

**RICHLAND COUNTY PLANNING COMMISSION**

March 1, 2004

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5 *[Members Present: Palmer, Furgess, Lucius, Jackson, Van Dine, Wyatt, Green, Dunbar,*  
6 *McBride]*

7  
8 Called to Order: 12:32 p.m.

9 CHAIRMAN GREEN: Motion and a second for approval any discussion? All  
10 those in favor of the approval of those minutes, please raise your hand? Opposed?

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

13 CHAIRMAN GREEN: Those minutes stand approved. Agenda Amendments.

14 MR. CRISS: Mr. Chair, we'd like to request that the item under Other Business,  
15 further discussion regarding the buffer requirements to the proposed landscaping  
16 regulations, be moved to the beginning of the meeting so that we can present graphic  
17 material related to that.

18 CHAIRMAN GREEN: Okay, thank you. I think if the Commission Members will  
19 remember, the reason we moved the meeting up, the start of the meeting up an hour  
20 today was to try and get this presentation in, so Anna?

21 MR. VAN DINE: I have a question. I hesitate to do this, but it says the agenda  
22 amendments are limited to matters not covered by the FOI. Can somebody explain to  
23 me why that's even been written? What FOI are we talking about? If this is going to get  
24 too long I withdraw my question.

25 MR. GOSLINE: Freedom of Information Act.

26 MR. VAN DINE: I understand what FOI is.

1 MR. GOSLINE: In the past there has been some confusion about what things  
2 need – what things can be on the agenda without being advertised. That way we put  
3 that note into the agenda format to make everybody aware that only the things that can  
4 be added are things not subject to the Freedom of Information Act.

5 MR. VAN DINE: I was reading the words being there was a specific FOI that was  
6 already being suggested as opposed to an [inaudible].

7 CHAIRMAN GREEN: Are there any other adjustments or amendments to the  
8 agenda other than moving the discussion or the presentation on buffer yards up to the  
9 first portion of the - okay.

10 MS. ANNA ALMEIDA: Mr. Chairman, Planning Commission Members, if you will  
11 recall at our last meeting there was a request to review the buffer area, diagram, or  
12 table 7-8 in the proposed landscape draft ordinance. And Staff has gone back, has re-  
13 evaluated the spacing and we have put together some material which is before you.  
14 We have just taken a typical 10 and 25' width buffer and we've, we've illustrated that  
15 with all four buffers A-D. And I have some visuals here that I think will help in bringing  
16 the message across or being able to see from, from a written text to a visual text. Keep  
17 in mind these are not examples in Richland County. Okay? And I don't mean that in a  
18 derogatory way, this is just stuff that we were able to in a short span able to download to  
19 kind of give you an understanding of what a shrub spaced two feet apart would look like.  
20 What evergreens spaced 10' apart look like. And I think at our last meeting what was  
21 not taken into consideration, or at least Staff didn't bring that forth, was that landscape  
22 ordinances also has a timeframe. These buffer areas and these landscape areas, we  
23 want to be able to achieve the objective within five years. So it's not to meet the

1 objective within a 25 year lifespan. So if we can begin. The first visual that you will see  
2 are screens used with evergreens. It can be any type of evergreen. All right, these are  
3 the full width. These are not up right evergreens. This is your typical Leland Cyprus  
4 and things of that nature. And these evergreens are spaced approximately 10-12' apart.  
5 The reason we use evergreens as one of the, the tree types in the buffer are for the  
6 winter time when the foliage are not on the [inaudible] and trees that there still remains  
7 a buffer, a screen.

8 CHAIRMAN GREEN: So this [inaudible] would be considered by the new  
9 ordinance under story [inaudible] as opposed to [inaudible]?

10 MS. ALMEIDA: That is correct. In buffer D, okay, if you go to your diagram,  
11 okay, you will see that on a 10' buffer we would require six evergreen as the under story  
12 tree of choice. And they can choose whatever kind of evergreen they would like,  
13 whether it's a more up right foliage or a wider one. But it needs to be evergreen.

14 MR. PALMER: Can you tell us, perhaps, where you get to these photos from as  
15 you go through.

16 MS. ALMEIDA: All around the country. Everywhere from Ohio, to Florida, to  
17 New Hampshire, Vermont. This is a typical shrub planting and I choose this picture so  
18 you could see. These shrubs actually are planted two feet apart and they've had some  
19 time to mature. Okay? And the objective is to start that first tier of buffer. In buffer  
20 areas where you are not going to require fencing, which we are trying to shy away from,  
21 okay, for cost and maintenance purposes, the first tier are the shrubs that go in. And  
22 they will block visual from the ground to about four feet. Then your next row would be  
23 your evergreens, which would block four feet to eight or 10'. And then, of course, your

