

RICHLAND COUNTY PLANNING COMMISSION

May 5, 2008

[Members Present: Heather Cairns (in at 1:09 pm), Julius Murray, Enga Ward, Pat Palmer, Christopher Anderson, Deas Manning, Eugene Green, Elizabeth M. Ward, Wes Furgess]

CHAIRMAN MANNING: I'd like to call the May 5th 2008, Planning Commission meeting to order. At this time I'd like to read into the Record the following public announcement. "In accordance with the Freedom of Information Act a copy of the agenda was sent to the radio and TV stations, newspapers, persons requesting notification, and posted on the bulletin board located in the lobby of the County Administration Building." First I'd like to welcome our newest member of the Planning Commission, Elizabeth Ward. I understand you've served in Horry County and are going to bring a wealth of knowledge to this Body and help work our way through some things. So welcome aboard.

MS. E.M. WARD: Thank you. Looking forward to it.

CHAIRMAN MANNING: Anna, do we have any changes to the agenda?

MS. ALMEIDA: No, sir.

CHAIRMAN MANNING: None?

MS. ALMEIDA: None.

CHAIRMAN MANNING: We've got two sets of Minutes to approve. Can we do them in one motion or do you have to do them [inaudible]? Okay. Let's take March 3rd Minutes. Has everybody had a chance to review those?

MR. ANDERSON: Mr. Chair, I make a motion that we approve the March 3rd Minutes.

1 CHAIRMAN MANNING: Is there a second?

2 MR. FURGESS: Second.

3 CHAIRMAN MANNING: All right. We have a motion and a second. All in favor
4 please raise your hand. Opposed?

5 *[Approved: Murray, E. Ward, Palmer, Anderson, Manning, Green, Furgess; Absent:*
6 *Cairns; Abstained: E.M. Ward]*

7 CHAIRMAN MANNING: On to the April 7th meeting. Everyone had a chance to
8 review those?

9 MR. ANDERSON: Mr. Chair, I make a motion to approve the April 7th Minutes.

10 CHAIRMAN MANNING: We have a motion; do we have a second?

11 MR. GREEN: Second.

12 CHAIRMAN MANNING: We have a motion and a second all those in favor
13 please raise your hand. All those opposed?

14 *[Approved: Murray, E. Ward, Anderson, Manning, Green; Absent: Cairns; Abstained:*
15 *E.M. Ward, Furgess, Palmer]*

16 MR. FURGESS: Mr. Chairman, April the 7th I was not at that meeting.

17 CHAIRMAN MANNING: Okay

18 MR. FURGESS: So they'll put that in for the Record.

19 CHAIRMAN MANNING: Letting you know Mr. Wes Furgess was not voting on
20 that.

21 MR. PALMER: Same here.

22 CHAIRMAN MANNING: Or Mr. Palmer.

1 CHAIRMAN MANNING: First on the agenda we have a map amendment Case
2 08-11 MA.

3 **CASE NO. 08-11 MA:**

4 MS. ALMEIDA: Yes, Mr. Chairman. This site is located on Garners Ferry Road
5 as you can see from the slide. The acreage of the site is 10.267 acres currently zoned
6 rural. The applicant is requesting a light industrial zoning. Garners Ferry Road is
7 classified as a four-land divided major arterial. It is also bordered by Piney Branch
8 which is classified a two-land local road. Both of these roads are currently maintained
9 by DOT. The level of service on Garners Ferry Road in this area is a Level of Service
10 B. We have approximately 774 linear feet on Garners Ferry Road, approximately 749
11 linear feet on Piney Branch Road. The use of the parcel Staff feels will have a
12 substantial impact on the neighboring residential uses. The site currently has an
13 existing structure, abandoned vehicles, tires, and the general appearance of an
14 automotive business and/or repair. Staff has researched that the Building Services
15 records indicate a pole building was approved in 2005 and completed in 2006. That
16 permit was taken out by the applicant requesting the zoning change. The business was
17 operating on the premises. In the surrounding area you can see there's a camper/RV
18 business located to the west approximately two-tenths of a mile and we found out that
19 was established in 1985. A gas station/convenience store was established in 1977 to
20 the east of the site. Northwest we have a restaurant established in the mid-1970s, to
21 the best of our knowledge, and some vacant buildings. All of the uses established prior
22 to '77 are legal non-conforming uses. The applicant does reside in the house on the
23 same property as the business. There is a septic and well on site. We have had

1 conversation with our Development Services and Zoning Official. There are several
2 letters that were written to the applicant for an illegal business, operation of an illegal
3 business so we need to understand that that is something that's currently being
4 addressed, and Staff is recommending denial.

5 CHAIRMAN MANNING: Anna, could you explain the permit process for the pole
6 building? Was that associated or attached to any type of business license or was this?

7 MS. ALMEIDA: No. It was a stand alone. The applicant just came to get a pole
8 building. It was in his name.

9 CHAIRMAN MANNING: And that is allowed in the rural?

10 MS. ALMEIDA: Yes. Not for a business. It was not attached to the business or
11 that was not mentioned on the permit that was pulled.

12 MR. PALMER: So the business was operating on the premises at the time?

13 MS. ALMEIDA: We don't believe it was. We believe once the pole building was,
14 the permit was issued then all of this kind of surfaced. But that – you would need to
15 speak to the applicant. I'm sure he could better explain it.

16 MR. PALMER: That was in your report though.

17 MS. ALMEIDA: Well I mentioned when the permit was pulled, by whom, and for
18 what. But we don't, you know, there was no – it was pulled for a standard agricultural
19 use. That's what was on the permit. Building for farm equipment so that's generic and
20 that can be done in rural.

21 CHAIRMAN MANNING: And it's currently being used as what?

22 MS. ALMEIDA: Well currently there's abandoned vehicles and there's some sort
23 of auto repair that has been established.

1 CHAIRMAN MANNING: Any other questions for Staff?

2 MR. LINTON: Can I say something?

3 CHAIRMAN MANNING: Just one second. Any other questions? We have
4 people signed up to speak for and against this – oh, we don't have any against. But I'd
5 like to call those to the podium. Please state your name and your address for us.

6 MR. LINTON: I'm sorry.

7 CHAIRMAN MANNING: [inaudible] Martin?

8 MR. LINTON: Mark Linton.

9 CHAIRMAN MANNING: Okay. Mr. Linton, go ahead.

10 **TESTIMONEY OF MARK LINTON:**

11 MR. LINTON: I want to say a couple things. First off when I bought this piece of
12 property it's been a commercial nursery for years before I bought it. I came to the
13 county and looked at the county map and asked them what the C meant and they told
14 me that was commercial. After I bought it they would not give me a business license.
15 They told me it was rural. Before I bought it there's a C on the county map that states
16 commercial as far as I'm concerned. Now I've been through all kinds of hoops, if it's not
17 commercial I paid way too much for it and I think that's the county's fault. Now maybe
18 for some reason they told me that later that, well this property wasn't commercial, just
19 this building in this little square was commercial. There was never a building where that
20 little square was and I don't understand how something can be commercial one minute
21 and not the next. I paid a good little bit of money for it and there are property taxes like
22 it's commercial I promise you. And I've done some work on cars all my life but I just –
23 minor, minor things and I've got a couple deals that I'm working on to try and improve

1 some fuel mileage on diesel engines so I have a few diesel vehicles sitting around. I
2 don't see where it's a big problem. I've got neighbors that I get along with and not that it
3 matters but I'm a veteran and I feel like that the county has turned around and stuck it to
4 me on this and that's my feeling and that's all I've got to, I don't know. I mean, I'll
5 answer any questions but.

6 CHAIRMAN MANNING: So it's your opinion that the property had a zoning on it
7 prior to you purchasing that?

8 MR. LINTON: Yes.

9 CHAIRMAN MANNING: And did you?

10 MR. LINTON: I came to the county and looked at the –

11 CHAIRMAN MANNING: But before you purchased it though did you get a
12 certificate that acknowledged that zoning or was this just on the map?

13 MR. LINTON: It's on the county map. It had a C on it. That's – I asked them
14 what that meant and they said it was commercial.

15 CHAIRMAN MANNING: Well I, you know, I sympathize with you. I know that
16 there can be problems in that area without getting – so I, – that's a legal question that
17 really needs to be addressed and not one before us. But I understand your problem.

18 MR. LINTON: Well the other thing is Eastover is the most depressed county in –
19 or most depressed area in Richland County. They need some businesses there. They
20 need something for people to make a living at and that's my feeling on it.

21 CHAIRMAN MANNING: Thank you.

22 MR. GREEN: Just a question for Staff. Is there any confusion or issues as you
23 look back at any old documents?

1 MS. ALMEIDA: No. I believe, and I don't mean to speak for Mr. Linton, but I
2 believe in the taxes, you know, what we find is people get confused with what is in the
3 tax assessor's office and what is in the zoning office. That might have been the
4 confusion but I have – if you want to speak to Mr. Spearman, he's our Code
5 Enforcement Officer, he can give you a little bit of background on this but that's all of
6 what Staff has found out to date.

