

RICHLAND COUNTY PLANNING COMMISSION

April 3, 2006

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5 *[Members Present: Anderson, Lucius, Furgess, Palmer, VanDine, Green, Manning and*
6 *McBride]*

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8 CHAIRMAN PALMER: I'll go ahead and call the meeting to order. Let me read
9 this into the Record. In accordance with the Freedom of Information Act a copy of the
10 agenda was sent to radio and TV stations, newspapers, persons requesting notification
11 and was posted on the bulletin board located in the lobby of the county administration
12 building. We've got presentation of the minutes. Has everyone gotten a copy of the
13 attachment to the minutes? Have you read that? Do we have a motion to approve the
14 minutes?

15 MR. FURGESS: I move that we approve the attachment.

16 CHAIRMAN PALMER: The minutes as well as the attachment?

17 MR. FURGESS: Yeah, as well as the attachment.

18 MS. LUCIUS: Second.

19 CHAIRMAN PALMER: All those in favor please signify by raising your hand.

20 *[Approved: Anderson, Lucius, Furgess, Palmer, Green, Manning, McBride; Abstained:*
21 *Van Dine; Absent: Brawley]*

22 MR. VAN DINE: Mr. Chairman, since I was not present at the last meeting I'm
23 not going to vote on the minutes.

24 CHAIRMAN PALMER: And I'll present this as the attachment to the minutes of
25 last month's meeting. Just as a note Ms. Eddie Ruth Brawley will not be in attendance
26 with us today. They've had a death in their church family which she'll be taking care of.

27 All right, agenda items. Case No. 05-112 MA.

1 **CASE NO. 05-112 MA:**

2 MR. GOSLINE: Mr. Chairman, Members, this is a case that was deferred from
3 the January meeting. This involves three small parcels at Dutch Fork and Broad River
4 Road rezoning from RU to GC. Staff recommends approval.

5 CHAIRMAN PALMER: Were there any agenda amendments? No agenda
6 amendments? We've already got the new agenda?

7 MS. ALMEIDA: The agenda was revised. You should all have a copy of it. The
8 addition was the text amendment for floodplain language and that was advertised
9 properly.

10 CHAIRMAN PALMER: Okay. Mr. Alexander available?

11 **TESTIMONY OF DAVID LUCAS:**

12 MR. LUCAS: I'm David Lucas. Mr. Alexander's partner.

13 CHAIRMAN PLAMER: Do you have comments you'd like to -

14 MR. LUCAS: No, sir. I believe this parcel is grandfathered in and we're not
15 changing the use of it. I mean, the existing tenants are, remain to be, the remaining
16 tenants and use will be as it currently as been for the last several years.

17 CHAIRMAN PALMER: Okay. Thank you. There's no one signed up; no one
18 else signed up to speak.

19 MS. LUCIUS: Mr. Chairman, if I may I would like to put a motion on the table to
20 approve this amendment and send it forward to County Council with a recommendation
21 of approval.

22 MR. MANNING: Second.

1 CHAIRMAN PALMER: We have a motion and a second to send Case No. 05-
2 112 MA forward to Council with a recommendation of approval. All those in favor
3 please signify by raising your hand.

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

6 CHAIRMAN PALMER: When's the Council meeting?

7 MS. ALMEIDA: April 25th.

8 CHAIRMAN PALMER: April 25th. Just so everyone will know we are a
9 recommending Body to Council. Council takes final action on these and will hear the
10 cases that come out of this Body today on April 25 and that's where they will have final
11 say on what occurs on the property. Thank you. Let me read this into the Record as it
12 applies to Case No. 05-117 MA. "Dear Mr. Palmer: I am requesting to be excused from
13 participating in discussion or voting on agenda item 05-117 MA regarding rezoning of 61
14 acres which is scheduled for review and/or discussions at today's Planning Commission
15 meeting. It is my understanding of the Rules of Conduct, Provisions of the Ethics
16 Government Accountability and Campaign Reform Laws that since I work for the real
17 estate firm representing the owners I will be unable to participate in this matter through
18 discussion or voting. I would therefore respectfully request that you indicate for the
19 record that I did not participate in any discussions or vote relating to this item
20 representing a potential conflict of interest. I would further request that you allow and
21 direct this letter to be printed as part of the official minutes and excuse me from such
22 votes or deliberations and note such in the minutes. Thank you for your consideration

1 in this matter. Sincerely, Eugene C. Green. Mr. Green has left the room. Case No. 05-
2 117 MA.

3 **CASE NO. 05-117 MA:**

4 MR. GOSLINE: Mr. Chairman, Members, this is, this case was deferred from the
5 February meeting. It involves the rezoning of about 60 acres in the Shop Road and
6 Atlas Road area from RU to LI. Staff recommends approval.

7 CHAIRMAN PALMER: I'll call these in order and if you wish to switch up you
8 can, but Mr. Williams Keitt.

9 **TESTIMONY OF WILLIAM KEITT:**

10 MR. KEITT: Yes, sir. I'm William Keitt. I am president of the residents
11 association in the East Bluff community. We met with the representative from, for this
12 particular rezoning the second Monday of April. We went over our discussion and our
13 concerns with them. They gave us a very detailed plan that they have for this rezoning
14 including covenants and the type of businesses that will go into that area and as a
15 community I think at that time we had about 80 people there that represented a cross-
16 section and the explanation that they had went fairly well and we decided that it would
17 be amenable to us governing the restrictions that they have or have planned for that
18 particular area at this time.

19 CHAIRMAN PALMER: Thank you. Robert Fuller.

20 **TESTIMONY OF ROBERT FULLER:**

21 MR. FULLER: Thank you, Mr. Chairman. My name's Robert Fuller. I'm an
22 attorney here in Columbia. I am here today representing the applicant for this rezoning
23 application and have placed on the dais for each of the members of the Commission a

1 two-page sheet showing an aerial photograph of the general vicinity of the project
2 property and showing a second page with some more proposed development detail.
3 The meeting as Mr. Gosline indicated on February before the Planning Commission
4 was the first opportunity to present this matter for your consideration and at that time it
5 was deferred for the specific reason to give opportunity to meet with the East Bluff civic
6 organization to address concerns of the neighborhood interest. That did take place as
7 the president, Mr. Keitt said on March 13th past and had a good turn out and these plans
8 were presented to that meeting to assure them of what was proposed and what was not
9 proposed. The most significant thing that arose out of the February meeting to result in
10 the deferral of the matter and the most significant things discussed in conjunction with
11 the meeting itself were the matters of buffering the property to the south of the
12 development tract which are occupied by Bluff Estates and Starlight residential
13 subdivisions. The property itself as you will see from the aerial photograph is at the
14 present time very densely vegetated throughout the entire area of the property. The
15 agreement that was proposed to the folks that were meeting at East Bluff and as has
16 been discussed earlier is to provide a significant buffer along that entire property line
17 against the residential and the conclusions was made that it would be appropriate and
18 the developers have committed to the people to establish a permanent non-disturbed
19 buffer of 51' with that dense vegetation that is there which would in essence be a much
20 more substantial buffer than would be required under any of the county's ordinances
21 and land development regulations that exist as of today. That entire property line would
22 be buffered against the residential and as you look at the diagrams you will see also
23 inside that southern boundary line is the substantial South Carolina Electric & Gas

1 power line easement. The development plan for the property would have approximately
2 150' between the 51' buffer and the power line which is really not a sufficient amount of
3 property to put substantial industrial development into. That property could be used for
4 parking; it could be used for some other uses but there would not be any intense
5 development of the property to the near portions of that southern property line in any
6 event. On the western exposure is Harlem Street against which the property is abutting
7 for approximately 2,000'. The same 51' dense buffer would be applied to the first 1,100'
8 feet from the south end moving north and then step down to 31' on that Harlem Street
9 side. The proposal is and it has been the development plan all along that there would
10 be no access to this property from Harlem Street. The only provision to be made for
11 that is is if there was a requirement for an emergency entry off of Harlem Street for EMS
12 purposes or otherwise the applicant/developer would place such an emergency access
13 point at wherever it was determined to be required by county regulations or safety and
14 protective purposes in the process of site planning and design. The access entry from
15 this, for this property is through Shorebrook Drive and does not interfere in any way with
16 entry through the subdivision properties or off Harlem Street. So what we have
17 concluded is that with the information that was given to the homeowners out there and
18 with the requirements of the Land Development Code and with the intentions of the
19 developer to severely restrict by voluntary declaration of covenants and restrictions the
20 development of the 61 acre site, all of the common interests of the parties appears to be
21 able to be quieted and taken care of and we sincerely request your moving forward with
22 the approval of this development plan.

23 MR. VAN DINE: Mr. Fuller. Can I ask you a quick question?

1 MR. FULLER: Yes, sir.

2 MR. VAN DINE: The second page of your handout on the right hand side it looks
3 as though there was not contiguous property lines between – at the lower corner of the
4 proposed Parkman Court. There seems to be a gap between those; is that a proposed
5 – is that an easement or something in there? What's – do you know what that is?

6 MR. FULLER: Please tell me again what you're looking at, Mr. Van Dine.

7 MR. VAN DINE: See where it says proposed [inaudible] Court? Go to the right
8 of that and then there's like two lines which are not – like a space between them.

9 CHAIRMAN PALMER: Do you see lot 33 on the Starlight subdivisions?

10 MR. FULLER: I do.

11 CHAIRMAN PALMER: Follow that into the property. He's talking about that
12 there is a gap between these –

13 MR GOSLINE: Oh, that's just the color. That's just the color. I think it's just the
14 color.

15 CHAIRMAN PALMER: I know it's all one tract.

16 MR. FULLER: It is. It is simply one tract. Mr. Keitt advises me that his a ditch,
17 an existing ditch.

18 MR. VAN DINE: Okay. Is the ditch some kind of drainage ditch off the property
19 or something?

20 MR. KEITT: I think it runs from the other businesses there or [inaudible] ditch
21 that goes right along the green line also.

22 MR. VAN DINE: Okay.

23 MR. FULLER: It is not on the property site *per se*.

1 MR. VAN DINE: Okay. Thank you.

2 CHAIRMAN PALMER: Any other questions for Mr. Fuller? That's all who've
3 signed up to speak.

4 MR. MCBRIDE: I'd like to make a recommendation that we send this forward for
5 approval.

6 CHAIRMAN PALMER: We have a motion.

7 MR. FURGESS: Second.

8 CHAIRMAN PALMER: We have a motion and a second to send Case No. 05-
9 117 MA forward to Council with a recommendation of approval. All those in favor
10 please signify by raising your hand.

11 *[Approved: Anderson, Lucius, Furgess, Palmer, Van Dine, Manning, McBride;*
12 *Recused: Green; Absent: Brawley]*

13 None opposed. Case No 06-12 MA.

14 **CASE NO. 06-12 MA:**

15 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone 249 acres
16 from RU to PDD adjacent to the town limits of Blythewood across Wilson Boulevard and
17 the railroad track from the Blythewood High School. The Department recommends
18 denial principally for traffic reasons. This is another case where the project itself, the
19 location is not bad, the density isn't bad; the traffic is terrible. That's the essence of
20 staff's, Department's recommendation.

21 CHAIRMAN PALMER: Mr. Kinder.

22 MR. VAN DINE: Mr. Chairman, while Mr. Kinder's coming up. Anna? On the
23 last one we just did I assume that this was just a reprint of the prior Staff approval

1 because on page 17 it says that they're meeting is February 6, 2006. I would assume
2 that's going to be changed prior to going up?

3 MS. ALMEIDA: Yes.

4 CHAIRMAN PALMER: Mr. Kinder.

5 MR. VAN DINE: We've got a – a second sheet sent to us. Should we be
6 replacing what's in our booklet with the second sheet?

7 MS. ALMEIDA: Yes, sir. Because there were certain packages - when they
8 came from the printers there were empty sheets and we did not know which packages
9 had the empty sheets or not.

10 MR. VAN DINE: Okay.

11 CHAIRMAN PALMER: Mr. Kinder.

12 **TESTIMONY OF CLIF KINDER:**

13 MR. KINDER: Mr. Chairman, Commission Members, my name is Clif Kinder. I
14 am the applicant and potential developer of this piece of property. I've got quite a few
15 people here today and if I run a couple minutes over I'd like that one or two of them be
16 allowed to give up their time so I can present to ya'll some facts that – well what I
17 believe are facts that are germane to our request. If I might go forward. We have met
18 with the Town of Blythewood. We met in November and again on January 18th at a joint
19 work session of the Blythewood Town Council and the Blythewood Planning
20 Commission in an attempt to work out a situation where we could annex into the Town
21 of Blythewood and do our development under their auspices and control. We failed in
22 that effort but we did make a sincere effort to work with Blythewood. We are in the
23 county, we are contiguous to the town limits of Blythewood but we're in the county. This

1 PDD application is also a result of us withdrawing a previous RS-LD zoning application
2 and replacing it with this PDD application. That change was made at Staff's suggestion.
3 This PDD proposes less density than the original RS-LD would have allowed. We've
4 got quite a few people here today who can speak if asked but Dan Dennis with Dennis
5 Consultants, Dennis Engineering is here to discuss our traffic management plan. I'll be
6 the first to admit, as Carl Gosline indicated, there are preconditions – pre-existing
7 conditions affecting traffic that affect this property there. They're conditions that we
8 didn't cause, that we can't really solve. I think Dan Dennis can address the fact that our
9 traffic management plan does mitigate our impact to the best ways possible within our
10 property and take traffic calming devices or take advantage of traffic calming devices
11 that are the best we can work with. But we can't solve an emerging traffic problem that
12 exists in the greater Blythewood area and it's going to get worse with us or without us.
13 Dan Creed, our professional engineer, is here as is Ken Simmons, our landscape
14 architect. They can address our land planning questions, site engineering questions,
15 utility and other infrastructure issues. This piece of property in my opinion is – should
16 be the poster child of smart growth. It is adjacent to Highway 21. It is across Highway
17 21 from one of the largest new high schools in the state. Richland County has
18 consciously or subconsciously inadvertently set this property up for some pretty intense
19 development. The site is a short walking distance less than 600' from the center of
20 Blythewood which I measure to be the intersection of Blythewood Road and Highway
21 21. It is within a node or a red circle on the Town and Country plan if that means
22 anything but I mean it is right at the center of growth as envisioned by the 20/20 plan. If
23 we are able to develop this property we have offered Blythewood, the Town of

1 Blythewood – we offered the county that the developer will be responsible for building
2 sidewalks in the public right-of-way at our expense to the town center if we're afforded
3 those rights-of-way. Development is occurring all around Blythewood with or without
4 this project. A major food store and drug chain is in negotiations directly across
5 Highway 21. The corner of Blythewood Road and Highway 21 is being contemplated
6 for – what is vacant land now is being contemplated for intense commercial
7 development both in the Town of Blythewood, both subject to existing zoning which I
8 understand would not need to be changed to cause those projects to be permitted. I
9 mentioned earlier it is literally across the street from Blythewood High School. *The*
10 *State* paper Sunday, yesterday's claim that the, that this school district is the third
11 fastest school – the fastest growing school district in the state. Nearby Richland County
12 School District 2 has acquired several large sites for schools that are either under
13 construction or are planned for construction. Public utilities are immediately available.
14 There is a question about whether we'll use the Town of Blythewood, Town of
15 Winnsboro, or City of Columbia water. But water is available, sewer is available. The
16 City of Columbia's building a 54" water line immediately – well almost adjacent to our
17 property. Less than 500' from our property which that work is partially underway now.
18 The DOT is making substantial improvements to Highway 21 mainly in association with
19 enhanced ingress/egress into the high school. But there's a new traffic light coming out
20 on Rimer Pond Road at Highway 21 and turn lane improvements between Rimer Pond
21 Road and Langford Road. The site is half a mile, maybe a little bit more, from I-77 so
22 traffic going into Columbia can bypass the bottlenecks that exist further into town at
23 Clemson Road and Hardscrabble and Killian Road. And a closer in area the – I'll let

1 Dan Dennis address this in more specificity – but it seems to me that this traffic would
2 largely go straight to the interstate and be dispersed. Again, commercial development
3 is occurring all around us. I was here last – I think last time ya'll met and you approved
4 the Wal-Mart Super – the Super Wal-Mart at Killian Road and 77. I know that project
5 had some – it hasn't moved forward with Council but it was approved at the Planning
6 Commission level. We did get this morning a commitment from the church that is
7 buying the Murphy property that is between us and Rimer Pond Road. The church told
8 us today that we could commit to you that we will have a public access out through their
9 property to Rimer Pond Road. That's shown conceptually on the land plan but it's more
10 of a reality today than it was yesterday. The current Richland County/I-77 corridor sub-
11 area plan proposed land use map designates this area as medium-density residential.
12 That is the plan as best we know it. That is the published document as best we know it.
13 We are way under those proposed densities. The proposed densities in the sub-
14 corridor plan call for 1,270 dwelling units. We are way under that, 40% under that. We
15 are way under the county RS-LD density which we calculated or I think Geo Price
16 calculated for us would be 896 units. We're 14% under that. So we – our density, our
17 overall density is less than the comprehensive plan envisions – is less than the largest
18 lot, conventional single-family zoning category that exists. It seems to me that in the
19 absence of different comprehensive plans or new documents that everybody in this
20 room should live by and abide by and play the game based on the current land use
21 ordinances and we hang our hat to a large extent on the fact that this Council – that our
22 Council has adopted a plan that shows this site to be far more intensely developed.
23 The – Friday two weeks ago we went before the Richland County Development Review

1 Team and fully presented this project. We got a 5 to 0 by the DRT in favor of this
2 project. They made five or six suggestions to our plan, all of which we've incorporated
3 into what you see now. We especially agreed to make this project a model of low
4 impact development. We don't quite know how to do that. Dan Creed and Ken
5 Simmons can talk more about it but we believe in it and Public Works has some issues
6 that need to be resolved but we will make this project as low impact as county Public
7 Works and county development codes will allow. We readily acknowledge a myriad of
8 EPA, DHEC, Corps of Engineers, and other Richland County regs that affect the
9 development of wetlands and floodplains. We have no choice but to strongly
10 acknowledge that we've got to adhere to all those regulations. We've also agreed with
11 DRT that all Best Management Practices in the development of this property will be
12 exercised. I mentioned earlier that public sewer and water are necessary for this
13 project. We don't have all those details worked out yet but we know we've got a source,
14 an adequate source of public water for the project. Sewer is not a problem. We'll have
15 to work out the water before we get any development permits of course. But we feel
16 like the proper sequence of events is to get the land use and the zoning in place, then
17 we'll know which utility we need to deal with. I've got people qualified to address all
18 sorts of other technical problems or questions that you may have. But at this moment
19 I'd like to see if you have any questions of me before I give up the floor.

20 MR. VAN DINE: Mr. Kinder. You have a copy of Staff's Report?

21 MR. KINDER: Yes, sir.

22 MR. VAN DINE: A copy of the zoning map itself there's a parcel that's sort of
23 comes as a triangle into parcel that you have?

1 MR. KINDER: Yes, sir. Sort of a square top triangle?

2 MR. VAN DINE: Yes.

3 MR. KINDER: Uh-huh (affirmative).

4 MR. VAN DINE: That's not in any way included as part of this, is there any
5 ongoing discussions incorporating [inaudible]?

6 MR. KINDER: No, sir. But the owner happens to be here but I will say that the
7 back two-thirds of that property is a communications tower so there are guy wires and
8 other things that would limit the usability of that site. But Mr. Boney is here and I'm sure
9 he'd be happy to talk about his plans for the property.

10 CHAIRMAN PALMER: I have a question. You mentioned, and it may just be the
11 process that I thought was in place but is obviously not in place, the DRT voted five to
12 two to approve?

13 MR. KINDER: Yes, sir.

14 CHAIRMAN PALMER: Is that not the recommendation that we get or how do we
15 get our recommendation from Staff? Because we've got Staff's recommendation of
16 denial but the DRT voted to approve. I don't understand that process.

