

RICHLAND COUNTY PLANNING COMMISSION

September 13, 2004

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

7
8 Called to Order: 1:05 p.m.

9 CHAIRMAN GREEN: I'd like to call to order the September 13, 2004 meeting of
10 the Richland County Planning Commission. And I'd like to read into record the following
11 statement. "In accordance with the Freedom of Information Act, a copy of the agenda
12 was to radio and TV stations, newspapers, persons requesting notification and posted
13 on the bulletin board located in the lobby of the County Administration Building."
14 Moving to the agenda for today, are there any amendments to the agenda? Seeing
15 none, the first item of business is an Old Business case, 04-54 MA.

16 MS WYATT: Mr. Chair, I'm going to ask – okay, all right, I see it on there, never
17 mind.

18 CHAIRMAN GREEN: Okay. Staff?

19 MR. GOSLINE: Mr. Chairman, are there minutes that needed to -

20 CHAIRMAN GREEN: Did we get minutes? Did we get minutes in our packets
21 this week?

22 MR. VAN DINE: Yes.

23 MS. WYATT: They came under separate cover, mine did.

24 CHAIRMAN GREEN: What was the date of those minutes?

25 MR. VAN DINE: The August 15th, the August meeting.

26 MR. FURGESS: The date of the minutes were August 16th.

27 CHAIRMAN GREEN: Do I hear any motion with regard to those minutes?

1 MR. FURGESS: I move that accept the minutes.

2 MS. WYATT: I'll second.

3 MR. VAN DINE: Mr. Chairman, for the purposes of this, since I was not present
4 for the meeting I cannot vote on approval of those minutes.

5 CHAIRMAN GREEN: Okay. We have a motion and a second to approve the
6 minutes of the August 16th Planning Commission meeting. All those in favor please
7 raise your hand.

8 MS. LUCIUS: I was not present either.

9 CHAIRMAN GREEN: Okay. Opposed and two abstentions.

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

12 CHAIRMAN GREEN: Now we will move forward to 04-54-MA, which is Old
13 Business, requested amendment.

14 **CASE 04-54 MA:**

15 MR GOSLINE: Mr. Chairman and Members, this is the project that's on
16 Monticello Road; just a little bit South of Heyward Brockington. The first request is for
17 Mr. Pat Murphy; change from D-1 and C-1 to PDD for dormitories on Monticello Road,
18 near Heyward Brockington Road. This project's been before you at least once or twice
19 in the last year or so. At the last time it came before the County Council and the
20 Planning Commission it was suggested that they change their application from
21 conventional zoning to a PDD, which they have done. As you will see that on page 18
22 is the site plan for the PDD, the Staff recommends approval of the change. I'm sure
23 they are some people hear to discuss this.

1 CHAIRMAN GREEN: We do have some people signed up. I have just a quick
2 question for Staff. I know we've seen this before. My recollection is that in prior
3 applications, it included the approval of some new development in addition to what was
4 already existing and that this application only covers that at least which has been
5 constructed today.

6 MR GOSELINE: That's correct, that's all that's on the Attachment 'B', which is
7 page 18.

8 MR. VAN DINE: Chairman, if I could as a quick question?

9 CHAIRMAN GREEN: Please.

10 MR. VAN DINE: What has happened in relation to any fines, legal actions, or
11 other actions for failure to get permits, inspections, etc.

12 MR. GOSELINE: Nothing has been brought forward pending result of the
13 rezoning

14 MR. VAN DINE: So in other words, basically, if we vote to rezone this, they get a
15 walk on everything that they've done up to this point?

16 MR. GOSELINE: I don't know that that's a fair statement, Mr. Van Dine. They
17 will still have to comply with the technical standards, various technical standards and
18 the building code issues, if any.

19 CHAIRMAN GREEN: We have a few folks signed up to speak on this issue, the
20 first one is Dennis Aughtry. Since we do have a lot of folks here today with the various
21 issues we're going to be hearing, I'll call some names ahead of time just so you can be
22 prepared to be next. Allen Meronek will be next to speak.

23 MR. FURGESS: Mr. Chairman tell them what, three minutes two minutes?

1 CHAIRMAN GREEN: Yeah, and please limit your comments to three minutes.

2 **TESTIMONY OF DENNIS AUGHTRY:**

3 MR. AUGHTRY: Madam (sic) Chairman, and ladies and gentlemen of this
4 Commission, as you know, this matter is before you with a Staff recommendation who
5 voted it down. With the County Council, there is some concern about new buildings,
6 that was deleted, it's back to you on that basis. And I don't want to say too much about
7 this, because I don't want to alienate you, but I can tell you that any vote on punitive
8 measures is illegal. It's not provided for in the Constitution or any case law I know. This
9 Body has no punitive power. One of the Members of this Commission said it one time
10 during the last deliberations, "I wish I could vote only on the merits without regard of this
11 other stuff." If I heard him correctly. That's what you must do. One of my last cases as
12 County Attorney, was tried to the Supreme Court after five years on the very issue, is
13 there enough evidence to support that ruling? The only bad thing I know about this
14 case is there was some mistakes made in the beginning. They've said I'm sorry.
15 "Vengeance is mine," saith the Lord and vengeance in this case does not belong to the
16 Planning Commission. And I say that not to alienate you, but to tell you that's my view
17 of the law. Of course, you can ask your County Attorneys, that's what they're for. But
18 I've spoken with them and I don't know that they disagree with that. So I want to ask
19 you to vote entirely on the merits of the case. Not whether somebody's been punished,
20 put in jail, fined. That may or may not happen depending on the body that has that
21 jurisdiction, that power. With all respect, you don't have that power. We have
22 dormitories built, although they weren't, regulations weren't followed in the beginning.
23 The beautiful places where the Bible students to live, the Bible college has sent a letter.

1 One of their higher officials asking, or telling you that you that they need all the help
2 they can get. I've walked through them, they're beautiful, some of the rat holes I've
3 stayed in, you've stayed in, when I went to college and law school and graduate school;
4 you really would appreciate it. It's a nice facility; it's going to be brought up to code. My
5 people are dedicated on spending whatever money it takes to make you happy and to
6 make the code officials happy. I say to you, unless there's some family squabbles that
7 go back a long way, and some of the speakers may say something about that, I don't
8 think you'll find anybody else that doesn't do anything but welcome that facility. Shirley
9 Lamar, who has now entered into retirement, has put a lot of money in it; and she's a
10 real victim in this case. So, I say there is no reason not to vote against it and please
11 don't vote in a punitive manner because it's not yours to punish anybody. Leave that to
12 the people who have the statutory jurisdiction to do that. Thank you.

13 CHAIRMAN GREEN: Thank you. Allen Meronek. Is it Susan Meronek? Okay,
14 Followed by Shirley Lamar will be next?

15 CHAIRMAN GREEN: Please.

16 **TESTIMONY OF SUSAN MERONEK:**

17 MS. MERONEK: You want name and address right? Susan Meronek, 100
18 Cobblestone Way, Alpharetta, Georgia. My brother and I object to this application on
19 the basis it is unlawful, it is erroneously filed, and would, if approved, result in an
20 unlawful amendatory ordinance in contravention of the 14th Amendment to the
21 Constitution; specifically, denial of the equal protection and due process under law. The
22 application is unlawful because it comes after the fact of erecting the structures. Both
23 the South Carolina Code and the Richland Zoning Ordinance, make erecting a structure

1 without first being issued a building permit unlawful. Neither the Code nor the Richland
2 County Zoning Ordinance provide a remedy to legalize a structure after the fact.
3 Rather, the Legislation provides enforcement procedures; such as stop work orders,
4 warrants, writs of injunction, a mandamus; to prevent flagrant disregard of the law, and
5 in appropriate cases, to acquire removal of unauthorized structures. The enforcement
6 procedures in this case have not been followed. The application is filed under the guise
7 of a planned development district. South Carolina Code provides for a PDD to provide
8 for innovative site planning and allow flexibility to improve design, character, and quality,
9 and to preserve natural and scenic features of open spaces, for the general purpose of
10 promoting and protecting the health, safety and general welfare of the community.
11 These two illegal structures go in no direction towards a PDD. The owner should have
12 sought C-3 zoning prior to illegally constructing the buildings; which this Planning
13 Commission would not have approved, on the basis of your past decisions and
14 recommendations in respect of adjacent property. We contend that the rezoning of the
15 Murphy property will constitute spot zoning, resulting in any amendatory ordinance
16 being unlawful and invalid. As you are aware, spot zoning is a process of singling out a
17 small parcel of land for use classification totally different from that of the surrounding
18 area, for the benefit of owners of such property and to the detriment of other owners.
19 Generally speaking, it has been held that where an ordinance establishes a small area
20 within limits of a zone, in which are permitted uses different from or inconsistent with
21 those permitted within a larger, such spot zoning is invalid where the ordinance does
22 not form part of a comprehensive plan of the zoning or is from your private gain, as
23 distinguished from the good of the common welfare. If limitations upon the use of the

1 property imposed by a zoning ordinance apply reasonably and fairly to all, they are valid
2 and the individual hardship and loss must be born by others in order to make possible
3 the greater advantage to the community as a whole. The depreciation of property
4 values by current zoning does not render an ordinance void, since the general welfare
5 is superior to the pecuniary profits of an individual. The legal test for spot zoning is,
6 would the amendatory ordinance be arbitrary, unreasonable and unjust? Clearly, the
7 amendatory ordinance of the currently illegally used land is arbitrary, unreasonable and
8 unjust. It contravenes the law, it infringes other landowner's constitutional rights, it
9 contradicts the case law and it sets precedence for others to proceed in the manner,
10 which flagrantly disregards the law. Therefore, we ask you to reject this application,
11 preserve the integrity of the zoning ordinance and this Commission's ability to plan and
12 enforce it. Thank you.

13 CHAIRMAN GREEN: Thank you. Shirley Lamar followed by Pat Murphy.

14 MR. AUGHTRY: Shirley withdraws her testimony.

15 CHAIRMAN GREEN: Okay, Pat Murphy.

16 MR. AUGHTRY: Pat withdraws.

17 CHAIRMAN GREEN: Nancy Vincent.

18 **TESTIMONY OF NANCY VINCENT:**

19 MS. VINCENT: Good afternoon Planning Commission Members, thank you for
20 the opportunity to speak. I'm Nancy Vincent, P.O. Box 12782, Charleston, South
21 Carolina. I'm trustee for the property just across Sarah Matthews Road from the Lamar
22 and Meronek properties. I've – I'm a long time resident except for the last ten years.
23 I've gone to Charleston to work there but I do expect to return home to retire. My

1 mom's 92 and she depends on income from our, her home, she rents it to Bible college
2 students. And I'm here to speak in support of this project. It's the neighbors, the many
3 long time neighbors, who live in the area, and have lived there for many years, support
4 the project. It'll act as an anchor really to sort of help keep our neighborhood in
5 residential use for Bible college students. The college students couldn't be better
6 neighbors and the college has indicated a need for some additional housing. I can't
7 help but respond to some of the comments that you just heard. If you should tear this
8 down because it was built unlawfully, then you should tear Mr. Meronek's down first,
9 because his was built in the face of two stop work orders. I believe you all may recall
10 the photographs I showed you, last time I was here, of the 40 or so junk cars, cars in
11 various states of repair, that Mr. Meronek has on his property, sort of devaluing our
12 neighborhood. So, if it's the scenic features they're concerned about, I'm not is sure
13 what is scenic to them, but we much prefer trees and residential uses for the area
14 surrounding this and to respect adjacent property owners; which this project does. It
15 sort of, puts in the center of 16 acres, a nice facility for college students, for the Bible
16 college students. And I really wouldn't call it spot zoning because many of the
17 neighbors, the elderly, retired folks, have some mobile homes and other things on their
18 property that they rent to Bible college students just as my mother does. So, it keeps
19 the property in a more residential use instead of an industrial junkyard, like Mr. Meronek
20 has. I didn't come here to say those things to you, I just wanted to point out that County
21 Council gave this unanimous approval on first reading and there's definitely a need for
22 student housing here. They've altered the amendment to, eliminated the two additional
23 buildings that they had proposed, and this type of facility allows Ms. Lamar to keep the

1 property in residential use, while providing some retirement income for her. I think,
2 there has been some punitive damages already, Mr. Van Dine, and I appreciate your
3 sense of justice. They have lost over a year in rent, so – and they really regret that they
4 went about this the wrong way in the beginning. They have certainly learned their
5 lesson. So I would ask you to adopt this proposal and help preserve the integrity of our
6 neighborhood. Thank you.

7 CHAIRMAN GREEN: Thank you. That's everybody that's signed up to speak on
8 this particular issue, so I will open up comments by Planning Commission Members or
9 questions of Staff.

10 MR. VAN DINE: Could I ask a couple of questions of Staff? The - mention was
11 just made to first reading by County Council, was there a first reading? And if so, on
12 what, which one of these did we, did they do first reading on? Is it the revised proposal
13 or and what's -

14 MR. GOSLINE: What I, when it went to Council, they, as Ms. Vincent said, they
15 were concerned about the future buildings site and sent proposal back to take, to revise
16 the plan to take those buildings out, which it has done.

17 MR. VAN DINE: So, they didn't do any votes, or anything like that?

18 MS. LINDER: Yes, they had a public hearing and they gave it first reading on
19 June 22nd. And as Mr. Gosline said, they were giving first reading to the amended
20 ordinance, which would lessen the structures on it. So, yes, it had first reading on
21 what's now before you and it came to you to get your recommendation whether that's
22 favorable or not favorable.

1 MR. LINDER: Did they have this particular drawing in front of them, or was it
2 done on the discussion as to, 'this is what we're going to do?'

3 MS. VINCENT: I would presume it was based on discussion, if the drawing just
4 recently came in. So this is encompassing the Council's intent.

5 MR. GOSLINE: Correct.

6 MR. VAN DINE: Second question is, if in fact this were to be voted on by the
7 Planning Commission and by County Council, does that invalidate, void, waive, or do
8 anything to any possible issues regarding code violations, or in any way, have any
9 impact upon any of the issues relating to the building of it prior to getting any kind of
10 approval?

11 MS. LINDER: Those are separate issues. We're keeping the zoning separate
12 from any violations.

13 MR. VAN DINE: That wasn't my question. The question was, by approving this,
14 does it in any way affect the ability to enforce and/or to bring actions related to the
15 failure to meet those [inaudible]?

16 MS. LINDER: No, it does not.

17 CHAIRMAN GREEN: Mr. Gosline I had a quick question. Do the buildings, as
18 currently placed, meet all set back requirements?

19 MR. GOSLINE: Well, they probably do under the existing ordinance. But, they
20 certainly would under the PDD because you have the flexibility.

21 MS. LUCIUS: I had a couple of questions too. Going back to the drawing, it has,
22 it shows an existing boarding house, 10 bedrooms, and then one-story boarding
23 house, 12 bedrooms. Is that second one not there yet?

1 MR. GOSLINE: No, it's there.

2 MS. LUCIUS: It is there.

3 MR. GOSLINE: That's the one that got constructed without the permits.

4 MS. LUCIUS: Right, one says existing and then one doesn't say existing.

5 MR. GOSLINE: The existing was a house, an existing house that got converted
6 and then the other, the long building in back, was the one built without.

7 MS. LUCIUS: So an approval today would just be approving what's there now
8 and nothing in the future?

9 MR. GOSLINE: Correct. They'd have to, any addition or any additional buildings
10 or any additional changes to the plan at all would have to come back through the whole
11 process.

12 MS. LUCIUS: And I had a question about the conditions. Well, on page 11, up
13 at the top, you've got the last line, "Since the proposed site will be enveloped my natural
14 woodlands, the site is compatible with the adjacent development." In other words, if that
15 natural woodlands wasn't there, then it probably wouldn't be compatible? In others
16 words, that's what you're saying?

17 MR. GOSLINE: Well, I guess what we're trying to say is that is essentially multi-
18 family housing, but there is a huge buffer are to the -

19 MS. LUCIUS: And that leads to my question. Is that buffer area, is that
20 protected, is there, I mean, can they not, they want come back in later and take that
21 buffer out?

1 MR. GOSLINE: Any change to this would require going through the process
2 again. The remainder of this parcel of land, in that light green, is zoned D-1. So they
3 could -

4 MS. LUCIUS: I just want to make sure that no site clearance activity will cover
5 those woodlands. I mean, they'll stay there, that buffer will stay there. We don't, that's
6 not a chance of us approving it and then something happen to that buffer?

7 MR. GOSLINE: Well, the applicant could apply for any D-1 use, but then it would
8 a, going through the subdivision process. And the land clearing and all the rest of that
9 would still apply.

10 MS. LUCIUS: I would just make sure that that's going to stay.

11 MR. VAN DINE: This entire parcel is going to be under the PDD?

12 MR. GOSLINE: No, sir, just what you see outlined in the kind of, the flag lot. It's
13 kind of hard to read, but it's not the whole thing. It's just about a four acre portion of the
14 eight or so acres.

15 MR. FURGESS: Carl, the last time -

16 MR. VAN DINE: I'm just, I want to make sure I understand where the C-1 and
17 what's, what we're looking at here. And I understand where the flagged lot they're
18 looking at. How are they going to divide out for plat purposes? It looks like if they do
19 just the flag lot then there's only that little itty, bitty portion on the right, which would
20 remain as a C-1.

21 MR. GOSLINE: That's correct.

22 MR. VAN DINE: Would that even be buildable in a C-1?

1 MR. GOSLINE: Probably, just taking it, the dimensions, because the C-1, you
2 know, the side setbacks and things, aren't very big, so. But the project, and again I
3 apologize for the drawing, but it's the, essentially the entrance and the sort of
4 rectangular or trapezoidal shaped piece in the front of, kind of in the middle, well it's
5 kind of hard to describe. It's only parcel B-1 of the drawing in front of you, that's being
6 rezoned.

7 CHAIRMAN GREEN: Any further questions for Staff?

8 MR. FURGESS: Yeah, I have one question. Carl, when we went through this
9 before, wasn't there a house attached to this, on the property, a family home, or
10 something?

11 MR. GOSLINE: No, what - the two buildings that you see on the drawing, Mr.
12 Furgess, are, one is an existing house that was converted into a rooming house and
13 then a new building right behind it, the long rectangular building right behind it, was the
14 building built without the permits.

15 MR. FURGESS: Okay. Okay.

16 MR. PALMER: Mr. Chair, I make a recommendation to approve based on,
17 subject to conditions based on Staff recommendations.

18 CHARIMAN GREEN: We have a motion on the floor to send this forward to
19 County Council with a recommendation for approval, subject to Staff recommendations,
20 on page 13 and 14 of our monthly report. Do I hear a second?

21 MR. MCBRIDE: I'll second.

22 CHAIRMAN GREEN: We have a motion and a second. Discussion on the
23 motion?

1 MR. JACKSON: Basically, my concern about the punitive damages, my concern
2 is basically based on safety. Some building has been constructed illegally and I'm
3 concerned about the occupants of that building, or who would occupy that building. If I
4 support as in changing the zoning, I'm not sure about the safety of those buildings. I
5 just have concern, it was building illegally, have been brought up to code? I'm not sure.

6 MR. PALMER: These buildings would have to be brought up to code before they
7 were given a CO, correct?

8 MR. CRISS: That is correct. The Building Official will assure that the buildings
9 are inspected after the fact and for situations like foundations that are covered up, that
10 engineer's letters are submitted, or cores are made available to guarantee the safety,
11 integrity of the structure.

12 MR. VAN DINE: That would include wiring inspections?

13 MR. CRISS: Wiring, plumbing, mechanical, structural integrity.

14 MR. JACKSON: Because as I understand, the building was complete.

15 MR. CRISS: Right, essentially.

16 MR. JACKSON: So, it, almost tearing it apart to really.

17 MR. CRISS: There are ways to sample construction, after it's complete, by
18 removing portions.

19 MR. JACKSON: That's my main concern.

20 CHAIRMAN GREEN: Further discussion on the motion?

21 MR. VAN DINE: Mr. Chairman, I - the concept of what they're attempting to do in
22 the area doesn't bother me. I just want to make sure that to the extent there are
23 ongoing actions, beyond just code compliance reviews, that our vote, in this Body, does

1 not, in fact, impact upon those, change any ability of the County to take any action that it
2 deems necessary for the failure to meet the violation. The actual concept of what
3 they're doing doesn't bother me, but those are, that is the issue that I want to make sure
4 that this particular Body is not somehow impacting upon them. As I understand, from
5 legal counsel, it is her belief that this Body's recommendation would not impact upon
6 any of those, the ability to the County, to bring whatever actions it deems necessary in
7 relation to this action. Is that true?

8 MS. LINDER: That is correct.

9 MR. VAN DINE: Based upon that interpretation from County Council, then I
10 would be in support of the amended petition that has been presented.

11 CHAIRMAN GREEN: Further discussion? We have a motion on the floor, all
12 those in favor of sending this forward to County Council with a recommendation for
13 acceptance, please raise your hand.

14 MR. VAN DINE: Is that subject, I'm sorry.

15 CHARIMAN GREEN: Subject to the conditions, as specified on Staff Report on
16 pages 13 and 14.

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

19 CHAIRMAN GRENN: For this rezoning item, as well as for those of you who are
20 here on other rezoning items, the zoning public hearing that will be conducted by
21 County Council will take place on Tuesday evening, September 28th, at 7:00 p.m. We
22 are a recommending Body, with regard to zoning changes, so all of you should know
23 that, irrespective of our recommendations today, there will be a public hearing on the

1 evening of Tuesday, September 28th, on the issues we're hearing today for rezoning.

2 Thank you. Before we move to -

3 MR. VAN DINE: Mr. Chairman, is that necessarily true on the one we just did,
4 because they've already had a first reading and a public comment.

5 MS. LINDER: Because Staff has already, has advertised it for a public hearing,
6 we would have a second public hearing on it and then it would be, go in for second
7 reading.

8 CHAIRMAN GREEN: Thank you.

9 MR. GOSLINE: It'll be up, it'll have a public hearing again on the 28th as well?

10 MS. LINDER: It's been advertised for a public hearing.

11 CHAIRMAN GREEN: Thank you. Before moving on to new business, a face
12 that you will see up here, hopefully for the next four years. I'd like to introduce Mr.
13 Dayes Manning, who will be joining the Richland County Planning Commission at our
14 next meeting. We're excited about Dayes coming on, subject to approval of Richland
15 County Council's minutes, he will be seated as a part of the Planning Commission,
16 replacing a gentleman that served on this Body, I think in two different terms, for almost
17 18 years. So, Dayes we're pleased to have you join us at our next meeting. Next on our
18 agenda is the subdivision review, and the first item is SD-04-193.

19 **CASE SD-04-193:**

20 MR. GOSLINE: Mr. Chairman and Members, this is a project called Cherokee
21 Ridge. It's located way out in the Northeast part of the county. It's, the drawing, plat is
22 on page 25. Staff recommends approval.

23 CHAIRMAN GREEN: Discussion, questions?

1 MR. VAN DINE: I just want to - we ran into this past and we were talking about
2 gross densities, did we do the formula correctly this time? This would be more than
3 acre lots on this?

4 MR. GOSLINE: Yeah, slightly more. It's .9 DU's per acre.

5 MR. VAN DINE: I understand, but remember the last, we had that little
6 confusion, were we were actually flipping and it should have been acres per dwelling
7 unit as opposed to -

8 MR GOSLINE: Well that was an unusual case, that other one was an unusual
9 case.

10 MS. LUCIUS: I think it's refreshing to see a subdivision remain rural. Because
11 we keep being told that it has to be rezoned for subdivision. I just want to point that out.

12 MR. VAN DINE: I move for approval, subject to conditions on page 23.

13 MS. WYATT: I second.

14 CHAIRMAN GREEN: Motion and a second to approve, subject to conditions on
15 page 23. I had just one quick question. Under specific conditions, it says, under Item
16 B, and maybe my memory's not just good. But I don't remember this, "The plat must
17 establish the setbacks, either graphically or be notation, for each lot." Is this new?

18 MR. GOSLINE: Well, no it doesn't usually appear in most subdivisions, Mr.
19 Chairman, because, it really is more applicable to conventional type subdivisions in RS
20 -1, 2, 3, and 4. But it, this is one of the conditions that we put, that's on our template
21 that we put in, and in this particular case, we wanted to be sure that the setbacks show
22 up. We aren't as vigilant about it in rural subdivisions, because you've got plenty of

1 room, but this is a pretty much standard condition that we've asked the applicants to
2 show the building envelopes on the lots.

3 CHAIRMAN GREEN: My quick question, not to dwell on this. Is this required by
4 our subdivision regulations?

5 MR. GOSLINE: We're required, it may not be, specifically be required, but in
6 order for the plat to get approved and to facilitate the permitting process, we've asked
7 projects to do that so that when they come to get a permit it's evident that they're
8 meeting the setback.

9 CHAIRMAN GREEN: But it's not a required element of the code?

10 MR. GOSLINE: I'd have to do -

11 CHAIRMAN GREEN: Because we have set, I mean, the code does have
12 setback requirements.

13 MR. GOSLINE: Yes.

14 CHAIRMAN GREEN: I get concerned that we start making up things the code
15 doesn't ask for.

16 MR. GOSLINE: Well, this, you're right, there are setback requirements for all the
17 zoning districts. And in subdivisions, we've asked the applicants to put the building
18 envelopes on the lots, in order to facilitate the permitting process when they come to the
19 counter. Because when the ladies at the counter go to the plat, then they can readily
20 see that it's okay.

21 MR. VAN DINE: I think what's being said here is that setbacks are required by
22 the code. This is asking them to show what those setbacks are, as opposed to
23 establishing new ones.

1 CHAIRMAN GREEN: My only concern is we start having things that the code
2 doesn't require. That we start requiring people to do things that are not specified in the
3 code.

4 MR. VAN DINE: I think that – I think the code does require that. I think it's
5 implicit in what the code requires is that we get this information to assure those are in
6 fact being met.

7 MR. CRISS: The alternative is to hold up building permits until other Staff in
8 Zoning can research the code that was in effect at the time the plat got approved and go
9 to the reference library, for the old version of the ordinance. We're trying to speed up
10 that process and to self document the setbacks in effect at the time.

11 CHAIRMAN GREEN: We have a motion on the floor to approve SD-04-193,
12 subject to the conditions on page 23 of the Staff Report. Any further discussion? All
13 those in favor please raise your hand. Opposed?

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

15 CHAIRMAN GREEN: The next agenda item is SD-05-25.

16 **CASE SD-05-25:**

17 MR. GOSLINE: Mr. Chairman and Members, this is Myers Creek, Phase 2.
18 Obviously, a second portion of the Myers Creek project, that was started about a year,
19 year and a half ago, on Rabbit Run Road, near Trotter Road. Staff recommends
20 approval subject to the conditions.

21 CHAIRMAN GREEN: Questions of Staff, discussion?

22 MR. VAN DINE: The site map that you're showing, it's the entire parcel? We're
23 just looking at a portion of it or the phase, is that right?

1 MR. GOSLINE: Thirty-five is the entire parcel, the darker part is Phase 2.

2 MS. WYATT: Mr. Chair, I'm going to make motion for approval, based on
3 conditions on page 33.

4 CHAIRMAN GREEN: We have a motion for approval, is there a second?

5 MR. FURGESS: I second.

6 CHAIRMAN GREEN: It's been seconded. I guess I have another question, with
7 regard to Staff under the specific conditions. It's listed, "The developer shall install a
8 fence, wall, landscape berm or combination therefore, to prohibit access to a particular
9 road." Is this part of code? Or is this simply a separate -

10 MR. GOSLINE: This is a condition that we've been - had in a lot of the
11 subdivisions, for the last year or two, where they back up to the collector road, which is
12 Rabbit Run Road. We've always ask that they put up some kind of a berm or, keep any
13 direct access from going from those three or four lots directly onto Rabbit Run Road.

14 CHAIRMAN GREEN: And that's been a part of all our subdivision requirements
15 up until this point?

16 MR. GOSLINE: Only when the conditions would warrant that. Because of the
17 double frontage, there's some provisions in the subdivision reg's about not having dual
18 access on frontage lots.

19 CHARIMAN GREEN: So the reg's already prohibit the access and this a further
20 requirement on the developer?

21 MR. GOSLINE: Well, the reason for that, Mr. Chairman, is that we want to be
22 sure that it's something more than just telling somebody they can't do it. Because

1 unless you do something physical like a berm or a fence or something, some people are
2 just going to come in off of Rabbit Run Road into their backyard, and we're trying -

3 CHARIMAN GREEN: Who assumes responsibilities for the fence after it's
4 constructed?

5 MR. GOSLINE: I presume the homeowner's or the H.O.A.

6 CHAIRMAN GREEN: So if the homeowner let's the fence fall down, they're
7 going to be cited for a violation, or? I'm just wondering if we're creating something here
8 we have no ability to enforce.

9 MR. GOSLINE: No, we have the ability to enforce it, but it wouldn't be very high
10 on the priority, that's for sure.

11 MR. PALMER: Well, let me ask you this, if you had the ability to enforce that,
12 why would you not have the ability to enforce, just saying that you cannot access the
13 road off of the street?

14 MR. GOSLINE: Because you'd have to be out there all day long.

15 MR. PALMER: But you still have that ability. I agree with Gene, that I don't like
16 us putting stuff in here, additional burdens on people, that we've not passed as part of
17 the code. That's what I have a problem with. I think everyone should be treated equal
18 and whether somebody has frontage on two roads, or this, they're not allowed to access
19 the second road. Now, whether or not they do that, that's up to the County to be able to
20 enforce that. If you get complaints from a neighbor, or something, that hey, you know,
21 they're accessing the road, that's something for you guys to handle. We as a County
22 pass the ordinances and the codes and we administer those evenly throughout the
23 county. And that's what I have a problem with.

1 MR. CRISS: This is a cost effective way of enforcing limited access to double
2 frontage lots.

3 MR. PALMER: But it's cost effective for you guys, but -

4 MR. CRISS: It's cost effective for the taxpayers of Richland County.

5 MR. JACKSON: Also, it's a safety also. And I always go back to safety.

6 MR. VAN DINE: I respectfully disagree with Mr. Green and Mr. Palmer. I think
7 that this is a perfectly legitimate way to deal with the double frontage lot aspect, in not
8 allowing access. We've always been talking about making access, to avoid curb cuts,
9 on the internal streets. This is a way in which we are assuring ourselves that that
10 access will not be onto the other road. To say otherwise that we're going to rely on the
11 goodwill of individuals, it's our job to plan here and this is a legitimate way and this is in
12 the code, as an ability to maintain the limited access, the internal road access. To say
13 that we're going to start making everything so easy that you can basically go out there
14 and the County, and taxpayers of this County has to enforce everything on every place,
15 and we can't plan for it is ridiculous. At this stage, it is our job, as this Planning
16 Commission, to set legitimate, reasonable restrictions on how things are to be done,
17 that's what this does.

18 CHAIRMAN GREEN: And when the time comes that we want to tell that to the
19 public, we ought to put it in the code.

20 MR. PALMER: That's my recommendation.

21 CHAIRMAN GREEN: Instead of making it up on a case-by-case basis.

22 MR. JACKSON: I don't think it's been made up.

23 MR. VAN DINE: I think it's in the code right now, with all due respect.

1 MR. PALMER: Perhaps we should make an amendment and send it before the
2 Council and let them vote on it and see what they think about it.

3 CHAIRMAN GREEN: Okay, we have a motion on the floor, with a second to
4 approve this subdivision subject to specific to conditions on page 33, further discussions
5 on the motion? Those in favor of the motion, please raise your hand. Those opposed?
6 *[Approved: Palmer, Furgess, Lucius, Jackson, Wyatt, Van Dine, McBride; Opposed:
7 Green]*

8 CHAIRMAN GREEN: We go to SD-04-208, Pinnacle Pointe. Staff?

9 **CASE SD-04-208:**

10 MR. GOSELINE: Mr. Chairman, Members, this is Phase 2 of Pinnacle Pointe
11 Medical Park commercial subdivision out on Rabon Road; actually between Rabon
12 Road and Legrande Road, kind of behind the Gateway Center and the Cracker Barrel
13 out there. Staff recommends approval.

14 MR. VAN DINE: Mr. Chairman, was there not six, nine months ago, maybe as
15 much as a year ago, something that came before us to provide a road through to Rabon
16 Road, sort of from that area?

17 CHAIRMAN GREEN: As I recall, this is the southern half of the other part of it
18 that does, in fact, front on Rabon, so I'm assuming that road has been constructed.

19 MS. WYATT: It has.

20 MR. VAN DINE: Do we not agree that that would, that that access onto Rabon
21 Road, through that area was already – would it be allowed? I'm trying to remember.

1 MR. GOSLINE: When the zoning took place, a year and a half or two ago, there
2 was some discussion about one access point to Legrande versus two. It ultimately got
3 decided that there would be two.

4 MR. VAN DINE: Wasn't there though an access that went from Legrande,
5 actually it exited out on Rabon through the back of this parcel?

6 CHAIRMAN GREEN: That's, I believe, if I'm not mistaken, you take Pinnacle
7 Pointe Circle into Pinnacle Pointe Drive. Pinnacle Pointe Drive exits onto Rabon Road.

8 MR. GOSLINE: Right, just right next to – almost next to the railroad track.

9 MS. WYATT: Mr. Chair, I'm going to make a motion for approval, subject to
10 conditions on page 43.

11 CHAIRMAN GREEN: We have a motion to approve subject conditions on Staff
12 Report page 43. Do I hear a second?

13 MS. LUCIUS: Second

14 CHAIRMAN GREEN: Further discussion? All those in favor, please raise your
15 hand.

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

17 CHAIRMAN GREEN: Motion passes.

18 MS. WYATT: Mr. Chair, while you're moving on to the next case, I'd certainly like
19 everyone to make note that on that front door, it says "Turn your cell phones off." I've
20 sat here and counted five of them, since I started this meeting and it's awfully
21 distracting, so please turn them off. Thank you.

