

RICHLAND COUNTY PLANNING COMMISSION

October 4, 2004

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

7
8 Called to Order: 1:00 p.m.

9 CHAIRMAN GREEN: I'd like to call to the October 4th meeting of the Richland
10 County Planning Commission to order, and read into record the following statement. "In
11 accordance with the Freedom of Information Act, a copy of the agenda was sent to
12 radio and TV stations, newspapers, persons requesting notification, and posted on the
13 bulletin board located in the lobby of the County Administration building." Our first item
14 of business today is Mark Nolt is here with us from the South Carolina Department of
15 Transportation and is going to give us a quick update on the improvement plans for the
16 Longtown Road/Clemson Road/Killian Road area.

TESTIMONY OF MARK NOLT:

17
18 MR. NOLT: Good afternoon. As he said my name is Mark Nolt, I'm a District
19 Traffic Engineer for the DOT District 1 and

20 CHAIRMAN GREEN: Is his speaker on?

21 MR. NOLT: Can you hear me now?

22 MS. LUCIUS: It doesn't sound any different to me.

23 CHAIRMAN GREEN: Little bit. A little bit better.

24 MR. NOLT: I'll just speak up. Again, my name is Mark Nolt. I'm the District
25 Traffic Engineer with DOT District 1, and from request from Mr. Gosline, we were asked
26 to come and report on any improvements that would be scheduled in the Clemson
27 Road/Longtown Road area once the widening of Clemson Road is completed. As

1 everyone knows, that's a very high traffic area and we receive a number of requests to
2 look at issues in that area all the time related to traffic congestion and concerns. A lot of
3 those concerns will be addressed in the widening of Clemson Road and after Mr.
4 Gosline made the request for us to make this report, we checked through our files to
5 see what we had done recently and to see if we had any upcoming intersections that
6 were going to be either signalized or widened, once the project is completed. And
7 based on our review of our files, we didn't identify any locations that we've either
8 approved a signal at that we didn't have funding for turn lanes currently or any other
9 types of improvements like that that are not being addressed in the Clemson Road
10 widening project. If you have specific concerns that you would like the Department to
11 look at, we'd be happy to address those at any time. With me today is David Rogers,
12 he's the acting Resident Construction Engineer for Richland County, who's handling
13 that project. And, if you have any specific concerns regarding the project itself, either
14 he or I can address those concerns for you.

15 CHAIRMAN GREEN: Could you maybe describe for the Commission what the
16 configuration of the Farrow Road, Clemson Road interchange is going to look like?

17 MR. NOLT: Okay.

18 **TESTIMONY OF MR. DAVID ROGERS:**

19 MR. ROGERS: Again, I'm David Rogers. I'm the Resident Construction
20 Engineer, acting, in Richland County. When we're finished with this project, Clemson
21 Road, through that area will be four lanes with a painted median. When it intersects
22 Farrow Road, Farrow Road, approximately, 400' north and south, of Clemson Road will
23 be widened to four lanes as well with a painted median, so that'll be five lanes. I think

1 when it gets right to the intersection of Clemson Road, where it's planned, it would be,
2 you'll have up to six lanes. You'll have two lanes each direction, that are through traffic
3 and then turning lanes each direction; so, it'll be a significantly improved intersection
4 right there. Longtown Road will be two lanes, but it will have a painted median, so that
5 traffic can, traffic turning left onto Clemson Road will have a, their own turning lane; so
6 that'll be improved as well.

7 CHAIRMAN GREEN: So that'll be an at-grade intersection with Farrow Road, as
8 opposed to the fly-over that's at US 1?

9 MR. ROGERS: That's right, it'll be at-grade. The only bridge we're planning is a
10 bridge over the railroad tracks, over Norfolk Southern. But it will tie back down to
11 Farrow Road, so it will be at-grade.

12 CHAIRMAN GREEN: What about curb cuts in that area, as far as what you
13 envision your curb cut requirements are going to be?

14 MR. ROGERS: Could you kind of explain your -

15 CHAIRMAN GREEN: Curb cut access that's going to be available, either on that
16 stretch of widened Farrow Road, and the widened Clemson Road, criteria for granting
17 curb cuts onto those sections of the road?

18 MR. ROGERS: Right, we have some curb cuts that are going to be open for
19 future development. Is that what you're -

20 CHAIRMAN GREEN: Uh-hum (affirmative).

21 MR. NOLT: There's a lot of it, controlled access.

22 CHAIRMAN GREEN: Is there a distance from the intersection that control
23 access is -

1 MR. ROGERS: Yes, I don't have that specific distance for you at this time, but it
2 is controlled access and there's a minimum distance that -

3 MR. NOLT: There are a number of locations, throughout the project, that we've,
4 like David said, that there's a pretty significant portion in the next phase of the widening
5 project that includes controlled access; where we wouldn't allow any driveway cuts
6 across that line. But, there are places that we have basically specified where the
7 access points are going to be, that we've basically created a, I believe it's a 50' wide
8 section, that is perpendicular to the center line of the roadway, that defines where a
9 driveway would be. And, I don't know if you're familiar with where the new drives are
10 going in on Clemson Road, at the Village at Sandhills? Those were done the same
11 way, when Clemson Road was widened, we showed little sections that were bumped
12 out there, that basically specified where those access points would be, and that no other
13 access points would be on Clemson Road itself. Now, we would have to look to
14 specifically identify where those controlled access points are located. If there's specific
15 lots that you're interested in, we could look at those with you and we would be happy to
16 do that.

17 CHAIRMAN GREEN: Questions?

18 MR. FURGESS: Yeah, I have one question. That part of Farrow Road and
19 Clemson Road, where you're going to connect to, how about for, y'all making provisions
20 for vehicles like ambulance, fire trucks, that kind of thing?

21 MR. NOLT: Talking about preemption?

22 MR. FURGESS: Right.

1 MR. NOLT: That's something that, I'm not familiar enough with the signal plan to
2 know if that was included in there. But, that's definitely something that, if the county is
3 interested in making sure that that is included for fire and emergency services, we can,
4 that's something that can be accommodated in the traffic signal.

5 CHAIRMAN GREEN: Other questions? Okay, well Mark, we appreciate you
6 coming here and visiting with us today. Obviously that area is something we hear a lot
7 about and I think that'll help us as we go forward.

8 MR. NOLT: Thank you, and like I said, if you do have any specific requests, we'd
9 be happy to address those with you.

10 MS. WYATT: What about a phone number for you and David?

11 MR. NOLT: My phone number is 737-6660.

12 MR. ROGERS: My number is 786-0706. You did ask about any intersections
13 we're thinking about signalizing; the Winslow Way subdivision did request a traffic study
14 for their entrance, because there's a curve right in front of their entrance. And, we're
15 working to address that. We're having a traffic study that'll be complete by the
16 [inaudible].

17 CHAIRMAN GREEN: Okay, great, thank you so much.

18 MS. WYATT: Since you've brought the traffic study up, what portion of Clemson
19 Road is, are you just doing in front of Winslow or -

20 MR. ROGERS: We were going to see if, they requested a light and a lot of
21 subdivision do that, they request a signal. They're going to do a traffic count in that
22 area, see if it's warranted, see, look at the sight distances, things like that. That's on a
23 request basis.

1 MR. JACKSON: I think that since it's on a curve it's a safety -

2 MR. ROGERS: Yes it is and that's why I'm taking a closer look at it. We'll know
3 the results of that, like I said, by the of [inaudible]

4 CHAIRMAN GREEN: Thank you very much. On the agenda, I've noticed that
5 we've been requested to have an Executive Session for some advice from our Legal
6 Department. I'm told this will take five minutes or less, but we do have to go into a brief
7 Executive Session, so if you'll hang with us, I'd appreciate it.

8 *[Executive Session]*

9 CHAIRMAN GREEN: Ms. Linder, if you would report us out of Executive Session
10 please.

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

13 CHAIRMAN GREEN: Thank you. Next on our agenda is the approval of the
14 September 13th minutes. I'm not sure that we have. I've not received them in my
15 package. Did anybody else receive them?

16 MS. WYATT: No. Mr. Chair, I'm going to make a motion that we defer approval
17 of the minutes until next month, or at least until we've received them.

18 CHAIRMAN GREEN: I don't even think that we need to take a vote, we don't
19 have anything, we don't have any minutes to approve so, we'll ask [speaker
20 adjustments] I would ask that everybody speak up as much as possible so that those in
21 the audience can hear us as much as possible. Are there any amendments to the
22 agenda? I would like to report to you that case 05-10-MA, the Rabon Road rezoning
23 has been withdrawn. Those of you who are here for that, no need to stay because that

1 now has been withdrawn by the applicant from the agenda. Again, that's case, let me
2 just look real quick here.

3 MS. WAYTT: 05-10-MA.

4 CHAIRMAN GREEN: I didn't receive a sign-up sheet, so I assume none of you
5 here are for that. But if you're here for the Rabon Road rezoning that has been
6 withdrawn. Any other changes to the agenda?

7 MS. WYATT: Mr. Chair, I would like to ask if the other Commissioners are in
8 agreement that under Other Business, Number B, the consideration of re-looking at
9 cluster housing, that we defer that until next month. In reading this material, there's -

10 CHARIMAN GREEN: I'm sorry, Ms. Wyatt.

11 MS. WYATT: That's all right, I understand. There are significant changes based
12 on what we received in our material for today, versus – and I must apologize, I didn't get
13 to study the whole thing, but the new Land Development Codes, there's some
14 significant changes between the two and I would personally would like a little more time
15 to study those. So, I'd like to ask that we defer that until next month.

16 CHAIRMAN GREEN: And that's agenda item under Other Business, B.

17 MS. WYATT: Yes, for cluster housing.

18 CHAIRMAN GREEN: - for cluster housing. Do you want to put that in the form of
19 a motion?

20 MS. WYATT: Mr. Chair, consider that a motion.

21 CHAIRMAN GREEN: Do I hear a second?

22 MR. MANNING: Could you add the PUD-2 district to that as well?

1 MS. WYATT: I don't see that taking that long, I mean, I won't add it to my
2 motion, but.

3 CHAIRMAN GREEN: We have a motion on the floor to delay Item 8-B to our
4 next meeting, is there a second?

5 MR. FURGESS: Second.

6 CHAIRMAN GREEN: We have a second, those in favor of deferring that until the
7 next meeting, please signifying by raising your hand.

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

10 CHAIRMAN GREEN: So, Item 8-B, the consideration of the regulations, with
11 regard to cluster housing, will not be taken up today. Any other changes to the agenda?

12 MR. MANNING: Mr. Chairman, I'd suggest we do the same thing for the PUD-2,
13 if that's, I'd like to make a motion to defer that until the next meeting as well.

14 CHAIRMAN GREEN: We have a motion to defer the PUD-2 discussion, as well,
15 which is Item 8-C, is there a second to that motion?

16 MR. FURGESS: Second.

17 CHAIRMAN GREEN: Any discussion? Those in favor of deferring 8-C, please
18 raise your hand. Those opposed?

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

21 CHAIRMAN GREEN: We'll defer Item 8-C, as well, until the next meeting. Any
22 other changes to the agenda? Okay, seeing none, we'll move into Old Business. The

1 first item, which is the public hearing regarding road name change of Harris Lane to
2 Zachery Lane.

3 MR. GOSLINE: Mr. Chairman, Members, this was deferred from last month's
4 meeting. This is a request to change the road name from Harris Lane to Zachery Lane.
5 It has been dually advertised, and as near as I know, nobody has signed up for it.
6 Adjacent owners have all signed a petition; I think you have that in your package. Staff
7 would recommend approval.

8 CHAIRMAN GREEN: Any discussion, questions? Yes, Ms. Linder.

9 MS. LINDER: Just as a point, we do have Ms. Alfrieda Tindall here to address
10 the reasons why this request is being made and per the statute we need to make a
11 reason why. [inaudible] as to a reason.

12 CHAIRMAN GREEN: Okay.

13 **TESTIMONY OF MS. ALFRIEDA TINDALL:**

14 MS. TINDALL: Good afternoon, the reason why -

15 CHAIRMAN GREEN: If you could just for the Record, state your name and
16 address.

17 MS. TINDALL: I'm Alfrieda Tindall; I'm Richland County, E-911 Addressing
18 Coordinator. That road, Harris Road, was sent, a petition was sent in in July to rename
19 Harris Lane, and because we already tried to eliminate all duplicated names, it was a
20 good thing for us to do to go ahead and rename that road. And because of duplications,
21 that Harris Lane was changed to Zachery Lane. And that is the reason why.

22 CHAIRMAN GREEN: Okay, thank you. Any questions or discussion from the
23 Commission? Do I hear a motion?

1 MS. WYATT: Mr. Chair, I'll make a motion that the Harris Lane be changed
2 because of safety issues regarding 911 to Zachery Lane.

3 CHAIRMAN GREEN: Do I hear a second?

4 MR. JACKSON: Second.

5 CHAIRMAN GREEN: I have a motion and a second, those in favor please
6 signify by raising your hand. Those opposed? Thank you.

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

9 MS. TINDALL: Carl Gosline has the Certificate of Name Change for you to sign.

10 CHAIRMAN GREEN: Already signed. Next on the agenda is under Old
11 Business is 05-08-MA, The Village on Richard Franklin Road.

12 **CASE (1) 05-08-MA:**

13 MR. GOSLINE: Mr. Chairman, Members, this was up last month and you
14 deferred it to this month to allow the applicant and adjacent residents to meet and
15 they've done so. Mr. Margle and Mr. Shumaker are here, as well as some of the
16 adjacent residents.

17 CHAIRMAN GREEN: Okay. I'll invite folks up then before we begin discussion.
18 Stan Mack.

19 MR. MACK: I'll pass my time on to Tom Margle.

20 CHAIRMAN GREEN: Okay, Ray Carter. If you would, each of you, when you
21 come to the podium, for the record give us your name and address, would be helpful,
22 thank you.

23 **TESTIMONY OF MR. RAY CARTER:**

1 MR. CARTER: Yeah, my name is Ray Carter. I live at 181 Captain Lowman
2 Road, Chapin, and I've lived up off of Johnson Marina Road, on Captain Lowman, since
3 1978. And we moved up there because we wanted a rural setting and we're fighting
4 hard not to have the problems that the northeast is having, as we talked about 6 hours
5 at the last meeting, I heard y'all, we were discussing. Mr. Shumaker is the kind of
6 developer we would like. From what I understand, he builds a quality home. What
7 we're trying to do is lower the density there. Walter Taylor, when he first presented his
8 project, Lakeside at Ballentine, he was looking for, like 302 lots, and we were able to go
9 to 170 lots. Presently, the way the 88 acres, Mr. Shumaker has under contract or has
10 closed, 10 acres is RS-1 and the rest is rural. And if you figure that, he could come in
11 with about 130 something lots there, the way it's presently zoned. So, I would just ask
12 for ya'lls consideration, to keep the density down and, so we can enjoy our rural setting.
13 Thank you.