1 canopy would be your last phase in the back that could reach anywhere from 30-60'  
2 depending on the species. So this is about a 10' wide buffer, okay? Just to give you a  
3 perspective, two foot spacing. And right there if you count them you're looking at 11  
4 shrubs right there. So when you see in your table 20-50 shrubs within, you know, 100  
5 linear feet, a ten foot wide buffer that really, it seems like a lot but it's not. Okay? It's  
6 actually the standard. You are requiring that their planted 18". Okay? So that's a pretty  
7 small shrub. These are canopy trees and they are planted along a roadway. But you  
8 can see that they are 10-15' apart. They are not the largest species, okay, unfortunately  
9 there are no leaves on the trees, but just to give you a perspective of what 10-15' look  
10 like. This is interior landscaping on a parking area. And you can see the use of the  
11 different types. You see the large canopy, you see the under story trees and, of course,  
12 the shrubs, which give it a very naturalistic effect to cover or be able to visually screen  
13 in three different phases. Of course, in this complex they would not allow the shrubs to  
14 grow to their full extent because they want to be able to give it a different look. But that  
15 is the objective of screening of buffers. These are the use of large canopy trees. Again  
16 these are spaced about 20-25' apart with the use of the ground cover, the shrubs and  
17 further back into the picture you can see a smaller under story trees is used up against  
18 the large canopy. Okay? This is an example of under story tree, small under story tree,  
19 which are used in interior landscaping with the shrubs. Again this would be an example  
20 of what you can use when you have two parking areas, two different property owners,  
21 and our objective being able to kind of give that break in impervious surface, the side  
22 yard buffers. This is the use of the variation of tree types, okay, which provide different  
23 canopy shade. Again large canopy, a live under story, the use of shrubs, it just visually

1 a lot of creative a design for all vehicles driving on the street to kind of bring your eye  
2 into the site. This also allows for interest into a site to kind of bring people. This is our  
3 objective of what we are trying to do. Maybe not in this great context, but this is, I  
4 believe the goal that we're trying to achieve or go in. Again these are shrubs used  
5 heavily for screening parking areas. The use of deciduous trees just a variation, soften  
6 impervious surface. But this is the objective between sites in the back property line,  
7 what we are trying to achieve if trees are completely cleared. If there is existing  
8 vegetation we want to be able to preserve that and give applicants credit for that.  
9 Because, obviously, that would be more beneficial at this point and I think it would  
10 benefit both parties; both the property owners that are there and are established and  
11 have the existing screening and also give credit for the commercial site that is coming in  
12 and developing. Again this is a parking lot shot where you see small [inaudible] in the  
13 interior landscaping. But again these are just pictures to kind of give you an idea of  
14 what the feeling is, what our objective is. I believe this is our main focus and our main  
15 objective. And this site [inaudible] in here as possibly a future goal these are pedestrian  
16 walkways within parking areas, which are becoming very prevalent throughout the  
17 United States where you have large span parking lots and we're talking about disabled  
18 people, we're talking about children being able to walk to, in front of malls or shopping  
19 stores where they can get off of the pavement and have a safe place to walk and guide  
20 people. So people aren't just merging all over the parking areas. The use of small  
21 canopy trees, these are crepe myrtles, and of course the shrubs, which really bring the  
22 picture home. And these are planting areas, but a different context where a lot of  
23 swells(?) are used along our roadways. This is a pretty large buffer, but instead of

1 leaving it just empty with rocks and debris, which normally, after time, these swells wind  
2 up full of debris and our Public Works Department have to go out and clean them up.  
3 By planting vegetation, okay, it really enhances the area. It pretty much discourages  
4 people from littering and it definitely gives you a different feel along the roadways  
5 without having to do a lot of landscaping. This is pretty simple landscaping. That's  
6 used as well. The second page of your handout is a perspective scale. We took a  
7 basic 9 x 18 parking saw and that was, basically to give you a perspective of what 100  
8 linear feet would be in context of the plantings.

9 CHAIRMAN GREEN: Are the spread of the trees here to scale to what we would  
10 expect a large canopy tree to look like in terms of spread?

11 MS. ALMEDIA: Twenty-five feet, right, 12 ½ feet on each side of the tree. But  
12 remember we are trying to achieve somewhat of a goal within five years. Not in a 25  
13 year span. So a large canopy tree would not reach the spread of a 25' spread within  
14 five years.

15 CHAIRMAN GREEN: Are these representative of what a five year maturity  
16 would look like?

17 MS. ALMEIDA: Yes.

18 MR. VAN DINE: So these are not the full 25' spread?

19 MS. ALMEIDA: At 25 years they would touch. A large canopy.

20 MR. VAN DINE: But what's being shown here is not?

21 MS. ALMEIDA: No.

22 CHAIRMAN GREEN: This is a five year maturity planting?

23 MS. ALMEIDA: Yes.

1 MR. VAN DINE: How are we handling overhead wires and stuff, are we running  
2 along easements?

3 MS. ALMEIDA: We are allowing a substitution, where if there are overhead wires  
4 we're allowing them to eliminate the large canopy in the front yard or side yard for under  
5 story. Like your crepe myrtles and other variations. We're trying to also encourage  
6 when we do this manual, and not to just put one kind of species.

