

**RICHLAND COUNTY PLANNING COMMISSION**

October 5, 2009

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4 *[Members Present: Heather Cairns, Julius Murray, David Tuttle, Pat Palmer,*  
5 *Christopher Anderson, Deas Manning, Elizabeth Mattos-Ward, Wes Furgess, and*  
6 *Stephen Gilchrist]*

7  
8 CHAIRMAN ANDERSON: Let's call this Planning Commission meeting of  
9 October 5, 2009 to order and read this into the Record. "In accordance with the  
10 Freedom of Information Act a copy of the Agenda was sent to radio, TV stations,  
11 newspapers, persons requesting notification, and posted on the bulletin board located in  
12 the lobby of the County Administration Building." All right. Minutes. Everybody had a  
13 chance to review the Minutes?

14 MS. MATTOS-WARD: I make a motion that we accept the Minutes as  
15 [inaudible].

16 CHAIRMAN ANDERSON: We have a motion to accept the September Minutes.  
17 Do we have a second?

18 MR. FURGESS: Second.

19 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor or  
20 approving September the 3<sup>rd</sup> Minutes please signify by raising your hand. All opposed?

21 *[Approved: Cairns, Murray, Tuttle, Palmer, Anderson, Manning, Furgess, Mattos-Ward,*  
22 *Gilchrist]*

23 CHAIRMAN ANDERSON: All right. Road names. Ms. Tindall passed out some  
24 sheets for us concerning road names. Ms. Tindall, would you care to speak on this?

25 MS. TINDALL: Good afternoon. I'm Afreida Tindall, Richland County Addressing  
26 Coordinator. Before you you have a background of renaming Killian Road. As you are  
27 aware that Killian road has three segments of it. The DOT when they reconfigured

1 Killian Road they left the three different segments called Killian Road. So we petitioned  
2 the property owners with suggested names. Of course the names that we suggested  
3 they did not care for them. They want to keep the Killian name in the street name. So  
4 before you we presented to them East Killian Road and West Killian Road as you can  
5 see on the diagram above is what we're suggesting for East Killian and West Killian  
6 Road. I had the emergency responders, contact them via email to see if they were in  
7 agreement with the name that was being suggested. The fire department for that  
8 district did go out and canvass the people along that road and they agreed to the name  
9 of East and West Killian Road. So those road names are coming before you today and  
10 I have given the Chairperson a certificate renaming - to sign for, to be a recording to the  
11 Register of Deeds office. Also you received a memo saying that we were trying to  
12 rename Partridge Drive South and Partridge Drive North. It's been called to our  
13 attention that was an error on our part whereas they have a Partridge Drive in the  
14 Northeast area. So that was removed from the Agenda. The property owners received  
15 a letter on Saturday notifying them that the name was removed from the Agenda. I  
16 spoke with Mr. Sapp who is a member of the homeowners association there and he has  
17 invited me to attend a hearing, I'm sorry, a community meeting on October the 22<sup>nd</sup> at  
18 7:00 o'clock pm to answer any questions because they are having several problems  
19 with the street names and also with the numbering in that area. So we'll be talking with  
20 them on October the 22<sup>nd</sup>. Thank you. Any questions? Okay.

21 CHAIRMAN ANDERSON: Anybody have any discussion?

22 MR. FURGESS: I move that we accept the changes of the street name.

23 CHAIRMAN ANDERSON: We've got a motion. Do we have a second?

1 MS. MATTOS-WARD: Second.

2 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of  
3 renaming Old Killian Roads please signify by raising your hand. All opposed?

4 *[Approved: Cairns, Murray, Tuttle, Palmer, Anderson, Manning, Furgess, Mattos-Ward,*  
5 *Gilchrist]*

6 CHAIRMAN ANDERSON: Agenda amendments.

7 MS. ALMEIDA: There are no Agenda amendments.

8 CHAIRMAN ANDERSON: We have one subdivision review. I need to read this  
9 into the Record, please. "I must request to be excused from participating in discussion  
10 or voting on Agenda items regarding SD-05-231 which is scheduled for review and/or  
11 discussion at today's Planning Commission meeting. It is my understanding of the  
12 Rules of Conduct Provisions of the Ethics Governing Government Accountability and  
13 Campaign Reform Laws that since I am involved with Lake Carolina Development I will  
14 be unable to participate in this matter through discussion or voting. I would therefore  
15 respectfully request that you indicate for the Record that I did not participate in any  
16 discussion or vote relating to this item representing a potential conflict of interest. I  
17 would further request that you allow and direct this letter to be printed as part of the  
18 official Minutes and excuse me from such votes or deliberations and note such in the  
19 Minutes. Thank you for your consideration in this matter. David Tuttle." Go ahead,  
20 Anna.

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

22 MS. ALMEIDA: Yes, Mr. Chairman, Planning Commissioners. This application  
23 Centennial at Lake Carolina Phases 20 through 26 is a subdivision, a preliminary major

1 subdivision. It is part of the Lake Carolina PDD which has a Development Agreement  
2 which requires that they come to the Planning Commission for approval. That is why  
3 you see all of their phases come through here. They are within their PUD II  
4 requirements. The acreage of this specific site is 56.26. They are carving out 162 lots  
5 staying within their overall density. I will reference you to, in your packet, page six,  
6 which is a layout of the actual subdivision. And on page three Staff is recommending  
7 conditional approval subject to the seven conditions and adding a condition of digital  
8 submission which was not received. So there are, we would request that there be eight  
9 conditions to the list found on your page three and the last one being digital submission.

10 CHAIRMAN ANDERSON: Okay, Anna. Anybody have any questions for  
11 Planning Staff?

12 MR. MANNING: Yeah. I've got one, Mr. Chairman. Anna, the area located I  
13 guess kind of to the north of that pond.

14 MS. ALMEIDA: Which pond, the three ponds?

15 MR. MANNING: Well, I guess that's to the east of the pond, the small pond.  
16 How is that area going to be accessed in future development or is that listed as  
17 common area? I can't read what's on the plat.

18 MS. ALMEIDA: East of the –

19 CHAIRMAN ANDERSON: The pond to the right, bottom right.

20 MS. ALMEIDA: Along Lake Carolina Drive? I don't see it.

21 MR. MANNING: Is it Gracemont Drive?

22 MR. PALMER: I think that's labeled as common.

23 MS. ALMEIDA: Common area?

1 MR. MANNING: Behind the dam is common area?

2 MS. ALMEIDA: Correct.

3 MR. MANNING: So there won't be a need to access that?

4 MS. ALMEIDA: Apparently not.

5 MR. MANNING: Is there any kind of dam in there that has to be maintained?

6 MS. ALMEIDA: I don't believe so but they, we are still awaiting approval from  
7 Public Works. That is condition number one of the requirements. And I believe the  
8 applicant is here for any questions.

9 CHAIRMAN ANDERSON: Okay. Any other questions of Planning Staff? Didn't  
10 have anybody signed up to speak but if somebody'd like to come speak on this matter,  
11 step up to the podium, state your name and address for the Record, please. We don't  
12 have anybody signed up to speak. Any other questions?

13 MS. CAIRNS: Not being familiar with the overall PUD on this, are the common  
14 areas supposed to be for use of the residents?

15 MS. ALMEIDA: Some are active recreational. They have various clubhouses,  
16 walking trails and some are just wetlands areas and just areas reserved –

17 MS. CAIRNS: Okay.

18 MS. ALMEIDA: - just outside, not being recreational.

19 MS. CAIRNS: Okay. So having unaccessible common areas would be  
20 completely consistent with the development plan?

21 MS. ALMEIDA: Yes.

22 MS. CAIRNS: Okay.

23 CHAIRMAN ANDERSON: Any other questions?

1 MR. PALMER: I make a motion to approve the subdivision contingent upon the  
2 conditional approvals of, on page three with the addition of digital submission as an  
3 eighth requirement.

4 CHAIRMAN ANDERSON: We have a motion. Do we have a second?

5 MR. FURGESS: Second.

6 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of  
7 sending Case No. SD-05-231 ahead for approval please signify by raising your hand.  
8 All opposed?

9 *[Approved: Cairns, Murray, Palmer, Anderson, Manning, Furgess, Mattos-Ward,*  
10 *Gilchrist; Recused: Tuttle]*

11 CHAIRMAN ANDERSON: Was that opposed or?

12 MS. CAIRNS: Slow approval.

13 CHAIRMAN ANDERSON: Okay. Slow approval.

14 MR. MURRAY: Slow approval. Couldn't get that hand up. [Laughter]

15 CHAIRMAN ANDERSON: Anna, next case.

16 **CASE NO. 09-11 MA:**

17 MS. ALMEIDA: Case No. 09-11, Abdalla Yaghy. The acreage, 4.19. The  
18 existing zoning is Rural and the applicant is requesting it be Rural Commercial. As you  
19 can see from your map the surrounding area is mostly or the majority is rural with the  
20 exception of the pink area which has mobile homes on the property. The Rural  
21 Commercial designation recognizes the need to provide Rural Commercial for residents  
22 in the isolated agricultural or rural areas beyond the limits of service of municipalities.  
23 Staff has reviewed the traffic impact. The site is located on Garners Ferry Road. It is

1 designated a four-lane divided principle arterial roadway and the level of service is a C.  
2 It is also adjacent to Garners Ferry Road and has a Level or Service A. It is concluded  
3 that the 4.12 acre site is limited to 20,000 square feet due to the Rural Commercial  
4 zoning which dictates the square footage of the zoning district. And Staff feels that by  
5 utilizing the maximum 20,000 square feet, which would be the most intensive traffic  
6 generated land use, the level of service on Garners Ferry Road would be well below the  
7 design capacity of the road. Staff feels that the rezoning request for Rural Commercial  
8 would not be compatible with the existing surrounding uses or zoning. We feel that the  
9 parcel is located along a major highway but not located at a major intersection which is  
10 one of the requirements for Rural Commercial. The parcel currently contains an  
11 abandoned structure that appears to have been previously utilized as a commercial use.  
12 There is a mobile home on the parcel. We were unable to determine if the mobile home  
13 was currently occupied though. Nearby parcels contain unoccupied residence and a  
14 DOT substation and a church. Water and sewer is not currently available on site. We  
15 did witness along Garners Ferry Road that there were a number of vacant commercial  
16 structures. And Staff is recommending denial at this time.

17 CHAIRMAN ANDERSON: [Inaudible]

18 MR. MANNING: Both of these sites in yellow [inaudible] approval, that equals  
19 the 4.2 acres?

20 MS. ALMEIDA: Correct.

21 MS. CAIRNS: It's two parcels, right? I mean, so like if two parcels got rezoned  
22 there could be two 20,000 square foot buildings? I was a little confused about that  
23 because it shows two tax maps numbers and two parcels.

1 MS. ALMEIDA: It is two parcels.

2 MS. CAIRNS: I mean, it could be further subdivided under –

3 MS. ALMEIDA: Yes, it could.

4 MS. CAIRNS: - by right use?

5 MS. ALMEIDA: Yes.

6 MS. CAIRNS: The PDD to the east, the light blue, what's the – if you can, I  
7 mean, do you know what the nature of that PDD is? I mean, it appears from the aerial  
8 to basically be undeveloped.

9 MS. ALMEIDA: There is no PDD. There's a mobile home, the pink.

10 MS. CAIRNS: The blue.

11 MS. ALMEIDA: There's a blue, yeah.

12 CHAIRMAN ANDERSON: John Ammons Road.

13 MS. WILKIE: [Inaudible]

14 MS. ALMEIDA: Prior to the new Code being enacted we had what was called a  
15 PDD. Not what we consider a PDD today.

16 MS. CAIRNS: Okay.

17 MS. ALMEIDA: It is a specific use with specific square footage located  
18 specifically on a lot. So if it had not been, not being utilized at all -

19 CHAIRMAN ANDERSON: As a point of reference, how far is Defender?

20 MS. ALMEIDA: How far is?

21 CHAIRMAN ANDERSON: Defender.

22 MS. ALMEIDA: Defender?

1 MR. MURRAY: Defender is quite a distance from that location. It's over by  
2 Lower Richland Boulevard, near Lower Richland Boulevard.

3 MR. PALMER: Anna, what's the size of these two parcels independent of each  
4 other?

5 MS. ALMEIDA: I am not quite sure. Can we [inaudible]?

6 MS. CAIRNS: I mean, is the, is Staff's reluctance mostly the fact that there's no  
7 intersection?

8 MS. ALMEIDA: No. The reluctancy is just basically the area's very rural at this  
9 time.

10 MS. CAIRNS: Doesn't Rural Commercial always live in otherwise surrounded by  
11 rural areas by its own nature?

12 MS. ALMEIDA: We just felt it was premature at this point to be rezoning it.

13 MS. CAIRNS: But the existing building is basically then without use, even  
14 potential use? So it's probably lost its grandfather.

15 MS. ALMEIDA: That is correct.

16 CHAIRMAN ANDERSON: When was the last time that building was used,  
17 utilized?

18 MS. ALMEIDA: I'm not sure. Do you - over a year.

19 CHAIRMAN ANDERSON: Over a year ago?

20 MR. MURRAY: I think right next to that building is a house, a building that was  
21 used as a restaurant and it was advertising in *The State* newspaper. I think a woman  
22 had a pizza, or something next door.

1 MS. ALMEIDA: Mr. Palmer, the small lot within the larger parcel is one acre and  
2 the other outer perimeter is 3.19.

3 MR. PALMER: Do we have any size requirements for application for zoning  
4 that's not contiguous?

5 MS. ALMEIDA: It is contiguous. Oh, two acre minimum.

6 MR. PALMER: So would this comply with that?

7 MS. ALMEIDA: Yes, it would.

8 MS. CAIRNS: But only if it all gets rezoned.

9 MS. ALMEIDA: Correct.

10 MR. PALMER: So the one acre tract certainly wouldn't comply.

11 MS. ALMEIDA: Right. It would have to be part of the 3.19 acres.

12 MS. CAIRNS: And what's the minimum lot size for RC? I mean, how  
13 subdividable would this be?

14 MS. ALMEIDA: There is no, there's a minimum, there's a maximum structure  
15 square footage but not lot size.

16 MR. PALMER: Anna, my point is a little bit different. I don't think that the one  
17 acre site even has the legal ability to be rezoned at this point.

18 MS. ALMEIDA: I'd have to defer to our Zoning Administrator.

19 MR. PRICE: [inaudible] because the one acre came in along with the 3.  
20 [inaudible] acres.

21 CHAIRMAN ANDERSON: Yeah. Mr. Price, can you go to the podium so we can  
22 this on? Sorry. I didn't mean for you sit so far back.

1 MR. PRICE: Yes. I mean, you're correct. The one acre tract, the smaller piece  
2 would not be able to come in on its own. So the applicant actually brought in the  
3 remaining piece that he had which gave him the more than two acres, at least the two  
4 acres that he needed. He could have actually subdivided the three point acre tract just  
5 to get the two to come in for rezoning but he decided to do both pieces.

6 MR. MANNING: Wouldn't you have to combine the two tax maps together?

7 MR. PRICE: We would as for a recorded plat showing -

8 MR. MANNING: So [inaudible] end up with a one acre piece being subject to  
9 subdivision?

10 MR. PRICE: Sir? Could you repeat that?

11 MR. MANNING: Wouldn't you combine the two tax maps together [inaudible]  
12 ownership?

13 MR. PRICE: Prior to rezoning?

14 MR. MANNING: I mean, it would seem to me.

15 MR. PRICE: No, sir. We've never required that as long as they were, as long as  
16 the parcels coming in for rezoning total two acres we never required them to be  
17 combined.

18 MR. MANNING: And there's no limitation on the one acre by itself?

19 MR. PRICE: You mean once it's rezoned?

20 MR. MANNING: [nods yes]

21 MR. PRICE: No, sir.

1 MS CAIRNS: Just so long as the lot's big enough to take a 20,000 – up to. Yeah.  
2 I mean, it sounds like the Rural Commercial would allow a very small lot to be zoned in  
3 except for the fact that you can't do a map amendment.

4 MS. ALMEIDA: There is a 22,000 square foot minimum lot size -

5 MS. CAIRNS: Okay.

6 MS. ALMEIDA: - for Rural Commercial.

7 MS. CAIRNS: Well, but the acre qualifies, so it's like a half acre more or less?

8 MS. ALMEIDA: Yes.

9 MS. CAIRNS: That's my math but I think that's about right.

10 MS. ALMEIDA: [Inaudible] so.

11 MS. CAIRNS: Close to half acre?

12 MS. ALMEIDA: Yeah.

13 MS. CAIRNS: So that could get subdivided into approximately eight, seven.

14 MS. ALMEIDA: Yeah, yeah.

15 MS. CAIRNS: Interesting. But yet the one acre parcel by itself is not eligible?

16 MS. ALMEIDA: Correct.

17 MS. CAIRNS: Even though it's mostly a matter of bringing it into conformity?

18 MR. PRICE: Correct.

19 MS. CAIRNS: Historic use has been Rural Commercial.

20 MR. PRICE: Well, actually its historic use is a nonconforming commercial –

21 MS. CAIRNS: Well, not, yeah, I shouldn't use the proper zoning term but its use  
22 has been compatible with the Rural Commercial allowable uses.

23 MR. PRICE: Okay. With the uses allowed in there, yes.

1 MS. CAIRNS: Yeah, yeah. As a nonconforming use? Probably pre-dated the  
2 zoning code?

3 MR. PRICE: Yes.

4 MS. CAIRNS: I mean, is some of Staff's reluctance the fear that this would get  
5 more commercial use than what's currently there?

6 MS. ALMEIDA: Well, one of the, one of the I wouldn't say requirements but one  
7 of the intents of Rural Commercial, and we put this in your Staff Report on page seven  
8 under the summary, is the RC District is proposed to be within or adjacent to residential  
9 neighborhoods, you know, where large commercial uses, you know, are inappropriate  
10 and we felt that, you know, this area just didn't, at this point just didn't have enough or  
11 didn't lend itself to that.

12 MS. CAIRNS: So just that the overall, outside of this Pond Drive there's fairly  
13 dense residential but fairly small in overall scope. You're saying that this is just way too  
14 rural?

15 MS. ALMEIDA: Correct.

16 MS. CAIRNS: All right. I get it.

17 CHAIRMAN ANDERSON: Any other questions for Staff?

18 MR. MANNING: I've got one for Anna. Is the access going to be from Pond  
19 Drive or will it be curb cuts on Garners Ferry?

20 MS. ALMEIDA: It could be both.

21 MR. MANNING: It could? I mean, is Pond Drive a dedicated road?

22 MS. ALMEIDA: We didn't research that. Not yet. Pond Drive is a state road.  
23 That's 40. So it could.

1 MS. CAIRNS: Has anyone signed up – I'm sorry. Your question, not mine.

2 CHAIRMAN ANDERSON: That's fine. Any other questions for Staff? We  
3 actually have nobody signed up to speak. Is the applicant here?

