

**RICHLAND COUNTY PLANNING COMMISSION**  
**April 2, 2012**

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4 *Present: Heather Cairns, Olin Westbrook, Kathleen McDaniel, David Tuttle, Patrick*  
5 *Palmer, Stephen Gilchrist, Deas Manning, Howard Van Dine, III, Wallace Brown, Sr.*  
6

7 Called to order: 1:05 pm

8 CHAIRMAN PALMER: We'll call the April meeting of the Planning Commission  
9 to order. Let me read this into the Record, in accordance with the Freedom of  
10 Information Act, a copy of the Agenda was sent to radio, TV stations, newspapers,  
11 persons requesting notification, and posted on the bulletin board in the lobby of the  
12 County Administration building. I'd like to start our meeting today by welcoming our new  
13 Planning Director, Ms. Hegler, to our county here and we look forward to having you  
14 and we look forward to all the new ideas you bring to us here at Richland County, thank  
15 you. We have, we did not receive any March Minutes so we'll defer that item till next  
16 month's meeting. Do we have any other – yeah, I'm gonna put it under Agenda  
17 Amendments. Do we have any other Agenda Amendments?

18 MR. VAN DINE: Mr. Chairman, I would like to make a motion that we move  
19 Case 12-09 MA to the end of the Map Amendments cause I have a feeling it's gonna  
20 take a substantial amount of time and the other people who are here on the other  
21 amendments would seem to be better served if we could get them out as quickly as  
22 possible.

23 MR. TUTTLE: Second.

24 CHAIRMAN PALMER: Okay, we have a motion and a second. Would that  
25 motion also include to defer the March Minutes?

26 MR. VAN DINE: Yes.

1 CHAIRMAN PALMER: Any other Agenda Amendments?

2 MS. LINDER: Mr. Chairman, on Case 12-15 the Applicant has requested a  
3 deferral on that and that would be up to you to decide when you get to that item.

4 CHAIRMAN PALMER: Anything else? All those in favor of the motion please  
5 signify by raising your hand.

6 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
7 *Brown]*

8 CHAIRMAN PALMER: Road name approvals?

9 MR. VAN DINE: So moved, Mr. Chairman.

10 MR. TUTTLE: Second.

11 CHAIRMAN PALMER: We have a motion and a second to approve road names.  
12 All those in favor please signify by raising your hand. [No list of road names included in  
13 Agenda, Ms. Tindall on vacation]

14 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
15 *Brown]*

16 CHAIRMAN PALMER: Case No. 12-14 MA.

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

18 MR. LEGER: Thank you, Mr. Chairman, good afternoon everyone. The  
19 application here, 12-14 MA is located on Old Tamah Road. The Applicant is Lee Blythe  
20 representing Marion Bouknight. The property is almost 30 acres in size, it's currently  
21 zoned RU, our Rural District. The Applicant is requesting RS-MD, which is Residential  
22 Single-Family Medium Density. The RU District is the original zoning from 1977. The  
23 property has between 500 and 600' of frontage on Old Tamah Road. In the vicinity most

1 of the property is zoned Rural. To the north, south and west are either undeveloped or  
2 residential in nature, and to the east we have a piece of property zoned RS-MD, which  
3 is the Kingston Village subdivision. You have a number of other subdivisions in the  
4 area of different zoning classifications; RU, RS-MD, and RS-LD. The Comprehensive  
5 Plan recommends suburban in this area and the Staff felt like the proposal would meet  
6 that request, has the density for this – the Comprehensive Plan recommends four to  
7 eight and the application meets that density. The property is currently for the most part  
8 undeveloped and wooded, and again is located near other subdivisions of similar  
9 density. For those reasons our Staff recommended approval of the request at this time.  
10 If you have any questions I'd be glad to try and answer them.

11 CHAIRMAN PALMER: Any questions for Staff? When I call your name if you  
12 would come up to the podium, and this is for everyone, if you would give us your name  
13 and address and if you could limit your comments to two minutes. Also, I know we have  
14 a lot of people here today to speak to one particular issue but if you would keep in mind  
15 that if, if you are in agreement with the previous people in front of you, feel free to say, I  
16 agree, you know, either for or against, kind of in essence of time. Mr. Lee Blythe?

17 **TESTIMONY OF LEE BLYTHE:**

18 MR. BLYTHE: I'm Lee Blythe, 414 Carro Lane, Chapin, South Carolina 29036.  
19 I'm really just here to answer any questions if you guys have any and I'm obviously for  
20 the rezoning.

21 CHAIRMAN PALMER: Any questions? Thank you. Frank Cason?

22 MR. BLYTHE: Skip Frank.

23 CHAIRMAN PALMER: That's all we have signed up to speak.

1 MR. VAN DINE: Mr. Chairman, in light of the fact that no one has opposed this  
2 I'd like to make a recommendation that we send this forward with a recommendation of  
3 approval.

4 MR. GILCHRIST: Second, Mr. Chairman.

5 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?  
6 All those in favor please signify by raising your hand.

7 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
8 *Brown]*

9 CHAIRMAN PALMER: There's none opposed. Case Number 12-15 MA. We  
10 had a –

11 MR. TUTTLE: Mr. Chair, to remind you, this is the one that the Applicant had  
12 requested for deferral.

13 CHAIRMAN PALMER: We had the request come in this morning for deferral. Is  
14 there any objection from the Planning Commission for that deferral?

15 MR. VAN DINE: I would move we defer this until our next Planning Commission  
16 meeting, Mr. Chairman.

17 MR. TUTTLE: Second.

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

20 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
21 *Brown]*

22 CHAIRMAN PALMER: Case No. 12-16 MA.

1 MR. MCDANIEL: Mr. Chairman, I apologize, I forgot to get a recusal form for  
2 this. I will need to recuse myself on this issue, so if counsel can provide me with that I'll  
3 fill it out for you.

4 CHAIRMAN PALMER: Okay, we'll add that in at the end of the case. Go ahead.

5 **CASE NO. 12-16 MA:**

6 MR. LEGER: Mr. Chairman, the application project number is 12-16 MA. The  
7 Applicant is Mr. Michael Reynolds. The property is about two acres in size and it's  
8 currently zoned RU. Mr. Reynolds is requesting an RS-LD, which is Residential Single-  
9 Family Low Density. The original zoning was approved in 1977 as RU, Rural District.  
10 There was a Variance that was proposed some time back that was denied by the Board  
11 of Zoning Appeals. There was a Map Amendment that came before you just recently  
12 from the RU to the RSE, that was denied by Council recently on March 27<sup>th</sup>. Mr.  
13 Reynolds has, in the meantime, requested this RS-LD change. His property has 161' of  
14 frontage on Richard Franklin Road. Our Comprehensive Plan again in this vicinity  
15 recommends suburban which is four to eight units per acre. The Staff felt like the  
16 application came close to meeting that recommendation, however, did not fall within the  
17 four to eight units. The property is currently occupied by a large metal paneled building,  
18 it's partially wooded and is on Lake Murray. Because the applicant does not specifically  
19 meet the letter of the law with regards to the Comprehensive Plan and the zoning  
20 district in and of itself is really out of character with the types of development and the lot  
21 sizes in the area, the Staff recommended disapproval of this application at this time. If  
22 you have any questions I'll be glad to try and answer them.

1 MR. TUTTLE: Yeah, I have a couple questions for Staff if I could. So this was  
2 before us last month I guess?

3 MR. LEGER: Yes, sir. That's correct.

4 MR. TUTTLE: And that was a more restrictive zoning that we had approved  
5 than is before us today, correct?

6 MR. LEGER: That's correct. It's a larger, much larger lot size.

7 CHAIRMAN PALMER: Any other questions for Staff?

8 MR. TUTTLE: I do have one other. And the reason that Staff felt it didn't meet  
9 the Comprehensive Plan is because it wasn't dense enough?

10 MR. LEGER: That's correct.

11 MR. MANNING: Can you enlighten us to the reasons that Council denied the  
12 application?

13 MR. LEGER: I'm not sure I have all that in memory on that one.

14 MS. LINDER: The best I can recollect is there were comments that they wanted  
15 no change.

16 CHAIRMAN PALMER: Mr. Price?

17 MR. PRICE: Just a point of clarity. One of the things that we looked at from a  
18 Staff standpoint in relation to the Comprehensive Plan, I believe before we saw that the  
19 proposed zoning to an RSE was coming more into compliance with what the  
20 Comprehensive Plan called for. One of our concerns was that we were looking to  
21 rezone just one parcel within an existing subdivision and so we felt that that was more  
22 the basis for the grounds for denial. You know, if it had come in as an entire subdivision

1 we probably would've been able to support that more, but to do one parcel within we felt  
2 was not keeping in character with the surrounding properties.

3 MS. CAIRNS: I mean, but I also heard from Staff that one of the reasons why  
4 the disapproval was that it's not dense enough based on the Comp Plan. So how can it  
5 be not dense enough and not, inconsistent with the other parcels?

6 MR. PRICE: I think the language is that it was more, I mean, closer to being in  
7 compatibility with what the Comprehensive Plan called for, because the Rural clearly  
8 was off but going to RSE brought it closer to that four to eight units per acre that the  
9 Comprehensive Plan calls for. Cause RSE was I think 2.2 units.

10 MS. CAIRNS: But again, I'm hearing contradictory reasons for the Staff  
11 recommendation of disapproval. I mean, had he asked for RS-MD which would've  
12 gotten him the density would he then have an approval recommendation?

13 MR. PRICE: Not necessarily. Once again, we do try to use the Comprehensive  
14 Plan as a guide for, you know, for approval and denial but we did, in this particular case  
15 we did look, this would be essentially, I don't want to say spot zoning, but it would've  
16 been right in the middle of an existing subdivision.

17 MS. CAIRNS: But I think as we talked about last time is that every existing  
18 house is in violation of the current zoning because of setbacks.

19 MR. PRICE: Well, there are a couple. The ones that were granted Variances I  
20 would not say were in violation.

21 MS. CAIRNS: Well, but for the Variance.

22 MR. PRICE: Right.

23 MS. CAIRNS: Like the Rural, the Rural, okay right.

1 MR. PRICE: Based on existing setbacks there are a number of homes that do  
2 not meet the required setbacks for that district.

3 MR. TUTTLE: So if my memory is correct, I remember this Applicant had gone  
4 through the –

5 MR. PRICE: Board of Zoning Appeals.

6 MR. TUTTLE: - yeah, BOZA and done everything possible. I mean, is he just to  
7 go through the zoning matrix till something works? I mean, I don't understand.

8 MR. PRICE: Well, that is an option that's available to him.

9 MR. TUTTLE: I'd like to make a motion that Case No. 12-16 MA – does  
10 anybody, is –

11 CHAIRMAN PALMER: There's nobody signed up to speak.

12 MR. TUTTLE: I'd like to make a motion that Case No. 12-16 MA be sent forward  
13 to Council with a recommendation for approval.

14 MR. MANNING: Second.

15 CHAIRMAN PALMER: We have a motion and a second. I'd also like to add that  
16 I can understand that thought process at some point and perhaps the RSE, putting in a  
17 new zoning classification into a neighborhood, while I voted for it I can understand the  
18 Staff's thought process behind the possibility of somebody looking at that and saying  
19 that, you know, this could possibly be a spot zoning type instance. But in this case lots  
20 directly across the street as well as one lot over do have the same kind of zoning  
21 classifications, it looks like it's something that could kind of take on in this area. I'm  
22 certainly in favor of the, of the rezoning and don't think that the spot zoning could be an  
23 issue here with it being directly across the street from it, so.



1 MR. VAN DINE: Mr. Chairman, in light of the fact that this is a recommendation  
2 against Staff, whatever reasons need to be stated for justification.

3 MR. TUTTLE: Okay, I'll change my motion to state that because the property  
4 across the street is a similar zoning, therefore I think it's appropriate zoning.

5 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

6 MS. LINDER: Mr. Chairman, I'd like to point out for the Record that Ms. Kathleen  
7 McDaniel has recused herself and when she comes out she'll state her reasons.

8 CHAIRMAN PALMER: Thank you. Is there any other discussion? All those in  
9 favor please signify by raising your hand.

10 *[Approved: Cairns, Westbrook, Tuttle, Palmer, Gilchrist, Manning, Van Dine, Brown;*  
11 *Recused: McDaniel]*

12 CHAIRMAN PALMER: There's none opposed. I'd like to read this into the  
13 Record as it pertains to Case No. 12-16 MA which we just took action on. It says, "Dear  
14 Mr. Palmer, I must request to be excused from participating in discussion or voting on  
15 Agenda Item # 12-16 MA regarding 1236 Richard Franklin Road which is scheduled for  
16 review and/or discussion at today's Planning Commission meeting. It is my  
17 understanding of the Rules of Conduct, provisions of the ethics, government  
18 accountability and campaign reform laws that since my law firm represents the  
19 Applicant I will be unable to participate in this matter through discussion or voting. I  
20 would therefore respectfully request that you indicate for the Record that I did not  
21 participate in any discussion or vote relating to this item, representing a potential conflict  
22 of interest. I would further request that you allow and direct this letter to be printed as  
23 part of the official Minutes and excuse me from such votes or deliberations and note

1 such in the Minutes. Thank you for your consideration in this matter. Sincerely,  
2 Kathleen McDaniel.” And please let the Record reflect that she was not in the room for  
3 discussion or the vote. Case Number 12-17 MA.

4 **CASE NO. 12-17 MA:**

5 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Richland  
6 County representing the City of Columbia. The property is located on Garners Ferry  
7 Road, it is very small in size, almost .1 acres. The current zoning is RU and the  
8 Applicant is requesting a GC, General Commercial District. The RU District is the  
9 original zoning from 1977. Again, it’s a very small lot, it has about 50’ of frontage on  
10 Garners Ferry Road. It is surrounded on three sides by General Commercial zoning. A  
11 lot of the land in the vicinity is vacant. We have a park property to the east and an office  
12 development to the west. Otherwise the majority of the area is wooded and mostly  
13 vacant. The Comprehensive Plan recommends suburban in this area where  
14 commercial usage should be located adjacent to or nearby other commercial use; that is  
15 case in this vicinity. The property is occupied by a City of Columbia substation, I think  
16 it’s a water pump station. [Inaudible] surrounded by commercial and for those reasons  
17 the Staff recommends approval. If you have any questions I’ll be glad to try and answer  
18 them.

19 CHAIRMAN PALMER: Any questions for Staff? We don’t have anyone signed  
20 up.

21 MR. VAN DINE: Mr. Chairman, I would recommend that we send this forward  
22 with a recommendation of approval.

23 MR. BROWN: Second.

1 CHAIRMAN PALMER: We have a motion and a second. All those in favor  
2 please signify by raising your hand. All those opposed?

3 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
4 *Brown]*

5 CHAIRMAN PALMER: Alright. Alright, Case Number 12-09 MA.

6 **CASE NO. 12-09 MA:**

7 MR. LEGER: Thank you, Mr. Chairman. This is kind of a long report so I'll try  
8 not to get into too much detail on it at this point. The Applicant in this case is Mr. John  
9 Thomas representing Longcreek Associates. It's about 140 acres in size. The current  
10 zoning is RU, Rural, RS-LD, Residential Single-Family Low Density, and Planned  
11 Development District, and that is kind of a mixed district for the 140 acres. The  
12 Applicant is requesting Planned Development District and I'll just read the intent of the  
13 Planned Development District down at the bottom of page one. The PDD district is  
14 intended to allow flexibility in development that will result in improved design, character  
15 and quality of new mixed use developments and that will preserve the actual and scenic  
16 features of open spaces. Essentially in our analysis the Staff has found that this  
17 application meets that intent and much of the report attempts to address that. The  
18 properties in the vicinity, a mixture of zoning classifications; to the north we have  
19 Traditional Recreation which is the golf course property, south you have General  
20 Commercial, Rural and Planned Development, to the east you have Rural and Planned  
21 Development, and to the west Rural, Low Density Residential and Traditional  
22 Recreation. The Comprehensive Plan recommends suburban in this area and that  
23 recommendation supports the Planned Development District. There was a traffic impact

1 analysis that was submitted with the project. Basically it recommended that a round  
2 about be placed at the intersection of Longtown and Longtown East. Otherwise there  
3 are no road improvements scheduled in this area. Basically and for the most part the  
4 parcel is undeveloped and wooded and has a number of different types of terrain. In  
5 the vicinity you've got some large lot, single-family residential development in Club  
6 Colony and Windermere. The proposal is for 425 units on the 140 acres. There are a  
7 number of kind of pods so to speak of different developments; Gateway Village with 192  
8 units, Longtown Village with 55 units, Bluff Village with 90 units, Lakeside Village with  
9 88 units. There's an additional 60,000 square feet of commercial use to be located in  
10 the Gateway Village under the Planned Development District. In addition there is  
11 approximately 25 acres of open space which is adjacent to 40 acres of the golf course  
12 fairways. The development will, based upon the statement of intent by the developer,  
13 meet the Green Code, which is Code 26-186. In the Staff Report there is a listing of  
14 uses that would be allowed under that Commercial District, I won't go through all of  
15 those. But basically based on the Comprehensive Plan, the types of land use in the  
16 area, as well as the intent of the Planned Development District the Staff recommends  
17 approval of this project at this time. There are several pages within the Staff Report that  
18 are identified as points of discussion. My understanding is that is points that either can  
19 be discussed by the Commission or points that should be clarified. Otherwise we have  
20 a number of Staff here that are available to help address any questions if there are any.

21 CHAIRMAN PALMER: Any questions for Staff?

22 MR. VAN DINE: Mr. Chairman, I'd like to –

23 CHAIRMAN PALMER: Mr. Van Dine.

1 MR. VAN DINE: I have a couple of questions. This is a proposal that is put forth  
2 by Longcreek Associates, at present they do not own the property, is that correct?

3 MR. LEGER: That is my understanding, yes, sir.

4 MR. VAN DINE: That it's under contract which is subject to this rezoning, is that  
5 your understanding?

6 MR. LEGER: Yes, sir.

7 MR. VAN DINE: Okay. I looked at some of the stuff in here. Particularly as to the  
8 commercial in the book that was provided to us, I don't see any access points out of that  
9 commercial onto any existing road except back through a planned neighborhood, and  
10 there is something that says a proposed access point through an existing commercial  
11 lot which is not owned by part of this particular rezoning. So my question is how is any  
12 of that commercial going to have access except through the neighborhood itself?

