

RICHLAND COUNTY PLANNING COMMISSION

November 1, 2004

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

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8 Called to Order: 12:40 p.m.

9 CHAIRMAN GREEN: I'd like to call to the November 1st meeting of the Richland
10 County Planning Commission to order, and read into record the following
11 announcement. "In accordance with the Freedom of Information Act, a copy of the
12 agenda was sent to radio and TV stations, newspapers, persons requesting notification
13 and posted on the bulletin board located in the lobby of the County Administration
14 Building." Did y'all hear that okay? Give Michael a minute to – cause I'm not hearing it.
15 I'm not hearing this. I'll try to speak up until somebody comes and turns the volume up.
16 Next item on our agenda is the presentation of minutes for approval; you should've
17 received the September 13th and October 4th Commission Minutes and, are there any
18 corrections, amendments or adjustments to those minutes?

19 MS. LUCIUS: Mr. Chairman, I did not, I got August and September for some
20 reason, so I didn't get October.

21 CHARIMAN GREEN: Did anybody else fail to receive October's? If we could
22 then, let's vote on the September minutes - ?

23 MS. LUCIUS: I can't vote because I didn't get them.

24 CHAIRMAN GREEN: I know that you didn't, you read them probably more
25 thoroughly than anybody, so why don't we vote on September's minutes and put the
26 October approval at our next agenda and get another copy to Ms. Lucius so she can
27 look at them. Do I hear a motion with regard to the September 13th minutes?

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

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

3 MS. WYATT: I'll second.

4 CHAIRMAN GREEN: All those in favor of approval of September 13th minutes
5 and we'll take up October 4th at our next meeting.

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

8 CHAIRMAN GREEN: Agenda amendments?

9 MS. WYATT: Mr. Chair, I don't have really an amendment, but I would like to ask
10 a question. On last month's agenda, we had the discussion on cluster housing and we
11 had requested that we defer that until this month, but I noticed it's not on here; what's
12 the status of that?

13 MS. ALMEIDA: Staff has wanted to do more research on the cluster housing and
14 meet with the HBA, in getting their ideas. So, we haven't quite gotten that together yet.

15 MS. WYATT: Okay, that's fine.

16 CHAIRMAN GREEN: And I notice we've deferred our discussion on off-site
17 church parking until next month as well?

18 MS. ALMEDIA: That's correct.

19 CHAIRMAN GREEN: Any particular reason, or -

20 MS. ALMEDIA: We've been trying to look at all the ramifications as per Mr.
21 Jackson, and others, their comments.

22 CHAIRMAN GREEN: Mr. Criss has indicated to me that the issue raised by
23 Commissioner Jackson with regard to moratoriums that we'll discuss that in the

1 Planning Director's section of our agenda today. I just want to let everybody know, that
2 also, under Other Business, I'll bring up the election of officers for the Commission for
3 next year. Any other issues for the agenda? Michael, we'll be able to discuss the
4 current status of County Council's voting on new land development land code that that
5 time as well?

6 MR. CRISS: Yes.

7 CHAIRMAN GREEN: Okay, I see no Old Business on the agenda, does
8 anybody else have any old business to raise? Seeing none, we'll move into the new
9 business section, which is subdivision review. The first project to review is SD-04-330,
10 Summer Pines, Phase 3 and 4.

11 **CASE SD-04-330:**

12 MR. GOSLINE: Mr. Chairman, while we're waiting, did some of you get the
13 October minutes? Everybody got – okay.

14 CHARIMAN GREEN: Except Ms. Lucius.

15 MS. LUCIUS: I don't know, I had August and September, but I already had
16 August.

17 MR. GOSLINE: Okay, we've got another set, which we'll get to you.

18 CHAIRMAN GREEN: Can you hear any better now? Is it any better now?

19 MR. GOSLINE: Can you hear me now? Wish I could paid for this like the
20 Verizon guys.

21 CHAIRMAN GREEN: Mr. Gosline, you want to report to us on 04-330?

1 MR. GOSLINE: Yes, Mr. Chairman and Members, this is a request, Greg
2 Douglas to, for Phases 3 and 4 of a subdivision know as Summer Pines, out off of North
3 Pine Road. Staff recommends approval to subject to conditions on page 12 and 13.

4 CHAIRMAN GREEN: Any question for Staff?

5 MR. FURGESS: Carl, I have a question, this subdivision that, by this picture
6 here, they had already, this land was already clear-cut, or –

7 MR. GOSLINE: If you're looking at the aerial?

8 MR. FURGESS: Yeah.

9 MS. WYATT: No, page 16.

10 MR. GOSLINE: Yeah, 15 of the aerial, the aerial on page 15?

11 MS. WYATT: No 16.

12 MR. FURGESS: Sixteen.

13 MR. GOSLINE: Oh, this is looking from the site toward Phase 1, the one on the
14 right. The one on the left is the interior of Phases 2 and 3, or 3 and 4.

15 MS. LUCIUS: Did Phase 1 look like that, before it was -

16 MR. FURGESS: Clear-cut?

17 MR. GOSLINE: I'm not sure I understand your question. You mean, when it
18 was, three years ago?

19 MR. FURGESS: Was it wooded? I don't when this was approved for them to
20 build these houses, while I wasn't on the Planning Commission.

21 MR. GOSLINE: Phase 1 was about two years ago, maybe more.

22 MR. FURGESS: Okay, so that was approved for clear-cut, to take all the trees
23 out?

1 MR. GOSLINE: Yeah, we're standing basically about where Phase 3 and 4 start,
2 looking back at Phase 1; actually, sort of, almost standing in the diving line between
3 Phase 2 and 3; looking at Phase 1.

4 MR. FURGESS: And this pond, or whatever it's suppose to be, that's part of the
5 green space?

6 MR. GOSLINE: The pond is part of the project and there is some discussion
7 now. The applicant is working through the permitting process for the wetlands and flood
8 jurisdiction for Phase 3 and 4.

9 MS. LUCIUS: Yeah, because I know that we did discuss that pond being used
10 as a park when this came up for zoning.

11 MR. GOSLINE: Well, it's, I mean, it could be turned to open space I guess, but -

12 MS. LUCIUS: Can I, let me ask a question about the access there onto, I guess
13 that's North Pine Road. It looks like a, I guess this is North Pine Road here?

14 MR. GOSLINE: No, if you look at page 14, that's the plat of Phases 3 and 4.
15 And Phase 3 and 4 will get access, basically through Phase 2 and 1. Phase 1 has the
16 access to North Pines Road.

17 MS. LUCIUS: So none of those lots actually access onto, directly onto the road?

18 MR. GOSLINE: Not directly onto North Pine Road, no.

19 MS. LUCIUS: Cause the way it's drawn it looks they do.

20 MR. GOSLINE: Well, North Pine, if you look at the aerial, North Pine Road is
21 right here and Phase 1 and 2 are around, Phase 1 is on the east side of the pond.
22 Phase 2 is on the west side, Phase 3 and 4 on the north side, if you look at your aerial.

1 MR. VAN DINE: Mr. Gosline, it might be helpful when the reports come out in
2 the future, where we have these multiple phases like this, if you put the other phases in
3 conjunction with it, so we can sort of see where things are going. Because, this map is
4 sort of an isolated map and doesn't really tell us where we're going.

5 MR. GOSLINE: Okay.

6 CHAIRMAN GREEN: Is the pond that we see in the aerial on page 15 contain,
7 it's not contained within the boundaries of these phases, is that correct?

8 MR. GOSLINE: Not contained within boundaries of Phases 3 and 4, that's
9 correct.

10 CHAIRMAN GREEN: So the open space, the common space we see on page
11 14, is actually that wooded area that's shown on the aerial?

12 MR. GOSLINE: That's correct.

13 MS. LUCIUS: The area right below the orange is where the pond is. Have we
14 seen that 1 and 2, we have seen that?

15 MR. GOSLINE: Both, yes, ma'am. Phase 1 and 2 have already been approved,
16 subject to conditions. Phase 1 is pretty much build-out.

17 MS. LUCIUS: Okay, I'm just really, you know, a lot of this area out here has
18 wetlands on it. We've run into wetlands on every one out here on Wilson, off of, close
19 to Wilson. I want to make sure that we're taking them into consideration.

20 MR. GOSLINE: Yes ma'am. We, the aerial shows pretty much where the low
21 areas are, it's stretching it a bit to call it wetlands; some of it is wet and some of it really
22 isn't. But, the wooded area that you see here, this isn't as clear-cut as it looks; it's just
23 real thin scrub pine.

1 MS. LUCIUS: What Mr. Furgess was saying, you know, that is, that photograph
2 looks pretty bear. And you said there was an oak tree in excess of 89". So they will
3 have to -

4 MR. GOSLINE: It's sitting right on the edge of this.

5 MS. LUCIUS: So they'll have to observe that?

6 MR. GOSLINE: Right, yep.

7 MS. LUCIUS: Okay.

8 CHAIRMAN GREEN: Any other questions for Staff?

9 MS. WYATT: Mr. Chair, I'm going to make a motion for approval, subject to
10 conditions on page 12 and 13.

11 CHAIRMAN GREEN: We have a motion on the floor to approve, subject to the
12 provisions on 12 and 13, do I hear a second?

13 MR. MANNING: Second.

14 CHAIRMAN GREEN: Second to the motion, any further discussion? All those in
15 favor of approval please signify by raising your hand, those opposed?

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

18 CHAIRMAN GREEN: Thank you. Next on our agenda is SD-05-43.

19 **CASE SD-05-43:**

20 MR. GOSLINE: This also is a continuation of a project. This is Hastings Point on
21 Wilson Boulevard. Hastings Point, Phase 1, was done quite a while back and they're
22 coming in with Phase 2. Again, your question about, or your comment about showing

1 the phases, the previous phases and how they relate, we'll do that in the future. Staff
2 recommends approval subject to the conditions on page 20 and 21.

3 CHAIRMAN GREEN: Carl, let me ask you a question. As I'm looking at the
4 aerial on page 23, that's, it appears to be, those boundaries appear to be substantially
5 larger than 23 acres, is that the – 39 acres.

6 MR. GOSLINE: Yeah, part of that, I'm not exactly sure why that is. But if you'll
7 look in the smaller portion of the parcel where it accesses Wilson Boulevard, that's the
8 portion that's already in place; you can see some roads and things in there.

9 CHAIRMAN GREEN: What we're looking at in terms of the boundaries on the
10 aerial are greater than the piece that we're considering?

11 MR. GOSLINE: Right, yeah, and that has to do, again, with not keeping up, not
12 catching up with the records and so on when the parcel changes.

13 CHAIRMAN GREEN: Okay, any other questions for Staff? Discussion?

14 MR. MANNING: I've got a question. When was Phase 1 approved.

15 MS. WYATT: It's been a while ago.

16 MR. GOSLINE: End of '98.

17 CHAIRMAN GREEN: Any other questions? Do I hear a motion?

18 MR. FURGESS: I make a motion that we accept this with the recommendation
19 on page 20 and 21.

20 CHAIRMAN GREEN: Do I hear a second?

21 MR. MCBRIDE: Second.

22 MS LUCIUS: Mr. Chairman, I can't help but mention this.

23 CHAIRMAN GREEN: Please.

1 MS. LUCIUS: This is a subdivision being done on rural zoning. This is rural?

2 MR. GOSLINE: Yes, ma'am.

3 MS. LUCIUS: Okay, I just want to point out, because we're, anytime we vote
4 against a rezoning, you know, in other words, you can do subdivisions with rural zoning.
5 You don't have to be rezoned to RS-1.

6 MR. GOSLINE: Yeah, this particular subdivision also has city water and sewer
7 and the applicants have chosen to just build a bigger lot subdivision.

8 MS. LUCIUS: Right. To leave it rural, so when vote against a zoning to RS-1,
9 you're not necessarily voting against a subdivision, you're just voting against rezoning it
10 to higher density. Just wanted to go on Record with that.

11 CHAIRMAN GREEN: Thank you, Ms. Lucius. We have a motion on the floor
12 and a second, further discussion on the motion? All those in the favor of the motion to
13 approve SD-05-43 please signify by raising your hand – subject to conditions, those
14 opposed? Thank you.

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

17 **CASE SD-05-70:**

18 CHAIRMAN GREEN: Next is SD-05-70, which is Phase 3 of Brookhaven
19 subdivision.

20 MR. GOSLINE: Mr. Chairman, Members, this is a portion of the Mungo
21 Company's 1,000 acre project. This is Phase 3; you've already approved Phases 1 and
22 2, which, again we'll show you next time. But they're kind of off the bottom end of
23 Phase 3 where the wetlands are. Staff recommends approval subject to conditions.

1 CHAIRMAN GREEN: I just have to say, now this would be great to have on
2 every application we see, this has got the lot outline on all the other, either planned or
3 approved lots, that aren't there yet and it's a big help to me when this can be on there,
4 so thank you.

5 MR. GOSLINE: Yeah, well this is interesting and I'm not exactly sure why it's this
6 way; but the lots that you see on here haven't been approved. And the lots, if you look
7 at the, kind of in the center of the map, all those lots where you see all the roads and no
8 lots, those are the ones that have been approved. So I'm not exactly sure what happen.

9 MS. LUCIUS: Say that again Carl, I'm sorry I missed – I'm sorry.

10 MR. GOSLINE: The map, Mr. Green was saying that all these lots are very
11 helpful to show, that's good, except these are ones that haven't been approved yet.

12 MS. LUCIUS: Have not.

13 MR. GOSLINE: Have not; these are the ones that have. So something
14 happened in the graphics that we got these reversed. You've approved all this in here
15 but not all this in here.

16 MR. JACKSON: At least that gives us an idea, the intention proposed.

17 CHAIRMAN GREEN: At least it puts us in the context that a lot of times we don't
18 otherwise have and the more we could get this the greater it would be I think, help to us.

19 MR. GOSLINE: Right, I should also mention to you, I think we've talked about
20 the Hobart Road relocation. This version that you see here, the plat shows the Hobart
21 Road relocation but the aerial doesn't. Hobart Road will come right, basically right
22 across top of this Phase 3, directly into Longtown Road. The Deer Creek subdivision,
23 that's coming up in a few minutes, is right there, adjacent to this portion of Brookhaven.

1 MR. VAN DINE: What's the status of the at-grade crossing discussions with the
2 railroad and setting that up, because we can do a lot of talking, but if we don't have the
3 at-grade crossing -.

4 MR. GOSLINE: Well, the immediate hang-up is approving the budget or getting
5 the money and the -

6 CHAIRMAN GREEN: Whose hang-up is that Carl?

7 MR. GOSLINE: Excuse me?

8 CHAIRMAN GREEN: Whose hang-up on the budget and the money?

9 MR. GOSLINE: Well, the CTC, County Transportation Committee, has been
10 asked to approve 180 some thousand dollars for the County's portion of the project and
11 the Technical Committee is going to take action on that Wednesday, and then the last
12 meeting of the CTC itself, gave the Tech Committee authority. So hopefully it'll get
13 approved Wednesday and we can get going.

14 MR. VAN DINE: If approved is it going to be imminent to construct or are we on
15 a five year wait?

16 MR. GOSLINE: Well, no, the developers are going to go ahead and build their
17 portion. As you rightfully point out, getting the railroad crossing is going to be significant
18 effort.

19 CHAIRMAN GREEN: Has the, I think what Howard's asking is, what else has to
20 be done even if the money's allocated? Has the railroad approved and agreed?

21 MR. GOSLINE: To my knowledge, they've not gotten the railroad-crossing
22 permit yet. I know that Public Works has had some conversations with them. But, they
23 haven't gone too far without, until they get the money.

1 MR. PALMER: Do you know if this portion of the railroad is designated high-
2 speed rail, or -

3 MR. GOSLINE: No, I don't. I don't know that it is or isn't.

4 MR. VAN DINE: There is a crossing which I understand is going to be
5 abandoned further up, if they get this far, so. And that's to realign and straighten out
6 that stretch of the road

7 MR. GOSLINE: Yeah, the existing crossing, if you look at the aerial, the existing
8 crossing is right here and that's a State maintained road until you get to this point, until
9 you get to the railroad track; and then this portion is dirt, County maintained.

10 MR. VAN DINE: By the way, that's in rough shape.

11 CHAIRMAN GREEN: Any further questions for Staff or to this?

12 MR. VAN DINE: I have one question. A while ago there were issues floating
13 around concerning the environmental access and getting bridging over that wetlands
14 area. Has that all been resolved?

15 MR. GOSLINE: The last I heard, the Mungo Company is still waiting to get the
16 Corp approval of the wetland, the wetlands approval for the project.

17 MR. VAN DINE: As far as constructing the facilities, let's assume they get
18 approval, wasn't there some issue concerning bridges and how they were going to
19 actually -

20 MR. GOSLINE: Right, the Code was amended to take care of that particular
21 issue, the existing County Code had some words in it about impeding the flow, and that
22 was amended to, in effect, make allowances for bridges.

1 MR. VAN DINE: If for some reason the Corp does not issue a permit for that
2 area, does that indicate that this particular traffic, or whatever is built here, will have to
3 then actually access onto Longtown Road in order to get out? They will not be able to
4 cross over that?

5 MR. GOSLINE: Well, yes.

6 MR. VAN DINE: So in essence, we're approving something that has the distinct
7 possibility of having to access onto the internal roads on Longtown Road, as opposed to
8 being able to cross-over because, we don't have anything from the Corp that allows for
9 that bridging to occur?

10 MR. GOSLINE: That's correct.

11 CHAIRMAN GREEN: Further discussion on the application? Do I hear any
12 motions with regard to this application?

13 MR. MCBRIDE: I'd like to make a motion to approve, based on the conditions on
14 page 29.

15 CHAIRMAN GREEN: We have a motion for approval, subject to conditions on
16 page 29.

17 MR. VAN DINE: Gene, there was something -

18 MR. DIXON: If you'd like I can clarify the issue.

19 MR. VAN DINE: Please.

20 MS. WYATT: Please do.

21 CHAIRMAN GREEN: Come on up and introduce yourself, even though we all
22 know you.

23 **TESTIMONY OF BILL DIXON:**

1 MR. DIXON: Bill Dixon with the Mungo Company. The wetland crossing that
2 you're speaking of is on Long Green Parkway, we do have full county approval, based
3 on the revised ordinance. But, we are waiting on Corp approval, but that doesn't affect
4 Brookhaven.

5 MR. VAN DINE: But Brookhaven actually would be able to cross over that
6 stretch, which is basically the dark green on the, page 35?

7 MR. DIXON: That is a wetland permit also, but not related to the big creek
8 crossing on the main road that would carry you out to Clemson Road.

