

1 neighborhood commercial, NC. The site is currently zoned rural and is located on
2 Clemson Road with approximately 440 linear feet of frontage. It has a residential home
3 on it. The Level of Service along Clemson Road on this stretch is a Level of Service C.
4 The parcel is contiguous to rural zoning with an existing conforming use, a place of
5 worship next door. All surrounding parcels are residential in use or vacant. The
6 adjacent parcel has approximately 220' of frontage on Clemson Road and east
7 approximately 1,200 linear feet on the subject property. The traffic analysis provides us
8 with a Level of Service C. The existing topography on the site, and this is something
9 that we need to look at, is steep making it difficult to enter and exit the site safely. We
10 have estimated approximately a 10' elevation change. The Staff is recommending
11 denial.

12 CHAIRMAN FURGESS: Any questions of Staff? No questions of Staff at this
13 time?

14 MR. PALMER: Mr. Kim, he's the applicant, not signed up to speak but if you'd
15 like to take the podium you can.

16 **TESTIMONY OF STEVEN GILCREST:**

17 MR. GILCREST: Mr. Kim is unable to be here and asked if I would sit in his
18 stead. I have the information [inaudible].

19 MR. PALMER: Absolutely. Steven?

20 MR. GILCREST: Thank you. Thank you, Mr. Chairman and Members of the
21 Commission. Let me -

22 CHAIRMAN FURGESS: State your name and address.

23 MR. GILCREST: Steven Gilcrest -

1 CHAIRMAN FURGESS: You have two minutes.

2 MR. GILCREST: - 208 Chancery Lane, Northeast Columbia. I thank the
3 Commission for allowing me to stand in Mr. Kim's stead. He was unable to be with us
4 today. But I would just like to reiterate. The Commission is very aware of Mr. Kim's
5 interest in wanting to rezone this property for some time. For the last couple of times
6 he's been before this Commission. Certainly the area that he is trying to rezone has
7 changed quite a bit in Northeast Columbia. The corridor of Clemson Road that runs
8 between I-77 and I-20 certainly has seen tremendous growth and tremendous
9 commercial development that's taken place along that corridor and of course most of us
10 would agree that will probably continue. And so part of the interest at this point was to
11 come back before the Commission and once again ask for the neighborhood
12 commercial. One point that I would just like to make in his stead, this particular
13 community – property where it's located now has been zoned rural and of course most
14 of the activity that is taking place along that corridor and beyond is moving more toward
15 commercial and so we would just ask the Commission to consider our request today for
16 rezoning this property to neighborhood commercial. The other last point I will make is
17 the Staff recommendation on the slope that has caused some concern. The purposes
18 of using this facility for commercial purposes in the future will certainly allow us to
19 address that particular issue that is causing the concern from Staff regarding the
20 elevation and the topography of the site. So I ask the Commission to support our efforts
21 in rezoning this property as neighborhood commercial. Any questions?

22 CHAIRMAN FURGESS: Any questions?

23 MS. CAIRNS: I have a question.

1 MR. GILCREST: Yes.

2 MS. CAIRNS: You just offered that the change in zoning would allow the
3 applicant to address the issue of the change in elevation and the concerns that Staff
4 had?

5 MR. GILCREST: Um-hum (affirmative).

6 MS. CAIRNS: I mean could you explain how?

7 MR. GILCREST: What I – if I understand the Staff's recommendations correctly,
8 there is a hill, a slope there that Staff recommended would cause some problems with
9 regards to the traffic and all. And part of what the purposes of what Mr. Kim wants to
10 look to do with this particular site if, in fact, indeed that is a problem is to be able to
11 address that in whatever commercial development effort that he intends to pursue.

12 MS. CAIRNS: Is the 10' grade change from the road to the site or on the road?

13 MR. GILCREST: It is actually on – it's on the site.

14 MS. CAIRNS: Okay. Okay. That's what –

15 CHAIRMAN FURGESS: Any other questions? Thank you, sir.

16 MR. GILCREST: Thank you.

17 MR. VAN DINE: Mr. Chairman, if I could ask Staff? I'm looking at – on page four
18 zoning map. Haven't we rezoned a large PDD in that area? And if so how come it's not
19 showing up?

20 MS. ALMEIDA: It's off the map, further west. You'll see the blue.

21 MR. VAN DINE: I thought it went up the road, further up.

22 MS. ALMEIDA: No, sir. No. We do have a PDD that is actually going before
23 Council and I believe it's been modified once or twice and it's a funeral home that's

1 actually on Hardscrabble which is part of the church that is next door. Actually it's
2 shown here in pink OI. You all saw it as GC and approved it as GC. But that's on
3 Hardscrabble and it's part of the church actually.

4 MR. VAN DINE: And so is that – would that then make this lot – if approved by
5 Council would that make this lot contiguous with a GC?

6 MS. ALMEIDA: No, sir. Because the church remains in the RU.

7 MR. VAN DINE: Okay.

8 MS. ALMEIDA: It's a funeral home attached to the church, behind the church.

9 MR. VAN DINE: In the OI –

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

11 MR. VAN DINE: - area.

12 MR. PALMER: So they subdivided their lot?

13 MS. ALMEIDA: It was subdivided already.

14 MR. PALMER: But the church owned both of them?

15 MS. ALMEIDA: They sold to a funeral home which –

16 MR. VAN DINE: Is that Dunbar that was going out there?

17 MS. ALMEIDA: Yes.

18 MR. PALMER: And the church site would probably be rezoned OI in a
19 downgrading scale from the GC as it goes further away from the commercial node?

20 MS. ALMEIDA: The church doesn't –

21 MR. PALMER: I know the church doesn't need it but if it were the neighborhood
22 commercials are least intense --

23 MS. ALMEIDA: Um-hum (affirmative).

1 MR. PALMER: - commercial classification.

2 MS. ALMEIDA: Correct.

3 MR. GREEN: Is anybody here to speak against this?

4 MR. PALMER: No.

5 MR. GREEN: I'll tell you, I go down this stretch of Clemson Road many times a
6 week and as I look at this area, clearly RU is not what's going on on Clemson Road. So
7 I think we can just put aside the thought that this needs to be RU zoned property. The
8 question becomes is it appropriate residential property? If it's not RU, you know, what's
9 appropriate? Is it commercial, a step down commercial, or residential? I'll be honest
10 with you. I don't see this as residential property. If you see how these driveways
11 interact with Clemson Road at this point, when you see how the traffic moves in this
12 particular area. The property to the immediate east of this is fully developed and I'm
13 going to support rezoning of this property because of those things.

14 MR. PALMER: Is that in a form of a motion?

15 MR. GREEN: I would make, just to get a motion on the floor, I would move that
16 we recommend to Council that 07-MA be rezoned to neighborhood commercial.

17 MR. PALMER: Second.

18 CHAIRMAN FURGESS: You heard the second, the motion and the second on
19 that. All in favor?

20 MR. VAN DINE: Let me ask -

21 CHAIRMAN FURGESS: Okay.

22 MR. VAN DINE: Is the step gradient between neighborhood commercial - is that
23 the least – the most restrictive commercial as to what could be there? What I'm trying

1 to figure out is a gradient. You know, we had C-1 through C-3 before which was easy to
2 figure out.

3 MR. PALMER: I think probably rural commercial might be the absolute least but
4 this is not a rural commercial site.

5 MR. GREEN: Or OI which would allow office and institution but not retail.

6 MR. PALMER: OI's a C-2.

7 MR. VAN DINE: Okay.

8 MR. PALMER: Neighborhood commercial's C-1.

9 MR. VAN DINE: And then rural commercial would be something which would be
10 –

11 MR. PALMER: Post offices.

12 MR. VAN DINE: - a little lower than that?

13 MS. ALMEIDA: Yeah. Extremely less intense.

14 MR. VAN DINE: Okay. Thank you.

15 CHAIRMAN FURGESS: You heard the motion on the floor. Are you ready for
16 the vote? All those in favor that we send this forward to County Council for approval
17 please raise your hand. Opposed?

18 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine, Green, Manning,*
19 *Cairns]*

20 CHAIRMAN FURGESS: This will go forward to County Council so you must be
21 at the County Council meeting on July the 24th '07. We're just a recommending body to
22 County Council. Next on the agenda?

23 **CASE NO. 07-34 MA:**

1 MS. ALMEIDA: Mr. Chairman, the next case, 07-34, applicant is Stan Mack.
2 The acreage is 1.41. The existing zoning is RU and the applicant is requesting a GC
3 zoning designation. The site is located on Broad River Road with approximately 123
4 linear feet of frontage. Currently on the site there is a house, a one-story brick veneer
5 dwelling and it is set back approximately 179' from the Broad River Road. Adjacent to
6 this site is a newly constructed gas station and the development of this lot should be,
7 from Staff's perspective, the ending point for any further future commercial businesses.
8 The Level of Service, however, is the Level of Service F. Broad River Road has been
9 widened recently by DOT. Some turning lanes have been provided onto Koon Road
10 north of the site, and Farming Creek Road west of the site. Staff is recommending
11 approval.

12 MR. PALMER: Has this zoning classification been changed any? Has it been
13 reassessed since the widenings have taken place or is that an old assessment or new
14 or what?

15 MS. ALMEIDA: You mean the Level of Service?

16 MR. PALMER: Yeah.

17 MS. ALMEIDA: It was just done, just some turning lanes. So that was – it was
18 assessed back in 2006, the traffic counts, so. No, it has not been done recently.

19 CHAIRMAN FURGESS: Now on the Broad River Road didn't we say that – how
20 far was we going to go down on having businesses go down Broad River Road?

21 MS. ALMEIDA: Well adjacent is a farm that you can see.

22 CHAIRMAN FURGESS: I see [inaudible] business area.

1 MS. ALMEIDA: And immediately adjacent to the site going northwest is a brand
2 new gas station, right there at Koon and Broad River Road. Like I said, this is a 1.41
3 acre site. It has a house on it – small. That would be the breaking point of where Staff
4 would recommend the commercial property stop. Because as you can see from – on
5 page 10, right from Farming Creek Road up until Koon Road other than an out parcel
6 everything is commercial.

7 MR. PALMER: So Staff would look to kind of contain everything within Calvin
8 Koon Road and Broad River Road?

9 MS. ALMEIDA: Right there.

10 MR. VAN DINE: Can I ask you a question? This is – has to do with what we
11 have in front of us. Is there a reason why we're not getting photographs of the actual
12 site anymore?

13 MS. ALMEIDA: Well we were trying to use the GIS.

14 MR. VAN DINE: But I -

15 MS. ALMEIDA: But we can.

16 MR. VAN DINE: I guess my reason for saying that is if you just told us that
17 there's a new gas station right there and the aerial views don't show a new gas station
18 right there so if there's something like that with changes then I think that those are
19 important things that we need to have as part of our – okay.

20 CHAIRMAN FURGESS: Any other questions of Staff at this time?

21 MR. MANNING: Yeah, is the Calvin Koon Road a public or private road?

22 MS. ALMEIDA: Public.

23 MR. MANNING: Public?

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

2 MR. PALMER: Stan Mack? Followed by James? I can't read your last name.

3 MR. NOCHE: Noche, it's pronounced Noche.

4 MR. PALMER: Okay.

5 **TESTIMONY OF STAN MACK:**

6 MR. MACK: I'm Stan Mack. I work with ReMax Real Estate Services at 426
7 Bush River Road. I'm representing Mr. Noche in the sale of his property on Broad River
8 Road and I'm also representing a local bank as a potential buyer for the property to
9 build a new bank on it. As Staff mentioned, it is at the intersection of Koon Road which
10 was just widened. In fact they just put a new light there and turned it on about three or
11 four weeks ago. Also as they said everything from there up towards the new Wal-Mart
12 that's proposed has all been rezoned commercial. May I answer any questions?

13 CHAIRMAN FURGESS: Any questions? Thank you, sir.

14 MR. MACK: Thank you.

15 CHAIRMAN FURGESS: If he talks for you you don't [inaudible] pass to the next
16 person.

17 MR. PALMER: Mr. Noche? James and David Noche?

18 MR. NOCHE: He has said everything better than I could.

19 CHAIRMAN FURGESS: Okay. Thank you.

20 MR. PALMER: David Noche? David Koon?

21 **TESTIMONY OF DAVID KOON:**

22 MR. KOON: I'm David Koon. I have the farm adjacent to the property on two
23 sides.

1 CHAIRMAN FURGESS: Please give your name and address for the Record.
2 Give your name and address for the Record.

3 MR. KOON: David Koon, 10355 Broad River Road. I have the property adjacent
4 on two sides. My main issue - when that gas station went in I catch a lot of runoff off of
5 that. They've got a retention pond but it's a slow release but it lets it out pretty good.
6 And this is a low piece of property and I'm just wondering how much more run off I'm
7 going to get in my pond because I don't think the road can take it. That was my
8 question when they were doing the extra lane constructions out there with the DOT and
9 I never got an answer on it. And as – another note I wanted to make was that as far as
10 I know Calvin Koon is a private road. The county does not work it. No easement has
11 been granted.

12 MS. ALMEIDA: Did you say Koon Road? I'm sorry.

13 MR. MANNING: Calvin Koon Road, yeah.

14 MS. ALMEIDA: Oh, I misunderstood. I thought you said Koon Road. I'm sorry.
15 Yes. Calvin Koon is private.

16 MR. KOON: And that's my main issue is runoff, you know. If I could get a fair
17 buffer around it it would be nice but I'm willing to work, you know. That's all I have to
18 say.

19 CHAIRMAN FURGESS: Any questions?

20 MR. MANNING: Yeah. I have one for Mr. Koon. The property drains from the
21 front to the back or from the back to the front?

