

RICHLAND COUNTY PLANNING COMMISSION

January 10, 2005

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5 *[Members Present: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Manning, Van*
6 *Dine, McBride (12:30)]*

7
8 Called to Order: 12:05 p.m.

9 CHAIRMAN GREEN: I'd like to call the January 10th meeting of the Richland
10 County Planning Commission to order. I guess I don't read the Public Notice
11 Announcement until we get to the public meeting portion?

12 MR. CRISS: I would think so.

13 CHAIRMAN GREEN: We're going to try, by 1:00, to move through this portion of
14 the meeting. So we'll eat while we're working. Michael, obviously the reason for the
15 early work session is to begin discussing preparation of an updated Comprehensive
16 Plan for Richland County and some of the early guidance, the input that the
17 Commission may have to Staff as we initiate this process. One of the things I'd like to
18 just get a sense of is, at this point, where is County – what County Council – where they
19 are and their thinking on this. Are they totally saying to Planning Commission, "You
20 come up with an agenda and a recommendation and we'll consider it"?

21 MR. CRISS: The Council is preoccupied with their annual retreat which will start
22 Thursday the 13th and continue through Saturday the 15th down at
23 Wampee/Pinopolis/Lake Marion, their usual location. To my knowledge, they are
24 delegating the rewrite of the Comprehensive Plan to the Planning Commission as far as
25 work plan approach and recommended resources that might be needed and are
26 awaiting recommendations, proposals, from the Commissioners. I would like to
27 encourage the Commission to start today by tackling two issues: the possibility of

1 redrawing the planning area boundaries that we've worked with over the years; and
2 perhaps coming to consensus, if not actual decision, on the organizational framework
3 that we want to use to conduct the plan update or rewrite. I have suggested that
4 perhaps an *ad hoc* committee of, perhaps, three members of the Commission be
5 appointed, maybe after the new officers are elected, to work directly with Staff in the
6 more intense sessions that'll be necessary to work out the details of the work plan to,
7 over the next weeks, perhaps in time for the next regular Planning Commission
8 meeting, come back to the full Commission with at least a draft work plan, calendar,
9 resources, Staff allocation and public participation recommendations, etc. So, again,
10 today I'm hopeful that we can debate planning areas and committee structure.

11 MR. VAN DINE: Okay. Can we - sorry.

12 CHAIRMAN GREEN: Let me ask – so this is not on County Council's agenda to
13 discuss at their retreat?

14 MR. CRISS: Not to my knowledge. We do have two department issues pending
15 before the Council at retreat. One is the Neighborhood Improvement Program to
16 reestablish the appropriate funding for that program. We, of course, now have Susan
17 Britt, our Neighborhood Planner, on Staff, anxious to get this program implemented.
18 And we're dependent on Council for authorization to spend the appropriate monies.

19 MR. VAN DINE: You're saying – to reestablish - was the money pulled from last
20 year's budget is that what -

21 MR. CRISS: The money from the previous fiscal year did not automatically
22 rollover. It's in reserve, so it would have to be allocated by Council through a budget
23 amendment. And the current fiscal year, approximately \$200,000, three-quarters of that

1 money has been dedicated to match the Housing and Urban Development grants that
2 are supervised, overseen, by the Community Development Department. So we have
3 immediate funds for salary and incidentals, but we don't have program monies that we
4 can actually expend at this time. We hope to resolve that at the retreat.

5 MR. MANNING: Michael, the dollars you referred to in our last meeting, then,
6 they were available then but are not now?

7 MR. CRISS: The Council has pledged up to one-half mill of property tax per year,
8 which would translate into about a half-million dollars per year, of monies to support the
9 Neighborhood Improvement Program for neighborhood improvement projects and
10 neighborhood master planning. They only allocated either two-tenths or a quarter of a
11 mill the first two fiscal years because there wasn't anybody here to lead the program
12 and the monies weren't being spent and they had, at the end of the last fiscal year,
13 we're thinking \$165,000 left over, Susan?

14 MS. SUSAN BRITT: Right at \$160,000, basically. And, basically, what's going to
15 happen is a request for Council to do a budget amendment to pull that back out of fund
16 balance and have that available in the current budget so that can be expended for
17 projects.

18 MR. CRISS: That'd be enough for the rest of the current fiscal year through June
19 30th. And then we're going to ask for the full one-half mill funding, approximately
20 \$500,000, starting fiscal year 05-06, July 1st.

21 MR. MANNING: I might be talking about something totally different, but in our last
22 meeting you referred to some dollars that were available that could help us in the
23 planning process. And I thought that's what we were [inaudible].

1 MR. CRISS: There are some professional services money in our Department
2 account.

3 MR. MANNING: That we didn't have to go back to Council and ask for
4 [inaudible].

5 MR. CRISS: You're talking tens of thousands not hundreds of thousands.

6 MS. WYATT: Deas, what he was talking about were things like putting sidewalks
7 in neighborhoods, revitalizings neighborhoods. That's what that – that's what he's
8 discussing now.

9 MR. CRISS: Neighborhood Improvement Program is a separate funding through
10 property tax millage. Susan is a one-woman department, technically, with millage
11 revenues, even though, organizationally, she and her program are part of the Planning
12 and Development Services. And we're learning how to manage a separate millage
13 agency budget and have discovered that we now need to ask Council to reallocate the
14 remaining funds from the last fiscal year.

15 CHAIRMAN GREEN: Mike, let me ask you this. From a funding standpoint, I
16 mean, we could set up here and do all kinds of recommendations and structures and
17 everything else. Clearly, we need to have funds to go towards the Comprehensive
18 Plan, Capital Improvements budget, Land Use Plan process. Is there any money in the
19 '05 budget available to begin funding what we need to have done for a new
20 Comprehensive Plan?

21 MR. CRISS: Yes. We have a few tens of thousands of dollars left in professional
22 services available through June 30th.

1 CHAIRMAN GREEN: Has the budget request gone in for next year? And, if so,
2 how much money is in that request to fund dollars for the Comprehensive Plan update?

3 MR. CRISS: The next budget submittal for the '05-'06 fiscal year is due at the
4 end of January. And we would typically ask for \$75,000 in professional services and
5 solicit your suggestions on whether that should be kept the same, increased, or
6 decreased.

7 CHAIRMAN GREEN: Under the current staffing that you have or would anticipate
8 having, would you see having the Comprehensive Plan update prepared by Staff, by an
9 outside consultant, or some combination thereof?

10 MR. CRISS: I see some combination, thereof, with the Planning and
11 Development Services Department and Staff in control, but outsourcing specific tasks
12 and products to outside consultants.

13 CHAIRMAN GREEN: And the plan is now to request in the next budgeting cycle
14 sufficient monies for that process?

15 MR. CRISS: Yes. I do not anticipate adding any professional planning positions.
16 We still have two to fill. But I do anticipate asking for professional services money for
17 outside consultant help.

18 CHAIRMAN GREEN: To me, I think another leg in what we're doing in terms of
19 recommendations to the Council is the recommendation for appropriate funding
20 because I would assume our current Comprehensive Plan is, what, five years old this
21 June?

22 MS. WYATT: Uh-hum (affirmative) May.

23 MR. CRISS: May 3rd.

1 CHAIRMAN GREEN: May 3rd.

2 MS. WYATT: May 3rd.

3 CHAIRMAN GREEN: I would assume that we put some financial and timing
4 recommendation into whatever, whether we at least talk about them generally today,
5 but, certainly weave into the other discussions what we need to do from a financial and
6 timing standpoint as well. Any other issues in addition to the ones that Michael has
7 identified that - would y'all like to try and cover today, to the extent that we have time for
8 them?

9 MR. VAN DINE: May I ask a question? We were talking about organizational
10 issues. What do you mean by organizational issues?

11 MR. CRISS: My recommendation is that the new officers and Commission
12 appoint an *ad hoc* committee of some subset of the Membership, perhaps three, to work
13 intensely with Staff over the coming months on developing a work plan for the full
14 Commission's review and approval and oversight of the Department's work.

15 MR. VAN DINE: In that process would you be asking for Commission input on to
16 what aspects of the plan need review?

17 MR. CRISS: Absolutely. Everything is open to your inspection and discussion.
18 We're going to need more time out of a few of you than we can possibly extract during
19 the regular monthly meetings.

20 MR. VAN DINE: I guess one of the things that would concern me a little bit is I
21 think everybody on the Commission will have different ideas about different areas –

22 MR. CRISS: Sure.

1 MR. VAN DINE: - and we need to be working – if we isolated, an *ad hoc*
2 committee, even if the ad hoc committee tried to come back to this Body we would be
3 missing things.

4 MR. CRISS: Well, perhaps an alternative is to have a structured subcommittee,
5 but all meetings are open to all Members as you care to participate and debate. Council
6 does that in their subcommittees. They have five Members of Administration and
7 Finance or Development Services. And any of the other Council Members can choose
8 to sit in on those discussions, but only the Members of the committee actually vote on
9 recommendations to go to the full Body.

10 MR. VAN DINE: I would think that what we might want to do is try to set up a time
11 for everybody on the Commission to meet at least once before that *ad hoc* committee
12 would break out to have a ‘free-wheeling’, if you will, discussion of where we see issues
13 needing to be addressed in that Comprehensive Plan because it would seem –

14 MR. CRISS: Sounds like a very effective way to approach it.

15 MR. VAN DINE: It would seem to me that that way at least we’d have
16 everybody’s input up front as opposed to waiting until the *ad hoc* committee came back
17 and then get any input. At least that way we’d be a step forward with everybody. And
18 then maybe some of the issues can be addressed a little bit more in detail by an *ad hoc*
19 committee coming back.

20 MR. CRISS: I’m imagining the *ad hoc* committee reporting to the full Commission
21 every month, possibly having workshops amongst all the Commissioners as needed/
22 desired. Again, we’re soliciting your interest, your participation. This is just one way to
23 approach it. But we think it’s manageable.

1 CHAIRMAN GREEN: Let's, maybe, start more formally going through some of
2 these issues and getting everybody's input. I guess the first one that Michael
3 mentioned is the geography of these sub-areas. Basically, I would assume that the six
4 maps at the back, and I know you can all see them very well, but the six maps at the
5 back cover all unincorporated areas of the county. Is that correct, Michael? We don't
6 have any gaps. Those six maps cover all unincorporated areas of the county.

7 MR. CRISS: Yeah. That set is intact.

8 CHAIRMAN GREEN: And, basically, what we have in the, I guess, starting from
9 left to right, we have the northwest sub-area, which in essence is everything north of I-
10 20 between the rivers that's in Richland County.

11 MR. CRISS: Between the Broad River and Lexington County.

12 CHAIRMAN GREEN: The north central map that we see is bounded by I-20 on
13 the south, the river on the west, and I guess that's Highway 21 on the east, roughly.

14 MR. CRISS: Predominately.

15 CHAIRMAN GREEN: In the north the I-77 corridor up to Blythewood in the
16 northeast area that's demarcated by, I think, Hardscrabble Road, primarily?

17 MR. CRISS: Yes, in part.

18 CHAIRMAN GREEN: And the Fort.

19 MR. CRISS: And, of course, it's debatable whether that far northeastern corner
20 belongs in a so-called "I-77 corridor".

21 CHAIRMAN GREEN: Then we've got the inside I-20 area, both in St. Andrews
22 and throughout north Columbia and towards the northeast. And then we have the
23 southeast, which is, fundamentally, everything outside the city on that side. I guess, just

1 to start the discussion, to me there's no need to pull out the I-77 corridor, that - I think
2 we ought to combine that with the northeast. And I, you know, somehow inside I-20
3 piece might better be allocated somewhat to the northwest for that part west of the river,
4 some part to the north central, and then some part to the –

5 MR. CRISS: Divide it up –

6 CHAIRMAN GREEN: Northeast.

7 MR. CRISS: - so you're condensing the districts. We're bringing in, shortly,
8 census geography maps that are still being run off. We have approximated the current
9 planning areas in the new census geography. The boundaries are very similar. Again,
10 you're welcome to collapse and re-divide whole planning areas as you see fit. But we
11 would recommend that you use the U. S. Bureau of the Census 2000 block group
12 geography.

13 CHAIRMAN GREEN: Census tracts?

14 MR. CRISS: It's the level below the tract.

15 CHAIRMAN GREEN: Okay.

16 MR. CRISS: So that we can aggregate the demographics of housing and income
17 and other characteristics quickly and efficiently, accurately.

18 MR. VAN DINE: How are we looking at what I'll call "approved" subdivisions in
19 relation to what we've got out there? I mean, obviously, there are areas that are
20 approved for some substantial development. It's already been approved. It's just a
21 matter of buildout. It would seem to me we probably would need to have some
22 information on that in a map form, I guess, in order to determine whether or not simply
23 demographics are going to show what's there. There's going to be future growth and

1 future that's already planned for and future that's already approved. And I think we
2 probably need to know what that is so that we can understand if an area seems to have
3 a larger amount of impact versus other areas.

4 MR. CRISS: And that information would be useful in determining the planning
5 area boundaries?

6 CHAIRMAN GREEN: Right.

7 MR. VAN DINE: I think – yeah. The second from the right, the one that Pat's
8 looking at sort of right there. What is that?

9 MS. ALMEIDA: That's the proposed land use map.

10 MR. VAN DINE: Of?

11 CHAIRMAN GREEN: Inside of I-20.

12 MS. ALMEIDA: Exactly.

13 CHAIRMAN GREEN: Anything in the County unincorporated.

14 MR. CRISS: The top boundary's I-20 and the bottom is the City of Columbia.

15 MR. VAN DINE: Is that map, the second from the right, is that included in any of
16 the other areas or is that a separate -

17 MR. GOSLINE: No. It's sort of the leftover.

18 MR. VAN DINE: So that area ought to be – needs to be adopted into some area.

19 MR. GOSLINE: I tend to agree with the Chair that it might be divisible and
20 reallocated.

21 MR. VAN DINE: Okay.

22 MR. GOSLINE: It doesn't seem to have a distinct identity unto itself. It's
23 generally smaller and more fragmented than the other areas.

1 MR. VAN DINE: But, in essence, that one right now is not attached any place to
2 any sub-area plan?

3 MR. GOSLINE: It's the current sub-area boundary, Howard. There was - one
4 sub-area plan was called the "I-20 Intercorridor" or "Interbeltway" or something like that.
5 And it was the hodgepodge of stuff left over from the various city limits.

6 MR. VAN DINE: In essence, the idea would be to collapse that district into one of
7 the other five?

8 MR. GOSLINE: That's one.

9 CHAIRMAN GREEN: Or pieces of it.

10 MR. VAN DINE: Yeah. Yeah. Right. Divide it up into -

11 MS. ALMEIDA: But we would definitely put together a map of everything that's
12 been built so that there's an existing land use map that you all can look at evaluate
13 from, obviously.

14 MR. CRISS: This [inaudible] easier to use. Would you like some copies of this
15 up here [inaudible]?

16 CHAIRMAN GREEN: No. I think this is fine.

17 MR. CRISS: Okay. Each of these block group areas does have a number
18 assigned by the U. S. Bureau of Census so they can be identified. What we're
19 suggesting is that we adjust our planning area boundaries to these black edges, to
20 these census boundaries.

21 MR. VAN DINE: Do these sub-areas have any relation to districts?

22 MR. GOSLINE: Council districts?

23 MR. VAN DINE: For [inaudible].

1 MR. GOSLINE: Council districts?

2 MR. VAN DINE: Yes.

3 MR. CRISS: No. Not *per se*.

4 MR. VAN DINE: Okay.

5 CHAIRMAN GREEN: Other thoughts on, you know, maybe collapsing - to me
6 we can get away with four of these areas instead of six.

7 MR. GOSLINE: Well, another thing I think that would be important to consider is
8 that we have different kinds of activities and concerns for the stuff that's closer in. You
9 can make a case that you – that the – which I think, I guess, was the rationale for the I-
10 20 interbeltway, that those have a whole different set of policies and concerns. You
11 could make the same argument for the lower end of the northwest sub-area and the
12 west side of the Lower Richland sub-area. Those more heavily urbanized, developed
13 places and infills have a lot different concerns, which we've all talked about for a long
14 time, than do the developing ones. So that's another way to look at it.

15 MR. CRISS: A radically different approach, instead of pie slices emanating out
16 from the city core to the edge of the county would be concentric rings of urban,
17 suburban, rural.

18 MR. VAN DINE: I'd be a little bit concerned about concentric rings because I
19 think the northwest and the northeast and the southeast have got different issues and if
20 you simply do a band around you're going to have different issues.

21 MR. CRISS: Uh-hum (affirmative). Trying to connect them all.

1 MR. VAN DINE: But it would seem, though, the area closer in to the city, you
2 might be able to take parts of, maybe, the northwest or the north - and actually combine
3 them into a what I'll call an "urban ring" for lack of a better term.

4 MR. CRISS: It's a possibility.

5 MR. VAN DINE: And then that become a planning area with the other areas sort
6 of emanating off of that because the stuff around the city is more influenced by city
7 planning, city development.

8 MR. CRISS: There's a pretty good argument, in my opinion, to lump everything
9 inside the beltway that is not currently incorporated into the City of Columbia or Forest
10 Acres, or Acadia Lakes, into an urban ring planning area or whatever the proper title
11 might be.

12 MR. VAN DINE: You're talking beltway being I-77 bound and then I-20 –

13 MR. CRISS: I-20, I-77 –

14 MS. WYATT: I-26.

15 MR. CRISS: I-26.

16 CHAIRMAN GREEN: Michael, let me ask you something. Looks to me like on
17 the, just for clarification, it looks to me like on the inner I-20 area that we've got a lot of
18 area that's in the town of Forest Acres and the town of Arcadia Lakes and we don't do
19 planning for the - is part of that map actually showing those two municipalities in color-
20 coding?

21 MR. VAN DINE: I don't think so. I think that, if you look at the white space at the
22 top I think that's Forest Acres and Arcadia.

1 MR. GOSLINE: No. Those are generalized, Gene, because, you know, they're
2 lot by lot situations and it was based on –

3 MR. CRISS: It's so fragmented.

4 MR. GOSLINE: - I don't know what sometime ago. So that particular issue is
5 going to be scattered all over the place.

6 CHAIRMAN GREEN: Well, we've got two thoughts so far and maybe we ask the
7 Staff to come back with those two. And I'm not trying to limit it to those two, but one
8 would be to look at four sub-areas, one would be to look at five with the fifth one being
9 some type of, however you want to define it, urban, heavily urbanized area that can
10 come out of pieces of all of it. I don't know that I would arbitrarily use I-20 as the
11 defining line.

12 MR. CRISS: Uh-hum (affirmative).

13 MR. VAN DINE: Gene, one of the things that sort of appears to me is, if you look
14 at the I-77 corridor in the southeast portion, I know they're fairly distant, but certainly
15 that upper corner of the I-77 corridor is more in tune with what goes on in the southeast
16 for planning purposes than - and while I guess there certainly will be pressure up there,
17 the pressure's going to be more along I-77 than it will be that far out in that northeastern
18 area.

19 MR. FURGESS: Also on that 77 corridor, too, we need to think out where they're
20 going to put – have they picked out permanent where they're going to put the Farmer's
21 Market?

22 MR. CRISS: Not for sure.

1 MR. FURGESS: Because that's going to make a difference in that southeast
2 area.

3 MR. GOSLINE: You know, you got a private group that want's to buy it, now, so
4 who knows what's going to happen.

5 MR. CRISS: Do we all agree that the I-77 corridor, if that indeed sustains as a
6 planning area, as a name, that it should encompass both sides of that interstate?

7 CHAIRMAN GREEN: To me, so much is going on between northeast and 77, to
8 try and plan those areas separately, especially with Clemson Road being five lanes
9 across it, the major route through there is you've got an east-west, five lane connector
10 going all the way from I-20 to 77. And trying to do 77 without thinking about what's
11 going in the northeast, and vice-versa, I don't know.

12 MR. CRISS: I tend to agree with the Chair that we should combine the, so-called,
13 "Northeast" and "I-77 Corridor" and, perhaps, call it all "Northeast". I agree with Howard
14 that the northeast extreme does have more rural issues. Perhaps more people say the
15 southeast area. But it seems isolated by the suburban growth pattern already and
16 disconnected from its counterparts.

17 MR. GOSLINE: Can I ask a question? Is there – not that I'm advocating one way
18 or the other, but the number of sub-area plans is sort of –

19 CHAIRMAN GREEN: Irrelevant.

20 MR. GOSLINE: - irrelevant.

21 CHAIRMAN GREEN: Sure.

22 MR. GOSLINE: So it seems to me, like, whatever we come up with ought to be
23 something more geographically logical than this mess is.

1 CHAIRMAN GREEN: Correct.

2 MR. GOSLINE: Regardless of what the number is.

3 CHAIRMAN GREEN: Right.

4 MR. CRISS: And we can divide planning areas into sub-areas as you deem
5 necessary, in part or in whole, to fine tune planning programs in the future. That urban
6 concept, for example, doesn't have to be its own planning area at the outset, but I think
7 it's something we ought to consider.

8 MR. PALMER: That's what I would like to see. I'd like to see kind of three areas,
9 one being an area that's urban that perhaps needs some redevelopment. An area
10 where there's extreme development going on right now. And then an area where we
11 see things are going. How do we - it's almost like been there, did something wrong,
12 doing something wrong and we need to do something right. You know what I'm saying?

13 [Laughter]

14 MS. LUCIUS: Why can't we learn from our mistakes?

15 MR. GOSLINE: We can label it that way.

16 MR. PALMER: But that is true. So, I mean, just kind of three areas of ways to
17 look at things and see if we can learn from what's going on in those areas.

18 MR. JACKSON: Is there anyone in county government examining annexation?

19 MR. CRISS: The city, as you may have read in The State Newspaper, of late, is
20 planning to hire an annexation coordinator. And I'll be recommending that we
21 collaborate with that office on annexation plans.

22 MR. JACKSON: But annexation law, I mean we go ahead and make certain
23 plans for certain areas, but then in no time they say they can't annex that area and the

1 whole thing changes. And I have concern because the objective of the city is not that of
2 the county and usually causes problems in some areas.

3 MR. PALMER: But we can't not plan for an area just because the city may or
4 may not annex it.

5 MR. JACKSON: I'm not saying not plan for it. I'm saying examining annexation
6 laws because it usually affects - we do planning for a certain area and then overnight it's
7 been annexed and everything starts to change. And I've seen where it has to have
8 effect on planning in a lot of cities and also here in this county.

9 MR. CRISS: Some planners in the state have argued that annexation law in the
10 state is too restrictive, too confining, for cities and towns to grow appropriately and you
11 end up with, sometimes, bizarre geography. I would like to see the inclusions, the
12 unincorporated areas that are already surrounded by a jurisdiction, automatically be
13 annexed inside the respective city or town.