14 CHAIRMAN GREEN: Thank you. Alan Shumaker.

15 **TESTIMONY OF MR. TOM MARGLE:**

16 MR. MARGLE: I'm going to speak ahead of Mr. Shumaker. I'm Tom Margle,
17 5847 Shakespeare Road. At the last meeting, when were deferred, the specific action
18 that we were to take was the density issue. We did a presentation, on many other
19 things, from the last meeting, and we meet with people with the Ballentine Civic
20 Association, Richard Franklin Estates, Spring Hill Society, Dutch Fork Civic Association,
21 Lakeside at Ballentine people, and people who lived on and around Johnson Marina
22 Road, and that meeting was held September 29th. One of the first order of business in
23 that meeting was an issue that came up prior to that to be addressed, one of the local

1 homeowners asked us to change the name from The Village and we threw out the
2 name Eagle's Rest, because they did not like the name The Village; and that I feel was
3 unanimously accepted by the community. The second thing on the business was the
4 density. The original PUD had 279 units for the 88 acres. We had a lengthy discussion
5 on trying to equate Lakeside at Ballentine to Eagle's Rest now, and because of many
6 physical features on Lakeside at Ballentine, we got into a discussion about developable
7 acres and undevelopable acres. I won't bore you here with that and I don't have the
8 time to go over that at this time. But after that discussion, we and Mr. Shumaker had
9 agreed to reduce the density from 279 down to 220. It appeared that it was a
10 successful meeting and then the issue of open space came back up, which I thought we
11 had addressed pretty clear at the last Planning Commission meeting. And there's been
12 some discussion on how we're going to get to the requested percentages and I assured
13 the homeowners now that we have reduced our density from 279 to 220, or about a
14 21% reduction in units, that we now will start working on that process of the open space
15 to increase to increase the open space. But to stand up and say, to give them what
16 they want, and to compare it the Lakeside at Ballentine, they're two separate items.
17 Therefore, all I can do here is assure you, with a letter that we would present to Mr.
18 Gosline at his direction on how to refer to this deferment. We would then agree to the
19 reduction of the 220, from 279, and to begin looking at increasing the open space from
20 the existing 16% to a greater number. That's all I have to say.

21 CHAIRMAN GREEN: Okay, thank you, Larry Clater, will be followed by Steve
22 Miller, if you want to go ahead and make your way down to the front to be ready.

23 **TESTIMONY OF MR. LARRY CLATER:**

1 MR. CLATER: Yes, my name is Larry Clater, and I live off of Johnson Marina
2 Road, on Captain Lowman Road. I've lived there for the past 14 years and have been
3 amazed at the amount of development in that area. My only request is that we limit the
4 amount of the new homes in that area as much as we can. I moved to that area, that
5 rural area, I'm a retired service man. I moved there for the peace and quiet that that
6 community afforded. I don't wish to deny any developer the right to make a living. I
7 only wish that the county would take into consideration the homeowners who live in that
8 area now. The traffic in that area has gotten completely out of hand, just in the last four
9 to six months. I believe you have read the paper this weekend, you saw about the
10 crowds around Lake Murray Elementary School; it was listed in the paper just this past
11 weekend. That's just a drop in the bucket, what it's going to be when we compare the
12 Mungo development, which backs right up to Mr. Shumaker's development, they're right
13 adjoining to one another. That's going to increase our density out there 400 to 500
14 homes. The road condition out there can't handle what we have now. I respectfully
15 request that the Council give no consideration to changing the rural development to a
16 PUD development. Thank you for your time.

17 CHAIRMAN GREEN: Thank you, next, Joe Balas, followed by Phil Koslic.

18 **TESTIMONY OF MR JOE BALAS:**

19 MR. BALAS: I'm Joe Balas. I live at Lakeside at Ballentine. I agree with the
20 rural arguments as well, but I'd like to also mention in the findings of the report, I don't
21 quite understand why it says that it does meet the existing map and density of the other
22 areas in there; I don't think it does. The traffic, as he said, is at least a year old, and
23 since Lakeside was established, there's a lot more traffic out there, so we're concerned

1 about that. The PUD conditions, I don't understand, if they're changing it to a PUD-1
2 why we list conditions. As some of them said basically, we're removing any restriction
3 for lot area and any restriction from setback. So, if we want to look at a plan, I'd like to
4 remove those restrictions, basically eliminating any setbacks. And I understand there's
5 a new proposal that's being proposed, but I don't see how we can vote on it or decide
6 until it's been set forth before the Commission. That's it. Thank you.

7 CHAIRMAN GREEN: Thank you, Phil Koslic followed by Ken Holmes.

8 **TESTIMONY OF MR. PHIL KOSLIC:**

9 MR. KOSLIC: My name is Phil Koslic and I reside at 1122 Richard Franklin
10 Road, the homeowner adjacent to this property. And right now I'd like to take the time
11 to thank Mr. Margle and Mr. Shumaker for all the effort they've put into this. We know
12 it's a great plan and I think we're very close to a working agreement. I'm sure with the
13 decrease in the density we will increase the open space. And they come here, this
14 afternoon, saying we can't give you a number as yet because we haven't laid out the
15 plans. Well, I'll switch from an against to a maybe until we hear that number, but I'm
16 quite sure that they're going to come up with it and that we are going to have a good
17 development. But as it's been brought up, over the past several meetings, our biggest
18 problems are roads. Just spoke with a gentlemen from DOT who turns out to be a
19 member of my church, and he just shakes his head and says, "it's just that we don't
20 have the money, it comes from fuel taxes." You know, if we want better roads, I guess
21 we're going to pay more for our fuel. I don't know what the answer is, but I think one of
22 the first steps would be to get together with the Planning Commission, with
23 homeowners, with County Council, and get some rules in place. We've been working

1 on a land use plan for years and still nothing has come of it. I don't blame the
2 developers; they're in business to make a dollar. Homeowners have moved to the area
3 because they wanted a rural area, which I think Mr. Shumaker is going to try and keep
4 with the buffers that he's proposing. I just think it's time we draw the line and possibly
5 put a halt to this building of anything in the future until we can get some, a game plan
6 where everybody knows what page we're on; this has been our biggest problem.
7 Everybody comes in here with different ideas, some get passed, some don't. I think we
8 need to get together and put these rules together so we can have a great community.
9 Thank you.

10 CHAIRMAN GREEN: Thank you, that's everyone signed up. Mr. Shumaker did
11 you want to -

12 **TESTIMONY OF MR. ALAN SHUMAKER:**

13 MR. SHUMAKER: Could I answer any questions for you?

14 CHAIRMAN GREEN: Anybody on the Commission have any questions for Mr.
15 Shumaker?

16 MR. SHUMAKER: We've tried to – we worked with Carl and his group. We've
17 brought everything forward that he recommended and we're trying to work with the
18 community. The reason we can't give an exact area on open space is, we don't really
19 know how the streets are going to fit the land and that has to be worked out at that
20 particular time, but I, we have to weigh the different components of the different size
21 houses to make sure we have a good marketable community, because if we don't
22 market something that's good and saleable, then it's going to hurt the surrounding
23 communities also. So, that's what we're trying to do.

1 CHAIRMAN GREEN: Any questions for the applicant?

2 MR. PALMER: I have one. Mr. Shumaker, but you are committed to at least
3 more than 16% open space, is that correct?

4 MR. SHUMAKER: Yes, yes, we're working on that now, but we don't know how
5 much more we can get above that.

6 MR. PALMER: Okay.

7 CHAIRMAN GREEN: Thank you. Discussion?

8 MS. WYATT: Mr. Chair, I'd like to make a motion at the time that this be
9 approved.

10 CHAIRMAN GREEN: Subject to the conditions on page 16?

11 MS WYATT: And, also, the – I can't hear you.

12 CHAIRMAN GREEN: The reduction in the number of the units?

13 MS. WYATT: Yes, oh absolutely, from 279 to – I apologize, I've written it down -
14 229.

15 CHAIRMAN GREEN: And with regard to the general development plan?

16 MS. WYATT: Also, included in the motion, general development plan approval.

17 MS. LINDER: Is the general development plan that you're recommending for
18 approval as amended by the applicant?

19 MS. WYATT: That is correct.

20 CHAIRMAN GREEN: That's my understanding, that it's reduced to 220 units.

21 MS. WYATT: 229.

22 MS. LINDER: Because we're absent of some of the information that is going to
23 be provided, preferably before the zoning public hearing. And, that, if the number of

1 units are going to decrease, we need to know in which areas they're going to decrease.
2 Whether it's going to be the RS-1 low density area, the RS-2, we need to know that, as
3 well as the difference in the open space. So we're going to need that information. If
4 you wanted to make that condition on Staff working that out with the developer, you
5 know, that would be fine.

6 MS. WYATT. Alright, under other conditions – I'm sorry, let me get these pages
7 correct here - under PUD conditions, item number L, other conditions from Commission,
8 I will add condition that Mr. Shumaker get together with Mr. Gosline and get the
9 corrected information that is needed for final approval, before it goes to Council for
10 public hearing. Let that be the added condition under number 11.

11 CHAIRMAN GREEN: There's a motion on the floor, do I hear a second?

12 MR. MANNING: Second.

13 CHAIRMAN GREEN: Discussion of the motion?

14 MS. LUCIUS: I have a lot of questions I want to ask.

15 CHAIRMAN GREEN: Okay.

16 MS. LUCIUS: Is all this property already been purchased, or is it contingent
17 upon the rezoning?

18 MR. SHUMAKER: We have purchased half of the property at this point.

19 MS. LUCIUS: So, the rest of it is contingent upon -

20 MR. SHUMAKER: Contingent upon, yes.

21 MS. LUCIUS: Lakeside at Ballentine is pretty close to the same acreage, 83
22 acres; whereas this is 87 acres. Lakeside at Ballentine has 174 homes and we're going
23 to put 220 on this. Hold up, I've got lots of notes. You state that this blends with the

1 character of the surrounding area. I don't see, when you have that big of a difference,
2 how that's a blend.

3 MR. GOSLINE: Well, it's approximately the same density as Lakeside, well not
4 same density, but the same character of development as Lakeside at Ballentine. One
5 thing about Lakeside at Ballentine is, since they're on the Lake, they have a lot more
6 open space opportunities, and their configuration is different and in addition, as one of
7 the neighbors said, it's a project that you haven't seen yet and it's gone through the
8 Board of Zoning Appeals behind this one, was approved for cluster housing, so -

9 MS. LUCIUS: I know when Mr. Taylor was here for that one, we got so much
10 more information. We had, I went back, here's the minutes, we had someone, Yancey
11 McCloud walked the property. We had a traffic study, Wilbur Smith & Associates did a
12 traffic analysis study; we had that in our packet. Just looks like we're getting a lot less,
13 and for more homes, it just concerns me. I don't see where we're being consistent
14 here.

15 MR. GOSLINE: Well, none of here where here when Lakeside at Ballentine first
16 came through. But, from what I understand, in talking to some of the people that were
17 here, it was a very contentious project.

18 MS. LUCIUS: It was very contentious, it was very contentious, but this was the
19 second time, it had to come back to us again. And we were able to get all of these
20 concessions. We got the traffic analysis study. It just seems like we got more and a
21 better drawing than this, this, and open space is just the green line around the outside,
22 the borders?

1 MR. GOSLINE: With regard to the transportation of traffic impacts, if, on page
2 13, our quickie traffic analysis shows, that even with this project -

3 MS. LUCIUS: I know, Mr. Gosline, I'm just saying, we just look like we're
4 demanding a lot less information for this one and it's larger. That's just, that's my point.

5 MR. GOSLINE: We don't have any way to judge, if they meet the minimum
6 requirements in the code of a diagram, a conceptual diagram of the development, I
7 mean, that's about all we can do.

8 MS. LUCIUS: One other point I wanted to bring in too. The church, where's the
9 church figure into this now?

10 MR. GOSLINE: The church owned the property some time ago, and they were
11 going to put a church in that corner. They've sold the property and they're going to put
12 a church someplace else.

13 MS. LUCIUS: Because I looked back at on that 10 acres that's a part of this, and
14 one of the reasons we did approve, changing that 10 acres to RS-1, was because of the
15 church next door. And, I'll read you this if I can find it. Your words, "One of the
16 mitigating things, as far as Staff is concerned, is that you're going to have the church
17 that takes up the rest of this side of the road, so that sort of mitigates small lot size."

18 MR. GOSLINE: Yes ma'am, but that's not -

19 MS. LUCIUS: Now, the church is gone, okay, so that's moot, right?

20 MR. GOSLINE: At that time it was a correct statement.

21 MS. LUCIUS: I know that. I'm just saying, I just think this is important that we
22 look back. We spent half an hour on that 10 acres, because they first wanted to put RS-

1 1A there, but we changed it to RS-1. And now, with no discussion, we're going to put
2 RS-3 in and RS-2. Isn't that what 5,000 square foot lots is, isn't that more like RS-3?

3 MR. GOSLINE: Yeah, but the overall density -

4 MS. LUCIUS: I don't care about the overall density. If this were being taken up
5 today, by itself, we would not approve it. But, because it's coming in under cover of
6 PUD, we're going to approve it, is my only point.

7 CHAIRMAN GREEN: Mr. Gosline, is the, did the applicant submit everything
8 required by the code, with regard to the package necessary?

9 MR. GOSLINE: Yes.

10 CHAIRMAN GREEN: You know, just to comment to one of the speakers, I think
11 everybody on the Planning Commission shares everybody's frustration in not having an
12 updated, comprehensive Land Development Plan for Richland County. Our current
13 plan is for sub areas, that's more that ten years old. We have on numerous occasions
14 as a Planning Commission gone on record with County Council, indicating the need to
15 have that plan updated, they have chosen to take it, whatever approach they've taken,
16 so we certainly share your frustration there, so -

17 MS. LUCIUS: Well I, another thing I think is what we're - we're getting a
18 lot of PUDs and I think a lot of PUDs - they don't really meet what a PUD is supposed
19 to be. A PUD is supposed to be really innovative that you do to try to preserve open
20 space, you know, instead of going with your strict RS-1, RS-2, RS-3s. We're getting a
21 lot of PUDs that are really just rezoning. I really think if this 5,000 square foot lots came
22 up, by itself today, and not as a part of this PUD, I don't think we would approve it, that's
23 all I'm saying.

1 CHAIRMAN GREEN: Well, of course, you know, I'm in favor of the motion. I
2 mean, this is what a PUD is intended to do, it does create open space. If these came in
3 as separate parcels, no open space would be required; this is going to be over 16%.

4 MS. LUCIUS: Where's the open space on here. I'm sorry, just show me where
5 the open space is.

6 CHAIRMAN GREEN: The table, I'm just simply referring to the acreage involved.

7 MS. LUCIUS: I know, but -

8 CHAIRMAN GREEN: And that's the table in the lower left side.

9 MS. LUCIUS: It says, "parks, open space and buffer," 16%, so the buffer is a
10 part of that open space.

11 CHAIRMAN GREEN: Right.

12 MS. LUCIUS: And that's not satisfactory.

13 CHAIRMAN GREEN: Further discussion?

14 MS. WYATT: Mr. Chair, just to make sure that we're covered properly on this, let
15 me go ahead and amend my motion and I hope Mr. Manning will second this. In re-
16 looking at this, in all of our documents, it is referred to as The Village. I'd like for my
17 motion to include to name change to Eagle's Rest.

