

**RICHLAND COUNTY PLANNING COMMISSION**

July 11, 2005

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5 *[Members Present: Palmer (1:11), Furgess, Lucius, Jackson, Van Dine, Green,*  
6 *Manning, McBride; Absent: Wyatt]*

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8 Called to order: 1:03 p.m.

9 CHAIRMAN VAN DINE: Let's call the Commission meeting to order. I have a  
10 statement which I am required to read into the Record. "In accordance with the  
11 Freedom of Information Act, a copy of the agenda was sent to radio and TV stations,  
12 newspapers, persons requesting notification, and was posted on the bulletin board  
13 located in the lobby of the County Administration Building." In accordance, this meeting  
14 has been properly advertised and noticed. Alright. We have a quorum. For the  
15 Record, Ms. Wyatt has indicated to me that she will not be in attendance. She's out of  
16 state today. And so we have granted her an excused absence. Next is the  
17 presentation of our June 6<sup>th</sup> minutes. Has everybody had an opportunity to look at the  
18 minutes?

19 MR. GREEN: Mr. Chairman, I move that we accept the minutes as written.

20 MR. GOSLINE: Can't hear.

21 MS. LUCIUS: I second.

22 CHAIRMAN VAN DINE: We have a motion for approval of the June 6<sup>th</sup> minutes  
23 and a second. All those in favor please signify by raising your hand.

24 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
25 *Palmer, Wyatt]*

26 CHAIRMAN VAN DINE: Alright. Are we having problems with the microphones?

27 MR. CRISS: I think the audience is having trouble hearing.

1 MS. LUCIUS: Yeah. It's [inaudible].

2 MR. CRISS: Suzie, can you get Security to open up the public address closet,  
3 please.

4 CHAIRMAN VAN DINE: We will try and talk up. I want to try and keep moving  
5 forward instead of waiting for them to open up. So if you have a hard time, try and let  
6 us know if we start to drop our voices so you can't hear anything. Next on our agenda  
7 are amendments.

8 MS. ALMEIDA: Mr. Chairman - can you hear me?

9 CHAIRMAN VAN DINE: I can hear you.

10 MS. ALMEIDA: There are several amendments. Under New Business, Project  
11 SD-05-202, the applicant's name should be Edward Wilson, minor subdivision, on the  
12 first page.

13 MR. GREEN: Instead of Steve Reynolds? Is that the one we're looking at?

14 MS. ALMEIDA: Instead of Norton. The very first one.

15 MR. GOSLINE: Steve Reynolds is the actual applicant, but it's the Edward  
16 Wilson minor subdivision.

17 MR. GREEN: Oh, I got you.

18 MS. ALMEIDA: Under Map Amendments, the Chinese Culture Center should be  
19 M-1 to GC, not C-3. Case number 05-77 should be RU-RMHD to PDD.

20 CHAIRMAN VAN DINE: That was RMHD?

21 MS. ALMEIDA: That is correct.

22 CHAIRMAN VAN DINE: Okay.

23 MS. ALMEIDA: Case number 05-78 should be RU to GC.

1 CHAIRMAN VAN DINE: I assume all the other C-3's would also be to GC?

2 MS. ALMEIDA: That is correct. But Case number 05-79 should read RU to GC  
3 not D-1.

4 CHAIRMAN VAN DINE: Alright.

5 MS. ALMEIDA: And I apologize.

6 CHAIRMAN VAN DINE: Any other amendment change or changes?

7 MS. ALMEIDA: No, sir.

8 CHAIRMAN VAN DINE: Alright. Do we have any old business?

9 MS. ALMEIDA: No, sir.

10 CHAIRMAN VAN DINE: Alright. I don't think we need any kind of a motion to  
11 accept those amendments to the agenda. Those are just changes to the names and  
12 identifiers. Correct?

13 MS. ALMEIDA: That is correct.

14 CHAIRMAN VAN DINE: Okay. Alright. In that case, we'll move right on into our  
15 New Business. First up is SD-05-202, Norton Subdivision.

16 **CASE SD-05-202:**

17 MR. GOSLINE: Mr. Chairman and Members, this is a request by Steve Reynolds  
18 to do a minor subdivision out on Edward Wilson Road, out near the Kershaw line. Staff  
19 recommends approval subject to the conditions. The plat on page 9 shows shared  
20 driveways, which will be platted.

21 CHAIRMAN VAN DINE: Just so I understand the map, itself, which is Attachment  
22 A, we have a tract A, B, C, as well as a 1, 2, 3.

23 MR. GOSLINE: Yeah. A, B, and C were done two years ago.

1 CHAIRMAN VAN DINE: Okay. And what is the remainder of that parcel to be  
2 since it does not identify it as an A, B, C or a 1, 2, or 3?

3 MR. GOSLINE: It's undeveloped. It's not part of the application.

4 CHAIRMAN VAN DINE: It is in the sense that it's part of the entire parcel.

5 MR. GREEN: It becomes Lot 4, doesn't it, in essence?

6 MR. GOSLINE: Well, the tax assessor will assign a - new tax map numbers to all  
7 six of the lots on Wilson Road. And I would assume that the major portion of the  
8 property will remain 01. So it'll be, feasibly, 1, 2, 3, 4, 5, 6, I would guess when it gets  
9 recorded.

10 CHAIRMAN VAN DINE: But in essence, we'll now have seven lots on that tax  
11 map number.

12 MR. GOSLINE: Correct.

13 CHAIRMAN VAN DINE: And all of the lot sizes meet the requirements?

14 MR. GOSLINE: Yes, sir.

15 MS. LUCIUS: There is an error on page 4 under "Other Pertinent Factors."  
16 You've got lots 1 and 2 will have a shared driveway and lot 1 will have separate  
17 driveway. That should be '3', right? Lot 3.

18 MR. GOSLINE: Yeah. You're right. I'm sorry.

19 MR. GREEN: Mr. Chairman, I make a motion that we approve this subdivision  
20 subject to the specific conditions pointed out on page 4 of Staff Report.

21 CHAIRMAN VAN DINE: Do we have a second?

22 MR. MANNING: Second.

1 CHAIRMAN VAN DINE: And do I hear any discussion or questions? All those in  
2 favor of approval for this subdivision please signify by raising your hand.

3 CHAIRMAN VAN DINE:

4 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Absent:*  
5 *Palmer, Wyatt]*

6 MS. LUCIUS: Mr. Chairman, before we go on could I make a comment?

7 CHAIRMAN VAN DINE: Yes, ma'am.

8 MS. LUCIUS: On page 4, the Staff made a statement about stripping out the rural  
9 road, that this is not truly rural. The lots are not large enough to be truly rural. And it  
10 just goes back to what we tried to do with the Land Development Code where we tried  
11 to differentiate between truly rural and rural/residential. And I looked back in our Land  
12 Development Code for the differences between rural and rural/residential. I didn't see  
13 any differences except for the setbacks. And this is probably a discussion for later, but I  
14 would like to discuss, again, maybe try and get - I don't know why Council decided not  
15 to keep the differentiation that we tried to set up. I would like to discuss that later, if  
16 possible, and see if we can make a recommendation to Council to go back and put in  
17 another land classification for truly rural. And let these sorts of subdivisions here be  
18 differentiated as rural/residential because we are talking a little bit about preserving the  
19 truly rural areas of the county. And I don't see how we could possibly do it as long as  
20 we allow rural to be split up like this.

21 CHAIRMAN VAN DINE: How about if we have this discussion, at least briefly, at  
22 the end of the meeting under our Other Business? And I have noted that on our – on

1 my agenda. So we can try and have that discussion, time permitting, at the end. Would  
2 that be fine?

3 MS. LUCIUS: That's fine. Thank you.

4 CHAIRMAN VAN DINE: Alright. The next up will be SD-05-216, Chandler Hall.

5 **CASE SD-05-216:**

6 MR. GOSLINE: Mr. Chairman and Members, this is a proposed subdivision  
7 which is the redevelopment of the existing Hickory Ridge Golf Course. This particular  
8 project came in early under the new requirements. And Staff recommends approval  
9 subject to the conditions on page 15, 16, 17.

10 CHAIRMAN VAN DINE: Any questions for Staff?

11 MS. LUCIUS: I spend way too much time doing this.

12 CHAIRMAN VAN DINE: I notice you have a different sized map and a different  
13 map than the rest of us.

14 MS. LUCIUS: This is cut and pasted. [Laughter]. It's four phases taped together  
15 so I can see the way the whole thing looks.

16 CHAIRMAN VAN DINE: Alright.

17 MS. LUCIUS: On that open space on Phase 4, it looks like that is the open  
18 space.

19 MR. GOSLINE: Well, you've got three projects up before you that – three  
20 subdivisions – Chandler Hall, Flora Springs Park, and Kingston Ridge, all of which came  
21 in ahead of July 1<sup>st</sup> but chose to come under the new regulations and take advantage of  
22 the open space part of it. In each case, the applicant calculated the open space  
23 pursuant to the requirements of the code and met the requirements for reducing the lot

1 size dimensions. So, in this particular one, there's open space in the yards and there is  
2 some in the middle of the project there's some open space area.

3 MR. GREEN: Have we had any luck with the system, yet, because I'm having a  
4 very hard time hearing Carl?

5 MR. CRISS: Hard time hearing? We're summoning assistance, but I don't see it  
6 yet. I turned the volume knobs up, but to little avail, apparently. Stephanie apparently,  
7 is hearing, now, the recording. You're having trouble hearing the other Members?

8 MR. GREEN: I'm having trouble hearing Carl.

9 MR. GOSLINE: That's unusual.

10 MS. LUCIUS: I guess my question is it fits the definition, but I guess our reason  
11 for going this way is to provide more open as an amenity to the community as a whole.  
12 And I'm just wondering what kind of access there is to this and what kind of plans there  
13 are.

14 MR. GOSLINE: Well, when we meet with the applicants we emphasize the points  
15 that there must be some real access to these open space areas, or at least some of  
16 them, and that there must be some real recreation facilities in them. Let's see, I don't  
17 know how else to address your question. We do emphasis the access, the pathways or  
18 trails or that sort of thing whenever we can for each applicant.

19 MS. LUCIUS: Yes, sir. I understand you are doing that. I'm just wondering.

20 MR. MANNING: Isn't their access, Marcia, provided between lot 125 and 124?

21 MR. GOSLINE: This is –

22 MS. LUCIUS: Yeah. I've got that.

23 MR. MANNING: So the darker green area.

1 MS. LUCIUS: That's a pond.

2 MR. GOSLINE: Under the new code, you can count, you know, the setbacks in  
3 the open space area.

4 MS. LUCIUS: Right.

5 MR. GOSLINE: And then you've got - is this working now? No.

6 MS. LUCIUS: I'm just wondering if we're really going to get what we intended  
7 when we put that in the ordinance.

8 MS. ALMEIDA: We're trying to work with – can you hear me – we're trying to  
9 work with the applicants as much as we can in order for them to be very conscious of  
10 the objectives that we're looking for. Of course, each site is different depending on  
11 topography and how the terrain sits. Obviously we've had better luck with some  
12 applicants who've come in at the sketch stage where they have wooded sites.

13 MS. LUCIUS: Um-hum (affirmative).

14 MS. ALMEIDA: So they have a little more to work with. With what we had to  
15 work with here, which was a previous golf course, you know, you don't have as much to  
16 work with. But there was an existing pond and they created the connectivity and some  
17 central space in between the phases.

18 MS. LUCIUS: Is there access to it?

19 AUDIENCE MEMBER: Yes.

20 MS. ALMEIDA: Yes, there is.

21 MS. LUCIUS: I just can't see it.

22 MS. ALMEIDA: It would meander in and out of the sidewalk area - oh, here. It's  
23 working now - and would go towards the pond, because we did work on the connectivity



1 with them, with the engineering firm. And they did provide sidewalk along the outer  
2 confines of the development.

3 MR. MANNING: Which is also new to the code, correct?

4 MS. ALMEIDA: That is new.

5 MR. GOSLINE: I think the other thing is we're just going to have to see what we  
6 get for awhile –

7 MS. LUCIUS: Um-hum (affirmative). What –

8 MR. GOSLINE: - in regard to what we're trying to actually accomplish in the  
9 code.

10 MS. LUCIUS: Right.

11 MR. GOSLINE: And we've emphasized that to applicants, as well, what the real  
12 objective here is and that – you know.

13 MS. LUCIUS: Right. I think it just, you know, really jumped out because the first  
14 three we had –

15 MR. GOSLINE: Right.

16 MS. LUCIUS: - were like this.

17 MR. GOSLINE: Can you hear me now? I'm doing a Verizon commercial. Can  
18 you hear me?

19 MS. LUCIUS: Not well.

20 CHAIRMAN VAN DINE: If you lean forward into it you have a better chance. For  
21 some reason it comes on and off. Any other questions for Staff? Do I hear a motion?

22 MR. MANNING: Yeah, I'd like to make a motion to send this forward with  
23 approval subject to conditions found on page 15.

1 CHAIRMAN VAN DINE: And this would be for approval of -

2 MR. MCBRIDE: I second.

3 CHAIRMAN VAN DINE: We have a motion and a second for approval subject to  
4 the conditions on page 15 and 17. All those in favor please signify by raising your hand.  
5 All those opposed.

6 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride; Abstained:*  
7 *Palmer, Absent: Wyatt]*

8 MR. PALMER: I'll abstain since I wasn't here for the discussion.

9 CHAIRMAN VAN DINE: Please let the Record note that Mr. Palmer was not here  
10 for the full discussion so he has abstained.

11 CHAIRMAN VAN DINE: Next, SD-05-217, Flora Springs Park.

12 **CASE SD-05-217:**

13 MR. GOSLINE: Mr. Chairman and Members, this is another subdivision that take  
14 advantage of the new requirements. This is redevelopment of what was going to be a  
15 YMCA site at Sloan and Flora Drive. In this case they had a lot more wetlands  
16 available. The open space is a lot more consolidated. And there are some very clear  
17 connections. If you look on page 39 you can see the connections to the open space  
18 areas. Staff recommends approval subject to the conditions on 33 and 34.

19 MR. GREEN: I had a couple of questions, Carl.

20 MR. GOSLINE: Yes, sir.

21 MR. GREEN: Under G-4 on page 33, it makes the comment that the rear yards  
22 of lots 45 through 68 are unusable for residents other than individual owners. And I was  
23 curious about the relevance of that statement to our approval process.

1 MR. GOSLINE: Well, when you look at the plat on page 39, I guess it's not  
2 worded the best way, but there was an opportunity here to have a common area right  
3 through the middle of that circle. And we discussed that with them in the early going.  
4 And they ended up choosing not to do it. So that's what we're getting at. We could  
5 have had a nice common area right through the middle of the project. And, you know,  
6 they're within their right to do that.

7 MR. GREEN: My next question is on Item 5. It says, "Required active recreation  
8 facilities have not been identified within the open space areas." Is that a requirement of  
9 the submittal for approval?

10 MR. GOSLINE: Well, in the open space section of the new code you're required  
11 to have some active recreation facilities. And we've been working. Again, I think this is  
12 a learning curve thing trying to get the applicants to clearly identify where these facilities  
13 are, whether it's a gazebo or a walking trail or pool or tennis courts or whatever it is.  
14 And so we would expect that those, you know, in order for you to – it should be a  
15 condition of approval is what I'm trying to say.

16 MS. LUCIUS: None of that open space is accessible to any of the lots.

17 MR. GOSLINE: Excuse me?

18 MS. LUCIUS: None of that open space is accessible.

19 MR. GOSLINE: Yes. If you look at the plat on page 39 there's two –

20 MS. LUCIUS: I'm looking.

21 MR. GOSLINE: - there's two areas between lots 12 and 13 and 16 and 15 that  
22 are access ways.

23 MS. LUCIUS: Oh, okay. I see.

1 MR. GREEN: And the fenced area's for what, Carl?

2 MR. GOSLINE: That's detention pond.

3 MR. GREEN: Detention pond?

4 MS. LUCIUS: To the detention pond.

5 MR. GOSLINE: The fenced area. Right. Well, but you can get around it to the –

6 CHAIRMAN VAN DINE: Does a detention pond count as open space?

7 MS. LUCIUS: Well, I was wondering about wetlands. Wetlands can't be built on  
8 anyway, so do we count that, also, as open space?

9 MS. ALMEIDA: It can be counted as open space but 50% of it needs to be  
10 useable. So if you're going to count it, it just adds to the total amount of what you're  
11 going to need as useable. So if you're going to count the wetlands and the detention  
12 basin – let's say you come up with five acres, then 2.5 of those acres need to be  
13 useable. And it's up to the applicant to find those 2.5 acres.

14 CHAIRMAN VAN DINE: Let's assume on this map here that we're talking about  
15 the detention pond.

16 MS. ALMEIDA: Right.

17 CHAIRMAN VAN DINE: And the detention pond would be inside that fenced area  
18 we're talking about.

19 MS. ALMEIDA: Right.

20 CHAIRMAN VAN DINE: Is that considered unusable inside that fenced area?

21 MS. ALMEIDA: Well, they don't use the detention basin. Normally they don't  
22 count that as their 50% useable because what are they going to – it needs to be some  
23 sort of use. I mean you're not going to bird watch in a detention basin.

1 CHAIRMAN VAN DINE: Well that's what I'm getting at. So if we were just to look  
2 on this map – forgetting about the wetlands for now – there would not be 50% useable  
3 in that map, in that area, correct?

4 MR. GOSLINE: I'm sorry. In which area are we talking about now?

5 CHAIRMAN VAN DINE: Bottom center of the map.

6 MR. GOSLINE: Right.

7 CHAIRMAN VAN DINE: Forget about the wetlands buffer or the wetlands for the  
8 sake of what I'm asking. If it was just the wider area and then you have a fenced in  
9 area where the detention pond is, correct?

10 MR. GOSLINE: Right.

11 CHAIRMAN VAN DINE: That's not going to meet our open space requirement  
12 would it?

13 MR. GOSLINE: Well, the way we've interpreted it is it's interpreted as open  
14 space but certainly not useable. So they would have, you know, the buffer areas here  
15 would be the useable part. Now they do have – what they have not done that we really  
16 – that needs to be done is to show us facilities or trails or something. And that brings up  
17 another question. If you have a walking trail through a buffer area, does the area of the  
18 trail count toward the 50% recreation or the buffer area?

19 [Inaudible discussion]

20 MR. GOSLINE: We've got some glitches that we need to –

21 MS. LUCIUS: Uh-hum (affirmative). Apparently.

22 CHAIRMAN VAN DINE: Okay.

1 MR. MANNING: Carl, what is the requirement within this neighborhood for open  
2 space? What is the requirement for open space?

3 MS. ALMEIDA: What was their percentage that they used?

4 MR. GOSLINE: I think it was 35.

5 MS. ALMEIDA: They went over the 25%?

6 MR. GOSLINE: Oh, yeah!

7 [Inaudible discussion]

8 MR. GOSLINE: Well, the calculation shows approximately 10.5 acres of open  
9 space out of 24. - acres in the total site. The wetlands is about 3.5. The wetlands  
10 buffer is about a half. The two wetlands buffers, one on either side, is about 1.5. Most  
11 of it's sort of scattered around.

12 MS. LUCIUS: I'm learning something on this learning curve. And, well, I'm not  
13 going to say what I'm learning [laughter].

14 CHAIRMAN VAN DINE: Does the wetlands have to be accessible from the  
15 development – or the wetland buffer?

16 MS. ALMEIDA: If that is part of their recreational 50% of useable space, yes.

17 CHAIRMAN VAN DINE: So if you look at this map, everything on the left-hand  
18 side of the wetlands, itself, could be considered non-usable unless they can find a way  
19 to bridge the wetlands to get to that and meet the requirements, correct?

20 MS. ALMEIDA: I'm going to say yes.

21 MR. GOSLINE: She's the boss.

1 CHAIRMAN VAN DINE: And before this could be utilized, this subdivision plan, it  
2 would have, they would have to be approved that the wetlands does comply – I mean  
3 the open area does comply with the requirements, including 50% useable.

4 MR. GOSLINE: Say that again.

5 CHAIRMAN VAN DINE: We're being asked to approve this plan, correct? But we  
6 also having a requirement that says open space has to have 50% of it useable. And if  
7 this is not 50% usable then this plan really is not appropriate. Are we being asked to  
8 approve that this is actually open and usable land or are we being asked to do  
9 something else through one of the conditions that's in here? Is to vote on this – say it's  
10 approved and then, all of sudden, somebody comes up and says, "Well, that's not 50%  
11 usable open space," but we've now approved it. So either there has to be a condition in  
12 there that says it has to meet that open space requirement or it can't move forward, or  
13 we need to have it sent back to you for further review to make sure that there is 50%  
14 useable space in that subdivision plan.

15 MR. GOSLINE: Well you could certainly add the condition in there or you can  
16 send it back. But the calculations that they gave us when we looked at them met the  
17 requirements for the calculations.

18 CHAIRMAN VAN DINE: They only gave us area. They didn't tell us what was  
19 specifically usable or not.

20 MR. GOSLINE: That's right. You're right.

21 MR. PALMER: So wetland buffers are not usable. Is that correct?

22 CHAIRMAN VAN DINE: They could be.

23 MR. FURGESS: They could be.

1 MR. MANNING: So could the wetlands.

2 CHAIRMAN VAN DINE: If they're accessible and usable. But we don't know  
3 because we don't have anything in front of us as to what's going into those areas or  
4 how they're going to be used to determine whether or not they are accessible or they  
5 are usable.

6 MR. PALMER: So if these plans stated that there was a walking trail that  
7 circulated throughout the wetlands and the wetland buffer, you'd be okay with that,  
8 then? Is that what I hear you saying?

9 CHAIRMAN VAN DINE: I'm not sure. I'd have to see what it has to say in their  
10 thing. Just because it's a walkway doesn't necessarily mean to me that it's open and  
11 usable space.

12 MR. PALMER: Well, I guess, then we're going to need to get into determination  
13 of what you think is open and usable.

14 CHAIRMAN VAN DINE: And that's what – for them to come forward with  
15 something for us to approve, I think the Staff has to make that determination as to  
16 whether or not – I mean, I don't think it's for us sitting up here. I think that's something  
17 that ought to be done before it gets to us.

18 MR. GOSLINE: Well, I think a part of this – partially right. But I think that it's  
19 going to be up to you all to determine how you interpret the term 'usable' in this context.

20 MR. JACKSON: I thought we did.

21 MR. GOSLINE: Well, it's pretty vague.

22 CHAIRMAN VAN DINE: But we don't have anything.



1 MR. GOSLINE: No. I understand it. And I'm not - in this particular case we didn't  
2 get anything specific about recreation facilities and trails or whatever. But the issue is  
3 when we're looking at this what is it that you guys would expect to see. I mean a  
4 gazebo, a walking trail?

5 MS. LUCIUS: Maybe we should see something specific there.

6 MR. GOSLINE: You're not going to be able to use - I mean a buffer area has  
7 some recreational use by just walking.

8 MR. GREEN: Well, you know, this would be a good example of this one. In the  
9 wetlands area I don't know if - you know, I know this area fairly well. And there's some  
10 cases I won't know a site as well as I know this one.

11 MR. GOSLINE: Right.

12 MR. GREEN: I don't know if you can walk across that wetlands area. I don't  
13 know how you get to the one acre on the other side.

14 CHAIRMAN VAN DINE: Yes, ma'am.

15 MS. ALMEIDA: The applicant's representative has just told me - and I remember  
16 the conversations - they're not going to cross the wetlands but they are going to put a  
17 pedestrian walkway, a walking trail, through that 0.57, that half-acre wetlands buffer  
18 area that abut lots 28 through 19, and connect to the detention basin area. And the way  
19 the trail, the connectivity, would go people could enter through Flora Springs Drive  
20 between lots 12 and 13 or 15 and 16. The trail would go around the basin, the  
21 detention basin, and connect into the wetlands buffer area and come out onto the  
22 roadway, Sloan Road, and go back into the development or go completely around to

1 Flora Drive and do the loop. It will be a pedestrian path through the woods, somewhat  
2 of a little, nature viewing area.

3 MR. GREEN: Would there be any active use of the 1.01 acres on the, I guess,  
4 the west side of the wetlands?

5 MS. ALMEIDA: No, because they're not going to cross the actual wetlands.

6 MS. LUCIUS: So it's not usable.

7 MS. ALMEIDA: No. So it would be just the half-acre wetlands buffer. So that  
8 would be the walking –

9 MR. FURGESS: You said 0.57?

10 MS. ALMEIDA: 0.57.

11 MS. LUCIUS: Uh-hum (affirmative). Yeah.

12 CHAIRMAN VAN DINE: So that's four and a half acres of, in essence, unused  
13 area, which will be the wetlands and the wetlands buffer on the left-hand side. And all  
14 I've got is a half-acre or 0.6 plus the retention pond for the other open space. Are we  
15 going to get however many other acres in order to get the 50-50 split of usable and –

16 MS. ALMEIDA: Well, the common area where the detention basin is is access to  
17 the nature walking trail. So you have to be able to use that for the connectivity.

18 CHAIRMAN VAN DINE: Yeah. Now I'll go back to my original question which is,  
19 inside the fence area of the detention pond, is that considered usable space?

20 MS. ALMEIDA: As a walking area to get to the buffer. That's the only way they  
21 can do that.

22 CHAIRMAN VAN DINE: The walking area – I'm talking inside the –

23 MS. ALMEIDA: Not inside the fence.

1 CHAIRMAN VAN DINE: Okay.

2 MS. ALMEIDA: Along the outside.

3 CHAIRMAN VAN DINE: So if inside the fence is now unusable. Wetlands is  
4 unusable. The 1.01 acres is unusable. Can you tell me where I'm going to find the  
5 matching amounts to get a 50-50 split?

6 MS. ALMEIDA: Is it in the calculations?

7 [Inaudible conversation]

8 MR. GOSLINE: I think the answer that we probably ought to send it back for us to  
9 do some more work on this. Because when they came in with all three of these they  
10 gave us the calculations and showed us how they were calculated. And that was fine.  
11 We still need – and we impressed on them at the time – that we need to have, show,  
12 where the 50% of the open space is actually usable. And it doesn't really do that like it  
13 probably should. We're just going to do something else.

14 MS. ALMEIDA: Mr. Criss was telling me here, and we're looking at it as well, the  
15 minimum required yards can be used as 50% open space as well. So each of those  
16 required yards, 50% of it can be used as open space, as the ordinance reads. But what  
17 we will require is that the calculations be reviewed further to make sure those numbers  
18 are working correctly and designated on the plat.

19 CHAIRMAN VAN DINE: So I buy a lot in this thing. My yard becomes part of the  
20 open space even though nobody else can use it except me.

21 MS. ALMEIDA: Fifty percent of it can be used for that.

22 MR. JACKSON: Was that in the discussion or the recommendation we made?  
23 Or was it modified?

1 MS. ALMEIDA: It was watered down. It was modified.

2 MR. JACKSON: It was watered down? Well, that's a problem. We have an  
3 understanding of how something should be. But then it was changed or watered down  
4 and we have no knowledge of it until we get something in front of us and we are finding  
5 out that this thing really doesn't make any sense.

6 MR. MANNING: Carl, if the applicant were to depict the utilization area, whether  
7 it be trails or gazebo, but that it was usable would they meet the open space  
8 requirement?

9 MR. GOSLINE: I think, Mr. Manning, that the Commission's choice is either to  
10 make the condition that – you know, approve of a condition that they do and rely on us  
11 to make sure it happens or is to send it back and have them redraw the plat.

12 MR. JACKSON: I think one of the main concerns, initially, was that there's a lot of  
13 development but there was not enough open space. And we tried to create a formula -

14 MR. GOSLINE: Right.

15 MR. JACKSON: - that we could have enough open space.

16 MR. GOSLINE: Right.

17 MR. JACKSON: Now I'm understanding it's been watered down. That's been  
18 almost taken away. So we're not meeting the objectives of what we discussed or what  
19 we are trying to, based on citizens' input earlier.

20 CHAIRMAN VAN DINE: Can you tell me what provision you were looking at?

21 MS. ALMEIDA: It is on page 297 of the code.

22 MR. PALMER: I have to tell you my take on this is that if they meet all the  
23 requirements and whether or not it's watered down from what we sent up to Council or

1 not's not really anything we can do anything about. They're the ones that make the final  
2 decision, not us. And we have to deal with what they decide.

3 MR. JACKSON: I understand that. My only point is that there's been some  
4 changes and the discussion we have now is based on what we thought we had  
5 discussed and make a recommendation. I understand everything that's been changed  
6 or watered down we may not know until we discuss it. But still -

7 MR. PALMER: Well, I understand what you're saying.

8 MR. JACKSON: - we have to discuss it.

9 MR. PALMER: Yeah. I don't have any problem, you know, discussing it. But it  
10 seems like that if these guys meet the requirements, the percentages that are required  
11 in our code and our ordinance, then, you know, it's just down to whether or not, you  
12 know, you think the subdivision lays out, how you think it needs to, and that kind of stuff.  
13 But if they meet the codes I don't see how we have the thought process to hold it up.  
14 Because, you know, to send it back just to recheck the numbers. I mean that that can  
15 always be a condition of the code that the numbers check out. I mean the numbers are  
16 part of the condition -

17 MR. JACKSON: But also to make a recommendation, also.

18 MR. PALMER: Say again.

19 MR. JACKSON: I say I've been asked to make a recommendation. And if I don't  
20 agree or have concerns I can go against it.

21 MR. PALMER: Sure you can.

22 MR. JACKSON: Okay.

1 MR. PALMER: But if it meets the code I don't see what else we can ask of the  
2 developer.

3 MR. JACKSON: It can meet the code. I can say, "Yeah, kids need areas to play,  
4 also. And there's no playing ground. There's no where for kids to play." There's a  
5 safety problem. In the initial discussion we wanted to make sure there was enough  
6 space, a playing ground or open space, for people to use or kids to use. A detention  
7 pond is not that.

8 MR. PALMER: Well, I agree with that but we are not members of County Council.  
9 We're a recommending body. And what they pass is what we deal with.

10 MR. JACKSON: I understand. But if I have concern about safety where kids will  
11 play, I can vote against it.

12 MR. PALMER: You can vote against anything you'd like to.

13 MR. JACKSON: Okay.

14 MR. PALMER: But just saying that you're going to vote against a subdivision  
15 because it doesn't have a playground in it doesn't make sense to me.

16 MR. JACKSON: Because of safety.

17 CHAIRMAN VAN DINE: Alright. The issue is everybody has to make their own  
18 determination as to how they feel, see fit. I have one quick question just to make sure I  
19 understand; 2-C is the minimum yard requirement, correct? 2-C is where you're getting  
20 that 50% of the open space can be in the yards. If you go down to unacceptable areas,  
21 it's anything that's occupied by roads, drives, parking areas, structures, or anything like  
22 that. Correct? We don't have a clue as to how much roof cover, driveways, patios, or  
23 anything is going to be on any one of these lots. Is that true?

