

**RICHLAND COUNTY PLANNING COMMISSION**

March 6, 2006

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5 *[Members Present: Brawley Lucius, McBride, Furgess, Palmer, Green, Manning and*  
6 *Anderson; Absent: Van Dine]*

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9 CHAIRMAN PALMER: We'll call the meeting to order. Recognize that we do  
10 have a quorum. I'd like to read this in the record. In accordance with the Freedom of  
11 Information Act a copy of the agenda was sent to radio and TV stations, newspapers,  
12 persons requesting notification, and was posted on the bulletin board located in the  
13 lobby of the County Administration Building. Did everyone get a copy of the minutes of  
14 our last meeting? Any changes, corrections to those minutes?

15 MS LUCIUS: Mr. Chairman, I move we accept the minutes from February.

16 MR. FURGESS: Second.

17 CHAIRMAN PALMER: Motion and second. All those in favor please signify by  
18 raising your hand.

19 *[Approved: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning, Anderson;*  
20 *Absent: Van Dine]*

21 CHAIRMAN PALMER: Do we have any agenda amendments?

22 MS. ALMEIDA: No, Mr. Chairman. There are no amendments, deletions or  
23 additions.

24 CHAIRMAN PALMER: Members of the Commission have any agenda  
25 amendments?

1 MR. FURGESS: Mr. Chairman, I'd like to - Case No. 06-08 MA and 06-10 MA.  
2 Not that one; 06-11 MA. Why don't we combine those two since they're on the same  
3 thing? Instead of separating them like they are on the –

4 CHAIRMAN PALMER: You mean put them back to back in the agenda?

5 MR. FURGESS: Yeah. Put them back to back.

6 CHAIRMAN PALMER: Okay. We can do that.

7 MR. GREEN: Can we take those up as a single item since the decision on one  
8 impacts the decision on the other? We can't vote on, to swap the zoning designations  
9 on those two? Because if we pass one and don't pass the other we'll have a problem or  
10 an issue.

11 MS. LINDER: In my opinion you could take one vote, but make sure that it's  
12 clear in that vote that you're approving the C-1 to C-3 and the C-3 to C-1.

13 MR. GREEN: Okay.

14 MR. FURGESS: Okay.

15 CHAIRMAN PALMER: Okay.

16 MS. LINDER: Because when they're forwarded on to Council they will be two  
17 separate action items on their agenda.

18 CHAIRMAN PALMER: Any other agenda amendments? Do we need a vote on  
19 that, yeah?

20 MR. FURGESS: Yeah.

21 CHAIRMAN PALMER: All those in favor to amend the agenda please signify by  
22 raising your hand.

1 [Approved: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning, Anderson;  
2 Absent: Van Dine]

3 CHAIRMAN PALMER: No old business. New business, Case No. 06-01 MA.  
4 Mr. Gosline.

5 **CASE 06-01 MA:**

6 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone a three and  
7 a half acre parcel of RU to RS LD out on Lake Murray. Staff recommends approval.

8 CHAIRMAN PALMER: Okay. Just for people's information. As I call out the  
9 names for the public input, we give everybody three minutes and when you come down  
10 to the podium if you would, say your name and address for the Record, we'd appreciate  
11 it. Mr. Jack Wolfe?

12 **TESTIMONY OF JACK WOLFE:**

13 MR. WOLFE: Jack Wolfe, 324 Linsberry Circle, Columbia, South Carolina. We  
14 purchased this property with the idea of building two homes on it. It was zoned D-1.  
15 We purchased it at the end of the year and not realizing that it was going to change  
16 zoning and change the setbacks. All the property around this is zoned RS-1 or now the  
17 new zoning for RS-1 across the street on both sides. I would certainly appreciate your  
18 approval and move forward with the rezoning. Thank you.

19 CHAIRMAN PALMER: Mr. William Wolfe?

20 **TESTIMONY OF WILLIAM WOLFE:**

21 MR. WOLFE: My name's William Wolfe. I live at 2010 Johnson Marina Road in  
22 Chapin. I just want to just reiterate that my current property which is parcel 2-C  
23 originally was in compliance to the D-1 zoning. When it changed to RU, it's a half acre

1 so now it's a smaller than required lot under the current zoning and we would just like to  
2 get it rezoned back to the kind of zoning that would be typical of the way we purchased  
3 it originally. That's all.

4 CHAIRMAN PALMER: No one else signed up to speak. Do we have any input  
5 from the Commission?

6 MS. LUCIUS: Mr. Chair, if there's no questions I would like to make a motion. I  
7 would make a motion that we send this forward to Council with a recommendation of  
8 approval.

9 MR. MCBRIDE: Second.

10 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?  
11 All those in favor please signify by raising your hand. None opposed.

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

14 CHAIRMAN PALMER: When is the Council meeting?

15 MR. GOSLINE: The 24<sup>th</sup>. I believe it's the 24<sup>th</sup>.

16 MR. GREEN: March 28<sup>th</sup>.

17 MR. GOSLINE: March 28<sup>th</sup>.

18 MR. GREEN: At 7:00 o'clock.

19 CHAIRMAN PALMER: Mr. Wolfe, we are a recommending body to County  
20 Council and your case will come up at 7:00 o'clock on the 28<sup>th</sup> before Council for official  
21 action so we just recommend to Council so they actually have the final say as to what  
22 occurs on the property. Appreciate it. Case No. 06-04 MA.

23 **CASE 06-04 MA:**

1 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone roughly a  
2 half acre from RS MD to GC located on the northwest corner of Aintree Drive and Alpine  
3 Road. This is across Aintree Drive from the Wright School. Staff recommends denial  
4 for the reasons described mostly on pages 16 and 17.

5 CHAIRMAN PALMER: Mr. Ray Rees? Do you care to say anything?

6 **TESTIMONY OF RAY REES:**

7 MR. REES: My name's Ray Van Rees. I live at 9340 Windsor Lake Boulevard.  
8 The parcel of land, that half acre on Alpine and Aintree, my wife and I and my son were  
9 going to build a small office there. My son has a paint company and I have a tub and  
10 tile company and we were going to put a showroom on that piece of property if possible.  
11 Thank you.

12 CHAIRMAN PALMER: Okay. Robert O'Brien?

13 **TESTIMONY OF ROBERT O'BRIAN:**

14 MR. O'BRIEN: Good afternoon. My name is Robert J. O'Brien. I live at 9604  
15 Highgate Road. I'm president of the Briarwood Neighborhood Association which  
16 encompasses the property in question. At our last meeting, and our County  
17 Councilman was there - we have a membership of 580 members in our neighborhood -  
18 at the last meeting we talked and discussed about it and the neighbors were all  
19 overwhelmingly not in favor of this. Some of the reasons are is that the property is right  
20 beside E.L. Wright Middle School. There's lot of students that are walking by there  
21 every day, a lot of buses of that are turning into that area right there and it becomes  
22 [inaudible] and also the parents picking up children. The route for the civilian cars are to  
23 go back through that area there and we feel that it poses a danger to the children

1 walking home from school. In addition that - the person that is requesting this property  
2 he lives across the street in the adjacent housing development there and now he wants  
3 to come over into our housing development and put up a business. Our question is why  
4 doesn't he request property that is over in his area and make it into a business area  
5 over there. So we're definitely against that. We – there is three buildings that are just  
6 north of this property that, the way we understand it is when this development was  
7 developed the three businesses that were there were grandfathered in when they  
8 developed that and we are totally against any further development with businesses.  
9 The residents of Briarwood have a very active neighborhood association and we feel  
10 that approving this would be detrimental to our property values in the future. So in  
11 conclusion I request that you deny this approval of changing this zoning. Thank you  
12 very much for your time.

13 CHAIRMAN PALMER: Thank you.

14 MR. GOSLINE: Mr. Chairman, Members, Mr. O'Brien sent an e-mail in which I  
15 think you all have copies of.

16 CHAIRMAN PALMER: There's no one else signed up to speak.

17 MR. GREEN: I have a question for Staff. Carl, on the zoning map that's on page  
18 20, the two large parcels that clearly on the aerial are in either commercial or non-  
19 residential use are shown as RS LD.

20 MR. GOSLINE: Okay. I'm sorry. Which page again?

21 MR. GREEN: If you look on page 20.

22 MR. GOSLINE: Okay.

23 MR. GREEN: On the south side of Alpine Road.

1 MR. GOSLINE: That's correct.

2 MR. GREEN: Those are two non-conforming uses?

3 MR. GOSLINE: That's correct.

4 MR. GREEN: Okay.

5 MS. LUCIUS: What is that, that little piece that's on the other side of Aintree, a  
6 little triangle?

7 MR. GOSLINE: Yes, ma'am. The issue here is when you – the property, when  
8 you pull up the property, the maps from the property appraiser's office it shows that little  
9 triangle across the street but that little triangle is fenced in and used by the school for  
10 picnic or rest or break area. So we surmise that it was cut some time ago and the deed  
11 never got through the assessor's or something and that's – I think in the Staff Report it  
12 mentions something about that.

13 MS. LUCIUS: It does.

14 MR. GOSLINE: That we need to verify that with the school board and all that  
15 and just haven't been able to get back with them.

16 MS. LUCIUS: So all of that – I couldn't figure out how much of that is E.L Wright.

17 MR. GOSLINE: All of it.

18 MS. LUCIUS: All of that area?

19 MR. GOSLINE: Yeah. That's all – that whole side's fenced in.

20 MS. LUCIUS: Okay.

21 MR. GOSLINE: But I think it's just a map, a map glitch –

22 MS. LUCIUS: Okay.

1 MR. GOSLINE: - between the, you know, the deed never got recorded or  
2 something like that.

3 CHAIRMAN PALMER: So we're really not considering the piece of property  
4 across the –

5 MR. GOSLINE: No, sir.

6 CHAIRMAN PALMER: Okay.

7 MS. LUCIUS: This came up in October of '98 - I've gone back into the archives -  
8 October of '98, the very same request. The very same. The only thing that's different is  
9 the name. It was a Raymond Peeke at that time. And we denied it. This is just  
10 information for the rest of the Commission. We did deny it unanimously and County  
11 Council upheld us. Now that was in '98. I don't know what's different now that we  
12 would look at it differently. But we thought it was an intrusion into the neighborhood at  
13 that time. That's just information.

14 MR. GOSLINE: Well I think part of the Department's recommendation is that it's  
15 pretty small and it's going to be very difficult –

16 MS. LUCIUS: It's very small.

17 MR. GOSLINE: - to do anything with it to meet all the requirements anyway.

18 MS. LUCIUS: Would they even be able to leave a buffer? Would they be able to  
19 live – build on there and even leave a buffer against that neighborhood?

20 MR. GOSLINE: It would be really tight.

21 MS. LUCIUS: Yeah.

22 MR. GOSLINE: And across the street is a mini-storage, office complex.

23 MS. LUCIUS: Is that the Windsor Square?



1 MR. GOSLINE: Yes.

2 MR. FURGESS: Right.

3 MS. LUCIUS: Mr. Duffy's?

4 MR. GOSLINE: Yes.

5 MS. LUCIUS: Okay.

6 MR. GOSLINE: That's under construction. So there is facilities that will be  
7 across the street.

8 MS. LUCIUS: Across the street.

9 CHAIRMAN PALMER: Any other comments?

10 MR. GREEN: Mr. Chairman, you know, I would – I might look at this a little  
11 differently, I don't know, if it were a less intensive commercial use – maybe office and  
12 industrial – or office and institutional, excuse me. But the amount of street frontage  
13 that's on Aintree and not being able to control the truck traffic that would come in to  
14 deliver to a store I think the Staff's recommendation is appropriate in this regard and I  
15 would make a motion that we send this forward with a recommendation for denial.

16 CHAIRMAN PALMER: We have a motion. Do we have a second?

17 MS. LUCIUS: I would second.

18 CHAIRMAN PALMER: Motion and second, any other discussion? I would agree  
19 with that assessment. [Inaudible] something lesser maybe different [inaudible]. So any  
20 other comments? All those in favor of the motion to send this forward to Council with a  
21 recommendation of denial please signify by raising your hand. None opposed.

22 *[Approved to deny: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning,*  
23 *Anderson; Absent: Van Dine]*

1 CHAIRMAN PALMER: Case No. 06-05 MA.

2 **CASE 06-05 MA:**

3 MR. GOSLINE: This is a – Mr. Chairman, Members, this is a request to rezone  
4 1.1 acres from RU to GC. It's out there on Broad River Road near Riverwalk  
5 Subdivision. As you can see from the zoning map on page 32 it's, you know, one of the  
6 isolated pieces. Just about everything out there is either commercial or multi-family.  
7 Staff recommends approval.

8 CHAIRMAN PALMER: No one's signed up to speak.

9 MR. GREEN: For or against?

10 CHAIRMAN PALMER: For or against. Is Mr. Stanfield here?

11 AUDIENCE MEMBER: I'm actually not Mr. Stanfield. I'm [inaudible] taking his  
12 place.

13 CHAIRMAN PALMER: Okay

14 AUDIENCE MEMBER: I'd be happy to field any questions [inaudible].

15 CHAIRMAN PALMER: I appreciate it. Thank you.

16 MR. FURGESS: I vote that we accept the Staff recommendation.

17 MR. MCBRIDE: I'll second.

18 CHAIRMAN PALMER: Motion and a second. Any other comments? All those in  
19 favor of sending this forward to Council with a recommendation of approval please  
20 signify by raising your hand.

21 *[Approved: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning, Anderson;*

22 *Absent: Van Dine]*

1 MS. LUCIUS: While I have the opportunity, I wish we could get all the curb cuts  
2 on Broad River Road under some sort of control. You can tell by the –

3 MR. GOSLINE: We're -

4 MS. LUCIUS: Huh?

5 MR. GOSLINE: We're working with both the DOT to do something about that.

6 MS. LUCIUS: That's the biggest problem on Broad River right now. There's so  
7 many curb cuts. You cannot go two feet without somebody stopping and turning into  
8 somewhere and I think it's caused a real problem but I just want to throw that in while  
9 we were talking about it.

10 CHAIRMAN PALMER: The next case, 06-06 MA. Before you start Mr. Gosline  
11 I'd like to read this. "Dear Mr. Palmer: I must request to be excused from participating  
12 in the discussion or voting on agenda item number 06-06 MA regarding rezoning of 73  
13 acres which is scheduled for review and/or discussion at today's Planning Commission  
14 meeting. It is my understanding of the Rules of Conduct Provisions of Ethics,  
15 Government Accountability and Campaign Reform Laws that since I work for a  
16 company that has ongoing business with the purchaser relative to this property I will be  
17 unable to participate in this matter through discussion or voting. I would therefore  
18 respectfully request that you indicate for the record that I did not participate in any  
19 discussion or vote relating to this item representing a potential conflict of interest. I  
20 would further request that you allow and direct this letter to be printed as part of the  
21 official minutes and excuse me from such votes or deliberations and note such in the  
22 minutes. Thank you for your consideration in this matter. Sincerely, Eugene C. Green."  
23 And let the Record show that Mr. Green has left the room. Mr. Gosline.

1 **CASE 06-06 MA:**

2 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone 73 acres  
3 from RU to RS MD. This one and the next one are adjacent to each other basically just  
4 out Broad River Road passed the Peak exit. Staff recommends approval. I might note  
5 that we've gotten a lot of calls from people that are confused about the map that we  
6 sent out to identify the adjacent property owners. The map shows the site itself in  
7 yellow or red or whatever and then it has a ring around it which is hatched and we're  
8 going to change that presentation because people think that if they're in the hatched  
9 area as well they are subject to rezoning. So it there's anybody out here in the  
10 audience worrying about that it's only the property between Bookie Richardson Road, I-  
11 26 and Broad River Road. It's none of the others but next time we'll correct that so that  
12 it won't lead to so much confusion.

13 MR. FAUST: How about my nine acres you got drawn in there?

14 MR. GOSLINE: Excuse me?

15 MR. FAUST: How about my nine acres that you have drawn in there? I have  
16 one acre that's blocked out and you got nine acres ya'll got drawn in there to rezone.

17 CHAIRMAN PALMER: Sir, would you –

18 MR. FAUST: [inaudible]

19 CHAIRMAN PALMER: Sir, if we could, I believe we would just be addressing  
20 one piece of property and if you did not request a rezoning on your piece of property I  
21 think that's what Mr. Gosline was trying to explain was that there is only the applicant's  
22 piece of property that is up for rezoning. No other pieces of property are up for  
23 rezoning.

1 MR. FAUST: Yes, sir. I'm in the middle of it though. I'm in the middle of both  
2 pieces.

3 CHAIRMAN PALMER: Yes, sir. What's your name?

4 MR. FAUST: Robert Faust.

5 CHAIRMAN PALMER: Well, Mr. Faust you are the first one up. So if you could,  
6 please come to the podium and give us your name and address and we will proceed  
7 from there.

8 **TESTIMONY OF ROBERT FAUST:**

9 MR. FAUST: I'm not necessarily for it or against it. I just want to get things  
10 straight. We all have my nine acres. My name's Robert E. Faust, Jr. I live at 11321  
11 Broad River Road. And in ya'lls map right there that ya'll have, that ya'll sent out, ya'll  
12 have one acre with the house on it.

13 MS. ALMEIDA: Would you come here and just identify it?

14 MR. GOSLINE: You're right here and you're not involved.

15 MS. ALMEIDA: Are you right here?

16 MR. FAUST: I am. I'm right – I'm almost right here [inaudible] one acre right here  
17 is not being [inaudible] right here. I do not want that rezoned. [inaudible]

18 MR. GOSLINE: That's not –

19 MS. ALMEIDA: That is not being rezoned.

20 MR. GOSLINE: Right.

21 MS. ALMEIDA: That's not been rezoned.

22 MR. FAUST: Whatever ya'll do with it, regardless, the county's going to end up  
23 having problems down at the Shady Grove Church Road regardless of if ya'll do it or not

1 because ya'll got the Food Lion at the interchange and that's going to put water down at  
2 Shady Grove along with water off of this down at Shady Grove Church and the county's  
3 going to be responsible for it because of the addition to the water down on the creek.  
4 So I would advise everybody to look at that awful hard. And they had a wreck on the  
5 Interstate two weeks ago and they had the interstate closed down for six hours and it  
6 backed traffic all the way up from Irmo all the way up to the Waterfall subdivision  
7 diverting traffic off the interstate and the ambulance had to drive down the center of the  
8 road to answer an emergency call because we don't have the infrastructure up there.  
9 We haven't had. County Council requested us 26 years ago that they would give us a  
10 Class 6. They haven't done it yet. So ya'll need to look at that and also ya'lls Mungo  
11 property that ya'll have up there, I don't know that ya'll looked into it before you all  
12 zoned for Mungo to put his 490 houses up and down the forest(?) drain but that is inside  
13 the ten-mile radius of V.C. Summer for the regulatory agency's evacuation that ya'll  
14 rezoned for him to put them 490 houses up there and ya'll need to find some other way  
15 other than 76 and 176 to move people out because the interstate ain't going to help you.  
16 You don't have but two main roads and the property that ya'll just got through talking  
17 about over there on Johnson Marina Road, that adds to the traffic. The traffic's backing  
18 up on 76 highway and coming down on 176 and it's creating a heck of a mess and ya'll  
19 need to look at that, the infrastructure before ya'll approve anything regardless of which  
20 way. Thank you.

21 CHAIRMAN PALMER: Thank you.

22 MR. GOSLINE: Mr. Chairman? Just so we can clear this up. Mr. Faust's piece  
23 is right here. It's not involved. It's nine acres inside but it's not involved in the rezoning.

1 One of the maps that went out [inaudible]. This is the actual. Okay? So his property is  
2 not involved.

3 CHAIRMAN PALMER: All right. I appreciate it. If we could have all cell phones  
4 turned off or on vibrate while you're in the chambers. If you need to take a call please  
5 step out to do so. Thank you. I appreciate it. Next is Mr. Elliott Bryce.

6 **TESTIMONY OF ELLIOTT BRYCE:**

7 MR. BRYCE: We're not going to have the presentation before we have pros and  
8 cons? That's fine. I'll be glad to speak to you.

9 CHAIRMAN PALMER: Okay. I appreciate it. I'm just going down the list.

10 MR. BRYCE: Okay. My name is Elliott Bryce. I live at 1100 Bookie Richardson  
11 Road, Chapin, which fronts on the property that has asked for rezoning. I have a letter  
12 for you and I have a have a petition from the people from Waterfalls and all the  
13 residents of Bookie Richardson Road asking that it not be rezoned. The people who  
14 lived there have not been contacted. We have no idea what's going on. We only know  
15 that it's multi-family dwellings and medium density which is five point something houses  
16 per acre which is not similar to any of the property around it. The residents of Bookie  
17 Richardson Road all live on more than three acres of land and it's – Bookie Richardson  
18 Road is a county dirt road which makes it very hard for traffic, even for the four of us  
19 that live there, to ride down it. And I would appreciate that you turn down the rezoning  
20 of the property. Thank you.

21 CHAIRMAN PALMER: Robert Fuller?

22 **TESTIMONY OF ROBERT FULLER:**

1 MR. FULLER: Thank you, Mr. Chairman. Mr. Chairman, Members of the  
2 Commission, I am Robert F. Fuller. I'm an attorney here in Columbia and I'm here  
3 today representing Westcott Development LLC who is the applicant for the development  
4 on the property. Rhonda Jacobs, who is associated with the development team, will  
5 display on the big board over there items that we will make reference to during the  
6 course of the presentation so that you'll be able to see them as we go through. Mr.  
7 Chairman, interestingly enough I think you may have figured this out by now but Mr.  
8 Faust was not exactly for us it didn't appear but I – we are well familiar with Mr. Faust  
9 and the property that he's talking about and it is not any – in any wise a part of the area  
10 that is scheduled for development under this proposition. We have dealt with the  
11 Fausts and in fact had a good relationship with them but there's no confusion over that.  
12 It is no part of it as Staff has pointed out to you. First of all just to, just to sort of  
13 acclimate where this property is – it is I-26 is the portion that runs down the middle of  
14 the identified parcels up there. As it is in your hand, it's the top sheet of a three piece,  
15 four piece handout sheet that locates the parcel of property. The property that we're  
16 going to be discussing here is actually two separate parcels that will be developed  
17 together. The property that is the subject of this first application is 73 acres  
18 approximately which is bounded on the north by Bookie Richardson Road which  
19 intersects with Broad River Road. It's bounded by Broad River on the east and the  
20 Interstate Highway 26 on the west. The property that is - and I'm just orienting you now  
21 - the property that is adjacent – excuse me, the property that is on the west - it abuts an  
22 82 acre parcel in there that is the subject of the next application. The two parcels, the  
23 82 acres now zoned M-1 and the 73 acres now zoned RU will be developed together as



1 a single development plan. It maybe helpful for you to bear that in mind as we're  
2 discussing the first parcel simply to let you know that there are some distinguishing  
3 factors between the two parcels relative to what is being done with them but they will be  
4 developed as part and parcel of the same piece. First of all to address the concerns  
5 that were just expressed. This proposed transition from RU to RS MD adjacent to  
6 Bookie Richardson is completely single-family residential property. There is no multi-  
7 family component that is located anywhere on the property and the zoning requested  
8 against Bookie Richardson is simply RS MD. There would be no outlet onto Bookie  
9 Richardson property from this rezoning. The only access to the property will be through  
10 Broad River Road and the adjacent parcel that would be developed simultaneously. So  
11 to assuage whatever fears there are about the application, the first application is to go  
12 from RU to RS MD. No multi-family zoning anyway. The second thing that I would call  
13 to your attention, if Rhonda Jacobs would put up the second sheet, the request for  
14 zoning that you see on the second sheet of the pass out is a zoning line that begins at  
15 Broad River Road and comes down through the center of the property and intersects at  
16 the boundary where it's bouncing around on I-26; too much coffee this morning. The  
17 property is bounded on the north by Bookie Richardson Road so it's this top portion  
18 which is 73 acres basically that has no independent entrance onto Broad River and has  
19 no point of access onto Bookie Richardson in order to keep it separated from the larger  
20 tract homes which are across Bookie Richardson Road. The request for this property at  
21 the same time is to enable a reasonable amount of development within the confines of  
22 the aggregate tract in order to maximize the ability to use and reserve undisturbed  
23 significant buffers within the property and around the perimeters of the property – both

1 properties as a matter of fact. And the request that we are making today is purely and  
2 simply one of recognizing the differences that have occurred in this general area of the  
3 county since the sub-area plan was developed back in 1993. The properties that are  
4 shown in the general vicinity area, which is your top sheet again, the site location plan,  
5 indicates that this really is no longer possibly considered a rural location with rural  
6 development intentions. The – I have not seen the pass out that was handed in to you  
7 from Waterfall subdivision but Waterfall is located directly across Broad River Road  
8 from this point of entry there and is a PDD. Essentially the homes on this side of Broad  
9 River Road and those in Waterfall would be the same type of development properties.  
10 All single-family residential in both the application section we're talking about now and  
11 the one which is west and south of it adjacent to the M-1 properties that come down to  
12 the Bi-Lo Center on I-26. Rhonda, would you put up the other boards? Simply the – I  
13 reiterate to you that in no portion of this development would there be any section which  
14 is going to be multi-family or large-density development. Beazer Homes is a national  
15 builder of good reputation that has, is partnering with this project and homes of the  
16 character of these four illustrations shown here would be the type of single-family  
17 development that is there, would be on the entire section of the property both the RS  
18 MD and the RM MD. So that there is no multi-family, no apartment complex, no section  
19 that is proposed on this property that would severely impact the concerns of the  
20 neighbors regarding the size of properties and the volume of the traffic. On the  
21 proposed application for this 73 acres the residential density would be less than two and  
22 a half units per acre, not five point one and not anything more than that that was  
23 represented or indicated to be feared coming from a residential classification that was

1 styled multi-family. The fact of the matter is that both the RS MD section which is this  
2 application and the accompanying application for RM MD are both under two and a half  
3 units per acre. So that the consideration of whether or not it is compatible with the  
4 surrounding areas, it seems is a much lesser degree of problem than the fears would  
5 indicate there may be. It is certainly not a proposal to continue a rural residential  
6 development scheme because the lots are in a subdivision configuration and are  
7 smaller than estate size lots. But there is provision to buffer off by substantial  
8 landscape buffering and treatment of the subdivision entry points and roads as well on  
9 both tracts to maintain visibility buffers and space buffers and landscaping buffers along  
10 Broad River Road which is directly across the street from Waterfall and along Bookie  
11 Richardson which is going to be the nearest neighbor on the entire length of the north  
12 and northeast property boundaries so that there really is not going to be any intrusion  
13 into those existing larger lot areas. We have today present if you have questions and  
14 when you have questions, Bill Flowers from Civil Engineering of Columbia who is the  
15 site engineer that has worked on the project. Joe Dougherty from Beazer Homes  
16 Corporation, the partner that will be the development entity for the building of the  
17 homes. Questions related to those matters we would be available for answering. Do  
18 bear in mind that this is a bifurcated process because we have another application  
19 immediately behind it that we would be glad to discuss with some particularity if you  
20 want before you move forward if you would elect to do that.