18 CHAIRMAN GREEN: Okay.

19 MR. MANNING: Second.

20 CHAIRMAN GREEN: Further discussion on the motion? Seeing no further
21 discussion, we have a motion on the floor to send this forward with a recommendation
22 for rezoning approval. County Council will hear this case on its meeting on October
23 26th, at which time there will be another public hearing. That's a Tuesday at 7:00 p.m.,

1 for those who wish to attend. And, the motion is to send this forward with a
2 recommendation of approval, with the following changes, the 279 dwelling units will be
3 reduced to 220, that the general Land Development Plan is approved, conceptual plan
4 is approved, that the name change reflecting the new name Eagle's Nest.

5 MS. WYATT: Rest.

6 CHAIRMAN GREEN: Rest, Eagle's Rest, from The Village be made, and that
7 the Staff work out with the applicant the necessary requirements as regard to the
8 location and extent of open space. Is that a correct characterization of your motion?

9 MS. WYATT: Yes.

10 CHAIRMAN GREEN: All those in favor of the motion please signify by raising
11 your hand. All those opposed.

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

14 **CASE SD-05-20:**

15 CHAIRMAN GREEN: Thank you, next item on our agenda is 05, excuse me.
16 We move to the Subdivision Review section, which is SD-05-20. Staff Report?

17 MR. GOSLINE: Mr. Chairman, Members, this is a request for a subdivision on,
18 sort of between Trotter Road and Rabbit Run Road, 20 acres, 74 units, zoned RS-2.
19 Staff recommends approval.

20 CHAIRMAN GREEN: Questions for Staff?

21 MR. MANNING: Mr. Gosline, on the aerial, or the site map, it shows the property
22 abutting Trotter Road. But you go back to the site map, it shows two entrances there. I
23 was confused how that – how you had the two entrances.

1 MR. GOSLINE: Yeah there's an entrance, a proposed entrance, off Trotter Road
2 and a proposed entrance off Rabbit Run Road, roughly opposite Meyer's Creek
3 subdivision.

4 MR. MANNING: Okay, so the aerial photograph is not correct?

5 MR. GOSLINE: Well, the aerial, I mean, the location is correct, but the parcel
6 maps and aerials are still not in sync.

7 MR. MANNING: Okay.

8 MR. GOSLINE: Eventually, in about another year or so, we'll have all the parcels
9 center lined and then that'll line up better.

10 CHAIRMAN GREEN: Further questions of Staff, discussion? This says you
11 have to get a permit to clear. Is this a field?

12 MR. GOSLINE: There's not much there. Part of its field and part of it now is very
13 young pine trees.

14 MR. JACKSON: [Inaudible] pine trees? They'll be clearing everything?

15 MR. GOSLINE: The aerials are a couple of years old, and at that time it was
16 clear field. In the meantime, small pine trees have been planted. I don't think there's
17 any of them over seven or eight feet tall.

18 MR. PALMER: Mr. Chair, I make a motion to approve, subject to conditions on
19 page 31.

20 CHAIRMAN GREEN: We have a motion to approve this subdivision, subject to
21 conditions on page 31, do I hear a second?

22 MS. WYATT: I'll second, Mr. Chair.

1 CHAIRMAN GREEN: Any further discussion? Those in favor of the motion to
2 approve this subdivision, subject to conditions, please signify by raising your hand.

3 Those opposed?

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

6 CHAIRMAN GREEN: Thank you. Next is SD-05-35.

7 **CASE. SD-05-35:**

8 MR. GOSLINE: Mr. Chairman, Members, this is a minor subdivision on
9 Timberline Road, kind of in town – sort of, next to Gills Creek. This is a re – in a sense
10 re-platting of three lots into a Minor subdivision. Staff recommends approval.

11 MS. LUCIUS: Was this one lot?

12 CHAIRMAN GREEN: This is re-platting into five lots?

13 MR. GOSLINE: I believe there're three tax map numbers. There're three tax
14 map numbers.

15 MS. LUCIUS: Oh, it's three into five. Oh, I see.

16 CHAIRMAN GREEN: I just had a question for Staff. One of the Staff comments
17 was, under specific conditions, "Since a portion of this site is within the Gills Creek flood
18 plain, each site must produce an individual survey demonstrating the proposed building
19 will be constructed at a minimum elevation." Do we know at this point whether houses
20 can actually be constructed on each of these five lots, or are we approving something
21 we don't know whether the envelope and the setbacks are there for this to work?

22 MR. GOSLINE: There's plenty of room on the lots for the house for the
23 residences to be constructed outside the 100-year flood elevation. But, it's a standard

1 condition, whenever a lot is on the 100-year, that they produce an individual plat
2 showing that it's out of the flood plain. This is kind of interesting, because it looks like
3 the 100-year floor elevation goes across Timberline Road and we were out the a day or
4 two after the last heavy rain, and the water was sitting right at the edge of the road from
5 Gills Creek, so, it'll be interesting.

6 CHAIRMAN GREEN: But we've, you've seen the actual demarcation line for the
7 floodplain so that you know these lots are workable?

8 MR. GOSLINE: Yeah, we have a flood elevation for Gills Creek, yes.

9 CHAIRMAN GREEN: Another questions for Staff? Comments? Motion?

10 MR. PALMER: Mr. Chair, I make a motion to approve, subject to conditions on
11 page 40.

12 CHAIRMAN GREEN: I have a motion for approval, subject to conditions on page
13 40, do I hear a second?

14 MR. MANNING: Second.

15 CHAIRMAN GREEN: Further discussion? Those in favor of the motion, please
16 do so by raising your hand. Those opposed?

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

19 **CASE SD-05-21:**

20 CHAIRMAN GREEN: Next is SD-05-21, Whitney Falls, Phase M-18B. How
21 many phases in this thing?

1 MR. GOSLINE: This is, well when The Summit PUD was done, they had a jillion
2 phases, with all kinds of alphabetical and numerical combinations. It's enough to turn
3 your hair gray.

4 CHAIRMAN GREEN: It worked with you, didn't it Carl?

5 MR. GOSLINE: Yes, sir. This is the last piece of Waverly Place and Whitney
6 Falls in there. Staff recommends approval. It's got water and sewer and everything.

7 MS. LUCIUS: Mr. Chair, I'd like to make a motion for approval.

8 CHAIRMAN GREEN: We have a motion for approval, subject to conditions?

9 MS. LUCIUS: Subject to the conditions on page, what?

10 CHAIRMAN GREEN: 51, 50 and 51.

11 MS. LUCIUS: 50 and 51.

12 MR. FURGESS: Second.

13 CHAIRMAN GREEN: Have a motion and a second for approval, any discussion?
14 Those in favor of approval, please signify by raising your hand. Those opposed? Okay.

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

17 CHARIMAN GREEN: We now move into the Zoning Public Hearing section of
18 our agenda, Zoning Map Amendments. And the first on our agenda is 05-11-MA, 10MA
19 is the one that was withdrawn. Start on page 69, Danielle Ream.

20 **CASE 05-11-MA:**

21 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone two acres of
22 RU zoned land to C-3 on Wilson Boulevard, just north of the I-77 interchange. If you
23 look on your zoning map on page 75, you'll see that it's, pretty much, surrounded by

1 industrial and light, I mean, C-3 and light industrial zoning. Applicant wishes to have a
2 doctor's office, Staff recommends approval.

3 MS. LUCIUS: Is that, can I just ask, for my own – on the aerial on 76, is that a
4 parking lot that I'm looking at there?

5 CHAIRMAN GREEN: Yes, PMSC.

6 MS. LUCIUS: Is that PMSC's parking lot? Okay, I couldn't -

7 MR. GOSLINE: Yes, it's now the Department of Public Safety.

8 CHAIRMAN GREEN: Public Safety is part of it now.

9 MS. LUCIUS: Okay.

10 MR. JACKSON: Public Safety and DMV, Department of Motor Vehicle.

11 CHAIRMAN GREEN: Danielle Ream.

12 **TESTIMONY OF MS. DANIELLE REAM:**

13 MS. REAM: Hi, my name's Danielle Ream and I currently live at 1004 Oak Leaf
14 Circle. I'm a Chiropractor, this is an existing structure,

15 CHAIRMAN GREEN: If we could get you to speak up since our microphones
16 aren't working very well.

17 MS. REAM: This is an existing structure. I would like for it to be changed to the
18 C-3 to better fit the area. Also, to allow me to have parking for my patients and also to
19 permit signage, which is not available with the current rural zoning.

20 CHAIRMAN GREEN: Thank you, any questions for the applicant? Thank you.

21 MS. WYATT: Any one opposed, Mr. Chair?

22 CHAIRMAN GREEN: That's everybody signed up to speak.

1 MS. WYATT: I'm going to make a recommendation we send this forward with
2 the recommendation of approval, subject to conditions on page, we don't have
3 conditions, never mind.

4 MS. LUCIUS: I second.

5 CHAIRMAN GREEN: We have a motion and a second to send this forward with
6 recommendation for approval, any further discussion? Those all in favor of the motion,
7 please do so by raising your hand. Those opposed?

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

10 CHAIRMAN GREEN: This will go forward to public hearing and County Council
11 final vote on October 26th, not final, first reading on October 26th, at 7:00. Next on our
12 agenda is 05-12-(a) MA, is that correct Mr. Gosline?

13 **CASE 05-12-(a) MA:**

14 MR. GOSLINE: Yes, that's correct. This is, the next two came in together, and
15 when we went out and looked at it we decided we needed to split them up because
16 they're slightly different situations. This, the first one, 05-12-(a), is a request to change
17 RU to C-1 for a lot that shows up, if you look at your aerial, on page 86. This is a lot
18 that's on Lockman Road, at the corner of Lockman and Vallenga. And, you'll see that a
19 house has been moved onto the site. They want to convert, rezone this property and
20 covert the house to an office space. The Staff recommends approval of this particular
21 request, for the reasons stated on page 82 and 83.

22 CHAIRMAN GREEN: Okay, Steve Rayl

23 **TESTIMONY OF STEVE RAYL:**

1 MR. RAYL: My name's Steve Rayl. I reside at 319 Springwood Road. Is that
2 all?

3 CHARIMAN GREEN: Do you have anything to say in support of your
4 application?

5 MR. RAYL: I think it's a great idea. (laughter)

6 CHAIRMAN GREEN: That's quick and to the point, thank you. Discussion,
7 questions for the applicant or Staff?

8 MR. PLAMER: Mr. Chair, I make a recommendation it's forwarded to Council,
9 with a recommendation of approval.

10 CHAIRMAN GREEN: We have a motion that's been made, do I hear a second to
11 the motion?

12 MR. FURGESS: Second.

13 CHAIRMAN GREEN: We have a motion and a second. I'll open the floor for
14 discussion on the motion.

15 MS. LUCIUS: Yeah, you said that it abuts C-3 property. Now, I know that this
16 piece of property does abut it at the back end of the property, but on either side of it it's
17 still residential, isn't it?

18 MR. RAYL: Right.

19 MR. GOSLINE: The situation, we might as well talk about both of these at the
20 same time.

21 MR. LUCIUS: Well, I understand, the other one is off on Vallenga, or whatever.

22 MR. GOSLINE: This, unfortunately the, once again the aerial isn't quite as
23 descriptive as we'd hoped, but anyway, the situation, the difference between the two

1 requests is, (a) has frontage on a paved road and backs up to C-3, off Two Notch; (b)
2 does not have frontage and backs up to C-3. That's the only difference between the
3 two requests. Staff recommends approval of the C-1 on Lockman Road and you can
4 make a case that the two lots in between would be good C-1 as well; the two lots to the
5 left, between the subject site and Two Notch Road.

6 MS. LUCIUS: I guess I'm looking more at it as commercial coming down that
7 road. I mean, I can understand C-1 serving as a buffer between C-3 and residential, but
8 this really isn't, I mean, it's between two residential lots and it looks to me like putting
9 commercial in the middle of residential. I mean, I'm looking at it your way too, I'm trying
10 to.

11 MR. GOSLINE: Well, in a sense you're right, Ms. Lucius. This is a case where
12 the Department would suggest that we would proactively rezone the two lots in between
13 and do them all at once. And, we've talked about that with ya'll many times in the past
14 and -

15 MS. LUCIUS: The first two lots, do they have homes on them? The ones right
16 off of Two Notch?

17 MR. GOSLINE: They have, I'm trying to remember, yeah, there's two residences
18 on them; I'm not sure they're occupied or not. One of them is, and I'm not sure about
19 the other one.

20 MS. LUCIUS: But they are residences on this.

21 MR. GOSLINE: Residential structures.

22 MS. LUCIUS: The first two lots and then -

23 MR. GOSLINE: Correct.

1 MR. PALMER: But I guess they didn't have a problem with this, or they would've
2 come down and voiced their opinion.

3 MS. LUCIUS: Well, that's not necessarily the case. A lot of times people don't
4 really understand. We're used to this, but a lot of times people don't understand they
5 can come and talk about these things. I'm just, I can see that side of it, but I can also
6 see the other side, I'm kind of wavering between whether or not we want to bring
7 commercial down a road where there's no more commercial. It looks like it's all still
8 rural. I just want to be convinced that it's a good thing.

9 MR. GOSLINE: Well, from our point of view, I think it's a reasonable thing to do,
10 and you could certainly make a case that the two lots between the subject lot, and going
11 over to Two Notch could be C-1 as well, and have small office space in some sort of
12 residential type structure, or small structure.

13 MS. LUCIUS: I guess I'm thinking more of, you know, setting a precedent to
14 bring commercial down the road, which we always try not to do.

15 MR. GOSLINE: That's right, the flipside is that if this one gets zoned, then the
16 next one can come in and get -

17 MS. LUCIUS: Exactly, I think that's why I'm hesitating about it.

18 MR. GOSLINE: Can ask for any kind of commercial or really light industrial
19 zoning for that matter.

20 MR. PALMER: Well, while it's zoned rural, I don't see the rural character to it.
21 It's .46 acres, it's not even a half an acre and you couldn't build a house on that lot, you
22 know, on our current rural zoning.

1 MS. LUCIUS: Well, people have, I mean, there are residences in there, they're
2 manufactured homes, they look like. I think we also need to ask ourselves, "Would we
3 do this if they were higher-end homes?" And, I think, you know, it looks like this is a
4 pretty nice neighborhood, I mean, I can't see, I'm just looking at the – I mean, I don't
5 know.

6 MR. JACKSON: Is there public water and sewer?

7 MR. GOSLINE: The Department doesn't pay any attention to the value, the
8 home values in making these decisions -

9 MS. LUCIUS: No, I know that. I just want to make sure that we treat this sort of
10 residential community as well as we treat a \$300,000 residential community.

