

RICHLAND COUNTY PLANNING COMMISSION

February 6, 2006

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

7
8 Called to Order: 1;03

9 CHAIRMAN PALMER: We'll call the February Planning Commission to order
10 and I need to read this into the Record. In accordance with the Freedom of Information
11 Act a copy of the agenda was sent to radio and TV stations, newspapers, persons
12 requesting notification and was posted on the bulletin board located in the lobby of the
13 County Administration Building. Accordingly this meeting has been properly noticed
14 and is properly being held. Next we have the January minutes. Any changes to those
15 minutes?

16 MR. VAN DINE: I move we adopt the minutes to the January 9th meeting.

17 MR. GREEN: Second.

18 CHAIRMAN PALMER: We have a motion and a second. All those in favor
19 please signify by raising your hand.

20 *Approved: Brawley, Furgess, Palmer, Van Dine, Green, Manning, Anderson;*

21 *Abstained: Lucius; Absent: McBride]*

22 MS. LUCIUS: Mr. Chairman, I didn't vote because I was not at that meeting.

23 CHAIRMAN PALMER: Okay. Do we have any agenda amendments?

24 MR. GREEN: Mr. Chairman, I'd like to add two items to the end of our agenda.
25 One is a discussion of the current language with regard to the floodway, the floodway
26 language in the Land Development Code. And the second is to discuss the issue of
27 designated seats on the Planning Commission.

1 CHAIRMAN PALMER: Okay. We've also had a request to move item No. 05-
2 117 MA to the second item under new business.

3 MR. GOSLINE: That was 117, Mr. Chairman?

4 CHAIRMAN PALMER: Correct, 117.

5 MR. VAN DINE: So moved, Mr. Chairman, that we make those changes and
6 additions.

7 MR. FURGESS: Second.

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

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

11 CHAIRMAN PALMER: Any old business? Any old business?

12 MS. ALMEIDA: No old business. No, sir.

13 CHAIRMAN PALMER: Well we will move forward then with the new business
14 zoning map amendments. Case No. 05-105 MA.

15 **CASE 05-105 MA:**

16 MR. GOSLINE: Mr. Chairman, Members, this is a request a request by Robert
17 Fuller to rezone a 10 acre parcel from RS MD to a neighborhood commercial. It's
18 roughly across from the Killian Elementary School on Clemson Road. Staff
19 recommends for denial for the reasons cited on pages four, on page four. Mr. Fuller is
20 here. I'm sure there may be other people.

21 CHAIRMAN PALMER: Mr. Fuller, do you have any comments?

22 **TESTIMONY OF ROBERT FULLER:**

1 MR. FULLER: Thank you, Mr. Chairman. There are several people signed up to
2 speak I note and I am here in behalf of Paradiso LLC who is the owner of the property in
3 support of the application for the rezoning of ten acres which is on Clemson Road
4 directly across the street from the Killian Elementary School. I would call to your
5 attention, as is reported in the material that you have before you, that this is actually a
6 15-acre tract that has been zoned for medium-density residential for many years. The
7 request before you today is for the 10 acres that fronts on Clemson to be rezoned to
8 neighborhood commercial from that medium-density residential classification leaving the
9 five acres, constituting the remainder of the 15 acre parcel to the rear of the 10 acre
10 parcel, in the residential medium-density classification; so that the effect of the map
11 amendment is to take only the frontage portion of that parcel on Clemson Road for use
12 for the neighborhood commercial purposes. We were sensitive – the developer/owner
13 has been sensitive to the proposition that the earlier land use plans, comprehensive
14 plan, the sub-area plans have taken note of the fact that that area in general has been
15 identified as a residential medium-density location. I would call to the Commission's
16 attention that that sub-area plan and the previous documentation dating from 1994 is in
17 fact at this point a number of years old and the growth in that vicinity has taken off like a
18 rocket to the extent that the I-77 corridor and that general vicinity is probably the fastest
19 growing area of Richland County. Our position in requesting a portion of that property
20 to be moved out of the residential classification into the neighborhood commercial
21 classification is based on the proposition that that remains a compatible land use. It's
22 not identical. It is taking a portion of a tract – not an extremely large tract - but taking a
23 portion of a tract out of the medium-density, single-family residential, but is installing

1 upon it a compatible use, specifically definitionally within the Land Use Code a use that
2 is designed to provide support services for that general area, for that neighborhood
3 location. Indeed we have found a response in that vicinity that supports that position.
4 Mr. McCutcheon, who is a principal of the owner company, will reflect to you the
5 meetings that he has had with neighborhood leadership out there, with Council
6 Members from that district, all who are in support of this blending of some of that
7 remaining area along Clemson Road as support service zoning for the extensive
8 amount of residential zoning that is still there and is yet proposed to be there. We have
9 found that there is a sense of desire among many of the residents in the immediate
10 vicinity of this location that the preference for some commercial development there is
11 motivated out of the proposition that the small commercial developments will generate
12 less intensive traffic than will the increase of medium-density residential to every vacant
13 parcel out there. If you look to the zoning maps that are attached to the proposition
14 material placed with the application there is not a significant amount of commercial
15 development in that stretch of Clemson Road which has now been widened significantly
16 to four lanes where it runs in front of the school and in front of this property. The
17 subdivisions that are in the immediate vicinity are in near proximity to other commercial
18 development but the residents like the idea of having some of these medical offices,
19 dental offices, opticians and similar service facilities placed in their near proximity. That
20 is the purpose that drives this application and we seek your support in moving a small
21 portion of this property from the medium-density residential to this neighborhood
22 commercial concept.

1 CHAIRMAN PALMER: Thank you. Anthony Floyd? Okay. If you would just as
2 a general reminder when you come to the podium to speak everyone will have three
3 minutes and if you would give your name and address for the Record.

4 **TESTIMONY OF ANTHONY FLOYD:**

5 MR. FLOYD: My name is Anthony Floyd, 2600 Clemson Road, Columbia. My
6 wife and I are the owners of the adjacent property on the east side of this property.
7 We're in favor of the office park and we find that an upscale office park would be more
8 desirable than additional houses there. Thank you.

9 CHAIRMAN PALMER: Sonya Ashford?

10 **TESTIMONY OF SONYA ASHFORD:**

11 MS. ASHFORD: Thank you all for allowing me to speak and first of all I'd like to
12 say I'm very new at this. First meeting I've ever been to; County Council meeting I've
13 ever been too but then it's the first time I got an invitation also. But my house is one of
14 the houses that's going to be in the rear of the proposed structure and my major
15 concern, and I think the young man explained it, the representative for the proposed
16 structure, he explained that the front of the structure's going to be on Clemson Road so
17 the houses in the rear, because I'm in this little circle back here on Whitehurst Way.
18 And we were concerned – well I know I'm concerned about it because we didn't know
19 what kind of traffic; we didn't know what kind of structure was going to be there. So that
20 was my major concern and I think he explained that. We're not against development
21 out there whatsoever. We just hate for it to be in our backyard. But since you're leaving
22 five acres from my understanding, you're going to leave five acres and that's going to be
23 untouched acreage in the rear of the proposed location; is that correct? Okay. Okay.

1 So we're talking about it – what we're facing now is my backyard is going to be directly
2 up against this proposed location but if you're leaving five acres then I'm not opposed to
3 that whatsoever. We just didn't want a business that was going to be directly in our
4 backyard because my house sits, the rear of it sits right – my backyard is right against
5 that location. So that was why I was concerned but I think you answered all of my
6 questions and that was one question that I had. We didn't know what type of structure
7 was going to be out there. We didn't know how it was going to be physically situated
8 and that's what we were concerned about. So thank you.

9 CHAIRMAN PALMER: Ms. Ashford, could you give your address just for the
10 Record?

11 MS. ASHFORD: Oh, I forgot. I told you I was new at this. It's 309 Whitehurst
12 Way and that's Columbia 29229.

13 CHAIRMAN PALMER: Thank you. Ms. Jacqueline Floyd?

14 **TESTIMONY OF JACQUELINE FLOYD:**

15 MS. FLOYD: I pass.

16 CHAIRMAN PALMER: George McCutcheon?

17 **TESTIMONY OF GEORGE MCCUTCHEON:**

18 MR. MCCUTCHEON: I have a handout. My name is George McCutcheon and
19 the tax map number I believe is 2200-0118. It doesn't have a physical address just yet
20 since it hadn't been developed yet. But anyway I'm one of the partners in the Paradiso
21 that is in favor of this plan and as my handout shows, we've done a lot of work going
22 back to 2004 to be able to develop this in a nice way that would be a nice amenity for
23 the neighborhood out there. It has been growing a great deal as Mr. Fuller said, with

1 about 3,000 homes just in Mungo's development. And I've got several letters from the
2 neighbors in addition to the Floyds that are to the east; neighbors from Whitehurst
3 subdivision, Mr. Owens, also Mr. Armstrong to the northwest part of the property. To
4 the direct west is Sam Snyder who's in favor of the program as well as the homeowners'
5 association president in Winslow subdivision out there and all in favor of the plan. But
6 basically we went and met with county Staff, met with County Council, did everything
7 that they asked us to do. Made the plan look residential which I think does make it fit in
8 a little bit better in that area. Also wanted to have very nice landscaping with the plan.
9 They recommended meeting with the County Council Members and to get their input
10 and advice. I met with Joyce Dickerson, Valerie Hutchinson and Joe McEachern out
11 there at the site and they were all in favor of the plan. They endorsed it and said get
12 together with the neighbors. So we went to some neighborhood meetings, met with
13 some of the neighbors individually as well as also at their homeowners' associations
14 meetings at Killian Elementary School. And we did cut off the back 5.1 acres to give a
15 large buffer there for the neighbors in the Whitehurst subdivision. We applied for the
16 rezoning in August and, as a PDD, and with the changes with the PDD we weren't sure
17 what was required. It was interpreted that the application was incomplete because it
18 didn't have a major traffic study as well as didn't incorporate or address the issue of
19 sidewalks so we withdrew that application. As it turns out with the widening of Clemson
20 Road they put in sidewalks on that side and so that was taken care of. It is four lanes
21 with a turning lane so really five lanes of traffic there. It shouldn't be much of an issue
22 and certainly less traffic with that than 120 homes which is what could go as many as
23 eight per acre according to the new guidelines for the, all 15 acres. So 120 home

1 subdivision in there perhaps. So we reapplied for straight neighborhood commercial. It
2 was recommended that we reapply straight neighborhood commercial and so that's
3 what we did. We think this will be a nice office park. We've already got a long time
4 Columbia medical group that is committed to going on one of the out parcels and I think
5 that speaks volumes to the tone that it'll set for the office park. And I would ask for your
6 approval that it be rezoned. Thank you.

7 CHAIRMAN PALMER: That's all that have signed up to speak for or against.
8 Any comments from the Commission Members?

9 MR. MANNING: Mr. Chairman, I'd like to ask Staff a question regarding the
10 comment about the road alignment across from a school. And I wasn't clear as to what
11 they meant except that I don't see how you could align any road up with a school
12 ingress and egress on that property. I think you're going to have to have –

13 MR. GOSLINE: The comment is when we have developments like this we
14 always try to get them to line up with whatever's across the street. The only idea was
15 there's no way to do that on this particular piece of property because the Floyds'
16 property prevents them from doing that.

17 MR. MANNING: So regardless of whether it's residential or commercial?

18 MR. GOSLINE: Right. I mean, we would try to get them to line up no matter
19 what kind of development it is.

20 MR. GREEN: Mr. Chairman, I would support the rezoning of this property.
21 While the sites to the west of this are shown on our zoning map are residential, if you
22 look at the aerial clearly the property to the west is not in residential use and is not likely
23 to be in residential use with the five laning of that road and the proximity of this site to

1 other similar type uses. I'd just like to place a motion on the floor to recommend
2 approval of this to County Council.

3 MR. MANNING: Second.

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

5 MS. LUCIUS: What is on that property to – okay to the left is a church. What's
6 on those other? That's commercial, right?

7 MR. GOSLINE: Now are you talking about the aerals, Ms. Lucius?

8 MS. LUCIUS: Yeah. I'm sorry. It's taking me – yeah there's three, three parcels
9 to the left of the site. The church is on one of them, right?

10 MR. GOSLINE: There are two churches there actually.

11 MS. LUCIUS: There are two churches?

12 MR. GOSLINE: Two churches and one house that we rezoned a year, year and
13 a half ago for an office.

14 MS LUCIUS: Is that that pink area there?

15 MR. GOSLINE: Yes.

16 MS. LUCIUS: That little triangle?

17 MR. GOSLINE: Yes. And then the red, the red area along Long Town was
18 within the last year or so, Mr. Lovett, and then the red on the south part of at Clemson
19 and Long Town was Ms. Prentice about two years ago maybe.

20 MS. LUCIUS: I have to say I'm bothered by bringing commercial on down
21 Clemson Road. I think we've established a pretty strong precedent that we were going
22 to leave the commercial at the Clemson/Long Town node and what's the one to the
23 right; is that Hardscrabble? Clemson has a lot of commercial.

1 MR. GOSLINE: Hardscrabble would be way off this way.

2 MS. LUCIUS: The other way but we have that PUD, PDD that has commercial in
3 it.

4 MR. GOSLINE: The PUD –

5 MS. LUCIUS: Not that far down the road.

6 MR. GOSLINE: Right. The PUD, the blue area across from Whitehurst is – has,
7 is Killian -

8 MS. LUCIUS: Killian Station.

9 MR. GOSLINE: Killian Station has some commercial office along the front.

10 MS. LUCIUS: And also retail commercial.

11 MR. GOSLINE: Some of both; that's correct.

12 MS. LUCIUS: I know just a year ago we denied a church that wanted to sell their
13 property and change it to commercial.

14 MR. GOSLINE: The church would be right at the corner.

15 MS LUCIUS: No. I'm not talking about that church. I'm talking about the
16 Stedfast.

17 MR. GOSLINE: Yes. I was going to say that's right on page 8. It's right on –
18 next to the wetland area on the north side of Clemson.

19 MS. LUCIUS: And we denied that because we said that we were not going to
20 allow any more commercial on Clemson Road.

21 MR. GOSLINE: That's been ya'll's position and the Department's position.

22 MS. LUCIUS: It's been our pretty strong precedent that we had set.

23 MR. GOSLINE: That's principally why we recommended denial -

1 MS. LUCIUS: Right.

2 MR. GOSLINE: -- in this case.

3 MS. LUCIUS: I can't see going back, and we've been very clear about that, and
4 why we would make this exception I don't understand. So I'm totally against changing
5 this to commercial.

6 CHAIRMAN PALMER: Any other comments?

7 MR. VAN DINE: Mr. Chairman, real quickly. It's my understanding that this area
8 at this node, because of other requests, it's in essence going to be a commercial node;
9 is that right?

10 MR. GOSLINE: I'm sorry.

11 MR. VAN DINE: This area in essence because of other requests that we have
12 approved is going to become a commercial node?

13 MR. GOSLINE: Well I don't know why, why.

14 MR. VAN DINE: I mean, it's all red right now.

15 MR. GOSLINE: Oh, yes. That's, that's a quarter of a mile to the west is all
16 commercially zoned, yes.

17 MR. VAN DINE: And the road as it's lined up now on Clemson is no longer that
18 curved road. It actually goes straight up to the intersection at that point?

19 MR. GOSLINE: That is correct.

20 MR. VAN DINE: It is my understanding that the church that is on the corner now
21 has sold the property or is in the process of selling that property --

22 MR. GOSLINE: That is also correct.

23 MR. VAN DINE: - for commercial use.

1 MR. GOSLINE: Correct.

2 MR. VAN DINE: I guess I'm – like Ms. Lucius, I'm concerned with the extension
3 of commercial further down Clemson Road. The more important thing that I'm
4 concerned about is the extension of the commercial directly across from the elementary
5 school. And it seems to me that that particular property in that area should be left more
6 for residential than it ought to be for a commercial establishment directly across from
7 that school. It already – I've been out there in the mornings, there's already problems
8 getting in and out of that school as it exists now. You start adding and adding and
9 adding, especially commercial in those areas and you're going to continue to have
10 some of those problems. I just – I think what we're doing is we're subjecting ourselves
11 to creep down these roads and we never seem to come to a point where we'll say no.
12 It's always well it's only just one more, it's only just one more, it's only just one more and
13 by the time you know it it's all the way down the road. I think we have a perfect corner
14 and node at the new intersection of Long Town and Clemson that we ought to be
15 leaving it at that node and not letting it extend further down the road. So I'm not in favor
16 of extending it to that far down either. Those are my only comments.

17 MR. GREEN: Mr. Chair? There are two, I think two of the reasons at least that
18 influence my motion to recommend this is that this is not a request for general
19 commercial as was the site farther down Clemson Road. The other site on Clemson
20 Road intruded more into residential areas than this does. And if you calculate the traffic
21 volume that would be created by the existing zoning and the traffic volume estimated by
22 Staff, virtually the amount of traffic from a medium-density residential development and
23 a neighborhood commercial is about the same. So we're not changing the dynamics of

1 the traffic from a school standpoint and possibly, actually could be doing that section of
2 road a little bit of favor. If your school's backed up at 7:30 in the morning you're going
3 to be getting more of your traffic at 8:30 or 9:00 if it's an office park. So I don't see a
4 compelling reason from a traffic standpoint; that that actually is going to be a little bit
5 better off and those were two of the components for my motion.

6 CHAIRMAN PALMER: Those are two comments that I was going to make as
7 well. I thought that the other tract that we recommended denial on earlier was a GC.
8 One thing I continue to say I guess in some of these cases is that I think the Planning
9 Commission sometimes has a tendency to look at just zoning as either commercial or
10 residential when our ordinance gives us the ability to have different degrees of
11 commercial and different degrees of residential. This is a request for neighborhood
12 commercial and the purpose of neighborhood commercial out of our code is that this
13 district is designed to be located within or adjacent to residential neighborhoods where
14 large commercial uses are inappropriate, but where small neighborhood oriented
15 businesses are useful and desired. This tract of land seems to fit that definition to a T in
16 my mind. And if the applicant had requested GC I think my thoughts would have been
17 different. However, this is a gradual step down of commercial into a residential
18 neighborhood where our code clearly says that this type of zoning would be okay within
19 or adjacent to residential neighborhoods. So that's why I would be in favor of the
20 motion.

21 MS. LUCIUS: Well Mr. Chairman, correct me if I'm wrong because I may very
22 well be. But I know that the church that came before us did originally ask for a C-3, GC
23 but they did later – they amended that and they asked for the least commercial and we

1 denied that too because we said it wasn't, wasn't a degree of commercial, we just did
2 not think it was appropriate to open up Clemson Road to more commercial
3 development, period, no matter whether it was neighborhood commercial or general
4 commercial, whatever. And another thing neighborhood commercial works fine if it's
5 connected to the residential areas. This is not. You're creating another access onto
6 Clemson Road which we have said consistently that we were not going to do anymore.
7 And so those two arguments to me, you know, that's why I don't look at it the same way.

8 MR. VAN DINE: Mr. Chairman, if I could make just one comment. In relation to
9 your comment about the degree of commercial, I agree with what you're saying.
10 However, it's my opinion that commercial doesn't belong on this lot at all of any degree.
11 I think we are allowing it to extend further down the road and I don't think that should
12 happen. That's the basis. It's nothing to do with the degree of commercial I just don't
13 believe that this lot ought to be a commercial.

14 CHAIRMAN PALMER: Any other comments? We have a motion and a second.
15 Motion is to send Case No. 05-105 MA forward to Council with a recommendation of
16 approval. All those in favor please signify by raising your hand. All those opposed?

17 *Approved: Brawley, Furgess, Palmer, Green, Manning, Anderson; Opposed: Lucius,*
18 *Van Dine; Absent: McBride]*

19 CHAIRMAN PALMER: We will send Case 05-105 MA forward with a
20 recommendation of approval. We are just a recommending body to County Council.
21 They will have final say on what occurs on this tract of land and the Council meeting will
22 be February the 28th.

1 MR. GOSLINE Mr. Chairman, would you make – just to make sure we get the
2 reasons for the denial, recapitulate the reasons for denial so we'll be sure we have
3 them?

4 MS. LUCIUS: The reasons for approval?

5 MR. GREEN: For approval?

6 MR. GOSLINE: I mean approval of -

7 MR. VAN DINE: Mr. Chairman, what Mr. Gosline is trying to get –

8 MR. GOSLINE: - approval of the project.

9 MR. VAN DINE: - is that you've altered the recommendation of Staff and so
10 therefore you need to have reasons for the basis for the changing of the
11 recommendation.

12 MR. GREEN: The reasons for my motion were that I thought it was an
13 appropriate step down commercial from Long Town Road. That it was adjacent,
14 although zoned single family, it was adjacent to already non-residential uses. And that
15 the traffic impact would not substantively different than the traffic impact of RS MD
16 zoning.

17 MR. GOSLINE: Thank you.

18 CHAIRMAN PALMER: We will move forward to Case No. 05-117 MA.

19 **CASE 05-117 MA:**

20 MS. ALMEIDA: Mr. Chairman, we have some maps to give out that we could not
21 put in your packet. They were too large, our GIS Department has put this together for
22 you.

1 CHAIRMAN PALMER: Okay. Make sure everybody has. I'd like to read this into
2 the record. "Dear Mr. Palmer. I must request to be excused from participating in
3 discussion or voting on agenda item 05-117 MA regarding rezoning of Shop Road
4 property which is scheduled for review and/or discussion at today's Planning
5 Commission meeting. It is my understanding of the rules of conduct provisions of the
6 Ethics, Government Accountability and Campaign Reform laws that since I work with
7 the real estate firm representing the property owners I will be unable to participate in
8 this matter through discussion or voting. I would therefore respectfully request that you
9 indicate for the record that I did not participate in any discussion or vote relating to this
10 item representing a potential conflict of interest. I would further request that you allow
11 and direct this letter to be printed as part of the official minutes and excuse me from
12 such votes or deliberations and note such in the minutes. Thank you for your
13 consideration in this matter. Sincerely, Eugene C. Green." And let the Record show
14 that Mr. Green has left the room. Case No. 05-117 MA.

15 MR. GOSLINE: Mr. Chairman, Members, this is a request of Tom Milliken to
16 rezone 61 acres from RU to LI. It's located really off of Atlas Road and Shop Road
17 area. The best way, the best map is the aerial on page 62. You'll note that this is part
18 of a larger tract that goes over to Shop Road which is already zoned M-1. The applicant
19 doesn't want to change that. So we're only talking about the 61 acre tract that goes to
20 Atlas Road. Department recommends approval for the reasons on page 60.

21 MR. VAN DINE: Just so I'm sure. The site on page 64, the map, Carl. The – it's
22 the part to the right that is remaining in gray is the part that they're not changing?

23 MR. GOSLINE: That's correct.

1 MR. VAN DINE: Okay.

2 CHAIRMAN PALMER: Mr. Robert Fuller?

3 **TESTIMONY OF ROBERT FULLER:**

4 MR. FULLER: Thank you, Mr. Chairman. I am here this afternoon as attorney
5 for the applicant in representation of the property subject of the application for your
6 consideration. As Mr. Gosline's report has indicated to you this is a portion of a larger
7 tract, an entire tract of 133 acres that has been in the county designated as M-1
8 property and D-1 property over a good many years. The property that is the 72-acre
9 portion is being left in the M-1 district classification. The request is solely applicable to
10 the 60 odd acres portion that is, has been zoned for D-1 development zoning status was
11 converted to RU on the July 1st conversion date of all D-1 properties to rural. So it is, it
12 is a situation in which everything in the vicinity of this property has been adjacent to
13 either the M-1 zoning classification that continues or to development zoning
14 classification which would have been a transition applicable to any intended ultimate
15 use to be zoned compatible with those things that are in the general community. The
16 surrounding area is still largely a mixture of commercial and industrial, light industrial
17 uses, warehousing and other more commercial and non-residential uses than is
18 probably residential in the area. There are some proximate residences on - in the
19 general facility but they are not property that has, that is going to be significantly
20 impacted by the zoning reclassification because these have been properties eligible for
21 the purposes to which they are sought to be used at this point in any event. As you all
22 know the new LI classification replaced the M-1 classification and has some different
23 characteristics about it, but since M-1 new zoning is no longer applicable the most

1 commensurate categorization for this property in the going forward status as a zoned
2 property is in the light industrial which matches up most uniquely to the old M-1
3 classification. So the owner has essentially maintained a single parcel of property for
4 many years with the intention that it be used as a single tract and this is the manner by
5 which it is most logical to hold it in a classification that is unified. There would be
6 necessity of coming back to the Commission and to the Staff for an intended use that
7 would have to meet the qualifications of the setbacks and everything else that's related
8 to light industrial classification for development of any project *per se* on it. Some of the
9 adjacent uses are a large church facility which in fact leases a portion of the LI property
10 or the intended LI property as a large parking area for the church which is across the
11 road. We submit to you that the Staff analysis here has reiterated, for the benefit of the
12 Commission, those salient factors which exist in this area make reasonable the request
13 for the owners unification of the site for use purposes rather than to hold in the former
14 designation of D-1 as a transitional zoning having now been folded into rural
15 classification which is clearly not appropriate for the location of this property in off of
16 Shop Road and Shorecrest Drive which are developed and continuing to develop
17 commercial, light industrial areas. I note there are a couple of people who have signed
18 in with respect to this application. We would be glad to answer questions if you have
19 them or hear from the remainder of those persons interested in this proposition. But we
20 request that you support the Staff's recommendation for rezoning of this property for the
21 reasons cited in the Staff Report and for the other reasons that make it a logical zoning
22 of this property.

1 MR. VAN DINE: Mr. Fuller, can I ask you a real quick question, please? Looking
2 at what we have on our page 62, it looks as though there is a power line or some other
3 easement that runs through what I'll call the back half of the property. Is that in fact an
4 easement of some kind?

5 MR. GOSLINE: Yes. Yes, sir. That's an SCE&G power station. You'll see that
6 right in the corner is a transfer station, whatever they call them – substation.

7 MR. VAN DINE: So in essence if somebody was to build they're not going to be
8 able to build on that easement anyways. It's going to have to be to the - well I guess
9 would be the north of that power line in order to make any of that, those –

10 MR. GOSLINE: It'll be – it's a development challenge.

11 MR. FULLER: It is an active easement.

12 MR. VAN DINE: Yeah, but I guess what I'm saying is as far as the people who
13 are down on like Hialeah or those areas there's almost a natural boundary because of
14 the area from having buildings closer than that. You might be able to wedge something
15 in there but it's not going to be any kind of major structure. Is that a fair assumption?

16 MR GOSLINE: That's a fair statement. Yes, sir.

17 MR. VAN DINE: Okay. Thank you.

18 CHAIRMAN PALMER: Any other questions for Mr. Fuller? Thank you, Mr.
19 Fuller. William Keitt?

20 **TESTIMONY OF WILLIAM KEITT:**

21 MR. KEITT: Good afternoon. I'm William Keitt. I'm president of the residential
22 association of East Bluff Community. I looked at the information and we're against this.
23 Basically the information that I just read today said they have a direct access to Shop

1 Road. That's a fallacy. There's only one road direct to Shop Road. With the increase
2 and diversion of traffic from Garners Ferry Road to Shop Road now the traffic on Shop
3 Road has increased almost a hundred percent. Part of that Bluff Road down Pineview
4 has increased almost three hundred percent. The people can't get access in and out of
5 the Starlight subdivision or the Bluff Estates subdivision because of increase in traffic
6 from the diversion of Garners Ferry Road. The other thing we know and we've seen
7 thus far with the few businesses that have been placed on Shorecrest is that the traffic
8 has increased on Hollings Street over to Spearman into that commercial area. We feel
9 as though that with this development - I know they say that only for emergency only, I
10 think that's a dream. It could never happen. Because everybody wants a shortcut and
11 with that we've got new residential areas being developed on Hollings Street. We've
12 got new residential areas being built on Preslight(?) in the back that will abut this other
13 portion of property and we don't think that we're quite ready for some additional traffic in
14 the area. One, that area is primarily elderly and with an increase, with the new
15 development, that residential development we've increased it with more children along
16 the Hollings Street area and, of course, with the increase of the size of Bible Way
17 Church, who has programs almost every day, that's going to cause a problem traffic
18 wise and for some of the residents going in and out. I know ya'll have made some good
19 decisions but, you know, we feel as though, you know, we've been the dumping ground
20 of every new project coming in the Lower Richland area particularly close to the city.
21 Ya'll know we just got the sewer plant down there and today our area smells like an
22 outhouse because of that new sewer plant and it's not in full capacity. We've had other
23 areas down there in the past with the jail and the projected Farmers Market's going to

1 increase other traffic and building another commercial area in that area that we see
2 only going to curtail our movement. The state has said they're going to widen Bluff
3 Road. They were supposed to start in October. We haven't seen anything. Our county
4 planners at one time and the state had talked about extending Shorecrest into Bluff
5 Road which is going to increase commercial traffic if they decide to do that. So we're
6 saying no they haven't contacted us and told us what they plan to do with that area and
7 we feel like we're being left out of the circle.

8 CHAIRMAN PALMER: Mr. Keitt, could you give your address for the Record,
9 please.

10 MR. KEITT: 4316 Surfwood Drive, Columbia 29209.

11 CHAIRMAN PALMER: Thank you. Katherine Davis?

12 **TESTIMONY OF KATHERINE DAVIS:**

13 MS. DAVIS: Good afternoon. My name is Katherine Davis, 2401 Harlem Street,
14 Columbia, South Carolina. I do have reasons to come up here today because many of
15 my community people has not been notified about this and I think we should know about
16 it. All the people that's in my area should know about this. We have community
17 meetings the second Monday night every month and there's no reason why we couldn't
18 have been notified. And I have some special questions I have as far as what's the
19 purpose of the rezoning and what about – why haven't the people been notified around
20 this area? And what's this property going to be used for? Because I know they're
21 always talking about that dump coming into South Carolina from North Carolina, the
22 cow pen and all kind of stuff and they just dump things on us without notifying us, you
23 know, about these things. So we really do need to know more about what's going on,

1 what they plan to do with this property. And also the concern about the traffic in the
2 area what's going to increase. So please take that into consideration and know we are
3 against it at the present time because we have not been properly notified.