22 MR. KOON: Yes, sir. They've had problems in the front before. It's a low area
23 and they cleaned the ditch out but the city would turn water loose to purge the tank up

1 at the top of the hill and they tell me the valve sticks and it would flood out Mr. Noche's
2 yard. But it comes from the front of the road and to the back. It kind of splits the
3 property line where it comes off from the gas station. It's a natural low area feeding into
4 a ditch.

5 MR. MANNING: So it drains through your property?

6 MR. KOON: Yes, sir. Everything comes back that way. And all that drains back
7 down under the railroad and back through Friarsgate.

8 MR. MANNING: Thank you.

9 MR. KOON: Thank you.

10 CHAIRMAN FURGESS: Thank you.

11 MR. PALMER: That's all.

12 CHAIRMAN FURGESS: That's all? Okay. Need to have a motion on this,
13 please.

14 MR. MANNING: I have one other question for Staff. Anna, you made mention
15 that this is less than the two acres in gross land area [inaudible]; is that a code
16 requirement that going from a rural or any zoning classification we have two acres?

17 MS. ALMEIDA: It is. But if you are adjacent to a classification that you're
18 seeking you can request that classification under two acres.

19 MR. GREEN: Mr. Chairman?

20 CHAIRMAN FURGESS: Yes.

21 MR. GREEN: Koon Road really serves as one of the major cross over points for
22 traffic from the east side of 26 to the west side. I think a commercial development
23 where this intersection sits is consistent with what we looked at doing for commercial

1 nodes in developing areas and therefore I would make a motion that we send this
2 forward with a recommendation for approval.

3 CHAIRMAN FURGESS: Need a second.

4 MR. PALMER: Second.

5 CHAIRMAN FURGESS: Heard the motion and the second. All those in favor
6 that we send this to County Council with approval please raise your hand. Opposed?

7 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine, Green; Opposed:*
8 *Manning, Cairns]*

9 CHAIRMAN FURGESS: Thank you. But just make sure that you be in County
10 Council on July the 24th for the meeting.

11 MR. VAN DINE: And just for the purposes – if there is in fact runoff, if that
12 happens you have the ability contact both DHEC as well as County individuals for
13 dealing with the siltation and sediment permits and a few other things.

14 MR. KOON: I called DHEC before and got the runaround.

15 MR. VAN DINE: And I am certain if you were to talk with Mr. Mack he would be
16 more than happy to put you in touch with individuals to alleviate any problems you might
17 be having.

18 MR. KOON: I'll hold him to it. Thank you.

19 CHAIRMAN FURGESS: Thank you.

20 MR. VAN DINE: If I could read into the Record on the next which is 07-35 MA.
21 This is from Pat Palmer directed to Mr. Furgess. "I must request to be excused from
22 participating in discussion or voting on agenda item No. 07-35 MA, regarding rezoning
23 of 67 acres which is scheduled for review and/or discussion at today's Planning

1 Commission meeting. It is my understanding of the Rules of Conduct provisions of the
2 Ethics Government Accountability and Campaign Reform laws that since I and the
3 company I work for are involved in this project I will be unable to participate in this
4 matter through discussion or voting. I would therefore respectfully request that you
5 indicate for the Record that I did not participate in any discussion or vote relating to this
6 item representing a potential conflict of interest. I would further request that you allow
7 and direct this letter to be printed as part of the official Minutes and excuse me from
8 such votes or deliberations and note such in the Minutes. Thank you for your
9 consideration in this matter. Pat Palmer.”

10 **CASE NO. 07-35 MA:**

11 MS. ALMEIDA: Case No. 07-35. The applicant is Sycamore Development. The
12 acreage on the site is 67.58. The existing zoning is RU and the proposed zoning
13 request is RS-MD. The site currently fronts along Rimer Pond Road and Longtown
14 Road with approximately 2,100 linear feet of frontage on Rimer Pond and 1,275 linear
15 feet of frontage on Longtown Road. A pond does exist on parcel C and is located on
16 Rimer Pond Road and encompasses the western portion of the lot. Rimer Pond Road
17 and Longtown Road are both two-lane collector roads currently maintained by DOT and
18 the Level of Service is A. The area around the proposed request is rural. There has
19 been a school that has been built on the corner of Rimer Pond and – what is that? I
20 can't read that. And Longtown. It's a middle school, Blythewood Middle School. Water
21 and sewer does exist. There is a subdivision across the street that is being developed
22 but it is rural in nature. And the applicant of course is requesting RS-MD and Planning
23 Staff has recommended denial.

1 MR. MANNING: Anna, what did you say about the water and sewer?

2 MS. ALMEIDA: The water and sewer is in the area brought on by the school.
3 When the development across the street apparently went in several – and it's still being
4 developed, water and sewer just didn't exist and I believe that subdivision is on well
5 water. So it is a rural subdivision.

6 MR. MANNING: Okay. So although the 20/20 plan basically says medium
7 density –

8 MS. ALMEIDA: Yes, it does.

9 MR. MANNING: - it's okay. Your objection to it is that it's predominantly rural
10 zoning around [inaudible] –

11 MS. ALMEIDA: Right now. Yes.

12 MR. MANNING: - in the developing area?

13 MS. ALMEIDA: And, you know, our comp plan is a little outdated because as
14 you can see from the development in that area, Kelly Mill Road we just approved a PUD
15 across from Lake Carolina. There is substantial development going on in this area but
16 right now as you can see from our zoning map everything around it is rural.

17 CHAIRMAN FURGESS: My question to Staff, is this – your decision was based
18 on something that was adopted in September of 1977?

19 MS. ALMEIDA: According to our records there have not – on this site there was
20 no zoning request at all. We do a zoning check to see if the site had requested a
21 rezoning since inception of our zoning records. And no, there was no request on this
22 site for rezoning.

1 CHAIRMAN FURGESS: So is this property that supposed to be rezoned; is it
2 currently with the 20/20 plan or is it not – currently up to date for rezoning or if it's not up
3 to date? Or it doesn't fit into our 20/20?

4 MS. ALMEIDA: Well the existing zoning is rural. Our comprehensive plan talks
5 about a higher density but right now the area is rural.

6 MR. ANDERSON: Just a quick question. Is – the water and sewer wasn't out
7 there so.

8 MS. ALMEIDA: Correct.

9 MR. ANDERSON: Couldn't have that type of density out there [inaudible].

10 MS. ALMEDIA: Exactly.

11 MR. ANDERSON: So the comp plan calls for that type of density but due to the
12 fact that there was no water out there nobody could get that density anyway.

13 MS. ALMEIDA: The comp plan talks about, you know, the existing – is it
14 compatible with the existing area and these are the things that we as Staff when we're
15 reviewing we have to look at it. While even though the comp plan talks about a higher
16 density the problem is it's not out there immediately around this proposal. So those are
17 the basis of non-compliance.

18 MR. ANDERSON: Okay.

19 CHAIRMAN FURGESS: Any other questions to Staff?

20 MR. VAN DINE: Just out of curiosity. We have been - all been reading the
21 paper about problems with water capacity out in that area based upon the present
22 condition of development.

23 MS. ALMEIDA: Correct.

1 MR. VAN DINE: What, if anything, is being done to enhance or expand the water
2 capacity if this were to hook into water and sewer out into that area? Do you know of
3 anything?

4 MS. ALMEIDA: This particular rezoning? From what I understand the City of
5 Columbia has built or is in the process of building a water tower out there and it should
6 be done fairly quickly. Staff does not know what the capacity is at this point. The city
7 does not have those numbers available to us when we need them. Usually when
8 they're not at capacity we get notified.

9 MS. WARD: The city does have a new water tank out at the Village at Sandhill
10 and it is on line.

11 MR. VAN DINE: Is there another one that is being established?

12 MS. WARD: That's the only one that I know of.

13 MS. ALMEIDA: Yeah.

14 MR. MANNING: I was told that – by the city engineer that part of the problem
15 was the pumps. The capacity in pumps were not there and they're switching that out.

16 MS. WARD: That's right. They had to upgrade some of their system given this
17 new tank. The new tank did away with two other nearby tanks and so it's going to – the
18 bowl elevation of the tank is about 100' higher than the current standard and it should –
19 their plan is to alleviate the problems in this area.

20 MR. VAN DINE: Was there any discussion with the applicant regarding a PDD or
21 something else besides a straight rezoning?

22 MS. ALMEIDA: Well, I believe – I mean the applicant is here and can address
23 the issue. I know that the applicant's request was to develop a variety of lot sizes not

1 necessarily conducive to the request but there are several lots that – and obviously
2 wetlands on the site that they're still identifying, the pond, some restrictions on the site,
3 so they need a little bit of flexibility. But the applicant is here.

4 MR. PALMER: Brian Shealy?

5 AUDIENCE MEMBER: I don't wish to speak.

6 MR. VAN DINE: All right. Diane Duge(?), Doug?

7 AUDIENCE MEMBER: I'll speak for her, that's my wife.

8 MR. VAN DINE: All right.

9 CHAIRMAN FURGESS: Please state your name.

10 **TESTIMONY OF THOMAS DUGAN:**

11 MR. DUGAN: I'm Thomas Dugan. I live at 216 Brightston(?) Lane. I live in the
12 rural subdivision immediately across from the property. I'm here also representing our
13 body of homeowners. I do have a petition I'd like to present to the Planning
14 Commission that's signed by the majority of our homeowners if that's okay.

15 MR. VAN DINE: Hand it down there.

16 MR. DUGAN: We oppose this zoning. The areas all around it are zoned RU.
17 One of the reasons that we all moved into this area was for the RU zoning. We prefer
18 the rural nature of Blythewood. If we wanted the medium-density type zoning we would
19 have moved into the Summit or Lake Carolina. There are numerous subdivisions in the
20 northeast area that have the medium density or even higher densities. This property is
21 surrounded by RU zoning which is what we prefer. The medium-density zoning just
22 does not fit into that area. I mean we all have three-quarter lots and we can understand
23 that as the city expands, as Blythewood expands that's not a viable option but we feel

1 the 8,500 square foot lots are not conducive to our community area. We also feel that if
2 this is rezoned to MD the developer can tell us he's going to use 12,000 square foot lots
3 but 8,500 square feet – there's nothing we can do if he comes in and builds 80 x 100
4 square foot lots. We're just not happy with that. The water issue, right now there is no
5 water to that area. The water stops at the middle school. That part of Rimer Pond
6 Road we're all on wells. There is no water in that area. The closest water tower is
7 Sandhills which is eight, nine miles away. With the City of Columbia, with their water
8 problems right now we don't understand how can they support that area with water. If
9 you go to wells and if it's zoned MD he has the potential of putting 397 homes on that
10 property. And if they all draw on wells what happens to the aquifer? That's where we
11 get our water from is the aquifer. Rimer Pond Road –

12 CHAIRMAN FURGESS: You need to wind it up, sir, because we have other
13 people.

14 MR. DUGAN: Rimer Pond Road is a small county road. We don't believe it can
15 handle the traffic load of another 400 homes. Thank you.

16 MR. VAN DINE: Thank you. Carl Berry?

17 **TESTIMONY OF CARL BERRY:**

18 MR. BERRY: Thank you, Chairman and Planning Commission Members. My
19 name is Carl Berry. I am - 7368 Two Notch Road - I'm the president of Sycamore
20 Development. I am the developer. Just wanted to highlight a few points. Certainly
21 understand the concerns and I'll address those as I go forward. As Staff had pointed
22 out we all know that the comp plan's really not reflective today of what is happening in
23 the area. However our medium density is in line with that, with what the comp plan

1 states. I'll get into what I have planned which will help with some of the concerns that
2 have been addressed. But let me tell you in terms of the water/sewer issue, the
3 water/sewer's available. It's available to the school, Blythewood Middle, right across the
4 street, on the southwest corner of the property that I'd be developing. So I will be as a
5 developer you know taking on the cost of taking that water/sewer from that southwest
6 corner across Longtown Road and going into the development and running it into the
7 development that I'm actually doing. So the public water/sewer is there so there won't
8 be any issues relative to the aqua table or wells or so forth. Another thing that's
9 interesting is that it is service A in terms of the traffic counts. I believe what we're going
10 to be doing here will not adversely affect that. From a location point of view this site
11 makes sense. From a development point of view it's at a node interchange. It's next to
12 Longcreek Plantation, Windermere – there. It is, you know, centrally located between a
13 couple other major areas and all I am looking to do is as a developer is to continue with
14 the recent growth that has occurred there but in the same high standard, quality nature
15 that exists out there at present. Certainly from that standpoint I want to involve the
16 community. We have reached out prior to – over the last couple weeks to the Council
17 Member representing this district and we're going to make sure that we got her
18 involvement and we will, and we take pride in doing it, we will work with the community
19 to work through these matters. I'm a developer that has built this company on trust,
20 integrity, quality. I understand if I was living there I would have some of the same
21 concerns. I actually have a mixture of product planned for this development. I have no
22 intention – I'm caught between the middle because where the zoning breaks occur are
23 at 8,500 square foot lots and 12,000 square foot lots for the aspect of the development.

1 And my intention right now is to have a mixture in this subdivision of 80 x – excuse me,
2 80 x 120 lots which are 9,600 square foot lots and in addition 100 x 120 lots which are
3 12,000 square foot lots. So I'm actually planning a development that is going to be a
4 mixture of what you would have medium and low density. All custom builders, all high
5 end in nature. This is not production build 101. This is I am developing the actual
6 property in partner with high-quality, custom builders that are going to do a very fine job.
7 I just need a little bit of flexibility based on product configurations with some of the
8 custom builders that I'm working with to be able to do the 9,600 square foot lots in
9 certain areas within the community.

10 CHAIRMAN FURGESS: You need to wrap it up, sir. We have others to speak.

11 MR. BERRY: So with that in summary I appreciate your support and am willing
12 to work with the community as need be.

13 CHAIRMAN FURGESS: Thank you.

14 MR. GREEN: Mr. Chairman, I have a question for the applicant. Just interested,
15 since you are looking at mixed density, if you will maybe why the PDD route wasn't a
16 route that you thought maybe could work well and actually have these issues addressed
17 in the PDD.

