

RICHLAND COUNTY PLANNING COMMISSION

October 6, 2008

1
2
3
4
5 *[Members Present: Heather Cairns, Julius Murray, Enga Ward, Christopher Anderson,*
6 *Deas Manning, Elizabeth Mattos-Ward (in at 1:15), and Wes Furgess; Absent: Patrick*
7 *Palmer, Eugene Green]*

8
9 CHAIRMAN MANNING: Let's call the October 6, 2008 Planning Commission
10 meeting to order. I need to read into the Record at this time the public announcement.
11 "In accordance with the Freedom of Information Act a copy of the agenda was sent to
12 radio and TV stations, newspapers, persons requesting notification, and posted on the
13 bulletin board in the lobby of the County Administration Building." I think everybody's
14 gotten a copy of the September Minutes. Are there any changes?

15 MR. FURGESS: Mr. Chairman, since there's a large crowd in here, Mr.
16 Chairman -

17 CHAIRMAN MANNING: Right.

18 MR. FURGESS: - let's make an announcement that we'd like for you to cut off all
19 electronic devices, cell phones, whatever you might have beeping, going off at this time,
20 please.

21 CHAIRMAN MANNING: Can ya'll hear that?

22 AUDIENCE: No.

23 CHAIRMAN MANNING: We'd like for you to cut off all cell phones, any beepers,
24 anything that might create an interruption to the meeting.

25 MR. MURRAY: Take your guns outside, put them in the car.

26 CHAIRMAN MANNING: I think a copy of the Minutes have been passed around.
27 I do have one change in the Minutes myself. On page 51, it refers to Chairman

1 Manning saying that he is recusing himself regarding the Roper Pond issue and that
2 was Mr. Green, and he is not here today.

3 AUDIENCE: We can't hear you, sir.

4 CHAIRMAN MANNING: Can anybody do anything with the PA system?

5 MS. ALMEIDA: We will have somebody go downstairs and have some, a
6 technician come upstairs.

7 CHAIRMAN MANNING: Sorry you can't hear us but we'll try to get that corrected
8 in just a second. Please bear with us but we're going to go ahead and start the
9 meeting.

10 MR. ANDERSON: Mr. Chair, I make a motion that we approve the September
11 8th Minutes with the changes on page 51, reflecting that Mr. Green, on line four, made
12 the comments regarding recusing himself from Roper Pond.

13 CHAIRMAN MANNING: We have a motion. Do we have a second?

14 MS. WARD: Second.

15 CHAIRMAN MANNING: All in favor please raise your hand. All opposed?

16 *[Approved: Murray, Ward, Anderson, Manning, and Furgess; Abstained: Cairns;*
17 *Absent for vote: Mattos-Ward]*

18 CHAIRMAN MANNING: Minutes passed. Do we have any Agenda
19 amendments?

20 MS. ALMEIDA: Yes, Mr. Chairman. We have several. I will begin by identifying
21 those map amendments that have been deferred. We've had a request for 08-26
22 Hallmark Homes to be deferred to the next Planning Commission meeting. Case No.
23 08-34 University Suites to be deferred to the November Planning Commission meeting.

1 I have been requested at your pleasure, at the Board's pleasure, to see if the text
2 amendment under Chapter 26, Storm Water could be moved up on the Agenda behind
3 New Business immediately following Roper Pond appeal.

4 CHAIRMAN MANNING: And that is the ordinance on 101?

5 MS. ALMEIDA: Correct. I have a correction on Case 08-28. The TMS sheet
6 number should read –

7 CHAIRMAN MANNING: That is on which one?

8 MS. ALMEIDA: 08-28.

9 MS. CAIRNS: Page 75.

10 MS. ALMEIDA: Page 75. The tax map number should read 20500-04-03/01, not
11 dash. Another case, 08-29, page 83. The tax map number should read 20500-04-01.
12 Everything else should be omitted.

13 MR. ANDERSON: 0500-04, say that number again, please.

14 MS. ALMEIDA: 20500-04-01. I have also been asked to add to the Agenda
15 under Neighborhood Planning b., Woodfield Park Text Amendment and Map
16 Amendment. And those are all the modifications.

17 CHAIRMAN MANNING: Okay. As far as amending the Agenda to move the
18 storm water ordinance ahead of the public hearings, I would not be in favor of that in
19 that we have a large crowd here today for nine rezonings, now seven, and I think that
20 would be inappropriate at this late point to do that. Anybody have any other problems
21 with the amendments?

22 MR. MURRAY: Negative.

23 CHAIRMAN MANNING: Okay. We're going to defer the ones we talked about?

1 MS. ALMEIDA: Yes, sir.

2 CHAIRMAN MANNING: At this point in the Agenda we're going to take up the
3 Roper Pond appeal, and I wanted to talk about a few procedures as it relates to how
4 this meeting will be run today. Obviously we're here to gather technical information in
5 regards to the decision that was made by the Development Review Team granting a
6 permit on Roper Pond. We will basically try to contain our discussion to the issues that
7 are up for appeal. We will begin with the Staff Report. We will then ask some legal
8 guidance on a couple of issues, primarily zoning and options that are available to the
9 Commission today. Then we're going to ask questions of the Staff and legal and then
10 we'll go to the public comment section of the meeting. I'm going to ask that the 11
11 appellants go first regardless of where they are on the sign-up sheets. I will call your
12 name or somebody will call your name out first. We will then go to any other interested
13 parties who would like to comment. We may have discussions of questions during that
14 comment period with the appellants and then we will ask that the applicant who
15 received the permit conclude the public comment period or any of his representatives.
16 As I said earlier, we want to contain the discussion to the merits and the facts of what
17 the appeal is about. I know that this is an emotional issue for a lot of people and I
18 understand that but we do have to limit discussions to the appeal. You may or may not
19 know that the Planning Commission was not involved in that decision making process.
20 We do not approve the permits. We're only here to gather information from you, the
21 facts from you to determine whether DRT erred in their decision. I have asked the
22 neighborhood if they had somebody they would like to summarize their position on the
23 appeal to begin with. I was told that that was not the way they wanted to do it so

1 basically what I'm going to do is allow Senator Lourie and Representative Joan Brady to
2 make some comments to begin with and then we'll follow up with the applicants. At that
3 point I'm going to limit the discussion to two minutes. The applicant on the appeal will
4 have ample time to make their rebuttal since we have so many comments being made
5 from the appellants' standpoint. This is not a hearing on questions. You do not need to
6 ask the Commission questions. You need to present facts to us so that we can make a
7 determination of whether there was something right or wrong with their permit. As I said
8 we've gone through, I think everybody's received copies of the DRT meeting Minutes
9 and a lot of questions were asked there and that was the appropriate place. So with
10 that said I'm going to allow Ms. Brady and Senator Lourie to come down and speak and
11 then I'll call out the names of the appellants. Excuse me, excuse me, excuse me.
12 We've got a lot going on here. Bear with me for just a minute. I think what we're going
13 to do is go to the Staff and get the Staff to give us their report, then legal, then we'll
14 come back.

15 SENATOR LOURIE: It's hard to keep a senator away from a podium.

16 [Laughter]

17 CHAIRMAN MANNING: You looked like you wanted to get up there.

18 MS. ALMEIDA: Mr. Chairman, in your packet on page five you will see that Staff
19 has looked at the appeal request. The appeal letter was submitted in a timely fashion,
20 meets the requirement of the Richland County Land Development Code. All appellants
21 were adjacent property owners. You will see that the Development Review Team letter
22 and Staff Report is in your file. The aerial and a copy of the site plan is also in your file.
23 On page 10 and 11 is the actual conditional letter that was generated by the

1 Development Review Team. That meeting was held on August 21, 2008, and these are
2 conditions that must be met prior to a land development permit being issued. On
3 page 13 is the actual Staff Report. The parcel is currently zoned RM-HD, residential,
4 multi-family high density. The subject area is 12.75 acres. The applicant is proposing
5 204 multi-family apartment units and the location we have here is North Trenholm Road,
6 .2 miles south of Decker Boulevard. The applicant's name Roper Pond, LLC, Mr. Bob
7 Mundy. On page 15 is the actual site plan layout and the property was zoned
8 appropriately for the use and we are currently of course working with the applicant as
9 far as perfecting that site plan.

10 CHAIRMAN MANNING: Thank you. I do have some questions about your letter
11 to the applicant, conditional letter of approval. I think we'll take that up after we hear
12 from Ms. Linder. Ms. Linder, regarding the appeal are there any specific items in there
13 that are not appealable in the county's opinion?

14 MS. LINDER: Mr. Chairman, the – any questions about the proper zoning of the
15 property would be off limits. The property is zoned RM-HD and the Planning
16 Commission will have to accept that rezoning as well as with all the uses that are
17 allowed under that type of a zoning. So that portion of any kind of an appeal on the
18 property zoning would be off limits. Anything that has to do with the technical
19 requirements that the DRT reviewed, that could be brought up and brought to your
20 attention if there's any errors made by the DRT.

21 CHAIRMAN MANNING: Okay. So any issues dealing with say storm water or
22 buffers, parking, height requirements, landscaping, set backs, all of that is, is an
23 appealable item?

1 MS. LINDER: That is correct.

2 CHAIRMAN MANNING: Okay. Zoning is not, it was properly zoned in 2004 you
3 say?

4 MS. ALMEIDA: Correct.

5 CHAIRMAN MANNING: So the issue of compatibility, neighborhood
6 compatibility is really not relevant in this. I know it's relevant to you all but from the
7 appeal standpoint it is not relevant. Okay. Senator Lourie?

8 **TESTIMONY OF SENATOR JOEL LOURIE:**

9 SENATOR LOURIE: Thank you, Mr. Chairman and Members of the
10 Commission. First of all I appreciate the opportunity to be here. I don't come down
11 here often. I'd say in my 10 years of service I come down on average of about once a
12 year and I think the Staff knows me well enough to know that when I'm here, I'm here
13 about issues about protecting neighborhoods and residential integrity. And we have a
14 tremendous group here today and out of respect for your time and your consideration
15 we don't intend to have 60 or 70 people testify but just so you have some idea of the
16 growing nature and the growing opposition to this project I would just like a show of
17 hands the people that are here today in opposition to the Roper Pond project, if you
18 would just raise your hands. Thank you. I have the honor of representing the Town of
19 Arcadia Lakes but also I'm a resident of Arcadia Lakes and my family and I moved there
20 about 10 years ago. And what you'll hear today Mr. Chairman and Members of the
21 Commission, is you'll hear from different folks from our neighborhood that we believe
22 will present some very technical questions and issues that need to be reviewed very
23 carefully prior to this project moving forward. If this project is built it will forever change

1 the character of North Trenholm Road forever and I would just ask your patience.
2 They've prepared a lot of information for you today. Your patience in deliberating these
3 fine, very fine technical points and hopefully upon conclusion agree that we need more
4 time to make sure every "i" is dotted and every "t" is crossed. I just want to conclude by
5 thanking you for what you do. This is not an easy job. You've been asked to serve on
6 this Commission. As a fellow public servant I know there's a lot that goes along with it,
7 there are many hours, and there are tough decisions to make and the decisions that you
8 make affect the way Richland County will look for many years and decades to come and
9 I just want to tell you that I appreciate your service and consideration and your
10 deliberation today. Thank you very much.

11 MR. ANDERSON: Representative Brady?

12 **TESTIMONY OF REPRESENTATIVE JOAN BRADY:**

13 REPRESENTATIVE BRADY: Thank you, Mr. Chairman. My name is Joan
14 Brady. I reside at 151 Berrytree Lane in Arcadia Lakes. I have been a resident of
15 Arcadia Lakes for about 27 years. I currently represent the Town of Arcadia Lakes in
16 my House District, District 78, in the South Carolina House of Representatives. Prior to
17 that I sat in one of those chairs. Actually I've sat in several of those chairs when I
18 served on Richland County Council and represented the Town in County District No. 8.
19 And prior to that I was Mayor of the Town of Arcadia Lakes. So perhaps I come here
20 with a very – not only a strong background in the issues that face the Town but certainly
21 great concerns along with my friends and my neighbors as to the future and the integrity
22 of our Town. A little bit of background, and I will just take a few minutes because I think
23 it is very important and significant as you make your decisions. When I was Mayor of

1 the Town of Arcadia Lakes the property was then – in question – was then
2 Neighborhood Commercial and I know for the four years I served as mayor, the Council
3 and I worked very diligently to try to get that property annexed into the Town so we
4 would not be faced with the circumstances that we are faced here today and that is
5 obviously no real control over a piece of property that is right there sort of in the
6 doughnut of our town, the hole in the doughnut. We weren't successfully in getting that
7 piece of property annexed into the Town. I then, when serving on County Council, the
8 last six months of my term I was approached by then and now Mayor Rick Thomas and
9 Mayor Thomas said that the property, the Roper Family had sold the property and that
10 there was a proposal for an upscale high-end, residential development. They had made
11 a presentation to Town Council and I was asked to come to a community meeting of
12 Kaminer Station which is the adjacent neighborhood to this proposed project. At that
13 time we were shown, we being the Council members that the neighbors, people of
14 interest, a proposed project and it was just that. It was a high-end. I think they call
15 them English mews. They had stone facades and they were a combination of patio
16 homes and condominiums and, you know, while certainly I think we probably had hoped
17 it would be a single-family development moving forward, faced with the possibility of
18 commercial development that could have gone in there certainly this was a very
19 attractive alternative. And again I say it was a very high-end project. Because the
20 Town at that time did not have mixed-used zoning the mayor had spoken to the
21 developer, the developer expressed an interest to be annexed into the Town eventually
22 after it went through the county permitting and since the Town did not have the mixed-
23 used it was agreed that they would go through the county for their permitting and

1 rezoning, the rezoning. That occurred and I know the mayor and myself made
2 numerous calls to the developer over the next couple of months, maybe the next year
3 just finding out the progress and, you know, there was certainly a slow up on what was
4 happening. And the rest of us just drove by Trenholm Road and looked at the brown
5 trailer and the lily pad pond and just kind of, you know, wondered what was happening.
6 About two months ago I was called by the mayor and was informed that again the
7 property had been sold and this time the new project proposed was going to be a high-
8 density apartment complex, significantly, significantly different from the project that we
9 as neighbors and certainly I as an elected official had understood the project was going
10 to be in the first place, doubling the density from the original project. As the Senator
11 said, you're going to hear some very specific information questioning some of the
12 technical aspects of this permit but what I would ask you to keep in mind is what's
13 happened over the last two or three years in that area. There have been developments
14 in the Town and also in the county, Dent Middle School in particular and two other
15 residential developments that have had a significant negative impact on Cary Lake. I
16 resided on Cary Lake for 25 years and I've seen over the years the changes in the
17 water quality and the integrity of that lake. But I think this is what is really significant as
18 you consider this project. We have an inter-governmental agreement with the county,
19 the Town of Arcadia Lakes does, and with all due respect, you know, there's a certain
20 degree of monitoring that is anticipated from the county. For a variety of reasons and
21 I'm sure things haven't changed since I've been on County Council, I know that the
22 Planning Department is still probably terribly understaffed but having said that perhaps
23 the monitoring has not been done to the degree that we as a municipality within the

1 county would have hoped for. And most important is what is the recourse? There has
2 been damage. We'll see the proof today and it leaves the Town with little recourse after
3 that damage has happened other than entering in some sort of litigation. So we ask
4 that as we move forward – we can't change what's happened in the past but as we
5 move forward and not only on this project but on other projects, and I know you're
6 sensitive to really look at the environmental impact. Cary Lake is part of the very fragile
7 Gills Creek watershed that we all know about and I know the county's been very
8 supportive of and it is having an impact. So we ask that you listen to the testimony
9 today and I along with the Senator I feel your pain. As I said I've sat in those seats and
10 I do appreciate your time and we as a community appreciate your very serious
11 consideration because it affects all of our lives. Thank you.

12 CHAIRMAN MANNING: Thank you.

13 MR. ANDERSON: Thank you. Mayor Thomas?

14 **TESTIMONY OF MAYOR RICK THOMAS:**

15 MAYOR THOMAS: Good afternoon. I'm Rick Thomas, Mayor of Arcadia Lakes.
16 I live in 27 Huntwood Court. I'm registered civil engineer in the State of South Carolina.
17 I've been on Council with the Town of Arcadia Lakes for over 10 years and I have over
18 40 years of technical engineering experience. And I have some documents that I would
19 like to have put into the Record today if I may for you. Questions that we'll have as we
20 follow through and if I may? This copy is for the Record. As I say, I'm here today
21 representing our town, to voice of town's opposition to the Roper Pond project as it has
22 been currently presented to the county. You have on top of your packet of information a
23 unanimous Resolution from Town Council backing this recommendation. We also have

1 many technical questions. Time does not allow me to cover all the technical questions
2 so I have included in my packet of information for each of you questions and concerns
3 in writing and ask that they be entered into the permanent proceedings of this meeting.
4 Please let it be known that we are not against development. However we are against
5 development that we believe is substantially out of character for the Town, its
6 neighborhoods, and contradicts the purposes of the Town, of the Land Development
7 Ordinances of Richland County. If you would refer to the questions right after the
8 Resolution from the Town, I'll be addressing first, question number one. Why did the
9 county review committee not require an economic impact study to be run to determine
10 loss of property value to homes in Kaminer Station, Town of Arcadia Lakes, and homes
11 directly across Trenholm Road due to the development? Two, will the county accept
12 responsibility of any loss in value in these homes by their approval of this project? If
13 you go down to number five, the MPDES regulations and impaired waters. Richland
14 County as an MPDES phase one permittee which Ms. Brady referred to, the Town of
15 Arcadia Lakes we are co-permittee with Richland County, the county is required to pay
16 special attention to endangered waters. The Gills Creek floodplain of which the Roper
17 property project is a part is designated as impaired waters. Therefore Richland County
18 has the obligation to require special restrictions over and above current standards to
19 protect these waters of Richland County and the adjacent Town of Arcadia Lakes.
20 What has Richland County added to this project's restrictions, rules and regulations to
21 address this requirement? Also in light, number six, in light of the fact that Richland
22 County is under pending multi thousand dollars fines from MPDES rule refractions, will
23 the new more stringent storm water ordinance revisions under review today under

1 review today by the Planning Commission, will they be required to be followed by the
2 developer if they are approved by Richland County before the project breaks ground?
3 Also if you refer down to number 11, there's some error data discrepancies that we
4 found in the data presented by BP Barber & Associates. On page 53 with regard to the
5 Roper Pond elevations and associated surface areas under custom stage data for the
6 215' elevation states that is an area of 54,584 square feet. This area was used in their
7 flood quantity calculations. This area is not compatible with the surface areas
8 calculated for the elevations below and above that. Is the area data correct? If the area
9 data referred is not correct how will correct data affect the outcome of the report and
10 project with regard to MPDES and SWPPP rules and regulations? Now if you refer over
11 to questions 14, sewer conditions. The Town of Arcadia Lakes currently has 405
12 individual residences and no multi-family residences. In the past several years the
13 sewer lines in the North Trenholm area of Kaminer Station and the Town of Arcadia
14 Lakes have overflowed into our neighborhoods and lakes due to capacity carrying
15 issues. Will Richland County require studies to ensure that East Richland County
16 Public Service District sewer lines are adequate? If the sewer system is discovered not
17 to be adequate will the county require the developer to enlarge the sewer system to
18 handle the 50% increase in additional capacity needs and demand put on the system by
19 the additional 204 apartment units? And if the sewer issue is not addressed will the
20 county be responsible for any environmental damage caused by sewer overflows?
21 Thank you very much for the opportunity to be here today and I will turn any additional
22 questions over to Mr. Danny Hill, our consultant.

23 CHAIRMAN MANNING: Thank you.

1 MR. ANDERSON: Right now I'm going to call –

2 CHAIRMAN MANNING: Yeah. I think at this point in time we're going to go
3 ahead and call the –

4 MR. ANDERSON: - adjacent landowners?

5 CHAIRMAN MANNING: - adjacent landowners. Do all the appellants. There
6 are 11 I believe and then we'll take further testimony.

7 MR. ANDERSON: I'll call five and then if all five want to come in and line up
8 down here we'll go through it one time. Mr. and Mrs. Tom Shields? Mr. and Mrs.
9 Douglas Marks? Mr. and Mrs. Tom Utsey(?) Mr. and Mrs. Richard Thomas? Mr. and
10 Mrs. Larry Cook? If you would please state your name and address for the Record and,
11 so I can check to make sure we've had everybody heard.

12 **TESTIMONY OF DOUG MARKS:**

13 MR MARKS: My name is Doug Marks. I live at 31 Huntwood Court adjacent to
14 the project. We 11 [inaudible] are here represented would like to defer to the group
15 headed up by Mayor Thomas.

16 CHAIRMAN MANNING: So in other words you don't want to speak?

17 MR. MARKS: Not as a representative of the group that you just called.

18 CHAIRMAN MANNING: Well we were going to take – we had time to give a
19 summary that was – I asked somebody in the neighborhood if they wanted to do that. I
20 then allow two or three people to speak before the appellants. I wanted to hear from the
21 appellants. If somebody wants to summarize their position and then they come back
22 and have a two-minute time, input that'll be fine but realize that this is going to be

1 counted against their time. I mean, we just feel like we've got to move this thing
2 forward. So ya'll can –

3 MAYOR THOMAS: Point of order, Mr. Manning, we're, in other words I've
4 already spoken. I am an adjacent property owner.

5 CHAIRMAN MANNING: Right.

6 MAYOR THOMAS: Are you indicating that I would have additional time to speak
7 from the standpoint of the plan or -

8 CHAIRMAN MANNING: No. I'm saying that you are an appellant and you've
9 been allotted some time just like anybody else who is an appellant would be allotted
10 time. Then additional time would be allowed for any further conversations from
11 engineers, technical review, that kind of thing. We're going to listen to your comments if
12 they are in fact relevant to the appeal. Let me ask you this question. There's 10
13 people, there's eight people here that are listed as people that would summarize your
14 position.

15 MAYOR THOMAS: Yes, sir.

16 CHAIRMAN MANNING: Are you suggesting that those eight people speak and
17 then the appellant's not speak?

18 MAYOR THOMAS: Yes, sir.

19 CHAIRMAN MANNING: Okay. That's fine. The appellant's will have their
20 opportunity.

21 MAYOR THOMAS: We just wanted to present our case in the least amount of
22 time because I know ya'll's time is very important and we didn't want to –

23 MS. CAIRNS: Mr. Chairman, I just have one question -

1 CHAIRMAN MANNING: Okay.

2 MS. CAIRNS: - to ask Staff or whoever. Did we swear the body in? I'm not sure
3 that we swore everybody in.

4 CHAIRMAN MANNING: Do we need to?

5 MS. LINDER: That would be at your discretion. I don't believe you would need
6 to.

7 MS. CAIRNS: All right. My apologies.

8 MS. LINDER: It's a public hearing. It's not really testimony but it is a public
9 hearing.

10 MS. CAIRNS: This may be remembering my days on BOZA.

11 MS. LINDER: Sure.

12 MAYOR THOMAS: All right. So Mr. Manning, is - it's at your disposable. Can
13 we continue?

14 CHAIRMAN MANNING: Just go ahead with your reports and -

15 MAYOR THOMAS: Alright, so I was through with my report and the next person
16 we had - thank you.

17 CHAIRMAN MANNING: [inaudible] so we're going - is that for all 11?

18 MAYOR THOMAS: Yes, sir. And the next person on the questioning would be
19 Mr. Danny Hill, our consultant.

20 CHAIRMAN MANNING: Okay. That's fine. And I did want to make one
21 comment that there are, some of the information that you have provided us is in fact
22 presented [inaudible] that will show the DRT -

23 MAYOR THOMAS: Yes, sir.

1 CHAIRMAN MANNING: And I think we've already concluded that zoning is not
2 an issue.

3 MAYOR THOMAS: Yes, sir.

4 CHAIRMAN MANNING: As much as I, you know, understand that from people
5 who live in that area, the character of the new units that are gonna be there, other than
6 it relates to storm water and the technical regulations, I would ask that you try to stay
7 away from that.

8 MAYOR THOMAS: We will.

9 CHAIRMAN MANNING: And also not be repetitive.

10 MAYOR THOMAS: Yes, sir.

11 CHAIRMAN MANNING: Just for a matter of time.

12 MAYOR THOMAS: Thank you.

13 CHAIRMAN MANNING: Thank you.

14 MR. ANDERSON: I'm going to read four names and if everybody will come
15 down and just go in order. Mr. Danny Hill? Mr. Doug Maynor? Marks, excuse me. Mr.
16 Bob Bishop? Mr. Steve Brown.

17 **TESTIMONY OF DANNY HILL:**

18 MR. HILL: I'll go ahead while they're coming. My name is Danny Hill. I live at 46
19 Huntwood Court which is in Kaminer Station. I'm also the owner of Hill Engineering
20 Company and I think on the back of your package that Rick Thomas had given you
21 there's some minimal qualifications for my, you know, being the consultant for them and
22 I also live in the neighborhood. Anyway I have items three and four on the list that Rick
23 gave you. I basically have three statements to make. I reviewed the plans and the

1 design calculations and item number three and four, storm water rules and regulations.
2 The 9.9 acre disturbance is an approximation. It seems that this would be an exact
3 number due to the impact that a 10 acre disturbance would require sediment traps
4 instead of silt fencing for water quality requirements. Will the developer be required to
5 redesign if in fact the disturbed area is 10 acres or greater? The next is my response to
6 item seven and eight on that Arcadia Lakes list, water quality. The use of existing water
7 for the state for the first flush requirements is not acceptable. This will cause siltation of
8 the existing pond in light of the fact that silt fencing and [inaudible] protection around the
9 catch basins is the only soil erosion control structures being used. Will the county
10 require the developer to redesign to meet these requirements? My response to items
11 10 and 11 on your list, jurisdictional wetlands. Lowering of the permanent pond
12 elevations by 2.1' will have a significant impact on the existing wetlands due to the
13 draining of the wetlands area above the pond. Will the county require that the wetlands
14 impact permit be resubmitted with this information included? That's the end of my
15 segment. Thank you.

16 CHAIRMAN MANNING: Yes, sir. Mr. Hill, I've got a question for you though.
17 When you refer to the 9.9 acre disturbance are you referring to everything but the pond
18 or are you saying -

19 MR. HILL: I'm going by what's in the BP Barber report is plus or minus 9.9 acres.
20 You know, it looks to me like that number should be an exact number, you know,
21 because of the minimal requirements on a Storm Water Pollution Prevention Plan.

22 CHAIRMAN MANNING: Every permit you fill out from an engineering standpoint
23 is an exact?

1 MR. HILL: Well, I mean, 9.9, you know, could also mean 10, you know, and with
2 10 I think you would have to have some sediment traps to handle your water quality
3 requirements rather than just putting up a double row of silt fencing and that, that's my
4 question. I think that would be a, you know, a welcome safety feature.

5 CHAIRMAN MANNING: I understand.

6 MR. ANDERSON: I just have one quick question. The representatives of BP
7 Barber and the developer, if they could answer those questions when they come down
8 to the podium that would be greatly appreciated. Even though we really, as Mr.,
9 Chairman Manning spoke, we really don't want to ask questions at the meeting, we just
10 need the facts but if representatives from BP Barber could at least address those that'd
11 be great. Thank you.

12 **TESTIMONY OF DOUG MARKS:**

13 MR. MARKS: Mr. Chairman, ladies and gentlemen of the Commission, my name
14 again is Doug Marks. I reside at 31 Huntwood Court in Kaminer Station which is
15 adjacent to the Roper Pond property. I'd like to bring to your attention just a few of the
16 facts that we have related to questions 17 through 20 in the package that you have. In
17 17 and 18 we refer to the fact that information we've received from the Richland County
18 Sheriff's Department showing a rate of crime in the local apartment areas running at
19 something above 80% of that in single-family residences. We'd like to bring that to your
20 attention. In question 19, the plans that we have seen from the proposed project show
21 a maximum height of the buildings at around 50' which is above the 45' limit set by the
22 county. We'd like that addressed as well. And finally in question 20, we count on the
23 current plans roughly 30 parking spaces along the property line between Kaminer

1 Station and the Roper Pond property that would be facing into Kaminer Station property,
2 and we would like very much to ensure that proper lighting in terms of fencing, security,
3 those types of things are utilized so that those headlights from parking face in would not
4 intrude upon the property on the other side of the line. Thank you very much.

5 **TESTIMONY OF STEVE BROWN:**

6 MR. BROWN: Commission Chairman and Members of the Commission, my
7 name's Steve Brown. I'm a resident of Arcadia Lakes and I live on Cary Lake and I'm
8 here representing the 47 homeowners of Cary Lake as President of Cary Lake
9 Homeowners Association. And I would like to address item 13 on your list there. This
10 concerns the storm water that's going to be coming into Cary Lake from Roper Pond.
11 There's a 36" pipe there and according to Danny Hill, our engineer that's inspected that
12 for us or looked at this report for us that can carry the 100 year floodwaters but there's a
13 question about whether it's able to, the pipe that's currently there is new enough to do it.
14 The 36" pipe has to be in new condition or a new pipe to carry that water. It currently
15 now in a moderate storm we get floodwaters from the Roper property all out into
16 Trenholm Road and everywhere else. So it leads us to believe that the pipe is not
17 adequate or it's either damaged or clogged and just want to know if something, if there's
18 plans to maybe have a video inspection of that pipe to determine its capability of
19 handling that water and bringing clean water into Cary Lake not siltation and pollution.
20 That's our main concern is the storm water coming into the lake in that pipe. Thank
21 you.

22 MR. ANDERSON: Is Mr. Bob Bishop here?

23 AUDIENCE MEMBER: [Inaudible]

1 CHAIRMAN MANNING: I'm sorry. Could you come down and –

2 AUDIENCE MEMBER: I said I withdrew my statement. It did not fit within your
3 [inaudible] parameters [inaudible].

4 MR. ANDERSON: Mr. Palmer Freeman? Ms. Bethany Parlor? Mr. Elliott
5 Powell, and Linda Jackson.

6 **TESTIMONY OF PALMER FREEMAN:**

7 MR. FREEMAN: I'm Palmer Freeman. I am the attorney for the Cary Lake
8 Homeowners Association. And you've heard the concerns from our president and Ms.
9 Parlor's going to give you a little more detail. Just by way of background though we
10 were so encouraged when the Gills Creek survey began a couple of years ago that
11 finally something was going to be done to protect the water integrity and everything in
12 the whole Gills Creek basin if you will. But to date we've not seen any evidence that
13 there's been anything being done to protect the integrity of the waters in the lake. I
14 attached a copy of Ms. Starr's letter to the letter I sent to Mr. Kocy which points out the
15 degradation in the water quality and also points out the siltation that's continued to
16 come into our lake and will continue on. Ms. Parlor's going to give you a lot more detail
17 about that but I just wanted you to know that that's our main concern as lake residents.
18 We're losing our water quality and we're losing our water surface if you will. Bethany?

19 **TESTIMONY OF BETHANY PARLOR:**

20 MS. PARLOR: Hello. I'm Bethany Allen Parlor. I reside at 6744 Cary Lane. My
21 property could be considered adjacent to the property because the storm water drains
22 that flood into Cary Lake off of North Trenholm Road are within yards of my dock. I've
23 passed out some photographs that show the beginnings of Little Jackson and Jackson

1 Creek that come into the upper portion of Cary Lake. On the second photograph you'll
2 see the siltation based on the, as evidence to the shadowed areas. These are already
3 effects of heavy siltation. The third photograph is a photo of storm water pouring into
4 my neighbor's property off of North Trenholm Road. Those duck boxes and Cyprus
5 trees were part of our habitat and should be underwater. Notice the trash and the water
6 flow. The picture following that proves that the siltation has already filled part of his lake
7 having a direct effect of the quality of our water and on the value of his property quite
8 frankly. You will also see evidence of siltation, toxic runoff, algae, weeds, trash, oils that
9 have already begun to take over Cary Lake from overdevelopment and runoff, storm
10 water problems. The last two photographs are of an area in front of the Roper Pond
11 property. You will see that those driveways area already collecting water. I didn't get
12 this photo fast enough. The water was spilling out into Trenholm Road over the bike
13 path. And the last photograph is of Roper Pond which is a spring fed pond overflowing
14 its banks during a recent storm. Technically it is impossible to keep a spring fed lake
15 lowered to the standards they wish to lower it. You will also ruin wetlands but you've
16 heard that there are 12.75 acres on this property and that 9.9 will be disturbed. Three
17 of those acres are wetlands and should not be disturbed. The federal government has
18 been required, the EPA has been required to have low-impact development standards
19 in place by 2010 and I think that this county should follow that. The 9th US Circuit Court
20 of Appeals has required the EPA to set standards to control storm water saying that
21 they had not done enough to protect. So some of these standards are very, very
22 important for this ecologically sensitive area and they should be, the highest standards
23 should be implemented in this case. DHEC requires that owners maintain their ponds.

1 If this pond is supposed to be the only drainage area, the property owners are going to
2 have to maintain this pond and I guess we should give them notice that when they don't,
3 you know, someone's going to get sued.

4 CHAIRMAN MANNING: Duly noted. [Laughter]

5 MS. PARLOR: My appeal letter is the third from the last document in the packet
6 that was given you, to you by Arcadia Lakes and I would highly recommend that you
7 read it very carefully. There's not enough time to cover this all. But Gills Creek
8 watershed is on the list of endangered waters now. Cary Lake cannot – we hope we
9 won't be on that list but we will not have another chance to get on that list until 2009.
10 It's imperative that we test and perform proper testing. The Jackson Creek area has
11 been cited since 1996 as having siltation problems, you know.

12 CHAIRMAN MANNING: Okay. Would you answer one question for me? Have
13 you identified, these pictures show siltation most of them looks like it is I guess more in
14 and around Dentsville [inaudible] Arcadia Lakes. Has the pollutants and siltation been
15 identified up there? It doesn't appear that there's any down by Roper Pond. I know
16 your point it is maybe stressed out but do you know who is responsible at this point for
17 the pollution that ya'll are concerned about?

18 MS. PARLOR: In some cases it was because of the manner in which Dent
19 Middle School was allowed to [inaudible] subgrades. It did not meet some of the
20 minimum requirements and so some of this silt was due to Dent Middle School. What
21 you'll see if [inaudible] here's the old siltation at the top. This is Ashworth Pond right
22 now, Ashworth Place. These are \$800,000 houses. One house is being built. If you
23 can imagine what that is doing right now to Ashworth Pond that is what the rest of it's

1 going to look like. It is flowing into my cove and that is where – I have asked Staff to
2 forward you the email that contains a video of storm –

3 MR. ANDERSON: Could you speak into the microphone?

4 MS. PARLOR: Could you pass that around?

5 MR. ANDERSON: Sure. Absolutely.

6 MS. PARLOR: I asked Staff to forward you an email that contained a video of
7 storm water, a real short video clip and I'm – because I had Richland County Council
8 address this and the Conservation Commission address this but I did not have your
9 email addresses. And I'm unsure whether you got to see that. I have that video on my
10 laptop if you'd like to see it later. It is incredible evidence of the amount of water that is
11 coming off of Trenholm Road into our lake and without the proper protection our lake
12 will be ruined and it will be on the list with the rest of Gills Creek watershed. We asked
13 about green development. The developers purport that they will develop in a green
14 manner. However, there are no porous pavers suggested. We would need rain runoff.
15 When you talk about the water that's going to flow off of all the paved curbed surfaces
16 into Trenholm Road, you're also talking about a traffic situation that I don't believe DOT
17 was asked to address and that needs to be taken care of also.