4 CHAIRMAN PALMER: Thank you. Hattie Connie? Coney?

5 **TESTIMONY OF HATTIE HORRY:**

6 MS. HORRY: Good afternoon. My name is Hattie Horry and my address is 2300
7 Atlas Road, Columbia, South Carolina and good evening to you all or so. And we are
8 here – we don't understand what the plans are but if you – we don't really want nothing
9 that would be hazard to our family, to our health. Anything put down there in our area.
10 We don't want to be left there with something dangerous to our life or a hazard to our
11 life and we also oppose that.

12 CHAIRMAN PALMER: Thank you. Mr. William Rogers?

13 **TESTIMONY OF WILLIAM ROGERS:**

14 MR. ROGERS: Yes. My name is William Rogers. I live 2308 Atlas Road. I'm
15 concerned about - is there any property on Atlas Road? Is there a freeze on any
16 property on that Atlas Road?

17 CHAIRMAN PALMER: I'm sorry?

18 MR. ROGERS: Is there any freeze or any property on Atlas Road?

19 MS. LUCIUS: Freeze on property on Atlas Road?

20 MR. ROGERS: The property.

21 CHAIRMAN PALMER: Uh-huh (affirmative)?

22 MR. ROGERS: [inaudible] people buying more property cause right, where they
23 put that big sewerage by my, next lot over from me there's a big puddle of water back

1 there and every summer a crowd of mosquitoes is at and trees and everything. They
2 don't clean it off. But you own property you got to keep it clean. And another concern
3 about at night all our traffic. One night I was watching the football game the truck
4 knocked down the mailbox and the trash container and I caught – I got the highway man
5 and I called him a couple times. I didn't got no justice yet. And traffic picking up down
6 there at night.

7 MS. LUCIUS: Where you talking about, sir?

8 MR. ROGERS: On Atlas Road.

9 CHAIRMAN PALMER: On Atlas Road.

10 MS. LUCIUS: On Atlas Road?

11 MR. ROGERS: Correct. 2308 Atlas Road.

12 MS. LUCIUS: Okay.

13 CHAIRMAN PALMER: We appreciate your concerns, Mr. Rogers.

14 MR. ROGERS: Yeah, I would like you to check into that for me, please.

15 CHAIRMAN PALMER: That's all who signed up to speak for or against? Mr.
16 Gosline.

17 MR. GOSLINE: Just to address a couple of the points for the Record. The Staff
18 recommended an emergency access only to Atlas Road as part of the fire protection
19 issues and we did that on purpose so that it would only be an emergency and just so
20 the people know what we mean by that is there's a post and a chain across the road.
21 The road is graveled or paved and it's only used if fire or rescue need to get in there.
22 One gentleman mentioned something about widening of Bluff Road. There is proposals
23 to do some work within the right-of-way on Bluff Road closer to the stadium. There's a

1 whole bunch of turning lane movements that may be in the process but that's going to
2 be some time away. It's not widening of Bluff Road beyond actually Gills Creek.
3 Notification was – we posted the site and as we always do we also send out letters to
4 the adjacent property owners and we rely on the adjacent property owners to spread the
5 word in the community. Not everybody's going to get one, it's only the adjacent
6 property owners. And we rely on everybody to spread the word so that you know to get
7 here. The zoning, the proposed zoning one lady asked about. What the proposal is in
8 the LI zoning is essentially the same zoning as in most of that area now called M-1. It's
9 light industrial development and at this point in time nobody knows exactly what it's
10 going to be.

11 MR. KEITT: May I answer him, sir? Members from the Highway Department
12 met with my community organization and informed us that Bluff Road from Hollings
13 Street down past Windy Drive will be widened to include bike paths. I think some of the
14 things that we're having, why we're disgusted with this is that nobody talks. The state
15 don't talk to the county, the county don't talk to the city, nobody talks to anybody.
16 Everybody's making plans and nobody even talks to each other. So that's our concern
17 right now. You know, but those plans are already in place. It was promised to us that
18 these things was going to happen and we expect it to happen.

19 CHAIRMAN PALMER: Mr. Keitt. I understand your frustrations but that's a
20 discussion for another body, perhaps Central Midlands who can handle those issues for
21 you. This Planning Commission, that's not in our purview to handle road widening. But
22 I do appreciate your concern and would direct you towards Central Midlands to perhaps
23 address those issues for you.

1 MR. FURGESS: Yes, looking at this map before us, is the only way you can get
2 to into this property is off of Shop Road?

3 CHAIRMAN PALMER: Was an emergency -

4 MR. GOSLINE: Mr. Furgess.

5 CHAIRMAN PALMER: - rear access going through here on Atlas?

6 MR. FURGESS: On Atlas, well this –

7 MR. GOSLINE: The property that's being requested for rezoning fronts on Atlas
8 Road but it is part of a 130 some acre project that fronts on Shop Road. The
9 Department's position or -

10 MR. VAN DINE: Mr. Gosline, that's not on Atlas Road. It comes down on
11 another road inside –

12 MR. GOSLINE: Highland Road. I'm sorry.

13 MR. FULLER: [inaudible] Yes. It's not - it does not abut Atlas Road.

14 MR. GOSLINE: So the Department's recommendation, Mr. Furgess, is that onto
15 Harlem Road there be an emergency access only. The main entrance to the proposed,
16 overall proposed industrial park would be off of Shop Road.

17 MR. FURGESS: Um-hum (affirmative).

18 CHAIRMAN PALMER: So the increased traffic flow would be off of Shop?

19 MR. GOSLINE: Correct.

20 CHAIRMAN PALMER: Harlem would simply be for emergency exits only?

21 MR. GOSLINE: That's the Department's recommendation to you, yes.

22 MR. FULLER: [inaudible] It could also be accessed from North Shorecrest Road
23 from Shop Road directly into this property.

1 CHAIRMAN PALMER: Correct.

2 MR. FULLER: If it is not used as a single 133 acre tract, the access to this
3 specific parcel would be North Shorecrest Drive from Shop Road into the property. But
4 there is no further exit out of the property towards Bluff Road that could be used as a
5 route out of the property towards Bluff Road.

6 MR. MANNING: Mr. Fuller, are you saying that you have agreed with Staff to
7 restrict all the access to Shop Road and nothing coming onto Harlem Street?

8 MR. FULLER: Emergency access on Harlem Street would be, is satisfactory.
9 The owner does not object to that limitation.

10 MR. MANNING: Is this part of the same development that Shorecrest is – I
11 mean, the industrial uses on Shorecrest is that part of the same tract?

12 MR GOSLINE: No. Not part of it.

13 MR. MANNING: Well it's not the same tract but –

14 MR. FULLER: It's not the same tract but it's the same character of use that has
15 been in that area for years.

16 MR. MANNING: Are there restrictive covenants that are associated with this
17 development as far as buffers and screening and so on and so forth that would be part
18 of the approval process?

19 MR. FULLER: Well certainly anything that would be done on the LI property
20 under a rezoning that, as it abuts properties that are zoned for residential would be
21 required to comply with the zoning ordinances. There are not any –

22 MR. MANNING: But as an industrial park typically you'll see covenants that run
23 with the land that may exceed or increase some of those components and if you look at

1 North Shorecrest and you see the outdoor storage and the trailers that park there and
2 that kind of thing, obviously the neighbors in that area wouldn't want that backing up to
3 their yard so if there were some conditions that could eliminate that from being possible
4 I think it would make it a lot easier to look at this.

5 MR. FULLER: Obviously that would be a possibility. I am informed that there
6 are not presently restrictions on the property that is undeveloped. If that were to be
7 developed in a park configuration undoubtedly there would be mutual restrictive
8 covenants both for the protection of the membership within the park and the external
9 property lines. Clearly if it were developed for LI purposes there would be requirements
10 for buffering and other protective measures against the residential property lines.

11 MR. VAN DINE: Mr. Chairman, if I may. In essence we're being asked to rezone
12 to LI whatever requirements come from the code. At this point on a straight rezoning
13 we are not allowed to place restrictions on that other than what are in the code. To the
14 extent PDDs or other things come forward those can have special requirements. But as
15 it sits right here they're allowed to do whatever the code says and they're required to do
16 whatever the code says if this is rezoned but that's as far as we can take it as this body.
17 To the extent that they want to do something later on when they actually divide it up for
18 other people that's something that can be done at that time but we can't require it in the
19 present posture that's come before us.

20 MR. FULLER: Except that we would be agreeable to saying that the
21 recommendation regarding special or emergency access only to Harlem Drive for the
22 rezoned parcel is agreeable and would – so that it eliminates a general access through
23 Harlem Street as a primary for the property.

1 CHAIRMAN PALMER: What are the setbacks for LI to RS HD?

2 MR. GOSLINE: Excuse me?

3 CHAIRMAN PALMER: The setbacks between LI and RS HD?

4 MS. ALMEIDA: You've got a 10' rear, no side yard and a 25' front setback.

5 CHAIRMAN PALMER: So you would you be operating under those current
6 conditions on the front tract which is already abutting this neighborhood and extending
7 that into the rear tract?

8 MS. ALMEIDA: But understand that if the applicant is required to install a buffer
9 which he would depending on the use up against a residential neighborhood. If the
10 buffer supersede the setbacks, for instance if there was no setback, side, setback
11 requirement but there would be a buffer, landscape buffer they would have to take the
12 most stringent.

13 CHAIRMAN PALMER: So there would be a buffer. There would be a landscape
14 buffer between the two?

15 MS. ALMEIDA: On the residential side.

16 CHAIRMAN PALMER: Correct. My thoughts on the issue are – I remember we
17 had discussions when we looked at the new Land Development Code when it would
18 come into effect that certain tracts would automatically flip into other designations and
19 the D-1 was decided would automatically flip into RU. And we knew there would be
20 some repercussions from that where RU wouldn't necessarily fit but that was the best
21 way to handle the issue with a broad stroke, if you will. And this I think is one of those
22 cases where the broad stroke didn't fit and we needed to look on an individual basis and
23 now that individual basis has come before us. And I would agree with Staff that this

1 does seem to be a natural fit to the adjacent property and to what the landowners is
2 trying to do with this other tract that abuts it and that this neighborhood already is
3 adjacent to LI and this would be an extension of that LI through the rest of the abutting
4 line with the neighborhood. And I think that this is one of those cases where the flip
5 from RU – from D-1 to RU didn't fit and we just – we knew we would have to address
6 some of these in the future and this is one of those that I think that we needed to
7 address.

8 MR. MANNING: Mr. Chairman, I can agree with you in part. There is a large
9 part of that property that probably should remain light industrial but I'm concerned about
10 the people who are at the southern end below the power line and how that's going to
11 impact that community and without seeing buffers and seeing the restrictions, you know,
12 I'm concerned that it would negatively impact that community. A large portion of this
13 property is compatible with the surrounding uses but there's a portion of it I'm
14 concerned about as well.

15 CHAIRMAN PALMER: Mr. Fuller?

16 MR. MANNING: And I don't know how to deal with that other than as Mr. Van
17 Dine said we've got a straight rezoning before us and we can't restrict this process at
18 this time but would it be appropriate to, for Mr. Fuller to look at some other alternatives
19 on that southern end and defer this until a later, a later date?

20 MR. FULLER: I'm lacking in authority to simply extend or defer based on an
21 open-ended proposition, Mr. Manning. I would say this, that the portion of the property
22 which is already M-1 and is already abutting on those southern lines to residential
23 community has the power right-of-way running through it. The neighborhood

1 circumstance is essentially the same thing in both parcels of the property. I don't know
2 that – I may not be answering your question but the site development will most certainly
3 have to address a number of development issues, not the least of which is the
4 placement of the large power easement, the accommodation of both the neighborhoods
5 on the other side of the southern property lines, both inside the parcel between the
6 power line and the southern boundaries and the neighbors outside of the property
7 perimeter. I don't know if in the vacuum we can – I know we can't say exactly what
8 would be done there but there obviously will have to be attention given to that. The
9 proposition that we have placed with you is simply a response to getting the ownership
10 interests zoning classifications consistent in the tract without having to go through the
11 limiting procedures of a PDD without knowing precisely what there would be on the
12 inside of the property. There is no proposed, at this time, specific land plan that would
13 be used to accommodate a PDD or another more specific zoning. So I'm not sure we
14 can –

15 MR. MANNING: I'm not talking about going back for a PDD and the time it takes
16 to do that. Obviously you can't build under that power line a building so I'm not
17 concerned about that anyway. But storage and how it would impact the neighbors that
18 are on that line it is concerning to me and they should be screened from that. So if
19 there was a way to take a portion or a strip of that land and not rezone it and just have it
20 serve as a buffer I think would satisfy my concerns, if it was larger.

21 MR. VAN DINE: It seems almost like the area to the south of the power lines
22 would be an easy break point as far taking care of the concerns of those individuals. I
23 understand what you're saying about part of it's M-1 already. There isn't anything we

1 can do about that and how it bumps into the neighborhood. But simply to say because
2 another neighborhood already exists in that we should impact more onto a separate
3 neighborhood all together doesn't make any sense. One of the things to me that
4 provides some solace is there is the power line. That is distinct break, if you will, as to
5 what buildings or other things but as Mr. Manning says, I mean, you can clear cut all
6 that area and park whatever you want to in the back because the power lines run over
7 the top, not down to the bottom. And I have the same concerns about that
8 neighborhood down there and what's going to happen to that neighborhood if everything
9 is converted. And I certainly understand the northern portion. I mean, that abuts up
10 against already existing buildings and endeavors that are truly industrial or whatever in
11 nature. So, I mean, I'm concerned with that lower area down below and how it would
12 impact, whether there's a way that we can carve it off so that we don't impact it.

13 MS. LUCIUS: Mr. Chair, I totally agree with everything that Mr. Van Dine said
14 and Mr. Manning, and not only that but looking at that Harlem Street I'm concerned
15 about those structures there. Is that Bible Way; is that Bible Way Baptist there?

16 MR. GOSLINE: Yes, ma'am.

17 MS. LUCIUS: And you have some residences along there too it looks like?

18 MR. GOSLINE: Yes.

19 MS. LUCIUS: I'm equally concerned about them, not just the neighborhood to
20 the south. Everybody that knows me knows that all the years I've been on here that
21 one of my, one of my most important things I like to try to do is protect neighborhoods
22 and especially your older neighborhoods, and especially the ones you may call not high
23 end in which I include my own neighborhood of Pine Valley. And a lot of times we are

1 subjected to forces that you wouldn't get in the higher end neighborhoods and so it does
2 concern me that we would have that much industrial next to these homes, to these
3 neighborhoods. So I'm troubled the same way Mr. Manning and Mr. Van Dine are.

4 MR. FULLER: Mr. Chairman, might I ask what - if we agreed to defer it for 30
5 days what is it that the Planning Commission would like for us to do in that interim to
6 determine compatibility with your view of where we are? If we, if - there has been no
7 conversation with the neighborhoods that I'm aware of but if there were to be a revisiting
8 of the request for this, what would you want to see from us?

9 MR. MANNING: Personally I'd like to see something that would - I know we
10 can't talk about restrictions at this point but the strip of land between the power line and
11 the neighborhood that would be used to buffer the uses of the light industrial to a
12 residential. Clearly you can look on North Shorecrest and see that there's a lot of use, I
13 mean, a lot of storage taking place there. I would hate to see that about a residential
14 neighborhood. There are ways to limit the size and scope of the project from that
15 standpoint and that would satisfy me. Also, you know, to see a set of restrictions or
16 covenants that I knew were going to be imposed whether I can vote on that or not, have
17 confidence that that is part of what's going on then I could vote for it.

18 CHAIRMAN PALMER: Mr. Fuller, I wouldn't want to tread too much in a gray
19 area.

20 MR. OBERT FULLER: I understand.

21 CHAIRMAN PALMER: I believe that Staff may better be able to relay the
22 thoughts of what we've gone over here today to you as far as what the Planning

1 Commission's thoughts may be. However, it would be strictly your decision whether to
2 defer to another meeting or not.

3 MR. VAN DINE: I will tell you what my perspective is. The concerns I have
4 would be straight rezoning of the entire parcel in order to – because it's a straight
5 rezoning. My concerns relate to the bordering property owners and the impact that is
6 going to be on those bordering property owners from a light industrial or an industrial
7 designation. I can't tell you what to do or how to do it but I can tell you that the areas
8 surrounding the residential need to have better protection than what is being afforded
9 with a straight rezoning that I see here. That is the major concern that I have. How you
10 resolve that I don't think I could sit up here and tell you what to do or what not to do. I
11 think that's a discussion that you have to have with staff or internal to your own client
12 group as to what's going on. That's -

13 CHAIRMAN PALMER: Some real concerns that I have and have had for some
14 time now is that we operate under a set of codes and ordinances in this county and I
15 look at this tract of land as to the use that would be on this tract of land. We have
16 ordinances that set up buffers and setbacks and those type things that would apply in
17 this situation for an LI and residential. If this Body does not think that those setbacks
18 and those buffers are stringent enough then that's where those need to be taken a look
19 at and recommendations need to be sent to Council to strengthen those. But we can't
20 take a look at every tract of land as necessarily needing to be a PDD or a PUD but as,
21 but look at this tract of land and do we see this as being a rural tract of land under its
22 current zoning or do we see this as being an industrial tract of land which it's
23 surrounded by. And the setbacks and the buffers are already in our code and to ask a

1 developer – that’s the problem that we have is there’s too much gray area out there and
2 nobody knows the rules by which to develop under in this county. And if we want to
3 change the rules then let’s change the rules. But everybody needs to know what the
4 rules are and if you think this tract of land should be kept rural then that’s fine. That’s
5 your opinion. If you think this tract of land doesn’t need to be rural but it needs to be
6 industrial then that’s what we’re here to take a look at.

7 MR. VAN DINE: Mr. Chairman, I will counter that with the fact I don’t believe the
8 buffers are appropriate.

9 CHAIRMAN PALMER: Then we need to address that.

10 MR. VAN DINE: I said that in our initial discussions that we had concerning the
11 buffers. I have never thought that they were sufficient to protect, especially
12 neighborhoods of the type that we looking at here. So if we want to go back and look at
13 it I’m more than happy to go back to what I felt were the appropriate boundaries to be
14 there. We made some compromises which I’m not comfortable with. This is one of
15 those areas where I don’t believe that we can take this entire tract of land, impact the
16 neighborhoods around the edges into an LI. Are there parts of it that can be used as
17 industrial? Absolutely. But does that mean this entire tract of land ought to be changed
18 over? I don’t think so. That’s the basis for what I am saying and what I’m doing, so.

19 CHAIRMAN PALMER: I understand.

20 MR. FULLER: Mr. Chairman, it is - it would be agreeable to the applicant to
21 revise the submittal to leave the property on the subject parcel south of the power right-
22 of-way in the existing RU designation and zone only the property under the power
23 easement and to the north boundary in the requested LI configuration.

1 CHAIRMAN PALMER: Is that something that can be done today or would we
2 need to wait another 30 days?

3 MS. LINDER: I believe we'd have to have an amended legal description so we'd
4 have that [inaudible].

5 MR. GOSLINE: The process would be they'd have to process a lot split, cut that
6 piece off, the 61 acre tract, get it recorded, submit a new legal description, amend the
7 application, as Amelia said, to show the new legal description.

8 CHAIRMAN PALMER: How long is that process going to take?

9 MR. GOSLINE: Well the – you have the agenda deadline for the next month has
10 already passed.

11 CHAIRMAN PALMER: I wouldn't have a problem extending that for this case. If
12 we could do that, if the Commission -

13 MR. VAN DINE: I'm not sure, I'm not sure what, the process that needs to go on
14 to get that done.

15 MR. GOSLINE: The process itself is fairly quick. The issue here is that
16 according to your rules of procedure the agenda deadline for the March meeting was a
17 week ago and so they, they couldn't be on the March agenda; they'd have to be on the
18 April agenda.

19 MR. VAN DINE: Are we able to waive our rules for a pending matter that is
20 before us if voted by the Commission?

21 MS. ALMEIDA: Yes, you could.

22 MR. VAN DINE: But it would require that a motion and vote to –

23 MS. ALMEIDA: Correct.

1 MR. VAN DINE: - to suspend those particular requirements for this particular
2 case in the event that we wanted to?

3 MS. ALMEIDA: Correct.

4 MR. FULLER: Mr. Van Dine, I think our request would be that we would request
5 that you defer the matter in order that we amend the pending application to reflect the
6 matter as it would be proposed and it would meet the cycle not for the March, not March
7 but it would be filed in the next zoning cycle, but it'll be the same application amended.
8 It simply won't be able to be taken up in the next meeting of the Body.

9 MS. ALMEIDA: Correct. The lot split would need to be perfected.

10 MR. MANNING: So your preference is is to move forward with a deferral and not
11 bend our rules today to try to do something else.

12 MR. GOSLINE: Mr. Chairman, what you could do is defer it to the April meeting
13 assuming they get everything in as soon as possible.

14 MR. FULLER: I think a straight deferral to the April meeting on action of the
15 Commission is what we would request. And then what transpires between now and
16 then we will have to get done whatever is to be done or the same matter will return.

17 MR. VAN DINE: Would we need a motion from this Body in order to defer it at
18 this stage?

19 MS. LINDER: Yes, you would.

20 MR. VAN DINE: Then I move that we defer it to the April meeting to allow the
21 applicant the opportunity to resolve certain issues that have arisen.

1 MS. LUCIUS: But Mr. Chairman, I wouldn't want to give the impression that that
2 amendment is enough to persuade someone who might still not approve it even if it's
3 amended.

4 MR. FULLER: I understand that. I mean, it would simply be a matter to be
5 considered by the Commission at the April meeting.

6 MS. LUCIUS: That still doesn't protect the Harlem Street.

7 MR. FURGESS: Right, right.

8 MS. LUCIUS: That addresses the neighborhood to the south but it's still to me
9 coming down a residential street.

10 MR. GOSLINE: Was there a second for that?

11 MR. MANNING: Second.

12 CHAIRMAN PALMER: We have a motion and a second to defer this matter,
13 Case No. 05-117 MA to our April meeting. Any discussion? All those in favor please
14 signify by raising your hand. Those opposed?

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

17 CHAIRMAN PALMER: Okay. We will defer Case No. 05 117 MA to our April
18 agenda.

19 MS. LINDER: Mr. Chairman, do we need to invite Mr. Green back in?

20 CHAIRMAN PALMER: No.

21 MR. VAN DINE: I believe he has another.

22 CHAIRMAN PALMER: Yes, we do need to ask Mr. Green in. Yeah we've got 16
23 [inaudible]. I'm sorry. It's the next one he has to defer himself. Case No. 05-116 MA.

1 **CASE 05-116 MA:**

2 MR. GOSLINE: Mr. Chairman, Members, this is a request from Preston Young
3 to rezone a 43 acre parcel from RU to RM HD roughly across from the Public Works
4 Department on Powell Road. The Department recommends approval for the reasons
5 found on pages 13 and 14, basically. Mr. Young is here to speak and there maybe
6 others.

7 CHAIRMAN PALMER: Mr. Young?

8 MR. VAN DINE: Can I ask a real quick question? There's access off of
9 Hardscrabble also, right?

10 MR. GOSLINE: Yes.

11 MR. VAN DINE: Okay.

12 CHAIRMAN PALMER: Mr. Young?

13 **TESTIMONY OF PRESTON YOUNG:**

14 MR. YOUNG: Good afternoon, my name is Preston Young, 100 Deer Crossing
15 Road, Elgin 29045. I'm going to keep it simple. We're here to request a
16 recommendation for an approval. Falcon Ridge is the name of the proposed project.
17 We're requesting RS HD zoning to develop a residential community of patio homes,
18 comparable to what's in Twin Eagles, and single-family residences. The undeveloped
19 land is located in Richland School District One, less than two and a half miles from the
20 new Keenan High School. In District One, to my knowledge, north of I-20 there's not
21 one new development outside of what's being built in the rear of existing subdivisions
22 that covers pretty much that first-time buyer market, the \$80s through the \$120s. For
23 whatever reason it's just not there north of I-20 in School District One. But, you know,

1 I'm sure with the new school being built, I'm sure that this is one of the first of many to
2 come. What we're proposing - I noticed in the information from Planning they
3 mentioned that the number of dwellings, 600 plus. There's no way possible that we can
4 even come close to reaching that number on the 43 acre tract. What we're finding out
5 as we get deeper into this that there's some possible wetlands as well as just the topo
6 issues there that we'll be lucky if we can even reach the 340 to 350 with the patio
7 homes and including the single families. Right now there are two proposed entrances,
8 one on Powell as well as one on Hardscrabble with the potential for a third at Ida Lane.
9 A couple of things that I did notice that this project definitely complies with the theme of
10 the district which encourages infield development where possible and it'll also provide
11 medium-priced homes closer to growing workforce in the area and it's going to offer a
12 range of housing opportunities to meet the various needs of the area residents. I
13 wanted to keep it brief. At this time I'll answer any questions if there are any.

14 MR. FURGESS: Your two exit points would be Hardscrabble Road and Powell
15 Road?

16 MR. YOUNG: Yes, sir.

17 MR. FURGESS: Is this project phase one and two or just phase one totally.

18 MR. YOUNG: It's definitely going to be phased. That's the plan right now to
19 phase it out. From the beginning of this we've been meeting with county Staff, planning
20 and zoning and also with the County Council representative for that area. And we'll
21 continue to do that to make sure this project definitely complies with the direction that
22 the county wants to go.

1 MR. FURGESS: So what we, we're doing this whole 43 tract today or just part of
2 it?

3 CHAIRMAN PALMER: All of it.

4 MR. YOUNG: All of it today, sir.

5 MR. VAN DINE: If I understand, this is straight rezoning again. You're not
6 looking at a PDD where you already have plans or anything?

7 MR. YOUNG: No, sir. Initially the PDD conversation came up in our meetings
8 but once we looked at the topo as well as the possible wetlands, along with county Staff
9 and the County Council representative, we all decided that this would be the route that
10 we take.

11 CHAIRMAN PALMER: Any other questions for Mr. Young? Thank you. Jackie
12 Williams?

13 **TESTIMONY OF JACKIE WILLIAMS:**

14 MR. WILLIAMS: Good evening, Mr. Chairman. I'm Jackie Williams, associate
15 to 1634 address. I choose to pass but we do have a principal speaker that would relay
16 the information necessary concerning the rezoning and that would be Mr. Wilson, pastor
17 of the church that's to be built there.

18 CHAIRMAN PALMER: And that was 1634 Hardscrabble?

19 MR. WILLIAMS: Correct.

20 **TESTIMONY OF ALEXANDER WILSON:**

21 MR. WILSON: Now my name's Alexander Wilson, III. I'm the pastor of Shiloh
22 Christian Fellowship Baptist Church with the future site being built at 1634 Hardscrabble
23 Road and that's Columbia, South Carolina 29230. First of all we as a church body have

1 no problem with the building and the upgrade from an RU to I believe what's that an RH
2 to an RM-HD, Case No. 05-116 MA. Our concern, however, is how would this
3 development affect our parking which will be along the property line north and south of
4 the plot boundaries? Number two, how will the water run off be channeled? Our
5 property has a natural spring that as you get half way into the property traveling in a
6 southerly direction on the property line. The grading of our property not only
7 encompasses the natural spring but swings up into the property according to our plat.
8 Number three, the tree line is our natural buffer for our site plan and if that's destroyed
9 that natural buffer - will we have to pay to the county because our paperwork is in-house
10 already being approved as we speak to build on that nine acres that stretches along that
11 north and south boundary entering from Hardscrabble Road. And four, that highlighted
12 area of the aerial view that was on the back of our mailed copy, of the site that's being
13 proposed reflects lines onto our property. Now that may or may not be a concern. That
14 may just be generic but we just need for clarification. The bottom line we're looking at
15 the drain off of the water, the buffer zone, and the traffic routing. How will it be handled
16 since there's going to be influx of three or four hundred maybe more homes to handle
17 that traffic? Because right now Hardscrabble Road at that juncture is narrow. How will
18 that affect our future planning of our church influx coming in that area? Thank you very
19 much.

20 MR. FURGESS: Excuse me, sir. Your property butts up on the south side -

21 MR. WILSON: Correct. Right.

22 MR. FURGESS: -- of Hardscrabble Road. This right here. Okay. I see it now. I
23 see it now.

1 MR. GOSLINE: It's on – excuse me. Mr. Chairman, it's on the south side of
2 Hardscrabble Road adjacent to the property?

3 MS. LUCIUS: Yeah.

4 MR. FURGESS: Yeah. It's this area right here, Carl.

5 MR. LEXANDER WILSON: Right. It's this area touched all [inaudible].

6 MR. FURGESS: They site, oh, inside.

7 MR. WILSON: Right. Inside, inside. So the future property is three-quarters
8 away around us. We're in smack in the middle.

