

RICHLAND COUNTY PLANNING COMMISSION
October 1, 2012

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[Members Present: Heather Cairns, Kathleen McDaniel, David Tuttle, Patrick Palmer, Stephen Gilchrist, Deas Manning; Absent: Olin Westbrook, Howard Van Dine, Wallace Brown, Sr.]

Called to order: 1:05 pm

CHAIRMAN PALMER: Allow me to read this into the Record if you would. In accordance with the Freedom of Information Act, a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification and posted on the bulletin board located in the lobby of the County Administration building. Did everyone get a copy of the Minutes for July and September?

MR. TUTTLE: I did.

CHAIRMAN PALMER: Okay. I was not here for the – we'll take those up in separate votes cause I was not here for the August meeting, I mean, September meeting. So if we could have a motion the July Minutes.

MR. TUTTLE: Mr. Chairman, I make a motion that we accept the July Minutes as printed.

CHAIRMAN PALMER: Do we have a second?

MR. MANNING: Second.

CHAIRMAN PALMER: All those in favor say aye?

[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook, Van Dine; Brown, Sr.]

CHAIRMAN PALMER: Anybody got a motion on the September Minutes? And I won't be voting on those cause I wasn't here.

1 MR. MANNING: Mr. Chairman, I was, I wasn't here either.

2 MR. GILCHRIST: Neither was, Mr. Chairman.

3 MR. TUTTLE: Nor was I.

4 MS. MCDANIEL: I was present at that meeting. I make a motion that we accept
5 the amendments as written.

6 MS. CAIRNS: The Minutes.

7 MS. MCDANIEL: Oh, is that what we're talking about, the Minutes?

8 CHAIRMAN PALMER: Yeah. Yeah.

9 MS. CAIRNS: I'll second.

10 CHAIRMAN PALMER: All those in favor say aye?

11 *[Approved: Cairns, McDaniel; Abstained: Tuttle, Palmer, Gilchrist, Manning; Absent:*
12 *Westbrook, Van Dine; Brown, Sr.]*

13 CHAIRMAN PALMER: There we go. Alright, we have a motion period per our
14 Agenda. We have one item under the Motions. It's a motion to repeal Section 26-186,
15 the Green Code Standards from our Code. This is an area of what we do here because
16 of the, the new ruling from the Supreme Court is that we will take the item under the
17 Motions period and at this point what we'll do is take a vote in order to consider the
18 motion that it's under and we'll have discussion on the motion later cause it falls under
19 the Text Amendments.

20 MS. CAIRNS: We're basically making a motion we satisfy the –

21 CHAIRMAN PALMER: We have to put it on the Agenda.

22 MS. CAIRNS: - notice?

23 CHAIRMAN PALMER: Yeah, for the notice. And then we'll take it up –

1 MS. LINDER: Mr. Chairman, what you need is a motion to bring this as an action
2 item under the Text Amendments.

3 CHAIRMAN PALMER: Right, right.

4 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we bring forward this
5 item as an action item and place it under the Text Amendment as item number two. Is
6 that what we wanted? Or do you want to -

7 CHAIRMAN PALMER: We'll just take it up at the end of the Text Amendments.

8 MR. TUTTLE: At the end of the Text Amendments.

9 MR. GILCHRIST: Second, Mr. Chairman.

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

12 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
13 *Van Dine; Brown, Sr.]*

14 CHAIRMAN PALMER: Do we have any other, do we have any Agenda
15 amendments? Deferrals?

16 MS. HEGLER: Map Amendment 12-33 has been administratively deferred.

17 CHAIRMAN PALMER: Okay.

18 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we adopt the Road
19 Names as presented.

20 CHAIRMAN PALMER: Along with the Agenda as amended?

21 MR. TUTTLE: I'm sorry, you want to go back and do that first?

22 CHAIRMAN PALMER: Or we can do them both at once it's fine with me.

23 MR. TUTTLE: Alright, as well as the Agenda as presented.

1 CHAIRMAN PALMER: As amended.

2 MR. TUTTLE: Okay.

3 CHAIRMAN PALMER: Alright, so we have a motion to approve the Agenda as
4 amended as well as to approve the Road Names.

5 MR. TUTTLE: That's correct.

6 CHAIRMAN PALMER: Is there a second?

7 MS. MCDANIEL: Second.

8 [Road Names: Wading Bird, Rockybank, Wing Bar, Chestnut Wren, Bay Wren,
9 Nava Wren, Spotted Wren, Fox Horn, County Line Trail, Eddie Mary Lane, Cohn]

10 CHAIRMAN PALMER: All those in favor say aye. Any opposed?

11 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
12 *Van Dine; Brown, Sr.]*

13 CHAIRMAN PALMER: Alright, Map Amendments, Case No. 12-30 MA.

14 **CASE NO. 12-30 MA:**

15 MR. LEGER: Thank you, Mr. Chairman. The project number is number 30 for this
16 month. The Applicant is Kevin Garrison representing Oliver Gospel Mission. The
17 property is located at 140 Flora Drive, it's almost seven acres in size. It's currently
18 zoned RS-MD and the Applicant is requesting OI, our Office and Institutional District.
19 The current zoning is the original zoning from 1977. If you've taken the, had the
20 opportunity to drive in the area you'll find that all the properties surrounding the subject
21 property are zoned RS-MD, which is our Medium Density, Single-Family District. In
22 addition, a majority of the properties in the area are single-family residentially occupied.
23 Greengate Subdivision to the south and east, single-family residences to the west, and

1 to the north we have an apartment complex and Rabon Farms Subdivision. Our
2 Comprehensive Plan recommends suburban of this property and given the
3 circumstances surrounding the subject property; being the vast majority single-family
4 residential development, the Staff recommends disapproval of this request at this time.
5 If you have any questions I'll be glad to try and answer them.

6 CHAIRMAN PALMER: Any questions for Staff? What I'll do is I'll go down the list
7 of the people who have signed up to speak, and if you would limit your comments to
8 three minutes and give us your name and address for the Record. Mr. Kevin Garrison.

9 **TESTIMONY OF KEVIN GARRISON:**

10 MR. GARRISON: I'm Kevin Garrison. I'm attorney for the Oliver Gospel Mission,
11 I'm also a board member. My address is 405 Jericho Court, Lexington County, South
12 Carolina. We're here today primarily to ask for a change in the current zoning of this
13 property. The RS-MD is, right now is the current zoning designation and the existing
14 owner is Christ Central Ministries. My clients entered into a contract to purchase this
15 property from Christ Central Ministries. At this time it's being used as an addiction
16 recovery facility for homeless men. In terms of the existing use, the adjacent to the
17 immediate north, I don't know if you can see it, I'll be happy to pass out some
18 information, is the Babcock Center, that's used for handicapped persons. So from a
19 change in the use, we're really not changing anything that's already going on there.
20 Christ Central's continuing to operate as is. If they sell it, under the current
21 grandfathering it's my understanding from talking with the county that my client can
22 actually use it for its intended purpose, which is for homeless women and children.
23 Wayne Fields with the Oliver Gospel Mission will be up in a minute just to explain

1 exactly what's going to be used. The only reason for this zoning designation change
2 was to allow any type of additions to the building. Right now under the grandfathering,
3 whether we buy the property or not, or whether the current owner uses this property, the
4 use is staying the same. You're gonna have a homeless facility catering to either
5 homeless men and addictions or homeless women with children, trying to educate
6 them, getting them back on track. So we're not changing anything that's not already
7 being done on that property. In terms of traffic, there are no issues with traffic. There
8 will be no cars for any of the people, there won't be any commuting back and forth. So
9 we're not increasing traffic on the existing property. Again, I'll be happy to pass out
10 some pictures, satellite photos if you need these. I don't know. But as you can see the
11 northern property is the Babcock Center, to the left of the property, this is kind of the
12 triangular piece which is our piece in question. I believe there's a commercial, two
13 commercial, maybe either a landscaping company or automotive use. Those are also in
14 the RS-MD area so they are grandfathered, and again in terms of the, the issue with
15 existing residential, you can see an existing buffer on what I've handed out. That buffer
16 would remain the same. We're not looking to, to change any buffer zone at this time. I
17 didn't know if there were any questions or not. Mr. Fields could come up.

18 CHAIRMAN PALMER: Any questions for Mr. Garrison? Thank you. Wayne
19 Fields?

20 **TESTIMONY OF WAYNE FIELDS:**

21 MR. FIELDS: Yeah, my name is Wayne Fields and I'm the president and CEO of
22 Oliver Gospel Mission. My address is 102 Jonathan Lane in Irmo. I'm just basically
23 gonna share with you just what we plan to do on the Flora Drive property. What we're

1 gonna have, we call a Women's Growth Center and the primary focus of that will be to
2 help homeless women with children, which is the growing segment of the homeless
3 population, become productive members of society. We'll seek to accomplish this by
4 assisting women with their spiritual growth, equipping them with life skills such as
5 parenting skills, education assessment and preparation for employment, and providing a
6 program for preschool children while mothers are in classes. The residents will not have
7 vehicles and male acquaintances will not be allowed on the property in the work that we
8 do with the women. So that's what we plan to do on the property with females with, with
9 their children. Any questions on that?

10 MR. MANNING: So do you plan to expand the facility?

11 MR. FIELDS: At some point we may, we may need to add some buildings as,
12 because this, this population of the homeless is, is really, is increasing nationwide, so
13 that's a very real possibility.

14 CHAIRMAN PALMER: Any other questions for Mr. Fields? Thank you. Jeff
15 Wheeler?

16 **TESTIMONY OF JEFF WHEELER:**

17 MR. WHEELER: My name is Jeff Wheeler, I'm also a board member at Oliver
18 Gospel Mission. I was board chair previous two terms. My address is Seven Lehigh
19 Court, Columbia, South Carolina 29223. Over the past six years as I've served with the
20 Mission, the Mission made a decision to change its mission from simply providing
21 services to homeless men, to also providing them for women. As Wayne has said the
22 women with children is the largest single growing segment of the homeless population,
23 but yet it's the group that's most easily recoverable. Our facility will give them an

1 opportunity to keep the women together with their children, to provide daycare facility for
2 them on campus while the women are in educational programs, as Wayne said, getting
3 spiritually and economically back on track. It is not inconsistent with what's going on in
4 the area. As Kevin pointed out we've got Babcock Center on one side, we've got two
5 commercial operations on the other, there's a 75' buffer, there'll be strong restrictions
6 against any men at all allowed on that campus. It gives us the opportunity to help these
7 women turn their lives around in a safe environment. And I would also offer a strong
8 recommendation for Oliver Gospel Mission, the tremendous job that Wayne has done
9 on our facility down on Assembly Street. I would encourage anybody that has any
10 questions to come by. That corner used to be one of the toughest spots in Columbia, it's
11 one of the best now. It is so good that Mass General Store chose to open up across the
12 street and they're opening a Presidential Apartments across the street. So we think
13 we'd be very consistent and supportive of the area. Any questions that I can answer as
14 board chair and part of this committee I'll be glad to do so.

15 CHAIRMAN PALMER: Thank you. Jamie Ray, followed by Phil Crocker.

16 **TESTIMONY OF JAMIE RAY:**

17 MR. RAY: Hi, I'm Jamie Ray, I live at 119 Flora Drive. My main concern is, is
18 there've already been people brought in with no notification to the surrounding people,
19 residents. I mean, we've all got family, kids, mostly kids. I mean, we've learnt that they
20 have drug addicted people coming in. We've seen a lot more traffic. I know they say
21 there's not gonna be traffic, but we see a lot more traffic, a lot more foot traffic. And we
22 just don't, I just don't feel that we need this type of facility in a immediate residential
23 area. Although Babcock has been there, they've been there for many, many years,

1 they've had no impact, only, you know, only good things to say about them. And I just,
2 just would like to keep it as a family environment and don't see it commercialized and
3 added onto. And would like to know how many, if this starts out, would like to know how
4 many people they would like to have in their at the present time. You know, as far as
5 people being in and out and staying there. Thank you.

6 CHAIRMAN PALMER: Thank you. Phil Crocker?

7 **TESTIMONY OF PHIL CROCKER:**

8 MR. CROCKER: I'm Phil Crocker. I'm at 6048 Lakeshore Drive, Columbia,
9 South Carolina 29206. I work with the Babcock Pitts Apartments. The main issue is here
10 we would like more time to study, we've kind of been blindsided by this. All of a sudden
11 they're looking to take over this property, maybe build more in the future. Our clientele
12 is totally different from their clientele and if they built, if they bought the facility we would
13 literally have to build a wall or a fence between the two to maintain our properties. So
14 what we're asking for is more time to study the impact and see what we can do in the
15 future. Oliver Gospel is an excellent organization, we'd love to work with them, but we
16 would like more time to investigate it and see what we can do.

17 CHAIRMAN PALMER: Thank you. That's all that we've got signed up to speak.
18 Any thoughts of the Commission?

19 MS. MCDANIEL: Mr. Chairman, I do have a question for Staff. In reading through
20 the information that you all provided to us, I got the impression that what they wanted to
21 do would be consistent with what's already going on there now. Is this a change in the
22 use that's being, and that's why the zoning is being requested or is it for future
23 expansion?

1 MS. HEGLER: They're currently legally nonconforming as a use, so this would
2 be, imagining a change or an expansion but I understand it's currently similar to what
3 they're doing, using the property for.

4 MS. CAIRNS: Can you offer how long it's been in the current use about?

5 MS. HEGLER: I don't know.

6 MS. CAIRNS: But a while.

7 MS. HEGLER: I think a while, yes, ma'am.

8 MS. MCDANIEL: So they could continue the program that they want to do
9 without changing the zoning? Is that what you're saying?

10 MS. HEGLER: Without, they may not make expansions to the facility. That would
11 negate –

12 MS. MCDANIEL: And maybe this is a question for the board members to know.
13 Is it okay if we ask –

14 CHAIRMAN PALMER: Yes.

15 MS. MCDANIEL: Do you understand my question?

16 MR. WHEELER: I do.

17 MS. MCDANIEL: I'm trying to figure out exactly why it is that you need the zoning
18 changed.

19 MR. WHEELER: And I certainly understand the sensitivities. Right now the
20 facility is currently being used for recovery for male addicts, and it can continue as that,
21 and Oliver Gospel Mission can, our understanding is, continue to use the facility as it is,
22 which is almost 23,000 square feet, but we're gonna shift the use from recovering men
23 to women with children. Our reason for being here is at some point in the future we may

1 need to expand. God forbid that this will continue to happen, but that's a huge growing
2 segment of the population. And if we are successful in helping women stay with their
3 families and recover and we need to build some additional education space, right now I
4 think our plans, Wayne, are at 12 to 15? Or so families, that we'd house there, and we
5 would see them there for three months to up to a year. But we can use the facility just
6 like it is. Our hope is to at some point in the future to be able to expand it with additional
7 support.

8 MS. CAIRNS: One more question, though. I mean, is it your understanding that
9 you could go from the, the sort of male drug addiction counseling to the women and that
10 that would not be itself require a zoning change.

11 MR. WHEELER: That is correct.

12 MS. CAIRNS: You could stayed grandfathered there.

13 MR. WHEELER: Yes, and –

14 MS. CAIRNS: Okay.

15 MR. WHEELER: - our desire is to strongly separate the two populations. We
16 serve homeless men in our downtown location. We think it's critical that this be women
17 only with children.

18 MR. GARRISON: I'd like to make one comment to your question. The existing
19 use per the county zoning compliance letter is special congregate facility. In essence we
20 would stay.

21 MS. CAIRNS: Right.

22 MR. GARRISON: There would be no change in the use.

23 CHAIRMAN PALMER: Right.

1 MR. GARRISON: And when we talk about expansion, I know Jeff mentioned
2 expansion also of adding, but also expansion is the simple act of trying to add on to an
3 existing building; if you have to knock out a wall we can't do that right now. If we had to
4 expand it 20', 30', and the Babcock Center, I know they have some concerns with
5 having to build a wall, you know, we'd be happy to talk with them and give them any
6 information we can as well But right now they're not using a wall and they've got a
7 different group there and they obviously, I don't know if they have problems or don't
8 have problems, but we would be taking one element away from the addictive issues. So
9 again, it's, it is what it is. In terms of what the current use is, we're just trying to give us
10 some flexibility down the road; if we do buy this we have the ability to knock out a wall,
11 add a kitchen, or if we need to add another building for educational purposes or even for
12 housing. But the intent in this would be, as I handed out, would be to keep this buffer.
13 That protects the people we would have there as well, and the people who are adjacent
14 to this facility.

15 CHAIRMAN PALMER: I just want to point out to everybody, I mean, I understand
16 the intent is to leave the buffer, the intent is to leave the facility as it is. We as a
17 Planning Commission can take all the information that is given to us, but our job is to
18 make a recommendation based on the zoning and anything, if this property were to be
19 rezoned it doesn't go with the owner of the property, it goes with the property itself. So
20 if you folks may have the best intentions in the world and want to leave the buffers and
21 everything else, but if the property is rezoned anything under the OI zoning
22 classification can come on this property if you guys were ever to decide to sell or not
23 work or whatever you wanted to do. So what's in front of us as a Planning Commission

1 is to take a look at all the uses that are under the OI zoning classification and make a
2 determination as to whether or not we think that's suitable for this site, not based on the
3 specific use that's put in front of us, but based on the zoning classification that's put in
4 front of us. So that's just kind of a clarification as to where we are and just wanted to
5 make that clear to everybody. You know, personally my thoughts on the issue, and to
6 that point is that while the current use is in there and in place and can continue to
7 operate, I've seen personally way too many times that the best of intentions sometimes
8 go south through different plans, through different, you know, over time perhaps, you
9 know, that they don't have enough land to expand or whatever, but this property will
10 then be put on the market as an OI, which will be opened up to any of the uses that are
11 under the category. I think the current use as it currently sits it can be continued to be
12 used under, you know, whether it's male or female or children or whatever, you know,
13 segment of the population they want to serve. But in order to open this up directly
14 behind these homes to an OI facility, I mean, I just, I don't think it's fair to the residents
15 that are currently there and I personally would not be supportive of the rezoning.

16 MR. GILCHRIST: Mr. Chairman, the, one of the board members mentioned that
17 in the future they may make some plans to expand, etc. If, if we decided not to support
18 the rezoning, what would their options be, should they withdraw this and come later
19 when they're wanting to expand, what –

20 CHAIRMAN PALMER: Is there an option under the Board of Zoning Appeals to,
21 to make some sort of appeal on a variance issue for expanding a building?

22 MR. PRICE: Not to, not to expand a nonconforming use.

23 CHAIRMAN PALMER: Right.

1 MR. GILCHRIST: Okay.

2 MR. PRICE: Did I answer your question?

3 MR. GILCHRIST: So, so I mean, could they withdraw and come back and, if they
4 decide to expand or something?

5 MR. PRICE: I mean, yeah, I mean, they have a couple of options. You're right,
6 they could withdraw and come back, and come back when needed, which, you know,
7 we can debate that as far as a rezoning, you know, coming in for a specific need. They
8 could also go forward and whichever happens, if it's denied they would just have to wait
9 a year to come back, or they could come back with, come back immediately for a
10 different zoning. There are a few options out there for them.

11 MR. GILCHRIST: And you don't own the, the spot now, you don't own the
12 property at this point? Okay.

13 MR. MANNING: Are there any other zoning classifications that this type of
14 operation could fit under?

15 MR. PRICE: I will check, but I know during our discussion, one of the reasons
16 why we looked at the OI zoning designation cause that seems to be the least, well if you
17 could, in this particular, it might be the least intrusive of all of the zoning commercial
18 categories. There are two for the type of use; one is OI and the other one is GC.

19 CHAIRMAN PALMER: So if they ever wanted to expand they would need to find
20 a piece of property that's properly zoned. If they ever wanted to expand they would
21 need to find a piece of property that's properly zoned for what they want to do.

22 MR. PRICE: Correct.

23 CHAIRMAN PALMER: Right.

1 MR. TUTTLE: It's obviously a difficult time to be sitting in this chair because it's
2 such a good group with such an awesome mission and such a success record.
3 Unfortunately, as the Chairman stated, we're just, have to judge it on the merits of the
4 zoning that's in front of us and we can't zone based upon use. That being said I think I
5 would probably be against the rezoning.

6 MS. MCDANIEL: I agree. And I'll make the motion that we send Case 12-30 MA
7 forward to County Council with a recommendation of denial in accordance with the -

8 MR. GILCHRIST: Second on that.

9 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
10 All those in favor of the motion please say aye. All those opposed?

11 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
12 *Van Dine; Brown, Sr.]*

13 CHAIRMAN PALMER: We are just a recommending Body to County Council,
14 they will have final say on the matter and this will come up before them on, what is it,
15 the 23rd, October 23rd, 7:00, these same Chambers. So I'd highly recommend you be
16 here for that as well. Next case, Case No. 12-32 MA.

17 **CASE NO. 12-32 MA:**

18 MR. LEGER: Yes, Mr. Chairman. The Applicant in this case is Terri Darragh. The
19 property is located on Screaming Eagle Road, it's almost 80 acres in size currently
20 zoned RU, which is Rural Residential District. The Applicant is requesting HI, which is
21 Heavy Industrial. The RU zoning currently applied to the property as original zoning
22 from 1977. We had a previous application earlier in the year on this site and an
23 additional piece attached, it was about 230 acres in size. That application was

1 withdrawn by the Applicant, they have come back with reduced acreage, similar
2 request. This rezoning today we're speaking of has frontage on Screaming Eagle Road
3 only and not on Percival as the previous request did. All of the surrounding zoning is RU
4 which is our Rural Residential District. The development in the area is scattered
5 residential, manufactured housing, landfills, mining, and the Ft. Jackson military base.
6 Our Comprehensive Plan recommends Rural for this property and given the lack of
7 development in the area, the scattered residential and the kind of industrial related uses
8 in the area; the mining, the landfill, the military base, the Staff recommends approval of
9 the request at this time. If you have any questions I'll be glad to try and answer them.

