

BOARD OF ZONING APPEALS

April 1, 2009

[Present: Chairman Joshua McDuffie, Harold Branham, Torrey Rush, Susanne Cecere, Sheldon Cooke, William Smith; Absent: Elaine Perrine]

Called to order: 1:00 p.m.

CHAIRMAN MCDUFFIE: At this time I'll call the Richland county Board of Zoning Appeals to order. We have a quorum here today and now at this time I would like to call on the Staff attorney, Ms. Amelia Linder, to give instructions.

MS. LINDER: Good afternoon, welcome to this afternoon's Board of Zoning Appeals hearing. I'd like to go over a few matters of procedure so you'll all understand what we're gonna do and how we're gonna proceed this afternoon. The Board of Zoning Appeals, as you know, is a quasi judicial court, which means they have the jurisdiction and final authority subject to any appeals that are taken to circuit court. We're gonna start with Staff doing an opening statement and then we'll go with the applicant. The applicant has up to 15 minutes to present his or her case. Then the opposition to what the applicant is requesting, opposition has three minutes each to speak. And then the applicant again will have five minutes to rebut or to summarize their position. We have one Agenda item on, on for today so it should be a fairly quick meeting this afternoon so you will not have to be here that long. You will be under oath for, if you're planning to testify, and so after I finish speaking here I'm gonna ask you to stand to be sworn in if you plan to testify or make any statements to the Board. If you have any documents, if the applicant has any documents to submit you may submit that and then the Board will have the ability to

1 weigh the evidence as they feel is appropriate. Are there any questions at this time
2 in how we're proceeding?

3 MR. MIKE QUINN: - my name is Mike Quinn, I represent Columbia Group, the
4 applicant. We do have exhibits that we'd like to introduce into the Record at the
5 beginning and secondly we've got several, well we've got two [inaudible] witnesses
6 who will speak. Two will be short, one will be a little bit longer, not much but we may
7 well, we'll try not to go over the 15 minutes but we might and I would ask the
8 Chairman if, if we do to give us a little additional time just to present our case. We
9 will certainly be very time conscious throughout this.

10 MS. LINDER: Regarding the 15 minutes to make your case, you can certainly
11 ask the Board to grant you an extension and that would be the Board's discretion.

12 MR. QUINN: Thank you.

13 MS. LINDER: Okay, are there any additional questions? If not, those people
14 that are in the audience that plan to speak and address the Board, would you now
15 stand at this time and raise your right hand. Do you swear or affirm that the
16 testimony you shall give shall be the truth, the whole truth, and nothing but the truth,
17 so help you God?

18 AUDIENCE MEMBERS: I do.

19 MS. LINDER: If anybody answered the negative please let me know, otherwise
20 you've all been sworn in and you may be seated. Thank you.

21 CHAIRMAN MCDUFFIE: At this time I would like to make a motion for the
22 Board to go into Executive Session for the purposes of receiving legal counsel. Is
23 there a second?

1 MR BRANHAM: Second.

2 CHAIRMAN MCDUFFIE: All in favor?

3 *[Approved: Branham, Rush, McDuffie, Cecere, Cooke, Smith; Absent: Perrine]*

4 CHAIRMAN MCDUFFIE: At this time we will go into a brief Executive Session.

5 *[Executive Session]*

6 CHAIRMAN MCDUFFIE: Alright, at this time I'd like to call the Board out of
7 Executive Session and if Mr. Price would go ahead and call the, call the applicant.
8 First case.

9 **CASE 09-04 V:**

10 MR. PRICE: Alright the item we have before us is Case 09-04 Variance. The
11 applicant is the Genesis Consulting Group. The location is 110 Clemson Road
12 Extension. The applicant is requesting a Variance to reduce the required driveway
13 separation on property zoned GC. This case was originally heard by the Board in
14 January and you, you voted for a denial. It was then, reconsideration was granted in
15 February to rehear this case and you have it before you today. I'll just go through a
16 quick slide presentation of the site and then I'll turn it over to Carl Gosline, Richland
17 County Transportation Planner to present the case to the Board. We, we're looking
18 at the site I guess to the left is a McDonald's where the political sign is. This is a view
19 from the site looking north down Clemson Road, another view looking north. Across
20 the street this shows some of the commercial businesses in that area. That's looking
21 south. Once again it shows some of the commercial businesses in the area. This is
22 the intersection of Clemson Road and Sparkleberry Lane. This is the, a budding
23 business, Frank's Car Wash, right along here between the, the subject property and

1 Frank's Car Wash is a drive that's privately owned at this time but it's gonna be
2 deeded over to my understanding. This is the drive and these are, this is a potential
3 access point for the properties, they will come to a light. Another view of the site, the
4 abutting McDonald's. And this is across the street, it's an Exxon station.

5 MR. RUSH: One, one question for Staff. You said that property, that driveway
6 is gonna be deeded over or it's gonna be a shared driveway?

7 MR. PRICE: [Inaudible]

8 MR. RUSH: Okay.

9 **TESTIMONY OF CARL GOSLINE:**

10 MR. GOSLINE: Mr. Chairman, Members, you have a copy of the Staff Report.
11 I won't go into a whole lot of detail with you. The issues are the same, pretty much
12 the same as they were back in January and that is that the, the proposed location of
13 the driveway for the subject site does not meet the county's driveway separation
14 standards. We have provided a bunch of information in the Staff Reports before but
15 the issue is still the same. The Department still recommends denial. I'll be glad to
16 answer any questions that you might have.

17 MS. CECERE: Mr. Gosline, you, you met with the appropriate parties?

18 MR. GOSLINE: Yes, we've met several times with different members of,
19 representing the applicant and try to see if there was some compromise that could be
20 reached but we haven't been able to reach one.

21 MS. CECERE: Also, I think when I was going through my packet there's
22 references to emergency vehicles and fire department, such as that, and also
23 Department of Transportation -

1 MR. GOSLINE: Correct.

2 MS. CECERE: - Highway Patrol.

3 MR. GOSLINE: Correct, there is, in the packet there's an email from both the
4 Department of, DOT regarding the issue and the Department of Transportation's
5 position is that even if the matter is, you know, conforms with their regulations the
6 applicant still has to conform to the local government's regulations; that's their policy
7 decision, they stand behind that. The emergency EMS Department has commented
8 that in this particular case that the access is okay but, in terms of emergency, and all
9 that material is in your application packet.

10 MS. CECERE: And you've have personal contact with them?

11 MR. GOSLINE: Yes.

12 MS. CECERE: Thank you.

13 CHAIRMAN MCDUFFIE: Any other questions for - okay. At this point in time
14 we have several individuals signed up in support. Mr. Quinn, you are, you are
15 representing the applicant?

16 MR. QUINN: Only a few opening remarks, Mr. Chairman. And I do represent –
17 oh, I beg your pardon.

18 CHAIRMAN MCDUFFIE: Would you please state your name and address for
19 the Record.

20 **TESTIMONY OF MIKE QUINN:**

21 MR. QUINN: Yeah, my name, do you want a street address of PO Box, either?
22 Michael H. Quinn, known as Mike Quinn. Address is P.O. Box 73 Columbia, 29202.

23 CHAIRMAN MCDUFFIE: Okay, proceed please.

1 MR. QUINN: Don't mean to sound like I'm in court but if I do say may I please
2 the court just kind of overlook that if you would, I'll try not to, I've been there much
3 more than I've been before this Board, but I'm glad to be here. First of all what I'd
4 like to do if we might and if this meets with the procedure, which I understand it does,
5 is introduce into evidence exhibits that we will have testimony with respect to and
6 these are exhibits A, B and C on the easels, there will be testimony with respect to
7 those exhibits from Mr. Dan Dennis, who I will chat about a little bit later. In addition
8 to that, there will be a, we've got a PowerPoint by Mr. Dennis. We think these issues
9 are so important that in order to really demonstrate these to the Board Members, we
10 felt like the PowerPoint might be of benefit. So we've got A, B and C and in addition
11 to that, Mr. Chairman, I would ask that the book that was distributed to each of the
12 Board Members prior to hearing be admitted as, as an exhibit and at the conclusion
13 of Mr. Dennis' testimony we'll have another exhibit we'll want to put in for the, what
14 we believe, the benefit of the Board. Let me just say this, again I represent Columbia
15 Development Group. The principals are here, Bud Mann's right here. Bud's son,
16 Coke, his son-in-law, Jordy, and Jenkins Williamson who worked with him. These
17 four gentlemen essentially are Columbia Development Group and they own the
18 property. Let me say in behalf of them that thank you for giving them the opportunity
19 to come back before you. I was not here in January when we had the Board
20 meeting, did not participate in that, and I understand what the Board, the Board
21 denied the request for a Variance, you expressed your concerns and we have, we
22 have listened to the concerns and I think you'll find we've addressed them. But in
23 behalf of the client let me just say again thank you for, for the opportunity. Just real

1 briefly, history is that the property we're talking about as I understand the Land
2 Development Code was in acted in July of 2005 and Staff's attorney can correct me if
3 I'm wrong. At that time it is also my understanding that the 250' spacing requirement
4 that we're asking for a Variance for was in effect. The property was granted, site
5 approval was granted in September of '05 and that site approval had, as I recall, full
6 access from Clemson Road into the property. Now as all of you know, those
7 approvals of site plans are only good for a number of years and I want to think, I can't
8 remember frankly if it's two or four. But what happened at a point in time and before
9 the expiration the property was purchased by Columbia Development Group. Should
10 have, would have, didn't, weren't aware that you had to make an application for an
11 extension. As I read the statute, the ordinance, if there is an expiration coming up
12 and provided you make that application for an extension within 30 days of the
13 expiration date, not less than 30 days not more than 60, the Board will grant an
14 extension unless there has been an intervening amendment that would change that.
15 Notwithstanding, we had the approval since the property was purchased and it
16 expired. So we're here, it's a new day, we understand that. I read the Minutes of this
17 Board meeting in January. I have discussed them at length with, and I'm gonna say
18 my client, Bud and Coke and Jordy and Jenkins. We heard your concerns, we heard
19 them loud and clear and your concerns were properly so safety. Safety getting in to,
20 off of Clemson Road, safety of what the curb cut, how it would effect, the other
21 concern you, you also demonstrated was meeting the full criteria for granting the
22 Variance. And each of you are aware of what the four criteria are and I'm gonna tell
23 you that we are going to present testimony that I believe will meet each of the four

