

RICHLAND COUNTY PLANNING COMMISSION

October 1, 2007

[Members Present: Heather Cairns, Julius Murray, Enga Ward, Patrick Palmer, Wes Furgess, Howard VanDine, Eugene Green, Deas Manning, and Christopher Anderson.]

CHAIRMAN FURGESS: The meeting come to order. Let me read into the record for the public. "In according with the Freedom of Information Act a copy of the agenda was sent to radio, TV stations, newspapers, persons of interest was notified and posted on the bulletin board located in the lobby of the Administration Building." At this time we would like all electronic devices turned off. Thank you. We do have some changes on the agenda. Let's go ahead and – do you have any changes?

MS. ALMEIDA: No. We're not approving the minutes.

MR. VAN DINE: We don't have any Minutes because we have not received any.

MS. ALMEIDA: Yes. There is a change to the agenda. There is a subdivision application.

MR. GREEN: Anna, scoot that up a little bit closer to you if you would.

MS. ALMEIDA: That will be item six under Subdivision Harborside Parcel II, Phase III, Lake Carolina. That will be added to your agenda. That is the only addition to the agenda.

CHAIRMAN FURGESS: Okay.

MS. ALMEIDA: Okay. I was just asked if Case No. 07-53 can be postponed to the end of the agenda under map amendments. And those are all the changes.

CHAIRMAN FURGESS: Okay. That's all – that's all the changes to the agenda?

MS. ALMEIDA: Yes, sir.

1 CHAIRMAN FURGESS: Okay. At this time I need a motion on the agenda –
2 approval of the agenda.

3 MR. GREEN: So moved.

4 MR. VAN DINE: Second

5 CHAIRMAN FURGESS: You heard the motion. All in favor [inaudible] raise your
6 hand.

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

9 CHAIRMAN FURGESS: Thank you. We did not receive Minutes of our last
10 meeting so we'll dispense with the Minutes of our last meeting. Put that in the Record
11 also. We will now go to new business. Okay. Case 07-43 MA.

12 **CASE NO. 07-43 MA:**

13 MS. ALMEIDA: Yes, Mr. Chairman. This case is called Oak Hills. It is a PDD. It
14 is approximately 713.36 acres. It had received – I'm sorry, excuse me. It was
15 previously zoned PDD back in 1994. The original zoning of the property was RU. The
16 applicant is in today requesting a PDD as well with major modifications. The planned
17 development is located at the intersection of Fairfield Road. It also fronts Boyle Dubard
18 Road and Crane Church Road. Fairfield Road is classified a four-lane undivided major
19 arterial, Crane Church Road a two-lane undivided collector road and Boyle Dubard
20 Road as a two-lane undivided collector road, all maintained by DOT. As you can see on
21 page six there are several levels of service depending on the road that you are looking
22 at. The one I'd like to bring your attention to, of course, is the main entrance which is at
23 the intersection of Fairfield also known as 321 and Oak Hills Drive. That is the main

1 entrance which exists today and according to the traffic study after the development
2 build out it will be at a Level of Service F. All others are either B, C, or D as seen on
3 page six. The planned development includes a mixed use of commercial and
4 residential with open space components which separates the intensive uses from the
5 single-family detached units. The original zoning back in '94, the PDD included 984
6 dwelling units, 11.10 acres of commercial use on the 713 acre site. So the total
7 acreage has not been modified. And that included the existing golf course that exists
8 there today. The amendment as was presented proposes 1,712 total dwelling units and
9 we've broken down, as you can see on page seven, 804 single-family residential lots,
10 704 multi-family units, 204 townhouse units. And I want to bring note that the smallest
11 lot proposed is approximately 6,050 square feet. The largest is 10,800 square feet.
12 Approximately 28 acres of the site will be set aside for use as a retirement campus. It
13 will include assisted living, skilled nursing facilities, etc. Approximately three acres of
14 that site is being reserved for county uses. Eight acres of commercial, 30 acres of the
15 site will be mixed uses was previously noted to include commercial retail office and
16 residential uses primarily to serve all of these dwelling units. It'll have a feel of a
17 work/live unit and trying to contain all the traffic within the site as much as possible. I
18 also want to note that 276 acres of the site is being dedicated as open space. That
19 does include the existing golf course that will remain as a golf course. The development
20 is adding two additional entrances planned. Of course, one entrance is on DuBard
21 Boyle Road and the other's on Crane Church Road. Water and sewer will be provided
22 by the City of Columbia and the applicant is working with the city to establish capacity.
23 Staff's recommendation is for approval subject to the conditions on page eight and nine.

1 I would also like to note that the applicant did submit a Development Agreement today
2 that Staff is reviewing. Staff had met with the engineer and the applicant and their traffic
3 engineer to kind of phase some of these improvements. It is a large development and
4 the applicant was willing to enter into a Development Agreement which we are going to
5 review and work with.

6 CHAIRMAN FURGESS: Do we have anyone signed up to speak to that?

7 MR. PALMER: Charles Howell, Jr.

8 **TESTIMONY OF CHARLES HOWELL, JR.:**

9 MR. HOWELL: Hey. My name's Charles Howell, Jr. I'm a landscape architect
10 with Land Planning Group South. The developer is here and Evan Wilson may speak
11 too. He's with my company, Land Planning Group South. We're just here to answer
12 general questions. We've been through DRT. You have the comments. I'm just here to
13 answer any questions you may have.

14 MR. GREEN: Quick question.

15 MR. HOWELL: Yes, sir.

16 MR. GREEN: Have you seen the proposed PDD conditions that Staff has
17 provided to the Planning Commission?

18 MR. HOWELL: Yes, sir.

19 MR. GREEN: Are ya'll in agreement with those 11 conditions? Are there any
20 issues?

21 MR. HOWELL: I don't believe so.

22 MR. GREEN: Just a quick question for Anna. I note we have Development
23 Review Team requirements that aren't all necessarily incorporated in the proposed PDD

1 conditions. How do we distinguish between DRT requirements and proposed PDD
2 conditions?

3 MS. ALMEIDA: Well the – if you look down at the DRT conditions a lot of these
4 were clarifications and requirements that we wanted to see in the PDD addendum which
5 they have met. Other than, for instance – well we can go down the list if you'd prefer.

6 MR. GREEN: No. I'm just – it's – all – I guess my question was have all the
7 DRT requirements been incorporated into the PDD that we're considering?

8 MS. ALMEIDA: Yes, sir.

9 MR. GREEN: Okay. That's my only question.

10 MR. MANNING: And to further that would there be any changes to the
11 conditions in the Development Agreement that you're working on and is that something
12 that we need to see as a part of this process?

13 MS. ALMEIDA: Well – and I'm going to speak out of turn and possibly and
14 maybe Mr. Howell can speak to that. The Development Agreement was a tool that we
15 wanted to use because of the large development. The traffic management plan that
16 was developed by their engineer stipulated, as you all got a copy, of an extensive
17 improvements to several roads. One of the contingencies that was agreed upon was
18 the developer didn't have a problem with proposing to obviously put in those
19 improvements but a lot – there were several that were offsite, at intersections offsite and
20 the developer believed or felt that if other developments were going to come in that he
21 wanted that Development Agreement to have the option to be opened up and to share
22 in that cost if they were obviously sharing in that traffic. Staff's position was obviously,
23 yes, if there are other players that will be coming – other developments that will be

1 affecting these intersections that there would obviously be an opportunity for those
2 developments obviously to share in the cost. But if the developments do not come to
3 fruition and no one else comes forth when the developer is ready to obviously install
4 those requirements or those improvements the developer would agree to put in those
5 improvements. The Development Agreement, and correct me if I'm wrong, was
6 basically to give the developer some assurances that the county would have other
7 developments share in the cost. But from what I understand the developer did not have
8 a problem with what his traffic engineer identified as improvements to those
9 intersections.

10 MR. GREEN: I guess just a question for Staff and the applicant together. It says
11 that PDD condition number four is submission of a Development Agreement for the
12 mitigation of traffic. Do either of you know of any issues that are – that you're at
13 loggerheads over or are you pretty much moving forward?

14 MR. HOWELL: I think we're moving forward. I mean, and sorry about the delay
15 but we submitted the draft – it's a draft today so we can continue to work with Staff to
16 handle [inaudible].

17 MR. GREEN: So no known major issues of difference between Staff and the
18 applicant?

19 MS. ALMEIDA: No. And I would assume that if there would be a problem with
20 the Development Agreement we would then have to come forth before you all and bring
21 those issues to the Planning Commission.

22 MR. GREEN: Thank you.

1 MR. MANNING: But we could in effect approve this and then ya'll have a
2 problem with the Development Agreement is that going to negate the decision we make
3 here?

4 MS. ALMEIDA: I don't believe it would. It's just a matter – if you read the traffic
5 impact it's a matter of timing and amounts of widths. I mean, it's technical standards
6 that we would probably be mitigating. But the Development Agreement if there was a
7 problem we would have to bring it before you. Obviously we could not go forward.

8 MR. PALMER: But all the conditions requires in the submission of a
9 Development Agreement doesn't require the agreement on a Development Agreement.

10 MS. ALMEIDA: It requires the Development Agreement and mitigation of the
11 traffic which they have submitted – the Development Agreement.

12 MR. PALMER: Right. But, I mean, even if they don't come in an agreement, I
13 mean, the PDD conditions have been met?

14 MS. ALMEIDA: Well one can also say the mitigating of the traffic is due to the –
15 subject to that traffic study which obviously depicts all of the improvements on those
16 intersections, so.

17 MR. VAN DINE: I've got two clarification questions. Exhibit 13 appears to have
18 trails lined out and this may be just a matter of mapping issue is off. Some of those
19 trails actually go off property.

20 MR. HOWELL: The – part of the, the point I guess is to try to connect these with
21 the Crane Creek Church – Crane Creek area and some of those recommendations.
22 Obviously our trails would stay on on property I would [inaudible].

1 MR. VAN DINE: And I'm just trying to make sure because it's – and I'm on the
2 main Exhibit 13 has the trail to lower, which appears to go off the property and I'm just
3 wondering if that's just a – how it was transposed onto here or.

4 MR. HOWELL: Might be. Let me find it real quick. We're not going to put trails
5 on other people's property I guess is the best way to answer that.

6 MR. VAN DINE: Unless you want to buy it. [Laughter]

7 MR. HOWELL: Well – maybe.

8 MR. VAN DINE: That was just to make sure that – I just want to make sure that
9 the trail that's connecting in through there whether it's just the mapping on here that
10 shows it may be off.

11 MR. HOWELL: I can't find it right here but it would be definitely the mapping.

12 MS. ALMEIDA: It is I believe.

13 MR. VAN DINE: The only other question I had was if the golf course is going to
14 be a part of the PDD as laid out, if for some reason the golf course was to be changed
15 would it have to come back through a PDD major modification request through this
16 Body?

17 MS. ALMEIDA: Yes, sir.

18 MR. HOWELL: And I'd like to add the golf course's intent is to turn over to
19 conservation easement. I know you guys just went through all that so – and this was
20 excluded from that and so that is the intent is to change it over to conservation
21 easement so -

22 MR. VAN DINE: All right.

23 MR. HOWELL: - it will always be a golf course.

1 MR. PALMER: Richard Nelson? You're still – you're available for questions?

2 MR. NELSON: Yep.

3 MR. PALMER: Okay. Evan Wilson? Same thing? That's all.

4 CHAIRMAN FURGESS: That's all. Any other questions for Staff?

5 MR. MANNING: Previously the access to Boyle and Crane Creek were not
6 included in the PUD?

7 MS. ALMEIDA: Right.

8 MR. MANNING: So ya'll had to acquire the property to get that access?

9 MR. HOWELL: That's right. Yes, sir.

10 MR. MANNING: Easements?

11 CHAIRMAN FURGESS: You heard Staff for approval. I need a motion on this
12 how we're going to send it up to County Council.

13 MR. GREEN: Mr. Chairman. I make a motion that we send this forward to
14 County Council with a recommendation of approval

15 MR. ANDERSON: Second.

16 MR. GREEN: Subject to the proposed PDD conditions listed – one through 11
17 listed on pages eight and nine of our agenda.

18 MR. ANDERSON: Second.

19 CHAIRMAN FURGESS: You heard the motion and the second. All in favor by
20 raising your hand.

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

1 CHAIRMAN FURGESS: It's approved. And this will go forward to County
2 Council. You must be to their meeting October the 23rd, 7:00 o'clock. Next on the
3 agenda is Case No. 07-44 MA.

4 **CASE NO. 07-44 MA:**

5 MS. ALMEIDA: Mr. Chairman, this is also a PDD; it is called Garden Valley
6 located on North Springs Road approximately 7.33 acres. The existing zoning on this
7 site is M-1. The proposed zoning is a PDD. The site is located approximately east – it's
8 on the east side of North Springs Road directly across from Harrington Drive. It has
9 approximately 708 linear feet of frontage on North Springs Road. North Springs Road is
10 a two-lane undivided major collector road currently maintained by DOT. The count
11 station is south of the site and it is coming up as a Level of Service F. The site is a
12 prime candidate for infill. It's a 7.33 acre site surrounded by existing subdivisions. The
13 applicant is proposing varying lot sizes between 8,500 square feet. It averages out to
14 about five units to the acre, minimum of 4,000 square feet. The development is
15 showing 31 units maximum and we have gotten a traffic study. The applicant – it's
16 indicated that on North Springs Road there will be a stop sign controlled at that entrance
17 of North Springs and the development, left and right turn land controlled, of course. And
18 the Planning Staff is recommending approval subject to the conditions on page 17 and
19 18.

20 CHAIRMAN FURGESS: Is anyone signed up to speak on that?

21 MR. PALMER: Joseph Unan?

22 **TESTIMONY OF JOSEPH UNAN:**

1 MR. UNAN: Good afternoon. My name is Joseph Unan. I'm a civil engineer. I
2 work for W.K. Dixon and Whitney is also the developer and we're here to answer any of
3 your questions.

4 MR. GREEN: I was curious about two of the, or a couple of the Staff conditions.
5 Item number five requires a berm or brick wall along North Springs Road. I didn't see
6 that on the site plan. I didn't know whether that had been an issue that had been
7 discussed or if that's something new.

8 MR. UNAN: We actually – I think that's a typo. We actually had no problem with
9 a wall. I suggested brick piers. It could be synthetic rock like type of wall. It could be a
10 wooden wall. It could be a brick wall. But at this stage we definitely – we should have
11 brick piers and/or proper wall and/or berm. I don't think we quite have the distance to
12 put a berm, wall and a detention pond. But we will definitely have either a wall or a
13 berm where the detention pond is.

14 MR. GREEN: My only concern about that was this is kind of at a curve and as –
15 at higher traffic times of the day, whether people will have adequate sight lines coming
16 out of that subdivision, you know, to make sure they're aren't blocked by some wall or
17 overly high berm and that would be my only comment about that so.

18 MR. UNAN: Sure. DOT requires that the line of site is measured 10' from the
19 edge of pavement, and so we will make sure that the wall is recessed back to facilitate
20 sight distances, for sight distance.

21 MR. MANNING: Was the school bus drop off area something that the
22 developers decided to do themselves or was this a site that needed to have that
23 condition imposed by Staff?

1 MR. UNAN: Staff normally prefers that the school bus not make multiple stops in
2 subdivisions so we have no problem placing an area for – a regional area in the
3 subdivision for the children to be picked up. We're okay with that but Staff always
4 recommends that we do that for residential subdivisions.

5 MR. GREEN: Anna, I assume that when you say a controlled left and right turn
6 lane that a stop sign is sufficient to meet the definition of control?

7 MS. ALEMIDA: Correct.

8 MR. UNAN: Yes.

9 MS. ALMEIDA: I'm sorry. Yes.

10 MR. UNAN: Sorry. And actually that was recommended also by the traffic study.

11 MR. VAN DINE: Mr. Chairman, I have but one concern and that is with the
12 setbacks that are listed and are listed on page 13 of the document that we were
13 provided, the side setbacks are three feet. In light of some of the things that happened
14 out in the Lexington area with fires that spread between buildings because of the
15 proximity; is a three-foot setback sufficient for fire purposes?

16 MS. ALMEIDA: Well, and I guess to answer that question because this is –
17 they're creating their own PDD, their own setbacks we would hope that they would have
18 met the fire code. Go ahead.

19 MR. PHIPPS: Do I need to go to the podium?

20 MR. GREEN: Yes, sir.

21 MR. PHIPPS: Donny Phipps. Building codes will require anything zero to three
22 foot of the property line to be one hour protected; both sides of that wall, exterior and
23 interior. The new codes will be going to five foot of property line.

1 MR. VAN DINE: So with this three foot that we're allowing here in a PDD do we
2 override the five foot?

3 MR. PHIPPS: Well, five foot's not coded yet. Three foot – if he's three foot plus
4 of the property line he does not have to build a one-hour rated wall. However, the roof
5 overhang would have to be rated because he's protruding into that rated area. And
6 those are building code issues that we would catch on any plan review.