11 MR. GOSLINE: You're absolutely right. There's not question that in both of
12 these cases the whole intrusion, commercial intrusion argument is very critical -

13 MS. LUCIUS: It's intrusion into residential, whether it's Ascot or not.

14 MR. GOSLINE: That's primarily why we went the way we did. We thought this
15 one was okay, but the next one isn't for that reason.

16 MS. LUCIUS: Right, I understand, okay.

17 MR. JACKSON: Is there water and sewer available, city water and sewer, or is it
18 well and septic tank?

19 MR. GOSLINE: There might be, I don't even think there's water. But, this is
20 certainly not sewer.

21 MR. JACKSON: Well, isn't there a minimum acreage to have well and septic
22 tank?

23 MR. GOSLINE: Not when you're adjacent to an existing C-3.

1 MR. JACKSON: Not when you're adjacent? So, if you have to put a well and a
2 septic tank, doesn't that have some conflict with the Department of Commerce, I mean -

3 MR. GOSLINE: Well, there were residences there, Mr. Jackson. So, I assume
4 they had well and septic tank approval.

5 MR. JACKSON: But, I understand that you have to have a minimum of .76 acres
6 to have a well and a septic tank, and this is .66 acres.

7 MR. GOSLINE: No, the RU zone - this got RU - this was a subdivision - old
8 subdivision got laid out a long time ago, and the lots are not, don't meet the minimum
9 RU standards. So, DHEC may or may not grant them septic tank and well permits. But,
10 they must have them, because there were residences on either side, so they must be
11 getting them. It's pretty sandy soil here.

12 MR. JACKSON: I understand, but also the capacity for a commercial property is
13 more than a residential property also.

14 MR. GOSLINE: Well yeah, if you were talking about anything more than C-1 that
15 would be different, because - but in a C-1 you're talking about basically taking a
16 residential structure and making a small professional office or whatever out of it.

17 CHAIRMAN GREEN: Let me ask a question, if someone came in today for a
18 building permit to build a single family home on this lot, my understanding is they
19 couldn't get it, because it's a non-conforming lot?

20 MR. GOSLINE: Well, they would probably already have the well and septic tank,
21 and there are provisions in the code for plats of record in that situation. They have to
22 meet the setbacks. If they could meet the setbacks they would -

23 CHAIRMAN GREEN: Would they have to go for a variance?

1 MR. GOSLINE: I don't think so.

2 CHAIRMAN GREEN: To build a single family home on this lot?

3 MR. PRICE: If they can't meet the setbacks, then they would need to go for a
4 variance, but if they can meet the setbacks, they can establish a [inaudible]

5 CHAIRMAN GREEN: Even though the lot's below the minimum standard for an
6 RU.

7 MR. GOSLINE: Right, and this is, you know, the discussion we've had about
8 legal non-conforming use, is what I'm trying to say.

9 CHAIRMAN GREEN: Further discussion?

10 MS. LUCIUS: That's all I had.

11 CHAIRMAN GREEN: Do I hear a motion, regard to this rezoning request?

12 MS. LUCIUS: There was one more thing. We did have – this is 117 Lockman
13 Road and in 1999 we did have someone try to change from RU to C-3 at 100 Lockman
14 Road; that must be that first lot?

15 MR. GOSLINE: Corner.

16 MS. LUCIUS: And we denied it 6 – 0, unanimous. Then when it got to Council,
17 they set it for a special exception. Must not have gotten it.

18 MR. GOSLINE: Guess not.

19 MS. LUCIUS: But we do have precedence for not allowing commercial on that
20 road.

21 MR. PALMER: I think we already have a motion and a second.

22 CHAIRMAN GREEN: Is there a motion, I'm sorry. There's a motion and a
23 second to recommend approval of this rezoning.

1 MS. LUCIUS: Repeat the motion and the second again.

2 MR. GOSLINE: Mr. Palmer moved and Wes second it.

3 CHAIRMAN GREEN: To send this forward with recommendation for approval.
4 Any further discussion? Seeing none, we'll call for the vote. Those in favor of the
5 rezoning, please raise your hand. Those opposed.

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

8 CHAIRMAN GREEN: Four to three. The next item on our agenda is 05-12(b)
9 MA. Staff, this is the one, two lots more down the street, correct?

10 **CASE 05-12(b) MA:**

11 MR. GOSLINE: Correct.

12 CHAIRMAN GREEN: The applicant is signed up again to speak. Mr. Rayl would
13 you are to speak on this application? Mr. Rayl, would you care to speak on this since
14 you've signed up?

15 MR. RAYL: I thought you did them both at the same time. This is for the second
16 lot?

17 CHAIRMAN GREEN: This is for the second lot down the road.

18 **TESTIMONY OF STEVE RAYL:**

19 MR. RAYL: It is kind of rural area and I don't want to take advantage of the fact
20 that there's mobile homes there and it's not Wood Creek. But, this is a growing
21 commercial area, right there in that area, and I'm not trying to get C-3 to make it
22 industrial or anything; just to have, like, offices for a photographer, chiropractor,
23 construction consultant, any of those types of things, and also to add to the community,

1 to the residential area. As you can see, I've moved a duplex from Dreher High School
2 area to that lot that will become, have a brick foundation and vinyl siding. And, having
3 talked to the neighbors, they were very much in favor of the improvements that I'm
4 doing to that area. And, I still just think it's a good idea.

5 CHAIRMAN GREEN: Thank you, sir. Discussion?

6 MR. MANNING: I had a question for Carl. What would your position be Carl, if
7 the lot on the corner of Lockman was already zoned?

8 MR. GOSLINE: Excuse me?

9 MR. MANNING: The lot on the corner at Lockman was already zoned
10 commercial, would that change your –

11 MR. GOSLINE: No, sir, and the reason for that is, we think it's a reasonable
12 thing to do to have small scale C-1 commercial, because it's on a paved road from the
13 corner Vallenga to Two Notch. It's not reasonable when you're around the – on
14 Vallenga, which is an unpaved road. And that's really inside the subdivision, as
15 opposed of being on the outside edge.

16 CHAIRMAN GREEN: Further discussion, questions? I'd have to support Staff's
17 recommendations here. It is internal, down a street that's not paved and I would have
18 to concur with Staff recommendations with regard to this one.

19 MS. LUCIUS: Is that a motion?

20 CHAIRMAN GREEN: I try not to make motions -

21 MS. WYATT: Mr. Chair, let me step in since you're not making that motion and
22 let me make it for you. I make a recommendation that we send this forward, with
23 recommendation of denial.

1 MR. JACKSON: I second it.

2 MS. WYATT: Based on findings of the Staff and the fact that it's a dirt road and
3 the intrusion into the rural neighborhoods.

4 CHAIRMAN GREEN: We have a motion and a second, further discussion?

5 MR. PALMER: I just have a question. Carl when did these internal lots here, on
6 Vallenga, when did they get zoned C-3, I mean was that just eons ago, or what?

7 MS. LUCIUS: That's a good question.

8 MR. GOSLINE: Oh, that was – it's been a long time ago. The zoning maps,
9 there's a big vacant piece right on, if you're looking at page 98, that big, kind of vacant
10 piece was zoned some time ago. If you'll recall, six months or so ago, we had another
11 request, right at the top of that page, to change C-3 to M-1 for -

12 MR. PALMER: Body shop.

13 MR. GOSLINE: Body shop, and that -

14 MR. PALMER: I still see this as being broken up. Are these not still broken up in
15 individual lots, that one large piece, page 97?

16 MR. GOSLINE: No, the plat, if I recall the plat, the lots are all still there. So they
17 - whatever action was taken they just zoned the whole series of lots.

18 MR. PALMER: Okay, I was just wondering.

19 CHAIRMAN GREEN: Further discussion? We have a motion on the floor to
20 send this forward with a recommendation to County Council for denial. All those in
21 favor of the motion, please do so by raising your hand. All those opposed.

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

1 CHAIRMAN GREEN: It'll go forth with recommendation of denial and be heard
2 at the October 26th County Council public hearing. Next on our agenda is 05-13-MA.

3 **CASE 05-13-MA:**

4 MR. GOSLINE: Mr. Chairman and Members, this is a request to change the RU
5 zoning to C-3 for six acres on Bluff, the south side of Bluff Road, about a ¼ mile east of
6 Congaree Road. This is in essence the Gadsden Community. This convenience store
7 has been there for a number of years and this fits one of the red dots on the Lower
8 Richland plan, so Staff recommends approval.

9 CHAIRMAN GREEN: I have Robert Garrick, signed up to speak, on this
10 rezoning request.

11 **TESTIMONY OF ROBERT GARRICK:**

12 MR. GARRICK: My name is Robert Freeman Garrick. I currently own this
13 property and this business. I would like for ya'll to take it under consideration, rezoning
14 this area from a rural area from a rural area to a C-3 business area because if
15 something happens to my building, from what I understand, I couldn't rebuild. So I
16 would like for ya'll to take that into consideration. Thank you.

17 CHARIMAN GREEN: I just had a quick question for Staff. Is the building – does
18 the existing business that's operating there operate totally within the confines of the
19 middle of the three lots up for rezoning?

20 MR. GOSLINE: [Nods yes].

21 CHAIRMAN GREEN: So, there's no particular reason – let me rephrase that,
22 that if just the middle lot was up for rezoning, it would be a conforming use, conforming

1 to setback requirements, etc? All that could be – the existing business could be
2 contained and appropriately zoned within the middle of the three lots that we see here?

3 MR. GARRICK: I own all three lots.

4 CHAIRMAN GREEN: Right, I understand.

5 MR. GOSLINE: If your question is, could the, looking at page 109, the eastern
6 most lot be excluded from the rezoning request and the building still be able to function,
7 I would say yes.

8 CHAIRMAN GREEN: What about the building – the lot to the left, is there some
9 – it's part of the business? It's just hard to read the aerial.

10 MR. GOSLINE: There's a manufactured home and, I don't know, I'd have to
11 defer to Mr. Garrick to answer that.

12 CHAIRMAN GREEN: I guess my question was is the business totally contained
13 within the middle of the three lots that you're requested zoning for?

14 MR. GARRICK: Yes, sir.

15 CHAIRMAN GREEN: Okay.

16 MR. MANNING: Do you have plans to build on the other two lots at some point
17 in time?

18 MR. GARRICK: No, sir. It's a mobile home on one lot and the other lot I have a
19 mobile home but there's nobody living in it.

20 MR. FURGESS: What's in the building in the center?

21 MR. GARRICK: That's the 2.8 acres that's in the center.

22 MR. FURGESS: Okay, but a building is on that property?

23 MR. GARRICK: That's where my business is located at; yes, sir.

1 MR. FURGESS: What type of business is it?

2 MR. GARRICK: I own – it's a gas station and a convenience store, and a liquor
3 store combined; like a one-stop-shop.

4 MR. FURGESS: Oh, okay.

5 MR. JACKSON: I cannot see these red dots.

6 CHAIRMAN GREEN: Thank you.

7 MR. GOSLINE: Mr. Chairman, if the – the reason the Staff, well one of the
8 reasons the Staff recommended all three lots was one, that's what they asked for. Two,
9 that it's in one of the commercial nodes on the Lower Richland sub-area plan, so in
10 essence, you've got to draw the line some place. Certainly, it would be reasonable that,
11 if you look at page 109, there's a creek that comes down through here that in essence is
12 eastern boundary of the three lots he's requested. But, you can certainly cut it to less if
13 that's your – Commission's desire.

14 MR. JACKSON: You mentioned the red dots. That's for the Lower Richland
15 community only, right?

16 MR. GOSLINE: What do you mean?

17 MR. JACKSON: The red dots, you're saying it's for the Lower Richland area.

18 MR. GOSLINE: I'm not sure I understand what you're asking me.

19 MR. JACKSON: The red dots there, the only place I've seen it show up is on the
20 Lower Richland community.

21 MR. GOSLINE: Okay.

22 MR. JACKSON: That I've seen, but I'm just asking a question. In the past, when
23 we were developing the Comprehensive Land Use Plan, they – the community was told

1 they took the red dots out. And, I spoke to members of County Council, and they said
2 the red dots are not there anymore, it doesn't mean anything. But, Staff did not do what
3 was necessary for County Council to vote in it to get rid of these subjective intersections
4 for these red dots. But, if you talk to any member of County Council, they're saying that
5 they voted on it, and they didn't.

6 MR. GOSLINE: They only – Mr. Jackson, the only way I know how to respond to
7 that is, that the map that got adopted on May 3rd, is, a portion of which is shown on
8 page 113, got adopted, and it hasn't been changed since then.

9 MR. JACKSON: I understand. Well, the community is under the understanding
10 from Members of County Council, that the dots were taken out. And, it was removed, if
11 you remember, right after – those dots were removed. The meetings they have in new
12 rural community, did not show any dots. And then all of a sudden, here comes the dots
13 again.

14 MR. GOSLINE: Well, but they aren't coming again, Mr. Jackson. This is – the
15 map was adopted on May 3rd of '99 and it has not been changed.

16 MS. WYATT: They never left.

17 MR. JACKSON: I understand that they left, but from what I understood from
18 Members of County Council, that the Staff made some recommendation and they voted
19 on it, to remove it.

20 MS. WYATT: Obviously, they didn't.

21 MR. JACKSON: That's what I'm saying. But, Staff – they went to the community
22 and told the community that, ignore the dots, red dots didn't mean anything, they
23 discussed it and it was removed.

1 MR. CRISS: The red dots on the vision map, in the Imagine Richland 2020
2 Comprehensive Plan are scattered throughout the northern and southern rural portions
3 of Richland County, at major rural crossroads. They were adopted, as part of that plan,
4 remain in effect. It maybe that representation was made that the underlining zoning
5 was not changed. That is true. Where you see most of these red dots, or rural
6 crossroad nodes on the vision map, there's still green RU rural district zoning, low
7 density, single-family residential, community buildings, agricultural, forestry. In other
8 words, limited commercial.

9 MR. JACKSON: I understand. There's just a concern about these red dots in
10 these areas. And communities were told that County Council discussed it and they
11 have voted and removed it.

12 MS. WYATT: Who told the rural community this?

13 MR. CRISS: These red dots represent the town portion of the -

14 MR. JACKSON: I've been at several meetings in the rural community and Staff
15 members are there and Members of County Council are there, and they told them to
16 ignore the red dots, it was removed. I'm just concerned because it keeps popping back
17 up every now and then, about these red dots.

18 MR. PALMER – I have a question. Do we have one of these for – for say the
19 northeast area? I've just never seen one.

20 MR. CRISS: Yes, it's in your Imagine Richland 20-20 Comprehensive Plan.

21 MR. PALMER: I'm saying, I've never seen one though in the packets that we've
22 gotten.

1 MR. GOSLINE: Well, this is something that we've tried, for the first time, putting
2 the proposed land use map into the Staff report with this one, mostly because it's fairly
3 easy. The problem is, because the parcel maps are still not in sync with the road
4 layers, you know, just like the zoning, we're going to try to do it on case-by-case basis,
5 but not all the time, because of the parcel map issue.

