

**RICHLAND COUNTY PLANNING COMMISSION**  
**November 5, 2012**

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

Called to order: 1:03 pm

CHAIRMAN PALMER: Allow me to read this into the Record. 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. We have the presentation of the Minutes for approval for June and October.

MR. VAN DINE: Mr. Chairman, I make a motion we approve the June 4<sup>th</sup> Minutes.

MR. TUTTLE: Second.

CHAIRMAN PALMER: Yeah, this is a motion, Amelia, on the June Minutes not October that need to be approved.

MS. LINDER: Okay. I have a draft motion. I don't know –

MR. VAN DINE: Well, I was just doing the June one, I'm not talking about October at this point.

MS. LINDER: Okay.

CHAIRMAN PALMER: Yeah, just June.

MS. LINDER: Because I don't know if you got the approval of the Agenda or not yet.

CHAIRMAN PALMER: No.

1 MS. LINDER: Okay, cause I do need to request an Executive Session.

2 MR. VAN DINE: Yes.

3 CHAIRMAN PALMER: Okay. We have a motion and a second to approve the  
4 June Minutes. All those in favor please signify by raising your hand.

5 *[Approved: Westbrook, Tuttle, Palmer, Van Dine, Gilchrist; Abstained: Theus;*  
6 *Absent: Cairns, McDaniel, Brown]*

7 CHAIRMAN PALMER: Okay. And as it pertains to the October Minutes.

8 MS. LINDER: Mr. Chairman, I would request that we have an Executive Session  
9 so I can dispense some legal advice to the Planning Commission Members and to Ms.  
10 Hegler as my client. You're all my clients.

11 CHAIRMAN PALMER: Do we have a motion for an Executive Session.

12 MR. GILCHRIST: So moved, Mr. Chairman.

13 MR. TUTTLE: Second.

14 MR. SAM BRICK: Objection, it's not on the Agenda.

15 MS. LINDER: And we can meet in the Legal Department conference room.

16 CHAIRMAN PALMER: Okay. So we have a motion by –

17 MR. TUTTLE: Mr. Gilchrist and you had a second by Mr. Tuttle.

18 CHAIRMAN PALMER: A motion and a second. All those in favor of the motion  
19 please signify by raising your hand.

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

22 MS. LINDER: We will return shortly.

23 *[Executive Session]*

1 CHAIRMAN PALMER: Ms. Linder, would you report us out of Executive  
2 Session?

3 MS. LINDER: Mr. Chairman, the Planning Commission went into Executive  
4 Session to receive legal advice, and no action was taken during that meeting.

5 CHAIRMAN PALMER: Okay. The next item on our Agenda is the approval of the  
6 October Minutes. Do we have – it's my understanding that we had a few that weren't  
7 here.

8 MR. VAN DINE: Yeah, I'm not, I was not present so I'm not gonna be able to  
9 vote on the approval.

10 MR. THEUS: I was not present.

11 MR. WESTBROOK: I was not present.

12 CHAIRMAN PALMER: Okay. Do we have the recusal papers?

13 MS. LINDER: At this point they would not have fill out a recusal form for not  
14 voting on the Minutes.

15 CHAIRMAN PALMER: Okay. Alright, as it pertains to the October Minutes, I  
16 would make a motion to approve the October Minutes, except for those portions that  
17 relate to Case No. 12-34 AR, and that as voting in the affirmative for the motion I would  
18 make a motion as part of that same motion to approve the Minutes with that exclusion,  
19 that that Motion to Reconsider Case No. 12-34 MA.

20 MR. TUTTLE: Second.

21 MS. LINDER: AR?

22 CHAIRMAN PALMER: AR. So we have a motion and a second. All those in favor  
23 of the motion please raise your hand.

1 *[Approved: Tuttle, Palmer, Gilchrist; Abstained: Theus; Abstained: Westbrook, Theus,*  
2 *Van Dine; Absent: Cairns, McDaniel, Brown]*

3 CHAIRMAN PALMER: Okay. I recently received an email as it pertains to the  
4 reconsideration of Case No. 12-34 AR, letting us know that the Application was not  
5 signed by the Applicant and that as well it referred to having not been clear cut within  
6 the past 24 months instead of the past 12 months. Ms. Hegler, what do you –

7 MS. HEGLER: That is correct with the exception that the Applicant was not, the  
8 Application was not signed by the owner.

9 CHAIRMAN PALMER: Was not signed by the owner.

10 MS. HEGLER: Right.

11 CHAIRMAN PALMER: Okay.

12 MS. HEGLER: Those two items are correct.

13 CHAIRMAN PALMER: Alright.

14 MR. VAN DINE: Can I ask a question, Mr. Chairman? Are those requirements  
15 under the Green Code?

16 MS. HEGLER: The Green Code does specify owner as the Applicant whereas  
17 other parts of the Code say owner/agent. So our counsel has decided that that is a  
18 separate issue. The timbering, correct, the requirement is that timbering cannot occur  
19 within 24 months. I know that has not happened on the site but the letter did not state  
20 that, the letter said 12.

21 MS. LINDER: And the letter does have to be signed by the landowner as well.

22 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we uphold the  
23 appeal, affirmative to the appeal that was initiated and send the matter back to DRT.

1 MR. VAN DINE: I'll second that.

2 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

3 All those in favor please raise your hand.

4 *[Approved: Westbrook, Theus, Tuttle, Palmer, Van Dine, Gilchrist;*

5 *Absent: Cairns, McDaniel, Brown]*

6 MS. LINDER: So the appeal is going back to the DRT.

7 CHAIRMAN PALMER: Alright. Any motions?

8 MR. TUTTLE: Well, Mr. Chairman, if I could have 60 seconds.

9 CHAIRMAN PALMER: Absolutely.

10 MR. TUTTLE: I'd like to congratulate Mr. Theus for stepping up and volunteering

11 to serve on the Richland County Planning Commission. I think he will be a great

12 addition to our Commission and welcome.

13 MR. THEUS: Thank you.

14 CHAIRMAN PALMER: Here, here. Here, here. Adoption of the Minutes, of the

15 Agenda. Do we have any Agenda amendments?

16 MS. HEGLER: No, sir.

17 CHAIRMAN PALMER: Okay, we've had a request to move the Subdivision

18 Review, Case No. SD-05-231, to the end of the Agenda.

19 MR. VAN DINE: Second.

20 CHAIRMAN PALMER: Okay. Any other Agenda amendments? Okay, do we

21 have a motion to approve the Agenda as amended?

22 MR. VAN DINE: So moved.

23 MR. TUTTLE: Second.

1 CHAIRMAN PALMER: A motion and a second. All those in favor say aye.

2 *[Approved: Westbrook, Theus, Tuttle, Palmer, Van Dine, Gilchrist;*

3 *Absent: Cairns, McDaniel, Brown]*

4 CHAIRMAN PALMER: None opposed. Okay, Map Amendments. Case –

5 MR. TUTTLE: Road names?

6 CHAIRMAN PALMER: Yeah, Road Names. Do we have a motion to approve

7 Road Names?

8 MR. VAN DINE: So moved. [Road Name: Slices Way]

9 MR. TUTTLE: Second.

10 CHAIRMAN PALMER: All those in favor say aye.

11 *[Approved: Westbrook, Theus, Tuttle, Palmer, Van Dine, Gilchrist;*

12 *Absent: Cairns, McDaniel, Brown]*

13 CHAIRMAN PALMER: Map Amendments. Case No. 12-18 MA.

14 **CASE NO. 12-18 MA:**

15 MR. LEGER: Thank you, Mr. Chairman. It's my understanding that Mr. Kim  
16 would like to address the Commission and ask to defer this case. Mr. Kim?

17 CHAIRMAN PALMER: Mr. Kim, if you would take the podium for us and anyone  
18 taking the podium if you would give us your name and address and please limit your  
19 comments to two minutes we would certainly appreciate it.

20 **TESTIMONY OF MYUNG CHAN KIM:**

21 MR. KIM: I – good afternoon, my name is Myung Chan Kim and I live at 2201  
22 Clemson Road. And then first one I have a case for 4114 Hardscrabble Road, I'd like to  
23 defer that some time next month, next year.

1 CHAIRMAN PALMER: Okay.

2 MR. KIM: Okay? And then I have the second one which is 2201 Clemson Road,  
3 that's the one that I'd like to change to General Commercial. Right now it's at  
4 Neighborhood Commercial and that's what I'm here for.

5 CHAIRMAN PALMER: So you're looking to defer, you're requesting to defer the  
6 first case?

7 MR. KIM: 4114 Hardscrabble Road.

8 CHAIRMAN PALMER: The first case? The 1.84?

9 MR. KIM: Yes.

10 CHAIRMAN PALMER: Until March of next year?

11 MR. KIM: Yes.

12 CHAIRMAN PALMER: Okay, what's your reason for that?

13 MR. KIM: My father just passed away [inaudible] and then that's, I have it in  
14 name as ownerships, it's not really the clear, the ownership yet. But my name's still in  
15 it, but also my mother name's in it so, but they're both legal [inaudible]. So I think that's  
16 a better idea and I talked to my mother this morning and then we will change, try to  
17 change for next year. But that's, that's still commercial property too.

18 CHAIRMAN PALMER: Alright, so as it – so right now we're just taking up that  
19 first case, the one that you're talking about.

20 MR. KIM: Sure.

21 CHAIRMAN PALMER: Case No. 12-18 MA, the 1.84 acre tract?

22 MR. KIM: That's right, 4114 Hardscrabble.

23 [Inaudible discussion]

1 CHAIRMAN PALMER: We have to have a motion to defer.

2 MR. VAN DINE: I move that we defer 12-18 MA.

3 MR. THEUS: Second.

4 MS. LINDER: Until a day certain?

5 MR. VAN DINE: Till March.

6 MS. LINDER: March 2013?

7 MR. VAN DINE: Yes.

8 CHAIRMAN PALMER: Okay, we have a motion and a second. Any other  
9 discussion? All those in favor say aye.

10 *[Approved: Westbrook, Theus, Tuttle, Palmer, Van Dine, Gilchrist;*  
11 *Absent: Cairns, McDaniel, Brown]*

12 CHAIRMAN PALMER: Okay. Next case, Case No. 12-19 MA. Mr. Kim, if you  
13 would hold on for one second. Staff? You don't have a presentation on the case?