7 MR. VAN DINE: Okay.

8 CHAIRMAN FURGESS: Any other questions?

9 MR. UNAN: The plan is to build garden homes, patio type homes. I think our
10 floor plan, if I'm not mistaken, we've provided several floor plans and they're all
11 averaging 30-some foot wide.

12 MR. GREEN: I would assume that you've had a chance to review the proposed
13 PDD conditions in the Staff Report and they're acceptable?

14 MR. UNAN: With the exception of the brick wall. I said brick piers originally and I
15 think that was misconstrued as a totally brick wall. What I meant to say was brick piers
16 plus some kind of synthetic/wooden or maybe brick wall.

17 CHAIRMAN FURGESS: Thank you, sir.

18 MR. UNAN: Thank you.

19 MR. GREEN: Anna, how – what would the Staff's reaction be to that modification
20 to the conditions?

21 MS. ALMEIDA: That's perfectly fine. It's just to meet that intent of screening.

22 CHAIRMAN FURGESS: Are there any other questions to Staff?

1 MR. VAN DINE: Let me ask you one more question about this fire thing because
2 frankly I have a problem with three feet. When is this five foot going into effect?

3 MR. PHIPPS: July of '08. South Carolina regulates when we adopt codes as
4 well as, you know, the time it comes into play.

5 MR. VAN DINE: All right.

6 CHAIRMAN FURGESS: We need a motion so we can send this to County
7 Council.

8 MR. GREEN: Mr. Chairman, I make a motion to send this forward with a
9 recommendation of approval subject to the Staff conditions listed – number one through
10 12 listed on page 17 and 18 of our report with the modification that item five read a,
11 brick piers with wood or synthetic fencing shall be provided along North Springs Road.

12 MR. PALMER: Second.

13 CHAIRMAN FURGESS: Heard the motion and the second. All in favor of
14 sending this to County Council for approval please by raising your hand.

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

17 MR. GREEN: Donny? Just between cases, when it goes to five feet - will, if
18 something's set back five feet will require will have that rated wall? If it were five and a
19 half feet would it be required?

20 MR. PHIPPS: [Inaudible].

21 CHAIRMAN FURGESS: Sir, make sure you're at County Council meeting on the
22 23rd of October. They have the final approval on this. Next case is 07-55 MA.

23 **CASE NO. 07-55 MA:**

1 MS. ALMEIDA: Mr. Chairman, the applicant is John Loveless. The location is
2 Screaming Eagle Road. The acreage of this rezoning is 19.08. The existing zoning is
3 RU and the applicant is requesting an HI zoning. Currently the surrounding area is all
4 rural on Screaming Eagle Road. The site has approximately 270 linear feet of frontage.
5 In 1999 the parcel received a special exception and was granted to allow the
6 construction of an office in an existing company site – sand company site. Screaming
7 Eagle Road is a two-lane undivided collector road currently maintained by DOT. The
8 count station on Screaming Eagle Road is west of the site and the Level or Service is a
9 B. The current map amendment request for 19 acres which was – it was created as a
10 minor subdivision recently, it was approved on September 4, 2007. As you know the
11 map amendment request is for the service and maintenance operation of a large
12 machinery and truck repair that are utilized in the mine and landfill enterprises. Staff
13 feels that the surrounding area is rural and residential and we are recommending denial.

14 CHAIRMAN FURGESS: My question to Staff. Don't the county have a landfill
15 this way also?

16 MS. ALMEIDA: Yes, they do.

17 CHAIRMAN FURGESS: How far apart is the landfill from the -

18 MS. ALMEIDA: That's not the county? Oh, no it's not the county's.

19 CHAIRMAN FURGESS: They don't have one out there anymore?

20 MS. ALMEIDA: There is a landfill but it's not the county's, waste management.
21 Demolition, construction on Monticello Road.

22 MR. PALMER: Whose landfill is it?

23 MS. ALMEIDA: The state's?

1 MR. PALMER: The state's landfill?

2 MR. CRISS: Waste management.

3 MR. PALMER: How far away is it from this site?

4 MR. CRISS: I believe the cleared area is [inaudible].

5 MR. PALMER: That's what I was thinking too.

6 MR. CRISS: [inaudible] landfill is east of Fort Jackson off of 601, further south,
7 not visible on this [inaudible].

8 MR. PALMER: Dan Creed?

9 **TESTIMONY OF DAN CREED:**

10 MR. CREED: My name is Dan Creed with Heritage Engineering. The purpose of
11 this request is to permit the construction of a vehicle maintenance facility to serve the
12 company equipment onsite. The HI designation is the only district which would permit
13 this use. This proposed use can be considered accessory to the existing operation and
14 will allow equipment to be serviced onsite rather than being taken offsite. As such no
15 additional truck traffic will be generated by the establishment of this use. The size of the
16 site allows the construction of this maintenance facility while maintaining buffer yards in
17 excess of those required by the zoning ordinance. Approval of this amendment would
18 not change the nature of the current operations which are legitimate at this site. Thank
19 you.

20 CHAIRMAN FURGESS: Any questions?

21 MR. MANNING: Mr. Creed, how much of the existing site do ya'll currently
22 mine?

1 MR. CREED: Mr. Loveless is here and I believe he can answer that question
2 better than I.

3 MR. VAN DINE: Can somebody explain to me the subdivision that took place
4 and what was subdivided off and I'm not sure I understand what's -

5 MS. ALMEIDA: Well the total acreage is -

6 MR. CREED: If we could go back to that slide, I think - you can tell in that slide
7 the power line which is running generally from northeast - I'm sorry, northwest to
8 southeast that is - that line right there represents the rear line or the northern most line
9 of the 19 acres which was subdivided.

10 MS. ALMEIDA: But the total acreage, Dan, was 100 acres?

11 MR. CREED: The total acreage is -

12 MR. LOVELESS: Four hundred and five acres.

13 MS. ALMEIDA: Right.

14 MR. VAN DINE: So which part are we being asked to deal with?

15 MR. CREED: That front part.

16 MR. VAN DINE: Just the little square -

17 MS. ALMEIDA: No.

18 MR. VAN DINE: - or the whole front part in front of the line?

19 MR. CREED: The little square became a portion of the 19 acre tract in the front.

20 MS. ALMEIDA: It's included in the 19 acres. Right there.

21 MR. VAN DINE: I'm still confused. What's the 19 - okay. That 19 acres?

22 MR. CREED: Yes, sir.

23 MS. ALMEIDA: Yes.

1 MS. CAIRNS: What's the 400 acres?

2 MR. VAN DINE: Where the 400 because that sure doesn't relate to –

3 MS.CAIRNS: Yeah.

4 **TESTIMONY OF JOHN LOVELESS:**

5 MR. LOVELESS: Maybe I can clear this up a little bit. I'm John Loveless, Jack
6 Loveless. We've been mining and land filling on that property since 1981. We've
7 operated that business for quite some time. A portion of the property lies in Kershaw
8 County and a portion lies in Richland County. The surrounding uses of that property to
9 the north side, the north side of the property there along Screaming Eagle Road –
10 between there and the landfill that you were discussing earlier that belongs to Waste
11 Management – that property also belongs to Waste Management. Waste Management
12 operates two types of landfills there. The large one that you see – could you take the
13 pointer to the – yeah, that large area there is the municipal solid waste landfill and
14 household garbage goes there but they also operate a landfill that adjoins our property
15 that takes in construction and demotion debris which is the same type of material that
16 we take it. So we're bounded actually by land that belongs to a TV tower which will
17 never be used for any other purpose, by our own property across on the northeast side
18 of the power line there, and by Fort Jackson and by Waste Management's property.
19 There really is no other practical use for that 19 acres than to use it for commercial or
20 for the purpose that I plan to use it for. Nobody's ever going to build a house there
21 between two landfills and Fort Jackson and a TV tower, and besides that I own it. The
22 only practical use for it is what I'm suggesting. We're also just talking about upgrading a
23 facility that's already on that same piece of property and that you use – we use that

1 entrance to access. So we're just – what we want to do is upgrade our ongoing facilities
2 and use that property in a practical manner. There's really no other way it can be used.

3 MR. VAN DINE: And it's the upgrade that requires the map amendment – they
4 can't do any upgrade?

5 MS. ALMEIDA: Right. It's a legal non-conforming so technically you can't
6 expand a legal non-conforming so you can't add to.

7 MR. VAN DINE: So in order to add to and/or fix up or do whatever they need to
8 get the amendment?

9 MS. ALMEIDA: That's right. Correct.

10 MR. LOVELESS: One thing I would like to add also is that we're talking about
11 1,100' back from Screaming Eagle Road where we want to put this facility. It's not going
12 to be obtrusive.

13 MR. MANNING: [Inaudible] expand the mining operation from the site you're
14 already -

15 MR. LOVELESS: Beg your pardon?

16 MR. MANNING: This doesn't expand the mining?

17 MR. LOVELESS: No. The mining operation was already permitted and the
18 landfill operation that we operate is already permitted. We're not asking for any change
19 in that.

20 MR. PALMER: But it'll keep the trucks onsite as opposed to having to take them
21 offsite to repair them; right?

22 MR. LOVELESS: Actually the repairs are being done onsite now but in a facility
23 that's outdated.

1 MR. PALMER: Okay.

2 CHAIRMAN FURGESS: Any other questions?

3 MR. ANDERSON: I have a question for Staff. Fort Jackson - I know that they
4 have a, for surrounding areas what they'd like to see in that area. Is Fort Jackson done
5 anything with this particular area – not just the site but this particular area? Do they
6 have a future outlook? I mean, it doesn't seem like it's residential to me and I know
7 that's a big issue - residential encroaching near the Fort Jackson area currently zoned
8 RU. Are there any possibilities or does anybody know anything about the Fort - what
9 they want to do?

10 MS. ALMEIDA: Mr. Criss has been in conversation with the planners out in the
11 Fort. He can address that.

12 MR. CRISS: Thank you, Anna. Fort Jackson would prefer industrial uses to
13 residential on the perimeter because of the potential conflict between military training
14 missions and noise sensitive land uses such as residential and schools and community
15 facilities and so forth. And obviously you already have an established mining operation
16 here. I check the Land Development Code and indeed the repair of the large trucks
17 does require either the HI, Heavy Industrial zoning district. It's also allowed in the
18 grandfathered M-1 Light Industrial district from the old code but the County Council
19 hasn't been entertaining any additional M-1 rezonings since 2005. So I believe the
20 applicant is correct that this is the only district that would allow the proposed use.
21 Obviously we have a large non-conformity out here. A lot of rural district with some
22 intense land uses, landfills and -

1 MR. VAN DINE: And the basic objection that I hear is because it's injecting an HI
2 into what is predominantly a rural?

3 MS. ALMEIDA: Zoning district, yes.

4 MR. CRISS: It would be a change in the overall zoning pattern and yet the land
5 uses are somewhat established on the industrial side.

6 MR. GREEN: Question for Staff. I notice in the RU district that a borrow pit is
7 permitted as a special exception in an RU district and, I mean, we're really dealing
8 borrow pit here more than you're dealing with mining, aren't we?

9 MR. LOVELESS: Yes, sir.

10 MR. GREEN: If this was considered a borrow pit why couldn't the repair of
11 vehicles specific to the use of that borrow pit be an accessory and not require rezoning
12 if a borrow pit's a – why couldn't they come in for a special exception for a borrow pit
13 and that the activities to fix the vehicles that are working on the site be an accessory
14 use and then we don't have to get into the –

15 MS. ALMEIDA: Right.

16 MR. GREEN: - issue of rezoning something for all this list of heavy industrial
17 uses and that would seem to be a simple solution to me.

18 MS. ALMEIDA: Well, we've been down that road. We have sat down with the
19 Zoning Administrator and the applicant's engineer and we've gone through this exercise
20 and it was determined by the Zoning Administrator that the parcel would need to be
21 rezoned. The Zoning Administrator makes that determination.

22 MR. PALMER: What is the appeal to the Zoning Administrator's determination?

1 MS. ALMEIDA: Decision? It would have to be made to the Board of Zoning
2 Appeals.

3 MR. PALMER: Which is where a special exception would have to come from any
4 how.

5 MS. ALMEIDA: If it was determined that it could be looked in that fashion, yes.

6 MR. GREEN: Is the Zoning Administrator here? I don't see him. That just
7 seems like such a simple straightforward solution that gets us out of rezoning something
8 for 30 different kinds of industrial uses.

9 MS. ALMEIDA: I understand that. We could revisit this in a couple of minutes if
10 we can get the Zoning Administrator.

11 MR. GREEN: I just think that's such a straightforward, easy way to deal with this
12 for an existing business that appears to me to be operating as a borrow pit and not as a
13 mine.

14 MS. ALMEIDA: Right.

15 MR. GREEN: I mean, we're not blasting, we're not pulling granite out of there.
16 We don't have day and night operations. I mean –

17 MR. PALMER: I would, I'd make a motion to defer until furthest to the end of the
18 new business agenda or the old business – this business section.

19 MR. GREEN: If we could defer this I would second a motion to defer to a later
20 portion on the agenda so we could have Mr. Price just visit with us to better understand
21 the interpretation.

22 CHAIRMAN FURGESS: [Inaudible].

23 MR. LOVELESS: Sounds reasonable to me.

1 CHAIRMAN FURGESS: We will do that and go to the next item. When he come
2 in then we'll come back to this.

3 MR. VAN DINE: Mr. Chairman, we need to vote on the motion.

4 CHAIRMAN FURGESS: Okay. We need to vote to defer this on the agenda
5 [inaudible] 07-55 MA. Need a motion on that.

6 MR. PALMER: We had a motion and a second.

7 CHAIRMAN FURGESS: And a second? All in favor by raising your hand.
8 *[Approved: Cairns, Murray, Ward, Anderson, Palmer, Furgess, Van Dine Green,*
9 *Manning]*

10 CHAIRMAN FURGESS: Okay. Next on the agenda

11 MR. VAN DINE: Anna, hold on. Make sure they don't leave. They just walked
12 out. Make sure they're not leaving. We're only deferring it until the end of this meeting
13 not – sorry, Mr. Chairman.

14 CHAIRMAN FURGESS: Okay. Next case on the agenda is 07-56 MA.

15 **CASE NO. 07-56 MA:**

16 MS. ALMEIDA: Mr. Chairman, the applicant is Mr. Mark Richardson, Saluda
17 Dam, LLC. The acreage of the proposed rezoning is 20.68. The existing zoning on this
18 site is HI. The proposed request is for general commercial. The applicant has
19 approximately 60.33 linear feet of frontage. Broad River Road is a four-lane undivided
20 major arterial maintained by DOT. The current count station is located west of the site
21 and the level service is registering as Level of Service B. The current heavy industrial
22 of the parcel has an exclusive permitted uses which is intense manufacturing, resource
23 extraction as we previously from our previous Staff Report mentioned. The site

1 currently joins the Saluda Dam and the park which has been newly inaugurated about a
2 year or so ago. It overlooks the Broad River. The remapping of this parcel obviously
3 would eliminate all current uses namely lumber yards and accelerated uses. The
4 surrounding area includes residential, single-family, multi-family land uses along with
5 existing industrial. The residential uses are predominant in the area and the residential
6 development would bring improvements to the site benefiting the River Front Park and
7 Broad River in the community. The Planning Staff recommends approval.

8 CHAIRMAN FURGESS: Anyone signed up to speak on that?

9 MR. PALMER: No, sir.

10 CHAIRMAN FURGESS: Okay. No one has signed up to speak. Any questions
11 of Staff?

12 MR. VAN DINE: Mr. Chairman, if I could ask Staff something. This seems in
13 looking at the zoning map to be a perfect example of where we ought to be looking at
14 what the City of Columbia deals with in this area because it is almost completely
15 surrounded by Columbia property.

16 MS. ALMEIDA: Yes.

17 MR. VAN DINE: And it seems to me that it is probably a prime location for
18 annexation into Columbia.

19 MS. ALMEIDA: Yes.

20 MR. VAN DINE: Wouldn't it make sense for us in our reports to have some
21 indication of what the current zoning surrounding this property would be under the City
22 of Columbia zoning so that we would at least have some idea?

1 MS. ALMEIDA: It's residential. We have verified that but they have not been
2 requested to annex and they aren't at the position right now to annex. But it is
3 residential. All of the white that you see especially if you take a look at McQueen Street
4 towards the back that is a development that is – that used to be or was low income
5 residential and they are revamping that area for residential.

6 MR. VAN DINE: So if we were to look at something like this in future and see the
7 City of Columbia and [inaudible] we can assume that that's -

8 MS. ALMEIDA: No. But we would identify that in the verbiage in our Staff
9 Report.

10 CHAIRMAN FURGESS: Also this piece of parcel is also included in that news
11 thing that we have out there – what they call the new Renaissance?