7 CHAIRMAN MANNING: We have a Cliff and Cindy Martin signed up to speak.

8 AUDIENCE MEMBER: [Inaudible]

9 CHAIRMAN MANNING: Bill Bunch?

10 **TESTIMONEY OF BILL BUNCH:**

11 MR. BUNCH: My name is Bill Bunch. I own the property all around Mr. Linton's.

12 CHAIRMAN MANNING: State your address, please.

13 MR. BUNCH: Yes. 5026 Withering Drive here in Columbia. My family's owned
14 or I own that property around it. My father bought it I think in the 50s or something like
15 that and I inherited it from him. I am opposed to a rezoning. By the way to shed some
16 light on ya'll's discussion a minute ago. I think when that property was advertised for
17 sale it was not advertised commercially; it was advertised residentially was my
18 understanding at the time, although I had nothing to do with it. We were just interested
19 because it was a piece of property that was next to ours that came up for sale and
20 property doesn't sell that much down there. I went to see Mr. Linton when he – shortly
21 after he bought it and put up that building because I was concerned that there might be
22 some change of use and there had been no zoning change brought to anyone's
23 attention. He told me that he was not running a business out of there at the time, that

1 he had a business interest in Cayce or West Columbia or something like that. And I
2 asked him if he would consider landscaping it because it's just sort of a metal building
3 and he cut, you know, every tree off of the that part of the property and he declined to
4 do any landscaping. I called the Richland County Ombudsman office. They spoke to
5 him at the time and I think there again said he wasn't running a business out of there.
6 And then this has come up here a couple of years later. You know, I only note that the
7 entire area other than those businesses which are very low impact that have been there
8 – Sike's Barbecue and the guy who sells actually I think horse trailers, not RVs has
9 been down the road. But the entire area is residential, it's rural, it's great, and you hate
10 to disagree with someone who is a neighbor but until I complained about it it was
11 virtually a junk yard and it still is and he has any number of junked vehicles in the back
12 and when I complained is when he put up sort of a wooden fence, the type you buy at
13 Lowe's or something – some wooden panels across the front but when you drive in my
14 driveway you get a completely different view. It looks absolutely terrible. It is not in
15 keeping with the character. I thought that he was coming up for a rezoning for
16 commercial but to suggest that light industrial be brought into the neighborhood I think
17 would just be a complete travesty. I think it would totally detract from everybody's
18 property values and I can't imagine that that wouldn't end up in a neighborhood bruhaw.
19 I think you get my point. I would ask that this be denied.

20 CHAIRMAN MANNING: You own the piece on the pin?

21 MR. BUNCH: No, sir. There's a small piece on the corner. If you bring your
22 map up I can – everything to the right of his property is mine. I have a driveway that
23 comes out to Garners Ferry Road right where his – upper right hand point is comes all

1 the way down and that's my pond down in there so I'm just really his only neighbor in
2 this direction.

3 CHAIRMAN MANNING: Do you know who owns the corner piece?

4 MR. BUNCH: No, sir, I don't. I thought that Bell South or the power company
5 actually owned a very small piece on the corner where they have some facility there but
6 I don't know who owns the acre or two there. Thank you.

7 CHAIRMAN MANNING: Thank you. That concludes the comments, public
8 comments. Any questions for Staff? Any discussion?

9 MR. GREEN: I would concur with the evaluation of Staff and make a motion that
10 we send this forward with a recommendation of denial to County Council.

11 MR. PALMER: Second.

12 CHAIRMAN MANNING: Got a motion and a second. All those in favor of the
13 motion please raise your hand. All those opposed?

14 *[Approved: Cairns, E. Ward, Palmer, Anderson, Manning, Green, E.M. Ward, Furgess;*
15 *Opposed: Murray]*

16 CHAIRMAN MANNING: Mr. Linton, we are a recommending Body only. When
17 is the next Council meeting?

18 MR. KOCY: The 27th.

19 CHAIRMAN MANNING: The 27th of May. If you'd like I think you can take this,
20 carry this forward to Council meeting for their consideration.

21 MR. LINTON: I intend to.

22 CHAIRMAN MANNING: Next on the agenda is Case 08-12 MA, Martin Marietta
23 Materials.

1 **CASE NO. 08-12 MA:**

2 MS. ALMEIDA: Yes, Mr. Chairman, Members of the Planning Commission, you
3 may have, some of you remember that Martin Marietta back in 2006 came before this
4 Board for rezoning of approximately 524.23 acres. Martin Marietta is currently zoned
5 RU. It is a leased property and they are requesting, and did request at that time, to be
6 rezoned to HI. They are now before you again requesting 293.2 acres to be rezoned
7 from Rural, RU to HI. The Martin Marietta site is located on Monticello Road. It is
8 currently classified a two-lane, undivided minor arterial and it is maintained by DOT.
9 The Level of Service is a B. The purpose of this rezoning is an existing quarry and the
10 purpose is for storing overburden. Overburden, as some of you may or may not know,
11 is the dirt that is on top of the mineral surface, reserves that must be moved in order to
12 reach the rock. So they are somewhat running out of space. The map amendment
13 would bring the existing use into conformity with the current zoning regulations. The
14 area is rural in nature. This immediate area has become industrial in nature. The
15 operation is currently 524.23 acres and the total site is 1,391.67 acres. The current
16 rezoning would bring the total up to 817.55 acres to be in conformity. Martin Marietta
17 will provide substantial buffers for the residential uses – excuse me – and Staff is
18 recommending approval.

19 CHAIRMAN MANNING: Any questions for Staff? We have a number of people
20 signed up to speak. Robert Fuller?

21 **TESTIMONY OF ROBERT FULLER:**

22 MR. FULLER: Good afternoon, ladies and gentlemen. My name is Robert
23 Fuller. I'm an attorney here in Columbia and I'm here this afternoon representing the

1 applicant, Martin Marietta Aggregates who has been the lease proprietor of the quarry
2 operation on this property since 1973. With me today and signed in for answering
3 questions or speaking as the Commission may see fit are members of the Martin
4 Marietta Aggregates' team. Paxton Badham(?) from corporate headquarters in Raleigh,
5 North Carolina; Allen Guignard, one of the principal owners of the property who are the
6 lease holders on this site. Plant manager for the Columbia operation of the quarry is
7 David Reisner. Richard Broughton is the engineer for South Carolina properties for
8 Martin Marietta. Larry Ward is the regional manager, and Scott Ellis is the production
9 manager for the quarry operation. So if there are any technical questions that need to
10 be addressed with respect to what the proposals here are regarding there is somebody
11 who can answer those questions. As Ms. Almeida has indicated to you this is an
12 application that is to bring 293 acres of a much larger tract into zoning compliance with
13 the adjacent 500 plus acres that constitutes the active quarry pit operation on this site at
14 this time. As you come off of Monticello Road, down Monticello Way towards the river,
15 Broad River, it's about 3,600' off of Monticello Road. The quarry operation is reaching,
16 in the next some years, several years, the capacity of reserves that have been
17 uncovered. The purpose of this application is to move rock reserves from the pit which
18 is adjacent to the river around on the property to a 293 acres parcel that will simply
19 receive the earth that is moved out of the quarry pit that uncovers the rock that is to be
20 mined over a period of 30 or 40 years out into the future. The process of removing the
21 overburden material is not itself a mining operation but would be periodically engaged in
22 for the purpose of moving material, earthen material out of the quarry pit, not leaving the
23 site itself but moving it to another location on the property, the Martin Marietta site, to be

1 spread over the top of the land there and aggregated over the years until the conclusion
2 of mining operations which could be as many as 50 or 60 years into the future. The
3 mound of material is applied to the overburden storage area and is graded up and is
4 planted with seed grass as it is collected over there over a long period of time. This is
5 not an intensive increase in operations of the production out of the quarry. It is a means
6 of expanding the open pit of the quarry in order to provide mineral for future years of
7 production. There will not be a substantial increase of traffic generated by the effect of
8 this, granting of this request. It is simply to keep the overburden material in a place
9 stored on site so that it does not have to be trucked out of here to be left at some
10 remote fill site which is a prohibitively expensive operation and creates a tremendous
11 amount of convoy traffic offsite and up and down the public highways if that were to be
12 an alternative method of opening or expanding the pit. We met with a called convened
13 at the South Carolina Fire Academy adjacent to the plant site, a meeting in early April
14 invited all of those persons who had been identified as interested in the matter from the
15 prior zoning proceedings conducted here two years ago, and those people were invited
16 to come see, hear about this operation in early April. A few of the neighbors, indeed
17 some who had questions regarding the plant operations and those other things that
18 were discussed there were satisfied with the comments made with the projected plans
19 for the site and have in the time since that meeting indicated they had no continuing
20 problems with the proposed application for the expansion, for the purpose of producing,
21 providing storage for the overburden area. If you have questions as I say we have
22 people here who can answer them. I don't want to – I've exceeded my time. We don't
23 want to present material you don't need to hear or want to hear but if there are

1 questions that need to be addressed or raised we have people that will be able to do
2 that for you.

3 MR. GREEN: Bobby, just a quick question. Given the geologic studies that have
4 been done there is it anticipated that the actual quarry mining area will expand into the
5 area that we're talking about rezoning today?

6 MR. FULLER: No. It will not. In fact if you, you have in your packet of material a
7 line of demarcation if you will which is the large SCE&G power line that runs along what
8 would be the eastern boundary of the whole 1,000 acre site. This, there is 460 acre
9 parcel of this site that remains outside of the quarry and overburden area that will
10 remain untouched. It provides essentially 464 acre buffer zone that is full of trees and
11 vegetation at this point that will remain as it is. This zoning application has nothing to
12 do with the property to the east side of the significant power line right-of-way. All of this
13 activity deals with property that is west of the power line and adjacent to the Broad River
14 and north are the county landfill and the Vulcan quarry. It's a highly industrial area at
15 this point but this is not increasing the industrialization towards Monticello Road. It is
16 simply for the purpose of utilizing the existing rural classification in concert with the
17 existing heavy industrial that the quarry has.