17 MR. GOSLINE: The Staff – the DRT – we report the DRT recommendation in
18 the Staff Report. It's in there.

19 CHAIRMAN PALMER: But they're not one in the same?

20 MR. GOSLINE: Right.

21 MR. MANNING: Well what's the difference?

22 MS. ALMEIDA: The DRT is looking at the master plan and how the project is laid
23 out on the property. We don't get involved with the actual map amendment and those

1 aspects of map amendment – of rezoning. We discuss whether the minimums have
2 been met in the PDD requirements. That’s what we focus on.

3 CHAIRMAN PALMER: And whether or not it’s a good project or –

4 MS. ALMEIDA: As far as the ordinance is concerned, whether it meets the intent
5 of the ordinance, yes.

6 MR. VAN DINE: What were the objections of the two people on DRT who did not
7 vote for the project? Do you have any insight into that?

8 MR. GOSLINE: The code has a quirk in it that all PDDs have to go to the DRT
9 regardless of size. But virtually – but the DRT people are looking at the technical
10 aspects of road geometry and all that so 90% of what goes before them is subdivisions
11 and site plans and things like that. So there’s just a quirk in the code that they get – this
12 is the only zoning category they get involved with. For example, they didn’t look at Wal-
13 Mart and they wouldn’t until it comes in for the site plan.

14 MR. VAN DINE: But I guess my question was the two people who voted against
15 this proposal, what were the reasons stated for voting against the proposal?

16 MR. GOSLINE: Traffic.

17 MR. VAN DINE: Predominantly it was the traffic aspect of it?

18 CHAIRMAN PALMER: But if you didn’t look at traffic then how can they use that
19 as a reason to vote against it?

20 MR. GOSLINE: The Department looks at traffic because we have to, because
21 we – one of the things I do is review the traffic management plans. So we made the
22 recommendation to the DRT that it should be denied based on traffic. They made some

1 recommendations about the technical – as Clif said – some technical things about how
2 to do it and we reported that to you.

3 MR MANNING: So the process is not democratic? I mean, the DRT can vote
4 however they want to and –

5 MR. GOSLINE: Well if I remember correctly, Mr. Manning, the code says
6 something about that no – you can't override another Department's regulations. For
7 example, we couldn't, you know, couldn't approve it and then not have them do storm
8 water or something like that, so.

9 CHAIRMAN PALMER: And this may just be a discussion for another time. I
10 don't see the purpose of the DRT when the Staff doesn't abide by what the DRT –

11 MR. GOSLINE: In all due respect, Mr. Chairman, I think the issue, one of the
12 issues here is the stage at which you do the DRT and this is a zoning stage. And so
13 this is – just because it's a PDD zoning the code says it has to go to the DRT. And so
14 you could have, and eventually you will, a two or three acre project that would have to
15 go to the DRT and do a traffic management plan. And that's just, you know, you could –
16 if you just take that one little sentence out of the code there then everything would be at
17 the technical stage which is where I think all of us are more comfortable with the DRT
18 process, certainly the applicants.

19 MR. KINDER: Well the applicant's a little perplexed. I mean, we went before the
20 DRT talking about all sorts of issues, traffic being a big one of those and Dan Dennis
21 attended that DRT meeting. We felt that the technical issues – well we were missing –
22 we misunderstood. We thought the DRT and Planning and Development Staff review
23 was one in the same. Anna has corrected me and - but we still discussed traffic at the

1 DRT level in great detail. I felt that we had resolved it so I was more than a little bit
2 surprised to see Planning and Development Services recommendations of denial last
3 Thursday.

4 MR. GREEN: Clif, let me ask a question on the site plan. Obviously a small
5 portion of the property of the overall development's in the Town of Blythewood.

6 MR. KINDER: It is.

7 MR. GREEN: And it's shown as blank on the site plan we have. What do you
8 anticipate if you were given approval, what do you anticipate putting in that portion of
9 the plan?

10 MR. KINDER: Gene, that piece of property is in the Town of Blythewood. It is
11 zoned as a designation that I'm not familiar with. Something like Blythewood
12 Neighborhood Commercial. But I have offered the Town of Blythewood and I'll offer
13 Richland County the same thing - we will treat that - it's almost 12 acres - we will treat
14 that as single-family residential property or we will - if the county or the Town of
15 Blythewood will take it, the front part of that 12 acres is a very pretty pecan grove
16 directly across from the Town Hall of Blythewood, we have offered to give that to a
17 public entity who will preserve it and maintain it. It could be a city park for the Town of
18 Blythewood. It could be a county park or depending on yawl's wishes and Council's
19 wishes, it could be more single-family residential. But I still think that there ought to be
20 a park component in there somewhere, an open space component. But we're sort of
21 hamstrung. We, you know, we're here today talking about the majority of the property
22 and none of us here today can talk about what we really can do on that 12 acres in the
23 Town of Blythewood. But we have no intention of developing it commercially.

1 MR. VAN DINE: I don't think we can do anything with that on this end.
2 Blythewood has control over that, so I don't -

3 MR. GREEN: I was just curious as to what -

4 MR. VAN DINE: I was gonna say this Body really doesn't know anything about
5 that. One of the things that apparently has changed a little bit since it was initially put it
6 was now apparently you've been granted access onto - at least theoretically onto Rimer
7 Pond Road.

8 MR. KINDER: That's right.

9 MR. VAN DINE: Has any study of the impact on the Rimer Pond Road been
10 made a part of this?

11 MR. KINDER: Mr. Dennis's traffic management plan anticipated that one way or
12 another we would have a third entrance out to Rimer Pond Road. We just didn't quite
13 know how that was going to be. So I don't, I mean, I'll let Dan Dennis speak to that
14 technically but we'd always anticipated that any approval we might get from this group
15 would be predicated upon working something out to get out - traffic out to Rimer Pond
16 Road.

17 MR. VAN DINE: Has Staff done any analysis of the impact upon access onto
18 Rimer Pond Road out of the bottom of this property?

19 MR. GOSLINE: As Clif says, Dan Dennis, if I recall correctly, in the traffic
20 management plan did do an analysis of the impact with the Rimer Pond/Wilson
21 Boulevard intersection.

1 MR. VAN DINE: Did you factor that into your consideration when you were
2 making your recommendations that there would be an access onto Rimer Pond Road
3 so it wouldn't all be coming out onto Langford?

4 MR. GOSLINE: No. The reason we didn't is because it was not a done deal until
5 apparently this morning. So we had to go with a possible and the same part of the Staff
6 Report talks about is really as far as we're concerned there's only one entrance and that
7 would be the one further to the east on Langford Road because there's no guarantee
8 that the Town of Blythewood would grant approval.

9 MR. KINDER: Carl. We researched that. We don't know anything that would
10 prevent us from coming through our own property with a road connecting Richland
11 County property to state highway, state DOT property. I know that your report raised
12 that question but we can't find anything precedent for the Town of Blythewood being
13 able to stop a road built to public standards connecting the bulk of our property out to
14 Langford Road.

15 MR. GOSLINE: I thought I had the floor.

16 CHAIRMAN PALMER: Do you have anything else, Mr. Gosline?

17 MR. GOSLINE: Yes. This is one of the things that I guess the applicant and we
18 disagree on and I think we discussed that in the Staff Report that the law is very clear.
19 The Town of Blythewood doesn't have to approve anything for them – doesn't have to, I
20 have no idea whether they will or won't. Mr. Hicks is here. But the issue is you can't
21 just go put a road in someplace without the proper local government authority approving
22 it and it's not only DOT.

23 CHAIRMAN PALMER: Is Langford a state road?

1 MR. GOSLINE: Yes.

2 MR. KINDER: I believe it is only DOT, Carl.

3 MR. GOSLINE: Excuse me.

4 MR. KINDER: I'm sorry.

5 MR. GOSINE: Excuse me. The – it's very clear that DOT must issue
6 encroachment permits onto their system. That's the cut. The road itself is local
7 government. That's the distinction.

8 CHAIRMAN PALMER: Now I don't know that I necessarily agree with that.

9 MR. GOSLINE: Well.

10 CHAIRMAN PALMER: I've had some discussions with some people at DOT and
11 I don't know that I agree with that statement.

12 MR. GOSLINE: Well that's what their rules say, okay? Whether they follow them
13 or not, there's nothing we can do about it.

14 MR. VAN DINE: Can I get back to my question?

15 CHAIRMAN PALMER: Absolutely.

16 MR. VAN DINE: Which seems to have been lost in what we've been discussing
17 here. If in fact you have not analyzed coming out of the bottom onto Rimer Pond Road
18 could that have an impact to lessen the traffic aspects? If in fact it were to come out on
19 Rimer Pond Road and then actually have where the – it might fit within your traffic the
20 idea of good or bad?

21 MR. GOSLINE: Well -

22 MR. VAN DINE: That was very poorly worded and I apologize.

1 MR. GOSLINE: Certainly if they had multiple entrances that's better for lots of
2 reasons. It spreads traffic out and all the rest of that. Dan Dennis' traffic management
3 plan did assume that they would come out 25% or something. I mean he really needs
4 to talk about that. But it was like 25% of the traffic comes out on Rimer Pond Road and
5 he did analyze the effect of that additional traffic on the new lighted intersection at
6 Rimer Pond and Wilson Boulevard. He really ought to respond more to the details
7 about it.

8 MR. VAN DINE: When it went to the DRT, did DRT look at that aspect of it
9 coming out the lower part onto Rimer Pond Road and what impact it would have?

10 MR. GOSLINE: That was all discussed, yes.

11 MR. VAN DINE: And what was – did any of that factor into what is being
12 discussed here today as far as recommendation or not a recommendation in relation to
13 the Rimer Pond end of it?

14 MR. GOSLINE: Well our recommendation is based because of the traffic and the
15 overwhelming traffic problems and Clif is right, they aren't causing a lot of it. And we,
16 because there was no assurance that you would have two entrances onto Langford
17 Road and one onto Rimer Pond Road at the time the Staff Report was written two or
18 three weeks ago we couldn't assume that or we felt like we couldn't. But setting that
19 aside is the real problem is Wilson Boulevard and Langford Road and Blythewood
20 Road; that little block. And there's nothing you can do short of building a flyover over
21 the railroad track and Wilson Boulevard to solve the problem. It's that simple.

22 MR. VAN DINE: I guess what I'm trying to look at also is obviously we have
23 been told that there's a possible connection into Rimer Pond Road.

1 MR. GOSLINE: Right.

2 MR. VAN DINE: This development therefore has an impact on Rimer Pond Road
3 as well and we have in the past had a number of pieces of property along Rimer Pond
4 Road which have created problems because of that. And I'm not sure I have enough
5 information as to that connection down there and what impact it will have on Rimer
6 Pond Road as well. Because obviously you're going to disperse some out into both
7 areas and we heard the typical horror stories from people about having to sit in their
8 driveway for a half an hour while people are trying to go by on Rimer Pond Road. This
9 obviously adds more to that, that road itself. I'm not sure that I personally have enough
10 information at this point in time to understand the full impact it's going to have on the
11 entire area if in fact the Rimer Pond Road becomes a reality.

12 MR. KINDER: Mr. Van Dine.

13 MR. GOSLINE: Mr. Chairman, if I might. Again Dan Dennis can address
14 Howard's question more succinctly but as far as the department is concerned the real
15 problem, the real issue is at the other end and that is Langford Road/Wilson
16 Boulevard/Blythewood. There's about a block between the two. And the report talks
17 about how DOT has forever wanted to realign them and straighten them out and that
18 would help some but the traffic problem is currently so great that the only way you can
19 stop the stop signs, so to speak, is you have – is to do a flyover so you have a constant
20 movement of traffic. And even that will only work so well for awhile. One of the
21 problems with traffic light is it slows down the traffic. Now you can get through it, an
22 interchange or intersection eventually but it just – it really, you know, and sometimes
23 that's all you can do. But as far as I mean as far as the Department's concerned, it's - if

1 they have access out to the south, yeah it'll make Rimer Pond intersection a little more
2 crowded but the real problem's at the other end.

3 MR. KINDER: Mr. Chairman, Commission Members, to follow up with what Mr.
4 Gosline said, our land plan, our general development plan that you have and that DRT
5 voted on and that Staff is commenting on did from day one show a proposed access out
6 through Rimer Pond Road and Dan Dennis' traffic management plan contemplates an
7 access out to Rimer Pond Road. So that information has been before Staff from day
8 one. This is not something new but what is new this morning is that we, we got a
9 confirmation from one of the property, one of the three different property owners we
10 were talking to – any one of the three could have solved our problems. But the Mormon
11 church agreed today that we could tell you that they had committed to give us a 100'
12 right-of-way through their property which is the property that is directly between our
13 property and Rimer Pond Road. They haven't purchased it yet. They're buying it from
14 Ms. Pat Murphy and her family but they have hired architects and engineers and they
15 told us that we could come before you today and commit to a 100' right-of-way out to
16 Rimer Pond Road. But the concept and the plan and the traffic management plan has
17 envisioned something like that happening from day one so this is not new for ya'll today.

18 CHAIRMAN PALMER: Thank you, Mr. Kinder. Any other questions for Mr.
19 Kinder?

20 MR. KINDER: Thank you. It might be better if my professionals waited to
21 address questions that might come before you from comments that our opposition might
22 make.

1 CHAIRMAN PALMER: We'll do that if they wish to do that. I did have a question
2 for Staff. The general development plan proposed by Mr. Kinder had on it a proposed
3 entrance onto Rimer Pond?

4 MR. GOSLINE: Yes. Well, no. It says possible. They don't have any frontage
5 on Rimer Pond Road.

6 CHAIRMAN PALMER: However it was discussed at the DRT level?

7 MR. GOSLINE: That's correct.

8 CHAIRMAN PALMER: It was on the general development plan as proposed as
9 possible?

10 MR. GOSLINE: That's correct.

11 CHAIRMAN PALMER: But was not considered at a Staff level even though it
12 was in a traffic management plan that was put forward by the applicant?

13 MR. GOSLINE: The applicant, the applicant assumed, assumed that they would
14 get two entrances on Langford Road and one on Rimer Pond Road. They only have
15 one frontage and that is on Langford Road. The other entrance onto Langford Road is
16 inside the Town of Blythewood.

17 MR. KINDER: But it's still our property, sir.

18 MR. GOSLINE: But they did not, they do not have frontage on Rimer Pond
19 Road. If they did the issue would be moot.

20 CHAIRMAN PALMER: I understand. Here's my problem and I guess it just goes
21 back to the whole thought process about the difference between the DRT and the Staff
22 recommendation. DRT contemplates and DRT brings it into their decision process but

1 then when it gets to the Staff, Staff doesn't do it. I don't understand. It seems like
2 you're comparing two different projects in my mind.

3 MR GOSLINE: The difference is again is that the DRT people, the voting
4 members are technician types. They're not zoning types. And it's only – just because
5 it's a PDD, the project's under the code.

6 CHAIRMAN PALMER: I understand all that.

7 MR. GOSLINE: Which I think we probably recognize.

8 CHAIRMAN PALMER: Well why one brings it into consideration and the other
9 does not?

10 MS. ALMEIDA: Because at the DRT level there are nine voting members and
11 there weren't enough – are there nine voting members? Seven voting members at the
12 last DRT. There weren't enough opposition to overturn the two negative votes from an
13 engineering perspective, from a fire perspective, Public Works. There just – there
14 wasn't anything wrong with the actual layout from these other entities that would
15 overturn that vote.

16 CHAIRMAN PALMER: All right.

17 MR. VAN DINE: I think the more specific is, DRT is, deals strictly with technical
18 issues. This is a zoning issue.

19 MR. GOSLINE: Right.

20 MS. ALMEIDA: Correct.

21 MR. VAN DINE: A zoning issue has to get a Staff recommendation from it which
22 is separate and distinct from DRT. Staff can look at whatever they feel is appropriate to
23 make their recommendation and it is not dependent upon a DRT recommendation for or

1 against. Due to the way the code is set up DRT still has to look at the PDD. Therefore
2 the recommendation that came from Staff was they don't like it for the reasons that they
3 stated. The thing sets forth that the DRT found it technically compliant with two
4 negative votes. So what we're talking about here is whether the Staff believes that this
5 ought to be rezoned or not -

6 MR. GOSLINE: Correct.

7 MR. VAN DINE: - not whether the technical compliances have been met or not.
8 That's what we need to focus on is whether this is in fact a rezoning that's appropriate
9 versus whether DRT has said it met whatever requirements were out there.

10 CHAIRMAN PALMER: Sure. I was trying to get to your point where you may not
11 have enough information but I believe the information has been there the whole time.
12 It's been in the traffic management plan that was put forward by the applicant in the
13 general development plan

14 MR. VAN DINE: [Inaudible] and say gee well I'll approve it if this option goes
15 forward or not go forward. My point was whether they had in fact looked at it and the
16 answer as I'm hearing it is no they haven't looked at it because it was not something
17 that they felt was actually in concrete that this is what was being proposed. It was a
18 possible thing that could take place and therefore they had to look at it as it was actually
19 laid out on the paper. That's what I'm hearing at this point.

20 MR. GOSLINE: Mr. Chairman, let me –

21 MR GREEN: Mr. Chairman, I would really like to move on if we could with the
22 folks that are here to speak on the issue. We can talk a lot about the process –

23 CHAIRMAN PALMER: Okay.

1 MR. GREEN: - problems or issues but I'd hate to get all these folks that are here
2 to speak both for and against the project to have us – and I'm happy to return to those
3 issues later in the meeting if we want to.

4 CHAIRMAN PALMER: I agree. Thank you, Mr. Kinder. Mr. Dorsey. Wade
5 Dorsey.

6 **TESTIMONY OF WADE DORSEY:**

7 MR. DORSEY: I'm Wade Dorsey, 103 Dawson Pond Drive, Blythewood, South
8 Carolina. I am a member of the Blythewood Town Council. I, of course, am not
9 speaking on behalf of the town today; I'm speaking on behalf of myself and what I have
10 gathered from this process. First of all the Town of Blythewood was approached by Mr.
11 Kinder and his group. I think that discussion may be a little too expansive a word. We
12 were presented with a proposal for 700+ houses on this property and we asked if there
13 was anyway we could go lower on that number. The answer of Mr. Kinder was no.
14 That was the end of the discussion basically. They decided that they would go to see
15 ya'll again in hopes of getting what they wanted. It is my feeling that the property is
16 perfectly suited for a subdivision of some sort. It is also my feeling that the kind of
17 density that's being spoken of is completely unreasonable not only from an aesthetic
18 point of view. Blythewood is not exactly rural but we do have a feeling that we like to
19 keep things spread out a little more, a little larger lots. But it is unreasonable to put that
20 many homes in that little spot. The highways, the roads that we're talking about are
21 clogged completely every morning and every afternoon. The entryways onto Langford
22 Road are backed up in the morning on Highway 21. We're talking about going out of
23 Langford Road over to I-77 on Blythewood Road. You could probably walk to Columbia

1 faster in the morning than if you were pulling 700 cars out of Langford Road and trying
2 to get to 77 on Blythewood Road. Rimer Pond Road is backed up every morning the
3 same way. They probably wouldn't be able to pull the cars out of the entryways or the
4 exit ways of this subdivision without waiting for who knows how long. The Highway
5 Department is doing upgrades. It's not going to be enough to handle the problems we
6 have now. There is no way for this developer to fix the traffic problems; he's correct.
7 There is a way to mitigate it and that is to lower the density considerably. That will help.
8 I think most people in our area could accept that and would accept that. I don't think we
9 have had good discussions. I think we can come to a compromise and the Town of
10 Blythewood be happy and the developers perhaps be happy. But 700 homes is too
11 much. We also – we think that the county comprehensive plan was put in place I think
12 in 1992. It has not been substantially updated since then. The map has, the text has
13 not necessarily been done. So Blythewood does have an up-to-date comprehensive
14 plan. We would appreciate the opportunity of dealing with this more. I urge you to turn
15 this down. Thank you.