12 MS. ALMEIDA: Yes. The Village at Rivers Edge. That's what that is back there.
13 Yes.

14 MR. MANNING: So was that a part of the original planned unit development?

15 MS. ALMEIDA: No.

16 MR. MANNING: This piece?

17 MS. ALMEIDA: No.

18 MR. MANNING: Rivers Edge?

19 MS. ALMEIDA: No. The portion that Mr. Furgess is speaking about is – excuse
20 me, the Village at Rivers Edge which is being revitalized and the City of Columbia was
21 in the – in Richland County and the City has annexed that.

22 MR. VAN DINE: Anna, and then the other --

1 MR. MANNING: And they've annexed – excuse me, I'm sorry. They've annexed
2 the piece that was rezoned into a planned unit development?

3 MS. ALMEIDA: Yes. Yes.

4 MR. MANNING: And that area would be what on your map?

5 MS. ALMEIDA: Where McRae Street is, McQueen. Where the "X" is, right
6 around there.

7 MR. MANNING: So they took part of a PUD, not all of the PUD?

8 CHAIRMAN FURGESS: Right. They didn't take –

9 MS. ALMEIDA: Well they annexed all of the PUD but it did not include this
10 parcel.

11 MR. MANNING: Oh, it didn't?

12 MS. ALMEIDA: No.

13 [Inaudible discussion]

14 MR. CRISS: If I may, you might recall that the Planning Commission and County
15 Council amended the Comprehensive Land Use Plan of the County by adding the
16 Broad River Road Neighborhoods Neighborhood Master Plan and it encompassed three
17 neighborhoods, Broad River Terrace fronting out, well nearly fronting on River Drive, the
18 Village at Rivers Edge, the rebirth of old Roosevelt Village in the middle and then
19 Riverview Terrace in the yellow at the top of the slide. Subsequently the developer, the
20 new developer of the middle neighborhood, the middle portion, the post-World War II
21 era cinderblock, low-income housing units that were demolished and to be redeveloped
22 as Village at Rivers Edge decided to annex into the City of Columbia for favorable

1 utilities connections. But the site in question today was never part of that neighborhood
2 master plan.

3 MR. MANNING: Did the county pay for the master plan?

4 MR. CRISS: Pardon?

5 MR. MANNING: Did the county pay for the master plan?

6 MR. CRISS: Sure did.

7 MR. MANNING: And then it was annexed into the city?

8 MR. CRISS: The middle portion, one of three neighborhoods. The plan called
9 for that very redevelopment and apparently the project is proceeding in conformance
10 with the county's neighborhood master plan though no longer in our jurisdiction.

11 CHAIRMAN FURGESS: Any other questions?

12 MR. VAN DINE: One other question. On page 42 our map seems to indicate
13 that this is in, almost entirely in the flood zone. We have had a whole lot of discussion
14 recently over floodplain, floodways so where does flood zone fit into that definition?

15 MS. ALMEIDA: I'm not going to comment on that. [Laughter]

16 MR. VAN DINE: Is this property going to be subject to flood issues and –

17 MS. ALMEIDA: All regulations, absolutely.

18 MR. PALMER: The flood zone, i.e., would that equate to a floodplain situation or
19 in flood zone A perhaps the floodway?

20 MS. ALMEIDA: Perhaps. But we're just dealing with the actual map amendment
21 at this point.

22 MR. PALMER: Right.

23 CHAIRMAN FURGESS: Any other questions?

1 MR. GREEN: Is the applicant here?

2 CHAIRMAN FURGESS: No. Oh.

3 **TESTIMONY OF MARK RICHARDSON:**

4 MR. RICHARDSON: I didn't know I had to sign in. Mark Richardson. I'm project
5 manager for the development company. I'm here to answer any questions.

6 MR. GREEN: I was just curious. Your intention on this site would be to build
7 multi-family housing?

8 MR. RICHARDSON: Yes. We're still deciding. We're in the early stages of
9 planning such as high density, single-family, maybe a couple of duplexes type town
10 homes. Start off with a small phase.

11 MR. GREEN: The rationale behind asking for a GC rezoning rather than a high
12 density residential?

13 MR. RICHARDSON: That would be for, and I haven't looked at the high density
14 zoning, but I think that kind of gives us – the GC zoning gives us different, if we decided
15 to do more of four units per building. I don't know if that would be in the high density
16 residential. We're still considering everything.

17 MR. GREEN: Okay. Thank you.

18 CHAIRMAN FURGESS: Any other questions? Thank you, sir. Any other
19 questions of Staff?

20 MR. GREEN: I certainly think given the site location, heavy industry there is not
21 as preferable as GC and I would make a motion that we recommend approval.

22 CHAIRMAN FURGESS: Need a second on that.

23 MR. PALMER: Second.

1 CHAIRMAN FURGESS: You heard the motion and the second.

2 MR. VAN DINE: Mr. Chairman, if I could. I don't have a concern with some of
3 the things are proposed here. My problem with the rezoning request is that it's a GC
4 which opens up a whole lot of areas and a whole lot of uses which may not be
5 compatible with a waterfront development or area, and while I understand the company
6 is in the early stages of deciding what to do I would prefer to have a more defined plan
7 and a better idea of what's actually going to be put there especially considering the fact
8 that it is surrounded by residential and there are some other developments and plans
9 that are going along the riverfront. Because of that at this stage I don't think I can
10 support a zoning to general commercial.

11 CHAIRMAN FURGESS: Heard the motion and the second. All those in favor of
12 sending this to County Council for approval please by raising your hand. Opposed?

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

15 CHAIRMAN FURGESS: Two. Next on the agenda we'll go back to case – go
16 back to the Case 07-55 MA. Is Mr. Price here? Is he coming? Wasn't he in here?

17 MR. PALMER: Mr. Creed, is he out there in the lobby?

18 MR. CREED: He's gone back to grab a file.

19 CHAIRMAN FURGESS: We'll go forward to the next case. 07 – Case No. 07-57
20 MA.

21 **CASE NO. 07-57 MA:**

22 MS. ALMEIDA: Mr. Chairman, the applicant is Mr. Stan Mack. The acreage of
23 the site is 3.72. The existing zoning is rural. The applicant is requesting a general

1 commercial. The site is located on Walter McCartha Road, approximately 298 linear
2 feet of frontage. Walter McCartha Road is a two-lane dirt road currently maintained by
3 Richland County. The nearest count station is located on Dutch Fork Road and it is
4 east of the site. The Level of Service that is being shown is F. The site does have
5 access off of Dutch Fork Road. It serves residential and rural homes. The current
6 condition of the road we feel would not support a commercial enterprise nor would it –
7 would the access to Walter McCartha Road at this point. There are neither other
8 commercial uses nor other commercially zoned parcels within approximately a mile
9 radius. And Staff is recommending denial.

10 CHAIRMAN FURGESS: Any questions for Staff at this time? Do we have
11 anyone to speak?

12 MR. PALMER: Stan Mack followed by Janet Shadd.

13 **TESTIMONY OF STAN MACK:**

14 MR. MACK: Mr. Chairman, Members of the Commission, I'm Stan Mack. I sell
15 real estate with ReMax Real Estate Services. I'm representing the owners of this
16 property which is listed incorrectly on the front page. It does not belong to John R.
17 McCartha or Linda Gray. John R. McCartha was the former owner of the property and
18 Linda Gray owns the house that's next door to the property which is in foreclosure. The
19 present owner Alan Shealy and his wife Virginia Hyatt, Virginia Hyatt's family are part
20 owners of Love Chevrolet and they're willing to expand out to this area and it says for
21 RV sales and servicing but it's primarily going to be RV rentals is what they want to do
22 with it and they're also going to hopefully buy the two acres that adjoins it where the
23 house is. The house will be torn down. There's some wrong information here. I went

1 out this morning and I drove to the property. The address is on McCartha Road but it
2 has a tremendous amount of frontage on Dutch Fork Road which for some of you if you
3 don't recognize the name Dutch Fork Road, that's Highway 76. It goes from Irmo to
4 Chapin. And this property sits right dead between Hilton and White Rock. If you drive
5 four-tenths of a mile to the west which is towards Chapin you have a number of
6 businesses. The PDQ at the corner of Wessinger Road is the furthest away and across
7 from that is a landscaping company. Almost across from the property that we're trying
8 to get rezoned you have Mark's Restaurant which has been there for 20 something
9 years. It's changed names. Next to that is Foxworth Marine. You have Palmetto
10 Shelving, Specialized Mobility. You have mini-warehouses and another construction
11 company. Going back towards the Lowman Home or the Irmo area or east you have
12 the Lowman Home, the Quik-Way, Chapin Water Sports, a barbershop, a pet food
13 distributor and Stanick Sheetmetal. If you look at that property, look to the right of it
14 back towards White Rock or the Lowman Home everything to the right of it is wooded.
15 The next property is Stanick Sheetmetal. There are some farms in the area. And I've
16 had a many a meeting with Ms. Jennie Linder and her opinions are always based on the
17 20/20 Comprehensive Land Plan which should be antiquated. It shows all this property
18 being rural or residential. The only thing that fronts on Dutch Fork Road or 76 are
19 businesses, commercial businesses. Some have been there since before zoning and
20 some are being built as we speak. There are no residential homes or properties on, in
21 this area of town or fronting on that road. This property fronts on a railroad track. No
22 one's going to buy it and build another house on it. These people are going to buy it
23 and they're going to pave the driveway. You mentioned Walter McCartha Road is a dirt

1 road which it is but if this rezoning is worked out they're going to pave about 400' above
2 Walter McCartha Road giving them access to the property from a paved road which will
3 come in to 76.

4 CHAIRMAN FURGESS: Thank you. Next person.

5 MR. PALMER: Janet Shadd.

6 AUDIENCE MEMBER: I'm not speaking. I'm here representing [inaudible].

7 CHAIRMAN FURGESS: Okay. Any questions to the person who came up to
8 speak?

9 MR. GREEN: Anna, did you say Walter McCartha Road is a public road or
10 private road?

11 MS. ALMEIDA: It's currently maintained by Richland County. It's a dirt road.

12 CHAIRMAN FURGESS: Any other questions for Staff?

13 MR. MACK: That's the house that's [inaudible] is not on the subject property.

14 MS. ALMEIDA: I'd like to clarify that the, under property owners we go to the tax
15 assessor's database and we verify what's there. So if this is incorrect we will modify it
16 but it would need to be corrected at the tax assessor's office.

17 CHAIRMAN FURGESS: Do you have a question?

18 MS. CAIRNS: I'm just a little baffled. I mean, you gave a frontage of a couple
19 hundred feet but on the map it looks like it's a fairly small amount that fronts on
20 McCartha. I mean, is it three parcels or two parcels? I mean?

21 MR. GREEN: First page of the Staff Report says this site -

22 MS. ALMEIDA: It is two parcels.

23 MR. GREEN: - has 298 feet of linear frontage on Walter McCartha.

1 MS. CAIRNS: I mean, if you look at the map that's not 298 feet on that flag.

2 MS. ALMEIDA: How did we determine that? The lot that adjoins – if you look
3 northward where the arrow is that was once part of this rezoning and they subsequently
4 took that off of the zoning request after the Staff Report was done.

5 MR. VAN DINE: The square on the back is no longer part of the request?

6 MS. ALMEIDA: No. Where the – originally when it was submitted we were
7 looking over the documentation and verifying and where we have the little – can you
8 identify the icon? Where Walter McCartha Road where it's not shaded?

9 MR. VAN DINE: Yep.

10 MS. ALMEIDA: Okay. That was once part of the rezoning request but –

11 CHAIRMAN FURGESS: That part is not part of it?

12 MS. ALMEIDA: Now it is not because the applicant was not able to get the
13 owner authorization for that.

14 MR. MACK: That's the portion that belongs to Linda Gray which is on there.

15 MS. ALMEIDA: Right. And so it was subsequently taken off but Staff Reports
16 were already prepared at that point.

17 MR. MACK: So the actual frontage on McCartha Road is about 94'.

18 MS. ALMEIDA: Correct.

19 MR. MACK: And it has about 700' of frontage on 76 or Dutch Fork Road by the
20 railroad tracks.

21 MS. ALMEIDA: No. Railroad track.

22 MR. VAN DINE: [inaudible] railroad track that blocks -

23 MR. MACK: Excuse me?

1 MR. VAN DINE: It actually is fronted on the railroad track not on Dutch Fork
2 Road.

3 MR. MACK: Well the railroad fronts Dutch Fork Road.

4 MR. VAN DINE: Right.

5 MS. ALMEIDA: No, you can't cross –

6 MR. VAN DINE: And there's no access across the railroad tracks except on
7 McCartha Road, right?

8 MS. ALMEIDA: Correct.

9 MR. MACK: Correct. Yes, sir.

10 CHAIRMAN FURGESS: Any other questions?

11 MR. MANNING: Mr. Chairman, given the fact that we've got a difference in the
12 frontage I've got concern about the accessibility to that site and making left hand turns
13 and the right hand turns back across the railroad, and the Staff's concerns with the
14 general commercial in the area. I'd like to make a motion we send this forward with a
15 recommendation of denial.

16 MR. VAN DINE: Second.

17 CHAIRMAN FURGESS: All in favor that we send this to County Council in the
18 form of denial please by raising your hand. Opposed?

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

21 CHAIRMAN FURGESS: We'll now go back to Case 07-55 MA. We have
22 questions from the Commissioners to Mr. Price at this time.

1 MR. PRICE: Mr. Chair, speaking with the applicant and at their request we'd like
2 to defer this case until another – till further time. That will give them the opportunity to
3 go before the Board of Zoning Appeals as a special exception. By deferring it that
4 keeps their options open in case something happens along the way.

5 MR. VAN DINE: Do we have a timeframe in which we can defer or is it deferred -
6 I thought there was something in the –I recall is like 90 days or some language
7 [inaudible]. I'm just – I don't mind deferring. Might as well make sure we're not getting
8 [inaudible] timeframe.

9 MR. PRICE: Well speaking to the applicant we were looking – I think we
10 discussed deferring until December because the Board will meet in November and say
11 something were to happen that wasn't to their liking they would be able to come back to
12 the Planning Commission in December.

13 MR. MANNING: The applicant is okay with that?

14 MS. LINDER: You just need to set a date for when it needs to come back.

15 MR. MANNING: And that was your -

16 MR. VAN DINE: Is that acceptable to you?

17 MR. LOVELESS: Yes, it is.

18 MR. VAN DINE: Mr. Chairman, in light of the applicant's concurrence I would
19 make a motion we defer this case 07-55 MA until our December meeting.

20 CHAIRMAN FURGESS: December 3rd meeting? Need a second on that.

21 MR. MURRAY: Second.

22 CHAIRMAN FURGESS: Okay. All in favor that we defer this case by raising
23 your hand.

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

3 CHAIRMAN FURGESS: Thank you.

4 MR. VAN DINE: So we've gotten – that will be on our December 3rd meeting
5 unless –

6 MR. PALMER: Unless it's pulled.

7 MR. VAN DINE: Unless it's pulled because of whatever happens at the Board of
8 Zoning Appeals; correct?

9 MR. PRICE: Yes.

10 MR. GREEN: Question for Mr. Price. Geo, if this were determined by the Board
11 of Zoning Appeals to be a granted special exception under the borrow pit land use
12 designation and the repair of vehicles on that site were strictly for the repair of vehicles
13 serving the business located on that site, would you see a need for rezoning if they are
14 granted a special exception?

15 MR. PRICE: No, sir.

16 MR. GREEN: Okay. Thank you. Appreciate your time.

17 MR. PRICE: You're welcome.

18 CHAIRMAN FURGESS: We have one – another case coming up. Case No. 07-
19 53 MA. Is the applicant here for that case?

20 **CASE NO. 07-53 MA:**

21 MS. ALMEIDA: Mr. Chairman, the applicant is Church Gate properties. The
22 acreage is 1.46 acres, less than an acre. The existing zoning is neighborhood
23 commercial and the applicant is requesting a general commercial rezoning. The site is

1 located on Leesburg Road; approximately 100 linear feet of frontage. This site
2 according to our records has been rezoned or was rezoned from RS-LD to
3 neighborhood commercial back in 2005. The applicant at the time requested to
4 establish a boutique and office. It was approved and it was rezoned. Leesburg Road is
5 a four-lane undivided minor arterial currently maintained by DOT and the level of service
6 is a Level of Service C. As you can see the surrounding property has been changing
7 from a residential use to a commercial use due to the high volume of traffic being
8 generated on Leesburg Road. General commercial uses are evident due to the number
9 of residential subdivisions being developed within the surrounding areas along
10 Caughman Road and Trotter Road. Water and sewer currently exist on the property
11 and Planning Staff recommends approval.

12 CHAIRMAN FURGESS: Any questions to staff?

13 MR. VAN DINE: For everybody's purposes you were handed a zoning map at
14 our work session that goes with this particular -

15 CHAIRMAN FURGESS: She was not signed up but she's the applicant. Go
16 ahead and speak, give your name and address, please.