4 MR. MURRAY: He knew what to expect.

5 CHAIRMAN ANDERSON: Any other discussion?

6 MR. MURRAY: Mr. Chairman, what I have observed since, during my short  
7 period here with you all there is only a few requests that would be approved in that  
8 Lower Richland area. You've got two ways you can look at it. You've got to be very  
9 rich. If you've got one to five acres down there you can forget it. And I don't know  
10 whether it was our planning during the period of time we were having the public  
11 hearings or what happened but since I've been here only a few items has been  
12 recommended for approval. I've observed the, down in different areas where a site can  
13 come up for approval, a request for approval and of course those are denied. And then  
14 you could have one just like it and it can be approved. So I hope we'll be able to go  
15 back and kind of find ourselves down there and do something constructive toward trying  
16 to at least allow the folks to utilize their land because they've not been able to do that  
17 since I've been here. I've been appalled.

18 CHAIRMAN ANDERSON: Well, I think Staff with the Lower Richland plan has  
19 done a few things but I do tend to agree with you there. There's a lot of area down  
20 there that frankly is just so vast at times where when something does come before us  
21 it's tough to make a determination because it doesn't fit inside that box.

22 MR. MURRAY: That's correct.

23 CHAIRMAN ANDERSON: Any other questions? Any motions?

1 MR. PALMER: Is that in the form of a motion, Julius?

2 MR. MURRAY: No. I'm not gonna – no. I don't mind recommending disapproval  
3 of it because it ain't working.

4 MS. CAIRNS: I just think it should be, you know, I mean, I'd make a motion for  
5 disapproval but largely based on the fact that the applicant's not here to present any  
6 reason for us to differ from the recommendation and I don't believe there's any  
7 testimony why we shouldn't differ from the recommendation so I'd just make a motion of  
8 denial.

9 CHAIRMAN ANDERSON: We have a motion. Do we have a second?

10 MR. GILCHRIST: Second.

11 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of  
12 sending Case No. – where is it?

13 MS. CAIRNS: 09-11 MA.

14 CHAIRMAN ANDERSON: 09-11 MA ahead to Council with a recommendation of  
15 denial please signify by raising your hand. All opposed?

16 *[Approved: Cairns, Tuttle, Palmer, Anderson, Manning, Furgess, Mattos-Ward,*  
17 *Gilchrist; Opposed: Murray]*

18 CHAIRMAN ANDERSON: Next case.

19 **CASE NO. 09-13 MA:**

20 MS. ALMEIDA: Mr. Chairman, Case No. 09-13 MA. The applicant, Bran Pasco  
21 on behalf of Westinghouse. This was an application that was brought forth from our last  
22 Planning Commission meeting. You all requested that Westinghouse go out and do  
23 some solicitation or some meetings with residents so they could get more familiar as to

1 what Westinghouse was doing. As you can see on page 15 from the Staff Report, Staff  
2 recommended approval. If you would like I will go through the Staff Report again but  
3 basically Westinghouse is extending the HI zoning district requesting HI. Currently  
4 there is 44.9 acres – .98 acres zoned Rural. They are requesting the HI zoning district  
5 to offer themselves adequate room within the property for future expansion without  
6 eliminating the undisturbed buffer along the perimeter of the property. We feel that this  
7 expansion is compatible with the existing use and therefore recommend approval. I  
8 believe the applicant is here to discuss the conditions or requests of the Planning  
9 Commission at the last meeting.

10 CHAIRMAN ANDERSON: Anybody have any questions for Staff? We've got a  
11 couple people signed –

12 MS. MATTOS-WARD: I would like to know did that meeting take place.

13 CHAIRMAN ANDERSON: Well, the applicant could probably answer that  
14 question. We do have four people signed up to speak. Mr. Page, if you would state  
15 your name and address for the Record.

16 **TESTIMONY OF GIL PAGE:**

17 MR. PAGE: Gil Page, 6343 Platt Springs Road, Lexington. No. The public  
18 meeting did not take place. We gathered a lot of data and information and we sent that  
19 in but the public meeting did not take place.

20 MS. MATTOS-WARD: Why?

21 MR. PAGE: There's no real reason except that, you know, we felt that we were  
22 going through the process, using this public meeting that if anybody wanted to speak,  
23 you know, this was the place to do it.

1 MS. MATTOS-WARD: I don't think that was the agreement.

2 CHAIRMAN ANDERSON: I'd just like to point out, I don't think that it is the  
3 applicant's responsibility nor do they have to have a public hearing with the  
4 neighborhood; is that correct?

5 MS. LINDER: Only at the request of you the Planning Commission. If that's  
6 something that you have – if that's something that you had wanted then that's at your  
7 discretion but there is no legal requirement. There's nothing in the Code that says they  
8 have to meet with their neighbors.

9 CHAIRMAN ANDERSON: All right.

10 MR. GILCHRIST: Mr. Chairman, I didn't make it to the last Commission meeting  
11 but as I understand it this Commission asked the applicant to have conversations with  
12 the surrounding community?

13 MR. TUTTLE: Yeah. There was a, I guess there was a group of people that was  
14 concerned that Westinghouse had not made the community aware what they were  
15 planning to do with the property and there are a lot of fears associated with the type of  
16 business they're in and we just asked that perhaps they could just rally some people  
17 and have a quick neighborhood meeting. I mean, I think the project kind of stands on its  
18 own but informing the public was a key component from this Commission's perspective I  
19 believe last.

20 MR. GILCHRIST: And so as I understand it from the applicant that didn't  
21 happen.

22 MR. PAGE: That's correct.

1 CHAIRMAN ANDERSON: Did we put that in the form of a motion? I'm looking  
2 through the Minutes.

3 MR. MURRAY: Mr. Chairman, it was. When it occurred I had some reservations  
4 about it and the reason I had some reservations about it is this has been the actions of  
5 the folks that represents Westinghouse for the last 25 years. During the period of time  
6 in which I was on the Richland County Council they would not come to the areas in  
7 which they should as far as informing your community or what have you or either  
8 working with me. I have never in my life played the race card but this is a typical  
9 example of them. From Mike Kushner(?), one of your executives down there, up until  
10 now whenever they had to deal with something as far as expansion or anything that  
11 they were doing down there they would always go to one of my colleagues who  
12 happened to be in the City of Columbia. Did that, and they did that during my Council  
13 days, during my legislative days. For some reason that is a hostile plant based on their  
14 representation of people who they have had to deal with any kind of concerns that we  
15 have. Now all of us know what Lower Richland is. Lower Richland's about 75% or  
16 better Black. It is my opinion having been in an integrated society since I was 17 years  
17 old in the Armed Forces we have always had that problem down there. They're the only  
18 ones like that. Union Camp or should I say, International Paper or any of them, you're  
19 not going to have that kind of problem. They always get into the community and help.  
20 My concern with them is not that. I don't care if I ever see any of them but what I'm  
21 concerned about is it sits right in the bosom of Congaree Preserve, a National Preserve  
22 and how in the world are you going to put a nuclear plant who they can't even keep up  
23 with their pellets down there. Right now they're having problems down there keeping up

1 with trying to find some they've already lost and you're going to put a place there where  
2 you have a larger plant. The only reason that facility is here requesting a larger area is  
3 because there are plans to develop a nuclear system, nuclear business throughout  
4 Carolina and overseas in other areas. Now if you put a larger, if you rezone a larger  
5 parcel of land there today what you're doing is setting up something for 25 or 50 years  
6 from now where they can just go in and expand that entire place over five times the size  
7 of it at this particular time. And what you're going to have down there is a nuclear  
8 system sitting in the bosom of the Congaree National Park and in our community. We  
9 have problems in Lower Richland at this particular time. I think everything ought to be  
10 considered when you get ready to do something other than do it meet the requirements  
11 of the law. The law has killed us in some instances and hurt you in the long run too.  
12 We have arsenic running down ditches down there. You have hazardous waste and I  
13 looked at the background report and the background report says that there's no houses  
14 or nobody around there. That's not true. As soon as you pull out of Westinghouse and  
15 turn left to come toward Columbia you have the Pin Cushion Road right behind Bluff  
16 Road. You have Harvey Campbell, the Robinsons, the Boltons. All of those houses  
17 they're in that area. And if you turn right to go back towards Gadsden, South Carolina  
18 you have a mobile home with people there in less than two and a half blocks. So that's  
19 not true that no one's around there but this is a good typical example. The one we just  
20 had a few minutes ago, I indicated that it was going to be that way and now we're going  
21 to, just because, you know, if you are going to employ 2,000 more people and you're  
22 going to put 50 people at risk I would be opposed to it. And I don't have no financial  
23 interest in this at all.

1 CHAIRMAN ANDERSON: We understand. It's, how do we approach this? I  
2 mean, Staff's recommendation is approval but based on the motion that was made does  
3 Staff have a different I guess -

4 MS. ALMEIDA: There was no motion on the table. If a motion is made against  
5 Staff recommendation you just need to identify findings.

6 CHAIRMAN ANDERSON: Sure.

7 MR. MANNING: So maybe we just had a request to Westinghouse to do some  
8 community outreach which I'm a little bit surprised in that they seemed very willing to do  
9 that at the time. That was something they felt like they could get out and make a good  
10 effort of and I felt like at the time it would simplify this process going forward just  
11 because the specifics of the site plan would be better known. We don't have any of the  
12 documentation that you've shared with Staff. I think there's 10 acres of the 40 acres is  
13 for a staging area. The rest is going to be in-plant modifications to do your upgrade so  
14 that leaves 30 acres that really does not need to be rezoned to do the use you're  
15 intending to do. But Mr. Chairman, you've got other people who have signed up.

16 CHAIRMAN ANDERSON: We have other people signed up to speak. Mr.  
17 Pascoe?

18 **TESTIMONY OF BRIAN PASCOE:**

19 MR. PASCOE: Yeah. My name is Brian Pascoe. I don't really have much to  
20 add.

21 CHAIRMAN ANDERSON: If you would state your name and address.

22 MR. PASCOE: My name is Brian Pascoe. I'm representing the Westinghouse  
23 site. I live at 113 West Lake Farms Drive in Blythewood. I'm representing

1 Westinghouse at 5801 Bluff Road. We've presented what we feel we need to do to  
2 expand our boundary to the west. We're looking, rightfully we really need a small  
3 portion of it. That's something we certainly could go back and look at. We don't need  
4 the 450'. It probably was done for ease and just squaring off the property is how we  
5 ended up with that swatch.

6 MR. MANNING: Well, I understand the need to want to rezone it all at one time  
7 but at the same time it could allow Westinghouse to expand beyond that 10 acres and if  
8 questions aren't answered and site specific concerns are not addressed, I mean, we  
9 could be opening up the door for anything down there under that HI zoning. And it was  
10 explained to us most of it would be used as buffer.

11 MR. PASCOE: That's correct.

12 MR. MANNING: And you don't need an HI zone to do buffer so that's a concern.

13 MR. PASCOE: Okay.

14 MR. PALMER: How much more land does Westinghouse own around there,  
15 any?

16 MR. PASCOE: They own 1,175 acres.

17 MS. CAIRNS: The big parcel around [inaudible]

18 MR. PALMER: That's all them too?

19 MS. CAIRNS: Yeah.

20 MR. PASCOE: What's that?

21 MS. CAIRNS: I mean, is it accurate that this 44, 45-acre parcel is being chopped  
22 out of that bigger parcel?

23 MR. PASCOE: That's correct.

1 MS. CAIRNS: So you could chop out –

2 MR. PASCOE: We could have taken a small piece. I think it was just simply  
3 squaring the piece of property off is where we ended up with that piece. We are 400  
4 and something feet away from our nearest boundary or nearest neighbor to the west.  
5 Once again we're 1170 something acre site, 1156 for the Record.

6 MR. MANNING: The 10 acres is set very far back from Bluff Road?

7 MR. PASCOE: Yes, it is. Bluff Road is out here. We're talking about this piece  
8 right there. For the purpose of the CAA expansion this is setting us up for a very large  
9 expansion project. You know, looking to put hard buildings, add more jobs certainly to  
10 Richland County. This is setting this up. And it's really going to set us back if we're not  
11 going to be able to move forward with this.

12 MR. MANNING: Excuse me, I'm sorry. So this rezoning is really to affect a  
13 much larger expansion -

14 MR. PASCOE: That's the only reason we're rezoning.

15 MR. MANNING: - the 10 acres we're being asked to address today or has been  
16 told to Staff what we're –

17 MR. PASCOE: Yes, that's correct.

18 MR. MANNING: Okay. Well, then I think we need to see some additional  
19 information.

20 MS. CAIRNS: Wait, wait.

21 CHAIRMAN ANDERSON: We're going to take one at a time. If we are  
22 presenting information let's present information that's new information. Let's see. Go  
23 ahead and finish up Mr. Pascoe. I don't think [inaudible].

1 MR. PASCOE: Okay. I mean, is there any other questions?

2 CHAIRMAN ANDERSON: We'll ask those after the fact but we want to get to  
3 Joe, I can't read your last name. You have two minutes. If you'd come up to the  
4 podium and state your name and address, please.

5 **TESTIMONY OF JOE SHUPPENBURG(?)**:

6 MR. SHUPPENBURG: My name's Joe Shuppenburg, 1807 Checker Creek  
7 Road. That's in Aiken, South Carolina. I'm sorry for the interruption before but I wanted  
8 to, I was having a little, struggling a little bit. I'm sure Brian understood the question.  
9 From a standpoint of what we have on the books for expansion the encroachment on,  
10 with the planned expansion and [inaudible] now are presenting here is the only  
11 expansion that will utilize that particular land. We do have other expansion plans that  
12 on the books but they're within the confines of what's already zoned accordingly. So we  
13 will , we have no plans currently on the books that would utilize that rezoned property  
14 for anything more than what's currently being used.

15 MS. CAIRNS: Do you have a sense of what, like how many acres you need to  
16 get rezoned if you just rezone the minimum amount to accomplish your goal?

17 MR. SHUPPENBURG: I personally don't and the reason I came today is I'm the  
18 project manager for a future expansion project and I wanted to address that question  
19 should it come up. And we do have that laid out. We have done a layout for that  
20 particular area and it is on the property we currently have zoned accordingly. Okay?

21 MS. CAIRNS: Does anybody from Westinghouse know what would be the true -

22 MR. SHUPPENBURG: Mr. Page will.

1 MS. CAIRNS: - amount we need to, would need to be rezoned to  
2 accommodate?

3 MR. PAGE: Gil Page again. Basically if you see the plot that we're rezoning  
4 when we came out that way, this is north, that's west. When we came out that way,  
5 when we're putting in the [inaudible] staging area and that is if you see that triangle  
6 approximately what we have in the blocked out areas, the 44 acres that you mentioned,  
7 that triangle is probably somewhere between five to seven acres. And what we have  
8 to do for security is that particular triangle has to have a fence, has to have some lights,  
9 it has to have some security around it but out of the entire stripe that is the only thing  
10 going into that area and that is the concrete pad.

11 MS. CAIRNS: Okay.

12 MR. PAGE: So if you're asking me how big the concrete pad that we're putting in  
13 [inaudible] it's about seven acres out of the total 44 [inaudible].

14 CHAIRMAN ANDERSON: All right. For any more questions and answers if you  
15 would come up to the podium so we can get everything on Record.

16 MS. CAIRNS: The secretary would appreciate it. I mean, again can anybody  
17 from Westinghouse articulate why if you need seven or so acres are you requesting 45,  
18 I mean? Could it be amended to be just the seven? I think some of the concern is that  
19 45 acres Heavy Industrial is a big expansion whereas seven acres is not so big.

20 MR. PAGE: I don't know the answer to your question if it could be amended.  
21 Basically what we've -

22 CHAIRMAN ANDERSON: If you could speak into the microphone, please.

1 MR. PAGE: I don't know the answer to your question sitting here today.  
2 Basically what we do is we send out plans to the federal agency [inaudible] everybody  
3 that this is coming, this is what we're going to do with this land so we'd have to go  
4 backwards and see if that's possible. But certainly we can consider that. Am I clear  
5 what you're asking what is the minimum piece of land that we need?

6 MS.CAIRNS: You've offered that the reason why it's 45 acres was to make a  
7 nice rectangle.

8 MR. PAGE: It is.

9 MS. CAIRNS: Which I'm not really sure that's a particularly good reason to  
10 rezone 45 acres from Rural to Heavy Industrial if you don't need 45 acres rezoned from  
11 Rural to Heavy Industrial. [Inaudible] pretty well.

12 MR. PAGE: Yeah. But we, when I was doing this on my desk on the piece of  
13 paper I mean the number 44 acres turned out to be like 200 acres so we went from 156  
14 to 200 acres so that's kind of the reason behind that square spot. Because I knew we  
15 needed some because the way the storage area was going to land and we wanted to go  
16 in that direction to make traffic, the main purpose for this project is safety. Basically all  
17 our traffic, like I explained last time, was going in and out of one gate and that was really  
18 dangerous for our employees and dangerous for anybody around the site. So what we  
19 want to do is redirect traffic into a different traffic pattern and that's what this is doing.  
20 That's why we needed this large area back there is to have some traffic flow. It's going  
21 to go in that direction.

22 MS. CAIRNS: I mean, I had an opportunity to read the Minutes from last month  
23 and I can appreciate that there's very good intention behind it in terms of that but it's

1 just, you know, my concern is the amount of land taken from Rural to Heavy Industrial  
2 that doesn't appear to need to happen. That's just my concern is that it's just an, unduly  
3 excessive request.

4 CHAIRMAN ANDERSON: All right. We do have one more person signed up.

5 MR. SHUMMENBURG: I mean, I would like to say a couple [inaudible].

6 CHAIRMAN ANDERSON: I mean, we can, I just want to get through this  
7 formality and then we're going to –

8 MR. SHUMMENBURG: A couple things I wanted to provide a little bit of  
9 clarification when Gil was talking about why that's not such a straightforward answer  
10 about cutting the property.

11 CHAIRMAN ANDERSON: Let's have Mr. Becker come up. If Mr. Becker wants  
12 to add anything on top of what's been said that'd be great. If not you can defer to your  
13 colleagues.

14 **TESTIMONY OF CARL BECKER:**

15 MR. BECKER: My name is Carl Becker. I reside at 123 Toucan Way in  
16 Lexington. Basically I represent Carlisle Associates. We are the architect/engineer for  
17 the project. Westinghouse is our client. All that's been stated so far I would defer to  
18 Westinghouse on that. What we're doing here we're the, doing the planning, design of  
19 what we're doing and prepared this map here and basically of a concern of buffering the  
20 most narrow point of property, or most narrow point through here to the property's over  
21 450'. So to everyone around there, everything will be screened off and to add that  
22 certainly everything in the design up to storm water and everything else will be done to  
23 county and state code. Preserve all those things there. We don't feel that anything that

1 will be done there will adversely affect anyone downstream or even Gill's Creek,  
2 ultimately the Congaree River down in that area, so. Is there any questions from an  
3 engineering standpoint? If not the discussion is what we've already considered, like I  
4 said I'd defer to my colleagues from Westinghouse on those questions.

5 CHAIRMAN ANDERSON: Thank you very much. There's nobody else signed  
6 up to speak so we'll close the –

7 MR. TUTTLE: I did have one follow up question.

8 CHAIRMAN ANDERSON: - [inaudible] questions.

9 MR. TUTTLE: I'm just, and I appreciate what Westinghouse does for the  
10 community. I'm just baffled based upon our last meeting that there was a clear voice  
11 from the community that asked for the guys to just give the community a little bit of  
12 information. With what you're sharing with us today, I mean, clearly it's a concrete pad  
13 so I don't understand why you didn't make any attempt at all to try to educate the  
14 community.