13 MR. LEGER: Mr. Van Dine, at this point I think I have to refer your questions to  
14 Mr. Price our Deputy Director.

15 MR. PRICE: Once again I think the Applicant may better answer this, but it's my  
16 understanding that the Applicant is looking to acquire parcels along Longtown Road,  
17 which would then connect to the existing commercial. But if they're unable to obtain  
18 that property it would have to come through the Longtown Creek Plantation, excuse me,  
19 Longcreek Plantation subdivision.

20 MR. VAN DINE: Basically what we're being asked to do is to vote on something  
21 that's a maybe, a what if, some time in the future, is that right?

22 [Applause]

1 CHAIRMAN PALMER: Folks, I understand this is a contentious issue and, and  
2 there's a lot of people out here in favor of it, but please respect our Board and what we  
3 have and our procedures and what we do and the questions that we have. We would  
4 certainly appreciate that. We'll respect your time, please respect ours as well. Thank  
5 you.

6 MR. PRICE: Yeah, what you have before you just based on what was submitted,  
7 the access from the commercial would come through the existing development.

8 MR. VAN DINE: There is a part in here that talks about a potential for shifting  
9 out, I'll call it a trade out provision of commercial versus whatever, is there any limitation  
10 of where the trade out can take place? In other words if they take commercial off of the  
11 block, can that trade out go in any of the village areas or is it limited to one?

12 MR. PRICE: It is open to all of the villages, however, as I think you have in your  
13 General Development Plan that they've submitted, they've identified the number of units  
14 that would be in each village, I guess you would call it. So they would be capped at that.

15 MR. VAN DINE: But that's already in existence and it now has been traded out,  
16 they're going to be able to use more, and what I'm hearing you tell me is that if they  
17 trade it out they could then put it in, for example, and I don't have the names here in  
18 front of me, but the one that fronts up on the lake, and they could increase that one  
19 because they're getting a trade out.

20 MR. PRICE: Right. What you have before you, I believe they ask for 425 units,  
21 and if that is the number that is approved then that's what they would get, so you could  
22 argue that they may have, they may not be able to trade out. But 425 would be the cap  
23 number.

1 MR. VAN DINE: I read this to say they can trade out and increase the 425. I  
2 don't believe that it caps them at 425 subject to a lower number if they don't do a trade  
3 out, so I don't read it the same way you do.

4 MR. PRICE: And one of the things, that is one of the reasons why this, of course,  
5 is brought before Planning Commission, that if you see some discrepancies within what  
6 they're providing to you that that can be forwarded to Council for them to make  
7 changes.

8 MR. VAN DINE: I also don't see throughout the document here a copy of  
9 covenants and restrictions that would be applicable to the particular property. And it  
10 would seem to me that as part of a PDD if it's going to become part of the ordinance,  
11 which is what we are basically being asked to do is to establish an ordinance, that all of  
12 the parameters relative to what's going on interior should be before us. And my  
13 question is why have you not asked for, and if you have, why has the Applicant not  
14 provided you with any of the covenants and restrictions?

15 MR. PRICE: According to what's in the Land Development Code under section  
16 26-59, it does state that if there are any deed restrictions or covenants that prior to any  
17 building permit being issued or any land development permit being issued, that those  
18 have to be filed in the courthouse. It does not require that there be any restrictive  
19 covenants or any deed restrictions, however, the Applicant has stated it is planned that  
20 essentially they may be a part of the Longcreek Plantation, but at this time they're not  
21 required to have any covenants and thus they have not provided any.

22 MR. VAN DINE: So again, it's a maybe, if they get down to it some place in the  
23 future. Right?

1 MR. PRICE: Yes, sir.

2 MR. VAN DINE: Okay. I also read in here that they were talking about they may  
3 ask to become a part of the Longcreek Property Owners Association, but again it's a  
4 maybe, they don't have to ask.

5 MR. PRICE: Exactly.

6 MR. VAN DINE: Alright. In general it seems to me that what we're being  
7 presented with is a whole lot of if's, maybe's or but's, and while I certainly want to hear  
8 everybody speaking, it seems to me that what we have before us is incomplete for us to  
9 really be able to make a decision as to whether or not they're in a position to comply  
10 with what's being – the second thing that worries me is that while I have no reason to  
11 distrust any of the developers who are in here, the fact of the matter is if this were to be  
12 approved and then the actual zoning or the transaction never took place, that these  
13 developers would not be the ones who would be standing behind this, that it would be  
14 someone else who has not agreed to half of the things that we've talked about in here.  
15 As long as we are being given, we may's and we think we will's, I don't think that that's  
16 sufficient for us to be able to make a decision up here and I'm trying to figure out why  
17 it's before us, why the Staff hasn't asked for more clarification of these maybes and  
18 gotten it more concrete.

19 MR. PRICE: Well, just as we – I think even in our current Code there are a  
20 number of zoning designations and even development standards where it's not  
21 necessarily specific as to shall or must. In this particular case the developer is actually  
22 proposing essentially their own district and as Staff, we allowed them to bring that  
23 information to us and we just didn't feel we were in the position to necessarily go



1 through and, you know, dot the T's and, excuse me, dot the I's and cross the T's for  
2 them.

3 MR. VAN DINE: Your point is that they're asking for their own special district  
4 with their own special rules interior to what they're asking.

5 MR. PRICE: Yes, sir.

6 MR. VAN DINE: And if you're going to do that it seems to me that we went  
7 through a whole process a number of years ago with the Land Development Code  
8 where we tried to dot every I and T so that when people came in they would know, and  
9 people around would know, what was actually gonna be before them. And it seems to  
10 me that the same process ought to be going through when they're asking for PDD.

11 MR. PRICE: Oh, understood. But, you know, once again this is something that  
12 they're creating their own district. [Inaudible] Staff's position, this is what they're asking  
13 for, you know, maybe this is something that, from a process standpoint, we could look at  
14 in the future. But this is what they're proposing to have. Now whether you agree with,  
15 you know, whether all of the standards in there should be, you know, more exact or not,  
16 but the point of it is this is what they asked for and so Staff took this in and brought it  
17 before you.

18 CHAIRMAN PALMER: I think what we've got here, Mr. Van Dine, is that the  
19 Code allows for them to bring in this vague of a package. The Applicant has decided to  
20 bring in this vague of a package and what's before us is to decide on this vague of a  
21 package.

22 MR. VAN DINE: And I understand what you're saying, I'm trying to make sure  
23 everybody else understands that it is a vague package, what we're being asked to do,

1 and I've got a couple of more discreet questions. When you were talking about the open  
2 space and being allowance based upon how much open space, was the golf course  
3 property being considered as part of the open space which allowed them to –

4 MR. PRICE: No, sir.

5 MR. VAN DINE: Okay. And my understanding is that the golf course is not a part  
6 of this.

7 MR. PRICE: No, sir.

8 MR. VAN DINE: And the golf course is likewise not a part of the sale that's  
9 taking place of the property, is that correct?

10 MR. PRICE: That is correct.

11 MR. VAN DINE: Alright.

12 MR. MANNING: So in effect the 140 acres that you're basing your density on is  
13 totally undeveloped property.

14 MR. PRICE: Yes, sir.

15 MR. VAN DINE: Outside of the golf course.

16 MR. PRICE: Golf course.

17 MR. VAN DINE: Now one last thing and I'll let everybody get to theirs. A round  
18 about has been proposed as a mitigation road, and my understanding is that round  
19 about must be approved by DOT.

20 MR. PRICE: Correct.

21 MR. VAN DINE: What happens if DOT does not approve that round about? How  
22 is traffic going to be handled at the entrance and the four-way stop that exists there

1 presently if in fact that is not a part of the plan which DOT, which doesn't have to in fact  
2 approve it, decides they don't want to have that?

3 MR. PRICE: Yeah, that is also a concern of Staff. Any time an application,  
4 especially in a PDD, comes forward and it references essentially land that they're not in  
5 ownership of, and a lot of times this occurs with property that's under, you know, DOT  
6 ownership. In this case what we looked for is potential language that if this is approved  
7 to address that issue. Right now it looks as if this were approved, you know, as is and  
8 DOT denied the round about, that would just be something that can't go within the  
9 development, that doesn't necessarily stop it. However, I believe language could be  
10 written into the PDD as part of the ordinance that would address that.

11 MR. VAN DINE: What would be the fallback position if DOT does not approve  
12 this? From the county's perspective, recognizing what we are doing is we are being  
13 asked to approve an ordinance and once an ordinance is approved, for all intents and  
14 purposes the only thing that needs to be complied with is what is in the ordinance. So if,  
15 assume for a moment that DOT doesn't come in, that shoots down part of the  
16 ordinance. What happens to the ordinance, and likewise what happens as an  
17 alternative?

18 MR. PRICE: That's, language would need to be addressed by, I guess, either  
19 the recommendation of the Planning Commission and by adoption of Council of the  
20 rezoning before you. Maybe some language such as they will be allowed a certain build  
21 out at which such time the round about must be installed, or the zoning request would  
22 have to come back before, you know, before the Planning Commission or it could be

1 approved only with a certain number of units, up, dependent upon the round about. But  
2 the language can be addressed, can be used to address that issue.

3 MR. VAN DINE: Alright, I've taken up enough of your time. I have some  
4 questions I'll ask the developer directly so.

5 MR. PRICE: Yeah, we – there was a number of concerns that we also shared  
6 and I believe those were brought before you. You know, things such as the round  
7 about, but hopefully the developer can explain some of those for you.

8 MR. VAN DINE: Thank you, sir.

9 MR. TUTTLE: Mr. Chairman, I have a question for Mr. Price. Typically it's been  
10 my experience when somebody comes before us with a PDD or PUD that it's  
11 impossible to get, or very rarely granted something from DOT prior to even being  
12 rezoned. I mean, DOT doesn't typically put the cart before the horse, so I just wouldn't  
13 want anybody to read into something the fact that that's not currently in here, you know,  
14 any deficiency on the Applicant, you just can't do that; I've been through the process,  
15 they don't work that way.

16 MR. PRICE: Correct, and once again that was something that Staff, I think I  
17 would call it points of discussion, that that was something that we looked at too; how,  
18 just weren't able to come up with how that should be addressed. Once again we  
19 brought that to you, hopefully y'all can help provide some guidance.

20 MS. MCDANIEL: And I have one question for you as well before we let you. On  
21 the points of discussion you mentioned that Staff would want to see in the ordinance a  
22 requirement that accessed via the Club Colony Drive only be for emergency access?

23 MR. PRICE: Yes.

1 MS. MCDANIEL: How would that possibly be enforced or how would that work?

2 MR. PRICE: Well, there were some concerns about this development  
3 connecting to an existing development, however, I can tell you that the fire marshal who  
4 actually may be here at this time, typically wants a second access into a development  
5 and if you were to take that out, of course, from this development the proposed winding  
6 roads going toward the back would only have one access. However, during  
7 development a gate could be placed there or there are some ways to develop that as a,  
8 essentially a dead end or, you know, vehicular traffic, however it would be able to be  
9 accessed by emergency teams.

10 MS. MCDANIEL: So the emergency vehicles would have keys to the gate?

11 MR. PRICE: That or it will be a break away gate so there are ways, you know,  
12 this is typical for most subdivisions, that there's always a way for emergency vehicles to  
13 get in to, but that's something that's typically dealt with during subdivision review. But  
14 as I stated the fire marshal is here and if you did have some questions those could be  
15 answered.

16 CHAIRMAN PALMER: Anything else for Mr. Price? Okay. Mr. Bobby Fuller?

17 **TESTIMONY OF ROBERT FULLER:**

18 MR. FULLER: Thank you, Mr. Chairman, Members of the Commission, I am Bob  
19 Fuller, I'm a lawyer here in Columbia. I am here this afternoon representing Longcreek  
20 Developers Limited Liability Company who is the new developer for this long-standing  
21 enterprise out at the Windermere/Longcreek/Longtown Road. The new operation is, is  
22 intending and hoping to set in motion the first real low impact development that will be  
23 situated in Richland County utilizing the newest tools of planning and development that

1 the county has seen to put in place over the several years. As you are all aware this  
2 development has been in process of making since the 1970's. I dare say everybody  
3 sitting on that dais is abundantly aware that anything that develops over a 40+ year  
4 period is going to encounter changes, not only in the regulations but in the marketplace,  
5 in the desires and the expectations of everybody that's got a connection with any project  
6 of this magnitude. We recognize that. While we do not take the position necessarily  
7 that what has been put before you is a vague plan, it certainly cannot be fleshed out  
8 with every jot and tiddle that will anticipate every single aspect of what will have to take  
9 place over the next 8, 10, 12 years in its development life. Whether or not it can be  
10 pursued at all without some component of commercial has been put in question by the  
11 South Carolina Supreme Court, so I think that in point of fact the questions that relate to  
12 what it will be and how it will be will be undergoing some continuing discussion, will be  
13 undergoing some continuing review from your Staff, from the developer's staff, the  
14 highway department, from everybody else's perspective. It's a long-term process. We  
15 have here today the principal, Mr. Steve McNair, from Charlotte who is a University  
16 graduate, has grown up in South Carolina, developed in South Carolina, is planning to  
17 be here for the long haul. Everybody knows that over a period of time there will be  
18 changes that get made, there is no intention to flip the property or to pass it on for  
19 development purposes to anybody else. John Thomas as the sustainable design  
20 consultants and Mr. Thomas is actually the Applicant on the application, is here to  
21 address any technical points that you wish to address this afternoon. Dave Shade is  
22 the local resident project manager for the project and Ron Johnson, one of the principal,  
23 is also from Greenville. What we are hoping to do here today is to encourage your

1 endorsement for consideration of what needs to be a continuing opportunity to get this  
2 centerpiece property in Richland County out of the quagmire and into a mode of  
3 development that can be sustained. We have the opportunity I think to do that this  
4 afternoon. I think that the developer has come in, he has made substantial contacts  
5 with the people on the ground. There are certainly divergent opinions about what  
6 should or should not be done out there, but he has and they have encouraged input.  
7 Mr. Thomas will go through with you and identify many of the concessions and the  
8 compromises and the negotiated positions that have gotten us to this point and that  
9 doesn't need to stop now. They will listen to and do the best they possibly can to make  
10 this the development that everybody here wants; the Planning Commission, Richland  
11 County and the neighboring residents.

12 CHAIRMAN PALMER: Mr. Fuller, I appreciate it, but if you could wrap it up for  
13 us. I understand that you're probably speaking on behalf of the developer as well and  
14 as well as the other people listed here, and as you know per our Rules we typically don't  
15 allow people to speak for others, but if you could wrap it up for us.

16 MR. FULLER: I would simply say that Mr. McNair is here if questions need to be  
17 asked of him. Mr. Thomas is here and will explain the project to you and can address  
18 questions if you have them this afternoon. The rest of us would be available as well,  
19 Mr. Palmer.

20 CHAIRMAN PALMER: Thank you.

21 MR. FULLER: Thank you.

22 MR. VAN DINE: Mr. Chairman, can I ask just one question?

23 CHAIRMAN PALMER: Absolutely.

1 MR. VAN DINE: Mr. Fuller, is there any reason why restrictive covenants and  
2 design guidelines could not have been developed in a certainly skeletal form which  
3 could've been included with this package?

4 MR. FULLER: I think obviously the answer to that is no, there's no reason that  
5 could not have been done. The plan as it is developing, though, is is that the Longcreek  
6 covenants would be utilized as the primary basic covenant document that would be put  
7 in place as the phases of development are approached and put in place. They do not  
8 now cover all of this 140 acres, but there, they, the covenants will apply as the  
9 developer opens those additional areas. There is no consent that is required of anybody  
10 else to have the covenants apply, so once they plan the site planning for a particular  
11 development, get the particulars of a particular village community in place to deal with,  
12 those will be imposed and brought within the covenants of the overall development.

13 MR. VAN DINE: Is there any reason why those particular covenants form a  
14 foundational base as part of this ordinance request in order to be in place?

15 MR. FULLER: I would think that that certainly could become a part of it, Mr. Van  
16 Dine.

17 MR. VAN DINE: Thank you, sir.

18 CHAIRMAN PALMER: Any other questions for Mr. Fuller? I'll go ahead and call  
19 the other members of the Longcreek Associates if they have anything else to add or –  
20 Mr. Thomas, Mr. McNair, Mr. Shade.

21 **TESTIMONY OF JOHN THOMAS:**

22 MR. THOMAS: Yeah, I'm John Thomas with Sustainable Design Consultants.  
23 Go ahead –



1 MR. VAN DINE: Can you show that to the people behind, maybe they can put it  
2 up on the screen if – I think that –

3 MR. THOMAS: Well, we've got a slide show and if they want to put the whole  
4 thing up – I didn't want to take up that much time.

5 MR. VAN DINE: I was just worried about this particular one in case – cause  
6 people behind you can't really see.

7 MR. THOMAS: I think they're fairly familiar with this site plan.

8 MR. VAN DINE: But I'm sure, they may not be able to see the specific map  
9 you're talking about.

10 MR. THOMAS: Okay. Well, the main thing I wanted to try to bring up is that,  
11 several things, you –

12 MR. VAN DINE: Go ahead, I was just trying to see if they could –

13 MR. THOMAS: - yeah. Maybe you can hold it katy-cornered across the room or  
14 something.

15 MR. TUTTLE: No, they're gonna put it up as an exhibit.

16 MR. THOMAS: There you go, just put that one up there, that'll do it. Everybody  
17 can see it while we're talking about it.

