right now. And if any of you have ever driven a vintage car you know exactly

1 what I mean. There's not too many people that restore them. And that's basically is
2 where I started my business. I learned my trade at Richland Northeast High School. I
3 took it for three years. I also train students free and pay them. I have very limited time.
4 I coach little league football and basketball. I try to spend as much time with my child as
5 I can because my Dad didn't have the opportunity. I'm asking, I'm begging, you know,
6 to be allowed to do what I do for a living because I have limited time. And, you know,
7 Mr. Podell had hired this attorney to come in here and also give me the opportunity to
8 purchase other parcels of this land and I paid a fair penny for this land, believe me. I'm
9 not a wealthy person. I wasn't – I never inherited anything. I'm a single parent and I
10 have another baby that weighed 1.5 pounds the day after Christmas – was only 24
11 weeks old. He survived but like I said he has to have 24 hour attention. So I should be
12 able to drop whatever I'm doing and go to any of my children and if I have to go get a
13 job I won't have that opportunity and I don't know how I would afford it first of all. I have
14 very limited money. I have until the 15th of this month. I've spent close to \$10,000 to
15 fight this realtor who's fraudulently got me off this piece of property that I'm on now that
16 I've been leasing for 14 years. I don't want to ever have to go through that again. I've
17 been through it a lot this year. And I don't want my children to ever have to go through
18 that and I'm begging the Council to show me a solution. I mean, if I have to give this
19 property up then so be it. I do have other property in Newberry County and I have
20 looked at another piece of property which is 1.4 miles away from downtown Chapin
21 which has another home on it plus it is zoned commercial which I can build a body shop
22 on. But my place and my home's in Richland County. I'd like to continue to give back
23 my time to my community, my kids and your kids, your grandkids or whoever I might get

1 in contact with my life. But, you know, under my assumption and you can research – I
2 don't know when they passed this law 99% of the body shops in this town, in this state
3 are on C-3 property. Why they changed it to M-1 I have no idea. But, you know, I drew
4 a picture of basically what I want to do to the land, you know, with my shop. I'm not
5 building a big production shop. I'm building probably whatever my money will allow me
6 to do to get my – I have a lot of antique cars and I restore them, you know. It takes six
7 months to a year to restore a car and that's a part of my income and not able to have a
8 building, you know, I've been with the building commission down here and zoning. You
9 know, popped my bubble after I went through months and months of arguing with the
10 builders, you know, to let me – allow me to build a pole building you know. Which, you
11 know, I've talked to everybody here and everybody's helped me out. DHEC has
12 approved me to do a well and septic tank. Of course, the other law that was passed last
13 year on concerning a well, which is a small well. I have to pay an additional \$250 just to
14 be able to get a permit to dig a well. You know, there's no water or sewer out that way.
15 I know it's coming but I don't have time to wait. I've got a family. So, you know, the
16 only thing I can ask is keep me in Richland County. Keep me close to my family and
17 friends I've known for 40 years. And I'll leave you this copy of my – what I want to do. I
18 mean, it's – there's nothing out that way and as a matter of fact I've talked to over 40
19 dealerships between I'd say from Lexington County to Lugoff County and I have some
20 friends that own dealerships – their families and they do not even have a body shop and
21 I don't know why. You know, they seem to lose money from my understanding but I can
22 see why if you get real big you do lose money. I'm not asking to build a 12,000 square
23 foot building and hire 50 people. I want to employ the three or four people that I had to

1 lay off because what we're going through right now and give them the same
2 opportunities that I have. You know, I'm a very liberal person. I want them to be able to
3 enjoy their time if they need to take a day off to be able to do that. But, you know, I'm
4 stuck between a rock and a hard spot right now. I have very limited money to work with
5 and the many months that this proceeds on I'm losing money – thousands and
6 thousands of dollars. And if I may I'll leave y'all a copy of this.

7 CHAIRMAN GREEN: Hand it here and we'll pass it down for you.

8 MR. JACKSON: A quick question to Staff.

9 CHAIRMAN GREEN: We have one more, one more person to speak.

10 MR. JACKSON: Okay.

11 CHAIRMAN GREEN: Richard Harris or Handy, I'm sorry. Richard Handy had
12 signed up to speak.

13 MR. HINKEL: Excuse me. One more thing. I know some people that own the
14 property that adjoins my lots and they've owned them for many years and, you know, all
15 the property is C-3 and they lived on this property. The person that I'm speaking of is
16 Mr. Odom and he is, you know, really – is ready for a body shop. There's not a body
17 shop between Lugoff and past Clemson Road. Probably you'd say Jimmy Rivers.
18 Thank you.

19 CHAIRMAN GREEN: Thank you.

20 MR. JACKSON: Okay. A quick question to Staff. Does a car dealership and a
21 junkyard can be located on a C-3?

22 MR. GOSLINE: A car dealership -

23 MR. JACKSON: Is a junkyard –

1 MR. GOSLINE: - but not a junk yard. Car dealership but not a junkyard.

2 MR. JACKSON: What's a junkyard? I thought junkyards –

3 MR. GOSLINE: No. Junkyard is outdoor storage so that would be M-1 or M-2.

4 MR. JACKSON: M-1 or M-2. A car dealership can be a C-3?

5 MR. GOSLINE: Yes. Any C-3 use could go in that particular spot right now.

6 MR. JACKSON: As repair shops and things like that on it, right?

7 MR. GOSLINE: Excuse me?

8 MR. JACKSON: A car dealership can have a repair shop?

9 MR. GOSLINE: Yeah. That's one of the, that's one of the confusing or one of
10 the other things we're trying to correct is that, you know, an automobile dealer can have
11 a repair place and paint the cars but that's an accessory use. Whereas if you're just
12 doing it separate because you're painting that's what divides it.

13 MR. JACKSON: I understand. I was just trying to -

14 MR. GOSLINE: One of the – if I wanted to say. I'm sorry. I wanted to say one
15 other thing that one of the reasons why the Staff recommended against this was that
16 there are two vacant buildings across the street that are actually zoned RU but were put
17 in by special exceptions that we have concluded could be used for this facility without
18 having to rezone it.