17 **TESTIMONY OF VIJI SASHIKANT:**

18 MS. SASHIKANT: I'm Viji Sashikant and I'm the representative for Church Gate
19 Properties. The address is slightly wrong. It's 1353 Capital Drive in Elgin. We bought
20 this property in April of this year. It was zoned neighborhood commercial. We got a
21 [inaudible] that's why we need to rezone it general commercial and that's why we need
22 the application.

1 CHAIRMAN FURGESS: Any questions of the applicant? Any questions for
2 Staff?

3 MR. MANNING: I've got a question for Staff. Anna, I guess once the – if and
4 when the rezonings are completed along Leesburg Road into commercial or office or –
5 the property behind it on Elmtree what would be ya'll's positions on future rezonings for
6 that property? Because obviously you're gonna have general commercial, some of
7 these buildings will be torn down, different uses other than what the applicant is
8 suggesting here –

9 MS. ALMEIDA: Right.

10 MR. MANNING: - could go in there and if you're in a residential neighborhood
11 backing up to that commercial?

12 MS. ALMEIDA: Well normally we like that transition that if as you can see from
13 the zoning classification it indicates RS-LD 12,000 minimum square foot. But normally if
14 you're going from a neighborhood commercial, general commercial I believe, Staff
15 believes it would be entertained as a higher density residential in that quadrant or need
16 to have that transition. So it would be something that would be looked at and I'm sure
17 once the comprehensive plan would be looked at that would be something that would
18 be taken into consideration.

19 MR. MANNING: Well that's something that [inaudible].

20 MS. ALMEIDA: Right. These general commercial corridors – the next tier as you
21 might want to call it would be the higher density residential and then of course the lower
22 density and rural.

23 MR. MANNING: Thank you.

1 CHAIRMAN FURGESS: Any other questions? At this time we need a motion on
2 this to send it forward.

3 MR. VAN DINE: Mr. Chairman, I'll make a motion we send this forward with a
4 recommendation of approval.

5 CHAIRMAN FURGESS: Need a second?

6 MR. PALMER: Second.

7 CHAIRMAN FURGESS: You heard the motion and a second. All in favor that
8 we send this to County Council for approval please by raising your hand.

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

11 CHAIRMAN FURGESS: It's unanimous. Thank you.

12 MS. SASHIKANT: Thank you, sir.

13 MR. VAN DINE: Ma'am? We're only a recommending body. County Council
14 still must approve, so the meeting is October 23rd when they will first take this up so
15 you'll need to be at that meeting as well.

16 MS. SASHIKANT: Yes, sir.

17 CHAIRMAN FURGESS: At this time we'll take a five-minute break.

18 *[BREAK]*

19 CHAIRMAN FURGESS: Next on the agenda is subdivision review.

20 MR. GREEN: Mr. Chairman, didn't we have an addition to our agenda –

21 MS. ALMEIDA: Yes.

22 MR. GREEN: - that was added. Started the Lake Carolina handout that we had.

23 MR. VAN DINE: It is. That's under the subdivision review.

1 MR. GREEN: Oh, is it? Then I'm sorry. I thought we were amending the PUD.
2 I'm sorry.

3 CHAIRMAN FURGESS: Okay. Go ahead.

4 MS. ALMEIDA: Mr. Chairman, this subdivision is being brought to you due to a
5 Development Agreement, Lake Carolina Development Agreement which is in place and
6 requires that all preliminary subdivisions come before the Planning Commission. So
7 they are required to come before you for this approval. This is Harborside Parcel II,
8 Phase III of Lake Carolina located on Helton Drive. It is a 5.3 acre site. The number of
9 units proposed is 37. And as you can see from the Staff Report the traffic management
10 has been mitigated by the existing study of the overall Lake Carolina development. The
11 proposed lots do have frontage on Long Point Lane and Helton Drive and a privately
12 maintained alleyway. And Staff is recommending approval.

13 MR. VAN DINE: Mr. Chairman, I move we approve the subdivision.

14 MR. MANNING: Second.

15 MR. VAN DINE: Subject to the conditions – are the conditions in this?

16 MS. ALMEDIA: Yeah, correct. Found on the page –

17 MR. VAN DINE: Subject to the conditions found on page -

18 MS. ALMEIDA: - two.

19 MR. VAN DINE: I guess two of the handout that we received.

20 CHAIRMAN FURGESS: Okay. Got a second? You heard the motion that we
21 send this forward to County Council for approval –

22 MR. VAN DINE: It just –

23 MS. ALMEIDA: No.

1 MR. VAN DINE: This is just for our approval. This doesn't go any place.

2 CHAIRMAN FURGESS: Okay. Thank you.

3 MR. VAN DINE: We need to still vote on it.

4 CHAIRMAN FURGESS: Oh. All those approve it by raising your hand.

5 *[Approved: Cairns, Ward, Anderson, Palmer, Furgess, Van Dine Green, Manning;*
6 *Abstained: Murray]*

7 CHAIRMAN FURGESS: Thank you. Anything else? That's it?

8 MS. ALMEIDA: That's it.

9 CHAIRMAN FURGESS: Next on the agenda is New Business.

10 MS. ALMEIDA: Mr. Chairman, the business before you is a sidewalk waiver. It
11 is call Sam's Crossing in existing subdivision, major subdivision which required
12 sidewalks. We have met with the applicant and found on page 60 is a depiction of
13 sidewalk installation. The applicant is requesting to have the sidewalk waived along
14 Clemson Road, along that stretch due to topography. If you would remember – if you
15 look on page 60 on the top page Long Green Parkway there was a church that
16 previously came before you and due to topography and the inability to locate the
17 sidewalk on DOT property you all waived the sidewalk there. Staff has been working
18 with the applicant and we have in concept agreed to make the concession of where it is
19 shown on page 60 in the hard-line black where they would install the sidewalk. But of
20 course it needs to come before you. Staff's recommendation is to waive the sidewalk
21 along Clemson Road.

22 CHAIRMAN FURGESS: Any questions?

1 MR. MANNING: Yeah. I have one for Staff. Anna, I rode out there this morning
2 to look at this and there's large portions of Clemson that do have sidewalks that abut
3 the back of a curve. Is that done by DOT? Are they putting those in or are the
4 developers being asked to come in after they put Clemson in and attach to the back?

5 MS. ALMEIDA: There have been applications that have fallen through the
6 cracks. Neither the engineer of record nor the county at the time that the plans were
7 designed picked up on that requirement. We've been working with some of those
8 property owners to install the sidewalk and they have agreed to do so. Others of course
9 it's new development coming in in this – okay – new development coming in so they're
10 putting it in or they're coming back and putting it in. DOT has come up with a position
11 that they are not willing to allow the sidewalk to be put in their right-of-way any more
12 due to maintenance.

13 MR. MANNING: Even though they've got them all up and down Clemson Road?

14 MS. ALMEIDA: Yes. In fact we've had situation where a sidewalk was approved
15 by DOT and then they've come back and rescinded that in their right-of-way because
16 they feel that if they can get an agreement with Richland County for the maintenance of
17 it they're willing to allow the installation on their right-of-way but if not they're not willing
18 to accept that maintenance responsibility.

19 CHAIRMAN FURGESS: Any other questions of Staff?

20 MR. MANNING: As far as the grade concern on this it would appear to me there
21 was one area that did have some pretty severe grades near that guardrail but
22 everything else was fairly level.

1 MS. ALMEIDA: Right. Staff went out and investigated that and accordingly to
2 the applicant, the applicant is here – they had indicated that due to the grade they're
3 going to have to excavate and there will be a steep slope there but that – the applicant
4 is here to address that.

5 MR. GREEN: Do the current plans calls for any – I guess I might as well ask the
6 applicant.

7 **TESTIMONY OF TRAVIS BUTLER:**

8 MR. BUTLER: I'm Travis Butler, the developer here.

9 MR. GREEN: Mr. Butler, what are the internal plans with regard to Chap Lane
10 and Rich Lane with regard to sidewalks?

11 MR. BUTLER: We – if you look at the, and I don't know if you can put something
12 on the screen or not. Maybe not. Can you put what is on the thing on the screen?

13 MS. ALMEIDA: Well, I can address Chap Lane. It is a divided – there's a
14 median there so and we had talked about that. If sidewalks were put on Chap Lane
15 they would not go anywhere. They couldn't cross Clemson Road because there's a
16 divider there.

17 MR. BUTLER. Yeah, Chap Lane is a right in, right out. You can see on Clemson
18 Road, you can see the median in the middle of the road. So it would be a sidewalk
19 going to nowhere. I mean, you can't cross Clemson Road. And then with respect to
20 Ricky Lane which is sort of the central entrance into the development again there's not
21 traffic light there. This is the new extension of Clemson Road where you've got five
22 lanes of cars going 50 miles an hour and without a traffic signal I don't think it would be
23 very wise to have sidewalks trying to go from one side to the other. We – I met with the

1 Department of Transportation on the site last week and Mark Nolt who's the regional
2 director has emphatically said that not only does he not want sidewalks in his right-of-
3 way on Clemson Road or Long Town Road, he would prefer not to have sidewalks
4 anywhere out here because it's an absolute pedestrian hazard because of the size and
5 the speed limit of Clemson Road. So even though the church I guess to the west of us
6 has no sidewalks there's no crossing pattern across Clemson Road or across Long
7 Town Road, there's no light at Long Green Road but despite all of this we are still I
8 guess willing to put sidewalks in along these internal roads even though they basically
9 go to nowhere.

10 MR. VAN DINE: You may not know this but this is for my own curiosity. Ricky
11 Lane appears to run across Clemson Road to the other side. If I'm looking at the
12 development going on on the other side it doesn't look like they have any plans of
13 actually stubbing a road out through there.

14 MR. BUTLER: I'm sorry. I couldn't hear the last part of what you said.

15 MR. VAN DINE: It looks like on the other side of Clemson Road from your
16 property it doesn't look like they're actually stubbing a road out. They've got a central
17 road that runs down the middle but I haven't seen any cuts in that road other than
18 property cuts. Do you know if they're actually going to [inaudible]?

19 MR. BUTLER: No. The site across the street is owned and being developed by
20 Crescent Resources, a division of Duke Power. It is a mirror image of our site. The
21 exact curb cuts that enter our site are the exact curb cuts that enter their site. Dibble
22 Manning was the owner of all this property and then when Clemson Road came through
23 Crescent Resources bought the tract across the street. We bought this tract and the

1 same engineer, William Cooper, designed them actually in hopes of, you know, making
2 the approval and planning process easier by having them be mirrored image because
3 as you know access is controlled all along Clemson Road and so, you know, your
4 access into these out parcels are off of this internal road.

5 MR. VAN DINE: How are we dealing with the sidewalk issue on the other side of
6 the road from Mr. Butler's property?

7 MS. ALMEIDA: Well, we are requesting that sidewalks be installed on the other
8 side of the road.

9 MR. VAN DINE: So we'd be requiring the mirror image sidewalks on the other
10 side of Clemson Road that we're asking Mr. Butler to do?

11 MS. ALMEIDA: At this point we have not had a problem in having that installed
12 at least on one side of the road. That was our thought process.

13 MR. MANNING: So basically the sidewalk requirement is not going to hold any
14 water until ya'll the county creates an agreement with DOT for maintenance.

15 MS. ALMEIDA: As far as maintenance and what we have had is developers on
16 the other side are willing to put it on their right, on their property.

17 MR. MANNING: Or back it up on the [inaudible]?

18 MS. ALMEIDA: Right. And we're trying to have some sort of a plan put together
19 that would make sense as far as connectivity and walkability.

20 MR. BUTLER: Yeah. That's the biggest challenge is because the Department of
21 Transportation has said no way, as far as our right-of-way and they have these sizeable
22 setbacks or right-of-way areas not only off Clemson Road but also off of Long Town
23 Road and then these – the curb cut into Ricky Lane and into the entrance that

1 corresponds with Long Green Parkway, the first 150' in is Department of Transportation
2 right-of-way. So this maybe a little bit misleading in the sense that the bold line on the
3 Long Green side – I'm going to walk over and point - to this point and to this point. This
4 is DOT right-of-way. And so this sidewalk here, unless the Department of
5 Transportation allows us, is gonna have to stop at that point. And I understand, you
6 know, obviously the desire to try to create as much of a pedestrian friendly environment
7 as possible but I'm worried that the one size fits all sidewalk ordinance isn't very
8 applicable in these types of situations.

9 MR. PALMER: Mr. Butler, I see you've got CVS going on the corner. Are your
10 other two tenants pedestrian oriented? Do you know who they're going to be yet?

11 MR. BUTLER: We do not. On parcel two, that parcel is basically divided into two
12 one-acre parcels and on the one-acre parcel closet to Chap Lane we have a bank deal
13 in place. But the other out parcels – the parcel one and then the other one-acre parcel
14 two there are no deals in place at this point.

15 MR. VAN DINE: You had the same issue with DOT right-of-way down Long
16 Town Road; is it 150 down that one as well?

17 MR. BUTLER: No. But the issue there is the setback off of Long Town Road,
18 you know, and how far inward into the property it has to be.

19 MR. VAN DINE: And further down Long Town Road there's been a doctor's
20 office put in and something else, I can't remember, maybe a dentist, whatever, are any
21 sidewalks required of them?

22 MS. ALMEIDA: Yes. And we're working with them. What we have been finding
23 is, you know, DOT is in the business of moving cars as fast as they can and we're trying

1 to slow things down and make it pedestrian friendly. They are not in the business of
2 making it pedestrian friendly and they literally create this kind of an environment.

3 MR. BUTLER: And I understand that this ordinance is relatively recent and, you
4 know, Anna is doing the best job she can to try to catch all the different properties up.
5 The problem is is so much of these properties we're talking about, they're already
6 developed, like the two doctors' offices. So to have sidewalks put in, ya'll are gonna
7 have to figure out some way to retroactively go in and require them which, I mean, in all
8 honesty, good luck. And that's, you know, again at some point you've got to start. At
9 some point you've got to start enforcing the ordinances. What bothers me is just that as
10 you know this is not a minimal expense. Five feet wide of concrete running the length of
11 the property and what bothers me is just it's going to nowhere.

12 MR. VAN DINE: Mr. Chairman, in light of all the discussions we've had I would
13 make a motion that we approve the request on page 60 for the sidewalk alignment and
14 waiving sidewalk on Clemson Road based upon what we've talked about [inaudible].

15 MR. MANNING: I've got another question on how – before we take a vote. As
16 far as the sidewalks going to nowhere what would be your feeling about eliminating the
17 sidewalks on the back and putting the sidewalks in the front on your own right-of-way?

18 MR. BUTLER: You mean on the Clemson Road side of the property? Well our
19 issue there and the reason that we're putting it in the back is one, topography. You said
20 you drove the site.

21 MR. MANNING: Right. There was one section in there that did have some
22 topography. There was a guardrail there.

1 MR. BUTLER: Well we're grading, and you're referring to the corner of Clemson
2 and Long Town Road and which is what we're focused on our grading right now
3 because we've got to deliver the pad to CVS by December. We have not really begun
4 pushing our dirt on the rest of the out parcels yet although I'm sure you saw a lot of
5 equipment out there. There is going to be much more of a grade change between the
6 curb of Clemson Road and where the pad of these out parcels are than what is sitting
7 there now.

8 MR. MANNING: Most of the area there is a grade with Clemson Road other than
9 that guardrail; is it not?

10 MR. BUTLER: No. It – most of it on average drops probably three feet between
11 the curb of Clemson Road down to where basically the footprint of the pad is now. But
12 what I'm saying is when we do grade in order to accommodate site lines of a potential
13 anchor tenant in the past we're going to have to bring that down where it's going
14 average probably six to seven feet below Clemson Road. Which – and again with the
15 setback or with the right-of-way on Clemson Road and then you've got that grade
16 change it's just, it's not safe. And traffic's going, like I said, 50 miles an hour on
17 Clemson Road. It's a much safer alternative to have it on an internal road, you know,
18 where traffic's going slow as they enter and exit businesses.

19 MR. MANNING: To bring it into your right-of-way - off of DOT right-of-way what
20 are we're talking about distance wise?

21 MR. BUTLER: It varies from place to place. I don't see it on here. Anna, do you
22 have anything that shows it? On average – I mean, I'm guessing here.

23 MR. MANNING: Fifteen feet?

1 MR. BUTLER: I'd say less. I'd say 10' probably. Eight to 10; on average. It
2 varies.

3 MR. MANNING: Well, you know, I don't like wasting money and I think putting
4 sidewalks into nowhere is that, but there are a lot of sidewalks along Clemson Road and
5 if we're trying to establish connectivity I'd rather give up on the back end and do
6 something on the front end where it's already established.