21 CHAIRMAN PALMER: We'll keep the two separate. Any questions for Mr.  
22 Fuller? Thank you. Jim Holcombe?

23 **TESTIMONY OF JIM HOLCOMBE:**

1 MR. HOLCOMBE: Mr. Chairman, I'm Jim Holcombe, 202 Bithynia in that  
2 particular area of the county. I would obviously be speaking against this particular  
3 proposal at the current time. It's my knowledge that no residents of the general area  
4 have been approached. There have been no discussions as to what would be placed in  
5 that particular area. Civic associations in the general area have not been contacted  
6 prior to maybe a few days ago. And we don't really know what, at the end of the day,  
7 will be built here. Now I know the statement's been made that they would be two and a  
8 half homes per acre but obviously that's a comment that is made here today and I don't  
9 doubt the truthfulness of that particular comment at this particular point in time. But in  
10 the absence of a planned unit development can anyone be assured that that is actually  
11 what's going to happen? I would suggest that a decision on this is a little premature. I  
12 think that more needs to be known about this, especially by the Planning Commission.  
13 One of the major concerns in that general area of the county has been uncontrolled  
14 growth. I would submit to you that this may or may not be uncontrolled growth that  
15 we're addressing here. It's just simply that we do not know. So again I would ask that  
16 at the very least this be deferred until a future point in time when more is known about  
17 this particular project. Thank you very much.

18 CHAIRMAN PALMER: Mr. Flowers? Do you have anything to add?

19 MR. FLOWERS: Not unless there's questions, no. I haven't.

20 CHAIRMAN PALMER: Mr. Dougherty? Same thing? I'm going to massacre this  
21 one, but Bill Malinowski?

22 **TESTIMONY OF BILL MALINOWSKI:**

1 MR. MALINOWSKI: Right. Malinowski, correct. My name is Bill Malinowski. I  
2 reside at 11824 Broad River Road in the Springhill community. I would like to ditto Mr.  
3 Jim Holcombe. I'd also like to add that the Richland County Council recently approved  
4 funding to hire a neighborhood planner to develop a growth plan for 10 key potentially  
5 high growth areas in Richland County. And the rural community of Springhill was  
6 selected as one of the 10. Although it presumed one mile square area of concentration  
7 is a start, we are going to be requesting that the Richland County Council expand the  
8 area of the plan to include all of the northwest Richland County. Otherwise Springhill  
9 will end up being used as a selling tool for developers to attract more growth and the  
10 Springhill community and vicinity will be a hot spot for a new development. Something  
11 residents in our area are trying to avoid. A plan is necessary but in order to have the  
12 greatest benefit it must be a well-thought out plan. In any event this proposed very  
13 dense subdivision by Westcott falls just outside of this one mile square area. And even  
14 though two residential subdivisions have been approved in the past in the area, one  
15 developed and one not, we would ask that you deny the request to develop this tract  
16 and any others that are not consistent with our rural character until the Springhill  
17 community and Richland County's planner have a more clear understanding of where  
18 growth should be encouraged and what areas should be protected. Without an overall  
19 well-thought out plan for Richland County we are merely awarding development in a  
20 hodgepodge manner that will result in overly dense subdivisions putting too great a  
21 burden on our infrastructure and ecosystem. We need to send a message to  
22 developers that we are going to preserve green space not just open space. Please vote  
23 to not approve the zoning change. Thank you.

1 CHAIRMAN PALMER: I have a question. Ms. Britt, when is the Springhill area  
2 up to – when is it coming up for – for Springlake. I'm sorry. Springfield. I'm sorry.  
3 When is that coming up for –

4 MS. BRITT: It would most likely be the 2008 period.

5 CHAIRMAN PALMER: So it's in the third round?

6 MS. BRITT: Yes.

7 CHAIRMAN PALMER: This would lay outside of the proposed area apparently.

8 MS. BRITT: It's very close. But this area's just below the identified area.

9 CHAIRMAN PALMER: Which has been voted and accepted on by Council?

10 MS. BRITT: Yes.

11 CHAIRMAN PALMER: Okay. Kim Murphy.

12 **TESTIMONY OF KIM MURPHY:**

13 MS. MURPHY: Good afternoon. My name is Kim Murphy, 154 Old Laurel Lane  
14 in Chapin. I am president of the Springhill Community Association. I would also like to  
15 ditto Mr. Holcombe and speaking of developments I would like to congratulate him on  
16 his announcement to run for County Council and also his wife Pam who works for the  
17 Mungo Company was just recognized for selling over \$6 million worth of new homes in  
18 2005. I have a couple concerns. First as you have heard the developers have not  
19 contacted the surrounding property owners. The Springhill Community Association was  
20 not contacted until two days ago. I feel certain this was done only because of their  
21 president of the Ballentine Civic Association, Mike Sloan, who was also just contacted  
22 by the developer's agent specifically requested that the agent contact me. Incidentally,  
23 the developer's agent will be making a presentation to the Ballentine Community

1 Association tonight at their board meeting. Secondly, during County Council's work  
2 session a few months ago in which Council was reviewing the proposal to provide  
3 sewer service to the Mungo Company's 240 acres in Springhill, Councilman Greg  
4 Pierce made the statement that County Council should not approve any more  
5 subdivisions until there is a growth plan for our area. Well tomorrow night Council has  
6 the final reading on this sewer line. It is a massive \$10 million project to provide sewer  
7 specifically to this area. This sewer line will open up the floodgates. Without a growth  
8 plan our area is doomed for over-development and uncontrolled growth. As Mr.  
9 Malinowski stated funds have already been approved to hire a planner. Please do not  
10 approve anymore subdivisions or PDDs until we have a plan. Thank you very much for  
11 your time and also in contacting the Planning Commission we understood the density  
12 that is being applied for is five point one homes per acre in this case. So there's some  
13 question in there. Thank you.

14 CHAIRMAN PALMER: Thank you. Eddie Weathersby?

15 **TESTIMONY OF EDDIE WEATHERSBY:**

16 MR. WEATHERSBY: I'm Eddie Weathersby. I live at 1016 Bookie Richardson  
17 Road. I don't really have anything new to add. I'm against the request. Thank you.

18 CHAIRMAN PALMER: Thank you. Jeff Thompson?

19 MR. THOMPSON: I'll defer [inaudible].

20 CHAIRMAN PALMER: Leanne Johnson?

21 **TESTIMONY OF LEANNE JOHNSON:**

22 MS. JOHNSON: Good afternoon. I have a cold as you might could tell and I  
23 have a little medicine head so hopefully I don't say anything off the wall. I'm here today

1 because I do live in this community and the first thing that comes to my mind when I  
2 think of this development was well it's another one of those developments that wants to  
3 move into our district because of our schools. I think that's one of the major attractions  
4 for development is because we do have good schools. And quite frankly I think our  
5 community spoke loud and clear. The entire community spoke loud and clear in  
6 November when we defeated a bond referendum for more schools in the area. This is  
7 not something – this is not the way that this community wants to grow. I think that the  
8 point that's being made about the type of zoning that they're asking for certainly this has  
9 potential to add – well when you take both of them together and I'll be separate. But  
10 this has a potential to add like 350 homes on this particular parcel if it's medium density.  
11 If they're only talking about two point whatever houses per acre perhaps low density  
12 would have been the better choice. But when you just rezone under that of course you  
13 know that there's no telling how many houses. But it could be up to 350. Obviously I  
14 think the community would be more than happy to look at a PUD. A lot of times you  
15 guys have got to understand by now that the communities are feeling like that we're  
16 being tricked because a developer comes and he asks for all that he can get and when  
17 the community has a problem with that and everybody asks and everybody has to  
18 compromise. Well what truly the developer usually ends up walking away with is  
19 exactly what he wanted in the first place so there is not compromise on his part, their  
20 part. Also I wanted to point out as you well know, we wouldn't even be having this  
21 rezoning hearing if the developer had taken the initiative to have some open space in  
22 this. Because if you have a certain amount of open space in a particular subdivision  
23 you don't have to get rezoning. So apparently there's not going to be any open space in



1 this development. And I also question having I-26 run through the middle of the  
2 development. If you look on that – at your drawings you could see that part of the land  
3 is on the other side of the Interstate. I find that very interesting. During the presentation  
4 that the attorney made, Mr. Fuller, he mentioned that the homes would not be – there  
5 would not be an entrance or exit to – on Bookie Richardson because he wanted to keep  
6 this subdivision separate from the other homes on Bookie Richardson. Well what does  
7 that say to you? He wants to keep it separated. That's not community. That's not what  
8 we all should be working for is to have a subdivision to be kept separate from the rest of  
9 the community. And so I ask you to please deny. Thank you.

10 CHAIRMAN PALMER: That's all who have signed up to speak. I have a  
11 question for Mr. Fuller. How much open space is in this – how much have you  
12 proposed or how much do you have planned so far for this subdivision? Do you have a  
13 percentage?

14 MR. FULLER: Mr. Flowers will probably be better able to address that by virtue  
15 of the plan itself, Mr. Chairman. Bill can you address –

16 MR. FLOWERS: Fifteen to 20%.

17 CHAIRMAN PALMER: Fifteen to 20% of the whole including both tracts?

18 MR. FLOWERS: Yes.

19 MR. MANNING: Mr. Flowers, as far as the buffers and the wetlands – I think  
20 there's a wetlands area shown on the aerial photograph. Could you let us know how  
21 much acreage is encumbered by those?

22 MR. FLOWERS: I'm sorry. Could you repeat the question?

23 MR. MANNING: There's some wetlands that are shown in the aerial photograph.

1 MR. FLOWERS: Yes, that's correct.

2 MR. MANNING: And appears to be some of the open space or green space and  
3 I was just wondering what the percentage of that is to the total and also the buffer  
4 areas.

5 MR. FLOWERS: The wetlands have been identified and they are a very small  
6 percentage of it. It runs down through the middle between the two sales. If you're  
7 looking at the second sheet the long narrow area down the middle would have a narrow  
8 strip of wetlands in it. It averages about three feet wide, the wetlands.

9 MR. MANNING: So is it fair to say that does not comprise a large percentage of  
10 your open space?

11 MR. FLOWERS: That would be correct.

12 MR. MANNING: As far as the buffers what kind of footage are we looking at  
13 around the project in the development plan?

14 MR. GOSLINE: Mr. Chairman, this is not a PUD. It's a straight zoning.

15 MS. LUCIUS: Yeah. This means nothing.

16 MR. GOSLINE: The questions, they aren't –

17 MR. MANNING: I know -

18 MR. GOSLINE: - being held to anything.

19 MR. MANNING: [inaudible] requirement but –

20 MS. LUCIUS: I knew that why he was raising his hand.

21 MR. MANNING: But I want to know -

22 MS. LUCIUS: Okay.

23 MR. MANNING: - what is shown here.

1 MR. FLOWERS: I believe on the Bookie Richardson side we show a 25'  
2 minimum buffer on that side and I believe along the Interstate it's a 30' minimum buffer.

3 MR. MANNING: As to the storm water retention as far as your plan, how do you  
4 have that?

5 MR. FLOWERS: We haven't designed any storm water detention. We haven't  
6 gotten that far.

7 MR. MANNING: Thank you, Mr. Flowers.

8 MR. FLOWERS: Okay.

9 MS. LUCIUS: Mr. Chairman. Are you finished? I'm sorry.

10 MR. MANNING: Is she next?

11 CHAIRMAN PALMER: You still have the floor.

12 MR. MANNING: Well I want to go back to Carl. I know this is not a – we're not  
13 held to this because it's not subdivision review. But obviously ya'll have been involved  
14 in this process up to now. Staff made a recommendation to approve and from a  
15 planning prospective I would like for you to just enlighten us as to what the basis of that  
16 was.

17 MR. GOSLINE: The Department's position on both of these projects is that this  
18 is property that's essentially at a major interchange area and it should develop in some  
19 urban or suburban or whatever development. It's not going to stay rural forever. The –  
20 however, we also think that Bookie Richardson Road is the perfect place to draw the  
21 line in terms of any more subdivisions out the road. Of course, if the sewer lines go all  
22 over the place, you know, that's – we've had that discussion before. But basically our  
23 position has been with these interchange developments is that they need to be – they

1 ought to be pretty intensely development and two and a half units per acre it's – well it's  
2 not right on the interchange it's a quarter of a mile or so away, there is a shopping  
3 center going in. The Food Lion as was mentioned right down at the corner. It's an  
4 appropriate, from a land use perspective it's – we believe it's appropriate. And the way  
5 it was done was appropriate. We suggested to the applicants they do a PUD and their  
6 client chose not to.

7 CHAIRMAN PALMER: Ms. Lucius.

8 MS. LUCIUS: Yeah, well yeah. I was troubled by the fact that everyone's  
9 looking at this and it means nothing. It means absolutely nothing because they're not  
10 held to this at all.

11 CHAIRMAN PALMER: I understand that.

12 MS. LUCIUS: I mean, we've gone through this time and time and time again so I  
13 wouldn't be blinded by this.

14 CHAIRMAN PALMER: No. I understand.

15 MS. LUCIUS: And there's nothing to say that they can't come in and put 5.1  
16 houses per acre here. It doesn't matter what they say.

17 MR. GOSLINE: Well they -

18 MS. LUCIUS: I mean, once we rezone this to this new category they can come  
19 in and put that many in here so we need to look at that.

20 MR. GOSLINE: That's correct. Well it's correct that they would – if all the  
21 geometry works and things like that –

22 MS. LUCIUS: Well yeah, but they could.

1 MR. GOSLINE: - but they could get that many; that's correct. They would be  
2 entitled provided they work out geometry and the engineering.

3 MS. LUCIUS: I think this is extremely dense. I lived out here for two years so I  
4 know the kind of problems that they're looking at as far as Broad River Road, the traffic  
5 that's on it now and the soil conditions out there.

6 MR. GOSLINE: But I still –

7 MS. LUCIUS: That stuff is silt on top of slate.

8 MR. GOSLINE: I understand. There's lot of technical problems. You know, the  
9 traffic is certainly an issue, sewer and all the rest of those. But from a – just looking at  
10 the land use, if you're talking about a major interchange at two and half or three or four  
11 units per acre that's not overdeveloped.

12 MS. LUCIUS: Five point one is a lot.

13 MR. GOSLINE: Well even 5.1 that's – we're talking about a major – in  
14 planningese that's not overdeveloping but that's a call you all have to make.

15 MS. LUCIUS: Are you going to walk to the Interstate or are you going to take  
16 Broad River Road?

17 MR. GOSLINE: Excuse me?

18 MR. LUCIUS: I'm just telling you that Broad River Road –

19 MR. GOSLINE: Oh, I don't doubt there's significant traffic problems out there –

20 MS. LUCIUS: Yeah.

21 MR. GOSLINE: - as are everywhere.

22 MS. LUCIUS: Yeah.

23 MR. GOSLINE: As we're going to talk about a whole later.

1 CHAIRMAN PALMER: Absolutely.

2 MS. LUCIUS: I wish this had come in as a PDD so we could at least control the  
3 site plan.

4 CHAIRMAN PALMER: Mr. Fuller, did you have something to add?

5 MR. FULLER: Mr. Chairman, and to address Ms. Lucius' care or concern about  
6 that. If Richland County proposes to only have planned unit development zoning then  
7 we've got a boat load of classifications that just ought to be eliminated. Everything,  
8 everything can't, in the overall development plan of the world, come in as a PDD.

9 MS. LUCIUS: I understand.

10 MR. FULLER: This has been set up in such a way that it is joining these two  
11 properties together. One of them is M-1 zoning.

12 MS. LUCIUS: Right.

13 MR. FULLER: And we're transitioning that, joining the two it makes economic  
14 sense to provide two and a half units per acre.

15 MS. LUCIUS: I understand but since it's not a PDD then this is really just a piece  
16 of paper. It –

17 MR. FULLER: Well, you know, I'm sorry that that has been the experience of  
18 Council with the development if that is what that reflects.

19 MS. LUCIUS: Legally it is.

20 MR. FULLER: I understand that once it is zoned it can be – it can go to that  
21 maximum.

22 MS. LUCIUS: Right.

1 MR. FULLER: What drives it away from that is the commitment of the  
2 development people and those who are attempting to develop the property –

3 MS. LUCIUS: I understand.

4 MR. FULLER: - and the sense that it makes to do it this way.

5 MS. LUCIUS: We have been burned before so –

6 MR. FULLER: But this is a transition plan. It is near the Interstate. It takes it  
7 down gradually and the attempt to stop it at Bookie Richardson was basically in  
8 response to the county's plan that it shouldn't – it wasn't a hunker down mentality. It  
9 was that the wider, broader, bigger residential development starts on the other side of  
10 Bookie Richardson Road and this was an attempt to be responsive to all of those  
11 features and the infrastructure is in place for development - water, sewer, those things.  
12 That's why we get development here. But it is after all removing a significant portion out  
13 of M-1 zoning and transitioning it to a very low yield residential.

14 MS. LUCIUS: I think the 5.2 bothers me because it is there. I just wonder why  
15 you didn't come in for a lower density.

16 MR. FULLER: Well the timing involved in doing a PUD was significant and we  
17 have a time consideration with the contracts that relate to this property already.

18 MS. LUCIUS: Well, I mean, low density as opposed to medium density.

19 MR. FULLER: On this specific -

20 MS. LUCIUS: Just the density, yeah. Yes, sir.

21 MR. FULLER: Well the yield on low density would not be significantly less on  
22 this side.

23 MS. LUCIUS: It wouldn't, Carl?

1 MR. FULLER: Well I guess it depends on what's significant.

2 MR. GOSLINE: The zoning – when – they're more or less entitled to 'x' dwelling  
3 units per acre by the zoning category, right?

4 MS. LUCIUS: Right.

5 MR. GOSLINE: Now most of the time they can't get all that because of  
6 engineering and wetlands and things like that. But they're more or less entitled to it. So  
7 that's – I would disagree with Mr. Fuller that – in that respect.

8 MS. LUCIUS: How many dwelling units an acre on low density?

9 MR. GOSLINE: Excuse me?

10 MS. LUCIUS: How many dwelling units per acre on low density as opposed to  
11 medium density?

12 MR. GOSLINE: Low – well RS LD is about 3.6. RS MD is about 5.1 dwelling  
13 units per acre. RM HD is more like eight units per acre.

14 MR. FULLER: One of the considerations in this instance, Ms. Lucius, is the  
15 actually width of the lot -

16 MR. GOSLINE: Right.

17 MR. FULLER: - restrictions so that you can – we can, we're planning less than  
18 low density numbers but the density proportions – excuse me. The width proportions on  
19 lots are an absolute. They can't fall below so in utilizing the natural space and in doing  
20 some work on the site you can put, you can put the workable number in there and still  
21 maintain 15 to 20% actual space – undone space over the site itself.

22 CHAIRMAN PALMER: Mr. Anderson.



1 MR. ANDERSON: I just want to ask a question to Staff. The map on page 46,  
2 the drawings here?

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

4 MR. ANDERSON: It says adjacent east is a PDD, okay? Which we really can't  
5 see that well. North I'm – that's RU? That subdivision up there is RU, north of this  
6 parcel but kind of northeast?

7 MR. GOSLINE: North – you mean at Hopewell Church and –

8 MR. ANDERSON: Hopewell church, yeah.

9 MR. GOSLINE: No. That's all PUD. That's a map mistake. That's the Waterfall  
10 PUD.

11 CHAIRMAN PALMER: Okay. How dense is that subdivision?

12 MR GOSLINE: It's probably on the order of three, two and a half or three. Mr.  
13 Fuller – as Mr. Fuller said two and a half – Bill Flowers designed it – it's – so what  
14 they're saying is to put this in perspective. The Waterfall is say two and a half. The one  
15 that we're talking about is proposed for two and a half. They're calling it – the only thing  
16 different about it is the zoning classification.

17 MR. MANNING: Mr. Chairman, I know we're looking at another case along with  
18 this and it may not be relevant to talk about it at this point but it's zoned M-1 and –

19 MR. GOSLINE: This part, no. Not this one, Mr. Manning.

20 CHAIRMAN PALMER: That's what he said.

21 MR. GOSLINE: The next one.

1 MR. MANNING: That's the next one. But we do need to consider them together.  
2 What are the allowable uses and densities that could go into an M-1 zoning from a  
3 residential standpoint?

4 MR. GOSLINE: Single family's not permitted.

5 MR. MANNING: So a multi-family could go in there?

6 MR. GOSLINE: No.

7 MS. ALMEIDA: Not without a special –

8 MR. GOSLINE: No residential in M-1. Well –

9 MR. MANNING: M-1 will allow apartments I believe.

10 MS. ALMEIDA: Not anymore.

11 MR. MANNING: The old M-1 didn't allow apartment uses?

12 MS. LUCIUS: I think you had to get a special exception.

13 MR. FURGESS: Special exception.

14 MR. MANNING: Special exception.

15 MS. LUCIUS: Didn't you with an M-1 [inaudible]?

16 MR. GOSLINE: And they stopped doing that. The last one that we did with that  
17 was down by the stadium.

18 MS. LUCIUS: Right.

19 CHAIRMAN PALMER: But M-1 does allow intense shopping center use.  
20 Anything else, Mr. Manning?

21 MR. MANNING: That's it, Mr. Chairman.

22 CHAIRMAN PALMER: Well I – Ms. Lucius, while I understand that this plan put  
23 forward does not tie their hands to this, however, if they would have come forward with

1 nothing I think everyone sitting up here would have been asking to see something and  
2 to see what the project was going to look like. So while they're not tied to it; I  
3 understand that, it is good information for me to see that they have invested some  
4 capital in drawing out a plan and have invested some money to see – to put forward a  
5 plan and from my understanding they will be proposing this same plan tonight at the  
6 Ballentine association meeting? And along with the Staff recommendations that even at  
7 a 5.1 which is what the Staff had to make their assessment on, not on the two and a  
8 half, Staff made their assessment that 5.1 would be acceptable, not two and a half. And  
9 they put forward a recommendation of approval at the 5.1 number. I personally see this  
10 as a project that should go forward with approval because of the reasons set forth in the  
11 Staff Report – both tracts. And I know that we have to see them one for other. One's  
12 an up zone and one's a down zone. They kind of meet in the middle. So that's my  
13 thoughts on the issue and I like what they did with the piece across the Interstate where  
14 it's virtually useless and it's just a community natural recreation area. Nothing's done to  
15 it as well as the buffers that are put in place and everything else and the accesses  
16 coming off of the lower piece as far away from Bookie Richardson Road as possible.  
17 That's my thoughts on the issue.

18 MR. MANNING: Mr. Chairman, I would concur and go back to Marcia's  
19 comments. I think sometimes [inaudible] in seeing a plan come before us that isn't in a  
20 PUD and, you know, that's part and parcel of the problem we have and the [inaudible]  
21 so on and so forth. But I think we've got to trust that they do take that process to the  
22 [inaudible] about as far as they can [and they are planners, certified planners. And we

1 need to let them do their jobs in that regard. So I would like to make a recommendation  
2 we send this forward with a motion of approval.

3 MR. ANDERSON: I'll second.

4 CHAIRMAN PALMER: We have a motion and a second. Mr. Gosline, did you  
5 have something?

6 MR. GOSLINE: Yes. I just want to make sure that it's clear that Staff did not see  
7 this plan nor have anything to do with the plan.

8 CHAIRMAN PALMER: Right.

9 MR. GOSLINE: You know, you're right that when it comes – if it gets that far and  
10 gets into construction and then the DOT and everybody would go through it with a fine  
11 tooth comb.

12 MR. MANNING: The planning principals ya'll are trained to do will be employed  
13 at that point in the subdivision review.

14 CHAIRMAN PALMER: But in your professional opinions 5.1 units per acre is not  
15 an excessive amount for this tract of land?

16 MR. GOSLINE: Not for this Interchange area, no.

17 MS. LUCIUS: And you're going just by the fact that it's close to an Interstate. No  
18 other factor comes into that decision? Just the fact that –

19 MR. GOSLINE: In terms of no –

20 MS. LUCIUS: - it's close to an access to an Interstate is really not [inaudible].

21 MR. GOSLINE: In terms of zoning that's correct. And there is water and sewer  
22 available or water for sure.

23 MS. LUCIUS: So on those –

1 MR GOSLINE: Waterfall and Corey Yards(?) at Rolling Creek all have water and  
2 sewer.

3 MS. LUCIUS: So on those two factors you decide this is okay? Not the density  
4 really? The density would be fine –

5 MR. GOSLINE: Personally –

6 MS. LUCIUS: - no matter how much is in there?

7 MR. GOSLINE: Personally, the density even at five is not outrageous for an  
8 Interstate interchange in my mind. That's just my opinion.

9 MS. LUCIUS: Okay. I just want to make sure we all understand that that was  
10 your reasoning for approval.

11 MR. GOSLINE: Yes, ma'am.

12 MS. LUCIUS: That you didn't go really much further than that. Well, I mean, you  
13 know, you keep – Mr. Chairman you keep referring to this plan and I just want everyone  
14 to understand that we are not tied to that plan at all. Yeah, we can trust that that what's  
15 going to be done but once we vote for this rezoning this could be put in file 13 and then  
16 something completely different drawn up and I just want everyone to understand what  
17 they're voting on when they vote.

18 CHAIRMAN PALMER: I agree. And I could be – I would be okay at 5.1 per acre  
19 just like the Staff is and if they come in at two and a half per acre that's a bonus.

20 MS. LUCIUS: Two and a half I could go with but 5.1 I can't and that's what we're  
21 voting on. I just want everybody to remember that's what we we're voting on - the  
22 bottom line -

23 CHAIRMAN PALMER: Right. Five point one.

1 MS. LUCIUS: - is what we're voting on.

2 CHAIRMAN PALMER: Absolutely. Any other comments or questions? I  
3 personally just don't want to see everything come before us a PUD.

4 MS. LUCIUS: No. I never said everything should be.

5 CHAIRMAN PALMER: Because then we are taking the subdivision review  
6 process out of the equation and we're trying to handle that a zoning level.