16 CHAIRMAN PALMER: Michael Lenhart?

17 **TESTIMONY OF MICHAEL LENHART:**

18 MR. LENHART: My name is Michael Lenhart. I'm an adjacent property owner to
19 this property. I appreciate the opportunity to speak to you. When I have to think about
20 rezoning, I think about smart growth. I think about planned communities and I think
21 about what's best for everybody in the area. I also think about, you know, what's it
22 going to do to the value of my property because that's what I'm most concerned about.
23 Blythewood has grown more than I want now and therefore I can stand here before you

1 and tell you that I'm moving further out to the country so my main concern is my
2 property value. The development as I see it, the way he's bordered it – I have five
3 hundred something feet that borders right down the road from him on a triangle. And I
4 see it as a good plan if he has to keep it the way it's planned and he can't do any
5 changes. If he has to keep the green areas around the pond, he has to keep the
6 borders that he's proposed, I don't see it as a bad thing that I could be in opposition to.
7 It's something that I would have to support. As far as the traffic is concerned though I –
8 since I do have an opportunity to speak, it's not really going to affect me that much but
9 the Langford Road/Highway 21 intersection is terrible. There's no question about it. I
10 mean, you sit there forever. But I see no reason why that intersection can't be
11 straightened out. I don't see why we can't have - the property that's on the Langford
12 Road side of that intersection has been for sale. I mean, that road could be
13 straightened out and if you go straight to Blythewood Road you could have a left turn
14 lane, a right turn lane, a straight through lane and that would eliminate a lot of property
15 – a lot of traffic problems that already exist there. But I also wonder if this is denied or
16 approved based solely on the number of houses, if all you're doing is approving 400
17 houses here and 400 down the road you're not solving the traffic problems. You know,
18 you're just moving more traffic down the road to come to Blythewood. I don't see that
19 Blythewood can control the amount of traffic that's going to come through it. And that
20 area's going to grow. It's going to spread out and I see it as a good plan but I as an
21 adjacent property owner I have no objections to. Thank you for the opportunity to speak
22 to you.

23 CHAIRMAN PALMER: Thank you. Ken Simmons?

1 **TESTIMONY OF KENNETH SIMMONS:**

2 MR. SIMMONS: Mr. Chairman, ladies and gentlemen, my name is Kenneth
3 Simmons. I am the landscape architect land planner on the project. I know you've here
4 a long time but I'd just like to give a couple points. I think you're asking why some of the
5 reasons why DRT did approve it and, you know, we have worked very hard on this
6 project. Oh, almost 50% of the land is going to be open spaces. Not only that in
7 working with Jim Wilson with the Conservation Commission the shapes of those open
8 spaces are important. They're following the wetlands. They're wildlife corridors. All of
9 the wetlands have buffers. The minimum buffer requirements on the edge of the
10 property is 10'. We're making it 20'. No houses are facing any of the existing roads. If
11 you look on the land plan just about every house backs up to a natural area. So the
12 densities may appear high in some places but every one is looking out at a natural area.
13 There'll be walkways through those natural areas. There are not even any major – any
14 houses on a major interior circulation road that is coming in. Again, nature trails,
15 passive recreation, we have discussed with Howard Boyd who's now the county
16 engineer – we're willing to do as much low impact storm drainage as possible. We do
17 want to let ya'll know that there appears to be some conflicts between the existing
18 codes and what low impact is proposing. We offered to try to write – meet with Howard
19 and try to write into this PUD since a PUD is its own ordinance the ability to do some
20 things that are now prohibited by code. So we have in every way tried to create a very
21 desirable neighborhood that has a low density feel; that is an attractive amenity for a lot
22 of people to live in. Thank you.

23 CHAIRMAN PALMER: Pendleton Grove?

1 MR. GROVE: I'm going to try to not be repetitive. I think all of my points have
2 been covered so I'll pass.

3 CHAIRMAN PALMER: Dan Dennis?

4 **TESTIMONY OF DAN DENNIS:**

5 MR. DENNIS: Thank you very much for the opportunity to speak. My name is
6 Dan Dennis. I'm a civil engineer registered in the State of South Carolina and a
7 professional land surveyor registered in the State of South Carolina. I've been
8 practicing engineering mainly with DOT type projects for the past 16 years. To answer
9 your question, sir, on the Coopers Pond impact. I completed a traffic study for Coopers
10 Pond development which is 112 single-family residential unit off of Cooper, off of Rimer
11 Pond Road. That was back in December of 2005 and the developer there was Mr. Nick
12 Leventis and that was passed by Council. The reason why that was passed, even
13 though it is an existing traffic nightmare, is the DOT improvements that we've heard
14 mentioned today and I do have a copy if you care for me to pass this around of what the
15 DOT plans to do with both the Rimer Pond/Wilson intersection and the Langford/Wilson
16 intersection. But basically for Mr. Kinder's traffic management plan I took into
17 consideration the traffic on Rimer Pond Road and added in the additional traffic. I
18 believe it was 35% or 25% onto Rimer Pond Road and with the upgrades that are in
19 place to be completed shortly traffic would maintain at an acceptable county level of
20 service. Basically at both intersections they're going to put in new turning lanes and
21 signals that are going to be actuated together and also they'll be actuated with the
22 trains. One big dilemma there is, of course, the railroad track runs parallel with Highway
23 21 and the railroad has been there for a very long time. It is within 200' of Highway 21

1 which is a problem when it comes to the management of traffic. That is a problem that
2 is not going to get fixed either by the DOT or by the county or by the Town of
3 Blythewood. I would also like to mention that the construction project is still not
4 complete so many of the residents who are expressing their frustrations today will see
5 some improvement when Eagle Construction finishes their contract. Now they had a
6 June 13th [sic] completion deadline. I'm not sure if they're going to make that or not. I
7 can't speak on behalf of them but they have a \$12 million contract. I have a copy of it
8 here if you'd like to see it. But once those improvements are made there will be some
9 substantial benefits to traffic both in the morning rush hour and in the afternoon. And to
10 answer a question you have on density. If Blythewood Farms were to lower the density
11 from 775 units down to 600 or 500 that's really not in my opinion going to change the
12 overall big picture which is the thousands of acres that are available for development
13 along Langford just alone not to mention Rimer Pond Road and further on up U.S. 21
14 towards Fairfield County. And last but not least one solution to this problem. I don't
15 know if you have a map in front to you that you can see but the ideal solution would
16 have been to realign Langford with Blythewood Road. So instead of having two
17 signalized intersections within two or three hundred feet of each other you would just
18 have one. And the Highway Department – I don't want to speak on behalf of the
19 Highway Department. Please don't anyone quote me today as doing so but from my
20 knowledge the Highway Department took that into serious consideration and it was
21 basically a funding issue. They certainly could have realigned those roads. They would
22 have to condemn property and move businesses and it certainly would have improved
23 the traffic dramatically but there's just not enough money or there just was not enough

1 money to do that and therefore the Town of Blythewood and the residents are left with
2 two intersections very close together that do cause congestion. Thank you very much.

3 CHAIRMAN PALMER: Thank you.

4 MR. GREEN: I would like to see the traffic plans that you have. And you
5 indicated where are the new lights going to be, where are lights going to be that aren't
6 there now?

7 MR. DENNIS: This is the future improvements for the Rimer Pond and U.S. 21.
8 What's in yellow will be additional turning lanes and you can see the new signals that
9 will be installed.

10 MR. MANNING: And when will this contract be complete?

11 MR. DENNIS: It's completion date is June the 30th of this year. However, I don't
12 believe the contractor's going to meet that deadline so he'll either get an extension from
13 the DOT or he'll have to start paying liquidated damages.

14 MR. GREEN: This will be signaled?

15 MR. DENNIS: Yes, sir. Rimer Pond Road.

16 MR. GREEN: And you have some other, you have other -

17 MR. DENNIS: Yes, sir. This is the improvements for Langford and Blythewood
18 Road and you can see how close together they are. I didn't put that intentionally
19 [inaudible].

20 MR. GOSLINE: Yeah. He's got a commercial on the backside there, folks.

21 MR. DENNIS: We only have so much [inaudible].

22 MR. VAN DINE: If anybody would like to call this phone number. Are any of
23 these additional turn lanes or anything out of here?

1 MR. DENNIS: Yes, sir. I didn't highlight them in yellow but there are several
2 turning lanes that will be added for both Wilson and Blythewood Road and Langford and

3 -

4 MR. GREEN: There will be a signal at Langford?

5 MR. DENNIS: Yes, sir. There will be two signals, one at Langford and one at
6 Blythewood. [Inaudible]

7 MR. VAN DINE: While we're all looking at it, you said Mr. Leventis's property –
8 it's on the other end of Rimer Pond Road; isn't it?

9 MS. LUCIUS: Yeah.

10 MR. DENNIS: Yes, sir. It's down from Rimer, it's down from the intersection
11 [inaudible]. It's pretty close to the intersection. It was 130, it was 130 lots I believe that
12 were approved.

13 MR. VAN DINE: [Inaudible] on the other side of Rimer Pond Road. It's not on
14 this end of Rimer Pond Road?

15 MR. DENNIS: No. It's on this end.

16 MS. LUCIUS: No. It's on the – I thought it was on the other end.

17 MR. DENNIS: One of the concerns was how that –

18 CHAIRMAN PALMER: Could we get you to step back to the mic so we can
19 record you?

20 MR. DENNIS: I have the report for the Coopers Pond development. It's –
21 Coopers Pond Drive connects directly to Rimer Pond approximately 3,000' from the
22 intersection of Wilson Boulevard. So it's less than a mile. And that development was
23 112 single-family residential units.

1 MR. VAN DINE: Thank you.

2 MR. DENNIS: Thank you.

3 CHAIRMAN PALMER: Any other questions for Mr. Dennis? Dan Creed?

4 MR. CREED: I'm here and available to answer any questions the Commission
5 may have regarding [inaudible].

6 CHAIRMAN PALMER: John Tumbleston?

7 MR. TUMBLESTON: [Inaudible]

8 CHAIRMAN PALMER: Dennis Avery? Thomas Boney?

9 **TESTIMONY OF THOMAS BONEY:**

10 MR. BONEY: Ladies and gentlemen, my name is Tom Boney. I'm sorry I'm a
11 little bit hoarse but I can talk loud enough I think. I was born and raised on the corner
12 right where that one light is and stayed there for quite a few years – 75 years. And I
13 moved down on Langford Road. Now Langford Road – there's a lot of traffic on
14 Langford Road. But the problem is there's so much traffic that's coming from Langford
15 Road as much as 10 or 12 miles down at Lake Carolina, down from the country club,
16 from the country club. They're reversing and coming back and coming up Langford
17 Road. They do that because they know there's no light except the one that comes off
18 Blythewood Road going into 21. So they come down – I live right on that corner. If you
19 look at the map you will see. There's a white section right there on Langford and
20 Sanfield. Those people have found out now that they can come there – some, most of
21 them turn right, go to McLean Road, turn left, come back on 21 so they get the light.
22 Langford Road has no light and that traffic backs up passed my house every morning
23 but they wouldn't have that problem if they had two lights. Because they only got that

1 one. They're supposed to put in some more. That's what they said they're going to do.
2 And I've had no problem with these people. They got good property. They will do
3 what's right and they will do whatever they have to do and I just think it's a good thing.
4 If you'll look back there that little red dot, that's a tower I have. I own that 10 acres
5 there. They've been friends of mine for years. We've gotten along real good and they
6 will do what they tell you they'll do. And we cannot build enough highways if you started
7 tomorrow to take care of Lake Carolina, Columbia Country Club. Some of the people
8 because they do not want to go down Clemson Road. They don't want to go that way
9 because you'll have to hit No.1. That's what they're trying to do. They're trying to get
10 to the interstate any way they can to keep from going the opposite direction and if you
11 don't believe it or if any of you have any doubt about it I'd be glad for you to come up in
12 the morning at 6:00 o'clock and watch them and you ask them where they're from and
13 they'll tell you and it's quite a few ways down the road. It wouldn't be that if we could
14 just get the other light there and the second light and make them work consistent to one
15 another. By being just one light now that's the only light; it's been there forever. They
16 finally got it out here about five years ago. There ain't no lights at all. All they want to
17 do is get to the interstate and they go in whatever direction they can to get to that
18 interstate and there are some other roads I could name but it'd be taking up your time
19 that they can cut through and come out the schools and get on Blythewood Road to get
20 to the interstate. And I do know what I'm talking about because I've been there, lived
21 there, looked at it, lived on Blythewood Road and Langford Road right in the middle of
22 this town. And I think it would be a good thing and I think if they could agree with ya'll of
23 what they're going to do I think it would make a nice development and I'm not in the

1 middle of it out there far as out on Langford Road. I don't like the road and I do plan if it
2 works if you would look right across from my house there that white spot you're on
3 Sanfield Road. I've got that in the workings of some real nice homes that supposed to
4 be in the \$250 - \$300,000 range. So I just thought I'd mention that. If you got any
5 questions, ask me and I'll try to answer.

6 CHAIRMAN PALMER: Thank you. That's all we have signed up to speak. Any
7 thoughts, motions?

8 MR. MANNING: I have a question for Staff. Going back to the issue of the traffic
9 management plan. Basically you didn't consider Mr. Dennis's plan because of the
10 access to Rimer Pond Road as not being solidified at that point, and you did not take
11 into consideration the entrance going out to Langford Road through the Blythewood
12 [inaudible]. So basically you were limiting that PUD to one entrance?

13 MR. GOSLINE: Yeah. Let me clarify that, Mr. Manning. This traffic
14 management plan that Dan Dennis did assumed three intersections. When we
15 analyzed that we said, well you may not get approval to go through the Town of
16 Blythewood. You may not get the people between you and Rimer Pond Road to sell
17 you the right-of-way. So that was part of the recommendation, part of why we
18 recommended denial. But the discussion on – most of the discussion on traffic
19 management plans on pages 26 and 27 talks about this stuff and so I guess that's just –
20 so I guess it was a little bit misleading to say that we didn't consider it, consider it. We
21 certainly did consider it and we summarized that our evaluation or basically summarized
22 the traffic management plan on page 26 and 27 and then talked about our comments
23 regarding all that and that's principally where it came – we came up with the

1 recommendation. Again the issue here is not – I mean not that adding “x” number of
2 cars onto Rimer Pond Road won’t be significant but the real problem in the whole area
3 is Langford Road and Wilson Boulevard and Blythewood and that realignment. And the
4 DOT has tried and tried several times to get it done but the money’s not there.

5 MR. MANNING: Well assuming it doesn’t get realigned but the improvements
6 are in place very soon that Mr. Dennis –

7 MR. GOSLINE: Right.

8 MR. MANNING: - discussed and these other options are available do you still
9 have a negative opinion on the project?

10 MR. GOSLINE: Yes, sir. Because the improvements that are in place and I think
11 the report shows that even at Langford Road level of service will be E and F.

12 MR. MANNING: Is that what the plan that they provided you -

13 MR. GOSLINE: Yes.

14 MR. MANNING: - was showing?

15 MR. GOSINE: That’s what their traffic management plan said. If I’m wrong,
16 please – on top of page 27 it says, “The Langford Road/Wilson Boulevard intersection
17 will function at LOS E in both the a.m. and peak hours when this project builds out. The
18 p.m. peak hour is about a point away from F levels when this project builds out.” So the
19 Rimer Pond Road it’s not insignificant but that’s not the real problem and it’s like the
20 gentleman said, it’s all the background traffic. It’s a huge problem.

21 MR. MANNING: But obviously the more access points you’ve got the easier it is
22 to mitigate that problem.

1 MR. GOSLINE: Not really. Because what'll happen is you'll have two access
2 points - if the project goes through as planned - you'll have two access points on the
3 Langford Road and one to Rimer Pond. Rimer Pond is 25 or 30% of the traffic. The
4 rest of it's still going out onto Langford Road. And what'll probably happen is the closer
5 intersection which is – has to go through the Town of Blythewood, basically almost to
6 the Town Hall is 600' from the railroad track and it'll back up and then the rest of the
7 traffic coming out the other way will back up as well. And so then they'll eventually put
8 lights in and that'll slow things down some more

9 MR. GREEN: Mr. Chairman, I wonder if it'd be appropriate if I ask Mr. Hicks just
10 a technical question on the Town of Blythewood.

11 CHAIRMAN PALMER: If Mr. Hicks would like to respond.

12 MR. GREEN: You know the rules as well as anybody.

13 **TESTIMONY OF JOHN HICKS:**

14 MR. HICKS: I'm afraid so.

15 CHAIRMAN PALMER: And you do have two minutes instead of three.

16 MR. HICKS: You know me well.

17 MR. GREEN: I wanted just to – if you would explain. I'm not asking you for your
18 opinion on anything but what the process is in the Town of Blythewood if this project
19 was being build irrespective of the number of homes in here and they were – what
20 process, if any, would the developer have to go through to obtain a curb cut on Langford
21 Road inside the town limits of Blythewood?

22 MR. HICKS: Mr. Green, the curb cut is not really the issue. The curb cut is an
23 encroachment permit that SCDOT issues. The problem is behind that obviously they're

1 going to have to build a road. If they build a road through land that's in the Town of
2 Blythewood they're going to have to sub-divide it. If you sub-divide it just as your rules
3 say and put any infrastructure in there like a road it's a major subdivision. So we have
4 to go through the major subdivision process that's very similar to the one that prevails in
5 Richland County with the sketch plan, preliminary plat, construction drawings, and all
6 the rest of that. Now that is unlike Richland County [inaudible] understand is at the
7 discretion of the Planning Commission. We have to vote on the approval of the
8 preliminary plat and that's a matter of their deciding whether they want that sub-division
9 on that road to be built on property that's within the town's control.

10 MR. GREEN: Thank you.

11 MS. LUCIUS: Does that mean, I'm sorry, does that mean that they could stop
12 the road?

13 MR. HICKS: Ms. Lucius, yes. That means they could. Of course at that point
14 they may well end up in court because they'd have to do that with, you know, good
15 sufficient reason. It couldn't be arbitrary and capricious but they're responsible just as
16 this Planning Commission has been in the past as you know with the approval of
17 subdivision plans.

18 MS. LUCIUS: Right.

19 MR. HICKS: And if they think that subdivision plan is not going to be to the
20 benefit of the Town of Blythewood they would be responsible for making that argument
21 and voting accordingly.

22 MS. LUCIUS: So that follows what Mr. Gosline was telling us?

1 MR. HICKS: Actually both parties are right. The encroachment permit is a DOT
2 issue. That's on the state highway system. You can get the opening. But the road is
3 going to have to be built on property that's under the control –

4 MS. LUCIUS: It won't do you any good without the road?

5 MR. HICKS: Exactly.

6 MR. KINDER: May I make a point?

7 CHAIRMAN PALMER: Real quick.

8 MR. KINDER: My land planner just showed me the obvious. We've got 1,500'
9 on Langford Road that is in the county. If the Town of Blythewood were to thwart our
10 plans to have a road on Blythewood city limits property we could have a second access
11 on Langford Road on county property and solve that problem real quickly.

12 MR. VAN DINE: Mr. Kinder, it would seem to me that just sort of looking at it with
13 all of the problems they're talking about with access that might – you might not want a
14 road there because anybody coming out there in the peak hours trying to turn left
15 across another lane of traffic, while Mr. Palmer says they're all very nice people out in
16 Blythewood, I think we've all seen people get behind the wheel.

17 CHAIRMAN PALMER: They will let you in.

18 MR. VAN DINE: It might be something you might want to consider anyway.

19 MR. KINDER: I'll be very happy to accept that recommendation as a condition of
20 an approval. I would go further and say that if it's this Body's wish we could set our
21 Town of Blythewood road frontage aside as open space and add the remainder of the
22 Town of Blythewood property back into our PDD and add a secondary entrance on
23 Langford Road within the county limits. So we could give Blythewood open space

1 across from their Town Hall, eliminate that exit out to Langford Road and add another
2 entrance that would be sight line distance appropriate away from our main entrance on
3 Langford and I think we could resolve those questions very quickly.