19 MS. WYATT: But you do have to remember those two buildings are for rent.
20 They're not for sale.

21 MR. JACKSON: Are you negotiating -

22 MS. WYATT: And he's got a perfect right to buy it.

1 MR. GOSLINE: I understand that. I'm just saying – I'm just talking about there's
2 available space in the area.

3 CHAIRMAN GREEN: I have a question. As I read the C-3 zoning, "A permitted
4 principal use is service and repair establishments." This is not a manufacturing
5 establishment, it is a repair establishment. Why isn't the body shop permitted as a
6 repair establishment?

7 MS. LINDER: A lot of – you know, those kind of words maybe need
8 interpretation and the Zoning Administrator is the proper person to interpret whether a
9 body shop is indeed a service and repair establishment and if the Zoning Administrator
10 determines that it's not then the proper recourse, in my opinion, would be that they
11 would appeal that to the Board of Zoning Appeals on whether a body shop is a service
12 and repair establishment. But in my opinion it is not for the Planning Commission to
13 interpret the zoning ordinance.

14 MR. DUNBAR: What is a service and repair facility? Or what is a body shop if
15 it's not a service and repair facility?

16 MS. LINDER: That would be a question for the Zoning Administrator to answer.

17 CHAIRMAN GREEN: I have worked with the census coding of businesses since
18 1970 and there's not one day in my life I ever thought that a body repair shop didn't fall
19 under the category of service and repair establishments.

20 MS. WYATT: Me, too.

21 MS. LINDER: I believe you could come as support witnesses when he appeals it
22 to the Board of Zoning Appeals.

23 MR. DUNBAR: We don't have a Zoning Administrator right now; is that correct?

1 MR. CRISS: We do have an interim Zoning Administrator, Geo Price and he's
2 here available for your questions.

3 MR. VAN DINE: Let me ask a question, okay? Based upon the interpretation
4 that you have set forth here what is the difference between the service and repair
5 establishment or what characteristic of the service and repair establishment throws it
6 over into an M-1?

7 MR. CRISS: The word automobile on page 472C of the zoning ordinance,
8 "Service and Repair Establishments including automobile service station and repair
9 garages."

10 CHAIRMAN GREEN: Well, that, I mean, if you go back to C-3 and it says,
11 "Service and Repair Establishments" and if that's a service and repair – I'm perplexed
12 why we're even here.

13 MR. VAN DINE: I mean, the language of the statute, in all due respect, can be
14 read to include – to say that service and repair establishments is encompassing of
15 automobile even though it's in the M-1. There is no restriction on service and repair
16 establishments under C-3 so any and all service and repair establishments fit under that
17 category.

18 MR. CRISS: The M-1 district is more intense.

19 MR. VAN DINE: I'm talking about the language of the ordinance as it sits right
20 here.

21 MR. CRISS: Which is subject to the interpretation of the Zoning Administrator
22 and the former Zoning Administrator had been consistent on this point. Do you
23 remember the debate before County Council on the draft Land Development Code?

1 That a car dealership on Two Notch could have a body shop in the back but as soon as
2 they broke free and became independent a separate principal use, it would be a
3 problem?

4 CHAIRMAN GREEN: The difference is that by U.S. Department of Commerce
5 definition an automobile sales lot is a retail establishment and the body shop is a
6 service establishment and once they become separated they aren't – it's not an
7 accessory use anymore. They fall into two totally separate categories.

8 MR. CRISS: Two separate principal uses. I agree.

9 CHAIRMAN GREEN: Right, as defined by the Department of Commerce.

10 MR. CRISS: And one of the problems was that the current C-3 district doesn't,
11 by Zoning Administrator interpretation over the years, allow separate independent body
12 shops – paint and repair.

13 MR. JACKSON: Mr. Chairman. Because there's so much confusion or
14 misunderstanding by the Zoning Administrator and seem to have a different opinion, I
15 move this be rezoned as M-1.

16 CHAIRMAN GREEN: We have a motion in favor of the rezoning. Do I hear a
17 second?

18 MR. MCBRIDE: I second.

19 MS. LUCIUS: May I ask a question? What – in the aerial photography – what
20 are all those buildings. I didn't drive out there and look at this so I confess. What is all
21 that across the street? All those little boxes? Are those --

22 MR. HINKEL: Mobile homes.

23 MS. LUCIUS: -- mobile homes or trailers.

1 MS. WYATT: You've got quite a few left that way, yeah.

2 MS. LUCIUS: Are they mobile homes? They are? Those are all mobile homes
3 across the street. And abandoned sheds? Okay.

4 MR. JACKSON: When I consider the uses of C-3 to M-1.

5 MS. Lucius: It doesn't seem to be that much difference.

6 MR. JACKSON: Yes. I support M-1.

7 MR. VAN DINE: I want to go back and see if I can get an answer to my question.
8 And that is why this particular use does not fall under service and repair
9 establishments?

10 MR. PRICE: Going along with what the former Zoning Administrator interpreted
11 this to be, the normal service and repair you see on cars, you know, normally doing the
12 engines and that sort is allowed in C-3. The intent was to move the body painting from
13 it, which is considered more of a light processing, from the commercial districts to the
14 M-1.

15 MR. VAN DINE: Where in M-1 do you see anything about painting or anything
16 like that? My question to you is where – if in fact you are going to have some
17 alternative classification that allows for painting, show me under the permitted uses
18 under M-1, other than the service and repair establishment including service stations,
19 because I personally think that's the identical but just more descriptive language to
20 what's in C-3. Tell me where else you get that from?

21 MR. PRICE: Well the determination was made based on the intent of the
22 districts.

1 MR. DUNBAR: It sounds to me that the determination was made by a former
2 Zoning Administrator and now we're picking – we're going to hold that as a precedent
3 forever. My question Michael, you're the head of the department. What's your
4 position?

5 MR. CRISS: The interim Zoning Administrator makes that decision and it's
6 appealable to the Board of Zoning Appeals.

7 MR. DUNBAR: I want to know what your position is. I don't care what theirs is.

8 MR. CRISS: I do.

9 MR. DUNBAR: Well let me ask you your position.

10 MR. CRISS: I agree with the former Zoning Administrator.

11 MR. DUNBAR: Based on what?

12 MR. CRISS: Based on the explanation I gave you. The intent of the district.
13 Remember the debate on the draft Land Development -

14 MR. DUNBAR: [inaudible] in the code?

15 MR. CRISS: This code is fraught with those inconsistencies as you well know.
16 You spent a year improving it.

17 MS. WYATT: I hope we improve this.

18 MR. JACKSON: Was it because lead paint used on – back then or –

19 MR. CRISS: Body shops and paint shops are more intense than minor
20 automotive repair.

21 MS. WYATT: I can't think of a body shop that doesn't do painting.

22 MS. LINDER: Mr. Chairman?

23 MR. CRISS: Yeah. Body and paint, I'm putting together.

1 MS. LINDER: With all due respect County Council has authorized the Zoning
2 Administrator to interpret and certainly anybody you ask the question of can give an
3 opinion but it's not an official position.