7 MS. LUCIUS: A PDD is a tool we use in specific instances when we think it will  
8 give us the control we need. I would never say everything should be a PDD. I, you  
9 know – this particular one I thought we needed a little more control over because of the  
10 location. That's why I said PDD. No. We could just zone everything PDD and be done  
11 with it but no, that's not where I'm headed. But anyway –

12 CHAIRMAN PALMER: Any other comments or questions?

13 MR. FURGESS: With this I do have some problems with the safety issue. The  
14 infrastructure up this way, the traffic going onto Broad River Road, we have to look at  
15 safety issues also. The count, traffic count in this area, I just don't feel comfortable with  
16 this right now. Whether we should – how I should vote on this because due to the  
17 infrastructure what need to go in this area for this thing to be built. Whether – we have  
18 voted on projects before that we thought people was going to do what they say and they  
19 did not. So, you know, I just don't want this Commission to be burnt again. That these  
20 projects – what's on the sheet of paper is really not the truth. Things could change and  
21 then you go out there and there's a whole different story. If we had some kind of control  
22 mechanism there I'd probably be in favor of this but we don't have no control  
23 mechanism in place.

1 CHAIRMAN PALMER: Mr. Gosline, did you have something?

2 MR. GOSLINE: Just so – for the Record that they would have – this project  
3 would have to do a traffic management plan at the development stage which would  
4 address the traffic issues and ideas for mitigating the problems.

5 CHAIRMAN PALMER: If I read the report correct and I might not be doing that  
6 but the traffic increase would still operate well within a Level C?

7 MR. GOSLINE: Yes.

8 CHAIRMAN PALMER: With the proposed increase of traffic from this  
9 subdivision, it would still operate well within a Level C?

10 MR. GOSLINE: Yes. That's not everything that goes into the traffic assessment  
11 but yes. It's – we use this, we use this as a red flag for problems and what our traffic  
12 analysis shows for these, for both of these projects is that even with both of them, Broad  
13 River Road still functions at below Level Service C. Better than its designed capacity.

14 MR. ANDERSON: Mr. Chairman, I have a quick question about the master plan.  
15 How far has this gotten? I mean, when you say it's real close I mean explain how close.

16 MS. BRITT: Are you talking about the neighborhood master plan –

17 MR. ANDERSON: The neighborhood master plan. Um-hum (affirmative).

18 MS. BRITT: [Inaudible]. Freshly Mill Road?

19 MR. ANDERSON: By Freshly Mill Road which is north –

20 MR. GOSLINE: Yeah. About two miles or so.

21 MR. ANDERSON: And then everything within that radius is higher density  
22 housing?

23 MR. GOSLINE: It's a one-mile radius around Freshly Mill –

1 MS. BRITT: There's not a one-mile radius, no. It is a much larger area  
2 [inaudible] Sikes Road.

3 MR. ANDERSON: Right.

4 MS. BRITT: And I'm trying to think basically off my memory but it goes over to  
5 I26. It's a fairly large area just because the first one was a one-mile radius from an  
6 intersection. This one's not like that at all. And – but the neighborhood master plan  
7 starts there at the Freshly Mill Road area for Springhill.

8 MR. ANDERSON: Okay.

9 MS. BRITT: Now you were talking about a higher density development.

10 MR. ANDERSON: Um-hum (affirmative).

11 MS. BRITT: I believe Mr. Gosline said that recommendations would be that  
12 below Bookie Richardson Road, above that Bookie Richardson is more of a cut off.

13 MR. ANDERSON: Um-hum (affirmative). Well from what I see I have no  
14 problem with this. I mean, it's – if you look on this map and I'm using this map. I mean,  
15 everything's coming up this way. I have no problem with it. Even though we don't have  
16 a plan in place I still think it has like properties all around it, it's near a big intersection.  
17 I'd like to make a motion that we send it ahead for approval.

18 CHAIRMAN PALMER: I think we have a motion and second, don't we?

19 MR. GOSLINE: Yes.

20 MR. ANDERSON: Well I doubled it.

21 MR. GOSLINE: You seconded the motion.

22 CHAIRMAN PALMER: [Inaudible].

23 MR. ANDERSON: Well I yeah.



1 CHAIRMAN PALMER: I understand. Ms. Johnson, if you would just for a quick  
2 minute come to the podium.

3 MS. JOHNSON: For my question?

4 CHAIRMAN PALMER: I'm sorry. Yes, ma'am.

5 MS. JOHNSON: I can just ask it from here. It's just about the traffic. We're  
6 talking about a Level C with both of these approved. Does that take into consideration  
7 everything else that's approved? Like the 490 up the road? No? Thank you.

8 MS. LUCIUS: Just a quick question before we vote. The 240 acres – what's the  
9 status of that?

10 MS. JOHNSON: There's a lawsuit.

11 MS. LUCIUS: That's what I thought. It's still tied up in legal –

12 MR. GOLSINE: The proposed -

13 MS. LUCIUS: The fact that everything's moving up the road – that 240 acres is  
14 still in a lawsuit so nothing's moved up there yet.

15 MR. ANDERSON: Well, yeah I understand.

16 MS. LUCIUS: Okay.

17 MR. ANDERSON: Waterfall subdivision being right above it and -

18 MS. LUCIUS: Right. And so Mr. Gosline is talking about making this site that  
19 we're looking at today the cut off for bringing any more subdivisions up Broad River  
20 Road. Is that, am I understanding that correctly?

21 MR. GOSLINE: Yes.

22 MS. LUCIUS: Okay. It's a thought.

1 MR. MANNING: Mr. Chairman, we've got a motion and a second. I'd like to call  
2 the question.

3 CHAIRMAN PALMER: We have a motion to call the question. Do we have a  
4 second?

5 MS. LUCIUS: Second.

6 CHAIRMAN PALMER: All those in favor to call the question? Opposed?  
7 *[Approved: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning, Anderson;*  
8 *Absent: Van Dine]*

9 CHAIRMAN PALMER: Alright, we have a motion and second to send this  
10 forward to Council with a recommendation of approval. All those in favor please signify  
11 by raising your hand. All those opposed?

12 *[Approved: Brawley, McBride, Palmer, Manning, Anderson; Opposed: Lucius, Furgess;*  
13 *Recused: Green; Absent: Van Dine]*

14 CHAIRMAN PALMER: As you know we're just a recommending Body. This will  
15 go forward to Council with a recommendation of approval and their meeting is – what  
16 was that, the 28<sup>th</sup>?

17 MR. GOSLINE: Twenty-eighth.

18 MS. ALMEIDA: Twenty-eighth.

19 CHAIRMAN PALMER: Twenty-eighth of this month at 7:00 o'clock.

20 **CASE 06-07 MA:**

21 MR. GOSLINE: Mr. Chairman, Members, the next one is - you've been  
22 discussing is 06-07 which is adjacent to this parcel. This is an 82 acre parcel that is  
23 zoned M-1 and RU and proposed to go from – go to RM MD. One – Staff recommends

1 approval with one stipulation that the parcel across the Interstate be divided off of the  
2 subject parcel and be left as the rural - in rural zoning.

3 CHAIRMAN PALMER: Can that be done?

4 MR. GOSLINE: Yeah. They can divide it.

5 CHAIRMAN PALMER: Can that be part of the rezoning recommendation?

6 MR. GOSLINE: They would have to actually, before it – would they have to  
7 come back? Divide it and come back? I guess they'd have to divide that piece off.

8 CHAIRMAN PALMER: It would have to be sub-divided before coming in for  
9 rezoning?

10 MR. GOSLINE: Right.

11 MS. ALMEIDA: Correct.

12 ROBERT FULLER: May I address that and then perhaps Ms. Linder could  
13 address it - my response for the benefit of Commission?

14 CHAIRMAN PALMER: Yes. Mr. Gosline, were you finished with your - Mr.  
15 Fuller.

16 **TESTIMONY OF ROBERT FULLER:**

17 MR. FULLER: Mr. Chairman, and I will, I really will be brief on this since you've  
18 had plenty of discussion on it. But the proposal to separate out the 13.6 acres which is  
19 across the Interstate highway and leave it – and to zone it RU in principal is no problem  
20 for the developer. We would commit to do that either by the zoning process, by putting  
21 it in a conservation easement, or otherwise. There is no intention to rope it into a  
22 development plan. I don't know that it can – I don't think it can be done in this process  
23 to simply make it become RU because there's no application pending. But the

1 developer has authorized me to say there would be a cooperation with the Commission  
2 to sponsor a rezoning effort or put it in a conservation easement. That principal of the  
3 matter is – won't be a difficulty to work out.

4 MR. GOSLINE: Just so you'll understand the piece to the south of the Interstate  
5 is zoned rural, not M-1 as we originally thought. So that piece is already zoned rural.  
6 The question is how to effect – how to separate that off from the application at this point  
7 in time.

8 CHAIRMAN PALMER: Well I think we were all of the understanding that – from  
9 what I understand the way this would work would be the whole piece including the 13  
10 acres across the interstate if this were to get out our Body and go forward would be  
11 rezoned RM MD at which time the applicant and the owner of the property would then  
12 need to subdivide the property and come back forward with another proposal, rezone  
13 that property RU or place that property in a conservation easement under its current RM  
14 MD zoning.

15 MR. GOSLINE: Yeah. In terms of time it would be quicker to put it in  
16 conservation easement than having to come back and start the process over for that 13  
17 acres.

18 MR. FULLER: Simply as a matter of fact this portion of the property subject of  
19 the application now will remain adjacent to, on the north side or the east side of I-26 will  
20 remain adjacent to a significant M-1 parcel. The piece across the highway is not being  
21 planned into this development as a development parcel so it will – we are – will be  
22 happy to cooperate and put it in the best posture it needs to be in and -

1 CHAIRMAN PALMER: Mr. Fuller will lose credibility in front of this Body if that  
2 were not done were this to go forward.

3 MR. FULLER: I would expect that to happen.

4 CHAIRMAN PALMER: Very good.

5 MS. LUCIUS: Why'd you look at me?

6 MR. FULLER: I would hate to have to go to Ms. Lucius's home to explain about  
7 that.

8 MS. LINDER: Mr. Chairman, I would recommend if the applicant wishes to leave  
9 the portion that's rural and continue that to leave that rural, I believe it's going to have to  
10 be subdivided with a separate – so that a separate TMS number can be assigned.

11 CHAIRMAN PALMER: Right.

12 MS. LINDER: To allow that to happen I would recommend a deferral. Otherwise  
13 I would recommend taking action on the application that's presented.

14 CHAIRMAN PALMER: That's what we plan to do. That the whole tract would,  
15 would then fall into RM MD if it were to go forward. However, if Mr. Fuller did not make  
16 good on his promises and there would be nothing we could do about it but keep it in the  
17 background.

18 MR. FULLER: I would respectfully request that the matter not be, that the  
19 approval not be deferred. We will work with Ms. Linder and the county Staff on the  
20 proposition of getting that done. As I say we have a have a, we have a contract timing  
21 problem that would get really in a derailment if we, if we have to do that prior to moving  
22 forward. We perhaps can get it all worked out between now and the time County

1 Council would deal with it and we will work on that. But I – we would request approval  
2 as you have approved the other parcel.

3 CHAIRMAN PALMER: Any questions for Mr. Fuller? Thank you. Mr. Faust?  
4 Do you have any - you signed up for this. Would you have any comments again or are  
5 you satisfied that your property is out of what's being considered?

6 MR. FAUST: As long as ya'll understand everything's right –

7 CHAIRMAN PALMER: Yes, sir.

8 MR. FAUST: - [inaudible] that they got some property on the other side of Bookie  
9 Richardson Road in this that ya'll told them that they don't own so.

10 CHAIRMAN PALMER: Yes, sir. Your property is not being considered for  
11 rezoning. Appreciate it. Elliott Bryce?

12 **TESTIMONY OF ELLIOTT BRYCE:**

13 MR. BRYCE: Once again, I'm Elliott Bryce from 1100 Bookie Richardson Road.  
14 I don't have a lot to add to what's been said but I do have problems with taking a plan  
15 that's just a piece of paper and its not legally binding on anybody and your Commission  
16 allowed them to use that for a rezoning proposal when I can have 5.1 house across  
17 from me and have multi-family dwellings in the piece that you're considering now. I just  
18 don't see how you can make a judgment when it's not legally binding on anybody. And  
19 I'm opposed to both of them and will stay opposed to both of them. Thank you.

20 CHAIRMAN PALMER: Thank you. Jim Holcombe?

21 **TESTIMONY OF JIM HOLCOMBE:**

22 MR. HOLCOMBE: Again, Jim Holcombe, 202 Bithynia in the District One area of  
23 Richland County. Normally when a decision is made on something whether it be land

1 use or really anything, a lot of study, a lot of thought, a lot of conversations are had.  
2 Obviously there have not been a lot of conversations. There has been some study  
3 obviously on the - someone's side – the developer's side. We don't know. I mean, I  
4 didn't write it down but I heard several times we don't know, we're not – we don't know.  
5 A decision should be based on more than just a few comments. The paid professional  
6 Staff of the Planning Department of this county initially recommended a planned unit  
7 development. The applicant decided not to do that. The professional department, the  
8 Planning Department of Richland County initially said it should be a planned unit  
9 development. We're not listening to them. Thank you very much.

10 CHAIRMAN PALMER: Mr. Holcombe, if you would. Our paid Staff has given us  
11 a recommendation of approval.

12 MR. HOLCOMBE: I understand that but their initial –

13 CHAIRMAN PALMER: I understand.

14 MR. HOLCOMBE: - study of this was it should be a planned unit development  
15 and I certainly understand and I do understand that the deliberations of this Body would  
16 simply be in an advisory capacity to the County Council.

17 CHAIRMAN PALMER: Correct.

18 MR. HOLCOMBE: I'm just, you know, simply trying to make a point.

19 CHAIRMAN PALMER: I understand. Carl?

20 MR. GOSLINE: Just to clarify the Record. We almost always suggest PDDs  
21 particularly for larger scale projects when we have our pre-apps. But because we  
22 understand that that's in most cases the preferable way from ya'lls point of view and the  
23 County Council. So we – virtually always suggest that except for really small rezonings.

1 CHAIRMAN PALMER: Yes, ma'am.

2 MS. LINDER: Mr. Chairman, just a point of order. I notice that Mr. Green has  
3 not returned and I don't believe you've read his recusal into the Record yet.

4 CHAIRMAN PALMER: I absolutely forgot to do that. Let me read that into the  
5 record -

6 MS. LINDER: Thank you, sir.

7 CHAIRMAN PALMER. – now if I could. Thank you, Mr. Holcombe.

8 MR. HOLCOMBE: Thank you.

9 CHAIRMAN PALMER: Complete oversight on my part. Let me read this into the  
10 Record. "Dear Mr. Palmer: I must request to be excused from participating in the  
11 discussion or voting on agenda item number 06-07 MA regarding rezoning of 82 acres  
12 which is scheduled for review and/or discussion at today's Planning Commission  
13 meeting. It is my understanding of the Rules of Conduct, Provisions of Ethics,  
14 Government Accountability and Campaign Reform Laws that since I work for a  
15 company that has ongoing business with the purchaser relative to this property I'll be  
16 unable to participate in this matter through discussion or voting. I would therefore  
17 respectfully request that you indicate for the record that I did not participate in any  
18 discussion or vote relating to this item representing a potential conflict of interest. I  
19 would further request that you allow and direct this letter to be printed as part of the  
20 official minutes and excuse me from such votes or deliberations and note such in the  
21 minutes. Thank you for your consideration in this matter. Sincerely, Eugene C. Green."

22 Thank you. Mr. Bill Malinowski.

23 **TESTIMONY OF BILL MALINOWSKI:**



1 MR. MALINOWSKI: Bill Malinowski, 11824 Broad River Road in the Springhill  
2 community area, Chapin, South Carolina. I feel it's unfortunate that Mr. Fuller does get  
3 all of that rebuttal that he needs to convince everyone and I only get this one chance.  
4 However, I would like to ditto what was just said and what I previously said. Again, I  
5 emphasize that we need a written, well-thought out plan for all of Richland County that  
6 will let the developers know that they cannot continue to ask for zoning changes that will  
7 allow overly dense housing projects as well as put millions of dollars in their pockets  
8 and their attorneys at the expense of rural lifestyle - developments that take away the  
9 green space we all so dearly need and there is a big difference between open space  
10 and green space. If these developers truly were honest and only going to build no more  
11 than 2.5 houses per acre then why didn't they apply for such zoning? Which would  
12 have given them up to 3.1 houses per acre. Instead they apply for a plan for a zoning  
13 change that will give 5.1. If they're only building 2.1 they didn't need more than 3.1. So  
14 I don't understand this particular request for the zoning change. I'm sure Mr. Fuller will  
15 be one of the first to purchase a house in this particular less than dense community.  
16 Thank you.

17 CHAIRMAN PALMER: Mr. Malinowski, I believe that Mr. Fuller addressed that  
18 question earlier about why they didn't apply for the other zoning. It's due to other  
19 regulations that are in the LD that are different from the LD and the MD such as lot  
20 widths that are required and they would like a smaller lot width than what is required in  
21 the low D and LD density. But that the densities that they are shooting for are the 2.5  
22 but there are some differences and irregularities between the two such as the lot widths  
23 which are different.

1 MR. MALINOWSKI: Yes, but as Ms. Lucius said it still gives them 5.1 and -

2 CHAIRMAN PALMER: It does. Thank you. Kim Murphy?

3 **TESTIMONY OF KIM MURPHY:**

4 MS. MURPHY: Kim Murphy, 154 Old Laurel Lane in Chapin. I appreciate what  
5 Mr. Gosline had to say that the plan does show this area as a more high-density area  
6 and if you're working off just that plan I suppose it would be okay. But there are other  
7 factors involved like who lives next door and what are those lot sizes. If you drive down  
8 Bookie Richardson Road, which I'm sure some of you have, there's horse stables there  
9 and 18-acre tracts and ten-acre tracts and three-acre homes. We have no master plan  
10 to help us, to aid us in developing with some rhyme or reason in this area. The sewer  
11 line project that will be approved Tuesday night, tomorrow night. A \$10 million plan for  
12 the 240 acre tract for 490 homes. I suppose we wouldn't have needed that major sewer  
13 line had they been able to connect to the Waterfall line but this just opens up the door to  
14 uncontrolled development. No plan in place whatsoever. Please consider denying this  
15 until we do have a plan. I appreciate all the work too that Ms. Britt is doing on our  
16 neighborhood plan although we would like to see that area expanded down Broad River  
17 Road closer towards the Peak exit. There's a big empty hole between Freshly Mill and  
18 Bookie Richardson that I think we need to address before any more subdivisions are  
19 approved going up the road. Thank you.

20 CHAIRMAN PALMER: Mr. Flowers? Bill Flowers? Joe Dougherty? Jeff  
21 Thompson? Eddie Weathersby?

22 **TESTIMONY OF EDDIE WEATHERSBY:**

1 MR. WEATHERSBY: I'd just like to ditto the comments that have been made.  
2 I'm against it.

3 CHAIRMAN PALMER: Leanne Johnson?

4 **TESTIMONY OF LEANNE JOHNSON:**

5 MS. JOHNSON: I'm going to give you another chance to laugh. So I'm going to  
6 tell you that I do have a cold and I'm under the influence of cough medicine. Still you  
7 guys are a hard crowd. First of all, just because it was just mentioned the low density  
8 argument, I believe that our land use plan now says though that if you have a certain  
9 amount of open space that lot width restrictions go out the window; is that right? That  
10 depending on a certain amount of open space in your subdivision then you don't have to  
11 abide by certain lot width restrictions? Okay. Regardless if you put what is being asked  
12 for in this particular part of this development along with the single-family, what they're  
13 asking is for a rezoning to allow about a thousand new units in this area. The Peak exit  
14 which is what we're talking about is 30 miles from here. That's a long ways out there.  
15 That area is not ready. In my personal opinion the Waterfall Mungo development  
16 across the street was a mistake. It got approved before the community realized what  
17 was happening to our community. Again nobody's trying to stop growth. I've heard that  
18 so many times, you know, developments coming; you're not going to stop it. Now I  
19 don't think we're unintelligent enough to think that we're going to stop it. But please  
20 listen to us. Listen to what we're saying. We're saying okay. No. We're not trying to  
21 stop it but can you work with us? Can it be controlled growth? Can we have something  
22 that's manageable? But, you know, that's all I'm asking. I'm just asking you to think  
23 about these two projects, which one you just approved, are opening up the possibility of

1 one thousand units and I just would like for you to just sit here and just think about  
2 someone living out on Broad River Road right now, out in the middle of the country and  
3 all of a sudden come up on a thousand new units. Thank you.

4 CHAIRMAN PALMER: That's all whose signed up to speak.

5 MR. GOSLINE: Excuse me. Did you ask me something? Okay.

6 CHAIRMAN PALMER: Any comments from the Commission?

7 MS.LUCIUS: No, other than repeating everything I said on the previous case.

8 MR. MANNING: Mr. Chairman, given the fact that we approved the request  
9 previously and I personally was looking at, as one parcel, these two together combined  
10 I'd like to make a motion we send this forward with a recommendation of approval.

11 MR. ANDERSON: Second.

12 CHAIRMAN PALMER: We have a motion and a second. Any other comments?

13 MR. FURGESS: Who seconded, who was the second?

14 CHAIRMAN PALMER: Mr. Anderson. Any other comments? We have a motion  
15 and second to send this forward to Council with a recommendation of approval. All  
16 those in favor please signify by raising their hand. All those opposed?

17 *[Approved: Brawley, McBride, Furgess, Palmer, Manning, Anderson; Opposed: Lucius;*  
18 *Recused: Green; Absent: Van Dine]*

19 CHAIRMAN PALMER: Mr. Manning, could you let Mr. Green know he can come  
20 back in? Okay. What do we want to do here? We want to put these two into one?  
21 How do we go about doing that?

22 MR. GOSLINE: We – you have two separate applications because there are  
23 separate parcels involved in separate zonings.

1 CHAIRMAN PALMER: Right.

2 MR. GOSLINE: So I think –

3 CHAIRMAN PALMER: But we just, we can [inaudible] separately but take them  
4 back to back?

5 MR. GOSLINE: Yeah.

6 CHAIRMAN PALMER: Okay. Case No. 06-08 MA.

7 **CASE 06-08 MA:**

8 MR. GOSLINE: Mr. Chairman, Members, this is – this one and 06-11 are  
9 companion requests. 06-08 requests zoning – rezoning parcel – about approximately a  
10 three and a half acre parcel from C-1 to C-3. And as part – as the Staff Reports for  
11 these two indicate to you there's, because of the development agreement there needs  
12 to be a balance kept so 06-11 is a three and a half-acre piece that goes from C-3 to C-  
13 1. Staff recommends approval of both. I would think that you'd want separate actions  
14 just for the Record, unless Amelia -

15 CHAIRMAN PALMER: There's no one signed up to speak for or against. Any  
16 comments from the Commission? Motion?

17 MR. FURGESS: I make a motion that we accept –

18 MS. LUCIUS: Do you have to have two separate votes?

19 MR. FURGESS: Two separate votes, right?

20 CHAIRMAN PALMER: Right. Case No. 06-08 MA.

21 MR. FURGESS: Yeah, that we accept that approval of Staff.

22 MR. MCBRIDE: I'll second.

1 CHAIRMAN PALMER: We have a motion and second to send Case No. 06-08  
2 MA forward to Council with a recommendation of approval. Any comments? All those  
3 in favor please signify by raising your hand. Those opposed?

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

6 CHAIRMAN PALMER: Case No. 06-11 MA.

7 **CASE 06-11-MA:**

8 CHAIRMAN PALMER: Any comments, Mr. Gosline?

9 MR. GOSLINE: No.

10 MR.GREEN: Mr. Chairman, I make a motion we send this forward with a motion  
11 of approval to Council.

12 MR. FURGESS: Second.

13 CHAIRMAN PALMER: And there's no one signed up to speak for or against.  
14 We have a motion and second to send Case 06-11 MA forward to Council with a  
15 recommendation of approval. All those in favor please signify by raising your hand.  
16 None opposed.

17 *[Approved: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning, Anderson;*  
18 *Absent: Van Dine]*

19 CHAIRMAN PALMER: Case No. 06-10 MA.

20 **CASE 06-10 MA:**

21 MR. GOSLINE: Mr. Chairman, Members, this is a request to rezone an 11-acre  
22 parcel that's currently zoned M-1, GC and MH to GC for an automobile dealership on  
23 Two Notch Road. The Department recommends denial for the reasons described on

1 page 80, mostly on page 80 and 81. This would require removing several residences in  
2 a long-established residential community. There's plenty of available land in the  
3 general area for this sort of use.

4 CHAIRMAN PALMER: George Neese?

5 MR. CREASE: It's Crease.

6 CHAIRMAN PALMER: Crease. I'm sorry.

7 **TESTIMONY OF GEORGE CREASE:**

8 MR. CREASE: My name is George Crease. I'm a resident of Richland County,  
9 203 Mallet Hill Road 29223. We've got some property right across the street from this  
10 area and I've had it for over 20 years. And we've seen mobile homes in there. We've  
11 seen a honky tonk. We've seen a barn and we've seen an automobile repair facility that  
12 was hit by a tornado that was up there for many, many years. And if Mr. Hudson is  
13 going to come in here and upgrade the neighborhood by putting in an automobile  
14 dealership I think we're going to be miles ahead. And the houses that are right along  
15 side on Fore Avenue I believe are – the majority of them are not occupied at the present  
16 time and are run down and I think if he were to incorporate that into the plan it should be  
17 done. Thank you.

18 CHAIRMAN PALMER: Thank you. John Parker?

19 **TESTIMONY OF JOHN PARKER:**

20 MR. PARKER: I am John Parker, 310 Greystone here in Columbia. I'm here to  
21 represent the Hudson organization and James Hudson, the owners of the property. I'll  
22 be glad to speak afterwards but for the moment I'd defer to Mr. Fuller who has  
23 comments and information that I think you'll find [inaudible].