18 MR. VAN DINE: Thank you.

19 MR. THOMAS: When we began this, this project we looked at it from the  
20 perspective of your Comprehensive Plan. We wanted to plan that would fit the  
21 Comprehensive Plan understanding that this land is pretty much, the bulk of this land is  
22 already zoned RS-LD, three units per acre. But we did not want to do that on a  
23 conventional zoning because we know what conventional zoning does to the land and

1 to the environment. And so the goal here was to create a smaller, more consolidated  
2 footprint, what's called Smart Growth, and to be able to use low impact development  
3 techniques to better protect the lake and the environment. These are on Lakeland and  
4 Kershaw sands, they're described as exceedingly well drained soils. Folks who have  
5 dealt with the Club Colony next door confirm that, it drains really fast. So the ideal here  
6 was to use bio-filtration storm water so there's no point discharges entering the lake, all  
7 the water pretty much that falls on this site, at least 95% of it is infiltrated and enters the  
8 lake as base flows, which is the way you protect water flowing into water bodies is by  
9 base flow rather than overland flows. By consolidating the footprint you allow more  
10 room for open space, for green space, for parks. And you'll see on here there's a whole  
11 necklace of parks, sidewalks and trails that link all this together. There's about an 8/10  
12 of a mile long park that runs from the far side of the site all the way across to the  
13 clubhouse which gives us an opportunity to take a trail through there for people to  
14 exercise on or to take access to the clubhouse. There's a hierarchy of roads, hierarchy  
15 of trails, the green space is obviously, I think the ordinance requires 10% open space,  
16 right now we're at about 25% open space and when we're done there will be more than  
17 that. We do want to protect the wetlands, we do that quite a bit where we come from.  
18 We've been doing this almost 40 years and we do understand protection of the  
19 wetlands and the environment and protecting the lake, so that's been a primary focus of  
20 ours. Under the Green Code as you know there's a 100' buffer requirement along the  
21 lake which we intend to instill. There's a 50' buffer required around wetlands which we  
22 include, intend to include as well. So that's kind of the basic overview of this. You  
23 asked about the round about and I think Mr. Tuttle addressed that very well. We work

1 with DOT in several instances on roundabouts, DOT will approve them, they finally  
2 understand now there's about a 70 to 80% reduction in violent traffic accidents with  
3 roundabouts versus signalized intersections and we're building them all of the low  
4 country cause DOT's approving them in state right-of-ways. And you have understand  
5 that is a state right-of-way so you do have to work with DOT on that and get those  
6 approved through DOT. Access to Club Colony, the primary reason is Club Colony's a  
7 private road, we intend for these to be public roads. You really can't dump public roads  
8 into private roads without consent so that's why we have not connected that road up  
9 and propose that we just not leave that connected. Provide emergency access but not  
10 connect the roads because those are private roads and our roads are intended to be  
11 public. The design guidelines, we had some of the design guideline elements in the  
12 original narrative, we were asked by Staff to take it out cause those are not elements  
13 Staff would enforce, or that the county would enforce. We do have almost finished the  
14 draft now for the design guidelines that we can start bringing forward. They're based on  
15 existing guidelines for the existing neighborhoods in Longcreek so they're, the form will  
16 be very similar to what they've seen already and we'll be ready to bring those forward  
17 very quickly. The other restrictive covenants that we intend for this are in the narrative.  
18 We've had approximately seven meetings with neighbors, some of the neighborhood  
19 associations, two big meetings with everybody. We've tried to accommodate, we've  
20 listened to Staff comments, we've listened to neighbor comments, we've had several  
21 meetings with individual neighborhood leaders independently, and so we are listening  
22 and trying to accommodate the concerns. We understand this is people's homes and  
23 we understand that they have a concern, and we do too. Our goal is simply to provide

1 the best most environmentally sound development we can on a piece of property that's  
2 already zoned that we know is gonna develop. So let's try and do it right and try and do  
3 it the way that makes us good environmental stewards, and that's the approach we've  
4 taken and we can answer any questions you folks may have.

5 CHAIRMAN PALMER: Mr. Van Dine?

6 MR. VAN DINE: I want to go back to the commercial aspect I asked Mr. Price a  
7 question about earlier. The only access it would seem to me that if you were not able to  
8 purchase that one piece of property would be actually people going in to, turning right  
9 on to Longtown East I guess it is, and then coming in through the neighborhood. Is  
10 there any, is there any option if you are unsuccessful in purchasing that one commercial  
11 piece, to get somebody into that commercial district without having to take it into the  
12 development and then into the neighborhood.

13 MR. THOMAS: I think, the key thing for us was when we looked at this  
14 commercial from the very beginning, a number one, to be a PDD we have to have some  
15 commercial. So there would have to be some give on the county if we're gonna  
16 eliminate commercial. The idea was if we do commercial it must access out to  
17 Longtown Road on the main access road. We don't want to take it through the  
18 development and that's never been the intent. And other than deadlines when we have  
19 to start certain things, if we can't secure access, you know, we would probably vote not  
20 to try to develop the commercial property until we can secure access. There are some  
21 other options we're working on which we can't discuss right now that would give us  
22 other options on accesses in and out. We obviously know that Longcreek needs more  
23 accesses in and out of here and we're trying to help with some of those as well. There's

1 a lot we can do together. We've tried to make that clear to the neighbors that we want  
2 to work together, we want to be good neighbors. We didn't have to do all these  
3 meetings, we could've come in under the RS-LD and started development but that was  
4 not the intent these guys had, and my hat's off to them cause I've never worked with a  
5 developer in my 40 years of practice experience that's been willing to go this far with a  
6 neighborhood group and try to help meet their concerns and try to do a good job of the  
7 project, so I hope everybody appreciates that. We obviously have more room to  
8 negotiate, we got things we're still gonna try to work out together cause there's a great  
9 deal to be gained from us working together. Yancy and I know each other well and we  
10 understand where we're coming from, each of us, and we want to try to do the best job  
11 we can for the environment and understanding that man must modify his environment to  
12 live in it. Now we gave up living in caves and mud huts a long time ago, so we have to  
13 understand that, we have to develop where the market's going, we want to develop  
14 soundly and economically and we want to do a good job environmentally is kind of  
15 where we're coming from.

16 MR. VAN DINE: Is there any reason why the existing POA covenants and  
17 restrictions could not become part of this document, at least as a foundational base  
18 line?

19 MR. THOMAS: I think you'd have to let the attorneys address that cause that's a  
20 pretty complicated deal. There's an A category and a B category. These lands are B  
21 category. The A categories automatically come under the POA, the B categories can be  
22 added at some time in the future, and that's an issue we're dealing with but, but –

1 Steve, if you want to address that. But we are, we do plan to bring that under the POA.  
2 But that's an attorney matter.

3 MR. MCNAIR: Well, it's a little broader than that. I appreciate the question, it is  
4 a fair question and, and we've given it great consideration and our primary means of  
5 communication with thee folks here has been primarily through the POA, through the  
6 homeowners' association and there's been a lag in message and communication  
7 unfortunately because not everybody here is a member of the Longcreek POA. We  
8 have had community meetings, we fleshed out a lot of these issues and they have come  
9 to light and we acted and we made considerable concessions. One of the big points of  
10 contention is simply this, what comes first the chicken of the egg with the HOA  
11 documents? You know, we as the developer, the current developer has a certain  
12 method where he develops the property, then it's brought into the POA, he sets the  
13 minimum design standards, square footage of the houses, whatever architectural  
14 controls that he places on it, he then does that after the fact basically. But these  
15 properties are already in the POA but they're not subject to the POA just yet because  
16 they're on a schedule B which is an exhibit to the POA. It is our full intention to bring  
17 these things within the POA. Our argument from the very beginning with these  
18 residents here, what do you have out here now to protect you that you will get the  
19 absolutely minimum standards? Well, that really is, it's up to one man, it's up to one  
20 man currently. We tried to set up a representative form of government out here and we  
21 tried to set up community leaders that we could have dialogue and successful dialogue  
22 with and for the most part we have. We've made progress. Do we have progress yet to  
23 make? Yes, I will agree to that. Are we gonna bring this into POA? I think we have

1 made some affirmative statement in the narrative that we absolutely will bring it into the  
2 POA. Now, what we tried to do is say, okay neighborhood A which is Club Colony and  
3 which was the most affected one, they're immediately adjacent to our rezoning, we've  
4 sat down with them. We've worked out the, we've worked out the minimum design  
5 standards that we're gonna attach to and make it a part of the POA, of the CCRs which  
6 is important cause right now they, the architectural standards are not part of the  
7 documents, they're not enforceable. We're trying to make them enforceable, we're  
8 trying to raise the bar because Mr. Van Dine the point that you brought up is very good,  
9 if we go away, what happens? What happens? Well, they're left to the whims of  
10 whatever the next developer down the road decides that he may or not may not want to  
11 do there. We don't want that to happen. We don't want this neighborhood looking like  
12 some of their greatest fears of Lee Road and some of those corridors. We don't want it  
13 to look like that. We're here to work, to compromise, to listen to rational thought and to  
14 bring rational development to the table, quality development. So I think it might be  
15 appropriate at this time for me to ask for a deferral that we could sit down and work with  
16 these folks a little bit more to try to craft the document and to give them the ease of  
17 mind that they would need to know that we are gonna record these things, they are  
18 gonna become protective covenants, they will have a minimum standard. We can't  
19 opine to what's gonna be built and what might happen 10 years from now, but what we  
20 can absolutely tell them is we can tell you what is not going to be built in Longcreek. So  
21 that is important and that's the point that we've been trying to drive home, and we've  
22 had a great deal of success. So we do have some more work to do and I'd like to meet  
23 with these people, their representative and let them understand we understand where

1 they're coming from. It is their neighborhood, their property values are at stake here,  
2 but there has to be a reasonable template going forward withstanding the fact that this  
3 project has been on the ground for 40 years, and withstanding the fact that we just went  
4 through the worst downturn economically that we've ever had experienced in this  
5 country. So given those parameters we're certainly willing to work with these folks and  
6 we thank you for the opportunity and would ask if you would consider deferral.

7 CHAIRMAN PALMER: Can you give us your name and address just real quick?

8 MR. MCNAIR: Steve McNair, I live in Matthews, North Carolina, 1008 Cashville  
9 Court, Matthews, North Carolina 28104.

10 CHAIRMAN PALMER: Okay. Any other questions for Mr. McNair?

11 MR. VAN DINE: Let me just real quick. The reason that I brought up some of  
12 the issues about covenants and whatever is some of the language that is used in here  
13 is permissive as opposed to mandatory, and that's, part of the issue is the problem with  
14 permissive it means you don't have to, mandatory means you do.

15 MR. MCNAIR: Right.

16 MR. VAN DINE: And that's where I'm coming from with some of these questions  
17 that I'm asking.

18 MR. MCNAIR: Here, here. Understood. We need to get it right. We do need to  
19 get it right. We want to get it right, and I appreciate your comments, they're valid and we  
20 do want to get this right.

21 MR. TUTTLE: Mr. McNair, if you would, back to Mr. Van Dine's first question of  
22 the day as it related to the swap out of the commercial area.

23 MR. MCNAIR: Right.



1 MR. TUTTLE: My understanding in the document is that currently you have  
2 60,000 square feet allowed and you can trade out 2,000' per unit.

3 MR. MCNAIR: That's correct.

4 MR. TUTTLE: At a 50% ratio.

5 MR. MCNAIR: Correct.

6 MR. TUTTLE: So according to my math your maximum upside is 15 homes.

7 MR. MCNAIR: That's right. That is correct.

8 MR. TUTTLE: I mean, I'm not saying that that's good or bad, I'm just saying  
9 that's what the math of the document –

10 MR. MCNAIR: That is correct, it would allow, instead of 425 it would allow us to  
11 go 440. Now, understand that we reduced the commercial component from 100,000  
12 square feet to 60,000 square feet already and we've not asked for any credits toward  
13 that. The commercial piece is something that, you know, we felt at the very beginning,  
14 you know, it could create a sense of concern here. You know, but we thought it would  
15 be convenient so we thought more of doctor's offices, we're thinking more in terms of  
16 services that would be immediately available to the community, they wouldn't have to  
17 drive so far to get to. But at the end of the day the commercial is not extremely  
18 important to us, but however, to get a PDD approved we're wondering, you know, can in  
19 fact with the Supreme Court and the rulings and so forth has kind of led us into that  
20 path. But we've tried to minimize that, we're looking to make it something that, a  
21 community that's walkable that you can walk up and get an ice cream, that you could, if  
22 you people that work, you want a daycare service, if they want doctor's offices or dental  
23 services, it's not something that, we're not trying to bring Sandhills to Longcreek

1 Plantation, that has absolutely nothing to do with it. And we're not trying to promote a  
2 grocery store, so we limited it and we will consider to continue to limit what we can put  
3 there. There needs to be more dialogue. There needs to be constructive dialogue not  
4 destructive dialogue. We're open to constructive dialogue.

5 MR. VAN DINE: I'd like to call on Mr. Tuttle's question and I had asked earlier if  
6 the additional homes were to be carved out so that you had an additional 15, were  
7 those to be allowed to be spread throughout all of the villages or would they simply be in  
8 the Gateway Village or has that even been thought about?

9 MR. MCNAIR: We don't, we're open to whatever discussion and suggestion that  
10 might occur there.

11 MR. VAN DINE: So it hasn't –

12 MR. MCNAIR: We haven't really, we haven't thought through that completely to  
13 be honest with you.

14 CHAIRMAN PALMER: Any other questions for Mr. McNair or any other  
15 representative from Longcreek Associates? Thank you.

16 MR. MCNAIR: Well, we have a request from the Applicant for a deferral and  
17 we'll consider that. However, I'll give you my opinion on that issue, I think that a lot of  
18 people have taken a lot of time out of their schedule to come down here today. I think  
19 that perhaps the Applicant may have been able to decipher that there may be some  
20 contention before today, before coming down here and if some additional efforts were  
21 needed to come together on some issues, those should've been made before these  
22 people came out today and took time out of their schedule to come see us today. I'm, I  
23 would certainly, I'm always hopeful for a developer and a community to get together and

1 come to resolve their issues but when it gets to us, those discussions need to have  
2 already come to, as far as they can come before it gets to us. So I personally would be  
3 against a deferral at this point just because of the inconvenience to the people to come  
4 back out again 30 days later.

5 MR. VAN DINE: Mr. Chairman, if I could. I agree with you 100%. It seems to  
6 me that the other thing that could happen is, I'm the one asking the question so far so  
7 you may be hearing just me, but there may be other things that are said by people out  
8 there which actually are different from what I had to say and my suggestion is to let  
9 everybody have their say and if at the end it appears as though we may be in a position  
10 where a deferral might be better off, then we can certainly look at that at the end of this.  
11 But I agree that people have taken the time out to come down here to speak and I'd like  
12 to hear what they have to say. We may not be that far apart for all we know.

13 MR. TUTTLE: Mr. Chairman, if I could. Does the public waive any rights if they  
14 have a public hearing today and then ultimately it's deferred and it comes back? Do  
15 they have an opportunity to speak again?

16 MS. LINDER: Mr. Chairman and Members, this is not a public hearing and so  
17 yes, the Applicant, or any member of the public could come to speak again.

18 MR. TUTTLE: Okay, thank you.

19 CHAIRMAN PALMER: Okay.

20 MR. VAN DINE: Mr. Chairman, if we need it formally.

21 CHAIRMAN PALMER: I don't think we do.

22 MR. VAN DINE: There is a deferral request, if we have to then I would suggest  
23 we continue and I can make that in the form of a motion if we have to.

1 CHAIRMAN PALMER: I don't think we do, Ms. Linder, do you? Need a formal  
2 motion?

3 MR. VAN DINE: Well, it was an oral request so the Applicant can actually  
4 withdraw it and make the request at a later time anyway, so. They're withdrawing their  
5 request, they're not withdrawing their application.

6 CHAIRMAN PALMER: Representative McEachern?

7 **TESTIMONY OF JOE MCEACHERN:**

8 REP. MCEACHERN: Mr. Chairman, and the Board of Planning Commission,  
9 first of all it's a privilege for me to be before you. I'm not sure what your policy is for  
10 security to come in here, I got pat down at the door. I noticed nobody else got that so I  
11 just wanted to kind of bring [laughter] bring that to your attention. The one thing I'm not  
12 clear about if you'll just be patient with me on this. Did you say this is not a public  
13 hearing? Because I'm under the impression that when you have a Planning  
14 Commission meeting, that's a public hearing.

15 MS. LINDER: This is a public meeting but not a public hearing.

16 REP. MCEACHERN: Okay. Cause you know my concern is that if you're having  
17 a public hearing you speak, you do not get a chance to speak the second time.

18 MS. LINDER: This is not, again this is not, this is a public meeting and the next  
19 Planning Commission meeting would also be a public meeting.

20 REP. MCEACHERN: And they can sign up.

21 CHAIRMAN PALMER: Right.

22 REP. MCEACHERN: I always love to be corrected. First of all I just want to just,  
23 I have several concerns that I wanted to bring up and basically they was discussed

1 earlier. This is a PDD, this is a, when you start talking about a PDD it do give you some  
2 leverage of making decisions on it and I'm glad to see that you guys kind of looked at it  
3 and saw that, you know, there is some issues that you can get more information and  
4 detail of planning. But it's a Planned Development District. I mean, this is kind of like a  
5 community that, you know, you massaging and you gonna kind of bring that right down  
6 in the heart of an existing community and so I don't have to tell you, I know I'm singing  
7 to the choir, I appreciate what you do every day. I'm excited to see full participation on  
8 these issues. And then as we see existing residents here, and so I know you'll take that  
9 into consideration, the quality of life and the investment they've made in these – see,  
10 the one thing about planning, we know from years past is that hodge-podging and just  
11 carte blanche got us in this situation in these areas. When you had a straight across  
12 zoning when they did it in 1976, and then we had areas that we had no idea that was  
13 planned that way, but yet it was and you see these zones that we had to abide by. But  
14 that's not the situation here. You have the ability to look at vacant property to be  
15 developed and guidelines through your Comprehensive Land Use Plan. It gives you  
16 some guidelines for a purpose, the purpose of orderly and doing it in a way to, not  
17 defensive, to be able to coincide with existing residents. And that's the thing that, of  
18 course, you are challenged with today. The thing about this is is that there's no, oops. I  
19 mean, I know you're a recommending Body to County Council, but still yet you're the  
20 ones that kind of put it together, you're the ones that look at it and make the decision, so  
21 I just ask that you continuously do that. But the fact is is that when the decision you  
22 make, they send it to County Council will be the one that carry a lot of weight. Very  
23 seldom do County Council actually go against the Planning Commission. So I say take

1 your time and look at this and the impact it's gonna have. I challenge you too on  
2 Department of Transportation. I heard you going back, but the Department of  
3 Transportation will give you an idea exactly what they will do. They can't give you a  
4 permit unless you apply for it, but they definitely will respond to request that you give  
5 them, so I ask that you do all of these things. And so as we look at this issue, I just look  
6 at it, the fact is is that I know you know the seriousness of it, but the greater impact of  
7 years to come. I heard 40 years and some of these folks been out here the time, the  
8 original planning of this development and so we're looking at 40 more years. Those are  
9 the 40 years I ask you to look at. Because of the fact is is that we, from 1976 there have  
10 been some wrong decisions and we paid the price dearly for it. You get a chance to get  
11 it right. You get a chance to make this decision in such a fashion that it get right. Not  
12 the influence of proposals and things that's not binding and I think that that's a serious  
13 issue that's before you. Look at this, the ones that's binding, the ones that's going to be  
14 here for the next 40 years. I appreciate the privilege and opportunity to be before you. I  
15 look forward to a decision on this and I just, I appreciate the work you do. Thank you  
16 very much and I thank you.