15 CHAIRMAN ANDERSON: If you would come up to the podium and answer.

16 MR. PAGE: We discussed it amongst ourselves and we contacted some of the  
17 public service people in the Columbia area and they felt and we felt that we should put  
18 together a letter explaining what we do for the community and send that in and so we've  
19 put such a letter together and sent that in. All the community service that the company  
20 does and one of the questions last time, I came away with the feeling that people didn't  
21 think we did anything at all for the community. And we went back, we've adopted some  
22 schools, some local schools, we have a lot of our engineers working in the school  
23 system with the kids. We have a big United Way campaign. There was a long list of

1 things that we do for the community so we wanted to document those and the  
2 recommendation was that we just send that in for consideration and that's what we've  
3 done.

4 MR. TUTTLE: And I appreciate that. I'm not sure the question was really about  
5 from a community standpoint what contributions you made. It was really more of an  
6 educational task because people are scared of what you do inherently and I think the  
7 more you can educate them the better your projects will go in the future. I'm just, I'm a  
8 little bit disappointed that we didn't make an effort to even educate the public.

9 MR. PAGE: Okay.

10 MS. MATTOS-WARD: Mr. Chairman, I will have to agree with Mr. Tuttle that I'm  
11 very disappointed in Westinghouse. At one time many, many years go they were kind  
12 enough to offer my son the first internship at Westinghouse. And the only thing we were  
13 asking Westinghouse to do was to meet with the residents that would be involved, their  
14 lifestyle, their health issues, any of their fears, and it was readily agreed that you would  
15 do that. I'm very disappointed in that you took it upon yourself to go your way and not  
16 the direction that this Commission here had asked to do. Thank you.

17 MS. CAIRNS: I think, I know I was not present last week, month, nor last week,  
18 for this discussion but I did have, take the, you know, opportunity to read the Minutes  
19 and I think it's important, I mean, just sort of rereading the Minutes is that what was  
20 asked was that the applicant present information back about community outreach. Well  
21 they have presented information back. We cannot order them to have a community  
22 meeting. We can't order neighbors to be good neighbors. What we can do is take map  
23 amendment requests, look at what our charge is by Council and make a decision based

1 on, you know, land use, the inherent nature of change, and you know, what we can do.  
2 So I just think, you know, those who are not liked still have their rights. And I think that,  
3 you know, last week [sic] they were asked to ask the community, they asked them to  
4 have outreach and they asked them to report and they have done just that.

5 MR. TUTTLE: Where was their outreach; I'm confused.

6 MS. CAIRNS: They offered to us what they have done which was to not have a  
7 meeting and to compose a letter to send out about what they do. Whether you  
8 personally think that was enough or not, so be it but that, but last month's Minutes  
9 indicate that they were asked, we asked the applicant to come back and present  
10 information.

11 MR. TUTTLE: I mean, we can move on after this but I think we're really  
12 confusing two different things. What they've done philanthropically or educationally  
13 globally has nothing to do with educating the public on this specific project.

14 MS. CAIRNS: Right. But they're not required –

15 MR. TUTTLE: I appreciate that. I think that was the context in which the  
16 statement was made last time when you weren't here.

17 MS. CAIRNS: Sure. But I just, I think it's a dangerous precedent for us to say  
18 that you didn't do what we told you to so therefore we don't, we won't support you. I  
19 think is not the right place that we should be going as a Planning Commission.

20 MR. TUTTLE: I don't think it's unusual in the development process for people  
21 asking for rezoning to engage the stakeholders in adjacent areas.

22 MS. CAIRNS: I think that is a common process but I don't think it's one that we  
23 can require unless the law becomes such.

1 MR. MURRAY: Bottom line.

2 MR. MANNING: I've got a question for Staff. Someone mentioned that, altering  
3 the traffic flow. Is the 45 acres going to be used as an entrance into the plant or?

4 MS. ALMEIDA: Mr. Manning, this is a straight rezoning issue. No. We don't get  
5 a site plan at this stage of the game.

6 CHAIRMAN ANDERSON: So at this point we can just discount anything, what is  
7 drawn up on that map.

8 MR. MANNING: Well, I understand but if the site plan reflects entrances ingress  
9 and egress out of the site I'd like to know it. If that's what the 45 acres is ultimately  
10 going to be used for I'd like to know that.

11 CHAIRMAN ANDERSON: Mr. Becker.

12 MR. BECKER: The entrance into the plant will remain the same as it currently is.  
13 There's no plan for any other additional entrances and I think that the folks from  
14 Westinghouse would, you know, reiterate that again. From a security standpoint to  
15 have multiple ingress/egress from their plant out probably become very cumbersome so  
16 in order for, what they are required to do by federal and state government agencies  
17 regarding the nature of their business, but from our standpoint as an engineering  
18 company again working with these folks there's no plan for any other entrances. It will  
19 remain as status quo right now out there off Bluff Road.

20 MR. MANNING: So, Mr. Page, did you mention internal traffic flow or?

21 MR. PAGE: Yeah. Everything happens behind - I don't have a pointer with me  
22 but if you see the main entrance off Bluff Road it looks like a little Y into Bluff Road -  
23 right there. That's the main entrance on Bluff Road. That is a main highway spec road

1 into the facility. That road will remain unchanged. We have several layers of security  
2 going into that road so that would be an extremely expensive change for us to make  
3 and there's no plan at all to change that security boundary. What we're doing up to the  
4 west side most of the woods that are sitting within that stripe will just stay the way it is  
5 right now. No other roadway in or out of the site. That is our primary security route.  
6 Where we were going to do the, the traffic flow if you come down that same road that I  
7 was pointing to, who's got the pointer? [Inaudible] that main road right here –

8 CHAIRMAN ANDERSON: The back map so we can all see it.

9 MR. PAGE: Oh, so you can all see. That main road that comes to here has got  
10 a large security building right there where we stop all our traffic. We check the trucks  
11 and we make sure that everything is secure before they go into the inner perimeter.  
12 The traffic as we flow past that first security building goes down this side road and that's  
13 where all our employees and everybody goes down to, turns and goes around the side  
14 of the plant right there. What we're proposing to do with this change is make this  
15 roadway a little bit wider and go into the backside of the plant to go around that  
16 entrance. Put another security point right about there which would serve as our  
17 secondary security to get what we call behind the fence. That's the barbed wire fence  
18 that you'll see from the street, to get behind the fence and all of that, the heavy duty  
19 traffic will be split to go to the backside of the plant. So the traffic changes right next to  
20 the plant.

21 CHAIRMAN ANDERSON: So I have a quick question. What is the need for,  
22 from that staging area that you said you wanted, what is the need for that staging area  
23 all the way to the road to be Heavy Industrial?

1 MR. PAGE: The – like I explained before, the only reason that we put the  
2 square, the stripe was to [inaudible] 200 acres and we just missed the triangle. There's  
3 no absolute need to go up that way really.

4 CHAIRMAN ANDERSON: I guess my concern is, you know, as a straight  
5 rezoning anything can go there. So we have to look at it as, you know, potentially, you  
6 know, if you expand where can you expand to. Now, I mean, I see you're well off the  
7 road which is great but I don't understand the need for that tract towards the road. I  
8 mean, other than to square it off.

9 MR. PAGE: That was the only reason was just to square it off.

10 CHAIRMAN ANDERSON: Just to square it off?

11 MR. PAGE: Yep. We wanted to make sure we missed the corner triangle that  
12 we're putting in and we just wanted to square it off.

13 CHAIRMAN ANDERSON: Okay. Any questions?

14 MR. GILCHRIST: Mr. Chairman, it is obvious to me that even after this  
15 Commission asked Westinghouse to go back and make an effort to reach out to the  
16 community I'm rereading the Minutes from the last meeting. I too, Ms. Cairns, was not  
17 able to make the last meeting but clearly there was an indication here that they were  
18 asked to actually go out and meet with the community. That's the first piece. The  
19 second piece of this is I don't think they have together what they came to this  
20 Commission to really ask for and before we decide to make a decision on granting them  
21 something that they don't know that they need, you know, I would like to make a  
22 recommendation that we just defer this until they get their act together and if in fact  
23 they're still interested in making some attempt to go out and meet the community I think

1 we should ask them to consider that once again before this Commission makes a  
2 decision.

3 MR. PALMER: I have a question about that. Since this has been sitting on our  
4 Agenda for now 30 days and that would be another 30 days at what point does the  
5 Planning Commission have to render a decision before it goes to Council without a  
6 recommendation?

7 MS. LINDER: Well, it normally would not automatically go to Council. It'd be  
8 something Council would be aware of and pull from you after 30 days.

9 MR. PALMER: Well, it can't be an infinite time that, for a rezoning that the  
10 Planning Commission can hold up a rezoning.

11 MS. LINDER: I would not recommend an infinite time period. I mean, I think you  
12 need a basis for your deferral, a reason why you're deferring it.

13 MR. GILCHRIST: We can't ask for more information from them?

14 MS. LINDER: Yes. You can certainly ask for more information.

15 MS. ALMEIDA: What kind of -

16 MS. CAIRNS: Is that a [inaudible] request for a deferral.

17 CHAIRMAN ANDERSON: Yeah. I would think that the request for more  
18 community involvement or more input.

19 MR. GILCHRIST: Well, and the other thing, I mean, it's not clear what they're  
20 asking us to do and so before we make a decision about whatever, I mean, they're  
21 asking 44 acres to be rezoned. They're showing us other acreage that could possibly  
22 be rezoned that is very different. So I mean, I just think that before we make a decision  
23 to do this that (a) we do ask them to reconsider making some contact with the

1 community; and (b) they come back to us with a plan that is more specific to what their  
2 needs are.

3 MS. CAIRNS: No, I mean, a straight map amendment, I would beg to differ  
4 slightly in that a map, a rezoning does not require that the applicant show us their  
5 intended use. It's to make land have a by right use under a different zoning  
6 classification. My only concern is that they're asking for 45 acres to be rezoned and yet  
7 they've articulated no fundamental basis for needing 45 acres to be rezoned.

8 MR. GILCHRIST: Well, that's what I mean.

9 MS. CAIRNS: But that's, you know, it's the size. It's not that they need to come  
10 with a site plan but they just, I think they need to articulate why this is such, because it  
11 is a drastic change from Rural to Heavy Industrial.

12 MR. MANNING: I can appreciate your point about giving them an opportunity to  
13 come back but we requested it once and I think we need to make a decision one way or  
14 the other. I think going back to Heather's point, you've got 40 acres clearly is larger, a  
15 larger piece than is necessary for the rezoning that they are, the use that they need.  
16 And it is concerning to me to rezone 30 more acres out to Bluff Road not knowing what  
17 the specifics of that need would be. We've had indications from the people at  
18 Westinghouse that that was clearly a delineation to square up property lines. That's  
19 nice but, you know, given the industry that they're in I think that would concern a lot of  
20 people. So if you want to stay with your motion that's fine but I just, I [inaudible].

21 CHAIRMAN ANDERSON: Could you restate, do we have a, could you restate  
22 that motion?

1 MR. GILCHRIST: I guess my, if I were to make a motion I would make a motion  
2 that, (a) we ask them to go back and make another attempt to meet with the community,  
3 and in addition to that, the language that Heather used about the acreage that they're  
4 needing to rezone. Whether it's –

5 MS. CAIRNS: I just would ask the applicant to reconsider the quantity of  
6 acreage.

7 MR. GILCHRIST: Yeah. And make that a part of the motion to visit with the  
8 community.

9 CHAIRMAN ANDERSON: We have a motion to –

10 MS. CAIRNS: Hang on a second. We've got counsel thinking about –

11 MS. LINDER: I would just like to remind the Planning Commission that a  
12 rezoning, zoning is not a popularity contest. It's not how many people are for something  
13 or against something. You need to look at it for what it is. It's a rezoning to a district  
14 that will have certain allowable uses available to it. Certainly the public will have an  
15 opportunity once the zoning public hearing is held. Notice will be posted on the  
16 property, it will be advertised in the newspaper. I believe the community members that  
17 were here at the last meeting they certainly, I don't know if any one is here expressing  
18 similar concerns. I would just caution you in making it, while everybody agrees to it now  
19 so we'll do it, I think you as a Planning Commission need to make an independent  
20 decision based on the proper use of the land, the zoning of land. And I agree is the  
21 acreage sufficient, is the zoning district appropriate?

1 MR. GILCHRIST: Yeah. Well I just, I don't think we're saying that we're  
2 opposed to it but I think this Commission asked some specific questions that's not been  
3 addressed period.

4 MR. PALMER: I'm not going to support that motion and the reason being is that  
5 we've asked them 30 days ago, my vote would not be based on whether or not they did  
6 or did not have a community meeting. But I'm not going to ask someone twice to have  
7 the same meeting. The second thing is I don't think that the acreage, they have not  
8 justified to me the need for 44, 45 acres to be rezoned. What I heard was that it was  
9 simply to straighten up a property line and because it looked good on paper at the time.  
10 And one of the requirements is you have to justify the need for rezoning. I don't think  
11 that need has been justified. I would support a recommendation of no but we have a  
12 motion and a second and if that fails I will make a motion to recommend denial to  
13 Council based on the current application as it stands before us because I don't think  
14 that the acreage has been met, that need.

15 CHAIRMAN ANDERSON: Did you have something to add?

16 MS. LINDER: Mr. Palmer, you could make a substitute motion.

17 MR. PALMER: I wouldn't do that, I'll allow that motion to move forward. See  
18 what happens with it.

19 CHAIRMAN ANDERSON: I didn't actually hear a second. We do have a motion  
20 on the floor.

21 MS. CAIRNS: My only request possibly would be is it there's, I think we've sort  
22 of raised three potential issues. One is do we request the applicant again to go back to  
23 the community. One is do we request the applicant to reconsider the size of their

1 zoning. And one is just an overall denial. Is if we could not combine any of those but to  
2 have separate motions on, because I think that the, I mean, for me personally the size  
3 of the request is excessive. I wouldn't mind giving the applicant a chance to change it  
4 as opposed to a denial at this point. But I don't necessarily want to hinge it with the  
5 requirement that there be public outreach because I think that, I don't feel comfortable  
6 ordering, requiring that.

7 MR. PALMER: I think it's six one way, half dozen of another. If it's a denial they  
8 can withdraw their motion if they would like to before it goes to Council and come back  
9 to us again.

10 MS. CAIRNS: Okay.

11 MR. PALMER: I don't think there's –

12 MS. CAIRNS: Gotcha. Okay, I follow. I follow what you're saying.

13 MR. MURRAY: I'll second his motion.

14 MS. CAIRNS: Which motion? Just for clarity.

15 MR. PALMER: I don't have a motion on the floor.

16 CHAIRMAN ANDERSON: Was there a second? Was there a second?

17 MS. CAIRNS: No.

18 CHAIRMAN ANDERSON: No, okay. I just want to be clear about that. So Mr.  
19 Murray?

20 MR. MURRAY: You're sure it's all right?

21 CHAIRMAN ANDERSON: Yes, sir. I just didn't know what second you're –

22 MR. MURRAY: Okay. As arrogant as they are they'll never change. They'll die  
23 and go to Hades first.

1 MR. MANNING: So we've got a motion on the floor and a second, Mr. Murray?

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

3 MR. MANNING: And the motion is to recommend deferral until they go back to -

4 MS. CAIRNS: No, I don't believe, I think that's where the confusion is. Yeah. I  
5 think we should, if we could start with no motions on the floor because I think we've  
6 made a muddy mess of it.

7 CHAIRMAN ANDERSON: Does everybody want to retract their motions?

8 MS. CAIRNS: [Inaudible] because I think you were seconding Mr. Palmer?

9 MS. LINDER: [Inaudible] seconds.

10 MR. MURRAY: Yeah.

11 MS. CAIRNS: They thought you were seconding Mr. Gilchrist.

12 CHAIRMAN ANDERSON: Yes. That's what I thought. I thought you were  
13 seconding Mr. Gilchrist.

14 MR. MURRAY: Well, he has a very good idea but we didn't get a second on it.

15 MS. CAIRNS: But your second was interpreted as a Gilchrist.

16 CHAIRMAN ANDERSON: Yes. I was interpreting your second to Mr. Gilchrist.

17 MS. CAIRNS: Which I don't believe is what was intended.

18 MR. MURRAY: Right.

19 CHAIRMAN ANDERSON: So that was not the intent.

20 MR. MURRAY: [Inaudible] you withdraw your -

21 CHAIRMAN ANDERSON: Withdraw their -

22 MR. GILCHRIST: I can withdraw my motion and second Mr. Palmer's motion.

23 MR. MURRAY: Okay.

1 MR. PALMER: Well, let me make a motion first.

2 MR. MURRAY: [Inaudible] your ice cream is sweeter than his.

3 MR. PALMER: I make a motion to send this forward to Council with a  
4 recommendation of denial which is opposite from Staff's recommendation and the  
5 reason for that being is I don't believe they have justified significant need for rezoning of  
6 the entire parcel and that would be the basis for my recommendation or my motion to  
7 send this forward to Council with a recommendation of denial.

8 CHAIRMAN ANDERSON: We have a motion; do we have a second?

9 MR. GILCHRIST: Second.

10 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of  
11 sending Case No. 09-13 MO or MA ahead to Council with a recommendation of denial  
12 please signify by raising your hand. All opposed?

13 *[Approved: Cairns, Murray, Tuttle, Palmer, Anderson, Manning, Furgess, Mattos-Ward,*  
14 *Gilchrist]*

15 CHAIRMAN ANDERSON: Thank you. We are a recommending body to County  
16 Council. The County Council meeting is scheduled for, when's the next County Council  
17 zoning public hearing?

18 MR. FURGESS: October 27<sup>th</sup>.

19 CHAIRMAN ANDERSON: October 27<sup>th</sup>. Next case.

20 **CASE NO. 09-14 MA:**

21 MS. ALMEIDA: Mr. Chairman, Case No. 09-14 MA. The applicant, Joe Jackson.  
22 Location, Lower Richland Boulevard. The acreage is 2.85. The existing zoning on this  
23 site is RS-HD and the request is for Rural. The site is located both on Padgett and

1 Lower Richland Boulevard. Lower Richland Boulevard is classified a two-lane  
2 undivided collector road. Both roads are operating at a Level of Service B. The  
3 property is currently utilized by an existing church. The RS-HD does not allow for  
4 auxiliary uses for churches as permitted under the RU designation. The church is  
5 currently under special exception and we have listed on page 25 what those special  
6 exceptions requirements are. The rezoning the subject parcel to RU would allow the  
7 church to be permitted outright and would eliminate the need to appear before the  
8 Board of Zoning Appeals for any modification to the church building. The site is roughly  
9 1.95 miles from the closest fire station located south of the property. And Staff is  
10 recommending approval.

11 CHAIRMAN ANDERSON: Any questions for Staff?

12 MR. PALMER: I have a question for Staff. Just as the same argument applied  
13 for Westinghouse in my mind also applies to this is that the use doesn't come into play.  
14 It's is the zoning necessary for this tract of land? But it seems to me that we're trying to  
15 cater the zoning to the use in this case.