1 CHAIRMAN PALMER: Mr. Fuller.

2 **TESTIMONY OF ROBERT FULLER:**

3 MR. FULLER: Thank you, Mr. Chairman. I am Robert F. Fuller. I'm an attorney  
4 here in Columbia and I am representing Hudson Automotive Group and Hudson  
5 Properties with respect to this application. The first thing I would like to do is to call your  
6 attention to the Staff Report that is attached to your material which has with it a diagram  
7 of the property with which we are concerned this afternoon. And it – in the aerial photo  
8 with the demarcation of the property on two pages. You get a real sense of what we are  
9 talking about in connection with this application. It is a request to zone 11 acres  
10 essentially to general commercial. I would, however, point out to the Commission that  
11 this is actually the consolidation of a zoning plan because at the present time essentially  
12 eight and a half acres, almost nine acres of the 11 acres are zoned M-1 and C-3. The  
13 only part of the application that involves property that is presently zoned mobile home  
14 residential are the six identified individual lots that front on Fore Avenue just off of Two  
15 Notch Road. The situation that we have here is one where for a number of years the  
16 Hudson Automotive Group has owned the larger tracts of property. The two, over two  
17 and a half acres of M-1 property fronting on Two Notch Road and the five acres behind  
18 it and the C-3 property on the corner of Fore and Two Notch Road. The C-3 property  
19 became GC property in the July 1 change over of the Land Development Code. And  
20 the M-1 property remains M-1 but has essentially, under the new nomenclature of the  
21 Land Code, picked up the uses that are covered now by GC and the county is  
22 essentially eliminating the M-1 consideration as a zoning district during the next five-  
23 year period. So what we are proposing here is really a consolidation of zoning that is



1 going to bring no effective difference to this particular stretch of Two Notch Road. The  
2 Royal Pines subdivision which is situated north of Fore Avenue and these remaining six  
3 lots right there on the south side of Fore Avenue are the only properties that would  
4 effectively have the zoning changed. But the effect is still consistent with the sub-area  
5 plan and basically the zoning map because the demarcation line in the sub-area plan is  
6 said to be south of Fore Avenue is to be the industrial and commercial area and north of  
7 Fore Avenue is to be the residential portion of that stretch of road. The fact of the  
8 matter is is the entire frontage on Two Notch Road from Fore Avenue to Clemson is all  
9 general commercial or zoning that is of that classification. On Fore Avenue itself the  
10 existing zoning on the corner of Fore and Two Notch is C-3 on both sides of Fore back  
11 to the depth of essentially a two-block equivalent to Aubrey Street. The effect of  
12 rezoning these properties would give about the same symmetry to Royal Pines on the  
13 south side as exists on the north side of that mobile home subdivision. Mr. Crease who,  
14 I believe who spoke a moment ago indicated the houses on Fore Avenue were derelict  
15 or unoccupied and that is true. In fact they have for some time been owned by Hudson  
16 Automotive and Hudson Properties in anticipation of the consolidation of this site. But  
17 the effective placement of this plan would have the incursion into the actual subdivision  
18 property no greater and actually less on the south side than exists currently on the north  
19 side. The interesting feature of this with respect to the intersection plan is that the Fore  
20 Avenue/Two Notch Road intersection has been recently approved for redevelopment  
21 and signalization by the South Carolina Highway Department and at this time that work  
22 is within approximately 60 days of completion. So there will be at the intersection of  
23 Fore Avenue and Two Notch Road a light signal that controls traffic coming out of the

1 Village at Sandhill and the Two Notch Road traffic. There will be no prospect really of  
2 increasing traffic into the Royal Pines subdivision because Fore Avenue is the southern  
3 boundary of that subdivision area. It runs back three miles to Lone Street and turns left  
4 to intersect with Burmaster which runs back to Two Notch Road. It is a, it is a closed U  
5 loop. So there is nothing that would be generated on this property or anywhere else  
6 that would increase traffic on Fore Avenue into the subdivision. Anybody going east on  
7 Fore or east on Burmaster is either destination oriented within Royal Pines or is going to  
8 loop back out to Two Notch Road. There is no other way out of there. So what we are  
9 suggesting is the implementation of this plan, as one neighbor has already said, is  
10 essentially a grading up of the area there. I would submit to you that Harold Branham  
11 who is a member of the Richland County Zoning Board of Adjustments, is the vice  
12 president of the Royal Pines Homeowners Association. His daughter is the president.  
13 They have indicated to us that if there was any angst in the neighborhood they would  
14 have heard about it. They have not. They in fact support the proposition. They have  
15 worked with the Hudson Group and, on several projects of interest to the neighborhood.  
16 They look to this to be a positive step and have authorized me to say they favor what is  
17 being proposed here. We do not think there should be any significant angst about the  
18 action of the Commission to recommend this approval to Richland County Council  
19 because in effect it is in spirit, in consistency with the sub-area plan as it exists there  
20 now. It does not increase the size of the commercial development by any significant  
21 amount. On the east side it does not change the relationship of the existing M-1 and  
22 the residential subdivisions behind it at all. There is no increase into that alignment  
23 proximate boundary in any event. We submit that it is a reasonable request. It is a

1 benefit to that neighborhood and the small increase of commercial on the south side of  
2 Fore Avenue is mirror image of a much larger commercial development along  
3 Burmaster which is on the other side of the subdivision property, and request your  
4 favorable approval and will be glad to answer any questions, if you have them.

5 CHAIRMAN PALMER: Thank you, Mr. Fuller. Any questions for Mr. Fuller?  
6 Thank you. That's all who have signed up to speak. Commission Members? Mr.  
7 Gosline.

8 MR. GOSLINE: Yes. I think that one of the principal reasons the Department  
9 recommended against this is this is the classic case of commercial intrusion into a  
10 residential neighborhood. And if – all you've got to do is look at page 85 and look at the  
11 zonings that have occurred over the years and it's just chipping away at this  
12 neighborhood. So I would disagree with Mr. Fuller that this is a benefit to the  
13 neighborhood even though these residences that are there are currently not in use. It  
14 will be - traffic will come in on Fore Avenue and the people across the street will all be in  
15 here in a year from now trying to get rezoned for commercial for that. So the principal  
16 reason is commercial intrusion into an established residential neighborhood.

17 MS. LUCIUS: There have been a number of cases before us over the years in  
18 this area for C-3 which we have denied. Just for more information we did have one on  
19 Fore Avenue December of '99 – I'm back in the archives. We denied it. Council denied  
20 it. We had one on Aubrey Street – we denied; Council denied. And one on Burmaster  
21 we denied; Council denied. So there have been cases where it wasn't chipped away,  
22 that we tried to draw the line but apparently from the picture there's a lot of red in there  
23 so I'm really on the fence about this one. I'm not sure. Any time I see an intrusion into

1 a neighborhood I get troubled. And this one does go deep in – well it backs up to – it  
2 touches on a cul-de-sac. It goes pretty deep. So I'm not sure yet about this one.

3 CHAIRMAN PALMER: Mr. Green.

4 MR. GREEN: Mr. Chairman, you know, I think the Commission, while we  
5 sometimes disagree on certain things philosophically about how we look at rezonings,  
6 we have been fairly consistent in my five years on the Planning Commission when we  
7 look at an intrusion into a single-family neighborhood. And my concern with the  
8 rezoning – granted in effect all we're really looking at is the rezoning of those six lots on  
9 Fore Avenue. What is contemplated by the applicant could be done on the other  
10 property and my concern is not so much for the six lots on the south side of Fore  
11 Avenue but the impact it has on the neighbors across the street. We have a fairly good  
12 buffering requirement when we have a high impact redevelopment going next to  
13 residential area and that buffering would be afforded, that neighborhood, if these six lots  
14 were left in their current zoning. If those lots are rezoned there is no buffering that  
15 would be required on the Fore Avenue street frontage and in essence you would  
16 subjecting the people on the other side of Fore Avenue to totally unbuffered use in that  
17 area. So, you know, my feeling is that there is a significant amount of property there  
18 that's already zoned appropriately for the intended use and that I believe the rezoning of  
19 those six parcels impacts not so much those parcels because they're not in use,  
20 obviously owned the applicant but the impact they have across the street and the ability  
21 of a business to put substantial amount of traffic, you know, on that street moving  
22 automobiles. So my inclination at this point is to vote for a motion of denial.

23 CHAIRMAN PALMER: Anyone else on the Commission?

1 MR. MANNING: I have a couple questions if I might. Carl, the lots across the  
2 street on Fore Avenue - it's hard to tell - are any of those occupied or the [inaudible]?

3 MR. GOSLINE: Yes.

4 MR. MANNING: There are houses on all five of those lots? Not the six that are  
5 being rezoned.

6 MR. GOSLINE: Well if we look at the aerial on page 84 I wouldn't - my  
7 recollection is all of them but there might be one missing.

8 MR. MANNING: And out of the six lots being asked to be rezoned -

9 MR. GOSLINE: There's about -

10 MR. MANNING: - two houses, three houses?

11 MR. GOSLINE: I believe there's four structures on the six lots if I remember  
12 correctly from the field work.

13 MR. MANNING: And I think someone said some of these are unoccupied or  
14 abandoned?

15 MR. GOSLINE: According to - it was - it's difficult to tell when you just drive by  
16 and look at the area but I would - if Mr. Fuller says they aren't occupied I'd have to -  
17 wouldn't argue with it.

18 MR. MANNING: In the past one of the things though, you know, we obviously  
19 have all been concerned about neighborhood intrusion but we've also been concerned  
20 about creating good division lines. Mr. Green made a point that this may offer a buffer  
21 but Fore Avenue does provide a good traffic mechanism, especially in light of the traffic  
22 light for the commercial to dump out onto Fore Avenue so -

23 MR. GOSLINE: Right.

1 MR. MANNING: - to Two Notch rather than multiple curb cuts.

2 MR. GOSLINE: Right.

3 MR. MANNING: - from that aspect I like the idea of bringing it down to allow that.

4 CHAIRMAN PALMER: And I like the fact also, and I didn't realize this until Mr.  
5 Fuller said something, that Fore Avenue and Burmaster are basically a big loop. That  
6 means that the only reason you're coming down into this area, this residential area is if  
7 you live there. It's not going to increase commercial traffic to things further down. If you  
8 come down Fore you're just going to come out on Burmaster. So it's just a big loop in  
9 there. And I see what you're saying about the others. However, you know, there is no  
10 opposition from the community - another piece of information. I think if I remember  
11 correctly we have looked at this area between Two Notch and Aubrey, this box area in  
12 here and I remember something coming up with one of these MH pieces that we sent  
13 forward with denial because it would have allowed a full commercial access back onto  
14 Aubrey of some sort.

15 MR. GOSLINE: Yeah. There was - I remember - I couldn't remember exactly  
16 who the applicant was but that was -

17 MS. LUCIUS: It was February of 2000. We denied it and County Council  
18 denied. It was on Aubrey.

19 MR. GOSLINE: Right.

20 CHAIRMAN PALMER: I think we've kind of set up good guidelines in this area  
21 apart from - but are these legal non-conformings I guess if these are zoned MH? Are  
22 these mobile homes on these or are they -

1 MR. GOSLINE: There are – my recollection – do you remember? They're  
2 mostly, they're mostly manufactured homes but I believe there were some other  
3 conventional houses in there as well.

4 MR. FULLER: There's a mixture.

5 CHAIRMAN PALMER: A mixture?

6 MR. GREEN: Carl, do we know how many, do you know how many of the six  
7 single-family lots are owned by the applicant at present?

8 MR. FULLER: All of them.

9 MR. GREEN: All of them are currently owned by the applicant?

10 MR. FULLER : Yes.

11 MR. GREEN: You know, I understand Patrick what you're saying and Deas what  
12 you're saying and I think I could buy the proposition if we were looking at a PUD that  
13 showed no curb cuts onto Fore Avenue for the body, you know, if the body shops could  
14 be in the back and the curb cuts at the very south side of this. That's a very different  
15 site plan than if we saw a PUD where there was buffering along Fore Avenue to keep  
16 light and noise and traffic moving off of Fore. If the internal site circulation were carrying  
17 the vehicles back up to front but with the - you know, we don't afford any protection to  
18 the residents on the other side of Fore Avenue whether they be here or not. And if I  
19 saw this as a commercial PUD where I saw no curb cuts south of Aubrey on Fore  
20 Avenue as well as some reasonable buffers along Fore Avenue I think I would concur.  
21 But in the absence of that I think my feeling to vote against the application would stand.

1 CHAIRMAN PALMER: Would the front of this property be considered along Fore  
2 when you're doing your determination of the development plan? Would the front be  
3 along Fore or -

4 MR. GOSLINE: No. I'm sure they'd be – run the address off of Two Notch –

5 CHAIRMAN PALMER: Right.

6 MR. GOSLINE: Just for marketing reasons.

7 CHAIRMAN PALMER: So you would have to use side setbacks.

8 MR. GREEN: Or have side yard setback requirements off Fore but you don't  
9 have any buffered – you don't have any landscape buffers as we require between them.

10 MS. ALMEIDA: No. Along Fore Avenue and Two Notch it would be street  
11 protective yard. You're buffering –

12 MR. GREEN: Only woodlands?

13 MS. ALMEIDA: That's right.

14 MR. GREEN: The woodlands area.

15 MS. ALMEIDA: Would be towards the cul-de-sac where you see the residential  
16 and the M-1 property. But, of course, there would not be a buffer against M-1. Staff  
17 would most likely, because if there was a traffic light at the corner of Fore and Two  
18 Notch would request, you know, no curb cuts on Two Notch Road so that we could  
19 circulate everything to the light making left and right-hand turns.

20 MR. GREEN: You would recommend no curb cuts on Two Notch?

21 MS. ALMEIDA: Right.

22 MR. GREEN: That all access to the site be off Fore?

23 MS. ALMEIDA: That's correct.



1 CHAIRMAN PALMER: That's in direct conflict to what you were looking for.

2 MR. GREEN: No. I was looking for a way to keep traffic off of Fore south of  
3 Aubrey, east of Aubrey.

4 CHAIRMAN PALMER: You would look for the curb cuts to be only, only at the  
5 front of the property, only in one of those first three –

6 MR. GREEN: That there be a main entrance and all the other circulation be  
7 internal and not external. Again [inaudible].

8 CHAIRMAN PALMER: I see what you're saying.

9 MR. FULLER: May I address that Mr. Green as if it were a question?

10 MR. GREEN: Ask the Chairman if he's going to take further comments from the  
11 floor. It certainly –

12 CHAIRMAN PALMER: We're not taking any further comments from the floor, Mr.  
13 Fuller.

14 MS. LUCIUS: I understand Patrick what you're saying about that being a loop  
15 but people live on that loop and I have the same concern Mr. Green has. There's a lot  
16 of light involved with car dealerships and that allows no buffer at all for those people.  
17 They're going to look out and just see a car dealership. I'm also torn because I  
18 understand the argument about the houses being abandoned and it – sometimes  
19 something like this is an improvement but I stand with Mr. Green on the neighborhood,  
20 on the people that do live there and don't want to move. Some of them can't move  
21 [inaudible].

22 CHAIRMAN PALMER: I can see both sides of it. Although if someone was  
23 coming to this commercial development down Fore Avenue they would only intrude in

1 as far as this development because there's no reason for them to go further back into  
2 the neighborhood unless they lived back there or were visiting someone. So the only  
3 increased traffic flow would come in as far as those six lots. I agree that I would like to  
4 see the curb cuts at the front. We don't have a mechanism in front of us to dictate that.  
5 A PDD would certainly do that. Mr. Manning.

6 MR. MANNING: Mr. Chairman? May I ask a question of the Staff? We were  
7 talking about buffers and street protective yards a minute ago. The length of lots  
8 beyond the C-3 on Fore Avenue is how far?

9 MR. GOSLINE: I'm sorry.

10 MR. MANNING: The distance from the C-3 on the corner of Fore Avenue and  
11 Two Notch back to the back of the property is how far? Do you have a plat? I mean,  
12 my point is there would be a street protective yard of some width along Fore Avenue --

13 MR. GOSLINE: Right.

14 MR. MANNING: - that would have to be landscaped or something -

15 MS. ALMEIDA: Right.

16 MR. MANNING: - according to the standards.

17 MS. ALMEIDA: It's landscaped but you have to understand it's not a buffer.

18 MR. MANNING: Right.

19 MS. ALMEIDA: Right.

20 MR. MANNING: But there would be --

21 MR. GREEN: Just a setback. My -

22 MR. MANNING: No.

23 MR. GREEN: - it simply would be a set back.

1 MR. MANNING: It'd be not a setback. A street protective yard has come  
2 landscape.

3 MS. ALMEDIA: Street protective yard is landscaped but it's frontage  
4 landscaping.

5 MR. MANNING: Right.

6 MS. ALMEIDA: It's nothing buffering. No sort of buffering.

7 MR. MANNING: At one point I believe I heard Staff mention that they would like  
8 to restrict curb cuts to Fore rather than Two Notch. Is that –

9 MR. GOSLINE: Well. What Anna said was that in, in the site development  
10 process we would - because you have a light there you'd want to run as much traffic as  
11 possible but that doesn't mean all the way down Fore. As Mr. Green said it would be  
12 reasonable down to Aubrey or something like that; somewhere in there so that your  
13 access was in and out. Then you have some stacking to get out to the light and that  
14 sort of thing.

15 MR. MANNING: So you need the circulation –

16 MR. GOSLINE: Right.

17 MR. MANNING: - from both Two Notch and Fore to –

18 MR. GOSLINE: Because what's going to happen is if you set up a curb cut right  
19 there at Aubrey they're going to go across Aubrey and out to go north rather than wait  
20 for the light.

21 MR. MANNING: But if the rezoning –

22 MR. GOSLINE: Not much you can do about that.

1 MR. MANNING: - the rezoning does not occur and there's no access that can go  
2 out to Fore then you're isolating your ingress and egress only to Two Notch, correct?

3 MR. GOSLINE: Yes.

4 MR. MANNING: So we're going to limit the traffic pattern that would go in to  
5 what's already allowed on the 11 acres to the curb cut on Two Notch?

6 MR. GOSLINE: I believe that the bigger parcel that fronts on Two Notch already  
7 has a curb cut.

8 MR. MANNING: Okay.

9 MR. GOSLINE: So in that regard we would achieve some benefit by getting  
10 them to close that off and using Fore. From a safety point of view it's certainly going to  
11 be a better to use - to go through the light.

12 MR. MCBRIDE: Eugene, do you have a motion up?

13 MR. GREEN: Well I was just - might as well get a motion on the floor before we  
14 can discuss a specific motion and again I would preface my motion by saying - and this  
15 GC piece at the corner would provide an opportunity to access the light from Fore  
16 anyway. You know, some of those home maybe abandoned but they are owned by the  
17 applicant I'm sure with the ultimate intention of trying to incorporate those in so I don't  
18 know if that's totally a fair assessment in that area. Again, I would vote in favor of the  
19 property outlined if we had a PUD that showed the curb cuts on Fore and showed what  
20 attempts would be made to buffer Fore from the light and activity that would be going on  
21 on the site. In the absence of that I don't know that it's appropriate given our long-  
22 standing tradition of not encouraging the takeover of single-family lots with commercial

1 development this deep into a neighborhood and therefore would recommend that we  
2 send this forward with a recommendation for denial.

3 MR. MCBRIDE: I'll second.

4 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?  
5 All those in favor of sending Case 06-10 MA forward to Council with a recommendation  
6 of denial please signify by raising your hand. All those opposed?

7 *[Approved to deny: Brawley, Lucius, McBride, Furgess, Palmer, Green, Anderson;*  
8 *Opposed: Manning; Absent: Van Dine]*

9 CHAIRMAN PALMER: Okay. Let's take a break for a minute. Do we need to  
10 vote on taking a break? No? Motion to adjourn for a few minutes.

11 MS. LINDER: Motion to recess.

12 CHAIRMAN PALMER: Motion to recess.

13 MS. LUCIUS: For five minutes.

14 *[Break]*

15 CHAIRMAN PALMER: Let's call the meeting back to order. Has anyone seen  
16 Mr. Manning? Okay, he'll catch up. Case No. 06-09 MA.

17 **CASE 06-09 MA:**

18 MR. GOSLINE: Mr. Chairman, Members, this is the one you've been waiting for,  
19 holding your breath about all day. This is a request to construct a shopping center.  
20 Forty acres – rezone 40 acres for a shopping center at the northwest quadrant of Killian  
21 Road and I-77. In summary this is, you know, an obvious place for this sort of facility  
22 and the other development that's planned and programmed to go in at this corner. The  
23 problem is the horrendous traffic problem. In the Staff Report we've gone through that I

1 think in pretty good detail. The maps that you see on either end show the approved  
2 developments in the general area. I would like to say something also. We worked very  
3 closely with the DOT district office on this particular project. It so happened that it was  
4 just coincidental that they were out doing traffic counts on Killian Road because they  
5 received a bunch of complaints about the a.m. peak hour left-turn lane to come  
6 downtown. So they were out, they'd gone out and done a bunch of traffic counts and so  
7 we took advantage of that and used them. We also, in your Staff Report, showed,  
8 included the simulation runs that they had used to figure out what to do about the left-  
9 turn lane, left-turn problem. Anyway we had a good cooperation with them and we look  
10 forward to working with them in more detail on other stuff. Let's see. Let me just briefly  
11 go through what's kind of in the area and give you a framework. The Staff Report really  
12 talks about two projects in particular and that is the train project which is the southeast  
13 corner of Killian and I-77. This is the subject site. This is the proposed Killian Crossing  
14 which is – we expect to be filed at the end of this month and the analysis that we have  
15 done in the Staff Report doesn't consider this in specific terms, it does in general terms.  
16 This is the Mungo development in here. This is Villages of Lakeshore which is, you  
17 know, [inaudible] cut down all the trees. This is Killian Green, Killian Elementary.  
18 [inaudible] rezoned this 40-acre piece a few months back for Mr. Lovett. And this that  
19 you see in here, this is - most of this is M-1, Dibble Manning's property. Killian Crossing  
20 comes down like this. This is the [inaudible] apartments we did a year or so ago. Let's  
21 see, what else? Then all this, all this up here is – we've been talking about is Wren  
22 Creek, the Taylor PUD, Hawkins' Creek, Beasley Creek, Carey Lee, Stonington and  
23 last, month the [inaudible] Reserve and these, these buildings are all existing just to

1 give you a frame of reference. Longshore [inaudible] we have an existing left-turn traffic  
2 problem without either the train or the proposed shopping center, Wal-Mart. Staff  
3 recommended denial so we'll be glad to open up for questions. [Inaudible] would be the  
4 best way to go.

5 MR. GREEN: I had two specific questions. On page 107 of the Staff Report  
6 refers to the current volume. Where's the count station for that 12,940 vehicles?

7 MR. GOSLINE: That was from the DOT. They took it virtually out in front of the  
8 train – right at the bridge.

9 MR. GREEN: So this is on the east side of Killian Road, east side of the  
10 [inaudible]. This isn't –

11 MR. GOSLINE: Right.

12 MR. GREEN: - the side of the interstate –

13 MR. GOSLINE: That's correct.

14 MR. GREEN: - that we're talking about?

15 MR. GOSLINE: That's correct. And the reason for that is because the reason  
16 they were out there counting in the first place was people using Clemson Road to go  
17 downtown in the a.m. have huge stacking problems and they were getting complaints.

18 MR. GREEN: But this 12,940 is on the east side of the interstate, not the west  
19 side; correct?

20 MR. GOSLINE: Correct.

21 MR. GREEN: Second question. Refer to the number of cases the a.m. peak  
22 hour. What is the a.m. peak hour for the counts you refer to?

23 MR. GOSLINE: You mean the time period?

1 MR. GREEN: The time period representing –

2 MR. GOSLINE: Seven-fifteen to 8:15.

3 MR. GREEN: Seven-fifteen to 8:15. Okay, thank you.

4 CHAIRMAN PALMER: And if I read this information correct, traffic information, if  
5 this project were to be approved it would operate at a Level D?

6 MR. GOSLINE: This project alone would kick, would kick the Level Service D  
7 when you add in the train property which has already been approved or virtually  
8 approved – they both would come on line around 2008 and the combination of them  
9 would kick it into Level Service F.

10 CHAIRMAN PALMER: The train property? What's proposed for the train  
11 property?

12 MR. GOSLINE: That was rezoned a year and a half or so ago from – this is the  
13 train facility itself.

14 CHAIRMAN PALMER: Right.

15 MR. GOSLINE: They came in and rezoned this piece from M-2 to M-1 and we're  
16 working through the process in terms of the subdivision [inaudible] talking about  
17 600,000 square feet of –

18 MS. ALMEIDA: Store, industrial – light industrial.

19 CHAIRMAN PALMER: Has anything been submitted to you on that subdivision?

20 MR. GOSLINE: Yes.

21 MS. ALMEIDA: Yes.

22 CHAIRMAN PALMER: From my understanding there's a car dealership or  
23 something.



1 MR. GOSLINE: That's probably be out – that – we understand that that's going  
2 to be one of the parcels, yes.

3 CHAIRMAN PALMER: That doesn't generate a lot of traffic – uses a lot of land,  
4 doesn't it?

5 MR. GOSLINE: Well one of the – as you well know, one of the problems with M-  
6 1 zoning is because you have such a wide variety of uses it's really difficult to estimate  
7 the traffic that could come off of it. But – so you're stuck with – they did a traffic  
8 management plan and they used 600,000 square feet of light industrial use as their  
9 model so.

10 CHAIRMAN PALMER: But from your traffic counts and from DOT's traffic counts  
11 if this project were approved this would operate on the east side of I-77 at a Level D?

12 MR GOSLINE: Correct. But that's not the whole story. The issue here is to let -  
13 the current left-turn movement is barely functioning and the only reason it is is because  
14 there's nothing coming from the west. Thirteen hundred cars in a peak hour is an  
15 awesome load. So in the Staff Report we went through two or three simulations to try to  
16 figure out what the best one would be and the best one is the loop, of course. As all of  
17 us understand the loop is much more functional but it's, it's - even that would be, you  
18 know, pretty heavy during the a.m. peak. Now the other thing here is that, is to keep in  
19 mind we are only talking about the a.m. peak. The p.m. peak has stacking as well  
20 coming, north and getting onto Killian, has stacking problems as well but that's not –  
21 we're not really looking at that issue at this time.

1 CHAIRMAN PALMER: So it's your thought process that between 7:15 and 8:15  
2 that the people going to shop at Wal-Mart between that hour are going to make this a  
3 heavily congested area?

4 MR. GOSLINE: No, no, no, no. There's two issues here. One is the current  
5 problem of the southbound left turn off of Killian onto I-77 and that's, that problem is  
6 overwhelming in the a.m. peak. Set that aside. That's an existing problem that if  
7 nothing else happens.

8 CHAIRMAN PALMER: Right.

9 MR. GOSLINE: If the project comes in the whole stretch of the road at least, you  
10 know, the bridge in that area would be overwhelmed – would be D or F. Assuming  
11 everything builds out to is capacity, of course.