10 CHAIRMAN PALMER: Any questions for Staff? Terri Darragh?

11 **TESTIMONY OF TERRI DARRAGH:**

12 MR. DARRAGH: Thanks, Mr. Chairman, Board Members. This is a follow up
13 from our June 4th meeting where we discussed our larger rezoning that we had
14 requested at that time, and we have reduced the acreage to accommodate the, the
15 pond and to pretty much just address our immediate needs and it was pretty much as
16 we discussed it before. So we've amended it to that shape which should fit our needs
17 for the future. And Walden, do you have any comments to add to that?

18 **TESTIMONY OF WALDEN JONES:**

19 MR. JONES: Walden Jones, McCutcheon Engineering, Spartanburg, South
20 Carolina. [Inaudible] I think when we presented before you I believe in June we were
21 looking at rezoning roughly about 233 total acres from RU to HI, and I think at that point
22 in time there was Staff approval but, however, I think we withdrew the application. Right
23 now we're coming with you roughly with 79 acres of, of that original 233 acres, which is

1 a 65% reduction. I think Waste Management still has the same intentions to do the
2 same plan as you see before you regarding the recreational lake, the walking trails, the,
3 and some of the other features on that plan, so with that maybe John Tilton with Waste
4 Management would make, if we can answer any questions you have between Terri and
5 John and myself, we'll be happy to.

6 CHAIRMAN PALMER: Mr. Jones, can you give us your address real quick for
7 the Record?

8 MR. JONES: It is 598 St. John Street, Spartanburg, South Carolina 29301.

9 **TESTIMONY OF JOHN TILTON:**

10 MR. TILTON: Thank you, Mr. Chairman. I'm John Tilton, I'm the district manager
11 of the Richland Landfill facility over there. I'm with Waste Management. My address is
12 1375 Sunnyhill Drive, Camden, South Carolina 29020. Through this process, first of all
13 we want to say thank you for considering us again, through this process we have
14 continued to stay in touch with our Citizens Advisory Committee and local, local
15 neighbors as we try to be a good corporate neighbor. We have their support, they're
16 well aware of what's going on and everything like that. And your consideration of this is
17 greatly appreciated this day as we strive to go forward with such projects like this, and
18 one's we've done in the past with the Sheriff's substation and the gas to energy plant,
19 we appreciate your consideration of this today. Thank you.

20 CHAIRMAN PALMER: Thank you. Jason Smith? Thank you, that's all we've got
21 signed up to speak.

22 MR. TUTTLE: Mr. Chairman, based upon the Staff recommendation I suggest we
23 move Case 12-32 MA forward with a recommendation for approval to County Council.

1 MR. MANNING: Second.

2 CHAIRMAN PALMER: I, I would have to agree. You know, I, I think before it was
3 perhaps too large a parcel and I appreciate the Applicant taking a look at what they
4 really needed at this time, and you know, if there's future expansion needed, you know,
5 take a look at it at that time. I just wanted to tell the Applicant I appreciate taking a look
6 at that. We have a motion and a second. Any other discussion? All those in favor say
7 aye. Any opposed?

8 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
9 *Van Dine; Brown, Sr.]*

10 CHAIRMAN PALMER: Case No. 12-33 MA has been deferred. So we have an
11 Administrative Review to come forward to us, which is Case No. 12-34 AR.

12 **CASE NO. 12-34 AR:**

13 MS. HEGLER: Thank you, Chairman. The Development Review Team would like
14 to present the following case for your consideration on Administrative Review, Case No.
15 12-34, appeal from the decisions of the Development Review Team made by Monica
16 Escrosky(?) of 305 Club Colony Circle, and Samuel T. Brick, Jr. of 124 Runnymede
17 Drive. And if I may I'd like to briefly point out members of the DRT that may be present;
18 it's a multidisciplinary group of Staff members, I see Geo Price, the Zoning
19 Administrator, Hope Hasty is our Manager of Development Services, Holland is
20 Manager of the Planning Department, or Services, Buddy Atkins is here with the
21 Conservation Department, and myself. We do have others that are a member and help
22 us and assist us with these reviews but I don't see them here today. I also, if you would
23 like, could give a brief presentation of the project. I don't know if that would be helpful,

1 there was not much in your package regarding the project, but I can do that briefly
2 before making our case if –

3 MR. TUTTLE: Yeah, it'd –

4 MS. HEGLER: - that's at your discretion.

5 MR. TUTTLE: - Tracy, I think that would be good, but if you would, if you would
6 just outline the criteria for an appeal.

7 MS. HEGLER: I would be happy to, that is part of my case. I can do that.

8 MR. TUTTLE: Okay, alright. That's fine.

9 MS. HEGLER: When I get there if you want me to do a brief background and
10 then I will, I will get to that. What you have before you, Villages of Longcreek, the DRT
11 reviewed that in August and this is a presentation specifically that we reviewed. It's
12 envisioned as a series of separate residential villages, it's on approximately 100 acres
13 and it's in the existing Longcreek Plantation development of Richland County. There are
14 plus or minus 40 acres of an existing golf course that are not a part of this project that
15 will remain, but it's not included in part of the calculations. The project is envisioned to
16 combine several types of residential housing styles. The approach will feature cluster
17 housing in a Smart Growth format to maximize open space. Again, the zoning, or not,
18 for the first time I guess, the zoning is RS-LD, which allows a maximum of 363 units on
19 100 acres. The plan submitted before us for review had 332 units on approximately, or
20 with approximately 31 acres of open space set aside as well. And they were, they've
21 applied to use the Green Code under our Land Development Code. And what you see
22 are just, just details of the sketch plans. As part of the Green Code submission they
23 also had to submit an existing feature site analysis plan and on this plan they had to

1 identify certain prime feature, natural, historical or archeological, that are found on the
2 site so that was part of the review as well. Okay, so as part of our case we respond
3 directly to Section 26-54, which identifies four criteria that the Planning Commission
4 uses in deciding, making their decisions on formal review. It states that the Planning
5 Commission will approve the sketch plan if it finds, one, that the proposed project
6 complies with the policies and objectives of the Comprehensive Plan, and I'll go through
7 each of these in more detail in a moment, two, that the proposed project complies with
8 the purpose, scope and provision of this chapter, three, the County Address Coordinator
9 has approved the subdivision name and addresses and the Planning Commission has
10 approved the subdivision road names, and number four, that the proposed project
11 complies with the subdivision sketch plan checklist of the Planning Department. So I'll
12 take each of those one by one and bear with me as I, I read through some of this. As it
13 pertains to the project complying with the policies and objectives of the County
14 Comprehensive Plan, we identified multiple land use goals and elements from the
15 Comp Plan that the project complied with. For instance, land use element goal four is to
16 promote compact developments, high density compact mixed use residential
17 developments designed to reduce the amount of infrastructure and impervious surfaces.
18 Population element goal one, to promote a variety of housing choices accommodating
19 increasing household numbers and types. Natural Resource element goal number
20 three, to protect natural resources near neighborhoods and provide citizens with access
21 to nature. Natural resource element goal number six, to increase open and green space
22 throughout the county by creating incentives for preserving land. Community facilities
23 element goal number two, to insure that an adequate quantity and quality of potable

1 water is available supporting the land uses and development patterns depicted in the
2 future land use plan. The project is also compliant with the future land use plan, or map,
3 designation of the Comprehensive Plan. The future land use map designates this area
4 as suburban which carries the following description: Throughout the suburban areas
5 infill development should be a focus in residential, commercial and industrial areas
6 complimenting and connecting the existing sprawl pattern. Public facilities such as
7 schools, libraries and recreational centers should be located, reinforcing community
8 centers. Residential areas are encouraged to contain a mix of residential and civic land
9 uses. Existing single-family developments may be adjacent to multi-family or a PDD
10 including a buffer from high intensity uses Residential development should occur at
11 medium densities of four to eight dwelling units per acre. Streets should accommodate
12 automobiles, transit, bicycling and walking. And the flood plain should be buffered from
13 development complying with the Richland County Development Code and goal number
14 five of this, of this land use element. The sketch plan as submitted proposes a net
15 density of 4.74 units per acre. As such the Staff is of the opinion that the proposal is in
16 keeping with the design and the intent of the Comprehensive Plan. Moving on to
17 number two, the proposed project complies with the purpose, scope and provisions of
18 this chapter. We identified that Chapter 26(2)(a) describes what the Code is supposed
19 to do, or its purpose, and that the project complies with all 14 purposes of that chapter
20 as defined. They are, and I can list them, one, to provide for adequate light, air and
21 open space, to prevent the overcrowding of land to avoid undue concentration of
22 population and to lessen congestion in the roads, to facilitate the creation of a
23 convenient, attractive and harmonious community, four, to project and preserve scenic,

1 historical, cultural or ecologically sensitive areas, five, to regulate the density and
2 distribution of populations in the uses buildings, structures and land for trade, industry,
3 residents, recreation, agriculture, forestry, conservation, airports and approaches
4 thereto, water supply sanitation and protection against floods, public activities and other
5 purposes. Purpose number six is to facilitate the adequate provision or availability of
6 transportation, police and fire protection, water, sewerage, schools, parks and other
7 recreational facilities, affordable housing, disaster evacuation and other public services
8 and requirements as are set forth in this chapter. Seven, to secure safety from fire, flood
9 and other dangers, to encourage the development of an economically sound and stable
10 county. Nine, to assure the timely provision of required roads, utilities and other facilities
11 and service to new land developments. Ten, to assure the adequate provision of safe
12 and convenient traffic, access and circulation, both vehicular and pedestrian in and
13 through new land developments. Eleven, to assure the provision of needed public open
14 spaces and building sites in new land developments through the dedication or
15 reservation of land for recreational, educational and/or transportation purposes.
16 Twelve, to assure, in general, the wise and timely development of new areas and
17 redevelopment of previously developed areas in harmony with the Comprehensive Plan
18 of Richland County and its municipalities. Thirteen, to assure compatibility between
19 neighboring properties in adjacent zoning districts. And finally, 14, to further the public
20 welfare in any other regard specified by the Richland County Council. DRT found that
21 the sketch plan before us did those things. Furthermore, we're also, also driven by the
22 five purposes of the Green Code section in this particular application. And they are one,
23 to preserve and protect environmental resources, scenic vistas and natural and

1 cultivated landscapes; two, to enhance land, water, air and tree resources by minimizing
2 the area of land disturbance, reducing impervious surface, optimizing stream buffers,
3 preserving tree cover and encouraging retention and protection of conservation areas;
4 three, to reduce infrastructure maintenance cost as a result of efficient community
5 design; four, provide a conservation area and pedestrian linkages and wildlife corridors
6 among residential communities and to encourage recreation opportunities; and lastly
7 five, to preserve significant historical and archeological features and to preserve and
8 protect contiguous undeveloped areas within the development. Also pertaining to
9 number two in your decision-making, the scope as defined in Section 26 states the
10 regulations set forth herein shall apply to all land and improvement thereon in the
11 unincorporated portion of Richland County. The subject parcel is a proposed land
12 development and is within the limits of the incorporated county, thus is in compliance
13 with the scope. Provisions preferred to the requirements for the application within
14 Chapter 25, Article V and Article VII we used in our decision-making outlined the
15 provisions for the subject project. The project meets the provisions of the Chapter by
16 complying with appropriate application requirements. For example, the underlying
17 zoning district, RS-LD, does establish the density and the Green Code establishes
18 additional separate and unique requirements for development and application for
19 meeting the intent of the Green Code, those have all been met by the application.
20 Number three, the County Address Coordinator has approved the subdivision name and
21 addresses and the Planning Commission has approved the subdivision road names.
22 This is not an applicable factor during the sketch plan stage of development; that is
23 what we were reviewing. The Green Code does not provide separate standards for

1 subdivision names so we rely on Section 26-222, subdivision regulations issues
2 subdivision names approved by the County Addressing Coordinating Specialist and
3 road names approved by the Planning Commission at the preliminary plan review stage,
4 so we're simply not there yet in this process. Number four, the proposed project
5 complies with the subdivision sketch plan checklist of the Planning Department, and I
6 can show you that checklist if you like but, but it so pass that major subdivision submittal
7 checklist for sketch plan or it would not have moved on to a review. And that concludes
8 the Staff case. I'll be happy to try and answer any questions you might have.

9 CHAIRMAN PALMER: Any questions for Staff? Okay. We'll move on to the
10 public input section. Mr. Sam Brick?

11 **TESTIMONY OF SAM BRICK:**

12 MR. BRICK: Good afternoon, Mr. Chairman, Members of the Commission. My
13 name's Sam Brick, I'm at 124 Runnymede Drive in Blythewood, South Carolina. A
14 couple things she mentioned are very interesting. One is the purposes of the Code and
15 what I've given you is an outline, I'm not gonna go to that right now, but the outline gives
16 you pretty much the idea of what my appeal is. My appeal is to the DRT action, the
17 DRT and what they, what they looked at and what they considered. And it's my
18 understanding that the DRT action was, it was hard to come by. You know, it's, it didn't
19 come right away. You know, they go with a consensus but they met beforehand
20 according to what I understand and it took them a long time to come to this. But in any
21 event, one of the main pillars that the Land Development Code stands on is density.
22 Density's really important in this county and if you look at some of the other purposes of
23 the Code it's harmonious with the other sections of the area; you have a special

1 requirement section where you go to the zero lot lines, you read that language and it's,
2 it's very interesting. I don't, I didn't give you a copy of that but that talks about Section
3 126-161, permitted uses with special requirements, so that's zero lot lines. And it says
4 the specified standards are intended to insure that these uses fit the intent of the
5 districts within which they are permitted, and that these are compatible with other
6 development within the district. So in other words the whole, the Land Development
7 Code is really well done if you look at the whole Code. You can't just look at little
8 portions of it and little parts of it, it's a really, a good body of law if you read it all
9 together. And just little things that they talk about, like she mentioned impervious
10 surfaces, there's very, very little in there. They're supposed to have 50% in their sketch
11 plan, and besides they treat this as sketch plan/concept plan, it's not two different things
12 that are required under the Green Code but if you look at their action, their action is
13 sketch plan/concept plan. So they're not requiring two things, they required them to do
14 one thing. But impervious surfaces, big deal. I mentioned that, parking in here, they
15 don't have any information of what they're gonna do on parking. And 50% is required to
16 be pervious, pervious surfaces, they recommend that your driveways and your
17 walkways are pervious surfaces. In other words, instead of concrete, use gravel on
18 that. You don't see anything in this about that. The only thing that the DRT mentioned
19 with regard to parking was one little area where they said this couldn't be included in a
20 set aside. That's it. Now that's, in my mind that's not really sufficient for a concept
21 sketch plan. Now the other thing is if you – I like the Green Code, I think the Green
22 Code is great. I don't like what we have in the Green Code right now because it's too
23 confusing and we've seen that before. You guys haven't seen much of the Green

1 Code, probably because it's not just confusing to the homeowners, it's confusing to the
2 builders. Builders don't want to use the Green Code, they don't understand what it is.
3 But if you look at this, at this map over here about what they got, they've got two areas
4 that are really, look like Green Code. The third area is nothing but another little
5 subdivision in Longcreek Plantation, all it is. They, there's a little forestland there and,
6 you look at the definition of forestland in 26-22, and it tells you what a forestland is; a lot
7 of trees and shrubs. That's all that's in that little area. That's not a primary
8 conservation area. It's not listed as one of the primary conservation areas. You're
9 required to have that in the Green Code. Now they're gonna say, well we've got these
10 primary conservation areas in the other two villages. Fine, but you've got three villages.
11 That one is not Green. And it sits right along the entry to our community, to Longcreek
12 development, it's right there on the entry. So if you're gonna have something Green
13 that doesn't cut it. They, they have three parts of that thing, they've got buffers and two
14 tiny little neighborhood greens that are market driven anyway, the buffers you've got
15 anyway. They don't set aside anything in that little village alongside Longcreek Road.
16 Do it the right way. Follow the 26-89, that's the idea. You know, it's not that hard, do it.
17 It's not that far off to be real frank with you. If they did it right then that'd be fine,
18 wouldn't be any problem. The other benefit would be to the developers because then
19 the developers could use the rest of the property, they'd get a higher percentage of
20 density because they could set aside, they would have a higher set aside giving them
21 more than 30% and they, which is a, you know, it works not just 30 and 40 and 50, it's
22 a incremented set aside and incremented bonuses you get for that. But they'll have
23 more to set aside if they do that, they'll get better density. So, I mean, you know, it

1 works both ways. That's not Green along there. If it looks like a duck, walks like a duck,
2 guys, look at it, it's just not Green. It's not a Green district, and it doesn't have some of
3 the characteristics that are required under the Green Code, one of which is the, is that it
4 has trails that work along with it. Alright, so that's a couple of things. The zero lot lines,
5 they didn't look at zero lot lines at all. Zero lot lines in RS-LD, it's, you can't have
6 attached housing. Their sketch plan indicates you're gonna have attached housing, it's
7 specified you can't have it. It's a parallel lot line. If you look at the zero lot lines, they're
8 a couple places where you can look at it, I gave you the citations in my charts and I
9 gave you attachments to it. But there's also charts that are available, Table 20(V)(i)
10 specifies, single-family, zero lot, parallel in RS-LD, you can't have, you can't have the
11 other ones. Am I being shut off? No? Not yet? Okay, anyway and the zero lot lines, I
12 think it's pretty clear that they're not in compliance with the requirements for RS-LD.
13 Now if you say that the Green Code completely takes over and you have a whole new
14 district, well look at the districts in the front of the Code, it doesn't include Green Code.
15 And also, everything you read in there, it talks about, you have the districts, the
16 applications for the districts, just what I cited to you a couple of minutes ago in 151,
17 which gives you the authority for the zero lot lines. It's in addition to, you got, it's an
18 additional requirement. Subparagraph c which you have a copy of in there, it talks that
19 this is additional to, so I mean, you know, if you're gonna do the zero lot lines, don't
20 have attached housing and make them parallel like they're required to under the law. I
21 don't know why they didn't do that in the DRT but that's what the law says, that's what
22 the book says. That's all we're asking for, to follow the law. If they want to use zero lot
23 lines, do it, do it correctly though. So then you go into unenforced minimum lot widths,

1 there's nothing in the Green Code telling you what the minimum lot widths are, other
2 than they have to report it. It's a reporting requirement and they did report it, they
3 reported lot widths, not minimum lot widths, they recorded what the lot widths were.
4 Minimum means there's a requirement. You know, why do you say minimum if there's
5 not a requirement. What, where does the requirement come? It's not in subsection H
6 of the Green Code but it is in LS-RD [sic], 26-89, they have a 75' width requirement. It's
7 unenforced. They didn't mention it in the DRT. Now how does it combine together? I'm
8 not sure, but you have to have it according to what the width requirement is in the, the
9 zoning district in which we live. There's a minimum width requirement, period. I mean, I
10 don't see how you can get by that. Then parking, I already told you about parking,
11 you've got to have the pervious and impervious, it's required to be reported and they
12 didn't report, and there's nothing the DRT mentions about parking whatsoever. A major
13 thing, a major thing in, in this kind of a community where you're doing something Green.
14 Report on it. It's a, it's a, you know, this is something that they should've done and
15 that's what, maybe it can be fixed. Tell them to go back and report on it. Then you have
16 the density requirements. Now density requirements are very complicated in the Green
17 Code and that's one of the problems with the Green Code. What they tried to do is they
18 tried to – and there was a Corps of Engineers report back in '08 that looked at this thing,
19 and it looked at it with DRT, not DRT, or the Roundtable. They, they had a study on this,
20 but back in that time the, the density requirements were different in law than they are
21 today. Today, in '09 they changed the density requirements, so the density
22 requirements are determined in Chapter 5, which are your density districts, by square
23 footage. You have one dwelling unit per a square footage area, that's your density. So

1 in RS-LD, it's 12,000 square feet per dwelling unit, that's one per 12,000. You have to
2 look at them both, you can't just see the other side. In, back in 2008 when they did the
3 report to look at the Green Code to see how it would work, they said, no minimum lot
4 size but you have to have a minimum of four dwelling units or the density couldn't be
5 more than four per acre, which is about the same when you think about it. I mean,
6 12,000 would get you three per acre, but you get seven for two acres, if you know what
7 I'm talking about. In other words, 12,000, there's 43650 in a – so you get seven, it's,
8 doesn't work that way. And if you look at the way the Code's written, it's really written
9 well in this regard because on 26-89, it talks about subparagraph I, which is the density
10 requirement in the Green Code. You have to apply these, except those standards in
11 subsection I, you can use those instead of the rest of these standards here. Now what
12 they've done is they've said the requirements are the standards. In other words, you
13 have a condition precedent, which are the requirements to get to something, and they're
14 interpreting the condition precedent as the action or result. It's not the result, it's how do
15 you get there? And that's an interpretation that, that makes sense. If you read, if you
16 read all this stuff, in the very beginning of, of the Green Code it says subject to, subject
17 to the requirements. You can use the standards here subject to meeting the
18 requirements. Condition precedent. So anyway, that's the way you look at these things,
19 I mean, and the language they use, in legislative drafting or in legislative interpretation,
20 language is very important; 26-89 you talk about standards. Standards and lot area. In
21 the Green Code you're talking about requirements, not standards. It's requirements, two
22 different terms. And the Land Development Code is very consistent in this, so that's,
23 that's the part of the density. The density can be applied, the fact is, and this is really, I

1 mean, it's really not that much difference, if you take the density and make them use it,
2 give them the bonus requirements by taking out that one area that they should – that's
3 not Green, they're probably gonna have all they need. Other than you can't have the,
4 the zero lot line, you can't have the multi-housing out there, the attached housing.
5 That's not allowed in this district. So basically that is – I gave you a, a copy to help you
6 out, at the end of my charts which is a requested relief and, cause it is complicated and
7 it's, you know, you can, if you take a look at that, in any event that'll give you an idea of,
8 of what we're looking for in my appeal. So that's – any questions?