9 MR. GOSLINE: So they're right here?

10 MR. FURGESS: Yeah.

11 MR. GOSLINE: This is them right here?

12 MR. VAN DINE: Yeah.

13 CHAIRMAN PALMER: Yeah.

14 MR. FURGESS: Here.

15 MR. WILSON: Correct.

16 MR. GOSLINE: Right here?

17 MR. VAN DINE: Down, down.

18 MS. LUCIUS: I guess.

19 MR. WILSON: [Inaudible] sit nicely and neat. This line is the same as this line.

20 MR. GOSLINE: Okay. Alright. So this is your –

21 MR. WILSON: Right. Chopped up. An imaginary line coming in and shooting
22 straight up.

23 MS LUCIUS: I guess so.

1 CHAIRMAN PALMER: Thank you, Mr. Wilson.

2 MR. WILSON: Thank you.

3 CHAIRMAN PALMER: Glenn Mosser?

4 **TESTIMONY OF GLENN MOSSER:**

5 MR. MOSSER: My name's Glenn Mosser, Jr. I'm the property owner at 1635
6 Hardscrabble Road which is directly across the street from this particular property. And
7 we were notified and have read the report of the Staff. We have a couple of concerns
8 that primarily have been addressed at other moments today and that is that we don't
9 know enough at this point about the complexion of the property of the project as far as
10 the single-family homes and the patio homes or the multi-family homes. When we saw
11 the request for high-density and interpreted as multi-family we were assuming
12 apartments and especially when we saw that there'd be an increase of over 3,000 trips
13 per day as a result of the development. In reading from the Staff Report it says even
14 though Powell Road is not classified the project would not significantly increase the
15 traffic on that roadway, we're assuming it must mean that they're going to be coming out
16 on Hardscrabble Road which would be adjacent to the church and directly across from
17 our driveway. So we would be in favor of you getting us some more details before or
18 we would be against the project at this point. Our piece of property we own 109 acres
19 directly across the road from it. Thank you.

20 CHAIRMAN PALMER: Glenn Mosser, Sr.

21 MR. MOSSER, SR.: [Inaudible] speaker expressed my concerns. I pass.

22 CHAIRMAN PALMER: Thank you. Franklin N. Boler. Boler.

23 **TESTIMONY OF FRANKLIN BOLER:**

1 MR. BOLER: My name is Franklin Boler of 300 Gabriel Street, Columbia, SC.
2 As we come to look at this map here what they did is really - the way they have it here is
3 not concerning me but when they sent me a letter out, it was showing my property
4 adjacent to it. Right here on Powell Road where I have the junkyard, commercial
5 property it's - they change it from M-1 to L1 and when they sent me the letter it was
6 proposing where they're going to make the boundaries, you know, the new area what
7 they asked for this new development they was including my property too. So I just want
8 to make sure that they're not going to touch me because I do not want to be touched.
9 Let it stay just like it is. It's LI; we want to let it stay L1. So someone has shaded it out
10 and some letter they sent me.

11 CHAIRMAN PALMER: Mr. Boler, you can be confident your property is not
12 included in this rezoning.

13 MR. BOLER: Okay. Thank you.

14 CHAIRMAN PALMER: David Savage?

15 MR. GOSLINE: Mr. Chairman, if I might. When we send out the neighborhood
16 notifications we have a map which shows the site that's going to be rezoned and then
17 there's a buffer area around it that gets notified. But it's only the site shown within there
18 that's being changed not the area. So I suspect that's what the gentleman is talking
19 about.

20 CHAIRMAN PALMER: Okay.

21 **TESTIMONY OF DAVID SAVAGE:**

22 MR. SAVAGE: How ya'll doing this afternoon? My name is David Savage and I
23 was speaking in with Shiloh Christian Fellowship Baptist Church and like the pastor was

1 saying our biggest concern was the buffer line and the parking and which way the water
2 was going to flow. As far as building the subdivision it's fine with us other than those
3 issues and if we can get some answers on those particular issues then I think we could
4 work with it.

5 CHAIRMAN PALMER: Thank you.

6 MR. SAVAGE: Thank you.

7 CHAIRMAN PALMER: That's all that's signed up to speak.

8 MR. GREEN: A question for Staff. We have talked at the last couple of
9 meetings about amending the Land Development Code to return to the Planning
10 Commission the ability to look at subdivision plans; is that in the works?

11 MS. ALMEIDA: There will be an amendment that can be brought before you at
12 the next meeting for you to – whether you like the wording to be brought before Council.

13 MR. GREEN: Thank you.

14 MR. VAN DINE: Can I make a request?

15 MS. ALMEIDA: Yes, sir.

16 MR. VAN DINE: That is instead of waiting until the next meeting to get us the
17 language that you get it to us beforehand so we have an opportunity to give you our
18 comments so that perhaps at the next meeting we could actually do something.

19 MS. ALMEIDA: Right. That was our intent.

20 MR. VAN DINE: Okay.

21 CHAIRMAN PALMER: I thought we requested that at the last meeting to have
22 for this meeting.

23 MR. GREEN: I think your memory is good.

1 MR VAN DINE: I think the same can be said for the meeting prior to that as well.
2 Mr. Chairman, as to this particular request the area I think seems to fit what is
3 attempting to be done there. The only concern I have, and this has nothing to do with
4 the rezoning request but it maybe for future reference, there's an indication that perhaps
5 there would be an exit out onto Ida Lane. That road seems to be awfully narrow to be
6 putting any additional traffic out on to it and I would think that that road would not be
7 compatible for an exit out of a subdivision of this nature. When we look at subdivision
8 plans perhaps an emergency entrance would be acceptable but actual entrance and
9 exit out of that would seem to me to be overloading residential streets. Otherwise I
10 don't have a problem with this particular request and I would make a motion we send it
11 forward with a recommendation of approval.

12 CHAIRMAN PALMER: We have a motion. Do we have a second?

13 MR. FURGESS: Second.

14 MS. LUCIUS: Am I correct this is going to be triplexes and quadraplexes in
15 here?

16 MR. GOSLINE: I'm sorry.

17 MS. LUCIUS: These are going to be triplex and quadraplex structures?

18 MR. GOSLINE: There'd be a mixture, yes. I believe that some discussion about
19 some single-family attached.

20 MS. LUCIUS: Because he had said, he had made the statement it is was going
21 to be similar to Twin Eagles. I was reading your report there. You said that Twin
22 Eagles is occupied by single story, triplex and quadraplex structures. So that's what
23 we're looking at in there? Okay.

1 MR. GOSLINE: Something along that and they – something along that line, yes,
2 ma'am.

3 MR. GREEN. And I would echo Mr. Van Dine's feelings especially given the fact
4 that this property fronts on Hardscrabble and Powell there is a way to align the
5 movement of vehicles here that, touching Ida Lane I would think would not be
6 appropriate and they ought to be able to work around it and hopefully by the time the
7 subdivision comes before the county we will have the opportunity once again, as we did
8 for years, have the opportunity to make appropriate comment on subdivision design.

9 MR. GOSLINE: Who was the second, Mr. Chairman?

10 MS. LUCIUS: Mr. Furgess.

11 CHAIRMAN PALMER: Mr. Furgess. Any other comments? We have a motion
12 to send Case No. 05-116 MA forward to Council with the recommendation of approval.
13 All those in favor please signify by raising your hand.

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

16 CHAIRMAN PALMER: There's none opposed.

17 MS. LUCIUS: That picture of the Sheriff's impound yard on page 19. That's
18 pretty bad looking.

19 MR. MANNING: They need to do a little buffering themselves.

20 CHAIRMAN PALMER: Moving forward Case No. 05-119 MA and let me read
21 this into the Record. "Dear Mr. Palmer: I must request to be excused from any
22 discussion or voting on agenda item number 05-119 MA regarding rezoning adjacent to
23 Northpoint Business Park to schedule for review and/or discussion at today's Planning

1 Commission meeting. It is my understanding of the rules of conduct provisions of the
2 Ethics, Government Accountability and Campaign Reform laws that since I work for one
3 of the real estate firms involved in the transaction I will be unable to participate in this
4 matter through discussion or voting. I would therefore respectfully request that you
5 indicate for the record that I did not participate in any discussion or vote related to this
6 item representing a potential conflict of interest. I would further request that you allow
7 and direct this letter to be printed as part of the official minutes, excuse me from such
8 votes or deliberations and note such in the minutes. Thank you for your consideration
9 in this matter. Sincerely, Eugene C. Green.” And let the Record reflect that Mr. Green
10 has left the room.

11 MR. GOSLINE: Mr. Chairman, Members, this is a request by Steve Corboy to
12 rezone 94 acres in the middle of the Northpoint Industrial Park from M-1 to PDD mixed-
13 density residential project. Staff recommends approval based on conditions in pages
14 24, 25 basically. This is an unusual request to say the least but this particular piece of
15 property has been a portion of the Northpoint Business Park for some time. The
16 topography is very difficult to work with. That’s, I assume, one reason why more
17 industrial development hasn’t occurred in that area. I know that there’s a bunch of
18 people signed up. Mr. Margle here is ready to do his presentation.

19 CHAIRMAN PALMER: Mr. Corboy?

20 MR. CORBOY: Yes.

21 MR. VAN DINE: Can I ask a few quick questions first before you get a chance?
22 This has nothing to do with the – it borders on but has nothing to do with the Turkey
23 Creek, Mungo development?

1 MR. GOSLINE: Absolutely, correct.

2 MR. VAN DINE: Okay.

3 MR. GOSLINE: It's on the north side of the creek from the Wren creek PUD.

4 MR. VAN DINE : The second is this is what I got in my package. It doesn't show
5 me a whole lot of the plan here.

6 MR. GOSLINE: You'll have to – unfortunately the printers screwed up so you'll
7 have to look at the master plan drawing in your book.

8 CHAIRMAN PALMER: Mr. Corboy.

9 **TESTIMONY OF STEVE CORBOY:**

10 MR. CORBOY: Mr. Chairman, ladies and gentlemen of the Planning
11 Commission, good afternoon. My name is Steve Corboy, 1500 Pond Drive, Columbia,
12 South Carolina and I am the petitioner in this case. I'll be brief with my comments so
13 everybody can get a chance to speak. The project Pennsbury(?) Reserve is a 356 unit
14 residential master planned community, a PDD under the new code, to be developed by
15 Michael Neary, Great Southern Homes and myself. The property as you can see is
16 located almost in the middle of the booming and prosperous northeast Richland County,
17 close proximity to I-77 and U.S. Highway 21. Close proximity to jobs and easy access
18 to Clemson Road and downtown Columbia. A brief history of the land. The property's
19 been for sale for over 20 years as M-1. The topography is not suitable for M-1. Too
20 much M-1 exists in the I-77 corridor. Liberty Life started this project back in the early
21 '80s and Liberty was an expert at doing these types of business parks with much
22 success. But sales were slow and finally after years, Liberty sold the remaining land at
23 public auction. Walt Raiser, a very sophisticated prudent investor and developer from

1 Greenville, bought the property and he shortly thereafter sold the front of the property to
2 Siemens and after a couple more years gave up on the M-1 and gifted the property to
3 his alma mater, The Citadel Foundation. The current situation, as you can see from
4 map, the area all around the property is going residential. Thousands of units have
5 been approved for development and/or in the planning stages. Yellow is Pennsbury
6 Reserve, green notes under construction, and orange notes in the planning for
7 construction. The map is not quite current as there is more green than orange on the
8 map. A new Richland School District Two is planned adjacent to Pennsbury Reserve to
9 the south – or to the east, excuse me. Upscale housing will be developed in three
10 phases over four to five years. The project will have hard amenities. Those amenities
11 will be chosen and selected by the residents who occupy, who buy homes in Phase 1,
12 so we'll build what they want. In addition, the property will have parks, sidewalks, hiking
13 and biking trails. We are preserving areas of steep slopes some in excess of 20
14 percent. Protection of drainage ways through the property for the business park and
15 green spaces for Pennsbury Reserve. Buffers around the perimeter. We will connect
16 Northpoint Boulevard. Eighteen wheelers will be prohibited. Create better traffic flow
17 for the park and Pennsbury, provide for emergency access in the event of accident in
18 front of either entrance. Waterline with the City of Columbia will be looped and tied
19 together providing better flow and eliminate stagnant water and deadend waterlines and
20 provide more water capacity for the park, the project and the city. Pennsbury Reserve
21 will have its own comprehensive set of covenants, conditions and restrictions to be
22 governed by its association and provide for and protect the green spaces among other
23 items. Pennsbury Reserve meets the criteria set out in the Town and Country plan for

1 the county. Pennsbury Reserve creates connectivity between uses that is occurring in
2 major metropolitan areas throughout the South. At build out Pennsbury Reserve will
3 generate under the current property tax system in excess of \$1.9 million annually. Of
4 interest is a map that shows the property as it relates to the CC&Rs of Northpoint Office
5 Park and as you can see approximately 20 acres of the 94 acres is in the CC&Rs of the
6 office park if we can find that map. Is that the map?

7 MR. MARGLE: Yes.

8 MR. COLBOY: It's very difficult to see. If you could outline that with your arrow.
9 The line to the west and north of that outline is the 20 acres that is subject to the
10 CC&Rs of Northpoint. As you can see the vast majority of the property is not in the
11 CC&Rs. It's present status, a Phase 1 of our site assessment is complete, no
12 environmental issues were found. Traffic impact study complete. You've got your
13 executive summary. Ultra boundary survey complete. Topographical mapping 50
14 percent complete. Wetlands have been delineated and surveyed. Wetland
15 determination has been approved by U.S. Army Corps of Engineers. Grand trees are
16 being protected for protection – located for protection. We received unanimous
17 approval from Richland County Planning and Staff review at the DRT Committee
18 meeting. We've received Planning and Development Service recommendations for
19 project. We'll be constructing 175' left-turn lane on Community Drive and Northpoint
20 South. We'll be working closely with DOT as this area of the county develops to help
21 create intersection improvements for Community Drive, U.S. 21 and I-77. We have met
22 with most major landowners to the west, south and southeast of the project with no
23 objections. We have met with the management company for Northpoint Owners

1 Association and the Board of Directors of Northpoint Owners Association and have had
2 numerous discussions and talks both locally and in New Jersey with Siemens. I would
3 like the opportunity to address any comments made if necessary at the conclusion of
4 the comment session. If you have any questions our engineering firm, Palmetto
5 Consulting Engineering Group, Rick Maxheimer and Justin Baughknight are here as
6 well as Tom Margle from Great Southern Homes can address any specific issues
7 regarding this sketch plan. Thank you.

8 MR. VAN DINE: Mr. Corboy, can I ask you a quick question? You indicated that
9 18-wheelers would not be allowed in that area. Is that part of some community
10 requirement that they not be allowed to go down there? I guess I wonder whether or
11 not some of the businesses down at the far end are being serviced by 18-wheelers now.

12 MR. CORBOY: The property has been there for 20 years just like it is.

13 MR. VAN DINE: I'm just trying to figure out whether or not there's any 18-
14 wheeler service that's down all the way to the, I guess it would be the west, businesses
15 down at the west end.

16 MR. CORBOY: I would say there would be.

17 MR. VAN DINE: And what you're saying is they would not be able to come back
18 out through that development. They would have to go back out the existing road that's
19 there now?

20 MR. CORBOY: Exactly the way they do it right now and the way they've been
21 doing it for the last 20 years. But all the other vehicular traffic would have complete
22 access to rotate around.

1 MR. VAN DINE: Is there someway that you're going to be able to, I don't know
2 block them, or stop them from actually coming out that way to make them go back the
3 other way? Or how are you going to handle? Maybe that's an engineering question as
4 opposed to something else but.

5 MR. CORBOY: We're going to narrow that road down. It will be a collector road
6 but it's going to be residential in scale. We're also putting a traffic calming device in the
7 middle where that round about and that will become an architectural feature as well for
8 the community to discourage that kind of flow through traffic.

9 MR. VAN DINE: Okay. Alright. Thank you.

10 MR. MANNING: Mr. Corboy, you mentioned there was a portion of the property
11 that was encumbered by I guess some restrictions of Northpoint and then a portion of it
12 that is not. Do the areas north of that line and west of that line, are they in conformity
13 with those restrictive covenants or is there some debate about that?

14 MR. CORBOY: We have not submitted to them yet. We're asking to be released
15 from the CC&Rs of Northpoint Owners Association.

16 CHAIRMAN PALMER: Any other questions for Mr. Corboy? Thank you. Randy
17 Corboy? Ms. Barbara Wyatt? Make sure that she sticks to her three minutes.

18 **TESTIMONY OF BARBARA WYATT:**

19 MS. WYATT: I think I'm well-known up there aren't I? I'd like to say welcome to
20 the newest members. I'm Barbara Wyatt who just left the Planning Commission in
21 December. For the eight years that I served, every time Mr. Corboy came in front of us
22 I voted no to his projects. He said to me once, "What will it take?" I said, "Bring me a
23 subdivision I like and even if I'm not on the Planning Commission I'll come down and

1 speak for you.” In December he called me and he said, “Would you take a look at what
2 I’ve done here?” It has everything that I think that we worked on for so many years with
3 the Land Development Codes, the green space, the turn-about or the traffic circle as I
4 call it, the grided street layouts. There’s not a thing about it that I didn’t like. So I told
5 him, I said, “You’ve done it. I like it. I’ll go speak on it.” So that’s what I’m here for
6 today to say that I think this would be great. That Turkey Farm Road area, I think we all
7 know Mungo development is right around the corner from this. Shumaker’s project is a
8 quarter of a mile if even that away from it. Its truly gone residential and I think there
9 again looking at how we want our county to grow, we’ve got the business park there, the
10 Siemens employees almost can walk home from work now and that’s certainly
11 something, you know, that we’ve been looking for is that walkable living and working
12 environment. And in closing Mr. Van Dine, Ms. Lucius, I would like to thank you for your
13 continued support of Clemson Road. I’m afraid by the Commission’s actions today
14 we’ve just opened up a residential corridor to commercial development and it makes me
15 want to cry. Thank you.

16 CHAIRMAN PALMER: Thank you, Ms. Wyatt. George – I’m sorry if I butcher
17 this. Stibet?

18 **TESTIMONY OF GEORGE STIBO:**

19 MR. STIBO: Actually it’s Stibo believe it or not. All the extra letters are for show.
20 Mr. Chairman and the Commission, I want to thank you for the opportunity to come and
21 speak to you today. I’m George Stibo. I’m president of Hook Foils which is a flexible
22 packaging company and a subsidiary of Hook Foiling, a company in Europe with a
23 revenue of about \$300 million. I am president and as president I’m head of –

1 responsible for operations in North America and I'm here to express my concerns and
2 stated flat out opposition to this proposed rezoning right in our backyard. We started
3 the company, Hook Foils, with zero people and zero revenue back in 1989. We built the
4 business to a certain point where our parent company allocated the funds to build our
5 first operation here in the United States. I personally helped conduct the search and we
6 picked Richland County, South Carolina over places in Virginia and North Carolina for
7 four main reasons. One, the state and county commitment to business. Number two,
8 the international scope; at that time BMW was locating in Greenville. Number three, the
9 business atmosphere, the amenable atmosphere to business done both by the county
10 and the state. And four, and most important, the lack of sprawl adjacent to the industrial
11 park. Hook since that time, Hook has invested over \$28 million. We opened the plant
12 in '97, expanded twice and now employ 85 people. Our revenue now approaches \$40
13 million. This proposal is contrary to all four basic reasons why we came here and there
14 are three concerns which both as a businessman and as a parent I would urge you to
15 undertake and explore. The first is one of safety. Contrary to what has been talked
16 about, we're talking about children riding their bicycles and we do use 18-wheelers
17 loaded with aluminum coming into our plant. As a parent with an operation seven days,
18 24 hours a day, it's a nightmare to think of kids riding bicycles in front of our plant,
19 adjacent to our plant with such traffic going on. Next the traffic itself. We're talking over
20 350 houses, figure two cars per house, that's 700 vehicles. They will not all go out
21 straight between Coke and Siemens. Rest assured when we have all of our shift
22 change and when we have our deliveries there will be multiple cars going out – in and
23 out right in front of our plant. Again as a parent I just cannot picture a 16-year-old on a

1 cell phone not paying attention to a tractor-trailer coming down into our location. I have
2 not met anyone from this facility, this operation. We have not discussed it at all and I
3 take great – urge you to reconsider the original purpose of this property and the
4 wellbeing of the jobs that we create at Hook Foils. Thank you very much.

5 CHAIRMAN PALMER: Thank you.

6 MR. STIBO: Yes.

7 MR. MANNING: Your issue of safety. You mentioned the truck traffic. Are there
8 any other safety issues?

9 MR. STIBO: Yeah, actually there are. I wasn't able to get into them. We, we
10 print on aluminum foil and we use chemicals, we use materials that are approved by the
11 EPA and we have these things going in and out all the time. You cannot tell me that
12 kids are not going to trespass on our property and get - possibly get into things, get into
13 areas where they shouldn't be. We take a lot of time training. We have a lot of
14 oversight, governmental oversight for these types of applications and again, a business
15 behind our facility is not a problem, but this is not a use that is contingent and
16 congruous with what we do and have been doing since 1997. It really concerns me
17 both as a businessman and as a parent that you could have kids and people that have
18 no idea what's going on in the business park, riding in front, coming through our
19 property, etc. So it's a major concern and it really would add, potentially add a
20 significant amount of cost to our operations not only now but in the future which will cost
21 jobs. Thank you very much.

22 CHAIRMAN PALMER: Any questions? Thank you. Layton Lord?

23 **TESTIMONY OF LAYTON LORD:**

1 MR. LORD: Yes, thank you. I'm Layton Lord. I'm with Nexsen Pruet and I
2 represent Hook Foils. To really understand why this application needs to be denied you
3 have to turn the tables. Imagine that this subdivision existed. It was filled with houses,
4 filled with families, filled with children and that all of these manufacturers here came to
5 you and said, rezone all this land around it from residential to M-1 so they could put
6 manufacturing facilities around it. The people would be lined up. That whole section
7 would be filled up with the people in this subdivision opposing this and why would they
8 oppose this? They would oppose it because it was dangerous. Well I'll tell you, Hook
9 Foils which is the red one right there with 13 houses proposed behind it has to have
10 blow out walls according to OSHA statistics, OSHA regulations. Blow out walls so if
11 there's an explosion, the explosion blows out. That would be one of their objections.
12 Another objection would be truck traffic. That facility and many other facilities are 24/7;
13 trucks, shifts are always going in and out. The other would be noise. We run machines
14 24/7. Smells. We use solvents, inks, you name it. Go by it you can smell the smells.
15 It's a manufacturing facility; it does have smells. The other would be what if these guys
16 want to expand? Well hopefully for our economic wellbeing they all want to expand and
17 as they expand the problems of having a subdivision in the middle of an industrial park
18 will only increase. My clients chose this location and all these other manufacturers
19 chose this location to avoid these arguments. Richland County zoned this M-1 to avoid
20 these arguments. The master plan for this area calls for industrial use to avoid these
21 arguments. I ask you all to deny this application to avoid these arguments. Thank you.

22 CHAIRMAN PALMER: Thank you, Mr. Lord. Debbie Benson?

23 **TESTIMONY OF DEBBIE BENSON:**

1 MS. BENSON: My name is Debbie Benson and I represent Coca-Cola. We're
2 up on the far right corner up there. We have been in the Northpoint Business Park for
3 about 10 years and we have our Blythewood Sales Center which is located there. We
4 employ a little over 200 people in that facility right there. We distribute about 5 million
5 cases within a 60-mile radius of Columbia currently. It is our plan at Coca-Cola with the
6 expansion and so forth like that, that that will become one of our regional facilities which
7 was the purpose of which Coca-Cola just a few years ago purchased an additional five
8 acres of land. I have been asked by our corporate offices to make it known on the
9 Record that contrary to what Mr. Corboy has said, no one at Coca-Cola has given their
10 approval or consent to this development. I, in addition, am a parent and I also have
11 concerns about the safety issues. Coca-Cola has between 15 and 20 tractor truck
12 trailers, big semis that come in at this facility. We also have about 60, 12 to 16 bays
13 trucks as the ones you see at convenience stores, grocery stores, so forth like that. We
14 also have about 70 light duty vehicles. So all of these vehicles are coming into this
15 plant on a daily basis. We are a 24/7 operation and we also have noise throughout the
16 evening, throughout the night. We have trucks coming in making deliveries. Several
17 years ago like I said they purchased this land and the intention was not to purchase this
18 so that we could, you know, impede on the quality of life that a homeowner would like to
19 have. And so I ask you to, you know, just consider what decisions are made here today
20 on Coke's behalf.

21 CHAIRMAN PALMER: Thank you. David Sholand?

22 **TESTIMONY OF DAVID SHOLAND:**

1 MR. SHOLAND: Thank you. My name is David Sholand. I am owner and
2 president of Accutech Machine. It's right across from Hook Foils, across the street from
3 [inaudible] location on the other side or the north side of the road. Our address is 1110
4 Northpoint Boulevard in the business park. We have 50 employees. We're also a 24/7
5 operation. We have exposure from employees but also trucks and so forth. By the way
6 our investment is four million in the area. We have day and night trucks that are
7 delivering. At this point we have a truck that's coming in between 9:00 and 10:00 at
8 night and again at 3:00 and 4:00 in the morning. We also have 48 other trucks
9 delivering around 4:00 to 6:00 p.m. Shift change for us is at 3:00 p.m. and again a 1:15
10 a.m. And definitely noise is an issue I feel. Some of the conflicts with the neighborhood
11 is going to be - again I'm a parent - children playing, bikes, skateboards, those kind of
12 issues within the park and we have an access way and a path that comes right into the
13 north side of the park as well as part of the plans. This all spells injury and liability for
14 the businesses, extra costs, security, 24-hour type operations. We feel that the
15 industrial parks are zoned for industrial and should stay that way and I thank you for
16 your time.

17 CHAIRMAN PALMER: Mark Moore?

18 **TESTIMONY OF MARK MOORE:**

19 MR. MOORE: I'm here representing Patterson Fan. That's 1120 Northpoint
20 Boulevard. We're across the street from Hook and next to the machine shop there. We
21 oppose. We have approximately 75 employees and in the summertime with the
22 summer help that we hire, we expand out to about a hundred people. We oppose the
23 operation from what it would do from and EPA standpoint. A lot of the businesses have

1 air permits in the area. Some of those permits would have to be revisited if you put
2 residential so closely to industrial facilities like this, such that are in the park now. The –
3 we're not talking quarters of miles but we're talking hundreds of feet can change your
4 existing air permit. So those would, every time you wanted to expand an operation or
5 change your processes in any way you have to revisit those permits. So in effect the
6 encroachment of being so close to some of the existing businesses they would have to
7 go revisit their permits. That can either cost them millions of dollars to go to a higher
8 level of clean air or they would simply decide to move or they would decide not to bring
9 those processes into this park. Those are the issues that Patterson felt pretty strongly
10 about and we oppose the project on those terms.

11 CHAIRMAN PALMER: Todd Henry?

12 **TESTIMONY OF TODD HENRY:**

13 MR. HENRY: Good afternoon. My name is Todd Henry. I'm the plant manager
14 for Modine Manufacturing Company's business in the Northpoint Industrial Park. I'm
15 also a board member of the Northpoint Business Owners Association. I'm here today to
16 speak against the request to rezone the 94 acres located in the middle of the Northpoint
17 Industrial Park from M-1 to PDD. Modine is a \$1.5 billion global company based in
18 Racine, Wisconsin that specializes in thermal management systems and components.
19 Our Blythewood facility manufactures original equipment, aluminum transmission oil
20 coolers for trucks and SUVs. We serve customers such as BMW, Diamond/Chrysler,
21 Ford, Nissan and Vission(?). We have a \$14 million capital investment located on 21
22 acres and we currently employ 185 Midlands residents. We operate a 24-hour just in
23 time production schedule and average nearly 10 semi-truck pick ups and deliveries per

1 day around the clock. We've been in place since 1995 and worked well with Richland
2 County government to complete our facility and also to train future employees with the
3 help of Midlands Tech, special schools and the Center for Accelerated Technology
4 Training. To date the Richland County Council has invested over \$320 million in
5 developing the Northpoint Industrial Park and its infrastructure. They have attracted 10
6 manufacturing companies, many of which are world class organizations from the United
7 States, Japan, Germany and England employing over 1,300 Midlands residents. One of
8 the major selling points for locating in Northpoint is the fact that it is an industrial park.
9 These companies coming from outside the U.S. do not want to deal with problems
10 associated with mixing manufacturing and residential in common areas. Allowing the
11 residential development to be built would nearly build out the Northpoint Industrial Park
12 ending any potential future benefit from the \$320 million already invested. Modine
13 would not have considered locating to this property 10 years ago if it had not been
14 specifically zoned for an industrial park. Natural barriers, safety issues when mixing
15 residential and manufacturing, especially children, residential complaints, liabilities with
16 trespassing and environmental permitting are all reasons why we chose the industrial
17 park. A residential development in the middle of the park could be devastating to this
18 area because it could potentially stop future planned expansions by businesses located
19 in and around the park, eliminate the potential to attract more businesses that could
20 employ residents of the already planned 2,400 homes to be built in the Turkey Farm
21 Road area. It would lower all of our property values making resale extremely difficult for
22 the reasons I've already stated should businesses pull out of the industrial park. And it
23 would lower tax revenue for Richland County as industrial property taxes far outweigh

1 residential taxes. In summary, the current business owners of the Northpoint Industrial
2 Park are in unanimous agreement against this rezoning and ask the Planning
3 Commission to deny the amendment. Thank you.