22 CHAIRMAN GREEN: Thank you, Ms. Wyatt. Next on our list is SD-05-10.

23 **CASE SD-05-10:**

1 MR. GOSLINE: Mr. Chairman and Members this is a proposed single-family
2 subdivision on Koon Road, near Coogler Road. It was up, granted zoning about three
3 or four months ago. Staff recommends approval.

4 MS. LUCIUS: I have a couple questions.

5 CHAIRMAN GREEN: Please.

6 MS. LUCIUS: This may be neither here nor there, Mr. Gosline, but I know this
7 came before us back in March of '03. And at that time Centex owned it or had, was
8 going to buy it or something. And we approved an RS-1A on this property and then it
9 was withdrawn before it got to Council. And now it came back before us and we
10 approved it as an RS-2. I'm just wondering. Well anyway, that's neither here nor there,
11 but I'm going to read something to you out of the minutes and see if you explain to me.
12 When I looked at this drawing, do you think this is a good design?

13 MR. GOSLINE: Do I think what?

14 MS. LUCIUS: Do you think, all right, let me read something to you out of the
15 minutes, when we approved this, okay? And Mr. Shumaker said, I went back and
16 pulled this, and we were asking about the ponds. And he said "Actually it's three ponds
17 on the property. We plan to keep all of them and put them into the association for
18 everyone's use. We plan to put a little picnic area around one of the ponds, where they
19 can have on site activities." I don't see any of that. I don't see any access to those
20 ponds except to the people who's lots are right around it. I don't see any open space. I
21 mean, it looks to me like it's just a conventional – load as many lots in there as you can
22 get.

23 MR. GOSLINE: The property was rezoned RS-2.

1 MS. LUCIUS: Why, do know why the RS-1 was withdrawn, after we had
2 approved it?

3 MR. GOSLINE: No, I don't.

4 MS. LUCIUS: I'm just concerned about the design of it. It just doesn't look like
5 it's making good use of that piece of property and especially where it's located. It's just
6 going to stick out like a sore thumb.

7 MR. GOSLINE: Right, I think you have a very good point, Ms. Lucius, about the
8 lots going into the pond. If you look down at the bottom part, there are two big ponds.
9 One is down toward the bottom of the project; the other's right up near the top. We've
10 always tried to caution, or ask developers to not cut lots into, below wetlands, or into
11 water bodies, and so on like that, because then it allows, if you keep it a homogenous
12 parcel, it allows – give it to the homeowner's association, or dedicate it and get some
13 tax breaks and things like that. It also complicates the permitting process if you're down
14 below the 100-year flood elevation and the same with both of these ponds in this case.
15 I think that's a very good point, you have to ask Mr. Margle and Mr. Shumaker.

16 MS. LUCIUS: Well, I'm just wondering, I mean, that came right out of the
17 minutes. And, I mean, that's a sort of a statement that could sway a vote and then
18 when I saw the way it was drawn, I was very disappointed.

19 MR. GOSLINE: I have no idea why Centex withdrew.

20 MS. LUCIUS: No, it's not Centex, they were the ones that we approved RS-1.

21 MR. GOSLINE: Yeah, but they withdrew before it went to Council, I think. And
22 then, Shumaker came back in, what earlier this year?

1 MS. LUCIUS: Well, I just think, where it's located and it's surrounded by rural
2 and it just – I don't know, I just wasn't happy when I saw the drawing.

3 MR. GOSLINE: Yeah, it is zoned -

4 MS. WYATT: We've already approved the zoning.

5 MS. LUCIUS: I know we've approved the zoning, I know we have – but I'm just
6 saying we have had subdivisions come before us and we had them redraw it because it
7 didn't take advantage of the topography and I don't think this one does.

8 MR. GOSLINE: Absolutely, and that's certainly a good point.

9 MR. VAN DINE: It - the buildable space on the lot, are they allowed to utilize
10 what in essence is submerged land in calculation or do they have to find a spot,
11 setbacks? I mean, because, I don't know if they're the right size, or not, but, if I look at
12 a couple of the lots, they seem awful small, unless you include what in essence
13 amounts to submerged land, if in fact the pond still exists. How do you calculate space
14 for a building pad?

15 MR. GOSLINE: I don't know that that's ever come up, Mr. Van Dine. But in this
16 case, you only need 8,500 square feet. So, with a possible exception of one down at
17 the bottom, it looked like they probably all would meet that. That's one reason why a lot
18 of applicants will go for zoning for more smaller lots than they really are going to build,
19 because - so if they, when they run into things like this, then they're not stuck.

20 MR. VAN DINE: I guess my question though is, is the 8,500 measured as a lot
21 inclusive of land that would be underneath the water surface? Because, if in fact it
22 should not include the submerged surface, then we need to be making sure that,
23 assumed this is approved, each and every one of these lots is in fact an 8,500 square

1 foot lot, exclusive of the land under the pond. Because, I mean, I could see a very good
2 reason for extending it out to the middle of a pond, if you can use the submerged land
3 as part of your lot size.

4 MR. GOSLINE: I don't think that the code is very clear. In fact, it doesn't say
5 anything about that in the area that I know of, but I wouldn't – Mr. Margle and Mr.
6 Shumaker are here and maybe they can answer the question about whether some of
7 these lots would, in fact, be too small if they didn't have –

8 MS. LUCIUS: And would they then be able to go the Board of Zoning Appeals
9 and get a special exception to build anyway?

10 MR. GOSLINE: No, they would be a special exception.

11 MS. LUCIUS: Not a special exception, I mean variance.

12 MR. GOSLINE: But, that would be tough to prove because they could redesign
13 it. I mean, conceptually the project could be redesigned to avoid the need to get a
14 variance.

15 MR. JACKSON: I can't imagine [inaudible] in middle of a pond.

16 MR. GOSLINE: A lot of, yeah, there's a lot of subdivisions that have lots that go
17 out into the middle of ponds or wetlands, particularly wetlands, but ponds as well. And
18 just think about it if from the practical point of view, I mean, who's going to maintain it?
19 Who's responsible to maintain it?

20 MS. LUCIUS: We've had them like that before, but these just seem so small.

21 CHAIRMAN GREEN: Carl, have each of these lots that contain part of the
22 ponds, is it possible to fit a house on there with the setback requirements? There're

1 some of them that seem like they're awfully shallow. For instance, lot number 46.

2 MR. GOSLINE: Right.

3 MS. LUCIUS: That's what I mean about the variance.

4 CHAIRMAN GREEN: And 45 is there enough room for the footprint?

5 MR. GOSLINE: I would ask you to ask Mr. Margle.

6 **TESTIMONY OF TOM MARGLE:**

7 MR. MARGLE: Tom Margle, with Shumaker Homes. When we were doing the
8 layout, we talked to the engineer to make sure that the lots are deep enough to have the
9 homes on them. Our engineer is with us.

10 MR. VAN DINE: They're deep enough, including the area that's under the pond
11 or is it – or do the ponds even exist any more?

12 MR. MAGLE: The reason that it goes out into the ponds and part of the lots –
13 part of the pond is in the lot [inaudible] from exactly what Carl said. As a homeowner or
14 an ownership position. We have it both ways right now in various subdivisions and
15 neither one is working quite well. Where I'm saying, if the homeowner's association
16 owns all the lake and they want access to all the lake and all the benefits of all the lake,
17 that's tough to do sometimes in this small of a subdivision. So, in this case we deeded,
18 or took the lots out into the pond, and those people who owned around the pond, only
19 share in any maintenance and costs with that. It's something that could be looked at,
20 but we've looked at it detail before we chose this layout.

21 CHAIRMAN GREEN: Thank you. Further comments by Planning Commission
22 Members?

1 MR. JACKSON: My only concern is that this is another case where some
2 decisions were made based on the comments by the developer [inaudible]. And then
3 it's changed, and that's what I was talking about earlier, about people committing to do
4 the right thing and eventually not do it. I have real concerned about that.

5 MR. VAN DINE: Mr. Green, can I ask you a question please? Do the ponds still
6 exist; are both of them still full of water? Yeah, is that a yes?

7 MR. GOSLINE: They were a month ago. Now I would presume that they're
8 plenty full right now.

9 CHARIMAN GREEN: Okay, further discussion? I don't think we have a motion
10 on the table, one way or the other, at present.

11 MR. MARGLE: Can I clear up this issue about what is not open space? Isn't
12 that area behind the pond part of the open space and not a lot? If somebody's got a full
13 size map, I'll point it out what I'm talking about.

14 CHAIRMAN GREEN: Based on what we have everything appears to be platted,
15 all the properties appear to be platted.

16 MR. MARGLE: This goes back to the statement of Mr. Shumaker talking about a
17 common area on the other side of the pond. If you looked at the end of the first cul-de-
18 sac, when you come in left.

19 MS. LUCIUS: I'm looking. I see it.

20 MR. MARGLE: Then go to the backside of that pond, you see that one lot does
21 not have access to a road system and that is the common area.

22 CHAIRMAN GREEN: It shows up on our small plat as a part of lot 72.

23 MR. JACKSON: Yeah. It's continuous, it's not separate.

1 CHAIRMAN GREEN: We don't have the whole – Carl do you have another
2 sheet?

3 MR. JACKSON: And there would've been no access.

4 CHAIRMAN GREEN: It's shown on our plat as part of lot 72, platted as part of a
5 .9 acre lot, is lot 72, so it's not - this subdivision plan doesn't show it as open space for a
6 common area.

7 MR. JACKSON: And still there's no access to it also.

8 MR. LUCIUS: No, there's no access to it.

9 MR. VAN DINE: I mean, likewise, just simply having open space at the back of a
10 pond with nobody being able to get to it because somebody's got houses all the way
11 around the entire area, that doesn't do you any good for open space.

12 AUDIENCE MEMBER: Now we are showing, you can't see it from here, but an
13 easement back behind 72, 73, 71, a common easement.

14 MR. VAN DINE: Let's assume I'm on Stone Mount Drive.

15 MR. JACKSON: You have to leave the subdivision.

16 MS. LUCIUS: Oh I see it, I see it.

17 MR. VAN DINE: Let's assume you're on Stone Mount Drive, how am I going to
18 get to that area off of Stone Mount Drive?

19 CHAIRMAN GREEN: Do I hear a motion? Anybody want to put a motion on the
20 floor with regard to this application?

21 MS. WYATT: Mr. Chair, I'm going to throw a motion out. I'm going to make a
22 motion for approval, subject to the conditions that have been stated on –

23 CHAIRMAN GREEN: 53 and 54.

1 MS. WYATT: And that we add the condition, that there be an easement to allow
2 access to that common area, that I'll refer to as located near lot 72.

3 CHAIRMAN GREEN: There is no common area on the plat, I didn't -

4 MS. WYATT: Well, then, that they cut that out to make for a common area.

5 MR. MARGLE: We stand, we will correct this plat, make that area that we're
6 talking about on 72, clearly as a common area with access.

7 CHAIRMAN GREEN: How would the access, just so - as I'm looking at, how
8 would access be provided to that lot?

9 MR. MARGLE: It'll come off one, in between one and possibly two lots, so they
10 can get back there and utilize it. It'll be on a lot line, to get to it, it'll be a minimum of 20'
11 easement.

12 MR. PALMER: I don't understand you. So then are you going to redraw the
13 pond, so that it's owned by a homeowner's association or are these people going to be
14 having ownership in that pond that some other 80 or some odd people are going to
15 have access to that pond and be able to use it as free as they want to?

16 MR. MARGLE: That's correct, the latter. If we're going to make it as an open
17 space, then everybody's got to enjoy it. So, it'll go to a, well we'll create a, have to
18 create a homeowner's association, and put that pond and that easement in to it.

19 MR. PALMER: Are you going to redraw the rear lots as well, for that pond?

20 MR. MARGLE: There will probably have to be some adjustments, an
21 adjustment; minor adjustments to those lot lines.

22 MR. VAN DINE: Mr. Chairman, I would also ask, as part of the motion, that the
23 area to determine proper lot size not include submerged areas underneath the pond.

1 While it may be part of the lot, I don't think that should become a part of the lot in order
2 to determine whether or not you have the right size for buildable lot size. I'm making
3 that a request of the motion.

4 MS. WYATT: I'll amend that that he quoted in my motion.

5 CHAIRMAN GREEN: We have a motion. Do we have a second, to get it on the
6 floor?

7 MR. FURGESS: Second.

8 MS. LUCIUS: Let me understand, you're just talking about making access to one
9 of the two ponds, right?

10 CHAIRMAN GREEN: The motion was to, the Planning Commission to approve
11 the subdivision subject to Staff recommendations on 53 and 54, with the additional
12 *provisos* that the area behind the front pond be delineated as common area, with the
13 developers providing a 20' access easement to that common area. And the second
14 specification would be that, any portion of a lot underneath a pond not be calculated as
15 a part of the minimum lot requirement of this zoning district. Did I state that -

16 MS. WYATT: That's correct, Mr. Chair.

17 CHAIRMAN GREEN: Correctly, with the makers of those motions?

18 MR. VAN DINE: I thought there was also, they indicated, that they were going to
19 then take the front pond and actually make that, the property lines would actually come
20 to the edge of the pond, as opposed to into the pond, and it would be kind of common
21 area for the residents, is that correct? I didn't say that very well, did I?

22 MS. WYATT: That's wasn't part of my motion. I believe that was stated by the
23 applicant and I can amend the motion if that's your recommendation, sir.

1 MR. VAN DINE: I just want to find out if that's what they were saying. Taking the
2 front pond, and actually making it a part of the common area as well, so that the
3 individual homeowners would not have to maintain something that was common, is
4 what I understood.

5 MR. MARGLE: I beg to ask to look at it, so maybe you and I would get to it and
6 make sure. But, yeah, well look at that. I understand, I think, that what you're saying.
7 So you just want to bring the property down to the shoreline and only count for that

8 MR. VAN DINE: Right.

9 MR. MARGLE: I understand what you're saying, but I'll have to look at that to
10 see if that affects our total square footage.

11 MS. LUCIUS: Well, I know we've got a motion and a second, but before we vote,
12 I just want to say that you have to leave the subdivision, and come around to come back
13 in to what's called a common area. And I understand that was sort of a compromise,
14 but to me that's -

15 CHAIRMAN GREEN: Marsha, I think the motion is that access is from internal -
16 is that they will provide an access easement internal to the subdivision to the common
17 area.

18 MS. LUCIUS: Oh, okay, I see.

19 CHAIRMAN GREEN: An internal access easement.

20 MS. LUCIUS: To that one pond but not the other one?

21 CHAIRMAN GREEN: Correct.

22 MR. JACKSON: But it would be unfair for the community to support the other
23 pond if they don't have access to that pond.

1 MR. PALMER: I just have a question for - Howard, what's your thought process,
2 why would you have a problem with using the land under the water, as long as you have
3 enough space for a buildable pad for a house, as far as in relations to setbacks and
4 difference ordinances that we have? Why would you care how it's calculated?

5 MR. VAN DINE: Because I don't think that using land under water, which is non-
6 useable property, fits with what the requirements of what the lot sizes are, what you're
7 looking at for people to be able to live on. People are supposedly living on, and the
8 code is anticipating 8,500 square foot lots of land you can use. This is unusable land,
9 under the water, and should not be considered as part of the lot size for the purposes of
10 your land.

11 MR. PALMER: Well, I don't know where you - I'm just thinking about this from a
12 layman standpoint. If I come into a subdivision and I see a house on a lot and I'm
13 looking to purchase that house, if that house is big enough for me and that lot's big
14 enough livable space, but what I'm saying is, I don't see how, does the code say that it
15 has to be livable land, that - see that's what I'm saying Howard, that's not in the code,
16 that it needs to be livable land. If a purchaser wants to buy that house and it's big
17 enough for them, lands big enough for them, and it is fine with the purchaser; I don't
18 understand what, you know, our job here is to take a look at the code and look at the
19 area, and that kind of stuff, and I don't see how -

20 MR. JACKSON: I've never seen subdivision have submerged land. I've seen
21 submerged - I've seen lake property, but not the subdivision of a lake. So what you're
22 saying is, if it's under water, I can't see where that's a lot; that's the access to a lake but
23 not the lot under it.

1 MR. PALMER: But, what Howard's trying to say, is that if we have 8,000 square
2 feet and 500 of it's under the water, then the lots not big enough if you have to have an
3 8,500 square foot lot. Is that what you're saying Howard?

4 MR. VAN DINE: What I'm say is, zoning districts require that the lot be 8,500
5 square feet. It does not say, will somebody come in a buy this at something other than
6 that? We don't look at what people say they're going to buy or not buy because you
7 could then put it at smaller lot sizes.

8 MR. PALMER: That's correct.

9 MR. VAN DINE: You could do whatever.

10 MR. PALMER: That's right. But the lot is 8,500 feet. It doesn't say livable area,
11 it just says 8,500'.

12 MR. VAN DINE: What it says, is 8,500 feet, and I'm saying that that's not land
13 which should be included in any measurement of 8,500 feet because it is submerged
14 land and has absolutely no ability to support any part of the thing and should not be
15 considered part of that particular zoning.

16 MR. JACKSON: I agree.

17 CHAIRMAN GREEN: Now, if it's any guide to the Commission, the definition of a
18 lot in our subdivision reg's say, "A portion of a subdivision intended as a unit of transfer
19 of ownership, or for development, or both." I don't know if that gives us very clear
20 direction as of most of this document doesn't. Any further discussion on the motions?
21 We have a motion on the floor for consideration, further discussion?

22 MR. VAN DINE: Can we just get a restating of the motion, just so we can
23 understand what we're talking about?

1 CHAIRMAN GREEN: I will attempt to restate the motion. Will the makers correct
2 me if I'm, if I have misstated it? There's a motion on the floor to approve SD-05-10,
3 subject to Staff recommendations on page 53 and 54; with the additional *provisos* that
4 the front pond be deemed common area; that the portion of the land to the, currently
5 platted to the south of that, be converted to common area; that an internal access
6 easement to that common area be provided off of internal streets; and that the minimum
7 lot sizes approved for this subdivision include only that land outside of the ponds.

8 MS. WYATT: That is correct, Mr. Chair. That's was my motion.

9 CHAIRMAN GREEN: All those in favor of the motion? All those opposed?

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

11 CHAIRMAN GREEN: The next agenda item is SD-05-11, Charleston Estates.
12 Staff?

13 **CASE SD-05-11:**

14 MR. GOSLINE: Mr. Chairman, Members, this is a proposed subdivision on
15 Hardscrabble Road, that was rezoned about, what three or four months ago. This is
16 adjacent to two lots from the old Pepper Tree subdivision, that's adjacent to the Hester
17 Woods, or Killian Green, I can never get them straight, subdivisions. They were
18 rezoned a year or so ago with Mr. Carboy? Staff recommends approval.

19 CHAIRMAN GREEN: Questions from Planning Commission?

20 MR. PALMER: I move to approve subject to conditions.

21 MR. MCBRIDE: Second.

22 CHAIRMAN GREEN: Motion to approve, subject to conditions on page 63.

1 MR. VAN DINE: Mr. Chairman, just one question, there's like a triangular spot in
2 the lower right hand corner of 65; is that a land locked lot? I'm trying to think of what –

3 CHAIRMAN GREEN: Does that say detention? The letters are so small. Is that
4 a detention area?

5 MR. PALMER: I think it is.

6 MS LUCIUS: Where is it?

7 MR. VAN DINE: It's at the bottom – the cul-de-sac comes in off of Hardscrabble,
8 at the bottom -

9 MS. LUCIUS: It says, detention - well my eyes.

10 MR. VAN DINE: Okay, so that's not a separate lot?

11 CHAIRMAN GREEN: We have a motion, do I hear a second?

12 MR. MCBRIDE: I second.

13 CHAIRMAN GREEN: We have a motion, a second. Discussion? Seeing no
14 discussion. All those in favor of the motion?

15 MR. VAN DINE: That's subject to 63?

16 CHAIRMAN GREEN: Subject to conditions on page 63. Please raise your hand.
17 All those opposed? Thank you.

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

20 CHAIRMAN GREEN: Thank you. We're now finished with the subdivision
21 review portion of our meeting and we will move into new business for zoning map
22 amendments; the first of which is 04-66-MA, Staff?

23 MR. GOSLINE: Can we take a couple minute break?

1 CHAIRMAN GREEN: We'll stand adjourned for about three minutes.

2 *[BREAK]*

3 CHAIRMAN GREEN: We'll go back in session now, if you would please. The
4 first zoning case is 04-66-MA, Mr. Gosline?

5 **CASE 04-66-MA:**

6 MR. GOSINE: Mr. Chairman and Members, this is a proposed rezoning on
7 Wilson Boulevard, just North of the Stonington subdivision, from RU to RS-1. Staff
8 recommends approval subject to the conditions.

9 CHAIRMAN GREEN: We have two people signed up on this particular one. The
10 first is Glenn Hollis and then Jeanette (sic) Robinson. If you would sir, just for the
11 Record, we ask that people give us their address as well.

12 **TESTIMONY OF GLENN HOLLIS:**

13 MR. HOLLIS: I stay out on Folk Road. The whole property adjoining Stonington
14 development, the property in said is next door to Stonington and this is all the property
15 from Highway 21, goes down to the creek. I have two ponds down the creek, and
16 before Stonington came along it was a black running water, but – if you allow this
17 development to go it will only add salt to the wound. Cause the last five years, we've
18 had nothing but lots water and lots of mud. If you look at the pond right now, it's about
19 red as this fellow's shirt right there. And all this from Highway 21 to the creek, it's a 100'
20 drop, in about a mile and everything runs down hill. Before this – before they tear up
21 the ground, cut trees, and all this, we had a good dark running water, but this is just
22 going to add worse to my problem, which you've had the last five years. Which is the
23 county – five years ago you allowed Stonington PUD, with no safeguards to people

1 downstream. They let it go, nobody did anything about it, we've called on the County,
2 DHEC, and the Corps of Engineers. They've passed the buck from one end to the other,
3 nobody does anything. We're just the helpless neighbor down stream and I pond has
4 got to be – it's just a catch basin for these developers upstream, up there. I hope you'll
5 have some consideration for people down there. Thank you.

6 CHAIRMAN GREEN: Thank you Mr. Hollis, Jeanette (sic) Robinson.

7 **TESTIMONY OF JANET ROBINSON:**

8 MS. ROBINSON: I'm Janet Robinson, 1170 Hollis Pond Road, and we live on
9 property on Daddy's ponds and what I ask you to consider is this, this is a picture of
10 what our ponds looked like four years ago, this is a picture of what our ponds look like
11 now, as a result from the runoff of Stonington. We're not asking that people don't come
12 and be our neighbors and build. What we're asking for is to really take a serious look at
13 the ripple effect that's occurring. If they're allowed to rezone to RS-1 and put 3.5, or
14 3.8, or whatever it equates to, homes on 25 acres of land, there's not going to be a lot of
15 room for trees left, all that's going to run down to the tributaries, which is Hawkins
16 Branch, which is going to make this even worse. When it rains, we loose about 40' of
17 our front yard, the impact has been tremendous on us. Maybe if the developers would
18 look at putting two homes per acre, I'm not quite sure what their proposal is. I don't
19 think that they've proposed, as *per se*, a drawing or a plan. But this ripple effect is
20 tremendous and it's killing us and we just really ask that you look at this from a
21 standpoint of long term, what's it going to do if we keep allowing 25 acres upstream, 25
22 acres upstream to be rezoned for rural to RS-1, what it's doing to the people
23 downstream. Most of the land around this is estate sized lots. There's Stonington, but

1 Stonington's not even this dense and I just really, really ask you to please consider this,
2 because it's not a pretty picture right now. Thank you.

3 MS. WYATT: Ma'am, would you hand those pictures to Mr. Palmer, down there,
4 and let them get passed down this way?

5 MS. ROBINSON: This came from a water quality study, that we had to pay for
6 out of our pockets, so we could go back and litigate. So that's what those pictures are
7 from, from the Gage Group.

8 CHAIRMAN GREEN: Thank you. That's everybody that's signed up on this
9 particular issue, so I'll open it for discussion. Is the applicant here? Didn't know if you
10 wanted to make comment or not.

11 **TESTIMONY OF KERRY LEE:**

12 MR. LEE: Yes sir, please.

13 CHAIRMAN GREEN: If you would state your name and address for the Record.

14 MR. LEE: My name is Kerry Lee and I live at 55 Huntley Court in Columbia. Our
15 intention is to put 41 lots on 25 acres, which is roughly what this lady has asked us to
16 do, compared to Stonington. You know, we try to leave trees, from what we've done in
17 the past, you can look and some of our work in Heritage Hills, or a like subdivision, that
18 we've been in. And, we try to keep and maintain the integrity of the land wherever we
19 build, and we don't go in and clear-cut the thing. We want to keep the lots as big as
20 possible. The layout that we have and actually intend to use is about 41 lots, which is
21 less than two per acre density that she was asking for. You know, I don't think that you
22 should hold us responsible for something that Stonington did. You know, it's our
23 responsibility to retain water in a responsible way and not dump silt and mud on their

1 property. I know in Eagle's Glenn we tried to do that and in Heritage Hills we tried to do
2 that, with silt fences and stuff, to keep it on the property and we're required to do that by
3 the county. Sewer and water will come from the City of Columbia. As she stated, is
4 adjacent to Stonington, which is I think RS-1 and a PDD, and it's – the property is a
5 compatible property to the Stonington property. My agent is with me, Dan Riddick,
6 who's an engineer, and could probably give you a little bit more information than I could,
7 on what we have exactly planned for.

8 CHAIRMAN GREEN: Thank you, sir. Discussion?

9 MR. VAN DINE: Mr. Chairman, I want to say something as a plug for the
10 ordinance which we passed up to the County Council. This seems to be a classic spot
11 for the new zoning district that we had attempted to put into the new ordinance, which
12 would have been the half-acre lot size, as opposed to the 12,000 square foot lot size. I
13 think that would've been – and I understand the applicant is bound by what we've got
14 here, and there's not much we can do with it. But this would seem to be that type of a
15 place that we'd be able use that classification to a good use, in order to – what I'm
16 hearing being said over here, and what they're saying they want to do, it sort of fits that,
17 sort of that classification. I wish we had that for this particular request from here.

18 CHAIRMAN GREEN: Well at least people in the audience will know, Ms. Lucius
19 will pull these minutes out and when it comes up for subdivision review and will be able
20 to revisit statements the made by the developer at that time.

21 MS. LUCIUS: I would like to make a comment to what the two speakers said.
22 When I – I think we need to remember that when we go in – let me start over. When we
23 look at these rezonings, I think there's an element we don't take into consideration

1 seriously enough. We look at the maps, we look at the traffic, we look at all these other
2 things, but we've got to remember topography, that all land is not the same. And when
3 you go in and take trees off of land that is heavily wood as this is, you can tell, that soil
4 is going to move, because what's been holding it there all this time is gone and I don't
5 think we look at that seriously enough. And to look at the pictures of – what that's
6 happened, and I will say also, when we don't pay attention to one persons water quality,
7 we're not just hurting their water quality, we're hurting ours too, and we all suffer. When
8 I was applying for the seat on the Planning Commission, not this past term but the term
9 before, and Buddy Meetze got to ask me one question. He said, "What will you do to
10 make sure we don't have another Gills Creek?" And I said, "I will make sure we look at
11 water quality more closely than we do." And I just want to ask my fellow
12 Commissioner's that let's start taking this more seriously and don't look at land, land is
13 not the same as the next piece of land, some land is more stable than others. So, my
14 heart really goes out to these people for what's happened to their pond. Having said
15 that, I agree with Mr. Van Dine, I wish we had half-acre lots here, it would be ideal, but
16 we don't, because the ordinance – the Land Development Code isn't getting anywhere,
17 unfortunately.

18 MR. JACKSON: I agree, and I'll say this again later, but my concern also is for
19 the approval of character and jumping from one dwelling per $\frac{3}{4}$'s of an acre to 3.2
20 dwellings per acre, that's a drastic change. Fortunately, the developer says he'll do two
21 houses per acre, and that's a good transition for a rural community.

22 MR. PALMER: Mr. Chair, I make a motion to approve.

23 MR. JACKSON: I can support that.

1 CHAIRMAN GREEN: We have a motion to approve, to recommend approval of
2 the rezoning from RU to RS-1, do I hear a second? Do I hear a second to the motion to
3 approve? I'll second the motion. Discussion on the motion? Seeing no discussion -

4 MS. WYATT: I'll add a few comments to what Ms. Lucius said. We certainly do
5 have an obligation to protect the water quality. However, when it comes to a rezoning
6 issue and we don't have the ordinances to back what we want to say, as far as water
7 quality or what we want the water quality to be, then we have to get into the struggle of
8 right to right, and since we currently do not have ordinances to address these issues
9 for this type of zoning, and I probably more than anyone on this panel, living in a lake
10 community and being the President of that homeowner's association, appreciate what
11 we're talking about here with water quality, because I deal with it on a daily basis. But,
12 you know, right now, help me out Staff, three years ago? The county adopted some of
13 the Federal guidelines on storm water and that's the best we've got right now. So, until
14 we work to change the ordinances, we really can't, although I want to, we can't let water
15 quality impact a rezoning issue. So I'm going to have to go along with the -

16 MS. LUCIUS: Well, then we have to decide whether or not we need to rezone it
17 or whether it should remain rural. We did have one early, that was a subdivision on
18 rural property, so we do have that choice, we don't have to rezone.

19 MR. JACKSON: We have to look at every aspect, talk about safety, quality of life
20 also, so we do have something to back it. And when we're doing planning, if it's proper
21 – if it's appropriate to affect the quality of life of the residents in the area. So, we do
22 have something to back.

23 MR. FURGESS: Will this come back before us again, right?

1 CHAIRMAN GEEN: No, well for subdivision approval. It would have to come
2 back to us for subdivision approval.

3 MR. FURGESS: About the water quality.

4 MR. JACKSON: Silt fence can help control some of the sediment from the run-
5 off.

6 MS. LUCIUS: If they're done properly.

7 MR. JACKSON: If it's done properly, it can. I understand that part.

8 MR. VAN DINE: I think, we have to be careful of saying, well we – it's going to
9 come back us on subdivision. Because when it goes – when it leaves here, if a
10 recommendation is adopted, it's leaving here at 12,000 square foot lots. That's not, with
11 all due respect, the applicant may very well actually complete this project and do it, what
12 he's talking about. But, there are occasions when it leaves here, within months it's
13 turned over to someone who doesn't have the same concerns or doesn't have the same
14 thoughts, who may actually come back in with the denser development. So, I think a lot
15 of the things that we have to consider go into all of the aspects of the code, as well as
16 the practical effect of what we are doing when we are rezoning some of these pieces of
17 property. Rezoning are not a God given right, rezoning are things that are being
18 requested of the County to approve. And under planning and under zoning, the county
19 has the authority to say, "No in this certain areas; those would not be the right things to
20 do," and it can do it for a lot of reasons. Having said this, I think we're kind of
21 hamstrung on these type of things, that we have to look at what we have available to us
22 for the tools. And as I said, I wish we had the half-acre lot provisions to be able to deal
23 with it. There's one question I've got, just to make sure, I'm on the right page with the

1 map. If you look on page 75, there is hash-markings on a RS-3 portion, to the right of
2 the map, can that not be there? So that's not the subject property we're talking about?

3 MR. GOSLINE: No, the subject property is on the left side of Wilson Boulevard.

4 MR. VAN DINE: So, that map – that over there should not be there at all?

5 MR. GOSLINE: That's correct.

6 MR. VAN DINE: Okay.

7 MR. GOSLINE: Shouldn't be hashed anyone.

8 CHAIRMAN GREEN: Further discussion? We have a motion on the floor.
9 Seeing no further discussion, all those in favor of recommending approval for this
10 rezoning, please indicate by raising your hand. Got it counted? Those opposed?
11 Thank you.

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

14 CHAIRMAN GREEN: Next case is 04-67-MA. We have three folks signed up to
15 speak in favor of this.

16 **CASE 04-67-MA:**

17 MR. GOSLINE: Mr. Chairman and Members, this is a proposal to rezone a piece
18 of property virtually on the Peake exit, on Broad River Road. This was up about a year
19 ago, and this particular site, and County Council denied it at first reading. However, in
20 the same meeting they approved the one next door for M-1. Staff's position is that we
21 think that the land around an interchange, particularly one like Peake and such, should
22 be developed in high value, high employment, real economic type business

1 development, not mini-warehouses and used car lots and things like that. On that basis
2 – and the other findings on pages 60 – or 82 and 83, Staff recommends denial.

3 CHAIRMAN GREEN: Just as a point of information, when it was before County
4 Council before, was it a C-3?

5 MR. GOSLINE: Yes.

6 CHAIRMAN GREEN: Okay. First signed up to speak is Bill Smoak.

7 **TESTIMONY OF BILL SMOAK:**

8 MR. SMOAK: My name's Bill Smoak. I live at 1216 Canterfield Road in Chapin.
9 Our family has owned R&R Motors since 1970; we're in our 35th year, 34th year, soon to
10 be 35th year, running our business. What we're applying for is our second location.
11 Staff has commented, and used the term called "used car business." Well, we feel like
12 that this is more an independent dealership. We have sales, service, we have ASE
13 Certified Technicians, we've run our business, and I live in the area. The area that
14 we're applying for, that we own now, is land-locked commercial zoning. With regards to
15 statements made last year, we know that Staff want this to be a commercial area, we
16 don't see why we cannot be part of that commercial area. Thank you.

17 CHAIRMAN GREEN: Thank you. Maxton King is signed up next, followed by
18 Mr. Fuller.

19 **TESTIMONY OF MAXTON KING:**

20 MR. KING: My name is Maxton King. I live at 132 Forty Love Pointe in Chapin.
21 I've been in the banking business all my life, 35 years. I just completed 30 years with a
22 large bank in Columbia in Senior Management. I've been in the banking business of the
23 automobile business all my life. I have known the Smoak family and R&R Motors for

1 over 25 years and I've had extensive business dealings with the Smoak family all these
2 years. I have financed their facility in Columbia. I have financed their inventory of used
3 automobiles. I have financed their customers. In that period of time, I have found them
4 to be extremely honest, extremely forthright, they're very ethical, and very above-board,
5 and I've been very pleased with all their business dealings. They live here, they work
6 here, they're good business people, and I think they will provide a very valuable service
7 for the community. I think they'll take care of their property. I think they will make great
8 improvements for that interchange and I think those improvements will enhance that
9 area. These people are of impeccable character. They will do the things that they say
10 they will do, and they'll make the improvements that they say they will make, and I feel
11 very certain that, again, that they'll improve that interchange with the improvements they
12 want to make there. Thank you.