9 CHAIRMAN PALMER: Any questions for Mr. Brick?

10 MR. BRICK: That's it.

11 CHAIRMAN PALMER: Okay.

12 MR. BRICK: Thank you, sir.

13 CHAIRMAN PALMER: Thank you. David Kirkland?

14 **TESTIMONY OF DAVID KIRKLAND:**

15 MR. KIRKLAND: Hi, I'm David Kirkland, I live at 204 [Inaudible] Drive in
16 Blythewood. I'm not a very smart person but I trust people. We were here a couple
17 months ago and you denied a zoning request for these same areas and each of you
18 made statements that defended that decision. I am against the Green Code because
19 the Green Code contradicts everything that you have stated that was wrong with that
20 zoning. We have had zoning in Richland County to protect the homeowner.

21 CHAIRMAN PALMER: Mr. Kirkland, I do appreciate your comments, but this is
22 for a specific case, what it has to do with the –

23 MR. KIRKLAND: Well, okay, well I'll –

1 CHAIRMAN PALMER: - with the ruling of the DRT.

2 MR. KIRKLAND: - just say I agree with what Sam stated and the Green Code
3 does not apply to the current zoning and protect the homeowner. Okay, I'll leave it at
4 that then.

5 CHAIRMAN PALMER: Okay, thank you. Phillip Butler?

6 **TESTIMONY OF PHILLIP BUTLER:**

7 MR. BUTLER: I just support what David said about the [inaudible].

8 CHAIRMAN PALMER: Bernie Randolph?

9 **TESTIMONY OF BERNIE RANDOLPH:**

10 MR. RANDOLPH: I'm Bernie Randolph, 212 Cartgate Circle, and that's in
11 Windermere in Longcreek. I'd just like to touch on a couple of things that Tracy
12 mentioned in her introduction. She's saying that this 100 acres will support 363 lots.
13 That may be true if you had 100 acres to build on, but in this particular case you don't
14 have 100 acres. You start, you're taking 30 acres away as a conservation district, and
15 then you have to have approximately 25 to 30 acres to net out for roads, easements
16 and things like that. So by the time you're all done you're working with about 49 acres of
17 buildable land. And the approval the DRT gave was for 322 homes. Now I'm sorry, but I
18 can't make 322 homes on 49 acres come out anywhere near four units per acre. And
19 then you have to go back and read the definition of density. Density is the number of
20 housing units, dwelling units per acre. Now don't get gross and net confused with acre.
21 An acre is an acre, it's a finite measurement. So you have 3.63 units per acre, that's all
22 you can build under RS-LD in an acre. Now the Green Code will allow some bonuses.
23 Okay, 10% bonus, which would come with a 30% set aside, might allow you four units

1 per acre. Alright, but four units time 49 acres is not gonna get you anywhere near 322
2 homes. So what it comes down to is that the interpretations, in our opinion, that the Staff
3 is making on the Green Code are allowing anything to occur and in essence it's just
4 literally destroying your whole zoning ordinance. Okay?

5 CHAIRMAN PALMER: Thank you. Jane Jorganson.

6 **TESTIMONY OF JANE JORGANSON**

7 MR. JORGANSON: My name is Jane Jorganson, I live at 5 Lakemore Court in
8 Blythewood. I'd just like to make a couple of comments about the introduction that was
9 made. Some of the verbiage that was used was to insure capability between
10 neighboring homes, and the neighboring homes that you will find in Longcreek
11 Plantations sound nothing like what the proposal is offering. There was also question
12 about lessening the congestion on the roads. I don't know how you're going to lessen
13 congestion on our roads as they currently stand by bringing in more traffic. As the traffic
14 study that was done prior to the last meeting we had here said we were at capacity, I
15 think bringing in higher density homes is only going to complicate that issue and make
16 any kind of emergency services uneffectual. I think, you know, offering, bringing in
17 more cars and more traffic to our neighborhoods with the streets in the condition that
18 they're currently in, without widening, without actually increasing capacity on our roads
19 is going to, you know, cause real havoc. And being a nurse and having several
20 neighbors who have a lot of health issues, it really concerns me about that. That's all I
21 wanted to say.

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

1 MR. TUTTLE: I have a quick question for Staff. Is there any zoning classification
2 in the county where we operate off a net usable acre to determine density?

3 MR. BRICK: Are you talking to me?

4 MR. TUTTLE: No, I'm talking to Staff.

5 MR. BRICK: Oh, I thought you said to Sam.

6 MR. TUTTLE: No, I'm sorry, I said Staff. Excuse me, Sam.

7 MS. HEGLER: No, it's defined. We, we interpret it as defined and we've always
8 calculated it as a gross.

9 MR. TUTTLE: Yeah, because if you were to look back at the origin of the Green
10 Code, if you define density on the net usable it would be economically infeasible to use
11 it. I mean, it wouldn't even, you know, to take 300 acres and end up with 50 usable,
12 regardless of the density you could create on the 50 acres, just wouldn't make sense so
13 I'm of the opinion that we've always used the gross acreage to determine density.

14 CHAIRMAN PALMER: Sure.

15 MS. HEGLER: Which is how, which is why we have the figure of 332 or 363.

16 MR. TUTTLE: I just wanted to clarify that. Thank you.

17 CHAIRMAN PALMER: Okay. We have printed out for everybody the
18 requirements that are necessary for the complaint and if you take a look at our Code, it
19 specifically has four things that the complainant must come up with that has proven to
20 be not in compliance with these four issues and, and per our Code that if, if you do or do
21 not believe that he has come up, he or she has come up with an appropriate argument
22 on these four points then our Code is very clear that the Planning Commission shall

1 approve the sketch plan. So just per the Code, I just wanted to point out to everybody
2 that we, we had these in front of us. Any other discussion on the issue?

3 MS. MCDANIEL: Well, I thought the Appellant had several very particular
4 concerns and I just wanted to see if Staff could address those for me. They may not be
5 applicable at this stage of planning, and if, but if they are where is the disconnect? First
6 is the zero lot lines, is that of, something that we need to be concerned about?

7 MS. HEGLER: Yeah, the Appellant makes the appropriate comments there, the
8 parallel, zero lot lines are what's approved. We did, prior to our DRT decision, get some
9 typical details of the zero lot line, cause it was not clear on the sketch plan from the
10 Applicant and we were, we were satisfied that they were not common, that's the
11 difference, it's not common, they're not sharing a wall. Those details exist in the file.
12 And, and certainly at the preliminary plan phase and any other stage of development
13 that will continue to have to be the case. The Applicant can only use parallel, zero lot
14 lines, that was sufficiently proven at the sketch plan phase but we need to continue to
15 be compliant with that.

16 MS. MCDANIEL: And I think that there was a concern about lot widths?

17 MS. HEGLER: Yeah, it's, there's a, there's a requirement of no minimum lot
18 size, that's just been interpreted as having no dimensional requirements to it. There are
19 setback requirements, those are very explicitly outlined, so certainly there are some
20 dimensional implications to that, but a no minimum lot size is no minimum width.

21 MS. MCDANIEL: And then one other issue that I haven't heard addressed yet
22 was the percentage of pervious surface. Is that applicable here?

1 MS. HEGLER: That has been interpreted and here's what the Code states, if you
2 let me find that for you. I think it's Section 26-186(H)(11), pervious material may be
3 used for sidewalks and driveways. The maximum impervious surface allowed is 50% of
4 the developed area. So the interpretation there is if you should so choose to use
5 impervious then it needs to be 50%.

6 MS. MCDANIEL: Thank you.

7 MS. CAIRNS: I mean, I can offer one of my main concerns with the whole
8 appeal process is that, I mean, I'm not positive but my sense is that we're basically
9 making what would be called a *de novo* review, that we're supposed to review exactly
10 what was decided, and I don't feel as if I have anywhere near enough information to
11 really, I mean, you know, as Staff you've offered in essence the conclusions that you
12 determined that it fit, but I don't have in any of my materials that were presented,
13 enough that I can sit here and say, okay here's the plan, here's the requirement, you
14 know, do I think it fits or not. And I think that as a Member on the appeal that that's my
15 job is to decide, not just to, you know, he, you know, the Appellant has raised some
16 specific issues, but even separate from that if it's a, I mean, and I don't, I'm not positive
17 it's a *de novo* review, but I do think that there are some elements of the Green Code
18 that I'm not sure if they're met or not based on what I've been given to review. So, I
19 mean, my concern is I feel like I need to see what was submitted and that I get a
20 chance to sit down with what was submitted and with the Code to see if I think they all
21 match. And then, you know, so today I don't feel like I could make a decision based on
22 what's been presented under my requirements for appeal. So that's, I mean, that's my
23 biggest concern is I just don't think I have enough to decide on.

1 CHAIRMAN PALMER: I, I can see where you're coming from, Heather, on that
2 because what's in front of us is, is not really a question of did the Staff, or did the DRT
3 make the proper decisions, but what I'm looking at here with these four is, it specifically
4 says the proposed project complies, the proposed project complies with. And then
5 number four, the proposed project complies with, so I, I see where you're coming from
6 when I take a look at this and, and I'm not sure that I have enough information as well to
7 say that the proposed project does anything because I'm not really –

8 MS. CAIRNS: I've never seen the proposed project.

9 CHAIRMAN PALMER: - familiar with the proposed project.

10 MR. TUTTLE: Well, to be fair I think the only one that's really in play is number
11 two. Ms. Hegler said she would be glad to provide the checklist and it's my
12 understanding the procedure doesn't allow you to move forward, DRT, if you haven't
13 completed the items on the checklist. Clearly, she's already stated that the addresses
14 aren't pertinent at this stage, the sketch plan approval stage so that's off the table. And
15 then clearly I think you're familiar with the Comprehensive Plan so you would
16 understanding whether it related without seeing the project. Is that correct? So, so the
17 only item here I think that would fall under your statement would be item number two.

18 MS. CAIRNS: Well, having never seen the proposed project I'm not sure I can
19 say that it complies with anything.

20 MR. TUTTLE: Well, okay.

21 MS. CAIRNS: I mean, if I'm being asked to appeal something I, I think it's, I
22 mean, I think it's a review of the facts, a *de novo* review.

1 MR. TUTTLE: You, you can't look at the summary in the package and determine
2 whether it fits with the Comprehensive Plan?

3 MS. MCDANIEL: Well, I don't think that that, I'm sorry, but I don't think that was
4 even an issue that was part of the appeal.

5 MR. TUTTLE: That's what I'm trying to understand, I'm trying to – the four criteria
6 that have to be met here, I'm under the impression that only one of those falls under
7 what Ms. Cairns was stating, I just want to get clarity on that. The addresses are
8 already off the table, that's number three.

9 MS. CAIRNS: Right, yeah.

10 MR. TUTTLE: Number four, I think you understand whether it had met the items
11 on the checklist.

12 MS. CAIRNS: I disagree because I've never seen the proposed project, so how
13 can I say the proposed project is A or B, C or D, E or F? I have no idea. I've never seen
14 it.

15 MR. TUTTLE: Okay.

16 MS. CAIRNS: I can't make a ruling on an appeal for something I've never seen. I
17 mean, I've heard the County offer that we checked it and it was good. Okay, I
18 appreciate that. I've heard the, some of the public speaking saying, we've checked it,
19 we don't think it matches. I have no idea.

20 MR. TUTTLE: And did you ask, did you ask Staff for this when you received your
21 package?

22 MS. CAIRNS: No. I mean, the –

1 MR. TUTTLE: I mean, we've got a lot of citizens out here today looking for a
2 ruling today –

3 MS. CAIRNS: Well yeah, but they've been able to –

4 MR. TUTTLE: - and they come up to this meeting and say you didn't even see
5 the proposal and not have requested it, I think is remiss on your part.

6 MS. CAIRNS: Well, I mean, one of the things we're allowed to do though is ask
7 for more information.

8 MR. TUTTLE: I understand that, but – okay.

9 CHAIRMAN PALMER: The information I'm going off of, I mean, we have seen
10 the proposed project in the past, is that correct? The layout?

11 MS. CAIRNS: I have not.

12 MS. HEGLER: It's been through an appeal, I think the last time was a couple of
13 years ago. I'm not sure. I mean, we can, we can go into any level of detail you'd like
14 here. We've got the plans. Certainly, very much want to answer your questions.

15 MS. CAIRNS: Right, yeah.

16 MS. HEGLER: It's not a –

17 MS. CAIRNS: I don't feel like it's a hide the ball, I just feel that I haven't been –

18 CHAIRMAN PALMER: Well, I guess, Heather, what questions might, might you
19 have for the, for the, what's in front of us? I mean, you have questions about the
20 proposed project, does it comply with the purpose, scope and provisions of the Chapter.

21 MS. CAIRNS: Yeah.

22 CHAIRMAN PALMER: Okay.

1 MS. MCDANIEL: Well, if I may, just add this. I think the key is to look at what
2 issues were actually appealed. We don't have to look at things that weren't part of the
3 appeal. Whether it complied with the Comprehensive Plan or not is not part of what was
4 appealed, so why don't we just take the Appellant's list of issues that were appealed
5 and get as much information on those as we can?

6 MS. CAIRNS: Cause, I mean, yeah, there are, I mean, there are some of the
7 Appellant's specific requests that I sort of know what the answers are, but I –

8 MS. MCDANIEL: All of them seem to go –

9 MS. CAIRNS: - but not all of them.

10 MS. MCDANIEL: - all of them seem to go to the provisions of the, you know,
11 Development Code. Does that make sense or?

12 CHAIRMAN PALMER: No, it does and that's there's two separate ways of
13 looking at all these issues and, and through the conversations I've had is, does it relate
14 specifically to what's been appealed or does it relate to it as a whole? So there's two
15 different ways of, of looking at it, and obviously we have both, both ways of looking at it
16 sitting on the, on the Commission today. I mean, I would agree with you that, you know,
17 that the appeals needs to be, we need to take a look at what is specifically brought
18 before us, but then there's also, you know, Heather's concern that it's an overall view of
19 it, and I know that at this point, you know, we take on a *quasi* judicial role that, you
20 know, everything has to be vetted properly because the next step is, is after us, maybe
21 we'll make a ruling on it today and then the next step would be court, so I just want to
22 make sure we have everything out there that needs to be vetted and, and part of the
23 Record, so.

1 MS. CAIRNS: And I mean, I don't, I mean, I'm not sure if it's, I mean, if it's a *de*
2 *novo* review then we review everything, you know, we would start from square one. And
3 I don't know under the standards if it's a *de novo* review or not, or if it just the specific
4 elements addressed. I don't know and I can't tell that by reading the couple of pages of
5 the appeal rules that we were given.

6 MR. TUTTLE: Or counsel could answer –

7 MS. CAIRNS: Yeah.

8 CHAIRMAN PALMER: Well, I'm not a lawyer so perhaps a lawyer can answer
9 that for you.

10 MS. LINDER: I would think this is not a *de novo* review. This is an appeal by an
11 Applicant that was dissatisfied by an action of the DRT, and your role is to determine
12 whether or not the DRT applied the requirements of the Land Development Code
13 properly or whether they were outside of their discretion to apply the requirements and
14 approve the plan as they did.

15 MS. CAIRNS: So even with that, I mean, I still don't feel that, you know, I mean,
16 we had the oration of what, you know, in essence Tracy offered that yes, we found it all,
17 but. I mean, like specifically one thing I can pull out was that in Green Code right now it
18 does require that primary conservation areas exist, which are like flood plain, street
19 slopes or special sites, and I'm not sure, you know, I haven't seen, were there any of
20 those on this site cause I think the way I read the Green Code right now, you must have
21 those or you can't even get passed the threshold level.

1 MS. LINDER: I would agree with that. I would believe that you would need to see
2 the site plan that the DRT looked at and then have the Staff show you how they reached
3 their approval.

4 MS. CAIRNS: Right, and that's what, I mean, I just –

5 CHAIRMAN PALMER: Okay, Tracy can we do that?

6 MS. HEGLER: Sure.

7 CHAIRMAN PALMER: Okay. Can we see a site plan?

8 MS. HEGLER: Oh, I have printouts, I'm sorry.

9 CHAIRMAN PALMER: So your question, Heather?

10 [Inaudible discussion]

11 MS. HEGLER: [Inaudible] try and zoom into if there's, I don't know, if there's any
12 way to do that.

13 MS. MCDANIEL: So what are we doing here?

14 CHAIRMAN PALMER: Well, I'm waiting on Heather's questions.

15 MS. CAIRNS: I still don't, I mean, I still don't, I mean, if anything this is again
16 conclusions. You know, the Green Code starts out and says that, you know, on primary
17 – I mean, it may all be there, I don't have any problem if it's all there, but I just feel if I
18 need to rule that it's there I need to see it. But it start out and says that, you know, there
19 shall be primary conservation areas which shall include these things. Well, this shows
20 primary conservation areas, but are they what the Code required, which is, you know,
21 the special lands? It's almost like the, you know, it's the site analysis that's not.

22 MR. MANNING: If the Planning Director could address the map and we just walk
23 through with her on some of the –

1 MS. HEGLER: I mean, I can answer Ms. Cairns' question.

2 MS. CAIRNS: Okay.

3 CHAIRMAN PALMER: Okay.

4 MS. HEGLER: They are primary conservation areas. They're wetlands, there are
5 buffers of the size that it's required.

6 AUDIENCE: [Inaudible] would you speak up? We're just the citizens, we're
7 trying to hear.

8 MS. CAIRNS: No, because she thought she was in the mic.

9 MS. HEGLER: The mic comes in and out, I'm sorry.

10 AUDIENCE: Fix it.

11 MS. CAIRNS: Okay.

12 AUDIENCE: [Inaudible]

13 MS. HEGLER: There are primary conservation areas on the site.

14 MS. CAIRNS: Okay, so then –

15 MS. HEGLER: There are wetlands, there are buffers that meet the description
16 with –

17 MS. CAIRNS: [Inaudible] buffers, 100 year flood plains and slopes greater than
18 40%.

19 MS. HEGLER: Yes, ma'am.

20 MS. CAIRNS: Okay. And there was at least 5,000 square feet of that in a
21 contiguous area?

22 MS. HEGLER: Contiguous, yes, ma'am.

23 MS. CAIRNS: Okay.

1 MS. HEGLER: No, not of all of that. Which ones, [inaudible]?

2 CHAIRMAN PALMER: Yes Buddy, please.

3 MS. HEGLER: Buddy reviews the conservation areas.

4 MR. BUDDY ATKINS: Okay, let's see if this mic will work. The, in what should
5 be the second parcel right in the middle, there's a very large wetland and a wetland
6 buffer area is much, much larger than 5,000 -

7 MS. CAIRNS: Okay.

8 MR. ATKINS: - square feet.

9 MS. CAIRNS: Thank you.

10 MR. ATKINS: And then you have flood plain area all around the third area at the
11 top, which is the peninsula along Lake Columbia, which borders, which is within the 100
12 special hazard flood zone.

13 MS. CAIRNS: Okay. Okay. I appreciate it, thank you.

14 MR. MANNING: Alright, it appears there's three distinct villages in the project. Is
15 it a requirement that each village have its own primary and secondary or is it a
16 cumulative?

17 MS. HEGLER: We take every project as a whole. Many projects have different
18 phases so we viewed it as a cumulative.

19 MR. MANNING: So if there is something lacking in one, it could be made up in
20 two?

21 MS. HEGLER: That was, that was our impression.

22 MR. BRICK: Can I make one more comment?

23 CHAIRMAN PALMER: No, sir, not unless somebody has a question for you.

1 MR. BRICK: Okay. This has to do with the appeal and what I covered on the
2 appeal is specifically in there.

3 CHAIRMAN PALMER: Okay, if someone has a question for Mr. Brick, please ask
4 him. Does any other, any other concerns? Heather, anyone else -

5 MS. CAIRNS: Hang on.

6 CHAIRMAN PALMER: - as far as did the, did the Staff -

7 MS. CAIRNS: Well, I also -

8 CHAIRMAN PALMER: - does the project meet the requirements?

9 MS. CAIRNS: I mean, it's close to not, what I think of as not zoning but a zero lot
10 line question, and I saw the, at one point the image popped by where it looks from the
11 street like a duplex but there's a common, that because it doesn't have a single
12 common wall -

13 MS. HEGLER: Correct, there's no common wall.

14 MS. CAIRNS: But I'm not really sure that that, I mean, to me that would not make
15 it a detached structure. If it has a common roof it's -

16 MS. HEGLER: The setbacks, the side setbacks for zero lot line in the Green
17 Code say zero and six combined. So zero one side -

18 MS. CAIRNS: Right, but we have the clear distinction of single dwelling with a
19 zero lot line where like each house always sits in essence, like on the left line or on the
20 right line.

21 MS. HEGLER: Right. Right.

22 MS. CAIRNS: Which is distinctly different from what looks like a duplex. While
23 legally it may have a non-common wall, it certainly has, it certainly, I don't think matches

1 what the idea that you're supposed to have detached, I mean, it looks attached, I'm
2 sorry. It's got a common roof and I think that that is, I have heartburn with somehow
3 saying, well because we can sell them fee simple because there isn't a common
4 firewall, that therefore they're not attached housing when they have a common roof, and
5 the, you know, the fact that we distinguish between detached zero lot line and attached
6 zero lot line is close to it. I mean, I –

7 CHAIRMAN PALMER: Can you show us that picture?

8 MS. CAIRNS: Yeah, like to me what he's got up there right now, that's zero lot
9 line detached housing.

10 MS. HEGLER: That's parallel.

11 MS. CAIRNS: Okay. And go to the next one. That is attached.

12 MS. HEGLER: And then if you go to another one you can see where it shows the
13 separation. Oh, I might not have it in there, there is a separation in the walls.

14 MS. CAIRNS: But, I mean, that one on .3, it says the units do not share a
15 common wall making fee simple sales possible. But I would still call that attached
16 housing. I don't know, I don't really know how to make that not attaching housing, even
17 though under some lenders concept that it allows for fee simple. I mean, townhouses
18 allow for fee simple ownership sometimes, so I don't think that's the distinction. But
19 looking at that I would disagree with that being detached single-family housing.