1 MR. GOSLINE: Limited to 50%.

2 CHAIRMAN VAN DINE: Huh?

3 MR. GOSLINE: They're limited to 50% lot coverage.

4 CHAIRMAN VAN DINE: For everything? That's including drives.

5 MR. GOSLINE: I'm sorry. Building, not the driveway.

6 CHAIRMAN VAN DINE: Okay. Drives, patios, other things like that are excluded  
7 from those open spaces as well, correct?

8 MS. LUCIUS: Uh-hum (affirmative).

9 CHAIRMAN VAN DINE: So it's not just 50% of every lot. It's less than 50% of  
10 every lot.

11 MS. LUCIUS: Uh-hum (affirmative).

12 MR. GOSLINE: Fifty percent of the setback area for the yards not built on.

13 MS. LUCIUS: Not including the drives.

14 MS. ALMEIDA: Outside the building envelope.

15 MR. GOSLINE: Fifty percent of the area outside the building envelope.

16 CHAIRMAN VAN DINE: But included in that will be drives and will be other things  
17 that will –

18 MS. ALMEIDA: Some will encroach. If they were putting a shed or something 5'  
19 from the property line, the setback that's required. But the building envelop is usually  
20 10' from the property line in the back.

21 CHAIRMAN VAN DINE: But it's not just a 50% of the lot side goes to the –

22 MS. ALMEIDA: No. The setback.

23 CHAIRMAN VAN DINE: Okay. So it's 50% of the setback area.

1 MS. ALMEIDA: The rear yard. Right. Under –

2 MR. GREEN: Let's let them calculate, Howard, on a real quick basis. A 12,000  
3 square foot lot would have 2,600 square feet of minimum required yard. So you could,  
4 for every house, count I mean 5,200 square feet of minimum required yard. So for  
5 every house you build under the new code, you can count 2,600 square feet towards  
6 your open space requirement.

7 CHAIRMAN VAN DINE: Would that be inclusive of drive?

8 MR. GREEN: Well this is just the yard. The way the text is written it says  
9 "minimum required yards."

10 CHAIRMAN VAN DINE: Okay.

11 MR. GREEN: And a minimum required yard, roughly on a 12,000 foot lot doing it  
12 real quick, is about 5,200 square feet, which would be 2,600.

13 MS. ALMEIDA: True. But I'd like to point out as well, this may not be the best  
14 design. But, typically, in the past, if we had gotten something like this we would have  
15 seen lots 26 through 29 being the only lots being able to enjoy those wetlands and  
16 buffer areas because access would not be given to anyone else in the community.  
17 Where Staff worked and helped the developer and the engineer have more connectivity  
18 where someone could go walk their dog or could go have a loop connection within the  
19 neighborhood, a safe one anyway. It's not ideal but at least it's something. And in the  
20 past, other subdivisions you would not have that. I mean even if it does go by a  
21 detention basin as access.

22 CHAIRMAN VAN DINE: I'm not quarreling as to accessibility or anything like that.  
23 I want to make sure that we're –



1 MS. ALMEIDA: Absolutely.

2 CHAIRMAN VAN DINE: - meeting the code requirements that have been put in  
3 place and that we're analyzing them in the proper way for what we've been asked to  
4 accomplish.

5 MS. ALMEIDA: Well I know that Staff is trying to work with the development  
6 community. And this is a work in progress. Because if we do fine that it's difficult to  
7 work these numbers they are going to need to be modified and proposals will need to  
8 be made. But we're never going to know if we don't try it. So I agree.

9 CHAIRMAN VAN DINE: Do we have a motion on the floor on this?

10 MS. LUCIUS: No.

11 CHAIRMAN VAN DINE: Okay. Do I hear a motion?

12 MR. MANNING: Yeah, I'd like to make a motion that we send this forward for  
13 approval subject to Staff review of being able to determine the actual accessibility to  
14 1.01 acres and the usability of the wetland area.

15 CHAIRMAN VAN DINE: Is that also subject to the conditions on 33 and 34?

16 MR. MANNING: That's correct.

17 MR. PALMER: Second.

18 MS. LUCIUS: Does – before we vote – does that meet - you've got as Condition  
19 G-5 the required active recreation facilities have not been identified. Does that mean  
20 they have to be identified as one of the specific conditions?

21 MR. GOSLINE: That's the way I would interpret that, yes.

22 MS. LUCIUS: Okay.

1 CHAIRMAN VAN DINE: I'm in favor of the motion. But I think, in the future,  
2 coming forward, anything that's being reviewed I think we need to make those  
3 calculations and, also, make the calculations in light of the yards and the other things  
4 that are necessary to fit within that so that we're sure that when we get something like  
5 this that we're meeting the requirements of the code. Any other questions or  
6 comments? All those in favor of approval of the subdivision subject to the conditions on  
7 33 and 34 and the additional condition Mr. Manning has set forth please signify by  
8 raising your hand. All those opposed.

9 *[Approved: Palmer, Furgess, Lucius, Van Dine, Green, Manning, McBride; Opposed:*  
10 *Jackson, Absent: Wyatt]*

11 CHAIRMAN VAN DINE: Alright. Next, SD-05-218, Eagles Glen.

12 **CASE SD-05-218:**

13 MR. GOSLINE: Mr. Chairman and Members, this is a continuation of the Eagles  
14 Glen project off of Rimer Pond Road. The Staff recommends denial for the reasons  
15 stated on page 45. The wetlands encroach, the permit letter hasn't been received, and  
16 the flood elevation documentation hasn't been received. If you look at the plat, the plat  
17 shows lot lines going way down into below the flood plain and into the wetlands. And  
18 we continually caution applicants to stay above the 100-year flood elevation and out of  
19 the wetlands in terms of their lots. We suspect that when this gets to FEMA and the  
20 Corps this will cause them some problem. But, in any case, we've, again, we always  
21 tell the applicants to get on the floodplain and the wetlands issues early. And, in this  
22 case, they haven't been resolved. So that's the basis of the department's  
23 recommendation for denial.

1 MR. GREEN: Carl?

2 MR. GOSLINE: Yes, sir.

3 MR. GREEN: While I'm trying to recall all the provisions of the new code, if a  
4 subdivision's denied how long is it before they can come back in for – is there any time  
5 limitation -

6 MR. GOSLINE: I don't think so.

7 MR. GREEN: - before they can reapply?

8 MR. GOSLINE: I don't think so.

9 MR. GREEN: So a denial only acts the same as a tabling, in essence, then.

10 MS. ALMEIDA: That's correct.

11 MR. GREEN: Their filing timelines don't get re - I mean the filing timelines to get  
12 back on the agenda don't change.

13 MR. GOSLINE: Well, they'd have to meet the agenda deadlines.

14 MR. GREEN: Right.

15 MR. GOSLINE: But other than that, no. I mean it's not like a withdrawal or  
16 deferral for rezoning. No.

17 MR. GREEN: Right.

18 MR. GOSLINE: I mean that's the way it was in the old code. I don't think it's  
19 changed.

20 CHAIRMAN VAN DINE: I think that the other that we have to point out by the plat  
21 that we're shown is the calculation of usable and unusable and open space is impacted  
22 by the very nature of this layout where you have it running into floodplains and

1 everything else. You may not have the same yard because you'd be double counting  
2 them within wetlands and everything else for open space issues.

3 MR. GOSLINE: Right. But this project came in under the old code.

4 CHAIRMAN VAN DINE: I understand. But I'm just using this as an example –

5 MR. GOSLINE: Right. Definitely.

6 CHAIRMAN VAN DINE: - to go back to our prior discussion that you would have  
7 to look at these type things to be able to determine the 50% and the open space  
8 requirements.

9 MR. GOSLINE: This particular – if you're familiar with Eagles Glen at all, it's  
10 below the existing dam and there's quite an elevation change. It goes down into the  
11 creek, which I think goes into the back of Willow Lakes and all that. The applicant is  
12 here if you'd care to -

13 MR. MANNING: I've got a question for Carl.

14 MS. LUCIUS: I can't even tell how big some of the lots are.

15 MR. MANNING: Is there anything in the code, Carl, that precludes someone from  
16 subdividing the land like that above, which encompasses part of the floodplain?

17 MR. GOSLINE: Not specifically. We caution them not to do that, Mr. Manning,  
18 because it just creates a huge problems at permitting time because, at the very least,  
19 what that means is every house will have to get an individual survey.

20 MR. MANNING: If they're above the 100-year.

21 MR. GOSLINE: To show that the house is out of the 100-year floodplain, above  
22 the wetlands, all that.

1 MR. MANNING: But don't they – I mean when they survey that line in that line's  
2 saying here's the 100-year floodplain. And they come in they've got to show that the  
3 house footprint's above that line.

4 MR. GOSLINE: Yeah, but when they show the lots below the 100-year flood  
5 elevation, like this one goes all the way down to the creek or the lake or whatever, then  
6 you've got portions of all these lots that are below the 100-year flood elevation. When  
7 they go to get a building permit for that lot an individual survey is required for each  
8 building to show that it's not in the 100-year flood elevation. Our point is you can avoid  
9 all that by doing it up front and saving each lot of time and each lot the expense of doing  
10 it later. And, furthermore, if you create these parcels below the 100-year flood elevation  
11 and/or wetlands then you have a unified parcel which can get conservation easements  
12 on or donate it to some non-profit or something like that and get it out of everybody's  
13 hair.

14 MR. GREEN: Carl, what I'm trying to do is draw the distinction between desirable  
15 and that which is not in compliance.

16 MR. GOSLINE: Right.

17 MR. GREEN: You've talked about what was desirable. But the Staff  
18 recommendation is for denial because the submission was not in compliance with the  
19 code. And I'm trying to draw the difference between what you would desire to have and  
20 what's in compliance or not in compliance with the code.

21 MR. GOSLINE: Right. The reasons for denial are on page 45 under "Findings of  
22 Fact." Up above, in the text, we made the statement. Deliberately did not put that in 5  
23 or 6 under the "Findings of Fact" for the denial.

1 MR. GREEN: Is the applicant here to at least –

2 MR. GOSLINE: Yeah. Mr. Berry is here.

3 MR. GREEN: - so we can have their input on these issues if he so desired.

4 MR. GOSLINE: Well, he was here.

5 **TESTIMONY OF FRANK BERRY:**

6 MR. BERRY: I'm Frank Berry with Essex Homes. And Joseph Unan with W. K.  
7 Dixon, our engineer that –

8 MR. GOSLINE: Is that microphone working?

9 MR. BERRY: Yeah. Just tip it up a little bit. Thanks.

10 MR. LUCIUS: Still can't hear.

11 MR. BERRY: What can I answer for you?

12 MR. GREEN: Well, the findings of fact that we have in the Staff Report, the first  
13 statement says the U.S. Corps of Engineer's Wetlands Encroachment Permit Letter has  
14 not been received, which -

15 MR. BERRY: That is in the process of being done right now. It's a time delay  
16 with the wetlands people in Charleston.

17 MR. GREEN: Okay. The second comment is "The Department has not received  
18 the required flood elevation documentation."

19 MR. BERRY: That is also – Joseph has worked on that and is in the process of  
20 getting that documentation. It just takes a while to get this documentation.

21 MR. MANNING: Are you aware that you apply for a building permit you're going  
22 to have to submit a –

1 MR. BERRY: In Lexington County you have to do pretty much the same thing on  
2 a set of drawings that you have to – you have to do an elevation certificate.

3 MR. MANNING: An elevation that's above the 100-year?

4 MR. BERRY: Yes, sir.

5 MR. MANNING: Is that a problem to you?

6 MR. BERRY: It hasn't been in the past. It's just requiring a surveyor to come out  
7 and certify it. Any surveyor, I think, will pretty much do that for us.

8 MR. GREEN: Carl, in your mind, could the receipt of either of these items change  
9 what we would require from their subdivision plan?

10 MR. GOSLINE: Say that again?

11 MR. GREEN: In your opinion, your receipt of these two items that have not been  
12 submitted yet, do either or both or neither have the potential to require a change in the  
13 layout of the subdivision?

14 MR. GOSLINE: Not unless they want to change, you know, accept our advice  
15 about changing the lot lines.

16 MR. GREEN: But that's on a 'would like to have' not on a –

17 MR. GOSLINE: Right. Absolutely.

18 MR. GREEN: So neither of these items necessarily – neither of these items, in  
19 your mind, would dictate a change, a required change in the subdivision plan is what I'm  
20 trying to understand.

21 CHAIRMAN VAN DINE: If you –

22 MR. GREEN: And the reason I say that if they're not going to require a change  
23 we could make the approval subject to receipt of these items. If they're potentially going

1 to be there and require that they do a different subdivision layout, then I wouldn't think  
2 that we would want to make it subject to receipt.

3 MR. GOSLINE: I think the answer is if you look at the plat on page 51, lots 57,  
4 56, 55, some of those lots down there would not meet the minimum lot area. This is RU  
5 zoning, right?

6 MR. BERRY: No, it's RS-1.

7 MR. GOSLINE: What is it? Excuse me?

8 MR. BERRY: RS-1.

9 MR. GOSLINE: RS-1. Okay.

10 MR. FURGESS: Carl?

11 MR. MANNING: The line –

12 MR. FURGESS: Looking at the lots number 32, 33, 34. You're going up to 28,  
13 29. There's wetlands coming through those lots?

14 MR. GOSLINE: Yes.

15 MR. FURGESS: So they won't meet the requirements either, would they?

16 MR. GOSLINE: They would probably. The minimum of 12,000 square foot lots;  
17 57 maybe, but probably the rest of them.

18 CHAIRMAN VAN DINE: Forty-seven and 45 would, in fact?

19 MR. GOSLINE: It's hard – you know, it's hard to tell.

20 CHAIRMAN VAN DINE: But could they meet the setbacks and everything else  
21 that are necessary within that layout?

22 MS. ALMEIDA: What we're finding, Mr. Chairman, is that later on in the process  
23 they realize that they can't meet setbacks. Then they have to go before the Board of



1 Zoning Appeals and we have problems. Or they're built encroaching on setbacks and  
2 then the actual property owner, before they can close on the property, winds up having  
3 to come before the Board of Zoning Appeals and ask for a variance. We just had one  
4 applicant come before the Board of Zoning Appeals this month and they were denied  
5 their garage that's been built because they encroached on the front yard setback  
6 because of the lot. So we're trying to avoid those things way ahead of time.

7 CHAIRMAN VAN DINE: But I guess in answer to Mr. Green's question, the two  
8 documents that you reference would not necessarily require a change in the lot layouts.  
9 You may have other problems that arise as a result of those.

10 MR. GOSLINE: I think that's a correct statement, yes. The wetlands and the  
11 flood plains, *per se*, may not. But to meet the setbacks and things it might.

12 CHAIRMAN VAN DINE: So until such time as you receive those documents you  
13 can't look into the other issues to determine whether or not there would be proper  
14 setbacks or anything like that. Is that a fair statement?

15 MR. GOSLINE: Yes.

16 MR. MANNING: But if the line did change it more than likely change where it  
17 would be more onerous on them and they might not be able to build on a lot. I mean if it  
18 got better, it's just -

19 MR. GOSLINE: Yeah. And if that were the case, in that instance then - it sort of  
20 depends what you mean by redesigning. I mean he might lose a lot or two but I don't  
21 know that you'd have to redesign it. You may want to and maybe should.

22 CHAIRMAN VAN DINE: But I guess the question, you know, they can come in,  
23 then, to the Board of Zoning Appeals and say, "Well, wait a minute here. This lot

1 doesn't really comply but I'd like to have you give it to me." And I guess what I'm saying  
2 is why are we even setting the train in motion to try and do something like that where we  
3 ought to be addressing it here in the subdivision approval phase and find out whether or  
4 not that we've got those problems.

5 MR. GOSLINE: Well, I think that's the point Anna was making. And that's  
6 becoming more and more prevalent for reasons which I don't understand.

7 CHAIRMAN VAN DINE: And I'm not one for passing the buck on to somebody  
8 else to solve a problem. I think that we ought to address it here and find out what's  
9 going on. And, at least for the time being, until these documents are received which  
10 could determine some of these issues, it would seem to me that we ought to, at the very  
11 least, hold this in abeyance pending the receipt of those to find out if that problem  
12 exists.

13 MR. MANNING: I guess I agree with you, Mr. Chairman, on one hand. But one  
14 of the things that concerns me is that there's a lot of conditions that aren't consistent  
15 from case to case. We'll find the Fire Marshall on one and something else on another.  
16 And, you know, I don't know what the rhyme or reason for it is. But there's a case in  
17 here today that's got some conditions that go back a long way dealing with some of the  
18 core issues of permitting. And a lot of times Staff doesn't have control over that  
19 process. You know, if we get to that, we're going have to be very consistent in how we  
20 go forward.

21 CHAIRMAN VAN DINE: I don't disagree we have to be consistent in how we go  
22 forward.

1 MS. LUCIUS: But you use the word 'consistent'. And I'm sitting here thinking.  
2 I'm trying to remember where was one we had about a year ago that was almost exactly  
3 like this. And it had to be redrawn. Do you remember where it was? So many of the  
4 lots were in the floodway. Do you remember, Anna? You're shaking your head.

5 CHAIRMAN VAN DINE: It was the one out by Columbia Country Club on that  
6 back road.

7 MS. LUCIUS: And we did not accept it that way.

8 CHAIRMAN VAN DINE: Because they had the streams coming down through the  
9 property. And it was being redesigned. It was out behind – I know it's in the back  
10 behind Columbia Country Club -

11 MS. LUCIUS: I can't remember where it was. But you want to be consistent  
12 because we did not allow it there.

13 **TESIMONY OF JOSEPH UNAN:**

14 MR. UNAN: Mr. Chair, if I might say? I'm Joseph Unan. I'm a civil engineer for  
15 the development. We've allowed a minimum of 100' for building. If you look at any of  
16 the pie-shaped lots, the minimum we allowed is 100'. And before we started design  
17 work we sat down and I asked them, "Give me a building pad so we can create a box,  
18 an arbitrary box." And he said 40 x 40, 50 x 50. We used 50 x 50. We set that box on  
19 every lot behind the 25 setback line. And that gives us plenty of room to work with.  
20 Now we will, when we come for a building permit, we will get a registered surveyor to  
21 stake out the corners of the building pad area. Should the elevation – and that elevation  
22 better be 2' above the 100-year floodplain. We will not impact the wetlands or the

1 floodplain. We have a sewer line that crosses back behind one of the lots and, other  
2 than that, there is no impact on the wetlands or on the floodplain.

3 CHAIRMAN VAN DINE: We're not in a position to make a determination on that  
4 here. That's what some of these wetlands encroachment letters and permits and  
5 everything else are there to determine. If it ends up that those letters come out clean  
6 then that's fine. But far too many times what we hear up here is, "Oh, let's move  
7 forward and let's approve this. And if they don't get that letter then they can't move  
8 forward." And I'm watching some of the things go on out in the county and, frankly,  
9 we're doing a disservice to everybody by doing that. We need to make our decisions  
10 here based upon all that we have and all the information that's necessary. And not rely  
11 on things down the road and say, "Well, they still have to get that." I think when  
12 everybody comes here for their approvals, those approvals ought to have all of the  
13 required documentation in hand so that we can make complete and fully informed  
14 decisions. And we're not doing that in a lot of instances. And I'm sorry that this one has  
15 caught you because the permits didn't move quick enough through the Corps of  
16 Engineers and everybody else. But I guess my feeling is that we need to, at some point  
17 in time, make determinations based on full knowledge, not on reliance on other people  
18 down the road. And that's just my own personal belief.

19 MR. UNAN: No. I agree.

20 CHAIRMAN VAN DINE: But a lot of other people up here may have different  
21 opinions.

1 MR. UNAN: And I wish I could get the Corps or FEMA people to respond in less  
2 than a year. It takes a year to two years to get FEMA to amend the floodplain revisions,  
3 any of their floodplain maps.

4 CHAIRMAN VAN DINE: And if you can find out how to do that please let us know  
5 because there's a whole lot of people who would like to have that happen.

6 MR. UNAN: Yeah. In the mean time we're stifling development, here. And I  
7 don't know what to do other than, you know, submit to them, which we have. But I was  
8 referring to the geometry of the lots. We've allowed for a minimum of 100' for Essex  
9 Homes to build their homes on.

10 CHAIRMAN VAN DINE: Alright. Any other comments from anybody on the  
11 Board?

12 MR. PALMER: I just have a comment. Do we have a specific checklist to apply  
13 for a subdivision approval?

14 MR. GOSLINE: Yes, sir.

15 MR. PALMER: And these two things are on that checklist and they just haven't  
16 been met?

17 MR. GOSLINE: Yes.

18 MR. PALMER: Is there anything else that hasn't been met on this project? Just  
19 these two?

20 MR. GOSLINE: Well, I don't know. In this particular case I don't know, Mr.  
21 Palmer, because when these two came up we sort of stopped looking because the rest  
22 of them are fairly simple, usually simple geometry or engineering. These are very, as  
23 you've heard, long timeline items.

1 MR. GREEN: Just as a follow on to that, and I know we have it with another case  
2 later today, where we have a situation where all the requirements for submittal have not  
3 been met. And I just – I guess I'm curious. If there is a checklist that everybody knows  
4 has to be met for submittal, why do we see things with an incomplete checklist?

5 MR. GOSLINE: Why are they scheduled?

6 MR. GREEN: Why are they in our book? If it's an incomplete – if there're certain  
7 requirements for filing – and I'm not picking on this case –

8 MR. GOSLINE: No. I understand.

9 MR. GREEN: - I'm talking about in general because we've seen this many a time  
10 before. We get things that are in our book that Staff Report is that the submission is  
11 incomplete. I would think that the only things that we would see in our book would be  
12 complete submissions.

13 MR. GOSLINE: Well, we – you know. In a lot of cases we try to, particularly  
14 when it has to do with the wetlands and FEMA, we try to give some benefit. But in a  
15 couple of the cases that are before you we've tried and tried with the applicants to –  
16 we've had cases where we've been two or three years. The guy that we said something  
17 about getting a flood plain elevation statement and nothing's been done. I guess that  
18 we could just, you know, if we don't have the wetlands or the FEMA we just won't  
19 schedule them.

20 MR. PALMER: Where did this come from?

21 MR. GOSLINE: If that's your direction.

22 MR. PALMER: Where did this come from? Is the checklist spelled out in the  
23 code or is it something you guys have come up with internally?

1 MR. GOSLINE: We've provided that to you. A couple of times.

2 MR. GREEN: The checklist is part of the code?

3 MR. GOSLINE: No. It's administrative. And we've provided that to everybody  
4 over and over and over again.

5 MR. PALMER: So there's nothing in the code that says you have to have A, B,  
6 and C before you can get subdivision approval?

7 MR. GOSLINE: No. That's not entirely true.

8 CHAIRMAN VAN DINE: There's a requirement in the code which required a  
9 checklist to be developed and to be available and for submission. That was what  
10 happened. So the code requires the checklist and the checklist has been approved.

11 MR. GOSLINE: We, Pat – Mr. Palmer.

12 MR. PALMER: So then these shouldn't – like Gene was saying, these shouldn't  
13 even come to us then if they're not lawful.

14 MR. GOSLINE: If that's y'all's direction, we'll certainly implement that. That would  
15 save everybody some grief.

16 MS. LUCIUS: It'd save a lot of –

17 MR. GOSLINE: Wouldn't save the applicant's grief but it would –

18 MR. JACKSON: There's a process where it takes time with FEMA or with the  
19 wetlands, probably 12 months as it's doing now. Yes. But that's part of the process.  
20 And even though the applicant may not want to, I mean that's just life. Mr. Chairman,  
21 with this, I move recommendation of denial based on Staff's recommendation.

22 CHAIRMAN VAN DINE: We have a motion for denial. Do I hear a second?

23 MR. FURGESS: Second.

1 CHAIRMAN VAN DINE: I have a second. Mr. Green.

2 MR. GREEN: Question. Has the checklist been approved by the Planning  
3 Commission or is it required to be approved by the Planning Commission since it's part  
4 of the code?

5 MS. ALMEIDA: The checklists were for just informational purposes, only, ordered  
6 by County Council. And that was delivered to County Council.

7 MR. GREEN: But that has, in effect, been - in effect, its existence has implied  
8 that it's a portion of the code?

9 MS. ALMEIDA: No. It's not a portion of the code. It's just administrative  
10 documents.

11 CHAIRMAN VAN DINE: See, the code required that a checklist be developed.  
12 The specific elements were not specifically set out by the code, itself. But the checklist  
13 has been presented to this Body on a couple of occasions. And County Council has  
14 had an opportunity to review that checklist, as well.

15 MS. ALMEIDA: And, Mr. Green, these checklists are definitely to assist the  
16 community, professional community and developers, so they can anticipate what needs  
17 to be on a plan. But these are basic, fundamental details and standards that every  
18 engineering firm is well aware of what needs to be on a specific plan. But, yes, they  
19 were devised to assist them in that process.

20 MR. GOSLINE: Yeah. And, again, in this specific case this came in under the old  
21 code. And we have on at least three occasions over the last four years sent out  
22 checklists, details, of exactly what needs to be done, how many, the digital



1 requirements, how many copies, everything. And, so, I mean we've done about all we  
2 can do short of individually visiting everybody.

3 MR. GREEN: It strikes me from a practical standpoint, though, if it's taking 12  
4 months, 18 months, to get letters that there's not a homebuilder that I know of that going  
5 to go in, contract for a piece of property, be able to wait 12 or 18 months to get the letter  
6 before they can even start to move forward.

7 MS. ALMEIDA: But, Mr. Green, Staff is trying to collate as much information on  
8 other jurisdictions and how they're handling that in their process of subdivision and site  
9 plan approval. We have someone on Staff collating and acquiring that information  
10 across the state and will be presenting some sort of options to administration and to all  
11 of you as to what the options can be just to try to mediate this problem.

12 CHAIRMAN VAN DINE: It doesn't make any sense to say that somebody's not  
13 going to do something, you know, if it's taking 12 months or 18 months. Those are  
14 required documents and you're not going to get to do anything whether we approve you  
15 now or when the letter comes in. Those documents are required before things can  
16 happen.

17 MR. PALMER: This is so early in the process.

18 CHAIRMAN VAN DINE: So, therefore, for us to – making approvals before all of  
19 the information is available seems to me to be, for our part, to be not doing our duties.

20 MR. MANNING: Mr. Chairman, I agree with you on that when we're making  
21 decisions where we don't have the ability to make the decision. But in this case I  
22 believe the majority of the lots are well above the 100-year floodplain line and have the  
23 sufficient area to build a house. And if it was determined that that line needed to

1 change, they can't build on them. You know, that's the bottom line. Or they're going to  
2 have to do something other than what they planned. But to stop for a year to 18 months  
3 to get an approval from an agency we have no control over when it's not a part of the  
4 active code, I have a little bit of problem with.

5 CHAIRMAN VAN DINE: Mr. Gosline, then we need to vote on the motion.

6 MR. GOSLINE: I think that what we're talking about here is a policy or a strategy  
7 because it's true that, you know, they have to get them sooner or later. The question is  
8 when. So the county either holds up projects at the front end or we withhold CO's at the  
9 back end. And when you withhold a CO, you're penalizing the purchaser of the lot  
10 because something hadn't been done that needed to be done before we could sign a  
11 CO. So that's kind of why we – why the Department keeps saying we should be getting  
12 these, particularly these bigger issues like that, at the front end so that we don't  
13 penalize the purchasers by holding up the CO's.

14 MR. UNAN: But, Carl –

15 MR. GOSLINE: That's really difficult thing to do.

16 MR. UNAN: Carl, you haven't been penalizing them. You've been giving us the  
17 12 months. By waiting until the CO time, giving us the 12 to 18 months to get our  
18 letters, our approval process, instead of sitting and waiting idle for 12 months on a  
19 subdivision.

20 MR. GOSLINE: That's the other side. That's –

21 CHAIRMAN VAN DINE: We have a motion on the floor for recommendation of  
22 denial and a second. All those in favor of the motion please signify by raising your  
23 hand. All those opposed.

1 *[Approved to Deny: Furgess, Lucius, Jackson, Van Dine, McBride; Opposed: Palmer,*  
2 *Green, Manning; Absent: Wyatt]*

3 CHAIRMAN VAN DINE: As of right now, this subdivision has been denied. I  
4 think that we need to get those letters beforehand before we can complete those. And,  
5 in the future, if we don't have checklist items here I think that we should not bring them  
6 forward to the Planning Commission.

7 MR. UNAN: May I ask Carl a question?

8 CHAIRMAN VAN DINE: I think – I think – If you can ask Carl a question –

9 MR. UNAN: But that may help you on the next case. When we submit a sketch  
10 plan to Carl, he – there's a number of items that he comes up with: DHEC sewer, DHEC  
11 water, city sewer, city water, 911 addressing, street names, and those two items. I don't  
12 understand the difference between – I mean every subdivision should be denied based  
13 on that premise. The fact that we don't have two items, I mean the next case may not  
14 have the DHEC approval or the city sewer or water approval. I don't understand why  
15 we're picking on those two line items and not – which have been submitted for. And it's  
16 unfortunate that we have to wait on another agency to respond back to us. We're  
17 waiting on the city water, Carl. I mean it's no different.

18 MS. LUCIUS: Personally, I wasn't convinced that all of these lots met the  
19 minimum size was the reason I was in opposition, not the receipt of the two missing  
20 items. Because from this map I can't tell if they meet the minimum size or not.

21 MR. JACKSON: FEMA now has an office at the Federal Building, they have  
22 moved to Columbia. And, now, do have an office here in Columbia. And that should  
23 help with the process. I think why FEMA got more – started getting more involved, as

1 you have seen in the newspaper in the past, there's been an abuse of wetlands in the  
2 area. And FEMA has gotten more strict and started requiring that they have to send a  
3 letter of approval of all wetlands or anything that affects wetlands, now. And that's  
4 what's holding up the process. But they do have an office here, in Columbia at the  
5 Strom Thurmond Federal Building.

6 MR. GREEN: Question for Staff. Would we expect to see, at our next meeting,  
7 review of what other jurisdictions do on issues like this? You said they were –

8 MS. ALMEIDA: We're attempting to get all that information together, yes. At  
9 least as a discussion point.

10 CHAIRMAN VAN DINE: Alright. Next is SD-05-262, Kingston Ridge.

11 **CASE SD-05-262:**

12 MR. GOSLINE: Mr. Chairman and Members, this is one of the three projects that  
13 chose to come in under the new code even though they were, technically, subject to the  
14 old code. Staff recommends approval subject to the conditions on page 57 and 58. In  
15 this particular case there's a substantial wetlands area that runs along one side of the  
16 project. Again, the calculations show that they well exceeded the 25%.

17 MS. LUCIUS: Question for Staff. What about access? Are there any access  
18 points where the – well, a lot of the lots are not going to have access are they?