6 MS. ALMEIDA: And Staff felt that in this instance, because if you were looking at
7 this without this map – looking at the zoning, you would wonder why the Staff would be
8 recommending approval in this area, and that's why.

9 MR. PALMER: This is helpful, but I'd like to see it in other parts of the county
10 too, so, even if it's not in a designated area, we can see how close it is to it and maybe
11 you want to squeak that a little bit more, maybe you don't, I don't know. It's just helpful
12 to see, the more information the better.

13 CHAIRMAN GREEN: Further discussion?

14 MS. WYATT: Mr. Chair, I'm going to make a motion for approval.

15 CHAIRMAN GREEN: We have a motion on the floor to send this forward with a
16 recommendation of approval, do I hear a second in that motion?

17 MR. FURGESS: I second it.

18 CHAIRMAN GREEN: Mr. Furgess has seconded the motion, further discussion?
19 Seeing none, I'll ask for the vote. All those in favor with a recommendation of approval,
20 please signify by raising your hand. Those opposed.

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

1 CHAIRMAN GREEN: This will go forth to County Council with recommendation
2 of approval to be heard at first reading on October 26th. Thank you. Next on our
3 agenda is 05-14-MA.

4 **CASE (07) 05-14 MA:**

5 MR. GOSLINE: Mr. Chairman and Members, this is a request - this is more or
6 the unusual one's we've had, this is a request to rezone property adjacent to the
7 stadium, or almost adjacent to the stadium, from C-3 and M-2 to all C-3, for multi-family,
8 residential family housing project. Staff recommends approval.

9 MS. LUCIUS: I think we're finally seeing some real infill. This is infill.

10 MR. GOSLINE: Yep.

11 CHAIRMAN GREEN: I have no one signed up to speak on this.

12 MR. GOSLINE: I'm told that if you have one of the top four units, you can watch
13 the game from your living room. (laughter) Of course, you ought to be facing into the
14 sun.

15 CHAIRMAN GREEN: Although no ones signed up, the applicant, I understand is
16 here and I would that if Jeff Greene wanted to make comments, please down to the
17 podium.

18 **TESTIMONY OF JEFF GREENE:**

19 MR. GREENE: Ms. Lucius, I hope that infill is good. Infill is good. My name is
20 Jeff Greene. I live at 1699 Hunting Court, in Rock Hill, South Carolina. And, what we're
21 asking today, as the Staff has mentioned, is to take this particular property that we're
22 talking about that is a split zoning, between M-2 and C-3 and convert it to a C-3 zoning.
23 Kind of the purpose behind that, what we'd like to do is come in a build a multi-family

1 structure. Actually the structure we would tend to see would be a high-end multi-family
2 structure. And I've got a, kind of an artist rendition of what we're hoping to come out
3 with here. There's a picture of the rendition of what we're trying to develop on this
4 particular piece of property. This view is from the other side, as you would look over the
5 property and into the end zone, which is over and across from part of the stadium.
6 What we're looking to do is 57 units. We have done developments like this previously
7 and have found that our marketing for this will be to graduates of University of South
8 Carolina. Typically, the uses for these condominiums will be, they'll, you know, we
9 foresee them coming in for football weekends, basketball games, baseball games,
10 different University functions, where they would like to come and have their own
11 residence to stay in. Also, most of these – what we have found, anticipate here as well,
12 we anticipate about 80 or 85% of these units will be sold to individuals as second
13 homes. There will be some permanent residents there, but we don't anticipate that
14 being a very large number. As we design this, this is not designed for student housing.
15 In the covenants, the master deed, and the by-laws we will address this housing issue
16 by relating occupancy to bloodlines. And typically, what we have put in there is
17 occupancy by more than one bloodline, would not be allowed under the master deed,
18 nor under the homeowner's association by-laws. And, what this prevents is, you know,
19 my son and your son can live there, but my son, your son, his son and his son can't.
20 We do that just to protect the interest of the property and the vision for what we're trying
21 to develop, as well as the other property owners there. Our initial response to this is
22 just; a little bit of word of mouth is that people are excited about it. We think it will be a
23 great addition to that area of the town. At this point, I'm going to ask Ted Talmadge to

1 come up, and he's the architect that has designed this, and maybe just give a little bit of
2 overview of what we're hoping to put on that site.

3 **TESTIMONY OF TED TALMAGE:**

4 MR. TALMAGE: My name is Ted Talmage, from Talmage Architects. And, as
5 Jeff stated, we've done some schematic work here, preliminary work on the building, to
6 fit it in with the zoning ordinance that we're aware at this time for high-rise. We would
7 be applying for a high-rise exception later, in C-3 zoning. This building will be a
8 concrete structure, fully sprinklered. It'll be a top-end, high-end condominium
9 development. We anticipate the exterior of the building being stucco and brick. And,
10 we have parking underneath the building, which is screened, you know, rather
11 adequately from all directions. There will be some surface parking as well, but each unit
12 will have at least one covered parking space and we have penthouse units on top, and
13 they'll probably have first dibs on the rest of them. But we, as you visualize the
14 property, I'm sure most of you are aware of the location and what it looks like now. It's
15 a sea of asphalt and buildings right now. We'll decrease the amount of the coverage on
16 the lot significantly. We will be adding a lot of green space. We will be reducing the
17 amount of parking spaces. Rather ironically, I think there's 190 there now, we'll be at
18 115, and like I said a good portion of those, the majority of those will be covered under
19 the building. So, we feel like we're enhancing, greatly, not just the aesthetic
20 considerations of the area, but also the financial. But, in terms of traffic count, I know
21 the Staff addressed that and even if these units were occupied on a daily basis, the
22 additional traffic would be minimal, probably insignificant, I believe is what the report
23 said. But, as Jeff stated, these units probably will not be occupied on a full-time basis.

1 We see these being a weekend type occupancy. People coming in the day before the
2 games, leaving the day after the games, and by the very nature of that, reducing the
3 amount of traffic you'll see on game day in that area. So, anyway, we propose this
4 zoning change and we hope that you find it acceptable. And, if you have any questions,
5 I'd be glad to answer them.

6 CHAIRMAN GREEN: I was just interested in the covenants and restrictions, is it
7 going to be restricted against leasing it out for short periods of time? Or will that be
8 permitted under the -

9 MR. J. GREENE: Short-term leasing would be permitted. Short-term leasing, as
10 I stand here, I'm not exactly sure what would define that, but I would think that short-
11 term leasing would be periods of time less than one month. I mean, what you may have
12 is an owner, you know, let's just say there's a baseball regional here that may last five
13 or six days, where an owner may have someone come in and occupy it for that period of
14 time, but as far as long-term leasing, or anything of an extended period time, that would
15 be controlled in the master deed and the by-laws as well.

16 CHAIRMAN GREEN: I guess my question is, is this in essence going to be able
17 to function like a hotel?

18 MR. J. GREENE: No. As not to, typically what we find in this is a homeowner is
19 going to come in and, you know, is going to decorate their unit to their taste, of which,
20 sometimes is quite extravagant. I wouldn't say extravagant, I'd say extreme detail with
21 a lot of amenities that they would like and desire. And, we've found that, you know, with
22 the University of South Carolina and the attraction back here, that people want to come
23 and be back - a part of that and they want to be comfortable when they do it.

1 MR. JACKSON: Similar to the caboose?

2 MS. LUCIUS: Cock-A-Boose?

3 MR. J. GREENE: No, they go to the cabooses to eat lunch.

4 CHAIRMAN GREEN: Okay, thank you. Any other questions for the applicant?
5 Discussion?

6 MR. GOSLINE: Mr. Chairman, Members, since this is a high-rise, residential and
7 C-3, you need to make a finding of whether it's in harmony with the existing ordinance.

8 MS. WYATT: I thought we had gotten rid of that word.

9 CHAIRMAN GREEN: Thank you for your direction on that. Discussion of
10 Commission? Motions?

11 MS. WYATT: I would just like to say that I think this would be a welcome addition
12 to that area of Bluff Road, therefore, I'm going to make a motion of approval. And, I'm
13 going to say that I find this in harmony with the intent of the ordinance.

14 MS. LUCIUS: Second.

15 CHAIRMAN GREEN: We have a motion and a second. Any further discussion?

16 MR. JACKSON: I'm not sure about the harmony. But I can see the changes are
17 something similar in the area. I had one concern, people who are living there and game
18 days, that usually the traffic is one-way before the game, one-way after the game, that's
19 just the only concern.

20 MR. GOSLINE: But, they can walk.

21 MR. JACKSON: I understand. I'm just throwing in that concern.

22 MS. WYATT: They don't have to buy there Mr. Jackson.

1 MR. JACKSON: I understand. No on has to buy anywhere, I'm just throwing in
2 that concern. Apart from that, I agree with it.

3 MS. LUCIUS: And underground parking is good, it's very good for the
4 environment, less run-off and sea of concrete; he took the words right out of my mouth.
5 So, yes I second wholeheartedly.

6 CHAIRMAN GREEN: We have a motion and a second to send this forward with
7 recommendation of approval and in finding that this is in harmony with the intent of the
8 ordinance. All those in favor of the motion, please signify by raising your hand. Those
9 opposed.

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

12 CHAIRMAN GREEN: This will go forward with a recommendation for approval,
13 which brings us to 05-15-MA. We have several people signed up to speak on this, Ken
14 Hall

15 **CASE (8) 05-15 MA:**

16 MR. GOSLINE: Mr. Chairman, this is a proposal for a PUD located on Salem
17 Church Road, near Lake Murray, it backs up to Tattler's Wharf subdivision. Their
18 proposal is for 85 single-family detached units, including a community pool, and 22%
19 open space area. Staff recommends approval.

20 CHAIRMAN GREEN: Any questions for Staff before Mr. Hall starts? Okay, Mr.
21 Hall.

22 **TESTIMONY OF KEN HALL:**

1 MR. HALL: My name is Ken Hall. I'm a partner in Palmetto Developers of
2 Columbia. We'd originally proposed a courtyard community of 85 homes. We have
3 since had meetings with the Ballentine Homeowners' Association, who has made some
4 recommendations that we have agreed to, and so this is a new plan based on that
5 agreement. We've had several discussions with the President of the Tattler's Wharf
6 Homeowners' Association also. They had some recommendations that they made, and
7 we've amended our plan to that. The major, it's a 16.1 acre development. We originally
8 proposed 85 units, which is a 5.3 density per acre; that has been reduced to 80 units,
9 which is 4.9 units per acre. Originally, the plan had 22% green space in it, with the
10 reduction in the number of units, and some additional space that was cut out. We're
11 now at 29% green space, the total common area is 31%. The plan is the average home
12 is going to be 2,000 square feet; they will be courtyard or patio-home types, zero lot
13 line. They will be all brick, average 2,000'. The average price per home is going to be
14 in the \$200 to \$220,000 range. The community will be surrounded by a brick wall, the
15 landscaping will be part of the covenants of the PUD. There'll be sidewalks throughout
16 the community. It'll also be a common area with a swimming pool and cabana. Be glad
17 to answer any question.

18 CHAIRMAN GREEN: Anybody have any questions for the applicant? Thank
19 you, sir. Just for Staff, the book that we have in front of us, that we got today, is this – it
20 looks like this still contains the 85-lot configuration?

21 MR. GOSLINE: I was going to ask the applicant, because, when did these
22 changes occur?

23 MR. HALL: Just very recently, and they have not -

1 MR. GOSLINE: What you have is the 85-unit configuration.

2 MS. WYATT: But which is right, what's in this book?

3 MR. GOSLINE: Since the book was published, they have reduced the number of
4 units and increased the open space, what you have does not reflect the changes that
5 were made in the last couple of weeks, is that correct?

6 MR. HALL: The last few days.

7 MR. GOSLINE: The last couple of days.

8 [various conversations – inaudible]

9 MR. GOSLINE: When did the – has the basic configuration, of what you gave us
10 a month ago changed?

11 MR. HALL: What we gave you a month ago was the 85 with 22% green space.
12 What this represents is 80 with 29% green space.

13 MR. GOSLINE: And the books that they got was the 85, right? The books that
14 you have are the 85-unit configuration. But they have since meet with the community
15 and cut the number of units down to 80 and increased the open space. So, we'll have
16 to get revised plan and all that, if that's your choice. The basic configuration still stays
17 the same, it's just less number of lots.

18 MS. WYATT: This is no good, I'm throwing that book away then, and this is what
19 I'm working on.

20 CHAIRMAN GREEN: Okay, thank you, sir. Cecil Rucker has signed up to
21 speak.

22 **TESTIMONY OF CECIL RUCKER:**

1 MS. CECIL RUCKER: My name is Cecil Rucker. I'm sorry, I can't speak very
2 loud. I'm a resident, I live at 1722 Salem Church Road. And my concerns are very
3 much like the people from Richard Franklin Road. We don't have the infrastructure in
4 that area of Salem Church Road to handle a development of this density. And, I'm not
5 opposed to the development, but I would love to see less units going in there. Thank
6 you.

7 CHAIRMAN GREEN: Thank you. George Brower.

8 **TESTIMONY OF GEORGE BROWER:**

9 MR. BROWER: Yes, I'm a resident of Tattler's Wharf, which is the adjoining
10 community, and we're only about 30 homes in there. Salem Church is a very quiet,
11 peaceful, little road enjoyed by joggers and bicyclers, and to put this – and I'm here to
12 oppose, number one to the density. There're a lot of developments going in that area,
13 most of them seem to be from the larger builders, around three per acre and we're
14 almost approaching twice that amount. Number two, the traffic concern; there's no
15 traffic light at Salem Church, where it crosses over to Salem Church, and Farmer's
16 Creek comes right into that. And, if you look at the records, I think you'll find that one of
17 the more dangerous intersections, without a traffic light, probably in that Ballentine area.
18 They recently put a Publix store about a half-mile down the road, and there's a hill. And
19 at the crest of that hill, no one at those intersections can really see the traffic, and I
20 know there's been several, I know two fatal accidents, I believe. But again, the density,
21 we're, of course, not against development; that area's developing so quickly, but it's
22 almost an environmental shock. And, I agree with the lady in that this PUD zoning

1 seems to be a conduit in to do environmental harsh things in there. So anyway, I want
2 those two considerations, if I may ask that, and thank you.