7 MR. VAN DINE: Is it a one for one substitution?

8 MS. ALMEIDA: We are requiring one to one. Right now our existing is a two to  
9 one. So for every one large canopy we are requiring two.

10 MR. VAN DINE: So if I turn to page three, just for example, at the top and there  
11 were wire running across the top of that, [inaudible]. You would actually be asked to put  
12 in six under story trees?

13 MS. ALMEIDA: No, we would require just the three.

14 MR. VAN DINE: If there is a wiring running across?

15 MS. ALMEIDA: The three under story and instead of three canopy it would be  
16 three under story as well. So it would be six under story.

17 MR. VAN DINE: Okay.

18 MS. ALMEIDA: And we are allowing the design to try and get them to shift things  
19 around. Not be so stringent as to planting a tree every 25'. To be a little more creative  
20 to be a little more innovative, because there are sites that are very different from one  
21 another and through creative design you can reach the same goal. So we're giving a  
22 little bit of flexibility there. As long as they can achieve the screen that we're proposing,  
23 we're allowing – excuse me, allowing them to have a little bit, a little bit of flexibility.

1 MR. VAN DINE: The language that has already been sent up, does that need to  
2 be modified in any way with these tables?

3 MS. ALMEIDA: No, sir.

4 CHAIRMAN GREEN: Anybody on the Commission have any other questions for  
5 Staff with regard to what's been proposed? As, you know, we received these, of  
6 course, as we started our meeting today and I wanted to see what the sense of the  
7 Commission was in terms of when we would get back to actually vote on these. I know  
8 for one, I need an opportunity to – I spent a great deal of time the last table trying to  
9 understand how much of a departure it was and the implications of going from our  
10 current requirements to the table we get to see last time. And obviously just seeing it  
11 this time, I don't feel, at least, for my purposes, I'm ready to vote on it. But I wanted to  
12 get the sense of the other Planning Commission Members as well since we've just  
13 gotten this document.

14 MR. PALMER: I would agree with that as well. One thing I would like to take a  
15 look is the economic impact of this. I think sometimes we overlook that and it is a real –  
16 needs to be, something that really needs to be addressed. At least take a look at it and  
17 see what that effect is.

18 MS. ALMEIDA: I would also like to note that when you are reviewing that, Mr.  
19 Palmer, that you understand that the existing ordinance, in many, many cases, requires  
20 stockade fences. Okay, for a 10' buffer. Keep that in mind when you are doing that,  
21 and in the existing ordinance they break out evergreen shrub and deciduous shrubs.  
22 So that needs to be all counted as one. I think there was also one other comment I had  
23 on the existing. And we're giving more flexibility as far as width to the applicant. We're



1 not confining them in the existing ordinances where they have to pull within either a 10',  
2 15', a 20'. We are giving more flexibility, where you have 12 ½' on one side. You can  
3 do that. In the proposed ordinance they also allow for a reduction in plantings if you put  
4 up a stockade fence. You can get up to a 50 percent reduction in your shrubs and a 25  
5 percent reduction in your tree count. So that needs to be looked at as well.

6 MS. LUCIUS: I would also want to remember that each, for the slides you  
7 showed most of them are from an aesthetic point of view. We need to remember that  
8 this is way beyond just aesthetics. It also has to do with storm water quality, it has to do  
9 with noise reduction and safety. Just like you talk about the walk-ways, so the people  
10 walking through these vast expansive concrete parking lots. So we need to – yeah,  
11 because I have heard, because I have had it mentioned to me, that what one person  
12 thinks is pretty may not be. Well that's not what it's all about.

13 MS. ALMEIDA: No, this is about buffering uses. We get many calls from  
14 homeowners and especially homeowners where they are up against, lets say a  
15 residential piece of parcel property that is then rezoned and they have pretty much been  
16 very vocal to Staff where they come in and they go through the appropriate steps in  
17 objecting to the rezoning, and then if they are not successful going back and having an  
18 existing buffer in some of those cases and then having to wait 25 years for a buffer. So  
19 there has been a lot of concern about that, but on the last sheet there is a cross-section  
20 that it's just free hand drawn just to give you an illustration of where these things would  
21 be planted and how to give that screening, that visual screening, and that is not about  
22 aesthetics. These are buffer areas, both on the sides, if it's applicable, back yards,

1 these are not front yards plantings or interior landscaping plantings. So please keep  
2 that in mind.

3 MS. WYATT: Mr. Chair, I'm going to have to disagree with Mr. Dunbar, I  
4 personally, excuse me Mr. Palmer. We've got to make sure we don't put two Pats on  
5 anymore. We had an opportunity to look at this last month and I for one am ready to  
6 vote and move this forward.