14 MS. HEGLER: Oh, I'm sorry. I thought you were asking a question.

15 **CASE NO. 12-19 MA:**

16 MR. LEGER: Thank you, Mr. Chairman. Our project number is 12-19 MA, it's  
17 located at 2201 Clemson Road, it's almost two acres in size, currently zoned NC, which  
18 is Neighborhood Commercial. Mr. Kim is the Applicant, he's requesting a GC, General  
19 Commercial district at this time. Neighborhood Commercial district was approved in  
20 2007. The properties in the vicinity, to the north is occupied by residents, to the south,  
21 residents as well, to the east we've got a church and to the west we've got a residence.  
22 The zoning there is RS-HD, which is our Residential, Single-Family, High Density  
23 district for the north, south we have RU, which is Rural, to the east Office and



1 Institutional, and to the west we have Neighborhood Commercial. Our Comprehensive  
2 Plan recommends suburban for this piece of property where commercial and office  
3 activity should be located at traffic junctions or areas where there is existing commercial  
4 and office use. The Staff looked at this request for GC and felt that that district might  
5 present some excessively intense commercial use for that property and felt like the  
6 Neighborhood Commercial is appropriate at this time based on the existing residential  
7 uses in the vicinity and the fact that the other commercial zonings nearby have yet to  
8 develop, the Staff recommended denial or disapproval of this Application at this time. If  
9 you have any questions we'd be glad to try to answer them.

10 CHAIRMAN PALMER: Any questions for Staff? Okay, Mr. Kim?

11 **TESTIMONY OF MYUNG CHAN KIM:**

12 MR. KIM: Fifteen years ago, you know, I have a, I bought this property about 15  
13 years ago cause I thought that I was gonna use for the, I'm a, first of all I teach martial  
14 art and we just went to, you know, London Olympic as a referees. And then I have a, I  
15 live in this area for like over 15, 20 years and then I been watching the growing in this  
16 area so I know this area more than I think anybody around here also. And it because of  
17 the, you know, I try, this is my fifth time that I'm trying to change it to a General  
18 Commercial because of the, only because around my property is near to intersections  
19 and then other General Commercial [inaudible]. And then like two down, two houses  
20 down the road I have a Good Year Tire Shop and then I have a gas station and right  
21 cross from the property I have a Wendy's, which this is a high traffic area. Also, the  
22 area on the left-hand side pointing to the 77, it was RU, all that area before. But one  
23 day, you know, it just popped out because of the, when the developer asking like a big

1 company, developers and real estate agent peoples, they asking for the change it to a  
2 PDD with a commercial. I don't think that they have any problem to do with changing it.  
3 Now, if you looking in like three houses down the road there's another commercial  
4 there, and then a commercial is here and there. But residential is like now is hardly use  
5 that any more. And it looks like it's just a popping here and there. But the General  
6 Commercial that I wanted because there's so many, because we are close to the gas  
7 stations, and then peoples are looking for the General Commercial and now I'm still  
8 living at 2201 Clemson Road. So now because of the, because of that it's already high  
9 traffics over there so I really like to change to General Commercial. So I [inaudible]  
10 some future later as using it General Commercial.

11 CHAIRMAN PALMER: Thank you.

12 MR. KIM: But I mean, it's not really fair, you know, some big developer come in  
13 maybe one day and then they just change it, a PDD. I know PDD's [inaudible] later on.  
14 And that's only three houses down the road, and then the person who just owns a little  
15 small property like this, you know, I don't think it's really fair for this, the people who  
16 lives in this area. I think now it's about time they should leave, give a choice to, you  
17 know, the people who live, who live this area too. That's how I feel.

18 CHAIRMAN PALMER: Thank you, Mr. Kim. We don't have anyone else – yes,  
19 we do. Andrew Harrison?

20 **TESTIMONY OF ANDREW HARRISON:**

21 MR. HARRISON: Yes.

22 CHAIRMAN PALMER: Would you like to say something?

23 MR. HARRISON: Yes, I would.

1 CHAIRMAN PALMER: If you would come on up and take the podium for us,  
2 please.

3 MR. HARRISON: My wife, which is sitting right there, she and I, we live on  
4 Clemson Road at 2209 Clemson Road, and we've been there for almost 40 years now.  
5 And I [inaudible] against the property being converted to General Commercial. Where  
6 we live is zoned residential and my reason for saying that is the property that Mr. Kim  
7 has, it's not maintained very well in terms of the grass being cut, the leaves being raked  
8 and that kind of a thing, so it's kind of eye sore to the community. And it's not  
9 maintained [inaudible], if you put up a commercial establishment I don't know if you're  
10 gonna change it so my vote would be against it.

11 CHAIRMAN PALMER: Thank you.

12 MR. HARRISON: Thank you.

13 CHAIRMAN PALMER: That's all we have signed up to speak.

14 MR. VAN DINE: Mr. Chairman, if I may?

15 CHAIRMAN PALMER: Sure.

16 MR. VAN DINE: We have in the past talked about keeping the General  
17 Commercial at the actual nodes of intersections and I know that this is already zoned as  
18 Neighborhood Commercial, which is not quite as intensive a use as would be General  
19 Commercial. And it seems to me as you progress further down Clemson Road we don't  
20 want to have what's happened in other places, which is to strip it out all the way and it  
21 seems the gradient to a Neighborhood Commercial, which is what it presently is now,  
22 would seem to be the most appropriate to leave it there. And the other is we have to  
23 remember that whatever we change has a [inaudible]. It doesn't matter really what the

1 applicant wants to put in there, there's a whole litany of things that can go on to that  
2 property and we have to look at it with an eye towards what could possibly go on there,  
3 not what is proposed, and as such it seems to me that leaving it the Neighborhood  
4 Commercial, which is a commercial use, is the most appropriate as opposed to  
5 changing it to a General Commercial.

6 CHAIRMAN PALMER: Any other comments? Any motions?

7 MR. VAN DINE: Not hearing that, Mr. Chairman, I would recommend that we  
8 send Case 12-19 MA forward to Council with a recommendation of denial of the request  
9 to rezone to General Commercial.

10 MR. WESTBROOK: I'll 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: Westbrook, Theus, Tuttle, Palmer, Van Dine, Gilchrist;*  
14 *Absent: Cairns, McDaniel, Brown]*

15 CHAIRMAN PALMER: And we are recommending Body to County Council. All  
16 of our cases will go before Council on November the 27<sup>th</sup> down in the Chambers  
17 downstairs. I'd recommend you be there as well.

18 MR. KIM: Alright, thank you.

19 CHAIRMAN PALMER: Thank you. Case No. 12-33 MA.

20 **CASE NO. 12-33 MA:**

21 MR. LEGER: Thank you, Mr. Chairman. This Application was deferred from our  
22 Commission meeting last month. It's located at the intersection of Longtown Road and  
23 Longtown Road East. It's about 10 acres in size currently zoned RU, our Rural

1 Residential District. The Applicant is proposing the RS-MD, which is medium density,  
2 single-family residential. The RU District was originally docketed in 1977, which is our  
3 original zoning. Located in the vicinity we have either unoccupied or undeveloped  
4 properties and residential properties. We have RS-LD to the north, General  
5 Commercial to the south, and Rural Residential to the east and west. Our  
6 Comprehensive Plan recommends suburban for this area, recommends medium density  
7 of four to eight units per acre within that suburban recommendation. The proposed  
8 zoning district would measure up to 5.1 units per acre. Because the property is  
9 currently undeveloped and wooded surrounded by other low density, medium density  
10 residential development, as well there's an elementary school to the south, the Staff felt  
11 that the proposed rezoning, meeting the Comprehensive Plan recommendation, would  
12 be appropriate for approval at this time. If you have any questions we'll be glad to try  
13 and answer them.

14 MR. VAN DINE: Mr. Chairman, I do have one question. I'm looking at page 27  
15 and some photographs that I have deal with Flora Drive? Do we have improper  
16 photographs?

17 MR. LEGER: You do. That's correct. I think the original Agenda that went out  
18 had the incorrect photographs on that page. I think they've been corrected, maybe –

19 MR. VAN DINE: I'm looking at the one that I have in front of me. Alright.

20 [Inaudible discussion]

21 CHAIRMAN PALMER: I got the right ones.

22 MR. VAN DINE: Okay.

23 CHAIRMAN PALMER: Okay, any other questions for Staff? Frank Strasburger?

1 **TESTIMONY OF FRANK STRASBURGER:**

2 MR. STRASBURGER: Yes, to begin with I'd like to request that Jim Meggs,  
3 whose representing us, not speak at this time but speak at the end.

4 CHAIRMAN PALMER: Okay.

5 MR. STRASBURGER: Alright. First of all, I'd like to thank you folks for the  
6 opportunity to be here today. A little background, Trinity Presbytery bought this property  
7 in 2005 from Fairways Development. They purchased this property for a new church  
8 development site. New Kirk Presbyterian met for five years at Roundtop and  
9 Sandlapper Elementary schools, determined that was not the best site for them to plan  
10 a new church. They subsequently bought property in Blythewood and have built on  
11 Langford Road. Trinity Presbytery would like to sell the property. With the current  
12 zoning RU, RU limits the use and marketability of the property, so we're requesting RS-  
13 MD. We believe that RS-MD will allow for moderate density and at the same time  
14 utilizing the property in the highest and the best use fashion. We've got 10 acres on the  
15 corner as you come into Longcreek Plantation. Our development thoughts and plans  
16 are that this would be a little empty nest kind of subdivision. If you'll look you should  
17 have a out, Suzie did they get a handout from me?