20 MS. MCDANIEL: But that would qualify as zero lot line parallel.

21 MS. CAIRNS: No, that's zero lot line –

1 MS. HEGLER: It is not common but it doesn't fit the standard definition of
2 parallel. Where we found sort of a bit of a discrepancy was at the zero setback on one
3 side is allowed in the Green Code.

4 MS. CAIRNS: That's zero lot line, that's – but, I mean, going back to the parallel
5 –

6 MS. HEGLER: No, what's showing on the other is three.

7 MS. CAIRNS: Yeah, you end up with six feet there on the one side.

8 MS. HEGLER: Right. I think it's just a –

9 MS. CAIRNS: Well, it's 11' on that one, whatever. But, I mean, that's – cause we,
10 cause I saw, I was digging through the Code that in our, in other districts you're allowed
11 to do the duplex phenomenon, the zero lot line duplex.

12 MS. HEGLER: Correct, common.

13 MS. CAIRNS: With a, with a property line through it, so you get your fee simple
14 ownership thing going on. But, but those were specifically not allowed in RS-LD,
15 whereas the two individual structures were. So I think that was, you know, so I would
16 agree that I don't think the approval of a plan that allowed that type of housing satisfied
17 our Code requirements. So on that particular issue I would have issue with what the
18 Staff ruled. Does anybody, do you guys follow what I'm saying?

19 MS. MCDANIEL: I see what you're saying, but I want to better understand why
20 Staff thought it did comply?

21 MS. HEGLER: Because they were detached. We, we defined it as detached and
22 not sharing a common wall.

23 MS. CAIRNS: Simply because fee ownership, fee simple ownership existed?

1 MS. HEGLER: Right. And we could, we could correct at the –

2 [Gavel]

3 CHAIRMAN PALMER: Can we –

4 MS. CAIRNS: Yeah, yeah. But, I mean, townhouses can have fee simple
5 ownership and they're clearly attached housing. So, I mean, the legal allowance of fee
6 simple doesn't mean it's then detached.

7 MS. HEGLER: And that can be corrected at any stage in the development if you
8 feel.

9 MS. CAIRNS: Yeah.

10 MR. PRICE: Just from a definition standpoint, the Code says, Dwelling, single-
11 family, zero lot line, common, a single-family development where the units are
12 connected on one side by means of a common dividing structural or load bearing wall of
13 at least 10 linear feet to another one family dwelling. Each dwelling is located on its own
14 individual lot and adjacent structures are placed on an alternate side lot line. So we
15 looked at this and it does not share –

16 MS. CAIRNS: But, I mean, they're also, have an alternating lot lines that are on
17 the common lot line, so you kind of have an inherent – but I just, regardless of the fact
18 that the hair could be split, I would disagree with splitting that hair to call that detached
19 single-family housing. I mean –

20 CHAIRMAN PALMER: But if our, if our Code specifically defines what zero lot
21 line is, what Geo just read to us –

22 MS. CAIRNS: Yeah, but it also said on alternating lot lines. Which there we have
23 it on a common lot line.

1 MR. BRICK: [Inaudible]

2 CHAIRMAN PALMER: Mr. Brick, I do appreciate your input but if you could
3 please hold it for us.

4 MR. TUTTLE: I'm confused. During this review process, do we review housing
5 types?

6 MS. CAIRNS: It's, I know, I offer that it's –

7 MS. HEGLER: We asked for the clarity on this because it was somewhat
8 confusing on the sketch plan. I think it can certainly be corrected by the preliminary
9 stage. Correct, it would have to be, whatever is deemed to be compliant.

10 MR. TUTTLE: The, the lot is the lot and then you would accommodate it with a
11 structure.

12 MS. HEGLER: The lot – and what was shown on the sketch plan was just that
13 there were two units conceivably per lot and that would not be allowed so we asked for
14 more clarity and then they, and that was what was provided to us.

15 MR. MANNING: Wouldn't the interpretation of the attached housing, at the
16 preliminary stage you'd, if you make a determination that that is detached, you gonna
17 make it at the preliminary stage too so, I mean.

18 MS. HEGLER: We can move forward however, I mean, if you've told us
19 differently we'll – this is our interpretation, we can correct that.

20 CHAIRMAN PALMER: I have a – I'd like to, I'd like to make a motion even
21 though it's, you know, on smaller bodies you can do that. I think, I think we should step
22 into Executive Session for a, for a legal question I have.

23 MS. CAIRNS: I'll second.

1 CHAIRMAN PALMER: Okay. Folks, we're gonna step into –

2 MS. MCDANIEL: If we make a motion do we need to vote on the motion?

3 CHAIRMAN PALMER: We have a motion and a second for Executive Session,
4 is there – all those in favor say aye?

5 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
6 *Van Dine; Brown, Sr.]*

7 CHAIRMAN PALMER: Okay. We're gonna step into the rear for Executive
8 Session to receive legal advice.

9 *[Executive Session]*

10 CHAIRMAN PALMER: We'll call the meeting back to order. Ms. Linder?

11 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive
12 Session to receive legal advice. No action was taken.

13 CHAIRMAN PALMER: Okay. Tracy, if you could, if we could take a look at each
14 one of these issues that are raised on the appeal. We as the Planning Commission
15 would certainly appreciate if the specific issues that were raised, if you could go down
16 them point by point and, and to let us know whether or not, what the Staff's response is
17 to the Appellant, is that the legal term?

18 MS. MCDANIEL: That is correct.

19 CHAIRMAN PALMER: The Appellant, look at there, learn something new every
20 day.

21 MS. HEGLER: I will do so. Point number one, the detached village lacks Green
22 Code characteristics. I think I spoke to that a moment ago with Mr. Manning that we
23 look at the project as a whole, we do that routinely and concept plan applications, there

1 are Green spaces within the southernmost piece that the appeal, I guess, questions
2 whether or not the southernmost piece should be a part of the Green Code application.
3 We view it as a whole, there are some benefits, even to the green space that is still
4 allotted in the southernmost portion, though I would not disagree that there's less. I think
5 that's very true, but again we, we review it as a whole. You know, the DRT argues that
6 it's the intent of the Green Code to provide some clustered areas within the
7 development to maximize conservation and open space in other areas, so that's how
8 we viewed it. And I'll just keep moving unless you ask me for questions to each point.

9 MS. CAIRNS: I want, I'm sorry, I get to be a butch today, but the buffer along
10 Longtown Road, is that required under other, some other standard.

11 MS. HEGLER: It is, it's a requirement.

12 MS. CAIRNS: What requires that buffer on Longtown Road?

13 MS. HEGLER: The difference between uses and, and the setbacks, from the
14 road setback.

15 MS. CAIRNS: But, I mean, what's the, what's on the other side of Longtown
16 Road that would require this development to buffer itself?

17 MS. HEGLER: I'm sorry? It's a street protective yard that's required to protect it
18 from the street.

19 MS. CAIRNS: So does an applicant get credit in essence for setting aside land
20 that they have to set aside anyways?

21 MS. HEGLER: Currently without –

22 CHAIRMAN PALMER: Yes.

23 MS. HEGLER: - yes.

1 MS. CAIRNS: So if by chance you automatically had required buffers that gave
2 you green space you could just simply call yourself Green.

3 MS. HEGLER: Correct, there's no, there's no more detail in the current Green
4 Code that separates those or provides even, maybe different weighted options for
5 those.

6 MR. TUTTLE: Mr. Hegler, back to number one, did the project meet the
7 requirements?

8 MS. HEGLER: Yes, sir.

9 MR. TUTTLE: Question number one, did the project meet the requirements on
10 the Appellant's –

11 MS. HEGLER: In the sense that we viewed it as a whole, yes, sir.

12 MR. TUTTLE: Thank you.

13 MS. HEGLER: Number two, incorrect application of zero lot lines. Again, I think
14 we discussed this. I don't disagree that that's certainly an issue. We questioned the
15 Applicant before the DRT made its decision because on the sketch plan it just showed
16 these two units apparently on the same lot, that's not approved. So we, we requested
17 more information and we thought it was sufficient that they showed that these were zero
18 lot line. Certainly at the preliminary plan stage they'll have to make sure that they
19 comply and any information that we've heard here today we'll certainly use to make
20 sure it continues to do so. But that's not something we typically view or look for at the
21 concept stage. That was just additional information that we requested.

1 MR. TUTTLE: Just so I'm clear, so on any given subdivision, the actual vertical
2 product, the house that would be placed upon the lot, doesn't get reviewed until the
3 permitting stage typically, is that correct?

4 MS. HEGLER: Correct.

5 MR. TUTTLE: Thank you.

6 MS. HEGLER: Number three, unenforced minimum lot widths. We discussed this
7 as well. There's not a lack of requirement here, it clearly states that there's no minimum
8 lot size, so we felt that there was no minimum dimensionals other than the setbacks that
9 are defined. So we didn't view that as a lack of requirement, we viewed that as very
10 specifically; it could be five, it could 100. Number four, unspecified parking
11 requirements. We don't, again view that at this stage for residential parking. We just
12 look to make sure that the setbacks are in place and that's always assumed to, to
13 provide the parking, that's not something we look for at this detail, or at this level. Again,
14 as the cited pervious material requirement that the appeal makes, the Green Code does
15 not require the pervious materials; rather it states that you may use it and if you do so
16 you have to have a 50% minimum. So again, that was Section 26-186(H)(11), so it's
17 only, that requirement only triggers if in fact you do choose to use pervious materials.
18 Unenforced density standards. There was talk about, you know, the underlying zoning,
19 that's no debate, RS-LD is the underlying zoning and so that's where we start. We
20 talked earlier too about using the gross. The Green Code is not considered a rezoning
21 as it's been stated, it's sort of like an overlay if you will, sort of its own set of standards
22 or requirements. We view them the same. The nature of the project still remains
23 residential and there's a number of ways we can all compute the densities, but our Staff

1 came to the conclusion that there was not a major conflict or that it was no longer
2 harmonious with the RS-LD underlying acreage. Part of the project, if you look at it,
3 they, remember they prescribed 332 units? They've already drawn most of the
4 infrastructure in there. We took out the green space, 31 acres, so we calculated net and
5 gross and found it was certainly consistent with the Comp Plan and was not too out of
6 character with the RS-LD underlying zoning. Number six, rules of construction for
7 conflicting provisions. We, you know, the DRT and the Staff has interpreted the Green
8 Code as applying its own requirements therefore we did not find conflict. Only in a case
9 where there was an absence of a requirement would we go to the underlying, or where
10 it specifically stated, you start with RS-LD underlying zoning densities. But we, we felt
11 there was no reason to enact that conflicting provision. Those are my very, you know,
12 brief responses to, to the appeal. I will entertain any questions if you should have them.

13 MR. TUTTLE: Mr. Chairman, based upon the advice of counsel and after
14 reviewing the six questions that the Appellant made, I'll make a motion to deny the
15 appeal.

16 CHAIRMAN PALMER: We have a motion on the floor. Do we have a second on
17 the motion?

18 MR. MANNING: I'd like to hear Heather's -

19 MS. CAIRNS: I just have one -

20 CHAIRMAN PALMER: We can still have discussion.

21 MR. GILCHRIST: Go ahead, Heather.

22 MS. CAIRNS: It just seems odd to have motions and seconds and votes and
23 then discussion.

1 CHAIRMAN PALMER: Well, it's very common to have a motion and a second
2 and then have further discussion. If there's somebody willing to make a second at this,
3 at this time.

4 MS. CAIRNS: I mean, I guess that's one of my questions for Ms. Hegler is a part
5 of, you know, reviewing this plan and stuff, and what the, I mean, it's my understanding
6 that the Green Code has not been used, maybe ever, or not much in the county.

7 MS. HEGLER: That's correct.

8 MS. CAIRNS: And so, you know, when you sort of step back and just look at this,
9 I mean, does this sketch plan appear to be really anything different than what you would
10 just get as a typical development with usual parts left out because they're
11 undevelopable? Or do you feel that it has, you know, there is true concession to saving
12 all kinds of space that wouldn't otherwise have been saved?

13 MS. HEGLER: The latter. There is some significant set aside of, of prime
14 property. And I think even the appeal stated to that on two of the three sections. No,
15 there is, they're certainly above and beyond the average RS-LD neighborhood
16 application. And keep in mind that there's nothing being used in the way of a density
17 bonus.

18 MS. CAIRNS: Correct, I –

19 MS. HEGLER: They've not enacted that. So we're getting a lot of green space in
20 this application.

21 MS. CAIRNS: And they did have 30% set aside so they technically qualified for a
22 bonus and did not even meet their maximum density under, allowed?

23 MS. HEGLER: Yes, ma'am.

1 MS. CAIRNS: Okay. That's it.

2 CHAIRMAN PALMER: So we have a motion to deny the appeal that is on the
3 table. Do we have a second to that motion?

4 MS. MCDANIEL: Second.

5 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
6 All those in favor to deny the appeal please raise your hand. All those opposed?

7 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
8 *Van Dine; Brown, Sr.]*

9 CHAIRMAN PALMER: Okay. Alright, next case, text amendments. Text
10 Amendment # 1. Let's give it a minute for the room the clear. We'll just give it a minute
11 for the room to clear. Okay, Text Amendment #1.

12 **TEXT AMENDMENT #1:**

13 MS. HEGLER: My apologies, I thought it was there. Let me read this to you.
14 Text Amendment #1 is an ordinance amending the Richland County Code of
15 Ordinances, Chapter 25, Land Development, Article VII, General Development Site and
16 Performance Standards, Section 26-186, Green Code Standards, so as to clarify said
17 standards. The Roundtable met at the direction of Council to make some provided
18 recommendations to this. I'd be happy to go over some of those major
19 recommendations if you would like, or discuss anything else you'd like.

20 MS. MCDANIEL: Just give us the major ones.

21 MS. HEGLER: Again, just a brief history, it was April 24th at Zoning Public
22 Hearing, it was sent to the Development Roundtable for review and was asked to be
23 reported back within 60 days. We didn't quite meet that but we did have two meetings

1 with the Development Roundtable; you see June and July. Let me tell you a little bit
2 about the strategy that the Roundtable took. We had a really short amount of time to
3 investigate what we're learning is a fairly complex and sometimes ambiguous Code. So
4 we, we attempted to take, or we went in with two strategies, one was to do a complete
5 overhaul and it was felt that there wasn't enough time to actually undertake that. So
6 what the Roundtable decided to do was to take some of the main items that seemed to
7 be the most damaging or the most threatful or the most ambiguous and just attack
8 those. So three of those are listed here, are the ones that I'll go into detail about, but
9 there are a number of other changes proposed. The first is that there's no minimum
10 conservation preservation required to use the Green Code. We touched on a bit ago
11 that there was really no good definition of what you could use and what you couldn't.
12 But more over, there's simply not even a minimum to say you can enact this Code and
13 achieve the relaxation of the lot sizes. That's pretty silent, so we took that to be pretty
14 damaging. It's very clear on the density bonus, you have to have at least 30% to enact
15 the density bonus, but nothing to enact some other incentives or other parts of the
16 Code. So that needed to be addressed. There was some internal inconsistencies within
17 the document, it'd say one thing on one page and another on the next, so we fixed
18 those. Then there was the perception that there was a broad density bonus, that this
19 was something that was sort of, potentially damaging and, and as we used the word
20 earlier, not harmonious in character given how broadly you could apply those bonuses.
21 So addressing number one it was decided by the Roundtable to at least set a 10%
22 minimum to, to use the Code. That simply states that you have to have at least 10% of
23 your property set aside to enact the, you know, the relaxation of the lot sizes. You still

1 have to set aside 30 at least to get a bonus, so that hasn't changed. In reference to the
2 broad density bonuses, the Roundtable decided to remove some of the higher intensity
3 zones, these were all part of the Green Code. They were zoning districts that you could
4 apply it to, so they were moved other medium density, multi-family medium density,
5 multi-family high density and single-family high density, and that CC is Crane Creek, so
6 those were removed all together from applying the Green Code to those zoning districts.
7 They also modified the density bonuses; regardless of how you calculated it to set a net
8 density of seven per, per acre, seven dwelling units. There's some charts I think you
9 see in your document that speaks to that. That was determined by the Roundtable to be
10 really what was most, you know, what was feasible by the land that your given, by the
11 set aside and what was economically sustainable. And the Roundtable also suggested
12 a graduated scale for the density bonus. As it sits now, if you set aside 30% of your
13 property for conservation you get a 10% bonus. If you set aside 40 you get a 20%
14 bonus, and if you set aside 50 you get a 30. So that was graduated, you see here, to
15 kind of drop off in those higher zoning districts to just create some more equity and, and
16 compatibility between the land uses. They also, some of the things that were missing is
17 to require that the buffer transition yards be triggered by high impact uses so there's a
18 25' minimum. And it does explicitly state now that those could be applied towards your
19 conservation, where it's silent now.

20 MS. CAIRNS: I –

21 MS. HEGLER: Yes, ma'am?

22 MS. CAIRNS: What makes an area high impact use? Do we define that?

23 MS. HEGLER: It is defined in the Code and what it does is it triggers different –

1 MS. CAIRNS: But, I mean, like can you give me a good example?

2 MS. HEGLER: - setbacks, but we just – we're just stating this as being high
3 impact so that we get the larger buffer so it seems more compatible with the
4 surrounding land use.

5 MS. CAIRNS: But, I mean, so this, so if you did Green Code you are high impact
6 use.

7 MS. HEGLER: That's what the language says, is proposed to say, correct.

8 MS. CAIRNS: We're requiring a 25' setback around the entire perimeter.

9 MS. HEGLER: Part of the attempt there was to make it more compatible and sit
10 more harmoniously with its adjacent neighbors.

11 MS. CAIRNS: But then, and then that becomes part of your 10%.

12 MS. HEGLER: It does. That's what's being proposed. The Roundtable, you may
13 remember from some work a few months ago, also has provided recommendations for
14 fostering more environmentally sensitive development that applies to most development
15 processes. We made some things more consistent with that, which is already kind of
16 going through the motion of being adopted, so things like tree spacing and street and
17 sidewalk design, there was really no reason to make it separate and stand alone in the
18 Green Code, it was determined to follow whatever the Roundtable recommended in its
19 prior ordinance. Here's one of those things that was, was an inconsistency, the existing
20 feature site analysis plan that I think I mentioned earlier, which outlines some of the
21 great property features on the site, it was stated at one point in the Code that it was to
22 be submitted before the concept plan and then two pages later at the same time is the
23 concept plan, so we fixed some of those sorts of inconsistencies. And we also made

1 sure that the, that the FSAP, the future site analysis plan, be more consistent in what its
2 required to illustrate and be more consistent with the natural resource inventory that the
3 Roundtable also proposed in its prior ordinance. So this way you see a lot of the red
4 changes in there. It's just, it's just simply making sure that what appears on the FSAP is
5 the same as what's gonna be required by the natural resource inventory. There was no
6 reason for the discrepancy there. One of the, probably the last major amendments or
7 proposed amendments was to delete the option to convey the conservation easements
8 to a qualified entity. As it sits now you can do, you can turn it over to a qualified entity
9 like the Conservation Commission or you could turn it over to your POA and it was
10 legally determined that it could not be, or that no qualified entity would pick it up, it's not
11 a *quid pro quo*, there's no incentive to the developer to do this. So that, that's been
12 removed and it was determined that's really in the best interest of the applicant and the
13 development to turn it over to a POA. Some of the language clean up that we did, this
14 is one I just wanted to point out. There's no change in the primary conservation area as
15 its defined. We simply took out what we felt was redundant language.

16 MS. CAIRNS: Well, I mean, I, what's interesting is the way it was written before I
17 would say that you, it would be arguable that you had to have primary conservation, like
18 you had to have a steep slope, a 100 year, and then now you don't.

19 MS. HEGLER: We have a lot of conversation about that and actually the group
20 felt that the way it read, it said if you have it it has to be, it has to be listed. But I think
21 that's open –

22 MS. CAIRNS: And I'm not really sure –

23 MS. HEGLER: - to discussion.

1 MS. CAIRNS: - I mean, to me, you know, I think in my head, okay let's say I have
2 100 acres, it's been farmed forever and I decide I want to make it Green, should I be
3 allowed to use the Green Code if I just got 100 acres of dirt?

4 MS. HEGLER: Well, actually I think that the intent, they were, if you go back to
5 the original intent of the Green Code, it, it is still optimal to set aside anything to remain
6 undeveloped if it could be developed. I think that's the original intent, so I mean, we
7 talked a lot about how to define these conservation areas better, we just simply didn't
8 have time to make many improvements to that or, or changes if you will. But it was
9 determined that this was something, the way it was written it just, it stated to us that if
10 you have it you have to include as your, you have to protect it if you have one of these
11 items. And that just seemed like redundant language, but in way were we intending to
12 remove the requirement of keeping them or having them, or we weren't intending to
13 change this dynamic. So those are the sorts of word clean ups that the Roundtable
14 attempted to do, but I think – that's always open too for, for corrections if it doesn't fit
15 what you think. And I think that's –

16 MS. CAIRNS: I mean, yeah, I just know that, you know, reading through a lot of
17 the, I mean, I appreciate that you caught that there was nothing, there was no minimum
18 conservation area, which was sort of an interesting catch. But, I mean, the fact that now
19 what we're allowing is use of all, what appear to be required set aside areas anyways,
20 somehow then allowing you – cause I would offer that yeah, regardless of the density
21 bonus, just the fact that you get in essence from net to gross is your density is
22 automatically an enormous incentive to go Green. And so I feel that there needs to be a

1 lot to – and I’m not sure that we have that. I mean, I’d have to do it with sketch plans to
2 see.

3 MS. HEGLER: Sure. Sure, you could take examples.

4 MS. CAIRNS: But I just, I mean, to me it’s almost too easy now to go Green.

5 MS. HEGLER: It’s easy now, it’s still easy with these changes, but I think it’s a
6 little harder. But it’s not, it’s not optimal. I mean, it’s not the best it can be and I think that
7 the Roundtable would agree to that. This was, this is essentially what, what they were
8 able to accomplish in two meetings. But I don’t think there would be disagreement with
9 that statement that there’s more that could be done to make it harder, more
10 advantageous to both parties and get better at the intent of the Code.