9 MR. VAN DINE: All right, maybe I'm confused. When I look at the bottom of 35,
10 it's an elongated strip, out the bottom there's a like a gray line that runs through, and
11 then it looks like it crosses over the dark green area.

12 MR. DIXON: The dark green area. Yeah that's is wetland permit, but it was not,
13 that's separate from the one that was held up because of your ordinance.

14 MR. VAN DINE: Okay, is the area at that point subject to any DHEC approval or
15 anything else?

16 MR. DIXON: Corp, just a wetland Corp permit.

17 MR. VAN DINE: Okay, and that's been applied for and in the works?

18 MR. DIXON: Yes, it has.

19 CHAIRMAN GREEN: Any other questions for Mr. Dixon while he's at the
20 podium? Thank you, sir. We have a motion on the floor to approve subject to
21 conditions on page 29. Do I hear a second motion?

22 MR. PALMER: Second.

23 CHAIRMAN GREEN: Further discussion on the motion?

1 MR. VAN DINE: Mr. Chairman, just to be consistent with the prior positions that I
2 have taken with regards to that; until those permits are actually received, I don't feel
3 comfortable voting in favor of a subdivision approval. I don't have any problems
4 specifically with the design, or the layout, or anything like that, but I am concerned with
5 the fact that without an approval of the Corp, those lots would have to empty out onto
6 Longtown Road and that would be a marked increase on the traffic in that area, and I
7 don't think we ought to be approving things until the other issues are set in position.

8 MR. PALMER: Why don't you just make that as part of the conditions?

9 MR. VAN DINE: Cause I can't approve it until it's been done. That's just the
10 position that I've got.

11 CHAIRMAN GREEN: Well, we have a motion on the floor for approval, any
12 further discussion on the motion?

13 MR. GOSLINE: Subject to the Staff -

14 CHAIRMAN GREEN: Subject to Staff recommendations on page 28 and 29.
15 Those in favor of the motion to approve, please signify by raising your hand. Those
16 opposed.

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

19 MR. CRISS: Five/four.

20 CHAIRMAN GREEN: Motion is approved. Next on our agenda is SD-05-78,
21 Shoal Creek subdivision.

22 **CASE SD-05-78:**

1 MR. GOSLINE: Mr. Chairman, Members, this is a request for a private driveway
2 subdivision on Rimer Pond Road, approximately a ¼ or a ½ mile east of Wilson. Staff
3 recommends approval subject to the conditions on page 40.

4 CHAIRMAN GREEN: I tell you, there'll be something that Staff could do that
5 would really help me as we look at these subdivisions. The list of specific conditions
6 related to this subdivisions is markedly shorter than the list of specific conditions related
7 to the other subdivisions. What would be helpful, I assume Carl, you work off of a
8 master list of conditions -

9 MR. GOSLINE: Um-hum (affirmative).

10 CHARIMAN GREEN: And you pull the ones out that are applicable. What would
11 be real helpful for me is if you could print that list, as a checklist and just simply show in
12 a box, checking those conditions, which apply to each subdivision. Otherwise, I've got
13 to go back and look at the others to see what conditions aren't applied to this one, to
14 see if I would want to -

15 MR. GOSLINE: Well, the reason we don't do that Mr. Chairman, is we have
16 three basic, different kinds of subdivisions; the minor subdivision, you know, and like
17 you say, we have a template, if you want to, of a long list of things that apply and so
18 when we get a minor subdivision, you know, the things that apply to a minor subdivision
19 are about a third of the overall list, so we don't bother to do that. And the same with
20 private subway subdivisions, it's even less. So that's why we haven't done it, cause
21 they don't really apply.

1 CHARIMAN GREEN: Well, this, I mean, I look at the previous one we just went
2 through and we've got all kinds of requirements with regard to permits for water and
3 sewer -

4 MR. GOSLINE: See, but see, in private driveway subdivisions and minor, you
5 don't have to do water, sewer or drainage. And you don't have to pave the roads, so
6 that eliminates a huge number.

7 CHAIRMAN GREEN: It would just be helpful for me to see a checklist and know
8 what we potentially could deal with and which ones are checked and not checked. Is
9 that, if you would at least look at that possibility?

10 MR. GOSLINE: Certainly.

11 CHARIMAN GREEN: Thank you. Okay, sorry, Staff report.

12 MR. GOSLINE: Staff recommends approval, subject to the condition on page 40.

13 CHAIRMAN GREEN: Discussion?

14 MR. VAN DINE: Haven't we had discussions in the past concerning, in essence,
15 dirt driveways of this length and fire protection and other issues? I mean, I don't know
16 how long this road is. I can't see very well, but I thought in the past we've had fire
17 protection issues with the ability of getting trucks up and down it, in these areas.

18 MR. GOSLINE: Well, in private driveway subdivisions, you're limited to seven
19 lots of minimum one acre. And so, the chances are, of having an extremely long road
20 are pretty slim, the road doesn't have to be paved, it has to be passable. That's the way
21 it is right now.

22 MR. VAN DINE: Who's going to maintain that, that -

1 MR. GOSLINE: Homeowners. They, we have an agreement that they sign, that
2 says that they're responsible and, for maintaining and everything. And the county is not
3 held liable or will not maintain it. They also need to post a sign saying that, and it's on
4 the plat so that everybody who gets a lot is well aware of it.

5 CHAIRMAN GREEN: Discussion?

6 MS. LUCIUS: We denied a rezoning to RS-1 on this one in January, because of
7 the density, so they're doing it as rural.

8 CHAIRMAN GREEN: The only other stipulation I would like to place, as we
9 discuss this would be consideration of a stipulation that, and I can't, the print's too small,
10 but I assume that it's lot one, that no access be allowed onto Rimer Pond Road from lot
11 one, the lot frontage on Rimer Pond Road. While right now that may not be an issue,
12 we know with the passage of time, that road's going to carry increasing amounts of
13 traffic and one less curb cut on that road, to me, would be something we ought to at
14 least do know while we can.

15 MR. GOSLINE: We try to catch those. I'm glad you did, thank you.

16 MR. WYATT: That's why you have us, Carl.

17 CHARIMAN GREEN: Any discussion on the application?

18 MR. JACKSON: Wasn't in the ordinance, sometime last year I think, on the, was
19 a minor subdivision discussed somewhere?

20 MR. GOSLINE: This is not a, this is a private driveway subdivision, not a minor
21 subdivision.

22 MR. JACKSON: Okay, and this is, well it's similar to a flag lot right? The
23 driveway?

1 MR. GOSLINE: No, this is just a subdivision that's intended for family members
2 only.

3 MR. JACKSON: Family members, okay.

4 MR. GOSLINE: The draft, I think, eliminates this.

5 CHAIRMAN GREEN: Any motion with regard to this application?

6 MS. WYATT: Mr. Chair, I make a motion for approval subject to conditions on
7 page 40 and, adding to those conditions that on lot one, there will be no curb-cut into
8 Rimer Pond Road.

9 CHAIRMAN GREEN: Motion on the floor, do I hear a second?

10 MS. LUCIUS: Second.

11 CHAIRMAN GREEN: Motion and a second, further discussion, or discussion on
12 the motion? Seeing none, those in favor of the motion please signify by raising your
13 hand; those opposed? Thank you.

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

16 CHAIRMAN GREEN: Next is SD-05-80, Amaryllis Woods Village in the Summit.

17 **CASE SD-05-80:**

18 MR. GOSLINE: Mr. Chairman, Members, this is another portion of a project that,
19 sort of loosely known as Summit Hills, a portion of the Summit. You did a project, about
20 two years ago, that's under construction. This is called Amaryllis Woods Village. You
21 can see from the aerial that it's on the north, basically at the northwest quadrant of Hard
22 Scrabble and Summit Parkway.

23 CHAIRMAN GREEN: And it borders the pond?

1 MR. GOSLINE: Yes.

2 MR. VAN DINE: Didn't we approve a commercial subdivision, right at the corner
3 of that area?

4 MR. GOSLINE: Yes.

5 MR. VAN DINE: During that conversation, was there discussion about
6 connectivity between properties? I thought we had some issues concerning whether or
7 not that commercial area would -

8 MR. GOSLINE: I think that's right, Mr. Van Dine. This, Amaryllis Village isn't
9 actually, I don't believe, is actually adjacent to the commercial piece. There's another
10 one in the works that will fill in the last that will be adjacent. Is that right Bob?

11 AUDIENCE MEMBER (BOB): We made access in the first one we voted
12 [inaudible].

13 MR. GOSLINE: Oh, okay. There is connectivity.

14 CHAIRMAN GREEN: Is this, and this is still an active pond, even though our
15 aerals a little, got some age on it?

16 MR. GOSLINE: Yes, yes.

17 AUDIENCE MEMBER: It's not part of ours.

18 CHAIRMAN GREEN: It's not part of yours? Carl, is there anything in our Codes
19 or in our Rules that would provide any requirements on a developer in terms of
20 protection of run-off into an existing pond during road construction and utility
21 construction? And, if so, is that contained in the specific conditions?

22 MR. GOSLINE: Well, yes and no. The, every development has to get an erosion
23 control drainage, storm water management, erosion control permit plans approved, and

1 that would certainly be part of that, the mechanisms to mitigate, if not eliminate, erosion
2 and sedimentation into existing water bodies.

3 CHAIRMAN GREEN: So that's part of the permitting process -

4 MR. GOSLINE: Correct.

5 CHAIRMAN GREEN: - that we don't need to spell out separately in specific
6 conditions?

7 MR. GOSLINE: No, sir.

8 MR. VAN DINE: What are the fines for, I mean, is it reclamation of the bodies of
9 water that are destroyed; or is it simply, like the tree cutting, where you just have a
10 \$50.00 fine for doing so?

11 MR. GOSLINE: I'm not sure. Generally speaking, we are, in violations of these
12 kinds of things, we're limited to going to the magistrate and a magistrate has a limit on
13 the amount of fines that he can issue, which is \$1,085.00. Whether that can be daily, or
14 not, I'm not real sure, but a lot of that's in the State Statute that hampers local
15 governments from being able to do any significant fines.

16 MR. VAN DINE: Is that fine in lieu of private right of action over and against the
17 people for destruction of the pond? So an individual does not have the right to sue the
18 builder of a road?

19 MR. GOSLINE: My, you know, I would think you'd ask Amelia, but I would
20 certainly think so.

21 MR. VAN DINE: So the developer does not have a right to sue, I mean the
22 homeowner, the owner of that pond, does not have a right to sue?

23 MR. GOSLINE: No, I would, no, I don't really know. I would think they would.

1 MR. VAN DINE: They do?

2 CHAIRMAN GREEN: Comments, questions for Staff on the application?

3 MS. WYATT: Mr. Chair, I'm going to make a motion for approval, conditioned to,
4 subjected to conditions on page 49 and 50.

5 CHAIRMAN GREEN: And 50, thank you. Do I hear a second to the motion?

6 MR. MANNING: Second.

7 CHAIRMAN GREEN: We have a motion and a second, any discussion on the
8 motion? Those in favor of approving SD-05-80 please signify by raising your hand.
9 Opposed? Thank you.

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

12 **CASE SD-05-79:**

13 CHAIRMAN GREEN: SD-05-79.

14 MR. GOSLINE: Mr. Chairman, Members, this is another private driveway
15 subdivision request. This one is only for three lots. It's on Smyrna Church Road,
16 almost in Kershaw County. Staff recommends approval subject to the conditions on
17 page 58.

18 CHAIRMAN GREEN: Questions, comments? Motion?

19 MR. VAN DINE: So moved, subject to conditions on page 58.

20 CHAIRMAN GREEN: We have a motion to approve, subject to conditions on
21 page 58, do I hear a second?

22 MR. MCBRIDE: Second.

1 CHAIRMAN GREEN: Any discussion on the motion? Those in favor please
2 signify by raising your hand. Those opposed?

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

5 **CASE SD-05-05:**

6 CHAIRMAN GREEN: Next is SD05-05, Phase 1 of Deer Creek Village.

7 MR. GOSLINE: Now, Mr. Chairman, Members, this is Phase 1 of Deer Creek
8 Village, which is located at Longtown West Road and Hobart Road, adjacent to
9 Brookhaven subdivision. Staff recommends approval subject to the conditions on page
10 67 and 68.

11 CHAIRMAN GREEN: Carl, I'm looking at the aerial, on page 73, and clearly the
12 yellow outline that's on there is got to be more than 37 acres, 73.

13 MR. GOSLINE: Phase 1 is, this is a multi-phase project, Phase 1 is kind of on
14 the south of the wetland area that you can kind of see going through the -

15 CHARMAN GREEN: I can't tell on the aerial what portion we're looking at. What
16 portion we're being asked to approve today.

17 MR. GOSLINE: Phase 1 is the area south of the wetland that runs through the
18 middle of the project.

19 CHAIRMAN GREEN: So it's just about half, the lower half of the yellow outline
20 area?

21 MR. GOSLINE: Correct. Some of the confusion here is, you see all the big
22 stripes, or the big tape, showing, those are the roads and they're dividing existing
23 parcels; those are existing dirt roads. Hobart Road and, I forget the name of the other

1 one, so that's kind of confusing. But basically, you look at the lower half of the part of
2 the parent parcel.

3 CHAIRMAN GREEN: And we have, is it correct in assuming from your Staff
4 Report, we have six lots shown in the subdivision that aren't conforming to code?

5 MR. GOSLINE: That's correct. One of the conditions of approval is that they be
6 tweaked so that they meet the minimum 12,000 square foot area. Some of them are
7 pretty close, so. But, lot 66 in particular is -

8 CHAIRMAN GREEN: I also note that your conditions, on page 67, specific
9 condition I, that four lots need to have their access prohibited to Longtown. And, I
10 notice on the site plan, that we've got six lots that border Longtown and didn't know why
11 the other two lots were, excuse me seven lots which appear to border Longtown, why
12 the other three lots weren't included in that recommendation I -

13 MR. GOSLINE: Hum, 1, 2, 3, 51 – we'd need to make that change, I apologize.

14 CHAIRMAN GREEN: So there are in fact three, four, seven lots that front
15 Longtown Road?

16 MR. GOSLINE: Yes, sir.

17 MR. JIM CRAIG: I'm Jim Craig [inaudible]. There are three lots that are in,
18 designed to access on Longtown Road. The first three lots of Deer Creek [inaudible]

19 MR. VAN DINE: If you look on map 2 of 2.

20 MR. GOSLINE: Oh, I'm sorry, so you're saying that you want three curb cuts for
21 lots 1, 2, and 3, on attachment B? Is that -

22 CHARIMAN GREEN: On page 72, the upper three lots will have curb cuts onto
23 Longtown?

1 MR. CRAIG: That's correct.

2 MR. GOSLINE: Yeah, and the reason for that is this is a wetland right behind
3 them, right Jim?

4 MR. CRAIG: That's correct. And those are larger lots too.

5 CHAIRMAN GREEN: So, in fact your recommendation is for the four lots, with
6 those other three having separate curb cuts onto Longtown?

7 MR. GOSLINE: That's correct.

8 MR. VAN DINE: Mr. Chairman, I also note, and I'm assuming we're talking about
9 the new Hobart Road, not the old Hobart Road, when we're platting this out, is that
10 correct?

11 MR. CRAIG: We've made accommodations for the fact that there may be some
12 period of time, when, before the new Hobart Road is in service. So, our plan includes
13 the new Hobart Road, dedicating about two acres of that, plus about \$72,000 worth of
14 cost to take care of our section of Hobart Road; another \$50,000 to give to the county
15 for that portion. We've also accommodated in the interim, keeping some lots off the
16 market, so that the existing Hobart Road connector can come into our subdivision on a
17 temporary basis. Taking into account the fact there may be some period of time
18 between the old Hobart Road being discontinued and the new one [inaudible]

19 MR. VAN DINE: So, by, in light of the fact that we're being asked to approve the
20 subdivision with the new Hobart Road in, I think that we ought to have two conditions
21 included in here. One would be that the lots that back up to Hobart Road should not
22 have access onto Hobart Road, that they would all have to have internal access points.
23 If you look at attachment B, 1 of 2, there's a whole lot of those lots along the backside,

1 which would be on the new Hobart Road. The other is that, I'm not sure that I
2 understand enough about how, what you're going to do with the old Hobart Road? Is
3 that going to continue to be in existence as a road? So you're going to actually make
4 that an internal road once you make the other one?

5 MR. CRAIG: That's correct, it'll be an internal road, so that the old Hobart Road,
6 as it's configured now, will come into our subdivision, which will then be a paved road,
7 instead of a flat-bedded dirt road as it is now, and then come out to Longtown Road.
8 So, it'll still be accessible and useable, although in a much better shape. And then, the
9 new Hobart Road, when it comes along, we will close off that access within our
10 subdivision.

11 MR. VAN DINE: You'll close off the through road? That access will still exist into
12 the subdivision?

13 MR. CRAIG: That's correct. And then, as your earlier point, none of the lots
14 within Deer Creek would access to Hobart, the new Hobart Road.

15 MR. VAN DINE: Okay.

16 MR. CRAIG: It'll all access internally.

17 MR. VAN DINE: I think we need to make that as a condition too.

18 MR. GOSLINE: Right, I think that's a good suggestion. But, so you'll know, part
19 of the agreement, that, between the two developers and the county is that there isn't
20 any direct access to Hobart Road. But, that certainly doesn't hurt.

21 MR. VAN DINE: For our subdivision approval, I think we need to have it here, so
22 you don't have to look three places to find all the conditions.

1 MR. JACKSON: Carl, did you do the driveway separation for those three lots on
2 Longtown – it's adequate?

3 MR. GOSLINE: Longtown Road has a speed limit there of about 45, and they'd
4 need to be about 250' apart, so they, they've got enough room, that it'll take some
5 adjustments, but they should be able to make that work.

6 CHAIRMAN GREEN: Does anybody have a plat here that shows what the linear
7 foot of road frontage, on those three lots, is? It looks like it's 1, 2, and 3 Carl.