3 CHAIRMAN GREEN: Thank you. Lynette Koon, to be followed by Terry Snyder
4 and then Patricia Snyder.

5 **TESTIMONY OF MS. LYNETTE KOON:**

6 MS. KOON: My name's Lynette Koon. I live at 6 Green Shank Court, in Irmo at
7 Tattler's Wharf subdivision. I'm a homeowner. I'm also the president of the
8 homeowners' association and I had e-mail most of my homeowners to let them know
9 about this meeting, I have a few – a few of them did e-mail me back, and I did make
10 copies for all of you, if you'd like to have copies of those e-mails. And our main concern
11 is the density. If you look at Tattler's Wharf subdivision, we have 32 homes, or 32 lots,
12 that range from a ¼ of an acre to a third of an acre. And, according to this, I got the
13 same booklet ya'll do, so mine is out of date also, but according to this, they're showing
14 16.19 acres for the courtyard. On the, I don't know which one's right because on the
15 agenda that we have, it's showing 19.2, so I don't know which one, which acreage is
16 actually correct there. But, you're looking at – our, Tattler's Wharf is about 12 acres and
17 you're look at 32 lots. And, they're trying to put on 16.12 acres 80 homes, so the
18 density there is just outrageous. It's going to cause traffic problems. We – I don't know
19 if there's been a traffic study done for Salem Church Road, but we already have traffic
20 problems on Salem Church Road, whether it's 5:00 traffic or whether it's Sundays at
21 church time; we have a lot of traffic there, it's terrible to try to get out onto number 6, off
22 of Salem Church Road. And so, those are going to be our main issues. We have, our
23 homes in Tattlers Wharf are going to range anywhere from the mid \$200s up to the

1 \$400,000 range, and, you know, we're concerned about property values in our homes.
2 And, adding a patio home backing up to our subdivision could possibly harm our
3 property values. The other issues that my homeowners came up – are coming up with
4 is is there going to be any kind of a buffer between our, their backyards, that line up
5 against that, and the yards with the patio homes. I was told that they were going to put
6 anywhere from 10' to 75' in between those homes. Well, you know, 10' isn't very far,
7 when you're looking out your back window at somebody. And, then another issue that
8 somebody came up with is the drainage issues off of the patio homes. You know,
9 where – have they figured out where they're going to put the drainage coming off of
10 there? We are lakefront or lake view and so naturally things are going to drain in our
11 direction and have they addressed those issues, which I've not found in my booklet.
12 Also one other thing that I would like to mention is for this meeting, there was a sign put
13 up in the front of the property on Salem Church Road announcing it was going to be
14 rezoned. The sign was only up for a few days; so there has been no announcement, as
15 far as for our homeowners around the Salem Church area, there has not really been an
16 announcement. I did call and report that the sign was down. I had gone out of town for
17 about a week, and while I was out of town, the sign came down and no sign was put up.
18 So, the homeowners up and down Salem Church really don't have – didn't have a lot of
19 notice that there was going to be a meeting here, so that they could come and give their
20 voice too.

21 CHAIRMAN GREEN: Thank you. Terry Snyder.

22 **TESTIMONY OF MR. TERRY SNYDER:**

1 MR. SNYDER: My name's Terry Snyder. I'm a resident of Tattler's Wharf. I
2 really don't have much more to add than what Lynette said. We're concerned about the
3 number of houses. We're also concerned about, you know, the fact that we really have
4 been consulted as far as I know. Lynette's the president, we haven't talked with
5 anybody about this, this is all, you know kind of – I mean, I was lucky I got something in
6 the mail that said the meeting was today and all this. But, we're opposed to this and
7 basically she stated it pretty clearly, so thank you.

8 CHAIRMAN GREEN: Patricia Snyder.

9 **TESTIMONY OF MS. PARTRICIA SNYDER:**

10 MS. SYNDER: My name is Patricia Snyder, and I live 3 Tattler's Court. I've
11 been a resident there for 10 years and I'm the treasurer of the homeowners'
12 association. I've consulted with our president, Lynette, and no one that we know of has
13 spoken to the developer on this issue, on this project. So, we don't really know what
14 input he's had from us. But I, again, also, am in opposition to this change. Our property
15 backs up to the property that this development is proposed and I'd be one of those
16 homeowners that would have the 10 to 20' looking at my back window, and our house is
17 high enough that there's not going to be – I don't want to look at a brick wall, if that's
18 what he's going to do in between the subdivisions, nor do I want to overlook someone's
19 back yard, because theirs is a one-story structure that's lower than mine. And then, the
20 traffic is another issue. It's a single-outlet road, there's only one way in, one way out,
21 and you're looking at doubling, I don't know the exact numbers, but that's a lot of traffic
22 for 80 homes, 160 cars going in and out of there at 8:00 and coming back in at 5:00
23 everyday, is not something that, you know, I want prospective buyers of my house to

1 have to deal with when I go to try to sell it. Again, I'm just opposed to this. Thank you
2 for your time.

3 CHAIRMAN GREEN: Thank you. That's everyone that's signed up to speak on
4 this particular item of the agenda, so I'll open it to the floor for questions of Staff and
5 further input from the Commission.

6 MR. CRISS: Mr. Chairman, if I might note for the Record a couple of the e-mails,
7 that we're handed out to you at this meeting for this case came to the Planning
8 Commission at richlandonline.com web address, here at the county. One from Frank
9 Scuderier(?), if that's the proper pronunciation, dated October 2nd; and, another from
10 Joann and Chuck Balis dated October 4th; and then I believe that you were also handed
11 others here at the meeting by interested parties.

12 CHAIRMAN GREEN: Thank you, sir. Open floor for discussion.

13 MR. MANNING: I have a question for the applicant. As far as the drainage, I
14 see in your land development plan, you've got blue areas, I guess denoting the
15 drainage going back to the lake, is that correct? Is that what –

16 MR. HALL: Those are actually dry water creeks, I believe is the correct -

17 MR. MANNING: And, these areas are protected, I mean, are there vegetation
18 around them?

19 MR. HALL: There's what now, I'm sorry.

20 MR. MANNING: Vegetation around them, I mean, are these areas that are going
21 to actually drain back into the lake at a later point in time?

22 MR. HALL: Rick, do you want to address the drainage?

23 MR. MAXHEIMER: Am I allowed to speak?

1 CHAIRMAN GREEN: Yes.

2 **TESTIMONY OF RICK MAXHEIMER:**

3 MR. MAXHEIMER: My name is Rick Maxheimer. I'm with PCEG, we're a
4 consulting engineering firm. Part of the buffer, on the lower part of the drawing, where
5 we have the buffers wide 75 to 80', will have storm water detention ponds within that
6 area.

7 MR. MANNING: In the areas between those lots?

8 MR. MAXHEIMER: Yes, sir, between Tattler's Wharf and the backside of the
9 lots.

10 MR. MANNING: And that's on both sides of the property?

11 MR. MAXHEIMER: Yes, sir. Yes, sir.

12 MS. LUCIUS: Excuse me, what's a dry water creek?

13 MR. MAXHEIMER: Wet weather creek is what it actually – when it rains, it has
14 water flowing.

15 MS. LUCIUS: So, they will be protected.

16 MR. MAXHEIMER: Um-hum (affirmative), yes, ma'am. But as far as the
17 increased run-off, will be handled on site.

18 MS. LUCIUS: Right, but I mean they will be protected.

19 MR. MAXHEIMER: Yes, ma'am.

20 MS. LUCIUS: Okay.

21 MR. MAXHEIMER: Can I address one other question? As far as infrastructure,
22 we've already got letters of availability for water and sewer out in that area. So, water
23 and sewer service is not a problem for this number of lots at this location.

1 CHAIRMAN GREEN: Thank you. Discussion?

2 MS. LUCIUS: I'm sorry. Are these patio homes? A couple of times they were
3 referred to as patio homes? Is that what they are?

4 MR. HALL: Are they what now?

5 MS. LUCIUS: A couple of times reference was made to them being patio homes,
6 is that in fact what they are?

7 MR. HALL: They're, technically courtyard homes, but many people refer to those
8 as patio homes.

9 MS. LUCIUS: Okay, okay, it doesn't say that. I just -

10 MR. HALL: Right.

11 MS. LUCIUS: Mr. Gosline, just out of curiosity, I couldn't find this in my vast
12 archives; where was that Salem Church Road property that was so contentious that
13 time where they wanted to change it to a PUD in order to save the tress, and the
14 community came out in such opposition that Council reversed our recommendation.

15 MR. GOSLINE: Oh, that's – I believe you're talking about, what's now called
16 Windhurst.

17 MS. LUCIUS: That's not close to this, is it?

18 MR. GOSLINE: That's right across the street from the church itself – Windhurst.
19 But this is down the road from the church.

20 MS. LUCIUS: Okay, so it's not close? Okay.

21 MR. GOSLINE: The other one was Rice Field.

22 MS. LUCIUS: That's it.

23 MR. GOSLINE: Rice Field, that was at 6 and -

1 MS. LUCIUS: That was further on up the road, okay.

2 MR. GOSLINE: Yeah, Rice Field is basically across the road from the church
3 itself.

4 MS. LUCIUS: Okay, that doesn't have anything to do with this, I was just
5 curious.

6 MR. PALMER: My Chair, I make – I agree with Staff recommendation and make
7 a motion that we send this forward to Council with a recommendation of approval,
8 subject to the conditions on page 129 and 130; with condition A being changed from 85
9 homes to 80.

10 CHAIRMAN GREEN: We have a motion on the floor to send this forward with a
11 recommendation for approval.

12 MR. PALMER: As well as approve the general – help me out here.

13 CHAIRMAN GREEN: Development plan?

14 MR. PALMER: General development plan.

15 MS. LINDER: So, you're approving the general development plan as amended
16 by the applicant as of this afternoon?

17 CHAIRMAN GREEN: Right, that's the motion. Is there a second to the motion?

18 MR. MANNING: Second.

19 CHAIRMAN GREEN: There's a motion and a second, so I open the floor for
20 discussion.

21 MS. LUCIUS: And that's okay for us to do this, even though we can't see it?

1 MS. LINDER: I think that's at your discretion. I would recommend that the - that
2 and updated general development plan get into Staffs hands before the zoning public
3 hearing.

4 MR. LUCIUS: The same way with the first one we heard today, because we
5 didn't see that one either.

6 MS. LINDER: Correct, correct.

7 CHAIRMAN GREEN: Discussion on the motion?

8 MS. WYATT: You might want to amend the motion, as we had done in the first
9 one, and so state that that would be available.

10 MR. PALMER: I would amend the motion that the development plan get in the
11 hands of Staff prior to a public hearing before Council.

12 CHAIRMAN GREEN: I don't I don't say this very often when we're looking at
13 development plans, but, you know, the one we looked at before that I was in favor of,
14 was 2 ½ units to an acre. This is double the density on a stretch of road and down a
15 peninsula that doesn't have that kind of density in the immediate proximity.

16 MS. LUCIUS: You're talking about average density, of the first one we look at?

17 CHAIRMAN GREEN: Correct, the average density. And, my concern comes in
18 from how much more the density is increased. I like, personally, to see more dense
19 plans because it cuts down on sprawl, it cuts down on how much land you consume
20 when you are building houses. But, I'm just wondering, in this particular case, if we
21 haven't ratcheted up the density more than, substantially more than anything in the
22 surrounding neighborhood? And, that would be my concern over this particular
23 application, versus my voting in favor of the earlier one we had today.

1 MS. LUCIUS: The earlier one though had no green space, and this one has a
2 pretty good bit.

3 MR. PALMER: It has green spaces was a clubhouse and -

4 MR. JACKSON: I'm concerned about the density too.

5 MS. LUCIUS: Well, I am too, same as with the first one.

6 MR. PALMER: I'm concerned too, but, you know, I think that those same
7 arguments hold true in favor of it. As far as cutting down on the amount of land that's
8 used in the area for [inaudible] things that [inaudible]

9 MR. JACKSON: Well there's [inaudible] creek can't be [inaudible].

10 MS. LUSIUS: There shouldn't be.

11 MR. JACKSON: But can't. My only concern is about the density.

12 CHARIMAN GREEN: Further discussion?

13 MR. MANNING: Carl, if you were requesting a RS-2 or 3, what would be the
14 allowable density, hypothetically, in this situation?

15 MR. GOSLINE: Well, RS-1 is 12,000 square foot lots, which gross density would
16 be 4, a little over 4. RS-2 would be 8,500 square foot lots; gross density per acre would
17 be 5+.

18 MR. MANNING: So, under RS-2, we could be looking at 90? Sixteen acres of
19 property, I mean, hypothetically.

20 MR. GOSLINE: Something like that.

21 MR. PALMER: Without near the green space. Without near the green space.

22 MR. GOSLINE: The gross density would be 5 something, that doesn't mean that
23 there wouldn't be any green space necessarily.

1 CHAIRMAN GREEN: Further discussion on the motion? Seeing none, we have
2 a motion on the floor to send this forward with a recommendation of approval, subject to
3 the conditions outlines on pages 129 and 130, with the exception of reduction in the lots
4 from 85 to 80; the stipulation that the amended plan come back to Staff for revision and
5 their satisfaction with regard to detail, with a finding that this is – that the general
6 development plan as well, has been accepted and approved. That's the motion in front
7 of us, all those in favor of the motion, please signify by raising your hand. All those
8 opposed to the motion?

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

11 CHARIMAN GREEN: Motion fails. Do I hear another motion for consideration by
12 Planning Commission?

13 MS. LUCIUS: I just want to explain, I voted against it because I want to be
14 consistent with the first vote I cast today. I think they were both inappropriate for the
15 area.

16 CHAIRMAN GREEN: You making a motion with regard to -

17 MS. LUCIUS: No, I don't want to make the motion, because I think this is a much
18 better plan than the first one that we passed.

19 MR. PALMER: Is the Tattler Runs (sic) subdivision is that – am I reading this
20 correct, that that's under RS-2?

21 MR. GOSLINE: Excuse me? Tattler's Wharf?

22 MR. PALMER: Tattler's Wharf, I'm sorry. It's zoned RS-2

23 MR. GOSLINE: That's correct. Correct.

1 MR. PALMER: And if this were – if he were to come in just for a flat zoning on
2 this piece of property, he could put approximately, give or take 90 homes sits on there?

3 MR. GOSLINE: Yeah, but, they wouldn't get that many, because you have to
4 take out some for infrastructure, and all that. But the gross density -

5 MR. PALMER: But, but, right. And the lots sizes would be comparable to
6 Tattler's Wharf? Could be?

7 MR. GOSLINE: Tattler's Wharf actually got built at – for bigger lots than they're
8 zoned for.

9 MR. PALMER: Okay.

10 MS. WYATT: Bigger lots than what Carl?

11 MR. GOSLINE: Bigger – Tattler's Wharf, the lot sizes, as the lady said, were
12 bigger than the minimum required in the RS-2 zoning district. That frequently happens,
13 by the way.

14 MS. LUCIUS: So, it's probably more like an RS-1.

15 MR. GOSLINE: It's probably even more than that, it's – I think she said third and
16 ½ acres, you think.

17 MS. LUCIUS: And this is really – all those numbers go over my head, but this
18 would be like RS-2? The density.

19 MR. GOSLINE: Roughly, and that's primarily why we recommended approval,
20 because the gross density of what's being proposed is the same as the gross density
21 that would be allowed in the RS-2. That's not the way it got built, but it would be
22 allowed in the RS-2. That was one of the principal reasons why the Department
23 recommended approval, because the gross densities will be pretty similar.

1 CHAIRMAN GREEN: Deas, roughly how much is, just a ballpark, goes up and
2 infrastructure, kind of track, percentage wise, just as a rule of thumb.