12 CHAIRMAN PALMER: That is a four-lane road. A divided four-lane road.

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

14 CHAIRMAN PALMER: That is the largest road we have, category road we have  
15 in the county.

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

17 CHAIRMAN PALMER: We don't have any six-lane roads.

18 MR. GOSLINE: That's correct.

19 CHAIRMAN PALMER: So –

20 MR. GOSLINE: Well we don't yet but we're going to need some pretty soon.

21 CHAIRMAN PALMER: How do we get bigger roads than that to handle the traffic  
22 for a Wal-Mart?

1 MR. GOSLINE: Build six lanes or build more lanes. I don't know. The Wal-Mart,  
2 see Wal-Mart doesn't have – because it's conventional zoning they didn't have to do a  
3 traffic management plan.

4 CHAIRMAN PALMER: I understand.

5 MR. GOSLINE: Now when Killian Crossing comes in, they're coming in as a  
6 PDD and they will have a traffic management plan which will take in all of this.

7 CHAIRMAN PALMER: And this traffic loop that's in our package.

8 MR. GOSLINE: Excuse me?

9 CHAIRMAN PALMER: This loop that's in our package.

10 MR. GOSLINE: Yes.

11 CHAIRMAN PALMER: It's for purely informational purposes – it's the wish list  
12 from DOT?

13 MR. GOSLINE: No. It's not from DOT. I want to make sure you all understand  
14 that, that none of these recommendations have any – are not from DOT. They're strictly  
15 from the Staff.

16 CHAIRMAN PALMER: Any other questions for Mr. Gosline?

17 MR. GOSLINE: What we tried to do Mr. Chairman was show the alternatives to  
18 solving the left turn a.m. peak problem. And the alternatives are stop, a light, a  
19 signalized light and the loop and they both – well the loop would be better but it'd be a  
20 lot more expensive because you'd have to do some work under the bridge and you  
21 have to add lanes and all that kind of stuff.

22 CHAIRMAN PALMER: And there's no funding for any of this at this time.

23 MR. GOSLINE: That's absolutely correct.

1 CHAIRMAN PALMER: It's not in any plan?

2 MR. GOSLINE: That's absolutely correct.

3 CHAIRMAN PALMER: Not a single study has been done on this?

4 MR. GOSLINE: That's absolutely correct.

5 CHAIRMAN PALMER: Okay. Any other questions for Mr. Gosline?

6 MS. LUCIUS: Did you recommend a PDD for this one?

7 MR. GOSLINE: They did not want to do that. As, again, as I say whenever we  
8 get big projects in we always suggest it.

9 MS. LUCIUS: Suggest it, right. That's what I meant to say, not recommend.  
10 Because once again we have a drawing here that's not legally binding.

11 CHAIRMAN PALMER: And what's the reality of this site is that this parcel – 35  
12 acres of it is zoned M-1?

13 MR. GOSLINE: Correct.

14 CHAIRMAN PALMER: Five acres is zoned RU?

15 MR. GOSLINE: Give or – roughly, yes.

16 CHAIRMAN PALMER: On the 35 acres Wal-Mart could already do what it plans  
17 to do?

18 MR. GOSLINE: Yes.

19 CHAIRMAN PALMER: And that their – so the real problem comes in with the RU  
20 zoning – the five acres.

21 MR. GOSLINE: No. The issue is not the zoning and I think we talked about this  
22 in the Staff Report. There are two things. One, the reason they acquired, I believe and  
23 certainly Mr. Fuller would answer it better, they reason they acquired those adjacent

1 properties was because they needed to move the site entrance road far enough away  
2 from the interchanges and they needed the extra property. And - but the issue is not  
3 the zoning. The issue is traffic. It doesn't matter if it was a PUD, it still would be the  
4 traffic.

5 MS. LUCIUS: Because it would require a traffic management plan would be the  
6 difference.

7 MR. GOSLINE: Well they'll have to do a traffic management plan at the site plan  
8 stage.

9 MS. LUCIUS: Oh they will?

10 MR. GOSLINE: Oh, yeah.

11 MS. LUCIUS: Okay.

12 CHAIRMAN PALMER: Okay. Mr. Ferguson. I'm sorry. Ms. Ferguson.

13 **TESTIMONY OF PAULINE FURGESON:**

14 MS. FURGESON. My name is Pauline Ferguson and I stay at 1112 Killian Loop  
15 so I'm the new kid on the block because I only been out there like a year. I'm all for  
16 change and growth but, you know, I have family here who stay further up on Killian  
17 Road - further up towards Killian on Killian Loop and they want to take most of their land  
18 but from the way the sketch show ya'll only want the back side of mine, back side of my  
19 property and they didn't show how much area they wanted to take on the back side of  
20 my property. And I was concerned about if ya'll put a shopping center there will it be  
21 right up my backyard like a parking lot?

22 MR. GOSLINE: Yeah.

1 MS. FERGUSON: Is there going to be a privacy fence put up, put up my back  
2 yard?

3 MR. GOSLINE: The answer, general answer is they would have to do  
4 substantial buffering between their development and your property; the landscaping,  
5 fencing, that kind of stuff.

6 MS. FERSUSON: And then, you know, it's also, you know, the water on the  
7 road. You know Killian Loop's a rural area and the drainage system – we've got ditches  
8 but they've growed up, you know, water can't run down the road like it should and that's  
9 a problem. And then where you was talking earlier the road is like four lanes but then  
10 when you get down further Killian Loop right after you pass it, it runs into two lanes.

11 MR. GOSLINE: Right.

12 MS. FERGUSON: So I think there'd be a problem there with traffic also.

13 CHAIRMAN PALMER: I had you down for the "for" column, should I change it?

14 MS. FERGUSON: Well, I'm not sure yet.

15 [Laughter]

16 CHAIRMAN PALMER: Mr. Fuller?

17 **TESTIMONY OF ROBERT FULLER:**

18 MR. FULLER: We'd like to recruit her for the "for" column, please. Mr.  
19 Chairman, I am Robert Fuller and I'm an attorney here at this point representing the  
20 Bright-Meyers LLC development proposal that is represented by this map application for  
21 amendment of the zoning. Several things that have been stated to you so far I think  
22 bring into sharp relief what the problem here is. It is traffic and basically I would like to  
23 refer to the Staff Report briefly to point out one or two things and respond a little bit to

1 Ms. Ferguson's comments just made and then let you know that we have people here  
2 who will be able to address questions with some real specificity regarding the,  
3 particularly the traffic management issues. But first of all the Bright-Meyers LLC, who is  
4 the development entity that is sponsoring this application, is represented here this  
5 afternoon by Alexa Waggaman from Atlanta. We have here today to respond to  
6 questions you may have, Mike Ranks of the site engineering firm. And we have Todd  
7 Salvagan who is the traffic engineer who has written the comprehensive report and has  
8 done considerable work with the SCDOT regarding the site management and the  
9 intersection at Killian and I-77 for the placement of this project here. Two or three  
10 things with respect to the Staff Report bring into absolute clarity the fact that it is – it all  
11 really boils down to whether or not the traffic can be managed. And the questions that  
12 relate to that are really global in nature as the Chairman has already intimated with  
13 some questions to the Staff. I don't know that we are going to leave here today with the  
14 ability to satisfy you that all the problems can be solved for Richland County and for the  
15 intersection of I-77 and Killian Road. What I do think we can demonstrate to you is that  
16 relative to the impact of this 40-acre site the traffic engineering, the reports necessary to  
17 deal with that have been accomplished and with input and cooperation and work with  
18 the South Carolina Department of Highways and Public Transportation, the plans have  
19 been developed in such a manner as to conclude that the mitigation plan provided by  
20 the traffic report works for the site; that the system will not be overburdened specifically  
21 by the placement of this site or this project on this site. The problem is one that you  
22 recognize and we recognize is larger than this site itself. I did put in front of each one of  
23 your spaces a revised copy of the site plan proposed for the project. There was one in

1 your information packet that came to you in the mail with the Staff Report and other  
2 matters. The principal change in the site plan that was presented to you today for your  
3 review in this meeting and after is related to the movement of the principal access to the  
4 site from Killian Road further away from the interstate highway in order to comply with  
5 South Carolina Department of Transportation requirements relative to the site. A couple  
6 of things. Although it does not make a telling difference in the circumstance with  
7 respect to the global consideration of traffic impact, the square footage grossly  
8 [inaudible] referenced in the Staff Report is significantly higher than the plan that is in  
9 front of you. The report references 320,000 square feet. It's really about 250,000  
10 square feet total. As I say that is – it somewhat inflates the appearance of the numbers  
11 but that's not the last word with respect to the traffic analysis by any means.  
12 Significantly in this report is the information to you that this is clearly an appropriate site  
13 for a 40-acre shopping center. That site has been 36 acres of M-1 property for many,  
14 many years. So the report confirms what the sub-area plan and the other information  
15 regarding this area of Richland County and this section of the Interstate 77 corridor  
16 have been anticipated for years and years. So that what we are left with then is the  
17 circumstance that puts the developer and the owners of this tract here in the untenable  
18 position of having to put before you a matter that is impossible of total solution to your or  
19 our satisfactions and certainly to the overall and comprehensive view of what has got to  
20 happen or can happen at this particular location. No individual owner is going to be  
21 able to mitigate the overall and comprehensive problem. What we are obliged to do and  
22 have done is to mitigate totally the impact of the site itself relative to the traffic and the  
23 handling of the traffic at the location. As has been mentioned already Richland County



1 does not have in prospect a plan that will cure all of this. If it got out of the ground  
2 today, the plan, it wouldn't be fully developed and nobody knows where funding for it  
3 would originate or when it when come on stream. It's not even in the vision of the  
4 county or the DOT at this point to solve. What we can say about the site itself and  
5 addressing briefly Ms. Ferguson's claims, there would be absolutely no taking of any of  
6 her property would be the answer to the first question raised. Those properties that are  
7 adjacent on the Killian Loop side are 300 or so feet deep with most of the residences at  
8 the front end not the back end, but as Mr. Gosline has already indicated to you and  
9 would be the requirement, the rear - the portion of the site adjacent to those lots that are  
10 in rural zoning and are not being acquired in the site itself would be buffered off  
11 significantly. Questions have been raised about the wetlands. There are wetlands  
12 north of this property and intrude only slightly at the back end of it. All of the wetlands  
13 considerations have been taken into account with the development of the plan. There is  
14 not a "wetlands problem." That has been engineered out. The properties that are along  
15 Killian Loop, which are on the opposite side from the interstate highway, are properties  
16 that all of the owners of those properties have been contacted at various times during  
17 the course of the consideration of this property. One or two of those have offered to  
18 and been incorporated into the site. Others have had no interest and others are simply  
19 seeking information. What we submit to you this afternoon, and I will ask Mr. Salvagan  
20 to speak to you about it; he has signed to do so, is to deal with where traffic matters  
21 stand in conjunction with this site. That is apparently where your concerns lie or most  
22 specifically would and have pivotal effect on what is to be done on this site. If I or Mr.  
23 Ranks or Ms. Waggaman can answer questions for you about the site itself we'll be

1 delighted to do so. Mr. Salvagan would be the one who would address the specific  
2 issues regarding traffic handling.

3 CHAIRMAN PALMER: Thank you. Mr. Salvagan.

4 **TESTIMONY OF TODD SALVAGAN:**

5 MR. SALVAGAN: Good afternoon. My name is Todd Salvagan. I'm with the  
6 firm of SRS. They're in West Columbia. I'm a traffic engineer. As indicated we've got a  
7 problem out here that has arisen out of the last few years, probably a lot due to the  
8 extension of the Clemson extension to Killian Road. Carl has indicated the volumes, a  
9 lot of what came from DOT, a lot of which came from me, as we started to do this traffic  
10 management plan or traffic impact study for it, we realized what we were up against as  
11 it came to a simple diamond which is what Killian at 77 is. It's a simple diamond  
12 interchange. The project is located on the west side. We concentrated on the west side  
13 but quite frankly we at look at two – we have two problems at this location. Specifically  
14 eastbound, excuse me, westbound side of the interchange, left turn that approaches  
15 1,300 during the a.m. peak hour. Carl is correct. The counts were very equal between  
16 myself and what the DOT had collected. The opposition is what Carl also indicated is  
17 extraordinarily low. This would be coming westbound on Killian towards I-77 across  
18 Killian Loop which the lady indicated where she lives is about 80. In other words the left  
19 turn today is a free flow left turn. Nobody is in opposition. We're looking as part of this  
20 site, number one to improve that intersection. We can't fix the problem and I will stand  
21 here and tell you I can't make it acceptable. It would take millions of dollars and  
22 multiple years to make this intersection acceptable. What we can do, however, is  
23 mitigate the traffic impact that's cause by this development. Early on in the process we

1 met with the district traffic engineer, Mark Nolte. Originally our main access was right  
2 here, 600' away from the ramp. He said, "No." We have hence closed that full median  
3 crossover, made it a right in and right out and moved an additional approximately 400'  
4 farther west, so now the main access is over here which is approximately 1,000'. That  
5 gives us acceptable distance to signalize the main entrance. And why would we do  
6 that? Because we're looking at signalizing the ramp and you've got to have the  
7 separation. Two signals too close together don't work. The farther apart the better they  
8 are. We're looking at putting them farther apart. That was something that Mark Nolte  
9 and myself early on discussed for this project and it has been accomplished. At the  
10 ramps specifically – does that mean I'm up?

11 CHAIRMAN PALMER: No, I have an - am I the only one who has an interest in  
12 here about the traffic?

13 MS. LUCIUS: No.

14 CHAIRMAN PALMER: No? Continue.

15 MS. LUCIUS: Yes.

16 MR. SALVAGAN: At the ramps which are the southbound 77 ramps which is  
17 where we're specifically having a problem, signalization by itself is still Level Service F,  
18 a Level Service F today. Single left-turn lane which is what's having the problem. If you  
19 widen out the approach for dual left-turn lanes the capacity of two left-turn lanes under  
20 signal control you're pushing 700 or 1,300 today. Won't work. A loop ramp – capacity  
21 of a loop ramp during any 60-minute period I tend to use 11 to 1,200. It was 1,000 in  
22 the Staff Report. We're still over that today. What's it going to take to make this thing  
23 work? The general terminology is a directional interchange. But let me tell you what

1 that directional interchange is to serve. It's to serve what's coming from over here onto  
2 77 heading towards Columbia. This is the move that is having a problem today, where  
3 the Clemson Extension popped into Killian and what is going to be forthcoming along  
4 Longtown Road and the other projects. Directional interchange will ultimately have to  
5 be used as a long term, long range type [inaudible]. What we could do as part of ours is  
6 we're going to take this, we're going to signalize right there at the end of that ramp.  
7 We'll look at widening out and it's going to require FHWA. That's the feds improvement  
8 or fed approval but to get the ability to put dual left-turn lanes to come south onto 77.  
9 From the aspect of what we as a project will do that more than mitigates what our  
10 increment of traffic is and I'm keeping in mind that what we're looking at is that 1,300  
11 vehicles growing out into the future which is well going to approach over 1,800 once all  
12 this comes on line. It more than mitigates what we're looking at is the increment being  
13 on the other side of the Interstate, being on the west side. I can get into more  
14 complicated. I'm getting a no, please don't go any farther – you're killing me over here.  
15 Any questions? I'll be more than happy to answer them.

16 CHAIRMAN PALMER: Just to satisfy my mind, you're looking to mitigate a  
17 problem of 1,300 cars which is existing today which is caused by the other side of the  
18 interstate from where your project is going?

19 MR. SALVAGAN: Yeah.

20 MR. GOSLINE: And the reason for that, and correct me if I'm wrong, Todd, the  
21 reason for that Mr. Chairman is that the only reason that the left turn movement is  
22 functioning at all today is because there's no opposing traffic. Once they put a snow  
23 cone stand over on the other side, it blows up.

1 MR. SALVAGAN: The opposition is less than a hundred. With us going in there  
2 there'll be additional traffic. We impact it as such [inaudible].

3 CHAIRMAN PALMER: Thank you. Any other questions for Mr. Salvagan?  
4 Thank you. Mike Dawkins?

5 MR. DAWKINS: [Inaudible] questions you might have specifically [inaudible].

6 CHAIRMAN PALMER: Okay. Ms. Waggaman?

7 MS. WAGGAMAN: I represent the developer and any questions and we also  
8 have [inaudible] with the architectural firm [inaudible].

9 CHAIRMAN PALMER: Okay. Thank you.

10 MS. WAGGAMAN: We're just here to answer questions.

11 CHAIRMAN PALMER: Thank you. William Barr?

12 **TESTIMONY OF WILLIAM BARR:**

13 MR. BARR: My name is William Barr. I live at 702 Dixie Avenue. And I'm  
14 speaking in behalf of my mother and my two aunts. From left to right is my mother, Ms.  
15 Barr, Ms. Riley and Geneva Pugh. They all have land there. What they are for is  
16 reconstruction and community development, but what they're against is taking up their  
17 property which ya'll have already stated that it probably won't be disturbed which I'm  
18 glad but that property has been in their family for years and they just don't want to see  
19 the mismanagement of their property. Thank you.

20 CHAIRMAN PALMER: Teresa Lancaster?

21 **TESTIMONY OF TERESA LANCASTER:**

22 MS. LANCASTER: My name is Teresa Lancaster. I have lived on the Killian  
23 Road for 35 years. My husband and his family 35 years before that. About two months

1 ago I looked out of my front door to see a big buck swimming across the pond. They  
2 have no where to go. About a week ago I looked out to see a doe in my front yard.  
3 They have no where to go. We're probably one of the only people in that particular area  
4 right now who even has trees. This is a hundred year flood zone. There's a big hill right  
5 at the top of that road. I can hardly get out of my driveway at 8:00 o'clock or 5:00 o'clock  
6 because the sun is so bad until you cannot see what is coming over that hill. The  
7 interstate – ya'll talk about the people getting onto the interstate from that direction but  
8 what about my direction? I have a terrible time getting on the interstate. I had a person  
9 honestly stop the other day to let me on it was so bad and when he did somebody ran  
10 into the back of him. My son, my whole family lives in that particular area. My son, my  
11 children, my brother-in-laws, my sister-in-laws. If they were to bother our location that  
12 would disrupt my whole family. It would send my family in all different directions at this  
13 particular time. I would absolutely resent losing my property that we have kept in our  
14 family for 60, 70 years for a road or a bicycle lane. That is just to me unheard of. We  
15 have held onto it. We've paid our property taxes. It has been very, very hard to  
16 contend with what we've had to deal with lately. My son is on the road. People ride by  
17 and honest to goodness shoot at the house and when you call the police they're word is  
18 "What did you do to make somebody mad?" You don't have to do anything to make  
19 people mad nowadays. I mean, when you live right on the highway people do some  
20 horrible, horrible things that you never anticipate. We have been bothered by the sewer  
21 which has dynamited at one time for a year leaving huge, huge holes and open  
22 manholes for children to fall in and get hurt. The traffic to me would be better displaced  
23 from 21 than it would from Killian Road. Killian Road has a very big dip in it plus the big

1 hill in it which, of course, we've seen in our days plenty of wrecks at this particular time.  
2 We personally have horses, cows, and timber which we have been dabbling in for the  
3 entire time that we've lived there. Not only to mention how we would fear of another  
4 Target where it's left abandoned for us to deal with people hanging around and, you  
5 know, I mean, this is really right up under, right up under us. I'm five minutes from work.  
6 Now it is 15 minutes from work. I'm 15 minutes from the nearest Wal-Mart. To me, you  
7 know, a closer Wal-Mart is just not necessary. Thank you.

8 MR. GOSLINE: Mr. Chairman, if I might. I think some of the people are  
9 concerned again like we stated once before about the way we have done the  
10 neighborhood notification. We show a site which is just this site and then it will show a  
11 buffer area around it and that buffer area's hatched. That is only to show you that you  
12 are an adjacent owner and you get notice. It does not mean that it's being rezoned.  
13 The only pieces that's being rezoned is this piece right here and these two pieces right  
14 here. So we're going to change that in the future so that it's not as confusing to folks. I  
15 just want make sure it's clarified [inaudible].

16 MS. LANCASTER: That's doesn't contend with the bright sun from that direction  
17 and the big hill [inaudible].

18 MR. GOSLINE: Yeah. That's a different issue, yeah.

19 MS. LUCIUS: I was going to ask that, Mr. Chairman. The last two speakers  
20 were concerned about their property and I wondered if they were going to be impacted  
21 in any way by this or if they're just confused by the maps?

22 MS. ALMEIDA: I believe the last speaker, the property did abut for this.

23 MS. LUCIUS: It abuts it?

1 MS. ALMEIDA: Right. But yes as Mr. Gosline said we are modifying that  
2 neighbor notification so there are no confusions in the future as to neighbors being  
3 notified to proposals.

4 CHAIRMAN PALMER: I think it was just a confusion Mr. Faust thought his nine  
5 acres were being taken.

6 MS. LUCIUS: Right. I was more concerned about the speaker before the last  
7 one. The ladies that were concerned so they really –

8 CHAIRMAN PALMER: Nobody's property's being taken or rezoned or – if you  
9 haven't asked to be rezoned you're not being rezoned. Sandra Green?

10 **TESTIMONY OF SANDRA GREEN:**

11 MS. GREEN: My name is Sandra Green. I live at 1026 Killian Loop. I have  
12 been living there basically all my life. I lived with my parents at 1024 and then I've  
13 added a house behind hers. And I understand what you're – I've listened to all the  
14 comments that everyone has made and I'm kind of understanding a little more in detail.  
15 But my main concern is the traffic because it used to be we was out there by ourself on  
16 Killian Loop and Killian Road and we can almost run that stop sign and not worry about  
17 a car coming. [Laughter] But now we have to wait almost five, ten minutes at that stop  
18 sign just to get across. I work right off Clemson Road and it used to be like a five, six-  
19 minute drive just to get to Clemson Road and it's already now 15 minutes to get over  
20 there. And our concern if any of you go to Wal-Mart on a regular basis you know what  
21 the traffics are like around all Wal-Marts in Columbia. It's always congested and  
22 especially the one on Two Notch Road. I mean, where we live at now it's almost to the  
23 point where you got to wait on a certain time of day to go anywhere. You know, we – if



1 you make it home by 4:00 o'clock you don't want to go back towards Clemson Road  
2 until after 6:00 o'clock at the latest as it is so much traffic and as the last lady said, you  
3 know, [inaudible] Wal-Mart comes and, you know, coming out of Killian Loop now we're  
4 going to have to sit there for awhile. We know this is coming with the Wal-Mart. But I  
5 love Wal-Mart and I shop there a lot myself but I really don't want it at my back door.  
6 And even though I understand you say you're going to build buffers around it and  
7 everything but I really don't want to see it in my backyard. When I come out the door I  
8 almost can climb the fence to go to it. But if they can handle the traffic and make it  
9 convenient for us and allow our little deers and elks to stay in the area I would love that  
10 because just about every night I walk out on my porch they're all out in the yards  
11 because they've been ran out of Clemson Road area and parts of 21 area with all the  
12 homes and everything being built around Blythewood. But that's all I have to say.  
13 Thank you.

14 CHAIRMAN PALMER: Thank you. Billie Stephens?

15 MR. STEPHENS: I [inaudible] what they have to say, I was already going to say  
16 that. Thank you.

17 CHAIRMAN PALMER: So should I change you from the "for" to the "against"  
18 column as well? [Laughter] I appreciate it. Thank you, Mr. Stephens. That's all who've  
19 signed up to speak. Yes, sir. Well it's not on the list. It's not on the list but if you'd like  
20 to speak that's fine. Come ahead.

21 **TESTIMONY OF GREG RUSSELL:**

22 MR. RUSSELL: I'm Greg Russell and I live at 1107 Killian Loop and I heard Mr.  
23 Fuller state that the developer had attempted to contact people on the west side of the

1 Killian Loop Road. I live on the west side of Killian Loop Road and I was not contacted.  
2 I spoke with the developer in Atlanta, Mr. Matt Zasser(?) on Friday and he informed me  
3 that only a dozen or so landowners – those immediately adjacent to the property had  
4 been attempted to be contacted. [Inaudible] there's a lot more people that are  
5 interested. I reiterate most of what I've heard regarding the traffic. I normally work  
6 about a 10 hour day when I'm not spending the afternoon in County Council chambers.  
7 At 6:00 o'clock this morning I sat and waited on 17 left-hand turns to go south so that I  
8 could make a right. It's not uncommon at 6:00 in the morning. At 5:00 o'clock in the  
9 afternoon we're also waiting to make that left-hand turn, we headed north on 77 and exit  
10 Killian Loop, Killian Road. The 40 acres in the proposal all drains into the Roberts  
11 Branch drainage; a good bit of it through the wetlands on the north side of the project.  
12 Now that provides for some pretty good water quality, wildlife and property values. I  
13 worry that should this development go forward that water quality won't be there. The  
14 western portions of this project actually drain across neighboring properties before they  
15 enter Roberts Branch. At this point in time we have absolutely no assurance that this  
16 developer will maintain the water quality, the drainage that's in place now without  
17 damage to our properties. Pollution in general, we're concerned about light and noise  
18 pollution. This is a super Wal-Mart. They're open 24 hours. They get deliveries night  
19 and day so we'll get to hear those trucks backing up in the middle of the night. At the  
20 present time there is no public water or sewage in that northwest quadrant of 77 and  
21 Killian Road. We've been presented with no plans or documents how they intend to  
22 secure enough water and dispose of the sewage to support a development of this size.

1 Given these issues, most of which are unaddressed, I'd respectfully request that you  
2 deny this request for rezoning.

3 CHAIRMAN PALMER: Thank you. Any other comments or questions?

4 MS. LANCASTER: I would like to mention the new housing development that is  
5 also supposed to come from the [inaudible] property which borders Highway 21 which  
6 will be coming out right there on the west side before you get on that interstate. That  
7 property was sold probably about a month ago for housing developments as well.

8 CHAIRMAN PALMER: Okay. Thank you.

9 MR. FULLER: Could Mr. Ranks address a couple of those questions?

10 CHAIRMAN PALMER: Yes. Who would – tell me about the water/sewer issue.

11 **TESTIMONY OF MIKE RANKS:**

12 MR. RANKS: My name's Mike Ranks. I'm with Freeland & Caughman, civil  
13 engineers. The developer, as part of this development, they're the seller of the property  
14 also retains some property on the south side of Killian Road and we have retained rights  
15 to run a new public sewer line down across his property on the south side. On the  
16 south end of his property there is existing public sewer down there that we're going to  
17 be working to tap onto for that sewer access. Water – we're going to be working with  
18 the city and the county to get adequate water supplies from Killian Road right now.