8 MR. GOSLINE: Looks like, let's see, about 420 or so.

9 CHAIRMAN GREEN: Each lot's 420? Each lot can't be 420'.

10 MR. GOSLINE: It looks like there's, well 87 and 90.

11 CHAIRMAN GREEN: Which lot 1 has how much frontage?

12 MR. GOSLINE: 137.

13 CHAIRMAN GREEN: And lot 2?

14 MR. GOSLINE: Is 91.

15 CHAIRMAN GREEN: Nah, it can't be 91.

16 MR. GOSLINE: Lot 3 is 87.

17 CHAIRMAN GREEN: No, this can't be right, not the way these lots look.

18 MS. ALMEIDA: It's 180, lot 2.

19 CHAIRMAN GREEN: Lot 2 is 180? And lot 3 is?

20 MS. ALMEIDA: Eighty-six and 34.

21 MR. GOSLINE: Oh, okay, I was reading it wrong, thank you. So, we have 134,
22 180 and 120 or so.

23 CHAIRMAN GREEN: Thank you, Anna.

1 MR. GOSLINE: That's why she's the boss.

2 MR. VAN DINE: So, would you be able to get half of driveway separations?

3 MR. GOSLINE: Yeah, would have to put one at one end and space them, but I
4 would think you'd make it.

5 CHAIRMAN GREEN: Mr. Van Dine, did you want to make that a stipulation with
6 regard to separation of driveways?

7 MR. VAN DINE: That was Mr. Jackson's request. Certainly I would go along
8 with that.

9 CHAIRMAN GREEN: Okay, the 225'?

10 MR. JACKSON: Yeah, request that they abide by the driveway separation.

11 CHAIRMAN GREEN: Since we have the applicant here, any other questions for
12 the applicant at this point? Thank you, sir. Discussion, motion?

13 MS. LUCIUS: Can I ask a question? When I looked at this, I had to cut and
14 paste to make sure I was looking at the right thing, it was on two pages. I know when
15 this came up before us for rezoning to RS-1; it was a long discussion about all the
16 floodways, the wetlands, the creek and the whole [inaudible]. And, at that time, well I
17 personally thought it should've remained rural because it's so environmentally sensitive;
18 so I voted against the rezoning, but any way, that's neither here nor there. This Phase
19 1, it's separated from Phase 2 by that whole creek area isn't it?

20 MR. GOSLINE: Yes, ma'am.

21 MS. LUCIUS: So, that's what, so I'm really not seeing it on here at all.

22 MR. GOSLINE: Not seeing?

1 MS. LUCIUS: The areas being set aside for the creek and wetlands and
2 everything.

3 MR. GOSLINE: Well, if you look, on page 72, you'll see wetlands and the creek
4 area and how the lots are staying -

5 MS. LUCIUS: Right, up on the left, and that's between Phase 1 and 2; and
6 probably when we see Phase 2, we're going to see more of those wetland too. But, all
7 that's set aside, is undevelopable.

8 MR. GOSLINE: Yeah, they've deliberately designed the lots to stay out of the
9 flood plain.

10 MS. LUCIUS: Right, I just wanted to make sure I was seeing what I thought I
11 was seeing, because there was a lot of discussion about all of the wetlands on this
12 particular piece of property.

13 MR. GOSLINE: Right.

14 MS. LUCIUS: Okay. That's all I had.

15 MR. VAN DINE: Does attachment B, if you're looking at what you have listed as
16 Deer Creek Drive, does that extend all the way up to the property line or is there a
17 potential for an additional phase at the top of that?

18 CHAIRMAN GREEN: Is that where Phase 2 is going to connect Carl?

19 MR. GOSLINE: I'll have to ask Mr. Craig, Jim. I think this is the part that we're
20 adding to the project isn't it, Deer Creek Drive?

21 MR. CRAIG: Deer Creek Drive will extend into Deer Creek Phase 2. And, again
22 that [inaudible] none of the properties are in the wetlands.

1 MS. LUCIUS: Right, I understood. I just wanted to make sure I was reading this
2 map correctly; they're had to see.

3 MR. CRAIG: It actually, to make one more correction, or clarification, is that the
4 wetlands, which is the creek that goes through the middle of the property, the portion
5 that's Deer Creek Phase 1 is actually only about half of the area below the wetlands.
6 And then, Phase 2 of the area that goes further up toward the creek, but the other side
7 of the creek, which is the north side of Deer Creek Village, which is the larger lots; all
8 together a separate thing.

9 CHAIRMAN GREEN: Thank you, sir.

10 MS. LUCIUS: One more question, what do we do about the fact that some of the
11 lots don't meet standard?

12 MR. GOSLINE: Well, they'll have to, the Staff's, the Department's
13 recommendation, they'll have to redesign the lots so that -

14 MS. LUCIUS: But we don't have to see them? We don't have to actually see the
15 re-drawing?

16 MR. GOSLINE: No, ma'am.

17 MS. LUCIUS: We can approve it just based on that?

18 CHAIRMAN GREEN: In specific condition J, addresses that. Further
19 discussion? Motion?

20 MR. PALMER: Mr. Chair, I make a motion to approve subject to conditions on
21 page 67 and 68, with the additional condition that the driveway separations, for lots 1, 2
22 and 3, boarding on Longtown Road, be a minimum of 225' apart.

1 CHAIRMAN GREEN: You also had the suggestion that no access be permitted
2 onto Hobart Road.

3 MR. PALMER: Onto the new Hobart Road.

4 CHAIRMAN GREEN: Onto the new Hobart Road, is that acceptable for your
5 motion?

6 MR. PALMER: Correct, an additional condition that it states no access from lots
7 be granted to the new Hobart Road.

8 CHAIRMAN GREEN: Thank you. Do I hear a second?

9 MR. FURGESS: Second.

10 CHAIRMAN GREEN: Have a motion and a second, discussion on the motion?
11 Seeing none, those in favor of approval subject to conditions as amended, please
12 signify by raising your hand. Those opposed?

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

15 CHAIRMAN GREEN: Thank you. That concludes, I believe, the subdivision
16 approval phase of our meeting and we'll now move into the zoning map amendment,
17 New Business phase. I would tell everybody here, in the audience, everybody that's
18 signed up will have an opportunity to speak. I would ask that when you come down to
19 the podium, that you give us your name and address, when you do speak. We are
20 simply, with subdivision we have final approval authority that doesn't go beyond here.
21 For the matters that we're going to hear now on rezoning, we're simple a recommending
22 Body to County Council. County Council will hear the same cases beginning on
23 November 23rd at 7 p.m., so if you're here for any of these, the first reading is currently

1 scheduled on that date and at that time, at which you will be given, again, the
2 opportunity to speak on whatever side of these rezonings you so desire.

3 MR. VAN DINE: Mr. Green, some people may have come in late. So, if anybody
4 wanted to sign up for something please let everybody know now, if you did not sign up
5 outside -

6 CHAIRMAN GREEN: Does anybody need to sign up? The first application is
7 05-16-MA on Leesburg Road.

8 **CASE 05-16-MA:**

9 MR. GOSLINE: Mr. Chairman and Members, this is a request by Carol Player to
10 rezone the house from RS-1 to C-1, for use as a small professional office. If you'll look
11 at the existing zoning map, on page 81, you'll see that a lot of these parcels, along this
12 portion of Leesburg Road have various kinds of commercial zoning on them. Most of
13 these is, on the south side of Lee Road, in the subject block, are single residences and
14 they could all be C-1 or C-2. The Staff recommends approval.

15 CHAIRMAN GREEN: I have signed up, to speak first, Carol Player.

16 **TESTIMONY OF CAROL PLAYER:**

17 MS. PLAYER: Carol Player, 1735 Alber Drive. We wanted to rezone it for office
18 use, because of, for commercial, people, residential was not interested in it, because of
19 the traffic and all the other commercial around it; and we just wanted to get it rezoned
20 for office.

21 CHARIMAN GREEN: Thank you, Ms. Player. Andrew Elrod, I believe.

22 **TESTIMONY OF MR. ANDREW ELROD:**

1 MR. ELROD: Andrew Elrod, 7262 Hollaway Road 29209. Just wanted to get it
2 rezoned for the same reason; nobody's interested in it residential because of the
3 businesses around it.

4 CHAIRMAN GREEN: Okay, thank you, sir. Questions of Staff, comments?

5 MR. VAN DINE: Is there a minimum of the lot size requirement before rezoning
6 can be requested for commercial?

7 MR. GOSLINE: Yes.

8 MR. VAN DINE: Does this meet the minimum lot size?

9 MR. GOSLINE: Yes, because we determined that because there's commercial
10 across the street, that that counted.

11 MR. VAN DINE: So because of the continuity or the contiguous nature?

12 MR. GOSLINE: Well, it's, you have zoning across the street, commercial zoning
13 across the street.

14 MR. VAN DINE: But doesn't the individual parcel have to meet a size
15 requirement?

16 MS. LINDER: I believe it's two acres unless there's some continuity or
17 contiguousness; and so I think Mr. Gosline is right, because it's across the street,
18 there's no minimum size requirement on this particular parcel.

19 CHAIRMAN GREEN: I tell you, if you look at the photos, you're had pressed to
20 believe that this is going to continue to function as a residence.

21 MS. LUCIUS: Yeah, it looks like the only access is on Patterson, right? It
22 doesn't access right onto Leesburg I don't believe.

1 MR. GOSLINE: Well, you could certainly make a case that the three lots to the
2 east, you know, could go in at the same time and, you know, all be C-1 and be similar
3 kinds of uses.

4 CHAIRMAN GREEN: I'm just glad this is coming in as a C-1, which does give us
5 some buffer.

6 MS. LUCIUS: Yeah, oh yeah. But, I mean, I was concerned about the access,
7 but it looks like it doesn't access directly onto Leesburg.

8 MR. VAN DINE: Is there any restriction against accessing onto Leesburg?

9 MS. LUCIUS: Yeah, I was wondering, is there?

10 MR. GOSLINE: Excuse me?

11 MR. VAN DINE: Is there a restriction to accessing onto Leesburg? I mean, one
12 of the problems we've always had here is how many curb cuts do you want on a road
13 for people coming in and out.

14 MR. GOSLINE: That's correct.

15 MR. VAN DINE: Certainly this does access onto Patterson and the office spaces
16 seem to fit the area. But if we were to allow each and every one of these to access onto
17 Leesburg we could end up having more problems than -

18 MR. GOSLINE: The situation you have here, Mr. Van Dine, is that most, that
19 these residences already had driveways, or already have driveways onto Leesburg.

20 MR. VAN DINE: But this one doesn't, this is on Patterson.

21 MS. LUCIUS: This one doesn't.

1 MR. GOSLINE: This one doesn't, that's correct. It has, it's access, is fortunate,
2 in a sense that it's off Patterson instead of off Leesburg. But all the rest of them, as you
3 go further east, are driveways -

4 MS. LUCIUS: Could they, could they get a curb cut onto Leesburg, if we approve
5 this?

6 MR. GOSLINE: Excuse me?

7 MS. LUCIUS: Can they get a curb cut onto Leesburg? I mean we have no
8 control over that.

9 MR. GOSLINE: I guess they could, but there's not reason to get one because
10 they've got perfectly good access where it is.

11 MR. JACKSON: There'd be no reason to get one.

12 MS. LUCIUS: There'd be no reason, but that reason doesn't always dictate
13 what's done.

14 CHAIRMAN GREEN: Would DOT give them one?

15 MS. LUCIUS: Would DOT give them one?

16 MR. JACKSON: No comment.

17 MS. WYATT: I'm sure they would.

18 CHAIRMAN GREEN: Further discussion on the application?

19 MR. VAN DINE: Mr. Chairman, I move that we send this forward with
20 recommendation of approval.

21 CHAIRMAN GREEN: Motion to send this forward with a recommendation for
22 approval. Do I hear a second?

23 MS. WYATT: I'll second.

1 CHAIRMAN GREEN: Motion and a second. Is there any discussion on the
2 motion? Seeing none, I would ask for a vote. Those in favor of the motion please
3 signify by raising your hand. Those opposed?

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

6 **CASES 05-17-MA & 05-18-MA:**

7 CHAIRMAN GREEN: Thank you. Next is, let me ask, just from a technical
8 standpoint, can we take up 05-17-MA and 05-18-MA at the same time?

9 MR. GOSLINE: Yes, you'd also have to have two separate votes.

10 CHAIRMAN GREEN: Mr. Waites, you've been waiting calmly. We're going to do
11 the next two together since they're so interrelated.

12 **TESTIMONY OF MR. CRAIG WAITES:**

13 MR. WAITES: My name is Craig Waites, I'm at 1401 Pinemont Drive; I'm here
14 representing First Citizens Bank. They're in the process and have under contract two
15 lots that would be there. The two lots are currently zoned C-3, however, one of them is
16 badly configured for any type of development and so what we've done is we've
17 approached the rear property owner, and agreed to swap property with him, so to create
18 a straight boundary line, makes the property more developable. What we've agreed to
19 do, obviously is, the rear property is actually zoned rural, the property that's under
20 contract currently is zoned C-3. So, the, we're doing a zero sum land swap. What we
21 take in, we're proposing to rezone from RU to C-3 and what we're giving back, we're
22 proposing to down zone from C-3 back to RU. So in essence just, just straightening
23 things up and kind of cleaning it up.

1 CHAIRMAN GREEN: Any questions for the applicant while he's at the podium?

2 Thank you, sir.

3 MR. VAN DINE: Sir, I have something, which is which?

4 MR. WAITES: I'm sorry?

5 MR. VAN DINE: The map I have on page 91, they're both; I don't know which
6 one you're going back to and which one you're coming from.

7 MR. WAITES: Okay, if you'll look, my page, my map's not numbered.

8 CHAIRMAN GREEN: If you look at 101. You have to look at 101 in conjunction
9 with 91.

10 MR. VAN DINE: Oh, all right, so the little, the two triangles are going to go into
11 RU and then the other – okay.

12 MR. WAITES: Right, exactly.

13 MR. VAN DINE: Okay, all right.

14 MR. GOSLINE: You're going to need separate motions for each one.

15 MS. LUCIUS: Mr. Chairman, I would like to make a motion.

16 CHAIRMAN GREEN: Please.

17 MS. LUCIUS: I would like to move that we approve, that we send forward project
18 05-17-MA and 05-18-MA both for approval.

19 MR. JACKSON: I'll second it.

20 CHAIRMAN GREEN: Have a motion and a second to send both of these forward
21 with recommendation for approval, any discussion on the motion?

22 MR. VAN DINE: Before we do that, can I ask a question?

23 MR. GOSLINE: Who was the second?

1 CHAIRMAN GREEN: Mr. Jackson.

2 MR. VAN DINE: Do we need to vote separately on each of the ones or can we
3 combine them into one motion?

4 MS. LINDLER: You may combine them into one motion. If the motion passes,
5 then you're granting approval to both rezonings.

6 MR. VAN DINE: I want to make sure we're doing it correctly when we do.

7 CHAIRMAN GREEN: Okay, we have a motion and a second to send forward
8 with the recommendation for approval, 05-17-MA and 05-18-MA. Any further
9 discussion? Seeing none, those in favor please signify by raising your hand. Those
10 opposed?

11 *Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Manning,*
12 *McBride]*

13 CHAIRMAN GREEN: Thank you. Next we have is 05-19-MA, Staff Report.

14 **CASE 05-19-MA:**

15 MR GOSLINE: Mr. Chairman, Members, this is a request by Landev Associates
16 to rezone the piece of property adjacent to the Plantation Swim Club on Longtown West
17 Road. This was up some time ago for a straight RG-1 zoning, I believe. The applicant
18 has gone back to the drawing board and brought forth a request for a planned unit
19 development project. It's, the general development plan map is shown on page 118.
20 This project, as you'll recall, was very controversial when it came up before, but we
21 haven't heard any controversy from anyone since they've redesigned the project. The
22 applicants are here. I don't know if anybody signed up or not.

1 CHAIRMAN GREEN: I just have a couple of questions before maybe we start
2 taking, asking people to come up. The four sets, the eight tennis courts and, I guess
3 the building currently exist on the site?

4 MR. GOSLINE: Yes, the tennis courts, the racquetball club is in red and the
5 swimming pool all currently exists.

6 CHAIRMAN GREEN: And they exist under appropriate zoning, obviously?

7 MR. GOSLINE: Right, they, it's, the existing zoning is D-1 and those are
8 recreational facilities attached to the various subdivisions in the Longtown Plantation
9 project; this is a portion of the Longtown Plantation project.

10 MR. VAN DINE: The map we have is not correct as to what they're attempting to
11 do, however. The aerial outline is incorrect because the map that shows up on page
12 118 includes that area, which is in essence the upper area of that photograph, which is
13 not included as part of our map, nor frankly is it part of the site D-1 plan, that's on page
14 113.

15 MR. GOSLINE: Say that, I'm sorry.

16 MR. VAN DINE: Look at 113, it says site, that doesn't include the tennis courts
17 or the pool, in that particular area also.

18 MR. GOSLINE: That's because the only portion being rezoned is the portion
19 shown here. The other portion doesn't need to be rezoned, but it's all part of the same
20 ownership.

21 MR. VAN DINE: Then in essence what we have before us is the exact same
22 plan we had before, with an attempt to bring into play additional acreage as part of that
23 particular plan, to make it look like we have less density on the area. We don't have a

1 difference between the plan that was here before nor the plan, in this plan here because
2 we're not including that, because it's an already existing tennis courts and pool. You
3 haven't changed the access point which was the big problem, which is the area
4 regarding the drainage down through that – hold on, wait a minute, please – we haven't
5 done anything, except attempt to try and bring more property and make it look different.
6 We're still going to have, on the numbers that are looked at, 122 units on the same 12
7 acres that we had before. Which means that no you don't have, on 33 acres, four
8 dwelling units per acre, in essence you have, what amounts to about eight or nine
9 dwelling units per acre, on that particular 12 acre parcel which we're talking about.

10 MR. JACKSON: That's why I was confused.

11 MR. GOSLINE: Well, but you do have the access out through the, to the
12 recreation area that didn't have before, that's a change. The number of units is the
13 same, however it is much better configured, with open space throughout the project.
14 The existing recreational facilities are always going to be owned by the applicant and
15 they, so it depends how you calculate it. If you look at the whole thing together or if you
16 just, the piece that's for rezoning.

17 MR. VAN DINE: But we can't look at the whole thing together because we're not
18 rezoning the portions that include the tennis courts or the other because they're not part
19 of this rezoning request.

20 MR. GOSLINE: Yeah, but you're only, you're rezoning the same piece that was
21 up before, but the project, the PUD project itself does, is now included, the recreation's
22 now included in it.

23 MR. VAN DINE: This map does not show that portion of it as part of the PUD.

1 MR. GOSLINE: The aerial, I'll grant you that.

2 CHAIRMAN GREEN: Nor page 113.

3 MR. VAN DINE: Page 113, we're not being asked to rezone that entire area,
4 inclusive of the swimming pool and the tennis court as part of the PUD. We're being
5 asked to rezone the 12 acres in the back with the same 122 units that we had before.

6 MR. PALMER: But I think we're being asked to make that into the PUD, that
7 means that that stuff can be nothing else except for tennis courts and racquet club from
8 now on, correct?

9 MR. VAN DINE: It's not part of it when it's already part of an existing PUD.

10 MS. WYATT: It's already part of another one.

11 MR. PALMER: So it can't be a part of this one either?

12 MS. WYATT: You can't only be zoned one time, not two, Pat.

13 CHAIRMAN GREEN: Mr. Gosline, I need some, I'm, this, the Staff report has
14 confused me. Let me ask you this question. The portion that currently contains the
15 existing tennis courts and swimming pool, how are they currently zoned?