13 CHAIRMAN GREEN: Thank you, sir. Mr. Fuller.

14 MR. VAN DINE: Before Mr. Fuller starts, can I ask Staff something? When it
15 came up last time and it was rejected, what was the use that had been proposed for the
16 area?

17 MR. GOSLINE: Same thing.

18 MR. VAN DINE: So this is the exact same classification, okay.

19 MR. GOSLINE: Mr. Chairman, if I might.

20 CHAIRMAN GREEN: Please.

21 MR. GOSLINE: I want to make sure that everybody understands that we make
22 our recommendations based facts and interpretation of the various codes and planning

1 practice that we see. And it has nothing to do with the character of the applicants, one
2 way or the other. I'm sure the Smoak's are a very fine family.

3 CHAIRMAN GREEN: Mr. Fuller.

4 **TESTIMONY OF BOB FULLER:**

5 MR. FULLER: Mr. Chairman, ladies and gentlemen of the Commission, I concur
6 with Mr. Gosline. Excuse me, I'm Bob Fuller, I'm a lawyer, here in Columbia. I'm here
7 this afternoon representing the applicant, R&R Motors. The Smoak family understands
8 that Mr. Gosline and the Staff's comments aren't personally ascribed, but they do
9 become personally taken. This is a situation in which, as I read the Staff Report, the
10 reliance of the Staff, recommendation for not approving this is based upon things that
11 the county has simply not yet done. It has said this intersection should be some things;
12 it is not. There is no provision in the code for this high-end, interstate quality,
13 commercials classification that has been discussed here. I think the fairness that we
14 need to address here in the context of the ordinance is what the reality is of this area
15 and the compatibility of what is being proposed for this site. And the kind of
16 development that is shown to you there to be a large investment, independent car
17 dealership is not unlike Choice and SmartCars and other interstate highway locations or
18 dealerships that you see around this county and every county. The most striking thing I
19 want you to consider, out of your packet of material, along with the statement that you
20 have had access to, about the plans for the site and R&R Motors itself, is the county's
21 illustration of this intersection and the zoning map, as it presently exists. We're talking
22 about a site that is surrounded, and adjacent and abutting, commercial and M-1 zoning,
23 with sites recently approved for commercial uses that are not favored by the verbiage of

1 the Staff Report, but have been approved and are in place. This intersection, if you look
2 at the map, is an M-1 commercial intersection. It is – the property we are speaking with
3 you about today lies dead against a C-3 property and yet the report is telling us this
4 request is not compatible with the location. Over 60 of the residential neighbors in the
5 near vicinity of the Smoak's property, do not have any objection to the placement of this
6 business on this locality. I understand, that when you make your recommendation and
7 if County Council adopts C-3 zoning, it doesn't require that the Smoak's facility,
8 demonstrated here, be the only thing on the property. But it is a C-3 corner, it is an M-1
9 corner, it is a commercial corner already. And so we are simply asking for the equity
10 and fairness of being a part of what it has already been destined to be.

11 CHAIRMAN GREEN: Thank you, sir. Commission?

12 MR. VAN DINE: Chairman, I – when this came up last time, I voted against it.
13 But I voted against it on the basis of there were certain places where we stopped
14 development. Apparently County Council has determined that that location should not
15 be there, but in fact ought to be further down the road, by their adoption of the M-1 in
16 the area further from the intersection. Based on that, I don't see any way that that
17 particular piece of property is going to remain at a rural status, especially considering
18 the fact that the area is almost entirely M-1. Based upon that, I would respectfully
19 disagree with the Staff's recommendation and move to send it forward with a
20 recommendation of approval.

21 MS. LUCIUS: Mr. Chairman, Mr. Van Dine has stole my thunder, because I was
22 the one that made the recommendation a year ago for denial and it's important for me to
23 say these things today. When this came before us a year ago, we had already seen

1 the, for the property that's in red now, the mini-warehouses and we had a lot of people
2 speak against that particular piece of property; that it would impact their residences
3 directly. We unanimously voted to deny those mini-warehouses. So therefore, it was
4 my feeling that when the property next to it came up, that in the – to be consistent,
5 because I think we have to be consistent in our rulings, I made the motion to also deny
6 the R&R Motors request. As it turned out, it got the Council, Council approved the mini-
7 warehouses, which impacted the community, and upheld our denial for R&R Motors,
8 which the community had supported. So, this whole year, I felt like I was responsible,
9 since I made the motion. I thought it was terribly unfair. I didn't see the justice in it. I
10 thought they were left blowing in the wind on a consistency matter, which I though was
11 totally unfair. And I live on Broad River Road. I know used car lots. Used car lots are
12 us, and they come and go daily. But R&R Motors has been there for 35 years. It's a
13 very nice lot and I think to call this rezoning a used car lot, for semantics, it's a
14 derogatory term; I don't look at them as a used car lot. I've seen their drawings, their
15 plans. They've put a lot of thought into the landscaping, it's going to be a beautiful site,
16 I think. So for that reason I want to, since I can't make the motion, I do want to be the
17 one to second the motion to approve this request for rezoning.

18 CHAIRMAN GREEN: We have a motion and a second to send forth with
19 recommendation for approval from RU to C-3, 04-67-MA, further discussion?

20 MR. PALMER: I just have a question for Carl. Carl what zoning would you
21 recommend to put there?

22 MR. GOSLINE: It's not – as far as – well let me see how to say this. When we
23 look at these projects, particularly in zonings, the couple of things we look for; one is, is

1 this the correct – is this proper zoning at this point in time at this place? And, it's not so
2 much – the problem that we have with a lot of the interchange areas, is that we're under
3 developing them. We made that comment when Mungo came up on their Turkey Farm
4 Road project. It's sitting right on a major intersection of an interstate, and, you know, a
5 principal, arterial highway. And we try to inject some kind – some notions of good
6 planning practice and long-range thinking, and all that. Even though that sort of stuff is
7 not specified in the code, we try do that. And in this case, and also in the Turkey Farm
8 Road case, we believe, we recommend that we really need to hold out for more high-
9 end development. Shopping centers, multi-family housing, and, you know, things like
10 you have at Wilson Boulevard and I-77, high-end stuff.

11 MR. PALMER: So, you do agree then, that C-3 is a good zoning for this piece of
12 property, you just don't agree that R&R Motors is a good tenant for this property?

13 MR. GOSLINE: No, not – I wouldn't – the zoning is not, in terms of professional
14 practice and advice, the zoning is sort of immaterial, it's what we want -

15 MR. PALMER: That's what we're voting on is the zoning. We're not voting on
16 the tenant?

17 MR. GOSLINE: But what we want to – yeah, I understand – but, what we want to
18 do – get – what we think the county should be seeking at these intersections, and Mr.
19 Fuller is right when he says we haven't done it, I mean, the county hasn't designated
20 high-value interchange zoning, or whatever, so he's absolutely correct about that.

21 MR. PALMER: Carl, what I'm getting at here is, I don't' believe there's a -

22 MR. GOSLINE: I don't believe – to just answer your questions specifically, I
23 don't believe it should stay rural.

1 MR. PALMER: Right, I understand that. But, I don't understand what zoning you
2 would recommend for a higher density or a higher use piece of property than C-3?
3 What other zoning would you recommend to put there?

4 MR. GOSLINE: Well, personally, this is my own personal opinion, I've thought
5 for some time that all these interchanges ought to be zoned PUD, so that we can get
6 integrated, mixed-use development at interchanges, where they ought to be. That's a
7 personal opinion, that's not Department or anything else.

8 MR. PALMER: So, you think they should be zoned just for specific - if a use
9 comes along that you believe needs to be near an interchange, then you need to rezone
10 it for that specific use and make the landowner wait until that specific use comes along?
11 Is that -

12 MR. GOSLINE: No, sir. I personally, again personally, I would advocate,
13 proactively rezoning the interchanges to facilitate good, high-value interchange
14 development. What we do now -

15 MR. PALMER: The problem with this thing Carl, is that C-3 is a good piece of - I
16 believe is what needs to be around interchanges at interstates, and I have a problem
17 with you guys, you know, saying that it needs to be a high-valued, high, you know, piece
18 of property, and C-3's not the way to do it. It seems to me like you're wanting to - I wish
19 you guys would recommend that this would be changed to C-3, because it sounds like
20 everything that you're saying is embodied in C-3 zoning.

21 MR. GOSLINE: Not necessarily.

22 MR. PALMER: [inaudible] to wait for a specific development to come along.
23 That's the only point I had. I appreciate it.

1 MS. WYATT: Mr. Chair, I call the question.

2 CHAIRMAN GREEN: Question has been called. There's a motion on the floor to
3 send this forward with a recommendation for approval, all those in favor please raise
4 your hand? All those opposed?

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

6 CHAIRMAN GREEN: Thank you.

7 MR. VAN DINE: Mr. Chairman, I think I need to come to Mr. Gosline's defense a
8 little bit here, and think that a number of the questions that were just posed to him were
9 improper in the respect that they were taking personal attacks at him, at what he does
10 for a job. And I think that those questions were improper, and under the circumstances,
11 I don't think they're the question of what he might recommend would be, but then to
12 convert that down into, well, you don't like these people, is that it, type questions, which
13 is what came out of that were improper and I think we need to keep this on a more
14 professional basis, accepting their recommendations or rejecting their recommendations
15 as they see fit.

16 MS. WYATT: I second that comment.

17 MR. GOSLINE: Mr. Chairman, I appreciate that, but I didn't take it personally at
18 all.

19 MR. PALMER: And just in response, if I could - I didn't

20 MS. WYATT: Chair, let's move on please.

21 MR. JACKSON: He has the right to respond.

22 CHAIRMAN GREEN: I would like to move on, but you can make a brief
23 comment.

1 MR. PALMER: I believe I was saying, that - what I was implying was that
2 perhaps he didn't think R&R Motors was the right tenant for this location and I didn't
3 think that he was having any sort of personal attack against R&R Motors and I didn't
4 imply that and I'm sorry if you inferred that, Howard, but that wasn't my intention at all. I
5 was wondering if he was going to ever say that C-3 or a blanket zoning would be good
6 for a piece of property or if we needed to wait for specific development plans to come
7 along.

8 CHAIRMAN GREEN: Thank you. Next on our agenda is 04-69-MA, request to
9 rezone from RU to RS-1.

10 **CASE 04-69-MA:**

11 MR. GOSLINE: Mr. Chairman and Members, this is a request by John Moore to
12 rezone 45 acres from RU to RS-1 on Farming Creek Road. This is virtually out the back
13 door of the Town of Irmo on Farming Creek Road. The Staff recommends approval.

14 CHAIRMAN GREEN: Is the applicant here?

15 MR. GOSLINE: He was.

16 CHAIRMAN GREEN: Please.

17 MR. VAN DINE: Mr. Gosline, is this new or was - last month we had a
18 subdivision that came in from a guy out of Charlotte, is that in this general area, or am I
19 thinking of the wrong spot?

20 MR. GOSLINE: I don't think that we've - we haven't had anything in the
21 particular area - Charlotte?

22 MR. VAN DINE: The PUD development that came in, that did the extensive
23 planning and reworking -

1 MR. GOSLINE: Oh, oh, no. No, that was on Highway 6, down almost to the
2 dam.

3 MR. VAN DINE: Okay.

4 CHAIRMAN GREEN: If you would, state your name and address, for the
5 Record.

6 **TESTIMONY OF JOHN MOORE:**

7 MR. MOORE: Yes, my name is John Moore, at 301 Cabin Drive in Irmo, South
8 Carolina.

9 CHAIRMAN GREEN: Any comments you want to make on the request for
10 rezoning?

11 MR. MOORE: Oh, well the only comments that I have, we have acquired several
12 nice parcels of land on Farming Creek Road, in between Highway 6, between the dam
13 and the Ballentine, and off of Broad River Road. We're right at the back door of
14 Friarsgate subdivision, and right within the vicinity of several RS-2 subdivisions, like
15 Waterford, one that is brand new on the intersection of Salem Church Road and
16 Highway 6, right across from Riceville Plantation; so I believe we're in the area that
17 everyone wants to see development come to. We have all the utilities there, provided
18 for us and we've even acquired the access for Farming Creek Road to have, not one
19 but two, entrance and exit points, to alleviate traffic problems.

20 CHAIRMAN GREEN: Thank you. Howard Dye, to be following by Bennett
21 Galloway.

22 **TESTIMONY OF HOWARD DYE:**

1 MR. DYE: My name is Howard Dye at 1008 Farming Creek Road. Would you
2 clarify something for me, single-family residents? What's the difference between rural
3 and the RS-1? Lot size or -

4 CHAIRMAN GREEN: RU has a 33,000 square foot square foot minimum lot
5 size, RS-1 has a 12,000 square foot minimum lot size.

6 MR. DYE: All right, right now, I would have no problem, that piece being
7 developed under the rural classification. Most of the houses along Farming Creek Road
8 are on several acres of land. We still have agriculture use along the road. Right now
9 you can even see wildlife, there's wild turkeys in the area. I'm just concerned about a
10 higher density housing being put in. It will eventually change the character of our road.
11 Also, I just don't figure - I like to see developments of higher density just keep creeping
12 closer and closer and closer. Thank you.

13 CHAIRMAN GREEN: Thank you. Bennett Galloway.

14 **TESTIMONY OF BENNETT GALLOWAY:**

15 MR. GALLOWAY: My name is Benny Galloway. I own property at 1125 Salem
16 Church Road. It borders the proposed development. And, I think all of you know where
17 this piece of property lies that they're talking about, you know. It's up a portion of Broad
18 River Road by Koon Road; left on Farming Creek, around to 6, back 6, then back down
19 Salem Church. Everything that's encompassed in this area, this is a little area that
20 we're talking about. Now, what I wanted to establish, is we have here is defined
21 boundaries, in other words, as far as borders. You've got everything enclosed there in
22 this one area and everything outside. Now, what I'm just going to try to do, I've never
23 been to one of these before, these hearings. This view, I was impressed with your

1 openness, and how fair you seem to be with homeowners, and whatnot. But, if I can
2 just pick you up, and put you in the air a little bit, and look down on this little piece of
3 property, what you're going to see, is you're going to see fields up around the road, with
4 some ponds back down in there, and then from there you're going to see nothing but
5 hardwoods all encompassed in this area, which is full of wildlife, deer, turkey. I've heard
6 this word, compatible. Whether it's compatible with the area, the development, and it's
7 not. It is, in that if you look at Salem Church, just like Mr. Moore, and I don't know Mr.
8 Moore, I don't know anything about him. But – and he don't know me I don't think. But,
9 there down to Salem Church, that's going to be developed. It's already there and it's
10 coming around, but it's on the side of the road. The area around Farming Creek Road,
11 Friarsgate, it's already there, it's on the other side of the road. Coming back up to 6, go
12 back down to Broad River, you've got Camen's Creek, you got all these developments
13 going on, they're there. They're not going to be changed. All that's going to be
14 developed, on 6, down both sides of 6 is going to be developed. We understand this,
15 we realize this; but this little area inside these boundaries I'm talking about, is different.
16 When you look down on this, you see the farmers in here, and the people, raising their
17 crops of different types, fishing their ponds, walking out in the solitude, into the trees out
18 in there – back in there, just to get away from everything. In fact, this – these are areas
19 that's been handed down through ancestors from years and years and this little place is
20 just pretty much, time has just stood still, right here in this one little area inside.

21 MS. WYATT: Sir, I'm sorry to interrupt you, but if you could please wrap up for
22 us, that was your three minute time.

1 MR. GALLOWAY: Okay, everything around this thing is going on, dozers and all
2 this. Everything inside has been kindled and kept this way since day one, keep it this
3 way, don't let this come in here. The whole are is going to be – is wooded, a 100% of
4 this that they're going to clean is wooded area, 100% of it, you got to clean all the trees
5 out, it's going to be clear cut.

6 MS. WYATT: Thank you, sir. Thank you very much.

7 MR. DYE: Can I say one thing? I personally have a problem with this, in that
8 1,568 feet border my 20 acres, me and the bank owners. I don't know anything about
9 the track record of any of this development going on, I'd like to have some time. I found
10 out about this Thursday. I didn't receive a letter, no calls from anybody, I just didn't
11 know anything about it until Thursday. I'd like to be able to put this off, to the table
12 possibly until the next meeting, to give me some time, to know that I've had every
13 opportunity to see if I have a case. We may not have a case, I know that, but I'd like to
14 just have – before the time to see if we have a case. And see, you know, if anything
15 can be done.

16 CHAIRMAN GREEN: Thank you. Next is Sidney Parrish, last person signed up
17 to speak on this issue.

18 **TESTIMONY OF SIDNEY PARRISH:**

19 MR. PARRISH: I'm Sidney Parrish. I'm moving into 327 Sienna Drive at Chapin,
20 at Lakeside at Ballentine. We're just moving here from Atlanta and I've seen, firsthand
21 what happens if you let growth take over too fast. The property across the street from
22 us has been, not zoned yet, but considered for three homes per acres versus two
23 homes per acres, which is what we have. And I implore you to look at the growth

1 pattern and the development and slow it down. Because, if you don't look at the area
2 and try to slow the growth, the infrastructure will not be able to handle it. I implore you
3 study the area more thoroughly and talk to homeowners more in depth, to determine
4 what infrastructure would be able to handle the additional growth, as far as the roads
5 concerned, the Lakeside Marina's right there. It seems overpopulated to me already,
6 coming in from Atlanta, trying to, sort of, get away from things. So, I implore you to look
7 at the property and look at the size of the lots and the population spread in that area.

8 MS. WYATT: Ms. Parrish, I'd like to ask you a question. What county in Atlanta?

9 MS. PARRISH: Cobb County.

10 CHAIRMAN GREEN: That's all that we have signed up to speak on this issue,
11 so it's up for discussion among the Planning Commission.

12 MR JACKSON: Let's see, in May of 1999, we passed a Comprehensive Land
13 Use Plan and Town and Country. In the process, we spoke to the residents of each
14 communities, each area, to see how their land would be developed. In that process, I
15 would say we had a contract with the citizens, because their input was important and it
16 was embedded in that document, and how rural community, or their community should
17 be developed. We promised to try and keep the rural character of these communities,
18 which is 3,300 square feet per dwelling. Now we're talking about 1,200 square foot per
19 dwelling, and I think that's – we fought so hard to have trust for the community and what
20 you're doing is breaking that trust. I think we should try and stick to the idea or the
21 concept that we'll try and maintain the rural character with at least 3,300 square feet per
22 dwelling.

23 CHAIRMAN GREEN: Further comments?

1 MS: LUCIUS: Is that a motion?

2 MR. JACKSON: I move that it be denied.

3 CHAIRMAN GREEN: We have a motion that this request for rezoning go
4 forward with a recommendation for denial. Is there a second?

5 MS. LUCIUS: I want to second that, and the reason being, of course you know
6 me, I've spoken a lot about – I felt that rural, a lot of times, we just look at it as
7 something that's waiting to be rezoned, when it's not. It's a classification in and of itself
8 and it serves its own purpose. For that reason, I'd – I see that Friarsgate, I see that,
9 you know, but I don't see that much around there that would make this compatible to put
10 that high a density in there. I would have to second that motion.

11 CHAIRMAN GREEN: We have a motion and a second. Didn't mean to cut you
12 short.

13 MS. LUCUIS: No, I think that's all I was going to say. I just really think that this
14 is one case where it's nothing wrong with developing that property, but I think it can be
15 developed as rural. I don't believe we should change that to a higher density in that
16 particular area.

17 CHAIRMAN GREEN: Thank you. Again, I would have to speak against the
18 motion and these are, you know, we have often said here that we need to make
19 accommodations for the county to grow. I feel thankful, having lived in Richland County
20 all my life, and having moved progressively farther out, that there were opportunities for
21 me, as I was able to afford a bigger house than I was living in to go there, and we've got
22 to provide areas of this county to grown in, if we're going to continue to prosper. You
23 know, one of the things we have to fight with, and I know we all do, at the Planning

1 Commission is, on the one hand we say we want to limit the amount of land that's being
2 consumed by development, and yet on the other hand, and I understand both sides, on
3 the other hand we saying we want large lots. If you're going to put one house on every
4 33,000 square feet, you're going to eat up land three times the speed at which houses
5 on 12,000 square foot lots consume land. So, I don't know that always saying we need
6 to have 33,000 square foot lots is in the best interest of trying to preserve those areas of
7 the county that truly are continuing to be rural. So, I, you know, I know that's a problem
8 we all struggle with, but, if you look at this aerial photograph, and it in fact is, what two
9 years old? This property abuts one of the largest subdivisions that's ever been built in
10 the Greater Columbia area in Friarsgate. There's development, literally on all sides,
11 and if we're to accommodate growth, I would hope it would be in areas that we might
12 consider, to a certain degree, infill, as opposed to going farther out. It is adjacent to an
13 existing development. And, again, this applicant is asking for the lowest available
14 density subdivision zoning that's available in our document. So, again, like Howard said
15 earlier, it's a shame we haven't yet gotten through our new ordinance that permits a little
16 lower density category, for someone to come in at. And, as a result, my feeling is that
17 we should send this forward with recommendation of approval.

18 MS. LUCIUS: But it's not the lowest, rural is the lowest and it can remain rural.
19 And also, I understand what you're saying, but we don't always – I think we have to look
20 at each one individually. I look at us, we're either saying, "it's all or nothing, it's all –
21 we've got to open it up to development or we've got to save all the rural." I think we
22 need to look at these on a piece by piece basis and this particular instance, I don't see
23 that as infill. If you'll look at where that is on the map, it's just right in the middle of that

1 wooded area. It's not, I understand it abuts Friarsgate, but it's on the other side of
2 Farming Creek Road from Friarsgate. I think what the gentlemen said earlier about that
3 interior there, between Farming Creek and Salem Church, that's rural. And, to say it
4 could remain rural is not saying, we don't want to use any more of our rural countryside.
5 I'm looking at this on an individual basis and for that reason, that's why I think it should
6 remain rural.

7 MR. JACKSON: And just to add, this is not a city, this is the county. The city has
8 more dense development. This is the county and we did have a contract with the
9 people. We asked them how they'd like to see their community developed? And their
10 response was, they would like to keep the rural character as much as they could. And I
11 think we should consider trying to save some of the rural communities.

12 CHAIRMAN GREEN: Further comment on the motion? We do have a motion on
13 the floor.

14 MR. VAN DINE: Mr. Chairman, there is a different classification besides rural.
15 There's a rural-residential classification that can be applied with to lots – in fact, a
16 different classification than what is being proposed. The current concern I always have
17 in these areas is the density of the number of houses that are being inserted into areas.
18 I look at the map around and I don't see that it is an infill project, or is surrounded by the
19 entire other areas that are built. Granted, you know, Friarsgate is directly across the
20 street, but it has not, as one of the gentlemen said, gone over that road onto the other
21 side. Again, as I said earlier, I wish we had had the new code so we could utilize some
22 of the spacings that we had on the newer codes. But, I do believe there is and
23 alternative, and that would be the rural-residential classification, at 33,000 square feet,

1 as opposed to the acre, that rural is presently requiring. Those are the comments that I
2 have at this point.

3 CHAIRMAN GREEN: Further comments on the motion? Seeing none, we do
4 have a motion on the floor. The motion on the floor is to send forth 04-69-MA to County
5 Council with a recommendation for denial. All those in favor of the motion, please raise
6 your hand. All those opposed to the motion?

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

9 CHAIRMAN GREEN: Thank you. Next agenda item is 04-70-MA. I don't have
10 anybody signed up to speak on this rezoning request. Is the applicant here to speak?
11 Mr. Boyd, if you would sir, just come up to the mic and give us you name and address.

12 **CASE 04-70-MA:**

13 **TESTIMONY OF CORNELL BOYD:**

14 MR. BOYD: My name is Cornell Boyd. I live at 2313 Ithaca Street and the
15 property that's on Fontaine Road, we're applying for C-3 zoning so that it will
16 accommodate a beauty parlor there, at that location.

17 CHAIRMAN GREEN: Any questions for the applicant?

18 MS. WYATT: Mr. Chair, I'm going to make the motion, excuse me, sir. Making a
19 motion for approval.

20 CHAIRMAN GREEN: Staff report?

21 MR. GOSLINE: Did you get a second?

22 MR. FURGESS: Second.

23 CHAIRMAN GREEN: We have a motion and a second, Staff?

1 MR. GOSLINE: Mr. Chairman and Members, these are four residential lots
2 surrounded by various types of multi-family and commercial, industrial rezoning. Staff
3 recommends approval.

4 MR. VAN DINE: Mr. Chairman, that stretch of road right there is a prime
5 example of what ought to be a commercial area.

6 MR. GOSLINE: It's about the last – these are about the last pieces on there that
7 aren't commercial.

8 MR. VAN DINE: Everything else in there is commercial, I mean, things are
9 coming into there.

10 MS. LUCIUS: I just had a question. Mr. Gosline, the four houses that are on
11 there, they'll be removed?

12 MR. GOLINE: You have to ask Mr. Boyd.

13 MR. BOYD: The four houses that are there, we own two there, and the third
14 house, up on the corner, 1102, we own that one also. So, there are three houses that
15 we own and the two adjacent properties in there, I have signatures from both property
16 owners, to approve that. The one next door is Ms. Bentley and then there's the Reese
17 property at 1104, that – he's deceased, but his daughter signed it for me.

18 MS. LUCIUS: This says it's for a beauty salon, I just wondered, will the four
19 houses be removed?

20 MR. GOSLINE: Mr. Boyd, are you planning to tear down any of these buildings?

21 MR. BOYD: No, we don't have any idea about tearing them down, because my
22 granddaughter is living in the one next door.

23 MS. LUCIUS: Okay, okay, I wouldn't do that then. It was just out of curiosity.

1 CHAIRMAN GREEN: Thank you, sir. We have a motion on the floor with a
2 second, further discussion on the motion? All those in favor of the motion, to
3 recommend approval, please raise your hand. All those opposed?

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

5 CHAIRMAN GREEN: Thank you.

6 MS. LUCIUS: And Mr. Gosline, I see as the, I have to do this, as the druid on the
7 panel, you do mention the hardwood trees that will be protected?

8 MR. GOSLINE: We have the druid?

9 MS. LUCIUS: Druid. Someone called me that, trying to be derogatory. I wear it
10 as a badge of honor.

11 CHAIRMAN GREEN: Next on our agenda is 05-01-MA, rezoning of a RU to a C-
12 2.

13 **CASE 05-01-MS:**

14 MR. GOSLINE: It's kind of hard to top that isn't it? Well, Mr. Chairman,
15 <embers, this is a proposal to change a 2.3 acres from RU to C-2, at the corner of
16 Wilson Boulevard and North Pines Road. This is across from the entrance of
17 Stonington subdivision and, a little bit, down the road from, south from the Carrie Lee's
18 subdivision, you talked about a few minutes ago. Staff recommends approval.

19 CHAIRMAN GREEN: We have one person signed up to speak, that's the
20 applicant, Mr. Kiser.

21 **TESTIMONY OF DANNY KISER:**

22 MR. KISER: I really don't have anything to add.

1 CHAIRMAN GREEN: Okay, thank you. Council, Commission, whatever, I
2 apologize to the Commission Members. Discussion? Motion?

3 MR. MCBRIDE: Move approval, based on Staff Report.

4 MR. VAN DINE: I'll second.

5 CHAIRMAN GREEN: Motion and a second, any further discussion? All those in
6 favor of the rezoning, please signify by raising your hand. Those opposed?

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

8 CHAIRMAN GREEN: Thank you. Next is 05-02-MA. And, I'll turn the gavel over
9 to Ms. Wyatt.

10 **CASE 05-02-MA:**

11 MR. GOSLINE: Mr. Chairman or Madame Chairman, could I suggest that we
12 take a short break, because this is going to take some time.

13 CHAIRMAN GREEN: I'll leave that up to Ms. Wyatt.

14 VICE-CHAIRMAN WYATT: Yeah, there's been a request. We'll take about a
15 five minute break.

16 *[BREAK]*

17 *[McBride out at 3:15 pm]*

18 VICE-CHAIRMAN WYATT: 05-02-MA, Old Two Notch Road at Bookman.
19 Before we turn this over this over the Staff and the applicant I need to read for the
20 record. "Dear Ms. Wyatt, I must request to be excused from participating in discussion
21 or voting on agenda item 05-02-MA regarding rezoning, which is scheduled for review
22 and/or discussion at today's Planning Commission meeting. It's my understanding of
23 the Rules of Conduct provisions of the Ethics, Government Accountability and

1 Campaign Reform laws, that since I work for the company that represents the current
2 landowner, I will be unable to participate in this matter through discussion or voting. I
3 would therefore, respectfully request, that you indicate for the record, that I did not
4 participate in any discussion or voting relating to this item, representing a potential
5 conflict of interest. I would further request that you allow and direct this letter to be
6 printed as part of the official minutes and excuse me from such votes or deliberations
7 and note such in the minutes. Thank you for your consideration, Eugene C. Green.”
8 Please note, also for the Record that Mr. Green has left the room. All right, at this time
9 I’ll turn it over to Staff.

10 MR. GOSLINE: Madame Chairman and members, this is a request by the
11 Centex Homes Company to rezone 294 acres from RU to PUDIR for a mixed-density
12 subdivision, at the corner of Bookman Road and Old Two Notch Road. The applicant
13 performed – did a traffic study, and the traffic study, the recommendations in there,
14 propose some mitigative measures, which we’ve identified on page 124. They include
15 reducing the number of entrances the numbers of entrances on Old Two Notch Road
16 from six to two, dedication of up to 20’ of right-of-way along Bookman Road for future
17 widening, construction of the necessary turn lanes on Bookman and Old Two Notch
18 Road for the entrances, and installation of a traffic light at Bookman and Old Two Notch
19 Road when 50% of the dwelling units have received building permits. The applicant has
20 also met with the neighbors in Briarcliffe and Tallawood subdivisions, and as a result of
21 the meetings with, the Tallawood people, have a modification to the general
22 development plan, which is in this document. That’s about it. The Staff recommends

1 approval subject to the conditions. The applicants are here and undoubtedly have a lot
2 more to say about some of the meetings and things like that.

3 VICE-CHAIRMAN WYATT: I'm going to just ask one question that was asked to
4 me over the weekend. Staff, maybe you can answer this. Centex Homes has been kind
5 enough to offer to escrow funding for a traffic light. Who holds that escrow, this really
6 might be more for later.

7 MR. GOSLINE: Well, I'll be glad to put it in my bank account.

8 VICE-CHAIRMAN WYATT: I'm sorry?

9 MR. GOSLINE: I'll be glad to put it in my account and hold it. But I'm not sure
10 who does that, to be honest with you.

11 VICE-CHAIRMAN WYATT: Well, if it's going to be a condition.

12 MR. GOSLINE: I don't know that we necessarily, I mean, what we've done
13 before is we've just got them on Record and I don't know that we need to escrow the
14 funds or anything.

15 VICE-CHAIRMAN WYATT: Yeah, okay. I just want to make sure the funds are
16 there.

17 MR. VAN DINE: What does a traffic light cost?

18 VICE-CHAIRMAN WYATT: About \$10,000, the last -

19 MR. GOSLINE: No, no. Traffic lights are about \$35 to \$40,000.

20 VICE-CHAIRMAN WYATT: Well, that's if you do left turn signals.

21 MR. GOSLINE: Well, you would have to do that here.

22 VICE-CHAIRMAN WYATT: [inaudible], but if you do a standard traffic light, the
23 last that's been purchased by the state was \$10,000.

1 MR. GOSLINE: I believe that the one that's going to go in soon at Elder's Pond
2 and Hard Scrabble is part of that – the road – I think they said it was like 30 to \$35,000.

3 MR. VAN DINE: Wouldn't we have to make a determination as to what particular
4 turn signal configuration was documented? If we're talking about escrowing funds,
5 there would have to be a determination at this stage as to what -

6 MR. GOSLINE: That's why it's better to keep it open, so we can get them for as
7 much money as possible.

8 VICE-CHAIRMAN WYATT: All right, go ahead please.

9 **TESTIMONY OF JOHN JARROD:**

10 MR. JARROD: Good afternoon, my name is John Jarrod. I'm with Centex
11 Homes. Address is 500 Harbison Boulevard in Columbia. With me today, is Ron
12 Anderson, with Edens & Avant, who's going to do a short presentation, who represents
13 the landowner. Also, is a gentleman, Nathan Tidd, from Power Engineering, who's
14 done the preliminary work on the site - his group. And at this time, I'm going to turn it
15 over to Ron to do the presentation and I'll be here for any questions and so will Nathan.