19 CHAIRMAN PALMER: So while they're not at the site they are close by?

20 MR. RANKS: Right. They're in the vicinity and it's –

21 CHAIRMAN PALMER: Can be gotten to the site?

22 MR. RANKS: Yes, sir.

23 CHAIRMAN PALMER: Okay.

1 MR. RANKS: And I don't know if you want me to address the storm water at all.

2 MR. FURGESS: Go ahead, please.

3 MR. RANKS: Richland County actually has a very substantial storm water  
4 ordinance and it's what we consider highly upgraded from a standard DHEC water  
5 quality requirement and you can see on the site plan that's in front of you the north end  
6 of our property up near the wetland area is a fairly sizeable piece of property that we're  
7 going to be able to make into a storm water detention management area that's going to  
8 be the wetlands type storm water management that Richland County requires. We're  
9 fully confident we can get Richland County happy with the storm water management  
10 that we will provide and we will be directing run-off from the higher development area to  
11 the rear of our property. All of it will go through that pond and then be filtered down into  
12 the wetland area and the floodplain.

13 CHAIRMAN PALMER: Thank you.

14 MR. MANNING: I have a question. As far as the topos regarding this site, the  
15 map that was handed out it's hard for me to read the numbers on it but from the front to  
16 the back say to the detention facility – storm water management facility, what kind of  
17 grade quality do you have in that?

18 MR. RANKS: There's pretty good fall on the back of the property down to the  
19 wetlands and I can – I need to bring the topo out and take a look at it but I think you're  
20 looking at on the order of 15 to 30', something in there. I'll be able to – once we get this  
21 site plan turned on with the topo we can better manage or better give you an idea of  
22 how far – what kind of vertical relief there is.

1 MR. MANNING: When I was out there it's obviously heavily wooded at this time  
2 and you really couldn't see the elevation change but I would imagine that the super  
3 center would want to be visible from Killian Road and 77 which would mean it's going to  
4 require fill if there's a substantial grade elevation in there. Do you have any idea at this  
5 point what that's going to take? Whether you've got enough dirt on site to do that?

6 MR. RANKS: We haven't done a detailed estimate right now or a detailed  
7 grading plan that's going to give us those numbers of whether we have too much dirt or  
8 not enough dirt. From looking at it – on sites this large it's always more economical to  
9 try to make do with the dirt that you have on the property. So if we can get away  
10 without bringing in substantial fills, we'll certainly do that even if it means putting the  
11 finish floor of the Wal-Mart store a little bit below Killian Road. On a site especially as  
12 deep as this one is even if you were sloping down from Killian Road at a pretty decent  
13 rate you're not really going to see that vertical relief standing on the road. It won't look  
14 like the Wal-Mart sitting in a hole. So we'll probably try to get that Wal-Mart down a little  
15 bit just to make do with the dirt that we have on site.

16 MR. MANNING: Well that leaves me to my last – my real concern is the property  
17 abutting off of Killian Loop and if there are grade changes there, that they're properly  
18 buffered.

19 MR. RANKS: Right.

20 MR. MANNING: So the intrusion into that neighborhood is minimized and I see  
21 you've got a retaining wall down that property line. I'm certainly not an engineer and I  
22 don't know how much room you need to properly do that but that's something I think  
23 that we as a Body – I don't know how many - any part of making that decision but Staff

1 would or the engineering department would to make sure that it is buffered properly  
2 from the neighborhood.

3 MR. RANKS: Sure. And we would only put the retaining wall there. The  
4 retaining wall, when we put together preliminary site plans and budget estimates on all  
5 that, we tend to assume the worse and the retaining wall we believe may be required  
6 along that west side up against those residential properties. If we can put a slope there  
7 we certainly will. That's always our preference and whatever we do, we will reserve  
8 plenty of room for the required buffers one way or another. If we have the retaining wall  
9 for certain we'll need a fence at the top of the wall and my guess is we can work with  
10 the developers to – and the county to come up with buffering up against those  
11 properties that will be suitable for everybody.

12 CHAIRMAN PALMER: Mr. Russell. We're not opening the floor back up.

13 MR. RUSSELL: I thought he got up to answer questions. Excuse me.

14 CHAIRMAN PALMER: If somebody were to address a question. Any other  
15 comments?

16 MS. LUCIUS: I would just once again remind everyone that this is not legally  
17 binding but I could tell a lot of work has gone into it.

18 MR. MANNING: I guess in this situation under the M-1 classification they are  
19 allowed to do –

20 MR. GOSLINE: I'm sorry. What's the -

21 MR. MANNING: Well under the M-1 classification they are allowed to put a  
22 super Wal-Mart there anyway?

23 MR. GOSLINE: Yes.

1 MR. MANNING: So it really become a question to me does the additional zoning  
2 request enhance the traffic situation that's already existing?

3 MR. GOSLINE: I think our Staff Report – we made that point on - at one point  
4 but the zoning is immaterial whether it's a PUD of anything for that matter. It's the traffic  
5 that's the problem.

6 MR. MANNING: Someone said 1,300 trips a minute ago would send it to a Level  
7 F; is that correct?

8 CHAIRMAN PALMER: I think there's 1,300 existing trips.

9 MR. GREEN: Left turns during peak hours.

10 CHAIRMAN PALMER: Left turns during 7:15 to 8:15.

11 MR. GOSLINE: The a.m. peak hours 1,300 west to southbound.

12 MR. MANNING: Which is primarily being generated on the other side?

13 MR. GOSLINE: Absolutely, totally because there's nothing to the west side right.

14 MR. MANNING: There's nothing on the other side of the interstate that's going to  
15 enhance that –

16 MR. GOSLINE: That's correct.

17 MR. MANNING: - other than the traffic, the -

18 MR. GOSLINE: The DOT calculated that in the a.m. peak hours there's a 107  
19 trips coming east on Killian. At the same time the 1,300 are trying to turn south off of  
20 Killian and the issue in terms of the left-turn movement is that barely functions now. Of  
21 course, if you listen to the people – it depends who you talk to - and as soon as you put  
22 anything else to the west, you know, it blows up. The Department, you know, if you go  
23 to page 114 we have – to summarize we've recommended, you know, that all the land

1 developments in this area be deferred until we can get something, some comprehensive  
2 plan put together and at minimum right-of-way for loops be included in the development  
3 planning for the north – essentially the northeast and northwest quadrants and the  
4 southwest which is undeveloped at this time. So that summarizes I guess the  
5 Department's position. So who's going to write the big check?

6 CHAIRMAN PALMER: Well from what I hear, Wal-Mart is looking to do some  
7 improvements in that area with the second turn lane, signalization, that kind of stuff.

8 MS. LUCIUS: But as Mr. Fuller said that one – they can't do it. They can't fix it  
9 on their own. They may can alevé some of it.

10 CHAIRMAN PALMER: From my understanding they're looking to do –

11 MS. LUCIUS: The problem's there now.

12 CHAIRMAN PALMER: - what is feasible to do. I mean, there's something I  
13 guess in a utopia society could be done with unlimited resources and that type stuff and  
14 timeframes but in a real world situation they're looking to do all that can be done -

15 MS. LUCIUS: Exactly.

16 CHAIRMAN PALMER: - to help mitigate the traffic concern which was really  
17 caused by the Clemson Road Extension.

18 MS. LUCIUS: Exactly.

19 MR. GOSLINE: Absolutely.

20 MS. LUCIUS: They're going to do all they can.

21 MR. GOSLINE: Mr. Chairman, I think what you have here is a classic case of  
22 where you have the train properties. You know, they're going to have a traffic light –  
23 we're arguing about where – but they're going to have a traffic light. Wal-Mart's going to



1 have a traffic light. Well as soon as you start putting traffic lights up you slow down the  
2 traffic. People can get in and out but you decrease the carrying capacity of the road.  
3 And what we have here is a whole series of individual mitigations that may occur that  
4 don't solve the overall big problem. And I don't, you know, we talked about this as long  
5 as, you know, at least as long as I've been here. So the Department, you know, I think  
6 we've been pretty consistent in recommending denial whenever it's Level Service F.  
7 Something's going – we recommended denial on virtually everything on Hardscrabble  
8 Road and so that's kind of where we are.

9 CHAIRMAN PALMER: Mr. Green.

10 MR. GREEN: You know, one of the main principals of the 20/20 plan was to  
11 cluster high traffic users at major interchanges. If this doesn't qualify as a major  
12 intersection I'd be at a loss where else in the county we would classify something as a  
13 major intersection. The fact that years have gone by and there hasn't been effective  
14 planning done, I don't think we can burden one property owner with the absence of  
15 comprehensive planning in this county as unfortunate as it may be. I would like to make  
16 a motion to send this forward with a recommendation for approval. The traffic situation  
17 that exists is not going to be substantially impacted by this development. Again as Mr.  
18 Manning said, the only thing they're actually bringing in in addition to being zoned  
19 appropriate for this is a small piece of property so they can improve the traffic in and off  
20 of this site. So, you know, I think they've made as good a faith effort as possible.  
21 Hence, my motion.

22 MS. LUCIUS: I would second that and I want to make it clear though that it's not  
23 because I'm not aware of the tremendous traffic problem that it's causing. It is right that

1 our comprehensive plan calls for this sort of development at major intersections but I  
2 think we have to also ask ourselves does that intersection work. Apparently this one is  
3 not working. But at the same time I have to agree that I don't see any other reason to  
4 deny it. I'm sorry. Mr. Gosline, I seconded.

5 MR. GOSLINE: All right. I think that's, you know, from our point of view the  
6 issue here is if we don't get the right-of-way for the loops you're going to have  
7 something worse than Harbison in less than ten years. It's that simple.

8 MR. GREEN: The fact of the matter is though unless you tell everybody that  
9 owns property at intersections throughout the county and you tell them when you're  
10 going to buy their property and what you're going to pay them for it to say some point in  
11 the next 20 years we may get around to it, therefore you can't do anything with your  
12 property for the next 20 years doesn't seem like appropriate – an appropriate thing. If  
13 you were to tell me Carl there was an active program to acquire right-of-way at key  
14 intersections and we're the process of taking it down and it's been engineered I may  
15 have a whole different perspective but the fact of the matter remains there's no plan to  
16 acquire right-of-way. There's no design that's been approved and there's no  
17 reasonable prospect it's going to be.

18 MR. GOSLINE: I don't disagree with you, Mr. Green. All I'm saying to you is and  
19 I guess what we're trying to do is just get some realization maybe from – certainly not  
20 from you all. I think you all understand the problem. But the public in general and the  
21 County Council that, you know, we have got to do something about traffic and  
22 transportation and funding it and paying for it. You just can't keep making it work.

1 MR. GREEN: It's this body's desire since I've been on it to help make the  
2 comprehensive plan -

3 MR. GOSLINE: I know.

4 MR. GREEN: - which has never been done.

5 MR. GOSLINE: The comprehensive plan won't solve it. You need the capital  
6 improvement program to fund it.

7 MR. GREEN: Which is part of the comprehensive plan.

8 MR. GOSLINE: Right.

9 MS LUCIUS: We're really between a rock and a hard place on this one. I can't  
10 see how we can deny it even in face of the horrendous problem we're causing with  
11 traffic and we realize that.

12 MR. GOSLINE: Interesting.

13 CHAIRMAN PALMER: Any other comments?

14 MS. LANCASTER: I'd like to ask one question.

15 CHAIRMAN PALMER: Yes, ma'am. We're not allowing any more public input  
16 from the audience. Any other comments? We have a motion and a second to send this  
17 forward to Council with a recommendation of approval. All those in favor please signify  
18 by raising your hand. All those opposed?

19 *[Approved: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning, Anderson;*  
20 *Absent: Van Dine]*

21 MR. GOSLINE: My work is done.

22 CHAIRMAN PALMER: That I believe concludes -

23 MR. GOSLINE: The B Team's coming in now.

1 CHAIRMAN PALMER: What's next? Moving forward. The comprehensive plan.  
2 Do we have an update?

3 MR. CRISS: Mr. Chair, as you know the next work session for the update of the  
4 comprehensive plan is scheduled for Thursday, March 23<sup>rd</sup> from 4:00 o'clock to 6:00  
5 o'clock in the fourth floor back conference room. Councilwoman Joyce Dickerson has  
6 proposed a topic for that meeting if you care to divert from where we left off in the last  
7 session deriving Commissioner's values and planning principals and heading toward  
8 future land use mapping for the northeast planning area. Blythewood has two major  
9 projects proposed near its town center in the unincorporated area adjacent to the  
10 municipal boundary. And in view of the joint interest of the two Planning Commissions  
11 the Councilwoman has offered to host a joint Planning Commission meeting between  
12 the Town of Blythewood and Richland County to discuss cooperative land use planning  
13 adjacent to Blythewood municipal boundary and specifically the two Commissions'  
14 perspectives on these two pending projects.

15 CHAIRMAN PALMER: My thought and it's just my thought, open to everyone  
16 else's that we focus on the comprehensive plan at those meetings.

17 MR. CRISS: Well, of course, part of the comprehensive planning process is to  
18 collaborate with your municipalities but this does jump to the issue of Blythewood  
19 sooner that we had anticipated. Alternatively you could schedule a separate meeting  
20 for that. You also have interest in inviting the individual Council, County Council  
21 members to brief with you on planning issues in their respective districts. It looks like  
22 we could start setting those up either at the 23<sup>rd</sup> or possibly the following Thursday, the  
23 30<sup>th</sup>.

1 CHAIRMAN PALMER: I would like to see this done on the 23<sup>rd</sup>, if possible, to  
2 bring you up to speed. We're looking to have one and possibly two Council members  
3 per meeting come in, give us their view of what their constituents want to see happen in  
4 their district. That's what we're looking to do and I think that letter will be going out to  
5 Chairman Mizell soon.

6 MR GREEN: I apologize for not being able to be at the last work session and I  
7 only can reflect back on the Land Development Code and the hours and the timing it  
8 took for that to happen. If we approached the re-write of our Land Development Code  
9 the same way that we are approaching the re-write of our comprehensive plan we would  
10 still be waiting today for a first draft of the document. I don't know how this group in two  
11 hours one night a month is going to ever advance the desperate, desperate need we  
12 have for an updated comprehensive plan. It's not going to happen. It's not going to  
13 happen in the three years I've got left in the Planning Commission. If we had not hired  
14 an outside consultant that we consulted with prior to the writing of the draft, that  
15 consulted with Staff and others that produced for us a working document that we then  
16 sat down and went over, to expect us to direct the development of the comprehensive  
17 plan and all the elements we know of it – know need to be in it, we will not be 12 years  
18 since the last or the – its not been 12 years now. Some sub-area plans are 13 years old  
19 already, they're going to be 18 or 20 years old and it's not fair to the citizens of this  
20 county for us to delay a faster pace of getting this done. It is not going to be possible,  
21 as much as I know everybody on this Commission is committed to getting an updated  
22 plan, it's not going to be possible for us to generate a plan in any kind of reasonable  
23 timeframe. Impossible! On two hours one night a month.

1 CHAIRMAN PALMER: Well I think that's what we had discussed at the end of  
2 our last meeting is that we set out an agenda to have one per month and we needed to  
3 evaluate that to see if that was going to work for us and I think now we have an  
4 understanding of where you're coming from on that, that two hours would not be  
5 enough. As far as the template I still haven't ruled out the idea of working with our  
6 current comp plan striking out what's wrong and using what's right and replacing what's  
7 wrong. I don't know that we need to go to an outside source, to pay a consultant to  
8 rewrite a complete new comp plan.

9 MR. GREEN: The problem with our existing plan is it does not have any  
10 meaningful sub-area plans in it. Our sub-area plans were written in '92 and '93 and '94.

11 CHAIRMAN PALMER: And I think that's where we are beginning to work on now  
12 by bringing the Council members in from each district to see what their constituents  
13 would like to see happen in their sub-area, in their individual council districts.

14 MR. GREEN: Well I'll just go on record saying I will retire from this Commission  
15 and we still won't have a meaningful draft in front of the public if we keep about it at the  
16 pace and pattern we're going at.

17 CHAIRMAN PALMER: Do you have a suggestion?

18 MR. GREEN: Yeah, I think we should hire an outside consultant, get a team of  
19 people in here that are dedicated to re-writing our plan and all the elements we know we  
20 need in a plan including a capital improvements budget and let's get the thing moving.

21 CHAIRMAN PALMER: Do we have the funds to do that?

22 MR. GREEN: I – they give us no funds to do anything other than each lunch  
23 once a month so I'm at a loss to know what the answer to that is.

1 MR. MANNING: I would agree with Gene. I think in all fairness to what the  
2 monthly meetings were about was to try to get the dialogue really started once or twice  
3 a month while at the same time we had asked Staff to begin the process of getting that  
4 consultant in. I don't know whether there was a proposal on the County Council level  
5 sent out to do that but I think back in October or November we heard from a consultant  
6 about the capital facilities plan and the process you need to go it through and one of the  
7 major issues that he raised and will raise it again is what level of service do we expect.  
8 And I'm certainly not prepared to begin that process without an expert coming in here  
9 and evaluating what our county is doing and what we should be doing. And I think  
10 simultaneously we need to encourage the Council to participate in this with dollars. We  
11 obviously don't control that so.

12 MR. CRISS: At present the administration has requested that the Department of  
13 Planning and Development Services include \$25,000 in its fiscal year '06-'07 but  
14 starting in July to begin outsourcing for capital improvements programming consulting.

15 MR. MANNING: So you're saying you don't have any money available for this  
16 process this year?

17 MR. CRISS: Not my decision.

18 MR. MANNING: Well could you find out who can make that decision because  
19 seriously, I mean, if we don't start that process we've wasted another year.

20 CHAIRMAN PALMER: And \$25,000 isn't a drop in the bucket.

21 MR. MANNING: Right.

22 CHAIRMAN PALMER: How much did we pay the consultant for the Land  
23 Development Code?

1 MR. CRISS: Ah, let's see. It's about thirty all together.

2 MR. MANNING: We're funding neighborhood master plans we've got out there  
3 and we should be doing that but this is far greater than that and they find the dollars for  
4 those types of investments in their neighborhoods but from a county-wide standpoint  
5 we've got to have a lot more resources than \$25,000.

6 MR. CRISS: Yeah. A \$25,000 consulting contract would only give you an  
7 assessment, an approach, a methodology for developing a capital improvements plan.

8 MR. GREEN: We have all the approaches we need. We need to get about the  
9 business of getting a plan to look at.

10 CHAIRMAN PALMER: I mean we spent what \$80,000 for the consultant for  
11 Decker Boulevard? That's an \$80,000 plan? Their budget is \$80,000; am I right?

12 MS. BRITT: The contract that was just issued was right at ninety-eight.

13 CHAIRMAN PALMER: \$98,000 for Decker Boulevard. We've got \$25,000 for  
14 the whole county, the whole of Richland County?

15 MR. CRISS: That's the first step on capital improvements. That's not  
16 comprehensive planning; that's not Land Development Code reform or other issues.

17 MR. GREEN: We can't be the only county of our size in the United States of  
18 America that hasn't figured out a way to get a comprehensive plan done in a reasonable  
19 period of time. There have to be people out there that have figured out how to do it and  
20 I suspect the issue is money because if you had the money to hire the consultant you  
21 go out - I don't see how else we solve it. Are we just going to continually rehash the  
22 same things and not make any meaningful progress? We ended up with a plan last  
23 time that's so vague it's hard for us to go back and update it.



1 MR. CRISS: We agree. The missing ingredient in the existing plan is a real  
2 future land use map. That's why we suggested you tackle that first.

3 CHAIRMAN PALMER: Or a capital improvements budget.

4 MR. CRISS: And that would follow. If you know what land use you're generally  
5 aiming for then you know what infrastructure you need to support it.

6 CHAIRMAN PALMER: So how do we address this? Do we – if there's no  
7 money available, there's only going to be \$25,000 in July as proposed.

8 MR. GREEN: We could kind go through two-hour meetings once a month and  
9 act like we're making progress, I guess.

10 MR. MANNING: Or we could say we're not going to address the comprehensive  
11 plan until there's proper funding available.

12 MR. CRISS: There are a lot of decisions, recommendations you as a body can  
13 make to the Council. Indeed maybe you draft a template for at least one planning area  
14 and collaborate with the Council on the resource needs.

15 MR. MANNING: Well that could come out of the discussions with them but in all  
16 due respect to Ms. Dickerson on her suggestion I think we need to be moving forward  
17 with what we're working on instead of devoting the whole meeting back to the  
18 annexation [inaudible].

19 MR. GREEN: Well what would the recommendation Staff be? If we said to Staff,  
20 "Staff, one year from today we want to look a fully completed draft of a new  
21 comprehensive plan of the county. What is the best way to go about doing that and  
22 what's the money necessary to get it done? And we want your recommendation for the  
23 delivery of that draft product 12 months from now." What would ya'll say?

1 MR. CRISS: Well personally I'd suggest the combination of filling all professional  
2 vacancies and hiring outside consultants to work with the planning division full-time.

3 MR. GREEN: I wouldn't mind seeing a draft of the plan to get a recommended  
4 process that this body could be looking at a draft of a comprehensive plan proposal 12  
5 months from today. And to get from Staff what you believe we need to get that done  
6 and for us to look at that and if we like we'll pass it along to County Council and say if  
7 you want an updated comprehensive plan this is what it's going to take. We  
8 recommend you adopt this.

9 MR. MCBRIDE: Michael, can't you put that in your budget? Put that amount of  
10 money in your budget and then, you know -

11 MR CRISS: Yes.

12 MR. MCBRIDE: - make the Members up here just [inaudible].

13 MR. CRISS: Professional services are part of the annual budget for each  
14 department.

15 MR. MCBRIDE: I would put it in the budget and let the Commission Members up  
16 here talk to Council about getting your budget increased so you can have some money  
17 to do these things.

18 MR. GREEN: I'm happy to spend my time and energy like we did on the Land  
19 Development Code if I feel like we're getting somewhere. But visiting and chit chatting  
20 on various broad topics I don't feel like we're making any progress. I don't think it's  
21 well-defined enough. I think the time between when we do one thing and we do the  
22 next thing is too disconnected. We don't have a continuity of thought. We don't really  
23 understand how we need to get to where we're going. And I think we need, again - I

1 get back to how we approached the Land Development Code we actually had  
2 something to work from. We made substantial changes to that code but I know this  
3 body as a volunteer body spent the hours that was necessary to get it to a point where  
4 we all felt like on balance it was in the best interest of the county to adopt a new code. I  
5 don't know that I have this same feeling about how we're approaching the  
6 comprehensive plan.

7 MS. ALMEIDA: Well, Mr. Green, at the – if I may interject - at the last meeting  
8 that you were not there –

9 MR. GREEN: Right.

10 MS. ALMEIDA: - I believe that the directive was to bring out the existing  
11 comprehensive plan, review it and have Staff give you recommendations as to which  
12 portions should be revised and which ones could be salvaged so to speak and worked  
13 upon. I believe that was the directive –

14 CHAIRMAN PALMER: That was and that's what I mentioned in the beginning  
15 that absent of funding, absent of the ability to hire a consultant to draft us a whole new  
16 comp plan working from our current plan would be the next best alternative.

17 MR. GREEN: I think the problem we have with our existing 20/20 plan, it was a  
18 vision for 20 years later that was very conceptual in nature. I think we have all found it  
19 lacking in what we need to make good sound shorter range decisions and  
20 recommendations to County Council because it was so broad. And I don't know how  
21 we as a body take that very broad document - the only thing specific in it we took out.  
22 We at least – we might not have liked the red dots but at least they were specific. That  
23 was the only specific thing in that whole document and the red dots thank goodness

1 they're gone. I don't know how we take something so general – I mean, I feel like it's  
2 where we are now anyway.

3 CHAIRMAN PALMER: Well the specifics come in in the sub-area plans which is  
4 where in my mind we need to spend the majority of our time -

5 MR. CRISS: I would agree.

6 CHAIRMAN PALMER: - at this point. But absent of funding, I mean, we have no  
7 other alternative.

8 MR. CRISS: Well the questions that we're posing to the individual Council  
9 members. What urban, suburban, rural areas of your district should be priorities for  
10 growth and development over the next ten years? If we get an answer to that question  
11 in each of the 11 council districts we'd be halfway toward a plan.

12 MR. GREEN: Give me a yellow highlighter and a map and I'll give you  
13 something back in about 15 minutes.

14 MR. CRISS: I know you could. If we have six votes on that Council we're  
15 halfway there.

16 MS. ALMEIDA: I will also say that even if we hired a consultant there are certain  
17 policies and visions and objectives that you all as a recommending body need to put  
18 forth in order for even a consultant to take off and start putting together a  
19 comprehensive plan. So there is work to be done preliminary even before a consultant  
20 could even be brought in. So that's something that I believe you need to focus on if  
21 that's the avenue that you all want to venture off in.

1 CHAIRMAN PALMER: I personally don't want to see somebody from Raleigh or  
2 Charlotte or Atlanta come into Richland County to tell us where we need to grow and  
3 where we don't need to grow at.

4 MS. LUCIUS: No. But they could tell us how they came up – I mean –

5 CHAIRMAN PALMER: Absolutely.

6 MS. LUCIUS: - they could give us a template [inaudible] yeah.

7 CHAIRMAN PALMER: A template. But stuff that Gene's talking – and we can  
8 get a template. I know that our Staff can put a template together. I mean, if they  
9 couldn't they shouldn't be doing what they do.

10 MR. GOSLINE: Yes. We're AICP. We can do it.

11 CHAIRMAN PALMER: What I'm saying is is that the Land Development Code  
12 was different. It was guidelines, building and development guidelines and that kind of  
13 stuff. But this is where we want to see – the people of Richland County want to see the  
14 county go and grow and develop and slow down in some areas and accelerate in some  
15 areas and to be able to bring in an outside consultant to be able to acclimate them to  
16 Richland County and what this area wants, it seems like to me it just doesn't fit. You  
17 need someone from this area to say what needs to occur in certain areas. And that's  
18 why my thought process was to get the individual Council members who are out in the  
19 areas, who are out in their districts, who have a feel for what their constituents want to  
20 come in and tell us because that's the elected official from that area.

21 MS. LUCIUS: Oh, I wasn't thinking about the consultant telling us where we  
22 need to grow or not grow but just to tell us how they did what they did. How did they do

1 it? How can we learn from what they have already learned? Why do we have to make  
2 the mistakes they've already made?