4 CHAIRMAN PALMER: Thank you. Don Harrison?

5 **TESTIMONY OF DON HARRISON:**

6 MR. HARRISON: Good afternoon. My name is Don Harrison. I'm vice-president
7 and CFO for Spirax Sarco, Incorporated. It's on the left side, the west side of the park
8 near the curve at 1115 Northpoint Boulevard, Blythewood, South Carolina. I'm also a
9 member of the – a board member of the Northpoint Business Owners Association. I'm
10 here to voice our company's opposition to the rezoning proposal. We are a U.S.
11 subsidiary of a public British company with a market cap of \$1.2 billion and over 4,000
12 employees worldwide. Spirax Sarco is a recognized worldwide leader in providing
13 solutions and systems to steam users in industry as well as in facilities, government
14 buildings, prisons, universities and hospitals. In the U.S. we have 300 employees with
15 roughly 200 based in the U.S. headquarters and manufacturing facility in Northpoint.
16 We're the largest landowner in the park with 60 acres which is roughly 25% of the park.
17 Spirax Sarco relocated to Blythewood in 1998 providing local employment for most of
18 the 200 South Carolina based positions because there were only about 25 that
19 relocated from Pennsylvania, and with an investment of over \$30 million. We, to help
20 motivate the company in coming to South Carolina over several other areas that we
21 looked at in adjacent states, Richland County and South Carolina provided significant
22 tax incentives including a fee in lieu of, enterprise zoning job development credits and
23 favorable state income tax apportionment. I must tell you our company has major

1 concerns about mixing industrial and residential for the following reasons. We operate
2 two shifts from 7:00 a.m. to 12:30 a.m. and have significant tractor-trailer activity for
3 deliveries and shipments during those times, primarily from 9:00 to 5:30 p.m. This
4 presents safety and potential liability issues especially with children. We have little
5 activity over the weekends and therefore have concerns that our parking lot and other
6 land will be used for residential activities and presenting potential liability issues. Due to
7 normal characteristics of an industrial site like noise and lights and activity, we would
8 not want to become the bad neighbor to this closely adjacent residential neighborhood.
9 We doubled our land holdings in the park in 2001 when the original owner exited and
10 we did that for future expansion opportunities. A housing development in the park
11 would restrict this future growth if we wanted to do that again. In summary, Spirax
12 Sarco's against the rezoning proposal and would appeal to the Planning Commission to
13 keep the land as currently zoned. Thank you.

14 CHAIRMAN PALMER: Steve McCullough?

15 **TESTIMONY OF STEVE MCCULLOUGH:**

16 MR. MCCULLOUGH: Good afternoon. I'm Steve McCullough. I am the general
17 manager of Koyo Corporation Manufacturing Division. We're at 1006 Northpoint
18 Boulevard. Koyo actually has a long history in the State of South Carolina. We started
19 in 1973 in Orangeburg County where we employ over 700 underneath 425,000 square
20 feet. We expanded our operations into our Richland facility in 1995. Koyo expanded
21 and has already doubled the size of this facility. The current size is 240,000 square feet
22 on 21 acres. Koyo's investment into Richland County alone has been \$88 million to
23 date. Our current employment level is 260. Koyo pays over \$2 million in state property

1 tax, \$900,000 coming from Richland. Our associates pay over half a million dollars in
2 state income tax. Koyo is a tier one and tier two automotive supplier. Our largest
3 shareholder is Toyota. We are an EPA Title 5 air permitted facility. Koyo's customer
4 base is all of the big three, Toyota, Honda, BMW in South Carolina and in Germany.
5 We supply all wheel bearings for the BMW Z-4 and the X-5. We operate a complete,
6 three shift and a lot of weekend work. Truck traffic into our facility is very large. Our
7 customers pick up on milk(?) runs approximately every other hour. In addition, we have
8 multiple deliveries from U.S. suppliers and about 10 containers coming from the Port of
9 Charleston through the State Ports Authority. Effective January 1, 2006, Koyo merged
10 and bought out Toyota Machine Works which also owns facilities in the state. Our
11 parent company has changed its name from Koyo Seiko to JTech. We are now over a
12 \$10 billion company. We are the 12th largest automotive supplier in the world. Due to
13 this we have aggressively considered our growth and expansion locations. Our
14 Richland plant floor space has been maximized. We continue to receive new business
15 for this location. This type of zoning will result in mixed community. It's not an area
16 where we, Koyo, would want to make any future investments. As I indicated, Koyo has
17 aggressively been looking for future expansion. This search has offered me the
18 opportunity to see other industrial parks in the state and across the Southeast.
19 Richland County is very lucky to have such an excellent industrial park. The
20 demographics of the area, and the amenities offered make Northpoint a very attractive
21 location for future expansion. This type of zoning will kill that. From personal
22 experience when Koyo is considering future locations we immediately reject a site
23 located to close proximity to housing. We kind of feel a place for everything and

1 everything in its place. We are generally concerned about the traffic, the personal
2 liability, light pollution, noise pollution and many other future problems. Thank you.

3 CHAIRMAN PALMER: Thank you. Jim Lintz?

4 **TESTIMONY OF JIM LINTZ:**

5 MR. LINTZ: Mr. Chairman, I'm Jim Lintz. I represent Thermal Technologies at
6 130 Northpoint Court. I'm also a member of the board and I'm president of the owners
7 association. Thermal Technologies and its parent company, BenAir Group were the
8 first company to purchase property, build and begin to manufacture in the industrial
9 park. The BenAir is a Netherlands based company and they were looking to relocate in
10 the United States and after diligently searching many geographical areas, I think from
11 the West Coast to the East, settled on South Carolina, specifically Richland County and
12 there were compelling reasons. Obviously it was the beginning of an industrial park; it
13 was to remain an industrial park. There were ample highways and they were very
14 convenient. I offer this background only because three or a little more than three years
15 ago I decided to move to South Carolina. Thermal Technologies was based in
16 Pennsylvania in the Philadelphia area and I chose to come here because of the area. I
17 had visited it quite often during my tenure and I thought it was an excellent place.
18 Basically we think that this is a very, very bad idea. How does one justify the proposed
19 change before this Body? An established M-1 business industrial complex in
20 Blythewood dedicated to manufacturing was certainly on the minds of the earlier elected
21 and/or appointed officials let's say 20 years ago, as they planned for the Richland
22 County development. Then as now South Carolina and Richland County had provided
23 incentives to set aside specific geographical areas to further this end. In the *Greater*

1 *Columbia Business Monthly* I noted in the February issue an article byline reads, “South
2 Carolina Wants Your Business.” I believe this is true. Last week Governor Sanford
3 unveiled his executive budget which included an additional some \$7 million for the
4 Department of Commerce to assist in finalizing deals for industry recruitment and for
5 marketing. Last Wednesday Public Radio aired an interview with Mike Briggs who is
6 with the Central South Carolina Alliance regarding manufacturing and industrial
7 development in South Carolina. This kind of development is and has been important to
8 South Carolina as our planned and established manufacturing and industrial
9 geographical areas such as Northpoint Business Park. Ladies and gentlemen, you’ve
10 heard several compelling arguments against this zoning change. Each of the owners
11 and/or the representatives including myself have valid concerns as to whether or not
12 industry and residential housing can exist side by side. As you can tell the majority of
13 the owners oppose this rezoning. And furthermore the additional 19 acres that are part
14 of the industrial park will remain so. The Board has voted not to release it. Thank you.

15 CHAIRMAN PALMER: Thank you. Alex Shissias?

16 **TESTIMONY OF ALEX SHISSIAS:**

17 MR. SHISSIAS: Thank you. I’m Alex Shissias. I’m an attorney with Haynsworth
18 Sinkler Boyd. We’re representing Buck Enterprises. The firm also represents the
19 property association. One of the these maps – if you could back up one of the maps.
20 The one that showed the post-development build out. Buck Enterprises had a facility
21 located on Fairfield Road. Thank you, sir. They made the decision to relocate because
22 of negative impacts from residential uses nearby and it became so much of a problem,
23 various problems that they had directly attributable to property uses nearby, residential

1 uses and they decided we need to go and they went to a place where it's appropriate for
2 industries to go. They went to an industrial park. If you look in the upper left-hand
3 corner, that right angle cutout. That's the land Buck Enterprises has purchased. So we
4 wouldn't have any more problems because of nearby residential communities and now
5 look what happens. I'd like to point out a couple of other issues that we have with the
6 Staff analysis here. It is my understanding that the I-77 corridor sub-area plan has a
7 objective that says that you are to encourage the development and location of industrial
8 uses in areas so identified by the plan and where possible protect those areas with
9 industrial zoning. I don't see how a change like this implements that objective at all.
10 There's also a finding of fact that the proposed subdivision is compatible with the
11 adjacent development. It's incompatible with the developments that are adjacent on
12 three sides. They're all industrial. I don't think there's been enough consideration on
13 the change on surrounding properties as required by your ordinances. I believe you've
14 heard plenty of testimony concerning negative impacts on the ability of these current
15 owners to operate. It will definitely result in more complaints, a mix of industrial and
16 residential traffic and it will hinder access. I also think there's a failure to consider the
17 effect on the rezoned parcel itself because when you look at it, the only access these
18 people are supposed to have is right between two industrial plants and how can that
19 possibly be appropriate especially when the one to the south is Siemens and all their
20 18-wheeler traffic? Now I have the unique perspective of being an environmental
21 attorney and I've looked at the types of permits these facilities have. We have a
22 number of [inaudible] large quantity hazardous waste generators. We've got a Title 5
23 major source. We've got a source that if it expands anymore will be Title 5 and we've

1 got at least one source with a point source discharge. In future if there are any changes
2 to be made to any of these permits that implicates public notice and various
3 opportunities for people to stall or halt or appeal those permitting processes. And in
4 effect you've turned for an environmental attorney like me what would be a simple
5 permitting activity into a regulatory nightmare and if I, to echo an earlier comment, if I
6 had a client who was planning on doing this the other way around, locating a new plant
7 near an existing subdivision I'd have to question their rationality. Thank you very much.

8 CHAIRMAN PALMER: Thank you. Edward – I'm not going to try it.

9 **TESTIMONY OF EDWARD KLUITERS:**

10 MR. KLUITERS: It's Edward Kluiters. I'm with Haynsworth Sinkler Boyd as well
11 and I represent the owners association. It's probably no surprise to you right now that
12 all these owners oppose this rezoning. I'm not going to repeat everything that's been
13 said but as you have heard there are noise issues, odor issues, traffic issues, a lot of
14 different issues that are going to arise if this rezoning is allowed. I think this rezoning
15 plan would violate the policy that this county has had for many years to attract
16 businesses, and in particular the money that the county has spent on attracting these
17 companies by providing fee in lieu of tax incentives, etc. I've been involved in economic
18 development for over 15 years as a lawyer. I represent businesses that establish their
19 premises here in parks, in industrial parks in the Midlands and in other parts of the state
20 and I guarantee you that when the decision is made the location to a residential area is
21 very important and is a negative. And the economic development is so competitive
22 these days. It's so hard now for local communities to attract businesses and generate
23 the property tax revenues that these businesses generate that a factor like this will kill

1 economic development in this area. I can guarantee you that. Also businesses talk to
2 other businesses. When a company comes into South Carolina it will often ask to meet
3 with existing businesses to see how they're being treated. If the county rezones this
4 property I can also guarantee you that a business that comes here and visits with a
5 Siemens or another property owner in the park that that story will be shared. How they
6 had a plant here, there was sufficient property and the county ended up rezoning the
7 property behind them and there's now a residential subdivision which is causing
8 problems. So I think this has a very chilling effect on economic development. The
9 county is a member of the Central SC Alliance which you all know is an organization
10 that is attracting businesses and is very much pro-economic development and on its
11 web site it says, "The Central South Carolina region maintains and promotes a very pro-
12 development business climate among both the public and private sectors. The region
13 has been tremendously successful in recent years in attracting new capital investment
14 and jobs through the market." And I submit to you if you allow this rezoning to occur
15 that that clearly violates this statement and will not [inaudible]. Thank you.

16 CHAIRMAN PALMER: Jim McCarthy?

17 **TESTIMONY OF JIM MCCARTHY:**

18 MR. MCCARTHY: We're almost done. I think I'm the last business
19 representative here except for my associate who has a message from our Siemens
20 manager and I'm Jim McCarthy with Siemens Real Estate. I'm the New Jersey
21 connection that Mr. Corboy mentioned in his speech earlier. I flew down this morning to
22 speak with you about the real estate aspects of this. Siemens management asked me
23 to take a look at this and Mr. Corboy has been in touch with me. I've looked at his plan

1 and as it relates to our business. Siemens Real Estate is responsible for all of our
2 Siemens locations across the country. We have about 700 different locations so we
3 look at these routinely. And I have to admit I'm impressed with Mr. Corboy's layout, his
4 subdivision. Someone mentioned before I think Mr. Green or Mr. Van Dine wanted to
5 look at a subdivision in more detail. I think if you looked at his subdivision plan it's
6 pretty impressive and I'm not surprised that the young lady was impressed with it also.
7 But let's face it. This is not the right piece of land for that subdivision. I mean, you've
8 heard from all of the surrounding business association, you know, business association
9 and our other business owners here and you'll hear a message from our management;
10 the next person that speaks. But it's just, it's just the wrong place. It's just not
11 compatible with the businesses around it. This should remain an industrial park. There
12 are only two ways in and out from this subdivision. There's a natural creek along the
13 other boundary. If there's another way to get to this site maybe you should consider it.
14 One of the things specifically from a real estate perspective – we're opposed by the way
15 – one of the things from a real estate perspective by changing this zoning, this would
16 increase the setback on Siemens property. We still have about 20 acres adjacent to our
17 plant that you've seen up there. We have 20 acres that's undeveloped. This change of
18 zoning would increase our setback from 10' to 51' which may not even be enough as
19 you mentioned before. But not only that, not only the setback and losing use of the land
20 – excuse me, but also the requirement to put a Type D buffer in that 51' setback
21 between residential and industrial would be very costly to Siemens as well as the other
22 business owners. So if in any way, shape or form yourselves or the Council consider
23 approving this I would suggest strongly that you think about at least requiring a

1 perimeter all around, at the least the 51' remain industrial zoning and not change it.
2 Leave the cost, if there are any, with the developer, not with the businesses. Thank
3 you.

4 CHAIRMAN PALMER: Thank you. Robert McClendon?

5 **TESTIMONY OF ROBERT MCCLENDON:**

6 MR. MCCLENDON: Good afternoon. Is there a chance I can get that map that
7 was back up there [inaudible]. There we go. Good afternoon. My name's Robert
8 McClendon. I represent Siemens Diesel Systems Technology, 1410 Northpoint
9 Boulevard in Blythewood, South Carolina. On the map over there I just want to point
10 out so you can see, this is a road that we sold to Richland County for one dollar in the
11 year 2000, early part. We still maintain the lights and the landscaping around it but we
12 sold them the road with the understanding that that road would be connected through a
13 loop to an industrial park. And now if I understood and that's a question I have, you
14 mentioned that you would restrict 18-wheelers. We have a 24/7 operation that goes on
15 all day long. Just in time manufacturing all day, all week and we have that definite
16 need. We couldn't do business without that and especially right here. Now if I see it,
17 looking at that then – pardon my hand again [inaudible]. You'll see that that's the only
18 exit and the most obvious exit that in and out traffic would go into that neighborhood and
19 that's completely unacceptable for us. It would be disastrous. But on behalf of our
20 management they asked me to come here and read this statement today. It says, "Dear
21 Commissioners: Siemens Diesel Systems Technology, LLC is a joint venture between
22 Siemens Automotive Group and International Truck and Engines. We strongly oppose
23 this amendment. We chose our current location and purchased over 60 acres in

1 Northpoint Industrial area to anchor our North American development project and to
2 implement the manufacturing process in a high tech state-of-the-art diesel fuel systems
3 and position our company to respond to tremendous potential growth in this industry. In
4 the European market the diesel engines are around 40% of the market, while in
5 America we're only at three percent at this point in time and the American market's a
6 much larger overall market anyways. It is our hope that this growth in America will start
7 at our Northpoint Boulevard location in Blythewood, South Carolina. We currently
8 employ over 500 employees. We have an overall investment of \$250 million at this site
9 alone. In early 2000, SDST sold the road property to Richland County for a dollar with
10 the understanding it was to become a loop through the industrial park, not a main
11 entrance to a residential subdivision. We practice sic(?) sigma lean manufacturing . . .",
12 just in time. In short that means we build what we ship and we ship what we build and
13 that means we have traffic going on and on and supply and demand is critical. "We also
14 . . . and it makes sense for us then to try to convince our suppliers or key processes
15 that we have to locate within a reasonable proximity and ALD Thermal Treatment is an
16 example of that already. We expect the property to remain zoned M-1. If the
17 amendment is passed and the property is rezoned to PDD the result will have an
18 extremely chilling impact on future industrial growth in Richland County and in fact in
19 South Carolina." And further I would like to point out that we are growing right now even
20 though not in that particular area but we have enough property there undeveloped with
21 plans in place to be able to put three more sites and 177,000 square foot on that same,
22 in a campus effect layout. But beyond that we also located DSNA, Diesel Systems
23 North America which is a world headquarters in North America for diesel systems and

1 Siemens AG in the – what's it called, in the research park on Farrow Road. They are a
2 design development, research and development and sales office that when they
3 contract companies with the point of trying to go out and get new business we'll have to
4 bring and hopefully we'll be the manufacturing branch of that, should we have the room
5 to, and expand there and we would again encourage other businesses, support
6 suppliers, pumps, rail manufacturers and other key process people to locate in this
7 area. Also we took over 55,000 square feet at the abandoned FN site over off the
8 Hobart Road, spent \$250,000 just so we could expand in the meantime. So the growth
9 is there but it's not there right now. And I would ask Mr. Corboy the question why have
10 we not developed it if it's been the same for 22 years, we haven't - why haven't we not
11 developed a loop through this industrial park which would make it a far more attractive
12 position, you know, for sales, for development of industrial parks property. Thank you
13 very much.

14 CHAIRMAN PALMER: Thank you. Mr. Tom Margle?

15 **TESTIMONY OF TOM MARGLE:**

16 MR. MARGLE: I'm Tom Margle. I represent the developer at 10511 Two Notch
17 Road. I'm with First Start Homes. What a unique thing we have in front of ya'll today,
18 there's no doubt. When it was brought to my attention that we wanted to put residential
19 next to light industrial or clean industrial as we saw it, it was - I personally looked at it
20 very suspiciously on what it would do with people moving in. I also must say we've got
21 some mixed messages throughout the process. Obviously the people have gotten
22 together, their companies have gotten together and where we thought we were trying to
23 do the right thing in getting the information from them at the meetings. I do want to

1 point out when we did request the meetings we didn't have a specific invite. We had
2 requested the management company at Northpoint industrial to invite anybody and
3 everybody who wanted to hear our story and we didn't want to leave anybody out. I
4 don't know how they went about and did it and we apologize but we didn't have that
5 specific list. Residential is and light industrial and heavy industrial have been good
6 partners in certain areas of the country and the Southeast specifically throughout and I
7 want to point your attention to what's out there on St. Andrews Road where Dupont, the
8 plant out there used to be Phillips where they made capacitors and look at the
9 residential that has occurred out there. Some very expensive homes adjacent to those
10 properties on St. Andrews Road and again that came in after the industrial plants were
11 there. Then I want to point out to what's happening in Atlanta in the northeast corridor,
12 Peachtree Industrial with subdivisions running through light industrial and commercial
13 areas. So we're not recreating the wheel here. We see it's compatible. We are taking
14 a risk coming adjacent to this light industrial and their stacks and their odors and we
15 spent a lot of time on this site during the day and at night and I got to say I've had a
16 unique opportunity to even be inside Hook Foils in a previous life as an environmental
17 engineer with their air permit, but just on the outside in the past couple of months.
18 Obviously we wouldn't want to create a problem where we can't sell houses so we've
19 evaluated those things. Safety, we are concerned. I present to your Staff we only have
20 the entrance of Northpoint Industrial Park as a requirement to the fire code and have a
21 second entrance in and out. I request humbly we remove that entrance on the west
22 boundary and resolve some of the safety issue if you can see fit on that. In regards to
23 how we keep them down on the farm so to speak and out of their industrial site, we

1 have an amenity site that we want to do that. We are going to amply fund that with our
2 trails and as you can see, even if we're not there with Wren Creek in Green below you
3 already have high-end, high-cost, high anxious neighbors where their homes I've heard
4 are gonna be in the three hundred plus dollars; Beasley Creek, \$200. What we're trying
5 to do is create affordable housing for their shift workers that choose to be near work
6 instead of being on the road in the middle of the night and third shift. That's not the only
7 reason we're doing it but it's a good argument. I won't take up anymore of your time. I'll
8 take questions though.

9 CHAIRMAN PALMER: Mr. Corboy, do you have any comments at the end of the
10 presentation?

11 MR. CORBOY: No.

12 CHAIRMAN PALMER: That's all we have signed up to speak to the issue.
13 Comments from the Commission?

14 MR. MANNING: I'd like to ask Mr. Corboy a question if I might. Northpoint
15 Boulevard that serves as the loop road, I understand the association has voted not to
16 release you from the covenants; is that -

17 MR. CORBOY: That's what I heard this afternoon. I was not aware of that. We
18 asked the board to be released from the covenants – that 20 acres which is the little
19 wedge on the west and Tom outline that again. It's hard to see so.

20 MR. MANNING: And the area in the center where the traffic calming feature is is
21 that subject to the restrictive covenants?

22 MR. CORBOY: No. The bulk of the property is not subject to the restrictive
23 covenants.

1 MR. MANNING: But we've got a Northpoint Industrial Park with no covenants
2 placed on it?

3 MR. CORBOY: Nothing.

4 MR. MANNING: Is there a requirement by the county to connect those roads?

5 MR. GOSLINE: I did not know of one specifically although a couple of the people
6 mentioned that fact as one of the, over the years they've had - theoretically the county
7 was supposed to connect the road. We could research that if you'd like.

8 MR. MANNING: Well obviously if those roads are connected and they're
9 restricted to non-truck use you've got a legal issue to contend with and I feel
10 uncomfortable addressing that issue without knowing the status of that. If there are
11 commitments on the county to the industrial park, or are there covenants that protect
12 the users in the park? And that's going to be an issue that we're going to have to deal
13 with going forward. I'd like to know that answer before we get there.

14 MR. CORBOY: I would suggest that this park is over 20 years old and it's
15 substantially been like this the whole time and Siemens is not part of the Northpoint
16 Owners Association. They're part of the area that was excluded just like the bulk of The
17 Citadel property was except for that 20 acres. But the road has been like that ever
18 since they built it and obviously if they built it today they'd never get it permitted. So
19 somehow the trucks work in and out of there as it is without that road being connected
20 and there are five roads in Richland County and one example is Summit Parkway where
21 18-wheel trucks are excluded and they're posted and it hasn't been a problem.

22 MR. MANNING: The road actually dead-ends at the beginning of the project;
23 correct?

1 MR. GOSLINE: Excuse me?

2 MR. MANNING: Northpoint stops at the, at your property?

3 MR. CORBOY: Yeah. What we have is Northpoint Boulevard proper, the big
4 boulevard. Run your hand around that. And it dead-ends at our property on the
5 western edge and then we have Northpoint south which is really serves Siemens and it
6 comes in off of Community Drive and dead-ends at the property, our property.

7 MR. MANNING: And then that's my question. Is there a commitment on the
8 county or anybody in Northpoint Association to complete that?

9 MR. CORBOY: We're not aware of – that would be a Northpoint Owners
10 Association question but I'm personally not aware of any commitment on Richland
11 County's part or Northpoint Owners Association to have to connect that road.

12 CHAIRMAN PALMER: Mr. Anderson?

13 MR. ANDERSON: Mr. Chairman, I just want to say that if – I don't know, I mean,
14 you're decreasing the size of the road from 80' or 80 to 66. I mean, what would stop the
15 – my concern is safety. What would stop those trucks even if you did build it? I mean,
16 what would stop them from going through there? I just – I would feel comfortable
17 knowing that no truck could go through there if there's kids, you know, playing in the
18 street. And if it does go up then, and you couldn't get it passed so where maybe the
19 trucks could go in there. I mean, there's – you see what I'm saying? I want to feel
20 comfortable that 18-wheelers aren't going to be going through residential
21 neighborhoods.

22 MR. CORBOY: Well if an 18-wheeler gets in there he'll have a time getting
23 around that round about.

1 MR. ANDERSON: That's what I was thinking too. I mean, I was thinking
2 goodness if it did how would it turn around.

3 MR. CORBOY: The Summit is one of the largest communities in Richland
4 County and Summit Parkway is one of the largest parkways in the county and that is
5 one of the five posted roads and it has not been a problem.

6 MR. ANDERSON: Okay.

7 MR. VAN DINE: I've got a couple of questions. First of all, the road that you're
8 talking about, if either one of them has 18-wheel traffic on them you won't be able to
9 stop them. Both of them regardless of which entrance is going to be allowed to have
10 18-wheel traffic coming into Siemens down the side of that Northpoint south. You can't
11 stop it up to your property line. They're going to come into that area. That's – even if
12 you were to block off the other side so they couldn't go that way you're still going to
13 have to take that subdivision out through a road that has 18-wheel traffic that is going to
14 be making turns off of that into the Siemens property to make deliveries at all times of
15 the day. I don't know of any place in this county where we are being asked to dedicate
16 to residential a road that is exclusively at this point dedicated to truck traffic coming into
17 large industrial complexes. There is no road on this county that I know of that has a
18 subdivision that's been built inside of that. The other thing is every one of the business
19 leaders that have spoken here have been absolutely right; there is no way to control
20 residents who come into this area as to what they're going to do and where they're
21 going to go. I know for a fact that the upper portion of that road just south of where
22 Coca-Cola is if somebody wants to skateboard that's a perfect area to skateboard on.
23 It's down a hill, it comes to a wide open stretch of road. Anything that people want to do

1 they're going to do in that area. That's all subject to the truck traffic that's coming into
2 this area. The communities that have come around the side, the 13 below – what's the
3 name of it - the 13 that, below the [inaudible] and the ones that are over near Coca-Cola
4 that are along that route that are backing up directly onto the property have absolutely
5 no buffer zone whatsoever. And I would ask that pointblank if it were flipped as was
6 asked, if that residential community existed and all of these business owners wanted to
7 come in here to put their facilities right there, I would venture to guess that you would
8 not in any way, shape or form recommend that those parties be allowed to go in there.
9 It just is not compatible with what is that area. That whole loop area that's in existence
10 right there has been set up as an industrial park. I thought we were in the process of
11 trying to make sure industrial parks remain confined, remain segregated from the area
12 so that we wouldn't have this interplay between residential and industrial operations.
13 And I like, I like the plan. I like what you set up as far as the thing. I can't remember
14 which gentleman said it. It's just this is not the right spot. Take this exact design, take
15 this exact area and put it into another setting and it works. But this is an industrial area
16 that the county designated as an industrial area. The county gave these people fee in
17 lieu of tax benefits, they gave them economic incentives to move in here. If we start to
18 inject residential in the area and we have just destroyed all of the advantages that have
19 been provided to them. And I'm not sure why we're, why it was recommended. I mean,
20 I'm at a loss as to why it was actually recommended.

21 CHAIRMAN PALMER: Mr. Gosline.

22 MR. GOSLINE: Mr. Chairman, what you have here is some competing
23 objectives in the various documents. One of which is infill and connectivity, residential

1 and non-residential uses. I would point out to you all that everything in this corridor is
2 currently zoned M-1 and we have repeatedly rezoned under the guise of PUDs
3 residential development. So it's true that this area – this is – the basic answer to your
4 why we did it is it's - you have competing objectives here. We picked one and you
5 decide.

6 MR. VAN DINE: As far as connectivity, connectivity is to go to a place where a
7 resident would go, a grocery store, a doctor's office.

8 MR. GOSLINE: Place of work.

9 MR. VAN DINE: This right here is an area that, as we were talking about have a
10 point source requirement. They have air requirements, they have – they're using
11 hazardous waste. They're having to deal with all of the smells and the other things that
12 are in the area and we're being asked to inject a neighborhood into that, that complete
13 industrial environment with all the problems that are going to be associated with that
14 down the road and asking all of the business owners who are employing people to
15 actually take that on and not leave. And I frankly think that a lot of these gentlemen out
16 here would seriously consider leaving that area on a time when they needed expansion
17 and go to a green field someplace else as opposed to expanding here if we start to jam
18 housing into that area.

19 MS. LUCIUS: Can I ask – I'm sorry. Are you finished?

20 MR. VAN DINE: No, I'm done.

21 MS. LUCIUS: Can I ask a question of Staff and please bear with me because
22 this is probably just really dumb, okay? This is zoned, it's called M-1. Of course, we
23 don't really use M-1 anymore; we use LI and HI.

1 MR. GOSLINE: Well M-1 stays M-1 for five years.

2 MS. LUCIUS: And then what?

3 MR. GOSLINE: Then it goes to LI.

4 MS. LUCIUS: Well correct me if I'm wrong but when you start talking about
5 hazardous waste, blow out walls, noise and odors, that's HI, isn't it? I mean, isn't light
6 industrial supposed to be less -

7 MR. GOSLINE Yes, ma'am.

8 MS. LUCIUS: So really this probably should be M-2, shouldn't it?

9 MS. GOSLINE: I guess you could make that argument, yes.

10 CHAIRMAN PALMER: Is that all, Ms. Lucius?

11 MS. LUCIUS: Yeah. You know, when they started describing - because I,
12 honestly I was, when I looked at the agenda it's called Northpoint Business Park but it
13 really is an industrial park and I didn't realize that the industries, the businesses there
14 were such heavy industry. I thought, you know, I just didn't know and so that really
15 makes a difference to me because I start hearing about the environmental hazards and
16 everything. So it makes a difference.

17 MR. VAN DINE: Mr. Chairman, I'd like to make a motion to send this forward
18 with a recommendation of denial based upon all the reasons that I had stated up to this
19 point in time.