16 **TESTIMONY OF RON ANDERSON:**

17 MR. ANDERSON: Ron Anderson at 2907 Wheat Street, Columbia. Bring it -
18 make a quick correction on something Carl said there. There are two things we handed
19 out; one is this document. This is just a printout of the PowerPoint presentation, I know
20 some of you can't see that projection real well, so I print them out for you so if you want
21 to look at them up close you have them there in your hand. This other document is
22 what Carl was referring to. It's a letter from Centex Homes and it outlines a couple of
23 the changes that were made to the PUD as a result of the meeting with the Tallawood

1 neighborhood association, and I'll go over those in the meeting. But these are the
2 actual amendments to the PUD, which essentially are just one definition to a section
3 and a bubble map, some bubble map amendments. First slide please. What I bring
4 your attention to on slide two, the slide numbers are in the bottom left hand corner. This
5 is our site, in red, with the site on it. The green dot is approximately where one of the
6 original entrances was, just dropped it on Old Two Notch Road, and then there's a one-
7 mile radius and a three-mile radius. This is just to orient you with the location of the
8 site, inside Richland County. This light green line, up in the upper right corner, is the
9 Kershaw/Richland County line. This is Two Notch Road, in dark orange, Spears Creek
10 Church Road. Bookman Road doesn't show up real well, but it goes up and up the side
11 of the site, that would be Bookman Elementary, up here, Pontiac Elementary, down
12 here, here's Interstate 20. So, within one mile of the site, this is the Sandhills Research
13 and Education Center and this would be Village at Sandhills right in here. Next slide
14 please. This slide, I've depicted the, on page three, depicted the infrastructure that is in
15 place or planned for this area. The nearest fire station is three miles away. The nearest
16 police substation, the sheriff substation, is up at the entrance of Lake Carolina. You've
17 got Ridgeview High School, Spring Valley High School, Pontiac Elementary, a future
18 elementary site across the – across Two Notch over in Green Hill Parrish. Tallawood
19 neighborhood, which is immediately northeast of the site, and Briarcliffe Estates, which
20 would be northwest side across Bookman Road, and then Plantation Pointe would be
21 across Bookman Road as well. That's the most recent development in this immediately
22 area. Back down this way is the Clemson fly-over and then the Two Notch commercial
23 corridor is within in about two miles of the site. So, somewhere in the neighborhood of

1 about ½ million feet of retail are within two miles of the site. Then you have your
2 recreational areas here and then Village of Sandhills here. Next slide please. This
3 slide, slide four, depicts the residential and commercial development that's either – the
4 orange areas are active subdivisions and those depict, these are areas that have sales
5 offices. This is Wood Creek, Green Hill Parrish, Plantation Pointe. This chunk up here,
6 would be Lake Carolina, and these smaller pieces would be the remaining pieces of the
7 Summit. And those are all actively being developed today, and you could see that
8 development has pushed out from the lower – from Columbia, past Spring Valley, past
9 Wildewood, Woodland Hills, and it is now moved out into this area. It's primarily
10 migrated over to the west. What development has occurred over here has been very
11 high-end development, in terms of Green Hill Parrish and Wood Creek. Wood Creek is
12 approved, I believe, for 5,500 housing units. It's a PUD. They're probably going to
13 come in at a total of about 800 housing units. So, this very large area is going to be at a
14 fairly low density. And then, our site right here. Next slide please. I've zoomed in to
15 talk a little bit about the traffic and show you a little bit better – the traffic study initially
16 only looked at Old Two Notch, which is here, and Bookman, which comes down and
17 turns like this, and then they intersect to come across to Spears Creek Church, which
18 goes out this way. It indicated 20% of the trips out of the site would head up Bookman
19 Road, toward Bookman Elementary School and a remaining 80% would come out and
20 go across Two Notch, to this intersection, and disburse from that point, either onto Two
21 Notch Road, which has a traffic count of 15,700 cars per day – vehicles per day, or onto
22 Spears Creek Church. Bookman Road, at this segment, has 7,200 vehicles per day,
23 currently. And, Old Two Notch does not have a traffic count station on it. What the

1 traffic study indicated, aside from the distribution, was that this intersection of Old Two
2 Notch and Bookman was going to become overloaded; which is why we stipulated, why
3 Centex Homes has stipulated or agreed to do the traffic light, the turning lanes in and
4 out, and to do everything they can to mitigate the impact of the traffic on the system.
5 The only other thing the traffic study did not account for is there's another exit out to
6 Two Notch Road, which we think, a certain percentage of trips will occur on – both the
7 people who work in Kershaw County, but more importantly, if this intersection is
8 overloaded, people can come out, turn left, and come up to Two Notch, this direction,
9 and get onto Two Notch. So, we think a good chunk of trips are going to – if this
10 becomes – or when this is congested, those will come out and come across and enter
11 Two Notch at that point. Next slide please. The topography of the site, these are in 10'
12 intervals. You can see these some fairly low areas along the north and in the center of
13 the site, but it's relatively flat. Next slide please. And this is a wetlands delineation, and
14 this – the reason I'm showing you this is that a lot of the ingress and the egress and
15 layout of the site that you are going to see in a minute, is really contingent on how we
16 designed around the natural features of the site. Next slide please. The next thing we
17 looked at, to really do site layout, was the comprehensive plan. There's two
18 comprehensive plans in effect, one is the Imagine – well, the first and most important is
19 the 1995 Comprehensive Plan, which is what plan map is referred to and was adopted
20 by ordinance, when they adopted the Imagine 2020 Plan in 1999. The 1995 plan
21 indicates, our site is right here, and it indicates, or calls for this area, all these yellow-
22 mustardary yellow areas, to be low and medium density, which is a minimum of three to
23 a maximum of nine units per acre, okay? We're going to end up at about 2.3 units per

1 acre. So, we are actually below what the Comprehensive Plan suggested, in terms of
2 density. And, Carl actually made that point in his notes, pointed out that we don't meet
3 that part of the Comprehensive Plan, because in fact, we're not dense enough. But, we
4 felt like it was important to preserve the natural features and the environment of the site,
5 so we lowered the density through preserving some of the areas, and some of the
6 natural features are not developable. Other points in the '95 plan that we met, low
7 density neighborhoods should be protected against more intrusive development.
8 Briarcliffe is actually more dense, it's probably in the neighborhood of four units per
9 acre. Plantation Pointe is at 2.9 units per acre. And, then Tallawood, which is above
10 us, is – and I can't get an exact number, but it looks to me like it's about one unit per
11 eight acres, so, it's at extremely low density. The area immediately across Old Two
12 Notch Road is not developed. Within single-family areas, higher density is appropriate if
13 it's oriented towards neighborhoods of similar density. And, we've done that, as you will
14 see when we get to the lot layout. We put the lowest lot – lowest density pods of the
15 PUD adjacent to Tallawood and we've put the higher density pods along the Bookman
16 side, so that they're across from Briarcliffe. Residential lots should be limited to
17 individual dwellings. These are all fee-simple, single-family homes. And then, finally,
18 environmentally sensitive areas – it, the plan, it suggests large land track planning, so
19 that you have the opportunity to protect those areas through PUD or PDD zoning, which
20 is exactly what we've done. Next slide please. The Imagine 2020 plan, we also meet
21 all the suggested tenants of that plan, as well, which is to encourage infill development.
22 I mean, we're nestled, snug in between Plantation Pointe, Briarcliffe Estates,
23 Tallawood, Green Hill and Wood Creek. We're near the transportation node, which I

1 would suggest, in the future, will be a mass transit node, at the hub of Clemson and
2 Two Notch Road, probably as part of the Village at Sandhills. We're within a mile and a
3 half of that node. So, you know, in terms of meeting and looking at transportation of the
4 future, it's a pretty well located site. We're near the commercial node, or the linear
5 node, I would say, along Two Notch Road, between Sparkleberry and Clemson. We're
6 near major employment, Blue Cross Blue Shield has somewhere in the neighborhood of
7 5,000 people, within in five miles of the site. And, then you have the I-77 employment
8 corridor. It doesn't require expansion of infrastructure. It encourages interconnectivity.
9 We're actually adding interconnectivity, because you can traverse the site from Old Two
10 Notch to Bookman, once the road structure is in place and it'll have sidewalks
11 throughout. Next slide. Lastly, we incorporated community feedback. We moved the
12 low density pods to the east side, adjacent to Tallawood, and we added a 50' buffer
13 beyond – there's a 50' easement along the power line, along the – that buffers
14 Tallawood neighborhood. There's a 50' easement there that we, obviously, couldn't
15 development. We've added an additional 50' to that, to buffer Tallawood from this
16 neighborhood. We've added 100' buffer on the south side of the site, which is Old Two
17 Notch Road. We've added a 30' buffer on the northwest side, which is Bookman Road.
18 Now, one of the things that we'll get to in a minute, but Carl, the Planning Staff,
19 suggested that we needed to put a fence around the entire site and I know there was
20 some discussion earlier, about having lots that back up to a road, and having people
21 going in and out. We're going to leave – and those buffers that will completely surround
22 the site are undeveloped. So, yes theoretically people could come in and cut down all
23 the trees in the community association's area, and cut a driveway through the buffer to

1 the road, theoretically. We don't think that's going to happen. We don't really think a
2 fence on top of the buffer is going to really stop them. So, we think that the buffer that
3 we're leaving, the vegetative, natural buffer should be sufficient, and it's heavily
4 wooded. We've added the turn lanes at the subdivision entrances. We've dedicated
5 20' along Bookman for a future right-of-way. We've reduced the entrances into the
6 subdivision, from seven to three. We've support the landowners, we have the support
7 of the landowners of the large tracks across Two Notch; Mr. Monroe and Mr. Jarrod.
8 And we've agreed to escrow funds for a future traffic signal, and we've gone out of our
9 way to stop non-point pollution through the combination of wetlands protection, our
10 buffer areas, and our storm water detection system. So, we've done everything that we
11 can to control non-point source pollution on the site, so - that leads to the site. The next
12 slide please. This is the bubble map. It's in here, it's also in the Centex letter and you
13 may want to flip over to that, it's the second to last page in the Centex letter. We've
14 moved - let me point out a couple of things, this would be the 30' buffer along
15 Bookman, the green areas, or green space, and I made a note here because I know
16 that y'all like - there's some argument about whether non-developable land is green
17 space or not, 23 ½% of the site is reserved as green space and you would consider it
18 non-developable, in terms of it being wetlands; 10 ½ %, 10.7% is true open space.
19 That's our amenity areas plus the buffers on the site. So, we're at a total of 33, 34-½ %
20 open space on the site, which is how we get to the 2.38 units per acre. We have two
21 amenity areas, it is divided into a pod over here, near Tallawood, which is totally
22 segregated from this pod over here, which has the thru-road. Let's see what else? And
23 you have an entrance here, an entrance here, and an entrance here. Along Old Two

1 Notch is a 100' buffer and then you have the 50', plus the 50' along the power line and
2 then the 30' along Bookman. Next slide please. The next one we had to take out
3 because it was wrong. The bubble map, if you'll look at the back of the Centex
4 submission, the letter from Centex, is an actual lot layout. I know, some of y'all, this is
5 purely a conceptual lot layout, but I know that that helps y'all visualize where we're
6 going to end up. This is basically what we're thinking about, is the conceptual layout
7 that's at the back of the Centex letter. And, with that, I'll open it up to any questions that
8 y'all may have of us.

9 VICE-CHAIRMAN WYATT: One of the things that I'd like to ask you Ron, and I
10 met with your group, and I had requested at all the entrances, that you do acceleration,
11 deceleration lanes. Based on the PowerPoint that you've just shown, you're only doing
12 it in one location.

13 MR. JARROD: We're prepared to do deceleration lanes at all three entrances.

14 MR. ANDERSON: We've stipulated all the requirements, except number, letter
15 N, on the Staff conditions. We will stipulate to all of those, which includes that one; that
16 there be accel and decel lanes. Item N, is the fence or the berm around the entirety of
17 the site, and we would like that one stricken. But, we're prepared to stipulate to the
18 remainder of the conditions, including the accel and decel lanes at the three entrances.

19 MR. VAN DINE: Are these buffers going to be held by the homeowner's
20 association, as opposed to being deeded over to individual property owners?

21 MR. JARROD: Yes, they will be deeded to the homeowner's association.

1 MR. VAN DINE: The individual property owner would not be able to legally
2 provide access across that, because it would be in the homeowner's associations, is
3 that correct?

4 MR. JARROD: Correct, that's correct.

5 MR. VAN DINE: So, since it's in the homeowner's association, the N
6 requirement, because it's not theirs, they wouldn't be able to that, is that correct?

7 MR. JARROD: Correct.

8 MR. VAN DINE: That's the gist of what I'm hearing you say.

9 MR. JARROD: Correct. Yes, sir.

10 MR. VAN DINE: One other question on your conceptual layout, if you'll look at it
11 real quick. It looks like there's a 3rd exit on Two Notch.

12 MR. ANDERSON: That's a mistake. We noticed it earlier.

13 MR. VAN DINE: Okay, and that's the little short one that's there? Is that right?

14 MR. ANDERSON: Yeah.

15 MR. GOSLINE: Ron, you have two exits on Old Two Notch Road, don't you?

16 MR. ANDERSON: Yeah.

17 MR. VAN DINE: But, there are three showing on the conceptual.

18 MR. JARROD: On this conceptual, it does show three and that was an error on
19 our part; but it is two entrances on Old Two Notch.

20 MR. VAN DINE: Before you go to far with that, I need to ask that, as far as
21 emergency access, how – is there some requirement for the number of access points
22 and the ability to get in to certain areas or anything like that? I know we've had the
23 discussion about the Fire Marshall on that other stuff -

1 MR. GOSLINE: At this point, there's no requirement for that. The Fire Marshall
2 routinely asks for it, but it's not currently in – the county has not currently adopted those
3 portions of the fire protection code. They require it.

4 MR. VAN DINE: If asked, would the Fire Marshall require more than two access
5 into this development off of Two Notch?

6 MR. GOSLINE: I have no idea, Mr. Van Dine. I wouldn't want to speak for them.

7 MR. ANDERSON: We want to stress this is a conceptual layout, that as we bring
8 the subdivision in, then obviously we'll have to comply with the laws in effect at that
9 point.

10 MR. VAN DINE: I'm just trying to get a feel as to what – whether or not limiting
11 yourself to two access points actually creates a problem for you, as – because, it may
12 be that the county Fire Marshal will require more than two access points onto Old Two
13 Notch.

14 MR. GOSLINE: Well, perhaps the recommendation is to be modified slightly to
15 limit it to two, unless the Fire Marshall requires an additional one for this. He's probably
16 not going to require one for the main entrance portion, but he may very well for the
17 smaller portion.

18 VICE-CHAIRMAN WYATT: Before you gentlemen leave, I was handed out by
19 the Legal Department to ask that I have you clarify the parcel tax map numbers. In
20 some areas there are multiple numbers showing and in some areas we only have one.
21 So, we do need some clarification on that before you leave today, okay?

1 MR. ANDERSON: Okay. Carl, didn't we agree – didn't we work out that it's the
2 one listed as the 25900-0314, isn't it? I think that it had been consolidated from two
3 earlier into this one, but we will double-check that.

4 VICE-CHAIRMAN WYATT: I'll let you get that clarified and we're going to move
5 on.

6 MR. ANDERSON: Okay.

7 MS. WYATT: All right, Reverend Clay Shook.

8 **TESTIMONY OF CLAY SHOOK:**

9 REV. SHOOK: My name is Clay Shook. I'm the Pastor of the Pontiac First
10 Baptist Church. Old Two Notch and Bookman Road is our address. There are two
11 churches involved in what is going to happen here. If you want to go back to one of
12 those maps, I can show you exactly where we are. You see that green dot? That's our
13 church. And, then down the road, on the left side of Two Notch Road is another church,
14 it is called Oak Grove Baptist Church, and it's a black congregation, and I just wanted to
15 make you aware that there are two churches in this area. Pontiac Baptist Church has
16 been in existence for 15 years and has been at the current location it is at ever since
17 1994. And Oak Grove Church is right there, that's right. So, where you're going to put
18 this traffic light is our corner. We are not opposed to the development and we look
19 forward to the ministry opportunities it will give us for Kingdom growth, especially the
20 families and children. But, I just wanted to make note for you and for the Centex people
21 that when you do this, there are churches in the community that provide a vital role and
22 they're trying to help people in the community. We're aware, that whether people are
23 living in a singlewide trailer or a \$500,000 home there's equal pain in many homes all

1 around us, and we just seek to be the kind of Kingdom outpost in that community that
2 God has allowed us to be there. So, as you do this, I will say, that our attendance on
3 Sunday mornings, in the winter especially, ranges between 200 and 250 and at Oak
4 Grove Church, it's probably about the same. So, you know, the traffic light will help us,
5 because we do have people coming to these churches and we are good churches, both
6 of our churches are good churches, with many good people, and are trying to make a
7 difference in the community. I just wanted to speak to you and tell you that we're not
8 opposed to this, as long as y'all do it right. And, I've never been to one of these
9 meetings before and I've – you've taken – I feel like I'm on a bus and you're the bus
10 driver because you've taking me to school. I don't know how in the world y'all handle all
11 this, and figure all this out. You have my admiration because it sure is complicated to
12 me. But our community is growing and we're trying to just do our best to serve it as a
13 church, as the other church is also. Thank you.

14 VICE-CHAIRMAN WYATT: Thank you, sir. I'm going to call out three names,
15 I'm going to ask that you kind of line up, so that we can move this along. Scott Dixon,
16 George Poole, and Debra Tucker. And, just a reminder, please state your name and
17 address for the record.

18 **TESTIMONY OF SCOTT DIXON:**

19 MR. DIXON: Scotty Dixon, 937 Bookman Road. It's a good presentation, but
20 unless you live on Bookman or in Briarcliffe, it's a horrible idea. You know, it takes
21 some of us that live in the neighborhood, and I live on Bookman, sometimes 20 minutes
22 to get out my driveway. Traffic, sometimes backed up from Two Notch Road all the way
23 back past my house. There's always accidents on the road, I know they're going to

1 widen the road. But, if they do, they need to do it before they start development,
2 because on their map, I have the same maps they have, and there's nine
3 neighborhoods on Rhome Road, which butts into Briarcliffe that's not show. And
4 everybody from Summit and all those nine neighborhoods filter through Briarcliffe, out
5 of three exits, to get to Bookman Road Elementary or to work, or Pontiac Elementary.
6 And, like I said, unless you live there, you have no idea. Another thing, from looking at
7 their maps, the exit they have that comes onto Bookman Road, the entrance to that
8 neighborhood is dead in my front door. So, you know, 70' one way, would line up with
9 the exit or entrance to Briarcliffe, and, you know, instead of every morning I walk out,
10 I've got this huge exit, you know, to a neighborhood, with, you know, in and off ramps,
11 and everything getting in, you know, some things need to be looked at, you know, about
12 the entrances. You know, move them down further, you know, so people don't have
13 them in – like, in your front door. Because, most of us that live on Bookman have kids
14 and everybody calls it the drag strip, because it's 35 miles and hour but people go 50,
15 55. And you can sit outside and listen to the breaks squealing all the time, you know,
16 and getting into accidents all the time. I've had people in my ditch, over and over and
17 over and over. So, I mean, it seems like a good idea, but they really need to look into
18 where they're going to put the entrances and about getting the road widened before
19 everything starts happening. Because, like I said, you have, on that one two lane street,
20 you said that there's what 72,000, I mean 7,200 vehicles a day. So, if you start
21 construction, with, you know, other construction crews coming in and everything else,
22 it's just going to be a mad house, and it's already hard enough to get out and get to
23 where you're going as it is. Thank you.

1 VICE-CHAIRMAN WYATT: Thank you, Mr. Dixon.

2 **TESTIMONY OF GEORGE POOLE:**

3 MR. POOLE: My name is George Poole and I live in the Briarcliffee
4 development, 105 West Ridge Road. The reason I'm here is, I kind of agree with the
5 first gentlemen on the traffic problem that there is already on Bookman Road. The
6 problem with Bookman Road is it's straight from Two Notch, then you have a sharp
7 curve to the right and it's constantly accidents on that curve, constantly. The road is
8 narrow, it's not really wide enough to handle the traffic that's on it now and if they had a
9 proposal put into this plan that would consider widening the road, I would consider it.
10 You know, if they would have something like at lease a three lane road, where you
11 could have turn lanes, because of all of the developments on the sides, plus the exits
12 and entrances to Briarcliffee and the other developments. A turn lane at the entrance is
13 just not enough. You know, whatever they call it, stop lane, right turn lane, left turn
14 lane, I don't – the road really needs to be widened all the way up to Two Notch. I've
15 seen accidents on there constantly, every day, I drive that in and out there's accidents
16 on that road all the time. The light at, what they're recommending, the light at that
17 intersection is a great idea, but the road needs to be wider there before they put any
18 lights. They need to plan to widen that road, because if it's not widened, it's a traffic jam
19 in the mornings there now. The traffic starts from Two Notch and it goes past the last
20 entrance to Briarcliffee in the morning, trying to get out – people trying to get out. And
21 that's because of the filtering of the traffic from the Summit and those that drive through
22 Two Notch, getting out onto Bookman Road, using that as an expressway from
23 Clemson Road to Bookman Road, and there's a lot of traffic comes through that way. I

1 would like to see it into the plan, I'm not against development, but the road needs to
2 have something happen to it, to go along with the additional development. And, I know
3 there'll be more in the future, but someone needs to look at that. I don't know if that's
4 part of the plan that they had – they had buffers and maybe some area for future
5 widening of the road. But, to me, I've always seen developments come us first, and
6 roads two, three years later, and then you've got a terrible mess on the roads. And, that
7 road is really bad, as narrow as it is. That's' all I wanted to say.

8 VICE-CHAIRMAN WYATT: Thank you, sir.

9 **TESTIMONY OF DEBRA TUCKER:**

10 MS. TUCKER: Good afternoon, my name's Debra Tucker. I live at 1025
11 Bookman Road, I'm probably in the worse situation of all that's on Bookman Road. First
12 of all, they talk about Parrish Hill, that's on the other side of Two Notch, there's a lot of
13 development there. Right there in front of Bookman, when you come out, on that side
14 of the road, as far as you can drive up, that is rural area, this is no sub developments
15 there. So, I personally don't want one right in front of my front door. And then second,
16 Single Tree, that's right at my corner, that's about from here, from my driveway to that
17 wall, if that far, is nothing but a thru way that's going to be going to the new mall and
18 we're going to get all that traffic that's already there, plus all the traffic that's coming
19 from that mall already, and from everything else that they put on Clemson Road,
20 because, no one wants to go on Hard Scrabble Road, because, it's the same type of
21 mess that this is going to make Bookman into. It's all ready a mad house. He's right,
22 the gentlemen's right, its call the racetrack. My family that lives in a very rural area, on
23 the lake comes out there, and they're just shocked and appalled how the traffic is

1 already there. But there is no other – Plantation is on the side of Bookman, from Two
2 Notch Road all the way down, there is no sub developments on that street. And, how
3 many houses are they talking about putting there? 700! 700 too many, I can't even get
4 – I can't make a right turn, I can't make a left turn out of my street right now. It is a mad
5 house, people run all up in my yard, only reason they're not in the ditch? My mailbox
6 has been knocked down, it's just terrible and I'm totally against it. It's traffic, it's safety,
7 it's no sub developments there, it's rural, leave it rural. That's the only place the turtles,
8 the raccoons, and other things that I see out there now, that's the only place they have
9 to go, there is no other place. Now, if they want to put it on the other side of Two Notch,
10 closer to the Interstate, where all the other sub developments are, I have no problem
11 with that, but the rural area, that's right there, that's just all that's left. it doesn't need
12 another sub development there. Thank you.

13 VICE-CHAIRMAN WYATT: Thank you, Ma'am. All right, next three people
14 please. Sheila Gentry, Richard Whiting, Joye Elliott.

15 **TESTIMONY OF SHEILA GENTRY:**

16 MS. GENTRY: I'm Sheila Gentry. I'm at 204 Briarcliffe East and I'm also the
17 neighborhood president. As everyone else has already said, Bookman Road is a
18 nightmare, and if the development has to be there, and I think we're all in agreement
19 that it's going to be there. If there was any way, we'd like to have Ringwood Road and
20 the entrance to their new neighborhood – and it would be like a four way intersection, so
21 that a light maybe could be put there. To have it put across the street from someone's
22 house is just really not fair when there are so many children on Bookman Road. And,
23 these people who bought homes on Bookman Road, you know, they bought them

1 because they have a nice landscape to see, they don't really want to see a housing
2 development. So, to see the housing development, plus have the intersection to, or the
3 entrance to that neighborhood put directly across from their homes, when it could be
4 moved down approximately 70 to 100', I don't think is too much to ask. We'd also like to
5 have a larger buffer on the Bookman Road side; instead of, I think they're calling for 30
6 or 50' if they can make ours also a 100' foot, I think that would be nice, because it's on
7 the other side why can't we have it? We don't really want to see a bunch of homes
8 developed. We'd really just like to have just woods there forever and ever, but that
9 would be in a perfect world, which we're not in. So, if we could also have a 100' that
10 would be nice. And, if possible, to have a decrease in the number of homes that are
11 going in there. You know, it sounds, you know, they have 300 acres and they're going
12 to put 700 homes, well actually it's not 300 acres, its 200 and something, once you take
13 all of the green space out, and that's a lot of homes going in on a little bit of land. So, if
14 there was a way to make fewer homes go in that would be great. And, that's all.

15 VICE-CHAIRMAN WYATT: Thank you, Ms. Gentry.

16 **TESTIMONY OF RICHARD WHITING:**

17 MR. WHITING: Good afternoon. I'm Dick Whiting, I'm a lawyer here in town, but
18 I'm not appearing as an attorney, I'm appearing as a neighbor to this planned
19 community. I live at 18 Tallawood Lane, which is to the north, to the east of the planned
20 development. Unfortunately, it's also downstream from the development. A number of
21 us in the Tallawood subdivision had an opportunity to meet with Centex. Quite frankly,
22 they were gracious enough to incorporate in their revised plans, a number of
23 suggestions, a number of requests that we asked of them. Quite frankly, they've been a

1 pleasure to work with. However, the one point that we've not yet agreed to, it doesn't
2 appear that we will, is the number of units. Tallawood is divided up into 21 lots,
3 everyone has five, six, up to 12 or 14 acres that surround their home. We moved out
4 there because it was rural, but we understand that people are coming our way, and it
5 may not be forever that this stays rural. But, we're also concerned about 700 homes
6 and its impact, not only on us, but that green space that you see; you need to know
7 what that is. That's wetlands, that's area that I know this Commission and the federal
8 government bends over backwards to protect. Imagine 700 families going out and
9 fertilizing their lawn, which I do, but I'm in the middle of 10 acres. Imaging 700 families
10 that are concerned about termites and so they have Terminix or Orkin or someone else
11 coming in and they spray their home, or they put in those systems. It's a great idea;
12 quite frankly, you need it out there. That is going to end up in the wetlands and that's
13 going to end up in some of my neighbor's backyard. I request that Centex consider
14 perhaps 450 or 500 homes. They've indicated to me, it's a matter of dollars and cents.
15 I've been in business myself, in years gone by, and I understand that that may be the
16 practical impact. They may not be able to, they think, I may disagree with them, to do
17 the deal with that few homes. But, if they were to take roughly the 250 acres that they
18 have, after they pull out the wetlands, and after they pull out the roads, and after they
19 pull out the areas for amenities, they could put up some nice homes. And they could
20 put up a number of homes on some very nice property, I believe, and do the deal. So, if
21 this Commission is considering approving their plan, I would ask that they do it with the
22 qualification that there be a cap, of say 450 to 500 homes on the site itself. The other
23 thing that I was unaware of is what was brought up earlier; that a homeowner in this

1 community, might be able to go the homeowner's association and say, "gee, I want to
2 put a driveway through my backyard into the Old Two Notch," Ms. Waits (sic) is
3 shaking her head no, and perhaps I misunderstood, but I would ask that that would not
4 be possible as well. Thank you.

5 VICE-CHAIRMAN WYATT: Looks like Lattoc.

6 AUDIENCE MEMBER: Lattuca.

7 VICE-CHAIRMAN WYATT: Okay. And then Dick Lattico (sic).

8 **TESTIMONY OF JOYE ELLIOTT:**

9 MS. ELLIOTT: Good afternoon. My name is Joye Elliott and I'm also a property
10 owner at 15 Tallawood. First of all I'd like to say I'm not here to protest this
11 development. As much as we would love to keep our neighborhood clean and pure so
12 that all the wildlife could survive, we realize that development's going to happen and we
13 have to accept change. As Mr. Whiting said, we do appreciate Centex working with us
14 and making some changes that we think will make things even better. I am here to ask
15 that the Commission consider lowering the number of units that Centex is asking for to
16 between four and five hundred. We're concerned about the impact to our water
17 because we, as well as our neighbors downstream, have wells. We're concerned about
18 the impact to the groundwater, overall. The other people that were prior to us had a
19 nightmare with their pond. We have beautiful ponds. They are so clear you can see
20 almost all the way to the bottom. We do not want the development, the pesticides, mud
21 to come down into those beautiful ponds that we can fish out of today. We're
22 concerned about the water runoff. As Ms. Kirkwood, I think, said earlier – I'm sorry, Ms.
23 Lucas (sic) said earlier, when you take the trees out, the water has to go somewhere

1 and trees have been holding that water in for a long time. And we have neighbors that
2 we feel like their lands are going to be flooded. We concerned about the impact to the
3 wetlands, as Mr. Whiting said, and to the wildlife area. And we know that we have
4 Corps of Engineers. We know we have all these rules and regulations. But we still had
5 others come before us and say, "Guess what? All that stuff failed and now we have
6 issues." And last but not least, and I think the people from Briarcliffe have done an
7 excellent job, unfortunately – and I apologize – I'm one of those Summit people who
8 drive right on through Briarcliffe and never think about it. It is a nightmare on Bookman
9 Road, but the one issue that's not been address is the situation of the status of the road
10 Old Two Notch. Old Two Notch could not be more appropriately named. It is old. It is a
11 deteriorating road. If you go and just drive down the road for half a mile, there are
12 places everywhere where there's not even a full piece of pavement. There is not really
13 room for two good-sized cars to drive down there without one edging over to the side or
14 the other. So, my question is what are we going to do about that because a hundred
15 more families will cause that road to disintegrate. Thank you.

16 VICE-CHAIRMAN WYATT: Thank you.

17 **TESTIMONY OF GWYN LATTUCA:**

18 MS. LATTUCA: Hello. I'm Gwyn Lattuca, 10 Tallawood Lane. And -

19 VICE-CHAIRMAN WYATT: Turn your mic up just a little bit, please. Thank you.

20 MS. LATTUCA: Can you hear me now? Okay. Gwyn Lattuca, 10 Tallawood
21 Lane. Our property is on the backside of this site and we're downhill. For 12 years we
22 have owned our 11 acres. We are hard working people. We work six to seven days a
23 week. Nobody gave us anything. We worked hard for it. This is our only retirement

1 fund. This is our life savings, our property. Our property will be affected more so than
2 any other lot in our neighborhood. No matter how many houses are built we will have
3 damage to our property. I am seeking to limit this by restricting the overbuilding of this
4 property. All be it Mr. Jarrod has every right to sell his property and the builders have
5 every right to develop the property in a profitable manner, I hope that this Board is going
6 to make sure that it is done in a manner that will do as little harm to the environment,
7 wildlife, or existing neighborhood and communities as possible. This is a vast area of
8 wetlands and should not be taken – it should be taken care of and not overwhelmed
9 with 700 homes. Seven hundred homes on this amount of land that they have to build
10 on is a figure that everyone in Tallawood knows, after living on this land, will cause
11 damage that will probably be unreparable. A reduction of the number of homes will
12 make it more conceivable so the horror stories will not come to pass. When our uphill
13 neighbor built his single family home just one five acre lot away, our property was
14 devastated for almost a year with runoff. Our small pond was muddied and sand ran
15 onto our property for almost a year. This was just one home! It is all too often that
16 reckless development is approved because no one cares enough to speak up. And
17 then, in the aftermath, it's too late to do anything to restore it to its original state. Yes,
18 you can get drinking water after you've destroyed it, but the land is still left contaminated
19 for vegetation, wildlife, and future generations. Our adjacent property contains three
20 ponds and we run up next to a creek, along with the property across of us, which is
21 Diane Berry. We all know of too many cases of contaminated streams, wells, lakes,
22 and rivers because too little study, too little interest. We all bow down to the almighty
23 dollar and ravage the land in the name of progress. I would love to see this property

1 developed, if it has to be so, in a manner that everyone could look back and say, "Here
2 is a project that the county, the builders, and the existing residents could be proud of." I
3 would like to see 300 to 400 homes or less. That may not be realistic. Four hundred
4 and 500 would be the maximum total that I think this land could carry. I've been there
5 for 12 years. I've seen everything from the monsoon rains 10 years ago to everything
6 that's happening right now. This land is not going to handle, when you cut down that
7 property to build that many homes. Thank you.

8 VICE-CHAIRMAN WYATT: Thank you. Victor?

9 **TESTIMONY OF VICTOR LATTUCA:**

10 MR. LATTUCA: Hello. My name is Victor Lattuca. I live at 10 Tallawood Lane.
11 I'd like to address the road condition on Old Two Notch Road. The development of this
12 property will cause hardship for all the neighboring communities in many different ways.
13 I believe this is a special circumstance in which you're dealing with a large amount of
14 wetlands in a community that has only one road that enters the existing community. In
15 this case, even in South Carolina, the responsibility for the roads lies with South
16 Carolina. I believe that the traffic safety is an issue here that has to take a look at. Old
17 Two Notch Road is a one and a half lane road that measures 17 to 19' wide. And even
18 at the patches it's 16'. A tandem dump truck measures 8'. In a building of this project,
19 we'll not only have normal traffic but daily to deal with. Also, the school buses may be
20 challenged with 1,400 new vehicles on this road after the project is completed. We
21 have been told that the Department of Transportation road is not slated for any changes
22 for more than a decade from now. Our children and the future children of the up and
23 coming communities will have to travel this road and curves and hills and crumpled

1 edges and fear for their lives [inaudible] and jeopardy to safety. Please take this into
2 consideration. We thank Centex for consulting with us and thank you.

3 VICE-CHAIRMAN WYATT: Thank you, sir.

4 MR. LATTUCA: I have some photographs here to show any of the roads of Old
5 Two Notch Road and the conditions they're in.

6 VICE-CHAIRMAN WYATT: Thank you, sir. We'll see that they're returned to
7 you. The applicant have anything else you'll want to add?