19 MR. GOSLINE: Well, again, you know, you have side - under the new code, you  
20 have sidewalks on one side of the street throughout and on the frontage road. So you  
21 have –

22 MS. LUCIUS: On Caughman Road?

23 MR. GOSLINE: On Caughman Road.

1 MS. LUCIUS: Okay.

2 MR. GOSLINE: So you have some connectivity there.

3 MS. LUCIUS: So there is connectivity. Okay.

4 MR. GOSLINE: I'm trying to remember –

5 CHAIRMAN VAN DINE: It looks like between 104 and 103, if I'm reading the  
6 numbers right, there may be an access point.

7 MS. LUCIUS: Yeah, I was looking at it looks like there's one –

8 CHAIRMAN VAN DINE: There's 90 and 89 at the top.

9 MS. LUCIUS: - at the top. I think that's what that is. 79 and 80. And 81 and 82 it  
10 looks like.

11 MR. GOSLINE: Right. If you look on page 61 right at the top end, there's a little  
12 access way.

13 MS. LUCIUS: Right.

14 MR. GOSLINE: And, again -

15 MS. LUCIUS: Looks like there's one here.

16 MR. PALMER: Carl, have you received the flood elevation statement? I guess  
17 you haven't received that, yet?

18 MR. GOSLINE: Nope.

19 MR. PALMER: Same as the last case?

20 MR. GOSLINE: Yep.

21 CHAIRMAN VAN DINE: Are any of these lots in –

22 MR. GOSLINE: No.

23 CHAIRMAN VAN DINE: - the flood.

1 MR. GOSLINE: That's one of the differences, Mr. Palmer, is that in this project  
2 they've stayed out of the flood – what appears to be the flood elevation.

3 MR. PALMER: But you don't know that they're out of the flood.

4 MR. GOSLINE: Well, we take –

5 MR. PALMER: But you don't know that because you haven't received the  
6 statement, yet.

7 MR. GOSLINE: That's correct. You're absolutely right.

8 MR. PALMER: Okay.

9 MR. GREEN: And how much of a density bonus do they get on this one, Carl?

10 MR. GOSLINE: I don't know that we - that's an interesting question. We have –  
11 they get bonuses in terms of the lot dimensions, which would mean they could have  
12 more lots than usual. This is zoned RS –

13 CHAIRMAN VAN DINE: Two.

14 MR. GOSLINE: RS-2 or whatever the new one is.

15 MR. GREEN: They, obviously, had to have gotten a bonus density for the open  
16 space.

17 MR. GOSLINE: Right.

18 MR. GREEN: Do we know how much of a bonus they got? By your calculations  
19 in reviewing this submission, what bonus calculation did you use?

20 MR. GOSLINE: You know, that's something we really need to do and we have  
21 not done. We looked at the open space area that's provided. And if that meets what's  
22 in the code, you know, then we go forward. We haven't really calculated out the real  
23 density bonus thing. That's a good point, though. We really need to do that.

1 MR. GREEN: Is this RS-LD or RS-2? It says both on our cover sheet.

2 MS. ALMEIDA: Exactly. The current zoning is RS-2.

3 MR. GREEN: So wouldn't that convert to RS-MD.

4 MS. ALMEIDA: That is correct.

5 MR. GREEN: Not RS-LD.

6 MS. ALMEIDA: That is correct.

7 MR. GREEN: Thank you, because I was concerned. If it was LV –

8 MS. ALMEIDA: Yeah.

9 MR. GREEN: - we were looking at bonuses off of a 12,000 square feet lot. And  
10 we were looking at 7,800 square foot lots. That's why I was wondering about the bonus  
11 calculation.

12 MR. FURGESS: Carl? On page 59, the map itself.

13 MR. GOSLINE: I'm sorry.

14 MR. FURGESS: On page 59, the wetlands go through this project? Go through  
15 this subdivision?

16 MR. GOSLINE: Yeah, goes through the eastern edge of the property.

17 MR. FURGESS: But it goes through the lots, too?

18 MS. LUCIUS: Huh-uh (negative).

19 MR. GOSLINE: No. The lots are – all the lots are carved out – stay out – stay  
20 above the wetlands line, the wetlands and buffer areas.

21 MS. ALMEIDA: Mr. Chairman, the applicant has, also, identified that - the  
22 applicant's representative – that they would submit a statement as to the recreational  
23 use, or usable space, what they would do in that area.

1 MR. GREEN: Mr. Chairman, I move that we send this – that we approve this  
2 subdivision subject to terms and conditions outlined on page 57 and 58 of the Staff  
3 Report.

4 CHAIRMAN VAN DINE: Does that also include the last concession by the  
5 applicant?

6 MR. GREEN: Correct. In addition to the applicant's willingness to submit their  
7 recreation plan.

8 MR. MCBRIDE: I second.

9 CHAIRMAN VAN DINE: We have a motion for approval and a second subject to  
10 conditions on 57 and 58 and the additional concession by the applicant that they will  
11 submit a recreation plan. All those in favor please signify by raising your hand. All  
12 those opposed.

13 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
14 *Absent: Wyatt]*

15 CHAIRMAN VAN DINE: Alright.

16 MR. GOSLINE: Who seconded it?

17 MR. MCBRIDE: I did.

18 CHAIRMAN VAN DINE: Next, SD-05-277.

19 **CASE SD-05-277:**

20 MR. GOSLINE: Mr. Chairman and Members, this is a minor subdivision on  
21 Reese Road south of Garners Ferry Road. Staff recommends denial for the reasons  
22 stated on page 70. One parcel does not have adequate legal access and the driveway  
23 locations for the proposed lots have not been depicted.



1 CHAIRMAN VAN DINE: Any questions for Staff?

2 MR. FURGESS: [Inaudible] someone divide property for family?

3 MR. GOSLINE: No. This is strictly a minor subdivision. We do have a couple of  
4 other private driveway subdivisions coming up. But this is not one of them.

5 MS. LUCIUS: It's not a family. This is just a minor subdivision. Well, we can't  
6 even tell if the driveway separation is met because they don't say where the driveways  
7 are. I don't see how we can approve it.

8 CHAIRMAN VAN DINE: This is Phase II. What is Phase I?

9 MR. GOSLINE: Phase I was done many years ago and it involves – if you look at  
10 the aerial, the aerial on page 73, that area in the trees and the barn and just to the right  
11 of that. I'm not sure what the racetrack looking thing is back there, but –

12 MR. PALMER: Mr. Chair, I make a motion for denial.

13 CHAIRMAN VAN DINE: Do I hear a second?

14 MR. MANNING: Second.

15 [Inaudible discussion]

16 MR. GOSLINE: Who seconded it?

17 CHAIRMAN VAN DINE: Mr. Manning. Would you like to come down and say  
18 something, sir?

19 AUDIENCE MEMBER: Yes.

20 CHAIRMAN VAN DINE: Please. You'll need to come down to the podium and  
21 when you get here please give your name and address.

22 **TESTIMONY OF SIRES WESTON, JR.:**

1 MR. WESTON: My name is Sires Weston, Jr. I am the owner of this subdivision  
2 that the Board is speaking of. And I hadn't - see the denial situation, the question is  
3 about these driveways. The driveways can't be implemented until I get an address, you  
4 know, to give to the DOT people of where the driveways are going to be. [Inaudible]  
5 about the driveways on it.

6 CHAIRMAN VAN DINE: The driveway, itself, can be depicted on this plat so that  
7 we have an idea of approximately where it's going in. Your bigger problem is that Lot 9-  
8 E has no access in any place. And there's no indication in any of the documentation  
9 that's provided that it would have any kind of a driveway access either through any of  
10 the other pieces of property or anything. So we don't have the information necessary in  
11 order to determine whether or not this division, as set forth, can comply with some of the  
12 other requirements of the code. And, while you may not have addresses yet, you can  
13 depict on this particular document where you think the driveways are going to come out  
14 and how people will have access to 9-E to resolve some of those issues. That's what  
15 they're looking for and that's the reason for their denial.

16 MR. WESTON: Oh, well number 9-E was coming off of Reese Road through a  
17 50' right-of-way back to 9-C, now 9-A.

18 MR. GREEN: I think our problem is that –

19 MR. GOSLINE: It doesn't show it.

20 MR. GREEN: - none of this is shown on the plan. That we would need a plan  
21 that showed the 50' easement to lot 9-E as well as a plan that shows where the  
22 driveway locations will be. And they have to be shown on the plat before we could  
23 review it.

1 CHAIRMAN VAN DINE: I don't think anybody is suggesting, at this stage, that  
2 the actual breakdown is something that they either like or dislike.

3 MR. WESTON: Yeah.

4 CHAIRMAN VAN DINE: What they're saying is there is information that you have  
5 not provided that they need in order to make that determination. So my suggestion is, if  
6 you can get with Mr. Gosline right there, he can get or talk to you about the information  
7 that he needs on this plat so that we can have sufficient information to make the  
8 determination up here. So if you would do that and if you wanted, while you're doing  
9 that, the best thing to probably do is just take a deferral and bring it up at the next  
10 meeting if you think you can get that information to him. That would be our August  
11 meeting because we are scheduled to meet in August.

12 MR. WESTON: Yeah, but I had some people pending on a situation that they  
13 need to move on with building a house. And we holding the banks up and a contract  
14 up.

15 CHAIRMAN VAN DINE: I understand all of that and I guess all I can say is the  
16 best thing to do is talk to Mr. Gosline about it. Now, we have not taken a vote on  
17 whether to deny this or not. But the motion is pending to deny your request. So we can  
18 certainly vote on it and you can come back again the next time. But my suggestion  
19 would be that you talk with Mr. Gosline.

20 MR. WESTON: Okay.

21 MR. PALMER: Mr. Chair, out of an abundance of caution, I withdraw my motion  
22 for denial and replace it with a motion to defer.

23 CHAIRMAN VAN DINE: Is the second –

1 MR. MANNING: Yes.

2 MR. FURGESS: I second that.

3 CHAIRMAN VAN DINE: The motion to deny has been withdrawn and the second  
4 has consented and we have an alternative –

5 MR. GOSLINE: Defer to the August meeting?

6 MR. PALMER: Until the August meeting.

7 CHAIRMAN VAN DINE: - motion to defer to the August meeting and there's been  
8 a second to that and that will allow Mr. Weston the opportunity to talk with Staff about  
9 what is necessary to get this properly before us. All those in favor of deferral please  
10 signify by raising your hand.

11 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
12 *Absent: Wyatt]*

13 CHAIRMAN VAN DINE: Alright. If you will talk with Mr. Gosline sometime.

14 MR. GOSLINE: Tomorrow.

15 CHAIRMAN VAN DINE: We're going to try and take a break probably after all  
16 these subdivisions, so if you want to hang around you might be able to get some  
17 information from him.

18 MR. WESTON: Thank you.

19 CHAIRMAN VAN DINE: Next we have is SD-05-280.

20 **CASE SD-05-280:**

21 MR. GOSLINE: Mr. Chairman and Members, this is a proposal for Twin Oaks,  
22 Phase III. This is an undeveloped portion of the Reflections PUD out on Caughman  
23 Road. near Rawlinson and Trotter Roads. The best - the aerial on page 83 shows the

1 location the best. The plat is pretty simple. These roads will be private roads since this  
2 all a portion of a privately maintained road system. Staff recommends approval.

3 CHAIRMAN VAN DINE: Any questions for Staff?

4 MR. MANNING: Carl, I was unclear as to how you access Phase I and II.

5 MR. GOSLINE: Off of Caughman Road through Creekside. Or through the  
6 Reflections main gate on Ulmer or secondary gate on Rawlinson. Now since this is part  
7 of a PUD, the applicant realizes he's going to have to conform to the homeowner  
8 restrictions in the Reflections PUD. They're well aware of that.

9 MR. JACKSON: It's a gated community, right? It's a gated community.

10 MR. GOSLINE: Yes.

11 CHAIRMAN VAN DINE: Any other questions for Staff?

12 MR. GREEN: Mr. Chairman, I move we approve this subdivision subject to the  
13 specific conditions spelled out on page 81 of the Staff Report.

14 CHAIRMAN VAN DINE: Do I hear a second?

15 MR. FURGESS: Second.

16 CHAIRMAN VAN DINE: All those in favor of approval please signify by raising  
17 your hand.

18 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
19 *Absent: Wyatt]*

20 CHAIRMAN VAN DINE: Stonington Phase III, SD-05-313.

21 **CASE SD-05-313:**

22 MR. GOSLINE: Mr. Chairman and Members, this is actually involving Stonington  
23 Phase II and III. The memorandum we prepared on page 87 summarizes where we

1 are. I'll direct your attention to Item 7. The application to FEMA has not been  
2 submitted. It was incomplete and additional information had not been received as of  
3 today to send the application on to FEMA. The process is the applicants send the  
4 information to Mr. Reid. He reviews it and checks it off and then it goes on to FEMA.  
5 This is - if you'll recall last month the memo on pages 88 and 89 was provided to you  
6 last month. The applicant asked for withdrawal. They are making some progress on  
7 some of these issues. They have a working document agreement that addresses a lot  
8 of the issues about who pays for what and Mrs. Robinson's access issues and those  
9 kinds of things. But that's still a work in progress. The Department recommends that  
10 we not consider anything - any other phases of Stonington until these issues are  
11 resolved.

12 **TESTIMONY OF RON SAFKO:**

13 MR. SAFKO: My name is Ron Safko. I'm an architect, a land planner. I  
14 designed Stonington. And I'm also one of the partners of Stonington. You received a  
15 lot of information about Stonington, a lot of it prejudicial. And I would like to take a little  
16 bit of time today to kind of set the record straight. It's been five years since we were  
17 before this Planning Commission on this project. Now it's five years ago. I mean y'all  
18 were talking about the new ordinance. Five years ago this project was designed as a  
19 low-impact, best management practices development. All of the green areas that you  
20 see on that drawing, dark green and light green, total of 48 out of 165 acres, have been  
21 placed in a permanent conservation easement already. There's a 12-acre park here, 12  
22 acre nature preserve here, as well as buffers between all of the various segments of the  
23 project. All that was designed with low-impact, conservation-oriented development in

1 mind. In February of 2001, we received complete engineering approval on the entire  
2 project. And so there's been a misunderstanding, I think, that has taken place. In  
3 February the PUD was approved, the drawings were submitted, the entire engineering  
4 package was submitted for this project, the entire package. Now this project consists of  
5 three separate segments. Stonebury, which is the pink here. Those are small,  
6 traditional neighborhood lots. All but 10 of them – there are 95 lots – all but 10 front on  
7 Park. Stonecroft, which is this section right here, all these interior lots back up onto a  
8 12 acre park. And then this section is called Stonecrest. That's on the side of Hawkins  
9 Branch on the northern side. And there's a lot of information you've gotten in letters  
10 about the north side of Hawkins Branch. Currently, Phase I has been built and it's this  
11 area right here - part of Stonebury, part of Stonecroft. Phase II consisted of this portion  
12 of Stonecroft. Construction has started. It's about 85% complete. And it was started  
13 because we already had engineering approval. We checked with our engineers before  
14 this was started and asked them, "Can we start? Do we have everything we need?"  
15 They said, "Yes, you do." And according to that letter, we do. Now there's been  
16 reference made to the flood elevation study that was requested in June. Well, if you  
17 look at that letter, the PUD elevation study is made a contingent part of Stonecrest, this  
18 portion of the project here on the north side of Hawkins Branch. In other words, we  
19 have a blanket approval for everything subject to providing a flood elevation study for  
20 those lots. And it's only a couple of lots in Stonecrest that are actually impacted,  
21 potentially, by flood. It's just one or two in this corner right here. But that was a part of  
22 Stonecrest. We don't plan to even develop Stonecrest for another two to three years.  
23 Nevertheless, we have gone ahead and provided the flood elevation study. Now there

1 is some impact here. And if you look at the aerial photograph that shows the flood area  
2 for Stonington, that's attached to your package. At least I've got a copy and I'm sure  
3 you do. That's why there's no lot here. That's to avoid that flood area. So this was  
4 designed specifically to avoid those flood areas. What the flood elevation study has  
5 shown us is that none of these lots are below the flood elevation. The flood elevation is  
6 about 300.9'. That's what that study said. Now I know what Carl said and I don't mean  
7 to contradict him, but we have a letter from Harry Reid, dated the 24<sup>th</sup> of June, to our  
8 wetlands consultant who's dealing with the Corps of Engineers, saying that they had  
9 received the flood elevation study and were going to forward it on to FEMA. Now I don't  
10 know if he's found an error in it before that. That study was actually given to him the  
11 first week in June. When he reviewed it he found a computation error and he sent it  
12 back to the engineers. The engineers revised it and sent it back to Harry. And then he  
13 wrote that letter that went to the Corps. Where we stand on our Corps permit is DHEC  
14 has signed off on this. The Corps permits, as far as DHEC is concerned, have been  
15 approved. We've been through two public hearing processes. Not just one, but two.  
16 Usually it's one. We've been through two. Today, I faxed down to the Corps the last  
17 two pieces of information they were asking for. One of them was that letter you have in  
18 your hand. So as far as we know, we're on the verge of receiving our wetlands permit.  
19 I can address any of the issues that relate to Phase III or Phase II that you may have,  
20 any concerns you may have. As far as Phase III is concerned, the reason why we're  
21 submitting it for preliminary approval is when Phase III was originally approved by the  
22 county's engineering folks, it was designed as a mass-graded area. Mass grading  
23 creates more siltation. As so what we've done is we've gone back and hired other



1 engineers to redo that to take out the mass grading to reduce the amount of runoff and  
2 siltation that would occur if it were mass graded. And so we're resubmitting. The layout  
3 is identical. It doesn't change. The only thing that's changed is the grading and the  
4 storm drainage system because we're not doing mass grading. What we're doing is,  
5 basically, grading in the roads. And so we're submitting Phase III because of the  
6 change in the engineering that we anticipate, wanting to do this in a way that is more –  
7 or have less impact on siltation downstream. But we've already received engineering  
8 approval on this entire project. And so that's why there's been some confusion. Now  
9 what's happened with the wetlands permit, the wetlands permit was initially applied for  
10 back in 2001. Unbeknownst to us, or to me anyway, somehow after it had gotten to  
11 DHEC and DHEC was ready to sign off on it, it was withdrawn. I don't know who  
12 withdrew it, but it was withdrawn. We were told by our engineers that we could cross  
13 one time without a permit, cross a creek. There are two issues that you need to be  
14 clear on. You talk about learning curve. Wetlands and streambeds are not the same  
15 thing. You can have wetlands without a streambed. And you can have a streambed  
16 with no wetlands. They're two entire separate issues. If you have a deeply incised  
17 stream, there are no wetlands because wetlands are, basically, a function of vegetation.  
18 And it's not a matter of whether the soils muddy or not. It's a function of the plant life  
19 that grows in those wetter areas that tells you where a wetland is actually located. In  
20 this case, we have issues that impact streambeds. And we have four streambed  
21 crossings. Those have all been applied for and they're all part of this permit. We're  
22 required, by the county – our first Phase, as originally submitted, did not include  
23 crossing this stream. It did not include putting in this retention and detention pond.

1 That phase stopped at the end of these lots. The county required us to cross that  
2 stream and to put in the detention pond. Now had we left that – you’ve heard a lot of  
3 issues and you’ve gotten packages from neighbors regarding siltation. Had we not  
4 disturbed that soil - had we left all the vegetation in place as we had intended and left  
5 that riparian buffer where it sat, it would have created a lot less silt problems or a much  
6 smaller silt problem than clearing that area, removing all that vegetation and then  
7 waiting for grass to grow after we had cleared it and created the detention pond. So the  
8 detention pond has actually exacerbated siltation problems downstream, not helped  
9 them. Had we left that alone as we had intended, we would have a year less of siltation  
10 to deal with. That pond had to go in as part of that first phase. And that was our one  
11 crossing. We got started on the second phase thinking we had wetlands permits and  
12 streambed permits when one of the member of the Corps of Engineers showed up at  
13 the project and said, “Y’all can’t cross that stream.” That’s this crossing here. This is  
14 the one where the retention pond is and where the dam is. This is the crossing that was  
15 in question because that was the second crossing. He said, “You don’t have a permit.”  
16 That was the first I knew about it. We started checking on it and sure enough we found  
17 out from DHEC that the permit had been withdrawn. So we immediately reapplied.  
18 That was July a year ago. We’re still waiting on that permit. And we’ve applied for the  
19 permit for all four of these crossing. It’s just not here, yet. Any other questions you may  
20 have I’ll be glad to address. Now none of the issues with regards to – there’s no flood  
21 issues and no wetlands issues in the phase we’re asking you to approve. That’s Phase  
22 III. We still have to resolve those issues, as far as the Corps is concerned, in Phase II.  
23 Hopefully that’s going to happen within the next week. Our wetlands consultant - and

1 you won't believe this story that I'm about to tell you. Talk about being "snake bit." We  
2 were stopped in January a year and a half ago. And the process was moving forward.  
3 We had applied for our permits, etc. We got a notification from the Corps person that  
4 was handling our wetlands application that he needed one more piece of information  
5 faxed to him and he would then take up and go ahead and sign off on our wetlands  
6 permit on Monday. Over the weekend – he's 36 years old – he died of a heart attack.  
7 So before that piece of paper ever got faxed to him – this fella's name was Larry  
8 Hanford – Larry died that weekend. All of his stuff got moved over to somebody else's  
9 desk and it went to the bottom of their stack. And so we had to go start through the  
10 whole process all over again. And that's why it's taken us over a year to get this  
11 wetlands permit.

12 CHAIRMAN VAN DINE: Thank you.

13 MR. SAFKO: So –

14 CHAIRMAN VAN DINE: Wrap it up. We're trying to get through this.

15 MR. SAFKO: Yeah. That's where we're standing. Like I say, I know there're a  
16 number of issues that Carl was addressing with regard to Phase II and I'd be glad to  
17 give you an update on where we stand on any of them. But we already have  
18 engineering approval. That's why I'm – I don't know what's going on.

19 CHAIRMAN VAN DINE: Mr. Gosline, can you explain to us why Phase III would  
20 be held up based upon the other issues that are going on with Phase II?

21 MR. GOSLINE: First of all, what Mr. Safko's talking about is the grading permit  
22 issued by Public Works, 2001.

1 MR. SAFKO: Well, this letter says storm drainage, sediment and erosion control,  
2 everything except water and sewer which comes from the city.

3 MR. GOSLINE: Right. So that was issued by them back in 2001 about the time  
4 that we were doing Phase I, if I recall correctly. How they took it upon themselves to  
5 issue a grading permit for the whole project when they didn't have engineering plans for  
6 the whole project –

7 MR. SAFKO: Yeah, we did.

8 AUDIENCE MEMBER: We did.

9 MR. SAFKO: We submitted all the engineering.

10 MR. GOSLINE: For the –

11 MR. SAFKO: For the whole project.

12 MR. GOSLINE: Well. Okay. The answer – I think that, again, the answer to your  
13 question, Mr. Chairman, is, just like we had the discussion a little bit ago with Eagles  
14 Glen, it's true that this particular project is outside the wetland area. You can see the  
15 connection to it and they have done some engineering to do away with the mass  
16 grading and all that. It's a question of trying – and I know they're doing the best they  
17 can do – but, again, it's a question of not having the pieces of paper.

18 CHAIRMAN VAN DINE: I guess if I'm looking at Phase III correctly, it's all in the  
19 front section. And there's nothing in the back.

20 MR. GOSLINE: Right. But it's – that green line you see goes in, like Mr. Safko's  
21 saying, goes into the detention area, the green and blue.

22 CHAIRMAN VAN DINE: But there isn't any floodplain.

23 MR. GOSLINE: Excuse me?

1 CHAIRMAN VAN DINE: There isn't any floodplain or wetlands issues that we're  
2 aware of up there.

3 MR. GOSLINE: No.

4 CHAIRMAN VAN DINE: Correct?

5 MR. GOSLINE: Right.

6 CHAIRMAN VAN DINE: So –

7 MR. SAFKO: And the layout is identical to what we submitted, too. I'm sorry,  
8 Howard.

9 CHAIRMAN VAN DINE: So what we're looking at is a different section which is  
10 more defined and severable from any of the issues that we're talking about in Phase II.  
11 I guess I'm trying to figure out why the whole project is being – you're saying delay the  
12 whole project when the issues that seem to me resolved seem to be in the back areas  
13 and those issues are being dealt with without – prior to getting approval of those things.

14 MR. GOSLINE: Phase III, which is the bottom part of the –

15 CHAIRMAN VAN DINE: Right. Lower right corner.

16 MR. GOSLINE – shaded in area there is connected through a wetland, a  
17 jurisdictional wetland, to the retention pond. So that's the connection.

18 MR. SAFKO: Well, it's connected to this pond, which is not our retention pond.  
19 This is the detention pond. This is the existing pond.

20 MR. GOSLINE: Right. But that's a jurisdictional wetland –

21 MR. SAFKO: Right.

22 MR. GOSLINE: - that you need a permit to cross. Right.

23 MR. SAFKO: Well, that's the one that we've applied for the crossing on –

1 MR. GOSLINE: Right.

2 MR. SAFKO: - that part of the permit. But that crossing is here. It's not here.  
3 That crossing's in Phase II. It's not in Phase III. We don't have a crossing there.

4 CHAIRMAN VAN DINE: Thank you, Mr. Safko. Anybody else have any  
5 questions for Staff or for Mr. Safko?

6 MR. GOSLINE: Mr. Chairman, if you choose to go ahead with Phase III, then we  
7 would like you to, at least, take some action on Phase II, that action that we  
8 recommended a month ago which is to not do anything else with Phase II if you want to  
9 separate them; if you choose to separate them and approve III but still hold up on II.

10 CHAIRMAN VAN DINE: But II is not before us.

11 MR. GOSLINE: Yes. It was. It was.

12 MS. LUCIUS: It was.

13 CHAIRMAN VAN DINE: It's not before us today on this agenda. So –

14 MR. GOSLINE: Well, but it was –

15 CHAIRMAN VAN DINE: - as a result of it not being on our agenda we need to  
16 add it to our agenda if we're going to take any action on it. And we have not added it to  
17 our agenda, so it would sit in the same position it was in prior to this meeting until it  
18 comes forward on our agenda. I think we're addressing Phase III and Phase III only at  
19 this meeting. Somebody correct me if I'm wrong.

20 MS. LUCIUS: That's right.

21 MR. GOSLINE: Well, Phase II was deferred and, therefore, you never acted on it,  
22 Phase II.

1 MS. ALMEIDA: You are correct. Phase II was not advertised and it is not on the  
2 agenda.

3 CHAIRMAN VAN DINE: Thank you. We are addressing Stonington Phase III.  
4 Does anybody else have any questions or comments you wish to make to the Staff or to  
5 Mr. Safko? Hearing none, do I hear a motion from the Commission?

6 MR. MANNING: I'd like to send this forward with a motion of approval. I'm not  
7 exactly sure how to weed my way through all the conditions and specifications that were  
8 attached. But actually the information we have in our packages discussing Phase II  
9 conditions, not the Phase III concerns. Do we have [inaudible]?

10 MR. GOSLINE: I'm trying to help Mr. Manning out, here.

11 MR. GREEN: Do we have a standard list of –

12 MR. MANNING: Standard conditions?

13 MR. GOSLINE: We did not – since we chose to recommend denial we did not go  
14 through and do the normal conditions that we would do. That's why they're not there.  
15 So I guess if you're of a - your motion might say –

16 MR. MANNING: I'd like to have the motion reflect the standard conditions that  
17 y'all apply.

18 MR. GOSLINE: - to approve it subject to the typical conditions or something.

19 CHAIRMAN VAN DINE: There are, certainly, specific conditions on page 81. If  
20 you want to look back over our – which are generic in nature.

21 MS. LUCIUS: Generic conditions.

1 MR. GOSLINE: Well, this is a considerably different project. I'm trying to think  
2 about how we should do this. The most expeditious way is to say "typical" or "standard"  
3 or whatever.

4 MR. MANNING: Standard conditions that you apply in the process.

5 MR. FURGESS: Not to include Phase II.

6 MR. MANNING: Not to include Phase II.

7 CHAIRMAN VAN DINE: Well, I guess my suggestion is, at the very least, you  
8 specifically mention those type conditions that are on page 81 because they seem to be  
9 very similar on all of the ones that we have been addressing as, at least, foundational  
10 conditions.

11 MS. LUCIUS: Right.

12 MR. GOSLINE: Yeah. I mean we have a standard format that we use, template.  
13 And we pick the conditions that fit the project.

14 MR. MANNING: Carl, would A through I be the standard? Is there anything –

15 MR. GOSLINE: Typically.

16 MR. MANNING: - left out? Does anything need to be added? Would anything  
17 need to be added to those conditions?

18 MR. GOSLINE: I, you know, I –

19 MR. MANNING: Then I'd like to make a motion that we approve, send this  
20 forward subject to the specific conditions found on page 81.

21 MS. LUCIUS: Second.



1 CHAIRMAN VAN DINE: Alright. Any discussion? All those in favor of approval  
2 of Stonington subdivision Phase III subject to the typical standard conditions inclusive of  
3 the ones on 81 please signify by raising your hand.

4 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
5 *Absent: Wyatt]*

6 MR. GOSLINE: Who seconded, please?

7 MS. LUCIUS: I did.

8 CHAIRMAN VAN DINE: Next is Jacobs Creek, SD-05-314.

9 **CASE SD-05-314:**

10 MR. GOSLINE: Mr. Chairman and Members, this is a continuation of the Jacobs  
11 Creek project at Bookman and Two Notch Road. Staff recommends approval. They  
12 have their wetlands statement. They have their flood elevation statement.

13 CHAIRMAN VAN DINE: How many phases are planned in this? Do we know?

14 AUDIENCE MEMBER: There's a total of 16 [inaudible].

15 MR. GOSLINE: Fifteen or 16.

16 CHAIRMAN VAN DINE: Okay.

17 MR. GOSLINE: Sort of depends how fast they sell them, I guess.

18 CHAIRMAN VAN DINE: Any questions for Staff?

19 MS. LUCIUS: No isolated wetlands in this one.

20 MR. GOSLINE: No, ma'am. The wetlands – we have a wetlands encroachment  
21 letter, permit, from the Corps.

22 MS. LUCIUS: I make a motion to approve subject to the conditions. Do we have  
23 conditions? Yes.

1 CHAIRMAN VAN DINE: Page 103.

2 MS. LUCIUS: On page 103.

3 CHAIRMAN VAN DINE: Do I hear a second?

4 MR. MCBRIDE: Second.

5 MR. FURGESS: Second.

6 CHAIRMAN VAN DINE: All those in favor of approval of SD-05-314 subject to the  
7 conditions on 103 please signify by raising your hand.