3 CHAIRMAN PALMER: Oh, I understand. Oh, we can get – we can pull comp  
4 plans we've already done that from different areas. From Greenville, Spartanburg, you  
5 know, Hilton Head, wherever and look at those and use those as templates if we need  
6 to.

7 MR. MANNING: Well I think it goes beyond that, Pat. I've asked Staff on a  
8 couple of occasions do we have the expertise? Yes, we've got the expertise but we're  
9 disconnected. We don't have the time. They don't have staff down there to do the  
10 things they've got to do on a daily basis much less really get focused on this. I want to  
11 bring in whoever's the most knowledgeable. I don't care whether he's from Honolulu as  
12 long as he can help us get through the process. He doesn't have to say you're going to  
13 grow here, he's going to show you what you need to grow properly and what our county  
14 needs to spend in order to do that. I would bet you - say on the sheriff's budget based  
15 on growth that he is being under-funded in certain areas. You know, only the facilities  
16 that need the plan would tell you that. And so I think we need somebody in here to help  
17 us with the numbers and put the project together.

18 CHAIRMAN PALMER: What would the role of the consultant who have now – is  
19 he is just a facilitator?

20 MR. CRISS: A facilitator. Help to keep on track, focus.

21 CHAIRMAN PALMER: He's just a referee?

22 MR. CRISS: Yep. Derive the planning principals that reside in your minds. Are  
23 we going to have urban, suburban, rural, conservation landscapes in Richland County

1 unincorporated for the next 10 years or not? If so, where? By planning district. If you  
2 know where you're going to grow then you're inferring or implying where you're not  
3 going to grow. Where the growth goes that's where the priority infrastructure  
4 investments follow.

5 CHAIRMAN PALMER: Well what seems to be the plan of action here? Any  
6 ideas?

7 MR. CRISS: And we suggested the northeast area because of the intense  
8 development pressures, the challenges you face. You've got urban spreading out  
9 beyond I-20. You've got suburban dominating and you've got some rural left. Will there  
10 be a rural portion of northeastern Richland County in 10 years or not?

11 MR. MANNING: I think Gene's suggestion of creating a budget to send to  
12 Council is good.

13 CHAIRMAN PALMER: Would you suspend all meeting and conversation until –

14 MR. GREEN: I don't mind meeting, you know, meeting again on the 23<sup>rd</sup>.

15 MR. CRISS: We're ready to continue with drawing a future land map of  
16 northeastern Richland County on the 23<sup>rd</sup>.

17 MR. MANNING: But they keep throwing it back to us.

18 MR. GREEN: I mean, but we need to know that we've – there's some attainable  
19 target within a reasonable time period and I don't have that sense right now.

20 MR. CRISS: Staff's glad to propose lines on maps for you. Indeed we will be  
21 doing that.

1 MR. GREEN: I mean, the last thing we saw was what – three years or four years  
2 to – we’ve got to find a way to accelerate this process so we don’t lose focus to what  
3 we’re doing.

4 MS. LUCIUS: We’re losing members. I’ll be off in January. We’re not going to  
5 have the same group when we finally get something.

6 CHAIRMAN PALMER: Well, Marcia, I don’t think this is going to get done by  
7 January.

8 MS. LUCIUS: I know but I’m just saying that the people that started out on, you  
9 know, Norm’s gone, Barbara’s gone, Pat’s gone. You know, it’s going to be a whole  
10 group of different people.

11 CHAIRMAN PALMER: My goal was to have –

12 MS. LUCIUS: We’re not going to see the end product, you know?

13 CHAIRMAN PALMER: Right. My goal was to have this -

14 MR. GREEN: February 28<sup>th</sup>, to be exact.

15 CHAIRMAN PALMER: - was to have this out of our hands by the time Howard  
16 left.

17 MR. CRISS: Yeah. The Planning Commission’s already directed Staff to  
18 condense the first draft into a one-year timeframe – next spring.

19 CHAIRMAN PALMER: Okay.

20 MR. GREEN: I won’t belabor the point anymore. I’ll retire with no plan. I  
21 promise you.

22 MR. MCBRIDE: Will we be given a list of people who could develop  
23 comprehensive plans? In the State of South Carolina there’s nobody?



1 MR. CRISS: Oh, sure. There's plenty of people if you want to pay them.

2 MR. MCBRIDE: Can we be given a list of names and then maybe the  
3 Commission here will chose a person that we would like.

4 MS. LUCIUS: How are we going to pay them?

5 MR. MCBRIDE: Have Council put the money in the budget.

6 MR. GREEN: We'll talk about this at our next meeting.

7 CHAIRMAN PALMER: Yeah. Let's talk about this on the 23<sup>rd</sup>. Anything else,  
8 Michael?

9 MR. CRISS: Well your letter's going to go out to Council. What meeting  
10 schedule would you like to propose for these briefings?

11 CHAIRMAN PALMER: I would propose two Council members per meeting.  
12 Budget a 15-20 minute per Council member. We had some questions in there.

13 MR. CRISS: Would Thursday afternoons, 4:00 to 6:00 in the fourth floor back  
14 conference room still be appropriate?

15 MS. LUCIUS: Didn't we talk about three hours?

16 CHAIRMAN PALMER: We may need to extend it more than –

17 MS. LUCIUS: We said two hours we really can't get anything done.

18 CHAIRMAN PALMER: Especially if we're going to chewing up 30 minutes with  
19 Council members.

20 MS. LUCIUS: Do you think you can hold them for 30 minutes?

21 MR. GREEN: Some Council – yeah. [inaudible].

22 MR. MANNING: I think we're going to have to.

23 CHAIRMAN PALMER: Yeah. We're going to have to.

1 MS. ALMEIDA: Three to 6:00?

2 CHAIRMAN PALMER: No disrespect meant to any Council member but when  
3 we have a 15-minute timeframe we will need to hold them to that.

4 MR. CRISS: I think you need at least 30 minutes per person. They have some  
5 big districts.

6 MR. GREEN: Mr. Kinder will come and enforce our time limits with Council  
7 members. [Laughter]

8 MR. CRISS: We could meet as soon as this Thursday. It looks like the 16<sup>th</sup> is  
9 booked. The 23<sup>rd</sup> is your already scheduled meeting. The 30<sup>th</sup> is available.

10 CHAIRMAN PALMER: I would say schedule - on the 23<sup>rd</sup> we extend our meeting  
11 by one hour.

12 MR. CRISS: I've only got until 6:30. So I'll try to get you the half hour.

13 MS. LUCIUS: Can we come earlier?

14 MR. CRISS: Yes. On the 23<sup>rd</sup> the back room is not in use until 4:00 o'clock to  
15 6:00 o'clock for you. And then the neighborhood council comes in at 6:30. So go from  
16 three to six and that will give a little break between the two.

17 CHAIRMAN PALMER: Three to 6:00 and that's - my recommendation would be  
18 to give them 15 minutes of their time. Give us their thoughts on the area.

19 MR. CRISS: How many Council members do you want to try to schedule for  
20 that?

21 CHAIRMAN PALMER: Two.

22 MR. CRISS: Two.

23 CHAIRMAN PALMER: And we'll have an additional five minutes -

1 MS. LUCIUS: What else are we going to do at that meeting?

2 CHAIRMAN PALMER: - of questions for us. I hope to have some information  
3 back on our current comp plan.

4 MR. CRISS: Well we didn't finish deriving your values and planning principals  
5 and I know all members were in attendance. And we should finish that up and then I  
6 would suggest going to future land use mapping in the northeast.

7 MS. LUCIUS: Okay. On the 23<sup>rd</sup>. Three to 6:00.

8 MR. CRISS: Do the Council members first?

9 MS. LUCIUS: Yeah. Don't you think?

10 CHAIRMAN PALMER: Absolutely.

11 MR. CRISS: Three to 3:30; 3:30 to 4:00. Two, back-to-back, right?

12 CHAIRMAN PALMER: No. I think 3:15 with a five-minute question time from the  
13 Planning Commission to the Council members so it'll take a total of 40, 45 minutes, not  
14 an hour.

15 MR. CRISS: All right.

16 CHAIRMAN PALMER: I mean, I think 15 minutes will be adequate for someone  
17 to say, hey look Two Notch Road area's getting out of control. This is happening. This  
18 area needs to slow down. I don't want to campaign stump speech.

19 MS. LUCIUS: Yes.

20 MR. CRISS: We're going to go three to 6:00.

21 MR. FURGESS: Three o'clock to 6:30?

22 MS. LUCIUS: Three to 6:00.

23 MR. CRISS: Three to 6:00.

1 CHAIRMAN PALMER: Everybody agree or not?

2 MR. GREEN: Yes.

3 CHAIRMAN PALMER: Anything else, Michael?

4 MR. CRISS: And as to Blythewood? Their Planning Commission has been  
5 approached, apparently willing.

6 MR. GREEN: I'm going to set a date later [inaudible] get together.

7 CHAIRMAN PALMER: Yeah. We'll set some later time.

8 MR. GREEN: We'd like to do it.

9 MR. CRISS: Okay. Thank you. Susan now has the next item if you're ready for  
10 that.

11 CHAIRMAN PALMER: She's kicking us out of our rooms to have her meeting.

12 MR. CRISS: This is actually –

13 MS. BRITT: Actually the Neighborhood Council is totally independent.

14 MR. CRISS: - the old Neighborhood Council.

15 CHAIRMAN PALMER: Ah!

16 MS. BRITT: I'll pass these out to you. If you'd pass those down that'd be great.

17 CHAIRMAN PALMER: Has the City of Columbia asked for the same meeting?

18 MR. CRISS: Not yet.

19 MS. BRITT: What's being handed out to you first is the flyer regarding the Broad  
20 River neighborhood's master plan. We have first community meetings are scheduled  
21 for this Wednesday and Thursday evening, March 8<sup>th</sup> and 9<sup>th</sup>, from 5:30 to 6:45 p.m. at  
22 the Clement Road Church of God. The – we have three community meetings  
23 scheduled. Hopefully four. The next one will be scheduled on a Saturday and there will

1 be scheduled times for particular groups to be able to come in and address issues that  
2 deal with those particular groups. Mr. Furgess is attending these meetings as a  
3 representative from the Planning Commission. Secondly, we have just awarded the  
4 contract for the Decker Boulevard/Woodfield Park Master Plan and have scheduled a  
5 preliminary kick-off meeting with appropriate staff and hopefully Councilman  
6 Montgomery for the 28<sup>th</sup> of March at 10:00 a.m. in the Planning Department conference  
7 room, which we will discuss at that time, we will try to set a preliminary calendar to  
8 include public input sessions and phase deliverables so they'll know when we have  
9 expectations for certain things to be done by certain dates and then they send me  
10 invoices when I receive those deliverables. We'll probably do those in a series of three.  
11 They'll probably have three stages to complete over a six to seven month period. Then  
12 the - under the plan that we have previously completed – the Southeast Richland  
13 Neighborhood Master Plan, we have a meeting scheduled this coming Friday, the 10<sup>th</sup>  
14 at 3:30 with the consultant chosen to do the neighborhood mixed used zoning  
15 performance district and we will, at that time we'll schedule public input sessions to  
16 begin with that process. And again that's the regulatory process. That will be the  
17 amendment to the Land Development Code. So that again will be at best a – I think  
18 according to our proposal we're looking at a four month timeframe. One other thing.  
19 The last item being handed out to you is an invitation for you to be able to attend the  
20 Second Annual Neighborhood Planning Conference, which will be held April 29<sup>th</sup> at the  
21 Midlands Technical College Northeast Campus on Powell Road where I think we're  
22 going to have really good educational sessions for this particular conference. For those  
23 of you who attended last year I think it was very beneficial to the communities. We had

1 almost 200 people in attendance. We're expecting that and more this year and I was  
2 hoping to have an announcement about a keynote speaker today but unfortunately the  
3 one that we were hoping to pursue has a conflict so will not be able to attend on that  
4 particular day so we're going to our plan B and I haven't heard back yet on that one.  
5 But we have been meeting on a regular basis, our team, meeting every two weeks. We  
6 should – we'll have a promotional brochure coming out soon with all the sessions  
7 outlined. And also Council is getting a similar invitation to you on this and I will  
8 challenge Planning Commission to have the same attendance that Council had last  
9 year. They had 100% attendance. So I do believe – I believe we had at least six  
10 members of the Planning Commission there last year so I would like to have all of you in  
11 attendance if at all possible. Be glad to answer any questions you have.

12 CHAIRMAN PALMER: I have a question. Are we – am I invited to the Decker  
13 meeting at 10:00 a.m.?

14 MS. BRITT: Yes, sir. I'll forwarded it to you if you'd like to come. We were trying  
15 to – this will not be the steering committee. It'll be more staff level.

16 CHAIRMAN PALMER: Right.

17 MS. BRITT: But I think it would be a good opportunity for you to meet the  
18 consultants, so sure. I'll forward that information on to you.

19 CHAIRMAN PALMER: And I'm sorry but I'll be out of town on April 29<sup>th</sup>.

20 MS. BRITT: Well the Lawrence Group has committed to do one of our sessions  
21 for free on the 29<sup>th</sup> as well.

22 CHAIRMAN PALMER: Thank you. New business. Amend the definition of  
23 major and minor subdivisions.

1 MS. ALMEIDA: Yes, Mr. Chairman. Found on page 123 is a proposal of new  
2 language for the definition of minor and major subdivision. If you can recall several  
3 months ago this issue came up and we have found that we have had a lot of trouble  
4 with the new definition of major minor being that minor subdivisions, the way the  
5 existing language reads would require preliminary plans for public works because of  
6 road and infrastructure even though it would be considered a minor subdivision. And  
7 the way the process works we realize that those that would qualify as a minor  
8 subdivision but would be putting in infrastructure would require one more step of the  
9 approval, an additional fee, and it would be limited as to what they can do. Well they  
10 would not be able to bond. They would actually have to put in the infrastructure. We  
11 are proposing new language that a subdivision that would be less than 50 lots putting in  
12 a new road or infrastructure would be considered a major subdivision. However, would  
13 not be required to submit a traffic management plan and would not be required to install  
14 sidewalks. However, would then be able to go through the final plat or bonded plat.  
15 That is the major change in the language.

16 CHAIRMAN PALMER: And bus stops?

17 MS. ALMEIDA: And bus stops would not be required.

18 MR. MANNING: Were those the two major differences between minor and  
19 major?

20 MS. ALMEIDA: That is correct. If you would recall one of the reasons that we  
21 revisited the definition of major and minor subdivisions was the fact that we were  
22 requiring sidewalks and we were requiring certain – well actually it was the sidewalk  
23 situation. We didn't even address the traffic management requirement. So we had

1 redefined the definition of minor subdivision being that you could put in a new road, you  
2 could put in infrastructure and you would be classified as a minor subdivision. That  
3 created a problem in the administration of it. It would then – I don't know if any of you  
4 got caught up in that situation. You were considered a minor, however, you were then  
5 not being able to bond and that became a problem. So we've redefined back to almost  
6 the existing language. A minor being, you know, no infrastructure, no new roads and  
7 you automatically become a minor subdivision as the existing language defined it back  
8 at the beginning of July of '05. But we are defining a major into two categories. Less  
9 than 50 lots and more than 50 lots. And so if you were more than 50 lots you're  
10 required to do traffic management plan and install sidewalks along the major roads. But  
11 if you are less than 50 lots you're not required to do a traffic management plan and  
12 you're not required to install sidewalks.

13 CHAIRMAN PALMER: That's not just the roads, it's also if you dedicate -

14 MS. ALMEIDA: Open space detention.

15 CHAIRMAN PALMER: - open space, any of that stuff?

16 MS. ALMEIDA: Exactly.

17 CHAIRMAN PALMER: We have someone signed up to speak against. Greg  
18 Russell? That's where he was.

19 MS. ALMEIDA: So he's not against.

20 CHAIRMAN PALMER: No. There's no one signed up. Any comments? Any  
21 motions?

22 MR. GREEN: Move to adopt the amended language and send it to Council with  
23 a recommendation for approval.



1 CHAIRMAN PALMER: Yes, ma'am.

2 MS. LINDER: Mr. Chairman, if you would just accept or have the motion to  
3 approve what Ms. Almeida had said and then I would like to work on some – a few  
4 minor changes to the draft ordinance that's in your package. It's not exactly the way it  
5 needs to be but we can incorporate what you've approved based on Ms. Almeida's  
6 comments.

7 MS. ALMEIDA: Yeah. Staff got a copy of language that had not been codified  
8 so we're working off of language that had not been codified.

9 MS. LINDER: And I apologize for that confusion.

10 MR. MANNING: So will you send it back to us [inaudible] –

11 MS. ALMEIDA: We'll e-mail you.

12 MR. MANNING: - prior to going to Council?

13 MS. ALMEIDA: Yes.

14 Mr. GREEN: I move what we do what Anna – what Anna said.

15 MS. ALMEIDA: Okay.

16 CHAIRMAN PALMER: We have a motion. Do we have a second?

17 MR. FURGESS: Second.

18 CHAIRMAN PALMER: Any more discussion? All those in favor to do what Anna  
19 said, please signify by raising your hand.

20 *[Approved: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning, Anderson;*

21 *Absent: Van Dine]*

1 MS. ALMEIDA: Mr. Chairman, found on page 127 is wording ordinance  
2 language authorizing the Planning Commission to review subdivisions as requested at  
3 the last Planning Commission meeting.

4 MR. GREEN: I just have a couple quick questions. On page 136, paragraph C,  
5 and I'm assuming this is sufficiently flexible. I mean, paragraph E, excuse me. It says,  
6 "The Planning Commission may deny approval, table the application pending submittal  
7 of additional information or approve the application." Is that sufficiently worded so that  
8 we can approve an application with stipulations or conditions or do we have to approve  
9 the application as submitted without stipulations or conditions? We may find an  
10 application totally suitable –

11 MS. ALMEIDA: Right.

12 MR. GREEN: - with the exception of an additional condition we want to place on  
13 it.

14 MS. ALMEIDA: Right.

15 MR. GREEN: Is that language sufficient to allow us, Amelia, to do that?

16 MS. ALMEIDA: Right, right. I will pass it to Amelia. We worked on it and she  
17 put into the legalese.

18 MS. LINDER: It's been awhile since I reviewed this but I suspect that we could  
19 probably say conditional approval or something to that effect.

20 MR. GREEN: I just didn't know if we needed to add that to clarify that we are  
21 permitted to approve an application but put additional stipulations on it that might not  
22 have been recommended by Staff.

23 MS. LINDER: We can add that.

1 MS. LUCIUS: I had a quick question. This does involve major and minor  
2 subdivisions, doesn't it? Because –

3 MR. CRISS: Yes.

4 MS. LUCIUS: - in the explanation at the top it just says, "To review and act upon  
5 applications for commercial developments and major subdivisions."

6 MS. ALMEIDA: Right. It's major site plans and major subdivisions.

7 MS. LUCIUS: Okay. That kind of threw me and then I started reading because I  
8 thought maybe it was just the major subdivisions that we were going to look at.

9 MS. ALMEIDA: No. Major subdivisions and major site plans.

10 MS. LUCIUS: Okay.

11 MS. ALMEIDA: Commercial plans.

12 MS. LUCIUS: Major land development?

13 MS. ALMEIDA: Major land development.

14 MS. LUCIUS: Okay.

15 MR. GREEN: Amelia, that same wording is needed on the bottom of page 142,  
16 paragraph E. There may be one other place in here. I'm not quite sure. My other  
17 question is on page 148, paragraph – the upper paragraph C. They're talking about  
18 Planning Commission may approve the sketch plan if it finds - and it says under  
19 paragraph C, "Traffic management plan findings and proposals are accepted by the  
20 county and needed improvements are included in the plan." That sounds like to me  
21 that's not really a determination of the Planning Commission but a determination of the  
22 county or the Staff. At least my perspective is if the Planning Commission finds the  
23 management plan acceptable does it need to have the word, "by the county," in there?

1 MS. ALMEIDA: I think the objective –

2 MR. GREEN: But you have to accept it and we just simply - our approval says,  
3 we can't approve something unless you've accepted the traffic management plan.

4 MS. ALMEIDA: Right. That's how the wording is set.

5 MR. GREEN: So if we find it – if it might not be what the county wants but it's  
6 sufficient for Planning Commission we aren't able to act on it if we find it sufficient but  
7 you tell us it's not acceptable to the county.

8 MS. ALMEIDA: Well Staff reviews it according to the ordinance.

9 MR. GREEN: Right.

10 MS. ALMEIDA: So if it's unacceptable according to the ordinance and  
11 accordingly to Staff it would be a denial from Staff.

12 MR. GREEN: I mean, just take an example that might be to the far side of the  
13 issue but let's say you'd have come back and said that the traffic management plan for  
14 the Wal-Mart doesn't adequately address what actions can be taken to effect traffic on  
15 the east side of I-77 and we say they've done what we feel is appropriate by what  
16 they've done. Therefore, we will approve the project's traffic management plan. This  
17 seems to say this language that you have to say their traffic management plan's  
18 acceptable even if we either believe it is, is or it isn't acceptable.

19 MR. CRISS: It seems to give the Staff a veto.

20 MR. GREEN: Right.

21 MS. ALMEIDA: Uh-huh (affirmative).

1 MR. GREEN: And I'm just – the words, "accepted by the county" in that  
2 paragraph I don't – it doesn't seem to allow us to set the standard we want for either  
3 good or bad or restrictive or non-restrictive.

4 MS. ALMEIDA: Uh-huh (affirmative).

5 MR. CRISS: What do you think, Amelia?

6 MR. GREEN: I mean, I could just take the words out "accepted by the county"  
7 and I think it removes that doubt about who accepts it. If it just says, the Planning  
8 Commission shall approve the sketch plan if it finds –

9 MS. ALMEIDA: In accordance with –

10 MR. GREEN: - traffic management plan findings and proposals –

11 MS. ALMEIDA: - or in accordance with the ordinance?

12 MR. GREEN: And needed improvements are included in the plan. So that the  
13 Planning Commission is determining whether the findings and proposals are  
14 acceptable.

15 MR. CRISS: Yeah. Are acceptable, strike by the county and needed  
16 improvements are included.

17 MR. GREEN: I don't know if anybody agrees or disagrees with me but if we're to  
18 rule on it it seems like we ought to have the capacity to determine that issue.

19 CHAIRMAN PALMER: I agree.

20 MR. GREEN: That was my only question and comments. And accordingly I  
21 would move to accept these changes with those two items amended. The one that's  
22 related to stipulations and conditions and the one that removes the words "by the  
23 county" from the traffic management plan approval. That'd be my motion.

1 CHAIRMAN PALMER: There's a motion. Do we have a second?

2 MR. MANNING: Second.

3 CHAIRMAN PALMER: Any other discussion?

4 MR. CRISS: Clarification. The way I read the draft before you – bottom of  
5 agenda page 142 under minor subdivision review. Those are going before the Planning  
6 Commission for a vote in the proposal.

7 CHAIRMAN PALMER: Correct. Bring them on.

8 MS. ALMEIDA: But I'm confused because we don't require a sketch plan for a  
9 minor subdivision. I believe when the wording was modified to include –

10 MR. CRISS: I think it goes straight from sketch to final, doesn't it in the current  
11 code for a minor? And the problem was that it leaves out preliminary and bonded  
12 because we assume no infrastructure, no engineering. Check it.

13 CHAIRMAN PALMER: [Inaudible] will have to occur on an existing road.

14 MS. ALMEIDA: That's correct. No infrastructure.

15 CHAIRMAN PALMER: And those are strictly going to go, in my mind, according  
16 to what the code says, I mean, as far as lot width and so forth.

17 MR. CRISS: Go straight from sketch, skip preliminary, skip bonding and go to  
18 final.

19 MS. ALMEIDA: Uh-huh (affirmative). Right. Okay.

20 CHAIRMAN PALMER: We have a motion and a second. Has your question  
21 been answered, Michael?

22 MS. ALMEIDA: I guess the question is do all of you – do you all want to see  
23 minor subdivisions?

1 MR. GREEN: Yes.

2 MR. FURGESS: Yes.

3 MS. ALMEIDA: Okay.

4 MR. CRISS: I think that was the discussion at the last meeting. We're just  
5 making sure.

6 CHAIRMAN PALMER: All right. Motion and second. All those in favor? All  
7 those in favor please signify by raising your hand.

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

10 CHAIRMAN PALMER: None opposed. Action reports, any map amendments.

11 MS. ALMEIDA: Mr. Chairman, we have none for discussion.

12 CHAIRMAN PALMER: Development Review Team action?

13 MS. ALMEIDA: And we have none for discussion.

14 CHAIRMAN PALMER: Floodplain language?

15 MS. ALMEIDA: Mr. Chairman, found on page 161 is some language that was  
16 discussed at Staff level. As you can see there was a memo put together. This  
17 language has not been brought before Council. There is discussion taking place due to  
18 a 60 day moratorium. Our Legal Staff will be briefing Council and administration. So  
19 this was just language that was discussed amongst Staff and administration.

20 MR. GREEN: Question. Top of page 164 on the first line.

21 MS. ALMEIDA: The title –

22 MR. GREEN: The word “not” was left out.

23 MS. LUCIUS: Yeah. It says, “New lot shall encroach upon...”

1 MR. GREEN: "New lot shall encroach upon the 100 year floodway." Was that  
2 the intention of that sentence?

3 MS. LUCIUS: I don't think so.

4 MR. GREEN: Irrespective of whether we agree or disagree with the statement.

5 CHAIRMAN PALMER: Do you want to just slide in a motion to approve there?

6 MS. ALMEIDA: Well this is just a discussion. This isn't –

7 CHAIRMAN PALMER: Did everyone get a copy of the previous language?

8 MS. ALMEIDA: The language prior to July 1<sup>st</sup> of '05 was e-mailed to everyone  
9 and I apologize if some of you did not get it. I know that Mr. Palmer – we had his e-mail  
10 address incorrectly listed so he did not get it.

11 MR. GREEN: What is a flood fringe?

12 MR. CRISS: A flood fringe is the portion of the entire floodplain on either side of  
13 the floodway. It's kind of like the shoulders of a highway. The flood fringe is not visible  
14 from the air when you fly over the flood. It's calculated by computer. It's the area that  
15 could be completely obstructed with fill and development and other obstructions leaving  
16 the floodway portion of the river channel and immediate over bank area available for  
17 carrying floodwaters. Even with the fringe completely obstructed the 100 year flood  
18 inside the floodway portion of the floodplain would rise no more than one additional foot.  
19 So that the floodway is essentially where the water runs fastest and deepest during a  
20 flood event. But if you were to fly over it or paddle over it during a flood you wouldn't be  
21 able to see a line. The water, of course, does seek its own level on either extreme outer  
22 boundary of the floodplain. It follows the topography, gently going down grade toward  
23 the sea.