8 MR. ANDERSON: Yes, ma'am. Just a couple of points that John and I wanted to
9 make real briefly. We're capped at 700 units in our application. If we were to do – if
10 you were to calculate the total number of units by adding up the PUDs times the density
11 in each PUD times the acreage, that would be 840. So we feel like we've backed off
12 pretty significantly from 840 to 700 already. Secondly, with respect to the question
13 about the road alignment, certainly we're willing to take a look at that and DOT is going
14 to encourage us to align those roads if it's possible. However, if you can turn to the
15 wetlands slide real quick, there is a big chunk of wetlands right across from Briarcliffe
16 that limits – go to the bubble map, yeah. That was it. If you look at the bubble map,
17 there's a significant portion of Bookman Road that we can't build anything along
18 because there are wetlands there. So, in those areas, it really wouldn't be possible to
19 go line it up in there nor would it really make much sense in terms of preserving the
20 wetlands. But we'll do the best we can and DOT, in fact, encourages that those
21 intersections be lined up where it's possible. With respect to the road widening on both
22 Bookman and Old Two Notch, it is true that the state is responsible for both of those
23 roads. Adding more traffic should bump this road, should bump Bookman up on the list

1 like it did Hardscrabble. Now that may bump it from 30 years to 10 years, but it moves it
2 up the list. And we concede that. But if we were to say we can't build anything
3 anywhere in Richland County that we don't have road capacity, we might as well just
4 stop issuing building permits and lay off the Planning Staff because pretty much none of
5 our roads in the county can handle any traffic. Alternatively, we could say we'll go
6 where there's no traffic. But those areas are all rural. And if, you know, you can go to
7 north Richland County and you can go way out to Chapin, but I've been to a lot of y'all's
8 meetings and I get the distinct impression you're not interested in this type of
9 development in areas that are really, truly there's nothing around them of any density.
10 This actually has things of density around it. And we've come in at a level lower
11 compatible to what is around it with the exception of Tallawood. And, frankly, it's going
12 to be hard to anybody to build anything there that's comparable to Tallawood, which is
13 one house for every eight or nine acres. Nor would I suggest, as a planning body, that
14 it's a good idea for us to zone all of Richland County as one house to every eight acres
15 because most people couldn't afford to live like that. With respect to the wetlands and
16 the detention and the runoffs, we are protecting the wetlands. We've got buffers. We're
17 employing the best practices that EPA and DHEC require with respect to both detention
18 and wetlands. So if there's a better way to do it we don't what it is - and short of not
19 doing anything to it at all. And, lastly, with traffic, once again I'd like to point out we
20 have agreed and stipulated to all the traffic mitigation that both our own traffic study and
21 Carl added, which includes deeding a part of the road, a traffic light, turn lanes, and
22 everything else. So. Do y'all have any other questions? Okay.

1 MR. JARROD: I'd like to add one thing about the storm water control. It is a
2 huge focus at Centex. All of our developing communities are inspected on a weekly
3 basis to control storm water runoff. If they are noted, any violations – there's a book in
4 each development trailer. If there's any violations noted we've got seven days to fix
5 those. That's if silt fences down and that's if something's getting into a creek or
6 something's in the wetlands, we've got seven days to repair those. That is a self-
7 policing that we do to meet the state guidelines and other guidelines, EPA. We also do
8 internal company audits of how well we are doing that in each community. They're
9 random audits that are done internally not just by the EPA or the state. So we do take
10 the storm water and the runoff issue very seriously.

11 MR. VAN DINE: May I ask you guys a question about the wetlands map that you
12 had up here? There's a – if I'm looking at the conceptual layout it looks as though there
13 are some, on the left edge as well as there's a centerpiece that appears to be wetlands
14 area, that and that right there. They don't show as being taken into consideration on the
15 conceptual plan. Is that because the conceptual plan is rather quickly drawn as
16 opposed to anything else? See what I'm asking?

17 MR. GOSLINE: Yeah.

18 MR. TILL: I'm Nathan Till and I live at 126 Arborgate Circle. Those are isolated
19 wetlands, which are allowed to be developed on by the Corps of Engineers.

20 MR. VAN DINE: So in other words those areas which are now acting as filters
21 are going to be leveled over and so they will no longer be available as filters for any
22 runoff, is that correct?

23 MR. JARROD: Correct

1 MR. ANDERSON: However, I mean, keep in mind we're keeping the remainder
2 of them, plus a significant area around those, around the major connective parts that
3 are connected right here to the watershed.

4 MR. VAN DINE: Well I understand that. But on this wetlands area that looks like
5 a pretty significant amount of area that's in, presently in areas that are being allowed to
6 drain into those and perhaps –

7 MR. ANDERSON: I would say it's probably 10% of the total wetland. Ninety
8 percent are being left alone. I mean all of this and all of this is undisturbed plus a
9 significant chunk of land around it.

10 MR. VAN DINE: Well I will say that I have a concern about destroying even what
11 may be considered buildable wetlands. They were there. They're wetlands for a
12 reason. They're there for a reason. Nature put them there for a reason. And I think
13 that to say that it's just simply because we're going to say the Corps says we can do it,
14 that you want to do it, I don't think that takes into consideration what the nature of this
15 area is and what those wetlands are there for and what they're doing. So I would think
16 that you need to take into consideration those areas and provide for those areas to
17 remain in their wetlands state.

18 MS. LUCIUS: I think the state right now is working hard on trying to protect those
19 isolated wetlands even though the court ruled as they did because they are important.
20 Just because they're isolated doesn't mean they're not serving a purpose. And I have
21 to agree with Mr. Van Dine.

22 MR. VAN DINE: That's the concern I have with the layout. And the concern –
23 and I just want to talk a little bit more about Old Two Notch. These pictures are pretty

1 revealing as to what is going to be there. And I'm worried about the construction traffic
2 and the other things that are going up and down that road. You put a dump truck on
3 some of these roads and you're going to crumble these things into dust. And that, for
4 the people who already live in those areas, will be a major problem and a major thing
5 that they'll have to deal with. And like we've said, it's not on anybody's radar screen to
6 do anything with that road. And I'm wondering how you're going to handle or deal with
7 the areas and the issues of construction traffic and the road conditions?

8 MR. ANDERSON: Well, there are two, as you're aware and Mr. Jackson can
9 attest to, there are two road programs in question. One is a resurfacing program. And I
10 would argue that the Old Two Notch issues would mostly be addressed through a
11 resurfacing program. That program is currently totally unfunded and the state hasn't
12 resurfaced anything in three years. However, eventually they're going to start – the
13 roads will have crumbled in enough parts of the state that the voters will be prepared to
14 pay what it takes to make sure they can drive their car down the street. The other – but
15 you can't hold it against us if the legislature hasn't approved any money to resurface
16 any roads in three years. And that's really what'll happen is, eventually you're right, it'll
17 break up and people are going to need to go to the legislature and get them to come in
18 and resurface that road. And that happens – that program, until they discontinued
19 funding it, was a recurring program and it was done based on need and they resurfaced
20 roads as part of the maintenance program. The other program, which is the list, the
21 Central Midlands Council of Government's list, is the one that would be for expansions
22 or the rebuild, the entire rebuild, of something like a Bookman Road. Bookman would
23 be a more likely candidate for that. At this point it's not on that list. So I would suggest

1 to you that if it's 7,200 vehicles per day and you add the traffic from this plus the school
2 plus anything else that happens in that general area over time, it's going to get bumped
3 up the list. Just like Spears Creek Church did last time. Just like the upper end of
4 Hardscrabble did.

5 MR. VAN DINE: Here's my question. Would you suggest that it's this Planning
6 Body's - that we should go forward and allow something to destroy a road that's
7 presently in existence under the theory that someplace down the road everybody will
8 get mad enough?

9 MR. ANDERSON: Yes.

10 MR. VAN DINE: I mean it doesn't –

11 MR. ANDERSON: I would suggest that.

12 MR. VAN DINE: It doesn't seem like -

13 MR. ANDERSON: Well, I mean I'm a planner.

14 MR. VAN DINE: It doesn't seem like I want to be paying for that type of a
15 program to be put in place. It seems to me that there ought to be some mechanism in
16 place for the developer who wants to develop this area to take some responsibility on
17 that particular road.

18 MR. ANDERSON: Well, as I –

19 MR. VAN DINE: I certainly tell you I'm not gaining anything by you putting
20 anything out there. And so, frankly, I have a problem with the cavalier attitude of "Well,
21 that's life. We're just going to go ahead and wreck the road and somebody'll fix it some
22 day."

1 MR. ANDERSON: Well, I mean Richland County Council and this Body has
2 neither recommended any sort of a program to deal with road maintenance or upgrades
3 in this county, nor has the County Council. So, I mean you're on the Body. You've
4 been here for awhile. And I mean I'm not trying to be – I'm just making the point that,
5 yes, there could be something done but the county has not done it. I mean, there are
6 lots of way to deal with the problem, including impact fees and other things. But those
7 don't exist on the county books. And I don't think it's fair to say, "Well, they don't exist,
8 therefore this road here that's in bad condition, we're not going to allow anything to
9 happen on." Because if you were to extend that logic, then you undermine the intent of
10 the 2020 Plan, which is to contain development in the developed areas which are
11 naturally the same areas that have the worst roads and the most congested roads. If
12 you say, "Well, you can only develop in places where the roads are in good condition or
13 the roads are not going to fall apart", then you either 'A' are saying you have to far out
14 into Richland County into the areas that everyone would concede are very rural. I mean
15 there's no argument that upper, you know, northern Richland County, the very far
16 northwest parts of Richland County, lower Richland are very rural areas in character.
17 And if we were to go drop this out out there you can only imagine what would happen.
18 The alternative would be to say, "Okay. We're not going to let that happen. We're not
19 going to let you build where the roads are falling apart or where they're congested.
20 Therefore, you might as well go to Lexington County or to Kershaw County." So that
21 doesn't really control growth and that's not good planning either from my perspective.
22 And I mean I have a Masters in planning, as well. And I could tell you that if you want
23 sprawl, just shut down growth in Richland County. It's all going to pop up in Kershaw

1 County. It's already starting to move to Kershaw County because land prices and
2 developable sites in Richland County are disappearing.

3 MR. VAN DINE: I will respectfully disagree with you on the responsibility for the
4 road conditions, especially on roads such as Old Two Notch. But having said that, I
5 believe some other Commission Members have some questions and some comments
6 that they want to make.

7 MR. JACKSON: First, this question is to Staff. We pay a \$15 Road Users Fee.

8 MR. GOSLINE: I don't know the answer to your question.

9 MR. JACKSON: You don't know.

10 MR. GOSLINE: Nope.

11 MR. JACKSON: That some of my concern. The County Transportation
12 Committee do has funds. I noticed in the past most of those funds have been used to
13 resurface development that has been taken over by the county.

14 MR. GOSLINE: Let me – while you're talking about that. The county currently
15 has about 430 miles of unpaved, dirt roads.

16 MR. JACKSON: I understand.

17 MR. GOSLINE: We have another 340 or so miles of county roads, mostly in the
18 subdivisions, a huge percentage of which desperately need resurfacing because they're
19 old. Old Two Notch Road is a state road. The county doesn't have enough money to
20 resurface and/or pave roads more than about one mile a year.

21 MR. JACKSON: That's my question. And you have no idea –

22 MR. GOSLINE: But that just supports what Mr. Anderson is saying. It's a money
23 thing.

1 MR. JACKSON: Yeah, but my question was – you said you don't know anyhow,
2 so. I just know we pay \$15 road users fees to the city and –

3 MR. GOSLINE: I – everybody asks me that –

4 MR. JACKSON: I want to know what it's used for or what –

5 MR. GOSLINE: I need to get an answer to that question because, since I'm on
6 the Transportation Tech Committee, everybody asks me that. So I'll have to get an
7 answer to it.

8 MR. ANDERSON: I think they diverted a fair amount of that money, if that's what
9 they raised the last year or two, they diverted it to pay for DPS. To answer your
10 question. If that's – you're talking about the additional fee they added last year? Yeah,
11 most of that was used to fund the DPS budget because they didn't have money
12 anywhere else.

13 MR. GOSLINE: But anyway that –

14 MR. ANDERSON: As was the additional license fee for your license tag and your
15 renewal of your driver's license. A lot of that went into, basically, to fund DPS.

16 MR. JACKSON: DMV.

17 MR. ANDERSON: And DMV both.

18 VICE-CHAIRMAN WYATT: Thank you very much, gentlemen.

19 MR. GOSLINE: Madam Chairman.

20 VICE-CHAIRMAN WYATT: I'm sorry.

21 MR. GOSLINE: I'd just like to respond to a couple of things that came up. One is
22 Old Two Notch Road. If you look at the map, the traffic study assumed that 80% of the
23 traffic would come out of the project and go down Bookman Road. There is no reason

1 for anybody to come out of this project and go half a mile or three-quarters of a mile up
2 to Two Notch Road and turn around and come back to the same intersection which is
3 already going to be jammed up. So that's why the traffic study didn't assume any real
4 traffic going north. Now it's true that the road is in bad shape. So that's one point. The
5 other – there's a lot of people been talking about the density issue. Even if you take out
6 the 90 or so acres that are wetlands, aside from buffers, and apply the number of units
7 to that acreage, you come up with 3.5 units per acre on the developable portion of this
8 ground. That's about what the Summit is. It's about what almost any one of the RS-1
9 subdivisions that come in here build at. If you include the gross density, it's 2.3, which
10 is far less than most anything y'all see. So it's hard for people to understand that, but I
11 think that's an important point. And that's really about it unless y'all have any other
12 questions.

13 MR. CRISS: Madam Chairman, may I note for the record that we did pass out to
14 the Commission Members hearing this case, before the discussion began, a series of
15 emails that came in to the Planning Department over the weekend and today from
16 Sheila Gentry and Bobbitt Smith and Lynn Behman and Jarrett Ford and Glenn Dureen.
17 Thank you.

18 MR. PALMER: I don't really understand or see how anybody could not, on this
19 Commission, be in support of this project. It has 99.9% of the things that we look for in
20 a development. It may not be a total 100%, but I think these guys have gone above and
21 beyond the call of duty. And, perhaps, there is a road that does need some work and
22 can be resurfaced. I think that would be unfair to put that additionally on the developer
23 along with the other stuff that is already agreed to do - above the call of duty. And I just

1 can't understand the thought process. I guess I'm just of a different mindset. But I
2 would make a recommendation that – I would make a motion that we send this forward
3 with a recommendation of approval subject to the conditions on page 124 or 125,
4 excluding Item L.

5 MR. VAN DINE: L or M?

6 MR. PALMER: I'm sorry. M.

7 MR. ANDERSON: M or N, as in 'Nancy'?

8 MR. VAN DINE: N as in 'Nancy'.

9 MR. PALMER: [Inaudible]. N.

10 MR. ANDERSON: Thank you.

11 MR. PALMER: Excluding Item N.

12 VICE-CHAIRMAN WYATT: You want to exclude that? Something that they've
13 already agreed to do?

14 MR. PALMER: They have not agreed to do that. N is –

15 VICE-CHAIRMAN WYATT: Oh, the fencing. I'm sorry. Right.

16 MR. GOSLINE: Madam Chairman?

17 VICE-CHAIRMAN WYATT: Yes, sir.

18 MR. GOSLINE: Everybody keeps talking about N as a requirement for fencing.
19 That's not what it says. What it says is some, basically what's it's trying to say is some
20 physical barrier to keep traffic from the double frontage lots. And it could be a fence. It
21 could be berm. It could be landscape buffer. It could be any combination thereof.

22 VICE-CHAIRMAN WYATT: I understand that you're giving the developer a
23 choice.

1 MR. GOSLINE: Right. So, in essence, they've already agreed to do this because
2 they've agreed to have the buffer. So why would you want to take it out?

3 MR. ANDERSON: We didn't understand it that way. But if that's how you
4 understand it and we're all on the record as that being – as what we've proposed is
5 acceptable, we're all right with it.

6 MR. GOSLINE: We'll be glad to change the wording if it makes it, if you'd be
7 more comfortable.

8 MR. VAN DINE: Madam Chairman, I have some concerns with the project, but I
9 am going to second the motion to send it forward with a recommendation of denial – of
10 approval, excuse me. I would like to have the gentlemen take a look at those wetlands
11 areas that are in there. That while they may be isolated, there is a reason that they're
12 there. And the reason for them being there is to filter and to do other things with runoff
13 in the area. We have heard previously on an earlier one about a pond. And I can tell
14 you that I have had to handle a number of these downstream property owner complaints
15 regarding ponds. And the restoration of a damaged pond downstream is an extremely
16 expensive proposition. And I would hate to think that these type things could end up in
17 that fashion. So I would ask you to take a look at that. And, while that there's nothing
18 we can require, I would certainly like to see something happen on Old Two Notch
19 because I know that construction traffic's going to tear that road up. And if there's
20 anyway that a traffic plan or something else can be put in place regarding the
21 construction activities, then I would ask that you please look at that as well.

22 MR. JARROD: Okay. We'll try to find one construction entrance or something to
23 just mitigate where the points of entry are to the site as far as that construction traffic.

1 MR. VAN DINE: And while I know we are not approving the conceptual layout of
2 the thing, it does show a third entrance on Old Two Notch. And, for the purposes of
3 now to comply with the specific conditions, it probably needs to be eliminated.

4 MR. GOSLINE: Madam Chairman? I knew there was something I wanted to
5 bring up to be sure. I would suggest that whichever one that is – escapes me at the
6 moment – that it be modified to one – to two access points to Old Two Notch unless the
7 Fire Marshall thinks the third one would be necessary.

8 MR. FURGESS: I think number K? Carl, you're talking about K?

9 MR. GOSLINE: Yes. Thank you.

10 MS. LUCIUS: Do we need to put anything into the conditions about addressing
11 the wetlands because - or are we just going to wait and address that when we see the
12 subdivision?

13 MR. FURGESS: When you see the subdivision.

14 MS. LUCIUS: I'm with you, Mr. Van Dine. I think the whole project is good. I
15 would not be against it. But that does concern me. That's a considerable amount of
16 wetlands in there. I just want to say something. This is just – Mr. Whiting had said
17 about everyone putting down fertilizer, pesticides. Can I just throw this out in something
18 like this? My husband is a retired County Agent. He was a County Agent for Richland
19 County. And he said everyone always blames the farmer when the well water gets
20 polluted. But it's individual homeowners who are the big problem because everyone is
21 putting down fertilizer. Everyone is putting down pesticides of some kind, weed killer.
22 And that's the problem. And so I just wanted to mention that he's exactly right about

1 that. And these wetlands would be there to act as a buffer against some of that, too.
2 So, really like to see these protected.

3 MR. GOSLINE: I think part of the answer to that on those isolated wetlands it
4 may be that when we get into the actual engineering that, you know, some portions of
5 them could still remain. It's hard to tell.

6 MS. LUCIUS: Well I just think they're so important. I think citizens are becoming
7 more aware of how important they really are, isolated or not. And I just wanted to say
8 those few things.

9 MR. JACKSON: My main concern is that capacity of the road now is 8,600
10 vehicles per day. It now has 7,400 vehicles per day. With a development of this size, it
11 will be 1,352 vehicles per day. That's the level of service of F.

12 MR. GOSLINE: Yeah.

13 MR. JACKSON: And from what I'm hearing about the roads not being able to be
14 resurfaced or be repaired, I have serious concern about the capacity, safety, two
15 vehicles traveling on that road. I understand that the developer will put a turning lane
16 on those roads. But I just have that concern and I have to speak of that concern. I
17 understand Central Midlands have no vision doing anything for this area for the next 10
18 years of what I've heard.

19 MR. GOSLINE: Well, the current long-range plan for the midlands area does not
20 have any more capacity improvements for any Richland County roads other than
21 Clemson Road the rest of this decade. The three top priorities of road improvements in
22 the long-range plan, which may mean, like Ron said could be 10 years, 15, 30, 40, who
23 knows, because the General Assembly won't raise the gas tax. That's part of it. But,

1 anyway, it is Hardscrabble, Pine View and Spears Creek Church Road are the top three
2 county road widening priorities. But that's beyond the rest of this decade sometime, at
3 best. Unless some great money fairy lands –

4 MR. JACKSON: My only problem is that this county hosts a capital city and this
5 county's growing. And for Central Midlands to not have the vision or the capacity to put
6 these other roads as a priority for funding [inaudible] –

7 MR. GOSLINE: Mr. Jackson, it's not Central Midlands that doesn't have the
8 vision. It's the money ain't there. And you can only do what you got money, projected
9 income, to do.

10 MR. JACKSON: But Central Midlands also makes points to receive funds also,
11 makes recommendation. They also influence how the money is – which areas receive
12 money. They have other counties receiving other costs, receiving in terms of money,
13 for projects, also. And my only concern is that Richland County hosts the capital city
14 and there's very little money, proportionally, to all the COGS that's been funded with
15 [inaudible].

16 MR. GOSLINE: Well, there's always that discussion, you know, that other COGS
17 are getting more money and that sort of thing. But most of the money for the last few
18 years has gone into the Coopers (sic) River Bridge, which benefits a lot of us upstate.
19 But, anyway, in order to do – when we do the annual, the update, of the long-range
20 plan, it has to be financially feasible. And what you do is you project revenues based on
21 the sources that you have. And the sources you have don't cut it and there ain't no
22 money.

1 MR. JACKSON: We pay a \$15 Road Users Fee. I'm just saying that my concern
2 is that the 1.5 factor, which is the capacity of F as in failure.

3 MR. GOSLINE: Right.

4 MR. JACKSON: And there's no funds to resurface the road or widen the road.
5 And that's my main concern.

6 MS. LUCIUS: I don't think you answered my question. Do we need to put that in
7 special conditions about –

8 MR. GOSLINE: I'm sorry. I've mis-

9 MS. LUCIUS: - or just leave it alone?

10 MR. GOSLINE: About the wetlands?

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

12 MR. GOSLINE: And what were you suggesting?

13 MS. LUCIUS: Did we make it a special condition?

14 MR. GOSLINE: You can put whatever conditions you want, I guess.

15 MR. VAN DINE: I would like to see a study performed on the isolated wetlands
16 considering their importance to the drainage in the area. And I would like to have that
17 as a condition of the approval. That doesn't necessarily mean that they're going to be
18 there, but at least a study has got to be performed to find out whether or not they do
19 have a viable use on that particular piece of property.

20 MR. GOSLINE: Well, y'all can make the conditions and the applicant may not
21 agree, but that's their problem.

22 MR. JARROD: We have submitted this to the Corps and we expect their ruling,
23 probably in two or three weeks, on exactly everything that's there.

1 MS. LUCIUS: Well, we know what the court –

2 MR. JARROD: What our intentions are.

3 VICE-CHAIRMAN WYATT: The Corps. The Corps.

4 MS. LUCIUS: Oh, I thought you said the court. I beg your pardon. I know what
5 the court said.

6 MR. JARROD: I apologize.

7 MR. VAN DINE: I'd like to make that as a condition. It may come back that the
8 particular wetlands are not beneficial, but.

9 VICE-CHAIRMAN WYATT: You're asking for that in addition to what -

10 MR. VAN DINE: The conditions which are present.

11 VICE-CHAIRMAN WYATT: - the Corps comes out with. You're wanting an
12 independent study. Is that what you're asking for?

13 MR. VAN DINE: I mean it may be the Corps comes up with a sufficient study. I'd
14 leave that to Staff to make the determination as to whether or not that's a sufficient
15 analysis.

16 MR. PALMER: Wouldn't the Staff – I mean wouldn't the Army Corps – would the
17 Staff know more about whether it's sufficient than the Army Corps would? Or –

18 MR. GOSLINE: Well, no. The answer to that is no. It's routine that when you
19 have wetlands involvement, subdivisions or whatever, that part of the approval process
20 means getting a letter of approval from the Corps of Engineers. For example, the
21 Mungo's 1,000 acre project is still waiting to get theirs, but it's a lot different. A 1,000
22 acre's a lot different than 300. So, it – I think it would probably be reasonable to say
23 something like, no permits can't be issued until the Corps approves the wetland, you

1 know, issues a letter of approval of the wetlands or something along that line. Because
2 that's, in essence, what'll happen, anyway, whether you say anything or not. If you
3 want to say it just to be more comfortable, that'd be cool.

4 MR. PALMER: That's part of the development process, anyhow.

5 MR. GOSLINE: Excuse me?

6 MR. PALMER: I thought that's part of the development. You have to get that
7 done if you have wetlands on your site.

8 MR. GOSLINE: Yes. Yes. And Mr. Jarrod said that they understood that and
9 applied –

10 MS. LUCIUS: It's legal, but we just don't think it's right. Being legal doesn't make
11 it the good thing to do.

12 MR. GOSLINE: Well, and of course, Mr. Palmer, of the County could always ask
13 for, you know, go above, be more demanding about what they might want, if they so
14 choose.

15 MR. PALMER: What are you asking for, Howard?

16 MR. VAN DINE: I'm just asking for them to look at – I mean, because they are
17 designated on their wetlands map as wetlands.

18 MR. PALMER: Correct.

19 MR. VAN DINE: And the plan does not reflect that they have taken into
20 consideration the wetlands, those isolated wetlands, and their importance to the project
21 and to the runoff. I would like them to study the importance of that and make a
22 determination of whether or not they really have beneficial value to that property and to
23 the downstream owners. That's all I'm asking.

1 MR. JARROD: We can do that through the Corps. I mean we'll gladly to do that.

2 MR. VAN DINE: And that's all I'm asking for them to do.

3 MR. JARROD: Okay.

4 MR. VAN DINE: And the reason I think it ought to be a condition is just to
5 emphasis that we're asking it to be done. It may be part of the process. And if it's part
6 of the process, then that's fine. But I think by stating it as a condition it heightens the
7 actual issue that we have raised here today.

8 MR. PALMER: Sure. I'll amend the motion. You guys need a specific wording
9 on that or -

10 MR. GOSLINE: Yeah, that would be good.

11 MR. PALMER: Howard, you want to resay that or you want me to take a stab at
12 it?

13 MR. VAN DINE: Take your shot at it. I say it took too long for me to say it just
14 now.

15 MR. PALMER: An additional item be added to the Staff recommendations that all
16 wetlands on the site, including isolated wetlands, be determined as to their use and
17 relativeness to the site and to the runoff and the impact that they have on offsite
18 property owners.

19 MR. VAN DINE: The elimination of those wetlands and what impact they will
20 have on an offsite runoff and things of that nature.

21 MS. LUCIUS: Water quality.

22 MR. PALMER: Call the question.

23 MR. VAN DINE: I would second.

1 VICE-CHAIRMAN WYATT: I would just like to say thank you to your Staff and to
2 Tom for taking the time to come out and meet with the various homeowners
3 associations. One thing I would very much like to ask you to study, and I do appreciate
4 that you've listened to me, one on one with my concerns, also, as well as the
5 community. But one of the areas that has a terrible problem is that Ringwood/Single
6 Tree. The homes, unfortunately, I think every subdivision along Rhame Road, maybe
7 we need to go to the School District and ask for them to rezone the kids to stay left of
8 Briarcliffe. I don't know. But if you could really take a look at lining up there with that
9 traffic light. I know that there's been – I know you had your traffic study and they
10 recommended the light up by the church. I know the folks in the community told us that
11 on Sunday's after church lets out, but that's only one day. We're dealing with school
12 being five days. And I would really advise you to go out there and take a look at that
13 Ringwood/Single Tree will back all the way back up past the lake into Briarcliffe with
14 those people trying to get out. And it's going to be, you know, with your project, I see
15 most everyone coming out and making that left there. It's going to be extremely
16 dangerous. And I would really like for you to look, also, at putting a traffic light and
17 working, somehow, in that Ringwood area, Single Tree. Sheila, help me out. Is it
18 Ringwood or Single Tree that everybody comes out? It's Single Tree, isn't it?

19 AUDIENCE MEMBER: It's Single Tree. [Inaudible] It's Single Tree.

20 VICE-CHAIRMAN WYATT: It's Single Tree. And then they turn left going to the
21 school.

1 AUDIENCE MEMBER: Ringwood would be our main entrance and I think it'd be
2 – the entrance they have proposed on the map was closer to Ringwood than it was to
3 Single Tree. But I don't think Ringwood –

4 VICE-CHAIRMAN WYATT: Well, I'm thinking more of having been out there and
5 stood a few morning a few months ago and taking a look at that backup that occurs
6 from Woodlake, Turtle Creek, all those people that are taking their kids to school. Is
7 that Single Tree or Ringwood that they're coming out?

8 AUDIENCE MEMBER: Single Tree.

9 VICE-CHAIRMAN WYATT: It's Single Tree. Single Tree we need to look at.

10 MR. ANDERSON: Yeah, we'll take a look at it. Like I said before, DOT,
11 generally, I mean, if we were 50' off they would say, "Well, you need to line it up."

12 VICE-CHAIRMAN WYATT: I understand that. And I understand the situation that
13 you might have with the wetlands. But I was sitting here trying to picture that. I don't
14 think you're going to run into any wetlands across from Single Tree, but I could be
15 wrong.

16 MR. JARROD: We'll take that into consideration.

17 VICE-CHAIRMAN WYATT: Thank you.

18 MR. VAN DINE: I'd like to call the question, please.

19 VICE-CHAIRMAN WYATT: Okay. The question's been called. All those in favor
20 of the motion to recommend approval please raise your hand. All those opposed.

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

23 VICE-CHAIRMAN WYATT: Okay. That's it.

1 VICE-CHAIRMAN WYATT: Thank you. We're changing Chairs back [inaudible].

2 *[BREAK]*

3 MR. GREEN: Next on our agenda is 05-04 MA rezoning. I'd like to read into the
4 Record, prior to us starting that discussion. "Dear Mr. Green, I must request to be
5 excused from participating in discussion or voting on agenda item number 05-04 MA
6 regarding Coogler Construction Company, which is scheduled for review and/or
7 discussion at today's Planning Commission meeting. It is my understanding of the
8 Rules of Conduct, Provisions of Ethics, Government, Accountability, and Campaign
9 Reform Laws that since I have represented the applicant in legal matters in the past I
10 will be unable to participate in this matter through discussion or voting. I would
11 therefore respectfully request that you indicate for the Record that I did not participate in
12 any discussion or vote relating to this item representing a potential conflict of interest. I
13 would further request that you allow and direct this letter to be printed as a part of the
14 official minutes and excuse me from such votes, deliberations, and note such in the
15 minutes. Thank you for your consideration in this matter. Sincerely, Howard Van Dine."
16 Staff report.

17 **CASE 05-04 MA:**

18 MR. GOSLINE: Mr. Chairman and members, this is a request by Coogler
19 Construction Company to rezone a 10 acre parcel from C-3 to PDD. This is located in
20 Ballentine next to the Post Office. This parcel came up and bounced around back and
21 forth between us and the Board of Zoning Appeals. On page 143 there's discussion
22 about that situation. The Staff recommends denial because it's not compatible with
23 adjacent, existing land uses. It's not consistent with the land use map. And it's not

1 consistent with the objectives and recommendations of the plan. Mr. Fuller is here
2 representing the applicant.

3 CHAIRMAN GREEN: Mr. Fuller.

4 AUDIENCE MEMBER: [Inaudible]

5 CHAIRMAN GREEN: Oh, okay.

6 **TESTIMONY OF ROBIN COOGLER:**

7 MS. COOGLER: My name is Robin Coogler. I live at 868 Koon Road in Irmo.
8 I'm part owner of the property and also part applicant for the use of this property as a
9 PDD. We purchased this property a little over six years ago and were told that we
10 would be able to run our business according to the way we have been running our
11 business on this property, which is parking company vehicles overnight, working on
12 equipment from time to time, our management office, and storing some material which
13 is storm drain material, things like that. You know, we're asking for a PDD just because
14 now we're being told we can't do what we have been doing on our property. There will
15 be no expansions, no alterations, except for maybe a little bit more landscaping. And
16 we just would like to stay on our property and run our business. Thank you.

17 CHAIRMAN GREEN: Thank you. Bill Yon. I believe it's Yon. A Bill Yon here?
18 Next is Joey Coogler.

19 **TESTIMONY OF JOEY COOGLER:**

20 MR. COOGLER: My name is Joey Coogler. I live at 868 Koon Road. I'm the
21 owner of Coogler Construction and we bought this property, like Robin said, six or
22 seven years ago. We've been actually operating on it for five years. The real estate
23 promised me that this was the application we needed for the property. We had moved

1 off another piece of property off of Koon Road that we had a special exemption to be at,
2 but we had so many issues with the neighbors that we decided to take the cost of the
3 expense of this property and move. For five years we're okay. We had an issue, which
4 we were making so much noise breaking up some rock at one time. That's never going
5 to happen again. We stopped it that time when we were notified we were making noise.
6 All we do at this location is meet employees in the morning, park some equipment that's
7 not on job site, and store some material, very little material, there. And, maybe – we
8 only have one mechanic right now. He may work on some equipment at some times at
9 the shop. So, normally during the day there's only two girls in the office and an
10 estimator in the office. And, of course, that would be under a C-3 application permit and
11 that's not necessarily a problem. The biggest problem that we were having was the
12 stored materials and having heavy equipment on the site. So we're asking for – that's
13 that only thing we're asking for is to park our equipment and to meet employees there in
14 the morning and to operate or, you know, do some mechanic work. We've installed
15 some berms up front to cut down any kind of visual that you can see from the road.
16 We've actually put four or five sycamore trees behind those berms. And as they grow
17 you won't be able to see the back of the property. We're not even using the front. The
18 front, probably 3 ½ to 4 acres. we're not even using except for the office. So it's grass
19 up front and the fence up front and grass. And we run our operation, the construction
20 part of it, actually parking equipment, trucks, filling up equipment runs, out of the back of
21 the location. When Richland County came out and was looking at the property they
22 actually had the Fire Marshall and DHEC come out there and check me and that
23 checked out. All we had to do was get a couple of fire extinguishers and put them out.

1 We checked out on that. Basically what we're asking is, like Robin said, we're just
2 asking to remain as we are, you know, a company in this community. And a company
3 of what we do, you know, our equipment, our real work, is in Augusta, now, and in
4 Darlington. But, you know, we pay taxes in Richland County so it's a great benefit for
5 Richland County for us just to mobilize our people at that place, that location, anymore.
6 I hope that you'll see that, you know, we'll be an asset to the community.

