

RICHLAND COUNTY PLANNING COMMISSION

January 9, 2006

1
2
3
4
5 *[Members Present: Brawley, Green, Furgess, Palmer, VanDine, McBride, Anderson,*
6 *Manning; Absent: Lucius]*

7
8 CHAIRMAN VAN DINE: If everybody could take your seats, please. In opening
9 today's meeting I want to first welcome our two new Planning Commission Members,
10 Eddie Ruth Brawley and Christopher Anderson. Mr. Anderson is there, Ms. Brawley is
11 there. We welcome them to the Planning Commission and good luck to you. You'll find
12 it both interesting and frustrating at times I am sure. The other thing is, on a little more
13 serious note, Marcia Lucius is not with us today. I would ask everybody to please keep
14 her in your prayers. She is going in for surgery tomorrow and expects to have a
15 recovery within one to two weeks. However, this is in - probably the entire time that I
16 have been here, the first meeting that I can't say that she was at. So please everybody
17 keep her in your prayers when you think of it. I would also recognize that we have a
18 quorum present, and as is required, I need to read the following statement into the
19 Record. In accordance with the Freedom of Information Act a copy of the agenda was
20 sent to radio and TV stations, newspapers, persons requesting notification, and was
21 posted on the bulletin board located in the lobby of the County Administration Building.
22 Accordingly this meeting has been properly noticed and is properly being held. The
23 next we have is the election of new officers for 2006. We had nominations at our last
24 meeting and the way I would like to run this is the nominations have remained open.
25 They will remain open until each office is elected. So therefore as we come to an office
26 if someone wishes to make another nomination other than the person who has been
27 nominated, please just let me know and we'll put that person's name in the hat. For

1 Secretary the nominee is Deas Manning. Do I hear any other nominations? Hearing
2 none, all those in favor of Mr. Manning acting as secretary, and as he requested, he be
3 treasurer also. So all in favor please raise your hand.

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

6 CHAIRMAN VAN DINE: Alright. For Vice-Chair, Wes Furgess has been
7 nominated. Do I hear any other nominations? All those in favor please signify by
8 raising your hand.

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

11 CHAIRMAN VAN DINE: Alright. And for Chair, Mr. Palmer has been nominated.
12 Do I hear any other nominations? Hearing none. All in favor please signify by raising
13 your hand.

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

16 CHAIRMAN VAN DINE: Alright. With that the election is over and we need to do
17 a short reshuffling of seats, at least I need to. So if you'll hold on for one minute. She's
18 all yours.

19 CHAIRMAN PALMER: I don't know if I should say I appreciate it or not. Very
20 good. Next item on the agenda, has everyone had a chance to read the minutes from
21 the last meeting? Are there any changes to those minutes?

22 MR. ANDERSON: Mr. Chairman, I wasn't here.

1 CHAIRMAN PALMER: Okay. Very good, Mr. Anderson, let the Record reflect
2 Mr. Anderson and -

3 MS. BRAWLEY: And I was not present at the meeting so I will not be –

4 CHAIRMAN PALMER: - Ms. Brawley will not partake in the votes since they
5 were not Commission Members at that time.

6 MR. MANNING: I would like to make a motion that we adopt the minutes.

7 MR. VAN DINE: I second.

8 CHAIRMAN PALMER: Motion and second. All in favor please raise your hand.
9 Do we have any additions or deletions to the agenda?

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

12 MS. ALMEIDA: Yes, Mr. Chairman. Case number 05-112 MA, Bob Alexander is
13 deferred to the February meeting.

14 CHAIRMAN PALMER: Referred to when?

15 MS. ALMEIDA: The February Planning Commission meeting.

16 CHAIRMAN PALMER: Is that all from Staff?

17 MS. ALMEIDA: Yes, sir.

18 MR. VAN DINE: Mr. Chairman. I also understand there's a request by a vast
19 number of people in the audience to move 05-111 MA to first in the order, as a number
20 of people have other engagements that they need to attend. And I would make a
21 motion that we move that forward.

22 MR. FURGESS: Move that to number one?

23 MR. VAN DINE: Move that to number one.

1 CHAIRMAN PALMER: Motion, is there a second?

2 MR. FURGESS: Second.

3 CHAIRMAN PALMER: All those in favor of moving Case No. 05-11 MA to the
4 beginning of the agenda with new business please raise your hand.

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

7 CHAIRMAN PALMER: Anything else? Alright. We will move along with Case
8 No. 05-11 MA. Go ahead.

9 **CASE 05-111 MA:**

10 MR. GOSLINE: Mr. Chairman, Members, this is a request of Nick Leventis to
11 rezone approximately 140 acres from Rural to Planned Development District roughly at
12 the northeast quadrant of Lower Richland Boulevard and Rabbit Run Road. This
13 project is within the recently adopted Southeast Richland Neighborhood Plan. Staff
14 recommends approval subject to the conditions on page 53 and 54.

15 CHAIRMAN PALMER: Again, we have quite a few signed up to speak. Mr.
16 Leventis, do you have anything you'd like to comment?

17 MR. LEVENTIS: Yeah. Could I wait until the last, be the last one on there to
18 speak? I think I had signed up [inaudible].

19 CHAIRMAN PALMER: Well typically we allow the applicant to go first and then a
20 time at the end to respond but if you would care to wait until the end, that'll be fine.

21 MR. LEVENTIS: Yes, if you don't mind.

22 CHAIRMAN PALMER: Okay. We have a – excuse me if I butcher the names.
23 Dana Wilmore and a David Boros will be next.

1 **TESTMIONY OF DALIA WILMORE:**

2 MS. WILMORE: Yes. My name is Dalia Wilmore, 1222 Ridge Road. And my
3 concern on this new proposal is - like I have been here before - is trying to change the
4 rural area to where more - so it'll be a more higher density of family homes and what
5 everybody else is building in the area. One of the concerns is schools, overpopulated
6 even though they say they're not. We heard that before, no. Lower Richland High
7 School is very crowded. There's going to be a lot of elementary schools. Traffic is
8 tremendously dangerous now. We have problems all the time, accidents all the time.
9 And one of the main reasons that was brought before is trying to keep it rural, you know.
10 A lot of us planned to buy, you know, a decent piece of land, move into the area where
11 you can, you know, raise your family, you know, raise animals if you want to and just
12 have that lifestyle of living in a rural area. And now what is happening is that
13 everybody's trying to move, you know, I mean we're not against growth but at least try
14 to keep these lots, the lot sizes a little more into where, you know, everybody will have
15 their own - can keep their lifestyle. We understand that some of these lots will have a
16 lot of homes per acre and, you know, most of us got eight acres of land, you know, 40
17 acres of land per household. And that's what we trying to avoid, trying to keep this rural
18 theme, this rural lifestyle as much as possible, you know, without stopping growth. And
19 with that there's going to be more businesses coming, which we, you know, we know is
20 going to happen. But the main thing is trying to keep the area - our area that we've
21 been there for years and years as rural as possible and keeping in mind the traffic,
22 roads, the schools and right now Lower Richland and high school, I mean, the traffic is

1 incredible, you know. And it used to be just some hours during the day. Now it's all day
2 long. Okay? So thank you.

3 CHAIRMAN PALMER: And I'd just like to say that if people have - want to say
4 what the person has said before them, it'd be perfectly okay with us for someone to say
5 that they agree with what's been said before. But everyone will have three minutes to
6 speak their peace. Mr. Boros?

7 **TESTIMONY OF DAVID BOROS:**

8 MR. BOROS: Boros, yeah. My name is David Boros and I'm an area resident
9 and I agree with what the lady said. I have some numbers to support my opposition to
10 this. First I'd like to object to this rezoning on the grounds that it's not consistent with
11 existing, well with the existing condition of properties around there which are primarily
12 rural and the developer is actually comparing the proposed developments to
13 developments which are anomalies and not consistent with the real nature of the area
14 which consists largely of four-acre or better lots, large lots, single-family homes. I'd also
15 like to object on the grounds that it would be detrimental to road capacities, schools and
16 increased crime rates, okay? In regard to road capacities in the - I looked at the
17 Planning Commission Staff Report and I know they've identified changes necessary to
18 adjacent interchanges to the proposed development to facilitate the development, but
19 these really miss the big picture which is access to and from Columbia which is very
20 difficult presently. I have a 2000 [inaudible] traffic count which addresses both access
21 routes into Columbia from that area, both Garners Ferry and Leesburg Road. Both
22 have earned an F Level of Service rating and that, that it goes from - for those who of
23 you who don't know - it goes from A through F; F being the lowest which indicates

1 higher [inaudible] volumes, lower speeds and unstable flow of many stoppages. Based
2 on my experience this morning I can tell you I would certainly give it an F. The current
3 [inaudible] load of traffic count for Garners Ferry at the VA Hospital is 40,800 vehicles.
4 Actually that was in 2004 because that's an old, you know, some time has elapsed
5 there. At Old Hopkins Road near the development is 32,100 vehicles. At Leesburg
6 Road, the intersection of Leesburg Road, I-77 and Garners Ferry, I don't have that
7 number in front of me but the traffic count there is double the capacity currently so any
8 increase presents – this is not just conjecture. I mean, really, the numbers really sort of
9 back this up that it would be very difficult, puts a great burden on the streets. In relation
10 to the schools, just to look at Lower Richland High School, the current enrollment at
11 Lower Richland High School is 1,567 students with a maximum capacity of 2,000, right?
12 So if we – any increase is posing a quantifiable burden on existing, on existing facilities
13 and detrimental to the quality of life of residents here who are typically long-term, long-
14 term residents. I don't have statistics on crime rates but one could certainly reason that
15 with the increased population would come increased crime rates. Thank you.

16 CHAIRMAN PALMER: Mr. Robert Heyton, followed by Jennifer Sanders.

17 **TESTIMONY OF ROBERT HEITER:**

18 MR. HEITER: Good afternoon, ladies and gentlemen of the Commission, ladies
19 and gentlemen of the audience. I'm Robert Heiter, the land planner for the project and
20 would just like to present just a - in my limited three minutes just a few comments about
21 it. Before you I believe you have a plan book. If you will, I'll refer primarily to page 3, 4
22 to talk to you a bit about the approach that's been used in developing this proposal.
23 This community has been planned in conjunction with your consultants from Greenville,

1 South Carolina and your Staff as we understand the area master plan for land use.
2 Clearly this area is in transition as the two previous speakers have recognized. There is
3 quite a bit of pure rural character as well as a significant grouping of more densely
4 populated subdivisions. I think important for your consideration here is that this is a
5 conservation land use plan where 30% of the property has been set aside and
6 safeguards sensitive environmental aspects of the site such as wetlands and riparian
7 activities and so forth. We have met on one occasion with – our firm has met on one
8 occasion with a neighborhood group and went over the plan thoroughly. As you can
9 see, approximately 140 acres and of the 140 acres, 35 – in excess of 35 acres is open
10 space. Seventy-four acres are for lots. Now one of the challenges we all have in
11 looking at projects like this is the concept of density as it relates to overall land use.
12 And it's clear to us as we do these projects around the region and country that it is
13 important to preserve the quality open space as opposed to just open space and in so
14 doing that often drives the lot count up as it relates to lot size and so forth. So I believe
15 that what we have here is a model that is in conjunction with the area-wide master plan
16 that's under review for which I think regulations are currently being worked on by the
17 Staff. I would like to make myself available to you later should you have questions
18 about the plan if that time could be allowed. Thank you very much.

19 CHAIRMAN PALMER: Ms. Sanders?

20 **TESTIMONY OF JENNIFER SANDERS:**

21 MS. SANDERS: Hello. My name is Jennifer Sanders. I live at 1133 Ridge Road
22 in Hopkins. I'm here in support with my neighbors to ask that you deny the request to
23 change the zoning. Me – consistent with my neighbors we moved into the area

1 because it is rural. We've invested the time and effort into making nice homes on nice
2 size lots and we would like to see it remain consistent because we are there for the
3 long-term and we would like for our lifestyle to be consistent with what we invested in.

4 CHAIRMAN PALMER: Is there a Charlie Nixon?

5 MR. NIXON: I'm Charlie Nixon, 1236 Ridge Road and I agree with the previous
6 speaker [inaudible].

7 CHAIRMAN PALMER: Thank you. Mr. James Sanders. Diane Wilson, followed
8 by JoAnn Campbell.

9 **TESTIMONY OF DIANE WILSON:**

10 MS. WILSON: Thank you for giving me this opportunity. I am Diane Wilson and
11 I live in San Paulo Court in Hopkins. We've been there 16 years. [inaudible] children
12 go through the school system there and have done real well. I have three grandchildren
13 now that are in the school system and they are really overcrowded. They – right now
14 the roads and the schools cannot take this type of building right now. We need to look
15 at some of the mistakes that we've made in the Columbia area of building too rapidly
16 and then you've got all this problems with your school systems being overcrowded.
17 Then you've got the problems with the roadways. Let's look at the big picture and try to
18 take care of some of our problems first and then get the growth and the progression that
19 we need in that area. Thank you.

20 CHAIRMAN PALMER: JoAnn Campbell. If you would please, I failed to mention
21 that you give your name and address just for our Record purposes.

22 **TESTIMONY OF JOANN CAMPBELL:**

1 MS. CAMPBELL: I'm JoAnn Campbell, 1 Hawkinshurst(?) Lane in Hopkins. My
2 family owns approximately 232 acres directly behind this project. And we would like to
3 request that this be looked at as a whole picture and not just this one thing because the
4 whole area is just busting open. There are high-density projects already – medium-
5 density. Let's go for a low-density project on this [inaudible]. This is not what we
6 envisioned when we got together and started this one more rural [inaudible] on this
7 development and it's not what we envisioned for the area nor is what we envisioned for
8 our farm directly behind this piece of property. So let's just think about what is going on
9 in the whole area and look at it and let's try to diversify that a little bit more. Let's have
10 some low-density in the area. Thank you.

11 CHAIRMAN PALMER: Jimmy Campbell.

12 **TESTIMONY OF JIMMY CAMPBELL:**

13 MR. CAMPBELL: I'm Jimmy Campbell. I live at One Hawkinshurst(?) Lane. As
14 my wife just explained, we live on 232 acres. We front this project by 2,500'. We're on
15 the east side. We show up as rural. Our vision of our property for these many, many
16 years has been that we're a rural area. We'd have large lots [inaudible] develop our
17 property. We would have capability for folks to have horses and large lots with trails
18 and green spaces. We also thought we'd have recreational areas and that type stuff
19 with our project of 232 acres. When we started doing the planning with the
20 Southeastern Group we had a vision there also and the vision there was it's changed
21 [inaudible]. Let's adapt to the change that's going to take place out there. Let's have
22 some control of our destiny. Let's realize that there's diversity of land use; let's adapt to
23 that. Let's preserve some of our rural atmosphere and some of our rural ideas and

1 open space. We know that we have infrastructure, infrastructure, infrastructure needs.
2 There's no use addressing all the infrastructure needs we have. Let's address some of
3 those. We ask that the - one number in the PUD be changed. We agree with the PUD.
4 We really have no big problem with the PUD except one number. That's in the number
5 of single-family dwellings on the property. If you did it as an RU and use the whole 140
6 acres, we'd have 186 homes. If we took the 75 acres that they say are eligible for
7 single-family dwellings and use his density of 2.5 or 2.7 that he says that he's going to
8 have over the 140 acres with the 350 houses that would give us 188 houses. So using
9 the density of 2.5 houses per acre on 75 acres we would look to have the PUD come
10 down somewhere in the neighborhood of 186 homes. We feel that that would be a
11 more adaptable, more in line with what we envisioned that area would look like. We
12 realize we have lots of problems there with the water. We have lots of gulleys through
13 there. We have environment problems and we appreciate the PUD addressing those.
14 We think they should be addressed and we appreciate those being addressed. If we
15 left it RU those would not be addressed if it were developed. So our recommendation is
16 it remain RU unless the PUD could be changed to 186 houses in the 140 acres. Thank
17 you for your time.

18 CHAIRMAN PALMER: Frank Barry and Larry Gamble.

19 **TESTIMONY OF LARRY GAMBLE:**

20 MR. GAMBLE: My name is Larry Gamble. I own the property; I don't live out in
21 Hopkins but I own the property which is adjoining Mr. Leventis' property. And in talking
22 with Mr. Leventis I've seen his first plan and Mr. Leventis has assured me that he would
23 put a quality development there and in fact put in buffers between my property and his

1 property where I would not be affected. So therefore I'm in favor of granting Mr.
2 Leventis the rights to build on his property. Thank you.

3 CHAIRMAN PALMER: Jack Bryer.

4 MR. BRYER: I'm Jack Bryer, 1117 San Mateo Court. I agree with what they
5 said to have it disapproved.

6 CHAIRMAN PALMER: McGuire? [Inaudible]?

7 MR. MCGUIRE: Did you call McGuire?

8 CHAIRMAN PALMER: Yes, sir.

9 **TESTIMONY OF MR. MCGUIRE:**

10 MR. MCGUIRE: [Inaudible] You'll have to bear with me. I have difficulty hearing.
11 But I wanted to just –

12 CHAIRMAN PALMER: Mr. McGuire, if you could, if you have anything additional
13 to add, come down to the podium. Thank you.

14 MR. MCGUIRE: I reside in San Marco Estates. It's a subdivision comprising
15 about 84 acres that borders Ridge Road and a number of acres surrounding it. We
16 have restrictions on our property which further forbids dividing or subdivision of any of
17 the two-acre lots. We would – we like our property. The neighbors are well satisfied
18 with the acreage that we have and the density, and by and enlarge most of the homes
19 even bordering our subdivision are on large tracts of – when I say large, more than two
20 acres and many more than that. So I would like very much for the planning and zoning
21 people to take cognizance of the fact that the – if you have high-density, you're blocking
22 us in and we'd be the only subdivision as far as I know that can hold on to its present
23 sized lots. Thank you.

1 CHAIRMAN PALMER: Ellie Adams?

2 MR. ADAMS: I am [inaudible] Adams. I live on [inaudible] Ridge Road. I
3 disagree with this high-density approach and basically in line with what the other people
4 who disagree with this thing. Thanks.

5 CHAIRMAN PALMER: Carolyn West?

6 **TESTIMONY OF CAROLYN WEST:**

7 MS. WEST: My name is Carolyn West and I live at 108 San Carlos Court. Mr.
8 Leventis and the landscape architect met with the neighborhood and I have to say it's a
9 very nice development. There are just two problems with the development and both of
10 those problems have to do with this development is scheduled to be in the wrong place.
11 One, we've come before this Body before to ask that Lower Richland represent the line
12 between high-density homes and rural property. We have an opportunity in Richland
13 County to have a marvelous example of what planning can be in an area like Lower
14 Richland if we can maintain a rural setting east of Lower Richland and put all of the
15 housing projects west of Lower Richland. So if this property were west of Lower
16 Richland I wouldn't have any problems with it. You'll note in the proposal that there's
17 something like 2,500 single-family homes that have already been planned or proposed
18 were west of Lower Richland. I am aware that there's property on the other side of
19 Garners Ferry that is east of Lower Richland. There are reasons that this body, that this
20 group did not come before you to ask to have that restricted and those reasons have to
21 do with personal relationships with people and it was – they just let it go. But I think that
22 because Lower Richland is an area of the state that has the highest percentage of
23 African-American homeowners that it deserves special attention, better attention than

1 has been received in the Northeast. The reason you see us coming before you is
2 because we know what has developed in the Northeast and we don't want it to happen
3 in the Southeast. I think that if you could honor our request to keep anything east of
4 Lower Richland as rural development the future would congratulate you on that. The
5 other factor is there are a number of single-family homes in this area that have been
6 abandoned. They have become Section 8 housing, some are to – the west of Lower
7 Richland, some are off Leesburg Road. But what we are afraid of is that the developer
8 will be with us for seven years, leave us, and have sold these homes to people that
9 cannot keep up the mortgages and therefore these will become high-density ghettos
10 as has developed in the Northeast. Many of you know that areas such as the Summit
11 which were early development in the Northeast are now primary areas for gang activity.
12 So what we're saying is let's get the infrastructure together in terms of highways, in
13 terms of schools, and let's stop this single-family domino effect that's occurring at Lower
14 Richland Road and let that area remain rural. Thank you for your time.

15 CHAIRMAN PALMER: Norman Jackson?

16 MR. GOSLINE: Who is this guy?

17 MR. VAN DINE: Mr. Jackson, does it feel different on that side?

18 **TESTIMONY OF NORMAN JACKSON:**

19 NORMAN JACKSON: I was just about to mention it. I'm Norman Jackson, 7024
20 Lower Richland Boulevard, Hopkins. For my three minutes I'd just like to comment
21 Members of the Commission, congratulate new Members. It's hard work. After eight
22 years of hard, dedicated work, some abuse, it feels good to be on the other side. I can
23 leave early. I'll just concentrate on the proposed development. I commend the

1 applicant on his consideration in what he put into the development. But my main
2 concern is the density. I will not discuss the traffic problems that it will cause or what's
3 there already. I will not discuss the Northeast area, the mistakes we made and hope we
4 learn from the Northeast area. What I'll focus on is the Southeast Neighborhood Plan
5 and the Comprehensive Land Use Plan. We had several community meetings and the
6 number one priority of the residents was density. They wanted to keep the rural
7 character to .76 acres, approximately three-quarters of an acre. If you look to the
8 northwest you have medium, high-density and some commercial. If you look to the
9 southwest you have rural, some commercial. But to the northeast where this
10 development is proposed all the areas, all the land is minimum one-acre lots. This does
11 not agree with that area. Also in the Southeast Neighborhood Plan, it was a request, it
12 was agreed that you should have some low density, medium and high. Of the four
13 quadrants all the other three already have high and medium density. This is the only
14 quadrant that we should hope remain low density. That would agree with the plan,
15 agree with the time the citizens spent every Monday night for about six months
16 discussing how that area should be developed. The county, the staff, asked; worked
17 with the citizens. They came up with a plan and I'm just hoping that you'll all agree and
18 support the residents that at least some area should remain low density. Thank you
19 very much. And by the way, my heart goes out to Ms. Lucius. I hope you have a
20 speedy recovery. Thank you.

21 CHAIRMAN PALMER: Thank you, Mr. Jackson. Jane Hamilton, Hamblington?
22 Terry Edwards?

1 MR. EDWARDS: Terry Edwards, 23 Pen(?) Road, Hopkins. My family's been
2 here for about 35 years. We really like it nice and quiet out there I have to side with all
3 my neighbors.

4 CHAIRMAN PALMER: Kenny Green? Followed by Linda Amison.

5 **TESTIMONY OF KENNY GREEN:**

6 MR. GREEN: My name's Kenneth Green. I live at 109 Urbana Road and I've
7 been there for 19 years. And I only have a couple more points to make because
8 everybody else has covered most of the other stuff. Mr. Leventis proposes 382 houses
9 on 140 acres. But what I heard earlier that only 74 acres would be used to put those
10 houses on. My math shows that that's five houses per acre. To me that's pretty high
11 density. I'd also like everybody to note that there are eight new subdivisions within a
12 four-mile radius of Lower Richland High School. There's three on Rabbit Run, three on
13 Caughman Road, one on Trotter Road, and there's one on Padgett Road about halfway
14 between Lower Richland Boulevard and Leesburg Road. And what I think we need in
15 our area is more developments like Hunting Creek Farms and Oak Ridge Hunt Club and
16 we want to maintain our rural character, what little we have left. And I just noted the
17 writing on the wall behind ya'll. "Uniquely Urban, Uniquely Rural". We would like to
18 keep the east side of Lower Richland Boulevard uniquely rural. Thank you.

19 CHAIRMAN PALMER: Linda Amison?

20 **TESTIMONY OF LINDA AMISON:**

21 MS. AMISON: I'm Linda Amison. I live at 3141 Longtree.

22 MR. FURGESS: Put the mic down.

1 MS. AMISON: Okay. Better? I agree with the people before me in opposition to
2 this development as proposed; problems with the schools, problems with the traffic.
3 Traffic's very bad now and it would be a real disaster if – to make it, make it worse by
4 having these high-density things. It was my understanding too as one lady mentioned
5 that Lower Richland had already been determined to be the dividing line for rural and I
6 think that certainly should be the case. Again as they mentioned there's no real need
7 for housing. The subdivisions, even the older subdivisions have a lot of vacancies. The
8 property can be developed under the current guidelines and that's what we're asking,
9 that it be kept rural. Thank you.

10 CHAIRMAN PALMER: Mary Amison?

11 MS. AMISON: I agree with the opposition.

12 CHAIRMAN PALMER: Bobby Desport?

13 **TESTIMONY OF BOBBY DESPORT:**

14 MR. DESPORT: I'm Bobby Desport and I live right off Ridge Road in Hopkins.
15 And I've got a thoughtful letter here that [inaudible] County Council Member wrote. I
16 hadn't met this person. It's Valerie Hutchinson and she's up in the Northeast it looks
17 like. I just want to read a paragraph or two of this. Ms. Hutchinson says, "The
18 Northeast is strangling on its own growth and as a new Member of County Council I see
19 so many developments come up for approval on roads that are already operating at a
20 failure level. I have consistently voted no and will continue to do so on these projects
21 because they have such a negative impact on suggestion." Now our Lower Richland
22 plan, I think they call it the Southeast Plan, has asked for a new traffic study. Now I

1 think it would be totally irresponsible to have any move towards a greater concentration
2 of development before we get that study done. Thank you.