16 MR. GOSLINE: D-1.

17 CHAIRMAN GREEN: Are the existing tennis courts and swimming pool a part of
18 this application for rezoning?

19 MR. GOSLINE: Yes.

20 CHAIRMAN GREEN: They are, but, simply the map, the aerial -

21 MR. GOSLINE: The map should've shown both parcels.

22 CHAIRMAN GREEN: So we're being asked to put 32.4 acres into this PUD, not
23 the 12.9 acres?

1 MR. GOSLINE: That's correct.

2 CHAIRMAN GREEN: So the maps in our Staff Report are wrong. Is that
3 correct?

4 MR. GOSLINE: That's correct.

5 MR. PALMER: So we're not rezoning it twice, it's just one zoning. It's the PUD
6 going to include the racquet club and the tennis courts, correct?

7 MR. GOSLINE: That's correct.

8 MR. JACKSON: Is this existing, this tennis court?

9 CHAIRMAN GREEN: From the aerial it looks like the tennis courts and the
10 swimming pool are -

11 MR. JACKSON: Is it a part of the other subdivision?

12 MR. GOSLINE: The aerial, that's correct.

13 MR. JACKSON: It is a part of the other one, right?

14 MR. GOSLINE: The map, the zoning map on page 113 and the aerial on page
15 114, should have included the existing recreation area, to be shown as part of the PUD.

16 MR. JACKSON: What I'm asking, this tennis court now, is it part of the other
17 subdivision?

18 MR. GOSLINE: No, those facilities have been there and they're generally used
19 by multiple subdivisions in the greater Long Creek Plantation projects. The applicant
20 can tell you more about the actual -

21 MR. JACKSON: Has been currently used facility, facility is being currently used
22 by other subdivisions?

23 MR. GOSLINE: Yes.

1 MR. JACKSON: Has been currently used and now we want to include it to be a
2 part of this new subdivision?

3 MR. GOSLINE: Correct. It'd still be open for use by other people.

4 MR. JACKSON: I understand that.

5 MR. GOSLINE: Okay, I understand what ya'll are saying.

6 CHAIRMAN GREEN: Okay, Carl let me ask you this. Under - the tennis courts
7 and swimming pool exist under the D-1 zoning designation?

8 MR. GOSLINE: Correct.

9 CHAIRMAN GREEN: Does that suggest that those facilities are only available
10 on a restricted basis to the residence of certain areas out there and not open to the
11 general public?

12 MR. GOSLINE: It's my understanding that it's a membership deal but you'd have
13 to ask the applicant.

14 CHAIRMAN GREEN: Okay, let me ask you this. Under the D-1 zoning district,
15 recreational facilities are not a permitted use. Parks, playgrounds and play fields are a
16 permitted use, and I just want to be sure, as we move forward, that we have a
17 conforming use that we're considering, whereas are we dealing with a nonconforming
18 use that's being brought into a PUD? If this is a commercial, recreation facility for use
19 by the general public, is that, it doesn't strike me as being a permitted use in a D-1
20 district.

21 MR. GOSLINE: Well if you were to zone it PUD it would become recreation, it
22 would - these facilities have been there a long time and I'm not real sure how long, but
23 they've been there and they've, I assume it was built as part of the earlier phases of the

1 Long Creek Plantation as a general recreation opportunity for the folks in there, in that
2 area. It's my understanding that it's a membership thing, the PUD wouldn't change that.
3 In a sense it would make it a conforming use because it'd be part of the approved PUD,
4 and you have onsite recreation.

5 CHAIRMAN GREEN: I understand that if we approve this that we're approving
6 that use. My question is, as you would interrupt the current D-1 zoning district; are
7 recreational facilities open to outside memberships a permitted use in a D-1 district?

8 MS. WYATT: Well, they're not truly outside people, you and I couldn't go over
9 there and hangout, it's limited to the residents of Long Creek.

10 CHAIRMAN GREEN: What I'm saying, if recreational facilities aren't,
11 recreational facilities aren't a permitted use in a D-1 district.

12 MR. GOSLINE: But they're already there.

13 CHAIRMAN GREEN: Okay, I'm just trying to understand whether we're dealing
14 with conforming use or a non-conforming use.

15 MR. GOSLINE: Right, I don't really know the answer.

16 MR. CRISS: Recreational uses are included under community service
17 structures, in uses such as community service centers, libraries, fire stations, civic
18 cultural, or recreational uses.

19 CHAIRMAN GREEN: In that community, is community service centers construed
20 to be a public park, like a county recreation center, as opposed to a commercial - I'm
21 just trying to understand if we're dealing with a permitted use or not.

22 MR. GOSLINE: I know, I know. I'm not so sure how to answer that. We've,
23 cause I don't think its ever come up before. The only one I can think of was Dr.

1 Randolph's rezoning, a couple of years ago, had some recreational or talk - it initially
2 had some recreational facilities in it, but that was a C-3. And in our discussions, we've
3 always talked about having onsite recreational facilities. Admittedly this is a bit of a
4 stretch.

5 CHAIRMAN GREEN: But we specifically provide for commercial, recreational
6 facilities in the C-3 district and there is no mention of commercial recreational facilities in
7 the D-1 district.

8 MR. GOSLINE: Yeah, I don't recall that we defined commercial recreation in the
9 current Code either, so that's part of the problem.

10 MR. MANNING: Carl, will the open space requirements on the PUD, on the 12.9
11 acres be met without the recreational facility?

12 MR. GOSLINE: The current PUD code does not have set, a minimum open
13 space requirement for PUD-1.

14 MR. MANNING: So there is no open space requirements?

15 MR. GOSLINE: No minimum requirement, no. The, from the Department's point
16 of view, the difference between the previous, and I know y'all may disagree, but the
17 difference between the previous submission and this one is that we're still
18 accommodating the same, basically the same number of units on the piece of property,
19 but it's done much better, with more open space, more buffering to the adjacent
20 properties and all the rest of it. And, keep in mind that if you look on page 118, that this,
21 on the right hand side of that page, is Brookhaven, Brookhaven Three, just about, or
22 anyway, the Brookhaven parcel of Mungo. So, you're talking about there, very small

1 lots, you know, typical, more typical RS-3 type development. So, from our point of view,
2 this is a good infill project. You can disagree and that's fine.

3 CHAIRMAN GREEN: Well, we'll open up the public comment section. Is the
4 applicant here? Please come down if you would.

5 **TESTIMONY OF TOM WALKER:**

6 MR. WALKER: My name is Tom Walker; I live at 36 Longtown Road West. I
7 almost wish I could've gotten up a little bit sooner. The idea behind what we're doing is
8 try to include the tennis club and the residential area as one entire packet; rather than
9 going on the kind of development that is adjoining this, which is the Plantation Park
10 development. It's zoned RS-2. It actually allows for a higher density than this project,
11 when you use the entire piece of land. When we contracted to buy the facility, we
12 could've gone in, we wouldn't, be we could've gone in and knocked down tennis courts
13 or rearranged things and use the entire tract and get a more traditional type subdivision
14 like Plantation Park, which is really the largest concentration of folks affected by this, if
15 you do not count the Mungo development on the other side of it, which is the entire
16 eastern and north, western and northwestern boundaries, which is zoned PUD-2 or
17 PDR-2, I believe. It was also our thinking that if it was zoned this way that it would sort
18 of cast this place in stone forever. I may be wrong in saying this, but it seemed to me if
19 it was zoned as a PUD, there was, it would be very unlikely that it would ever be zoned
20 for anything else, even in the event that this project fails for some reason and can never
21 get off the ground. We furthermore tried to buffer those folks who had lots adjoining it
22 on the eastern side, I guess it was the eastern side, that were some large lots and we
23 basically clustered the housing in one smaller area of the project, much like a lot of the

1 developments that are taking place now and tried to keep it common green areas in
2 close proximity to them. The last time we submitted this thing, really did it just,
3 should've probably spent a little more time researching the types of zoning that could be
4 used, that it would be a better type of zoning, which would give a little bit more control
5 over what happens with this piece of property, in the long term; that's really our goal
6 with it. We had a, we called for a meeting and notified, put out flyers in Plantation Park
7 and then notified through the email, everyone that's on the Long Creek homeowners
8 list; email list and invited them to come to a meeting and see what we're going to do,
9 and to get their input. We had about, I don't know, 25 or 30 people show up, of which,
10 probably four or five were not real enthusiastic about it, mostly those people who live up
11 against it on the front with the big lots. And by the end of the day, I think, the folks
12 primarily in Plantation Park and some, one or two, from Fox Meadow, and I think there
13 may have been one other group there from another subdivision, but mostly Plantation
14 Park, were in favor of what we're doing. There were a number of issues raised, one of
15 those issues was a road coming across the tennis club, the access and how that would
16 impact traffic coming into the project from Plantation Park, primarily children. That
17 concerns us a little bit, so to make a long story short, we talked to a number of those
18 homeowners that raised those questions after the meeting, and during the meeting, and
19 told them, I by the way, I live two blocks from this project, so I'd like to keep the glass in
20 my windows, and so, what we really want to do is what is palatable to the whole
21 community. We're not enthusiastic about being controlled by one or two people, but we
22 do want to do what is compatible to the community. With that being said, I, we've been
23 working, for the last week or so, trying to come up with some alternatives with this

1 access issue and if you would allow us to we would like to postpone this thing for
2 another month, to see if we can actually solve this particular problem, and I think it
3 would make for a better development all the way around, if we can. If we can't, then I
4 guess we'll come back with it as it is. But, I think, one thing I'd like for you to
5 understand is the density here is the same as the properties around it, with the
6 exception of the four lots in front. Unless we changed it and put the, and it would be the
7 same if we put the units in the open spaces, we're trying to preserve the tennis club and
8 preserve the parks the way they are and hopefully make it better. That's, pretty much,
9 where we are at this point. I have with me David Maass, who did this and we try to, we
10 also tried to make this thing conform to the 2020 Imagine Plan we worked real hard to
11 do that with Staff, to try to get some of it [inaudible] and I think that's what we have here.
12 If you'd allow us a minute, I'd like for Mr. Maass to tell us about that.

13 CHAIRMAN GREEN: Okay. There's been a request by the applicant to defer.
14 Ms. Linder, do you want to advise us with regard to how you would suggest we proceed
15 with their request?

16 MS. LINDER: Okay, your Planning Commission rules and procedures say that
17 the applicant may appear before you and request a deferral and that you may grant the
18 request for deferral, but you must state for the Record the date of the meeting where it'll
19 be taken up again. If there's two requests for deferrals then we treat the matter as
20 being withdrawn and the applicant has to start over.

21 CHAIRMAN GREEN: Commission Members we have the ability either to accept
22 their request for deferral or deny the request for deferral and move forward with
23 discussing and voting on our recommendation at this particular meeting. If you would

1 again, please sir, if you would just let the Commission Members know the reason for
2 your deferral and what issue you would plan to address; that at least gives us, makes
3 sure, I just want to be sure that everybody on the Commission understand the purpose
4 of the deferral.

5 MR. WALKER: The access, the actual location of the access into the facility from
6 what is known as Plantation Parkway, can you see, is the road labeled there, through
7 the entrance into the tennis facilities, the tennis and swim facility, the actual location of
8 that access.

9 CHAIRMAN GREEN: And you would, in the interim, look at relocating that road?

10 MR. WALKER: Yes.

11 CHAIRMAN GREEN: To still access, it looks to me like it would still have to
12 access on to Plantation Parkway?

13 MR. WALKER: It may, but we may have other options.

14 MS. WYATT: Bring it down closer to the road, to Longtown, kind of go up that
15 way?

16 MR. WALKER: Yeah, we would like to get it, we'd like to address the safety
17 issue with kids cause we intend to keep this as a park and we intend to keep it as you
18 see it. There may be four more tennis courts there, there may, one of these fine days if
19 we can, if the thing grows, there may be additional pools, but we would like to keep as
20 much of the area green as we can; really more of a demand thing than any thing else,
21 when it comes to the actual recreational facilities.

22 CHAIRMAN GREEN: We have a request be the applicant for deferral, is there
23 any thoughts on the Planning Commission? Let me just, Carl if I may, get one other

1 piece off information that would help me. I read in the application that the applicant
2 could add up to 16 additional tennis courts and a volleyball court and a pro shop. Is
3 that, we're being asked to also approve that as part of the PUD; which would strike me
4 as that it would consume all of the, what's being called green space at the moment. But
5 am I correct in assuming that's part of the PUD application?

6 MR GOSLINE: No.

7 CHAIRMAN GREEN: No? Even though it says in the discretion of the premises,
8 on page -

9 MR. GOSLINE: In order for them to add additional facilities, they would need to
10 amend the general development plan to show possible future [inaudible]

11 CHAIRMAN GREEN: Let me call you attention to page 3 of the general
12 development plan where it states, "Our open space and community facilities consist of
13 14.9 acres. Within these designated areas are two water features, eight park areas, a
14 junior-Olympic size swimming pool and complex, four indoor tennis courts, eight outdoor
15 tennis courts and enough room to expand the outdoor facility to 24 courts . . .".

16 MR. GOSLINE: You're in the Staff Report?

17 CHAIRMAN GREEN: No, I'm in the PUD application. Page three of the
18 application. It states here that there's enough room to expand the outdoor facility to 24
19 courts, a volleyball court, a pro shop, club house, and playgrounds. In addition there
20 are parking facilities for the above. If we were to proceed to discuss this particular
21 application, is it your understanding that a approval, a recommendation of approval for
22 this PUD is also a recommendation to approve the ability of the recreation facility, be
23 expanded to 24 courts, a volleyball court, a pro shop and club house?

1 MR. GOSLINE: They would have to, if that's what the applicant wants to,
2 ultimately wants to do, then they'd have to amend the map to show those additional
3 facilities.

4 CHAIRMAN GREEN: So, that just because it appears, Ms. Linder, it appears in
5 the text but not on the map, I'm just curious of what we're being asked to consider?

6 MS. LINDER: I think the ordinance would anticipate the adoption of this general
7 development plan. If you've got text saying that it would be up to 24 courts, then you've
8 approved 24 courts.

9 CHAIRMAN GREEN: Thank you. Okay, just for Commission's knowledge, we
10 do have five people who have come here to speak, in addition to the applicant, if you
11 want to consider that and if you want to proceed with this or defer it.

12 MR. VAN DINE: Mr. Chairman, I think at the very least, we ought to hear from
13 the people, because this is the 3rd or the 4th time we've been here on this and people
14 have – we've delayed and deferred and these people have taken time out of their
15 schedule, each time, to come down and speak. I think we ought to just hear from them
16 prior to the decision to defer, or even as part of the deferral.

17 MR. PALMER: I would agree, I don't know that that road access, doesn't look
18 like there's a whole lot of option there, on where that access is. Doesn't seem to be an
19 issue on the approval or disapproval and it doesn't seem like it's got a whole lot of room
20 it can move. That's just me, I'm not an architect.

21 CHAIRMAN GREEN: Let us do proceed to defer our decision on whether we
22 want to on the deferral. And, you had someone else that, we'll allow your – is it your

1 architect-designer - if he would like to say a few words before we take the other
2 testimony.

3 MR. WALKER: I, as the applicant, have no intention of putting up 24 tennis
4 courts. There's two logical spots, there's already a pro shop and there's already a
5 volleyball court. There's only two spots right here that would really lend for more tennis
6 courts in essence.

7 MR. GOSLINE: Tom, does that mean that you're amending your, you want to
8 amend your, the submission you made to delete that discussion, on page 3.

9 MR. WALKER: I'd be happy to if we need to but it's not our intention to build 24
10 tennis courts.

11 **TESTIMONY OF DAVID MAASS:**

12 MR. MAASS: That was descriptive language that we'll adjust, the map is, should
13 be the gospel and we'll adjust the language to correspond with the map.

14 MR. GOSLINE: So, the applicant would address that concern, Mr. Green, by
15 amending the application to take that language about the possible future facilities out of
16 the application.

17 CHAIRMAN GREEN: Okay. Sir.

18 MR. MAASS: My name is David Maass. I'm a registered landscape architect, a
19 land development consultant, the name of my firm is ECCO Plan. One of the things that
20 we did when we looked at this, was thoroughly review the 2020 Vision Plan and one of
21 the major concepts in that plan is, discusses nodes. And, while in this particular area,
22 this is not particularly a commercial node. What we have, are simply, mixed-use
23 adjacencies, where we've got PUD out there, we've got this element that is used for

1 recreation, and if you look at it, from the photographs, it's very disparate right now.
2 There's a lot of, kind of open - a little bit out of place. And one of the things that we're
3 trying to do here is to tie together, with regards to different residential components, as
4 they fit around this existing recreational facility – properly context what was being
5 proposed. In other words, this application that includes the recreation area, was absent
6 last time and I believe, as I understand it, as an inadvertent component, that the
7 engineering company that submitted the very specific area that is going to comprise the
8 residential element was. So, that's why the change, that's why we went back and we
9 wanted to represent fully what the PUD actually was going to consist of. So, this
10 existing D-1, the whole area that includes the recreation area, will all be swept in to this
11 new, if approved, PUD reclassification. So, that's why it's presenting as it is today, not
12 in an effort to somehow obscure, or shift the densities, it's simply to show the full
13 context of what actually the PUD is and it does include this recreation component. So,
14 that's our general overview and the, we can, there's absolutely no problem with
15 changing the language, you know, describing the tennis area as having capacity. You
16 know, I mean, I think that's something that needs to be discussed, if there's an open
17 gap, as you can see, that would logically allow some more tennis courts. But Mr.
18 Walker hasn't explained to me that that was his plan and we can remove that language
19 so that only what shows on the proposed map is what is done.

20 CHAIRMAN GREEN: I just had - any questions for the applicant before we take
21 other testimony?

22 MR. MANNING: The ownership of the tennis and racquet club will be in whose
23 name?

1 MR. WALKER: It will be in the name of the development, to begin with. And it's
2 no guarantee that that racquet club may not, will not remain in that name forever.

3 MR. MANNING: So the D-1 will be in the same ownership as the PUD?

4 MR. WALKER: Right, well it would all be PUD then and would be -

5 MR. MANNING: And is that going to be restricted to recreational facilities down
6 the road?

7 MR. WALKER: Yes, absolutely. My understanding is once it's done this way it
8 can't be changed.

9 CHAIRMAN GREEN: Just to follow up on Mr. Manning's question, if we look at
10 the entire area, where the tennis courts are and the green space, north of where the lots
11 are planned, is that property, is any of that property going to be deeded to the
12 homeowners association to be associated with this development, so that the people that
13 live here will control any of the activity or use of that land to their north?