18 MR. BERRY: Well that's certainly an alternative. What I had looked at and have
19 looked at in the past too, we just acquired the property under our control in the last five
20 to six weeks. And we're just now early in the planning phases and with the Commission
21 and so forth not meeting in August I wanted to go forward and because we have a short
22 lease in terms of being able to move forward with it. But I wanted to look, I didn't – as
23 we moved into our meetings with our community and needed to understand what

1 needed to take place there I was looking at alternate routes in terms of legally providing
2 assurances that I would not have less than 9,600 square foot lots as an example
3 through legal channels. But I just felt like that I wouldn't have to go or didn't see the
4 justification quite frankly of going that PDD route with what I was prepared to do in
5 working with the community.

6 CHAIRMAN FURGESS: Any other questions for the applicant? Thank you.

7 MR. BERRY: Thank you.

8 MR. VAN DINE: Ken Queen?

9 **TESTIMONY OF KEN QUEEN:**

10 MR. QUEEN: Mr. Chairman, my neighbor, Ms. English, wanted to know – she
11 didn't get here in time to sign up for the list to speak afterwards. She wanted to know if
12 she can do that or does she need to [inaudible]?

13 MR. VAN DINE: That's fine. What's her name?

14 MR. QUEEN: Vanessa English.

15 CHAIRMAN FURGESS: Is this for or against?

16 MR. QUEEN: Against.

17 CHAIRMAN FURGESS: Okay.

18 MR. QUEEN: My name is Ken Queen. I am also a real estate developer. I'm
19 also a neighbor to this property. I live across the street. I've delivered to the Planning
20 Commission and County Council approximately two years a subdivision plan for what is
21 Seaton Ridge which all the homeowners here are represented. I brought before you a
22 plan for 66 lots over 48 acres and I was denied a medium density request. It was
23 developed in a rural fashion which was, which matched up with the area. We went back

1 and did three-quarter acre lots and that's what this area dictates. I live on
2 approximately 50 acres; Ms. English lives on 50 acres. I speak for the Voils family
3 which lives on 25 acres across the street from this; the Butler family which lives on 32
4 acres just purchased; the Roof family which has 64 acres. All those folks unable to
5 attend today do not want this development in this density. This density does not fit the
6 area. The traffic count there is – the traffic problems there are steadily – there are four
7 schools within a mile in either direction. The traffic there is unbearable already. We
8 bear the brunt or a good portion of the brunt of Lake Carolina traffic. It comes down
9 Rimer Pond to get to 21 back to I-77, and Long Creek Plantation does the same.
10 Neither of which can stand anymore traffic in that area. The folks in that area that live
11 there don't want this. By precedent Planning Commission and County Council, and I
12 have the plan I originally submitted to both ya'll that had 66 lots on it. I have it here with
13 me. The development was approved for 37 lots directly across the street. None of
14 those 37 lots wants this development either. This development does not match up with
15 the area. Can't read my own writing - 300 hundred homes? No way 300 homes can fit
16 there. That driveway next to the site arrow is directly across the street from my
17 driveway. I sit in my driveway now five to seven minutes to get out in the morning to go
18 to work. What if I'm competing with 300 people across the – or 150 of them across the
19 way from me? It's – the road is not built to accommodate it, nor is the area. That's a
20 nice little, I guess bastion of rural area there that needs to be maintained as much as
21 possible. There's no other tract there that's available for development and this piece
22 just doesn't work, 80 to 100 or 100 x 120? Those size lots don't match up with that.
23 There are plenty other places to do that around here.

1 CHAIRMAN FURGESS: Thank you. Next person.

2 MR. VAN DINE: Jacqueline Chambers? Michael Letts?

3 CHAIRMAN FURGESS: Sir, please state your name and address and you have
4 two minutes.

5 **TESTIMONY OF MICHAEL LETTS:**

6 MR. LETTS: I'm Michael Letts. I live at [inaudible] [Inaudible] Court out in the
7 Summit out in Northeast Columbia. I also serve on the Council of Governments and
8 have for the last 20 years and chaired the transportation committee and the
9 environmental committee. My purpose in talking with you today is to simply to address
10 the technical issues that were raised. Very rarely, as you're familiar with in this County,
11 do we find roads with the capacity of level A and we have a road currently having
12 [inaudible] capacity of A which shows that the traffic capacities fortunately at this stage
13 are not critical at this time. And from an environmental standpoint [inaudible] committee
14 working very diligently on the water issues we have there and as the Commissioner
15 stated the City of Columbia is adapted to those problems. They have issued contracts
16 already [inaudible] new lines and new pumps. Consequently the area has changed
17 over the last two years and my good friend, Mr. Queen, I understand the issues were
18 water back then. The issues are not water now because of the fact that [inaudible]
19 upgrades the line [inaudible – issue with mic] – that better? Okay. I wonder why I was
20 getting a little bit of feedback there. But over the last few years, you know, we've made
21 major upgrades in the capacity of those lines and the capacity of those pumps and
22 those projects should be completed within the next six to eight months which is about
23 the time that this project would then come online so water and sewer should not be an

1 issue as well. So the total texture has changed in the last two years and I think that
2 plan has not been updated to reflect that. Thank you so much.

3 MR. VAN DINE: Can I ask you a question?

4 MR. LETTS: Sure.

5 MR. VAN DINE: If I understood your comment concerning traffic, if you have a
6 road at Level A let's go ahead and develop it out so that we put it down to Level C or D
7 because it's already an A? Is that in essence what you're saying because that sure
8 sounded like it to me.

9 MR. LETTS: No. In essence, what I'm saying, Commissioner, is the fact that it is
10 a Level A provides the opportunity for development to be able to go out there and not
11 severely adversely affect the condition of that road.

12 MR. VAN DINE: All right.

13 MR. LETTS: If they were at a Level F they would obviously be tremendously
14 concerned about how it would affect the transportation, the road issues, but it's at a
15 Level A so that issue is pretty much moot. Thank you.

16 MR. VAN DINE: Thank you. Vanessa English.

17 **TESTIMONY OF VANESSA ENGLISH:**

18 MS. ENGLISH: Thank you very much for the opportunity to speak.

19 CHAIRMAN FURGESS: Please state your name and address.

20 MS. ENGLISH: Yes. My name is Vanessa English. My address is 596 Rimer
21 Pond Road. My husband and I own 50 acres which will – and I've got a photo here.
22 This property will connect to my property and if you'd like the photo, I'd like to present it.
23 You can see where the flag is and where my property is.

1 CHAIRMAN FURGESS: Just give it to the Commissioner on the end and she'll
2 pass it down to us, please.

3 MS. ENGLISH: I speak for the residents of Blythewood, rural Blythewood. I
4 moved to Blythewood – my family moved to Blythewood in 1991 and we moved to
5 Blythewood for one reason and one reason only. We wanted a rural environment. We
6 want country living. We wanted to see the stars. And Planning Commission provided
7 that for us by zoning Blythewood rural. So all of us moved in to this community because
8 of that reason. Because you said that this is rural and this is what it's going to be and
9 we said you got it, we want it. Now we have someone here wanting to change the
10 rules. I am not at all opposed to development. I'd say develop their property but do not
11 change the zoning. It doesn't mean you cannot develop; it just means the size of your
12 lots have to conform to the current zoning. Now we've all bought into this and this isn't
13 about whether this road can handle it or whether there's water or any of the other issues
14 have been brought about. This is about what we bought into based upon what you
15 zoned and you just cannot, for the sake of development and money, rezone it so
16 someone can put in 500 houses rather than 300. If you will look at – I do have more
17 pictures that I can pass around to show you just what the area does look like. And the
18 area that they wish to develop is surrounded by estates. It's not surrounded by other
19 developments; it's surrounded by estates. It simply does not fit and it would be wrong, it
20 would be wrong to allow this zoning change to occur after we all bought into it. And one
21 thing I would like to impress upon is that what is there a need for a Planning
22 Commission if you're only going to allow any developer to come in and do whatever

1 they want to do? All they have to do is come down and ask for a zoning change. I
2 mean Richland County should be a mix of all zones.

3 CHAIRMAN FURGESS: [Inaudible].

4 MS. ENGLISH: It should be of all zones. You have your high density, you have
5 your medium density, you have your rural, you have your C-1, your C-3. You have your
6 variety. Let us have our rural and let medium be built where it is zoned in that area. Let
7 us have variety, let us have diversity, let us be unique. I'm asking you please, go along
8 with what your Staff requested – deny. And I'd like to show, present these other
9 pictures so you can see the area.

10 MR. VAN DINE: Please do. Those are the only people who have signed up in
11 relation to this.

12 MR. EZELL: I hate to interrupt. I think I signed up maybe on the wrong sheet but
13 I live in Seaton Ridge across the street and I'd like to speak.

14 MR. VAN DINE: What is your name?

15 MR. EZELL: David Ezell.

16 MR. VAN DINE: You did sign up for the wrong – let me go down this.

17 MR. EZELL: I do apologize.

18 MR. VAN DINE: Let me go down this list and see if there's anybody else who
19 signed up on this list. Jane Neilson? It looks like Jim [inaudible]? Oh, that is Neilson.
20 Okay. Mr. Dugan, it looks like you signed up on that sheet as well. Richard Purilla? All
21 right. Then let me go down this list as well since apparently everybody has signed up
22 on this –

23 AUDIENCE MEMBER: It got passed along the line there.

1 MR. VAN DINE: All right. Jane Neilson?

2 AUDIENCE MEMBER: I'm speaking for the next one.

3 MR. VAN DINE: Oh, you are. Okay. And Mr. Neilson I assume you're for the
4 next one also?

5 AUDIENCE MEMBER: [Inaudible]

6 MR. VAN DINE: All right. Richard Purilla?

7 **TESTIMONY OF RICHARD PURILLA:**

8 MR. PURILLA: Yes, sir. My name is Richard Purilla. I live in 211 Friarston Lane
9 in Blythewood as well. I just retired out the military after 23 years of serving my country.
10 I moved to Columbia and I moved out and just recently moved into Blythewood for that
11 certain reason. For that rural reason I left out of the city and moved into the country. I
12 want to see the stars at night. I don't want to look out in the back of my yard and see,
13 you know, 250 houses. I believe that in keeping it RU, you know. That's just my thing.
14 I'm opposed to it. You know, Don Dugan is a representative for Friarston, for our
15 subdivision which is Seaton Ridge and he said it as well. So I'm opposed to it. Thank
16 you.

17 MR. VAN DINE: David Ezell.

18 **TESTIMONY OF DAVID EZELL:**

19 MR. EZELL: Thank you. My name's David Ezell. I live at 130 Seaton Ridge
20 Drive. And along with the rest of the residents there at Seaton Ridge I did move out
21 there for the rural setting. About one year I moved from pretty much a high density area
22 in Richland County out there to get away from that high density environment. When I
23 moved there I did look at the property around there and most of it, like Ms. English said

1 is pretty much estate type living which drew me in there. I did recognize there was a
2 large piece of property across from our subdivision and I did, you know, realize that
3 some day that would be developed because it's a nice looking piece of property. I
4 personally have no problem with it being developed as long as it's developed rural like
5 our development has already been developed just to conform with what's going on out
6 there. As far as the traffic – if you say zone – I guess that means – I mean zone A with
7 the traffic I believe that I'm understanding – I believe that's low traffic. I'd like for it to
8 stay that way to be honest with you. I think adding 250, 300 houses will greatly
9 increase that and make life not as nice as it is out there now. We live good out there.
10 I'm going to be honest with you. I love it out there and I want it to stay like it is. I do hit
11 traffic now when I go to the schools going to work in the morning during the school year.
12 I go by Blythewood Middle School; there's a four-way stop sign which is probably
13 maybe a quarter mile up the street from my subdivision and there's traffic backed up
14 there pretty good there on a school day morning about 7:00 o'clock when I'm going
15 through there. And if you add a whole bunch more houses in there like the developer's
16 proposing I think that line will just get a little bit longer and I'll have to get up a little bit
17 earlier to go to work a little bit earlier to be on time. So I would that you leave the
18 zoning there rural and I thank you for your time.

19 CHAIRMAN FURGESS: Thank you.

20 MR. VAN DINE: Thank you. Tony Randolph?

21 **TESTIMONY OF TONY RANDOLPH:**

22 MR. RANDOLPH: I'm Tony Randolph, 212 Cartgate Circle. I'm curious. What
23 did I sign up for?

1 MR. VAN DINE: You did sign up on it but it looked like somebody crossed your
2 name off.

3 MR. RANDOLPH: [inaudible] accuse anybody here. Just a quick comment.
4 Windermere which is located directly south of this parcel is residential, low density.
5 We've heard a lot of comments about utilities and services, water, sewer. Water may
6 be out there. Currently the water service is not good but one point that I'd like to point
7 out and that's why I don't think the proposed zoning is appropriate, the – if you'd pull
8 that map back so that you can see the proximity of that map to Clemson Road and if
9 you even go down a couple more [inaudible] here you'll see that the primary and the
10 easiest way to get to Interstate 77 is to cut right through Long Creek, go down Longtown
11 Road to Clemson and then on over to 77. The traffic count on Longtown east it may be
12 low but it's getting heavier and heavier now with the advent of traffic over to the middle
13 school. And if anybody has an opportunity I'd invite you to go out and drive Longtown
14 east coming down from Rimer Pond. I think you'll see some significant problems with
15 Longtown east that additional traffic is going to cause. We've got a potential problem
16 with the dam right there and if you follow it on around until you hit the intersection of
17 Longtown Road we've got an intersection there that is bad now. Okay? So based on
18 that I don't think the proposed zoning's appropriate and I'll stand against. Thank you.
19 Any questions?