7 CHAIRMAN GREEN: I understand that but we haven't seen this document but  
8 five minutes ago.

9 MR. VAN DINE: Have the numbers changed?

10 MS. ALMEIDA: Yes. For instances, in a type A buffer, if you take the 10', they  
11 went from five canopy trees to three. So they have been reduced. We have also been  
12 in touch with the Natural Resources Department and had them look at the spacing and  
13 the numbers, actually, and they have called us back this morning and actually said they  
14 are good numbers and they work well. So they are not [inaudible].

15 MS. LUCIUS: So you really haven't changed?

16 MS. ALMEIDA: We have, we have increased the square footage on all of the  
17 landscape – large canopy trees. Absolutely.

18 MR. VAN DINE: You have reduced the number of required.

19 MS. ALMEIDA: Absolutely. Yeah, we've gone from 200 to 300. Two hundred  
20 square feet, one tree for every 200 to one tree for every 300.

21 MS. LUCIUS: So really you have reduced the requirements rather than  
22 increasing.

23 MS. ALMEIDA: Yes, the spacing is about 33'.

1 MS. LUCIUS: And I had asked at the last meeting, that I wanted to see what it  
2 looked like because just reading the text is not enough. So that's what you did this  
3 today for?

4 MS. ALMEIDA: Yes.

5 MS. LUCIUS: So I agree with Barbara, we really have [inaudible]

6 CHAIRMAN GREEN: Did the numbers change in the under canopy in the shrub  
7 requirements or just on the large canopy trees?

8 MS. ALMEIDA: Yes in some cases. No they did not, I'm sorry. The under story,  
9 no, it did not.

10 CHAIRMAN GREEN: The shrubs didn't change?

11 MS. ALMEIDA: No, sir.

12 CHAIRMAN GREEN: Do I hear a motion [inaudible] with regard to taking up this  
13 matter today?

14 MR. VAN DINE: Can I ask a certain question please? As far as Gene, you and  
15 Pat, what timeframe would you be talking about in relation to it and what information do  
16 you think you need in order to do so? I'm not opposed to delaying it, I don't want to  
17 have you show up in the April meeting and then somebody say, well I didn't get this until  
18 five minutes before so we are going to push it off another month. It's something that  
19 has to happen and it may mean that you have to do your own work, as opposed to  
20 relying on others to do it for you. I'm not opposed to delaying in that sense, but I want  
21 to know what you think is the timeframe you need to do this.

1 CHAIRMAN GREEN: I'm happy to call a session meeting of the Commission  
2 prior to our next, public, our next regularly scheduled meeting, I just haven't had single –  
3 I've had two minutes to even read this yet.

4 MR. VAN DINE: I'm just trying to get a feel for the timing on it.

5 CHAIRMAN GREEN: I'd even be prepared Thursday night if Council was having  
6 their next review for us to have a meeting then.

7 MR. VAN DINE: We need at least fifteen days, if we are going to have a special  
8 – we only need 24 hours for a special.

9 CHAIRMAN GREEN: I'm happy to have a special meeting. I'm just requesting  
10 time to sit down and understand what we have here.

11 MR. PALMER: I am as well. I don't necessarily see the – what the problem with  
12 the thirty day wait on this would be. Since the Council already has everything else and  
13 this isn't really holding up anything that they're doing. If it was holding up something it  
14 would be different, but I just don't see holding up anything the Council is doing. I  
15 wouldn't be opposed to two weeks, or whatever necessary would be. I just really do  
16 want to take a look at some of this stuff and some of the numbers and I have asked for  
17 stuff in the past week. It just hasn't gotten to me yet. I'm willing to do the research on  
18 my own. That's what I'm looking to do, I just haven't gotten the information yet to do be  
19 able to do the research on my own, so.

20 MR. VAN DINE: I guess I don't have a problem with it then, delaying for a short  
21 period of time to give people the opportunity to look at things. I just want to make sure  
22 we're not – that we put a defined term on that, on that way we do make a –

23 MR. PALMER: Unless something else changes.

1 MS. WYATT: What do you mean by that Mr. Palmer?

2 MR. PALMER: I'm saying unless something else on the chart changes.

3 MR. VAN DINE: [inaudible]

4 MS. ALMEIDA: Just some clarification. The plantings, the shrubs will not  
5 change, because they are of such a small [inaudible], inches. I mean inches. If you are  
6 going to reduce that then you need to increase the size, and that's cost for the applicant  
7 as well. So we're actually trying to do a balancing act here. We're – and it is the  
8 opinion of nurseries not to put in such big size plantings. So that was the rational for not  
9 reducing the size of the shrubs and also for eliminating the stockade fences. I mean,  
10 that's one of the reasons that we beefed up the small shrubs, to eliminate the stockade  
11 fences.

12 CHAIRMAN GREEN: A motion – yes ma'am.

13 MS. LINDER: Mr. Chairman, I would request at this time we have Executive  
14 Session for the purpose for you're receiving legal advice.