8 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
9 *Absent: Wyatt]*

10 CHAIRMAN VAN DINE: Alright. Next, SD-05-316, private driveway subdivision.

11 **CASE SD-05-316:**

12 MR. GOSLINE: Mr. Chairman and Members, this is four-lot, private driveway  
13 subdivision out Winnsboro Road. Staff recommends approval subject to the conditions.

14 MS. LUCIUS: Is this a long, dirt road?

15 MR. GOSLINE: No. The road isn't there right now.

16 MS. LUCIUS: It will be there?

17 MR. GOSLINE: Right.

18 MS. LUCIUS: But it will be -

19 MR. GOSLINE: Yeah. It's going to take some careful construction because the  
20 site goes like this, about an 80' drop from the front to the back.

21 MR. PALMER: Carl, do subdivisions that obviously do not have flood issues do  
22 they still require a letter from the Corps of delineation saying there are none?

23 MR. GOSLINE: Well - subdivisions that obviously don't have?

1 MR. PALMER: Correct.

2 MR. GOSLINE: Yeah. We – well, what we do is we – Harry looks at it and will,  
3 you know, if it obviously doesn't have anything then he'll just check it off. It's one of the  
4 checklist things, yes.

5 MR. GREEN: Carl, out of curiosity, on page 117, the aerial, the area shown as  
6 wetlands, the source of that information.

7 MR. GOSLINE: This is off the county GIS system.

8 MR. PALMER: Those will be, I guess, non-jurisdictional.

9 MS. ALMEIDA: That's correct.

10 MR. GOSLINE: I'm sorry. What was the question, Mr. Palmer?

11 MR. PALMER: I got it.

12 CHAIRMAN VAN DINE: It looks like the house is to be destroyed since the 50'  
13 easement is running right through the middle of it. Is that fair? Make for very light  
14 sleeping, I guess.

15 MR. GOSLINE: Well, actually, no. It doesn't go through the house. It goes next  
16 to the house. That's the driveway, the existing driveway.

17 CHAIRMAN VAN DINE: Would they have to have a setback off of that  
18 easement?

19 MR. GOSLINE: No. There's the house, right there. This sits the right-of-way.

20 MS. LUCIUS: Yeah. It's out of [inaudible].

21 CHAIRMAN VAN DINE: But is there a setback off of an easement line?

22 MR. GOSLINE: No.

23 CHAIRMAN VAN DINE: No? Okay.

1 [Inaudible discussion]

2 CHAIRMAN VAN DINE: Do we have a motion pending?

3 MS. LUCIUS: Huh-uh (negative).

4 CHAIRMAN VAN DINE: We do not have a motion on this. Do I hear a motion on  
5 it?

6 MS. LUCIUS: I move to approve, Mr. Chairman.

7 CHAIRMAN VAN DINE: Motion for approval. Do I have a second?

8 MS. LUCIUS: Subject to conditions on page 114.

9 MR. GREEN: And 115.

10 CHAIRMAN VAN DINE: And 115.

11 MS. LUCIUS: And 115.

12 CHAIRMAN VAN DINE: Do I have a second?

13 MR. FURGESS: Second.

14 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand.

15 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
16 *Absent: Wyatt]*

17 CHAIRMAN VAN DINE: Alright. SD-05-317.

18 **CASE SD-05-317:**

19 MR. GOSLINE: Mr. Chairman and Members, this is another private driveway  
20 subdivision out on Lost Creek Drive near Nichols Creek. Staff recommends approvals  
21 subject to the conditions on page 124 and 125. This is a very interesting site. If you  
22 look at the aerial on page 127, the site is the high point that's surrounded by all these  
23 wetlands and creeks and stuff. It's pretty spectacular, actually.

1 MS. LUCIUS: All of that green is Harbison State Forest.

2 MR. GOSLINE: Um-hum (affirmative).

3 CHAIRMAN VAN DINE: Do they have the appropriate wetlands and other things  
4 because it looks as though -

5 MR. GOSLINE: No. The site doesn't go into the wetlands.

6 CHAIRMAN VAN DINE: If I look at the map on page 129 it appears to.

7 MR. GOSLINE: Oh, I'm sorry. No. They do not yet have the flood elevation  
8 statement. But they would have to do that.

9 MR. PALMER: I don't understand how you can recommend what you did on the  
10 other one and not on this one.

11 MR. GOSLINE: Well, the difference is that these are much bigger lots. These  
12 are 3 and 5 and 6 acre lots. And so their impact is negligible.

13 MS. LUCIUS: Well I can see the measurements of these lots. There were no  
14 numbers on the last. There were no numbers. There were no - I couldn't tell how big  
15 the lots were on the last one. This one is spelled out.

16 MR. MANNING: [Inaudible] you do not have to have a certification from an  
17 engineer to build on that lot just like in the previous application?

18 MR. PALMER: I just think that's very inconsistent. I just think that's very  
19 inconsistent.

20 [Inaudible discussion]

21 MR. GREEN: Mr. Chairman, I'd like to place a motion on the floor to approve this  
22 subdivision subject to the conditions on page 124 and 125 of Staff Report.

23 MR. PALMER: Second.

1 CHAIRMAN VAN DINE: Just out of curiosity, is this actually seven lots, now, or is  
2 the now or formally Mary K. Grooms area – is that a separate parcel?

3 MR. GOSLINE: Well, it will be. This is a 60 acre parcel and they're carving out  
4 27 acres into the six lots.

5 CHAIRMAN VAN DINE: But it seems to me, on a subdivision you're subdividing,  
6 each and every parcel needs to have a parcel number when you do the subdivision.  
7 Even if you're going to remain with something else, the other area is being subdivided  
8 off from the larger piece.

9 MR. GOSLINE: Yeah. I mean you could, certainly, make this lot seven, the big –  
10 right. I think that's -

11 CHAIRMAN VAN DINE: And I think, in the future, we ought to request that all of  
12 the lots be at least identified so that we know that we're getting seven lots even if part of  
13 it is part of the original lot.

14 MR. GOSLINE: That's a good point.

15 CHAIRMAN VAN DINE: Alright. Do we have any questions or comments? All  
16 those in favor of the motion to approve this private driveway subdivision please signify  
17 by raising your hand.

18 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
19 *Absent: Wyatt]*

20 CHAIRMAN VAN DINE: Alright. Next we have is SD-05-37, Ascot Estates Phase  
21 VII.

1 **CASE SD-05-37:**

2 MR. GOSLINE: Mr. Chairman and Members, this is a request for a 43 lot,  
3 additional phase of the Ascot Estates project out on Hollingshed and Kennerly Road.  
4 Staff recommends approval subject to the conditions on page 135.

5 CHAIRMAN VAN DINE: I have a question about your conditions on 135. J says,  
6 “The developer shall install a fenced wall, landscape berm, or combination thereof to  
7 prohibit direct to . . .” And then there are question marks.

8 MR. GOSLINE: That should have been eliminated.

9 MS. LUCIUS: [Laughter]

10 CHAIRMAN VAN DINE: So is this particular “J” not necessary for –

11 MR. GOSLINE: That particular “J” is not necessary. One thing I do want to say.  
12 This site should look familiar to y’all. We had a couple of rezonings proposed for this to  
13 go to much more intense development.

14 MS. LUCIUS: Uh-huh (affirmative).

15 MR. GOSLINE: And the Mungo Company has come in and picked it up. And if  
16 you’ll look on page 141, where they’ve got a frontage easement, or frontage road, for  
17 the lots along Kennerly –

18 MS. LUCIUS: Right.

19 MR. GOSLINE: - Road, which we’ve encouraged a lot.

20 MS. LUCIUS: And frontage on Hollingshed.

21 MR. GOSLINE: And on Hollingshed.

1 MS. LUCIUS: I was questioning that frontage road on Kennerly. I was wondering  
2 why we had three access points there. You're only talking about seven or eight lots. I  
3 just wondered why we had to have three curb cuts. You see what I'm talking about?

4 MR. GOSLINE: Yeah.

5 MS. LUCIUS: I mean it's not a big deal. I just don't see why you need that many  
6 for that many lots.

7 CHAIRMAN VAN DINE: What's your spacing between those?

8 MS. LUCIUS: You see these three?

9 MR. GOSLINE: Well, the spacing here would be 250'.

10 MR. GREEN: The [inaudible] looks like we're over 700'.

11 CHAIRMAN VAN DINE: Yeah, it's bigger than that. Bigger than 250.

12 MR. JACKSON: Well the numbers we have here.

13 MS. LUCIUS: That was the only question I had.

14 MR. GOSLINE: I think this is the first time we've had – that I can recall – an  
15 applicant actually propose a frontage road.

16 MS. LUCIUS: Right.

17 MR. GOSLINE: We've required it on a couple of occasions.

18 MS. LUCIUS: I'm glad to see it. I was just wondering why we had three cuts for  
19 that number of lots.

20 MR. FURGESS: Carl, on page 34, number 3?

21 MR. GOSLINE: I'm sorry. What?

22 MR. FURGESS: About the Fire Marshall disapproved the plan.

23 MR. GOSLINE: "Fire Marshall must approve..."



1 MS. LUCIUS: On 134, number 3.

2 MR. FURGESS: Three.

3 MR. GOSLINE: Oh, I'm sorry. Yeah. I think that – but we – the – we put the  
4 statement on page 135 saying that they're going to have to get approval.

5 MR. GREEN: Do you know why he disapproved it?

6 MR. GOSLINE: No. So it's – they're not – I know at first blush it sounds  
7 inconsistent. But what – if you look over here under the "Pertinent Facts", the  
8 comments we've gotten was disapproval. You come over here under the "Conditions of  
9 Approval," they've got to take care of whatever problem they have with the Fire Marshal.

10 MR. FURGESS: Number E. So you know whether that's been – you've got the  
11 letter of approval? Did he get this matter straightened out?

12 MR. GOSLINE: Well that's one of the conditions of approval, to get it  
13 straightened out. That's pretty typical.

14 MS. LUCIUS: There's no access onto Kennerly Road from the bigger part.  
15 That's internal –

16 MR. GOSLINE: Yes.

17 MS. LUCIUS: - connecting to the part that's already built, right?

18 MR. GOSLINE: Right.

19 MS. LUCIUS: Okay. I was looking everywhere for an access.

20 CHAIRMAN VAN DINE: We may have gone through this when this was up for  
21 zoning approval, but if you look on the tax parcel, the one on page 140, there's a little  
22 sliver of yellow along Hollingshed. That page right there. Carl, no back one. See the  
23 little sliver of yellow sort of –

1 MR. GOSLINE: Yeah. I'm sure that's just –

2 CHAIRMAN VAN DINE: Is that actually part of this or is –

3 MS. LUCIUS: It is.

4 MR. GOSLINE: That's just a parcel line error.

5 MR. GREEN: 145. It's on page 145 at the top.

6 CHAIRMAN VAN DINE: Alright. Is there a reason why it keeps showing up with  
7 that little -?

8 MR. GOSLINE: Yeah. It hasn't been corrected yet.

9 CHAIRMAN VAN DINE: Okay.

10 MS. LUCIUS: [Laughter]. Oh, he's talking about that! Oh, I see.

11 MR. PALMER: Mr. Chair, I make a motion to approve subject to conditions on  
12 page 135 –

13 MS. LUCIUS: Second. Oops.

14 MR. PALMER: - minus – exclusive of J.

15 MS. LUCIUS: Second.

16 CHAIRMAN VAN DINE: Alright. Now did we – if you look at the maps, you have  
17 that certain lots should be prohibited from accessing onto Hollingshed? You don't have  
18 that in your conditions.

19 MS. LUCIUS: Or Kennerly, either one.

20 MR. GOSLINE: That should be where – J.

21 CHAIRMAN VAN DINE: Alright. So, then, J is actually, if you go to page 134,  
22 lots on Kennerly 2 through 8 and lots 9 through 15 on Hollingshed should not be  
23 allowed access onto the main thoroughfares, as another condition. Correct?

1 MR. GOSLINE: Yes, sir.

2 CHAIRMAN VAN DINE: Who made the motion for approval?

3 MR. PALMER: I'll amend my motion to include that.

4 CHAIRMAN VAN DINE: Will the second amend their second?

5 MS. LUCIUS: Yes.

6 CHAIRMAN VAN DINE: All those in favor of the motion, subject to that  
7 amendment, please signify by raising your hand.

8 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
9 *Absent: Wyatt]*

10 CHAIRMAN VAN DINE: Alright. SD-05-274, Heyward Brockington minor  
11 subdivision.

12 **CASE SD-05-274:**

13 MR. GOSLINE: Mr. Chairman and Members, this is a minor subdivision on  
14 Heyward Brockington Road near Winterwood Road. This is – Staff recommends  
15 approval. They have – they have not – well, let's see - this isn't the best - subject to  
16 showing the driveway locations. Obviously they're going to have to have either 2 and 3  
17 or 1 and 2 are going to have to have a joint driveway.

18 CHAIRMAN VAN DINE: Alright. I'm going to ask a question. The other one we  
19 had earlier which had driveway questions you suggested denial –

20 MR. GOSLINE: Yeah.

21 CHAIRMAN VAN DINE: - not an alternative to have them come back and identify  
22 the locations.

1 MR. GOSLINE: The difference with the other one was they had the other  
2 problem, as well. So it would not – if they did have the driveways it would not be  
3 enough, in my mind. The other one had the problem of the isolated lot, as well.

4 CHAIRMAN VAN DINE: So the other one was more directed at the land-locked  
5 piece of property than the driveway.

6 MR. GOSLINE: Correct.

7 CHAIRMAN VAN DINE: And so that the driveway, itself, issue could have been  
8 resolved through the same type of situation in here and that other one?

9 MR. GOSLINE: Correct. We've typically done that quite commonly in these  
10 minor subdivisions.

11 CHAIRMAN VAN DINE: Okay.

12 MR. JACKSON: Quick question. Is there a minimum lot for a minor subdivision?

13 MR. GOSLINE: This is still under the old code. But no, there's no minimum  
14 number.

15 MR. JACKSON: Even under the old code wasn't it 0.76, was it?

16 MR. GOSLINE: Well, you have to conform to the zoning and these all do that.  
17 This is RU zoning.

18 CHAIRMAN VAN DINE: Alright. Any other questions?

19 MR. FURGESS: Question to Carl. Carl, on Heyward Brockington Road, is this  
20 the part where – I think it came before us before – where those people put those mobile  
21 homes?

22 MR. GOSLINE: No. This is two or three miles away from that. This is down near  
23 the – there's a utility pump station kind of in a low area on Holling -

1 MR. FURGESS: Okay. Yeah, I know where it's at.

2 MR. GOSLINE: And it's right across from that.

3 MR. FURGESS: Okay.

4 CHAIRMAN VAN DINE: Any other questions? Do I hear a motion?

5 MR. MCBRIDE: I recommend approval based on conditions on page 150.

6 CHAIRMAN VAN DINE: Alright. Do I hear a second?

7 MR. FURGESS: Second.

8 CHAIRMAN VAN DINE: We have a motion for approval subject to the conditions  
9 on page 150. All those in favor please signify by raising your hand.

10 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
11 *Absent: Wyatt]*

12 CHAIRMAN VAN DINE: Alright. Ladies and gentlemen, I hate to do it because I  
13 know you've been very patient with us, but we've been going for the better part of two to  
14 2 1/2 hours now. We're going to take a short, five minute break. And I want to try and  
15 keep it to five minutes, so if everybody can get back here as quickly as possible. Thank  
16 you.

17 *[BREAK]*

18 CHAIRMAN VAN DINE: Alright. We're going to get back in. I know we have a  
19 couple of people who are still missing but they can step in. You're playing music over  
20 there?

21 MR. FURGESS: Yeah. I'm cutting it off.

22 CHAIRMAN VAN DINE: *[Laughter]*. Alright. The first up on our Zoning Map  
23 Amendments is 05-56 MA.

1 **CASE 05-56 MA:**

2 MR. GOSLINE: Mr. Chairman and Members, this is a request by the Chinese  
3 Culture Center to rezone a parcel of property off Pineview Road near Bluff Road from  
4 M-1 to GC. Staff recommends approval subject – well, approval. You can – there are  
5 no conditions, really. I'd be glad to answer any questions. The applicant is here to  
6 answer any questions, as well.

7 MR. GREEN: I have a question for Staff. I went through my use types in my new  
8 land development code and did not find Chinese Cultural Center as a use type. What  
9 use type did y'all evaluate this zoning request under?

10 MR. GOSLINE: We –

11 MR. GREEN: Is this – I just wanted – is this a –

12 MR. GOSLINE: The Zoning Administer determined it needed to be a GC.

13 MR. GREEN: I'm just saying what we have that – is this an auditorium? Is it  
14 going to be a - I'm just not sure. A museum and gallery? I didn't know what - if I look at  
15 –

16 AUDIENCE MEMBER: I can answer that question. [Inaudible]

17 **TESTIMONY OF LEA WALKER**

18 MS. WALKER: Can I answer that question? I'm President of the Chinese Culture  
19 Center. And we offer a lot of programs.

20 CHAIRMAN VAN DINE: Please.

21 MS. WALKER: It's a cultural and educational exchange program. And we are a  
22 non-profit organization. And we have an IRS status of 501-C(3). And we offer Tai-chi,  
23 martial arts, and Chinese classes, [inaudible] classes. And, also, we have an annual

1 program for teaching English in China. That's the way we recruit Americans to go teach  
2 English in China. So this is what we do. We also organize cultural tours and house  
3 tours to go to China. So – but we have been doing this for four years. And now the  
4 reason we want to build a new center because nowadays our current office is in  
5 modular and it's really too crowded and cannot hold all our programs. We have to rent  
6 our classrooms in USC and, you see, for our Chinese classes, Tai-chi classes, we have  
7 to offer classes off of our site, not on our site. So that's why it's - now currently our  
8 office is 4224 Branning Drive. And now we bought land just across Branning Drive,  
9 across the road, 4225 Branning Drive. So we have applied for federal grant to build a  
10 big center there. So now, you see, that's the site we think. We have been there for four  
11 years, so it's just across the road and we know the surroundings. Yeah. We just want  
12 to get it rezoned to be able to build us a new center there.

13 CHAIRMAN VAN DINE: Can you please give us your name and address?

14 MS. WALKER: Okay. Yeah. My name's Lea Walker and I'm President of  
15 Chinese Culture Center. Currently our address for Chinese Culture Center is 4224  
16 Branning Drive.

17 CHAIRMAN VAN DINE: Okay.

18 MS. WALKER: The new site for this case is 4225, just across the road to our  
19 center.

20 CHAIRMAN VAN DINE: Alright.

21 MS. WALKER: Thank you.

22 CHAIRMAN VAN DINE: Thank you.

1 MS. ALMEIDA: Because of the multiple uses, rooming and boarding, and  
2 educational/institutional, Staff determined that the GC would be the best fit.

3 MR. GREEN: I was just wondering if it was in a category, if it had any special  
4 requirements or any of those issues to deal with as to defining principal and accessory  
5 uses.

6 MS. ALMEIDA: It is permitted outright.

7 MR. GREEN: Okay.

8 CHAIRMAN VAN DINE: Carson Walker is also listed. Do you have anything  
9 additional to say? If you do, please come up.

10 MR. WALKER: Well, I'm trying to help.

11 CHAIRMAN VAN DINE: Please come up to the podium. You need to come up to  
12 the podium, please.

13 **TESTIMONY OF CARSON WALKER:**

14 MR. WALKER: It'd be nice to have the culture center next door. And I've been  
15 working with them quite a few years. But it sure would be nice to have them next door  
16 to me. The street's named after me, by the way.

17 CHAIRMAN VAN DINE: Alright. If you could, please, give your name and  
18 address.

19 MR. WALKER: Carson B. Walker. Carson Brannon Walker.

20 CHAIRMAN VAN DINE: Thank you, sir.

21 MR. WALKER: Thank you.

22 CHAIRMAN VAN DINE: Those are the only people signed up for this particular  
23 request. Any questions for Staff?



1 MS. LUCIUS: Just out of curiosity, where is the State Farmer's Market going to  
2 be?

3 MR. GOSLINE: Almost a mile north.

4 MS. LUCIUS: Oh, okay. Not really that close.

5 MR. GOSLINE: It's off the end of Shop Road.

6 MS. LUCIUS: I was just curious. Okay. I see. Mr. Chair, I'd like to make a  
7 motion that we send this forward with a recommendation of approval.

8 CHAIRMAN VAN DINE: Do I hear a second?

9 MR. FURGESS: Second.

10 CHAIRMAN VAN DINE: We have a motion to send this forward with  
11 recommendation of approval. All those in favor please signify by raising your hand.

12 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*  
13 *Absent: Wyatt]*

14 CHAIRMAN VAN DINE: Alright. Next we have is 05-77 MA.

15 **CASE 05-77 MA:**

16 MR. GOSLINE: Mr. Chairman and Members, this is a request for a PDD on  
17 Dreher Shoals Road, almost to the Lexington County line. This is roughly across from  
18 the English Gardens PDD that we considered a year or so ago. The Staff recommends  
19 approval subject to the conditions on page 171. Oh, I'm sorry. I was looking at  
20 something else. Recommends denial.

21 CHAIRMAN VAN DINE: Alright. We have a -

22 MR. GOSLINE: The applicant is here.

23 CHAIRMAN VAN DINE: We have a number of people signed up. Scott Bolo.

1 CHAIRMAN VAN DINE: To be followed by James Hazard.

2 MR. GREEN: Just a quick question for Staff. I did not receive in my package a  
3 map that depicted the site along with the other zoning in the area. I got that. I just  
4 didn't get the zoning map.

5 MS. LUCIUS: The little, colored, [inaudible] map.

6 MR. GOSLINE: Right. We didn't do one for this particular project.

7 CHAIRMAN VAN DINE: Any particular reason?

8 MR. GOSLINE: I have no good answer, Mr. Chairman. We just forgot it.

9 CHAIRMAN VAN DINE: Alright. Please, if you'll give us your name and address  
10 before you start.

11 **TESTIMONY OF SCOTT BOLO:**

12 MR. BOLO: Certainly. My name's Scott Bolo, 111 Executive Center Drive. I've  
13 been hired as a consultant to represent the applicant, Palmetto Shoals, LLC. On  
14 "Findings of Fact" under number 5, I was under the impression "The Planning  
15 Commission hereby approves the master plan subject to the condition listed above as  
16 required by Chapter etc., etc."

17 MR. GOSLINE: The recommendation is for denial based on the "Findings of  
18 Fact" at the top of page 171. The PDD conditions we included. If you chose to approve  
19 it, then these conditions would apply.

20 MR. FURGESS: Carl, can't hear you. Can you speak a little louder. Can't hear  
21 you.

22 MS. LUCIUS: We're having a hard time hearing.

1 MR. GOSLINE: Let me say it again. The recommendation is denial based on  
2 the "Findings of Fact" at the top of page 171. If you choose to approve it, then you  
3 should use the conditions on page, where it says "The PDD Conditions" on the bottom  
4 of page 171 and 172.

5 MR. GREEN: Item 5 on the top is not, in fact, a Finding of Fact.

6 MS. LUCIUS: Huh-uh, huh-uh (negative).

7 CHAIRMAN VAN DINE: Number 5 is if we were to find, you are saying that we  
8 need to use the conditions.

9 MR. GOSLINE: That's correct. It is not –

10 CHAIRMAN VAN DINE: Alright. Anything else that you wanted to –

11 MR. BOLO: No. We didn't read that that way. Under Item 5 under "Findings of  
12 Fact" when it says "The Planning Commission hereby approves subject to the following  
13 conditions" –

14 CHAIRMAN VAN DINE: We have not approved anything.

15 MR. BOLO: I understand.

16 CHAIRMAN VAN DINE: That is a statement.

17 MR. BOLO: We, the applicant and myself, have gone and done quite a bit of  
18 community outreach on this project. Originally the plan was for a 14 story structure.  
19 We've gone back and done quite a bit of work on that and reduced it to an 8 story  
20 structure. We did a visual impact study to go in and actually determine the visual  
21 impact of this project to the local residents. In meeting with the local community groups,  
22 Ballentine-Dutch Fork Community Group, as well as the folks in the Village there next  
23 door, the Village indicated that they would be willing to support this project. The folks at

1 the Ballentine-Dutch Fork Community, they seemed to indicate that they were not happy  
2 with the height of the structure. And we went back to have that discussion with them. I  
3 understand there's still some unhappiness regarding the proposed height of the  
4 structure. And I think that the PDD demonstrates, through the visual impact study, that  
5 the overall visual impact to the folks in the immediate area will not be significant. And  
6 we agree with the conditions that were put in here under the "Findings of Fact" and the  
7 conditions. We agree that those are suitable. We have, also, some schematics here  
8 that we've provided. This is a full-sized drawing of the PDD right here. We're proposing  
9 for a commercial area out in the Highway 6 area, Dreher Shoals Road. This would be  
10 the single-family area that's proposed. All the yellow areas are common areas. There's  
11 a green that runs through the center of the property. There's also a lakefront  
12 pool/cabana area, amenity, and then the multi-family residential structure proposed for  
13 the back portion of the property, away from the lake.

14 MR. GREEN: I couldn't tell from the size of the plan, but is there any lake access  
15 being provided through that piece?

16 MR. BOLO: Yes, sir. The lake access will be provided through the yellow section  
17 in here, which is a common area as well, which will have a lake access component with  
18 it.

19 MR. MANNING: When you did the visual impact analysis, that was with a  
20 balloon?

21 MR. BOLO: Yes, sir.

22 MR. MANNING: And could you see it from the road?

1 MR. BOLO: You could not see the balloon at all from the road. There was no  
2 ability to see the balloon whatsoever through the canopy that's existing on the road.  
3 And I think the point that's important to take into consideration is there's a buffer area  
4 between the commercial area and the single-family residential that will be maintained.  
5 It's a 30' wide buffer and all the vegetation and trees in that area will remain. When we  
6 did a line-of-site analysis, from the roadway you would not be able to see the building  
7 because of that buffer.

8 MR. MANNING: And is it assumed those trees – I noticed in your photograph that  
9 the trees around the building, there's a green area and most of the trees were gone.  
10 Does it assume that in your analysis or -

11 MR. BOLO: No. As a matter of fact it doesn't. That's a shortcoming on the  
12 architectural ability to show the building from far enough back without running – you  
13 know you would have to look through that tree line to get a whole visual of the building.  
14 So then what you would have seen is a picture of trees, not a picture of a building. And  
15 that's the reason that he did that.

16 MR. GREEN: What's the elevation? Do you know what the elevation is at the  
17 road?

18 MR. BOLO: The approximate elevation on the roadway I can tell you that. I do  
19 have some information here on that. It's approximately 394', plus or minus.

20 MR. GREEN: And the basic center point of the – what's it – 8 story structure?

21 MR. BOLO: On here I'm reading that's approximately 380.

22 MR. GREEN: 380?

23 MR. BOLO: Yes.

1 CHAIRMAN VAN DINE: Three sixty four or 394?

2 MR. GREEN: He said 394. And approximate height of the building?

3 MR. BOLO: We did the study at 110'. We don't anticipate that the building will be  
4 that high but we wanted to have some measure of conservatism to the approximation  
5 that was done with the balloon study.

6 MR. GREEN: And after Area 1 is cleared for commercial development, you don't  
7 expect the 110' high building to be visible from a road that's 14' higher than the base  
8 elevation of the building?

9 MR. BOLO: That's correct. And I base that upon the visual impact study that was  
10 done, Part 1 and Part 2, the recommendations – the fine recommendations that these  
11 good folks put together on having a barrier along the roadway to screen the entire  
12 project.

13 MR. GREEN: But you plan to put a screen between Highway 6 and the  
14 commercial area?

15 MR. BOLO: We are planning to put in the tree buffer behind the commercial area.  
16 And, then, there was a call for some buffering, as well, along Highway 6, that looked like  
17 it was appropriate.

18 CHAIRMAN VAN DINE: Any other questions for Mr. Bolo?

19 MR. GREEN: I don't see a description of the buffer along Highway 6 anywhere.  
20 Maybe I'm missing it somewhere. I apologize, but I don't see that.

21 MR. BOLO: If you look under items F, G through Q. "Applicant shall construct a  
22 landscape berm, fence, or wall or some other combination thereto." With a landscape  
23 berm coming up off the roadway.

1 MR. GREEN: Thank you.

2 CHAIRMAN VAN DINE: Mr. Hazard.

3 MR. BOLO: Mr. Hazard had to depart.

4 CHAIRMAN VAN DINE: Alright. Mr. Phil Savage. Mike Sloan would be next,  
5 please.

6 **TESTIMONY OF PHIL SAVAGE:**

7 MR. SAVAGE: Good afternoon. I'm Phil Savage. The address is 30 Mannis  
8 Road, Irmo, South Carolina. I'm a resident of the Ballentine-Dutch Fork area. I'm in the  
9 land development business. And I'm a member of the Board of Directors of the  
10 Ballentine-Dutch Fork Civic Association. And I think that the fact that this is the second  
11 time – only the second time I've ever been down here to oppose a development. I want  
12 to say that only because I'm trying to let you know that there are a lot of members in the  
13 Ballentine-Dutch Fork Civic Association that are not opposed to development simply as  
14 modernization or new growth. However, in this particular case, we've received  
15 numerous objections to the fact that an 8 story building would be proposed in an area  
16 that the nearest building above three stories would probably be the City of Columbia, to  
17 my knowledge, anyway. They did come meet with the civic association board. They  
18 have not met with the general membership. I think that's very important because the  
19 general membership, we don't meet during the summer unless we specifically call it.  
20 We didn't call that meeting, so a lot of our membership is not aware of this  
21 development. It's put on a very busy highway and it runs parallel with it. And I think it's  
22 very important that a lot of people don't know about it. The president of the  
23 neighborhood next door sat for about an hour and a half or two hours and finally had to

1 leave. His name is Mark Becker. He's President of the homeowners association for  
2 Waterford, across the street. And they are opposed to this development, as is our  
3 organization. I know y'all have seen the growth plan for the area and I don't profess to  
4 know all that much about it other than the fact that the two areas that are marked low  
5 density – the one theme that seems to just sort of jump out at you is that you have low  
6 density, the two yellow areas, right next to the two water resources, Lake Murray and  
7 the Saluda – the Broad River over here. And the higher density areas are closer to the  
8 traffic arteries. And when you look through the report that the Planning Staff did, it's  
9 very clear there are a number of objectives that are laid out in that report. And this  
10 particular plan is not consistent with – it does not implement those objectives. It is very  
11 clear to me, after reading the recommendation, that the recommendation was against  
12 this. I'm glad to see that because I consider them professionals that have studied land  
13 planning and are much more knowledgeable than I am or most people are about where  
14 we should put our resources as we grow into the future. And that's what the Ballentine-  
15 Dutch Fork Civic Association is trying to do. We're trying to make sure we grow in the  
16 proper manner. And when we see the objectives of promoting a variety of residential  
17 uses that blend with surrounding characters and then they say it does not implement  
18 that. They say that they discourage additional commercial marina development along  
19 the lakefront; does not implement that. That it be between 1.3 and 3 dwelling units an  
20 area in these two yellow areas and higher density in the orange areas; it does not  
21 implement that. That the established low-density residential neighborhood shall be  
22 protected against penetration or encroachment from higher intensity development; it  
23 does not implement that. And that Development shall be limited to individual lots and



1 individual dwellings in the low-density areas; it does not implement that. It's just that -  
2 it's not the one particular development. Actually, I know of the family that is developing  
3 this. I think they've been a long time around, a lot longer than I've been around to be  
4 honest with you. But it was an 82 acre tract, originally. And what you would be doing,  
5 you'd be setting a precedent to just go in anywhere along the lake or along the river, for  
6 that matter, and start putting up 8 story buildings. You're going to be hard-pressed to  
7 tell the next guy "no". I don't, personally, think there's a market for it, anyway. But I  
8 think it would be a major mistake to approve this proposal. And I think, to be honest  
9 with you in the long run, they may be glad, also, because I don't think there's a market  
10 for it. But, anyway, that's our opinions on it. We are going to get a newsletter out to the  
11 members so that they are made aware of the development and would be able to come  
12 down to County Council. And that's after-hours, I think, so it makes it a lot easier. We  
13 lost a lot of people that were sitting here earlier.