18 MS. HAYNES: They did not. I'm sorry, no. I can go get them for you.

19 MR. STRASBURGER: That's alright. If I could, I'd like to pass that around.  
20 That's a preliminary development plan that was, that we have had done on the property.  
21 That plan calls for 28 lots, which would be a density of 2.8 lots per acre. In a  
22 subdivision such as this we would have strict architectural review guidelines. We would  
23 anticipate as this is developed that you would have homes of a minimum of 2,000

1 square feet, first floor, with single story, 2,600 square feet, two story. We believe that  
2 MD is in keeping with the Comprehensive Plan, and that as well if you look in that area  
3 there are numerous subdivisions with MD zoning within a mile, excuse me, within a mile  
4 and a half of our subject property. So we're not asking for something that is necessarily  
5 out of the ordinary for that general area. We anticipate, there's already a 20' landscape  
6 easement around the property or on the Longtown Road side. Longtown Road East side  
7 of the property we would also anticipate putting in an easement, probably planting that  
8 with evergreen type material. So as much as anything, cost is certainly a factor for us  
9 but the concept of what we see going in there is important. And as I say, we see a little  
10 28 lot subdivision going in with quality homes that are of the same quality that is in  
11 Longcreek Plantation. Thank you for your time.

12 CHAIRMAN PALMER: Next we have Sam Brick?

13 **TESTIMONY OF SAM BRICK:**

14 MR. BRICK: Good afternoon, my name is Samuel T. Brick, 124 Runnymede  
15 Drive, Blythewood, South Carolina 29016. I'm opposed to this for a number of reasons.  
16 First of all, the community understood that this was donated not sold. That's really  
17 irrelevant for your purposes, but I just wanted to tell you what the community  
18 understands. But the main thing is is that when you all saw this property, and you did,  
19 you saw it last spring, it was brought to you as a PDD church only. And apparently that  
20 was in error and, but the owners thought it was a PDD church only. And they never  
21 tried to sell the property, or they tried to sell it to other churches, but in any event there's  
22 been no efforts whatsoever to sell this property as Rural. It really is a rural area. All up  
23 and down that street are rural lots, most of them are two acre lots, which is beyond a

1 rural lot. You'll hear some testimony from some people who bought those houses or  
2 built houses on those two acre lots and most of these houses are relatively new, they  
3 sell those rural lots. And right across the street is a beautiful, an estate type house and  
4 all up and down that, that area you have beautiful homes that are well in excess of even  
5 the Rural districts. That's the area that they're bringing this into. Now the, the low  
6 density is inappropriate we, we – rather would be more appropriate than the medium  
7 density in any event. That would fit within the, the community more so than the medium  
8 density. This is where you actually come into Longcreek, there's a big sign there that  
9 tells you about Longcreek and we're concerned that when people come in they don't  
10 really see the real character of our neighborhood. So we hope you, we disapprove this  
11 application. Tell them to go back and sell it or try to sell it the way it is. There's been no  
12 efforts to that effect. That's all, thank you. Also thank you very much for your actions  
13 on the other part. I know it came at a late date and I really appreciate y'all doing that.

14 CHAIRMAN PALMER: Bernie Randolph?

15 **TESTIMONY OF BERNIE RANDOLPH:**

16 MR. RANDOLPH: Bernie Randolph, 212 Cartgate Circle, that's up in  
17 Windermere. I also printed off a copy of this layout and I'll speak to that in a minute. In  
18 the narrative they made the comment that this is not dissimilar to the adjacent property.  
19 Well, it is dissimilar to the adjacent property, everything to the east is Rural, everything  
20 to the north is Low-Density, everything to the west is again Rural, and on top of that  
21 they show no buffering between that and the General Commercial below the property.  
22 Now I'm concerned about it because Residential Medium-Density for this, and this plan  
23 is just a picture, it doesn't mean anything until it's submitted, but when you add to the



1 other property going on up Longtown Road, Longtown East, you have essentially the  
2 same thing that you saw when you saw the PDD for the Villages at Longcreek. So  
3 we're opposed to it because the density in there is not just the density for the corner, it'll  
4 end up being the density for the entire parcel of land going up to the first houses on  
5 Longtown East. So we're opposed to it, we think it's improper zoning. We're not  
6 opposed to rezoning that corner but not to medium density. Okay?

7 CHAIRMAN PALMER: William Morrison or Morris?

8 **TESTIMONY OF WILLIAM MORRISON:**

9 MR. MORRISON: Good afternoon, my name is William Morrison, I live at 1006  
10 Longtown Road East. I'm not adjacent to the property, just down the road from it. I live  
11 on a two acre parcel, built a house there two years ago. I lived in Richland County  
12 since '89, and most of that was in the Windermere subdivision except for the time I was  
13 building the house. I'm opposed to this rezoning as is stated now, much for a lot of the  
14 reasons that were stated before, simple reasons. We have a sign coming into  
15 Longcreek that says it's Longcreek. I went out and measured this, that sign and a tree  
16 that's got to be 100 and some odd year old oak tree, will have to come down if this  
17 zoning is passed. I don't know if any of you took the time to look at that, none of the  
18 pictures submitted, I do have the pictures, showed that entrance. Also, the traffic, they  
19 say it's not gonna be affected there. I'm there every morning and every afternoon, we  
20 put another intersection 150' away from there where they're gonna have the entrance to  
21 this, it is gonna affect it. I like the growth, I've seen a lot of growth out there. I think the  
22 RU zoning would be appropriate. It would have to change it to Low-Density, it makes  
23 more sense, all the adjacent property is, right now, Rural or Low-Density across the

1 street, except as pointed out, for that commercial, and that commercial, there's two  
2 other commercial properties for sale in there they're trying to sell and if I'm not mistaken  
3 they were all part of this overall plan they were gonna try to develop. My biggest  
4 complaint and worry is the 32 acres next to this. If it's taken off this suggestion, we're  
5 keeping it separate, but a couple months ago they were talking about a 42 acre parcel  
6 they were gonna change to RS-MD. They just took this 10 acres. The next thing it'll be  
7 here, if you guys approve this, is they'll be back within months saying, oh we got RS-MD  
8 next door, it's not dissimilar, we're gonna put it in there. And as you do that that other 30  
9 acres, you're moving towards my house. I bought out there to be in the Rural area and  
10 so did everybody else. I do not believe this is a good idea. Thank you for your time.  
11 And by the way, I wouldn't want any of your jobs for anything. [laughter]

12 CHAIRMAN PALMER: Phillip Butler?

13 **TESTIMONY OF PHILLIP BUTLER:**

14 MR. BUTLER: My name is Phillip Butler, I live at 214 Columbia Club Drive East  
15 in Blythewood, South Carolina. I'm just a homeowner, I just wanted to put my two cents  
16 worth in. I tried to make sure we were, and I was seeing this through the clear eyes of  
17 the Council, went back and what I got out of that and I may be wrong, is that  
18 responsible growth is what we're looking for, maintaining a rural flavor and considering  
19 the input of the community as well as developers to make sure that that all balances. I  
20 don't believe that's what's happening now. I believe we're heading toward irresponsible  
21 growth. When we moved here we were told that there were 800 homes and the build  
22 out would've been 1,200 and when I retired from the military that's what I understood.  
23 Now none of us that I know of is opposed to responsible growth, we've seen hundreds

1 of homes built in there and they've been well done for the most part and there's not a  
2 tremendous concern about that. Looking now at the way we continue to build from what  
3 was talked about before, the 300 plus homes and now which is being talked about is  
4 another amount of homes, in an area where we know the roads are substandard, we've  
5 already got a tremendous amount of traffic going into that area because of folks living  
6 over off of Hardscrabble Road, whether it's Lake Carolina or whatever, we can't really  
7 make an argument that Hardscrabble is gonna take care of that. You know, the  
8 repaving and widening of Hardscrabble, because as I understand it that is dictated by  
9 the increase in the sales tax and that's what the funding will be for that. Well, that  
10 doesn't even get voted on till tomorrow. And so we don't know what, if this gets  
11 approved and that sales tax increase gets turned down, we've now got a hell of, pardon  
12 my French, a heck of a lot more traffic in an area that can't stand the traffic right now. I  
13 would recommend to anybody that hasn't had an opportunity, go out at 5:00 in the  
14 evening and stand on the corner of Lee and Longtown Roads and you'll realize what  
15 we're committing to. Not to mention that at an earlier session here it was pointed out  
16 that the original developer in that area in building a rotary was far less than would be  
17 required by the State's Department of Transportation. And the DOT had looked at it  
18 and gave that as their statement. So that's where I come from, I really, I don't have any  
19 concerns about responsible growth, I am concerned that we're going through  
20 irresponsible growth in changing the rural flavor of that whole area. Thank you very  
21 much.

22 CHAIRMAN PALMER: Marvin Davis?

23 **TESTIMONY OF MARVIN DAVIS:**

1 MR. DAVIS: My name is Marvin Davis, and I live at 9 Somersby Court, and I  
2 also am opposed to the zoning change from Rural to Medium-Density. I don't know why  
3 we have to leapfrog and go past low density. I'm not opposed to low density, love rural,  
4 but I would not be opposed to low density. This, this new development that as you drive  
5 into the entrance past the fountain and the tree that was referred to, with only a 20'  
6 buffer you're not gonna look in the back of these homes. And also a detention pond  
7 right at the corner with no buffer. I mean, that's – I, I think if we have an opportunity that  
8 there is low density that if we could provide more buffer between the intersection and  
9 the road coming into Longtown Road it would make it a more attractive product, at least  
10 for the homeowners of the community. And I'm also concerned about the precedent it  
11 sets for the 30 acres and as well beyond the 30 acres what it, what it sets as a  
12 precedent. And I'd respectfully request that the committee or Commission deny the  
13 application.

14 CHAIRMAN PALMER: Thank you. Ed Nelson?

15 **TESTIMONY OF ED NELSON:**

16 MR. NELSON: Good evening. I'm Eddie Nelson, I live at 108 Cartgate Circle,  
17 presently a board member of the Windermere Association, homeowners' association,  
18 and I would like to go on Record that we oppose this zoning change.