3 CHAIRMAN PALMER: John Logue?

4 **TESTIMONY OF JOHN LOGUE:**

5 MR. LOGUE: John Logue [inaudible], common mistake. I'm John Logue. I live
6 on 108 San Carlos Court in Hopkins which is a community off Ridge Road. I've lived
7 there for seven years even though I've been a longtime resident of Richland County.
8 When my wife and I decided to move to this area we instructed our real estate
9 representative to search for property and zoning that's representative of the area that
10 we're currently in. We were not interested in viewing any properties that had density
11 and character similar to that that is proposed for this new project – Savannah Woods.
12 Further I would not have chosen a home adjacent to such a development. Both my wife
13 and I are biologists and we value open space and wildlife. As a biologist with more than
14 40 years experience teaching ecology, environmental science and botany, I'd like to
15 make a couple of comments about some aspects of the site that's proposed for this
16 development. I recently walked the area after a period of moderate rain. Cabin Creek
17 and the drainage area going into it are particularly interesting. The primary channel of
18 Cabin Creek is narrow, steep-sided and along most of its main channel is eight to nine
19 feet deep. There's evidence of early erosion channels leading toward this main channel
20 which signifies that in the past there have been periods of very high and rapid runoff so
21 the erosion now is in check because of the vegetation that's on it. The day I was there
22 water was flowing at a great volume and speed. The area would be dangerous for
23 adults and lethal for children. Furthermore there are a large number of lakes

1 immediately adjacent to the northern border of the property and this constitutes an
2 additional liability. I'd suggest that any litigation resulting from problems associated with
3 these potential hazards to target the developers in the permitting [inaudible] unless
4 there's some concessions made for safety. I also have doubts about the well drain and
5 gently sloping nature of a major section of the property. A portion immediately north of
6 the school bus lot extending across a recently cleared access area appears to be pine
7 flat woods and the buttressing near the base of the trees indicates that the water table is
8 periodically close to the surface. The further indicator that this is true is that at
9 approximately 400 yards east of Lower Richland Boulevard along the edge of the dirt
10 access road there's a wet area that contains cattails, rushes and sedges that indicate
11 almost permanently standing water. Now this is a small area but it's an indication that
12 water tables not that too far – not that far from the surface. The concern would be that
13 changes to this area, even though there have been a very thoughtful addressing of
14 containing open spaces and allowing percolation, that this kind of change would allow
15 for more rapid runoff into that area and heavy rain could create pretty drastic flooding in
16 that channel. It's very deep and steep.

17 CHAIRMAN PALMER: If you could wrap up your comments for us, please.

18 MR. LOGUE: Pardon?

19 CHAIRMAN PALMER: If you could, wrap up your comments for us, please.

20 MR. LOGUE: Okay. Other than that I agree with everything that my neighbors
21 have said and I agree about the problems with schooling and traffic and other problems
22 that have not been addressed.

23 CHAIRMAN PALMER: Mike Amison?

1 **TESTIMONY OF MIKE AMISON:**

2 MR. AMISON: I'm Mike Amison. I live at 904 Wordsworth Road. I live within a
3 mile of Lower Richland High School twenty-five years. In the two and a half years since
4 I left there's been more development then there has the previous 25.

5 MR. GOSLINE: Can't give a speech.

6 MR. AMISON: Do you need me to come to -

7 CHAIRMAN PALMER: Yes, we do. Thank you.

8 MR. AMISON: Do you want me to start over?

9 CHAIRMAN PALMER: Please.

10 MR. AMISON: My name is Mike Amison. I live at 904 Wordsworth Drive in
11 Columbia up by VA Hospital. I lived within a mile of Lower Richland High School for 25
12 years. In the last two and a half years since I left there's been more development than
13 there has in the previous 25. I would say that there should be no more development
14 approved until there is planning for infrastructure, roads, and schools to support it,
15 number one. And if you don't draw a line somewhere than it doesn't mean anything and
16 I would submit that Lower Richland Boulevard is a good dividing line between east and
17 west. And I'm against high-density development on the east side of Lower Richland
18 Boulevard. Thank you.

19 CHAIRMAN PALMER: Ruth McGuire?

20 MR. LOGUE: This is a letter from a neighbor, Ruth McGuire, she's 83 years old,
21 has many health problems and wanted me to read her thoughts. A short paragraph.
22 "The more people you pack into an area the more discontent you have. Each individual
23 has their own option of what they can do which in many cases infringes on the next

1 person. This causes chaos. So far the Police and Sheriff's Department consider our
2 area relatively quiet. With the construction of as many houses as proposed it will surely
3 change this atmosphere. The developer is interested in a one-shot gain in his
4 investment. A homeowner is faced with the result of higher taxes caused by school
5 improvements, new roads that will need to be built and all other assortment of problems
6 that will arise. The Fire Department will certainly need to be maintained at a higher
7 level than it is at present. The type of housing proposed will surely not sustain this
8 increase. It is therefore hopefully requested that you will give serious thought to this
9 increase in zoning."

10 CHAIRMAN PALMER: Margie Green?

11 MS. GREEN: Would you like me to come down?

12 CHAIRMAN PALMER: Yes, ma'am.

13 MS. GREEN: I agree with everything the other speakers have said against the
14 building on this property.

15 CHAIRMAN PALMER: Thank you. Kathy Vols?

16 MS. VOLS: I'm in agreement with everybody else that Lower Richland should be
17 the dividing line, it's what everybody wanted.

18 CHAIRMAN PALMER: Thank you. Dennis Green?

19 MS. GREEN: Denise Green, [inaudible] call my name.

20 CHAIRMAN PALMER: Norman Temple.

21 MR. TEMPLE: Norman Temple, 2228 Lower Richland Boulevard. I live on the
22 west side of Lower Richland and I've been there about 50 years but I agree with
23 everything everyone's suggested about the high-density mainly.

1 CHAIRMAN PALMER: Thank you. Willard Temple?

2 MS. TEMPLE: Mildred.

3 CHAIRMAN PALMER: Mildred? I'm sorry.

4 MS. TEMPLE: I'm Mildred Temple and I live at 2228 Lower Richland Boulevard.
5 I've been down in that area all my life and I agree with all my neighbors. Thank you.

6 CHAIRMAN PALMER: Mr. Leventis.

7 MR. LEVENTIS: Has Mr. Haslinger [inaudible]?

8 CHAIRMAN PALMER: Yes.

9 MR. LEVENTIS: [inaudible]

10 CHAIRMAN PALMER: Absolutely. I called him down earlier but I guess I
11 butchered it too bad.

12 **TESTIMONY OF CARL HASLINGER:**

13 MR. HASLINGER: I didn't recognize it. Good afternoon, Members of the
14 Planning Commission, ladies and gentlemen sitting in the audience. My name is Carl
15 Haslinger. I live at 500 Persimmon Tree Road in Lexington. I'm going to make a
16 comment that one of the unfortunate things about growth coming to a rural area like this
17 is a lot of time it puts developers in conflict with what they're trying to do with a lot of
18 good people who live in the area. What – as we've talked to the people in this area a
19 couple of the things that we heard that I want to address while I'm up here is there's a
20 concern of the quality of housing that's going to be built there. A lot of reference – you
21 get slang, vinyl villages and things like that referring to types of housing that are built,
22 that low quality, inexpensive housing will be built. And that's a concern that we've heard
23 from people that live in this area. The other thing that we hear a lot of times when we

1 talk to people is the quality of the neighborhoods that people are going to build; that
2 they just don't want stacks of housing without planning for green space, without the kind
3 of connectivity that you've got in the Lower Richland plan, without care for the Carolina
4 Bays and the waterways that go through the area, without buffers and things like that.
5 Working backwards, I think in our plan that we proposed to you guys that we've
6 addressed a lot of these issues. We've addressed them as thoroughly as we knew how
7 to be in conjunction with the Lower Richland plan, with your green space plan provisions
8 of your new Land Use Plan. We have a good amount of green space. We preserved
9 our wetlands. We preserved our waterways. But we'll take care to do the detention and
10 things we need to to keep from accelerating the water through there and running it off to
11 the sensitive areas that we've got downstream. We planned this neighborhood to be a
12 high-quality neighborhood, I believe, than some of the other things that have been
13 proposed and have been passed down. We have amenities. We have a neighborhood
14 theme for the neighborhood. We're going to have a variety of different houses. We're
15 going to try to get the feeling of a neighborhood as people live there in the
16 neighborhood as a community. We've got several different types of housing in the
17 neighborhood and I know that we've got the lots to do it. We've got spaces where we
18 plan on doing brick homes which are a higher quality house than much of what's been
19 built, what's been proposed down there. We have plans for cottagey homes, for houses
20 that are like patio homes down there. We've got a wide variety of different housing. I
21 think those of you that are familiar with housing around Columbia know that Essex
22 Homes, which is the builder down there, has a reputation for building high-quality

1 housing [inaudible] market. And that's what we want to bring. We're going to bring the
2 best homes that this area will be able to absorb. Thank you for your time.

3 CHAIRMAN PALMER: Nick Leventis?

4 **TESTIMONY OF NICK LEVENTIS:**

5 MR. LEVENTIS: Hi. My name is Nick Leventis and I'm the developer of the
6 project. And in the conception of this project more than two, two and a half – almost two
7 and a half years ago since we bought the property, we've really gotten to know the
8 neighbors, Mr. Desport, Mr. and Mrs. Campbell, Mr. Goley, and we've gotten in a
9 situation where it's, it's something that we've strove to get a camaraderie with the
10 neighborhood. The planners have – I mean Council has asked us – Tony Mizell more
11 specifically has asked us to allow them to do a comprehensive use, land use plan out
12 there. So we waited a year from the first time we conceptually drew our plan until they
13 came up with a land use plan that incorporated our property in it. When the plan came
14 up we worked very diligently with the planners, the Staff rather, the neighborhood. We
15 met at least a half a dozen times with them. We feel like we've come up with a plan.
16 It's hard when the neighbors all want to see green spaces. They like to see trails and
17 amenities, swimming pools, and we've got a big recreational facility and not get the
18 density that's needed to support all of these things. We feel – I'm proud of the
19 development we've come up with and in the two years time that I've been actively doing
20 developments I've learned a lot; from coming before yourselves, the Council, and from
21 Staff to learn to try not to develop subdivisions but to build communities. This
22 subdivision is nearly self-contained with walking trails. The wetlands areas that one of
23 the gentlemen was speaking about – there's 3.154 acres of wetlands delineated and

1 certified. And we're aware of the ponds upstream and we upon doing the engineering
2 for this project, we will address all of those concerns. We've implemented this low-
3 density impact for storm detention. We've got buffers and backyards that cannot be
4 disturbed. The integrity of the subdivisions – we're there for seven years doing it, it's
5 true. But we've got a homeowners association in place that's going to maintain the
6 integrity of that subdivision in perpetuity. We think we've addressed as many of the
7 concerns as reasonably possible. The density of the area supposedly within one-mile
8 radius of the Garners Ferry Road/Lower Richland Boulevard, a circle around that area is
9 where the highest density should be and we're within that circle. We feel like, you
10 know, Staff has certainly been diligent in their efforts to get us to come to the resolve we
11 have. We're very proud of the development. At the last meeting that we had with the
12 homeowners several of the homeowners even congratulated me on putting forth the
13 effort that we had and the difference between the first layout that we had nearly two
14 years ago to the drawings that we have and the plan that we have as a PUD which
15 means that we're locked into this. I mean, we can't change our mind and we plan to
16 come there and make a development that the community hopefully will be proud of and
17 can embrace and something that the rest of the area will build on. Thank you.

18 CHAIRMAN PALMER: We have two letters as well. I will submit those for the
19 Record and they are both - go along with the sentiments that were relayed earlier in
20 opposition to the project.

21 MR. FURGESS: Ms. Britt would like to say something.

22 CHAIRMAN PALMER: Ms. Britt, do you have something that you'd like to add.

1 MS. BRITT: Yes, sir. If I could be recognized, Mr. Chair. I'm Susan Britt and I'm
2 the Neighborhood Planner.

3 CHAIRMAN PALMER: Hold on a minute.

4 MS. BRITT: Thank you. Sorry. I'm Susan Britt. I'm the Neighborhood Planner
5 for Planning Development Services and have worked very closely for over the past 14
6 months or so with the group to develop the Southeast Richland Plan. I do want to say
7 to this group that I think that I have made some friends. There are people that I think
8 that I've gained their respect and I hope you'll continue to give me that respect even if I
9 should say something that would appear to be in opposition to your concern. Okay? I
10 did want to reiterate first, we have heard that over and over no growth east of Lower
11 Richland Boulevard. Last February 2005, the core group that had already been
12 meeting, at that meeting we asked that we redefine the planning area for the Southeast
13 Master Plan. It was unanimously approved to be one mile in each direction from the
14 intersection of Lower Richland Boulevard and Garners Ferry Road. That's north, south,
15 west and east which puts this property in the eastern, northeastern quadrant of that
16 planning area. I did want to just reiterate a couple of things with the Master Plan. The
17 Master Plan for the Southeast Region calls for mixed residential densities. It calls for
18 neighborhood commercial. It calls for interconnected open space and conservation
19 areas. It calls for both pedestrian and vehicular inner-connectivity. It also calls for
20 public amenities, buffers and green space and community properties such as parks and
21 recreation facilities. There have been several conventional rezonings that came up
22 during the process of developing the Southeast Master Plan. At that time we worked
23 very diligently with those applicants in trying to using the one tool that we have available

1 in our current land development code which would allow for the quality development
2 and adhering to the concepts of the Master Plan. Before we have our neighborhood
3 mixed use zoning district in place our suggestion was to use the planned development
4 district. Some of those other conventional rezonings, they went forward as rezonings.
5 Those developers chose not to do that. This particular developer waited, went through
6 all the workshops with us, chose to do a planned development district which directly
7 relates to the concepts of the Master Plan. As a planned development district they will
8 be required to adhere to this, whereas the conventional rezonings are not. The
9 conventional rezonings will be allowed the maximum densities allowed under that
10 district. And I do think there was a little misunderstanding between gross and net
11 density but I won't get into that and try to explain that. But I did want to let you know
12 that the planned development district is the only tool that we have currently to ensure
13 adherence to the Master Plan. As you know being on the Planning Commission, the
14 Southeast Master Plan is only a policy guide. It is not a regulatory document. That is
15 why the first recommendation of the Master Plan was to develop those regulatory
16 documents which we are now calling Neighborhood Mixed Used Zoning Standards. We
17 have entered into a contract with a consultant to develop those standards and are in the
18 process of doing that scope of services at this moment. Until that time we know that,
19 you know, development is going to occur. The one way that we can assure the
20 adherence of this development with our Master Plan is through the planned
21 development district. Thank you.

22 MR. VAN DINE: Ms. Britt, before you – Ms. Britt, before you step away. May I
23 ask you a question?

1 MS. BRITT: Yes, Mr. Van Dine.

2 MR. VAN DINE: The guidelines you have been discussing as far as regulations
3 within this Master Plan.

4 MS. BRITT: Yes, sir.

5 MR. VAN DINE: How would you consider the plan that's been presented to
6 [inaudible] – I know that they're not set to the rough ideas of what you're looking for?

7 MS. BRITT: With the draft scope of services that we have developed for the
8 Neighborhood Mixed Used Zoning Standards this plan would adhere to those.

9 MR. VAN DINE: Thank you.

10 CHAIRMAN PALMER: That is all we have signed up to speak. I'll open the floor
11 to comments from the Commission Members?

12 MR. FURGESS: Mr. Chairman, looking at the information that was given to me
13 for the last month and this month also I think that the plan is good that Mr. Leventis has
14 proposed for the area. I really support what he's planning to put in that area with the
15 new thing. This is a new growth area that we are looking at and what we plan to do
16 throughout Richland County and I agree that we support this effort in the Lower
17 Richland area.

18 CHAIRMAN PALMER: Anyone else?

19 MR. VAN DINE: I've got a couple of comments real quick and then I have a
20 question for Staff. I'm going to ask that question first. There are some issues on page
21 52 of the write-up at we have which reference subdivisions and lots and your comment
22 was, "The language of this section shall be modified to ensure that county code

1 requirements are met.” There’s nothing in the condition that I could find that you have
2 listed referencing any of those items on page 52 or the top of 53.

3 MR. GOSLINE: Well, Mr. Van Dine, we can do it that way. What we – these
4 comments that we – when we go through and look at the proposed deed restrictions or
5 whatever, we look for the items that we’ve addressed here and expect them to make
6 those changes. It’s kind of an advisory thing to the applicant. But it would certainly be
7 appropriate to make that a condition.

8 MR. VAN DINE: I guess I’ve always had a problem with making advisory
9 requests and then not putting them in the conditions that we deal with because if there’s
10 something we want they ought to be in the conditions so that they become a part of
11 whatever is approved as part of this document. If it’s not there they don’t have to do it
12 and we have run into that on a number of occasions in other things. And so if these are
13 things that you feel need to be in there to deal with then I would suggest that those
14 particular parts become conditions to the list that you have provided on 53 and 54. The
15 other two comments that I have relate more to the plan and to some of my thoughts
16 concerning what I’ve been hearing. I hear everybody saying out there for neighbors, I
17 also agree that density on this appears to be high. However, I would caution everybody
18 that you have certain trade-offs come up when you do a PDD or a planned district.
19 Some of those are getting the buffers, getting the open spaces and getting certain other
20 things within a plan which a normal development would not have to provide you. In
21 exchange for that there’s usually a *quid pro quo*. One of those is the developer looks
22 for a little additional density or to be able to cluster houses more in certain areas. So
23 while I certainly understand the problems that you’re having with the density and I think

1 it may even be too high at the number it is right where it is, the fact is there's a lot in the
2 plan that you would not get unless you were to have this type of approach taken. A
3 more important concern I have is with the commercial component of this area at the
4 corner. If I can – I can see that what we're going to have happen is we're going to start
5 to turn the intersection of Lower Richland and Rabbit Run into a commercial node or
6 whatever. And I thought that we were trying to keep it at the larger areas which would
7 have been Garners Ferry and Lower Richland. I don't want to have the commercial
8 start to creep its way down the road as we have done in other areas. I have serious
9 reservations concerning the commercial aspect of this, especially at that intersection of
10 Rabbit Run and Lower Richland. Those are the two areas of concern I have with the
11 plan itself. Otherwise I commend the applicant and everybody he's been working with
12 for developing something and to take into heart a lot of the low impact issues that have
13 been presented as well.

14 CHAIRMAN PALMER: Mr. Manning?

15 MR. MANNING: Mr. Chairman, I agree with what's been said earlier. I am
16 concerned a little bit about the density but there are trade-offs. Buffering is awfully
17 important in this aspect and if you're going to yield approximately five lots to the acre, I
18 would like to see more consideration than 30'. I think you're going to need to do some
19 mass grading and clearing in there. Vegetation on part of that tract is fairly sparse and
20 it's going to be very open I think for quite awhile. There are trade-offs. I like the idea of
21 protecting the wetlands the way you've done it and creating the green space and the
22 amenities to go along with it. So that component of the plan I agree with but I think the
23 density and the buffers are concerning to me.

1 MR. GREEN: Mr. Chairman, you know, one of the issues that we face here and
2 we've heard and discussed I know in the five years I've been on the Planning
3 Commission the issue of what some people like to refer to as sprawl and how we're
4 using up too much of the land in the county for development. And obviously one of the
5 trade-offs we have is if you have 140 acre piece of property that you put 150 houses on,
6 the next 150 houses, you'll need another 150 acres. And the only way that I know of
7 that if we're going to accommodate the growth in the county with the number of
8 households that want to live in the county without going farther and farther out, without
9 putting more stress on rural roads, without spreading the need for community facilities
10 over an even broader area is to permit in appropriate areas higher density, quality
11 development to occur. I would tell you that if I saw a plan and an attention to detail for
12 most of the things that we see consistent with what these folks have provided I would be
13 most pleased. Unfortunately most other people don't come in with this detail. Is it a
14 perfect plan? Probably not. But some of the issues have been pointed out here but I
15 think overall given what we've been trying to accomplish, this plan by and large does
16 that and I would like to place a motion on the floor to send this forward to County
17 Council with a recommendation of approval.

18 MR. FURGESS: I second.

19 CHAIRMAN PALMER: There's a motion and a second. Any comments?

20 MR. VAN DINE: Mr. Chairman, real quick. I am going to vote against the motion
21 but my objection is simply based on the commercial aspect of the plan itself on that
22 road. I don't believe that we should be expanding the commercial into little pockets all
23 the way down the road because if we do we're going to create more problems. So as

1 far as all the rest of the aspects of the plan, while I do have concerns with the density
2 the fact of the matter is commercial is the reason for my voting against the plan itself.

3 CHAIRMAN PALMER: Any - we've closed the public input session. Any other
4 comments from Commission members? We have a motion and a second to send this
5 forward to Council with a recommendation of approval. All those in favor please signify
6 by raising your hand. Those opposed?

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

9 CHAIRMAN PALMER: When is the date this will be going to Council?

10 MS. LINDER: January 24th.

11 CHAIRMAN PALMER: We are simply a recommending Body to County Council
12 and I would recommend that if you have a strong interest in this case that you show up
13 to County Council here in these chambers on January 24th where this case will be heard
14 by them at that time.

15 MR. GOSLINE: Mr. Chairman, as a matter of fact today they're posting all
16 rezonings – anticipated rezonings for the January 24th meeting so you'll see a white sign
17 up which is advertising the time and place for the County Council public hearing. But it
18 will be in this room, the 24th at 7:00 o'clock.

19 CHAIRMAN PALMER: Very good. Thank you. We'll take a quick, five-minute
20 break while people leave the chambers.

21 *[Break]*

22 CHAIRMAN PALMER: Everyone back?

23 MR. FURGESS: All except two.

1 CHAIRMAN PALMER: Let's go ahead and get started.

2 MR. GOSLINE: Mr. Chairman. We have a request from Item Number 05-109,
3 Mamie Hudson and Mary Jacobs. Ms. Jacobs needs to get back home. Her mother is
4 ill and she doesn't want to leave her any longer than necessary so appreciate it if we
5 could move that up to next.

6 CHAIRMAN PALMER: Absolutely.

7 MR. VAN DINE: I'll make a motion we move it forward.

8 MR. GREEN: Second.

9 CHAIRMAN PALMER: All in favor signify by raising your hand. Opposed?

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

12 CHAIRMAN PALMER: Case No. 05-109 MA. Page 39.

13 **CASE 05-109 MA:**

14 MR. GOSLINE: Mr. Chairman, Members, this is a request of Mary Jacobs to
15 rezone a parcel, two acre parcel of property on Farrow Road from GC to RSE for the
16 purpose of constructing a residence. Staff recommends approval. This is kind of an
17 unusual situation to go from GC to residential but this strip of property right in here that
18 you'll - on pages 44 and 45 is all zoned General Commercial. It backs up to the Bose
19 so I suppose that was part of the original argument. Anyway, the Staff recommends
20 approval. Ms. Jacobs is here to answer any questions. I don't know if anybody's
21 signed up.

22 CHAIRMAN PALMER: No one's signed up. Ms. Jacobs?

23 **TESTIMONY OF MARY JACOBS:**

1 MS. JACOBS: Yes, sir. Good afternoon. The purpose of me having or wanting
2 to move up into this area is because my Dad recently died in October and my Mom lives
3 up that area and I'm hoping to build a house closer to her so that – when my Dad died I
4 wasn't able to get to them as quick so I'm hoping to be able to be closer to her and
5 possibly talk her into moving in with us so that she won't be alone. But right now she's
6 being a little bit stubborn so. She's 69 years old and she's set in her ways but I'm
7 hoping to get closer to her so that in the event if anything happens, like right now she's
8 very ill, I can be there.

9 MR. VAN DINE: Mr. Chairman, in light of the fact that no one else has signed up
10 either for or against I would venture to make a motion to send this forward with
11 recommendation of approval.

12 MR. MCBRIDE: Second.

13 CHAIRMAN PALMER: We have a motion and a second. Any other comments?
14 Hearing none, we have a motion and a second to send this forward to Council with a
15 recommendation of approval. All those in favor please signify by raising your hand. All
16 those opposed?

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

18 *Opposed: Palmer; Absent: Lucius]*

19 MR. GOSLINE: I guess we're back to the first one on the agenda.

20 MR. VAN DINE: Ms. Jacobs.

21 MS. JACOBS: Yes, sir.

1 MR. VAN DINE: It will go to County Council on the January 24th meeting. They
2 obviously have the last say in what goes on on these rezoning requests so you'll have
3 to be at the meeting on January 24th.

4 MS. JACOBS: Okay.

5 MR. VAN DINE: When they take it up as well.

6 MARY JACOBS: Okay. Thank you.

7 CHAIRMAN PALMER: Case No. 05-93 MA.

8 **CASE 05-93 MA:**

9 MR. GOSLINE: Mr. Chairman, Members, this is a request by Scott Bolo to
10 rezone 15 acres from RM-HD and RU to PDD on Dreher Shoals Road. This matter
11 came before you months before and the Planning Commission recommended denial at
12 that point in time. Part of the project was an eight-story, multi-family structure. The plan
13 has been revised to take, to cut that structure down to four stories. Staff recommends
14 denial for the – based on the findings of facts on page 4 and 5 of your package. The
15 applicant is here.