20 CHAIRMAN FURGESS: Thank you.

21 MR. VAN DINE: Lydia Coleman?

22 MS. COLEMAN: [Inaudible] Road; did I sign the wrong thing?

1 MR. VAN DINE: No. You signed the right one but you were also in with
2 everybody else's so I was just making sure.

3 MS. COLEMAN: Okay. Thank you.

4 MR. VAN DINE: All right. At this point that is all the people that have signed up.

5 MR. GREEN: I have a quick question for staff. At the top of page 14, on the
6 Staff Report, Anna? It says gross density 346, net density 242.

7 MS. ALMEIDA: Correct.

8 MR. GREEN: Just review that for me, the difference on how you calculated
9 those.

10 MS. ALMEIDA: The net density, we take the gross acreage, we deduct 30% for
11 infrastructure just off the top and then we divide it by the square footage of the lots. We
12 do not take into consideration any constraints on the property obviously, wetlands or
13 ponds.

14 MR. GREEN: Thank you.

15 CHAIRMAN FURGESS: Any other questions for Staff?

16 MR. VAN DINE: Mr. Chairman, I will put a motion forward to send this forward to
17 Council with a recommendation of denial. I think there are multiple reasons for the
18 denial. First is that it is not compatible with what is already there. It's not compatible
19 with the items that have been developed in the area and are planning to be developed
20 in the area. Second of all I don't conform to the idea that just because you have a Level
21 A service road that means you automatically should go out and try to build on it in order
22 to make it something other than Level Service A. Rimer Pond Road – I think that if we
23 were to go out there and do a count now with schools and everything else that are out

1 there and the people that are presently exiting out of the Long Creek, the Columbia
2 Country Club and all of those areas out the back of that development onto Rimer Pond
3 Road, you would find that that level of service is probably not correct. We - and in
4 consistency purposes I do recall the development that came forward about two years
5 ago in which it was requested for a medium-density residential. We as a Planning Body
6 rejected that. And ultimately it was development under a rural setting and the present
7 zoning that exists allows for three-quarter acre lots which would be more in, compatible
8 with what is out there and consistent with what people have and their expectations that
9 they had when they went out there. For all of those reasons I don't think that this
10 request for a residential, medium density to jam that many houses into that area is
11 appropriate and I think that we ought to reject this request, and that is my motion.

12 CHAIRMAN FURGESS: Need a second on the motion.

13 MR. ANDERSON: I'd like to make a couple comments. I have to - I guess I
14 have look at - I'm looking at the big picture and I wasn't on Planning Commission when
15 Seaton Ridge came forward. You know, I'm looking at Blythewood Middle School right
16 there being in close proximity to Rimer Pond Road and to this development. To me
17 when I look at that piece of property it - that piece of property actually does preserve
18 some of the rural characteristics of the land because it's putting some of the density in
19 an area with, you know, if you incorporate Windermere Golf Club, it kind of keeps it in a
20 little circle. There's a little node there. And by creating some of the higher density I
21 think you keep it from moving out farther. So I have - I think this actually is a good
22 rezoning based on, you know, it's a medium-density. There are some restraints. You
23 know, the net density is 250 and it seems like there's some ponds on the site where I

1 don't know if the net density takes into consideration ponds and wetlands. It doesn't so
2 it would be less than that probably. I know that's an assumption so I don't really want to
3 make that as an argument but as far as preserving the rural aspects of the property I
4 think the higher density's in the areas where they're backed up with middle schools and
5 with services for the community, I think it's a fantastic spot. And not only that but our
6 comprehensive plan also calls for medium density. Now whether Seaton Ridge could
7 have gone medium density, I don't know. Maybe there was a water issue, maybe there
8 was a public works issue. I'm not sure. Was that one of the reasons that it was denied
9 two years ago?

10 MR. VAN DINE: No. It was denied almost exclusively based upon the density of
11 the property out there and its non-compliance of conformity with the other areas that
12 were in there.

13 MR. QUEEN: Water was available if I wanted it.

14 MR. ANDERSON: It was available. Okay. And I just stand by the thought that
15 this is actually one step in preserving some of those rural characteristics of Blythewood
16 by keeping it where there are services like middle schools and keeping it near the golf
17 courses. So I'd like to hear what some of the other Commissioners have to say about it
18 and some of their thoughts.

19 MR. GREEN: Mr. Chairman. I'll second the motion of Mr. Van Dine. I'm not
20 opposed to development of this area. I think our plan that we're working on now
21 extends residential development across and over this area. You know, but I think we
22 need to see a little bit more than just a carte blanche medium density development
23 here. If there is a desire to mix some sizes I'm not opposed to mixing sizes. I think

1 [inaudible] well assuming that the appropriate buffers and public spaces are provided
2 and just to deal with a straight RS-MD rezoning in an area that's on a road that we see
3 nothing of this density is not appropriate at this time. So I'll second the motion.

4 CHAIRMAN FURGESS: Any of Commissioners have anything else to say?

5 MR. VAN DINE: Mr. Chairman, I want to add one thing. It concerns me that we
6 sit up here when zoning requests come forward and there is a presumption that we
7 should be making a change. The fact remains that under a rural zoning you still have all
8 of the rights to develop them, just have a lesser density. And the fact of the matter is
9 that it seems whenever something comes before us we're always talking about it in the
10 form of we didn't need a reason to reject it other than a reason to support this move to
11 that. And I think we ought to be looking at it completely different. There ought to be
12 reasons to making the changes not for us saying we shouldn't make the changes, or we
13 shouldn't support that particular request. I've sat up here now for over seven years and
14 I don't understand the logic that is being applied which is simply because somebody
15 comes forward with a zoning request change that ought to be sufficient for us to make a
16 change unless we can come up with some reason not to. I just am concerned we are
17 looking at this from the wrong perspective. This particular request, as I have stated in
18 my motion, does not in any way preserve the rural character of what is there. You have
19 to look at this particular request as to what the most egregious potential is for that
20 request. Same thing with a general commercial or any other commercial. You can't
21 look at what is proposed. You have to look at the worse case scenario because this
22 Body has been burned more than once since I've been sitting on it with somebody
23 coming in saying this is what I have planned. It gets rezoned as a straight rezoning, a

1 month later that place is completely denuded of everything that had anything to do with
2 what was being proposed and somebody else is now putting out something else that
3 had nothing to do with what we were told. Because of that I don't think that we can look
4 at these particular requests and while I certainly have no reason to doubt that Mr. Berry
5 is an honorable person and will do it, the fact of the matter is if he gets his property and
6 he sells it it's no longer Mr. Berry that we are dealing with. It could be somebody
7 coming down from New York City or Chicago or someplace else like that that does
8 development out of those particular areas, not someone who is local that we have faith
9 in. So I don't think we ought to be looking at these particular requests as a right to
10 rezone or as they need to prove the right to rezone.

11 MR. ANDERSON: And just a quick addition. It's not – the comprehensive plan
12 actually calls for medium density in that area, in that node. So do I think it's so far
13 fetched to ask for medium density? Absolutely not because if a developer's just
14 following a medium density, if he's just following the comp plan the medium density
15 would be what's called for. So I don't think it's so far fetched to ask for medium density
16 and with the golf course right below it. I mean, yes that is low density but there's
17 several houses in a certain area and just to reiterate my point about, you know, I'm a
18 fan of having that higher density in smaller areas so that we're not preserve – so that
19 we're not ruining a lot of those rural characteristics in farther out Richland County. And
20 to me this seems like a perfect kind of case of in-fill. I know that doesn't fit the actual
21 definition because it's not a completely urban area but I think that's a perfect spot for in-
22 fill even though when you do drive down in that area you see a lot of larger lots. And if

1 based on just the current zoning around it I don't – I just don't have a problem with
2 medium density if I draw the circle and include Windermere Country Club.

3 MR. VAN DINE: If I were to believe that this were the only medium density that
4 were going to take place in this area I might buy into what you're saying but I can
5 guarantee you that there are other parcels of property in that area that are going to
6 come forward. They're going to be put before us and the first words out of the
7 applicant's mouth are going to be, "You already did a medium density over there. What
8 are you treating me any differently for?" And I think that is - we are opening the door
9 because of what that area is presently zoned as as well as presently developed as.
10 You make it a medium density you are dooming Rimer Pond Road to Hardscrabble,
11 Clemson and Longtown Road. I would challenge you to go out Longtown Road right
12 now – four years ago you could have come down that road at 8:00 o'clock in the
13 morning and run into four cars. You're lucky now if you can get through any of those
14 stop lights or through any of those areas in any point in less than 20 minutes now
15 because of all of the traffic that has developed because of the Long Creek, because of
16 the stuff that Mr. Mungo has developed along with everybody else as well as the other
17 things that are in that area. This – if we allow some of this to happen will just be the
18 opening of the floodgates for what has already happened in other areas. I just don't
19 think we can do that.

20 MR. ANDERSON: Well, I'll also say that it's called in our comp plan too. I'll refer
21 back to that again.

22 MR. VAN DINE: Our comp plan is under review and is going to be changed and
23 is so outdated right now that it is virtually worthless to what anybody is talking about.

1 MR. MANNING: Well I think that brings to light the problems we're getting ready
2 to experience in recreating the comp plan. If you were to take this site or this area as a
3 part of that process and look at it individually you'd have a hard time saying this needs
4 to stay intact rural. Obviously it's being developed [inaudible] infrastructure issues out
5 there. Schools are being built out there. And I hear what these people are having to
6 say that they want to keep this land in the current state it is. But there will be more and
7 more requests. So maybe these people right here who want to eventually develop their
8 land. So it's a tough struggle when you've got a piece property sitting right in the middle
9 of growth and developers and builders are using the comp plan as a tool to know where
10 to go. A PDD sometimes will help buffer that issue as Gene, I think, mentioned. But
11 this one is a little bit unique.

12 CHAIRMAN FURGESS: Any other [inaudible] Planning Commission? You
13 heard the motion and the second. We will vote whether to send this to County Council
14 for denial please raise your hand. Opposed?

15 *[Approved: Cairns, Furgess, Van Dine, Green, Manning; Opposed: Murray, Ward,*
16 *Anderson; Recused: Palmer]*

17 CHAIRMAN FURGESS: Thank you. You must be to County Council on July the
18 24th for that meeting. County Council will take it up at that time. Thank you. Staff, go to
19 the next case, please.

20 **CASE NO. 07-36 MA:**

21 MS. ALMEIDA: Mr. Chairman, Case No. 07-36. We have received a letter from
22 Mr. Robert Fuller, the attorney representing the applicant, Hurricane Construction. They
23 would like to defer this matter.

1 CHAIRMAN FURGESS: The applicant's going to defer?

2 MR. VAN DINE: Is that a staff – is that something Staff can just defer?

3 MS. ALMEIDA: Right.

4 MS. LINDER: The Planning Commission needs to vote upon it and accept the
5 deferral.

6 MR. VAN DINE: Can I raise just one point of order? And this is for one of our
7 new Commission members. B.P. Barber is listed on the actual Staff amendment. The
8 question is whether or not we have anybody who has to –

9 MR. PALMER: I think she works for Cox & Dinkins.

10 MR. VAN DINE: I'm sorry. I thought it was B.P. Barber.

11 MR. PALMER: And also that was overruled about three weeks ago. [Inaudible]
12 the podium. [Inaudible].

13 MS. WARD: He was just thinking I had to recuse myself but –

14 MR. PALMER: But she doesn't have to though.

15 MR. VAN DINE: Okay.

16 MR. PALMER: Legislation –

17 MR. VAN DINE: Unless somebody's [inaudible] that. I thought it was B.P.
18 Barber – my apology. Do we have to – don't we have to take a vote on this?

19 MR. LINDER: Yes.

20 MS. ALMEIDA: Right.

21 MR. VAN DINE: I move that we defer 07-36 MA.

22 MS. LINDER: Would this be to the September?

23 CHAIRMAN FURGESS: This would be to the September –

1 MS. ALMEIDA: Yes.

2 CHAIRMAN FURGESS: - because we would not have a meeting in August.

3 MR. VAN DINE: That's correct.

4 MS. ALMEIDA: In August.

5 CHAIRMAN FURGESS: This will be for the September meeting.

6 MS. SWORD: Who seconded, please?

7 MR. GREEN: Second.

8 CHAIRMAN FURGESS: Who seconded? All in favor please raise your hand.

9 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine; Green, Manning,*
10 *Cairns]*

11 CHAIRMAN FURGESS: Thank you. The persons that came up to speak on
12 their behalf come in September. Our first – our meeting in September will be the
13 second Monday in September?

14 MS. ALMEIDA: Yes.

15 MR. GREEN: What's that date?

16 CHAIRMAN FURGESS: What is that date?

17 MS. ALMEIDA: It is the second Monday. We will put out signs on the property
18 again.

19 CHAIRMAN FURGESS: Come the first Monday in September.

20 AUDIENCE MEMBER: Can you tell us why he changed it? Why did he change
21 the date?

22 MR. VAN DINE: They have asked for a deferral, they requested a deferral. We
23 don't have any reason – we have no knowledge as to why the deferral.

1 AUDIENCE MEMBER: I mean, why couldn't you have done this at the
2 beginning. I'm going to my brother's funeral. I put that off to come testify on this.

3 AUDIENCE MEMBER: Well it does concern us that we come and we sit so it
4 could have been acknowledged at the beginning of your meeting that that deferral
5 would be intended. So when people sit here an hour or so.

6 MR. VAN DINE: Ma'am, you may want to talk with Mr. Fuller who is sitting right
7 there the reason for the late acknowledgment of that as to why it took place. We don't
8 have any idea.