11 MS. CAIRNS: This is just my own little pet issue. I think everybody who’s
12 watched me much knows the sidewalks, do they, I know you talked about not being
13 redundant with the Code which I like, but do they, can they sit up against the curb or do
14 they have to have tree lawns.

15 MS. HEGLER: They have to have tree lawns. That was something that the, was
16 proposed in the earlier work by –

17 MS. CAIRNS: And that’s still there.

18 MS. HEGLER: And that, yeah, that’s what this complied with.

19 MS. CAIRNS: So I guess one of the things that confused me on like page 42 of
20 our packet, we still have this gross/net calculation thing, and it seems to me that, you
21 know, with understanding so that you take your 100 acre parcel, your RS-LD so your
22 max density would be 363 units, just numbers I’ve done on the calculator so I only use
23 that, is that basically I’m allowed, so if I go Green I’m allowed to do up to 363 units

1 period. So why do we still have this net concept? It doesn't really matter what my, I
2 mean, if I happen to have a really long parcel that I've got existing roads on both sides
3 and I can somehow still make it Green with buffers, just humor me, I'll have, my gross
4 and my net may end up really close, and so I'm just, I was just confused as to why we
5 still ended up with this net thing. I mean, I just, I have problems with this net
6 phenomenon. It's like if we're gonna say, take your 100 acres, if you're RS-LD, 12,000
7 square feet, pull the calculator out, maximum number of units 363 unless you trigger a
8 bonus, that's it. It doesn't matter what I net out at. It doesn't matter how efficient I can
9 be with my infrastructure basically.

10 MS. HEGLER: Yes, I mean, I think what's shown here is just simply sort of
11 showing you what it would actually look like, cause there was a lot of concern over once
12 you've set aside a certain portion of your property and you've already, and you've
13 actuated a bonus on your gross, there some trigger.

14 MS. CAIRNS: But that's the whole, but it's not a bonus until they get – I'm talking
15 about the below 30%.

16 MS. HEGLER: Yeah, no bonus, correct.

17 MS. CAIRNS: But there's an effective bonus because I don't have to do the net
18 thing. Cause I get to the no minimum lot size.

19 MS. HEGLER: Yeah, the no minimum lot size.

20 MS. CAIRNS: No minimum lot sizes.

21 MS. HEGLER: That's correct, but you can't go over your gross.

22 MS. CAIRNS: So I'm getting more units than I otherwise would.

23 MS. HEGLER: That's – not that you otherwise.

1 MS. CAIRNS: Pragmatically than I otherwise would, unless I had, unless I had a
2 lot, unless I had land that was one lot deep that just went on forever. I mean, that's the
3 thing is you could potentially have existing infrastructure on all four sides of your lot that
4 allowed you to not have a net/gross change anyways. You know, I mean, just, imagine if
5 I was doing a five unit subdivision kind of thing and I had frontage along this long lot, I
6 could do my $\frac{3}{4}$ acre lots and I'd have the same net and gross. You know, so I mean,
7 there are, so that's why I just, I don't, you know, I would offer that I don't continue to like
8 this net/gross thing. I think it's part of what's so confusing about the density and I just, I
9 think it's more clear in here about the fact that you set the density on, just divide the
10 square footage by the acreage and that's how many you can put.

11 MS. HEGLER: That's what we were attempting to do is to make it clearer, cause
12 right now it's pretty silent on that as well.

13 MS. CAIRNS: But I'm not sure, I just don't, my notes still think it's silent. Yeah,
14 but I don't, I don't like us continuing to do this net/gross. I think we ought to just say, this
15 is how you're gonna figure out your density, that's how many dwelling units you can get
16 on your project, and not worry about the net thing.

17 MR. TUTTLE: We agree Heather.

18 MS. CAIRNS: Okay.

19 MR. TUTTLE: Don't fall over.

20 MS. CAIRNS: I'm just checking my notes, okay, I'm checking my notes.

21 MR. TUTTLE: No, I just said I agree with you.

22 CHAIRMAN PALMER: Heather, you –

23 MS. CAIRNS: I'm not always a problem.

1 CHAIRMAN PALMER: You want to hear from the people signed up or you want
2 to –

3 MS. CAIRNS: Sure.

4 CHAIRMAN PALMER: Okay.

5 MS. CAIRNS: I'm sorry if I go out of order, imagine that.

6 CHAIRMAN PALMER: That'll give you time to check your notes. That's okay.
7 We have a few people that are signed up to speak. Anything else from the Staff
8 presentation?

9 MS. HEGLER: No, sir, thank you.

10 CHAIRMAN PALMER: Okay. Yancey McLeod.

11 **TESTIMONY OF YANCEY MCLEOD:**

12 MR. MCLEOD: [Inaudible] Mr. Manning.

13 MR. MANNING: You wouldn't hold that against me, would you?

14 MR. MCLEOD: Nope. My name's Yancey McLeod, I'm here as a concerned
15 citizens. I think I'm getting ready to retire from appearing before these boards, been
16 doing it for about 40 years, but I care very deeply about our beloved county and I think
17 it's very, very important to have an effective Green Code that seeks to protect God's
18 resources in a fair and reasonable manner. I happen to believe, having spent my life in
19 the woods and on land, that there's a pretty simple way to do that. I believe, as a life-
20 long conservationist but also a passionate advocate of private property rights, most of
21 my clients are developers, I got a client in Virginia, for instance, it took me 14 years, but
22 two years ago in a development on the North Carolina coast we combined development
23 with conservation and made a \$35,000,000 gift to NC State University. So it can be

1 done and my job as a consultant is to show my clients where the money is. Well, you
2 know, I'm just here to tell you based on my experience, and I don't pretend to have all
3 the answers, that for every tract of land there's an appropriate development plan. Some
4 tracts are so sensitive that the plan should be nothing, but for most tracts of land there's
5 an appropriate development and I would submit, and I'm glad Val Hutchinson's here,
6 she's one of my heroes, is she still here? Yeah. That it would be real simple for
7 Richland County to have a group of professionals from various academic disciplines to,
8 step one, in every development plan submitted, go to that tract, five acres or 500 acres,
9 and in one day or perhaps if it's very large two days the most, this group could come
10 back with a recommendation for a footprint for development with reasonable protections
11 for the sensitive natural resources on the site. For instance, the tract y'all talked about
12 earlier, Longcreek, I have walked every square inch of that 140 acres with my biologist
13 and made recommendations, including a tree survey for exalipur and larger soft wood
14 and hardwood, pine and hardwood, with recommendations because, I would submit to
15 you a primary conservation area in this day and time should include a classic sandhill,
16 eco-region natural plant community which this tract has. I would submit to you, Ms.
17 Cairns, that the southernmost village proposed is a very important plant community in
18 our community, in Richland County. And we also recommended the protection, Mr.
19 Tuttle, of clusters of examples of that classic sandhill plant community, which we
20 identified and numbered. I was, and I'll tell you today that if they implement the plan
21 with the buffers and the protections and 80% protection of the specimen trees that we
22 identified and GPS'd, if they do that, and I would hope they even go further to take my
23 recommendation of literally taping off those buffer areas and sensitive areas during land

1 disturbance and have very stiff penalties for any encroachment into those areas,
2 including stacking bags of concrete or machines or anything, there should be zero
3 encroachment into those areas, then we would have a very nice development as it
4 relates to natural resources. I'm not here to say whether or not it should be there or not
5 be there or how many cars are gonna be there, that's not my expertise. But I am
6 pleased to have this opportunity to stand before you plead for an effective Green Code
7 and I appreciate very much your time. Thank you.

8 CHAIRMAN PALMER: Thank you, Mr. McLeod. Sam Brick? Followed by David
9 Kirkland.

10 **TESTIMONY OF SAM BRICK:**

11 MR. BRICK: Yeah, my name is Sam Brick, 124 Runnymede Drive, Blythewood,
12 South Carolina. I'm gonna limit this just to the revisions. I'm very much in favor of a
13 Green Code to be real frank with you. I love the Green Code. I think it'd be great even in
14 our area if it's done correctly. But there are a couple of things that aren't clear. One,
15 what they're doing right now is they're taking out primary conservation areas, it's not
16 redundant, it's just taking it out. It's not gonna be – primary conservations are required
17 to be included in the conservation area. They're saying it's not gonna be required. And
18 then they're giving a 10%, 10% which is now 30% if you read it and don't make the
19 condition precedent, the result, it's 30% is the basic minimum for you to get anything
20 under the Green Code if you read the Green Code in comparison to the rest of the
21 Code. Okay? So what they're doing is they're, anybody can come in with 10%, they
22 don't have to have a primary conservation area, they can use buffers and things that
23 area already required without any set aside, 10% and no primary conservation areas.

1 And then they can use any kind of limitation that they want. You guys won't have any
2 more say on zoning. They can, they don't care, there won't be any zoning, Chapter 5
3 gives you your zoning areas. You won't have any say in it. The Council won't have any
4 say in zoning because the appeal is not to you or to them, it's just to the Zoning Board,
5 period. So that's the changes that they're giving you. They haven't taken care of the
6 redundancies. I think they're strong redundancies in there, maybe she doesn't agree
7 with me on some of the redundancies the way they read, I think they do. You heard me
8 earlier, you already made your decision on that. I think you have to admit there are
9 redundancies. But they don't take care of those redundancies. The revisions don't take
10 care of those redundancies. The revisions are poorly made. And, you know, little things
11 like graduated bonuses, she makes a big deal about graduated bonuses, they're in the
12 Code right now. Look at the Code subsection I, right at the bottom of subsection I it had
13 graduated bonuses, she keeps telling people, well we do this great thing, put graduated
14 bonuses in, they're already there. You know, that just tells you a little bit about what
15 the, what's going on with these people, what they're doing. They're, that's all I wanted
16 to say, basically, they're the main things that I wanted to say, they're not taking care of
17 the ambiguities, the problems, they're causing more problems with the zoning areas
18 they have in there, these things are not well done. That's all, thank you.

19 CHAIRMAN PALMER: Thank you, Mr. Brick. David Kirkland.

20 **TESTIMONY OF DAVID KIRKLAND:**

21 MR. KIRKLAND: I'm David Kirkland, 204 Craigwood Drive, Blythewood. I'm not
22 against the Green Code, I'm against it in developed areas. A couple of months ago we
23 had a zone hearing in here and in that discussion Longcreek, percentages might vary a

1 little bit, but it's 90% built out. To apply the Green Code to existing development, you're
2 changing the character of those neighborhoods. This is the biggest threat to a
3 homeowner's value and their neighborhoods that has ever been presented regardless
4 of any economic slowdown we've had. If you're going to have a Green Code set it up in
5 a new development so from beginning on you know what's gonna happen. Don't come
6 out on the back end of development, change the entire character of that neighborhood.
7 Now, my focus when I leave here is to educate every homeowner and homeowners'
8 association in Richland County to this threat, because I'm afraid what you're gonna
9 leave us is only one alternative and that's court relief. Because you are threatening the
10 foundation of established neighborhoods by applying a Code that contradicts every bit
11 of zoning restrictions that you've had in place for over 40 years. Please, if you're gonna
12 use a Green Code, new development, not in existing development, and please put
13 some kind of build out that if it's 50%, 60%, it can't be used. Again, the character of the
14 neighborhood at Longcreek is not matched to anything these people have talked to
15 today. Thank you.

16 CHAIRMAN PALMER: Thank you. Phillip Butler? Bernie Randolph?

17 **TESTIMONY OF BERNIE RANDOLPH:**

18 MR. RANDOLPH: Again, Bernie Randolph, 212 Cartgate Circle, that's
19 Windemere. I'd like to spend just a minute and ask Tracy some questions. Tracy, you
20 say the maximum number of homes that you could put on –

21 CHAIRMAN PALMER: Mr. Randolph, this is not a personal forum for you, you
22 and Tracy to have a discussion. I mean, if you have some input that you'd like to put
23 towards these changes to us –

1 MR. RANDOLPH: Alright, fine. Fine. The interpretation is that on 100 acres you
2 can put 363 homes. Correct?

3 CHAIRMAN PALMER: No, sir, we're not addressing that case anymore –

4 MR. RANDOLPH: Okay, alright, alright.

5 CHAIRMAN PALMER: - what we're addressing are the changes –

6 MR. RANDOLPH: Alright, let me do it this way.

7 CHAIRMAN PALMER: - are the changes to this Code.

8 MR. RANDOLPH: Three hundred and sixty-three homes is predicated on 12,000
9 square feet per lot in RS-LD, okay? The definition of density in your ordinances is the
10 number of dwelling units per acre. Okay? Works out to 12,000 square feet. Now, that's
11 a factor of 3.63 units per acre. Alright? And if we're gonna allow a bonus to that,
12 shouldn't that bonus be to the number of units per acre? I would think it would be, that
13 would make it approximately 3.99 units per acre. Okay. But it still has the restriction of
14 saying that you can't put any more than 3.99 units on any acre. That's the way it works
15 guys. That's the way it is, that's the density as defined by your own ordinances. So I
16 think when you calculate the number of lots on a tract of land, you have to do the
17 arithmetic to get down to what's actually buildable and then apply that density factor to it
18 to determine the number of lots. That's a part of the Green Code that isn't clear and it's
19 not being interpreted in our estimation correctly, and that's all I want to say. Now that
20 plus the fact that whatever's done to the Green Code I think should not restrict review of
21 the project once it's accepted to be Green Code from being reviewed by the Planning
22 Commission and by the County Council. Alright?

1 CHAIRMAN PALMER: Thank you. James Skiff? Jane Jorganson? That's all we
2 have signed up to speak. Well, my personal thought is that what we have in front of us
3 is a Band-Aid on a larger issue. I see certain concerns from the community, I see
4 certain concerns from Planning Commission Members, I see certain concerns from Staff
5 and I have certain concerns that I don't think are addressed currently in what's put
6 before us. I think this is a halfway done issue and I personally don't like patch working
7 things. If we're gonna take a look at something, let's do it in a orderly and workmanlike
8 manner and take a look at the issue as a whole and fix the issue completely, not
9 halfway. You know, having said that, you know, you can continue to take steps along,
10 and steps along, but somewhere in the process I think when you take a look at the
11 Green Code as a whole it needs to be addressed as a whole, it doesn't need to be
12 patched along. So I, to that point while I think some of the changes are good in what is
13 set before us, I don't think it goes far enough to change things that need to be changed,
14 and I couldn't support something as a halfway patch. I think it needs to be addressed
15 wholly and completely at once as opposed to taking baby steps and not telling what
16 these changes are going to apply to what something else may need to be down the
17 road, and then we have to come back and change some of these changes that we
18 already made. When we took a look at the Development Code, the complete Chapter
19 26 years ago, we took a look at Chapter 26, went through it, got input from all sides, and
20 worked our way through the whole Chapter 26. That's the same way with this, it doesn't
21 need to be a simple, you know, punt at a time, everything builds on each other in the
22 Green Code and needs to be addressed all at once. That's why I couldn't support a
23 simple patchwork process.

1 MR. TUTTLE: To dovetail on what Mr. Palmer said, you know, ironically the
2 Roundtable, which I'm a fan of, had much more opportunity to look at this than the
3 actual Planning Commission had, I think we've had less than a week to review this very
4 important Code. And admittedly Ms. Hegler said it wasn't quite there. If you got all of the
5 parties together and actually involved the Planning Commission in the process this time,
6 how much time you think we would need to get an ordinance that we're all really proud
7 of?

8 MS. HEGLER: I really don't know, a couple months. But coincidentally maybe,
9 they, the Roundtable is starting some work on another set of principles, one of the
10 original things that they were asked to do. And those principles that have been
11 remaining are this sort of discussion, open space, set asides, how do you incentivize
12 developers to do those open space provisions? So I mean, I think there's actually a
13 great opportunity to look towards the next step and, you know, more opportunities to
14 work together. We can certainly engage and do that together, so I think it's good timing
15 to consider what could be next and what could be the next great thing in working
16 together. But I think a couple months, I mean, it sometimes just comes down to
17 scheduling. I mean, we just really just had a bear of a time scheduling the ability to do
18 better and to meet more often than what we have.

19 MR. TUTTLE: My reluctance to move forward on what's in front of us that the
20 appetite might not be there to take it back up and get it to its best form going forward, so
21 I would be remiss in trying to take this forward.

22 MS. CAIRNS: Well, but if our choice is to leave it intact or to at least make some
23 improvements, I mean, I know there's another motion, I mean, another text amendment

1 coming forward to reject the entire Green Code, but I think on this one to say, well we've
2 got some problems in the Code so let's not make any changes, I think is problematic. I
3 mean, I think that these, cause I mean, just the fact that if you read the Code today you
4 could simply say, here's my 100 acres I'm gonna call it Green and you really don't have
5 to do anything, but you lose the dimensional lot standard requirement just because
6 you've called it Green without setting aside any minimum. I mean, so I think this is not
7 an idea fix of the whole thing but I think it's a necessary step under the whole, I mean, I
8 would support the changes because I think it is, I don't think it's a finished product but I
9 definitely think it fixes some significant short fallings in the Green Code as it stands right
10 now.

11 MR. TUTTLE: Yeah, I just, I worry that if there is a potential best product
12 available in 60 or 90 days that now you're gonna have some projects in line under the
13 old Code, some under the halfway modified Code and then you're gonna have an
14 entirely new Code that comes online too, and if you think there's confusion now wait till
15 you get to end of all that.

16 MS. CAIRNS: Well, but we have no idea what's gonna happen in the – I mean,
17 what we know is today we either leave it intact or we start fixing it, and I have a hard
18 time saying, I know we'll get it to in the future so let's just wait. And I'm like, no I have a
19 hard time with that.

20 MR. TUTTLE: Well, I feel like this Body should've had an opportunity to work on
21 this document more than a week ahead of this meeting.

22 MS. CAIRNS: I don't disagree but at the same time we sit here today with this.

23 CHAIRMAN PALMER: Mr. Manning?

1 MR. MANNING: Mr. Chairman, I think everybody senses the frustration with the,
2 the size and scope of this ordinance and the changes that we're being asked to make
3 and having a short period of time to do it. But I think we could defer this action, the
4 Roundtable continues to work, Staff continues to take information and feedback from
5 us, and it hopefully will get better quickly, but I'm like you that I have a hard time Band
6 aiding something and coming back and coming back and coming back, when we know
7 it's incomplete now. Let's just get it done now.

8 MS. CAIRNS: Well I have a harder time with an existing Code that we know has
9 problems just leaving it intact.

10 MR. MANNING: Well, I don't –

11 MS. CAIRNS: Cause to defer leaves, I mean, it's not a pending Code.

12 MR. MANNING: Well, I'm gonna make a recommendation in a little bit that
13 wouldn't, but.

14 MS. CAIRNS: I understand.

15 CHAIRMAN PALMER: I just, I personally cannot support knowingly passing
16 something you know doesn't address the issue and maybe even incorrectly addresses
17 issues just simply to meet some falsified timeframe that may be out there. And I
18 personally haven't had, with the amount of time we've had here, I haven't been able to
19 take a look at this in its, at a very minimum, in my opinion, needs to be deferred, but I
20 don't even think we need to do that, I think we need to address the Code as a whole,
21 but to take a look at how these numbers do in fact, I mean, we've got, within this room
22 you've got four different opinions on what net versus gross, you've got, you know,
23 should the – well, we were talking about should the net, should it be taking the net like

1 Mr. Randolph said, you know, do you take the gross property or do you take the net of
2 the property – started out with it's the same argument – well you have to have the front
3 yard buffer already so why should you be able to claim that. It's the same thing as
4 saying, well you have to put in infrastructure, why shouldn't you be able to claim that? I
5 mean, it's just, these are the kind of discussions that need to occur that haven't been
6 able to on a Code that is extremely important to our county, and the, my, I personally
7 haven't had enough time to deal with even the changes that were presented for us, and
8 I can't support moving forward on something that's a patch, when I know it's wrong.

9 MS. MCDANIEL: So what was the original impetus to get this done right now?

10 MS. HEGLER: Council requested that we return it as quickly as possible.

11 MS. MCDANIEL: Okay.

12 MS. CAIRNS: I mean, I just think that the fact that it doesn't have any minimum
13 green space. I mean, you can just call yourself Green and not set aside, like hardly
14 anything, just put sidewalks in, like I mean, I'm not really, if you just broke it down and
15 just said, here's my 100 acres, I'm gonna call it Green, what's the dead minimum the
16 existing Code requires you do to? Not really anything. You know, all the 30% gets you
17 bonuses but you don't have to set aside 30% green. You know, the way it is right now
18 I'm not sure you have to do anything and I think that's the, like red flag, red flag, which I
19 have major heartburn leaving that sitting here without some requirement, you know, that
20 there be some green set aside.

21 MS. MCDANIEL: Well from a practical standpoint, isn't it the case that hardly
22 anyone has used this in the first place?

23 MS. CAIRNS: Yeah, but maybe, but –

1 MS. MCDANIEL: So I would feel like that gives us, we know that it isn't being
2 used except for in the rare case, so that to me would argue in favor of doing it as a
3 whole correctly, because there's not, I don't see a whole lot of threat out there of
4 somebody using it before we can get it done properly. Do you disagree?

5 MS. CAIRNS: I disagree.

6 MS. MCDANIEL: Okay.

7 MS. CAIRNS: I do. I think that sort of, you know, now that it's kind of been, you
8 know, used and sort of scrutinized, and I think that there could be a real chance for
9 people to run and grab it because I think the lack of dimensional standard requirement
10 is huge.

11 CHAIRMAN PALMER: You know what, let's –

12 MS. CAIRNS: So that's, that's my, you know, that's, I mean, I don't have anything
13 really more to say, I think I've said what I need to say.