1 criteria required. We're gonna show that, that will be all in the screen, it'll be part of
2 the, Mr. Dennis' testimony. Now what dramatically has changed since this group
3 came before you in January? And I'm gonna tell you two things, first of all, and you'll
4 see this by referencing exhibit, as a matter of fact it's Exhibit, I think it's probably
5 shown on Exhibit C, the island that allows a right in, right out that was before you in
6 January -

7 CHAIRMAN MCDUFFIE: Mr., Mr. Quinn, if I may interrupt, we need to ask you
8 to speak into the microphone so that -

9 MR. QUINN: I've been told that, yeah, hope I can remember, thank you.

10 CHAIRMAN MCDUFFIE: Thank you.

11 MR. QUINN: I've been told that twice as a matter of fact. Referring to Exhibit
12 C, the island that allows a right in and right out prior to, and that would be the exhibit
13 to the left, prior to the Board hearing frankly did not restrict or did not require in and
14 out, right in, right out as much as the client, the engineers felt like it should have been
15 after we came back to address the concerns of the Board. We'll speak to the island
16 later, let the engineers do that, but it has substantially changed, it clearly restricts the,
17 we believe it's gonna restrict, and the concern was a right out going across Clemson
18 Road and the traffic, we believe that what we have done by increasing that island
19 right in and right out with signage we have substantially improved that and that's
20 important we think. More importantly with respect to the criteria, the four criteria,
21 Columbia Development Group, Mr. Mann had worked out an agreement with
22 McDonald's and McDonald's is the site immediately adjacent to them, as you look at
23 it, it would be to the right, to the left is an extension of Sparkleberry Lane. The gray

1 area, excuse me the red area on the right hand side is a road area that the group, my
2 client is willing to take that out of their property, pave it, turn it into a road for access
3 from McDonald's, from the McDonald's site to the extension of Sparkleberry Lane.
4 The importance of that in addressing safety and the criteria that we have to meet is
5 gonna be demonstrated I believe by Mr. Dennis' testimony. Mr. Gosline is right, the
6 South Carolina Department of Transportation supports local governmental
7 ordinances and they should, that's policy and there's nothing wrong with that. And
8 although we, the client could have the curb cut under the Department of
9 Transportation regulations, we can't unless we get the Variance. And so while we
10 say DOT would allow it, we also say but DOT statewide, it's been my experience,
11 supports the local municipality or the local governmental entities restrictions as they
12 should. What I'd like to do now, Mr. Chairman, Board Members is ask Mr. Brandies
13 to come up and give you a few remarks. He appeared before you first time around,
14 just to sort of review the, the application a little bit, talk with you about it and I would
15 say this and I think all of you know it, so please forgive me for repeating but what
16 we're seeking in, in - two things. In Section 26-175 of the ordinance there is a
17 provision in table 26-7-4 that allows for, what it says was a frontage of 200 to 600
18 feet, a maximum of two driveways are permitted, under that we can have the
19 driveway. But there is another section table 26-8-5 that says if there is a 45 mile per
20 hour speed zone that the minimum spacing required from center line is 250'. What
21 we are asking for with the Variance, and you've got Sparkleberry Lane on one side,
22 McDonald's with curb cuts and incidentally two curb cuts on the other, what we are
23 asking for, the Variance would be 191.9' from existing Sparkleberry and we're talking

1 center line to center line. It would be 156.4' to the existing McDonald's. That is the
2 Variance that we would be asking and I might just point out, and you'll hear this from
3 Mr. Dennis also, I think we've got 348' of, of frontage, that's a pretty good size tract
4 frankly in my real estate experience. But we can't put anything there and when you
5 look at Exhibit A and you see all the curb cuts are there and you see the 348', which
6 shows I believe that not to grant the Variance substantially restricts the usability of
7 the property, which is one of the criteria. So what I believe you'll find is that with
8 respect to the criteria, extraordinary and exceptional conditions pertaining to the
9 property, we're gonna demonstrate that. You know, a long time ago I had a case in
10 federal court and I had an issue of what free airspace was, I couldn't find any law on
11 it and I went to *Webster's* dictionary and that actually won the case of a very young
12 lawyer. So I did that here and I've done it many times, what does extraordinary
13 mean, what does unusual mean? *Webster* says it means not the usual, not the
14 customary, unusual, and certainly this property is unusual with respect to where it is
15 with all the other curb cuts. The second thing and, and there are other things that
16 we're gonna talk about you'll hear testimony, interconnectivity is gonna be very
17 important that the conditions with respect to this property, criteria two do not
18 generally apply to other property in the area. We'll demonstrate that and the Exhibit
19 A further demonstrates that the conditions on this tract do not apply to the other
20 properties in the area. C, that because of the applicability of the ordinance, the 250',
21 that the application of the ordinance to this company unreasonably restricts the use
22 of the property, you'll hear from the experts. We think it does. And the fourth criteria
23 is that the authorization of the Variance will not be of substantial detriment to the

1 adjacent property owners or to the public good and that granting of the Variance will
2 not harm this [inaudible]. And I submit to you, I submit to you that the granting of this
3 Variance, one, certainly does not, is not detrimental to the adjoining property, it helps
4 McDonald's. I would submit to you further that you will hear that by allowing the
5 Variance, by putting in the road behind our property for access it is going to
6 substantially reduce the number of trips in and out of McDonald's onto Clemson
7 Road. I think you'll hear that it improves truck safety and I think you can glean from
8 that without any difficulty at all that what Mr. Mann, his son-in-law, his son and
9 Jenkins are proposing will really benefit the public good. Mr. Chairman, Members of
10 the Board thank you very much for listening to me, I appreciate the attention you've
11 given me. I'm gonna ask Mr. Brandies to come forward.

12 CHAIRMAN MCDUFFIE: Mr. Brandies, if you could please state your name
13 and address for the Record.

14 **TESTIMONY OF DAVID BRANDIES:**

15 MR. BRANDIES: Thank you, my name is David Brandies. I'm a professional
16 engineer and partner in the Genesis Consulting Group. We're at 1330 Lady Street
17 Columbia, South Carolina in Richland County. I want to thank you for meeting with
18 us again. When we met previously we were not aware of Mr. Gosline's concerns, not
19 aware of, of what the Board had asked us for and since that time we've had
20 numerous meetings both with the DOT with Mr. Gosline and other members of
21 Richland County Staff and have brought back to you what we feel is, is an
22 improvement and a plan that addresses his concern and your concerns. In addition
23 we had commissioned a full traffic impact study, employed Mr. Dan Dennis, who's a

1 traffic engineer, an expert in his field in order to get to the science and to the facts of,
2 of safety and to use his professional opinion and my professional opinion. With all
3 our effort to design this project, to look for a safer movement for traffic, one of the
4 important things that we needed to maintain was a way for trucks to enter the site
5 head in and then leave the site at a light. If we did not have that connection the
6 trucks could not enter into the site and head out of the site, they would need to turn
7 onto the site. This was a very important, important point for us for the development
8 that we were doing. We listened to the issue of safety, of turns and we did several
9 things in the site plan so I want to take just a second to show you what changed.
10 And if you would, Brian would you go to the site plan, Brian, C? Most importantly we
11 have increased the size of the island as a raised concrete island. We've added
12 additional dimensions to further prevent left turns by extending this portion here.
13 We've also shown the signage those that will be placed on the property and then
14 most importantly is the back connection of McDonald's. That's one of the things,
15 those are some of the things we've done to address the Board's comments and the
16 comments of Mr. Gosline. Over the last 22 years I've worked extensively with both
17 national retailers and local retailers. Both for the retailers, helping them site their
18 projects throughout the southeast as well as working for developers trying to lure
19 projects into this property. A number of people have asked us why do we have to
20 have that right turn? It's been my experience and it's been proven out through
21 projects for, for numbers of different developers and retailers that they, not only
22 desire but as a absolute requirement of the project to have access of the major road.
23 If you look at the aerial here that, that is born out by all of the national retailers you

1 see there. It is an absolute requirement of their development. Given this site, given
2 this market I can say with professional confidence that no national retailer would
3 consider this site without the direct connection to Clemson Road and this site has
4 been looked at by several national retailers and that has always been an absolute
5 requirement. They've done extensive research on their needs and it's nearly uniform
6 throughout all types of commercial projects. The secondary access at, at
7 Sparkleberry is needed but it's not a replacement for that direct connection or to get
8 their customers in and most importantly their product in and out safely. Denying this
9 connection effectively eliminates this use, this use by national retailers or local
10 retailers. It severely restricts this property's use in the zoning categories allowed
11 under C3. That goes to the heart of the criteria, which is C, that it unreasonably
12 restricts or precludes the use of this property for this particular use. With that I'm
13 gonna ask Mr. Dennis, unless you have any questions for me, to really address what
14 we're here to really talk about is the direct access and the safety of that right in, right
15 out.

16 MR. QUINN: I just want to mention before Mr. Dennis gets up let me just say
17 that Mr. Dennis has had extensive background in traffic planning. He, after he got
18 out of the Citadel he worked with LPA, which is a substantial traffic-engineering firm
19 in town. He's formed his own company, he has done multiple traffic studies for the
20 South Carolina Department of Transportation. He's done multiple traffic studies for
21 other municipalities and counties and I'm gonna, without my going into his
22 experience, I am gonna ask him when you get up if you would just give the Board a
23 brief background of your experience, Dan. Thank you.