14 MR. WALKER: No, the reason being is that, one of the ideas here is to bring this
15 thing to the entire community, to the entire Long Creek community and not have it
16 segregated to just this one development.

17 CHAIRMAN GREEN: So the open green space that's going to be left north of
18 where, I just want to be clear on this, north of the single-family area actually, in fact,
19 won't be deeded to the homeowners association for their control and use.

20 MR. WALKER: Well the green area, if you separate, the tennis facility will not be
21 controlled by the homeowners association of this development.

22 CHAIRMAN GREEN: I'm particularly interested in this area through here.

1 MR. WALKER: Yeah, I understand that. We haven't really addressed whether
2 we would deed that to the homeowners association or not. I'd like to make one other
3 comment if I may. The last time this thing came through, I'll have to take responsibility
4 to this, but I realized that we had a mistake before we came in here and I sent an email
5 to Staff, saying I'd like to withdraw and that email went into the abyss, and I didn't even
6 come to the meeting because I thought my - then the Staff called, apparently the email,
7 they didn't get it, they called my office and said, "Are you coming to this meeting?" And
8 my secretary told them no and I think my secretary didn't get - got our wires across to
9 the Staff. I'm not saying the Staff didn't do what they were supposed to, I'm saying I
10 didn't think our office did what we were supposed to; and I did not even show up. But I
11 would've withdrawn this thing, because I realized the kind of zoning we asked for
12 opened up a lot of cans of worms, particular because it was a multi-family type zoning,
13 which we've never had any intention of doing multi-family type development in previous
14 application. And that's when I came back with Carl and said, you know, this is not what
15 we intended to do. But I did recognize, that once we asked for it, if we'd gotten that
16 zone and I got hit by a truck the next day, someone else could've come in and made
17 this into a multi-family development and I knew the neighborhood would not like that at
18 all, anybody in the neighborhood.

19 CHAIRMAN GREEN: Thank you, sir. Next signed up to speak is James Young.

20 MR. PALMER: I have one more question for the applicant.

21 CHAIRMAN GREEN: Sure.

22 MR. PALMER: These buffers that are in here, are you just going to leave this as
23 is, or do you plan to go in make plantings or are you just going to -

1 MR. MAASS: That's going to be required, the plantings will be required. We'll
2 have to meet the landscape ordinance.

3 MR. PALMER: Okay.

4 MR. WALKER: We've tried to leave buffers around the large lots east of it.

5 CHAIRMAN GREEN: But nothing has been, I haven't seen anything in the
6 application that addressed buffering beyond what the landscape ordinance requires, it
7 that correct?

8 MR. MAASS: Well, actually all the areas shown are, will be comprised by their
9 existing buffer as it is allowed as substitution, in the landscape ordinance or
10 supplemental.

11 CHAIRMAN GREEN: So the question is, my question is, I didn't see anything in
12 the application that suggested that in addition to any requirements in the landscape
13 ordinance, you planned to do anything different. We ought to assume that whatever is
14 done here will be consistence with what's required by the landscape ordinance.

15 MR. MAASS: Actually it will be consistent, based on the graphic, or exceed.
16 Things, everything shown on the graphic is either consistent with, in other words, meets
17 or exceeds. In other words, we have buffer areas in there, both from a percentage
18 standpoint and from a area standpoint that exceed, meet or exceed. There are some
19 that are much greater.

20 CHAIRMAN GREEN: Okay. Let me ask my question again. There's nothing in
21 your PUD submittal that commits you to doing anything in excess of the landscape
22 ordinance. Any language in the PUD application itself that says we will do this specific
23 thing, in excess of the landscape ordinance.

1 MR. GOSLINE: There's nothing in the proposed PUD conditions that would
2 require that. There is the condition that they would have to meet the -

3 CHAIRMAN GREEN: Landscape.

4 MR. GOSLINE: Right.

5 CHAIRMAN GREEN: Thank you. James Young.

6 MR. VAN DINE: Can I ask a question, while Mr. Young is coming up? We were
7 handed a map just now concerning tax parcels. At the top of this map, it says Longtown
8 PUD. I asked the question, is this not part of an original PUD that was put in place as
9 part of the Longtown/Long Creek development?

10 MR. GOSLINE: The recreation area is; the out parcels have been an out parcel.

11 CHAIRMAN GREEN: I'm confused too, Howard.

12 MR. VAN DINE: So what I'm asking, the question specifically, is the tennis court
13 and the pool area part of the original PUD designation for Longtown area out there?

14 MR. GOSLINE: I don't know for sure, Mr. Van Dine. Tom, do you know?

15 MR. VAN DINE: Because if in fact it is part of the original, it cannot simply be
16 deeded from one to the other. We need to have an amendment of one to add it into the
17 other. We don't have both of those things here at this point in time.

18 MR. GOSLINE: That's correct.

19 MR. VAN DINE: It's my understanding that this, as it was originally marketed,
20 was part of all of the amenities that were included in the Longtown, including the
21 equestrian area, and other things.

22 MR. GOSLINE: That's my understanding as well.

1 MR. VAN DINE: And if in fact this is part of the other PUD, it can't be zoned into
2 this PUD, which means you cannot even look at it in conjunction with this PUD.

3 MR. GOSLINE: Yes, I'm not disagreeing with you Mr. Van Dine. I don't know for
4 sure because I don't know that we, I don't ever recall ever even seeing the Longtown
5 Plantation PUD. And if, that was done so long ago, it's most likely that those kinds of
6 details would not be in our files. But you're right, I mean, I understand, it's been my
7 understanding as well that this facility has been there for 'X' years as part of the greater
8 Longtown Plantation -

9 MR. VAN DINE: It's been there as long as I can remember. Ever since they
10 started developing that area and it was being marketed as part of the amenities for the
11 entire PUD development that was out there.

12 MR. GOSLINE: I just don't know that for sure and I don't know that we could
13 actually find, we'd certainly have to go look and see if we can document it.

14 MS. WYATT: Well Mr. Backus, I noticed in some of this information, Fairway
15 Development actually owns it now. He was the original owner of Long Creek. He
16 should certainly know or have access to that information. And just by the fact, to me,
17 that Fairway Development and John Backus are involved in this, tells you that it was
18 part of the original PUD.

19 CHAIRMAN GREEN: Is there anyway, that while we're hearing the testimony
20 from these other folks, that there's somebody that can downstairs and look and see
21 whether we, in fact, have a PUD that covers this?

22 MR. PRICE: I'll look.

23 CHAIRMAN GREEN: Thank you, Geo. James Young.

TESTIMONY OF JAMES YOUNG:

COL. YOUNG: Good afternoon, ladies and gentlemen, my name is Colonel Jim Young, I live at 812 Longtown Road West. My right side of my property is on the existing state highway drainage ditch, which will become the road, if approved. The backside of my property has houses next to it and [inaudible] approved as well. It's been a horse area that, all of this area has been for horses since at least 1978, when I - I bought my property in '79, but I bought it because I brought the first horses into Long Creek that ever existed there. I hate to see us put 120, 122 houses on 12 acres, where we all have four acres and big houses and, I think, as the other gentlemen will speak, I bought before Backus even knew the place existed. And the other people bought with the rationalization that they needed certain amount of space for, to keep their animals and the safety issues, I think they'll probably address. I have nothing else to say, other than I'm against it. Thank you.

CHAIRMAN GREEN: Thank you, Russell Hancock.

TESTIMONY OF RUSSELL HANCOCK:

MR. HANCOCK: I'm Russell Hancock. I live at 202 Plantation Parkway. I have about four concerns. The first y'all have already addressed, the curb cut onto Plantation Parkway. In your book on page 118, the map, red building being the tennis courts, the blue being the swimming pool, there's only 120' between the tennis courts and the swimming pool. And the curb cut, the curb is 130' long, from the entrance to the tennis courts, so traffic problem with the children going to the pool could be an issue and yes, Mr. Walker has addressed that already. He knows that that is my concern. The 122 houses on 12 acres, y'all have already addressed that also. The main thing is the maps

1 that you're looking at again, you've addressed this; the maps are not correct. That's all I
2 have to say.

3 CHAIRMAN GREEN: Thank you. Melanie Lux, I don't know if I'm pronouncing
4 the last name, that's as well as I can read it, I apologize.

5 **TESTIMONY OF MELANIE LUX:**

6 MS. LUX: Good afternoon, I'm Melanie Lux. I live at 818 Longtown Road West
7 and I'm surprised to see you again, because I was here in July and you all unanimously
8 turned this development down. Why are we back here today? The original reason, I
9 think, you turned it down, it was poor planning. It's extremely high density housing in a
10 low density neighborhood. What has changed in four months? Long Creek Plantation
11 is still a master-planned, low density development that is one of Columbia's finest.
12 Longtown Road is still a tiny two-lane road. We do not have the infrastructure to
13 support another 122 or 244 cars on that road. The property that abuts the proposed
14 development is still country acreage, one home on four acres. My home continues to
15 serve as a horse property, as it was marketed to me two years ago. My horses
16 continue to do the things that horses do and that is not in keeping with high density
17 housing. I was never once contacted to attend a meeting to get my input on this
18 development. There's a tiny strip of land between myself and my neighbor, where
19 there's a drainage ditch and now they want to put a road there, what does that do to the
20 safety of my animals in a horse property? Earlier, in this afternoon, we heard from
21 people seeking to rezone their residential properties because they've become ugly little
22 islands not suitable for people to live in and, although, there're only five houses between
23 that tennis club and the proposed development, you're going to create another ugly little

1 island and I'm going to be one of the people trying to get out of there. I really am
2 strongly opposed to this, the issue is density, it's not pretty landscaping. I'd like to have
3 pretty landscaping, more importantly, I would like to keep my home as a horse property
4 in a nice neighborhood and not have 122 or 244 neighbors and cars overrunning me.

5 Thank you.

6 CHAIRMAN GREEN: Thank you. Thomas Richardson.

7 **TESTIMONY OF THOMAS RICHARDSON:**

8 COL. RICHARDSON: Good afternoon, my name is Colonel Thomas Richardson.
9 I live at 808 Longtown Road West with my wife on a four acre lot, with horses in the
10 back yard. I don't have to jog your memory, that's already come evident that the people
11 on the Board remember this particular request from the summer. The original request
12 was made in June, at the June session of this Board, that request was deferred so that
13 the developer could come out and meet with the residents of Long Creek and explain
14 their position on what they wanted to do. Between the June timeframe and the July
15 meeting, which was held on the 12th of July, no such contact was made, no such
16 meeting was held. This is the second attempt to obtain rezoning for this piece of land in
17 the past six months. In July, I delayed my departure for Iraq, in order to appear before
18 you to ask you to recommend disapproval of that request, which you did in a very
19 strongly stated, unanimous decision that went forward to County Council. At the 1st
20 reading at County Council, I was informed, I was out of the country at the time, but I was
21 informed at that reading, the request for rezoning was withdrawn. Here we are again.
22 The only thing different between what happened in July and what is asking for on this
23 particular rezoning, is the addition of 11 acres of land that, as you already pointed out,

1 has no bearing on where any of the houses will be. And, as is being researched now,
2 may turn out to be, in fact, part of an original PUD that those of us that bought into Long
3 Creek, years ago and were promised all of these other amenities, in fact was part of that
4 amenity package. Membership, by the way, in the swim and tennis clubs that are there
5 now, are not restricted to Long Creek residents only. It's my understanding; you got the
6 money you can join, regardless of where you reside. As you've already recognized the
7 number, types, sizes and locations of houses to be built is the same as it was in the
8 design plan that was submitted to you in July. I know the requested zoning says 33
9 acres, but in fact, according to the developer's own plan and own numbers, the houses
10 will be constructed on 12.9 acres of land. We can all say I'll add the additional acreage,
11 all the way to Blythewood, and the average would be one house on 100 acres. But in
12 fact, all 122 homes will occupy residents on 12.9 acres of land. That's an average of
13 9.45 houses per acre. I'm back to a, if it looks like a duck, if it walks like a duck, if it
14 quacks like a duck. In 1994, my wife and I purchased the four acre tract of land that we
15 live on and were told at that time we were on a perimeter lot. Now I find out I'm not
16 really on the perimeter, there's property behind me. I was also advised that we would
17 not be able to subdivide this four acre piece of land, I could only build one residence on
18 that four acre piece of land, that residence had to have a minimum square footage in it,
19 and it could only be made out of certain types of exterior materials. That, all part of the
20 covenants, handed out by Plantation Properties, Mr. Backus, who at the time, was
21 running all of this. It's my understanding that the current developer has now taken over
22 the marketing and development of Long Creek for Mr. Backus. The development plan
23 stated in it that different parts of Long Creek have different requirements. The perimeter

1 is large acre lots. Other parts of Long Creek, like Crescent Lake, Plantation Park, Fox
2 Meadow, have different requirements as to the lot size, the size of the home and the
3 exterior finish on any buildings put there. We said we own show horses and wanted to
4 keep them on the property and were told if we had at least four acres we could do so;
5 and for that matter, the area behind us could be used as open riding; so I put a gate in
6 my pasture fence and my wife rides out in the woods, out in that area now. When we
7 looked at property, we were shown this piece of land, as well as two others. One at 816
8 and one at 820 Longtown Road West and I cautiously use the word Longtown Road
9 West because the entry road that comes into the subdivision, Long Creek Plantation, is
10 Longtown Road. Once you get in and turn left or right it becomes East or West until you
11 get to the backside and go out to the Blythewood Middle School. It's inconceivable to
12 me how the addition of 122 cottage homes, squeezed into 12.9 of these 22 acres of
13 land, the rest being "open space and buffer", would help increase the value of my
14 property. The 122 homes, again built on that same space is identified in the request
15 that you recommended to be disapproved in July. And again, as Melanie has pointed
16 out, the infrastructure in Long Creek, just won't support it. When we bought there we
17 were promised jogging paths, sidewalks, bridal trails, by the developer; none of that
18 exists. Longtown Road West is a narrow, two-lane, low or no shoulder road and it's
19 only a matter of time before somebody walking or riding a bike or jogging gets hit by a
20 car. Add 122 to 244 additional vehicles onto this narrow strip of road going down to
21 Longtown Road, to get out past Lee Road and all of the Mungo construction between
22 there and Killian Road and we're just asking for trouble. I believe it was stated that no
23 additional enhancements for Longtown Road West, are planned until at least 2025. I

1 respectfully request that you again recommend to the County Council that this request
2 for zoning be disapproved and I thank you for allowing me the time to express my
3 opinions to this group.

4 CHAIRMAN GREEN: Thank you. Johnny Guyton, this is the last person that we
5 have signed up to speak.

6 MR. PALMER: I have one question real quick, if I could? There was something
7 that I was wondering about. This acreage, back here, you folks that do have horses,
8 y'all use that on a regular basis? Is there some sort of agreement that you have
9 between Longtown or some kind of documentation that allows you to do that, or is it, I
10 know that you said it was promised to you, I'm just wondering if there's any kind of
11 formal documentation that allowed you to do that? Any kind of easements or -

12 COL. RICHARDSON: If I could answer that from here? I spent 32 years in the
13 Army. As an Officer, my word is my bond. When somebody tells me, in a deal to buy a
14 piece of property, that part of the amenities to that property are the use of additional
15 property to ride on, I didn't think I needed a written piece of paper or a contract that said
16 I'm allowed to do that. I ride on it, my wife rides on it, Melanie rides on it, as a
17 statement of use made by the developer, or the seller in Melanie's case, the developer
18 to me because I cleared the lot and built on it; that's why I ride on it, I was told I could,
19 that's what it was there for. No, I don't have a written agreement.

20 CHAIRMAN GREEN: Mr. Guyton.

21 **TESTIMONY OF JOHNNY GUYTON:**

22 MR. GUYTON: I'm Johnny Guyton. I live at 320 Overlook and I'm the President
23 of the homeowner's association of the Long Creek Plantation, so I'm concerned about

1 all of the issues in our community. I left home this morning, about quarter 'til 8:00, and
2 going down Longtown Road there's about a two mile backup, where the 3-way stop at
3 Clemson Road and Longtown Road. We have already approved a, Mr. Todd's
4 development, we've already approved the Mungo development. That neighborhood,
5 also has many people coming across from Rimer Pond through our neighborhood. And
6 eventually, if we don't do something to curtail the developer, we're going to be
7 gridlocked. The people in that community will not be able to get out, because there is
8 nothing being done to enhance our road condition. And all of the comments that you've
9 brought up about this issue, I think all the neighbors have also been concerned about it.
10 What're we going to do with this road? Where does this road go? And, all of the above.
11 It's just that, I don't think, we can approve this based on the infrastructure being able to
12 handle another 122 homes, because we've already approved somewhere in the
13 neighborhood of about 3,000 homes to be built, not counting the ones that are being
14 built within the community and that's probably another 30 or 40 that's under construction
15 at this time. So, I just think, somewhere we have to say, "Enough." We have to stop
16 until we can get the infrastructure to handle the development. And, I appreciate your
17 concerns on this and that's all I have.

18 CHAIRMAN GREEN: Thank you, sir. Mr. Price, did we find something? Mr.
19 Gosline?

20 MR. GOSLINE: Mr. Chairman, we've found a map and a file that appear to be, at
21 first glance, inconsistent with each other. To answer, more fully answer the question,
22 Mr. Van Dine's question we're going to have to do some digging, so if you want to factor
23 that into your deferment decision. Just not prepared to answer it -

1 CHAIRMAN GREEN: It's not clear whether some or all of this property was
2 previously included in a PUD?

3 MR. GOSLINE: Correct, that's correct. There's not PUD zoning, out there to
4 speak of, it's all RS-1, 2, 3 or D-1. So, that'd be kind of, it'd lead you to suspect a whole
5 bunch of different things.

6 CHAIRMAN GREEN: We're left to our own imagination, is that what you're
7 suggesting to us?

8 MS. WYATT: A lot of this goes back to before the county had planning too.

9 MR. GOSLINE: Pretty close.

10 CHARIMAN GREEN: We have a request from the applicant to defer so that he
11 can look at the access onto Longtown Road West. I didn't know if anybody had any
12 feelings or opinion with regard to a motion on whether to proceed to review this or to
13 grant a deferment.

14 MR. PALMER: I personally don't think we should defer. I don't think that that
15 access point plays into my thinking, where it's located at on that road plays in a
16 tremendous amount. While it's important, I don't believe it plays in a tremendous
17 amount, to my thinking as to whether to vote for it or, rightly so, on those grounds for
18 deferment, to be deferred I wouldn't be in support of it.