14 CHAIRMAN VAN DINE: Thank you. Mr. Sloan. Rose Monts would be next,  
15 please.

16 **TESTIMONY OF MIKE SLOAN:**

17 MR. SLOAN: Mr. Chairman, Commission, I'm Mike Sloan. I'm President of the  
18 Ballentine-Dutch Fork Civic Association. And Mr. Savage covered a good bit of what  
19 our sentiments were. And that is that we are opposed to something like this. You may  
20 remember a few years ago the towers episode we had up on the lake. So it kind of  
21 reflects a little bit of this, as well, within us again. President's grandfather used to say,  
22 "If you let the camel's nose in the tent, he's coming in." This is what scares us. Not  
23 one. I don't think any one of these is going to hurt the lake. But, collectively, they'll

1 choke and kill the lake. Water quality cannot be compromised. That's one thing we  
2 have to look into. Richland County is the trendsetter of the four counties around Lake  
3 Murray and the trendsetter of this state. And I believe we'd be doing an injustice to our  
4 water quality to do this. We forget, wholeheartedly, so easily, the new role that Lake  
5 Murray has taken on in the last 20 years, and that is a reservoir. Forty-three percent,  
6 conservatively that figure, is water that comes and goes to the City of Columbia from  
7 Lake Murray. We just put in a big pipeline from Lake Murray to Blythewood for  
8 development purposes. We just instituted a new water quality treatment plant up in  
9 Newberry. This is to show you that we're depending more and more and more on this  
10 valuable resource. And when we depend on it we've got to be careful about the impact  
11 of growth. Low-density development, things like this along the lake, done right – we're  
12 in good shape. We start going in with high-density development, with that kind of  
13 impact, we're choking a vital resource that we need for our very survival. The decisions  
14 that we make here, today, at this Planning Commission is going to affect that. Your  
15 decision is going to affect your children and your grandchildren. You've got to make the  
16 right decision here. You've got to look at the overall picture. We've left out the aspect  
17 that Lake Murray's new role is a reservoir. And we need to look at that role. And we  
18 need to look at our growth plan. It says low density in that area. There's a reason for  
19 that. And the reason's quite simple, again, water quality. Let's stick to the reasoning  
20 and good common sense. We stuck to that reason before and we were able to work  
21 things out. Let's do it again. Let's don't deviate and open up a precedent and set  
22 something out there on that lakeshore that can run rampant and take away a vital  
23 resource for survival that all of us need. I thank you.

1 CHAIRMAN VAN DINE: Thank you. Rose Monts. Mike Richardson to follow,  
2 please.

3 **TESTIMONY OF ROSE MONTS:**

4 MS. MONTS: Good afternoon. I'm Rose Monts. I live at 3001 Dreher Shoals  
5 Road. Currently I'm speaking for my family. And we are currently building almost  
6 adjacent to this property, this project. And we can – we would be able to – we have no  
7 objection of this. I mean we cannot see where this project would be from where we  
8 are. And we're right next door, practically, to it. So that's all I have to say. Thank you.

9 CHAIRMAN VAN DINE: Thank you. Mike Richardson.

10 AUDIENCE MEMBER: Mike [inaudible] and had to leave.

11 CHAIRMAN VAN DINE: Alright. Lisa Borden.

12 **TESTIMONY OF LISA BORDEN:**

13 MS. BORDEN: Good afternoon. I'm Lisa Borden and I live at 116 Rideoutte  
14 Point Road, Irmo, South Carolina. Can you hear me? Sorry. I'm a resident in the  
15 Ballentine-Dutch Fork area and this is the first time I've ever come before the Planning  
16 Commission. So that just tells you how strongly I feel about this development. We did  
17 fight this a few years ago with some property off Marina Road that was zoned  
18 commercial. And never in my wildest mind would I think that we'd be fighting this on  
19 property that has been zoned low-density residential, not even zoned commercial. So  
20 I'm just stunned. I do agree with the Planning Commission's Staff recommendation of  
21 "no" to this project. The applicant's plan is against the current growth and land-use  
22 plan. And the current plan for that property at this point is low-density residential. Can I  
23 put up your picture? What it's going to look like. Do you mind? This one.

1 MR. BOLO: Sure. I think it's a good idea.

2 MS. BORDEN: This is the first time I've seen this. But this is what they're  
3 recommending for the 8 story building to go in. The applicant's - right now the current  
4 plan is RU, which is single-family, and then RG-2, which is multi-family. Right now 12  
5 acres of that property is zoned for single-family and three acres is zoned for multi-  
6 family. None of it is zoned for an 8 story building that you'd have to come to downtown  
7 Columbia to find. The density that the applicant's PDD is recommending is far higher  
8 than the density that's recommended and it includes commercial use. The Monts family  
9 owns 82 acres of property, currently. They're only looking at rezoning in this PDD 15  
10 acres. So you're setting a precedent for what's happening around the lake. I know they  
11 said they've done a visual impact of what this would look like from the road. I can't  
12 believe you wouldn't see an 8 story building from the road. And I know we got in a boat  
13 this past weekend and we're driving around and you sure would see it from the lake and  
14 from all around the lake. And I don't think they've done a visual impact study of what it  
15 would look like for people miles away on the lake. I do think you're setting a precedent  
16 by what you do today on how rural residential land will be developed around Lake  
17 Murray. And I pray that you make the right decision. Thank you.

18 CHAIRMAN VAN DINE: Thank you. Those are the only people who have signed  
19 up to speak on this particular matter. Any questions for Staff or any comments?

20 MR. BOLO: I have a couple of comments for the Board.

21 CHAIRMAN VAN DINE: Two minute rebuttal, if you would like. Very quickly,  
22 please.

1 MR. BOLO: Certainly . Thanks for taking the time. I just had a couple of points  
2 for clarification. We were talking about high density in this area. If you look at the  
3 overall density, it's less than 10 per acre. Presently the Village, next door, is zoned  
4 much higher. I recognized that there was a land use plan that was drawn up some time  
5 ago and that this is not consistent with that plan. But if you look at everything going on  
6 around it, the PUD at Woodleighs, English Village, the Waterford development, the  
7 Village, none of that is consistent with the land development plan. The density and the  
8 water quality issue, that's valid. There are things that we'd like to do to address that.  
9 There's soil stabilization methods. There's siltation methods. Our particular  
10 engineering group was written up by Lake Murray News as being environmentally  
11 conscientious. We were written up in the Lake Murray News for going above and  
12 beyond on water quality issues. Water quality issues in development are primarily  
13 attributed to siltation. Once the land is stabilized and the people are living there, they  
14 use public water and they use public sewerage systems. There's not a direct impact to  
15 the quality of the water in Lake Murray from the people living along it that use the public  
16 facilities for sewer and water. Those were just two items I thought needed a little bit of  
17 clarification. And with regard to the visual impact study, it's valid. It's good. I would  
18 stand behind the data. We really did go – and the applicant made very many  
19 concessions, as well, on the layout and the design and reducing the usable area to  
20 maximize the screening for the structure. And I welcome any questions on that behalf.  
21 Thank you very much.

1 CHAIRMAN VAN DINE: There would be runoff and there would be fertilizers and  
2 other things along the edge of the water that would have to be controlled, as well, is that  
3 not correct?

4 MR. BOLO: Are you speaking prior to development or after?

5 CHAIRMAN VAN DINE: After it's in place. The roads and the parking lots for this  
6 building and other things where the individual landowner's doing, fertilizing their yards  
7 and other things. Those would have an impact on the water quality, would they not?

8 MR. BOLO: Yes and no. The fertilizing of the yards, absolutely. The siltation  
9 and runoff from the roadways can be mitigated to some degree by using riparian  
10 buffers, which we heard a little about earlier this evening.

11 CHAIRMAN VAN DINE: Okay.

12 MR. BOLO: Thank you, sir.

13 MR. GREEN: I just had one last – I had one last question for the –

14 MR. BOLO: Yes, sir.

15 MR. GREEN: I noticed in the site plan, on the northern side of the site plan, looks  
16 like there's a road stubbed out that goes – that doesn't - I'm assuming that stub there is  
17 if this gets approved there's going to be a desire to continue that road and expand  
18 development back along that road. Is that the purpose of that stub out?

19 MR. BOLO: Well, we had talked quite a bit about ingress/egress, traffic patterns,  
20 traffic impact studies. There was a lot of work that went into that. And one of the  
21 concerns was that these two parcels that you see on 6 would land lock this parcel back  
22 here. And we agreed to deed that right-of-way and access over to the county in our  
23 meetings.

1 MR. GREEN: Okay. Thank you.

2 MR. MANNING: Are there any detention areas for the storm water runoff that will  
3 collect the runoff?

4 MR. BOLO: Sir, at this point, we're just doing a conceptual plan. We haven't  
5 gotten into any detailed engineering. We'd be pleased to provide that for Mr. Gosline  
6 and the group as we go along. But that's not normally something we would do for a  
7 PDD.

8 CHAIRMAN VAN DINE: Yes, ma'am. You wanted to say something? If you  
9 would please give your name and address before you speak.

10 **TESTIMONY OF MAVIS MONTS:**

11 MS. MONTS: My name is Mavis Monts and my address is 3025 Dreher Shoals  
12 Road. I just want to say – and I do know that different people have different opinions.  
13 And I've lived there since 1937. And whenever I went there, there were five homes  
14 between Ballentine and Lake Murray Dam. That's all it was. Now there are 11  
15 divisions, subdivisions, on each side of Highway 6 all between that area. So it's a lot of  
16 growth that has taken place. And not one time, even though we liked it like it was when  
17 we moved there, not one time have we raised our voice to say, "No. If you want to  
18 come and live here, that's fine", because we figure that the land belonged to the people  
19 who's name it was in and if they wanted to sell it that's what they could do. And I want it  
20 to stay that the homes are nice and there's nothing trashy about anything. And we've  
21 loved it there and we think everybody else will. But I'll hate to see restrictions put on it,  
22 say, well, just one house per acre. Across the road from us, on number 6, there are  
23 developments. There's a drug store and a grocery store and all across the road from

1 us. And all of that really helps and none of it is detrimental to the community. And I  
2 wanted to see our community in a nice area. But I hate to put restrictions, say, just one  
3 house per acre. If somebody wants to build or do a subdivision, I see no problem with  
4 it. It's on each side of the road, all around. And that's just what I wanted to say. I've  
5 lived there and I like it. But whatever anybody chooses to do with their land, as long as  
6 it's not detrimental to the community, I think they should be allowed to do so. Okay?

7 CHAIRMAN VAN DINE: Thank you. I'm not going to get into a back and forth  
8 with everybody on this thing. So real quick and we've already heard from people, so  
9 let's not –

10 MR. SAVAGE: We just wanted to say that we're not recommending one unit an  
11 acre. We did support the English Village. In our opinion it did – it's much lower density.  
12 There are nothing stacked on top of each other at all there. The Village was passed  
13 before the zoning ordinance. And we do think that it's very important that we plan  
14 ahead for where we're going to put our growth. And we put it in the rights spots. And -  
15 that it will affect it. I think that pets and a lot of things like cars and things like that affect  
16 runoff, also. I don't know where they're going to go to the bathroom, but I don't think it's  
17 the county sewer. And, so, 180 people are going to have a lot of pets. And they're  
18 going to drive a lot of cars and they're going to have a lot of trash. And we've just found  
19 that when you have density you've got to deal with that problem. So, anyway, we're not  
20 anti-development by any sake. We've supported every one of those that were in  
21 Richland County.

22 CHAIRMAN VAN DINE: Thank you. Alright. Those are all the people who have  
23 signed up to talk. Does anybody have any questions or comments for Staff?



1 MR. JACKSON: Does the county still accept deeded or right-of-way or easement  
2 if it's not paved?

3 MR. GOSLINE: I'm sorry.

4 MR. JACKSON: Does the county – will the county accept an easement for a  
5 future road if it's not paved? The reason why I ask –

6 MR. GOSLINE: Are you talking about the link?

7 MR. JACKSON: The reason why I ask because there's some discussion in the  
8 past few weeks about –

9 MR. GOSLINE: Right.

10 MR. JACKSON: - the county accepting any more.

11 MR. GOSLINE: I guess – I don't know the answer to that, Mr. Jackson, except, at  
12 the very least, if they make provisions for it, it wouldn't necessarily have to be given to  
13 the county. But if they make provisions for a connection should it be necessary, that  
14 would be the appropriate thing to do. We have those, you know, we have some of  
15 those where we have a subdivision, future phases to come, they just sort of have a  
16 temporary thing. Or you could just, you know, leave it as a provision for possible future  
17 connection if it's necessary, that kind of thing.

18 MR. JACKSON: One more question. The word "harmony." I notice it has been  
19 left out. I mean was that taken out or -

20 MR. GOSLINE: Well, this project is under the new code.

21 MR. JACKSON: Okay. It's under the new code.

22 MR. GREEN: We were harmonizing in the old code?

1 CHAIRMAN VAN DINE: What is the difference between the new code and the  
2 old code relative to the decisions that had to be made concerning towers and those type  
3 things? I mean before, under the old code, we had to make certain –

4 MS. ALMEIDA: Right.

5 CHAIRMAN VAN DINE: - findings under recommendations relative to the siting  
6 of a tower or a multi-story structure.

7 MS. ALMEIDA: Right.

8 CHAIRMAN VAN DINE: Is there anything in this code that is synonymous or that  
9 we have to do relative to this particular type building?

10 MS. ALMEIDA: It just – I mean to go over four and five stories there are special  
11 requirements that need to be adhered to as far as setbacks and buffering and things of  
12 that nature. But, no, you're not going to find in the new code none of that nebulous  
13 verbiage that talked about harmony.

14 CHAIRMAN VAN DINE: Would this building be allowed under either the RU or  
15 the RG-2 zoning?

16 MS. ALMEIDA: Under the old – under this code?

17 MS. LUCIUS: Under what it's under – the zoning.

18 MS. ALMEIDA: What code are you -

19 CHAIRMAN VAN DINE: Under this. Well, I mean, it's presently RU.

20 MS. ALMEIDA: No. No. It would not.

21 CHAIRMAN VAN DINE: Or if it's not RG-2 it'd be what?

22 MR. GREEN: MD.

23 CHAIRMAN VAN DINE: MD.

1 MR. CRISS: Residential, multi-family, high density.

2 MR. GREEN: MDHD.

3 MS. ALMEIDA: Hum. It would be.

4 CHAIRMAN VAN DINE: Okay.

5 MR. CRISS: As special exception from the Board of Zoning Appeals.

6 MS. ALMEIDA: Right. With a special exception from the Board of Zoning  
7 Appeals for the height.

8 MS. LUCIUS: So you're saying it would be allowed under RG-2?

9 MS. ALMEIDA: With a special exception.

10 MS. LUCIUS: With a special exception.

11 CHAIRMAN VAN DINE: But they would have to get a special exception in order  
12 to do that.

13 MS. ALMEIDA: That is correct. Um-hum (Affirmative).

14 MR. MANNING: And the old code limits you to three stories?

15 MS. ALMEIDA: Or 35'.

16 MS. LUCIUS: What – did you ever get the density of the Village at Lake Murray?  
17 You had asked for the density, dwelling units per acre but you said you hadn't received  
18 it.

19 MR. GREEN: And that was built pre-code, pre-ordinance?

20 MS. LUCIUS: Well, that's what someone said.

21 MR. GOSLINE: Scott, the density next door?

22 AUDIENCE MEMBER: [Inaudible]

23 MS. LUCIUS: Well the –

1 AUDIENCE MEMBER: [Inaudible]

2 MS. LUCIUS: No. The one – it's -

3 MR. GOSLINE: The one with houses built.

4 MR. GREEN: According to Staff Report that's zoned RU so I'm assuming that  
5 was a pre-existing –

6 MR. GOSLINE: Right.

7 MR. GREEN: - building at the time the county started zoning land.

8 MS. LUCIUS: The ones below this particular site –

9 MR. GREEN: Right.

10 MR. GOSLINE: Correct.

11 MS. LUCIUS: - that we're looking at, the Villages at Lake Murray.

12 MR. GOSLINE: There's an adjacent multi-family project that is non-conforming.

13 MS. LUCIUS: That's the one you're talking about, the Village at Lake Murray.

14 MR. GOSLINE: The density – those are mostly two and three story. So I'm – the  
15 density would be pretty close to what the density would be on this one.

16 MS. LUCIUS: That's what I thought.

17 MR. GOSLINE: The difference is, in this one, most – 6.8 -

18 MS. LUCIUS: 6.8?

19 MR. GOSLINE: Right.

20 MS. LUCIUS: And this one is -

21 MR. GOSLINE: The density – the difference between the two is the one next  
22 door is spread out in lower buildings. This one would be concentrated, to some degree,  
23 in an 8 story building.

1 MS. LUCIUS: Well that one they've lot listed as 20 units per acre. And then the  
2 regular residential, I guess which is –

3 MR. GOSLINE: I'm talking about the –

4 MS. LUCIUS: - single family is eight dwelling units per -

5 MR. GOSLINE: I'm talking about gross density over the whole project.

6 MS. LUCIUS: Okay.

7 CHAIRMAN VAN DINE: What other commercial establishments are on that  
8 stretch of road?

9 MR. GOSLINE: What other what?

10 CHAIRMAN VAN DINE: Commercial establishments are on –

11 MS. LUCIUS: Publix.

12 MR. JACKSON: There's a Publix.

13 MR. GOSLINE: Well, across, almost adjacent to English Village is a Publix  
14 shopping center. And then there really isn't any commercial buildings until you get  
15 almost up into Ballentine. There's a big church and an office park.

16 MS. LUCIUS: And we've been trying to stop commercial from coming down  
17 Dreher Shoals Road.

18 MR. GOSLINE: Yes.

19 MS. LUCIUS: That's why there's none there.

20 MR. GOSLINE: Well, it's in Lexington County.

21 MR. GREEN: Mr. Chairman, I'm not particular opposed to there being  
22 commercial up on Dreher Shoals Road. And I'm not particular adverse to the single-  
23 family development, although at eight units an acre I think it's a little on the high side. I

1 know I am adverse to an 8 story building in an area that is not programmed to be for 8  
2 story buildings. And I would put a motion on the floor that we send this forward to  
3 County Council with a recommendation for denial.

4 MR. JACKSON: I second it.

5 CHAIRMAN VAN DINE: I will go further and say that I am opposed to the  
6 commercial portion of this in this area as well as the 8 story building. I don't think that  
7 we should be encouraging the extension of the commercial along what in essence is a  
8 residential area. Certainly our idea of commercial was to put them in nodes and put  
9 them at other places. And this certainly does not look like a node in any way, shape, or  
10 form to me. And, in that regard, then I'm in support of your motion, as well. Any other  
11 questions or comments? We have a motion on the floor to send this forward with a  
12 recommendation of denial. All those in favor please signify by raising your hand. All  
13 those opposed.

14 *[Approved to Deny: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning,*  
15 *McBride; Absent: Wyatt]*

16 CHAIRMAN VAN DINE: When this gets to County Council, would you please  
17 advise them of the exact vote of this Body on the request, please? Alright, next.

18 **CASE 05-78 MA:**

19 MR. GOSLINE: Mr. Chairman and Members, this next request is a request of  
20 Phillips Savage to rezone approximately a half-acre from RU to GC on Dutch Fork  
21 Road. Staff recommends approval.

22 CHAIRMAN VAN DINE: Mr. Savage.

1 **TESTIMONY OF PHIL SAVAGE:**

2 MR. SAVAGE: Phil Savage, 30 Mannis Road, Irmo, South Carolina. Wearing a  
3 different hat. [Laughter]. I told you I was in the land development business. This piece  
4 of property is on a five-lane stretch of the highway right in the middle of Ballentine. I  
5 wish I had my map with me because it is colored red, for commercial. It has got a - if  
6 you're looking at is standing in the middle of the five-lane road is curb construction  
7 business on one side. There is a piece of property that was just recently rezoned to C-3  
8 to allow boat storage behind the property. And on the right side is a non-conforming bar  
9 that is open until 6:00 a.m. in the mornings. And I can't keep a renter. I've owned this  
10 property for awhile. I've tried to keep a residential renter. It's empty right now. Nobody  
11 wants to live there because of the noise at night and in the mornings and whatnot. A  
12 business, if I go in there and put an office or retail I think that it would be an  
13 improvement to the area. And the fact that, as far as I know, nobody's signed up to  
14 speak against it I think says that about it. I'd be glad to answer your question.

15 CHAIRMAN VAN DINE: Which was the area you said we had just rezoned for a

16 -

17 MR. SAVAGE: Oh, right behind it. Clepper. His boat storage is now C-3.  
18 Murray Clepper for Clepper Boating. I don't know if it's shown on there or not because  
19 it was just recently done, literally two months ago, maybe, something like that.

20 MS. LUCIUS: The red thing right here.

21 CHAIRMAN VAN DINE: Okay. And the -

22 MR. GOSLINE: We've also had some other ones, Mr. Chairman.

23 MR. SAVAGE: It is C-3.

1 MR. GOSLINE: They're –

2 MR. GREEN: Across the street we just rezoned something C-3, didn't we?

3 MR. GOSLINE: Yeah. Across the street at the triangle.

4 MS. LUCIUS: Agnew.

5 MR. GOSLINE: That was a PDD for Agnew.

6 MS. LUCIUS: Agnew.

7 CHAIRMAN VAN DINE: Where, I mean, where Shadowood and Dutch –

8 MR. GOSLINE: Right.

9 CHAIRMAN VAN DINE: Okay.

10 MR. GOSLINE: And then I think there was a construction company is one of  
11 these lots right adjacent to – is that adjacent to you, Phil?

12 MR. SAVAGE: On the west side, he builds curbs, yard curbs or something along  
13 those lines. He has his equipment out there and whatnot. And then, like I say, the bar's  
14 on the other side that's been there forever.

15 MR. GOSLINE: This particular stretch of Dutch Fork Road has got a lot of  
16 commercial on it and most of it is not zoned commercial.

17 MR. SAVAGE: But most important to me, it's in the growth plan for where we  
18 intend to put the commercial. And that's what I'm trying to do. I wouldn't be standing up  
19 here right now if it didn't.

20 CHAIRMAN VAN DINE: There is no one else signed up to speak on this. Any  
21 questions for Mr. Savage or Staff?

22 MS. LUCIUS: Nope.



1 MR. GREEN: Mr. Chairman, I make a motion we recommend to County Council  
2 that we approve this rezoning.

3 MR. JACKSON: I'll second it. It does have a five-lane highway. And that's not  
4 usually for a residential purpose. So I can support that based on the [inaudible] criteria.

5 CHAIRMAN VAN DINE: Any other questions or comments? Mr. Palmer, you  
6 looked as though you were getting ready to say something.

7 MR. PALMER: I was just wondering if Carl is working on his car who took the  
8 picture.

9 MS. LUCIUS: Huh?

10 [Laughter]

11 MS. LUCIUS: I didn't see that.

12 MR. GOSLINE: No, not this time.

13 MR. PALMER: You're changing the oil, Carl?

14 MR. GOSLINE: Not this time. But the important thing is how did you know it was  
15 me?

16 MS. LUCIUS: It looks like you.

17 [Laughter]

18 MR. GOSLINE: Never mind.

19 CHAIRMAN VAN DINE: All those in favor of this motion to send this forward with  
20 a recommendation of approval please signify by raising your hand.

21 *[Approved: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning, McBride;*

22 *Absent: Wyatt]*

1 CHAIRMAN VAN DINE: Alright. We would also ask that the Council be notified  
2 of the specific vote on that as well, please. Next we have is 05-79 MA.

3 **CASE 05-79 MA:**

4 MR. GOSLINE: Mr. Chairman and Members, this is a request to rezone a portion  
5 of property at the northwest corner of Lower Richland Boulevard and Garners Ferry  
6 Road from – is it RU, is it RU – it's supposed to be RU to GC. Staff recommends  
7 approval. This is within one of the neighborhood planning efforts that are going on and  
8 which there's a press conference tomorrow to kick off more formally.

9 MR. GREEN: Mr. Gosline, unless I'm badly mistaken if we look at 194, 195 and  
10 196 the areas delineated are well in excess of the 21 acres –

11 MR. GOSLINE: Yes.

12 MR. GREEN: - being asked for in this particular request.

13 MR. GOSLINE: That's right. The property owner owns 100 or so acres and it's -

14 MR. GREEN: So it's not the entire –

15 MR. GOSLINE: No, it's –

16 MR. GREEN: - boundary of what you're showing that's being –

17 MR. GOSLINE: No.

18 MR. GREEN: - asked for. It's about one-fifth of the land that's outlined.

19 MR. GOSLINE: That would be close, yes.

20 MS. LUCIUS: Oh, really?

21 MR. GREEN: Yes.

22 MR. PALMER: What fifth is it?

23 MR. MANNING: Where would it be?

1 MR. GREEN: The lower right corner.

2 CHAIRMAN VAN DINE: Right on the corner?

3 MR. GREEN: Yeah.

4 MR. PALMER: The wetlands?

5 MR. GOSLINE: Yeah.

6 CHAIRMAN VAN DINE: Isn't that dead center in the middle of the -

7 MS. LUCIUS: Yeah!

8 MR. GOSLINE: There is a floodway that goes through there, as you can see,  
9 that's -

10 MR. JACKSON: Flood zone.

11 MR. GOSLINE: - that will have to be delineated as part of the development and  
12 all the rest of that.

13 MR. PALMER: Better get a letter.

14 MS. LUCIUS: [Laughter]. Better start now.

15 [Laughter]

16 **TESTIMONY OF GEORGE BUNCH:**

17 MR. GEORGE BUNCH: I'm George Bunch. Myself and three of my brothers own  
18 this property. The wetlands issue we have a letter from the Corps. We do not have a  
19 wetlands issue there. Carl, I believe that's in the package I gave you, the letter.

20 **TESTIMONY OF BILL BUNCH:**

21 MR. BILL BUNCH: I think that aerial shows those old overlays that they used to  
22 use. There's never been a delineation letter. But we have a letter from the Corps of

1 Engineers that we have of our entire property and it states very clearly that we have  
2 absolutely zero wetlands on there.

3 CHAIRMAN VAN DINE: Can I get both of you to please give us your name and  
4 address so that, you know, we have them for the record.

5 MR. GEORGE BUNCH: Excuse me. Sorry. George Bunch, 5040 Ratcliffe Road,  
6 Columbia.

7 MR. BILL BUNCH: I'm his brother, Bill Bunch, 5026 Whittering Drive in Columbia.

8 CHAIRMAN VAN DINE: Thank you. Exactly how much of this property are we  
9 looking at?

10 MR. GOSLINE: Twenty-two acres.

11 CHAIRMAN VAN DINE: I know, but I mean I can't tell –

12 MR. GREEN: The entire tract is how big, Mr. Bunch?

13 MR. GEORGE BUNCH: Two hundred acres.

14 MR. GREEN: How large?

15 MR. GEORGE BUNCH: Two hundred acres.

16 MR. GREEN: So the area they've outlined is the 200 acres and you're taking  
17 about 10% of that.

18 MR. GEORGE BUNCH: That's correct. The 21.66 acres, I believe, is the –

19 MR. BILL BUNCH: Correct.

20 MR. GEORGE BUNCH: - 21.66 acres on the corner.

21 MR. PALMER: And what's the use for?

22 MR. GEORGE BUNCH: We have, you know, we're watching everything come to  
23 us. We've made no effort to do it. We've been surrounded on all four side by houses.

1 Square-D's right across the street from us. There's a shopping center catty-cornered.  
2 We've had a number of real estate agents here in Columbia that have put some  
3 proposals on the table to us which we're looking at, evaluating, and trying to make a  
4 decision on what we want to do.

5 CHAIRMAN VAN DINE: Do we have a sufficient map to delineate the 21 plus  
6 acres?

7 MR. GOSLINE: Page 198.

8 CHAIRMAN VAN DINE: And that's sufficient for you to divide the property  
9 between the -

10 MR. GOSLINE: It's basically the southeast 22 acre, roughly square.

11 CHAIRMAN VAN DINE: Wasn't there another – behind the grocery store, didn't  
12 we do something with the property just directly behind that, recently?

13 MR. GOSLINE: The grocery store?

14 CHAIRMAN VAN DINE: On the far corner, the catty-corner.

15 MR. GOSLINE: Yeah. That – well it's – there's a – let's see, I'm trying to think  
16 what. Yeah, there was -

17 CHAIRMAN VAN DINE: There's a gas station on the corner. Then there's a  
18 grocery store.

19 MR. GOSLINE: Right.

20 CHAIRMAN VAN DINE: But didn't we – did we have before us property behind  
21 that grocery store?

22 MR. FURGESS: Yeah. [Inaudible]

1 MR. GOSLINE: I think what you're talking about, Mr. Chairman, it's a Food Lion  
2 shopping center. And they came in it and had to rezone a sliver of land behind it to  
3 finish out their project.

4 CHAIRMAN VAN DINE: Okay.

5 MR. GOSLINE: Now in the pipeline is a major project adjacent to it which will be  
6 coming to you probably in September or so.

7 MR. JACKSON: One of my main concerns is you have a high school near this  
8 property and we're not sure what will be going on this property.

9 MR. GOSLINE: General commercial

10 MR. JACKSON: We had intense discussion when the expansion for the grocery  
11 store and the expansion of the gas station over there, we were very careful and we  
12 knew what was going there.

13 MR. GEORGE BUNCH: These developers they're talking about banks, grocery  
14 stores, shopping centers, drug stores. We're very concerned what goes on that corner  
15 and we plan to control it.