1 **TESTIMONY OF DAN DENNIS:**

2 MR. DENNIS: Thank you, Board Members. Is, would it be better for me to
3 stand here and, and talk or I actually don't think it's -

4 MS. CECERE: We've got a pointer.

5 MR. DENNIS: Yeah, I do too. I think I'll just go to the podium. Chairman,
6 Board Members thank you so much for having me here today. As Mike said I'm a
7 traffic engineer by training and business owner -

8 CHAIRMAN MCDUFFIE: Mr. Dennis, could you state your name and address?

9 MR. DENNIS: Yes sir, I apologize. Full name is Daniel R. Dennis III, I'm a
10 resident of Richland County. I live in the City of Columbia limits, my address is 13
11 Governor's Hill 29201.

12 CHAIRMAN MCDUFFIE: Thank you.

13 MR. DENNIS: Thank you, sir. Again a little bit about my background, I have
14 an, own an engineering firm here in the city limits in Richland County as well. We
15 have 85 professional engineers, surveyors, traffic engineers who work with our firm.
16 The majority of our work revenue is from local municipalities, counties such as
17 Richland County and the DOT. We also do a fair amount of development work but
18 regardless of our client I can, I assure you that the results of our work are always the
19 same; they're for the public good regardless of who we're doing work for. And that is
20 extremely important in the engineering profession cause I have a fiduciary
21 responsibility to the citizens who use this public infrastructure that we design. With
22 that, a little bit more about myself, I'm a graduate of the Citadel with a degree in Civil
23 Engineering. I have done traffic work as Mr. Quinn mentioned for many, many years.

1 We are currently working with DOT and many, many counties in the state on traffic
2 issues and we probably have done maybe 300 traffic studies over the last three years
3 especially during the real estate boom a few years ago, and I've worked with Carl
4 Gosline very, very closely and I respect Carl's judgment just as he respects mine,
5 although we do respectively disagree on, on issues from time to time. Now let me
6 get into some specifics about this site as far as traffic, and I'm not gonna get into
7 technical issues, I'm gonna talk to you as I would any Board Member and explain to
8 you in professional but understandable terms why I feel like these changes that I
9 made to the site have greatly enhanced two components; safety and capacity. In the
10 traffic engineering field there's two important things that we do as traffic engineers.
11 First and foremost we look out for the safety of the traveling public whether they be
12 motorists or pedestrians and number two we want to improve capacity, which is
13 eliminating delays and traffic congestion. And what, the changes we propose to this
14 site absolutely without doubt in my professional opinion accomplish both of those
15 goals. So let me start by going through the criteria that we have to address and meet
16 in order to be granted this Variance and I'm gonna start with Section A. Well before I
17 do that, many of you may ask what actually goes into a traffic study and it's important
18 to note that the first stage of the traffic study is what I call boots on the ground. You
19 have to get out there, myself, Mr. Maddox who works with me, and our other staffers
20 are out in the field observing this intersection and the surrounding businesses. We
21 had engineers onsite doing our actual, we do our in house traffic counts, we don't, we
22 don't sub that work out, we do it in house. We're out there taking notes, observing
23 pedestrian movements, observing how the truck traffic flows, we observe how

1 existing traffic flows in and out of businesses day and night. There are several
2 businesses along this corridor that operate 24/7 and those, that's critical because
3 that's a critical component of a traffic study. You want a real life study and the first
4 step is you have to have actual data. You take that data back to the office and we
5 model it, not very difficult these days with the software we use but it allows us using
6 forecasted data, for instance what a Firestone generates as far the number of trips
7 and with that we can compare it with the existing traffic on Clemson Road and the
8 future traffic on Clemson Road to let you folks and others such as Staff make a
9 decision as to the acceptability of the work. So that basically is how a traffic study is
10 prepared under your requirements or Richland County, the South Carolina
11 Department of Transportation or many other organizations. Back to the criteria for
12 the Variance, I'm gonna quote the first criteria. That there are extraordinary and
13 exceptional conditions pertaining to this particular piece of property. And as we know
14 the particular piece of property, I'm gonna use the pointer here, is this site right here,
15 about an acre maybe a little bit more at the corner of Sparkleberry and Clemson. So
16 what makes this property, as Mr. Quinn said in *Webster's Dictionary*, unusual, which
17 is extraordinary and exceptional? Well there's five key areas that I've identified as a
18 professional engineer that, that strike home with the, with that particular Variance
19 requirement. The property does not currently have a curb cut. This is the only
20 property in the vicinity of Sparkleberry and Clemson that does not have a curb cut
21 along Clemson Road. That is certainly unusual and extraordinary. To obtain such a
22 curb cut based upon Richland County's ordinances there would be a, a need for 250'
23 on either side of the driveway. That is not possible given the length and frontage of

1 this particular piece of property. There's only 348' from the center line of
2 Sparkleberry to the center line of the McDonald's driveway. So again, that is
3 extraordinary and exceptional to this piece of property. Third and, and most
4 importantly, Mr. Quinn touched on it, but as a traffic engineer I'm gonna tell you about
5 one of the most important tools in our tool box as traffic engineers and as toolbox,
6 tools in the county's toolbox is, is a word called interconnectivity. Well that's a fancy
7 word that really means frontage roads. It's our goal and it's the goal of many
8 counties and cities across South Carolina to get traffic off of main arterials such as
9 Clemson Road who, motorists that have to make multiple trips and get them on to a
10 frontage road, what does that do? It does two things that is paramount to the, to the
11 public welfare. It number one and most importantly improves safety cause every time
12 we can reduce a trip onto Clemson Road or a turning movement, that's a safer
13 condition. Number two, by having traffic stay on a frontage road you reduce the
14 number of cars on Clemson, thereby you increase capacity, which means more cars
15 can travel the corridor safely. So that is, interconnectivity is a fancy word for a
16 frontage road and it is, it's, I just came back from a conference in Washington, DC,
17 the Transportation Research Board every years it's held, engineers from all over the
18 world are in attendance and this was a very big issue this year as it always will be
19 because there's a lot of Clemson Roads in South Carolina and there's a lot of
20 Clemson Roads in the United States and, and the only way, we can't widen them
21 anymore so the only way to fix the existing problems is through frontage roads and
22 interconnectivity. I'm working on a very large project now in Hilton Head, on the way
23 to Hilton Head to provide interconnectivity for about eight different businesses, which

1 will significantly reduce the number of accidents and congestion issues on that
2 particular road. But, but enough on that. But again interconnectivity is exceptional
3 and extraordinary because it's the only site here that will allow it. Now I'm gonna get
4 to that later. As mentioned before, by adding the interconnectivity we will reduce the
5 number of trips from McDonald's patrons onto Clemson Road. Folks who go to
6 McDonald's for breakfast, lunch or dinner, in fact this McDonald's is open 24/7, are
7 making many, many trips onto Clemson Road. A McDonald's and a gas station are
8 high generators of trips. What is a trip? Every time you get in your car and get to
9 whatever destination that's one trip. So by allowing the patrons of McDonald's, which
10 include both vehicles and large semi tractor trailers and it's, I know it's hard to see
11 but in this particular exhibit, maybe we could see it on the PowerPoint there's a
12 FedEx truck parked there in the McDonald's parking lot to the rear and it's a tandem
13 FedEx truck. So this gentleman has probably gotten off of I-20 and he's making his
14 rounds along Clemson Road corridor and you stop for lunch and he's got to exit that
15 facility. Currently the only way he can exit is by going the out lane on McDonald's
16 property and he can either turn right or left. In both conditions that is a serious traffic
17 safety issue. If that truck turns left to head back to the interstate, he's gonna block,
18 he's gonna block both lanes of Clemson Road cause of a turning movement of a
19 vehicle such as that. If he's gonna turn right to go to the signal and past the signal
20 further on down Clemson Road to make more stops, again his real path is gonna
21 carry over into the oncoming traffic lane. So with what the applicant is proposing is to
22 provide interconnectivity, which is this red road here and therefore the trucks that
23 patronize McDonald's and the truck drivers, you know, they, they want to the fine

1 path of least resistance they're gonna take that road, it's gonna be well marked and
2 they're gonna go to the safest traffic device that we have designed or traffic
3 engineers have designed in the last 50 years, which is a traffic signal and, and that's
4 the safest movement available. And last but not least to cover this item A, I know I
5 have to speed this up, is this is the last undevelopable [sic] piece of property in the
6 vicinity of Clemson Road and Sparkleberry so obviously that makes it extraordinary.
7 This property is significant in size and is significant in the fact that it's not developed
8 and everything else around it is. Alright the second criteria for a Variance is, and I
9 will quote this, I will quote this, that these conditions do not generally apply to other
10 property in the vicinity. Alright, and let's take a look at the vicinity. Across the street
11 from the site is many businesses, an Exxon, a Maurices and a Zaxby's, there are five
12 full access points along the other side of the road, that's five full access points.
13 That's where people can turn right or left unrestricted. Number two, other properties
14 do not have interconnectivity and they cannot have interconnectivity in my opinion
15 that we cannot get a frontage road, even if it, if all these owners agreed to it behind
16 these businesses here cause there's not enough width for, due to the Richland
17 County buffer and setback requirement plus there's a car wash right here with Exxon.
18 So this is the only piece that would allow a frontage road. And last on this particular
19 item is no other property has 348' of frontage. So these three points definitely strike
20 on point B for the Variance. Your next criteria for a Variance is C and I will quote that
21 to you. That because of these conditions the application of this chapter to the
22 particular piece of property would effectively prohibit or unreasonably restrict, that's
23 the key there, unreasonably restrict, the utilization of this property. Without the right