19 CHAIRMAN GREEN: You making a motion we proceed to review and make
20 recommendations on this today?

21 MR. PALMER: I am.

22 CHAIRMAN GREEN: Do we have a second to that motion?

23 MR. JACKSON: Second it.

1 CHAIRMAN GREEN: We have a motion and a second to proceed with this
2 application. Any further discussion? Those that want to proceed with review of this
3 today please indicate by raising your hand.

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

6 CHAIRMAN GREEN: Mr. Criss, what was the vote? Was that a unanimous
7 vote?

8 MR. CRISS: Unanimous, 9 – 0, in favor of proceeding.

9 CHARIMAN GREEN: I will then open the floor for discussion and I don't normally
10 try to speak first on any issue, but I just have to express my real concern, that this PUD,
11 the open space, the recreation space in this PUD application had nothing to do with the
12 residences that are planned to be built here. And typically when we see these
13 applications, the open space and recreational facilities are always dedicated to the use
14 of the applicants. I can only conclude one of two things with regard to the existing
15 tennis facility, is that either, one, it was contained in some other approval process, or
16 two, it's a non-conforming use. I read nothing in the ordinance that permits this kind of
17 publicly, public recreation businesses to be operating in a D-1 district. And, I'm
18 scratching my head a little bit to understand that. Don't know that I got a good answer
19 from Staff, but, again, I don't see where the two - we at least look for some relation
20 between the two parts and we've already been told that it is not likely any of this
21 property on the North side is going to be deeded over to the control of the residents in
22 this area. So I don't think it's a mystery on how I'm going to vote on this particular
23 issue.

1 MR. VAN DINE: Mr. Chairman, I would make a motion that we would send this
2 forward with a recommendation for denial. I think this has been brought back to us with
3 an effort to try and dress up something that was rejected, soundly, before. The entire
4 addition of those recreational facilities, is nothing more that an effort to expand the size
5 to make it look like we have a less density area. You still have 122 houses on 13 acres,
6 round number. We still have access of a drainage ditch that has not been handled or
7 taken care of. This is not in conformity with anything in the area in size wise. This
8 entire area would empty out onto Longtown Road West. We have just approved a
9 subdivision, which will be going out onto Longtown West already. We are now in a
10 position where if we add this many more cars to it, we're only exacerbating a problem,
11 which we've not handled at this point in time. I don't think that what we're being asked
12 to do is any different from what we rejected before and therefore my motion is to send it
13 for the recommendation of denial.

14 MR. JACKSON: I'll second it.

15 CHAIRMAN GREEN: We have a motion and a second.

16 MS. LINDER: Mr. Chairman, I'd like to remind the Commission that the county
17 ordinance requires you also to take action on recommending the general development
18 plan, and certainly your motion could include a disapproval of this, along with the
19 disapproval of the zoning request; or you can do it as separate motions.

20 MR. VAN DINE: I would combine it as the two, because I think they go lock step
21 together; in that they're attempting to do a general development plan as part of this.
22 And I don't think the development plan or the PUD request ought to be approved.

23 MR. JACKSON: I would agree.

1 MS. LINDER: So your motion includes disapproval of the general development
2 plan.

3 MR VAN DINE: Yes, ma'am.

4 MR. GOSLINE: And Mr. Jackson, you seconded?

5 MR. JACKSON: Yes.

6 CHAIRMAN GREEN: We have a motion and a second on the floor, discussion
7 on the motion?

8 MR. PALMER: I would agree but this, you know, I would like to find out just for
9 my own personal knowledge, if at our next meeting, if we could find out if, what's going
10 on with this piece of property behind here; if nothing else but for my knowledge, but also
11 for the people who have been promised access to it.

12 MR. GOSLINE: Mr. Chairman, Members, we'll, I've made a note that we'll come
13 back, we were going to do this anyway, but we'll come back and give you something in
14 the next package to straighten out this best as we know what the situation is here. It is
15 very confusing, to say the least.

16 CHAIRMAN GREEN: Mr. Criss, could we make sure that that's a formal part of
17 the Director's Report at the next meeting?

18 MR. CRISS: Sure.

19 CHAIRMAN GREEN: We have a motion and a second.

20 MR. MANNING: I'd like to also get clarification on whether the recreational
21 facilities are a part of the overall PUD and could they be considered -

22 MR. GOSLINE: Yeah, we'll address all of that, Mr. Manning. At initial blush it
23 doesn't look like there actually is a PUD there.

1 MR. MANNING: Well, if before the homeowner's association had jurisdiction
2 over those facilities.

3 CHAIRMAN GREEN: Any further discussion? We have a motion and a second
4 on the floor, all those in favor of the motion to send this forward with a recommendation
5 of denial of the PUD rezoning, as well as the general development plan, please signify
6 by raising your hand. Thank you.

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

9 MR. CRISS: Nine-0, unanimous.

10 CHAIRMAN GREEN: This will be heard at County Council and everyone here
11 and anyone else that would like to speak again, that's November 23rd at 7:00 p.m., in
12 these same chambers. Next on our list is 05-20-MA, and if you, well, there's nobody
13 signed up on this one and we'll take a quick break when we get through this, but we
14 don't have anybody signed up at this point. Staff.

15 **CASE 05-MA-20:**

16 MR. GOSLINE: Mr. Chairman and Members, this is a proposal to rezone seven
17 acres of RU to RS-3. It's located kind of, it's kind of hard to describe it but Hollingshed
18 Road and, the main cross-section is Miller Road, but this subject site, if you look on
19 page 125, is actually adjacent to an existing subdivision. But the access to it would be
20 from, you come in through the subdivision, which is Rain Tree Acres and then to Peach
21 Tree to get to the site. The Staff recommends denial for the reasons described in page
22 123 and basically, this is a site that has great topography, the [inaudible] investigative
23 services at lease four hard wood trees greater than 92" in circumference and that, as we

1 said on page 123, we're not opposed to rezoning it for some other, to some other
2 rezoning category, which would protect those, the natural conditions of the site. And on
3 that basis, the Department recommends denial.

4 CHAIRMAN GREEN: Is the basis, let me just understand what the Staff
5 recommendation is. You feel like at a different density the ability to -

6 MR. GOSLINE: Much lower density, right, PUD or a PDD, or something.

7 CHAIRMAN GREEN: At a lower density, the tree or terrain issue could be dealt
8 with more effectively?

9 MR. GOSLINE: It's not so much the use as the specific request.

10 CHAIRMAN GREEN: Is he, no one's signed up either for or against, but is the
11 applicant here to speak? I don't have anyone signed up either for or against.

12 MR. VAN DINE: I move that we send it forward with a recommendation of denial.

13 MS. LUCIUS: Second.

14 MS. WYATT: Second that.

15 MR. FURGESS: Second.

16 CHAIRMAN GREEN: We have a motion and three seconds. Anybody else want
17 to second this motion why we're here? We have a motion and a second. Discussion on
18 the motion? Seeing none we'll move forward with a vote. Those in favor of the motion
19 please signify by raising your hand. Those opposed?

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

22 CHAIRMAN GREEN: That takes us through our rezoning session and before we
23 get into other items on our agenda we'll take a five minute break.

1 *[BREAK]*

2 CHAIRMAN GREEN: Road name approvals is the next item on our agenda.
3 Any discussion with regard to the road name approvals.

4 MS. LUCIUS: I'm not going to say a word.

5 MR. PALMER: Motion to approve.

6 CHAIRMAN GREEN: We have a motion to approve the subdivision street
7 names contained in our Staff Report.

8 MR. VAN DINE: Second.

9 CHAIRMAN GREEN: Second, any discussion? Those in favor please raise your
10 hand. Those opposed?

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

13 CHAIRMAN GREEN: Next item on the agenda is, we've deferred the off-street
14 parking for churches and cluster housing discussion. And we'll move now to Planning
15 Director's Report.

16 MR. CRISS: Thank you, Mr. Chair. We'll look first at the calendar. The
17 Commission had thoughtfully rescheduled its December 2004 meeting to avoid the tax
18 sale, which will be taking place here in Chambers the first Monday, on the 6th, and I
19 believe the next Tuesday. Instead of December 13th, however, we're suggesting
20 Thursday the 2nd of December in order to give a better spread between the December
21 and January meetings of the Planning Commission. But, that would be dependent on
22 your schedules. The 13th, of course, is closer to the holidays, but the 2nd is not a typical
23 Monday.

1 CHAIRMAN GREEN: Am I just wrong? My impression was we already
2 approved to do this.

3 MS. WYATT: Yeah.

4 MR. CRISS: Have you formally agreed?

5 MS. WYATT: Yes.

6 MS. LUCIUS: Here's the thing that says, "Don't forget – Thursday, December
7 2nd.

8 MR. CRISS: I know we had conversation, but I didn't know if we had actually –

9 CHAIRMAN GREEN: We did.

10 MR. CRISS: January. The first is on a Saturday. The county has a holiday on
11 the 3rd, the Monday, which precludes the Planning Commission meeting on the first
12 Monday of the new year. Should we change the date to the following Monday, the 10th
13 of January, or does the Commission have some other preference?

14 MS. WYATT: No, we suggest that you not get that day off.

15 CHAIRMAN GREEN: What's the February date? Does somebody have a
16 calendar to tell us what the February date would be?

17 MR. CRISS: February of 2005, the first Monday is the 7th cause the month
18 starts on a Tuesday.

19 CHAIRMAN GREEN: And December 2nd and February 7th we know are the two
20 dates around that, correct?

21 MR. VAN DINE: January 10th works as good as any other.

1 CHAIRMAN GREEN: I would think with everybody getting back from the goings
2 on the prior week or two and making sure we have time to get Staff Report and
3 adequately read what we get, everybody's kind of nodding yes to January 10th.

4 MS. WYATT: Let me just ask Staff a question. Are you guys off on Christmas
5 eve also? You'll be off on Friday?

6 MR. PRICE: We'll be off on that Friday and that Monday.

7 MR. CRISS: Friday the 24th and Monday the 27th are county holidays.

8 CHAIRMAN GREEN: January 10th folks. How – who would like to have it
9 January 10th, show of hands. January 10th it is.

10 MR. CRISS: Okay, January 10th.

11 MR. MANNING: That doesn't impact anybody's application for submittal though,
12 negatively, does it?

13 MR. VAN DINE: No.

14 MR. CRISS: No. We'll stick to the same schedule. Now Council has apparently
15 already decided to cancel the December Zoning Public Hearing that would've fallen on
16 what, the 28th. So we'll keep feeding you the zoning cases, but they'll stack up for
17 December and January for the late January Zoning Public Hearing before Council. So
18 December 2nd and January 10th.

19 CHAIRMAN GREEN: Is the new – I was given a calendar for planning meetings
20 earlier in the year when the Planning Commission met, BOZA met, Zoning Public
21 Hearing was, has that been published yet for 2005?

22 MR. CRISS: No, I believe it's still under production and we'll certainly provide
23 that to you.

1 CHAIRMAN GREEN: And that will be in our next packet so we can all have a
2 copy of that? Thank you, Suzie.

3 MR. CRISS: We will so note. And the status of the Land Development Code. It
4 has gotten second reading by County Council, but subject to another package of
5 amendments that Amelia and I have incorporated into the text and are reproducing for
6 you and County Council as we speak. And we'll send that out this week under a cover
7 memo explaining the changes.

8 MR. VAN DINE: Are we going to be requested to look at that in December?

9 MR. CRISS: You have not been requested to look at that.

10 MR. VAN DINE: If, in fact, the changes are made and the Land Development
11 Code is adopted, will there be a session set up so that we can understand not just what
12 we did, but also what has been amended so that we actually start to implement that,
13 whether it be a year from now or whatever, that we actually understand what we're
14 implementing?

15 MR. CRISS: We'll hold whatever work sessions and other conversations this
16 Commission desires to explain changes to the Code, pending changes. We anticipate,
17 well Council has scheduled a third reading for November 9th. A special called meeting,
18 week from tomorrow, Tuesday November 9th. The present form of the document calls
19 for its interim procedures or implementation to being immediately because there are
20 various steps we have to take such as notices to property owners and economic impact
21 study and other measures, but the effective date of the proposed Code is at present
22 proposed to be July 1st, 2005. So we anticipate plenty of time to discuss with the
23 Commission not only the Code, but the supplemental documents, design manual and

1 subdivision application checklists. There are several deadlines contained in the
2 implementation or interim procedures. We hope 60 days to get notices out, either
3 March 1st or April 1st 2005, for Staff to present to Council and Commission the
4 supplemental documents that help implement the ordinance, the design manual and the
5 checklist and so forth. Three months for the economic impact study that's already been
6 contracted. Three months after the third reading. That's all the deadlines I can think of.

7 MR. VAN DINE: Will there be a lead in time for the development community
8 where they will in essence may be able to tell, you know, I know I'm presenting this
9 under the old Code, but had I been presenting it under the new Code, these are some
10 of the things that I would have had to have looked at or you would've had to address?

11 MR. CRISS: Yeah, it'll obviously be a transition in those last few months, April,
12 May, June of 2005, and we've yet to work out those procedures, but that's something
13 we'll be discussing with [recorder malfunction]

14 MR. VAN DINE: Are you adequately staffed - making sure people understand
15 what is going to happen on the –

16 MR. CRISS: We anticipate we should be adequately staffed by the time the
17 crowd arrives. I'd like to see notices going out early 2005 and we might stagger the
18 mailing or provide a special work area. We're open 8:30 to 5:00, Monday through
19 Friday and we'll have a good six months of customer contact.

20 MR. VAN DINE: How many more Staff are you planning on adding between now
21 and –

22 MR. CRISS: We have 47 full time equivalent positions total. We have a dozen in
23 the Development Services division that Anna now runs, and we do have several key

1 vacancies to fill, which have become a priority. We also are giving birth to a new
2 Planning Division and John Newman, who is in the audience, is the comprehensive
3 planner filling one of the three slots that are available.

4 CHAIRMAN GREEN: Michael, the version I read that's on the web site,
5 richlandonline –

6 MR. CRISS: That's the October 11th version and that will soon be updated to I
7 believe an October 27th, which is the version you're going to get this week.

8 CHAIRMAN GREEN: The only changes I really noted in that version was the
9 reinclusion of an M-1 district and a few other very minor things, but they're going to be –
10 but I didn't see in that all the various 40 or so amendments that had come from County
11 Council work sessions. Are all those going to be in the next version?

12 MR. CRISS: Not all proposed amendments have been taken up by Council. At
13 this point I expect that the last 20 or 25 amendments that Council considered as a body
14 in October might be the last changes before third and final reading.

15 MR. MANNING: And those amendments don't come back to the Planning
16 Commission?

17 MR. CRISS: Correct.

18 CHAIRMAN GREEN: So you don't have to have three readings on the –

19 MR. CRISS: The same document –

20 CHAIRMAN GREEN: The same document, you can keep amending it as you go
21 through and so some could crop up literally and be seen at the time the third reading,
22 presumably approval is given.

23 MS. LINDER: That is correct.

1 CHAIRMAN GREEN: And we don't know whether all the amendments that we
2 were told were being discussed will or will not be in there until we see the October 27th
3 version?

4 MR. CRISS: Right. You'll see the couple dozen changes that Council agreed to
5 as a body.

6 CHAIRMAN GREEN: And that'll be redlined as well?

7 MR. CRISS: Correct. And they'll be the only red changes in this version.

8 CHAIRMAN GREEN: I didn't see in the version that's currently on there that
9 there was a sunset provision on the M-1.

10 MR. CRISS: That would be in the companion zoning map ordinance, yet to be
11 drafted, considered adopted.

12 CHAIRMAN GREEN: Which will have sunset language on the M-1, five years?

13 MR. CRISS: That's Council's current direction.

14 CHAIRMAN GREEN: Okay. Any other questions on the Land Development
15 Code? Next?

16 MR. CRISS: Mr. Chair, you have elections coming up and we just wanted to
17 remind you that it may be time at this meeting or the next to perhaps appoint a
18 nominating committee for elections in the January 2005 session.

19 CHAIRMAN GREEN: Can we address that last, because I know we have
20 Norman's issue.

21 MR. CRISS: Yes, we do indeed.

22 CHAIRMAN GREEN: Since you brought that up, let me say this. I looked at our
23 Rules of Procedure to remind myself today. The only thing that's in our Rules of

1 Procedure directing the election of officers is that they be elected at the first meeting of
2 the year. I know I personally have found it – with such a small contingent of
3 Commission Members, if you leave me out we have three positions to fill and eight
4 people, and to appoint a nominating committee, which takes three people and sets them
5 aside cause it's awkward for them to come back recommending themselves, unless
6 there's compelling reason to do so, my thought process is at our December meeting to
7 open the floor for nominations. So let anybody make a nomination they would like. We
8 can have two, three, one or none, I would assume, for any position, and simply the
9 nominations would be known prior to coming in and voting in our January session.
10 That's how I plan to proceed unless there's a reason I can't do it that way.

11 MR. VAN DINE: Is there – this is just a question. I remember something about a
12 nominating committee was in some – was in the rules or something. Did we take that
13 out?

14 MS. LINDER: There's nothing in the current rules that talk about a nominating
15 committee. That's discretionary with you. The only requirement is, as Mr. Green
16 mentioned, you have to actually elect the officers in January.

17 CHAIRMAN GREEN: So if there are no objections to proceeding that way, we
18 will have it as the last agenda item next meeting, nominations, so everybody can go out
19 and we can all feel that we can nominate as many folks as – for the various positions as
20 –

21 MR. VAN DINE: Good, one more month of elections.

22 CHAIRMAN GREEN: The only thing we won't do is allow speeches. You can
23 nominate but not give a speech.

1 MR. VAN DINE: No advertising on television or radio.

2 CHAIRMAN GREEN: Okay. Mr. Criss.

3 MR. CRISS: I would also bring to your attention that in the packet for this
4 month's meeting, we included a Memorandum from Commissioner Jackson regarding
5 prospects for a moratorium on land development to address traffic congestion and road
6 capacity issues, and that is before you for your consideration and discussion. Does
7 everyone have that?

8 CHAIRMAN GREEN: So I will – Norman, give you an opportunity, I know you've
9 had a chance to touch base with some of us, but just give you an opportunity to kind of
10 go over your thoughts.