20 CHAIRMAN PALMER: We have a motion. Do we have a second?

21 MS. BRAWLEY: Second.

1 CHAIRMAN PALMER: Second. I have a question for Mr. Corboy if I could. I'm
2 just a little confused as to this line and what the difference is between the management
3 group and the business coalition and is this – is the larger tract part of the park?

4 MR. FURGESS: Yeah.

5 CHAIRMAN PALMER: The piece that is not included where the traffic circle is?

6 MR. CORBOY: That's a good question. It's zoned M-1 but of the 94 acres only
7 approximately 19 ½ or 20 acres is subject to the covenants, conditions and restrictions
8 of Northpoint. But I think the intent of the original developer was that all of that land be
9 part of Northpoint Business Park.

10 CHAIRMAN PALMER: But this tract has never been included in the rules and
11 regulations and the goings on I guess you could say of the park? This is kind of been
12 an area that's been I guess left as a – wouldn't say wasteland but it's just a – for some
13 reason it hasn't been picked up in the whole global scheme of the business park. It's
14 just a part of but it's not a part of it.

15 MR. VAN DINE: Part of it is, part of it's not.

16 CHAIRMAN PALMER: Right. The part where the road is that would make sense
17 to be part of the park –

18 MR. CORBOY: Is not.

19 CHAIRMAN PALMER: - is not part of it. And I guess that was my question. Am
20 I hearing that correctly that for some reason this isn't even part of what Coca-Cola and
21 Siemens and these other folks are doing out here. Is this not part of the manufacturing
22 and part of the industrial park; it's not part of it? It's just another M-1 zoned piece of
23 property?

1 MR. CORBOY: I'm not really sure. I think as I stated just now, I think the original
2 developer in his original intent was all of that land including Siemens and including all of
3 the Citadel property was supposed to be part of Northpoint Business Park. But
4 Siemens is excluded, they're not part of the park but they're a neighbor. And the bulk of
5 The Citadel property is not under the CC&Rs either. So it's kind of a mixed bag.

6 CHAIRMAN PALMER: Yeah. If they do not release the 20 acres, the top 20
7 acres from the covenants would you be allowed to put residential units in there?

8 MR. CORBOY: We would most likely have to submit our plan to them under their
9 CC&R covenants and guidelines. They have an architectural review committee. They
10 have the right approve subdivisions of property and we would have to submit our plan
11 for their approval.

12 CHAIRMAN PALMER: So theoretically if what I'm hearing today is correct from
13 the representatives from that and I think the president of the association and there's
14 been several board members, maybe the president said that they have voted and have
15 agreed not to release this property from the covenants then the residential that you
16 have planned for that area, if what I'm hearing is correct, would not be approved; is that
17 right?

18 MR. CORBOY: It's possible. Yes. That would be correct under that assumption
19 and Mr. Lintz, the president of the association, was the one that said that, that they
20 voted.

21 CHAIRMAN PALMER: What would the process be for us as a Planning
22 Commission as far as rezoning? That would be a major PDD amendment. I mean this,

1 this, this plan is going on a fairly large assumption that that top 20 acres is going to be
2 approved for what you submitted; am I correct?

3 MR. GOSLINE: That's, that's, the application was for a 94 acre project, that's
4 correct.

5 CHAIRMAN PALMER: And if that top 20 acres is not allowed to be residential
6 this whole thing's got to be redrawn.

7 MR. GOSLINE: Well at the very least they would have to redesign the project.

8 MR. MARGLE: Again, we were only told this afternoon that they denied us for
9 release of CC&Rs to that approximately 20 acres so.

10 CHAIRMAN PALMER: Was it not thought to get that approval prior to doing all
11 this work?

12 MR. MARGLE: We've been working on it. We've had meetings and we've
13 requested it formally in meetings with Northpoint Industrial Park to get released, we
14 have. We started that how many weeks ago, Steve?

15 MR. CORBOY: That was not too long ago. Our initial reaction was to work
16 closely with Siemens because that seemed to be a significant impact between us and
17 them so we started talking with Siemens last year to get – listen to their fears and
18 concerns and we were working along with them and then we – and we've been trying to
19 make contact with the association but it was a well – as far as we were concerned it
20 was a dark secret. We couldn't find out who the right person was to contact. We finally
21 did and contacted them, met with the management company and they were kind
22 enough to set up a meeting the next day with the board of directors - I think they had a
23 previously scheduled meeting - so we could meet with them and get our case in front of

1 them and we left them a few copies of our maps to share with their, with their other
2 members.

3 CHAIRMAN PALMER: And you had this meeting with the board how long ago?

4 MR. MARGLE: January.

5 MR. CORBOY: It was this month, excuse me. It was in January, late in January.
6 I think it was the 21st.

7 CHAIRMAN PALMER: And that was just a meeting for informational purposes?
8 No action was taken on their behalf?

9 MR. CORBOY: That was an information meeting. We presented our situation to
10 them; they asked questions. We answered the questions and we left and they
11 discussed it.

12 CHAIRMAN PALMER: I just have a concern of voting on a project that doesn't
13 seem like all the i's have been dotted, the t's crossed.

14 MR. GOSLINE: Mr. Chairman, we get this kind of thing quite often and you all -
15 and we as the Staff evaluate a project as it's presented. It's 94 acres to PDD and here's
16 the plan and all the things that have been discussed, I mean, are the decision you
17 make. We made our recommendation, a highly enlightened recommendation to you.

18 CHAIRMAN PALMER: I understand. But typically the applicant has the authority
19 to put on their property what they are requesting to put on the property. In this case I
20 don't know if the applicant has that authority or not.

21 MR. MARGLE: After this afternoon after what we've been told, you're right.

22 MR. GOSLINE: That's something you have to take into account as well as you
23 as Commissioners prepared to make fractioned I guess is whatever decision. That

1 certainly is something that you need to take into account in whatever you decide. Aside
2 from that if they did redesign it, if they couldn't get the release and they did redesign it, it
3 may not be financially feasible with less number of units aside from all the other things.

4 CHAIRMAN PALMER: That's right, which means that they may not be here
5 asking for this request.

6 MR. GOSLINE: Right.

7 CHAIRMAN PALMER: Which means in my mind that's an issue that needs to be
8 resolved prior to coming here. Every applicant as far as I know that comes before us
9 has the authority to do on their property what they're asking to do. In this case I don't
10 think that they have the authority to – we don't have the authority to say that this is
11 what's going on this tract of land because the applicant doesn't have the authority to ask
12 for it.

13 MR. GOSLINE: Well, Mr. Chairman, I mean, you can make a zoning decision
14 and if they're, as in any case if there's restrictive covenants those are private, a private
15 matter between the purchasers in the covenants. The county doesn't get involved with
16 that. You know, we would not necessarily know about any restrictive covenants in any
17 of these projects. And that's one good thing about public hearings, of course.

18 MR. MANNING: Mr. Chairman, it seems that obviously there's controversy about
19 the covenants and whether they're in the park or out the park and there's going to be
20 some decision made about all that later outside of this room. Either we go forward and
21 vote it up or down like it is or we realize that it's going to come back to us in some other
22 shape or form if it's feasible to do so. And I think we've got a motion on the floor to
23 send this forward with a recommendation of denial and a second and I think we should -

1 MR. FURGESS: Vote on that.

2 MR. MANNING: - vote on that.

3 CHAIRMAN PALMER: Any other comments?

4 MS. LUCIUS: Who made the motion and second? I couldn't remember.

5 MR. VAN DINE: I made the motion.

6 MS. BRAWLEY: I seconded.

7 MS. LUCIUS: Oh, okay. Thank you.

8 CHAIRMAN PALMER: Any other comments?

9 MS. LUCIUS: I think it's just a fabulous design but I go back to the way I felt
10 about the O'Sheil Road property. It was a fabulous design too but not in the right place
11 although I lost out on that one. But it is a beautiful design.

12 CHAIRMAN PALMER: We have a motion and a second in Case No. 05-119 MA
13 to forward to Council with a recommendation of denial. All those in favor please signify
14 by raising your hand. All those opposed?

15 *Approved to deny: Brawley, Lucius, Furgess, Palmer, Van Dine, Manning, Anderson;*
16 *recused: Green; Absent: McBride]*

17 CHAIRMAN PALMER: Mr. Corboy. We'll send this forward to Council with a
18 recommendation of denial but as you know that's simply – we're simply a
19 recommending Body and Council meets when again? The 28th.

20 MR. VAN DINE: For everybody who is a business owner what it basically means
21 is that there will be a hearing – assuming it goes forward there will be hearing before
22 County Council on February 28th concerning this. We are simply a recommending
23 Body. We don't have the final say so, County Council does. If it goes forward, if not

1 then obviously it wouldn't be but I assume it's posted as of right now as to when the
2 next hearing would be and it would again be in this chambers.

3 CHAIRMAN PALMER: And I believe, do we need to give a reason for
4 recommending denial?

5 MR. GOSLINE: We've got about four pages of them, thank you.

6 MR. VAN DINE: I think my motion was based upon the reasoning I had.

7 CHAIRMAN PALMER: We'll take a quick 10 minute break.

8 *[Break]*

9 CHAIRMAN PALMER: Alright. Ready to get started again? Case No. 05-118
10 MA.

11 **CASE 05-118 MA:**

12 MR. GOSLINE: Mr. Chairman, Members, this is one extreme to the other. This
13 is a .09 acre rezoning request. It goes from PDD to GC. It's a little portion of a lot in
14 existing Killian Green. Staff recommends approval.

15 MR. VAN DINE: It's just the little yellow part at the end of that.

16 MR. GOSLINE: That is correct.

17 MR. VAN DINE: Now I hate to ask a question but I'm going to. Are we allowed
18 to do a rezoning on this small a piece of property? I thought there was a minimum size.

19 MR. GOSLINE: It's adjacent to, it's adjacent to commercial.

20 MR. VAN DINE: Okay. Fine.

21 CHAIRMAN PALMER: Mr. Lovett?

22 **TESTIMONY OF DON LOVETT:**

1 MR. LOVETT: Don Lovett. It's less than a tenth of an acre as Carl said. The
2 Staff's evaluated it. The Staff recommends approval. No one has signed up in
3 opposition. The situation is the Lovett property is on the right, the Prentice property is
4 on the left. We thought those two were joined up, found out they weren't so we're
5 asking you to approve the general commercial for that small parcel. It makes a big
6 difference to connect the two.

7 MR. VAN DINE: Mr. Chairman, I'll make a –

8 MR. GREEN: Second.

9 MR. VAN DINE: - a recommendation we send it forward with a recommendation
10 of approval.

11 MR. GREEN: Second.

12 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
13 All those in favor please signify by raising you're hand. All those opposed?

14 *Approved: Brawley, Lucius, Furgess, Palmer, Van Dine, Green, Manning, Anderson;*

15 *Absent: McBride]*

16 MR. LOVETT: Thank you very much.

17 MR. VAN DINE: A second before the motion is even out there?

18 MS. LUCIUS: I didn't know that a second could come first like that.

19 CHAIRMAN PALMER: Now if they all be that easy, huh? Case No. 05-121 MA.

20 **CASE 05-121 MA:**

21 MR. GOSLINE: Mr. Chairman, members, this is a request to rezone 17 acres
22 from M-1 to GC. It's the northwest quadrant of Piney Woods Road and Piney Grove
23 Road. Staff recommends approval. Mr. Higgins is here representing the applicant.

1 CHAIRMAN PALMER: Greta Jackson? I'm sorry. Who's representing the
2 applicant, Mr. Higgins?

3 MR. HIGGINS: I hope Mr. Higgins because I'm here.

4 CHAIRMAN PALMER: Okay. Mr. Higgins.

5 **TESTIMONY OF BILL HIGGINS:**

6 MR. HIGGINS: Thank you, Mr. Chairman. I'm Bill Higgins. I'm here, excuse me.
7 I'm with the Ellis Lawhorne firm here in Columbia at 1501 Main Street. I am the
8 applicant in my capacity as counsel for H.H. Hunt Corporation on this matter. H.H. Hunt
9 is a regional developer headquartered in Blacksburg, Virginia with another regional
10 office in Carey, North Carolina. I have and he is signed up Mr. Bo Cook from H.H. Hunt
11 is available if anyone had any questions about the project. We're encouraged after an
12 afternoon of some discouragement, we are encouraged by the last meeting or last
13 hearing and I'll try to keep this brief. We believe that the Staff has properly analyzed
14 this proposed zoning map amendment from M-1 to GC and would ask that you follow
15 Staff's recommendation by giving us a positive review on the way to County Council.
16 And again Mr. Bo Cook is available to answer any questions about the developer or the
17 project if you so desire. Thank you.

18 MR. MANNING: Which property is being asked to be rezoned commercial and
19 which is being asked to be rezoned for multi-family? Fernandina Road?

20 MR. GOSLINE: I'm sorry.

21 MR. MANNING: Which parcel's being zoned commercial and which is being
22 zoned?

23 MR. GOSLINE: [Inaudible]

1 MR. HIGGINS: All to go to all, all to GC.

2 CHAIRMAN PALMER: Greta Jackson? Is there a Greta Jackson?

3 AUDIENCE MEMBER: She is the owner and I'm also representative [inaudible],
4 but we have no opposition.

5 CHAIRMAN PALMER: Okay. Mr. Cook. Do you have any [inaudible]?

6 MR. COOK: I'll pass. [inaudible]

7 CHAIRMAN PALMER: Mary Holcombe?

8 AUDIENCE MEMBER: [Inaudible].

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

10 MR. VAN DINE: Mr. Chairman. I'd like – unless you'd like to do it.

11 MS. LUCIUS: I would like to do it. May I do it?

12 MR. VAN DINE: Certainly.

13 MS. LUCIUS: I drive by here every Saturday and I've just been so curious as to
14 when something was going to be done with that site. But I'd like to make a motion that
15 we send this forward to Council with a recommendation of approval.

16 MR. VAN DINE: Second.

17 CHAIRMAN PALMER: Any other comments? We have a motion and a second.
18 All those in favor of sending Case 05-121 MA forward to Council with a
19 recommendation of approval please signify by raising your hand.

20 *Approved: Brawley, Lucius, Furgess, Palmer, Van Dine, Green, Manning, Anderson;*

21 *Absent: McBride]*

22 CHAIRMAN PALMER: There's none opposed.

23 MR. VAN DINE: We apologize for the delay that you had to have.

1 MR. HIGGINS: We enjoyed it.

2 CHAIRMAN PALMER: Well I'm glad somebody enjoyed it. Case No. 05-122
3 MA.

4 **CASE 05-122 MA:**

5 MR. GOSLINE: Mr. Chairman, Members, this is a request for 2.3 acres rezoned,
6 2.3 acres from RU to RM MD. Staff recommends denial for the reasons described on
7 pages, mostly on page 70. Essentially this – we feel that this zoning would be - high-
8 density zoning would be incompatible with adjacent development in the area.

9 CHAIRMAN PALMER: Pearl McCant?

10 MR. SIMMONS: I'm Tommy Simons.

11 CHAIRMAN PALMER: Tommy Simons. Okay.

12 **TESTIMONY OF TOMMY SIMONS:**

13 MR. SIMONS: Good afternoon. I'm Tommy Simons and my address is One
14 Windsor Cove, Columbia and we're proposing to build duplexes, construct duplexes on
15 the 2.3 acres of land. And right now it's mostly undeveloped land. There's a lot of it in
16 that area. And it's surrounded by some single-family housing and most of that land is
17 owned by my family and I talked to the neighbors; we talked with the neighbors and met
18 with them and they do not oppose us doing what we're proposing to do now and I ask
19 that the council members approve the rezoning from RU to RM MD.

20 MR. VAN DINE: Mr. Gosline, this isn't part of the Lower Richland?

21 MR. GOSLINE: No. It's about a mile and a half – well maybe a little more than
22 that. This is very close to the Padgett Road you'll see right at the top but it's like at least
23 a mile from Rabbit Run, Lower Richland Boulevard, probably more.

1 CHAIRMAN PALMER: Thank you, Mr. Simons. There's no one to speak
2 against? Yes, ma'am. If you would come down and give your name and address for
3 the Record?

4 **TESTIMONY OF PEARL MCCANT:**

5 MS. MCCANT: I'm Pearl McCant. I live at 1724 Lower Richland Boulevard and I
6 also am in agreement with this because there was various times that, you know, I have
7 been working around my house and people have been stopping in looking for
8 apartments in the area. Well, you know, and we're losing a lot of our people in our
9 community because everybody doesn't want to live in a house for some reason or
10 another – the maintenance or something. And anyway I've observed the duplex area
11 and they are just like the regular home setting. Mostly families, you know, looking for a
12 nice neighborhood to live in and we do live in a very nice neighborhood and plan on
13 keeping it that way. And I think that it would be a nice gesture to have some place
14 where people can stay on our side of town instead of having to go all the way on the
15 other side just to look for a duplex to live in. Like I say everybody just don't want to live
16 in a house for some reason or another and keep up the maintenance. So anyway I'm in
17 favor of duplexes.

18 CHAIRMAN PALMER: Thank you.

19 MR. VAN DINE: Just so I'm clear. Where about is that imaginary one-mile circle
20 around that intersection. It's above Rabbit Run isn't it?

21 MR. GOSLINE: Yes.

22 MS. BRITT: Rabbit Run [inaudible] circle. This location of this property is
23 approximately a mile and half from where that circle ends.

1 MR. VAN DINE: From where it ends?

2 MR. FURGESS: It's on the other side of Lower – the other side?

3 MS. BRITT: Yes. Yes, sir.

4 MR. VAN DINE: Okay.

5 CHAIRMAN PALMER: It's my understand that the residents in that area would
6 like for the right-hand side I guess as I'm looking at the map? That would be the
7 eastern side of Lower Richland to stay larger lots or rural?

8 MR. GOSLINE: Right.

9 CHAIRMAN PALMER: And the left-hand side, the west side to –

10 MR. GOSLINE: The residential - low-density residential. This is not a low-
11 density residential proposal.

12 MR. VAN DINE: The right they're talking about the estate type lots, the larger
13 lots and the left they're talking about --

14 MR. GOSLINE: The left side is low-density residential. The right side is rural.
15 The east side is rural.

16 MR. VAN DINE: Okay.

17 CHAIRMAN PALMER: So where do they want to have the MD at?

18 MR. GOSLINE: On the low-density residential. The issue here is not the
19 residential, it's the high-density residential.

20 CHAIRMAN PALMER: This is medium density isn't it?

21 MR. GOSLINE: It's – no, it's eight units per acre.

22 CHAIRMAN PALMER: Which is our MD district.

1 MR. GOSLINE: Oh, I'm sorry. It's – well it's the same as – we have an
2 interesting situation here. The RM MD is roughly eight units per acre. The RS HD is
3 also roughly eight units per acre.

4 CHAIRMAN PALMER: But I see a lot of -

5 MR. GOSLINE: That is with the five units per acre.

6 CHAIRMAN PALMER: Well that's what they're requesting for this site?

7 MR. GOSLINE: No. RM HD.

8 MR. GREEN: Multi-family rather than single-family.

9 CHAIRMAN PALMER: Ah! Ah!. My mistake. My mistake. Okay. Any other
10 Commission Members? Any comments?

11 MR. ANDERSON: Well I'd just like to make a request for Staff. When one of
12 these southeast – when something comes up in the southeast area, do ya'll put a copy
13 of the master plan?

14 MS. BRITT: I'm about to give you one in my report. You'll have one.

15 MR. ANDERSON: Okay. Just so we have it in the book so we can have a point
16 of reference to where everything is as far as Southeast Master Plan.

17 MS. BRITT: [Inaudible]

18 CHAIRMAN PALMER: I think what Mr. Anderson's asking for is just a eight and
19 a half by eleven of this.

20 MR. ANDERSON: A sheet in here so that we don't have to keep going back to –

21 MR. GOSLINE: Right. I think we'll have to watch for that because we've got two
22 more as you all know – two more community development plans that are cranking up so
23 we'll want to do the same thing. Make sure you understand the relationship.

1 MR. MANNING: Question for Mr. Simons.

2 MR. FURGESS: Our position on this is that when you hit the Lower Richland
3 area it's very touchy because you'll have this coming up with all the property that's down
4 there with keeping that area. A lot of families own property just like this where they
5 want to develop and do certain things.

6 MR. GOSLINE: Right.

7 MR. FURGESS: And, you know, two or three years ago when we got in
8 problems with the dots, the red dots. We don't want that to pop up again that we're
9 being unfair by certain things that come up in the Lower Richland area. So we're going
10 to have to really – has Staff talked to them about this, what they should – about the
11 rezoning of this property?

12 MR. GOSLINE: Yes. We have – virtually everybody has a pre-application
13 conference. Occasionally we get people that submit stuff on the last day of the deadline
14 and we don't get to talk to them. This was not such the case.

15 MR. MANNING: Mr. Chairman, I want to ask Mr. Simons a question if I might.

16 CHAIRMAN PALMER: Sure.

17 MR. MANNING: Do you intend to build that many units?

18 MR. SIMONS: No. We don't intend to build –

19 MR. MANNING: Is there any reason you requested multi-family? Was it
20 because you wanted to do attached units or was there a number involved that you
21 wanted to -

22 MR. SIMONS: No. We were thinking that we could probably get anywhere from
23 eight to twelve units, you know, on that land. And when I met I guess, you know, we

1 discussed, you know, this zoning here, RM MD zoning. But as far as 18 units, I think he
2 proposed 18 units in the proposal and it may not be, you know, 18. We're looking at
3 maybe eight to 10, eight to 12.

4 MR. MANNING: Well given that, you could do that in another zoning
5 classification that would not present such a problem to the Lower Richland area that's
6 predominantly rural.

7 MR. SIMONS: Right.

8 MR. MANNING: Heard a lot about the neighborhood master plan and some of
9 the design.

10 MR. GOSLINE: Well Mr. Manning, but you can't do duplexes in the RS, in any of
11 the RS zoning districts.

12 MR. MANNING: So was that part of the decision that -

13 MR. GOSLINE: That's part of Mr. Simons' decision because he wanted to do
14 duplexes.

15 MR. MANNING: Okay.

16 MR. GREEN: So he'd have to go with a zero lot line arrangement and subdivide
17 it and still there would be attached wall but they'd be individual sub-divided if you did
18 zero lot line?

19 CHAIRMAN PALMER: Common lot line.

20 MR. GREEN: Hum?

21 CHAIRMAN PALMER: Common.

22 MR. GOSLINE: I'm sorry. The question again?

1 MR. GREEN: You could still do it under – you could do something similar to a
2 duplex with, if you sub-divided the property and did common lot line, zero lot line type
3 development, right?

4 MR. GOSLINE: Right. We – Mr. Price and I did the field work and we talked
5 about that out there at the time. Michael was just pointing that you could do, do that
6 width but you'd have to also go through the special exception process.

7 CHAIRMAN PALMER: Which requires a vote from the Board of Zoning Appeals.
8 So you got to get a vote either way

9 MR. VAN DINE: You've got to get two –

10 MR. GOSLINE: Rezoning and then a second step and I believe – did we talk
11 about that, Mr. Simons?

12 MR. SIMONS: I don't [inaudible].

13 MR. GOSLINE: But anyway, he would have to get the rezoning and then go
14 apply for the special exception. The issue here if you look at the map you'll see this
15 yellow piece just up the street. We just rezoned that, you know, less than a year ago for
16 RS MD, and it's essentially the same size property. They're going to put in five or six or
17 seven units, whatever it is. It's a big difference between RS MD and RM MD in terms of
18 what you can do. It's not that the Department's opposed to residential there, it's just
19 how.

20 MR. SIMONS: So would it be more acceptable if we were to divide it, subdivide it
21 like you -

1 MR. GREEN: I'm not sure. I would assume you would have to do a subdivision
2 to get an RS – a single-family zero lot line arrangement. You could still have buildings
3 that were connected but you would have to go through the subdivision process.

4 MR. GOSLINE: Right. See I think Mr. Simons is also – you were talking about
5 selling the units anyway. You weren't talking about renting them, right?

6 MR. SIMONS: No. We're not going to sell them. It's –

7 MR. VAN DINE: But any time you have a duplex it's going to have to be under
8 RM.

9 MR. GOSLINE: That's the way we're currently interpreting the code; that's
10 correct.

11 MR. VAN DINE: So the only way you can do it otherwise is as Mr. Green is
12 talking about is actually have a subdivision, single-family home, zero lot line or
13 whatever.

14 MR. GOSLINE: That's correct.

15 MR. VAN DINE: And that's a whole lot different engineering that's being talked
16 about here.

17 MR. GOSLINE: Right.

18 MR. SIMONS: So what type of zoning would be for the – what did you say five
19 units, five units per acre?

20 MR. VAN DINE: Well your problem, Mr. Simons, is if you want duplexes you
21 have to stay in the category that you have is the lowest category for - what you're
22 requesting is the lowest category for duplexes. So this would be the category you
23 would have to fit in for what you're looking about doing it. There are alternative ways to

1 go about doing it in the form of different configurations, whether it's single-family to put
2 you into something different but then they're talking about having multiple steps to go on
3 and more engineering costs, subdivisions, other things like that so.

4 MS. LUCIUS: I think it's not so much this particular parcel is the precedent that
5 we set that we're opening that up with putting that down in the middle of rural; is that
6 where we're going? Is that the objection?

7 MR. GREEN: That would be one of the challenges.

8 MS. LUCIUS: That's one of the challenges that it's more or less spot zoning I
9 guess. I hate to call it that. It's really not but.

10 MR. VAN DINE: As I understand the Department's not opposed to residential,
11 it's just the density of this particular residential.

12 MR. GOSLINE: That is absolutely correct.

13 MS. LUCIUS: Right where it is.

14 CHAIRMAN PALMER: As opposed to the density that could possibly be put on it
15 which is what we face every time we –

16 MR. GOSLINE: The answer to that is we, we rezoned within the last year the
17 yellow piece just north of this one. I believe the Department supported, recommended
18 that one as well. I'd have to go back and look but. I think, Mr. Chairman, you've got just
19 like we had a little while ago. You've got the question before you to rezone 2.3 to RM
20 HD. Yes or no. MD, I'm sorry.

21 MR. GREEN: We could get eight, they could probably net eight units on this
22 property under an RS MD and be consistent with most of the residential zoning around
23 it. Seven to eight units.

1 MR. GOSLINE: Yeah, he's going to have, you know, he'll have to build a road
2 and, you know, and some drainage facilities and things like that but yeah, maybe.

3 MS. LUCIUS: Well if you put duplexes you'd have to wouldn't you?

4 MR. GOSLINE: Excuse me?

5 MS. LUCIUS: If you put in duplexes you'd have to build a road too, wouldn't
6 you?

7 MR. GOSLINE: Yes.

8 MR. VAN DINE: You're not subdividing it.

9 MR. GOSLINE: That's right.

10 MR. VAN DINE: If you're not subdividing it it only has to become a driveway.

11 MR. GOSLINE: That's right. Because I believe we did talk about that but that's
12 correct. What they want – what the applicant requested do was to create a duplex
13 project and rent the duplexes. That would assume that the road would be private and it
14 would still have to be – the access would still have to be constructed to public standards
15 but it'd be private maintenance. So they'd still have the engineering to some degree. It
16 wouldn't be as great as a subdivision probably. They still – I mean, because you've still
17 got drainage to got to take care of and things like that so.

18 CHAIRMAN PALMER: Any other comments? Do we have a motion?

19 MS. LUCIUS: And you think it's out of character at this point in time – I hate to
20 use that phrase but.

21 MR. GOSLINE: The density is way out of character with anything around it.
22 That's the principal reason for the Department's recommendation for denial.

1 MR. VAN DINE: The way I'm sort of looking at this is the request is sort of back
2 doored and wedged into, because of our classification, into the density requirements to
3 get the multi-family in there. And I guess the real question becomes whether or not
4 we're willing to open up that side of the road to that density.

5 MR. GOSLINE: That's correct.

6 MR. VAN DINE: And I don't know of any alternative ways to do it as we sit up
7 here now. The only thing I would suggest is it might be a good idea for Mr. Simons to
8 sit down with you guys and go over the specifics of other alternative ways to skin the cat
9 to get what, in essence what they're looking for without, without it in fact going to this
10 density. Because as it sits right here I would be in agreement with the Staff that it would
11 be too dense a requirement to add but at the same time I understand what they're trying
12 to do and why they're trying to do it and I think it's a commendable idea to do but I don't
13 think we want to open this particular area up to the higher density of the RM MD.

14 MR. GOSLINE: Well the Department as I said before we support it, the RS MD
15 just, you know, next lot up a year ago and ya'll approved that and it went through. So
16 the there's a big difference in the –

17 MR. VAN DINE: And that's what I'm saying. My point is that I'm not sure from
18 what I'm hearing Mr. Simons clearly understanding what's being sought, what's being -
19 reasons for what's going forth maybe a different way for Staff to help him work out what
20 he's looking for or how to get in essence what he's looking for. Some of the ideas that
21 Mr. Green was talking about or other things like that.

1 MR. GOSLINE: But my recollection is that we'd talked – when I talked to Mr.
2 Simons we talked about lots of different ways to do this and he wanted to pursue the
3 duplex community. So this was it.

4 MR. MANNING: If Mr. Simons wanted to do a PUD, and I'm not recommending
5 that, would duplexes be allowed in that category?

6 MR. GOSLINE: Sure. Sure.

7 MR. MANNING: Is this tract large enough to do this?

8 MR. GOSLINE: It's over two acres. But understand that that's –

9 MR. MANNING: That's another reason for us to –

10 MR. GOSLINE: - a huge, that's a huge expense for a two-acre parcel.

11 CHAIRMAN PALMER: That's a significant upfront cost.

12 MR. MANNING: That's another reason for us to review the process that people
13 to go through in a PUD so that it's not such a costly situation. So this right here, I mean,
14 that might make sense to have a limited number of duplexes. It's not difficult to find an
15 engineer and, but Mr. Simons, you know, right now would have to go through a very
16 lengthy process and it'd be expensive. There are cases where it could be a lot less
17 information required. That didn't get us out of the motion.