4 MR. JACKSON: Oh, it's not? It's not an official position.

5 MS. LINDER: The Zoning Administrator's position is the official position on
6 interpretations. If anyone disagrees with that position and interpretation they are free to
7 take it to the Board of Zoning Appeals.

8 MR. CRISS: And that would include this Body.

9 MR. DUNBAR: Well that's the reason I asked the question though. We don't
10 have a permanent Zoning Administrator now. It's possible that the other Zoning
11 Administrator misinterpreted it. And I was asking the boss what his position was. I'm
12 not saying that's official.

13 MS. LINDER: If Geo Price is the interim Zoning Administrator than that's his call.

14 MR. DUNBAR: I understand that. I still wanted to know what the boss's position
15 was.

16 MR. CRISS: I maintain under this ordinance, under this wording, I maintain the
17 position of the former Zoning Administrator.

18 MS. WYATT: I think, I think it's wrong.

19 MR. PALMER: Let me ask a question.

20 CHAIRMAN GREEN: We have a motion on the floor and a second.

21 MS. WYATT: I do not, I do not want to say M-1 zoning up there but I've got no
22 problem whatsoever with the man operating a body shop, you know, as C-3 because I
23 clearly read it, you know, there again we can all read a book tonight and –

1 MR. JACKSON: (inaudible) in the morning.

2 MS. WYATT: I think it's wrong that he said to go through this.

3 MR. PALMER: Let me ask one question. If this process were to go forward and
4 we were to vote to change it to a recommendation to change it to M-1 and three
5 readings process from Council, how long would that process take as opposed to the
6 process of by chance being able to get on the BOZA's schedule for this month? Which
7 would be a quicker way if hypothetically BOZA would reverse Geo's decision?

8 MS. LINDER: It would almost be –

9 MR. PRICE: It would be quicker to go through with the three readings.

10 MS. LINDER: It would almost be the same because –

11 MR. JACKSON: But there's no guarantee BOZA will do it.

12 MS. LINDER: - you would have the zoning public hearing at the end of this
13 month which would give it first reading by the end of July. You would have a third
14 reading on it. If it went to the Board of Zoning Appeals I guess it would go to the July
15 Board of Zoning Appeals. You'd have an answer in July so you'd have an answer in
16 July.

17 MR. PALMER: Would you have an answer in July from Council as well?

18 MS. LINDER: Yes.

19 MR. VAN DINE: I'm sorry. I'd have a real problem opening the M-1 up in that
20 area.

21 MS. LUCIUS: I do too.

22 MR. VAN DINE: But frankly I don't even read the intent just to talk about it and
23 see. If the intent of the C-3 district is to accommodate a variety of general commercial

1 that goes through characterized primarily by retail, office and service establishments.
2 This is a service establishment and I understand what you're talking about it's more
3 intense but I go to the light industrial and it says, "For wholesaling, distribution, storage
4 and processing light manufacturing and general commercial or agricultural use." It does
5 say anything in there that would change –

6 MS. LINDER: I believe Mr. Criss is right. If you as a Body would like to appeal
7 that decision you as a Body through your chairperson could vote to send that for – send
8 forward an appeal to the Board of Zoning Appeals.

9 CHAIRMAN GREEN: Well my only hesitancy is to put him through a process for
10 which I don't even know why he's here for.

11 MR. HINKEL: Members of the Board. One question I would like to ask including
12 everybody in zoning. How can I purchase a piece of rural, RU property and be able to
13 build and paint a car on it as long as I'm under 750 square feet? I got two lots at the
14 other end of that map that you're looking at which is for sale and it's listed as
15 commercial property, which it is not. I've already researched it. It is listed as RU. Now
16 how is zoning going to allow me to put a paint and body shop there and not allow me to
17 do it on C-3? I would like to know why. Bottom line.

18 CHAIRMAN GREEN: It was certainly an interesting question. We have a motion
19 on the floor. Further discussion on the motion?

20 MR. DUNBAR: I've got one more just really a question. Do we have body shops
21 operating in C-3 throughout the county as he says?

22 MR. PALMER: Sure we do. Look at Decker Boulevard.

23 MR. DUNBAR: I think we do too but I don't know that [inaudible].

1 MR. CRISS: I believe as accessory uses. I'm not sure about stand-alone.

2 MR. PALMER: I know one right now I'm thinking of. That MAACO on Decker
3 Boulevard right across the street from Pep Boys.

4 MS. WYATT: Your family probably owns it so you probably know; correct? No. I
5 mean, I'm being serious.

6 MR. PALMER: We don't own that.

7 MS. WYATT: Huh?

8 MR. PALMER: We don't own that. I don't own anything in Richland County
9 except my house.

10 CHAIRMAN GREEN: Okay. We have a motion on the floor and a second.
11 Those in favor of the motion please signify by raising your hand.

12 MS. WYATT: What is the motion?

13 CHAIRMAN GREEN: The motion is to send this forward with a recommendation
14 for approval with the stated reason of my understanding was is that there is a belief that
15 is consistent with the intent of the area.

16 MR. PALMER: Let me make one statement before we vote. I'm going to vote to
17 approve this. I would hate to be asking for this as the property owner because I think
18 you're backing yourself in a corner but that's your call. You have a lot more options with
19 the C-3 than you would with M-1 but it proves to me that this exactly what you want to
20 do and your committed to it and that's what's going to go on that piece of property so I
21 just – sorry, I had to say that. I'd hate being put in that position.

22 CHAIRMAN GREEN: Those in favor of the rezoning please signify by raising
23 your hand – in favor of the motion. Those opposed.

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

3 MR. VAN DINE: And my opposition frankly is because I don't think it's
4 necessary.

5 MS. WYATT: I'm not opposed to you, sir, I want you to understand that. I'm
6 opposed to the fact that you've had to go through this.

