

RICHLAND COUNTY PLANNING COMMISSION
December 3, 2012

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4 *[Members Present: Heather Cairns (in @ 1:22pm), Olin Westbrook, Kathleen McDaniel,*
5 *Bill Theus, David Tuttle, Patrick Palmer, Howard Van Dine; Absent: Stephen Gilchrist]*

6 Called to order: 1:07 pm
7

8 CHAIRMAN PALMER: I'll just read this again. In accordance with the Freedom of
9 Information Act, a copy of the Agenda was sent to radio and TV stations, newspapers,
10 persons requesting notification and posted on the bulletin board located in the lobby of
11 the County Administration building. Okay. Everybody get a copy of the November
12 Minutes?

13 MR. TUTTLE: I did, Mr. Chairman, I'd like to make a motion that we approve the
14 Minutes as submitted.

15 MR. VAN DINE: Second.

16 CHAIRMAN PALMER: We have a motion and a second. Any discussion? All
17 those in favor say aye.

18 *[Approved: Westbrook, Theus, Tuttle, Palmer, Van Dine, McDaniel; Absent: Cairns,*
19 *Gilchrist]*

20 CHAIRMAN PALMER: Do we have any motions? Okay. Do we have any Agenda
21 Amendments?

22 MS. HEGLER: No, sir.

23 CHAIRMAN PALMER: Next is Road Names.

24 MR. VAN DINE: Move we approve them –

25 MR. TUTTLE: Well, wait a minute, Mr. Chairman, if I could I'd like to recuse
26 myself as I [inaudible].

1 CHAIRMAN PALMER: Okay, sure. I must – let me read this into the Record –
2 “Dear Mr. Palmer, I must request to be excused from participating in discussion or
3 voting on Agenda Items pertaining to street names which is scheduled for review and/or
4 discussion at today’s Planning Commission meeting. It is my understanding of the Rules
5 of Conduct, provisions of the Ethics Government Accountability and Campaign Reform
6 laws that since I have a financial interest in the property I will be unable to participate in
7 this matter through discussion or voting. I would therefore respectfully request that you
8 indicate for the Record that I did not participate in any discussion or vote relating to this
9 item representing a potential conflict of interest. I would further request that you allow
10 and direct this letter to be printed as part of the official Minutes and excuse me from
11 such votes or deliberations and note such in the Minutes. Thank you for your
12 consideration. David Tuttle.” Okay, do we have a motion on the Road names?

13 MR. VAN DINE: Move we approve.

14 MR. WESTBROOK: I’ll second.

15 CHAIRMAN PALMER: We have a motion and a second. All those in favor say
16 aye.

17 [Road Names: Sail Point, Shadow Point, Marsh Creek Drive, Turkey Run Court,
18 Mizzen Court]

19 *[Approved: Westbrook, Theus, Palmer, Van Dine, McDaniel; Recused: Tuttle; Absent:*
20 *Cairns, Gilchrist]*

21 CHAIRMAN PALMER: Alright, Map Amendments, Case No. 12-36 MA.

22 **CASE NO. 12-36 MA:**

1 MR. LEGER: Thank you, Mr. Chairman. Good afternoon. The Applicant for our
2 first case [inaudible] is Mr. Brian South. The property is located with frontage on Brevard
3 Street and Jefferson Allen Drive, which is [inaudible]. The property is almost two and a
4 half acres in size and it's currently zoned RS-LD, which is our single-family, low density
5 district and the Applicant is requesting RS-MD, which is our medium density, single-
6 family residential district. The property as I said was zoned RS-LD which is the original
7 zoning from 1977. Some of the uses and zoning in the area, for the most part it's all
8 zoned RS-MD and RS-LD in the vicinity. To the north is mostly undeveloped. To the
9 south we've got some single-family and undeveloped. To the east is undeveloped and
10 single-family. And to the west we have single-family and manufactured homes. Our
11 Comprehensive Plan recommends priority investment in this area where residential
12 housing should be in the neighborhood of four to 16 units an acre. We also have the
13 Broad River corridor and community master plan for this area. [Inaudible] support the
14 higher density in the vicinity as well. The subject property is basically undeveloped and
15 heavily wooded. Based on our plans the Staff felt that infill development would be
16 supported as it's supported by services and infrastructure and the plans recommend for
17 higher density. With that our Staff recommends approval of the rezoning application
18 from RS-LD to RS-MD. If you have any questions we'll be glad to try and answer them.

19 CHAIRMAN PALMER: Any questions for Staff? Okay, when I call your name if
20 you would please – how do you want to record this? How do we want to record these?

21 MS. SWORD: The speakers are picking them up.

22 CHAIRMAN PALMER: Okay. If you would just come up behind this podium thing
23 I guess and –

1 MS. LINDER: Maybe we can get a chair for a person to sit down.

2 CHAIRMAN PALMER: Okay. And if you would give us your name and address
3 for the Record we'd appreciate it, and we'd ask that you keep your comments around
4 the two minute mark. First we have the Applicant, Brian South.

5 **TESTIMONY OF BRIAN SOUTH:**

6 MR. SOUTH: Good afternoon. We represent the Montgomery family trust, the
7 owner of the property, and have an application in on this property along with other
8 parcels for a Green Code [inaudible]. We understand the rules are changing or maybe
9 being done away with on the Green Code. We do have an application in. We were
10 successful some years, a few back in a map amendment on some other properties
11 [inaudible] to medium density. Our plans are not yet finalized as to exactly what we'll do
12 but we do feel that the low density zoning is prohibitive for our plans to provide for
13 [inaudible]. And I'd also point out that we were, Broad River corridor, one block from
14 grocery, bank, drug store and we'd love to have a good pedestrian-friendly and access
15 also to public transportation in our subdivision.

16 CHAIRMAN PALMER: Alright, any questions for Mr. South? Thank you. Jerry
17 Douglas?

18 **TESTIMONY OF JERRY DOUGLAS:**

19 MR. DOUGLAS: My name is Jerry Douglas, I live at 1027 Betsy Drive. We have
20 been battling this for at least three years and I can speak for myself and it's on Record
21 that the county and the city that the area residents are opposed to high density or
22 medium density as Mr. South is requesting. There was a meeting, if I'm not mistaken,
23 by this Board last November I believe it was, that brought up, they had brought up the

1 subject that his wife is the person that's in charge of the estate for this property that
2 we're, that is in question or wanting to be changed. And numerous times during the
3 period that this has been reported, the Planning Commission, this gentleman
4 misrepresented saying that he owned the property when the tax records at the county
5 said otherwise. This guy has misrepresented to the Planning Commission, this Body
6 and downtown, so I think that raises some questions right there as to intent. The density
7 and the change of roads, that's there, bring them up to the standards today, but no
8 changes in the width is what I feel personally should be allowed and therefore I think
9 that the density should be maintained as it is at the present time.