17 CHAIRMAN PALMER: Thank you. What I'm gonna do is I'm gonna call out  
18 about four names at a time and if you would, if you could come up and line up right here  
19 at the rail I would appreciate it. If you can remember, give your name and address for  
20 the Record it would certainly help out when we're keeping our Minutes. And just keep in  
21 mind that we have a two minute limit as well. John Bakhaus followed by David Kirkland,  
22 followed by Bernie Randolph, Joanna Whetsell and Yancy McLeod. And just to let you

1 folks know, I butcher names, it's nothing personal I just have a hard time reading the  
2 handwriting a lot of times. Yes, sir.

3 **TESTIMONY OF JOHN BAKHAUS:**

4 MR. BAKHAUS: My name is John Bakhaus and I live at 4001 Linwood Road,  
5 Columbia. I'm currently the owner of the property and I wanted to speak just briefly with  
6 you to let you know that one of the concerns about the property is there's this feeling  
7 that maybe we'd like to have it left just like it is. The property will not be left just like it is  
8 needless to say. I will not continue to develop it but I have spent a good bit of time  
9 trying to find a group of developers who will move forward with the idea they're gonna  
10 develop the property all the way through to the end as opposed to breaking the property  
11 up into small parcels, 10, 20, 30 acre parcels, selling them to builder/developers who  
12 would come in with no concern for the long-term interest of the development and  
13 develop it. As you know the property broken up in parcels it would reasonable to  
14 assume some mix of MD, LD zoning in there and you know what can happen in MD, LD  
15 zoning relative to what the community looks like. So the choice I made was to try to find  
16 a development group who would come forward and make a commitment to seeing this  
17 development all the way through to the end and do it in a quality manner. And I'm sure  
18 you have seen lots of development plans and I will guarantee you haven't seen many of  
19 a higher quality than this one that's been just put before you. I would love to have been  
20 able to do some of the ecological things that these folks are gonna do in terms of  
21 sustainable development for the property. I think it's an outstanding, outstanding  
22 development plan and from what I know of these people I can assure you that it'll be

1 done in a quality manner all the way through. Thank you. Oh, and at a very low  
2 density, just briefly here. The density, the overall density –

3 CHAIRMAN PALMER: Could you hold on one second for me? We just need to  
4 take a quick second if we can to step into Executive Session if you don't mind. Hold on  
5 one second for us.

6 MS. LINDER: Is this for the purpose to receive legal advice?

7 CHAIRMAN PALMER: It sure is. We'll be back in a second.

8 *[Executive Session]*

9 CHAIRMAN PALMER: Alright. We'll call the meeting back to order.

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

12 CHAIRMAN PALMER: Thank you. If I could read this into the Record. "Dear  
13 Mr. Palmer, I must request to be excused from participating in discussion or voting on  
14 Agenda Item # 12-09 MA regarding Longcreek Associates which is scheduled for review  
15 and/or discussion at today's Planning Commission meeting. It is my understanding of  
16 the Rules of Conduct, provisions of the ethics, government accountability and campaign  
17 reform laws that since the seller of the property is a current client of my law firm,  
18 Callison, Tighe & Robinson, I will be unable to participate in this matter through  
19 discussion or voting. I would therefore respectfully request that you indicate for the  
20 Record that I did not participate in any discussion or vote relating to this item,  
21 representing a potential conflict of interest. I would further request that you allow and  
22 direct this letter to be printed as part of the official Minutes and excuse me from such  
23 votes or deliberations and note such in the Minutes. Thank you for your consideration



1 in this matter. Sincerely, Kathleen McDaniel.” And just for the Record, Mr. Bakhaus  
2 was not listed as the owner of the property and there was no way that Ms. McDaniel  
3 could know that he was the owner of the property without him coming forward and  
4 taking the podium, and when she realized that she was the owner and that her law firm  
5 did represent Mr. Bakhaus, she immediately took the steps to recuse herself from the  
6 matter. Okay, Mr. Bakhaus, did you have anything else?

7 MR. BAKHAUS: I can finish very quickly. One of the misconceptions about the  
8 property is that, and it's been repeated in the press, that the property is 95% developed.  
9 Under the plan that I had expected to complete over the next 10 or 15 years, we would  
10 add 650 residential units to the community. There are about 12,000 there now, which  
11 would mean it's maybe 2/3rds developed at this point. The density that we've done is  
12 somewhere between 2 ½ or 3 units per acre and I think their plan calls for just a little  
13 over three units per acre.

14 CHAIRMAN PALMER: Thank you.

15 MR. BAKHAUS: Thank you.

16 CHAIRMAN PALMER: Mr. Kirkland?

17 **TESTIMONY OF DAVID KIRKLAND:**

18 MR. KIRKLAND: I passed out a packet to each of you on speakers who will be  
19 following me so that you can have that for your record. I am David Kirkland, I live at 204  
20 Craigwood Drive. I have been a property owner in Longcreek since 1985. Longcreek is  
21 not against new development. The current request for PDD zoning is not consistent in  
22 character with the prior building within Longcreek. Longcreek consists of 21 different  
23 neighborhoods with a mixed use of housing square footages, lot sizes within the single-

1 family setting. Longcreek is 95% built. We request the remaining 5% of this property  
2 maintain the same zoning. Finish this last parcel to stay consistent in character with  
3 what has been built. You have maintained standards to preserve the suburban setting  
4 and the community vision. We ask that you consider this in your PDD review. Now, I  
5 have a message for Mr. Johnson who's not here today but he sent out a letter on the  
6 31<sup>st</sup>. I have attended numerous meetings with you over the past months. In this you  
7 stated you would make written revisions to your application. Check that application, see  
8 what's been changed since the first, you will not see much. To this date it has not been  
9 done. In your letter dated March 31<sup>st</sup>, you now label these concerns as misguided and  
10 erroneous dribble. Mr. Johnson, from the speakers you're gonna hear today, I think  
11 you're gonna find out that these concerns are not dribble. You closed your letter stating  
12 the people's voice in our future planning will be limited should they reject this PDD. Mr.  
13 Johnson, you brought a plan that won't work in our community. We tried working with  
14 you. When you want to put it in writing and follow through on your things that you have  
15 sworn in our meetings that you would do, we're willing to work with you but not now.  
16 Please deny this application.

17 CHAIRMAN PALMER: Bernie Randolph?

18 **TESTIMONY OF BERNIE RANDOLPH:**

19 MR. RANDOLPH: I'm Bernie Randolph, I live at 212 Cart Gate Circle in  
20 Windermere. And as David said we're not against development in Longcreek, but we  
21 are against the concept plan that's being presented to you today. And my major  
22 concern is the density of homes. Now, Mr. Bakhaus said the density is three units per  
23 acre. Well that's true if you look at it from a gross standpoint, but this is not a typical

1 development. You have to look at the housing clusters to understand the density. And  
2 based on the material that's been provided in the PDD, if you, and the lot sizes that  
3 they're showing in there, you can look at density in each of these clusters any place  
4 from seven units up to 21 units per acre, alright? Now, on a macro scale you've got 425  
5 new homes and I think it's important to realize that this is about another 30% addition in  
6 homes to Longcreek, but it's only being built on 6% of the land, alright? And unlike a  
7 conventional development a PDD locks in the number of lots, i.e., homes. So that  
8 number stands as far as gross and net, so if they find that they have less buildable land  
9 in there they'll just downsize the lots and increase the density. So the density that  
10 they're proposing is, within Longcreek, is far larger than what we've got now, and if  
11 you'll look, Longcreek is predominantly residential and low density and it's, this design is  
12 certainly outside the visions that any of us have had and we'd recommend strongly that  
13 it be denied. Thank you.

14 CHAIRMAN PALMER: Alright. Joanna Whitsell followed by Yancy McLeod,  
15 followed by Maggie Bell and Bernie Sulter?

16 **TESTIMONY OF JOANNA WHITSELL:**

17 MS. WHITSELL: Hi, I'm Joanna Whitsell, I live at 212 Muirfield Court East. I've  
18 lived in the Longcreek Plantation community for 20 years. The reason that I purchased  
19 out there was because Longcreek offers uniquely rural, natural charm in a single-family  
20 suburban setting unlike any other. I agree, Mr. McNair, I applaud him for his  
21 commitment to being around to see this developed out, but I feel certain that Mr.  
22 Bakhaus thought he too would've had that opportunity. So in all fairness that's the  
23 reason why with this PDD we do need to cross the T's and dot the I's because at some

1 point it may end up in other hands. The concern I have has to do with the traffic that we  
2 realistically are dealing with over in the Northeast Columbia. On these two lane roads,  
3 this infrastructure that was designed to support rural and suburban, low density  
4 development. So I took a closer look at the traffic impact analysis that was submitted  
5 and the TIA understates traffic realities and makes several assumptions really without  
6 substantiation. Both the build and no build scenarios in the TIA, they're based on  
7 discussions with county Staff that there are no approved development projects going on  
8 in the area that will affect the background traffic. But no information was given as to  
9 how Staff actually made this determination because if you go right now, there's a gas  
10 station being constructed at one of the key intersections of concern, as well as another  
11 development going up on Long Green Road. You know, were these not taken into  
12 consideration? The TIA reduces expected traffic volumes of the PDD by 10% based on  
13 two assumptions; that people live, work and recreate in the area, and that a possible  
14 reduction in traffic generated by the commercial space accounts for that. You know,  
15 perhaps this is applicable in an urban setting, but Longcreek is spread out over 2,400  
16 acres in a rural low density setting, plus the commercial, since the TIA was done, has  
17 been dropped from 100,000 square feet to 60,000 square feet so fewer commercial  
18 opportunities exist to stay within the PDD. A couple of other things, we talked about the  
19 round about –

20 CHAIRMAN PALMER: Ms. Whitsell, if you could wrap it up for us we'd  
21 appreciate it.

22 MS. WHITSELL: Sure. We talked a little bit about the round about, it says the  
23 analysis shows that the round about in am and pm times are sufficient, however, no

1 analysis was actually given in the TIA. Where does this information come from? So as  
2 you can see there are many questions that still need to be addressed and ingress,  
3 egress across from the bus entrance at an elementary school, that if they do put the  
4 commercial in that would be the access. So I just ask please give some more time and  
5 consideration and vote no today.

6 CHAIRMAN PALMER: Yancy McLeod.

7 **TESTIMONY OF YANCY MCLEOD:**

8 MR. MCLEOD: Ladies and gentlemen, my name is Yancy McLeod. I live at 832  
9 Arbutus in Columbia. I'm so sorry, Milton, that you've decided to leave this county. I've  
10 lived in this county for 66 years. I do not live in this neighborhood. I would commend all  
11 of you for your time and service in the capacity of the Planning Commission for Richland  
12 County. I have had an opportunity and was requested to look into this situation on  
13 behalf of these good people that are sitting behind me, and I have represented many  
14 homeowner groups in connection with a proposed development in my life and I can tell  
15 you that this is as genuine a group of people as I've ever had the pleasure of working  
16 with. They are not emotional, they're not putting forth, Mr. Manning, the typical NIMBY  
17 argument, they're not opposed to development, they understand this is private property.  
18 All they want is to be assured that the reasonable expectations that they have had for  
19 over 40 years as they purchased their homes and built their homes in this 2,400 acre  
20 community with the reasonable expectation that they would continue to see single-  
21 family residential development, should be given serious consideration by this  
22 Commission, they're looking to you for protection. I had the opportunity this morning to  
23 meet with the developers out in Blythewood and I was very impressed with the

1 conversation and I'm hoping that many unresolved questions and issues can be  
2 addressed in a definitive way and I would offer myself as a disinterested party, except  
3 that I care about Richland County, I would offer myself as a person to meet on behalf of  
4 these good residents and meet with the developers and get some of these issues and  
5 substantive questions answered, and I would be glad to do that. And I would, I would  
6 say in closing, Mr. Palmer, that in my 66 years living in Richland County when Mr.  
7 Knozit speaks, people listen. Thank you. [laughter]

8 CHAIRMAN PALMER: Maggie Bell, followed by Bernie Sulter, Mr. and Ms.  
9 Brick, and then Bill Morrison.

10 **TESTIMONY OF MAGGIE ERLICKBELL:**

11 MS. ERLICKBELL: My name is Maggie Erlickbell and my husband and I have  
12 lived in Longcreek for eight years. We're also not against development, but we are  
13 against the rezoning of any acreage in Longcreek to PDD. If this change is made we  
14 become vulnerable to commercial and institutional development, and the impact on the  
15 community, lake and woodlands will be irreversible. Troubling negative impacts to our  
16 environment can be directly linked to Longcreek Associates and Fairways Development.  
17 They are majority owners of the area known as Club Cottages, Phase II, which has after  
18 almost six years recently been cited with federal wetlands violations and 17 violations of  
19 county regulations. There are major problems in storm water management and down  
20 stream out flowing to Lake Columbia. To this date most of the Club Cottages, Phase II  
21 area remains barren, six years. The land's been cleared, sits there and just is  
22 destroying the lake and the area. As part of their current plan Longcreek Associates  
23 wants to develop about 80 acres that border on Lake Columbia. There's been some

1 new development on the lake – I’m nervous – in recent years and parts of this area are  
2 also being investigated for storm water and wetland violations. Because of the slopes,  
3 streams and wetlands the proposed PDD plan will require changing the terrain of the  
4 area around the lake and the impact to our community and the environment will be  
5 much greater than the Club Cottages mess. One goal of the Land Development Code  
6 of Richland County is to enhance land, water, air and tree resources by minimizing the  
7 area of land disturbance, optimizing stream buffers, preserving tree cover, and  
8 encouraging the protection of the conservation areas. The environmental standards in  
9 section 26-186 protect steep slope areas, streams and wetlands. When acreage is  
10 zoned PDD builders are allowed variations from the regulations of the county zonings  
11 districts. We would no longer be confident that the codes from section 26-186 or any  
12 other Land Development Codes would be followed by Longcreek Associates and of  
13 course by the county. Please recommend that the request for rezoning be denied.  
14 Allow development to continue at its current pace on the Longcreek Plantation  
15 covenants and Richland County regulations. These guidelines should help preserve the  
16 character and beauty of our community and the county.

17 CHAIRMAN PALMER: Thank you. Bernie Sulter?

18 **TESTIMONY OF BENNIE SULTON:**

19 MR. SULTON: Good afternoon. My name is Bennie Sulton, I live at 201  
20 Runnymede Drive in Blythewood, in Longcreek. My wife and I have been residents of  
21 Longcreek for the past 27 years. I’m here today to respectfully ask this Commission to  
22 vote no to the proposed zoning change requested by this developer. My reasons for  
23 asking you to turn down the subject zoning change and subsequent flawed

1 development plan are too numerous for me to outline in three minutes. However, here  
2 are just a few of my reasons. First of all this development plan was hidden from most of  
3 the residents of Longcreek until the mandatory disclosure procedures were  
4 implemented by the county. After most of us saw the county signs the developer then  
5 pulled together a meeting of Longcreek residents. The first meeting turned out to be  
6 nothing more than a propaganda delivery session. We were expecting to get the meat  
7 and potatoes of the development plan, however, we only received a cheap salad with  
8 no salad dressing. We came away from the first meeting with more questions than  
9 answers. As a matter of fact looking for straightforward answers from this developer  
10 has been like looking for a worm on a chicken farm. The chances of us getting any  
11 straight answer from this developer have been slim to none. Most of what we've  
12 received to this point has been the different options the developer will have after a  
13 zoning change. Based on what I've seen so far if a zoning change is granted, this  
14 developer will have more options than a Windows 7 application on steroids. The  
15 problem is we don't know what options he will select for lot sizes, home square footage  
16 and type of construction. I liken this situation to a banking loan process; I don't think  
17 any one of us in this chamber would accept a loan on the basis of you are approved,  
18 however, we will tell you the interest rate on the loan after the closing.

19 CHAIRMAN PALMER: Mr. Sulton, and for those of you in the future, we have  
20 your typed comments and we've got these for our consideration as well. There's no  
21 need to stand up in front of us and read the documents that you guys have presented  
22 us with. However, you do have your two minutes that you can use however you'd like  
23 to, but if you could wrap up your comments for us we'd appreciate it.



1 MR. SULTON: The land development process is not rocket science. [Inaudible]  
2 and I've dealt with all three during my lifetime. Mankind has been dividing up parcels of  
3 land into lots for thousands of years. It appears this developer has some problems with  
4 the process due to his inability or unwillingness to share the specifics of his plan.  
5 Therefore, I'm respectfully asking this Commission to turn down this misguided zoning  
6 change request. Thank you.