14 MR. VAN DINE: You may be able to handle that particular issue that you're
15 talking about because it's more likely that the annexation is going to be - and has to be
16 by law - contiguous to the city. Now, obviously, we've learned that you can make it
17 contiguous with a bike path. But that would seem to mean the center area, which is
18 more urbanized, could have that as one of its sub-issues in relation to how it blends with
19 the city's direction that it's taking and whether or not we actually blend the planning for
20 that area so we take into account both of them when we actually plan for it.

21 MR. GOSLINE: Well, excuse me. In this version of the plan we have to do some
22 formal, intergovernmental coordination activity of some sort. And annexation and
23 utilities, extensions would obviously be at the top of the list in those, particularly for us.

1 So that's something that we'll be addressing in the plan, itself, as we go on regardless
2 of the sub-areas. I mean that's, again, sort of immaterial.

3 CHAIRMAN GREEN: Again, not to limit the conversation on this one issue, but I
4 want to try and cover several before we hit 1:00. Other input, at this point, maybe, I've
5 heard some of the sentiments, maybe, and I'm not talking about down to detail, detail,
6 but at least come back with conceptually a couple or three ways, based on this
7 conversation, that we might want to look at the sub-areas, you know. And just give us
8 your thoughts based on –

9 MR. CRISS: Maybe give you some alternative maps.

10 CHAIRMAN GREEN: Alternatives. Anybody else have some input for Staff on
11 what they'd like to see these sub-areas maybe accomplish or not do? Okay.

12 MR. JACKSON: One quick question. I come back to this again, the red dots.

13 MR. CRISS: The red dots are the rural crossroads on the vision map in the
14 adopted Imagine Richland 2020 Comprehensive Plan. Why they were translated onto
15 that one plan area map and not others, I can't explain. They are an official part of your
16 adopted Comprehensive Land Use Plan. And they encouraged mixed use, slightly
17 higher density, residential, community neighborhood, service-oriented development at a
18 variety of rural crossroads. We have one group in lower Richland County asking to be
19 the first red dot.

20 MR. JACKSON: I understand. The misunderstanding, and again I said it should
21 be brought to the attention of County Council, in the past we had Members of County
22 Council that was telling members of the community that the red dots were gone. Didn't
23 mean anything. They discussed it and it was voted on.

1 MR. CRISS: They're not gone.

2 MR. JACKSON: I understand. I'm just saying -

3 MR. CRISS: They are in the adopted Comprehensive Land Use Plan.

4 MR. JACKSON: Yeah.

5 MR. CRISS: But they're only generalizations to encourage more compact use,
6 mixed use development at rural crossroads. And none of the zoning maps show circles
7 at rural crossroads. There is, thanks to the Planning Commission and, now, County
8 Council, a new tool in the new Land Development Code to take effect in July, a rural
9 commercial RC zoning district that was tailored to be applied to those red dot, or rural
10 crossroad, areas.

11 MS. LUCIUS: Are you saying that the north central and the northwest - I know
12 there's a lot of rural there. They really do have red dots, too, you just don't see them on
13 those -

14 MR. CRISS: Oh, yeah! The Planning Commission can add more or take some
15 away. They were generalized representations of existing rural crossroads where you
16 might want to encourage more compact, contiguous mixed use in rural areas.

17 MS. LUCIUS: But they're - okay. But they're just showing up on the Lower
18 Richland but for unexplained reasons - okay.

19 MR. CRISS: And for some reason somebody translated - perhaps because it
20 was more controversial in Lower Richland.

21 MS. LUCIUS: Okay.

1 MR. JACKSON: That's the only reason why I brought it up because there's been
2 mixed – people been saying that they were told by Council Members that the red dots
3 don't exist.

4 MR. CRISS: But, of course, development is not going to limited to those rural
5 crossroad areas.

6 MR. JACKSON: But that's a misunderstanding.

7 MR. VAN DINE: I think that one of the things that would probably behoove all of
8 us is to think about eliminating red dots from the map. Red dots themselves, first of all
9 are a red flag. But second of all what happens is we've got in the document in language
10 provided the incentive that's going to these crossroads and to utilize the crossroads to
11 the extent people want to use them for these areas. That is both a limiting factor and a
12 divisive factor when it gets out there. And I would be in line with getting rid of all red
13 dots and just utilizing the document as written -

14 MR. CRISS: Uh-hum (affirmative).

15 MR. VAN DINE: - for people to go out into those areas.

16 MR. GOSLINE: Well, the problem with that, not – I agree with you up to a point.
17 But the problem with that is with the general public and getting across – that's why we
18 do the maps. And this is a debate that's gone on in the profession for about 100 years
19 now about whether to just go by policies or maps. The maps give people a clear way of
20 seeing, in general terms, what they can do with their property.

21 MR. VAN DINE: But the maps, themselves –

22 MR. GOSLINE: They do raise red flags.

1 MR. VAN DINE: But the maps themselves are designed more to tell you, almost
2 on a parcel by parcel, what the specific zoning classifications are. There is nothing that
3 translates to that red dot anyplace that has been officially adopted. And as long as it's
4 not officially adopted, those red dots themselves don't exist on a zoning map. They are
5 ideas on how to get things done. And so therefore, until somebody wants to officially
6 adopt a location as a red dot, it doesn't exist. And the more we put it there the more it
7 looks like it exists.

8 CHAIRMAN GREEN: Let me ask you this from a procedural standpoint. If the
9 Commission wanted to recommend to County Council removal of those dots from the
10 southeast map, as Norman has said, it creates confusion. As Howard has said, it
11 doesn't mean anything anyway. Would we pass a resolution recommending to Council
12 that the red dots be removed from the plan? Is that the appropriate procedure?

13 MR. CRISS: You would amend your Comprehensive Land Use Plan accordingly.
14 And then recommend that to County Council for adoption.

15 CHAIRMAN GREEN: We could have a motion today in our - that could be in our
16 meeting today under Other Business to -

17 MR. GOSLINE: I think you've got to go through the -

18 CHAIRMAN GREEN: [Inaudible] to discuss it.

19 MR. GOSLINE: Oh, to discuss it. Yeah.

20 CHAIRMAN GREEN: If we want to discuss it for a possible motion, would it be
21 appropriate to have that or do we need to have that on a future agenda?

22 MR. CRISS: Yeah. It's certainly ripe for discussion. It may not be ripe for action
23 yet. There's public participation and other considerations.

1 MR. VAN DINE: Mr. Manning raised a very interesting point. At what point in
2 time did we ever adopt them being on the map?

3 MR. CRISS: Well, when the Council adopted the Imagine Richland 2020
4 Comprehensive Plan with the Vision Map in it that has red dots.

5 MR. VAN DINE: And that's the only one that had the red dots in that Vision plan?

6 MR. CRISS: And, of course, those maps don't correspond exactly to the maps in
7 the published three-ring binder. That Vision Map is a more generalized statement of
8 future land use: urban, suburban, rural, and conservation.

9 CHAIRMAN GREEN: Let me get back to my original question. What, officially,
10 would this group have to do - if it wanted to send a recommendation to County Council
11 to remove those red dots from the Comprehensive Plan, what process do we need to go
12 through to take up that agenda item?

13 MS. WYATT: Legal Staff is behind you, now, Michael.

14 MS. LINDER: Mr. Chairman, I believe that the Comprehensive Plan was adopted
15 by ordinance. So to amend it we'll have to do an ordinance. That's my initial
16 impression on what we would do.

17 CHAIRMAN GREEN: And you would prepare –

18 MR. CRISS: To recommend to Council.

19 MS. LINDER: You would recommend an ordinance change on amending the
20 Comprehensive Plan on that - removal of the red dots.

21 CHAIRMAN GREEN: And we could take that up as an agenda item today or do
22 we need to advertise that as an agenda item ahead?

1 MS. LINDER: The Council – I mean your Planning Commission will say you can
2 add things to the agenda.

3 MR. GOSLINE: Without a public hearing, public notice or anything?

4 MS. ALMEIDA: This is not a public hearing.

5 CHAIRMAN GREEN: If we can add something – we're just recommending to
6 Council. We don't pass anything. We could recommend to Council.

7 MS. LINDER: Yes. And to enact an ordinance I believe we would have to have
8 public hearings and that would be done at Council level.

9 CHAIRMAN GREEN: That would be at Council level. Well, that's something if
10 we want to do we can add it to our agenda today. Moving on, the next issue to talk
11 about was the issue of process and working through, working with staff and working on
12 the new Comprehensive Plan. You know, my thought is that until we get much further
13 down the road – I mean we walked through that Land Development Code all together
14 from almost day one to day end. We did have a group set up to meet with
15 representatives from County Council. I think we may have had two meetings is all.
16 Two, maybe three, that kind of walked through. But, you know, personally, I'd like to
17 see it kept open to everybody on the Commission that wants to participate. And if we
18 have a need to set up a subcommittee that we just do it at that point in time. I mean, we
19 got through the Land Development Code together. And, you know, still smiling. All
20 alive. But that's one person's thought. Any other?

21 MS. LUCIUS: I agree with you. I do.

22 MR. CRISS: If we have the entire Body meeting, then it'll be a more formal
23 process.

1 MR. VAN DINE: I mean, we did it by setting up meetings and people attended
2 when they could attend.

3 MR. CRISS: Yes, we did.

4 MR. VAN DINE: And people, if they couldn't attend, were certainly capable of
5 presenting written comments or getting with other Commission Members.

6 MR. CRISS: And we can do as we did with the Land Development Code, meet in
7 the 4th floor back conference room in a somewhat less formal setting.

8 MR. VAN DINE: And I agree with Gene. That's sort of was my thought at the
9 beginning. At the very least we need to have people's input before we [inaudible]. Now
10 maybe as far as the drafting or going over drafting language at some point you can
11 have an *ad hoc* group to sit down with Staff and say, "So, is this really what people are
12 saying?" But –

13 MR. CRISS: Homework assignments.

14 MR. VAN DINE: Yeah. At least for the initial stages, I would think that
15 everybody's got thoughts and important issues that they want to have addressed.

16 MR. PALMER: It doesn't bother me if it's three people or the whole Commission
17 as long as I'm part of the three people. [Laughter]

18 MR. VAN DINE: Right.

19 CHAIRMAN GREEN: And we probably all feel that way.

20 MR. CRISS: Well, three times three.

21 CHAIRMAN GREEN: I don't think we have any wallflowers on the Commission or
22 shrinking violets, whatever they call them. Other thoughts? Anybody want to do, you
23 know, thoughts about doing it differently than that? Okay. Why don't we start off, you

1 know, kind of the next thing is time, kind of a time schedule. I'd like to see some
2 recommended timeframes, knowing kind of where we need to be by when, trying to
3 back up, you know, what it's going to take to get it done. And let's talk about, either now
4 or have a special meeting about it. I mean, we set down a pretty aggressive plan for the
5 Land Development Code. We agreed to meet so many times within 'x' period of time.
6 And I'd look for maybe the Staff to recommend to us the frequency and the start and
7 end date and where our targets need to be in this process, given what Council wants
8 from us.

9 MR. VAN DINE: And I'd like to also see from Staff their ideas of, not specific
10 language, but at least topics that need to be looked at and thought about in the process
11 that we're - I think Pat - how extensive it is will make the schedule, will be schedule
12 dependent.

13 MR. CRISS: And the Commission might have some ideas about prioritizing those
14 topics. Council has a priority already stated, publicly, a community facilities element.
15 But, of course, you've got to have at least seven elements in your comprehensive plan
16 and you can have more. That's another decision to be made. Do we want to stick with
17 the basic format or to expand the number of elements? And again, that gets back to
18 your topics.

19 CHAIRMAN GREEN: The work element. What else would you like direction from
20 us on to prepare this draft of a proposed process and approach?

21 MR. CRISS: Anything else from Staff? I think that gets us off to a good start. I'll
22 be looking forward to feedback from Council, after their retreat, on organizational and
23 budget issues.

1 MR. VAN DINE: When would you think that we would be looking to have a first
2 meeting to talk about this?

3 CHAIRMAN GREEN: My thought is that maybe we look at scheduling something
4 prior to our next regular meeting to meet and discuss this work plan elements. I don't
5 know. I can't imagine we'd need more than a couple of hours. Can you have
6 something ready for us to look at prior to our next -

7 MR. CRISS: We could have a draft of the work plan. We won't have much more,
8 I suspect.

9 CHAIRMAN GREEN: I mean, recommendations on geography, draft of a work
10 plan.

11 MR. CRISS: Timeline.

12 CHAIRMAN GREEN: Timeline.

13 MR. CRISS: Resources.

14 CHAIRMAN GREEN: Because, let's see, our next meeting is February 7th. Do
15 we want – is it the pleasure of the Commission to try, you want to get together prior to
16 then? Do you have time to put something thoughtful together before then given what's -

17 MR. CRISS: The consensus here is it's going to take us longer than the three
18 weeks.

19 CHAIRMAN GREEN: Okay. So we would have that as an element of our next
20 agenda and maybe everybody plan that - do we want to start early? That which kind of
21 compresses us to an hour or do we want to take it up after our regular agenda?

1 MR. VAN DINE: What I'd like to see, if in fact it's going to take longer than next,
2 is maybe at the next meeting we have sort of an update of where they are and then plan
3 for a meeting in February to deal with that. Put more detail with the specifics.

4 MR. PALMER: Yeah. Because I don't think – I think what Michael said was they
5 are not going to have it ready in three weeks.

6 CHAIRMAN GREEN: Okay. Okay. I got you.

7 MR. CRISS: And perhaps reporting back at the regular February meeting on a
8 special workshop on a -

9 MR. JACKSON: When is Council's retreat?

10 MR. CRISS: Thirteenth, fourteenth, and fifteenth.

11 MR. VAN DINE: This Thursday, whatever.

12 MR. CRISS: Thursday, Friday, Saturday.

13 CHAIRMAN GREEN: That, at least, will be behind us and we'll get some sense if
14 there's an issues. And other input for Staff in terms of what we're looking to them for at
15 this point on this issue?

16 MR. CRISS: Thank you. That's been very helpful.

17 CHAIRMAN GREEN: Okay. We will recess for ten minutes, approximately, when
18 our public meeting will start.

19 *[RECESS]*

20 CHAIRMAN GREEN: I'd like to call the January 10th meeting of the Richland
21 County Planning Commission to order for the public meeting section of our meeting and
22 read into the minutes the following: In accordance with the Freedom of Information Act,
23 a copy of the agenda was sent to radio and TV stations, newspapers, persons

1 requesting notification, and posted on the bulletin board located in the lobby of the
2 County Administration Building. Thank you. First on our agenda is the election of
3 officers for this year. Nominations were taken at our last meeting and we will move
4 through the election of officers and those officers will take their relative positions
5 immediately following the election. For the office of Secretary we have nominated Pat
6 Palmer and since there is no opposition, all those in favor of Pat Palmer being Secretary
7 for the Commission please raise your hand. Opposed?

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

10 CHAIRMAN GREEN: Nominated for Vice-Chair is Barbara Wyatt. There are no
11 other nominations. Those in favor of Barbara being Vice-Chair for the Commission
12 please raise your hand. Those opposed.

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

15 CHAIRMAN GREEN: We do have two nominees for Chairman of the
16 Commission for this year. They are Howard Van Dine and Norman Jackson. So we will
17 vote on those for this particular office. Those in favor of Norman Jackson please raise
18 your hand. Those in favor of Howard Van Dine.

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

21 MR. CRISS: It's a four-five vote in favor of Howard Van Dine.

22 CHAIRMAN GREEN: Thank y'all and I will relinquish the Chair.

23 MS. WYATT: Welcome back to my left, Mr. Green.

1 MR. GREEN: Familiar spot.

2 MS. WYATT: Yeah.

3 CHAIRMAN VAN DINE: Thank you all, ladies and gentlemen. I'd like to thank
4 Mr. Green for his year's service, all the efforts he put into moving the Planning
5 Commission forward. I just know I certainly appreciate it and I'd like to thank you.

6 MR. GREEN: Thank you.

7 *[APPLAUSE]*

8 CHAIRMAN VAN DINE: I would also like to thank everybody for reelecting me to
9 the Chair. I look forward to working with everybody on the issues we have before us,
10 not the least of which is the Comprehensive Plan that we were discussing at our work
11 session beforehand. Having said that we'll move right into our agenda. The first item
12 on our agenda is the approval of the December 2, 2004 minutes. Did everybody get a
13 copy of that?

14 MS. LUCIUS: Move to approve.

15 MR. FURGESS: Second.

16 CHAIRMAN VAN DINE: We have a motion for approval of the December 2nd
17 meeting and a second. Any discussion? All those in favor please signify by raising your
18 hand.

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

21 CHAIRMAN VAN DINE: Next item on our agenda would be any agenda
22 amendment items. Mr. Gosline.

1 MR. GOSLINE: Mr. Chairman, we have two withdrawals for zoning. One is 05-
2 26, Michael Sloan on Hardscrabble Road. And the other one is 05-35, BDH Properties
3 on Caughman Road. Both of those have withdrawn. Under the rules, they cannot even
4 apply for 90 days and a letter to that effect will go out in a day or so.

5 CHAIRMAN VAN DINE: So they're actually withdrawn, not deferred?

6 MR. GOSLINE: Correct.

7 MR. GREEN: The first one, just for clarity, is 05-26?

8 MR. GOSLINE: Yes.

9 MS. LUCIUS: But that was on our last -

10 MR. GOSLINE: That was deferred. That was one that was deferred to this
11 meeting -

12 MS. LUCIUS: From last month.

13 MR. GOSLINE: - from December.

14 CHAIRMAN VAN DINE: Any other item -

15 MR. GREEN: Mr. Chairman, I would like us to place under Other Business,
16 today, to discuss the issue of the red dots in southeast Columbia planning area for
17 possibility of a recommendation to County Council.

18 MS. WYATT: To be Item Number B after Procedures?

19 MR. GREEN: To be Item Number B.

20 CHAIRMAN VAN DINE: We have a request to add to the agenda a discussion, I
21 believe a vote, concerning the red dot issue, which will be in the southeast map up
22 there. Do I hear a second to that?

23 MS. WYATT: I'll second.

1 CHAIRMAN VAN DINE: We have a motion and a second to amend the agenda.

2 All those in favor please signify by raising your hand.

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

5 CHAIRMAN VAN DINE: Ms. Linder, when we get to that, please remind me I'd
6 like to take an Executive Session to talk about a legal issue in relation to that if we
7 could. All right, Old Business. First we have is SD-05-81, which is Sassafras Springs
8 Phase 2, which was deferred from our December 2nd meeting.

9 **PROJECT SD-05-81:**

10 MR. GOSLINE: Mr. Chairman, Members, this project, as you mentioned, was
11 deferred from the September meeting. Since that time we have received the – there
12 were some concerns about the stormwater management plan. We have received some
13 information from them and they did approve the stormwater management plans as you'll
14 see on page 12 under the Findings of Pertinent Factors. Based on that, Staff
15 recommends conditional approval with the conditions cited on pages 12 and 13.

16 CHAIRMAN VAN DINE: Any questions for Staff?

17 MS. LUCIUS: I just had one question I wanted to clear up. I want to make sure I
18 was looking at the piece of property I thought I was looking at. We're just interested in –
19 this is just a tiny piece of the aerial map that we're looking at today.

20 MR. GOSLINE: Yes. Yes, ma'am. The map that you see –

21 MS. LUCIUS: Is that little squiggly looking area at the bottom, is that Phase 1 that
22 we've already seen? See all the little cul-de-sacs?

23 MR. GOSLINE: Oh – no. Let me – the map – let's be –

1 MS. LUCIUS: Yeah.

2 MR. GOSLINE: On page 16, the aerial shows the whole PUD.

3 MS. LUCIUS: Right. That's the whole PUD.

4 MR. GOSLINE: The area at the bottom is an apartment complex.

5 MS. LUCIUS: Is that a part of this?

6 MR. GOSLINE: That was a part of this PUD.

7 MS. LUCIUS: Okay. Okay.

8 MR. GOSLINE: And then above that there's Phase 1 of Sassafras. There's
9 Persimmon Hill, Rice Creek Farms. There's some commercial development in there.

10 MS. LUCIUS: The area we're looking at today is not a whole lot bigger than what
11 we're seeing that's already there, is it? The small –

12 MR. GOSLINE: It's much smaller than the overall boundary map.

13 MS. LUCIUS: No, no, no. You see the area that's already been developed has
14 that curvy road?

15 MR. GOSLINE: Oh, yes.

16 MS. LUCIUS: What we're looking at today is approximately that much of an area
17 [inaudible].

18 MR. GOSLINE: Right.

19 MS. LUCIUS: Okay. And this is a mixed use PUD.

20 MR. GOSLINE: Yes, ma'am.

21 MS. LUCIUS: We haven't seen any of the commercial or anything, yet.

22 MR. GOSLINE: This is a PUD that was adopted in '98 or '99 –

23 MS. LUCIUS: Three hundred acres [inaudible].

1 MR. GOSLINE: And the commercial development, Publix and all that sort of stuff

2 —

3 MS. LUCIUS: Right.

4 MR. GOSLINE: - is all part of it.

5 MS. LUCIUS: All a part of it. This is the first two small phases.

6 MR. GOSLINE: This is really the first single-family residential portion. That's
7 correct.

8 MS. LUCIUS: I want to make sure I was remembering the right property.

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

10 MS. LUCIUS: Okay.

11 CHAIRMAN VAN DINE: I may be confusing – you may have just confused me. I
12 thought I knew what we were talking about. But the Publix is not included within the
13 boundaries of this. Publix is actually out at the corner of Lee Road and Hardscrabble.
14 So is this particular thing actually a part of that PUD?

15 MR. GOSLINE: Yes.

16 CHAIRMAN VAN DINE: So the boundaries are not actually defining the PUD
17 area, is that correct?

18 MR. GOSLINE: Yes.

19 MS. LUCIUS: Isn't there more to the PUD than the boundaries are showing?

20 MS. WYATT: You're not including that yellow line. You're not including the part
21 that Carl – the point he's trying to make up here.

22 MS. LUCIUS: Right. Does it – that's down in -

23 MR. GOSLINE: Say that again.

1 MS. LUCIUS: Isn't – the Publix is down at the intersection of Lee and –

2 MR. FURGESS: Yeah, this pink.

3 MR. GOSLINE: Right.

4 CHAIRMAN VAN DINE: Okay. And I thought you had indicated that Publix was
5 part of this PUD. And I don't think that that is -

6 MR. GOSLINE: The history of this is that it started out as all being one big PUD.
7 The Publix part got split off, so technically it isn't all part of the same PUD. But the PUD
8 we're talking about has some office commercial, apartments, and single-family
9 residential, and some other commercial that is not shown.

10 MS. LUCIUS: Right.

11 CHAIRMAN VAN DINE: Then to answer Marsha's question, so far as to the
12 amended PUD, we have not seen any commercial aspect come in for subdivision. Is
13 that correct?