10 CHAIRMAN PALMER: Okay, is that all? Any questions. Okay, thank you. Holly
11 Emore?

12 **TESTMONY OF HOLLY EMORE:**

13 MS. EMORE: Holly Emore, I live at 925 Janice Drive and I've been before
14 Council before as Mr. Douglas said, to say that this is a very bad idea. This so-called
15 undeveloped property is a sliver of woods, there's not a place to put a whole
16 subdivision. Mr. South has, as Mr. Douglas said, misrepresented information. We've
17 heard so many stories from you. He has come to my house, let me listen, ask
18 questions, look at his plans in the past, and then gone from house to house telling my
19 neighbors that I had signed on in support of the project. Now, when something like that
20 happens I will never again trust what is going to happen. We live in a small
21 neighborhood. This is my first home. I'm 56 years old, I was an old hippy, I didn't catch
22 on to settling down and putting roots in. I love this neighborhood. I was sitting on my
23 front porch a few months ago when some deer ran through my front yard, this is why I

1 bought land in this neighborhood and pay taxes to this county. I do not want to see
2 anything change. Furthermore, I heard so many different stories about how many
3 dwellings were going to be on this tiny sliver of land. First it was this number, then it was
4 that number. I looked at house plans in my living room that Mr. South showed me that
5 showed houses that were 12' wide, 12', okay? Now this is a few years ago, perhaps
6 things have changed but I think that apparently from conversations before this and
7 phone calls that went around last night, I probably speak for a number of people in the
8 neighborhood. My husband works for National Red Cross, he's in Manhattan right now
9 with the clean up, he would be here and asked me to please convey, his name is Clyde
10 Roberts. One more thing, we found out about this a few weeks ago, that it was a rumor
11 – I'm gonna go over, forgive me – a neighborhood called my husband alarmed and she
12 said she had run into somebody working on the property and he told her about this and
13 she said, I haven't seen any signs, I haven't heard anything and he said, sshh, it's
14 supposed to be a secret. What is supposed to be a secret? If something is a secret
15 there is something wrong. Lastly, I don't know if I, what I've signed up for here, but the
16 Vendor Supply piece of this, the neighborhood has over and over again rejected the
17 idea of expanding that commercial property, it's grandfathered in. We do not need an
18 industrial park in a tiny little residential neighborhood and we reject that as well. Thank
19 you.

20 CHAIRMAN PALMER: Okay, thanks. Donald?

21 **TESTIMONY OF DONALD GIST:**

22 MR. GIST: I won't sit on the table as she did, I'll sit down. My name's Donald
23 Gist and I own property at 738 Janice Drive and I've owned that property for the last 38

1 years. I recently moved with my son and my daughter-in-law and my grandson, will be
2 moving into 738 Janice Drive. I have been the neighborhood president out there for the
3 last 10 years. As both of my neighbors have said earlier coming up here, we've been
4 battling this developmental issue in the neighborhood out there for probably the last six,
5 seven years. I know Brian is a good guy, I'm not gonna attack his integrity but I do
6 believe that if you look at the area and look at the geographic configuration, this is a
7 neighborhood where you have single-family homes. I didn't learn about this until, to be
8 very honest with you, until last night when I rode by the neighborhood and pulled off a
9 mailbox, Clara's mailbox, basically the notice for today. It is my understanding too that
10 the notice was posted down the road in the wooded area there, none of the neighbors
11 really knew about this until I would say within the last week. We believe that it's
12 premature at this stage for the zoning commission to approve removing this property,
13 this low, residential, low density to a residential medium density. Also the square
14 footage, we fought another neighborhood development out there, this process has went
15 to City Council, we fought it, it went back to county, back to the county, back to the city
16 and back to the county. I have no problems with someone developing and making
17 money, but the problem is if we're making that money at the expense of the
18 neighborhoods, the houses in that neighborhood for the most part are anywhere
19 between 1,100 – my house is 3,300 square feet at 738 Janice Drive. To cut of road on
20 Betsy Drive or to cut a road anywhere in there, we have a problem with crime there, we
21 have a strip club there and our position is that this medium density is gonna develop in
22 a real degrading of the value of the property and also a high crime rate in terms of
23 where we are. Now I haven't seen any plans, we've seen no plans and we think that it's

1 more feasible for Mr. South to bring his plans to the neighborhood, but we believe that
2 this proposal at this point is premature. Thank you.

3 CHAIRMAN PALMER: Thank you. That's all we've got signed up to speak.

4 MR. VAN DINE: Mr. Chairman, can I ask a question of Staff?

5 CHAIRMAN PALMER: Sure.

6 [Cairns in @ 1:22pm]

7 MR. VAN DINE: In light of some of the recent events that we have had, do we
8 have all of the correct paperwork? Is all of it signed by the right people? Have we got all
9 the right names in place? Do we know who owns this property?

10 MS. HEGLER: Yes, we have all the correct paperwork. And in most cases it's an
11 owner/agent that's allowed to apply for this, for this property. They have pre-application
12 meetings where they sit down with Staff and they go through the application before
13 [inaudible].

14 MR. PRICE: What Tommy has done is he's actually clicked on our layer, under
15 the ownership layer on parcels and as you can see that's what's coming up as the
16 owner of the property.

17 MR. VAN DINE: Okay.

18 MS. HEGLER: [Inaudible].

19 MR. VAN DINE: Alright, thank you.

20 MS. MCDANIEL: And do we have documentation that it was properly posted in
21 the –

1 MS. HEGLER: Yeah, you saw some pictures up there. We're pretty consistent in
2 the posting process, you saw pictures with the sign [inaudible] beyond the property and
3 we take 15 days [inaudible]. That's what we're required to do.

4 MR. VAN DINE: This may be an odd question but on a piece of property like this,
5 it borders on two roads, do we post both roads?

6 MS. HEGLER: [Inaudible].

7 MR. LEGER: We posted Brevard Street, we posted Jefferson Allen Drive, and we
8 also posted on Saluda River Road.

9 MR. VAN DINE: Okay. Thank you.

10 CHAIRMAN PALMER: How is the calculation made? I know we've got 2.38 acres
11 on this but there's several different parcels and they're actually split on two different
12 sides of the road, but we've got a combined acreage of 2.38, which goes into the, the
13 amount of, you know, density and, you know, gross and net densities based on 2.38,
14 but have you really taken a look at what these two parcels could produce across the
15 street from one another?

16 MS. HEGLER: Yes, those have all been added to equal [inaudible].

17 MR. VAN DINE: But I, I guess his question is, though, half of it's on one side of
18 the road, half's on the other side, is there a breakdown that would take place as to the
19 number of units that could be on one side of Jefferson Allen versus the other side of
20 Jefferson Allen, why are we using the entire thing to come up with the density when, the
21 way I look at it I don't know what, I don't know what the size of the two between Brevard
22 and Jefferson Allen are, but what is the size of that and what could that hold? See what
23 the question is?

1 CHAIRMAN PALMER: Or can you take houses across the street? I mean,
2 they're all one parcel right now. I mean, the five different parcels.

3 MR. PRICE: I see what you're saying. If we could go and look at those, the
4 smaller pieces I guess on the western portion and come up with the calculations for
5 those. But I do believe that the Applicant owns the parcels south of, and those were
6 recently rezoned so [inaudible] actually mirror the previous rezoning then I'm sure it
7 would be part of a combination for the whole subdivision. But we could just, if you
8 wanted to we could look at those with the two parcels that's west of [inaudible] and
9 come up with a calculation for it.

10 MR. VAN DINE: Well, I guess the question, I mean, absent combining all those
11 lots together and making one parcel, you're obviously gonna cross over property lines
12 and things that people are gonna make, do you have to deal with each lot individually as
13 to what its, what its content can be or can you combine them all five together, because
14 as it sits right now, they're five separate parcels of land and wouldn't each one have to
15 be looked at individually as to what it could hold for a particular density?

16 MR. PRICE: Yes, sir. Yes, sir, you would have to look at it individually, but in this
17 case, and normally cases where the applicants come in with multiple parcels with the
18 intent to combine them upon rezoning, we just, we just do our calculations based on
19 that as opposed to each individual.