9 CHAIRMAN FURGESS: We have no control over that.

10 AUDIENCE MEMBER: And somebody keeps knocking down the signs too
11 [inaudible] back up a couple of times. That might be the reason why, you know, more of
12 the community doesn't get here either.

13 MR. VAN DINE: Well if it's present here at our September meeting it will not be
14 deferred at that time because one deferral is all that they can get.

15 MS. ALMEIDA: And that meeting is September 10th.

16 MR. VAN DINE: September 10th.

17 CHAIRMAN FURGESS: September 10th. Next on the agenda?

18 **CASE NO. 07-38 MA:**

19 MS. ALMEIDA: Mr. Chairman, project No. 07-38. Kornegay and Moseley
20 Funeral Home and Mr. Robert Fuller is the representative. The acreage of the site is
21 9.86 [sic] acres. The existing zoning is RU. The applicant is requesting OI. The site is
22 currently located out on Hardscrabble Road with approximately 450 linear feet of
23 frontage. According to our records there has not been any request for rezoning since

1 our records of 1977. Hardscrabble Road is a two-lane undivided collector road currently
2 maintained by DOT. And the traffic analysis identifies this road as a Level of Service F.
3 The parcel is surrounded by commercial land uses. The zoning also adjacent to the site
4 is a PDD, Rice Creek planned development which currently has office/institution in that
5 PDD along Hardscrabble Road. And the Staff is recommending approval.

6 MR. VAN DINE: The property next door to it which is presently OI; is that a
7 recent change or has that been in existence for awhile?

8 MS. ALMEIDA: I don't have that information. 2004? 2004.

9 MR. VAN DINE: So it's fairly recent?

10 MS. ALMEIDA: Yes.

11 MR. VAN DINE: Okay.

12 **TESTIMONY OF ROBERT FULLER:**

13 MR. FULLER: Mr. Acting Chairman, Members of the Commission, my name is
14 Robert Fuller. I am the attorney for Kornegay/Moseley Funeral Home, the applicant for
15 rezoning of this nine acre parcel on Hardscrabble Road. From the present purpose
16 which is, or the present use designation, which is RU to the Office Institutional
17 classification for the purpose of establishing a outlet operation of the Kornegay/Moseley
18 Funeral Home which has been in business in the community of Camden for many,
19 many years. The present use of this property although in a rural configuration or a rural
20 designation is as a church, an active congregation of the Upper Diocese of the
21 Episcopal Church of South Carolina. The site which is fronting on Hardscrabble Road is
22 directly across the street from Rehoboth Baptist Church which is a fairly large operating
23 church on the street as well. I would call to your attention that the site itself already has

1 a fairly substantial church structure on it which is an unusual design. It's sort of a
2 structural inflated dome with some additional permanent facility that is attached to it.
3 But presently that structure sits on the front part of the site and is accompanied by a
4 fairly significantly present and well-designed parking field which is already asphalted. It
5 is already curbed and guttered. It's already striped for parking. The intended plan for
6 this site would be for the establishment of a – removing the existing improvements in
7 the form in the building structures and replacing that with a new modern construction for
8 the funeral home services similar to a full service funeral home operation. There is no
9 provision here, no intention for burial sites, no cemetery, no cremation facility. It is a
10 funeral home service which would have essentially the same type of traffic patterns in
11 and out Hardscrabble Road that would be accompanied by any other institutional office
12 arrangement there. The school, all of the commercial that is around Hardscrabble and
13 the Clemson Road intersection of Hardscrabble is what the neighborhood presently is.
14 There are some low-lying wetlands areas that are on this parcel. They would simply be
15 - the rear portion of the property would be undeveloped in any new redevelopment plan
16 of the funeral home facility on the front portion of the 9 acre site.

17 MR. VAN DINE: Am I to assume since our pictures are obviously dated and
18 you're talking about structures on there that that's a fairly new building and parking lot?

19 MR. FULLER: Well the church acquired the property in 1995 and the church has
20 been in operation – I can't tell you exactly Mr. Van Dine, how long. But the
21 improvement facilities are there and have been there for a number of years. The facility
22 is an active church site.

23 MR. VAN DINE: Okay. I was just looking at our photograph and it's [inaudible].

1 MR. FULLER: It's not on the – it is – the structures of improvement are not
2 shown including the parking area is not shown on the material that was attached to the
3 application.

4 MS. ALMEIDA: And our aerials are 2004.

5 CHAIRMAN FURGESS: Any other questions for Mr. Fuller? Thank you. Any
6 questions for Staff? Any questions of Staff?

7 MR. VAN DINE: Mr. Chairman, no one is signed up for or against. Mr.
8 Chairman, I'll make a motion we send this forward to Council with a recommendation of
9 approval.

10 MR. MANNING: Second.

11 CHAIRMAN FURGESS: You heard the recommendation that we send this
12 forward to Council for approval please raise your hand. Opposed?

13 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine; Green, Manning,*
14 *Cairns]*

15 CHAIRMAN FURGESS: Mr. Fuller, be there on the 24th of July. Thank you.
16 Next on the agenda?

17 **CASE NO. 07-39 MA:**

18 MS. ALMEIDA: Mr. Chairman, project No. 07-39. The applicant John Tien. The
19 project site is approximately 10.01 acres. The existing zoning RU. The proposed
20 zoning request is for general commercial. The site is located on Gates Road. We did
21 not find any rezoning requests for that site since '77. The parcel is surrounded by rural
22 lands. Southeast you'll see light industrial which is our M-1 zoning designation and that

1 was rezoned in 2002. There is a lot of industrially zoned land surrounding the area to
2 the east I should say. And Staff is recommending approval.

3 MR. GREEN: And what's on the site now, Anna?

4 MS. ALMEIDA: Currently it's vacant.

5 MR. GREEN: [inaudible] this old building. The aerial has a building.

6 MS. ALMEIDA: There is a building. Ten thousand square foot building?

7 MR. GREEN: We can just ask the applicant when they talk.

8 MR. VAN DINE: Mr. Danielson.

9 **TESTIMONY OF BILL DANIELSON:**

10 MR. DANIELSON: Thank you. My name is Bill Danielson. I am at 500 Taylor
11 Street, Suite 401, Columbia. I am a business and real estate consultant and
12 representing the purchasers of this property which is a company called Duraclean. And
13 currently the property is – there is 10.1 acres. The current owners have subdivided or
14 cut it in half basically. My client's going to buy the front four acres. The remaining six
15 acres also has the 12,500 square foot industrial warehouse building on that and I
16 believe that's also under contract although I'm not specific to who has that under
17 contract. Mr. Mack actually was involved in that transaction. So the current owners are
18 looking to go ahead and reclassify this, rezone this consistent with what it has been
19 historically. I'm not sure how the 12,500 square foot building got on there. It's been
20 there quite awhile. So the railroad runs adjacent to the property. There's a trucking
21 company down about 500 feet on the same side of the street. So it seems to be that it's
22 consistent with its uses in that area right now and that this is not an unreasonable
23 request. My client will be building a 6,000 square foot office/office warehouse facility

1 currently housed in downtown Irmo. My client lives about four miles from this site in
2 Richland County so it's all local people involved.

3 MR. VAN DINE: Just so I understood. You said that what we show as the site
4 has actually been subdivided?

5 MR. DANIELSON: The site is being cut in half. The 10 acre site is being
6 divided in four acres and six acres.

7 MR. VAN DINE: But the request is as to the whole site?

8 MR. DANIELSON: The request is as to the whole site, the 10.1 acres. We're all
9 – my understanding is that the other purchaser is similar use, yes, sir.

10 MR. GREEN: And this is for the development of a flex building with
11 office/warehouse?

12 MR. DANIELSON: Yes, sir. Basically brick/stone façade, flex warehouse.
13 They're an industrial restoration and cleaning company. They don't do any of that on
14 site, mostly for trucks and equipment and they handle hurricane, flood damage, all
15 those types of things. So they're looking for their storage for their on site equipment,
16 trucks and like I said they're currently in the heart of Irmo and have just outgrown that
17 space. Thank you.

18 MR. VAN DINE: Mr. Tien?

19 **TESTIMONY OF JOHN TIEN:**

20 MR. TIEN: I'm John Tien. I work with Chow and Associates, engineering
21 consultants. Our office is at 7 Clusters Court in St. Andrews.

22 MR. VAN DINE: Do you have anything to add?

1 MR. TIEN: I don't have anything to add unless you have any questions. We
2 answer technical questions.

3 MR. VAN DINE: Okay.

4 MR. GREEN: Just a question for Staff. I assume that the intended use is – I'm
5 just looking at a couple things that with outside storage that are not permitted in a GC
6 district and obviously it's the responsibility of the applicant to make sure they're getting
7 what they need. I'm assuming that at least some – that discussion has occurred that
8 they feel comfortable that some of the outside storage limitations in this GC are
9 acceptable?

10 MS. ALMEIDA: The applicant had a pre-ap and did speak to Staff.

11 MR. GREEN: Thank you.

12 MR. VAN DINE: Randy Rowe.

13 **TESTIMONY OF RANDY ROWE:**

14 MR. ROWE: I'm Randy Rowe, 1140 Moseley Avenue, Irmo. I actually own
15 Duraclean and we just, we wanted to relocate to this area. Currently we have a 3,500
16 square foot building and we've just outgrown it and this is a good location for me and
17 just appreciate your consideration.

18 MR. VAN DINE: All right. Mr. Chairman, those are all the people who have
19 signed up for this particular request.

20 MR. PALMER: I make a motion to send it forward to Council with a
21 recommendation of approval.

22 CHAIRMAN FURGESS: Need a second on that.

23 MR. MANNING: Second.

1 CHAIRMAN FURGESS: You heard the motion and the second. All in favor that
2 we send it to County Council for approval please raise your hand. Denied?

3 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine; Green, Manning,*
4 *Cairns]*

5 CHAIRMAN FURGESS: Thank you. Next agenda item, please.

6 **CASE NO. SD-07-06:**

7 MS. ALMEIDA: Mr. Chairman, the next item on the agenda is a subdivision
8 which the Development Review Team had requested sidewalks. As you can see on
9 page 39 there is the letter from the DRT requesting the sidewalks. On page 37, is a
10 letter from the applicant/developer requesting a waiver of that requirement. They feel
11 they're in a rural zoning area and the sidewalks would not going to fit that residential
12 neighborhood.

13 MR. MANNING: Anna, I was under the impression that if it was considered a
14 minor subdivision 50 lots or less that it wasn't subject to the sidewalk requirement.

15 MS. ALMEIDA: Well if it's a major subdivision.

16 MR. MANNING: Don't we classify major as 50 lots or more?

17 MS. ALMEIDA: And if they have any sort of infrastructure or if they're phased out
18 in – within five years if they have any other phase that's attached to it. This was part of
19 a larger subdivision which would bring it over the 50 lots.

20 MR. MANNING: So there are additional phases to this?

21 MS. ALMEIDA: Yes.

22 MR. MANNING: How many other lots are included in the overall project?

23 MS. ALMEIDA: I do not have that information for you.

1 MR. PALMER: So are we still doing the thing where if you dedicate the road to
2 the county it's classified as major subdivision or did we change that?

3 MR. MANNING: We changed that.

4 MS. ALMEIDA: Right. Any sort of infrastructure; is that correct?

5 MR. PALMER: So if you dedicate the road to the – I thought we changed that?

6 MS. ALMEIDA: No.

7 MR. MANNING: I thought that we had a debate about the –

8 MS. ALMEIDA: Minor subdivisions –

9 MR. MANNING: - minor subdivisions being 50 or less and it really didn't matter
10 whether we had dedicated infrastructure, roads and storm drain or not. It was dealing
11 with the open space requirement that came into question. So I was under the
12 impression that we were not requiring sidewalks in 50 lots or less.

13 MS. ALMEIDA: [Inaudible] right. A minor subdivision is less than 50 lots but you
14 cannot have any sort of infrastructure. It's got to be on an existing road with existing
15 infrastructure to remain as a minor subdivision.

16 MR. MANNING: Then we need to change that. I mean –

17 MR. PALMER: How many times is that going to happen?

18 MR. MANNING: There's no way you could have 50 lots on a road that you didn't
19 have to have a [inaudible]. You couldn't get the curb cuts, the driveway separation.
20 That's not what we want to encourage but the rural classification was to allow for large
21 lots –

22 MS. ALMEIDA: Right.

1 MR. MANNING: - and not have to have all the infrastructure that was required in
2 a major subdivision. That's kind of where we are. There's really no difference.

3 MR. PALMER: And these are one, two, three-acre lots. Why in the world are we
4 requiring sidewalks through a subdivision like that?

5 MS. ALMEIDA: Well we are in the process of putting an ordinance together to
6 allow rural subdivisions, industrial sites to pay a fee in lieu, obviously because this is a
7 very generic language that's in the ordinance and the Legal Department and Planning is
8 working on that and hopefully by September you should see something come before
9 you.

10 MR. VAN DINE: Mr. Chairman, I would make a motion that we waive the
11 subdivision – I mean the sidewalk requirement on this particular request.

12 MR. GREEN: Second.

13 CHAIRMAN FURGESS: You heard the motion and the second that we waive the
14 sidewalk provision thing, please raise your hand for approval.

15 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine; Green, Manning,*
16 *Cairns]*

17 MR. PALMER: Mr. Chairman, I'd also like to make a formal request of Staff that
18 they bring us forward language at our next meeting making sidewalks not required in
19 any subdivision less than 50 lots regardless of the dedication of right-of-way or roads or
20 detention or anything to the county.

21 MR. MANNING: And I would like to go back and check the Minutes of our
22 previous discussions. I think we've already addressed this issue once before and came
23 to the conclusion that we didn't need to.

1 MR. PALMER: I know that was the intent when we did it.

2 MR. VAN DINE: I think what may have happened is I think it may have gotten to
3 Council and has not – either died or has not been dealt with or something because I
4 think you're right. This Body requested changing the language. We had a motion on
5 that and it went to Council.