16 MS. ALMEIDA: We're trying to bring the existing use into conformance.

17 MR. PALMER: Well, it's in conformance.

18 MS. ALMEIDA: Well, not for what they want to do. Any time they want to  
19 expand -

20 MR. PALMER: But there is a mechanism for them to do what they want to do  
21 through the Board of Zoning Appeals.

22 MS. ALMEIDA: Correct.

23 MR. PALMER: But it's the Staff's opinion that this tract is better suited –

1 MS. ALMEIDA: Right.

2 MR. PALMER: - taking the church out of it, that the Staff thinks that this is rural  
3 tract of land that needs to be zoned Rural?

4 MS. ALMEIDA: Correct.

5 MS. ALMEIDA: It's not a Rural tract of land. It's a RS-HD.

6 MR. PALMER: RS-HD tract that would be better suited as a rurally zoned piece  
7 of property.

8 MS. ALMEIDA: And would compliment the existing use on the property.

9 MR. PALMER: Okay.

10 CHAIRMAN ANDERSON: Any other questions for Staff? We do have two  
11 people signed up to speak. Mr. Joe Jackson, if you would you come down and state  
12 your name and address for us at the podium?

13 **TESTIMONY OF JOE JACKSON:**

14 MR. JACKSON: Name is Joe Jackson, 8 Sleepy Hollow Lane. I'm the pastor of  
15 Prayer & Faith Temple, this piece of property that we have referred to today. We're  
16 requesting rezoning. This is my third time requesting exception to do something on the  
17 property. The property is grandfathered in. It's an old piece of property that was  
18 grandfathered in in a family residence area. And we're just trying to expand the church  
19 to improve that area to make it look, we want to do a multi-purpose center. What we do  
20 now is feed about 150 people on every fourth Saturday and the area that we're doing it  
21 in is small and we need, we want to put a multi-purpose center to feed the community,  
22 to do some kitchen, to do etc. Those type of things to bring health and awareness to  
23 the community, and that's our intent and that's our purpose what we want to do that for.

1 It's just eliminates every time we want to do something to come back before the Zoning  
2 Board to get an exception to do something. Just want to expand the property, expand  
3 the church to better the community.

4 CHAIRMAN ANDERSON: Thank you, sir. Ms. Debra Wood, if you would come  
5 down and state your name and address, please.

6 **TESTIMONY OF DEBRA WOOD:**

7 MS. WOOD: My name's Debra Wood and I live at 1525 Lower Richland  
8 Boulevard, right across the street from the church property. And Reverend Jackson is  
9 correct. He does a wonderful thing for the community but unfortunately there is, the  
10 structure there is not large enough to accommodate what he wants to do. It's all for  
11 bettering the community as it stands now. Mr. Grant who was the previous owner of all  
12 the land started out very rural and I think that if it is rezoned back to Rural this will  
13 accommodate the community, it will help probably better the community in that small  
14 area that we have. Being the only person I think that is a homeowner there, I've been  
15 there for about 25 years, I saw it where there were cows across the street so the church  
16 is much of an improvement, most definitely. At least they sing better. [Laughter] There  
17 were a couple of issues that I had though. One was with the egress and ingress. It's  
18 directly in front of my property and Mr. Jackson and I had spoken about moving that to  
19 Padget Road and the property that's right next to his a mobile home park and I think on  
20 your plat map it's not designated as such. I would like for him to absorb that so that we  
21 can –

22 CHAIRMAN ANDERSON: What parcel are you speaking of?

23 MS. WOOD: The one that's brown.

1 CHAIRMAN ANDERSON: Okay.

2 MS. CAIRNS: The one at the corner?

3 MS. WOOD: Yeah. The one right on the corner and it is brown right now but  
4 there are seven or eight mobile homes on that small piece of property.

5 MS. CAIRNS: That could also be one of those grandfathered uses. We have  
6 lots of that.

7 MS. WOOD: Yeah. But that's one thing I asked him. I said, "Would you please  
8 absorb that so we can get rid of that mobile home park?" But that's another issue.  
9 That's another issue. But speaking in favor of that I think it would definitely benefit the  
10 community if he were to be granted this, most definitely.

11 CHAIRMAN ANDERSON: Thank you. That's all that's signed up to speak.  
12 Questions, concerns, motions?

13 MR. MANNING: I've got a question for Staff. Anna, are there going to be any  
14 future limitations under the Rural zoning that would preclude Reverend Jackson from  
15 being able to utilize the site for intended church uses?

16 MS. ALMEIDA: I believe our Zoning Administrator went through that with the  
17 reverend.

18 MR. MANNING: So the likelihood of problems occurring in the future would be  
19 minimized with the Rural zoning?

20 MS. ALMEIDA: Correct.

21 MS. CAIRNS: I'd just like briefly to discuss a little bit of what Mr. Palmer offered  
22 is that I think that there's,-- I would differ this from Westinghouse in that Westinghouse is  
23 in essence unutilized land right now that it's seeking a potential utilization whereas this

1 is a map amendment request to bring non-conforming use into conformity and I think  
2 that, I think your point is well taken that we need to always be looking in this broad  
3 global, is this the proper use for this land. But I think that vacant land versus non-  
4 conforming use land does have a slightly different review in terms, I would feel that it  
5 would be a slightly different in terms of a map amendment request.

6 MR. PALMER: And I completely respect that. I would just like to remind you of  
7 that in future cases when a non-conforming comes in to be rezoned for the underlying  
8 use.

9 MS. CAIRNS: I'll consider it; I always do. [Laughter] Doesn't mean I always  
10 agree with it.

11 MR. PALMER: I just think if it was the opposite and this was Rural coming in for  
12 this I don't know that it would be received so. And the Rural was coming in to be  
13 rezoned as RS-HD I don't know that it'd be received the same way. I don't see us  
14 rezoning something Rural in the middle of a residentially high density area, residential,  
15 high density area to rezone that back to Rural when there's already a mechanism for it.  
16 While yes it may be cumbersome there is a way to do what the reverend wants to do  
17 and that's why we have these -

18 MS. CAIRNS: Right, but they aren't meant to be, they aren't meant to, I mean,  
19 when you've got a non-conforming use. And I think -

20 MR. PALMER: It's not a non-conforming use. You can have a church on that  
21 property all day long.

1 MS. CAIRNS: Oh, but what, the expansion? I mean, that's – I'd have to review  
2 the, exactly what the impediments are. I think it's interesting that they differ than a  
3 church because generally always we see churches –

4 MR. PALMER: Are able to do whatever they want to do.

5 MS. CAIRNS: - able to do whatever they want, whatever they want.

6 MR. PALMER: Right. And I think he could expand his building. He could have  
7 his sanctuary as large as he wants. It's the accessory uses that make him into having  
8 to have a different –

9 MS. CAIRNS: Down zoning.

10 MR. PALMER: - hearing type situation as opposed to just doing what he wants  
11 to do.

12 MS. CAIRNS: Yeah. Well, but a Board of Zoning Appeal request can never  
13 allow use that is not otherwise [inaudible] by definition. BOZA cannot allow a use. Only  
14 zoning can allow a use. Only conditions that can be affected by BOZA.

15 MR. PALMER: But what this does is it gives the public another aspect since it is  
16 in that residential area him having to go to BOZA gives the public information as to what  
17 he's doing and gives them input as to whether or not they want him to do that in their  
18 neighborhood. That's the difference between it being a rural and being actually in  
19 someone's neighborhood where there's houses all around it.

20 MS. CAIRNS: Granted.

21 CHAIRMAN ANDERSON: Can we make that somehow into a motion? Or was  
22 that -

23 MS. CAIRNS: No one's made a motion.

1 CHAIRMAN ANDERSON: No one's made a motion?

2 MS. CAIRNS: We've just been discussing.

3 CHAIRMAN ANDERSON: Discussing.

4 MS. CAIRNS: Yes, it is.

5 MR. MANNING: Mr. Chairman, I'd like to make a motion that we send Case No.  
6 09-14 MA forward with a recommendation of approval.

7 MR. FURGESS: Second.

8 CHAIRMAN ANDERSON: We have a motion and a second on the floor. All  
9 those in favor of sending 09-14 MA ahead to Council with a recommendation of  
10 approval please signify by raising your hand. All opposed?

11 *[Approved: Cairns, Murray, Tuttle, Anderson, Manning, Furgess, Mattos-Ward,*  
12 *Gilchrist; Opposed: Palmer]*

13 CHAIRMAN ANDERSON: All right. Next case.

14 **CASE NO. 09-15 MA:**

15 MS. ALMEIDA: Mr. Chairman, Case No. 09-15 MA, Tracy Billings. The property  
16 is located on Alpine Road. Currently the acreage is .341. The current zoning is RU.  
17 The requested zoning is GC. As you can see from your Staff Report on page 34, the  
18 traffic impact on Alpine is classified as a two-lane undivided collector road. It is  
19 currently functioning at a Level of Service C. And our traffic planner has indicated that  
20 the traffic analysis will take place once the site plan is submitted due to the zoning  
21 request of GC. The proposed zoning would compliment the existing General  
22 Commercial District to the west. It is contiguous to the subject parcel. Therefore it can  
23 be rezoned with less than two acres. There's a number of existing undeveloped GC

1 zoned parcels within the area. At the existing intersection of Alpine Road and Old  
2 Percival Road General Commercial parcels are at each of the four intersection corners.  
3 The subject parcel contains an existing vacant house. Water and sewer service are  
4 available on site and provided by the City of Columbia. The subject parcel is located  
5 within the 3,000, an existing 3,000' military buffer zone around Fort Jackson. We have  
6 been in contact with Fort Jackson. We have sent and mailed out a letter which is  
7 submitted and was part of your packet on page 36. It was addressed to the Brigadier  
8 General Bradley May. We have not received any response. We have complied with the  
9 requirements of the military buffer zone for Fort Jackson. We don't feel that this  
10 General Commercial zoning will create any negative impact on Fort Jackson and we  
11 recommend approval.

12 CHAIRMAN ANDERSON: We have one person signed, or any questions for  
13 Staff? One person signed up to speak. Mr. Bradley? Come down and state your name  
14 and address for the Record, please.

15 **TESTIMONY OF TRIPP BRADLEY:**

16 MR. BRADLEY: My name's Tripp Bradley. My address is 1301 Gervais Street.  
17 I'm here on behalf of Majors Management, Tracy Billings. He's out of the country  
18 actually and I'm representing these guys, you know, in the potential development of this  
19 piece of property. One thing I did do that I would like to pass out to you guys is put  
20 together a representation of the convenience store that they propose building on this  
21 piece of property. Not only to give you an idea of what they're planning but also to show  
22 you that they're improving this piece of property over its current condition as well as,  
23 you know, making, actually just cleaning up the area in general. And I'd like to pass

1 those out if that's okay with you guys. What I'm passing out is a representation of a  
2 similar convenience store that they've built in the past. Also included in that flyer is a  
3 representation of the potential site plan.

4 MS. CAIRNS: It appears, I just want to verify if I'm correct or not that the  
5 applicant will, this development goes to the corner so it'll basically combine two lots?

6 MR. BRADLEY: Yes, ma'am.

7 MS. CAIRNS: The already existing and this one?

8 MR. BRADLEY: That's correct. The corner parcel's 1.08 acres and what we're  
9 asking to have the zoning changed on is .34 acres which would bring the total site  
10 acreage to –

11 MS. CAIRNS: Square off the property lines.

12 MR. BRADLEY: Exactly, 1.42 acres. But the real reason is to get us away from  
13 the intersection so that the ingress and egress can be conforming with DOT  
14 requirements. That's truly the driving issue here.

15 MR. PALMER: Why do they want to go on this side and not the other side?

16 MR. BRADLEY: That's a good question. I don't know.

17 MS. CAIRNS: It'd be who owns the land?

18 MR. PALMER: Well, I live out in this area and I pass this site at least once or  
19 twice a week especially because Little Pigs is across the street.

20 MR. BRADLEY: It was.

21 MR. PALMER: Oh, yeah. But this site actually backs up to a graveyard so I  
22 don't think that the neighbors are going to complain too much about the site being

1 rezoned and it looks as though this area, you know, there's always precedent for what's  
2 going on here. They just improved that Percival Road interchange; did they not?

3 MR. BRADLEY: Yes.

4 MR. PALMER: The lighted entrance. Is that going to be the main entrance for  
5 the Fort Jackson Memorial Area or –

6 MS. SWORD: No, it's way out Percival.

7 MR. PALMER: No, that's way down there? Well, anyhow they needed to  
8 improve that area for some reason. But, you know, this area is somewhat developing  
9 and I know that those corners have been a headache for the neighborhood as far as  
10 what's going on there with, and needing to be cleaned up so if there's no other  
11 discussion or just to get a motion on the floor I make a motion we send this forward to  
12 Council with a recommendation of approval.

13 MS. MATTOS-WARD: Second.

14 CHAIRMAN ANDERSON: We have a motion. We have a second. Any other  
15 discussion or questions? All those in favor of Case, sending Case No. 09-15 MA ahead  
16 to Council with a recommendation of approval please signify by raising your hand. All  
17 opposed?

18 *[Approved: Cairns, Tuttle, Palmer, Anderson, Manning, Furgess, Mattos-Ward,*  
19 *Gilchrist; Abstained: Murray]*

20 CHAIRMAN ANDERSON: Thank you.

21 MR. BRADLEY: Thank you.

22 CHAIRMAN ANDERSON: 09-16 MA.

23 **CASE NO. 09-16 MA:**

1 MS. ALMEIDA: Mr. Chairman, 09-16 MA. Pallav Desai. Location is 9401  
2 Wilson Boulevard. The acreage is .76. The existing zoning is Rural and the requested  
3 zoning is Neighborhood Commercial. Wilson Boulevard at this roadway segment is  
4 classified a two-lane undivided collector road and it is at a Level or Service C. The  
5 location of the subject parcel meets the intent of the Neighborhood Commercial District  
6 and is located adjacent to a residential neighborhood where large commercial uses are  
7 inappropriate. However, small neighborhood oriented businesses are useful and  
8 desired. The general commercially zoned parcel is located approximately 300'  
9 southeast of the site along Wilson Boulevard. It has water and sewer service which is  
10 provided by the City of Columbia. There is an existing, excuse me, assisted living  
11 facility currently operating approximately 800' southeast of the subject parcel on Wilson  
12 Boulevard. An existing gas station and barber shop are on the subject parcel. The  
13 rezoning would allow for a non-conforming use to be brought into compliance with the  
14 Land Development Code. The parcel is currently served by private water and septic  
15 and the parcel has direct access on site to fire hydrants located in the right-of-way along  
16 Wilson Boulevard. And Staff is recommending approval.

17 MR. PALMER: Anna, I have the same question. I mean, is there not a size  
18 requirement for Neighborhood Commercial?

19 MS. ALMEIDA: Is there a size requirement?

20 MR. PALMER: For the size lot to come in for rezoning if it's not adjacent?

21 MS. ALMEIDA: There was an amendment to the ordinance that allows for a  
22 residential use less than two acres to be rezoned to Neighborhood Commercial. That  
23 was an amendment that was approved.

1 MS. CAIRNS: So that, just for fun and excitement, there's a niche that if you're  
2 going to Neighborhood Commercial you can be less than two acres but –

3 MS. ALMEIDA: But you have to be residentially zoned currently. Yeah.

4 MS. CAIRNS: So the previous applicant we had up for the Rural Commercial in  
5 theory he could have asked for just the one parcel to be Neighborhood Commercial –  
6 the one-acre parcel by itself under that niche?

7 MS. ALMEIDA: Say that again?

8 MR. PALMER: Yes, um-hum (affirmative). [Laughter]

9 MS. CAIRNS: Okay.

10 MS. ALMEIDA: Well you have to be adjacent to, not only does the parcel have to  
11 be residentially zoned but you have to be adjacent to. Why don't you explain it?

12 [Laughter]

13 MR. PRICE: Yeah, this came about with the new amendment [inaudible] where it  
14 says, an addition of neighborhood zoning contiguous to an existing commercial or  
15 residential zoning district.

16 MR. PALMER: And that only applies to Neighborhood Commercial?

17 MR. PRICE: Yes.

18 MS. CAIRNS: So from a residential use –

19 MR. PRICE: OI and neighborhood commercial, excuse me.

20 MS. CAIRNS: Interesting. Okay.

21 CHAIRMAN ANDERSON: Nobody signed up to speak? Nobody signed up to  
22 speak. Any other discussion? Okay. Do you want to come down and state your name

1 and address for the Record. I think you signed up on the wrong sheet; let's see. What  
2 was the name?

3 MS. CECERE: Susanne Cecere.

4 CHAIRMAN ANDERSON: Okay. Okay.

5 **TESTIMONY OF SUSANNE CECERE:**

6 MS. CECERE: Good afternoon. My name is Susanne Cecere. My address is  
7 8412 Wilson Boulevard and I'm a member of Fairlawn Community which is part of this  
8 area. Our objection, I need to present you with two letters and a petition. Our objection  
9 to rezoning this is that this parcel is a very small parcel and it's dangerous to get in and  
10 out. With the new Wal-Mart on the end Killian Road at I-77, Killian Road dead ends at  
11 Wilson Boulevard and that is approximately 30 to 50 yards from the entrance to this  
12 very large manufactured housing park which has about 175 manufactured houses in  
13 there. I spoke with the Richland County Sheriff's Department. This is a yearly report of  
14 the incidents and when you have nothing to do at night you can read that, but they have  
15 lots of problems with emergency vehicles. The school buses enter through this, it's a  
16 very narrow, it's not even marked. The entrance is not, the lanes are not marked. The  
17 barber shop, may I have the picture with the buildings, Ms. Anna? Okay. The barber  
18 shop is on one end and it faces, the entrance faces the manufactured housing park and  
19 they have four parking spaces on that end and those parking spaces are always  
20 occupied and people park on the curb. So it's hard to get in and out to the park itself.  
21 Then the access to Wilson Boulevard, the two entrances, but they're very narrow,  
22 there's a ditch in front of the gas station itself. They have approximately 16 or 18  
23 parking spaces. One is in front of a very large kerosene tank, the other two parking

1 spaces are in front of dumpsters and then immediately after that are two manufactured  
2 homes. And so this is all in a very confined area. We have three new subdivisions and  
3 Wilson Boulevard is busy, busy, busy now. I moved out there 30 years ago and so the  
4 objection is that we want to keep our citizens safe and our children safe, especially if  
5 they come there after school and hang out at the service station. So I would request  
6 that you deny this rezoning.

7 MR. FURGESS: I'd like to ask Staff a question. Across the street is it a pond  
8 across from the service station?

9 MS. CECERE: Yes, sir.

10 MR. FURGESS: About three blocks down as you're going toward town is a  
11 cemetery?

12 MS. CECERE: Yes, sir.

13 MR. FURGESS: Okay. In that area?

14 MS. CECERE: Yes, sir.

15 MR. FURGESS: This trailer park or whatever manufactured homes and the  
16 service station is in a curve like going towards 77, right?

17 MS. CECERE: Yes, sir.

18 MR FURGESS: Okay.

19 MS. CECERE: It is. And it surrounds this small piece of property. If it was built,  
20 if there was, if they wanted to ask for it today it wouldn't have been allowed. Now, to  
21 rezone it I understand they don't have to come in compliance but there's not a single  
22 handicap parking space in this area nor are there bathroom facilities.

23 MR. FURGESS: To Staff, my question to Staff.

1 CHAIRMAN ANDERSON: Thank you, ma'am.

2 MR. FURGESS: Are this building that they want to upgrade is only for upgrade  
3 or this service station or this area that's on this piece of property going to upgrade the  
4 area?