20 MS. MCDANIEL: So really this, the gross density and the net density of 12 and
21 eight respectively, that's really the maximum possible and it could be lower based on
22 the –

23 MR. PRICE: We wouldn't(?) just take each parcel individually.

1 MR. TUTTLE: May I ask a question of Staff?

2 CHAIRMAN PALMER: Yeah, absolutely.

3 MR. TUTTLE: If you take this example [inaudible] it's been my experience though
4 when you're looking at developing if you just looked at a 500 acre tract, you generally
5 wouldn't combine those parcels until you actually had approval. I mean, that wouldn't be
6 prudent. And generally you look at separate parcels and combining them as a whole to
7 look at your density for a neighborhood, not individual parcels. So I'm not sure your
8 approach would be different when you're talking about smaller lots. I mean, just
9 because you're at 2.38 acres doesn't mean your philosophy would change versus 500
10 acres.

11 CHAIRMAN PALMER: Yeah, but I think what's different here David is that I didn't
12 know he owned these other two on the horseshoe. Not knowing that or not having any –
13 he's not coming in for this whole horseshoe, he's coming in for this and this, and when
14 you look at these two separately, you look at it and say, okay this is across the street
15 from each other, you certainly can't calculate this acreage along with this acreage as
16 one parcel not knowing that this guy owns these two. I mean, if you didn't know he,
17 what he's planning on doing here –

18 MR. TUTTLE: Okay, I mean, I respectfully disagree. If that were a new cul de
19 sac being put in, you would look at the parcels, hold the fact that the road happens to be
20 there I don't think changes the [inaudible].

21 MR. VAN DINE: I guess my, my concern with this is we have an existing road
22 that runs down the middle of it.

23 MR. TUTTLE: Correct.

1 MR. VAN DINE: And that road itself becomes a dividing line between lots on the
2 left side of the road and the right side of the road. So it seems to me that you have to,
3 whether you combine the two lots on the left and the three lots on the right, you still
4 have to look at two separate pieces because you can't build in the road.

5 MR. TUTTLE: I disagree, Howard. I can show you numerous examples, the big
6 new thing on 77 is bifurcated by a road and you look at the density overall, there are
7 plenty of developments that are split by a road and you look at the overall group
8 together to determine density, not each side of the road.

9 MR. VAN DINE: What you're suggesting is you're ignoring the road and by
10 adding the density that they can go ahead and build in the road right-of-way, and if they
11 don't build in the road right-of-way then they have to meet the density, they can't say –

12 MR. TUTTLE: The road right-of-way's irrelevant. The road right-of-way is not
13 included in the 2.38 acres.

14 MR. VAN DINE: Hang on for a minute please.

15 MR. TUTTLE: Okay.

16 MR. VAN DINE: If, if you take that and you say, okay we're gonna have a
17 density, the medium density onto those two middle parcels, you can't pick up density
18 from the other side of the road and bring it over to the other side to put three houses on
19 that left side if it wouldn't fit within that space. That wouldn't allow you to do that.

20 MR. TUTTLE: I respectfully disagree and if you look at development overall
21 throughout the county I can show you numerous examples.

1 MR. VAN DINE: That doesn't make it right. That doesn't make it right just
2 because you can show me something that's been done in the past. I'm saying right
3 here, this is what we're talking about.

4 MR. TUTTLE: So, okay Howard, so for example, we're all familiar with Longcreek
5 Plantation cause it's been before us recently. The entire property's bifurcated by a
6 circle, by a state road called Longtown Road.

7 MR. VAN DINE: Sure.

8 MR. TUTTLE: They don't take each side of that road and determine densities. It's
9 the overall, the overall master plan for both sides of that road that are included.

10 MR. VAN DINE: No, they get it differently on that because they actually, they
11 actually separated things out on each individual block that they were talking about, what
12 they were gonna do within each one of those blocks and so they actually separated it.
13 This is a different situation because I can't see that you're putting – you couldn't put
14 three houses on that left hand side and meet the density. You can't call it a combined
15 density with everything [inaudible].

16 MR. TUTTLE: I respectfully disagree.

17 MS. CAIRNS: Well, I don't, one thing too I just hear, you know, us talking about,
18 so there's five tax map numbers so we're saying there are five lots, cause my
19 experience has been that sometimes if you look at the underlying legal descriptions,
20 one of these tax map numbers may have three lots in it. I mean, the alignment of lots
21 and tax map numbers are not exact.

22 MR. VAN DINE: I agree.

1 MS. CAIRNS: So, I mean, we, so to me the fact that it's common ownership,
2 regarding the issues of sides of the road, common ownership, we should be looking at it
3 together because those lot lines can be relatively arbitrary and the number of tax map
4 numbers can be relatively arbitrary.

5 CHAIRMAN PALMER: I guess what I'm looking at is this –

6 MS. CAIRNS: And so we don't know how many lots it is.

7 CHAIRMAN PALMER: - you know, and we go through this all the time where we
8 say, okay I understand what the plan is, that's great, fine, you know, that's a great idea.
9 But we all know that in this economy plans change and they change quite rapidly. Let's
10 say that the, whatever approval's not granted, this whole thing can't be developed and,
11 you know, Mr. South decides, well I'm now gonna sell these lots individually. Somebody
12 now has the ability to come in here and divide this lot and put, you know, two or three
13 homes on it where it's not part of this development, it's not one tract of land, it's an
14 individual owner on one parcel, or this piece or this piece. And that's what I'm saying we
15 have to look at as a Planning Commission is, I understand the plan sounds great and I
16 understand this guy is planning to combine these all and do this and do that, but just like
17 with Roper Pond, I mean, the plans look great, that's not what ends up happening at the
18 end of the day and that certainly is something that could happen here as well, and we
19 have to step back and look at a rezoning of this property and say, divorce of all the
20 greater plans that are out there, is this area designed or is this something that we think
21 is great or is good for this area to be zoned RS-MD under these current lots and not as
22 a total development plan?

1 MR. TUTTLE: If I could ask Staff a question. Has it typically been your practice
2 that an applicant can bring in individual parcels and try to get them rezoned as a group
3 and combine at a later date?

4 MR. PRICE: Yes.

5 MR. VAN DINE: Mr. Chairman, what we have always talked about in the
6 Planning Commission and what we invariably forget every time we talk is, each one of
7 these that's here as an individual lot right now, they are not combined and while he may
8 claim that they are going to be combined the fact of the matter is, they are not. So
9 therefore, if tomorrow he were to get approval for whatever the zoning he wants, he
10 could turn around and sell each and every one of these separately, not as a group but
11 separately. And our job is to look at what the zoning parcels are when we do our
12 rezoning, not the combined because it's not combined at this point in time. Whether or
13 not it's his intention or not, that's one thing. I don't doubt that for a minute that that's his
14 intention –

15 MR. TUTTLE: But Howard –

16 MR. VAN DINE: - but we can't do that as a Planning Commission because that
17 may not be what the developer does, but from a community's perspective this is what
18 we have before us is five separate parcels.

19 MR. TUTTLE: You do realize that if that scenario you just contemplated were to
20 take place the actual density would go down.

21 MR. VAN DINE: Not necessarily.

1 MR. TUTTLE: It would have to be less dense cause you're gonna have an
2 oddball remainder on each lot, that's the whole purpose of combining them is to use
3 your remainders as a collective whole to gain an extra house.

4 MR. VAN DINE: That may be, that may be correct as you state and it may not be
5 correct.

6 MR. TUTTLE: Well, I think geometry –

7 MS. CAIRNS: Well, that's, I mean, we have a unique, I mean, it's rare that we
8 have this much frontage being offered. I mean, likely whatever happens here there
9 won't be more roads. I mean, this could just get divided up into lots. And that's why, and
10 Howard, I disagree, I mean, we don't necessarily know this is five lots, it could be more
11 lots. Some of these could be lots within a single tax map number.

12 MR. VAN DINE: This is the tax parcel, this is what we have in our tax system.

13 MS. CAIRNS: Yeah, I mean, what we have is five tax map numbers, but not
14 necessarily five parcels. It could be more than.