7 MR. BUTLER: Well, I understand. Again, I think the issues are the safety
8 concerns, the topography changes that aren't present now but will be when we
9 complete grading. Again the church next door to us there's no sidewalks there. The
10 other end of the property is bounded by Long Town Road. There are no crosswalks
11 and there's no sidewalks where the church relocated. So I understand your desire but I
12 think you've got to look at it in perspective of where the site is.

13 MR. VAN DINE: I also think that this is only the first development back on
14 Clemson Road. There's going to be development on the other side of this road and
15 [inaudible] internal sidewalk system for that [inaudible] that much problem with DOT in
16 not doing what they're doing I think that we'd be better off at least to have the sidewalks
17 in the internal portion of the properties as opposed to fighting the battle with DOT.

18 MR. PALMER: What's planned for back here?

19 MR. BUTLER: We don't have a plan yet.

20 MR. PALMER: But ya'll own it?

21 MR. BUTLER: Yes. This is all – it's a 35-acre piece of property and we're
22 planning a retail anchored shopping center but we do not have an anchor tenant yet.

23 MR. PALMER: Only retail back in here, no residential?

1 MR. BUTLER: No. Absolutely not.

2 MR. PALMER: And there's going to be sidewalks on this side of Clemson – on
3 the other side of Clemson?

4 MS. ALMEIDA: Well what we're trying to do is trying to establish a pattern here
5 and some connectivity even beyond this along Long Green Parkway, Long Town Road
6 trying to make some connectivity and some good design. So even if you have to get off
7 Clemson Road and go internally it can be a shortcut out towards Long Town Road and
8 that's what we're going to have to start doing even beyond on the other side. We're
9 trying to acquire the sidewalk at least on that side, on the – is this north?

10 MR. BUTLER: Yeah.

11 MS. ALMEIDA: On the northern portion of Clemson Road and trying to make
12 some connectivity somewhere.

13 MR. BUTLER: There are currently no sidewalks on that side, on their
14 development.

15 MR. PALMER: I've got to tell you. I would – with this being retail back behind
16 here I would – and I know ya'll probably think I'm in left field on this – but I would most
17 definitely be in support of waiving the sidewalk requirement along Clemson but I would
18 be in favor of waiving the sidewalk requirement on the internal roads as well and that's
19 my thoughts on the process. I agree with the developer. I think it's an absolute waste
20 of money in this case to put sidewalks that go nowhere when it's not a pedestrian
21 friendly environment to begin with. I mean, do we want to encourage that type of
22 activity in there? I don't see it.

1 MS. CAIRNS: I don't think it's a matter of encouraging. I think the reality is is
2 that there are those who will get about on foot in areas that if they had a car they'd be in
3 one. And the fact that right now there's no connectivity is like okay but then we'll have
4 the argument that well I'm the last kid on the block why should I have to do it. So I think
5 that, you know, the reality is is even with it being retail establishments there are going to
6 be those who are getting about on foot. So I think requiring some internal sidewalks is
7 completely appropriate.

8 MR. BUTLER: I kind of feel like the last kid on the block to use what you said. I
9 mean, I understand, you know, you've got to start somewhere but at the same time
10 everything around us has no sidewalks.

11 MS. ALMEIDA: Well, you're not fully developed.

12 MS. CAIRNS: Yes.

13 MR. MANNING: One other question, Mr. Butler. I think you made the comment
14 that Ricky Lane and maybe Chap Lane or Long Green Parkway, DOT right-of-way
15 extends into the property some –

16 MR. BUTLER: On Ricky Lane and on Long Green Parkway the DOT right-of-
17 way comes in 150'.

18 MR. MANNING: So you're going to have the same issue with these sidewalks
19 that are shown right here for a portion of that road.

20 MR. BUTLER: Only on the Long Green side. I mean, the internal road – the
21 sidewalk along the internal road and up Long Town Road we won't have any problem
22 because they're all on my property.

23 MR. MANNING: The one going up Long Green will connect to Clemson?

1 MR. BUTLER: What I'm saying is the sidewalk – the sidewalk coming down
2 Long Town Road will not be a problem because we're inside of this DOT right-of-way
3 area. The sidewalk all across the entire length of the site won't be a problem because
4 that's on our property and then the sidewalk can come up to this point on Long Green.
5 However to extend it up to Clemson we'll have to get an easement from DOT.

6 MR. MANNING: Or would you be willing to put it in on your right-of-way there?

7 MR. BUTLER: Again it's not –

8 MR. MANNING: We're coming back to the same point.

9 MR. BUTLER: Yeah.

10 MR. MANNING: [inaudible] it doesn't do you any good.

11 MS. ALMEIDA: Right.

12 MR. BUTLER: Right. Yeah. I mean – sure. And actually I mean the drawing up
13 is probably a little misleading. It really should probably be here along our property line
14 just like it is on Long Town. So I mean, you know, hey. I'm out there doing it, might as
15 well just take it on up.

16 MR. GREEN: Mr. Chairman, I would agree with Mr. Van Dine's observation, the
17 developer's offer to move the sidewalks internal. I would second Howard's motion

18 CHAIRMAN FURGESS: Howard, would you repeat the motion. I forgot what it
19 was.

20 MR. VAN DINE: The motion was to waive the sidewalk requirements on
21 Clemson Road except what is designated on the map which was on page 60 of our
22 agenda book as of the alternative.

1 MS. CAIRNS: With the adjustment that the sidewalk along Long Green be
2 moved adjacent to the property line not in the SCDOT right-of-way.

3 MR. VAN DINE: Yeah. However they're going to be laid in there. I don't want to
4 get into the engineering part of how he's going to get it done. He's agreed to do it so
5 how he would do it.

6 MR. BUTLER: I'd love some help with the engineering if you'd like to volunteer.

7 CHAIRMAN FURGESS: And the second.

8 MR. VAN DINE: The second has been made.

9 CHAIRMAN FURGESS: All right. All in favor to send this for approval.

10 [inaudible]

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

13 CHAIRMAN FURGESS: Thank you.

14 MR. BUTLER: Thank you.

15 CHAIRMAN FURGESS: Next, Anna.

16 MS. ALMEIDA: Mr. Chairman, this is also a sidewalk waiver. It is Crickentree
17 Phase IV, single-family subdivision. It's their last phase. They're requesting a waiver of
18 the sidewalk as well. I'd like to point out they're also requesting internal as well as
19 external sidewalks be waived.

20 CHAIRMAN FURGESS: Sidewalks are the heavy black lines on the outside?

21 MS. ALMEIDA: Correct. Yes. Staff does not have a problem with the internal.

22 CHAIRMAN FURGESS: This, what I've seen on the map is the sidewalks going
23 around the subdivision.

1 MS. ALMEIDA: Yes. They are requesting that the sidewalks internally on this
2 phase be waived, and on Kelly Mill Road. Staff does not have a problem with internal
3 but does have a problem on the external.

4 MR. PALMER: Are the tracts on either side of the external road developed or are
5 they not developed?

6 MS. ALMEIDA: I believe they are developed.

7 MR. GREEN: Do we have an aerial we can throw up for that location?

8 MR .PALMER: That's a pretty aerial. [Laughter] Gorgeous tract.

9 MS. CAIRNS: Low level aerial there.

10 MR. PALMER: A gorgeous tract of land.

11 **TESTIMONY OF JEFF KINARD:**

12 MR. KINKAID: You put in sidewalks it's going to take all those tulips out. I'm Jeff
13 Kinard with U.S. Group here for the applicant to answer any questions.

14 MR. PALMER: Mr. Kinard, do you if the adjacent tracks are developed or are
15 they -

16 MR. KINARD: They are mostly rural. To the east of the photo that was up there
17 of course is the remainder of Crickentree. The tract across the road will be part – a
18 portion of Lake Carolina Ashland subdivision. I know that external sidewalks were
19 waived on that one as well. There's not any connectivity and I know what you're trying
20 to fight but this is a – right now a fairly rural area other than these two subdivisions and
21 there's really nothing to connect these two.

22 MR. MANNING: How many lots in Phase IV?

23 MR. KINARD: I'm not sure. Let's see – do you remember? I think IV is –

1 MS. ALMEIDA: Forty-nine.

2 MR. KINARD: Forty-nine, something like that. Sound about right? I honestly
3 don't remember. It should be up to the left a little.

4 MR. MANNING: It's under the 50 lot number anyway.

5 MR. KINARD: Little bit further, there you go.

6 MR. PALMER: Mr. Chairman, just to get a motion out I'd make a motion to waive
7 the sidewalk requirements both internal and external.

8 CHAIRMAN FURGESS: Need a second?

9 MR. MANNING: Second.

10 CHAIRMAN FURGESS: You heard the motion and the second. All in favor.

11 MR. GREEN: Mr. Chairman, I would – I'd just like to be able to see this.

12 MR. PALMER: Yeah, I was just getting that out there.

13 CHAIRMAN FURGESS: Okay.

14 MR. PALMER: See what we got coming up here.

15 MS. ALMEIDA: And I'd like to point out to Council Members – to Planning
16 Commission Members one of the reasons that the sidewalks were waived on the –it's
17 part of a Lake Carolina PUD now, that subdivision was because of the internal
18 connectivity that Lake Carolina has and that was one of their justifications.

19 MR. GREEN: The trails?

20 MS. ALMEIDA: There are walkable internal trails that would connect.

21 MR. KINARD: I see it right there, the remaining piece right there.

22 MR. VAN DINE: If I'm looking down at the map am I looking at the third and the
23 fourth and the fifth golf holes coming in to that area?

1 MR. KINARD: Yes, sir.

2 MR. VAN DINE: Okay.

3 MR. KINARD: And you can see them right here.

4 MR. VAN DINE: I've been in that pond so many times I think I know it.

5 [Laughter] And further down the road there is no requirement for any kind of sidewalks
6 on Kelly Mill Road at the original entrance into the Crickentree development?

7 MS. ALMEIDA: Right. Because it is an older neighborhood.

8 MR. KINARD: There are no internal sidewalks anywhere in Crickentree. Of
9 course, you do have the, you do have the cart path and that's where people tend to
10 walk in the afternoons. It's after the golfers have left.

11 MR. VAN DINE: Where would – if you decided to make them do it on Kelly Mill
12 Road where was this going to lead to?

13 MS. ALMEIDA: Well, there's a school on Bud Keef and Kelly Mill Road.

14 MR. GREEN: Which parcel are we looking at? Right there?

15 MR. VAN DINE: The school's down to the right, lower right.

16 MR. KINARD: The school's to the right, right here in the bottom right hand
17 corner.

18 MR. ANDERSON: How far is that?

19 MR. VAN DINE: If you go further to the left – see that, right where the hand is
20 right now, above that -

21 MS. ALMEIDA: A couple hundred feet.

22 MR. VAN DINE: - that's the property you're talking about, the lower right-hand
23 corner.

1 MR. KINARD: That's correct. That's – yeah.

2 MR. VAN DINE: Right where it was, the undeveloped portion right there.

3 MR. GREEN: Across Kelly Mill?

4 MR. KINARD: No. The other side, on the top north of the road.

5 MR. PALMER: Move the hand straight up.

6 MR. VAN DINE: Move the hand straight up. Nope. Left, left, left, my left. That's
7 it.

8 MR. KINARD: You see everything between us and the intersection with
9 Hardscrabble there is individual homeowners, without the highway departments -

10 MR. GREEN: In a previous case I voted to allow or voted to waive sidewalks.
11 We were at the back end of a subdivision, at the very back that had three little cul-de-
12 sacs on it. There was no through traffic. I tell you my mindset on this one is I can
13 understand the rationale at this point on the north side of Kelly Mill Road. You still have
14 an opportunity on the south side to get the sidewalk in along Kelly Mill but I'll be honest
15 with you, I'm inclined not to waive the internal sidewalks. We're talking about an
16 entrance way in the Crickentree. It's going to carry traffic not only from the lots being
17 added in this phase but lots that are behind it as well bringing in traffic into this area.
18 And I don't know that I'm inclined to waive it on the internal part given that there's an
19 entrance here onto the Kelly Mill Road and traffic from other parts of the subdivision will
20 be flowing past these houses. I wish I had sidewalks where I live.

21 MR. MANNING: Well as far as the external if you look at the external I don't
22 think you're going to be able to get connectivity. If you look at the size of these tracts

1 going down Kelly Mill Road none of them are of a size that they're going [inaudible]
2 anyway.

3 MR. GREEN: The big piece on the south side.

4 MR. MANNING: But on the south side of Kelly Mill road if you're going to school
5 I'm not willing to give that up.

6 MR. GREEN: And that's what I'm thinking. I'm willing to waive the Kelly Mill
7 Road frontage sidewalks but my inclination is not to waive the internal sidewalks.

8 MS. CAIRNS: It's my understanding that the south side has already had the
9 requirement waived.

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

11 MS. CAIRNS: So there will not be sidewalks on the south side of that road
12 because they've already been waived as part of –

13 MR. GREEN: As part of Lake Carolina?

14 MS. CAIRNS: - Lake Carolina.

15 MR. PALMER: But the problem you've got is if you put them on the north side
16 then they go up to someone else's backyard and then over to a small tract that's more
17 than likely not going to be developed as a subdivision.

18 MR. KINARD: Yeah. That's my point is that they really don't have any way to go
19 on the north side.

20 MR. PALMER: They're boxed in already.

21 MS. CAIRNS: The sidewalks are getting built in the right-of-ways; is that correct?

22 MR. KINARD: I don't think –

23 MS. ALMEIDA: No, the –

1 MR. KINARD: No. Go ahead.

2 MS. ALMEIDA: The DOT is not inclined to allow the sidewalks to be built in their
3 right-of-way due to a maintenance issue. So they're wanting – whether it's a trail or
4 concrete sidewalk to be built on the development's property.

5 MS. CAIRNS: So we have already subdivided as is being discussed up here
6 there would be, until you can work out something with DOT there would not be any
7 extension of those lots on the external [inaudible] sidewalk?

8 MS. ALMEIDA: Right.

9 MR. KINARD: We're boxed, in other words we're boxed in. It's just - all we can
10 deal with is that little bit of space there across the -

11 MS. CAIRNS: I mean is that also true in terms of where the placement of the
12 sidewalk in the internal?

13 MS. ALMEIDA: No. Because that's not DOT right-of-way.

14 CHAIRMAN FURGESS: We have a motion on the floor and a second. Is that
15 going to be revised or how you gonna do it?

16 MR. GREEN: Why don't we vote on the motion on the floor. I'm just saying why
17 don't we just vote and see if we have a -

18 MR. PALMER: I just know as typical protocol we have waived future phases of
19 existing projects in the past with internal sidewalks and don't see why this would or
20 should be any different.

21 MS. CAIRNS: I would argue that this is a large enough phase that the sidewalks
22 here would make – I mean, I would agree – I think – I mean, I'm sorry, I like sidewalks
23 and I think even when there's only one phase as long as it's more than five houses or

1 so. It creates a walk without having to walk in the right-of-way or in the asphalt. So this
2 is enough of a section by itself I would say that that logic that you waive it on the last
3 phase is not necessarily applicable [inaudible].

4 MR. VAN DINE: I'm going to throw a monkey wrench and ask a question. We've
5 had that lower portion below Kelly Mill Road that's already been waived for sidewalks on
6 Kelly Mill Road; is that correct?

7 MS. ALMEIDA: Correct.

8 MR. MANNING: Why did we do that? I mean, did they submit a phase to us for
9 approval?

10 MS. ALMEIDA: That was part of their agreement as part of their Development
11 Agreement.

12 MR. VAN DINE: Is there a way to get a negotiation to require the external on this
13 that we're talking about where the cross-over basically where that lot sort of blocks it
14 and getting the rest of the sidewalks on Kelly Mill – on the Lake Carolina portion of it.
15 Because, I mean, if we're trying to get people to be able to walk to school from any one
16 of those neighborhoods that would seem to put it on both parcels of land to have some
17 access.

18 MR. KINARD: Well, I may know too much so I'll be careful what I say here
19 because I was at the meeting when you waived the external along Kelly Mill and the
20 reason you waived them was is their internal sidewalk system, which they do have
21 internal sidewalks, feeds everything that you want to go. In other words I think the
22 argument was made that you didn't want to throw them our on Kelly Mill Road anyway.
23 That is was much better for them to come through the subdivision which is much more

1 lightly traveled and go to the school. In other words the homes that are in the
2 subdivisions would actually go to the school or to the town center that was in Lake
3 Carolina. That was the argument I think that was made.

4 MR. PALMER: Yeah. See their sidewalk on Kelly Mill would only help
5 Crickentree not Lake Carolina. And there's no sidewalk, I see there's another entrance
6 down almost at the intersection of Bud Keef and Kelly Mill? Is that for Crickentree as
7 well?