18 CHAIRMAN MANNING: Thank you.

19 MR. ANDERSON: Bethany Parlor? I'm sorry, I'm sorry. Elliott Powell? And
20 Linda Jackson next, please.

21 **TESTIMONY OF ELLIOTT POWELL:**

22 MR. POWELL: Good afternoon Commissioner and Members of the Commission.
23 My name is Elliott Powell. I'm Chairman of the Gills Creek Watershed Association. I'm

1 here representing not only Cary Lake Association, also the 140,000 constituents that
2 reside within the watershed. Clarify one point that was made just earlier. Cary Lake
3 and Roper Pond are in the Gills Creek watershed. Gills Creek watershed is the largest
4 impaired urban watershed in the state. It's been cited by just about everybody in
5 municipalities who might have a hand in water quality as the model along with the
6 Saluda Basin to be focused on to clean it up and to take this model to the rest of the
7 nation. We have been in existence now for about a year, a little over a year. We were
8 established by the county. We have currently engaged BP Barber to do a management
9 plan which will be identifying hot spots throughout the watershed and then prioritizing
10 those hot spots for restoration. And then we're looking to unify all of the codes from
11 Lexington/Richland County and the municipalities that reside within those borders so
12 that we have unified property silt management, etc. And so being consistent it's much
13 easier for the community to report when they see violations. Many of these elements
14 are being engaged and have been engaged since the approval of this property but the
15 damage has not been done. I've included in the packets that I've just delivered you an
16 example of what has occurred downstream at Lake Katherine and I'd simply ask that
17 the Members of the Commission consider what the current proposed siltation
18 containment methods will result in. This damage to Lake Katherine was done primarily
19 from one location and there's 35,000 plus cubic yards of sand now that has to be
20 removed and I would recommend that the containment at the source is a much more
21 cost effective measure than removal of the sand once it gets into the watershed. We
22 know this from experience and we're trying to avoid this in the future. So we are
23 definitely looking to work with the developers of this project and any other projects

1 within the watershed to come up with better methods. The silt screens are not effective
2 and so as a result if the current methodology is employed our concern is that we will
3 very well end up in a nasty situation with legal action being taken to, at no other
4 alternative because of the cost, to remove the sand that's going to occur into Lake Cary.
5 Roper Pond is a spring fed asset to the watershed that will be used as a containment
6 pond according to the plans as we see them and so I am concerned about the loss of
7 that asset. Thank you very much for your time and we, again I'd like to impress upon
8 the fact that we're not here to say that we are opposed to development. We are here to
9 support the development but being done in a very smart way that does not damage the
10 watershed and that we continue this process throughout future developments within
11 Richland County. Thank you very much.

12 CHAIRMAN MANNING: Thank you.

13 **TESTIMONY OF LINDA JACKSON:**

14 MS. JACKSON: My name is Linda Jackson and I live at 6720 Kaminer Drive in
15 Kaminer Station. I've been asked to speak on behalf of all people and entities who
16 oppose the Roper Pond project. In light of the issues that have been presented we
17 respectfully ask that you postpone any decision on our appeal until you and other
18 county members have an opportunity to review all the information and the materials
19 which we have presented. I want you to know that everyone here and those that could
20 not be here appreciate your time and your attention to this matter which is so very much
21 important to all of us. Thank you.

22 CHAIRMAN MANNING: Thank you.

23 MR. ANDERSON: Mr. Lord?

1 **TESTIMONY OF LAYTON LORD:**

2 MR. LORD: Thank you. I'll be very quick. My name is Layton Lord. I'm the
3 attorney for the owner. We have our engineers from BP Barber up here which I'll bring
4 down to answer any questions that you have. We've tried to keep track of the questions
5 that have come along. I'll rebut a couple of quick things that were said. We agree that
6 this is not about zoning. It's properly zoned. Our proposed use fits within the zoning.
7 The rate of crime was brought up. That is not relevant to this project. This is a high-end
8 garden apartment much like 42 Magnolia. The crime rate there is the same if not lower
9 than most residential neighborhoods. It's not – you can't take the average crime rate
10 and apply that to all apartments. Height? It's a complicated issue on this property
11 because it slopes. Our architect has certified to us that from his professional opinion it's
12 45' and within the zoning code. As far as DHEC and the approvals go we fully
13 recognize that we have to follow all approvals necessary to get this project done and
14 ultimately we won't get our Certificate of Occupancy if we don't follow the law. And we
15 – my client can't be condemned by the sins of others in the past who have done things
16 to violate the watershed and these ponds. My client is prepared to follow the law. And
17 one thing that may be of interest. There's the right of the citizens to ask that DHEC look
18 at this even after the county has gone through it, and DHEC has informed us that they
19 will look at this. So this project won't only be looked at by the county, it's going to be
20 looked at by DHEC so it's going to get a second level of scrutiny. And with that I will
21 open it up to our engineers.

1 CHAIRMAN MANNING: Mr. Lord, you're basically saying that you are as a part
2 of the appeal process subjecting yourself to further review by DHEC that's not a normal
3 part of the process?

4 MR. LORD: I don't think I should say that we did that but the citizens have the
5 right to ask DHEC to review the MPDES permit and DHEC can either do that or not do
6 that. We've received the letter from DHEC saying that they're going to review the
7 county's work. So there's going to be a second level of scrutiny. And the other thing I'll
8 mention is, we have hired a sustainability consultant to help us with this project so we
9 are looking into those issues.

10 CHAIRMAN MANNING: Thank you.

11 MR. ANDERSON: Next on the list is Mr. Footer?

12 AUDIENCE MEMBER: [Inaudible]

13 MR. ANDERSON: Okay. Mr. Mundy?

14 AUDIENCE MEMBER: [Inaudible]

15 MR. ANDERSON: Okay.

16 MR. LORD: We're going to want our engineer to just answer any questions –

17 MR. ANDERSON: That's fine.

18 MR. LORD: - you all have about this [inaudible].

19 **TESTIMONY OF ISHMAEL OSBECK:**

20 MR. OSBECK: My name is Ishmael Osbeck. I'm with BP Barber & Associates.
21 We are the engineers for the project and again Jim Footer is the senior project manager
22 and I head the department and I'm overall responsible for it. I can answer specific
23 questions but mainly this project has been designed from the beginning to be sensitive

1 to the environment because we were very much aware of the water quality as well as
2 water quantity issues in that area. And again as you, one of your Members mentioned
3 that BP Barber is also a consultant doing the Gills Creek water quality surveying and
4 recommendations so they're very much, very sensitive to the environment. And again
5 we work with a variety of developers and architects and again we have specialists. We
6 have a whole group of division, environmental division to look into it. Water – again
7 several questions I guess such as this pond being spring fed. I'm not sure if it is spring
8 fed or not but it really doesn't matter as far as it will still be there. Somebody mentioned
9 about lowering the water surface level. Yes, we are going to lower it to increase or
10 create additional capacity for the water quantity mitigation. But at the same time we are
11 going to remove silt, sediment, and create additional silt holding capacity for the lake.
12 The lake is going to be there. It's going to be there, better maintained. It's going to be
13 there doing it's job it's always done and if there, if you'll remind of the questions I'll be
14 more than glad to answer the rest of the questions as far as traffic. We had a traffic
15 management study done.

16 CHAIRMAN MANNING: I do have some questions and some of the other
17 Commission Members may as well. Water quality's obviously a concern of everybody
18 in this room. And I'm wondering who do you measure water quality? What's the
19 criteria? Say this is clean water, it meets this standard or no it doesn't? How do you do
20 that?

21 MR. OSBECK: It's not the easy obviously. The soil engineers in here probably
22 can do a better job in explaining how you do it. But there are some criteria set by EPA,
23 DHEC, Richland County and so on. Some of them would say well you hold, as far as

1 sediment control for example, you have to withhold 80% of total suspended solids.
2 [inaudible] easy to measure. There are some other criteria and DHEC also states that
3 you have to hold –

4 CHAIRMAN MANNING: Say that one more time? You have to hold 80 -

5 MR. OSBECK: Yeah. Well 80% removal efficiency. There are different ways of
6 defining that, 80% removal efficiency. We obviously meet and exceed that. We do
7 have a precious lake; we want to protect it. That by itself is one of the biggest rain
8 gardens that they were talking about; green development, rain gardens, and all that.
9 And we're going to enhance that with additional vegetation around the pond so that will
10 do its function of holding that suspended solids longer. Water measure is again, you
11 know, hold it back and release it at a reduced level. We have been doing all of that and
12 meeting the requirements. I believe there was, Danny Hill mentioned that about 9.9
13 acres versus 10 acres. This is again a 13 acre site. We have a pond and wetlands.
14 That's really the absolute minimum amount. The reality's probably 9.5 or lower because
15 it had an odd acreage of well I'm not sure, correct me if I'm wrong. It's 12.9 something
16 acres. So we usually call it plus or minus because no one is exactly know how much of
17 that is going to be disturbed. We only guess at it. So we try to be conservative on that
18 number, and that includes your pond and wetlands. Obviously we cannot touch that.
19 But if necessary yeah, we [inaudible] more add to it such as buffers or trees. Was there
20 any other questions that I left out as far as -

21 CHAIRMAN MANNING: One other issue that was brought up was the piping
22 under Trenholm Road.

23 MR. OSBECK: Yeah.

1 CHAIRMAN MANNING: [Inaudible] sufficient whether it lowered the lake,
2 whether it was going to be achieved sediment protection and so forth, how do you
3 answer that question?

4 MR OSBECK: Yeah. One of the measures of water quantity mitigation is we
5 cannot exceed the peak rate of runoff prior to the development. So we do the
6 calculations so that we don't exceed that. We modified the outlet structures in this case.
7 We are going to redesign the outlet structure and as far as, I don't believe we've looked
8 into the materials [inaudible] somebody mentioned it's an old pipe. We'll be more than
9 glad to check into it but that is really not going to be a major impact as far as the water
10 capacity of that pipe.

11 CHAIRMAN MANNING: There's a 36" pipe –

12 MR. OSBECK: Right.

13 CHAIRMAN MANNING: - in there. And when you add whatever runoff from this
14 project, whatever it creates –

15 MR. OSBECK: Right.

16 CHAIRMAN MANNING: - that 36" pipe will handle it and at what rate of
17 efficiency, is it 80% or is it 100%? How much capacity do you have in that pipe?

18 MR. OSBECK: Since we are going to be reducing whatever it used to go prior to
19 that. So whatever it used to go through there, with outlet structure modifications we're
20 going to restrict the flow to be less than what it used to go through that pipe. That's all I
21 can tell you right now. As far as the actual capacity of the pipe depends on a lot of
22 other factors not just the diameter. It depends as he mentioned about the quality
23 slickness of the pipe but more than that is the slope and what we call the head meaning

1 the available water pressure about that pipe. So it's not just one factor, one [inaudible]
2 factor. So we're confident that will carry it. If not whatever needs to be done we'll do it.

3 CHAIRMAN MANNING: You're confident you can make that work?

4 MR. OSBECK: [Inaudible] prepared. I guess I don't want to speak on behalf
5 [inaudible] replace it. That's what engineers do.

6 CHAIRMAN MANNING: As far as the wetlands, that issue was raised about the
7 disturbance of the wetlands. As I understand it you are using the wetlands as buffer for
8 sediment control, that is part of your system; is that correct?

9 MR. OSBECK: That's not correct, no. We're not using wetlands as buffers, no.
10 We're actually staying far away from the wetlands. That's an additional area, the buffer.
11 It's a natural buffer already. You cannot touch, you cannot disturb.

12 CHAIRMAN MANNING: So your runoff isn't going through the wetlands?

13 MR. OSBECK: It's going to go through it that's obviously, yes but -

14 CHAIRMAN MANNING: No great [inaudible]?

15 MR. OSBECK: Well that is the purpose of the wetlands to clarify, clean and
16 that's why we protect that so it does its job of clearing the water.

17 CHAIRMAN MANNING: One last question for me and then I'll [inaudible].
18 There's been some discussion about levels of protection you're providing whether it's
19 silt fences as well as rain gardens or other forms of sediment control. Are you all doing
20 anything above and beyond the minimum requirement in the Code [inaudible] what
21 would that be, if you are?

22 MR. OSBECK: Really I wouldn't qualify that above and beyond. I think we're
23 meeting all the requirements and it's very comfortably meeting or exceeding the

1 requirements. They're using the best management practices and they're trying to really
2 take advantage of that unique location and the wetlands and additional beefing up.
3 That is really satisfactory. If at any point somebody can suggest that you could use this
4 and we'll be – and again, we'll be more than glad to incorporate that. That's what, the
5 owners have given us full latitude to use any [inaudible] we really didn't see any
6 necessity. All our calculations show what they're doing is plenty. And again we're
7 going to go out and again monitor downstream and see what are the conditions right
8 now so that during construction and other activities that at no point that should leave the
9 site, sediment or any other pollutants. Currently I don't want to go out and say yeah
10 we're exceeding blah, blah. No. We've got a good design that meets all the
11 requirements.

12 CHAIRMAN MANNING: Thank you. Any other questions?

13 MS. CAIRNS: I have a question. This, I mean, there's been some discussion
14 previously and I think you touched on it a little bit about this, the threshold of 10 acres of
15 disturbed area. What's the requirement different if you're disturbing less than 10 versus
16 more than 10 acres?

17 MR. OSBECK: I think probably as Danny mentioned I don't think there's any
18 reason to keep it below 10 or not. If it exceeded 10 acres of disturbance we would have
19 incorporated sediment basins at which wouldn't make any different; we have plenty of
20 room to include that kind of stuff. But it would probably – it is not necessarily, that's
21 number one, and it can be easily accomplished if that was true. Let's assume that it
22 exceeded and needed a sediment water quality basin or what have you. And again we
23 have the biggest water quality basin is the pond and wetlands in its natural state.

1 MR. FURGESS: Sir, to change the infrastructure that, of this project that you
2 plan to put in are ya'll going to change the total infrastructure putting in new pipe or, you
3 know, whatever it needs so that the water can flow properly through that area, drainage
4 and everything else?

5 MR. OSBECK: There's nothing existing on the site. If you're referring to the pipe
6 that leaves the pond we are planning to make modifications to the outlet structure, not
7 the pipe leaving the pond. So then no there won't be any changes to that.

8 MR. ANDERSON: But when you say outlet structure, elaborate on that.

9 MR. OSBECK: Outlet structure. Jim, do you have the modifications as far as –
10 outlet structure means that usually ponds discharge through a pipe or a box structure or
11 a standpipe and usually you would, as engineers we design sophisticated release
12 orifices. It could be several stacked round or different funny shaped things so that we
13 can meter and measure different type of storms. Let's say storms are, you know, I don't
14 want to get into too much detail giving you a lecture on storm water frequencies and so
15 on. I know one of your members, Enga, would be more than glad to get into that. But
16 there's a two-year storm, five year, 10 year and so. So you have to put different sizes
17 and different shapes of openings so that we meet the pre and post development runoff.
18 So I'm not sure exactly what – it will be a stand structure and I'm not sure, you know,
19 what the design is.

20 MR. ANDERSON: Okay. But as far as the water leaving only going into that
21 pond and from that pond elsewhere?

22 MR. OSBECK: Yeah. That will be going through that structure. I'm assuming
23 that's -

1 MR. ANDERSON: I just want to make sure it's not running off to the right or to
2 the left or back.

3 MR. OSBECK: Right. It will only be released through that pipe.

4 MR. ANDERSON: One question I did have as far as the buffers along the side of
5 Kaminer Station. As, in regards to the parking lot situation I guess I'm seeing a lot of
6 lights concentrating on one particular lot and I want to address the lighting concerns
7 because we actually talked a little bit about lighting, the light pollution. Has the
8 developer made any, have they had any talks with the homeowners as far as the
9 lighting issues go? I know that's not necessarily a huge issue but it was brought up. I
10 mean, I can just see one area where it just Vs into somebody's back yard.

11 MR. OSBECK: And again I can defer that to Bob. They've been working with
12 the Staff for quite some time on this project and on others. If you haven't, Bob, I'm sure
13 —

14 CHAIRMAN MANNING: They can come back down in just a few minutes.
15 There's probably a few more questions for Ishmael and at that point you can come
16 down and answer Mr. Anderson's question. Any other concerns or questions related to
17 the storm water? Did BP Barber also do the sewer design?

18 MR. OSBECK: Yes. BP Barber did the water, sewer, and again, wetlands and
19 all engineering components.

20 CHAIRMAN MANNING: And there were questions raised about sewer backup in
21 the neighborhood [inaudible] East Richland, is that a capacity problem? Is that a design
22 problem in another neighborhood? What seems to be causing that problem?

1 MR. OSBECK: As far as we've designed it and it's been reviewed and approved.
2 We do have an approval for that. I'm not aware of any problems or restrictions at this
3 time.

4 AUDIENCE MEMBER: We did request that [inaudible] backup [inaudible].

5 MR. OSBECK: Did they respond to you?

6 AUDIENCE MEMBER: [Inaudible]

7 MR. OSBECK: Okay.

8 CHAIRMAN MANNING: Would you come down and address the Commission
9 please, sir?

10 **TESTIMONY OF JIM FOOTER:**

11 MR. FOOTER: I'm Jim Footer with BP Barber. Yeah, we requested East
12 Richland [inaudible] transferred some emails and phone calls back and forth so we're
13 actually still in the process of that but we do have a DHEC, we do have a DHEC permit
14 for the project.

15 MS. WARD: So then East Richland has agreed to accept the flow from this
16 project?

17 MR. FOOTER: Yes.

18 CHAIRMAN MANNING: And the problems that the neighborhood is referring to
19 are not capacity problems or design problems in the other neighborhood?

20 MR. FOOTER: Really I don't know exactly what the problems are. Other than
21 I've heard that they're backing up and we've passed that along to the sewer provider.
22 Our design is not, from what we know, is not, you know, causing a capacity issue.

1 CHAIRMAN MANNING: Okay. Thank you. Any other questions to these
2 gentlemen?

3 MR. ANDERSON: Yeah. The lighting issues I'd like to hear a little bit more
4 about the lighting issues.

5 **TESTIMONY OF BOB MUNDY:**

6 MR. MUNDY: Good afternoon. I'm Bob Mundy with Estates Management
7 Company. We do have a photometrics survey here done by a lighting company. There
8 will be thick vegetation and some knee walls throughout the property if not higher that
9 are already through natural topo that will shield any type of car lights that would shine
10 through. And the photometric will not cross the property line. Light pollution will not go
11 over property line. We developed in Buckhead in Atlanta, throughout the Southeast, on
12 the peninsula in Charleston, Charlotte. We are very sensitive to any conditions of light
13 pollution.

14 MR. ANDERSON: So, when you refer to the knee wall is that a natural buffer or
15 is that a created fence?

16 MR. MUNDY: It would be some of both because of the topo. I think that building
17 that you looked at the back we've worked very hard and some of the designs had
18 buildings and townhouses that were all the way down the property line. We've been
19 able to confine that to one small area and that property is four to five feet lower into the
20 ground, then there's a wall behind it which you really can't tell from the plan there. That
21 wall will work down the site and then the natural buffers as well would alleviate any type
22 of lighting through car headlights or other that would come through.

23 MR. ANDERSON: Thank you.

1 MS. CAIRNS: I have a question for Staff if I can real quick. Is there a
2 requirement that they put up a fence between the apartments and the single-family
3 homes?

4 MS. ALMEIDA: No, there's not.

5 MS. CAIRNS: Do they not have one when it's an internal? Don't we have
6 fencing requirements between different densities like that?

7 MS. ALMEIDA: We do if, if it's compatible as far as – if it's determined that it's a
8 type D buffer which is a more intense use. You will not have that in our buffer
9 requirements A through C which are mostly residential in nature. So, no, the answer to
10 your question is there is no required fencing. There is required lighting requirements
11 which require shielding. There are requirements for, you know, shielding cars, parking
12 lots from residential structures and of course our requirement as far as buffering goes
13 it's a minimum of 10'. And we do encourage that applicants try to exceed that as much
14 as possible.

15 CHAIRMAN MANNING: Mr. Mundy, the three lots that back up to the large
16 parking area that Ms. Cairns [inaudible] explain that to me one more time. There is a
17 retaining wall at the back of those parking lots?

18 MR. MUNDY: Could I approach and tell me –

19 CHAIRMAN MANNING: Explain to us.

20 [Inaudible discussion]

21 MS. LINDER: Mr. Chairman, is it possible to go on the mic with the
22 conversation?

23 MR. ANDERSON: Yeah, yeah.

1 MR. MUNDY: Okay. Can you hear me?

2 MS. LINDER: Yes.

3 MR. MUNDY: There's been discussions with neighbors about how to
4 successfully screen this as well over and beyond what might be required. There is a –
5 this building, building six is five feet below the ground so it's – this is only a two-story
6 building. It may be actually shorter than some of the houses next door and it is five feet
7 below the grade now presently because this will be graded out and lowered. There's a
8 30' fall across the property so. But the, there's a wall here and we've talked about this
9 with the neighbors and it would have to be more of a neighbor agreement I believe
10 because we're trying to save several trees along this property line as well that are fairly
11 substantial trees. There's an intense, more than required landscape buffer that we are
12 putting in to make this certainly a green buffer here as well.

13 MR. ANDERSON: Well, when you say more than required, elaborate a little bit
14 more on this particular [inaudible].

15 MR. MUNDY: Through this whole property line.

16 MR. ANDERSON: Okay. And that's the – that's I guess the berm for lack of
17 better words and this is the fence, right?

18 MS. CAIRNS: Excuse me ever so slightly but one of the things I have issues
19 with, first of all there's discussion going on on a drawing that can't be seen. Also we
20 were never given a drawing big enough to see anything that's being discussed in terms
21 of this level of detail. So, I mean, I don't have in front of me anything that let's me even
22 begin to understand what they're talking about but I would if I had a big enough drawing.
23 I mean, so I mean -

1 MR. MUNDY: I think we have drawings here that would be of scale.

2 MS. CAIRNS: Yeah. But I mean I, you know –

3 MR. MUNDY: We submitted those.

4 MS. CAIRNS: - we're given our packets [inaudible]. But also we shouldn't be
5 having a discussion at this, you know, [inaudible] table.

6 MR. MUNDY: That's fine.

7 CHAIRMAN MANNING: That's exactly, and I agree with you but I was trying to
8 get clarification on –

9 MS. CAIRNS: Oh, yeah. I want clarification. I agree.

10 CHAIRMAN MANNING: There's an area, so you'll understand what the question
11 was about, there's an area on the plat that the parking lot backs up to and we're trying
12 to get [inaudible] -

13 MS. CAIRNS: Do we not, can we flash anything up there?

14 CHAIRMAN MANNING: That area doesn't appear to have any retaining wall or
15 fence to me -

16 MR. MUNDY: Correct.

17 CHAIRMAN MANNING: - [inaudible] blocking the –

18 MR. MUNDY: That's right. But it does meet and exceed the requirements of
19 Richland County Planning.

20 CHAIRMAN MANNING: All right. Thank you. Any other questions of Mr.
21 Mundy? With that I think we will – is anybody else signed up to speak? With that we'll
22 conclude the public comments portion of the meeting. Any discussion [inaudible] Staff
23 [inaudible] any questions for Staff?

1 MS. WARD: Anna, regarding the lighting, is it there's some kind of requirement
2 that you don't have light intrusion on residential property?

3 MS. ALMEIDA: That is correct. We require that all shields be put on all lights.

4 MS. WARD: So you have zero admittance across the property lines.

5 MS. ALMEIDA: That is correct. And that was one of the conditions, a lighting
6 plan.

7 CHAIRMAN MANNING: I've got a question for Legal. Someone raised a
8 question do we have to consider future storm water regulations as part of our
9 evaluation? From a practical standpoint I would think the appeal would be based on
10 today not what may or may not happen in the future because those guidelines may
11 change that project down the road but from our standpoint, reviewing this from an
12 appeal standpoint would that be an element of the appeal?

13 MS. LINDER: In, regarding your appeal you need to take into consideration the
14 existing requirements of this development. What regulations are required by the county
15 and the state but not future requirements unless you've got something that someone
16 has applied an equivalent of a Pending Ordinance Doctrine which I am not aware of.
17 So what's – needs to be considered is what's currently existing, what those regulations
18 are.

19 MR. ANDERSON: So any future storm water management plans don't even
20 enter into the picture here?

21 MS. LINDER: Not at this time, no.

22 CHAIRMAN MANNING: Questions? Just to get the discussion going. I'm not
23 advocating, I'm not taking a position or anything at this point but to start the discussion,

1 you know, the points that were raised dealing with water quality seem to have met the
2 county requirement. You know, I'm not an engineer, a DHEC, PA, Richland County, all
3 those agencies are going to review that. I do have a feel that we need to go beyond a
4 shadow of a doubt and make sure this is going to work properly. Obviously there's
5 been discussion about litigation here. There has already been litigation in Richland
6 County concerning this issue and it wasn't pretty. So I would recommend that the
7 design go above and beyond. It doesn't mean that the appeal will be based on that, our
8 decision will be based on that but just err on the side of caution. The issues of
9 character are not really something that we can [inaudible] part of the Code although
10 there is relevancy to every one of you all who live there but that's not before us today.
11 The height requirement is going to have to be met. There's been testimony from
12 somebody today saying that it would be met, that it has been met. However, I am
13 concerned about this setback situation on the parking. If you were to live in those three
14 houses next to building number six, I believe it is, when you turn into that parking lot I
15 don't know how a 10' vegetative buffer is going to give enough, provide enough
16 screening to not impact those lots with [inaudible]. That could be fixed fairly easily I
17 would imagine. Beyond that I really don't have any [inaudible].

18 MR. ANDERSON: I have a question. So DHEC is coming out for a second time
19 to review everything for the storm water? The developer is going for – I just want to
20 understand the DHEC permit, why they're coming out twice.

21 MS. WARD: I think what they were saying is typically Richland County has
22 delegated review, so the county, Public Works [inaudible] plan and then basically they
23 just send a copy of the information to DHEC for their file because since they are

1 delegated review the county actually reviews the plans, not DHEC. But DHEC is also
2 going to review the same plans, calculations that Richland County has already
3 reviewed, to have like another fresh set of eyes on something, to check behind what the
4 county has reviewed and make sure it's in compliance.

5 MR. ANDERSON: Okay. And if there are any deviations it has to go back to the
6 lesser – I'm just saying if there are any – if DHEC on the second time finds anything
7 different with the set of plans as they are submitted what happens at that point?

8 MS. WARD: If the plans change?

9 MR. ANDERSON: Yeah.

10 MS. WARD: Well if the plans change it's got to go back to the county again for
11 review.

12 MR. ANDERSON: Okay. Okay.

13 MS. WARD: So they'll be looking at the same set of plans.

14 MR. ANDERSON: Okay.

15 MS. WARD: If there were any contradictions then they would go back to the
16 engineering firm and the developer and ask for some clarification as to why they had to
17 resubmit the document.

18 MS. CAIRNS: I have a question. It's sort legal and sort of for Staff in terms of,
19 you know, our role as the appellate body I guess for the decision made by Staff. Is it, I
20 mean, are we supposed to be finding issues of fact or just reviewing issues of law? I
21 mean, and I guess the other thing that I'm always baffled about this is that we're asked
22 to review what Staff has done but I don't ever feel like we're given what the
23 requirements were, how the applicant met them or didn't meet them other than this

1 letter which implies certain things weren't met but it's like, you know, it's not – I don't
2 quite understand exactly what our role is and how the documents that we're provided for
3 this meeting allow us to simply hear the, you know, because basically we've been given
4 by the appellants documents that appear to show potential not complying with, and yet
5 we've had the applicants come in and have their staff say, oh no, we've applied [sic]
6 with and are we deciding that they have or they haven't? Are we – which I, you know,
7 don't know if we're necessarily able to, I mean, are we simply, you know, I mean, I kind
8 of wish if the applicant has 10 things or 100 things they have to do that the Staff could
9 give us how they satisfied that or not. I mean, I just don't know how we have anything
10 to review to cause us to make a decision other than randomness.

11 MS. ALMEIDA: Well the Development Review Team conditionally approved the
12 site plan subject to all of these conditions and all of these other agency approvals.
13 Those revised plans are then sent back to engineering and other departments for
14 review. Now if there is refutable evidence from the property owners of course the
15 Planning Commission could request that those specific items be sent back to the
16 appropriate departments for re-review, for analysis and brought back findings to you.
17 As far as the role of the Development Review Team, we review it for our Land
18 Development Code and yes, we look at minimum standards. Those are the rules we
19 have to abide by. An applicant has the choice to go above the minimum standards but
20 those are the minimum standards. The role of the Planning Commission of course is to
21 review whatever evidence is given to you and then decide whether you want it re-
22 evaluated, brought back to you, or whether you're comfortable with the determination of
23 the Development Review Team to conditionally approve this application.

1 CHAIRMAN MANNING: In your conditional review there were some items still
2 pending [inaudible]? Lighting plans.

3 MS. ALMEIDA: Correct.

4 CHAIRMAN MANNING: Preservation of grand trees.

5 MS. ALMEIDA: There were 11 conditions, yes.

6 CHAIRMAN MANNING: All right. But all – in your letter back to the developer all
7 of those conditions have been met?

8 MS. ALMEIDA: No, sir.

9 CHAIRMAN MANNING: What is outstanding?

10 MS. ALMEIDA: All conditions are outstanding at this point. We have not
11 received revised plans.

12 CHAIRMAN MANNING: Oh, okay.

13 MS. MATTOS-WARD: If we - excuse me, Mr. Chairman, I need to be clarified on
14 something if we haven't received any notation that they have met the [inaudible] I don't
15 see how we can, you know, make an –

16 CHAIRMAN MANNING: A determination as to whether they are in compliance
17 [inaudible] the request for additional information, items that are sufficient for the appeal.
18 I mean, is it information that you need to know whether the appeal is premature or
19 they're in compliance? In other words [inaudible]

20 MS. LINDER: The ordinance that's guiding this appeal is found in 26-53 of the
21 *County Code of Ordinances* and I will read this part. "When an appeal has been made
22 to them," meaning you, the Planning Commission, "on a major land development, the
23 Richland County Planning Commission, after conducting the public hearing," which you

1 have done, “you may do one of three things. You may deny approval of the land
2 development permit, you may table the application pending submittal of additional
3 information, or you may approve the application for a land development permit.” It
4 sounds like the Development Review Team has conditionally approved it, the applicant
5 has not met the conditions yet, and so a land development permit is not being issued at
6 this time and is not the subject of this appeal.

7 CHAIRMAN MANNING: So are you saying that we just heard all this
8 prematurely?

9 MS. LINDER: Not necessarily because you have received information.

10 CHAIRMAN MANNING: But if the county is waiting on information from the
11 applicant to come back to be reviewed that impacts the items of the appeal why are we
12 here?

13 MS. LINDER: Because an appeal was submitted. But your option may be to
14 table this until the conditional, the conditions have been met and a land development
15 permit would then be issued by the county and then -

16 CHAIRMAN MANNING: But would – if a permit was being requested an appeal
17 came to the county and the applicant had not had a chance to submit all the final
18 information it appears to me that we’re jumping one step ahead of the, in the process.

19 MS. ALMEIDA: The Development Review Team –

20 CHAIRMAN MANNING: You hadn’t issued a permit?

21 MS. ALMEIDA: Absolutely not and we don’t unless there are no conditions. The
22 Development Review Team can conditionally approve a project subject to a number of
23 conditions. The only time in which a Development Review Team denies an application

1 is if there are so many outstanding conditions that we feel that an entire re-design would
2 be warranted. Usually our Public Works Department would get in touch with us and
3 say, this project has to go back to the drawing board or if the site is just poorly laid out
4 that we can't even work with it. That was not the case. The Development Review
5 Team reviewed it and made their determination and went to a vote and decided that
6 they would conditionally approve this. All conditions have to be met prior to a land
7 disturbance permit, a grading card. And that is what you're reviewing, whether the
8 Development Review Team made a good decision in conditionally approving this
9 project.

10 CHAIRMAN MANNING: Let me ask you this. The additional information that's
11 got to come back to the county does that impact our decision today? Will any of that
12 information have weight on whether their appeal is valid or not?

13 MS. CAIRNS: I think one thing that might help If you look at the, I mean, it
14 sounds like the issues today have largely been, I mean, the reviewable issues today
15 have largely been whether storm water controls and all of its associated parts have
16 been satisfied by code and then the lighting was the second one. The lighting is clearly
17 within the conditional issue so I don't think we can even address that. But I don't see in
18 the conditional approval any additional request of the county for the storm water issues
19 which would make me think the storm water plan had been approved.

20 MS. ALMEIDA: That is correct. That is a correct assessment.

21 MS. CAIRNS: So I guess what we could say is whether we believe that the
22 approval of the storm water plan is appropriate or not. Obviously –

23 MS. ALMEIDA: Correct.

1 MS. CAIRNS: - we can't rule on the lighting because the county hasn't even
2 approved the lighting yet.

3 MS. ALMEIDA: Correct. [Inaudible] regardless whether public works has
4 approved the plans until all the conditions are met. But, yes.

5 MR. FURGESS: Do you know how many conditions has been met?

6 MS. ALMEIDA: None.

7 MR. FURGESS: None?

8 MS. ALMEIDA: None. But our Public Works Department did approve the plan.

9 MR. OSBECK: I think I can clarify this, Mr. Chairman. We have already worked
10 with the Staff. All those conditions have already been ready, ready to submit the next
11 day. As far as the standard procedure that DRT gives us always, always conditionally
12 approvals with subject to certain number of requirements. Getting this approved, that
13 approved, that's always the case. So your question is did the Staff make the right
14 recommendation as far as giving conditional approval. So, no, we're not asking you or
15 we're not asking you approve or give us a permit, no. The conditional approval
16 meaning based on meeting the requirements they put on. So we've already prepared
17 and done but we could not submit those revisions because the process, the appeal was
18 submitted. So now you are at the point actually deciding if the Development Team
19 made the right decision of what they did. But we are ready. All the other subjects
20 already been ready to submit.

21 CHAIRMAN MANNING: What are your major conditions that have to be met, left
22 to be done that the appellant is saying was done in error? Is there any information in

1 that that either supports their case or, you know, negates what they've said or
2 [inaudible] otherwise?

3 MR. OSBECK: Not that I know of. Again, Public Works Staff is over here, they
4 have reviewed all our storm water plans and as far as we're concerned, I don't see any
5 of those items that cannot be met. Lighting, traffic.

6 MR. LORD: If I may. I think it might be helpful if the county's attorney advised
7 because I think the standard of review you have to find the lower bodies in error in order
8 to overturn their determination. As I understand it they made a determination based on
9 conditions which is the standard practice in Richland County and we've been trying to
10 work with Staff to meet those conditions and that's the way it's always done. And you
11 would have to have found that the way they did it is in error to overturn that
12 determination. But I'll defer to the county attorney because she's the expert.

13 SENATOR LOURIE: Mr. Chairman? Could I just interject one more moment?

14 CHAIRMAN MANNING: One more.

15 SENATOR LOURIE: Mr. Chairman, I'm probably the only member of my family
16 that's not an attorney. But it seems to me ya'll are faced with an impossible task. How
17 can you make a decision on our appeal when we don't even know that their conditions
18 have been met and they've had adequate time to meet them and submit those to the
19 Staff. And it just seems to me that you're put in a very difficult position today, a
20 challenging position, an indefensible position of ruling on our appeal when we haven't
21 even had a chance to see how they've met those conditions. I, you know, sometimes in
22 the legislature we call those adjourn debate [inaudible]. I'm not so sure that an adjourn
23 debate motion wouldn't appropriate here until we see how this plays out a little bit.