7 CHAIRMAN GREEN: Thank you. Phil Koslic.

8 **TESTIMONY OF PHIL KOSLIC:**

9 MR. KOSLIC: My name is Phil Koslic and I live at 1122 Richard Franklin Road.
10 And I think we went through this last spring. At that time Coogler Construction was
11 actually crushing rock and I mean not pint sized rocks, boulders. They talked about
12 cleaning up the place. They've put up a few berms. But I think a lot of the rock is still
13 there. We're not sure, and when I say "we're" I'm referring to myself and the Ballentine
14 Civic Association of which I am a board member, what happens if the zoning goes
15 through. Do they bring back the rock crushing operation, which is in a C-3 zoned area?
16 There's a strip mall next to this where the people complain they could not even do their
17 work because of the noise. If we have some type of assurance that this only going to
18 be an area where they park their trucks and do normal maintenance on it, I don't think
19 there's a problem. But if there's going to be the storage material and go back to the
20 noise and the dirt of the rock crushing, we definitely are opposed to it. Thank you.

21 CHAIRMAN GREEN: Thank you. Bill Lindler?

22 AUDIENCE MEMBER: Not here.

23 CHAIRMAN GREEN: Okay. Chris McMeachan.

1 MR. FULLER: Not here. Oh, excuse me. That's mine.

2 [Laughter]

3 CHAIRMAN GREEN: Chris McMeachan.

4 MS. WYATT: Would you like to join us, Bobby?

5 CHAIRMAN GREEN: Bobby Fuller.

6 **TESTIMONY OF BOB FULLER:**

7 MR. FULLER: Good afternoon, Mr. Chairman, members of the Commission. I
8 am Bob Fuller. I am an attorney here in Columbia, 1728 Main Street. And I am here in
9 representative capacity for Coogler Construction Company, applicant in this transaction.
10 As you can determine, you remember and we have been here before. It's deja vu all
11 over again, after a fashion. But where we are at this point is Mr. Coogler and Ms.
12 Coogler have explained to you the trail that gets us back here is the application was
13 made to rezone this property simply to continue doing the business that they were doing
14 on the property that had been determined did not qualify specifically for the C-3 zoning.
15 What we have gone through at this point is to have taken the entire 10 acres of
16 property, which is 430 odd feet on Highway 76 and extends back 1,100 feet to a
17 railroad, an active railroad bed and imposed upon it a planned development district that
18 secures into that 10 acres only those uses that are shown on the plan and those uses
19 are the uses that accommodate the construction company. The rock crushing would
20 not have been possible under any zoning, this one or what was done there. That was a
21 mistake. It was rectified. There is no stone for crushing on the property. There would
22 be no stone for crushing on the property. In fact, the entire 10 acres is zoned C-3.
23 Under the protective blanket of the PDD, as you are aware, many uses that could be

1 possible in C-3 will not be allowed on this property without an amendment of the PDD
2 plan and a rezoning process to enable that. This is purely and simply a mechanism
3 under the ordinance to enable the continuation of the totality of this construction
4 company, this grading construction company business, to operate from this property.
5 Its business, as Mr. Coogler has told you, is at construction sites in other states and in
6 other parts of South Carolina and other parts of Richland County and around wherever
7 their work takes the people off the property and they return in the afternoons to depart
8 for home. The point made in the report of the Staff I think is that recommendation of
9 denial here is principally based on the fact that this is an industrial-like use. But under
10 the PDD plan, there is nothing that can take place on this property that would be any
11 more offensive than simply the operation of construction company because the plan
12 only provides for what's there, a small expansion. It does provide for a new office
13 facility in the event the present one is to be abandoned for use. But there is no real
14 expansion of the property. There is no industrial use on the property. It would be the
15 continuation of this. And we got to the PDD plan after some conversation and
16 suggestion from the Ballentine community and the people in that area who were simply
17 trying to be assured that there would be no expansion of adverse use. There will be no
18 use that will become a nuisance in that community.

19 CHAIRMAN GREEN: Thank you.

20 MR. FULLER: And the plan, the PDD, is the security for that.

21 CHAIRMAN GREEN: Joe Coogler.

22 MR. COOGLER: I don't think I need to talk.

23 CHAIRMAN GREEN: Okay. Isaac Bentley.

1 AUDIENCE MEMBER: He went home.

2 CHAIRMAN GREEN: I have some names here that were apparently scratched
3 out because maybe somebody thought they were on the wrong –

4 AUDIENCE MEMBER: They were on the wrong sheet.

5 CHAIRMAN GREEN: Okay. I just want to make sure that nobody else is signed
6 up for this thinking they were going to speak and I haven't called on. Okay?
7 Commission. I guess my question for Staff is to understand what is - continues to be
8 ongoing there that is not permitted in a C-3 district? Just so I'm clear. I'm looking
9 quickly at my C-3.

10 MR. GOSLINE: Heavy equipment storage and material storage.

11 CHAIRMAN GREEN: And the PDD would be required to permit that to continue
12 [inaudible].

13 MR. GOSLINE: Well, the PDD, you custom fit the uses. So you can – it would
14 certainly, in order – like the gentleman from the Ballentine Civic Association said, their
15 principle concern is the rock crushing and noise and all the rest of that. Well, that would
16 have – if you choose to approve it, then that would be one of the conditions, that they
17 couldn't do that. And whatever other conditions that you care to put forward.

18 MS. LUCIUS: I noticed on page 143, third paragraph up from the bottom, the
19 existing and proposed buffers are not substantial enough to comply with the landscape
20 requirements. Did you mention – did you bring that up? I mean they're aware of that?
21 To put in more buffers or landscaping?

22 MR. GOSLINE: You can solve that issue by, if you approve it, making a condition
23 they would have to do it.

1 MS. LUCIUS: Okay.

2 MR. GOSLINE: So, that kind of ends that discussion.

3 MR. FULLER: Ms. Lucius, may I address that just very briefly? I meant to cover
4 that. There is a portion, as I told you the depth of the property is 1,100'. There is
5 approximately 800' on one side of the property that is adjacent to property zoned RU. If
6 that were deemed to be a residential classification, then there would be a requirement
7 for a buffer of 25' minimum. It is shown on the PDD plan to be 20'. The property is, in
8 fact, undeveloped. There's nothing there but undeveloped land against the back part of
9 this property. The Cooglers have no problem with the imposition of expanding that to
10 complying 25'. It was simply, frankly, we did not catch that the RU would be classified
11 as a residential. It otherwise meets the buffer requirements.

12 MS. LUCIUS: Is that the buffer you were talking about or –

13 MR. GOSLINE: The simple way to answer the two concerns on page 143, the
14 findings of fact, so to speak, is to just say that they'd have, you know, put in a condition
15 they'd have to comply with existing landscaping regulation.

16 MS. LUCIUS: So we just make that a condition?

17 MR. GOSLINE: Sure.

18 MR. FULLER: And in the narrative we did say that the landscaping would comply
19 with all ordinance requirements. So that's not a problem.

20 MS. LUCIUS: That's good. Thank you.

21 MR. JACKSON: No, I was just saying for an existing business, even though
22 you're changing the zoning, I don't see where it should be necessary to spend a cost to
23 the business owner to put up these 25 buffer.

1 MR. GOSLINE: I'm sorry. Say that again.

2 MR. JACKSON: This additional buffer zone, right, or to do [inaudible] planting,
3 say, for an existing business. I could see if it was a new business going there. But it's
4 an existing business. I don't see why they should have to.

5 MR. GOSLINE: Mr. Jackson, this, all this discussion we've had on this project is
6 basically, as Mr. Fuller said, is for one of you all decide that it should stay there, then
7 the way to do it is a PDD and to get the conditions. If you don't approve the zoning, I
8 guess they're going to have to move.

9 MR. JACKSON: I understand. I'm just saying for an existing business and
10 because of what's happening now by they have to change their zoning from C-3 to PUD
11 (sic).

12 MR. GOSLINE: Well, they would have had to do landscaping. Well, see, they
13 started operation five years ago. And the Department was somewhat less than vigilant
14 about landscaping issues at that point in time.

15 MS. LUCIUS: It needs some landscaping.

16 MR. GOSLINE: As Mr. Fuller had – you know, certainly the screening of the
17 storage area from the road is the principal concern. And then I'm not sure about the
18 adjacent property, but.

19 MR. JACKSON: I understand. I'm just saying for an existing business I just don't
20 see [inaudible].

21 CHAIRMAN GREEN: What specific uses are permitted, again, under their PDD
22 application?

1 MR. GOSLINE: Just what they've applied. It's the office, equipment storage and
2 material storage.

3 MR. FULLER: Operation of the shop for company activities.

4 MS. LINDER: Mr. Chairman?

5 CHAIRMAN GREEN: Yes.

6 MS. LINDER: The applicant has submitted a narrative description and it may be
7 useful if you make it known whether you want this narrative description to be part of the
8 ordinance when you adopt it because it does go into a lot of the details –

9 CHAIRMAN GREEN: Were we given that?

10 MS. LINDER: - about what's going to be used and the landscaping and -

11 CHAIRMAN GREEN: Were we given that narrative in our package?

12 MR. FULLER: It was submitted as part of the application.

13 MS. LINDER: I mean, I have a very detailed narrative and what they're going to
14 use the property for, what they're going do. They're going to expand one building. Put
15 in a new office building.

16 CHAIRMAN GREEN: That's right. I got it. I remember it, [inaudible].

17 MS. LINDER: They're going to do some landscaping. I think they're talking about
18 maybe moving an access driveway.

19 MS. WYATT: Mr. Chair, I'm going to make a motion that we send this forward
20 with recommendation of approval.

21 MR. JACKSON: I second.

22 CHAIRMAN GREEN: A motion and a second for approval.

23 MS. WYATT: With the conditions – I'm sorry – on what page? As well as the –

1 CHAIRMAN GREEN: Well, are no conditions in Staff Report.

2 MR. GOSLINE: You'll need to refer to that. And that's something I wanted to
3 explain to you. In the past, the Department has, even though we recommended denial
4 we've put forth, if you decide to do it, some conditions. We're not going to do that
5 anymore. If we recommend denial we're not going to have any conditions.

6 MS. WYATT: That's fine.

7 MR. GOSLINE: So, what you need to do is refer to that document.

8 MS. WYATT: Then I recommend approval subject to the official zoning map
9 amendment applicant that's provided by Coogler Construction Company.

10 MR. JACKSON: I second.

11 CHAIRMAN GREEN: We have a motion and second. Just a quick question.
12 Does this mean that since rock crushing is not specified in their use of property that that
13 will become a prohibited use?

14 MR. GOSLINE: Correct.

15 CHAIRMAN GREEN: Okay. We have a motion and a second to send the
16 application forward with a recommendation of approval. Further discussion?

17 MR. GOSLINE: Who seconded the motion? Mr. Jackson?

18 MS. LUCIUS: Jackson.

19 CHAIRMAN GREEN: Further discussion. Seeing none, those in favor of the
20 motion please signify by raising your hand. Those opposed.

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

23 AUDIENCE MEMBER: Thank you.

1 MR. PALMER: Mr. Chairman, while we're taking a quick second, Carl, what flat-
2 out zoning would have allowed that company without having to get a PDD?

3 CHAIRMAN GREEN: M-1, I think.

4 MR. GOSLINE: M-1. And the problem with that, you know, we've talked about
5 that a lot. It's too open-ended.

6 MR. JACKSON: They can do so much with that.

7 MR. PALMER: Did they apply for M-1 and the Council turned it down?

8 MS. LUCIUS: They did. They did.

9 CHAIRMAN GREEN: We recommended –

10 MS. LUCIUS: I had it written down somewhere.

11 MR. GOSLINE: Whether they – I'm not sure, Mr. Palmer, whether they formally
12 turned it down, but effectively.

13 MS. LUCIUS: No, they applied for M-2 on January 5th.

14 MR. GOSLINE: Okay. That's right.

15 MS. LUCIUS: And it was deferred to March.

16 MR. GOSLINE: Right.

17 MS. LUCIUS: And this is the first time we've seen it.

18 MR. GOSLINE: Yeah, that's right. I'd forgotten that. They applied for the M-2
19 because they were doing the rock crushing. And then, subsequently, decided they
20 didn't need to do that.

21 CHAIRMAN GREEN: Next on our agenda is 05-05 MA. Staff Report.

1 **CASE 05-05 MA:**

2 MR. GOSLINE: Mr. Chairman and Members, this is a request for zoning of two
3 acre piece of property at Dutch Fork that is surrounded by commercially zoned property.
4 This is the old Ballentine House, itself, as you can see on page 159. Staff recommends
5 approval. I understand there has been some interest on the part of some preservation
6 activities to try to move this house, if possible, because that's been there, you know, 50
7 or 60 years. And it's a truly wonderful place. It's too bad.

8 MS. LUCIUS: I know.

9 MR. GOSLINE: It's too bad we're going to have a shopping center.

10 CHAIRMAN GREEN: [Inaudible] the applicant, would you like to speak to your
11 application? You've been here four hours. You might as well take your two minutes of
12 fame.

13 **TESTIMONY HAROLD PICKREL:**

14 MR. PICKREL: I'm Harold Pickrel. I live at 113 Beaver Ridge Drive. Speaking of
15 the house, we have – we own the property now, but we've offered it back to the family if
16 they can move it. It's – I don't know if you can move it or not. It's in pretty bad shape
17 inside. And I don't know if it would withstand the move. But it's theirs if they want it.
18 We've had our preliminary development meeting with the County. There are some
19 pretty nice trees there that we've, even when we named this development, we would
20 like to sort of play off of it and keep some of them there, which are pretty substantial.
21 And the front part where that intersection is and the signal that's already there, he made
22 reference to, when we did have our meeting, DOT's going to make us do some things
23 there. Probably do some right out only type scenario should this happen. As Carl

1 mentioned, everything around it is zoned C-3. This is like a two acre piece that
2 somehow years ago they allowed them to leave it zoned rural but zoned everything
3 around it C-3. So we're requesting to make the tract C-3 so it'll be complete.

4 CHAIRMAN GREEN: Thank you. Any questions for the applicant? Discussion?

5 MS. WYATT: Make a motion we send it forward with recommendation of
6 approval. I'm sorry, Ms. Lucius.

7 CHAIRMAN GREEN: Have a motion for approval.

8 MS. LUCIUS: No, that's okay. I'll second.

9 CHAIRMAN GREEN: Is there a second?

10 MS. LUCIUS: I'll second. But I just want to say when I saw this my heart sank
11 because I could tell by the map that it was going to be a slam-dunk, C-3. And then I
12 looked at the house. And it's such a beautiful home. I mean, it's been there forever.
13 So I do hope it can be saved.

14 CHAIRMAN GREEN: Barbara, do you want to make those subject?

15 MS. WYATT: Subject to conditions.

16 CHAIRMAN GREEN: We have a motion and second for approval subject to the
17 conditions. Where?

18 MS. WYATT: That's what I'm looking for.

19 MR. PALMER: I don't think we have conditions.

20 MS. WYATT: We don't have conditions.

21 CHAIRMAN GREEN: We don't have conditions.

22 MS. LUCIUS: We do have conditions?

23 CHAIRMAN GREEN: [Inaudible]

1 MR. GOSLINE: It's a straight rezoning.

2 MR. VAN DINE: It's a rezoning.

3 MR. PALMER: I'm sorry. I saw the wrong page.

4 CHAIRMAN GREEN: Further discussion? Those in favor of the motion please
5 signify by raising your hand. Those opposed.

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

8 CHAIRMAN GREEN: And Mr. Jackson's abstained. Next is 05-06 MA.

9 **CASE 05-06 MA:**

10 MR. GOSLINE: Mr. Chairman and Members, this is another repeat performance.
11 This a request for Cliff Kinder to rezone 89 acres from D-1 to PUD-IR. This is basically
12 at the corner of Trotter and Garners Ferry Road, not quite at the corner but near there.
13 Unfortunately, the site doesn't show up very well on the zoning map but it does show up
14 better on the aerial. This is the same property that was up about four months ago. The
15 applicant has slightly revised the presentation of what they're trying to do. Staff
16 recommends approval subject to the conditions on pages 166 and 167. One thing I
17 should note is that last time this was up the Department had concerns about the
18 proposed commercial along Garners Ferry Road and, more specifically, the uses
19 permitted therein. We still think it's appropriate not to - to at least limit the uses in that
20 commercial to the ones on the top of page 166. And that's about all. I might also bring
21 to your attention that the applicant has agreed to construct a sidewalk on Trotter Road
22 to the Caughman Park, providing the county and the state give him the necessary right
23 of-way. That's a pretty good concession.

1 CHAIRMAN GREEN: Mr. Kinder.

2 MR. VAN DINE: May I ask a question? What was the outcome of the last time it
3 was before us? Was it withdrawn before a vote? Was it [inaudible]?

4 MR. GOSLINE: No, we –

5 **TESTIMONY OF CLIFTON KINDER:**

6 MR. KINDER: We withdrew it. Mr. Chairman, Commission Members, my name
7 is Cliff Kinder. We withdrew our application after your denial of recommendation, but
8 before it went to County Council.

9 MR. VAN DINE: So this Body denied it and it didn't go to council.

10 MR. KINDER: It did not go to council. Again, Mr. Chairman, Commission
11 Members, I'm Cliff Kinder. I appreciate what y'all sat through today. I'm going to keep
12 my presentation very short and to the point. I'm representing a contingent of folks that
13 can be identified by these lapel stickers. Each one of them is prepared to speak if there
14 are questions that I don't answer, but I think less said the better in most cases. In April
15 or May, we heard you and the community loud and clear. And we withdrew our PUD
16 application at that time. We have since met with the neighborhood twice. We met with
17 Representative Jimmy Bales several times, once in person, several times by phone.
18 We've met with Council Member Tony Mizelle several times. Mr. Mizelle has been to
19 both of the neighborhood meetings. We've circulated flyers among the neighborhood.
20 We have dealt with concerns and questions on a one-to-one basis with residents in the
21 general area. And we have modified our development plans to meet those concerns
22 and requests to the extent that now we're coming before you, still with a PUD request,
23 but we've reduced our overall density from a previous 501 residential units to 376. We

1 have eliminated all the multi-family from this land plan. There is no multi-family. This is
2 all single-family, detached dwelling units, except for the small amount of commercial on
3 Sumter Highway. We've agreed to embrace the recommendations of the county
4 Planning Staff insofar as the size of the commercial development and the uses of that
5 commercial development. We've followed the recommendations of Staff concerning
6 connectivity and internal access. We expect, if we get the rezoning we're asking for, to
7 work closely with Staff and with the City of Columbia Fire Marshall and Public Works
8 Department, actually Water Department, as we submit subdivision plans for the
9 development. We expect to work very closely with the South Carolina DOT on curb
10 cuts on Trotter Road and the Sumter Highway. I mentioned before we have eliminated
11 all the multi-family from this land plan. We have based these densities for parcel C and
12 parcel B on the densities that RS-1, in the case of parcel C, and RS-2, in the case of
13 parcel B, would result in. You might note on your package that we're basically
14 surrounded by D-1 zoning except for along our northern most property line where we
15 abut RS-2. So our density is based on RS-1 abutting existing RS-2, is an effort to be
16 less intrusive with the neighborhood. The densities on parcel B, which is based on RS-
17 2 zoning, abuts undeveloped land. But it is consistent with the general residential
18 pattern in the neighborhood, which is predominately RS-2 on that side of Sumter
19 Highway. But the PUD requires the maintenance in perpetuation, in perpetuity if that's
20 the right term, of vegetated buffers shown in green along our periphery abutting
21 developed properties. This site was farmed until fairly recently but about 12 years ago it
22 was put in planted pine trees. So the majority of the site is 12 year old pine trees. So a
23 20' vegetated buffer will make quite a difference in isolating our residents from other

1 residents. We assured the neighborhood that the PUD gave the neighbors the most
2 protection possible in terms of making sure that long after we were gone the covenants,
3 conditions, and restrictions that we've attached to our presentation application are
4 adhered to. A homeowners association is mandatory. They will inherit these HOA, well
5 these CCR, police responsibilities. I think we have – I won't say we have won over the
6 neighborhood because there certainly are some people would rather we never
7 appeared on the scene, never entered their life. But I think the consensus among our
8 neighbors now is that, with the PUD protection and with the land plan that we're asking
9 for, with the covenants and restrictions that we're committed to, and with the limited
10 commercial development and no multi-family development, I don't want to put words in
11 other peoples' mouths, but I think we might be characterized as maybe a 'bird-in-the-
12 hand' would be a kind way to characterize us. Or maybe the 'lesser of many, many
13 evils' might be a less kind way to characterize us. But, having said all that, I would like
14 to answer your questions and if there's questions I can't answer I'm sure the folks here
15 with me today can probably help me.

16 CHAIRMAN GREEN: Are there any questions for the applicant?

17 MR. VAN DINE: Was the prior request a PUD or was it an RS-1?

18 MR. KINDER: No, it was a PUD, more dense with multi-family. That's the main
19 difference.

20 CHAIRMAN GREEN: Any other questions for the applicant while he's at the
21 microphone? I don't want to not ask, call on anybody that's signed up to speak. I don't
22 have anyone signed up against the project that has signed the sheet. Everybody else
23 that's signed up is for. I'll read through. If you want to get up and say something, I

1 certainly want to give you that opportunity. Ann Bellamy. Allen Burnside. Alfred
2 Burnside. Jack Burnside. Judy Cutch. And Ken Simmons. Okay. Thank you. We're
3 now open for Planning Commission discussion.

4 MR. FURGESS: I have something to say. I know the same kind just came before
5 us. A young lady was here, wanted to put a business of an accountant's place on
6 Garners Ferry Road. And we were very adamant to vote against about putting
7 businesses going down Garners Ferry Road. That we didn't want it to look like Two
8 Notch Road. But those same people who voted for that young lady not to have her
9 business on Garners Ferry Road feel the same about this?

10 MS. LUCIUS: I thought we did pass that we did pass that accountant's office.

11 MR. FURGESS: No, we didn't.

12 MS. LUCIUS: Isn't that that little pink -

13 MR. GOSLINE: Mr. Chairman? Mr. Furgess, are you talking about Ms. Stukes?

14 MR. FURGESS: Yeah.

15 MR. GOSLINE: That was a split vote that went to the County Council.

16 MS. LUCIUS: With no recommendation.

17 MR. GOSLINE: Somebody was absent. I forget who. But it was a split vote for
18 Ms. Stukes. And I don't remember the vote for this project, but it was - y'all
19 recommended denial for the earlier version of this.

20 MR. FURGESS: You didn't want any more stuff to go down Garners Ferry Road,
21 as far as businesses.

22 MR. GOSLINE: That was the Staff recommendation. That's correct. That, if you
23 look on page 171 you'll see that the smaller red across from the pink, they've gotten

1 through 1st reading and maybe 2nd reading, so it hasn't totally been completed, but
2 certainly expect it would. Ms. Stukes' rezoning.

3 CHAIRMAN GREEN: Further discussion?

4 MR. JACKSON: One of my main concerns is that over the years any commercial
5 activities on Garners Ferry Road in that area we have denied. We have denied several
6 'Mom and Pop' stores in the past just for having a business on Garners Ferry Road.
7 And they generated far less traffic than what this subdivision would generate. That's my
8 only concern. You have – this will generate 3,000 – over 3,500 vehicles on Garners
9 Ferry Road. And we have consistently, in the past, denied small businesses less than
10 one acre on Garners Ferry Road.

11 MR. GOSLINE: The Department has been consistent in recommending denial of
12 commercial rezoning outside of the nodes at Trotter and Garners Ferry Road and
13 Trotter and Lower Richland Boulevard. That's true. The Department has made that
14 recommendation. But the long, narrow, red piece on the north side of Garners Ferry
15 Road is the automobile places that have been there forever. Ms. Stukes is the next one
16 which, virtually, achieved the C-3 zoning. This is on page 171. The big square piece
17 was Dr. Randolph, about a year and a half ago. And across the street, the pink was Mr.
18 Tallent's CPA office. It's true. The Department's consistently recommended against
19 commercial, stripping out commercial rezoning along these roads. Just like we have on
20 Hardscrabble and any number of other ones.

21 MS. LUCIUS: We had - I'm sorry. We had a case in July, also, that was a 4-4 tie
22 vote for a restaurant. I'm not sure where that was on here, but it was along here -

1 MR. GOSLINE: Excuse me. The restaurant is Ms. Stukes', the smaller – the
2 smaller -

3 MS. LUCIUS: Oh, that is – I thought we were talking about the accountant office.

4 MR. GOSLINE: The accountant office is right across the street.

5 MS. LUCIUS: Right. That's the little pink thing.

6 MR. VAN DINE: [Inaudible]. I understood what you were saying about the
7 commercial uses. Did I hear you say that you were agreeable to the list that the Staff
8 had recommended or were you still going with the longer list that was part of this
9 [inaudible]?

10 MR. KINDER: No. What I said was we've agreed to embrace the Staff
11 recommendation. So we're asking for your approval subject to Staff recommendations.

12 MR. VAN DINE: So you're limiting the uses to what the Staff had recommended
13 in their -

14 MR. KINDER: Yes, we are.

15 MR. VAN DINE: Okay.

16 CHAIRMAN GREEN: Any motions?

17 MS. LUCIUS: I'm kind of confused about the way it's laid out. All the traffic on
18 Garners Ferry Road would come down that long – through that long piece of RS-2.

19 MR. KINDER: Ms. Lucius, there's a curve cut in Garners Ferry Road right in front
20 of our entrance, which is designated by the dark gray arrow.

21 MS. LUCIUS: I see it.

22 MR. KINDER: So you could come out our main entrance and turn right, into
23 Columbia, or go across the median at an existing curb cut.

1 MS. LUCIUS: It wasn't the curb cut I was concerned about. It was just the
2 demographics – that's not the right word.

3 MR. KINDER: Well, the road system has not been –

4 MS. LUCIUS: Road system, it's –

5 MR. KINDER: It's 95 acres. That road system, internal road system, has not yet
6 been designed.

7 MR. VAN DINE: Mr. Chairman, I would –

8 MR. FURGESS: With the yellow, they'll come out on Trotter Road, right?

9 MR. KINDER: Well, actually you'll be able to turn from Sumter Highway, go
10 through the community, and go back out Sumter Highway or Trotter. You'll also be able
11 to come in Trotter and go through the community and come out Sumter Highway or
12 back out through Trotter.

13 MR. JACKSON: Well, another thing, I only see one acre of common area. I
14 mean, apart from the one acre I've seen on this for a common area. My main concern
15 is the traffic traveling on Garners Ferry Road turning into the subdivision. It has, there,
16 storage lanes, turning lanes. And I don't think the Department of Transportation or the
17 county or anyone should pay additional funds to create or design a turning lane for a
18 subdivision.

19 MR. KINDER: No, sir, neither do we. And if DOT requires turning lanes, it'll be at
20 our expense.

21 MR. GOSLINE: Mr. Jackson, on page 167, Condition L: "The developer shall be
22 required to construct any necessary turning lanes for the project on both roads."

23 MR. JACKSON: I understand that.

1 MR. GOSLINE: And the applicant has agreed to it.

2 MR. JACKSON: I understand that. Even though I understand what that's saying,
3 also, my main concern is that we have 3,500 vehicles per day and the peak hour in the
4 evening you have 120 vehicles turning into that subdivision that short distance from the
5 light, that subdivision. I mean, that's the only, I mean, that's chaos. That was one of my
6 main concerns, a turning lane for that property.

7 MR. KINDER: Yes, sir. And if DOT, which it is a state highway, if DOT tells us we
8 have to have a turning lane all the way back out to Veteran's Hospital, that's what we'll
9 have to do. We've agreed to do that.

10 MR. JACKSON: Just wanted to make [inaudible].

11 MR. VAN DINE: Mr. Chairman, to be consistent with the last time this came up I
12 would move to send this forward with a recommendation of approval. I think that we
13 have, in fact, asked that these areas be developed in residential areas going out this
14 route. And I voted for it the last time and I think that some concessions have been
15 made which make it even more generous for the people there. And, therefore, I would
16 move that we go forward with a recommendation of approval.

17 MS. WYATT: I'll second.

18 CHAIRMAN GREEN: We have a motion and a second to send it forward with a
19 recommendation of approval. I'm assuming subject to Staff conditions as listed –

20 MR. VAN DINE: Correct.

21 CHAIRMAN GREEN: - in our report on page 166 and 167.

22 MR. VAN DINE: That is correct, Mr. Chairman. And also subject to the restricted
23 list for commercial uses.

1 CHAIRMAN GREEN: Okay.

2 MR. VAN DINE: Have been listed.

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

4 Discussion on the motion.

5 MS. LUCIUS: I just want to say I don't see anything in the conditions about
6 clearing.

7 MR. GOSLINE: The what?

8 MR. VAN DINE: It's pretty clear. There's nothing –

9 MR. KINDER: It's pretty clear.

10 MS. LUCIUS: Is everything gone?

11 MR. KINDER: There are a lot of 12' tall pine trees, but everything else is – I
12 mean it was a bean field 12 years ago.

13 MS. LUCIUS: Well, that's just usually a standard condition and I didn't see it in
14 there.

15 MR. KINDER: No. We expect to obey all of those.

16 MR. GOSLINE: If there's nothing there we don't put it in.

17 MS. LUCIUS: Well, I think it helps to always remind people that have –

18 MS. WYATT: She thought you had done a typo, Carl.

19 MR. GOSLINE: Well, that's certainly possible.

20 MR. JACKSON: You've met with the community, also.

21 MR. KINDER: I beg your pardon.

22 MR. JACKSON: I heard you mention you met and discussed it with the
23 community?

1 MR. KINDER: Oh, yes, sir. We've met with them one-on-one and in public
2 meetings at the Landmark Baptist Church twice, now. And we've met extensively.

3 MR. VAN DINE: I do think it's interesting to note that the last time this came up
4 there was a fair number of people who spoke against it.

5 MR. KINDER: Yes, sir. There were.

6 MR. VAN DINE: You note that there is no one here, today. So I would say the
7 concessions that have been made may have had an opportunity to alleviate some of the
8 problems that they saw.

9 MR. KINDER: I hope we didn't make them for nothing.

10 MR. JACKSON: On the [inaudible] signed up against it, I think they have agreed.

11 CHAIRMAN GREEN: Further discussion on the motion? Seeing none, I'll call for
12 the vote. Those in favor of sending this forward with a recommendation of approval
13 please raise your hand.

14 MR. VAN DINE: Subject to all the conditions [inaudible].

15 CHAIRMAN GREEN: Subject to the two pages of conditions and the restrictive
16 commercial uses. Those opposed.

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

19 CHAIRMAN GREEN: Thank you. Next on our list is 05-07 MA, Farrow Road at
20 Longtown Road.

21 **CASE 05-07 MA:**

22 MR. GOSLINE: Mr. Chairman and Members, this is a proposed rezoning from M-
23 1 to PUD-IR for 95-acre parcel that's roughly it's on the west side of Farrow Road where

1 Longtown Road comes in. This is for a multi-family housing project. Staff recommends
2 approval subject to the conditions on page 184 and 185. One of the proposed
3 entrances - line up with Longtown Road, so that was one of the issues. There's some
4 fair amount of the property that has 100 year flood elevation on it. And the plan, the
5 proposed plan on page 193, you'll see it stays out of that area. There's some proposed
6 commercial along the front, the Farrow Road frontage.

7 MS. WYATT: Carl, is this not the same project that the Board of Zoning Appeals
8 saw three months ago?

9 MR. GOSLINE: Yeah. They went to the Board of Zoning Appeals and got
10 denied.

11 MR. VAN DINE: They were seeking a variance?

12 MR. GOSLINE: Special exception for - this is the last, about the last one, before
13 the ordinance got to changed to - Mr. Beech is here representing the applicant.

14 CHAIRMAN GREEN: John Beech, I assume? Please.

15 **TESTIMONY OF JOHN BEECH:**

16 MR. BEECH: I guess it's good evening, almost, at this point. Appreciate all of
17 your attention on this long afternoon. I'm actually pleased to be here today representing
18 this company because I believe that this proposed project fits completely and very
19 nicely in with the comprehensive plan. My name is John Beech. I'm an attorney with
20 Ellis, Lawhorne, and Simms and I'm representing Edward Rose & Son, the company
21 that's making this PUD proposal. Edward Rose is proposing a change from the existing
22 light industrial zoning classification that this property has, to a mixed
23 commercial/residential PUD consisting of a high-quality, market rate apartment and

1 town homes with a commercial/retail component combined. Edward Rose is a family
2 owned company that's been in business since 1929. They have always had a company
3 plan to build and then operate quality multi-family developments. Edward Rose
4 currently owns and operates about 50,000 units nationwide. I believe the Staff said it
5 just right when they concluded this project is, and I'm quoting from their report, "a
6 perfect transitional use between the Trane Manufacturing Company and other future
7 light industrial uses, and the single-family residences to the south and east of the
8 subject site. The proposed project is compatible with the adjacent development." Let
9 me briefly discuss the question that you raised about the application for a special
10 exception. The application was turned down. And it is our understanding that the
11 reason it was turned down was not because the proposed use was not consistent with
12 the Comprehensive Plan, but that the special exception process was not technically, in
13 the Board's opinion, technically the correct process for the applicant to use here. And,
14 in fact, suggested, I believe, that an application for a zoning change, which is where we
15 are here today, was the more appropriate approach. We believe that the change from
16 light industrial to the proposed development is going to actually enhance the property
17 values and the quality of life in this area. We think it really represents a very substantial
18 benefit, that is an excellent alternative to the potential light industrial uses, which the
19 property is currently zoned. Let me just very briefly say that Edward Rose stipulates to
20 each of the proposed PUD conditions with the limited exception of item number N, as in
21 'Nancy'. There's been a proposal that all of the internal streets be publicly owned and
22 maintained by the county. The applicant will commit to construct the internal streets up
23 to the standards that the county requires for publicly owned roads. However, they

1 would prefer to maintain the ownership of those roads for safety reasons, for security
2 reasons, within this residential area. And I might also note that one of the main reasons
3 they'd like to maintain ownership is because if they cede ownership over to the county,
4 then if there's a pothole or there's a problem that needs to be repaired they can't do it
5 anymore. And while there's a tremendous amount of respect for the road building and
6 road maintenance abilities within the county, I think we've seen here today that there's
7 also limited funding available for that. So they really would like to maintain their own
8 roads so that they can keep them looking nice and make sure that the people who are
9 living within this community have good roads.