4 CHAIRMAN PALMER: Thank you, Mr. Kinder.

5 MR. VAN DINE: Mr. Gosline, I understand that the basic reason for your
6 recommendation for denial is the traffic.

7 MR. GOSLINE: Correct.

8 MR. VAN DINE: There's virtually no other issues that you have [inaudible]?

9 MR. GOSLINE: Well, basically that's correct. The land use, the density issue.
10 Clif is right. They're way under what they could be under what's in the designated
11 comprehensive plan. They're under what the previous request was for. The density
12 would be roughly three units per acre not terribly outrageous. It's a huge – anything,
13 you know, in a situation like Blythewood any project of any size is a monumental
14 change in the character of the area so. But basically the Department's position is denial
15 based on traffic stuff that we've outlined principally on pages 26 and 27.

16 MS. LUCIUS: Has anyone else noticed the similarity of this little jog between
17 Langford Road and Blythewood Road? Does it sort of remind you of Hobart Road?
18 [Laughter] The little jog across the railroad track and then you have to come down and
19 across. I just had to mention that.

20 MR. GOSLINE: Thank you.

21 MS. LUCIUS: You're welcome.

22 CHAIRMAN PALMER: Tell me again how much open space this has – some 40
23 some odd percent?

1 MR. GOSLINE: Forty-one or two percent, something like that.

2 MR. GREEN: Mr. Chairman, I – when I first looked at this package I had pretty
3 much decided I was coming in here and voting no today. I was very concerned about
4 the amount of traffic it was putting on Langford Road with all the traffic going on
5 Langford Road. I can't say that I'm as adamant about that thought having heard that
6 we're going to end up with three traffic lights in this area, that we have the ability I would
7 think in our stipulations to require three entrances including one on Rimer Pond as well
8 as a relocated second entrance on Langford which makes me feel better. The fact that
9 we could stipulate that the road frontage that resides within the Town of Blythewood
10 could be – would be dedicated as open space which we could stipulate. I'm closer to
11 changing my mind on this. I think if we were looking at – if I were to take the acreage
12 involved in this piece of property and deduct out what's wetlands and can't be built on,
13 deduct out roughly the same amount of roads that have to be built and deduct out the
14 area underneath the power line easement and look at a single the old RS-1 - I still
15 haven't gotten used to the new nomenclature yet - we'd be talking about roughly in the
16 neighborhood 600 houses in here under the single-family code. So, you know, my
17 preference would be to see maybe something closer to that number. While it doesn't
18 make a huge difference I think it's more in keeping with the area but with those three or
19 four stipulations with regard to entrances, set asides, the traffic lights and road
20 improvements being completed, I'm leaning towards changing my mind on this project.
21 Not making a motion yet but would be interested to hear the comments of other
22 Planning Commissioners.

1 MS. LUCIUS: I feel the same way. I had come in predisposed to vote no. Now
2 that I've seen and heard all the changes I'm predisposed to vote yes but the density
3 does still bother me. I would rather see a lower number. I agree totally with Mr. Green.

4 MR. VAN DINE: Mr. Chairman, if I may?

5 CHAIRMAN PALMER: Absolutely.

6 MR. VAN DINE: I have several concerns that I need to address. And the first is
7 what seems to be a perception as we come in here that we always talk about things in a
8 sense that it would be RS-1 or whatever low density or whatever. The fact of the matter
9 is it has a zoning classification already which is a rural zoning classification. That
10 classification allows building within those areas, certainly not the to the densities that
11 are here but it seems as though we always seem to talk about these things as if a
12 change is something that's going to happen one way or the other. And I think we need
13 to refocus ourselves a little bit on the fact that they really can do things with property
14 under the other classifications if it meets the area's needs or whatever. So I think that's
15 one point. Second is as Mr. Green said eliminating that one road up near Langford
16 Road, it takes a lot of the worries off of me as to getting out onto Langford Road.
17 Moving it down into the other areas and perhaps even moving the main entrance a little
18 bit further down the road to have an option of a spread along that county road would
19 help. Coming out onto Rimer Pond Road I'm not really enamored with putting more
20 traffic on there but they are fixing the intersections in those areas. So while the traffic is
21 bad I'm not sure the traffic in and of itself is something that we can hold everybody who
22 comes before us hostage to. The traffic is a problem that everybody needs to get a
23 handle on not just the individuals who come forward. I happen to like the fact that we

1 have the walking trails, we've got the open space, we've got the other things that are
2 available in this particular piece of property and if as Mr. Kinder says he will dedicate
3 that area up in the Town of Blythewood to an open space, and I don't know if you were
4 saying all of it but certainly a portion of it in there, I think that helps to maintain sort of an
5 impression as you go along the road of sort of a more rural characteristic. Sure you're
6 going to see the houses through that but certainly it's something that's more open in
7 those areas. Having said all of that I would make a motion we send this forward with a
8 recommendation of approval subject to the conditions that were discussed by Mr. Green
9 which is in reference to the moving of that one Town of Blythewood Road, dedication of
10 the open space in the Town of Blythewood, and realigning that road entrance so that
11 you move the main entrance further down to give enough space between the two
12 entrances that are on the property. And did I miss any of the other?

13 MR. GREEN: I did mention that the traffic lights which I assume is under
14 construction, that the plan for the three traffic lights and road improvement are in fact
15 going to happen.

16 MR. VAN DINE: And those areas, those issues would be things that would
17 support the recommendation against the Staff recommendation.

18 MR. GOSLINE: Mr. Chairman.

19 CHAIRMAN PALMER: Just a second. We have a motion, do we have a
20 second?

21 MR. FURGESS: I'll second.

22 CHAIRMAN PALMER: Mr. Gosline.

1 MR. GOSLINE: Mr. Anderson has, after the last time you went against the Staff
2 recommendation on a PDD we have prepared an options paper with conditions. If you'd
3 hand those out, please.

4 CHAIRMAN PALMER: I thought we wanted to see these before?

5 MR. ANDERSON: I know.

6 MR. GOSLINE: Mr. Chairman, the Department's recommendation is denial. If
7 we, you know, do them out ahead of time then we're weakening our arguments.

8 CHAIRMAN PALMER: Can you put these on our packages just as general
9 discussion area or something?

10 MR. GOSLINE: We could.

11 CHAIRMAN PALMER: That's what we need to do in my opinion. Anyone else
12 agree with that?

13 MR. GREEN: I do.

14 MS. LUCIUS: There's too much to read all at one time.

15 CHAIRMAN PALMER: Has the applicant – applicant hasn't been able to see this
16 either have they?

17 MR. GOSLINE: Nope.

18 MS. ALMEIDA: You'd have to read it into the minutes.

19 MR. VAN DINE: So we could not just adopt it as a document? I mean, if we
20 adopt it and part and make it part of the record we don't have to read each and every
21 one of these into the record.

1 MR. GOSLINE: I think that if you're of a mind to approve or recommend
2 approval with conditions then all you would really need to do is take that option and we
3 can get them into the minutes.

4 MS. LINDER: Mr. Chairman, in looking through these conditions there are some
5 requirements that are being made of the applicant and I believe it would just be a matter
6 of fairness that the applicant had a chance to –

7 CHAIRMAN PALMER: Absolutely.

8 MS. LINDER: - read through these to consent to these

9 MR. VAN DINE: Mr. Kinder, I will allow you to look at my copy if you'd like. Can
10 I make a recommendation that we have a temporary deferral of this while you have an
11 opportunity to look it over? The motion is on the floor and we will just hold it for about
12 15 or 20 minutes, go to the next one, give you a chance to look at these and then we'll
13 come back to this as well.

14 MR. MANNING: Well I have some concerns that we've got a motion and second
15 on the floor and this is pretty lengthy and I'm not so sure we shouldn't -

16 CHAIRMAN PALMER: Here's the problem.

17 MS. LUCIUS: Do you think we should withdraw them then?

18 CHAIRMAN PALMER: I want to read those as well and spend some time with
19 them. Thank you, fellows.

20 MR. GOSLINE: Could defer it until next month if you want.

21 CHAIRMAN PALMER: We could, couldn't we?

22 MR. GOSLINE: Uh-huh (affirmative).

1 CHAIRMAN PALMER: But that's the problem. That's the problem. I mean,
2 when we mentioned doing this before I know that we mentioned giving us possible, the
3 possibility occurred that we would send things forward that you guys may or may not
4 recommend approval on.

5 MR. GOSLINE: Right.

6 CHAIRMAN PALMER: And we wanted to have those in our packages for us to
7 look at as things to send forward with those. And this is the same thing that we had
8 occur last time. And we said at that point well it's not fair for us to put stipulations on
9 these things that the applicant nor we have had time to see. Now I don't understand
10 why we didn't get in our package this time and some other section, maybe a different
11 mailing, not even if our package. If you're going to approve this, these are the things
12 that we would like to see.

13 MR. GOSLINE: Well, Mr. Chairman -

14 MR. GREEN: What' I'd like to do, Mr. Chairman. I'd like to – I don't know if it's a
15 motion or Roberts – I don't know how Robert's Rules handles this. I really would like to
16 see us move to the other rezonings so all the folks here that are here for other
17 rezonings we can deal with their matters, then take a 15 minute recess so that the
18 Planning Commission Members could study these and the applicant doesn't have to sit
19 here and in 10 minutes try to absorb it. That will push us back maybe 45 minutes
20 before we can take this back up but I would like to, subject to the agreement of the other
21 Commissioners, to move through the rest of the rezonings, take a 15 minute recess to
22 study this and then reconvene and talk about any issues we want to on process or
23 procedure.

1 MR. VAN DINE: I think that's what I was suggesting and that we do at this point
2 in time was to move forward. And I would tell everybody, I've just perused these real
3 quick. These are nothing that we haven't seen on virtually all of the other ones that
4 have come before us so it's not like it's a great shock. There are a couple that I'm sure
5 will be controversial but these are conditions which are generally imposed on
6 [inaudible].

7 CHAIRMAN PALMER: I believe someone will need to make a substitute motion
8 to –

9 MR. MANNING: I've got a problem with that though and I understand that a lot of
10 these conditions are typical stipulations but we had a very simple motion and a second
11 with three stipulations and the others would normally be a part of that motion anyway.

12 MR. VANDINE: [Inaudible] motion pending on the floor and we can bring up
13 whatever we want to at this stage.

14 CHAIRMAN PALMER: Would someone care to make a substitute motion to
15 defer to the end of our agenda?

16 MR. GREEN: I would move to defer it to the end of our agenda.

17 MR. GOSLINE: The end of the agenda or the end of the zoning agenda?

18 MR. GREEN: This portion of the agenda.

19 MR. VAN DINE: Second.

20 CHAIRMAN PALMER: We have a motion and a second to move this case
21 number to the end of the zoning agenda, Case number 06-12 MA to the end of the new
22 business.

1 MR. GREEN: And if we could have maybe four, five more copies of that run
2 before then. We'll get some additional copies run.

3 CHAIRMAN PALMER: All those in favor please signify by raising your hand. All
4 those opposed.

5 *[Approved: Anderson, Lucius, Furgess, Palmer, Van Dine, Green, Manning, McBride;*
6 *Absent: Brawley]*

7 CHAIRMAN PALMER: All right. Case No. 06-13 MA. Mr. Gosline.

8 **CASE NO. 06-13 MA:**

9 MR. GOSLINE: Mr. Chairman, Members, this is a request of the Sunshine
10 House to rezone a 3.6 acre parcel from RU to OI office institutional across from the
11 Bickley Road Elementary School. The Sunshine House is basically early education.
12 There are two members here to speak if you would so desire. Staff recommends
13 approval.

14 CHAIRMAN PALMER: Anyone need to hear from members of the Sunshine
15 House? They're not signed up to speak but –

16 MS. LUCIUS: I was just curious about the 3.6 acres. I imagine there's a
17 minimum required for a daycare isn't it for playgrounds and all that.

18 MR. GOSLINE: Well the minimum to change zoning is two acres so this is –

19 MS. LUCIUS: Oh, well I meant, I meant for an early education center.

20 MR. GOSLINE: Well –

21 MR. GREEN: I'm guessing it's the size of the piece of property they can buy.

22 MS. LUCIUS: Okay.

1 MR. GOSLINE: They have representatives here from the Sunshine House if you

2 —

3 MS. LUCIUS: I would like to make, you know, make a motion if I can.

4 CHAIRMAN PALMER: Absolutely.

5 MS. LUCIUS: I don't have any problems with this. It seems like a good use for
6 that particular piece of land. So I would make a motion that we send this forward to
7 Council with a recommendation of approval.

8 MR. MCBRIDE: I'll second.

9 CHAIRMAN PALMER: We have a motion and a second to send Case No. 06-13
10 MA forward to Council with a recommendation of approval. Any other comments?

11 MR. VAN DINE: The photograph and the zoning map seem to have different
12 shapes. Which is the correct lot?

13 MS. LUCIUS: Oh yeah, they do.

14 MR. GOSLINE: I'm sorry. The zoning map — I'm sorry. On page 55 you're
15 talking about?

16 MR. GREEN: Yeah, correct.

17 MR. VAN DINE: Fifty-four and 55 seem to have different -

18 MR. GOSLINE: That's the shape that comes up on the parcel file.

19 MR. VAN DINE: Okay. Not that it makes that much difference but there's a
20 whole lot more road frontage on one than the other. Okay. So what we're voting on
21 then is what's on page 55, in essence? All right. Thank you.

22 CHAIRMAN PALMER: Any other discussion? All those in favor please signify by
23 raising your hand.

1 [Approved: Anderson, Lucius, Furgess, Palmer, Van Dine, Green, Manning, McBride;
2 Absent: Brawley]

3 CHAIRMAN PALMER: None opposed. Thank you. Case No. 06-14 MA.

4 **CASE NO. 06-14 MA:**

5 MR. GOSLINE: Mr. Chairman, Members, this is a request by Mr. Sam Agee to
6 rezone a parcel of – a 5.6 acre parcel of land basically at the southwest quadrant of I-77
7 and Two Notch Road from RU to GC for a hotel. Staff recommends approval.

8 MR. VAN DINE: Access to that point is down that frontage road?

9 MR. GOSLINE: Yes.

10 MR. VAN DINE: No other access?

11 MR. GOSLINE: No.

12 CHAIRMAN PALMER: Frank Isaac.

13 **TESTIMONY OF FRANK ISAAC:**

14 MR. ISAAC: My name is Frank Isaac, 111 Stonemark Lane, Columbia, South
15 Carolina.

16 CHAIRMAN PALMER: Do you have anything you'd like to add?

17 MR. ISAAC: Any questions that you may have.

18 CHAIRMAN PALMER: Do you have a particular hotel in mind already?

19 MR. ISAAC: We're looking at something that's a limited service hotel about 90 to
20 95 rooms in the genre of a Hampton Inn or similar product.

21 CHAIRMAN PALMER: Okay. There's no one else signed up to speak?

22 MR. VAN DINE: Mr. Chairman, I make a motion we send this forward with a
23 recommendation of approval.

1 MR. FURGESS: I second.

2 CHAIRMAN PALMER: We have a motion and a second to send Case No. 06-14
3 MA forward to Council with a recommendation of approval. Any other comments? All
4 those in favor please signify by raising your hand.

5 *[Approved: Anderson, Lucius, Furgess, Palmer, Van Dine, Green, Manning, McBride;*
6 *Absent: Brawley]*

7 CHAIRMAN PALMER: None opposed.

8 MS. LUCIUS: Mr. Gosline, you're finally going to get your hotel at the
9 interchange.

10 CHAIRMAN PALMER: Somebody who can rival the Ramada on the Carolina
11 game nights.

12 MR. VAN DINE: There you go.

13 CHAIRMAN PALMER: Case No. 06-15 MA.

14 **CASE NO. 06-15 MA:**

15 MR. GOSLINE: Mr. Chairman, Members, this is a request by Otha Gipson to
16 rezone a .9 acre parcel from RM-HD to OI for expansion of a day care center. This is
17 located, backs up to the Decker Boulevard commercial area. Staff recommends
18 approval.

19 CHAIRMAN PALMER: Ms. Gipson?

20 **TESTIMONY OF OTHA GIPSON:**

21 MS. GIPSON: My name is Otha Gipson. I am the applicant for that property.

22 CHAIRMAN PALMER: Do you have anything that you'd like to add?

23 MS. GIPSON: No.

1 CHAIRMAN PALMER: Okay. Thank you. No one else is signed up to speak for
2 or against.

3 MR. VAN DINE: Mr. Chairman, I'll make a motion we send this forward with a
4 recommendation of approval.

5 MR. MCBRIDE: Second.

6 CHAIRMAN PALMER: We have a motion and a second to send Case No. 06-15
7 MA forward to Council with a recommendation of approval. All those in favor please
8 signify by raising your hand.

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

11 CHAIRMAN PALMER: I'm glad we're in such agreement up here.

12 MR. VAN DINE: Ms. Gipson. What that means is that we have recommended to
13 go to County Council to recommend approval of your request. County Council will have
14 the last say of whether it's approved or not. So April 25th will be their first meeting on
15 your request.

16 CHAIRMAN PALMER: At 7:00 o'clock right here. Case No. 06-16 MA.

17 **CASE NO. 06-16 MA:**

18 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone a 2.2 acre
19 parcel at the corner Monticello Road and Montgomery Road from RU to RC. Staff
20 recommends approval. This is our first legitimate –

21 MR. GREEN: This is our first rural commercial rezoning request under the new
22 code.

23 MR. GOSLINE: It's the first legitimate one, yes.

1 MS. LUCIUS: Rural commercial.

2 CHAIRMAN PALMER: Rufine Anderson?

3 **TESTIMONY OF RUFINE ANDERSON:**

4 MS. ANDERSON: I am Rufine Anderson known as the Cedar Creek Area
5 Landowners Association and I think I can [inaudible] my voice for the people in the area
6 that where the zoning to take place for a general store which is very, very much needed
7 in our area. We have to go miles and miles to get even a pop, soda pop, loaf of bread
8 or something or anything that we needed in the household. Anyway I'm here on the
9 behalf of this general store taking place and the rezoning of it to be effective in our area
10 which is very, very much needed. And I wouldn't be here if I thought it would be
11 something that we would be ashamed of. It's something that the whole community
12 would be proud of and I beg and ask you to please consider it that we may have such a
13 store in our area. Thank you.

14 CHAIRMAN PALMER: Thank you. Jim Hartin?

15 **TESTIMONY OF JIM HARTIN:**

16 MR. HARTIN: Thank you very much. My name is Jim Hartin. I live at 149
17 Montgomery Road which is the road which goes beside – excuse me, this proposed
18 store and I'm going to be speaking for a few moments on behalf of five families, most of
19 whom are seated here just in the interest of time. I had the opportunity of meeting with
20 Mr. and Mrs. Hobgood yesterday. Had a very warm, cordial meeting with them and I
21 understand there will be those speaking on behalf of the store. We have some
22 difficulties with it and I think those who are speaking on behalf of the store don't live
23 near it. They live beyond it, not in the vicinity. My main concerns are this store has

1 been there for a long, long time. I know of three prior owners all of which the problem's
2 been the same. Montgomery Road is a dead-end road. Normally after work when
3 people do stop by this store beer is purchased, other items are purchased, they drive to
4 the end of this road which we live on, have their parties, coming back out we have to
5 deal with the beer cans, all of the debris that's left over from their gathering at the end.
6 This is a concern not only from the litter standpoint but from the standpoint of those who
7 walk up and down this road, my wife being one who uses this in the afternoons to
8 exercise by walking. He had the opportunity of coming to the Cedar Creek Landowners
9 Association for some time now to present this so that we might understand it better.
10 That was not done. To my knowledge no blueprints for this store, we don't know what
11 it's going to look like, how large it's going to be, what it's going to entail. He mentioned
12 to me that he would not start out by selling beer which would be a big help. But in all
13 honesty he did say that after six months or a year if he saw that it was not profitable
14 then he would sell the beer. Knowing personally the three prior owners of this store,
15 each one of them had informed me that there is no way you're going to run a country
16 store like this without the sale of beer. That's where the profit is. So I am sure that that
17 will transpire either six months or a year down the road. So, you know, on behalf of
18 those people who live up and down Montgomery Road as well as Monticello, you know,
19 we just ask for your consideration in this. The three previous owners have had no
20 success in controlling this. There is a store within a couple of miles, Sharpe's 66 station
21 which does sell gas, does sell drinks. So you do have an option. We don't. We have to
22 clean up all the debris off of this store so we are pretty much all, you know, against this
23 idea. I thank you.