7 CHAIRMAN PALMER: Thank you. Bill Morrison, followed by Nicole – I'm on  
8 Brick. Yes, I'm sorry.

9 **TESTIMONY OF SAM BRICK:**

10 MR. BRICK: That's okay. My name is Sam Brick and I live at 124 Runnymede  
11 Drive in Blythewood and if you have my statement I will not read it. But I will ask you to  
12 look at the letter I have attached to it. And the point of this is that I did attend one of the  
13 focus meetings. We had a couple of focus meetings with this group and, you know, it  
14 was not very good. They didn't pay much attention to us. They told us whatever we  
15 wanted to hear. They've done this over and over again. We went to another meeting,  
16 they said that they wouldn't have apartments. And I wrote it down. And then the guy  
17 goes on and a little bit later his boss or Ron Johnson comes back, well no he didn't say  
18 that, that's when another issue comes up. We never get the truth from these guys.  
19 That's the problem. We have tried to work. Look at my letter and it was written right  
20 after the first focus meeting and what I put in that letter was what we agreed to. None of  
21 that has come, except for one thing, a Green Code. And by the way if they were gonna  
22 follow the Green Code, according to the Green Code you have to have already started.  
23 They have done none of this stuff that would already have started under the Green

1 Code. Of course, a PDD is not eligible under the Green Code, so the main point of the  
2 Green Code is for you to have very onerous environmental conditions which they said  
3 they would agree to. They don't get any bonus provisions because they're not eligible  
4 for it if they're a PDD. So these are things that, you know, okay, meaningless. The  
5 statute of frauds and that's what you all brought out, Mr. Van Dine brought that out, all  
6 over the place. Try, we'll try to the maximum extent, and a lot of stuff like that, you've  
7 already covered that. There's, that's the main stuff, but look at the letter and that's an  
8 attitude that we have, we want to work with these folks. Three meetings I had lined up  
9 with these guys, three meetings. They didn't go to any of the meetings. I had them all  
10 lined up. And, you know, I made numerous phone calls, tried to get a hold of them. I get  
11 an email four minutes, four hours rather after the last meeting, well maybe next week.  
12 They are not meeting with us. They are not working with us. They want to work with the  
13 people who agree with them, not with people who are gonna ask them important and  
14 meaningful questions. Thank you.

15 CHAIRMAN PALMER: Thank you. Bill Morrison, followed by Nicole Leopard  
16 maybe? Mr. and Ms. Olson following that, followed by Joe Pinner.

17 **TESTIMONY OF BILL MORRISON:**

18 MR. MORRISON: My name is William L. Morrison. I thank you for the  
19 opportunity to speak in front of you. I've put some written remarks in there and I'll just  
20 leave that as such but I would like to bring out the most important thing that I think that  
21 affects me. I don't know if anybody in this room has built a house in the last two years  
22 but I did in Longcreek. I've lived there since 1989, I took a short sabbatical for two  
23 years while I built my house and I'm back. I am very disappointed in what I'm seeing.

1 I've met with Ron and Steve, they seem like really nice guys but from what I'm seeing in  
2 this area I'm very concerned about. The exterior to Longcreek Road, Longtown Road,  
3 especially at the entrance where they're talking about commercial area, there's 33 acres  
4 plus the existing PDD which was supposed to be for a church. Can't build houses  
5 where a church is so that 10 acres was not gonna have anything on it. The other 33  
6 acres is zoned RU, 1 1/3 houses per acre. That's approximately 42, 43, houses. So  
7 you're gonna take this section if this goes through, which would've been 42 or 43  
8 houses, and put 192 homes on it. This isn't right. You need to look at that, and by the  
9 way that's at the intersection of where a school and the round about is. It would be  
10 absolutely a catastrophe for whole area. Just read what I wrote, there's some other  
11 issues in there I'm very concerned about. Thank you for your time.

12 CHAIRMAN PALMER: Thank you.

13 **TESTIMONY OF NICOLE LAFERNO:**

14 MS. LAFERNO: Hi, my name is Nicole Laferno and I live at 136 Muirfield Court  
15 West in Longcreek. And what I'm asking is for you to vote no to this PDD zoning  
16 request. Unlike these folks, most of the people you've heard from, we've actually made  
17 these investments in Richland County. Our investments, you know, we pay these  
18 payments every month, we're not contingent on a rezoning. Our zonings are what they  
19 are. So basically you've heard Longcreek has existed for over 40 years and that this is  
20 only a small portion of property that is left to be developed, and we as homeowners are  
21 not against it being developed, we want it to be developed but in keeping of what, with  
22 what we currently have, in the same character of our community. Right now the zoning  
23 is inappropriate. According to Richland County Building Code, a PDD zoning is to be

1 used for a new development, not intended for infill in an existing community. Longcreek  
2 is not a new development like you've heard. Furthermore, the property in the zoning  
3 request has been for numerous years zoned Rural and Residential Low-Density. Over  
4 these years we, the folks you're hearing, we purchased under those zonings, so that's,  
5 you know, that's a big deal to us. Increasing the community's density, which this plan is  
6 going to do, is going to create a strain on our roads, public schools and infrastructure.  
7 Planning has already said the roads are gonna be a Service Level of F. This is going to  
8 create a public safety hazard for us who live in this community. Me being a parent, it is  
9 vital for me to know that an ambulance can get to and from my home during rush hour.  
10 This is, this is all very critical information that, you know, I want you guys to understand.  
11 We live out here, these are our homes, this is what we're gonna have to live with for the  
12 next 40 years and we ask that you just protect us as a community, as people who  
13 actually live here in Richland County. Thank you.

14 CHAIRMAN PALMER: Thank you. Lee Olson, followed by Joe Pinner, Paula  
15 Dixon and Ann Olson.

16 **TESTIMONY OF LEE OLSON:**

17 MR. OLSON: My name is Lee Olson, I live at 125 Westlake Palms Drive in  
18 Longcreek. I'm a realtor and I believe in development as long as it's responsible, meets  
19 the general environment and looks like what's already there. In fact, all development,  
20 all property's at risk until it gets developed cause you never know what's gonna be built  
21 behind you until it's there so I'm very much in favor of development. In 2002, my  
22 daughter purchased the home that I now live in and I was introduced to Longcreek and  
23 at the Longcreek sales office the real estate agents all told us that this is a great

1 community, it's low density, big lots, big houses, and we'll spend a long time doing it,  
2 we'll spend the next 15, 20 years building on this so that we can take our time.  
3 Sounded good, my daughter bought the house, I like it, I bought the house from her.  
4 Now I've heard, I've gotten involved in this a little late, I didn't see all the meetings until I  
5 saw the sign. So I went to a meeting on the 15<sup>th</sup> and I heard that the developer needed  
6 zoning changes cause they couldn't make any money selling under [inaudible]. So, so I  
7 only have one point to make and that is that you can sell property under the existing  
8 zoning laws. So I did a little research, I went to my neighborhood, Westlake Farms and  
9 adjoining one, Westlake Woods, and Heritage Forest. One's a more mature older  
10 neighborhood, the other is kind of new. In fact we had a new section in ours and  
11 Heritage Forest is under development. I drove around every house and I looked for For  
12 Sale signs to see how many were on the market. In Westlake Farms there's zero.  
13 There's one custom home that's being finished, there were a couple that were –

14 CHAIRMAN PALMER: Can you wrap it up for us, sir?

15 MR. OLSON: Yes. There were a couple being finished earlier, and the  
16 conclusion is that there were no houses under development that hadn't been sold.  
17 Heritage Farms has eight houses that are currently under development and they're all  
18 under contract. They have 29 that have been sold and closed and people living in  
19 them. So I ask you to vote no against this request for a zoning change because the  
20 existing plans and zoning work fine for us and it should work fine for a developer.

21 CHAIRMAN PALMER: Thank you.

22 **TESTIMONY OF JOE PINNER:**

1 MR. PINNER: Members of the Commission, my name is Joe Pinner and I live at  
2 152 Runnymede in Longcreek Plantation and I'm not usually known as the apotheosis  
3 of brevity but in the essence of time and for you I want to say that my wife Peggy and I  
4 have lived in Longcreek Plantation for over a quarter of a century, and we live in the  
5 Runnymede section on the beautiful Lake Windermere across from the 18<sup>th</sup> hole of the  
6 beautiful and challenging Windermere Golf Course. And you have heard my neighbors,  
7 my friends, my golfing buddies cite their reasons in opposition to this PDD and the  
8 zoning plan. And I can only say ditto. And I would like in this room who are opposed,  
9 please stand or raise your hand. We rest our case.

10 CHAIRMAN PALMER: Thank you. Mr. Paul Dixon followed by Ann Olson. Mary  
11 Brick and Ann Marie Byrd.

12 AUDIENCE MEMBER: [Inaudible]

13 CHAIRMAN PALMER: Okay. Paul Dixon? No? Mary Brick?

14 AUDIENCE MEMBER: She's not gonna testify.

15 CHAIRMAN PALMER: Okay. Ann Marie Byrd? Followed by William Byrd and  
16 Thomas Pilgrim.

17 **TESTIMONY OF ANN MARIE BYRD:**

18 MS. BYRD: Members of the Planning Commission, my name is Ann Marie Byrd, I  
19 live at 5 [Inaudible] Way in Blythewood, South Carolina. By coincidence we moved out  
20 there eight years ago today. We moved out there because we liked the community, we  
21 liked the character of the community, and we liked the fact that the houses are far apart,  
22 they're on large lots and they afford some privacy and yet allow us to interact with our  
23 neighbors. I too am not opposed to development. I think that when you invest in

1 something you have a right to reap the rewards of your investment. However, these  
2 gentlemen who have made this proposal have not made the investment in the property,  
3 they don't own the property yet. The PDD proposal before you is too vague, I agree  
4 with some of the questions that have been put forth. There are seven large lot, large  
5 houses on Longtown Road East. Most of the proposed development is along Longtown  
6 Road East. To put the development in as it is outlined vaguely in the PDD application  
7 would create a blight on the character of Longtown Road East. It would significantly  
8 change the character of that community. There has also been said that Longcreek that  
9 we live in now is a quagmire, we have heard that today. I do not live in a quagmire, I  
10 live in a very nice neighborhood. Please help us keep it that way and deny this request.  
11 Thank you.

12 CHAIRMAN PALMER: William Byrd? Judy Hegler? Mary Randolph, Phillip  
13 Butler, Brice Bell?

14 **TESTIMONY OF PHILLIP BUTLER:**

15 MR. BUTLER: To the Commission Members, I appreciate the opportunity to  
16 speak. My name is Phil Butler, I live at 214 Columbia Club Drive East in Longcreek  
17 Plantation, Blythewood, South Carolina. We need your help and I don't mean to read  
18 here, and I know some of it is a little redundant and I'll try and skip that but I have a  
19 strong feeling about this and I just want to make sure I communicate it. Our family  
20 members have been residents of Richland County for 27 years. We now reside in  
21 Longcreek, having moved there when I retired from the Army in 1993. I served my  
22 nation starting as an Army Private and had the good luck to spend over a quarter of a  
23 century going across and around the world. We came back and knew we wanted to live

1 in Richland County. We looked around, we started doing our house search, we found a  
2 house in Longcreek and we knew we had found our dream home, so that's sort of the  
3 background. We felt and we still do feel Longcreek is a great place to live, it was 20  
4 minutes from downtown Columbia, now a little bit longer. But it has rural flavor to it and  
5 that attracted us, it's got wetlands, wildlife, two lakes, etc., etc., recreational  
6 opportunities. All of that contributed to us living out in Longcreek and deciding we  
7 wanted to buy there. The developer recently told us that the area he wants rezoned to  
8 accommodate more types of housing and density as well as commercial areas. That  
9 doesn't make sense. Regardless of what anybody says 95% of that property is  
10 developed. Over the 18 years we've lived there, I've seen good constant development  
11 and there's no reason to believe that last five percent won't be developed out in the  
12 proper manner under the current constraints. The developer's proposal will change the  
13 nature of this Richland County gem, I truly believe that, for the sake of developing their  
14 final 5%. There have been some significant violations by the folks who now own  
15 Longcreek, violations as you heard before from a federal, state and local level. The  
16 other thing with the ambulances, I couldn't agree more. We're talking one lane each  
17 direction, we're talking a little bridge that only has two lanes, would cost multi, multi  
18 millions of dollars to expand in order to create enough room for traffic to safely flow. It's  
19 just absolutely absurd to even think of doing what they're doing. One final point I would  
20 make to y'all is there are many thousands of undeveloped beautiful acres in Richland  
21 County. If the developer's serious about enhancing the quality of life for citizens, he  
22 should select some of that land, then come forward to the Commission and the Council  
23 and get approval to build on that. That would make a lot more sense than what's going



1 on right now. Changing the character of Longcreek and making the masses suffer  
2 because of a few simply does not. I thank you very much for your time.

3 CHAIRMAN PALMER: Judy Hegler or Margie Randolph?

4 AUDIENCE MEMBER: [Inaudible]

5 CHAIRMAN PALMER: That's okay. Bruce Bell? Mary Ann Maiden?

6 AUDIENCE MEMBER: [Inaudible]

7 CHAIRMAN PALMER: Okay. If you'd just let us know that that's – and you are  
8 Mary Ann Maiden, is that right? Bruce Bell I guess is not available? Jared Laferno?  
9 Danny Richardson.

10 **TESTIMONY OF JARED LAFERNO:**

11 MR. LAFERNO: Good afternoon Commission. I appreciate your time today and  
12 I'll make this brief. I ask that you vote no to this PDD. I agree with everything that has  
13 been said by my fellow residents that this PDD zoning is not in keeping with our  
14 community and will hurt Longcreek and will hurt Richland County, so please vote no. I  
15 forgot to state my name. It's Jared Laferno, I live at 136 Muirfield Court West,  
16 Blythewood.

17 CHAIRMAN PALMER: Thank you.

18 MR. LAFERNO: Thank you.

19 CHAIRMAN PALMER: Ron, I can't make out your last name, at 221 Longtown  
20 Road North?

21 AUDIENCE MEMBER: [Inaudible]

22 CHAIRMAN PALMER: Okay. Licton Edge? Leyton Edge?

23 AUDIENCE MEMBER: [Inaudible – laughter]

1 CHAIRMAN PALMER: Steve Bloss? We may get out of here before dinner after  
2 all. Shelly Dunlop?

3 AUDIENCE MEMBER: [Inaudible]

4 CHAIRMAN PALMER: Brian Dunfee? Colin Sinclair maybe?

5 AUDIENCE MEMBER: [Inaudible]

6 CHAIRMAN PALMER: Joe Markes? Calvin Smith? Carol Smith? Michael  
7 Beville?

8 AUDIENCE MEMBER: [Inaudible]

9 CHAIRMAN PALMER: Thank you. And you have two minutes if you'd like to  
10 come down. Sandra Beville? Thank you. Thetus, there's no way, 26 Palm Crescent  
11 Court? No? Okay. Coot Dawson? Barb Hitchner? Tammy Mallett? Mimi and Ivan Snell?  
12 Marvin Davis? Travis Medlin? Marvin, Mr. Davis?

13 **TESTIMONY OF MARVIN DAVIS:**

14 MR. DAVIS: Yes.

15 CHAIRMAN PALMER: Okay.

16 MR. DAVIS: My name is Marvin Davis, I live at 9 Sommersby Court in  
17 Longcreek. And I also am not in favor of the PDD as is written. I'm not in favor of the  
18 192 units on the outside of our development nor am I, I think the density is just too  
19 dense in that area, and also am not opposed to the commercial plan, it's in the PDD. I  
20 know that Lexington County has done some PDDs or PUDs that exempted the  
21 requirement for commercial. Maybe that's something that Richland County could  
22 consider. Club Colony, since I live in Club Colony and not in the greater scheme of  
23 things, this development in Club Colony is about two and a half to five times larger than

1 Club Colony is today, so Club Colony will be impacted drastically. And personally I  
2 think there's something with the process that you get to vote on a PDD and then later  
3 you get to tell what's gonna be built. I think that's backwards, or at least ought to be  
4 included on what's gonna be built, or included in the application. It just seems like it's,  
5 you vote on something but then you don't know what it is. So I would ask that if this  
6 plan is deferred that a full detailed architectural review guideline is provided because  
7 without it, again I don't know what I'm voting for and I would continue to vote against it.

8 CHAIRMAN PALMER: Travis Madden? Robin Madden? Mike Coleman? Or Erin  
9 Coleman?

10 **TESTIMONY OF ERIN COLEMAN:**

11 MS. COLEMAN: Hello, my name is Erin Coleman and I live at 324 Heritage  
12 Forest Drive in Longcreek. I think I've attended now seven meetings. I attended all of  
13 the community meetings with the developer, I was, or volunteered to be like a  
14 neighborhood delegate to speak on behalf of my neighbors in the Heritage Forest  
15 neighborhood. And so I've put a lot of time and effort into this decision and how I would  
16 vote today. Originally I was actually interested in the development. I do agree that it is  
17 beneficial for the community to have one developer that's going to take on the rest of  
18 the remaining parcel instead of it just being sold piecemeal. They do seem committed to  
19 their environmental preservation and I was impressed with the level of opportunities that  
20 they gave to members of our community to come forward and meet with them. But after  
21 reviewing their plan basically I have the same concerns that we've already discussed  
22 about the traffic issues, there not being a roadway for their commercial development  
23 area, that it's not necessarily in keeping with the surrounding area, basically things that

1 we've already covered. But my real concerns I think, and the reason that I eventually  
2 became opposed to the plan is I've been watching the areas that they've already had  
3 rezoned as PDD near the back entrance of our neighborhood, I've been watching the  
4 area that they've already bought within our neighborhood that aren't attached to this  
5 parcel in particular, but their current development. And when I contacted them with  
6 questions about that they really didn't provide any answers. I mean, they have  
7 purchased and had rezoned this back area where they've basically just taken out all the  
8 trees. There is no buffer area, it hasn't been – no information about the neighborhood  
9 and I don't understand why, if they're so willing to provide information about other areas,  
10 they won't talk about the ones that they're already working on and I don't understand  
11 the reluctance to discuss their current projects. And so it doesn't give me a lot of faith  
12 that the next project on a much larger scale would be different. So in particular, also the  
13 Club Cottages area that has the current violations that they've never really addressed  
14 why they're in violation or what they're doing to correct the violation, and I was very  
15 unimpressed with the very unprofessional and threatening language that was used by  
16 Mr. Ron Johnson on behalf of Longcreek Associates in his email to people in the  
17 community, which basically said that if they didn't receive their PDD rezoning issue that  
18 they would just proceed and sell it to the lowest bidder that would clear cut the lots and,  
19 I mean, it was very implied and I just thought that it was extremely unbecoming for a  
20 business professional such as that. So I'm actually not opposed to deferring the  
21 decision if you chose to defer it. I'm still interested in learning more about their plan, but  
22 I am opposed to it as it stands now. Thank you.