6 MR. PALMER: Well let's send it again.

7 MR. VAN DINE: I'm not sure whether or not Council ever did anything with it or
8 did anything in relation.

9 MR. PALMER: Well send it back up again.

10 MS. ALMEIDA: We'll bring back more information for you.

11 MR. VAN DINE: Personally I'd like to find out what our – what the past motion
12 that we passed was and have that presented before us so that we know exactly what
13 we dealt with last time so we can send the same thing back.

14 MR. PALMER: But I don't want it to take two or three months because it's
15 already going to be September.

16 MR. VAN DINE: Right. In September.

17 MR. PALMER: Have language for us in September – legal language that can be
18 voted on.

19 CHAIRMAN FURGESS: Text amendment.

20 MR. VAN DINE: Floodplain Overlay District.

21 MS. ALMEIDA: This ordinance is to allow fill in the floodplain. This is verbiage
22 that administration and our floodplain division has come up with. County Council has
23 seen this language. Did they have first public hearing?

1 MS. LINDER: This ordinance has had first reading.

2 MR. GREEN: Approval I assume?

3 MS. LINDER: Yes. It was unanimously approved.

4 MR. PALMER: Ms. Ward, explain to me your thoughts on this one again.

5 MS. WARD: I think this is a move in the right direction that you are going to allow
6 fill in the floodplain. I think what we were talking about earlier is how it used to be you
7 got no rise certification.

8 MR. PALMER: Right.

9 MS. WARD: If you didn't significantly affect the flood then you were okay. So it
10 looks to me like I'm reading this – we had this come up recently and the way that it was
11 worded before is you couldn't meet the requirements. There was no way.

12 CHAIRMAN FURGESS: Is it because of the depth of three feet versus two feet,
13 one foot, or something?

14 MS. WARD: No. I think they changed it to two feet so that if everybody
15 encroached and did it then you would be at the base flood elevation. And so they made
16 two feet above the flood elevation as a precaution against that. But then it was like it
17 went backwards because then you couldn't fill at all.

18 CHAIRMAN FURGESS: So it went back?

19 MS. WARD: Uh-huh(affirmative).

20 CHAIRMAN FURGESS: To the old way?

21 MS. ALMEIDA: Ms. Brenda Carter is here if you need any further explanation.
22 She also worked on this language.

1 CHAIRMAN FURGESS: Come forward because we have some questions.
2 State your name for the Record.

3 MS. CARTER: My name is Brenda Carter, GIS manager for planning and
4 development. Want my home address? 717 [laughter - inaudible], Irmo.

5 MR. PALMER: If I read the floodway correctly it seems like we're getting back
6 into the same gray area we were before and I know what we're trying to correct here.
7 "Filling the floodway areas, dumping of salvage scrap materials or the placing of
8 material or obstruction within a floodway area in such a manner as to impede free flow
9 of water during a time of flood or in such a manner that the elevation of floodwaters will
10 be increased is prohibited." How you can fill at all without increasing –

11 MS. CARTER: Well, you can't – [inaudible] was almost impossible for you to
12 even put fill in a floodplain(?).

13 MS. WARD: But it's impossible because you're going to affect it –

14 MS. CARTER: Right.

15 MS. WARD: - if you have [inaudible]

16 MR. MANNING: [inaudible] no rise.

17 MS. CARTER: It can't be a significant rise. But this part, this part down here
18 was not – that wasn't changed at all. That's the old stuff. The part that was heartburn
19 before was at the top part where it says that you've got to prove that fill is the only –

20 MR. PALMER: Right.

21 MS. CARTER: - and that was the heartburn before.

22 MR. PALMER: I know what we're talking about here in the floodway and
23 basically floodways are untouchable.

1 MS. CARTER: Floodways are untouchable. Floodplain is what we're talking
2 about.

3 MR. PALMER: Okay. But the language I was reading from was floodway on our
4 package here.

5 MS. CARTER: Yeah. That's in the floodway. So you can't do anything in the
6 floodway.

7 MR. PALMER: Floodway's untouchable.

8 MS. WARD: Oh, I see you're looking at -

9 MS. CARTER: Yeah, that's floodway.

10 MR. PALMER: Yeah.

11 MS. WARD: No, that's - yeah.

12 MS. CARTER: But we're dealing with floodplain in J.

13 MR. PALMER: Okay. So how can I fill in a floodplain? Just break it down for
14 me.

15 MS. CARTER: Yeah. If you want to fill in floodplain you just have to make sure
16 - this language - you would have to make sure that the fill is compacted to the standard
17 and you just have to follow this language if you wanted to do it in the floodplain. Still
18 can't do it in the floodway.

19 MR. PALMER: Right. What do you mean by "follow this language?" You've got
20 to make sure it's compacted?

21 MS. CARTER: Right.

22 MR. PALMER: What else?

1 MS. CARTER: If you want to use it for new construction, if you want to put fill in
2 the floodplain and if you want to build on that fill in the floodplain you've got to make
3 sure that the floor of the building is at least two feet above the base flood elevation. The
4 structure must be constructed on property designed and compacted fill and that's the
5 standard that it would have to follow that ASTM, and that it extends beyond the
6 building walls before dropping below the base flood elevation and has appropriate
7 protection from erosion and scouring. The fill design or the fill standard must be
8 approved by a licensed professional engineer and other alternatives for elevating a
9 structure or the foundation walls with flood vents the piers and pilings. And that's –

10 MS. WARD: But what about that last sentence?

11 MS. CARTER: The last sentence says –

12 MS. WARD: Any change?

13 MS. CARTER: - any change to the flood flow within a regulatory floodplain
14 through fill must be approved by FEMA in addition to review by the flood plain
15 coordinator. That's always – you've always had to do that. If you're going to put fill in a
16 floodplain it has to go to FEMA. FEMA has to see it.

17 CHAIRMAN FURGESS: Now before didn't we take part in some of FEMA - what
18 FEMA said you had to do and the county came up with a plan too, we mixed it all
19 together?

20 MS. CARTER: I'm not sure of that. I'm not sure of that. But I know that if you
21 put fill in a floodplain it's got – there's a form that you have to fill out for FEMA. You
22 have to send it in to FEMA, they've got to review and then they'll send something back.

1 MR. VAN DINE: J(1) has no relevance to what is in the main part J because J(1)
2 only deals with the floodway.

3 MS. CARTER: Yeah. J(1) is definitely floodway. That - we can't compare
4 floodway and floodplain.

5 MR. PALMER: Right.

6 MR. MANNING: Brenda, does the City of Columbia require FEMA to review
7 anything they do or is that just a county requirement?

8 MS. CARTER: I think it's a requirement - I think it's a FEMA requirement period.

9 MR. MANNING: For the National Flood Insurance Program?

10 MS. CARTER: Right. NFIP.

11 MR. MANNING: Because I don't think the city does that.

12 MS. CARTER: Is the city still in the -

13 MR. MANNING: And I think they are in the program.

14 MS. CARTER: Are they still in the program? I know they were on probation at
15 one point in time.

16 MR. MANNING: They were? Maybe that's why. [Laughter]

17 MS. CARTER: They were on probation big time.

18 MR. PALMER: Can you explain to me number seven, Ms. Carter?

19 MS. CARTER: Number 7?

20 MR. PALMER: Compensation, Excavations.

21 MS. CARTER: Yeah. Yeah. That's the thing that [inaudible] said if you were
22 going to do something in the floodplain you can - floodplain, I said it right - you can

1 actually take out a certain amount of dirt that would equal the amount of dirt you want to
2 put in there but again you've got to have some calculations on that.

3 MR. PALMER: When would that be necessary? Like for example on an existing
4 building? If I wanted to enlarge an existing building I could pretty much dig a hole
5 somewhere else on the site to make up for the amount of dirt I'm putting on the site or
6 something? I mean how does this work? I don't understand it.

7 MS. CARTER: Well now that one you'd probably need to talk to Mr. Reid about
8 that because I'm not the expert and I don't want to say what you can and cannot do and
9 have it wrong. So you might want to talk to him but in actuality it is if you will – you're
10 going to take out – you're going to fill in an area then you have to take out the same
11 amount of dirt somewhere else.

12 MR. PALMER: What do you mean by somewhere else? On site?

13 MS. CARTER: On that property. It's on the property. You can't take out dirt at
14 my house and come put it over here.

15 MR. PALMER: What if I owned your house though? It's on another piece of
16 property that you own? Can you put it on other property or it's got to be on that same
17 parcel?

18 MS. CARTER: It's got to be on the same parcel.

19 MR. PALMER: So that's making it very difficult to fill a site if you've got a small
20 site?

21 MS. CARTER: It depends on what size your site is, yeah.

22 MR. PALMER: If you got a half-acre site it's not –

1 MS. CARTER: And it depends on the amount of dirt you want to take out. Now,
2 you can't take out a truckload of dirt then, you know, if your property's small you might
3 not have a truckload of dirt. But depends on the – that's why I say you probably want to
4 talk to Mr. Reid about that because it depends on the amount of dirt.

5 MS. WARD: The notation on the amount is says "any."

6 MR. PALMER: Yeah.

7 MS. CARTER: Any more questions?

8 CHAIRMAN FURGESS: Any other questions for Ms. Carter?

9 MR. VAN DINE: Mr. Chairman, just for the sake of getting something moving
10 forward I make a motion we send this language forward with a recommendation of
11 approval. I don't think that ends the discussion we're going to have. I think there will be
12 additional issues that will arise but [inaudible] seem to make a step.

13 MS. CARTER: I think you're very right.

14 MR. PALMER: Mr. Reid?

15 MR. VAN DINE: Hold on for a second, let me finish my motion. Just for
16 [inaudible] send it forward with the language we have adopted here with a
17 recommendation of approval.

18 CHAIRMAN FURGESS: Second? [inaudible] You want to ask Mr. Reid a
19 question before you second? We need a second on that motion.

20 MS. CARTER: Oh, one more thing. There was a meeting last Thursday with
21 some members from the Congaree National Flood – or the Park who had a lot of
22 questions about the ordinance and they actually wanted some of the existing language
23 that was taken out, they actually wanted some of that put back in so there was a

1 discussion with a lot of people about that language. And they were supposed to be
2 sending some to us – some of their proposed language to us so that we could compare
3 but I haven't gotten anything yet. So there are major discussions going on about this so
4 you might see some changes to it, I'm not sure.

5 MS. CAIRNS: I have a quick question I hope, maybe not. What's the need for
6 allowing fill?

7 MS. CARTER: There was certain parts of the code kind of like contradict
8 themselves in some parts. Some – there was apparently some interpretation, if you will,
9 concerns and the purpose is if you want to put – this was a way to let – allow people to
10 put fill in the floodplain if you wanted to because the way the current code is being
11 interpreted you can't put fill in a floodplain because you can't prove that is the only
12 alternative to raise a structure.

13 MS. CAIRNS: So in other words there's always been a desire to allow a certain
14 amount of fill?

15 MS. CARTER: Right.

16 MS. CAIRNS: It was just that this was too difficult a bar? It became too difficult?

17 MS. CARTER: Well, yeah. The interpretation of it in reading it said well can you
18 prove it? Can an engineer prove that fill is the only alternative to raising a structure?

19 MS. CAIRNS: Right.

20 MS. CARTER: There you go.

21 MR. GREEN: I second the motion.

22 MR. PALMER: Mr. Reid, may I ask you a question, please, sir? Can you explain
23 to me the compensating excavations in J(7)?

1 MR. VAN DINE: Would you like to see J(7)? [Laughter]

2 MR. REID: It would be nice.

3 MS. CAIRNS: How well do you know your code?

4 MR. REID: Well basically what it's saying is that the amount of fill that you place
5 in the floodplain in one area you'd have to take out the same amount in a different area
6 to balance it off where it won't cause any rise or increase to the flow, the flood flows. So
7 you kind of balance it off.

8 MR. PALMER: So if you have a small site it makes it pretty much impossible to
9 fill that site? You have to fill the whole site two foot above. Just say your – that site is a
10 foot below the floodplain. You need to fill it three feet.

11 MR. REID: Um-hum (affirmative).

12 MR. PALMER: It's going to be impossible to do that because you can't excavate
13 somewhere else on that site; correct?

14 MR. REID: Well you could provided – I mean if you've got like 500 or more feet –
15 this is in between then no, it probably won't help by balancing off.

16 MR. PALMER: If you have a whole, the whole tax map sheet number, a whole
17 site that's below the floodplain, even six inches, this new ordinance would not allow you
18 to fill that site because you would need to excavate somewhere else on that site in order
19 to fill; correct?

20 MR. REID: Now you say the new ordinance you mean the revised language?

21 MR. PALMER: This language that we're looking at here currently would not
22 allow you to fill that site; correct?

23 MR. VAN DINE: J(7) is already -

1 MR. REID: Well seven's already in there.

2 MR. VAN DINE: As of right now. The only thing –

3 MR. PALMER: I understand. I understand. But I may like to change that as
4 well.

5 MR. VAN DINE: Okay. I was just making sure that we weren't saying the whole
6 - everything in front of us is new. The only thing that's new is the underlying language.

7 MR. PALMER: Right.

8 MR. MANNING: But the intent I think was to allow for fill in the floodplain which I
9 think what Pat's saying is J(7) may keep that from happening -

10 MR. PALMER: Correct.

11 MR. MANNING: - regardless of what you put in J.

12 MR. VAN DINE: On some parcels it may, on other parcels it would not.

13 MR. MANNING: Well I think there needed to be a distinction between floodway
14 and floodplain and this is blending the two together. If you were to fill in the floodplain
15 and you could not compensate for additional storage then I think you ought to be able to
16 show a no rise and it should be allowed.