5 MS. ALMEIDA: I'm not sure if they, it's a straight rezoning.

6 MS. CECERE: May I address this, please? What happens is there is one area I  
7 think that they had leased out and had tried to put various businesses in it and it hasn't  
8 worked out so to get that done I think they wanted to rezone that.

9 MR. PALMER: Is the applicant actually here?

10 MS. ALMEIDA: [Inaudible] request that the applicant –

11 CHAIRMAN ANDERSON: The applicant, yeah. Is the applicant here at all?  
12 Okay. We do have one more person, Representative McEachern did you want to come  
13 down?

14 MS. CECERE: Thank you.

15 **TESTIMONY OF REPRESENTATIVE MCEACHERN:**

16 REPRESENTATIVE MCEACHERN: I've been impressed. You guys are really  
17 good at this. I respect what you have to do with the facts that's before you. But  
18 anyway. Just what we have at hand, you know, one of the things about this area is is  
19 that it's amazing to me, I know sometimes we try to work with folk to try to get some  
20 things done. Matter of fact personally I try to work with them to see if I can help them  
21 because my heart goes out to them where they are. The biggest thing about this  
22 location is non-conforming, just non-conforming and then looking at what, in our  
23 comprehensive land use plan and our codes, it just violates. This property literally just

1 about violate all our codes. It's in the round type and of course I pick the issue with  
2 contiguous of commercial and the size of this lot because this is the exact size of my  
3 commercial lot right down the street from there. And so my point is is real simple with  
4 them is that saving grace for them basically from my perspective is to basically with  
5 these exceptions which we have in place in Richland County but what they're trying to  
6 do is basically in the round to try to get around whether they can get past the things that  
7 you have to deal with and all of us have to abide by the rules to get this done. I mean,  
8 the problem with this is is that you can't get enough parking spaces in front of  
9 businesses. You cannot get this business into to the conformity of code. It violate all of  
10 them even though you have accessibility, water and sewer, it's not on water and sewer;  
11 it's private water and septic tank. That's what it's currently on. And so it basically go  
12 against every principle of planning that we have in Richland County. Like I said, you  
13 know, we looked at the fact of the Board of Zoning Appeals to try to assess and help  
14 them try to get there from that perspective, maybe one at a time, and those kind of  
15 things. I've had friends that had shops in there. I've had tax businesses in there and  
16 those kind of things. The big issue is just, you know, probably shouldn't be a major  
17 concern because of the fact of individual businesses, you know, minor, just trying to get  
18 a liquor store and party shop and that have been a big deal and that have been well  
19 known and documented in that area as far as that concern and the problem for that area  
20 that where no issues come up. But as we look at just where it's located and where it is  
21 it comes from the old areas when they first zoned in '75 and '76 where they did a  
22 blanket zoning it came out to be a trailer park over there, one of the largest ones, a  
23 tremendous large trailer park. But it's tremendously dangerous. I mean, you just can't

1 get parking in there. I think the Sheriff's substation just had to pull out of there. We got  
2 a issue with that but that's just what I kind of leave with you. Like I said I personally  
3 tried to help them. I think they have been before the Board of Zoning Appeals before on  
4 some of these things, but that's just the only option that I see for them. If you zone this,  
5 I mean, Good Lord! I mean, we bypass just about every principle of zoning we have in  
6 our book to try to get this done. Handicap zoning, I mean, handicap parking will almost  
7 be non-exist. How you going to get the curb cuts to be able to do this? I think pointed  
8 out Mr. Furgess you've got a lake off the street so, I mean, you're going to have a  
9 problem with school buses coming through there. Emergency services tell you they  
10 cannot, just try to get a fire truck in there to turn around it's just virtually impossible  
11 because like you said on the end you've got these gas, right here, gas pumps here and  
12 a big old gas tank so even your emergency services cannot service that. So anyway  
13 that's a challenge. I beg for your indulgence in this and your consideration to deny the  
14 zoning and my thing is is to continue to work with them. I do. I feel for them. I'm trying  
15 to, and I have set down with them in my office and try to work some of these things out  
16 with them so that's where we are. Did they beep me? [Laughter] Thank you.

17 MR. MURRAY: They gotcha.

18 CHAIRMAN ANDERSON: All right. Thanks to everybody who signed up to  
19 speak. Any questions for Staff?

20 MR. PALMER: Mr. Chairman, I think as was in our previous, previously in our  
21 meeting I think our first or second case was to a Rural Commercial zoning and the  
22 Planning Commission recommended denial on that. I don't see this as being really any  
23 different than that. It's not at a node. It obviously has some issues with it already and I

1 don't think that the expansion of this site or the loosening of requirements on this site  
2 would in any way help the community. And I don't see that this site needs to be rezoned  
3 to Neighborhood Commercial because it is, and I disagree with the Staff  
4 recommendation because it is not at a node and would possibly cause some safety and  
5 security issues if it were to be rezoned with some increased traffic. So that's the reason  
6 for my recommendation for denial.

7 MR. MANNING: Second.

8 CHAIRMAN ANDERSON: We have a motion. We have a second? All those in  
9 favor of sending Case No. 09-16 MA ahead to Council with a recommendation of denial  
10 please signify by raising your hand. All opposed?

11 *[Approved: Cairns, Murray, Palmer, Anderson, Manning, Furgess, Mattos-Ward,*  
12 *Gilchrist; Opposed: Tuttle]*

13 CHAIRMAN ANDERSON: Next case.

14 **CASE NO. 09-17 MA:**

15 MS. ALMEIDA: Yes, Mr. Chairman. Case No 09-17 MA, Fred Babae. Located  
16 at 206 Business Park Boulevard. The acreage 2.0. The existing zoning is Heavy  
17 Industrial and the proposed zoning request is General Commercial. As you can see on  
18 page 51 we have listed recent map amendments in the area. The Farrow Road, the site  
19 is located near Farrow Road. Farrow Road is classified a four-land divided minor  
20 arterial roadway currently at a Level of Service C. The traffic planner has assessed  
21 Farrow Road and its possible uses. An adjacent business park in which he has  
22 indicated that the subject site is located could be operating at a Level of Service E. The  
23 proposed rezoning to General Commercial would allow for a wider variety of retail sales

1 not allowed under the Heavy Industrial use. We feel that the GC is a less intense use  
2 than HI. The district permits uses, the HI permits uses such as heavy construction  
3 without storage with outside storage, material recovery facilities which, I'm sorry, I'm  
4 losing my place here. The proposed rezoning would allow for an existing unoccupied  
5 building to be utilized versus the development of an undeveloped parcel. We have  
6 identified that on July 10, 2007, there was a map amendment that was approved by  
7 County Council rezoning 15 nearby parcels to General Commercial. We feel that the  
8 character of the area has changed from heavy manufacturing uses to light industrial and  
9 warehouse office commercial uses, making GC, General Commercial, a more  
10 appropriate zoning for this area. We have identified that water and sewer is available  
11 and provided by the City of Columbia. And the Staff recommends approval.

12 MR. PALMER: The adjacent landowner is HI? Would this rezoning, if it were to  
13 put residential uses in there, would that hinder their use of their property?

14 MS. ALMEIDA: Under – No.

15 MR. PALMER: I mean, as far as buffers and that kind of stuff?

16 MS. ALMEIDA: Well, they would have to buffer themselves from the adjacent  
17 uses.

18 MS. CAIRNS: GC would, not residential.

19 MS. ALMEIDA: [Inaudible] GC.

20 MR. PALMER: GC would?

21 MS. ALMEIDA: Yes.

22 CHAIRMAN ANDERSON: Okay. We don't have anybody signed up to speak.  
23 Is there anybody here on behalf of the applicant?

1 MR. PALMER: What is their neighbor that's still remaining HI?

2 CHAIRMAN ANDERSON: Yes, sir. If you'd come down to the podium and state  
3 your name and address for the Record, please?

4 **TESTIMONY OF CAM KREPPS:**

5 MR. KREPPS: Yes. My name's Cam Krepps, 1901 Main Street. We're agent  
6 for the owner. The property to the right's the old Keebler warehouse. It's been vacant  
7 for quite some time. The property across the side road there is currently vacant as well.  
8 I'm not sure what business was operating in there. And of course behind it is the  
9 Enterprise operation.

10 CHAIRMAN ANDERSON: Thank you. Any other questions?

11 MR. PALMER: I make a motion to send this forward with a recommendation of  
12 approval.

13 MR. MURRAY: Second.

14 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of  
15 sending Case No. 09-17 MA ahead to Council with a recommendation of approval  
16 please signify by raising your hand. All opposed?

17 *[Approved: Cairns, Murray, Tuttle, Palmer, Anderson, Manning, Furgess, Mattos-Ward,*  
18 *Gilchrist]*

19 MR. PALMER: I make a motion we take a break.

20 MS. CAIRNS: Second.

21 *[Break]*

22 CHAIRMAN ANDERSON: Now moving on to the next portion on our Agenda.  
23 Stormwater. Mr. Kocy.

1 MR. KOCY: Mr. Chairman, let me give you a brief synopsis of how we got here  
2 and do an introduction to the presentation you're going to see about some new land use  
3 principles. Approximately a year ago the Department of Public Works promulgated  
4 some new stormwater regulations and we had a meeting here and then we took some  
5 recommendations to the County Council and County Council had a public hearing and  
6 the County Council directed Staff to amend the original Staff proposal. So we had the  
7 original Staff proposal and the County Council version. And around the same time early  
8 this year the County Council suggested that the Development Roundtable that was  
9 underway looking at all of our land use regulations might also weigh in on the  
10 stormwater proposal and give some guidance to County Council on what the  
11 stormwater regulations should be. Last month the Development Roundtable completed  
12 its work. The Development Roundtable has a list of 22 recommendations on better land  
13 use policies, better land use regulations for Richland County and two of those  
14 recommendations deal with stormwater. We're going to present a brief overview today  
15 of the 22 development principles from the Development Roundtable. Next month we'll  
16 have a much lengthier presentation on all 22 Development Roundtable principles. But  
17 today we're going to give you a brief overview of 20 of the 22 and a detailed discussion  
18 of the two stormwater principles on the Development Roundtable. Making this  
19 presentation today are a trio of Roundtable participants: Anna Almeida, Bob Gilde  
20 who's right behind me, and Darren Holcombe who's off to the side. So I will let Anna  
21 begin with the presentation on the 22 principles with a detailed discussion on the two  
22 stormwaters.

23 MS. ALMEIDA: Thank you. And I'll hand it off to Sparty Hammett.

1 MR. HAMMETT: Good afternoon. I am Sparty Hammett, Assistant County  
2 Administrator. The Development Roundtable. What was the process? It's a consensus  
3 based process creating better land use regulations and it was a partnership among  
4 developers, environmentalists, and county Staff. The Planning Director negotiated a  
5 partnership with the Corps of Engineers to fund a contract for the Center for Watershed  
6 Protection to facilitate the Roundtable. It ended up to where the Corps of Engineers  
7 actually funded two-thirds of the actual cost because we were able to offset some of our  
8 costs with Staff time. The project was initiated in February of 2009. In March the  
9 Center for Watershed Protection rated our current Land Development Code and the rate  
10 was 59 out of 100. So we had a significant amount of room for improvement. The final  
11 meeting of the Development Roundtable was held on September 21<sup>st</sup>. During the eight-  
12 month process the Roundtable was able to reach consensus on 22 of the 22  
13 development principles that were reviewed. Portions of the current Land Development  
14 Code are ambiguous which leads to different interpretations, inconsistency and conflicts  
15 between Staff and developers or consultants. Before I came on board as Assistant  
16 County administrator I was a consultant for the county. I did, I had a contract to provide  
17 internal audit services. Two of the detailed performance audits I conducted were of the  
18 Planning Department in 2007 and Public Works in 2008. I met with the development  
19 community during both of those audits and a consistent theme was that the Code was  
20 problematic which resulted in some conflicts. The hard work, time and effort given by  
21 the members of the Roundtable will serve as the basis to draft new ordinances that will  
22 number one: Reduce ambiguity and enhance consistency. Number two: Reduce costs  
23 for the development community. And three: Aid in protecting the environment. Over the

1 next five pages we list the participants. We had county Staff participants and with the  
2 county Staff, county Staff members kind of flowed in and out of the process based upon  
3 the topics being discussed. Next page development community participants. Then we  
4 had the environmental community participants, federal agency participants, and then  
5 state agency participants. And the state agency participants were basically there to add  
6 professional support and were able to provide valuable input into this process. Phase  
7 Two will be implementation. We'll take the actual 22 principles developed by the  
8 Roundtable, we will request that County Council adopt the 22 development principles  
9 and authorize this Phase Two. Phase Two will involve a smaller group of 12 members;  
10 four Staff, four development, and four environmental that will be tasked with drafting the  
11 22 principles and the consensus ordinances. On the following two pages you'll see the  
12 listing of the 22 development principles. I'm not going to go through those as Joe Kocy,  
13 Planning Director, indicated. The next Planning Commission meeting will be a detailed  
14 discussion of each of these principles. And with that I will turn it over to Bob Gilde.

15 MR. GILDE: Thank you, Mr. Chairman and Members of Planning Commission.  
16 I'm Bob Gilde. I practice environmental law in Columbia and I'm the state chair of the,  
17 vice-chair of the South Carolina Sierra Club. This process is one that I'd like to  
18 compliment the county for sponsoring and encouraging. Little did I think eight months  
19 ago that there were opportunities to both protect the environment and to provide  
20 opportunities for development that reduce the unnecessary costs and administrative  
21 burden on the development community. But I learned through this process by listening  
22 to developers and by having them listen to the conservation community indeed there  
23 were opportunities to advance environmental protection while reducing unnecessary

1 regulatory burdens and restrictions on development. I wanted to give you simply one  
2 example out of the 22 principles related to two of the principles that illustrate the first  
3 opportunity and that was to find win/wins where environmental protection could be  
4 advanced, at the same time reducing regulatory and process restrictions on  
5 development. And these are two principles called open space design number 11 and if  
6 you just flip to the next slide, development setbacks and frontages. I combine these two  
7 because this represents what I thought was one of the more innovative opportunities to  
8 promote protection of open space, that's green space that has habitat and natural  
9 values at the same time as providing water quality benefits by maintaining a green  
10 cover. At the same time as reduce arbitrary restrictions on development that serve no  
11 purpose that we could find except to make it more difficult for developers to protect  
12 open space. So the open space development principle if you can go back to 11 again.  
13 What it seeks to do is to encourage development that retains large contiguous areas of  
14 open space through the process of providing density bonuses and we'll go into more  
15 detail next month explaining this but essentially rewarding developers who protect  
16 various grades of development, various grades of open space rather, with density  
17 bonuses that allow them to actually build more units on an existing tract and thereby  
18 cluster that development and retain large areas of open space. We categorize open  
19 space into four different categories: primary, secondary, recreational, and restored  
20 open space and we provide varying levels of density bonus credit for those levels of  
21 open space. A hundred percent bonus for secondary open space that are things like  
22 forest land, things like cemeteries and burial grounds that are already really going to be  
23 protected. A hundred and twenty-five percent bonus for what we call primary open

1 space and that's more valuable. Such areas as if it's a floodplain and repairing buffers.  
2 Less bonus for recreational open space that might include a parking lot at a swimming  
3 pool or a ball field. And finally a restored open space that's the kind of open space  
4 where you actually put stuff back into forest or green cover. You take a brown field  
5 that's recognized by DHEC where there's been a polluted site and you restore it or you  
6 actually take up a parking lot and put in pervious cover. Now combine that with – oops.  
7 Back up one, back up one, one more, okay. Combine that with number 12 where what  
8 we found was that front and side yard setbacks and minimum lot requirements  
9 oftentimes got in the way of developers being able to use density bonuses and to retain  
10 open space and so we make a general recommendation that we replace arbitrary front  
11 and side yard setbacks and lot coverage requirements with a uniform principle of units  
12 per acre as a density measure for each different zoning classification. And let's go to  
13 the next slide a second. Let's go one more slide. One more and back up.  
14 Conventional development on a two-acre lot, eight units per acre, uniform lot size, fairly  
15 rigid setback, minimum setbacks front and side yard minimum coverage. Proposed  
16 recommendation is to the right there allow essentially the developer the flexibility to  
17 develop the lot to the maximum extent possible as market conditions dictate.  
18 Essentially small lots, large lots, what the developer believes is most suited to selling his  
19 or her product. Back up a couple slides now. Let's take an example – one more back,  
20 please. The next one forward. There we go. Okay. Now using this density bonus  
21 example, this is just one example, a lot, a development site where the largest fraction of  
22 the open space that's retained is in recreational open space so it's a clubhouse with a  
23 swimming pool, perhaps recreational fields. Six acres out of the 12 acre open space is

1 in recreational and the credits are apportioned as you see there. One hundred and  
2 twenty-five percent for the primary, 100% for the secondary, only 50% for the  
3 recreational, producing a five percent density bonus and allowing 212 lots on that  
4 particular 50.5 acre site. Next slide, please. All right. Here's a comparable example  
5 where you get 248 lots because you get greater density bonus. Essentially only one  
6 and a half acres is recreational open space and most of it is primary open space like  
7 you see in the illustration. It's essentially the kind of open space that has the maximum  
8 amount of habitat and conservation and water quality protection value. And the reward  
9 that the developer gets is a 248 acre, 50.5 acre site development opportunity. Next  
10 slide, please. Next – one more. All right. Just by way of illustration then what this,  
11 these two principles 11 and 12 of the 22 that is open space development and  
12 addressing the restrictions on front and side yard setback and lot coverage what they do  
13 is they translate into moving from the lower left illustration of essentially a traditional  
14 suburban development with uniform lot sizes and limited, non-contiguous open space.  
15 In other words smaller pieces of open space scattered about as contrasted with what  
16 we hope to promote which is in the upper right example of the mixed residential  
17 development where there's larger areas of contiguous open space that have higher  
18 habitat value and better value in terms of producing water quality benefits. So the short  
19 and long of it it is an example of the win/win opportunities that we think this Roundtable  
20 was able to produce. We look forward to talking to you about it in more detail next  
21 month. Thank you.

22 MS. ALMEIDA: We chose principle 13 and 14 which is the next slide. We took  
23 the existing Code looking at sidewalks and its inflexibility currently in the code allowing

1 for or focusing more on linkages, considering locations of sidewalks and providing more  
2 of a common walkway both in subdivisions and site plans. This principle was very well  
3 received by the consensus group and we are hoping that once we can go into the  
4 implementation stage we can actually put some sort of code together that would  
5 complement these principles. Principle 14 which is driveways also a consensus by the  
6 group to reduce impervious surfaces which would help in stormwater. We want to allow  
7 for alternate driveway surfaces and allow for shared driveways connecting two or more  
8 homes or commercial sites wherever that may be applicable. Development principle 15.  
9 We talk about in the existing code a lot of open space. We found that there were a lot  
10 of, not complaints but at least critiquing the open space that we were obtaining and the  
11 lack of some sort of cohesive management technique that we can use in order to  
12 preserve a lot of this open space that we are getting. We want to clarify and specify  
13 how the common open space will be managed and we want to allow for a larger amount  
14 of open space that's contiguous so we could get more benefit from that offering that the  
15 developer would provide to the county.