23 CHAIRMAN PALMER: Thank you. Elizabeth Mull? Sherry Kauf?

1 **TESTIMONY OF SHERRY KAUF:**

2 MS. KAUF: Hello, my name is Sherry Kauf, I live at 308 Columbia Club Drive  
3 East in Longcreek. My husband and I have been residents for 10 years. I understand  
4 the property will be developed, I have no argument with that, the owners have that right.  
5 But we as residents in that community, the developers have one goal, I mean, their job  
6 is to make money, we understand that. You as the Councilmember mentioned earlier,  
7 the Council will very rarely, if ever, overturn your decision so it is up to you. You are all  
8 we have to represent us and our concerns and we would appreciate that. Thank you  
9 very much.

10 CHAIRMAN PALMER: Thank you. Dorothy, I can't get your last name here, 304  
11 Columbia Club?

12 AUDIENCE MEMBER: [Inaudible]

13 CHAIRMAN PALMER: Thank you. Brenda Young? James Young?

14 **TESTIMONY OF BRENDA YOUNG:**

15 MS. YOUNG: I'm Brenda Young, I live at 812 Longtown Road West. We bought  
16 our house in '78, there were 20 houses out there. We had horses, we bought out there  
17 because we were allowed horses in our backyard. I have four horses next door to me  
18 right now and we have a house on the other side of us that is up for sale that has a  
19 barn, we have a barn. We bought out there because of Richland II schools, because it  
20 was rural. We enjoyed the area out there, we have seen a lot of changes; some of them  
21 I didn't agree with. But our houses have gone up in value, our property has gone up in  
22 value, I would like to see it stay like it is. The land does need to be developed, but it  
23 should be developed like it is right now. Thank you.

1 CHAIRMAN PALMER: Thank you. Mr. Young?

2 **TESTIMONY OF JAMES YOUNG:**

3 MR. YOUNG: When you follow your wife you can't say a whole lot [laughter]. But  
4 let me just say this, I live, as Brenda indicated, I live, when I go into Longcreek  
5 Plantation I go left and my house is one of those with the white horse fence and I got a  
6 lot of room because I had the first horses that were ever out there. In fact John  
7 Bakhaus gave us the talk, one day back in about '79 or '80, this is what I want to do with  
8 this community, when it was Columbia Country Club Estates. So we go back a long,  
9 long ways. My problem, as I said I turn left and not right so this development, I'll never  
10 see it except when I go over the lake to go around the back way to go to Blythewood,  
11 but the bottom line is that right now Clemson Road, the intersection of Longtown Road  
12 and Clemson, and Clemson and 555/Farrow Road, and I-77 are disastrous and now  
13 we're gonna add 400 more cars every morning. I'm sorry, but I think we're just getting  
14 too big too fast. Thank you.

15 CHAIRMAN PALMER: Can you give your address for us again, please sir?

16 MR. YOUNG: I'm sorry?

17 CHAIRMAN PALMER: Your address for us again, please? It just helps out our  
18 transcription.

19 MR. YOUNG: 812 Longtown Road, like my wife.

20 [laughter]

21 CHAIRMAN PALMER: Thank you. Touché, touché. Jane Jorgeson.

22 **TESTIMONY OF JANE JORGESON:**

1 MS. JORGESON: My name is Jane Jorgeson and I live at 5 Lakemoor Court in  
2 Blythewood, Crescent Lake area. And I would just like to say that this community has  
3 meant so much because of things like this, the neighbors coming together for a  
4 common cause, that is unique, and I think that we couldn't be more sincere about our  
5 concerns over the many things that have come up today. I think primary is the traffic  
6 issue. There is no plan to make our roads any larger. The round about, what it's gonna  
7 do is cause backups on either end of Longtown Road, it's probably gonna be safer in  
8 the long run but it will not increase capacity on the roads that are already at capacity.  
9 They're just gonna go further into degradation. The roads themselves to be maintained,  
10 it's gonna making jogging or bicycling or walking your dog more challenging because  
11 the increase of traffic, which decreases our quality of life. So I hope we will not allow  
12 this zoning change, keep the zoning the way it is, fine go ahead and bring on more  
13 homes and more people to our lovely place, but I think keeping it at the current zoning  
14 would be beneficial for everyone. Thank you.

15 CHAIRMAN PALMER: Elise Sutton? Henry Desay?

16 AUDIENCE MEMBER: [Inaudible]

17 CHAIRMAN PALMER: R.M. Schwartz?

18 AUDIENCE MEMBER: [Inaudible]

19 CHAIRMAN PALMER: Deann Schwartz?

20 AUDIENCE MEMBER: [Inaudible]

21 CHAIRMAN PALMER: Steve Whitsell?

22 **TESTIMONY OF STEVE WHITSELL:**

1 MR. WHITSELL: My name is Steve Whitsell, I live at 212 Muirfield Court East,  
2 Blythewood, South Carolina and I have been a resident of Longcreek for close to 20  
3 years. As the son of a builder and a contractor myself I am certainly not opposed to  
4 development, but when it's not done in the standards with the existing structures that  
5 are already there, I am opposed. The density of the PDD is inappropriate for this tract  
6 of land and it's not in keeping with the existing suburban community of Longcreek. I ask  
7 that the Commission vote no on the rezoning request. Longcreek, for the most part, is  
8 fully developed with this 140 acre tract that's left, resulting in about 6% of the property  
9 out of the 2,400 acres. It's easy to do the math, 1,200 homes on 2,160 acres; 400 plus  
10 homes on 140 acres. It's that simple as far as I'm concerned. And I am opposed.  
11 Thank you.

12 CHAIRMAN PALMER: Thank you. Stephanie Hall?

13 AUDIENCE MEMBER: [Inaudible]

14 CHAIRMAN PALMER: Moniqua Izerski?

15 AUDIENCE MEMBER: [Inaudible]

16 CHAIRMAN PALMER: Thank you. Bernita Jameson?

17 AUDIENCE MEMBER: [Inaudible]

18 CHAIRMAN PALMER: Thank you. Don and Brenda Whitefield?

19 AUDIENCE MEMBER: [Inaudible]

20 CHAIRMAN PALMER: Curt and Linda Cowen?

21 AUDIENCE MEMBER: [Inaudible]

22 CHAIRMAN PALMER: Susan Tondru Byer, Dyer?

23 AUDIENCE MEMBER: [Inaudible]



1 CHAIRMAN PALMER: Thank you. Rita Shutz?

2 AUDIENCE MEMBER: [Inaudible]

3 CHAIRMAN PALMER: Dwight Dyer?

4 AUDIENCE MEMBER: [Inaudible]

5 CHAIRMAN PALMER: Eddie Nelson?

6 AUDIENCE MEMBER: [Inaudible]

7 CHAIRMAN PALMER: John Katz? At 412 Old Course?

8 **TESTIMONY OF JOHN HASTY:**

9 MR. HASTY: My name's John Hasty, I live at 412 Old Course Loop in  
10 Blythewood. I just have a few things on this. One, I would take a look at the day and  
11 time the traffic study was done, I believe it was December the 29<sup>th</sup>. One, schools are  
12 out, people are on vacation, there's no traffic on the road. They said that they counted  
13 60 cars in their hour. I can count 60 cars in eight minutes. So I think the traffic study is  
14 massively flawed, I would like the county, if they would, to do their own traffic study.  
15 [laughter] Keep them honest. But yeah, I agree with all my neighbors here. You know,  
16 you're looking at 6% of the land and, you know, you're talking about increasing the  
17 number of homes massively, and I know he mentioned another 425 cars, well the  
18 average number of cars owned per household in America is about 2.3. So it's not an  
19 increase of 425 cars, it's gonna be closer to 900. And one, our roads can't handle it, it's  
20 already a C. If you want to see an example of an F, take a look at Hardscrabble Road at  
21 5:00 or 5:15. You can't drive on it. To go three miles it takes about 20 minutes. So I  
22 know that as soon as we go through what they propose, we'll immediately be an F. And  
23 if you would please vote against this proposal. Thank you.

1 CHAIRMAN PALMER: Thanks. Scott Armstrong?

2 MR. ARMSTRONG: I am opposed.

3 CHAIRMAN PALMER: Carol Norwooks, 7 Foxfield?

4 AUDIENCE MEMBER: [Inaudible]

5 CHAIRMAN PALMER: Valerie Dumas? Brett Sexton? Colly Lorick?

6 MR. LORICK: Opposed.

7 CHAIRMAN PALMER: Dan Litchfield? Laura Baker? Marvis Bookert? Michael  
8 Baker? Barker?

9 MR. BARKER: Yeah. I don't have much to add, but there is one little thing -

10 CHAIRMAN PALMER: If you do, if you could, we've just got to get in on the  
11 Record.

12 MR. BARKER: I'll sit down.

13 CHAIRMAN PALMER: No, that's fine, come on down. And then we have Jerry  
14 Rega and Craig Field.

15 **TESTIMONY OF MICHAEL BARKER:**

16 MR. BARKER: I'm at 3 Aaron Way in Blythewood. I have spoken to a member  
17 of DOT about the rendering for the round about and as rendered it's too small, they  
18 won't, I don't, it's not gonna be passed like that. It has to be a lot bigger and it would  
19 take out kind of the entrance to Club Colony there and [inaudible], so thought I'd bring  
20 that up.

21 CHAIRMAN PALMER: Thank you. Craig Field?

22 **TESTIMONY OF JERRY REGA:**

1 MR. REGA: Thank you for taking the time. Jerry Rega, I live at 112 Bardwell  
2 Way in Blythewood. You know, what's interesting, if they would've just bought the  
3 property and kept it rezoned everything would've been fine. I attended some of the  
4 meetings and the vagueness is, is amazing. The problem is the lack of disclosure. And  
5 even here today the representatives of the new owners have done the same thing  
6 again. They've talked about the so-called fact that the big concern was to leave the  
7 property as is, you have not heard one person come up here today and say they want  
8 the property as is. You also heard from someone, you know, their attorney say there  
9 are divergent opinions of current residents. Once again, I have not heard one person  
10 come up here and, and, with any other opinion other than to turn this down. And  
11 they've come up here and talked about how they want to try, they have good intentions.  
12 Well, they can come back a year or two from now and say, hey guess what guys, we  
13 tried. And they don't lie, they just lack the full disclosure. Even here today we hear the  
14 fact that this round about has to be approved by the state. When they presented early  
15 on, they presented as if that round about was a done deal and would be done to  
16 alleviate the traffic, which by the way we also just heard was done on December 29<sup>th</sup>.  
17 So once again we continue to hear these things over and over again, little tidbits of what  
18 they want to do, but when you ask a question you never get a direct answer. I attended  
19 one of the meetings, I had a very simple question that has yet to be answered by  
20 anyone in that organization, and that's, the whole issue was around traffic. We're  
21 concerned about traffic and fatalities in our neighborhood, because there's already been  
22 one years ago with a bicyclist. The question I asked was, under the current zoning what  
23 would be the applicable number of units of property to be developed? Give me that

1 number. Oh, they gave me that number. Then I said, okay under the new zoning, if  
2 approved, what would that increase be? We talked about the green space and how  
3 nice it would be and how lovely – I never got an answer out of this organization as to  
4 what would the increase be. All I, I heard it today, 410, 425, but when I talk to people in  
5 the details of the plan off the record, it's a much higher number, it's 600, 800, 900,  
6 maybe, I don't know, could be, possibly, we'll try, but you'll love it. All we want to know  
7 is what's the impact gonna be, and oh by the way in their own words one of the  
8 degrading letters that we received, one thing – oh by the way, it was stated earlier today  
9 that –

10 CHAIRMAN PALMER: Mr. Rega, could you –

11 MR. REGA: I'll finish up in just one minute. The – it was stated that this was  
12 contingent upon approval of the PDD. That's not true. Mr. Bakhaus himself and the  
13 current developer said the approval of this has nothing to do with the sale of the  
14 property. His comment was, one this is clear, we will develop the property with current  
15 zoning in place or in the PDD format. The people's voice in our future planning will be  
16 limited should they reject the PDD's rezoning. It brings to mind the old adage, win the  
17 battle but lose the war. These are the guys who claim that they've been working with  
18 us? Who claim that they're in battle? I'll end my discussion. Thank you for your time.

19 CHAIRMAN PALMER: Mr. Field, Craig Field?

20 **TESTIMONY OF CRAIG FIELD:**

21 MR. CRAIG: I'm Craig Field, 409 Old Course Loop in Windermere, I was the first  
22 house built in Windermere about 23 years ago. Two points, the commercial  
23 development, it was not successful in Lake Carolina, there's been very little occupancy,

1 a lot of vacant storefronts. I don't see how they can propose to do a commercial  
2 development here that's gonna have any better level of success. Secondly, everybody's  
3 talking about the traffic and the round about has been touted as being one of the major  
4 solutions. If you were washing your car with a half inch hose, you wouldn't splice in an  
5 inch section and think you're gonna get more water out of it, it's gonna back up. Your  
6 own study already shows that there is going to be a 60% increase in traffic, and it will  
7 take it to the F level. We don't want another Hardscrabble. You have no budget in the  
8 system right now to improve Longtown Road. So why would you plan to go, to put that  
9 much traffic in there? Thank you.

10 CHAIRMAN PALMER: Thank you. That's all we have. Folks, we appreciate  
11 y'all coming out, that'll close our public input session on the issue. What we'll do now is  
12 we'll discuss and, and take a vote on the matter, but we certainly appreciate your efforts  
13 in coming out. We are recommending Body to County Council, this case will come  
14 before County Council on April the 24<sup>th</sup>, so I'm sure that most of you have interest in  
15 coming back out for that date as well. But at this time we'll close the public hearing and,  
16 the public session and now discuss it. Any discussion? Any thoughts, comments?  
17 Motions?

18 MR. VAN DINE: Mr. Chairman, I asked a lot of questions at the beginning of this  
19 presentation, asking for specifics, asking for things. A lot of what I heard was we can't  
20 do it yet, this is something you're gonna have to wait and see. And the problem that I  
21 have with what is being requested is it's a request for a zoning change, it's a request to  
22 put something in place to be dealt with. Every one of our zoning classifications that we  
23 presently have in the Code have requirements, they're set in place, they're locked in.

1 This is not locking anything in as I can tell. There are too many waffle words, too many  
2 maybe's, too many if's, too many other things and I would just point to certain things like  
3 lot clearing and it's also done on landscape standards, it says, this page is included for  
4 informational purposes only and shall be included in the design guidelines. Well, that  
5 says, we don't have to do anything that's on that page, we're gonna put some stuff in  
6 the design guidelines and it might happen, it might not. I have no reason to doubt the  
7 voracity of them that they say they're going to put those in there, but again, they may  
8 not be here in five years, they may not be here in three years. We are making things  
9 dependent upon hopes, we're making things dependent upon promises which may not  
10 even have the promisee sitting here when it comes time to do these things. I think that  
11 a lot more detail needs to be provided in order for me to have a clearer understanding of  
12 what I'm being asked to do. The fact of the matter is I've always been concerned with  
13 saying DOT is going to do something or we put something in place that DOT has to  
14 approve, I understand it can't be done until you start planning it, but you're making your  
15 entire plan for management of traffic dependent upon something which is a maybe. The  
16 four-way stop sign out there, I mean, I go out there already, I will tell you for a fact that if  
17 I have to get out into that area I will go all the way out and come in the back way by  
18 Blythewood Middle School in order to come in cause you can't get around Clemson  
19 Road and you can't get around Hardscrabble or Longtown or any of the other roads in  
20 that area. I think that what we have is frankly, I mean, I like the concept, I like the things  
21 that are being proposed, I like the idea of the, I'll call it the green material, I know that's  
22 not the proper term, but the environmental aspects of it. But there are just too many  
23 unanswered questions for me to be in a position to really understand what is taking

1 place. If in fact more things could be added, if in fact there could be more concrete  
2 places in here where some of the requirements are actually locked in, I would feel much  
3 more comfortable with taking a vote on this and voting in favor of it. Because  
4 development is going to happen out there, whether it was a threat or whatever may  
5 have come out from anybody, the fact of the matter is there is a zoning classification  
6 that exists on this property right now. They do not have to ask you a thing to go forward  
7 to develop that property under the current classifications. The difference is we know  
8 what the rules are for that. We don't know what the rules are for this request, and I  
9 don't believe that what is being presented here gives enough detail or gives anybody  
10 the ability to really lock in an ordinance and since we are putting an ordinance on the  
11 books, it seems to me we should have more of those things tied down, whether it's  
12 specifically required in the Code or not, we are in fact setting an ordinance precedent for  
13 this particular property. And in light of that, Mr. Chairman, I will tell you that I will be  
14 voting against this particular provision because I don't think it supplies enough of the  
15 information necessary at this time.

16 MR. TUTTLE: Mr. Chairman, I'm confused. I was under the impression the  
17 Applicant had withdrawn this and that we were proceeding to give them insight on  
18 potential concerns that we had so they could potentially come back at a future date.  
19 Are we actually gonna vote on the motion in front of us?

20 CHAIRMAN PALMER: No –

21 MR. VAN DINE: He did not, he withdrew his request to defer so that we would  
22 go forward. The application was not withdrawn. Cause a withdrawal of the application  
23 would have a different impact.

1 CHAIRMAN PALMER: Right. Where we sit currently is that this proceeding is  
2 going on as normal. If the Applicant would like to request a deferral he certainly can do  
3 that and we will take that up as a voting matter at that point. But as it stands in front of  
4 us, we have the ability to defer it or we have the ability to vote up or down on the  
5 recommendation.

6 MR. TUTTLE: I have a question for Staff. Staff, if this is turned down today,  
7 what are the requirements before the Applicant can come back?