7 MR. JACKSON: But could we send an appeal to the Board?

8 MS. LINDER: Yes you can. Yes you can. The applicant can as well appeal.

9 MR. JACKSON: I recommend that we send an appeal to the Board.

10 CHAIRMAN GREEN: Do we need to appear at the BOZA meeting?

11 MS. LINDER: Yes. You would have to.

12 MR. VAN DINE: I would be more than happy.

13 CHAIRMAN GREEN: And I will too. When is it?

14 MR. PRICE: July the 7th.

15 MR. JACKSON: We'll have to get on your agenda first?

16 MR. VAN DINE: I can't.

17 MS. LINDER: You'd have to submit an application for an appeal.

18 MR. PALMER: This is something that needs to get cleared up for the rest of the
19 —

20 MS. WYATT: What day is that? July 7th?

21 MR. PRICE: July 7th at 1:00. Wednesday at 1:00.

1 MR. PALMER: Let me ask you a question. If that were to be reversed would the
2 applicant here, would be have an option to withdraw his motion or his application for
3 rezoning?

4 MR. PRICE: Yes, he would.

5 MS. WYATT: Good.

6 CHAIRMAN GREEN: So our goal is to get this reversed at BOZA and if we can't
7 – if we can then you can withdraw this from County Council.

8 MS. LINDER: Mr. Chairman, to reflect the will of the Body I believe a motion and
9 a second and a vote to –

10 MS. WYATT: I make a motion.

11 CHAIRMAN GREEN: Norman made a motion.

12 MS. LINDER: This is to appeal?

13 CHAIRMAN GREEN: Mr. Jackson made a motion that we formally appear the
14 decision to BOZA. Is there a second?

15 MR. VAN DINE: Second.

16 CHAIRMAN GREEN: Discussion. In favor? All in favor.

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

19 MR. DUNBAR: Our new zoning and I forgot which category this would be in but
20 the new, the new deal that we're working on.

21 MR. CRISS: The new Land Development Code.

22 MR. DUNBAR: County council. How do we treat body shops under that one?

1 MR. VAN DINE: If I recall it was put in the C-3 zone because it was part of the
2 request by Mr. Pierce.

3 MR. CRISS: Mr. Pierce was concerned about that. I don't know that we've
4 reconciled that issue yet. We started through the several hundred amendments but
5 only got about a dozen into them.

6 MR. DUNBAR: I mean, what came out of here though as far as our
7 recommendation?

8 MR. CRISS: What went before the Council? I need to refer.

9 MR. DUNBAR: I'm just – this the first time it's ever come up in here that I can
10 recall.

11 MR. PALMER: I have a question. Didn't the applicant refer to some kind of new
12 law or something that – because when did this, when did this all change? Because I
13 mean, there's a lot of – the only body shops I know are C-3 so when did this change? If
14 the old Zoning Administrator made the call that it was to go in M-1 why is it all in C-3?

15 MR. VAN DINE: I don't believe it ever changed. I think it was, it was a new
16 position established by the Zoning Administrator when he came on board. And that was
17 probably the first time a request had ever been made in that regard.

18 MR. PRICE: We've had applicants come in before to do the same.

19 CHAIRMAN GREEN: Just so I'll understand the procedure do I need to fill
20 something out and sign something and send it in with an application?

21 MR. PRICE: I guess as the chairman you would representing the Planning
22 Commission so you would need to show up.

1 CHAIRMAN GREEN: I don't mind showing up. Am I supposed to fill something
2 out?

3 MR. PRICE: Yes, sir. I can give you the form before you go today.

4 CHAIRMAN GREEN: Okay.

5 MR. PRICE: Of what you would fill out.

6 MR. DUNBAR: And you have a \$200 fee.

7 CHAIRMAN GREEN: Application fee's how much?

8 MR. VAN DINE: July 7th?

9 MR. PRICE: Yeah, it's a \$100.

10 MR. JACKSON: On July 7th?

11 CHAIRMAN GREEN: July 7th at 1:00; correct?

12 MR. PRICE: Yes, sir.

13 CHAIRMAN GREEN: Okay. Next item on our agenda. Subdivision and street
14 name approval. On page 125 and 126 of your agenda package.

15 MR. FURGESS: I move that we approve it.

16 MR. JACKSON: Second.

17 CHAIRMAN GREEN: We have a move and a second or a motion and a second.

18 All those in favor of the –

19 MS. LINDER: Mr. Chairman. I believe you're just voting on the road names.

20 CHAIRMAN GREEN: Yes. All in favor?

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

1 CHAIRMAN GREEN: On page 126 we have a subdivision name. One
2 subdivision name up for approval. Do I hear a motion?

3 MR. VAN DINE: So moved.

4 CHAIRMAN GREEN: Second?

5 MS. LINDER: That's for information only. No vote is needed.

6 CHAIRMAN GREEN: Thank you. Next is our last agenda items is Rules of
7 Procedure.

8 MS. WYATT: Before we get into that Mr. Chair because I may have to leave.
9 Staff, we were given in our packets the Northeast Transportation Guide. I would like to
10 request that Chris Haversman -

11 MR. CRISS: Eversman.

12 MS. WYATT: - be at our July meeting. That he be -

13 MR. GOSLINE: Mr. Chairman. The Public Works Department is trying to
14 arrange a special workshop with the Council and Planning Commission some time later
15 this month so as soon as we – we had hoped to hear something today but as soon as
16 we do we'll certainly let y'all know. So they're going to do a workshop thing.

17 MR. JACKSON: I'm just curious about this survey. I don't remember receiving
18 anything as Planning Commission.

19 MS. WYATT: We sat right here and did it.

20 MR. JACKSON: Did it right here?

21 MS. WYATT: Right here. They came and made a presentation and everything
22 and we –

23 CHAIRMAN GREEN: Where was I?

1 MS. WYATT: I don't have any idea.

2 MS. LUCIUS: We did. We had to fill out all those little questionnaires.

3 MR. JACKSON: I don't remember.

4 MS. LUCIUS: You were here; I know you were.

5 MR. JACKSON: I was?

6 MS. LUCIUS: I think you were.

7 MS. WYATT: Okay. I'm sorry. Go ahead with the Rules of Procedure, Mr.
8 Green.

9 MR. JACKSON: Well [inaudible] in the future are they –do they plan to do one of
10 the entire county and how soon?

11 MR. GOSLINE: What, studies?

12 MR. JACKSON: I mean, this study was just of the northeast corridor.

13 MR. GOSLINE: Yeah. Well they had intended to do another area. I think either
14 the southeast or the northwest this year but didn't get budget to do it.