14 CHAIRMAN PALMER: We may can proceed forward on this issue. Can we, it
15 may work best if we defer this Text Amendment to the end of the Text Amendments.
16 And take it up last. So we can have discussion on the other Text Amendments prior to
17 and a vote on the other, the other ones prior to the discussion of this one. In other
18 words the motion –

19 MS. CAIRNS: I mean, I know, I follow totally what you're saying.

20 CHAIRMAN PALMER: So that may be, that may be a better solution. If we can
21 have a, you know, somebody would like to make a motion to move this to the end of our
22 Text Amendment discussion.

1 MS. CAIRNS: On that I'm gonna ask for an Executive Session if we can, just
2 real – it'll be a quick one but can we move into Executive Session just for a second? I
3 have a legal question, I do.

4 MS. LINDER: A request of legal advice?

5 MS. CAIRNS: Yes, ma'am.

6 CHAIRMAN PALMER: Okay. Do you have to have a motion for that? You don't
7 have to have a motion for that, do you?

8 MS. LINDER: Actually you need a motion.

9 CHAIRMAN PALMER: Oh, come back in here real quick guys.

10 MS. CAIRNS: I would like to make a motion that we go into Executive Session to
11 get legal advice from counsel.

12 MR. TUTTLE: Second.

13 CHAIRMAN PALMER: All those in favor say aye.

14 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
15 *Van Dine; Brown, Sr.]*

16 *[Executive Session]*

17 CHAIRMAN PALMER: Amelia, can you report us out?

18 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive
19 Session to receive legal advice, no action was taken.

20 CHAIRMAN PALMER: Okay. Alright, we'll wait on David to get back real quick.
21 It's my thought that perhaps postponing this until later in the discussion may be helpful.
22 I'm not sure, but it probably couldn't hurt. Do we want to reorder this or defer this item
23 until the end of the text amendments.

1 MS. CAIRNS: I'll make a motion that we withhold our vote on the Text
2 Amendment on amending the Green Code until later in today's hearing.

3 CHAIRMAN PALMER: So a motion to move Text Amendment #1 till the end of
4 the Text Amendment items?

5 MR. TUTTLE: Second.

6 CHAIRMAN PALMER: Is that right?

7 MS. CAIRNS: That's correct.

8 CHAIRMAN PALMER: We have a motion and a second?

9 MR. TUTTLE: Yes.

10 CHAIRMAN PALMER: All those in favor say aye. Any opposed?

11 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
12 *Van Dine; Brown, Sr.]*

13 CHAIRMAN PALMER: Good. Text Amendment #2.

14 **TEXT AMENDMENT #2:**

15 MS. HEGLER: Text Amendment #2, amending the Richland County Code of
16 Ordinances, Chapter 26, Land Development, Article VII, General Development Site and
17 performance standards, Section 26-176, Landscaping Standards, protection of existing
18 trees during development, paragraph 3, exemption tree protection so as to remove the
19 buffer and BMP requirements for forestry activities. Carroll Williamson's gonna speak
20 really briefly to that.

21 MR. WILLIAMSON: This Text Amendment is to just clean up some language
22 that was in contradiction with state law concerning timber harvest, so I'll just go down
23 the piece of paper. In 2009, the General Assembly enacted Act No. 48 of 2009, titled

1 The Right to Practice Forestry Act. It stated that a county or municipality must not adopt
2 or enforce any ordinance, rule, regulation, resolution or permit related to forestry
3 activities on forest land. That is, and then those five things are just standard categories
4 that timber harvest fall into. And then in June of 2012, the South Carolina Attorney
5 General issued an Opinion on the interpretation of the above portion of the Act. He
6 concluded that a county or municipality may not impose buffer requirements of any kind
7 on qualifying forestry activities whether or not such buffers apply to other land uses.
8 The whole purpose of the Act is to protect forestry activities on forestland.
9 Establishment of a buffer zone, while such activities are ongoing defeats the purpose of
10 the Act. And then, so that's in violation of our ordinance as it currently stands in the
11 landscape ordinance addressing tree protection. And down there is what we're planning
12 to just eliminate is what's in bold. So commercial timber tree farms, agricultural
13 operations or timber clearing on private property are exempt from tree protection
14 requirements, but must comply with the buffer requirements and other voluntary
15 protective measures known as Best Management Practices. In addition to the Best
16 Management Practices this shall include an undisturbed buffer along the entire
17 perimeter of the property including road frontages except for approved access
18 crossings. Such buffers shall be 50' wide or equal to the required setback for the
19 zoning district in which the property is located, whichever is greater. Now this is an
20 issue particularly dealing with Richland County because I think the Attorney General is
21 addressing Richland County on this is because we have gone out and issued citations
22 to timber operations because they encroached on that 50' buffer and so this is, and I
23 think the City of Charleston has something very similar to that and this is, the Forestry

1 Commission asked the Attorney General to give an opinion on this and his opinion says
2 you can't put a buffer requirement on legitimate timber harvest, unless it is in
3 conjunction with development. But just generally speaking we can't go out there, if
4 someone call and says, they're clear cutting a piece of property and they're cutting all
5 the way to the road, that's not in violation of Richland County landscape ordinance. So
6 we eliminated that part.

7 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that the second Text
8 Amendment regarding existing tree buffers be sent forward to Council with a
9 recommendation for approval.

10 MS. MCDANIEL: Second.

11 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?
12 All those in favor say aye. Any opposed?

13 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
14 *Van Dine; Brown, Sr.]*

15 CHAIRMAN PALMER: Good. Next Text Amendment. And by the way we didn't
16 have anybody signed up to speak on that one. Just thought I'd let you know.

17 **TEXT AMENDMENT #3:**

18 MS. HEGLER: Text Amendment #3 is an ordinance amending the Richland
19 County Code of Ordinances, Chapter 26, Article IV, Amendments and Procedures,
20 Section 26-53, Land Development Permits, so as to clarify the permitting process. And
21 Geo, who is handing out more paperwork for you, will speak to that.

22 CHAIRMAN PALMER: So much for the trees we save.

23 MR. PRICE: We do not kill trees, we recycle them.

1 MS. CAIRNS: Oh, I have one request while this is being handed out. You guys
2 are great about mailing us our packet and then sending us email amendments. Could
3 we somehow have highlighted what's been amended? Cause if I've already written and
4 read through my whole packet – so, I mean, somewhere just highlight where you guys
5 have changes so I know whether I need to pull them in. Does that make sense? Cause
6 otherwise I just like, here's your amended packet, I'm like, handy.

7 MS. HEGLER: You've got to go all over it again. Sure.

8 MS. CAIRNS: Right, cause I mean, has one page changed or 50? So, that's,
9 okay.

10 CHAIRMAN PALMER: Alright, Mr. Price.

11 MR. PRICE: Yes, sir. Actually I believe that – well, I speak on it as individual of
12 course, but looking at sections 53 and 54, 26-53 and 54 of our Land Development
13 Code, they've been a long time coming of Staff actually proposing ordinances. I think
14 even when we adopted these back in, I would say '05 but it was actually before that, just
15 as some of the other amendments we have, the more you work with it and the more you
16 look at them you realize that there needs to be some certain tweaks and changes to
17 those. And so in this case this is what we're proposing before you. The first amendment
18 you have before you, 26-53 deals with land development permits. And these are
19 primarily what you file for your commercial type developments. What I gave you in your
20 packet, of course, you did have what we were proposing with some of the strike
21 throughs, some of the additions, but what I've given you is a more updated version
22 where I think after looking back on them there were a few more proposals we wanted to
23 bring before you. I'll actually highlight those right now because I believe you read your

1 Code so you'll know exactly what I was looking at. On page 9 in blue, what we've done,
2 you know, previously in our Code – what this does is it, one of the things that we're
3 trying to do is a lot of these projects are by right uses and what they end up turning into
4 really is more of a kind of a public hearing item. So what we're doing is we're still giving
5 the option of an appeal, but what we're doing is we're gonna post of the findings of the
6 DRT outside the Planning Commission, excuse me, outside the Planning Department's
7 office and it states that anyone, not just an adjacent or abutting or contiguous property
8 owner, but anyone would have the opportunity to come in and appeal, but it would just
9 be appealed on decisions of Staff. So that's one of the first changes. Actually that was, I
10 believe that was the only change for 53, just to add that language. But if you have any
11 questions regarding 53 I can address those or if you would like we could just go through
12 this line by line.

13 CHAIRMAN PALMER: Any questions for Geo? Or anybody want to go line by
14 line?

15 MS. CAIRNS: What, I mean, I caught one spot that I was just gonna ask real
16 quick. Under, let's see, it's page 8 on the packet you just gave us, (C)(2)(a), it talks
17 about if the development project is deemed to be in compliance a copy is sent to the
18 Planning Commission for our info?

19 MR. PRICE: Yes.

20 MS. CAIRNS: I mean, do we get, I mean, I, does that need to be in there? I
21 mean, why do we get a copy of approved stuff? I haven't, I mean, have we historically
22 gotten that? I'm sorry, I'm not letting you talk.

1 MR. PRICE: On a roll today. Actually, and that's something we talked about, I
2 think we may have periodically given you copies of the DRT's meeting, of what
3 transpired at those meetings, but I don't think we've done it on a regular basis so that
4 you would actually remember those. But this is something that we will definitely start
5 transmitting to you because I think it's important as the Planning Commission that you
6 look at not just one particular area or rezoning, you just got to see what's happening
7 areas throughout the county as developments are being approved, you'll have that
8 information.

9 MS. CAIRNS: Okay.

10 MS. MCDANIEL: That's something that was already in the ordinance, that's not –

11 MR. PRICE: It, it was, it's just something that we definitely make sure that you
12 start getting that also. So I'm glad you brought that up.

13 MS. CAIRNS: Okay. Fine, I don't have any problem with that, I just knew we
14 hadn't been doing it.

15 CHAIRMAN PALMER: Anything else for Mr. Price?

16 MS. MCDANIEL: So the only change to the Text Amendment, the amended Text
17 Amendment is what's in blue on page 9.

18 MR. PRICE: Yes.

19 MS. MCDANIEL: Everything else is the same, okay.

20 MR. PRICE: Yeah, and what this did, it's a matter of clarifying and getting this to
21 match other ways that we review projects.

22 CHAIRMAN PALMER: Right. Okay. Any other questions for Mr. Price? We don't
23 have anybody signed up to speak on this issue either.

1 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we send the third
2 Text Amendment forward to Council with a recommendation of approval.

3 MS. MCDANIEL: Second.

4 CHAIRMAN PALMER: Hold on one second. Amelia?

5 MS. LINDER: Mr. Tuttle, is that motion to approve the amended version that's in
6 front of you?

7 MR. TUTTLE: Yes, I'm sorry.

8 MS. LINDER: The amended version.

9 MR. TUTTLE: I'd like to make a motion to send the most recent amended one, is
10 there an amendment date?

11 MR. PRICE: I do not have one on here, I think we can.

12 MR. TUTTLE: Can we call it today's date? Thank you.

13 CHAIRMAN PALMER: Okay, we have a motion and a second to send forward to
14 Council with a recommendation of approval the Text Amendment #3 as amended. Who
15 seconded?

16 MS. MCDANIEL: I did, second.

17 CHAIRMAN PALMER: All those in favor of the motion please say aye. Any
18 opposed?

19 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
20 *Van Dine; Brown, Sr.]*

21 CHAIRMAN PALMER: Text Amendment #4.

22 **TEXT AMENDMENT #4:**

1 MR. PRICE: Once again, pretty much the same reasons that outline [inaudible].
2 Okay, this deals with subdivisions so some of the changes, there were a few more
3 changes involved in this. And once again you've had this so what I will do is I will go
4 through some of the changes that were made on the amended version that you have
5 before you now. On page 7, under (H)(1) under Recordation, it is, we've changed that
6 from 30 days to 180 days. And that's just stating that the minor subdivision must be
7 recorded within 180 days.

8 MR. TUTTLE: Mr. Price, just as a point, should number two be 181 days?

9 MR. PRICE: The approval validity?

10 MR. TUTTLE: I mean, it's hard to have it approved and invalid on the same day.

11 MS. MCDANIEL: Hum-um (negative).

12 MR. TUTTLE: You can do that? That makes sense?

13 MS. MCDANIEL: I think the within 180 days would include the 180th day.

14 CHAIRMAN PALMER: Yeah, I think so too. But either way, whatever y'all think.

15 MS. CAIRNS: Well, it should be the same number.

16 MR. TUTTLE: Alright.

17 MR. PRICE: So 181?

18 MR. TUTTLE: No, they said leave it.

19 MS. CAIRNS: Leave it.

20 MS. MCDANIEL: No, it needs to be the same.

21 MR. PRICE: So those were the changes on that page.

22 CHAIRMAN PALMER: Mr. Manning?

23 MR. PRICE: And on page – oh, I'm sorry.

1 MR. MANNING: Mr. Price, on subdivisions we extend the time, does that also
2 include lot combinations? Would that fall under subdivision?

3 MR. PRICE: Yes.

4 MR. MANNING: It does?

5 MR. PRICE: Yes, sir.

6 MR. MANNING: Okay.

7 MR. PRICE: If you will turn to page 10, that's the same language we previously
8 discussed under 26-53, and notice would be given of the DRT's decision and the time
9 established for the appeal, that was placed in there.

10 CHAIRMAN PALMER: For clarification, that's simply an appeal, that's not for any
11 input from the Planning Commission as far as to the validity of the, of the layouts or any
12 of that kind of stuff, it's just simply an appeal like we had today of, did the DRT follow
13 our Code?

14 MR. PRICE: Yes, sir, it'd be –

15 CHAIRMAN PALMER: Okay.

16 MR. PRICE: - more of the appeal that Staff made an error on just interpretation of
17 the Code. It's gonna be more specific as to what it is as opposed to, you know, maybe
18 what you had before you today. And I think the, some of the other major changes, if you
19 will look at page 18, I'm sorry, page 15, 18 and 21, the way that it's currently, the way
20 the Code is currently written, you can appeal basically at every stage, so you can come
21 in, someone does a sketch plan, we're gonna appeal that, someone does the next stage
22 of the preliminary, we can appeal that, somebody comes in and they want to turn in the
23 bonded, right, that's next, bonded, you can appeal that, and go to the final, can appeal.

1 So you can find ways that, that a project can definitely be held up. You know, once
2 again we're kind of talking, we're talking about a by right use so what we've done is
3 we've eliminated the other appeal [inaudible] within each of those phases for
4 subdivision and we've limited them to the sketch plan.

5 CHAIRMAN PALMER: So basically once, once it's in sketch plan stage you've
6 determined whether or not the zoning classification is correct, whether or not the lot size
7 is correct, cause all that's on the sketch plan, right?

8 MR. PRICE: Yes.

9 CHAIRMAN PALMER: The lot sizes, the access points, so forth and so on. Then
10 the rest of it is a black and white issue.

11 MR. PRICE: Yes.

12 CHAIRMAN PALMER: Moving forward it's whether or not those things were
13 applied correctly from the Staff.

14 MR. PRICE: Yes.

15 CHAIRMAN PALMER: On the sketch plan.

16 MR. PRICE: Yes, sir.

17 CHAIRMAN PALMER: Correct?

18 MR. PRICE: Yes, sir.

19 CHAIRMAN PALMER: Okay.

20 MS. CAIRNS: I mean, there must be some changes that occur between sketch
21 plan and final from bonded. I mean, I understand not wanting to offer this appeal
22 process on every single step, but to simply say the first step that's it seems odd too,
23 sorry.

1 MS. HASTY: Yeah, probably the, I guess the biggest step between sketch, your
2 sketch is more of your concept or layout plan and then the preliminaries, you know, it's
3 the big set that comes in typically prepared by a civil engineer. So at that point that's
4 where all the detailed engineering work happens. So there are some, you know, more
5 technical details that occur between the sketch plan stage and the preliminary stage.

6 MS. CAIRNS: I mean, could it, could you offer an appeal at the final stage that
7 would only allow appeal on the changes since the sketch plan?

8 MR. TUTTLE: But Heather, to be fair the project's complete at the final plat
9 stage.

10 MS. CAIRNS: Or whatever, some later step. I mean, maybe I'm a little bit too far
11 down. I mean, agree that every step is maybe too much.

12 MR. TUTTLE: Right.

13 MS. CAIRNS: But only the beginning step doesn't sound like enough.

14 MR. PRICE: Yeah, I don't this may help clarify it. The appeal at the sketch plan
15 is really the appeal of the DRT.

16 MS. CAIRNS: Okay.

17 MR. PRICE: That's what that deals with. Really at any time if someone found
18 that, you know, felt that Staff made an error –

19 MS. CAIRNS: Sure.

20 MR. PRICE: - you can appeal that. Now, in this case it may go to the Planning
21 Commission or the Board of Zoning Appeals. But if you feel that, looking at the plans
22 that Staff made an error in approving them based on the provisions of Chapter 26, you

1 can appeal that. But what you have in here now is you're appealing a decision of the
2 DRT. Because these don't, preliminary and the rest of them do not go to the DRT.

3 MS. CAIRNS: Okay. What – I mean, I don't understand how – so if a member of
4 the public felt that some error had been made by Staff in terms of as it went through the
5 process, the public wouldn't even see the process at all, right?

6 MR. PRICE: Right.

7 MS. CAIRNS: Until the project was actually getting built at which point then it's a
8 chaotic event. But that's – but those happen, but those happen.

9 MR. PRICE: Right. And remember, once again, these are by right uses anyway.

10 MS. CAIRNS: Sure, sure.

11 MR. PRICE: So we're just really just doing a review of, making sure they are in
12 compliance with the provisions of our Codes.

13 MS. MCDANIEL: But Planning Staff could make a mistake there.

14 MR. PRICE: Correct.

15 MS. MCDANIEL: So what if Planning Staff makes a mistake, it just goes
16 unappealed?

17 MR. PRICE: Well, even – right, even currently, right now during the DRT that's
18 when you make, somebody, that's normally when the appeal's gonna come through.
19 The, we do not have any meetings where the public is invited for preliminary or any
20 other stages.

21 MS. CAIRNS: But I think that – I mean, if at the end of the day someone starts
22 building, pulling building permits and a member of the public finds some fundamental
23 mistake, you could, you could ask a stop work order to be issued because if it, I mean,

1 even if, I think that even if the Staff were to approve something that ended up being
2 wrong, the law's gonna win over the Staff approval.

3 CHAIRMAN PALMER: Right, well this is our mechanism internally to take a look
4 at something –

5 MS. CAIRNS: Right.

6 CHAIRMAN PALMER: - from, I mean, I don't want to oversee what the Public
7 Works Department is doing, I mean, I don't want to know is –

8 MS. CAIRNS: Right, no, I'm not – right.

9 CHAIRMAN PALMER: - a 15" pipe or a 13" pipe that's needed, you know.

10 MR. PRICE: And actually that wouldn't be appealed to you anyway.

11 CHAIRMAN PALMER: That's what I'm saying, I mean, I don't want any of that
12 stuff.

13 MR. PRICE: Yeah, you will be, you will appeal the provisions of Chapter 26,
14 which primarily deals with the Planning Department.

15 MS. CAIRNS: Okay. So, I mean, it sounds like the greatest discretion as it were
16 of the DRT is at that first step, and that from there on it really is just a matter of like
17 engineering T-crossing, I-dotting, making sure it actually works.

18 MR. PRICE: Correct. And remember, once you submit those files are always
19 open. If somebody from the public wants to come in and take a look at them, they can
20 come in and look at the files and ask questions. We've done that on a number of
21 subdivisions and projects that have come in.

22 MS. CAIRNS: Okay. Good.

1 MR. PRICE: But those are the only new amendments that were proposed by
2 Staff.

3 CHAIRMAN PALMER: Any questions, any other questions for Geo?

4 MS. CAIRNS: Actually, I had one question, I was just, I mean, curious to a
5 certain extent. I see in here about the fact that the applicant, it occurs many, page 8 is
6 one of the places, it has to do with the fact that the applicant submits the packet and
7 that the Staff has 10 days to say something's missing. And then if, and if the Staff is
8 silent for 30 it's deemed approved. But, I mean, what happens if on day 15 you realize
9 something's missing? I mean, is there some – I mean, can you simply deny the project
10 cause it's incomplete at that point? But, I mean, I just was curious, like what's the effect
11 of missing the 10 day cut off of saying something's missing?

12 MS. HASTY: We have a screening process now for the projects that, if they
13 come in by noon on a Tuesday, then Staff sits down Tuesday afternoon and actually
14 goes through a checklist for each type of project that comes in, and if any items on the
15 checklist are missing from their submittal packet, we would actually reject it from the
16 screening process. So the, it would not proceed forward and be under review, it would
17 go back to the applicant and the applicant would have to resubmit with the missing
18 items. So it wouldn't even be entered into the review process.

19 MS. CAIRNS: But, I mean, but if you didn't, but for some reason, I mean, it's just
20 when you see a cut off like that, you know, they will be told within 10 days that, you
21 know, can they be told on day 15?

22 MS. HASTY: They, well they are actually told the day of the screening, an email
23 goes out to tell them whether or not –

1 MS. CAIRNS: Right, I mean –

2 MS. HASTY: - you're saying if it made it through the screening -

3 MS. CAIRNS: Right, I'm just saying that –

4 MS. HASTY: - and then we later found this –

5 MS. CAIRNS: - I mean, what you're offering is pragmatically what occurs.

6 MS. HASTY: Um-hum (affirmative).

7 MS. CAIRNS: But what I'm saying is we're gonna have an ordinance that says,
8 they will be told within 10 days and so I'm sitting here saying, if I'm an applicant and I
9 submit and on day 15 you tell me there's something missing, I could say, well you can't,
10 so what, you've already accepted the plan. So then what happens, does it just get
11 rejected? I mean, I just, I mean, when you have these dates, I understand
12 pragmatically what you're saying is we don't even get close to the 10 days, we've got
13 this great, slick system, which I'm glad to hear, but you know, what happens, you know,
14 I mean, can I cure it after 10 days and before the 30 or, that's just, I mean, I don't know
15 what the fix is, but I just –

16 MS. HASTY: There's no provision in there for what happens if they –

17 MS. CAIRNS: What happens if 10 days gets missed? You know, I mean, is it just
18 that you would just reject the plan when you get to the 30, within the 30? Cause it was
19 incomplete, but that's what you're trying to not have happen.