15 CHAIRMAN GREEN: We'll adjourn briefly for an executive session.

16 MS. LINDER: I'd like for Ms. Almeida to attend the executive session.

17 *[EXECUTIVE SESSION]*

18 CHAIRMAN GREEN: We're back in regular session.

19 MS. LINDER: Mr. Chairman, I'd like to report that the Planning Commission  
20 broke for an executive session for the purpose of receiving legal advice and no action  
21 was taken, formal or other wise.

22 CHAIRMAN GREEN: Thank you.

1 MR. VAN DINE: Mr. Chairman, I would like to make a motion that we postpone  
2 voting on this document and have a special called meeting this Thursday – actually this  
3 Friday at noon for the purposes of going over this particular document that we just had.  
4 [inaudible] anybody who needs to have discussion or information to be directed to get in  
5 touch with Planning Staff and help you get that information.

6 CHAIRMAN GREEN: We have a motion on the floor to have a special called  
7 Planning Commission meeting at noon this Friday. I would assume it would probably be  
8 the fourth floor of this building.

9 MR. CRISS: To be determined.

10 CHAIRMAN GREEN: Okay. Do I hear a second?

11 MS. WYATT: I'll second.

12 CHAIRMAN GREEN: It's been seconded, any discussion? All those in favor,  
13 please raise your hand. We will have a special called meeting this Friday at noon.

14 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
15 *McBride]*

16 CHAIRMAN GREEN: We will have a special called meeting this Friday at noon.

17 MR. VAN DINE: Mr. Chairman despite the fact that we [inaudible], there are a  
18 couple questions that will clarify and make sure we all understand before leave here.  
19 The only things that have changed from the last time we got this chart are the large  
20 canopy tree numbers, is that correct?

21 MS. ALMEIDA: That is correct, because that was, seemed to be a major  
22 concern as far as canopy spread and spacing.

1 MR. VAN DINE: So if people have made an analysis of the other two column,  
2 blocks, whatever you want to call them, those still remain the same.

3 MS. ALMEIDA: Remain the same.

4 CHAIRMAN GREEN: Any other questions before we move on to the next  
5 agenda items? Just for those of you who are here for – concerning the map  
6 amendment public hearing, it's not quite ready to start. There are sign up sheets out  
7 front so if you want to speak to any particular issue, you need to find the sheet that  
8 relates to the case you would like to be recognized on and sign up. So if you haven't  
9 done this before, I would draw your attention to those sign up sheets that are in the  
10 lobby. The next agenda item that we have is Old Business. This relates to a deferral of  
11 zoning map amendment 04-33 MA.

12 **CASE 04-33 MA:**

13 MR. GOSLINE: Mr. Chairman and Members this is a proposal to rezone 29  
14 acres from RU to RS-2 on Koon Road, approximately ½ mile East of Coogler Road.  
15 This project was – the same site was up about a year or so ago and it never went  
16 forward to the County Council. I would direct your attention to page 12 in the document,  
17 under the discussion and objective, the third sentence. There is a slight mistake. It was  
18 corrected over on the next page. The nearest water is about a half mile out to the east  
19 and there is a sewer line under construction at the rear of the subject site. The Staff  
20 recommends that it not be changed, essentially because the immediate area around  
21 this site is large lot, rural in character. It's true that there is a number of other  
22 subdivisions in this general area, but that's the reason for our recommendation in this  
23 particular case. The applicant is here, Mr. Margle, I think.

1 CHAIRMAN GREEN: Do we have any sign-up sheets for this? I don't have any  
2 sign-up sheets that I have received. Anybody wish to speak on this?

3 MR. HICKS: Mr. Chairman, I'll see if I can find any out there.

4 MR. MARGLE: And I've got some detail sheets, I'd like to pass out.

5 CHAIRMAN GREEN: You can pass those out while we're waiting. That will just  
6 give us a little bit of time, thank you.

7 MR. VAN DINE: Mr. Gosline, just to make sure. I know that the applicant is  
8 Shumaker, but the property owner is Mary Strickland, do you have proper  
9 documentation?

10 MR. GOSLINE: Yes, sir.

11 CHAIRMAN GREEN: Is the applicant here to speak?

12 **TESTIMONY OF MARY STRICKLAND:**

13 MS. STRICKLAND: Yes, I am Mary Strickland, and I'm the property owner of  
14 889 Koon Road, the 29 acres we're talking about. I just wanted the Planning  
15 Commission to know that we have taken advantage of having a homeowners  
16 association meeting in my neighborhood and that everyone present has given me the  
17 affirmative on this property. In addition to that, I made contact with my Council  
18 representative, as a courtesy, in my area who is Ms. Corley, and she's given me the  
19 affirmative on that property. And I'd like you to take that into consideration. Thank you.