15 MS. WYATT: They told me when I met with them, northwest.

16 MR. JACKSON: They didn't get funded?

17 MS. WYATT: Didn't get funded.

18 MR. GOSLINE: It did?

19 MS. WYATT: It did not.

20 MR. GOSLINE: Yeah.

21 MS. WYATT: Their intention was northwest.

22 MR. GOSLINE: Right. I know they were talking about both southeast and
23 northwest so.

1 MR. JACKSON: I just have concern because the northwest --

2 MR. GOSLINE: We don't even want to spend money to plan.

3 MR. JACKSON: - and other areas needs a study like that also. So that's just my
4 concern just being in one area.

5 MS. LUCIUS: They didn't get the money to do it?

6 MR. JACKSON: It's of the entire county.

7 CHAIRMAN GREEN: I thought maybe we'd move through these Rules of
8 Procedure pretty much like we did the proposed Land Development Code. Starting on
9 page 129 there are no Staff recommended changes on 129 and I solicit any changes,
10 suggestions or further from the Commission.

11 MR. VAN DINE: Mr. Chairman, Mr. Dunbar made a very interesting point and
12 that is under the membership it does not require you to be a resident of Richland
13 County. Should we perhaps put a little qualification in there or is that all right?

14 MR. GOSLINE: I would assume that that would be in the county code but do you
15 know [inaudible]?

16 MS. WYATT: After watching the Blythewood paper (inaudible).

17 MS. LINDER: There would probably be -- we'd have to go to not just -- it would
18 probably not be appropriate for your rules of procedure but more what Council needs to
19 decide as either an ordinance amendment or something like that.

20 MR. VAN DINE: It just seems rather interesting --

21 MR. GOSLINE: You're going to have to come anyway. You can't get off that
22 easy.

1 CHAIRMAN GREEN: Any other comments on page 129? Any thoughts or
2 suggestions? Page 130. No Staff recommended changes.

3 MR. VAN DINE: I suggest we have a bonus area in here where all of us get
4 bonuses for serving.

5 MR. GOSLINE: Add it wherever you would like.

6 MS. LUCIUS: It doesn't matter does it?

7 CHAIRMAN GREEN: None on page 130. Page 131, under section 3, paragraph
8 (b) there's a change as you will see with regard to zoning map amendment packages.

9 MR. GOSLINE: Mr. Chairman?

10 CHAIRMAN GREEN: I guess my only question is and I understand the desire to
11 have current plats but if someone is – we're requiring people before they can request a
12 rezoning to have the property surveyed if they don't have a recent survey?

13 MR. GOSLINE: Correct. The reason for that is if you'll recall - the most recent
14 example I can think of I'm sure they'll be others, but the reason for that is when we did
15 Dr. Randolph's rezoning a year and half or so ago we ended up – we thought the
16 property was here. When we actually got the survey it was over here. This is not a
17 good thing to do.

18 MR. JACKSON: What do you consider as a recent plat?

19 MR. GOSLINE: That's a very good question.

20 MR. CRISS: Any plat that meets current South Carolina minimum standards for
21 surveying.

22 MR. JACKSON: So, for example, I had a plat done 20 years ago nothing has
23 been changed.

1 MR. CRISS: It might not meet current standards but within the last 10 years
2 probably would.

3 MR. JACKSON: Within the last ten years you would say, okay.

4 MS. WYATT: That's also, that's also, Norman, to your benefit if anyone on either
5 side of you or front or back is encroaching in any way.

6 MR. JACKSON: I understand. If you have a piece of property and you want to
7 rezone it and you had the deed all these years. I was just trying to understand what
8 [inaudible].

9 MR. GOSLINE: Well we had, we had a case – some of these deeds are so old
10 that they aren't anywhere near accurate. Roads have been put in things like that that
11 don't show up.

12 MR. JACKSON: I understand. I just wanted an idea.

13 MR. CRISS: The plat enables us to represent the zoning district on the official
14 zoning maps.

15 MR. GOSLINE: That ties it to the, you know, the state planning coordinates and
16 all the rest of that.

17 MR. CRISS: And becomes part of the ordinance.

18 MR. JACKSON: I'm just saying someone is going to ask the question what do
19 you consider current.

20 MR. PALMER: So if it hasn't been tied to state planning coordinates you're not
21 going to consider it to be current; is that correct?

22 MR. GOSLINE: That would be one reason. That would be one measure. That's
23 probably a very good way to do it.

1 MR. PALMER: We're going to give the surveyors a lot of work I'd imagine.

2 MR. GOSLINE: Excuse me?

3 MR. PALMER: We're going to give the surveyors a lot of work I would imagine.

4 MR. CRISS: The county of course has been densifying the geodetic(?) control,
5 the monumentation throughout the county to put the benchmarks within reasonable
6 reach of all properties and that will continue over the coming years. Remember your
7 entire cadaster(?), your tax map base is shifting toward a computer system – geographic
8 information system. And indeed within about a year and a half we'll be using computer
9 tax maps and parcel maps. That won't put the surveyors out of business.

10 MR. JACKSON: Yeah. I'm sure. I'm just concerned about someone having to
11 have a property surveyed before getting a zoning change.

12 MR. GOSLINE: Well I think -

13 MR. JACKSON: That money and then not have – its not passed.

14 MR. GOSINE: That's correct.

15 MR. VAN DINE: I don't really have a problem having somebody getting it
16 surveyed when they're coming in asking to have the property changed. They ought to
17 know what their property is and where it is. This isn't like a crap shoot where you come
18 in and get some kind of an opinion from somebody that says, yeah, okay. I think when
19 you come in you need to have your ducks in a row. My main concern is what is recent.

20 MR. JACKSON: That's why I came back to –

21 MR. VAN DINE: Pat brought up a point and that is that if somebody bought their
22 property 50 years ago and nothing's happened and they haven't moved off the property,
23 they haven't changed it, that plat could very well be the most recent, viable plat.

1 MR. GOSLINE: Well I think, I think as far as I'm concerned in this particular one
2 that word "recent" is a key thing to try to figure out how to do and the problem is, you
3 know, how do we decide between somebody that has a 10 year old plat and somebody
4 that has a 25 or a five or two. You know, so I'm not necessarily trying to.