8 MS. LINDER: If he comes back with the same request he's gonna have to wait  
9 one year if he withdraws it, but he would not have to wait one year if he comes back  
10 with a different request.

11 MR. TUTTLE: Thank you.

12 CHAIRMAN PALMER: In other words just changing the PDD in any sort of minor  
13 way would be a different request, correct?

14 MS. LINDER: Mr. Price can address this further.

15 MR. PRICE: That's a good question. Typically if you come back for the same  
16 request that's been denied by Council you would have to wait a year. Looking at  
17 PDD's, I think, you know, what is a change to a PDD, what we consider is it has to be a  
18 major change to it. And that involves uses, access, location of land uses, anything that  
19 would be considered to be a major change would be required within the PDD to come  
20 back with in less than a year.

21 MR. VAN DINE: Mr. Chairman, can I ask one real quick? If, if the vote were to  
22 be taken by this Body and was withdrawn after this Body but before Council takes it, is  
23 that considered a withdrawal which has the one year implication?



1 CHAIRMAN PALMER: No, a withdrawal does not have a one year.

2 MR. PRICE: Withdrawal is just 60 days and that's according to the Planning  
3 Commission rules.

4 MR. VAN DINE: I guess it was a poorly phrased question. If we vote on it but  
5 before Council takes it up it is then taken off the book, it's only a 60 day, it's not the one  
6 year because it would not have had a vote at Council, correct?

7 MR. PRICE: Correct.

8 MR. VAN DINE: Okay.

9 CHAIRMAN PALMER: Mr. Manning?

10 MR. MANNING: Mr. Price, is this an all or nothing, up or down zoning request? I  
11 mean, you've got three tax map numbers; if one fails, all fail or?

12 MR. PRICE: Yes, sir. The request is for 140 acres.

13 MR. MANNING: Any of the 140 acres?

14 MR. PRICE: Yes, sir.

15 MR. BROWN: Mr. Chairman?

16 CHAIRMAN PALMER: Yes, sir?

17 MR. BROWN: Mr. Van Dine really I think set out my concerns that I have with  
18 this. And it would seem to me as I listen to both sides discuss this, there may be some  
19 room for them to get together and come out with a signed agreement between the  
20 community associations or association, and the developer. And it's sort of like, is this a  
21 [inaudible] situation; that's the question I raise to Mr. Van Dine, and I think it is. Like in  
22 his case I can't support what's before us but I think if the community and the residents  
23 out there who have a tremendous investment in that area and this contractor who also

1 has an investment, can get together, then I think the matter could be resolved. But I  
2 think it has to be something concrete, not if's and maybe's.

3 CHAIRMAN PALMER: Right. Yes, sir?

4 MR. GILCHRIST: Mr. Chairman, if I may. Can someone tell me how many  
5 meetings we've had with the community and the developers? Them, whoever, the  
6 developers and the community, how many meetings have there been?

7 CHAIRMAN PALMER: Mr. Fuller?

8 MR. FULLER: Mr. Chairman, I am more recently involved than some. I, it is my  
9 understanding that there have been to date seven community meetings arranged by the  
10 developers with various village or owner groups at the current development. There have  
11 been meetings that were organized by others that the developer has not been in  
12 attendance at for either reasons of not having been invited or whatever, there may have  
13 been many other meetings, but seven is the number I have, I am advised with respect  
14 to called meetings of organized entry points.

15 CHAIRMAN PALMER: Thank you.

16 MR. GILCHRIST: Mr. Chairman, if I may.

17 CHAIRMAN PALMER: No, sir, Mr. Brick, we're not opening back up again.

18 MR. BRICK: Okay, when we asked the question we have a different opinion.

19 CHAIRMAN PALMER: Right, I understand.

20 MR. BRICK: Okay.

21 CHAIRMAN PALMER: I understand. Thank you.

22 MR. VAN DINE: Well, I personally would like to find out how many meetings  
23 cause my question is –

1 CHAIRMAN PALMER: And Mr. Van Dine, we'll get there, we've just got to get  
2 through the order. I understand.

3 MR. GILCHRIST: Mr. Van Dine brought out some points that I'm very concerned  
4 about on this. But I guess one of the things that I'm majorly concerned about is that  
5 we've had seven meetings or however meetings there have been. Whatever, whatever  
6 the number has been and we're sitting here today and the residents are still confused  
7 about this proposed project. That certainly bothers me. And the way it stands now, Mr.  
8 Chairman, I certainly will be voting against this. I certainly don't hear, as we've listened  
9 to both sides of this, I've not heard where I feel that this community has, and their  
10 concerns have certainly been addressed in a manner that I think could have been dealt  
11 with a lot better in the past, and so that's my position on it. If someone wants to come  
12 and speak about the number of meetings, that's fine but –

13 CHAIRMAN PALMER: So what I'm sensing is we've got somewhere between  
14 two and seven meetings, somewhere in that range, organized. There's been requests  
15 from both sides probably to have meetings; developers not come to some,  
16 understandably so perhaps on this side. On the other side there's been requests and  
17 some of the residents haven't been able to make those meetings. So I understand  
18 there's probably somewhere in the middle as to what's gone on here and we get that.

19 MR. VAN DINE: Mr. Chairman, just to see if we can move the ball along, I'm  
20 gonna make a motion that we send this request forward with a recommendation of  
21 denial based upon the prior points that I raised at the, after the close of the public  
22 portion of this and predominantly based upon the lack of clarify and the fact that we are

1 establishing a zoning classification in zoning without proper foundation, without proper  
2 rules in place in my opinion.

3 MR. GILCHRIST: I'll second that, Mr. Chairman.

4 MS. CAIRNS: I just want to ask a couple questions of Staff before we vote.

5 CHAIRMAN PALMER: Absolutely.

6 MS. CAIRNS: Just from my notes or whatnot. Is it, was a determination done by  
7 Staff as to what the number of units would be under the current zoning? I know it's  
8 typical we get that in our packet but I didn't see it on this one.

9 MR. LEGER: I'll defer to Mr. Price.

10 CHAIRMAN PALMER: What do you got, 140 acres at 12,000 square foot lots?

11 MS. CAIRNS: Well, it's mixed though; some is rural, some was PDD, and some  
12 was –

13 MR. PRICE: Yeah, I mean, what you're really looking at is about 100 acres  
14 under RS-LD, and about 30 acres, 29 and some change zoned Rural, and you have to  
15 take out the about 10 acres that's zoned PDD.

16 MR. TUTTLE: So can you interperlate [sic] that into a number for us, Mr. Price?

17 [laughter]

18 MS. CAIRNS: So you didn't take out 10 in that one, that equaled 139. Well,  
19 what's the, what's the estimated net units based on the existing zoning?

20 MR. PRICE: I think what we've done, and Tommy has actually done the  
21 numbers, what we're looking at, in the RS-LD you're looking about 362 units just based  
22 on –

23 MS. CAIRNS: That's gross.

1 MR. PRICE: Gross, and you take out about, you know, somewhere between 20  
2 and 30% for infrastructure, just depending on the design, and that will give you what's  
3 allowed there.

4 MS. CAIRNS: What's the minimum lot size in RS-LD?

5 MR. PRICE: Twelve thousand.

6 MS. CAIRNS: Okay. I mean, cause I can offer that one of the things, I mean, I  
7 agree with Mr. Van Dine that there's an amazing amount of little detail in here, but the  
8 last page in the section labeled Part 3 has four lot sizes, which I suppose are what the  
9 lot sizes would be in these colored zones, the largest of which is 6,000 square feet. So  
10 the largest lot is half the minimum size, less than half the minimum based on the rural  
11 size. So, I mean, the density of this is staggering compared to what's there.

12 AUDIENCE: Thank you.

13 [Applause]

14 MR. TUTTLE: But, but that, understood it's a different method of development  
15 and you have to understand that. It's not just a fair comment. They're donating part of  
16 the land to the common good in green space, etc., so they're shrinking the density into  
17 ponds. It's been done in other areas. I'm not saying I'm for it or against it, I'm trying to  
18 explain the concept so it's not misunderstood.

19 MS. CAIRNS: Right, no I mean, I understand with the Green Code but we've got  
20 an 18%, on their calculations an 18% open space and I'm not, you know, again I'd like  
21 to see the numbers to make sure exactly what was put in the open space cause does it  
22 include the buffers or the parks or exactly what all was included, but under the Green  
23 Code it takes a lot more than 18% before you start getting density bonuses.

1 MR. TUTTLE: No question, I agree with you there.

2 MR. PRICE: According to calculations that we did, under the RS-LD, 100 acres,  
3 12,000 square foot lots, you're looking at a net density of maybe 254 units. Under the  
4 Rural, which is about 29.69 acres, you would get a gross density of 39 dwelling units,  
5 with a net of about 27. So your total would be I guess 281?

6 MS. CAIRNS: Versus 440 or so.

7 MR. TUTTLE: If I could go back just, and I'm not advocating anything, I'm just  
8 trying to make sure everybody understand. The density in Muirfield Village is different  
9 than the density on Longtown Road East or West.

10 MS. CAIRNS: Sure.

11 MR. TUTTLE: Okay. I mean, I have a little unique experience there. I started  
12 my real estate career at Longcreek, I've built houses there, built houses in both  
13 parades, I've lived there, and I've struggled with this and I'm not sure where I stand on it  
14 yet, but I just want people to understand we talk about Longcreek in certain terms, well  
15 the people who own four acres have a different perception than the people living in  
16 Muirfield Court. So the idea that the whole place should be four acres or the whole  
17 place should be, you know, neither one I think in my opinion is correct. I think there's a  
18 blend somewhere and I think that the developer needs to go home and do a little  
19 homework, come back and give you guys some real details, but I don't think that we  
20 need to just assume that everything should be four acres cause many of you don't live  
21 on four acres and by the same token it shouldn't be 12 to the acre cause that's not  
22 appropriate either. But there is a blend and I think it's appropriate if they continue to go  
23 forward that we all recognize that and try to work towards it.

1 MS. CAIRNS: Well, and I can offer one of the things that I often struggle with  
2 trying to get a sense of what the stuff's gonna be is we talk about dwelling units per  
3 acre, so like this calculates out as three dwelling units per acre, and yet the largest lot  
4 proposed on that last page in section 3 is .14 acres, so it's kind of – and it's because of  
5 the infrastructure I know sometimes in open parks and so, I mean, when you think about  
6 what is my neighborhood gonna feel like when you hear three units per acre, you think,  
7 well third acre lots, no it's not. So, I mean, I just, you know, it's always like this struggle  
8 between the density of dwelling units per acre versus what are the lots gonna look like  
9 and what's gonna happen with the space and that. So, I mean, I offer, that, I find that  
10 always a challenge, you know, trying to calculate that all out.

11 MR. GILCHRIST: We've got a motion on the table?

12 CHAIRMAN PALMER: We do, and I just want to give my thoughts on the issue  
13 real quick. PDD's I view differently than rezonings because, you know, like Mr. Van  
14 Dine said we are coming up with a zoning classification and you've really got to go the  
15 extra mile as the developer asking for a PDD because you're coming up with your own  
16 zoning classification. And in this case I put extra weight on the developer because  
17 you've got a community and I know the percentages are different, anywhere between  
18 95 to 80 or whatever percentage this development is built out, you've got a lot of people  
19 who have bought into a concept. I understand that concepts change over 40 years, but  
20 in this case you've got to go the extra mile to try to do everything you can to get the  
21 current residents that are in there on board with the project. And typically when it  
22 comes to us I would like to see either you can come to an agreement, we've tried this,  
23 we haven't, this is what we're putting forward. We can't come to agreement on these

1 issues. Planning Commission, this is what we've got, we can't agree. But it seems like  
2 we've got, in this case, still some room to go from both sides maybe, and especially  
3 even from the developer himself saying, look maybe we can add that in, we can do this,  
4 we can do that. But you know, to Mr. Van Dine's point I think there's a lot of things that  
5 need to be in here that aren't and there's some more discussions that need to occur that  
6 haven't before it gets to us. And I would like to see that take place before we actually  
7 take a ruling on it. That's where I would like to see this –

8 AUDIENCE: [Inaudible]

9 CHAIRMAN PALMER: - I understand.

10 MR. VAN DINE: Mr. Chairman, I have one quick question. Maybe somebody  
11 can answer this for me. How much is actually – forgetting the golf course's 40 acres,  
12 how much is actually in open space? Of the 140 that we're talking about, how much is  
13 actual open space?

14 MS. CAIRNS: It says 25.3 acres on the lower right hand corner.

15 MR. VAN DINE: Well, I can't find it real quick, and I just – I mean, it's a simple  
16 number, if you've got the number just tell me what the number is.

17 MR. THOMAS(?): I think on the original plan you've got right there that we had –  
18 how much?

19 MS. CAIRNS: It says 25.3.

20 MR. THOMAS: Twenty-five point three acres out of the 140 acres, and that does  
21 not reflect the buffer around the lake and the other things that would be in there, cause  
22 this again was a very conceptual plan. And I would make a comment to your point, Mr.  
23 Van Dine, about not having more restrictive covenants in there.



1 AUDIENCE UPROAR

2 MR. VAN DINE: We're done.

3 MR. THOMAS: Alright, fine.

4 MR. VAN DINE: Mr. Chairman, there's a motion on the floor and unless anybody  
5 has anything pressing that they'd like to talk about, I would like to call the question.

6 CHAIRMAN PALMER: Just as a matter of procedure, once the Planning  
7 Commission, if they were to take a vote, if we were to take a vote up or down today, the  
8 Applicant can still withdraw the motion before it goes to Council, or defer the motion,  
9 request a deferral of Council before it goes to Council, is that correct?

10 MR. PRICE: Yes.

11 CHAIRMAN PALMER: Okay.

12 MR. VAN DINE: And that's the 60 day rule that we were just discussing, correct?

13 MR. PRICE: Yes, if they withdraw –

14 MR. VAN DINE: If they withdraw it's 60 days, if they defer it's whatever time for a  
15 deferral.

16 MR. PRICE: Yes.

17 CHAIRMAN PALMER: Okay. We have a motion. Any other discussion? We  
18 have a motion and a second, any other discussion? All those in favor of the motion for,  
19 to send Case Number 12-09 MA forward to Council with a recommendation of denial  
20 please signify by raising your hand. All those opposed?

21 *Approved: Cairns, Westbrook, Tuttle, Palmer, Gilchrist, Manning, Van Dine, Brown;*

22 *Recused: McDaniel]*

23 [Applause]

1 CHAIRMAN PALMER: Again, we're a recommending Body to County Council.  
2 They meet here in these same chambers on April the 24<sup>th</sup>.

3 MR. VAN DINE: Everybody be quiet, please.

4 CHAIRMAN PALMER: Folks, folks, listen up.

5 MR. VAN DINE: Listen carefully cause it's important that you hear this, alright?

6 CHAIRMAN PALMER: They meet here in these chambers at 7:00 on April the  
7 24<sup>th</sup>. We are just a recommending Body, they will have the final say on what happens  
8 with this and if you guys could, I'd imagine a lot of you are here for this case, if you  
9 could just, we'll take a quick five minute break, let things – but if you could move out of  
10 the chambers to have your further discussions we would appreciate it. We've got some  
11 other business to do.

12 *[Break]*

13 CHAIRMAN PALMER: Alright, here we go. I think we have a, I think we have –

14 MR. TUTTLE: Mr. Chairman?

15 CHAIRMAN PALMER: Yes.

16 MR. TUTTLE: In deference to our guest who scheduled a great deal of time  
17 today and been with us and had to sit through a long session, I'd like to move Item #3  
18 on the Text Amendments to the first Item on the Text Amendment Agenda, please.

19 MR. VAN DINE: Agreed.

20 CHAIRMAN PALMER: Do we have to have a motion to amend?

21 MS. LINDER: If you'd like to back up #3 first then I would respectfully ask that  
22 you take up #6 as second.

23 CHAIRMAN PALMER: Okay.

1 MS. CAIRNS: Okay, so 3 equals 1 and 6 equals 2?

2 MS. LINDER: Three will be 1 and 6 will be 2.

3 CHAIRMAN PALMER: What'd she say, 3 is 1?

4 MS. CAIRNS: Three is 1 and 6 is 2.

5 MR. TUTTLE: Alright, I'd like to amend my motion that we change, that we move  
6 #3 and #6 to the top of the Text Amendment list.

7 CHAIRMAN PALMER: Do we have a second?

8 MS. MCDANIEL: Second.

9 CHAIRMAN PALMER: All in favor say aye?

10 *Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
11 *Brown]*

12 MS. LINDER: Staff would request that #5 be deferred. If you'd like to wait till you  
13 get to that item you can take the motion at that point.

14 CHAIRMAN PALMER: Let's go ahead and do it now, let's knock it out.

15 MR. VAN DINE: So moved.

16 CHAIRMAN PALMER: Motion and a second, do we have a second?

17 MR. TUTTLE: Second.

18 CHAIRMAN PALMER: All those in favor say aye.

19 *Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
20 *Brown]*

21 CHAIRMAN PALMER: There we go.

22 MS. CAIRNS: Yeah, well we don't have our secretary yet.

23 MS. LINDER: I hope we're being recorded here.

1 CHAIRMAN PALMER: Is there anything else we can get through in this county  
2 before we start getting recorded? [laughter]

3 MS. SWORD: I didn't stop it, it's recording. Y'all carry on.

4 [Laughter]

5 CHAIRMAN PALMER: Alright, Text Amendment #3/1. The third #3 that was on  
6 our packet, Mr. Price, we moved it to #1. M-1, light industrial section, development  
7 standards, parking/loading standards. I'm wondering why that needed to come up?

8 MR. TUTTLE: I'm confused, I was told #3. What we're trying to do is move the  
9 round table discussion to the front of the Agenda.

10 MR. PRICE: Number 6 should be #1.

11 CHAIRMAN PALMER: Oh, my Lord.

12 MR. VAN DINE: Hey, we're already on #3, let's just do it before and we can –  
13 because #6 will come up next, let's just get this out of the way.