14 MR. GOSLINE: That's correct.

15 CHAIRMAN VAN DINE: Okay.

16 MS. LUCIUS: This is about 307 acres if I remember correctly, 300 acres.

17 MR. GOSLINE: I'm sorry?

18 MS. LUCIUS: That was just an aside. It was around 300 acres, the PUD?

19 MR. GOSLINE: It's about 700 and some units all together if it builds out.

20 CHAIRMAN VAN DINE: Any other questions for Staff?

21 MS. WYATT: Mr. Chair, I'll go ahead and make a motion that we approve this
22 subject to, give it conditional approval, subject to conditions on page 12 and 13.

23 CHAIRMAN VAN DINE: Do I hear a second?

1 MR. MANNING: Second.

2 CHAIRMAN VAN DINE: Any further discussion? All those in favor of approval of
3 SD-05-81 subject to the conditions please signify by raising your hands.

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

6 CHAIRMAN VAN DINE: All right. Next is 05-21 MA, which was deferred from our
7 meeting on December 2nd.

8 **CASE 05-21 MA:**

9 MR. GOSLINE: Mr. Chairman and Members, this is a request to rezone about an
10 acre and a quarter from D-1 to C-3. It's located on Rabon Road, almost down to the
11 creek, coming off Two Notch Road. Staff recommends approval.

12 CHAIRMAN VAN DINE: Any questions for Staff? Mr. Peake.

13 **TESTIMONY OF CHARNELL PEAKE:**

14 MR. PEAKE: Thank you. I'm Charnell Peake and I represent Mary Ann
15 Harrington in this request. The only think that I would think that I could add to clarify is
16 the reason for the change. She has the property on contract to be sold to people who
17 are planning to build a male and female beauty salon type of thing. So it would be a
18 personal service business. And other than that, the Staff finds that pretty much
19 everything else is compatible with that area. [Inaudible]

20 CHAIRMAN VAN DINE: Thank you. No one else is signed up on that particular
21 matter either for or against?

22 MS. LUCIUS: It's compatible because I think Rabon Road, this area is a lost
23 cause.

1 MS. WYATT: Well, there's, you know, and, of course, if you at the map you'll see
2 there's a house on it. There's no way that can be sold as a residence or occupied that
3 way. I mean, we've pretty much changed the whole character of that in the last couple
4 of years down there. So, for those reasons, Mr. Chair, I'm going to make a motion we
5 send it forward with approval.

6 MR. GREEN: Second.

7 CHAIRMAN VAN DINE: We have a motion and a second. I do have one
8 question for Staff. If you look at the photographs, it looks as though the building, which
9 is already zoned C-3 just up the road, is still a residence. How long ago was that
10 actually changed? Has that been a recent change?

11 MR. GOSLINE: I don't know how long ago it was changed. But the residence
12 between the subject property and the creek has been commercial for some time.

13 CHAIRMAN VAN DINE: Okay. All right. All those in favor of sending this forward
14 with a recommendation of approval signify by raising your hands. All those opposed.

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

17 CHAIRMAN VAN DINE: All right. That takes care of the old business. Our new
18 business, Subdivision Review. SD-04-285.

19 **CASE SD-04-285:**

20 MR. GOSLINE: Mr. Chairman and Members, this is a request from the Mungo for
21 preliminary plans approval for Foxport subdivision on Three Dog Road, adjacent to the
22 Lake Murray Elementary School. Staff recommends approval subject to the conditions
23 on page 46 and 57.

1 CHAIRMAN VAN DINE: Questions for Staff?

2 MS. LUCIUS: I did have some and I can't find my paper. What's the overall
3 percentage of open space? I can't see these little lines. I know when we approved this
4 in February we were told it would be 22%. I just want to make sure that's what it is. I
5 can't read this. It's too tiny.

6 MR. GOSLINE: I can't definitively answer the question.

7 MS. LUCIUS: Okay. Just checking up, you know.

8 MR. GOSLINE: That's a good thing to do.

9 MS. LUCIUS: I keep note of these things.

10 MR. FURGESS: This subdivision, does it have one entrance in?

11 MR. GOSLINE: Excuse me?

12 MR. FURGESS: Just one entrance going into this subdivision?

13 CHAIRMAN VAN DINE: I think there are two entrances.

14 MR. FURGESS: [Inaudible] 49.

15 MR. GOSLINE: There are two. If you look at pages 50 and 51 you'll see the two
16 entrances, one of which lines up – one of the entrances lines up with the Cedar Cove
17 subdivision.

18 MR. FURGESS: Okay. I got it.

19 MR. GOSLINE: This one fits over here.

20 MR. FURGESS: Oh, okay.

21 CHAIRMAN VAN DINE: There's almost a 'U', a 'U' loop, through the property.

22 MR. GOSLINE: I can't imagine they wouldn't have, to answer Ms. Lucius'
23 question, I can't imagine they wouldn't have -

1 MS. LUCIUS: Yeah. It's on here but you cannot read it. [Inaudible]

2 MR. GOSLINE: There's lots of – when we did the PUD, you know, we had open
3 space in there and that would limit them to, basically, the [inaudible].

4 MS. LUCIUS: Right. We were told it would be 22% and I couldn't see on here
5 that it indicated that.

6 CHAIRMAN VAN DINE: Any other questions for Staff? Do I hear a motion?

7 MS. WYATT: I'll make a motion to send it forward with approval.

8 CHAIRMAN VAN DINE: For approval, not –

9 MS. WYATT: For approval.

10 CHAIRMAN VAN DINE: Is there a second?

11 MR. MCBRIDE: Second.

12 CHAIRMAN VAN DINE: Motion and a second for approval of SD-04-285. All
13 those in favor please signify it by raising your hands.

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

16 CHAIRMAN VAN DINE: Next, SD-05-135, Heather Green, Longtown Road and
17 Lee Road.

18 **CASE SD-05-135:**

19 MR. GOSLINE: Mr. Chairman and Members, this is another portion of Mungo's
20 large 1000-acre development. This portion of the development is south of the creek
21 that kind of runs into the project off of Longtown Road. This is the first development on
22 the south side of the wetlands. It's kind of hard to, without the map, to picture that. But
23 if you recall there was a residential development, school up where Lee Road comes in.

1 Then there's a substantial wetlands area through there. This is the portion along
2 Longtown Road that's south of the wetlands area.

3 MR. GREEN: Mr. Gosline, what's the approximate age of this aerial?

4 MR. GOSLINE: Excuse me?

5 MR. GREEN: When was this aerial flown? Do you know?

6 MR. GOSLINE: When was -

7 MR. GREEN: Roughly.

8 CHAIRMAN VAN DINE: The aerial photograph.

9 MR. GREEN: The aerial that's in our packet.

10 MR. GOSLINE: Oh. Do you know know?

11 MR. CRISS: It should be the April, 2004, most recent imagery available on
12 richlandmaps.com.

13 MS. LUCIUS: Oh, it is that late? I thought they were older.

14 MR. GOSLINE: It should show a lot more.

15 MS. WYATT: That to me [inaudible].

16 MR. GOSLINE: If you'll at the aerial on page 63 you can see the area that's been
17 cleared. That's kind of at the north top of the aerial on page 63. You have the big area
18 in here which is Linyard Crossing, Falls Mill, that kind of stuff. And slightly to the left
19 along the railroad track is Brookhaven. We've had two or three phases of that. So this
20 piece is the first development occurring across the wetlands to the south.

21 MR. GREEN: Mr. Chairman, I move we approve this subdivision subject to the
22 conditions listed on page 59 of Staff Report.

23 MR. PALMER: Second.

1 CHAIRMAN VAN DINE: We have a motion for approval subject to conditions and
2 a second. I've got two quick questions, if I could. The first is if you run out Longtown
3 Road there's a section that has been cut for a road which is closer than Lee Road. Has
4 this area had any development or any roads cut out of it yet?

5 MR. GOSLINE: You mean south of this site?

6 CHAIRMAN VAN DINE: My directions are all -

7 MR. GOSLINE: Well, Clemson Road is -

8 CHAIRMAN VAN DINE: I think north of this site there's another road cut out from
9 the development, itself.

10 MR. GOSLINE: If you look at the aerials, the main entrance to this portion of the
11 project -

12 CHAIRMAN VAN DINE: Is right at Lee Road.

13 MR. GOSLINE: Is right at Lee Road. There will be a secondary access point
14 right in -

15 CHAIRMAN VAN DINE: Okay.

16 MR. GOSLINE: - just on the north side of the wetland area.

17 CHAIRMAN VAN DINE: All right. Has anything been cut? Anything been, as far
18 as land disturbance for roads or whatever, in that area yet or is that subject to this
19 approval?

20 MR. GOSLINE: This area?

21 CHAIRMAN VAN DINE: Yeah.

22 MR. GOSLINE: The subject area?

23 CHAIRMAN VAN DINE: Yeah.

1 MR. GOSLINE: No. We don't issue land disturbance permits until the Planning
2 Commission takes action.

3 CHAIRMAN VAN DINE: And is this the southern end of – is this as far south as it
4 goes?

5 MR. GOSLINE: Yeah. There's a little bit more to the west that goes down a little
6 bit further south, but this is basically it. Yes.

7 CHAIRMAN VAN DINE: I guess my question - is this where they're going to
8 attempt to tie into Clemson Road when it's finished?

9 MR. GOSLINE: Yeah. Well, it would be right below that.

10 CHAIRMAN VAN DINE: Right below that? Okay. All right. And while we're
11 talking about this entire parcel, do we have any updated status on the railroad issues for
12 the crossing?

13 MR. GOSLINE: You mean Hobart Road issue?

14 CHAIRMAN VAN DINE: No, the railroad crossing issue up there at the upper end
15 of it?

16 MR. GOSLINE: Well, the current status of that project is that the developers of
17 Deer Creek and The Mungo Company are going to go ahead and build the road that
18 they were going to do to the railroad crossing. And that's the way it's going to sit until
19 the county appropriates the money.

20 CHAIRMAN VAN DINE: Okay. So we're waiting on appropriation of crossing
21 funds, if you will?

22 MS. WYATT: From the county?

23 MS. GOSLINE: Uh-hum (affirmative).

1 MR. GREEN: Can we assume from that, then, that the railroad has approved the
2 project -

3 MR. GOSLINE: No.

4 MR. GREEN: - although they're not going to pay for it, the railroad is amenable to
5 the crossing [inaudible].

6 MR. GOSLINE: No, that would not be a correct assumption, Mr. Green. As I
7 understand, and this is – the last time we discussed this, which was two or three weeks
8 ago now, the Staff, the Public Works, primarily, is at a standstill without an appropriation
9 to go to - designing the project – to go to the railroad to get the permit.

10 MR. GREEN: So there's not even been a design done to go obtain an approval.

11 MR. GOSLINE: I do not think so.

12 MR. GREEN: Has there been any discussion with the -

13 MR. GOSLINE: Certainly some conceptual stuff.

14 MR. GREEN: Have there been any discussions with the railroad whether they
15 would entertain, assuming it was designed properly -

16 MR. GOSLINE: I have no idea. Public Works is handling that or, obviously, now
17 they're not without the appropriation.

18 MR. GREEN: So we don't even know if there's an appropriation if the railroad –

19 MR. GOSLINE: There is no appropriation at this time. As you recall, Public
20 Works came to County Council some months back and asked for, you know, something
21 like \$160,000 or \$170,000. County Council said go to the County Transportation
22 Committee, the CTC, and try to get it out of the C funds. The County Transportation
23 Committee said no. So there's no money appropriated for the crossing, construction of

1 the crossing. Meantime, The Mungo Company and Deer Creek are going ahead and
2 building their portion anyway.

3 MR. JACKSON: They'll have a problem.

4 MR. GOSLINE: Excuse me?

5 MR. JACKSON: They will have a problem.

6 MR. GREEN: Yes.

7 MR. JACKSON: Paying for the roads.

8 CHAIRMAN VAN DINE: At any rate, I guess back to SD-05-135. Do we have a
9 motion on the floor?

10 MR. GREEN: Yes.

11 CHAIRMAN VAN DINE: Motion on the floor and a second to approve –

12 MR. GOSLINE: Who seconded it?

13 MR. GREEN: Patrick.

14 CHAIRMAN VAN DINE: Mr. Palmer. A motion to approve and a second subject
15 to conditions on page 58 and 59?

16 MR. GOSLINE: Correct.

17 MR. GREEN: Correct.

18 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand.

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

21 CHAIRMAN VAN DINE: Next.

1 MS. WYATT: Mr. Chair, if I can take just a second since this brought up a
2 number of questions. I'd like to ask Staff to maybe come back and give us an updated
3 report on that.

4 MR. GOSLINE: On Hobart Road?

5 MS. WYATT: Yes. On that next meeting. I mean, you know, part of the reason
6 that that whole area was even rezoned was because we're going to connect. We're
7 going to do this. We're going to do that. And now it sounds like that's all come to a
8 stop. And we already, even with those improvements, Lee Road and that portion of
9 Longtown are going to continue to operate as a failure. And I go back to concerns I
10 always have on the safety issues if we're not going to get that traffic moved out there,
11 we need to be thinking about fire and ambulance service. I'd like to have an update as
12 to what the status is.

13 MR. GOSLINE: Well –

14 MS. WYATT: You don't need to do it now. I've asked for it for next month.

15 MR. GOSLINE: No, no. But I mean there isn't anything else to say, Ms. Wyatt.
16 Without the money nothing's going to happen except the developers are going to build
17 Hobart Road.

18 CHAIRMAN VAN DINE: They can't approach the railroad and ask for conditional
19 approval subject to the actual development of a road crossing to the railroad's
20 satisfaction?

21 MR. GOSLINE: I don't know. I mean, I'd be glad to address Public - those kinds
22 of issues. But without the appropriation no action is going to occur other than –

1 CHAIRMAN VAN DINE: I mean, I understand all that but if we're waiting for
2 appropriations before we do something, and then the appropriations come, we could be
3 wasting our money if, in fact, they're not going to do anything. So it would seem to me
4 that the approach ought to at least be made to the railroad that says, "Hey, look. This is
5 what's being planned. If we do it to your specifications or whatever, will you agree with
6 that?"

7 MR. GOSLINE: Well, I'll be glad to get with the Public Works and give you that
8 kind of an update. Probably going to be very short.

9 CHAIRMAN VAN DINE: Well.

10 MR. GREEN: Am I correct? There's already a dirt road crossing there. I mean,
11 you can get across the railroad track right now.

12 MR. GOSLINE: [Nods yes]

13 CHAIRMAN VAN DINE: It's further up. It's further up. What they're going to do
14 is realign the road so that that one –

15 MR. GREEN: Straightens out the –

16 CHAIRMAN VAN DINE: Stretch.

17 MR. GREEN: - the gooseneck in it.

18 MR. GOSLINE: Now what Mr. Green brings up is very important because what'll
19 happen is, until the railroad crossing gets approved, the other part of Hobart Road will
20 stay in. It'll get paved. And then once the railroad crossing gets approved, where
21 Hobart was the connection will become an internal road.

22 CHAIRMAN VAN DINE: But they're going to have to eliminate the at grade
23 crossing that presently exists and just move it up the line.

1 MR. GOSLINE: Right.

2 CHAIRMAN VAN DINE: The reason I ask that was because I was driving by, all
3 of the road right-of-way has been cut, timbered and removed.

4 MR. GOSLINE: Yeah. We have - right.

5 CHAIRMAN VAN DINE: So what you're now, in essence, doing is you're going to
6 have a road that dead ends at the railroad.

7 MR. GOSLINE: Right.

8 CHAIRMAN VAN DINE: And everything is going to have to either go out through
9 the dirt road of Hobart or come back in to the Long division.

10 MR. GOSLINE: But the existing Hobart Road will get paved by the developers so
11 it won't stay dirt.

12 CHAIRMAN VAN DINE: Well, I understand that.

13 MR. GOSLINE: But they'll still have to do this. Yeah.

14 CHAIRMAN VAN DINE: But you're still going to now have people trying to cross
15 over at that I'll call it a "U'ed" railroad crossing or exit back into Long Creek, which is
16 going to further exacerbate the traffic problems in there.

17 MS. WYATT: It's been a while since I've been down there [inaudible].

18 MR. GOSLINE: The traffic doesn't occur on Saturday and Sunday, Howard.

19 CHAIRMAN VAN DINE: Yeah, but I've seen what can happen on Saturday and
20 Sunday. [Laughter]. I'm sorry. SD-05-133, Villages at Lakeside.

21 **CASE SD-05-133:**

22 MR. GOSLINE: Well, since we're in the neighborhood, this is –

23 MS. WYATT: It's right in the neighborhood.

1 MR. GOSLINE: This is a project – this is a continuation of a PUD that we
2 approved a year or so ago called – at the time it’s called Heron Lakes and now it’s
3 Villages at Lakeside [sic]. This is Phases 1C, 1D, and 1E, which are sort of the back
4 portion of the subdivision. If you’ll note, we have one concern. On page 68 and 69 one
5 of the conditions is that this should be renumbered consecutively. We’re trying to get
6 subdivisions to number the lots consecutively instead of phase by phase because it
7 really complicates the permitting process when you go, if you number phase by phase.
8 I don’t seen anybody –

9 MS. LUCIUS: I have a question.

10 MR. GOSLINE: Usually that’s just an oversight thing. Nobody really minds that
11 condition.

12 MS. LUCIUS: What do you mean on page 67 under ‘Existing Site Conditions’?
13 “The site contains an extensive amount of pine forest that has been cleared pursuant to
14 a Controlled Clearing Certificate.” Does that mean it was cleared before they got the
15 certificate?

16 MR. GOSLINE: The county issued a Controlled Clearing Plan early in this whole
17 project. And they came in and cleared the whole area –

18 MS. LUCIUS: It’s been clear-cut.

19 MR. GOSLINE: - pursuant to that permit.

20 MS. LUCIUS: That’s controlled clearing?

21 MR. GOSLINE: Do you want to talk about that?

22 MS. LUCIUS: Could you answer that, Anna?

1 MS. ALMEIDA: There were certain phases in which the developer of that phase
2 had overstepped his bounds as far as the limits of clearing. We went out there and, I
3 believe, Mr. Van Dine had, at one Planning Commission meeting, brought up the issue
4 that he had passed by there and seen some extensive clear cutting. Staff went out
5 there. Assessed the situation. Went out with the engineer of record and we walked the
6 entire site that was approved for selective harvesting. And it was identified that there
7 were areas that were encroached, that were cleared that were not supposed to be
8 cleared. And as a result, the engineering firm did hire a landscape architect and we
9 worked together in order to remediate that and in order to revegetate those areas that
10 they did encroach in. But they have received their clear cutting letter that they were
11 within their purview to receive and to clear cut.

12 MR. GREEN: Has anyone gone back to the site since they replanted to
13 determine whether that planting was consistent with what was originally anticipated?

14 MS. ALMEIDA: We have not, only because they're still building in that area.
15 They do the replanting at the end. But Staff will get in touch with B. P. Barber, which is
16 the engineer of record, in order to follow up on that.

17 MS. LUCIUS: Well, you know, I'm concerned about statements that are made to
18 us that clearly sway our approval or disapproval and then it's for nothing. And I'm going
19 to read you from the minutes when we approved this. "This is one of the prettiest
20 pieces of property in northeast Richland County and it's nobody intention to go out there
21 and clear cut it." Another statement: "Sixty percent of the property is almost like walking
22 on this floor." They were talking about the fact that it's sloping. "That's going to mean
23 minimal grading." Now that's not what I see.

1 CHAIRMAN VAN DINE: There is a lot more than minimal grading taking place on
2 that site.

3 MS. LUCIUS: Oh, yeah.

4 MS. ALMEIDA: That is correct because certain phases have been sold out to
5 different development companies.

6 MS. LUCIUS: Then what's our recourse? I mean we let this go by and then
7 everybody says, "Well, they got away with it. I will, too."

8 MS. ALMEIDA: And some of these developers –

9 MS. LUCIUS: What's our recourse?

10 MS. ALMEIDA: - you know, are developing homes on slabs and, therefore,
11 require massive grading. That is correct.

12 MS. LUCIUS: But that's not what was told to us.

13 AUDIENCE MEMBER: [Inaudible]

14 CHAIRMAN VAN DINE: Is there a recourse in the planning process to eliminate
15 that, the potential of clear cutting?

16 MR. PALMER: How much did they overstep their grounds? How much would
17 you say they cleared that they weren't permitted to clear?

18 MR. GOSLINE: Part of – let me just answer it while they're discussing. Part of
19 the problem, of course, is the state law gives local governments almost no authority to
20 do anything. The classic example is the Green property at Killian and I-77. They
21 cleared – I mean cleared, graded, denuded 400 and some acres and the best the
22 county could do was give \$1080 fine.

1 MS. LUCIUS: But that's misrepresentation on their part. It sways our vote,
2 clearly. And I have to –

3 MR. GOSLINE: No. I'm not arguing that, Ms. Lucius, at all. I don't really know.
4 If they make misrepresentations in the zoning, I don't have a clue what we can do. Do
5 you?

6 MR. CRISS: One eventual recourse would be to strengthen the landscaping, tree
7 protection development regulations and to have more significant consequences.

8 CHAIRMAN VAN DINE: Who was actually making the statement that was read?

9 MS. LUCIUS: The first statement that Mr. Carboy said that “. . . this is one of the
10 prettiest pieces of property and it's nobody's intention to clear cut it.” And he also made
11 the statement about it being such a sloping grade that he would just do minimal grading.
12 And, I mean, we were handed [laughter] a wagon full because we sat here and listened
13 to a lot about how wonderful this was going to be. And it's just not what we were told it
14 would be.

15 MR. PALMER: And how much did they overstep? How much did they clear they
16 weren't supposed to?

17 MS. ALMEIDA: In one of the phases, I would say probably a little under 10%. It
18 was clearly the timbering company that went out and the area wasn't clearly
19 demarcated by the engineering firm and they had overstepped their bounds.

20 MR. PALMER: So a permit was issued by the county to clear this area?

21 MS. ALMEIDA: A letter, yes.

22 MR. PALMER: A letter to clear it?

23 MS. ALMEIDA: According to their controlled clearing plan.

1 MR. PALMER: Okay. So that was done. And then the engineering firm didn't
2 mark it clearly and the timbering company went further than -

3 MS. ALMEIDA: That was the statements that the timbering company and the
4 engineering firm, onsite, made to us, yes, the Staff.

5 MR. PALMER: Okay.

6 MS. WYATT: Have they been fined?

7 MS. ALMEIDA: Well, I believe, it was – see, because they did not cut down
8 hardwoods - they were pines that were designated to remain – we did not fine them in
9 that respect because our ordinance clearly protects hardwoods. But they were more
10 than willing to restore back in kind and above and beyond what was there. And they
11 were more than willing to do that, so -

12 CHAIRMAN VAN DINE: Do we have that agreement in writing?

13 MS. ALMEIDA: We do. We have a plan, an approved plan, in the office.

14 MR. GREEN: Is anybody from the applicant here?

15 MS. ALMEIDA: Anyone here?

16 MR. GREEN: And the county hasn't been back out to inspect whether that
17 replanting has been accomplished yet.

18 MS. ALMEIDA: Not yet. Normally the applicant would get in touch with us and
19 request our presence out there in order to relieve them of that obligation.