1 in, right out and let me make sure you understand a right in, right out. The right in,
2 right out is a much safer access than full left turn, right turn. Why is that? Well you
3 prohibit the left turn lanes, which is significant on Clemson Road. Trucks cannot
4 utilize this site, David Brandies said it very well, I'm not gonna dwell on it but without
5 right in, right out and without access to Sparkleberry national or local retailers are not
6 gonna develop the site, they just will not touch it. Trucks need a large area to turn
7 around and if they have to turn around it's because they don't have two separate
8 access points. If you, if you're turning trucks around on this site basically it's
9 undevelopable in my expert opinion. Given the location and the market site these
10 national retailers as I said are just not gonna contract and develop this property. It's
11 unreasonably restrictive that in fact it precludes a number of businesses from using
12 this site. Unreasonably restricts the type of commercial users that would locate on
13 the property. And last criteria for a Variance, and I will quote it again, states that the
14 authorization of a Variance will not be of substantial detriment to the adjacent
15 property or to the public good and the granting of the Variance will not harm the
16 character of the district. So the key points here are will not detriment adjacent
17 properties, well the only adjacent property is McDonald's, which is adjacent to the
18 site. We're gonna enhance McDonald's property, allow them to get more business
19 and also reduce traffic on Clemson Road by providing the frontage road. So it's
20 certainly not taking away from the adjacent property owner. Second and most
21 importantly is safety, it reduces the number of trips on to Clemson Road and it
22 certainly reduces the number of left turn lanes onto Clemson Road. It's easier to get
23 to Sparkleberry, the signal, it reduces weaving. Well, what is weaving? Currently if

1 you're at McDonald's and you had your lunch and you're leaving and you want to turn
2 right to get to the light and you want to make a left onto Sparkleberry, you've got to
3 weave through two lanes of traffic and you only have 350' to do that. That is a no-no
4 in the traffic engineering world. That causes a lot of crashes so that, that's not a
5 good distance to have cars turn across two lanes. It improves truck access safety. A
6 lot, a lot of crashes are caused by trucks. Truck drivers cannot see pedestrians and
7 they cannot see motorists. So when you provide better access for trucks we reduce
8 the number of crashes we improve the public safety. And certainly the character of
9 the neighborhood it is what it is, it is a heavily developed urban area surrounded by
10 residential development with extensive curb cuts up and down Clemson Road and
11 this particular property the Variance is just requesting one right in and along that
12 entire 350'. In summary this property has extraordinary – okay, excuse me. I just
13 wanted to talk about Exhibit B and Barry if you could bring that up on the PowerPoint.
14 It's a, this is a document that Barry and I have been working on for quite some time.
15 And it, I'm going to – do we have a handout of that? I'm having trouble seeing it on
16 the screen myself. Thank you, Carl. I think we gave you that yesterday. Okay, you
17 may ask the question Dan how can you prove to me that you're reducing the number
18 of trips from McDonald's? Well, we use traffic, conservative traffic values that tell us
19 how many people we predict that would leave McDonald's and go to the, the frontage
20 road, the new frontage road. Those conservative estimates mean that we have a
21 reduction in, in the number of trips in the morning of people leaving McDonald's and
22 turning left of 21 cars. In the evening we had a reduction of 13 trips and this is a big
23 point I wanted to make. The site itself, which is a Firestone and a future sandwich

1 shop, and that's full build out, is only gonna generate two trips in the morning and
2 15 in the evening, and that's at, that's peak. Now put that into perspective; the
3 number of cars on Clemson Road as of the last traffic counts by the DOT were
4 21,600, that's average daily traffic, 21,600 trips are occurring on Clemson Road
5 every day. On Sparkleberry it's about 12,000 trips per day. It's, the traffic generated
6 from this site is infinitesimally small to what is currently out there and we're actually
7 reducing the number by adding the frontage road. We also provide better through
8 movement to Sparkleberry. Instead of folks leaving the site, both McDonald's and
9 the applicant site who want to go straight through Sparkleberry, they don't have to
10 weave over two lanes and wait for this light to turn green in order to make an
11 unprotected left. They can go on the frontage road and make a through movement,
12 which is much, much safer. Now back to my closing I would like to read it to you so I
13 don't forget anything. In summary this property has extraordinary and exceptional
14 conditions because it is the last developable piece of property in this vicinity that can
15 help alleviate or improve the traffic conditions in this commercial area. That's
16 important there are, we're actually building, or designing something that's gonna
17 improve a situation, not curb it. By donating this property or this frontage road it
18 improves traffic which I think is the goal. There are no other pieces of property in this
19 area that have this extraordinary condition and the capability to make it happen. This
20 owner is willing to build the frontage road at his cost and finally even in the response
21 from the PDSD, three times, Mr. Gosline agrees that this scenario will be safer if all of
22 this takes place, meaning that a right in, right out and a frontage road along Clemson
23 Road, excuse me, at the frontage road from McDonald's to Sparkleberry in the back

1 of the property. So with that I'll be glad to answer any questions, I thank you for your
2 time and your public service.

3 MR. RUSH: I've just got one question.

4 CHAIRMAN MCDUFFIE: Any questions for Mr. Dennis?

5 MR. RUSH: Well I, just one question. You mentioned weaving coming out of
6 McDonald's with an additional driveway closer to that light wouldn't you have a bigger
7 issue with weaving as far as making that left-hand turn on Sparkleberry?

8 MR. DENNIS: That's a good question sir and I'll answer it similar to the
9 McDonald's scenario. By providing the frontage road, and there will be adequate
10 signage as depicted in this exhibit here, cars are, cars and trucks are going to be
11 directed to take the frontage road to get to Sparkleberry. So we're advising those
12 motorists to not make that right turn and try to weave over two lanes to get, we want
13 them to go to the Sparkleberry light and go straight through.

14 MR. RUSH: I understand that. I'm saying for your site specifically -

15 MR. DENNIS: Yes, sir.

16 MR. RUSH: You just, you're asking for a right hand turn out of your site.
17 Wouldn't it, with the distance between that light and, minimize, shorten, wouldn't it be
18 a bigger issue of weaving to get to that Sparkleberry light?

19 MR. DENNIS: It would be if, if we didn't have the frontage road but in my
20 opinion, pedestrian, motorists like to take the path of least resistance. They may try
21 that one time but after that they're gonna use the frontage road.

22 MR. RUSH: So, so what you're saying is that the frontage road may be a better
23 option for that property as opposed to this curb.

1 MR. DENNIS: No, sir. They have to work in tandem, they're not mutually
2 exclusive. You have to have both for this site to function as I've described. If you
3 just build the frontage road you don't accomplish the goal, if you just build the right in,
4 right out you don't accomplish the goal. The two together and right in, right outs are
5 very, very safe, that's, they're restrictive. The two of those together is what makes
6 this site work. This was not what was proposed to you before. Thank you.

7 CHAIRMAN MCDUFFIE: Any other questions?

8 MR. RUSH: I've got a question for Staff right quick, if you don't mind. What,
9 what is the requirement for a frontage road as far as specs? Is, what's the minimum
10 requirement for a frontage road?

11 MR. GOSLINE: The Code doesn't really have any minimum requirements to
12 my knowledge for cross access easements but this one was, what was it 30' or so

13 AUDIENCE MEMBER: Thirty-one feet.

14 MR. GOSLINE: Thirty-one feet would certainly be adequate to do what
15 everybody agrees that the cross access even helps the situation considerably.

16 MR. RUSH: Okay.

17 CHAIRMAN MCDUFFIE: Other questions?

18 MR. SMITH: Yeah, I have a question as well. This is for you, Mr. Dennis. With
19 the road, the extension coming from Sparkleberry what I'm trying to figure out is if the
20 numbers that you gave were from a Sunday morning? You were saying that there
21 will be two trips going into the sandwich shop - looking at 22 right, left hand turns, I'm
22 going by the turns here.

23 MR. DENNIS: Yes, sir.

1 MR. SMITH: When I'm looking at the Sparkleberry Extension, going to Spring
2 Valley, knowing the area, living down the street, I know the specifics of, of what this
3 area can be, can be able to provide 5:00, 8:00, 7:30 a.m., and I don't see, I'm trying
4 to figure out how you got the, the specs from that, one; and two, from the turn from
5 the frontage road, if this road is not gonna be widened how are the trucks gonna be
6 able to have the access to be able to make a left turn, one; and two, to be able to
7 have the space for Frank's Car Wash to be able to have their accessibility without
8 revoking what they already have already.

9 MR. DENNIS: Yes sir, thank you for those questions. I'm gonna answer your
10 second question first and then I'm gonna ask Barry Maddox who has a graduate
11 degree in engineering, traffic engineering from Georgia Tech, he's also a Citadel
12 grad, don't hold that against him.

13 MR. SMITH: I went to Georgia Tech, but okay.

14 MR. DENNIS: Yes, sir. And he'll answer cause Barry generated these trips,
15 they're in my signed and sealed traffic report and, and Barry will explain it. So let me
16 talk to you about the truck turning movements. Both the right in, right out and I know
17 you didn't ask this question sir but this right in, right out has been designed with a
18 radius that accommodates a tractor trailer, which is about 100 to 120' wide radius
19 and that's to prevent the trucks from driving over the curb, crushing catch basins,
20 getting in the grass, the same thing will occur here. This, since this road has not yet
21 been designed, of course it's been proposed as we've said today, but it will be
22 designed so that this radius will be, will be wide enough to allow for tractor trailer rigs
23 to make the movement either in or out without affecting Frank's Car Wash.

1 MR. SMITH: So this is something that's already been, that you guys have
2 proposed but have not diagramed on -

3 MR. DENNIS: Yes, sir, we've engineered it at least, it's not a full-blown
4 engineering design but we would not have showed this if it would not have
5 accommodated the trucks.

6 MR. SMITH: I understand that, okay.

7 MR. DENNIS: Yes, sir.

8 MR. SMITH: But the trucks, let's say if there are two trucks going down that,
9 that little area of Sparkleberry there.