16 MR. JACKSON: I understand. And further up the road approximately four years  
17 – five years ago someone wanted a car dealership. And it was denied. County Council  
18 – unanimously County Council overturned it. And then they came back to expand it for,  
19 at the time C-3 zoning, the couple of acres behind it. And [inaudible].

20 MR. GOSLINE: It was three-quarters of a mile to the east.

21 MR. JACKSON: Yes. And we have a lot of concern about that. My concern,  
22 again, is that you have a school, a high school, which is going over some expansion.  
23 And not knowing what's going in here, to support it for a C-3, which is GC –

1 MR. GOSLINE: Well, Mr. Jackson, this intersection is one of the infamous red dot  
2 areas in the Lower Richland Plan.

3 MR. JACKSON: Yes.

4 MR. GOSLINE: And it is has been designated for commercial development for a  
5 long time.

6 MR. JACKSON: I understand.

7 MR. GOSLINE: And, in addition to that, the neighborhood planning effort is going  
8 on with all of the property owners for a couple of mile radius around that. And that does  
9 show commercial development, to some degree, at the corner.

10 MR. JACKSON: I understand. And I would support some type of commercial  
11 development. My concern is, because of the school, it's very sensitive to what type of  
12 development goes adjacent to the school. That's my concern. I support some type of  
13 commercial development. But I'm not sure what will be placed adjacent to the school.

14 CHAIRMAN VAN DINE: Haven't there been a number of housing developments  
15 approved in and around the school in that area of single-family residentials that are  
16 hooking into both Garners Ferry and into Lower Richland?

17 MR. GOSLINE: Yes, sir.

18 CHAIRMAN VAN DINE: On both sides?

19 MR. GOSLINE: Yeah.

20 CHAIRMAN VAN DINE: So this area is in the development phase.

21 MR. GOSLINE: Yeah. Well we've got approved subdivisions on the order of 600  
22 units or so. And you've got a couple of PUDs that's going to bump it up pretty close to  
23 1,000.

1 CHAIRMAN VAN DINE: Okay.

2 MR. MANNING: I've got a question for Susan [inaudible]. You've been involved  
3 in the planning down there and I understand that plan is about complete. Can you  
4 enlighten us a little bit to the outcome of –

5 MR. GOSLINE: Might as well use one that works.

6 MS. SUSAN BRITT: You want to repeat your question again, Mr. Manning?

7 MR. MANNING: I know you've been involved, very much so, in the planning of  
8 that area from a neighborhood concept point of view. And I was just wondering how  
9 that's all come about. I know that –

10 **TESTIMONY OF SUSAN BRITT:**

11 MS. BRITT: We are, actually, kicking off the official process. The first public  
12 meeting will be July 18<sup>th</sup>, which is next Monday, at 6:00 p.m. at the Lower Richland  
13 Sheriff Substation. There have been several proposed developments, residential  
14 primarily, within the planning area. What we're trying to focus on is that crossroads and  
15 looking at different options. We have met with the Bunch brothers several times and  
16 have talked with them about a master plan for the entire piece of property. However  
17 they had talked with Mr. Mizzell and they have had several issues that have prompted  
18 them to go ahead and try to subdivide this and break out this small parcel for  
19 commercial development. And I do feel that there will be some type of commercial in  
20 that intersection. As for the specific types, we have not addressed those. And, in fact, I  
21 don't believe Mr. Bunch has addressed those yet, either. I think they're just trying to be  
22 proactive in subdividing for the commercial access.

23 MR. MANNING: Thank you.



1 MR. GREEN: Mr. Chairman, you know this is at a signal intersection along the  
2 main road that serves the entire eastern part of the county. I think it's an appropriate  
3 location for commercial development. Our GC zone has a narrower interpretation than  
4 the C-3 did, even, before it. And I think this is consistent with what we want to see in  
5 terms of using major nodes on major highways at corners to encourage GC type of  
6 development. And, therefore, I would make a motion we send this forward to County  
7 Council with a recommendation for approval.

8 MR. PALMER: Second.

9 CHAIRMAN VAN DINE: We have a motion to send it forward with a  
10 recommendation of approval and a second. Any comments or questions?

11 MR. JACKSON: I –

12 MS. LUCIUS: Go ahead. I was just going to say I'm just amazed that – how can  
13 our maps be so wrong as far as floodways and wetlands.

14 MR. GOSLINE: I don't know how exactly.

15 MS. LUCIUS: We make decisions based on this, where these wetlands –

16 MR. GOSLINE: I understand that. But I don't think that what Mr. Bunch is saying  
17 is that the map is wrong. But they have an encroachment letter.

18 MS. LUCIUS: It says flood zone. I mean that's the only comment I had to make.

19 MR. GEORGE BUNCH: Now there is a flood zone in there. We just don't have a  
20 wetlands problem.

21 MS. LUCIUS: Right. Okay.

22 MR. JACKSON: It shows wetlands, also.

23 MS. LUCIUS: Yeah. It shows wetlands, also, on this map. Okay.

1 MR. JACKSON: Again, I'll say my main concern is that it's like signing a blank  
2 check. Commercial – fine. I'm just not sure what will be there. And there's a high  
3 school there. And I'm concerned what goes next to a high school. As far as wetlands  
4 or flood zone, I know for a fact that on Rabbit Run behind the same area where this line  
5 shows, there are definitely some wetlands close to the road. And there's been some  
6 problems there with flooding. So the applicant may have a letter saying that there is no  
7 problem or something like that. I'm not sure it's for another part of the 200 acres. But  
8 from what I'm seeing on the map here and my experience in that area, I know there are  
9 some type of wetlands and some problems in that area. So that's my main concern.

10 MR. GOSLINE: Yeah. Now all of those issues would have to be resolved before,  
11 you know –

12 MR. JACKSON: I understand.

13 MR. GOSLINE: - construction, site plans, and permits, and all the rest of that.

14 MR. JACKSON: I can't sign a blank check. I can't.

15 MS. LUCIUS: I just couldn't – I can't rationalize. It doesn't make sense to me.

16 MR. JACKSON: In the past we've required other people to tell us what are they  
17 plans before we approve anything.

18 MR. GOSLINE: Not for straight zoning, sir.

19 CHAIRMAN VAN DINE: Alright. We have a motion to send this forward with a  
20 recommendation of approval. All those in favor please signify by raising your hand.  
21 Those opposed.

22 *[Approved: Palmer, Furgess, Lucius, Van Dine, Green, Manning, McBride; Opposed:*  
23 *Jackson, Absent: Wyatt]*

1 CHAIRMAN VAN DINE: Mr. Gosline, I have, hopefully, a short question. We  
2 appear, on some of these tax parcels, to actually allow what amounts to subdivision by  
3 zoning pieces of them into smaller pieces. Should we not be requesting a subdivision of  
4 the property prior to a zoning request coming in on a portion?

5 MR. GOSLINE: We do that, Mr. Chairman. In fact, they did that. The plat that's  
6 on page 192 was, in fact, a plat that subdivided off –

7 CHAIRMAN VAN DINE: Is that an administrative duty that you can do if it's just a  
8 simple one into two?

9 MR. GOSLINE: Yes. Usually.

10 CHAIRMAN VAN DINE: At what level does it require approval of the Planning  
11 Commission for subdivision?

12 MR. GOSLINE: If it falls into the definition of "subdivision", which is dividing a  
13 piece of property into more than two pieces.

14 CHAIRMAN VAN DINE: Okay. Alright.

15 MR. GREEN: If it's on a public - it creates a new public road it's required to come  
16 through subdivision process.

17 CHAIRMAN VAN DINE: Alright. So if we're dividing it such as this into two  
18 pieces, that's an administrative duty that takes place. And then we –

19 MR. GOSLINE: Correct. This is actually what's called a subdivision exception  
20 because the parcel – it divided a 200 acre parcel into two parcels that were greater than  
21 five acres.

22 *[McBride out at 4:23]*

1 CHAIRMAN VAN DINE: Do we then get two tax map numbers, if you will, for the  
2 two separate parcels?

3 MR. GOSLINE: They will get – when it – sometime after it gets recorded, a new  
4 tax parcel number will be assigned to the 22 acres.

5 CHAIRMAN VAN DINE: So we wouldn't get the new tax map number in time to  
6 have it on here as being –

7 MR. GOSLINE: Oh, no! It's months! Months.

8 CHAIRMAN VAN DINE: That was rather simple and straightforward, wasn't it?  
9 Next we have 05-80 MA.

10 **CASE 05-80 MA:**

11 MR. GOSLINE: Mr. Chairman and Members, this a request from David Lever to  
12 rezone 3.56 acres from RU to GC. This is on Old Hilton Road at I-26. Staff  
13 recommends denial. It's surrounded by nothing but rural. There's not an interchange.  
14 This is an overpass.

15 CHAIRMAN VAN DINE: And, again, this would be, now, to our GC as opposed to  
16 C-3, as the maps indicate, correct?

17 MR. GOSLINE: Right.

18 CHAIRMAN VAN DINE: The first person that we have signed up is Julie Rhame.  
19 Please come up, give your name and address for the Record. David Jordan would  
20 follow.

21 **TESTIMONY OF JULIE RHAME:**

22 MS. RHAME: Julie Rhame, 1953 Marina Road, Irmo, South Carolina. Yes, sir.  
23 I'm here, today, on behalf of Mr. Lawson Lever, who's the owner of the property. He is

1 asking County Council to consider rezoning approximately 3.56 acres on Old Hilton  
2 Road in Chapin. The usage would be a work/live complex. Sewer is not available to  
3 the property, now. So the number of units would be based upon DHEC [inaudible]  
4 approval. I-26 runs parallel with the property with interstate visibility. The current  
5 zoning allows for mobile homes there. However I, personally, don't see it as being the  
6 highest usage for that piece of property with it being part of the gateway on I-26 into our  
7 beautiful City of Columbia. Mr. Lever has owned this property for 31 years and is simply  
8 asking to enjoy an income producing property.

9 MR. GREEN: His concept is to put units that people would live and work in?

10 MS. RHAME: Yes, sir. Not specifically residential homes, but you have your  
11 office type complex with your roll-up door for storage next door. I don't know if I'm  
12 explaining that. Mr. Gosline might be able to help me with –

13 MR. GREEN: Because if it's a primarily residential use with an accessory  
14 business, it's a residential zoning. Correct, Carl?

15 MR. GOSLINE: The applicant requested a general commercial. So that's what  
16 we evaluated.

17 CHAIRMAN VAN DINE: The only access to this particular property is on two-lane  
18 road from quite a distance, it looks like, in either direction. Is that true?

19 MR. GOSLINE: Yes. Old Hilton Road, you can best see it on page 205, I guess,  
20 goes down into the White Rock area. The other road is, basically, a frontage road,  
21 Julius Eleazer, which goes maybe a half a mile or so and then ends. Old Hilton Road to  
22 the north, I'm not real sure where it goes. Over the interstate.

1 MR. GREEN: Carl, is there any – I've never seen anything. Have you ever seen  
2 anything in the code study that suggests this is going to be an interchange?

3 MR. GOSLINE: No, sir. Not a chance.

4 MR. JACKSON: There's not the capacity.

5 MR. GOSLINE: We'll be doing good to get Pineview and Hardscrabble.

6 CHAIRMAN VAN DINE: Thank you, ma'am. David Jordan.

7 **TESTIMONY OF DAVID JORDAN:**

8 MR. JORDAN: Good afternoon. My name is David Jordan. I live at 1309 Old  
9 Hilton Road. I've lived there approximately 15 years. My dad bought the property back  
10 in 1970. I agree with the Staff recommendations that it not be changed from rural to  
11 commercial; the reason being most of the people I know around there I know them real  
12 well. They're farmers. Mr. Roe, across the street has lived there longer. He's about 80  
13 years old. He's been there a long time. The man that owns the property adjacent to the  
14 commercial change here, is Mr. Jerry Derrick. I know him personally. He owns about  
15 22 acres there. He also feels the same way. He had to be in a meeting today in  
16 Charlotte. And he asked me if I would speak. But I'm not going to speak on his behalf.  
17 I'm just telling you how he feels. Our main objective is to keep it a peaceful community.  
18 We've got peaceful neighbors around there. And, even though they do want to make a  
19 light-commercial change, we would like to know specifically what it would be and how it  
20 would impact the area. Old Hilton Road does not access Interstate I-26. And we would  
21 like to know if there's any future plans for that to be, you know, in the next 10 years or  
22 whatever before we even consider anything about commercial. If it were, then a great  
23 part of the neighborhood on Three Dog Road and Old Hilton Road would probably want

1 to know more about this. I feel like that, at this particular time, there's no justification for  
2 it to go commercial. Thank you.

3 CHAIRMAN VAN DINE: Thank you. Those are the only people who have signed  
4 up for this matter. I will say that I look on page 206 and I see nothing but green.

5 MS. LUCIUS: Uh-hum (affirmative).

6 CHAIRMAN VAN DINE: I have a hard time putting anything else but green in that  
7 area, especially considering the road size, the access, the lack of anything on I-26. I  
8 mean this request just does not seem to fit within what we have been trying to do or  
9 what we would want to do in this area. Any other questions or comments? Hearing  
10 none, do I hear a motion?

11 MR. MANNING: Mr. Chairman, I think it would be appropriate to send this  
12 forward with a recommendation for denial.

13 MR. GREEN: And I second.

14 CHAIRMAN VAN DINE: We have a motion to send this forward to County  
15 Council with a recommendation of denial. All those in favor please signify by raising  
16 your hand.

17 *[Approved to Deny: Palmer, Furgess, Lucius, Jackson, Van Dine, Green, Manning;*  
18 *Absent: Wyatt, McBride]*

19 CHAIRMAN VAN DINE: This will go forward to County Council with a  
20 recommendation of denial. They will hold a public meeting on this the 26<sup>th</sup> of July. It  
21 will be in these chambers in the evening. And it will be posted again.

22 MR. GOSLINE: It's actually being posted today.

1 CHAIRMAN VAN DINE: It's been posted today to let you know about that  
2 meeting. So I suggest that you both attend that meeting if you wish to go forward with  
3 the request. The next is 05-81 MA. It's on Longtown Road just north of Clemson Road.

4 **CASE 05-81 MA:**

5 MR. GOSLINE: Mr. Chairman and Members, this is a request for rezoning on  
6 Longtown Road. If you look – Staff recommends approval. If you look at page 215 that  
7 shows you probably the best view of where it is. You see these mini-warehouses in the  
8 white. That was one portion of the Mungo property that was developed into mini-  
9 warehouses some time ago. Across the street at – you see the houses across from the  
10 mini-warehouses? All that was rezoned for a shopping center two or three months ago.

11 MS. LUCIUS: It wasn't that long.

12 MR. GOSLINE: Mr. Lovett.

13 MS. LUCIUS: I think it was last month, wasn't it?

14 MR. GOSLINE: Well, it finally got through, yeah.

15 MS. LUCIUS: Oh, okay.

16 MR. GOSLINE: Staff recommends approval but would want to draw the line at  
17 Goff Road and the existing properties.

18 CHAIRMAN VAN DINE: Isn't that where the turnoff is to the Barking Lot which is  
19 a –

20 MR. GOSLINE: Yes. Yes.

21 CHAIRMAN VAN DINE: Okay. Kennel down in the back.

22 MR. GOSLINE: Yes.



1 MR. GREEN: Carl, this is updated with all the C-3, GC, that we rezoned in recent  
2 months, this map.

3 MR. GOSLINE: Excuse me?

4 MR. GREEN: This map is up to date with regard to the –

5 MR. GOSLINE: No. Well –

6 MR. GREEN: - C-3, GC designation. It looks like it is.

7 MS. LUCIUS: It looks like it is.

8 MR. GOSLINE: Yeah. I think so. Yeah.

9 CHAIRMAN VAN DINE: And for everybody who has not driven out there, page  
10 214 does not depict all of the construction that has taken place with Clemson Road's  
11 extending straight out.

12 MR. GOSLINE: It's right off the bottom of the map. Right. It should be open in  
13 another couple of months. October – November. This is the piece that sits on  
14 Hardscrabble in front of the kennel.

15 MR. GREEN: Longtown.

16 MR. GOSLINE: Right. Yeah. I'm sorry. They all look the same.

17 CHAIRMAN VAN DINE: They will shortly.

18 MR. GOSLINE: They will shortly, right.

19 CHAIRMAN VAN DINE: Tammy – I'm sorry – looks like Barkett.

20 AUDIENCE MEMBER: Barkoot.

21 MS. LUCIUS: Barkoot.

22 CHAIRMAN VAN DINE: Did you have something you wish to say?

23 AUDIENCE MEMBER: [Inaudible]

1 **TESTIMONY OF TAMMY BARKOOT:**

2 MS. BARKOOT: We just basically wanted to change the, I wanted to change the  
3 zoning to have a business there that already used to be there like 30 something years  
4 ago. My dad had a little retail car lot there, small. I'm not talking Jim Hudson or that  
5 kind of thing, something really big. And with all the things happening and all the growth  
6 in the neighborhood we would like to see it happen so that we could have some income  
7 coming in from that respect.

8 CHAIRMAN VAN DINE: Is this the one that has the green and white sign out  
9 front that said "something motors" on it at one time.

10 MS. BARKOOT: It used to. Yes, it did. The building's about to fall down. It  
11 needs to be really torn down. It would definitely be an improvement to the community.  
12 It looks terrible the way it is now. And that's part of the plan is to get rid of the little  
13 office building that existed. Put something better there. Of course, the Highway  
14 Department, they have their own, you know, standards for the size of the building and  
15 that kind of thing that you have to have when you're dealing with car lots. And it's  
16 already – have a wholesale license. That's why all the cars are in the yard. And they're  
17 going to be there, but they could be there in a nicer way, parked out on the road looking  
18 better.

19 CHAIRMAN VAN DINE: Ms. Barkoot's the only one who has signed up on this.  
20 Any questions or comments? I want to pass on a piece of information, although it has  
21 nothing really to do with this. But the road that has been suggested is going to be  
22 straightened at the end of Mr. Mungo's development and the other development off of  
23 Longtown West.

1 AUDIENCE MEMBER: Hobart Road.

2 CHAIRMAN VAN DINE: Is it Hobart Road?

3 MS. LUCIUS: Hobart.

4 CHAIRMAN VAN DINE: The dirt road? And there was discussion about  
5 realigning the traffic and the railroad crossing. You will not be able to do that anymore  
6 because a spur line has been built to the new manufacturing facility out there, which  
7 now, effectively, blocks that. So what is being done with that particular railroad crossing  
8 and access to that crossing from people internal to those new developments? The road  
9 has been realigned and now dead ends at the railroad track.

10 MR. GOSLINE: Right.

11 CHAIRMAN VAN DINE: The actually railroad crossing is downstream – I don't  
12 know – 500 yards, maybe, 200 yards.

13 MR. GOSLINE: Well, Hobart Road will be built from Longtown over to the railroad  
14 track and dead end at, I think, it's Wilkerson. And you'll then have to turn right to go up  
15 to where the old Hobart Road is, which will also be improved and paved. And then you  
16 cross it at the current crossing. So you'll have to do this.

17 CHAIRMAN VAN DINE: Are all of those internal roads being built to county  
18 standards –

19 MR. GOSLINE: Yes.

20 CHAIRMAN VAN DINE: - and not to subdivision standards?

21 MR. GOSLINE: Well, county standards are subdivision standards.

22 CHAIRMAN VAN DINE: And what is happening – is the actual railroad crossing  
23 to be signalized in any way or is it to remain the same?

1 MR. GOSLINE: I really don't know the answer to that.

2 CHAIRMAN VAN DINE: Because it seems to me with that many people's  
3 deciding to exit across that road that we're setting up a situation in that area where  
4 you're going to need to do something with the at-grade crossing. And I'm just  
5 wondering whether anybody has looked into that or done anything else.

6 MR. GOSLINE: Not to my knowledge. But I would guess that what would  
7 happen is once the traffic gets to the point where it's significant enough, I'm not sure  
8 who regulates that, DOT, I guess, somebody - but the railroad would want to put up a  
9 gate or something. I don't know. I just don't think that that many people are going to go  
10 that way. It's pretty convoluted to get out.

11 CHAIRMAN VAN DINE: But wasn't one of the selling points of some of those  
12 developments that people were going to be able to get out of those developments by  
13 not having to come down Longtown Road and be able to cross over Hobart Road and  
14 get out onto Farrow Road at that intersection.

15 MR. GOSLINE: Well, a lot of the Mungo tract development will be able to get on  
16 to Clemson Road when Longreen Parkway is extended through to Clemson Road,  
17 which is under construction. And they expect to have –

18 CHAIRMAN VAN DINE: I'm not worried about Mr. Mungo's property. I'm worried  
19 about the other two developments that were approved at the upper end, which were  
20 utilizing that back exit as one of their points of ingress and egress into those areas. I  
21 mean I'm trying to find out where the process fell apart so that that is not existing  
22 anymore. Because, now, all of those people are going to end up internal to the  
23 Longcreek Plantation roads and directly out onto Longtown.

1 MR. GOSLINE: County Council had an opportunity to appropriate the money to  
2 do the – have the straight line crossing and chose not to do it.

3 MR. JACKSON: But that has nothing to do with the [inaudible].

4 MR. FURGESS: Mr. Chairman, should we get back to the [inaudible].

5 MS. LUCIUS: Let's vote on this.

6 MR. FURGESS: We have to vote on this motion.

7 MR. JACKSON: I move that –

8 CHAIRMAN VAN DINE: We have a motion on the floor, as I understand it.

9 MS. LUCIUS: We do?

10 MR. GREEN: We do?

11 CHAIRMAN VAN DINE: Don't we?

12 MS. LUCIUS: I don't think we do.

13 MR. GREEN: I don't think so.

14 CHAIRMAN VAN DINE: I thought we had a motion.

15 MS. LUCIUS: Huh-uh (negative).

16 CHAIRMAN VAN DINE: My fault. I will listen for a motion, then. How about that?

17 MR. FURGESS: I make a motion that we – that this go to County Council as  
18 approved with the exception on – what page that is?

19 MS. LUCIUS: No. There's not any. There's not any conditions. I'll second.

20 CHAIRMAN VAN DINE: We have a motion to send 05-81 MA forward to County  
21 Council with a recommendation of approval. All those in favor please signify by raising  
22 your hand. All those opposed.

1 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Manning; Opposed: Van Dine;*  
2 *Absent: McBride, Wyatt]*

3 CHAIRMAN VAN DINE: It goes forward with a recommendation and I wish to  
4 have County Council also aware of the breakdown on that vote, as well, please. Alright.  
5 That is the end of our map amendments. Next we have is under New Business our  
6 Text Amendments. Digital Data Submission that can be found on page 219 of your  
7 agenda.

8 MR. CRISS: Yes, Mr. Chair. At the June meeting of the Planning Commission  
9 the Commission decided to defer the matter to get more information from Staff. We've  
10 come back with a compromise text amendment that may address some of the  
11 Commission Member's concerns about the impact or cost to individual property owners  
12 and, may I call them sole proprietor, surveying businesses. The text in your packet  
13 starting at page 219 provides for digital data submission on major subdivisions at  
14 various steps in the process and also for minor. But five or fewer lots, the submitter or  
15 the applicant has the option of having the county do the digital work for them if they  
16 choose not to provide it themselves. And the least category, least complicated category  
17 of subdivision review called "Administrative Review" is handled in the usual, paper  
18 fashion. Those are your lot splits and your re-combinations. We have with us Staff  
19 from the Information Technology Department, Geographic Information Systems Division  
20 to answer questions you may have about the county's overall initiatives in digital data  
21 acquisition and the building of a countywide, digital tax map, or cadaster.

22 MR. GREEN: I think one of the questions that we had last time was about what it  
23 would cost, you know, what the typical surveyors doing now, what they charge and what

1 the cost would be for a simple survey to understand what that impact might be on an  
2 average citizen.

3 MS. ALMEIDA: We met with Staff at IT and they had performed a survey. They  
4 did not get any response back. But through Administration and through the other  
5 department, we've come to a conclusion where the county would provide that service  
6 for a fee.

7 MR. GREEN: Do you have any estimate of what that fee would be for a simple  
8 couple of lots?

9 MS. ALMEIDA: We have not come up with that fee as of yet. But Administration  
10 will sit down with the IT Department and they will come up with something that would, at  
11 least, cover the cost of doing that.

12 MR. GREEN: [Inaudible – static in mic] then you really haven't accomplished  
13 anything.

14 CHAIRMAN VAN DINE: Right.

15 MR. GREEN: Right?

16 MR. PALMER: That's my thought.

17 MR. CRISS: It would depend on how much of the cost Administration and  
18 Council want to recover; if they're willing to partial subsidize the addition of a GIS Tech  
19 1 position in, presumably, the Planning Department, GIS Services Division to carry the  
20 bulk of that workload.

21 CHAIRMAN VAN DINE: My understanding the purpose of this is to obtain data  
22 capable of being put out on the website and other places for use – for a lot of purposes.  
23 Is that true?

1 MR. CRISS: Indeed. If you've looked at [www.richlandmaps.com](http://www.richlandmaps.com) of late, you may  
2 notice that the Parcel Conversion Polygons Layer, the new digital cadaster, or tax map,  
3 is expanding rapidly throughout the unincorporated areas of the county. Northwest  
4 done, most of the northeast and now expanding into the southeast or Lower Richland.  
5 And this will become a fundamental tool for county government. You'll see more  
6 accurate representations of your parcel boundaries on the aerials and zoning maps that  
7 we present to you in your monthly packets.

8 CHAIRMAN VAN DINE: And this is a trend which is statewide, nationwide,  
9 everything going to electronic data and other. Is that –

10 MS. ALMEIDA: Yes, it is, Mr. Chairman. And right now the county is obtaining it  
11 now for all land development. We are just trying to capture, our IT Department is trying  
12 to capture the smaller lot splits which are much lower in number. But everything else  
13 that we get into the Department comes in a digital format.

14 CHAIRMAN VAN DINE: Of the normal people that you would see coming in to  
15 the Department downstairs who would be normal surveyors or whatever –

16 MS. ALMEIDA: Right.

17 CHAIRMAN VAN DINE: - are they using the data submission in the electronic  
18 form?

19 MS. ALMEIDA: Oh, yes!

20 CHAIRMAN VAN DINE: So it's not a change – this would not be a change in the  
21 typical way that things are being done or brought to you as far as surveyors or other  
22 people that are dealing with the county?



1 MS. ALMEIDA: That is correct. They do it now. Most of the professionals that  
2 we deal with do all sorts of development - major, minor, lot splits, all sorts of things.  
3 But, of course, whatever's required they submit. So they're doing it now. It's just a  
4 matter of saying, "Look, we need the smaller items, the lot splits, also in a digital  
5 format." And to provide that service, if indeed they don't want to do that, is an added  
6 bonus for them. But most of them that we surveyed - we just had some conversations  
7 across the counter – did say that, you know, they're all doing it now because they don't  
8 just – you don't see professional surveyors or just do lot splits. I mean most of them are  
9 doing major work for major engineering firms. So they're doing it now.

10 CHAIRMAN VAN DINE: So if, in fact, most of them are doing the submission this  
11 way, what we're really looking at is the small number of individuals or single-family  
12 outfits or something like that that are not in the process of converting over. And that's  
13 who we're talking about.

14 MS. ALMEIDA: That is correct.

15 CHAIRMAN VAN DINE: Do we have an idea, on a percentage basis, of the  
16 number of people that would fall under that classification versus the ones who are  
17 actually doing submissions?

18 MS. ALMEIDA: I would say probably less than 5%. Do you have a better –

19 CHAIRMAN VAN DINE: How would those individuals be presenting data to us  
20 now?

21 MR. CRISS: In paper form. [Inaudible – static in mic]

22 CHAIRMAN VAN DINE: And then the fee that you're talking about is to take that  
23 paper plat and convert it?

1 MS. ALMEIDA: That is correct.

2 CHAIRMAN VAN DINE: And we don't have any idea what that fee is?  
3 Administration hasn't, or anybody, hasn't talked about a specific amount at this point?

4 MR. CRISS: Not yet.

5 MS. ALMEIDA: No, sir.

6 MR. GREEN: And we don't know what a surveyor would charge someone who  
7 would not otherwise do that, the difference between a straight paper plat and doing it  
8 digitized.

9 MR. CRISS: There might be a variety of costs incurred there. If you have a  
10 previously prepared, paper plat signed and sealed by a registered land surveyor and  
11 you chose not to record it and then you bring it forward some years later, you know,  
12 there may not be a business record of that work. That surveyor may no longer be  
13 accessible, available. It may not have been done in pure digital form in the first place.  
14 So you'd be going to either the same surveyor or a new one to have that work done. I  
15 imagine that would be the most time consuming and expensive approach. Though most  
16 of the plats we get have been done recently because somebody has come into our  
17 office and asked us what we needed and we've, you know, directed them or their  
18 surveyor to the appropriate regulations. Clearly, the information is moving rapidly in this  
19 direction. But we recognize there will be some customers who will not be prepared to  
20 submit digitally.

21 MR. GREEN: Mr. Chairman, I would make a motion that we defer this to the next  
22 meeting when we get an answer to our question on what it's going to cost somebody

1 who would not otherwise have a digital survey and have to go get one. What it would  
2 cost them.

3 MS. ALMEIDA: Mr. Chairman –

4 MR. GREEN: That was our whole point the last time we talked about it.

5 MR. MANNING: Yeah.

6 MS. ALMEIDA: Well, because it was so nominal. It would be the cost of a CD  
7 and something very nominal to cover that cost.

8 MR. GREEN: And we talked -

9 MR. MANNING: I called an engineering firm and a surveyor. And both of them  
10 had to sub that work out.

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

12 MR. MANNING: Most of them don't have the equipment. They indicated it would  
13 cost probably \$20,000 to get the equipment necessary to do this. So they sub a lot of it  
14 out. And their problem with it was that it was not only just a cost issue but it was going  
15 to be a timing thing because a lot of small parcels you're going to have to bring in the  
16 monument to do it, to put it on GIS.

17 MS. ALMEIDA: Right.

18 MR. MANNING: It's based on GPS. And they seem to think it was going to be  
19 pretty expensive for small plats. Now we're doing it now on land development at what  
20 stage? Preliminary plat, construction drawings? In this draft, are we asking to do it  
21 prior to that? Are we asking to do it at zoning or sketch plan or -

22 MS. ALMEIDA: At the administrative – at minor subdivision and administrative  
23 review.

1 MR. MANNING: And for zoning requests? A change in zoning.

2 MS. ALMEIDA: Well, yeah. You're going to need - we're getting a lot of that in  
3 digital format now.

4 MR. MANNING: Are we doing that now?

5 MS. ALMEIDA: Yeah. We're getting a lot of it.

6 MR. MANNING: I mean that is a requirement for zoning a one acre parcel.

7 MS. ALMEIDA: Because they're preparing for subdivision or they're preparing for  
8 a site plan or a PDD.

9 MR. MANNING: But if we were changing a parcel from rural to - one acre -

10 MS. ALMEIDA: Right.

11 MR. MANNING: Are we requiring that?

12 MS. ALMEIDA: No, we're getting a paper - in paper format.

13 MR. MANNING: Well, I think we need you to have a cost analysis [inaudible] -  
14 and I'm hearing -

15 MS. ALMEIDA: Well, I know that administration has, pretty much, indicated that it  
16 would just be to cover the cost of whatever Staff time because the equipment is there.