20 CHAIRMAN GREEN: Thank you Ms. Strickland. I'm sorry if I mispronounce this,  
21 Margle.

22 **TESTIMONY OF TOM MARGLE:**



1 MR. MARGLE: What I've got is a blow-up of what you have in your hands now. I  
2 don't want to put it anywhere if y'all have a copy of that. My name is Tom Margle. I'm  
3 at 124 Spring Point Drive. I work with Shumaker Homes. That's why I'm the applicant.  
4 Carl did a good job of bringing everything up to speed on this, and that's one of the  
5 main reasons why I passed out the two documents that you have in your hands.  
6 Another thing I wanted to point out was the previous, last rezoning was a request to go  
7 from RU to RS-1(A). There's a little bit of a typo in the letter from Carl. We've done our  
8 homework on this project, I think. We've asked the homeowners in the area, as Ms.  
9 Strickland said. And in these two sheets I've handed out I just wanted to show a couple  
10 of things. The first page is strictly a general site map with the site located. And then the  
11 second sheet you have, which is in front of, in front of the Council members is a brief  
12 description of what we got is the half mile radius from the property, a mile radius from  
13 the property in red. The blue depicts the sanitary sewer line that's presently under  
14 construction on the rear of the property. The very bottom of the sheet is a property that  
15 I labeled Mungo. That is a higher density property at Ivy Green that also has – one of  
16 the reasons we want to show that is it does have water. It's within close proximity to our  
17 subject site. And that's basically, and then on the upper portion of the paper, I wanted  
18 to show the various subdivisions in the state, which they're zoned RS-2 and RS-3,  
19 specifically at Stonegate for RS-3. Things in Carl's letter, we just want to make clear, is  
20 the traffic generated by this project is stated not to create a problem or increase the  
21 traffic level on Koon Road. Again water lies within a half mile of the property and sewer  
22 is on site. I'm sure that the process of developing that sewer line was to get additional  
23 taps to pay for that sewer construction. And the subdivision, which we do and have

1 spent some time and effort doing our homework, in regards to the density, which Mr.  
2 Shumaker will talk about as well as the entrance on to Koon Road, which is a divided  
3 entrance into the subdivision, was very appealing to the homeowners. That was one of  
4 their major concerns was traffic as well as how they are going to enter and exit this  
5 property. And we have appealed to their concerns. And with that I would greatly  
6 respect your consideration on approval of this project to move forward from RU to RS-2.  
7 Thank you.

8 CHAIRMAN GREEN: Alan Shumaker.

9 **TESTIMONY OF ALAN SHUMAKER:**

10 MR. SHUMAKER: Thank you very much. On our RS-2 request we've been very  
11 successful of taking RS-2 and not pushing it to it's maximum. We've found that we can  
12 take RS-2 and use the front of the lots up to 70, 75' not making the community look  
13 crowded. We've done that over in Ridge Creek and all of our communities. We never  
14 push the limit of the zoning. And by doing that it makes the community look open and  
15 we don't ever bring them down to their minimum. If you'll check the communities we're  
16 doing, we very seldom do a community with less than 70' and the RS-1 is only 75, so  
17 we're normally 70-75. We've been very successful doing that. We're trying to keep  
18 housing affordable and we think we're giving the consumers what they want, and where  
19 they want it, for the price they want. And I'm here to answer any questions that I might.

20 MR. VAN DINE: There are two ponds situated on this piece of property. What is  
21 the proposed – what are you proposing to do with those two ponds?

22 MR. SHUMAKER: Actually it's three ponds on the property. We plan to keep all  
23 of them, and put them in the association for everyone's use. We plan to put a little

1 picnic area around one of the ponds. We haven't decided which one yet. Where they  
2 can have on-site activities.

3 CHAIRMAN GREEN: Any other questions for the applicant? Thank you, sir.  
4 We've had no one sign-up, signed up to speak on, on this part of public hearing. So I'll  
5 open the floor up for discussion among the Planning Commission Members.

6 MR. VAN DINE: I have one question that Hal brought up. Did we not approve a  
7 subdivision up the road from that recently?

8 MR. GOSLINE: That one was for Mr. Gant, that's at Hollingshed and Kennerly  
9 Road. It is in that general area.

10 MR. DUNBAR: There was one for Centex though [inaudible] direction, I think.

11 MR. GOSLINE: This one was for Centex. A year ago, and they subsequently  
12 [inaudible].

13 MR. DUNBAR: At that time, we recommended to Council approval.

14 MS. LUCIUS: I think it was three, three against?

15 MR. DUNBAR: I think it came up the same day as the one on Kennerly Road.

16 MR. GOSLINE: Right. That's correct.

17 MR. VAN DINE: Do you know where it was in relation to this? Is it further up the  
18 road?

19 MR. GOSLINE: Yes, it's past Thomason(?) and Ridge Creek at Hollingshed and  
20 Kennerly, but it's within, what a couple miles?