16 CHAIRMAN PALMER: Mr. Bolo?

17 **TESTIMONY OF SCOTT BOLO:**

18 MR. BOLO: Ladies and gentlemen, good afternoon. This case has been heard
19 before. It was previously a PDD with an eight-story structure upon it. The applicant is
20 actually Palmetto Shoals, LLC. I'm not the applicant; I'm the engineer representing the
21 applicant. Palmetto Shoals, LLC is a group of family members, namely the Mont's
22 family out of Irmo. This property's been in their family's possession for over 200 years.
23 It's part of the original King's Grant. They've maintained the property as a family

1 property as well as a having a nursery on the property. In the history of their family
2 living there there's been quite a bit of activity on this corridor there and they feel like
3 they've been good neighbors to everybody and kind of waited their turn, if you will.
4 They seek to develop this property and in accordance with creating harmony in the
5 community they have met with the local community members, namely the adjacent
6 property there, the Village. They met with that homeowners association and as well as
7 with the Ballentine-Dutch Fork Association. This PDD was originally submitted under
8 the new guidelines and the Insite Group has had the pleasure of working with the
9 Department on developing this PDD. There have multiple iterations. We've gone back
10 and forth on this thing six or seven different times. Presently we have over 700 hours
11 invested in this planned development community. This community is 15 acres in size. I
12 think it's fair to say that it's been scrutinized very thoroughly. Part of the principles in
13 the edicts that the family has asked me to develop it under is a green consciousness.
14 There's been multiple discussions about low impact design, using or riparian buffers,
15 using grass swells, etc., etc. that we've gone over with Staff. We seek to mitigate any
16 type of offset to the water quality through using a large parcel along Lake Murray. This
17 ought to greatly reduce any of the issues regarding water pollution and runoff that we
18 typically see in developments. I think Mr. Limbaker was very instrumental in helping us
19 put this project together as well as the rest of the good folks on Staff and I think that we
20 would like echo his sentiment which was, he felt like this was a well presented and that
21 it was useful to the citizens of Richland County. At this time I'd like to go over the land
22 plan just briefly as revised. I'm just going to hold this up so everyone can see it. What
23 happened in the plan is originally there was a structure planned for the back of the

1 property. This is Highway 6 up here. And the structure was planned for the central,
2 more towards the back area and, of course, the concern that we heard from everyone
3 was that the visual impact – ya'll may or may not remember we did a visual impact
4 study, would be such that it would be hard to recommend the project. I think the
5 applicants did an admirable job of going back and reassessing what their goals were for
6 the project and then making some compromises along the way. If the visual impact of
7 the structure near the roadway was an issue they elected to move the multi-family
8 component down here onto the lake. By doing that they also achieved the simultaneous
9 goal of limiting the number of parcels that are on the lakefront property. If you'll see
10 here we've got the footprint has been minimized and we've also got a significant size in
11 the parcel that fronts the lake. This will minimized runoff and any potential impacts that
12 could occur there. In the center area we have a single-family lot area where these
13 would all be divided into individual lots and then we have a green or a common area
14 that's used to tie in the different elements between the single-family and the lake usage.
15 In addition we also have a lakefront amenity with a pool and cabana. And the last
16 element of this planned development district is the commercial that's proposed for
17 Highway 6. Now they know that Highway 6 has become very, very busy and an
18 established commercial corridor. By established I mean there are established
19 commercial businesses that are operating there both upstream and downstream from
20 this proposed planned development district. And since these other planned
21 development districts and commercial usage have been built and approved in the area,
22 they are therefore established. We feel like this plan promotes the overall planning for
23 Richland County. We've heard over and over again, let's use low impact design. Let's

1 go ahead and use planned development districts. Let's put in sidewalks. Let's make
2 commercial facilities available to residents that they can use and keep traffic off of the
3 roads. In addition to this project being well planned out it's also in the best interest of
4 the county. We're talking about a lake community that's geared towards active seniors
5 and provides a positive tax base for the county. In summary I guess we'd just like to go
6 back and recap a little bit. This project has a density of approximately 6 1/2 to 6.7 I think
7 is the number that we're seeing used as the density and it's per acre. However, the
8 adjacent property has a density of approximately nine units per acre so we would
9 submit that this is consistent with what is already in place out there.

10 CHAIRMAN PALMER: If you could you wrap it up for us?

11 MR. BOLO: That's it. Thank you.

12 MR. GREEN: I have a question if I could. I'm assuming you can answer for the
13 applicants. And this was over some text portion that I was a little confused by in the
14 submittal. On page six under the merits for rezoning, under residential it says, "The
15 subject – the planned community will offer lake access to active seniors and physically
16 disabled seniors alike. The need for low to no maintenance housing for seniors is
17 increasing due to the demographic composition of our country." Is this going to be a
18 restricted community for seniors? The description makes it sound like it is and I was
19 confused.

20 MR. BOLO: The applicant has indicated to me that their goal is to attract and
21 foster inclusion of seniors in this community but I think it would be illegal to specify that
22 we couldn't allow people to come into this community if they weren't seniors.

1 MR. GREEN: I was just curious. My parents live in a place that you have to be
2 55 years or older to live in and I didn't know whether that kind of –

3 MR. BOLO: No, sir, this -

4 MR. GREEN: I was just confused by – this sounded like it was going to be an
5 exclusive senior's community.

6 MR. BOLO: At this time it's not planned on being exclusive.

7 MR. GREEN: Thank you.

8 CHAIRMAN PALMER: Any other questions? Larry Michael?

9 **TESTIMONY OF LARRY MICHAELIC:**

10 MR. MICHAELIC: Good afternoon. My name is Larry Michaelic. I live at 179
11 Atlas Drive in Leesville, South Carolina. And good afternoon Mr. Chairman, ladies and
12 gentlemen of the Commission. I'm here today on behalf – as the chairman of the Lake
13 Murray Homeowners Coalition, a coalition comprised of over 20 homeowners
14 associations as comprised of 4,400 residents that have specific interests in Lake
15 Murray. I'm here also in support of the Ballentine-Dutch Fork Civic Association, the
16 same association that Mr. Bolo, who supports this project, which vehemently
17 disapproves of this project. Mr. Mike Sloan, the chairman of the Dutch Fork Civic
18 Association couldn't be here so I'm making comments on his behalf as well. Said parcel
19 while adjacent and right on Lake Murray at six point – Mr. Bolo's numbers, 6.5 and 6.7
20 per acre, while the community right next door may be at nine, the 6.5 to 6.7 is still well
21 beyond the guidelines that are established for low-density property or low-density
22 development on Lake Murray. And our entire basis for objection is that even reducing
23 from the original submission of 12 stories to eight stories to four stories, this project is

1 still not in the best interest of the ecological systems or the residents surrounding Lake
2 Murray for which I'm their chairman and I represent. Approving and allowing this project
3 to continue will set a precedent of continued growth and ongoing non-point source
4 pollution for Lake Murray. Non-point source pollution is a significant problem for
5 communities around Lake Murray as we pack more and more high-density projects into
6 a smaller area. Runoff from parking lots, motor oil and other pollutants are a concern to
7 the lake. In fact, so many of these concerns are being addressed or brought up now
8 that the relicensing for the Saluda Hydro project is receiving increasing scrutiny about
9 environmental concerns for Lake Murray. Ladies and gentlemen, Lake Murray is more
10 than a recreation source. If you open your tap at your home tonight chances are you're
11 drinking waters coming from Lake Murray, because Lake Murray is no longer just an
12 aquatic watershed for environmental, excuse me, for recreational activities. Ladies and
13 gentlemen, Lake Murray is your drinking water and projects such as this that are going
14 to continue with uncontrolled development with regard to high density are going to be a
15 concern. So much a concern that the Lexington City Council, Councilman Johnny
16 Jeffcoat, as well as Smoky Davis are leading change in leadership within Lexington
17 County to block and oppose such development. As a member and the chairman of the
18 Lake Murray Homeowners Coalition supporting and representing the 22 homeowners
19 associations that I've been elected to support and the 4,400 residents that I'm also here
20 supporting, we oppose this project based on high-density versus low-density use.
21 Thank you very much.

22 CHAIRMAN PALMER: Mr. Joe Cantwell.

23 **TESTIMONY OF JOE CANTWELL:**

1 MR. CANTWELL: Hi. My name's Joe Cantwell. I live at 119 Derrick Drive in
2 Irmo. I'd like to oppose this said building site because – for some various reasons.
3 One, the land is already zoned RS-1. If we're going to keep changing all the zoning
4 around Lake Murray then we're going to destroy Lake Murray. It's as simple as that.
5 The other problem that I have with this is that the commercial area in the front – yes,
6 there are some commercial areas on 6. There is one that's a Publix grocery store. It
7 has built up right there on that one intersection where the red light's at. That is the only
8 other one until you get into Ballentine. If you look back on road planning for Highway 6,
9 there was a – supposed to be widening. It was supposed to be changed to four lanes
10 all the way through from Lexington all the way along Number 6 to Ballentine. To my
11 knowledge that is not going to occur because the opposition that people didn't want for
12 that to be changed [inaudible] and that was approved and that section of Highway 6 is
13 going to stay two lanes. So that commercial area there would be setting a precedent
14 because there is nothing there within a – almost a mile. The other situation that I'd like
15 to explain is I'm on the board of the Lake Murray-Dutch Fork Civic Association and we
16 have not had this plan presented to us. We had the initial plan, being the 12 stories,
17 and we didn't like that idea because we didn't want a precedent to be set around Lake
18 Murray. I would recommend that you deny this and then let them come back with the
19 people around the area and get their opinion about it, of this new plan and how we can
20 work together with them. Because this family has been in the area for generations upon
21 generations and they're a fine family. And we don't want to stop growth but we want to
22 do smart growth and I think what we're trying to do here is push something through that
23 is going to cause problems in the future, for our future children and our children's

1 children. The other problem that I have with this is is that this 15 acres is a part of a
2 larger tract. I believe it's around 80 acres but don't quote me on that for sure. If we
3 approve this for this 15 acres what's going to be next for the remaining 75 or 60 acres
4 that are there and that is also along [inaudible]. If you look at our comprehensive plan
5 use, you know, our master plan which we paid a lot of money to get done – to have the
6 study done. It shows this area to be low density. It recommends that this area be low
7 density because it's around a lake and because of the highway corridors. So let's keep
8 it that way. That's all I have.

9 CHAIRMAN PALMER: Thank you. There's no one else signed up to speak.

10 MR. BOLO: Can the applicant respond to comments?

11 CHAIRMAN PALMER: Real quick.

12 MR. BOLO: I think the applicant would like to just say a few words. Something
13 that we talked about before we came in here and I guess it goes to the sense of
14 fairness. What would be appropriate here? Now I understand that that area's been
15 developed out and I also understand that there's some commercial there that's been
16 recently approved. For example, Woodley's Nursery right across the street has a
17 commercial component that was just approved under a PDD. The traffic conditions on
18 that road are unfortunate but they're no where near what we saw this morning in terms
19 of Level of Service and that application was approved. These good folks have waited in
20 line, if you will, waited, bided their time. This is a development that they're going to put
21 adjacent to their properties. They actually own the property adjacent to this and they're
22 intending to live there in perpetuity, you know, into the foreseeable future. So this
23 seems to me like it – how can it not be in the interest of the community? They met with

1 the folks at the Village; everyone was fine with it. We met with the Ballentine-Dutch
2 Fork Association folks and they didn't like the structure. Now I'll admit even to me, you
3 know, there's some issues with that. It is something. There's nothing like that out there
4 but I really would submit that these folks have gone to great lengths to be
5 accommodating and flexible and what's there is there. There's commercial there all
6 around it. There's high density all around it. Yes, they own the adjacent parcel, that's
7 true. But they're trying to set a precedent in responsible growth. This is a planned
8 community, highly scrutinized. It's not a large tract. What we're talking about here is
9 asking for an additional 50 units, okay? I mean, that's really what they're asking for.
10 And will that additional 50 units make a huge pile of beans difference? I mean, I think
11 we're saying probably not. Not at all. And we just humbly request that you take these
12 things into consideration, please.

13 CHAIRMAN PALMER: Any comments?

14 MR. VAN DINE: Mr. Chairman, I'll make a few comments. Hopefully, it will
15 stimulate some discussion here. I agree with Staff on this particular matter. I don't think
16 this is an appropriate area to do what is being suggested. Again, as I talked about
17 earlier on the Leventis project, I don't believe this is an area for commercial. I look at
18 the overhead aerial and I see no commercial on that road at all. If there is something
19 planned out there I'm unaware of it. But there is no commercial on that stretch of road.
20 It is a two-lane road. What we are talking about is taking an area which doesn't have a
21 problem and exacerbating what is actually going to be occurring out there to expand a
22 problem to where our road will then become higher and higher. The comment was
23 made that this is less than the project next door. I frankly find the project next door to

1 be way out of line with what's in that area to begin with. And so therefore I don't see
2 that comparing it to something on the other side, which shouldn't be there to begin with,
3 is in reality something that we ought to be looking at. I just don't think this is an
4 appropriate use and I can't support the request.

5 MR. GREEN: Question for Staff. The complex next door is still zoned RU?

6 MR. GOSLINE: Yes, sir.

7 MR. GREEN: Because it pre-existed of the zoning ordinance?

8 MR. GOSLINE: I couldn't answer when it got in there but it's, it is zoned RU and
9 is a legal, non-conforming use.

10 MR. GREEN: I'd have to agree with Mr. Van Dine's comments. You know, if I
11 look at this in the context of the previous case we had, we were looking at a density – a
12 gross residential density on the other tract of under three units an acre when you took
13 into account the open space allocation. In this case our gross density, if you take the
14 commercial out, is almost eight units an acre. I think those are drastically different
15 levels of density in areas that have a, somewhat the same characteristic and I would
16 agree with Mr. Van Dine that I don't think this is an appropriate level of density given the
17 development in that area and I would put forth a motion that we send this forward with a
18 recommendation of denial.

19 MR. VAN DINE: I second it.

20 CHAIRMAN PALMER: We have a motion and second. Any other comments?
21 Hearing none, we have a motion and a second that Case 05-93 MA be sent forward to
22 Council with a recommendation of denial. All those in favor please signify by raising
23 your hand. Those opposed?

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

3 CHAIRMAN PALMER: We'll send this forward to Council with a recommendation
4 of denial. The meeting will be on the 24th and we are a recommending Body to Council.
5 They will have the final say on what occurs with that rezoning. The next case. Case
6 05-103 MA. RU to GC.

7 **CASE 05-103 MA:**

8 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone a 1.6 acre
9 parcel of property right near the Dutch Fork, Broad River Road intersection. If you look
10 at page 19 you'll get a picture of it. This is about the last commercial piece. It is
11 currently surrounded by commercial zoning. The area that's shown in woods to the
12 north of the site, or west of the site actually, was zoned commercial a few years ago and
13 has yet to develop. The matter that was deferred earlier is right at the corner in the
14 triangle. The Fifth District School Board sits right in the triangle. The Department feels
15 this is certainly an appropriate request for rezoning to commercial and Staff
16 recommends approval. Mr. Mack is here to answer any questions you have of the
17 applicant.

18 MR. VAN DINE: Can I ask a real quick question?

19 MR. GOSLINE: Yes, sir.

20 MR. VAN DINE: On 112, 05-112 that was deferred?

21 MR. GOSLINE: Yes, sir.

22 MR. VAN DINE: What was the reason for deferral?

1 MR. GOSLINE: There seems to be some dispute among the different owners
2 about what exactly should be occurring.

3 MR. VAN DINE: Okay.

4 CHAIRMAN PALMER: Mr. Mack.

5 **TESTIMONY OF STAN MACK:**

6 MR. MACK: My name is Stan Mack. I'm with ReMax Real Estate Services. I'm
7 representing the property owner for the rezoning and the reason he's applying for the
8 rezoning is he also owns the adjoining property that he purchased from the South
9 Carolina Department of Transportation about three years ago. It was formerly a vehicle
10 shed for dump trucks or whatever. He bought that and built a duplex office building. He
11 has now purchased this property and wants to continue his development. As you see
12 on your map, all of the property adjoining it and contiguous is zoned general
13 commercial.

14 MR. VAN DINE: Just for clarity sake.

15 MR. GOSLINE: Yes, sir.

16 MR. VAN DINE: Mr. Mack provided you with the proper documentation since he
17 is representing the applicant?

18 MR. GOSLINE: Yes.

19 MR. VAN DINE: Okay. Alright. We had that issue in the past.

20 MR. GOSLINE: Yes, we have.

21 CHAIRMAN PALMER: Richard Chandler?

22 **TESTIMONY OF RICHARD CHANDLER:**

1 MR. CHANDLER: Thank ya'll for hearing me. My request is that be denied. I
2 own the land next to it and when I bought that land there was an elderly lady in her 80s
3 that lived in that house there and to keep the muddy water from muddying up things we
4 gave her an easement across the corner of our property to her house. The original
5 entrance to that property is 100' over in the middle. There's 200' that fronts that
6 highway there. We're at the corner of where 76 and 176 split and there's a lot of traffic
7 in that area. I put up with the people, you know, coming in because it is a deeded
8 easement just on the corner of my property. However, because it's there I cannot lock
9 my property off for people to come in at night and want to steal things. We've had a lot
10 of problems with people trying to turn into our business where people were coming in
11 and out of this particular piece of property. Now the lady has unfortunately passed on
12 and it's a rental property. It's a lot more traffic coming – going in there. It's a mess
13 because that is my entrance. People that exit through my entrance block customers
14 from coming in my place of business and it's caused a lot of problems. That traffic light
15 has not slowed traffic down. It has increased the speed of traffic trying to get through
16 the green light instead of, you know, waiting for the amber and the red light. So I ask
17 that this rezoning be denied until they can make some kind of arrangements to go back
18 to the original entrance that was originally planned and used on that property back
19 many, many years ago because this is going to create more of a hardship on me in
20 getting my customers in and out of my business. We're just a small business. We're
21 not big like these other things you're talking about. But it's a very important issue to us
22 that they would have their own entrance and exit onto that property because I can
23 imagine - now it's just residential renters. If it was a commercial office suite like it is on

1 the other side where this new building is it would be almost impossible for us to conduct
2 business there. And I think you for your consideration.

3 MR. GOSLINE: Mr. Chairman?

4 CHAIRMAN PALMER: Can you give your name and address for the Record,
5 please?

6 MR. CHANDLER: My name's Richard Chandler. It's 10616 Broad River Road.

7 CHAIRMAN PALMER: Thank you.

8 MR. GOSLINE: Mr. Chairman? I think the applicant is confused about the
9 location. What we're talking about is the parcel between the Helping Hands Nursery
10 and the existing small office.

11 MR. CHANDLER: Yes, sir. That's the piece of property.

12 MR. GOSLINE: And there's an easement there?

13 MR. CHANDLER: When we bought the land we really didn't see that until after it
14 was closed but right on the very corner, they come into Helping Hands Nursery.

15 MR. GOSLINE: Right.

16 MR. CHANDLER: They cut across my entrance to go in. There's a road here
17 and there's another entrance road 100' over that's the original road, that the original
18 owners and it's not - Derrick's daughter built that house. Many, many years ago that
19 was the entrance to that lot.

20 MR. GOSLINE: And your property is behind the Helping Hands?

21 MR. CHANDLER: No, it is Helping Hands.

22 MR. GOSLINE: Oh, you're – oh, I'm sorry. Okay. Well the access issues would
23 have to be worked out, of course, in developing the site.

1 MR. CHANDLER: Well that's my reason for being here.

2 MR. GOSLINE: Right.

3 MR. CHANDLER: I would be objecting to anything that would increase or
4 decrease my flow of traffic into my business because it's detrimental.

5 MR. GOSLINE: Right.

6 MR. CHANDLER: You know, the county will put in a free right-of-way paved,
7 asphalted. All they have to do is just tell them where to put it.

8 MR. GOSLINE: Well in the development process – well the access would be
9 addressed and we routinely try to, you know, minimize the number of access points,
10 particularly on Broad River Road because that is highly congested.

11 MR. CHANDLER: Oh, I understand.

12 MR. GOSLINE: It's good for your business but it's highly congested.

13 MR. CHANDLER: Well I understand that that four-lane road is going to stop just
14 short of us and that's going to continue to be a two-lane from about where that old
15 yellow Derrick house is right up to where that stop light is. So that's not going to
16 increase, it's just going to congest more into that two-lane road.

17 MR. GOSLINE: Well there isn't – I don't believe that portion of Broad River's on
18 the long-range plan but even if it is it's at least 10 years away.

19 MR. CHANDLER: You mean – well they're staking it off now where Caedmon
20 Creek comes in –

21 MR. GOSLINE: Right.

1 MR. CHANDLER: - it comes back up that way. So I would respectfully request
2 that ya'll would deny that zoning until they can, you know, get their own entrance to that
3 particular piece of property. Thank you.

4 CHAIRMAN PALMER: Thank you.

5 MR. GREEN: I have a question for Staff. The Staff Report on page 14 says,
6 "The adjacent property to the south is RU." When I look at the zoning map on page 20 I
7 see a property that's surrounded by GC. So is the discussion wrong or is the map
8 wrong? Text wrong or the map wrong?

9 MR. GOSLINE: There are, I think the map is right and the discussion is wrong.
10 There are two, there are several commercial businesses along this portion of Broad
11 River Road, a lot of which don't have the proper zoning. We'll have to go back and
12 verify – you're talking – the two pieces, the two commercial pieces on the south side of
13 Broad River Road next to the larger one. The larger one is clearly GC. That was
14 rezoned not too long ago for Mr. Pickerel. And I'm – we'll have to go back and check
15 our records but I'm not sure. One or the other is wrong but we'll have to verify that on
16 page 20. I think, I think that the text is right and the map is wrong in this particular case
17 but we'll have to verify it one way or the other.

18 MR. MACK: The grooming parlor or whatever that he's talking about is still
19 zoned rural because it was grandfathered.

20 MR. GOSLINE: Right.

21 MR. MACK: If you're looking at the colored map the piece directly next – now the
22 grooming parlor's across the street from this property. Now the piece next to that is
23 where the –

1 MR. GOSLINE: The dance studio?

2 MR. MACK: - moving and storage place is?

3 MR. GOSLINE: No, dance studio.

4 MR. MACK: In the dance – the dance studio's on the part that Harold Pickerel is
5 gonna rezone.

6 MR. GOSLINE: Oh, okay.

7 MR. MACK: So all of the adjoining and contiguous properties are zoned –

8 MR. GOSLINE: That's what I thought.

9 MR. MACK: - general commercial including the Helping Hands Nursery next
10 door.

11 MR. GOSLINE: Thank you for catching that.

12 CHAIRMAN PALMER: Any other comments?

13 MR. MANNING: Mr. Chairman, would making a consideration on this without
14 regard to this easement, I mean, could that have an impact on what we're doing here?

15 MR. GOSLINE: I'm sorry, I didn't hear the question.

16 MR. MANNING: Will the easement – does the easement impact the possibility of
17 being able to –

18 MR. GOSLINE: It would certainly have an impact on the actual development, Mr.
19 Manning, but not the zoning, I wouldn't think.

20 MR. VAN DINE: The only real impact it has in relation to what can go in there
21 now versus what could do in under a GC and how much traffic or whatever would be
22 impacting that easement -

23 MR. GOSLINE: Right.

1 MR. VAN DINE: - across the corner property. So in a backwards sense it would
2 in fact the easement impacts property and the surrounding property owners because of
3 the amount or the type of use that can go in there. But otherwise the easement exists.
4 If it's there, it's there.

5 MR. GOSLINE: I think that what Mr. Chandler's talking about is, if I remember
6 correctly, it's – he has an entrance into the nursery and the nursery sits back off the
7 road and kind of down the hill a little bit. And what apparently some people are doing is
8 coming in there and then cutting along through the back portion of the subject site to get
9 to the property behind it; is that correct, roughly correct?

10 MR. CHANDLER: [Inaudible] Yes [inaudible].

11 MR. GOSLINE: Okay.

12 MR. CHANDLER: My property, my nursery comes all the out to the road .

13 MR. GOSLINE: Right.

14 CHAIRMAN PALMER: Could you come to the podium, please?

15 MR. CHANDLER: It comes all the way out to the road, okay? They cut – it just
16 comes in across - the renter that's there now – when Santa Claus was out on the street
17 at night selling Christmas trees, almost got run over by a truck just shooting right across
18 that, you know, to go to that house back over there. I mean, that's just you know but it's
19 a lot of things but the people are coming in – my people are trying to come out.

20 MR. GOSLINE: Right.

21 MR. CHANDLER: Other people are trying to turn off the highway and come in.
22 Well if there's a truck trying to come out, you know, that's visiting the property or, you

1 know, and that's their right to come and go but it's congestion now bad enough. I'd hate
2 to see if there was four or five businesses located in there.

3 MR. GOSLINE: Mr. Chair? Mr. Chair, if I may? So the people who are behind
4 the subject site are actually cutting across the subject site and not your property or
5 some of both?

6 MR. CHANDLER: This particular piece of property is the home that the elderly
7 lady lived in. She's deceased. Now it's being rented -

8 MR. GOSLINE: Okay

9 MR. CHANDLER: - so the renters are going to that property across my corner.

10 MR. GOSLINE: The renters are on this site and not the one behind it?

11 MR. CHANDLER: Correct.

12 MR. GOSLINE: Okay.

13 MR. CHANDLER: That particular parcel. Our land goes down and comes
14 behind that.

15 MR. GOSLINE: Right.

16 MR. GREEN: Okay. Does an easement exist for them to cross your property?

17 MR. CHANDLER: Well for somehow it does even though that's not the original
18 entrance to the property, because I have it on an aerial.