1 MS. CAIRNS: I mean, one issue about that those is that the, you know, in this
2 sort of summation of the issues by the neighborhood some of them are simply
3 nonreviewable and so, you know, they don't even really need our discussion. The ones
4 that – the lighting issue we've clearly said we're not going to make any determination on
5 that because that is not ripe. But the bulk of the concerns seem to be storm water.
6 There are no conditions listed in the list that have to do with storm water.

7 SENATOR LOURIE: Was there a condition about lighting?

8 MS. ALMEIDA: Yes.

9 MS. CAIRNS: Yeah. But we're not, I mean, obviously we can't, you know.

10 MS. ALMEIDA: And I'd like to make a statement. When we receive an appeal it
11 automatically stops any submissions, any reviews until the appeal is heard.

12 MS. CAIRNS: Right.

13 MS. ALMEIDA: So in essence I'm not quite sure if the applicant was ready to
14 submit or not but we do not review anything until the merits of that appeal are reviewed.

15 SENATOR LOURIE: Thank you, Mr. Chairman.

16 CHAIRMAN MANNING: This is a Catch 22. I mean, here we're being asked to
17 make a decision on something [inaudible] for the neighborhood is having to file an
18 appeal I guess to stop the process, information's coming in that, you know, we have not
19 had a chance to review. You've still got conditions out there and I know that that will be
20 either denied or approved at a later date. But it would seem to me that you would want
21 to have all the facts in whatever they may be before an appeal would ever be heard. I
22 know that's not what it says but it would seem to me it would serve the public a lot better
23 to have these issues [inaudible] talking about everything that was a condition.

1 MS. ALMEIDA: What it seems is that the minimum standards are not adequate
2 for the –

3 CHAIRMAN MANNING: There may be that question today, I don't know. But it
4 seems to me we are between what the minimum standards require and the
5 neighborhood appealing something that may be premature, you know. All the issues
6 may not have come back.

7 MS. MATTOS-WARD: Mr. Chairman, would I be out of order to say that we need
8 to table this?

9 CHAIRMAN MANNING: That's certainly up to you as a Commissioner and that
10 is one option that we have today before us. We have - if you could read those three
11 options to us again I'd appreciate it.

12 MS. LINDER: Planning Commission may deny approval, table the application
13 pending submittal of additional information, or approve the application for a land
14 development permit.

15 MS. MATTOS-WARD: Mr. Chairman, I would like to take this opportunity to table
16 this until we get the further requirements that need to be met in order to -

17 CHAIRMAN MANNING: Could you be specific in that so that the motion
18 [inaudible] information that we need.

19 MS. CAIRNS: There is one – I apologize to maybe just add to the motion. But
20 one of the things that I have felt that the community has raised an issue that I'm
21 concerned enough about and apologize that I don't know the details about this but this
22 10 acre disturbance level. Because if the applicant has offered there's 9.9 acres and
23 the threshold is 10 acres, you know. If it's 10.0 versus 10, that could be an, I mean, if

1 it's 9.9 but the rules says 10 then they've triggered the 10 because mathematically 9.9
2 is equal to 10 on, you know, on the whole. I was a math minor and I apologize to
3 everybody for that. But that makes that reviewable under the 10 so I do think that the
4 community has raised an issue about whether indeed this was reviewed under the
5 proper acreage and therefore whether the storm water detention offered was
6 appropriate. I think that that is something that I would like to hear from Staff as to
7 whether that was done accurately or not. But I think the issue about the lighting -

8 CHAIRMAN MANNING: So your question is if it's 9.9 or 10, are there different
9 standards that would apply on the different acreages?

10 MS. CAIRNS: Yeah. I mean, I feel that the - yeah, I mean, the public
11 documents have implied and I believe that the engineer offered there is some
12 difference, whether it's a significant difference or not I'm not making a decision on, but,
13 you know, I think that whether this needs to be reviewed as a 10 acre disturbance or
14 less than 10 acre disturbance I think is something that is relevant. Because if the rule
15 says 10 acres and it's a 9.9 then it ought to be ruled under the 10 because a 9.9 acre
16 disturbance is 10 unless it's a 10.0.

17 CHAIRMAN MANNING: So you want to know the difference of one but, you
18 know, how - I don't know [inaudible] determined whether it's 9.9 [inaudible] after we've
19 already heard the engineer say that his calculations are [inaudible].

20 MS. CAIRNS: Right. But if - I mean, if the rule says 10 acres and greater and
21 you come in and say I'm 9.9 you must round that up to 10. If the rule says 10.0 acres
22 then you don't.

23 CHAIRMAN MANNING: DHEC doesn't necessarily -

1 MS. WARD: You don't have to round up according to DHEC.

2 MS. CAIRNS: That's a mathematical anomaly but I believe you on that but I
3 think that but I also, you know, is 9.9, I mean, when it's that close to a threshold break
4 point and we've got, you know. That's something that I would like to specifically to hear
5 additionally and from Staff and I also think there's the problem with the fact that we're
6 not ripe on the issue of lighting.

7 CHAIRMAN MANNING: And so [inaudible].

8 MS. CAIRNS: Yeah. I'm going to agree with the motion to table but ask
9 specifically that they address the issue of the disturbance level.

10 CHAIRMAN MANNING: And so if we go back to the motion, the motion is to
11 table it until we get further information and that would be [inaudible] the reason I want to
12 be specific on this. I don't want this to be a goose chase down the road if this motion
13 passes and the applicant not know what he's got to go do. I want it very clear and very
14 specific and that information is going to be very clear and specific and if it comes back
15 to this Body then we going to take that up or be, or a whole new ballgame on the issue.

16 MS. WARD: If we table the appeal though can they go ahead and get their –

17 MS. ALMEIDA: Yes.

18 MS. WARD: - information back in?

19 MS. ALMEIDA: Yes. And I just want to make sure it is just those two items. The
20 difference in the review of the 10 acre disturbance and what the differences are versus
21 the 9.9 and of course the lighting plan which would meet all of the requirements and no
22 spillage to the adjacent properties.

23 MS. CAIRNS: There was the height. I guess –

1 MS. MATTOS-WARD: The height.

2 MS. CAIRNS: - the issue of the height of the buildings whether they've
3 conditionally, you know –

4 MS. ALMEIDA: Right.

5 MS. CAIRNS: - use that as a conditional [inaudible]

6 CHAIRMAN MANNING: So basically storm water.

7 MS. CAIRNS: I want to just double check my notes real quick.

8 MS. ALMEIDA: So the applicant must address the height of the buildings, the
9 lighting requirement, and the storm water?

10 CHAIRMAN MANNING: [Inaudible]

11 MS. WARD: Didn't the architect certify to the height?

12 MS. CAIRNS: Yeah. But the county, I mean, if at the end of the day we say,
13 yes, we need to have – we need to know that. It seems to me that all of the conditions
14 have to be met with specific attention given to – I mean, it does look like our code puts
15 everybody in a no win because, you know, the neighbors can appeal before the
16 applicant has an opportunity to even satisfy the conditional requirements. So I would
17 say let's have the applicant satisfy all the conditional requirements but also ask for, you
18 know, because they need to anyways before they can get –

19 CHAIRMAN MANNING: That goes without saying if conditional approval already
20 says these things have to be met.

21 MS. CAIRNS: I understand but our code says if we say yes at the end of the day
22 we are approving the permit –

23 CHAIRMAN MANNING: Well –

1 MS. CAIRNS: Unless we [inaudible].

2 MR. ANDERSON: Per those conditions, correct?

3 MS. CAIRNS: Yeah. I mean, can we back onto the approval of the conditions
4 and if so then yeah just address the things that have specifically been brought up.
5 Whichever way is fine with me.

6 MR. ANDERSON: If it comes back that it's, I don't know 10.7 in affected land
7 area, I'm hearing one thing from the engineers saying it doesn't make any difference.
8 So if we approve this right now, if it comes back at 10.7 it still goes through the
9 permitting process.

10 MS. ALMEIDA: Absolutely. It gets re-reviewed by –

11 MR. ANDERSON: Re-reviewed.

12 MS. ALMEIDA: - Public Works and DHEC.

13 MR. ANDERSON: Okay. And if that changes, if they have to change the format
14 it has to be back through DRT?

15 MR. FURGESS: Right.

16 MS. ALMEIDA: No. Just Public Works.

17 MR. ANDERSON: Just Public Works.

18 MS. ALMEIDA: And the DHEC.

19 MR. MURRAY: Just Public Works probably.

20 MR. FURGESS: Okay. Let's get this done.

21 CHAIRMAN MANNING: So the motion?

1 MS. MATTOS-WARD: I put in motion that we table until we get answers to all
2 the items and especially the storm water runoff, the lighting, and the protection of the
3 wetlands and the height.

4 CHAIRMAN MANNING: Well, a minute ago we discussed that acreage was a
5 concern, the light was a concern, the storm water, and now it's all the conditions. The
6 conditions are already known. They cannot approve, they cannot give a permit without
7 meeting these conditions. So that's not up for discussion at this point.

8 MS. MATTOS-WARD: Okay.

9 CHAIRMAN MANNING: What is up for discussion is the areas that we have
10 discussed that we need more information to make a determination whether the DRT -

11 MS. ALMEIDA: So do you want a determination from our Public Works
12 Department in their review of these storm water plans?

13 MR. FURGESS: Yeah.

14 MS. MATTOS-WARD: And the height.

15 CHAIRMAN MANNING: And we're going to want, we're going to need further
16 information on the lighting.

17 MS. ALMEIDA: Sure.

18 CHAIRMAN MANNING: Anything else?

19 MS. CAIRNS: Was not the building height within that same bailiwick?

20 MS. ALMEIDA: Yes.

21 CHAIRMAN MANNING: Has somebody written that all down?

22 MS. ALMEIDA: Yes.

23 CHAIRMAN MANNING: Would you like to read it back to us?

1 MR. MURRAY: It's on tape.

2 MS. ALMEIDA: So the item is tabled until such time as – well we get some sort
3 of feedback from our Public Works Department on their review of storm water, that the
4 applicant provide information regarding the review of storm water whether it was the 10
5 acre disturbance rather than the 9.9, revised plans showing that the height of the
6 buildings are at the 45 maximum height requirement, and of course, the lighting plan
7 which addresses all requirements of lighting and spillage, etc.

8 CHAIRMAN MANNING: Well I think you just need a certification on height from
9 somebody.

10 MS. ALMEIDA: Well the lighting plan would address spillage, heights of poles,
11 everything.

12 CHAIRMAN MANNING: The lighting, but on the height issue of the buildings that
13 – somebody's just going to have to give you a certification that it meets -

14 MS. ALMEIDA: Correct and the plans would then be noted.

15 CHAIRMAN MANNING: But when you – read the portion back that you said
16 about storm water.

17 MS. ALMEIDA: Storm water?

18 CHAIRMAN MANNING: Um-hum (affirmative).

19 MS. ALMEIDA: Have Public Works review, re-review the storm water addressing
20 the 9.9 areas of disturbance and have the engineer of record submit certification or
21 some sort of information regarding 10 acre disturbance and what the differences would
22 be.

23 CHAIRMAN MANNING: Any differences in the standards –

1 MS. ALMEIDA: Correct.

2 CHAIRMAN MANNING: - that apply. Okay.

3 MR. ANDERSON: Will this be on next month's agenda? And can it – if -

4 MS. ALMEIDA: Not unless all these items are –

5 MR. ANDERSON: I'm saying if the applicant can get all that stuff into us which I
6 don't know, I mean, when ya'll, when there's an appeal made and all the conditions –
7 the appeal has to be addressed prior to the conditions coming in has the applicant had
8 their conditions ready or are they ready? Could they be ready for next month's agenda?

9 MR. LORD: Tomorrow, yeah.

10 MR. ANDERSON: Tomorrow?

11 MR. OSBECK: [Inaudible] those three items this afternoon.

12 MS. ALMEIDA: Well I would also suggest that this has to be reviewed by Staff
13 and we have notice requirements for the paper and of course notifying the concerned
14 citizens as well.

15 MR. ANDERSON: Sure. I guess I just don't want to drag this thing along too far.

16 MS. ALMEIDA: Right.

17 MR. ANDERSON: I do think it needs to be addressed but I just want to make
18 sure it can fit in our agenda next month.

19 CHAIRMAN MANNING: Okay. Any further discussion?

20 **TESTIMONY OF CHARLES COOK:**

21 MR. COOK: Mr. Chairman, as a point of reference to the appealing parties I'm
22 Charles Cook. I represent Arcadia Lakes. I wanted to assure you that the appeal
23 process, to put it one way is kind of a shotgun wedding. Because the Planning

1 Committee's hearing was attended by the applicant and also by Arcadia Lakes and
2 other parties and then the vote was taken and many of the questions that were
3 submitted today were only in question form but they really relate to the fact that we do
4 not believe that due diligence has been given to those areas.

5 CHAIRMAN MANNING: I appreciate all that.

6 MR. COOK: Yes, sir.

7 CHAIRMAN MANNING: And DRT voted unanimously to approve the project and
8 our role is to take information from everybody out here, make a determination whether
9 they erred in their decision and what we've just done is had – worked our way through
10 the process and we picked out a few items that are up for discussion right now. There's
11 a motion on the table.

12 MR. COOK: And I just wanted to present to you sir that the water quality issue
13 has not been incorporated into looking at it and we feel that that's a very substantial part
14 of this appeal process and there hasn't been time to evaluate our concerns. But thank
15 you very much. That's number seven on the list.

16 CHAIRMAN MANNING: Okay. We have a motion on the floor.

17 MR. FURGESS: Second.

18 CHAIRMAN MANNING: We have a motion and a second. All those in favor
19 please raise your hand.

20 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Mattos-Ward, Furgess; Absent:*
21 *Palmer, Green]*

22 CHAIRMAN MANNING: All those opposed? We will defer this until our next
23 month's agenda.

1 MS. LINDER: Mr. Chairman, I would like to request clarification whether you're
2 tabling it to receive the information without further public input or whether you're going
3 to allow public input at the next meeting.

4 CHAIRMAN MANNING: We're going to take it, we're going to receive the
5 information without further public comment.

6 MS. LINDER: So there'll be no further public comment?

7 CHAIRMAN MANNING: And we will make a decision based on those items that
8 were in the motion today.

9 MS. LINDER: Thank you.

10 MS. CAIRNS: Can we just affirm that with a vote since that would be a
11 significant difference in the motion. So that we're making the motion to table it without
12 further public input just for the things requested.

13 CHAIRMAN MANNING: Do we need an amendment to the motion?

14 MS. CAIRNS: I just want – because that is a significant difference and I just want
15 to make sure that -

16 CHAIRMAN MANNING: You just want a raise of hands?

17 MS. CAIRNS: Yeah. That that's what everyone's agreed to.

18 CHAIRMAN MANNING: What if everybody says yea and everybody says no, I
19 mean?

20 MS. CAIRNS: Yeah, I mean, but I think that that's different than what – just to
21 cross "ts" and dot "is" that's all I'm asking.

22 MR. ANDERSON: I mean, it wouldn't hurt to do it. I make a motion per the
23 conditions and that there be no public hearing.

1 MS. CAIRNS: No public input.

2 MR. ANDERSON: My public input in November's agenda meeting.

3 CHAIRMAN MANNING: If they have provided that information.

4 MR. ANDERSON: If that information has been provided.

5 MS. CAIRNS: I will second.

6 CHAIRMAN MANNING: All those in favor please raise your hand.

7 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Mattos-Ward, Furgess; Absent:*
8 *Palmer, Green]*

9 CHAIRMAN MANNING: All those opposed? Thank you. We're going to take a
10 quick break.

11 *[Break]*

12 CHAIRMAN MANNING: Thank you for yawl's patience. I know a lot of you have
13 been waiting around for a number of cases so we're going to try to expedite these as
14 fast as we can. I think the next case on the agenda is Case No. 08-30 MA.

15 **CASE NO 08-30 MA:**

16 MS. ALMEIDA: Mr. Chairman, the applicant is Joe Sumter, St. John's Baptist
17 Church. The parcel is approximately 2.87 acres. The property is zoned RU. The
18 applicant is requesting an OI designation for a family life center. The project is located
19 on Ault and Rosa Lee. The proposed rezoning would create an office and industrial
20 district in a rural area and in lieu of the permitted uses within that zone district many
21 would be incompatible with the existing and surrounding land uses which are single-
22 family residential on rurally zoned property. The intended use of the property is for a
23 family life center associated with an existing church located on a neighboring parcel.

1 And just to give you a little bit of background. In July of 2005 when the new Land
2 Development Code went into effect the development regulations addressed the
3 accessory land uses such as a family life center, classrooms and fellowship halls are a
4 permitted accessory land use in the rural district. However, by definition accessory
5 uses are required to be located on the same parcel of land as the place of worship and
6 that is not the case in this instance. I also want to address that under the traffic impact
7 analysis it is not pertinent to this application. It was inserted in error. And the Staff is
8 recommending denial.

9 CHAIRMAN MANNING: Anna, the reasons for denial or recommendation of
10 denial is that the property's in two tracts –

11 MS. ALMEIDA: Correct.

12 CHAIRMAN MANNING: - instead of one?

13 MS. ALMEIDA: Well not just that. I mean, the surrounding area is rural in
14 nature, single family and the OI designation allows for quite a bit of incompatible uses.

15 CHAIRMAN MANNING: Under the rural zoning though an ancillary lifestyle
16 center would be allowed?

17 MS. ALMEIDA: It would be allowed if on the same parcel and this is not the
18 case.

19 CHAIRMAN MANNING: Do the two parcels that abut each other are they owned
20 by the same person?

21 MS. CAIRNS: There appears to be a parcel actually in between the church and
22 the once rezoned -

1 MR. MURRAY: That area consists mostly relatives, one family, two families. All
2 are in the same family just different last names. Furgess, Neals, and Boyd and all of
3 them are Neals when you boil down in that particular area and they're the persons who
4 live all the way, that surrounds that area within a mile, that family. But in that Lower
5 Richland area you've got the Priouleaus, the Carters, and all of those folks attend that
6 particular church and the land will be adjacent to family areas. St. John is an old church
7 that has been in the neighborhood as long as, more 100 years because I've been
8 around over 70. At this particular time we have a terrible drug problem down there.
9 We're in the process of getting water for that particular area and sewer. Water has
10 already been approved and of course they're trying to get a sewer connection down
11 there now and they have about – I think you all have about 5,000 houses down there in
12 the Lower Richland area that's waiting – Chris Kindley(?) and all of them, they're waiting
13 on the sewer situation to be resolved between the City of Columbia and Richland
14 County.

15 CHAIRMAN MANNING: All right. I'm still a little bit confused though, Anna. The
16 ownership is shown as St. John's Baptist Church. There's three parcels up there
17 highlighted. Does St. John Baptist Church not own those?

18 MR. FURGESS: St. John's Baptist Church own –

19 MS. ALMEIDA: No. It's one lot over to the east.

20 MR. ANDERSON: That's the site.

21 MS. ALMEIDA: That's the existing church.

22 MR. FURGESS: The site where the arrow's pointing is owned by the church.

23 MS. ALMEIDA: No, they're proposing -

1 MR. FURGESS: The site across the street is owned by me. That have nothing
2 to do with St. John's. This, that piece where the arrow's pointing is owned by the
3 church.

4 MR. MURRAY: That little section here?

5 MS. ALMEIDA: Right. And the church is one lot over.

6 MR. FURGESS: Right. One lot over.

7 MS. ALMEIDA: Correct.

8 CHAIRMAN MANNING: The church is on the corner?

9 MS. ALMEIDA: No. The church is –

10 MR. FURGESS: On the back. See where that building is?

11 MS. ALMEIDA: - to the east of the arrow.

12 MR. FURGESS: Right there. Right in there. That's where the church.

13 CHAIRMAN MANNING: So it's across the street?

14 MR. FURGESS: Across the street, yeah.

15 MS. ALMEIDA: No. It's down, east.

16 MS. CAIRNS: Down. It's under the blue, right?

17 MS. ALMEIDA: Right.

18 MS. CAIRNS: Go diagonally to the left, to the right. Right there. It appears that
19 there's a parcel between –

20 MS. ALMEIDA: In between.

21 MS. CAIRNS: - the parking lot and what's being requested?

22 MS. ALMEIDA: Yes. There is a parcel in between where the arrow is pointing
23 and the church.

1 MS. CAIRNS: Is that parcel also owned by the church?

2 MS. ALMEIDA: No. That parcel is not owned by the church.

3 MR. MURRAY: The former pastor of the church. That piece is owned by him.

4 MR. FURGESS: And I think it's right around 50 acres. The cemetery, cemetery
5 plots out there surrounding the church area also.

6 MS. MATTOS-WARD: Right here?

7 MR. FURGESS: Yeah.

8 MS. MATTOS-WARD: And right here?

9 MR. FURGESS: Right. Both sides.

10 CHAIRMAN MANNING: And the proposed life style center would go where?

11 MR. FURGESS: Where the arrow is.

12 MS. ALMEIDA: Where the arrow is.

13 CHAIRMAN MANNING: Which is not owned by St. John's Baptist Church?

14 MR. MURRAY: Well, yeah. St. John's would have to own that, if they want to
15 put the proposed building there.

16 MR. FURGESS: The life center. They've got to own the property.

17 MR. MURRAY: The life center, yeah, see.

18 CHAIRMAN MANNING: You said that a minute ago you thought they were
19 owned by three different families.

20 MR. MURRAY: Yeah, well. Yeah, when I said that I meant that everything
21 around there belonged to them.

22 CHAIRMAN MANNING: Okay.

1 MR. MURRAY: I guess I could have been more specific. I would say it's a
2 thousand times better to have a family life center in that community than to have all the
3 drug dealing. You have folks who use lights at night to flag you down and sell you
4 drugs in about a two block area in there. And if those folks at the church want to do
5 something different it's going to be better because it's going to cut down on Leon Lott's
6 job some instead of having all those deputies down there and people shooting each
7 other every weekend, it's better to have them in church.

8 CHAIRMAN MANNING: Excuse me one second. Is the reason for the rezoning
9 that the applicant couldn't do a life style center on property it owned and it had to go to
10 office institutional in order to accommodate a lifestyle center?

11 MS. ALMEIDA: The lifestyle center has to be on the same lot as the principal
12 use where the church is and they could not accommodate that on that property.

13 MR. ANDERSON: The one across the street, why is that parcel being rezoned
14 across the street?

15 MS. ALMEIDA: It's part of lot 66 which is –

16 MR. ANDERSON: Okay.

17 MS. ALMEIDA: - it's actually where the arrow's pointing, the lot right next to it to
18 the west is also part of the lot across the street on the other side of that Neal Court.

19 CHAIRMAN MANNING: So the purpose of it is that the [inaudible] wasn't being
20 built on the same lot and the church owns another lot and –

21 MS. ALMEIDA: Right.

22 CHAIRMAN MANNING: - the only way they could do it on another lot is office
23 institutional [inaudible] special exception?

1 MS. ALMEIDA: The lot that would be adjacent to where the pointed arrow is is
2 owned by an Audrey Neal, okay?

3 CHAIRMAN MANNING: Right.

4 MS. ALMEIDA: And picture where the blue is where that structure right there,
5 where that little dot is, the little red dot, that is owned by St. John's Baptist Church. And
6 of course the church owns the lot that's circled and where the arrow is pointing. So
7 there is a lot in the middle that is owned by an Audrey Neal. They cannot acquire it.

8 CHAIRMAN MANNING: All right. Any other questions for Staff? Signed up to
9 speak for. Thomas [inaudible], Joe Brown, Marie Adams, Joe Sumter. Would ya'll
10 please come down.

11 MR. FURGESS: They're here.

12 MR. MURRAY: They're here.

13 CHAIRMAN MANNING: Oh, okay. Thank you.

14 MR. FURGESS: Come to the pulpit – pulpit. [Laughter] Come to the podium
15 and give your name and address.

16 **TESTIMONY OF JOE SUMTER:**

17 MR. SUMTER: Good afternoon, everyone. My name is Joe Sumter. I'm a
18 resident of the Lower Richland area. I grew up there. I'm a construction project
19 manager for Richland School District One and basically my role, I'm a trustee at St.
20 John's Baptist Church along with Mr. Joe E. Brown. Basically what we did is I kind of
21 like got them through the steps that needed to be met by the county. We met with the
22 county in the beginning to see whether or not we can build this family life center here.

1 We know we didn't have enough parking space so we came to the county and got a
2 waiver –

3 MR. FURGESS: Sir. Could you speak into the mi? We can't -

4 MR. SUMTER: We got a waiver from the county to build the family life center.
5 And basically what we did is that on the waiver was that since the family life center
6 would not be occupied during church service, the overflow parking can go to the church,
7 to the church parking. So we got that waiver and after that they said, yes, you'll be able
8 to build in to those two lots. So what we did we came back and combined those two
9 properties together to make sure we meet the requirement. [Inaudible] planned out,
10 everything laid out. So now we came back and from the county came back and said,
11 oh, we oversight. That oversight that we see that piece of property in between there. I
12 mean, we went through and had all the approvals and everything. So we at a standstill
13 right now and we can't do anything. So we ask that the county rezone this area, these
14 two pieces of property so we'll be able to build our family life center.

15 CHAIRMAN MANNING: How big will the life center be?

16 MR. SUMTER: It's 19,000 square feet, 19,000 square feet and it fits inside of
17 that property with the buffers and everything. The plans and everything submitted. We
18 got approval from DHEC approval, everything, storm water, everything that fits inside of
19 that site.

20 CHAIRMAN MANNING: Thank you, sir.

21 MR. SUMTER: Thank you.

22 **TESTIMONY OF MARIE BARBER ADAMS:**

1 MS. ADAMS: Good afternoon. My name is Marie Barber Adams and I'm a
2 member of St. John Baptist Church and I also worked on the Planning Commission from
3 the beginning with the idea of serving not just the population of St. John Baptist Church
4 but the entire Lower Richland community where we see the need specifically to address
5 the youth, those activities that are lacking for our senior citizens in the area, and also in
6 an effort to preserve and protect the unique history of the Lower Richland community as
7 well. Because a part of our plans will include a library and an archives for many of the
8 early schools in the Lower Richland community as well as the early churches. This
9 particular church, St. John Baptist Church, has a very proud history. We were chartered
10 in 1875 shortly after my great-grandfather, Samuel Barber, came to the Lower Richland
11 community. His house which is on Lower Richland Boulevard is on the National
12 Register of Historic Places. So we have a lot of history in the Lower Richland
13 community and we strongly beg and plead with those persons who will be making the
14 decision to consider all of that as we continue to preserve and protect the unique history
15 of the Lower Richland community. Thank you.

16 **TESTIMONY OF JOE E. BROWN:**

17 MR. BROWN: Mr. Chairman and Members of the Planning Commission, to the
18 Staff, let me say it is a delightful pleasure to have this opportunity to appear before you
19 this afternoon. I am Joe E. Brown one of the longest serving deacons at St. John
20 Baptist Church out of its 133 year history. We realize that at the present time that this
21 little strip of land that we're talking about is now being used every Sunday by the
22 members of the church. It's being used and there's no question at all about that. We
23 simply use that whole area and then the cemetery goes around is [inaudible] the little

1 plot. As far as we are concerned this particular facility which Mr. Murray spoke of earlier
2 this afternoon is something that is very much needed in this particular community.
3 Because of the fact we have a dynamic, outstanding young minister who's in this
4 particular church who's leading this congregation. And he's leading this congregation in
5 an area that you'd never think about that could b done. He is one who's about the
6 business of taking care of business and getting things done for the community. He's
7 one who is simply inventing and creating more new projects than any other minister that
8 I can think of in my lifetime. And certainly what he is doing there is simply building the
9 family life center and it's something that all the members have contributed to for the last
10 few years. And they have contributed very willing for this particular life center. I don't
11 really understand why this little strip of land would be a problem to stop something that
12 is going to do this much good in a community where we have lots of problems going on
13 in communities like this. This will help this community so very, very much and certainly
14 without a doubt in my mind if this is approved here today without a question about it the
15 community will benefit greatly and certainly it'll be very much appreciated by the
16 members of the St. John Baptist Church family. Thank you very much.

17 MR. MURRAY: Thank you.

18 CHAIRMAN MANNING: Mr. Sumter and Mr. Brown. Okay, well that concludes
19 this sign in sheet? Okay. There are none signed up in opposition to this case. Anna,
20 did this have something to do with a request last week, I mean, last month?

21 MS. ALMEIDA: No, sir. Another one. That was up in a different area. Piney
22 Grove.

1 MR. ANDERSON: I mean, if it's just the case that it's – the only reason Staff
2 [inaudible] correct? Totally different parcel.

3 MS. ALMEIDA: Correct.

4 MS. CAIRNS: I think the thing to remember and maybe we saw some of this
5 earlier is if we rezone it to office institutional that it will be eligible for any and all uses
6 underneath that code. We are not, you know, the presentation of the applicant in no
7 way limits the use of the land to what they presented. That's the concern is that we're
8 rezoning the piece of land out in the middle of nowhere for use that's incompatible if it
9 were used, you know, on some of the uses, which are many of the uses would be
10 incompatible. So that's the guideline that we have to go under, not that the applicant
11 has offered a specific use because we cannot limit it to that specific use now or ever.

12 MR. ANDERSON: We ran into the situation last time where it just wasn't allowed
13 in the code. That particular type – the last case I'm referring to didn't they want to build
14 a life center also?

15 MS. ALMEIDA: It was the same scenario.

16 MR. ANDERSON: The same scenario?

17 MS. ALMEIDA: Exactly. It was not on the same parcel. That is correct.

18 MR. ANDERSON: There, it seems to me like we could, I mean, if it's –

19 MS. ALMEIDA: We're trying to address that.

20 MR. ANDERSON: an adjacent tract, we can address that in our Code so that
21 these folks wouldn't have to come up and try to get their –

22 MS. ALMEIDA: You're correct but right now we have to deal with the what we
23 have.

1 CHAIRMAN MANNING: And ya'll were I believe going to bring back some
2 language this month regarding that, or -

3 MS. ALMEIDA: Not this month.

4 CHAIRMAN MANNING: Not this month?

5 MS. CAIRNS: But even, I mean, even this one's not adjacent. We have non-
6 adjacency in this particular applicant.

7 MR. MURRAY: Well this – Mr. Chairman, the pictures that you see in the books
8 in which we received if you would go down there it's just one large tract of land that's
9 cleared whereby the church use it on a daily and a weekly area. Something's going on
10 at down at St. John almost all of the time. They have a graveyard there and if, from
11 what – I've lived down there over 70 years and from what I know about St. John church
12 and Mr. Brown has been the principal, was the principal down at Hopkins and Atlas
13 Road all his life. He was a young man about 20 years old, 21 years old when he came
14 down there. That area, if those people at that church, and that's – when they call the
15 name of the lady that owns the piece of land between them that is the pastor's, their
16 former pastor's wife, Audrey Neal. Dr. Wes Barry Neal was the pastor at that church I
17 guess for –

18 MR. BROWN: Fifty-eight years.

19 MR. MURRAY: - 58 years. They have a lot of integrity there and
20 trustworthiness. If you can't trust them if they say they're going to put a family life
21 center you're not going to come back and find a nightclub, or you're not going to come
22 back and find 50 houses stacked on each other or like we were here this morning when
23 folks were talking about the apartments, condominiums.

1 CHAIRMAN MANNING: And I believe that as much as you do. I understand Ms.
2 Cairns's comments about zoning based on certain use and I feel like we really shouldn't
3 even be going through this whole exercise on OI.

4 MR. MURRAY: That's correct.

5 CHAIRMAN MANNING: That is could have been done on a rural basis. We've
6 got some things to get clarified. Not just this but some other issues and it's one of those
7 unfortunate situations.

8 MR. FURGESS: Can I put it into a motion?

9 CHAIRMAN MANNING: Sure.

10 MR. FURGESS: I make a motion that we go ahead and pass this with County
11 Council put down that they deny but I move that – make a motion that the church can go
12 forward with this.

13 CHAIRMAN MANNING: County Council didn't, Staff -

14 MR. FURGESS: Staff.

15 CHAIRMAN MANNING: - recommended it.

16 MR. MURRAY: And I'll second your motion.

17 CHAIRMAN MANNING: We have a motion and a second.

18 MS. ALMEIDA: I need some findings for Staff Report.

19 CHAIRMAN MANNING: We don't need that until after our vote, do we or do you
20 need it now?

21 MS. ALMEIDA: It has to be part of the motion.

22 CHAIRMAN MANNING: Okay. The reason for the motion contrary to what Staff
23 would be.

1 MR. FURGESS: I think you need to an OI because of the nature of the way the
2 property's laid out that there's this adjoining property. There's a piece of property
3 between that is in one tract, there's one tract of property.

4 CHAIRMAN MANNING: [Inaudible]

5 MS. ALMEIDA: No. There's a tract in between which is owned by Audrey Neal.

6 MR. FURGESS: Neal, okay. And what you were saying that I need to do?

7 MS. ALMEIDA: I just need some findings for Council.

8 CHAIRMAN MANNING: [Inaudible] for the community.

9 MR. FURGESS: Good for the community.

10 MS. ALMEIDA: What's that?

11 MR. FURGESS: It's good for the community.

12 MS. ALMEIDA: Okay.

13 MR. MURRAY: And it enhances the livability of that particular area.

14 CHAIRMAN MANNING: All right. So we have a motion and a second with
15 clarification. All those in favor please raise your hand. All those opposed?

16 *[Approved: Murray, Ward, Anderson, Manning, Mattos-Ward, Furgess; Opposed:*
17 *Cairns; Absent: Palmer, Green]*

18 CHAIRMAN MANNING: Please note one in opposition. Thank you, sir.

19 MS. LINDER: October 28th.

20 CHAIRMAN MANNING: October 28th.

21 **CASE NO. 08-31 MA:**

22 MS. ALMEIDA: Mr. Chairman, the next case –

23 CHAIRMAN MANNING: Next case.

1 MS. ALMEIDA: - 08-31 MA. The applicant is Jim Poston. The requested
2 amendment is M-1 to GC. The property is approximately .92 acres. There exists a
3 Zaxby's on the property and the location is Clemson Road and Long Town Road. The
4 site is currently zoned M-1, Light Industrial. According to the county records the
5 property was rezoned May 10, 2001 from Heavy Industrial to Light Industrial, M-1. I just
6 want to reiterate that with the exception of tanning salons, body piercing, tattoo parlors,
7 and multi-family residential uses, which are permitted in the General Commercial, the
8 permitted land uses in M-1 and GC are substantially the same. Although the
9 surrounding parcels are zoned M-1, most of the existing uses are more commercial in
10 nature. The applicant still has a wide variety of permitted land uses and Staff feels that
11 they really don't need the rezoning in order to exercise their business as is, and Staff's
12 recommendation is for disapproval due to insufficient justification.