16 MR. HOLCOMBE: Thank you, Anna. My name is Darren Holcombe. I'm with  
17 Cox & Dinkins, Engineers and Surveyors and proud to be part of this process. I too  
18 want to thank the county and congratulate them for initiating this process and I do  
19 believe it's going to be very valuable to all the groups that are involved. I do want to say  
20 I think that when, and you'll see more of this when we go into more detail at a later date,  
21 that this is a framework in many cases. It's going to need a lot of work, a lot of detailed  
22 Code analysis and probably a lot of discussion so when you see that you'll probably  
23 realize that that is definitely the case. But I'm going to focus on two principles fairly

1 briefly and if you have questions we can go into more detail. But according Ms. Linder  
2 the two principles that we needed to focus on the most effect the stormwater code that  
3 is currently being looked at by the, and has already, you know, been to Council. You'll  
4 see in these principles there's other stormwater principles but apparently they don't  
5 directly effect what is being analyzed with Council right now; somebody correct me if I'm  
6 wrong. But the two principles I'm going to look at are stormwater outfalls and then the  
7 buffer situation, that thank goodness we came to consensus on. The general principle  
8 new and redevelopment storm water outfalls should not discharge untreated storm  
9 water in the jurisdictional wetlands, aquifers, and other water bodies. Now on this  
10 particular slide I think these are probably the two principles in particular that affect the  
11 code that is being looked at at this point in time. Untreated storm water runoff from  
12 developed areas shall not be directly discharged to wetlands as wetland boundaries are  
13 defined at the time of plan approval. Okay? That seems to be fairly easy to put into  
14 code. Any storm sewers and constructed or altered channels that discharge into a  
15 water quality buffer shall be constructed in such a way as to dissipate the energy. As  
16 far as I'm concerned that's good engineering practice and I believe most people saw  
17 that as well that were on this Roundtable committee. This, you know, as an illustration  
18 of what's, how to do things and how not to do them we certainly would like to have the  
19 code encourage less of the situation on the top there and encourage more development  
20 that looks like the good example on the bottom. Now next slide. These principles are  
21 really more about incentives that the county will probably have to consider very  
22 carefully. And, you know, for instance some of these are financial incentives, you know,  
23 for tax credits or direct financial assistance to developers whenever they intend to

1 develop an area with more stringent stormwater situations, you know, polluted areas,  
2 encouraging development in these areas that really adheres to installing good BMPs  
3 and protecting water quality above and beyond maybe even the Code. And that's part  
4 of the incentive is to try to get developers to go above and beyond the Code and in  
5 doing so it's not just financial incentives the county may and we don't have this on a  
6 slide but the county may allow relaxed code issues. For instance if you have reduced  
7 pavement and right-of-way width requirements or excuse me, if you install vegetative  
8 open channels along your streets than you can reduce your right-of-way widths and  
9 your pavements on your streets. Okay? That's just an incentive for the developer. If  
10 you install parking lot runoff BMPs you can get flexibility in the amount of shade trees  
11 that are required. Those are the incentives that we're talking about here. We also  
12 talked about potentially looking at the Green Code and having it apply to commercial  
13 developments other than just residential developments. I think a lot of that's going to  
14 need some discussion over time. Okay, let's move on to stream buffers and after a lot  
15 of discussion and compromise I think that we've come to a good compromise and the  
16 Roundtable is recommending, well I'll just read the code. "Create a variable width  
17 naturally vegetated buffer system along all perennial streams that also encompass  
18 critical environment features such as 100-year floodplain, steep slopes, and freshwater  
19 wetlands." The general requirement is a 50' buffer, okay? We've seen everything I  
20 think from a no buffer to 100' of buffer so this body or the Roundtable's recommending a  
21 general 50' buffer along all perennial and intermittent streams, waterways, shorelines  
22 and wetlands as determined by a Corps of Engineers jurisdictional determination. Now  
23 a big part of I think the consensus was built because there's opportunity for exemptions,

1 two acre lots and less can be exempted but there's also situations where the buffer will  
2 be increased when you have certain, you know, high quality waters that are on a 303(d)  
3 list or have TMDLs then perhaps that buffer should be increased in those situations.  
4 You know, steep slopes, areas where buffers make more sense. There's also situations  
5 where the buffers can be decreased. Okay? For instance stream buffers should be  
6 decreased where stormwater management, water quality control exceeds the existing  
7 county standards. That's an incentive and the developer stands to gain from that as  
8 well. There's another situation where a reduction can occur where all onsite storm  
9 water runoff is captured and routed through a permanent water quality basin and there's  
10 no sheet flow discharging into the buffer. Okay? And this would apply in some very  
11 limited situations but, so there's opportunity for reduction in buffers. There's situations  
12 where buffers can be increased above that 50. As best I can tell the recommendation is  
13 that the bare minimum buffer would be 25' on perennial streams, intermittent streams,  
14 and wetlands, and water bodies. Okay? I also want to address hot spot development  
15 and things like auto repair facilities, gasoline stations, nursing and garden centers and  
16 probably develop some codes to ensure that they adhere to, you know, the utmost  
17 water quality standards in those situations so. I think that's it.

18 CHAIRMAN ANDERSON: Mr. Palmer, do you have a question?

19 MR. PALMER: I do as it applies to this and I don't know Mr. Holcombe if you're  
20 prepared to take any questions or not but did you guys come to any consensus on how  
21 to measure that 50'?

1 MR. HOLCOMBE: As far as I know if it's a stream situation it's top of bank. Now  
2 if somebody wants to, you know, say otherwise but I believe that's what we talked  
3 about.

4 MR. PALMER: And is that in conjunction with a floodplain line or is that on top of  
5 the flood plain line?

6 MR. HOLCOMBE: This particular recommendation actually does not discuss  
7 buffering the floodplain. Okay? That's still up in the air.

8 MR. PALMER: Okay.

9 CHAIRMAN ANDERSON: Any other questions?

10 MR. TUTTLE: I'd like to make a comment. As a participant in this Roundtable I'd  
11 like to commend the county. We couldn't have had a couple groups farther apart than  
12 some people were, the environmentalists and conservationists and the developers. And  
13 by the end of the process we'd found some mutual ground where we could all work  
14 together and come up with the ability to compromise. Bob and I have even shaken  
15 hands three or four times now so it's quite the process and thank you for allowing us to  
16 do it.

17 MR. GILDE: And I was asked to just, I think all three of us were going to say one  
18 word about the buffer issue just so you'll have some sense about, as David suggested  
19 that there was a lot of back and forth. This is an example where there were  
20 concessions and compromise and tough bargaining. There really are no two ways  
21 about meeting in the middle except to concede on both sides. The conservation  
22 community is committed to the implementation process, using consensus building to  
23 work out the details because we know details are yet to be worked out on some of these

1 issues. I believe from the conservation community perspective that the buffer approach  
2 recognizes important things to us which are that sensitive and vulnerable watersheds  
3 require special protection and that's where the going up from 50 comes in. That's the  
4 impaired streams on the 303(d) list and steep slopes as examples. But we also  
5 recognize as the developers educated me that there are circumstances where reducing  
6 buffers makes sense too because of onsite management practices and the nature of the  
7 site. So we're certainly open to hearing that as well. Remember that the goal is to  
8 clean our waters. The goal is for Richland County to get those streams off of DHEC's  
9 303(d) Impaired Waters List and to honor the promise to all of our citizens to make our  
10 waters fishable and swimmable for everyone. And I have confidence that when we  
11 apply these measures to that goal down the road years from now we'll see that this  
12 process produced benefits for all. Thank you.

13 CHAIRMAN ANDERSON: Anybody else want to say anything?

14 MS. ALMEIDA: I guess it's my turn. From a Staff perspective we felt that the  
15 process allows for good objective dialogue. We have looked at the buffers and of  
16 course as Bob very eloquently said there's a lot of work to be done. We felt that it was  
17 a great compromise and from a Staff perspective looking on a site-by-site basis where a  
18 lot of code is written in generalities and needs to be many times because it would be  
19 very difficult to write a code that would meet every possible scenario that piece of  
20 property or land or different nuances that one could encounter. So we felt that this  
21 process or shall I say this proposal or principle would allow for more flexibility on a site-  
22 by-site basis.

23 CHAIRMAN ANDERSON: Is that everybody that's [inaudible]? Any questions?

1 MR. MANNING: Yeah, I just wanted to understand the process a little bit better.  
2 Our next month's Agenda we will review in depth the 22 principles, the 21 principles and  
3 have further discussion on that? I think there was some discussion about the possibility  
4 of a work session? When is the Roundtable going to get back together to have these  
5 further discussions? What I don't want to do is get the cart before the horse again  
6 where, you know, we've got kind of a convoluted process. Got recommendations out  
7 here and coming back and we may [inaudible]. I'd like to get the process complete,  
8 have all the facts in front of us so that we can have a final recommendation. I know that  
9 was one historical fact Mr. Kocy missed is the Staff proposal and County Council had a  
10 couple votes but we also had a Planning Commission recommendation as far as this  
11 process before the Roundtable got involved. I'm sure everybody remembers all that.  
12 But can you clarify that for me?

13 MR. KOCY: I'll try. We'd like to you adopt, we'd like you to embrace two of the  
14 detailed recommendations today that Mr. Holcombe made on stormwater and buffers  
15 and those recommendations are going forward to County Council as part of the  
16 stormwater package. Previously in your packet are two stormwater regulations that  
17 deal with the buffers and buffer widths and we believe that the Roundtable buffer  
18 recommendation is a negotiated alternative to the original Staff proposal into the County  
19 Council's proposal on stormwater. Next month at our Planning Commission meeting is  
20 a very light Agenda. A majority of the meeting will be taken up with going through the  
21 22 detailed Development Roundtable principles. This Board will be asked to embrace  
22 all 22 principles. We'll forward that to the County Council and as you put it to get the  
23 "cart before the horse, the horse before the cart" we'll adopt, embrace the 22

1 development principles in theory before the Roundtable reconvenes to come up with  
2 detailed code changes implementing those development recommendations. But today  
3 we'd like you to come to consensus on or support the two Development Roundtable  
4 recommendations dealing with stormwater and buffers.

5 MR. MANNING: I kind of feel like that's putting us right back where we were  
6 without hearing the, you know, having a hearing on the total issue of the stormwater.  
7 You know, I think, you know, I commend all these people for taking their time to do that  
8 but just to take two pieces of the ordinance and vote on that without consideration of the  
9 total I kind of feel like we're going right back to where we were before. I'd like to see the  
10 remaining stormwater recommendations to this Commission and have some dialogue  
11 about all that in the text that these gentlemen, ladies and gentleman have had a chance  
12 to have themselves.

13 MR. KOCY: There were only two principles that dealt with stormwater. Other  
14 principles dealt with pavement width, open space. [Inaudible] please. There were only  
15 two with the 22 that dealt directly with stormwater which is why we're only asking you to  
16 go through those two today. We're also under a timeline from DHEC and the County  
17 Council to come to consensus on stormwater.

18 MR. MANNING: We are well aware of that. I mean, we, we heard that a year  
19 ago.

20 MR. PALMER: Mr. Kocy, I just have a problem with the communication that has  
21 gone on between the Staff and Planning Commission. We were just given this in our  
22 package, no instruction, just that this is going to be brought up. If we had been notified  
23 earlier that we were going to be asked to spend time on two of these and not, you know,

1 the other 20 it may have gone over better than having to just – here’s 22 articles, just  
2 read them and be prepared to discuss them and maybe vote. I didn’t know that we  
3 were only going to be looking at two of these. I could have spent a heck of a lot more  
4 time on the two of these and investigating those in the 10 days that I had this package  
5 had I had some sort of heads up as to what was going to be occurring today.

6 MR. KOCY: I apologize for that. In your packet were the two detailed  
7 stormwater ordinances that we’re asking you to rule on. Again we think that the details  
8 in both the Staff proposal and the County Council’s version really boil down to the two  
9 development principles contained in this, in this list of 22. As you can see the  
10 development principles deal with street widths, street lengths, cul-de-sacs, open  
11 channels, parking ratios. None of, this stuff tangentially deals with stormwater. Two of  
12 these 22 principles deal directly with stormwater which is why I’m only asking you to  
13 deal with the two today. The other 20 principles we believe will generate, when  
14 implemented properly. will generate less storm water making the other two stormwater  
15 principles of less importance because there’s less stormwater to deal with.

16 CHAIRMAN ANDERSON: I’d have to actually agree with Mr. Palmer. When I  
17 saw this in my packet I thought it was for information purposes only. So I was a little  
18 confused as to why we were voting on this if we were voting on this at all so I’d like to  
19 defer to other Commission members on their thoughts, comments.

20 MS. CAIRNS: I mean, looking at the packet that was three-hole punched as to  
21 what we were going to review I understood that we were doing the stormwater regs. I  
22 didn’t quite understand what the pack of 17 or 22 was but I did understand that these  
23 two were ones we’d be making action on today.

1 MR. TUTTLE: Mr. Kocy, it does seem to be a little bit confusing. If Darren's  
2 going to come back next month and talk to us in detail about the two principles that  
3 directly relate to stormwater what would the purpose be of that conversation if we're  
4 going to vote on them today?

5 MR. KOCY: We'll be coming back next week, next month with 20 of the 22  
6 principles in detail and we'll –

7 MR. TUTTLE: So we're not, so this is the only conversation about those two  
8 principles?

9 MR. KOCY: We'll discuss these two also next month and you'll understand how  
10 they all knit together into a much better development regulatory framework for the  
11 county. We'd really like some, we'd like to present some, or forward a recommendation  
12 to the County Council today on these two stormwater principles.

13 MR. TUTTLE: Because I was confusing the process because when I was  
14 involved on the other side I thought that we were going to take the two principles and  
15 expose the Planning Commission to the two principles and perhaps get a consensus on  
16 the general statement. I wasn't aware that they were going to be in an ordinance form  
17 at this juncture. Is that what -

18 MR. HAMMETT: That's correct. That, what we need and really the time  
19 constraint and the reason – in a perfect world we would have liked to have moved  
20 everything through at the same time. But what we've done with the stormwater buffer or  
21 stormwater ordinance is we've requested extensions from DHEC on several occasions  
22 so we're looking at a December 1<sup>st</sup> deadline in getting third reading for the stormwater  
23 ordinance. So really today we're just looking at the two stormwater ordinances.

1 MR. TUTTLE: But Sparty, it's a little bit confusing because if we were to approve  
2 this, I mean, I thought the purpose of the group, the new Roundtable was to take these  
3 two major principles and work those into an ordinance and then an ordinance would  
4 come back before Planning Commission.

5 MR. HAMMETT: That's correct.

6 MR. TUTTLE: Okay. But if this is approved then this could go back to Planning  
7 Commission and be incorporated to the third reading of the stormwater ordinance that's  
8 already had two readings; is that correct?

9 MR. HAMMETT: It's going, what the ordinance that will be drafted from the  
10 development, the two development principles will go, then go back before the Planning  
11 Commission again.

12 MR. TUTTLE: I guess why I'm confused is why do these two principles need to  
13 be in ordinance form separately? Why can't they just be part of the whole when it  
14 comes back around?

15 MS. LINDER: I anticipate that the two principles will be incorporated into the  
16 stormwater ordinance. The ordinance that's in your package is what we've come up  
17 with so far. Now with these Roundtable principles we're going to take two of them and  
18 weave those two principles into this ordinance.

19 MR. TUTTLE: Right. I guess I'm just confused because when we talked and  
20 maybe it's, you know, me misunderstanding but when we talked about it at the  
21 Roundtable I thought we were just taking the bulk principles and saying yes in theory we  
22 agree to 50' and with revisions for upward and downward and BMPs, etc. I didn't  
23 realize it was actually going to be in an ordinance form at this point.

1 MS. LINDER: It's not in ordinance form at this point.

2 MS. CAIRNS: So what you're saying is that we've got these couple of pages in  
3 here that are recommendations of where we intend to make modifications to the  
4 ordinance but the ordinance that we've got in here doesn't reflect those?

5 MS. LINDER: That's correct. It doesn't yet reflect the principles.

6 MR. PALMER: So we're asked to vote on an ordinance and asked to vote on  
7 guiding the ordinance that we're about to vote on?

8 MS. LINDER: You're being asked to vote in favor of the two principles and then  
9 a vote to incorporate those two principles into the ordinance.

10 MR. PALMER: Well, what's the ordinance language doing in front of us then?

11 MS. LINDER: It's to approve it.

12 MR. PALMER: I understand that but did it take into account these two principles  
13 that we're about to vote on?

14 MS. LINDER: No. That's, it's to approve the ordinance with the amendments  
15 encompassed by the two principles.

16 MS. CAIRNS: Without seeing what that text actually is? I mean, that's the thing  
17 that's confusing is we've got these principles but we don't see how these are  
18 interpreted, how these are the ordinance. You're saying they haven't been drafted into  
19 the ordinance but we're being asked to like approve the proposed ordinance that  
20 doesn't yet exist. That it'll be a hybrid of what we've got here and what your principles  
21 are. We're so confused.

1 MR. KOCY: We can certainly bring that ordinance back next month, the hybrid  
2 ordinance that would contain the language of the new, of the two new principles so you  
3 would see exactly how we incorporate it in the ordinance.

4 MS. CAIRNS: I mean, yeah. I mean, I think it would be awkward to sit here,  
5 read these principles and either agree or disagree with whether that's what we should  
6 do but then vote on the ordinance that doesn't reflect what the principles are.

7 MR. TUTTLE: Not to mention that these principles could change seven other  
8 places in the ordinance that wouldn't be reflected either.

9 MS. CAIRNS: Right. Yeah. I follow you.

10 MR. MANNING: And I'd like to see how these principles are affected by all those  
11 other issues. I just feel like I'm voting on something that I really don't fully understand  
12 and I know all this is connected to trying to create –

13 MS. LINDER: The stormwater ordinance that's in your package only deals with  
14 certain sections of Chapter 26. The parking, the road width and length affect other parts  
15 of Chapter 26 not reflected in the stormwater ordinance. The two principles would be  
16 reflected in the stormwater ordinance.

17 MR. PALMER: Right. But just as Sparty said, I mean, they're going to help each  
18 other out and they all, you know, approval of one maybe contingent upon well if we're  
19 going to do this with impervious surfaces then it makes sense for us to do this but if  
20 we're not going to do A we're not going to do B.

21 MR. KOCY: Let me go through these. The first principle we're asking you to  
22 address and hopefully agree with is water quality buffers, 50'. In the original Staff  
23 proposal we were proposing 50' and 100'. The County Council suggested 40 and 85'.

1 We're suggesting one buffer width, 50' on all intermittent, perennial streams, waterways,  
2 wetlands, everything, one 50' buffer.

3 MR. MANNING: And Mr. Kocy that may be fine but how it impacts all the other  
4 issues that we're talking about, you know, wetlands and the aquifers, you know, I read  
5 that we do have an Army Corps of Engineer delineated wetland now as a basis and just  
6 rather than a wetland so that's good. But all of this is connected and, you know, we're  
7 going to have questions about those buffers as it relates to steep slope, floodplains,  
8 Lake Murray. There are numerous issues out there that, just to say out of principle, in  
9 principle I'm in favor of the 50' it may not be that case when it gets to a specific issue.  
10 You know, I need to know more about sheet flow into a wetland [inaudible]. Now I'm  
11 hearing that we may be able to alter course one way or the other and reduce buffers but  
12 there's also a provision in the Code that says we can't go over 200' in one direction. So  
13 I've got to put this all together piece by piece. I just can't take a principle and say yeah,  
14 I'm in favor of it without seeing all the specifics that go along with it.