18 MR. GREEN: So if we look into the tab in the book that y'all handed out or sent
19 to us under proposed zoning where it shows the limit of the quarry pit, that's not just at
20 present but what would be anticipated from studies of the area where rock would be
21 quarried?

22 MR. FULLER: The proposed limit of the quarry pit is a very slight increase in the
23 quarry pit as it exists today but that is the extreme outer limit that will ever be there.

1 MR. GREEN: Thank you.

2 CHAIRMAN MANNING: That being confined to zone the 524 acres?

3 MR. FULLER: The 524 acres is presently zoned heavy industrial and increases
4 virtually all of the quarry pit, well it includes all of the existing quarry pit. The proposed
5 292 acres immediately adjacent to the existing quarry pit will increase the size of the pit
6 very minor marginally.

7 CHAIRMAN MANNING: It won't effect the, I mean, there's not any future
8 rezoning that's going to be necessary?

9 MR. FULLER: No. No, no, no. No, sir.

10 CHAIRMAN MANNING: Questions for Mr. Fuller? Thank you. Next we have
11 [inaudible].

12 AUDIENCE MEMBER: Thank you. I don't have anything to add unless there'd
13 be questions. I think Bob [inaudible] and I think that's probably the case with the rest of
14 the people [inaudible].

15 CHAIRMAN MANNING: Let me go through the list just to make sure. David
16 Reisner? Scott Ellis? Richard Broughton? Barry Ward? Okay. I need Cindy Walker?

17 **TESTIMONEY OF CINDY WALKLETT(?):**

18 MS. WALKLETT: Hi. I'm Cindy Walkett. My mailing address is 8431 Monticello.
19 I actually live on Dipsy Do Road which is right at the entrance to the quarry lane. We
20 were expecting some additional people here today. I'm standing all by myself. Last
21 week we had surveyors out on our properties. None of our property is for sale. May I
22 point out where my property is on the map? [Inaudible] appropriate. My property's right
23 here. All this was surveyed without any owners' permission. This piece of property

1 here had been [inaudible] quarry [inaudible]. So we came home and we found
2 surveyors on our property without any prior knowledge, no permission was asked. We
3 were told that they were from the quarry and that we were going to have people
4 dumping dirt in our backyard, you know, the refuse, right on down to Monticello Road,
5 and that's one reason I'm here and the other reason is because we're concerned about
6 our properties being rezoned and we like our rural lifestyle. I've been there for almost
7 25 years. The family next to me, their family's been there for over 80 years and I know
8 the gentleman who had planned on being here he just completed an addition onto his
9 house. We don't want our property going, our property taxes going up. We don't want
10 to be anything but rural. We like our lifestyle out there. And I've been a good neighbor
11 to Martin Marietta over the years. We have a lot of traffic. I can hear the trucks starting
12 to pull out at 6:02 in the morning and they go right on by. At 5:30 we've got people
13 pulling in there with their radios blaring; they wake me up. I haven't said anything about
14 that. I am going to say something about the possibility of having a huge dirt pile put in
15 my backyard and that's why I'm here; that's my concern. The piles of dirt are huge.
16 They're absolutely huge, and yes they have planted some grass but it's one stalk of
17 grass per area about this big and that's probably just to condense the erosion. But
18 there's a mountain back there. This used to be beautiful, wooded area. I ride back
19 there. I've been riding back there for years, my horses. And it's, when the wind kicks
20 up we're going to have dirt coming over our yards, coming into our houses and I'm not
21 understanding why they're not refilling the pit that they've already dug. They've got a
22 huge hole back there that I think they're finished with and I'm just curious. You know,

1 why aren't you guys filling the hole back in? And do you intend to come all the way
2 down to Monticello –

3 CHAIRMAN MANNING: Ma'am?

4 MS. WALKLETT: I'm sorry.

5 CHAIRMAN MANNING: You need to address the Commission [inaudible]
6 conversation.

7 MS. WALKETT: I apologize. But those are our concerns. Number one, the
8 rezoning, coming down to our properties and having our taxes skyrocket. Having
9 somebody coming on to our property uninformed. I work from home. I've been there all
10 week. Nobody came to my door, nobody left a card, nothing. So we've got concerns
11 out there. We watch out for each other. We like our lifestyle. We just want to be left
12 alone. It's quiet. Okay?

13 CHAIRMAN MANNING: Thank you.

14 MS. WALKLETT: That's all I have.

15 CHAIRMAN MANNING: That concludes the public comments period.

16 MR. FULLER: Mr. Chairman, might I address one concern?

17 CHAIRMAN MANNING: Sure.

18 MR. FULLER: I am assured by Martin Marietta that they have not engaged any
19 surveyors that have worked on the adjacent properties. They do not have any
20 surveyors engaged at this time working on this property at all. The Corbett property that
21 she mentioned is a small piece up by the intersection. It's not on this site at all. It's at
22 the intersection of Monticello Road. The Corbetts wanted to sell the property, Martin
23 Marietta bought it. It is already zoned HI fronting on Monticello Road. It has utterly

1 nothing to do with this rezoning application. Totally separate property, not contiguous
2 and no portion of operations of any sort will go there. But if somebody has intruded on
3 Ms. Walklett's property for surveying purposes it's not Martin Marietta agency.

4 MS. WALKLETT: [Inaudible] the surveyor [inaudible]

5 CHAIRMAN MANNING: Is there anybody -

6 MS. WALKLETT: Do you want to explain this?

7 CHAIRMAN MANNING: Excuse me, ma'am. Ma'am?

8 MS. WALKLETT: Sorry.

9 CHAIRMAN MANNING: If y'all want to have a conversation y'all can step
10 outside and do that. Is there anybody here from Martin Marietta that can address some
11 of her concerns about the overburden and the pit?

12 **TESTIMONY OF DAVE REISNER:**

13 MR. REISNER: Dave Reisner, plant manager. As far as why wouldn't we put
14 overburden back in to the pit, it is an active mine. As you know as we expand we also
15 go down. The mine will stay active as a complete pit probably until it is completely
16 mined out, 50 to 75 years in the future. As far as overburden, hydro seeding, we do. It
17 is for erosion control, for dust and/or rain. The areas that she's commenting on you
18 know we have areas that we have left or are temporarily completed. Overburden
19 process we do hydro seed and we're getting ready to do another area. That will
20 continue even with the new property. Overburden will be, you know, removed for a
21 period of six months and then no activity for six months to a year and then overburden
22 for six months. So when we get completed we seed it.

23 CHAIRMAN MANNING: So what do you do with the overburden [inaudible]?

1 MR. REISNER: What do we do with it?

2 CHAIRMAN MANNING: Right.

3 MR. REISNER: We put it into an area that normally contains no rock so that we
4 never have to move it again. It is formed usually a three to one slope to help with the
5 erosion control and it becomes active when we are moving dirt and is just carried from
6 the area which we intend to mine in the near future over into an area where the
7 overburden is slated to be stored for that period of time and then when we're completed
8 we hydro seed it until more area of the pit is opened.

9 CHAIRMAN MANNING: Do you ever put the overburden back in the inactive
10 portions of the mine?

11 MR. REISNER: Well – never – I.

12 CHAIRMAN MANNING: Is that part of the closure process?

13 MR. REISNER: It is not. No. When we are – there usually is not enough dirt to
14 fill the pit back in. Overburden is between 30 and 75' deep and our pit will be 300 plus
15 feet deep.

16 CHAIRMAN MANNING: I'm sure y'all are regulated very heavily -

17 MR. REISNER: We are.

18 CHAIRMAN MANNING: - by DHEC?

19 MR. REISNER: DHEC. That is one of the main reasons we need the rezoning.
20 Removing dirt is part of the mining process and therefore that area needs to become
21 part of the mining permit and therefore it needs to be zoned the same as the plant so.
22 Even though, you know, dirt removal happens in all construction projects that, it will be
23 part of the mining process here. Any other questions that she brought up?

1 CHAIRMAN MANNING: Any other questions?

2 MS. CAIRNS: I have a question. I mean, I'm just looking at the map that was in
3 the packet y'all provided and it shows that where the overburden's going to be going
4 has a natural drainage courses. What happens to those drainage courses and the
5 areas for which they drain?

6 MR. REISNER: Richard, would you like to? We will maintain a drainage course,
7 in short.

8 **TESTIMONY OF RICHARD BROUGHTON:**

9 MR. BROUGHTON: I'm Richard Broughton. I'm the environmental manager for
10 Martin Marietta. We are in the process of working with the Corps of Engineers. We will
11 need a 404 wetlands permit to fill those areas. But the drainage areas, the drainage
12 that comes through those areas we will have to take care of. We will have to provide,
13 we'll have to provide sediment erosion control and conveyances to allow that drainage
14 to move around the overburden that we're going to put in that area.

15 MS. CAIRNS: Yeah. Okay. It doesn't look like that it's a piece of topography
16 that's particularly well suited for overburden.

17 MR. BROUGHTON: It's the best we've got and we can make it work.

18 MS. CAIRNS: Like I say it doesn't look like it's particularly well suited.

19 MR. BROUGHTON: Well, I mean, it's not a table top but it's also not rocket
20 science in how you move, how you deal with storm water. Any other questions?