19 CHAIRMAN PALMER: Thank you. Bill Flours?

20 **TESTIMONY OF BILL FLOURS:**

21 MR. FLOURS: Good afternoon, my name is Bill Flours with Civil Engineering of  
22 Columbia. I live at 14 Maple Tree Court, and I just wanted to give you a couple thoughts  
23 from an engineering perspective. RS-MD requires 60' wide lots and a minimum of

1 8,500 square feet. In the layout that we've come up with it shows 75' wide lots with a  
2 minimum of 9,000 square feet. The reason we need, one of the reasons we need RS-  
3 MD is because of the, the, just to help make the project viable financially. Regarding  
4 traffic concerns it's 28 lots that we're talking about, that's not gonna add an excessive  
5 number of vehicles to the traffic, and we've, on the layout we've provided you with we're  
6 proposing to locate the entrance as far as way from the intersection as we can, over  
7 400' away from that intersection. And then if there's concerns about the speed of traffic,  
8 the traffic, the speed limits out there are currently 45 and 40 and we propose that you  
9 could reduce those to 35 to help out with those concerns. And regarding the storm  
10 water runoff the slope, the site slopes from east to west towards the intersection where  
11 we're proposing that detention facility and the facility would be actually a retention pond  
12 that would capture all the runoff so that there wouldn't be any discharge from the site. It  
13 would all be captured and recycles back into the ground. Thank you.

14 CHAIRMAN PALMER: Thank you. Jim Meggs?

15 **TESTIMONY OF JIM MEGGS:**

16 MR. MEGGS: Good afternoon. Thank you. I'll be brief. My name's Jim Meggs,  
17 I'm a lawyer with Callison, Tighe & Robinson in Columbia, 1812 Lincoln Street is our  
18 office address. I represent Trinity Presbytery in connection with this proposed rezoning  
19 and I'll just try to respond to a few of the comments that have come forth thus far. I  
20 went to Dentsville High School, I've lived in Northeast Columbia since 1966 when old  
21 Pop retired from the army. The rural character has changed. That, that bus has gone  
22 by us, I'm afraid. I live off of Clemson Road with tens of thousands of other folks of  
23 Richland County and I've watched things transpire and have seen tremendous surge of

1 growth that we had until recent years when things I think have kind of stagnated. What  
2 we propose to do is develop the property consistent with your Comprehensive Plan, and  
3 the Staff has already reported to you that the projection in the Richland County Comp  
4 Plan is for medium density, four to eight dwelling units per acre. This is well within that  
5 parameter. We've heard a lot of comments about we'd prefer an LD as opposed to MD.  
6 I would submit to you there's not a material difference between LD and MD insofar as  
7 the concerns that have been addressed here, particularly traffic and buffers and so  
8 forth. So we think that medium density zoning would provide an appropriate transition  
9 from the General Commercial, the hind portion of the property. If you look at your color  
10 codes you can see that there are low density and medium density developments interior  
11 of Longcreek. I thought we were gonna respond to the oak tree but I don't, I really don't  
12 think that's an issue. We ask that you send this to Council with an approval  
13 recommendation. Thank you.

14 CHAIRMAN PALMER: Thank you. That's all we have signed up to speak.

15 MR. THEUS: Mr. Chairman, if I could ask Mr. Flours a question.

16 CHAIRMAN PALMER: Yes, please.

17 MR. THEUS: Tell us again the, the need for medium density versus low density  
18 and how many – did you look at it under a low density zoning and what would the lot  
19 yield be under a low density number?

20 MR. FLOURS: The layout you have shows 28 lots and it would be less than on  
21 RS-LD, it would be in the low 20's.

22 MR. THEUS: And you mentioned the width, lot width, some reason –

1 MR. FLOURS: Yeah, RS-LD requires a 75' wide minimum lot width and all of the  
2 lots shown on this layout are 75' wide, so this meets the RS-LD requirements as far as  
3 lot width is concerned. The only thing it doesn't meet is the total area of the lot. Instead  
4 of RS-LD calls for 12,000 square feet per lot minimum, we're providing 9,000 per lot. So  
5 it's very close.

6 MR. THEUS: Thank you.

7 CHAIRMAN PALMER: Any other questions or discussion?

8 MR. TUTTLE: No. Mr. Chairman, I'd like to make a motion that we send item  
9 number 12-33 MA forward to Council with a recommendation of approval.

10 CHAIRMAN PALMER: Do we have a second?

11 MR. THEUS: Second.

12 CHAIRMAN PALMER: Any other discussion? All those in favor of the motion  
13 say aye? Any opposed?

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

16 CHAIRMAN PALMER: Okay. Next case, Case No. 12-35. Alright, Case No. 12-  
17 35.

18 **CASE NO. 12-35:**

19 MR. PRICE: Mr. Chair, Planning Commission, this is one, we don't get too many  
20 of these, but to kind of go back with a little history on this even though it's already in  
21 your packet, this was, this subdivision, Summer Pines, was originally approved as a  
22 PDD, but it was the, going back it was the old site specific PDD and that was done a lot  
23 by Council as a way to just ensure some protection for the neighborhoods. Within the

1 ordinance for this particular PDD it states, and it's on page 30 of your Agenda, under  
2 Item G, the Planning Commission is hereby authorized to make minor amendments to  
3 the master plan or as otherwise allowed by Section 26-59(J) of the Richland County  
4 Land Development Code. What the Applicant is proposing is, once again as stated, this  
5 is a site specific PDD where they actually stated within each phase what the actual lot  
6 dimensions would be, also setbacks. The Applicant is requesting to reduce the lot sizes  
7 within some of those phases and also to establish different setbacks. Primarily they're  
8 going to reduce the lot width from 65 to 60 and, and to require all of the lots the, the  
9 depth of each lot to be reduced from 110 to 90, even though some of them are already  
10 specified as being 90' in depth. So you're looking at all of the lots being 60 x 90, except  
11 for parcel E, which is not part of this actual request. The actual density will not change.  
12 The areas would not change, the number of lots would not change.

13 CHAIRMAN PALMER: Just making the lots smaller.

14 MR. PRICE: Yes, sir.

15 CHAIRMAN PALMER: Same homes, same number of homes.

16 MR. PRICE: Yes, sir.

17 CHAIRMAN PALMER: Any questions for Mr. Price? Thank you. Preston Young?

18 **TESTIMONY OF PRESTON YOUNG:**

19 MR. YOUNG: Good afternoon. My name is Preston Young, 100 Deer Crossing  
20 Road, Elgin. Pretty much he spelled it all out so it should be real simple. Density wise  
21 we're not asking for an increase, the primary number of lots I think overall was 291 for  
22 the community, it will still be below that, that max number. So what you have before  
23 you is just pretty much what Staff has presented to you. Primarily we're doing it just to



1 bring consistency throughout the entire project. As he stated some of them are  
2 different, now we're just gonna bring everything in line.

3 CHAIRMAN PALMER: Okay. Any questions for Mr. Young? Thank you. That's  
4 all we have signed up.

5 MR. VAN DINE: Mr. Chairman, I would move we send this forward with a  
6 recommendation of approval.

7 MR. GILCHRIST: Second.

8 CHAIRMAN PALMER: I think we're actually approving this.

9 MR. VAN DINE: I move we approve, sorry.

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

11 MR. GILCHRIST: Second, Mr. Chairman.

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

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

15 CHAIRMAN PALMER: Okay. Items for discussion, number one, Land  
16 Disturbance Permits.

17 MS. HEGLER: This was an item that was brought forth by the Planning  
18 Commission for discussion. I think Mr. Tuttle might have some –

19 MR. TUTTLE: Yeah, and if, if I could, could we just defer that for 30 days? I'm  
20 not as prepared as I'd like to be.

21 CHAIRMAN PALMER: The Capital Improvements Program?

22 MS. HEGLER: Tommy Delage will present on that for you.

1 MR. DELAGE: Good afternoon. It's my pleasure to finally come to speak before  
2 y'all. I know it's been a while, so again my name's Tommy Delage, and what I did was I  
3 just pulled some information together from our Finance Department about the CIP.  
4 Mainly it's done through them as an annual process they'll go through after, and there's  
5 a general kind of process on how it goes on the bottom of page two. But they'll start out  
6 with compiling a list from departments and it kind of goes through with the CIP  
7 Committee and eventually after going through some proposed documents and reports  
8 and then that's when it gets submitted to Council. And mainly with, the Finance of CIP,  
9 what they're looking at is the general funds, grants, they also looked at the general  
10 obligation bonds, revenue bonds and local improvement districts. It's a little bit different  
11 from what we use as the CIP or what has been referred to as the CIP and the priority  
12 investment element. With that it's more of just a general ideal of public infrastructure  
13 and needs for the next 10 years, so it's not a list that we necessarily would update  
14 annually like the county CIP, but it's something that can be updated any time. The  
15 enabling legislation states that it needs to be updated at least once every five years or  
16 fully updated once every 10 [inaudible]. The biggest difference between the two is just  
17 one's in the Comp Plan is a general idea and the other CIP goes through the whole  
18 process with Procurement and, or looking at what needs to be procured, Finance and  
19 then County Council. I also included just some general contact information at the bottom  
20 for the Finance Department. The CIP is available online, it's a rather lengthy document  
21 so I didn't print out copies, [inaudible]. So, but it is available and really if there's any  
22 questions or if there's anything that we need to expand on I'd be happy to do that.

1 CHAIRMAN PALMER: Tommy, what's the Planning Commission's role in the  
2 CIP?

3 MR. DELAGE: Specifically for the annual one that's updated, there's nothing I  
4 saw that was spelled out. As far as the Comp Plan, at any point, I guess technically y'all  
5 could make a recommendation for us to look at anything as far as make any kind of  
6 changes, amendments, but at the end of the day what was submitted in the Comp Plan  
7 was just taking from the current CIP at that time which I believe was in 2009 when it  
8 was passed, and any kind of future potential needs for equipment and that's kind of  
9 what made it into our CIP for the Comp Plan.

10 CHAIRMAN PALMER: And the Comp Plan is updated, what'd you say, every five  
11 years?

12 MR. DELAGE: It's mandated that it at least be looked at and updated every five  
13 years, a total rewrite every 10. There has been some talk or request by Council to take  
14 some other looks, so there's a chance that we will be doing some revisions and updates  
15 to it fairly soon. We technically wouldn't need to have it in until 2014, December, but of  
16 course, you know, we would start on that earlier, so.