1 MR. GREEN: The answer is it's the –

2 MR. CRISS: It's the area.

3 MR. GREEN: - floodplain outside the floodway?

4 MR. CRISS: It's the portion of the floodplain outside the floodway. The floodway  
5 is usually in the middle and there's usually a fringe on either side. But in some terrain  
6 where you have high bluffs on one side and lowland on the other you might have that  
7 floodway shifted off to one side of the other. In some extreme cases the entire  
8 watercourse is floodway.

9 MR. GREEN: Is the intent of this draft not to allow the subdivision of a floodplain  
10 area?

11 MR. CRISS: It's to preclude creating additional lots that are entirely within  
12 floodplain.

13 MR. GREEN: That's not what this says. This says you cannot create a new lot  
14 in a 100 year floodplain.

15 MR. CRISS: You can encroach.

16 MR. GREEN: And I keep getting back to a very real life example that some  
17 people went through and are still stuck and unable to convey property. Where there  
18 was 141 acres of which the lower third was floodplain and they wanted to sell 100 acres  
19 and take the other 40-odd acres and split it in half so two of the family members could  
20 still have 20 acres. They were not permitted to create any of those lots because it  
21 includes splitting the floodplain, irrespective of the fact that there were many acres on  
22 which to build on high ground on each of those lots. And I guess I get back to my  
23 question. Do we intend not to allow the subdivision of floodplain?

1 MS. ALMEIDA: No. The proposed language is to allow the creation of lots in the  
2 floodplain but that the structure would not be located in the floodplain.

3 MR. GREEN: How about the subdivision of a floodway?

4 MS. ALMEIDA: I'm sorry?

5 MR. GREEN: What about the subdivision of a floodway? As long as you were  
6 able to build outside of the floodplain –

7 MS. ALMEIDA: Right.

8 MR. GREEN: - or the floodway, would this language allow the subdivision of lots  
9 that included floodway?

10 MS. ALMEIDA: Yes.

11 MR. CRISS: No.

12 MS. ALMEIDA: Why not?

13 MR. CRISS: This proposed language precludes the future subdivision of land in  
14 floodway, Gene -

15 MR. GREEN: Again, that same example of 140 acres. If you had a floodway  
16 that flowed across the rear of the whole property you got to cut it funny to keep all of it  
17 within one lot, irrespective of how much land is available that's buildable in each of  
18 those lots.

19 MS. LUCIUS: Draw something.

20 MR. GREEN: Let me draw it for you. You've got a hundred acres, 200 acres, a  
21 thousand acres shaped like this. The whole lower third is floodway, floodplain,  
22 whatever. You can't come in and split that into two lots like that if you don't allow the  
23 subdivision of floodway.

1 MS. LUCIUS: The line can't go through the –

2 MR. GREEN: The line's got to go like this to do it.

3 MS. LUCIUS: Is that right?

4 MR. GREEN: I don't see how we - I don't see what rationale there is not to allow  
5 the subdivision, as long as there's adequate building area outside whatever area we  
6 define as being buildable; if there's adequate buildable area, I'm at a loss to understand  
7 why a floodway can't be subdivided.

8 CHAIRMAN PALMER: I go a step further. I want to see the building of  
9 structures in the floodplain as long as you're two foot above.

10 MS. LUCIUS: In the floodplain?

11 CHAIRMAN PALMER: In the floodplain. No building in the floodway. Nobody's  
12 arguing that.

13 MS. LUCIUS: Right, right.

14 CHAIRMAN PALMER: But you can build in the floodplain as long as you are two  
15 foot above like we had –

16 MS. ALMEIDA: Going back to the existing language.

17 CHAIRMAN PALMER: Going back to the existing language like we had  
18 discussed during our meetings when we were trying to put forth the Land Development  
19 code. That we specifically said we want to build in the floodplain as long as we are two  
20 foot above.

21 MR. MANNING: What's motivating the text change from July to now? Where  
22 are we having problems with [inaudible]?

1 MS. ALMEIDA: The initial text change that – the initial ordinance change that we  
2 were proposing was first initiated due to obviously new subdivisions not being able to  
3 create lots as they were able to previously. Existing lots were fine but you couldn't  
4 create any new lots as Mr. Gene [sic] had just described. We had several developers  
5 bring before the administrator appeals, okay? So Staff at that time decided to put paper  
6 to pen and start – pen to paper and start devising something. During that time the  
7 lawsuit with FEMA resurrected itself and a conclusion came down and, of course,  
8 administration's feelings were not to go any further until a plan of action was put in place  
9 to deal with that lawsuit and that's where we are today.

10 CHAIRMAN PALMER: These are two completely separate issues?

11 MS. ALMEIDA: I understand that but I am just telling you what administration  
12 has directed Staff to do.

13 MR. MANNING: But the issue of interpretation in an appeal irregardless of the  
14 FEMA case -

15 MS. ALMEIDA: Right.

16 MR. MANNING: - the new language is not addressing that in any significant  
17 way.

18 MS. ALMEIDA: It was just –

19 MR. MANNING: I mean, it's creating a whole new set of rules.

20 MS. ALMEIDA: It was just a proposal and it's something that needs to go back to  
21 the drawing board and -

22 MR. MANNING: But my point is is proposals don't come to us unless there's a  
23 need.

1 MS. ALMEIDA: Right.

2 MR. MANNING: And obviously there's something going on within the county –  
3 put the FEMA issue aside - dealing with floodplains and floodways and appeals –

4 MS. ALMEIDA: Right.

5 MR. MANNING: - and where you can build and where you can't build. What's  
6 the problem and what's motivating it? I mean, I – we just rewrote the code in July.  
7 Here we are –

8 MS. ALMEIDA: It's the hardship that developers are-e having where they're  
9 having floodplain and not being able to have - create lots in that area.

10 MR. MANNING: But you're changing it in a way that it is more restrictive.

11 MS. ALMEIDA: Correct.

12 MR. MANNING: So you're going to have more problems with the developers if  
13 that's the problem.

14 MS. ALMEIDA: With this proposed language?

15 MR. MANNING: Correct.

16 MR. GREEN: I believe - I don't know that it was ever the intent, at least of the  
17 Planning Commission – I can't speak for the Council - I don't know that it was ever the  
18 intent in any of Land Development Code discussion either to not permit subdivision of  
19 floodway and floodplain nor not to permit construction in a floodplain as long as it met  
20 certain construction standards. I think philosophically that's where our conversation  
21 took us in all our Land Development Code discussions. So whatever achieves those  
22 things in a re-write of whatever the problem is obviously there must be some text in the  
23 new code. We just didn't realize would create this issue. My desire at least speaking,

1 you know, on what I'd like to see is just let's clear it up so that those two things can be  
2 accomplished which we always assumed could be done.

3 MR. CRISS: The current floodplain coordinator's interpretation of the July 1<sup>st</sup>,  
4 2005 Land Development Code is such that development is construed very broadly to  
5 include subdivision and several projects have been delayed or appealed.

6 MR. MANNING: Under the existing code, or the proposed code, you would allow  
7 in the fringe area subdivision of floodplain. Gene brought up that in the language you  
8 need to include floodway as well. But new structures under the new language would  
9 not be allowed in the floodplain; is that correct?

10 MR. CRISS: Under this particular proposal, right. If you put houses in or other  
11 development in floodplain you're putting them in harm's way even with the elevation.  
12 Remember these watersheds build out over time. They flood worse in the future than  
13 they flood in the present.

14 CHAIRMAN PALMER: However, this is common practice.

15 MR. CRISS: Oh, it's very common.

16 MS. LUCIUS: Well it's too common, really.

17 MR. CRISS: And very expensive.

18 MS. LUCIUS: Very expensive.

19 CHAIRMAN PALMER: And it's in line with the City of Columbia's code as well  
20 which means if someone today in Richland County builds a structure, tomorrow they're  
21 in the City of Columbia and those two codes don't match up.

22 MR. CRISS: Remember most miles of your floodplain in Richland County, the  
23 hundreds of miles of floodplain have no floodway designated. There is no prohibition

1 against structures as long as they're elevated. So you can bring them closer to the  
2 flood waters as long as they're up. But over time that can become a public hazard. And  
3 so it's a balancing act of how close you let people get to the hazard.

4 MR. MANNING: Well the [inaudible] for ya'll to consider. One is overlay district.  
5 The language in in what's being proposed deals with the – a floodplain overlay district.  
6 And I think Mr. Phipps and Anna, we've had conversation about overlay districts and  
7 that – what my understanding was it was an imposed by Council district. In other words  
8 that just didn't come about – there needs to be clarification. It seems that what you're  
9 proposing everything is in an overlay district. And I thought that was a Council  
10 designation just like a conservation district. The other question becomes – and you  
11 were talking about mapping - is it – there are thousands and thousands of acres in this  
12 county that FEMA hasn't mapped. So where are you then?

13 MR. CRISS: Well the county code, of course, adopts the latest flood maps from  
14 FEMA whatever they are.

15 MR. MANNING: So in unincorporated areas that have no maps what's the  
16 driving force there?

17 MR. CRISS: You're not adequately protecting the public from future floods and  
18 indeed with our Lydar(?) derived two-foot contour topography and other high-tech  
19 information we should be upgrading the flood maps for the entire county.

20 MR. MANNING: The county will be updating -

21 MR. CRISS: We should be. We're trying to do that in concert with the State  
22 Department of Natural Resources and Federal Emergency Management Agency but –

23 MR. MANNING: Would you then ask FEMA to adopt your map?

1 MR. CRISS: Yeah. You –

2 MR. MANNING: So you would be creating the maps for FEMA [inaudible].

3 MR. CRISS: You'd have to submit them to the Feds for approval. They are the  
4 ultimate arbiter of flood maps under the National Flood Insurance Program. So you  
5 could do the studies locally or you could have the private sector do them. You could  
6 have a public/private partnership but ultimately you submit to FEMA for approval and  
7 then you would adopt them by ordinance locally. You don't have to participate in the  
8 National Flood Insurance Program. But if you don't your citizens don't have access to  
9 the subsidized insurance. And there are consequences in times of disaster. You don't  
10 get as much help.

11 CHAIRMAN PALMER: I guess first of all we would need to see if this body is in  
12 concert - and I thought we did this last time but I guess maybe we didn't -that we need  
13 to be able to first of all sub-divide property that is in both the floodway and the  
14 floodplain. Second of all be able to build structures that are in the floodplain as long as  
15 they are two foot above the floodplain.

16 MR. CRISS: On new lots.

17 CHAIRMAN PALMER: On new lots. Which is what my recollection [inaudible]  
18 recollection was of our discussion when we went through the Land Development Code  
19 a long time ago.

20 MS. LUCIUS: This is hard to understand. I think what it's saying is you still –  
21 with this amendment you still can't draw a lot into the floodway.

22 MR. CRISS: Your yard can be in the fringe but your house has to be outside.



1 MS. LUCIUS: Well it's saying new lots should not encroach upon the 100 year  
2 floodway. So that means you can't subdivide the floodway.

3 MR. CRISS: And in the middle –

4 MS. LUCIUS: You can subdivide the floodplain?

5 MR. CRISS: Floodplain is the entire thing. Fringe plus floodway –

6 MS. LUCIUS: I understand.

7 MR. CRISS: - plus fringe. So when you say you can't or you can go in the  
8 floodplain remember you're referring from edge of water to edge of water.

9 MS. LUCIUS: I understand. But you could draw a line through the floodplain is  
10 what this is saying, right?

11 MR. CRISS: The fringe portion of the floodplain.

12 MS. LUCIUS: Well we don't – fringe – like the letter from the Home Builder's  
13 Association said, we don't have that word in our definitions. I think we should call it -

14 MR. CRISS: Well it's in the federal regulations -

15 MS. LUCIUS: Okay. Well it's not in our – it's not here.

16 MR. CRISS: - that are adopted by reference.

17 MS. LUCIUS: But you cannot build a structure in the floodplain. I'm trying to  
18 understand what this is saying.

19 MR. CRISS: Your yard can get wet but your house can't.

20 MR. GREEN: I think we can cut out that language and not worry about it.

21 MS. LUCIUS: I was trying to understand what it was saying. That's what it's  
22 saying, right? And that's not what we want.

1 MR. CRISS: In a 100 year event your yard could get wet but your house  
2 shouldn't.

3 MS. LUCIUS: It's hard to understand.

4 CHAIRMAN PALMER: Now did everybody get the language that we had in the  
5 code previous to -

6 MS. LUCIUS: Which will say what?

7 CHAIRMAN PALMER: Which will say that you can build in the floodplain as long  
8 as the structure is two foot above the floodplain and you are able to sub-divide the lot all  
9 the way through, the floodplain, flood way -

10 MS. LUCIUS: Okay.

11 CHAIRMAN PALMER: - flood fringe. All of it. You can sub-divide it all and you  
12 can build on the floodplain as long as you're two foot above.

13 MR. GREEN: But I thought we had agreed to, in the new document, the new  
14 Land Development Code, it refers to building three feet.

15 CHAIRMAN PALMER: Well no. We had discussed it. I remember discussing  
16 that.

17 MS. LUCIUS: I remember it, too.

18 CHAIRMAN PALMER: And we – yeah, Mr. Reid wanted three.

19 MS. LUCIUS: We compromised it too. Yeah. Some of us wanted three.

20 CHAIRMAN PALMER: And we said no but we voted on two. I remember that  
21 was one of our –

22 MS. LUCIUS: I know. We compromised.

23 CHAIRMAN PALMER: That was one of our few voted issues.

1 MR. GREEN: How did three feet end up in the new code?

2 MR. CRISS: Three feet above base. Where is that, Gene?

3 MR. GREEN: Page 539, lower right corner.

4 MR. CRISS: Oh that's where you don't have streams that have been studied by

5 –

6 MR. GREEN: [Inaudible] changed to read all of it.

7 MR. CRISS: It's a general, it's a generalization. It's a fudge factor for where you  
8 don't have adequate maps.

9 MR. GREEN: Okay.

10 MR. CRISS: But we should find two feet elsewhere, Gene. Let's –

11 MR. MANNING: Which is a foot more than the FEMA requirement?

12 MR. CRISS: Right.

13 CHAIRMAN PALMER: I guess I'm trying to bring this to a head. Are we in  
14 concert that that is what we would like to send forward to Council? That you can build  
15 in a floodplain two foot above through means of –

16 MR. GREEN: And that's what it says at the bottom of 533.

17 CHAIRMAN PALMER: – [inaudible] build –

18 MR. GREEN: Lower right corner.

19 MR. CRISS: And 532.

20 MR. GREEN: Right.

21 CHAIRMAN PALMER: You can do that and you can sub-divide lots all the way  
22 through the flood fringe, flood way, floodplain.

23 MR. FURGESS: Right.

1 CHAIRMAN PALMER: Okay.

2 MR. GREEN: So moved.

3 CHAIRMAN PALMER: So let us – we can do this.

4 MR. CRISS: So you want to see another draft?

5 CHAIRMAN PALMER: Would the language? Did you read the - I know you're  
6 familiar with the [inaudible].

7 MR. GREEN: It's two, it's two feet. I mean, we specifically have provisions in the  
8 new code to allow construction and I don't know why we need to revisit it. I mean –

9 MS. LUCIUS: It's in the storm water management

10 MR. GREEN: – we've hammered it out forever.

11 CHAIRMAN PALMER: Okay. So what do we need to do? Do we need to send  
12 language up to Council?

13 MR. CRISS: Do you need –

14 CHAIRMAN PALMER: Send us language. I really don't want this to take  
15 another month.

16 MR. MANNING: You have to [inaudible] language if you're saying you agree with  
17 the language that 's in the code now.

18 CHAIRMAN PALMER: What do we need to make that –

19 MR. MANNING: The language that I think they're referring to is in the appeals  
20 process and that just gave the ability for the county administrator to agree or disagree  
21 with the floodplain coordinator. So those are two -

22 MR. CRISS: Well –

23 MR. MANNING: - different issues.

1 MR. CRISS: - there's still language that the floodplain coordinator is interpreting.  
2 I think that's 531 (D)(1)(a), Alternative Sites. Where alternative locations exist and  
3 surely there's an alternative location for just about anything in Richland County.  
4 "Development shall not occur in the floodplain." "Development shall not occur in the  
5 floodplain." That is being interpreted [inaudible].

6 CHAIRMAN PALMER: Let's take – make a motion then –

7 MR. GREEN: To strike that sentence.

8 CHAIRMAN PALMER: To strike that language.

9 MR. FURGESS: Strike that language.

10 MR. GREEN: Strike that first sentence. "Where alternative locations exist..." I  
11 mean, is that the language that's raising the issue?

12 MR. CRISS: I believe, though it'll require some consultation of Legal Staff to –

13 CHAIRMAN PALMER: Well, Harry's here. Harry, is that what's causing the  
14 issue? If we take that language out we're able to building the floodplain two foot above?  
15 Be able to sub-divide a lot?

16 CHAIRMAN PALMER: Can you come down here for us?

17 MR. GOSLINE: You've got to speak out of the microphone, Harry.

18 MS. LUCIUS: I don't think he wants to.

19 MR. REID: The first part of the sentence where [inaudible] development.

20 CHAIRMAN PALMER: I want us to be clear when we leave this meeting  
21 because this has dragged on for two or three months.

22 MR. GREEN: Maybe we can just see language – Anna?

23 MS. ALMEIDA: Yes.

1 MR. GREEN: Will we have time to see language when we meet? If you get it  
2 out to us [inaudible] to get it out to us before our meeting –

3 MS. ALMEIDA: Uh-huh (affirmative).

4 MR. GREEN: - on the 23<sup>rd</sup>?

5 MS. ALMEDIA: The 23<sup>rd</sup>.

6 MR. GREEN: So at the 23<sup>rd</sup> meeting we could say this is what we like, we want  
7 you to get this to Council.

8 MS. ALMEIDA: Okay.

9 CHAIRMAN PALMER: Do we need to properly advertise that to be able to take  
10 formal action on it?

11 MS. ALMEIDA: Well you can take action on it right now and -

12 MR. GREEN: We'll approve those changes subject to final review?

13 MS. ALMEIDA: Yeah.

14 MR. GREEN: Okay.

15 MS. ALMEIDA: On the 23<sup>rd</sup>.

16 MR. GOSLINE: We'll approve the changes whatever they are.

17 CHAIRMAN PALMER: On the 23<sup>rd</sup>.

18 MR GREEN: Subject to final review.

19 CHAIRMAN PALMER: That is what we need to do - if we take out language or  
20 add any language that's what needs to happen. We have a motion to do so.

21 MR. GREEN: So -

22 CHAIRMAN GREEN: Do we have a second?

23 MR. MCBRIDE: Second.

1 MS. LUCIUS: I don't even know what we're voting on.

2 CHAIRMAN PALMER: We're voting on, to - for Anna to get us language which  
3 will make it possible in Richland County to build in the floodplain two foot above and to  
4 sub-divide lots in the floodplain and floodway.

5 MS. LUCIUS: Okay. Well what if I – I'm all for dividing, sub-dividing the lots but  
6 I'm not for building in the floodplain so I can't support that. I'm sorry.

7 MR. GREEN: We disagreed when we voted what's in here to that's perfectly  
8 acceptable.

9 MS. LUCIUS: I'm the only one.

10 CHAIRMAN PALMER: Okay. We have a motion and a second. All those in  
11 favor please signify by raising your hand. All those opposed?

12 *[Approved: Brawley, McBride, Furgess, Palmer, Green, Manning, Anderson; Opposed:*  
13 *Lucius; Absent: Van Dine]*

14 MS. ALMEIDA: I just want to make sure everyone got their e-mail except Mr.  
15 Palmer. You didn't get it? Do you have an e-mail or a fax? Okay. I may need to get  
16 yours. I just want to make sure everybody'll get it.

17 MR. GREEN: I think I did. What's next?

18 CHAIRMAN PALMER: Okay. Planning Commission designated seats.

19 MR. CRISS: Mr. Green asked this be put on the agenda. I did talk to Cathy  
20 Hazelwood, the assistant director and general counsel of the South Carolina State  
21 Ethics Commission today to anticipate some of the questions you might have.

22 MR. GREEN: You know, I've read the code – I've read the state code. State  
23 code, it's clear. I don't think there's any ambiguity in the state code. My question is is

1 the county interested in – I guess with Hamilton Osborne’s announcement that  
2 presumably he wasn’t re-running because of his conflict of interest as evidenced by that  
3 provision of the state code, I didn’t know if that drew any more additional attention to it  
4 but is there any mindset on Council to have designated seats?

5 MS. ALMEIDA: We’ve not heard anything.

6 MR. CRISS: Not that we’ve heard.

7 MR. GREEN: Because I think the state code’s clear.

8 MR. CRISS: But that’s something that the Planning Commission could propose.

9 MR. MCBRIDE: Council always just, you know, people know where they want to  
10 sit and where they sit they just adopt that.

11 MS. LUCIUS: Is that what we’re talking about?

12 MR. CRISS: We’re talking by discipline or profession or occupation. The realtor,  
13 the developer, the planner, the environmentalist, the –

14 MR. GREEN: State Ethics Commission code says that anyone that sits on a  
15 Commission or an appointed or elected body – no one from their business can ever  
16 appear in front of that body.

17 MR. CRISS: Even if they recuse.

18 MR. GREEN: Even if the person sitting on the Commission recuse themselves.

19 CHAIRMAN PALMER: Which is why Mr. Fuller has more work than he knows  
20 what to do with now. [Laughter]

21 MR. GREEN: Right. Because nobody – somebody from my firm had to hire him  
22 because they couldn’t appear in front of the – the way that the City of Columbia is  
23 handling it is if you have a designated seat, for instance, for Howard as an attorney,



1 nobody from his law firm could ever appear before this body unless the Commission  
2 had a rule that an attorney had to be seated on the Commission.

3 MR. CRISS: And he filled that -

4 MR. GREEN: With that rule anybody from his – he'd still have to recuse himself  
5 but people from his law firm could appear in front of the body.

6 CHAIRMAN PALMER: I know what you're saying and I know what you're trying  
7 to get at and I agree with it in principal. I just don't know we want to open Pandora's  
8 box to having Council appoint seats every year. That's my personal opinion.

9 MR. CRISS: Well I asked –

10 MR. MANNING: Well can answer this? Can you rotate that seat through? In  
11 other words once you've been designated the expert in that area.

12 MR. CRISS: I asked Ms. –

13 MR. MANNING: - [inaudible]

14 MR. CRISS: I'm sorry.

15 MR. MANNING: The next time someone comes up could they be designated  
16 that person?

17 CHAIRMAN PALMER: Well in theory it would hopefully always work that way but  
18 you are putting a lot of stock in Council cooperating with you and designating that seat  
19 to whoever gets it. For example, when you go off if your seat's designated for a real  
20 estate guy and if a seamstress gets put on they have to then change your designation  
21 of that seat from real estate to seamstress. And you have to depend on them to do that  
22 every time.

1 MR. CRISS: According to Ms. Hazelwood you can have a hybrid membership  
2 that is some designated seats and some not designated. It would be up to the County  
3 Council ultimately but you can change the designations of the seats from year to year.  
4 You can have apparently more than one –

5 MR. GREEN: I withdraw my comments.

6 CHAIRMAN PALMER: Okay. So no designated seats go up to Council?

7 MS. LUCIUS: I think that sort of pigeonholes us as to, you know, maybe  
8 focusing on one –

9 MR. GREEN: I just wanted to point out the issue to everybody though.

10 MS. LUCIUS: - realtor or developer or environmentalist. I don't like that. We're  
11 not supposed to even be –

12 CHAIRMAN PALMER: Somebody.

13 MS. LUCIUS: We're supposed to be just totally open minded, you know, and I  
14 don't want to sit here as – I am the druid but, I mean, I make decisions, you know -

15 MR. GREEN: We like have a druid on the Commission.

16 MS. LUCIUS: But I don't want to be pigeonholed that way because I don't  
17 always run out and hug the trees.

18 CHAIRMAN PALMER: And I think as a matter of fact I think you seconded a  
19 motion for a Wal-Mart today. [Laughter]

20 MS. LUCIUS: I did. I got [inaudible]. There they go.

21 CHAIRMAN PALMER: All right. So we're not sending anything forward on  
22 designated seats, Road name approvals.

23 MS. ALMEIDA: That's found on page 165.

1 MR. GREEN: If anyone wants to live on Scarlet Baby Road or –

2 MS. LUCIUS: You know what I think that is, Gene?

3 MR. GREEN: Peacock Blossom Way.

4 MS. LUCIUS: You know what they are?

5 MR. GREEN: I [inaudible] I move that we adopt these names.

6 MS. LUCIUS: I think they got these out of a seed catalog. I think that species of  
7 plant.

8 MR. GREEN: Cotton Blossom Way. That would – I move approval

9 MS. LUCIUS: I think someone got in the Park Seed catalog.

10 CHAIRMAN PALMER: I have a motion. Do I have a second?

11 MR. ANDERSON: I second.

12 CHAIRMAN PALMER: All those in favor? Any opposed?

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

15 MR. GREEN: Can we place on the Planning Commission agenda for the next  
16 meeting the PDD checklist?

17 MS. ALMEIDA: We did that already.

18 MR. GREEN: For the next meeting?

19 MS. ALMEIDA: No. We did that at the previous meeting.

20 MR. GREEN: When I was not there?

21 MS. ALMEIDA: That is correct.

22 MR. GREEN: Oh, okay.

23 MS. ALMEIDA: We rehashed that before.

1 MR. GREEN: Okay. I'll withdraw my motion.

2 CHAIRMAN PALMER: And we agreed to only have people submit five copies  
3 instead of 35 copies.

4 MR. GREEN: Okay. I withdraw my comments. Again, I apologize. I know ya'll  
5 missed me. [Laughter]

6 CHAIRMAN PALMER: Okay. Any comments? Motion to adjourn.

7 MR. MANNING: Motion to adjourn.

8 MR. GREEN: Anna. I was trying to say -

9 CHAIRMAN PALMER: Is there a second?

10 MR. GREEN: - Amelia.

11 MS. LUCIUS: Second.

12 CHAIRMAN PALMER: All in favor?

13 *[Approved: Brawley, Lucius, McBride, Furgess, Palmer, Green, Manning, Anderson;*

14 *Absent: Van Dine]*

15

16

*[Meeting Adjourned at 5:45 p.m.]*