21 CHAIRMAN MANNING: Thank you. Any further questions?

22 MR. GREEN: I've just have a question for Staff. I know when this came before
23 us last time that the principal reservation on the part of some Planning Commissioners

1 was not necessarily the applicant or the applicant's use but the issue of the property
2 being rezoned HI which permits any large number of activities to occur there. And
3 certainly I recognize that the mine's going to be there for, the quarry's going to be there
4 for an extended period of time. Has the Staff and, you know, we allow borrow pits in an
5 RU district. I'm just wondering if Staff has ever looked at the possibility, since this is
6 going to be used exclusively for overburden, of providing a category within our zoning
7 ordinance that allows, even with special exception just like with a borrow pit, to have a
8 overburden area that is permitted in the RU district and we're not opening up an RU
9 district to the 30 or 40 uses that can be done in an HI district? And I'm just wondering if
10 we've ever looked at expanding our ordinance to specifically allow this type of activity
11 without rezoning the property for any myriad of uses?

12 MS. ALMEIDA: We have not, only because I believe as far as the
13 unincorporated area this is the only borrow pit we have – quarry. But no it has not been
14 something that Staff has looked into to modify the ordinance for that purpose. I'm sure
15 if there were many –

16 MR. GREEN: I'm assuming the definition of borrow pit could not be interpreted
17 to this particular situation?

18 MS. ALMEIDA: I believe not. Our Zoning Administrator's here. He might be
19 able to shed some light on that.

20 MR. GREEN: Mr. Price? I mean, I'm not opposed to the use. I understand
21 what's going on. It makes perfect sense to me. I struggle with the same issue I
22 struggled with last time and that's opening this up potentially, you know, once the mine

1 stops operation to any great number of uses, some of which on one of our biggest rivers
2 would not necessarily be something that everybody would be cheered by.

3 MS. ALMEIDA: Right.

4 MR. GREEN: And again this has nothing to do with the current operator or the
5 current use there. I assume a borrow pit is how we interpret the sand removal on Two
6 Notch Road?

7 MS. ALMEIDA: Yes.

8 MR. GREEN: It is? Isn't that similar an activity to what we're suggesting here?
9 Maybe not identical, but similar?

10 MS. ALMEIDA: I don't think they have overburden.

11 MR. PALMER: Is there not a market for that dirt though?

12 MR. GREEN: For the overburden?

13 MR. PALMER: Yeah.

14 MR. GREEN: If they were taking it off the site it would be a borrow pit. The fact
15 that they're leaving it on the site which is less intrusive -

16 MS. CAIRNS: I'm sorry.

17 MR. GREEN: The logic eludes me at times.

18 MR. PRICE: I mean, you were correct where you were headed with that. With
19 the borrow pits typically what you may find, get the sand from here you take it to another
20 location. This is not what they're doing so they wouldn't fit into that category.

21 MR. GREEN: Even though it's less intrusive than a borrow pit in terms of traffic
22 and truck movement and everything else?

23 MR. PRICE: Well, I mean, I guess that's debatable.

1 MR. GREEN: Okay. It seemed like an easy solution for everybody.

2 MR. PRICE: Well, I mean, just –

3 MR. GREEN: Without opening up the land to potentially a lot of different things
4 down the road.

5 MR. PRICE: Yeah. I mean, I think this maybe the, only the second case, second
6 time this has come up for use like this. That maybe one of the reasons why Staff hasn't
7 thought of, you know, seeing this as a big problem and thought about maybe amending
8 the ordinance to put this into another category.

9 CHAIRMAN MANNING: You could almost do it as a special exception.

10 MR. GREEN: Yeah.

11 MR. PALMER: This is a different piece of property that they're taking it too,
12 right? I mean, it's a whole other tract of land?

13 MR. PRICE: Well right. But it's part of, if you'll remember when this originally
14 came they, the entire piece owned by the company was coming in for rezoning and I
15 believe your concerns were raised then with doing I believe it was 1,600 acres; is that
16 correct?

17 MS. ALMEIDA: Thirteen Hundred.

18 MR. PRICE: Thirteen Hundred acres, then that was scaled down to just the
19 areas that you see I guess the big dark gray now. So they're coming forward now with
20 the remaining piece I guess as needed.

21 CHAIRMAN MANNING: Thank you. Any other questions for Staff? Applicant?
22 Any discussion?

1 MR. PALMER: I make a motion to send this forward to Council with a
2 recommendation of approval.

3 MR. ANDERSON: Second.

4 MR. PALMER: Just in conjunction, just in agreement with Staff's
5 recommendation.

6 CHAIRMAN MANNING: We have a motion and a second. All those in favor
7 please raise your hand. All those opposed?

8 *[Approved: Murray, E. Ward, Palmer, Anderson, Manning, Green, E.M. Ward, Furgess;*
9 *Opposed: Cairns]*

10 MR. GREEN: I would ask Staff to look into the issue of creating another land use
11 category or expand the definition of borrow pits so that potentially [inaudible] of this
12 process for everybody involved may not be necessary.

13 CHAIRMAN MANNING: I need to read into the Record on Case 08-13 MA, given
14 to me by Ms. Enga Ward. "Dear Mr. Manning: I must request to be excused from
15 participating in discussion or voting on agenda item number 08-13 MA, regarding the
16 Village at Sandhill which is scheduled for review and/or discussions at today's Planning
17 Commission meeting. It is my understanding of the Rules of Conduct Provisions of
18 Ethics, Government Accountability and Campaign Reform laws that I work for the
19 developer on this project I will be unable to participate in this matter through discussion
20 or voting. I would therefore respectfully request that you indicate for the record that I did
21 not participate in any discussion or vote relating to this item representing a potential
22 conflict of interest. I would further request that you allow and direct this letter to be
23 printed as a part of the official minutes and excuse me from such votes or deliberations

1 and note such in the minutes. Thank you for your consideration in this matter.
2 Sincerely, Enga Ward.” Next item on the agenda is 08-13 MA. Anna. Could you bring
3 this up to date on this, please?

4 **CASE NO. 08-13 MA**

5 MS. ALMEIDA: Mr. Chairman, Planning Commission Members, I’m going to try
6 to explain this as simply as I can.

7 MR. GREEN: Because we’re simple people or what, Anna?

8 MS. ALMEIDA: No, because it can get confusing. It was confusing for Staff at
9 one point.

10 MR. GREEN: I didn’t say we weren’t; I was just wondering if that was your
11 assessment.

12 MS. ALMEIDA: As you may or may not know this is the Village at Sandhill which
13 is approximately, the entire parcel is 298 acres of mixed used incorporating elements of
14 residential, retail, recreational, office, institutional, general commercial uses all on that
15 lot. There is a Development Agreement that is attached to this parcel. This parcel is
16 straight rezoning. It was not part of a master planned PUD so it is parcel by parcel
17 zoned. It is bound Clemson Road, as you can see, Spring Valley Road. In the
18 Development Agreement it is stipulated that if there are – well let me begin. The
19 Development Agreement is in place for 10 years and that was adopted in 2001 and the
20 applicant does have an option to extend an additional five years. The agreement
21 stipulates that the applicant can come in for rezoning but it must be substituted the
22 same amount of acreage if you’re doing – you can substitute commercial for residential,
23 residential for commercial but it must be on an equal basis, swapped at equal ratios.

1 Okay? So the applicant has three parcels as you can see from this slide, C-1, RG-2,
2 and C-3 and in your report on page 22 I tried my best to label them, parcel V, X, and U
3 and they are each two and a half acres a piece. So we are swapping equivalent ratios
4 here within the C-1, C-3, and RG-2 residential uses. They have met every intent of their
5 agreement. Staff feels that they have, again I'll reiterate, met the intent of the
6 agreement and the applicant is here in order to explain further why they're requesting
7 that rezoning but Staff is recommending approval.

8 CHAIRMAN MANNING: Thank you. Had a little confusion on the sign-up sheet
9 but state your name and –

10 **TESTIMONY OF GENE DINKINS:**

11 MR. DINKINS: Gene Dinkins, Cox & Dinkins Engineers. Thank you, Mr.
12 Chairman, ladies and gentlemen of the Planning Commission. As Anna has very well
13 described this rezoning request is really to allow two and a half acres of land to be
14 rezoned to C-3 and in order to do that we will have an equivalent parcel of property
15 rezoned from C-1 to RG-2 and then from C-3 to C-1. So we end up with no net
16 increase or decrease in any of the zoning categories. And the purpose of this rezoning
17 request is to accommodate a hotel to be constructed on the site. It's a Hyatt Place
18 Hotel. Roger Tanden is a local developer and real estate owner that will be the owner
19 of the hotel. When the Village was first contemplated we prepared our best guess at a
20 master plan and it was a gridded street network with different amenities within walking
21 distance, shopping and living and recreation and all those concepts have been honored.
22 However in coming up with a master plan to begin with on 298 acres we simply did not
23 know what was going to go on each parcel. We had no idea. We had no idea to know

1 what the footprints of individual buildings would be. So we have had on a couple
2 previous occasions to do this similar task and that is to rezone in keeping the same net
3 acreage. So the – as Anna has very well stated the swapping of acreage is allowed per
4 the Development Agreement and has been done in the past. We did meet this morning
5 with neighbors in the neighborhood and went over details with them, answered a lot of
6 questions, got a lot of input and basically would like to request approval for you to
7 recommend approval to Council for the rezoning submitted to you for three, two and a
8 half acre parcels which will end up in no net increase or decrease in any of the zoning
9 categories.