19 MR. GREEN: It shows the easement on the [inaudible]. Is the easement on the
20 survey?

21 MR. GOSLINE: It is.

22 MR. VAN DINE: I'll make a suggestion if you would, please.

23 CHAIRMAN PALMER: Thank you.

1 MR. VAN DINE: The suggestion would be that Mr. Chandler and the applicant
2 get together to discuss the easement and how to eliminate that particular issue and
3 bring the entrance back into the property where I would assume that they would want an
4 entrance into their property in that area. And I don't know if I'm speaking out of turn but
5 it seems to me a deferral until our next meeting might be in order to allow that particular
6 issue to be resolved so that we have comfort of what's going on here. I'm just
7 [inaudible] suggestion to anybody.

8 MR. MACK: Well like Carl mentioned earlier is zoning has nothing to do with the
9 access to the property. That'll be discussed and determined after the rezoning and they
10 do a development plan. The existing driveway that he's talking about for the easement
11 is what's being used now but when Mr. O'Cain develops the property he will have to put
12 in his own driveway. He will not be able to utilize that easement.

13 MR. VAN DINE: I understand that. It just seems we were spending an awful lot
14 of time up here talking about it and I was trying to find a way to perhaps move the
15 subject forward. If you don't wish to defer it that's fine. Then we can move forward as
16 the Chairman wishes. I'm just a Member.

17 CHAIRMAN PALMER: I personally am looking at a track of land that is
18 surrounded by GC. While the easement does come into, into my thought process, I
19 look at this track of land as a rezoning and that is a development issue. What's before
20 us now is a rezoning. I'm in favor of it – of the rezoning. However, I would open it back
21 up to comment from the Planning Commission

22 MR. VAN DINE: I agree with you. I don't have a problem with the rezoning of it
23 in particular. I have a little concern that we're, you know, sort of getting off into some of

1 the other issues but I would caution everybody that based on some of the rules changes
2 that we have had put in place for the Planning Commission there are a lot of things that
3 we don't see anymore that we may not agree with and therefore this is an important
4 step to take and we shouldn't be just passing things off into later in other areas. Having
5 said that, however, I'll make a motion with the recommendation of approval with a
6 suggestion that the applicant and Mr. Chandler get together to discuss the specifics of
7 this easement.

8 MR. MANNING: Second.

9 CHAIRMAN PALMER: We have a motion and a second by Mr. Manning. Any
10 other comment? Hearing none, we have a motion and second to send this forward to
11 Council with a recommendation of approval of Case No. 05-103 MA. All those in favor
12 please signify by raising your hand. Those opposed?

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

15 CHAIRMAN PALMER: Send this forward to Council with a recommendation of
16 approval. Next on our agenda is Case 05-108 MA. Gregg Douglas RU to PDD.

17 **CASE 05-108 MA:**

18 MR. GOSLINE: Mr. Chairman, Members, this is a petition by Gregg Douglas to
19 rezone 67 acres from RU to PDD. If you will recall this is part an existing development
20 called Summer Pines Subdivision out off of Wilson Boulevard and Marthan Road area.
21 The applicant came before you a year or so ago or less than that with Phase IV which
22 was a smaller portion than this property for rezoning and the Commission
23 recommended approval. When it got to the County Council, the County Council sent

1 the applicant back to do a PDD. That's why he's before you. The Staff recommends
2 denial based on the findings of facts on page 28 and 29. Mr. Douglas is here. I don't
3 know if anybody is signed up in opposition.

4 MR. GREEN: I have a question for Staff.

5 MR. GOSLINE: Yes, sir.

6 MR. GREEN: Is this – I mean, based on what you're saying in your Staff Report
7 is that it's not a complete application, and I'm just trying to determine whether it's a
8 complete application. We've had this conversation before that we review complete
9 applications and rely on Staff to tell us whether the application's complete. Is this a
10 completed – just reading the Staff Report it suggests that this is not a complete
11 application.

12 MS. ALMEIDA: Not that it's not a complete application; the number of copies
13 and the fees and applications were all submitted. When Staff reviews the text the
14 substance of what's in the documents, that's where the deficiencies come in. Certain
15 things were not addressed or were not –

16 MR. GREEN: Would that make it an incomplete application if they didn't address
17 things that are required by the code?

18 MS. ALMEIDA: Well not that they didn't address what was required by the code.
19 They may not have gone into depth of what they needed to review and to flush out in
20 their traffic management plan or –

21 MR. GREEN: Does Staff view this as a complete responsive application based
22 on the Land Development Code is what I'm trying to get to?

1 MR. GOSLINE: The application was complete. Our objection to it, as Anna said,
2 is I think we've spelled out fairly well on pages 26 and 27, it's not – they did, the box got
3 checked that they submitted what they were supposed to submit. The Department
4 takes the position that you expect us to do a real evaluation of the submission and
5 make our comments based on that evaluation and that's what we've done primarily on
6 pages 26 and 27.

7 MR. GREEN: Thank you.

8 CHAIRMAN PALMER: So just to clarify in my mind because I read in the same
9 thing that Mr. Green did that it was incomplete. However, he has met all of the
10 requirements of our code.

11 MR. GOSLINE: All the submission requirements.

12 CHAIRMAN PALMER: But you want more to be submitted than our code
13 requires.

14 MR. GOSLINE: No. No. That's not true, Mr. Chairman. The Department's
15 position is that there's a checklist, right?

16 CHAIRMAN PALMER: Right.

17 MR. GOSLINE: There are certain things they have to do. Okay. We check them
18 off that they've done it and that constitutes a submission, adequate submission. That
19 does not mean that what gets submitted – the evaluation of the submission does its job.
20 And I think that the - see I don't know how to say this. You've seen two other PDD
21 submissions at this meeting and their vast array of differences in the submission
22 required - in the submission documents.

1 MR. VAN DINE: Perhaps the best way to describe it is if you look at the page
2 that you're looking at right there which is our – what we were attempting to get rid of in
3 the submission of these PDDs were the bubble diagrams that you have on [inaudible]
4 but page 10 would be this diagram for everybody's purposes. As I read the code they
5 were supposed to actually do layouts; streets, sidewalks and all of the other things that
6 were necessary in those areas. This would not comply with that requirement. So it's
7 there but it doesn't meet all the details. So it's not asking for more than they were
8 required. The actual box that said that did you provide this? Yeah, it's provided, it's just
9 insufficient. So I don't think that they're asking for more than what is being required of
10 the code. They're asking for details to be met which have not been met in the
11 application process. Whether that makes that an incomplete application or not I guess
12 is really a discussion or a question.

13 CHAIRMAN PALMER: My problem comes in that when a developer looks at our
14 code they design their packages to us based on that code not based on other issues.
15 And if we expect more from the development community we need to put it in the code
16 rather than putting something in there. They meet those requirements and then it's
17 handed down that the Staff recommends denial because what they have submitted isn't
18 what they want when the code is what we give them to submit by. For example, I see
19 here that the GDP does not depict any sign locations. I look at the same – the general
20 development plan and I see sign locations right here. I see the streets. I see what's
21 required in our code. If we want more than that we need to put it in the code, in my
22 opinion.

1 MR. VAN DINE: And I will respectfully disagree. I don't find this to be a
2 document that meets the requirements of a PDD which lays out what people are
3 supposed to be doing. We've had - this is a discussion that we have had for a long time
4 concerning what is to be presented. The answer we always get is well we don't want to
5 do this until the property's rezoned because it costs money. If you're under a PDD or
6 the old PUD you are required to present things because that's what you're going to be
7 held to. We can't hold you to anything [inaudible]. There isn't anything to be held to.

8 CHAIRMAN PALMER: Then we need to change the code.

9 MR. VAN DINE: I think we already have through the lists and the requirements
10 that have been put into existence. The code required certain things to be developed by
11 the Planning Staff and that people were supposed to go back to the planning staff to
12 look at them. They have done that. That's what, that is what is missing and what is
13 incomplete in these things is what the code has allowed the Staff to develop. So it's not
14 - you can't just look at the code. You've got to look at what the code requires you to go
15 to. The code requires you to go to the things that the Planning Staff has developed.
16 The Planning Staff has developed something that says this is insufficient. Those are
17 the things that, in my opinion, make this an insufficient presentation to us. I can't tell
18 you what - if somebody were to do something in relation to this I can't tell you if they
19 met it or didn't.

20 CHAIRMAN PALMER: Is there a document available to the development
21 community where you can say, in conjunction with our code that has been passed by
22 Council and has been made the development rules for this county; is there an additional
23 document that goes along with that?

1 MR. GOSLINE: Mr. Chairman, I think that the issue here or one of the issues
2 here in this regard has to do with, in particular the general development plan on page 37
3 and the difference in the level of detail. I think we had, last month or maybe the month
4 before Mr. Green brought up this issue about showing lot layouts and building locations
5 and that sort of thing and the code could be interpreted that way. We've had just today
6 two other submissions, one of which did lay out lots and buildings and set backs and
7 building elevations and all kinds of stuff and one that did not. We've counseled – when
8 we have the pre-apps we try to tell the applicants that they're going to need to do
9 details. As you very well point out, they're reluctant to do that. They know what the lot
10 yield needs to be but they don't know exactly where every house is going to go. I guess
11 the issue with - particularly the issue with this one I think we need to set back a little bit.
12 This is a sub - continuation of an existing subdivision that's been going on for some
13 time. The ultimate product is going to be the same thing. The question is how to get
14 there. The property could, you know, could – conventional zoning could have been
15 applied and open space provisions applied and end up with the same product,
16 essentially the same product that the PDD will generate.

17 CHAIRMAN PALMER: Which this Body unanimously has been forwarding to
18 Council with a recommendation of approval -

19 MR. GOSLINE: Yeah. Now it wasn't for whole --

20 CHAIRMAN PALMER: Right.

21 MR. GOSLINE: There were additional parcels added to that but yes. I mean,
22 you all have regularly over the last three years approved pieces of Summer -

23 CHAIRMAN PALMER: Right.

1 MR. GOSLINE: - as conventional development. It's - we all, I mean, the
2 applicant's trying to get to the same thing and he's trying to figure out how to get there.
3 The discussion that ya'll are having about PDD and what, and the details and all that is
4 certainly appropriate. We're kind of struggling to find the level of detail to advise
5 applicants and so we're trying to get something between bubble diagrams that Mr. Van
6 Dine says don't tell you anything. I might argue about that but that's ya'll's position.
7 And the other's going to lot layouts.

8 MS. ALMEIDA: But to add to Mr. Gosline's comment and to answer your
9 comment Mr. Palmer, we do have a detailed list of general standards and details that
10 need to be in this PDD.

11 CHAIRMAN PALMER: Mr. Manning?

12 MR. MANNING: I think everybody's confused. Staff's struggling; we're
13 struggling, the applicant's here, I think he's struggling. He's been before us basically
14 once before and we unanimously approved him. He was told to come back with a PUD.
15 He comes back with a PUD and although the bubble diagram is an issue that we need
16 to resolve one way or the other, there's other issues in here that are said to be deficient
17 and I'm not sure exactly why. For instance, the Chairman brought up the sign location
18 and we have that designated, but the wetland issue. I know that we have got to
19 demonstrate in a PUD that they're not being encroached upon. If they are, a mitigation
20 plan for that. But a delineation has been done by a surveyor. And in that regard we
21 have to rely on a survey to say this is it and if it's not then somebody other than us is
22 going to have to deal with the consequences. So I feel like to have a condition or
23 regard this application as deficient because he does not have at this point Corp

1 approval then many projects that come before us that don't have Corp approval, which
2 takes sometimes nine months. So I think going back to the, kind of the root of the
3 problem we do have a code and we do have a checklist and all I want to do is make
4 sure that those two marry up and that the people who have to go by the rules every day
5 understand them and there's not confusion. Because we've seen applications come
6 before us that one goes one way and another one goes another way and, you know,
7 they all have different circumstances. But it is confusing and it needs to be clarified I
8 think.

9 MR. GOSLINE: Mr. Chairman, I think that another aspect of this is we said
10 earlier is that on page 26 and 27 the Department, with the exception of the sign thing
11 and that's a mistake on our part, but the rest of them identify what we think is – we think
12 it's important that they not just put something in the application that says this is a
13 general development plan. But we evaluate it and we think that some of these other
14 issues that we've tried to talk about, for example, on page 27, the note page 5 says and
15 these things that are underlined are parts that come out of the detail list, Mr. Manning,
16 that, you know what, where is the analysis of potential impact – effects of water and
17 sewer [inaudible] blah, blah, blah, blah. The document says what we quote. We have
18 not found there are any offsite impact. Well that's apparently not true. There's got to be
19 some. And you go further down and the GD, it says that water and sewer, public,
20 Columbia water and sewer is going to be provided. Well that's – it's certainly their
21 service area but maybe we should start getting letters of availability from the utility
22 providers so that – those are the kinds of things that we're trying to identify for you on
23 pages 26 and 27. I don't, I don't think any of us and I'll not speak for ya'll but certainly

1 the Department understands the ultimate product and we're just trying to figure out how
2 to get there. Not that anybody has any problem with the ultimate product of a
3 subdivision in this location. So that's kind of where we are, at least the way I look at it.

4 CHAIRMAN PALMER: Mr. Van Dine.

5 MR. VAN DINE: I've got a couple of things real quick. First is we have to
6 consider these documents that are submitted as, in essence, legal documents. They're
7 binding documents. They're submitted under request. Under a legal document,
8 conclusory statements are worthless and need to be supported in evidence to support
9 whatever you're making as an conclusory statement. There are no, there's back up
10 evidence on these than the conclusory statements are by legal [inaudible] have to be
11 rejected as being non[inaudible]. The second thing is I don't think anybody has a
12 problem with the concept of what is going in out there. We voted last time to send it
13 forward under a straight rezoning. It came back to us under the PDD. In order to make
14 sure that we're complying with the requirements of the PDD we need to make sure that
15 whatever is required to submit the PDD is what is before us and it is complete in the
16 detail that is requested of the PDD. So I'm not sure that we're arguing about, as you
17 said, the end result. It's the steps that under a PDD there has to be a document that's
18 enforceable as to what is going to be there and I think what's being said is this
19 document right now is not in the condition that can be enforced with any surety as to
20 what's being enforced. Is that basically what's being said?

21 MR. GOSLINE: Mr. Chairman? Mr. Van Dine, would not the ordinance that
22 ultimately - in the case of PDD that ultimately gets adopted and has numerous

1 conditions in it, would that not suffice as an enforcement mechanism rather than the
2 applicant's application document?

3 MR. VAN DINE: The application itself is, becomes a component and a
4 supporting document to the ordinance that is [inaudible].

5 MR. GOSLINE: Certainly.

6 MR. VAN DINE: And if there is a deficiency in what is provided the deficiency is
7 not cured by the adoption of the ordinance. It may be ignored or it may be subjected
8 out of the particular document. That's the concern I have is that if that's an ordinance
9 that doesn't meet the requirements by passing the ordinance you could very easily have
10 said – to have said that particular requirement no longer exists in relation to this
11 particular ordinance or this particular request and so therefore they need not comply
12 with any of those documents or any of those things. And I'm trying to make sure that
13 we have what we're supposed to have before we go forward and get something before
14 Council or anything else.

15 CHAIRMAN PALMER: Well from what I'm hearing this application includes
16 everything that our ordinance calls for; is that correct?

17 MR. GOSLINE: Let's make, the words are very important. They submitted a
18 document that you go down through the checklist and addressed all the, substantially all
19 of the issues in the checklist. However, the Department's objection is not the lack of
20 submitting something for Block A, it's that what was submitted for Block A was – what's
21 the word -

22 MR. VAN DINE: It met your requirement.

1 MR. GOSLINE: It met the requirement but didn't go far, go far enough in terms
2 of detail to get assurance about the thought process that went in.

3 CHAIRMAN PALMER: Okay. I think we just have a difference of opinion.

4 MR. GOSLINE: I think so.

5 MR. MANNING: Just a clarification. Howard, what you're saying is that if a letter
6 came from the City of Columbia that said utilities are available at the site and you're
7 saying that becomes a part of the Record. Surveyor does the same thing in wetlands
8 delineation and later that changes, the City of Columbia can come back after that
9 letter's written and say, you know, we no longer have capacity to serve this project and
10 the project's going to have to stop or the -

11 MR. GOSLINE: Right.

12 MR. MANNING: - the Corps comes in and says we don't agree with your
13 delineation and you're going to have to adjust your delineation accordingly. It's a
14 moving target until you get the [inaudible] down on the ground. I don't know that you
15 can guarantee any of those things in the ordinance.

16 MR. VAN DINE: You are guaranteeing the state of the information that you have
17 at the time the ordinance is put in. If the City of Columbia comes back and changes its
18 water line then the facts in which that particular issue has been established have
19 changed. You're going to have to modify that. Assuming nothing changes as you're
20 going forward the documents submitted is what has to be followed. And again I want to
21 make sure we understand. We're not talking about whether or not this ought to be a
22 subdivision or not. We're talking about whether or not proper detail provided in the
23 document to allow for enforcement down the road. If you have modifications on outside

1 sources that you can't do anything about that's something that changes for everybody.
2 But what the Planning Staff needs to be able to do is to take the document and assure
3 that what is being constructed meets what was being proposed and what was presented
4 and adopted. And the – while the boxes are checked it sounds to me like the specific
5 details that are required to justify what's in the box has not been provided and therein is
6 the issue of whether or not they have sufficiently provided the detail that's required. We
7 can certainly disagree on whether or not they provided the details in everybody's minds.
8 That in essence is the framework from which you have to -

9 MR. MANNING: I guess one other comment - and I agree with you on that - is
10 that give the applicant's back and forth going through this process once on a straight
11 subdivision and coming back as a PUD, and then the timeframe that we're dealing with
12 now regarding applications on PDD it would seem to me that the Staff and the applicant
13 should be able to work those kind of deficiencies out if it's a text situation without getting
14 – having this debate. I mean, we've got months of a review process between him
15 coming in to see Staff, meeting with DRT, coming back submitting a PUD, a PDD plan.
16 There needs to be some dialogue making sure that all this is done before we get to this
17 point, or either it doesn't get to this point. Whatever those requirements are, if they're
18 not met then it doesn't come forward.

19 MR. FURGESS: Carl, excuse me. This [inaudible] County Council sent this
20 back you all?

21 MR. GOSLINE: Yes. It went – ya'll, I think the Staff Report specifies about six
22 months or so ago recommended approval of Phase, essentially Phase IV of Summer

1 Pines for conventional zoning. It went to the County Council. County Council then sent
2 it or told the applicant to come back and do a PDD.

3 MR. FURGESS: Okay.

4 MR. GOSLINE: But I think -

5 MR. FURGESS: County Council didn't state why they wanted a PDD?

6 MR. GOSLINE: I wasn't at the meeting but they typically don't. Mr. Chairman, I
7 think, you know, somehow we've got to get from ya'll specific direction about this detail
8 issue because when we're trying - what you want us to cull out, so to speak, depends
9 on those details. I was just sitting here trying to think about the ones we've had in the
10 past. I think probably only two or three; one, two, maybe three PUDs we've had in the
11 last year or so would come close to meeting the details that one can interpret the code
12 to require. So we need to have some discussions with ya'll about how to resolve that.
13 Some workshop or something.

14 MR. GREEN: What's important to me is that we treat people the same -

15 MR. GOSLINE: Right.

16 MR. GREEN: - that come in. That it's clear what the expectations of them are.
17 And I'm - I guess I still get confused why either it's not - it doesn't seem to be continuity
18 and consistency and different people. I'm not saying you knowingly are able to submit a
19 different standard of application for us to consider. It's - I mean, it says in the code,
20 page 57, under "Planned Submittal for Major Land Development Review" which the
21 PDD falls within, "That the application shall be filed with the Planning Department on a
22 form provided by the Department, it shall be accompanied by the required number of
23 site plans. The application of plan shall include all information requested by the

1 Department.” Now it seems to me that when something comes to us the Planning
2 Department is saying that those stipulations have been met therefore it’s appropriate
3 now to be considered by the Planning Commission. And I’m not talking about – I hate
4 that we’ve delayed these folks here for the, for their hearing but if it comes before us, it’s
5 got to be our assumption that the application is complete because we only review
6 complete applications.

7 MS. ALMEIDA: As of July of the new Land Development Code, the PDD has
8 been changed – I mean, has been modified significantly from the PUD. It is a document
9 that is very detailed and I think Staff believes that County Council, when they’ve
10 required this gentleman to come back as a PDD, didn’t realize the magnitude of what
11 they were requesting at the time. As you’ve seen before you today, a PDD is an in-
12 depth analysis of existing, the existing environment and what you’re proposing and how
13 that’s going to marry together. Unfortunately, this document did not go into that type of
14 detail and Staff really, and I believe I’m going to speak for Carl at this point, doesn’t
15 believe that the applicant should have to go into that kind of detail for what they’re
16 proposing.

17 MR. MCBRIDE: Why did they not approve it – recommend it for approval?

18 MS. ALMEIDA: Well because we have to go by what our details of our PDD, our
19 standards are and again as Mr. Green just pointed out if we start lowering what we’re
20 requiring others to submit, what are we doing? We’re not being consistent. The two
21 submissions you’ve seen before were submitted in great detail of what we’re expecting
22 and what the detail sheet requires. This application, Staff felt it would be onerous to
23 require such detail because it is the last phase of a multi-phased subdivision. It really

1 shouldn't be before you as a PDD. But did they meet all of the boxes? Yes. They
2 superficially touched upon them and they did answer some of the questions, yes.

3 MR. MCBRIDE: Was the applicant ever told that they did not meet all the
4 requirements on the PDD?

5 MS. ALMEIDA: Again, they met the requirements but not the analysis.

6 MR. GOSLINE: Not the quality. The quantity was met but not the quality. That's
7 one of the issues. But certainly the level of detail is one we've talked about before and
8 that's something we need to come to clarify. But there are two issues when we, in here
9 – one did they have everything they were supposed to do? And that's when they, if they
10 have everything, check the boxes. They submitted everything then we schedule it.
11 Now that doesn't mean that what they submitted is thoughtful or complete or those kind
12 – we believe that you still expect us to go say okay he said, he said it's green but no, it
13 isn't, it's red and so on. That's – so there's two issues here and I think that what we've
14 said on pages 26 and 27 is yeah, they submitted the requirements but, you know.

15 MR. VAN DINE: Mr. Chairman, I'd like to make a suggestion to see if we can
16 move us forward and hear from the applicant and the people who have signed up on
17 this particular matter and see if we can come to a resolution on this issue. We can have
18 this discussion probably for the next three days and not come to a resolution.

19 CHAIRMAN PALMER: Will the – Mr. Kenneth Simmons.

20 **TESTIMONY OF KENNETH SIMMONS:**

21 MR. SIMMONS: Mr. Chairman, ladies and gentlemen of the Council, my name is
22 Kenneth Simmons. I am a landscape architect. I'm representing the developer. I'm the
23 author of this document and I share the frustrations that ya'll do and if you would allow

1 me, please to go through this process, I hope you'll have a little bit better understanding
2 of where we the people that have to draft these documents are coming from. First of all
3 let me say that many of ya'll that have been on the Commission have seen me. I've
4 prepared many, many PUDs. I think all of ya'll have approved every one that we've
5 ever submitted. It isn't like this is my first, first time out of the gate. Well although as
6 Staff said and you'll see in a minute that we have worked with Staff, there is a lack of
7 understanding of exactly what is wanted. And I understand that a 14 acre PUD is
8 different than a 400 acre PUD. So different PUDs require different levels of
9 understanding. But I do think it is important that you understand today that we, that I
10 drafted this PUD for my clients not in a complete box. I just want to quickly go over. On
11 October the 4th we requested from Staff clarification on the traffic impact study. On
12 October the 20th we requested copies of the previous comments from the previous
13 Planning Commission and the Council on this particular project so we could incorporate
14 it in the PDD. On October the 24th we got a letter from Dan Creed, our professional
15 engineer who was a professional engineer [inaudible] the water and sewer on Phases I,
16 II and III to certify that water and sewer was available. I'll provide that to you in a
17 minute. On October the 26th I emailed the Planning Staff requesting a clarification on
18 how to state the existing zoning uses and the proposed zoning uses which is one of
19 your requirements. On October the 25th at 10:00 a.m. I had a PDD meeting with Geo
20 Price. So this was not done in a void. On October 31st we submitted the 35 copies of
21 the PDD. What is interesting that ya'll probably don't know is on November the 10th I
22 received a letter from the Planning Staff that basically stated that our application was
23 complete but in order to make it better they suggested that we do four items, four things

1 which we did do. The first item was to change the zoning list which again we had asked
2 clarification for. We didn't do it properly. I think we modified it to meet their standards.
3 Number two was to omit the covenants and restrictions stating that they didn't need 35
4 copies of it but it was in our book which we did. They only needed one copy of that.
5 The next item was to eliminate the engineer's letter that states that water and sewer's
6 available. I'll give you a copy of that in a minute. And the fourth was to eliminate the
7 entire traffic analysis since we could not get a clear clarification on exactly what the
8 traffic impact study [inaudible] was required. My client paid \$5,000 for a detailed traffic
9 study [inaudible]. Let me just show you that this is the book that we submitted and this
10 is the book that you have that there was substantial information omitted. So we did
11 provide more information than you have. We were asked to eliminate it. On December
12 the 20th we did get the letter, which I think ya'll have in your documents, that stated we
13 are deficient in some items. And I would like to take the time to go over those item by
14 item and explain where we're coming from and we really don't think this document is
15 deficient. If you look on the general development plan it says we do not show parks.
16 We do say that they are [inaudible]. We show the open space; granted we do not show
17 the two half acre parks but we state that there will be two half acre parks there. We do
18 show, although it is schematically, streets, open space. We do not show sidewalks but
19 if you go back to your code, Section 27-100 it refers to section, I believe it is Section 26-
20 187 which states, "Sidewalks must be part of a PDD if it is approved." So if the code
21 states that a sidewalk must be there as part of the overall code, we did not feel that you
22 literally had to show where every sidewalk is going to be in the PUD. So I'm sorry we
23 just did not know how you wanted to interpret that. Since the code is very specific we

1 didn't feel like it had to be addressed. If – now if you look at the top of what I have,
2 page five of my comments which states the proposed sign locations. Obviously, the
3 sign locations you've already talked about that. Then if you go on down and talk about
4 the site analysis we do have two pages of graphic site analysis in there. Item seven on
5 page two of your general development checklist, and I'll be glad to pass it around,
6 states that a map be provided to show the site analysis. In addition to that you'll find
7 written in the portion where we talk about the vegetation, we talk about the soil types,
8 we talk about the characteristic soil types, we talk about the slope of the soil site. If that,
9 again if that is not sufficient then we just need a clarification of how much detail you
10 want to go into. You're right, there's a statement that says that we did not demonstrate
11 any real understanding of the storm management plans. In the past detailed storm
12 management plans or facilities required for this project – in the past that's been a
13 requirement of the conceptual subdivision design plan. Normally when you get – you
14 don't require storm drainage calculations to get a zoning request. Going on down – on
15 another project that we did the comments came back was the Corps of Engineers
16 certification was required for the subdivision development plan. Now it appears that
17 you're requesting the Corps of Engineers certification for the PUD. If that's so then we
18 don't have any problem with it but we need to know. That adds another nine months to
19 a process. And I'm quickly trying to hit some of these. It appears it was stated that we
20 did not properly address the water and sewer. Here's the letter that was originally
21 included in our original package. There's also a comment about the turn lanes on the
22 highway. As I stated we had an original \$5,000 study, traffic study in our proposal.
23 There is reference of turn lanes required. Since ya'll do not have the entire study, I got

1 the designer of that study to give you a letter. That letter clearly states that no turn
2 lanes are required based on his study. I think it's self-explanatory. You asked the
3 question of why did this be sent back. Because Councilman McEachern requested that
4 it come back. We met with Councilman McEachern twice. Once right after it was sent
5 back. He said that since it was Phase IV and V of an existing subdivision he thought
6 the county should look at the project in its totality. We don't have any problem with that.
7 We prepared this document; we met with Councilman McEachern. Since we prepared
8 the document in detail he has given me authority to say that he is 100% behind this
9 PDD. He supports it and he will support it when it comes to Council. And just bear with
10 me one second, please. You have a long agenda and I'm trying to be as quickly as
11 possible. And one final statement. As we have a meeting, I think it's next Tuesday
12 night with Killian Community Association to present the documents – plan. If there's
13 any questions. I know I've covered a lot of information but I have everything that I
14 stated documented if anyone would like to see it.