20 MR. PALMER: But what I don't understand is that doesn't occur until after the
21 building. That's the last thing that happens is that replanting.

22 MR. GOSLINE: Yeah, because you wouldn't want to go out there and plant it
23 when they're still moving equipment around.

1 MR. PALMER: Yeah. So they wouldn't have replanted yet, anyhow.

2 MR. GOSLINE: The Planning Commission, in the Rules of Procedure, which
3 unfortunately I didn't bring with me, has a provision in there that you can hold up
4 projects for up to 90 days, should you so choose.

5 MS. LUCIUS: Well, we did do that to one, but –

6 MR. GOSLINE: We did it on one out on Dutch Fork Road, I think.

7 MS. LUCIUS: Right, because we're afraid of setting a precedence of being sorry
8 instead of doing it right to begin with.

9 MR. GOSLINE: And, you know, as we've talked during the Land Development
10 Code, there's just almost nothing we can do because it's economically cheaper to just
11 level everything, sell the timber, and pay the fine.

12 MS. LUCIUS: I think what it does up here – and I don't know, I can only speak for
13 myself. It makes me a little like the next person that comes in and gives me the dog
14 and pony show I'm –

15 MR. GOSLINE: And rightfully so.

16 MS. LUCIUS: - probably, you know. And it makes me more prone to maybe
17 resist. I mean, it's going to go against the development community if they continue to
18 do like this.

19 MR. PALMER: I may be a little off base, but didn't the county give the guy the
20 authority to clear it and he overstepped his bounds by 10%, which is what – 10 acres?

21 MS. ALMEIDA: Give or take.

22 MR. PALMER: So he had the authority to clear it. He did everything by the rules.
23 He had the authority to clear it and he didn't mark it clearly. The engineering firm he

1 hired didn't mark it clearly. And he cut 10 more acres than he was supposed to. He's
2 come back in and said, "Okay, the guys, when they were out on the tractors, plowed
3 down these 10 acres that they weren't supposed to. We're going to plant is back when
4 we get done building and it's going to, so we're going to plant back more than what they
5 knocked down." I'm sorry, but I don't see the problem with it. He did everything legally
6 and he got the permission to do it. He's not out there in the middle of the night cutting
7 something down.

8 CHAIRMAN VAN DINE: I guess my concern is that we don't have a provision
9 available to us which can avoid that circumstance from happening in the beginning.
10 And it seems to me that that – the statements that are being made to sway the Body
11 concerning what will and will not occur out there are things that the people have used in
12 order to make us vote in certain ways. And, as Marsha said, when clear cutting of this
13 nature happens after we have been clearly told that it was not going to, regardless of
14 whether or not a permit was issued or not, the question becomes how much can we
15 trust the individuals who are making these representations to us at the very beginning of
16 the stage? And my concern is that we give lip service only to preservation of certain
17 things because we don't have a strong enough act in which to look at those particular
18 tree issues, landscape issues, or whatever. And I think that it's hard for us up here to
19 say that, as Pat says, the individual has not done what he's legally required to do.
20 Sometimes there's something beyond the legal standard that you have to apply if you
21 have taken the moral high ground to state your position before a body as to what you
22 intend to do.

1 MR. PALMER: Is this not a new owner of this property? Didn't you say that he
2 had sold – that the guy came in to us and got it rezoned and sold off to other people?

3 CHAIRMAN VAN DINE: And therein lies the problem if we do not put something
4 in –

5 MR. PALMER: We don't know if he knew that.

6 CHAIRMAN VAN DINE: If we do not know who it's going to be sold to, so
7 therefore anybody who comes in here and rezones anything and immediately, the next
8 day, turn around and, if it's not written down as to the requirements that exist on that
9 piece of property, then they can do anything they want to. And I think therein lies the
10 problem when we either do the subdivision or we do the rezonings.

11 MR. PALMER: Well, we realize that. And we mention that almost every meeting
12 that –

13 CHAIRMAN VAN DINE: We don't have anything to do about it.

14 MR. PALMER: - that's the reason that we – that sometimes we push for a PUD
15 rather than a rezoning. And I know that we say it almost every meeting that, well, the
16 zoning carries with the property. It doesn't carry with the [inaudible].

17 CHAIRMAN VAN DINE: This was a PUD.

18 MS. LUCIUS: This is a PUD.

19 CHAIRMAN VAN DINE: This was a PUD.

20 MR. PALMER: Then why is it that a PUD is not – why was it not in the rules of
21 the PUD that he could not clear cut? What was going on over there? Why was that not
22 in the conditions?

1 MR. GOSLINE: Well, a couple of things here. One is the applicant is here now if
2 you'd like to address some of these questions to them. But, you know, we talked –
3 when we were talking about the Land Development Code [inaudible] painful, so to
4 speak, for a violation. You know, how far down the chain do you go? It could have
5 been that the engineers did what they were supposed to do and the bulldozer driver
6 didn't. So, do you take them both? Maybe.

7 MR. JACKSON: Well, somebody has to be responsible.

8 MR. GOSLINE: But, anyway, that sort of thing. So it's very frustrating for all of
9 us, you know, this whole thing. But it largely relates back to the fact that the General
10 Assembly is not giving local governments enough authority to make these things
11 happen and to prevent this kind of stuff by, you know, legal actions.

12 MS. WYATT: Well, luckily we have a state representative, now, that has served
13 on County Council that I spoke to over the weekend about this issue that hopefully is
14 going to make some changes in that regard.

15 MR. GOSLINE: Certainly hope so.

16 MR. PALMER: Well, just the last thing I'd like to say about it is if this guy had
17 done something illegal and underhanded, I would be the first one leading the charge
18 against it. But he abided by the rules and did what he was supposed to do and has
19 made a miscalculation that can happen to anybody and has cut ten more acres than he
20 was supposed to and is going to come back in and plant more back than what he was
21 supposed to. If he had done something wrong or illegal or underhanded, I'd be the first
22 one in line to say do something about it. But he's abided by the rules and done what
23 he's supposed to do.

1 MS. ALMEIDA: Well, I think what frustrates, I think, even Staff is there's a
2 concept that is sold, so to speak, when they come in with a PUD. And many times -
3 you're right, Mr. Palmer – for whatever financial reasons or economic times, the
4 development is sold off in bits and pieces, but the concept isn't sold. And, therefore,
5 yes, they do meet the densities and all of the numbers, so to speak, of a PUD, but they
6 don't adhere to the concept that was once sold. That's not part of the verbiage in the
7 PUD and maybe that's what needs to be tightened up –

8 MR. PALMER: When the –

9 MS. ALMEIDA: - in that respect.

10 MS. WYATT: I have a question in regards to the agreement that has been
11 signed. And correct me if I make a misstatement. But an individual owned this piece of
12 property. He has sold it. Who is the agreement signed with? The original owner or the
13 current owner? And how binding is it on any transfer down?

14 MS. ALMEIDA: Well, the PUD runs with the land.

15 MS. ALMEIDA: Okay.

16 CHAIRMAN VAN DINE: But the agreement to reforest, who was that with and is
17 that registered as part of the property?

18 MS. ALMEIDA: That is with the developer of that phase, Beazer Homes.

19 MS. WYATT: You're still missing my question. Legally, if you own that piece of
20 property right now and you've signed an agreement with me between the two of us and
21 I sell it, the new owner may not have the responsibility to reforest. That's what I'm trying
22 to find out from you. What's –

1 CHAIRMAN VAN DINE: Unless it is registered. Unless it is filed as a registered
2 document it's the property –

3 MR. GOSLINE: But the zoning runs with the land. The practical problem comes
4 in - you know, how – what would we do? In this particular, Mr. Barnwell sold the land to
5 Beazer Homes to develop. So we don't know, nor should we know, what's in the private
6 sales contract to know whether or not the if the provision of the PUD carried over.
7 That's –

8 MS. WYATT: But maybe I missed what Anna had said a little while ago. I
9 understood this agreement to reforest was with the county.

10 MS. GOSLINE: It's between the county and –

11 MS. WYATT: Well, then, that's not private information, Carl, of something that's
12 in the sales contract. That should be public information. It affects me as a taxpayer of
13 this county. It's public information.

14 MR. GOSLINE: Well, absolutely, that is.

15 MS. WYATT: So I still so back to say, how binding is that contract or that
16 agreement to reforest?

17 MS. ALMEIDA: Well, the plan was approved initially, the controlled clearing plan.
18 Whoever the owner was at that time is irrelevant with us. They violated that plan. They
19 had to come back with another plan in order to move forward in their development.
20 And, therefore, we have an approved plan, now.

21 MS. WYATT: Ms. Linder, maybe you can jump in on this conversation and see if
22 you –

1 MR. CRISS: Amelia did come up with a suggestion to me during your
2 conversation that, perhaps, future development regulations should include the option of
3 performance bonds for large-scale, well, clear cutting operations so that those that do
4 transgress have a more significant consequence than the current magisterial system
5 provides. But that doesn't provide any remedy for this instance.

6 CHAIRMAN VAN DINE: I hate to cut off the conversation to move forward, but at
7 this stage, the trees have been cut. This discussion is more of a perspective discussion
8 of what to do in the future. I don't think it addresses the issue that we looked at here,
9 which is the request for the subdivision approval. And, so, if we can sort of get back to
10 that particular issue. I do have one question which I think ties into this. At one point in
11 time there was a discussion about attempting to tie in – I think it's Ivy Glen – with this
12 subdivision to almost have sort of a passthrough. Has that gone anyplace? Has
13 anything –

14 MR. GOSLINE: Yes, they do tie. It's Killian Green. And they do tie in.

15 MS. LUCIUS: They do? Yeah. That was one of my –

16 CHAIRMAN VAN DINE: Did the Killian Green PUD come back for a minor
17 amendment? Didn't they have to have –

18 MR. GOSLINE: No. The Killian Green – I'm sure. I'll verify it. But I'm pretty sure
19 that when we did the Killian Green PUD that they had the outlet. And we discussed that
20 I'm pretty sure. I can verify that.

21 CHAIRMAN VAN DINE: Can you look at that?

22 MR. GOSLINE: But I'm sure that we got that worked out ahead of time as
23 opposed to the one coming up on the agenda later.

1 CHAIRMAN VAN DINE: We're getting a headshake in the back. But I just want
2 to make sure that you've done what you need to do here, which is to amend the PUD to
3 make sure that Killian Green does have, as part of its PUD, that that attachment can
4 occur so something in the future doesn't come down on that.

5 MR. GOSLINE: I'll get you something next time. But I'm real sure that
6 connection had been worked out because it's a PUD.

7 CHAIRMAN VAN DINE: Well, I think it's been worked out. I just want to make
8 sure that documentation-wise we have what is necessary as far as all PUDs are
9 concerned.

10 MS. LUCIUS: Nothing else in the PUD changed like not to exceed 900 units.
11 That hasn't changed. I mean it's just the fact that the –

12 MR. GOSLINE: No, ma'am.

13 MS. LUCIUS: - tree clearing was not exactly the way we were told it would be.

14 MR. GOSLINE: And actually - the PUD was for 900 units -

15 MS. LUCIUS: Right. Not to exceed.

16 MR. GOSLINE: - but that also includes multi-family on the south side of the lake,
17 which hasn't even –

18 MS. LUCIUS: Right. But the total PUD –

19 MR. GOSLINE: Right.

20 MS. LUCIUS: - was not to exceed 900 units.

21 MR. GOSLINE: No, ma'am.

22 CHAIRMAN VAN DINE: Now, Mr. Gosline, is there really a need for specific
23 condition A at this stage?

1 MS. LUCIUS: I don't think so.

2 MR. GOSLINE: Probably not.

3 CHAIRMAN VAN DINE: It would seem to me that that entire area has already
4 been well cleared.

5 MR. GOSLINE: I'd say that's – thank you for pointing that out.

6 MS. LUCIUS: But, you know, we did delay approval for another developer for one
7 month for this same reason. Why are we going to treat this one any differently?

8 MR. GREEN: My understanding is that what we all want to see is the replanting
9 but that can't occur until after development's finished, anyway. So.

10 MS. LUCIUS: That makes a difference?

11 MR. GREEN: To me it's –

12 MS. LUCIUS: See, I think we should –

13 MR. GREEN: To me, I mean I'd like –

14 MS. LUCIUS: - treat everyone equally.

15 MR. GREEN: - you know, if it made sense to do it first to have that done first.
16 But, apparently, in this case it doesn't make sense to do it first. Actually it would work
17 against what you're talking about, so.

18 MS. LUCIUS: Well, the other one didn't involve any replanting either.

19 MR. GREEN: Right.

20 MS. LUCIUS: I just want to make sure we treat everyone equally.

21 MR. GOSLINE: I think, also, Commissioners – and we had this discussion a lot,
22 too – is that it's a lot easier to just clear cut everything and then replant it.

23 MS. LUCIUS: Well, I know.

1 MR. GOSLINE: It makes it a lot easier for construction.

2 MS. LUCIUS: But we need to figure out a way to make that not easy.

3 MR. GOSLINE: Or at least conform to some plan and if they don't conform to the
4 plan really make it an economically, an economic disincentive to do so.

5 MR. MANNING: Mr. Chairman, I think what Carl's saying is kind of part of the
6 problem that, in a PUD, I think in the past we've been approving plans that are just
7 generic by zoning classification [inaudible] most specific to it. Once that's approved and
8 it goes back to Staff and the lotting takes place or layout takes place, it didn't conform to
9 the statements that were made, that's where we get in trouble. So if you've got a layout
10 with a plan attached, it would make it a lot easier to conform to the original intent of the
11 request.

12 CHAIRMAN VAN DINE: I think we've dealt with that. I think we that the new
13 Land Development Code actually enhances what is required with a PUD application.
14 Unfortunately we're dealing with a lot of these that are the old one in which that
15 particular document, that layout, was not actually required.

16 MR. GOSLINE: Mr. Chairman, it's very clear to all the Commissioners that the
17 zoning really doesn't have any particular bearing on the clear cutting because we
18 require that in the subdivision process, like the sketch plan and everything, and so to
19 the extent we can bind them at all by the plans, even if it's got the right zoning, they're
20 going to have to do it, anyway. So it's not – it's got nothing to do with the fact that it's a
21 PUD that they have to do. They have to do it. Period.

22 MS. LUCIUS: Well, there's still a portion of this PUD that has not been clear cut.

23 MR. GOSLINE: That's correct.

1 MS. LUCIUS: So they get another chance to do it right.

2 MR. GOSLINE: That'd be the south side of the lake.

3 MS. WYATT: There's some [inaudible] need to leave that 'A' in there.

4 MS. LUCIUS: Huh?

5 CHAIRMAN VAN DINE: But that's just for this subdivision right here.

6 MR. GREEN: Mr. Chairman, I would make a motion that we approve the
7 subdivision subject to conditions on page 60 of the Staff Report. I think it's on page 69.

8 MS. LUCIUS: With the exclusion of –

9 CHAIRMAN VAN DINE: Including 'A' in there even though it –

10 MR. GREEN: 'A' to the extent it could potentially be relevant, we might as well
11 leave it in.

12 CHAIRMAN VAN DINE: Okay. Do I hear a second?

13 MR. FURGESS: Second.

14 CHAIRMAN VAN DINE: Any further discussion?

15 MS. WYATT: I'll just say, Mr. Chair, I'm not going to support the motion. I've got
16 no problem with the subdivision. I've got a problem with approving something that the
17 document for the replanting was not provided to us. No one in Staff seems to know how
18 legally binding it is, and I can't support that until I know.

19 CHAIRMAN VAN DINE: Anything else? All those in favor of approval signify by
20 raising your hand. All those opposed.

21 *[Approved: Palmer, Furgess, Green, Manning, McBride; Opposed: Lucius, Van Dine,*
22 *Wyatt; Absent: Jackson]*

23 CHAIRMAN VAN DINE: All right.

1 MS. LUCIUS: For the reasons that Ms. Wyatt just stated.

2 CHAIRMAN VAN DINE: Next we have SD-05-134, Stoney Pastures.

3 **CASE SD-05-134:**

4 MR. GOSLINE: Mr. Chairman and Members, this is Phase 1 of zoning PUD
5 project at out Old Two Notch Road and Bookman Road that was approved a couple of
6 months back. In that approval if you'll look on pages 78 and 79, there was some, in the
7 PUD approval, there were some special conditions that were added to them. The
8 applicant has submitted the documentation to dedicate the right-of-way along Bookman
9 Road and it's working its way through the process. Then at the top of page 79 there
10 was a condition that they would have to do the turn lanes and that sort of thing. And I
11 assume that they're working on that. I don't know the current status of the – you had
12 asked about a wetlands study, which is at the top of page 79. And I don't have any
13 knowledge of what the status of that is here. The applicant is here and maybe they can
14 answer. But, anyway, we recommend approval subject to that condition about the
15 wetlands study being submitted to the Department prior to any building permits being
16 issued. Staff recommends approval with the conditions on pages 79 and 80.

17 CHAIRMAN VAN DINE: If I recall, also during that conversation we had a
18 discussion about making sure the roads were aligning up with –

19 MR. GOSLINE: Yeah, they do.

20 CHAIRMAN VAN DINE: - other roads. And, apparently, if I look at the plat they
21 do align up with Ringwood.

22 MR. GOSLINE: Uh-hum (affirmative).

1 CHAIRMAN VAN DINE: Any questions for Staff? Does anybody need to address
2 anything to the applicant?

3 MS. WYATT: I'd just like to ask what is the status of the wetlands study.

4 AUDIENCE MEMBER: We have that [inaudible].

5 MS. WYATT: You have?

6 AUDIENCE MEMBER: Yes, ma'am.

7 MS. WYATT: Okay. Would you make sure you get a copy of that to Staff,
8 please?

9 AUDIENCE MEMBER: Yes, ma'am [inaudible].

10 CHAIRMAN VAN DINE: Any further questions?

11 MS. LUCIUS: I would like to know what it was.

12 MR. GOSLINE: Yeah. We'll get you copies.

13 MS. LUCIUS: No, I mean –

14 MR. GOSLINE: You mean now?

15 MS. LUCIUS: Yeah.

16 CHAIRMAN VAN DINE: Does it have any impact or implications to the layout that
17 we're talking here?

18 AUDIENCE MEMBER: Phase 1 does not.

19 MS. LUCIUS: Phase 1 does not? Okay. It's okay. So this area we're looking at
20 today is not in the area that we were concerned about?

21 MR. GOSLINE: Right.

22 MS. LUCIUS: Is that what you're saying?

23 AUDIENCE MEMBER: That is correct.

1 MS. LUCIUS: It was a lot of isolated wetlands that we were concerned about.

2 MS. WYATT: Mr. Chair, with all that said, then I'll make a recommendation of
3 approval.

4 CHAIRMAN VAN DINE: Do we have a second?

5 MS. WYATT: Subject to the conditions on page 78, 79, and a portion of 80.

6 MR. GREEN: Second.

7 CHAIRMAN VAN DINE: Motion and a second for approval. Any further
8 discussion? All those in favor please signify by raising your hand.

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

11 CHAIRMAN VAN DINE: Next. SD-05-125, Campground Oaks.

12 **CASE SD-05-125:**

13 MR. GOSLINE: Mr. Chairman and Members, this is a request for a minor
14 subdivision on Campground Road to divide 4.5 acres into four lots. Staff recommends
15 approval. This is just across Campground Road from a City of Columbia water tower
16 almost to where Heyward Brockington comes in.

17 CHAIRMAN VAN DINE: There are no internal roads?

18 MR. GOSLINE: Right.

19 CHAIRMAN VAN DINE: All these are divided along the road?

20 MR. GOSLINE: Yes. And they have the shared driveways and all that to meet
21 the separation requirements.

22 MS. LUCIUS: Yeah. I couldn't tell where the drives where. I couldn't tell if they
23 met the requirements.

1 CHAIRMAN VAN DINE: They do have shared?

2 MS. WYATT: They're shared. They're shared.

3 MS. LUCIUS: Oh, it's a shared drive.

4 MS. WYATT: There. Those – yeah. The first two are.

5 MR. GOSLINE: There's two shared. It's a little hard to tell, but the –

6 MS. LUCIUS: Oh, I see. Okay. I got you.

7 CHAIRMAN VAN DINE: Those are not as conditions of the approval, though, that
8 those shared driveways are going to be maintained, is it?

9 MR. GOSLINE: No. But they should be. I would suggest that you add that as a
10 condition to your approval.

11 MS. LUCIUS: To maintain shared drives? Mr. Chairman, I would like to make a
12 motion to approve this subject to those specific conditions with the addition of Condition
13 'H', maintaining the shared driveway.

14 CHAIRMAN VAN DINE: Maintaining as in continuation of -

15 MS. LUCIUS: Right. Continuing the shared driveways. Right.

16 CHAIRMAN VAN DINE: Okay. Do I hear a second.

17 MR. GREEN: Second.

18 CHAIRMAN VAN DINE: We have a motion for approval subject to the conditions
19 on page 89 and with the additional condition that the shared drive be maintained and
20 continued as part of the approval process, as part of the subdivision approval. All those
21 in favor please signify by raising your hand. All those opposed.

22 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Manning, Van Dine, McBride;*
23 *Absent: Jackson]*

1 CHAIRMAN VAN DINE: All right.

2 **CASE SD-05-128:**

3 MR. GOSLINE: Mr. Chairman, Members, the next one is another minor
4 subdivision on Langford Road east of Blythewood. This is dividing 2.3 acres into three
5 lots. Water is available. In the Staff Report we said the Town of Blythewood. The
6 Town of Blythewood actually resells water supplied by the Town of Winnsboro. So
7 that's it. And you might want to add the condition 'D', the same condition about the
8 shared entrance. Although when you approve the plat, the plat has these shared
9 driveways on it, anyway. But it's always good to make it crystal clear. Staff
10 recommends approval subject to the conditions on page 99.

11 CHAIRMAN VAN DINE: Any questions of Staff?

12 MR. FURGESS: Move that we approve with the condition on 99.

13 CHAIRMAN VAN DINE: Are you adding the condition of the shared drive?

14 MR. FURGESS: Shared drive also.

15 CHAIRMAN VAN DINE: That would be between parcels 'B' and 'C'. Do I hear a
16 second?

17 MR. MCBRIDE: I'll second.

18 CHAIRMAN VAN DINE: All right. We have a motion for approval and a second
19 subject to the conditions on page 99 with the addition of a condition that the shared
20 drive between parcels 'B' and 'C' be part of the plat and continued. All those in favor
21 please signify by raising your hand.