15 MR. VAN DINE: No, there, if they were divided up into additional parcels there
16 would be additional tax map numbers.

17 MS. CAIRNS: You can sometimes ask for, I have in my experience with clients,
18 been able to say, those five parcels, you know, just tax them as one tax map number
19 and they let us do that. And it doesn't –

20 MR. VAN DINE: Well. Is that taking place here? Is that a standard practice that
21 you look at it to find out whether there's actually additional parcels, five or six parcels
22 within one tax map number?

1 MS. CAIRNS: You probably know by looking at the [inaudible]. You have to look
2 at the legal description.

3 MR. THEUS: This is my second meeting, but do you see, do you see small
4 parcels like this dealing – what you're describing David is a, what we've all done, it's a
5 big master plan community, so you rezone 100 acre piece of property and you cut a
6 road through it after you've had it rezoned, which is different I say than this. But do you
7 guys see, have you seen these types of things?

8 MR. VAN DINE: Not very often.

9 MR. TUTTLE: So, but it's rare but I don't know that you're philosophy should
10 change. I mean, when does your philosophy change, is 2.75 acres the cut off to look at
11 it one way versus the other?

12 MR. THEUS: Well, the road is cut in as part of the development process
13 contemplated within a plan. This is just the road is where it is and, I mean, I see
14 Howard's point.

15 MR. TUTTLE: I mean, Howard's making the assumption that if you looked at
16 each side of the road separately it would change your yield on the number of homes
17 built and it may or may not.

18 CHAIRMAN PALMER: Personally for me, what I brought up the question
19 because it is a unique situation and having not seen the ownership records of the other
20 two at the cul de sac, it does not make sense to me to take a look at these as one
21 parcel because they are bisected and they're clearly gonna have to be two separate
22 divisions of property. You can't divide a piece of property, you can't get the density
23 bonus across the street in a process like this where there's clearly different ownership

1 entities. You know, just cause the guy buys it, just cause I were to buy the lot across the
2 street from me, I can't combine my house and his house and say, now I want to use this
3 as a Green Code, we're across the street from each other.

4 MR. TUTTLE: I can show you –

5 CHAIRMAN PALMER: Okay, anyhow. I'm not saying that's gonna affect my,
6 whether I think it should be MD anyhow, but I'm just saying it's a unique situation and
7 just wanted to know how we got to the 2.38 acres in order to make our – because it
8 looks like a whole lot more than what can actually go on these parcels. [Inaudible].
9 That's all I was getting at. I'm not even saying that –

10 MR. THEUS: [Inaudible].

11 CHAIRMAN PALMER: Yeah, but I didn't know that.

12 MR. THEUS: They've been rezoned.

13 CHAIRMAN PALMER: Well, they're currently LD. They are not MD. So you have
14 two parcels –

15 MR. THEUS: But all that's common ownership.

16 CHAIRMAN PALMER: That's what I'm understanding. But they're not in front of
17 us, it's not part of this rezoning. But, am I to understand that Mr. South owns these, Mr.
18 South do you own these other two parcels or have control of these other two parcels at
19 the end of the cul de sac?

20 MR. SOUTH: No. No.

21 MS. HEGLER: No, we're talking about north or –

22 CHAIRMAN PALMER: I'm taking about [inaudible].

1 MR. SOUTH: [Inaudible] there are two mobile homes at the end of Jefferson
2 Allen Drive.

3 CHAIRMAN PALMER: Right.

4 MR. SOUTH: And we do not own those, nor have offices in them. But I, if I could
5 make an additional point, I don't think that we could develop this property with those
6 existing rights-of-way, they're 28' wide. I believe that it would be required that we
7 upgrade those to 50' right-of-way, paved, curbed, gutter, sidewalk.

8 CHAIRMAN PALMER: You're talking about the widening of Jefferson Allen?

9 MR. SOUTH: Yes.

10 CHAIRMAN PALMER: Into a 50' paved?

11 MR. SOUTH: I think that would be a requirement. I don't believe we could go in
12 there with multiple lots on a gravel road with 28' width without, well for starters there's
13 no water and sewer back there so I think you have to approach it as a whole, like has
14 been discussed. Those existing rights-of-way will be either expanded or abandoned and
15 redone to provide access to all the property.

16 CHAIRMAN PALMER: But if, for some reason Mr. South decided not to move
17 forward with the development of these parcels and simply sold these parcels off, then
18 they could be subdivided of which the new owners would have to be accessed off of
19 that 24' dirt road.

20 MR. SOUTH: Twenty-eight.

21 CHAIRMAN PALMER: Or 28' dirt road. So let's say one of these parcels, and I
22 don't even know how large these parcels are, but let's just say there's a one acre parcel
23 over here and it goes from 12,000 square foot lots down to 8,500 square foot lots, you

1 can simply come in on that 28' or whatever it is dirt road, come down, subdivide this
2 parcel into now three instead of two, just say the numbers work out that way, you can
3 get three instead of two and then you don't have to do any infrastructure, you don't have
4 to do anything, you can just get an extra lot out of it. Cause you've already got the
5 frontage, you've already got the width without doing anything.

6 MR. SOUTH: Well, you would to put water and sewer in and I don't think
7 [inaudible] a well.

8 CHAIRMAN PALMER: We can't do it now anyhow, only 12,000 square foot lots.

9 MS. CAIRNS: No, I know, yeah it's [inaudible]. Right.

10 CHAIRMAN PALMER: Unless you can get the easement to get somewhere else
11 back where the [inaudible], I mean, they can't do it on 12,000, you've got to have $\frac{3}{4}$
12 acres. I guess the overall question after having done all of this discussion and all of this
13 is, are these parcels suited for RS-MD?

14 MS. MCDANIEL: I haven't heard any argument to my mind that says that they
15 are not suited to RS-MD.

16 MS. CAIRNS: Other than no infrastructure to support that density.

17 MS. MCDANIEL: Well, that's the problem of whoever wants to develop it.

18 CHAIRMAN PALMER: I mean, there's no infrastructure to support 12,000 square
19 foot lots to be honest with you.

20 MR. TUTTLE: Just for the Record, normally the infrastructure comes after the
21 density, not before.

22 MR. THEUS: Will he be able to further subdivide off of a gravel road or will he
23 need to take the road and –

1 MS. HEGLER: [Inaudible] we don't think, even on the individual parcel basis they
2 have to bring the road up.

3 [Inaudible discussions]

4 MS. HEGLER: If they were to subdivide parcel by parcel they have to bring it up
5 to Code, and we have a new policy that the Public Works director would use all of
6 those, so he may or she may choose to do something different. But in the past they've
7 always been brought up to Code even if it were to be subdivided [inaudible]. Fifty foot
8 wide and 20' passing lane.

9 CHAIRMAN PALMER: Right. Does anybody have anything else to bring up on
10 the issue?

11 MS. MCDANIEL: Alright, well I'm gonna make a motion that we send project 12-
12 36 MA forward to County Council with a recommendation of approval of the requested
13 rezoning.

14 MR. WESTBROOK: I'll second.

15 MS. CAIRNS: I'm gonna simply state, I'm gonna not vote since I was not here for
16 the entire discussion. I wasn't here for all of it so I don't feel proper voting, so I'm just
17 gonna make that statement.

18 CHAIRMAN PALMER: Okay. We have a motion and a second. Any other
19 discussion? All those in favor of the motion please raise your hand. All those opposed
20 to the motion?