17 CHAIRMAN PALMER: So as far as the Planning Commission is concerned, the  
18 Capital Improvements Program is just simply a function of the Comp Plan and nothing  
19 else that we need to take a look at annually or adjust or put things on or try to take  
20 things off or anything like that.

21 MR. DELAGE: No, sir, and that's just, with the Comp Plan it's just  
22 recommendations. The CIP that's done through Finance is the major one that's updated  
23 annually.

1 CHAIRMAN PALMER: Sure.

2 MR. VAN DINE: I, maybe I'm reading what you've listed here in Chapter 29, but  
3 it's talking about recommended projects for expenditures over the next 10 years, public  
4 infrastructure and facilities, and it goes on to talk about coordination in which the  
5 Planning Commission Staff has responsibilities. I mean, our Comp Plan doesn't have  
6 specific projects or infrastructure or development or telling people where things are  
7 going, so how are we in compliance with this statutory provision if we're not even  
8 involved in dealing with infrastructure projects?

9 MR. DELAGE: I would think with the, the compliance would come from the  
10 capital needs, I guess to say, for as far as what would get us under compliance is that  
11 the idea that we listed it. We have a general idea of what is needed in the future, even  
12 though it can't be specific cause of course things change year to year, but I think that  
13 the fact that we brought forth that information and I guess under coordination through  
14 y'all, with the approval or any kind of amendments to that element, as well as sending  
15 copies out of the plans and soliciting input from different departments, and also from our  
16 municipalities and adjacent counties. So I think that, not a legal opinion, but I think  
17 that's how we are in compliance with that.

18 MR. VAN DINE: But I, I may, again I may be reading this wrong, but it seems to  
19 me that more is supposed to be in the Comp Plan than just, we'd like to increase  
20 suburban or whatever. It seems to me that it's actually requiring a more specific item to  
21 be listed as approaches to be taken to, I'm gonna widen Hardscrabble. And it seems to  
22 me we're sort of ceding those responsibilities over to people like the County of  
23 Governments and the local transportation group, Central Midlands. Unless I'm reading

1 this – I, I mean it seems to me that's supposed to be more in this Body's purview than it  
2 is to hand it off to other people.

3 MR. DELAGE: And I don't, as far as the transportation, most of our roads are  
4 state roads and our MPO does handle the coordination with DOT as far as for those,  
5 like Hardscrabble being one of them, and there are some lists in there and it ranges  
6 from, there's stuff on the Fire Department and it talks about acquisition and new water  
7 trucks. There's some necessary capital needs for the Police station, talking about the  
8 different districts. And it's kind of listed through, it's not probably as detailed as the CIP  
9 that's done by Finance as far as for each line item and what's needed as far as for the  
10 capital needs, but just kind of just a general idea. I don't think that there's nothing that  
11 says that we couldn't, in the potential revision or rewrite by 2014, add more information  
12 to do more coordination as far as at the Planning Commission level and in addition to  
13 coordinating with other departments. There's really no limit if everybody wants to be,  
14 you know, suggestions and something that's feasible we could look at adding in more  
15 info or being more specific.

16 CHAIRMAN PALMER: I think it says failure to, for the local Planning  
17 Commission, the last sentence it says, [Inaudible] a Planning Commission or Staff to  
18 identify and notify any adjacent or relevant jurisdictions or agencies does not invalidate  
19 the local Comprehensive Plan and does not give us –

20 MR. VAN DINE: Yeah, I'm not suggesting that it invalidates or failure to give  
21 notice, but I'm suggesting that it seems to me that we're supposed to be doing more in  
22 the Comp Plan that what's being done as far as identification of projects and other  
23 things of that nature.

1           CHAIRMAN PALMER: Yeah, that's why we're all [inaudible], I think we can but I  
2 think as far as the minimum standards is where we are currently sitting, but the Planning  
3 Commission, that's why, you know, Deas was talking about for a while, if this is  
4 something that we want to take a look at to try to put forward some ideas for the Capital  
5 Improvements Plan and make it an annualized plan I think it'd be a good idea to be  
6 involved in the process. But as far as the minimum standards are concerned, I, I guess  
7 we're meeting those.

8           MR. VAN DINE: I guess the question, do we as a county want to be meeting,  
9 just meeting the minimum standards or do we want to be out in front trying to get some  
10 things accomplished?

11           CHAIRMAN PALMER: Well, that's why we brought it up, yeah. I mean, I, I  
12 would agree, I mean, I would think that it would be proactive to take a look at some of  
13 the capital improvement needs that are going on in the county and assess those, maybe  
14 set something on an annual basis, whether it be November, December, January,  
15 February, whatever it was, that the Planning Commission take a look at those  
16 annualized issues.

17           MR. VAN DINE: I mean, one of the things that we've always talked about since,  
18 you and I have been on this for a long time, is that we never know half the time what's  
19 going on. And it's a good idea for us certainly for making decisions, some of the ones  
20 we made today, it'd be a good idea if we knew if there was projects that were planned  
21 or things that were going out so we could make an even better informed decision as to  
22 what's going on. So my suggestion, I'm not suggesting we want to take on a whole big

1 task of doing it but we certainly ought to at least be a little bit more involved than we  
2 may have been in the past with some of the things going on.

3 CHAIRMAN PALMER: It may be a good idea to take it up in our August recess  
4 since we don't meet for these issue to have August as a Capital Improvements month  
5 where we take on some information during that month –

6 MR. VAN DINE: Probably a good idea.

7 CHAIRMAN PALMER: - and see if we can address that issue in August for the  
8 upcoming year.

9 MR. VAN DINE: Probably a good idea.

10 MS. HEGLER: We can look at this overall schedule of Finance too and see how  
11 they can maybe have better input and come back to you with a plan.

12 CHAIRMAN PALMER: Okay. Thanks, Tommy.

13 MR. DELAGE: Thank you.

14 CHAIRMAN PALMER: Discussion of proposed Green Development ordinance.

15 MS. HEGLER: Yes, sir. We're really here at your disposal on this one, but I  
16 wanted to just give you a little bit of background again on what's taken place just so that  
17 we're all kind of refreshed. The Green Code was sent by Council to the Roundtable  
18 back in March I think, March or April, and they were asked to make recommendations  
19 on how to improve it, finds some of the flaws in it and make some recommendations on  
20 how to improve it. Given summer schedules, the Roundtable met twice, they met June  
21 8<sup>th</sup> and July 16<sup>th</sup>, and communicated pretty frequently through email. Their requirement  
22 was to return with a product, a revised product to Council by the end of July and they  
23 did that. We started by looking at some of the problems with the Green Code as we find

1 while we, you know, we're looking at it deeply and while we were actually trying to  
2 implement it on a couple projects, some of the top problems that we wanted to address,  
3 and the Roundtable did as well, was that there was no minimum  
4 conservation/preservation required by the Code. There's a minimum standard for which  
5 you would do to get a density bonus but there was not a minimum outline for how to use  
6 it and when to use it. There were a lot of internal inconsistencies that kind of made legal  
7 determination of an application pretty difficult. There were broad density bonuses, it  
8 was brought up by the public and some Councilmembers that this was one of the areas  
9 within the Code that was really concerning to them, the Green Code itself allows certain  
10 density bonuses, given the amount of space you set aside; for instance, if you set aside  
11 30% of your property for open space you can enact a 10% density bonus and it goes up  
12 from there. So we looked at, with that, where the, what zoning districts this could be  
13 applied in. For instance, high density maybe that was too broad, maybe those 10, 20  
14 or 30% density bonuses were too broad. I mean, there were a number of other issues  
15 throughout the Code itself that as we really dove in we realized weren't very well written,  
16 they weren't things, there was a lot of subjectivity to a couple clauses or places where  
17 there was so inconsistent, how do you choose which one to go with. So the Roundtable  
18 again met, they addressed some of those bigger issues, they felt like they didn't have  
19 time to completely overhaul it, they didn't really tackle every one of the concerns that  
20 they had, they, they attempted to address the larger ones. They, for instance, they  
21 removed the ability to apply the Code to some of the higher density zoning districts, they  
22 modified the density bonus so that it wasn't quite so high, increased the buffer transition  
23 yard so that there's more compatibility between land uses, that was something we



1 heard a lot too, well you could be using this in an infill and it could be completely  
2 different in character from its adjacent uses. It was pretty contentious and we spent a  
3 lot of time talking about setting a minimum for when you could use the Green Code.  
4 See, Green Code really does two things; it allows you to relax your lot sizes and it  
5 allows a bonus. Well, the two weren't really aligned in terms of the amount of set asides  
6 you had to give, so the Roundtable proposed a 10% minimum to relax the lot sizes,  
7 meaning if you're gonna come in and you're gonna use a Green Code, you have to  
8 have at least 10% set aside. You still have to have 30 to enact your density bonuses,  
9 but the two were separate in the Roundtable's opinion. We did some clean up of the  
10 Conservation Department, we now have a Conservation Department, they oversee and  
11 certify the conservation that's outlined. We had to update some of that language, made  
12 it more consistent with some of the other work that the Roundtable's done in terms of  
13 tree spacing and street requirements. So just a number of those things that were  
14 tackled but again it wasn't a complete overhaul and I think Council certainly felt that  
15 way, you felt that way, it wasn't 100% rewrite of a Code that's got a lot of flaws in it.  
16 You know, we're only partially there and you as a Body just last month suggested a  
17 repeal of the Green Code. The Roundtable is currently looking at items, they were  
18 tasked with, originally, take the Green Code aside, they were tasked originally to look at  
19 22 principles for environmentally sensitive design, ways that they could update our  
20 Code, complete Code, not an option, but how they could update the Code to have more  
21 environmentally sensitive land design. And the four principles that they're looking at  
22 now, these last four are open space design, open space management, land incentives,  
23 actually the things that they felt could replace the Green Code in the long term, so

1 they're working on those items as we speak. They've met once but haven't made any  
2 recommendations yet but they're trying to complete it as quickly as possible. And those  
3 items again will be folded into the Code, [inaudible] anyway, and applied to all major  
4 land, major commercial, or subdivision [inaudible]. With that I'll answer questions. I  
5 don't know what more background I can provide. I know you have a copy of the revised  
6 version that we submitted. Again, it really sort of addressed some of the concerns that  
7 everybody has with the Green Code.