5 MR. DUNBAR: If the plat defines the meets and bounds why should it matter
6 how recent it is?

7 MR. GOSLINE: Well.

8 MR. DUNBAR: In other words it delineates property you want to deal with and
9 that's your purpose to start with, so we don't have a – you know, we're going to draw
10 this line back about here and split it off. We've done that before.

11 MR. GOSLINE: And what we – when we had this discussion a couple of years
12 ago what we were – the way this is worded we're primarily looking for, as you say Pat,
13 the metes and bounds legal description. And then sometimes if its necessary and
14 sometimes it has but most of the time it isn't if you have a real metes and bounds legal
15 description. And the reason we put metes and bounds in there is we've gotten some
16 things in there that are written on a napkin that says this is my property and goes from
17 here to there to there to there.

18 MR. JACKSON: Wouldn't the final rezoning be based on the property they own
19 instead of assuming that it's owned by someone else.

20 MR. GOSLINE: No. But that's the whole point. We need to know exactly which
21 piece of real dirt we're talking about.

1 MR. JACKSON: I understand. But I'm just saying the final result. If I bring you a
2 plat and it shows – I thought it was mine but it's not. I still couldn't get it rezoned
3 because it's not mine.

4 MR. GOSLINE: All right. You know, I'm not – again, you're probably right about
5 the word "recent". If we take that out it wouldn't hurt anything. We're much more
6 concerned about the metes and bounds.

7 MR. VAN DINE: The older plats. The ones that scare me are the ones that say
8 from the oak tree on the corner of the stream back down to the stonewalls.

9 MR. GOSLINE: Exactly. And we get those.

10 MR. VAN DINE: Those are verbal plats in legal descriptions. Those are the
11 things that you've got to be careful of.

12 MS. WYATT: And a lot of them still exist.

13 MR. GOSLINE: Absolutely.

14 MR. JACKSON: Because in rural communities you have a lot of old folks
15 [inaudible].

16 MR. VAN DINE: An oak tree doesn't exist anymore.

17 MR. PALMER: Yeah. But that doesn't have anything to do with the plat.

18 MR. VAN DINE: No.

19 CHAIRMAN GREEN: Carl, what you're saying if we have a metes and bounds
20 legal description from the nail in the tree to the bottle in the creek is not a metes and
21 bounds legal description so can we solve the problem with a metes and bounds legal
22 description requirement?

23 MR. CRISS: If there are such descriptions.

1 MR. PALMER: You can't write one if you don't have a plat.

2 MR. CRISS: Not a new one but there are many on record already that are –

3 MR. PALMER: I think we should take recent out.

4 MR. DUNBAR: The plat didn't get recorded but the deed did and it's got the
5 metes and bounds –

6 MR. CRISS: If you want accuracy you need to meet South Carolina minimum
7 standards for land surveying. Those change every five to seven years.

8 MR. VAN DINE: And the fact – if you take the word recent out that only relates to
9 the plat and the plat also has further description that says, “with the area to be
10 considered clearly marked and delineated.” So I think what you're asking for is already
11 there. Getting rid of the word recent eliminates a lot of issues and you get your metes
12 and bounds description.

13 CHAIRMAN GREEN: Take out “recent” and everybody would be happy?

14 MR. DUNBAR: The only question I've got – it seemed like this came up a couple
15 of years ago too. You know, the Mungos and people like that it's not a problem.
16 They're going to provide you the legal description. The little old person that's got a
17 piece of property that's got to go out and spend \$500 to get a plat and doesn't know if
18 whether they're going to get it and the \$500 itself could be a financial hardship.

19 MR. JACKSON: That's my concern.

20 MR. DUNBAR: How do we deal with that?

21 MR. GOSLINE: Right. But yeah that is for some people spending the money to
22 get the metes and bounds description is going to be a hardship. However, they are

1 asking the county to convey huge benefit to the property and it should be just the cost of
2 doing business.

3 MR. JACKSON: Not necessarily huge benefit.

4 MR. GOSLINE: Yeah it is. That's why they're coming in for rezoning.

5 MR. JACKSON: Yeah but I'm saying –

6 MR. DUNBAR: But it's necessarily. It could be, there could be reasons other
7 than that that wouldn't be a financial situation.

8 MR. JACKSON: The end result –

9 MR. DUNBAR: But I'm wondering is in as a case by case thing would it be
10 possible to do it where let's say we recommend to Council a zoning change be
11 approved for that person that's financially strapped. Council approves it subject to –
12 you're not going to put it on the record as a changed zoning until you have that
13 description. Then they go spend the money.

14 MR. GOSLINE: Now I understand what you're saying.

15 MR. DUNBAR: Not the builder/developers. I'm talking about the property
16 owners that are going to be financially –

17 MR. GOSLINE: The problem is how for us to decide that and what the criteria
18 would be to make that decision. It gets awful complicated.

19 MR. JACKSON: But could you say upon approval it has to be surveyed.

20 MR. GOSLINE: On approval. So the Planning Commission is willing to approve
21 something without a survey of the property?

22 MR. JACKSON: We do it all the time. I'm saying the person made a request and
23 they have an old plat. But the final result will be based on what they actually own.

1 MR. GOSLINE: But Norman, if you're doing that then you're zoning this great
2 blob out there with not a piece of real dirt.

3 MR. JACKSON: How are we doing it now?

4 MR. GOSLINE: Excuse me?

5 MR. JACKSON: How are we doing it now?

6 MR. GOSLINE: We're pushing metes and bounds legal descriptions.

7 MR. PALMER: When you say you're pushing it you're telling people they have to
8 do it and they don't have to do it yet or what?