11 MR. JACKSON: Well, basically after traveling the county and reviewing the
12 amount of development that is happening, we as planners, do have a responsibility to
13 really affect growth and development in our community. We are also responsible for the
14 quality of life of the residents in our area and also for the safety of our citizens. We are
15 planners. We have those responsibilities. We are program managers and we are
16 advisors to County Council and I think we have – somehow, somewhere, we have to
17 take responsibility to address the problem of traffic, roads, widening of roads, safety
18 shoulders, that's in our community. Most of the roads are the areas where development
19 is occurring there is a problem with traffic. We know that. But there is nowhere where
20 we have funding to really improve the roads. There's none available. Member of staff,
21 Carl Gosline, told me several months ago that Central Midlands Council of
22 Governments says there's no funding for the next 10 years for Richland. We continue
23 to build houses or to push development, whether it's housing or commercial

1 development, the capacity of the roads are Level of Service F and there's no end in
2 sight. There's no funds, there's no formula, there's nothing to say how we will address
3 road problem or how we will pay for it. And I have heard many ideas floating out there
4 that what can be done, but there's nothing solid on paper or nothing, a committee or no
5 one has been assigned to say it will be addressed. And as members of the
6 Commission and as responsible as I know you are, I'm asking to come up with
7 something to send to County Council at least to start some development, some
8 discussion. I said a moratorium, the final decision is up to County Council. But sending
9 a message this harsh to County Council I'm sure it will spark some discussion, some
10 debate and at least it will be addressed and we can, we can go home and say well at
11 least we did our part. We tried and the rest is up to County Council. And I welcome
12 your views and discussion to add to this.

13 MS. WYATT: Well, first I'm gonna tell you, Mr. Jackson, I have to disagree with
14 you on County Council responding to this matter. County Council, in a workshop with
15 us several months ago, saw the long range plan study for transportation that the County
16 paid an outside engineer to do. The County has totally ignored it. Totally disregarded
17 it. Did not adopt it, did not discuss it at the next Council meeting. It's – to be blunt, we
18 threw the taxpayers' money away for nothing. So I don't think you're going to be
19 sending a message by introducing a motion for a moratorium to County Council.

20 MR. JACKSON: I understand they have ignored what happened in the past, but
21 at least coming from the people who was appointed to advise them, at least there's
22 some responsibility there for them to act because it came from a Board. And they
23 should – and they would have to respond because we have sent them a message

1 saying that we'd like them to address it. At least let us hear from them to say no or okay
2 and go ahead and do something.

3 CHAIRMAN GREEN: You know, I believe my concern is an even broader one,
4 Norman, and I think it includes not just whether it's roads, whether it's parks, whether
5 it's libraries, whether it's schools, the EMS stations or whatever you want to call it, and
6 y'all have heard me talk, I know all of you are gonna, you know, kind of dip your head
7 cause you've heard me say this so many times, but we absolutely, at some point
8 somebody's got to recognize on County Council that we have no comprehensive
9 development plan, and we have no capital improvements budget, and we haven't had
10 one for 12 years. We went under this 2020 plan that looked at what we wanted to look
11 like 20 years hence, and nobody remembered to think, well, what do we want to look
12 like in five years, or what do we want to look like eight or nine years after the only plan
13 that we have now looks like. And, you know, I think that this is just one part of a much
14 bigger issue. The County has failed to make a commitment to planning, period,
15 paragraph, the end. They haven't done it. I don't know who thought that that 2020
16 Vision was a plan. I don't remember we ever really – every once in a while we have a
17 developer that likes to cite how they are consistent with it, but I mean, it's a map the
18 size of my thumb on one page, and it's not a comprehensive development plan I used to
19 work on when I was in the planning business in the 1970's when we actually had some
20 money to do planning with. But this, I mean, this county does not have a plan and until
21 we get the comprehensive development plan supported by a capital improvements
22 budget, I don't know how we make decisions on anything. And –

1 MS. WYATT: And the capital improvements plan, I have to agree with you,
2 Gene, is something the county has totally ignored.

3 MR. VAN DINE: I thought that we had talked about there was going to be a
4 capital improvements plan adopted and/or, worked on and/or adopted –

5 MR. JACKSON: This year.

6 MR. VAN DINE: As long as – as much as nine months ago we talked about it.
7 Because I remember as I was leaving the chairmanship that one of the issues that was
8 being addressed was whether or not we should be discussing a capital improvements
9 budget to direct lots of things that go on in this county, including planning. So far I have
10 seen nothing and it's almost as if it's set, sort of dropped into the hole, whether it's
11 because it's a political issue that nobody wants to address or whether it's some other
12 reason I don't know, but the fact of the matter is I agree with Mr. Green. One of the first
13 steps that needs to take place is revisit the comprehensive plan, find out where it's
14 lacking, and frankly I don't think we can do that in the form of all of the forums that
15 everybody wanted to put together because they're non-productive after a certain point in
16 time. At some point somebody has to step forward and say, "This is what we think and
17 this is what we're rolling out. Tell me what you think about it from the people that are in
18 the bodies that are up here." Because those are the groups that have to look at it and
19 they have to role it out. We can't work it backwards. From that you're going to have to
20 put a capital improvements plan out there. That capital improvements plan has got to
21 include lots of things. The ones we used to have up in the New England states included
22 things like we're depreciating fire trucks or we're depreciating snow plows and we're
23 going to replace them in X years and it actually budgeted for those things to come up.

1 Well, I don't know that we budget for anything in this community except on a year by
2 year basis. We sort of go out and say, "Gee, how much money have we got and should
3 we do anything with it?" So, it seems to me we're doing everything backwards at this
4 stage and we need to be looking forward instead of trying to correct the problems now.
5 What do we – stop creating the problems because all we do half the time up here is
6 exacerbate existing problems. So whether it's a moratorium or whatever it is, the
7 discussion needs to start and it needs to start now before we get even worse. And in
8 doing so we better not just be focusing on the areas of the county that have problems
9 cause frankly the Lower Richland area is as deserving as anyplace else to have their
10 areas looked at and planned and their areas looked at and make sure they don't have
11 the same problems that have blossomed out in some areas of the county. We have a
12 tendency to be rather myopic and look at a problem that exists now and say we're going
13 to fix that and then let other problems creep in, and I think we need to be looking across
14 the county at all of it to deal with it. I'm not sure I can a moratorium is the right
15 approach to take. It certainly is a draconian measure if you were to do it, and there are
16 communities which have done it. I will tell you that they spent a lot of money in lawsuits
17 defending that decision, but the fact is they made that recommendation. I'm – I would
18 support a strong statement from this body up to County Council that it's time for us to
19 start looking beyond individual pieces of property that come before us and looking at
20 more comprehensive look at what we're doing in this county.

21 CHAIRMAN GREEN: When does the current comprehensive plan is required by
22 state statute to be updated?

23 MS. WYATT: Next year. Next May.

1 CHAIRMAN GREEN: Technically by May 1st we have to have another one in
2 hand?

3 MR. CRISS: It needs to be completely rewritten every 10 years, but reviewed
4 every five, and you have reviewed technically your plan and decided it is stale and
5 deficient and needs rewriting, and we agree as Staff that there's no need to wait. As
6 soon as resources are available we should be rewriting the entire Comprehensive Land
7 Use Plan.

8 CHAIRMAN GREEN: Would it be a correct statement that County Council must
9 take some affirmative vote before May 1st to either adopt a new or to decide they don't
10 need a new comprehensive plan? What officially does County Council have to do
11 before the five year expiration date?

12 MS. LINDER: The five years is the review of the Planning Commission, just to
13 review it and you did that. Nothing needs to be done now until another five years goes
14 by.

15 MR. CRISS: May of 2009, but again –

16 MS. LINDER: But it's going to take time –

17 MS. WYATT: But that will be the 10 year period that it needs to be rewritten.

18 MS. LINDERR: Correct.

19 MS.WYATT: What we will look at next year is that five year period where we
20 look at it and say, "It looks great. Don't need to change anything."

21 MR. CRISS: That plan can be rewritten every year if you so decide and have the
22 resources.

23 MS. LINDER: But what you've done - you've already done that.

1 MS. WYATT: Yeah, I was here in May of '99 when we did that.

2 MR. VAN DINE: When do we review the comprehensive plan?

3 MR. CRISS: You passed a motion that declared that the current plan was out of
4 date and needed review, if not complete rewriting and that we should proceed as soon
5 as possible.

6 MR. GOSLINE: Yeah, it was like March or April.

7 CHAIRMAN GREEN: And that motion was delivered to County Council. Was
8 there anything discussion on that recommendation?

9 MR. CRISS: Well, we're still engaged in the passage of the Land Development
10 Code and if, when we get through that, we can divert our resources to rewriting the
11 Comprehensive Land Use Plan, as far as the capital improvements plan, I agree with
12 you, that's the third leg of the stool. And Council initially directed Planning Commission
13 to consider feasibility of impact fees and then realized at their January 2004 retreat that
14 you really have to have a capital improvements plan horse, before you try to hitch up an
15 impact fee cart. And that process has not yet begun in any comprehensive way. I think
16 that the Planning Commission has a central role in developing the county's capital
17 improvements plan. But I believe you have a preceding priority and that is helping Staff
18 rewrite the Comprehensive Land Use Plan. Perhaps we can somehow address both
19 simultaneously. But right now our resources are consumed with the Land Development
20 Code and have been, frankly, for two years.

21 MR. MANNING: Has the Staff provided the Council with a part of a plan to begin
22 that process?

1 MR. CRISS: No, only commentary during the various workshops over the Land
2 Development Code in most cases, to the effect that your Comprehensive Plan needs
3 rewriting and the county needs to develop a capital improvements plan that helps direct
4 community investment in infrastructure, including roads, water supply, sewerage
5 disposal, storm drainage, flood protection, fire, ambulance, police stations, school
6 locations. We are starting to hear from the school district leadership about collaboration
7 on the planning of future school sites.

8 CHAIRMAN GREEN: I had a call from the Chairman of the Board of District 5,
9 Lexington/Richland District 5 that says, "Let's get together."

10 MR. CRISS: I agree. We should.

11 CHAIRMAN GREEN: Let me ask you –

12 MR. CRISS: We should get together with all of our school district leaders.

13 CHAIRMAN GREEN: I understand that County Council has set aside a certain
14 sum of money to permit neighborhood areas, and I don't know what –

15 MR. CRISS: Small scale, literally neighborhood community –

16 CHAIRMAN GREEN: - specialized planning and they would have a fund by
17 which the county would pay for that specialized – how much is in that fund?

18 MR. CRISS: Approximately \$350,000 at present, supposedly divided in half
19 between master planning monies for small scale, neighborhood, usually revitalization –

20 CHAIRMAN GREEN: What do you do with these out of context, small
21 neighborhood plans that have no notion of what's going on around them and these
22 things are going to be done out of context to any kind of comprehensive county plan,

1 when \$350,000 to me, strikes me as sufficient funds to prepare a comprehensive plan
2 for the whole county.

3 MR. CRISS: Arguably.

4 MS. WYATT: I have to tell you, Mr. Green, I was present at Council's discussion
5 on what they were going to do with their \$350,000 and to be quite honest with you, I
6 wouldn't – if it came back to the Planning Commission, support any of the things that
7 they were talking about; like going into Candlewood and putting sidewalks.

8 MR. CRISS: Half the money is intended for the small scale neighborhood
9 improvement projects such as the sidewalks and street trees and the crosswalks and
10 the like, and the other half for master planning efforts, the first of which is the
11 Ridgewood master plan, the Community Development Department, our sister
12 department, had done, by Wilbur Smith & Associates, under contract, through their
13 Housing/Urban Development monies. So there is already a prototype out there, again,
14 aimed at a disadvantaged neighborhood in need of revitalization on the northern border
15 of the City of Columbia. And now Council is trying to decide which other neighborhoods
16 should receive priority funding for a master plan.

17 *[Lucius out 3:45]*

18 MR. MANNING: So the \$350,000 is designated to go toward –

19 MR. CRISS: It's Council's money to decide to use as they see fit to allocate to
20 neighborhoods for master planning and to specific neighborhood improvements
21 projects.

22 MR. MANNING: That would all fit into this problem we've got, but it's not really
23 addressing the bigger need on the road situation.

1 MR. CRISS: Yeah, it's – it is not what I would consider to be corridor or sub-area
2 or regional planning.

3 MR. VAN DINE: And more importantly it – again, I hate to use the term but it's
4 myopic. It's looking at one small area without looking at the impact that that creates on
5 the areas around it. I mean, it doesn't help, it may actually hurt in the long term plan.

6 MR. CRISS: If it's not coordinated adequately.

7 MR. VAN DINE: And the other thing that I don't understand is when we were
8 doing capital improvement plans or whatever you want to call it, those were actually
9 being performed in the areas where was by the Finance Department within the city
10 and/or the county. Is there a particular reason why the Finance Department is not
11 actually taking the ball and doing that in this particular instance, because they're the
12 ones who know the finances. They're the ones who know where the money's coming
13 from or not coming from and they're the ones who have a better of what needs to be
14 done. And it seems to me at the very least there ought to be collaboration between the
15 two departments to get together to figure out what to do on a capital improvements
16 budget.

17 MR. CRISS: Indeed, arguably the Budget Department would have a major role in
18 any capital improvements plan for the county, but I would argue for a central role for this
19 Commission.

20 CHAIRMAN GREEN: Well, you know, it would strike me too, and I may, you
21 know, I may be wrong here, but a comprehensive development plan carries with it the
22 weight of requiring to be considered as an element of our rezoning hearings. I can't

1 imagine that some sketch plan for a small little neighborhood is going to carry with it the
2 weight of dictating how zoning is reviewed in a broader context.

3 MS. ALMEIDA: Well, Mr. Chairman, let me kind of interject here. Before you can
4 start comprehensively planning, you've got to get your zoning down correctly, and
5 unfortunately this county has allowed too much time to go by and as you see on a
6 month to month basis where our maps are inconsistent and applicants will come and
7 have justification in showing us that there are zonings that do not correspond to what
8 Staff Reports are before you. What the Department is trying to do right now is to work
9 with Legal, work with all the information. We've had lots of information but it's been bits
10 and pieces and we're trying to marry all of them together and we're trying to do the
11 painstaking, tedious work of rectifying those maps which are a foundation of everything
12 else. If we can't have an accurate, reliable zoning map and be 99.9% sure that it is
13 correct, then we can't start or can't begin to comprehensively plan. You know, and
14 that's what Staff has started to do. We have everything on digital format and we're
15 trying to cross reference and make sure that those fundamental thing are correct before
16 we go ahead and start to plan. Unfortunately, that's going to take a little bit of, couple
17 months but we're making great progress and hopefully our next step will be to have
18 some plans with good zoning on them and then we can make some good
19 recommendations as far as our comprehensive planning goes. But unfortunately, we're
20 all ready to do that, but we have to do the painstaking background work that needs to
21 be done, that has never been done before.

22 MR. JACKSON: That's what I've been hearing about, comprehensive plan,
23 zoning and how to do it in proper planning, right? I am still not hearing any argument

1 about funding for these projects. Funding for the safety, roads, sidewalks, shoulders,
2 right? Where the money will come from. I hear planning, right? But there's nothing
3 about how we will get the money, whether it's by impact fee, by using the \$3.5 million as
4 part of a bonding issue to address roads, paving dirt roads, widening roads, shoulders.
5 I haven't heard any of that and that's what I want to present to Council to – we do
6 planning all the time. From what I'm seeing now is every month from now on we have
7 so much developments to approve or discuss, right? But we are continuing to put more
8 traffic on the roads and there's nothing, no plan about how we'll have the funding to
9 address these problems. And it's a safety hazard.

10 MS. ALMEIDA: Well, one of the things that we have discussed with Public Works
11 is trying to get an updated right-of-way plan in order to extract dedication. We all know
12 that land acquisition is a big chunk of money that the OT spends in order for the
13 widening. If we can have an updated right-of-way plan comprehensively done by Public
14 Works and have it in place when these developments come in, we can extract or
15 request rational nexus, this dedication. But we cannot do it now with a plan that is
16 severely outdated.

17 MR. JACKSON: Well, that's why I have requested in the past that any new
18 development which will have an impact on the traffic will have to provide the necessary
19 right-of-way also.

20 MS. ALMEIDA: Right, but if we don't have an updated right-of-way plan in order
21 to justify that dedication, which we don't have right now, it really puts us in a bad
22 position.

1 MR. JACKSON: We spoke of putting turning lanes for the project. Each project
2 we can determine the amount of traffic it will generate and from that we're knowing
3 about the capacity of the road and if it will affect it to a Level F, Level E or C or
4 whatever, by then we can say for certain that they will have an impact on that
5 community or that road. Therefore, they'll have to provide the necessary, or dedicate
6 the necessary right-of-way upon approval of their project. So we are making some
7 steps or some progress in forcing that, enforcing that or requiring that, and also to have
8 turning lanes by some developers when they do their project. But still the fact remains
9 that we will have so much traffic on the road and in some areas we still have dirt roads.
10 People have been living on roads promised for 30 years, it's dirt roads. We have
11 problems with the ambulance, the fire, kids do not go to school when it rains,
12 emergency vehicles will not travel on those roads, they're bogged down. People died in
13 the past. And I have been on the Commission seven years and I've been hearing we'll
14 address it and I've never seen any plan or any discussion to how we will get funding.
15 The state, the Governor mentioned a gasoline sales tax and gasoline went so high,
16 that's not discussed anymore, right? We are losing money, federal funds, because we
17 do not have enough matching funds to do these projects. So we have to have
18 something in place where we have to discuss it, address the problem, at least try, and
19 there has been no effort. We're still talking about planning, but I'm talking about
20 funding.

21 MR. VAN DINE: Well, it seems to me one of the things that would seem to be
22 needed at this point is to have a dedicated group of individuals to focus exclusively on
23 this type of issue without the other sidelight issues such as going through the rezonings

1 and everything else. It seems to me – and perhaps what I am preaching is that we
2 actually have long range planners who do just that, long range planning without all the
3 other sidelights that are thrust upon them. And it seems to me internal to the
4 Department ought to be that group of dedicated individuals who does nothing more than
5 look at the issue of how do we do a comprehensive plan properly? How do we do a
6 capital improvements budget properly? How do we find the funding to do these things?
7 Forgetting about all of what's going on right now. That's all they're dedicated to do.
8 Right now what you have internal to your Staff is people that have the name 'long range
9 planners', but in essence are required to do day to day operations and react to what is
10 going on. And the reaction is the problem that distracts you from where we have to be.
11 And I think at the very least we ought to make a recommendation from this Body that
12 County Council appoint and/or hire individuals who are dedicated solely, and I use the
13 word strongly, solely to the planning, to work on comprehensive plans, to work on the
14 capital improvements budget, and the determination of funding options for the roads
15 and the other things. Because I don't think you guys can do it with what you have right
16 now. I mean, you're swamped.

17 MS. ALMEIDA: We rely on other departments as well to –

18 MR. VAN DINE: And they're swamped in their own individual aspects and
19 nobody is taking authorship or has done anything to consolidate the talent into an area
20 dedicated for that. Not just doing it on once a month when they all get together and talk
21 about, "Well, gee, you know, I got all these other things going on so we've got to hurry
22 up with this meeting." And I think that this Body ought to recommend to County Council

1 that they appoint and hire such a group of individuals to do just what we're talking
2 about, internal to the department. Don't hire it out.