10 MR. DENNIS: Yes, sir.

11 MR. SMITH: Two cars, two or three cars coming from the Frank's Car Wash,
12 the through traffic from Sparkleberry on the other side, it's almost as if you guys are,
13 are, are looking at this road as a full extension of what Sparkleberry is on the
14 opposite side instead of having a neighborhood behind it. Because I, I'm trying to
15 look at the space as well, the spacing that you're look at, with the number of people,
16 now I'm going by your, your, the averages that you gave of, of the number of visitors,
17 excuse me, trips that are gonna be going within these locations. But from the turning
18 aspect, the safety perspective of this is somewhat suspect from how the turning of
19 the truck, which you just mentioned that there will be an allowance for the trucks that
20 have their, their degrees of necessary movement, but now I'm also looking at the
21 traffic from Frank's Car Wash, the traffic coming from the opposite side of
22 Sparkleberry, the traffic coming from the right and turning to the left of Clemson Road
23 and again now, the frontage that's coming from McDonald's, which there's a lot more

1 than 23 trips either way especially in the morning going towards the highway. And,
2 you know, I'm, I'm concerned about that because again, I know the area and we've
3 been through different cases before where I've almost been in accidents because of
4 certain scenarios.

5 MR. DENNIS: Sure.

6 MR. SMITH: And this, and this area here I have been in certain scenarios
7 where they were close to accidents just because of that. And I'm not seeing how a
8 frontage road is, is helping, it's almost hindering the area in which - and let me
9 explain that please. Because when you're looking at the opposite side of the street
10 that you're coming out of, yes you're clearing more traffic off of Clemson Road but
11 now you're causing a build up that's gonna be on the opposite side of Sparkleberry
12 that I don't think you've even, even expressed since we've been here especially
13 when you're looking at the trucks. This is not a full, full road and when you look at,
14 for example, I'm sure you might know on North Main when you look at the truck stop
15 there you have the frontage road that comes off of North Main where you have the
16 McDonald's there. Somewhat of a similar design, parking lot in the front but you also
17 have that road that goes, goes down as a true frontage road down the highway,
18 down 20 that gives you the space that you need. Now as I'm looking at this, I mean,
19 you have a little, you have a sewage bin, is that a trash truck -

20 MR. DENNIS: Yes, sir, that's a trash bin.

21 MR. SMITH: - trash bin on the back right corner there. When you look at the
22 curbing that you're gonna need, the degrees of separation are gonna be cutting into

1 the actual acreage of your land to be able to give you the degree, I was measuring
2 that as I was talking to you, of making a left, going outside of that property.

3 MR. DENNIS: Yes, sir.

4 MR. SMITH: So, if you can answer the question because I'm not seeing, you
5 mentioned it but I'm not seeing exactly what you're doing -

6 MR. DENNIS: I totally understand and sir, I apologize but since the Variance
7 hasn't been granted we have not fully designed this frontage road. But what I will tell
8 you is that, and I'm not gonna speak, I'm not an attorney obviously but -

9 MR. SMITH: I'm not an engineer, so.

10 MR. DENNIS: That's good we can communicate better, a lot better. But
11 certainly the Board would put the condition on to the applicant that this road as you
12 refer to as Sparkleberry and it's currently a private road, there's no public access, I
13 mean, it's not a public right-of-way. So this road is gonna have to be improved, that
14 trash been will not be there. The best thing you can have when you have two roads
15 that come to a, a larger road is you want them to come together at the same place,
16 you don't want them to be offset. So what we'll have is the frontage road is directly
17 across from where the patrons exit Frank's, so that's, that's a good thing.
18 Sparkleberry is gonna have to be improved, it's gonna have to be widened to a
19 certain degree, it's gonna have to accommodate trucks. It will have the proper
20 striping that any public road that Richland County or DOT maintains, and it will
21 definitely have the adequate turn radiuses for trucks and so forth.

22 MR. SMITH: Okay.

23 MR. DENNIS: Does that help your question, sir?

1 MR. SMITH: It helps, but you mentioned something earlier about a mutual,
2 mutual positive, positivity of how you have this set up with the frontage road and the
3 turning radius. It seems as if the Sparkleberry improvement is another part of that
4 mutual aspect that hasn't been, been incorporated here because it, you don't have
5 that on the, on the widening the embedment of Sparkleberry. I'm not seeing how it's
6 really helping besides, besides causing conflict from Frank's, which is not even
7 involved with the frontage road aspect at all. So when it comes down to the
8 embedment of the community yes it does help McDonald's but Frank's is, is sitting
9 back looking as if they're [inaudible] because now their entrance, people can't get in
10 because you have traffic backed up against the trash can or if not the trash can a
11 brick wall, if not as brick wall, whatever's gonna be replaced whenever the road is
12 redone. So -

13 MR. DENNIS: Yes, sir.

14 MR. MANN: There is a gate there to let people in and out, so there's only one
15 way into Frank's.

16 MR. DENNIS: It's hard to see but I'm gonna point it out on the exhibit there that
17 shows -

18 MR. SMITH: Thank you for that. Thank you for that cause I didn't see the gate
19 there, I see it.

20 MR. MANN: There is a gate.

21 MR. SMITH: Okay. I see it.

22 MR. DENNIS: I know the, with Frank's, Barry, the Exhibit A and, and bear with
23 me here. Here is Frank's, you've got the mechanical car wash here where the cars

1 drive through and then here are some shrubs where the cars are detailed. Frank's
2 only allows access from right here. There's a station here where you pay and you tell
3 them, you know, what type of car wash you want and then you can exit Frank's either
4 here in the rear, which would be directly across from the frontage road but, it's
5 currently closed. The primary exit is about 30' from the intersection with
6 Sparkleberry, which is one of the worst conditions you could ever have. You have
7 got cars leaving Frank's every day, stacking up, there's only 30' of storage before the
8 red light.

9 MR. SMITH: Well, that's what I, I'm asking. So I'm trying to get a sense in
10 regard to the area it's not the [inaudible] to make it harder to [inaudible]. I want to
11 make sure you're looking at it from this perspective.

12 MR. DENNIS: Exactly and I can't speak for Frank's at all.

13 MR. SMITH: I don't care about Frank's in this scenario, I care about them, yet
14 when it comes down to what you mentioned about what you're providing for your,
15 your neighbors I want to be sure that's incorporated with this presentation.

16 MR. DENNIS: Sure but -

17 MR. SMITH: [Inaudible] involved with the frontage road vote at all, they have
18 no vote in this. It's between you and, well they might, might not have chosen to have
19 a vote but it's between there and McDonald's, you and McDonald's and the
20 Firestone.

21 MR. DENNIS: Yes, sir I, I totally agree with your, your sensitivity to safety and,
22 and remember traffic engineering is a component of capacity and safety measures
23 and I've talked about the safety measures. We're gonna build the frontage road to

1 the proper standards, obviously the existing Sparkleberry will have to be improved to,
2 to accommodate the proper number of vehicles and, but let me tell you, let me ask
3 Barry Maddox to speak about the number of trips and how we generated these. And
4 ask him some tough questions cause he's a very smart guy.

5 MR. SMITH: Yeah, he went to Georgia Tech, but when it comes down to the,
6 the number I don't, I'm not even seeing how two people, two trips in the morning can
7 keep a store open but I'm looking forward to hearing Mr. Maddox's presentation.

8 **TESTIMONY OF BARRY MADDOX:**

9 MR. MADDOX: I'll try to make this quick. I'm Barry Maddox, 3736 Linbrook
10 Drive Columbia, 29204. Mr. Dennis actually misspoke it's the, all of the, on this figure
11 all the trips you see are site generated trips. The two and the 15 are utilizing the right
12 in, right out, or utilizing the right out rather, and these are exiting trips. So, you see
13 the, the three and the 11 and the 26, those are all vehicles also exiting the site and
14 McDonald's, that's also including the number of trips to McDonald's that are being
15 redistributed to the, to the signal. So, the two and the 15, most of the vehicles, the
16 only vehicles using that are those traveling north on Clemson Road and not turning
17 left on Sparkleberry or traveling south on Clemson Road to go back towards the
18 interstate, so.

19 MR. SMITH: Okay.

20 MR. MADDOX: So, but that, and these were generated with the IT Trip
21 Generation Manual, 7th Edition.

1 MR. GOSLINE: Mr. Chairman, I think part of the confusion here is, these are
2 peak hour trips, not total and so that the total trip would be rough 10 times peak
3 hours. So it's not two -

4 MR. SMITH: [Inaudible]

5 MR. GOSLINE: I think that might be part of the confusion.

6 MR. SMITH: That's, that's correct. I got you.

7 MR. GOSLINE: [Inaudible] trip too, okay.

8 MR. MADDOX: Does that explain, thank you.

9 MR. QUINN: Mr. Chairman, let me just say this incidentally in referring to the
10 gentleman's comment, obviously one of the things to make this work and, which the
11 Board has the right to do is to impose a condition upon which the Variance is granted
12 and that condition obviously would relate to what we call the back road from
13 McDonald's as well as the turning point. And what I am told by Mr. Brandies is there
14 is a site plan and I'd like to just ask him to take a few minutes to respond if he might
15 tell all of you about the site plan that I am told has been approved.

16 MR. BRANDIES: Is Geo's still up there, the site plan that was in the
17 application? If, if you recall in the original application there was a site plan and we
18 have met extensively with Staff for a number of, of items including the question that
19 you asked. It has been designed and it has been engineered if I can get Geo to pull
20 up real quick I'll, I'll answer your questions.