20 MR. TUTTLE: Yeah, I, I don't, I don't think that during the process it would be
21 from one of the checklist items that are initially reviewed. It could be a detail that's not
22 prevalent in the plans that needs expanding upon or something.

23 MS. CAIRNS: Right.

1 MR. TUTTLE: In which case the process as I understanding it now would reject
2 that project and then it would have to get that information and come back in line. So the
3 county is fairly well protected from an automatic approval. I don't, I can't –

4 MS. CAIRNS: Right.

5 MR. TUTTLE: - see a scenario where that would happen, but the developer's
6 also protected that if they do what they're supposed to do they're gonna get an answer
7 within a reasonable amount of time. And it was Staff that originally came to us and
8 shortened that timeframe a couple months back.

9 MS. CAIRNS: Right. I mean, I'd almost just like it better if it, instead of saying if
10 the application is incomplete the Planning Department shall notify within 10 days, you
11 know, if it just said something about we'll make every effort to notify the applicant, you
12 know, that it's not, that the failure to notice within 10 days doesn't somehow negatively
13 impact the Staff, that's all.

14 MS. HASTY: And automatically approve the project.

15 MS. CAIRNS: Yeah, you know, just simply say, you know, we'll make every effort
16 to do so within 10 days or something, but to require it there must be some penalty when
17 it's missed, although we all know there really isn't, right? Self imposed deadlines on
18 government don't really matter.

19 MR. PRICE: Yeah, we actually reviewed that in looking at the days and we're
20 pretty sure that we can meet all these requirements.

21 MS. CAIRNS: Okay. I'll stop.

22 CHAIRMAN PALMER: Okay.

1 MS. MCDANIEL: I, I'm sorry to keep harping on this. I'm really wondering about
2 this taking out his appeal rights.

3 MR. MANNING: What page are you on?

4 MS. CAIRNS: All of them.

5 MS. MCDANIEL: Yeah. Well, the first one I guess I'm concerned about is on
6 page 15 where you originally had an appeal of preliminary subdivision plan/construction
7 drawings, you know, I mean, perhaps that is not something that is appealable, but I just
8 want you to explain to me a little bit more why not.

9 CHAIRMAN PALMER: Okay, we – is everybody familiar with what the stages
10 are, I guess maybe?

11 MS. MCDANIEL: Yeah, I'm looking at it.

12 CHAIRMAN PALMER: And then where, what's submitted at each stage?

13 MS. MCDANIEL: Yeah, that, that's what I want to know, Geo.

14 MR. TUTTLE: Yeah, can I interject? Because I have a little background. So
15 theoretically you could have a competitor who wanted to slow your project for his or her
16 advantage and they could come in at each stage. I can't imagine a scenario where
17 someone from the public would have relevant input on a final plat that would change the
18 outcome of the final plat. I mean, that's, I just, I thought about it when this first came up
19 and was in the package and I can't think of a reasonable scenario where that would
20 come up that it would be a Staff mistake or misinterpretation that would change a final
21 plat from a bonded plat, that's just kind of a really technical area and I just can't imagine
22 – cause it's already built.

23 MS. MCDANIEL: Um-hum (affirmative).

1 MR. TUTTLE: So what would the remedy even be? You know, if it, if –

2 CHAIRMAN PALMER: I mean, to Heather, and I have the same thought process,
3 but to Heather's point, I mean, there's evidence to record, like let's say that there's
4 some issue that occurs that, you know, for example, you know, you can look on this plat
5 and see, hey look, you know, you said you were gonna built 300 lots and you built 400
6 lots, what's that all about? I mean, there's a court process to handle that. I think what
7 we're talking about is our process for people to take a look at our Code and say, they
8 shouldn't even start this project, this shouldn't even occur in this area. I mean, this is
9 wrong. You know, for somebody just to second look at that and say that, I think that's
10 where we're getting adherence, not more to the technicality issues of it, it's more to the
11 conceptual issues of it is what I'm, is where I'm looking at the appeal process to come in
12 is that, look the Staff missed a complete concept here that this is not, this is wrong, I
13 mean, it shouldn't go here, I mean, you know, the same appeals issue that came in
14 today, you know, the difference in opinion on what density means, you know, those kind
15 of things are where I think it is, not where it's on black and white issues that, you know,
16 that's my thought process why it's in this part of the Code.

17 MR. TUTTLE: Well for instance, those same arguments right now could be
18 made four times.

19 MS. MCDANIEL: Yeah, listen I agree that it's burdensome and perhaps not,
20 doesn't really serve a purpose, I just want to make sure of that before we vote on it.

21 MS. CAIRNS: But that's what, yeah, but I mean, so, okay so in the Code now you
22 can appeal at sketch plan, right, we've got sketch plan submittal and we've go
23 preliminary construction drawings, we've got the bonded and then we've got the final. It

1 just seems like it makes sense that at some point there should be another – because, I
2 mean, remembering that the appeals have to be very specific and, I mean, we could
3 simply say that the same applicant can't appeal the same issue again.

4 CHAIRMAN PALMER: Yeah, but you could just hold out one or two issues and
5 just change –

6 MS. CAIRNS: Yeah, but I mean, there's, there's – I mean, there's got to be
7 something, I mean, I don't know. I just think it's weird to just eliminate them all except
8 for the first one. But at the same time I agree that four might be, might set something
9 up for too much delay. But I mean, at the same time that, I mean, projects taking a long,
10 long time, sometimes that's just the way it is.

11 CHAIRMAN PALMER: Well, what are you appealing at those different stages? I
12 mean, what's, what conceptually are you gonna appeal after the sketch plan?

13 MS. CAIRNS: Well, something obviously changes along the way, that's what, I
14 mean, I'm not gonna be able to give you the – you know, and you could simply say that
15 it has to be something additional that wasn't on the original, you know, cause you could
16 have the idea, you know, we could simply tighten up the fact, so you're saying, well I'll
17 just hold out two issues as I go along the way. It's like, no then you've got the issue of
18 issue preclusion. I mean, you've got the issue of the fact that you, maybe she can help
19 me with some of the legal jargon, come on.

20 MS. MCDANIEL: It's *res judicata*.

21 MS. CAIRNS: If you had the – yeah, it's *res judicata*, if you had an opportunity to
22 argue an issue and you failed to, you don't hold on to that right later. So anything that
23 was –

1 CHAIRMAN PALMER: Who's gonna make that determination though, Heather?

2 MS. CAIRNS: That's the way courts work.

3 CHAIRMAN PALMER: Well, we're not a court. What I'm saying is –

4 MS. CAIRNS: No, I know, that's what I'm saying is maybe we just tighten that up
5 and simply say that if, you know, that you can't argue at the bonded subdivision level
6 something that existed on the plans and in a way that you could've argued it in
7 preliminary. I mean, that's, that's what happens and I don't –

8 MS. MCDANIEL: Okay, well here's what I'm seeing. At the preliminary
9 subdivision plan review, at the bonded subdivision plan review, and at the –

10 MS. CAIRNS: The final.

11 MS. MCDANIEL: - final plan review, what Staff is reviewing is the same thing at
12 each step. Whether or not there's compliance to the development regulations and
13 conformity with the approved sketch plan, the preliminary plan. I mean, compliance with
14 the development regulations, that happens at sketch plan, is that correct?

15 MR. PRICE: Yes.

16 MS. MCDANIEL: Okay. But you go back and look at it again at every subsequent
17 step?

18 MR. PRICE: Yes.

19 MR. MANNING: Basically they're taking the sketch plan and the preliminary plan
20 and looking at construction drawings –

21 MS. MCDANIEL: Yeah.

22 MR. MANNING: - and saying the street widths are X, the pipe sizes are X, our
23 lots are mass surveyed, you know, they're on a plat.

1 MS. CAIRNS: So you'd never have a change in the number of lots?

2 MR. MANNING: If you do you've got to go back to, to the county.

3 MS. CAIRNS: Is that true?

4 MR. PRICE: Yeah, on a major development, you know, we look at changes in
5 numbers, access, configuration of the roads within as reasons to go back and look at it.

6 MS. CAIRNS: So if you curb cuts for access to the development, if you change
7 the number of lots, if you moved around green space, that goes with that, sends you
8 back to the –

9 MR. PRICE: Yeah, we would take that back.

10 MS. CAIRNS: Alright.

11 MS. MCDANIEL: So really that –

12 MR. PRICE: Sort of like following the same, like with a PDD, you know, would
13 consider a major change, we kind of follow those lines for it when it's considered major.

14 MS. MCDANIEL: So really at every next step the substantive thing that you're
15 doing is looking to make sure that step B is in conformity with what happened in step A,
16 and then step C is in conformity with what happened in step B.

17 MR. PRICE: Where things fall right in line, yes. And remember, one of the things
18 that the sketch plan does is, you know, if somebody wants to come, come in and
19 receive what Staff approved or denied, once again, we'll post it and that'll, if nothing
20 else they'll at least know this is a project and at any time they can come in and take a
21 look at the plans and just insure that we are following those.

22 MS. MCDANIEL: Well, there's no way to make sure that you're following it if
23 there's no appeal right. Or is there? What would be the alternate route or relief?

1 CHAIRMAN PALMER: I would think you'd have to go to court and get a stop
2 work order or some such thing.

3 MS. CAIRNS: Yeah, you'd have to ask for a stop work order.

4 MS. MCDANIEL: An injunction or something. Okay.

5 MS. CAIRNS: But if you have it, you had it.

6 CHAIRMAN PALMER: Right.

7 MS. CAIRNS: I mean, if you can –

8 MR. MANNING: I mean, I think, and that happens, I mean –

9 MS. CAIRNS: Right.

10 MS. MCDANIEL: Does it?

11 MR. MANNING: There's one here in Richland County where [inaudible].

12 [Inaudible discussion]

13 MR. MANNING: Normally what you're dealing with is just changes in the
14 infrastructure and if I was gonna go to the city and say I need to move this pipe down
15 four lots and create another easement, I've got to go back to the city, I got to get the
16 plans re, you know, modified and then I got to go back to the county and show them
17 that's where it's gonna be.

18 MR. PRICE: And Ms. McDaniel, you know I want to Cairns –

19 MS. CAIRNS: Nobody wants to say my last name, so that's why he calls you out.

20 MS. MCDANIEL: Oh, oh.

21 MR. PRICE: Yeah, one of the things, and you have to remember we're just kind
22 of going over this, as a Staff, regardless one of the things we cannot do an error on our
23 behalf is not allow us to, you know, to violate the provisions of our Code. You know, I

1 can't say, well you know what, I made a mistake, I made a mistake so we have to let
2 that go.

3 MS. CAIRNS: Yeah, we know, we know that much.

4 MR. PRICE: So, let's just say in a case someone brings it to our attention that we
5 looked at your plans and you made a mistake. We have to then go out and make sure
6 that's corrected. I mean, as a Staff we have to cause I can't let you go over a certain
7 number of units. I can't let you – because what that does is just lay more of a foundation
8 for a lawsuit against the county and then I won't be standing up here talking to you
9 anymore.

10 MS. MCDANIEL: Well listen, you have convinced me. I can see that the sketch
11 plan is really crux of the matter and that the subsequent reviews are really more of a
12 formality, so. I have no more complaints.

13 MS. CAIRNS: That's it? You're done?

14 MR. MANNING: [Inaudible] with a motion?

15 MS. MCDANIEL: Oh! Well, maybe somebody else has another complaint.
16 Alright, well I'll make a motion that we move the, it's number four, the fourth text
17 amendment, send it forward to Council with a recommendation of approval.

18 MS. CAIRNS: The one amended today.

19 MS. MCDANIEL: With the one, with the amendments provided today.

20 MR. TUTTLE: Second.

21 CHAIRMAN PALMER: Any other discussion? All those in favor of the motion
22 please say aye. Any opposed?

1 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
2 *Van Dine; Brown, Sr.]*

3 CHAIRMAN PALMER: Alright, Text Amendment #5.

4 **TEXT AMENDMENT #5:**

5 MS. HEGLER: [Inaudible] an ordinance amending the Richland County Code of
6 Ordinances, Chapter 26, Article V, Zoning Districts and district standards, Section 26-
7 141, Table of Permitted Uses with special requirements and special exceptions, the
8 transportation information warehousing, waste management, and utilities of Table 26-V-
9 2, so as to prohibit aboveground utilities from crossing perpetual conservation
10 easements. The Planning Commission requested this at the last meeting and this was
11 in reference to an ordinance that had put forward by Council to do the same for
12 underground. And an update on that, at the zoning public hearing of last month, the
13 Councilmember who made that motion tabled it after receiving some legal advice. So I
14 give you that update.

15 MS. CAIRNS: Are we making a bigger table by bringing up the other type of
16 utilities?

17 MS. HEGLER: Yeah, I would – I would recommend also tabling it. And we can
18 give you more information if you'd like.

19 MS. MCDANIEL: Alright, well I make a motion that we table consideration of the
20 fifth Text Amendment in our packet today.

21 MR. TUTTLE: Second.

22 CHAIRMAN PALMER: Any other discussion? And there's no one signed up to
23 speak either. All those in favor please say aye. Any opposed?

1 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
2 *Van Dine; Brown, Sr.]*

3 CHAIRMAN PALMER: Okay, we are now to the motion by Mr. Manning as it
4 relates to the deletion of the Green Code from our current ordinance.

5 MR. MANNING: Thank you, Mr. Chairman. I guess my problem has been more
6 about the process than the actual content of the Green Code. Actually I'm in favor of the
7 Green Code when it's applied properly and used in the right locations. I think the Green
8 Code has its problems, obviously we've seen and heard from the public. I don't know if
9 I've got it or not, but it's, it needs clarification, I think it can be restrictive in some areas
10 and too lax in others. The threshold to have a Green project may, may need to be
11 addressed, but there's, I guess my biggest problem though is that, as the Chairman
12 mentioned, we received in our package a lengthy change after a first reading approval
13 by Council and knowing we're gonna come back. I mean, we've got to come back and I
14 think it's well noted here today that everybody's got a lot of different ideas as it relates to
15 the Green Code. Unfortunately, we're not privy to all the discussions because of the
16 process with the Development Roundtable. Staff I know has been working hard and the
17 Development Roundtable's been working hard, but we don't hear that, we don't get that.
18 You know, we don't get subdivision review. So we're being asked to make decisions by
19 the seat of our pants, which I don't like and I'd rather fix it one time and move on. It's a,
20 it's an area in our Code that's not used very often. I don't know how many submittals
21 we've had under the Green Code, but it's been very few. I understand there is some
22 applications out there currently that this would affect, so I guess I would like to modify
23 my motion to repeal the Green Code within a set period of time, rather than as of today.

1 I think there's hard work being done and, you know, maybe we'll get there but if we
2 don't get there and it's gonna create more confusion, more appeals, whatever the
3 situation is, I would recommend we, you know, just repeal it. So my motion would be to
4 repeal, effective 12.31.2012, that's 90 days, and everybody's on notice that here's
5 where we are. It's either good or bad, I mean, certainly y'all have got to make your
6 decisions on whether it's a tool that we should to utilize or not, so that's my position.

7 CHAIRMAN PALMER: I could, I could see that cause this would give us 90 days
8 to enact something else, put something else in there. I mean, it'd give us 90 full days to
9 be able to try to get some kind of Green Code, see if we can fix the whole problem
10 within 90 days. See if we can, see if we can come up with something. If not, at the end
11 of 90 days, what's currently under our Code is no longer available in any form.

12 MS. CAIRNS: I don't – what's the benefit of the 90 day delay? I mean, if we're
13 saying that it's got problems, cause –

14 MR. MANNING: Well, I guess the benefit of the delay would be that there are
15 people in the pipeline with her currently who would just be, you know, cut out of the
16 process that they've already started.

17 MS. CAIRNS: But I think if they've already started they'd get grandfathered in
18 anyways.

19 MS. HEGLER: That's correct.

20 MS. CAIRNS: So, I mean, yeah.

21 CHAIRMAN PALMER: No, I think, I think our vesting, we've been through this,
22 we've been around and around with this; when you're vested on a project is at sketch
23 plan approval. And if you don't have sketch plan approval then you're just in the

1 pipeline. I mean, you may have spent a lot of money getting to that sketch plan stage,
2 but you're not formally there yet. And I think the problem is there's maybe one or two
3 projects or maybe more, I don't know, that are out there that don't have sketch plan
4 approval so they're not legally vested yet.

5 MR. TUTTLE: Mr. Chairman, Ms. Linder, so the process on this would be if this
6 body sent this forward it would have to go Council and have three readings on that
7 before we could then know to start working forward, is that correct?

8 MS. LINDER: Yes, your recommendation or – no, the ordinance, whether it's to
9 repeal for a certain portion, which I guess is essentially a moratorium for a certain
10 period of time –

11 MR. MANNING: No, this is –

12 MR. TUTTLE: No, I think it's a –

13 MS. LINDER: Not a moratorium?

14 MR. TUTTLE: - sunset provision I think is what Mr. Manning's proposing.

15 CHAIRMAN PALMER: Right.

16 MS. LINDER: Okay, with a sunset provision that would go to the October zoning
17 public hearing and potentially get first reading, and then the second meeting in, the
18 second Council meeting in November, it would get third reading, and then you're
19 anticipating 90 days after that third reading date?

20 CHAIRMAN PALMER: No.

21 MR. TUTTLE: No, that's what I wanted to clarify cause we're not gonna have 90
22 days.

1 MS. CAIRNS: Well, but I mean, if we, but if the issue is the pipeline
2 phenomenon, we could just let the process be the stall.

3 MR. TUTTLE: Well, but –

4 MS. CAIRNS: I mean, in essence it wouldn't happen before December basically
5 anyways.

6 MR. TUTTLE: But the point is that if the Roundtable and Planning Commission
7 and Staff hadn't gotten together and created the 100% document they wanted to, then
8 the Green Code would go away automatically on the date in the future.

9 CHAIRMAN PALMER: Right. But in the meantime if something could be done
10 we could send that forward as new, as a new ordinance.

11 MS. CAIRNS: Well, that's always true though. I mean, I think we should just look
12 at, I mean, let's just try to keep it relatively simple and just say what we're talking about
13 is repealing the Green Code, period.

14 CHAIRMAN PALMER: That's what we're doing.

15 MS. CAIRNS: I mean, cause if, you know, based on future events is a chaotic
16 thing, but the question is –

17 CHAIRMAN PALMER: Sure.

18 MS. CAIRNS: - so, I mean, basically it would – that's the whole 90 days, so are
19 we talking about we want to pass a motion that says the Green Code gets removed no
20 later than December 31st of this year?

21 CHAIRMAN PALMER: I know those are the normal processes, but those
22 processes can be sped up through special called meetings or whatever else is

1 necessary. I mean, those things could be done to speed up the ordinance from being
2 approved. I mean, am I right?

3 MS. LINDER: Are you talking about wanting the effects of he repeal to go in
4 quicker than the 30 –

5 CHAIRMAN PALMER: No, no, I'm just saying, I'm saying that could, let's say we
6 approve this today with no timeframes in it, it could be an approved ordinance quicker
7 than the timeframe you laid out. What you laid out was a normal, let everything go at its
8 normal pace, but it could be enacted quicker than that.

9 MS. LINDER: You would have to have Council calling special called meetings,
10 which I, I –

11 CHAIRMAN PALMER: But it could also, the converse of that could be true that it
12 could also be put out further. If I was deferred -

13 MS. LINDER: A deferral, sure.

14 CHAIRMAN PALMER: - or something else, and if it got deferred past the
15 timeframe for Council to enact it past the 31st there would be nothing done with it, it
16 would just continue on in its current state.

17 MR. TUTTLE: And that's why I think it's most comfortable to tie it to the date of
18 action by Council with so many days into the future, because otherwise you're just, you
19 don't have, you don't really have the ability to go get started on it early cause you don't
20 even know that they're gonna approve it, so you could all of a sudden turn around and
21 you only have 30 days left to finish it up and then you're right back in the same boat.

22 CHAIRMAN PALMER: No, I think Planning Commission could initiate any
23 ordinance it wants to and I think – I think there's enough initiative with the Planning

1 Commission to take up the Green Code as something that we will send up to Council.
2 So we can do that either way.

3 MS. CAIRNS: But, I mean, so if we just simply said though that we want to offer
4 that the Green Code should be eliminated, the existing Green Code should be
5 eliminated, you know, no later than 30 days after County Council passes the ordinance
6 or something. I mean, I don't know if we need then 90 days after that cause we're
7 already, no matter what it's gonna be some delay going on.

8 MR. TUTTLE: Well, I'm just trying to figure out if – we can do it the other way, I
9 was just trying to get enough time to get it done so you're not back in this same boat
10 where you've got it 90% done. I mean, you're coordinating a lot of people.

11 MS. CAIRNS: Well yeah, but that's why I'm saying let's not – but you're already,
12 you're messing with the idea that we're gonna end up with a new Green Code and that's
13 why we just need to look at, if we're gonna say that our existing Green Code's a
14 problem, I don't think we should really put anything in there that from our standpoint
15 delays its elimination. I mean, so it's like, you know, we're not, we're not saying we only
16 want it eliminated if we've got a new one coming; like, no that's not what the motion is,
17 the motion is we're gonna get rid of the Green Code, period. We may never get
18 anything like it again.

19 MR. TUTTLE: Oh, I understand, I wasn't trying to delay it, I was trying to get in
20 enough time from the moment that we were able to move forward on it till we could
21 complete the project. If it takes 45 days to get it passed you can't complete a new code
22 in 45 days. The rationale behind this is not to eliminate the Green Code, it's, it's to put

1 pressure and compression on the groups getting together and completing the project
2 with the Planning Commission's involvement this time.