21 MR. VAN DINE: Well is this the same property?

22 MR. MARGLE: Could I? I think he's asking, this is the same property that  
23 Centex had last year.

1 MR. GOSLINE: Centex also came in with the Gant property.

2 MR. VAN DINE: And the Commission, the Commission on that approved the  
3 Centex request for RS-1, is that correct?

4 MS. LUCIUS: RS-1 and it was approved.

5 MR. GOSLINE: And then for whatever reason it went -

6 MS. LUCIUS: It was not unanimous, we approved it.

7 MR. VAN DINE: I'm just trying to get the property.

8 MS. LUCIUS: What happened to it after that? Why?

9 MR. GOSLINE: Centex withdrew before they went to County Council.

10 MR. DUNBAR: Mr. Chairman, I'd like to make a motion that we approve the  
11 request, basically based on the history of the application. The fact that there is not a  
12 traffic consideration, apparently no neighbors objecting, and you got support of a  
13 Council members from that area.

14 CHAIRMAN GREEN: There is a motion on the floor, do I hear a second?

15 MS. WYATT: I'll second.

16 CHAIRMAN GREEN: We have a motion and a second that we send this forward  
17 with a recommendation to County Council for approval. Discussion of motion?

18 MR. JACKSON: Usually I have concern with changes in rural communities  
19 because it does not compliment rural character. But in some cases if there are green  
20 spaces provided then I have no problem. And if the citizens of the area support it, I can  
21 support it.

22 MS. LUCIUS: I have to agree with Mr. Jackson. I too am concerned with what  
23 Carl says the rural life - rural residential lifestyle is becoming more endangered. I know,

1 in some areas more than others. They need this area too. This one I don't think I could  
2 really object to, it's probably a good spot for it.

3 CHAIRMAN GREEN: Further discussion?

4 MR. VAN DINE: Mr. Chairman, the concern I have with the approval would be  
5 less than RS-1 designation to a much larger lot. This is an RS-2, and I understand what  
6 the applicant says, and I certainly believe what the applicant says. But if we rezone it to  
7 RS-2 then who ever comes in and buys it has the opportunity for 8,500 square foot lots  
8 on this particular piece of property. And I believe I, I voted in favor of the RS-1 the last  
9 time and I just think we are starting to, to get too small for this particular character of this  
10 area. And it's had this come in as a PUD, where we could actually see something in  
11 relation to the layout of sizes then that may have been something to declare, I just am  
12 concerned with the lot sizes and the layouts of – we don't have a layout on this  
13 particular one. I certainly appreciate the fact that the ponds are going to be saved and  
14 all the rest of it and that may [inaudible] on the number of lots. That is my concern with  
15 this particular proposal.

16 CHAIRMAN GREEN: Further discussion?

17 MR. PALMER: I just have to make my comments to the fact that I think this is  
18 what we desire to see out of a developer and the community, and the coming  
19 togetherness of it. And before they even get to us, finding out what the community  
20 wants. Is this something that they desire? And it seems like in this case the developer  
21 and the landowner have both done that and it seems like it's something that community  
22 wants, whether it's a RS-1 or RS-2, and it makes sense the sewer is in place, water is  
23 not far away. This seems like a good project for the area and everybody is happy about

1 it, and the community as well as the developers. So it seems like a good mix to me. I  
2 would be in favor of it.

3 MR. DUNBAR: Call the question.

4 CHAIRMAN GREEN: The question has been called. Is there any further  
5 discussion?

6 MS. LUCIUS: On second thought I think Howard has raised a very good point  
7 about the RS-2. I'd like to amend my comments to say probably I wouldn't be against  
8 the subdivision but that's a valid point he brought up.

9 CHAIRMAN GREEN: Any other discussion? The question has been called.  
10 Those in favor of sending this forward to County Council. This would be heard by  
11 County Council on their, 7:00 on their March 23, 2004, zoning public hearing meeting.  
12 All in favor of sending it forward with a recommendation of approval, per the motion,  
13 please raise your hand. All those opposed?

14 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar, McBride; Opposed:*  
15 *Lucius, Van Dine]*

16 CHAIRMAN GREEN: Thank you.

17 MS. LINDER: Mr. Chairman, for the record. I noticed on the agenda that there is  
18 two TMS numbers referenced but in the legal description there are four TMS numbers.  
19 Prior to this going to the public hearing we could just allow Staff to clarify the TMS  
20 numbers involved.

21 CHAIRMAN GREEN: Please. Thank you. Next on our agenda is subdivision  
22 approval section of our meeting. First item we have is Teague Park, SD-04-102.

23 **CASE SD-04-102:**

1 MR. GOSLINE: Mr. Chairman, Members, this is a subdivision on Teague Road,  
2 over on the east side, half a mile south of Fort Jackson. This is a proposed subdivision  
3 of 30 lots. It would be served by the City of Columbia water and sewer if Staff  
4 recommends approval.

5 CHAIRMAN GREEN: I have a question for Staff. I noticed in the write up of this  
6 particular subdivision, that we were provided with comments from the Public Works  
7 Department, but none of the other subdivision reviews – that we've received those  
8 comments. Do we have comments from Public Works on all of these, or is this just  
9 one?