18 CHAIRMAN PALMER: Any comments? A motion?

19 MR. GOSLINE: Do you want me to call the question?

20 MR. VAN DINE: I'm going to put a motion on the floor and I will say that I do it
21 with hesitation. That is I'm going to make a motion we sent it forward with a
22 recommendation of denial based on the density requirements solely, not for the reasons
23 that are being stated for what they want to do but I don't think we want to open up this

1 side of the road to the multi-family even at a medium density. If there were another way
2 to do it such as the RS MD that was done above it that might be something different but
3 based upon the request that's before us, I think that I'd have to send it forward with a
4 recommendation of denial.

5 CHAIRMAN PALMER: Is there a second?

6 MR. GREEN: Second.

7 CHAIRMAN PALMER: We have a motion and a second. I would just like to say
8 I disagree. I don't think this Body has ever made a decision based on what other tracts
9 of land, solely based on what other tracts of land are. I think this Body looks at every
10 aspect. Just because something's zoned a particular way in a surrounding area, it plays
11 into the thinking but it's not the sole reason for someone. If, for example, the tract of
12 land next door to it came up six months from now I don't think anybody on this Body
13 would say just because this tract of land next door to it has been zoned RM MD then
14 that means this tract of land should be zoned RM. I think this Body looks at everything.

15 MR. GOSLINE: Yes. Mr. Chairman, you're correct. I just – I only point that out
16 to show that, that the Department's position is that RS MD zoning on the west side of
17 Lower Richland Boulevard in this location is acceptable. We supported it once before.
18 There's tons of it all around. That's all. And you're absolutely right. This – the next
19 one may not be.

20 CHAIRMAN PALMER: I understand.

21 MR. VAN DINE: Mr. Chairman. I'll call the question.

22 CHAIRMAN PALMER: Question's been called. Do we have a second to call the
23 question?

1 MR. GREEN: Second.

2 MR. VAN DINE: We don't need one.

3 MS. LUCIUS: Yeah, you do.

4 CHAIRMAN PALMER: Yeah, you do.

5 MR. GREEN: Second.

6 MS. LUCIUS: We never have done it but legally we're supposed to, we're
7 supposed to. Isn't that right, Amelia? I think we learned in one of our classes that when
8 someone makes a motion to call the question that has to be approved. You can't just.

9 CHAIRMAN PALMER: It doesn't work that way but *Robert's Rules of Orders*
10 says that it has to have a second.

11 MS. LUCIUS: It has to have a second.

12 MR. VAN DINE: Okay.

13 MS. LUCIUS: And I think you have to get a vote on calling the question because
14 you're stopping discussion when you do that.

15 MR. MANNING: You second the motion not the question.

16 MR. GOSLINE: Are we voting on the motion or the question?

17 MS. LUCIUS: I'm glad you brought it up because really that was discussed in
18 one of our classes on legal and we're supposed to take a vote on it.

19 CHAIRMAN PALMER: All those in favor to call the question please raise your
20 hands.

21 *Approved: Brawley, Lucius, Furgess, Palmer, Van Dine, Green, Manning, Anderson;*

22 *Absent: McBride]*

23 MS. LUCIUS: Now we're legal.

1 CHAIRMAN PALMER: All those in favor to send Case No. 05-122 MA forward to
2 Council with a recommendation of denial please signify by raising your hand. Those
3 opposed?

4 *Approved to deny: Lucius, Van Dine, Green, Manning, Anderson; Opposed: Brawley,*
5 *Furgess, Palmer; Absent: McBride]*

6 MR. VAN DINE: This will go to County Council on the 28th. They are a
7 recommending body – we are a recommending body only. They would have the final
8 say. I guess I would suggest that you contact your representative in your area to talk
9 about the issue itself directly if want to. That might be the best thing to do.

10 MR. MANNING: Carl, what was the vote?

11 MR. GOSLINE: Five to three.

12 MR. MANNING: For?

13 MR. VAN DINE: Five to three.

14 MR. GOSLINE: Five to three for the motion.

15 CHAIRMAN PALMER: That concludes our new business.

16 MR. GOSLINE: No. You have street names.

17 MS. LUCIUS: Yeah.

18 CHAIRMAN PALMER: Street names.

19 MS. LUCIUS: Mr. Chairman, I would like to move that we send – no, we don't
20 have to send them anywhere – we approve the proposed street names.

21 CHAIRMAN PALMER: We have a motion. And a second? Do we have a
22 second?

23 MR. VAN DINE: Second. I thought somebody else did.

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

2 *Approved: Brawley, Lucius, Furgess, Palmer, Van Dine, Green, Manning, Anderson;*

3 *Absent: McBride]*

4 MS. LUCIUS: When are we going to get some good names again? These have
5 been really dull.

6 MR. GOSLINE: I'll make way now for the B Team to show up.

7 MS. LUCIUS: Sometimes we have some crazy names on that list.

8 CHAIRMAN PALMER: Comprehensive plan update.

9 MS. ALMEIDA: Mr. Chairman, found on page 79 is the comprehensive plan
10 update that Mr. Criss has put together and as one of the point of orders to pick out our
11 dates for the working [inaudible].

12 MR. CRISS: As instructed by the Planning Commission at their last meeting
13 we've restructured the proposed schedule for revising the comprehensive plan and
14 given you a general outline with specific workshop dates to meet as often as once a
15 month, less frequently if not needed or more frequently if desired by the Commission
16 starting a week from this Thursday on the 16th at the 4:00 o'clock to 6:00 o'clock time
17 that the Commission seemed to prefer. But by at least some sustenance.

18 MR. MANNING: Mr. Criss, could you be more specific as to what we're going to
19 discuss on the 16th?

20 MR. CRISS: I would solicit your recommendations. We could start with, for
21 example, delineating the ten year annexation boundaries of our municipalities. We
22 could start with, for example, trying to outline those areas that should remain essentially
23 rural for the next 10 years.

1 MR. MANNING: So you are soliciting our discussion?

2 MR. CRISS: Yes, I am.

3 MR. GREEN: I wonder about our ability to have any substantive discussion on
4 municipal annexation boundaries. The county is in no position to influence municipal
5 annexations.

6 MR. CRISS: I think you are. You can't require or demand, dictate 10 year
7 annexation boundaries but you are an influencing body [inaudible] planning around the
8 perimeter of our municipalities. Indeed one of them at least, Blythewood, actively
9 solicits your comments on the growth and development around the perimeter of
10 Blythewood. We could have joint Planning Commission meetings, for example.

11 MR. GREEN: I'm confused as to how we influence what a municipality annexes.

12 MR. CRISS: Well you could try to come to consensus with your colleagues in the
13 municipalities, your sister planning commissions on tentative 10 year annexation
14 boundaries that would depict the area which we would expect to convert from
15 unincorporated to incorporated. And therefore be most likely designated as urban in the
16 case of Columbia or perhaps suburban around the perimeter of Blythewood. And we
17 could solicit the comments, the advice, the guidance from say the Blythewood Planning
18 Commission as to how the lands around their perimeter within in that 10 year
19 annexation boundary should be designated on our county land use plan.

20 MR. MANNING: Given the fact that the city and the county have a difficult time
21 dealing with each other on a lot of fronts you might want to defer that one and give us
22 something that we can have an impact on.

1 CHAIRMAN PALMER: I believe that's more of a Utopian thought that the city
2 either Blythewood or Columbia would take our advice as to what we're going to give
3 them or what we don't want.

4 MR. CRISS: But you do have land use planning authority around all six
5 municipalities and you're going to have to designate something for those areas.
6 Wouldn't it make sense to do that in at least an attempted collaboration with those
7 municipal governments? Those are the areas where most logically you would promote
8 infill, where you would advocate for the extension of water and sewer systems; where
9 you might designate priority investment areas for county capital improvement projects.

10 MR. VAN DINE: I've always found that it's easier for a body like this to have a
11 starting point.

12 MR. CRISS: Perhaps some maps?

13 MR. VAN DINE: Something to discuss as a starting point so we can at least
14 trigger thoughts.

15 MR. CRISS: I think that's a great idea.

16 MR. VAN DINE: I don't think that we as this body can go into a meeting cold
17 without any idea of parameters of some of the things we're talking about. My
18 suggestion would be that we have available to us things that we could talk about when
19 we get to the meetings. Certainly they can be about these areas and I don't have a
20 problem talking about the first things that are listed in there but I don't think we can walk
21 in there blind and expect to have something coming out of it that has any substantive
22 value.

1 MR. CRISS: Yeah. We would propose to organize the discussion around maps.
2 For example, if you wanted to tackle the tentative designation of areas that are to
3 remain rural for the next 10 years, we could present maps of either the entire county or
4 certain planning areas, as much as we can get to in the time allotted, to put specific
5 proposals in front of you. And elicit the debate over the principles that are going to help
6 us designate urban, suburban, rural, conservation lands within those areas. Priority
7 investment zones or areas as are once again before the General Assembly.

8 MR. VAN DINE: I think we almost need, if we're going to something like that to
9 have what amounts to definitions. What you consider urban, suburban, rural so we're
10 all starting from the same page. I think we can all add or subtract things from those
11 definitions once we have them. But we at least need a starting point. The other is I
12 would think that you, from my perspective you almost want to work from the other way
13 around. What is urban? What is suburban? What still remains rural? How is –
14 because those areas seem to flow more than backwards where you're working about
15 what's rural and you [inaudible]. I think you have to determine what you've got and
16 where it is so that you can figure out whether or not there are areas internally that we
17 need to focus on as being areas we need shift over to the urban, suburban or whatever.

18 MR. CRISS: One approach is to look at housing density county-wide.

19 MR. GREEN: Obviously we're not going to have an existing land use map to
20 look at?

21 MR. CRISS: Well we're working on that. John, would you like to try to give an
22 update to the Planning Commission on where the existing land use mapping is.

1 MR. NEWMAN: I think we should have one by the 16th. We've got one now that
2 just has a few problem areas and have used a couple of weeks maybe - well not quite
3 two weeks but quite some time in trying to find a way to somewhat resolve that through
4 a - maybe a software application type process. But it doesn't look like that's going to
5 happen but, you know, do it the old fashioned way, manually. And like I said there's just
6 a few problem areas. The rest of them are looking, you know, checking out to check out
7 pretty accurate. Of course, there's always going to be, you know, some inconsistencies
8 even if you did your, you know, windshield inspection. You know, it's your guess as to
9 what the property actually is but we're going to end up with a lot of categories which -

10 MR. GREEN: I thought we had talked about collapsing those into a smaller
11 number.

12 MR. NEWMAN: We will. We want – but I think, you know, for data purposes we
13 want to have all those categories available for specific queries but in terms of mapping
14 and for, you know, just general land use we're going to have to aggregate those into a
15 much smaller group. Maybe five or six or eight or whatever that's - but we're going to
16 start off with all these categories to begin with and then collapse them. And so anyway I
17 really feel like we'll have something by the 16th. It may not be the definitive final cut but
18 it'll be, it will be enough to work off of I'm sure.

19 MR. GREEN: Are there any socio-economic 10 year forecasts available at the
20 county level but also could be part of that discussion?

21 MR. NEWMAN: We've gotten several things from the COG. Projections for, you
22 know, the four county area which also includes Richland County with projections. It
23 has some of those type of demographics in there. A lot of it was, you know, housing

1 projections and growth and things of that nature. There's, one that just came out was
2 an interim census projection [inaudible] so, yeah. And there's some other databases so
3 we've have quite a bit of numbers to be able to work with.

4 MR. VAN DINE: It seems to me that one of the things that would be helpful to all
5 of us going into that meeting is to have some sort of a outline sort of and not just a one
6 line this is what we're going to talk about. But some, a little bit of a detail as to issues
7 that need to be addressed. We don't have to stick to it but at least it will give people an
8 opportunity to be thinking in those particular veins when we get to the meeting. We
9 could be more focused in what we're talking about. I'd kind of request that prior to that
10 meeting we actually get some kind of a one page, here's sort of the agenda if you will
11 topics that we're generally going to talk about. What we have here is very, very broad
12 and I'm not sure what the parameters are of some of the things we're talking about.

13 MR. CRISS: Well that's for the Planning Commission and the Staff to decide in
14 discussion and debate. For example, do you want to use housing density as one of the
15 parameters to distinguish urban from suburban from rural from conservation? If so then
16 we'll come up with actual density ranges. You might consider rural to be anything less
17 than one dwelling unit per acre. Suburban is one to five and urban is more than five, for
18 example.

19 MR. VAN DINE: And I think –

20 MR. CRISS: We can show you on maps where those densities exist now and
21 then we can put urban, suburban, rural boundaries on the map and see if they make
22 sense to you.

1 MR. VAN DINE: I think we can do that at our meeting. Those are the type things
2 I'd like to have. The one line that says we ought to be talking about whether or not
3 we're using housing density.

4 MR. CRISS: Okay.

5 MR. VAN DINE: That's the type thing that we get before the meeting. During the
6 meeting then we have that discussion.

7 MR. CRISS: Good point. Water sewer mapping is more problematic and we're
8 not sure where to turn next. We need higher powers to extract the water/sewer
9 information that we think is relevant to future land use planning. We're not as far along
10 as we had hoped to be by this time.

11 MR. MANNING: But you know basically where water and sewer is?

12 MR. CRISS: We have some service areas. We'd really like to see where all the
13 collection and trunk lines are.

14 MR. MANNING: But for the most part, I mean, we know that [inaudible].

15 MR. CRISS: We generalize.

16 MR. MANNING: A water line out this far.

17 MR. CRISS: And one could argue that where water and sewer exists now or
18 should be backfilled/infilled that's urban and suburban, not rural.

19 MR. NEWMAN: Even the service providers don't know where their own lines
20 are. I'm not joking.

21 MR. GREEN: I don't know that we need every line. I think I'd go with [inaudible]
22 if we know this area of the county is served that's about all we need to know. You can

1 run a line 200' or 300' or 500' if you need to. Basically those areas of which municipal
2 facilities are within reach.

3 MR. NEWMAN: Well when Michael said service areas that's a classification, a
4 federal classification where the county is divided in, you know -

5 MR. GREEN: I'm talking about areas that we know that you can go reasonably
6 get to water and sewer.

7 MR. MANNING: I don't care whether -

8 MR. GREEN: That's all we need to know really. We don't need to know where
9 the lines are. We don't know need to know whether "x" utility company has the rights to
10 extend into an area. We just need to have a general shading of the county that is
11 served by water and sewer.

12 MR. VAN DINE: I need to ask a question. Perhaps I'm being dumb but a
13 developer goes in to an area of the county and goes up and says, "You know there's a
14 sewer line there that I can tap into" or "I know that they're going to extend the sewer line
15 in this area." Where are they getting their information that they can do that?

16 MR. MANNING: They say Palmetto Utilities serves this area, go see Palmetto.
17 [inaudible] serves this area, go see -

18 MR. CRISS: They're going to the experts within the utility operation who for the
19 most part have this information in their hands and the information that is available on
20 paper maps isn't widely disseminated or even digitized.

21 MR. NEWMAN: And I can say that, you know, as you were talking about you
22 know the shaded coverage areas is exactly what I've been going after, not individual

1 lines and, you know, capacities or anything else and that sort of information is not
2 available.

3 MR. MANNING: But it's not critical to determining future land use. I mean, it
4 really doesn't make a difference at this point. If you're not dealing with annexation and
5 jurisdictions, who's serving that area and where every line is. I mean, we just need to
6 know generally can this property be developed or this area be developed or not.

7 MR. CRISS: True, but take Hopkins, for example, or the Lower Richland
8 Boulevard/Garners Ferry Road area that you folks just approved; the first neighborhood
9 master plan in a series of master plans. You could say that Columbia water and sewer
10 is there but it's not really. It's there on an *ad hoc* project by project basis with limited
11 pressure capacity and quality. So is Columbia going to serve Hopkins in the next 10
12 years? Right now they're saying it's not worth it. That's why –

13 MR. GREEN: I would say where we are at this juncture the broader notion is
14 what we need to be dealing with so we then can – if we sit here and worry about every
15 lot and every service provider and every line capacity we'll be having this discussion five
16 years from now –

17 MR. CRISS: We agree with you. That's why we want to start with the broadest
18 planning parameters and principles such as general land use designations and then
19 refine them by planning area, by land use type and we may only come to a general
20 consensus initially on what urban, suburban, rural mean for Richland County for the
21 next 10 years but that's okay. We can refine the process. Repeat.

22 MR. MANNING: I'd like to see out of - to get an agenda prior to or some points
23 of reference on what we're gonna to discuss and then at each meeting we'll set a new

1 agenda. At that meeting have discussion for the next month. So I'd just like to say we
2 adopt this schedule February 16th through December 21st as work sessions whether we
3 can all get there or not really doesn't matter. Somebody might [inaudible].

4 CHAIRMAN PALMER: I agree.

5 MR. MANNING: And we'll create the agenda moving forward.

6 MR. CRISS: As many as can show up?

7 MS. LUCIUS: Mike, you said debate and map. You actually talking about
8 actually mapping.

9 MR. CRISS: Yeah. We want to draw lines on maps.

10 MS. LUCIUS: We're actually going to draw lines on maps?

11 MR. CRISS: Eventually, yes.

12 MS. LUCIUS: I mean, on February 16th we're going to do that?

13 MR. CRISS: I hope so or at least have some hardy discussions about how we
14 determine where to draw those lines. To tease out the planning principles that you want
15 to apply to your comprehensive plan in the next 10 years. What does it mean to be
16 [inaudible]?

17 MS. LUCIUS: This division –

18 MR. CRISS: There's 36% of the area inside the beltway that's unincorporated.
19 What should we do with that over the next 10 years? In my personal, professional
20 opinion it ought to all be inside the municipal limits of the City of Columbia and if the
21 county's comprehensive land use plan says so that puts some public attention on – how
22 shall I say it - the selective annexations the city chooses.

1 MS. LUCIUS: If you look at the map the city is dispersed in the county like a
2 crazy quilt.

3 MR. CRISS: It's Swiss cheese.

4 MS. LUCIUS: It's Swiss cheese. So I see what you're talking about. We could,
5 you know, just say well this part - this should be annexed by the city.

6 MR. CRISS: You say that all the [inaudible] inside the city limits of Columbia
7 ought to be considered urban automatically.

8 MS. LUCIUS: Right. Right.

9 MR. CRISS: Period, the end. Maybe everything inside the beltway. What about
10 Arcadia Lakes? That was incorporated to preclude that from becoming part of
11 Columbia, right? And that's essentially in my opinion suburban. I might argue that all
12 the inclusions of unincorporated area inside surrounded by Arcadia Lakes ought to be
13 considered suburban for our land use planning purposes.

14 CHAIRMAN PALMER: Okay. Do we have – that seems like a discussion that
15 we need to have on the 16th. Do we have – do you have guidelines -

16 MR. CRISS: [inaudible] looking ahead.

17 CHAIRMAN PALMER: Also I'd like to see maybe three or four comprehensive
18 plans done by other counties. Maybe Lexington, if they have one. Dorchester.

19 MR. GREEN: Good examples.

20 MR. CRISS: Yeah. Everybody's got one; the question is finding the quality.
21 You're looking for that future land use map, I assume?

22 CHAIRMAN PALMER: Greenville. Greenville County.

1 MR. VAN DINE: [inaudible] Greenville, Charleston, Beaufort those areas would
2 be the ones who have taken a lot of time.

3 CHAIRMAN PALMER: We probably don't need to see Beaufort.

4 MR. VAN DINE: Although I question whether or not they're following [inaudible]
5 in Hilton Head.

6 CHAIRMAN PALMER: But that's what, that's what – then we can use those as
7 kind of templates to move forward with.

8 MR. CRISS: Good suggestion.

9 MS. LUCIUS: They did a lot of compromising but they got a good plan finally
10 worked out.

11 CHAIRMAN PALMER: Alright.

12 MR. VAN DINE: Alright. So do we need a motion to adopt –

13 CHAIRMAN PALMER: Let's move forward.

14 MR. VAN DINE: Do we need a motion to adopt that schedule or are we just
15 going to adopt it?

16 MS. LUCIUS: Adopt it.

17 MR. MANNING: If you can make it, you can make it, if you can't, you can't.

18 MR. VAN DINE: My request is you send an email [inaudible].

19 CHAIRMAN PALMER: Neighborhood community master plan status report.

20 MS. BRITT: My turn now. Okay. I just handed out everyone a copy of the final
21 report for you to put in your comp plan notebook so that you can have that to refer to.
22 Also John's handing out some information to you. The first thing is the acceptance of
23 the proposal for preparation of a text amendment to the Land Development Code to

1 include a neighborhood based zoning district as recommended in the Southeast
2 Neighborhood Master Plan. Arnett Muldrow & Associates were the consultants who
3 were selected to prepare the master plan and as that we've chosen Arnett Muldrow in
4 conjunction with Wray Consulting to provide these services. So I've given you a copy of
5 the proposal. The notice of award has been sent out and we should be starting this
6 project this month. Also the Broad River Heights neighborhoods – those are - that's the
7 next master planning area. That's Broad River Heights, Riverview Terrace and the
8 Village of Rivers Edge or Village of Hope and our consultants are Wilbur Smith.
9 They've been conducting one-on-one interviews. We – I have had one general steering
10 committee meeting. I should have a calendar very soon of all the remaining meetings
11 which I will immediately – Mr. Furgess, is your representative and he will receive that.
12 Also we are meeting this week on Wednesday afternoon to look at potential park
13 property in that neighborhood. We have been approached by a landowner of
14 approximately three and a half acres and that was one of the comments that was made
15 at the steering committee meeting was regarding the lack of recreational facilities in the
16 neighborhood and this just sort of fell in our laps. So a committee is reviewing that
17 property including representatives for the Recreation Commission. Mr. Livingston is
18 Council representative. The consultants Wilbur Smith and the property owner and
19 Michael and myself will meet out there on Wednesday to look at this property. And I'll
20 keep you informed on how that goes. I've also handed out to you just the one pager
21 that is the request for acceptance of proposal submitted by the Lawrence Group for
22 Decker Boulevard and Woodfield Park master plan. We received several really good
23 proposals and these were reviewed in depth by committee with various written

1 comments. I have a copy of the proposals if anyone would like to look at those. I didn't
2 want to recreate that entire proposal for you at this time but you'll be able to look at that.
3 We're real excited about that process and getting started with it. So once the signed
4 contract is back in the consultant has been notified and the contract has been issued so
5 once I receive the signed contract we'll set up a preliminary meeting with that consultant
6 to go over specific GIS needs and to do our planning calendar. And then I will share
7 that with you and Mr. Palmer you'll be on that committee, correct?

8 MR. MANNING: Susan, do the proposal include all the tools necessary to
9 implement the plan?

10 MS. BRITT: Yes, sir. That's part of it. It's a very detailed scope of services
11 approximately 11 to 12 items on that scope that would - and the intent of the proposals
12 is that, one of the things that we evaluate those proposals on is the ability to implement
13 the plan. We want a product when we finish that can be done.

14 MR. MANNING: In other words if the design standards are being recommended
15 that is a part of this request.

16 MS. BRITT: Yes, sir.

17 MR. MANNING. They provide a -

18 MS. BRITT: If that would be - I mean it would come out of the master plan
19 process whether or not there's going to be any additional text changes. For instance,
20 you know, with the Southeast Richland we could not anticipate that that was one of the
21 recommendations coming out of it. So we couldn't write a specific proposal for that.
22 But with the Decker Boulevard, one thing that is interesting about this is that we've also
23 included a market analysis which will help us with that commercial corridor.

1 CHAIRMAN PALMER: Could you get me a copy of that proposal?

2 MS. BRITT: Yes, sir. If you'd like one I've got a copy of it. And that's my report.

3 CHAIRMAN PALMER: Any other questions or comments for Ms. Britt? Thank
4 you.

5 MR. CRISS: Mr. Chairman, before we leave this agenda item may I pass out an
6 invitation for any of you who might be interested to participate in a Fort Jackson
7 strategic planning. Yeah, thanks, John.

8 MS. BRITT: Can I jump in real quick. I forgot something.

9 MR. CRISS: Yeah. Go ahead.

10 MS. BRITT: Can you hold the date of April 29th. That Saturday we will be doing
11 – it will be the second neighborhood planning conference. I couldn't read my own sticky
12 note that I had here that said, "Also mention." But anyway that's on Saturday, April 29th
13 and it'll be at the Midlands Tech Northeast Campus on Powell Road.

14 MR. CRISS: We'll be sending out further information shortly but we just nailed
15 down the date.

16 CHAIRMAN PALMER: Ms. Britt, I will be out of town April the 29th. [inaudible] I'll
17 miss that meeting.

18 MS. BRITT: Well we will miss you, Mr. Palmer.

19 MR. CRISS: And what John has handed out on my behalf is the third in a series
20 of four workshops at Fort Jackson over six to eight months to develop a 25 year
21 strategic plan for the Fort. Not only is it sustaining the military mission but also
22 collaborating with surrounding communities in terms of housing and transportation and
23 other interactions and conserving the environment on the Fort and beyond.

1 MS. LUCIUS: That's interesting.

2 MR. CRISS: It's free and you're welcome to contact Lynn Odom the on-site
3 coordinator listed at the bottom of the email.

4 CHAIRMAN PALMER: I would go but I just don't understand military timetables.
5 I'm not really sure [inaudible].

6 MR. CRISS: Their jargon is pretty rough too. Batcom and Defcom and -

7 MS. LUCIUS: I like the idea of visiting the natural and resources, cultural
8 resources.

9 MR. CRISS: Yeah. You could selectively attend.

10 CHAIRMAN PALMER: But you have to be there at 7:00 to register?

11 MR. CRISS: But you do have to give yourself some time to get on base. It's not

12 -

13 MS. LUCIUS: We're not going to be recruited now are we?

14 MR. CRISS: You won't be recruited but you will [inaudible].

15 MS. LUCIUS: Because I'm too old for that.

16 CHAIRMAN PALMER: Okay. Text amendments.

17 MS. ALMEIDA: Mr. Chairman, the first text amendment that's before you is to
18 amend the required conditions for daycare. One of the - that's found on page 81.
19 Presently the Board of Zoning Appeals listens and votes on, hears the special
20 exceptions for daycares. Item D which is parking should not be located in the front yard
21 proposes a problem because if you see Item C states that an adequate pick up and
22 drop off needs to be provided. And in order to do that if you have a single-family home
23 that's being used as a daycare obviously the person has to get off the road and needs

1 to be able to turn around on the property, on the front yard. So this is becoming a
2 problem according to our Zoning Administrator, Mr. Geo Price, that it's a catch 22 for
3 persons wanting to open up a daycare in their home. So he proposes to delete that
4 from this ordinance.

5 MS. LUCIUS: And I thought that addressed parking, like all day parking.

6 MS. ALMEIDA: No, even temporary. This is just for –

7 MR. FURGESS: This is like a neighborhood, like in my neighborhood some
8 daycare centers have popped up. So they would need a drop off point, circular drive.

9 MS. ALMEIDA: Right.

10 MR. FURGESS: To get those people from blocking the street in the morning.

11 MS. ALMEIDA: That is correct. Or a K-turn. They need to be able to, you know,
12 turn around on-site and come out facing the street – not backing out onto the street.

13 MS. LUCIUS: Ms. Almeida, I just don't, I don't – dropping off and picking up to
14 me is not the same as parking. I'm sorry.

15 MR. CRISS: Some parents are consulting with their care providers and it's not
16 [inaudible].

17 MS. LUCIUS: Will this open up the neighborhoods to parking in the front yard?
18 All day parking in the front yard?

19 MR. CRISS: On that -

20 MS. ALMEIDA: On this particular daycare –

21 MR. CRISS: - particular daycare parcel.

22 CHAIRMAN PALMER: But they would not be allowed to block the circular drive?

23 MS. ALMEIDA: No.

1 MS. LUCIUS: I'm talking about parking in front yards, in designated front yards
2 because we already have a serious problem with that in our neighborhood anyway.

3 MS. ALMEIDA: This is just for a daycare facility. This is not for individual single-
4 family homes that would not necessarily have a business attached to it.

5 MS. LUCIUS: But what about the residential homes say down in where I live?
6 We have homes that are daycares – well they don't look like daycares because you
7 can't put signs up or anything like that.

8 MS. ALMEIDA: Right.

9 MS. LUCIUS: Will this allow them to park, use the front yard for a parking lot?

10 MS. ALMEIDA: Well the problem is that DSS and other state agencies require
11 that the parcel provide an adequate place in order to drop off safely, okay? And be able
12 to turn around and exit the site safely.

13 MS. LUCIUS: I understand.

14 MS. ALMEIDA: And you can't do that without parking or putting a circular drive
15 or a K-turn or something to be able to get the vehicle out of the –

16 MS. LUCIUS: I understand the drive part. I'm just not connecting that to parking.
17 You see? Am I – this totally is this extra blood to the head just making me dumb. To
18 me it's two different issues.

19 MR. VAN DINE: Most daycare centers though are basically pick up and drop off.
20 They have to stop, get out of the car, pick up the baby. They don't just throw them out
21 on the sidewalk.

22 MS. LUCIUS: Oh no, I know that. But I'm talking about, I'm talking about making
23 the front yard a parking lot.

1 MR. VAN DINE: No. It seems to me you have to actually park to get the people
2 in and out or to pick up [inaudible].

3 MS. LUCIUS: And when you've got neighborhoods like mine that have no
4 restrictive covenants. We've already got enough problems without making front yards
5 parking lots. That's what I'm getting to.