1 CHAIRMAN PALMER: Douglas Fable?

2 **TESTIMONY OF DOUGLAS FABLE:**

3 MR. FABLE: My name is Doug Fable. I live at 1217 Hennant Store Road which
4 is about three and a half, four miles north of the location of Mr. Hobgood's proposed
5 store. So I understand that you folks have asked about whether there's a need for such
6 a store in our area. I think you should understand that there is no place to buy gasoline
7 or food items along Monticello Road, Highway 215 from where I-20 intersects in the
8 Columbia area all the way out to Jenkinsville which is about 22 miles. So that's a large
9 area that's unserved by retail or gasoline. We certainly would, speaking for my family,
10 we certainly would take advantage of being able to buy gas or a loaf of bread or
11 whatever. I know when my son lived at home in more than one instance he ran out of
12 gas between our house and Columbia so that would be a big help. I would also like to
13 say that I've known Mr. Hobgood for about 25, 30 years. I know him to be an honorable
14 gentleman and I think that he would run a good store as far as he could help it, you
15 know, with no problems like Mr. Hartin was mentioning. Thank you.

16 CHAIRMAN PALMER: Thank you. Herbert Hobgood?

17 **TESTIMONY OF HERBERT HOBGOOD:**

18 MR. HOBGOOD: Yes, sir. My name's Herbert Hobgood and my wife and I
19 Gloria are the applicants. We're trying to put a community type country store at this
20 site. It has had a store on it for many, many years that had served the community for a
21 long time and I can't speak for the gentleman that ran it before. I know that how you
22 manage something has a lot to do with how things operate and like Mr. Fable said, we
23 try to be honorable people and I did make a commitment to a lot of the people that

1 would support us that we would not start out selling beer. Three of those, two of those
2 three country stores that he talked about did not sell beer and they survived for over 30
3 years. Now I'm not going to say that I've got to sell beer to make a living. I drink a beer
4 myself every now and then but I don't make a habit out of it and a lot of the people that I
5 spoke to going out trying to get names to sign a petition and Lord I done blew it already.
6 I got stuff here for ya'll to read if you want to. We got 189 people in the community that
7 wanted this store because of the needs that this lady talked about. We want to have a
8 small assortment of groceries and just staples. If somebody needs a headache pill
9 they've got to go seven miles over to the S&S near Blythewood to get it or either go
10 down towards I-20 or go to Jenkinsville. And there's just no facility out in our community
11 to serve our needs for things like that. And it will be a well-managed store. We'd like to
12 be able to have maybe some fishing tackle and stuff like that. There's people that goes
13 to Lake Monticello all the time, up and down that road and just a service facility more or
14 less that would meet the needs of the community. There's a lot of people that's low-
15 income and fixed incomes out there and when they have to drive 10 miles to get a
16 gallon or milk or something like that somebody's got to put gas in that car. And my wife
17 and I and these ladies sitting back here in the back and there's a lot more people that –
18 I'll tell you what. This grassroots – this thing happened in two days folks, I'm sorry. I do
19 apologize to you all and to Mr. Hartin for not making known what we were trying to do
20 there. I guess I was what they used to say in the 60s, out to lunch. I don't know. I just
21 wasn't thinking about it. I thought there's always been a country store there and the fact
22 that we were going to put a store there ought to be accepted by the community. But I
23 was wrong and I apologize for not going to the Cedar Creek Landowners Association

1 and telling them well in advance what our plans were. But simply what we want to do is
2 put a convenience store out there that would serve the neighbors and the community.
3 Gasoline would be one of the things and what I'm hearing about running a convenience
4 store, and I never have run one, but beer and gas are not your big money makers.
5 That's what gets people in. So I'm not worried about selling beer to be honest about it.
6 For every person that stops and buys beer there's probably three people that go down
7 the road because they're scared they might be assaulted there with people hanging
8 around. And we're not going to have people just hanging around and being a nuisance.
9 We want it so that you can bring your wife or your family or your children or
10 grandchildren can come in that store and not see any pornography or anything that
11 would be obscene. It's going to be – if ya'll agree to it we can do it. It'll be a clean,
12 healthy place for anybody to be proud to go in and get something to eat, drink or
13 whatever and anyway. I did do a little efforts in trying to get to the people that's closest
14 to the store. I think I need to hand these out to y'all. I'm sorry. I don't want to eat all
15 your time up. I know that everybody's tired and wants to go home. [Inaudible].
16 Basically, I'm not a politician but I talked to these ladies back up here and a few other
17 people in our community.

18 CHAIRMAN PALMER: If you could go back to the podium to speak because
19 we're recording things.

20 MR. HOBGOOD: Sure.

21 CHAIRMAN PALMER: That will help our transcriber out quite a bit. If you could
22 wrap it up for us I'd appreciate it.

1 MR. HOBGOOD: I'll wrap it up real quick, sir. I can assure the people that
2 oppose this that if it is passed it'll be a well-managed, clean facility that will meet the
3 needs of the community and they won't be ashamed of it and I hope you'll take the
4 recommendations that these people made that it be accepted.

5 CHAIRMAN PALMER: Thank you.

6 MR. HOBGOOD: Yes, sir.

7 CHAIRMAN PALMER: Any other comments or questions from the Commission?
8 That's all that signed up to speak.

9 MR. MCBRIDE: Based on Mr. Hobgood's conversation he seems to be a very
10 great politician to me. I recommend approval.

11 CHAIRMAN PALMER: We have a motion; do we have a second?

12 MR. FURGESS: I second it.

13 CHAIRMAN PALMER: We have a motion and a second to send Case No. 06-16
14 MA forward to Council with a recommendation of approval. All those in favor please
15 signify by raising your hand.

16 *[Approved: Anderson, Lucius, Furgess, Palmer, Van Dine, Green, Manning, McBride;*
17 *Absent: Brawley]*

18 CHAIRMAN PALMER: None opposed.

19 MS. LUCIUS: Mr. Chairman. I just want to add that it is not without recognizing
20 the problem of litter that comes with convenience stores. I know, we pick it up out of our
21 front yard all the time. I don't know we to control it. There's no way to control personal
22 behavior. There are just going to be people that are going to throw their beer cans out.

23 CHAIRMAN PALMER: That was my thoughts too.

1 MS. LUCIUS: But I wish we did have a way to control it, you know.

2 CHAIRMAN PALMER: I agree.

3 MS. LUCIUS: But I don't know what that is.

4 CHAIRMAN PALMER: That's my thought. This was a zoning issue and that's an
5 enforcement issue – two separate issues and the Police Department, whoever the local
6 Police Department needs to be informed of what's going on out there and if they don't
7 handle it then there's always the voting process to change who handles those issues for
8 you. Whether it's the sheriff or whoever's elected out there. I appreciate it. But as you
9 know as well this will go forward to Council on the 25th at 7:00 o'clock, these same
10 chambers. You'll need to be back here on the 25th of April at 7:00 o'clock to make your
11 case to the County Council members who have the final say. Thank you.

12 MR. GREEN: Mr. Chairman, if we could take a – is that all of the rezoning
13 agenda?

14 CHAIRMAN PALMER: It's all.

15 MR. GREEN: I'd just love to have about a 10 minute break just so I can read
16 through this and see what else, or thoughts we might have prior to reconvening.

17 CHAIRMAN PALMER: We'll take a 15 minute break.

18 *[Recess]*

19 CHAIRMAN PALMER: Case No. 06-12 MA. Mr. Kinder, your comments on the
20 – this proposed conditions.

21 MR. KINDER: Commissioners, we have met and we've got a couple of technical
22 questions that my civil engineer and my traffic engineer would like to address but
23 philosophically we are in total agreement with these conditions and we have no problem

1 with them being appended or added to our recommendation of approval but there are
2 some questions that go beyond my technical expertise that I'd like to have Dan Dennis
3 address. Those are items N, O, and P and then I'd like for Dan Creed to address items
4 S and T and if they and ya'll are happy with the outcome of that discussion then we're
5 fine. So I guess if you could invite Dan Dennis to come up first.

6 CHAIRMAN PALMER: Mr. Dennis.

7 MR. DENNIS: Thank you, again. Let's look at item on page 2, item M as in
8 Mike. That's obviously okay. Mr. Kinder has mentioned he would limit the access to
9 two intersections on Langford Road in lieu of the one at the [inaudible] Blythewood town
10 limits. On item N as in November, from what I understand after reading that item that is
11 requiring deceleration lanes at Langford and Rimer Pond on DOT right-of-way, not
12 [inaudible] *per se* in the developer's entrance road; is that correct?

13 MR. GOSLINE: That's correct.

14 MR. DENNIS: Okay. And this comes up quite a bit. Carl and I have this
15 discussion quite frequently. I don't know legally if the question has been resolved can
16 the county in fact require something on property it does not own. Mr. Kinder will have to
17 submit a traffic management plan, probably the same one that we submitted to the
18 county for when he applies for his encroachment permits for the two access points on
19 Langford and the one on Rimer Pond. At that point in time the DOT District One will
20 determine what in fact is necessary whether it be a signal, a turning lane or no
21 improvements whatsoever. So it's, in my opinion, items N and O should be best left up
22 to the DOT to decide. And on item P that is no longer an issue since Mr. Kinder offered
23 to remove the entrance closest to Wilson Boulevard. And I would like to add that the

1 traffic that we did analyze for Coopers Pond did assume the 2011 build out and a five
2 percent growth rate along Rimer Pond Road and we still feel that that intersection in
3 2011 with the new signal will operate at a level of service C which is within the county's
4 regulations as acceptable.

5 CHAIRMAN PALMER: Thank you.

6 MR. DENNIS: Thank you.

7 MR. CREED: Good afternoon. I'm Dan Creed with Heritage Engineering. I'd
8 like to speak briefly on items S and T. Briefly on item S it's really just a minor wording
9 issue. I believe that instead of saying that we need written FEMA approval of the 100
10 year flood elevation statement perhaps it would be better worded that we had written
11 FEMA approval if required for improvements in FEMA floodplains which are zoned Zone
12 A, that kind of thing. I'm not sure frankly what a flood elevation statement would be that
13 FEMA would have a written response for. Certainly if we need to do a FEMA flood
14 study we certainly will and I'm sure that we probably will for the crossing to come out to
15 Rimer Pond Road.

16 MR. GREEN: Mr. Creed, could you just repeat your suggested rewording for me,
17 please?

18 MR. CREED: Yes, sir. The Department shall receive written FEMA approval if
19 required for improvements within FEMA regulated floodways and floodplains.

20 MR. GREEN: Thank you.

21 MR. CREED: Item T is, are items which are taken out of the low impact
22 development "manual" if you will. Our concern here is that there is not the ordinance
23 and the Public Works ability to back these improvements up. Certainly you have a copy

1 of an email from Ken Simmons stating that it is the intent of the team to utilize low
2 impact development and that is certainly the case. For instance item 1 [inaudible]
3 rainfall is actually in the ordinance driven by a watershed area. Item 2, and this is the
4 sneaky one, pre and post construction hydrographs must be equal for the two-year, 24-
5 hour storm event. What that's really saying is is that you cannot discharge any more
6 volume than is what is coming off the site now. Not rate but volume. Well the water's
7 going to have to go somewhere and typically it's going to infiltrate in the ground and
8 typically in low impact development developments this would be done in water gardens
9 and smaller [inaudible] retention areas that might be placed every third lot or every
10 fourth lot. But I don't think the county's ready for this yet because the county's certainly
11 not in a position to maintain these. With that not being the case then our only other
12 option is to construct a large infiltration basin to handle all the water and that's really
13 getting away from what we want to do with LID. What we'd like to do is get the water off
14 the road, utilize the buffer that we have to clean it up and instead of having to deal with
15 42" pipes, we're dealing with 18" pipes or 15" pipes coming off the road in little pieces if
16 you will are going to many drainage [inaudible] we've got on the site. I would prefer if
17 it's possible that we commit to using the LID where possible, you know, with the
18 concurrence of Planning and Public Works Staff.

19 MR. VAN DINE: So in essence saying working towards LID but not necessarily
20 have the specific set out requirements that are here?

21 MR. CREED: That's correct. Just stay with the intent or the spirit and not the
22 letter of wherever this ordinance was taken.

1 CHAIRMAN PALMER: So we're just taking T out and putting in a general
2 statement where it [inaudible].

3 MR. VAN DINE: All right. Can I ask you to go back one? I'm not sure I got the
4 language but I just want to see if this is what you were saying in S. The Department
5 shall receive the written FEMA approval if required for approval of improvements in the
6 100 year flood elevations, statement prior, etc.

7 MR. CREED: In the 100 year floodway or flood plain and flood elevation
8 statement would be stricken.

9 MR. VAN DINE: Wouldn't it be just leaving it 100 year flood elevation statement?
10 Wouldn't that cover both?

11 MR. CREED: The 100 year flood elevation statement I take to be a certification
12 by me or a surveyor that there are no, that there are no improvements in the 100 year
13 flood plain or that, you know, that all the improvements are two feet above.

14 MR. VAN DINE: So you going to add the 100 year flood plain or floodway?

15 MR. CREED: Yes.

16 MR. VAN DINE: Okay. All right. Thank you.

17 MR. CREED: Thank you.

18 CHAIRMAN PALMER: Carl, did you have something to say?

19 MR. GOSLINE: Yes, sir. Big surprise, huh? The one – let's see which one was
20 it now. The issue as Dan Dennis mentioned – there's this issue about authority for
21 issuing basically encroachment permits and so on. But let me – if you'll look at page 27
22 of your Staff Report and let me just read it. "Section (2)(A)(3) of the SCDOT access and
23 roadside management standards documents states, the Department", meaning SCDOT

1 “shall not issue a permit for encroachment that meets local standards but violates the
2 provisions of their standards. Similarly the Department’s issuing of an encroachment
3 permit does not relieve the applicant of the need to comply with local requirements even
4 if more restrictive.” We take that language to mean that we can require or at least
5 suggest – DOT obviously would have the final authority within their right-of-way but we
6 can certainly require it if they and then if they don’t want to do it that’s a different issue.
7 So the long and short of it is I don’t know that, I guess this is O or N, is worth arguing
8 about or discussing. I would like to talk about T, the suggestion in T. We’ve had a lot of
9 discussions about LID and it’s, you know, and there’s certainly benefits and Clif and Ken
10 have, you know, agreed that they’re going to do these things and that’s fine. But when
11 you’re talking about an ordinance we feel like you need to be fairly specific and if we
12 want to argue a little bit about taking out two or something like, you know, T-2, eh. But
13 the issue here is we chose this language specifically to be, to get toward the “LID
14 concepts” without identifying as specific as possible. They’re right that current
15 ordinance isn’t in place. All the more reason why we feel like we need some fairly
16 specific language here because through the PDD we can if you want encourage or
17 enforce, whatever verb you want, this to happen before the county ordinance gets
18 changed. It might take a long time for that to happen. And the Public Works folks are
19 not crazy about the whole thing to start with so it’s going to take a lot of discussion. So
20 anyway whatever the specific language in here that would appropriate is we feel needs
21 to be in this code, not just dumping it. I’m talking about T.

1 MR. VAN DINE: I was going to suggest that T be the applicant shall be required
2 to ensure both the volume and quality of the discharges be it a combination of
3 acceptable LID technology and leave it at that.

4 MR. GOSLINE: Well you could do that.

5 MR. VAN DINE: Because that way it's requiring you to look at the LID
6 technologies and you're accomplishing the same thing but you're not hamstringing
7 anybody if something were to show up later on that means you couldn't comply with it.

8 MR. GOSLINE: I don't have, I mean, I don't think we have any problem with that.
9 We were trying not to be that specific because there are other technologies available.
10 What we were looking for here, of course, is the end result and the end result being to
11 manage the quantity and quality of coming off the site. Dan is right. I mean, the
12 wetlands are going to help a lot.

13 MR. VAN DINE: If you're worried about it limiting it only to LID you could say any
14 combination acceptable LID or other technologies.

15 MR. GOSLINE: That's fine, too.

16 MR. VAN DINE: Then you've opened it up to more technologies than just the LID
17 in areas that you can't deal with.

18 MR. GOSLINE: That's okay. That's fine.

19 MR. VAN DINE: Okay.

20 CHAIRMAN PALMER: I think what you have here is an issue of mistrust
21 between the development community and the Staff and the Staff and the development
22 community.

1 MR. GOSLINE: No. It's not that. We have an ordinance. Mr. Chairman, we
2 have – an ordinance needs to be clear to be enforced.

3 CHAIRMAN PALMER: I understand.

4 MR. KINDER: Mr. Commissioners, Mrs. Commissioner, we don't have any
5 problem with the intent but if the ordinance – if this PDD is adopted the way I read and
6 the way my consultants read T then we have immediately created a conflict with your
7 county Department of Public Works who don't buy into a lot of these LID techniques.
8 So if you pass a PUD or PDD that requires us to do LID things and Public Works
9 doesn't recognize those LID things we're in a big mess then.

10 MR. VAN DINE: And I think by putting the words "or other technologies".

11 MR. KINDER: That's perfectly acceptable. We have no problem with that.

12 MR. VAN DINE: All right. So that I can put some language on N and O. It
13 sounds to me like DOT has the final say but I think what I'm hearing Staff say is they
14 would request that it at least be submitted to DOT with these on it and then DOT has
15 the final say.

16 MR. GOSLINE: That's correct.

17 MR. KINDER: That is okay. We're recognizing that DOT may or may not want
18 that or something totally different out of us.

19 MR. SIMMONS: Mr. Van Dine, if I could ask a question. Mr. Kinder's hired a
20 traffic expert.

21 CHAIRMAN PALMER: Could you come down to the podium for us, please?

22 MR. SIMMONS: I raise this question not addressing this one issue but maybe to
23 help ya'll out. This developer's hired a traffic expert whose full-time job is analyzing

1 traffic. Shouldn't we at least take into consideration his recommendations on this rather
2 than doing whatever you think? Why are we paying in this case \$10,000 to an expert
3 and then not taking his recommendations? That's my only comment.

4 MR. VAN DINE: I think what I'm hearing in response is I'm hearing that the Staff
5 has read the report but has other ideas that they wish to have in the plans and as with
6 any expert and I know that I deal with in my field all the time, one side agrees with them
7 most of the time and the other side doesn't. It's sort of the nature of the business. So
8 what I would propose and see if this is acceptable in both N and O instead of saying
9 install, say the applicant shall submit plans to DOT with right turn deceleration lanes,
10 etc., etc. The applicant shall submit plans to DOT with left turn lanes, etc., etc.

11 MR. KINDER: That's acceptable.

12 MR. VAN DINE: Mr. Gosline.

13 MR. GOSLINE: They will have to do – they will as Dan Dennis said, when they
14 go in for their encroachment permit they're going to have to submit a copy of the traffic
15 management plan to get it so.

16 MR. VAN DINE: What you've got is their management plan and this and if DOT
17 doesn't agree with it then DOT does what it's going to do.

18 MR. GOSLINE: What's the wording again for –

19 MR. VAN DINE: Submit to DOT, submit plans to DOT with right turn, etc., etc.
20 and then the next one has the same language inserted instead of the word install.

21 CHAIRMAN PALMER: Sir?

22 MR. DENNIS: Thank you. I would suggest that maybe you not word it as the
23 applicant would show the turning lanes because of course the DOT, you know, I think

1 the DOT would need the opportunity to read the report and make their own
2 determination of whether it's necessary or not. Just like, you know, they may require a
3 signal there. I mean, and, you know, a signal is \$100 - \$150,000 cost. I don't know
4 what they're going to require once they read this report and I don't know when the
5 encroachment permit will be submitted. I would just say that, you know, the developer
6 will submit an encroachment permit and comply with SCDOT's requirements.