10 CHAIRMAN MANNING: Gene, can you kind of explain why the Development
11 Agreement had [inaudible] equal increments like that? I mean, it would seem to me that
12 residential may have, you know, a different impact more or less than something else
13 and I was just curious it was why it was equal [inaudible].

14 MR. DINKINS: Sure. Well first to begin with we set up buffers all the way around
15 the property so we wanted to make sure that we were properly buffering existing
16 residential uses, and then we set up a certain number of acres that was negotiated with
17 the county in the Development Agreement for C-1, C-3, and RG-2. And it was the intent
18 all along that, you know, here's what's allowed and these are the acreages that we want
19 to stick to and it was stated in there if you want to use another land area for C-3, for
20 example then deduct a C-3 acre somewhere else because the net increase in C-3
21 would be same. So we're really not increasing the intensity at all. We're truly just
22 taking a very commercial intersection, the intersection of Town Center Place and
23 Marketplace Common, and making it commercial which is the highest and best use

1 rather than residential on that site. In addition this point back in the back we're taking
2 this from C-3 and putting it into RG-2. So we do feel like it's consistent with the overall
3 intent of the original Development Agreement and that it will be a positive thing really
4 because this – this is the corner that we're trying to get the C-3 and this is truly not a
5 residential corner. It's right across the street from the theater and it's just not what
6 you'd consider to be a, you know, prime residential site. I don't know if that answers
7 your question.

8 CHAIRMAN MANNING: Thank you.

9 MR. DINKINS: Be glad to answer any questions or provide information. Thank
10 you.

11 CHAIRMAN MANNING: Thank you. We have Fred Williams.

12 MR. WILLIAMS: I have no comment.

13 CHAIRMAN MANNING: Charles Kahn?

14 MR. KAHN: I have no comment unless there's other questions [inaudible].

15 CHAIRMAN MANNING: Alan Kahn?

16 **TESTIMONY OF ALAN KAHN:**

17 MR. KAHN: Well I'd just like to add one thing. The whole idea of the hotel being
18 there and needing to be swapped for land for C-3 was to have a true streetscape in
19 which the patrons of the hotel can walk to dinner down the street, see the restaurants,
20 go down there, go to the theater, go to the shopping and to be part of the streetscape.
21 Because of the unique character of what we ended up with, we have a Belk here, we
22 have a JC Penney here, and we have a Best Buy coming here which was basically part
23 of, we were originally having another department store so the entire street – and then

1 the theater's over here so there's really nowhere on the streetscape for a hotel to go
2 and have privacy to the streetscape and feel part of it except for exactly where we
3 showed it. So that's why we chose that particular site out of elimination. If there is to be
4 a hotel on the streetscape, everything else having been built and spoken for, it has to be
5 there and secondly, as far as the swapping of land the really concern was the entire site
6 was C-1 so the history is we voluntarily took the North Springs frontage and we
7 voluntarily downloaded that to C, to RG-2. And then we asked for and got 170 some
8 odd acres of C-3 but where it was to be located we just took a stab at it. And so now
9 we're fixing the edges of the C-3 zoning to expand to that. The way North – do you see
10 that bow in North Springs Road? If North Springs Road had gone straight down there
11 might needed – to have been needed a buffer but this is the normal buffer and here we
12 are sitting inside of the Village from the normal buffer so it's really at an [inaudible] the
13 way we drew it but it was expedient to just draw it as a area. It's behind the Bi-Lo and
14 next to a theater so we don't really think we're harming the use of the land.

15 CHAIRMAN MANNING: Thank you. Jim Lawrence?

16 **TESTIMONY OF JIM LAWRENCE:**

17 MR. LAWRENCE: I crossed out the against because I'm not really totally against
18 this but a couple thing haven't really been said here. When this thing and I've lived
19 there when this thing –

20 CHAIRMAN MANNING: State your name and address.

21 MR. LAWRENCE: Jim Lawrence, 134 Lightwood Knot Road, North Springs
22 Subdivision. Our one entrance is right across from the street that will be one of the
23 possible entrances in here to this hotel. In fact it'll be about 500' from the hotel.

1 CHAIRMAN MANNING: The proposed entrance or the existing entrance?

2 MR. LAWRENCE: Well this entrance right here. This is North Springs Road.
3 We have an entrance here. We have another entrance down here. We have one on
4 Clemson Road. This is all residential area. And what isn't really totally being stated
5 here, there are currently homes along here. I think there's about six homes right here
6 and on the other side of our entrance on the other side and which is at their entrance is
7 also three more homes. This right here is rather a high point. They're talking about
8 putting a six-story hotel there. I just got the information. Mr. Kahn was kind enough to
9 provide it. They're talking 65 to 75' height. I asked about this land right here. It's going
10 to be graded and filled. Some of it's going to be graded and filled. This is going to be a
11 very, very high point. In your packet there was a picture of this showing a nice tree
12 lined area. However, from Clemson Road right down to our entrance at Seven Springs
13 Road, which is their Town Center Place, that's all open. This is going to be sitting up
14 there kind of like a sore thumb. You've got six houses here that's going to be very
15 much exposed as you're looking over there. It's going to stick up above their Bi-Low
16 because the Bi-Lo's a little bit down grade. And looking at their property they might
17 even fill this a little bit out to the front when I went back and looked at it today. So yeah
18 I have concerns about a six-story hotel being out on the perimeter. Originally they was
19 talking about being back in here. I understand what he's trying, what's trying to be done
20 and fine but a six-story hotel? It's interesting to note that the gentlemen that owns this
21 has two other hotels at Clemson and 20, 20. One of them is a four-story hotel and the
22 other's a three-story hotel but we get lucky enough we're going to be blessed with a six-
23 story hotel. They're also going to be bringing traffic off the Interstate either from 77

1 across Clemson or from 20 across Clemson to put in here. They're telling us it's going
2 to be a lot of women because women like that kind of an area to stay and it's going to
3 be safe and everything but also it's, it's also 20 minutes from downtown, 22 miles
4 downtown. I mean, a six-story hotel is my problem and the height, the prominence of it.
5 I don't know how much time the Planning Commission's been out there and really
6 looked over the land. They've got photographs. This is a misleading photograph. You
7 stand right down here at this entrance right here and you'll see that thing and that's
8 going to be in your face. But I don't know what you do? It's hard to turn something
9 down like this. I don't know if you can go back to them about the height or not. That's
10 up to you but this is all residential there. Thank you.

11 CHAIRMAN MANNING: Anybody have any questions of Mr. Lawrence? Staff?
12 Any discussion?

13 MR. PALMER: Mr. Chairman, I make a motion to send this forward to Council
14 with a recommendation of approval.

15 MR. MURRAY: Second.

16 CHAIRMAN MANNING: We have a motion and a second. All those in favor
17 please raise your hand. All those opposed?

18 *[Approved: Cairns, Murray, Palmer, Anderson, Manning, Green, E.M. Ward, Furgess*
19 *Recused: E. Ward]*

20 CHAIRMAN MANNING: Okay. That concludes the map amendment portion of
21 the meeting. Next on the agenda is the comprehensive plan, transportation element.

22 MR. KOCY: Mr. Chairman, there's no presentation on the comprehensive plan,
23 transportation element. I'm going to be distributing a working draft of the transportation

1 element. We're monitoring and closely following the much greater transportation
2 planning effort going on in the county so this transportation element is not quite ready to
3 go. I would like to suggest that we have a working session in June to, devoted only to
4 the comp plan to edit the first four elements that you've received. Next month you'll be
5 looking at three, two new elements, excuse me. Our consultant [inaudible] has the
6 public facility and for the life of me I can't remember it, they'll be making a presentation
7 to you. As part of that they have a computer simulation where you can give them
8 various growth scenarios and see the effect. That's going to be a lengthy presentation.

9 CHAIRMAN MANNING: This is not just transportation, this is?

10 MR. KOCY: It'll be a whole bunch of things and I'm suggesting that we already
11 know that for next month's Planning Commission we have eight rezoning requests so
12 you'll be, we will be busy with just regular agenda items. I would like to ask if you could
13 dedicate an additional meeting only to the comp plan.

14 CHAIRMAN MANNING: Okay. Do we want to talk about dates for a work
15 session [inaudible] dates? Some dates [inaudible] have the room upstairs or?

16 MR. KOCY: I would suggest –

17 CHAIRMAN MANNING: We would have it here?

18 MR. KOCY: - we have it here and generally Mondays are a good date.

19 MR. ANDERSON: How about the 19th? Council meets the 27th?

20 CHAIRMAN MANNING: June 19th or May 19th?

21 MR. ANDERSON: No, I'm sorry.

22 CHAIRMAN MANNING: June.

23 MR. ANDERSON: [inaudible]

1 CHAIRMAN MANNING: Monday, we've got the 2nd, 9th, and 16th. Anybody got a
2 preference? All right. Then let's say we'll do it Monday, June the 2nd.

3 MR. PALMER: I can't. Yeah. I got to either 9th or the 16th.

4 CHAIRMAN MANNING: Got what?

5 MR. PALMER: Either the 9th or the 16th.

6 MR. KOCY: That's our regular scheduled Planning Commission meeting.

7 CHAIRMAN MANNING: Oh, that's right. Keep me informed. Okay. Well why
8 don't we do it the 9th. Is the 9th all right with you Pat?

9 MR. PALMER: Sure. You talking about the afternoon? Like a 4:00 o'clocker?

10 MR. KOCY: One o'clock.

11 MR. PALMER: Oh, a one o'clocker. Like all day? Like out of work day? Like
12 we don't want to just move it to like 4:00, 3:30?