10 MR. VAN DINE: Mr. Chairman, may I say for the first time since I've been sitting
11 on the [inaudible]. This is amazing!

12 MR. BEECH: Well, that having been said, if it is your wish to agree to that
13 proposal as well, then we're obviously going to defer to that if that's what you need to do
14 in order to propose approval on this. However, we'd ask for you to consider striking that
15 as one of the items here. Thank you.

16 CHAIRMAN GREEN: Mr. Beech, do you anticipate that all of these units will be
17 rental, including the townhouses?

18 MR. BEECH: That's currently the developer's plan, yes, Mr. Chairman.

19 MR. GOSLINE: I think it's fair to say that the County would certainly not object to
20 adding another mile of road to the system that we can't maintain now.

21 CHAIRMAN GREEN: Any questions for the applicant while he's at the mic?

22 MR. PALMER: It's going to be a gated community?

23 MR. BEECH: It is not planned to be a gated community presently.

1 MR. VAN DINE: Has there been any opposition on behalf of the applicant to –
2 some of the other people have agreed to fund a stoplight – to escrow funds for a
3 stoplight. Because I'll tell you right now, if you go out that road, come in between 8:00
4 and 9:00 in the morning and go out between 4:30 and 6:00 at night, that intersection
5 and the next one up at Killian Road is a disaster.

6 MR. BEECH: Well, obviously the developer will do whatever the DOT requires
7 with regard to that. I would say that there are a couple of things that may end up
8 mitigating that. One is the fact that they do have the plan up above here for the
9 Clemson Road project, which we think is going to probably take some of the pressure
10 off of this part of Farrow Road. The other thing is we believe that, probably, turning
11 lanes will be adequate. And, understand, the consideration here is not the difference
12 between where things are today versus where things will be with this development. It's
13 already zoned light industrial. And there can be a use, or many uses, that would put
14 probably even more traffic pressure on this area that are already zoned into the process
15 than the proposal that we're making here. And so, even though we do understand that
16 there's a traffic issue, it's amazing, if you look at some of the studies, you'll see that the
17 traffic in this area has actually declined over the last two years on this particular stretch
18 of Farrow Road. There've been some studies that show that it has been a slight
19 decline. And, of course, the build out on this project is going to be seven to 10 years.
20 So I'd have to ask the client if they'd be willing to commit to that. But I will say that they
21 will abide by whatever decisions that DOT makes with regard to how they are going to
22 need to engineer these two inlets that are going to be coming in to Farrow Road right
23 there.

1 CHAIRMAN GREEN: Any other questions for the applicant? We have nobody
2 signed up against the proposed rezoning. We have a couple of folks signed up in favor.
3 Don't know if they continue to want to speak in light of that. Seth Rogers? Mr.
4 Simmons.

5 **TESTIMONY OF KENNETH SIMMONS:**

6 MR. SIMMONS: My name is Kenneth Simmons. I reside at 610 Spring Lake
7 Road. I'm a landscape architect and representing the Edward Rose Company. One
8 thing you will see a little different on this plan is we have done a very partial tree
9 inventory to identify some significant hardwood trees on this site. I have been very
10 impressed with Edward Rose. They come from up north. They appreciate the
11 environment. They're going to do everything we can to save not only the trees and the
12 wetlands, but save all of the existing vegetation that is possible on the site. That's why
13 we did just a portion of a tree survey. And, obviously, we'll do the remainder of work
14 when we get into documents. The other thing I think is important is this company has a
15 record of building and owning these projects. They have another project they've had in
16 Columbia since the early '70's. They're not a 'come in, develop, sell out and move on.'
17 So things like the traffic light, obviously, if the traffic light gets access into the site
18 quicker, then their project is going to be more marketable. So they're committed to
19 everything that they can, in not only the short term, but in the long term, to make this a
20 positive, viable, residential community for the people that live here. Thank you.

21 CHAIRMAN GREEN: Thank you, Ken. Discussion.

1 MR. JACKSON: One of the main concern, I see the capacity of this road as
2 10,800. I see the traffic generated by this development as over 5,500, more than half
3 the existing capacity.

4 MR. GOSLINE: Yep.

5 MR. JACKSON: And these are levels of service of F.

6 MR. GOSLINE: Right.

7 MR. JACKSON: That doesn't include other developments that have been
8 approved -

9 MR. GOSLINE: You're absolutely correct.

10 MR. JACKSON: - who generate at least another 10-15,000 vehicles per day.

11 MR. GOSLINE: Yep.

12 MR. JACKSON: So I have deep concern about the volume that will be generated
13 by this development.

14 CHAIRMAN GREEN: Thank you. Yeah, I think one of the things I think that
15 we're going to see in this area is that, with the realignment of Clemson Road and the fly-
16 over of the railroad track much has happened on the Clemson Road widening on the
17 other side over where Two Notch is, is that realignment of Clemson Road, the widening
18 of Killian Road and Clemson Road, taking those people virtually without stop all the way
19 to the Interstate is going to dramatically impact and reduce traffic on Farrow Road.
20 People are running on Farrow Road just to get around having to deal with those double
21 jogs on Clemson and Longtown. I mean, I go that way home sometimes. And it's just a
22 nightmare trying to figure out your way through. But construction on the realignment
23 has begun. And I think we're going to see a marked improvement of -

1 MR. GOSLINE: Yeah, I wouldn't disagree with that, Mr. Chairman. I think,
2 however, that's going to be temporary because, don't forget, we have the Mungo
3 development with 2,000 or so units coming on line and they are all going to turn right on
4 Killian.

5 CHAIRMAN GREEN: But their predominate movement pattern's going to be
6 either east or west on Clemson. I mean, there's no – unless you work on Farrow Road
7 and with the commercial that's planned on Killian and Clemson Road, there'll be no
8 purpose to be on Farrow Road other than - there's not a school down there, I don't
9 think. And there's not a – other than going to employment, there won't be any reason
10 really to be traveling up and down Farrow.

11 MR. VAN DINE: There's going to be two large Beezer developments which are –

12 MR. GOSLINE: Across the street.

13 MR. VAN DINE: - right on the intersection of Longtown and Farrow, which will
14 come directly out onto that avenue –

15 MR. GOSLINE: Right.

16 MR. VAN DINE: - from both sides of Longtown Road, as well as from further
17 down on Brickyard Road. There's going to be other development in that area. I think
18 there is a problem with that whole general area. While the Clemson Road fly-over may
19 eliminate some of it, people who are making direct trips, I think the local traffic and the
20 other thing they'd be sufficient traffic that you're going to have the same problems. And,
21 while I don't think we can fix that problem now, that intersection is going to need, during
22 your future, a traffic light or some mechanism to move traffic. Because I know, if I come
23 out of the Longtown or the Longcreek Plantation area, you can sit at that intersection

1 right there for 10 minutes because people coming down Farrow try to turn left – there’s
2 so many people coming up for you to make it safely across the road. So I see the same
3 problem developing there again. And that was the reason I asked the question about
4 the traffic light. Because Centex, earlier, offered to escrow funds for a traffic light in that
5 area once it became necessary to install one. To me that’s a concession that is helping
6 in the area to make sure that we don’t have some of those problems.

7 MR. GOSLINE: Mr. Chairman? Just as a reminder, the PUD that Mr. Van Dine is
8 talking about - the Villages at Lakeshore was the Beezer development - one of the
9 conditions of their PUD approval was to assist the County in getting a traffic light at
10 Brickyard and Farrow once they start building, or whoever does, starts building on the
11 south side of the lake. While I’m not disagreeing with you, Mr. Van Dine, and a stop
12 light is there, just want to remind everybody that you’re going to have, probably have, at
13 some point in the near future, two stop lights a half a mile apart, maybe, and that’s
14 going to slow down traffic even more. Certainly people will be able to get in and out, but
15 it will slow down the traffic.

16 CHAIRMAN GREEN: Ms. Wyatt.

17 MS. WYATT: I would just like to add I know that not everyone was able to attend
18 the joint workshop that we had about two months ago with County Council in regard to
19 the northeast traffic study that was prepared. And I would just like to remind everyone
20 that that shows, even with improvements, through the year 2025 Longtown Road will
21 continue to operate at a service level F. We’re inviting more problems out there.

22 MR. VAN DINE: Mr. Chairman, I do – I have another concern also. In the
23 commercial parcels along the edge of the property, while it appears as though there is

1 no curb cut on to Farrow Road out of those, I don't see that that is a specific condition
2 anyplace that that does not occur.

3 MR. GOSLINE: Yes, sir. The conditions, currently proposed conditions, that limit
4 the access to Farrow Road to two intersections, that's condition L at the top of 185,
5 that's the two that are shown.

6 MR. VAN DINE: Would that also include making sure that none of the
7 commercial property there –

8 MR. GOSLINE: Yes, sir.

9 MR. VAN DINE: - would have any access.

10 MR. GOSLINE: That's the Department's interpretation. That's correct.

11 MR. VAN DINE: Okay.

12 MR. GOSLINE: And I believe we talked about that and that's –

13 MR. BEECH: Yes. That is part of the proposal is that the access to the
14 commercial will be internally as opposed to directly out on to Farrow Road.

15 MR. VAN DINE: Because that portion of Farrow Road is on an incline down and
16 so there is a concern with traffic speeds and the other things in the area.

17 MR. BEECH: Absolutely. And the developer anticipated that that would create a
18 bigger problem. So they decided that it might be – I mean, that it would be more
19 effective to route that internally, as well.

20 MR. GOSLINE: Mr. Chairman, one other thing I might want to just bring up. One
21 of the – well, when you look at the plan on page 193, you'll see a main kind of spine
22 road and all that. But note that all these pods are interlinked, so that there is good
23 circulation around through the project. And when we had our development review team

1 meeting, the fire people were very happy with this. Or, at least, I don't know if they're
2 ever very happy with anything, but they're, at least, agreed to it.

3 MS. LUCIUS: On it's on it's a good design.

4 MR. GOSLINE: Excuse me?

5 MS. LUCIUS: I said on it's own it's a good design.

6 MR. GOSLINE: Right.

7 MS. LUCIUS: Very well planned. It's just where the access is there right across
8 from Longtown Road that's giving everybody heartburn, I think.

9 MR. GOSLINE: This is certainly the best multi-family thing we've seen since I've
10 been here.

11 CHAIRMAN GREEN: Further discussion? Motions?

12 MR. PALMER: I hear the same arguments that, you know, as somebody said in
13 past cases, if we go on roads that don't have any traffic, then nobody wants the
14 development because it's rural. Then we have to go on the roads that have too much
15 traffic. So what do you do? You know. I mean, you can't -

16 MR. VAN DINE: I guess what I'm suggesting is there are some mechanisms to
17 deal with the traffic that will be in existence. And I'm not sure I ever got an answer to
18 the question of whether the developer would be willing to escrow funds or be - help the
19 County out with a traffic signal at that interchange.

20 MR. GOSLINE: Mr. Chairman, what we -

21 MR. VAN DINE: I'm asking for a question to be answered, please.

22 MR. BEECH: Okay. Let me qualify my answer by first saying that an M-1, light
23 industrial use could come into this piece of property right now and could have access to

1 Farrow Road and put, essentially, the same traffic pressures on this road presently and
2 it wouldn't even require a zoning change. And so I really think that the appropriate
3 standard that - even though I know there's a problem. We understand that roads, as
4 they get busier, traffic is a problem. But, the question is is this use that is being put into
5 place here going to put a substantially greater burden. We're not talking about changing
6 rural land here to a PUD. We're talking about taking a light industrial parcel and
7 essentially down-zoning it to a PUD that has been proposed. Having said that, the
8 developer, if DOT determines that a traffic light is an appropriate and necessary
9 mechanism here, I think the developer will gladly contribute to that. I'm not sure, based
10 on what I'm hearing here, that every piece of congestion that we're looking at here at
11 Longtown Road is going to be caused by this development. However, I think they're
12 very interested in moving forward with this and they will contribute to that in whatever
13 way is necessary. And if that means that DOT says in order to approve this we have to
14 have a traffic light, I believe that the developer will step up to the plate and they'll do
15 what they need to, to actually, the cost of the light, itself, if you will.

16 MR. JACKSON: What I said earlier, my concern is about 5,500 vehicles
17 generated. And the concern, also, that there's nothing really to accommodate it, no
18 turning lanes, no traffic signal, nothing.

19 MR. PALMER: Mr. Jackson, I think what he's saying is that if DOT says he needs
20 something they will -

21 MR. JACKSON: And that's an 'if'. My point is whether DOT say it or not. We're
22 not DOT. We're Planning Commission and we trying to make sure, not waiting on DOT
23 to say 'yes' or 'no'.

1 MR. PALMER: But does not DOT know more about traffic patterns than we the
2 Planning Commission knows?

3 MR. VAN DINE: In this area, the answer I would say is 'No'.

4 MS. WYATT: No.

5 MR. GOSLINE: You want to put that to a vote, Mr. Palmer?

6 MS. WYATT: [Inaudible] like some of us do.

7 MR. JACKSON: Let it be noted I didn't answer that question.

8 MS. LUCIUS: I think our standards are higher.

9 MR. JACKSON: What my point is. I think it is my duty, really, to express my
10 concern that the capacity is 10,800 vehicles. And this development will be generating
11 more than,5500 vehicles. I do have concerns. I have deep concern about it.

12 MS. WYATT: Is that a motion, Mr. Jackson, that you're making?

13 MR. JACKSON: I –

14 MS. WYATT: I'm sorry.

15 MR. JACKSON: I'm just expressing my concern [inaudible].

16 MS. WYATT: Oh, okay.

17 MS. LUCIUS: And I was not speaking against it. I think it's a beautiful plan. We
18 run into this all the time.

19 CHAIRMAN GREEN: Does anybody want to make a motion with a stipulation?

20 MR. LUCIUS: I don't know what the stipulation would be.

21 MR. VAN DINE: I will make a motion for approval subject to the conditions on
22 pages – excuse me for a minute.

23 CHAIRMAN GREEN: 184, 185?

1 MR. VAN DINE: 184, 185 with the exception of, based upon the magnanimous
2 offer to withhold this from County maintenance, change again to indicate that they will
3 maintain it themselves, the County will not be responsible. But I would add an
4 additional caveat or a condition that the developer be required to escrow funds for a
5 traffic light at the intersection of Longtown and their entrance out of the area at that
6 specific spot.

7 CHAIRMAN GREEN: I'll second the motion. Is that that the streets be built to
8 County standards –

9 MR. VAN DINE: Yes.

10 CHAIRMAN GREEN: - but they'd be permitted to be maintained and owned
11 privately?

12 MR. VAN DINE: That's correct.

13 CHAIRMAN GREEN: I second the motion. Discussion on the motion. Seeing no
14 further discussion, those in favor of the motion please raise your hand. Those opposed.
15 *[Approved: Palmer, Furgess, Lucius, Green, Van Dine; Opposed: Jackson, Wyatt;*
16 *Absent: McBride]*

17 CHAIRMAN GREEN: Thank you. Next item on the agenda is 05-08 MA.

18 **CASE 05-08 MA:**

19 MR. GOSLINE: Mr. Chairman and Members, this is a proposed rezoning out off
20 Richard Franklin Road. It's actually across from the Lakeside at Ballentine project.
21 From RU and RS-1 to PUD for proposed 279 units of mixed density residential. Staff
22 recommends approval. This is a beautiful site.

23 MS. WYATT: It's a what?

1 MR. GOSLINE: Beautiful site.

2 MS. WYATT: The site.

3 MR. GOSLINE: Beautiful site.

4 MS. WYATT: Site. Well then, let's not let them –

5 MR. GOSLINE: That's your choice.

6 CHAIRMAN GREEN: Who's here on behalf of the applicant to speak?

7 **TESTIMONY OF TOM MARGLE:**

8 MR. MARGLE: Hello, I'm Tom Margle at 5847 Shakespeare Road. When we
9 applied for this PUD I just want to state that we took a shot at where we were on the
10 total units, 279. Where we're at right now, trying to come up with a sketch plan and
11 showing our total routing, we're going to be less, at 3.2 units per acre. We're going to
12 be less, probably less than 2.9 units per acre. The reason I state that is we've done our
13 done homework. We thought we did. The opposition here, I didn't do a good enough
14 job. We've had meetings with Richland County Planning Staff, Utilities. We took their
15 suggestions and their ideas and created this application and are working on a plan.
16 We've met with the Ballentine Civic Association once. We've met with Richard Franklin
17 Estates' personnel twice. We actually have a meeting with Ballentine Civic Association
18 right now, so I'm late. So I'll try to make this short. We also met with every property
19 owner that actually is touching this property. Now, granted, there're only three. But we
20 met, touched bases, with every one of them. We are concerned. We're trying to do this
21 project right. Mr. Shumaker states we're not here to have a fight. We're here trying
22 here to do a great and a good project. The original concern was this open space when
23 we first started discussion with the homeowners. Now it appears to have gone to the

1 density issue. We'll address that. There's also the issue of traffic, which we have
2 addressed in our bubble plan that you have in your application. The internal roads have
3 not been routed out yet. But taking the advice of the homeowners and the crowd, or the
4 traffic, on Richard Franklin Road as it dumps on to Johnson Marina Road, we've taken
5 our higher density and located it closer to the northwest corner, which would then
6 almost make the people, or want the people to predominately put the higher density
7 groups on to Johnson Marina instead of routing them through Richard Franklin. We've
8 talked to County Council members about lights at Johnson Marina and Richard Franklin.
9 She was unsuccessful at getting that light. DOT and some of the discussions here are
10 well taken. But as from our side, the DOT is the one who dictates what you can and
11 cannot do on a road. And from the conversation I had with Ms. Corley, although they
12 wanted the light at Johnson Marina and where the funds were going to come out of
13 discretionary funds, the DOT would not allow it. Again, because we are still in the
14 preliminary stages of this project, we are still in the planning, like I said I needed – well,
15 the reason we had not met with Ballentine Civic Association is they don't meet in
16 August. So it's not a delaying tactic on our part. It's just this is the first time it was
17 convenient to meet with them, tonight. There's going to be issues of school
18 overcrowding by some of these people. Again, these are questions that, as a
19 developer, we can't address. It's from Planning Staff, Planning Commission, County
20 Council getting with the DOT, to Public Works and to solve these problems. And we, as
21 the developer, will give you all the information that you need for this. But, like you said,
22 it's sometimes it's just not the right project in the right location. In specific about the
23 density, like I said, we have an allowable density, if we went straight RS-1 in excess of

1 300 acres. We choose to go 279 with the application. And with the layouts of the plans
2 with our land planner, it's going to be less than that, but we haven't made that final
3 determination number. Like I said, I stated we're probably at 2.9 units per acre or less
4 in density by the time we can actually do this project. In regards to open space, this
5 project, as Staff put, it's a beautiful site. But there are very little wetlands on this project.
6 There's no property that is undevelopable except a basic ditch that drains from Johnson
7 Marina to the lake, to Lake Murray. Now we could play the game of saying we have,
8 and give, so much open space to this project. But what we are giving up in our 16% of
9 open space is actually developable space. Out of that 16% very little of it is either
10 wetlands, non-developable topography, or easements that we couldn't build on anyway.
11 And you see some of the other projects coming in and they add that to their open
12 space. But to look at this project, I want to make it, not to be rude, but to be clear that
13 we're giving up actual, useable space in this 16%. And then where we're putting that is
14 in buffers, where we're getting the information from the community. You know, they
15 want this place to keep the rural feel. And the best place to the buffers for that rural feel
16 is on the surrounding roads and putting them into those buffers. Now, there's some
17 discussion on widths of buffers and screening. But what it comes down to is the people
18 don't want the view of the backyards from the roads. They want the feel of rural. And
19 the only way to do that is if you can put 100' on a planted pine buffer. And you may still
20 see those backyards and those houses. You can, actually, probably put 10' of buffer
21 between those houses and if it's with the right vegetation and imported with planting you
22 could get 100% screening and get to the result that the adjoining homeowners want to
23 see. And that's what we attempt to do with our buffers. Again, there are no lakes or

1 ponds or significant issues here that we're throwing in to the number of the open space.
2 In regards to traffic from our proposed development, again, as my intro-statement is, the
3 DOT's going to tell us what we can do. We may recommend. But in the conversation
4 I'm having with them right now on a project on Ulmer Road that's in the city limits, I can't
5 tell them anything. I can't make recommendations. I got to listen to them, what they're
6 telling me, or the developer, what to do. And, again, with the issue with Ms. Corley on
7 the light at Johnson Marina and Richard Franklin, they want to put the light there. Now,
8 it's again, it may be a issue of money. But, if it was, again, an issue of discretionary
9 funds that somebody had to put that light in there. We are trying to give these
10 homeowners in the communities what they want. In fact, at one of the meetings with
11 Ballentine Civic Association, one of the elderly ladies out there said, "You know, what I
12 would like to see is patio homes out here." Patio homes are higher density. They're
13 good planning if done correctly. It's what they wanted. And the individual asked – said
14 once we get one constructed please give her a call. So I've got her name written down
15 somewhere.

16 CHAIRMAN GREEN: Mr. Margle, if we could, speed it up a little.

17 MR. MARGLE: All right. In regards to an issue that may come up with isolated
18 wetlands, we had our wetland delineator out there give us their opinion. There's an
19 issue right along the Richard Franklin Road. It is not a wetland in their professional
20 opinion. But, again, we'll follow all the laws by Richland County and the Corps of
21 Engineers. And also we did our tree inventory out there. And we are going to take into
22 account those trees in our final plan. So that is – we're aware that the trees sell for

1 subdivisions. We don't want a clear-cut site. We do want to have all - most of the trees
2 in place and the grand trees for out people to move into. Thank you.

3 CHAIRMAN GREEN: I had just a couple of questions. I'm confused a little bit
4 about the general development plan. Are we being asked to approve lot sizes or are we
5 asked to approve the number of units that's going into each bubble? Which of two,
6 technically are we being – because the numbers, none of the numbers add up to this.
7 So I'm concerned for which we're approved.

8 MS. LINDER: Are you referring to a particular page of the development plan?

9 CHAIRMAN GREEN: Page 209 of the Staff Report.

10 MR. GOSLINE: 209 of the Staff Report refers to lot sizes.

11 CHAIRMAN GREEN: And to units for each color designation. And I'm curious as
12 to whether we're being asked to approve the lot sizes or the number of units. Because
13 for the yellow, for the estate RS-1 and RS-2 bubbles, you have to assume zero streets –

14 MR. GOSLINE: Right.

15 CHAIRMAN GREEN: - and every lot exactly to the correct size to get the yield of
16 lots out of each of those three bubbles. Yet, in the medium density where they could
17 build 100 units, they're saying 62. So I'm not clear as to whether we're approving the –
18 that we're being asked to approve the number of lots per bubble or the minimum lot
19 size.

20 MR. MARGLE: Right now we're just asking for the total number of units. We do
21 want to modify it down from the 279 because our plan, the way we have it put in place,
22 put open space, will be less than that.

1 MR. GOSLINE: So then what you are, Tom, you're talking about, in essence,
2 taking, changing the general development plan to talk about number of lots by each pod
3 as opposed to lot sizes?

4 MR. MARGLE: Yes.

5 CHAIRMAN GREEN: So we're being asked to consider 279 lots, –

6 MR. GOSLINE: A maximum of.

7 CHAIRMAN GREEN: - the minimum lot sizes as shown here in a given area. Is
8 that correct?

9 MR. MARGLE: Yes.

10 CHAIRMAN GREEN: So the number of each unit in each pod may or may not
11 vary. I just want to be sure what we're looking at. Signed up next is Phil Koslic.

12 **TESTIMONY OF PHIL KOSLIC:**

13 MR. KOSLIC: My name is Phil Koslic. I reside at 1122 Richard Franklin Road.
14 I'm the President of the Richard Franklin Homeowners Association and the landowner
15 next to this project. And I agree with most of the things that Mr. Margle said. We've
16 had several meetings, several of them at my dining room table. The only thing that
17 concerns us is, in the proposal, it's that this unit, this development, be compatible. Well,
18 compatible to what? Our neighborhood? We have the Richard Franklin Estates area.
19 There's a total of 170 homes on the entire peninsula. We have Lakeside at Ballentine,
20 which some of you people know was quite a battle. There we have 174 homes sitting
21 out in 84 acres. We very much like the concept that Shumaker and Tom Margle have
22 come up with. The only thing we are concerned about is the density. I think, and I
23 know Mr. Margle has been working on it, the number has come down. I think if we

1 came somewhere around a 200 home development, he'd be in the ballpark. You know,
2 we're not sure what zoning is actually in effect now. You know, we're still dealing with
3 the Comprehensive Plan and the new Land Development Plan. There's been one
4 reading. But like I say, we do like his idea. We just do not like the density. Thank you.

5 CHAIRMAN GREEN: Thank you. Alan Shumaker.

6 **TESTIMONY OF ALAN SHUMAKER:**

7 MR. SHUMAKER: I was with Margle and I gave him my time, so we'll speed
8 things along. If you need to ask any questions of me I'll be glad to answer them.

9 CHAIRMAN GREEN: I'm going to try. I can't quite read this handwriting on the
10 next person that's signed up. Steve –

11 MR. MILLER: Miller.

12 CHAIRMAN GREEN: Thank you.

13 **TESTIMONY OF STEVE MILLER:**

14 MR. MILLER: That's alright. My name is Steve Miller. I live at 16 Sienna Court.
15 I'm one of the beneficiaries, I guess, of the fight over Lakeside at Ballentine. And I left
16 the band at home tonight. I've lived out at Lakeside at Ballentine for about six months.
17 I bought a lot about two years and built and was unaware at that time of the fight that
18 had gone on. But I'd like to bring a couple of things to you y'all's attention because
19 there's been a lot of discussion in our neighborhood, obviously. We want to be won
20 over. I'll tell you that right now. When I've looked at that plan it looks real [inaudible].
21 We want to be won over because we recognize that that property's going to be
22 developed. Too beautiful not to be developed. And that whole area's exploding. I was
23 going to talk to you about the schools, but people have already talked about the

1 schools. You all understand the problem. Lake Murray Elementary is already out in
2 trailers and that's a fairly new school. Regarding the traffic situation, y'all have already
3 – I've heard you in earlier issues discussing that. We have the same issues out there. I
4 don't know if y'all took into account and I couldn't quite, I didn't quite understand the
5 nomenclature y'all use. But besides Lakeside at Ballentine we've got Jasmine Bay.
6 We've got another Mungo development that's further down on Johnson Marina Road.
7 And I don' t know if y'all that but we've got Johnson's Marina down there with the Rusty
8 Anchor restaurant. And Johnson's Marina offers sales and service. So we've got a
9 tremendous amount of traffic already on Johnson Marina Road. But, again, we see
10 more development coming. So our desire is to continue to work with Mr. Shumaker and
11 Mr. Margle to, I hope, get that density down just a little bit further to the point that we
12 could stand up here and actually say we endorse this proposal. The reason I say that is
13 apparently I'm the beneficiary of a big fight that happened a few years ago. And
14 agreements were finally reached between the existing homeowners and the developers
15 of Lakeside at Ballentine. That's the standard that I would like to see kept in that area
16 because it's the standard that everybody finally agreed upon. But, again, I really think
17 we're going to end up working it out. And I appreciate your attention. Thank you.

18 CHAIRMAN GREEN: Thank you, Mr. Miller. Richard White's next followed by
19 Matt Kennell. If you just be down, ready to talk. Richard White. Matt Kennell followed
20 by Dave Summerville.

21 **TESTIMONY OF MATT KENNEL:**

22 MR. KENNEL: Thank you very much. I'm Matt Kennell at 9 Sienna Court. I'd
23 just like to reiterate what's already been said by Steve Miller. We are the beneficiaries

1 of a long fought battle. We love our neighborhood. I think the issue is density. It is the
2 standards. It is to be able to look into the future and see what will develop around us in
3 our neighborhood. And I think that battle has been fought. It is a good development
4 that they're proposing. But I think they can work harder. And what I would actually
5 recommend to this Commission today to consider, it's clear the meeting has not
6 occurred, yet, with the Ballentine neighborhood association. And it seems to me very
7 reasonable to defer this until those discussions take place. And then we can all agree
8 and come back and say that we support it, this development. Thank you.

9 CHAIRMAN GREEN: Thank you. Dave Summerville followed by Stoney Crouse.
10 Mr. Summerville? Stoney Crouse.

11 AUDIENCE MEMBER: [Inaudible]

12 CHAIRMAN GREEN: Okay. Ken Simmons? Mike Sloan to be followed by Stan
13 Mack.

14 **TESTIMONY OF MIKE SLOAN:**

15 MR. SLOAN: I'm Mike Sloan. I live at 1430 Wonder Drive. What they have said
16 is the truth about meeting with us. Also I'd like to reiterate they're supposed to be
17 meeting with us right now. I'm the Vice-President of Ballentine-Dutch Fork Civic
18 Association. And I'm here, not as the civic association. What I want to talk to you about
19 a little is about rural. Rural took a slam today, eight out of 13. Check your charts. Not
20 that we shouldn't understand that zoning is going to exist, but we have to understand
21 one thing. What sells Richland County is the ambiance of the county, those pretty
22 trees. That skyline is just beautiful. And we have to start making some special
23 exceptions somewhere. We have worked hard with another developer in the area, the

1 Mungo Company. The Mungo Company has given concessions in green space and
2 open space to the tune of 25% on two different developments in our area. He is
3 committed to wanting to continue this fight. We are too. The bar was raised a little bit.
4 Yes, there's a density issue. But let me explain the density issue first. Right now it's a
5 low – what we call – it's just a low density area. It's not made for a 3.1-3.2
6 development. That number's got to be reduced. So it's kind of hard to say we're going
7 to approve this and give our approval to County Council when we don't know what that
8 number is. Secondly, the green space. We're getting there. We're not there yet. But
9 we're getting there. We're getting close. They have worked hard, but we can still do
10 better and make this a project that we'll all be proud of. These folks aren't 'NIMBY's' up
11 there. I can assure you that. They're for development in the right way. That's the key.
12 They're passionate about the land and they're for development. I went and spoke at the
13 Environmental Protection Agency Conference out in Denver in June. I represented the
14 State of South Carolina. Out there I said, "We have a rare alliance that we're forming
15 and that is working with developers." And that's what we intend to do. Work with them.
16 Our particular presentation ranked third in the United States and they really listened.
17 The EPA Chairman, I'm invited to go with her to Chicago and we've got some things
18 going. But one thing we all agreed on. And let's take this to heart here, folks. Common
19 sense. We're not applying it. We're saying, "Oh, the roads! We can't do it. The
20 money." I agree. Got to do something! Come on, fellows. Let's get a think-tank going.
21 We've got to do something. But we can't sit back and let this ambience go in Richland
22 County, especially up around where we are. It's beautiful. Let's get together. Let's
23 work. Shumaker has met with us. But we're not there, yet. But we can be. And we

1 have developers that have worked with us. And we're going to continue to work with
2 them. And we're hoping that all of us get to this meeting tonight. But we ask you one
3 thing. Look at rural in a little different way. It's all we have left. Please look at it in a
4 little different way. Let's apply a little more common sense and let's look at our growth
5 plans to narrow it down. To be a little more selective in rural areas and start preserving
6 some of those trees so that our generations after us, our daughters, our kids, can enjoy
7 what we did. I appreciate you taking a hard look at it and let's apply that today. I'd
8 appreciate it. Thank you so much.

9 CHAIRMAN GREEN: Janice Shaw. Darren Holcomb. Chris McMeachan. I'm
10 sorry. I'm going to try and read. I can't read the handwriting. Paul Myers. Three Dog
11 Road. 1328 Three Dog Road. Joe Bullas. Michael Outland.

12 AUDIENCE MEMBER: Outlaw.

13 CHAIRMAN GREEN: Outlaw. I'm sorry.

14 **TESTIMONY OF MICHAEL OUTLAW:**

15 MR. OUTLAW: My name is Mike Outlaw. I live at 612 Lowman Home Barn
16 Road, Chapin, which is a Chapin address but is in the White Rock area. I'm like
17 everybody. I know that expansion's going to occur. The problem I have right now,
18 we've built five schools in the last 10 years, between 40 and 100 million dollars that
19 District 5 has spent. Everyone of them is overcrowded right now. The school, Lake
20 Murray Elementary, was added on to last year. It's already overcrowded. They pulled
21 portables in there this summer. The problem I've seen here today, these
22 recommendations, I'll do what DOT tells me. I'll do what everybody does it. I'd like to
23 see that happen before y'all approve something to the County Council. That's what I

1 thought the Planning Commission was for. We need the roads expanded. We need
2 lights. All that needs to be addressed before we start. I do construction work everyday.
3 You got to have a plan. And you got to fix it. Fixing it after we got it built don't do
4 nothing. That's all I got to say.