8 MR. VAN DINE: That's the original entrance to Crickentree.

9 MR. PALMER: And there's no sidewalk from there?

10 MR. KINARD: Kathy just reminded me as well is Crickentree doesn't go to that
11 school. Excuse me, I'd forgotten that. They go to Round Top. [Laughter]

12 MR. PALMER: They don't even go to that school.

13 MS. CAIRNS: I mean, just - pedestrians walking along roads is not limited to
14 children going to school. If anything that's probably some of the least likely people to be
15 walking along the road anymore. But I think if you look at roads you almost always find
16 an idle path where there isn't a sidewalk. I promote this general concept and I just don't
17 think limiting that to where children happen to walk to school is appropriate.

18 CHAIRMAN FURGESS: What is the motion or is it changed?

19 MR. PALMER: I think there's a motion to waive the external and internal
20 sidewalk requirement for this fourth phase of Crickentree.

21 CHAIRMAN FURGESS: Let's take a vote on that. You heard the motion and the
22 second. All in favor for the motion by raising your hand. All denied? Opposed?

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

3 MR. GREEN: Mr. Chairman, I would like to make a motion since that motion
4 failed that the internal sidewalk component not be waived but that we waive the external
5 sidewalks.

6 MR. VAN DINE: Second.

7 CHAIRMAN FURGESS: You heard the motion. All in favor that we do the
8 internal sidewalk please by raising your hand. Opposed?

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

11 MR. KINARD: Thank you.

12 CHAIRMAN FURGESS: Next on the agenda item.

13 MS. ALMEIDA: Mr. Chairman, before you is a sidewalk waiver reconsideration.
14 The applicant had put the wrong address and he did not receive his notification so he is
15 requesting to be heard again on a sidewalk waiver.

16 MR. VAN DINE: Well it was just the address that was wrong?

17 MS. ALMEIDA: His address was incorrect and that's where the notification went
18 to. I believe the applicant is here.

19 MR. GREEN: How did we vote on the waiver?

20 MS. ALMEIDA: For denial.

21 MR. GREEN: Thank you, Mr. Price.

22 CHAIRMAN FURGESS: Anna, do you want to talk about this sidewalk?

1 MS. ALMEIDA: Yes. The lot is highlighted on page 73. It is an Allstate agent
2 and there's a lot of undeveloped property along Dutch Fork Road and we're requesting
3 a sidewalk.

4 MR. VAN DINE: Where were we saying the sidewalk had to go?

5 MS. ALMEIDA: In, on the applicant's property.

6 MR. VAN DINE: On Dutch Fork or?

7 MS. ALMEIDA: On Dutch Fork Road and O'Brien.

8 MR. VAN DINE: And O'Brien?

9 MS. ALMEIDA: Correct.

10 MR. MANNING: And those sidewalks were shown on the engineering drawings
11 submitted to the -

12 MS. ALMEIDA: No. They were not.

13 AUDIENCE MEMBER: And the plans were approved.

14 MS. ALMEIDA: Yes, and your engineer failed to adhere to the standards. You're
15 right. But yes, Staff did not pick up on that error.

16 MR. GREEN: Can we pull back from that a little bit? Show us a little bit more of
17 the surrounding land use.

18 MS. ALMEIDA: I just want to point out to the Planning Commissioners, if you
19 recall this property was up for rezoning at your last Planning Commission meeting – the
20 entire site.

21 MS. CAIRNS: Was that not the neighboring site?

1 MS. ALMEIDA: Well, it was the – I'm sorry. It was the property next door but
2 you will be seeing the remaining portion of this subdivision come in for a rezoning. I'm
3 sorry. We do have the applications.

4 MR. VAN DINE: Mr. Chairman. simply to get something on the floor. We voted
5 last time to recommend denial of the waiver and I don't see anything that's changed
6 except that it's a different address that we're talking about. We were all talking about
7 the right property at the time we were here and therefore I would make a motion that we
8 do not waive the sidewalk requirements on this particular property.

9 **TESTIMONY OF BRAD GROOMS:**

10 MR. GROOMS: My argument to that would be –

11 CHAIRMAN FURGESS: [Inaudible]

12 MR. GROOMS: I'm sorry.

13 MR. VAN DINE: Do we have a second.

14 CHAIRMAN FURGESS: The applicant is here. We'll let the applicant speak.

15 MR. GROOMS: I think it's completely unfair for the county to come back after
16 I've completed the project and require sidewalks. In doing so I would have to move a
17 large sign that is out front. As well there are no sidewalks anywhere close to that and I
18 know that argument – you're trying to get the sidewalks in there but, you know, as a
19 small business person for me to foot the bill on that I think it's just incredibly unfair to
20 come back at the end of a project and require that. The new construction across the
21 street – no sidewalk.

22 MR. PALMER: So what happened here we had plans that were approved by the
23 county. You submitted the plans without the sidewalks in them?

1 MR. GROOMS: Correct.

2 MR. PALMER: They approved them?

3 MR. GROOMS: Correct.

4 MR. PALMER: You started construction?

5 MR. GROOMS: Correct.

6 MR. PALMER: On their approved plans?

7 MR. GROOMS: That's right.

8 MR. PALMER: And now –

9 MR. GROOMS: At the end when I go to get my – the landscaping and my
10 Certificate of Occupancy they come in and say I have to have sidewalks at that point.

11 MS. ALMEIDA: We realize it was an error.

12 MR. PALMER: And it's ya'll's error?

13 MR. GROOM: Correct.

14 MS. ALMEIDA: Well, I would argue that it's both. The engineer omitted as well
15 and the ordinance was passed July of 2005, but yes.

16 MR. PALMER: But it was approved by ya'll?

17 MR. ALMEIDA: Correct.

18 MR. PALMER: Is there a motion on the floor?

19 MR. GREEN: Um-hum (affirmative)

20 MR. MANNING: One other question, Anna. [Inaudible] that there's no sidewalks
21 being put in across the road and I assume that's O'Brien Way; is that correct?

22 MS. ALMEIDA: Across the street on Dutch Fork Road I believe it's the
23 veterinarian office. I do not know offhand when that was approved but.

1 MR. MANNING: But what about O'Brien Way?

2 MS. ALMEIDA: That was before '05. That was subdivided some time ago.

3 MR. MANNING: So you've got subdivision but you've got no site specific plans –

4 MS. ALMEIDA: Right.

5 MR. MANNING: - for all these other lots in there?

6 MS. ALMEIDA: Right.

7 MR. MANNING: And I would assume that when –

8 MS. ALMEIDA: Yes.

9 MR. MANNING: - the plan comes before you it's going to require a sidewalk on
10 it?

11 MS. ALMEIDA: Yes, sir.

12 MR. MANNING: And you're not going – I guess.

13 MR. GREEN: That's fine.

14 MR. MANNING: But in the case of the one existing building across the street.

15 MS. ALMEIDA: We'd need to identify when that was approved.

16 MR. MANNING: Excuse me?

17 MS. ALMEIDA: We would need to identify when that was approved but I would
18 probably guess it was prior to the '05 enactment. We had a lot of plans that were in the
19 system prior to that –

20 MR. MANNING: But, I mean, you'd still just have to walk across the parking lot.

21 MS. ALMEIDA: True.

22 MR. MANNING: Your problem in the signage is at the front?

23 MR. GROOMS: Yes, sir.

1 MR. MANNING: Not on the side?

2 MR. GROOMS: Not on the side. But I would still have a problem putting that in
3 from an expense. I'm a small businessman; I'm not a huge developer. For me to have
4 to run sidewalks takes a lot out.

5 MR. PALMER: Who put the road in, the internal road? I guess the original
6 developer of the subdivision?

7 MS. ALMEIDA: Correct.

8 MR. GROOMS: And he is present.

9 MR. VAN DINE: He did that long before we changed the [inaudible].

10 [Inaudible discussion]

11 MR. PALMER: If the plans were submitted and they're approved by the county
12 that's what the people in the development community have to go on. If it's missed by
13 the people who are supposed to be approving your plans then that's what they have to
14 go on. The plans are approved, start construction and the project was constructed out
15 of the ground and that's why the oversight's there. The oversight's there for you guys to
16 catch that kind of stuff. I mean –

17 MS. CAIRNS: I disagree. I think that sets up a game.

18 MR. PALMER: It's not a game.

19 MS. CAIRNS: And, you know, if the developer failed to put it on there, the
20 developer failed to put it on there themselves. Everybody's got the obligation to read
21 the code and know what's required.

22 MR. MANNING: Anna, in the checklist that you all require is that -

23 MS. ALMEIDA: It's in the ordinance, yes.

1 MR. MANNING: In the ordinance or on the checklist that the engineering –

2 MS. ALMEIDA: It's part of the site plan requirements. We can't possibly put a
3 checklist of a million things. I mean, think about the standards for engineering. And
4 that would set up ourselves as well. I mean, the engineer is also responsible for
5 knowing each code and each standard and, I mean, there are a lot of details both in
6 engineering - I mean, these are things that -

7 MR. PALMER: They submit plans for your approval and once you approve them
8 then they are approved. They submit it to you to be approved; correct?

9 MS. ALMEIDA: Correct.

10 MR. PALMER: And once they're approved – they're asking for your permission
11 to build this this way.

12 MS. ALMEIDA: Correct.

13 MR. PALMER: You approve it or you deny it.

14 MS. ALMEIDA: Correct.

15 MR. PALMER: Once approved they have permission to build it the way they
16 submitted to you.

17 MS. ALMEIDA: Correct. But we have had revisions from engineers who have
18 come back after we've approved things and they've had revisions – they've been out
19 building something and they can't build it according to their plan and they've come in
20 with revisions and we review it.

21 MR. PALMER: And you either approve it or not.

22 MS. ALMEIDA: So they have caught – correct. They have caught problems in
23 the field.

1 MR. PALMER: Right.

2 MS. ALMEIDA: We in turn have caught a problem in the field that was not
3 caught at the time and we can't just overlook that.

4 MR. PALMER: Well, I think that's why we're here for the possibility to overlook it
5 with a waiver.

6 MR. VAN DINE: Mr. Chairman, I'm going to call the question.

7 CHAIRMAN FURGESS: Do we have another person to speak?

8 MR. PALMER: Is this the one on Dutch Fork?

9 CHAIRMAN FURGESS: Yeah. [Inaudible].

10 MR. MANNING: We have somebody who wants to speak.

11 MR. PALMER: We have somebody that wants to speak?

12 CHAIRMAN FURGESS: Yeah.

13 MR. PALMER: Ray Carter, I guess?

14 **TESTIMONY OF RAY CARTER:**

15 MR. CARTER: Yeah.

16 MR. PALMER: Okay.

17 MR. CARTER: My name's Ray Carter. I'm the developer and I live within two
18 miles of this. When we developed it and I think we were working on it with Cox &
19 Dinkins back in the late '80s and I think it was maybe approved in 1990 we were trying
20 to get small businesses to this area and we designed small lots because, you know, of
21 the cost of the lots and etc. And we put the roads in and had it deeded over to the
22 county or state. The lots are of a size 10,000, 11,000 square feet. They're not big lots.
23 They're about a quarter acre or less. And the old Dutch Fork Animal Clinic which was

1 before zoning or before Planning I think last time they don't have a sidewalk and I asked
2 Brad Grooms – I'm not positive but I don't think the new Dutch Fork Animal Clinic right
3 directly behind, across the street doesn't have a sidewalk and I know they were
4 approved before this 2005. I mean, they started construction after 2005. There's a nice
5 area in Ballentine where Gateway Baptist Church has gone in. The Highway
6 Department has put five feet of sidewalks all the way from basically I think Highway 6 in
7 front of the Food Lion all the way down to Dutch Fork Animal Clinic and where it goes
8 into Shadow Wood. And like Brad had said, he hires an engineer, he basically puts his
9 trust in this engineer and then if there's a problem he thinks the county will pick up on it
10 if something was omitted. And I'm sure he didn't overlook it intentionally. But he's
11 already put a sign in there. This internal sidewalk that would go down O'Brien Way
12 really doesn't go up anywhere. There's a dentist there and people are going in this
13 small cul-de-sac as you say. There are only 11 lots in the whole development and
14 they're really going for destination. They're going to the dentist, they're going to do
15 insurance and all that. So that's I would be in favor of the waiver.

16 CHAIRMAN FURGESS: Thank you.

17 MR. VAN DINE: Mr. Chairman, I do call a question at this point

18 MR PALMER: Is there a motion on the floor?

19 CHAIRMAN FURGESS: Yeah. [Inaudible].

20 MR. VAN DINE: The motion was to deny the request for the waiver of the
21 sidewalks in conjunction with what we voted to deny the waiver the last time and all
22 we've got before us is an address change. In my opinion this is a second bite of the
23 apple. This is not anything more than a clerical error and should not change our vote.

1 MS. CAIRNS: I have just a under the – I mean, having been on Zoning Appeals
2 and knowing when there were motions to reconsider we would vote on whether we
3 would even reconsider. Is the process the same that we have to first vote on whether
4 we're even willing to reconsider before we have a potential vote on the issue itself?

5 MR. PALMER: I don't think it's a motion to reconsider. It's a error -

6 MS ALMEDIA: Huh-uh (negative). It's a motion to reconsider.

7 MR. PALMER: Who made the motion to reconsider.

8 MS. CAIRNS: The applicant made the motion to reconsider.

9 MS. ALMEIDA: Correct.

10 MS. CAIRNS: So we first initially have to decide whether the applicant has met a
11 threshold level to even justify us reconsidering it at all. I mean, that's what we would do
12 on Board of Zoning Appeals is first we would rule on whether we would entertain the
13 motion.

14 CHAIRMAN FURGESS: She's fixing to give her opinion now.

15 MS. CAIRNS: I'm sorry.

16 MS. LINDER: Okay. According to your Planning Commission rules there are
17 certain things that happen that could trigger a reconsideration and the Department
18 provides a written recommendation to the Commission regarding whether the
19 applicant's request for the reconsideration meets one of the following criteria: That the
20 Department made a significant mistake or omission in the facts presented; Notice of the
21 meeting at which the subject agenda item was considered was improper; or a significant
22 clerical or map error is such that it may affect the result of the Commission's action. I
23 believe it was Staff's position that it was an omission in getting the notice because it

1 failed to get the applicant his due process to come before you to appear. I believe that
2 was the – or I'll let the Department speak on their position.

3 MS. ALMEIDA: Like I said we went back to our records. We made sure that
4 notification was made; it was made. It was determined I believe between Staff and
5 Legal to at least consider the applicant to come back. It was an error on the applicant's
6 application but the notice was sent out in a timely manner. It was sent out to the
7 address that was on the application form.

8 MR. GROOMS: Well, you certainly sent the letter denying me to the correct
9 address.

10 MS. ALMEIDA: Because we had had your letter requesting – I guess your letter
11 with the correct address on it – the email I believe. We had gotten identification.

12 MS. CAIRNS: By the time the notice was sent out of the hearing the notice was
13 sent to the address of record provided by the applicant?

14 MS. ALMEIDA: Right. Oh, you had called –

15 MR. GROOMS: Yeah.

16 MS. ALMEIDA: - our office -

17 MR. GROOMS: I talked with you.

18 MS. ALMEIDA: - and given us your address.

19 MR. GROOMS: Okay.

20 MS. CAIRNS: That was after the meeting.

21 MS. ALMEIDA: Correct.

22 CHAIRMAN FURGESS: [Inaudible].

1 MR. GREEN: I think now – I mean, I think our time to vote on reconsideration
2 now that we've heard the applicant has kind of accomplished what the reconsideration.
3 I just think we ought to vote straight up on the motion. It'd been different I think if it had
4 been before anybody went to the podium, but now at this point I don't think it serves any
5 purpose.

6 MS. CAIRNS: Well, I think it does because it sets – I mean, basically we'd be
7 entertaining the motion to reconsider without a basis for the motion. So even though
8 we've heard potential testimony on the issue I think that it's proper to respect the rules
9 that on a motion to reconsider there has to be a – one of the three bases which I don't
10 think we got.

11 MR. GREEN: To clear the way to vote on the motion I would move to reconsider.

12 MR. PALMER: Second.

13 MR. GREEN: So we can clear the way to vote.

14 MR. PALMER: Second.

15 MR. VAN DINE: Well, if there's a motion on the floor does it have to be
16 withdrawn prior to making a second motion to reconsider?

17 MS. LINDER: Again, your rules and –

18 MR. VAN DINE: I think we're making this too complicated for what really is trying
19 to be accomplished.

20 MS. LINDER: If you determine that the criteria has been met and that Staff
21 fulfilled all its requirements then your original decision stands. If you feel like there is a
22 basis for allowing the reconsideration then you schedule it for action at your next
23 Planning Commission meeting.

1 MR. VAN DINE: So then if we assume at this point in time that we, that this is a
2 request for reconsideration then it's up to us to vote on whether we wish to reconsider
3 and then we are not allowed to hear it until our next Planning Commission meeting; is
4 that what you're saying?

5 MS. LINDER: That is according to the rules that you passed, yes, sir.

6 MS. CAIRNS: I apologize for not having made this issue initially but I mean we
7 need to have a discussion as to whether one of those three bases for a motion to
8 reconsider has been sufficiently offered by the applicant.