21 MR. SMITH: So it has already been engineered?

22 MR. BRANDIES: Yes, it has been engineered and, and we did it so I know that
23 that was the question. Staff when we originally met with Staff on this project we went

1 through parking, landscaping, traffic access, parking, any number of engineering
2 requests and most importantly moving of cars. And so we've met with Staff, showed
3 them the limits, we've met all the Richland County access standards, yeah that's it,
4 okay. If you see it in the, in the rear, now the only thing not on this site plan and Geo
5 it was one of your slides, it's a slide in your presentation, the only thing not on this
6 particular site plan is the rear access to McDonald's, there it is right there, you've got
7 it. We engineered it with a proposed entrance in the front, two items in working with
8 Carl and working with SCDOT is this connection here, if you notice this is an existing
9 connection, it is there today. This connection is existing, it is there today and it
10 physically exists. This, you mentioned about this road, this road is built with the
11 same width of lanes as Clemson Road, it can withstand the, the same width as
12 Clemson Road. This stacking from here to here is more than sufficient to handle any
13 peak hour traffic that will come out of the site and additionally the stacking would then
14 be backed into the site, not on this road, this road does not go through. So let's say
15 for example your scenario of there's a lot of traffic coming out of here, the stacking
16 would then be self-contained in the property, no different than a McDonald's that has
17 containment traffic, no different than a Burger King, it's all self-contained in that, in
18 that driveway here. So it's all self-contained.

19 MR. SMITH: Contingent to the light being green.

20 MR. BRANDIES: Contingent to the light being green. When the light turns it
21 then releases the traffic and then if the light, if all the traffic can't get through it is then
22 held and continues to store. That's the purpose of, of us having such a long
23 driveway, you go to any other of these locations here, all of those driveways are very

1 short and all of those driveways utilize the parking area to stack. We have a unique
2 advantage in our site that we don't have to do that that we can stack along this
3 driveway. It's actually a privately owned driveway, it is not a public road and there's
4 an access agreement between both properties, Frank's included. Frank's has been
5 very much involved in this design, and has been with us the entire way, they're very
6 much in support of this, very much in support of the location of the dumpsters, of their
7 access, and so we certainly wouldn't design this without them agreeing to it.

8 MR. SMITH: Do we have letters of, showing that, their approval of, of the
9 engineering plan?

10 MR. BRANDIES: We have not secured those letters, have not been asked to
11 but we can provide those.

12 MR. SMITH: Okay definitely, definitely.

13 MS. CECERE: When you, Mr. Brandies, when you originally purchased this
14 property was it, was it already divided into two lots?

15 MR. BRANDIES: Yes, yeah. The, you say two lots, Frank's and this?

16 MS. CECERE: No -

17 MR. BRANDIES: This property isn't actually divided in two, even in this
18 scenario -

19 MS. CECERE: Just one property but they're going to be two different
20 businesses on it?

21 MR. BRANDIES: That's correct. [Inaudible] excuse me, let me ask the
22 property owner that question. It currently, of course right now nothing has happened
23 cause there's no access. You know, so right now it's an empty piece of property

1 hoping to have some things. The idea is to sell the piece of property off to Firestone
2 and the owner would retain the upper portion for future commercial development. At
3 this point we're stuck without a project. Yes, sir?

4 CHAIRMAN MCDUFFIE: I notice on the, on the site plan that's been submitted
5 that it's, you know, future commercial development on there, there's obviously no
6 provision for access to Clemson Road on that, on that, what would essentially
7 become the daughter parcel at that point.

8 MR. BRANDIES: Correct.

9 CHAIRMAN MCDUFFIE: And I would certainly would hope that there's no
10 intention to come back before the Board at some future point in time to say now
11 we've got an extraordinary piece of property that you don't have access to and
12 nobody's gonna want to locate on this.

13 MR. BRANDIES: That's correct. Remember, this is just a first step in a long
14 approval process. We certainly don't wish to come back again for that access, we've
15 been asked to include all that could happen on that property and the traffic report
16 does include all the traffic that could happen on that property. And then we'd move
17 forward with site plan approval with Richland County and Carl's been very clear we
18 will not get a second access, don't even ask.

19 CHAIRMAN MCDUFFIE: I guess the part that I've got an issue with, and
20 maybe I could use a little bit of clarification on, is in Section 26-57 of, of the Land
21 Development Code it specifically states the fact that a property could utilized
22 [inaudible] should a Variance be granted, may not be considered grounds for a
23 Variance. Now I'm being told that without this access onto Clemson Road, you know,

1 no national developer is gonna want to locate there etc., etc., but at the same time
2 we've got a portion of this parcel reserved for future development that obviously has
3 access through, you know, not directly to Clemson Road but through someone else's
4 parking lot at that point and then access out the back, you know, onto, onto the
5 Sparkleberry. I guess I'm a little bit confused -

6 MR. BRANDIES: Okay, the difference in what you just said is that this parcel or
7 this parcel would have direct access to Clemson Road. This access is a joint access
8 between both properties, so to use your scenario why can't you develop this without
9 direct access to Clemson Road, it does have, if the Variance is granted, it does have
10 direct access to Clemson Road. Neither of these two would happen without that.

11 MS. CECERE: But right now it's just one parcel -

12 MR. BRANDIES: Correct.

13 MS. CECERE: Correct?

14 MR. BRANDIES: That's correct.

15 CHAIRMAN MCDUFFIE: And it seems to me that it's not undevelopable in its
16 current state it just may not be as developable as it could be in its current state.

17 MR. BRANDIES: The, the criteria is, is unreasonably restrict and that's
18 basically what we're saying is that this, not granting this unreasonably restricts the
19 type of developments that could go there. Doesn't mean, we're not talking about
20 profit, we're not talking about money, we're talking about is this a reasonable or an
21 unreasonable restriction and that's, that's what we're talking about.

22 MR. SMITH: What were you looking, what, what, who are you looking to buy
23 the property that's unreasonable?

1 MR. BRANDIES: I've testified to a number of different people have looked at
2 this, this isn't just the first time it's been looked at, in fact this has been before the
3 county previously, BB&T for example, Rite Aid was, submitted a sit plan approval.
4 Both of those require a right in or excuse me require full access, we've been able to
5 scale down to right in, right out. Both Mr. Dennis and I have testified as professional
6 engineers, as people who have worked a number of different developments
7 throughout the southeast that it is a non-starter to not have that direct access and
8 that right in, right out for the truck access and for, for cars.

9 MR. SMITH: I'm just, the last thing I want to mention, I'm not an engineer but I
10 have developed, I've been on the opposite side of this and I'll work with you guys,
11 [inaudible] to make it work, you know, so I'm not trying to say I know your, your
12 backgrounds at all but let's say if it's not, if it is a Rite Aid, if it is a Walgreen's, now
13 we've got different traffic percentages and averages coming out of this area all
14 together from a sandwich store and a Firestone to a Rite Aid and when it comes
15 down to you coming back asking for anything else you said you won't do so but if,
16 you know, the criteria of what those franchises are looking for, you know, I know it's
17 hard to give up front especially when you don't know who you're selling to. I do
18 understand that but in this case safety is the biggest factor and yes you do have a
19 back set of, of cars coming up here that other parts of Clemson Road do not have
20 businesses, but if it's a Rite Aid, if it's a Walgreen's now you have a family store that
21 has children in the parking lot. Well, now it's gonna be difficult to stack cars into that
22 parking lot because of the difference of type of business you're working with. So, you
23 know, as the plot thickens I want to make sure that it's thickened to the point to where

1 we're looking at the future and not to what the now is, especially when we don't have
2 any type of documentation saying what it is, what it's going to be or a guarantee of, of
3 how it's gonna be utilized. And yes, you're right we can provide provisions to, to
4 approve or, or deny with, with those provisions of Sparkleberry being upgraded but
5 from my perspective I'm scared. I just had a daughter two weeks ago. Walking in a
6 parking lot with a bunch of cars backed up is a scary thing to me but that's my
7 personal opinion and I'm here to give that as a Board, Member of the Board. So I
8 want to thank you for your time and that's my last question for you.

9 MS. CECERE: I have a question for Staff just to -

10 MR. BRANDIES: Do you want me to address that?

11 MR. SMITH: I would love for you to but that was my last question, well
12 statement.

13 MR. BRANDIES: The challenge is that no, no one entity in Richland County
14 can guarantee anything and we're really not asking you to do that. There are a lot of
15 layers of approvals beyond you that works towards that, that, that issue. None of
16 these other properties for example can be restricted in the same way you just
17 mentioned. And so what we're asking is it exceptional, is it extra to protect this
18 property different than all the other properties in the area. And that's really the, when
19 you boil it down the fundamental thing we're asking you, is it exceptional and extra
20 and extraordinary to place that restriction on this property and this location, and we
21 feel it is. And that really meets the criteria that you're reviewing. I understand what
22 you're saying but there are also a lot of other entities, Planning Commissions, that

1 look at the similar thing that you've talked about and engineers and owners and
2 liability insurance all look at that. Is there another question?

3 CHAIRMAN MCDUFFIE: For Staff?

4 MS. CECERE: I have a question for Staff. Mr. Gosline if, if this property were
5 to just have one business on it and not two, would it then meet the requirements for
6 the Richland County zone?

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

8 MS. CECERE: On, on the, on the driveway in and out if - I think the way we're
9 looking at this now is we're just seeing that, if it was just Firestone in here instead of
10 another sandwich shop we're just talking about one piece of, one parcel not two.

11 CHAIRMAN MCDUFFIE: We need to look at the parcel as it is currently
12 constructed -

13 MS. CECERE: Correct.

14 CHAIRMAN MCDUFFIE: - you know, for, for whether or not they should have a
15 Variance on this particular parcel for an access. And I don't think we can consider
16 necessarily what potential future uses this parcel may incur or not incur. It's the
17 question of whether or not -

18 MR. GOSLINE: The Department has said from the beginning that we want this
19 property to be designed and planned and accessed as a whole regardless of what
20 goes in there. The principal issue, one of the principal issues with the applicant is
21 that they can't get their tractor-trailers in there to serve Firestone. The answer to that
22 is it could be developed with other commercial land uses that would use smaller
23 trucks that wouldn't have the turning movement. Another issue is that, they've said

1 that it, it effectively precludes a number of businesses. If, if the access has been,
2 requested right in, right out is denied then yes it will preclude maybe businesses that
3 would use, need big tractor-trailers to service them but there's a hell of a lot of
4 businesses that doesn't need that, least of which is a sandwich shop and, and Rite
5 Aid and some others. Another point that, that Dan said was having that intersection
6 there you only have 300' to make a weaving movement to get, to go north or
7 whatever it is on Sparkleberry and that's dangerous. Totally concur. I think that
8 makes our case. I think that, you know, we also concurred that the cross access
9 easement is the best thing that's happen out there to anything and will help a great
10 deal. The issues has never been amount of traffic, it's the access that violates our
11 separation requirements and it's really kind of that simple.