7 MR. VAN DINE: And I think the problem with that is the Staff has a problem with
8 – they want to have some input into what is going in there besides just submitting
9 something. And they want to be able to initially take the first step. If that's rejected as
10 being unworkable by DOT then that's rejected by DOT and there's nothing that can be
11 done about it. But what I'm hearing is and as a compromise between the two as
12 opposed to requiring the installation of them at least submitting the plans and show that
13 they are there and then DOT makes its choice.

14 MR. DENNIS: Okay. And one thing to just let you know on other projects Carl
15 and I are hoping to meet with the DOT to go over these traffic management plans with
16 them so that they're not – so that they're aware of what's going on and what's headed
17 their way.

18 MR. VAN DINE: In light of the discussion I'm going to amend my motion to
19 incorporate the conditions that are set forth on this handout, incorporate that into the
20 motion. Now there is one additional one that we need to make and that is under B.
21 Under B on page one. B as in boy. Option B, bullet B. It's [inaudible] 775 dwelling
22 units but it says depicted in attachment B. In light of some of the other conditions which
23 are changing the alignment and the entrances to the roads attachment B is going to be

1 different from what is actually presented at this point because they're agreeing to
2 change the road entrances off of Langford Road.

3 MR. GOSLINE: Yeah. I understand your point, Mr. Van Dine.

4 MR. VAN DINE: And all I'm saying –

5 MR. GOSLINE: This issue B, BB if you will talks about the number of dwelling
6 units only.

7 MR. VAN DINE: But you [inaudible] and locations depicted in attachment B.

8 MR. GOSLINE: Well, yes.

9 MR. VAN DINE: If they make a change to the road entrance that by itself is
10 going to necessarily mean one or two spots are going to change. I don't want them to
11 get locked into that. So what I have proposed after it says attachment B or as modified.

12 MR. GOSLINE: Well they have already agreed to not go through the Town of
13 Blythewood so they're going to have to revise attachment B which is the master plan.

14 MR. GREEN: That's exactly why he made the motion the way he did.

15 MR. VAN DINE: Or as modified. Then N and O would be as we suggested to
16 say the applicant shall submit plans to DOT with right turn deceleration lanes at
17 Langford Road entrance, etc. and O would be the applicant shall submit the plans to
18 DOT with left turn lanes at Rimer Pond, etc. Eliminate point P because that entrance
19 has been moved.

20 MR. GOSLINE: Yes.

21 MR. VAN DINE: Change S to read the Department shall receive the written
22 FEMA approval if required for approval of improvements in the 100 year flood plain and
23 floodway prior to approval, etc. T is modified to eliminate the sub points 1, 2, 3 and 4. It

1 will now read the applicant shall be required to ensure both the volume and quality of
2 the discharge as via any combination of acceptable LID or other technology. D, which
3 are the other conditions that we had discussed before just to reiterate them would be
4 that they are going to eliminate the road entrance out to the Town of Blythewood
5 property. They are going to dedicate open space where that road would have come out
6 and the third condition would be that they are moving that particular entrance further
7 down on Langford Road so that there would still be two entrances off of Langford Road.
8 With that, that is the entire motion to send it forward with a recommendation of approval.

9 CHAIRMAN PALMER: May I make one suggestion? That we give Legal Staff
10 the ability to delete areas that are repetitive as well as –

11 MR. VAN DINE: If they're repetitive I don't have a problem deleting them.

12 CHAIRMAN PALMER: As well as tweak things in a legal format or mode.

13 MS. LINDER: For example condition A is not relevant. Condition H is redundant.
14 Conditions W and X are redundant.

15 MR. VAN DINE: Those are just stating what's in the code and –

16 MS. LINDER: That's correct.

17 MR. VAN DINE: - I don't have a problem with raising them or highlighting them
18 for people to know that they have to look at those things in the code. I mean, those
19 redundancies I don't have a problem with leaving in because it's highlighting for people
20 what they need to be looking at. I'm not sure why A is not relevant. It's simply because
21 it's required by the – you're saying it's required by § 26-59?

22 MS. LINDER: It's not.

23 MR. VAN DINE: It is not required by 26-59?

1 MS. LINDER: That's correct.

2 CHAIRMAN PALMER: What if you say that she's able to bring things into a legal
3 format?

4 MR. VAN DINE: That's fine.

5 CHAIRMAN PALMER: Okay.

6 MR. VAN DINE: That's fine.

7 CHAIRMAN PALMER: We have a motion on the floor. Do we have a second?

8 MR. GREEN: I second it.

9 MR. VAN DINE: Which I'd like Mr. Palmer to restate. [Laughter]

10 CHAIRMAN PALMER: I was fixing to say do we have all that down? There's no
11 reason to restate everybody's got everything they need.

12 MR. VAN DINE: Yes, great.

13 MR. GREEN: The transcript if nothing else.

14 CHAIRMAN PALMER: Great. All those in favor please signify by raising your
15 hand. All those opposed?

16 *[Approved: Anderson, Furgess, Palmer, Van Dine, Green, Manning, McBride;*
17 *Opposed: Lucius; Absent: Brawley]*

18 MS. LUCIUS: Just on principle because I still think it's just too many homes but
19 other than that I think it's a beautiful plan.

20 MR. KINDER: Thank you, ma'am.

21 MS. LUCIUS: You're welcome.

22 MR. GOSLINE: Mr. Chairman, who seconded the motion?

23 MR. VAN DINE: Mr. Green.

1 CHAIRMAN PALMER: Text amendments. We've got three agendas up here;
2 which one do we use? We don't even have the comprehensive plan update on that
3 one.

4 MS. ALMEIDA: Before you there are two text amendments. One is - on the top
5 left hand corner the word "Draft" and the other should say "Alternative Draft." The
6 alternative draft, if you'd like to look at that first, that was wording that has been put
7 together with comments from Planning Commissioners on the wording of floodplain.
8 I've worked with Mr. Palmer and I believe that we have tried to encompass everything
9 that was requested.

10 CHAIRMAN PALMER: If I could ask legal a question. Sending one of two of
11 these forward to Council – since they are both submitted to us do we need to take a
12 proper vote on both or by voting positively on one would then in essence make the other
13 not acceptable. In other words these two are in conflict with each other in some areas
14 so by sending one forward the other can't be sent forward. You see what I'm saying?

15 MS. LINDER: My opinion would be that you make your recommendation on
16 which version, either of these versions, if you want to amend a version one or the other,
17 that that would be your recommendation that goes forward. I think at the same time
18 Staff would have the discretion if they had any recommendations that differed or that
19 altered what the Planning Commission recommended that they also bring that to
20 Council's attention when it goes forward to the zoning public hearing. So in other words
21 I would recommend that you, the Planning Commission put forward your
22 recommendation.

1 MR. GREEN: What if we vote on one and vote to table the other? Are we
2 permitted to do so?

3 MS. LINDER: I don't think that that would necessarily negate - bringing forward
4 your recommendation, at the same time Staff would attach their comments to whatever
5 your recommendation is. In other words if you wanted to vote on one and table the
6 other I feel like Staff would still be in a position of making their comments on the one
7 that is going forward.

8 MR. GREEN: That's fine. I don't want to send two motions.

9 MR. VAN DINE: But we have to, we have to make a recommendation or take
10 some action on both of these. We cannot simply say I vote on this one and leave the
11 other one alone. Because these are proposed as alternative documents, alternative
12 recommendations for this Body and we can't just toss one. We have to take an action
13 on both of them in some form or fashion.

14 MS. LINDER: On your agenda there's just floodplain language. It's just as a
15 singular issue.

16 MR. MANNING: Howard, the way I understood it is we could take one or the
17 other or a combination thereof. I don't think that -

18 MR. VAN DINE: But I think you have to make a recommendation of some kind.
19 It maybe that you don't want one and you want the other but I think you have to make a
20 recommendation of some kind on both of the proposed that are before us.

21 MR. MANNING: Well the way it - excuse me, Gene. We asked Staff to bring
22 forth recommendations, you know, the language that we wanted and now we've got two

1 sets of language. And I think we ought to look at what we asked them to send up, make
2 a decision if that's what we want. If it's not then we go on to something else.

3 MS. ALMEIDA: Well maybe we should go over both text amendments, the pros
4 and cons and review it.

5 MS. LUCIUS: Are they different?

6 MS. ALMEIDA: They are different.

7 MS. LUCIUS: I'd like to know how they differ.

8 MS. ALMEIDA: Okay. Well I'm going to speak to the draft at this point.

9 MR. VAN DINE: Just so everybody knows, the draft is what you –

10 MS. ALMEIDA: Staff's recommendation.

11 MR. VAN DINE: And the alternative draft is what was requested, the
12 interpretation of what was requested up here.

13 MS. ALMEIDA: Right. And I am not sure whether this meets your request at this
14 point. Okay? Starting out Staff felt that we needed a definition for flood fringe because
15 that was not in the code. Okay? This is a definition from FEMA. This is not a definition
16 that we came up with. This is a definition from FEMA.

17 MR. VAN DINE: Does the term flood fringe show up in our code?

18 MS. ALMEIDA: No.

19 MR. VAN DINE: Why do we have to defined a term if it doesn't, if it's not utilized
20 [inaudible]?

21 MS. ALMEIDA: Because it's going to be coming up in this text. Okay? And the
22 handout that I submitted earlier – the 11 x 17 – explains some of the verbiage and tries
23 to make some sense out of it. What Staff has done – we have taken out the wording of

1 alternative sites - completely deleted that from the code. Okay? The new code would
2 allow the lot to be subdivided in the floodway. Okay? Our recommendation would be
3 that the structure, okay, if there's sufficient buildable area outside of the floodplain that
4 the structure be located outside of the floodplain. However, if there isn't sufficient,
5 sufficient buildable area to place the building on high ground outside the floodplain then
6 you would need to provide a plat generated by a licensed land surveyor that shows the
7 structure location with reference to the scaled 100 year flood plain line per the firm map.
8 Okay? And, of course, provided that the structure's constructed with crawl space or
9 foundation walls that meets the requirements of Section 26-104(D)(1)(b) which is in the
10 code today. Okay? And those you will find on that page and the preceding page one
11 through seven. We then go ahead and add to Section 26-104, sub-paragraph (4) an
12 added sentence where it says, "Best management practices such as a 20' vegetative
13 buffer." And that is to address non point source pollutants. That was recommended by
14 our Natural Resource Department. Under (J), Fill, we deleted "Elevating buildings by
15 other methods must be considered." We added, "If fill is used the applicant shall be
16 required to use a registered engineer to certify that the amount of fill used will not affect
17 the flood storage capacity or adversely affect adjacent properties." The remainder of
18 this verbiage was in the code. We just took out the deletion of elevating buildings and
19 other methods be considered. And I believe Ms. Brenda Carter from our office who
20 heads GIS and does – is the manager for Mr. Harry Reid is here to discuss and go into
21 greater detail any questions that you may have concerning this. I have also – she's
22 provided me with this handout FEMA Agency "Community Rating System" which she
23 heads and there are various comments in here that talk about our rating and other

1 aspects that would affect that rating depending on the wording and the ordinance that
2 gets adopted. So if you have any questions for Ms. Carter she is here.

3 CHAIRMAN PALMER: I have one. Ms. Carter, the language that says – when it
4 discusses fill any change – let’s see here. “However, if fill is used the applicant shall be
5 required to use a registered engineer to certify that the amount of fill will not affect the
6 floor storage capacity.” Will not a bucket of dirt affect the storage capacity?

7 MS. CARTER: Not necessarily.

8 CHAIRMAN PALMER: How is that?

9 MS. CARTER: Because the programs that were used to come up with the
10 amount of fill, they’ve already considered certain amounts of fill in there. So you
11 wouldn’t be – you just have, you have to certify that what you’re going to put in there is
12 not going to make it go above the already projected figure. That’s what we’re looking
13 for.

14 CHAIRMAN PALMER: Is this the same process that you used to calculate fill
15 prior to our new code being enacted?

16 MS. CARTER: Yes. Yeah, pretty much so. It’s just the county engineer.

17 CHAIRMAN PALMER: That’s the same process?

18 MS. CARTER: Yeah. The old language required the county engineer and we’re
19 just saying a licensed engineer.

20 MR. GREEN: The only way I can understand this draft is for you to tell us now
21 what’s different in this draft than in the alternative draft.

22 MS. ALMEIDA: Okay.

23 MR. GREEN: Just explain what the draft changes to our code.

1 MS. ALMEIDA: In the alternative draft?

2 MR. GREEN: No. In the newly proposed alternative draft, what are the
3 substantive differences between the two drafts?

4 MS. ALMEIDA: Okay. Let's take the draft, okay? The way the ordinance is
5 written everything that's not underlined or stricken out –

6 MR. GREEN: Right.

7 MS. ALMEIDA: - okay? Is language that exists in our code today.

8 MR. GREEN: Correct. I knew that.

9 MS. ALMEIDA: Okay. So you want to know the difference between the draft and
10 the alternative draft?

11 MR. GREEN: Correct.

12 MS. ALMEIDA: Okay. Under the alternative draft we're deleting item seven.
13 That's in the code today which talks about alternative sites.

14 MR. GREEN: Gotcha.

15 MS. ALMEIDA: Okay. In the alternative draft just like in our draft in the Staff's
16 version, (A) alternative sites has been deleted.

17 MR. GREEN: Right.

18 MS. ALMEIDA: Okay. Staff inserted applicability with all of these caveats where
19 it was suggested that the Planning Commission would like a New Development. This
20 wording that's underlined right here. "New development in the area, special flood
21 hazards shall minimize disruption to shoreline, stream channels, stream banks and the
22 regulatory floodway." Okay? So instead of the applicability that Staff inserted with all of
23 the different caveats, the Planning Commission has requested to put in this paragraph,

1 New Development. Okay? Both in your version, the alternative version you've
2 requested to delete (J) Fill altogether, where Staff only deleted the section elevating
3 buildings by other methods. Okay? And inserted "If fill is used the applicant shall be
4 required to use a registered engineer to certify that the amount of fill used will not affect
5 the flood storage." Instead the Planning Commission's version under (J) wanted the old
6 language prior to July first. Under Filling on the preceding page, "Elevation on Pilings"
7 and "Flood Proofing," those are all old language, prior to July first. Okay?

8 CHAIRMAN PALMER: Would the staff's language allow elevation on pilings and
9 flood proofing?

10 MS. CARTER: Let's look at it. We didn't take that out; did we? Yes. We didn't
11 take that out, so yeah.

12 MS. ALMEIDA: It could be an option.

13 MS. CARTER: That could be an option. We didn't take it out.

14 CHAIRMAN PALMER: I didn't it see in the –

15 MS. CARTER: I believe it says - no. That's stricken on here. Oh, it's in another
16 portion of the code. Hold on. Do we have that?

17 MR. VAN DINE: Well if it's in another portion of the code it hasn't been modified
18 so it still exists.

19 MS. ALMEIDA: That's correct.

20 MS. CARTER: Correct.

21 MS. ALMEIDA: Under the Staff's -

22 CHAIRMAN PALMER: What other portion of the code is it in?

23 MS. CARTER: Did you find it?

1 MS. LINDER: I think [inaudible] was in 26-104. It deals with elevated buildings.
2 It deals with – there’s a number of requirements for flood proofing.

3 MR. VAN DINE: If I’m reading the language under seven [inaudible] two of the
4 alternative draft it says, “[Inaudible] protection may be accomplished by flood proofing . .
5 ., etc. and meet the requirements set forth in this chapter.” By implication it [inaudible]
6 someplace else in the chapter that flood proofing requirements are set out.

7 MS. LINDER: I believe it’s in Section 26-104. You’ve got specific standards on
8 residential construction; you’ve got non-residential construction; you’ve got foundation
9 protection; you’ve got manufactured homes; you’ve got anchoring; you’re dealing with
10 elevated buildings.

11 MR. VAN DINE: So flood proofing is already taken care of in some other –

12 MS. LINDER: Yes.

13 MR. VAN DINE: - portions? It is still allowed?

14 MS. LINDER: Yes, that’s not, that’s not being amended.

15 MS. ALMEIDA: That’s correct.

16 MR. VAN DINE: Then the language in the alternative draft regarding flood
17 proofing isn’t that superfluous and duplicative?

18 MS. LINDER: It could be.

19 MR. VAN DINE: Because it’s already allowed in some other place?

20 MS. ALMEIDA: Could you repeat that?

21 MR. VAN DINE: Yeah. I mean, if flood proofing shows up in another part of the
22 code –

23 MS. ALMEDIA: Right.

1 MR. VAN DINE: - then the language that's in the alternative draft which talks
2 about flood proofing, I mean, it's duplicative of what's already in some other section of
3 the code. Why would we be adding it here?

4 MS. ALMEIDA: This is the language from the old code. I was asked to put three
5 paragraphs in there.

6 MR. VAN DINE: I understand. I'm just suggesting that if it's already some place
7 else, it's already being handled and not being modified in any way by any changes then
8 there's no reason to add this particular language because it's already there.

9 CHAIRMAN PALMER: Am I reading this correct in the old code that you are not
10 able to have a structure that you live in above the floodplain?

11 MS. CARTER: A structure that you live in above the floodplain?

12 CHAIRMAN PALMER: In other words if I wanted to build a house on pilings in
13 the floodplain, as long as that finished floor is two foot above it could be my living room
14 that's in the floodplain as long as it's two foot above. The way I read this it doesn't say
15 that.

16 MR. MANNING: Patrick, I believe that –

17 MS. CARTER: You're talking in the alternative draft or are you talking in the
18 draft?

19 MS. ALMEIDA: No. In PC.

20 MS. CARTER: Okay.

21 CHAIRMAN PALMER: I'm taling in your and what –

22 MS. ALMEIDA: In the old code.

23 CHAIRMAN PALMER: No, no, no. The new code.

1 MS. ALMEIDA: Oh. In the new code.

2 MR. MANNING: Halfway in the new code July 1 --

3 MS. CARTER: Oh, okay. I don't have that.

4 MR. MANNING: - could still build -

5 MS. ALMEIDA: I believe staff has amended --

6 MR. MANNING: - in a floodplain as long as you either by filling or pilings as long
7 as the finished floor elevation is two foot above the 100 year [inaudible].

8 CHAIRMAN PALMER: Yeah, I mean, I'm looking here and I'm reading about
9 elevated buildings and it says, "New construction or substantial improvements of
10 elevated buildings that include fully enclosed areas formed by foundation and other
11 exterior walls are used solely for the parking of vehicles, building access, limited storage
12 in an area other than basement subject to flooding will be designed to preclude finished
13 space and shall be designed to automatically equalize flood sources from exterior walls
14 by allowing for the entry and exit [inaudible] flood." When you're talking about the
15 finished space is that saying that you can only have your deck out there?

16 MR. VAN DINE: I think what that's saying is anything that's below the two foot
17 level has -- can only be for parking or something like that [inaudible].

18 MR. MANNING: [Inaudible].

19 MR. VAN DINE: If you want to park your car underneath your house and it's in
20 that area just as long as there's a two openings on different walls to let the water run
21 through then that's -- then you can park your car there.

22 MS. CARTER: Hydrostatic openings, yes, sir.

23 MR. MANNING: But the method of getting there could be pilings or fill?

1 MR. VAN DINE: Right.

2 CHAIRMAN PALMER: So the differences in these two languages - the Staff's
3 would not allow you to build in the floodplain if there is other ground on your lot where
4 you could put the structure and the structure would not be in the floodplain?

5 MS. CARTER: If you have sufficient buildable area for your project and it fits
6 there, you would put it there. If you don't the alternative would be you can put it in the
7 floodplain but you've got to raise it and you've got to put in a crawl space.