13 CHAIRMAN MANNING: So is there a business on that site?

14 MS. ALMEIDA: There is a Zaxby's.

15 CHAIRMAN MANNING: A Zaxby's?

16 MS. ALMEIDA: Zaxby's.

17 CHAIRMAN MANNING: On the site now?

18 MS. ALMEIDA: Yes. It's been approved for a Zaxby's.

19 CHAIRMAN MANNING: Okay.

20 MS. ALMEIDA: Yes.

21 CHAIRMAN MANNING: And we know the M-1 classification has the sunset
22 provision in it?

23 MS. ALMEIDA: Yes.

1 CHAIRMAN MANNING: Correct? And this property is in an area zoned
2 commercial; correct?

3 MS. ALMEIDA: Right. The sunset provision is in 2010, July. Council will bring
4 that up, that issue, whether they will reinstate the M-1 zoning designation or whether
5 they will rezone it to something else.

6 CHAIRMAN MANNING: Right. But they were of the opinion at the time that it
7 was something that they didn't need anymore and –

8 MS. ALMEIDA: Correct.

9 CHAIRMAN MANNING: - other classifications were provided, commercial
10 classifications?

11 MS. ALMEIDA: Correct.

12 CHAIRMAN MANNING: And it appears to me we've got a commercial use on a
13 commercial site. Any questions of Staff? We got one person signed up for this, Craig
14 Waites.

15 **TESTIMONY OF CRAIG WAITES:**

16 MR. WAITES: Good afternoon. My name is Craig Waites. I'm with Colliers
17 Keenan Real Estate Company. I'm here on behalf of Jim Poston. Yes, the application
18 for GC was made in response to the sunset provision, exactly. The proposed
19 development is a Zaxby's. He does own the property. He intends to build a Zaxby's.
20 It's a commercial application and given the sunset provision we thought it was probably
21 in everybody's best interest to go ahead and apply for GC, down zone to GC to make
22 the zoning more compatible with the use and that's in essence our petition.

1 CHAIRMAN MANNING: Thank you, sir. There's no one here to speak in
2 opposition so that'll conclude the public comment period. Any questions of Staff,
3 discussion?

4 MR. FURGESS: Anna, I have a question. Across the street [inaudible] heavy
5 commercial across the street from this property?

6 MS. ALMEIDA: No. Most of the uses that are going to be seen along Clemson
7 Road, we have a bank across the street. They are commercial in nature. Behind where
8 you see – let me see where this is. Actually there's a Lowe's that's going in in that area.

9 MR. FURGESS: Behind where the site is?

10 MS. ALMEIDA: I'm sorry?

11 MR. FURGESS: Where it says site, Lowe's is going where about now?

12 MS. ALMEIDA: Right in the big swath behind this Zaxby's. Where are you?
13 Yes. Right, all in there.

14 MR. ANDERSON: So Lowe's could operate in that zoning classification?

15 MS. ALMEIDA: That is correct. All of the uses that have gone in there other
16 than tanning salons, body piercings, tattoo parlors, and multi-family.

17 CHAIRMAN MANNING: So is that part of the reasoning behind why you would
18 want -

19 MS. ALMEIDA: No. No. The reason is, I mean, they can pretty much do what
20 they need to now. It's premature. Once we start rezoning one parcel GC it just gives
21 justification to start rezoning everything else.

22 CHAIRMAN MANNING: Well, I mean, that area would appear to be one that
23 [inaudible]

1 MS. ALMEIDA: True.

2 MR. ANDERSON: And it does comply with the proposed comprehensive plan?

3 MS. ALMEIDA: And that can be addressed at that time.

4 MS. CAIRNS: You know, I think it's worthy that he – that basically this applicant
5 has offered no justification other than the sunset provision and so if we simply allow
6 people to come in and say well I'm an M-1 and I'm being sunsetted therefore I have the
7 right to rezone to GC and we don't make there be any standard or any basis for a map
8 amendment we will no longer have the right to review anything basically so, I mean,
9 he's got an allowable use, he's allowed to exist as he is, there's been no offer other than
10 sunset provision.

11 MR. ANDERSON: I tend to agree with that. I mean, there's no justification for
12 the map amendment.

13 CHAIRMAN MANNING: Well I think you could probably – I'm not in commercial
14 real estate [inaudible] probably got franchises that would require zoning classifications
15 [inaudible] not in a sunset provision.

16 MS. ALMEIDA: [Inaudible]

17 MS. CAIRNS: Certainly, certainly –

18 CHAIRMAN MANNING: [Inaudible] as well.

19 MS. CAIRNS: I mean, once you, you know, build a compatible use with existing
20 zoning, I mean, you've got the right to continue that use even if the zoning switches
21 [inaudible].

1 CHAIRMAN MANNING: I understand. I just – I don't see a problem with
2 commercial zoning there all the way back to the corner if that's what it takes. That
3 would be a proper zoning in my opinion for that area.

4 MS. CAIRNS: I think a request without any justification ought not to be granted
5 which is what we – I feel is what we have here today.

6 CHAIRMAN MANNING: Further discussion?

7 MR. ANDERSON: When's the Lowe's planning on going in?

8 MS. ALMEIDA: They are constructing.

9 MR. ANDERSON: They are constructing? And they haven't come in for any
10 type of rezoning at all?

11 MS. ALMEIDA: No. Absolutely not.

12 MR. ANDERSON: Mr. Chair, I make a motion that we accept the Staff's
13 recommendation for disapproval on Case No. 08-31 MA based on the fact that the
14 applicant's provided no sufficient justification for the zoning map amendment.

15 MS. MATTOS-WARD: I second.

16 CHAIRMAN MANNING: Do we have a second?

17 MS. MATTOS-WARD: Second.

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

20 *[Approved: Cairns, Anderson, Mattos-Ward, Furgess; Opposed: Murray, Ward,*
21 *Manning; Absent: Palmer, Green]*

22 CHAIRMAN MANNING: What was the count?

23 MS. ALMEIDA: I believe four/three.

1 CHAIRMAN MANNING: Four/three in favor of –

2 MS. ALMEIDA: In favor or denial.

3 CHAIRMAN MANNING: In favor of the motion?

4 MS. ALMEIDA: Yes.

5 CHAIRMAN MANNING: Mr. Waites? Mr. Waites? When is the County Council
6 meeting?

7 MS. LINDER: October 28th.

8 CHAIRMAN MANNING: October 28th. This can go forward if you so desire
9 before the Council. Thank you. Okay. Case No. 08-32 MA.

10 **CASE NO. 08-32 MA:**

11 MS. ALMEIDA: Mr. Chairman, the applicant is Mr. John Bakhaus, Fairway
12 Development. The location of the project is Long Creek Plantation. The acreage,
13 15.94. The request is from the TROS to RS-MD. This property was part of an overall
14 zoning initiated by County Council back in July of 2007. If you recall all of our
15 communities that had golf courses, recreational areas, that were not protected were
16 proactively rezoned to traditional recreation space, TROS. This property had been
17 approved as a master plan but did not have that protection and therefore was brought
18 into that overall map amendment rezoning. Our records show that in the master plan
19 the subject site had been always part of the development, the finished product of
20 residential. Unfortunately, when the county went in to proactively rezone that portion
21 according to our records identified it as open space. It was just, it was part of the
22 overall tax map number. But in the master plan it was designated as residential lots.
23 There were several communities that were lumped into this and at the time County

1 Council initiated the TROS told different developers of golf course communities that
2 they could come back in as a rezoning to, back into their residential zoning designation.
3 This was the case. All of the information we had at the time it was brought into that
4 overall rezoning. If you look on our Staff Report the development is surrounded on two
5 sides by the golf course and prior to the new zoning designation, I'm sorry, the rezoning,
6 the new code going into effect in 2005, I also want note that our lot size had been
7 modified. There was a zoning designation that allowed for a 10,000 square foot lot. In
8 2005 when our Code was rewritten those 10,000 foot lots went away and we have the
9 RS-LD which is 12,000. So people had to go into one designation or another; either
10 12,000 square feet or 8,500 square feet. There was no 10,000 square foot available
11 any longer. In reviewing this application, in looking at the history and identifying the
12 master plan Staff felt that this was the intent of the overall development plan at the time
13 and Staff recommends approval.

14 CHAIRMAN MANNING: Any questions of Staff? Would the applicant like to
15 speak on behalf [inaudible]?

16 **TESTIMONY OF JOHN BAKHAUS:**

17 MR. BAKHAUS: Good afternoon, Mr. Chairman and Commission Members. I
18 represent Fairways Development who's the owner of the property in question here and
19 if you don't mind I'm going to pass out a little bit of information for you. The first thing I
20 want to do and I really don't have a place to put this so I'm going to show you. This is
21 the sketch plan of that piece of property as you can see [inaudible] marks up there
22 which was approved and the stamps on here, it was approved by the Planning
23 Commission and Council in 1998. This is the way the project was originally laid out.

1 The first stage of it was done and I'll show you that [inaudible] I'm going to let you pass
2 that down. The stamp in the corner there shows that the sketch plan was approved.
3 The other thing I want to give to each of you – Anna Almeida mentioned the fact that
4 somehow the TROS zoning was placed on this piece of property. This piece of property
5 was zoned to the last of my knowledge before the RS-LD, RS-1A. And we assumed
6 that it was placed in RS-LD when the change was made from the previous zoning
7 designation code system to the new system. And I was the most surprised person
8 when I turned the application in for this thing I thought I was rezoning from RS-LD to
9 RS-MD and when the signs were posted I found out that it had been somehow included
10 as TROS. And there's really no justification for it having been included as TROS. What
11 I'm going to do is I want to hand you the tax map which we have been working on. I did
12 check and the current tax map does show that property in green all as one tax map
13 number. But prior to the TROS rezoning the tax map numbers of the two pieces of
14 property were different and I have a copy of the tax map that I'm going to pass around
15 so you can see there was a distinction. I also have a Google® map that I'm going to
16 show you which shows the two golf course holes on either side of it and this property
17 you can see the first phase and the second phase the roads were cleared. So there
18 should have been no question that this was a piece of subdivision and not a piece of
19 golf course. But somehow the mistake was made and it was included in part of the
20 TROS rezoning and should not have been. So I'll pass these out to you. So my first
21 effort here today is to try to clarify the TROS issue and I've had several discussions with
22 the Planning Department folks. They agree that it probably should not be TROS

1 because it is not really TROS property. It's not golf course property. Deas, there
2 should be two, are there not enough to go around?

3 CHAIRMAN MANNING: No, there are not.

4 MR. BAKHAUS: Okay. Let me –

5 CHAIRMAN MANNING: I've seen it.

6 MR. BAKHAUS: I dropped a folder at one point there. They agree that it
7 probably should not have been TROS but we're not sure how it got to be TROS. I know
8 for a fact that it was zoned – a good deal of time was spent on the rezoning of this
9 property to the RS-1A. It was a long Planning Commission session before you all
10 agreed to rezone it several years ago back in '98 to RS-1A. We spent about a year
11 working with the Planning Department folks trying to figure out a way, to without having
12 to rezone this property, to accommodate the completion of our design with 10,000
13 square foot lots which is what that big board that I passed around showed. If I can walk
14 up here I'm going to show you. This is phase one of that development right here and
15 those are 10,000 square foot lots and the sketch plan which was approved that I just
16 passed around showed the rest of this area be completed in 10,000 square foot size
17 lots. [Inaudible] you know 10,000 square foot lots is larger than the average lot size in
18 Richland County so it's not a high density kind of situation. You can see on that map
19 that I passed around, the Google® map, you can see the lots around it and you can see
20 the lots in the first phase and there's not much of a distinction between that and the
21 surrounding property around it relative to density. After working with the Planning
22 Department trying to figure out if there was a way to consider this having been
23 grandfathered or some other provision that would allow us to go ahead and develop it

1 with the original requirements that were approved under the Planning Commission's
2 sketch plan review back in '98, we figured out there really wasn't any way to do it.
3 There was no way to have it considered being grandfathered or anything else. So the
4 only route I was left with was to ask for a rezoning from RS-LD which is what I thought it
5 was to RS-MD. And the only purpose in doing that is get to the point where we can
6 complete the development the way it was started with 10,000 square foot size lots. So
7 that is our only intention in doing it. We're not trying to get down to a smaller lot size
8 and if it's possible to do so I would be glad to stipulate that the minimum lot size would
9 be 10,000 square feet. We will complete it as the sketch plan is drawn just as it was
10 passed around. There may be some minimal deviation from those exact designs of the
11 lots but at a minimum the density will be decreased rather than increased. So there
12 would be no increase. If there were any changes in the formation of the lots at all it
13 would be only to decrease the density rather than increase it. So I think there've been –
14 this property's been kind of administratively rezoned in the change from the one zoning
15 classification to another in that it was taken up without a zoning rehearing from 10,000
16 square foot lot size to 12,000 square foot lot size. Then the TROS thing got thrown on
17 top of it as an accident basically. And now so we're here just trying to finish a project
18 we started a number of years ago and the only way to do that is to take it to RS-MD
19 which will allow us to have the 10,000 square foot lot size in compliance with its zoning
20 district. The request, our request is in compliance with the proposed comprehensive
21 plan. And the DRT folks do recommend approval of the request. And I can't think of
22 anything else. Thank you.

1 CHAIRMAN MANNING: Thank you. There are a number of people signed to
2 speak against this and I would ask that you try not to be repetitive, that the same issues
3 are not brought up over and over again and that we will limit the discussion to three
4 minutes apiece. Mr. Randolph?

5 **TESTIMONY OF BERNIE RANDOLPH:**

6 MR. RANDOLPH: Mr. Chairman, Commission Members, my name is Bernie
7 Randolph. I'm the President of the Windermere Community Association, Homeowners
8 Association in some sense. I just wanted to quickly point out that it really is a surprise
9 when you're in an established mature community to see rezoning signs put up. Okay?
10 Now that being the case I want to present to the Planning Commission a summary and
11 petitions on behalf of the property owners and this will be approximately 240 of the
12 property owners both resident and non-resident property owners in Windermere. And
13 these petitions –

14 CHAIRMAN MANNING: [Inaudible]

15 MR. RANDOLPH: Pardon?

16 CHAIRMAN MANNING: Non-resident property owners?

17 MR. RANDOLPH: Yes, people that own property but are not residents. These
18 are private owners. And of the 240, the summary is 202 opposed. And do you wish to
19 take that if you want. Let's go back for just a minute. I had an opportunity to hear the
20 presentation of the plan that Mr. Bakhaus just showed you. This was back in 2007 and
21 at that time of the lots approximately 15 were in non-conformance with RS-LD and Mr.
22 Bakhaus is stating that this was his only way to proceed. That's not quite right. He was

1 offered three opportunities, one of which was rezoning, the other was re-design, and the
2 last was a PDD. Now we presented the opposition –

3 CHAIRMAN MANNING: We've gone passed the three minutes and we're going
4 to hold it to that.

5 MR. RANDOLPH: It goes fast, doesn't it? Sorry about that.

6 AUDIENCE MEMBER: I'll give him my three.

7 AUDIENCE MEMBER: He can have my three.

8 CHAIRMAN MANNING: Would you like to come down and [inaudible] and you
9 and you -

10 MR. RANDOLPH: I'm not going to take much of anybody else's time. I just want
11 to point out one thing about this development. If you'll notice that he has one entry and
12 one exit. That's Windermere Village Way. And presently that road has never been
13 completed to full design standard. Okay? And that's about it. I thank you for your time
14 and if you come here don't try to hook any balls into that TROS area over there. It's
15 tough to play out of there.

16 CHAIRMAN MANNING: Mr. Edge? I believe you just deferred your time, didn't
17 you?

18 MR. EDGE: Yes. Obviously I reinforce what he said. I concur with him.
19 [Inaudible] time.

20 CHAIRMAN MANNING: I appreciate it. Annette Howerling(?)?

21 MS. HOWERLING: I concur as well. [Inaudible]

22 CHAIRMAN MANNING: Okay. Thank you. Bob Wagner? Mary Ann Wagner?
23 Daniel Kennedy? Becky Haggard?

TESTIMONY OF BECKY HAGGARD:

MS. HAGGARD: I'm Becky Haggard. I live at 11 Whithorn Way in Windermere. And I would just like to say that I lived there for 15 years and I was shown a plat when I bought and that plat showed only homes in a low density neighborhood. The entire neighborhood from beginning to end, like we said it's gated on both sides, was all intended to be low density. That's what I bought and that's just what I would like to continue to have. Thank you.

CHAIRMAN MANNING: Sharon Jones?

AUDIENCE MEMBER: She had to leave.

CHAIRMAN MANNING: Eunice(?) [Inaudible]? Douglas Wilcox? Linda Wilcox? John Mitchell?

TESTIMONY OF JOHN MITCHELL:

MR. MITCHELL: Hello. My name's John Mitchell. I live, I reside on Windermere Village Way. It's kind of that curve which is the only access into and from the area in question. I certainly don't have a problem with the area in question being rezoned back to residential since it was an accident to have been designated TROS but I do have a problem with it being rezoned in a designation completely in non-conforming with the rest of the community that most people bought in thinking that they were going to be in a low density community. I'm concerned about the traffic on the road. I mean, I know that the intention is for medium density to be this plan but we know from the Roper Pond discussions earlier intentions can be changed and even with this, this plan I think that, you know, it's non-conforming with the rest of the community. There'll be too much traffic going in and out of that road, Windermere Village as well as the rest of the

1 community from this community. The safety will be impacted from the number of cars. I
2 think Bernie mentioned that the street going in and out of this community has never
3 been finished to, the final layer of pavement has not been made. We're already being
4 faced with strains on our resources. You know, we can't water our yards right now
5 because of so much development and here we're going into a higher density completely
6 in non-conforming with the rest of the neighborhood. So that's basically all my points.

7 CHAIRMAN MANNING: Thank you.

8 MR. MITCHELL: Thank you.

9 CHAIRMAN MANNING: James Frye? James Frye?

10 **TESTIMONY OF JAMES FRYE:**

11 MR. FRYE: Good afternoon. My name is Jim Frye and I do live on Windermere
12 Village Way and John is one of my neighbors. I concur with basically what he said. I'd
13 also like to add that the infrastructure would suffer a little bit were we to go from the
14 density originally planned to a higher density in addition the project you're going to talk
15 about in a minute. In terms of overloading the local school systems, the traffic through
16 there has been increasingly unmanageable. They just had to modify the intersection at
17 Rimer Pond and Long Town with a stop light because its gotten so heavy with the
18 morning and afternoon commute. Well on top of that most of us on Windermere Village
19 Way do not opposed to going back to residential because obviously that was a mistake
20 when that was rezoned non-residential. But we do object to the going from the lower
21 density to the higher density because there is no guarantee again that the developer
22 would in fact adhere to this plan. Were he to sell those properties to another developer

1 or a sub-contractor to go in and there decide to do something different we would have
2 no legal recourse then. So, and safety, infrastructure, that's our concern.

3 CHAIRMAN MANNING: Thank you. Tom Walling?

4 **TESTIMONY OF TOM WALLING:**

5 MR. WALLING: I'll be brief. I don't envy you guys, your jobs. It's one of the
6 most bizarre afternoons I've spent in a long time. But I too went in, I came here from
7 Maryland where we had notoriously bad zoning ordinances. We had million dollar
8 houses next to bait shacks literally. And when I came here I was very concerned about
9 keeping property that I buy and developed continuous. I was assured by the
10 representative of Fairways Development that no such thing could ever happen because
11 he said we have a zoning ordinance that is LG(?) and we have an architectural review
12 committee and nothing like this could ever happen. Well, guess what? It's happening
13 five years after the time and I would really not like to see that happen. Thank you
14 gentlemen, ladies.

15 CHAIRMAN MANNING: That concludes the public comment.

16 MR. BAKHAUS: Mr. Chairman, can I make one final comment?

17 CHAIRMAN MANNING: Sure.

18 MR. BAKHAUS: The petitions you received you have to understand that the
19 property was posted TROS to MD. The TROS thing I think these folks will concur
20 should not have been placed on this property. So under the circumstances the petition
21 was circulated on the basis that people thought we were rezoning golf course property
22 to medium density. Okay.

1 MS. CAIRNS: Sir, actually by – that actually does say RS-LD to RS-MD. The
2 petition doesn't address it as TROS.

3 MR. BAKHAUS: It does on the posting of the property.

4 MS. CAIRNS: Yes. But that petition that was signed by all the residents says
5 RS-LD to RS-MD.

6 MR BAKHAUS: Okay. All right. The other thing, many of the people who spoke
7 to you bought after this property was rezoned and this plan was set in place. This was
8 not a surprise. There may have been somebody that bought years and years ago in our
9 development that was not aware of this plan but most people who spoke bought after
10 this plan was put in place and shown to everybody.

11 CHAIRMAN MANNING: Thank you, sir. That concludes the comment section.
12 Any questions, discussions?

13 MS. CAIRNS: I have I think a quick question for Staff. The approval that on the
14 bottom do those expire *per se*? Like when he gets a subdivision plan approved in '98 or
15 something, I mean, assuming the zoning never, ever changes he can go build that
16 under that any time in the future?

17 MS. ALMEIDA: Well, no. Your permits – if no activity is generated it expires
18 within two years.

19 MS. CAIRNS: Okay. Thank you.

20 CHAIRMAN MANNING: But the sketch plan would have revealed that it was
21 zoned –

22 MS. ALMEIDA: Right. Prior to the 2005 new Code the sketch plan was
23 approved administratively and the actual major subdivision would go to Planning

1 Commission for approval. And we did see in our documentation that the sketch plan
2 obviously had been approved administratively.

3 CHAIRMAN MANNING: So you concluded the zoning was in place and the
4 sketch plan was approved, you've got to go through a rezoning process to correct the
5 problem?

6 MS. ALMEIDA: Well, you know, to kind of go back on what that specific parcel,
7 that specific parcel back in 2007 when it was proactively rezoned to TROS was part of
8 the overall portion of the golf course, however that happened. So technically it was
9 rezoned to TROS.

10 CHAIRMAN MANNING: I understand, but going back a step further you know
11 that the property was zoned properly, you had a sketch plan?

12 MS. ALMEIDA: Sure. The entire subdivision.

13 CHAIRMAN MANNING: And so there was no other way to get to, for the sake of
14 being able to do something with this property, without going through the rezoning
15 process?

16 MS. ALMEIDA: Correct.

17 MS. CAIRNS: I've got – maybe you answered it and I apologize if you did. If it
18 had not gone into TROS –

19 MS. ALMEIDA: Right.

20 MS. CAIRNS: - he couldn't still just use the sketch plan because there had been
21 no activity?

22 MS. ALMEIDA: No. Because if would have been RS-LD which is 12,000 square
23 feet –

1 MS. CAIRNS: So because he hadn't built it within two years of that –

2 MS. ALMEIDA: Technically.

3 MS. CAIRNS: - there was this rezoning that just occurred as part of the 10 year
4 plan sort of theory? I mean, that's why it went to RS-LD out of RS-1A, right? That was
5 just part of the, changing our -

6 MS. ALMEIDA: No, no, no. The Council took all of the golf course communities
7 that were not protected.

8 MS. CAIRNS: No. I'm not talking about the TROS rezoning. When it was RS-
9 1A which was when that sketch plan was approved -

10 MS. ALMEIDA: Right. Correct.

11 MS. CAIRNS: - it was completely compatible with the zoning.

12 MS. ALMEIDA: Yes.

13 MS. CAIRNS: It went from RS-1A to RS-LD just because that was part of
14 redrafting the Code.

15 MS. ALMEIDA: Correct.

16 MS. CAIRNS: Okay.

17 MR. ANDERSON: And the square footage [inaudible]

18 MS. CAIRNS: But was that more than two years after, that was more than two
19 years after that had been approved and there had been no activity on building there. I
20 see a head bobbing in the background if you need some confirmation [inaudible].

21 MS. ALMEIDA: What was? I'm not following.

22 MS. CAIRNS: Well when it was RS-1A and he had an approved sketch plan he
23 could build it as a matter of right.

1 MS. ALMEIDA: Right. There were certain preliminary sections that were
2 approved, yes.

3 MS. CAIRNS: Right. And so when it – but this particular part no development
4 occurred.

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

6 MS. CAIRNS: So the sketch plan that he's got approved lost its approval.

7 MS. ALMEIDA: Well prior to, and I don't want to muddy the waters here, prior to
8 the 2005 approval, new Code, yes, Mr. – Fairway Development had a sketch plan
9 approval and what we did when the new Code went into effect those, in those cases
10 where the preliminary had not been approved and would obviously go to Planning
11 Commission but no longer Planning Commission had the right to review, we had it taken
12 to DRT and that's what's been occurring on those developments that have been caught
13 up in that transition. So those previous developments that were administratively
14 approved as a sketch had to go to the DRT for preliminary approval.

15 MS. CAIRNS: So had this not gotten rezoned to TROS would he just be in front
16 of DRT to see –

17 MS. ALMEIDA: Correct.

18 MS. CAIRNS: - if that plan was sufficiently compatible or?

19 MS. ALMEIDA: It would if he was willing to have the lots at 12,000 square feet.

20 MS. CAIRNS: Okay. So he would have had to make that adjustment because it
21 hadn't built it?

22 MS. ALMEIDA: Yes.

1 CHAIRMAN MANNING: As far as the, Anna, as far as the road design that
2 would be something that would be revisited on the sketch plan approval?

3 MS. ALMEIDA: Correct.

4 CHAIRMAN MANNING: [inaudible] mechanism to have got this process forward
5 without having to go through rezoning just seems to be got the sketch plan in the code
6 approval –

7 MS. ALMEIDA: And like I said –

8 CHAIRMAN MANNING: - RS-1A –

9 MS. ALMEIDA: Right.

10 CHAIRMAN MANNING: - why wouldn't it be a residential LD, which was the
11 classification that it would have gone to [inaudible] version [inaudible].

12 MS. ALMEIDA: Is that a statement or a question? I'm sorry.

13 CHAIRMAN MANNING: It just appears to me that, you know, it should have
14 converted right to the earlier zoning classification.

15 MS. ALMEIDA: Well there was a lot of rewriting in the new Code and you're not
16 vested necessarily in -

17 MS. CAIRNS: I have one question for the applicant if we could bring him back.

18 MR. BAKHAUS: Yes.

19 MS. CAIRNS: The sketch plan that you offered to us was that recorded at the
20 courthouse as is, that one? I didn't see a recording [inaudible].

21 MR. BAKHAUS: No. The first phase of the development which we actually did
22 was recorded but -

23 MS. CAIRNS: The one that shows this subdivided and that subdivided –

1 MR. BAKHAUS: That was no recorded.

2 MS. CAIRNS: That was not recorded, okay.

3 MR. BAKHAUS: We don't normally record a sketch plan. We record the
4 development as it's completed. But again I'll remind you that we're not trying to
5 increase the density of the original project.

6 MS. CAIRNS: Right, but -

7 MR. BAKHAUS: We're only trying to get into a classification that fits what we
8 started.

9 CHAIRMAN MANNING: Any further questions? Discussion? Been a long day.

10 MR. ANDERSON: Mr. Chair, I make a motion I think we agree with Staff and
11 approve Case No. 08-32 MA from TROS to RS-MD.

12 CHAIRMAN MANNING: Got a motion, do we have a second?

13 MS. WARD: Second.

14 CHAIRMAN MANNING: Got a motion and a second. All those in favor please
15 raise your hand. All those opposed?

16 *[Approved: Murray, Ward, Anderson, Manning; Opposed: Cairns, Furgess, Mattos-*
17 *Ward; Absent: Palmer, Green]*

18 CHAIRMAN MANNING: The vote was?

19 MS. ALMEIDA: Four/three in favor to approve.

20 CHAIRMAN MANNING: This will go to the Planning Commission [sic] on the
21 28th, I think.

22 MS. ALMEIDA: The 28th of October.

23 CHAIRMAN MANNING: I mean, to the Council. Next case?

1 **CASE NO. 08-33 MA:**

2 MS. ALMEIDA: Mr. Chairman, 08-33 MA. The applicant is Tom Margle. The
3 location is I-77 and Percival Road. The acreage of the tract is 15.48 acres. The
4 existing zoning on the parcel is OI/GC and they're requesting a rezoning to RM-HD.
5 This site has been subject to several rezoning requests and you can find that on page
6 51. Parcel 01 contains 473 linear feet of frontage along Boundary Street. Parcel 03
7 and 02 contain 155 linear feet of frontage on Boundary Street. The existing zoning
8 district includes the maximum allowable density of 16 units per acre which would yield a
9 gross acreage of 247 units. However, the zoning request would exclude commercial
10 uses from the 15.48 acres except by special requirements and that would be for small
11 personal services and bed and breakfasts. Staff is recommending approval. And we'd
12 also like to note that there is water and sewer available onsite in addition to road access
13 to serve the development.

14 CHAIRMAN MANNING: Those lots on Percival Road are they commercial?

15 MS. ALMEIDA: They are GC and OI. The site is on Boundary Road.

16 CHAIRMAN MANNING: Okay. Any questions for Staff? Signed up to speak we
17 have Tom Margle who is the applicant.

18 **TESTIMONY OF TOM MARGLE:**

19 MR. MARGLE: Good afternoon. I'm Tom Margle at 9 Gillon(?) Lane. The
20 primary reason for this rezoning is to better use of this property to utilize it for duets after
21 consulting with Staff here in Richland County. Because of the topography, because of
22 wetlands that exist on the site in our preliminary studies, and because of restrictive
23 access none of that, access along 77 and a portion of that going up East Boundary is

1 not accessible by restrictive access by DOT is what we found out, and because as was
2 stated by Staff here this afternoon we have done some sketch plans. We are looking
3 for a project of duets of no more than 100 units. Our project will be constructed very
4 similar to a project right down Percival Road towards Wal-Mart which is known as Eagle
5 Park but that is in the City of Columbia. A very good looking project and is doing very
6 well on the sales. We have consulted with the builder. We are talking and going under
7 contract prior to this rezoning so that if it's rezoned a project is for the duets not for
8 flipping the property, getting it rezoned to that high density amount that was stated by
9 Staff. It is a geometrically challenging project with what I've stated and also it's covered
10 with sanitary sewer that's on the site, power lines, storm drainage easements, wetlands
11 that I spoke about, and the topo. We think it's a good use to put this type of residential
12 adjacent to the residential that's existing on that northwest boundary. If there are any
13 other questions at the end of this or questions arose by public meeting I'll stay here to
14 answer them.

15 MS. CAIRNS: I have one quick question only that you used terminology I'm not
16 familiar with. In the beginning you were talking about access?

17 MR. MARGLE: Restrictive access, by not having access from this property
18 obviously onto I-77 or the Interstate as well as some of its but –

19 MS. CAIRNS: I mean –

20 MR. MARGLE: - that's obvious.

21 MS. CAIRNS: Yeah. I mean –

22 MR. MARGLE: But it does run up, into East Boundary Road there is limited
23 access too where that property is ending. As you see in the southwest – well there's

1 other properties on Percival Road, along Percival have restrictive access demarked by
2 DOT.

3 MS. CAIRNS: But just because this access is off East Boundary as opposed to
4 Percival you're calling it restrictive access.

5 MR. MARGLE: It is inhibited where we can put our entrances.

6 MS. CAIRNS: Well but, I mean, you're always limited as to where you can put
7 entrances. I mean, there's always the requirements [inaudible].

8 MR. MARGLE: The only reason I brought that point up is for commercial use or
9 GC people would like that access closer to the Interstate so it's another limiting reason
10 why it's not good for -

11 MS. CAIRNS: Thank you.

12 MR. MARGLE: Thanks for the probing question.

13 MS. CAIRNS: Thank you for the enlightening answer.

14 CHAIRMAN MANNING: The number of units allowed currently are 247 and
15 what, how many units were you planning on the project?

16 MR. MARGLE: Right now to be clear on semantics, duets or duplexes, two per
17 duplex we're looking at two units per duplex. We're talking about not more than 100
18 units or 50 duplex units on this project and I've got a sketch here doing some of our
19 preliminary layout what we're limiting this to. Why then are we going to such a high
20 zoning? It's because what the new zoning code requires for us to do duplexes on this
21 piece of property.

22 CHAIRMAN MANNING: Any further questions? Thank you. Next, Rick
23 Maxheimer?

1 MR. ANDERSON: Patricia Aridona(?)? Jessie Batista Jones? Mr. Britton?

2 **TESTIMONY OF MARIE BRITTON:**

3 MS. BRITTON: I'm Marie Britton. I live at 2134 Woodfield Drive which is
4 adjacent to East Boundary Road and the property will be directly behind our homes and
5 we are strictly opposed to it because it will affect our property value. There will only be
6 one access road going into the apartments or duplexes which he established and
7 there'll only be one exit. So we are really against them having this building project.
8 Thank you.

9 MR. ANDERSON: Ms. Caughman?

10 **TESTIOMNY OF CAROL CAUGHMAN:**

11 MS. CAUGHMAN: Hello. I'm Carol Caughman. I live at 2146 Woodfield Drive
12 and it's about the middle of the block. And the wooded area that they're talking about in
13 the trailer park and the beauty shop and the one little house is directly across from our
14 entrance there. And we oppose this because we have overcrowding in the area now.
15 The schools are tremendously overcrowded. They just moved two portables into
16 Conder. They've overextended the budget for the schools and we've, we can't – they're
17 talking about a big bond issue that's millions of dollars for the schools and the schools
18 that's one big problem. And another problem is the traffic. East Boundary Road is,
19 Percival Road and East Boundary Road that's, they use it as a cut through and the
20 traffic there now is really bad and it's going to be a lot worse. That's my time.
21 [Laughter] But I've lived on Woodfield Drive for 42 years. It's a single-family dwelling
22 neighborhood and we'd like to keep it that way and we don't need a lot of apartments
23 behind us. Thank you.

1 MR. ANDERSON: Thank you. Ms. Jones, did I miss you? Jessie Jones? Okay.
2 Ms. Schmidt? Ms. Deborah Aiken?

3 CHAIRMAN MANNING: State your name and address please.

4 **TESTIMONY OF AGNES SCHMIDT:**

5 MS. SCHMIDT: Agnes Schmidt, S-C-H-M-I-D-T. I'm opposed of having multiple
6 housing behind us. Percival Road is a freeway and it cuts into East Boundary. We live
7 on the road on East Boundary. Behind us is the area that is projected to have these
8 apartments. We are opposed to it as a neighborhood.

9 CHAIRMAN MANNING: Are you aware that the existing zoning on that site
10 would allow for multi-family?

11 MS. SCHMIDT: I beg your pardon?

12 CHAIRMAN MANNING: Are you aware that the existing zoning would allow for a
13 large number of units already?

14 MS. SCHMIDT: No.

15 CHAIRMAN MANNING: It is currently zoned to allow something that has a high
16 density.

17 MS. SCHMIDT: All right. Well I'm still opposed to it. [Laughter] I'm still opposed
18 to it, I'm sorry. I've lived there a long time and I like it just the way it is.