12 CHAIRMAN MCDUFFIE: Are, are there any other individuals that are signed
13 up to speak that have not yet spoken?

14 MR. QUINN: Mr. Chairman we, we would like just a couple brief remarks from
15 the owner.

16 CHAIRMAN MCDUFFIE: Okay, is the owner signed up on, on the -

17 MR. QUINN: Yes, sir and what I would like to do [inaudible] and that reflects
18 the testimony of Mr. Dennis with respect to the PowerPoint and also [inaudible]
19 testimony of Mr. Brandies, so it is word for word Mr. Dennis' presentation and
20 testimony.

21 CHAIRMAN MCDUFFIE: Sir, state your name and address for the Record.

22 **TESTIMONY OF BUD MANN:**

1 MR. MANN: Thank you, Mr. McDuffie. My name is Edward Mann, I live at 636
2 Springlake Road in Columbia, 29206. And I want to thank you, Mr. McDuffie and
3 Board for letting us come back before y'all again. You know, the last time that we
4 came in I wasn't here but after we, I've heard what had happened we immediately got
5 a meeting with Mr. Kocy and Mr. Gosline and with Mr. Price and, and heard the
6 Board's, y'all's concerns through y'all's testimony through the report that they gave us
7 from the meeting. And I think, Ms. Cecere, one of yours was, was real safety issues
8 and yours too Mr. Smith, and I hear today that, that, that it's still the same and what
9 we did is after we heard from Staff is we went and found who we thought was the
10 best premier traffic study engineer in the state. I would say that Dan and his Staff
11 probably do as much if not more for South Carolina DOT who controls and owns this
12 road that we are trying to get a curb cut on, that they do more than, than most in the
13 state. And we asked how can we make it safer, that was one of Carl's main concerns
14 and, and how do we go about it? So what we did is on Exhibit C we went back to
15 David Brandies and, and this building was back here and so what we did is we slid it
16 forward to allow for 31' and usually a driveway in between them is only 24, we're
17 allowing for 31' to come in and out of the Sparkleberry Lane extension. Now, Mr.
18 Smith, that extension was originally approved and planned by Richland County
19 because when BB&T came in they came in with Frank's Car Wash, they did that,
20 they paid for the additional right turns out for the lights and if you'll see, if you'll notice
21 that it is widened right where, where it comes out and that's so you can take a right
22 turn out or you can go straight and that also, there are also lights that will let you go
23 that way, coming this way from, onto Clemson Road from Sparkleberry. All of that

1 was designed. I hear y'all's concern about us putting another business there at what
2 it's gonna be. Y'all, in this environment we feel real lucky to even have one business
3 that wants to go out there because it has been just, our, our industry has been
4 decimated by everything that y'all know is going on. We, we don't know what other
5 business will go there but whatever business goes there we're gonna have to come
6 back before Mr. Gosline and Planning and everybody and go back through this
7 again, no matter what we do. Mr. Gosline has already said that there's not gonna be,
8 you've got that, that there's not gonna be a curb cut on this whole side, everybody's
9 gonna have to exit out here if we come back in. DOT says you can go to 150' so we
10 can probably get one there but he's not gonna allow it because it, again will go
11 against the, against the ordinances that y'all have. I don't want to come back here
12 again, I promise you. This has been too expensive, too long and too hard, and I'm
13 getting too old. So, so, you know, what we think we have done is we have, we have
14 met all of the four criteria that are required to just ask and get a Variance. By giving
15 us a right in, right out it is only, y'all, it is only one right in and right out for all 348' of
16 this site, we will never, number one DOT will not approve it because we had to meet
17 the 150' of their criteria to the Sparkleberry light. And, and we can't get one from
18 them, we certainly aren't gonna come back in and get another one from y'all cause
19 number one I'm not gonna be here, and we also feel that providing this, this frontage
20 road, you know, we are giving up property that we could have built on, that we could
21 have had, that we could have had parking on and we have given up and it's about
22 \$136,000 worth of property that we're going to basically donate to get through and
23 McDonald's has required us to build the road, which is another \$42,000. So we're

1 gonna have \$175,000 to relieve the traffic coming out of there and it just makes more
2 sense. Even Carl in, in his report three times agreed that it was safer. But what,
3 what he is saying is that it doesn't meet the 250' and it doesn't but you would have,
4 literally, you would have to be, if y'all can see you've got Exhibit A, Barry. To get 500'
5 you would have to be to here, that's the size of the property for a, for a right in, right
6 out curb cut in Richland County when you're in our position. And it's, it is punitive
7 and it is restrictive. If we don't get this right in, right out, y'all, literally I don't know
8 who we would put there. No national, no national retailer that we deal with will go
9 there in, in that position with, without having entrance and exit from Clemson Road.
10 Firestone luckily said that they would accept a right in, right out and it was only due
11 because Jenkins went up and talked with them along with Mays and Company. We
12 aren't even developing it, Mays and Company is developing it. And we think that we
13 have done everything to ensure safety, help safety for not just us but for that whole
14 little corridor. It is stacked up, Mr. Smith, and, you know, and, but we think we, this
15 really helps and that's why we have, I wanted to say paid him a lot of money, but
16 that's why we hired Dan to come in and, and help us with this to make sure that we
17 were going to do it. And, and he literally said if this doesn't work then it's gonna go
18 the other way and, and it did when he put, when he put in the, the frontage road and
19 Jenkins went and got, got the guys that helped us with this, the Shopping Center
20 Group, they happen to represent McDonald's all over the southeast and they were
21 able to get that done for us. So we have worked hard and diligently to help with the
22 safety with everything we've got and hopefully allieve Mr. Kocy and Mr. Gosline of

1 some of their worries. And I appreciate the time, y'all, we really do and, and if y'all
2 have any questions I will be glad to answer them.

3 CHAIRMAN MCDUFFIE: Thank you. Are there any questions at this time for
4 Mr. Mann?

5 MR. KOCY: Mr. Chairman, I don't have question but if I could have a couple
6 minutes.

7 CHAIRMAN MCDUFFIE: Absolutely.

8 MR. KOCY: But I'll wait until you have any questions.

9 CHAIRMAN MCDUFFIE: Are there any questions at this time for Mr. Mann?
10 Alright, there's no questions at this point I'd like to call Mr. Kocy.

11 MR. MANN: Thank you.

12 MR. KOCY: Thank you, Mr. Chairman and ladies and gentleman of the Board.

13 CHAIRMAN MCDUFFIE: One second, Mr. Kocy, were you sworn in today?

14 MR. KOCY: I don't believe I was.

15 MR. PRICE: He's Staff, he wouldn't lie.

16 MS. LINDER: Is the testimony you're about to give the whole truth and nothing
17 but the truth so help you God?

18 MR. KOCY: Yeah, I do.

19 **TESTIMONY OF JOE KOCY:**

20 MR. KOCY: Joe Kocy, Planning Department Chairman. I have great respect
21 for my colleagues Mr. Brandies and Mr. Dennis they're very smart. They know a lot
22 more about traffic than I do. My only knowledge of traffic is I passed the driving test
23 30 some years ago and I have a license. But I have some concerns about this

1 application. I, Barry could you put on C, the site plan please? I think it's admirable
2 that the applicant is providing this access drive, he is making a great safety
3 improvement for both McDonald's property and for his site. It's an admirable thing
4 and we'll see more and more of this as business owners realize what a great safety
5 thing it is and enhances their sites, we'll see more of this in the future and these
6 gentlemen should be complimented because they're the first to do it in the county, or
7 one of the first. But this safety improvement does not eliminate this safety hazard
8 here at their proposed driveway nor does it eliminate the existing driveway here at
9 McDonald's, those are still safety risks. We heard a lot in the traffic counts, the
10 proposed counts, the traffic forecast and maybe there's gonna be a sandwich shop
11 here. What if it's not a sandwich shop, what if it's a Dunkin Donuts and it has more
12 than two customers at peak AM traffic? We could be talking about a whole lot more
13 traffic. We've, I understand the applicant is concerned about access, he's got a great
14 driveway right here, it's called Sparkleberry Extension, great driveway with an
15 intersection right at the end, with a traffic signal right at the end of his great driveway.
16 So I think that this is wonderful access to the entire site, to the Firestone dealership
17 or whatever this might be today and whatever these future retail uses might be in the
18 future. Are we unreasonable in our restricting access to this site by, by Staff not
19 suggesting a curb cut here? No, are we restricting it? Yes. But is it an unreasonable
20 restriction? No, I don't think so. Again, we've got this wonderful driveway here to the
21 entire site with a traffic signal; I don't think that's unreasonable I think that's great
22 access. The driveway is a safety concern and as we heard we have a, a public good
23 concern to worry about here and I think that this curb cut here on Clemson Road is a

1 public concern and it's to the public good to restrict the access there. And I think all
2 access to this site could easily be handled by this wonderful driveway here with a
3 traffic signal at the end. Thank you.