8 CHAIRMAN PALMER: What about fill?

9 MR. VAN DINE: If you fill it to the spot above -

10 CHAIRMAN PALMER: Can you fill the property to two foot about the base flood
11 elevation?

12 MS. CARTER: The way, the way this has been changed you could. The way
13 this - the draft has been changed you could but you have to meet - there's five other
14 criteria that you would have to still meet. And those are Section B and they're one
15 through five. It's on the third page and it's Section B, one through five.

16 MR. GREEN: Is this new language, the one through five?

17 MS. CARTER: No, existing.

18 MR. VAN DINE: Are you talking - which? The alternative draft or are you talking
19 the draft? Okay.

20 MS. CARTER: The draft.

21 MR. VAN DINE: Which page are you on on the draft?

22 MS. CARTER: Third page on the draft and Section B, one through five.

23 MS. ALMEIDA: It's one through seven.

1 MS. CARTER: Excuse me. One through seven. You've got (J) on my version.

2 MR. MANNING: Section 5?

3 MS. ALMEIDA: It is one through five.

4 MS. CARTER: Yes. It is one through five.

5 MR. MANNING: I don't have that.

6 MR. VAN DINE: I'm not sure we have one through – a section one through five.

7 MS. CARTER: When did you send that one out because I might not have had it?

8 [Inaudible discussion]

9 MS. ALMEIDA: We had legal re-write this and seemed to have lost of some of
10 [inaudible].

11 MR. VAN DINE: All right. On my original draft, not the one that was just handed
12 out today, there is a B.

13 MS. ALMEIDA: That is correct. It was left out of the –

14 MR. VAN DINE: Well if you've got the things that you just got earlier -

15 MS. CARTER: I have the original draft. That's what I'm on.

16 MR. VAN DINE: The one that was emailed to me and it says, "General reasons
17 for disapproval of floodplain development application and it lists five things.

18 MS. CARTER: That's what I'm talking about, one through five.

19 MR. GREEN: Is there any wonder that we don't like looking at two documents.

20 MR. MANNING: Yeah. I've got three whole drafts up here [inaudible]. I can't
21 deal with it. Tell me what I should be looking at.

22 MS. ALMEIDA: Okay. What legal did was, because it's existing language, one
23 through three, they did not put it in the ordinance because it's language that exists.

1 They just put item four which was the change if you look on that draft. So what legal did
2 is whatever language exists on the books and we weren't modifying she didn't put it in
3 here. Number four which had an addition, Best Management Practices was put in here.
4 She cleaned it up for me.

5 MR. GREEN: I know this will be hard for you to do but treat me as the dumbest
6 person you've ever met on the street. I know that will be difficult for you but just imagine
7 for a minute that I'm the stupidest person you've ever met.

8 MR. VAN DINE: At least the second. Because I may follow closely behind.

9 MR. GREEN: What substantively have you put into the draft that you felt like
10 was needed that we did not ask for in the alternative draft?

11 MS. ALMEIDA: Well Staff sat down and we realized the issues that were going
12 on. One, the code did not allow lots to be subdivided in the floodplain.

13 MR. GREEN: Do both of these drafts allow that to happen now?

14 MS. ALMEIDA: Yes.

15 MR. GREEN: And I don't care about things that both do.

16 MS. ALMEIDA: Okay.

17 MR. GREEN: What does the draft do that the alternative draft doesn't do?
18 Without reading to me sections and letters -

19 MS. ALMEIDA: Okay. We've added a definition of flood fringe.

20 MR. GREEN: Okay. I think that's - that doesn't change regulations. Maybe it
21 does. Okay. I mean, what have you gained from a -

22 MS. ALMEIDA: Our version, if you have high ground, requires you to place the
23 building on that high ground. Okay? Their version doesn't take that into consideration.

1 It doesn't matter whether you have high ground or not if you want to put that house at
2 the edge of the water you're going to do it. Ours does not allow you to do that.

3 MR. GREEN: Okay.

4 MS. ALMEIDA: Okay? And our lots don't allow –

5 MS. CARTER: Our language doesn't allow lots in the floodway.

6 MS. ALMEIDA: - lots in the floodway.

7 MS. CARTER: This is floodplain, not floodway.

8 MS. ALMEIDA: And your version allows lots in the floodway.

9 MR. GREEN: Subdivision of property that has portions of it in the floodway.

10 MS. ALMEIDA: You can go straight into the floodway. Our version –

11 MR. GREEN: [Inaudible] the lot?

12 MS. ALMEIDA: That's correct. Our version has you stop at the floodplain.

13 MR. GREEN: Those are three –

14 MS. ALMEIDA: Floodway. You can't go into the floodway, to the border.

15 MR. GREEN: Okay. Those are three differences. Any others?

16 MR. VAN DINE: They both allow fill, right? They all allow fill.

17 MS. CARTER: They all allow filling, yes.

18 MR. VAN DINE: They all allow on piers or pilings or something else? They all
19 allow for use of foundation walls. Both of the languages would allow for storage of
20 vehicles or whatever underneath so long as the living space is not within the floodplain
21 or two feet above? All right. So all those are the same, right?

22 MS. ALMEIDA: Yes.

1 MR. GREEN: So we just have three differences according to what you just said
2 between the two? Those were one defines the flood fringe and things that can happen;
3 two, the second difference is where you can build a building if you have a floodplain on
4 your property; and three is the ability to subdivide property that contains floodway. Are
5 those the only three differences?

6 MS. ALMEIDA: And if you're going to – in Staff's version, if you're going to build
7 in the floodplain, okay, you have to meet a number of criteria.

8 MR. GREEN: Okay. So we have a –

9 MS. ALMEIDA: A more stringent criteria.

10 MR. GREEN: So those are four differences, right?

11 MS. CARTER: Yes.

12 MR. GREEN: And those are the only four substantive differences?

13 MR. VAN DINE: There is one other one. That is if you're adding a requirement
14 under –

15 MS. ALMEIDA: Best Management -

16 MR. VAN DINE: Best Management Practices for a buffer.

17 MS. ALMEIDA: Right. If you're going to fill and if you're going to build in the
18 floodplain.

19 MR. GREEN: Well I'd like to at least address these one at a time because I think
20 it's confusing. Number one, I firmly believe that you ought to be able to subdivide
21 property that includes floodway. If you have 500 acres with a river that runs down one
22 side of the border and want to split it into 200, two 250 acre lots where the dividing line
23 runs through the centerline of the river, why shouldn't you be permitted to do that?

1 MS. CARTER: Most times when you have property in the floodway a lot of
2 people will want to use that property whether it's for, to put up a fence or to put my dog
3 house there or to put other things in the floodway. If there were to be a flood those
4 things in the floodway would impede the flow of water.

5 MR. GREEN: Well, I mean, we're talking about the ability to subdivide property
6 in the floodway. If you can put that stuff in the floodway you can put that stuff in the
7 floodway. It doesn't matter if it's one lot or five hundred lots.

8 MR. VAN DINE: I think – I disagree with that. I mean, I think it does matter if it's
9 one or 500.

10 MR. GREEN: Well I still, you could put the same amount of stuff in it.

11 MR. MANNING: I think the point is is that the floodway just kind of becomes a no
12 man's land that you can't subdivide. You know, there's a difference between a
13 subdivision and subdividing a piece of property and I think the test that you've got to
14 meet to build in the floodplain still is going to be applicable. And, you know, if you can
15 prove a no rise, so be it. If you can't you're not going to be able to build in there. So I
16 think adding the flood fringe is an expansion of the floodplain. I think you're adding a
17 whole other element to that process for the county to approve. It's just a broadening of
18 what they've already got. I think not to be able to subdivide lots in the floodway or a
19 piece of property in the floodway is going to affect hundreds and hundreds and
20 hundreds of people that, what are they going to do with it now. I mean, at least let it go
21 with the piece of property and then say you can't do something in that. This is saying
22 you can't subdivide that, I believe. You can't get a plat recorded.

23 MR. GREEN: Can't convey property.

1 MR. MANNING: Can't convey it.

2 MS. LUCIUS: So it's just the subdivision not the building.

3 MR. GREEN: No. It's a [inaudible] you can't draw a line through.

4 MR. CRISS: Their purpose of keeping new lots in residential subdivisions, not
5 division of large acreage, out of the floodways is the same reason you don't allow lot
6 lines meet in the middle of the road.

7 MR. GREEN: But that's not what this says. This says you cannot subdivide a
8 piece of property, no matter how big, that includes floodway. You cannot – you can't
9 cross floodway [inaudible] property line.

10 MR. CRISS: [Inaudible]. Clearly cutting up 500 acres along a creek line isn't
11 going to disturb the development of the floodplain but if you allow a developer to put 50
12 lots down to the creek line you're going to have encroachment. You're going to have
13 land uses whether they be chain link fences or tree houses or dog houses or wood piles
14 or stored cars or other items in the way of flooding.

15 MR. GREEN: Well that's when we address what you can do in a floodway. That
16 doesn't – you're trying to get at a problem by the wrong method.

17 MR. CRISS: Well we've seen it happen in many jurisdictions.

18 MR. GREEN: That's like denying someone the right to sell beer because you
19 don't want to have car wrecks from people drinking beer. I don't know.

20 MR. CRISS: Well subdividers readily dedicate road rights-of-way for counting of
21 traffic and the installation of utilities, so too floodways should be dedicated for carrying
22 flood flows as part of the common space.

23 MR. GREEN: But you do that by regulating what can occur in the floodway.

1 MR. MANNING: And the code does do that now. It recognizes the floodway as
2 an area that there are certain standards that you have to adhere to do anything in.

3 MR. CRISS: For building purposes, that's true.

4 MR. MANNING: But to tell a person you cannot -

5 MR. CRISS: But for land use -

6 MR. MANNING: - subdivide his property because he's got floodway on it makes
7 no sense, makes none.

8 MR. CRISS: There are jurisdictions in the Midlands of South Carolina that have
9 run into this problem where they have allowed floodway to be subdivided and given to
10 the private property owners on either side and sure enough over the years
11 encroachments occur. Folks feel that they ought to be able to secure their perimeter,
12 their property line, for example, with fencing.

13 MR. VAN DINE: Would it not, would it not make sense to allow for subdivision in
14 the floodway provided there was corresponding language which prohibits activity within
15 that and/or as you have required here dedication or the use of buffer zones for no
16 pollutant sources into that?

17 MR. CRISS: That might be a suitable compromise.

18 MR. VAN DINE: It seems to me that - I agree with what you're saying which is
19 that they ought to be able to subdivide it but there is a - certainly a public concern and a
20 need to protect those areas from [inaudible] or protection or whatever and it could be
21 that you do that through the mechanism of putting restrictions and prohibitions on them
22 and the dedication of property.

1 MS. CARTER: Well one thing that we have in the CRS program, the Community
2 Rating Services program which is from FEMA and it allows us to give discounts on our
3 flood protection, they give us points in that system for having open space and green
4 space and the more you divide into that they don't give you those points and we're
5 trying to get up to another level so that we can reduce those premiums even more. If
6 we keep tapping into the green space we're not going to be able to do that. We're not
7 going to be able to save our citizens money.

8 MR. MANNING: Well with all due respect, I mean, the flood insurance program
9 is important to Richland County but when you're taking somebody's right to do
10 something with their land as simple as subdividing it I think you're looking smack in the
11 face of a taking. You know, to me the code addresses the standards that you can and
12 cannot do things in the floodplain and floodway. You know, this to me seems to be
13 broadening those and we asked this question at the last meeting before we requested
14 the language. Where is the problem? Nobody's really explained what the problem is
15 with the existing code other than the alternative sites language and the reason that to
16 have – for the appeal process. So other than Staff wanting this, is this because it's
17 being driven by problems in the code that the development community's experiencing or
18 is this to further restrict the ability to do anything in the floodplain?

19 MR. CRISS: The principal problem is land uses which don't require permits from
20 the county such as putting up fences and walls and other minor structures that would
21 impede flood flow. The fences, of course, tend to be perpendicular to flow and they will
22 catch debris in a flood event and create artificial dams that will then back up water
23 temporarily and then collapse under the weight.

1 CHAIRMAN PALMER: Are fences allowed to be built and walls allowed to be
2 built in the floodway in our code?

3 MR. CRISS: We don't permit them. We don't control them.

4 MR. GREEN: If we wanted to control them is it against the law to have a
5 provision that requires a permit?

6 MR. CRISS: Well that would be a significant additional workload for the county
7 to consider taking on the permitting of those improvements.

8 MR. MANNING: It might be a substantial revenue source.

9 MR. CRISS: You might be able to impose restrictions on the use of the floodway
10 portion of new lots on the recorded plat. At least that would provide public notice to
11 prospective purchasers of those limitations, but again it comes down to county
12 enforcement of the floodway management to ensure that flood flows can be
13 accommodated. As watersheds develop over time, of course, you have more
14 impervious surfaces, more run off and the floods get worse not better.

15 MS. ALMEIDA: Staff took the problems and the appeals that were before them
16 where the new code did not allow any sort of subdivision even in the floodplain and we
17 addressed that by allowing the lot to go into the floodplain. Okay? Alleviating those
18 massive subdivisions that couldn't divide land and then alleviating the problem where
19 you don't have enough buildable land to place a home on there or a structure,
20 whichever one and giving that option. So I think in that respect Staff has eased up on
21 the code in that way

22 CHAIRMAN PALMER: I just don't think it's eased enough. I think people should
23 be able to subdivide their lots through the floodway.

1 MR. MANNING: And in a situation where you have a lot that is in – it may have
2 an area above the 100 year, it may have area in the 100 year and it may have area in
3 the floodplain. They certainly should be able to consider all of that square footage as
4 part of a lot. Otherwise they're reducing lot size making them create lots in areas
5 outside of that floodway that are going to require an absorption of more land there. So I
6 think you've got in a situation and say rural, somebody's got a 33,000 square foot lot, 15
7 of it's in the floodplain and 15 is outside of the floodplain. Under this ordinance or if the
8 floodway was in 15,000 square feet of it – that line was drawn like that.

9 MS. ALMEIDA: You mean they only had land in the floodway and floodplain.

10 MR. MANNING: They've only got a 15,000 square foot lot. Now they've got to
11 go create another 15,000 square feet to meet the minimum lot size.

12 MS. ALMEIDA: I have not come across anything in my tenure here that
13 everything has been either in the floodplain or in the floodway.

14 MR. MANNING: No, I mean, it's not - you can have it either all in or all out or
15 partially or both. What I'm saying to you is if you're not going to allow the subdivision of
16 a floodway you're eliminating that portion of the lot as it relates to the zoning and if
17 you're in a rural and you've got to have 33,000 square feet to meet that requirement and
18 in that lot you've got 10,000 square feet that's in the floodway and it's got an area
19 outside, it's no longer going to meet the minimum lot size in the rural area. Therefore
20 it's going to require you have to push that lot out and get - or either get it rezoned to
21 meet the subdivision.

22 CHAIRMAN PALMER: Let's do this. We've had these two gentlemen waiting all
23 day. Let's afford them a moment to speak on the floodplain issue. They signed up and

1 if they wish to stay for the rest they can or if they wish to go they can as well. Mr.
2 Kinder or Earl, you want to go first. If you could -

3 MR. KINDER: I'll keep it short. Basically y'all have hit on our concerns. It is very
4 unfair to limit the subdivision of property. We're not talking about subdivision of lots;
5 we're talking about the subdivision of property whether it be one acre or 1,000 acres, to
6 prevent subdivision through the floodway. So we share some of your concerns about
7 that. The other thing is, Deas, you asked about the problems that are created. The
8 problems that we're here today to try to address are simply matters of interpretation. I
9 think the homebuilders agree that the existing Land Development Code if it's interpreted
10 the way we believe it should be interpreted works just fine. And that is that
11 improvements; vertical improvements can be made within the floodplain outside the
12 floodway so long as those improvements are certified to be two feet above the floodway
13 elevation. We don't have any problems with those semantics.

14 MR. MANNING: Excuse me. Are you running into problems with that where they
15 [inaudible]?

16 MR. KINDER: Yes, I am. The flood coordinator takes a different interpretation of
17 that provision of the Land Development Code. His interpretation is there can be no
18 development in a piece of property that is impacted by floodplain, floodway or flood
19 fringe which we disagree with that interpretation. We prefer the alternative draft simply
20 because it's easier for us to understand but I think it would probably behoove everybody
21 here to come up with a hybrid between the draft and the alternative draft. But as a
22 group we can live with the existing July first language if it can be reconfirmed somehow,
23 re-ratified, reapproved.

1 CHAIRMAN PALMER: That's what we're trying to do through this language.

2 MR. KINDER: All right. I think you're going about it the wrong way. I think
3 you're looking for a real hard way to make a real simple decision.

4 CHAIRMAN PALMER: I think we've looked at the simple way and the simple
5 way was not going to get it.

6 MR. KINDER: Okay. Well as long as we can certify and build within a floodplain
7 outside of a floodway and get everything two feet above the flood elevation, we don't
8 care how we get there. Earl may have a different opinion.

9 MR. GREEN: Anna? Was it the position at one point of the Staff that if we
10 simply took out the availability of alternative locations language that that would basically
11 solve the problem that Mr. Kinder referred to?

12 MS. ALMEIDA: That is correct because with that language in there there's
13 always an alternative location or alternative site.

14 MR. GREEN: So if we were just to look at the alternative draft, the first page, the
15 strike of number seven in the alternative draft is in most people's minds sufficient to
16 solve the interpretation issue that we are having with the flood coordinator?

17 MS. ALMEIDA: No. Seven and then the second page Item A –

18 MR. GREEN: Gotcha.

19 MS. ALMEIDA: - under Section 3, okay?

20 MR. GREEN: Just removal of those two items would get us to an interpretation
21 consistent with what we voted to change July 1, in terms of concept?

22 CHAIRMAN PALMER: Would you then be allowed to build in the floodplain>

23 MR. CRISS: In the fringed portion. Outside the floodway.

1 CHAIRMAN PALMER: Correct.

2 MR. CRISS: Most of your stream segments, creeks and rivers don't have
3 floodways designated at all so the term floodplain has been used to embrace the entire
4 width for those that were not studied by computer model because Congress didn't have
5 enough money to study every stream in the country. They looked at the ones that had
6 the most development or prospects for development to study more carefully and to
7 designate the floodway in the middle more or less than the floodplain; the area where
8 you couldn't obstruct in the future.

9 MR. VAN DINE: If I'm understanding, in essence if you were to take the
10 alternative draft, eliminate seven, I suppose the appeals language is just adding an
11 appeal level – that's just –

12 MR. CRISS: Seems harmless and helpful.

13 MS. ALMEIDA: Yeah.

14 MR. VAN DINE: Eliminate or change Section 3 to what is put in on Section 3 but
15 not eliminate the language of (J) or make the change to (J), would that solve the
16 problem that has been addressed here concerning the buildable?

17 MS. ALMEIDA: You mean not, not including applicability A under draft or which
18 one?

19 MR. VAN DINE: I'm under alternative draft.

20 MS. ALMEIDA: Oh, I'm sorry.

21 MR. VAN DINE: Got to strike through the seven.

22 MS. ALMEIDA: Well –

1 MR. VAN DINE: You have modified 3(A) but if you did not eliminate (J) where it
2 talks about fill and just left it the way it was, does that take care of the problem that has
3 been addressed as far as spots that people can build and use of fill, etc.?

4 CHAIRMAN PALMER: Well the problem with leaving (J) in is the sentence it
5 says, "An applicant shall demonstrate using a registered engineer that fill is the only
6 alternative to raising the building to at least two foot above the base flood elevation."
7 And that can't be in there.

8 MR. VAN DINE: I understand that. What I'm trying to get at is when are they are
9 and what they -

10 MS. ALMEIDA: No. Because the definition of development includes the
11 subdivision of lots and so with that wording still in there that would be a problem I think.