22 *[Approved: Palmer, Furgess, Lucius, Van Dine, Wyatt, Green, Manning, McBride;*
23 *Absent: Jackson]*

1 CHAIRMAN VAN DINE: All right. SD-05-132.

2 **CASE SD-05-132:**

3 MR. GOSLINE: Mr. Chairman, Members, this is a request for Phase 4 and 5 of
4 Legend Oaks in the Summit. Staff recommends approval subject to the conditions.
5 There was one question that I think was just a typo but we wanted to put it in the Staff
6 Report to be sure that page 106-107, the submitted plat, depicts a frontyard setback of
7 22.5' when the rest of the project the setback was 25'. So the Staff believes that the
8 front setback should be 25' and we made that as Condition 'B' on page 107. Other than
9 that, Staff recommends approval.

10 CHAIRMAN VAN DINE: Questions for Staff.

11 MS. LUCIUS: Is that little green spot in the middle of that – is that a wetlands?

12 MR. GOSLINE: Well, that's kind of hard - this whole area is high sandhills.

13 MS. LUCIUS: Okay.

14 MR. GOSLINE: And that – the aerial probably overdramatizes that. But it is a
15 depression.

16 MS. LUCIUS: Okay.

17 MS. WYATT: But it doesn't show up on the maps as wetlands.

18 MS. LUCIUS: It doesn't show up on the layout. Huh-uh (negative).

19 CHAIRMAN VAN DINE: Yes, sir.

20 **TESTIMONY OF CLIFF KINDER:**

21 MR. KINDER: Mr. Chairman, Commission Members, my name is Cliff Kinder.
22 I'm the developer. And with all due respect to Staff and to Mr. Gosline, 22.5' is not a
23 typo. This is the fourth phase, and final phase, of the development. The first two

1 phases the front setback line was 25'. The third phase was built, approved with a 22.5'
2 setback. We find that works real well. So the phase that you have in front of you today
3 is also planned and designed to be a 22.5' front yard setback. So, with the exception of
4 that recommendation on the Staff approval letter, we're good to go and we appreciate
5 all their efforts in that regard. Insofar as wetlands are concerned, we do have a
6 wetlands letter approved by the Corps and there are no jurisdictional wetlands on this
7 property.

8 MS. LUCIUS: In other words their isolated. Is that what you're saying? Is it an
9 isolated wetlands?

10 MR. KINDER: I don't know. I don't know. It's not a jurisdictional wetlands. The
11 Corps has relinquished any authority.

12 MS. LUCIUS: I understand.

13 MR. KINDER: It is a low area. It's full of privet. But I don't know if it's an isolated
14 wetlands or whether it's a low area.

15 MS. LUCIUS: The isolateds really have no protection any more. And I'm just
16 wondering what we, as a county, are going to do. Okay. Thank you.

17 MR. KINDER: If y'all would consider the 22.5' front yard setback, I'd appreciate it.

18 MR. GOSLINE: It doesn't make any difference to the Staff.

19 CHAIRMAN VAN DINE: If you look at on 11, the site is noted. There is an
20 undeveloped portion below that sort of circular drive.

21 MR. GOSLINE: That's a retention pond isn't it, Cliff?

22 MR. KINDER: Yes, it is.

23 MR. GOSLINE: Right.

1 CHAIRMAN VAN DINE: The complete, undeveloped area to the, I will call it, the
2 southwest of the site property, is that someone else's property that's undeveloped? Is
3 that under any kind of -

4 MR. GOSLINE: If you're talking about the little triangle on the aerial -

5 CHAIRMAN VAN DINE: No, no, no, no. Way down south. The bigger piece.
6 About the same size as the site.

7 MR. PALMER: Just to the left of the site.

8 MR. GOSLINE: Oh, just to the left of the site. Now that's - that's Fox Run, isn't
9 it?

10 MR. KINDER: Yes, that's pretty fully developed now.

11 MR. GOSLINE: That's Fox Run.

12 CHAIRMAN VAN DINE: I see what's developed, but then there's an undeveloped
13 area. Is this aerial old enough that it should not look like this anymore?

14 MR. GOSLINE: Correct.

15 MR. KINDER: Yes, it is.

16 CHAIRMAN VAN DINE: Okay.

17 MR. KINDER: That area that you're talking about is developed now.

18 CHAIRMAN VAN DINE: Okay. So all of this now is developed into housing.

19 MR. GOSLINE: Yeah. This completes, really will complete this portion of the
20 Summit.

21 CHAIRMAN VAN DINE: All right.

22 MR. KINDER: Thank you.

1 MR. PALMER: Mr. Chairman, I make a recommendation to approve subject to
2 the conditions and taking letter 'B' out.

3 CHAIRMAN VAN DINE: Can I make a suggestion that instead of eliminating 'B'
4 that we make it 22.5'?

5 MR. PALMER: Well, I think the plat probably says 22.5'. We don't need to
6 reiterate what the plat says.

7 CHAIRMAN VAN DINE: I can't read that on the plat. And just to make sure.

8 MR. PALMER: Carl says the plat says 22.5'. If you want to put it on it, that's fine.
9 But the plat says 22.5.

10 CHAIRMAN VAN DINE: Just seems to me if it's written in it, it's easier to address
11 it if it's part of the ordinance.

12 MR. PALMER: We can change it to 22.5, it's fine with me.

13 CHAIRMAN VAN DINE: Do I hear a second?

14 MR. MANNING: Second.

15 CHAIRMAN VAN DINE: We have a motion to approve subject to conditions on
16 page 107.

17 MR. GOSLINE: Who moved and who seconded? I'm sorry.

18 CHAIRMAN VAN DINE: Mr. Palmer made the motion. Mr. Manning made the
19 second subject to the conditions on page 107 modifying 'B' to be 22.5' as opposed to
20 25. All those in favor please signify by raising your hand. All those opposed.

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

1 CHAIRMAN VAN DINE: All right. That ends the subdivision review portion.
2 What I would suggest is we take a five minute break here. I know everybody's been
3 waiting for a while, but we have been sitting here for a little while.

4 *[BREAK]*

5 CHAIRMAN VAN DINE: Can we get started again? This will open the New
6 Business – Zoning Map Amendments portion of our meeting. The first case we have is
7 05-03 MA. The applicant is Stedfast Unmovable Ministries. Mr. Gosline.

8 **CASE 05-03 MA:**

9 MR. GOSLINE: Mr. Chairman and Members, this is a request to change an 11
10 acre piece of property on Clemson Road from RS-2 to C-3. It's located approximately
11 across from the entrance to Hester Woods and Killian Station subdivision and that PUD
12 that's shown on your map on page 119. Staff recommends denial based on the
13 discussion on page 116 and 117.

14 CHAIRMAN VAN DINE: All right. We have two people signed up and when you
15 come up please make sure that you give us your name and address and you'll be
16 limited to three minutes to provide us with your comments, please. First is Nancy
17 Johnson. Pastor Goodwin, you would be next.

18 **TESTIMONY OF NANCY JOHNSON:**

19 MS. JOHNSON: My name is Nancy Johnson. My address is 101 Wild Oak Trail,
20 Columbia, 29223. I would like to ask the Committee to listen to some points that we feel
21 is very important to bring out to the Committee. First of all, I sold this property to
22 Stedfast Ministry over 12 years ago and at that time the intent was to build a church
23 there. The Ministry needs and services have changed. The Ministry is more of an

1 intown ministry at this time. So they have decided to sell the property. And knowing
2 that this is a strong growth corridor in the northeast area, when I sat down to list the
3 property with Pastor Goodwin and other members, as their agent and them as my client,
4 I wanted to make sure that they put the land on the market and try to get the highest
5 and best use. And, as you know, there is a lot of growth in northeast Columbia. And I
6 read the information and the recommendation for a denial, for it not being rezoned
7 commercial. And I strongly differ with that. And I think some consideration should be
8 given. For the length of time that I've had the property marketed I've had people with
9 uses that stem from a private school moving from the southeast over to the northeast, a
10 veterinarian clinic, a funeral home with a memorial parlor, and a reception hall. I,
11 personally, as a realtor showing residential property, selling commercial property, I don't
12 feel like any of these businesses would add that much traffic to the area. And I think
13 that it would actually – it's actually would be an asset because the commercial property
14 that's been zoned commercial across the street does not have any of these in place.
15 So I ask for your consideration on those basis of the highest and best use. And I don't
16 believe it's in my client's best interest to have 20 to 25 residential homes built there
17 when other people are getting their's zoned C-1 and C-3 for highest and best use. I
18 thank you for hearing my concern.

19 CHAIRMAN VAN DINE: Thank you. Pastor Goodwin.

20 **TESTIMONY OF SAM GOODWIN:**

21 PASTOR GOODWIN: Pastor Sam Goodwin. My address it 316 Wilkeshire Way
22 in Columbia. As Nancy has mentioned earlier, our ministry shifted to inner-city. And as
23 a result of – I think we purchased the property in 1990. We wanted to make sure that

1 the investment that we put in the property we would get out of our property. And as the
2 diagrams that you see, the frontage on that property is, what, 150 – the length of the
3 football field. I think it's - the state commission gave us two entrances to the property,
4 you know. Larger in the front. It gets smaller in the back. And even with that, going on
5 the property and coming off the property, then the accessibility for two entrances to the
6 property is very good. Thank you.

7 CHAIRMAN VAN DINE: Thank you. Those are all the people who are signed up.
8 Any questions for Staff?

9 MR. PALMER: I have a couple of questions. One, this project, this rezoning, is
10 operating at a level 'C' – the traffic. And even with the proposed increase it would not
11 change that?

12 MR. GOSLINE: [Nods yes]

13 MR. PALMER: So your reason for recommending denial is that it's not in
14 compliance with the proposed Land Use Map and the I-77 Sub-area Plan?

15 MR. GOSLINE: Correct.

16 MR. PALMER: Do we not have zonings coming before us every month that are
17 not consistent with those and you recommend approval?

18 MR. GOSLINE: Probably. Particularly in the I-77 corridor, Mr. Palmer, because
19 so much of that was designated on the plan for industrial development. And virtually all,
20 up to date, the only development that's occurred has been residential. We've got a
21 couple, you know, the Turkey Farm PUD and some others. But that's correct.

22 MR. PALMER: Okay.

23 MR. GOSLINE: That's a correct thing to say.

1 MR. PALMER: I just see that as a little inconsistent. And also that I don't – me
2 personally – I wouldn't want to live in a residence on a main thoroughfare like this. But
3 that's just me, personally. I think it's well suited for C-3. And since out in this area the
4 main reason that we recommend denial for C-3 zoning is because of traffic and this
5 particular project would not exceed the level 'C' traffic, I don't see any reason for
6 denying it.

7 MR. GOSLINE: That's not totally true, Mr. Palmer. We do - on Hardscrabble
8 Road we've recommended against just about everything -

9 MR. PALMER: Right.

10 MR. GOSLINE: - because of traffic. And I –

11 MR. PALMER: Well, I'm lumping this area as Clemson Road, Hardscrabble. This
12 is kind of the northeast area.

13 MR. GOSLINE: But in the Clemson Road, we've drawn a line, you know, policy-
14 wise or practice-wise that's considerably east of here and we have routinely
15 recommended against any straight commercial zoning in that regard. This particular
16 piece you could certainly do a residential subdivision with, you know, 'x' number of lots
17 or combine it with some other parcels along there and do a single-family, detached
18 residential subdivision. I mean, next door there's substantial numbers of lots. The pro –
19 just for the record the –

20 MR. PALMER: But that's making the assumption that those people want to sell or
21 want to sell for a reasonable amount of money.

22 MR. GOSLINE: Well, I understand that. I understand that. I'm just saying –

23 MR. PALMER: I can't look at what other parcels are going to do.

1 MR. GOSLINE: I understand that. I'm just saying it could be done. And then the
2 area right across Clemson Road is the Killian – Hester Woods – Killian Station PUD that
3 Mr. Carboy's doing. And that PUD had some commercial pieces to it.

4 MR. PALMER: So there's going to be commercial across the street from it.

5 MR. GOSLINE: Some of it.

6 MS. LUCIUS: So that was the commercial that was mentioned.

7 MR. GOSLINE: Some of that. And when that came through there was some
8 discussion about that and the Commission, and ultimately Council, decided that the
9 commercial within that overall PUD was an appropriate thing to do. You also have the
10 Killian Green project which is on the other side of the elementary school. It had a two
11 acre commercial portion of that, which is under development for a bank.

12 MR. PALMER: So what you're telling me is that while we may have, in our
13 thought process, a line and we're somewhat east of that line for zoning of C-3, we are
14 zoning stuff commercial but we're just doing it under PUDs.

15 MR. GOSLINE: That's true.

16 MR. PALMER: Okay. So this guy's coming in looking for a straight rezoning to a
17 C-3 and it's a recommendation of denial even though other people are doing it under
18 PUD clothing.

19 MS. LUCIUS: Well that's not really true. We do approve commercial at nodes,
20 too. This obviously is not a node.

21 MR. PALMER: Right. But that's what I'm saying. That's what I'm saying.
22 Further down it's – what Carl was saying was that –

23 MS. LUCIUS: It's the node at Hardscrabble and Clemson.

1 MS. WYATT: And this is, Pat, this goes considerably further than that. And even
2 in-between this property and back to that node, we've denied. We denied the owner of
3 1010 [inaudible] repeatedly.

4 MR. PALMER: But we've approved with PUDs. We've approved through PUDs.

5 MS. WYATT: We denied Mr. McGee down on Hardscrabble because they all
6 exceeded –

7 MR. PALMER: But we've approved through PUDs.

8 MR. GREEN: Mr. Chairman.

9 CHAIRMAN VAN DINE: Mr. Green.

10 MR. GREEN: Mr. Gosline?

11 MR. GOSLINE: Yes, sir.

12 MR. GREEN: Help me with my memory on the commercial component to, –

13 MR. GOSLINE: You're asking me to help [laughter].

14 MR. GREEN: As I recall, the commercial zoning that's part of Hester Station, or
15 Hester Woods, is C-1 type zoning as opposed to C-3.

16 MR. GOSLINE: It's offices. That's correct.

17 MR. GREEN: And I could – I think I could entertain the possible thought of a C-1
18 as maybe a step down. But I think C-3 – the range of uses available in a C-3. Funeral
19 homes are permitted in a C-1. Schools are permitted in a C-1. Churches are permitted
20 in a C-1. So, you know, I would have to think from a C-3 standpoint, we're intruding into
21 an area that, although we have given a couple of, in essence, rezonings to C-1 type
22 uses, which is what Hester Station was, which is what the State Farm Insurance office
23 was down across from Killian Green.

1 MR. GOSLINE: That's correct.

2 MR. GREEN: I think it might be a little bit of a challenge to expect this to develop
3 as single family. But my thought is is I would not be in favor of a C-3 but might give a,
4 you know, some consideration to a C-1.

5 MR. GOSLINE: It could also develop with some townhouses or something like
6 that. Because there, you know, there's a nice natural area in the back that's part of the
7 Barton Creek that could present some nice amenities. So something like that would –

8 MS. LUCIUS: I wouldn't want to give the impression that coming back with C-1
9 would get everyone's support.

10 MR. GREEN: I'm only suggesting what my view of it would be.

11 MS. LUCIUS: I know. But I just wanted to make that clear. It was RS-1. They
12 bought it for a church? A ministry? They could have done that without a rezoning?

13 MR. GOSLINE: Right. Now I'm sure at the time they had fully understood that.

14 MS. LUCIUS: I mean, they could have put this on an RS-2 without coming to us
15 for a rezoning.

16 MR. GOSLINE: That's correct.

17 CHAIRMAN VAN DINE: I think that – at least partially agree with what Mr. Green
18 has to say. And that is that the list of uses that have been approved under the PUD
19 have been severely restricted in what was going to be going into those areas. So there
20 is much more control as to what can happen and what can't happen. An open C-3
21 opens the door to everything that can possibly be out there and I personally cannot
22 support extending a C-3 all the way down the road, which invariably will mean every
23 one of the parcels between that and up to the corner will be before us on a C-3 under

1 the logic of "You gave it down there. Let's move our way all the way up this road." We
2 have taken the approach that we needed to limit the commercial, especially on
3 Hardscrabble and the Clemson area, two areas of nodes. I think that this request does
4 not follow that policy decision that we have addressed. Eleven acres, there are a fair
5 number of people that will come in and 11 acres, will put housing units in those areas. I
6 can guarantee you that there are people out there in the development community who
7 will do that. So, I don't see that changing this to a C-3 is to the benefit of either the
8 property or the surrounding property owners who are in that area.

9 MR. FURGESS: Could I ask you something, Ms. Goodwin?

10 MR. GOODWIN: I'll address this question first. Over five acres are considered
11 wetlands so we can't build on five acres.

12 CHAIRMAN VAN DINE: Understand.

13 MR. FURGESS: You stated in your comment earlier that the church is not going
14 to move in this area but you want it rezoned C-3 so you can sell this property?

15 MR. GOODWIN: Yes, sir.

16 MR. GOSLINE: Mr. Chairman, I think the Staff's – the - on page 177 under
17 relevant issues, the point we're trying to make is that there are other alternatives, one of
18 which certainly could be some lesser inclusive commercial. It could be PUD. There are
19 other alternatives to develop the property other than retail commercial.

20 MR. PALMER: After listening, I'd have to agree that this would probably be a C-1
21 or a C-2 as a gradual step-down from the node as that's what their intent would be.
22 Would be to gradually step down from C-3 to C-2 to C-1 to residential. This does seem
23 to be on the border of, I mean, you know, there's obviously RS-2 residential. So I could

1 personally support C-1 and maybe see some C-2 and C-1 mixed in between this and
2 the node. That's what I would have to –

3 MR. MCBRIDE: I could support a C-1.

4 CHAIRMAN VAN DINE: We have before us a request for C-3.

5 MS. WYATT: That is not what is before us. That's correct.

6 MR. PALMER: I understand.

7 MR. GOSLINE: Mr. Chairman, I would, with all due respect to the
8 Commissioners, caution you about saying you would support this zoning or that zoning.
9 If you want to talk about alternative land uses, alternative schemes, that's fine. But I
10 would caution you not to use specific zoning categories to what you would or would not
11 support.

12 CHAIRMAN VAN DINE: I think that we have before us a request for C-3 and
13 that's what's before us to address.

14 MR. MANNING: Mr. Chairman, Mr. Gosline, the uses that Mr. Gosline indicated
15 people will want to use the property for, in the current zoning, could they be allowed as
16 a special exception or not?

17 MR. GOSLINE: Well, the church would be allowed as a special exception. They
18 don't want to do that.

19 MR. MANNING: Some of the other uses that she referred to.

20 MR. GOSLINE: I don't remember the list.

21 MS. JOHNSON: That was approved as a special exception probably some
22 seven/eight years ago.

23 MR. GOSLINE: Right.

1 MR. MANNING: What was approved as a special exception?

2 CHAIRMAN VAN DINE: The church.

3 MR. GOSLINE: The church.

4 MS. JOHNSON: To have a church built there.

5 MR. MANNING: But some of the –

6 MS. JOHNSON: You see initially, when the property was initially purchased from
7 The Mungo Company, we were told along with the engineering report, that there was
8 one acre in the floodplain. Now that is down to six acres in the floodplain.

9 MR. MANNING: Right.

10 MS. JOHNSON: And the highest and best use – he's already cut half of the
11 property. Half of the property is already non-buildable, okay? And I think the
12 recommendation to build 25 homes on a highway that's already busy and is going to get
13 busier, that is not going to be in the highest and best use. And I don't see – some of the
14 uses that we have put forth here with people ready to put contracts on the property to
15 build those, I think that that would be in the best interest. If it's not going to be a church,
16 that would be in the best interest of the northeast area because none of those particular
17 businesses are in that area.

18 MR. MANNING: Could you reiterate some of the desired uses that -

19 MS. JOHNSON: One was a veterinarian clinic, a reception hall, a funeral parlor
20 with a memorial center, and the other one was a school, a private school.

21 CHAIRMAN VAN DINE: The problem we have, ma'am is that a C-3 zoning opens
22 it up to everything, not just what somebody's coming forward and talking with you about.
23 It's anything on that list. And so, therefore, while that may be your idea of what

1 somebody will purchase it for, the fact of the matter is tomorrow it could go out and it
2 could be anything on that list. So while, in fact, there are certain items which may be
3 something that people could support as being desirable in that location, as long as it's
4 C-3 that means that we have no control over what went on. And I don't know if you
5 were here earlier to hear our discussion concerning the clear cutting of the land and
6 some of the other issues about what was said at our stages here. But the fact is once it
7 leaves here, given an approval of C-3, that means that anything can happen that could
8 fit within the C-3.

9 MS. JOHNSON: Okay. Not that I understand how your procedures work. This is
10 probably my third time here. But what I would plead to the Committee is if C-3 is totally
11 out of the question, that the Committee reconsider rezoning the RS-2 to a C-1.

12 MS. WYATT: We can't do that, ma'am.

13 MR. GOSLINE: If you choose to do so, you will have to withdraw this application
14 and submit a new one, but you can't do that for 90 days. So your choice, ma'am, is to -
15 the Planning Commission makes a recommendation to the County Council as the final
16 authority. So, in a sense, if you choose to withdraw then that ends everything and you
17 can refile with some other rezoning – won't matter what it is – in 90 days. If you go
18 through and the Planning Commission makes its recommendation and County Council
19 denies you, then you got to wait a year before you could come back.

20 MS. JOHNSON: So the recommendation that was sent to us was that it would be
21 denied as a C-3.

22 MR. GOSLINE: That's the Staff's recommendation to the Planning Commission.

23 MS. WYATT: We haven't taken a vote.

1 MS. JOHNSON: I understand that. That was my next question.

2 CHAIRMAN VAN DINE: And that is the only thing that is before us now is the
3 request to change it to a C-3. We cannot seek any other changes or any other
4 classifications because it has not been posted as that classification on the record. So,
5 therefore, it could not be before us. So the only thing we have before us at this stage
6 right now is a request to change it to a C-3. And the options available are to let this
7 Body vote on that request, to withdraw the request, refile under a different classification
8 within 90 days, or we could vote on it, it could go to County Council and they could
9 either approve, deny, or change our recommendations or do whatever they feel is
10 correct for that particular piece of property. If they were, however, to deny your request
11 it would be one year before you could actually come back before this Body with a new
12 classification request. So those are your options at this point in time. There is not a
13 motion at this Body. We are still in the discussion stage.

14 MR. GOSLINE: Mr. Chairman, if I might?

15 CHAIRMAN VAN DINE: Yes.

16 MR. GOSLINE: There's a slightly – another option. You could see what the
17 Planning Commission's recommendation to the County Council is and subsequently
18 withdraw it, if you want to do that.

19 MR. PALMER: That was my question.

20 MS. JOHNSON: And the same time limit is involved?

21 MR. GOSLINE: Yes, ma'am.

22 CHAIRMAN VAN DINE: Ninety days.

1 MS. JOHNSON: My client and I would rather take the latter. Let the Committee
2 vote and then we would like to [inaudible].