15 MR. PALMER: Does this in any way address the existing land development?  
16 You know, we specifically in the Planning Commission recommendation had specific  
17 language as it applied to existing projects. Did that come up at all during the  
18 Roundtable and I don't see it in here at all?

19 MR. KOCY: This does not change the proposal as suggested by the County  
20 Council. Amending, I mean, exempting previously approved subdivision that were, I  
21 mean, projects that were approved and it is not, this does not overturn the exemptions  
22 for any single-family parcel under two acres.

1 MS. CAIRNS: I think that that, I would offer to you that I think some of that  
2 question comes from if all you read is the two-page recommendations you don't see that  
3 but if you go back and read the Code you do see that but yet you're telling me that all  
4 these principles aren't interpreted in the Code which is why I think it's awkward. Yeah.  
5 Because yeah if you go back to page 94, I think you'll see the exemption, Pat, that  
6 you're kind of referring to about entitled property –

7 MR. PALMER: Right.

8 MS. CAIRNS: - how it's exempt but it's not listed on the recommendation page.

9 MR. TUTTLE: Mr. Kocy.

10 MS. CAIRNS: We have two pots brewing at the same time; it's difficult.

11 MR. TUTTLE: If we did approve these changes to the ordinance which are in  
12 front of us what would the purpose of the subsequent Roundtable be?

13 MR. KOCY: Let me, if I could hold off on that question just for a second. Let me  
14 go back to Ms. Cairns' suggestion. We've got two pots boiling at once, you're right.  
15 How about if Planning Commission directs Staff to incorporate these principles into the  
16 code and next month we'll bring back the code with these principles in so you can see  
17 how the principles effect the current draft of the stormwater regulations that the County  
18 Council are considering?

19 MR. TUTTLE: The only problem with that is I still want to understand, because  
20 the Roundtable reached consensus based upon them being able to work in a smaller  
21 roundtable to implement these strategies. If you take at this point in time and  
22 incorporate these into a document and it comes before this Body to be passed you've  
23 taken away what you gave the smaller roundtable at the last meeting.

1 MR. KOCY: The drafting will be done with the smaller roundtable just on these  
2 two principles. Those will be the first two principles that we ask the smaller roundtable  
3 to work on implementation language.

4 MR. TUTTLE: Okay. So if we were going to charge you then we would charge  
5 you to go and with the subsequent smaller roundtable's recommendations incorporate  
6 those?

7 MR. KOCY: Correct.

8 MR. TUTTLE: So it could change from what we have in front of us?

9 MR. KOCY: Hopefully the principles won't change. Hopefully the code, the  
10 proposed stormwater regulations change but not the principles.

11 MR. TUTTLE: Right.

12 MR. KOCY: Correct.

13 MR. PALMER: And you think you'll have this ordinance drafted in the next two  
14 weeks?

15 MR. KOCY: Three week in order to get it back of front of you.

16 MR. PALMER: You're going to get the roundtable put together and have their  
17 input and have the ordinance drafted in three weeks?

18 MR. HAMMETT: What we're planning on doing is having Council essentially  
19 authorize Phase Two of the Roundtable so, and that was going to happen or that is  
20 going to happen at the 20<sup>th</sup>, October 20<sup>th</sup> meeting. So we could have the ordinance  
21 redrafted by the next Planning Commission meeting or potentially a workshop.

22 MR. TUTTLE: Yeah. So to interpret you don't even have permission to have the  
23 subsequent Roundtable?

1 MR. HAMMETT: Exactly. What, I mean, we could go ahead and do it informally  
2 but we'd rather carry it out with the full approval of Council. But, you know, really what  
3 we need today from the Planning Commission is just a vote on the support of the  
4 principles not the ordinance and it's totally two separate issues.

5 CHAIRMAN ANDERSON: Once again just so that I have a little clarity here. We  
6 can vote on the principles but it has nothing to do with the text that we have in the back?

7 MR. KOCY: Forget the text.

8 CHAIRMAN ANDERSON: Okay.

9 MR. KOCY: Focus on the principles.

10 CHAIRMAN ANDERSON: So no text. Okay.

11 MR. KOCY: So focus on, and really focus on two principles.

12 CHAIRMAN ANDERSON: Okay. All right.

13 MR. PALMER: Do y'all's principles jump around in your packet?

14 MS. CAIRNS: They're pretty stationery. [Laughter]

15 CHAIRMAN ANDERSON: You kind of laid that one on a platter.

16 MR. HAMMETT: The reason they jump around is because they are by sub-  
17 committee so they don't go numerically one through 22.

18 MS. CAIRNS: And our book has what 17 and 22?

19 MR. PALMER: Yeah. Nineteen –

20 MS. CAIRNS: Well, that's in the pack [inaudible]

21 MR. PALMER: Yeah.

22 CHAIRMAN ANDERSON: Well, does anybody have any other comments,  
23 questions?

1 MR. MANNING: Well, I've got questions about the principles that I don't fully  
2 understand and I hate to beat a dead horse but, you know, just, let's just take untreated  
3 stormwater. What is that?

4 MR. KOCY: Stormwater that comes directly off into a parking lot into a pipe.

5 MR. MANNING: Is it off a roof?

6 [Inaudible discussion]

7 MR. TUTTLE: Deas. Those were the type of issues that were supposed to go to  
8 the subsequent Roundtable to get the details worked out so then they could present  
9 these principles in a document and how they're interrelated to all the other aspects of  
10 the ordinance rather than just –

11 MR. MANNING: I know but the devil's in the details. I'm in favor of –

12 MR. TUTTLE: No, no. I agree. I'm saying –

13 MR. MANNING: - [inaudible] water quality. I just want to see the specifics of  
14 how we're going to get there within these principles. I think there's a lot of work that  
15 needs to be done.

16 MS. CAIRNS: Right. But that's, it's my understanding we're being asked to just,  
17 on the principle level whether we can support the principles knowing that those devilish  
18 details are coming back.

19 MR. MANNING: Well, but being asked to vote on whether or not we should allow  
20 untreated stormwater into a jurisdictional wetlands. Take the jurisdictional wetlands  
21 aspect out of it. I mean, I don't know what the definition of untreated stormwater is.  
22 Where did it come from? I get coming off of a parking lot. I know what a detention pond  
23 does in other words [inaudible] a retention pond but we've got sheet flow out of street,

1 that we're trying to eliminate curb and gutters to allow sheet flow that if it goes downhill  
2 to a wetland or a pond or some drainage basin. I mean, water coming off of a house  
3 how is that to be handled? I know we've, there was some language in here about trying  
4 to get guttering into the ground and I understand that process but what if it doesn't. I  
5 mean, what if people don't want to do that. How's that stormwater going to be handled?

6 MR. VALAVALA: Mr. Manning, my name is Svrinivas and I'm the stormwater  
7 manager for the Department of Public Works. Actually what we are asking to do is like  
8 – we have two principles here and we don't want to work on development ordinance  
9 language. That's a lot of work to go into the details and put everything together. So  
10 today we came to the Planning Commission ask them what do you think about those  
11 two principles based on what Darren told, just the principles. Are you in line with the  
12 principles or not in line with the principles? If you're in line with the principles and if you  
13 vote on that that gives us a green signal to work on the details of the ordinance. So  
14 because the Development Roundtable Staff work is fine but there were a lot of volunteer  
15 groups in there who put in their time and effort and we don't want to put much of the  
16 effort unless if the Planning Commission is not in line with it. The same thing we are  
17 doing with the Council also. Before we take it to the Council we'll bring it to the  
18 Planning Commission to make sure that you're in line with the principles so that we can,  
19 on the back end we can go ahead and draft the language. We agree that the language  
20 is not there yet and the major confusion here is like you're using the packet which is like  
21 84 page document and here you have only two principles. The same thing which I  
22 previously had a problem. But today we are looking only the principles, for these two

1 principles. If you're in line with the principles we'll go ahead and work back in put the  
2 language together. Did that provide enough clarification or?

3 MR. MANNING: Well, I appreciate where you're trying to get us to and I'm just, I  
4 guess I call the question how, you know, how we get there. Do we need the  
5 Roundtable input prior to the principles being adopted because they are connected or  
6 not? And, you know, treatment of stormwater can take many different forms.

7 MR. VALAVALA: That is right.

8 MR. MANNING: It can be a detention pond that just filters out –

9 MR. VALAVALA: And it can be ice(?).

10 MR. MANNING: - or it can be a chemical treatment.

11 MR. VALAVALA: Um-hum (affirmative).

12 MR. MANNING: That principle doesn't say we're going to work that detail out. It  
13 just says we're going to adopt something that says, "No discharge of untreated  
14 stormwater."

15 MR. VALAVALA: Untreated storm water is something which is not treated. It  
16 can be from roof runoff, it can be from [inaudible] but it can be from road but it can be  
17 collected runoff that comes from a subdivision. That's general term. And any  
18 untreated runoff like, which is like [inaudible] discharge, it's coming out of a pipe that's  
19 what we're referring to when we said [inaudible] we are trying to avoid it from getting  
20 onto the wetlands. That's what that slide talks about. Thank you.

21 CHAIRMAN ANDERSON: Tell me how [inaudible] how are we going to address  
22 these principles? Do we want to go line by line through these and make alterations to  
23 them?

1 MR. PALMER: Yeah. I guess that's, I mean, by point I guess or maybe people  
2 have objections to the points.

3 MS. CAIRNS: Well, I mean, can we start, I mean, if you even just look at how  
4 their structured on our page, you know. That there's the principle at the top in a single  
5 sentence and then the recommendations follow so, I mean, I think the question might be  
6 can we as a body support or not support the fundamental principle and then if we want  
7 to make, you know, discussion about the individual recommendation. But each, you  
8 know, I think that's sort of what we're being asked, I hear I think, you know, do we  
9 support the principle of this new approach to try and solve some of these problems.  
10 You know, and the exact recommendation and then the exact code of course is still –

11 MR. PALMER: What is redeveloped, what's a, what would an example of a  
12 redeveloped stormwater be? I mean, is that putting a new building on a site?

13 MR. KOCY: Yes.

14 MR. TUTTLE: For instance I happen to remember that one principle. What the  
15 theory was there if you took Decker Boulevard as an example. A lot of that is on an  
16 impaired waterway. You have achieve a higher standard of end of the pipe cleanliness  
17 there than you would somewhere else. So the discussion was you're going to de-  
18 incentivize someone to come and redevelop that area because they're going to go  
19 somewhere where they don't have to reach that level of end of the pipe cleanliness of  
20 water. So what can be done to incentivize them to go there? And there were some  
21 things that were thrown out. None of those have been broken down into specific  
22 enticements to do that but it was just a general principle knowing that for somebody to  
23 go into an impaired waterway and redevelop something they were going to have to get

1 something in return or they wouldn't go there. They'd go to the next green field out  
2 there and build a shopping center there. That's kind of the play that went back and forth  
3 on some the - to give you a flavor of the discussion.

4 MR. HOLCOMBE: And Mr. Tuttle, I'll add on top of that really the document that  
5 we were asked to sign, the consensus document as each member of the Roundtable  
6 even has a statement in there that we're not stating that we individually have equal  
7 weighted approval of each of the principles. So I mean, I'm not, I personally am not  
8 100% on board with every aspect of every principle but to reach consensus on the  
9 principles there's still some opportunity for give and take whenever we take those  
10 principles and move them to actual code. And that's the purpose of the next  
11 Roundtable, the Phase Two implementation and we need to work through those and  
12 hear, you know, this Body's opinions and opinions of other groups as well I think and  
13 that's why that group is gonna still be representing the environmentalists, the Staff, and  
14 the development community to iron out those principles hopefully continue to find  
15 consensus. Again try to address the big picture I think at this point.

16 MR. MANNING: We were asked to address it previously and I think in a short  
17 period of time tried to do that. I know the outcome wasn't reasonable to some people  
18 but we address it and we did it in light of the county being under consent order and  
19 threat of fines by DHEC so on and so forth. So we took our [inaudible] very seriously as  
20 I do now but a principle that deals with just specifics like variable width. I'm not sure is  
21 it, on a buffer is that necessary. I'm not saying it isn't but I don't know that that's the  
22 principle I prescribe to. Is it, why does it need to be a moving line? Steep slopes  
23 [inaudible] I understand that. Lake Murray 360 line I don't understand that. Yeah.

1 Averaging down to 25'. Well if you can have 400' of stream at 25' why do you need to  
2 have 175 on the next 400? Those are kind of things I don't understand and I think if we  
3 adopt this principle as written that's what you got. And there wouldn't be any discussion  
4 about a buffer that would be 100' or 50'. It would [inaudible]. And I'm not saying we  
5 don't need flexibility in this. I'm just saying I, me personally I like to see the details  
6 attached but that's just me.

7 MR. PALMER: What we've got here is we've got definitive statements where it  
8 says that, "New and redeveloped stormwater outfalls shall not discharge untreated  
9 stormwater in the jurisdictional wetlands, aquifers, and other water bodies." And when  
10 you're talking about [inaudible], you know, Decker Boulevard is a prime example of what  
11 I'm talking about. When you go to redevelop one of those sites this statement says  
12 you're held to a higher standard. However, the policy simply says Richland County  
13 should consider financial relief measures. Well, we consider it and we're not going to  
14 give them to you. However, the policy statement says that we're going to hold these  
15 people to a higher standard and that policy's been approved by Planning Commission,  
16 by Council. That's going to be out policy moving forward.

17 MR. TUTTLE: Yeah. I guess where it's tough is when you start here you have to  
18 get some consensus to try to get to the middle to draft an ordinance so you're going to  
19 have seven ordinances. I mean, I don't know how you, you've got to [inaudible] when  
20 you're going to write a term paper. You have to have a thesis sentence and then you  
21 filled in the details. That's kind of, this is kind of a broad thesis and nobody's married to  
22 this. They're going to present a subsequent ordinance that'll have the details and then  
23 the Body can vote on the details they like or not or amend it and all those things.

1 MR. PALMER: I think what I'm saying is, and perhaps Deas too, is that broad,  
2 general statements I'm fine with voting on but these get more than broad and general.  
3 These get to be specific and it's almost like we went, we put our foot in the water but we  
4 didn't want to get all the way in. I'd had rather not gone in this far and had a policy  
5 statement as opposed to going this far without bringing in more of the details. I mean,  
6 it's almost like it's too far without going far enough. You start going down these paths, I  
7 mean, you're talking about people having to bring in, it gets so specific that as part of a  
8 permit check list you require an owner to submit an existing aerial photograph. Now  
9 that's getting pretty daggone specific as opposed to a policy statement. So those are  
10 the kind of things, I mean, I don't require everybody that comes in with a, you know, to  
11 have to have their site flown.

12 MR. TUTTLE: Yeah. I mean, I guess a kind of argument would be if that was in  
13 an ordinance form then this Body would have the opportunity to strike it.

14 MR. PALMER: But I'm signing on and voting and saying that that's a good idea.

15 CHAIRMAN ANDERSON: Mr. Kocy, do you have something to add?

16 MR. KOCY: Mr. Tuttle made a very good analogy. I'm asking this Board to  
17 agree to the two thesis statements that we're making here: Stormwater principle  
18 number two and stormwater principle 17. Embrace that principle or at least don't  
19 oppose Staff working with the smaller Development Roundtable to come up with  
20 detailed language that we can bring with you, we can bring to you next month, the  
21 details as to how we're proposing to implement these very general, broad stormwater  
22 principles.

1 MR. PALMER: I have no problem with that whatsoever. If you want to bring  
2 forward language, I mean, that – I wouldn't have any problem with that whatsoever. I  
3 just have a problem voting on something saying I agree with this but when you vote on  
4 something – I understand there was a compromise but you're asking me not to have a  
5 compromise. I wasn't involved in the compromise. What you're asking me to vote on is  
6 something very specific that I agree with every piece of this. Not let's strike this, let's  
7 strike that. It's an overall policy statement. That's different than what you guys went  
8 through when you were, you asked for the compromise. I would love to see the  
9 specifics and talk about it and then we can go down line by line item and vote on  
10 specific language.

11 MR. TUTTLE: Well then I guess that – I'm sorry, Deas, go ahead.

12 MR. MANNING: That's all right. Excuse me; I'm sorry. Is there some specific, I  
13 mean, you said don't stop the process by not allowing the Development Roundtable to  
14 go forward, something to that [inaudible]. Is there anything magic about the language  
15 you've got right there in principle 17 that says the Roundtable discussions can't go on?  
16 Or is there something that you've got to get out of us to fund the Roundtable or proceed  
17 with that process?

18 MR. KOCY: The language in these development principles was the consensus  
19 language reached, agreed upon by the Roundtable.

20 MR. MANNING: I understand.

21 MR. HAMMETT: Could I offer potentially a compromise? Could I get this  
22 Commission to consider voting on just the first paragraph so –

23 MR. PALMER: The bold type?

1 MR. HAMMETT: Yeah. The bold type, take out the bullets under, so basically  
2 that is the principle so if you look on development principle 22, "Stormwater outfalls"  
3 you would be voting on, "New and redeveloped stormwater outfalls should not  
4 discharge untreated storm water to jurisdictional wetlands, aquifers, or other water  
5 bodies." Not the bullets. And then on principle 17 you would be voting on, "Create a  
6 variable width naturally vegetative buffer system along all perennial streams  
7 encompassing critical environmental features such as the 100-year floodplain, steep  
8 slopes and freshwater wetlands." So strike the detail that's underneath.

9 MR. MANNING: A few minutes ago I believe I heard someone say that 100-year  
10 floodplain in principle 17 wasn't an issue. It was not a part of the ordinance but we're  
11 adopting that in the language you just suggested. So I might feel comfortable if we  
12 strike some of the language that's in bold or reword some of the language in bold so  
13 that you can go forward until we can get the specifics to what this means.

14 MR. GILCHRIST: Let me ask this question. Are we bound by, if we adopted the  
15 bold language here as this gentleman suggested and we come back with the specifics  
16 as Mr. Manning is asking; are we bound by the bold language at that point? Can we  
17 modify that?

18 MR. KOCY: No, you're not bound by the language. You're always free to modify  
19 at future meetings more detailed language we bring back to you.