14 MR. TUTTLE: I know, we just had people waiting from the round table to talk to  
15 us, so.

16 MR. VAN DINE: This ain't gonna take long.

17 **TEXT AMENDMENT #3:**

18 MR. PRICE: Make it quick, Staff, what we've determined is that the M-1 District  
19 is more in liking with the General Commercial District as far as what's being developed  
20 in Richland County and so the same, what we found was a discrepancy in the parking  
21 requirements where in the M-1 you are not allowed to park in the setbacks which  
22 typically, which you do [inaudible] in area about 15' that you can't, it's not used so this

1 just brings it in line with the General Commercial District as far as the location of the  
2 place you're parking.

3 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we send Text  
4 Amendment #3 forward to Council with a recommendation of approval.

5 MR. VAN DINE: Second.

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

7 *Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
8 *Brown]*

9 CHAIRMAN PALMER: None opposed. Number 6, Mr. Price?

10 **TEXT AMENDMENT #6:**

11 MS. LINDER: That ordinance can be found on page 61. This ordinance has  
12 been developed by a round table process with numerous folks from the development  
13 community and environmental community and Staff working on this. I believe the  
14 Planning Commission has reviewed this ordinance or had an opportunity to review it.  
15 We can certainly entertain any, if you have any questions we can answer those but it's a  
16 very lengthy document and the intent of it is, is expressed in the title. It's to be more  
17 environmentally sensitive site development.

18 CHAIRMAN PALMER: I have a question. At our previous meeting I mentioned  
19 the fact of, and, of taking out the ambiguous terms of should and allowed and  
20 encouraged, that's not something the Staff wanted to do? Mr. Hammet, this is a Staff  
21 recommended document?

22 MS. LINDER: Do you have specific page numbers on those?

1 CHAIRMAN PALMER: Well, 71 for example. Pervious materials and two tract  
2 and shared driveway designs are allowed – well they already are, and encouraged – so  
3 what? It shouldn't be in an ordinance I don't think.

4 MR. HAMMET: And what we can do as Staff is review that. I know we had  
5 discussed that at the work session. We didn't amend it because it was just based upon  
6 a discussion at a work session, so.

7 CHAIRMAN PALMER: I understand, but I also understand this is a Staff  
8 document that's being put forward and were those comments not thought to be  
9 something, I mean, does Staff agree that that needs to be done or no?

10 MR. HAMMET: We can amend that.

11 CHAIRMAN PALMER: I mean, just as a general premise for the document.

12 MR. MANNING: I think Mr. Chairman's point was that in that discussion it was  
13 our understanding that y'all were in agreement, that Staff was in agreement to some of  
14 those changes and that would come forward in the ordinance form for us to vote on  
15 today.

16 MS. LINDER: I believe that we agreed that we would present to you what the  
17 round table had agreed on and the language that's before you is what the round table  
18 agreed on.

19 MR. MANNING: Okay.

20 CHAIRMAN PALMER: Okay, my understanding was that this was, while the  
21 round table had agreed on something, the round table does not have the authority to  
22 present these documents to us, this is a Staff recommendation. And that the Staff has  
23 the authority to do whatever they would like as far as these recommendations. It was

1 my understanding that that was a concept that was thought worthy and thought needed  
2 to be fluid throughout the document, is that not correct?

3 MR. HAMMET: What, what I would like to do is discuss that with the round table.  
4 Staff is supportive of it but since this is a round table document I'd like the opportunity to  
5 meet with the round table. And really the reason we put – I agree with you totally that it's  
6 not, if you say may or encourage you can't, I mean, it's not a requirement, but the, I  
7 think the reasoning behind the round table wanting to put it in is to at least make  
8 individuals aware of it.

9 CHAIRMAN PALMER: Right, well that's – and that's, and I understand that and  
10 that's the difference between the round table and the Planning Commission. It's two  
11 different groups of people that do different things; one's conceptually based and, and is  
12 a compromise group of people to come together for a thought process, the Planning  
13 Commission, we deal with ordinances and we deal with the language that goes into  
14 those ordinances every month and have been doing so for a long time and we've  
15 actually been through these discussions and we understand that it doesn't work to put  
16 things in there because it gives a concept to the general public that these are the things  
17 that are gonna happen when they don't have to happen. So that's the thought process  
18 behind not putting those kind of generalities into an ordinance form.

19 MS. LINDER: We can certainly make a notation to County Council that you're  
20 recommending that those, that paragraph 2 or that subsection 2 come out.

21 CHAIRMAN PALMER: But my, my thought process was to go through the whole  
22 round table document as it exists, and is that the only instance of that occurring?

23 MS. LINDER: I don't know.

1 CHAIRMAN PALMER: Well, that was the thought process behind the work  
2 session, was, that was specifically one of the things that I brought up was that  
3 throughout this document to see if that's in there or not, because I believe – somebody  
4 brought up, I can't remember who that, you know, this seems to be a compromise kind  
5 of language, maybe it was –

6 MR. MCDANIEL: Yeah, it was me.

7 CHAIRMAN PALMER: Ms. McDaniel, I don't know, but it seems like that that's  
8 the concept behind it and if it occurred here it has a chance of occurring elsewhere as  
9 well and if I, if we move forward with just this one specific area – I just, I hate it  
10 happened this way. I mean, I don't understand it.

11 MS. MCDANIEL: Well, here's thing, I mean, I understand that what you want to  
12 do is perhaps take it back, we'll go through the document, make suggestions,  
13 comments, express our concerns, you take it back to the development round table -

14 MR. HAMMET: Yes.

15 MS. MCDANIEL: - get their feedback on it, perhaps bring it back if they're willing  
16 to modify it in accordance with our suggestions, and then present it to Council. I know  
17 that that's a lengthier process but, you know, you have a consensus document now. It'd  
18 be nice if we could work through any issues that we have and keep it a consensus  
19 document.

20 MR. HAMMET: That's what I was gonna suggest. If we could just go through the  
21 concerns of the Planning Commission and then potentially defer the Item after that  
22 discussion, so that we can meet, so that I can get the round table back together and  
23 determine what would there would be a consensus on. It's just that there's a lot of time



1 and effort has gone through this process and I would like to give the round table  
2 environmental and the development members an opportunity to, to look at the  
3 recommendations of the Planning Commission before we move it forward.

4 MS. MCDANIEL: I think that's fair.

5 CHAIRMAN PALMER: Yeah, as far as I'm concerned I'm, I don't have the  
6 expertise to tell you whether two and a half parking spaces is better than three parking  
7 spaces. That's the reason that I think you've got the civil engineers, you've got the  
8 environmental community, you got the developers, you got the brokers, you got the real  
9 estate guys, you got all these guys in a room together to come up with this kind of stuff.  
10 I'm not gonna offer you anything different for boarding houses, whether two for every  
11 three or three for every three, I mean, these are the guys that deal with the  
12 development, they understand what people are coming in with, what the nuances are as  
13 far as the standards that go on here. I'm, if there's some kind of glaring detail or  
14 something that I've seen from being on this panel for these number of years, great, but  
15 as far as the actual numbers of this stuff, I'm not an expert on how many parking spaces  
16 a boarding house should have. So, I mean, I would defer to the round table for those  
17 issues. I mean, I can get into it, I can understand it, I can go talk to the people that do it,  
18 but I think that was the whole purpose of putting the round table together was to bring  
19 those people together to do that. So that's my thought on it.

20 MR. BROWN: So your concern, Mr. Chairman, is more the words that were  
21 identified on page 71.

1 CHAIRMAN PALMER: I just want to make sure that that concept doesn't flow  
2 through the document that there's things that are in here that are suggestions rather  
3 than ordinance.

4 MS. LINDER: The only other place I see on page 95 where it talks about rooftop  
5 runoff may be directed to pervious areas. That's also not a requirement.

6 CHAIRMAN PALMER: Right. And just take a second and look at if you would  
7 for me just to make sure that –

8 MR. VAN DINE: If I can real quick. On number 71, I mean, are we, are you  
9 trying to say that we ought to say the pervious materials are or are not as a definitive?  
10 Because the way I read it is they're allowed and we'd like to have them as part of it, it's  
11 not a requirement but it's expressing a desire on the part of the county for a certain  
12 purpose. It's –

13 CHAIRMAN PALMER: I understand, but that should go under a purpose section,  
14 not under a design standard. That's a concept, not a design standard.

15 MR. HAMMET: Mr. Chairman, could I let, I've got a representative from  
16 environmental and a representative from the development community, I'd just like to just  
17 one minute to speak?

18 CHAIRMAN PALMER: Sure.

19 MR. BROWN: Before you do that, could I ask counsel to clarify a statement  
20 about page 95, just for me, I appreciate it?

21 MS. LINDER: On page 95 where it talks about rooftop runoff.

22 MR. BROWN: Thank you. Mr. Van Dine handled it for me, thank you.

1 MR. FLOURS: Commission Members, my name is Bill Flours with Civil  
2 Engineering of Columbia, I'm on the round table. And I just wanted to mention that  
3 there probably are another two or three other areas like the one that you're pointing out  
4 that were brought about by a compromise so that is a good observation. But I think the  
5 reason you see Mr. Hammet reluctant to just change the document without going back  
6 to the round table is there's an issue of trust that has been set up between the Staff and  
7 the divergent parts of the round table that we need to have that discussion before it's  
8 changed. We wouldn't expect him to change that document without our input.

9 CHAIRMAN PALMER: Right, and Mr. Flours, what I was hoping was that  
10 between our last work session and today that those conversations could've occurred,  
11 and what was presented to us would've reflected those changes had they been  
12 necessary or not. Okay?

13 MS. MCDANIEL: Well, in defense of Staff, I think perhaps the fact that we didn't  
14 have a whole lot of participation.

15 CHAIRMAN PALMER: No, I understand, I just –

16 MS. MCDANIEL: And our meeting might have led them to believe, well we're  
17 gonna deal with all of that here.

18 CHAIRMAN PALMER: I understand. And does anybody else have anything that  
19 they'd like to address via the round table perhaps? That's our only issue?

20 MR. VAN DINE: Can we just take five quick minutes for people to peruse over  
21 the language here cause, I mean, I will be honest and tell you I didn't go that in-depth  
22 into the word by word in each one of these sections, so I'd like to just real quick be able  
23 to look at it before we send them off on a mission of getting approval.

1 CHAIRMAN PALMER: Mr. Van Dine, I mean, I appreciate that, I really do, it's  
2 just that we've had a work session to do that and then we've had these packages for a  
3 while. Would you be open, Mr. Hammet, to maybe getting email notification within the  
4 next week or something via any Planning Commission Member to maybe address  
5 anything with the round table to see what you guys come up with?

6 MR. HAMMET: Yes, clearly get emails to me over the course of the next week.  
7 After that I'll set up a meeting with the round table.

8 CHAIRMAN PALMER: Okay.

9 MR. HAMMET: And we'll follow up on any of your concerns.

10 MR. BROWN: Can we not defer this then, Mr. Chairman?

11 CHAIRMAN PALMER: Definitely.

12 MR. BROWN: I move deferral.

13 MR. VAN DINE: Let's – I thought we were gonna take up what we were gonna  
14 do as far as changes so that's why I just wanted a minute. If we're gonna defer it, that's  
15 fine.

16 CHAIRMAN PALMER: Okay.

17 MR. BROWN: I move deferral.

18 MR. TUTTLE: Mr. Chairman, Mr. Hammet did you need this document out of this  
19 Body today? There's no deadline that's encroaching?

20 MR. HAMMET: No deadline. No deadline.

21 MR. TUTTLE: Mr. Chair, I'd like to take –

22 MS. MCDANIEL: That's dangerous.

23 MS. CAIRNS: I know. [laughter]

1 MR. TUTTLE: I think, personally I think as quickly as we can do our work and  
2 get it behind us, I think the round table and Staff have put a lot of effort and time in over  
3 the last year and a half and I think it's only fair to them to get our comments to them and  
4 hopefully their buy-in as quickly as possible and not ask them to keep coming to  
5 meetings for us to keep getting our ducks in a row.

6 MR. VAN DINE: Mr. Chairman, I would just say that I –

7 MR. TUTTLE: I didn't mean that against you, Howard, don't –

8 MR. VAN DINE: I attended the meeting that we had upstairs and I made a  
9 couple of comments and I didn't write them down cause I frankly thought they were  
10 being taken down when we were there, and I didn't have very many comments at all. It  
11 was, a lot of that was saying that there was some may's and there were some other  
12 words that had very wishy-washy meanings, so I don't think there's gonna be a lot of, of  
13 changes or anything that take place to this, at least I don't foresee it anyway.

14 CHAIRMAN PALMER: I don't either, which is why I, I mean, it's neither here nor  
15 there, let's just get our comments into Mr. Hammet within the next week, by next  
16 Monday and let's all expect to vote this up or down at our next meeting, no more  
17 deferrals on this. But as I understand it we have a motion to defer now?

18 MR. VAN DINE: And a second.

19 CHAIRMAN PALMER: And a second? Until our next month's meeting?

20 MR. TUTTLE: Yes, sir.

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

22 *Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
23 *Brown]*

1 CHAIRMAN PALMER: Okay.

2 MR. TUTTLE: I have no idea where we are on the Agenda now.

3 MS. MCDANIEL: I think we're back to #1.

4 CHAIRMAN PALMER: I'm glad somebody's keeping score here. Text  
5 Amendment #1?

6 **TEXT AMENDMENT #1:**

7 CHAIRMAN PALMER: Thirty seconds.

8 MR. PRICE: The first Text Amendment regarding [inaudible] that would actually  
9 allow exemptions to the Richland County Public Works to deny sidewalks. We found  
10 that we actually had given that authority to the Department of Transportation but we did  
11 not have it for Richland County.

12 CHAIRMAN PALMER: Do we have a motion?

13 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we send Text  
14 Amendment #1 forward to Council with a recommendation for approval.

15 MR. VAN DINE: Second.

16 CHAIRMAN PALMER: We have a motion and a second. All those in favor  
17 please say aye?

18 *Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
19 *Brown]*

20 CHAIRMAN PALMER: None opposed. Number 2?

21 **TEXT AMENDMENT #2:**

22 MR. PRICE: The next one, Staff went back, we couldn't find a rationale for only  
23 allowing light poles to be certain colors so we went back and –

1 MR. TUTTLE: Mr. Chairman, I'd like to make a motion to send Text Amendment  
2 #2 forward to Council with a recommendation for approval.

3 MR. VAN DINE: Second.

4 CHAIRMAN PALMER: We have a motion and a second. All those in favor  
5 please say aye?

6 *Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
7 *Brown]*

8 CHAIRMAN PALMER: None opposed.

9 **TEXT AMENDMENT #4:**

10 MR. PRICE: The next one regarding swimming pools, as previously stated the  
11 Richland County Building Code already addresses that and I actually have the sections  
12 that they would fall under. The Building Code actually addresses these and we found  
13 that Staff, we just don't have the manpower to enforce this particular provision of the  
14 Code. We will take it out but it will still be enforced by the county.

15 MR. VAN DINE: So moved.

16 MR. GILCHRIST: Second.

17 CHAIRMAN PALMER: We've got a motion and a second. All those in favor  
18 please say aye?

19 *Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*  
20 *Brown]*

21 CHAIRMAN PALMER: None opposed. Number 5 was deferred. We have no  
22 other business. County Council Report of Action. That's all in our packet for review,  
23 yeah? I didn't even get back that far. Yes. Okay.

1 MR. TUTTLE: I do have a question real quick. I know everybody's tired and  
2 we've been here a long time. Would it be within our purview when we get a PDD  
3 request that the Applicant give us a schedule of meetings that they have had with the  
4 neighborhood, if they've had any? And if they haven't had any then we don't need it,  
5 but if they have I'd like, want to put it in writing that they think they've had three or five or  
6 none.

7 CHAIRMAN PALMER: I think Mr. Price can request that of them and let them  
8 know that's something the Planning Commission would like to have but it's not, it's not  
9 mandatory.

10 MS. CAIRNS: But, I mean, what was interesting about the number on that one  
11 count is the one woman, she was like in a blue dress or something, she got up and she  
12 said seven and yet all the other public tended to say two, so I don't even know we'll find  
13 consensus on how many meetings there were.

14 CHAIRMAN PALMER: Well no, that's why you've got to get it from the developer  
15 not from the – cause some were invited, some weren't, some was a whole, some was  
16 not, all that kind of stuff, but –

17 MS. CAIRNS: But then how many are there? I mean, if I only invite 10% of the  
18 people is it really a public meeting for the issue?

19 MR. TUTTLE: Well, but I've been involved on the other side where you do scour  
20 the neighborhood and you invite people and you make all your best efforts and you  
21 don't get many people to show up and you've done all you can do. So I just think if the  
22 developer said, hey I've had two meetings.



1 MS. CAIRNS: Yeah, but it sounded like what we had with this one is that not  
2 everyone was invited. I understand that you can't force everyone to come, but I mean,  
3 if the developer only invited certain groups does it count as a meeting for the whole  
4 community?

5 MR. TUTTLE: I understand.

6 CHAIRMAN PALMER: But also if one person invites the developer and the  
7 developer can't make it to their meeting, that doesn't mean they didn't want to meet with  
8 them.

9 MR. TUTTLE: Alright, well I withdraw my request.

10 CHAIRMAN PALMER: Alright, any other business? Do we have a motion to  
11 adjourn?

12 MR. VAN DINE: Can I ask one real quick question? Was there a, did Council on  
13 the denial of the Lexington County Old Tamah Road thing, was there a reason for the  
14 denial or can anybody define what was –

15 CHAIRMAN PALMER: Did you want to adjourn first?

16 MR. VAN DINE: No, I'd like to know. That's 12-01.

17 MS. LINDER: I would have to go back and ask for the Minutes. At this point I do  
18 not recall what their reasoning was.

19 MR. PRICE: I don't have my notes either.

20 MR. VAN DINE: Okay. I'm just curious as to why they – cause we approved it  
21 and they rejected it, I'm just trying to –

22 MR. MANNING: Well, the same thing like the lot up on the lake. The lady today  
23 said, you know, y'all are always, the Council always approves what you -

1 [Inaudible discussion – laughter]

2 CHAIRMAN PALMER: Do we have a motion to adjourn?

3 MR. VAN DINE: So moved.

4 MR. BROWN: Second.

5

6

7

*[Meeting Adjourned: 4:15 pm]*