9 CHAIRMAN FURGESS: Let's not get into all this legal jumbo because I'm a lay
10 person; I'm just as lost as I can be. Can we put it more in the layman terms?

11 MS. CAIRNS: Well, I mean, it's just that when an applicant wishes to have us
12 reconsider a – I mean, we had a, you know, previously the issue was on the agenda, it
13 was discussed by the Planning Commission and a decision was made. The applicant is
14 obviously not pleased with the decision of Planning Commission and comes forward to
15 ask for us to reconsider. The rules that we operate under only allow three conditions
16 under which we can entertain a motion to reconsider not just because the applicant's
17 not happy but there has to be one of three reasons. One is a significant factual error
18 made by Staff in what they presented us and that's not been discussed or offered at all
19 as a reason. Two is notice was not properly sent which is potentially what the applicant
20 could argue here but Staff has offered that they sent the notice to the address provided
21 by applicant at the time the item was set on the agenda, and if the applicant failed to
22 update Staff as to be proper address that's the applicant's error. And I can't remember
23 the third basis and about to run out of energy.

1 MS. LINDER: The third one's a significant clerical or map error.

2 MS. CAIRNS: So a mapping error. So that's what we would be looking at
3 potentially the wrong area.

4 MS. LINDER: Map, map error.

5 MS. CAIRNS: And so I would offer that the basis to have the Planning
6 Commission even reconsider this just simply isn't met in this situation and that those
7 rules are relevant and matter.

8 MR. PALMER: Could not someone who voted on the prevailing side make a
9 motion to reconsider during this meeting?

10 MS. CAIRNS: But they would have to use one of those three bases as the
11 reasons for the motion to reconsider.

12 MR. PALMER: Yeah, they can make that statement.

13 MR. GROOMS: I have a copy of the letter that was sent requesting to be heard
14 on this and it does have the correct address on it of 100 O'Brien Way. Yeah. But the
15 letter I sent to them requesting a waiver of sidewalk requirement has 100 O'Brien Way
16 which is my correct address on it.

17 MS. CAIRNS: What's the date on that?

18 MR. GROOMS: August the 2nd.

19 [Inaudible discussion]

20 MS. ALMEIDA: We had an address of 3547 Dreher Shoals Road, Irmo.

21 MR. GROOMS: On the request that I sent for this hearing?

22 MS. ALMEIDA: That's the notification address.

23 MR. GROOMS: [Inaudible].

1 MR. ANDERSON: Will somebody explain to me what we need to do right now?

2 MS. CAIRNS: We need to wait and see whether notice was properly sent.

3 MR. VAN DINE: Now I think the issue that has to be resolved right now is
4 whether or not one of the three standards that is applicable for the reconsideration has
5 been met. At that point in time we will then have to vote on whether or not a
6 reconsideration can go forward.

7 MR. MANNING: So would you have to withdraw your motion to do that?

8 MR. VAN DINE: I will have to withdraw my motion at this point in time until we
9 resolve the underlying issue of whether reconsideration is even appropriate.

10 MS. CAIRNS: Right.

11 MR. PALMER: Didn't Gene make a motion to reconsider based on one of those
12 things.

13 CHAIRMAN FURGESS: But we had a motion already on the floor.

14 MS. CAIRNS: But that motion's been withdrawn we're just -

15 MR. VAN DINE: I am now withdrawing the motion to – so we are out of – we no
16 longer have a motion on the floor.

17 MS. CAIRNS: Correct.

18 MR. VAN DINE: The question now becomes whether or not the reconsideration
19 is proper under the three require – one of the three requirements in the code.

20 MS. CAIRNS: Well I think –

21 MR. VAN DINE: Depending upon what we do with that motion we cannot resolve
22 the issue here today anyways because the reconsideration is required to be put forward
23 on our next scheduled Planning Commission meeting in November. So all we are going

1 to accomplish here today is determine whether or not a reconsideration is appropriate
2 and to do so we must find that one of those three criteria has been met to alter the
3 requirement.

4 MR. ANDERSON: And if it has not been met?

5 MR. VAN DINE: If it has not been met then we would not be able to even seek a
6 reconsideration at this point in time.

7 MR. GREEN: Question for - Amelia? Let me ask you a quick question. If we
8 vote to reconsider do we have to delay it until the next Planning Commission meeting?
9 Is there any requirement it be delayed until the next meeting?

10 MR. VAN DINE: Well, she just said we did.

11 MS. LINDER: I do not know of any mechanism [inaudible] and do anything
12 different than what your rules say.

13 MR. GREEN: I'm not asking that, I'm asking do our rules require that we delay
14 this? If we vote to reconsider do our rules require that we wait until the next Planning
15 Commission meeting?

16 MS. LINDER: Yes, they do.

17 MR. GREEN: Okay. Thanks.

18 MS. CAIRNS: What date? The letters for the September 10th hearing, what date
19 were those letters mailed?

20 MS. ALMEIDA: August 25th.

21 MR. GREEN: I just don't have it in front of me.

22 MS. CAIRNS: So he wrote – I think if I understand that this. This August 2nd
23 letter was a letter from Mr. Grooms to Planning Commission and that's – right. That's

1 the letter that's in our packet? That's the letter that's in our packet he wrote to you
2 guys?

3 MS. ALMEIDA: Right.

4 MS. CAIRNS: With his new address at the bottom? Well, it doesn't specifically –
5 I mean.

6 MS ALMEIDA: [Inaudible]

7 MS. CAIRNS: In the letter that came – a letter – it appears that a letter came to
8 Planning Commission on August 2nd.

9 MS. ALMEIDA: August 2nd.

10 MS. CAIRNS: Which had an updated address and while it didn't bring to the
11 attention of Staff that the address had changed I would offer that the applicant did
12 attempt in a roundabout way to update his address with the Staff and that therefore
13 applicant was not properly noticed of the hearing last month. I mean –

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

15 MS. CAIRNS: Yeah. I mean, I would make a motion that the motion to
16 reconsider should be granted because the address was not sent to the last provided
17 address by the applicant at the time the notices were sent out.

18 MR. VAN DINE: Hold it, hold it. That's not what I'm hearing is going on as being
19 said as the process of where -

20 MS. CAIRNS: Well do we have a formal process for applicants to update their
21 addresses?

22 MS. LINDER: Let me just say that Ms. Almeida was out of the office when this
23 arrived and in consultation with the other members of the Planning Department it was

1 jointly decided that because the notice had not gone to the correct address it would be
2 preferable to let it be heard for reconsideration to give the applicant a chance to appear.

3 MS. CAIRNS: Okay.

4 MS. ALMEIDA: So I guess the position – the Department's position was it was
5 not –

6 MS. LINDER: Properly noticed. Notice of the meeting was not properly given.

7 MR. PALMER: I'll second the motion.

8 MS. CAIRNS: The motion to put the item onto next month's agenda for
9 reconsideration has been forwarded and second. I just want to make sure we're clear
10 on what we're voting on.

11 MR. PALMER: Correct.

12 MR. VAN DINE: I mean – I hate – if we're going to go strictly by the rules is there
13 a written request for reconsideration?

14 MR. ALMEIDA: Yes. There is the email.

15 MR. VAN DINE: Does the written request state any of the reasons associated
16 with the -

17 MS. ALMEIDA: On page 70 there's an email from the applicant to Ms. Suzie
18 Haynes -

19 MR. PALMER: I love having two lawyers on this thing. [Laughter]

20 MS. ALMEIDA: - requesting reconsideration.

21 CHAIRMAN FURGESS: Make court costs go up.

22 MR. PALMER: One upmanship, huh?

23 MS. CAIRNS: No.

1 MR. MANNING: Howard, I was under the impression that there was a reason to
2 hear it so therefore you should be able to put your motion back on the floor and we vote
3 on it.

4 MS. CAIRNS: The rules -

5 MR. GREEN: I certainly would say the applicant [inaudible] necessity to come
6 back to the next meeting.

7 MR. VAN DINE: I mean, I'm all in favor of doing it and doing it right now as
8 opposed to waiting to the next meeting. I don't really care. But let's make sure we do it
9 right.

10 CHAIRMAN FURGESS: We'll probably come back and do the same thing over
11 again.

12 MR. MANNING: If Staff felt that -

13 MR. VAN DINE: Let's do this. As part of your motion how about reconsideration
14 with reconsideration to occur today in light of the fact that this is the next available
15 Planning Commission meeting?

16 MS. CAIRNS: Except for the fact that the rules don't allow such a thing.

17 MR. VAN DINE: This is the next available Planning Commission meeting.

18 MS. CAIRNS: That's when the motion to reconsider is to be heard.

19 MR. VAN DINE: Let's vote on the reconsideration first. Okay.

20 CHAIRMAN FURGESS: Okay. We're going to vote on the reconsideration. You
21 heard the second. All in favor?

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

1 MR. VAN DINE: Mr. Chairman, I will make a motion that we actually take this up
2 because of an error that has occurred in the process in which it is unfair at this point in
3 time for the applicant to have to come back again based upon the fact that we didn't
4 even know what our own rules were or how to apply our own rules. And therefore under
5 special circumstances exception I believe exists within our rules that we ought to be
6 able to take this up at today's meeting, and that's in the form of a motion.

7 MR. MANNING: Second.

8 CHAIRMAN FURGESS: Okay. You heard the motion and the second. All in
9 favor that we take this up today by raising your hand. Thank you.

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

12 MS. CAIRNS: I say no.

13 CHAIRMAN FURGESS: Okay.

14 MR. VAN DINE: Mr. Chairman, in light of that last half hour's worth of discussion
15 which seemed to [inaudible] around and around to where we were to begin with I would
16 again make the motion based upon the fact that this has already been decided, there
17 are no change in facts. There was simply a change in address which apparently
18 occurred that the reasons for denial that existed at the last meeting would necessitate a
19 denial at this meeting as well because I have not heard any additional facts or changes
20 in the circumstances which would in fact modify that recommendation and that's in the
21 form of a motion.

22 MR. ANDERSON: Second.

1 CHAIRMAN FURGESS: Heard the motion and the second. All in favor? All
2 disapproved?

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

5 CHAIRMAN FURGESS: Okay. Thank you.

6 MR. MANNING: Would that being done, Staff when he comes back or I'm sure
7 there's a process that he's got to install these sidewalks or appeal to some other body
8 but there was a question of signage. If there was anyway that ya'll could work around
9 and try to help the applicant and avoid some unnecessary costs -

10 MS. ALMEIDA: Absolutely.

11 MR. MANNING: - that would be good.

12 MR. GROOMS: Thank you.

13 CHAIRMAN FURGESS: Don't let no two attorneys get together anymore.

14 MR. GREEN: Don't let one attorney get together, what are you talking about
15 two? [Laughter]

16 CHAIRMAN FURGESS: Cause me and Julius Murray is very upset how you
17 bring sidewalks in and we don't have sidewalks in our neighborhood and we have to
18 walk in the street. I don't understand that.

19 MR. GREEN: Wes, I want you to come in for rezoning. [Laughter]

20 CHAIRMAN FURGESS: Anna, with these sidewalks it's going to be retroactive
21 for all communities because, you know, we've [inaudible] in our community and we have
22 to walk in the street, playing in the dirt, [inaudible].

23 MS. ALMEIDA: We're trying to -

1 CHAIRMAN FURGESS: Are they going to put sidewalks?

2 MS. ALMEIDA: - we're trying to propose an amendment to – actually you all will
3 see it – in certain instances when you do waive it they pay a fee in lieu and those funds
4 will be used to retroactively –

5 CHAIRMAN FURGESS: You need to put a sidewalk in front of my house.

6 MS. ALMEIDA: Well, those fees would be used for older neighborhoods.

7 MR. GREEN: Interesting.

8 MS. ALMEIDA: You know, industrial sites, things like that where it really does
9 not make sense but they would pay a fee in lieu and those funds would be used to
10 come in and make the connections.

11 CHAIRMAN FURGESS: Thank you, ma'am. Text amendments next. Who
12 handles that? You handle that, text amendments?

13 MS. ALMEIDA: Well I believe Ms. Brenda Carter's here to discuss -

14 CHAIRMAN FURGESS: Okay, Ms. Carter.

15 MS. CARTER: You have been given copies of the City of Columbia's floodplain
16 management program, the Town of Lexington, South Carolina, Kershaw County's,
17 Lexington County's floodplain and Kershaw County is basically the same thing as the
18 state's model ordinance. So you've been given copies of all those. In a quick review of
19 most of those they still have the language that we're trying to change. So that was my
20 basic review of that. I don't know the discussion – I mean, I've done Staff portion but I
21 think we had the meeting last Tuesday and I believe the Commission had some
22 recommendations of what they wanted to do after that so.

1 MR. VAN DINE: Mr. Chairman, if I may. Based upon the discussions that we
2 had at our workshop as well as the fact that we have just now received certain of these
3 other jurisdictions' floodplain and floodway materials I would recommend that we defer
4 any action on this for one month to give the Planning Commission an opportunity for a
5 workshop in order to review the other ordinances and to make whatever changes are
6 necessary in the language that has been proposed as the Commission may deem
7 appropriate before we actually make a vote on this particular portion.

8 MR. MANNING: Second. Now would that be a workshop that we would actually
9 take an action in?

10 MR. VAN DINE: I am amenable to either a special called meeting in which to
11 resolve it or waiting – doing a workshop and then bringing it up at our November
12 meeting. Either way is fine with me. I do not care one way or the other which way we
13 do it. But I think at this point in time we do need the opportunity to look at some of the
14 other ordinances that are out there and to make whatever changes if any are to the
15 language proposed by Staff.

16 CHAIRMAN FURGESS: Any questions?

17 MR. VAN DINE: And after, you know, if we're going to vote to defer we can
18 certainly talk about whether it should be in the form either one of those types after we
19 vote on that particular portion.

20 CHAIRMAN FURGESS: [Inaudible] on the motion to defer to our next or having
21 a workshop?

22 MR. MANNING: Do we need to establish a time?

1 MR. VAN DINE: Let's vote on whether we're going to defer to a later time and
2 then let's establish what that time is or what.

3 CHAIRMAN FURGESS: All in favor that we defer this to another time.
4 Opposed?

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

7 CHAIRMAN FURGESS: Okay. Pull out your calendar if you've got your
8 calendar with you and, so we can look at some dates in the month of October.

9 MR. GREEN: Mr. Chairman, I would like to see us have it as a special called
10 meeting as opposed to a work session and have a date so that if we're in a position to
11 take a vote we can do it. If we determine we're not ready to vote we could defer a vote.
12 But I'd like to have it set up so we're in a position to vote if possible by making whatever
13 date we select a special called meeting. Provide appropriate notice to the public for that
14 meeting.

15 MR. VAN DINE: Is a special called meeting a 24-hour notice?

16 MS. ALMEIDA: Yes.

17 MR. VAN DINE: And at a special called meeting would we be taking input?

18 MS. ALMEIDA: Yes. Just like your regular Planning Commission meeting, um-
19 hum (affirmative).

20 MR. VAN DINE: So whatever we do if we're going to do it as a special called
21 meeting we'll have to plan on taking input from people as opposed to a work session in
22 which we may just be doing discussion? But either way is fine.

1 MS. ALMEDIA: And your next Planning Commission meeting is November 5th
2 and December is December 10th.

3 CHAIRMAN FURGESS: When – looking at your calendars would you prefer
4 some time in November?

5 MR. PALMER: I'd offer up October 29th.

6 CHAIRMAN FURGESS: October 29th. Does that look good for everybody?
7 October 29th? What time?

8 MR. VAN DINE: That's a Monday?

9 CHAIRMAN FURGESS: The last Monday in October.

10 MR. VAN DINE: Is there any reason that we're blocked out using facilities; does
11 anybody know of anything that happens on Mondays?

12 MR. ANDERSON: I think it's Halloween.

13 MR. VAN DINE: The 31st.

14 MR. ANDRSON: The 31st? Okay. Good.

15 CHAIRMAN FURGESS: That's Halloween.

16 MR. ANDERSON: We got to schedule around that.

17 MR. PALMER: You got a little kid inside you needs to come out on Halloween?

18 MR. VAN DINE: Pat, are you suggesting in the afternoon?

19 MR. PALMER: Yeah. You know, 4:00 o'clock, something like that?

20 CHAIRMAN FURGESS: Four o'clock on the 29th.

21 MR. VAN DINE: We'll do it 4:00 o'clock on the 29th as a special called meeting
22 so let's make sure we have it advertised.

23 MS. ALMEIDA: And we'll double check the room for that.

1 MR. MANNING: That's in Chambers or on the fourth floor.

2 CHAIRMAN FURGESS: Probably in the Chambers.

3 MR. VAN DINE: Right here will be easier. Here is easier to handle all the people
4 talking.

5 MR. PALMER: And dinner.

6 MR. VAN DINE: The other thing I would ask is that if anybody has specific
7 recommendations for language changes please get it to the other Planning Commission
8 Members prior to that meeting so we will have an opportunity to look at it.