20 MR. GILCHRIST: But even if we vote on this today?

21 MR. KOCY: Correct.

22 MR. GILCHRIST: Okay.

23 CHAIRMAN ANDERSON: Anybody have any thoughts on that?

1 MS. CAIRNS: I mean, I sort of chuckle in thinking about some of the differences  
2 between the person who actually picks up the hammer and nails and the person who  
3 sits there and designs the concept of the community or city and I can totally appreciate  
4 nuts and bolts and I think we're getting tripped up by nuts and bolts. I think we need to  
5 just recognize that these are principles, these aren't nuts and bolts and even this first  
6 paragraph that says the verboten words I guess of 100-year floodplain. It's saying, "The  
7 features such as...", it isn't defining anything in that principle. And, I mean, I think we  
8 just need to recognize that there has been this Roundtable put together. These people  
9 have hashed out an incredible amount of work. I mean, this little packet that was  
10 thrown in with our stuff, I mean, just even a cursory look at this shows an enormous  
11 amount of work has done together by very different groups. And we're simply being  
12 asked to say on a principle level, you know, is this idea of having buffers that are  
13 variable, you know, they're going to protect things a good idea and is it a fundamentally  
14 good idea that stormwater not be just, untreated stormwater get dumped into existing  
15 wetlands, aquifers, and other water bodies. I mean, I think on a principle level I think we  
16 need to, I mean, personally for me I think that this is an enormous step forward. I think  
17 that county and everybody involved ought to be thanked and that we should support this  
18 process for moving towards a better development system that protects the environment,  
19 takes into account development concerns, the public's issues, and I think, you know,  
20 from my standpoint I have no problem with supporting the principle of what's here, you  
21 know. I mean, could I sit here even from my fundamental standpoint on many things  
22 and pick parts apart in here in these bullets? Oh, yeah. I mean, the stuff in the back? I  
23 can absolutely start highlighting and picking things apart. From a principle standpoint

1 do I think we're in the right step and should we, you know, with all sincerity give charge  
2 to the committee and the Staff to continue forward in this great process? I have, I don't  
3 hesitate.

4 MR. MANNING: Well, my concerns Heather are not that this process isn't  
5 warranted or needed nor is it that I'm not in favor of better water quality. And principally  
6 some of the language in here I don't know whether a variable width buffer is better for  
7 the environment or non-variable width buffer. So for me to say one versus the other,  
8 that principle's going to the Roundtable, that's what's going in the ordinance, and that's  
9 the way it's going to be. And I just don't know that that's the best way to go.

10 MR. GILCHRIST: Is that, it's not going in the ordinance is it, Mr. Kocy?

11 MR. KOCY: I'm sorry. What's not going in the ordinance?

12 MR. GILCHRIST: Well, he was just –

13 MR. TUTTLE: The principle of the variable width or non-variable width.

14 MR. PALMER: That's the way the ordinance is going to be developed is to take  
15 into account the variable width and what Deas is saying is I don't know enough about  
16 variable widths to tell you that I want the ordinance to go in that direction.

17 MR. KOCY: I think it's going to be what the Roundtable, when they reconvene to  
18 actually implement, write the code languages on this, it's going to be what the  
19 Roundtable decides on and I think variable width means some places it can be narrower  
20 if certain conditions are met, some places it might be wider if certain conditions require.  
21 We're leaving it up to the Roundtable to come up with the language, the code  
22 recommendation.

1 MR. GILCHRIST: Well, I guess I'm confused. So if it's left up to the Roundtable  
2 and that language comes back to us do we not have any ability to modify that?

3 MR. KOCY: Yes, yes, you do.

4 MR. GILCHRIST: If the answer to that is yes then I don't know what we're  
5 having this big discussion about.

6 MR. KOCY: You'll have an opportunity to accept it, to reject it outright, or to  
7 modify it, absolutely.

8 MR. PALMER: Well, Stephen what you're doing is you're telling the Roundtable I  
9 agree with variable width buffers and to draft an ordinance that includes variable width  
10 buffers and nothing else. What Deas is saying is – not nothing else, I'm sorry. That  
11 includes variable width buffers but perhaps variable width buffers are not where we  
12 need to go. And the problem I have with this is that we, you know, one of our major  
13 discussions that we had when, and somehow the Planning Commission version has  
14 gotten lost in all this shuffle, but one of the major things that we voted on was that the  
15 line is measured from the top of the bank. Well, this principle statement says, doesn't  
16 say that. It says I'm going to create a variable width natural vegetative buffer system  
17 along all perennial streams that also encompasses critical environmental features such  
18 as it's going to have to include this 100-year floodplain. It's saying, "such as."

19 MR. GILCHRIST: No, I understand. I guess –

20 MR. PALMER: I don't want it to include. I don't want the buffer to include the  
21 100-year floodplain. They need to be two completely different issues because they do  
22 two completely different things.

23 MR. GILCHRIST: Okay. So Mr. Kocy, would we be able to change that?

1 MR. KOCY: Yes, sir. You would.

2 MR. GILCHRIST: Then that's the point, Pat. I don't see where we're, even if we  
3 send, approve the language that's in bold simply to say that we agree with the principle  
4 that it does not usurp our authority to modify it at some point. I mean, that's, at least  
5 that's what I'm hearing.

6 CHAIRMAN ANDERSON: I tend to see Mr. Gilchrist's perspective there. I, in  
7 principle I think this is great. I definitely commend all the work that's put into it. I also  
8 see Mr. Palmer and Mr. Manning's point of view. But I would add that, you know, if us  
9 talking and trying to get absolute details at this particular point is going to slow down the  
10 progress that's been made I think we're doing a touch of disservice because somehow,  
11 you know, a road starts somewhere. And I think, you know, if we do have the ability to  
12 modify these, the individual things that we're looking at, how many times to have to  
13 modify? I mean, Council has two readings on them? So we're going to have one look  
14 back at the Roundtable, the smaller Roundtable; correct?

15 MR. PALMER: Council's already had two readings on this, they have one more  
16 left.

17 CHAIRMAN ANDERSON: Okay. They have one more left.

18 MR. KOCY: Right now we're, I'm focusing on and I'm sure Council's focusing on  
19 two of these principles and those are the first two that we are under some pressure to  
20 get regulations written, drafted to be implemented. I suspect that the Development  
21 Roundtable [inaudible] will be done over a period of months. They will not come back to  
22 you at one meeting with all 22 principles fully implemented. I think it's going to take  
23 time, it's going to take extensive re-write of our Code. If this Body remembers about a

1 year ago we came up with the Green Code, you know, flexible lots and [inaudible] much  
2 of that is in those documents going forward and suggesting that our entire code should  
3 be flexible like the Green Code not just one chapter of our Code. One recommendation  
4 of the Development Roundtable was for not residential development, for commercial  
5 development that same flexibility should exist. That is a whole new chapter for the  
6 county to undertake and that's going to be a lot of work to sit and come up with flexibility  
7 and incentives for non-residential development. It will take months to get this done. But  
8 yes, every principle that comes before you you will have an opportunity to review it, to  
9 edit it, to reject it, to send it back, to tweak it before it goes forward to the County  
10 Council; correct.

11 MR. TUTTLE: This is a technical question. If these principles were adopted and  
12 incorporated into a new ordinance would that ordinance be changed enough it would  
13 have to start over with Planning Commission or could Council approve it on third  
14 reading without our input?

15 MS. LINDER: I think we're anticipating it's coming back to you in November.

16 MR. TUTTLE: Okay. But that was, I mean, I mean, going from an 85' buffer to a  
17 50' buffer is that a substantive change that would require it to come back to Planning  
18 Commission?

19 MS. LINDER: Under the state statute the only times changes need to come, I  
20 mean, things need to come back to you is if there was a change pursuant to a public  
21 hearing. So I guess technically they would not have to but I think we all want Planning  
22 Commission to have input into this and so I think it will come back to you.

23 MR. GILCHIRST: That scares me.

1 CHAIRMAN ANDERSON: So if we send these up and the Roundtable meets  
2 they could totally bypass us?

3 MR. TUTTLE: I guess in theory they could do that either way though.

4 CHAIRMAN ANDERSON: Well yeah, they could in theory.

5 MR. PLAMER: But the Roundtable's not going to have the language back to us  
6 before their December meeting. So we're not going to see the language anyhow before  
7 they -

8 MR. MANNING: I'm not advocating that they would but there's a third reading  
9 up on something now and that's got to come back to us because it was a substantial  
10 change from the earlier Planning Commission recommendation; is that not correct?

11 MR. KOCY: That's in your packet today; correct.

12 MR. PALMER: Well, back to the policy statement. I have a problem with the  
13 100-year floodplain being intermingled with variable width buffers. I wouldn't want to  
14 see the 100-year floodplain in there. I understand the slopes, I understand vegetation, I  
15 understand all that stuff. But here are two separate, completely separate issues to me,  
16 100-year floodplain and variable width buffers; 100-year floodplain is there for one  
17 reason, the buffers are there for another reason. They don't need to be intermingled in  
18 my book. So I wouldn't want to see them in the same policy statement.

19 CHAIRMAN ANDERSON: Do we have some language right now that could  
20 possibly fit that bill?

21 MR. PALMER: I could vote to support that statement with the 100-year  
22 floodplain being taken out of it.

1 MS. CAIRNS: What do we have to do, do we have to do up down to vote on  
2 this?

3 MR. KOCY: Not necessarily. We don't have alternate language for this. This is  
4 a consensus document that came out of the Roundtable.

5 CHAIRMAN ANDERSON: But the Planning Commission can make a  
6 recommendation?

7 MR. KOCY: Correct.

8 CHAIRMAN ANDERSON: Well, does anybody have any particular text that they  
9 would like to see in or out? We can take an up and down vote.

10 MR. MANNING: I think we've got to have an up and down vote on that.

11 MS. CAIRNS: On the principle.

12 MR. MANNING: On the principle, on what they're saying. So either the motion is  
13 to approve or not.

14 MR. PALMER: But just very simply you can make the motion to approve minus  
15 the 100-year floodplain.

16 MS. CAIRNS: No. That is the principle that we are being asked to either  
17 recommend or not.

18 CHAIRMAN ANDERSON: So we could in essence deny this and provide  
19 alternative language?

20 MR. KOCY: Correct.

21 CHAIRMAN ANDERSON: Okay.

22 MR. PALMER: Well, I would make a motion for principle 17 to deny the principle  
23 with the understanding that I would subsequently then make the motion to approve the

1 principle minus the 100-year floodplain language. So the first motion would be to deny  
2 the principle in general.

3 CHAIRMAN ANDERSON: Anything to add to that?

4 MR. MANNING: Well, you know, I go back to variable width. I don't understand  
5 whether that needs to be, I know the need [inaudible] width when we have steep slopes  
6 and circumstances that would warrant that. I could support that.

7 MR. PALMER: Because that's what it's talking about. We're going to look at  
8 variable width when there are steep slopes and –

9 MR. MANNING: I'll second that.

10 MR. PALMER: - so forth but not the 100-year floodplain. Well, that's the motion  
11 to deny that or to recommend denial of that language.

12 CHAIRMAN ANDERSON: Any other suggestions to that?

13 MS. CAIRNS: I mean, I would suggest that we make a motion to approve it as  
14 written to see where that goes and then, I mean, because a motion either passes or it  
15 does not pass. But just to simply say that we make a motion to approve the principle to  
16 protect our stream [sic] water buffers and have it go forward to have the actual drafting  
17 of code.

18 CHAIRMAN ANDERSON: As it stands right now?

19 MS. CAIRNS: As it stands right there. We approve it as it's written. Make a  
20 motion to approve.

21 MR. GILCHRIST: And if at some point we wanted to modify that before third  
22 reading.

1 MS. CAIRNS: Well, that's the ordinance. I mean, the, you know, you know, this  
2 is what we have in front of us.

3 MR. GILCHRIST: I understand that.

4 MS. CAIRNS: Do we support or not support this principle number 17? I make a  
5 motion that we as a Body send forward with a, you know, recommendation of approval.

6 CHAIRMAN ANDERSON: We've already had a motion and a second.

7 MR. PALMER: We've already had a motion and a second.

8 MS. CAIRNS: I didn't hear a second on you; I'm sorry.

9 MR. PALMER: It's okay. Deas seconded it.

10 CHAIRMAN ANDERSON: Mr. Manning seconded it. So we do have a motion  
11 and a second on the floor.

12 MS. CAIRNS: And the motion is to send it forward with denial?

13 CHAIRMAN ANDERSON: No. The motion is to change the actual language.

14 MR. PALMER: The motion is to not approve.

15 MS. CAIRNS: Motion to not approve?

16 CHAIRMAN ANDERSON: Okay. Motion to not approve.

17 MR. MANNING: We're going to come back to where you are. I mean –

18 MR. PALMER: Correct.

19 MR. MANNING: - if you want to go through that process.

20 MS. CAIRNS: Well no. I mean, you can, I mean, if we have a motion on the  
21 floor then we need to take a vote on the motion and see if the motion passes or not.

1 CHAIRMAN ANDERSON: Well, the way I understood the motion, and let's just  
2 be real clear for the Record, the way I understood the motion was just to change the  
3 language not to disprove it.

4 MS. CAIRNS: We can't, we can't change the language.

5 CHAIRMAN ANDERSON: I understand that so –

6 MS. CAIRNS: So there's no point in voting on a changed language. That's a  
7 moot vote.

8 CHAIRMAN ANDERSON: In essence we're going to have to deny it and then  
9 come back and change the language with our new language; correct?

10 MR. PALMER: That's right; that's correct.

11 CHAIRMAN ANDERSON: That's what I'm saying. I think, Mr. Palmer, your  
12 motion was to disprove it and change the language.

13 MR. PALMER: You can't do them both at once.

14 CHAIRMAN ANDERSON: I know. [Inaudible]

15 MR. PALMER: They're voted to deny – the motion is to deny the language. A  
16 vote of no, disapproval or the language as it currently exists.

17 CHAIRMAN ANDERSON: Okay. So we have a motion –

18 MR. GILCHRIST: And a second.

19 CHAIRMAN ANDERSON: - and a second. All those in favor of denying the  
20 language as it currently stands please signify by raising your hand. All opposed?

21 *[Approved: Murray, Palmer, Anderson, Manning; Opposed: Cairns, Tuttle, Furgess,*  
22 *Mattos-Ward, Gilchrist]*

23 CHAIRMAN ANDERSON: Five to four vote.

1 MS. CAIRNS: Did it fail?

2 MS. LINDER: The motion fails.

3 MS. CAIRNS: The motion failed.

4 CHAIRMAN ANDERSON: Okay.

5 MS. CAIRNS: So I make a motion that we approve and send forward the  
6 principle -

7 MS. MATTOS-WARD: And I second.

8 MS. CAIRNS: - as drafted.

9 CHAIRMAN ANDERSON: We have a motion and a second. All those in favor of  
10 sending the language as it stands -

11 MR. PALMER: Just for clarification. Just the one sentence in bold? Not the -

12 MS. CAIRNS: Correct, the principle.

13 CHAIRMAN ANDERSON: Just the principle.

14 MS. CAIRNS: Not the recommendations *per se*. The principle which is that top  
15 sentence.

16 CHAIRMAN ANDERSON: All those in favor of sending up to Council with a  
17 recommendation of approval please signify by raising your hand. All opposed?

18 *[Approved: Cairns, Tuttle, Furgess, Mattos-Ward, Gilchrist; Opposed: Murray, Palmer,*  
19 *Anderson, Manning]*

20 MS. CAIRNS: Did it pass?

21 CHAIRMAN ANDERSON: [Inaudible]

22 MR. MANNING: And for the Record, Mr. Chairman, I just want to say that I'm not  
23 voting against moving this process forward. I just think we get convoluted in the

1 process a little bit. But I know everybody's worked hard and I appreciate that hard work  
2 and hope that we can push this forward quickly. I know the county needs to.

3 MS. LINDER: Was that motion just on 17 or was it motion on 17 and 22?

4 MS. CAIRNS: We did just 17.

5 MS. LINDER: Just 17?

6 MS. CAIRNS: We can now go to 22. Twenty-two fell off the screen, that was the  
7 only thing I had on the screen. Twenty-two is found on page 64.

8 MR. PALMER: And just to voice my opinion I don't like the term redevelop  
9 because there's no, whether that's a 50% improvement of the building, if you're adding  
10 ten square foot to a building is that classified as redevelopment of the property?

11 MR. KOCY: I don't believe the Roundtable has come up with specific language  
12 to define what that means.

13 MS. CAIRNS: But again all we're looking at is the bold, the top sentence, the  
14 principle.

15 CHAIRMAN ANDERSON: Any discussion on the bold portion? Questions?  
16 Motions?

17 MS. CAIRNS: I mean, I would offer it is a fundamental principle, that it's  
18 something that I would support going forward into ordinance and I think that the  
19 question about the difference between new and redeveloped is one that certainly has to  
20 get hashed out in the details but I think that there is a fundamental need to sometimes  
21 look at the issue of brown fields versus green fields and to try to encourage  
22 redevelopment of brown fields as much as possible.

23 MR. GILCHRIST: Is that a motion, Ms. Cairns?

1 MS. CAIRNS: I make a motion that we approve principle 22.

2 MR. GILCHRIST: Second.

3 CHAIRMAN ANDERSON: We have a motion. We have a second. All those in  
4 favor or sending principle 22 to, ahead with a recommendation of approval please  
5 signify by raising your hand. All opposed?

6 *[Approved: Cairns, Murray, Tuttle, Anderson, Furgess, Mattos-Ward, Gilchrist;*  
7 *Opposed: Palmer, Manning]*

8 CHAIRMAN ANDERSON: All right. Update on the master plan.

9 MR. KOCY: There's a work session scheduled for two weeks from today,  
10 Monday, the 19<sup>th</sup> from 3:00 to 5:00 p.m. to go over the proposed community plans for  
11 Newcastle, Trenholm Acres, and Crane Creek, and the implementation mechanisms for  
12 those two plans. And Ms. Rutherford has the documents with her today.

13 MS. WILKIE: So the first memo you received is basically just, I think at the last  
14 meeting the Planning Commission asked an update on kind of how we were moving  
15 forward with implementing the master plans that we have approved right now. And so  
16 it's just an update of projects we're working on in moving forward towards implementing  
17 those plans. And then the second document is the new form-based code language for  
18 implementing the Crane Creek and the Trenholm Acres Newcastle master plans which  
19 you're having the workshop on on October 19<sup>th</sup>.

20 CHAIRMAN ANDERSON: Fantastic.

21 MR. MANNING: As far as the implementation I know you've heard me talk and  
22 talk over and over again about funding [inaudible] there's no funding available and so on  
23 and so forth. And I think in one email Julie sent back, it mentioned that some of the

1 planners were going to speak to creating the plan to the financing options that might be  
2 available. I would suggest that we might want to go a step beyond the people who  
3 prepared the plan engage in financial - people who are actively in the bond market or  
4 work with other communities in ways of funding. Maybe you're already doing that; I  
5 don't know. But to me that's where the rubber's gonna meet the road and it's going to  
6 be awfully critical to find new and creative ways to do it and I don't know that the people  
7 that we've engaged to do the master plan are the people who we need to talk to about  
8 finance.

9 MS. WILKIE: Actually the people who wrote the master plan, that's not what I  
10 was referring to.

11 MR. MANNING: Oh, I'm sorry.

12 MS. WILKIE: I was just referring to internally. That's what I meant by planners,  
13 us internally. We're working towards developing sort of, the county's working on a  
14 larger capital improvement plan so a lot of the projects that are in these master plans  
15 will be put forward to [inaudible] that. Some of them might make it in; some of them  
16 won't. And internally, us, planners, we're working on a smaller document of projects  
17 that we can feasibly fund with the money that we're allotted every year in the  
18 Neighborhood Improvement Program. So we're working towards a financial feasibility  
19 of the master plans.

20 CHAIRMAN ANDERSON: All right? Thank you. Is there a motion to adjourn?

21 MS. MATTOS-WARD: I make a motion we adjourn.

22  
23 *[Meeting Adjourned at 4:15 pm]*