15 CHAIRMAN PALMER: Thank you, Mr. Simmons. Any questions for Mr.
16 Simmons? Thank you. We have two additional signed up to speak. Mr. Glenn Hood.

17 **TESTIMONY OF GLENN HOOD:**

18 MR. HOOD: My name is Glenn Hood. I live at 9948 Wilson Boulevard. I'm part
19 of the "Northeast Is Being Strangled By New Growth". We have six subdivisions not
20 counting Summer Pines that have been approved within a two mile area from my
21 house. And the main things that I want to talk about basically is the high traffic rate. In
22 the mornings and in the afternoons traffic is very similar to say Trenholm Road. It's
23 difficult to get out on the highway and I just shudder to think about more people being

1 funneled out right next door to my house. I live on the property adjacent to where the
2 Summer Pines exit is going to be on Wilson Boulevard. We've been there 30 years and
3 I just shudder to think that we're going to have on that lot next door to me 21 houses on
4 about four acres of property and an entrance right out on Wilson Boulevard. The next
5 thing is the impact on the schools. Blythewood High School was just completed this
6 past year; just opened up and already it's at capacity. But yet we have six other
7 subdivisions that are going to be funneling children into that school. I just don't know
8 how much more density we can take in Blythewood. The last thing that I wanted to
9 touch on was in the Summer Pines area on the first three phases they have very low
10 density and I've ridden in the subdivision and I think it's a nice looking subdivision on
11 the first phase. But by the time it gets up to Phase IV by my house we're having right at
12 five homes per acre. And I know they can't be the size homes that were originally on
13 the first phase and the second phase of that subdivision. Those are my main objections
14 to approving this. Thank you very much.

15 CHAIRMAN PALMER: Mr. Paul Beattie.

16 **TESTIMONY OF PAUL BEATTIE:**

17 MR. BEATTIE: My name is Paul Beattie. I live at 10013 Wilson Boulevard
18 across from Mr. Hood. My property is approximately 200' from a portion of this property
19 up on Wilson Boulevard. I would first like to mention and say that the signs identifying
20 that there was going to be this hearing tonight have been up approximately only 10% of
21 the time from the time they were originally put up. And that's one factor, and secondly if
22 they are put back up and this does get deferred which I would be hopeful that it would,
23 give the public a chance. There was no notice out there that was there steady. Now it

1 was – wind's been blowing, it's Christmas holidays; I can understand that. But my
2 concern is that the public needs to have an opportunity. Now there's been
3 approximately 2,400 new units put, built or scheduled to be built within a mile, a mile
4 and a quarter of this same piece of property. That's 7,000 people that will be coming in.
5 There will need to be bus service out there. You're going to need to extend your bus
6 service out there to accommodate those folks. You're talking about properties where
7 you've got four and five units per acre. You're talking about a \$100-130,000 properties,
8 low interest rates. A lot of people can reach that. That's good but it's just too much
9 concentration in that particular area which is approximately a mile, mile and a quarter
10 from 77 on Highway 21. There's been mention of half-acre parks, 145' by 145'. I'm
11 sure you're aware of that but I would like for you to maybe focus on that a little bit.
12 There's been comments about the Level of Service as far as the highways are
13 concerned. That certainly needs to be looked at very closely. At any rate there's been
14 a tremendous number of new units approved out there. You got Beasley Creek,
15 Stonington, Hawkins Creek, Wrenn Creek, others, but probably the most significant one
16 is 900 living units on one hundred acres of land – a tad less than 100 acres of land on
17 the Walter Taylor project which starts at the intersection of Marthan and Highway 21
18 and goes toward 77. There's approximately 67 acres there that the density is identified
19 as 5.5. There's approximately 32 acres that the density is identified as 16. This
20 obviously is multi-family units but you have an average there of 9.0 units per acre. I
21 think that first of all you ought to give the public a chance and they'll show if you give
22 them a chance to come back and talk to you folks. Thank you.

23 CHAIRMAN PALMER: Okay. That's all that signed up to speak? Yes, sir?

TESTIMONY OF FRANKLIN FLEMING:

1 MR. FLEMING: I'm Franklin Fleming. I live right off Marthan on Newholt Drive.
2
3 I'm familiar with the area. I'm familiar with what happened up in Blythewood School and
4 over at Ridgeville School in the afternoons. If you have to go through there in the
5 afternoon to take your kids to school or pick them up. I'm familiar with leaving from
6 downtown this afternoon and going back up Blythewood way - 555, 21, off 77. Now
7 what I'm just interested in knowing – I heard part of it. When they put all these houses
8 back in there it's right behind me – John and me. It's just like Mr. [inaudible] and the
9 other folks. Now these people are going to have to come out from back in there on
10 Marthan Road, hit 21 or either get to 555 to go where they're going. If they don't come
11 out on, if they don't come out on Marthan Road, they'll have to come out the North Pine
12 Road. They're going to have to hit 21 or either come back to 77 or 555 to go where
13 they're going. Now, these people here are blocked in and they're blocking us in. I don't
14 have no concern about people building their houses over there but they put all these
15 houses in there and block traffic so people can't hardly get out to go to work and go to
16 school. It's the mad, mad in the morning and in the afternoon to try to get where you're
17 going. And they did all that just like on 555 when they built the school over there.
18 Those people put all those power lines and stuff up there then they let them build all the
19 schools where the same – with two-lane road and the traffic about backed up three and
20 four miles to get to the school. You put all this stuff here you're supposed to think about
21 how people going to get in and out. Turkey Farm Road just like all around you just
22 stack little houses, we're stacking little houses and they just do anything to get you
23 people there and half of them is nail up and move out because the people can't make

1 the note. So I'm just concerned about how are these people going to get out from back
2 in there. I may not can get out neither. They're going to block me in. Thank you.

3 CHAIRMAN PALMER: Mr. Gosline?

4 MR. GOSLINE: Mr. Chairman, I need to feel compelled to respond to some of
5 the comments been made. One about the notice – the problem with signs is obvious.
6 We put them up and we take a picture to show they were put up but five minutes later it
7 could rain or blow or whatever and the Department certainly can't be running out there
8 every couple of days putting signs back up. We also give notice to the adjacent
9 property owners every time. And the idea, of course, here is for them to tell other
10 people, spread the word, everybody get notice. Furthermore it's also advertised in the
11 paper usually on a Sunday in the Sunday newspaper because that's the way it works
12 out. So that there is adequate notice. We have done that. Wanted to get back to a
13 couple of the things that Mr. Simmons brought up. One about the traffic management
14 plan. When we met with Mr. Simmons as he says, several times and what we
15 suggested to him were some changes to the application that we thought would improve
16 it. When they - in the past when these applications come in they'll have the homeowner
17 draft homeowners documents. Well we don't need 35 sets of those because you guys
18 aren't interested in that. We put one in the file. So we made that suggestion. The
19 issue about the letter from the City of Columbia, what we said, what we said was that
20 we don't necessarily need the letter in there and to put some statement in the text
21 somewhere that says the same thing. In regard to the traffic management plan, I want
22 to quote you from letter that we sent to actually Greg Douglas since he was the
23 applicant on November 10th. It says, "Appendix F, Traffic Analysis." The traffic analysis

1 prepared by the Dennis Corporation is by far the most complete and best presented
2 one received by the Department. However, the document for circulation to the Planning
3 Commission and County Council need only include the six-page letter from the Dennis
4 Corporation.” In essence the executive summary. You don’t need to see 150 page
5 submission that has all the calculations, all the counts and all that sort of stuff. Now
6 we’ll be glad to give it to you if you’d like some more detail. The Department only needs
7 one copy of the whole study and so on. So we were trying to pare down to what we
8 really need to get and again this is all part of the detail thing. Let’s see. The other thing
9 – the original submission had a several page list of permitted land uses in various
10 zoning categories which had really nothing to do with the PDD. So we suggested they
11 eliminate that. I think that’s –

12 CHAIRMAN PALMER: But the original submission addressed paragraph E of
13 your findings, analysis of potential impacts of water and sewer availability, but you were
14 not satisfied with the impact of schools, police, fire [inaudible]. I have a question. How
15 – who do you go to get an analysis of noise, light and glare?

16 MR. GOSLINE: I don’t have an answer for that. That’s part of the problem with
17 some of the direction, some of the direction in the code. I mean, that’s – noise, light,
18 glare is probably not high on the list but certainly storm water management, certainly –

19 MR. GREEN: Carl, would it be fair to say it’s not what’s in the code, it’s what’s in
20 the checklist? Because there’s -

21 MR. GOSLINE: That’s correct.

22 MR. GREEN: - nothing included about glare, noise –

23 MS. ALMEIDA: That’s right.

1 MR. GOSLINE: That's correct.

2 MS. ALMEDIA: And understand these checklists are also for commercial
3 properties. So if you have a PDD that happens to have a commercial component to it
4 the glare, noise does play into it.

5 MR. GOSLINE: And listen, let me, if I might. In the case that we're talking about,
6 page five. What we did was take the language out of the checklist and say, water,
7 sewer available, schools, police, fire, blah, blah, blah, blah, blah. Certainly we're not
8 going to, you know, if they had – if there had been more discussion about water and
9 sewer, schools, police, you know, the effect on schools, flood protection, the fire actually
10 is kind of covered because they have now three entrances to this project where
11 currently they only had one. It wouldn't – we wouldn't have been quite so picky. What
12 we trying to – we're just – it's all a question of detail and trying to raise the bar of the
13 submissions that you get so that they'll get more like what you all, what we think you all
14 want to make a decision. And so our problem is if an applicant submits a PDD and he
15 or she meets the checklist, they've done everything. Certainly we would think that you
16 would want some qualitative analysis to what they have submitted. Some, at least our –
17 at least our recommendation or our judgment of that, the details of the particular issue.
18 You know, we've talked about the wetlands submissions and, you know, do you want
19 the Corps letter before he comes in, probably not. But it's those kinds of details that
20 we're struggling with all of us and as Mr. Simmons says it's frustrating for everybody.

21 MR. VAN DINE: Could I ask you a question about setbacks? In the documents
22 we were provided they had certain setbacks for the side lots, for distances between
23 buildings. What is the normal setback requirement under our various provisions? What

1 I'm looking at talks about minimum setbacks are four foot on one side with a minimum
2 of 10 – it says 10'[inaudible].

3 MR. GOSLINE: What page are you on? Mr. VanDine, where are you?

4 MR. VAN DINE: I'm in their submission and I don't have a page on it. It's after
5 Appendix A. Try about 12 pages in. The top of it says, "RU Permitted Use, and then
6 "PDD Permitted Use." You're too far. You're too far. Twelve pages from the front. It's
7 two pages after the bubble diagram.

8 MR. GREEN: The current code, Howard, provides for a front yard setback of 25'
9 and a rear yard of 20. And side yard is –

10 MS. ALMEIDA: Combined 13?

11 MR. GREEN: Let me find it. That's somewhere else.

12 MR. GOSLINE: I think Mr. Green's answered. In PUD's or course.

13 MR. VAN DINE: What's the side yard?

14 MR. GREEN: Side yard in LD is 16 total, five minimum. In MD it's 13 total, four
15 minimum.

16 MR. VAN DINE: How about -

17 MR. GREEN: In HD it's 12 and four.

18 MR. VAN DINE: So in essence we're shortening the setback of these because it
19 says 10 and four and the minimum side and front are 20' setbacks.

20 MR. GOSLINE: Yeah. But in a PUD -

21 MR. VAN DINE: I understand. I'm just trying to get a range of what's going on.
22 But they have to have a minimum on both sides of 10'. Is that their property must have
23 a total of 10' or is it 10' between buildings? How do you measure the 10'?

1 MS. GOSLINE: In typical single-family, detached development that's what the
2 zoning - it's to the property line.

3 MR. VAN DINE: It says side – setback side or side set back total of 10' both
4 sides with a minimum of four foot on one side.

5 CHAIRMAN PALMER: [inaudible]

6 MR. VAN DINE: Right.

7 MR. GOSLINE: Right.

8 MR. VAN DINE: But could the house next door have four and six so you only
9 have eight feet between the?

10 MS. ALMEIDA: Um-hum (affirmative). Yes.

11 MR. VAN DINE: Is there a problem with fire or anything else for those codes in
12 those areas?

13 MR. GOSLINE: Well –

14 MR. VAN DINE: I mean, I know you've got zero lot lines on all the rest of it.

15 MR. GOSLINE: Right.

16 MR VAN DINE: But you have certain requirements that go in for certain building
17 types?

18 MR. GOSLINE: The building code requires if you're less than six feet.

19 MR. DONNY PHIPPS: [inaudible] zero to three feet would require one hour
20 separation.

21 MR. GOSLINE: Firewall.

22 MR. PHIPPS: [inaudible] three foot separation. If you've got six foot flush
23 between buildings you meet the code with no construction of one-hour rating.

1 MR. VAN DINE: Okay. Mr. Chairman, I'd like to make a motion we send this
2 forward with a recommendation of approval. Considering all of the things that have
3 gone on to get this particular thing to this point and all of the issues and the fact that we
4 did send it forward last time unanimously with a recommendation of approval for a
5 straight zoning change, I don't see any purpose in not following through with what was
6 suggested before and I would therefore make the motion we send it forward with a
7 recommendation of approval.

8 MR. MCBRIDE: I second that.

9 CHAIRMAN PALMER: We have a motion and second. Any other comments?

10 MR. GOSLINE: Who was the seconder?

11 CHAIRMAN PALMER: I think Mr. McBride was.

12 MR. GOSLINE: New people can make motions and second things can't they?

13 MR. VAN DINE: I'm sure they will.

14 CHAIRMAN PALMER: Any other discussion? Hearing none. We have a motion
15 and a second to send this forward to Council with a recommendation of approval. All
16 those in favor please signify by raising your hand. Those opposed?

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

18 *Absent: Lucius]*

19 CHAIRMAN PALMER: Send this forward to Council, Case No. 05-108 MA to
20 Council with a recommendation of approval.

21 MR. VAN DINE: Mr. Gosline, I would like at some point in time to see if we as a
22 group can sit down and go over this and make sure we're getting what we all think we
23 should be getting presented.

1 CHAIRMAN PALMER: I would like to make the recommendation that we send,
2 that if possible Staff would email each of us a checklist that Mr. Green mentioned was in
3 the code that you guys check off as ya'll's internal document. If you'd email that to us –

4 MS. ALMEIDA: And that is available to the public.

5 CHAIRMAN PALMER: - and that we would perhaps add that to our agenda for
6 some preliminary discussion.

7 MS. ALMEIDA: Yes.

8 MR. GREEN: Is that consistent with the general provisions and checklists with
9 the general details.

10 MS. ALMEIDA: Correct.

11 MR. GREEN: That were in Summer Pines' application?

12 MS. ALMEIDA: Correct.

13 MR. GREEN: You see we have that in [inaudible]. Page two and three of this
14 are the two sets of lists.

15 MS. ALMEIDA: Yes.

16 MR. GREEN: Pages two and three of your book.

17 MS. ALMEIDA: Plus there's a detail list now for a traffic management plan.

18 MR. VAN DINE: I think you need to send it separately from this though.

19 MS. ALMEIDA: That's fine.

20 MR. GOSLINE: Mr. Chairman, I think it would helpful if sometime next week we
21 have a workshop with you guys or whoever can make it about this issue of the detail.
22 And the reason I say next week is because we've got a PUD coming up for February so.

1 CHAIRMAN PALMER: Let's move that to the end of the agenda under Other
2 Business so we can get it out of the way. Next case, Case No 05-113 MA. Mr. Cotty.

3 **CASE 05-113 MA:**

4 MR. GOSLINE: Mr. Chairman, Members, this is a request by Mr. Cotty on behalf
5 of 15 or so property owners along Spears Creek Church Road to rezone a property from
6 RU and RM-HD to RC. The Department recommends that the change not be made for
7 the reasons provided in page 78, 79 and 80. The issue here is how it boils down to –
8 this strip of road is going to create, have some real – has the potential for some real
9 problems for the county in the sense that it's one of the roads that's on the long-range
10 list, one of the few that's on the long-range list for improvement if we ever get any
11 money. The geometry of these lots is such that it's going to be difficult to do just about
12 any kind of commercial on it. I think one of the important issues here is we have I guess
13 actually 11 different property owners on 15 parcels for 16 acres, something like that.
14 Anyway it's spelled out in here. So the issue is, you know, how, what would be
15 acceptable development to occur along this stretch of the road? There's - in the Staff
16 Report there's tons of commercial within a mile or two already in the ground, going in
17 the ground. More is planned and so on. So the Department – one of the biggest issues
18 from our side is access management, of course, and so that's why we came down on
19 the side of recommended against this particular rezoning. Mr. Cotty and Mr.
20 Richardson here represent the applicants. I don't know if there's anybody else signed
21 up or not.

22 CHAIRMAN PALMER: Mr. Cotty?

23 **TESTIMONY OF REPRESENTATIVE BILL COTTY:**

1 MR. COTTY: Mr. Chairman, Members of the Commission, it's just myself and
2 Mr. Richardson here with me today. Cecil Brazell who's one of the owners. Also I have
3 with me George Delk, who is one of the owners [inaudible] three of the parcels. There's
4 12 different owners of the 15. Some eight months ago we made an application for
5 seven and we did that under the old code just about eight months ago and at that time
6 Mr. Rhett Jacobs who lived across the street from those seven had some questions and
7 such and we just voluntarily before the meeting even began and other cases that came
8 up, we went ahead and withdrew it at that time to talk with him. And after that we met
9 and set down with Mr. Jacobs and went through what he wanted to see prohibited and
10 restrictions and that type of thing and we had planned to have some type of covenants
11 and restrictions. At that time we had an offer on one of those lots and had been told
12 that company which happened to be [inaudible] that that wasn't our primary thing. We
13 were looking at consistency and continuity in that whole stretch but not as far as down
14 the entire node, down to Green Parish. At any rate after talking with Mr. Jacobs then
15 we went ahead and asked other people if they were interested. Mr. Delk was and we
16 asked for a meeting with the Staff. So we met with the Staff before making application
17 again and set down with Ms. Almeida and also Mr. Gosline and we looked at the code,
18 the new code that you had passed and we looked at that and because of the 15
19 different ownerships and different sizes of the lots, a PUD would have been absolutely
20 prohibitive with that number of people involved and what I'm saying is it's a very
21 different thing between what one lot would do and many of these lots can't do anything
22 by themselves. And behind this is a – in my opinion, a terrible trailer park that has
23 major problems. Major problem about sewage and is under the gun with DHEC to do

1 something about it. And it backs up to a parcel on Two Notch, a very large parcel that
2 Mr. Jacobs owns and is commercially zoned. We have commercial zoning on both
3 ends of this. Greenhill Parish has commercial. I think some 50 to 100 acres there at
4 the entrance of it. And that's where Jacobs' drive is across the street. And then all the
5 way down to Two Notch where Spears Creek comes in which is just a three, two and
6 half, three block distance down there in which these lots are located in. Then Mr.
7 Jacobs and others, Carl Brazell, the builder and others have commercial zoning already
8 under C-3 as well as the corner. And so when we looked up with Staff and we looked at
9 what the definition was as set out in the new ordinance and we looked at what rural
10 commercial was, this jumped at everybody before we even got in that meeting. It said,
11 "Rural commercial is a flexible district allowing a mixture of uses in order to
12 accommodate commercial and service activities oriented primarily to serving the needs
13 of persons who live in nearby areas. The RC district is proposed to be within or
14 adjacent to residential neighborhoods where large commercial uses are inappropriate
15 but where small neighborhood oriented businesses are useful and desired. The district
16 is further designed to be located at or near intersections of arterial and/or major
17 collector roads so as to prevent the spreading of commercial use down major corridors
18 or into the surrounding countryside." We thought this is exactly what we had. Nothing
19 in our entire meeting said different. No one on Staff told us different. But they did
20 suggest that we get more people so that you didn't have to come back and revisit this
21 and that we look on that entire node all the way down to Greenhill Parish that we look at
22 every owner. We then went about and spent considerable number of weeks and time
23 contacting every owner both that lived here locally as well as one in Atlanta and

1 elsewhere to see if they would agree not only to going in to the zoning request but to the
2 restrictions and such that we would impose. And I realize that you can't do that through
3 the RU but what I would do for my clients even is in writing have all 15 clients sign,
4 irrevocably to impose these condition upon and you can't do a condition zoning, I
5 understand that. These are things that we agreed to. We don't want any adult
6 businesses. We don't want any zippy marts or convenience stores. We don't want any
7 sales of vehicles, anything like that would have large lighting and that type of thing. We
8 don't want any car washes and such. We don't want any liquor stores. We don't want
9 any drive-through fast food restaurants. We would allow family restaurants to include
10 wine and beer where – in other words like an Applebee, something to that nature we
11 would allow. We would restrict access. That is we would go from 15 direct access
12 which by law they all have a right to access right now on Spears Creek down to under
13 10 - to nine or less. We would restrict architecturally. We would have – we want some
14 continuity and consistency as to the exterior of the buildings. We would more than
15 double what the setback is under this zoning. Why? Because number one we know
16 that road ultimately will be widened. Number two, it's a certain look that we're wanting.
17 We're thinking that every owner will be benefited and the value of their land would be
18 benefited through a mutual restriction and [inaudible]. We would restrict on signage
19 more so than just what the county does. We want a consistency of the design and how
20 it looks all the way through that whole strip coming down. On those two side roads,
21 those parcels which are in the Delk family and by the way Mr. Delk lives right behind all
22 this. His family's all in there. In that area we would take the access off of Two Notch.
23 Excuse me, off of Spears Creek. We would have it on a side road which is what would

1 be preferable. It'd be safer that way. So that's how we drew it and we submitted it.
2 Last week when we finally got – we got no request for any additional information. When
3 we got back the report I looked and I don't know, of course, what you're pages are
4 because what we get does not give us corresponding pages with your report. But I will
5 [inaudible] where it says, "Adjacent parcel compatibility due to lack of any stated of
6 justification for the map amendment, the proposed amendment cannot be considered
7 compatible." Well first of all no one told us we were supposed to any more. There's not
8 a place in your application. This was a good discussion I heard you having about what
9 is in – this is important as it is in my opinion that and I don't think it's wrong that some of
10 us only come down here once a year or once every five years or that lay people come
11 down with no one representing them. I think that's fine and I know there are a group of
12 people that do nothing but this. But equally important to you and Staff being on line of
13 detail in my opinion is for the public and world to be on line of what does this ordinance
14 and the law require so that we can bring it and put it in the initial. At any rate when I go
15 to the next page it says, "Therefore without a limited, narrow list of permitted uses." We
16 talked about if not all, almost every one of the things I've just said to you that we would
17 not allow with Staff there. We were not asked to submit that. I will be glad to submit it.
18 I know it's not a required part. I'm not saying you're saying it is. Before it ever went to
19 Council I would get it in writing, signed, irrevocable that it can't be taken back if the
20 zoning is granted. And let Mr. Jacobs look at it too. I know Mr. Stroud who's an
21 outstanding architect is here and let him look at it too. Mr. Lee who has a major
22 investment down in Greenhill Parish, I know he's interested in it too. But every one of
23 our 15 owners, every one of them – by the way these are people from an 80-year-old

1 retired minister to a boy that is a second year at Clemson who owns one of these lots.
2 This is a real variety of people. As we looked at it, this node, this node if it is anything, it
3 is not residential. We have one house that is one of the applicant's here that's been on
4 the market with Dianne Nevitt who's a very well-known realtor here in the Columbia
5 area in residential for more than two years. Not a single offer. Nobody wants to live
6 there. That is the nature of the location. It is at or near, it is next door. I mean, it's two
7 lots from the intersection of Two Notch Road. That's where it begins and it ends right
8 where the Greenhill Parish entrance and Jacobs Drive is together. It is what would be
9 appropriate – I might say to you not in criticism but having watched that long process
10 that you went through, we need something between what is required by this detail and
11 specificity PUD that you have now and what we're getting under the normal application.
12 We need something in between there. We do and we need the ordinance to reflect it.
13 The access I think is very important. We can't say which lot will join with which lot
14 because we're going to have buyers in my opinion who will want a bigger piece of
15 property and most likely and our whole intent is to give an impetus for the sale of the
16 mobile home park to a higher and better use. They need access onto Spears Creek.
17 They most likely will not have it onto Two Notch. We will buy into everything that I've
18 said. I'll be glad to answer any questions that you might have.