19 CHAIRMAN MANNING: I understand.

20 MR. MURRAY: Just the way you are.

21 MR. ANDERSON: Ms. Martha Ruff? Ms. Hilda Hines.

22 MR. MURRAY: Well you've got on coming.

23 MR. ANDERSON: Oh, I've got one coming.

1 MR. MURRAY: You've got Ms. Ruff coming.

2 **TESTIMONY OF MARTHA RUFF:**

3 MS. RUFF: Good afternoon. I'm [inaudible]. I want you to know within six
4 blocks of this area that they are wanting to build apartments, right across – let me say
5 this first – right across from this property there are nine single-family homes and this is a
6 single-family subdivision all together but because of the zoning on the area where this
7 property is within a six block radius there are three apartment buildings, there are three
8 trailer parks, there are two convenience stores, and behind one of these apartment
9 buildings that are within this vicinity and they are falling down and being condemned
10 and all boarded up now and behind them are very questionable. On top of that we live
11 about a mile away from Blue Cross/Blue Shield on the right and about a mile and a half
12 from Fort Jackson on the left so you can – and the two schools about a quarter of a mile
13 from this area, just about a quarter of a mile. So you can imagine the traffic we have
14 morning and evening going and coming. This is a two-lane street and I can't figure for
15 the life of me how they plan to get traffic in and out onto East Boundary Road from any
16 direction because this property ends right at a fork at East Boundary and Percival.
17 There is no room to put a street there. So I'm really concerned about this and what
18 they're saying. We beg of you to say no to this project. The last thing we need not only
19 on East Boundary Road where this project is is another apartment complex in Woodfield
20 Park altogether. So we beg of you to say no so that we can have – there's not a
21 continuation of the situation that we have on East Boundary and in Woodfield Park
22 already from my statistics.

23 CHAIRMAN MANNING: Thank you, ma'am.

1 MS. RUFF: We thank you.

2 MR. ANDERSON: Ms Hilda Hines?

3 **TESTIMONY OF HILDA HINES:**

4 MS. HINES: Hi. My name is Hilda Hines. I live 2138 Fairlamb Avenue and I've
5 lived there for about 400 years [laughter] and I concur with what everybody has said. I
6 mean, if past practice is any indication of what's going to happen in this neighborhood
7 with these duplexes it's going to be just a travesty for our property values, for safety
8 issues, the crime rate. And my predecessor noted that the one exit will be on East
9 Boundary which will be maybe 300 yards from a stop sign where traffic is exiting the
10 Interstate, Fort Jackson traffic is exiting there, the Blue Cross/Blue Shield traffic will be
11 going up East Boundary. Already it's a nightmare trying to get out of that intersection
12 and any additional traffic being added to that area's going to be horrible. Property
13 values are already, like most are, decreasing and I just feel that this would have such a
14 negative impact on our properties. I would beg you not to pass this at this time. I
15 understand that it's zoned for similar housing but we just all adamantly, what's the word
16 I want?

17 MR. ANDERSON: Oppose.

18 MS HINES: Oppose, thank you, this measure. Thank you for your time.

19 CHAIRMAN MANNING: Thank you.

20 MR. ANDERSON: Ms. Seandra Naen(?)?

21 **TESTIMONY OF SEANDRA NAEN:**

22 MS. NAEN: Hi: My name is Seandra Naen [inaudible]. Me and my husband we
23 reside at 1925 Woodfield Drive. When we received the letter stating what was going to

1 happen to our neighborhood we felt just like her it was a travesty. Right now as it is
2 when you go up the six blocks that the young lady was saying midnight you can hear
3 gunshots on the weekends but on our side of the neighborhood it's a safe place. My
4 kids can walk outside, they can play from dusk to dawn. I mean, you can still see
5 people walking in our neighborhood. Our concern is you bring in a high volume of
6 people and all of a sudden now we have litter, now our schools are overrun. Conder is
7 a great school right now even though it is overpopulated it's a wonderful school. I have
8 no problem with my kids going there but you bring more people in, you bring the riff raff,
9 you bring everything that we would hate to have in our neighborhood. Right now most
10 of the people here they're retirees, they're retired military, we're military. We love it just
11 the way it is. The only thing we really need is speed bumps, that's it. But like she said
12 there is a lot of military coming off of I-77 from the northeast that come off of there
13 where it meets that intersection, it's just a T, so me to get to work I have to leave 30 or
14 45 minutes earlier just to allow 15 minutes to get out of that area and that's just with our
15 neighborhood. Now you bring in 200 other family members, you bring in more buses,
16 you just bring in more traffic. You should have seen it the night the gas prices went up,
17 we couldn't get past the gas station. I wasn't the only one, right? We can't take this
18 volume and I did not know that it was zoned for a high density like more apartments but
19 we don't need the projects in our area. I have one of the biggest houses 3,000 square
20 foot in that area and we just can't take it. If they're one level duplexes, maybe but if
21 you're talking about two story, you're just going to bring in stuff that we don't want. We
22 just don't want it in our neighborhood. Thank you.

23 MR. ANDERSON: Mr. Ray House?

TESTIMONY OF RAY HOUSE:

MR. HOUSE: Good afternoon. I'm Raymond House, the President of Woodfield Park Homeowners Association and we have – we're not against development but we just have some big concerns about this high density housing that might come in the neighborhood. Right now we have two complexes up at Faraway Drive and East Boundary. One of them is now finally boarded up and closed. It has just turned into a nightmare. We don't want that. Another project down the road away it's full of crime, drugs, stuff like that. We just don't need any more. We're afraid this might happen. Other concerns, we're concerned about the security for this place. We have not heard anything about what type of security they will supply or if they have a patrol or anything like that that they would have on the property. You see on the news shootings at these apartment complexes is happening quite often so we'd like to have some type of security. The increased traffic is really big concerns. Speeding's a problem along there on East Boundary. Speed bumps have been talked about but for us money is a problem. We're concerned about what type of border we'll have behind Woodfield Drive that will sort of make a barrier between them and the apartment complex. The increase of traffic will also, could have a possibility of increase of litter on that road and East Boundary it seems like everybody comes down East Boundary; it's just open your car door or your windows and throw the stuff out. We police that road quite often and you can pick the litter up one day and next day it's all back. We'd just like to have less traffic. Senator Lourie is standing behind us and he'd like to have something to say also but please consider our concerns on this project. Thank you.

TESTIMONY OF SENATOR JOEL LOURIE:

1 SENATOR LOURIE: Remember when I told you I only come once a year? I
2 didn't tell you it was for one just issue though, see?

3 CHAIRMAN MANNING: So you won't be back any more this year?

4 SENATOR LOURIE: I hope not. No. But I do want to tell you of probably the 10
5 times I come I bet seven of them have been to come help my dear friends in the
6 Woodfield community and these are hard working folks and as evidenced by even when
7 they came up here – Ms. Schmidt said it best, she just doesn't want it there. And we
8 recognize that something's got to go there but I think we also recognize from the first big
9 issue we had today the problems about zoning up or down without having a clear
10 understanding from the developer about what's going to go there. And I've heard the
11 words apartments, I've heard the word duplexes and I don't know if it's possible to delay
12 a vote, Mr. Chairman and Members of the Commission, but you know, if I was
13 developing a piece of property I'd want to go sit down and meet with the neighborhood
14 association and see if we could come to some agreement on what's the best use for
15 that property. Certainly we don't want a bunch of commercial, you know, stores or
16 nightclubs, things like that but also having all this traffic dumped in and out on East
17 Boundary Road, I mean, it's going to be horrific. The last issue I just want to mention
18 though because I heard this mentioned earlier in talking about another zoning issue
19 after the now famous Roper Pond one, is crime. I'm going to tell you something, up and
20 down Decker Boulevard and Percival Road and I wish my friend Leon Lott were here to
21 tell you we have crime after crime after crime. I think, you know, we have so many
22 different tragedies taking place in so many of these apartments opposite, right on the
23 other side of Decker that I'd really like for this neighborhood to have some input as

1 exactly to what they're going to build there. And I just am scared about what it could be.
2 And it could be a very nice development but it also could be something that could bring
3 more crime into the area and that would be very unfair to these residents. So I'd ask if
4 there some way to delay it or defeat it until we can get together with the developer we
5 would just appreciate your consideration. And that's the only other one I'm speaking on
6 today. Thank you.

7 MR. MURRAY: All right, Senator.

8 MR. ANDERSON: Ms. Tonya House?

9 MS. HOUSE: I'm okay. He already talked.

10 MR. ANDERSON: It looks like Richard Kosky?

11 CHAIRMAN MANNING: That concludes the public comment.

12 AUDIENCE MEMBER: [inaudible]

13 CHAIRMAN MANNING: Okay.

14 **TESTIMONY OF RICK MAX:**

15 MR. MAX: My name is Rick Max. I live at 105 Hickory Lane in Lexington. I work
16 with Palmetto Consulting Engineering Group. We're the land planner and engineer on
17 this project. And this is going to sound like a funny statement but I agree with
18 everything that everyone's saying. What they don't realize is is that they, the property
19 as currently zoned is much more of a detriment to their neighborhood than allowing a
20 developer to come in; not build apartments, to build quality duplex units at a much less
21 reduced density than is proposed. Access to the property in the preliminary stages right
22 now is directly opposite Alpha Drive or Alpha Road. That's already a permitted point of
23 egress/ingress onto Boundary Road and in addition to that one of the statements that

1 was made earlier was that there would only be one entrance. With the threshold of 100
2 lots being met we're going to be required to put in an emergency entrance also for
3 emergency vehicles, police, fire, whatever. The other option is, is the reason we think
4 this is a good viable project for this neighborhood is because it is a residential
5 neighborhood. It's zoned now for commercial, it's zoned now for apartments. The
6 densities that – I think one of the things the residents that live in the neighborhood don't
7 understand is that if you apply the densities that can be applied to that project in
8 allowing an apartment developer to come in you're going to triple, quadruple, or the
9 traffic counts and densities are going to be, could be four or five times higher than what
10 we're talking about doing right now. We are committed to building the duplex, high
11 quality duplex units that we propose. These are not apartments. And also with our
12 development with the way the property's zoned right now you could have multiple
13 individual small commercial tracts that front with individual driveways along Boundary
14 Street which would be a travesty on that area. That's all I've got to say.

15 CHAIRMAN MANNING: You indicated that your plan is preferable to the
16 alternative.

17 MR. MAX: Absolutely.

18 CHAIRMAN MANNING: Have you given the neighborhood an opportunity to
19 discuss that to see if it is in their minds better or not?

20 MR. MAX: I think what the developer would like to do is to meet with the
21 homeowners association usually at or before one of the County Council meetings.

22 CHAIRMAN MANNING: So you have not met with the [inaudible] -

23 MR. MAX: No. We have not.

1 CHAIRMAN MANNING: - to discuss this plan?

2 MR. MAX: No. We have not.

3 CHAIRMAN MANNING: And do you feel like –

4 MR. MAX: Can I let the owner speak for that?

5 MR. MARGLE: Definitely now that we've seen Mr. House and he has been
6 designated by one of the local homeowners as the designee but I haven't talked to Mr.
7 House or set up a time to meet. But because of what we thought was a good Staff
8 recommendation and approval maybe we have time to meet with him before County
9 Council on the 28th of this month which I'm opening my schedule, hoping, opening up
10 my schedule any time, any place before then to do that so this can move forward and
11 then show them like you said, we have reviewed apartments and we have talked to
12 other commercial developers but we choose to do what is easy to go through the county
13 with the Staff recommendation and going through this rezoning.

14 CHAIRMAN MANNING: You don't think it would have been beneficial though to
15 have one of the neighborhoods here with support?

16 MR. MAGLE: Well there was a large, and it's coming up later in this is the
17 Woodfield Park Master Plan, for lack of a better word. We thought we were pretty much
18 in compliance with what was on that. Although we're not in that plan we're on the fringe
19 of the boundary of that plan that, with meeting with Staff. In retrospect maybe but I think
20 it's a better project than what they have to offer is what our engineers have said.

21 MS. MATTOS-WARD: Mr. Chairman, would it not be a good gesture for these
22 two entities to get together and iron their differences out?

23 CHAIRMAN MANNING: So you're recommending to the applicant that he defer -

1 MS. MATTOS-WARD: Defer –

2 CHAIRMAN MANNING: - [inaudible]

3 MS. MATTOS-WARD: - and then you come back in November?

4 MR. MAX: Could I just interject something? Would it be possible – that's a good
5 idea – would it be possible to make that recommendation for approval with that having
6 to occur prior to the first County Council meeting?

7 MS. CAIRNS: That wouldn't be anything we, I mean, we could vote on your
8 project today but we couldn't vote with the condition that we have no ability to address I
9 don't think. That's –

10 MR. MARGLE: Again in retrospect I guess every community needs to meet
11 earlier on having not been standing before you before in the past and not knowing – it is
12 not a requirement to meet with them if there's – but I can see that in hindsight we
13 probably should have if we had gotten opposition. We had asked Staff for input, we had
14 asked Staff if there was some opposition and names to be had before this meeting and
15 we didn't know. And there's no way to facilitate other than having my name, my
16 personal name on the application and I'm in the phone book God forbid that the call can
17 be made but the only way to facilitate that if you understand is through Staff and if there
18 was a need we would have surely have had that meeting before this. We didn't know of
19 such opposition and tell me how to do it differently and tell me how to get in front of
20 these people and find out other than knocking on doors and - you see my conundrum
21 kind of? So we'd like to go forward as my engineer said but we will meet before the 28th
22 if their schedule allows I mean, when we're going to have it.

1 MR. ANDERSON: I'd just like to ask. Tia, can you answer a couple questions?

2 Tia's our neighborhood planner. This is within the boundaries of the Decker Boulevard?

3 MS. RUTHERFORD: It is. We met with the developer. He came in and talked
4 to us and what's unfortunate is that at the end of your agenda you will hear the Greater
5 Woodfield Park or the Decker Boulevard Neighborhood Overlay language that does
6 include this property and what that document is doing is encouraging what your
7 developer's doing today and that's creating infill housing and new residential, some of
8 those things that were highlighted in the Decker Boulevard Master Planning process.
9 But we did meet with him and essentially Staff did recommend that he, you know, come
10 forward with his rezone and here we are now, you know, going to present to you the
11 residential overlay to encourage the same type of development that he's presented to
12 you today. But yeah, we did meet with the developer. We didn't know that there would
13 be opposition today so.

14 MR. ANDERSON: So as far as the residents in the Woodfield area was anybody
15 involved in any of the Decker Boulevard Master Plan, Woodfield Park Master Plan stuff?

16 AUDIENCE MEMBER: We did not know that it included our part of Woodfield.
17 We thought it was on the Decker side.

18 MR. ANDERSON: Okay.

19 MS. RUTHERFORD: That master plan area, I have a large map to show you, is
20 pretty all encompassing for greater Woodfield Park, Woodfield Park, all of the residential
21 area off of Decker Boulevard. So that master plan area includes a lot, well all of greater
22 Woodfield Park and Woodfield Park neighborhoods.

23 MR. MURRAY: Tia, do you when – may I ask [inaudible]?

1 CHAIRMAN MANNING: Sure.

2 MR. MURRAY: Okay. When you're doing that kind of work do you ever have
3 public hearings or do you have, get with the neighborhood residents and what have
4 you?

5 MS. RUTHERFORD: Definitely. The master planning process is open to the
6 public. We do massive mailings to all property owners in the area encouraging them to
7 take part in that master planning process and it's during that time the community comes
8 out and creates their master plan. What we are hearing after, I think we're in our fifth or
9 sixth master plan is a lot of people are coming forward and saying, oh, I didn't know you
10 were doing this to my neighborhood. I didn't get a chance to participate. And Decker
11 Boulevard Master Plan was approved in 2006. It's two years later that we have a
12 document that we're now in the implementation phase and this is essentially what this
13 rezone would do, would jump start the implementation phase of that master plan to give
14 us an opportunity to see some new residential area within that master planning area.

15 MR. MURRAY: Well these neighborhood associations are going to have to put
16 their foot on the rock and be involved in it, you know, be more proactive, you know, in
17 taking care of their community, I believe.

18 CHAIRMAN MANNING: We've got a lot of hands going up, but we can't continue
19 the conversation on and on.

20 MR. MURRAY: Thank you [inaudible].

21 MS. RUTHERFORD: Do you have any more questions for me?

22 MR. MURRAY: No.

23 MS. RUTHERFORD: Thank you.

1 CHAIRMAN MANNING: Okay. I guess that concludes the, [inaudible] finished
2 with your comments. I know [inaudible]. This concludes the comment section. Any
3 discussions for Staff?

4 MS. CAIRNS: I think, I mean, one thing that maybe it's an unnecessary and
5 whatnot, but I do think that it's important for us to realize that our Code does not require
6 public meetings in the public, I mean, in the community with neighboring areas. So as
7 this developer has offered that, you know, I mean, he was not required to do so and I
8 don't think we should hold any negative towards the applicant by having not gone above
9 and beyond what was required under the Code.

10 CHAIRMAN MANNING: And I agree with that fully. I guess my concern was that
11 there's a plan out there that [inaudible] feel is a benefit to the community over the
12 existing zoning and it would seem to me that he would put that out there -

13 MS. CAIRNS: Sure.

14 CHAIRMAN MANNING: - the way I see it. Because it certainly makes our job a
15 lot easier to – we don't have the ability in this situation to look at the [inaudible], that's
16 really not a part of the rezoning but through the community input section we would, I
17 mean, we would hear that.

18 MS. CAIRNS: And I just, you know, I'd also like to offer that, you know, certainly
19 it's understandable that the neighborhood appreciates the woods that they have right
20 now separating themselves from the Interstate and the lack of any traffic on Boundary
21 Road because of it being woods but I also think that the applicant has put forward a
22 plan that I think would be far preferable to what the buy right use of that property is with
23 it's, you know, East Boundary Road appears to be a mostly residential neighborhood to

1 have an, you know, an office complex feeding off of that road I think would be a
2 significant detriment to the neighborhood.

3 CHAIRMAN MANNING: Any further discussion? Comments? Make a motion.

4 MS. CAIRNS: I would be offering to make a motion that project 08-33 Map
5 Amendment rezoning a couple of parcels to RM-HD be approved as per the Staff
6 recommendation.

7 CHAIRMAN MANNING: Have a motion. A second?

8 MR. FURGESS: Second.

9 CHAIRMAN MANNING: Got a second and a motion. All those in favor please
10 raise your hand.

11 MS. CAIRNS: Who second that?

12 CHAIRMAN MANNING: Wes -

13 MS. CAIRNS: Okay.

14 CHAIRMAN MANNING: - seconded it. All those in favor please raise your hand.
15 All those opposed?

16 *[Approved: Cairns, Ward, Anderson, Manning, Furgess; Opposed: Murray, Mattos-*
17 *Ward; Absent: Palmer, Green]*

18 CHAIRMAN MANNING: I'm in favor of the rezoning but I think you need to do
19 your homework with the community.

20 MR. MARGLE: I will meet with the community.

21 AUDIENCE MEMBER: We did. You didn't give us a chance. We went to those
22 meetings and it was all about Decker. It was not about the other side of Woodfield.

1 CHAIRMAN MANNING: Thank you. And you may want to stay and watch this
2 presentation a little later on in the evening concerning this [inaudible]. Thank you.

3 AUDIENCE MEMBER: [inaudible] invitation [inaudible].

4 MR. MURRAY: Yes, ma'am.

5 CHAIRMAN MANNING: Okay. Next case?

6 **CASE NO. 08-35 MA:**

7 MS. ALMEIDA: Mr. Chairman, number 08-35, Sandhills Professional Park. The
8 applicant is Mike Ray. The property owner is Forum Development. The property's
9 located on Clemson Road and Earth Road. The acreage is 11.24 acres. The zoning
10 request is M-1.

11 CHAIRMAN MANNING: Excuse me one minute. Would y'all please, could the
12 crowd please quiet down out there? If you've got something you want to discuss please
13 go outside. Sir? Could y'all please go outside to have your discussion? Thank you.

14 MS. ALMEIDA: The zoning request is M-1 to GC. The current zoning is M-1
15 which is reflected from the original zoning of 1977. The site contains approximately 447
16 linear feet of frontage along Clemson Road. As you can see from the zoning on your
17 screen directly east of the site is property that's been in the City of Columbia.

18 MS. CAIRNS: Do we know what it's zoned? Sorry. Do we know what the City of
19 Columbia zoning is?

20 MS. ALMEIDA: Let me see here. RS-1.

21 MS. CAIRNS: Okay. Thank you.

22 MS. ALMEIDA: Okay?

23 MR. ANDERSON: What's RS-1 comparable to ours?

1 MS. ALMEIDA: I'm not quite sure what the lot size is. Again, the General
2 Commercial and M-1 share similar permitted uses with the exception of course of
3 tanning salons, body piercing, tattoo and multi-family. The maximum allowable density
4 residential uses in GC is 16 dwelling units per acre and the rezoning would potentially
5 allow 125 net units on the subject property. The applicant, Staff feels, has not provided
6 sufficient justification to amend the zoning map amendment and recommends denial.

7 MR. FURGESS: Anna, repeat the last thing that you said. I can't hear you.

8 MS. ALMEIDA: We feel, Staff feels that the applicant has not provided
9 justification for the map amendment and recommends denial.

10 CHAIRMAN MANNING: There's no one signed up for or against this. Any
11 questions of Staff?

12 MR. FURGESS: Mr. Chairman, I move that we disapprove this with the
13 recommendation of Staff, go along with the recommendation of Staff.

14 CHAIRMAN MANNING: The motion is to –

15 MR. MURRAY: Second.

16 CHAIRMAN MANNING: - take the Staff recommendation.

17 MR. FURGESS: Take the Staff recommendation.

18 CHAIRMAN MANNING: Okay. We've got a motion and a second. All those in
19 favor please raise your hand. All those opposed?

20 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Furgess, Mattos-Ward; Absent:*
21 *Palmer, Green]*

22 CHAIRMAN MANNING: Case No. 08-28.

23 **CASE NO. 08-28 MA:**

1 MS. ALMEIDA: Mr. Chairman, the applicant is Carl Berry II. The property owner
2 is Sycamore Development, LLC. The property is located on Rimer Pond Road. It's
3 approximately 36.35 acres. The existing zoning is RU and the request is RS-MD.
4 Parcel three contains approximately 286.8 linear feet of frontage along Rimer Pond
5 Road. The RS-MD designation would allow 8,500 square foot lots, net density 130
6 dwelling units. The proposed amendment would not result in a Level of Service C being
7 effected on the roadway. The subject parcel is located within two miles of Blythewood
8 Middle and Round Top Elementary School. The rezoning is compliant with both the
9 current and proposed comprehensive plans. Staff has analyzed that Rimer Pond Road
10 has adequate road capacity to accommodate the development. Water and sewer is
11 available in the area and just for some compatible statistics the rezoning would allow
12 130 single-family lots. The current zoning would allow 47 single-family lots based on
13 the gross acreage. But utilization, the site could utilize the open space provision of land
14 development regs that would allow maximum density. Staff is recommending approval.

15 CHAIRMAN MANNING: Some clarification on page 78, Site [inaudible]. Is that
16 both parcels that they're looking at today? [inaudible] case 29 is –

17 MS. ALMEIDA: 08-28 has two lots which are those two parcels. 08-29 is the
18 one parcel. In the beginning of the meeting we tried to fix those tax map numbers.

19 MS. CAIRNS: I just have maybe in general I [inaudible] greater but I'm curious.
20 You offered as part of your presentation that the rezoning for this is compatible with the
21 proposed land use for this area?

22 MS. ALMEIDA: Correct.

1 MS. CAIRNS: So, you know, right now the top of that subdivision is sort of a
2 boundary. I mean, a lot of rural and a lot of non-rural.

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

4 MS. CAIRNS: Are we proposing density like this all the way to the county border
5 up in that corner? I mean, do we have a point where we stop recommending rural in the
6 proposed plan? I mean, this is getting pretty close to the edges of density.

7 MS. ALMEIDA: Right. A lot of this suburban area is, well is somewhat
8 considered infill and due to the water and sewer availability in the area it's now
9 changing the character of the area. As you can see north of the site is Ceton Ridge
10 which was developed as a rural subdivision with septic, but at the time water was not
11 available. Since the new school has gone in on Long Town Road that has somewhat
12 changed.

13 MS. CAIRNS: I mean, so you talk about the new proposed plan having areas
14 designated as suburban.

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

16 MS. CAIRNS: So what's a lot, I mean, what smaller size are we thinking we're
17 going to end up with in -

18 MS. ALMEIDA: Well I know our comprehensive plan, our proposed, pending
19 comprehensive plan when we talk about rural we are truly going to focus on rural. No
20 infrastructure, you know, something – two acres, five acres, truly something that is rural.
21 Three quarters of an acre really is not rural.

22 MS. CAIRNS: I agree.

23 MR. ANDERSON: Mr. Eric Estep? Oh, I'm sorry. Mr. Benjamin then, go ahead.

1 **TESTIMONY OF MR. BENJAMIN:**

2 MR. BENJAMIN: I think I'm going to speak on behalf of the application first and
3 on behalf of Pastor Estep who's the pastor of the Village Church. He left a letter here in
4 support of the rezoning but he had to leave as I'm sure people who are both for and
5 against this rezoning both had to leave. It's been a long day. I am representing
6 Sycamore Development, representing the developer.

7 CHAIRMAN MANNING: We'll allow you to [inaudible].

8 MR. BENJAMIN: I can't hear you, Mr. Chairman, I'm sorry.

9 CHAIRMAN MANNING: We're going to allow you additional time to make your
10 case but we're going to limit to three minutes people who are here to comment for and
11 against.

12 MR. BENJAMIN: Okay. Thank you. Very briefly, I know it's been a long day and
13 I'm going to try my best to talk as fast as I can. If I start talking too fast please let me
14 know. I've been accused of that in the past. I know that some of you are very familiar
15 with this property and this effort to rezone this property to medium density. Mainly after
16 ya'll took a look at this effort last year there was a meeting, a neighborhood meeting and
17 I want to say this very clearly because I think it's only fair. I've been around long
18 enough to know that reasonable people can look at the same matter and see it entirely
19 differently. The effort is usually to be, is to disagree and not be disagreeable and I
20 make sure that our comments and hopefully anyone who speaks in favor of their
21 support or against this today will respect each other's dignity and not challenge
22 anyone's character. I say that because I know that some folk don't want to see any
23 development in this area on these two parcels of land. They don't want to see any

1 development; they don't want to see any rezoning. The reality is that since last year a
2 number of things have changed including the changing nature of the area. One issue
3 that was raised last year was water availability. There's water available with the school
4 there but also since then the developers have contracted with the Town of Winnsboro to
5 also provide water to service the property. In addition to the Town of Winnsboro, the
6 City of Columbia is also coming very soon with a trunk main, a new trunk main will run
7 right down the side of our property along Rimer Pond Road. There's a new water tower
8 at the beginning of Rimer Pond Road being built now. The one thing that, one regular
9 complaint you keep hearing is the effort – is that any development will reduce the water
10 table and there would be availability of water to, you know, there are a number of
11 people out there who are on wells. Of course if you stick with the rural designation and
12 you're required to develop at that level then of course people will have to build wells and
13 it will affect the water table. This effort will not affect the availability of water. Just in the
14 past two weeks of course as many of you know who ever travel down that there
15 regularly some of the traffic concerns have been addressed. There've been turn lanes
16 installed and a traffic signal also installed at the corner of Rimer Pond Road and Long
17 Town Road. The church as referenced in Pastor Estep's letter is moving ahead with
18 developing its parcel right between the parcels that you're going to consider today. The
19 Staff I think recognizing these various changes to the environment is recommending
20 approval of our application. Medium density is entirely consistent with the [inaudible]
21 comprehensive plan. We believe that, again some folks we know will always oppose
22 development of this property. It's not what they envision this rural designation that's
23 been in place for 30-something years but [inaudible] changed dramatically. Sycamore

1 promises responsible development of this property taking into account the various
2 concerns raised by various residents out there. Spending a great deal of time trying to
3 work on the green aspects of the plan including adding sidewalks and walking trails.
4 There's a huge need for sidewalks out there for kids to get to school among other needs
5 just promoting green development. Also utilizing the pond as an open space amenity
6 for the property and not simply clear cutting the land. We are looking at the possibility
7 of also utilizing the county's new green code. That's being reviewed actively by my
8 clients. I know that oftentimes these long days can get very long. I've served as a
9 member of the City of Columbia Planning Commission and I know this is probably one
10 of the most thankless jobs in town so I thank you all for indulging me and I'm happy to
11 make myself available for comments as my clients are as well. Any questions, any
12 comments?

13 CHAIRMAN MANNING: Questions?

14 MR. ANDERSON: Were you speaking on behalf of all the fors?

15 MR. BENJAMIN: Yes, sir. There may be some others who wish to speak but I
16 think we'll take it as we go.

17 MR. ANDERSON: [Inaudible] Michael Watt?

18 **TESTIMONY OF MICHAEL WATTS:**

19 MR. WATTS: My name is Michael Watts. I live at 359 Adams Road. My
20 property hooks from Adams and goes around Rimer Pond. I live on some land that's
21 been in my family for five generations. This November will be the 18th anniversary of
22 me building my house there. A couple important notes. Rimer Pond Road, on Rimer
23 Pond Road there is directly on it two developments, three developments at the present

1 time. There's Eagles Glen which is a rural development, three quarter acre lots or
2 larger. There is Ceton Ridge, rural development, three-quarter acre lots or larger, and
3 there's Cooper's Pond which was approved about three years ago now. Cooper's Pond
4 was brought in here and proposed. It is a rural estate zoning category. It's two houses
5 per acre. It was done by a developer, nice plan, walking space, walking trails, pond to
6 go around and the market went sour. So that developer flipped it and he sold it to
7 another developer and there's no walking trails, there's a path I suppose through the
8 woods to the pond, and it seems to me that instead of giving someone a blanket
9 approval for a zoning for something that is completely incompatible with anything else
10 that's on the road, medium density is nowhere else on that road. It might be in Long
11 Creek but it's nowhere else on Rimer Pond Road. It seems to me that due diligence
12 would serve you if you would actually have a plan that you looked at with a layout of the
13 supposed green space and possibly a PDD or a PUD. Now I'm not in favor of any of
14 those but I am saying due diligence would require that you look at something because
15 we have already experienced the City of Columbia putting a massive 10-story water
16 tower against our wishes on our road when they bought and owned land less than 300
17 yards across Highway 21 where Google® is going. We already have to drive past that
18 pornographic monstrosity every day on our way home to work. We didn't ask for it but
19 we got slammed with it. Water is an issue. I'm on a well. My grandmother's on a well,
20 my aunt and uncle are on wells. And the people that move in even if they are served by
21 city water will most likely dig an irrigation well so they can water their grass. And for
22 those of us who've lived in the country for so long it becomes a futile experience to have

1 to continue to come down here and say the same things and see our wishes ignored.

2 Thank you.

3 MR. ANDERSON: Mr. James Chambers?

4 **TESTIMONY OF JAMES CHAMBERS:**

5 MR. CHAMBERS: Hi. I'm a resident of Seton Ridge and I just want to say that,
6 you know, when we moved in, you know, we were under the impression there was
7 going to be a rural area and, you know, them building, you know, the low density, I
8 mean, high density housing I believe would cause a problem with the traffic and not only
9 that with the, you know, just the outlay of the land, you know, pretty much the same
10 thing the gentleman just said so that's it.

11 MR. ANDERSON: Mr. Ken Queen?

12 **TESTIMONY OF KEN QUEEN:**

13 MR. QUEEN: Good afternoon. I'm Ken Queen. I live directly across the street
14 from this proposed development and I have a number of issues that I have concerns
15 with. I was the one who brought Ceton Ridge before Planning Commission and County
16 Council a number of years ago to have it approved and I requested the same zoning
17 that these gentlemen are requesting now. At the time I was told that medium density
18 zoning is not compatible with that area and that was before we had an increase in traffic
19 flow like we have now on Rimer Pond Road which has required, which has caused us to
20 have to have a new stop light at Rimer Pond and Long Town. I was sent back and told
21 that I could develop it rurally. It was represented earlier that there's some of us that
22 don't want rezoning. We know this property's going to get developed, okay, at some
23 point it will be developed. But if it was good enough for us to do in rural zoning with

1 three-quarter acre lots it's good enough for the next guys that come down the road.
2 There's nothing on Rimer Pond Road that's developed with less than a half-acre lot.
3 There's a lot of folks out there that have bigger parcels of property and larger lots, larger
4 pieces of land that can't, don't want to see it I guess. My second concern is none of us
5 have seen a plan. The people who live across the street, the people who live next door,
6 the people who live in the middle of that development, the people who live all around it
7 have not seen any sort of development plan. Okay? We've not seen any type of layout.
8 We don't know what they're doing. I've been, I've rezoned probably 70 pieces of
9 property over the years in Richland and Kershaw County and I always had the courtesy
10 of going and meeting with the people and showing them what I intend to do. I guess
11 that's my time. I've got a couple other issues.

12 AUDIENCE MEMBER: You can have my time [inaudible].

13 MR. QUEEN: I'll take Mr. Voyle's(?) time. Mr. Voyles is one of those who hasn't
14 had the courtesy of seeing the plans either. But our concern is that the road is not open
15 for additional traffic. We can't support the additional traffic. I can come out of my
16 driveway directly across from what's supposed to be the entrance here and turn to go
17 down to Rimer Pond and Long Town. I'm sitting in traffic a half mile out from that
18 intersection now, not, without these additional 130 units proposed on this piece of land.
19 Okay. We don't have a problem with it being developed. We want it developed
20 according to what's already out there, rural, rural estate. That's what's there, that's
21 what's compatible and we want to be included in the planning of it. That's what we're
22 asking for. Thank you.

23 MR. ANDERSON: Mr. Tom Dugan?

TESTIMONY OF TOM DUGGAN:

1 MR. DUGAN: Hi, I'm Tom Duggan. I live at 216 Foxton Lane in Ceton Ridge.
2
3 We're here to oppose this. We opposed this the last time. We're not opposed to the
4 redevelopment of this area. We want it to remain rural. It says right there, uniquely
5 rural. Where are we going to draw the line at what's rural and what's suburban? We're
6 three miles from the Fairfield line, we're three miles from Kershaw County. Are we
7 going to turn into a massive subdivision to the county line? There is MD available in
8 Long, Lake Carolina, and the Summit, on the other side of Windermere; the MD's there.
9 We want to remain rural. We all bought out there to be rural. The fire service out there
10 is all volunteer. It's serviced by three stations, Bear Creek, Blythewood, and Killian.
11 Those are volunteer stations. The new station that's coming in on Clemson Road is
12 slotted to be a volunteer station. We're going to add between this parcel and the other
13 parcel that Mr. Berry wants to do, I know that three to four hundred homes into this
14 area. Mr. Berry agree last year to meet with us. He met one time, said he would come
15 back to us with a plan. The next call that we heard was Mr. Letts calling us for Mr. Berry
16 saying that he decided he was going to do MD and that he didn't need to meet with us.
17 But water is an issue. The water lines are not there yet. Thank you.

18 MR. ANDERSON: Thank you. Mr. Randolph? Tony Randolph?

19 AUDIENCE MEMBER: He left.

20 MR. ANDERSON: Mr. David Ezell?

TESTIMONY OF DAVID EZELL:

21 MR. EZELL: Good afternoon. My name's David Ezell. I live at 130 Ceton Ridge
22 Drive. I was down here last year with the same thing. Some question I have well what
23

1 – what I'd like to know is last year the Planning Commission recommended disapproval
2 and this year they recommend approval. I along with the others, I have no problem with
3 this land being developed. When I bought out there I assumed that land would be
4 developed eventually but I also assumed that it would be developed rural along with
5 everything else on that road that's rural. I have no problem whatsoever. Mr. Berry did
6 meet with us after the Planning Commission meeting last year. He got with the
7 community, said, yeah I want to work with you guys. I'm going to go redevelop my plan
8 and I'll get back with you in 90 days. Today's the first day I've seen Mr. Berry since
9 then. Just recommend that we keep it in the rural, three-quarter acres or greater or
10 nothing at all. Thank you.