17 MR. PALMER: Correct. You got something to say, Donny?

18 MR. PHIPPS: Floodplain – Harry, correct me if I'm wrong. Donny Phipps.
19 Floodplain is the floodway and the flood fringe. The way being the area that's definitely
20 no build, fringe is just the area you can fill.

21 MR. MANNING: FEMA's going to have a line that says, floodplain, floodway.

22 MR. PHIPPS: Okay. We've heard difference before, right? We've been taught it
23 the other way as well. It maybe coming around.

1 MR. PALMER: Okay. But we want to build in a flood fringe as you call it. This
2 number seven, J(7) in my opinion does not allow you to fill a site which is completely
3 below the floodplain that is below the flood fringe. It does not allow you to fill that site
4 because you have nowhere else on the site to pull dirt from, to dig your hole at if you will
5 to be able to compensate for that.

6 MS. CAIRNS: And that could be exactly the right thing.

7 MR. PALMER: I don't think so.

8 MS. CAIRNS: Because I don't know if you really want to promote the filling of
9 floodplain, especially if you can't compensate for it.

10 MR. PALMER: You can have a no rise letter I don't see why you can't.

11 MR. PHIPPS: I think the engineer has to do the no rise letter and if he states that
12 then Harry's got something to fall back on.

13 MR. MANNING: Well then could you all consider offering J(7) to read that it -
14 compensating removal of dirt for the fill could not be accomplished on a site that a no
15 rise letter certification that FEMA addresses or approves would be acceptable?

16 MR. PHIPPS: We can surely take that to Council.

17 MR. VAN DINE: Can I make a suggestion?

18 MR. MANNING: And that would be consistent with what – excuse me. I'm sorry.
19 That would be consistent with what the City of Columbia [inaudible].

20 MR. PHIPPS: I think the intent here was to allow the use in fill to build structures
21 on, not you know pilings and footings [inaudible] -

22 MR. PALMER: Correct.

1 MR. PHIPPS: - allow the [inaudible] build to raise the building about the fringe
2 area.

3 MR. PALMER: Correct. And I know we're addressing this for the first time since
4 the language passed and it's been how many years now? Two years? It's going to be
5 two or three years before we do it again and I want to make sure we get it right.
6 Because I know what the intent was last time, I know what the intent is this time and
7 now hopefully we'll get it right this time.

8 MR. VAN DINE: My suggestion would be that what has been suggested as to J
9 provides the opportunity to fill. There is a question that arises under J(7) but what we
10 ought to do is at least get the language that's in the initial stages of J enacted and work
11 on J(7). Because if you don't enact that then we're going to end up coming back and
12 raising some additional issues which may in fact create more problems in dealing with
13 J(7) and if the thing goes on for four or five months where you're talking about it and you
14 don't have the language that's in J altogether you don't have any opportunity to put any
15 fill in at all.

16 MR. PALMER: I don't think you have any opportunity. If this gets up to Council
17 and gets voted on they're not going to address it again.

18 MR. GREEN: I think that from a practical standpoint in support of what Howard's
19 saying is that that in fact Council's already had one reading. So you're going to have to
20 have them pull it off their agenda and start over again looking at something that we're
21 sending up that they haven't even seen yet and now I'm just wondering if from a
22 practical standpoint we're not better off getting the change in – one of the changes in
23 and hopefully seeing language on this other change at our next meeting.

1 MR. VAN DINE: Because I can envision what happens is if we say, no we don't
2 want to do it because we want to deal with J(7) right now they'd pull the whole thing off
3 and they don't do anything with it and it – I mean at the very least it won't be until
4 September before anything comes back to us, more likely October, if then. So what I'm
5 saying is if there's an issue, and I understand what you're talking about about the parcel
6 that's below and all the rest of it and I think that's a legitimate question to ask
7 [inaudible], but in the meantime you're holding other areas which may not be impacted
8 to that extent hostage if we don't get this language that's here enacted and put into
9 place and then come back and deal with it. I have no problem coming back and dealing
10 with it and sending something up to them on J(7) that says, this just doesn't work right.

11 MR. PALMER: What I'd like to see done today is us send this up with a
12 recommendation of approval with the addition of the language that Deas said on J(7).
13 And I don't see why we can't do that. Send them something back up with approval
14 slightly amended as to how they sent it to us.

15 MR. VAN DINE: I'm not sure I understand what Deas is proposing. I understand
16 what's on the language here but I -

17 MR. MANNING: What if we did this? We sent this back up for approval. We
18 draft something that we try to get consensus on at our next meeting and then send it up.
19 That'll be at their second reading. After the second reading, before the third reading.
20 Or do they have a third?

21 MR. PALMER: When will they have second reading on this?

22 MS. LINDER: Tomorrow.

23 MR. PALMER: Tomorrow?

1 MS. LINDER: At the zoning public hearing on the 24th.

2 CHAIRMAN FURGESS: The 24th of July.

3 MR. PALMER: The second reading?

4 MS. LINDER: Will be in September. Yeah, so it'd be in September.

5 MR. MANNING: I think we ought to try to do that rather than -

6 MR. PALMER: I am serious. I just wholeheartedly disagree. I do not think that if
7 this gets up to Council in this current form it will be readdressed again by Council period
8 for the next couple of years. They will have run with it and -

9 MR. MANNING: Gene, if this goes up without any recommendation they're going
10 to move on anyway. They're either going to approve up or down as it's written.

11 MR. PALMER: Why don't we make it, why don't we just discuss what needs to
12 go into seven and let everybody understand it? Seven needs to be amended. So why
13 don't we -

14 MR. GREEN: Why don't we pass this and let somebody put a motion on the floor
15 for a specific rewording change to J(7); we'll send that up separately? And we can do
16 that today.

17 CHAIRMAN FURGESS: Yeah. We can do it that way.

18 MR. GREEN: I'd just like to see the language.

19 MR. PHIPPS: Mr. Chairman?

20 MR. GREEN: Separating the two.

21 CHAIRMAN FURGESS: Yes.

22 MR. PHIPPS: If I may. I think the point [inaudible] here is that administration,
23 staff, [inaudible] and I think Council are all on the same boat but getting there may be

1 part of the problem. I think we're all thinking the same thing is we do want to build on fill
2 and how do we allow it, and part of my understanding is the no rise letter(?). It has to
3 be certified by the engineer whether [inaudible] that lot and [inaudible]. I'm not 100%
4 either, so there are some questions. I think we're all on the same page.

5 MR. PALMER: I don't see why it's so difficult. We operated under that language
6 for years and years and years.

7 MR. MANNING: Well if you took J(7) and you just add it in there in such an
8 event that was impractical to compensate fill through excavation that a no rise study
9 approved by FEMA would suffice in that situation.

10 MR. VAN DINE: The motion on the floor is as to the proposed language. I'd like
11 to address that one and then we come back and if we want to address the other
12 language. I'm just not comfortable at this stage even with the discussion that's going on
13 around. I'm getting – as a matter of fact I'm getting more confused as to what's going
14 on when we're talking about J(7). I'd like to get at least the ability for people to use fill in
15 the floodplain back to Council so that that part is not in delay. If we want to sit here after
16 that and talk about the specifics of J(7) then let's do that. But let's at least get the
17 language that we know is already gotten one reading done because if we send it back
18 it's going to require them to go back and do a first reading of the changes to J(7)
19 because that's never been addressed before. So that means that you're stalling
20 because they've got to go back and do a first reading of J(7) as opposed to taking up
21 what has already gotten the first reading.

22 MR. PALMER: They're going to change things between first and second reading
23 all the time?

1 MR. VAN DINE: Not as to different portions of the ordinance and that's what
2 you're doing. You're changing a different portion of the ordinance in order to make that
3 change.

4 MR. PALMER: [Inaudible] subsection of the ordinance they're changing I think –
5 I don't think any of the Council Members – I think legal counsel will agree with me that
6 they can change that between first and second reading without going back to first
7 reading.

8 MR. VAN DINE: I think that they are subject to challenge or not properly
9 adopting any changes to other portions which have not been previously worked.

10 MR. MANNING: Brenda, you mentioned earlier that there's discussion going on
11 that may result in some change to this ordinance. Can you enlighten us to that a little
12 bit?

13 MS. CARTER: Yes. The members of the park, the Congaree National Park that
14 were there, felt strongly that we should not leave out that first sentence about fill being
15 discouraged. They strongly recommended that we put that back in. They were not
16 happy with the language at all and – but that was one of the biggest reasons right there.
17 They said that fill should be discouraged and they felt that by putting the language in
18 that we have that it would give people just the right to put fill whenever and however
19 they want it. So they were not happy with that. They just said they we should put the –
20 at least put the first sentence back in and I think it said – the second part was they said
21 that maybe we should make it say an applicant shall demonstrate using a registered
22 engineer that fill is the best instead of only alternative but those were some of the things
23 that came out of that meeting.

1 MR. VAN DINE: And I think the longer that we [inaudible] the more opportunity
2 there is for changes which may not be in accordance with what we are thinking ought to
3 be done.

4 MS. CARTER: Well I can tell you they had some high powered people. They
5 had geologists, they had all these people there talking at the meeting and it was a lot of
6 discussion and they had fire power after fire power talking about this stuff.

7 MR. GREEN: Mr. Chairman, I would call the question for the motion that's on the
8 floor.

9 CHAIRMAN FURGESS: Call for the question. Are we ready to vote? You heard
10 the motion and the second. All in favor of sending this to County Council for approval
11 all please by raising your hand.

12 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine]*

13 CHAIRMAN FURGESS: Thank you.

14 MR. VAN DINE: [Inaudible] opposed.

15 CHAIRMAN FURGESS: Oh, you're opposed? I'm sorry.

16 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine; Green, Manning;*
17 *Opposed: Cairns.]*

18 MR. GREEN: I'm happy to take up a motion on J(7).

19 CHAIRMAN FURGESS: Okay, now we'll take up (7), J(7). So that language
20 could be straight, then we could vote on that and make Pat happy.

21 MR. PALMER: It's very simple. If you have a site that's completely under the
22 floodplain, six inches and you've got to be two foot above you're not able to fill that site.
23 You still have to build on pillars.

1 MR. GREEN: I'm not objecting to what you're saying, Pat. I'm saying let's just
2 hear a motion exactly the – we've got to have language to send up. Deas, we need a
3 five-minute recess?

4 MR. MANNING: That'd be good.

5 MR. VAN DINE: Let's take a short recess and we can [inaudible].

6 CHAIRMAN FURGESS: Get the language together. Thank you.

7 [Recess]

8 CHAIRMAN FURGESS: Let's go back into session, please. We need to, with
9 rule number (7), come up with the new language that we're going to send to Council,
10 please.

11 MS. WARD: Yes. I think we've got something. I make a motion to include in
12 item (7) the language "In lieu of compensation, excavation, a no rise certification
13 submitted by a registered engineer will satisfy the condition."

14 MR. GREEN: Second.

15 MR. VAN DINE: Anybody – does that add to the end of the –

16 MR. PALMER: To the end of (7), yeah.

17 MR. VAN DINE: Can you say it again? Sorry.

18 MS. WARD: Yes. "In lieu of compensating excavation a no rise certification
19 submitted by a registered engineer will satisfy the condition."

20 MR. PALMER: It's my understanding that was the intent of it you could not get a
21 no rise certification letter that you could excavate on the site – in a word, to fill in order
22 to get it down below. So basically by including that language it clarifies it so there's no
23 confusion and no room for interpretation by anyone that – if you can get a no rise

1 certification you don't need to excavate, if you cannot get a no rise then excavation is an
2 option for you.

3 MR. GREEN: My only question is anybody from Staff have any comment one
4 way or the other?

5 MS. ALMEIDA: Good luck.

6 CHAIRMAN FURGESS: You heard the motion and the second. All in favor that
7 we –

8 MR. VAN DINE: Hold on. Does Staff or –

9 MS. CARTER: No, I don't have any comments. I'd have to do some research to
10 have some comments on that.

11 MR. MURRAY: Now are we going to send this to legal -

12 MR. PALMER: I think this is good enough.

13 MR. MURRAY: - so they can take a look at it?

14 MR. MANNING: I would hope this goes to the Council for them to request legal
15 to review it and make it a part of their –

16 MR. MURRAY: That would be fine.

17 MS. LINDER: If you the Body recommend approval of this amendment it will go
18 to the zoning public hearing if they have time to advertise. Is there time to advertise for
19 the 24th?

20 MR. PALMER: Why is there not? This is our first meeting.

21 MR. MURRAY: It will be you all's responsibility to make sure that it's legit.

22 MS. LINDER: This amendment to J would not able to be advertised as an
23 independent ordinance. What we could do though is –

1 MR. VAN DINE: Could they do a first reading without advertising?

2 MS. LINDER: They could do a first reading without the public hearing.

3 MR. PALMER: Well how could we have a public hearing? What kind of
4 emergency ways do we have to do that?

5 MS. LINDER: County Council would have to have a special called public
6 hearing, zoning public hearing but it would still have to have that 15 days notice.

7 MR. GREEN: What's today, the 9th? They'll do that for you, Pat.

8 MR. PALMER: Yeah. I saw that on the last vote they took. What's that the 9th?
9 Today's the 9th?

10 MR. LINDER: The 9th. It would have to be in the paper yesterday.

11 MR. PALMER: For the 24th? Who made it 15, instead of 14? Who comes up
12 with that 15 days? Where's that come from by the way?

13 MR. GREEN: They knew that you were going to raise the issue -

14 MR. PALMER: I mean, who does that?

15 MR. GREEN: - and changed it quick.

16 MR. PALMER: Who does that? Come on. Make it two weeks, or three.
17 Fifteen?

18 MR. GREEN: You can put some language in front of us after we vote on this one
19 to change it to 14.

20 MR. PALMER: Well let's just put it on the agenda for first reading.

21 MR. GREEN: Okay.

22 MR. VAN DINE: I don't think it's up to us to dictate to Council what they do and
23 don't do with something. I think they're going to do whatever they feel like doing it.