19 MR. MANNING: Mr. Cotty, you mentioned that the RC designation was the
20 preferable zoning classification. Can you –

21 MR. COTTY: It knocked off almost half of the things that my clients wanted to
22 eliminate anyway and my clients were not looking at a big development. I think the
23 limitation is a max of 20,000 square feet of space inside. My clients know that in all

1 likelihood, two or three of these lots will sell with the piece behind it or two or three lots
2 along side each other. But it did what my clients wanted to except what we would
3 impose by the restrictive covenants.

4 MR. MANNING: And the Staff concurred at that time that the RC district was an
5 appropriate district?

6 MR. COTTY: Mr. Manning, respectfully, everything we heard in that meeting was
7 that we were on target, exactly where we ought to be. Now, they asked us if we'd like to
8 do a PUD. We said PUD? When you've got 15 different owners with some lots less
9 than an acre, it makes no sense. Plus what would you get from the specificity of that
10 PUD that you would not get under this? But what would we provide you? Now, would
11 you have an ability to approve within this those restrictive covenants, yes, yes.

12 MR. MANNING: Well I think –

13 MR. COTTY: But we'd still say, for example, a maximum number of ingress,
14 egresses like I'd say nine. Nine from 15.

15 MR. MANNING: Well, you know, going back to the RC district I think it discusses
16 isolated agriculture and rural residential districts which obviously this is an urban area
17 so I was wondering how we got to a rural zoning in an urban area.

18 MR. COTTY: But when you read the description, Mr. Manning, respectfully
19 under 26-95, when you get down into it, that's what I read at the very beginning of my
20 presentation. It's what we're talking about. Now I realize it hadn't been used yet but
21 this is the law that we passed, the ordinance that the County adopted. And I'm trying to
22 go by that, you know.

23 CHAIRMAN PALMER: Any other questions for Mr. Cotty?

1 MR. COTTY: Thank you.

2 CHAIRMAN PALMER: Mr. George Lee?

3 **TESTIMONY OF GEORGE LEE:**

4 MR. LEE: Good afternoon, ladies and gentlemen. I'm George Lee and I'm a
5 partner in a 66 acre parcel on Two Notch Road. It's basically all the commercial
6 property that was part of the original Greenhill Parish PUD. And my main concern –
7 well there are several concerns and I'll just go through them in order very quickly. If you
8 look at Two Notch Road from the intersection of Two Notch Road and Spears Creek all
9 the way back to I-20 at Spears Creek you currently have the following property already
10 zoned commercial. You have Rhett Jacobs' parcel which is at the intersection of
11 Spears Creek and Two Notch which is 71 acres. You have Woodcreek Farms which
12 has approximately 140 acres within their PUD designated as commercial. You have
13 Spears Creek at I-20 which is a piece of Harold Pickerel's, it's been involved in the old
14 plant property that's been redeveloped which is approximately 50 acres. And then we
15 have 66 acres which is under a PUD designation. Now we don't have a definitive plan
16 to develop it yet but what I can tell you is we've met with Staff on three or four occasions
17 with our vision for this. I think Greenhill Parish is one of the first developments out there
18 that came in right as Town and Country was being talked about and was done with the
19 interconnectivity and everything. So it's our plan to follow along with that. So you have
20 320 acres of commercially zoned property basically in a three-mile stretch now between
21 Two Notch Road and I-20 and Spears Creek. Spears Creek, you know, there's been no
22 traffic impact study which I think should be a minimum requirement. I think that Spears
23 Creek is suffering traffic congestion now. I know that for a fact because I have two

1 children at Ben Lippen and I made the mistake on several occasions of trying to come
2 back to Two Notch on Spears Creek. Any time I-20 is quicker at 7:30, 8:00 o'clock in
3 the morning you know you've got traffic issues on Spears Creek. Another issue that I
4 have is really that there's no definitive plan for cohesive development here. I mean, I
5 understand that Mr. Cotty's saying all of this will be done prior to it going to Planning
6 Commission. My opinion on this, being a commercial developer and a multi-family
7 developer in a number of states. is that these are things, design guidelines,
8 ingress/egress points, landscaping issues, buffers should all be addressed on the front
9 end. No one contacted us regarding this rezoning request. I don't know why that was
10 but we were just not contacted. And also if you look at the character of Spears Creek
11 Road really it is primarily a residential once you get away from the intersection of Two
12 Notch Road. There is no commercial at the entrance to Greenhill Parish off of Spears
13 Creek. It is all in a PUD, tightly controlled development up on the front which will be
14 developed at some point. You know, the ingress and egress, cutting it from 15 curb
15 cuts to 11, that sounds good in theory but what you need to look at now is you have
16 residential zoning classification which generates far fewer trips per day [inaudible] then
17 any type of commercial zoning whether it be residential, I mean, rural commercial or just
18 general C-3 which I think there's some ingress and egress issues and traffic concerns.
19 And also I would ask that the Commission, that we all learn from the past and realize
20 that strip rezoning without a definitive plan really, it's inconsistent with good
21 development. I understand about the deed restrictions but I'm an attorney by training
22 and the problem with deed restrictions is someone has to enforce them. You don't have
23 the power to enforce them and so if someone does choose to violate a restriction one of

1 these owners who has sold the property will be forced to go back and litigate it and with
2 the cost of litigation I just don't know that that would happen. And so those are basically
3 our concerns. At this point we're opposed to it based on those grounds.

4 CHAIRMAN PALMER: Thank you. Joseph Richardson?

5 **TESTIMONY OF JOSEPH RICHARDSON:**

6 MR. RICHARDSON: My name's Joseph Richardson. I'm with the law firm of
7 Cotty and Jonas and also represent the landowners here asking for rezoning today. I
8 wanted to address specifically your concerns. I think Mr. Manning you were asking
9 about the actual text of 26-95, the description of RC zoning, and there's actually, there's
10 two groups of properties it envisions covering clearly in the text. The second group
11 says, "RC district is proposed to be within or adjacent to residential neighborhoods
12 where large commercial uses are inappropriate but where small neighborhood oriented
13 businesses are useful." And off, of course, off of Spears Creek Road on either side is
14 going to develop and already has developed largely as residential use. So I think but
15 what ended up happening from what Mr. Gosline told me there was a lot of discussion
16 about the RC district during the time that it was created, when the Comprehensive Land
17 Use Plan was being updated. That district may have started out as one – having one
18 meaning which maybe what you're referring to, the rural agricultural properties. I think
19 it's clear from the text that other things got added to that. I believe that's very beneficial
20 to the county. There's no need to have, for instance, general commercial, the
21 properties that are already zoned general commercial on Spears Creek Church Road
22 have no need to be general commercial. There does not need to be a Wal-Mart or any
23 extremely large square footage commercial uses fronting on Spears Creek Road. RC

1 limits that. RC also limits any noxious uses or particularly offensive uses some of which
2 are allowed in general commercial. So it's really a convenient zoning designation I
3 think. Whether it was on purpose or just happened kind of by chance that zoning
4 designation being added to the code is very beneficial. It will be the first properties if I'm
5 not mistaken that are asking for RC zoning. I believe, you know, we're on the – at the
6 cutting edge of this basically. RC was created specifically for places just like this. To
7 address some of the things Mr. Lee said. You know, the old plant property is down at
8 the Interstate. That's clearly a separate area. We're defining the area that we're
9 applying in here as between Greenhills Parish and Two Notch Road. That's between
10 two major nodes. This is going to be traffic that's primarily the residential from Spears
11 Creek Road getting to Two Notch to get whatever services, commercial services they
12 desire to purchase there. Anything can prevent spilling onto Two Notch Road by having
13 some neighborhood friendly uses next to the actual neighborhoods on Spears Creek
14 Church Road will be more helpful to traffic out there than it will be hurtful. Also, you
15 know, right now I believe one of objections from the Planning Department is that there's
16 been some residential designation given to this a long-term [inaudible]. You know,
17 having these pieces of property fronting all on Spears Creek Church Road and
18 completely surrounded by other commercial and the trailer park and being high traffic
19 does not breed residential development. That is going to make it impossible. People
20 are going to move out of there and leave those properties sitting especially if they can't
21 sell as Mr. Cotty pointed out. There's one lady that's been trying to do that pretty hard.
22 I'll conclude my remarks just by saying this is completely appropriate. It's completely

1 within the intent, plain meaning of the words in the RC zoning statute and ask that you
2 approve it. Thank you.

3 CHAIRMAN PALMER: Jeff Stroud?

4 **TESTIMONY OF JEFF STROUD:**

5 MR. STROUD: My name is Jeff Stroud. I'm an architect for Woodcreek Farms
6 Development. It's a 2,300 acre PUD along Spears Creek Road. I'm going to reiterate a
7 few of the things that George said but we – speaking for the development - are opposed
8 to the zoning at this time based on basically three things. Number one, the traffic input
9 impact, increased traffic count, ingress and egress of vehicles on Spears Creek Church
10 Road as a result of rezoning. A complete, we feel a complete traffic impact study needs
11 to be done before zoning is changed. There are no comprehensive master planning
12 defining building types, setbacks, designs, landscape, landscape buffered area issued.
13 Number three, we already have 320 acres already zoned commercial on Spears Creek
14 Church Road. Before you consider a rezoning change I would recommend a
15 comprehensive master plan be prepared for review addressing these issues before any
16 zoning requests [inaudible]. Thank you.

17 CHAIRMAN PALMER: George Delk?

18 **TESTIMONY OF GEORGE DELK:**

19 MR. DELK: I'm George Delk. I live at 141 Sandy Haven Drive right there where
20 this is going in. My family's owned a lot of that property there for a long time. The
21 property on Spears Creek Church Road can't be used for housing [inaudible] because
22 of the traffic that's out there. It can only be used for some type of [inaudible]
23 commercial. That's why we were trying to do the neighborhood commercial that we

1 could get something nice in there that would be beside my house versus something that
2 we wouldn't like to have there. There is traffic there. They're also putting a stoplight at
3 the entrance of Woodcreek Farms and Earth Road. Also one of the reasons think that
4 someone, Mr. Lee maybe not want the approval of it is because then we would be
5 possibly taking people that might want to come into his neighborhood or his
6 development that would be out there on the road. We're trying to cut down on the traffic
7 with the driveways. He said 11. We think there's going to be seven to nine versus the
8 11 that he was talking about. But I've been there 48 years; my whole life. My family still
9 lives there, my Dad, his brothers and sisters still live there and we was wanting to
10 protect ourselves. That's why we wanted to do the development to be sure we could
11 get what we wanted in the area. Thank you.

12 CHAIRMAN PALMER: Mr. Jacobs?

13 **TESTIMONY OF RHETT JACOBS:**

14 MR. JACOBS: Thank you, Mr. Chairman and ladies and gentlemen. The reason
15 what – there's a couple things. It's what I don't particular like about it. The one thing I
16 sat idly by about five or six years ago and let them rezone the lot right by my house
17 commercial, within 100' of my house. And now it's got a big sign up, "Coming Soon
18 Minute Saver Car Wash" or something like that. I don't know what they're gonna put on
19 it. But I live at 125 Spears Creek Church Road. If you look at this right here like this -
20 my house is right – I'm sitting straight across in front of all this. I live right here. This is
21 commercial, this'll be commercial. It's not that I'm against commercial. I mean, I can
22 live with it if it's the right thing. But you take 16 acres, this many people and zone it
23 commercial you – it's going wind up as trouble somewhere down the road. I'd rather

1 see if they're going to do it and I can say, I can live with a lot of things commercial but
2 it's a lot of things I don't want to have to live with. And I don't want to have to live with
3 something like Jack in the Box, what's going to pop up in front of my house tomorrow.
4 Now I've been there 37 years and plan to be there until the end. It's not that I'm going
5 to move out and leave but I don't see how they could have, how you could do that and
6 zone just the whole 16 acres commercial. It's like a whole street. And what I really
7 think, if it was coming up way I – if it's going to be done the way I'd like to see it done go
8 commercial, is come up on individual basis and let the man sell [inaudible] zoned
9 commercial and let him tell what he's going to do with it, not just spring something on
10 you. He get commercial, you get far commercial you don't know what's going to happen
11 there. And like I say, I'm not against commercial, I can live with it, live with some of it
12 but there's a lot of it I can't live with and I'd ask you probably the way I see it right now I
13 think it should be, I think it should be zoned individually on each one. Thank you, sir.

14 CHAIRMAN PALMER: There's no one else signed up to speak. Any Members
15 of the Commission have any input?

16 MR. MANNING: I've got a couple comments. First, on 05, 06 and 07 the area
17 behind that is multi-family and the original concept on some of the Greenhill Parish PUD
18 was to step the zoning classifications down away from the commercial, C-3 at that time
19 out on Two Notch. So you're going to have multi-family potentially behind the
20 commercial there. Also, from the standpoint of permitted uses, GC allows 203
21 individual uses. RC disallows about 40 of those. Most of those are residential in nature
22 or manufacturing industrial uses that are allowed in the GC code. I'm not opposed to
23 development and obviously that's the way I make my living except Monday once a

1 month. If there was some systematic approach to this that define the curb cuts, step the
2 zoning back to restrict the uses, I wouldn't be opposed to it but given the fact that it is
3 wide open and any individual parcel could be sold off with disregard to the next parcel I
4 would have to oppose it.

5 MR. VAN DINE: Mr. Chairman, to reiterate some of the things I have said earlier,
6 I think this is further stripping out one of the things we have talked about and not
7 allowing to happen. I don't think letting commercial come further and further down this
8 particular stretch of road is to the advantage of anybody in that area. It is my
9 understanding that we have done some rezonings in that area in the past and in
10 essence had said they had gotten far enough away from the intersection at Spears
11 Creek Church and Two Notch. I just, I just don't want us to create some of the
12 problems we created in other areas. And I think this particular area should not be
13 rezoned at least not in mass as it's been requested here. Having said that I would
14 present a motion to send this forward with a recommendation of denial.

15 CHAIRMAN PALMER: Second?

16 MR. FURGESS: Second.

17 CHAIRMAN PALMER: Motion and a second. Any other discussion? Hearing
18 none, we have a motion on the floor and a second in Case No. 05-13 MA to forward to
19 Council with a recommendation of denial. All those in favor please signify by raising
20 you hand. Any opposed?

21 *[Approved to Deny: Brawley, Green, Furgess, Palmer, Van Dine, McBride, Anderson,*
22 *Manning; Absent: Lucius]*

23 MR. VAN DINE: And for clarity I think it's 05-113.

1 CHAIRMAN PALMER: We'll take a quick break.

2 *[Break]*

3 MR. GREEN: Page 84 in our report is incorrect. Showing all that as RU
4 property.

5 MR. GOSLINE: Which page?

6 MR. GREEN: Eight-four. This maybe – if that's off of a database it looks like it's
7 incorrect. The database needs to be fixed. Because it shows Greenhill Parish is zoned
8 RU.

9 MR. GOSLINE: Oh, yes, it does, doesn't it? Yes. Thank you. I don't know how
10 we missed that.

11 CHAIRMAN PALMER: Alright. Moving forward. Case No. 05-114 MA. RU to
12 RS-MD.

13 **CASE 05-114 MA:**

14 MR. GOSLINE: Mr. Chairman, Members, this is, one of our favorite applicants is
15 back again, Mr. Clark with one of our, one of his favorite projects out at Three Dog Road
16 and Dutch Fork Road. As you'll remember this project originally came for straight
17 zoning a year or so ago. It went forward, got bounced back. Do a PUD. PUD came
18 back. Ya'll denied PUD. They withdrew it, now they're back to the rezoning,
19 conventional rezoning. These two cases 05-114 and 05-115 essentially divided the
20 PUD that you last saw into the commercial segment and to the residential segment.
21 The Department recommends approval of the residential part and denial of the
22 commercial. But we need to take them up one at a time, of course. So 114 is the

1 residential. Staff recommends approval. Mr. Clark is here. I'm sure he would like to
2 say something.

3 CHAIRMAN PALMER: Mr. Clark.

4 **TESTIMONY OF JOE CLARK:**

5 MR. CLARK: Thank you. I just want to say this is what happens when there's no
6 clarification on the PDD. It did simplify things for us. We got to do this residential. We
7 had to come back with something. I don't plan on doing anything different than what
8 was in the PDD. Obviously this use is compatible with the surrounding homeowners. A
9 member of the Cedar Cove Homeowners Association is here today. We've met with
10 them three or four times. They don't seem to have any objection to any of it. Certainly
11 the residential is compatible with the land use and since these are separate zoning
12 [inaudible] I'll be glad to answer any questions you have about the residential.

13 CHAIRMAN PALMER: Questions for Mr. Clark? Thank you. There are some
14 signed up to speak against. Mr. Dan Bach?

15 **TESTIMONY OF DAN BACH:**

16 MR. BACH: I'd like to thank the committee for the chance to speak today. My
17 name is Dan Bach. I live at 609 Willow Wood Parkway. The – I'm opposed to the
18 proposed development for residential. The development as proposed is a high-density
19 development. In the report it says that it has been described as compatible to the
20 densities of adjacent subdivisions. I don't think that's a logical comparison. The
21 adjacent subdivision is Cedar Cove which is a lake access community which has a
22 private marina, beach, picnic grounds, playgrounds, a tennis court and lakefront buffer
23 zones. And the high density there of homes that are approximately 1,800 to 2,000

1 square feet makes affording and containing those facilities possible because the
2 relatively expensive cost of lakefront living are spread amongst the homeowners there.
3 Indigo Hills is not a lake access community and the high density will only serve to add
4 traffic congestion to a bedroom community that is underserved by roads. What I mean
5 by this is the Level of Service in the report states that the impact would be a 0.9 rating I
6 believe. But I don't think that that measure takes into account the Foxport subdivision
7 which is currently under construction, the pending development on Forest Shealy Road
8 at Stony Point and Johnson Marina Road nor the Lake Murray Elementary School which
9 is on Three Dog Road. For instance, the Lake Murray Elementary School has a
10 capacity of 750 students and has a current attendance of 848 students which is 13%
11 over capacity before Foxport has been built. Indigo Homes has I think 65 or 70 homes
12 planned. Foxport has 140 homes planned. So if we take the 0.90 and we add the
13 impact of 140 homes at Foxport plus the trips to Lake Murray Elementary School and
14 also the trips with the pending development on Forest Shealy Road we have a much,
15 much higher level of service. In fact between 7:00 and 7:30 in the morning on school
16 days there's a one mile backup on Three Dog Road from the intersection of Dutch Fork
17 all the way back to and exceeding the Cedar Cove subdivision. And this is before, post-
18 Indigo Hills and before Foxport has even finished a house yet. So adding another two
19 hundred plus cars is just going to make the traffic conditions serious then. I think
20 development is fine but I think developers need to bring traffic flow solutions that are
21 fully funded that support the traffic they'll bring. Thank you.

22 CHAIRMAN PALMER: Allen Hall?

23 **TESTIMONY OF ALLEN HALL:**

1 MR. HALL: Hello. My name's Allen Hall. I'm at 304 Willow Wood. I'm also on
2 the Board of Directors for Cedar Cove Homeowners Association and I did want to point
3 out that Mr. Clark did meet with us on several occasions and we do appreciate that and
4 made some concessions with regards to what we recommended. Some of the things
5 that were out of his control that we do feel need to be looked at are all that were
6 previous so I do want to acknowledge that, that that's where Cedar Cove stands. And
7 also we have a petition associated with that with 52 names. Do I need to turn that in
8 somewhere? Over here. We had a 100% support on that petition for all those that we
9 talked to about this as it relates to the traffic as well as the situation of Lake Murray. We
10 do have eight portables currently at Lake Murray Elementary. Just as a side note Lake
11 Murray portables right now are in okay condition but I have had a daughter that goes
12 there and she was injured due to the fact that she was in portable and that is on record
13 out there. So it's not an ideal situation but with the increased amount of homes we are
14 a little concerned about that. Having said that you will see that pretty much everything
15 is reiterated in the petition that was already discussed so I don't want to tie up any more
16 of your time. Thank you.

17 MR. MANNING: I have a question for you.

18 MR. HALL: Yes?

19 MR. MANNING: Did ya'll – did the Cedar Cove Neighborhood Association
20 oppose the PDD?

21 MR. HALL: Did we oppose it?

22 MR. MANNING: Right. Did you come before the Commission when it was here?

1 MR. HALL: I think we were here but we didn't talk because we saw that it was
2 not going to go through; is that correct? It didn't go through right as a PDD?

3 MR. MANNING: Right.

4 MR. HALL: Right. I think I was here that day.

5 MR. GOSLINE: Mr. Manning, I think that – I'm sure there was people here from
6 Cedar Cove but I don't know that the association itself took a position.

7 CHAIRMAN PALMER: Thank you.

8 MR. HALL: Right.

9 CHAIRMAN PALMER: That's all that's signed to speak?

10 MR. FARRAR: No. I -

11 MR. GREEN: Just a question –

12 MR. FARRAR: I signed up to speak and I was on the list out there.

13 MR. GREEN: He may be on the other.

14 CHARMAN PALMER: Yeah. You're on the other one. You're on the
15 commercial piece but if you want to speak on this that'd be fine as well.

16 MR. FARRAR: Okay.

17 CHAIRMAN PALMER: This is a residential piece.

18 **TESTIMONY OF STEVEN FARRAR:**

19 MR. FARRAR: Okay. Thank you. This is actually the one I'm more concerned
20 with.

21 CHAIRMAN PALMER: Mr. Farrar?

22 MR. FARRAR: Yeah. My name is Steven Farrar. I live at 608 Willow Wood
23 Parkway. I would like to ask you Council members to walk a mile in my moccasins for a

1 moment. We moved from Friarsgate two years ago. Friarsgate has been described in
2 *The State* as a neighborhood in crisis because high-density housing, lack of open
3 space, flat or declining property values, some problems with drugs and gangs and so
4 on. We would ask you to think about, with these new developments coming in all
5 around us about the impact on the lake, the impact on the children and parents who
6 have to go down to Lake Murray Elementary School, and the impact on busy
7 commuters trying to get off to work in the morning. Someone does need to research the
8 environmental impact, all the phosphorus from all the detergents and fertilizers which
9 will be used in yet another high-density, high-impact development within a stone's throw
10 of Lake Murray. The proposed development sits up on a hill and it does drain
11 downward, down a road into Mr. Morgan's property directly into the lake. And so that
12 needs to be looked at from an environmental point of view. If you have a huge number
13 of children and the parents trying to get to the elementary school in the morning, a solid
14 line of cars there. There's already a busy line of commuters trying to turn the other way
15 to get up Three Dog Road. Now Foxport is going in. We watch them – they're putting
16 in block today. And now we're talking about yet another development being put in and
17 we just ask you to think about the impact on the lake, the kids and their parents and
18 busy commuters when you make a decision. Thank you.

19 CHAIRMAN PALMER: Question?

20 MR. GREEN: For some information from Staff. The PDDs across Three Dog
21 Road, could you just refresh my memory on -

22 MR. GOSLINE: Foxport.

1 MR. GREEN: - on what the housing density is in that PDD? Anybody? Does
2 anybody -

3 MR. GOSLINE: It's on the order of three or three and a half – something like
4 that. Mr. Chairman, if I might. The issue of traffic was raised and since this project will
5 generate more than 50 dwelling units, a traffic management plan will have to be done.
6 The issue of phosphorous into the lake, the reality is that lower density development,
7 residential development with larger yards generates – dumps more phosphorous into
8 the lake than higher density.