3 CHAIRMAN VAN DINE: Thank you, ma'am. Any other questions for Staff?

4 MS. WYATT: Mr. Chair, if there are no other questions, I'm going to make a
5 motion that we support the Staff on this and deny it. And I can give you about ten
6 reasons why. Partly because I feel very strongly, as I have stated for eight years on this
7 Commission, that the Clemson Road corridor is designed to be a residential corridor
8 and not a commercial corridor. We have been extremely careful in the past not to
9 exceed the lines on those commercial properties beyond about where it is right now.
10 We have repeatedly said 'No' to C-1, C-2, and C-3 anywhere in this general area, as
11 well as on areas of Hardscrabble Road. I feel we have a major traffic situation out
12 there. We've had some discussion already today on the Mungo project and Hobart
13 Road and not getting it paved and not going over railroad tracks. We've had a traffic
14 study that we continue to ignore in here that shows that that end of Longtown, Lee Road
15 and all of that area out there is going to operate, even with widening, it's going to
16 continue to operate as a failure. We cannot take – I don't feel that I can, personally,
17 take the risk of going to a C-3 zoning with the added traffic that could be added by any
18 number of things that could go in there. So for all of those reasons I'm going to request
19 that this go forward or make a recommendation of denial.

20 CHAIRMAN VAN DINE: We have a motion for recommendation of denial. Do I
21 hear a second?

22 MS. LUCIUS: Second.

1 CHAIRMAN VAN DINE: Any further discussion? All those in favor of sending this
2 request forward with a recommendation of denial please signify by raising your hand.

3 All those opposed.

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

6 CHAIRMAN VAN DINE: Then this will go forward to County Council with a
7 recommendation of denial of the request to change it to C-3. You certainly have the
8 option to talk with Staff about what your options are at this point in time. We are a
9 recommending Body. County Council will have final say as to what would happen.

10 When is the next – when would this come up on County Council?

11 MR. GOSLINE: Twenty-fifth.

12 CHAIRMAN VAN DINE: January.

13 MR. GOSLINE: Two weeks. January 25th.

14 CHAIRMAN VAN DINE: January 25th would be the day it would be before it.

15 MR. GOSLINE: If you choose to withdraw, we need a one sentence letter for the
16 file that says you withdraw.

17 MR. CRISS: From the applicant.

18 MR. GOSLINE: It's important that you understand that if you go to the County
19 Council and you get turned down then you have to wait a year. So your decision at this
20 point is do you want to take your chances with the County Council given the Planning
21 Commission's recommendation, or do you want to withdraw and cost you 90 days. But
22 we would need to know like as soon as possible because we've already posted the sites

1 for the County Council and we'll have to get out and take the sign down and all that, if
2 that's your choice. So let us know in the next day or so if you can.

3 MS. LUCIUS: Quick question. Is January 25th the next zoning public hearing for
4 Council?

5 MR. GOSLINE: Yes.

6 MS. LUCIUS: That is the next one?

7 MR. GOSLINE: Right.

8 CHAIRMAN VAN DINE: All right. Next we have on our agenda is 05-31 MA: AG,
9 LLC c/o Keith Gilstrap on McLean Road in Blythewood.

10 **CASE 05-31 MA:**

11 MR. GOSLINE: Mr. Chairman and Members, this is a request to change some
12 RU zoning to M-1 on McLean Road. McLean Road kind of runs about a quarter of a
13 mile or half a mile or so along the adjacent – adjacent to the town of Blythewood. The
14 Department recommends denial for the reasons found on page 128 and 129. The
15 applicant is here if you care to address it.

16 MR. GREEN: Carl, while the applicant's coming up –

17 CHAIRMAN VAN DINE: Would the applicant please come down if you have
18 [inaudible].

19 MR. GREEN: Carl, while they're coming down, let me ask you a quick question.

20 MR. GOSLINE: Yes, sir.

21 MR. GREEN: It appears obvious on the aerial – I'm assuming it's not some of the
22 right-of-way – but there's a road that bounds the northern side of this property that
23 simply doesn't show up on page 131.

1 MS. LUCIUS: Um-hum (affirmative).

2 MR. GOSLINE: Right. That's McLean Road. McLean Road comes –

3 MR. GREEN: Is it a private road? Is that why it doesn't show up?

4 MR. GOSLINE: I don't know why it doesn't show up on the – you're talking about
5 the zoning map?

6 MR. GREEN: Yeah. On 131.

7 MR. GOSLINE: I don't understand that, either.

8 MS. LUCIUS: Yeah. I had to draw it on to mine.

9 MR. GREEN: I just wanted to make sure that wasn't – the reason for it wasn't
10 that it was a private road.

11 MR. GOSLINE: Just for you all's information, on page 132 McLean Road comes
12 off of Wilson Boulevard and it comes down into Langford Road.

13 MR. GREEN: But that is a public road, right?

14 MR. GOSLINE: Yes, sir.

15 AUDIENCE MEMBER: It's Sandfield [inaudible].

16 MR. GOSLINE: It's Sandfield? Oh, I'm sorry. That's right. Langford's the other
17 one.

18 CHAIRMAN VAN DINE: All right.

19 MR. GOSLINE: I'm sorry. The road in the middle that does this is Sandfield
20 Road. This is Langford Road.

21 CHAIRMAN VAN DINE: Is Mr. Gilstrap here?

22 MR. GOSLINE: Mr. Hicks is right there.

1 CHAIRMAN VAN DINE: All right. The following people have signed up to speak
2 against this project. If you, again, come up please state your name and address and if,
3 in fact, you have the same thing to say as the person before, it's alright for you to say, "I
4 agree with the other people before." First would be Butch Nutall.

5 MR. GOSLINE: I thought he was here.

6 MR. PALMER: I have a question. Is the applicant not here?

7 CHAIRMAN VAN DINE: The applicant is not here and no one is signed up in
8 favor of this particular –

9 MR. GOSLINE: I misspoke. I thought that gentleman with the glasses was the
10 applicant, but obviously not.

11 CHAIRMAN VAN DINE: Mr. Nutall, first.

12 **TESTIMONY OF BUTCH NUTALL:**

13 MR. NUTALL: My name is Butch Nutall. I live at 201 McLean Road, Blythewood,
14 which is directly across the street from the property that you want – is to be rezoned.
15 This entire area is really rural residential. We've been there for about 15 years and we'd
16 ask for the Council to deny it.

17 CHAIRMAN VAN DINE: Thank you. Next was Jane Nutall followed by Edmond
18 Monteith.

19 **TESTIMONY OF JANE NUTALL:**

20 MS. NUTALL: Jane Nutall, 201 McLean Road and we just want this area to stay
21 rural as it is.

22 CHAIRMAN VAN DINE: Thank you. Mr. Monteith.

23 **TESTIMONY OF EDMOND MONTEITH:**

1 MR. MONTEITH: I'm Edmond Monteith, a retired lawyer, many years retired. My
2 address has recently changed. It is now 161 Monteith Pond Road simply because
3 we've run out of numbers in Blythewood. I do not live adjacent to this property. I do
4 own property on Sandfield. I do own property on Langford Road/ Blythewood needs to
5 stop growing industrially. I've been there for about 45 years. I've raised three children
6 there. And that's why I moved out there. And it's time to stop industrialization of
7 Blythewood in that area. It is already residential. And if anybody else applies for
8 commercial on that side of the railroad track y'all going to see me again. I am very
9 adamant about Blythewood. We do have a cement plant over there. We can't help
10 that. It's been there for years and years and before y'all even were in existence. But
11 Blythewood needs to stay residential. It is a residential neighborhood and it needs to
12 stay there. I note, Mr. Chairman, you said a little while ago, "We rezone one area. Let
13 somebody move in. The next thing somebody else is going to ask for it. And then
14 somebody else is going to ask for it. And it's going to spread." And that's going to
15 happen in Blythewood if we don't stop it. I have appeared before County Council
16 several times opposing Blythewood and also before the Town Council of Blythewood. I
17 am opposed to Blythewood down that area, which is all residential, becoming
18 commercial. Thank you.

19 CHAIRMAN VAN DINE: Thank you. Carol Fallon.

20 **TESTIMONY OF CAROL FALLON:**

21 MS. FALLON: Mr. Chairman and Committee Members, my name is Carol Fallon,
22 214 McLean Road, Blythewood. My property is adjoining the proposed change site.
23 And as you can see on your map, it is rural and residential. I have a [inaudible] year old

1 farm house, fruit trees, animals. I really don't want a manufacturing facility next door to
2 my home. And, as you can see, my neighbors are in support of this. I'd like to thank
3 you, specifically, Ms. Lucus [sic] and Ms. Wyatt, for your concern about environmental
4 issues and aesthetic issues. What they've done along Farrow Road is heartbreaking. A
5 100 year old apple tree was leveled very recently at the corner of Killian and Farrow
6 Road for some of this development. I personally go and dig heritage flowers from these
7 [inaudible] and old home sites to preserve them on my own property. Blythewood does
8 not want to be Irmo. And I wish we clear cut some of this traffic out instead of the trees.
9 I ask that you deny this request. Thank you.

10 CHAIRMAN VAN DINE: Jeff Fallon.

11 MS. FALLON: My husband is not able to be with me. I signed his name, but he
12 also is opposed.

13 CHAIRMAN VAN DINE: Thank you. Those are all the people that have signed
14 up.

15 MS. LUCIUS: Could I ask a quick question, Mr. Chairman?

16 CHAIRMAN VAN DINE: Certainly.

17 MS. LUCIUS: How long has that, the metal siding office and warehouse, been
18 there?

19 MR. GOSLINE: Don't really know.

20 MS. LUCIUS: Okay. Those residential – the manufactured homes aren't
21 connected to that at all. They're just –

22 MR. GOSLINE: They're on the same piece of property.

23 AUDIENCE MEMBER: There's not a sign company there now.

1 MS. FALLON: There is a metal shop building the former owner used as an
2 automotive painting and repair shop largely for recreation from the heaps of beer cans.

3 MR. GOSLINE: [Laughter] Well, I'd say that's a fairly definitive answer.

4 MS. LUCIUS: That answers my question.

5 CHAIRMAN VAN DINE: Okay!

6 MS. FALLON: [Inaudible] they won't come down McLean Road. They said not
7 enough of us [inaudible].

8 MR. GREEN: Mr. Chairman.

9 MR. MONTEITH: It was never zoned for that use.

10 MS. LUCIUS: I understand that, sir. Thank you.

11 MR. GREEN: Mr. Chairman, to allow the M-1 intrusion further into this area to me
12 doesn't make any sense. I would recommend that we send this forward with a
13 recommendation for denial.

14 MR. MCBRIDE: I'll second.

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

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

20 CHAIRMAN VAN DINE: This will go forward to County Council with a
21 recommendation of denial. They may hear this on January 25th at their 7:00 meeting.
22 And I would suggest that you, again, be in attendance at that meeting if you wish to
23 speak on the request. Thank you.

1 AUDIENCE MEMBERS: We thank you.

2 CHAIRMAN VAN DINE: Next.

3 MS. LUCIUS: I'm sorry. Mr. Chair, could I interrupt?

4 CHAIRMAN VAN DINE: Certainly.

5 MS. LUCIUS: I'm totally confused about why – okay – to the left of this property
6 we said was LI, which is light industrial, yet they were asking for an M-1. I'm just totally
7 confused about when we call something LI and when we call something M-1.

8 MR. CRISS: May I assist?

9 MS. LUCIUS: I know.

10 MR. CRISS: You're still operating under the current code. The new code does
11 not take effect until July 1st.

12 MS. LUCIUS: So, really, that's not LI.

13 MR. CRISS: It needs to be labeled M-1.

14 MS. LUCIUS: That's what I thought.

15 MR. SKIP LIMBAKER: Actually, the reason for that is that's in the Town of
16 Blythewood.

17 MR. CRISS: Ah.

18 MR. LIMBAKER: So it's their –

19 MS. LUCIUS: Okay. But as far as we're concerned, everything –

20 MR. CRISS: Thank you for that clarification.

21 MS. LUCIUS: As far as we're concerned, everything is M-1 until we switch it
22 over.

23 MR. LIMBAKER: Right.

1 MR. CRISS: And, of course, don't trust the same zoning district label to mean the
2 same thing across jurisdictional boundaries. There's no consistency inherent in zoning
3 district labels and names.

4 MS. LUCIUS: So that's not our LI designation.

5 MR. CRISS: I sit corrected.

6 MS. LUCIUS: Okay. Thank you, Mr. Chairman.

7 MR. MANNING: Can I read something, though, where part of the ordinance - M-
8 1, we would not allow the special exception, five-year grandfathering, any new
9 rezoning?

10 MR. CRISS: Please repeat the question.

11 MR. MANNING: Under the current code, the M-1 has been grandfathered for
12 another five years or extended for another five years. And I thought I read something to
13 the effect that any new rezoning couldn't have special exceptions or there were some
14 conditions attached to the new M-1.

15 MR. CRISS: There is a cutoff on requesting M-1 rezonings under the new Land
16 Development Code. Let's see if we have that here.

17 MS. WYATT: I think that's the five years that Mr. Manning is referring to.

18 MS. ALMEIDA: You cannot ask for an M-1 if you don't originate –

19 MR. MANNING: As of the new ordinance date?

20 MS. ALMEIDA: That's right. As of July 1st you cannot request an M-1 if you don't
21 have it –

22 MS. WYATT: But M-1 uses will continue for five years.

23 MR. MANNING: The new ordinance date [inaudible].

1 MS. ALMEIDA: That is correct.

2 MS. WYATT: So come July 1st then we won't see a request for M-1 anymore.

3 MS. ALMEIDA: No. If the zoning – if the parcel has an M-1 designation on it, it
4 can remain M-1. But if it does not, you have to fit within the LI or HI.

5 MS. LUCIUS: That was where all the confusion was coming in. I saw the LI. I
6 thought, well, what's going on?

7 MS. LINDER: Mr. Chairman. For this Board's clarification, as of January 18th,
8 that is our cutoff date. After January 18th the Department's not going to be accepting
9 any requests for M-1.

10 MR. MANNIG: What will y'all do?

11 MR. GREEN: What if someone –

12 MS. LINDER: They can request an LI.

13 MR. MANNING: We don't have an LI.

14 MS. LINDER: It will be in effect by the time it gets to the County Council for
15 approval. It might be a one month wait. But the anticipation is the applications after
16 that date start coming in under the new code classifications.

17 MR. PALMER: So what you're saying is it's got to get through us and then
18 through three readings at Council and by that time [inaudible].

19 MR. GOSLINE: He started under the current code. What Amelia said is
20 applications received after next week.

21 MS. LINDER: Any applications that have come in now until January 18th can be
22 handled under the old code. Anything that comes after January 18th will be handled
23 under the new code.

1 MS. LUCIUS: So when we meet in February then we could be seeing some of
2 those.

3 MS. LINDER: No. You'll still be under the old code in February.

4 MS. WYATT: It would be March before you'd see any of them.

5 MS. LUCIUS: That's right.

6 MR. GOSLINE: Because the agenda deadline is still –

7 MS. LUCIUS: That's right. Okay. March.

8 MS. WYATT: That's just the M-1, though. Correct?

9 MR. CRISS: Yeah. Just the M-1 has a moratorium.

10 MR. PALMER: No, that's everything.

11 MS. LUCIUS: It'd be the M-2, also, wouldn't it?

12 MR. PALMER: That's everything, C-3, GC.

13 MS. LINDER: Okay. All the other districts the cutoff date is after February 1.

14 MR. PALMER: What's the reason for that staggering?

15 CHAIRMAN VAN DINE: Well, it also would seem to me – and I maybe I'm doing
16 stuff wrong in my head but January 18th you could get something in say the 20th, which
17 means you could have it on the March agenda, which would show up for our first March.

18 The first County Council would be the 3rd –

19 MR. GREEN: March 29th.

20 CHAIRMAN VAN DINE: March – whatever. And then it could show up again in
21 April. Would it have to go to May for the third reading or could it be two of them be done
22 in April?

23 MR. CRISS: Conceivably.

1 MS. ALMEIDA: [Inaudible] it got bounced back to the Planning Commission to
2 give it enough time to go back to Council.

3 CHAIRMAN VAN DINE: Oh, but that sounds like a game playing.

4 MS. LINDER: I think the reason for the discrepancy is because it was County
5 Council's intention not to have anymore M-1 zonings. We want to phase the M-1's out
6 and have LI with the new uses under LI. And so they wanted to immediately put a stop
7 to M-1's.

8 MR. GREEN: So after January 18th there's no applications that can be processed
9 with an M-1 request.

10 MS. LINDER: That is correct. Now keep in mind also the ordinance that places
11 this moratorium has not been adopted.

12 MR. CRISS: Right. Good point.

13 MS. LINDER: So that's another consideration.

14 CHAIRMAN VAN DINE: But as of right now that ordinance doesn't matter
15 because it hasn't been adopted.

16 MR. GOSLINE: Correct.

17 MR. PALMER: And it won't be adopted until after January 18th.

18 MS. WYATT: So we're to forget what you've just told us. Kind of like a judge
19 telling you not to listen to what they –

20 CHAIRMAN VAN DINE: This is what you would refer to as – what do they call it
21 on – perspective rulings or -

22 MR. GREEN: I've got some words for it [inaudible]. It's a more slangy term.

23 CHAIRMAN VAN DINE: Advisory opinions.

1 MS. LUCIUS: Mr. Chair, I'm sorry I asked. [Laughter]

2 MS. WYATT: Now we are really confused.

3 MR. CRISS: We need to sort it out, anyway.

4 CHAIRMAN VAN DINE: Let's try and go back to this question here.

5 MS. LINDER: Okay. I apologize to the Commission.

6 MS. WYATT: Well, let me ask you this question. Have they given it first reading?

7 MS. LINDER: Yes, they have.

8 MS. WYATT: Have they given it second reading?

9 MS. LINDER: They have not given it second reading. So I apologize. This is
10 more like me talking and thinking at the same time. But that is correct. This ordinance
11 that would put the moratorium in place has not gone into effect yet.

12 MS. WYATT: But it has had first reading?

13 MS. LINDER: It has had first reading.

14 MS. WYATT: Under the old Council. So the new Council that went into place last
15 week could totally change that later this month.

16 MS. LINDER: This could be on the agenda January 18th for second reading.

17 MS. WYATT: Okay.

18 CHAIRMAN VAN DINE: And then third reading would be when?

19 MS. LINDER: The first Tuesday in February.

20 CHAIRMAN VAN DINE: So, in essence, the 18th doesn't matter because –

21 MS. LINDER: It would then – the moratorium would then go to the February 3rd
22 reading date. It was as of 3rd reading of this ordinance.

23 CHAIRMAN VAN DINE: So we can forget the 18th.

1 MR. GREEN: So from a practical standpoint the 18th is irrelevant.

2 MS. WYATT: Right.

3 MR. GREEN: Because the ordinance that makes the 18th the date hasn't been
4 passed.

5 MR. PALMER: Hasn't had third reading –

6 MS. LINDER: The intention is to put the moratorium into place once this
7 ordinance gets third reading.

8 MR. PALMER: And approval of those minutes? Do you have to approve those
9 minutes, as well?

10 MR. CRISS: Approval of the minutes.

11 MS. LINDER: No. The moratorium would go into place immediately. But if
12 County Council, prior to the minutes being approve would reconsider and take that
13 back, then we would allow the applications to go forward again. But we cannot allow
14 any more in once it's been adopted.

15 CHAIRMAN VAN DINE: What we're, in essence, saying is forget about the 18th.
16 It's going to be February whatever before it has any chance of going into effect. So
17 applications for M-1 can be received through third reading, which will be February
18 something.

19 MS. LINDER: Potentially.

20 MR. CRISS: These dates were chosen some months ago anticipating a certain
21 schedule.

22 MS. LUCIUS: Okay.

1 CHAIRMAN VAN DINE: All right. Let's get back here. We apologize to
2 everybody sitting in the back for this divergence and tangent. 05-32 MA, Barnstormers,
3 Garner's Ferry Road east of Trotter Road.

4 **CASE 05-32 MA:**

5 MR. GOSLINE: Mr. Chairman, Members, this is a proposed PUD that is adjacent
6 to one you approved a couple of months ago called The Farm at McCord's Ferry. This
7 is the property immediately adjacent to it on the east. The Staff recommends approval.
8 If you'll note, there was some discussion – we've had some discussion with Mr. Kinder,
9 since he's the developer of both projects, about having an internal connection between
10 the two of them. We can take care of this by one addition to the conditions on page
11 143, where it talks about limiting access to the site to one intersection on Garner's Ferry
12 Road and one on Rabbit Run Road. The Staff would recommend that we also add one
13 internal connection to the adjacent project, The Farm at McCord's Ferry.

14 MS. WYATT: I want to write that in, Carl. One internal what ?

15 MR. GOSLINE: Roadway access into The Farm at – the approved PUD, The
16 Farm at McCord's Ferry. We will also have to come back and do a minor PUD
17 amendment to The Farm to do it the other way because when The Farm was approved
18 we didn't have it. The Staff recommends approval subject to the conditions on page
19 141, 142, 143. And Mr. Kinder's here to address any issues.

20 CHAIRMAN VAN DINE: Mr. Kinder.

21 **TESTIMONY OF CLIFF KINDER:**

22 MR. KINDER: Yes, sir. Mr. Chairman, Mr. and Ms. Commission Members, I'm
23 Cliff Kinder, applying for Barnstormers, LLC. We have learned a hard lesson. And back

1 in November we sent this PUD application to Mr. Mizell, Mr. Jimmy Bales, and the
2 spokesperson for the group that was opposed to the rezoning of the McCord's Ferry
3 PUD. We have not heard anything from them. I've put in five calls to Mr. Mizell. He's
4 returned my call when he could. But we still haven't spoken. But the last four
5 messages I left was if he or any of his constituents had any problem, please let me
6 know. To the best of my knowledge, nobody has a problem. Nobody has signed up to
7 speak against us today. We have talked to the family that owns the home on Sumter
8 Highway in front of us. They have commercial aspirations. They're in favor of this
9 project. The lady – her name escapes me right now - but the lady who inherited the
10 property behind us abutting Rabbit Run Road was here until an hour ago then she
11 realized that nothing – I mean, that she was not on call to speak for it or against it. So
12 she left, wished me well. We will work out the access, the internal access questions
13 between McCord's Ferry and this project in the sketch plan process. We know that
14 McCord's Ferry will have to come back for a minor PUD revision. This PUD plan shows
15 interconnectivity with McCord's Ferry. We just need to nail down where that will be. But
16 I do control both entities and there will be interconnectivity between the two. I'd be
17 happy to answer any other questions.