6 MR. FURGESS: Some [inaudible] garage, garage though. They park all their
7 cars in front of their house.

8 MS. LUCIUS: Yes.

9 MR. MANNING: Anna, this doesn't apply to the neighborhood daycare? It's only
10 for the commercial?

11 MS. ALMEIDA: No. It is to the neighborhood.

12 MR. MANNING: Okay.

13 MS. ALMEIDA: If there is a daycare in your community and the property owner
14 is going for a special exception which they must go before the Board of Zoning Appeals
15 -

16 MR. MANNING: What's going to happen when they come to renew licenses.
17 Are we going to have non-conforming uses? Are there going to be people out there
18 who want to continue then they're going to be told you need to provide parking in the
19 front?

20 MR. GREEN: Marcia, the only alternative is to park in the side yard or the rear
21 yard.

1 MS. LUCIUS: I have no problems with parking, stopping, taking the person in,
2 coming out, leaving. I just see this opening up the older neighborhoods to - where there
3 are daycares - to the front yard becoming a parking lot.

4 MS. ALMEIDA: Well and as Mr. Price said it's a catch 22. They're required to
5 provide as Item C shows, "Client pick up and drop off without obstructing traffic flow."
6 So that means that you would have to park in the front yard but yet Item D prohibits you
7 from doing that. We've got a backlog -

8 MS. LUCIUS: I understand what you're saying.

9 MS. ALMEIDA: It's a catch 22 and there's no other way around it at this point.

10 MS. LUCIUS: But I'm just asking is this going to open up front yards to become
11 parking lots?

12 CHAIRMAN PALMER: I think to answer your question, it has the possibility to
13 [inaudible].

14 MS. LUCIUS: That's what I'm afraid of and believe me we don't need to be going
15 in that direction.

16 CHAIRMAN PALMER: I think if we're going to have any daycares - I've seen,
17 I've been to Board of Zoning Appeals meetings where they've come and asked for
18 daycares and I've heard from Board of Zoning Appeals members that just really can't
19 approve any daycares because -

20 MS. LUCIUS: There's got to be, there's got to be a better way though because
21 I'm telling you and you don't live in that kind of neighborhood. But I'm telling you from
22 someone who does we already have problems with that.

23 CHAIRMAN PALMER: We don't have any covenants in my neighborhood either.

1 MR. FURGESS: This also covers like [inaudible] have these halfway houses or
2 whatever they call them – community houses in the neighborhood. That’s the same for
3 them too?

4 MS. ALMEIDA: Daycare adults, yes.

5 CHAIRMAN PALMER: But you can’t discriminate if there’s what eight or less
6 people?

7 MS. ALMEIDA: I’m sorry.

8 CHAIRMAN PALMER: Where these, where the half – not halfway houses -
9 where the indigent care go.

10 MR. GREEN: This is for daycare not for group homes. We’re not changing the
11 group home, we’re just changing the –

12 MS. LUCIUS: [inaudible] adult homes and child [inaudible].

13 MR. GREEN: So this doesn’t address group homes. It’s a separate category
14 from daycare.

15 MS. LUCIUS: Well.

16 MR. FURGESS: Oh.

17 MS. BRAWLEY: It can be adult homes [inaudible].

18 MS. LUCIUS: Yeah. Child care, family daycare.

19 MR. FURGESS: Because we got a lot of those out there.

20 MR. GREEN: I think this just covers the daycare because group homes is a
21 separate category.

22 CHAIRMAN PALMER: Any further discussion or motion?

23 MR. GREEN: I move we recommend the changes as noted in the Staff Report.

1 CHAIRMAN PALMER: We have a motion, do we have a second?

2 MR. FURGESS: Second.

3 CHAIRMAN PALMER: Second. Any other discussion? We have a motion and a
4 second to forward to Council as recommended by staff changes so noted on pages 81
5 and following. All those in favor please signify by raising your hand. Those opposed?

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

8 MS. LUCIUS: I think this is going to come back and bite us and we'll be
9 changing something again.

10 CHAIRMAN PALMER: Next.

11 MS. ALMEIA: Yes.

12 MS. LUCIUS: I'm going to carefully monitor the daycares in my neighborhood
13 and when I see a front yard turned into a parking lot I'm going to take pictures and then
14 come up here with them and display them. Okay?

15 CHAIRMAN PALMER: Very well.

16 MS. ALMEIDA: Mr. Chairman, found on page 85 is another text amendment
17 requesting that the GC district – the height restriction be increased to 45'. The reason
18 being that we have all of the other districts, NC, light and heavy industrial, RC as 45'
19 and we do say three stories and for some reason I don't know how this happened but it
20 was omitted and it was limited to 35'. Even with a special exception some of our other
21 zoning designations allow for a 45' height limit and above.

22 MR. VAN DINE: I move we send it to Council with a recommendation to adopt it.

23 MR. GREEN: Second.

1 CHAIRMAN PALMER: Any discussion?

2 MR. CRISS: Mr. Chair, if I may. We were striving for a 35' height limit in a
3 number of the zones during the development and drafting of the Land Development
4 Code and I believe Pat Dunbar the former Commissioner lead the initiative to elevate
5 the maximum height on the single-family residential because he pointed out there were
6 a number of houses that he built himself that exceeded that 35'. So the Commission
7 debated and came up with a 45' compromise and in retrospect we now realize that
8 disadvantages other districts –

9 MS. LUCIUS: How this going to impact on that PDD we had – was it next to a
10 post office.

11 MS. ALMEIDA: Clemson Road.

12 MS. LUCIUS: Clemson Road. Didn't he have to, didn't he have to build?

13 MR. CRISS: The PUDs are custom zoning so they don't follow your conventional
14 design standards.

15 MS. LUCIUS: Okay, but wasn't he, but wasn't he held to the 35'?

16 MS. ALMEIDA: He was limited to 25'.

17 MS. LUCIUS: He was limited to 25?

18 MR. CRISS: The beauty of a PUD. You can custom [inaudible] design the PDD.

19 MS. LUCIUS: That one just, that one just jumped into my memory when we were
20 – when I was looking at this.

21 CHAIRMAN PALMER: We have a motion and a second. All those in favor
22 please signify by raising your hand.

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

3 CHAIRMAN PALMER: Next.

4 MS. ALMEIDA: And last but not least. We have been finding that between
5 Planning Commission meetings and County Council meetings that there are several
6 occasions where we must publish the County Council agenda prior to the Planning
7 Commission actually hearing the cases because of the time limit. And what we find is
8 conflicting language that, because it says once the agenda has been published the
9 applicant cannot withdraw. So in essence the agenda is published before the Planning
10 Commission hears the case. If the Planning Commission disapproves the case the
11 applicant cannot withdraw prior to County Council because as it's stated in the wording
12 it's once – it's prior to the publication of the agenda and therefore we needed to change
13 this wording and add in here less than 15 days before the zoning public hearing for
14 County Council.

15 MR. MANNING: That's only under if we approve it?

16 MS. ALMEIDA: No. It actually happened two, two months ago. The Planning
17 Commission heard a case and it denied the case. The applicant wanted to withdraw.
18 He could not withdraw because the agenda had been published for the zoning public
19 hearing two or three days prior to the Planning Commission hearing his case. So in
20 essence he had to – the way the wording –

21 MR. MANNING: He was penalized because of –

22 MS. ALMEIDA: He would have to withdraw prior to you all making a
23 recommendation.

1 MR. CRISS: And, of course, publication of an agenda varies from month to
2 month as to how many days it precedes a public hearing.

3 MR. GREEN: Mr. Chair, I would make a motion that we recommend to County
4 Council adoption of the revisions shown on page 87.

5 MR. VAN DINE: Second.

6 CHAIRMAN PALMER: Motion and second. Any other discussion?

7 MR. MANNING: Is there any case where this could come back to bite the person
8 [inaudible]?

9 MR. GREEN: No. Because they still have their right – they've added in their
10 right to withdraw if they actually go to the public hearing. That night and say I want to
11 withdraw. So they can the decision a few minutes before Council starts.

12 MR. GOSLINE: The other problem, folks, is that if somebody – if we have time
13 before the meeting and chose to withdraw notice on(?) some of the people show up
14 unnecessarily. That's another reason for all this.

15 CHAIRMAN PALMER: All those in favor please signify by raising your hand.
16 Opposed?

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

18 *Absent: McBride]*

19 MS. ALMEIDA: And found on page 97 is the PDD checklist which you all
20 requested to review at your last meeting.

21 CHAIRMAN PALMER: Why would somebody need 35 copies?

22 MS. ALMEIDA: Because we need to distribute to all the Planning Commission,
23 all of County Council, Staff members and administration.

1 MS. ALMEIDA: And the press.

2 MR. GREEN: Were there no Development Review Team actions the prior
3 month?

4 MS. ALMEIDA: No, sir. Again when the agenda was published it was before the
5 DRT meeting so we're backlogged. In fact Mr. Steve Corboy's was heard last Friday,
6 so.

7 MR. MANNING: I think 35 copies is excessive if it hasn't even been approved. I
8 mean, not being sent to the Council. I mean, we're cutting down a lot of good trees to
9 fill that need.

10 MS. ALMEIDA: We'll it's irrelevant whether the Planning Commission
11 disapproves it. It still goes on to County Council so.

12 MR. MANNING: Can it be - they'd have to give you the copies at that point I
13 guess.

14 MS. ALMEIDA: Well.

15 CHAIRMAN PALMER: Or they could have our copies.

16 MR. MANNING: The digital format doesn't eliminate - I mean, why do we do the
17 digital if we got to do 35 copies?

18 MS. ALMEIDA: Well because the cost of reproducing it for ourselves in color is
19 very costly. We run up a bill as it is to produce what you have in front of you so if we
20 were to incur that cost we would need thousands of dollars.

21 MR. MANNING: Do you require that be done for every PDD?

22 MS. ALMEIDA: No. Each PDD as far as the graphics and how elaborate they
23 want it to become is up to them. But the number of the copies remains the same.

1 MS. BRAWLEY: What are the applicants saying? Are they complaining about
2 furnishing 35 copies?

3 MS. ALMEIDA: No, ma'am.

4 CHAIRMAN PALMER: Any other discussion on the PDD checklist?

5 MR. MANNING: Yeah. Checklist general details is part and parcel of the
6 general provisions. I mean, what is required by the code and what is not? I mean, what
7 are the code conditions for the PDD? What are the policy, so to speak, requirements of
8 Staff?

9 MS. ALMEIDA: Well in order to meet the code of requirements in the ordinance
10 which we can find on page – where are we here? I can't [inaudible].

11 CHAIRMAN PALMER: I think the code requires you to adhere to the policies set
12 forth by Staff.

13 MS. ALMEIDA: Right. These are the details that you would need to meet in
14 order to meet the policy in the ordinance.

15 CHAIRMAN PALMER: That means if you want to change the code you change
16 the policy.

17 MR. MANNING: Well, who - do we have any input in the policy? I mean, I think
18 that's what we were kind of bringing this back to the [inaudible] form was to –

19 MR. GREEN: The code doesn't give – as I understand it the code doesn't give
20 us the ability to set departmental policy.

21 CHAIRMAN PALMER: No. I think they would just probably take what we say
22 under advisement and deal with it from there.

1 MR. MANNING: But we're being asked to approve or deny something based on
2 whether they met the conditions of the code and we've had times that that's come back
3 before us and they've been in – have not been one in the same. Applicants have said,
4 you know, we're being asked to provide something that, you know, is not in the code
5 and therefore we're being told we're denied. I thought we were going to have a debate
6 about –

7 CHAIRMAN PALMER: Yeah. I understand, I think.

8 MR. MANNING: - some of this was – so that we knew what we needed to move
9 this process forward. I think there were a lot of times the PDD was being used to limit
10 and restrict in certain areas, the political cover by the Council. And there were times
11 that we could use PDD if - the checklist is cumbersome. I mean, it's lengthy and I'm not
12 saying it shouldn't be to some degree but there are times when it might be appropriate
13 that those conditions are softened to accomplish certain things we need to do.

14 CHAIRMAN PALMER: I think what happens is, for example, this checklist calls
15 for a number nine, a traffic management plan. But there's no definition of what a traffic
16 management plan is.

17 MS. ALMEIDA: Yes, there is. And I will bring that on a definition. Here we go.
18 We have all the definitions in here and I have provided that to several engineers.
19 Where are we? Found on page 36 of the ordinance code. "Traffic management plan.
20 An evaluation of the effect of traffic generated by development on the operation and
21 safety of the adjacent public roads." I believe this definition was actually proposed by
22 Mr. Green and several others.

23 MR. GREEN: It's on page 456 of the code.

1 MS. ALMEIDA: "Such analysis shall include an identification of traffic impact
2 mitigation measures needed to improve the safety operation and flow of vehicular and
3 pedestrian movement into and out of the development."

4 CHAIRMAN PALMER: Well what I've heard in the past is is, for example, you
5 know, no traffic calming lanes are required. And then that's not acceptable. For
6 example, with – who was the fellow that came last month that more information was in
7 his traffic plan, traffic impact study than was necessary. Yeah. He had all the
8 information and then – who was that? Simmons.

9 MS. ALMEIDA: Ken Simmons. He had numbers, he didn't evaluate the effect of
10 traffic generated. I can provide you with a bunch of traffic counts and not have an
11 analysis. Okay? And that's what Staff is looking for. That's what you all need. Aside
12 from the numbers or the counts or – you need an analysis. What does this mean? How
13 is this going to impact? You know, if I'm building an industrial site I can spew traffic
14 counts to you. We're going to have 38 tractor-trailers coming in, in and out of the site.
15 Well when are they in and out of the site? You know, are they 24/7?

16 CHAIRMAN PALMER: That's what I'm saying. I think -

17 MS. ALMEIDA: The evaluation needs to be there and I think a lot of – in some of
18 these PDDs they're just saying, you know, there's water availability – well. Or there's,
19 you know, this is the water provider. Well is it available? Will it meet your needs? The
20 thought process behind it is lacking in some of these PDDs.

21 MR. MANNING: Well if an engineer though, Anna, says that there's line
22 adjoining the property sufficient to serve the community. He hasn't gone through and
23 done his engineering for the whole neighborhood –

1 MS. ALMEIDA: Right.

2 MR. MANNING: - but he gives you a letter to that effect I think that should suffice
3 at that point. Now his calculations later are going to reveal if that's not correct that
4 they're going to have to do something different.

5 MS. ALMEIDA: Right.

6 MR. MANNING: Or the City of Columbia and DHEC and everybody else is not
7 going to –

8 MS. ALMEIDA: Where is the nearest fire station? Where is the nearest police
9 station?

10 MR. MANNING: I understand. I agree with those kinds of things.

11 MS. ALMEIDA: These are things that we're looking for.

12 MR. MANNING: But I think we had last month a situation where a letter was
13 provided by an engineer and it was determined that wasn't sufficient enough. I want to
14 make sure that the development community, Staff and us all working off the same sheet
15 and we do know what the expectations are.

16 MS. ALMEIDA: I think what happened in that last case, last month and I believe
17 the landscape architect in that situation that developed that PDD concurred. That case
18 was purely – not everything should be a PDD. And because of circumstances with
19 Council they were requested to go back as a PDD when in fact it really – it would have
20 been overkill. And that's out of Staff's control. We need to adhere to these details
21 because we've raised the bar and a lot of, a lot of the professionals know how to do this.

22 MR. MANNING: Well, and that's okay that the bar's been elevated. I just want to
23 make sure that they know how to jump over it. Okay? For instance, number one

1 "Proposed layouts of green open space, sidewalks and pedestrian amenities." But if
2 you go to the general details it says, "Proposed layouts of streets, open space and other
3 basic elements." It doesn't say – now what does a developer get and what are we
4 working off of. In other words do they know that you won't and are not going to move
5 this process forward without the sidewalks being shown on the plan?

6 MR. GOLSINE: Well, you know, we have mandatory pre-apps for PDDs and we,
7 you know, bring all this stuff up every time we meet with them. So we go through the
8 checklist –

9 MS. ALMEIDA: You know, Mr. Manning and this is – I think what it comes down
10 to and I've had many professionals say this - sometimes it's costly and they will provide
11 what they're being paid for.

12 MR. MANNING: I'm not raising the issue of cost here. I'm hearing that there are
13 times that they think they have met the requirements. Now, you know, I'm not in those
14 discussions, I'm not at the DRT meetings but more than once we have had discussions
15 up here about well we thought we had everything. Now we're being told we don't before
16 the meeting and, you know, it's going to be 30-60 days before they go through the
17 process again.

18 MR. GOSLINE: Well I think some of that has come from some difference in
19 interpretation between the Department and ya'll about the level of detail in some of
20 these PUDs. And as Mr. Green and Howard have pointed out the language in the PUD
21 ordinance itself is very, very specific. It talks about lot layouts and we - until we had that
22 discussion a month or so ago - were not that strict in interpreting. So I think that's
23 probably where that's coming from, Mr. Manning.

1 MR. MANNING: I'm not saying it's not warranted to see the - but I want to make
2 sure everybody's - we've had conversations with people and you have too that you
3 weren't clear as to what the ordinance was providing as well. I mean, there's been a
4 learning curve in all this.

5 MR. GOSLINE: Right.

6 MR. MANNING: I just – that's why I thought we had the checklist to make sure
7 that this was in fact what we were hoping for.

8 MR. GOSLINE: Well I think, the biggest issues that I think that we've had on the
9 PUDS now is exactly what I was just talking about is we've always interpreted, you
10 know, bubble diagrams, [inaudible] plans and that's all you really need to do. And the
11 ordinance right – the way you can strictly interpret it to be lot layouts and building sitings
12 and all that sort of thing and I think that's where that – rightly so - they're complaining
13 about being pulled back and forth here and I think that's where that's coming from.

14 MR. MANNING: But don't we need to deal with that issue?

15 MR. GOSLINE: I think we've eliminated that or are eliminating it as we go.

16 MR. VAN DINE: I guess for me is the question, what are we trying to
17 accomplish? Are we looking to modify the checklist? Are we looking to clarify it? We
18 have these discussions all the time but I'm not sure that we ever come to a resolution or
19 direction as to what we're trying to do and if that's what we're trying to do then let's try
20 and lay out some road map as to what we're going to do. I don't, I'm not sure I think
21 that there's a problem with the checklist but if there is let's talk about that so that we can
22 get to a point where everybody is on the same page.

1 MR. MANNING: Well, take the bubble diagram. I thought this was part of that
2 discussion. You feel like we need to have a lot layout. There have been other
3 submittals that were bubble diagrams.

4 MR. VAN DINE: And I kind of like them.

5 MR. MANNING: Well, some pass, some don't, you know. What's the
6 requirement? It's confusing.

7 MR. GOSLINE: Mr. Chairman, my suggestion is to address the language that's
8 in there now and amend it to bubble diagrams or whatever that you all think is sufficient
9 detail to you. I think the other problem we have here is that the PDD can be anything
10 from two acres to a thousand acres or more. And so not all – it doesn't all fit one thing.
11 So, you know, maybe we should look at language in that regard. Maybe part of it is
12 coming up with some other way to do smaller projects. A two-acre PDD requires a
13 traffic management plan. That' silly.

14 CHAIRMAN PALMER: Want to break it up into major and minor PDDs?

15 MR. GOSLINE: Well, no.

16 MS. ALMEIDA: No, we don't.

17 MS. LUCIUS: We've been down that road.

18 MS. ALMEIDA: No.

19 MR GOSLINE: The Department definition might be is that whole major - what's
20 major and minor particularly from the traffic, so. A lot of things here it would seem to me
21 that if you – that we probably ought to change the code to bubble diagrams if that's what
22 you want or something else so that it can't be so stringent that you have to locate every
23 building.

1 MR. MANNING: I just want consistency.

2 MR. GOSLINE: Well, sure.

3 MR. MANNING: Because a lot of different PUDS are coming before us.

4 MR. GOSLINE: And I think an awful lot of this is, you know, the growing pains
5 about trying to, you know, between us particularly so we could tell them what they need
6 to do and you'll get what it is you expect. So what do you want us to do about that
7 issue, not so much the checklist?

8 MR. VAN DINE: I'll give you my input. The code says you got to do it, I think
9 you've got to do it until we change law, until we change the thing. I don't care whether
10 you're one acre or your 50 acres. The code says you've got to do something and we've
11 got to require it be done. It maybe, it may not make any sense but if it doesn't make
12 any sense then let's change it so it does make sense.

13 MR. GOSLINE: Right.

14 MR. VAN DINE: But as it sits right now code requirement, enforce it for
15 everybody. There's consistency.

16 MR. GOSLINE: Right.

17 MR. VAN DINE: If the language of what's in the checklist doesn't match the code
18 then you're going to have to change the checklist to match the code. I mean, and we
19 don't need an ordinance change to change the checklist.

20 MR. GOSLINE: No.

21 MR. VAN DINE: And that's why we did it the way we did it so that we could –
22 wait – that's why we did it the way we did it so we would not have to go through
23 ordinance changes to change the checklist.

1 MS. ALMEIDA: Right.

2 MR. GOSLINE: No. You're absolutely right. But you said, what is it we're trying
3 to do here? What is it, what level of information do you guys and ladies want in terms of
4 the diagram for the PUD? Is it conceptual diagram with entrances and exits and
5 densities sufficient or not. If it is then we need to change the code to say that and the
6 checklist would obviously have to change.

7 MR. VAN DINE: And I guess what I'm saying to you right now is from my
8 perspective we've got the code, the code says what we're supposed to be there and
9 stick with it and if somebody wants to bring it up as a proposed change to what we're
10 doing then put it forth for us to discuss. Right now we're going around and around and
11 around in a circle over something that's already in the code and we're not making any
12 progress on it. Let's just enforce the code as written unless we're going to change the
13 code. And if somebody wants to change the code, propose some language that we can
14 see so that we change the code and let's talk about the proposed language. This
15 nebulous discussion we're having is getting us nowhere. We spent the last 20 minutes
16 just talking about something that I frankly am not sure where we're going or what we're
17 doing with it.

18 MR. GOSLINE: I don't think the discussion's useless. It helps us –

19 MR. VAN DINE: I said nebulous not useless.

20 [Laughter]

21 MS. LUCIUS: Do you need the dictionary? I'm sorry.

22 MS. ALMEIDA: We can provide some explanations or something. I don't know.
23 What we mean by lot layout, for commercial.

1 CHAIRMAN PALMER: Flood plain issues.

2 MR. MANNING: Well that was another point.

3 MS. ALMEIDA: For commercial sites –

4 MR. MANNING: It was different between commercial and residential.

5 MS. ALMEIDA: What we have done for a lot of professionals, we have given out
6 some of the PUD examples, one of the better – some of the better PUD examples –
7 PDDs. And yeah they have used them as guides which helps.

8 CHAIRMAN PALMER: Well, for example, you wouldn't require light and noise
9 analysis from a residential project?

10 MS. ALMEIDA: No. But if it's –

11 CHAIRMAN PALMER: According to this you have to get that in order to
12 recommend approval.

13 MS. ALMEIDA: Well obviously in a statement you would say, you know, for a
14 residential neighborhood there are no noise and noxious fumes or something. I mean,
15 you need to use a little bit of common sense.

16 CHAIRMAN PALMER: But a statement from a commercial stating the same
17 thing would not be acceptable?

18 MS. ALMEIDA: Right. It'd have to basically put a statement in there, there are
19 no noxious fumes or noise period.

20 CHAIRMAN PALMER: But if that same statement came from a commercial
21 development it would not be acceptable because it does not go into enough –

22 MS. ALMEIDA: Detail.

23 CHAIRMAN PALMER: - detail for you.

1 MS. ALMEIDA: Well, right. We need to know what kind –

2 CHAIRMAN PALMER: See that's the gray area that people are talking about.

3 MS. ALMEIDA: Well your engineer or your professional putting this together
4 should know this. I mean, if I'm building a manufacturing -

5 CHAIRMAN PALMER: That's a big assumption on your part though.

6 MS. ALMEIDA: - warehouse that's producing jet engines obviously there's going
7 to be a noise issue.

8 CHAIRMAN PALMER: Yeah but that was an obvious issue. If you're going to
9 build a small neighborhood shopping center with, you know, small pack lights on the
10 back is that an area that needs to have a light analysis done or not? I mean, that's just
11 – it's just open for interpretation.

12 MS. ALMEIDA: Well you would make that determination. You would add your
13 professional opinion.

14 CHAIRMAN PALMER: And somebody would submit a package –

15 MS. ALMEIDA: You would state you know under my professional opinion I feel,
16 you know, this is not needed and Staff would evaluate it.

17 CHAIRMAN PALMER: But whether it's needed or not it's part of this as a
18 checklist so it needs to be in there. And if it's not in there then you can't recommend –
19 it's not a completed package.

20 MS. ALMEIDA: Well when they come in for their pre-app we go through this.

21 CHAIRMAN PALMER: I understand.

22 MS. ALMEIDA: Before they make their 35 copies. Before they – that's why we
23 request a pre-app. We go over their documents and we go page by page.

1 CHAIRMAN PALMER: I understand but you can't legitimately tell someone you
2 don't need to do a light impact study when it's required to do one on your checklist?

3 MS. ALMEIDA: But if you can bring forth documentation that would support your
4 findings that one is not needed then we would accept that. You've done the study. I
5 went out there, I did the study, one is not needed. So what am I going - that would be
6 their check off.

7 CHAIRMAN PALMER: So then you would be doing a study to tell yourself you
8 don't need a study.

9 MS. ALMEIDA: Well –

10 MR. GOSLINE: [Inaudible] delineated wetlands. They know where they are.
11 They haven't been approved yet.

12 CHAIRMAN PALMER: I think what we're trying to do here is to take a broad
13 zoning and put in specifics which don't apply to every situation. So there needs to be a
14 further breakdown of this category. Residential, commercial, and I know probably not
15 these words but major, minor. Whether it be intense or, you know, a jet engine factory
16 has different requirements for a PDD than a two-store – than this, you know, quadraplex
17 that this guy's looking to build and this duplex this guy's looking to build. You know, it
18 has – it needs to have different things in the – there needs to be a checklist for small
19 and large residential and commercial in my opinion.

20 MR. GREEN: If we had a simple PDD that he could have filed for 10 units –

21 CHAIRMAN PALMER: Right.

22 MR. GREEN: - he'd have been approved today.

1 CHAIRMAN PALMER: Right. That didn't need a traffic impact study and noise
2 and light and everything else and -

3 MR. MANNING: And four months down the road. I mean, that process
4 [inaudible].

5 CHAIRMAN PALMER: Yeah. So my opinion there at least needs to be four
6 categories of this.

7 MR. GOSLINE: Well but that, that gets back to the problem of - in the current
8 code it says, "PDDs have to have a traffic impact study." Well that's silly. Major
9 projects or whatever we end up calling it should have one. And it doesn't matter what
10 the zoning is or land use is. By some measurement from a [inaudible] a project is major
11 or a project is minor.

12 CHAIRMAN PALMER: Right.

13 MR. GOSLINE: And that's what should trigger things. The issue - and then
14 once you do that then you can have I suppose a tier. Then like you say it's silly to make
15 everybody do the same amount work. The problem we've got now is the PUD
16 ordinance itself -

17 MS. ALMEIDA: PDD.

18 MR. GOSLINE: PDD. It's all the same thing.

19 MS. ALMEIDA: No.

20 MR. GOSLINE: PDD and checklist are trying to be one thing for all things and
21 that just doesn't work.

22 CHAIRMAN PALMER: Right.

1 MR. GREEN: Right. Well we think that's what everybody's been saying for the
2 last 30 minutes.

3 MR. MANNING: Yeah. We got an agreement [inaudible].

4 MR. GOSLINE: Well it doesn't work. We agree with you and so we're asking if
5 you'd like us to do something about that.

6 MR. GREEN: Recommend some appropriate changes.

7 MS. ALMEIDA: To what? To the ordinance?

8 MR. GREEN: To the existing ordinance and checklist.

9 MS. ALMEIDA: Well we'd have to change the ordinance first but [inaudible]
10 checklist.

11 MR. GREEN: I mean the ordinance is pretty – an ordinance is pretty broad.
12 There's very little specificity in the ordinance.

13 MS. ALMEIDA: Well then we would have to – I mean, as far as – what is the cut
14 off two, two acre PDDs? Anything under 10 acres?

15 MR. CRISS: Or maybe tie it to a new and improved definition of major, minor.

16 CHAIRMAN PALMER: Get us some language back next month.

17 MR. GREEN: I mean, the ordinance is pretty broad. You know, I just re-read it a
18 couple of times, PDDs. Second. We need a second to that, right?

19 CHAIRMAN PALMER: Let's see some proposals next month.

20 MR. VAN DINE: At this point in time, frankly I don't know what they're supposed
21 to give proposed language for it because there isn't anything that's been specifically
22 pointed out. I think frankly, I think frankly this is a discussion that if we really want to do
23 something with this then everybody's got to come in with their own proposed language

1 so that we can talk about the specific proposals that are there instead of saying you
2 guys come up with something that we have no idea what you're talking about but try
3 something anyway and we'll see if you like it.

4 CHAIRMAN PALMER: I think they do have an idea and I think we ask them to
5 come up with proposals all the time. I think we've asked them to come up with a
6 proposal for four different PDD applications.

7 MR. GREEN: Four different checklists?

8 CHAIRMAN PALMER: Four different checklists. Two on a commercial side, two
9 on a residential side. One being a major and one being a minor.