9 MR. VAN DINE: Assuming you put it all in the lawn.

10 MR. GOSLINE: Yes.

11 CHAIRMAN PALMER: Any other comments?

12 MR. VAN DINE: Is MD approximately five an acre?

13 MR. GOSLINE: Yes. Almost nobody gets that many -

14 MR. VAN DINE: Right.

15 MR. GOSLINE: But that's –

16 MR. VAN DINE: We're looking at someplace if you take out all the streets on
17 them [inaudible] 75 to 80 maybe?

18 MR. GOSLINE: Correct.

19 MR. GREEN: I guess I have twofold thoughts. Is - first of all I would, you know,
20 the commercial that's going to be asked for in our next case that we're going to discuss
21 does come down into the neighborhood down a primarily or exclusively residential
22 street. I think it would have been nice to have seen that piece that's on Three Dog

1 Road that's backing up to this property being included in the residential as I understand
2 the "L" shaped property that's coming in for commercial rezoning.

3 MR. GOSLINE: So you're suggesting that the more rectangular portion of the
4 commercial be part of the residential?

5 MR. GREEN: I'm just saying I have some concern that the commercial that's
6 coming down Three Dog Road intruding into that neighborhood given the – all the
7 surrounding development there, I think it'd have been easy to deal with an RS-LD
8 request that would have been 12,000' lots instead of the, almost two-thirds the size,
9 8,500' lots given the pattern of development in that area and the kind of location it's in.
10 So those are my concerns. I'm interested in everybody's views on that.

11 MR. MANNING: Carl, what is the density below it on Three you know the
12 neighborhood below it?

13 MR. GOSLINE: Cedar Cove?

14 MR. MANNING: Right.

15 MR. GOSLINE: It's zoned RS-1 but the lots are more, closer to half-acre or so. I
16 mean, I'd have to –

17 MR. BACH: [inaudible – away from mic]

18 MR. VAN DINE: They were 12,000 square foot lots is what they – what is written
19 in here.

20 MR. GOSLINE: Oh, okay. I'm sorry.

21 MR. MANNING: Which is an RS-1.

22 MR. GREEN: Is that correct?

23 MR. CLARK: [inaudible – away from mic]

1 MR. GOSLINE: Average lot size?

2 MR. CLARK: [inaudible – away from mic]

3 MR. BACH: My lot is 80 x 100.

4 MR. GREEN: So this is not zoned RS-LD? The map shows it's adjacent –

5 MR. GOSLINE: I think – I remember when we've done this in the past there was
6 – that the actual development doesn't fit the zoning pattern. It doesn't fit the zoning.

7 MR. GREEN: So this is – the land use there – which is material to me - the land
8 use there is not RS-LD land? RS-1 development?

9 MR. GOSLINE: I'll have – again, I'll have to go back and verify that. But my
10 recollection is that it's zoned that but it's developed differently and I don't understand
11 how that happened but.

12 MR. BACH: [inaudible] on Foxport. In the report it's 3.0.

13 MR. GOSLINE: Three point – Foxport's three. Thank you.

14 MR. VAN DINE: If you look on page 94 of the report it says, "Adjacent parcel
15 compatibility is the Cedar Cove Subdivision developed on a minimum of 12,000 square
16 foot lots." That's what the report states.

17 MR. GOSLINE: But that's not accurate.

18 MR. GREEN: Is that true?

19 MR. FARRAR: But that doesn't take into account that there's many acres of
20 many properties and [inaudible]. See it's a community where we share a lot of land. So
21 you can't judge it just based on individual lot size.

1 MR. GOSLINE: Right. It's zoned RS-LD which would have 12,000 square foot
2 lots minimum. But it's – but because there's significant open space. I guess it was –
3 what we're saying it's developed as a cluster, a cluster before its time so to speak.

4 MR. BACH: We have a large buffer zone on the lakefront.

5 MR. GOSLINE: Right.

6 CHAIRMAN PALMER: Mr. Clark.

7 MR. CLARK: Our density will be compatible with Cedar Cove. When you have
8 8,000' lots you're typically going to end with a density of somewhere around 3.5 units
9 per acre once you subtract roads out. As far as the buffer zone, we met with Cedar
10 Cove three times. We told them what we would do as far as buffering our property from
11 theirs and we'll still do that. As far as community - we've got a park in the middle of it. I
12 think we have as much common property as they do or probably more.

13 MR. GREEN: Trying to get an idea of how many net lots you're going to get out
14 of yours.

15 MR. CLARK: I can't remember but in RS-2 zoning you typically get about 3.5 to
16 3.7. You subtract the roads out.

17 MR. BACH: Cedar Cove's concerned with the lots – with the width of the lots.
18 They were – how wide were your lots?

19 MR. CLARK: Fifty-five.

20 MR. BACH. Fifty-five foot wide lots. That is not very wide. You're going to have
21 to put [inaudible] square foot homes.

22 MR. CLARK: But if we've got an RS-2 zoning we're going to have to have 8,500'
23 lots; is that what RS-2 is now? Whatever [inaudible].

1 MR. GOSLINE: That's correct.

2 MR. CLARK: So it maybe that the land plan we showed them may not work
3 because the lots maybe too small.

4 MR. GOSLINE: Correct. And they also have the ability to use provisions of the
5 open space provisions of the code to get more open space and reduce lot sizes and
6 setbacks and things like that.

7 MR. CLARK: We would assume that would a positive [inaudible].

8 MR. GREEN: I didn't, I didn't realize that the RS-LD shown on our map was not
9 what was in fact on the ground so that comment from me was as related to a different
10 level of density of development [inaudible].

11 MR. GOSLINE: I guess the best answer to your question, Mr. Green, is it's
12 actually been developed more or less as a cluster project even though it's zoned
13 conventional zone.

14 CHAIRMAN PALMER: Any comments.

15 MR. VAN DINE: I'll have to give you my concerns. I have a hard time splitting,
16 taking the two pieces apart. I agree with Mr. Green. I don't like the commercial coming
17 down Three Dog on that stretch right there. I think that's way too intrusive into the area.
18 But more importantly, I don't think commercial in this area is what is appropriate. And
19 that was the reason I voted against the pot as it was. I don't really have a problem
20 rezoning of the actual residential portion of this. I would liked to have seen that other
21 commercial part in part of it but – so I'm, I'm in agreement with the residential portion of
22 it and not in agreement with the commercial part.

23 MR. CLARK: But we're talking about the residential.

1 MR. VAN DINE: I understand. And I said I had to take the two of them apart so
2 when it comes to the residential portion I would be in favor of what is being proposed as
3 far as the rezoning. I will make that in the form of a motion. No one else has already
4 made it? Alright.

5 MR. GOSLINE: I'm sorry. What was it? I'm sorry, what was the motion?

6 MR. VAN DINE: The motion would be to send 05-114, which is the residential
7 portion, forward with a recommendation of approval.

8 MR. GREEN: Second.

9 CHAIRMAN PALMER: Any discussion? We have a motion and second to send
10 this forward to Council with a recommendation of approval. Case No. 05-114 MA. All
11 those in favor please signify by raising your hand. Those opposed?

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

14 CHAIRMAN PALMER: Okay. Case No. 05-115 MA.

15 **CASE 05-115 MA:**

16 MR. GOSLINE: This is a the commercial portion of the subject, overall subject
17 projects. Staff recommends denial of the commercial for the reasons stated in the Staff
18 Report.

19 CHAIRMAN PALMER: Mr. Farrar.

20 MR. FARRAR: I signed up on the wrong sheet. So I've already spoken.

21 CHAIRMAN PALMER: Okay. Mr. Bach.

22 **TESTIMONY OF DAN BACH:**

1 MR. BACH: In regards to the commercial development last time we met, it was -
2 I'm sorry. Dan Bach, 609 Willow Wood Parkway. Last time we met there was a
3 discussion as to what actually was going to go in and how far away other development
4 is relative to the area. So quickly from the intersection of Three Dog Road and Dutch
5 Fork Road, it's one-half mile to Mount Vernon Church Road where there's a gas station,
6 a Quick Way and an ATM and the Lowman Home. Eight-tenths of a mile is the White
7 Rock Post Office. One point eight miles is Rauch Meetze Road which has gas station,
8 ATM, medical offices, a dry cleaner and car wash. Two miles is the Ballentine city limits
9 where the Post Office resides and in three miles is Bickley Road, the center of
10 Ballentine. And, of course, there's substantial commercial development in Ballentine.
11 And if you continue on Rauch Meetze towards 26 and the DMV which is approximately
12 three miles there's a new grocery store going in there as well. I'll point out that in
13 Ballentine in the last year several businesses that have closed include a tanning salon,
14 a dollar store, a paint ball store and I think the residents of Three Dog Road are fully
15 serviced by the commercial development in Ballentine. Thank you.

16 CHAIRMAN PALMER: Mr. [inaudible]?

17 **TESTIMONY OF GENE SINCLAIR:**

18 GENE SINCLAIR: I'm the owner of this property and traffic on I-20 [inaudible].
19 May I speak to the council?

20 CHAIRMAN PALMER: Absolutely.

21 GENE SINCLAIR: Thank you. My name is Gene Sinclair. I reside in Aiken. I
22 own this piece of property with my wife and I'd like to ask you to turn to this particular
23 map, and my reason for that is to explain so that everyone knows in reality what is on

1 Highway 76 or Dutch Fork Road and what is on Three Dog Road or what is not there.
2 First of all if you look to the left of the property block, that's a cemetery. Obviously
3 nothing will be built there. The next lot is sort of a landscaping, I don't know what all the
4 guy does. But everything else to the left or to the west is commercial of some sort.
5 Nothing of any real value in my estimation but at least it's there. On the right hand side
6 going east there is no commercial all the way through Lowman Home to the Post Office.
7 There is no commercial on this side of Dutch Fork Road. He's correct, there is a service
8 station, chicken place in White Rock Proper which is across the street from the Lutheran
9 church. I believe that the site directly across Three Dog Road which is where the
10 [inaudible] is has just been cleared. I have no idea what's going on there. But I would
11 submit that it just doesn't make sense. My property's almost 500' on U.S. 76. I would
12 defy anyone in this room to say they'd be willing to build a house there. It doesn't make
13 sense so what do we do with the property. If we can't put something there that benefits
14 the community it's going to stay there as just unused property period. And I don't think
15 you want that. And you're talking about the growth and all the new people and so forth.
16 A good shopping center there would serve the people, would serve the community well
17 and make it an asset and not a detriment to what's going on. You're not going to stop
18 growth. We all know that. And as people come into the area – oh, and by the way I
19 forgot. Across 76 that's a railroad track. There's absolutely nothing there commercial
20 and the only houses you see are the ones shown there now. So the density is of such
21 that this has to be good for the community and not bad as some people are trying to
22 make it into being. And I would personally – I'm getting old. I've held this property for

1 years and years. I'd like to get rid of it and I would appreciate you helping me do that.

2 Thank you.

3 CHAIRMAN PALMER: Mr. Clark?

4 **TESTIMONY OF JOE CLARK:**

5 MR. CLARK: We intend on doing pretty much what we planned on doing in the
6 PDD. I'm not going to deviate from that which was, of course, approved by Staff. In our
7 opinion it's better to have some type of shopping area on there than to have a gas
8 station on the corner. I think we can make it nice in there and I think we can do it by
9 making another entrance into the four acres that we're adding on to. We don't plan on
10 deviating from the PDD. We're going to be doing pretty much what it says. It's just a
11 way for us to uncomplicate things and get the job done.

12 MR. MANNING: Mr. Clark, is the ownership the same or is part of the ownership
13 of 115 included in 114?

14 MR. CLARK: Mr. Sinclair owns the three and half acres on the corner. We've
15 added four acres of our property to the three and a half acres to put in for this zoning.

16 MR. MANNING: So there's two owners -

17 MR. CLARK: Two owners.

18 MR. MANNING: - in the commercial piece.

19 MR. CLARK: That's right.

20 MR. MANNING: So that line that comes across is the -

21 MR. CLARK: That's right.

22 MR. MANNING: - dividing line.

1 CHAIRMAN PALMER: Mr. Hall? Ed Hall? That's all who signed up to speak?
2 Any comments from the Commission?

3 MR. VAN DINE: I'll just echo what I said earlier. I have a serious concern of the
4 commercial stretching out into areas that in my opinion doesn't belong. We've
5 attempted to put commercial at certain locations and nodes and this does not seem to
6 be an appropriate location for it considering developments going on, the pressure's on
7 that intersection, the fact that there's a school down in that area, the fact that
8 commercial is being sought to run down Three Dog Road, an invasion into the
9 residential area so I cannot support the request to change it to general commercial.

10 CHAIRMAN PALMER: What would the frontage be along Three Dog Road?
11 How much frontage would that be of commercial?

12 MR. CLARK: How much [inaudible]? Down Three Dog Road?

13 CHAIRMAN PALMER: Um-hum (affirmative).

14 MR. CLARK. [inaudible – away from mic].

15 MR. GOSLINE: It's 442.

16 MR. CLARK: That's on Highway 76.

17 MR. GOSLINE: On Three Dog it's 354.

18 MR. VAN DINE: It can't be. It's got to be more than is on –

19 MR. GOSLINE: Oh, you're talking – alright. You're talking about Mr. Sinclair's
20 parcel?

21 MR. CLARK: No we're talking about the whole thing.

22 MR. GOSLINE: Oh, the whole thing? I'm sorry. A little over 1,000.

1 MR. GREEN: I would have to agree with Mr. Van Dine. I wouldn't have any – if
2 we were just looking at the three and half acres on the corner I think I could go along
3 with that but I, you know, bringing – we've pretty consistently tried to stay away from
4 long thin strips of retail into what is otherwise residential area and given that the two
5 parcels are tied together. Again, I could vote for the three point five acres. I don't think
6 I could vote for the combined parcel so I would second the – did you make a motion,
7 Howard?

8 MR. VAN DINE: I did not.

9 CHAIRMAN PALMER: I'm sure you will.

10 MR. VAN DINE: I'll leave it to you to make the motion.

11 MR. GREEN: So my motion would be to send it forward with a motion for denial.

12 MR. VAN DINE: I will second the motion.

13 CHAIRMAN PALMER: We have a motion and a second. I'm personally – I
14 thought I had my mind made up on this and then a comment that was said started my
15 thought process in that and I still don't know what I'm going to do. The fact of being
16 able to add that additional acreage because what that three acres would be suited for
17 now would be a gas station, a service station. You add that additional acreage it opens
18 up the possibility of not just throwing another environmentally detrimental, potentially
19 detrimental gas station on a corner. That's probably what will go there if that one tract
20 of land is rezoned. This would open it up to additional uses. I don't know.

21 MR. SINCLAIR: I could have [inaudible] revenue to the county instead of vacant
22 land. [inaudible – away from mic].

23 CHAIRMAN PALMER: Any other comments?

1 MR. GREEN: I would think if, you know, if the total acreage, if the seven and a
2 half acres was laid out in more of a rectangular shape I think it'd be possible to look at a
3 larger development. The way it's shaped, I don't know what really you gain by the
4 addition – you don't gain a whole lot by the additional acreage was my only thought,
5 Pat.

6 CHAIRMAN PALMER: You said there's 150' of that additional acreage?

7 MR. GREEN: It's roughed out. It looks like about 150, 175.

8 CHAIRMAN PALMER: That's easily -

9 MR. GOSLINE: It's 300 that [inaudible] four- acre parcels. Roughly 300 x –

10 MR. VAN DINE: They're talking about the long – are you talking about the long
11 and narrow?

12 MR. GOSLINE: What – when I say the four-acre [inaudible], I mean the long; it's
13 roughly 300 x 400.

14 MR. VAN DINE: That's not a square.

15 MR. GOSLINE: I said roughly.

16 MR. CLARK: Wait, I can tell you how much it is. It looks like 664 additional feet.

17 MR. VAN DINE: [inaudible] what's the depth?

18 CHAIRMAN PALMER: Depth.

19 MR. GOSLINE: Six sixty-four.

20 MR. CLARK: Then 300 – in other words a three and a half acre parcel you got
21 along on Three Dog Road, 353 feet. The additional parcel represents 664 feet which is
22 big enough for us to get another entrance into the subdivision to kind of internalize this

1 and get something on either side of it that makes sense instead of having a zippy mart
2 on the corner.

3 MR. VAN DINE: The question was the depth of that narrower stretch. Six
4 hundred – what's the depth off the road of the –

5 MR. CLARK: Well the depth off the road is 304 feet deep. I'm not sure if ya'll
6 have an accurate drawing. Let me pass this to you and look at it.

7 MR. GOSLINE: We have your plat in the file, Joe. It's roughly 300 x 400.

8 CHAIRMAN PALMER: Let me take a look at that if I could, Mr. Clark.

9 MR. GOSLINE: Well it's more like four hundred by four-fifty. It's more like –

10 MR. CLARK: What you looking at on your –

11 MR. GOSLINE: More like about 300 x 450 I think is more like it. Four hundred
12 and fifty on Three Dog and about 300' deep give or take few.

13 CHAIRMAN PALMER: This isn't done right.

14 MR. CLARK: This little bubble's not dimensionally representative of the tract.

15 CHAIRMAN PALMER: Mr. Gosline, this doesn't look at all like our –

16 MR. CLARK: Make sure everybody sees it [inaudible] an idea [inaudible].

17 MR. GOSLINE: You're talking about this piece of property?

18 CHAIRMAN PALMER: Correct.

19 MR. VAN DINE: Which is narrower than what is being shown as parcel B-1 up
20 here.

21 MR. GOSLINE: But on the aerial, you know, we don't have measurements.

1 MR. VAN DINE: Right. The parcel that is shown on B-1 expands all the way to
2 the left. If you turn your map over and look at it. See the part up the top? Larger?
3 The line comes directly off that corner down now on B-1 here.

4 CHAIRMAN PALMER: These corners intersect on both tracts.

5 MR. VAN DINE: So I'm not sure what you're being asked to rezone.

6 MR. CLARK: What is being asked to be rezoned is what is shown on the plat.

7 MR. VAN DINE: No. It goes like this. It comes straight down like that.

8 MS. ALMEIDA: [inaudible] plat. If that hasn't been recorded then it's not on our
9 [inaudible].

10 MR. CLARK: Its been recorded. Same thing. That's recorded.

11 MR. VAN DINE: [inaudible] off the corner.

12 CHAIRMAN PALMER: Yeah. This corner [inaudible]. You've got this corner
13 coming half way up through the property. This is what we have to go off of.

14 MR. VAN DINE: This is actually how it goes. It comes like this. I'll just reiterate
15 now even more that is basically twice as much property as coming down Two Notch
16 down into that area that was showing. I mean -

17 MS. ALMEIDA: Two Notch?

18 MR. VAN DINE: Well Two Notch, Three Dog, they're all. The numbers in roads -
19 down Three Dog and that, so my, my position's even stronger because that's even that
20 much more space that is invading into the residential section of this particular property.

21 MR. MANNING: My concern though was earlier that it was too shallow to do
22 anything -

23 CHAIRMAN PALMER: That was my thoughts.

1 MR. MANNING: - from a commercial standpoint. I agree with you bringing it
2 down too far down Three Dog Road is a concern in the neighborhood but if you only
3 had 150' of depth or something not near as much as 300', it pushed everything back
4 onto the residential area. It does change the dynamics of the commercial layout
5 considerably but Joe did you ever consider rezoning just the front piece and not the
6 piece coming down?

7 MR. CLARK: Did we consider it?

8 MR. MANNING: Yeah. I mean, was that ever an option, I mean - .

9 MR. CLARK: No.

10 MR. MANNING: Okay.

11 CHAIRMAN PALMER: I personally like the possibility of something other than a
12 gas station going in there. And with the parcel behind it going in with eyes wide open
13 fully aware of what's going to occur on the tract of land in front of it.

14 MR. GOSLINE: This – with all due respect, Mr. Chairman, this Commission
15 recommended denial of the PUD based on partially because of the commercial.

16 MR. CLARK: No, because you recommended approval. The Commission
17 recommended –

18 MR. GOSLINE: That's what I said.

19 MR. CLARK: Okay. You did.

20 MR. GOSLINE: So why is it any different?

21 MR. GREEN: At three and a half acres you can still put 35,000 square feet of
22 retail space on three and a half acres. That's certainly far more than a gas station -

23 MR. GOSLINE: Right.

1 MR. GREEN: - if you have an inclination to do so.

2 CHAIRMAN PALMER: You can but you know that gas stations go on larger
3 tracts of land than what they need, especially on a corner.

4 MR. VAN DINE: I also think that we need to be looking more than just the people
5 that are going to be moving into the residential area that we have just agreed ought to
6 be rezoned. There are a lot of other people that are out there who are in this area.
7 We're bringing that stuff down Three Dog closer into those residential areas as well as
8 the other residential areas and allowing access points on numerous locations which are
9 going to further bottleneck the traffic. The extent of commercial that can be put in this
10 full block that is now being talked about is way more than these areas can support or
11 these areas ought to have to support. That's the basis for my opinion and I would move
12 the question.

13 CHAIRMAN PALMER: Do we have a second to move the question?

14 MR. GREEN: Second.

15 CHAIRMAN PALMER: We have a motion and second to send this forward to
16 Council with the recommendation of denial. All those in favor please signify by raising
17 your hand. All those opposed?

18 *[Approved to Deny: Brawley, Green, Furgess, Palmer, Van Dine, McBride, Anderson,*
19 *Manning; Absent: Lucius]*

20 CHAIRMAN PALMER: We'll send this forward to Council with a recommendation
21 of denial. Their meeting is on the 24th.

22 MR. GOSLINE: Mr. Chairman, we need – when we – when ya'll took action to
23 approve Mr. Douglas's PDD, it did not – 05-108. This was Greg Douglas's planned

1 PDD - we recommended denial. You recommended approval and there were
2 provisions, additional provisions placed on the standard PDD conditions so we need, we
3 need to do – we need to revisit that. Unfortunately applicant's not here but what I'd
4 suggest is let me just give you the [inaudible] PDD conditions. And the essence of the
5 issue is limit the number of dwelling units to 291. Access be limited to one intersection
6 on Marthan Road and one on Wilson Boulevard. And -

7 MS. ALMEIDA: Is that in the PDD?

8 MR. GOSLINE: Yeah. And I'll come back to this one. The issue about the right
9 turn deceleration lanes and left turn, but I'll come back to that. Receive Corps of
10 Engineer's approval of the wetlands delineation encroachment permit prior to accepting
11 preliminary plans for review. Receive FEMA approval of the 100 year flood elevations
12 statement prior to accepting preliminary plans for review. The rest of them are the more
13 or less standard conditions.

14 MR. GREEN: These aren't detailed in our Staff Report.

15 MR. GOSLINE: No. When we recommend denial we did not include conditions
16 for approval.

17 MR. VAN DINE: Don't we usually do alternative when - because I see -

18 MR. GOSLINE: We did, we have done it both ways, Mr. Van Dine.

19 CHAIRMAN PALMER: I think it helpful for us that when you recommend denial
20 that you also put in there in the event of approval.

21 MR. GOSLINE: We've done that, we've done it both ways and, you know, this
22 time we just didn't. Now once – before we decide what you want to do here, if you'll
23 recall the – Mr. Simmons raised the issue of the deceleration lane and so on. The traffic

1 management plan prepared did not recommend these improvements. It did say that it
2 would, that it would be very helpful for safety conditions and so on. The Staff – the
3 debatable issue here from our point of view is we think that certainly the right turn lane
4 into – off of Wilson Boulevard into the project would be appropriate; most likely the left
5 turn lane off Wilson Boulevard would also be appropriate. Those are kind of debatable
6 issues. So the question is what, you know, how do you want to handle this?

7 CHAIRMAN PALMER: I heard a – Mr. Sullivan I think it is – Mr. Simmons
8 mentioned that the traffic study did not recommend any of the turn lanes.

9 MR. GOSLINE: That's correct.

10 CHAIRMAN PALMER: We didn't have the traffic study to make
11 recommendations from. It was a part of the original report but it's the report that it didn't
12 make it to us.

13 MR. GOSLINE: There's a summary in your Staff Report. Let me see if I can find
14 it for you.

15 MR. VAN DINE: Let me ask you a question. How many of the things that you
16 just read off to us are either included in the application or are part of standard code
17 requirements? Such as -

18 MR. GOSLINE: Well -

19 MR. VAN DINE: DHEC approval and all of those other things that were there?

20 MS. ALMEIDA: That's part of the preliminary approval anyway. That would be
21 part of that approval.

22 MR. VAN DINE: And I'm going to tell you something right now so that – I mean, I
23 hate to do this because I'd love to be able to put conditions but the vote was taken

1 without conditions attached. There were no conditions present. The applicant is not
2 here. It was never recorded in the book as being conditions for which he had to apply.

3 With all –

4 MR. GOSLINE: I know.

5 MR. VAN DINE: - with all due respect you're going to have to pull everything that
6 you're talking about out of the applications or the other material because we can't go
7 back at this point in time and legally bind anything. You want to put it into the stuff
8 going up to Council, put it in and have Council vote on it and make them do it. But we
9 can't do it here because there's nobody here to do it.

10 CHAIRMAN PALMER: [inaudible] and there's no way to notify the applicant as to
11 what's –

12 MR. FURGESS: What's transpired.

13 MR. VAN DINE: Because if he was –

14 CHAIRMAN PALMER: He has no input.

15 MR. VAN DINE: He was here and we didn't do it.

16 MR. GOSLINE: I know.

17 MR. VAN DINE: And since we didn't do it we're bound by what the motion was.
18 I made the motion without having any conditions to do it so.

19 MR. GOSLINE: Well that's fine. We'll do it that way. But I think that you're –
20 that it's - in the future we'll always put the conditions in there if you choose to do it. I
21 know we've done that a couple times.