8 CHAIRMAN PALMER: Well, I think – thanks Tracy. I think where this came from  
9 was, you know, we as a Planning Commission last month recommended to Council to  
10 do away with the Green Code as it currently is in our Zoning Ordinance. So either we're  
11 gonna propose something back to Council to change that to or just say we don't want to  
12 have a Green Code period, just live within our current zoning classifications that we  
13 have now. I'm of the opinion that I think there should be a reward process for people  
14 that can work within the Green Code and make certain sacrifices in certain areas and  
15 you get certain benefits in others. I think the concept works. I think that there's some,  
16 certainly some definite flaws in our current Code like Tracy talked about. And the reason  
17 I wanted to put this on the Agenda was to, first of all get the sense from the Planning  
18 Commission as to what y'all's thoughts were, if it was just, let's just sit back and let  
19 whoever else do whatever they want to with it, or take a proactive measure and put  
20 something forward that's from the Planning Commission. And if we were gonna do that  
21 we needed to set up a timeframe in which to do it. Now, I know Howard and I worked  
22 on the rewrite of the entire Chapter 26 some number of years ago and it was a long and  
23 arduous process. This is one section of that. But when we did that we, we took section

1 by section and if need be, line by line, and if we didn't agree on something, the  
2 Commission didn't agree we would vote on it and, you know, whoever made the best  
3 argument or whatever would move forward with it and then we'd put something forward  
4 as a Planning Commission. Personally I think that's how the process should work. If we  
5 take a look at the Green Code we can all become very familiar with it and then come  
6 back with our own ideas, put those ideas together and either move forward with the  
7 Green Code or not. But we have to get our process in line to do that and we can either,  
8 a, not do anything with it at all and just let it sit and just deal with whatever comes in  
9 front of us, or b, if we're gonna do something with it we need to set up a timeframe in  
10 which to do it. I think most of the time now our meetings get over probably about 2:30  
11 or so, it's a relatively short meetings, 2:30, 3:00, so we can either, a, extend these  
12 meetings, and since everybody's already out of work anyhow, extend these meetings on  
13 and deal with the Green Code, or b, come back at another time maybe in the afternoon,  
14 some other day and figure out a way to do it, but I just didn't know what you guys  
15 wanted to do with it and I figured we would discuss it and see if there's any interest to  
16 do anything at all or not or what. But we can't, one thing I don't want to do is I don't  
17 want to have just work sessions on this. Work sessions are typically not very well  
18 attended, it's a process where we could have one or two show up this time, one or two  
19 show up next time, and it's, we got to get the whole Staff in here, everybody else gets  
20 here and then there's not a whole lot of actual work done. If we do do something  
21 outside of our normally scheduled Planning Commission meeting, I personally would  
22 like to see it as an actual meeting, special called meeting where action can be taken at  
23 that meeting and where we have better attendance.

1 MR. VAN DINE: I, I personally think that we, we need to have something in the  
2 form of a Green Code. Doing nothing to me is probably inappropriate. Pat's right, when  
3 we did the Land Development Code it was long and there were a lot of late night  
4 meetings and everything else that took place, and a lot of people who are sitting in the  
5 room know just how long that process took. That was a lot bigger project than we're  
6 talking about here. But the same process to me would work in this setting as well. If  
7 everybody had their say, everybody had a chance, nobody got cut off, interested parties  
8 had people who could be sitting in there and if a question needed to be asked, they  
9 could, we as Commissioners would say, Earl, what do you think about that, and we'd  
10 talk, Earl McLeod would give us his thoughts or whatever, so all of those dynamics that  
11 come into it ultimately we came up with something which wasn't perfect, which we're all  
12 finding anyhow, at least everybody had a say, everybody knew what they were getting  
13 into and when it came time to actually talk about those in the sense of rezonings or  
14 whatever, people knew what we were talking about. People didn't just come in and, and  
15 we're lost. So I think it's a good idea for us to go ahead and actually try to set it up.  
16 We're here already on Mondays, I'm, I mean, unless obviously somebody with a black  
17 robe calls me and says it's time to be some place else, I'll be more than happy to stay  
18 here and talk. But Pat's right, the other thing we have to agree to, not just to work  
19 during the meeting, people are going to have to agree to work outside of the meeting, to  
20 be looking at the materials so that when we come in here we actually have discussions  
21 that have some merit to them instead of just, you know, sort of bitch sessions or  
22 whatever. So I think it's a good idea. I'll be honest and tell you I don't know what  
23 County Council did with our suggestion on the Green Code, so if they agreed with us

1 then we probably need to work towards getting something. It would seem to me that we  
2 can't do this in two months, I just don't see it being that short a timeframe, but at the  
3 same time it shouldn't be a two year process.

4 CHAIRMAN PALMER: I, I think we could get it done probably in a good four  
5 meetings. I think we could get through, if we did it after our meeting and had a special  
6 called two weeks thereafter, and kept it fresh and did it in the afternoon, I think we could  
7 get something done relatively quickly cause it's one section of our Code, it's not the  
8 whole thing like we did before. It's one section. If we had people come in and, you  
9 know, like you said prep beforehand, have questions, and not just keep your questions  
10 to that time, but if you had questions pertaining to whatever issue, call Tracy beforehand  
11 and say, hey can we do this, can we do that, I mean, have it a work in progress and not  
12 just a stop and start, stop and start, stop and start. I think we could have something  
13 done by January.

14 MR. VAN DINE: I'm just –

15 CHAIRMAN PALMER: But I don't know what the desire of people –

16 MR. VAN DINE: - I guess my personal concern is we are starting to get into the,  
17 all of the holiday season stuff and with all this stuff coming on I think the next two  
18 months really amounts to one month, when it's all said and done. I, I, but I certainly  
19 think we can get something done within the first month or so of January.

20 CHAIRMAN PALMER: I can tell you this much, the Green Code sat there for  
21 years and years and nobody touched it. And then now all of a sudden people are  
22 wanting to use it and, you know, I agree, I mean, we just, we deal with it as quickly as  
23 we can, but you know, if we're getting into the first part of the year, fine. I mean, it sat

1 there forever anyhow, I mean, there's no reason to – I would personally recommend  
2 that we do it at the end of these meetings and we set a cap on it that we end these  
3 meetings at a certain time. Whatever we can get in, we get in, but go ahead and know  
4 that we're scheduled to be here until 5:00 or whatever, and then we just work through I  
5 until we get it done.

6 MR. TUTTLE: I have a question for Tracy if I could.

7 MS. HEGLER: Well, if I could actually just let you know, the Council gave first  
8 reading to the repeal –

9 MR. VAN DINE: Okay.

10 MS. HEGLER: - at their Zoning Public Hearing at the end of last month. So  
11 second reading will be on the 13<sup>th</sup>, and third on the 21<sup>st</sup>. And that was to repeal 12-31.

12 MR. TUTTLE: So from your perspective as it relates to Council, what kind of  
13 fuse do you think Council has? And is this something that they're willing to let, just let  
14 us work on it for a while?

15 MS. HEGLER: Yeah, I think Council wants to know that some progress is being  
16 made. They put a short fuse on the Roundtable for their work as well. They're meeting  
17 for the next two weeks, every two weeks, or the next two months, every two weeks to  
18 attempt to finish their principles for what they might be able to impart on this process.  
19 So they want to see quick action, I think they are comfortable with progress and  
20 knowing where we stand. I think realistically we told them 12.31 is kind of difficult.

21 MR. VAN DINE: I guess a question. I mean, how do we combine what the  
22 Roundtable is doing with what we're doing? Ultimately, I mean, I don't want them to go  
23 down side by side tracks and the tracks never meet someplace.

1 MR. TUTTLE: Well, the other danger that lies there too is if we don't move at a  
2 similar pace, they could finish their product and it could ultimately end up in front of  
3 Council and Council could approve it, regardless of our efforts. So we'd like to have  
4 some buy in from –

5 CHAIRMAN PALMER: Well, no they can't get their –

6 [Inaudible discussion]

7 MR. TUTTLE: Right, but they'd just come through us and if we said no then  
8 Council could turn right back around and –

9 CHAIRMAN PALMER: They could, but – and I understand that but the  
10 Roundtable is not the Planning Commission, the Planning Commission is not the  
11 Roundtable.

12 MR. TUTTLE: I'm not saying that.

13 CHAIRMAN PALMER: If we want to move forward with something from our  
14 purview we certainly can, but something that comes from the Roundtable is, is what  
15 they do and that's a completely separate body and whatever they want to do they can  
16 move forward with.

17 MR. TUTTLE: I think we'd be remiss not to be cognizant of the actions of the  
18 Roundtable and try to coordinate our actions as best we can, maintaining our own  
19 autonomy. But for us just to come and go down this path and then go down that path  
20 and then get here and we're way divergent and maybe we have to be, maybe we don't  
21 believe the same things, but I just think it would be silly not to at least try to understand  
22 where they're going and see their drafts and see, you know, maybe they have insight  
23 that's useful to us, I –

1 CHAIRMAN PALMER: We could certainly, I just don't want to sit around and  
2 wait on them to put something in front of us.

3 MR. VAN DINE: Agreed. That's agreed.

4 CHAIRMAN PALMER: And then –

5 MR. VAN DINE: And I just, ultimately we just have to make sure we're blending  
6 together. We do our own process at our own speed, but ultimately we have to get to a  
7 point where there is something that we look at from them and say, well you know, that's  
8 a good idea or there's no way we're ever gonna agree to that type thing.

9 MR. TUTTLE: Right, and I'm not being an advocate for the Roundtable I just  
10 want you to understand they have a mandate directly from Council to produce a  
11 product, irrespective of what we do.

12 CHAIRMAN PALMER: Right.

13 MR. TUTTLE: So we need to figure out a way to coordinate that or all of a  
14 sudden they're gonna get to the finish line with a product –

15 CHAIRMAN PALMER: But their product has, is not a complete rewrite of the  
16 Green Code section, it's related to specific places in our Code that have to do with  
17 specific principles.