9 MR. GOSLINE: No. We tell them they have to do it.

10 MR. JACKSON: You're telling them or do they have to?

11 MR. PALMER: But they don't have to?

12 MR. GOSLINE: We are telling them they have to do it. We make them do it 99
13 times out of 100.

14 MR. PALMER: So it's not really causing a problem, hasn't been causing a
15 problem?

16 MR. GOSLINE: No. Not really. I mean, it's certainly for some people like you
17 say Pat the expense is – but we're talking I mean this is very particularly we have had –

18 MR. VAN DINE: [inaudible]. You're doing it – you're asking the county to
19 change its records to something different from what exists. If they don't want to change
20 their records they don't have to get a survey on anything. But ultimately I can tell you
21 right now if someone dies you're going to get a survey done of that property. I don't
22 care how rich or how poor that person is, there will be a survey done of that property in
23 order to properly transfer it from the estate out. This is no different, what we're talking

1 about. You've got to have the descriptions. If you get rid of the word "recent ", if they
2 have an old plat it may not even be necessary if the metes and bounds are actually
3 given in sufficient detail. So, you know, I understand the idea that some people have –
4 may have need to have some finances or some financial issues with this but the fact of
5 the matter is this is an important step and if they're taking that step then there has to be
6 a reason behind it. If it's a sale of a property then that's one thing and that ought to be
7 somehow knowing what you're selling. If you're rezoning it, you're rezoning it for a
8 purpose. The purpose to be changing the use to something else. That requires this
9 county to do something and you ought to have to pay the requirements in order make
10 sure the property is correctly done. I don't think that you should wait until the end to find
11 out whether or not this Body agrees or not and if they don't agree say, okay. Then you
12 don't have to do anything. I don't think we're allowed to do that under state law or any
13 other law. I think we have to know the specific property that we're looking at.

14 MR. PALMER: I don't have a problem with leaving metes and bounds in and
15 taking our recent. But just for ten seconds. So right now people aren't required to have
16 a metes and bounds legal description but you're making them do it anyhow? How are
17 you doing that?

18 MR. GOSLINE: They're required to have a legal description.

19 MR. PALMER: Right.

20 MR. GOSLINE: And we have interpreted that to mean metes and bounds
21 because we have gotten some legal "legal descriptions" in from people that are illogical
22 and they'll say – what they'll do it just refer to a TMS number and call that the legal
23 description. So that's why we're trying to be specific about meets and bounds.

1 MR. PALMER: I don't have a problem with metes and bounds.

2 MR. JACKSON: I'm just concerned of people who have some legal document
3 but it may not be up to par to current standard and they have to pay.

4 MR. PALMER: Yeah, but they are – they're trying to do something. If they just
5 want to stay on the property and stay there until the day they die, no problem.

6 MR. GOSLINE: Right.

7 MR. JACKSON: I understand.

8 MR. PALMER: But when they start to change stuff –

9 MR. GOSLINE: See I think that's the key.

10 MR. PALMER: - it costs money to do that.

11 MR. GOSLINE: I think that's the key point is that they're requesting the change.
12 We aren't forcing it.

13 MR. JACKSON: Yeah. I understand. I just have concern.

14 CHAIRMAN GREEN: Consensus of Planning Commission on the Rules and
15 Procedures. Those that are in favor of adding metes and bounds but removing the
16 word recent raise your hand. Okay.

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

18 *Absent for vote: Wyatt]*

19 CHAIRMAN GREEN: Next paragraph is E. Everybody obviously can read that.
20 My question here is don't what we really want to accomplish is that we're not going to
21 hear anything until the violations are cured.

22 MR. GOSLINE: That would be a better way to say it, yes.

1 CHAIRMAN GREEN: My thought is to leave out the words "for up to 90 days"
2 and replace it with "until all violations are cured" or whatever word we want to use. I
3 don't know if cured is the right word. Or cleared.

4 MR. VAN DINE: Adjudicated.

5 CHAIRMAN GREEN: What's the right word instead of cured.

6 MR. VAN DINE: I suppose it would be adjudicated if they're going before the
7 magistrate.

8 CHAIRMAN GREEN: Or what if they're just paying a fine or maybe they're just
9 paying extra fees to the county. Everything doesn't necessarily get adjudicated to get
10 resolved.

11 MR. VAN DINE: I don't know.

12 CHAIRMAN GREEN: Or maybe we change the wording simply to say "when
13 existing violations are present Planning Commission may delay consideration until there
14 are no violations in existence". That way however you get them resolved, you get them
15 resolved.

16 MR. VAN DINE: Now the existence – the violation would still be in existence. It
17 would just have been handled in some way. I think you have to say "delay
18 consideration of the subject property for 90 days or until such time as the violation has
19 been adjudicated or resolved".

20 CHAIRMAN GREEN: The only thing is I hate [inaudible] subjective.

21 MR. VAN DINE: Well, I mean.

1 CHAIRMAN GREEN: If we get subjective we're playing with the 90 days. This
2 person we're going to just make them wait 30 because we're mad at them and this one
3 we're really mad at so we're going to make them wait 90.

4 MR. VAN DINE: Well.

5 CHAIRMAN GREEN: I thought just to tie it to the fact that whatever is going to
6 get resolved has been resolved.

7 MR. VAN DINE: What I was saying was up to 90 days or adjudication or
8 resolution of the thing, whichever occurs first.

9 CHAIRMAN GREEN: Okay.

10 MR. GOSLINE: That way you're boxing it into the 90.

11 CHAIRMAN GREEN: But if that way – what if after 90 days they still haven't
12 resolved something?

13 MS. LUCIUS: I think leave the 90 days in but I think Carl, what we're trying to get
14 at is to make people think - to get away from this – forgiveness if cheaper than
15 compliance and I like the 90 days and they'll maybe think twice about doing it.

16 MR. JACKSON: But there are some cases where 90 days -

17 MS. LUCIUS: Just like this last one.

18 MR. JACKSON: -- is not enough.

19 MS. LUCIUS: You know, exactly. Yeah.

20 CHAIRMAN GREEN: That's what I'm concerned about.

21 MR. JACKSON: So what do you do for that?

22 MR. VAN DINE: Or adjudication or resolution whichever occurs later. That
23 means you can go passed the 90 days and [inaudible] system somehow.

1 CHAIRMAN GREEN: That way you give them 90 days even for a small
2 infraction.

3 MR. VAN DINE: Well it says up to.

4 MR. PALMER: So in other words somebody could pay their fine within 30 days
5 and then we say now that you've done that and you've cleared your board you still got
6 another 60 days you can't do anything.

7 MR. VAN DINE: Well I don't know how you resolve the – the 90 days though
8 seems to me - as it's written here it seems to be an outside limit.

9 MR. PALMER: I'd like to delay it until it's been – until all matters have been
10 cleared up.

11 MS. LUCIUS: Yeah, but just like the one we had today. I just – that just seems
12 like such a small punishment. You know, I'm not saying he meant to do it but that's why
13 I think the 90 days are important to make it a little bit more – what's the word I'm looking
14 for? I can't think of it.