22 MR. VAN DINE: I think the alternative approach –

23 MR. GOSLINE: Right.

1 MR. VAN DINE: - where if we don't agree is always the safest route and give us
2 the option but I don't think we can go back on that particular one and do anything with it
3 right now.

4 CHAIRMAN PALMER: Okay. Looking on page 115. Road name approvals.

5 MR. FURGESS: Move to approve.

6 CHAIRMAN PALMER: We have a motion to approve.

7 MR. MANNING: Second.

8 MR. VAN DINE: The only thing I will say about it is I wish Ms. Lucius was here
9 because I'm sure she would have found certain of these very interesting.

10 CHAIRMAN PALMER: We have the motion and a second. All those in favor
11 signify by raising your hand. Opposed?

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

14 MR. GOSLINE: Alright. While we have a little bit of changing of the guard here
15 I'm going to hand out stuff. This is for next month's meeting. It's a PDD application and
16 I'm going to take this opportunity to save the county some postage.

17 MR. VAN DINE: Just out of curiosity when we were in the back somebody
18 mentioned these text amendments which we're about ready to talk about.

19 MS. ALMEDIA: Right. They were not advertised. If you all would like to take
20 that up just as a discussion that would be fine but they were not advertised. So you
21 would not be able to act on those.

22 MR. MANNING: Why are we getting this now, Carl?

23 CHAIRMAN PALMER: So he wouldn't have to mail it.

1 MR. VAN DINE: He doesn't want to mail it or drive it to your door.

2 MR. GREEN: What is this for?

3 CHAIRMAN PALMER: Next month's agenda.

4 MR. GOSLINE: For the February meeting.

5 CHAIRMAN PALMER: What have we got from the comprehensive plan revision
6 status reports?

7 MR. MICHAEL CRISS: Mr. Chair, John Newman, our Comprehensive Planner,
8 is passing out a draft timetable for continued update of the county's Comprehensive
9 Land Use Plan. The first two items have already been accomplished. We're looking for
10 a decision from you either now or in February about a March workshop, but it can be
11 sooner if you so desire. We'd love to hear from you what days of the week, times of the
12 day are most available or appropriate. We'd need several hours of your time. John is
13 also displaying a draft existing land use map. I emphasize draft. John, would you like
14 to describe to the Commission some of the complications of determining existing land
15 use using the assessor's tax records?

16 MR. JOHN NEWMAN: I guess you guys can remember the last time we had
17 talked about using the assessor's base with their land type codes to tease out this map
18 which Brenda prepared for us. And there are 49 separate land type codes which were
19 the basis for this. Some of these have been consolidated, although there are some
20 problems just using the land type codes. Agricultural, which as you can see is a large
21 green area here encompasses many, many things including primarily residential uses.
22 Another problem is, and you'll see there's no, there's no industrial in here, no distinction
23 what various commercial fields are. We've gone back and looked at structure type

1 codes and just Wednesday we got the raw data and we're in the process now of
2 working with the assessor's office and IT and to tease out the information. And it's – I
3 just met with the IT right before coming here and we've got some – a path forward. It's
4 going to still take a lot of the manual work but we think the information is in here to give
5 us some good land use categories. You each got a copy of this. Our database
6 anticipates that each one of these categories will be in the database. Now that's going
7 to be kind of busy producing a map so we'll want to aggregate some of these together in
8 the future land use map. But we want to have these categories available to us for data
9 purposes in case we want to split them out or look at individual ones later.

10 CHAIRMAN PALMER: Why don't we just break it out into the sub-area maps?

11 MR. NEWMAN: Pardon me? Well we are going to. Yeah. We're going to do a
12 category and break it out in the sub-area and that'll be a lot easier to see. But I think
13 even with sub-area if you look at all these commercial categories it's going to be kind of
14 difficult to try to read if you have too many categories. But I certainly think we'll be able
15 to come up with the categories you guys mentioned that you wanted in the workshop
16 plus others too that'll be useful. Interestingly enough just to tell you, just to show you
17 that - how difficult it is to tease out the information, if you'll take a look at here. This is
18 the Congaree National Park. This big yellow here obviously indicates residential
19 because there's the caretaker's residence on here. And this is the institutional which is
20 the government, separate government properties. So we're going to have to work pretty
21 hard to get it but I think we can. As you see Fort Jackson is shown commercial. I don't
22 know what the city actually has it but when we get [inaudible] it's going to have a
23 separate military category anyway so that'll fall out.

1 MR. VAN DINE: What's the brown?

2 MR. NEWMAN: Olive drab.

3 MR. VAN DINE: What is the brown and everything there because certainly
4 there's no brown on the legend?

5 MR. CRISS: The streets are so close it looks brown.

6 MR. NEWMAN: Oh, yeah, it's just the, you know, density of –

7 MR. VAN DINE: Okay.

8 MR. NEWMAN: -- the streets and all that make them kind of look that color. This
9 does have all the incorporated areas in it too which is good. But this is just the first draft
10 and it's showing the difference, you know. We were hoping for something better but this
11 is the best we can give at this point. It's, like I said it's truly a county-wide effort and
12 whenever you go to another total department with your hat in your hand asking them to
13 do a whole lot of extra work, they've been very cooperative but it's, you know, it's – they
14 can do only get they when they can.

15 MR. CRISS: And the tax records aren't really set up to do existing land use.
16 We're trying to tease this information out using a combination of eight or 10 or 12
17 different variables so we'll have an update for you at the next meeting. And now we
18 have the Neighborhood Planner, Susan Britt to give you a status on the neighborhood
19 master planning process.

20 MR. GREEN: Are we talking about a comprehensive plan? What are we going
21 to talk about in three quarterly work sessions if – what's our agenda going to be?

22 MR. CRISS: Well the first one needs to be chewing on an existing land use map
23 that's better than this one.

1 MR. GREEN: Well that's just – I mean, that's not, that's just a technical issue. I
2 mean, we don't have to sit here and debate – have a quarterly work session to talk
3 about the existing land use map.

4 MR. CRISS: Well that's going to be the basis for your future land use map.

5 MR. VAN DINE: I need to ask and I don't mean to interrupt but 2009? May?

6 MR. CRISS: That's the ultimate deadline.

7 MR. VAN DINE: I'm gone.

8 MR. GREEN: I'm gone.

9 MR. VAN DINE: I mean –

10 MR. GREEN: Half this Commission's gone.

11 MR. VAN DINE: Well, I mean, I'll – I'm trying to be calm when I say this. It has
12 been two years since we started this process. I do not understand how come it's going
13 to take another three and a half years to get through this process. The people on this
14 Board have committed themselves to doing this stuff and I just – I do not –

15 MR. CRISS: As I said this is a draft and we welcome your suggestions for
16 changes.

17 MR. VAN DINE: At the very least you got to lop a year and a half off of this thing.
18 That's my first suggestion.

19 MR. CRISS: We can depending on the progress we make between now and
20 then and right now we're working on the existing land use.

21 MR. VAN DINE: I have found that if I give somebody a deadline of May 2009, it's
22 going to be May 2009, if not later. That is why when we were doing the Land
23 Development Code while certain people thought I was pressing too hard I made very

1 short deadlines to get things done so that we could get them. I'm willing to put in the
2 time on this but frankly, you know, if it's going to stretch out to 2009 and I'm going to be
3 gone in January or whatever it is of 2008, what's the real purpose of me doing all this
4 preliminary stuff when the last – all of the material of actually writing the thing and
5 getting it down on a piece of paper comes after I'm gone? You're going to have to take
6 a whole group of new people and you're going to have to teach them what's been going
7 on for the last four years.

8 CHAIRMAN PALMER: Not to mention that their thoughts may be completely
9 different –

10 MR. VAN DINE: Absolutely.

11 CHAIRMAN PALMER: - than the direction that this Body was going in so it will
12 start the whole process over again.

13 MR. VAN DINE: This has to be truncated. This has to be moved a lot faster than
14 what that proposed schedule is. I mean, like Gene says, we don't need a quarterly
15 Commission workshop in March, June and September which we don't know what we're
16 going to talk about. We ought to be able to push those things together. On some of the
17 development code stuff we had them twice a month. We would have meetings. We'd
18 come in here and we would sit down for three hours and say, this is what we want to
19 talk about and we'd get it done.

20 MR. CRISS: So you're saying you'd like to have more meetings sooner?

21 MR. GREEN: With an agenda to know what we're going to be dealing with. I
22 could take a year off in my car with this county maps and go out and hand color this

1 stuff faster than this schedule is suggesting we can do it. I promise you I could. I've
2 done it before. It should not take a year to get a land use map of Richland County.

3 MR. CRISS: We're not talking about just producing a map. We're talking about
4 deriving planning principles for the future land use map based on existing land use.
5 Where's the suburban/rural interface, for example.

6 MR. GREEN: But it says here, "Presentation of existing conditions, February
7 2007."

8 MR. CRISS: Well that would be all the seven elements of the comprehensive
9 plan.

10 MR. GREEN: So this is a draft comprehensive plan by February 2007.

11 MR. CRISS: Right.

12 MR. GREEN: It says here, "Presentation of existing conditions."

13 MR. CRISS: Yeah. That's your inventory of demographics and housing and land
14 use and infrastructure and so forth.

15 MR. MANNING: I realize this is important. Everybody on here does and is willing
16 to give the time to do it but it seems like every time we get started in the direction we
17 have a complication. I mean, it just steamrolls into another complication and I'd like to
18 see rather than a five-year agenda, I want to see one every month. You know, this - for
19 the next twelve months this is what we're going to be doing. If we've got to meet after
20 these meetings -

21 MR. CRISS: Separate workshops?

22 MR. MANNING: - or in special meetings. I don't care but just define what we've
23 got to do for the next year and let's get something done on it.

1 MR. CRISS: So once a month?

2 MR. MANNING: Howard is right. You put it out to 2009 and it's not – doesn't
3 have near the importance. You know, we had the workshop with Council a couple
4 months ago and we had a consultant there who said the first thing you need to do is do
5 a facilities assessment. Where are we on that? Let's get something back to Council
6 saying that, you know, we agree and let's do that. And let's do the economic review
7 that was a part of that facilities needs. Let's start there. All of this can be done and
8 debated simultaneously.

9 MR. VAN DINE: One of the reasons that we don't – we've been trying to do
10 comprehensive plan, the capital improvements budget, all of the things we've been
11 trying to do have been trying to make and bridge gaps in the development community,
12 residents of this county and the government. We can be considered part of the
13 government on this Body. If we were to propose that we take three and a half years out
14 for a comprehensive plan, the development community's just going to throw up their
15 hands and say, what are we supposed to do for three and a half years while everything
16 is in flux and twisted around? One of the things I thought we were trying to do
17 especially with the Land Development Code was to make it easier for people to follow
18 what they had to do. We had some problems that we needed to fix but we've got to fix
19 those but now it seems like that's been shelved in the back until we get the
20 comprehensive plan updated so that we can make sure that we don't shelve it again
21 because the comprehensive plan needs to be worked on. If this is the important – this
22 is the foundation for what we're trying to do with everything then let's get it done. Let's
23 say we're going to do it in a year and just, you know, if the county's not willing to

1 dedicate the personnel to do it in a year budget wise because they can't do it, then tell
2 us that. But if that's, if that's not an issue then we ought to be able to get moving faster
3 than certainly what this shows. And even if I truncate a year and a half off of it we're still
4 at January of 2008 which is two years from now. I'm sorry. I just - I'm ranting.

5 MR. PHIPPS: Mr. Chairman? I'd like to deal with Michael and Staff and let's see
6 what type of additional staff. You mentioned budget and that's what I'm figuring now to
7 be able to ask Council where we need to go and what additional staff we would need to
8 get this status so our GIS can provide this map [inaudible]. I'll get with Michael on that
9 and hopefully have you back an answer by next planning meeting.

10 MR. VAN DINE: The mapping that's being – I mean, that is a great tool and
11 that's very helpful to have those tools and those type tools are things that we can use.
12 But again it shouldn't –

13 CHAIRMAN PALMER: Hold up progress.

14 MR. VAN DINE: We ought to be able to be talking about issues which are non-
15 map related between now instead of waiting for all of the maps to be produced. I think
16 the map is great. That helps a lot to just be able to take a quick gander at it and say,
17 yeah, okay, this area isn't as rural as we thought it was or whatever. But we need, we
18 need to move faster than that.

19 MR. MANNING: At the last meeting I brought up an article that was in the
20 Charleston paper and Staff indicated that ya'll had capabilities of doing the same thing.
21 And it basically pinpointed every project that was approved, every lot that was
22 permitted, showed the number of units and that's so simple. I mean, it shows you all
23 the units going out this corridor, going out this corridor, where the schools are being

1 built. You know, the colored map from the land use standpoint I understand we need to
2 do that. But to understand where growth is, traffic patterns, those kinds of things. And
3 this was done by the paper down there. I mean, that would –

4 MS. ALMEIDA: Mr. Manning. We have some maps to show you from – Brenda
5 Carter from our GIS has done that for you.

6 MR. MANNING: If you could do that through 2005, that would be wonderful.

7 MS. ALMEIDA: She's produced just that.

8 MR. PHIPPS: You brought that up and we went work on it.

9 MR. MANNING: Well thank you.

10 MR. PHIPPS: Brenda Carter. I'd like to introduce you to our Development
11 Services Manager, and I hate to interrupt at this time but that's she done - is she's
12 shown us what's going. We're going to try to do these at the Planning Commission
13 meetings from now on. Also we'll have laptop, actually go to the site. She can answer
14 your questions. She can go live right here and so [inaudible] a lot more information

15 MR. VAN DINE: And would that map be able to show us?

16 MR. PHIPPS: This one right here, right now is actually showing you proposed
17 roads, [inaudible] and the –

18 MS. BRENDA CARTER: These are – this one of the cases that you had today.

19 MR. VAN DINE: Yep.

20 MS. CARTER: This is the 200' buffer around it [inaudible]. These are the
21 missing building footprints. The orange is the new subdivisions that are there. The
22 green is roads that are proposed and the red are roads that are under construction.

1 MR. VAN DINE: Where would we – in relation to what Mr. Manning is talking
2 about, there are some areas that have been already approved if you will for –

3 MS. CARTER: For subdivisions?

4 MR. VAN DINE: - subdivisions and/or PUDs.

5 MS. CARTER: These are the orange areas.

6 MR. VAN DINE: So those not under construction?

7 MS. CARTER: Those are approved. They went through our digital data solution
8 as a part of the approval process.

9 MR. VAN DINE: Okay.

10 MS. CARTER: They have to have an approved digital data submission. These
11 are the subdivision boundaries from those approved digital data submissions for the
12 year of 2005. And I have a staff person that is doing the year of 2004 and 2003 and
13 we've even started the 2006.

14 MR. VAN DINE: I don't know if you can do but it'd sort be helpful on there. I
15 know that Turkey Creek is right there.

16 MS. CARTER: Um-hum (affirmative)..

17 MR. VAN DINE: Where would the boundaries of the Turkey Creek –

18 MS. CARTER: When was Turkey Creek approved?

19 MR. GREEN: '04.

20 MS. CARTER: '04?

21 MR. VAN DINE: A year and a half ago.

22 MS. CARTER: Yeah. We're doing – we're going back to 2004. We started with
23 '05, we're going to do '04 and then we're going to do '06 as they come in.

1 MR. MANNING: And so then, then you would be able to tell us at some point in
2 time we have any permitted lots in the southeast area.

3 MS. CARTER: Exactly.

4 MR. MANNING: We got so many planned lots?

5 MS. CARTER: This map right here, you can't really see all the dots but these are
6 all of the permanent locations for 2005 and 2004 and I could subdivide that by
7 [inaudible] area and telling you how many of which.

8 MR. GOSLINE: Could I ask you a question? This is the –

9 MR. VAN DINE: I'm just wondering if there's a way that you can delineate that
10 so that we see that, well okay, that's the Mungo PUD over there. There's the Walter
11 Taylor grid area.

12 MS. CARTER: You can't see them but they have the names on them and
13 they've got the phases on there.

14 MR. PHIPPS: Well she's going to be able to do this if I'm not mistaken digitally
15 on the screen.

16 MS. CARTER: Yeah. Yeah.

17 MR. PHIPPS: So that map will be on the screen for you and the public. So she
18 could go to each one each time.

19 CHAIRMAN PALMER: That's helpful.

20 MR. PHIPPS: And [inaudible] do that [inaudible] GIS division [inaudible].

21 MR. VAN DINE: And then we can - and Susan's been working with lots of
22 people down in Lower Richland and has ideas of what people are looking for in other
23 areas. We're going out to where is it now, Green?

1 MS. ALMEIDA: Green Creek.

2 MR. CRISS: The second one is the three neighborhood area of Broad River.
3 Susan can fill you in. John can point to the map.

4 MR. MANNING: Before we leave the comprehensive plan can I add one more
5 thing? Would be appropriate or inappropriate to send something to the Council
6 requesting that they move forward with hiring the consultant that we said was needed to
7 move forward on the facilities needs?

8 MR. NEWMAN: That's on their agenda for the Retreat. I know because the
9 administration was asking some research questions and stuff like that. So they're going
10 to be discussing that during their Retreat about hiring consultant to go forward.

11 MR. CRISS: We may know more in a week.

12 MR. MANNING: If we had something going to them at least saying that, you
13 know, we're trying to move this process forward. Please fund the necessary needs of
14 the study or hire the personnel to help us in this process. We want to condense that
15 timeframe. You know, and if it came from the Chairman I think that would be at least
16 we're saying we're going to do our part.

17 MR. CRISS: Yeah. We would commend the use of appropriate outside
18 consultants to kick start the capital improvements plan.

19 MR. VAN DINE: Yeah. We're looking for a capital improvements consultant not
20 –

21 MR. CRISS: Right.

22 MR. VAN DINE - comprehensive planning.

23 MR. CRISS: At the present; that is correct.

1 MR. NEWMAN: Impact assessment, you know, whether [inaudible]. That's what
2 they're talking about doing.

3 CHAIRMAN PALMER: Can you get a letter like that put together?. Shoot it over
4 to me?

5 MR. CRISS: Sure.

6 CHAIRMAN PALMER: You guys can give it to Council on their retreat?

7 MR. NEWMAN: Did you guys ever see a copy of what Milton Pope had
8 proposed during the -

9 MR. CRISS: Not that I know of. Susan?

10 CHAIRMAN PALMER: Susan.

11 MS. SUSAN BRITT: Thank you. I'll make this brief. I just wanted to update you
12 on the three master plans that we have this fiscal year. The first one has gone through
13 the incorporation process. The minutes are officially approved. It is now by ordinance
14 incorporated into the comprehensive plan. We are starting on the implementation
15 phase of that plan which first was to develop the regulatory documents regarding zoning
16 standards and we have received a draft scope of services and are in the process for
17 amending our contract with Arnett Muldrow and Associates and that's just basically very
18 simple, something we were able to do in-house. All I have to do is do a letter on our
19 letterhead to procurement that this was the sole source due to the fact this is the
20 consultant that did the master plan. We've met preliminary with them and have already
21 outlined what our expectations are. I was supposed to have that for you this evening,
22 however, his grandmother died so he wasn't able to get that to me today to reproduce
23 for you. But I will be sending that out to you so you'll understand what we're looking for

1 in that regulatory document. Secondly, we've started with the Broad River Heights,
2 Riverview Terrace, Village at Rivers Edge community which hopefully now will be
3 shortened down to be called the River Neighborhood Master Plan. We had a
4 preliminary meeting with the steering committee last Thursday. Mr. Furgess is on that
5 committee from the Planning Commission standpoint. We will be kicking off the public
6 process for that very soon. We have received proposals for the Decker
7 Boulevard/Woodfield Park Neighborhood Master Plan. We've received four proposals
8 ranging in price from basically \$65,000 to \$130,000. We are in the process of reviewing
9 those proposals by review committee. The deadline for receiving written comments and
10 recommendations back to me is January 17th. Shortly after that formal
11 recommendations will be made to administration to issue a contract and notice to
12 proceed. Once we reach that point then we'll have a preliminary meeting with the
13 consultant to outline all our needs and expectations including GIS needs, additional staff
14 responsibilities and those sorts of things. And shortly after that then we'll begin the
15 public process with the steering committee. What I would like from the Planning
16 Commission's viewpoint is since we have set the precedent having a representative
17 from the Planning Commission sit on these advisory boards for each of these plans, I
18 would like a recommendation from you on who should be the contact person for the
19 Decker Corridor/Woodfield Park. I know that Mr. Palmer has attended several meetings
20 in that area. That indeed may be the representative but I would like to get that from
21 you. And I'll be glad to answer any questions.

22 MR. GREEN: I vote for Mr. Palmer.

23 CHAIRMAN PALMER: I'll do it.

1 MR. MANNING: Took one for the team.

2 MR. CRISS: Thank you, Mr. Chair. That's our report.

3 CHAIRMAN PALMER: Move on to text amendments. Oh, we –

4 MS. ALMEIDA: There are several for your review and we'll take them up at the
5 next Planning Commission meeting in February.

6 MR. GREEN: That'll be in our package again next month?

7 MS. ALMEIDA: That is correct.

8 CHAIRMAN PALMER: Any other matters of new business?

9 MR. VAN DINE: Mr. Chairman. Can I go back real quick? What did we deal
10 with or resolve on the timing of the comprehensive plan? Are we going to get a new
11 schedule and what is the – how did we leave that?

12 MR. CRISS: We'll have to re-tool and resubmit to you -

13 CHAIRMAN PALMER: I think we're going to –

14 MR. CRISS: - a new proposal.

15 CHAIRMAN PALMER: Probably get some better input after the Council's work
16 session as well next week.

17 MR. VAN DINE: Alright.

18 MR. MANNING: I think though if we could get a monthly calendar, I mean, how it
19 affects us [inaudible] meetings, special meetings that would be a lot –

20 CHAIRMAN PALMER: Do you guys want to have a brainstorming session some
21 time this month then?

22 MR. GREEN: If we had an agenda, what we will talk about rather than just kind
23 of free base all over the place.

1 CHAIRMAN PALMER: Let's see if we can put one together.

2 MR. GOSLINE: Mr. Chairman, have we talked earlier about possibly a work
3 session later this month on PUD, the whole PUD issue or PDD issue?

4 MR. GREEN: I'd like to have something to look at before we just walk into a
5 work session.

6 MS. ALMEIDA: I will email all of you the PUD details and standards.

7 CHAIRMAN PALMER: We can discuss PUD and then throw in some comp plan
8 issues.

9 MR. MANNING: One quick question on PUDs.

10 MS. ALMEIDA: Call for actual PDDs.

11 MR. MANNING: PDDs. PDD. Can we – is there any way just to have a straight
12 out residential PUD with no mixed use. I mean –

13 MR. GOSLINE: Summer Pines.

14 MS. ALMEIDA: Yeah.

15 MR. GOSLINE: Summer Pines is a residential, straight residential.

16 CHAIRMAN PALMER: Okay. County Council and Staff Action Report.

17 MR. GOSLINE: Excuse me. Mr. Manning, the current, the new code, the current
18 code doesn't have the same requirement of mixed use that the previous one did. Now
19 maybe it should and that's something we might want to talk about.

20 MS. ALMEIDA: Okay. Before you I handed out actually Mr. Green had
21 contacted me last week requesting just a list of sketches and preliminaries that the
22 Development Review Team has approved or looked at since the inception in July of the
23 new code. Before you I have given you that list and just so we can briefly go over it real

1 quick. Where it says, "Vote. Approved, Deferred, Pending." You're going to see near
2 sketch plats, a lot of pending. What that means is that the sketch plan went back with
3 conditions to have it revised, to have it cleaned up and submitted for approval. A sketch
4 cannot go forward, a preliminary cannot go forward without a sketch being perfected;
5 what we call the perfected sketch, which you have one for informational purposes in
6 your packet today, that has been perfected, all conditions have been received as far as
7 the sketch plan goes and they are ready to go for preliminary application. You will also
8 see on this list preliminary action. This is on the list only because the sketch had been
9 approved prior to July administratively. Where normally in the old code it would be
10 approved administratively, the sketch, and the preliminary would be before you for
11 action. So we have kind of in-house had to revert that where the – if the preliminary had
12 been administratively approved prior to July 1st, we would have to bring the preliminary
13 to the DRT. So hopefully in the coming year that will dwindle off and the preliminaries
14 will not be going for action to the Development Review Team. So that leads me into
15 Brickside Village and before you was a memo that goes before the DRT. It was a 40 lot
16 subdivision which did utilize the open space provision. As you flip, this was the
17 conditional letter back on October 24th which required the applicant to address several
18 conditions and the applicant has done that. And on the fourth page you will see the
19 sketch plan – actually they call it a staking plan but this is the sketch plan that was
20 perfected and approved by the DRT and they will be going, they will be submitting
21 preliminary plans, construction plans soon. So out of this entire list this has been the
22 only sketch plan that has been perfected to date since July.

23 CHAIRMAN PALMER: Thank you.

1 MR. GREEN: Appreciate it.

2 MS. ALMEIDA: I'll be giving you updates like this as we go.

3 CHAIRMAN PALMER: Any other comments or questions? Do we have a motion
4 to adjourn?

5 MR. VAN DINE: So moved.

6 CHAIRMAN PALMER: Second?

7 MR. MCBRIDE: Second.

8 CHAIRMAN PALMER: All in favor?

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

10 *Absent: Lucius]*

11 CHAIRMAN PALMER: Adjourned.

12

13

[Meeting Adjourned at 6:15 p.m.]