3 MS. CAIRNS: I understand that, but that's two totally separate issues. I think we
4 have to decide, I mean, if we're gonna decide that the existing Green Code is
5 unacceptable to keep on the books entirely, I mean, we shouldn't Band-Aid it, then we
6 just need to vote up or down on that. You know, are we gonna, you know, and if so
7 then it should be a relatively short timeframe. If we're saying this is so problematic as is,
8 let's just get rid of it.

9 MR. MANNING: Well, I personally think 90 days is a short period of time.

10 MS. CAIRNS: But 90 days from what date?

11 MR. MANNING: We can do it 90 days from now.

12 CHAIRMAN PALMER: I don't think we do 90 days, I think we put, like you
13 suggested, Mr. Manning, we put 12.31.12 on there.

14 MS. CAIRNS: But what happens if Council hasn't, what if they deferred it or, or
15 not made a decision by then?

16 CHAIRMAN PALMER: That's what they can do with everything, they can do that
17 with everything.

18 MS. CAIRNS: Right.

19 MR. MANNING: They could get a first reading approval and send it down to us
20 and we're trying to deal with it. And, you know, I would like to deal with it.

21 CHAIRMAN PALMER: I mean, what we're gonna do is send something up to
22 Council just like we've sent up other things. And if they like it they'll approve it, if they
23 don't like it, guess what, we're not Council.

1 MR. TUTTLE: I have confidence in our friends and learned colleagues on Council
2 will do their best to expedite this and make sure – and I'm glad that they were here to
3 understand our point of view.

4 MS. CAIRNS: Our singular point of view?

5 MR. TUTTLE: Well, our points of views.

6 CHAIRMAN PALMER: We'll find out. I'm –

7 MR. TUTTLE: Have we butchered your motion enough, Mr. Manning?

8 CHAIRMAN PALMER: I think we got a motion, do we have a second?

9 MR. MANNING: [Inaudible] deal with the 12.31 as the –

10 MR. TUTTLE: Second.

11 CHAIRMAN PALMER: Tracy?

12 MS. HEGLER: Some clarity on if you are – I'm hearing two different things, if
13 we're gonna kind of combine them a motion or not. Are you gonna give direction as to
14 who's doing what in that timeframe?

15 CHAIRMAN PALMER: I think the motion is to send forward to Council a deletion
16 of the entire Green Code from our Code, from our Chapter 26; that that deletion will
17 occur on 12.31 of 2012, that there's a sunset provision of the Green Code. That it will
18 go away on 12.31 of '12. Until then it's –

19 MS. LINDER: So you want the effective date to be 12.31.

20 CHAIRMAN PALMER: Correct. Correct.

21 MR. TUTTLE: What's the mechanism for asking for work to be done?

22 MS. CAIRNS: That's a separate –

23 CHAIRMAN PALMER: We can do that on our own.

1 MR. TUTTLE: Can we do it today [inaudible]?

2 CHAIRMAN PALMER: We can put it on next, we can start that process today.

3 MS. MCDANIEL: And even if the sunset isn't approved, we can still be working
4 on something to present to Council as an alternative to what's there now.

5 CHAIRMAN PALMER: Right.

6 MS. CAIRNS: Okay. So we have a – do we have a motion?

7 CHAIRMAN PALMER: We have a motion and we have a second and I was just
8 clarifying the motion for the Staff.

9 MS. LINDER: Okay, just clarification for me, you want, you want the repeal, you
10 don't want the repeal to go into effect until December 31st of 2012.

11 CHAIRMAN PALMER: Correct.

12 MS. LINDER: And from that point on it's going to be repealed until such point as
13 –

14 CHAIRMAN PALMER: Oh, no, it's just repealed.

15 MS. CAIRNS: It's just repealed.

16 MS. LINDER: But Staff, Planning Commission or Council could come back and
17 maybe make some amendments to say we want a better and – a bigger, better –

18 [Inaudible discussion]

19 MS. CAIRNS: But that's gonna be a separate issue. Like we're just doing a
20 straight motion to repeal.

21 MS. LINDER: Correct, correct. So it'll be gone.

22 CHAIRMAN PALMER: Right.

23 MS. CAIRNS: Right.

1 CHAIRMAN PALMER: Okay. Alright, we have a motion and a second. Any other
2 discussion? All those in favor say aye. Any opposed?

3 *[Approved: Cairns, McDaniel, Tuttle, Palmer, Gilchrist, Manning; Absent: Westbrook,*
4 *Van Dine; Brown, Sr.]*

5 CHAIRMAN PALMER: Alright, so having sent forward to Council that motion to
6 repeal, do we need to take a look at the Staff's recommendation? We still need to make
7 a motion on the Staff's, I mean, we still have to send that forward, so.

8 MS. LINDER: You may wish to table it or you may wish to defer it.

9 CHAIRMAN PALMER: Right, and I'm gonna open that up, but we have to make,
10 take action on it.

11 MR. TUTTLE: Mr. Chairman, I'd like to take the first Text Amendment, the
12 changes to the current Green Code that was number one on our list, and make a motion
13 to table it.

14 CHAIRMAN PALMER: We have a motion to table Text Amendment #1.

15 MR. MANNING: Second.

16 CHAIRMAN PALMER: We have a second. Is there any other discussion?

17 MS. CAIRNS: I mean, I will be disagreeing with that motion because I think that
18 sort of in essence hanging your hat on the first motion is insufficient. I think that the
19 problems in the Code are enough that even if this is offered as a Band-Aid approach, I
20 think that it's an appropriate change to get moving on the Green Code, so I would
21 oppose us delaying it. Because as we know it can go forward without our input.

22 CHAIRMAN PALMER: Okay.

1 MR. MANNING: Well, just cause we table it doesn't mean we're delaying it. Staff
2 knows that there needs to be further discussion and if we need to set up –

3 MS. CAIRNS: But isn't it correct that Council can just take it up with us not saying
4 anything?

5 CHAIRMAN PALMER: Sure.

6 MR. MANNING: Sure.

7 MR. TUTTLE: Sure.

8 CHAIRMAN PALMER: We're not Council.

9 MS. CAIRNS: I know, but I'm just saying that, you know, so that's all. I mean, I
10 just, I just had my say, that's all.

11 CHAIRMAN PALMER: And at any time, any language we want to send up we
12 can send up. So.

13 MS. LINDER: And at any time you can remove it from being tabled too.

14 CHAIRMAN PALMER: Correct. All those in – any other discussion on the
15 motion? All those in favor signify by raising your hand. All those opposed?

16 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning; Opposed: Cairns; Absent:*
17 *Westbrook, Van Dine; Brown, Sr.]*

18 MS. CAIRNS: Yes, I mean, I'm oppose.

19 CHAIRMAN PALMER: Okay. So now we have Other Business? Land
20 disturbance permits?

21 MS. HEGLER: If you still have steam these items are for discussion purposes.

22 CHAIRMAN PALMER: And this is stuff that Council's currently taking a look at or
23 Staff is taking a look at?

1 MS. HEGLER: [Inaudible] that the Planning Commission asked, Staff has been
2 looking at. We have a couple thoughts we can share with you but we really wanted to
3 have some discourse over what it is you might like us to do. For instance, on the land
4 disturbance permit, you know, we were asked to consider how we might lower a
5 threshold or create a threshold for when we might require this permit and we've done
6 some research, we've looked at other counties and haven't found similar thresholds
7 there, so –

8 MR. TUTTLE: Can I offer an example just to maybe help frame it? There's a golf
9 course here in town that wanted to add a restroom on their golf course, okay. And they
10 had to go through a full development review, full, expanded \$869 review to put a
11 secondary use on the golf course with the setbacks and all already in place. And, you
12 know, it was kind of cumbersome and kind of expensive for something like that, so the
13 theory was, is there a minimum threshold that we could have an expedited process or a
14 different process where you didn't have to go through that to do something very simple?
15 And I don't have any idea what it should be or shouldn't be.

16 MS. CAIRNS: Well, I, one question, I mean, when I was reading through some of
17 the stuff and I saw the thing, you know, reading even the stuff we weren't amending that
18 it made it sound like if I wanted to put a Home Depot shed in my backyard I'd have to
19 get a land disturbance permit, cause it said nothing can happen without this. Is that
20 really, so we –

21 CHAIRMAN PALMER: Geo says, yes, and?

1 MS. CAIRNS: And I live in the city, no I'm kidding. But I mean, so yeah the way
2 it is written now, anything, like nobody can do anything without coming to you for
3 everything. No matter how diminimus the, like the restroom might be.

4 CHAIRMAN PALMER: That's correct.

5 MS. CAIRNS: Okay. And we want to keep it that way.

6 MR. PALMER: I mean –

7 MS. MCDANIEL: Out of order.

8 [Inaudible discussion]

9 MR. PRICE: And really, you know, believe it or not, when we issue those permits
10 it's really just to insure that people know you need to meet certain requirements from
11 zoning. There are some times, you know, a structure may be waived by the Building
12 Department, but from a zoning, we always like to establish what the setbacks are, are
13 there any particular rules that will come in place? You know, a small example is, I didn't
14 realize this, that if you did a slab, a little concrete slab at your home, there's actually a
15 setback for it.

16 MS. CAIRNS: For my bird feeder? For my bird bath?

17 MR. PRICE: You're in the city, you don't have that.

18 MS. CAIRNS: Okay. But my next door neighbor is not.

19 MR. PRICE: But, I mean, it's just, you know, any time you're gonna do any type
20 of development, you know, whether it be an at grade or a structure, we like to give you,
21 you know, the requirements of the Code so that you'll be in compliance. That way you
22 can't come back later on and say, I didn't know.

1 MS. CAIRNS: So if I pour this little piece of concrete for my bird bath and I don't
2 get a permit, so what happens when you find out I did it and it's all done?

3 MR. PRICE: You're in violation.

4 CHAIRMAN PALMER: Tear it up.

5 MS. CAIRNS: To pour it right back down where it was?

6 MR. PRICE: Yeah, I mean, you'll be in violation, you know, you could either go to
7 the Board of Zoning Appeals for a variance or you could go to court and see what
8 happens from there.

9 CHAIRMAN PALMER: So would anybody, I guess what we've done at this point
10 is we've asked Staff to take a look at it, Staff has come back and said, we don't want to
11 do anything with it. So if a Planning Commission Member would like to propose
12 something we can take a look at heading at it from that direction, but at this point, Staff's
13 –

14 MS. HEGLER: Yeah, we just didn't many examples in other counties that had
15 something separate. They do sometimes separate reviews between Planning and
16 Public Works. See there's another level here, depending on what – we could set some
17 criteria but there's still some factors that Public Works has to review.

18 MR. TUTTLE: If, see, you know, in this particular situation my take would've
19 been that it would be just like building a house on an already subdivided lot where you
20 have published setbacks and we could give them a plot plan showing that we're
21 conforming, or even do an as-built survey once it's done to prove that we were
22 conforming rather than have to go through the whole development, I mean, everybody
23 had to look at it, I mean, we had to have Public Safety, Water, Sewer, you know,

1 everybody had to look at this that was really, I mean, it was a by right use, it wasn't like
2 we were doing anything abnormal. It seems like there ought to be an easier way to do
3 that than having to go through the whole thing. I'm restating the same thing I said, but.

4 MS. CAIRNS: I mean, that's an interesting question, so why isn't the guy who's
5 going to build the house on a subdivided lot not having to go through all this, like the
6 outhouse did?

7 MR. TUTTLE: Cause that development's already been approved.

8 MS. CAIRNS: Well, the golf course was already approved, right?

9 MR. TUTTLE: Well, that was kind of my point.

10 MS. CAIRNS: I mean, I think it's an interesting question.

11 MS. HEGLER: And that's something separate, I mean, that's something you
12 could be proposing. I mean, that's separate from saying there's just sort of a size
13 threshold that any structure of X size, so that's how we kind of started to approach it
14 was that we were looking for what's that trigger point of a size that we should say, that
15 requires full blown review. I mean, it could be language such as that. Again, we didn't
16 find anything similar but – in other places.

17 MS. CAIRNS: But did you find similar ordinances that require this level of review
18 for every –

19 MS. HEGLER: And that is where there was some differences. They may not
20 have had such a strict requirement, you know, such strict requirements.

21 MS. CAIRNS: Cause clearly you have to hold a building permit whether it's a
22 house or an outhouse.

1 MS. HEGLER: You do. You do, and that is not what I think you're asking to
2 waive, so we've, I mean, we can go through a list of some of the things that we have
3 had to look at over the last, you know, few months just to give you some ideas of sizes,
4 you know, walk in freezers that are in existing parking lots, you know, but that changes
5 – see this is a Public Works issue that changes some of the impervious surface, there's
6 different storm water, you know, ramifications. A 970 square foot, you know, awning,
7 cooler again, in the back of a building, these are the sorts of things that we're
8 sometimes asked to look at in addition to what Mr. Tuttle suggested. Big one, ice
9 machines in existing parking lots, you've seen those little pull up ice machines.

10 MR. TUTTLE: So just to reiterate, somebody wanted to put a significant awning
11 on a building had to go through a full development review just as though you're doing a
12 subdivision.

13 MS. CAIRNS: Yeah, that sounds crazy. It does sound crazy, I agree.

14 MS. HEGLER: ATMs in existing parking lots, we'd have the bath house listed, so
15 those are examples of the things that we just sort of went through what we've looked at
16 over the last few months and thought, well those might be the sorts of thresholds you're
17 looking for.

18 MS. CAIRNS: But, I mean, are you offering that every single one of those went
19 through the whole land disturbance permit process?

20 MS. HEGLER: They did.

21 MS. CAIRNS: So what happened, so I mean, so when I go – I'm sorry, go ahead.

22 MR. MANNING: So what was involved in that? I mean, somebody wants to put a
23 bird bath on a concrete pad, what did you do in reviewing land disturbance?

1 MR. PRICE: Somebody wanted to come in and put in a –

2 MR. MANNING: Did you just check setbacks or did you check the amount of dirt
3 that was moved, do you check –

4 MR. PRICE: Well, that's – if it's residential we would just give the setbacks and
5 our Building Department would take a look at everything else that's done.

6 MR. MANNING: No permit fee?

7 MR. PRICE: You would at the Building Department.

8 MR. MANNING: To put in a concrete pad in your back yard?

9 MR. PRICE: Yes, sir.

10 MR. MANNING: Whew.

11 MR. PRICE: And I'm, I hear what you're saying, but what we're – one of the
12 problems is to make the distinction between someone putting in a nice little concrete
13 pad in the back for the bird bath, versus the next person wants to put in a full concrete
14 pad for their kids basketball, you know, game. It creates different –

15 MR. MANNING: But that would really only be the size versus the bird bath, and
16 you would only check encroachments. I mean, it's a use that you can do, you can have
17 a basketball goal in your yard.

18 MS. CAIRNS: [Inaudible] paving my whole back yard.

19 MR. PRICE: Yeah.

20 CHAIRMAN PALMER: As long as you stay off your setbacks.

21 MR. TUTTLE: Yes, there is actually.

22 MS. HEGLER: I would say storm water.

23 [Inaudible discussion]

1 MS. CAIRNS: But you've also offered that basically residential is treated
2 differently. That a lot of times with residential you just say, well let's just check the
3 setbacks, you're good to go, go get your building permit. But anything, the golf course or
4 anything commercial you're like, whoa, the whole thing. So we're getting those vending
5 ice machines in the county? The vending ice machines like at the coast and the
6 upstate? Oh, those are awesome, I haven't seen them here.

7 CHAIRMAN PALMER: Yeah, Bluff Road on the way to tailgate.

8 MS. HEGLER: They're out in Lexington too.

9 MS. CAIRNS: Are they really? I love them, I'm sorry.

10 MR. TUTTLE: Mr. Chair, if I could make a suggestion.

11 CHAIRMAN PALMER: Yes, please.

12 MR. TUTTLE: I appreciate the Staff's work and so forth on this. What if we have
13 time to digest it and maybe come back with some future recommendations on this one
14 issue?

15 CHAIRMAN PALMER: You want Staff to come back with recommendations?

16 MR. TUTTLE: No, we'll come back.

17 CHAIRMAN PALMER: Okay, under the motion period perhaps?

18 MS. CAIRNS: Well, just in the future.

19 MR. TUTTLE: Yeah, we just – trying to move it on right now.

20 CHAIRMAN PALMER: I gotcha. Group Homes?

21 MS. HEGLER: Group homes is a similar situation. What has passed Council
22 recently is a group home provision in rural districts as a special exception for over five

1 acres, so we were requested to come back with what sort of criteria might we put upon
2 a group home with less than five acres. We were sort of lost for that as well.

3 MS. CAIRNS: So they approved one that had – cause I remember seeing, I
4 mean, I know I've missed a few meetings here and there with the whole group home
5 issue, with got – cause I was surprised at one point, it looked like they wanted it to only
6 be on five acres or less. So what they approved was if you want to do a five to 10 it's
7 got to be more than five acres of land that you own?

8 MR. PRICE: There were two versions.

9 MS. CAIRNS: Okay.

10 MR. PRICE: The first version that went before Council that y'all recommend
11 approval. It also included other districts and some of the Council Members weren't
12 comfortable with that because of the number of group homes that they felt were already
13 coming into their communities. So that actually was defeated. So I'm talking to
14 Councilmember Washington in this case, he wanted it to come back, he wanted to
15 eliminate the other, well the single-family districts, excuse me, the other residential
16 districts and just make this exclusively to rural, and with the five acres.

17 MS. CAIRNS: But at least five acres.

18 MR. PRICE: Yes, and so that's what was passed by Council.

19 MR. MANNING: What did we send forward? What did the Planning Commission
20 send forward?

21 MR. PRICE: Which time?

22 MR. MANNING: The last time.

23 MR. PRICE: The last time? Five acres.

1 MS. CAIRNS: Up to five acres.

2 MR. PRICE: Five acres or more.

3 MS. CAIRNS: Or more, okay.

4 MR. PRICE: Yes, I'm sorry, five acres or more.

5 MS. CAIRNS: And that's what passed?

6 MR. PRICE: Yes.

7 MS. CAIRNS: Okay. So now we're being asked to look at less than five acres.

8 MR. PRICE: Well, actually that was, that was proposed by the Planning
9 Commission of let's look at less than five acres. Well, that, you're talking about between
10 33,000, up to, you know, five acres. We need a little bit more to work with as to what
11 are you looking for? You know, were you just looking for a two acre tract or just any
12 rural tract at 33,000? You know, what kind of provisions should we look at? We're just
13 trying to get a little bit more guidance on that.

14 MS. HEGLER: And if you want the provisions of the existing or the approved, the
15 gross floor area of the group home shall not exceed 7,000 square feet, parking shall not
16 be located in the required front yard, and no parking space or drive shall be located
17 closer than 20' from any road line or property line. So those are the sorts of things that
18 were existing in what was passed.

19 CHAIRMAN PALMER: So basically at this point you can't have a group home of
20 10 to 15 on less than five acres in the county.

21 MR. PRICE: Right, in the rural –

22 MS. HEGLER: In the rural district.

23 MR. PRICE: - in the rural district.

1 CHAIRMAN PALMER: Okay. Did somebody want to, did somebody have a
2 problem with, they wanted to put them in smaller? I mean, is it, I don't remember where
3 this came from.

4 MS. LINDER: If there's no interest we can just –

5 CHAIRMAN PALMER: Okay.

6 MS. LINDER: - remove it from a tracking then.

7 CHAIRMAN PALMER: Okay, I think that's where, and just to the procedural part
8 of stuff, I think that's where we should, just like we did today with the motion from Deas,
9 is that if Planning Commission Members have things they want to discuss, get to the
10 Staff, get it put on the Agenda under the motion period at the beginning, and then we'll
11 take a vote on whether or not to put it back in, to put it in the Agenda, but it's got to get
12 out there beforehand to the public. So that's just a procedural thing to let you know
13 while I'm thinking about it. Annual Neighborhood Conference?

14 MS. HEGLER: We handed you this postcard last month but weren't able to talk
15 about it cause we didn't want to add it to the Agenda, just a reminder of the Planning
16 Conference coming up October 13th will qualify for your state planning credits or your
17 board credits. And we have an excellent speaker, Mitch Silver is the president of the
18 American Planning Association and he's the Planning Director for the City of Raleigh.
19 So he's gonna talk about comprehensive planning and how to take it to the next level.
20 We have some really dynamic speakers, Ms. McDaniel is speaking about 501(c)(3)'s
21 and your HOA. We kind of have a dual tract going on for professional planners and for
22 the neighborhoods cause that's always been the focus of this conference is for
23 neighborhoods, but since we had such a dynamic speaker we wanted to kind of

1 broaden some more professional tracts for planners cause I know it's gonna encourage
2 planners from around the state to come. So here are just some of the, you know,
3 exciting sessions coming up. It's October 13th again, that's a Saturday, it's at the
4 Convention Center, it's the first time we've been there, so. We had outgrown some of
5 our other places in the past with a couple hundred people always showing up and we
6 really look forward to it. Hope you guys will attend and say hello. And it's an away
7 football game for Carolina.

8 MR. TUTTLE: Mr. Chair, can I make a motion that we study and perhaps have
9 weekly meetings?

10 MS. CAIRNS: No.

11 MR. MANNING: How about [inaudible]? Mr. Chairman, I have one quick item I'd
12 like to bring up. This is for you all next, next meeting. We've discussed somewhat, not
13 in great detail, the capital improvements program, facilities program for the county.
14 There's a prioritization list out there. I'd like to see that again, if you could bring that
15 back to the Commission, and then explain to us basically how and when priorities are
16 set and reset.

17 MR. TUTTLE: And there is one other thing of interest. Is this Mr. Manning's last
18 meeting?

19 MR. MANNING: I'm thinking it might be. I don't know, is it not?

20 MS. HAYNES: Not until your replacement's been named. You're here till we say
21 go.

22 MR. TUTTLE: Okay, well then we'll thank him at a future date.

23 MR. PRICE: He keeps saying we and us, so I'm looking for him to come back.

1 CHAIRMAN PALMER: Alright, we got a motion to adjourn?

2 MS. CAIRNS: So moved.

3

4

[Meeting Adjourned at 4:45pm]