3 MR. MANNING: That's tough to call.

4 MR. GOSLINE: We usually tell – usually figure on 30, 35%. By the time you do
5 the roads and drainage, and stuff like that.

6 MR. HALL: That's within the ballpark. Can I address?

7 CHAIRMAN GREEN: Yes, sir.

8 MR. HALL: You know, if you're going to do a patio home development, the
9 purpose of the patio home is not necessarily to reduce the size of the home. These are
10 going to be 2,000 square foot homes; it's to reduce the size of the yard. People that are
11 my age, and perhaps some that are your age are no longer interested in caring for an
12 acre lot. So, the only way that you can do this is we would just have to – we would keep
13 the plan the same, but just try to buy more land to surround it. Because, the lots –
14 people that are interested in courtyard homes are look for front yards of 15' and
15 backyards of 15'. They don't want 100' wide and 120' deep. So, if you're going to build
16 a development like this, the only way you could do it would be to surround it with a
17 forest, to get the density down, would just be buying more acreage. We would not
18 increase the lot size. And, as he said, it's zoned the same as the subdivision next to it
19 now, as far as the total number of units. We could come in and put single-family units,
20 with the RD-2 and probably get close to the 80, not total of the 80, but probably close to
21 the 80.

22 MR. MANNING: Well, I like your land plan that you've got the road buffered.

23 MS. LUCUIS: I do too.

1 MR. MANNING: The what now?

2 MR. MANNING: That you've got the main road buffered; you've got buffers
3 throughout.

4 MR. HALL: Well, we also went back, and there were some discussions, I didn't
5 personally have them. Some of the folks with the consulting engineers had some
6 conversations, I thought with the president of Tattler's Wharf, but it was someone from
7 Tattler's Wharf. Since I didn't do it personally, I can't tell you who that was, but the big
8 concern was a buffer between this. So, we went back and redesigned it and put green
9 space completely buffing Tattler's Wharf. In some cases, it probably averages 30 to
10 40', the average, some of it being 70' and some of it being 15'. So, we thought we had
11 addressed that concern.

12 CHAIRMAN GREEN: The lots that are at the head of the cul-de-sacs, what's the
13 distance of buffer between those lots and the lots to the rear of that? Just on the
14 northern, I guess the upper most, boarder of the site plan?

15 MR. HALL: The number is 15'.

16 CHAIRMAN GREEN: Fifteen. Any motions from Planning Commission?

17 MS. LUCIUS: Since we haven't voted yet, can I change my vote?

18 MR. WYATT: We actually did vote.

19 CHARIMAN GREEN: We did. We have no recommendation at this point. The
20 floor is open for motion.

21 MS. LUCIUS: I mean, if we make a motion, I can vote differently, can't I?

22 CHAIRMAN GREEN: Sure.

1 MR. MAXHEIMER: I just want the folks at Tattler's Wharf to know that we didn't
2 try to slight you. About a month ago, we actually talked to Mrs. Koon, and subsequent
3 of that, we talked to her again, and we've had two conversations with Mr. Frisbee, in
4 your homeowners' association. We actually tried to set up a meeting with the Tattler's
5 Wharf homeowners' association, but were told that ya'll – we couldn't be
6 accommodated with that so we did try to meet with you. We've actually delivered
7 information twice now to Mr. Frisbee, and I think ya'll even have our information. So,
8 obviously there's been communication back and forth. I think a lot of the folks here
9 tonight might be upset because they thought that we'd not even tried to communicate
10 with them, but we definitely did, on numerous occasions. Thank you.

11 CHAIRMAN GREEN: Thank you.

12 MS. WYATT: Mr. Chair?

13 CHAIRMAN GREEN: Yes, ma'am?

14 MS. WYATT: The president of the homeowners' association.

15 MS. KOON: I did speak with him on the telephone and when we spoke, just to
16 give me specifics on this. We didn't discuss anything, as far as being opposed or for it.
17 But, I would like to say that all of the homes on that, along Salem Church Road, are
18 single-family residences. And the two subdivisions that you were discussing earlier are
19 on our road, that's our road. That's Salem Church Road and those rezonings were
20 denied, or, you know, were put down. The first one, the Windsor home, it was, and now
21 those are all single-family homes. They are not patio homes. They are not multi-family
22 housing. They are single-family homes.

23 MR. PALMER: Patio homes are single-family homes.

1 MS. KOON: Well, but I mean they're separate residences, they're homes.
2 They're not zero lot lines and all the homes along Salem Church Road, are separate,
3 you know, separate lots, they're not zero lot lines.

4 CHAIRMAN GREEN: Okay, thank you.

5 MS. LUCIUS: This is not zero lot lines

6 MS. KOON: And that type of density there is just double what the rest of the
7 acreage is out there. It's all rural.

8 CHARIMAN GREEN: Unless there are any questions for the applicant, I'm going
9 to bring the conversation back with Planning Commission.

10 MS. LUCIUS: These are not zero lot lines?

11 CHAIRMAN GREEN: I just, if you would just -

12 MS. LUCIUS: I'm asking Carl.

13 MR. GOSLINE: Mr. Chairman, if I heard the applicant correctly, he said they're
14 going to be detached houses, they're courtyard houses.

15 CHARIMAN GREEN: Right, thank you.

16 MR. MAXHEIMER: Can I address that? There is confusion here, I'm sorry.

17 CHARIMAN GREEN: Go ahead.

18 MR. MAXHEIMER: It is zero lot lined, the only thing zero lot lined means, is the
19 house is moved over to one side of the lot, but not attached to the adjoining house,
20 which creates a courtyard on the side of the house. That's what zero lot lines means, it
21 doesn't mean – attached means it's attached; zero lot line means it just moved over to
22 one side. So, we're consistent in what we said.

1 CHAIRMAN GREEN: Okay, do I hear any motions for consideration from the
2 Commission?

3 MR. PALMER: I've already made one and it was voted down.

4 MS. WYATT: Mr. Chair, as I was on the opposing, or excuse me, on the positive
5 side, or didn't make the motion; I'm going to now ask that my vote against the project be
6 reconsidered. Giving it some thought as to the densities, it certainly fits the surrounding
7 areas. I do believe, especially up in that area, there is a need for a courtyard, patio,
8 zero lot line, type project. So, I'm going to ask that my no vote be changed, or that I
9 make a motion now for reconsideration of the vote to support in favor of the rezoning.

10 CHAIRMAN GREEN: I would just simply, ask for some direction. I'm sorry.

11 MS. WYATT: And the PUD development plan, subject to it being to Staff before
12 the next public hearing to be held by County Council.

13 MS. LINDER: Probably, just to make it as simple as possible, if you would just
14 have the motion to approve the general development plan subject to applicants
15 amendments, and to approve the rezoning and then just take another vote, that would
16 be clear for the Record.

17 MS. WYATT: That's what I said, Ms. Linder.

18 CHAIRMAN GREEN: Do I need to have a motion for reconsideration?

19 MS. LINDER: Just make a motion to approve the general development plan and
20 the rezoning.

21 CHAIRMAN GREEN: So, in essence we have the same motion in front of us as
22 we had before and we've been asked to revote on that motion. Those in favor of that
23 motion, please signify by raising your hand. Those opposed?

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

3 CHARIMAN GREEN: So, this would, do we need a second to that?

4 MR. PALMER: Do we need a second for Barbara?

5 CHARIMAN GREEN: I want to be sure that we do this correctly.

6 MS. WYATT: Oh, I thought Mr. Manning seconded.

7 MR. MANNING: I'm seconding.

8 CHARIMAN GREEN: Okay, that will go forth to County Council for their October
9 26th public hearing, with a recommendation from Planning Commission for approval,
10 and that will be a public hearing on that evening at 7:00. Thank you.

11 MS. LINDER: And, if the applicant can get a new development plan in.

12 CHARIMAN GREEN: A new development plan -

13 MS. WYATT: Sir, ma'am, ma'am, hold on just a second. Applicant, I'm going to
14 ask if you don't mind, it's not part of your condition for approval, but certainly I would
15 appreciate it if you'd meet with the president of the homeowners' association, out there
16 and maybe set up a meeting before the public hearing, so the homeowners could hear
17 what you've got to say. It might help you before you go to Council.

18 MR. HALL: We will do that, thank you.

19 CHARIMAN GREEN: Thank you.

20 MR. PALMER: Barbara, you didn't like the way I stated it?

21 MS. WYATT: Sir?

22 MR. PALMER: You didn't like the way I stated it?

23 MS. WYATT: No I didn't.

1 CHAIRMAN GREEN: Okay, next on our agenda is subdivision and street name
2 approval. We have two subdivision names and a handful of street names in front of us.

3 MR. JACKSON: I move approval.

4 MS. LUCIUS: Second.

5 CHAIRMAN GREEN: I have a motion for approval. All those in favor of approval
6 please signify by raising your hand. Those opposed?

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

9 CHAIRMAN GREEN: Next agenda item, if I can find my agenda.

10 MS. WYATT: Off street parking for churches.

11 CHAIRMAN GREEN: Text amendment to allow churches, and other places of
12 worship, to provide remote parking spaces on residential zoned lots.

13 MS. WYATT: I'm sorry, just a minute. Did she leave for the day?

14 MR. PRICE: No, she left her stuff here.

15 MS. WYATT: Okay, cause I had a question. I'm sorry Mr. Chair, I thought she
16 had left and I did have a question on something that was in our material.

17 CHAIRMAN GREEN: Okay, I tell you what, we've been at this a little over two
18 hours, we'll take a five minute break, and we'll be right back.

19 *[Break]*

20 CHAIRMAN GREEN: We're back in session. The next item on our agenda is
21 the text amendment to allow churches and other places of worship, provide remote
22 parking spaces on residentially zoned lots.

1 MR. CRISS: Mr. Chair, our interim Zoning Administrator, Geo Price, is here to
2 explain the rationale for this text amendment.

3 CHAIRMAN GREEN: Mr. Price.

4 MR. PRICE: Or you could just take our word for it and know that it's good and
5 vote on it. But, one of the things that we've found is that a lot of the churches that we
6 come across are in residential districts. I think Ms. Wyatt and I've discussed this, on
7 Polo Road, for example, there're a lot of churches that are residentially zoned. And,
8 when churches come in for expansion they, sometimes that can't meet their parking on
9 that particular piece of property. But, I think, traditionally a lot of churches, they've
10 used, you know, open fields or another location for their parking on Sundays. But, that's
11 really not legal unless that property is zoned commercial or industrial. And what this will
12 do is allow churches to have remote parking without having to try and rezone other
13 parcels commercial, just for the parking.

14 MR. JACKSON: My concern of this is, there are a lot of churches in residential
15 community. If someone uses their house as a church and there's an empty lot down the
16 road, they purchase lot, then they can use that lot for parking.

17 MR. PRICE: Correct.

18 MR. JACKSON: And my concern is, the residents of that community, moving
19 that community for residential purpose, they travel to the church, but on Sundays or
20 whenever they have church meetings, or whatever, that community would be flooded
21 with traffic, because they can now use residents own property.

22 MR. PRICE: Well, I mean, if you're talking about a new church, that church
23 would still have to go through some type of special exception to be established, and

1 hopefully that's something that the Board, you know, with Staffs help, will look at, you
2 know, where that remote parking is. Now, of course, we did stipulate that it has to be
3 within 500' of that – the principal structure, so that kind of keeps it local without being to
4 far down the street.

5 MR. JACKSON: I understand, they're communities now, where people use
6 house as church, and two lots down, I mean, it's filled with cars each Sunday, and they
7 have service from 7:00 in the morning to 8:00, 9:00 at night, and the whole community
8 is just flooded with cars.

9 CHAIRMAN GREEN: Let me ask you a question. If someone – a church were
10 operating a daycare school, literally from 7:00 a.m. to 6:00 p.m., I would assume the
11 parking for employees could be provided off site, at these remote locations five days a
12 week, as well as – the only reason I struggle with it is because, you know, use of these
13 facilities isn't restricted to Sunday morning, and maybe Sunday evening and maybe a
14 Wednesday evening. In some cases, it's day long, every day. And, to turn residentially
15 zoned lots into parking, in essence parking lots. I mean, I would assume you'd have the
16 ability, if there were three vacant residential lots, to go buy those three lots, pave them,
17 put up parking lights, treat them just like a parking lot to a shopping center would be
18 treated. I mean, I'm not saying that's somebody's intention, but I mean, under this you
19 could literally go buy vacant residential lots and turn them into nothing not but an
20 asphalted, lighted parking lot, is that correct?

21 MS. ALMEIDA: That is correct. And you bring up a good point, which Staff has
22 always struggled with allowing churches, because they have grown in that context, in a

1 residentially zoned neighborhood, or area. I mean, that's use a use issue, because
2 they're allowed.

3 MR. JACKSON: When someone purchases a home in a residentially
4 community, they want it to be a residential community; not church and have traffic
5 Sundays, or whenever there's a service. They'd like to keep it that way and you're
6 opening it to have parking, remote parking, traveling in their community, and I don't
7 think that's fair to the residents or people who purchase homes in a residential
8 community.

9 MR. PRICE: This doesn't normally occur with new churches, because when they
10 come in, they're usually going to meet the parking spaces. This usually happens with
11 some of your older established churches, that over the years, I mean, these same
12 parking spaces that you may be afraid they may use, they've done it over the years
13 already. I guess you could say it's illegally being done, but that's what they've always
14 done. Now, of course, when they come in, let's say they want to expand, put a
15 fellowship hall onto the church, you know, we need to see where the parking is, and
16 when they say, "Well, these are the parking spaces we've always used," we have to tell
17 them, "No, you cannot use those; you have to show us parking on the property.

18 MR. JACKSON: Yes, but can't someone use their home as a church today?

19 MR. PRICE: They would – they could, but they'd have to come in as a special
20 exception and get permission for it.

21 MR. JACKSON: I still have the concern about residential community being used
22 and have lots available, churches start purchasing these lots because they go; and
23 soon the residential community becomes flooded with cars and traffic for service. While

1 other people would leave certain times of the day, who – wherever their churches are
2 and return. You have people coming to the community for church, and I just have
3 concern. I'm not against churches, or people who want to hold church or worship, but
4 I'm concerned of the burden it has on other residents in that community, who purchased
5 a home for residential purpose and suddenly it comes across traffic, because people of
6 other denominations, or whatever the denomination, is coming in their community for
7 service.

8 CHAIRMAN GREEN: Is this issue being raised because there's one specific
9 situation that, or is this – I tell you, I'll be honest with you, as presently written, I'm going
10 to struggle voting for this. If we had something that required certain types of lighting,
11 certain type of buffering, you're going to use a residential lot for parking and turning it
12 into a parking lot, I would just like to see some restrictions placed on it so you couldn't
13 go property line to property line with asphalt, ring it with lights and be operating the thing
14 as, like you would a football stadium.

15 MS. LUCIUS: And I think places of worship are exempt from the landscape
16 regulations, aren't they? So, there you go.