11 MR. ANDERSON: Mr. Bob Wagner? Marian Wagner? Vanessa English? Ms.
12 Vanessa English?

13 **TESTIMONY OF VANESSA ENGLISH:**

14 MS. ENGLISH: Thank you. It has been a long afternoon. I know you're tired;
15 we're all tired. But this is so important to all of us, it really, really is. I would like to start
16 by saying I beg to differ with Mr. Benjamin here. That community has not changed. It is
17 the same rural community, has been developed rural and, I mean, it has not changed at
18 all from what it is. There are large estates, there are small estates, but there are no little
19 small subdivisions as what's being proposed. And I might add that this proposal is
20 connected, is right next to the property that my family has. Fifty acres with a home.
21 Across the street from me is 20 acres, one home. Next to it, another 25 acres and one
22 home. Down the street from that another 25 acres, one home. And then the Ceton Hall
23 community which is rural. There is nowhere close, near, is there anything remotely

1 close to even low density let alone medium density. And what's really difficult is that all
2 of us who live in the area bought into the idea that we were having or moving to rural
3 living. What you all as a Body designated as a rural community, we looked at that and
4 we decided that based upon our lifestyles and our standard of living that that was what
5 was right for us. We didn't want to go urban otherwise we would have moved urban but
6 we went way out totally rural, close to, right near and on the boundaries of Richland,
7 Fairfield, and I'm sorry but this is so emotional, I've got to speak more. Everybody else
8 had their chance, doggone it, I'm gonna get mine. But we bought into this. Now it
9 seems like after all of these years we've been here and everyone buying in to the
10 concept that was presented to us that the rules are getting changed in the middle of the
11 game and that absolutely is not fair. That is wrong and that is irresponsible. There has
12 to be a variety of living in Richland County for all of us. For those of us who want to be
13 urban, yes, let's be uniquely urban. For those of us who want to be rural, good.
14 Provide living for us in a rural community. But if we're just going to be a one-
15 dimensional county where anybody can do whatever they want and build however they
16 want to, what is your purpose and what is your role? Why are you here? It just doesn't
17 make any sense. And, you know, I'd like to, you know, I'd like to close by saying, you
18 know, people have ideas and they have thoughts of maybe wanting to bring about
19 change but while I know it is not required and it is not necessary for anyone who wants
20 to do something different to present it to those around them, you know what, it's the
21 right thing to do. Any time you want to come in and change things and make
22 someone's lifestyle totally different from what it is, I think it's the right thing to do to
23 come in and ask, do you oppose? Will you work with us? Will you be in support of us?

1 Anything. I'm in the Wendy's business and our founder, our beloved founder, Dave
2 Thomas, was a great man, a fine individual. He was an American institution. He taught
3 us some principals. I am and I understand but I apologize – I do apologize and, you
4 know –

5 CHAIRMAN MANNING: Go ahead and wrap it [inaudible].

6 MS. ENGLISH: - the first one was just too long but he instilled some things that
7 are very important that everybody needs to understand and everybody needs to live by.
8 There's some principals we have when we run our business. Very simple, just be nice.
9 Just be nice. Treat everybody with respect. Just to treat everybody with respect, just
10 be nice, and do the right thing.

11 CHAIRMAN MANNING: Okay.

12 MS. ENGLISH: And I'm just asking for all of us that we are allowed to keep our
13 community as it is.

14 CHAIRMAN MANNING: Thank you.

15 MS. ENGLISH: Thank you.

16 MR. ANDERSON: Mr. Larry Nichols.

17 **TESTIMONY OF LARRY NICHOLS:**

18 MR. NICHOLS: Good evening. My name is Larry Nichols and I'm at 15 Allenton
19 Court, Ceton Ridge. Pretty much everything's been said. We're not against
20 development. I think what we're against is people trying to change our way of living to
21 their way of living and not looking at the idea of what they're doing. And the thing about
22 it, you know, you've got roads going to have to be rebuilt, more schools, traffic going to
23 be heavy. If you're going to do it, you're going to develop it, develop it the way it is out

1 there. Give the people across the street a quarter of an acre of land or a half an acre of
2 land. That's all we're saying. We want you to develop. We want progress but don't
3 make progress and then suppress us at the same time. Thank you.

4 CHAIRMAN MANNING: Thank you.

5 MR. ANDERSON: Mr. Garfield Bradshaw?

6 **TESTIMONY OF GARFIELD BRADSHAW:**

7 MR. BRADSHAW: Good afternoon. My name is Garfield Bradshaw and I live
8 directly across the street from where that Village Church is going. I walk every morning
9 and if I don't get up in the morning before, and get on the road before 6:00 o'clock, the
10 traffic is just too much. When school started this year my wife called and said, look
11 outside, and basically the traffic was backed up from Long Town and Rimer Pond Road
12 two miles back about to where the house is. The area is rural, that's why we moved out
13 there. And it would be nice to keep it that way and not just crowd everyone in. I haven't
14 seen any water that's there so there's no water available at this time. It might be
15 coming. But I do think consideration should be given to keep it rural because it's
16 basically a rural setting. Thank you.

17 CHAIRMAN MANNING: Thank you.

18 MR. ANDERSON: Mr. Ken Grant?

19 AUDIENCE MEMBER: [inaudible]

20 MR. ANDERSON: I can't read this. [Inaudible], 110 Windermere Way?

21 AUDIENCE MEMBER: [Inaudible]

22 MR. ANDERSON: Okay. Okay.

23 **TESTIMONY OF (?):**

1 MR. (?): Good afternoon, ladies and gentlemen. I would just ask that you
2 consider the density problem again with respect to this project in addition to the
3 Windermere project, same idea. The infrastructure out in that area at the corner Long
4 Town and Rimer Pond Road is heavily overloaded as are the two schools there. If you
5 put 100 or 200 more houses, maybe 300 more houses out there I would suggest that in
6 the morning on a workday that all of you go out to that intersection and sit there on the
7 side from about 7:00 in the morning until about 9:00 o'clock and you will be astounded
8 at the traffic that goes through there. Lake Carolina traffic, the Highlands traffic, and
9 some of those apartment units throughout there, they all come out the back way to go to
10 77 because they can't get out through Hardscrabble. And it is a mess and I have seen
11 it from Long Town and Rimer backed up to Kelly Mill and Hardscrabble intersection
12 many times. It is a mess and if you overload that road you're going to have to put a new
13 road in there. In addition to the Richland Two schools bonds that we're going to vote on
14 this fall for another \$300 million or something so not only is it the road, it's the schools
15 and everything. So please consider the density aspect.

16 MR. ANDERSON: Kelly Edwards?

17 AUDIENCE MEMBER: The same as everybody else.

18 MR. ANDERSON: Jim Frye?

19 AUDIENCE MEMBER: [inaudible]

20 MR. ANDERSON: Okay. I'm sorry. Sorry. I've looked at a lot of names today.
21 That's it.

22 CHAIRMAN MANNING: That concludes that section?

23 MR. ANDERSON: Yeah. They all signed up.

1 CHAIRMAN MANNING: I think that's all who signed up to speak I think in
2 opposition.

3 MR. BENJAMIN: I think, I'm not sure. I know(?) there are a couple of sheets,
4 Mr. Chairman. I know some folks signed up to speak in behalf of the other parcel as
5 well. I think, there were a number of references to Mr. Berry and Mr. Letts. I know they
6 signed up to speak on the parcel and I want to make he's able to respond to these. I
7 neglected to pass out my previous presentation, the letters from the Town of Winnsboro
8 indicating that the water service will be available to the property; I want to make sure
9 you have that.

10 **TESTIMONY OF CARL BERRY:**

11 MR. BERRY: Good afternoon and I appreciate your time. I know it's been a long
12 day. Mr. Chairperson, Mr. Chairman and other Commissioner Members, I just wanted
13 to address a couple points.

14 CHAIRMAN MANNING: State your name and address.

15 MR. BERRY: Yeah, my name is Carl Berry. I represent the actual owner,
16 Sycamore Development. And a couple things that I really wanted to address and
17 honesty, as my grandfather always raised me, is the best policy and I'm just going to be
18 completely honest. A year ago, I'll tell you the journey that I've been down. Fifteen
19 months ago we brought this property before this Body for potential rezoning. Okay?
20 Not understanding in detail the opposition, the opposition was here and so forth and,
21 you know, we were defeated. I had, at that time I didn't own the property. I had to
22 make an evaluation based on two things. I needed to go meet with the community and I
23 needed to evaluate how the nature of the community was today versus how it was going

1 to change and so forth. I met – there's two things I want to address. As a developer I
2 did extensive due diligence after that in understanding where things were coming,
3 where things were moving. Water is actually going to be coming right down the
4 property. Rimer Pond Road with the City of Columbia and their 24" inch main trunk line.
5 That changes the nature of this property from 15 months ago. Sewer is available on my
6 property. I actually as an interim step taken into account the table. water table issues,
7 have secured a commitment from Winnsboro to bring water in in advance of the City of
8 Columbia. There is a traffic light now installed on the corner parcel. I don't have any
9 other residential property that has a traffic light, full face traffic light on it. The rural
10 nature has changed. Going back to the community, I had a meeting after being
11 defeated extensively with the community at the recommendation of my Councilwoman,
12 Joyce Dickerson. She has thoroughly involved in this project. We had a meeting with
13 the community at the Blythewood Rec Center a week after we were defeated we
14 gathered input. I'm being honest. I respect these people, I really do. I understand. My
15 parents as a developer live in Fox Meadow which is right down the street in Long Creek
16 Plantation. I have a vested interest in doing this with quality and doing it the right way.
17 Green codes are permitted by PDDs. I can't go that route if I'm going to consider green.
18 The bottom line is that I left that meeting with the community with a clear understanding
19 as you heard today. Mr. Berry, the only thing we're going to support is three-quarter
20 acre lots to be developed rural. Period. And I met for three and a half hours and then
21 we had subsequent follow-up meetings, individually with members representing this
22 room that have spoke, either myself or Michael Letts. Same message. And you just
23 reach a point where even though you respect them and you understand their rights and

1 their point of view, it was clear that there wasn't going to be any negotiation from a
2 standpoint of what goes into the community. So with that, here we are today. Again I
3 respect your time. I will tell this Body we're going to develop with quality, do it the right
4 way. I have relatives in the area, I have a vested interest. Ms. Dickerson has seen
5 other communities that we've developed. She knows the type product that we do.
6 Thank you for your time.

7 CHAIRMAN MANNING: [Inaudible] because I got the impression that that was
8 not the case.

9 MR. BERRY: It is – we have not –

10 CHAIRMAN MANNING: We're speaking to Mr. Berry and we've closed that,
11 okay?

12 MR. BERRY: Yes. It is my opinion that I went above and beyond early in the
13 process to gather input from the community. The input gathered was that nothing other
14 than rural three-quarter acre lots were going to be supported. I took that input, did
15 subsequent due diligence to determine whether or not this was going to change or not.
16 With the other factors that have come into play it's not rural three-quarter acre in the
17 future. So based on that I do feel like I did my part in meeting with the community and
18 working through that.

19 CHAIRMAN MANNING: Okay. Thank you.

20 MR. BENJAMIN: I think it's important though. I hope I didn't defer the
21 opportunity of those who support the project also speak on its behalf if that's necessary
22 or people who signed up –

23 CHAIRMAN MANNING: I thought that you were going to ask them to speak.

1 MR. BENJAMIN: [inaudible] in support. Well there are some here, I mean, so I
2 hate to make it seem as if those – the only people who are here from the neighborhood
3 are those who are against the project. There are those who are in support of the project
4 and there are various members of the community have been engaged. Sure.

5 CHAIRMAN MANNING: If they're signed up to speak and they want to speak
6 come on down but otherwise –

7 MR. BENJAMIN: Okay. Sure. I just wanted to make sure that was clear, Mr.
8 Chairman.

9 MR. ANDERSON: Let's see. We've heard from, Mr. Estep wrote the letter.
10 Steelman, Mr. Kevin Steelman?

11 AUDIENCE MEMBER: [Inaudible]

12 MR. ANDERSON: Dr. Louise Lynn?

13 AUDIENCE MEMBER: Had to leave as well.

14 MR. ANDERSON: Michael Letts?

15 AUDIENCE MEMBER: We've belabored the point long enough. Everybody's
16 tired, I'm sure.

17 MR. ANDERSON: Crawford, Bianca Crawford?

18 AUDIENCE MEMBER: [Inaudible]

19 MR. ANDERSON: Thank you. That's all that signed up.

20 AUDIENCE MEMBER: Excuse me, Mr. Chair. I've just got a question I'm
21 confused about something here.

22 CHAIRMAN MANNING: We're closing the public comment session. We're going
23 to move forward with this process. Any discussion with the Staff?

1 MR. ANDERSON: Mr. Chair, I do have one quick question of Staff and then I
2 want to offer a couple comments. I guess – so this is in compliance with the
3 comprehensive plan, the pending comprehensive plan?

4 MS. ALMEIDA: Correct.

5 MR. ANDERSON: Okay. And as far as the approval that y'all, that the Staff
6 recommended was that based upon the water line going there?

7 MS. ALMEIDA: Well, correct. There's water availability, infrastructure, schools,
8 obviously the new light. Yes.

9 MR. ANDERSON: This seems a classic case like the Staff pointed out. I mean,
10 this is a changing area when water starts to come in and this is a classic infill case of
11 land being changed in my opinion. Now the Level of Service C as far as the traffic
12 goes, traffic impact analysis, not to mention there's a light there. That's a step we don't
13 usually see with developers I'll tell you that. But I, with the changing nature of the land I
14 really don't have a big problem with this project at all and having said that I'd make a
15 recommendation that we send Case No. -

16 MS. CAIRNS: I'd like to still open, leave the floor open.

17 MR. ANDERSON: Sure. I'd just want to go ahead and get a, I just want to go
18 ahead and get a motion that case No. 08-28 MA with a recommendation of approval
19 according to Staff's recommendation.

20 MS. CAIRNS: I just, I mean, I feel there's a lot of issues here. I mean, I think
21 that if we allow the laying down of a water line to dictate that that's where we're going to
22 allow denser development we might as well just disband because we don't have a role
23 then. We obviously as we've talked about before, we have no control over where those

1 water lines go. So if we simply allow those to go and then say okay that's where we're
2 going to allow dense development then we just need to stop. So I think that's in
3 essence and irrelevant thing. I also think calling this infill is an injustice to those who
4 truly do infill. Infill is where you find land that for some reason hasn't been developed
5 but yet everything around it is and I think this is completely not infill. I also think one of
6 the things that, it's sort of semantics but it's also very real. You know, we've talked
7 about the fact that this land in the future is designated for suburban development. Now
8 we don't have a definition of suburban to the best of my knowledge. But we've also
9 talked about the fact that as it is zoned today it allows three-quarter acre lots. In reality
10 three-quarter acre lots are suburban, they are not rural. I mean, the fact that we have
11 called rural three-quarter acre lots has been a bit of a misnomer. And so, and to go
12 from three-quarter lots to medium density, 8,500 square foot lots I just, you know, I feel
13 that we could leave it zoned rural and be consistent with the idea that this is going to be
14 suburban development because three-quarter acre lots is going to be suburban
15 development, you know. And so, I mean, I, you know, spent a lot of time looking at this.
16 I mean, I do remember it from before and, you know, I take this part of the county and
17 kind of zoom out and I think if we're going to call this infill and go with medium density
18 out here we might as well just pave to the edge of the county because there's no, I
19 mean, this, you know, sort of comes up as a bit of a boundary, you know, so that's, I
20 mean, my position is this is way too much rezoning in an area that, you know, south of
21 here there's a lot of dense development but you've got to draw the line somewhere or
22 we're just going to keep on, you know, there's just not going to be anything. So that's
23 my position is it's suburban with three-quarter acre lots.

1 MR. ANDERSON: And I agree. There are certain aspects of that I agree on. I
2 think Rimer Pond has the services to support –

3 MS. CAIRNS: Oh, I don't disagree.

4 MR. ANDERSON: - certain infill and the light thing just really makes a big
5 impression. I don't see many developers throw a light up.

6 MS. CAIRNS: Well the light [inaudible] the light is at the corner of Rimer and
7 Long Town.

8 MR. ANDERSON: Well I'm just saying that enhances [inaudible] -

9 CHAIRMAN MANNING: Y'all please be quiet while they have a discussion about
10 these issues. They don't need any more input from the public at this time.

11 MR. ANDERSON: I guess my point is I'm agreeing with Staff. And it could make
12 sense in the area. I mean, whether Rimer Pond is the line I don't know. But in my
13 opinion the development below it, it does match in my opinion.

14 MS. CAIRNS: I think it's, I mean, I would agree that this development could
15 potentially be viewed as consistent with the project south of it. However, they don't
16 share a common transportation piece which is Rimer Pond. I would say that you should
17 not let the road be the designation between two different zoning area or fields or
18 whatever. That basically this property line, this southern property line that makes a nice
19 boundary because on Rimer Pond you have rural and three-quarter lots is semi-
20 suburban or suburban but, you know, so I'd say it's still going suburban and south of
21 this you have deeper density. So, I mean, to me I would not support the use of a road
22 as a means of defining where the boundary is. I mean, because if you're going to allow
23 this kind of development on this side of Rimer Pond you really don't have any reason to

1 justify denying it on the other side, you know. So I think the boundary is what we see as
2 this sort of southern and if you zoom out of the county in this area it's not neat and tidy
3 but, you know, my thought is the county, the Staff says we're proposing this area go
4 suburban. I say okay it's suburban with three-quarter acre lots and that this amount of
5 density is completely incompatible with the area. That's my position.

6 CHAIRMAN MANNING: We have a motion on the floor. Do we have a second?

7 MR. MURRAY: Second.

8 CHAIRMAN MANNING: Motion and a second. All right. All those in favor
9 please raise your hand. All those opposed?

10 *[Approved: Murray, Ward, Anderson, Manning, Furgess; Opposed: Cairns Mattos-*
11 *Ward; Absent: Palmer, Green]*

12 CHAIRMAN MANNING: What was the vote?

13 MS. ALMEIDA: Five/two.

14 CHAIRMAN MANNING: Five/two. This will go forward on October 28th. Council,
15 Richland County Council [inaudible].

16 MR. BENJAMIN: In our haste, Mr. Chairman, we apologize.

17 CHAIRMAN MANNING: Excuse me, go ahead.

18 **CASE NO. 08-29 MA:**

19 MS. ALMEIDA: Case No. 08-29. Applicant Carl Berry, property owner
20 Sycamore Development. The location of the property is at the intersection of Rimer
21 Pond Road and Long Town Road. The acreage of the site is 31.23. The existing
22 zoning is RU. The requested zoning is RS-MD. Net density on the property is 102
23 units. Minimum lot area 8,500 square feet. The parcel contains approximately 1,259

1 linear feet of frontage along Long Town Road and 1,487 linear feet of frontage along
2 Rimer Pond Road. Again the property's located at the existing Long Creek Plantation,
3 north of the existing Long Creek Plantation residential community. The character of the
4 surrounding area is residential, low-density development to the south, rural to the north.
5 The subject parcel's located within two miles of Blythewood Middle and Round Top
6 Elementary Schools, and water and sewer is available to the area. Staff is
7 recommending approval.

8 CHAIRMAN MANNING: Thank you. Any questions of Staff before we do the
9 public comment period?

10 MS. CAIRNS: I just, I mean I just have one question. I mean, this appears to be
11 without any different issues from the last one so I would just offer that any discussion be
12 somehow unique from what the previous lot was because otherwise it's exactly the
13 same, if that would be possible.

14 CHAIRMAN MANNING: That would be nice but I am going to let the applicant –

15 MR. BENJAMIN: I defer to Ms. Cairns' wisdom in that regard. We will not speak
16 unless there's some unique questions that ya'll also want to present.

17 MR. MANNING: Garfield Bradshaw? Mr. Larry Nichols? Ken Grant? Don
18 Mitchell? Ms. Kay Frye? Kelly Edwards? All right. David and Sharon Voyle? All right.

19 AUDIENCE MEMBER: Mr. Chairman, my name should be on there. I signed up
20 to speak against it.

21 CHAIRMAN MANNING: Okay.

22 AUDIENCE MEMBER: Mine as well, sir.

23 CHAIRMAN MANNING: If you'd like to come to the podium and speak?

1 AUDIENCE MEMBER: Yes, sir, thank you.

2 **TESTIMONY OF TOM DUGAN:**

3 MR. DUGAN: I'm Tom Dugan. I live 216 Foxton Lane in Ceton Ridge. Again
4 the same objections that I had on the last piece. However, if you notice this piece is not
5 two miles away from Blythewood Middle School. It's right across the street from
6 Blythewood Middle School. It's going to add to the traffic there in the mornings when
7 kids are trying to go to school. It's also basically right across the street from Round Top
8 Elementary School. The traffic light at Rimer Pond was put there because the traffic
9 has gotten so bad and it's getting worse. So the developer putting the traffic light
10 there's a non-issue. If I'm correct I don't even think it was the developer, I think it was
11 DOT. Again it's out of character. The density is too, just too much. The same
12 objections that we had to the last piece. Thank you.

13 CHAIRMAN MANNING: Thank you.

14 **TESTIMONY OF DAVID EZELL:**

15 MR. EZELL: My name's David Ezell. I live in Ceton Ridge. To add to what I
16 talked to before. What I wanted to bring up was I had a question about this New Life
17 Church that's supposed to be going in somewhere on this road and evidently it's tied to
18 Sycamore Development and I don't understand the tie between this church going in and
19 this housing development going in.

20 CHAIRMAN MANNING: I don't know if that's relevant to the discussion of this
21 case and I don't know that to be a fact so we're going to refrain from things that we –

22 MR. EZELL: Yes, sir. I'll leave that out. Then I would like to point out we've got
23 low density down to the southern border and then we've got rural above Rimer Pond

1 Road, then you're proposing to putting medium density in between. It seems like we're
2 going from medium size lots to little lots to big lots instead of making a smooth
3 transition. Like I said before I don't have a big deal with development but I have
4 concern with the number of units going in there. That's all I have to say. Thank you.

5 CHAIRMAN MANNING: Thank you.

6 **TESTIMONY OF MICHAEL WATTS:**

7 MR. WATTS: Michael Watts. I know you're not supposed to talk about people
8 but let me relay to you.

9 CHAIRMAN MANNING: You're not going to talk about –

10 MR. WATTS: Right, I know. But what Ms. Dickerson, Councilwoman Dickerson
11 relayed to me on Friday about the stop light. That was an initiative put forth by the
12 Blythewood Middle School to get the stop light put in. It has nothing to do with this
13 development going in at all because that was my question to Ms. Dickerson. So please
14 be clarified. This isn't there for the developer. This is there before that development
15 came to try to alleviate a school traffic problem that has been created by Richland Two
16 buying cheap, inexpensive property way out and putting schools in, which they continue
17 to do which is not in your recourse but that's their issue and they dump this stuff on us.
18 Again the domino effect. If you approve this you have the domino effect that each one
19 of those parcels of property now because water and sewer's obviously going to be
20 available. You're going to be inundated from here on out going northward with exactly
21 the things that Ms. Cairns pointed out to say that when are you ever going to be able to
22 say no again? You've just started the domino falling and you won't be able to stop it.
23 Thank you.

1 CHAIRMAN MANNING: Thank you. Okay. We're going to close the public
2 comments section. Any questions for Staff? [Inaudible]

3 MR. ANDERSON: Mr. Chair, I'll just, I'll mirror my last motion except by
4 changing I'll make a recommendation that we approve Case No. 08-29 MA and of
5 course to Council with approval.

6 MS. WARD: Second.

7 CHAIRMAN MANNING: Second? A motion and a second. All those in favor
8 please raise your hand. All those opposed?

9 *[Approved: Murray, Ward, Anderson, Manning, Furgess; Opposed: Cairns Mattos-*
10 *Ward; Absent: Palmer, Green]*

11 *[Ms. Ward out at 6 p.m.]*

12 CHAIRMAN MANNING: [inaudible]

13 MR. BENJAMIN: Mr. Chairman. Five seconds. I want to make sure everyone
14 understands that the street light which is very – of importance to that entire area that the
15 people of the Round Top community, the Blythewood Chamber, Long Creek Plantation,
16 the school, Sycamore Development, a whole lot of people lead by Ms. Dickerson and
17 others, and Ms. Corley, Virginia Corley helped make that happen. So a whole lot of
18 footwork on that. I want to make sure everyone gets credit for it. Thank you.

19 CHAIRMAN MANNING: All right. Thank you. That concludes the text, I mean
20 the map amendments?

21 MS. ALMEIDA: Yes, sir. We are now in the text amendment.

22 CHAIRMAN MANNING: We're going to take a break. Yeah. A 10 minute break.

23 *[Break]*

1 CHAIRMAN MANNING: Bringing this meeting back to order. [Inaudible] delay
2 but after five hours it's time. Anyway. Text amendments portion of the meeting.
3 [Inaudible]

4 MS. LINDER: On page 91 of your Agendas there's an explanation of what this
5 amendment would do. It would basically require that buffers, common areas, open
6 space, recreation areas and planting of vegetative areas that have, that either required
7 under the code already or have been approved by the Development Review Team that
8 those such areas be maintained and preserved in perpetuity. In addition it provides that
9 utility companies that wish to go through those protected areas that they get, they
10 submit those plans to the Planning Staff for consultation to get the best protection.

11 CHAIRMAN MANNING: So buffer areas and common areas we're talking about
12 now are not the buffer areas that are being proposed or discussed in the storm water
13 ordinances -

14 MS. ALMEIDA: No, sir.

15 CHAIRMAN MANNING: - provisions to that? This is already in existence and I
16 think there was a question that buffers were being established and then later the utility
17 companies coming through cutting all the trees down?

18 MS. ALMEIDA: Correct. Swaths, yes.

19 CHAIRMAN MANNING: So -

20 MS. CAIRNS: Do we have anything that offers what maintained and preserved
21 would be defined as?

22 MS. ALMEIDA: Well normally if a buffer's required on existing wooded sites it's
23 usually natural buffered areas. So whatever is there is to be preserved, not to be

1 touched. We do have definitions for maintaining meaning that you just can't go in there
2 and cut down trees and –

3 MS. CAIRNS: Okay.

4 MS. ALMEIDA: - just to keep a natural, what we've been having is there are
5 developers who will go out of their way to preserve these areas in its natural state.
6 They stay out of the areas, they don't touch them, and then we will get on occasion, on
7 many occasions either the water provider or the utility provider that will take the route of
8 least resistance and that is to shoot a straight line through that natural vegetative area
9 and usually it's not just 10 feet. They usually go above and beyond and they wind up
10 taking 25', 15'. And the developer's somewhat stuck between a rock and a hard place
11 because they have a condition that they want to meet and the intent isn't fully adhered
12 to.

13 MS. CAIRNS: Okay.

14 MR. FURGESS: Anna, in this ordinance does it state what the developer can
15 take out of buffer? What kind of trees? If he needs to take hardwoods, softwoods, you
16 know?

17 MS. ALMEIDA: Well there are protected trees in our Code which are 29"
18 hardwoods, 8" hardwoods, and 10-20" pines. Protected areas are buffer areas or those
19 areas that have to be landscaped. If the developer wants to keep those areas natural or
20 preserve the trees that is something that is under the Code today. Those, there are
21 specific trees that are protected. But these are specifically buffered areas that we have
22 a significant problem with that are just, they just, everything that's in that natural area
23 should remain natural if that's the intent.

1 CHAIRMAN MANNING: I understand the reason behind the [inaudible]
2 language. I guess the only concern I've got is the language on the [inaudible] case by
3 basis and I don't know what that – there's no guarantee that standards of one are going
4 to be met the next time down the road when somebody appears in a buffer area
5 [inaudible]. So I'm seeing this is, you know, at the discretion of the Department.

6 MS. ALMEIDA: Well I believe that wording was put into effect or proposed so
7 that there can be some flexibility because obviously not all cases are the same. I mean,
8 you have instances where the utility can go in the street or can go in different locations
9 and others where that's the only viable location. But we want to be able to have that
10 flexibility instead of saying, you know, outright no to all utilities. We try to be consistent.
11 We try to have some standards.

12 CHAIRMAN MANNING: So it's not just the location of where they might be
13 installed but it's also what could happen inside that buffer?

14 MS. ALMEIDA: Correct.

15 CHAIRMAN MANNING: For planting?

16 MS. ALMEIDA: Correct.

17 CHAIRMAN MANNING: And I think there needs to be some consistency. I
18 understand there's a need for flexibility but it seems to me that –

19 MS. ALMEIDA: But we have a replacement requirement.

20 CHAIRMAN MANNING: Okay.

21 MS. ALMEIDA: If you cut within protected zones we do require a three to one
22 replacement but understand that in some instances obviously in utility areas, you know,
23 the line needs X amount of feet, let's say 10' and then of course they always want room

1 to work in and room to stage and so we try to narrow down those requirements as much
2 as possible.

3 CHAIRMAN MANNING: Any other discussion? Questions for Staff? [Inaudible]
4 make a motion?

5 MS. CAIRNS: I make a motion that we pass on with the recommendation the
6 text amendment for Section 26-171 [inaudible] in our packet.

7 CHAIRMAN MANNING: Have a motion. Do we have a second?

8 MS. MATTOS-WARD: Second.

9 CHAIRMAN MANNING: Motion and a second. All those in favor please raise
10 your hand. All those opposed?

11 *[Approved: Cairns, Murray, Ward, Anderson, Manning, Furgess, Cairns, Mattos-Ward;*
12 *Absent: Palmer, Green]*

13 MS. LINDER: The next text amendment you have there's an explanation on
14 page 95. Staff proposed this amended language because of the ambiguity that we
15 found in existing language regarding the PDDs. I think the current language says that if
16 a PDD is not acted on within two years it expires automatically and then Council may,
17 you know, initiate a rezoning of the property. That raised a lot of questions on how to
18 treat PDDs that did expire so we're trying to make it definitive. We did take this text
19 amendment to County Council to get some direction from them on how they wanted to
20 propose it because we also did propose, you know, eliminating any kind of an expiration
21 period but Council at least at the committee level recommended no, they wanted the
22 reverter and then they wanted some clear language to revert it back to the previous
23 zoning classification that it was after that two-year period. And we're trying to give

1 some definitive actions that people have to take before that two year, to show that
2 they've taken action within two years. This is going to Council tomorrow for first reading
3 but certainly we need to get Planning Commission's recommendation as well to take to
4 them.

5 CHAIRMAN MANNING: What was the Council's reasoning for not wanting to
6 extend the two-year provision? I think we had discussions last time that the sunset
7 provision was necessary but given the economic times we have seen recently and
8 probably will continue to see that two years may not be enough. You need more time to
9 - some of this is market driven obviously.

10 MS. ALMEIDA: I believe it was the overall consensus that the rapid change of
11 things in the area, possible rezonings, wanting to just have that option to look at it again
12 and they felt that the two years with I believe one extension; is it not?

13 MS. CAIRNS: Yeah. It's a one-year extension.

14 MS. ALMEIDA: Being possible they felt they wanted the opportunity - that was
15 ample time in an ever changing market and that was basically their reasoning.

16 CHAIRMAN MANNING: Is there language, I want to know what the intent of
17 [inaudible] applied for appropriate state, federal permits. It does not have the site plan
18 or sketch plan approval. Is that one or both for the entire tract of land that comprises
19 the PDD?

20 MR. ANDERSON: That's where I had a question. What if it's a phased PDD?

21 MS. ALMEIDA: Well the sketch plan, normally when you get a sketch plan you
22 get it for the entire master plan. You may come in with preliminaries on a phase by
23 phase project but normally you do get the sketch plan approval for the entire project,

1 obviously because you don't want to come back one sketch at a time to the DRT. I
2 mean, that's time and money. Unless there's a major change then you would come
3 back with the modification.

4 MR. ANDERSON: I guess what I'm thinking about it, and this isn't a PDD but
5 Sandhills. They come back, you know, grab some land but they have to have so much
6 – I forget the exact word. Do you know what I'm talking about?

7 CHAIRMAN MANNING: Replaced(?) it.

8 MR. ANDERSON: Yeah. They can replace it with –

9 CHAIRMAN MANNING: In the PDD.

10 MR. ANDERSON: - in the PDD.

11 CHAIRMAN MANNING: Commercial space [inaudible].

12 MR. ANDERSON: [inaudible]

13 MS. ALMEIDA: Well that was the old PUDs that were somewhat nebulous. The
14 new PDDs are very specific.

15 CHAIRMAN MANNING: My question is it one or both? Do you have to have all
16 the permits and your sketch plan?

17 MS. LINDER: That is correct. That is how this language is proposed that you
18 have to have both.

19 CHAIRMAN MANNING: Well what's the reasoning behind that? Why couldn't
20 you have your sketch plan? Why couldn't you submit for, I mean, basically you're trying
21 to show activity in the PDD.

22 MS. LINDER: I'm going to have to ask another member of Planning Staff.

1 MS. ALMEIDA: I would make this offer that most developers have at least
2 identified wetlands or have proposed as far as going for availability of water. I mean,
3 they've done some due diligence at some point either simultaneously to sketch plan or
4 prior to sketch plan. They may not have all their approvals but at least they've
5 submitted and they've made an effort. It's mostly to show the Planning Department that
6 we've made an effort, we're doing something.

7 CHAIRMAN MANNING: I understand that things be changed but at the same
8 time just to go through the PDD process is expensive and time consuming. A lot more
9 so than [inaudible] rezoning so they have taken, that applicant has taken the time and
10 spent money and I don't know whether you would call that vesting or not but he hasn't
11 put an infrastructure in the ground but he's gone well beyond what you do in a normal
12 rezoning. And so I think that having both those conditions as part of it is a little bit
13 onerous on the person who's applying for it, who has applied for it and gotten it.

14 MS. ALMEIDA: I would argue though at the map amendment stage really most –
15 well all map amendments have to have a sketch as an exhibit. Granted it goes back to
16 the Planning, to the Development Review Team for a formal approval for a process but
17 in a PDD you do have the actual layout of everything or concept that you want. It's not
18 like the old PDDs that were very bubble like and all they talked about was access. For
19 the most part we have that already.

20 MS. LINDER: I would also like just to add that normally once you've applied for
21 the PDD and you've got a site plan you already pretty much know what kind of permits
22 you're going to have to obtain and this doesn't say you have to acquire those permits, it
23 just says you've applied for them so we know that you're in motion.

1 CHAIRMAN MANNING: Most developers are going to go out and do their
2 wetlands permits and all that even prior to doing a PDD anyway but the sketch plan
3 which – say you have generally before the approval.

4 MS. ALMEIDA: At the map amendment stage.

5 CHAIRMAN MANNING: At the map amendment stage but what happens to the
6 PUDs that converted to PDD?

7 MS. ALMEIDA: Most of those PUDS again because the sketch plan was
8 approved administratively the actual preliminaries have been coming in in phases and
9 getting approval or we've also had developers who have opted to come in with a full
10 sketch plan and just get it approved in one fell swoop and this way they don't have to
11 come back phase by phase. We've had, you know, pretty much on both sides of the
12 fence a conglomeration of both.

13 CHAIRMAN MANNING: I think there is one other provision in here that the
14 approval period has gone from 30 to 60 days.

15 MS. ALMEIDA: It is the same amount of time. What we have eliminated is - it
16 would eliminate going to the DRT because it has to go back to the DRT as a sketch. So
17 today it's going through DRT twice which makes absolutely no sense.