21 *[Approved: Westbrook, Theus, Tuttle, Palmer, McDaniel; Opposed: Van Dine;*
22 *Abstained; Cairns; Absent: Gilchrist]*

1 CHAIRMAN PALMER: Okay. And folks, we are a recommending Body to County
2 Council. They'll have the final say on the matter and they'll be down in the Council
3 Chambers on December the 18th for the rezoning hearing in front of Council, okay? Next
4 case, Case No. 12-37 MA. Mr. South? Oh, I'm sorry we'll go to Staff first. I'm sorry.

5 **CASE NO. 12-37 MA:**

6 MR. LEGER: Thank you, Mr. Chairman. The property is located on Saluda River
7 Road, it's almost an acre in size, currently a little strange in the fact that it's zoned RS-
8 MD but the roadway, which is a private drive, was RS-LD. RS-LS portion of it, which is
9 the private road, was the original zoning, the RS-MD was rezoned a couple years ago. It
10 does have frontage on, on the Saluda River Road as well as Jefferson Allen Drive,
11 again which is a private dirt road. To the north the property is zoned M-1 which is the
12 Vendor Supply warehouse and distribution facility. The property to the south is zoned
13 RS-LD and has single-family homes. To the east we've got the Copperfield Apartments
14 [inaudible] high density, residential multi-family. And to the west the undeveloped
15 property down Jefferson Allen Drive. This property is also part of our priority investment
16 area where that portion of the Comp Plan recommends for commercial and office along
17 arterial roads and near traffic junctions. The Staff felt like this property did not meet that
18 intent and also felt like rezoning of this property of office and institutional would
19 encroach on one of the residential properties in the area. The property is basically
20 undeveloped, heavily wooded area, except for Vendor's Supply, is residential in nature
21 and for that reason the Staff recommended disapproval of the office and institutional
22 district.

23 CHAIRMAN PALMER: Any questions for Staff? Mr. South?

1 **TESTIMONY OF BRIAN SOUTH:**

2 MR. SOUTH: Thank you. This request is part of an attempt to enhance the
3 single-family development that we designed to be behind [inaudible] is M-1 zoning of
4 Vendor's Supply. If you're familiar with that section of Saluda River Road, you have
5 Copperfield Apartments and a rag-tag wooden fence [inaudible] photographs of that.
6 Vendor's Supply is adjoined on either side by dirt roads. We have made an agreement
7 with Vendor's Supply to enhance their property, landscape, pave, employee parking as
8 a part of this rezoning. Our desire is to sell a portion of this tract to Vendor's Supply in
9 order to get them to improve their situation. Currently, the entrance to our development
10 is greatly damaged by the look both of Vendor's Supply and Copperfield Apartments.

11 CHAIRMAN PALMER: Okay. Any questions for Mr. South? Thank you. And we
12 don't have anybody signed up to speak on this issue. No, come on. Holly Emore, is that
13 right?

14 **TESTIMONY OF HOLLY EMORE:**

15 MS. EMORE: Very good. This is that same sliver of land, and I want to ask each
16 of you, what is your connection to this industry that you feel that unfettered development
17 is more important than what the people who live there feel? This is a little, you guys
18 need to ride out there. I rode by it this morning on my way in just so this would be fresh
19 in my mind, it's a little piece of woods. There is, I appreciate Mr. South's wife's need to
20 settle this estate and like others have said, there is nothing wrong with people trying to
21 take care of their business. But when I'm told that this little – a few years ago – little,
22 tiny piece of land was gonna have 96 family dwellings on it, okay I'm sorry I'm blurring
23 the two, it's because we're dealing with the same developer and basically to the

1 neighbors this is the same piece of land made to be divided up on your pieces of paper,
2 but adjacent to each other. Vendor's Supply needs to pull up, they do not need that
3 place. I don't care if they need another parking lot, they have a huge facility, but when I
4 lived in Olympia we fought a battle out there, you guys remember that. They've got
5 plenty of room, they don't need that tiny little old outdated place, so why take my
6 neighborhood and my property values, which pay for this county, to add to it? That's all.

7 CHAIRMAN PALMER: Thank you.

8 **TESTIMONY OF DONALD GIST:**

9 MR. GIST: Excuse me, it was my assumption that I signed up, that I was signing
10 up for this in opposition for the rezoning.

11 CHAIRMAN PALMER: That's fine. Come on if you would, come on up.

12 MR. GIST: I want the Record to reflect for this Board –

13 CHAIRMAN PALMER: Let me get your name and address again?

14 MR. GIST: My name is Donald Gist, I live at 738 Janice Drive and I'm putting this
15 in the Record. I want the Record to reflect that this is another backdoor attempt by
16 Vendor's Supply and Mr. South in collusion, we have defeated them at County Council
17 with respect to Vendor's Supply expanding its trucking facilities. Vendor's Supply, do
18 you know what Vendor's Supply is? It's tractor trailers in a neighborhood. We have
19 fought Vendor's Supply for the last 10 years in terms of expanding their property and
20 putting those tractor trailers over there and they run refrigerated trucks, which means a
21 refrigerated truck runs 24 hours a day. Even though it's to the left of Vendor's Supply,
22 they tried many years ago before County Council and City Council to get that piece of
23 property rezoned. We've been successful in fighting them. This is another effort by

1 Vendor's Supply and Mr. South who very well represented that, that he's gonna sell it to
2 Vendor's Supply in exchange for the development of this road through this
3 neighborhood. We are opposed to it, we will be opposed to it at County Council, we will
4 be opposed to it through the court system. I want the Record to reflect this day that this
5 is a bad move, I want to ask the zoning board again to take in consideration what has
6 been said here to day, basically, and ask that the zoning board go out and look at this
7 property. You know, you rely on the Staff but as the lady say before me, looking at a
8 piece of paper and looking at the impact negatively to a neighborhood, it will destroy the
9 neighborhood and the quiet and peace and enjoyment of people in this neighborhood.
10 We are opposed to it as we were opposed to the other initiative which we will fight in
11 County Council.

12 CHAIRMAN PALMER: Thank you. Yes, sir. Come on up.

13 **TESTIMONY OF DALTON OLDHAM:**

14 MR. OLDHAM: My name is Dalton Oldham, O-L-D-H-A-M, 1119 Susan Street.
15 I'm also here on behalf of my aunt, I'm an attorney who lives at 1215 Brevard Street. I'd
16 like to repeat everything that the prior two people just said, particularly Mr. Gist.
17 Vendor's Supply is a nuisance, has been a nuisance for some time. It appears to be a
18 business that operates in what you would consider to be an office environment, it is not
19 because they largely deal with trucking, 18-wheel tractor trailer trucks arrive in the
20 middle of the night, of course there's no one there to deal with Vendor's Supply, so they
21 then sit there in parking lots. Not only do they run their refrigeration but since the
22 driver's are often in the vehicles, they run the trucks because they need heat and they
23 need air conditioning, and that runs through the middle of the night. Providing Vendor's

1 Supply more parking space for its tractor trailers is the last thing we want to happen.
2 And you should not do this. As Mr. Gist just said, we will fight this at County Council, no
3 doubt about it. As we will fight the earlier change. Thank you.

4 CHAIRMAN PALMER: Thank you. Anyone else? Okay, that's all we've got.

5 MR. VAN DINE: Mr. Chairman if I may? This is an encroachment into a
6 residential area which has no basis for going any further. We have in the past always
7 said that commercial, office, all of those should not be allowed to encroach into areas,
8 they should be kept at nodes of roads and everything else. If you look at the map that's
9 here, it is all residential. This is not an area that we ought to be allowing additional
10 commercial use into that area. And based upon that I make a motion we send this
11 forward with a recommendation of denial.

12 MS. MCDANIEL: Second.

13 CHAIRMAN PALMER: We have a motion and a second. Is there any other
14 discussion? All those in favor of the motion please signify by raising your right hand.