17 MR. GOSLINE: One of the problems, of course, is that places of worship are
18 allowed in just any zoning district. So, they get into the residential, particularly the
19 residential areas and when they have to go to expand or just expand the size of the
20 church, then they've been there so long, so now when they do that expansion, they're
21 no longer, you know, they have to meet the parking and whatever else.

22 CHAIRMAN GREEN: I could almost live with that, as we're talking about
23 acquiring contiguous property, but when we're jumping 400' down the street, and

1 picking up a lot to park on, there could be four houses between the church and the
2 parking lot, and houses totally surrounding. So, it's not – we're not talking about
3 contiguous pieces that are owned by the church, we're talking about pieces that could
4 be up to 400' away, and in the midst – and surrounded by residences and it's nothing
5 but a parking lot.

6 MR. FURGESS: Out in the area that I live, we have that problem.

7 CHAIRMAN GREEN: Do you?

8 MR. FURGESS: We do. We really do, because those churches been there
9 when the community was developed, so now those churches are getting larger and
10 expanding. So, some of them are two blocks away, with a parking lot, you know, and
11 houses are all around them, because that's the way it was built, with those houses close
12 to the church. It was a community church at that time. So you're going to have that
13 problem with old communities the way it was laid out.

14 MS. LUCIUS: But, should we loosen the ordinance?

15 MR. PRICE: Maybe I'll suggest – it seems like one of the concerns – we'll it
16 seem like you have two concerns. Maybe, the language could be amended so that
17 either it's, the lot has to be contiguous to the principal structure, or the lot where the
18 principal structure is. Or we can establish a date, and you know any church that was
19 established before a certain date, which would kind of take care of all of the existing
20 churches, as opposed to, you know, newer churches coming in to use this.

21 MR. MANNING: Geo, is this a permitted use, or a special exception, or is this -
22 how does that work with a church?

23 MR. PRICE: The remote parking?

1 MR. MANNING: When a church comes in under a residential zoning, it's coming
2 in under a special exception?

3 MR. PRICE: Yes.

4 MR. MANNING: And, so that has to come back to the Planning Commission?

5 MR. PRICE: No, it would just go to the Board of Zoning Appeals.

6 MR. PALMER: I wouldn't want to see an off site residential lot paved. I would
7 hate to be the neighbor next door to a – I wouldn't even be in support of it if it's at all
8 paved. Now, I don't know what the run-off situation would be, but I would like to see the
9 residential lot left unpaved and if you want to park on it you've got to park on the grass,
10 dirt.

11 MR. PRICE: I don't believe it's required to be paved, is it?

12 MR. PALMER: I would make it so they couldn't pave, is what I'm saying.

13 MR. JACKSON: They can have lighting. If you live right next to a lot where all
14 these cars park, you have lighting, you have traffic. And, if you move into a residential
15 community -

16 MR. PALMER: I wouldn't be able to support something unless it was contiguous
17 property. I mean, I just don't see the – if you get large enough where your church
18 needs to add on, and you think that's something you need to do then you just need to
19 move.

20 MS. LUCIUS: Well, that's my feeling about why we had make so many special
21 exceptions.

22 MS. WYATT: The church needs to move Pat?

1 MR. PALMER: If you get to the point where you have to have a Family Life
2 Center -

3 MS. LUCIUS: Treat them like any other business is what he's saying, right?

4 MR. PALMER: Then, if you feel like you have to have that to keep the church
5 going then -

6 CHAIRMAN GREEN: Because, we're talking about noncontiguous property, of -
7 by and large.

8 MR. PALMER: That's what I'm talking about, yeah, so if you can buy the lot next
9 to you and make a parking lot out of it, then that's fine. But not something, you know -

10 MR. JACKSON: If the capacity of the church in a neighborhood is 100 and now it
11 suddenly goes to 500, I think it's time for it to move.

12 MR. PALMER: I agree.

13 MR. JACKSON: You can't burden the residence of the community by having, all
14 of a sudden 500 members. I think it's unfair to the residents.

15 MS. WYATT: Well, you know what, you have to sort of look at in the whole
16 picture. I've sat here since 1997, and I think of the churches out in the northeast, on
17 Polo Road, Spring Valley Pres., which parks at Spring Valley High School on Sundays,
18 okay; walks across the street. The churches, in most cases, every single one of them
19 were out there before the residents. We've sat here and approved all of these
20 neighborhoods to go around, okay, including what some people think of as Columbia's
21 most upscale, Wildewood, borders with three of those churches over there, and I can
22 tell you right now, that there isn't one resident in Wildewood see any of those churches
23 leave because they're good neighbors.

1 MR. PALMER: Yeah, but those churches wouldn't grow to that capacity if it
2 wasn't for the neighborhoods that were approved.

3 CHAIRMAN GREEN: Ms. Linder, you had some – a point you wanted to add.

4 MS. LINDER: Yes, I would just like to make a recommendation that based on
5 the comments from the Planning Commission, that we defer this and let Staff go back to
6 the drawing board and come up with another idea.

7 CHAIRMAN GREEN: Do I hear a motion for deferral from Planning
8 Commission? I move to defer, I don't usually make motions, but do I have a second?

9 MS. LUCIUS: Yes, I'd like to second that we defer it.

10 MS. WYATT: Because I really am Gene, I'm sitting here, and ever since you
11 said something about lighting, I don't think, at least the church I attend which is one of
12 the largest out there, I don't think that we've got all this lighting out there.

13 CHAIRMAN GREEN: Well, they're lighted parking lots.

14 MS. WYATT: But not to the extreme that it's borrowing in neighbors – bothering
15 any.

16 MR. JACKSON: Yeah, but it's in a residential community.

17 CHAIRMAN GREEN: That's because we have a code that currently doesn't
18 permit a remote parking lot on a residential zoned lot. We have a motion on the floor to
19 defer. Those in favor of deferral please raise your hand. Those opposed to deferring?

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

22 CHAIRMAN GREEN: It's deferred.

1 MS. LUCIUS: I'd just like to ask why we're allowing so many exceptions for
2 worship or churches anyway? They're already excluded from the landscape ordinance.
3 I don't know about the signage.

4 CHAIRMAN GREEN: Politically safe.

5 MS. LUCIUS: Here we are, exceptions on how they park. Why we don't treat
6 them like we do everyone else, is what – is beyond me.

7 CHAIRMAN GREEN: It's not politically safe.

8 MR. JACKSON: We're planners, we're not politicians.

9 MS. LUCIUS: And I'm not agnostic okay.

10 MR. PRICE: Well, I'd just like to point out one more thing. You know, this is just
11 really kind of how it goes; without – excuse me, what happens is if, when they don't
12 have enough parking, what they end up doing is applying for a variance; and get the
13 parking spaces reduced. Most of the time they're going to get that, you know, most
14 people won't turn down churches. So, what you end up with is probably something
15 along the lines of what Mr. Jackson has been referring to, is you have a lot of parking
16 out in the roads, and just kind of parking everywhere, because, you know, they meet the
17 parking requirements through the variance, but yet they probably have more people
18 going there, just parking everywhere on Sundays. It presents the same amount of, you
19 know, that same kind of hazard.

20 MS. LUCIUS: But, you know, everybody has parking problems. Where I work
21 there's not enough places for people to park. We have to park on meters. We don't get
22 a special exception. We don't get to park in the next people's yard next door.

1 MR. JACKSON: Do you know where - the Department of Motor Vehicles, have a
2 bus to transport people from Gervais Street to Park Street for parking.

3 CHAIRMAN GREEN: The last item on the agenda is the Planning Directors
4 Report.

5 MR. CRISS: Yes, Mr. Chair, the County Council, at their zoning public hearing,
6 of Tuesday, September 28th, referred two of the cases back to Planning Commission for
7 future consideration. Case 4-61-MA, Nick Leventis, the O'Shield Road property, to
8 come back for consideration as a Plan Unit Development, depending on the applicant's
9 resubmittal. And, case 4-66-MA, Carrie Lee's proposal for residential development, US
10 21 north of Stonington, to be referred back to the Planning Commission for similar
11 reasons.

12 MS. WYATT: I'm sorry, would you refresh my memory? What was the
13 recommendations from the Planning Commission on both of those cases?

14 MR. CRISS: On case 4-61-MA, Nick Leventis', O'Shield Road property, we had
15 a tie vote, in effect no recommendation from the Planning Commission to County
16 Council. On the Carrie Lee, 4-66-MA case, we had approval, recommendation for
17 approval by the Planning Commission on a vote of six to two. Reminder, that County
18 Council will have another, in a series of special called meetings on the Land
19 Development Code, this one 4:00 tomorrow afternoon, in Chambers, hopefully with the
20 sound system fixed. They'll have an hour and a half to consider the matter before the
21 next scheduled meeting and you're, of course, welcome to observe. I would note that
22 the Appearance Commission does have a slot on the agenda for a presentation, likely
23 to do with landscaping and tree protection.

1 MS. WYATT: Oh, the Appearance Commission is going to address Council
2 tomorrow?

3 MR. CRISS: That is correct. The Appearance Commission has been scheduled
4 to address Council at tomorrows special called meeting, on the Land Development
5 Code, starting at 4:00, here in Chambers. You may have read in the newspaper, the
6 State Newspaper, that Ridgewood neighborhood, between Eau Claire High School and
7 Interstate 20, along Monticello Road, has a neighborhood master plan, nicely done by
8 Wilbur Smith & Associates, through our sister department, Community Development,
9 through the Federal Housing and Urban Development monies; an unveiling, last
10 Thursday evening out at Eau Claire High School and we're going to try to obtain copies
11 of that master plan for the Planning Commission, don't have them yet. The December
12 meeting date, you kindly altered your schedule to move the December meeting date to
13 the 13th, to accommodate the annual tax sale and now Staff are wondering if you
14 wouldn't consider moving it again, to Thursday, December 2nd, here in Chambers so
15 that we have more time between the December meeting and the January meeting to
16 prepare Staff Reports and other materials for the agenda. We're concerned about
17 absences during the Holiday season.

18 MS. WYATT: I would favor that.

19 CHAIRMAN GREEN: I would too, because that puts us just a month – because
20 our November meeting is the 1st.

21 MR. CRISS: It gives better spacing. And if we could have that in the form of a
22 motion and a vote please.

23 MS. WYATT: I make a motion we move the December 13th to December 2nd.

1 MR. JACKSON: I second.

2 MR. CRISS: And that would, presumably be 1:00 in the afternoon, here in
3 Chambers.

4 CHAIRMAN GREEN: Right.

5 MS. WYATT: Same time, same place, just different day.

6 CHAIRMAN GREEN: All those in favor of the date change, please signify by
7 raising your hand. Those opposed?

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

10 MS. LUCIUS: Having the September so late, and what, it seemed like we were
11 back here in a hurry.

12 CHAIRMAN GREEN: Michael, is there any move at all, at the County Council
13 level, of interest in actually preparing a comprehensive development plan for Richland
14 County?

15 MR. CRISS: I hope so, but until we get through this Land Development Code,
16 it's hard to discern.

17 CHAIRMAN GREEN: Something beyond these small neighborhood plans.

18 MR. CRISS: Indeed the neighborhood plans, within just recent weeks seem to
19 be evolving to larger corridor and sub area plans, in some cases, in some Council
20 Members Districts. The County Council are discussing which neighborhoods,
21 communities, areas, should be the first to be master planned. I think the Ridgewood
22 model is a good one, because it's a very well-defined, compact community, with mixed-
23 use in need of revitalization and approachable within a short time frame, three, six

1 months. One of the proposals for neighborhood improvement program master planning,
2 is a one mile buffer, or radius, around the entire municipal boundary of Blythewood; that
3 would be a rather large area. And others, the Decker corridor, mile long and mile wide.

4 CHAIRMAN GREEN: We're talking about redevelopment planning there, as
5 opposed to real, I mean, land – land use planning, are we not?

6 MR. CRISS: Well, another form of land use planning, yes. Revitalization in the
7 Decker corridor. Another targeted area, maybe the so-called swap corridor; Bluff Road
8 from, well, maybe Pineview down to Highway 601. Along that corridor are established
9 communities, such as Hopkins and Gadsden and Eastover. So, I'm still trying to discern
10 Council's intent here. They're at the point of trying to decide which communities should
11 be addressed first.

12 MR. JACKSON: Wouldn't the CIP(?) have anything to do with that?

13 MR. CRISS: Staff has indeed had numerous recommendations relative to these
14 neighborhoods. The first list came out from Community Development, Planning and
15 Development and Administration, using low to moderate-income neighborhoods,
16 already defined by the Community Development Department; half a dozen of those, and
17 some have made it onto this initial list for consideration, but how shall I say it? Other
18 suggestions have been forthcoming from the individual Council members.

19 MS. WYATT: Inside sidewalks in Candlewood.

20 MR. CRISS: The Chair would like to alert the Commission that it's that time of
21 year to establish a Nominating Committee.

22 CHAIRMAN GREEN: I would assume that I could appoint the committee in
23 November for a report in December and a vote in January, as I understand our rules.

1 MR. CRISS: Yes, sir.

2 MS. WYATT: Would we not vote in December and – no we went through that
3 last year, it's January, correct?

4 CHAIRMAN GREEN: The way read the -

5 MS. WYATT: That's right, I think we had the problem last year.

6 CHARIMAN GREEN: For selection, at the first meeting of the year, I think is the
7 -

8 MS. WYATT: Right, never mind. We went through that last year. Mr. Chair,
9 while you're looking at that, I would like to ask -

10 CHAIRMAN GREEN: If anybody wants to serve on the Nominating Committee let
11 me know. Otherwise I'll call you.

12 MS. WYATT: I would like to ask Staff and/or Legal Department; in our packages
13 we received a letter from an Alan and Susan Meroneck. That, I guess, to say it nicely,
14 made some accusations that things were not handled properly on a case, 04-54-MA.

15 MS. GOSLINE: That's Pat Murphy's rezoning.

16 MS. LUCIUS: Right, Monticello Road.

17 MS. WYATT: Okay.

18 MS. LUCIUS: The dormitories on Monticello.

19 MS. WYATT: In any case, what's going on with that? What did Council do with
20 it?

21 MS. LINDER: If you'd like a legal briefing, I'd be happy to go into Executive
22 Session with you.

23 MS. WYATT: Do you think it's necessary? I mean, are you aware of this letter?

1 MS. LINDER: Yes, I am.

2 MS. LUCIUS: What they say does concern me.

3 MS. WYATT: Okay, Mr. Chair, I'd like to ask at this time we go into Executive
4 Session for legal opinion.

5 CHAIRMAN GREEN: So done.

6 *[Executive Session]*

7 CHAIRMAN GREEN: Ms. Linder, would you report us out of Executive Session
8 please?

9 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive
10 Session to receive legal advice and no action was taken.

11 CHAIRMAN GREEN: Thank you. We have nothing else on the agenda. We
12 have a move to adjourn, all those in favor.

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

15 CHAIRMAN GREEN: Thank you very much for your service to the County and
16 the citizens of Richland County today.

17
18 *[Adjourned at 3:55 p.m.]*