4 CHAIRMAN MCDUFFIE: Are there any questions for Mr. Kocy?

5 MR. QUINN: Mr. Chairman, just to, no more than a minute. Just to thank you
6 and the Board Members for listening and for your time today. It has taken a long
7 time, I don't believe any of us expected this but we do thank you very much. Two
8 real quick remarks. One, it certainly is in, we've heard it on the stand, on the
9 testimony Mr. Kocy just said it that it is a great safety improvement. Now opinions
10 differ, you've heard essentially the Staff's opinion, you've heard the opinion from the
11 applicant. That's not unusual, that happens a lot cause while we respect their
12 opinion I think you know that they in turn respect the opinion of Mr. Brandies, Mr.
13 Dennis and the property owner. What we have done I believe without any question,
14 we have addressed the concerns expressed, the safety concerns, without doubt and
15 number two, most importantly from a legal standpoint I believe we have met the full
16 criteria that is required in order for the Board to grant a Variance. I think we've
17 shown the practical reasons why the Variance should be granted and I think without
18 doubt we have shown the legal reasons why it should be granted which was our task.
19 Again, thank you very much for your time and your interest. We all appreciate it.

20 CHAIRMAN MCDUFFIE: Thank you, Mr. Quinn. At this time the, the Board will
21 entertain discussion?

1 MR. QUINN: [Inaudible] do expect the Board to impose the condition of, of the
2 back road and, and I know I said that but I just want to point that out again. Thank
3 you.

4 CHAIRMAN MCDUFFIE: Thank you. At this point if Mr. Rush would please go
5 through the Finding of Fact.

6 MR. RUSH: And I'll just, do you want me to go through all of them or just
7 starting with number four?

8 MS. CECERE: Excuse me, Mr. Rush, may I just say one thing? I know Mr.
9 Quinn just said that everyone has expressed their opinion but the thing is the
10 opinions are one thing and the Code is something else and so we have to make sure
11 that we listen to Staff and we also listen to the applicant but basically we need to
12 concentrate on all the extraordinary and exceptional -

13 MR. RUSH: I agree with that. I think it's one thing to sort of get off and, you
14 know, didn't want to get too far down that road, when I got on weaving and different
15 things like that because that was really irrelevant if you got back to the fact of the site
16 specifically. But I'll go ahead and start with the Findings of Fact. Was there notice of
17 public hearing posted for the property? I assume yes. Fifteen day, you know, 15
18 days prior to public hearing. Number four are there extraordinary and exceptional
19 condition pertaining to the particular piece of property? And I would say no on that
20 one. I, you know, just judging the property on this merit looking at the lot itself I just
21 don't see any extraordinary or exceptional conditions that, you know, you know,
22 having the curb cut, you know, would be great but at the same time according to, you
23 know, just looking at the property on this merit I just don't see any.

1 CHAIRMAN MCDUFFIE: There certainly is still access to the parcel, it's not,
2 not being, you know, it's not being cut off from, from access it just may be not access
3 that's preferable to, to a retail client or a potential tenant. But I also, I mean, just the
4 fact that there are [inaudible] preexisting, you know, curb cuts at some of the other
5 parcels nearby or at, at a lot of the other parcels nearby, myself, I don't believe it
6 creates an extraordinary or exceptional condition on this particular parcel.

7 MR. COOKE: But when we say national retailers we're saying it's not
8 preferable but doesn't that strike toward the usability of the property? If it's not, if it's
9 not preferable by a national retailer, if that's not in place, doesn't that strike towards
10 the actual - that's, I'm thinking that's what makes it extraordinary because of the
11 usability.

12 CHAIRMAN MCDUFFIE: That's, that's not really something I think that we can
13 consider towards the Variance whether or not it might be preferable to a national
14 retailer or whether or not it might be preferable to someone who needs or does not
15 need semi-trucks to -

16 MR. KOCY: Mr. Cooke, I think preferable or acceptable, they're two different
17 words. My preferable car would be a Ferrari, my wife, I accept the fact that my wife
18 only let's me have a Ford Focus.

19 MR. MANN: Mr. Chairman [inaudible].

20 CHAIRMAN MCDUFFIE: I'll give you a minute to speak but approach the
21 podium to -

22 MR. MANN: Okay, do you want me to come up?

23 CHAIRMAN MCDUFFIE: If you wish to.

1 MR. MANN: Y'all it, it's just that people that will go there that, that y'all would
2 want in the neighborhood will not go there without having a curb cut on Clemson
3 Road. Mr. Kocy and Mr. Gosline say that well you get a smaller user who doesn't
4 have a semi. Everybody has trucks, everybody has trucks delivering to them whether
5 the deliver in the front or they deliver in the back. It is exceptional and it is unusual
6 because this property is not, y'all are not allowing a curb cut on Clemson Road. And,
7 and we're giving a frontage road on the back to relieve anything. I mean, everybody
8 has trucks no matter if they're large or small, they're all gonna end up having to back
9 up trying to get out. It's, we won't be able to use the property to its fullest use. It will
10 restrict us unreasonably.

11 CHAIRMAN MCDUFFIE: Thank you very much, Mr. Mann.

12 MR. MANN: Thank you.

13 CHAIRMAN MCDUFFIE: Your comments are noted. At this time we'll hold up
14 on any further comments from, from Staff or from the applicant unless there are
15 specific questions. Thank you.

16 MR. RUSH: Yeah, just getting back to what we were saying towards
17 extraordinary conditions. I say no I don't think that, you know, like, you know, I think
18 Mr. Cooke was speaking to the fact of having national clients. I understand that
19 perspective but at the same time if we're getting to what we are here for looking at
20 the property specifically, I don't think we can, you know, that's, that's not the what we
21 should get into in my opinion. So with that being said are there any extraordinary or
22 exceptional conditions? My answer to that is no and I would like to make a motion.

1 CHAIRMAN MCDUFFIE: Okay. The Chair recognizes [inaudible] make a
2 motion.

3 MR. RUSH: I would like to make a motion to deny Case number 09-04
4 Variance on the fact that there are no extraordinary or exceptional conditions
5 pertaining to that particular piece of property.

6 CHAIRMAN MCDUFFIE: Okay, we have a motion, is there a second, at this
7 time? Is there a second?

8 MR. SMITH: I'll second that.

9 CHAIRMAN MCDUFFIE: Mr. Smith has second. All in favor? All opposed?

10 MS. CECERE: I'm sorry, Mr. Chair I did not vote because I was, was having a
11 side discussion.

12 CHAIRMAN MCDUFFIE: Okay, actually Mr. Price should, should call this.

13 MR. PRICE: If you'll make them do your vote again.

14 CHAIRMAN MCDUFFIE: Okay.

15 MS. CECERE: I'm sorry before, I wanted to just make sure also that we say
16 that we've, that there is still access to this property not just on Clemson Road but
17 also on, on Sparkleberry. I think that just needs to be included.

18 CHAIRMAN MCDUFFIE: That has been adequately presented in the motion.
19 Mr. Rush if, at this time if you could restate your motion and Mr. Price will call the
20 vote.

21 MR. RUSH: I would like to make a motion to deny Case number 09-04
22 Variance on the basis that there are no extraordinary or exceptional conditions

1 pertaining to that particular piece of property because you still have access off of the
2 Sparkleberry Lane.

3 MR. SMITH: I'd like to second him.

4 CHAIRMAN MCDUFFIE: Alright, Mr. Price please call the vote.

5 MR. PRICE: Can you call the vote? Those in favor Rush, McDuffie, Cecere,
6 Smith. Those opposed? Branham, Cooke.

7 *[Approved: Rush, McDuffie, Cecere, Smith; Opposed: Branham, Cooke; Absent:*
8 *Perrine]*

9 CHAIRMAN MCDUFFIE: Mr. Quinn, your request for a Variance has been
10 denied and Staff will be in touch. Thank y'all very much.

11 MR. MANN: Thank you Mr. Cooke, thank you Mr. Branham. We won't include
12 ya'll.

13 CHAIRMAN MCDUFFIE: At this time [inaudible].

14 [Inaudible discussion]

15 BRIAN: Mr. Chairman, in Other Business, a reconsideration on case heard last
16 month, it's 09-02, Robin Shealy. She asked for a reconsideration.

17 CHAIRMAN MCDUFFIE: What was the case number?

18 BRIAN: 09-02 V, Variance. The applicant was Robin Shealy. Mr. Price should
19 have provided you a letter. She's asking for a reconsideration on a denial from last
20 month.

21 CHAIRMAN MCDUFFIE: Okay is there, is there a motion to reconsider for
22 Case 09-02?

23 MR. BRANHAM: I'd like to make the motion to reconsider.

1 CHAIRMAN MCDUFFIE: Okay, is there a second?

2 MR. SMITH: Second that.

3 CHAIRMAN MCDUFFIE: Alright, Mr. Smith has seconded. If, if Staff would, I
4 guess we need to vote. All in favor?

5 *[Approved: Branham, McDuffie, Cecere, Smith; Not voting: Rush, Cooke; Absent:*
6 *Perrine]*

7 CHAIRMAN MCDUFFIE: If Staff would please place the case to reconsider on
8 like the May Agenda.

9 BRIAN: Yes, sir.

10 CHAIRMAN MCDUFFIE: I didn't call opposed cause we had, everyone else
11 was in favor. Alright, at this time we need to, is there any other business before we
12 look at the approval of Minutes?

13 BRIAN: No.

14 CHAIRMAN MCDUFFIE: Okay, so at this time are there - we'll look at
15 approving Minutes from last time, are there any changes or any - thank you. Are
16 there any, are there any changes for the Minutes that need to be made? Is there a
17 motion to approve the Minutes?

18 MR RUSH: I would like to make the motion to approve the Minutes, with the
19 exception of Case 09-02.

20 CHAIRMAN MCDUFFIE: Okay, alright is there a second?

21 MS. CECERE: I second.

22 CHAIRMAN MCDUFFIE: Alright all in favor?

23 *[Approved: Branham, Rush, McDuffie, Cecere, Cooke, Smith; Absent: Perrine]*

24

1 CHAIRMAN MCDUFFIE: Alright, and at this time if there's no other business,
2 meeting adjourned.

3

4

[Meeting Adjourned at 2:55 p.m.]