15 CHAIRMAN GREEN: Do y'all want to play with that a little bit more knowing that
16 we want to make sure that at a minimum they have everything resolved.

17 MR. GOSLINE: It's up to y'all. I mean, the issues as we all understand is that
18 we need to be able to do something to get people's attention so that and, you know, our
19 initial feeling was just delay it up for 90 days. But there are lots of good points. It's
20 really kind of up to what y'all think.

21 MS. LUCIUS: Well just like the one today. It's been resolved but it just seems
22 like, you know, that was so easy. What would prevent anyone from taking that route the
23 next time?

1 MR. GOSLINE: It cost him \$1,000 to get \$14,000 worth of timber.

2 MS. LUCIUS: I mean what, you know.

3 MR. GOSLINE: Not a bad investment.

4 MS. LUCIUS: Not bad.

5 MR. PRICE: I want to make sure. I want – so let's say, for example, someone
6 had a building on some property that was zoned rural years ago and the building is
7 encroaching into the set backs which would be a violation. So, and they decided to
8 come in and rezone that property. They would need to bring that building into
9 conformity first before they came for rezoning which could entail them tearing down the
10 building first and then coming for the rezoning?

11 CHAIRMAN GREEN: Good point.

12 MR. GOSLINE: That's the one tough, tough one. Let's take Murphy. Perfect
13 example. I mean, they built the building without permits, knowingly without permits and
14 yet he may, depending on what the County Council finally does, it got deferred to next
15 month by the way, that he'll get by without really paying any penalty.

16 MR> MCBRIDE: Can we insert any kind of language in here to say that they
17 have to tear down what they built if they didn't have permits.

18 MR. VAN DINE: You've got to do that by county code not our procedures.

19 CHAIRMAN GREEN: All right.

20 MR. PRICE: Yeah. But the question is would you want him to tear down every
21 building he built on that property first. Then come in, ask for the rezoning and if he's
22 granting the rezoning then go back and rebuild, right?

23 MR. MCBRIDE: Ain't nothing wrong with that.

1 MR. PALMER: [inaudible] to do that either.

2 MR. GOSLINE: That might not be a bad example.

3 CHAIRMAN GREEN: We need to just leave it like it is?

4 MR. PALMER: I think so.

5 MR. GOSLINE: You leave the proposed language like it is?

6 MS. LUCIUS: That we have the authority to delay them for up to 90 days.

7 CHAIRMAN GREEN: And we take into consideration whether they've resolved it
8 or not.

9 MR. GOSLINE: Sure, sure.

10 MR. VAN DINE: The usual turn around time for a magistrate adjudication.

11 MR. GOSLINE: [inaudible] the magistrate about three weeks to a month? But
12 Agnew is a good example about how you might handle it. You know, it wouldn't worth
13 it, in my opinion, it wouldn't be worth it for ya'll to tear down a bunch of little sheds
14 [inaudible] but you could hold him up for 30 days and that's another month's interest.
15 That's – you get people's attention when you do that.

16 CHAIRMAN GREEN: Just leave it like it is? That gives us a flexibility to do what
17 we – to be as mean or as nice as we want to be?

18 MR. VAN DINE: I move we accept the language in C, I mean E as written.

19 MS. LUCIUS: Second.

20 CHAIRMAN GREEN: All favor?

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

23 CHAIRMAN GREEN: Okay. Next is prior to instead of buy.

1 MR. VAN DINE: I think –

2 MS. LUCIUS: That's a good one.

3 MR. PALMER: I have a question about this section five. Does that mean we
4 shouldn't accept any piles of e-mails coming in?

5 MS. LUCIUS: It says discuss. You can read the e-mails.

6 CHAIRMAN GREEN: You can read the e-mails. You can't e-mail them back.

7 MS. LUCIUS: You just can't discuss it with them.

8 MR. VAN DINE: Don't respond the way you'd like to.

9 MR. GOSLINE: I'm sorry. What was the decision on section four?

10 MR. PALMER: If someone were to call me by chance about one of these cases
11 I'm supposed to tell that person I can't talk to them about it? I thought that was just with
12 Board of Zoning Appeals.

13 MR. GOSLINE: Again I guess this – maybe Amelia should respond to that but
14 it's at least good – certainly with your on your Board of Zoning Appeals you really can't
15 do it.

16 MR. PALMER: I understand Board of Zoning Appeals but we're not –

17 MR. GOSLINE: And we would strongly advise people on the Planning
18 Commission not to do it. It puts you in a difficult position but I don't know legally that
19 you would have to. It's just – it's a matter of keeping things out in the public I kind of
20 thing, Pat, more than anything else.

21 MR. VAN DINE: County Council talks with people all the time. I'm not sure why
22 we shouldn't.

23 MR. PALMER: What do we do that's quasi-judicial?

1 MR. GOSLINE: Subdivisions.

2 CHAIRMAN GREEN: And nobody ever calls you on subdivisions. No. They call
3 you on rezonings.

4 MS. LUCIUS: No. They don't ever -

5 CHAIRMAN GREEN: Anything else on 131? On 132.

6 MS. LINDER: Mr. Chairman?

7 CHAIRMAN GREEN: Yes.

8 MS. LINDER: I would like to request an executive session for legal advice again,
9 please, as it relates to page 132.

10 CHAIRMAN GREEN. Okay.

11 *[Executive Session]*

12 MR. VAN DINE: Based upon the fact that legal has advised us. They have not
13 had an opportunity to fully review all of these [inaudible] move to delay further
14 discussion of this until the July meeting at which time legal will give us their opinion as
15 to the changes.

16 MS. LUCIUS: I second.

17 CHAIRMAN GREEN: All in favor?

18 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Van Dine, Dunbar, McBride;*
19 *Absent: Wyatt (out at 4:42)]*

20 MR. VAN DINE: I hereby move we adjourn.

21 MR. DUNBAR: Second.

22 CHAIRMAN GREEN: Do you have to report us out of executive session?

1 MS. LINDER: Mr. Chairman, the Planning Commission went into executive
2 session to receive legal advice. No action was taken other than with the motion when it
3 was made in open session here.

4 CHAIRMAN GREEN: Stand adjourned.

5

6

[Adjourned: 4:48 p.m.]