10 MR. VAN DINE: You want to talk about confusion. You want to talk about
11 disaster. You start throwing out four separate different checklists and some guy's
12 standing at the counter going which of these four am I supposed to deal with. This is
13 ridiculous to –

14 CHAIRMAN PALMER: I think it's very simple.

15 MR. VANDINE: - overcomplicate something that we're trying to do.

16 MR. ANDERSON: I agree. I think you can take like the Leventis last month.
17 Real thorough, I mean, that was the first one I did but it was real thorough. I mean, if
18 you put that in front of somebody and said, look, this is what we like, this answers all the
19 questions, please do it like this, and they come close. I mean, I don't see the problem
20 with that. It answered all the questions that I had. Now granted there was a lot of
21 ignorance in my first meeting and still my second but I mean – if there's a precedence
22 and other people know that they have to follow that then it makes it real easy. Because
23 then there's some uniformity. And I'm not saying change the code to make it like a, you

1 know, like a family tree because then you're talking I mean oh, we've got to section four,
2 2AB546. You know, I mean you go down the line. I'm just saying, I mean, yeah there
3 might be some different classifications as far as small, medium, small, you know, extra
4 large and super sized but I just – I mean that's getting real, real confusing.

5 CHAIRMAN PALMER: That's all I'm asking [inaudible].

6 MR. GREEN: If you have pre-conference meeting with everybody with a PDD?

7 MS. ALMEIDA: Correct.

8 MR. GREEN: Is there anything wrong with for each person based on what you
9 know that they're trying to do is to highlight those that are required?

10 MS. ALMEIDA: We do.

11 MR. GREEN: You have your master checklist and say all of these are not
12 required of you.

13 MS. ALMEIDA: They highlight -

14 MR. GREEN: You're only required to do one, six, -

15 MS. ALMEIDA: Yes.

16 MR. GREEN: - seven, nine, twelve, fifteen and –

17 MS. ALMEIDA: They go through it, they check off what they've addressed.
18 What they haven't we sit down, we go through it. You know, a lot of times it's the
19 amount of information that's given. And remember, this information is for all of you to
20 be able to digest it and make a good decision. Questions that often you all ask us in a
21 regular rezoning they're supposed to cover that in their PDD.

22 MR. ANDERSON: But that's not what Mr. Manning's talking about is that on that
23 – on the last one that didn't happen or something.

1 *[Ms. Brawley out at 5:45]*

2 MS. ALMEIDA: That's correct.

3 MR. ANDERSON: That didn't happen. That meeting where you said, okay we
4 need this, this, and this, that didn't happen. That's where, that's where the development
5 community and us and - I mean we start butting heads. Nobody knows what each other
6 wants.

7 MS. ALMEIDA: Well the problem in that situation was Council required them to
8 do something that truly was onerous for that site.

9 MR. GREEN: What would be the problem of having the checklist that had two
10 columns with it? Required. Not required. If it's required you check it, if it's not required
11 for that type of application you "x" it.

12 MS. ALMEIDA: [inaudible]. Oh.

13 MR. GREEN: On an application by application basis. You simply said given the
14 complexity and the type of uses and the size we believe the review team can make an
15 adequate review of this if you provide this, this, and this. You are not required to
16 produce this, this, this, and this. Just leave it at that.

17 MS. ALMEIDA: Then that would mean extending the time of review. Because
18 we would need to truly sit down –

19 MR. GREEN: And have a pre –

20 MS. ALMEIDA: Review it, look through the documents and say, okay in this
21 situation you wouldn't have to do x, y, z.

22 MR. VAN DINE: And here's what's going to happen in that situation. First time
23 somebody gets annoyed with something that went on, they're going to start yelling

1 subjectivity, subjectivity. Everything is subject to what they want to do. We hate Carl
2 because he won't give us anything that we want and they start bitching and moaning.

3 MR. GOSLINE: I just do what Anna says. I don't make –

4 MR. VAN DINE: The reason for the form is so that people have a list and it's not
5 a pick and choose from the list, it's the list of what is required for those people to put
6 forth in order to get their application, in order to get it before us.

7 MR. GOSLINE: The problem we've got – all this discussion results – revolves
8 around one or two people who have refused to do what we told them they need to do.

9 CHAIRMAN PALMER: I don't agree with that. We have a case here where
10 somebody obviously would benefit from a PDD –

11 MR. GOSLINE: Oh, well then that's not -

12 MS. ALMEIDA: That's not a PDD. I'm sorry.

13 CHAIRMAN PALMER: Well he wouldn't be able to put in - a PDD would have
14 helped this gentleman out to put in his duplex?

15 MS. ALMEIDA: But you're using something that truly should not be used on that
16 site to benefit that gentleman and I understand that. Okay? But this tool should not be
17 used for that. It's not what it was intended for. We're just trying to facilitate it.

18 CHAIRMAN PALMER: Well in that case the minimum lot shouldn't be two.

19 MS. ALMEIDA: Exactly.

20 CHAIRMAN PALMER: In your mind it should be what twenty, thirty –

21 MS. LUCIUS: It probably is too low.

22 MS. ALMEIDA: Ten or yeah. You're right.

23 MS. LUCIUS: It probably is too high.

1 MS. ALMEIDA: I agree with you.

2 MR. GOSLINE: Well that's another discussion we ought to have again.

3 MR. VAN DINE: [inaudible] for this gentleman who was here. He had options.

4 MS. ALMEIDA: Yes.

5 MR. VAN DINE: He had options to do exactly what he wanted to do but options
6 would have required him to be a little bit more in depth, to do some perhaps engineering
7 or some other things like that. But the fact of the matter is he had the option.

8 MR. GOSLINE: That's correct.

9 MR VAN DINE: We provided him with those in the code. We – it's not the job of
10 this Body or the county or anybody else to make it so simple for somebody to develop
11 land that all they've got to do it walk in and plop some money down. That's what rules
12 and regulations and requirements are so that you have to go through some things and
13 you have to do some thought processes. He had the option. He didn't want to do it
14 because it required him to do a couple of steps.

15 MR. GOSLINE: Right.

16 MR. VAN DINE: So –

17 MS. ALMEIDA: And we need to be really careful on changing the rules for a
18 specific problem or specific person because you've got to look across the board. And
19 we can get into a problem when we do that.

20 CHAIRMAN PALMER: And we've seen this occur with small PDDs that the
21 requirements are too cumbersome for them.

22 MS. ALMEIDA: They shouldn't be a PDD.

1 CHAIRMAN PALMER: I don't understand how difficult it is that if you bring in
2 whatever the number comes out to be, if it's 20 acres is the cut-off or 10 or whatever it
3 is. If you come in with a commercial development on less than 20 acres here's your
4 form. If you come with a development more than 20 acres, here's your form.
5 Commercial and residential. That's not very difficult to understand. That's the same
6 cut-off we have with major and minor subdivisions.

7 MS. ALMEIDA: Well we have a problem –

8 MR. VAN DINE: I don't agree. I think you're overcomplicating the process by
9 doing multiple forms, multiple requirements and all of the other things that are out there.

10 CHAIRMAN PALMER: Well what we have now is a form that doesn't work
11 because some things are required for some and some things are not required for
12 others.

13 MR. VAN DINE: The form requires – whatever's on the form is required.

14 MS. ALMEIDA: Yeah.

15 MR. VAN DINE: It doesn't say, no you don't have to do these things.

16 CHAIRMAN PALMER: But this is exactly what I just heard was that, okay in
17 residential settings you just need a statement in here saying that I've done the study
18 that says that no noise is required. But then on the commercial perhaps it is required,
19 perhaps it's not. If you're doing a jet engine factory, yes, it's required and the engineer
20 should know that. That leaves it to be subjective whether the engineer should know that
21 or not.

22 MR. GOSLINE: Mr. Palmer, I think ya'll have told us you want us to come back
23 with some proposals and, about changing this and so we will. Sometimes when we

1 meet with these people - most of the time I will tell them what the Department's
2 recommendation is going to be. Most of the time I know right off the bat. Sometimes
3 it's marginal. And I will tell them if it's something that the Department can't support I'll
4 tell them up front and then they can go do whatever they want to do. In this case with
5 Mr. Simons we had the discussion, I explained the options, he wanted to go ahead with
6 the duplex, so he did. We can't stop him from applying.

7 CHAIRMAN PALMER: I understand but your decisions on whether or not you
8 recommend approval or not should be whether or not they meet the checklist or not. It's
9 not really whether or not you like the project –

10 MR. GOSLINE: No. No. It's not that. When I say that I mean that based on,
11 you know, the land use in the area; we go out and look at it, all that kind of stuff. We
12 know pretty much from the beginning whether we can support it or not and sometimes
13 that changes. Sometimes it's real marginal.

14 MR. VAN DINE: All the checklist is designed to do is to provide a guideline of
15 what they're supposed to submit.

16 MR. GOSLINE: Yes.

17 MR. VAN DINE: The decision of the Department is based upon what they submit

18 –

19 MR. GOSLINE: Right. Exactly.

20 MR. VAN DINE: -- or how it reacts with other stuff. Just because you submit
21 what's on the checklist doesn't mean you get approval.

22 MR. GOSLINE: Absolutely.

1 MR. VAN DINE: It is a guideline of what to submit, not how it's going to be
2 received or anything else.

3 MS. LUCIUS: I think we should raise the – I think that's too high.

4 MS. GOSLINE: I think we've got plenty of things to do for next time. I mean, if
5 you want to talk about the flood plan.

6 MR. GREEN: Right. If anybody on the Planning Commission wants to bring in
7 specific code changes, let's look at them and vote on them and move on.

8 MS. LUCIUS: I don't remember why, I remember discussing two acres. I don't
9 remember why we left it at two acres because that does seem.

10 MR. GOSLINE: That's the way it was in the old code.

11 MS. LUCIUS: We discussed it.

12 MR. GREEN: We had a great, lengthy discussion.

13 MS LUCIUS: I think we did try to raise it at one time.

14 MR. GREEN: Because we had a PUD and a PDD in the old one.

15 MS. LUCIUS: Yeah.

16 MR. GREEN: And one was for the smaller ones

17 MS. ALMEIDA: Right.

18 MR. GREEN: - and one was for the bigger ones.

19 MS. LUCIUS: I don't have the minutes where we discussed that so I don't know
20 how we – what our reasoning was to leave it at two.

21 MR. VAN DINE: Well the basic reason was because we felt that there were for
22 smaller projects that we have something available for a PDD to come forward so it

1 might not actually fit the global GC or whatever else was out there. But their use was
2 going to be something that we could support. So we left it at a smaller level.

3 MR. GREEN: Especially for the infill projects like a Decker Boulevard.

4 MS. LUCIUS: But we didn't address how the checklist was going to impact on
5 them too [inaudible].

6 MR. VAN DINE: When it was compressed into the PUD and the PDD you now
7 took over two vehicles. One being the larger projects, PDDs, but we were using the
8 more extensive lists for.

9 MS. ALMEIDA: They were all consolidated.

10 MR. VAN DINE: And those all went together. PUDs were supposed to be for the
11 smaller areas but when you collapse them together they all had to be subject to the
12 same requirements or you're going to run into the problem of unconstitutional code
13 provisions because you have unequal – what do they call it? [Inaudible] government
14 action where you can be subject to the constitutionality requirements. That's why we
15 had to maintain everything at the same level regardless of how you feel of everything.
16 Now if - and I personally when we were dealing with it wanted to keep the two of them
17 separate but there was a reason to condense it back down and that was the vote of
18 both this Body and of Council was to collapse it. So the question is do we go back, you
19 know, raise the PDD to a higher level and actually put a PUD in place at a lower level
20 and have less requirements you have less or less change.

21 MR. CRISS: Or just [inaudible] on the basis of major, minor whether they're
22 going for a PDD rezoning or not.

23 MS. ALMEIDA: A minor PDD and a major PDD?

1 MR. CRISS: Just major, minor period. Right? You've got major, minor
2 definitions for residential and commercial.

3 MS. ALMEIDA: Right. So you could -

4 MR. CRISS: You could say we don't need a traffic management plan for a two-
5 acre PDD. It's not a major project.

6 CHAIRMAN PALMER: Isn't this what I've been pounding for the last 20
7 minutes?

8 MS. LUCIUS: Yeah, well we agree. It's just -

9 CHAIRMAN PALMER: Howard doesn't agree.

10 MR. CRISS: In other words divorce those, some of those requirements, some of
11 those requirements from the PDD application.

12 MS. ALMEIDA: And you would have a minor PDD and a major PDD and a
13 definition.

14 MR. VAN DINE: My problem is developing separate checklists for different
15 things. If we're going to have different things you need to have complete code
16 separation as to each particular element and what the discussion has been is to take a
17 checklist and divide that and that will not pass constitutional muster in any stretch of the
18 imagination.

19 MR. GREEN: I agree to keep the codes separate but if we're going to separate it
20 it makes the best sense to separate the code.

21 CHAIRMAN PALMER: Right. Absolutely. I'll agree. And I just think it should be
22 separate. I think there should be different requirements for major and minor residential

1 and commercial. If you disagree with that then that's fine. I'll take a [inaudible] as a
2 disagreement.

3 MR. GREEN: But let's look at just a single split of major, minor and see if we can
4 get comfortable with it.

5 CHAIRMAN PALMER: Let's take a look at that. Can ya'll bring back some
6 language on major and minor?

7 MS. ALMEIDA: Yep.

8 MR. CRISS: We're talking about doing that anyway, right?

9 CHAIRMAN PALMER: It's just where the split is on major and minor. And it
10 needs to be on the acreage –

11 MR. CRISS: [inaudible] major projects.

12 MS. LUCIUS: Major, minor PDDs.

13 MR. CRISS: Major, minor period.

14 MR. GREEN: You could have a 10 acre major and a 15 acre minor so.

15 MS. LUCIUS: Oh, I see what you're saying.

16 MR. VAN DINE: I think if we're going to have this discussion, the discussion has
17 to be a global discussion of all major, minor regardless of whether it is rezonings or
18 subdivisions we need to relook at the entire thing.

19 MR. CRISS: We agree.

20 CHAIRMAN PALMER: Well currently that is at what 100,000 square feet or 50
21 units?

1 MR. CRISS: [inaudible] Correct. Fifty lots for your single-family residential. A
2 hundred and fifty dwelling units for your apartment complex. The threshold between
3 major and minor

4 CHAIRMAN PALMER: And then a hundred thousand square feet for
5 commercial.

6 MR. GOSLINE: A hundred thousand square feet gross square floor area for your
7 commercial.

8 CHAIRMAN PALMER: Okay.

9 MR. VAN DINE: To the extent you want to do that I think we have to make sure
10 that it's across the board talks on all of those aspects and armed with whatever things
11 that you've got, I don't think that you can bring that back next time along with everything
12 else that's out there.

13 MR. GREEN: Because we've got a bigger problem than that right now.

14 MS. LUCIUS: We do?

15 MR. GREEN: That's next on our agenda.

16 MR. VAN DINE: Not only that but we're losing some people [inaudible].

17 CHAIRMAN PALMER: Let's move on and maybe let's have each Commission
18 Member come back next month or at our work session on the 16th with just some ideas
19 as to where the break should be in major, minor. Okay?

20 MR. VAN DINE: That's fine but I think that I need to know more about what
21 we're, what we're thinking about as far as the requirements for major and minor in order
22 to be able to understand where the break's going to be.

1 MR. GREEN: I think once we – once we know what the break is then they can
2 write the checklist to the break.

3 CHAIRMAN PALMER: I want to see the checklist first and then [inaudible] have
4 the break.

5 MR. VAN DINE: I want to understand what the requirements would be under
6 each one in order before I can make a determination as to whether it ought to be –

7 MR. GREEN: We'd see it at the same time. We'd see the checklist and the –

8 MS. ALMEIDA: But that would depend on where the breaks are.

9 MR. GREEN: Yeah.

10 MS. ALMEIDA: I mean, if you're considering a minor two acres of course you're
11 not going to require it but if you're requiring a minor of 10 acres.

12 MR. GREEN: So we can discuss the major, minor break. Once we do that we
13 can all agree that that's subject to then this group looking at the checklist that goes with
14 each.

15 CHAIRMAN PALMER: Correct.

16 MR. VAN DINE: All right, now. Are we talking about doing that on the 16th?

17 MR. GREEN: No.

18 MR. VAN DINE: That's not going – because we're supposed to be looking at the
19 comprehensive plan for other issues on the 16th.

20 CHAIRMAN PALMER: I would imagine that would take about two minutes for
21 everybody to give their idea and then for them to take that under advisement.

22 MR. GREEN: We can't do anything in two minutes. We can't open a can of
23 Coke in two minutes.

1 CHAIRMAN PALMER: This could be a written, secret submittal, written idea as
2 to where they should be at.

3 MR. GREEN: How many years have you been watching us? We can't do
4 anything in two minutes can we, Rebecca?

5 CHAIRMAN PALMER: Okay. Let's discuss it at our next agenda meeting, at our
6 next.

7 MR. MANNING: That's it, isn't it?

8 MR. GREEN: No. In talking with Milton lately and the reason I ask that we add
9 this is where is the county in looking at language to change the floodway administrator's
10 interpretation of the new code back to where it is being interpreted as it was prior to July
11 1 of 2005?

12 MS. ALMEIDA: I spoke to the administrator today and right now they are not
13 looking at that code language. County Council has code language before them but it is
14 not the previous code language that was used prior to July first.

15 MR. GREEN: Is the code language that's going in front of Council sufficient to
16 allow the subdivision of land so that floodplain areas can be subdivided into and go with
17 different lots?

18 MS. ALMEIDA: No. No. Not for third reading, tomorrow.

19 MR. CRISS: There is language proposed to enable subdivision within floodplain
20 to some extent but isn't that –

21 MS. ALMEIDA: It's not what's before Council for third reading.

22 MR. CRISS: Isn't that being held up within the Council pending the outcome of
23 the FEMA flood map controversy?

1 MS. ALMEIDA: Right. It is not what's before Council for third reading tomorrow,
2 that language.

3 MR. MANNING: And those two should be totally separate issues.

4 MR. GREEN: Right. Is so – is anybody been asked to look at any language that
5 changes how the current language is being interpreted that Milton admits to me is a
6 huge problem right now in the way the code is written?

7 MS. ALMEIDA: Staff has proposed two scenarios, okay? And they're being
8 taken under advisement and our Legal Department is reviewing it.

9 MR. VAN DINE: Can I ask a question?

10 MR. MANNING: Proposal for the floodplain language or the emergency
11 ordinance.

12 MS. ALMEIDA: Both. Both.

13 MR. PHIPPS: [Inaudible].

14 MR. GREEN: The people who have transactions frozen because of the
15 language are being told that it'll be resolved in 60 days. Is that a reasonable
16 expectation?

17 MS. ALMEIDA: For the administrator to make a decision but - yes.

18 MR. MANNING: Well if this is not being affected by the FEMA ordinance, I
19 mean, if there are transactions out there, outside of the Congaree floodplain and the
20 vacating of the map -

21 MS. ALMEIDA: Right.

22 MR. MANNING: - why are they being – other people being held up on floodplain
23 issues at all?

1 MS. ALMEIDA: Because the existing language that was adopted July first does
2 not allow the creation of a new lot in the floodplain. That is the interpretation of the
3 floodplain coordinator.

4 MR. MANNING: And just the interpretation of the floodplain coordinator, not I
5 mean does Staff agree with that?

6 MS. ALMEIDA: No, no, no. He is in charge of interpreting that. That is not a
7 Staff level interpretation and only the county administrator can -

8 MR. GREEN: By code.

9 MS. ALMEIDA: - overturn the flood coordinator's determination.

10 MR. MANNING: The flood coordinator had made decisions in the past that were
11 not consistent then with what he's doing now?

12 MS. ALMEIDA: Prior to July first when the code changed.

13 MR. MANNING: Prior to July first.

14 MS. ALMEIDA: The code changed July first.

15 MR. VAN DINE: I need to ask two questions. Number one does any language
16 dealing with floodplain have to come back through the Planning Commission?

17 MS. ALMEIDA: Yes.

18 MR. VAN DINE: Okay. Then what's it doing on third reading at Council if it's
19 never been here?

20 MS. ALMEIDA: That was just the emergency ordinance.

21 MR. CRISS: Well it's not even the emergency ordinance technically anymore.
22 It's a moratorium on floodplain development permits in the Congaree floodplain.

23 MR. PHIPPS: [Inaudible] management is not before Council.

1 MS. ALMEIDA: Right.

2 MR. PHIPPS: In other words the two [inaudible] proposed [inaudible] one would
3 allow the development of the lots to go into the floodplain [inaudible]. However, you had
4 to have a lot of build on. [inaudible]. One would allow you to build in floodplains but you
5 had to meet the regulations from [inaudible] in that area.

6 MR. GREEN: Two foot above?

7 MR. ALMEIDA: Which was pretty much the old language, right?

8 MR. GREEN: Right.

9 MR. PHIPPS: I know that we gave them two choices, two options. They've got
10 the [inaudible] something with building out of it. One being able [inaudible].

11 MR. VAN DINE: So is language going to be coming or is something going to be
12 coming back for this Body to make a modification to those requirements?

13 MS. ALMEIDA: Well I believe the County Administrator wanted some direction
14 from the Planning Commission or directive.

15 MR. GREEN: How about a motion from me.

16 MS. ALMEIDA: Okay.

17 MR. GREEN: I move that we ask the County Administrator to either interpret or
18 to ask for a modification to the floodplain subdivision language that is in keeping with
19 the language that existed prior to July 1 of 2005.

20 CHAIRMAN PALMER: Second.

21 MS. ALMEIDA: So you would like Staff to bring before you language that was in
22 our code prior to July first?

23 MR. PHIPPS: [Inaudible]

1 MR. GREEN: Yeah. So long as that it's not in conflict with other provisions –

2 MS. ALMEIDA: Right.

3 MR. GREEN: - of our new – I mean it needs to be written in a way that's
4 consistent with other parts of the new code if there is such things.

5 CHAIRMAN PALMER: But that you're able to subdivide lots and build two foot
6 above the floodplain.

7 MR. GREEN: Yep.

8 MR. VAN DINE: I'm not going to support a motion that's already presupposed
9 that what the end requirement is going to be. If you want to have a motion that says –

10 MR. GREEN: Motion's asked. That's what I mean. I ask for –

11 MR. VAN DINE: Bring some language before that's one thing but.

12 MR. GREEN: Right. Right. That's what I, that was the intent of my motion.

13 CHAIRMAN PALMER: Yeah. And we just want to see the language that was
14 there before.

15 MR. GREEN: Right. Rewritten consistently with other aspects of the code that -

16 MR. VAN DINE: I don't think you need a motion to do that. I think you simply
17 need a request to bring the language back before you as to what was predated so that
18 you could see the language and make a determination as to whether you want to use it
19 or not.

20 MR. GREEN: Okay, the Administrator just ask for our direction so that I thought
21 in the form of a motion would be direction.

22 MR. MANNING: I think the idea of a motion is great. I second.

23 MR. VAN DINE: There's already a second.

1 CHAIRMAN PALMER: All those in favor to send that forward to county
2 administrator please signify by raising your hand.

3 MS. LUCIUS: A request, send the request [inaudible]?

4 MR. GREEN: No. Request that the language be –

5 MS. LUCIUS: We're not approving changes?

6 MR. GREEN: No.

7 MS. LUCIUS: Okay.

8 MR. GREEN: We're just asking that the Administrator direct the Staff to send us
9 language to look at.

10 MS. LUCIUS: Okay.

11 CHAIRMAN PALMER: All those opposed?

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

14 MR. VAN DINE: My opposition is based on the fact I have no idea what we're
15 asking Staff to do or not to do as far as language to look at for whatever. We haven't
16 had any discussions about what specifically we're supposed to be talking about. The
17 question was what are you asking Staff to do. To send something, ask the Staff to
18 prepare something for discussion, that's one thing. But the motion as stated is
19 interpretable as saying they are supposed to supply us with language that we haven't
20 even talked about. And I know I'm in the minority but I can't, can't support that.

21 MR. GREEN: The issue is is that the current, the current interpretation is saying
22 you cannot subdivide a piece of property that has floodplain in it.

23 MR. VAN DINE: I under -

1 MR. GREEN: Prior to June, July 1 of last year you could subdivide property that
2 had floodplain in it.

3 MR. VAN DINE: I understand the issue and I understand the need for us to have
4 to discuss it and I don't have any problem discussing it. But what my concern is the
5 way that it has been addressed is that Staff is being directed to bring back language to
6 modify something that we haven't even had a chance to have a discussion on to ask
7 them to modify it. And until the discussion goes forward as to what we're asking them
8 to modify I think we're premature in asking them to supply us with language of
9 something else.

10 CHAIRMAN PALMER: In my mind I think we need the language to take a look at
11 to see if –

12 MR. FURGESS: I thought it was just to bring back information, not to modify
13 anything.

14 CHAIRMAN PALMER: It's not to modify anything. It's to bring us back language
15 to change the code with.

16 MR. VAN DINE: Exactly. Bring us back language to change the code. We
17 haven't even had a discussion as to whether we should change the code and therefore
18 you are asking them to make a change before we've had any conversation.

19 CHAIRMAN PALMER: Well everyone knows that the code needs to be changed.
20 That's why it's on third reading.

21 MR. VAN DINE: Apparently not everybody because I don't necessarily agree
22 that it has to be changed.

23 MR. MANNING: One's the emergency ordinance?

1 MS. ALMEIDA: Right.

2 MR. MANNING: That's what's before Council on third reading.

3 MR. CRISS: They just put a moratorium on floodplain development permits in
4 the Congaree River pending the outcome of this FEMA map flap.

5 MR. MANNING: Well that's going forward anyway.

6 MS. ALMEIDA: Right.

7 MR. MANNING: I mean, that's what's before Council tonight, I mean tomorrow
8 night.

9 MS. ALMEIDA: That's correct.

10 MR. MANNING: What Gene is talking about is totally different than that. And so
11 either we've got to get to where we can agree on the interpretation of what the old code
12 was or we – I would suggest that we limit the responsibility of the floodplain coordinator
13 to make that interpretation and that it go to the Council for their review. But you got one
14 man making an interpretation as I understand it and the code is allowing that to hold up
15 significant.

16 MR. GREEN: Has the county identified the problem with the way that our current
17 language is written? Has the administration and Staff concluded that there is a specific
18 language problem with the way our current, our new code is written or is it just the
19 problem with how it's being interpreted?

20 MR. PHIPPS: I think it's a matter of interpretation. I do not agree with Mr. Reid's
21 interpretation to develop a code [inaudible]. I've also met with Legal Staff and
22 [inaudible].

1 MR. GREEN: You know, I'm just looking at a few little tweaks to the language
2 that then for whatever reason he's taking the position he is just clarifies it beyond a
3 shadow of a doubt?

4 MR. CRISS: And there are a couple of text amendments pending to do exactly
5 that.

6 CHAIRMAN PALMER: But still it is –

7 MR. GREEN: We haven't seen those yet, right? Don't we have to see those text
8 amendments?

9 MS. ALMEIDA: Right. You have not seen those.

10 MR. GREEN: That's all I'm looking for, Howard.

11 MS. ALMEIDA: The administration was looking over those first and I believe
12 looking to legal before we would bring anything formally before you but those two
13 versions can be brought before you at the next Planning Commission meeting so you all
14 can read through it.

15 CHAIRMAN PALMER: I am still under the impression that it is not a matter of
16 interpretation whether or not Mr. Reid interprets that you are able to subdivide lots or
17 not. That you still if that determination was made that you were able to subdivide lots,
18 you still would not be able to build in the floodplain even if it's two foot above the
19 floodplain line.

20 MS. ALMEIDA: Without exercising –

21 MR. CRISS: That needs to be clarified in the language of the code.

22 CHAIRMAN PALMER: I think that is an issue –

23 MR. CRISS: Yes.

1 CHAIRMAN PALMER: - that needs to be –

2 MR. CRISS: That's certainly part of the debate.

3 MR. GREEN: The sole purpose of my motion is to tell County Administrator yes
4 we want to see something as soon as possible to try and resolve how the
5 administration, Staff and Legal view the current state of our ordinance. I don't know
6 how else to say it. If the current ordinance needs to be fixed because of problems being
7 admitted by Staff, Legal and the administration of the county I just think we need to see
8 those as soon as we can.

9 MR. VAN DINE: And I can put an end to this pretty quickly. You've already had
10 a vote on a motion to put forward and I was in the minority.

11 MR. GREEN: We're just trying to make you happy, Howard.

12 MR. VAN DINE: Whatever the, whatever the motion was has carried and
13 therefore it has to be followed through by people.

14 MS. LUCIUS: So what was the motion?

15 MR. CRISS: We bring before you the language that has been circulating
16 between Planning and Development Services and administration.

17 MS. LUCIUS: To change the ordinance?

18 MR. CRISS: To change the Land Development Code.

19 CHAIRMAN PALMER: Correct.

20 MR. PHIPPS: [inaudible].

21 MR. CRISS: There's a couple versions that you can consider.

22 MR. VAN DINE: Or no change at all.

23 MS. LUCIUS: Or no change at all.

1 MR. GREEN: Right.

2 MR. PHIPPS: [inaudible] interpretation.

3 MS. LUCIUS: I don't understand the whole thing. Did ya'll talk about this last
4 month?

5 MR. GREEN: No.

6 MR. PHIPPS: This has been going on since July 1.

7 CHAIRMAN PALMER: Alright, any other comments on the floodplain, floodway
8 issue? Do we want to discuss the designated seats now or?

9 MR. GREEN: No.

10 CHAIRMAN PALMER: Okay. Do we have a motion to adjourn?

11 MR. VAN DINE: So moved.

12 MR. GREEN: Second.

13 CHAIRMAN PALMER: All those in favor say aye.

14 ALL: Aye.

15 CHAIRMAN PALMER: All those opposed can stay here by themselves.

16

17

[Adjourned at 6:25 p.m.]