18 MR. TUTTLE: I'm not arguing with you, I'm just trying to get you to understand if  
19 we don't have some coordination there you're gonna end up with two divergent products  
20 at the end and no way to – I mean, why would you want to go all the way there and then  
21 try to mesh them or have Council approve yours over this group that's been working on  
22 Council's behalf for four years now?



1 MR. WESTBROOK: Could we first have a meeting in January and determine  
2 what we want to do and how we want to do it? And perhaps meet with Roundtable and  
3 see where they're going.

4 MR. VAN DINE: I'd rather have a meeting in November to see where we want to  
5 go.

6 CHAIRMAN PALMER: Right.

7 MR. VAN DINE: I mean, instead of waiting for January.

8 MR. WESTBROOK: Oh, this is November.

9 MR. VAN DINE: Yeah.

10 MR. WESTBROOK: Okay. You mean later on?

11 MR. VAN DINE: Yeah. Not today.

12 MR. WESTBROOK: Well, whatever we have to do, but I think we should first get  
13 together, know what we want to do.

14 MR. TUTTLE: No, I agree, but what – the only point I'm trying to make again is  
15 the Roundtable's gonna have a finished product by the end of the year by mandate from  
16 Council.

17 MR. WESTBROOK: Right.

18 MS. HEGLER: They're trying to, I don't know that that's true.

19 MR. TUTTLE: So we'd be remiss to wait till January to start ours, I think we'd get  
20 lost in the shuffle is my point.

21 MS. HEGLER: Yeah, I don't know that they'll meet the –

22 MR. TUTTLE: Why don't you just formalize what you said and just, let's just put  
23 together a program like that. We want to meet twice a month for the next –

1 MR. THEUS: Why, I'm new, this is my first meeting, why would we not take their  
2 report and then –

3 MR. TUTTLE: Oh no, you didn't.

4 MR. THEUS: - [inaudible].

5 CHAIRMAN PALMER: Well, here's the reason why, is because when you get a  
6 report from the Roundtable, it's a recommendation to Staff. That's gonna move forward  
7 as is. Now, when, if we make any changes to that –

8 MR. THEUS: We can't bring it into this committee?

9 CHAIRMAN PALMER: If – when it moves forward to Council this will be the  
10 Staff's recommendation. We'll have an addendum to that that says the Planning  
11 Commission also recommends you change section 1.1 to 15 units instead of 14. But  
12 this is the Staff's recommendation and we're an addendum to that if we want to change  
13 anything. That's different than having something as a Planning Commission  
14 recommendation to Council than is as an addendum to the Staff recommendation.

15 MR. THEUS: I'm lost in the process. I don't know why we wouldn't want their  
16 input.

17 MR. VAN DINE: Well, we do want their input but we don't want them to be out  
18 doing a separate report; if we have specific things we want to do we need to be doing it  
19 as our own recommendation from the Planning Commission and not saying it's going to  
20 be the Roundtable's recommendation. And, because frankly what's not gonna happen  
21 is they're not gonna hand us their stuff and say, okay you work on it now, they have  
22 their own vested interest in what they have, we have to take on the responsibility and

1 we will have a vested interest in what we want. We may combine some of the stuff  
2 together.

3 MS. HEGLER: Well, that's what I'm wondering if you could do that. I'm sorry.

4 CHAIRMAN PALMER: Well see, we're not, we're not part of the Roundtable.  
5 The Roundtable is made up of the environmental community, civil engineers and  
6 perhaps some residential agents. So when they come up with their information, and the  
7 Staff, when they come up with their recommendations it is a Roundtable  
8 recommendation those are the parties that are represented. The Planning Commission  
9 is made up of citizens of the community that are elected by County Council Members.  
10 So it's up to us to represent not just our field or me as a commercial agent or, or  
11 whatever, it's to take into account the whole county. So we can either a, just sit back  
12 and let those segments put forward what they think it is, or we can, we know that the  
13 Green Code is going to be changed, we need to come up – or they're gonna do away  
14 with the Green Code, we – that's the part of the Planning Commission is to come up  
15 with those changes to Chapter 26 that are representative of the county.

16 MR. THEUS: So this is a control issue is what I understand. [Laughter]

17 CHAIRMAN PALMER: It's not a control issue it's a matter of the process that  
18 this document goes through. You can either a, be an amendment to a document or b,  
19 have more input into what a document says.

20 MR. VAN DINE: I think it's a perceptual issue in which at this point in time  
21 whatever comes from the Roundtable does not include anything that we have or  
22 thoughts that we have. We being this Body, not necessarily Staff. The Staff has made  
23 –

1 MR. TUTTLE: So the, you know, the counter argument, Howard, would be do  
2 you think that this Body's answers would be better served by doing something  
3 combined with the Roundtable rather than ending up with two documents?

4 MR. VAN DINE: My personal feeling is that with the vested interest that exist  
5 after the four years that all of that's been going on, at this late stage we would be  
6 considered [inaudible] and we would probably not have much say in what was going on.  
7 So if we have strong opinions about what needs to be done then we probably need to  
8 be doing it as, on our own in order to put forth the ideas that this Body has.

9 MR. TUTTLE: So where do we go from here?

10 CHAIRMAN PALMER: Well, first we need to decide if we want to address the  
11 issue, what we want to send back and make recommendations to the Roundtable's  
12 recommendations.

13 MR. TUTTLE: Do we want to vote on that?

14 CHAIRMAN PALMER: I mean, I don't know. I mean, we don't have to vote on it.  
15 What's the consensus, is it something that we want to – I would like to take a look at it.

16 MR. TUTTLE: Okay [inaudible].

17 MR. VAN DINE: I think we need to do it, we need to do our own review not jaded  
18 by what may have taken place through other eyes that we weren't involved.

19 CHAIRMAN PALMER: And, you know, to Howard's point, what you've got at the  
20 Roundtable is you've got over four years now you have things that have been  
21 discussed, deals that have been cut that, okay you give here, we'll give over here. We  
22 know this is coming down the pike so remember back when you gave us 15 parking  
23 spaces, now we need to give you X.

1 MR. TUTTLE: With all due respect, I just want to remind Planning Commission  
2 Members where their storm water ordinance ended up, where the Roundtable's  
3 document ended up. I think you're doing, I think you're heading for that same thing all  
4 over again.

5 CHAIRMAN PALMER: Well then we just don't need to have a Planning  
6 Commission as far it's concerned for these chapters, I mean, we just need to –

7 MR. GILCHRIST: I was getting ready to say, I mean, what do we exist for if, if –

8 CHAIRMAN PALMER: I mean, if you don't want to play the game and if you  
9 don't want to put forward ideas, then we just need to be members of –

10 MR. TUTTLE: Well, I mean, we've had this discussion, I don't want to bore  
11 everybody in the audience, but I mean, if you have experts in their field, for instance, we  
12 don't have an engineer here whatsoever, and you have an opportunity to get input from  
13 people who do this stuff on a daily basis, why would we not -

14 CHAIRMAN PALMER: We do have that.

15 MR. TUTTLE: - value that consideration?

16 CHAIRMAN PALMER: We do have that and we have that open just like we did,  
17 just like Howard just said, when we went over Chapter 26, those were open meetings to  
18 the public and we asked questions and they gave their opinions. So –

19 MR. TUTTLE: I'm saying why wouldn't you have the Roundtable involved in  
20 those discussions or meetings? I mean, they could come as private citizens without the  
21 moniker of the Roundtable, I don't understand why you wouldn't just do the, just have  
22 them in the room just like you were talking about Earl and others being in the room.  
23 How would it be different?

1 MR. VAN DINE: They can be there.

2 CHAIRMAN PALMER: Absolutely.

3 MR. VAN DINE: I don't think we're –

4 CHAIRMAN PALMER: I don't think anybody's saying that you can't.

5 MR. TUTTLE: Okay.

6 MR. VAN DINE: What we're saying is as a combined group with a  
7 recommendation that comes out of the Roundtable itself, you don't have the direct ideas  
8 that are raised by the engineer, by the developer, by the environmentalist. You have a,  
9 sort of a mashed together compromised, consolidated, whatever word you want to use,  
10 it's not him saying, I don't think that's the right idea for doing that in his own capacity.

11 MR. TUTTLE: I, I understand.

12 MR. VAN DINE: You know, ultimately what it boils down to is if Council wants to  
13 take the Roundtable over what we give, that's their prerogative to do so. But again, if  
14 that's gonna be the case and we're just the red-headed stepchild then, other than the  
15 fact that it's required by statute, what are we doing here?

16 CHAIRMAN PALMER: Okay, do we want to –

17 MR. TUTTLE: Do we want to meet, I mean, do we want to meet –

18 CHAIRMAN PALMER: I would, I would –

19 MR. TUTTLE: - twice a month or what?

20 CHAIRMAN PALMER: - well, I would just say that we extend our meeting next  
21 month until a 5:00 cap and that we, everyone plan to stay here till 5:00. Whatever extra  
22 time, it's the last item on the Agenda, but that we'll take the item up until then, until 5:00.

1 And in the meantime between now and next month, if we could get perhaps some initial  
2 thoughts from Staff to start with the process.

3 MR. VAN DINE: Here's a question I have. Do we want to take the existing Code  
4 and try and rework it as a framework or do we want to start fresh? Because, I mean, if  
5 we're gonna take the existing framework Code we can all look at the, at what exists and  
6 come up with suggestions off of that. If we're gonna try and rewrite something  
7 completely from scratch, it's gonna take more than two or three meetings to do  
8 something like that.

9 CHAIRMAN PALMER: I think the nuts and bolts are there. I think the skeleton's  
10 there. That's my opinion.

11 MR. THEUS: Do we know what the issues are? I'm ignorant, cause I – do we  
12 know what the issues are? What the problems are with the existing Code, are there a  
13 dozen things that we have to work through? Why wouldn't we just do that?

14 MS. HEGLER: Yes.

15 MR. THEUS: Might be three dozen. Whatever it is.

16 MS. HEGLER: And remember that it's probably going to be repealed so you  
17 would have to first decide what you're writing.