18 CHAIRMAN VAN DINE: This is strictly a residential?

19 MR. KINDER: Yes, this is a single-family residential community. No commercial
20 activity.

21 CHAIRMAN VAN DINE: And the person that you had indicated who had the
22 commercial aspiration, which of the two parcels are they - it looks like the property
23 comes out between a small and a –

1 MR. KINDER: When I say she has commercial aspirations, I believe she has
2 commercial zoning.

3 CHAIRMAN VAN DINE: I was just going to say that. I was trying to figure out
4 which of those she was.

5 MR. KINDER: It's the smaller, red triangle that is really in front of our site.

6 CHAIRMAN VAN DINE: Okay. All right.

7 MR. KINDER: Mrs. DeChamps is the lady who owns the larger piece of property
8 that abuts us adjacent to Rabbit Run Road.

9 MR. GOSLINE: Mr. Chairman, Cliff is talking about Cynthia Stukes got rezoning
10 a few months back to convert a residence to a restaurant. And that's the one that's in
11 the front. I might also add that we really, on condition 'M', should have no more than
12 two internal connections to The Farm. If you'll look on the PUD plan it shows two. We
13 may not end up having two but we don't want - so when we get to that, the access
14 should be one on Garner's Ferry, one on Rabbit Run Road, and no more than two to the
15 adjacent.

16 CHAIRMAN VAN DINE: Any other questions for Mr. Kinder? Thank you.

17 MR. KINDER: Thank you.

18 CHAIRMAN VAN DINE: Ken Simmons.

19 MR. KEN SIMMONS: [Inaudible]

20 CHAIRMAN VAN DINE: Thank you. Mary DeChamps.

21 AUDIENCE MEMBER: She's absent.

1 CHAIRMAN VAN DINE: Thank you. Those are the only people who have signed
2 up either for or against this project. Any questions for Staff? If not, I would entertain a
3 motion.

4 MS. WYATT: Mr. Chair, I make a motion to send this forward with a
5 recommendation for approval subject to adding – excuse me – subject to conditions on
6 page 143 and under ‘M’ adding – I’m sorry?

7 CHAIRMAN VAN DINE: 142 and 143.

8 MS. WYATT: Oh, excuse me, 142 - you’re correct, sir - and 143 and adding the
9 internal road access under ‘M’.

10 CHAIRMAN VAN DINE: That would be no more than two?

11 MS. WYATT: That’s correct.

12 CHAIRMAN VAN DINE: We have a motion to send this forward with a
13 recommendation of approval subject to the conditions on 142 and 143 with the
14 amendment to ‘M’ of indicating that there will also be no more than two internal
15 connections with The Farm at McCord’s Ferry.

16 MR. GOSLINE: Was there a second?

17 CHAIRMAN VAN DINE: I was looking for a second.

18 MR. MCBRIDE: I’ll second.

19 CHAIRMAN VAN DINE: We have a second. Further discussion? All those in
20 favor please signify by raising your hand. All those opposed.

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

1 CHAIRMAN VAN DINE: This will be on the March, excuse me, the January
2 whatever meeting, 25th. It's still early in 2005. Next we have is 05-33 MA: Robert
3 Summers.

4 **CASE 05-33 MA:**

5 MR. GOSLINE: Mr. Chairman and Members, this is a request to change the
6 zoning of, essentially, a residence and a couple of building, virtually in Ballentine from
7 RU to C-3. Staff recommends approval.

8 CHAIRMAN VAN DINE: No one has signed up either for or against this project.
9 Is Mr. Summers here?

10 MS. LUCIUS: Mr. Chairman?

11 CHAIRMAN VAN DINE: Mr. Summers, yes.

12 MS. LUCIUS: Oh, I'm sorry.

13 CHAIRMAN VAN DINE: Would you like to come down and speak? Please make
14 sure that you state your name and address for the record.

15 **TESTIMONY OF ROBERT SUMMERS:**

16 MR. SUMMERS: My name is Robert Summers. I live at 109 Shell [inaudible]
17 Court in Irmo, approximately three-quarter miles from [inaudible] office. We purchased
18 that property from the adjoining neighbor about six years ago. And at that time it was a
19 realtor's office, is what it was being used for. He vacated it and subsequently the rats
20 and the snakes moved in we kind of renovated it and dressed it up and made a
21 construction office. But to go along with the rest of the neighborhood going toward
22 White Rock and become commercial.

23 CHAIRMAN VAN DINE: Thank you.

1 MS. LUCIUS: Mr. Chairman, I'd like to make a motion that we send this forward
2 with a recommendation with approval.

3 MR. GREEN: Second.

4 CHAIRMAN VAN DINE: We have a motion to send this forward with a
5 recommendation of approval and a second. It seems to me that the two areas to the
6 right of this, if we look at page 160, would also seem to be areas that we ought to be
7 looking at for C-3, as well.

8 MR. GOSLINE: Yep.

9 CHAIRMAN VAN DINE: If we could do so, we'd make a motion to probably make
10 those C-3 as well, but I don't think we can do that at this stage because it hasn't been
11 posted.

12 MR. CRISS: The Commission could initiate a map amendment.

13 CHAIRMAN VAN DINE: I don't know who the property owners are. Until we talk
14 with them I'd hate to do that. But it just seems that this area would seem to fit that
15 [inaudible].

16 MR. GOSLINE: Right. And then last month we had one just down the road a little
17 bit and the same situation. And maybe that's another thing that should be discussed in
18 some of our upcoming meetings about whether to start working on some proactive
19 zonings. We have the authority to do it. And we have repeatedly asked you to do that
20 in some cases for the last three or four years. Maybe now we can start taking some of
21 these pieces like this. And there's one more piece of RU on Hardscrabble, believe it or
22 not.

23 MS. WYATT: Oh, I know. I keep up with it.

1 CHAIRMAN VAN DINE: We'll address the motion and I want to get back to your
2 point here, if we could. We have a motion to send this forward with a recommendation
3 of approval. All those in favor please signify by raising your hand.

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

6 CHAIRMAN VAN DINE: I wouldn't be opposed, Mr. Gosline, to parcels such as
7 this, to actually contacting the homeowner or the property owners and indicating a
8 desire to reclassify those. It just seems to me that, as opposed to wasting our time on
9 this, if we could get it done, especially these two pieces of property would seem to be
10 prime candidates for inclusion in any.

11 MR. GOSLINE: We had another one a couple of months back on Leesburg
12 Road, same situation, that it was that people were converting residences into offices
13 and things like that. And we could have – I think we talked to the applicant about that.
14 And I don't know that she ever talked to her neighbors. But it, obviously, makes sense.
15 In our pre-apps when we have situations like this we always encourage them to talk to
16 their neighbors and do bigger pieces for that very reason.

17 CHAIRMAN VAN DINE: All right. The last one we have for today is 05-34 MA:
18 Village at Sandhills.

19 MS. ALMEIDA: Mr. Chairman, found on page 175 is the Village at Sandhills, 165.
20 The applicant is requesting to swap out the exact amount, the same amount of square
21 footage, which is listed on page 165. The parcel is located in the northeastern quadrant
22 of the overall development. And that attachment or that overall development scheme is

1 found on page 170. It is the two little gray areas. They're swapping out C-1 for C-3 and
2 keeping the same amount in the swapping for each other.

3 CHAIRMAN VAN DINE: What is the Staff's recommendation?

4 MS. ALMEIDA: Staff's recommendation is for approval.

5 CHAIRMAN VAN DINE: All right. No one has signed but Mr. Dinkins would you
6 like to come down and enlighten us?

7 MR. GREEN: Can I make a motion while he's coming?

8 MS. WYATT: Briefly enlighten us.

9 MS. ALMEIDA: I would add, though, that Staff would request – there is an
10 overall, an overlay zoning addendum to the actual agreement that was first entered into
11 with Mr. Kahn, Village at Sandhills. And Staff would recommend that get an updated
12 zoning overlay addendum, if this is approved, to reflect and document this change.

13 **TESTIMONY OF GENE DINKINS:**

14 MR. DINKINS: We can do that. I'm Gene Dinkins with Cox and Dinkins
15 Engineers. As the Staff has very satisfactorily described, we propose to swap a small
16 portion of the property from C-1 to C-3, a likewise portion from C-3 to C-1. And this is
17 simply to conform to the site plan and make sure that we don't have a building that
18 overlaps zoning line.

19 CHAIRMAN VAN DINE: Thank you.

20 MR. GREEN: Mr. Chairman, given the fact that this is way internal to the project,
21 doesn't affect any of the neighbors, I see no reason not to approve this. And I make a
22 motion that we send this forward with a recommendation of approval.

23 CHAIRMAN VAN DINE: Do I hear a second?

1 MR. MANNING: Second.

2 CHAIRMAN VAN DINE: Is there any –

3 MS. WYATT: I guess the only question I have is of the Legal Department and it
4 goes back to what Anna just said is making sure that this is all documented and it
5 doesn't change, you know, any of the impact – if you want to use that word – of the
6 development agreement. I know I pulled mine back out and reread it and I know there's
7 allowances for swapping and changing and, you know, that kind of thing. So just so we
8 keep those numbers, you know, in line. That's my only concern.

9 CHAIRMAN VAN DINE: Mr. Green, as part of your motion, I would request that
10 you make part of it that an amended designation -

11 MR. GREEN: And that recommendation goes with a stipulation that the,
12 whatever you said gets done. Whatever Anna said gets done.

13 MS. ALMEIDA: The overlay zoning.

14 MR. GREEN: The overlay zoning gets adjusted accordingly.

15 MR. DINKINS: We can do that. You're referring to a new diagram showing
16 exactly what the current zonings will be, then. Correct?

17 MS. ALMEIDA: A revised addendum 'G' that is part of the agreement, yes.
18 Overlay zoning map.

19 MR. DINKINS: Yes.

20 MS. WYATT: I'm sorry. I don't. Did you get a second? If not, I'll second.

21 CHAIRMAN VAN DINE: Yes. We have a second. And would that be a second
22 to accept the amendment?

23 MR. MANNING: Yes, with the amendment.

1 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand. All
2 those opposed.

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

5 CHAIRMAN VAN DINE: Mr. Dinkins, while you're there, can I ask you one
6 question?

7 MR. DINKINS: Yes, sir.

8 CHAIRMAN VAN DINE: I was driving by the other day. And it's my
9 understanding that this area was going to have a fairly extensive sidewalk system. I did
10 not see a whole lot of sidewalks on the areas that have been developed. Is there a plan
11 to lay sidewalks into those areas?

12 MR. DINKINS: There certainly are plans for sidewalks in certain areas. I don't
13 have a plan diagramming that right now. Todd, would you like to -

14 CHAIRMAN VAN DINE: Because one of the things that was being sold initially
15 during this thing was there would connectivity between this development and other
16 developments around it. And certainly anybody coming from Northsprings would not be
17 able to find a sidewalk in which to walk along that main road into the area. And maybe I
18 was mistaken, but I was under the impression the sidewalks were going to allow for
19 connectivity to other developments in that area.

20 MR. TODD WALTER: I'd be glad to.

21 CHAIRMAN VAN DINE: Please.

22 **TESTIMONY OF TODD WALTER:**

1 MR. WALTER: Todd Walter from Kohn Development. I'm at 1715 Byron Road in
2 Columbia, South Carolina. And the idea is – and we're still pushing it forward – is that
3 the sidewalks, once it's all completed, from the theater all the way up front to the
4 outparcels from along Forum Drive, which is the main drive, which is the access road for
5 all the outparcels and the shopping center and then as we build out the town center,
6 those will all be connected with sidewalks all the way through that, now. We'll be glad
7 to update you on a diagram of that later so you can see how that lays out.

8 CHAIRMAN VAN DINE: Would those sidewalks then, also, arrange for
9 connectivity down to the outer edges of the parcel towards Northsprings sidewalk?

10 MS. WYATT: There's a road entrance.

11 MR. WALTER: There's a sidewalk that connects with - into Northsprings on the –
12 the only access we have in the retail part that goes to Northsprings, there's a sidewalk
13 that connects back into the shopping center. And the first –

14 MS. WYATT: That's on Clemson Road, Howard, to answer.

15 MR. WALTER: Yeah. And then it goes through the Market Place, which is where
16 the grocery store center is and then connects back in to the Forum Drive, which, once
17 again, is the main access road throughout the entire property in the front.

18 CHAIRMAN VAN DINE: All right. I would be interested in seeing an update of
19 those amenities and things that [inaudible] internal to the project.

20 MR. WALTER: It's hard to see how they're all connected in because they really
21 haven't all been completed. But there are some sidewalks –

22 CHAIRMAN VAN DINE: I understand.

1 MR. WALTER: - that were agreed to connect in the Northsprings subdivision
2 back to the theater and the town center.

3 CHAIRMAN VAN DINE: Thank you, sir.

4 MR. WALTER: But we'll get a diagram so you can look at it.

5 CHAIRMAN VAN DINE: Appreciate it.

6 MS. WYATT: May I ask another question just for my own curiosity? Under the
7 development agreement, the developer is to meet with the county once a year.

8 MS. ALMEIDA: Yes, ma'am.

9 MS. WYATT: Has that -

10 MS. ALMEIDA: That has transpired, probably about three weeks ago or a little
11 longer – probably a month ago.

12 AUDIENCE MEMBER: Thanksgiving.

13 MS. ALMEIDA: And that's when these issues came to light.

14 MS. WYATT: And, you know, I know this has no bearing on anything – certainly
15 please don't take it personal – but you're more than welcome to come and look at my
16 computer. It's getting hit every day with how unhappy people are with how it looks. I'm
17 truly hoping that when the landscaping - we get a lot more out there – people aren't as
18 unhappy. But there's been a lot of unhappy - they feel that they've been misled, folks
19 out there.

20 MR. DINKINS: Well, we are – we are just now getting under construction on the
21 town center –

22 MS. WYATT: Right.

1 MR. DINKINS: - which I think, when you see how it looks and the whole
2 character and feel, that I think everybody will be very pleased.

3 MS. WYATT: I just wanted to share that with you.

4 CHAIRMAN VAN DINE: Thank you.

5 MR. DINKINS: Thank you.

6 CHAIRMAN VAN DINE: 05-35 MA has been withdrawn, so therefore our zoning
7 map amendment section is concluded – or has been concluded. Next we have road
8 name approvals.

9 MR. GREEN: Mr. Chairman, I recommend that we approve the subdivision
10 names and road names listed on pages 189, 190, 191 of our Planning Commission
11 agenda.

12 MS. LUCIUS: We don't have to approve subdivision.

13 MR. MANNING: I second.

14 MS. WYATT: We don't have to. We just [inaudible]. But let's approve them
15 anyway.

16 MS. LUCIUS: I have to say I was a little amused by some of the names until I
17 realized they were race horses: 'Easy Goer Court', 'Lucky Jones Drive'. I though, what?
18 And then I saw 'Sea Biscuit', 'Secretary'. I said, "Of course." They're all thoroughbreds.

19 MR. GOSLINE: The imagination of the private sector never ceases to amaze me.
20 [Laughter]

21 MS. WYATT: Marsha, I want you to come up with ten names between now and
22 the next meeting. I'd just love to see what you'd name a subdivision.

1 MS. LUCIUS: But 'Easy Goer' was a thoroughbred. And it made sense after I
2 realized that. Okay.

3 MR. GOSLINE: Well, nobody married can live on 'Sunday Silence Lane'. That
4 for sure.

5 MS. LUCIUS: 'Sunday Silence', that was a – we thought that one almost went for
6 the Triple Crown, if I remember correctly. Okay.

7 MR. GREEN: Did we vote?

8 MR. GOSLINE: Yeah.

9 MS. WYATT: We didn't need to vote.

10 MR. GOSLINE: It was unanimous. That's what I wrote down.

11 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand.

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

14 MR. GOSLINE: See?

15 CHAIRMAN VAN DINE: Other Business. First would be, under 'A',
16 Consideration of the Planning Commission Rules and Procedures. Specifically, what
17 are we doing with that?

18 MS. ALMEIDA: I believe at our last Planning Commission meeting Ms. Wyatt was
19 questioning what the Planning Commission had approved as far as their notification to
20 applicants. And Ms. Linder had researched that for you.

21 MS. WYATT: She's too busy today. She's -

22 MS. LINDER: I apologize. How can I help you?

1 CHAIRMAN VAN DINE: We were, as part of our Other Business, there was a
2 consideration of the Planning Commission Rules and Procedures. And we were,
3 frankly, a little unsure what would be discussing.

4 MS. LINDER: Okay. At the last meeting there was concerns expressed whether
5 we had accurately reflected the notice requirements that have to go to citizens on Staff
6 approvals. And I'm reflecting here, but I think it says we have to send out seven days
7 before the meeting. And I think there was some discussion about whether the actual
8 approval on that was that the applicants or the people get - receive the Staff Report ten
9 days before the meeting. And so I did go back and look at the minutes, and what is
10 currently in your rules is what was ultimately passed. It's a seven days prior to the
11 meeting we send out the notices. And I think it was reflected that way at the time
12 because Staff cannot guarantee when an applicant or anybody else is going to receive
13 it. There could be postal delays. The applicant could be out of town. There's
14 absolutely no way to prove when a person receives their mail.

15 MS. WYATT: Then what I'm going to do is if - which I do believe might have been
16 - I think I'd ask for 14 days and try to compromise at ten. I still find it totally, totally
17 unacceptable for someone not to receive a notification that they're being recommended
18 for denial until two days before this meeting. And if it takes amending, which I hope the
19 Commission would support me on, if it takes amending, whatever it takes, it is just not,
20 just absolutely - I mean I just can't tell you how angry it makes me that - I mean I try to
21 put myself in every situation in that person and not to be able to have time to get an
22 attorney, seek an opinion, talk to Staff. I mean, how many times, you guys have - you
23 know, we've been told they're hard to get to. You're busy! And it's just to me it's just

1 unacceptable for someone, I mean not even two days, to have notification of denial.
2 We got to come up with a better system. I don't know if it's –

3 MS. ALMEIDA: But, Ms. Wyatt, we do encourage and we tell applicants when the
4 meetings are. They're notified of that and to contact the office. We can fax them. E-
5 mail them. They can come pick it up. Any form they would like, if they're available, they
6 can definitely get a copy of it if they hadn't gotten it in the mail. And we tell them when
7 we mail them out. Basically it's a week before the meeting.

8 CHAIRMAN VAN DINE: Would it be possible to try and obtain from applicants an
9 e-mail address and actually –

10 MS. ALMEIDA: We try to.

11 CHAIRMAN VAN DINE: - and actually e-mail it to them as an attachment or
12 something, the actual reports?

13 MS. ALMEIDA: We can if they provide us the e-mail or if they call us. We've
14 faxed before. The applicants would request that we fax them. I mean we do everything
15 possible.

16 CHAIRMAN VAN DINE: It would seem to me that we would encourage it. I
17 mean, as archaic as it may sound, the legal profession actually has gone to electronic
18 filing now, which I find fascinating since I don't know how to do it. But that's another
19 story all together. But it would seem that what we ought to do is try and encourage
20 people to give us the ability to contact them electronically so that they don't have to
21 worry about the mails. They don't have to worry about delay.

22 MS. ALMEIDA: And we do. We do. We have a lot of e-mails that we keep now,
23 list-serves. We do everything we can. But there will always be someone who'll say I

1 didn't get the e-mail. I didn't - you know, ultimately - and I don't mean to put it in this
2 fashion – but ultimately it's the applicant's responsibility because they're one person to
3 come and basically, if they haven't gotten it in the mail and they know the meeting is in
4 four days or - you know, "Where is it?" Contact the office. Our administrative assistants
5 are always on call. They'd be more than happy to fax whatever it is they need.

6 MR. PALMER: That's what I was going to say. I don't see it as the Staff's
7 responsibility. These are people coming before us to do something, to change their
8 property, to rezoning a subdivision. I know me, personally, I would be on top of the
9 situation and finding out what their recommendation's going to be. I would be in favor
10 of, you know, mailing it out in that certain time frame, but also a phone call if you're
11 going to be denied. And if they're not there, leave it on the, you know, voice-mail or
12 whatever. But it's really the applicant's responsibility to say, "Heh! You know, I'm
13 concerned about my property. Are you going to recommend denial or approval?" So I
14 don't see where the Staff needs to do anything more than what they're doing except
15 possibly a phone call if you're going to be denied.

16 MR. GOSLINE: Mr. Chairman?

17 CHAIRMAN VAN DINE: Yes, sir.

18 MR. GOSLINE: When we have our pre-app meetings, assuming that they
19 actually come in for pre-app – we still get some that don't – most of the time we can tell
20 them what the Department's position is going to be before we even do anything
21 because, obvious reasons, if it's on Hardscrabble Road, da-da-da. And we'll tell them
22 that. And the other thing is that we strive very diligently to get the stuff in the mail ten
23 days ahead of time regardless if it's denial or approval. It works both ways as far as I'm

1 concerned. They need to know if they're going to be approved as well as they're going
2 to be denied. And, you know, we can do some of these other things. But that's just –

3 CHAIRMAN VAN DINE: I'm not – I agree with Mr. Palmer that I think it's the
4 applicant's responsibility to make sure that they follow up on their own request. But if
5 we do have available such things as e-mail, it's not that difficult to make an attachment
6 of whatever you have done and to forward it to them. If they don't want to open their e-
7 mail, I can't help that. It's like not picking up your mail when it's certified. There's
8 nothing I can do. But if there are these things that we can actually do to make it easier
9 for people, we might want to consider it because it wouldn't be that much more of a
10 difficulty to follow up on that.

11 MR. CRISS: Beyond the applicant, of course, there's more interest [inaudible]
12 and his web site to provide this kind of information digitally or electronically. We
13 anticipate that in years to come you'll be able to subscribe to notice, via e-mail, for
14 various decisions made by county government.

15 CHAIRMAN VAN DINE: Would this be posted – is this agenda and these items
16 posted on the web site?

17 MR. CRISS: Yes. We do –

18 CHAIRMAN VAN DINE: How far in advance of our meetings are they posted?

19 MR. CRISS: With the new webmaster we seem to getting just one or two day
20 turnaround on postings, so I think, generally, the web has it sooner than you would
21 receive it in the mail.

1 CHAIRMAN VAN DINE: Then it would seem to me that during your initial
2 meetings with people you advise them that here is the web site. If you want to find out,
3 you go to the web site.

4 MR. CRISS: It's a matter of training our customers and, of course, increasing
5 access to the Internet and convenience. We provide a multiple choice of
6 communication - telephone, fax.

7 MS. WYATT: Mr. Chair, I want to thank everybody for bringing up – giving me a
8 chance to bring it back up. And I think, you know, right now we'll just let it just rest with
9 what we've got and hope it doesn't continue to be a problem.

10 CHAIRMAN VAN DINE: All right.

11 MS. WYATT: So thank you.

12 CHAIRMAN VAN DINE: The next item on our agenda was the added item
13 regarding an ordinance concerning the red dots as they show up on the southeastern
14 map. And I would like, at this time, to go into Executive Session for some legal advice
15 concerning the ordinance.