5 CHAIRMAN GREEN: Thank you. L. E. Outlaw.

6 **TESTIMONY OF L. E. OUTLAW:**

7 MR. L.E. OUTLAW: My name is L. E. Outlaw. I live at 1060 Trillie Lane, which is
8 right off of Johnson Marina on the lake. I bought the property about 3 ½ years ago. I
9 was in Lexington County and a development came up right next to my property. I
10 owned five acres on Rockpoint Lane, the Wexford on the Lake, the part of property
11 Mungo stuck down there. He had the same things. Said, " I'm going to what DOT. I'm
12 going to what the Corps of Engineers." Well, I had a wetlands area where the creek, a
13 wet water creek, come in between my property and Mr. O'Shield's property, who owned
14 that 100 acres prior to him selling it. Well, Mungo threatened to sue me and the power
15 company over that I wouldn't give him frontage land. Below the 360 you've got to sign
16 off on it. So he met down there me and Tommy Boozer and the power company's
17 lawyer and he threatened to sue. So Tommy is a good friend of mind. He told me, he
18 say's, "Well, L. E., they can't" – and there's ducks and all that would come in there and
19 lay the eggs. It kind of wet, like I say, it's a wet water creek. Well, Tommy said, "Well,
20 the Corps of Engineers, they will take care of that. He'll never be able to widen that
21 creek", which was back beyond the 360 mark. That took two weeks to get signed off
22 with the Corps of Engineers. So I'm sure this DOT and everything else they keep
23 talking about is not going to occur. That's just a rubber stamp if you've got enough

1 money to put on them. What I'd like to see if this developer's going do it, first of all,
2 there's many deaths on Johnson Marina. Michael's been up there. And the house he
3 lived in was his granddaddy's house. The property tax, when I moved there, I was
4 paying right at \$5,000 a year. When y'all's reassessment got through with me this year,
5 if my appeal don't go through, I'm going to be paying \$12,000 a year. And I'm 61 years
6 old. My wife's already retired. And I want to retire. But I can't stay there. And as far as
7 you talking about penny sales tax and all that, where do you live? In Newberry County?
8 I'm looking at you, mister head of the thing. Do you live in Richland County?

9 MR. GOSLINE: Yes.

10 MR. L. E. OUTLAW: Well, I don't know where you're talking about the taxes
11 because I think we pay well above what we should be paying. So if you can't go ahead
12 and get the developer, since he's the one going to reap the rewards. He paid for the
13 infrastructure and the two lights and the widening of Johnson Marina back to 76. There
14 should be a light at 76 and Ben Franklin. Thank you.

15 CHAIRMAN GREEN: Thank you, sir. Louis Barton. Louis Barton. That's
16 everyone signed up to speak on this, so I'll invite comments and thoughts from the
17 Planning Commission. Yes, sir.

18 AUDIENCE MEMBER: I've been here four hours but I didn't sign up because I
19 didn't here until 2:00, but if I could.

20 CHAIRMAN GREEN: Please. If you would, hurry on down to the mic.

21 AUDIENCE MEMBER: I know this is – and I plan on going to the Ballentine Civic,
22 too.

23 CHAIRMAN GREEN: Would you state your name and address for the record.

1 **TESTIMONY OF RAY CARTER:**

2 MR. CARTER: Yeah. I'm Ray Carter. I live at 181 Captain Lowman Road, right
3 down from this project. I've been up there since '78 and born and raised in Columbia.
4 And I moved up there because I wanted to live in a rural area. And I think a lot of
5 people are moving up that want to live in – they want to live in a rural area. And I
6 appreciate what y'all have done and what we're trying to do. I've been Past President
7 of the Ballentine Civic Association. And we need to lower the density and that's what
8 we're here for. And I would ask, maybe, that y'all would defer this until we can meet.
9 We have the meeting tonight and [inaudible] can meet again. And, also, I would
10 reiterate, too, about that intersection of Richland Franklin and Johnson Marina Road.
11 Since '78 there's been deaths there. The traffic's getting worse. And with Mungo's
12 development – and we did fight a fight with Lakepoint. And I think it was successful and
13 we were able to lower it to about, and I'm not sure, but maybe two houses per acre.
14 And I think it's been beneficial and I think people are willing to pay for a bigger lot and
15 willing to have a nicer development. And I would appreciate anything y'all could do to
16 help us. Thank you.

17 CHAIRMAN GREEN: Thank you. Planning Commission discussion.

18 MR. JACKSON: First of all, the lots don't add up. For example, [inaudible] lots,
19 19 lots at three-quarters acres each. That's 14.25 acres. They have 13.9 acres, 19
20 lots.

21 MR. GOSLINE: I can't hear.

22 MR. JACKSON: This doesn't really add up.

1 CHAIRMAN GREEN: And that was my initial question. I think the applicant's
2 explanation, at least, was that they're asking for 279 lots within the boundaries for lot
3 sizes to fall in the appropriate areas and the appropriate minimum.

4 MR. JACKSON: Well, in that [inaudible] area we have 13.9 acres for 19 lots.

5 CHAIRMAN GREEN: They couldn't put 19 lots in there, obviously. They have to
6 put less and pick it up somewhere else.

7 MR. JACKSON: And that's just one. I mean I was calculating in my head. So.

8 CHAIRMAN GREEN: It's like that on most [inaudible].

9 MR. GOSLINE: Right. The applicant, Mr. Jackson, the applicant's agreed to
10 change the development plan to talk about units instead of lot sizes. The development
11 plan on 209.

12 MR. JACKSON: I understand.

13 MR. GOSLINE: Okay.

14 MR. JACKSON: On the paper it shows as units. So that's why I discussed units.

15 CHAIRMAN GREEN: Further discussion.

16 MR. JACKSON: And, also, I really have concern about 179 (sic) –

17 MS. LUCIUS: 279.

18 MR. JACKSON: 279 units.

19 MS. LUCIUS: It looks like it's about the same size as the Lakeside at Ballentine?
20 Acreage wise?

21 MR. GOSLINE: Excuse me.

22 MS. LUCIUS: It looks like this site is about the same, very close to the same size
23 as at Lakeside at Ballentine, just looking at it.

1 MR. GOSLINE: Yeah. Yeah. It could be. I really don't - now Lakeside at
2 Ballentine has – yeah, it's pretty close.

3 MS. LUCIUS: And it has 174 homes on it.

4 MR. GOSLINE: Right.

5 MS. LUCIUS: And we're looking at 279 on this one.

6 MR. GOSLINE: I would point out to you that if you look at the zoning map on
7 page 203 –

8 MS. LUCIUS: That's what I'm looking at.

9 MR. GOSLINE: - several of the people were talking about some other projects in
10 the area. The yellow area immediately adjacent to this, or at least a portion of it, has
11 gotten approval of the Board of Zoning Appeals for cluster housing. The light yellow
12 piece at Three Dog and Forest Shealy Road has gotten approval for cluster housing.

13 MS. LUCIUS: That's right. But I mean, what's the density? I mean cluster
14 housing –

15 MR. GOSLINE: I don't know off the top of my head.

16 MS. LUCIUS: I mean, you know, cluster housing, you don't change the density.
17 You just move them around.

18 MR. GOSLINE: Yeah, Geo just said that the three parcels bounded by Forest
19 Shealy Road, Three Dog, and the site that backs up with this site is about 250 units
20 between the three parcels.

21 MS. LUCIUS: 250?

22 MR. GOSLINE: Yes.

23 MS. LUCIUS: On all three of those?

1 MR. GOSLINE: Right. And then further up Three Dog Road was a project that
2 was rezoned some time ago for a PUD. That's called Fox Port. That's another Mungo
3 development. I don't recall the density, but it's - the density issue is always
4 troublesome.

5 MS. LUCIUS: Yeah, I remember Lakeside at Ballentine. It was a tremendous
6 fight. That was on September 13, 1999. And at that time Mr. Taylor owned these two
7 parcels in addition to what's in blue now. And I made a note here, because I looked
8 back on the minutes, and he gave up his option on those two parcels as a compromise
9 to get Lakeside approved.

10 MR. GOSLINE: If you'll recall, one of the parcels that's currently zoned RS-1
11 came through for rezoning about two years ago or so for residential. The parcel
12 immediately adjacent to Lakeside at Ballentine, the long narrow one, was owned by a
13 church for some time. They have subsequently – and then they sold off the 10 acre
14 piece that's shown in RS-1. And, subsequently, have decided to move their church
15 some place else. And so when Shumaker came in, they got that piece and the adjacent
16 one for this project.

17 MS. LUCIUS: I have a problem with the density, personally.

18 CHAIRMAN GREEN: The meeting that's scheduled for tonight is a meeting
19 between the developer and which is the –

20 MR. MARGLE: Ballentine Civic Association.

21 CHAIRMAN GREEN: Is that meeting – would this be the first meeting with that
22 group?

23 MR. MARGLE: No. It'd be the second.

1 CHAIRMAN GREEN: The second meeting. And there's still issues to be
2 discussed?

3 MR. KOSLIC: I'll be the first meeting with – the other meeting was an ad hoc
4 meeting with the neighbors at Ballentine Park.

5 CHAIRMAN GREEN: Okay.

6 MR. SHUMAKER: Let me speak a little bit to the density. On this acreage, RS-1,
7 the maximum density would be 325 units. Our first meeting with Richland (sic)
8 Franklin's association discussed this. They told us what they wanted. We came back.
9 We reduced it from the 325 down to the 279 units breaking it up like we thought they
10 wanted. So we have reduced the density, really what the RS-1 PUD would do, already
11 by 63 units.

12 MR. VAN DINE: Mr. Chairman, I don't believe this entire property is zoned RS-1.
13 There's a whole lot of it that's rural. And so that particular amount that you're talking
14 about that's all being RS-1 –

15 MR. SHUMAKER: Yes.

16 MR. VAN DINE: - is not.

17 MR. SHUMAKER: We're talking about the 84 acres and we had zoned it as an
18 RS-1, which we were planning on doing. But the –

19 MR. VAN DINE: I'm looking at the map right there and the amount that is here –
20 that our hash marks has only a small portion in the RS-1. There's a whole lot of it which
21 is rural property that's being rezoned. So if you're –

1 MR. SHUMAKER: That's not what I'm saying. What I'm saying is, when we put
2 the 84 acres together and met with the Richland (sic) Franklin Association, if we
3 rezoned the whole 84 acres into RS-1 or an RS-1 PUD, that would yield 325 lots.

4 MR. VAN DINE: You're saying if you were to rezone the rural to RS-1, that's what
5 you would have been able to get.

6 MR. SHUMAKER: Right. That's the maximum numbers we could get would be
7 the 325. When we met with them and talked to them, we were reducing down the open
8 space and then we had about, in parks and open space, we had about 8 or 10 or 6
9 percent or something. We changed that to 16% to 13.9 acres. And in doing that, we
10 thought they were happy at that time with the 279 units down from the maximum of 325.
11 And we're in the process of designing the community now. We know we're going to get
12 less lots. We don't know how many because we don't know how the roads are going to
13 fit the property at this particular point. But we have reduced it. We're not pushing for
14 the max, which would be 325. We're already down to 279. And we know we're going
15 lower than that, but we don't know, at this point, how much lower to make a
16 commitment.

17 MR. VAN DINE: How much of the property, of the 87 acres is in the rural zone
18 now?

19 MR. SHUMAKER: I think 10 acres -

20 MR. GOSLINE: Ten acres is RS-1 and the rest is rural.

21 MR. VAN DINE: So 77 acres is the rural. So, assuming that an RS-1 was not
22 approved, what would be the maximum number of houses that could be on that property
23 now?

1 MR. GOSLINE: On RS-1?

2 MR. VAN DINE: No. On the rural –

3 MR. GOSLINE: Or on an RU? Or on a rural?

4 CHAIRMAN GREEN: About 100.

5 MR. FURGESS: About 100.

6 MR. MARGLE: That's correct.

7 CHAIRMAN GREEN: Roughly.

8 MR. VAN DINE: And then the 10 acres of RS-1 would be how many?

9 MR. MARGLE: We had 29 lot layout on that.

10 CHAIRMAN GREEN: 130.

11 MR. VAN DINE: Then the max – as it sits there, now, round number is 130 lots
12 possible, as it sits there right now.

13 MR. MARGLE: Correct.

14 MR. VAN DINE: Okay. And if it was all changed over to RS-1, then it would be
15 300 – whatever number – 325.

16 MR. SHUMAKER: 325.

17 MR. VAN DINE: Okay.

18 MR. JACKSON: At least I can say that the traffic –

19 MS. LUCIUS: I think 200 would be [inaudible] –

20 MR. JACKSON: - that would be generated do not exceed the capacity of this
21 project.

22 MR. GOSLINE: Will not.

1 MR. JACKSON: Yes, that's what I'm saying – at least I can see that the traffic
2 generated from this project will not exceed the capacity.

3 MR. VAN DINE: Are there any other projects that are undeveloped in this area
4 that would impact upon the future?

5 AUDIENCE MEMBER: Yes.

6 MR. GOSLINE: Well, if you're talking about contributing to traffic on Richard
7 Franklin, I don't know of anything further down the peninsula. But there are lots of other
8 ones in the general area, if that's what you mean.

9 MR. VAN DINE: How about on Johnson Marina?

10 AUDIENCE MEMBER: Yes.

11 MR. GOSLINE: Yeah. Johnson Marina has more, including the big RS-1 zoned
12 parcel adjacent to this one. I think you can see some undeveloped parcels, rural zoned
13 parcels, kind of behind the Lowman Home area.

14 MR. VAN DINE: So, in essence, the ratio that we're being shown is not inclusive
15 of –

16 MR. GOSLINE: The traffic count?

17 MR. VAN DINE: - future development. Right.

18 MR. GOSLINE: Traffic counts are based on –

19 MR. VAN DINE: Without build out of other –

20 MR. GOSLINE: Correct. We have no way – obviously have no way – of
21 determining.

22 CHAIRMAN GREEN: Further comments and thought by the Commission.

1 MS. LUCIUS: I wish it were possible, you know, for them to meet before we had
2 to make a decision on this. That's just my feeling.

3 CHAIRMAN GREEN: And the quandary I find myself in is that the developer said
4 he's willing to meet with the folks up there. The folks up there are willing to meet. If we
5 pass this – if we recommend it tonight, there doesn't much incentive for people to get
6 together. And if there's a willingness on both parties to sit down and take a look at it, I
7 can't ask them to defer. We can certainly pass a motion to defer to allow that meeting
8 to happen. Although that certainly – I've argued against it many times that we can't
9 force an applicant to do something that's not in the code. So, that's why I'm a little
10 hesitant.

11 MR. SHUMAKER: We have no problem with meeting with the folks again. We
12 met with them three times. But each time we meet and we give, they want more. We
13 told them the last time, based on our investment in the property and investment and the
14 upgrade of the sewer system and everything else out there that had to be done, what
15 we could do. And, if you'd feel more comfortable, we don't mind postponing for 30 days
16 and meeting with them again. But I don't want to see them – that they're going to – I
17 mean, that we can give much further than we are now.

18 MR. VAN DINE: I think you - if they're not willing to give, then that's an indication
19 that an impasse is reached and we have to make a decision at that point. But I would
20 be inclined, as Mr. Green was saying, to provide an opportunity to see if, in fact, the
21 parties can reach some understanding. If not –

22 MR. SHUMAKER: See, what we've done, too, which maybe we didn't explain,
23 the RS-1 zoning is right up against Richland (sic) Franklin Estates. That's the high

1 density. They didn't want that. We took that and moved it off and put all the three-
2 quarter acre lots up against Richland (sic) Franklin. Plus we gave a 20' buffer around
3 all of that. And we took the higher density and moved it as far away from the residents
4 as we could and what they wanted. So we've tried to work and give them what they
5 wanted and where they wanted it to make it for a good community. But if you'd feel
6 more comfortable we'll – Carl, can we reschedule it this time for next month?

7 CHAIRMAN GREEN: I think the Commission would prefer to have it on the
8 agenda for next month.

9 MS. LINDER: According to your rules, if the applicant requests deferral, then you
10 may grant that request for deferral and then you just specify the date you want it to
11 come back.

12 CHAIRMAN GREEN: And that date would be –

13 MR. GOSLINE: Fourth.

14 MS. WYATT: October the 4th.

15 CHAIRMAN GREEN: October 4th, which is a –

16 MS. WYATT: Monday.

17 CHAIRMAN GREEN: About three –

18 MR. GOSLINE: About three weeks.

19 CHAIRMAN GREEN: About three weeks.

20 MR. SHUMAKER: Is it any chance you could move us to the top of the agenda
21 that day? [Laughter]

22 CHAIRMAN GREEN: Old business will be the first agenda item.

23 MR. GOSLINE: As a matter of fact old business, old business, Alan. [Laughter]

1 MS. WYATT: I think our Legal Staff just told us we could do what we wanted to
2 with it. So we might want to make it last again.

3 AUDIENCE MEMBER: We'll wear them out.

4 MR. SHUMAKER: Well, I thank y'all and we'll see you again in three weeks.

5 CHAIRMAN GREEN: Well, let us get something on the record. Do I hear a
6 motion for the deferral until the October 4th date?

7 MR. VAN DINE: I move for deferral until October 4th at the head of the agenda.

8 MR. FURGESS: I second.

9 MS. LINDER: Mr. Chairman, if you would just rephrase that motion. Say you're
10 accepting the applicant's request for deferral.

11 MR. VAN DINE: I move that we accept the applicant's request for deferral until
12 October 4th at the top of the agenda.

13 MR. JACKSON: Second the motion.

14 CHAIRMAN GREEN: Thank you all for staying with us today. All those in favor.
15 All those opposed.

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

18 CHAIRMAN GREEN: Next.

19 MS. WYATT: Before we move onto the last item, -

20 MR. FURGESS: No, we have one more.

21 MS. WYATT: - I don't know that -

22 MR. VAN DINE: We have one more -

1 CHAIRMAN GREEN: We have one more rezoning and a code amendment we
2 have to take up.

3 MS. WYATT: I understand that, if you'd please let me finish what I'm about to
4 ask. That we go ahead and finish the next one, do the road approvals, take items A
5 and B under Other Business, the cluster housing, which I have not had a chance to
6 study and want to, and then item number D, so that would be C and D, that we defer
7 those to next month's meeting. In case there's anyone sitting here waiting on those two
8 things. That we just take up the bullet signs and the parking.

9 CHAIRMAN GREEN: I mean, I'm amenable to that, but why don't we just get
10 there and vote there and get this thing moving.

11 MS. LINDER: Mr. Chairman, if Ms. Wyatt, at some point, does want to make that
12 motion, Staff is requesting that you defer B, C, and D.

13 CHAIRMAN GREEN: B, C, and D and just take up A? I think that we won't have
14 a problem getting –

15 MS. WYATT: What's wrong with taking a vote on it right now so that if there's
16 someone out there –

17 CHAIRMAN GREEN: Those in favor of the agenda amendments proposed by
18 Ms. Wyatt please signify by somebody saying 'second'.

19 MR. FURGESS: Second.

20 CHAIRMAN GREEN: And those in favor raise your hand. Those opposed.

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

23 MR. VAN DINE: I don't even know what I'm voting on.

1 MS. LUCIUS: Defer B, C, and D –

2 CHAIRMAN GREEN: Okay. Next on the agenda is 05-09 MA. Y'all give me one
3 minute to call my wife and tell her to pick up somebody I would appreciate it.

4 MS. WYATT: You want me to go ahead, Gene?

5 CHAIRMAN GREEN: Yeah.

6 VICE-CHAIRMAN WYATT: Okay. Project 05-09 MA, Gentry Development.
7 That's Old Clemson and Longtown Road. I'm stepping in here. All these gentlemen
8 that have to call their wives.

9 MR. VAN DINE: I would really like to apologize to everybody for having sat here
10 for the better part of six hours. Didn't intend to do that.

11 MS. LUCIUS: Just want to point out –

12 VICE-CHAIRMAN WYATT: Yes. I planned it all along.

13 MS. LUCIUS: I just wanted to point out we don't have to call our husbands.

14 VICE-CHAIRMAN WYATT: That's why I said that. Hey, Marsha, I'm not sure
15 that's good!

16 **CASE 05-09 MA:**

17 MR. GOSLINE: Madam Chairman and Members, this is a request to change 19
18 acres from RU to C-3. This is located around the current intersection of Longtown Road
19 and Clemson Road. If you look at page 217, you'll see the parcels involved, one of
20 which is a church that is going to be relocated. The old Clemson Road, when the new
21 one is done, will be abandoned through this property so it'll be a unified 19 or so acre
22 piece. The applicant, Mr. Lovett, is requesting rezoning to C-3. Staff recommends
23 approval.

1 VICE-CHAIRMAN WYATT: Go ahead, Mr. Lovett, I'm sorry.

2 **TESTIMONY OF DON LOVETT:**

3 MR. LOVETT: Ms. Wyatt, in the interest of everybody's time we'd just like to
4 answer the questions rather than go through our series of speakers. We have no
5 opposition. All of the affected property owners are present. The affected property
6 owners are in favor of the rezoning. We feel this meets all the requirements for C-3.
7 The Staff concurs on that. It'll be a high-quality development, Eckerd's on the corner,
8 directly at the intersection of the Clemson and Longtown Road, a grocery store, and
9 other retail. So whatever questions you have, we'd be glad to answer those.

10 CHAIRMAN GREEN: Thank you, Don.

11 **TESTIMONY OF JOE GENTRY:**

12 MR. GENTRY: I'm Joe Gentry. I live at 321 N. Trenholm in Forest Acres,
13 Richland County. First I'd like to thank y'all for the time that you spend and some of
14 that, I'm sure, is not appreciated and most of it is. We do for the job that you do. Also,
15 the folks that have been here, Reverend Peppin and Ms. Prentiss and her family and
16 everyone who is willing to speak but in the interest of time and so that everybody can
17 get home to the WIS News or whatever news you want to watch at 11:00, I need to
18 correct Don on one thing. We have not yet decided that it will be an Eckerd Drugstore.
19 We're a preferred developer for Eckerd and there's certainly that possibility. But we
20 have retail development on the corner of an out lot and a grocery store/neighborhood
21 center. I didn't know whether that's important or not. I didn't want to give the wrong
22 impression. Thank you.

1 CHAIRMAN GREEN: I'll call those who have signed up to speak. If you don't
2 wish to that's probably not going to offend us. But [inaudible] Morris.

3 MR. MORRIS: I'll pass.

4 CHAIRMAN GREEN: Thank you. Ronald Matlock.

5 MR. MATLOCK: No.

6 CHAIRMAN GREEN: Ishmael Osbeck.

7 MR. OSBECK: No.

8 CHAIRMAN GREEN: Emily Jones.

9 MS. JONES: No.

10 CHAIRMAN GREEN: Reverend Peppin. Margaret Prentiss. Don Lovett has
11 spoken. Joe Gentry has spoken. And that's all that's signed up. Again, I don't want to
12 deprive anybody of an opportunity to speak if you wish to. Seeing nobody rushing to
13 the mic, did Staff Report yet since I was in the back for a minute?

14 MS. WYATT: No.

15 CHAIRMAN GREEN: Carl?

16 MR. GOSLINE: Staff recommends approval.

17 MR. PALMER: Mr. Chair, I move for approval. Recommend approval.

18 MR. FURGESS: Second.

19 CHAIRMAN GREEN: We have a motion and second. We have a motion on the
20 floor for approval of the rezoning of this tract. Discussion.

21 MR. VAN DINE: May I ask a question about the road, part of the extension of
22 Clemson Road. How is that going to work in relation? Is that – are you in negotiations

1 to take ownership of that or deed? I mean how - explain to me a little bit how you're
2 going to get that stretch of property so it becomes a unified tract.

3 MR. LOVETT: Sure. I met with the Department of Transportation, Brian Keyes
4 and his staff. They actually desire to close the road. They don't want it used as a cut-
5 through and interfere with the traffic pattern. They're going to tear the road up. And we
6 control all the property around it, my family and the other property owners. We're all in
7 agreement to make it part of this project. So the Highway Department's happy to
8 relieve themselves of that road.

9 MR. VAN DINE: Is there any timeframe in which that's going to occur? What's
10 the schedule for construction of Clemson Road so that would then be -

11 MR. LOVETT: It'll be finished by December, 2006. The signs are up for the
12 construction. The trucks are working now down toward I-77. They're actually on the
13 ground.

14 MR. VAN DINE: So then we could assume it'd be at the end of 2006 that that
15 road would then be -

16 MR. LOVETT: That's correct.

17 MR. VAN DINE: - basically closed.

18 MR. LOVETT: They'll deed it back over to my family and the other affected
19 property owners. And everybody's in agreement to put that into this parcel. It's 19
20 acres.

21 CHAIRMAN GREEN: And it's fair to say the majority of this property can't be
22 developed until you get that road taken care of because it runs right through the middle
23 of your -

1 MR. LOVETT: That's correct.

2 CHAIRMAN GREEN: The middle of the whole development.

3 MR. LOVETT: Preliminary work will be done. But you can't really go full speed
4 until it's finished.

5 MR. VAN DINE: So in essence you're going to hold the property until that road,
6 cut-through, is closed off and you can then use the whole tract.

7 MR. LOVETT: That's correct.

8 CHAIRMAN GREEN: Other comments. We have a motion on the floor. Any
9 further discussion? All those in favor of the motion please signify by raising your hand.
10 Those opposed.

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

13 CHAIRMAN GREEN: Should have done y'all first. Could have gotten you out of
14 the way quick.

15 MR. LOVETT: Carl, thank y'all very much. We appreciate it.

16 CHAIRMAN GREEN: Thank you, Don. Next item on our agenda is the approval
17 of subdivision street names.

18 MR. GOSLINE: Mr. Chairman, Members, pages 221 to 224 have subdivision
19 names which have been approved and street names, proposed street names, for your
20 approval. Staff recommends approval.

21 CHAIRMAN GREEN: Do I hear a motion?

22 MR. PALMER: Move approval.

23 MR. JACKSON: Second.

1 MR. VAN DINE: There's a part that says suffix undetermined. Are we allowed to
2 make approval without that [inaudible]?

3 MR. GOSLINE: Yes. And the reason for that is that you'd have an incredibly long
4 – well. Different way to say it is you don't want to get in a position of having Van Dine
5 Road, Street, Court, and Lane all in one project. So the important thing is the surname.
6 It doesn't really matter about court and lane, whatever.

7 MR. VAN DINE: Okay.

8 CHAIRMAN GREEN: Do I hear a motion?

9 MR. VAN DINE: We already had a motion at the other end.

10 CHAIRMAN GREEN: Do we have a second?

11 MR. JACKSON: Yep.

12 CHAIRMAN GREEN: All those in favor of approving the street names and street
13 names please signify by raising your hand. Opposed.

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

16 CHAIRMAN GREEN: [Inaudible] welcome. Public hearing regarding road name
17 change from Harris Lane to Zachary Lane.

18 MS. LINDER: Mr. Chairman, this requires a formal opening of a public hearing.
19 But at the same time, I believe the Staff present do not know why this request is being
20 made and the statute requires you to find a reason for changing the name. So unless
21 the applicant is here to explain why they're wanting the change, I think we need to defer
22 this.

1 CHAIRMAN GREEN: Is the applicant here? So deferred. Next on our – the last
2 agenda item is –

3 MS. LINDER: Mr. Chairman, would you vote on that, please.

4 MR. VAN DINE: I move that we defer.

5 MS. LUCIUS: Second.

6 MS. WYATT: On that church thing?

7 CHAIRMAN GREEN: No. On the Zachary Lane –

8 MS. WYATT: Oh, I'm sorry.

9 CHAIRMAN GREEN: All those in favor of deferral please signify by raising your
10 hand. All opposed.

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

13 CHAIRMAN GREEN: Last item of business is to -

14 MS. LINDER: And that would be until the October 4th meeting?

15 CHAIRMAN GREEN: Until the October 4th meeting. You read my mind, Amelia.

16 MR. VAN DINE: We're trying.

17 MS. LUCIUS: We're trying to get out of here.

18 CHAIRMAN GREEN: Next, and final item, is – there'll be no Planning Director's
19 Report tonight, Michael, so you can –

20 MR. CRISS: It's one little item.

21 MS. WYATT: You can do one little item in three minutes.

22 CHAIRMAN GREEN: Consideration of text amendments to Chapter 26 of the
23 County Code regarding bulletin signs incidental to churches.

1 MS. LINDER: The text amendment I handed out to you prior to the meeting
2 beginning. This is coming to you at the request of County Council. A local church had
3 requested or could not meet the current bulletin sign requirements and Council directed
4 staff to look at how we could accommodate them. This would accommodate, you know,
5 not only this church, but any churches that would be in a similar position. And, certainly,
6 I think Staff may have a recommendation on this. But this would accomplish what
7 Council wanted you to look at and make a recommendation on.

8 CHAIRMAN GREEN: Staff.

9 MR. CRISS: Staff recommendation is that the present text of the zoning
10 ordinance be kept intact and this change not be approved. It would lead to the
11 proliferation of off-site advertising signs for, in this case it's churches, in other places
12 worship and arguably it could be extended to other non-profit organizations. And we
13 don't believe that it's in the best interest for sign control

14 MS. WYATT: Mr. Chair, some Commission Members may have very well seen
15 the news stories that this was carried on WIS a couple of times. I happen to have been
16 at Council the night that this matter came up. Staff's not telling you that this has already
17 been to the Board of Zoning Appeals and was denied. This church is located in
18 Lexington County. They knew when they put their sign up – and this is based on news
19 reports – that they were violating the law. They went ahead and did it anyway. Now
20 they're coming back through Council through an elected official and asking that we
21 change the whole ordinance in our County on a sign issue to allow one church to do
22 something that they knew they were in violation of. And I've given this a lot of thought.
23 I was here at Council the night that it happened. And I take – and I'll use Polo Road as

1 the prime example. We're going to start giving exceptions or changing signage based
2 on church, then you take a look at what you're going to do to Polo Road or have the
3 potential to do to Polo Road and Two Notch. Go up the other end of it and you take
4 Polo Road and what you do with the, you know, the Alpine end of it. It's just – I mean, I
5 have to support Staff's recommendation. I know that, you know, that this – I just feel
6 very strongly that this would be wrong to do to the County.

7 MR. JACKSON: I agree. On Monticello Road, those people who built those
8 houses, they were not supposed to build it without getting permit. And I totally agree.
9 If that's a motion, I'll second it.

10 MS. LUCIUS: I have a problem making exceptions for places of worship. I
11 belong to a church. I sing in the choir. I was raised in the church. But I have a real
12 problem. I'm just saying that so that someone won't think I have anything against
13 churches. I just don't understand why they – why we should make exceptions for
14 churches. We already make exceptions in landscaping for churches, which I think is
15 wrong. I think they should have to adhere to landscaping standards, too. So I couldn't
16 support this.

17 MR. VAN DINE: I move we reject the attempt to change this and maintain the
18 present language. I think this is opening the door which will allow for much more in the
19 future and I think we need to hold the line right here.

20 MR. JACKSON: I second it.

21 MR. PALMER: I have a question. Why is something that's happening in
22 Lexington County affecting us in Richland County?

23 CHAIRMAN GREEN: It's an off-premises sign.

1 MR. VAN DINE: They put them in Richland County.

2 MR. PALMER: The church is in Lexington and they want to put a sign in
3 Richland?

4 MS. LUCIUS: It's there.

5 MS. WYATT: You know, 'Come to church this way'.

6 MR. PALMER: Call the question.

7 MS. WYATT: But it's billboard size.

8 CHAIRMAN GREEN: Okay. We have a motion and a second to –

9 MR. GOSLINE: Who was the second?

10 MR. VAN DINE: Mr. Jackson.

11 CHAIRMAN GREEN: Mr. Jackson. To leave the present verbiage of our zoning
12 ordinance intact.

13 MS. LINDER: So this is coming forward with a recommendation of denial.

14 CHAIRMAN GREEN: And we'll send it forward with a recommendation of denial.
15 All those in favor of the motion.

16 MS. WYATT: Wait just a minute. I'd like to add something to that. When either
17 Ms. Linder or Mr. Criss presents that, I certainly think that sometimes – and I say this
18 only because I'm at some of the Council members – some of the meetings. I don't think
19 you sometimes go forward enough with our strong feelings on these issues. And I think
20 it needs to be expressed to Council that after consideration the Planning Commission
21 feels very strongly that they're opening up a can of worms. And that our
22 recommendation is that they not do that.

23 MS. LUCIUS: Unanimous.

1 MS. LINDER: I would –

2 MS. WYATT: Unanimous!

3 MS. LINDER: Yes.

4 MS. WYATT: Alright. Let's go. Let's go.

5 MR. VAN DINE: We need a vote if you're going to put it unanimous.

6 CHAIRMAN GREEN: All those in favor of the motion. All those opposed to the
7 motion.

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

10 MS. LINDER: Unanimous votes normally are not reflected as unanimous votes.
11 But, again, it will show that you did recommend denial. It is going to be going to the
12 Zoning Public Hearing and you are welcome to come to the Zoning Public Hearing.

13 MR. VAN DINE: I suggest that it say this was unanimous if, in fact, it doesn't
14 reflect it some other way. I request that it be so noted in the –

15 MS. WYATT: Can I ask a question of legal? Since the Chair of the Richland
16 County Council has already promised that church they can put that sign up, what
17 happens now that we've said we don't agree with that?

18 MR. VAN DINE: They'll vote us down.

19 MS. LINDER: Let me make -

20 MS. WYATT: She pretty much told them that night that –

21 MS. LINDER: *[Inaudible]* never recommend that we change ordinances for the
22 benefit of any one person or entity and I am sure that Council is not doing that. And that

1 this was something that was brought to our attention by one church but it will affect
2 other churches that could be similarly situated.

3 CHAIRMAN GREEN: We have a Planning Director report to pass.

4 MR. GOSLINE: The Planning Director's report is to seek consent from the
5 Planning Commissioner's sitting and the new member to join them, shortly, to prepare
6 an appropriate recognition of Pat Dunbar's service on this Commission. Perhaps similar
7 to what we did for Benjamin Byrd and Keith Williams. I will proceed and seek your
8 signatures.

9 CHAIRMAN GREEN: Please.

10 MR. PALMER: We should have a party, don't you think?

11 MS. WYATT: Is that all you wanted to talk about?

12 MR. VAN DINE: And he refuses to come back in [inaudible].

13 CHAIRMAN GREEN: We have nothing left on the agenda. I'll entertain a motion
14 to adjourn.

15 MR. FURGESS: Motion to adjourn.

16 MS. WYATT: And we're deferring those other things until next month, correct?

17 CHAIRMAN GREEN: We will never, ever skip Zoning in August again.

18 MS. LINDER: May I request an Executive Session on the next agenda, please.

19 CHAIRMAN GREEN: Have what?

20 MS. LINDER: An Executive Session on the agenda on the next meeting, please.

21 CHAIRMAN GREEN: Please. We always like meeting in the back.

22 *[Adjourned 7:10 p.m.]*