18 CHAIRMAN PALMER: That's okay.

19 MR. THEUS: That's okay.

20 [Inaudible discussion]

21 MS. HEGLER: And writing a whole new and naming it something new or taking  
22 a whole new section. And how will that differ from the Roundtable's recommendation. I  
23 think you're discussing something different, you're describing something different.

1 CHAIRMAN PALMER: I think why don't we have everyone between now and  
2 next month become familiar with the Green Code if you're not already, and come  
3 prepared at our next meeting to discuss from the Staff's level, the Staff's issues with the  
4 current Green Code, whatever individuals who may have issues with the Green Code  
5 and think it's better for the county and we can bring those together as we start moving  
6 through and lay them out and just see, just move down the code –

7 MS. HEGLER: Line by line?

8 CHAIRMAN PALMER: - as we go, session by session to say, okay what's the  
9 thoughts on this section, I mean, does this cause heartburn or what?

10 MR. VAN DINE: So everybody's working from the same document, email to  
11 everybody on the Commission the document that we're gonna start with so everybody's  
12 got the exact same thing that we're starting from and you don't have multiple versions.

13 MR. TUTTLE: Do we want a summary of the issues that have surfaced?

14 MR. THEUS: That would be helpful.

15 MR. VAN DINE: If they can do that that would be great.

16 MS. HEGLER: And you want to be, first week in December, not between now  
17 and then?

18 MR. VAN DINE: Right.

19 CHAIRMAN PALMER: Well, as part of our package. But you, go ahead and  
20 email us out the Code and then if you guys can come up with your list, as soon as you  
21 guys can come up with your list, come up with them and any ideas that the Planning  
22 Commission Members have, circulate them around prior to the meeting as well. I mean,  
23 you know, we can start taking them on beforehand not just come in cold with them.



1 MR. TUTTLE: Okay.

2 CHAIRMAN PALMER: Alright. Okay, allow me to read this into the Record, Dear  
3 Mr. Palmer, I must request to be excused from participating in discussion or voting on  
4 Agenda Item No. SD-05-231, which is scheduled for review and/or discussion at today's  
5 Planning Commission meeting. It is my understanding of the Rules of Conduct,  
6 [inaudible] Ethics, government accountability and campaign reform laws that since I  
7 have a financial interest in the property I will be unable to participate in this matter  
8 through discussion or voting. I would therefore respectfully request that you indicate for  
9 the Record that I did not participate in any discussion or vote related to this item  
10 representing a potential conflict of interest. I would further request that you allow and  
11 direct this letter to be printed as part of the official Minutes and excuse me from such  
12 votes and deliberations and note such in the Minutes. Thank you for your consideration  
13 in this matter. Sincerely, David Tuttle. Subdivision Review, Case SD-05-231.

14 **CASE NO. SD-05-231:**

15 MS. HEGLER: Yeah, this is a preliminary subdivision plan for Ashland Downs  
16 Phase 3 by Applicant Lake Carolina Development. This comes before you because it's  
17 stipulated by the Development Agreement for this project, a PDD. It was adopted July  
18 17, 2001, that you would review these plans with the Staff recommendations. You have  
19 a report in front of you that describes the existing conditions and the compatibility with  
20 the surrounding area. [Inaudible] Comprehensive Plan. So you're being asked to,  
21 based on those two findings of fact, that they're compatible with the surrounding area  
22 and that the project is compatible with the Comprehensive Plan. Approve or not. Staff  
23 recommends a conditioned approval. We have a list of departmental review items that

1 need to be addressed, they would have to revise and resubmit. I'd like to read those for  
2 the Record so if you were to use that you could just refer back to them. Public Works  
3 needs a detention waiver, they requested that they provide reference information, you  
4 know, in other words who originally submitted the Application under what date or  
5 submitted, previously submitted storm water calculations. They need to provide a 25  
6 year storm water calculation and provide pre-development and post development  
7 watershed maps. The Applicant needs to provide information on how permanent water  
8 quality is being addressed, provide calculations for sediment basin size, provide  
9 calculations for trapping and fishing, provide calculations for pipe discharged velocity  
10 breakers, show defined wetlands boundary, reflect them as a disturbance on the  
11 grading plan, show binder force on standard road detail cross section, show permanent  
12 pavement markings on the staking plan. The addressing coordinator also had some  
13 comments that need to be addressed during the revision, Bonnington and Abbey Walk  
14 street names are already used in Pinnacle Ridge and Ashland Villages at Lake Carolina  
15 so they need to resubmit the new road names. Flood approved as well of conditions,  
16 the sites located in zone X based on a review of the firm panel. The construction level  
17 drawings will need to be [inaudible] Corp approved wetland delineation. Fire Marshall  
18 had no conditions. Land development revised reference to the Bud Keefe Road as a  
19 county road on the plans, it's currently, oh it's listed that way, it is currently a private  
20 road. And GIS approved as well. So Staff would recommend a conditional approval  
21 based on those items being met during the revisions.

22 CHAIRMAN PALMER: I have a question about the reconsideration.

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

1 CHAIRMAN PALMER: It states that a Commission Member voting on the  
2 prevailing side of a decision may request reconsideration. We're not bound by the 14  
3 days as well, that needs to come up prior to the approval of the Minutes?

4 MS. HEGLER: Yes - that's something that's been in the Development  
5 Agreement itself or our Code? I think those are stipulated in the - yeah, it's 14 days  
6 from the decision, so that -

7 CHAIRMAN PALMER: On page three? Commission reconsideration and  
8 appeal? If you read that it sounds like a Planning Commission Member would have 14  
9 days from the decision in order to make a motion to reconsider, but I know that's not  
10 correct.

11 MR. PRICE: Why do you say that?

12 CHAIRMAN PALMER: Cause we just did it today. Motion to Reconsider is  
13 typically made to the approval of the Minutes. I mean, we don't have a meeting within  
14 14 days.

15 MS. HEGLER: You just have to provide the written.

16 MR. PRICE: Yeah, typically in [inaudible] using the Board of Zoning Appeals as  
17 an example cause they probably get more reconsiderations than you do, that whoever  
18 is requesting a reconsideration just needs to have something submitted to the  
19 Department within this day, just not, so like today you would make a decision,  
20 somebody feels that there's an error or something else that should've brought before,  
21 they would have 14 days from today just to submit something to the Department to then  
22 bring it back to the next meeting.

23 MS. HEGLER: I think you can always choose to [inaudible].

1 CHAIRMAN PALMER: I know what you just said, Tracy, that you think you can  
2 always choose to reconsider, but it says, may request reconsideration of a  
3 Commission's decision provided such written request – this gives you guidelines by  
4 which, and it says you have to do it within 14 days. As opposed to prior to the Minutes  
5 being approved. What's the reason for approving the Minutes?

6 MS. LINDER: I must have an older version of the Rules because mine says  
7 within seven days.

8 MS. HEGLER: What I was saying is you could choose not to reconsider if it  
9 wasn't within those 14, but I think you could choose to reconsider. Do what you did  
10 earlier, I don't think conflicts with this.

11 CHAIRMAN PALMER: I think we need to address that moving forward. If we  
12 need to change something, we need to change something, but the –

13 MS. HEGLER: You think it should be the next Minutes.

14 CHAIRMAN PALMER: But the reason we are sitting here discussing it and  
15 nobody knows what they're doing tells me that we need to address it, clarify it.

16 MS. LINDER: Well, that would be a Rule change.

17 CHAIRMAN PALMER: Right. Whatever it is needs to, since it's just occurred.

18 MS. LINDER: I guess right now we're just asking you to make a recommendation  
19 on the, on the subdivision –

20 MR. THEUS: Yeah, but he's, you're referring to earlier.

21 CHAIRMAN PALMER: Right, I understand but this is something we need to, I  
22 mean, as my, particularly about this case but we need to address this 14 day issue and  
23 clarify it moving forward.

1 MR. PRICE: Amelia has a suggestion and I know this was brought to the  
2 Planning Commission maybe a year, year and a half ago, that maybe we should just  
3 look at the entire Rules of Procedure for the Planning Commission just to ensure that  
4 they're updated. Cause I believe this wouldn't be the only, maybe we should just look at  
5 the entire Rules.

6 MS. LINDER: We can put that on the Agenda for next month if you'd like to look  
7 at your Rules.

8 CHAIRMAN PALMER: Is this –

9 MR. THEUS: Is this by statute or is this under the Planning Commission Rules?

10 MR. PRICE: The Planning Commission Rules.

11 MR. VAN DINE: It's not an ordinance.

12 CHAIRMAN PALMER: Alright, let's take a look at it next month if we can, or by  
13 the end of the year maybe, December.

14 MR. PRICE: I guess [inaudible] so we'll email you what we have, we'll send you  
15 the most current one.

16 MR. VAN DINE: That would be a good idea.

17 CHAIRMAN PALMER: Yeah, and the Green Code. Alright, any questions or  
18 motions on the –

19 MR. VAN DINE: Mr. Chairman, I move we give conditional approval to the  
20 subdivision request.

21 MR. THEUS: Second.

22 CHAIRMAN PALMER: Is that a, typically that's a motion for approval based on  
23 the conditions of page two?

1 MR. VAN DINE: Yes.

2 MR. THEUS: Second.

3 CHAIRMAN PALMER: We have a motion for approval based on the conditions  
4 on page two of our package, and a second. All those in favor say aye. Any opposed?

5 *[Approved: Westbrook, Theus, Palmer, Van Dine, Gilchrist; Abstained: Tuttle;*  
6 *Absent: Cairns, McDaniel, Brown]*

7 CHAIRMAN PALMER: Alright. Do we have a motion to adjourn?

8 MR. VAN DINE: So moved.

9 CHAIRMAN PALMER: Second?

10 MR. GILCHRIST: Second.

11 CHAIRMAN PALMER: All in favor say aye.

12 *[Approved: Westbrook, Theus, Palmer, Van Dine, Gilchrist;*  
13 *Absent for vote: Tuttle; Absent: Cairns, McDaniel, Brown]*

14

15 *[Meeting Adjourned at 3:15pm]*