18 CHAIRMAN MANNING: All right. Any motions?

19 MS. CAIRNS: I would make a motion that the text amendment for amending
20 Section 26-34 and Section 26-59 as presented in our packet be put forward with a
21 recommendation of adoption.

22 CHAIRMAN MANNING: We have a motion, do we have a second?

23 MR. ANDERSON: Second.

1 CHAIRMAN MANNING: Motion and a second. All those in favor please raise
2 your hand. All those opposed?

3 *[Approved: Cairns, Murray, Ward, Anderson, Mattos-Ward, Furgess; Opposed:*
4 *Manning; Absent: Palmer, Green]*

5 CHAIRMAN MANNING: [inaudible] sunset provision [inaudible].

6 MS. LINDER: On the next text amendment regarding the storm water I believe
7 we have a PowerPoint presentation so I'll defer to the folks that are going to give that.

8 MS. SMITH: Good afternoon. My name is Teresa Smith and I'm the Director of
9 Public Works. This particular ordinance amendment we put together a very brief
10 overview of the changes that are proposed to the ordinance because the changes are
11 actually rather voluminous. We have worked very closely with the Planning Department
12 and its Director, Mr. Joe Kocy. Mr. Srinivas Valavala is our storm water manager for
13 Richland County. Basically as far as our storm water program is concerned, and I think
14 many of your are aware that in 2006 Richland County was issued a consent order for its
15 phase one permit. We were provided an opportunity, encouraged strongly via a
16 substantial fine to come into compliance with our storm water ordinance thereby
17 indicating that it's time for us to raise the bar and essentially it's now or never. The
18 major provisions in the storm water ordinance, the first bullet actually refers to an item in
19 Chapter 12 and does not specifically address this particular ordinance but it is one of
20 the initiatives whereby we will be requesting that leaves and yard debris be bagged for
21 curbside pick up. We would be adopting the Richland County Best Management
22 Practices Manual requiring storm water pollution prevention plans for any land
23 disturbance activity in Richland County at two levels; one being Level One which is less

1 than one acre, the other being Level Two which is for development greater than one
2 acre. The developments that are less than one acre can be prepared and submitted by
3 the property owner.

4 CHAIRMAN MANNING: Could somebody move that easel out of the way?
5 Sorry about that.

6 MS. SMITH: That's okay. Those can be prepared and submitted by the property
7 owner. Level Two requires that they be submitted by a Registered Professional
8 Engineer or a Level Two surveyor. The primary purpose of these of course is to ensure
9 that if there's any land disturbance that adequate soil erosion and water quality issues
10 are addressed. It clarifies implementation and inspection requirements, identifies the
11 enhancements to our storm water design components, requires that the identified total
12 maximum daily load discharge be adhered to. Provide some information, specific
13 information in the ordinance on the water quality design criteria. Provide inspection
14 clarification for enforcements. This requires that inspections are done once every seven
15 calendar days or once every 14 calendar days and within 24 hours of the, at the end of
16 a storm event that is a half inch or greater. It clarifies the inspection reporting
17 requirements, provides validity for the land disturbance permit, requires that the Notice
18 of Termination be submitted, and for those sites that receive approval and we get an
19 NOI if the Notice of Termination is not submitted then it requires an annual inspection
20 fee be provided for those projects that don't completely close out. Provides reference of
21 supplemental regulations. This is the part that I think was referenced a little bit earlier.
22 It identifies an opportunity for environmental protection districts. Those districts provide
23 for more stringent regulations for the development in those pre-identified EP overlay

1 districts, provides that no waivers, variances, or exceptions be provided in those
2 districts. Identifies post-development peak discharge rates at half of the pre-
3 development rate, provides the opportunity for additional design criteria, should the
4 County Engineer, the Storm Water Engineer review those, the development and
5 determine that there is some additional requirements there, and it further identifies Gill
6 Creek as being the first EP overlay district in Richland County. It identifies new water
7 quality buffers for the Richland County waterways, for perennial streams it's 100' of
8 either side of the floodway, intermittent streams 50', identifies the definition for wetland
9 buffers, defines shore buffers as 50' measured from the 100 year high water elevation,
10 and identifies the water quality buffers for normal tributaries, ditches outfalls, open
11 drainage conveyances at being 10' on either side of the floodway or the floodway
12 whichever is greater, and then provides for maintenance and management of the buffer
13 areas. It provides enforcement authority to ensure that nothing impedes the free flow of
14 water during times of flooding and that this will be permitted by the regulatory floodway.
15 Identifies the maintenance responsibility, water quality inspections, and related
16 enforcement outlined in the ordinance, and provides improvements to the language of
17 our MPDES programmatic components by giving detail of the requirements and goals
18 for our pesticides, herbicides, fertilizer regulations, a list of discharge and disposal
19 programs, sanitary sewer regulation program, post-construction maintenance, impaired
20 water bodies, and TMDL regulations. All of the programs that were just mentioned are
21 programs that are required in order for us to maintain compliance with our MPDES
22 permit. We are a phase one community. Phase two, we just got the second phase of
23 our permit where the phase two requirements also went into place in September of

1 2006. We have met nearly all of the requirements of our consent order. One of the
2 major items and reasons that we've been notified that we cannot close our consent
3 order is we have to meet the monetary requirement in addition to the programmatic
4 requirements. We have received a letter from DHEC identifying and commending our
5 efforts to make changes to our storm water ordinance with respect to compliance of our
6 MPDES permit.

7 CHAIRMAN MANNING: Ms. Smith, you mentioned earlier that these were,
8 changes were voluminous. That overview does raise a lot of questions but one point
9 that you made was that the, you're under a consent order and you need to get in
10 compliance with that with DHEC.

11 MS. SMITH: Correct.

12 CHAIRMAN MANNING: And is the consent order that Richland County was in
13 violation of its own storm water ordinance or it had not adopted new ordinances that
14 DHEC was requiring to be adopted?

15 MS. SMITH: In order for us to be in compliance with our permit we had to put in
16 place regulatory or enforcement guidelines that would allow us to be able to actually
17 regulate and enforce our MPDES permit. So one of the components of the permit is
18 that we implement some type of regulation or legislation that allows us to be able to do
19 that and ours is via our ordinances.

20 CHAIRMAN MANNING: And you said you couldn't bring closure to the issue
21 with DHEC based on monetary aspects of it, and that this had to be adopted as well.

22 MS. SMITH: That is correct.

23 CHAIRMAN MANNING: Have you met the monetary?

1 MS. SMITH: No, sir. We have not. But in the consent order we have basically a
2 five-year payment plan for that and they've indicated that basically we were trying to find
3 out if we got all the other programmatic items addressed could we come out from under
4 the consent order and they indicated that even if we get everything else done we
5 wouldn't be able to do it until we paid the last of the fine.

6 CHAIRMAN MANNING: And when will that be?

7 MS. SMITH: 2011.

8 CHAIRMAN MANNING: So changing this ordinance isn't going to change the
9 consent order?

10 MS. SMITH: Actually it does not drop the consent order but we do have
11 timeframes and timelines identified in the consent order that we are required to put the
12 programmatic requirements in place.

13 CHAIRMAN MANNING: The only other question, I'm not necessarily opposed to
14 overlay districts and especially water quality being in the situation that it is, I'm just
15 curious as to why Gills Creek Watershed was added as an overlay district as a part of
16 the storm water ordinance rather than adopting an overlay district like we normally do. I
17 mean, we have overlay districts that are in [inaudible] conservation districts and they are
18 generally allowed, I mean, we create an allowance for overlays and then we adopt them
19 as necessary. So not to make light Gills Creek Watershed, I know the county and the
20 city [inaudible] spent a lot of time and money on that issue trying to address the
21 problems there but is there any reason that that was included in the storm water?

22 MS. SMITH: We were just very excited about moving forward with it and we
23 actually have a Gills Creek Watershed Association that has also been working very

1 diligently on addressing issues in Gills Creek and in moving forward and setting up for
2 the districts. It was just the, a logical first step in identifying the provision for the overlay
3 districts but also in identifying what we felt was a very viable location for it. But I don't
4 think that there would be anything that would preclude identifying a water lay district and
5 then going back and saying we'll identify where they are as it becomes appropriate.

6 CHAIRMAN MANNING: I guess the last question I had is the - I think DHEC
7 came out with a draft ordinance for municipalities and counties to adopt or begin, and
8 that's not a requirement, I mean, that's not state law is it?

9 MS. SMITH: There is not a requirement that you adopt that specifically. It is
10 strongly encouraged that you utilize that language or similar language as it specifically
11 pertains to your community or municipality and that's what we've done here.

12 CHAIRMAN MANNING: What do you see, are most communities around
13 adopting this -

14 MS. SMITH: Yes, sir.

15 CHAIRMAN MANNING: - or is it already taking place?

16 MS. SMITH: Yes, sir.

17 CHAIRMAN MANNING: Are there differences in this ordinance other than the
18 overlay districts and what Richland County is wanting to adopt outside of the DHEC
19 draft ordinance?

20 MS. SMITH: There are some minor differences. We have included some
21 specific language in there that it pertains to the buffer areas that obviously DHEC
22 doesn't prescribe what that specifically should be. We've incorporated the Richland
23 County BMP manual. DHEC has a BMP manual. We have some things that we felt

1 would be very unique and very specific and beneficial for Richland County. So we had
2 developed a BMP manual already and we've incorporated that as a part of the
3 ordinance. So there are, you know, a few things like that that we've done that are
4 unique. Anything else specifically? Okay.

5 CHAIRMAN MANNING: Ms. Linder, I guess the Council has already put on their
6 agenda first reading consent?

7 MS. LINDER: The committee recommended that it go to Council for first reading
8 approval by title only tomorrow.

9 CHAIRMAN MANNING: And this went to DNS committee when?

10 MS. LINDER: At their regular meeting in September.

11 CHAIRMAN MANNING: Last week? How do you know when it was [inaudible]?

12 MS. LINDER: I'm sorry?

13 CHAIRMAN MANNING: The document, the draft we've got here that DNS -

14 MS. LINDER: That DNS saw the same draft document, yes.

15 CHAIRMAN MANNING: The only problem I've got with this is timeframe. I
16 mean, well I'm not going to say [inaudible] there maybe some problems that I'm not fully
17 aware of. An 81 page document that I don't know what TMDLs are, there's a lot of
18 engineering questions that I need to have answered that the concerns I know from
19 landowners on extensions of buffers that aren't wetlands. I mean, you know, there are
20 a lot of issues that affect a lot of people and I'd just like to have some discussion. I
21 don't feel comfortable just adopting the document personally as is, but I understand the
22 need for storm water regulatory oversight and being able to enforce that [inaudible]
23 precious commodity down – it is now. Down the road it's going to become even more.

1 But I think it would behoove us to bring some people to the table very quickly and try to
2 have some conversation about what those issues are and how this document would
3 impact all sides. So I would like to try to set up a public hearing that we could begin to
4 have that dialog and I know the Council has done what they've done and I can't control
5 that but I'm just throwing that out [inaudible]

6 MR. ANDERSON: I'd agree too. I think there's some language in here that I just
7 don't understand and it, my head starts to spin a little bit when I read it. And I, it would
8 be great for me to have an engineer to kind of go through, not line by line because it's
9 an 81 page document, but just hit some high notes for me just so I feel comfortable with
10 it. Because this does affect a large portion of Richland County. We do have a lot of
11 wetlands. And I just think an 82 page document's a lot to look at and for me to have
12 some understanding of what I'm approving I need some more information personally.

13 MS. SMITH: So, and I'm not real sure how this works so would a work session
14 be appropriate or?

15 MR. ANDERSON: That's what I'm kind of thinking, a work session would help,
16 would help me kind of maybe get some input from people around the community.

17 CHAIRMAN MANNING: I'm not so sure, you know, obviously the work session
18 gets a lot of things out on the table but public notice maybe important in this as well.

19 MS. SMITH: Okay. And we are working with the Homebuilders Association, I
20 believe it is. We've met briefly on, was it last week, on that and then County Council is
21 having a work session before the 21st on this as well to get technical questions
22 addressed so.

23 MR. ANDERSON: Could we be in that same work session?

1 AUDIENCE MEMBER: [Inaudible]

2 MS. SMITH: The date wasn't set but there was direction to have a work session.

3 MS. LINDER: It's my sense that County Council wants to have a work session
4 prior to second reading. They do want to give it first reading tomorrow night. They
5 would like to have a work session before the second reading.

6 CHAIRMAN MANNING: I've seen how that works.

7 MS. LINDER: If you as a Planning Commission want to have your own work
8 session or have a special called meeting with a work session?

9 CHAIRMAN MANNING: I don't mind have a work session with the Council; I
10 think that'd be great but I don't want to take a vote tonight and know hat we're going to
11 have a work session to iron out any problems before second reading. I would not want
12 to do that.

13 MR. FURGESS: I don't want to do that.

14 CHAIRMAN MANNING: I mean, I want the language drafted up like we feel
15 needs to be there when we take a vote. I don't want to, we've had that problem before
16 in the Council where -

17 MS. LINDER: At this point Council has not set a date for their work session so I
18 cannot tell you that they're having a work session on a particular date.

19 MR. ANDERSON: Could we send them some dates?

20 CHAIRMAN MANNING: Well why don't we schedule a date for – I'd like public
21 input. I mean, you know, not just a work session but have people actually sign up and
22 come speak in favor or against it.

1 MS. LINDER: Another suggestion would be to have a special called Planning
2 Commission meeting with the work session and then invite Council Members as well as
3 members of the public and your technical people.

4 CHAIRMAN MANNING: That would be great.

5 AUDIENCE MEMBER: [Inaudible]

6 CHAIRMAN MANNING: I think if we're going to do public input you've got to
7 notice – what are your notice procedures?

8 MS. LINDER: Well it is scheduled for the public hearing on October 28th. Public
9 input you need to have a 24-hour notice.

10 MR. ANDERSON: So we could do it –

11 MS. LINDER: Public hearing your need a 15-day notice.

12 MR. ANDERSON: So we could do it on the 27th?

13 MS. SMITH: The 20th. They were looking at the 20th.

14 MR. ANDERSON: The 20th, I'm sorry.

15 MS. SMITH: Yes. But I don't know if that's the date that was just -

16 MR. KOCY: We could advertise for a meeting two weeks from today.

17 MS. SMITH: Yes.

18 MR. KOCY: Have a work session here at 1:00 o'clock.

19 MS. CAIRNS: I just want to ask some questions [inaudible] because I know
20 Chairman Manning asked this and I just didn't quite catch the answers. Would the old
21 plan that we got in trouble with I guess – bear with me my ignorance in all this, Mr.,
22 Chairman Manning asked was the problem enforcement or the Code?

1 MS. SMITH: The problem was both. We never finished, this is public record isn't
2 it? [Laughter] There were certain elements of our initial program that we did not put in
3 place. Once those elements like the things that I listed, the illicit discharge and some of
4 those post-construction programs, because we never put the program in place, we
5 never put the ordinance in place that gave us the authority to do the enforcement. So it
6 was both pieces.

7 MS. CAIRNS: Okay. I mean, because one of the things that I saw in your
8 PowerPoint and saw in here too that I find kind of interesting is that as I read it it says
9 that Staff or whoever's enforcing this has to visit every land disturbed area within 24
10 hours of a half inch rain?

11 MS. SMITH: Oh, it says we have to – it has to be inspected and we have to get
12 the information but we don't physically have to be the ones to do the inspections.

13 MS. CAIRNS: Where would it come from?

14 MS. SMITH: Well there are, the developers are required and that's a current
15 MPDES requirement under DHEC's requirements, they are required to do the
16 inspections and to fill out a report and to submit this report because we will now be, we
17 are a qualified local program. Those reports that used to go to DHEC would now come
18 to us. But we have to have our ordinance requirements in place to make that change
19 and to notify everybody.

20 MS. CAIRNS: Right. No, I understand the needing to have the ability to enforce.
21 I get that.

22 MR. VALAVALA: [inaudible] if it is more than 10 acres then you need to report it
23 to us, to Richland County. If it's less than 10 acres you need to do the inspections and

1 you keep the inspection sheets on the site. And when our inspector shows up there
2 they need to show the [inaudible].

3 MS. SMITH: Right. So it's, we don't physically have enough people to
4 [inaudible].

5 MR. FURGESS: But this ordinance, this is for new development, not old
6 development? Is old development included in this?

7 MS. SMITH: It's new development unless you do redevelopment. It applies to
8 new development and any redevelopment.

9 MR. FURGESS: If you have a subdivision, old subdivision and you put new
10 development around it that creates problems with storm drainage, they left out the
11 whole system completely?

12 MS. SMITH: You have to do, take a systematic look at what's happening. So if
13 you are developing upstream you have requirements as to how much water you can
14 release on the folks that are downstream. You can't release any more downstream
15 than there was going down before you did your development.

16 MS. CAIRNS: That's a velocity restriction, not a volume restriction. Is it a
17 volume?

18 MS. SMITH: It's both.

19 MS. CAIRNS: Both?

20 MS. SMITH: Um-hum (affirmative). Yeah. You cannot release any more water
21 downstream than was going downstream before you did your development. That's why
22 we have the detention pond requirements.

1 MR. FURGESS: The infrastructure with old subdivisions has gone, you know, it
2 needs to be updated. So if you're putting in a new subdivision around, you bring in new
3 equipment, bigger pipes, bigger everything.

4 MS. SMITH: But you can't put in bigger pipes, you can't put in bigger pipes
5 upstream from the pipes that are downstream. So if there's only 10, 10 cubic feet of
6 water coming into your subdivision from before they developed, after they develop they
7 can only allow, they can only put in 10 cubic feet. They would actually have to build a
8 detention pond or build some type of a retainage system to hold the rest of that water so
9 that it doesn't come down through your pipes any faster than it was before they
10 developed.

11 MS. CAIRNS: I just have to, I mean, I used to know this stuff pretty well a few
12 careers ago. I mean, just like, I mean, I just did. I used to work in land development
13 and this and that and it was my understanding at least at that time that the key was just
14 the velocity. You couldn't let it go. So is this, this has been a wholesale change in the
15 last few years that this whole, that it's volume and velocity?

16 MS. SMITH: Define few.

17 MS. CAIRNS: Huh?

18 MS. SMITH: I don't know what you mean by few but it hasn't been – well it's
19 been the case for at least the last 10 years.

20 MS. CAIRNS: Yeah, I guess. I mean, maybe I was just always confused; I'm not
21 really sure but it was always my understanding that basically if your site had, you know,
22 10 cubic feet of water that ran off it after a storm event even though you came in, you
23 know, and it flowed out at a certain rate but you came in and put in a Wal-Mart and

1 paved the entire lot, obviously more than 10 cubic feet of water was going to run off that
2 lot.

3 MS. SMITH: Well 10 cubic feet per timeframe. So if I had, let's say if only the
4 pipes are a size to handle 10 cubic feet per minute.

5 MS. CAIRNS: But I mean, I'm not necessarily worrying about the existing
6 system, I'm just talking about overall water that leaves the site.

7 MS. SMITH: Well but that's what I'm saying. If in a 24 hour period 100 cubic feet
8 of water would, in a rain period – it will rain and then it will leave your site then you still
9 cannot allow any more water than that to leave your site in that particular period. Now
10 over a two-week period you may be able to allow the rest of that water to drain through.

11 MS. CAIRNS: Okay. So you do still have increased volume? But I see what
12 you're saying.

13 MS. SMITH: Yes, yes.

14 MS. CAIRNS: Okay.

15 MS. SMITH: Such that your net impact at any given time has not changed.

16 MS. CAIRNS: But you still – okay.

17 CHAIRMAN MANNING: We discussed earlier a work session [inaudible] work
18 session with public input on the 20th; does that work for y'all? Is that okay? Could – Mr.
19 Kocy do you think -

20 MS. LINDER: Could you make this a special called meeting so you could take a
21 vote as well?

22 CHAIRMAN MANNING: Yeah. That'd be [inaudible] okay? One p.m., 3:00 p.m.,
23 2:00 p.m.

1 MR. ANDERSON: Well is Council going to try to be here?

2 MS. LINDER: We could certainly let them know that you're having a work
3 session.

4 CHAIRMAN MANNING: So I think we're going to need to have enough time to
5 go through this thing to take a vote and I don't see this being a 30 minute presentation, I
6 think if we're gonna have public input, I think we need at least to start at 2:00 o'clock.

7 MS. SMITH: So that I know what you're looking for from me. You're wanting to
8 go through this sort of major item at a time – I won't say line at a time but.

9 CHAIRMAN MANNING: Some of it may be self-explanatory. One it's gonna give
10 us time to go through the document. We just got it [inaudible] a week ago, and created
11 questions that we need to ask. You're already engaging the Homebuilders Association.
12 I don't know whether DHEC should be a part of this process. You know, there's a
13 representative from that or are there outside engineers? I mean, obviously the
14 Conservation Commission and Gills Creek, they want to have input into this and speak.
15 I just think it would flush out a lot of things that an 81 page document may have that we
16 may work ourselves though by all getting in the room together.

17 MS. SMITH: Okay. So you're expecting me to show up and be prepared to
18 answer questions or you want me to be prepared to go through the document?

19 CHAIRMAN MANNING: If you need to send people from your department –

20 MS. SMITH: Go through the document? All of the above? Okay.

21 MR. ANDERSON: We don't ask too much here.

22 MS. CAIRNS: Are you getting it?

23 MS. SMITH: Okay.

1 CHAIRMAN MANNING: Two o'clock. Thank you.

2 MS. SMITH: Thank you.

3 MS. LINDER: Another text amendment that we have before you is regarding
4 payday lenders and this is in, I don't want to say necessarily all in response to what the
5 City of Columbia's doing but the City of Columbia did recently enact some regulations
6 regarding payday lenders and what we're doing is recommending some similarity to
7 what the city is doing by making payday lenders a separate use with special
8 requirements. And those special requirements are found on page 103.

9 CHAIRMAN MANNING: I know that there's been, you know, a lot of controversy
10 surrounding payday lenders and [inaudible] tattoo parlors and always not [inaudible]
11 certain neighborhoods [inaudible] is another man's pornography. I guess this is just one
12 more layer for an industry that sometimes has a black eye but not all fit that shoe.
13 Some do provide services that may or may not met by other commercial banks or -

14 MS. ALMEIDA: Well apparently the way the wording, ordinance that the City of
15 Columbia is structured it could initiate a flood of this type of use in unincorporated
16 Richland County and of course not that we want to ban these altogether as you very
17 succinctly put it but we want to make sure that they don't infringe upon sensitive areas.

18 MS. CAIRNS: Well also just that they don't cluster.

19 MR. FURGESS: Is it [inaudible] North Carolina. Do you whether that's on the
20 docket for this state?

21 MS. ALMEIDA: I don't; do you?

22 MR. LINDER: I'm not aware of anything.

23 MS. ALMEIDA: Is it on a docket?

1 MS. CAIRNS: I'm sure it's on one, yeah but – one of the questions I have just –
2 the 3,000' limit and I just don't, I mean, one, if the, you know, with all the [inaudible] we
3 have back and forth between Richland County and the City of Columbia does that 3,000
4 square feet measure across jurisdictional lines, I mean, or could there be two side-by-
5 side if one happened to be in Richland County and one happened to be in the city?
6 Can we make that clear that when measuring 3,000 square feet from the nearest
7 payday lender it doesn't matter if it's in a different jurisdictional area?

8 MS. LINDER: That is clear; that is the way it would be with this ordinance.

9 MS. CAIRNS: Okay.

10 MR. ANDERSON: The lot line. So if that's in a strip mall and you've got a
11 payday lender down here and you've got a strip mall that's 400' it goes from that corner
12 3,000'?

13 MS. CAIRNS: Right. I just want to make sure that, you know, I mean, just
14 because like near me, in fact there's one like Richland County commercial area that's
15 completely surrounded by the City of Columbia that lives in its own little vacuum near
16 my house and I'm just aware that if, you know, if one opened up in the City of Columbia
17 right next door [inaudible] 3,000 barrier and if you say it does then I'll believe you. Can
18 we change it to like 30,000'? Excuse me. [Laughter] I'll pass on that recommendation.

19 MR. KOCY: This is on the state legislative agenda again for discussion this year
20 too.

21 MS. CAIRNS: Or whether it will pass or not.

22 MR. KOCY: Well that's true.

1 MS. CAIRNS: Yeah, yeah. And I see that the requirement appears to be a
2 3,000 square feet and it either has to be in what appears to be a fairly large shopping
3 area or inside a store but then it looks as if then, you know, I'm looking at the ands and
4 ors. You've got B and then and I guess it's C or D. Then we've got an and for E and I
5 imagine that E basically is a run on of D because if – otherwise you end up with a
6 conundrum because if you are located within a shopping center are we saying that they
7 can never have an exterior door that they always have to be inside something? I mean,
8 I think we've got the ordinance not artfully drafted maybe. I just think that E and D are
9 maybe one in the same, that if it's inside a grocery store you can't have a separate, or it
10 has to be within a strip shopping center that's fairly large but then it could have its own.
11 Unless we're trying to say that they can never have their own door, they always have to
12 pass through another. But I think it's ambiguous the way it is right now.

13 MS. LINDER: C and D, you either do C or you do D. I could make that clearer
14 by making –

15 MS. CAIRNS: An inset under B.

16 MS. LINDER: I could make a C with two options and then a one and a two.

17 MS. CAIRNS: What is E? Is E true no matter what? I mean, can you never had
18 a payday lender with a front door? You know, if you think about the one up there at the
19 corner of like what is it Forest Drive? Taylor and Millwood where there's that one that
20 stands out near the street. It's a stand alone building but I'm sure it's [inaudible] 30,000
21 square feet in that commercial area.

22 CHAIRMAN MANNING: They can't have a front door [inaudible].

1 MS. CAIRNS: Not unless they're inside, if they're inside the grocery store kind of
2 thing. They're like the dairy section.

3 [Inaudible discussion]

4 MS. LINDER: I think maybe the best way to look at this is is you either need to
5 comply – you need to comply with B, C, and E or B, D, and E.

6 MS. CAIRNS: Which means you're not ever allowing a separate, an exterior
7 door?

8 MS. LINDER: Correct.

9 MS. CAIRNS: So can you be like the little payday lender down there at Taylor
10 and Millwood that sits out in front of the shopping center?

11 MS. LINDER: No.

12 CHAIRMAN MANNING: No.

13 MS. CAIRNS: So those are – like no more stand alone structures for payday
14 lenders?

15 MR. KOCY: That's correct.

16 MS. CAIRNS: No front door?

17 MR. KOCY: That's correct.

18 MS. CAIRNS: It's got to be in like a shopping mall?

19 MS. LINDER: Correct.

20 MS. CAIRNS: Or inside a mall without its own exit?

21 MS. LINDER: Correct.

22 MR. ANDERSON: Listen, I just, I don't, this whole thing right here is, I mean,
23 we're basically putting that industry out. It's not the SOB stuff. It's not where it's

1 negatively impacting people's home values. I mean, we're basically putting these
2 people in the category of SOB; are we not? And I just – they're not negatively impacting
3 anybody's property values.

4 MS. CAIRNS: I would, I would -

5 MR. KOCY: I would beg to differ with that too.

6 MR. ANDERSON: Well, I mean, I would have to say, I would have to say then
7 what, bank, you know, what about a used car lot that lends its own money at 27%?.

8 MR. KOCY: These places lend money at 648% a year.

9 CHAIRMAN MANNING: And that's repulsive and I don't think [inaudible]
10 disagreement with anybody up here how all that works, it can be abusive. I think to go
11 in and start doing this restriction that basically says they can't operate.

12 MR. ANDERSON: Yeah.

13 CHAIRMAN MANNING: Even the ones that [inaudible] than others.

14 MR. ANDERSON: I mean, I'm sure there's some respectable ones.

15 CHAIRMAN MANNING: You know, the legislature may take care of this problem
16 pretty quickly on its own.

17 MS. CAIRNS: Well but –

18 CHAIRMAN MANNING: At least make it clear as to what constitutes [inaudible]
19 payday lending. I just think it's so restrictive that I have a problem.

20 MR. KOCY: Understood. This was a directive from Council, though, to move
21 forward with this so.

22 MS. CAIRNS: But I think, I mean, I would like to offer that, you know, with these
23 establishments I mean they tend to go into depressed, commercial areas and those

1 areas don't get up. So the idea that these don't negatively impact property values I
2 would disagree.

3 MR. ANDERSON: Well then that's also assuming that the property values are
4 already down so they're moving in because they're going down.

5 MS. CAIRNS: Yeah. But then they don't go up.

6 MR. ANDERSON: Well at least there's something there.

7 MS. CAIRNS: Yeah, but I mean –

8 MR. ANDERSON: I mean that's like saying that bingo, when a bingo parlor goes
9 into a commercial building that it's dead and that it should never be any more and
10 because there's a bingo parlor there that that property value has no more value for
11 potential further infill. Whereas that developer could just say, throw his hands up and
12 go this is going to be dilapidated.

13 MS. CAIRNS: I think it's reasonable to limit these things because the other thing
14 is this, I mean –

15 MR. ANDERSON: But this isn't reasonable.

16 MS. CAIRNS: I think the front door issue is a little Draconian but –

17 CHAIRMAN MANNING: [Inaudible] stricter standards and I think you're right. It
18 does decrease property values. I have seen depressed neighborhoods to in a
19 downward spiral and they can't get out of there but to say the whole industry is banned
20 from Richland County which is [inaudible] doing here is –

21 MR. KOCY: If we eliminated item E and just said that they had to be part of a
22 larger shopping center, but they can have an exterior door; is that less onerous?

23 CHAIRMAN MANNING: I don't know that the one on the corner of Taylor and –

1 MS. CAIRNS: Millwood.

2 CHAIRMAN MANNING: - Millwood, you know, a free-standing situation is better
3 or worse. I mean, I know that –

4 MS. CAIRNS: Well then I'm curious is why it says a group, non-residential
5 shopping center. I mean, would that shopping area there at the corner of like Taylor
6 and Millwood which has, you know, a stand-alone payday lender and it also has a title
7 loan place and it also has got stuff in the back. I mean, is that, I don't know what the
8 parcel lines look like on that but assuming that was one big parcel, I mean, would that
9 be a group, non-residential development? Or does it have to be a building with a roof?

10 MS. LINDER: I believe the situation you described would be an allowable place
11 for a payday lender to locate.

12 MS. CAIRNS: So long as the lot has 30,000 square of commercial development
13 without any residential whether it was a stand-alone structure or part of the big structure
14 it'd be – because I think if it has to be inside a shopping center that has to have at least
15 30,000 square feet I would agree that maybe we've gone a little too far. But if it just has
16 to be part of a commercial area whether it's one building or multiple buildings. But I
17 think the non front door that does seem a bit -

18 MR. ANDERSON: I just – just in principal we're picking out an industry then why
19 not say banks?

20 MR. KOCY: 648%, I don't, my bank doesn't charge me 648% on my credit card
21 bill.

22 MS. CAIRNS: Watch out for your overdraft protection.

1 MR. ANDERSON: I mean is that the case though? Is that really the point in
2 this? Is it the interest rate that they charge?

3 MR. KOCY: Yes.

4 MR. ANDERSON: And is that a zoning issue? Does the interest rate that they
5 charge the zoning issue? Because that's kind of where we're making it. You're saying
6 that's it's a financial institution but because they charge an interest rate of what's
7 allowable by the state that suddenly they should be basically zoned out or pushed out.
8 So what – I can tell you there's plenty of banks that'll charge you 18% on a car if you've
9 got bad credit but they'll still lend you the money.

10 MR. KOCY: Eighteen percent is a few percentage points below 648.

11 MR. ANDERSON: I'm just saying, I'm just saying - but you're basing it solely on
12 interest rate, completely on interest rate.

13 MS. CAIRNS: But whether Mr. Kocy is or not I think that, you know, we have,
14 you know, we're the Planning Commission, we're being asked to look at an ordinance
15 that addresses land use and this is a specific, you know, identifiable use type. Okay?
16 And, you know, my personal experience driving around the Southeast, South Carolina,
17 is that when you find your payday lenders, you're finding an area that's generally
18 economically distressed and I think the idea of limiting how many can cluster is not bad,
19 you know.

20 MR. ANDERSON: Okay.

21 MS. CAIRNS: And so that's where, you know, whether they're charging
22 whatever percent they charge the service they provide I would say that limiting their

1 clustering is something that is within our jurisdiction and I think as a land planning Body
2 would recommend supporting the limit on how much they can cluster.

3 CHAIRMAN MANNING: But clustering is far different than banning.

4 MS. CAIRNS: Yeah. And I – this may go a little too far. Okay? I mean, you
5 know, my biggest concern is if we're going to say they've got to be 3,000' apart I want to
6 make sure that a jurisdictional line because of the donuting, that that doesn't negate
7 that. The fact that is has to be in a large commercial development I'm not quite sure
8 the justification of that so.

9 MR. KOCY: How about we table this for tonight and we'll go back and play with it
10 and come back next month with revised, less onerous language.

11 MR. ANDERSON: [Inaudible] door to door but, I mean, you're talking about tract
12 to tract. That's a –

13 MR. KOCY: We'll look at surrounding jurisdictions and see if we can come up
14 with better language.

15 CHAIRMAN MANNING: Thank you. Amelia? You ready to go [inaudible]?

16 MS. LINDER: I believe the next item on your agenda is a comprehensive plan.

17 MR. KOCY: No. There is nothing for this month. The comprehensive plan will
18 be presented in its entirety at your November meeting.

19 MS. ALMEIDA: Deferred.

20 MR. KOCY: It will require action from the Planning Commission

21 CHAIRMAN MANNING: Very good. We have all been put on notice.

1 MR. ANDERSON: Well should we have a special called meeting? I'm actually
2 not being, not joking but I'm just saying prior to that, I mean, I guess, I mean, I've looked
3 over certain elements.

4 CHAIRMAN MANNING: Well that's action.

5 MR. ANDERSON: Yeah.

6 CHAIRMAN MANNING: We will see when we get there. [Laughter]

7 MR. ANDERSON: I'm not going to win that one.

8 MS. RUTHERFORD: Good evening. It's 15 after 7:00. [Laughter]

9 CHAIRMAN MANNING: Sorry it took so long.

10 MS. RUTHERFORD: Well it's all right. I'm just appreciative that Candlewood
11 decided to stay. You have the neighborhood president here and a couple of the
12 residents.

13 CHAIRMAN MANNING: I would like to, I mean, you all have sat through –

14 MS. RUTHERFORD: Seven hours. I mean –

15 CHAIRMAN MANNING: Your neighborhood ought to stand up and give you an
16 ovation. I mean – [Applause]

17 MS. RUTHERFORD: Candlewood Master Plan will be presented tonight by our
18 consultant, Jordan, Jones & Golding. John Davis is the project manager. Again the
19 community is here. Candlewood was initiated in November of 2007, no, excuse me,
20 December 2007. The community came out in two rounds of design meetings to create
21 this master plan and what you're going to see are their recommendations for their
22 community. The Recreation Commission in their bond referendum did include a portion
23 of the implementation tool in their bond referendum to create a pocket park in

1 Candlewood. So although it's not been approved by Planning Commission we are
2 already in the implementation phase of that master plan, portions of the master plan.
3 But I do want to present to you John Davis to present the process with Candlewood
4 Master Plan. Okay. Tell me which button advances the slides.