3 MR. CRISS: At this point we have two such slots, one of which we just recently
4 filled with John Newman.

5 MR. VAN DINE: But they need to be dedicated just to that and not –

6 MR. CRISS: Understood, and indeed John has quickly been absorbed into the
7 zoning map research to straighten out, reconcile the current land records with the
8 zoning maps because of its priority. It's pressing need for accuracy, currency. Another
9 tool on the horizon, one year out, is a county-wide digital cadaster or tax map that you'll
10 be able to access on line that will finally show all the 145,000 parcels in the county,
11 accurately located and represented in relationship to tree cover and flood plain and
12 slope and all the other features available in the system.

13 MR. VAN DINE: I guess I'm not making my point strong enough. I don't think
14 what you have now or what you're planning on having in the near future is sufficient. I
15 think there has to be a core group of four or five individuals who that's all they do.
16 Forget about all of the bringing us up into the 21st Century. It's actually getting us to
17 advance beyond where we are now to think about it, and that's what I would like County
18 Council to look at in appointing that core group as a set aside group who that's all they
19 do is function in that area, their task is to go out and to find the ways that they can get
20 this done and to find the funding mechanisms to do the work that needs to be done.

21 CHAIRMAN GREEN: I concur.

22 MR. CRISS: So do I.

1 MR. VAN DINE: And I would like to send that forward as a recommendation to
2 Council specifically that that's what we as a Planning Body think ought to be done.

3 MS. WYATT: They need to take the \$300,000 and use it for planning.

4 MR. VAN DINE: And I don't think we can wait a year and a half to hire
5 somebody like we've – I mean, we've had positions open for a year and a half.

6 MR. CRISS: Yes, we have.

7 MR. VAN DINE: It shouldn't take that long to hire –

8 MR. CRISS: And we've used those vacancies to provide fundamental resources
9 to the rest of the Department and we're now at the point of being able to fill the balance
10 of those positions.

11 MR. MANNING: You indicated you felt like the Commission, this Body could be
12 instrumental in this process.

13 MR. CRISS: Yeah.

14 MR. MANNING: Tell me how.

15 MR. CRISS: You're going to have to meet more often. You too are consumed
16 with current development.

17 MR. MANNING: What role would you see the commission playing in
18 implementing a better plan?

19 MR. CRISS: Individual members –

20 MR. MANNING: [inaudible] the chicken or the egg?

21 MR. CRISS: Yeah. Perhaps leading work groups of Commissioners and Staff
22 and others in the community on specific elements of the Comprehensive Land Use
23 Plan. Remember your state law requires seven elements. You can have more. That's

1 certainly a place to start. From land use to natural resources to cultural resources to
2 housing to economic development, to –

3 CHAIRMAN GREEN: [inaudible] land use facilities. I mean, there's a ton of stuff
4 that we could input to Staff or a consultant just like we did on the Land Development
5 Code through the work session process. But I agree with Howard, I mean, if they don't
6 want to, you know, we need to have a capacity in staff. I mean, what's the size of the
7 Greenville County Planning Department?

8 MR. CRISS: I don't know, but we'll find out for you.

9 CHAIRMAN GREEN: I'm told it's three times the size of our Staff.

10 MR. CRISS: Could be.

11 CHAIRMAN GREEN: Whether that's correct or not –

12 MR. CRISS: Yeah, you have, of course, professional planners on Staff, but most
13 of them are consumed in current development and always have been. Indeed, from
14 what I can tell we've never had a separate planning division.

15 MR. PALMER: Let me ask a question, if I'm hearing this right, and if I am it's
16 very disheartening, that we don't even properly 100% know what individual parcels in
17 the county are zoned?

18 MS. ALMEIDA: That's correct.

19 MS. WYATT: That became evident today, didn't it?

20 MR. PALMER: But on a regular basis this occurs.

21 MS. ALMEIDA: It occurs. Our tax assessor says one thing, our maps say
22 something else.

1 MR. CRISS: The computer records and the tax maps come from the same
2 department.

3 MS. ALMEIDA: So we're trying to, for a better analogy, just start doing a lot of
4 the prep work that needs to be done before all the master planning, comprehensive
5 planning is done because if you don't have your fundamentals, your foundation to work
6 from –

7 MR. PALMER: So even if you hired five new people today that were planners for
8 long range planning, they don't know what they got to work with.

9 CHAIRMAN GREEN: They got to start at – pretty early in the process.

10 MR. CRISS: Our Department will be assuming responsibility for the digital
11 version of the zoning map that does not yet exist and cannot exist until those 145,000
12 parcels are available, and that's coming on line. The core area of Columbia is already
13 available. And at peak production I think we'll be adding about 10,000 parcels per
14 month.

15 MR. JACKSON: This county hosts a capitol city.

16 MR. CRISS: Yes, it does.

17 MR. JACKSON: And last year I was at Hilton Head Island where we traveled to
18 some of the planning organizations there and they were far more advanced than
19 Richland County.

20 MR. CRISS: There are more planners per capita generally on the coastal region.

21 MR. JACKSON: I'm just saying because Richland County –

22 MR. CRISS: At least in this state.

1 MR. JACKSON: - capital city and I'm hearing about Greenville is three times that
2 of Richland County. We have so much development going on here, right? We need to
3 be farther than where we are, so is it – I'm just concerned, is it misunderstanding with
4 County Council or with the Staff? I mean, there's something somewhere, there's a
5 problem somewhere. For the past, like I said, the reason why I decided to get on the
6 Planning Commission seven years ago was because of similar problems and I have
7 tried, sometimes I may sound, hammering on certain points with dirt roads and driveway
8 separation and some small things to really try and get something going, but I'm just
9 concerned. Like I said we've been discussing this year after year and nothing has been
10 done. And the recommendations go to County Council and what I'm seeing is that
11 nothing happens. And I'm trying to – I'm doing my part. That was I was appointed to
12 do. And I should hope that they would do their part as they were elected to do. And it's
13 said for several years and – which a Comprehensive Land Use Plan and we're
14 supposed to do all these things and we're still not anywhere, and my main concern, I'll
15 say again, is for the safety of the citizens of the county. [Inaudible] pay for these roads,
16 it's happening. Every month we have do much development and everyone says, "I
17 understand your problem, but there's no money." And this would even help developers.
18 If we identify a way to fix these roads, it will be easier for developers to present their
19 plan and have it passed because we know where the funds are coming from or we
20 know how to address it. At this time, at this stage we have no plans. I'm not targeting
21 the northeast or any specific area. Wherever there's development we should have
22 some idea of how we'll pay for it. That's just my concern.

1 MR. PALMER: That's a fundamental problem with the developers. They don't
2 mind abiding by the rules, but right now they don't know what the rules are. I mean, it's
3 just kind of a toss up as to whether you'll get your project approved. There's no basis
4 when you're looking at a piece of land to say, "Yeah, this should be approved." There's
5 no basis for saying that it should be rezoned. It's, "Let's take a shot at it and see if it'll
6 get rezoned." You never know from month to month as to what's going to happen, and I
7 think if developers knew the rules going into it they would say, "No, we don't even need
8 to look at this piece of property. There's no chance of the thing getting rezoned. So,
9 let's go find something else." And I agree that something needs to be done with the
10 whole planning process and it will help everybody, the Staff, the county, the citizens,
11 developers, everybody that lives in the county.

12 MR. FURGESS: That's the same thing going on with schools cause I got a call
13 this week about schools in District 2, new schools going in there, but they want the
14 schools to pay for the infrastructure and for the roads leading into the school. The
15 schools say, "I can't take that out the funds."

16 MR. CRISS: Part of the value of the [inaudible] zoning map is predictability for
17 the development community and indeed I hope they'll be partners sooner or later in the
18 planning process.

19 CHAIRMAN GREEN: How many County Council seats for sure do we have?

20 MS. WYATT: Four.

21 CHAIRMAN GREEN: So we'll have a minimum of four new Council members.

22 MS. WYATT: That's all.

23 CHAIRMAN GREEN: There will be four, no more, no less?

1 MS. WYATT: Right.

2 CHAIRMAN GREEN: And they take office when?

3 MR. VAN DINE: January.

4 MS. WYATT: First Tuesday in January.

5 CHAIRMAN GREEN: I would love to have, during the month of January, a – that
6 this Commission request a two hour work session for the purpose of the Commission
7 presenting to Council, and I say that in those words exactly, for the purpose of the
8 Commission presenting to Council their concerns over the absence of adequate staff,
9 adequate planning and adequate funding for this purpose. I remember two years ago,
10 three years ago, we went down to the Swamp to discuss issues between the Planning
11 Commission and Council and we sat there for three hours while one County Council
12 person spoke for an hour, another hour a second County Council person rebutted the
13 comments of the first one, we spoke for 15 minutes and then let the two of them rebut
14 each other for the last half hour and we went home.

15 MS. WYATT: Don't forget, we played games too.

16 CHAIRMAN GREEN: Yeah, we had lunch – we had games as well. But, you
17 know, I would like for us to request a two hour work session for a presentation to
18 County Council by this Body.

19 MR. VAN DINE: And I echo that and would also like to make sure that it doesn't
20 evolve into the disaster we had in discussing the Land Development Code when we had
21 some of the meetings upstairs in which we were going to discuss aspects of what we
22 thought and it turned into us sitting there listening to political statements back and forth
23 for the better part of two hours. I think frankly that this Body could use certain areas of

1 the county as a case study, the need for planning, the need for how we move forward
2 with funding, well thought out comprehensive planning and implementation of what
3 [inaudible]. At this stage everything is done piece-meal. Everything is done reactively
4 and everything is done without input from perhaps the very group that is most impacted
5 by what goes on. And I think that – I said it up here before – I think we're doing nothing
6 but reactionary or rubberstamping a lot of times because we don't have the tools
7 available to us as a Planning Commission to be able to deal properly with the requests
8 that come forward. I agree with Mr. Palmer. The development community would love to
9 have rules that they can understand and that would be applied equally and fairly when
10 people come forward. They don't have that right now. But we don't have that and that
11 is exactly what we need in order to properly do our job up here.

12 MR. MANNING: One of the biggest problems the development community has is
13 in polarization of the communities. I mean, and that's driven by the political process.
14 And one case is handled differently from the next and the next and the next one, so
15 there you have it. You've created this never-ending circle. But, you know, in coming
16 back to what Mr. Green said, I would like some help from Staff before that meeting, in
17 some type of report of ways that we can address those problems and tie it back into this
18 comprehensive land plan.

19 MR. JACKSON: Well, I'm not saying there's no courage, but maybe if County
20 Council gets this thing before the four who are leaving leave, they'll take the courage to
21 push something. They have nothing to lose. It's usually a political fear anyhow. I'm
22 just saying –

23 MS. WYATT: You mean the moratorium?

1 MR. JACKSON: Not necessarily the moratorium. I'm saying anything. And still,
2 I still push for the moratorium. I know I do not have enough support, but at least they
3 would do something about it, they're leaving. What do they have to lose? It's about the
4 citizens. It's not about them, it's about safety. It's about proper planning. That's what
5 it's about.

6 MS. WYATT: Well, Mr. Jackson, I'm going to tell you, you and I came on the
7 Planning Commission at the very same time so I think of you as the grandfather of the
8 Planning Commission, me the grandmother.

9 MR. JACKSON: Yes, ma'am.

10 MS. WYATT: And I have to tell you, I think most of you are aware of this, I come
11 to an awful lot of County Council meetings, and I'll just be blunt. The problem that
12 we've got is County Council doesn't understand the meaning of planning. That's it in a
13 nutshell.

14 MR. JACKSON: I understand.

15 MS. WYATT: I mean, you sit there and you start with –

16 CHAIRMAN GREEN: Is that quotable enough, Shelley?

17 MS. WYATT: Absolutely quotable enough. They don't understand it. They don't
18 have the expertise on County Council that we have on this Planning Commission, Mr.
19 Van Dine with his degree in planning, Mr. Green, you with the knowledge of
20 transportation, Mr. Manning with the knowledge from the development community. Tell
21 me what expertise we've got on County Council that even comes close to relating to
22 planning.

1 MR. JACKSON: I understand. That's why I'm saying we have the responsibility
2 as appointed people, as planners, to send a recommendation to them. The problem is
3 that, from what I'm hearing, they do not listen.

4 MS. WYATT: They don't. They clearly don't understand.

5 MR. JACKSON: I'm appointed, not elected, but that's not the point. I'm doing
6 my job.

7 MR. VAN DINE: This Body could be out of work in a hurry.

8 MR. JACKSON: I'm doing my job.

9 MR. VAN DINE: If we can sort of focus our ourselves here on – we all have sort
10 of agreed of the problem that exists. What is it that we can do at this stage to, number
11 one get the message across and number two, to start moving forward?

12 MR. CRISS: I like the Chair's idea of a dialogue with the new Council and I
13 would suggest that we wait until they are seated and officers elected and extend an
14 invitation request to them for their kind of dialogue.

15 CHAIRMAN GREEN: Would the best venue be to invite them to a Planning
16 Commission meeting so that somebody else is holding the gavel, whoever that is at the
17 time?

18 MR. CRISS: I would think more neutral territory.

19 MR. VAN DINE: Yes, I would agree. And –

20 MR. JACKSON: They won't allow that.

21 MR. CRISS: You are in their seats.

22 CHAIRMAN GREEN: In terms of getting on their schedule to do that, I mean –

1 MR. CRISS: We can certainly approach administration for the protocol, but it
2 seems to me that you need to engage the newly formed Council with it's new
3 membership and new officer structure, as early in the year as possible.

4 CHAIRMAN GREEN: When do they elect a new chairperson?

5 MR. CRISS: I think they'll do that at the very first meeting.

6 MR. FURGESS: They supposed to, but they'll argue about it about two months.

7 CHAIRMAN GREEN: They'll argue about it for two months first, Wes?

8 MR. JACKSON: Well, I know I do no have the support, but I'll just say for the
9 Record I move that we do a moratorium on land development and send it to County
10 Council. And that's the motion.

11 MR. VAN DINE: Until what point in time?

12 MR. JACKSON: Let them address it. They know the importance. Hopefully it will
13 take them at least one month to make a decision.

14 CHAIRMAN GREEN: We have a motion on the floor from Mr. Jackson to
15 recommend to County Council the placement of a moratorium on development in
16 Richland County. Do I have a second for the motion? Dies for lack of a second.
17 Anybody else want to put something formally on the table to recommend or to send to
18 County Council?

19 MR. VAN DINE: I would move that we follow Mr. Green's suggestion and that is
20 to request a meeting between County Council and the Planning Commission to take
21 place some time in January to discuss the planning process, the comprehensive plan, a
22 capital improvements budget, and all other aspects of the planning process, including
23 the need for additional staffing, and dedicated individuals to look at the planning aspect

1 of it. I would suggest that a letter be written that strongly recites the issues and the
2 thought processes of this Commission that we need to address the issue and we need
3 guidance on where we are to be going as a Body.

4 MS. WYATT: I think we should amend that and say we'd like to give you some
5 guidance.

6 CHAIRMAN GREEN: Is there a second to that motion?

7 MS. WYATT: I'll second it.

8 MR. VAN DINE: Hold on for a minute. We may have an amendment over here.

9 MR. MANNING: Not an amendment, but just an addition to [inaudible], I mean,
10 Mr. Jackson's.

11 MR. VAN DINE: Yeah, well I think that all goes into the body of the letter
12 explaining why we're doing this and that would be reference to Mr. Jackson's concerns
13 and I would even mention that there has been a motion on the Planning Commission to
14 enact a moratorium. And he might even state that while that has not passed at this
15 stage, it's certainly an option which is available if things don't clear up.

16 CHAIRMAN GREEN: We have a motion and a second on the floor. I would just
17 like to add one brief amendment in that the specific text of the discussion held here
18 today be separated from – do our minutes normally go to County Council? They're
19 available to them.

20 MS. WYATT: It goes to them, but they don't read them.

21 CHAIRMAN GREEN: That appended to this motion is just the portion of our
22 session today that dealt with this issue. That you abstract from the minutes of the

1 Planning Commission the beginning of this discussion today and attach to the motion,
2 the text of the discussion that occurred here this afternoon.

3 MR. VAN DINE: I will make that as an amendment to my motion.

4 CHAIRMAN GREEN: Get all of us fired. You know, if it doesn't get better, you
5 know, what have we lost? That paycheck you get every month?

6 MS. WYATT: Well, you know, we keep talking about a moratorium. Maybe
7 we're just talking about us all walking out.

8 CHAIRMAN GREEN: Moratorium on the Planning Commission.

9 MR. VAN DINE: The motion has been amended to adopt that request.

10 CHAIRMAN GREEN: Discussion on the motion?

11 MS. WYATT: Well, let me just ask a question. How quickly can we get this sent
12 to Council? They meet again next week in special session.

13 MR. CRISS: On the 9th.

14 MS. WYATT: Right, to discuss Land Development Codes. Would you, at that
15 time, present the letter, that portion of the minutes?

16 MR. VAN DINE: May I make a suggestion in that we don't pollute the air with
17 anything more than what they have to focus on on the 9th and not add additional agenda
18 items to them?

19 MS. WYATT: Well, when's their next meeting?

20 CHAIRMAN GREEN: November 23rd is their public hearing.

21 MS. LINDER: November 16th is their first regular Council meeting. November 9th
22 is a special called Council meeting to take up the Land Development Code.

1 CHAIRMAN GREEN: Is it possible to get the minutes just from this portion of the
2 meeting done by then? I know it takes longer to get the whole four or five hours, but if
3 we could focus on – we have a motion on the floor. Any discussion on the motion?

4 MS. WYATT: Mr. Chair, you'll sign that letter?

5 MR. CRISS: Would the Chair or Members care to have a draft of help draft, do
6 you want Staff to draft?

7 CHAIRMAN GREEN: I'd like to see Staff draft it and maybe send it out to
8 everybody and just ask for their input and assuming you don't get back any handwritten
9 changes or additions, proceed with that.

10 MS. WYATT: Email it to us.

11 MR. MANNING: Does the Commission need to sign this?

12 CHAIRMAN GREEN: I'll be happy to sign it if that's what you want. Pleased to
13 sign it. Chairman on behalf of the Commission, assuming we pass this motion. Any
14 further discussion on the motion?

15 MR. JACKSON: I'm saying anything is better than nothing.

16 CHAIRMAN GREEN: Those in favor of the motion please raise your hand.
17 Those opposed?

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

20 CHAIRMAN GREEN: Any further matters to come before the Commission? We
21 stand adjourned.

22
23 *[Adjourned 4:25 p.m.]*