15 *[Approved to deny: Westbrook, Cairns, Theus, Tuttle, Palmer, Van Dine, McDaniel;*
16 *Absent: Gilchrist]*

17 CHAIRMAN PALMER: And there's none opposed. Okay. Text Amendments, next
18 order of business.

19 **TEXT AMENDMENT #1:**

20 MS. LINDER: Mr. Chairman, what you have before you on the text amendment is
21 a Council initiated text amendment. Council on a motion of a Councilmember, they gave
22 first reading to this ordinance but it would delete, the purpose of this ordinance is to

1 delete Planning Department subdivision plan review fees for family properties.
2 [Inaudible] the change it's on page 20 of your Agenda.

3 MR. TUTTLE: Mr. Chairman, if I might. I realize this is probably beyond my
4 purview but has Council reviewed this, is this fair to allow you to waive fees for one, in
5 one class versus everyone else?

6 MS. LINDER: Well, as long as it's a class and we treat everybody in that class
7 the same, in my opinion, it's a legitimate classification. In my opinion everybody is, is a
8 potential family member, everybody is a potential heir for, potentially you'll have heirs in
9 the future that you could use these provisions for.

10 MR. TUTTLE: Okay, thank you.

11 MS. HEGLER: But the question of fairness has been brought up by Staff.

12 MR. VAN DINE: The other thing I would note here is that while it talks about
13 submitting a hold harmless agreement about the subdividers, with all due respect if it's
14 a, an individual who's giving it by heirs or to his immediate family, that is a worthless
15 document. You'll never be able to enforce a hold harmless agreement by an individual if
16 they have a small piece of land. They're not gonna be able to do it, they're not gonna be
17 able to indemnify this county, so that part of this provision, while it may look good, it
18 may make people have warm and fuzzy feelings, it's a worthless part of it. And I, I just, it
19 seems to me that we ought to be treating everybody who's doing subdivisions the same.
20 I don't believe that we should be making special exceptions for people who are doing it
21 by wills or intestate succession or anything else. I think everybody ought to be treated
22 the same across the board and if one has to pay the fee, then everybody pays the fees.
23 So.

1 MR. TUTTLE: If memory serves, just to go back to the heir property thing, it
2 doesn't have to be given to a family member, it can be anybody named in the will.

3 MR. VAN DINE: Correct.

4 MS. LINDER: There are two sections of our Code that got amended; one is for
5 anybody, let me make sure that I get this one right, anybody in the rural area, you don't
6 have to be family necessarily but it's in the rural area. This one can be only by family
7 anywhere in the county.

8 CHAIRMAN PALMER: And just so that – I'm not sure if everybody was on the
9 Commission when we dealt with this, but this is quite a bit different than what we sent to
10 Council, this is what Council has sent back as what they deem to be worthy of
11 ordinance form in our county so this is what we have to deal with. And I guess what's in
12 front of us is the language specifically to the waiving of the fees for heirs and whether or
13 not we believe that to be a positive thing for the county or not. And I'm with Howard.

14 MR. VAN DINE: One thing, going back to what Mr. Tuttle said, the specific
15 language of this provision does not meet what we were just told. This says, only if the
16 property's being transferred to the owner's immediate family members, or is being
17 transferred by will or intestate succession or forced division created by appropriate
18 judicial authority. The second part of it does not relate to immediate family only. It goes
19 to, it is, can be construed to read to anybody who takes it by will or intestate succession.

20 MS. CAIRNS: Or partition action.

21 MR. VAN DINE: Or partition action. So my opinion is this means that anybody
22 who was doing that can conceivably not be required to pay the fees. And I, it may be

1 something that they want to do to help some people out, throughout the county but in
2 my opinion we're opening a Pandora's Box by doing something like this. Based upon –

3 CHAIRMAN PALMER: I thought the same thing too.

4 MR. VAN DINE: Based upon that I'd make a motion that we, I don't know
5 whether it's a recommendation of denial or, or how we're phrasing this, but we send it
6 forward with a recommendation that the change not be allowed.

7 MR. THEUS: Second.

8 CHAIRMAN PALMER: Do we know how we're gonna word that? Is that just not
9 to accept the changes? Not to recommend the changes to the document?

10 MS. LINDER: It'll just go forward as a recommendation to deny. Same as if you
11 would deny anything else. If any of you would like to meet -

12 MR. THEUS: No reasoning goes with it?

13 MS. LINDER: If anybody –

14 MS. HEGLER: We would like some reasoning.

15 MS. LINDER: - or any would like to attend the zoning public hearing.

16 CHAIRMAN PALMER: I think you can put Howard's motion in there. I think you
17 can put that's the reasoning. I mean, that's what we're voting on.

18 MR. VAN DINE: My comments were my reasoning for doing so. I think it opens it
19 up too much, I think it becomes a Pandora's Box and I think that everybody who is
20 developing ought to be treated the same.

21 MS. LINDER: We could possibly put a memo together to that affect.

22 MR. VAN DINE: Thank you.

1 CHAIRMAN PALMER: Yeah, we have a second. Any other discussion? All those
2 in favor of the motion to send to Council a recommendation of to not change the
3 document, is that right, cause we're not –

4 MS. LINDER: A recommendation to deny.

5 CHAIRMAN PALMER: - yeah, please say aye. Any opposed?

6 *[Approved to deny: Westbrook, Cairns, Theus, Tuttle, Palmer, Van Dine, McDaniel;*
7 *Absent: Gilchrist]*

8 CHAIRMAN PALMER: Okay, next on the Agenda, JLUS Update, Items for
9 Discussion?

10 MS. HEGLER: Mr. Chairman, I show just before that is the Green Development
11 Ordinance discussion, do you have that?

12 CHAIRMAN PALMER: It's not on our Agenda.

13 MS. HEGLER: Okay, that is a revision that maybe is not on [inaudible].

14 MS. MCDANIEL: We did receive the information to review but it's not on the
15 Agenda.

16 MS. HAYNES: [Inaudible] revised our Agenda when we revised it.

17 [Inaudible discussion]

18 MS. HEGLER: Then JLUS –

19 CHAIRMAN PALMER: Okay.

20 MR. VAN DINE: That doesn't mean we can't talk about the Green Code stuff, we
21 just can't take any action on it, correct?

22 MS. HEGLER: We can talk about it, we just can't take action on it. [Inaudible] I
23 mean, it's been advertised, I mean, it's been updated everywhere, I'm not sure how –

1 MR. VAN DINE: Okay.

2 MS. HEGLER: [Inaudible]

3 CHAIRMAN PALMER: We will, we will. Okay, JLUS?

4 MS. HEGLER: Yes, Normal Whitaker, the Executive Director of the COG will
5 present, just give you an update, it's a brief overview of what's going on with JLUS and
6 [inaudible] text amendments proposed [inaudible] based on the study that he's gonna
7 describe to you. So I asked him to give you just a brief update.