16 *[EXECUTIVE SESSION]*

17 CHAIRMAN VAN DINE: I will reconvene the meeting we have coming out of
18 Executive Session. We were discussing some legal issues at which no action was
19 taken. Is that correct?

20 MS. LINDER: That is correct.

21 CHAIRMAN VAN DINE: Thank you. All right. Next on our agenda is a
22 discussion of a suggested ordinance regarding the red dots that appear on the
23 Southeastern Sub-Area Plan. Mr. Green, I believe that you had brought this up.

1 MR. GREEN: My concern is that those plans you see on the back wall are the
2 plans that ostensibly are being used by Staff to make recommendations for us on
3 zoning changes. And I think there's an implication that if a piece of property falls within
4 one of those red dots, it should be rezoned. And if it falls outside, it shouldn't. I don't
5 know that we have followed that course. It only appears in that one sub-area of town,
6 not on all the sub-area plans. And, given its inconsistent use and, what I've heard from
7 other Planning Commissioners say, is confusing to the public, my thought is that we
8 would request that Staff look into writing an ordinance, potentially for us to support, that
9 may remove those red dots from the Southeast Plan.

10 CHAIRMAN VAN DINE: I would agree with that. I think that the red dots have
11 always been sort of a flashpoint and a red flag for people to point at as if those were
12 exclusive zones for certain aspects of development. And I think in light of the fact that
13 we have some requirements and policies listed in both the Comprehensive Plan and
14 now, to a certain extent, in the Land Use Plan, that those red dots will be more of a
15 distraction than anything else. And I would think we would want to eliminate them
16 initially even before we do anything concerning the sub-area plans and, perhaps,
17 consolidation of those as we had talked about earlier.

18 MS. LUCIUS: But, Mr. Chairman, we would want to eliminate them in all sub-
19 areas, not just the southeast because I understand they all have red dots. It's just that
20 the Southeastern Plan right now is still showing them. Is that correct?

21 CHAIRMAN VAN DINE: I think to the extent that there are red dots that they
22 should be eliminated in all areas.

23 MS. LUCIUS: In all areas.

1 MR. JACKSON: It should be countywide.

2 MS. LUCIUS: Right. Countywide.

3 MR. CRISS: The more generic Vision Map in the adopted Imagine Richland 2020
4 Comprehensive Plan does have red dots at rural crossroads throughout unincorporated
5 Richland County.

6 MS. LUCIUS: So we don't need just to say in southeast Richland County.

7 MR. CRISS: Correct. So if you wanted to eliminate those you're affecting not
8 only the Southeast Land Use Plan Map on the rear wall but also some maps in the
9 Imagine Richland 2020 Comprehensive Plan document. And I would image that there
10 would be some related text that might be affected. So we'll have to do some research
11 to see how extensive the changes are.

12 CHAIRMAN VAN DINE: I would ask that Staff and Legal get together before our
13 next meeting to have a proposed ordinance concerning that issue before us for
14 discussion at our next meeting and to make sure that there is ample notice provided
15 that we will be discussing those issues at our next meeting.

16 MS. LINDER: Yes, sir.

17 CHAIRMAN VAN DINE: Thank you.

18 MS. LUCIUS: And do I need to add the –

19 CHAIRMAN VAN DINE: Yes, please.

20 MS. LUCIUS: Okay. And I would also like to ask Staff to look into what we would
21 need to do so that, on a county level, we could have some measure of protection for the
22 isolated wetlands. I think in a previous case they were referred to as 'jurisdictional
23 wetlands.' And I took that to mean that since the Federal Supreme Court removed

1 jurisdiction over isolated wetlands from the Army Corps of Engineers, they, basically,
2 really have no protection. And I'd like to see how we can do that on a county level - if
3 we could put that into the plan somehow by ordinance. Because the fact of the matter
4 is, of course, being an environmentalist like I am, I understand and I'd like for everyone
5 else to understand that isolated wetlands are as important, if not more important, than
6 the wetlands that still have protection. So I would really like for that to be looked into.

7 MS. LINDER: Yes, ma'am.

8 MS. LUCIUS: Thank you.

9 CHAIRMAN VAN DINE: One of the last things is everybody had in front of them
10 when they came here today a registration form if you could attend the South Carolina
11 Chapter of the American Planning Association meeting on February 3rd. If you could try
12 and think about that and if you can attend please get it back to Suzie.

13 MS. WYATT: By the end of today.

14 CHAIRMAN VAN DINE: She was hoping for the end of today, but that may not
15 occur.

16 MR. JACKSON: Listen -

17 MR. GOSLINE: There are no golfing opportunities, Mr. Palmer.

18 MS. LUCIUS: He won't go.

19 MR. JACKSON: We discussed earlier about a meeting or a working session with
20 County Council.

21 MR. CRISS: We have no response from Council as yet. I hope to hear more at
22 or after the retreat. And, Mr. Chair, if I may proceed with the Planning Director's Report.

1 MR. JACKSON: Mr. Criss, I'm not quite finished. Will we be developing an
2 agenda for that meeting, to meet with County Council? The reason why I ask, about
3 seven months ago I brought up some information about saving for roads, a moratorium,
4 impact fees, and everything and it was discussed but you're supposed to be continuing
5 to see when we could meet with County Council to have a discussion with it. I haven't
6 heard anything.

7 MR. CRISS: Yeah. That matter is still pending before Council. Of course, the
8 new Members, the four new Members, have been sworn in, taken their seats as of
9 January 4th and will be in retreat at the end of this week. And we hope to have more
10 news for the Planning Commission thereafter. But I have no response as yet.

11 MR. MANNING: Mr. Chairman, I'd like to distribute some information if I might –

12 CHAIRMAN VAN DINE: Certainly.

13 MR. MANNING: - regarding some of the concerns and discussions we had about
14 road funding and whatnot. Recently I saw an article in the Camden paper about road
15 improvements, bond issues on C funds. And it mentioned that a law firm here in town
16 was talking to a number of counties about that. So I contacted the company, the
17 attorney. And there were seven or eight counties participating in a forum discussing C
18 funding or a large bond issue using C funds to issue bonds. And Richland had been, in
19 fact, asked to participate and nobody went. And I thought that was quite interesting. I
20 don't know who that was or what level it was. But we've got a road problem and a
21 funding problem. We need to kind of address it. So he sent me the information, which
22 I've attached, regarding C funding, how it's done, the formula for how many dollars
23 Richland County would get, and so on and so forth and the impact that that might have

1 on our facilities plan. The Northeast Plan I think has \$36,000,000 worth of road projects
2 listed, most of which are unfunded. Richland County, I think, in the C funds receives
3 about \$12,000,000 a year and that's based over tax millage and gas tax and so on and
4 so forth. But it would appear to me that if we could procure some dollars out of that
5 source, it would have an impact. Thirty-six million is just the northeast area. I have no
6 clue what these other areas that - I would hope we have a plan for each one of these
7 areas as well. But it could be 100,000,000 in projects. And so these counties are
8 pooling their resources together to try to have a bond issue large enough to bring the
9 cost down, sharing the administrative cost, and are proceeding at this point with trying
10 to underwrite that. And I would like to ask Theodore DuBose, who is with the Sinkler,
11 Haynesworth Firm, to come speak to the Council at our next meeting to kind of bring us
12 up to speed in what he is doing with these other counties and - I mean the Commission,
13 next month to see if this isn't an avenue that we'd like to pursue. You know, at the rate
14 we're going on funding these projects in the Northeast Facilities Plan are not going to
15 get met. We're not going to be building any time soon.

16 MR. JACKSON: And Central midlands from staff has no funding for the next 10
17 years, so.

18 MR. CRISS: Mr. Chairman, I think Mr. Manning's got a good idea. Just so you'll
19 know, next month's agenda we have one of the shorter ones. We have four
20 subdivisions and four rezonings so it would be, in terms of time, it'd be a good time to
21 do it.

22 CHAIRMAN VAN DINE: I think that Mr. Manning has a very good suggestion.
23 And if Mr. DuBose is available to do so -

1 MR. MANNING: I met with him and he said he'd be happy to come and spend
2 some time with us to bring us up to date what he's doing with the other counties and
3 hopes that Richland County would join in with seven or eight other counties in trying to
4 do a much larger bond issue.

5 MR. JACKSON: Is the Public Works Department responsible for that section? I
6 mean bonds.

7 MR. CRISS: I think I saw the same article.

8 MR. MANNING: I'm going to give all of y'all a copy of it, as well.

9 MR. JACKSON: The only concern I have -

10 MR. CRISS: It's hard to say who got notified and didn't show up, you know.

11 MR. JACKSON: The only concern I had, in November 2002, we spoke with the
12 Public Works Department to study with South Carolina State on alternative treatment for
13 dirt roads and alternative treatments on roads, period. And they haven't come back with
14 anything and I'd like to see Staff inquire from the Public Works Department how far
15 have they reached with the study or are they continuing with the study to give us some
16 report on what's happening. Because the rural communities, we have 252 miles of dirt
17 roads and nothing has been done.

18 CHAIRMAN VAN DINE: I'd be curious to find out who got notified and who didn't
19 do whatever because I think if there's a disconnect like that or a lack of interest in what
20 could be possible funding sources -

21 MR. GOSLINE: Yeah. There's no way to tell.

22 CHAIRMAN VAN DINE: - this Body needs to understand what's going on.

23 MR. MANNING: I wasn't implying -

1 MR. GOSLINE: No, no.

2 MR. MANNING: - that Staff was invited but a contact was made with the county.

3 MR. GOSLINE: Typically it would go to the Chairman of the County Council or
4 the Administrator. In this case I have no idea.

5 MR. MANNING: It could have been the Transportation Committee or the C Fund
6 Delegation. I don't know.

7 MR. GOSLINE: It could be anything. That's right.

8 MS. WYATT: It could have gone to a subcommittee, too. But let me ask because
9 I didn't come in December to any Council meetings. Any status on the acceptance of
10 the traffic study of the northeast?

11 MR. GOSLINE: Heard nothing.

12 MS. WYATT: Nothing. It's just like died. Spend all that money and it's died.

13 MR. MANNING: I personally don't understand all the ramifications of the C
14 funding and what it's used for. There may be certain dollars that go to rural
15 maintenance or, you know, a breakdown of how it's used I'm not aware of it, but -

16 MR. JACKSON: Even road impact fees out of that could be used. There's so
17 much out there I don't think that's been used properly.

18 MR. MANNING: Well, the cost of a bond today is certainly less than the
19 [inaudible] cost of inflation.

20 [Inaudible discussions]

21 MR. MANNING: We can get a lot more bang for our buck today rather than
22 making any impact on the problem.

1 MS. WYATT: I'd have to agree with, you know, this little headline about waiting.
2 You know that, yes, you were correct. It was \$36,000,000 to fund just the needs of the
3 northeast and that was done a year and a half ago so I'm sure by now it's \$45,000,000.

4 CHAIRMAN VAN DINE: Well, frankly, it's \$36,000,000 for the northeast but that's
5 probably not enough, number one. But number two, that's not taking into account the
6 fact that you have Lower Richland. You have the northwest. You have everything else
7 out there and there are a lot of roads out there that need work.

8 MS. WYATT: Well I'm only referring to it because that's the one that's been
9 presented to us –

10 CHAIRMAN VAN DINE: Yeah.

11 MS. WYATT: - that the county paid for. They've not paid for any others.

12 MR. GOSLINE: Mr. Chairman and Members, the agenda for this SCAFA meeting
13 has several sessions about financing development and, specifically, about impact fees.
14 So I would urge every one of you to show up.

15 MR. JACKSON: [Inaudible]

16 MR. GOSLINE: It's Friday the 3rd. And let Suzie know as soon as possible
17 tomorrow so we can get a discounted rate.

18 MR. JACKSON: [Inaudible]

19 MS. WYATT: Where is it?

20 CHAIRMAN VAN DINE: It's in Columbia.

21 MR. CRISS: I think it's a Thursday, February 3rd.

22 CHAIRMAN VAN DINE: Is it Thursday?

23 MR. CRISS: Thursday, February 3rd.

1 CHAIRMAN VAN DINE: Thursday.

2 MR. JACKSON: [Inaudible]

3 CHAIRMAN VAN DINE: Yeah. That's what he said. Mr. Criss, you have a final –

4 MR. CRISS: Brief report. Congratulations to Mr. McBride to his reappointment to
5 the Planning Commission. The material I pointed out to you - or handed out to you –
6 reflects a change in the organization of the County Administrator's office. There's now a
7 third Assistant County Administrator, Ashley Blume, who is assuming supervisory
8 authority over me and my Department, taking Milton Pope's place. Milton Pope will
9 continue oversight responsibility for all of Public Safety and Criminal Justice, fire,
10 ambulance, sheriff, magistrates.

11 MR. GREEN: Does Ashley Blume currently work for the county?

12 MR. CRISS: Ashley Blume has been the assistant to the County Administrator
13 and is now an Assistant County Administrator. And I have a new map produced by our
14 Information Technology Department in cooperation with the University of Maryland
15 because USC was more expensive; an overall county map that we would like to had out
16 to you as a courtesy and get your feedback over time.

17 MS. WYATT: A Christmas present arrived late.

18 MR. GREEN: The \$4.95 map will be deducted from your next paycheck.
19 [Laughter]

20 MR. PALMER: Isn't that something? The county that the school is in didn't
21 produce the map.

22 MR. CRISS: It has to do with production capability. You can see this is a pretty
23 high quality [inaudible].

1 CHAIRMAN VAN DINE: That is pretty scary, isn't it?

2 MR. PALMER: Can I get one without folds in it?

3 MR. CRISS: We might be able to do that.

4 CHAIRMAN VAN DINE: You know what's really bad is that you have to have a
5 disclaimer on the back of a map.

6 MR. CRISS: I'm sorry. I was trying to listen to two people at one time.

7 CHAIRMAN VAN DINE: What's really sad is you have to have a disclaimer on
8 the back of a map.

9 MS. LUCIUS: What's the disclaimer?

10 MR. CRISS: Oh, we have disclaimers on all of our maps.

11 CHAIRMAN VAN DINE: We're not responsible for anything that's in here,
12 basically.

13 MS. WYATT: You turned left when you should have turned right. We're not
14 responsible.

15 MR. CRISS: Read at your own risk.

16 MS. LUCIUS: Oh, yeah, I see.

17 MS. WYATT: Well, it just keeps good people like you being [inaudible], Mr. Van
18 Dine.

19 [Inaudible discussion]

20 MR. CRISS: Intended to fulfill general requests from the public for maps of the
21 whole county that you can carry.

22 CHAIRMAN VAN DINE: Anything else Mr. Criss?

23 MR. CRISS: I think that's it for the good of the order.

1 MS. LUCIUS: Mr. Chairman, if Mr. Criss is finished, I just want to ask a question
2 of Staff, if I may before we go.

3 CHAIRMAN VAN DINE: Certainly.

4 MS. LUCIUS: Oh, I guess, four or five meetings ago – I'm not even sure now –
5 but we had something in our packets concerning cluster housing. And we decided that
6 we weren't ready to discuss it there, that we would bring it up later. And I'm just
7 wondering what's the status of that? We've never seen anything else on it.

8 MR. GOSLINE: Well, this came about because, at the time, the Staff thought we
9 could do an amendment to the existing code to take care of the cluster housing issue
10 and be done with it -

11 MS. LUCIUS: Right.

12 MR. GOSLINE: - and move on. Y'all – everybody – you and/or the County
13 Council decided that you didn't want to entertain any more amendments to the current
14 code while you were adopting a new one. Whether you want to go back and revisit that
15 issue now it's up to you, I guess.

16 MS. LUCIUS: So Council did not –

17 MR. GOSLINE: It never got past y'all because you decided you didn't want to do
18 it at that point in time because you're embroiled with the –

19 MS. LUCIUS: We did?

20 MR. GOSLINE: Yes, ma'am.

21 MS. LUCIUS: I don't remember that.

22 MR. GOSLINE: Because you were embroiled with the Land Development Code
23 at the time, the new code.

1 CHAIRMAN VAN DINE: Does the new code take into account the changes that
2 would have been requested as part of an amendment?

3 MR. GOSLINE: I'm not real sure. But what the intent at the time – and given, you
4 know, this is now going on five months ago or four months ago – was to do an
5 immediate amendment to address the clustered housing issue because – and that
6 related to the PUDs and how –

7 MS. LUCIUS: I don't think we made that decision, though, Mr. Gosline.

8 MR. GOSLINE: Well, -

9 MS. LUCIUS: We didn't make that decision.

10 MR. GOSLINE: - you sort of did by not, if my recollection – we'd have to look at
11 the minutes – but you just didn't want to deal with it at that time.

12 MS. LUCIUS: I think Staff withdrew it. I think Staff withdrew it.

13 MR. MANNING: And I think what happened was that there was a motion to defer
14 those items and then the Staff elected never to bring it back.

15 MS. LUCIUS: Right. It was a Staff decision. I don't think we decided we didn't
16 want to do it.

17 MR. GOSLINE: Okay. Well –

18 MR. CRISS: And there are those in Council who want to revisit the cluster
19 housing/open space issue under the new code. But apparently after its adoption and –

20 MS. LUCIUS: Well, I know it was taken back from us for more review and I kept
21 looking for it to show up again in our packet and it never did. And that was my question.

22 MR. GOSLINE: Well, we haven't brought it forward because – and now we're
23 getting so close to the new code –

1 MS. LUCIUS: I understand.

2 MR. GOSLINE: - it's timing. You know.

3 MS. LUCIUS: But I don't think it was our decision not to address it.

4 MR. CRISS: It can be revisited.

5 CHAIRMAN VAN DINE: Can you at least revisit the issue and see if the new
6 code takes into account the issues that were being discussed as part of that cluster
7 housing? And if the answer is yes, then –

8 MR. CRISS: It doesn't.

9 MS. LUCIUS: Then it's fine.

10 MR. CRISS: In my opinion, the new Land Development Code will need
11 amendment to adequately address cluster housing and open space issues.

12 CHAIRMAN VAN DINE: Then that ought to be something that we ought to be
13 looking at to be able to address it. And my feeling is if it has to be addressed now let's
14 address it before the code goes into effect in July, to make an amendment to it so that
15 everything goes into effect at the same time.

16 MS. WYATT: And then I've got a question about the request that we made to
17 Council for a sit down. Did that go to the past Chair or the new Chair?

18 MR. CRISS: Past Chair.

19 CHAIRMAN VAN DINE: You may want to make an address to the new Chair.

20 MS. WYATT: Thank you, Mr. Chair.

21 MR. CRISS: It can be repeated.

22 CHAIRMAN VAN DINE: Anything else?

1 MR. FURGESS: Yeah. One thing. You remember when the cell phone towers
2 came to us and that was a big deal for that second – that we would have to look at
3 where cell phone towers could be located in neighborhoods?

4 MR. JACKSON: Criterias.

5 MR. FURGESS: And then it died the same day it was handed to us.

6 MR. PALMER: All I remember talking about cell phones was the impact fee –
7 well, not and impact fee but a charge for determining whether or not a cell phone tower
8 was necessary in this area or not to be [inaudible] on to the developer of that cell phone
9 tower site. Up to \$5,000 or something and then you can come back in for more.

10 MS. WYATT: Some kind of application fee almost, wasn't it?

11 MR. PALMER: Right.

12 MR. FURGESS: Right.

13 MR. CRISS: I do remember Councilman McEachern bringing to the Planning
14 Commission's attention his constituents concerns about the proliferation of cell phone
15 towers in their neighborhoods. The Commission, as I recall, decided that we had a
16 pretty tough, tight ordinance. That it was hard to get new towers approved without
17 significant public input, scrutiny by the Board of Zoning Appeals in just about all cases, if
18 not all. As for the matter that Mr. Palmer references, the Information Technology
19 Department of the county government is soliciting vendors to provide wireless and
20 telecommunications and tower consulting services to the county for a variety of
21 purposes: for the county's own wireless network, for regulating perhaps even more
22 effectively the placement of new towers in the community. And that procurement is just
23 now coming to a close. No conclusion yet. So one of the vendors – I think it was called

1 Municipal Solutions, perhaps – was proposing that the county adopt an ordinance to
2 require escrow from tower companies for outside review of the engineering and
3 technical aspects of a tower site, whether a new tower is needed at all, how tall, and
4 how many antenna arrays should be co-located.

5 MR. FURGESS: Because we didn't have a fee with that did we?

6 MR. CRISS: We didn't proceed any further than the Planning Commission's initial
7 conclusion that, well, it doesn't seem to be broken so what's to fix? We do have a pretty
8 strict cell tower regulation in effect now.

9 MS. LINDER: There was something that went to Council and Council deferred it
10 until Staff met with the industry and came back.

11 MR. CRISS: Good point.

12 MS. LINDER: And Staff had – I don't know if that that meeting's ever took place
13 yet.

14 MR. GOSLINE: That's what triggered the IT thing, I think.

15 MR. CRISS: And no such meetings have taken place to my knowledge as yet.
16 So it seems to be a back burner issue for now but will come back.

17 CHAIRMAN VAN DINE: All right. Anything further?

18 MS. WYATT: Make a motion to adjourn.

19 MR. MANNING: What's the protocol for asking somebody to speak before the
20 Commission? Should that come from Staff or should I just call them and them to come?

21 CHAIRMAN VAN DINE: If you'd just can set it up and get with Staff, they will put
22 them on our agenda.

23 MR. MANNING: Okay.

1 CHAIRMAN VAN DINE: Do I hear – entertain a motion to adjourn.

2 MR. PALMER: So moved.

3 MS. WYATT: Please. Just going back to Mr. Manning's thing since most people
4 expect for us to start our meetings at 1:00. Should we just kind of say we'll listen to him
5 after our meeting and give him an approximate time?

6 CHAIRMAN VAN DINE: I mean, I would start our meeting at 1:00 since it is a
7 shorter agenda. I would not move it up to 12:00.

8 MS. WYATT: No, no, no. I'm saying we don't want the speaker at 1:00. I'd
9 rather go ahead and hear the –

10 CHAIRMAN VAN DINE: I would think that they would be under the Other
11 Business portion of our meeting.

12 MR. CRISS: At the end?

13 CHAIRMAN VAN DINE: We have a motion to adjourn. Do we have a second?

14 MR. FURGESS: Second.

15 CHAIRMAN VAN DINE: All those in favor please stand up.

16 MS. LUCIUS: You're not going to bang the gavel?

17 CHAIRMAN VAN DINE: No.

18 MS. LUCIUS: Oh, come on! Bang the gavel.

19 CHAIRMAN VAN DINE: Meeting is adjourned.

20 MS. WYATT: Bang it. I want to hear it.

21 MS. LUCIUS: Bang it.

22 [Banging of gavel]

23

1

MS. LUCIUS: Thank you.

2

3

[Adjourned 4:10 p.m.]