17 MR. CRISS: I believe Assistant County Administrator Ashley Blum has some  
18 remarks, Mr. Chair.

19 CHAIRMAN VAN DINE: [Inaudible]

20 MS. ASHLEY BLUM: Thank you, Mr. Chair. As far as the cost that we would -  
21 the fee that we would charge for this service, I mean we're not trying to make money on  
22 this. We're just trying to cover our cost for offering this service. We want to make sure

1 that - we don't want it to be a moneymaking venture. I mean we're not trying to do that.  
2 The fee would be similar to whatever a private firm would charge. I mean –

3 MR. GREEN: And that would be how much?

4 MR. BLUM: I don't know what the going rate it. Does anyone know what the -

5 MR. GREEN: I'd like to quote from our minutes from our last meeting. "Mr. Chair,  
6 it seems that – it seems to be a concern of yours, as well as a couple of other members,  
7 that I share would, be the cost to individuals. Why don't we defer this until next month  
8 and ask staff to call?" I just would repeat that sentence and there's - I mean I  
9 understand the desire for it, the need for it. I'm just saying before we pass an ordinance  
10 I think we need to have an understanding of the cost to individuals that come in with a  
11 plat. They've sold their property. Maybe it wasn't recorded. Maybe it was recorded.  
12 They've come in. Sold it to somebody else and given them the copy of their plat. How  
13 much are they going to get charged to have that thing digitally changed? Until we know  
14 that answer, everybody in the world can tell me how great and wonderful this is and I  
15 appreciate the need for it, but until we know how much it cost I think, I don't see how we  
16 can make a rational decision. And I would, again, ask that we be given some cost  
17 information. It's just that simple to me.

18 MR. PATRICK BRESNAHAN: If I may. I was here at the last time and we met  
19 with Administration, Public Works and Planning, on this issue. And the concern was  
20 cost to the small surveying firms. So we looked at other counties that do this and we  
21 thought if – take, for example, we're going to look out for those folks here in Richland  
22 County, we can look and take the example of rural counties that have done this.  
23 Pickens County charges a per parcel fee anything under five. York County charges per

1 parcel fee anything under five lots. Their fees range from anywhere from \$25 to \$50 per  
2 lot. So times five you're looking anything at a maximum of \$100-\$150. Well, no you're  
3 not. Three lots would be, if you're looking at five. So we're looking at anything that  
4 would be in the \$20 to \$50 range. And that's just taking examples from other counties.  
5 We've been working on this for five years and we've sent out numerous surveys. We've  
6 met with the President of the South Carolina Surveyors Association, the local chapter,  
7 Mr. Bob Vanderson. And in several memos we've asked for those costs. We haven't  
8 received anything back from them. So we started calling.

9 MR. MANNING: Could we ask some surveyors in Columbia to come to a meeting  
10 and address that issue and tell us what it's going to cost? The surveyors I called were  
11 not in the range of \$25 to \$50. I mean I don't know why –

12 MR. BRESNAHAN: Well, I heard your numbers and it sounds like they want to  
13 buy all the surveying equipment, which is in the \$20,000 to \$40,000 range. But if they  
14 come in with a – already if they do a subdivision that has to have a storm water permit  
15 or grading permit –

16 MR. GREEN: We're not talking about subdivisions. We understand that.

17 MR. BRESNAHAN: I understand that. I understand that.

18 MR. GREEN: I don't know what's so complicated about this. It's a simple request  
19 for information that's easy enough to get if somebody will spend a half hour on the  
20 phone calling about five or six surveyors – not the big ones that do all the big work. We  
21 know that's not the issue. My issue is somebody that sells a lot that's got a 15-year-old  
22 plat. Somebody comes, brings it in for recording. And they say, "No. Bring it back and  
23 get it done digitally." I suspect you get a lot of those. My house wasn't digitally

1 surveyed. To me it's a simple question. I'm confused by all the other stuff that we just  
2 can't get an answer to this simple question.

3 CHAIRMAN VAN DINE: Well, I'm not so sure it's as simple as just asking  
4 somebody what their price differential is. I think there's a whole lot of issues that fit into  
5 that which need to be looked at when you're looking at price differential. The more  
6 important issue to me is, okay, if the county's willing to take on the responsibility, what is  
7 the county going to charge for a person to do that as opposed to going out and finding  
8 out what people in the field are doing. Unfortunately I have a jaded view of certain  
9 things where you ask people to give you prices because most people jack up prices,  
10 whereas, if you have to do it on a bid-basis, the prices are a whole lot different. If I were  
11 asking somebody to bid something I'd get a different price than if I'm just asking what is  
12 it going to cost you. So I think the issue, to me, is more if the county is willing to step in  
13 to do that kind of stuff, what is the amount that the county is willing to set as a fee, per  
14 lot, to do that. The individual can come in with the plat and it's \$50, he knows he's  
15 going to have to pay \$50 to get it done. So I think that's the more important question as  
16 opposed to what everybody out in the field is going to charge, if we know that that's an  
17 option that's available – for them to come here. And so, I mean in that regard, I mean  
18 that's the question that I would like to have addressed.

19 MR. BRESNAHAN: Well, why don't we, right now, just say it's going to be a max  
20 \$50 per lot. Right now. Done.

21 CHAIRMAN VAN DINE: I mean we can do that but the only problem is is  
22 somebody upstairs going to agree with our decision. [Laughter]

23 MR. BRESNAHAN: Well, we have Administration here.

1 CHAIRMAN VAN DINE: I understand. But –

2 MR. BRESNAHAN: That's why I asked before I said that. If we look at other  
3 counties, the rural counties. We do that now.

4 MR. CRISS: It is, of course, within the purview of County Council to set all the fee  
5 schedules for the departments, including a digital plat conversion fee.

6 MR. FURGESS: Twenty-five is enough.

7 MR. PALMER: And you need to do this when you –

8 MR. CRISS: Though they might welcome a recommendation from this  
9 Commission.

10 MR. PALMER: You need to submit this information digitally when requesting a  
11 rezoning or if a rezoning is granted?

12 MR. CRISS: On the zoning map amendment submittal, the digital plat would be  
13 part of the application. And then it would be –

14 MR. PALMER: So if they're not granted that rezoning, then you guys just have  
15 the information you wanted anyhow and they'd leave with nothing.

16 MR. CRISS: Which is the case with the paper plat.

17 CHAIRMAN VAN DINE: Well, I – you know, I –

18 MR. CRISS: It may be that in a particular rezoning we already have the  
19 information and we wouldn't require, of course, another digital submission if it's already  
20 a part of the cadaster, or tax map system.

21 CHAIRMAN VAN DINE: What I – if we – if Mr. Bresnahan stands behind his  
22 request, what I am seeing is that in relation to the language and the verbiage which is in  
23 here, that the language can be modified to indicate that it is "The applicant shall have



1 the option of paying a per parcel COGO fee not in excess of \$50 as specified by the  
2 county – or as specified by the county in lieu of submitting a digital sketch plan.” That  
3 takes care of the cost factor. And it’s a per plot or per –

4 MR. CRISS: Parcel.

5 CHAIRMAN VAN DINE: Parcel – thank you – of a per parcel fee. That is – now  
6 you know what it is. Now you know what it’s set. People have the option of coming to  
7 the county and saying, “We don’t have it. We can’t afford to do it. Here’s the paper  
8 one. For \$50 you do it.” Then we are going to get what we need here, which is greater  
9 accuracy, better tools to do the work that is required. And I don’t think it’s that hard.  
10 And I don’t think we need to delay it to do that. I think that at a \$50 per parcel fee that’s  
11 a very legitimate and reasonable fee.

12 MR. MANNING: Mr. Chairman, I agree with you. That does sound reasonable.  
13 But there’s another component to it which is, if the data’s not out there or the  
14 monument’s not out there, somebody’s got to go bring it in. And that takes time.

15 MR. BRESNAHAN: With any -

16 MR. MANNING: So we’re already backed up on, you know, everything that we’re  
17 having to do we’re stretched. And so if you’ve got to run a monument into an area that  
18 doesn’t have one, I know it’s not going to cost you \$50. I mean the county’s going to be  
19 taking a hit on that. But, time wise, do we need to have that for a zoning request prior to  
20 it being approved or disapproved? At what point is it really necessary?

21 MR. BRESNAHAN: If I can address that. We’ve been working with the  
22 community for about five years now and Richland County spent over a quarter of a  
23 million dollars to densify the monument network. We didn’t wait on the State of South

1 Carolina. We put out 225 pairs of monuments that were blue-booked, submitted to the  
2 National Geodetic Survey, who now maintain them. And they are brass markers in the  
3 ground. And they were picked out by federal folks in coordination with some local  
4 engineering firms and looking at development, where that would be, outside of the City  
5 of Columbia. So if you go to richlandmaps.com, under the elevation folder you will see  
6 225 new monuments that we paid a quarter of a million dollars for to answer just that.  
7 We worked with the community, tried to find where those monuments. We have the  
8 most dense network of monuments in the state just to answer that for the community, to  
9 help them get them there.

10 MR. MANNING: I appreciate that, but I've also talked to [inaudible] to do on  
11 major/minor subdivisions and spent a lot of time bringing a monument in. So if  
12 somebody's coming to do just a simple plat recordation, what could be the delay time to  
13 do that, if you didn't have the monument there?

14 MR. BRESNAHAN: Well, it depends on the firm. If they're using GPS – and  
15 you're assuming they're not, right?

16 MR. MANNING: Well, the company I've been talking to subs it out. I mean a lot  
17 of –

18 MR. BRESNAHAN: GPS work.

19 MR. MANNING: - them do sub out.

20 MR. BRESNAHAN: They sub out GPS work?

21 MR. MANNING: Right.

22 MR. BRESNAHAN: And, exactly as you said, because that equipment is  
23 expensive for smaller shops. So folks do go out and use GPS. But if they're trying to

1 monuments anyone using an old chain, even, can still tie to those monuments. Those  
2 monuments are out there. And you can look at the density on our network. It's online.

3 MR. FURGESS: I have a question as a lay person. I have three acres. I'm  
4 planning to get them surveyed. They haven't been surveyed since 1941. So when I get  
5 the new plat for that property, when I bring it to county, then you would pay your \$50 to  
6 put it on this electronic thing that you're going to put it on?

7 MR. BRESNAHAN: If you're just getting it surveyed is there a reason you'd be  
8 recording it?

9 MR. FURGESS: Yeah. So it could be – I need to record it.

10 MR. BRESNAHAN: Subdividing it.

11 MR. FURGESS: No. I'm not subdividing it. I'm giving it to someone. I'm make  
12 sure that it's on the document for them to build a house when they get ready to build  
13 one. I just take it to the courthouse or I bring it here? I'm just asking the question.  
14 Because those questions are going to be popped up.

15 MR. BRESNAHAN: Well, right now, our Register of Deeds, in other states they  
16 record those digitally, but here they don't. But if it has to go through the planning  
17 process or the plan review process, it will. But if it doesn't, no. If you're just going to go  
18 record something at the RD office, no.

19 MR. FURGESS: Okay.

20 MR. GOSLINE: Mr. Furgess, all plats, before they get recorded go through a – or  
21 they're supposed to. So we, in that case, we would do what's called a simple plat  
22 review and it's \$50 now. So it wouldn't be any different.

1 MR. FURGESS: If I bring what I have now, you couldn't understand it and neither  
2 I, since 1941.

3 MR. GOSLINE: Well, we get a lot of those. People have old plats and they want  
4 to, you know, get an up to date, they want a deed. In your case you want the deed to  
5 be accurate.

6 MR. FURGESS: Uh-huh (affirmative).

7 MR. GOSLINE: And most lawyers aren't going to do a deed without a recorded  
8 plat.

9 MR. PALMER: My issue is somewhat the same as Mr. Manning's in the fact of  
10 not should we but when should we. That's just information. And I think it's later than  
11 sooner because you're not even guaranteed you're going to get the rezoning. And I  
12 think it would be, you know, very simple that, yes, somebody's coming down here to the  
13 county, asking them for something, and if that something is granted then, yes, you need  
14 to give them what they need in a digital format. But if you come down here and you ask  
15 for something and it's not granted to you, you know, I don't see the need to pay the  
16 extra money to get the county what they need is just what I'm saying.

17 CHAIRMAN VAN DINE: Well, you know, if you follow that logic, then any fee that  
18 we charge for anything in this department means, 'well, let's wait and find out if you got  
19 it approved before you get anything.' It's an illogical approach to say, you know, "Wait  
20 and find out." We are in the process of trying to establish credible, accurate data in  
21 which to do our things. Part of that comes with a cost. We all have costs which we  
22 would prefer not to pay. I'd prefer not to pay my gas when I go out to a gas station right  
23 now. But –

1 MR. PALMER: But you're getting gas for your gas! For the price.

2 CHAIRMAN VAN DINE: And you are getting an application processed here in the  
3 county. I think that, at a \$50 fee, the amount that people are being asked to do to get  
4 things processed is not astronomical in any way, shape, or form, and that we are then  
5 able to get data which is better for us to make decisions, for the Council to make  
6 decisions, and, frankly, for individual landowners or people to come in to this  
7 department to look. And – so, I mean, we've got to make a decision here because  
8 we've got a couple of other things we've got to address here. So there has been a  
9 suggestion that we delay it for additional cost data. I mean, I think that that additional  
10 cost data has been taken care of by the administration's indication that a maximum fee  
11 of \$50 would be charged for that.

12 MR. PALMER: Can they be tied to that or does the Council still have the authority  
13 to raise that number?

14 MR. CRISS: It would, ultimately, be Council's decision.

15 CHAIRMAN VAN DINE: But I think -

16 MR. PALMER: You know Council waters down things.

17 MR. CRISS: You can make that recommendation as part of the code.

18 CHAIRMAN VAN DINE: But I think that's what our recommendation is that you  
19 make it at a maximum \$50 per parcel. That's all we can do is recommend on code  
20 provisions. That's what we have. And they –

21 MR. PALMER: But we can also see what the difference is if the county decides to  
22 increase that number, if Council does, than what it would cost to do that in the private  
23 sector. So we would know there would be a balance there.

1 MR. MANNING: It's not \$50.

2 MR. JACKSON: But it's a maximum of \$50, right?

3 MR. PALMER: No, no, no! [Inaudible] \$50.

4 CHAIRMAN VAN DINE: My understanding is if they make a modification to  
5 something it's going to have to come back for us for further discussion anyways.

6 MR. PALMER: Well, even if it comes back for discussion, they still have the  
7 authority to do what they want to do.

8 MR. GREEN: I'd vote for it with a \$50 fee stated.

9 CHAIRMAN VAN DINE: I mean lets - if we set it up as a recommendation, if they  
10 are going to change it it's going to have to come back to us for further review. At that  
11 point in time then, perhaps, that information becomes much more important to our  
12 decision process.

13 MR. PALMER: I'm seeing some dissent by the Staff that it comes back to us.

14 CHAIRMAN VAN DINE: I've got it from the Administration who says it will be  
15 coming back to us.

16 MR. PALMER: Okay.

17 MR. CRISS: And that was a "not to exceed." Not an absolute.

18 MR. GREEN: Correct. Not to exceed.

19 CHAIRMAN VAN DINE: As a "not to exceed" \$50 per parcel.

20 MR. CRISS: Understood.

21 MR. MANNING: One more question and I'll be quiet. Currently we're using the  
22 GPS at just construction plan? We're only using the system at construction plan stage,  
23 preliminary plats?

1 MR. GOSLINE: [Inaudible], sometimes at sketch plan, but always at construction  
2 plans and final plat.

3 MR. MANNING: Right.

4 MR. GOSLINE: For the conventional subdivision.

5 MR. MANNING: And so how many other procedures are we asking to include?  
6 Single plat – I mean just a simple plat, minor subdivision.

7 MR. GOSLINE: Currently we only apply it to conventional subdivisions.

8 MS. ALMEIDA: We're requiring it a minor subdivisions.

9 CHAIRMAN VAN DINE: Alright. Well what do we want to do?

10 MR. JACKSON: I move that we support the \$50 maximum fee.

11 CHAIRMAN VAN DINE: With the language that's set forth in our –

12 MR. JACKSON: With the language that's set forth.

13 MR. FURGESS: I second it.

14 CHAIRMAN VAN DINE: Alright. So the language as set forth in the proposed  
15 amendment with the caveat that it should be a "not to exceed \$50 per parcel." Do I hear  
16 a second?

17 MR. FURGESS: I seconded it.

18 CHAIRMAN VAN DINE: Second. All those in favor please signify by raising your  
19 hand. All those opposed.

20 *[Approved: Furgess, Lucius, Jackson, Van Dine, Green; Opposed: Palmer, Manning;*  
21 *Absent: McBride, Wyatt]*

22 MR. CRISS: Five – two.

1 CHAIRMAN VAN DINE: Next we have is the Vesting of Subdivision. Mr.  
2 Manning, I will let you – this apparently was yours from last time, I let you – give you the  
3 floor.

4 MR. MANNING: Okay. Thank you. I think at the last meeting we were asked to  
5 bring forth some language that might be acceptable. I've done a draft and submitted to  
6 all of you for your review and I want to give Staff. Also I want to pass out a letter  
7 addressed to us from Representative Tracy Edge, who was the author of the vested  
8 rights legislation. Our last discussion was all around when we should vest, whether it  
9 should be at the preliminary plat or whether we should allow for vesting at sketch plan  
10 or phased developments. I've had some discussion with Staff about that. We don't  
11 agree totally on when and what should take place for vesting. But I think the legislation  
12 is clear – or maybe it's unclear – [laughter] - that the language includes phased  
13 development plans. And I think the language, also, is allowing the municipalities  
14 flexibility because some use sketch plans. Some use preliminary plans. There's a  
15 whole range of times or verbiage we vest. I would like for us to consider adding  
16 language that would allow for phased development plans if it's shown that the  
17 development plan is in concurrence with zoning and density. I think that's, primarily,  
18 what we're trying to vest. And that the appropriate plans would be provided to the Staff  
19 when construction was to begin. My concern is that you can go in to a development  
20 and size water and sewer and storm drains, all your offsite, in the initial engineering, but  
21 the only way we can vest that is to go forward and provide engineering drawings for all  
22 the phases. If we can show that the density will not change, or it's in conformance with



1 the zoning, and that the engineering is sufficient to take care of what's there, I think the  
2 developer should be protected for that. And I think that's what I tried to say in that draft.

3 CHAIRMAN VAN DINE: Mr. Criss, do you have something to say on the matter?

4 MR. CRISS: Is the draft language that I'm looking at different from what the  
5 Planning Commission has considered?

6 CHAIRMAN VAN DINE: They are proposing – if you look on page 2, if you're  
7 looking at what has provided to you in the blue -

8 MR. CRISS: Ah! Catching up.

9 CHAIRMAN VAN DINE – “Additional Language.”

10 MR. CRISS: Thank you.

11 CHAIRMAN VAN DINE: For information also, if you look on page 225 on, you will  
12 see some response that has been provided relative to this question.

13 MR. CRISS: I infer that the blue language means that if a – well, I'm not sure – if  
14 a preliminary plat was granted for a first phase then sketch plan approval would be  
15 sufficient for the additional phases?

16 MR. MANNING: A sketch plan could be used for vesting of future phases if  
17 shown that the engineering for the preliminary plat for phase 1 was sufficient and that it  
18 met the zoning requirements for the existing [inaudible].

19 MR. CRISS: So, therefore, one could not submit a multi-phase, say residential  
20 project and be vested upon sketch plan approval for all the phases. One would have to  
21 have at least a preliminary plat approval for one or more of the phases.

22 MR. MANNING: Correct.

1 CHAIRMAN VAN DINE: If I understand, the issue is the question becomes what  
2 standards must be applied to subsequent phases at the time they come online.

3 MR. MANNING: Correct.

4 MR. GREEN: And what you want to vest is the density and the zoning.

5 MR. MANNING: What I want to vest is – I'm already saying that the zoning  
6 criteria has been met in the sketch plan that's submitted at the time the preliminary plat  
7 goes into effect. But I think there needs to be protection, or vesting, on the  
8 infrastructure that's already coming into the project and leaving the project that will take  
9 care of those future phases. That there will not be a change that would require  
10 additional expense to meet those standards later on down the road. Well you're  
11 spending dollars way out in the future now to take care of it.

12 CHAIRMAN VAN DINE: How would you jive that with the language, which says,  
13 "The applicant shall have a vested right for two years from the date of approval to  
14 submit an application"? I mean, at what point does that two-year phase then start to run  
15 so that you know when your two-year trigger is?

16 MR. MANNING: I would think it runs concurrent with first phase.

17 CHAIRMAN VAN DINE: So after two years –

18 MR. MANNING: After two years if you did not apply for an extension, you would  
19 lose your vesting. And that holds true for the same thing on phase one.

20 CHAIRMAN VAN DINE: But don't you have that already? Because what you've  
21 got is you've got – you're vested. And if you're asking for extensions for however many  
22 years you can get the extensions, the extensions are granted, you're still vested for that  
23 extension period.

1 MR. MANNING: But you've got to ask for the extension. And you would do the  
2 same thing, I mean, for the whole project.

3 CHAIRMAN VAN DINE: But I guess what I'm saying is, okay, we've got three  
4 phases in your project.

5 MR. MANNING: Right.

6 CHAIRMAN VAN DINE: Okay. Phase one has been planned, approved, you're  
7 starting to move forward.

8 MR. MANNING: Right.

9 CHAIRMAN VAN DINE: Okay? You're working on that. You don't need an  
10 extension on that.

11 MR. MANNING: Well, I might if it's a big phase. I mean if it took longer than two  
12 years you might.

13 CHAIRMAN VAN DINE: Well, except you're basically running through the whole  
14 thing. So, I mean, your infrastructure should be in place by, I would assume it's in plan.

15 MR. MANNING: Two years. Right.

16 CHAIRMAN VAN DINE: Right. Now we've gotten out. At what point does phase  
17 two start to come under the two-year requirement that something happen with it?

18 MR. MANNING: I would say on day one, at the same time the preliminary plat  
19 was approved.

20 CHAIRMAN VAN DINE: Alright. So if it's vested on day one, it goes out two  
21 years, now.

22 MR. MANNING: Right.

1 CHAIRMAN VAN DINE: Now you need to apply for an extension. You're still  
2 vested for that extension and any other extensions that you get after that.

3 MR. MANNING: Right.

4 CHAIRMAN VAN DINE: So where are you getting the need for additional vesting  
5 that you don't already have? Am I missing something on the -

6 MR. MANNING: You're not vested in phase two and three under the current  
7 ordinance unless you submit a plan, a set of engineering drawings. And what I'm  
8 saying is that you shouldn't have to have a set of engineering drawings to vest an  
9 investment in infrastructure that you made in phase one. You know, you run in a 10"  
10 water that will serve the project. You run in a 10" sewer line that will serve the project.  
11 Or you run in storm drains that will take care of the whole project.

12 CHAIRMAN VAN DINE: So then -

13 MR. MANNING: You might not have all the engineering done for the 50 or 60 or  
14 100 lots that will come in the additional phases. So I think that that initial infrastructure  
15 certainly should be vested.

16 CHAIRMAN VAN DINE: So, in essence, what you're suggesting is that the entire  
17 project be vested upon completion of the drawings for the first phase.

18 MR. MANNING: When you provide the information, from an engineering  
19 standpoint, that will allow that. And the state statute I think allows it, as well. I think  
20 they're very specific in saying phased development plans, sketch plans. I'm not here to  
21 say go to sketch plan, but once you start that process I think you should be vested.

1 CHAIRMAN VAN DINE: So if you've got a project, let's take Lake Carolina for  
2 example, which has a 15 or a 20 year build-out, how would the vesting apply to that if it  
3 was phased?

4 MR. MANNING: I don't know whether the 15 or 20 year build-out comes in to  
5 play. I mean you asked that question the other night about the PUDs and what are you  
6 actually putting in place. Are we getting what we require? But as far as they had a  
7 phase that had multiple phases off of it and they provided the information or the  
8 engineering drawing to do the preliminary plat, those subsequent phases, I feel, should  
9 be vested. That's not to say a new neighborhood is created and is vested under that,  
10 but extensions of an existing neighborhood.

11 MR. CRISS: If I may. There's two aspects to this vesting. There's the land uses  
12 and the density for residential or call it intensity for commercial, office, institutional,  
13 industrial, etc. In other words, go up gross floor area or floor area ratio or whatever  
14 measure you want to use. And then there's the construction standards issue: The  
15 quality of the road, the storm drainage, the water, the sewer that you put into the  
16 ground, so to speak. And Mr. Manning, I think, is referring to both.

17 MR. MANNING: Right.

18 MR. CRISS: I believe he's suggesting that a multi-phase, say residential project  
19 be vested with respect to not only the land uses, density or intensity, but also the  
20 construction standards for roads, storm drainage, water and sewer upon the preliminary  
21 plat approval for the first phase.

22 MR. PALMER: And that makes sense to me that if you've got the upfront costs to  
23 put in the infrastructure that'll feed the rest of the development that it's today is a 10"

1 line if, five years from now, somebody in their wisdom decides it needs to be an 11" line  
2 that feeds that you're not required to go back in and bust up that 10" and put in an 11".

3 MR. MANNING: Right.

4 CHAIRMAN VAN DINE: I don't think anybody's suggesting you go in and pull up  
5 what's in the ground.

6 MR. PALMER: But if you've got to have more to feed what's in the back, then you  
7 would have to do that.

8 CHAIRMAN VAN DINE: I guess I'm not so much concerned about vesting small,  
9 two-three phase projects. It's if you start getting in to some of these – we heard one of  
10 them today we were talking about 16 phases. I don't know how they're hooked in or  
11 tied in on all of those phases and whether they're all coming in off of a single line or not.  
12 But it seems to me that when we start getting into that size or that number of phasing  
13 we could run into some real problems down the road with some of those.

14 MR. MANNING: I think, currently, if they brought their engineering drawings in for  
15 16 phases they would be vested.

16 MR. CRISS: Yeah.

17 CHAIRMAN VAN DINE: But they would have to have the drawings in place and  
18 then they would be locking in to those drawings.

19 MR. MANNING: And basically, I'm suggesting that there's really nothing  
20 significantly different if you can show that the capacity is there and it's built into the  
21 project that you got approved, then going and spending the money and doing the  
22 engineering drawing. I mean if the zoning will allow 50 lots and you give a sketch plan,  
23 you may need to change the location of that lot, you know, down the road. I think it's,

1 one, it's for protection. But, two, I don't think you need to spend the money on  
2 engineering drawings at that stage. I do on the preliminary plat for initial approval.

3 CHAIRMAN VAN DINE: So how does the language here, then - what, specifically  
4 does this language say? Conditional approval of what?

5 MR. MANNING: Of the density and zoning is in compliance and that you can,  
6 basically, show, which you have to do in the preliminary plan, that the on site and off  
7 site water, sewer, and storm drain will be sufficient for the whole project.

8 MR. CRISS: And I think the language would have to be strengthened to  
9 accomplish Mr. Manning's objectives, specifically the design standards for roads and  
10 storm drainage, etc., would be vested. One of the concerns I have as a Planner in  
11 vesting too far ahead on major, multi-phased projects is the county will be less likely to  
12 introduce design improvements. If, for example, the county decides that we need more  
13 entrances to subdivisions for fire safety, or we need to bridge riparian stream corridors  
14 with actual openings rather than hard pipes and culverts to keep the stream system  
15 ecology intact, or the storm water management system has to be able to trap and  
16 capture some of that first flush of non-point source pollution that comes off the hard  
17 surfaces of the roads and rooftops and driveways and so forth, whatever projects have  
18 been vested in the, presumably, prior two years, even up to seven years, would not be  
19 subject to those changes. But it's debatable as to whether or not such changes should  
20 be –

21 *[Jackson out at 5:27 PM]*

22 MR. MANNING: I guess time –

23 MR. CRISS: - applicable to projects that have, at least, been conceived.

1 MR. MANNING: I guess maybe time is the big issue. But we can't be missing it  
2 that far right now. I mean, we're building roads to the county standards. I mean, I don't  
3 think they're going to significantly change in the next two years. I'm sorry. I'm saying I  
4 don't think the standards are going to vary that greatly. We can't miss the boat that  
5 much. If something needs to change, I'm sure we'll figure a way to change it.

6 MR. CRISS: I agree.

7 CHAIRMAN VAN DINE: The language says, "Conditional approval shall be  
8 granted to additional phases of a subdivision." Is that indicating that conditional  
9 approval is granted at the time the first is submitted? Well, first of all, I'm having  
10 problems with the words "conditional approval." I'm not sure what that means.

11 MR. MANNING: Well, the purpose is that if you can show that the phase, the  
12 future phases – that sufficient engineering's been done to accommodate those phases,  
13 water, sewer, storm drains, so on and so forth, that that infrastructure be vested. I  
14 mean, you're making a significant investment to do something a certain way for future  
15 phases. And I think that needs protection.

16 CHAIRMAN VAN DINE: But it's not the infrastructure's being vested, it's the right  
17 to extend the infrastructure would be vested is more - sounds to me more like what  
18 you're talking about, the right to extend it. Because the infrastructure is already going in  
19 place for phase one.

20 MR. MANNING: Right.

21 CHAIRMAN VAN DINE: The right to extend and to attach on to that is vested –

22 MR. MANNING: Right. Right.

23 CHAIRMAN VAN DINE: - is what you're really suggesting. Not -



1 MR. MANNING: Correct. Exactly.

2 CHAIRMAN VAN DINE: Okay.

3 MR. CRISS: Mr. Manning, would you think that the applicant/developer should  
4 own or have controlling interest in all the lands subject to the development plan on all  
5 the phases at the point of vesting?

6 MR. MANNING: Should the owner/developer have a controlling interest?

7 MR. CRISS: In other words, can you get vested in a plan on somebody else's  
8 plan?

9 MR. GREEN: Michael, you have a lot of cases where somebody will go in and  
10 subdivide and sell sections off to different people. So the land developer may put up  
11 none of the houses and sell off sections.

12 MR. CRISS: Agreed. I have no problem at the point of vesting with the developer  
13 selling to whomever he can legally sell to. I'm asking to reach the point of vesting what  
14 interest should the applicant have in the affected lands?

15 MR. MANNING: I would think that, you know, don't hold me to this - I'm thinking  
16 off the top of my head - but whoever the person's putting the infrastructure in. I mean,  
17 you know, that's the person at risk.