8 MR. NORMAL WHITAKER: Thank you, Tracy. And we're taking a few minutes
9 today to brief you on some of the JLUS planning efforts so in the future if there are text
10 amendments that arise for your review, you'll have a little background on it. The, some
11 of you may remember the Joint Land Use Study that was adopted by the county in
12 2009. Central Midlands COG has been working for many years with the US Department
13 of Defense on planning for compatibility between our military installations and our
14 military, our communities surrounding the installations. The Department of Defense has
15 funded 90% of the cost of our JLUS planning. Richland County has, through matching
16 GIS maps, is providing [inaudible] local contribution for this second round of the JLUS.
17 The JLUS is, JLUS stands for Joint Land Use Study and it's a collaborative process
18 involving local governments, the military and Central Midlands COG and citizens,
19 there's a lot of public participation. Next slide. The primary goals, broad goals of the
20 JLUS process are to protect our military installations from encroachment by
21 incompatible civilian development, protects the civilians from the impacts of military
22 activities, and avoid a negative action in base relocation and closure, the base
23 realignment and closure process, which is called BRAC. Every few years there's a

1 BRAC Commission convened by Congress and this Commission reviews all our military
2 installations and Congress can vote up or down, they can't amend the BRAC
3 Commission's recommendation. Ft. Jackson and McEntire faired very well in the last
4 BRAC round of 2005, there's been millions of dollars in investment. You know,
5 Charleston lost a base in the past as a result of a similar process. And the Chamber of
6 Commerce works on this year around, when BRAC's over they, they start up on the
7 preparing for the next one. Next slide. The total state-wide economic impacts of just
8 McEntire and Ft. Jackson are about \$2.4 dollars per year. Much of those benefits stay
9 here in the Midlands, but this is based on a study by the Department of Commerce and
10 it assesses total employment, direct and indirect employment on the base and the
11 contractors, vendors, employment as a result of just a larger market. It also wages the
12 military and total economic output, so it doesn't take too many years for them to
13 overshadow the economic impact [inaudible].

14 MR. VAN DINE: Can I ask a quick question? Is the 22,000 non-military
15 employment or does that include military?

16 MR. WHITAKER: That's total, that's military, direct employment, people off the
17 base throughout the state working for vendors who supply [inaudible]. Those are jobs
18 that'd probably go away if Ft. Jackson and McEntire were not here. And there's, you
19 know, we don't want to think about it, but it's possible that bases could be closed
20 through BRAC in the process. Locally it doesn't seem to make any sense, but the
21 decision's are made in Washington and the communities have been surprised. Next
22 slide. Potential land use conflicts, as you can imagine for civilians, noise, vibration, light,
23 traffic, hazards from aircraft crashes; for the military, tall structures near aviation zones,

1 lack of room to grow. As the military is surrounded by civilian development in some
2 cases the natural areas on the military basis become more restricted cause there are
3 fewer other natural environments. There's one plan that exists only on Ft. Jackson in all
4 of South Carolina and they indicate special steps to protect that plan. And our traffic
5 conflicts for the most areas, while there's not only a volume of traffic conflicting with
6 civilian traffic, but the type of vehicles, the convoys, military vehicles are incompatible
7 with civilian vehicles. Next slide. A recent example of a need for the JLUS process,
8 Oceanic Naval Air Station in Virginia Beach is surrounded by suburban development,
9 talking about regional mall, apartments, subdivisions, it's narrowly escaped closure in
10 the BRAC process in the past, this year a fighter crashed into an apartment complex
11 last April in Virginia Beach, and fortunately no one was killed. Important to note the air
12 station was there first, this development, this hazard was really not necessary. Some
13 local land use decisions should have been more [inaudible]. Next slide. When the JLUS
14 plan was adopted in 2009, it included a list of compatibility tools and these are, we have
15 a series of slides now [inaudible]. Noise easements, to noise easements, conservation
16 easements, which can either involve purchase of development rights or outright
17 purchase of fee simple and too as well as easements. Zoning and building regulations
18 where the critical areas are identified and then are appropriately restricted involving
19 noise, light and density. Compatibility tools include shielded light fixtures, pretty simple
20 technique to avoid hazards to aviation of civilian lighting. There are insulation
21 techniques that are a little more difficult to retrofit, but are easier when construction's
22 going on where buildings can be insulated better for sound [inaudible]. The JLUS has a
23 laundry list of short term and long term actions. One of the chief actions was look at the

1 military activity areas surrounding the bases and look at appropriate land use controls
2 there. Now I'll tell you that the major concerns of the military are avoiding locations
3 where there is a lot of residential development near a crash zone, where there are a lot
4 of residences who can move into an area, be bothered by noise and complain and put
5 pressure on their elected officials to do something about the noise. The other
6 techniques include planning policies, better legal notification, real estate disclosure if
7 someone's locating in a noise zone, sound attenuation, standards in air craft, wildlife
8 striked areas where, you know, birds and [inaudible], better transportation planning
9 around the main gates to Ft. Jackson, and more detailed planning in some of the
10 neighborhoods affected by the use of [inaudible]. [Inaudible]. There's some long term
11 provisions also, conservation partnering and trying to get as much of the land as critical
12 protected easements or public ownership. This is a fair thing for proper owners where
13 they're actually compensated for loss of use of their property. Next slide. The project
14 we're working on right now, been working on this year focuses on some of the key 2009
15 JLUS recommendations and a couple of those we've been working on that involve the
16 Leesburg Road corridor and rural areas around McEntire. These are both areas
17 impacted by the military with some potential for [inaudible]. And these are fairly small
18 areas of the complete Lower Richland community with areas with the most impact from
19 noise and flight hazards [inaudible]. We've had two public input meetings, in August and
20 November. First meeting was attended by over 150 people and it's hard nowadays to
21 get 150 people to attend a night meeting. The second meeting got more specific on
22 some possible [inaudible] where 50 attended [inaudible]. There were presentations,
23 surveys and small group discussions. There were development scenarios presented at

1 the second meeting which showed around the McEntire [inaudible] Leesburg study
2 areas scenarios that were based on not doing anything, the status quo, allowing growth
3 to happen without any protective zoning or other actions. Sort of a middle of the road
4 standard for enhanced safety and finally a more broad regulatory scheme that was
5 more restrictive on both of these areas. And the things that are really being regulated in
6 these conceptual proposals that our consultants presented at the meeting were height
7 of structures, largely tall cell towers as the major realistic concern in these areas.
8 Potential restrictions on locating noise attenuation requirements for new development in
9 these zones, which probably precludes much manufactured housing cause it's
10 expensive [inaudible]. And also restrictions on how dense residential development could
11 be in these areas. And these scenarios were based on background research and
12 stakeholder and citizen input went into the 2009 JLUS, and also the experiences of our
13 consultants who include a person who worked at, you know, Ft. Bragg [inaudible]. But
14 the overlay district itself that was discussed would address accident potential, restricting
15 uses such as schools, churches, dense residential areas, from the areas where there
16 might realistically be a crash of a helicopter or jet. And again, these crashes are rare but
17 they, they have happened. Noise from our aircraft artillery, again within the noise zone
18 is [inaudible] requiring sound attenuation in development, and restrictions on low level
19 flight instructions, again primarily [inaudible]. Part of the results of the public meetings,
20 there were generally positive comments from property owners at the first meeting when
21 we were talking about the general concept of the JLUS. There were concerns about
22 whether the military bases are expanding. We don't think they're physically expanding
23 [inaudible] get additional [inaudible] most likely in the future if they fair well in the BRAC

1 process. The community is generally very supportive of the military and doing whatever
2 they need to do to accommodate the military impact, although they have reported that
3 there are [inaudible]. At the second meeting there were concerns about how a zoning
4 overlay would affect the use of property. Most of the concerns involved manufactured
5 housing. There was some other concerns about noise that came up again on the
6 comment sheet. The survey that people filled out after the first meeting indicated military
7 noise and traffic were the primary concerns. People favored improvements to Leesburg
8 Road, Eastover Sewer improvements positively, these are two things that could drive
9 some additional impact. In general there was a strong desire to keep the rural character
10 of the area that the residents enjoy now. About 60% of the 50 people who responded to
11 the survey said, you know, we've got some impacts, moderate to high impacts from
12 aircraft noise. About half of that 50 person sample had moderate to high impacts from
13 artillery noise. The primary regular impacts are noise and [inaudible] traffic, according to
14 the majority of the folks. Our next steps on this involve first of all working with the
15 consultant to develop planning policies and ordinance recommendations. And during
16 January and February some additional public outreach effort, I think a lot of the people
17 who were concerned about regulations at our second meeting were in an area that is
18 actually not likely to be restricted. Again, this area is pretty tight but a fairly large area of
19 Lower Richland property owners who were notified. Your zoning ordinance also has
20 some pretty generous provisions for non-conforming situations, how do you grandfather
21 someone who was legally on the site in a mobile home when the regulations are
22 passed? And there may be some avenue to work with the non-conforming provisions to,
23 to ease this a little bit. In February or March at the earliest we could be back with

1 recommendations. If it takes longer to do some more community outreach, you know,
2 will do that. The, sometimes in a process like this if you [inaudible] real quick to find
3 some taking longer at the end of the day, so Tracy has stressed she wants to make
4 sure anything that comes to this Commission has been well discussed and, and aired
5 with the community residents and to try to address any legitimate concerns that we get
6 from citizens. We will keep you updated on this process and I'll be glad to answer
7 questions and I appreciate your time this afternoon.