13 MR. KOCY: If you want to stay to 8:00 or 9:00 o'clock at night, 4:00 o'clock's
14 okay with me.

15 CHAIRMAN MANNING: Why don't we try 2:00? And we'll try to expedite it, you
16 know cut, shave a little time off of it, how about that?

17 MR. KOCY: Okay.

18 CHAIRMAN MANNING: June 9th 2 p.m. work session.

19 MR. KOCY: Mr. Chairman, I also put these pink cards. These are from the City
20 of Columbia. They're having an unveiling of their draft comprehensive plan and you're
21 all cordially invited to attend any one of the four meetings that's listed on the back.

22 CHAIRMAN MANNING: They have completed their plans?

1 MR. KOCY: They're still in the editing stages but they're going to unveil their
2 comprehensive planning map at these meetings which would be -

3 CHAIRMAN MANNING: For comment or?

4 MR. KOCY: For comment and yes, discussion; correct.

5 CHAIRMAN MANNING: Next on the agenda we have – I'm sorry. You okay?

6 MR. KOCY: Thank you.

7 MR. FURGESS: Excuse me, Mr. Chairman. On June 9th at 2:00, the fourth floor
8 or?

9 CHAIRMAN MANNING: Here.

10 MR. FURGESS: In the Chamber?

11 CHAIRMAN MANNING: In the Chamber. Next on the agenda we have the
12 Decker Overlay Zoning Map.

13 MS. RUTHERFORD: Good afternoon. Hi. How are you? I'm Tia Rutherford,
14 neighborhood planner for Richland County. Wanted to bring before you today the
15 overlay map. In your packet we have identified all of the tax map numbers and
16 properties that will be eligible to use the optional corridor redevelopment overlay as well
17 as the map associated with that district. We have also included the mall property
18 Columbia Place Mall as a part of the corridor redevelopment overlay. That means the
19 mall property itself as well as the out parcels where Value City and the old Circuit City
20 were located.

21 CHAIRMAN MANNING: As far as the actual overlay though is directed towards
22 Decker and we adopted an ordinance, if we're adding something after the fact how does
23 that work from a legal standpoint? I mean, does that -

1 MR. KOCY: We adopted optional overlay language but we didn't identify the
2 area that it was going to be used on and that's what we're doing now. So we've got the
3 incentive code adopted but it can't be applied anywhere because we haven't identified it
4 on a map.

5 CHAIRMAN MANNING: But don't we make reference to it in the master plan?

6 MR. KOCY: We make vague reference to the Decker overlay or the Decker
7 community plan but that was not, you know, definitively delineated on a county map and
8 that map has never been, the Decker community map was never officially adopted as a
9 zoning map so that's what we're doing now.

10 MR. ANDERSON: Well I have a – the people at Columbia Place Mall and all
11 along Two Notch, I mean, were they privy to a lot of the information prior to? I mean,
12 this is kind of going back and saying, hey we're going to, you know, it's an option we
13 know but those people really weren't involved with the actual Decker plan.

14 MR. KOCY: Many of our meetings were held at the Columbia Mall for the Decker
15 and the Columbia Mall manager is very apprised of what's going on there.

16 MR. ANDERSON: I mean, I understand Columbia Mall's a big portion but you
17 also have a lot of parcels going down Two Notch on that side that – I guess my question
18 is did they know about this, number one, and number two, I mean, have they been
19 brought up to speed –

20 MR. KOCY: Yes.

21 MR. ANDERSON: - as to where we are?

22 MR. KOCY: We had a public meeting two weeks ago. All the properties on this
23 map were identified with a mailing and were given a brief summary that this is an

1 optional overlay; it's not mandatory. It increases their development opportunities and
2 doesn't, it's not mandated to do anything. So they have been notified, yes.

3 MR. ANDERSON: And the response from that was?

4 MR. KOCY: We have heard no negative responses from any of the affected
5 properties.

6 CHAIRMAN MANNING: I guess this process started before you actually took the
7 Planning Director position. I'm a little bit curious as to why they were added after the
8 fact rather than incorporating them into the whole planning process. I think that
9 certainly it would be a little – it'd be more comfortable for everybody up here knowing
10 that those people, everybody had been heard in the public comment periods, had their
11 voice and say in this issue. But why did the county decide after the fact to bring this into
12 the ordinance?

13 MS. RUTHERFORD: Columbia Place Mall property and all of its out parcels are
14 included in a master plan. They are part of the Trenholm Acres/New Castle master
15 plan. So they will also receive a similar [inaudible] process as Decker Boulevard and all
16 of its residents. What we're doing now is applying the CRD district that will be eligible
17 for Trenholm Acres or any other planning area in the -

18 CHAIRMAN MANNING: So that?

19 MS. RUTHERFORD: - exactly. So we're just now applying it to that mall
20 property.

21 CHAIRMAN MANNING: So there's two plans going on?

22 MS. RUTHERFORD: Yeah. There are.

23 CHAIRMAN MANNING: One's a Trenholm?

1 MS. RUTHERFORD: Exactly.

2 CHAIRMAN MANNING: But they're being combined under this.

3 MS. RUTHERFORD: Because they're adjoining properties we felt as though
4 CRD can be applied to that mall property as well because of some of the density
5 opportunities.

6 CHAIRMAN MANNING: And they will have their –

7 MS. RUTHERFORD: Exactly.

8 CHAIRMAN MANNING: - opportunity?

9 MS. RUTHERFORD: Exactly. The consultant will incorporate the CRD in their
10 planning process and will bring that community up to speed. But as far as those
11 property owners they have been notified of the [inaudible].

12 MR. ANDERSON: When were they notified?

13 MS. RUTHERFORD: They've been notified all along through mailing. We held a
14 public meeting a few weeks ago in Decker corridor but they were notified by mail.
15 We're doing extensive outreach to the community because right now we're needing I
16 guess a test case essentially of a property owner willing to use the CRD to redevelop
17 their property. So we'll be in constant contact with those property owners through mail,
18 by calling.

19 CHAIRMAN MANNING: So the master plan's going to have to come back to us
20 for Trenholm.

21 MS. RUTHERFORD: Trenholm Acres master plan will come before you for
22 approval.

1 MR. ANDERSON: So in essence basically they can choose? Columbia Place
2 and the surrounding areas can choose which master plan they want to go under; did I
3 hear that correctly?

4 MS. RUTHERFORD: No. They're in two separate master planning areas. What
5 we are applying is the corridor redevelopment design language. So they're in a
6 separate master planning area however they can benefit from using the CRD language
7 for redevelopment. And again it's still optional.

8 CHAIRMAN MANNING: Once this ordinance is adopted will you keep us
9 informed as to the numbers of TMS applicants?

10 MS. RUTHERFORD: You'll probably see them. You'll probably see them come
11 before you to redevelop properties.

12 MR. PALMER: Why is Woodfield Park not involved with this anymore?

13 MS. RUTHERFORD: Because the CRD is dealing with commercial properties
14 along the corridor. This is strictly for commercial properties not necessarily residential.
15 But you will see a different kind of design language for residential area.

16 MR. GREEN: I have a number of questions of why certain properties were left
17 out and I don't know what the best way, do you want to just walk through those? It
18 would strike me that all the commercial development between the railroad track and
19 Two Notch Road across from Columbia Mall, if you're going to have Columbia Mall in
20 why wouldn't you have that long strip of all commercial properties also included that's
21 on the I guess the southeast side of Two Notch Road?

22 MR. KOCY: That can be, that is being addressed as we do the Trenholm/New
23 Castle community plan now. The main reason we did the mall and the out parcels I've

1 had an opportunity to talk with many of the landowners and the mall and the out parcels
2 were very excited about being able to take advantage of an overlay district sooner
3 rather than later.

4 MR. GREEN: I mean, I'm glad their in it. I'm just curious as to why all those
5 commercial structures across the street from it that that area's not included as well?

6 MR. KOCY: Again we have an opportunity with the New Castle/Trenholm Acres
7 master plan to examine all of the Two Notch Road corridor for use of a CRD type
8 overlay. We just aren't there yet.

9 MR. GREEN: There are also a number of commercial buildings between the
10 railroad track as you go down Decker Boulevard going towards O'Neil Court that are left
11 out. Two of them are vacant restaurants. You've got the Chick-Fil-A. You've got the
12 roller rink. You've got a number of properties between Fashion Place and the old
13 Decker Mall that are not included and I just was curious as to why those were left out.

14 MR. KOCY: They're in the floodplain. The full Decker Avenue plan talks about
15 restoring the natural environment there. I didn't feel it was appropriate to encourage
16 redevelopment within the floodplain which is at direct odds with trying to restore the
17 floodplain so we left them out.

18 MR. GREEN: Even part of the shopping center that's already constructed?

19 MR. KOCY: That's correct. We included the front part of the shopping center
20 that's out of the floodplain and we did not include the rear portion of the shopping center
21 that's in the floodplain.

1 MR. GREEN: Okay. And I'd noticed we'd included a number of residential
2 structures in Woodfield Park as part of the redevelopment area. I can't quite read the
3 road that parallels Decker.

4 MR. ANDERSON: Dupont it looks like

5 MR. GREEN: Dupont. Dupont and all those residential structures I guess on
6 the, Dupont that face Dupont are part of the commercial redevelopment zone?

7 MR. KOCY: We wanted to give the property owners that face Decker enough
8 depth to increase to the back to make that a viable corridor. Again it's an option.
9 Nobody has to take advantage of this but if they do it makes their real estate more
10 valuable.