5 MR. DAVIS: Thank you all for hanging in there with me. First of all let me say
6 one thing. My name is John Davis. I'm with Jordan, Jones & Golding. We did serve as
7 a consultant on this plan. However, we did not prepare this plan. The citizens of
8 Candlewood prepared it. It's their document. What we did was give it a functional form
9 that allows it to be adopted. And there! The project location is north central Richland
10 County. It is off of North Brickyard Road to the south, North Springs Road to the east.
11 Both of those connecting back to Two Notch on the south and then North Springs
12 connecting to Clemson Road on the north. This is our process. We first went out, spent
13 a good bit of time in the neighborhood. I brought an entire team of people in to do this.
14 We did a complete analysis of the area itself. Housing types, inventories of open space,
15 any kind of areas that we saw that might be problem areas to look into or places where
16 there were opportunities. We took that data, put it in a format that allowed us to go back
17 to the community and with the community we did a charrette process where we
18 explained to them the various alternatives that could happen in a neighborhood. We
19 showed them slides, we gave them visual preference surveys. We actually sat the
20 community down with crayons and trash paper and let them draw their master plans. It
21 was a very interesting experience. We had about 50 or 60 people I would guess that
22 took part, five different design teams. And if you ever get a large group of people
23 designing something together, you know, everybody thinks they're the only ones who

1 have the problem, they're the only ones who have this idea. It was very interesting to
2 see the entire community come together on 85 to 90% of the things that they thought
3 were their own individual problems. From that we took the information back from the
4 community input and we created a synthesis for it and we did a concept which basically
5 took the ideas that the community had given us, we ranked them out, rated them, took
6 the areas from five different design teams, I believe it was five, and we put them into
7 what was a conceptual plan that addressed most of everyone's concerns. We brought
8 that back, did another presentation with the citizens, had them give us some more input
9 and then we produced the final plan. The final plan outlines what they want to see in
10 their neighborhood, what the major concerns are, what their ideas are for attacking
11 these concerns and then a frame in which to make it happen. They created goals and a
12 vision. The community is a very strong community but it's a standard subdivision. It's
13 your basic third acre, half acre lot subdivision from the late '60s, early '70s that you'd
14 find anywhere. A very solid community but it really lacks identity. They wanted to
15 create an identity. They wanted a streetscape and some sort of circulation planning
16 because they have traffic issues oddly enough. They're not on a main road but they do
17 have traffic issues. They wanted to create a program and do designs for neighborhood
18 parks and recreation areas. There are no parks in this area as you would find in a
19 subdivision from that time. That was done prior to the days of, you know, the
20 swim/tennis club or the parks or even any open space hardly for that matter. So this
21 community felt like they needed a neighborhood park and recreation area. They also
22 wanted to come up with a program for increasing the neighborhood association's
23 authority and helping with Code enforcement so that they could get out in front of issues

1 that might be causing quality of life problems and address it early on. We started with
2 the site analysis. The community boundary is basically this line. This is Green Springs
3 coming up from North Brickyard. This is Harrington going out to North Springs, both of
4 those going down Two Notch, North Springs going on up to –

5 MR. ANDERSON: Clemson Road?

6 MR. DAVIS: Yes, Clemson Road. I've done five of these in this area and I
7 cannot keep myself oriented. I'm sorry. We did have the creek along the north
8 boundary. The creek had a little bit of floodplain attached to it. One of the most
9 interesting things that we noticed was there was one section right up here. The street
10 had been cut through; the subdivision had never been completed. Ceton Hall Road,
11 Drive comes around, hits Green Springs and this section right here, graded out, never
12 built, never lotted, never platted. So being the typical greedy land planner that I am I
13 thought oh, an excellent opportunity to do a park and everyone in the neighborhood
14 leapt on that one as well. This is the older more established section of Candlewood.
15 This is Cane(?) Break which is a subdivision from just a couple of years ago. It's been
16 quite successful; it sold out and it's become part of this entire area. The streets with the
17 red dot on it are the ones that of course have the highest amount of traffic as you might
18 well imagine coming in and out of the subdivision. We also did a strengths,
19 weaknesses and threats analysis of the neighborhood. This was done by the
20 community as a whole. They saw their strengths which are listed here but basically a
21 very stable neighborhood. It is a very stable neighborhood. It's a great place to be. It's
22 very accessible to everywhere. This is a nice design from a time when, you know, you
23 could buy a house and expand it. You can still do that here. It has convenient access

1 to everything. There are lots of opportunities for this site. Creating a park, creating trail
2 systems. They wanted to try and create some traffic control areas here. Maybe get in
3 some youth facilities and try to increase their communication among neighbors. For
4 their weaknesses, they had no sidewalks. Street lighting is a real hit and miss
5 proposition. Some streets have street lighting it seems like every 20', some have one
6 about every quarter of a mile. There's a fairly low neighborhood participation although
7 we seemed to have a large crowd of people show up every time we did something.
8 Property maintenance is an issue. The neighborhood has a little trouble gathering up
9 funds to do things. The threats - the threat that I find in almost every neighborhood that
10 we do one of these in, particularly as the subdivisions age out, renters or non-resident
11 owners, investors buying up property. As neighborhoods get older if you don't have a
12 way for the neighborhood to regenerate itself and to have a reason to draw younger
13 people into the neighborhood, you know, a lot of times what happens is the people that
14 we find in the neighborhoods are people who have been for a long time. They might
15 have built the houses. Their kids have moved away, you know. They now live in New
16 York or San Francisco or Scranton and they're not really interested in coming back and
17 the neighborhood gets stratified so you don't see a lot of new people moving back in.
18 So it's necessary to recreate the identity of the neighborhood to keep it growing. The
19 major options that we hit out of the design charrette, they wanted to increase safety
20 basically from traffic situation, get sidewalks, have an entrance identity, get some
21 common, consistent lighting, a recreation facility and of course again the traffic control
22 issues. The first thing we looked at was creating an identity for the neighborhood and
23 we came up with a series of signs, a major entrance sign, we created a logo for them so

1 that they would have a name and a logo just like any other neighborhood. A minor sign
2 for the Cane Break area because it is a sub-set of Candlewood, and then an identity
3 marker that goes out on the perimeter of the area. We also created a set of standard
4 street graphics incorporating the logo. The neighborhood voted on a standard light,
5 pedestrian scale light system, and they even picked a standard mailbox that as
6 mailboxes are replaced over time the community association would like them to be
7 replaced with these types of boxes. The major entrance sign is here on Green Springs
8 and here on Harrington. The minor entrance sign, C, just the identity icon is out here on
9 North Springs. The interior entrance for Cane Break signage goes up in here. That
10 would give an identity so that you would know you are arriving. Again another – sorry,
11 forgot one right down here. A little entrance sign where Brickyard and Green Springs
12 come in, an entry pylon – to give an identity to the area that you have come in to this
13 neighborhood. Streetscape, we set up two types of streetscapes for this area based on
14 the street profile that is there and the right-of-way that is available. Certain streets,
15 large, busier streets or main circulation streets we called for sidewalks on both sides of
16 the road and a street tree planting program. For the minor streets in the neighborhood,
17 sidewalks on one side of the road and a street tree planting program. This gives
18 pedestrian safety, it gives a way for people to get around the neighborhood without
19 driving from point A to point B, and it also starts to have an identity affect for the streets.
20 This is the basic circulation plan for pedestrians. The red streets are sidewalks on both
21 sides. Those streets coincide with the heavy traffic streets. The yellow are streets with
22 sidewalks on one side. This allows pedestrian movement to occur through the
23 neighborhood without having to get out into the street. The street, the circulation plan,

1 they wanted to complete Ceton Hall Drive around the north loop so that people could
2 make the exterior loop. The markings that you see on there, the dark red are for
3 crosswalks, brick raised crosswalks at the intersections. These are detailed here at
4 four-way intersections and three-way intersections; a herringbone pattern of brick. They
5 also wanted to install speed bumps throughout the neighborhood in streets. We put
6 those in for, let's see, a minimum or a maximum of every 500' which should be an
7 excellent traffic control measure. As part of the identity the street trees, they wanted to
8 have these areas landscaped so that they would have identity and what we did is we
9 picked three trees that will work quite well here and we established sets of trees with
10 hierarchies of road. The Chinese Pistaf(?) on the major streets, the Japanese
11 Zelcova(?) on the main interior streets, and the Scarlet Oak on the minor streets. It
12 gives an identity to every area. With the sidewalks in place this also created an
13 opportunity for a recreational walking route throughout the neighborhood. There's
14 series of loop. You could actually walk on this whole loop. It's 3.2 miles. So there's
15 any number of sub-loops that you could make within this area with the sidewalk plan.
16 Up in that northwest corner this would be the extension of Ceton Hall as it came around
17 the northwest corner. This areas is a vacant land. You can see it here in the aerial
18 photograph and we projected in there a park area with some basketball courts, a
19 community building, tot lots, playground, and access to the community building here so
20 they could have meetings, have social functions, just like you would at any clubhouse in
21 an area. That opens up onto the creek front. In the creek front we created a walking
22 loop that is also an exercise trail and picked out 10 points where there would be a place
23 where you could have exercise facilities. A lot of this is geared to older people who go

1 to walk more than most people do and also have a good workout area here.
2 Implementation, first criteria was to establish an identity for Candlewood. Get up the
3 community signage, do the entrance signs, change the street signs out, get the lighting
4 standards, and the mailbox standards in place. Develop a community marketing plan.
5 Have them do something that says this is Candlewood, this is a good area, this is an
6 area that people should want to come into. Do a lot of this work through community
7 volunteers particularly for cleanup, perhaps for streetscaping even. For the tree
8 planting you could do community work. The streetscape and circulation plan. We've
9 determined the street hierarchy; funding for those improvements, constructing the
10 sidewalks for the master plan and installing the street trees towards the master plan.
11 Create the program for the neighborhood park and recreation area and I understand
12 that's already going to be on the bond issue so that's a starting point. And then
13 establish neighborhood bylaws. This works within the community association itself,
14 letting them create some new enforcement covenants and some Code enforcement and
15 regulatory enhancement areas for their neighborhood. Cost, everybody always wants
16 to know what things are going to cost. These are in current dollars. The park, this area
17 actually includes constructing the streets, clubhouse, crosswalks, the fitness stations,
18 every element that you saw in the park drawing. It comes out to about. \$2.3 million,
19 with a contingency thrown on 2.9 million. The streetscape, and this is if you went out
20 and contracted it out today, the sidewalks on the main roads, sidewalks on the single
21 side streets, speed bumps, the raised crosswalks, the entry signage, another \$2 million,
22 with a contingency attached takes it up to 2.5. So the total fix-up, clean-up and
23 implement the master plan would be about \$5.5 million if you did it right now, today. So

1 this is about a 20-year plan probably. That is the outline for the plan. I'd be glad to try
2 and take questions and comments.

3 MR. ANDERSON: How many houses encompass the Candlewood area?

4 MR. DAVIS: Right off the top of my head, I don't know. How many houses?

5 AUDIENCE MEMBER: About 553.

6 MR. ANDERSON: 553?

7 AUDIENCE MEMBER: Plus 79 in Cane Break.

8 MR. DAVIS: So you're looking at about 625 altogether.

9 MR. ANDERSON: [Inaudible]

10 MR. DAVIS: A pretty good size neighborhood.

11 MR. ANDERSON: And that's a, I'll have to say that's a fantastic plan. I was
12 really impressed with the work the community put in and everybody put in. I think that's
13 an excellent goal to shoot for.

14 CHAIRMAN MANNING: [Inaudible] the number doesn't look so good.

15 MR. DAVIS: The number never does look good. But if you start thinking about
16 funding options, you have the bond issue coming up that the park is in. You have the
17 ability to apply for street improvement funds through the Ice-T. We can build the
18 sidewalks for a 20% match but 20% is better than 100. The street tree programs can be
19 done through the neighborhood association. They can actually do that with the
20 individuals literally buying a tree for their front yard and getting it planted. The
21 mailboxes are something that can be adopted by the neighborhood and as mailboxes
22 are switched out they go to the standard.

23 MR. ANDERSON: Microphone.

1 MR. DAVIS: Sorry. I wander around a lot.

2 CHAIRMAN MANNING: Is the association with Candlewood a requirement
3 [inaudible] that –

4 MS. RUTHERFORD: [Inaudible] but their ability to I guess enforce –

5 CHAIRMAN MANNING: In other words they can [inaudible]

6 MS. RUTHERFORD: - [inaudible] yards. Oh, definitely. I mean, there are
7 neighborhoods with covenants all over the county that have enforcement mechanisms
8 for covenants. That is something that they have been tossing around the ideas as to
9 whether or not to bring in covenants that they would actually go and enforce. If there
10 are restrictive covenants – I'm sorry – [inaudible] covenants they're not being enforced
11 because there's not a homeowners association, they are a neighborhood association. If
12 there are covenants they don't enforce them.

13 MS. CAIRNS: Right. But if there aren't covenants they won't get covenants?

14 MS. RUTHERFORD: No. You taught us this. I think it would take what, three-
15 fourths of the neighborhood?

16 MS. CAIRNS: I don't know.

17 MR. RUTHERFORD: You don't?

18 MS. CAIRNS: I can't go there because it's legal advising and I'm sorry but it's
19 like no that three-quarters thing all had to do with –

20 MS. RUTHERFORD: If they had some to change them.

21 MS. CAIRNS: - [inaudible] and you want to amend them.

22 MS. RUTHERFORD: Okay.

1 MS. CAIRNS: You have to read whether they allow their amendment and then
2 strictly follow whatever it said.

3 MS. RUTHERFORD: So they couldn't get a covenant now?

4 MS. CAIRNS: If they have covenants -

5 MS. RUTHERFORD: They don't need covenants.

6 MS. CAIRNS: Well then how are you going to [inaudible] ordinance?

7 MS. RUTHERFORD: Well what they're doing is they're increasing their
8 participation in their neighborhood association and they're a tight-knit organization. I
9 mean, they're – for it to be a fairly new organization or recharged organization they have
10 a lot of participation. What they're trying to do now is to get more buy in from all of the
11 community again. There is a larger, the percentage of renters is starting to grow so as
12 with all neighborhoods in the county that's a challenge for them. But to still get, to get
13 100% participation – I think you guys are up to, how many homeowners are a part of
14 your association, Mr. Tyson?

15 AUDIENCE MEMBER: Active members?

16 MS. RUTHERFORD: Um-hum (affirmative).

17 AUDIENCE MEMBER: Right now we have about six hundred and something
18 [inaudible] active on the book is 230.

19 MS. RUTHERFORD: That's fantastic. I live in a neighborhood in the city that
20 has 1,500 homes and we don't have 100 members.

21 CHAIRMAN MANNING: You're going to have to keep doing some more hard
22 work.

23 MS. RUTHERFORD: Oh, definitely.

1 CHAIRMAN MANNING: [Inaudible] the rest of them [inaudible] a lot of things
2 that you're talking about [inaudible] mailboxes and the more people that show they're
3 willing to take that step, you know, the easier it will [inaudible] to be seen. And, you
4 know, if you've got 200 participating and 400 to come(?) it's easy to see something's
5 going on but not everybody's there.

6 MS. RUTHERFORD: Right.

7 CHAIRMAN MANNING: The funding is going to be critical and I think the county
8 can create a worksheet on neighborhoods to begin that process [inaudible] city or the
9 county [inaudible] lately and given what we're going through right now it doesn't sound
10 like they're going to start. But there are a lot like he said, you know, even from a donor
11 level there are corporations and organizations that could find this as beneficial
12 [inaudible].

13 MR. RUTHERFORD: Exactly.

14 CHAIRMAN MANNING: But they're going to need guidance in that. The plan
15 looks good. Do we, do we need to adopt something or are we just -

16 MS. ALMEIDA: You need to vote on it, yes.

17 MS. CAIRNS: What are we voting on?

18 MR. ANDERSON: Yeah. Where's the text?

19 MS. RUTHERFORD: We gave it to you on a CD. The master plan itself is the
20 text. We're looking for you to send a recommendation to Council for adoption into the
21 comprehensive plan.

22 MS. CAIRNS: I don't – what does that do or not do? I'm sorry.

1 MS. RUTHERFORD: Adopting the master plan into the comprehensive plan give
2 us the ability to start the implementation of it.

3 MR. ANDERSON: I'll have to say I breezed over that CD and thought it was a –

4 MS. RUTHERFORD: Well that was the document in its entirety. That's the
5 entire document.

6 CHAIRMAN MANNING: If we're going to formally adopt something I think we
7 need the text.

8 MS. CAIRNS: Yeah, and I just, I mean, I apologize for my ignorance but I don't
9 really understand what adopting the master plan does in terms of the comprehensive
10 plan. How does a house in a neighborhood that's part of an adopted master plan differ
11 from a house just the county?

12 MS. RUTHERFORD: Well the master plan itself is a tool to be implemented and
13 this is what we've done with the other four master plans. Well this will be the fourth.
14 We've adopted those master plans into the comprehensive plan for implementation.

15 MS. CAIRNS: Implementation of?

16 MS. RUTHERFORD: Of the elements in the master plan, correct.

17 MR. ANDERSON: Well let me ask you this.

18 MS. RUTHERFORD: By the Planning Department. As we see for instance I
19 guess the more recent one that you guys were involved in was Decker Boulevard
20 Master Plan. You adopted that document into your comprehensive plan which allowed
21 us to go in and create CRD, your Commercial Redevelopment Overlay District -

22 MS. CAIRNS: Right.

23 MS. RUTHERFORD: - to implement it.

1 MS. CAIRNS: But, I mean, like – a discreet example, the mailboxes. I mean,
2 you're saying basically that if we pass this and it gets adopted into the plan the
3 residents in that community would then have to use the mailbox that was part of the
4 plan?

5 MS. RUTHERFORD: No. It's a recommendation and it's, that piece of the plan
6 itself would go back to the neighborhood association for them to implement. If that's
7 something they'd like to see happen, a uniform mailbox they can now, as their
8 neighborhood association, encourage all their neighbors to now go and get this mailbox.
9 As the Neighborhood Improvement Program we can assist the association with the
10 creation of those entrance signs because we have a matching grant that assists them
11 with those things.

12 MS. CAIRNS: I apologize but I start finding this as creating a really bizarre legal
13 mess frankly. I mean, because it's like you either have an ordinance that applies or you
14 don't or you either have covenants that are applied privately and I apologize but, you
15 know, neighborhood associations are great and I'm going to promote them all the time
16 but in terms of whether, what kind of enforcement provision we're going to even imply
17 that they have with any kind of backing from the county, I've got some real issues. I'm
18 sorry but, you know, I –

19 MR. ANDERSON: I tend to agree with you. I'm wondering if this, is this - I didn't
20 look at the CD. When I saw master plan I thought it was the comprehensive plan. I
21 think I just saw plan. I thought it was the lump sum of all our elements. Is this
22 something to do with those lots so those lots don't get developed and the park goes

1 there so if we pass this it's a recommendation that the park goes there and those lots at
2 that corner never get developed or at least the county takes the stance –

3 MS. RUTHERFORD: Yes.

4 MR. ANDERSON: - that those are not to be developed?

5 MS. RUTHERFORD: Yes. What you see is the recommendation from the
6 community.

7 MR. ANDERSON: Exactly.

8 MS. RUTHERFORD: That if that property is to be developed it's developed –

9 MR. ANDERSON: Sure.

10 MS. RUTHERFORD: - in accordance to the master plan.

11 MR. ANDERSON: So it would be, it would –

12 MS. CAIRNS: So we're rezoning that parcel to TROS?

13 MS. RUTHERFORD: No.

14 MR. ANDERSON: No. We're not rezoning anything.

15 MS. CAIRNS: But I just don't understand. I mean, like who owns that piece?

16 MS. RUTHERFORD: Well he's not here but he was in the office earlier this week
17 and that gentleman is in talks with Rec Commission to sell his property for it to be
18 developed as a park.

19 MS. CAIRNS: I'm just, I mean, I apologize. I'm just really uncomfortable with
20 what we're doing and the effect, who has to –

21 MR. DAVIS: Excuse me.

22 MR. ANDERSON: I think we need text is I think what we're saying.

1 MS. CAIRNS: I just need to understand exactly, you know, once we, once the
2 county has adopted a master plan, you know, is there a pot of gold out there that gets
3 divvied up every year to implement pieces of it?

4 MS. ALMEIDA: Yes, there is.

5 MS. CAIRNS: Okay. So I mean, I can be brought back to the table. Okay?

6 [Laughter]

7 MS. RUTHERFORD: Well that's my department. It's the Neighborhood
8 Improvement Program. It's a millage agency for the county to create these master
9 plans and in turn implement the elements that you're seeing.

10 MS. CAIRNS: Okay. I still get very nervous with the idea that the neighborhood
11 association can somehow then encourage even the, you know, the fact that the
12 neighbor has to put up a certain mailbox. I mean, I just – if there aren't covenants that
13 give the neighbors the right to enforce that on each other then there's not the right to do
14 that.

15 MR. DAVIS: But there is the right to encourage it if they want to. And in this plan

16 –

17 MS. CAIRNS: Encourage is a very scary word sometimes.

18 MR. DAVIS: This plan is a, it's unlike the other master plans that we're doing in
19 the area. This is the first one we've done that didn't have massive redevelopment
20 implications in it. This is, for lack of better terminology, this is a pretty solid
21 neighborhood that needs some encouragement, needs some tweaking. By adopting
22 this and I am not, I am not a lawyer.

23 MS. CAIRNS: Good.

1 MR. DAVIS: I'm really happy about it personally. By adopting this what you're
2 saying is the County Planning Commission puts their stamp of approval on what the
3 neighborhood itself wants to do. You're giving Tia and other members of the
4 neighborhood, what do you call it?

5 MS. RUTHERFORD: Improvement Program.

6 MR. DAVIS: Thank you. Neighborhood Improvement Program the ability to go
7 out and put that potential park in a bond program to make it a real project. Without that
8 endorsement they may or may not be able to pull it off. Surely, they could pull it off
9 without the endorsement. Y'all could just say, hey that's a cool plan, bye. Or you could
10 adopt it and give it some endorsement and that's what is happening here. Unlike
11 Decker Boulevard where you've got a lot of areas that are going into redevelopment so
12 the things that you see there and the other two that we're bringing have got a lot of
13 redevelopment in them. So there's going to be some zoning implications of adopting
14 the master plans.

15 MR. ANDERSON: But can we do with just a conceptual PowerPoint plan?

16 MR. DAVIS: No. But you can do it with that 162 megabytes that's on that disk.

17 MR. ANDERSON: Okay.

18 MS. RUTHERFORD: Right. The document we delivered to you.

19 MR. ANDERSON: I didn't look at it. And that's my fault. See I look for this; I
20 don't look for that.

21 MS. ALMEIDA: We apologize. We did not print it out because it was a lot of
22 color, it was a lot of expense -

23 MR. FURGESS: I looked at mine so I understand.

1 MS. ALMEIDA: - and so we did.

2 MR. KOCY: Let me use this as an update. Our budget was cut today and one of
3 the reasons, one of the cuts that I have to make in the budget are printing expenses so I
4 apologize that we're giving you disks.

5 MS. CAIRNS: [Inaudible]

6 MR. KOCY: But a disk costs a dollar to make. It costs less than a dollar to
7 reproduce per Planning Commission Member. A one hundred and some odd color
8 page document costs \$30 a document so I'm sorry. We can't, I can't afford to print color
9 documents anymore for these community plans.

10 MR. ANDERSON: I just want to let you know, I mean, I - it was my fault I didn't
11 look at it so I'm not going to be able to vote either way.

12 CHAIRMAN MANNING: Well, Joe, before you leave [inaudible] I mean, formally
13 adopt something there needs to be something [inaudible] chance to look at it or not and
14 I'm [inaudible] budget [inaudible] but I would be concerned about adopting this in any
15 other way than [inaudible] because there's too many loose, it's not tied down. We've
16 had this discussion about funding. I don't want to give anybody the misunderstanding
17 that I'm adopting that spending without a funding source tied to it. I just think that would
18 be unfair to the community and I think it would be unfair to Richland County's other
19 citizens that they could be potentially on the hook for that, and it doesn't say they are or
20 aren't.

21 MR. KOCY: Understood. Why don't we, again given the - my brain is fried. We
22 can table this and we'll come back with a little more detailed language on
23 implementation.

1 MS. CAIRNS: I'd also just to toss out because it was also a very specific thing.
2 One of the things that came through that I had issue with was the off-site signage. It's
3 my understanding there were a couple of spots that the recommendation was for some
4 signage that was off the area?

5 MS. KOCY: Yes.

6 MS. CAIRNS: We start that, we don't stop it. That means that every major
7 arterial is going to have a gazillion identifiers of down this road you'll find these five
8 developments or something. I mean, it's – I think, I mean, it's very frustrating to be off a
9 major road and have an area but I just think there's – to recommend a subdivision that
10 happens to not be on a major road be given a marker on a major road could be very
11 problematic when it's taken to its logical – you know, maybe we need to figure out a way
12 to allow off major arterial subdivisions to be found easier. I'm for that too.

13 MR. KOCY: Okay.

14 CHAIRMAN MANNING: Okay. I don't mean to cut anybody short.

15 MR. KOCY: No, no. That's fine.

16 MR. ANDERSON: I move – we need to table this until, I mean, I guess if
17 everybody looked at it. I can't vote.

18 CHAIRMAN MANNING: [Inaudible] I think Mr. Kocy said that they were going to
19 bring back some language. Thank you very much. New business?

20 MR. KOCY: We still have one more item, Mr. Chairman.

21 MR. ANDERSON: Thank y'all. It's a great plan.

22 MS. RUTHERFORD: Hi. Get chipper as the night goes on. What we're going to
23 present to you now is the Decker Boulevard Master Plan Neighborhood Redevelopment

1 Overlay. Very similar to – this isn't working – okay, very similar to the corridor
2 redevelopment overlay. This is an optional overlay for the residential portion of the
3 Decker Boulevard Master Plan. In front of you I've given you the map that includes the
4 parcels - correct Mr. Murray - that includes the parcels that will be impacted by this
5 overlay. But again the purpose of the master plan and the overlay itself is to encourage
6 the revitalization of existing under-utilized, vacant, or abandoned commercial strips,
7 encouraging the reinvestment and the reuse in these areas in conjunction with Richland
8 County's Comprehensive Plan. Again Decker Boulevard Master Plan was finalized
9 2006, adopted into the comprehensive plan, and we're now starting the implementation
10 elements of that master plan by creating the overlays that will allow developers to come
11 in and revitalize the area.

12 CHAIRMAN MANNING: Can I stop you right there [inaudible]?

13 MS. RUTHERFORD: Yes.

14 CHAIRMAN MANNING: Are these boundaries the same or not [inaudible]
15 Decker overlay?

16 MS. RUTHERFORD: There are some inclusions. The piece of property you saw
17 earlier this evening that was rezoned, that is included into this overlay area.

18 CHAIRMAN MANNING: So [inaudible]

19 MS. RUTHERFORD: So during the original process it was not included. Okay?
20 During the original master planning process it was not included. For the overlay
21 process it is included because it will directly impact the revitalization to the area.

22 CHAIRMAN MANNING: All right. But we created an overlay district by
23 ordinance previously?

1 MS. RUTHERFORD: Yes, you did. Well the master plan itself –

2 CHAIRMAN MANNING: [Inaudible] adding to that something that wasn't in that
3 [inaudible]?

4 MS. RUTHERFORD: No. The initial overlay for CRD was for the commercial
5 zones from Two Notch Road to Percival. Okay? That's just for the commercial area.
6 What you're seeing now is for residential. The entire outlined area in black was all of
7 Decker Boulevard Master Plan. So there's nothing new.

8 CHAIRMAN MANNING: Okay. I have a question. So the property we heard
9 tonight is not new to that portion?

10 MS. RUTHERFORD: No, it's not. It's not new to that process. Okay? Okay.

11 CHAIRMAN MANNING: Say that again.

12 MS. RUTHERFORD: I said it's not new to that area. Okay. Again this overlay is
13 going to encourage mixed use of buildings, retail space, offices, residential units. We're
14 looking at single family, the duets that you heard earlier this evening, townhouses,
15 triplexes, and multi-family. These are the types of revitalization elements we're trying to
16 encourage for the residential area. Okay. Again it's an optional overlay. We have a
17 developer here who is optionally using this overlay to redevelop his property. He came
18 in and talked with Staff. We gave him the document, encouraged him to go forward and
19 assist us with revitalizing this area. Okay? Again it's for – we're looking at creating the
20 traditional neighborhood design, single-family detached setbacks will have a maximum
21 of 15'. Attached, multi-family, and mixed used setbacks a maximum of 10'. All
22 residential and mixed used rear yard setbacks are a maximum of five feet. Okay.
23 Okay. We're looking to encourage mixed used, small scale commercial live/work unit

1 areas, in a specific area on or within this master plan and that's on the Dupont Drive
2 corridor crosses over Foxcroft Road, Omega, Quiet Lane, Robin Nest, Castle Pinckney,
3 Coral Vine, Cermack, Percival, and East Boundary Road. Those are the areas that we
4 are encouraging your mixed use, small scale commercial, maximum density 5,000
5 square feet. You know, your permitted uses include your day time care facilities, you
6 know, business and professional services, light retail. You know, those neighborhood
7 commercial venues that you can walk to, your coffee shops, your tax service, your – a
8 small, you know, perhaps a small, you know, bank teller, those kind of uses. Okay.
9 Guidelines for new structures, you know, we're not looking to have anything that's going
10 to tower over existing developments so no more than three stories in height for single
11 family and no more than five stories for multi-family and mixed use. Okay? And again
12 the overlay it does include some design requirements for single-family and mixed use.
13 You have your parking requirements, exterior signage, bicycle parking. Now that's not
14 innovative but definitely necessary for this area to get people to start walking within the
15 area again. Encouraging outdoor lighting, landscaping and screening standards. I want
16 to say that's my last slide. And that's my last slide. That is the document you have
17 before you. Again what's really exciting for us as a department is that we do have a
18 developer here ready to implement an optional residential overlay within the Decker
19 Boulevard Master Plan area.

20 CHAIRMAN MANNING: Very good.

21 MS. RUTHERFORD: Oh, I do want to tell you I have a caveat. They're not here.
22 We did have, we did a presentation. We retained an intern who created the document.
23 She spent three months on it. Cheri Bankston, a University of Florida student who will

1 be returning back to the area some time after the new year. But she spent her entire
2 summer creating this document and meeting with the neighborhood. So we did sit
3 down and do a presentation to Greater Woodfield Park Neighborhood Association on
4 several different occasions to get their buy in. We sat down with them to talk about
5 some of the things that they outlined in the Decker Boulevard Master Plan that they'd
6 like to see in their residential area and this is essentially they told us they wanted. We
7 just, you know, put it to Code. You know, what was created in your Decker Boulevard
8 Master Plan and our talks with the neighborhood this is what they told us they wanted to
9 see.

10 CHAIRMAN MANNING: [Inaudible] and I remember when we initially [inaudible]
11 Decker overlay there was pretty stringent language [inaudible] and I don't know where
12 that is at this point in time [inaudible] that was an element you were trying to [inaudible]
13 and I [inaudible] why and I don't know where that is in any of these documents or how
14 that impacts, you know, the people live in the neighborhood [inaudible] their houses
15 [inaudible] but, I mean, we certainly don't want to infringe on personal property rights.

16 MS. RUTHERFORD: Right. Well what we know for sure is this area is – sees a
17 huge influx of rental property. I mean, there are veterans who live in the area who have
18 probably moved away and who are now renting their homes to either servicemen at Fort
19 Jackson. The goal that we like to see is that more servicemen and women from Fort
20 Jackson are, you know, this is their first – they're bee lining straight out of the gate to
21 Greater Woodfield Park as they did in the '70s. In the '70s a huge veteran population
22 because this was the neighborhood for the Fort. We're not discouraging renters. What
23 I, what it is fundamentally is just teaching renters how to be, you know, homeowners or

1 how to treat the place they live like their own home. So it's not that we're discouraging
2 renters, we're definitely encouraging homeownership. We were just in talks as a
3 department in coordinating efforts with community development to encourage more
4 homeownership. But again, you know, the sign of the times is that it's going to be
5 harder for people to afford homes or to get, you know, bank financing on homes. But
6 with that said there are programs in place within the county to assist those kinds of first-
7 time home buyers. But again that's what we are trying to encourage is single-family
8 ownership in this area.

9 MR. ANDERSON: Do neighborhoods opt into this plan or is that line drawn? I
10 was just thinking there's that neighborhood I guess that would be to the north, northeast
11 right around East Boundary and just keeps going up to the right of the school. You
12 know, I don't know if that's an option or if that line is permanent?

13 MS. RUTHERFORD: Well this is the Decker Boulevard Master Plan overlay
14 area. That's a good question. If they felt as though this was something that would help
15 them, you know, jumpstart some infill within their community I don't see why we
16 wouldn't allow it.

17 CHAIRMAN MANNING: What do we need to do? Do we have anything –

18 MS. RUTHERFORD: We need a motion to approve.

19 CHAIRMAN MANNING: Do we need the same kind of language we had
20 [inaudible]?

21 MS. CAIRNS: Yeah. So I don't – I mean, because one of the things you rattled
22 through real quick was the rear setback would be a maximum of five feet.

1 MS. RUTHERFORD: Um-hum (affirmative). We gave you this, we emailed you
2 guys this document so this is the language itself.

3 CHAIRMAN MANNING: I'll be honest; I don't have it.

4 MS. CAIRNS: I didn't look. There always seems to be a problem with my email
5 address. I don't seem to be able to keep it updated properly.

6 CHAIRMAN MANNING: I don't know when you emailed it but as of this morning
7 -

8 MR. ANDERSON: I got that one.

9 MS. RUTHERFORD: You did get it? Okay. It was sent. Well the document was
10 sent to you. This is the language in its entirety as it would be adopted. So it would be
11 Code; it's codified.

12 CHAIRMAN MANNING: Okay. Well I have not seen it. So we'll [inaudible]
13 Thank you and I'm sorry.

14 MS. RUTHERFORD: I didn't hear a motion to defer. Are you guys deferring?

15 CHAIRMAN MANNING: Yeah. We're deferring until we get the documentation
16 or the email that's codified that we can vote on. [Inaudible] either next month. Last on
17 the agenda [inaudible] is the definition regarding setbacks.

18 MS. ALMEIDA: That was proposed by, requested by Mr. Gene Green.

19 CHAIRMAN MANNING: And I was going to say is there any problem? I know
20 ya'll [inaudible] can we defer this [inaudible].

21 MS. ALMEIDA: Absolutely.

22 MR. KOCY: You're already broken my heart twice tonight [inaudible].

23 MS. CAIRNS: Yeah but let's do the street names.

1 MR. ANDERSON: Actually I do have a problem with – I'm just kidding.

2 MS. CAIRNS: Which one?

3 MR. ANDERSON: Nothing. I'm just kidding. After 5:00 o'clock I go a little nuts.

4 MS. ALMEIDA: Is there a motion?

5 CHAIRMAN MANNING: Do I have a motion?

6 MR. FURGESS: So moved.

7 CHAIRMAN MANNING: Second?

8 MS. CAIRNS: Aye.

9 CHAIRMAN MANNING: They are approved.

10 MS. ALMEIDA: Thank you.

11 CHAIRMAN MANNING: We are going to knock this thing off.

12 *[Meeting Adjourned at 8:15 p.m.]*