9 MS. CAIRNS: And clearly identify it as such.

10 MR. VAN DINE: Yeah. Because what we did at our workshop we didn't – we
11 were seeing things for the first time. We weren't sure exactly which copy was the right
12 copies. So we just need to make sure that there's a date, a final date for whatever the
13 revision is.

14 MS. ALMEIDA: Well, I would suggest then you funnel it through Suzie Haynes
15 and we can stamp it and send it out.

16 MR. VAN DINE: Let's just make sure it comes to us.

17 MR. MANNING: But as soon as you get it please get it to us –

18 MS. ALMEIDA: Sure.

19 MR. MANNING: - rather than – the more time we have -

20 MS. ALMEIDA: Right.

21 MR. MANNING: - the better off we are.

22 MR. PALMER: I would also ask that if anybody for some reason at this stage
23 does not understand floodplains, I know that Gene Dinkins would open himself up to

1 phone calls to explain it to you how they occur, how they come up with the calculations
2 and that kind of stuff.

3 MS. CAIRNS: I would imagine someone from the National Park Service would
4 also be willing to explain.

5 MR. PALMER: Sure they would. Let's find out. Just find out before the meeting
6 is all I'm asking.

7 MS. CAIRNS: I understand.

8 MR. VAN DINE: And I would ask that if certain groups have people that want to
9 speak at the meeting on the 29th, if they can try and please get a spokesman as
10 opposed to having 15 people stand up and try and speak at the same time. It will sure
11 help this group an awful lot to have one or two people speaking as opposed to multiple
12 people trying to say the same thing and confusing everybody. So if you have inroads or
13 want to talk with anybody about speaking please try and get them to coordinate it.

14 CHAIRMAN FURGESS: Can you and Howard meet before the meeting and ya'll
15 can have ya'll's discussion? [Laughter]

16 MR. PALMER: To make sure that we can actually have the meeting.

17 MR. GREEN: I thought we were picking a date on which Howard could not be
18 there.

19 MR. PALMER: Howard. When you going off?

20 MR. VAN DINE: You don't want to wait for March.

21 MR. ALMEIDA: So we're confirming October 29th at 4:00 o'clock here in
22 Chambers.

23 CHAIRMAN FURGESS: Yes.

1 MR. PALMER: Is that all?

2 CHAIRMAN FURGESS: No. We got one more thing.

3 MS. CAIRNS: Oh, it's the names.

4 MR. GREEN: We're going to have street names today?

5 MS. ALMEIDA: I'd just like to add that the November 5th and December 10th are
6 changes so if any of you have those Planning Commission initial agendas they are
7 different from what was printed on that agenda.

8 MR. GREEN: November 5th and December 10th?

9 MS. ALMEIDA: November 5th and December 10th. We'll send out an email as
10 well.

11 MR. VAN DINE: And would you include when you send out that email this
12 special called meeting –

13 MS. ALMEIDA: Yes.

14 MR. VAN DINE: - date as well so that we have all three of them in the same
15 place?

16 MS. ALMEIDA: Okay.

17 CHAIRMAN FURGESS: Okay. We have two other things that we must do, the
18 comprehensive plan. Very short.

19 MR. VAN DINE: We haven't done that one yet.

20 MS. CAIRNS: Street names?

21 MR. VAN DINE: Haven't done that.

22 MR. GREEN: Yes. You can object.

1 MR. CRISS: Mr. Chair and Commissioners, I'm pleased to introduce our new
2 comprehensive planner, Julie Wilke from Florence City/County Planning Department.
3 Julie, say hi.

4 MS. WILKE: Hello. Like he said, I'm coming Florence where I was writing there
5 a comprehensive plan so I'm here to try to write Richland's and I'll hand out business
6 cards for you guys. If ya'll have any questions and want to call me about anything you
7 might want to know about the comprehensive plan you can always Michael. He likes to
8 answer questions.

9 MS. CAIRNS: She knows how to handle attorneys pretty well too.

10 MR. CRISS: Julie's working on the population element first and then natural
11 resources, then cultural resources; what you'll see in your timeline that you're about to
12 receive.

13 MR. PALMER: If it doesn't fit in my briefcase I can't take it.

14 MR. CRISS: Or you can leave it here with us.

15 MS. CAIRNS: Oh, I like it, section two.

16 MR. PALMER: How did we get this budgeted? Clearly we haven't been getting
17 the food.

18 MR. GREEN: And what do we have here?

19 MR. CRISS: What we have is the beginning of your [inaudible] comprehensive
20 plan update. As you instructed at the last meeting a timeline/outline/planning policy
21 questions for your consideration and response. The draft introductory chapter with
22 future land use and current zoning maps by planning area. In the back are three
23 supplemental reference documents pertaining to the consolidated plan that will be part

1 of the housing element. That comes from our sister department, Community
2 Development to satisfy their HUD funding requirements. The SEDS Comprehensive
3 Economic Development strategy from the Central Midlands Council of Governments
4 which is a foundation document for the economic development element, and finally
5 technical memorandum number two, the latest document from the Transportation Study
6 Commission appointed by the County Council, supported by consultants P.B. Parsons
7 Brinkerhoff. And we'll hope to have a full draft of population element by your next
8 meeting.

9 MR. PALMER: Nice work.

10 MR. VAN DINE: The dates that you have in here where it says, "outsource to
11 consultant." Is that when the consultant's supposed to have it back to us or is that when
12 the outsource -

13 MR. CRISS: Completed.

14 MR. ANDERSON: Michael, just a quick question. The text in the planning areas,
15 I see the maps.

16 MR. CRISS: You'll find text under tab two in front of the maps.

17 MR. ANDERSON: Prior to the maps. Okay. Is the text not by planning areas
18 like it was in the last comprehensive plan?

19 MR. CRISS: Not yet. This document so far is organized to represent each of the
20 five planning areas element by element rather than doing all nine elements by each of
21 the five planning areas. But the ultimate format is at the discretion of the Commission.

22 MR. ANDERSON: Okay. And one of the reasons in the last meeting was we
23 wanted to see some type of text to go along with each planning, each particular

1 planning area so that we could insert the Southeast Master Plan is an area that, you
2 know, while the southeast is rather big it does have a master plan for this certain area
3 and we mentioned that. So is that something that can be coming later –

4 MR. CRISS: Oh, sure.

5 MR. ANDERSON: - or is that something that -

6 MR. CRISS: The neighborhood master plans of course only cover a few square
7 miles each if that much. You've got 750 square miles in the county. So each of the
8 neighborhood master plans in effect becomes a component of its respective planning
9 area.

10 MR. ANDERSON: Sure. I understand. And the only reason I was mentioning
11 that was the planning areas in our current comprehensive plan go through text on the
12 individual planning area and if it's – as far as everybody else goes on the Planning
13 Commission I'd like to see that because that's where we can insert some of our, you
14 know, it has trends and development. That's where as far as what we've seen and what
15 we've rezoned that's where we can really insert an opinion and when developers come
16 and look at this they can say, all right, well this is the trend like the Bluff Road that's now
17 moving a little more towards residential rather than industrial. That's where we can
18 show some of those trends.

19 MR. CRISS: The introduction of course is just a broad overview and perhaps we
20 can use that format in the land use element where we emphasize by planning area
21 current and future growth, trends, needs.

22 MR. ANDERSON: Okay.

1 MR. CRISS: The structure, the proposed structure of the document follows the
2 state statute but the statute's very permissive as to how you organize.

3 MR. ANDERSON: So we're abandoning – this right here is abandoning what we
4 currently -

5 MR. CRISS: Well we've abandoned the Imagine Richland 20/20 Comprehensive
6 Plan format some time ago.

7 MR. ANDERSON: [inaudible] is what I'm saying, format. As far as having the
8 text in front of the [inaudible].

9 MR. CRISS: But that is subject to your review and revision.

10 MR. PALMER: I kind of like seeing it in land use element. That kind of makes
11 more sense to me than simply the population element, than simply the -

12 MR. CRISS: The population element will break the county up into your five
13 planning areas and discuss those as well as the entire county and the region. So too
14 with the housing element, economic development, natural resources, cultural resources,
15 etc. Each one of them will represent the five planning areas. The five planning areas
16 will be a fundamental organizing principle of the entire document.

17 MR. ANDERSON: Yeah. I would just like to see the same format that we had in
18 the last comp plan where, you know, you have your text, just a small introduction to the
19 particular planning area and you have the current zoning and then you have future
20 zoning.

21 MR. CRISS: That would be appropriate in the land use element. Yes.

22 MR. ANDERSON: That would be appropriate as opposed to planning areas.
23 The planning area section you're saying?

1 MR. CRISS: That it would appropriate to break out descriptions of the individual
2 planning areas in the land use element with the zoning map. I put the zoning map in
3 there under the introduction because you asked for it. It doesn't really fit there yet.
4 There's no particular discussion or description of it as yet.

5 MR. PALMER: So really these maps will show up again. Either you'll take them
6 out of introduction and you'll probably shift them over sections?

7 MR. CRISS: We may rearrange them, right.

8 MR. PALMER: Right.

9 MR. CRISS: Or repeat them as necessary.

10 MR. GREEN: Michael?

11 MR. CRISS: Yes, sir.

12 MR. GREEN: Is the same consultant doing the housing and economic
13 development?

14 MR. CRISS: Say again.

15 MR. GREEN: Is the same consultant doing the housing element and the
16 economic development element?

17 MR. CRISS: No one has been selected for those elements. We're working on
18 community facilities and priority development under one consultant right now.
19 Transportation is –

20 MR. GREEN: So the 30% of the housing element that's done would be simply
21 provided to the consultant.

22 MR. CRISS: The [inaudible] Burns Group did a nice job on the consolidated plan
23 for community development HUD funds. And that document can clearly be the basis for

1 the housing element no matter who does it. We'd love to have them finish but they're
2 preoccupied.

3 MR. VAN DINE: Just out of curiosity, have any of the consultants been selected
4 as this point in time to actually start working on this?

5 MR. CRISS: The community facilities and priority investment elements have four
6 vendors competing for a contract.

7 MR. VAN DINE: How about housing, land use or others that are going to have –
8 excuse me – housing, economic development or anybody else that's going to be
9 outsourced, have they actually had somebody put a bid in or prequalify or where do we
10 stand in the process because I'm going to be perfectly honest to tell you if we haven't
11 started that process right now – we're in October. There's no way in heck we're going
12 to get the housing portion of it in January because it takes two months to go through the
13 process of getting a vendor selected. So I want to know whether or not we're actually in
14 a position to have somebody start working on it or are we simply in the process of trying
15 to identify somebody to work on it?

16 MR. CRISS: We're in the process of identifying consultants to work on the
17 remaining elements; economic development might be taken on by the Central Midlands
18 Council of Governments, depending in part on the Commission's reaction to their SEDS
19 report.

20 MR. GREEN: Is there money in the budget to hire the consultants for the
21 housing and economic development components?

22 MR. PHIPPS: [Inaudible].

1 MR. CRISS: If the COG does economic development I think that is likely to be
2 very affordable. Housing is still unresolved.

3 MR. GREEN: Is there money in the budget to hire a consultant to do the housing
4 and economic development?

5 MR. PHIPPS: Not at this time.

6 MR. GREEN: Okay. And the budget runs through when?

7 MR. PHIPPS: July.

8 CHAIRMAN FURGESS: June.

9 MR. PHIPPS: July [inaudible] June 30th.

10 MR. GREEN: So the budget's already been set and there's no money for these
11 consultants.

12 MR. PHIPPS: [Inaudible] request that. [Inaudible].

13 MR. CRISS: There may be enough left over indeed to at least hire out one more
14 element.

15 MR. PHIPPS: [Inaudible]

16 MR. CRISS: We're ranging from \$44,000 up to over \$300,000.

17 MR. PALMER: Stay away from the high one.

18 MR. GREEN: In the what it's worth category Michael was kind enough to provide
19 me a copy of the comprehensive economic development study prepared by Central
20 Midlands at our last work session and I had the opportunity to review it prior to this
21 meeting and I would say that it has very little relevance to a county comprehensive plan.
22 So I would not presume that could be the basis nor can that approach be even remotely
23 adequate for us to do comprehensive planning.

1 CHAIRMAN FURGESS: I have a question to the Commission. With this what
2 we have been given do ya'll want a workshop on this to go through it or how you want to
3 do that?

4 MR. GREEN: I think to have a little bit more material to get our teeth into – to me
5 it all starts with the population economic element. That you can't forecast what your
6 land use need if you don't know how many households you're going to have. You can't
7 forecast what kind of industrial sites and acreages you need until you forecast the
8 economic model that you're going to use. You can't determine how much retail or
9 commercial land you need to set aside until you do that component. So to me this all
10 flows off the population and economic components of the work because that becomes
11 the basis for everything that you do. If you're going to grow by 200,000 people your
12 comprehensive plan looks very different than if you're going to grow by 20,000 people.
13 And until those things are done, everybody's had a chance to look at them, I know you
14 can do those things with high and low estimates but you've got to have some
15 parameters to work in and so I don't know that any of this is relevant to me until I see 20
16 year forecasts for employment, housing, population, age, and what impacts those have
17 on land use. There's some pretty standard formulas out there that if you're going to
18 have, you know, ratio's pretty easy to come by. You forecast household size, you divide
19 it in your population that's how many housing units you'll need. Get a rough idea of
20 what your average land consumption is per household then you know how much land
21 you have to deal with. But I don't know how you do it without that. If we're expecting to
22 support 30,000 new economy manufacturing jobs we'd best make sure that we have

1 adequate land set aside to support those. If it's 5,000, whether – we've got to have that
2 as a basis or I don't know how we planning.

3 MR. ANDERSON: So the economic portion completion is January of '08
4 roughly?

5 MR. CRISS: We hope.

6 MR. ANDERSON: You hope? By population?

7 MR. CRISS: Draft next month.

8 MR. ANDERSON: Draft next month. What about the cultural, natural resources?

9 MR. CRISS: We're going to do those in-house as well.

10 MR. ANDERSON: So we could fill in some tabs.

11 MR. CRISS: [Inaudible].

12 MR. ANDERSON: I mean, I'm with Gene, you know, I'm – those are the pretty
13 important elements. I would like to see the small steps made so in my opinion just small
14 steps made to prepare it so that we can slide them in, fit the numbers where they go
15 and, you know, struggle to the population element and the economic element.

16 MR. CRISS: It sounds like Commission would like to see the economic element
17 sooner than later.

18 MR. ANDERSON: Yeah.

19 MR. PALMER: Right.

20 MR. CRISS: Well, we're on the track for population first. We're committed to
21 that but maybe we can accelerate economic.

22 MR. ANDERSON: That'd be good because that gives us a good platform like
23 Gene said.

1 CHAIRMAN FURGESS: Well, any other questions?

2 MR. CRISS: One other item, the City of Columbia Planning Commission is
3 interested in holding a joint workshop with the Richland County Planning Commission to
4 discuss their respective updates of their comprehensive plans. If the Commission is
5 interested we'll pursue that.

6 MR. VAN DINE: I personally think it'd be a good idea because I think whatever
7 the city does the county needs to be at least – even if we don't follow it we need to be
8 aware of it because there's such an intermix and [inaudible] and everything else in and
9 out of all of those [inaudible].

10 MR. CRISS: Is there any particular venue or format that the Commission would
11 prefer?

12 MR. PALMER: How about free food and booze?

13 MS. CAIRNS: And ice. [Laughter]

14 MR. CRISS: Morning, lunch, afternoon, late afternoon, supper?

15 MR. GREEN: All of the above.

16 MR. PALMER: Why don't we get a subcommittee to meet with them?

17 MR. VAN DINE: Any or all of the above, it really doesn't matter. I think the most
18 important thing is just people are willing to talk with each other and I'm not so sure that
19 just having the Commission itself meet but I think that you probably need to have staffs
20 from both bodies present so that – because they're the ones who ultimately have got to
21 bring whatever's talked about to fruition.

22 MR. CRISS: Staff are meeting on a regular basis.

23 MR. VAN DINE: But I think combined with with all of us.

1 MR. CRISS: And we would love to meet with both bodies. I'll relay your interest.
2 Thank you.

3 CHAIRMAN FURGESS: Any other questions to Michael? Thank you, Michael.
4 Okay. Next on the agenda is street name approval.

5 MR. PALMER: Move approval.

6 MR. VAN DINE: Second.

7 CHAIRMAN FURGESS: All in favor of the road name approval raise your hand.
8 Opposed to the names.

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

11 MR. VAN DINE: Move for adjournment.

12 MR. PALMER: Second.

13 CHAIRMAN FURGESS: Okay. We're adjourned.

14

15 *[Adjourned at 4:00 p.m.]*