11 MS. CAIRNS: Why are there, I mean, there's still a couple on Decker Boulevard
12 that seem to be [inaudible] out. Down here at Coral Vine, Eddie's(?) what it says and
13 then there's one at Brookfield. There seem to be individual parcels that front Decker
14 that were – I mean, are they on?

15 MR. KOCY: They're not part of the county.

16 MS. CAIRNS: Okay. That's a good reason.

17 MR. KOCY: They're city. I'd love to include them but Forest Acre sight disagree
18 with me.

19 MS. CAIRNS: Right. No problem. I can follow that logic.

20 MR. PALMER: So there's going to be another plan that handles like where the
21 Burger King is and that stuff and where Best Buy is and AutoZone and all that stuff on
22 Two Notch there's going to be a [inaudible] that handles that?

1 MR. KOCY: Yes. And then the – one of the implementation mechanisms will
2 probably be the CRD language. It'll just be a second phase of the CRD that delineates
3 another commercial corridor that it's going to be used on. I anticipate the CRD
4 language will be used along many roadways in the county. This is just the first.

5 MS. CAIRNS: It just sort of, I mean, it belies a little bit of logic to have a corridor
6 district that encompasses half of the street. And I understand you're saying that the
7 property owners inside the mall are currently very interested. I mean, it sounds like you
8 just haven't had an opportunity to talk to the fellows [inaudible]. But it also just seems
9 rather arbitrary to put a corridor district over one side. And the same with the side along
10 Parklane. I mean, you have the same thing that Parklane could certainly use some help
11 but we're only addressing half. The part about the timeliness of including Columbia
12 when we're not ready to go forward with both sides of the street.

13 MR. KOCY: We're currently doing the Trenholm Acres/New Castle master plan
14 now so we're addressing the not included side of the street and we anticipate having
15 that plan in front of you in the not too distant future, and the mechanism for
16 implementation is already written, the CRD. It would just be adding that stretch of
17 roadway into the overlay district.

18 MR. ANDERSON: So when you're saying you're going with the Trenholm Acres,
19 you're going across O'Neil Court; that's going to be incorporated also? I'm sorry. I
20 might have misunderstood. Where, O'Neil Court to the right you're saying that that's
21 going to be involved in Trenholm Acres also?

22 MR. KOCY: We're doing this with Trenholm Acres.

23 MR. ANDERSON: Oh, okay. So you're not going across?

1 MR. KOCY: No.

2 MR. ANDERSON: Okay. I've got you.

3 MR. KOCY: Going this way. And then we also have other language and
4 suggestions for this part of the Trenholm Acre/New Castle master plan.

5 CHAIRMAN MANNING: Does the parcels that are being left out, and I
6 understand your situation with the floodplain [inaudible] are we dividing tax map parcels
7 in order to do that or, I mean, or are you just saying the whole tract doesn't have any?

8 MR. KOCY: Let me defer to legal counsel how we're, how are we planning the
9 parcels that are half in and half out? We include the whole TMS number but anything
10 that has floodplain would not be eligible. So the entire tract would [inaudible]

11 CHAIRMAN MANNING: So if you had a 15 acre tract that had a little portion of it
12 that touched into the floodplain, that whole TMS?

13 MR. KOCY: No. Only the little portion in floodplain would be ineligible for this.
14 So if you had a 15 acre parcel and you had 100 square feet that was floodplain, you
15 know, 14 and nine-tenth acres would be eligible.

16 CHAIRMAN MANNING: Okay. So you didn't eliminate?

17 MR. KOCY: No. We did not.

18 CHAIRMAN MANNING: Okay. As far as the remainder of the master plan, the
19 residential component, all that; when will that take effect? When will you bring that
20 back?

21 MR. KOCY: On the 19th of May we have a summer intern from the University of
22 Florida, graduate student from the University of Florida who will be working on the

1 residential component of the Decker implementation. The goal is to have something
2 before you by the end of the summer.

3 CHAIRMAN MANNING: And the other plan for across from Columbia Mall?

4 MR. KOCY: New Castle/Trenholm Acres –

5 CHAIRMAN MANNING: When will those -

6 MR. KOCY: - approximately the same time. We're reviewing, we're working with
7 the consultant on that where we're reviewing the final draft of the documents and soon
8 as we get that polished up we'll present you the plan and then present you some
9 implementation suggestions.

10 CHAIRMAN MANNING: At that time too I'd appreciate it if you could give us
11 some information on some of the concerns or things that we feel like needed to be
12 incorporated into these plans. You know, we expressed I think streetscapes are
13 obviously going to be critical to any of them, it doesn't matter where they are. How we
14 are working with the SCE&G. We're looking at funding, we're looking at incentives. All
15 of the concerns that we expressed back some time ago. If ya'll could enlighten us to
16 where we are.

17 MR. KOCY: Certainly.

18 MR. GREEN: Is it correct for me to assume that if someone was on Decker
19 Boulevard with a piece of property that was not included in the district that they could
20 come in and petition the Planning Commission and Council to be included in the
21 district?

22 MR. KOCY: I believe that would be a legal option. Yes.

1 MR. GREEN: So if the owner of those two restaurants for instance that were on
2 Decker wanted to include them in the overlay they could, they would put in a zoning
3 application -

4 MR. KOCY: Correct.

5 MR. GREEN: - to use the more flexible redevelopment?

6 MR. KOCY: Correct.

7 CHAIRMAN MANNING: It looks like you want to have some discussion? You
8 okay?

9 MS. CAIRNS: Yeah. No. It's just intriguing the effect of the floodplain on some
10 of those properties that probably aren't getting reused because of that issue. That's all.

11 MR. PALMER: Maybe that's the reason the Red Wing's up for sale. It's got to
12 stay a roller rink or be – how's that, isn't somebody looking at that for credits or
13 something wetlands credits?

14 MR. KOCY: Correct.

15 MR. PALMER: Coming along well? No?

16 MR. KOCY: I don't know. I just know it was under consideration for a wetland
17 mitigation site; correct.

18 MR. PALMER: That's all you can do with it.

19 CHAIRMAN MANNING: Any other questions? Discussion?

20 MR. PALMER: Well that happened when the old Winn-Dixie, but y'all didn't want
21 to put that in there either?

22 MR. KOCY: I'm sorry.

23 MR. PALMER: The old Winn-Dixie? Some of it is, some of it's not.

1 MR. KOCY: The front portion is not in the floodplain and would be included in
2 the overlay. The back portion in the floodplain would be excluded.

3 MR. GREEN: So your answer is Winn-Dixie is not included in this district, the
4 store itself, the box?

5 MR. PALMER: It is not but, you know, the shadow space should be I guess;
6 right?

7 MR. GREEN: Well the only thing that's in the district is the Long Horn's.

8 MR. PALMER: Um-hum (affirmative).

9 MS. CAIRNS: Yeah. It seems like –

10 MR. PALMER: What are you saying the other part should be in there or no, the
11 front of the shopping center and the parking lot and all that area?

12 MR. ANDERSON: What about that little strip on the left side of it too? That little
13 shopping center to the left?

14 MR. KOCY: The majority of the Winn-Dixie site appears to be in the floodplain
15 so we left it out.

16 MR. PALMER: The whole shadow space isn't. There's more of the Staples
17 shopping center and Fashion Place in there than there is in the Winn-Dixie shopping
18 center. But anyhow it's up to y'all.

19 CHAIRMAN MANNING: Further discussion?

20 MR. ANDERSON: I do have one quick question. This is just – Rich Road, I
21 mean, we're going all the way back down in there, Rich Road, are those, those are
22 apartments.

23 MR. KOCY: Correct. Multi-family housing.

1 MR. ANDERSON: Multi-family?

2 MR. PALMER: I just have some concern about the first time I saw this was on
3 this map on these, filing out these tax map sheet numbers and we've been in this
4 process for what a year, a year and a half, something like that? A long time. It's the
5 first time I've seen any of these properties with Columbia Mall and the surrounding
6 areas in this. It's just weird that it's happened this way. I don't understand it. The
7 conversation, even though it was held at Columbia Mall, that was great that the
8 conversations were held at Columbia Mall but they were not held to discuss Columbia
9 Mall being in the plan. Columbia Mall is holding it out of the goodness of their heart but
10 it was always to discuss from Two Notch back. So while they were holding it they didn't
11 know they were talking about themselves at the time. I don't know. I just haven't had
12 an opportunity to talk to Charlie or anybody else, I mean, you know, while CBL owns the
13 interior of the mall, I mean, you've got, the pads are owned by the individual Sears and,
14 you know, JC, well not JC Penney anymore but Dillard's and those guys. They own
15 their individual pads. I guess you've had conversations with them as well?

16 MR. KOCY: Not all of them. The Decker master plan conversation has been
17 going on, you're right, for well over a year but in the last six months, in late 2007,
18 community meetings were held for the Decker, excuse me, for the Trenholm Acres/New
19 Castle planning process too. At the same time the community was talking about the
20 second plan which is New Castle, we were discussing implementation on the first plan.
21 And in conversation with property owners in and around the mall recognizing that the
22 CRD would probably be used, not probably, would be recommended as an
23 implementation mechanism for commercial corridors throughout the county, the

1 Columbia Mall and some of the surrounding property owners volunteered themselves to
2 be guinea pigs for the first implementation along Two Notch because they thought that
3 the overlay was such an innovative mechanism to encourage redevelopment. The
4 discussion that has taken place in the New Castle/Trenholm Acres master plan presents
5 the same type of challenges and opportunities that was discussed along the Decker
6 corridor. I don't think, I'm quite positive that the mall was suggested in both plans as
7 retail with an opportunity for some mix of uses so.