1 CHAIRMAN FURGESS: If we send it to the proper people [inaudible].

2 MS. LINDER: The other alternative would be we could take your
3 recommendation and tell them at the zoning public hearing to put the Planning
4 Commission recommendation, to give first, give reading to the first one as well as the
5 amendment to it. We could announce that at the beginning of the meeting.

6 MR. VAN DINE: I think all of that though is County Council doing whatever
7 they're going to do. We just have to do it – do whatever we're going to do with the
8 language and then send it to them for their action.

9 MR. PALMER: In your legal opinion could they take this up as a second reading
10 as a change to the amendment on the public hearing?

11 MS. LINDER: If the only thing that was advertised was a notice that we're having
12 a public hearing on the title then yes, we could because there was no body advertised.
13 The public would have to inquire. That's what I'm saying. The title alone was
14 advertised.

15 MR. PALMER: So it could be done?

16 MS. LINDER: So it could be.

17 MR. PALMER: That's what I'm saying. Let's just – we should pass it with that on
18 there so they take it up as a public hearing and second reading.

19 MR. GREEN: Well there's a motion on the floor.

20 CHAIRMAN FURGESS: Motion on the floor.

21 MR. PALMER: But we didn't attach it to the first one.

22 MR. VAN DINE: Wait, wait, wait, wait. Why don't you to amend the motion on
23 the floor to attach it to the original motion and [inaudible].

1 CHAIRMAN FURGESS: Will you amend the motion.

2 MS. WARD: Okay. I'll amend my motion to attach it to the original –

3 MR. VAN DINE: Language that we –

4 MS. WARD: - language.

5 CHAIRMAN FURGESS: Go ahead, Howard.

6 MR. VAN DINE: I would amend the motion if I can get a second to do so to
7 attach the language that we are discussing for J(7) to the language that we have
8 approved on the original portion of J but forwarding it to Council as a unified document.

9 CHAIRMAN FURGESS: Need a second?

10 MR. PALMER: I'll amend my second.

11 MR. VAN DINE: Okay.

12 MR. PALMER: So in other words Council will be getting from us one document,
13 one recommendation of approval which will include both these changes?

14 MR. VAN DINE: Correct.

15 MS. LINDER: I can provide that but that will be an alternative ordinance. The
16 original ordinance will also be in the package for them to consider because that's what
17 got first reading and it needs to be returned to them for second reading. The amended
18 ordinance will be your recommendation to the Council for second reading is what the
19 amended language added.

20 MR. PALMER: So they can choose either option A or option B?

21 MS. LINDER: Correct.

22 CHAIRMAN FURGESS: All in favor of the motion that's going forward to County
23 Council by raising your hand. Opposed? One opposed.

1 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine; Green, Manning;*
2 *Opposed: Cairns]*

3 CHAIRMAN FURGESS: Next on the agenda?

4 MS. ALMEIDA: Mr. Chairman, there is an ordinance before you referencing the
5 NPDES, storm water discharge permit. This was devised by Legal and Public Works to
6 give some guidance and some authority for Public Works to perform inspections and if
7 you read the document it goes into violations, best management practices. Public
8 Works is having that entire section revamped and worked on by B.P. Barber in order to
9 address the county's deficiencies.

10 MR. PALMER: You guys have people providing false information?

11 MS. ALMEIDA: All the time.

12 MR. PALMER: Really?

13 MR. MANNING: Anna, is this as a result of some of the problems we read about
14 with Public Works and the fines and –

15 MS. ALMEIDA: Yes. Yes.

16 MR. MANNING: - so on and so forth?

17 MS. ALMEIDA: That and obviously the – we were in violation.

18 MR. MANNING: Right.

19 MS. ALMEIDA: Yes.

20 MR. GREEN: What's the penalty for a misdemeanor?

21 MS. LINDER: Five hundred dollars plus costs. I believe it comes out a little
22 more than \$1,000.

1 MR. GREEN: But it still remains possible to create a financial incentive for
2 yourself by intentionally violating something and paying the fine?

3 MS. ALMEIDA: Um-hum (affirmative).

4 MR. MANNING: Anna, also –

5 MR. VAN DINE: [Inaudible] something where they start to fill a wetlands area?

6 MR. PALMER: Which they can do now, hopefully.

7 MR. VAN DINE: Each day of a violation shall constitute a new and separate
8 offense. Does that mean each day that the wetlands remains filled is a new and
9 separate offense?

10 MS. ALMEIDA: According to this language.

11 MR. VAN DINE: Okay.

12 MR. PALMER: Those business days?

13 MS. ALMEIDA: I think it's calendar days.

14 MR. PALMER: Just want to see what kind of trouble you'd get into. See if you
15 get the weekend off. [Inaudible] the weekend though. I make a motion to send this
16 forward to Council with a recommendation of approval.

17 MR. VAN DINE: Second.

18 CHAIRMAN FURGESS: All in favor that we send this to County Council with
19 approval please raise your hand. Opposed?

20 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine; Green, Manning,*
21 *Cairns]*

22 CHAIRMAN FURGESS: Nobody opposed.

1 MR. MANNING: I've got a question of - obviously this is going to take people to
2 monitor and we keep experiencing problems with funding for positions and filling
3 positions and if this is something that's going to require somebody new to monitor.

4 MS. WARD: They already have hired some new inspectors.

5 MR. MANNING: You have?

6 MS. ALMEIDA: They're trying to beef it up.

7 MR. MANNING: Well I was going to say please do if you don't want to increase
8 your workload anymore.

9 MS. LINDER: For the Commission's information this ordinance will be presented
10 to Council tomorrow for first reading. When it goes up for zoning public hearing it will be
11 for second reading.

12 CHAIRMAN FURGESS: Next on the agenda comprehensive plan.

13 MR. CRISS: Chairman, Commissioners [inaudible] on the comprehensive plan
14 update. Jennie is handing out several items to read. First is the - part of the text
15 language for the [inaudible] element [inaudible] update [inaudible] describes in more
16 detail the ten year, the ten-year draft, ten-year future land use map that we have
17 displayed digitally on the screen so that Brenda can show you comparison between the
18 Imagine Richland 20/20 Comprehensive Plan Vision Map and the draft ten-year future
19 land use map that you have been considering. We've got paper copies of the new map
20 here on the easel and below it. The old map from the current Imagine Richland 20/20
21 Comprehensive Plan. The next document is a request of action before the County
22 Council to approve a short list of qualified vendors to provide planning/consulting
23 services to aid the Staff and the county in the update of the Comprehensive Land Use

1 Plan. You will see the successful vendors listed in the first paragraph, Kinley Horne and
2 Associates, URS, Gordon, Jones and Goulding, and Fuess & O'Neal, which is a team
3 that includes the [inaudible] & Kolodner consultants out of Philadelphia who were
4 prominent in the drafting of the 1999 Imagine Richland 20/20 Comprehensive Plan.
5 And the larger document at the bottom of the stack is – yes, sir?

6 CHAIRMAN FURGESS: You know, we got in trouble before doing the 20/20
7 plan with the red dots. Can you come up with another color?

8 MR. CRISS: Yeah. We're not using the red dots in the new map as you can see
9 on top.

10 MS. CARTER: That's the old stuff; that's the new stuff [inaudible]. [Inaudible]
11 where the areas have changed. You notice the yellow here is from the old and all of
12 this yellow now is the suburban and the new.

13 MR. CRISS: Brenda's using this swipe tool in her GIS software to help us
14 visually compare and contrast the old vision map with the new ten-year future land use
15 map. Yes, sir?

16 MR. PALMER: Is the intersection of Longtown and Rimer Pond in that new
17 yellow area?

18 MR. CRISS: Yes. The Imagine Richland 20/20 Comprehensive Plan Vision Map
19 depicted about seven percent of the county's land area as proposed suburban. Your
20 draft ten-year future land use map - again the top map on the easel - expands that area
21 considerably threefold to about 23% of the County's land area. Now, there's still a
22 worthy debate within that yellow area as to the mix of densities for residential. You
23 could argue that the current so-called rural zoning district allowing three-quarter acre

1 minimum lot size is not truly rural in character but it allows a suburban low-density,
2 residential development pattern. And perhaps rural is appropriate, the rural zoning in
3 the yellow suburban land use class - something we're still wrestling with. Note in the
4 description of the draft ten-year future land use map that I've got density classes
5 suggested. Rural - less than one dwelling unit per acre, suburban - one to eight, and
6 urban more than eight. There really has been a debate and struggle over that divide
7 between suburban and rural. I'm sorry - suburban and urban. Is eight dwelling units an
8 acre too much for suburban? Perhaps. Although your current zoning ordinance allows
9 lots as small as 5,000 square feet which is about 8.7 dwelling units per gross acre.
10 Admittedly you may not achieve that much density in a real life development scenario
11 but you're getting close to eight dwelling units an acre in one of your current suburban
12 residential zoning districts. Another figure that's been used previously is six dwelling
13 units an acre or as little as five dwelling units an acre. Somewhere in that range I
14 presume, five, six, seven, eight dwelling units an acre is the threshold between
15 suburban and urban and it's one of the things we want you to consider. The last
16 handout is the Executive Summary from a new plan prepared by a consultant for the
17 Community Development Department, our sister department, that manages the federal
18 housing money. The two, two and a half million dollars a year that the County gets from
19 the Housing and Urban Development Department of the federal government for
20 community development block rent and home program, housing rehabilitation, housing
21 repair, first-time home buyer assistance and other housing programs. And I believe that
22 this can serve as the foundation for the housing element of the comprehensive plan
23 update. We can provide the entire report to you if you desire but I suggest you wade

1 through the Executive Summary first and see if you want more. And it looks like Brenda
2 has taken her swipe tool to a more detailed level to show a contrast between 2000 and
3 2004 imagery in the northeast; is that right, Brenda?

4 MS. CARTER: Yes.

5 MR. CRISS: Do you want to say anything about that?

6 MS. CARTER: Yeah. [Inaudible] What you'll see is going to be a 2000 aerial
7 that's on top but there's a 2004 aerial on the bottom and when you swipe across the
8 screen you'll be able to see where developments have gone in. I know Mr. Manning
9 had asked before can we see what's going on around it? Can we see what's
10 happening? Well this is going to show you what – you'll be able to see what's going in
11 as far as densities. You'll have vacant lands that were there before and then when you
12 swipe across it you'll see all the development that's happened. So if you'll give it just a
13 couple of seconds to finish loading up I'll show you that. This is going to be in a Lake
14 Carolina area right there, and this is the Summit down here, and this is the school that's
15 on that side.

16 MR. PALMER: This is available for everybody on GIS?

17 MS. CARTER: Anybody on GIS if you have all the layers, yes.

18 MR. GREEN: How do you get your layers?

19 MS. CARTER: You might have to pay for them.

20 MR. CRISS: Wouldn't you have the RGIS(?) software and the swipe tool?

21 MS. CARTER: Yeah. You've got to have the software and you can't just have
22 like just the watered down version. You're going to have to have full blown stuff in order
23 to do this.

1 MR. PALMER: Do you have zoning on that and stuff too?

2 MS. CARTER: I can. I have access to the zoning.

3 MR. GREEN: Zoning is now on the public website

4 MS. CARTER: Zoning is now online [inaudible] site [inaudible].

5 MR. PALMER: Is it?

6 MR. CRISS: Yes. The zoning layer has been added in recent weeks. It's now
7 just labels on parcels as opposed on maps but still very useful.

8 MR. GREEN: Very useful.

9 MS. CARTER: Okay. So now if we swipe across you'll see that there were no
10 houses in certain areas and now there are, and that's all development from 2000 to
11 2004. The 2007 imagery is in and it should be up and available probably by your next
12 Planning Commission meeting – hopefully so. But this is just a tool that you can look
13 and see how the areas are growing and again, that's Lake Carolina and the Summit
14 area. And I'll be here after the meeting if anybody wants to look closer.

15 MR. CRISS: Mr. Chair, I think our three minutes are up.

16 CHAIRMAN FURGESS: Thank you.

17 MR. GREEN: I didn't hear the buzzer go off.

18 CHAIRMAN FURGESS: Anything else?

19 MR. PALMER: How do we get to draw on these things? Got to get your
20 software?

21 MS. CARTER: How do you get to draw? What do you want to draw?

22 MR. PALMER: You know, like just highlight areas and that kind of stuff. Do you
23 got like a little pen or something? I can see you drawing on it all the time.

1 MS. CARTER: Oh, that drawing. That's Betty that's drawing in Adobe. You can
2 draw in the Adobe. You have to have full blown Adobe and if you have an image of this
3 you can draw in it all day and you can color and scribble.

4 MR. PALMER: [Inaudible]

5 CHAIRMAN FURGESS: Thank you. Next on the agenda is naming of the
6 streets – street names.

7 MR. VAN DINE: Move approval of the street names.

8 MR. ANDERSON: Second.

9 MR. PALMER: Just like to point out I have my own name on a street now.

10 MR. VAN DINE: Do you really?

11 MR. PALMER: It's not an avenue, it's not a court, it's not a road. It's just Patrick.
12 I live at 12 Patrick.

13 CHAIRMAN FURGESS: You heard the motion. All approve of the new street
14 names approval raise your hand.

15 *[Approved: Murray, Ward, Anderson, Palmer, Furgess, Van Dine; Green, Manning,*
16 *Cairns]*

17 CHAIRMAN FURGESS: Thank you. Need a motion for adjournment.

18 MR. PALMER: Move to adjourn.

19 CHAIRMAN FURGESS: Thank you.

20
21 *[Adjourned at 3:30 p.m.]*