18 CHAIRMAN VAN DINE: Would you - I think, maybe, where Michael may be  
19 going is let's assume that we're out at Mr. Mungo's out in the northeast. And he runs a  
20 mainline down the road. And he sold off parcels to KB and all the other people. Are KB  
21 and everybody else vested in what types of lines they put into their neighborhoods? Or  
22 is it just the vesting of the main lines for extension off -

23 MR. MANNING: Well -

1 CHAIRMAN VAN DINE: Because KB and those people would not have submitted  
2 any kind of plan. The master plan would have been to run the mainline or the trunk  
3 lines or something out into this area. But the individual neighborhoods would not have  
4 been established or even planned at this point.

5 MR. MANNING: I would think that KB, if they, in fact, were doing the  
6 development and Mungo was not doing it for them, when they presented Planning with  
7 a set of construction drawings from phase one, two and three of whatever their section  
8 was that's what you would vest. Not other phases that Mungo was selling to somebody  
9 else. Now Mr. Mungo may have a need to vest what he's doing. But I think that's  
10 handled separately.

11 CHAIRMAN VAN DINE: I guess I'm not so much concerned about granting  
12 vesting to people for periods of time. It's just that if something starts to extend out, you  
13 know, 10-15 years or something like that, I've got a concern that you may be missing  
14 upgrades in technology. You may be missing other things that are necessary for  
15 protection, environmental protections or whatever, that have come on line since that  
16 initial stage commenced. So, you know, I can't imagine a whole lot of things are going  
17 to change that dramatically, like you said, over five, seven years. But look what's  
18 happened in 15 years, you know, since the '90s, when we looked at some of the  
19 technology, some of the other things that are going into the systems. So I guess I'm  
20 having a problem at the back end, not the front end.

21 MR. MANNING: Well, even under the current ordinance, I think it allows for two  
22 years with –

23 CHAIRMAN VAN DINE: Up to five.

1 MR. MANNING: Up to five extensions?

2 CHAIRMAN VAN DINE: Yeah.

3 MR. MANNING: Is that - and that's the state law. It's just what are we going to  
4 vest? You know, if you read the state statute, I mean it -

5 CHAIRMAN VAN DINE: See, I don't have a problem with vesting them for the  
6 two up through the five extensions. And then saying if something has not been  
7 commenced after that point in time, then you're going to fall under whatever happens  
8 after that. Because you would, at least theoretically, be starting work on some of the  
9 other phases after that. Yes, ma'am.

10 MS. ALMEIDA: I know that we've toyed with reading the language and even  
11 reading this letter. You know, vesting the zoning and the density, you know, I think  
12 developers need that for security. I, personally, have a problem with vesting for so long  
13 with the standards, controlled clearing, ADA requirements for handicapped people,  
14 ozone attainment that we need to adhere to, in this county especially, being more  
15 pedestrian friendly. Those things really worry me because, as you just said, Mr. Van  
16 Dine, five, 10 years down the line, you know, things change. And when we have all of  
17 these subdivisions vested and phased out that haven't been built yet and they keep, you  
18 know, I'm sure they'll come in for extensions. To vest the density and the zoning and  
19 the concept of what you want to do, but to zone something so finite like widths of  
20 sidewalks and - that's scary. And I don't know whether that was the intent from the way  
21 I read this.

22 MR. MANNING: You know, things that are - ozone abatement or wetlands  
23 regulations, things that, sometimes, are handed down through the federal government I

1 don't know whether you could vest that anyway. But the things that you require on a  
2 construction drawing, the size of the water line, the size of the sewer line, storm drains,  
3 the road widths and profiles. That's what I'm talking about.

4 MS. ALMEIDA: The infrastructure. Okay. So you – well – sidewalks would be  
5 infrastructure [inaudible]. So they're not talking about, necessarily, complete design  
6 standards.

7 MR. PALMER: You're talking about landscaping requirements, too?

8 MR. GREEN: He's not talking about, like, a tree protection ordinance kind of  
9 thing.

10 MS. ALMEIDA: Under ordinances.

11 MR. GREEN: He's talking -

12 MR. CRISS: Talking about infrastructure design standards.

13 MR. GREEN: [Inaudible] like that, yeah.

14 MR. MANNING: Yeah.

15 MR. CRISS: Primarily road, storm drainage, water and sewer.

16 MS. ALMEIDA: [Inaudible]

17 CHAIRMAN VAN DINE: Let me ask you this. In light of this discussion, is there a  
18 way that we can craft language that addresses these issues and provides at least some  
19 measure of protection?

20 MR. CRISS: Perhaps a compromise of Mr. Manning's proposal. Preliminary plat  
21 approval of the first phase of a multi-phase project with interdependent infrastructure  
22 that's truly related, not just physically contiguous or, you know, across the street, but  
23 whose road network, storm drainage, water, sewer, all works together as designed to

1 work together. That the future phases receive vesting for design standards upon mere  
2 sketch plan approval after that first phase gets preliminary plat approval with full  
3 engineering drawings. Maybe limit that to the two years and drop the extensions.

4 CHAIRMAN VAN DINE: Well, I guess, playing the devil's advocate and to follow  
5 up on that, phase two is, generally, not going to get started in two years.

6 MR. CRISS: Okay.

7 CHAIRMAN VAN DINE: Because – so just vesting it for two years it doesn't do  
8 you a whole lot. I mean, I would think that phases two, I mean, well, let's - some of the  
9 these ones that we just did subdivisions on, when were phase one started versus phase  
10 two coming before us for subdivision and phase three and all the rest of them?

11 MR. GOSLINE: [Inaudible] overlap.

12 CHAIRMAN VAN DINE: Huh?

13 MR. GOSLINE: It's very common to have two or three phases all at once.

14 CHAIRMAN VAN DINE: They may. But they may also not have those overlaps.  
15 And you may have phase two not starting for three or four years.

16 MR. GOSLINE: Right. But he's saying let it run concurrently. That's not  
17 [inaudible].

18 CHAIRMAN VAN DINE: But he's talking about taking away the extension times in  
19 which to do it and only leaving it two years. That's a –

20 MR. JOHN NEWMAN: I'm talking about what Mr. Manning's saying. I mean the  
21 problem would have been at seven – and like you said – seven or eight years down the  
22 road [inaudible].

23 CHAIRMAN VAN DINE: They can't hear you.

1 MR. NEWMAN: Excuse me. The problem that we had in reviewing these and  
2 looking at what other counties were doing was an idea of a multi-phase project being  
3 submitted with the preliminary plat information for the first phase and then simply a  
4 sketch plan for the remaining phases and then those remaining phases being vested for  
5 any period of time with the vestment not actually starting until the construction began or  
6 until the preliminary plat was submitted, it would be in that seven or eight years down  
7 the road. But if we're being run concurrently with the initial submittal, then that would  
8 not come into play at all.

9 CHAIRMAN VAN DINE: Provided you can use the extensions which would be in  
10 existence here and it's not cut off at the two year.

11 MR. NEWMAN: Correct.

12 CHAIRMAN VAN DINE: What let's see if we can run some language that, in  
13 effect, effectuates what we are talking about here, which is to say, that the phased  
14 development has approval and is vested pending some sunset provision, whether it be  
15 the seven years, you know the two plus the five extensions. And that at that stage  
16 there's no longer any vesting of those particular rights unless additional work has been  
17 performed and those plans have been submitted. I mean, if you do phase one now you  
18 get all of your infrastructure approved. And year four you actually submit your plans for  
19 phase 2 and you have them approved, then you ought to be able to start your clock  
20 running on that seven years again. And then - you know, that's the type thing I'm  
21 talking about. And that would seem to be a compromise which narrows the scope. It  
22 doesn't leave it wide open on the long end. But at the same time gives some protection  
23 for phased projects along the line.

1 MR. CRISS: What about the prospect of a developer wanting to add additional  
2 phases after the initial vesting?

3 CHAIRMAN VAN DINE: Then I think they have to start all over again on the  
4 whole – I mean, if they have not phased-out their project when, initially, it came in, then  
5 they're going to have to start for the additional phases if they want to add them. That's  
6 something different. That's a whole different ballgame.

7 MR. MANNING: Yeah. That's like a new subdivision.

8 MR. PALMER: Because that tells me they didn't plan for it at the beginning,  
9 anyhow.

10 MR. MANNING: Right.

11 CHAIRMAN VAN DINE: Alright. For the purposes of what we're doing, then, let's  
12 see if we can craft language that meets what we've been just talking about here and  
13 see if we can, at our next meeting, address that specifically.

14 MR. CRISS: We'll work with Legal to come up with language and solicit Mr.  
15 Manning's advice.

16 MR. MANNING: My legal-eze just stops here.

17 CHAIRMAN VAN DINE: Alright. The next thing on our agenda, Road Name  
18 Approvals. Marcia, did you find anything of interest?

19 MS. LUCIUS: [Laughter] yes! What's a winged bird?

20 CHAIRMAN VAN DINE: A what?

21 MS. LUCIUS: A wing bird? Wingbird.

22 MR. PALMER: I think I had a couple of them hot and spicy on Saturday night.

23 [Laughter]

1 CHAIRMAN VAN DINE: I didn't think we could talk about that in public.

2 [Laughter]

3 MR. GOSLINE: There's some really strange ones in this [inaudible].

4 MS. LUCIUS: There are some strange ones I got [inaudible].

5 MR. PALMER: Once these guys find out they can get future names, they're just  
6 getting everything.

7 MS. LUCIUS: There's some good ones in there.

8 CHAIRMAN VAN DINE: What's a Wingstripe?

9 MS. LUCIUS: Wingstripe. What's a Winterstripe?

10 CHAIRMAN VAN DINE: That's something we're not going to talk about. Do I  
11 hear a motion?

12 MR. FURGESS: So moved.

13 MR. GREEN: Second.

14 CHAIRMAN VAN DINE: All those in favor please raise your hand.

15 *[Approved: Palmer, Furgess, Lucius, Van Dine, Green, Manning; Absent: Jackson,*  
16 *Wyatt, McBride]*

17 CHAIRMAN VAN DINE: Approved. Alright. What took place during County  
18 Council that we need to really be aware of?

19 MS. LUCIUS: What about this wholesale trade thing?

20 CHAIRMAN VAN DINE: No, that's coming up next. I'm going by the agenda.

21 MS. LUCIUS: Oh, I'm sorry.

22 MS. ALMEIDA: No. That was a separate handout in your packet.



1 CHAIRMAN VAN DINE: And everything went, basically, in accordance with what  
2 we suggested?

3 MS. ALMEIDA: That is correct.

4 MS. LUCIUS: Wow!

5 MR. GREEN: That's because we didn't say no to anything last time.

6 CHAIRMAN VAN DINE: You said it, not me.

7 [Laughter]

8 CHAIRMAN VAN DINE: Alright. Moving right along. Discussion of Wholesale  
9 Trade Land Uses in General Commercial. Mr. Criss.

10 MR. CRISS: Sorry. At the June Planning Commission meeting the Commission  
11 referred the matter back to Staff for further recommendations. And we have provided  
12 that on page 239. Rather than add additional wholesale trade land uses to the new GC,  
13 general commercial, zoning district, we recommend drafting land development code text  
14 amendment language to add definitions for retail trade and wholesale trade such as are  
15 implied by Interim Zoning Administrator Geo Price's letter on page 240. We recognize  
16 that some businesses conduct a mixture of retail and wholesale trade and that the  
17 Zoning Administrator, ultimately, has to make, at least, an initial determination as to  
18 what land use category a business falls under. And the letter you see from Geo Price,  
19 dated the 24<sup>th</sup> of May this year, to Councilman Pearce on the matter states that a  
20 business with a South Carolina Sales Tax Retail License is presumed to be one or more  
21 of the retail, rather than wholesale, land use categories under the Richland County Land  
22 Development Code effective July 1<sup>st</sup> assuming that the gross proceeds are  
23 predominately from the retail sale of tangible property as reported to the South Carolina

1 Department of Revenue. There are almost 150 retail and business service professional  
2 land uses available to the GC zoning district already.

3 MR. GREEN: Mr. Chairman, I continue to have the same concern even after this  
4 clarification because that wasn't the fundamental issue that was at hand. To me, the  
5 fundamental issue at hand was that you have an awful lot of small wholesalers that  
6 have traditionally been able to locate in a C-3, general commercial, district. We allow  
7 some number, but we don't allow others. And I'm at a loss to understand the distinction  
8 between someone that wholesales, I don't know, groceries, as permitted, but furniture  
9 isn't permitted. It's not a definition of what's retail and wholesale that I'm concerned  
10 with. I believe we need an SR designation except in some cases of wholesale trade  
11 where that type of product in a general commercial district might truly not be desirable.  
12 I don't know if it's, you know, you're probably not going to get petroleum products, you  
13 know, in a GC district. But for a lot of these others – I'm talking about 8,000 to 10,000,  
14 a 12,000 square foot wholesaler that's wholesaling. You go to almost any category in  
15 here and you can go find, in this city, a small wholesaler that's no more inappropriate for  
16 a GC district than the ones that are permitted. And I don't know that just redefining  
17 what's retail and wholesale addresses that particular issue, especially in these flex  
18 space kinds of development where you could have someone, you know, you could have  
19 a small wholesaler that distributes one kind of specialty line. And he needs 4,000  
20 square feet to do that in. Why is that not acceptable in a GC district and forcing it to a  
21 light industrial district?

22 CHAIRMAN VAN DINE: What are our special requirements under the Market  
23 Showroom?

1 MR. GREEN: The first one to find that page let me know.

2 MR. CRISS: Page 201.

3 MR. GREEN: Thank you, Michael.

4 MR. CRISS: "Display areas shall exist within permanent buildings only."

5 MR. PALMER: I seem to remember we were trying to come up with some kind of  
6 a square footage number with some language back in that kind of area.

7 MR. GREEN: Right.

8 MR. FURGESS: Right.

9 MR. CRISS: Your old code, of course, had an 8,000 square foot limit.

10 MR. FURGESS: I think we dropped that number, didn't we?

11 MR. CRISS: Though it was wide open to all categories of wholesale trade.

12 MR. GREEN: And, you know, if you don't want to permit outside storage, that's  
13 fine. If you don't want to permit something over a certain size, that's fine. But just to  
14 categorically say that someone that wholesales drug sundries isn't permitted –

15 CHAIRMAN VAN DINE: I thought that was illegal.

16 MR. GREEN: Drug sundries? [Laughter]

17 MS. LUCIUS: Sundries?

18 MR. GREEN: That's paraphernalia.

19 CHAIRMAN VAN DINE: Oh, excuse me. I'm sorry.

20 MR. GREEN: You don't remember from your last warrant what the difference -

21 CHAIRMAN VAN DINE: It was something [inaudible]. I'm not sure.

22 MR. PALMER: That's what happens when you grow up in Vermont.

23 [Laughter]

1 MR. GREEN: So that's what I'd like to see us look at is some special  
2 requirements. And, you know, I acknowledge that there's some of these probably  
3 shouldn't be in there. But I suspect the list is about four or five of them and not 20 - 25  
4 of them.

5 MR. MIKE DUFFY: Mr. Chairman? [Inaudible]. I know it's been a long day and  
6 it's been a subject that we [inaudible] in zoning requests and letters I've written to you  
7 and to Council [inaudible]. My name is Mike Duffy. I live at 10 Regatta Court,  
8 Columbia. I agree wholeheartedly with what Staff has recommended. But, like you  
9 said, it doesn't go far enough. It doesn't cover those small wholesalers who sell their  
10 products for resale. I agree wholeheartedly, also, that we can limit the size of these  
11 units. I think public policy should foster the growth of entrepreneurship in small spaces,  
12 flex space, within a certain size limitation, whether they be wholesalers or whatever. As  
13 long as they're not causing some problem for the community, everything is kept inside,  
14 they're existing ordinances to cover things like noise [inaudible] and the list of permitted  
15 uses review it by exception and knock off those four or five that you feel are truly  
16 intrusive to communities. And let's go with the rest of it, because, right now we have  
17 virtually excluded wholesale trade, true wholesale trade in the GC zones.

18 CHAIRMAN VAN DINE: I guess some of the other concerns besides just sizing  
19 might be, from my perspective, would be truck traffic, deliveries, light. Issues where you  
20 may have retail where you have somebody selling clothing or whatever next door and  
21 somebody starts to pull up with a truck and unloading the wholesale stuff. I mean  
22 there's some of those issues. So I don't have a problem looking at this particular issue,

1 but I think it's more than just a size issue. I think there're some other – well, there's  
2 things we need to look as far as what goes in and what doesn't.

3 MR. DUFFY: Well, the size issue limits the amount of truck traffic because  
4 there's only so much activity that can go in a small unit.

5 MR. PALMER: Those trucks pull into small, neighborhood shopping centers  
6 every day. It's not just wholesalers.

7 CHAIRMAN VAN DINE: I agree. I'm just suggesting there a lot of things we  
8 should look at as well as –

9 MR. GEO PRICE: Mr. Chairman, maybe, you know, if we're going to limit the  
10 size, but you do want, you're looking at a review of that type of use and maybe the type  
11 of activity that it may bring, maybe it could also – it could go under some type of special  
12 exception where at least the Board of Zoning Appeals would review the proposed use.

13 MR. GREEN: You know, my only problem is that, you know, the more that we  
14 can go – if the things that are of concern, and there's some in here that would be of  
15 concern, can be addressed by special requirements, then we don't get into the situation  
16 of the philosophy of BOZA changing from one meeting to the next, one year to the next.  
17 Somebody knows ahead of time what they can do and not do. You know, I don't know  
18 that there's enough time when somebody comes and wants to lease one of Mr. Duffy's  
19 spaces. He says, "Well, wait a minute. We're going to have to file our application with  
20 the county to see if we can get a special exception." And, you know, they're off and  
21 about and they've gone somewhere else waiting the six or eight weeks for that process.  
22 If there are things we can address and get comfortable with, like the special  
23 requirements, I think that's the way to go. And then we don't have all the subjectivity

1 and the time delay involved and tying up the time of BOZA trying to hear all those  
2 things.

3 CHAIRMAN VAN DINE: And I think that there are probably three classifications  
4 within that group. There're probably ones that are permitted and we would all agree.  
5 Don't have a problem with being there.

6 MR. GREEN: Right.

7 CHAIRMAN VAN DINE: There are probably some that do require, if you're going  
8 to allow special requirements. And there are some –

9 MR. GREEN: We don't want.

10 CHAIRMAN VAN DINE: - that shouldn't be there at all.

11 MR. GREEN: I agree.

12 CHAIRMAN VAN DINE: So I think – and I think we could probably, like you said,  
13 go and pick the ones out that don't belong right now pretty easily. But is there any way  
14 to provide us with what you would consider to be special requirements necessary for  
15 any of these classifications?

16 MR. CRISS: The gross floor area of the building, per parcel.

17 MR. GREEN: Exclude outside storage.

18 MR. CRISS: The outside storage and processing.

19 CHAIRMAN VAN DINE: It would seem to me that they ought to be prepackaged  
20 items if we're talking about that as opposed to, you know, somebody's bulk load of cow  
21 manure sitting in the backyard or something.

22 MR. GREEN: With that I think Michael's "no outside storage" or what was your  
23 other word "storage or" –

1 MR. CRISS: Processing.

2 MR. GREEN: Processing.

3 MR. GOSLINE: Processing [inaudible].

4 MR. CRISS: And, of course, you could just exclude farm products, raw materials  
5 from the district.

6 MS. LUCIUS: Um-hum (affirmative).

7 CHAIRMAN VAN DINE: Then I guess the best thing to do at this point in time is  
8 at our August meeting come back with suggested changes to this chart as well as  
9 language that's appropriate for a special requirements.

10 MR. CRISS: Any other parameters? Hours of operation, other aspects of the  
11 land uses that you want us to consider for special requirements?

12 CHAIRMAN VAN DINE: I think you have to take a look at any reasonable  
13 restrictions on some of these things within those areas, lighting, access, and those  
14 kinds of things.

15 MR. GREEN: We already have – lighting's already – isn't lighting already  
16 covered in a GC district?

17 CHAIRMAN VAN DINE: But we've also got special requirements on some of  
18 these things. We talk about directional and down-lighting and some of the other things  
19 like that, which may not apply because it may already be in the shopping centers or  
20 other complexes, so -

21 MR. DUFFY: Mr. Chairman, if I may. This issue first came to my attention back  
22 in November. And I've communicated with Council, this Commission, and Planning  
23 Department for months and months. The provision was made in the Land Development

1 Code that there would be a six month period for changes to be made. And that period  
2 has lapsed and we're now dealing with this. People who are knowledgeable in this  
3 business realize their wholesale trade is not permitted in the GC zones. And I have GC  
4 zoned property. So it has a current impact. And I guess all I'm asking is if there's just  
5 a few items that need to be excluded, if we could move forward with it at this meeting.

6 CHAIRMAN VAN DINE: I don't think we're in a position to move forward with it at  
7 this meeting. I think we have to get – I mean, based upon the comments that have  
8 been made, I think we need to move forward at our next meeting and have it addressed  
9 then.

10 MR. GREEN: We're going to have to see written language before we pass  
11 anything.

12 MR. DUFFY: Right. Okay. Thank you very much.

13 MS. LUCIUS: I see some in there that I don't know why we exclude. You know,  
14 you exclude tobacco but, yet, you let us have the paper to wrap it in.

15 [Laughter]

16 MR. GREEN: You use that self-roll cigarette. Is that you're talking about,  
17 Marcia?

18 [Laughter]

19 CHAIRMAN VAN DINE: Please be careful. We're going to lose it here real quick.

20 MR. PALMER: Your water tobacco.

21 MS. LUCIUS: Huh?

22 MR. PALMER: You're a tobacco water smoker?



1 CHAIRMAN VAN DINE: I don't need paper for my tobacco. Mr. Chairman, do  
2 you have any Planning Director's Report?

3 MR. CRISS: Did we talk about the meaning of "rural"?

4 CHAIRMAN VAN DINE: I'm sorry. We did not.

5 MS. LUCIUS: Well, you know, since it's so late I think I would request that maybe  
6 we put that on the agenda next time.

7 MR. CRISS: Right.

8 MS. LUCIUS: But I do want to talk about it because we did try to differentiate  
9 between rural-residential and pure rural, agricultural land. And I want to point out, too,  
10 Michael, while you're doing that, if you look on page 100 of your Land Development  
11 Code where it gives a description of rural, minimum lot area – minimum lot area 33,000  
12 square feet, and then in parentheses you've got one acre.

13 MR. CRISS: Yes. Typo. Thank you.

14 MS. LUCIUS: You're welcome.

15 MR. PALMER: That's close enough. You can round it [inaudible].

16 MR. GOSLINE: Mr. Chairman, [inaudible]. At the last meeting Mr. Palmer asked  
17 us for a quick calculation of acreage of the percentage of the county that was rural.  
18 Fortunately this was based on parcels, the 1996 parcels, because – so it's a little out of  
19 date.

20 MS. LUCIUS: Right. I'm sure it is.

21 MR. GOSLINE: But the percentages are roughly 68% of the county is zoned RU  
22 with the add in of D-1. And roughly 7% is single-family.

23 MR. MANNING: Seven?

1 MR. GOSLINE: Yeah, 6.7 if you want to get real technical.

2 MS. LUCIUS: But you said that's '96 figures. That's almost 10 years old.

3 CHAIRMAN VAN DINE: I'm sure they tripled since then!

4 MR. GOSLINE: Then you've got about 6.3 that's manufacturing, M-1 or M-2.

5 And it's a lot of the zoning categories changed over the time so it gets a little clouded,  
6 so.

7 MR. GREEN: How is Fort Jackson zoned? That's right. Never mind.

8 MR. GOSLINE: Fort Jackson, we have a separate category on the GIS for that.

9 That's 11% of the county. And it's not zoned.

10 MR. CRISS: More than a third of the area inside the beltway is unincorporated.

11 MR. GREEN: It's unbelievable.

12 MS. LUCIUS: A third is unincorporated.

13 MR. CRISS: Outside the city limits. Inside the beltway.

14 MR. GOSLINE: Well, they were as of yesterday. They're annexing every day.

15 MR. MANNING: Yeah.

16 CHAIRMAN VAN DINE: Mr. Criss, we had talked earlier about a draft work plan  
17 for future activities. Did you wish to say anything to the full Commission concerning  
18 that?

19 MR. CRISS: Well, maybe an appropriate item for discussion at our August  
20 meeting.

21 CHAIRMAN VAN DINE: Alright. In essence, the question became, for everybody  
22 to be pondering, is how we take on redoing the Comprehensive Plan.

23 MR. GREEN: Start!

1 CHAIRMAN VAN DINE: Whether we do it as a – whether the document should  
2 be a generic document with all of the detail work in the sub-area plans, or whether the  
3 individual Comprehensive Plan should be more detailed. And then the question has  
4 also come up as to the Capital Improvements Plan, which seems to be something which  
5 is, once again, in the eye of certain Council people, because they've realized they can't  
6 do much with certain other issues that they'd like to think about until they get a Capital  
7 Improvements Plan in place and approved. So those are all issues that we're going to  
8 have to be thinking about devoting time to and how we best accomplish the task which  
9 has been given to us.

10 MR. GOSLINE: We have 16 subdivisions and three rezonings next month.

11 MS. LUCIUS: Sixteen subdivisions!

12 MR. GOSLINE: This is the last flushing out of what was in the pipeline before the  
13 code change.

14 MR. GREEN: With only three rezonings?

15 CHAIRMAN VAN DINE: Could that change or is that -

16 MR. PALMER: Well, there's no point in people coming in for rezonings because  
17 Council doesn't meet, right?

18 CHAIRMAN VAN DINE: Right.

19 MR. GOSLINE: Right.

20 MR. PALMER: So they get through our rezoning – through our recommendation  
21 –

22 MR. GOSLINE: That could be why we only got three.

23 MR. PALMER: They got to wait until the next month, anyhow.

1 MS. LUCIUS: We only had 13 subdivisions today. And we spent longer on the  
2 subdivisions that we did on the rezonings.

3 MR. GREEN: We spent longer on two of them.

4 [Laughter]

5 CHAIRMAN VAN DINE: So I think everybody, if you would over the next –

6 MR. GOSLINE: That's because the subdividers are keeping the economy going.

7 MR. MANNING: So are the planners.

8 MR. CRISS: Would the Commission be interested in a separate work session  
9 from your regularly scheduled meetings on –

10 MS. LUCIUS: I think so. cadastar

11 MR. GREEN: Yes.

12 MR. CRISS: Comprehensive plan strategies.

13 MR. GREEN: I don't think there's any way we can talk about all the issues at the  
14 tail end of, you know, our typical 5:15 – 5:30.

15 MR. CRISS: At these kinds of meetings.

16 CHAIRMAN VAN DINE: Do we want to do it before our meeting or a different  
17 date altogether?

18 MR. FURGESS: Like we did before. Didn't we schedule different days?

19 MS. LUCIUS: It would be different day [inaudible]. Do we want to do it before we  
20 meet again or after?

21 CHAIRMAN VAN DINE: Separate date it seems to be what people are inclined to  
22 do to talk about it.

23 MR. GOSLINE: In August.

1 MS. ALMEIDA: In September.

2 MR. CRISS: No, August is coming up pretty quickly. Maybe after the August  
3 meeting.

4 MS. ALMEIDA: July is –

5 [Inaudible discussion]

6 CHAIRMAN VAN DINE: With all due respect, I think we need to get it in July and  
7 push it before our next meeting because I don't think that we can keep delaying this  
8 thing. We've already – we talked about this back in January and February and here it is  
9 July. And we really haven't gotten very far.

10 MR. CRISS: The next Planning 101 Seminar. The consensus of those who  
11 attended the first one was the next session should be on Capital Improvements  
12 Planning. Is there any consensus among Members present that that would be the next  
13 hot topic?

14 MR. GREEN: I think the next hot topic is the Comprehensive Plan and getting it  
15 going. If we've got time to spend doing something.

16 CHAIRMAN VAN DINE: I think we're going to be, unfortunately, on a dual track.

17 MR. CRISS: Of course, the Planning 101 Seminar means you and the Council,  
18 together, discussing matters. The work session we're talking about for the Comp Plan  
19 is just [inaudible].

20 CHAIRMAN VAN DINE: I think the Comp Plan we have to do, the 101 can be  
21 listening to what is said by Clemson people and whoever else about what a Capital  
22 Improvements Plan is and those type things to at least, help us thinking. But I don't

1 think we should delay the Comp Plan in any way. I think we need to move forward and  
2 get moving on it because this document has become unworkable at this stage.

3 MR. CRISS: Many approaches, by planning area, by element, housing,  
4 community facilities, etc., or more manageable corridors and sub-areas; lots of ways to  
5 approach the task. I seek your guidance.

6 CHAIRMAN VAN DINE: Well, I would like to have suggestions available to us  
7 prior to the meeting so that we know sort of a topic and the direction we're taking before  
8 we actually get into that meeting. I don't want to start fresh with everybody just sitting  
9 there brainstorming because that's not going to move us forward at this point.

10 MR. MANNING: Mr. Chairman, do you want to go ahead and set a date?

11 CHAIRMAN VAN DINE: I'm more than happy to set a date.

12 MR. GOSLINE: Make it after August 1<sup>st</sup>.

13 MR. CRISS: We're a bit pressed.

14 MR. GREEN: Did you say de-pressed?

15 MR. GOSLINE: That, too.

16 MS. LUCIUS: Pressed and depressed.

17 MR. GREEN: I wouldn't mind working –

18 MR. GOSLINE: The first Monday of the month comes on the first day of the  
19 month.

20 MR. FURGESS: That's our Planning Commission.

21 MR. GREEN: You want to have like a 5:00 to 8:00 work session.

22 [Inaudible discussion]

1 CHAIRMAN VAN DINE: Should I note a certain amount of concern over that?  
2 Why don't you try and figure out some dates and get it out to everybody by e-mail and  
3 say what of these dates are convenient for people to do it? Despite your sigh and  
4 regret, I agree with Mr. Green that, perhaps, a 5:00 to 8:00 – 5:00 to 9:00 would be  
5 better time in order to do something like that.

6 MR. PALMER: Or a 4:00 to 7:00, Monday through Friday. Any local watering  
7 hole will do.

8 CHAIRMAN VAN DINE: We'll have the keg outside on the lawn.

9 [Laughter]

10 MS. ALMEIDA: I also want to let you know that your agendas are going to get  
11 smaller as far as what you're going to be doing, I think.

12 CHAIRMAN VAN DINE: Well, that's fine. We'll get started on it and then our  
13 agendas will be smaller so, therefore, we'll have more time to talk. I just don't want us  
14 to stall and delay any more. It's time to move.

15 MS. ALMEIDA: I agree.

16 CHAIRMAN VAN DINE: With that we are adjourned. We have nothing left of  
17 value to discuss.

18  
19 *[Adjourned: 6:10 p.m.]*  
20  
21