8 MR. PALMER: You say some of the surrounding out parcels. Who have you
9 talked to and who's in agreement with it?

10 MR. KOCY: I was at a meeting with Charlie –

11 MR. PALMER: Gwen?

12 MR. KOCY: - the manager for the mall.

13 MR. PALMER: Charlie Gwen?

14 MR. KOCY: Right. Mr. Gwen. I don't know specifically with the property owners
15 but it was a very favorable response. Again it's optional. We're not forcing anybody to
16 do anything.

17 MR. PALMER: Right.

18 MR. KOCY: We're giving them some options and there are some property
19 owners around the mall that were interested in an opportunity to take advantage of
20 options.

21 CHAIRMAN MANNING: As far as the neighborhood meetings for [inaudible]
22 New Castle when did you say those occurred?

1 MS. RUTHERFORD: New Castle was held in December 2007, at Columbia
2 Place Mall.

3 CHAIRMAN MANNING: Typically we have had representatives of the
4 Commission attend [inaudible]. Did anybody from the Commission [inaudible]? Were
5 we notified? I mean I could have gotten ten of them in a tent, I'm not -

6 MS. RUTHERFORD: [Inaudible] like that.

7 CHAIRMAN MANNING: Okay. So you were noticing everybody?

8 MS. RUTHERFORD: Right. In the newspaper about that [inaudible]. We'll add
9 you all to all of our future mailings so you'll get direct mail as well.

10 CHAIRMAN MANNING: Okay.

11 MR. PALMER: Yeah. I like the idea of kind of designating a Planning
12 Commission member who would volunteer to [inaudible].

13 MS. CAIRNS: Designate a volunteer, hey?

14 MR. KOCY: We've got three committee meetings next week, Monday night,
15 Tuesday night, and Wednesday night if anybody's interested.

16 CHAIRMAN MANNING: Are they all for the same area?

17 MS. RUTHERFORD: Trenholm Acres/New Castle, Monday, the 12th. Crane
18 Creek, Tuesday, the 13th. Candlewood, the Wednesday, the 14th.

19 CHAIRMAN MANNING: And these are scheduled master plans -

20 MS. RUTHERFORD: Master plans.

21 CHAIRMAN MANNING: - under the neighborhood?

22 MS. RUTHERFORD: They're all at 7:00 p.m.

23 CHAIRMAN MANNING: Could you all email all us those dates?

1 MS. RUTHERFORD: Yes.

2 CHAIRMAN MANNING: Okay. Okay. Any other discussion? I don't know
3 [inaudible] something out there?

4 MR. PALMER: I really wish we could have a meeting in two weeks or in, or so to
5 get a hold of, for me to go to talk to these property owners because, I mean, if you could
6 tell me who you talked to, but I mean, it doesn't sound like that you've actually talked to
7 anybody. It sounds like you talked to Charlie and Charlie said he talked to people.

8 MR. KOCY: I talked to Charlie and a couple of his colleagues. If you'd like to
9 take out the square of the mall and we could put it back in when we do the New Castle
10 master plan, that's fine.

11 MR. PALMER: I wouldn't have any problem putting it in next week if I could, next
12 month if I could talk to these people.

13 CHAIRMAN MANNING: Mr. Kocy? Charlie Kahn is here [inaudible].

14 MR. KAHN: I just know that he has talked to me about it.

15 CHAIRMAN MANNING: Y'all had some discussion?

16 MR. KOCY: Oh, yes.

17 MR. KAHN: I'm Charles Kahn, 118 Sims Avenue. He has talked to me about it.
18 We have the property at, well it's Hunt Club Road but it shows up on here as O'Neil
19 Court at Decker. We have a few parcels there that actually aren't – I didn't realize that
20 they were fully in the floodplain as it shows here. So that the overlay doesn't do us a lot
21 but we're going to have to – we'll take a look at that and have it resurveyed perhaps.
22 But they have, he's contacted me on a few occasions to get our input on it and we're
23 anxious to see what comes of it.

1 MR. PALMER: I appreciate that, Charles, but that doesn't but don't have
2 ownership in the mall anymore?

3 MR. KAHN: No. Well CBL [inaudible] we're shareholders of CBL.

4 MR. PALMER: Yeah. But that's the only piece that I have any concern about
5 because it's a late addition and it's not just the mall that we're dealing with with CBL, it's
6 each of these individual people all the way around it, you know, Charlie may be in favor
7 of it. CBL may be in favor of it. I don't know. That's the only problem I've got with it.

8 CHAIRMAN MANNING: I guess, you know, from – it's unfortunate we've got a
9 mix and match in here. It would have been easier, a lot easier if we had the master plan
10 and the corridor [inaudible] Decker [inaudible]. With that being said there's not a down
11 side for the optional overlay I really don't have a problem with it. I think the master
12 plan's going to come back to us. We can adopt it up or down. If they don't like it they
13 can stay out of it I guess. I don't like the fact that we have urged the process obviously
14 took a long time to get here and we're here now and then all of a sudden it's something
15 different so I guess that is my only complaint about it is [inaudible] master plans
16 [inaudible] they are to be separate. They're not supposed to be a boilerplate template
17 that everything's going to be the same, you know, standards [inaudible] process. Each
18 neighborhood is unique so I do have a little bit of a problem with that but it's optional
19 [inaudible].

20 MR. PALMER: It's not even cohesive. I mean, you know, we took what the
21 consultants had all along in my, had all along talked about the Decker Boulevard
22 corridor, come up with the renderings. We got the community meetings with the
23 Woodfield Park. This is what we want Decker Boulevard to look like and then all of a

1 sudden we come up here and we just grab Columbia Mall but we don't take the stuff in
2 the middle between Columbia Mall and Decker so we're going to end up with this plan
3 that includes Columbia Mall here. This little shoot's going to look like maybe something
4 else and then back behind Columbia Mall. I don't know.

5 MR. ANDERSON: Did Columbia Mall not want to be involved in the Trenholm –

6 MR. KOCY: They are participating in the Trenholm Acres plan.

7 MR. ANDERSON: They are? I just have a, I mean, I as Chairman Manning was
8 saying and Mr. Palmer, I just – so we could take that out?

9 MR. KOCY: You can take that out.

10 MR. ANDERSON: And have some input?

11 MR. KOCY: And in three or four months we'll be providing you with an
12 opportunity to put back in as we extend the overlay district along Two Notch. That's
13 fine.

14 MR. ANDERSON: Okay. I don't have a, I would prefer that just – that's a lot of
15 pieces of property. It is.

16 MR. GREEN: Do we have to vote on something today?

17 MR. KOCY: I'd like to.

18 MR. PALMER: I make a motion to send this forward to Council with a
19 recommendation of approval excluding the square where Columbia Mall is.

20 MR. KOCY: Stopping it at Two Notch?

21 MR. PALMER: Correct. Two Notch to – for the plan to only include the parcels
22 on this map between Two Notch and Percival Road.

23 MR. ANDERSON: I'll second.

1 CHAIRMAN MANNING: We have a motion and a second. Do we need to clarify
2 for the Record which parcels those are? Is it one or is it –

3 MS. RUTHERFORD: It will be clarified [inaudible].

4 MR. PALMER: You sure?

5 MS. RUTHERFORD: Yes. [Inaudible]

6 MR. KOCY: We'll revise the map and we'll revise the parcel listing and they'll be
7 the same.

8 CHAIRMAN MANNING: We have a motion and a second. All those in favor
9 please raise your hand. All those opposed?

10 *[Approved: Cairns, Murray, E. Ward, Palmer, Anderson, Manning, Green, Furgess;*
11 *Absent: E.M. Ward]*

12 CHAIRMAN MANNING: Thank you.

13 MR. KOCY: Thank you.

14 CHAIRMAN MANNING: Last on the agenda we have a change to a road. Ms.
15 Carter? I was not sure who -

16 MR. PALMER: We got to do one for the road, name change and for the
17 approvals?

18 MS. ALMEIDA: Yes.

19 MR. PALMER: I make a motion for the name change.

20 MR. GREEN: Second.

21 CHAIRMAN MANNING: We've got a motion and a second. All in favor? All
22 opposed?

1 *[Approved: Cairns, Murray, E. Ward, Palmer, Anderson, Manning, Green, Furgess;*
2 *Absent: E.M. Ward]*

3 CHAIRMAN MANNING: Somebody want to make one on the –

4 MR. FURGESS: I make a motion we adjourn.

5 MR. PALMER: I make a motion to approve road names.

6 CHAIRMAN MANNING: We've got a motion to approve road names.

7 MR. GREEN: And subdivision names?

8 MR. PALMER: And subdivision.

9 MR. GREEN: Thank you, sir.

10 MR. FURGESS: Second.

11 CHAIRMAN MANNING: We've got a motion and a second. All in favor please
12 raise your hand. Opposed?

13 *[Approved: Cairns, Murray, E. Ward, Palmer, Anderson, Manning, Green, Furgess;*
14 *Absent: E.M. Ward]*

15 CHAIRMAN MANNING: And we need one more. Motion to adjourn.

16 MR. FURGESS: I make a motion that we adjourn.

17 CHAIRMAN MANNING: We are adjourned.

18
19 *[Meeting adjourned at 2:45 p.m.]*