8 CHAIRMAN PALMER: Thank you. Alright, Land Disturbance Permits?

9 MR. TUTTLE: Mr. Chairman, I'd like to defer that for 30 days if we could.

10 CHAIRMAN PALMER: Okay.

11 MR. VAN DINE: What was, just out of curiosity, what's the topic?

12 MR. TUTTLE: We were, we were, the genesis was that there may be some
13 projects in the county that are small enough they don't need a full review. For instance,
14 there was recently a bathroom added at Woodcreek, really a secondary use, they,
15 setbacks were established, they had to go through the full development review for a 12
16 x 12 bathroom.

17 MR. VAN DINE: Okay.

18 CHAIRMAN PALMER: And I understand we're gonna defer the Planning
19 Commission Rule and Procedures as well?

20 MS. HEGLER: We would like to defer those and come back to you in January
21 with some recommendations.

22 CHAIRMAN PALMER: Okay. Alright. Let's take up the Green Code.

1 MS. HEGLER: If I may disclose, a week ago Monday, November 26th, we did
2 properly advertise to add a section on the Green Ordinance development. Part of your
3 [inaudible] did not make it to the original Agenda. We properly advised last week, it was
4 in the paper. You did not, apparently receive the updated Agenda. It is Amelia's advice
5 that we do not discuss it because of the Attorney General's recent ruling on adding
6 things to an Agenda. I understand there's no action being taken, we could discuss it, but
7 if it's your pleasure, but Amelia advises we do not. But I do have the posting of the
8 advertisement, so we followed that letter, you just don't have an updated Agenda.

9 CHAIRMAN PALMER: Okay, I think, I think everyone will be pleasantly surprised
10 and understand perhaps next month we'll put it on the Agenda and we'll come out with
11 some more information on the Green Code next month. But I just think it's, it's heading
12 in the right direction so we'll maybe send out some updates here shortly on that and
13 kind of where it sits and so forth and so on, but I wouldn't feel upset by not being able to
14 discuss it too much today.

15 MR. VAN DINE: Mr. Chairman, there is one thing I want to add and that is that
16 I've contact from a number of people from the Roundtable who just wanted us to be
17 aware of the fact that they are actually putting together timeframes and scheduling on
18 how they're going to address and they would like to have a collaborative effort with this
19 Body as opposed to going down two tracks at the same time. So the sooner we get at
20 least a liaison between us and that body the better off we're gonna be, so I think even
21 though we may not be talking about it until January we probably need to somehow
22 within the Commission see if there are people that can work collaboratively with that

1 Roundtable body to make sure that we're all sort of going where we're supposed to be
2 going.

3 MS. MCDANIEL: I think that makes sense.

4 MR. VAN DINE: I don't know what they, I was under the impression it was
5 actually going to be a – they had prepared a schedule that was gonna be shown to us
6 today.

7 MS. HEGLER: Staff, and I think this can wait until January, Staff will prepare sort
8 of steps forward that would include this collaboration that you're speaking of. I think
9 that's a good topic for -

10 MR. VAN DINE: Yeah, my understanding was that the Roundtable had already
11 put together what their planned schedule was and they were going, that was to be
12 shared with us here today.

13 MS. HEGLER: Right, but we are talking about not being able to share that.

14 MR. VAN DINE: Well, and I guess my point here is that while we may not be
15 able to, if you don't want to discuss it that's fine, but how about tonight you forward us
16 the schedule so we at least know what their thoughts are and their plans are –

17 MS. HEGLER: I don't think a timeframe will be impacted.

18 MR. TUTTLE: A month won't matter is what –

19 MS. HEGLER: I don't think so.

20 MR. VAN DINE: Well, I would just as soon have it as soon as possible.

21 MS. HEGLER: Alright, we can send out emails to the Commission [inaudible].

22 MR. VAN DINE: And they, they did have a, they did have a number of people
23 who called me to try and make sure that we all were gonna work together, so.

1 MS. HEGLER: And as of –

2 MR. VAN DINE: I made no commitments.

3 MS. CAIRNS: I was also, I was thinking [inaudible] yesterday in my garage.
4 [Inaudible] A fellow next door came over and just wanted – it was the same thing, just
5 kind of like, why are we doing parallel tracks when they're making, you know, significant
6 progress. We may disagree with it in the end but to be tracking two changes from two
7 different groups at the same time wouldn't be very productive.

8 MR. VAN DINE: Seems like we're heading in the right direction. We're heading,
9 we're all going where we want to go, it's just a matter of we've got to actually do it.

10 MS. HEGLER: We can [inaudible] between now and January and certainly have
11 a thorough discussion in January.

12 MR. VAN DINE: Thank you.

13 CHAIRMAN PALMER: Alright. Director's Report of Action, Zoning Public Hearing
14 Reports and Development Review Team Report?

15 MS. HEGLER: Both are for your information.

16 MR. VAN DINE: May I ask a question? In light of what happened, was it last
17 month, maybe it was the month before, has the applicant refiled for that stuff out there in
18 Longtown?

19 MS. HEGLER: The Longcreek Applicant did refile, they resubmitted an
20 application correcting the two issues that we had discovered. They had their DRT
21 meeting last week and were approved again. There were no material changes to the
22 project –

23 MR. VAN DINE: Okay.

1 MS. HEGLER: - that had been approved by DRT and upheld by this Body, but
2 those two errors were corrected.

3 MR. VAN DINE: Do we, should we anticipate another appeal?

4 MS. HEGLER: No, sir.

5 MR. VAN DINE: Okay.

6 MS. LINDER: I do have a copy of the Order that we're just asking the
7 Chairperson to sign.

8 MR. VAN DINE: I'm not sure what we're doing, but.

9 CHAIRMAN PALMER: Where are the orders at?

10 MS. HEGLER: From your –

11 MS. LINDER: From the appeal.

12 MS. HEGLER: - your discussion last month.

13 CHAIRMAN PALMER: Oh yeah, okay, I'll read that in a minute. Alright, and I
14 think that's all we have on the Agenda. Is there anything else?

15 MR. VAN DINE: Move we adjourn.

16 MR. TUTTLE: Second.

17 CHAIRMAN PALMER: [Inaudible] aye.

18 MR. VAN DINE: Can we vote on the adjournment? Cause remember we had a,
19 got in trouble that one time cause we actually didn't vote on adjournment?

20 MS. CAIRNS: We just did.

21 CHAIRMAN PALMER: Yeah, I just did. That's why, see I pulled those ayes in
22 instead of having to take a formal vote every time? [laughter]

23 MR. TUTTLE: If there's a road between us can we adjourn?

1 MR. VAN DINE: Absolutely. [laughter]

2

3

[Meetings adjourned at 2:25pm]