12 MR. MANNING: The definition of development though goes along with an
13 alteration or a land disturbance.

14 MS. ALMEIDA: And the division of a lot.

15 MR. MANNING: Well development shouldn't be the division of a parcel.

16 MR. CRISS: It is throughout the entire code.

17 MR. MANNING: Well I'm not sure it reads that way.

18 MR. VAN DINE: If you were to take 3(A) and you reinsert the words "if
19 permitted", so it would be new development if permitted in the area [inaudible]. Does
20 that not provide you with the mechanism to get past what we're all doing here? And the
21 "if permitted" would then go to you can do it with fill. And I agree with Pat that probably
22 the language that is proposed under the draft under (J) which eliminates the – that the
23 only alternative. I guess what I'm suggesting is as an alternative and sort of a

1 compilation of these is you take the alternative draft, you do what you talked about in
2 Section 1(D), you do what you talked about in Section 2. You take Section 3 and you
3 put the words "if permitted" – new development if permitted in the area of special flood
4 which is what the original language was from that sentence above and then use the (J)
5 from the draft which eliminates the problem of - an applicant shall demonstrate that fill is
6 the only alternative and you're where, and you're where you want to be. At least that's
7 the way it seems to me.

8 MS. ALMEIDA: And how about the other two pages.

9 MR. VAN DINE: Huh?

10 MS. ALMEIDA: In your alternative draft after (J).

11 MR. VAN DINE: Well you wouldn't need the changes to (J) that we talk about on
12 the next page because that - you're going right back to the language you have in J in
13 your other one. And to the extent that they want to have one and two which are these
14 alternative language -

15 CHAIRMAN PALMER: I would feel more comfortable leaving those in because I
16 am not comfortable with the language [inaudible].

17 MR. VAN DINE: And I don't have a problem leaving those in. And I think the
18 difference of the fringe and floodplain language – the definition I think it's – I mean, it's
19 just a matter of whether you call floodway, flood fringe or not which is a distinction
20 without really any kind of fact behind it because if you look at this map here flood fringe
21 is what everybody else is calling floodplain so it's all the same thing.

22 MR. MANNING: Not exactly.

23 CHAIRMAN PALMER: Not exactly.

1 MR. MANNING: If you look at this. Floodplain is –

2 MR. VAN DINE: Well I'll have to disagree we even put flood fringe. I'm just
3 saying –

4 MR. MANNING: It is an expansion of floodplain in all essence.

5 CHAIRMAN PALMER: Why is the two foot in the draft language, not the
6 alternative draft but why is the two foot not mentioned in the fill? Is there – is it not
7 necessary? Is it mentioned somewhere else that you need to fill two foot above?

8 MS. ALMEIDA: It's somewhere else in the code.

9 MR. VAN DINE: I think the fill relates to – two feet is what you're setting your
10 limits at. I think everybody's been trying to get to the same position. You're coming at it
11 from different ends and it seems to me that a meshing of the two of those in the fashion
12 I just described gets you both to where you want to be.

13 CHAIRMAN PALMER: Earl.

14 MR. MCLEOD: I just want to have the opportunity to say that my name is Earl
15 McLeod. I'm executive director of the Home Builders Association. I agree with Mr. Van
16 Dine.

17 MR. VAN DINE: Thank you, sir. We'd better vote on this quick.

18 CHAIRMAN PALMER: Is that - spell that out again, Howard and let's take a run
19 at this thing and see if we can get something done here.

20 MR. VAN DINE: My suggestion as the language that we utilized but first to the
21 alternative draft. Utilizing Section 1, changes that are made which eliminates number
22 seven. That's part. Section 2, adding the appeal language. Section 3, using the
23 alternative draft language, however, you insert the words "if permitted" after new

1 development which is the identical language to the sentence before. You then take
2 Section 5 –

3 CHAIRMAN PALMER: I'm sorry. Is this what you're talking about, Howard?

4 MR. MCLEOD: Alternative site [inaudible] being deleted or left in?

5 CHAIRMAN PALMER: Being deleted.

6 MR. VAN DINE: All of that – what shows up in Section 3 would be deleted. That
7 alternative site - the new development language would be inserted in its place with the
8 words "if permitted" after new development. Because I think the rest of the code allows
9 for you to develop in it through other mechanisms. Then you go under Section 4, utilize
10 the language that is proposed under the draft document, Section (J). And then adding
11 numbers one and two which are for elevation on pilings and flood proofing. I don't know
12 where they're attached to. It's a one and a two and it comes after a number seven so I
13 don't know where it actually attaches to - as the crafting the two them together. I think
14 that, that gets everybody to where they want to be which is the middle [inaudible].

15 MR. MANNING: Howard, one concern I have about the language [inaudible] is
16 I've looked at second or third drafts but in the previous language it talked about the
17 [inaudible].

18 MR. VAN DINE: That language would be stricken but if you look at their, their
19 language.

20 MR. MANNING: Okay.

21 MR. VAN DINE: Because they would be eliminating that sentence. And to keep
22 things moving that is my motion to put that on the floor for discussion purposes so we
23 can try and move this forward.

1 MR. GREEN: I second it to get it on the floor for discussion purposes.

2 MR. MANNING: Howard, do you mind taking a second and reading back to me
3 exactly what (J) will say?

4 MR. VAN DINE: (J) will say [inaudible] draft it says, "Fill is discouraged because
5 it's used to [inaudible] storage capacity. However if fill is used, the applicant may be
6 required to use a registered engineer to certify . . . " and then go to the next page. It's
7 the way it's listed. Whatever is stricken through is stricken through.

8 MS. LINDER: And on Staff's (J) you wanted one through seven to be included
9 under (J)?

10 MR. GREEN: It's there now, right?

11 MR. VAN DINE: It's there now, yeah.

12 MS. LINDER: It's there now.

13 MR. VAN DINE: There are one and two that seem to be floating out there. I
14 don't know where they belong. On the last page of the alternative draft. On the last
15 page of the alternative draft. There is a one and two which talks about elevations on
16 pilings.

17 MS. ALMEIDA: Those are the – that's the old language from the code prior to
18 July 1st.

19 MR. VAN DINE: And flood proofing? I'm suggesting they be incorporated as
20 well. I just don't know - it says one and two and I know it doesn't belong as one and
21 two. It belongs as some other number. I just don't know where it belongs. Whether it's
22 eight and nine or -

23 MS. ALMEIDA: Do you want the old and the new language?

1 MR. VAN DINE: Do you need my copy to see what I'm talking about?

2 MS. ALMEIDA: Right here.

3 CHAIRMAN PALMER: Well the old and the new language shouldn't be in
4 conflict with one another, should it? One and two are not in conflict with the rest of the
5 code are they?

6 MR. VAN DINE: I don't think so because we've heard -

7 MS. ALMEIDA: We're going to need to look at it [inaudible].

8 CHAIRMAN PALMER: Do you want to look at my draft?

9 MR. VAN DINE: This flood proofing is in essence what is said in other one
10 where it meets the requirements set forth in the other chapter and it's -

11 MS. ALMEIDA: It's just reworded differently.

12 CHAIRMAN PALMER: And the only thing that gives me heartburn and I don't
13 know, I mean, if this is the way that it's - because the part under fill where it says, "the
14 amount of fill used." And I just don't understand this. "The amount of fill used will not
15 affect the flood storage capacity or adversely affect adjacent properties." I understand
16 adjacent properties. That's mentioned later on under number six. "Use of fill shall not
17 increase flooding or cause drainage problems on neighboring properties." So that's
18 addressed in number six; correct? So that's just [inaudible] that same language. But
19 the only problem I have is that the amount of fill used will not affect the flood storage
20 capacity.

21 MS. ALMEIDA: Under (J)?

22 CHAIRMAN PALMER: Under (J).

1 MR. MANNING: That goes back to the subjectivity of it. I mean, you know, it's in
2 there now. It doesn't quantify and actually you could drop a pencil in it and somebody
3 could say that the capacity's been affected.

4 MR. VAN DINE: But that's also a FEMA requirement as it sits as well that that be
5 there. What they're trying to say is you can't fill the whole floodplain in with fill because
6 that affects the capacity of that area.

7 MR. MANNING: It's not exactly the same way FEMA looks at it. I mean, FEMA
8 has conditions with no rise and how it impacts the zoning of the community. You've got
9 similar language but it doesn't – we've got language about peak flow that is different
10 than FEMA's language. I believe there's been a few cases that were – this was early on
11 where there was a fire hydrant in the floodways. There was an interpretation that that
12 impeded the floodway so they had to deal with that issue. And so it's going to be all
13 about interpretation.

14 CHAIRMAN PALMER: See that's what I'm trying to get away from is
15 interpretation.

16 MR. VAN DINE: I don't think you can get away from interpretation without either
17 making it so strict, so individual which you'll never get every situation, or throwing the
18 whole thing out and saying you do whatever you want to. And I'll be blunt and tell you
19 I'm not going to vote for anything that says you can do whatever you want to at any
20 time, at any point in that zone and I don't think you'll ever get that, if the people actually
21 read it through County Council, because that was the big issue down in Green
22 Diamond. That was the whole thing that drew that issue to bear so.

23 MR. GREEN: I'm comfortable with the motion we have on the floor.

1 MS. ALMEIDA: I need clarification on – are you all comfortable with (B)(4)
2 adding the Best Management Practices – that sentence?

3 MR. VAN DINE: I don't believe that was part of what I suggested.

4 MS. LINDER: In addition to the motion I guess the question is on the draft
5 version, page 3, under the section that's headed V, they were amending D(1)(b)(4).
6 We're adding one sentence.

7 MS. ALMEIDA: In your draft it's under General Reasons for Disapproval, (B)(4).

8 MR. MANNING: Could you repeat that, please?

9 MS. ALMEIDA: Prior to (J). (J) is fill. Above that. Number 4, increased
10 velocities or volumes.

11 MR. GREEN: In the alternative draft?

12 MS. ALMEIDA: No. In the draft. BMPs.

13 MR. GREEN: I don't mind discussing that at a different – let's try and fix the
14 problem we've got now. If we want to address other issues in this let's bring them back
15 separately. I think we've got too many different issues flying around. We're trying to
16 correct a problem that none of us thought we had. Let's get that corrected and if we
17 need to spend time on other issues I'm happy to spend as much time on other issues
18 but I'd like to clean up the problem we've got; if we want to come back and do other
19 things. But, I mean, I'd like to have a meaningful discussion of what all that means
20 rather than just throw it in there.

21 MR. VAN DINE: I would like to call in the question if we could, please.

22 CHAIRMAN PALMER: We have a motion on the floor and a second.
23 Technically –

1 MS. ALMEIDA: So you have to vote on the draft, up or down and then modify
2 your alternative draft.

3 MR. GREEN: We're voting on Howard's motion.

4 MR. VAN DINE: All right. Then I'm withdrawing calling the question if we have
5 to vote on it. I didn't - my understanding was you don't when you call the question.

6 CHAIRMAN PALMER: You do. You have get second and vote on it.

7 MS. LUCIUS: That's what they told us at the –

8 CHAIRMAN PALMER: All right. Here we go. We've got a motion to send a
9 version of the alternative draft to Council which states what Howard has already stated
10 and we have a clear understanding of that and legal is shaking her head positively.

11 MR. VAN DINE: I will be happy to go back over it if anybody has a problem with
12 what it is.

13 MS. LUCIUS: No. We don't.

14 MR. VAN DINE: All right. We don't need to then.

15 CHAIRMAN PALMER: We have a motion and a second. All those in favor
16 please signify by raising your hand.

17 *[Approved: Anderson, Lucius, Furgess, Palmer, Van Dine, Green, Manning, McBride;*

18 *Absent: Brawley]*

19 CHAIRMAN PALMER: And there are none opposed.

20 MR. GREEN: Mr. Chair.

21 CHAIRMAN PALMER: Yes, sir.

1 MR. GREEN: Pending a vote by County Council on the ordinance that we are
2 recommending they adopt, I move that we table the other two drafts that are in front of
3 us until such time as we have a vote by Council on the ordinance we're sending them.

4 MR. VAN DINE: Second.

5 CHAIRMAN PALMER: We have a motion and a second to table the other two
6 drafts which we have sitting in front of us until action is taken on the draft that we are
7 sending forward now. All those in favor please signify by raising your hand. All those
8 opposed?

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

11 MR. VAN DINE: I think technically – technically by combining them and putting a
12 new one forward we've already in essence tabled them.

13 CHAIRMAN PALMER: We're doubling up.

14 MR. VAN DINE: Okay.

15 CHAIRMAN PALMER: Well on the new agenda we're done.

16 MS LUCIUS: No, we're not.

17 CHAIRMAN PALMER: On the new agenda that we had handed to us.

18 MS. LUCIUS: I've got comprehensive plan update report.

19 MR. GREEN: I would like to point out as Mr. Van Dine pointed out to me if you
20 look on page 103 of your monthly report that there was a vote we took, eight/zero to
21 deny rezoning that it was approved 10/zero by Council.

22 MR. VAN DINE: I would venture without any kind of discussion.

23 MS. LUCIUS: Well what was that?

1 MR. VAN DINE: The Chinese [inaudible].

2 MS. LUCIUS: Yeah. I looked that one up; you're right. That was wrong.

3 MR. VAN DINE: 05-56 MA. Denied by the Planning Commission eight/0.
4 Approved by the Council 10/0.

5 MS. LUCIUS: We approved it 8/0. I looked it up.

6 MR. VAN DINE: Did you?

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

8 CHAIRMAN PALMER: Oh so that's wrong in the report then.

9 MS. LUCIUS: It's wrong in the report. My concern is did it go to Council wrong
10 because there have been instances where our vote was reported to them incorrectly.

11 CHAIRMAN PALMER: No. They approved it.

12 MR. VAN DINE: It's been approved. Mr. Chairman. Taken out of order I move
13 we approve the street names.

14 MS. LUCIUS: Second.

15 CHAIRMAN PALMER: We have a motion and second to approve street names.
16 All those in favor? All those opposed?

17 *[Approved: Anderson, Lucius, Furgess, Palmer, Van Dine, Green, Manning, McBride;*

18 *Absent: Brawley]*

19 CHAIRMAN PALMER: All right, all right, all right. County Council and Staff
20 Action Report zoning map amendment. We've already looked at those [inaudible].
21 Comprehensive plan revision and status report.

22 MR. CRISS: Mr. Chair, we have two work sessions coming up April 13th and
23 April 20th, both Thursdays. Fourth floor back conference room reserved from 4:00 o

1 6:00. On the 13th we have Councilman Joe McEachern scheduled for 4:00 o'clock. I
2 was trying to get Councilman Montgomery to follow right after but he just informed me
3 today that he can only make it on the 20th. What we have for the 20th so far is Assistant
4 Director General Counsel of the State Ethics Commission, Cathy Hazelwood from 4:00
5 to 5:00. Would you like me to schedule a Council member, specifically Council Member
6 Montgomery, after Cathy Hazelwood on the 20th? I will still continue to try to get other
7 Council members for Thursday, the 13th. If we were to schedule Hazelwood and
8 Montgomery on the 20th that would pretty much eat up that meeting as far as getting
9 back to the vision statement and the obstacles, implementation of the plan and any
10 other issues you wanted to address.

11 CHAIRMAN PALMER: Bring in Mike on the 20th.

12 MR. CRISS: Okay. And I will attempt to fill in the 13th with other Council
13 members.

14 CHAIRMAN PALMER: The 13th's at 4:00 o'clock as well?

15 MR. CRISS: The 13th at 4:00 o'clock, fourth floor, McEachern. The 20th so far
16 Hazelwood for sure, Montgomery very likely at 5:00. And we'll send out an email to
17 confirm. That's all I have for the moment.

18 CHAIRMAN PALMER: Thank you. Ms. Britt.

19 MS. BRITT: Thank you, Mr. Palmer. I'm handing out some information for you.
20 I'll refer first to the Southeast Richland Master Plan neighborhood mixed use district -
21 the important dates. We have meetings scheduled starting next Monday with county
22 Staff and with selected stakeholders. For the May 8th meeting we have certain Planning
23 Commission representatives identified here. Primarily we were limited to the number to

1 pick since under the rules governing public meetings so these were people who have
2 been attending some of the community meetings or in particular expressed interest or
3 like you Mr. Palmer were a chairperson. So we wanted to schedule some individual
4 meetings maybe with a small group of you with our consultant to talk about things prior
5 to any presentations being made to the Planning Commission. So you would basically
6 have some drafts and get to have some input on that. So this calendar calls for the
7 public meeting on June 12th with the presentation to Planning Commission on July 6th
8 with zoning public hearing July 25th, and first reading to amend the Land Development
9 Code to adopt the neighborhood mixed used zoning district. The next thing I'll refer you
10 to is the Broad River Neighborhoods Master Plan. As you see here we had our third
11 public input meeting this past Saturday. There will be another one scheduled because
12 I'd asked, due to some of the information that was on the flyer people weren't aware
13 that it was a drop in and so we had a large group to start with and then it sort of tapered
14 off so we're going to have an additional fourth input meeting and I'll let you know when
15 that time has been set. But as you can see by this calendar the presentation of the
16 master plan to the Planning Commission is scheduled for June 5th, and June 20th would
17 be a public hearing and first reading to amend – to – well it actually shouldn't be the
18 Land Development Code. I'm sorry I got in a hurry and forgot to take that out. But it
19 should be to amend the comprehensive plan. Pardon me. Got in a big hurry. But - and
20 that's separate from zoning public hearing. And the last thing and as you probably have
21 all received invitations but I wanted to make you aware again that the Neighborhood
22 Planning Conference on April 29th at the Midlands Technical College, Northeast
23 Campus. I'll be glad to answer any questions. Also did want to let you know on the

1 status on Decker. We had a meeting last week with the consultant on the 28th, and as
2 of today we have scheduled our first meeting with the neighborhoods and that will be
3 May 4th at 6:30 p.m., from 6:30 to 8:00 at Richland Northeast High School in their
4 cafeteria. That meeting will be primarily to introduce the consultants and talk about the
5 planning process that we will be going through which is a little different from the first two
6 master plans we've done. We're going to be doing a very intense planning [inaudible] -
7 a week long, May 15th through the 20th and we've looked at several locations to have it
8 on location or on site design studio within the corridor area so we should have that
9 finalized hopefully before the May 4th meeting.

10 MR. VAN DINE: I have one quick question probably more directed to Michael.
11 Any further movement on getting somebody to help draft this code or it has gone no
12 place since our last meeting?

13 MR. CRISS: Which code are you referring to, Mr. Van Dine?

14 MR. VAN DINE: The comprehensive plan.

15 MR. CRISS: Well we do have one neighborhood coordinator coming in to help
16 Susan but no other Staff yet dedicated to the comp plan.

17 MR. PHIPPS: We have basically taken Staff, we're meeting on Wednesday
18 mornings every week. We are using John Newman at this time dedicated entirely to the
19 comprehensive plan. And I've also requested an additional amount to the budget of
20 \$250,000 for comprehensive plan study and so forth and we'll see where that gets. So I
21 have done that.

22 CHAIRMAN PALMER: You asked for two fifty?

23 MR. PHIPPS: I asked for two fifty additional.

1 CHAIRMAN PALMER: Do you think we ought to ask for five and hope we get
2 two fifty?

3 MR. PHIPPS: I'm hoping I can get two fifty.

4 MR. MCBRIDE: Mr. Chairman, have we got the plaques and anything for
5 Barbara and Norman yet? Has anyone put anything up for that?

6 MS. ALMEIDA: I believe Suzie was handling that and ordering it. It takes awhile
7 to get the plaques from the – our vendor.

8 CHAIRMAN PALMER: Did we use a consultant to see which one to use?

9 MS. ALMEIDA: No. We have one that we use, state contract so.

10 MR. GREEN: I have a vendor that turns them around in four days so if you need
11 –

12 MS. ALMEIDA: Probably not state contract now, is it?

13 MR. VAN DINE: Can you reimburse Mr. Green for an out-of-pocket expense?

14 CHAIRMAN PALMER: All right. Anything else?

15 MR. VAN DINE: So moved.

16 CHAIRMAN PALMER: Meeting adjourned.

17 *[Adjourned at 5:00 p.m.]*
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