10 MR. GOSLINE: What we do when we write the report, we indicate whatever  
11 comments we've gotten. And most of the time, the time of writing reports is such that  
12 most of the agencies haven't responded by the time we write it. This particular case the  
13 Public Works had.

14 CHAIRMAN GREEN: Questions for Staff?

15 MR. DUNBAR: Move for approval subject to conditions listed on page 25

16 CHAIRMAN GREEN: We have a motion on the floor, do I have a second?

17 MR. PALMER: Second.

18 CHAIRMAN GREEN: Okay. Ms. Lucius.

19 MS. LUCIUS: The tree protection is a moot point I suppose.

20 MS. GOSLINE: Yes, the lot looks pretty well cleared but when we went out and  
21 checked. The only thing that was cut was pine trees. It just happened to be a lot with  
22 all pine trees.

1 MS. LUCIUS: Well talking about the differences in Staff recommendations. I  
2 noticed this – of all the subdivisions, this one has no mention of tree protection. I just  
3 assumed that it was because it has already been cleared.

4 MR. GOSLINE: Too late.

5 MS. LUCIUS: Too late. Okay. One more question I wanted to ask. Under your  
6 specific conditions, I don't see anything mentioned about no lot should be platted along  
7 the Toad Road until it was paved. That's not to be one of the specific conditions?

8 MR. GOSLINE: They don't have to pave the road. That's a good point, I thought  
9 I had put that in there, because it should be in there.

10 MS. LUCIUS: It's not in there. What about the connection, DOT is not to  
11 approve the connection of Teaque Park Lane and Sunday Circle, should that be?

12 MR. GOSLINE: They would have to do that, because it's, you know, it's in the  
13 course of the process.

14 MS. LUCIUS: But since Toad Road is unpaved.

15 MR. GOSLINE: We could certainly make it a condition to do that if you wish.

16 CHAIRMAN GREEN: There's been an issue raised that one of the items in the  
17 Public Works Department's evaluation is that no lots should be platted along Toad Road  
18 until it was paved to county standards. And that's on page 24 of our report, item C. I  
19 guess there's a question as to whether you would amend your motion to include that  
20 among the specific conditions spelled out in page 25.

21 MR. DUNBAR: It seems logical. I'll do that.



1 CHAIRMAN GREEN: So we have a motion to amend it to include the specific  
2 conditions on page 25 as well as item 1-C on page 24 from the Public Works  
3 Department's report. Any further discussion?

4 MR. VAN DINE: Is there a reason why other items listed on 24 of the Public  
5 Works has not been incorporated into the conditions?

6 MR. GOSLINE: The other items are really technical things that usually get  
7 worked out through the process either way. And it just so happens the, this is the -  
8 when we the comments of Public Works or whoever, there will usually be a list of  
9 several things, and most of the time that's covered under the standard of specific  
10 condition of the Public Works department.

11 MR. VAN DINE: So far as the design criteria, inaccuracies that they've  
12 discussed, those would have to be fixed regardless, so they don't need to be included  
13 in

14 MR. GOSLINE: Right. No, sir. I appreciate you picking up on the paving. I had  
15 meant to do that but I forgot.

16 MS. LUCIUS: I'm glad he asked that, because I wasn't sure if the other things  
17 would be cleared up as a matter of course.

18 CHAIRMAN GREEN: We have a motion on the floor, any further discussion? All  
19 those in favor of approval of the subdivision?

20 MR. MAYS: Mr. Chairman, if I could, could I speak?

21 CHAIRMAN GREEN: Yes, sir.

22 MR. MAYS: My name is Jim Mays, I live at 5 Bardwell Court, I'm the engineer for  
23 this project. I guess my question to the Planning Commission and Staff is I guess, if

1 you make some kind of stipulation as to paving that road, prior to platting, is that  
2 something as far as the, the section that will be required would be worked out with the  
3 Public Works and the actual paving requirements to that road? I mean, it's a functioning  
4 dirt road at this point I guess.

5 CHAIRMAN GREEN: Mr. Gosline?

6 MR. GOSLINE: I'm not sure I understand the question, Jim.

7 MR. MAYS: I guess, I said, the county standards.

8 MR. GOSLINE: The road would have to paved to meet county standards.  
9 Whatever your construction standards.

10 MR. MAYS: Okay, so that would be approved by the Public Works Department I  
11 guess?

12 CHAIRMAN GREEN: That's correct. We have a motion on the floor to approve  
13 SD-04-102, all those in favor of approval, please raise your hand? All those opposed?  
14 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
15 *McBride]*

16 CHAIRMAN GREEN: Next agenda item is SD-04-173, Angel Garden Phase 1.

17 **CASE SD-04-173:**

18 MR. GOSLINE: Mr. Chairman, Members this is a proposed subdivision that's  
19 located on Kneece Road, kind of behind Decker Plaza area. Kneece Road is presently  
20 unpaved, and this proposal is for townhouses and patio homes. This is a classic case,  
21 perfect example of in fill project. It's surrounded by development, there's apartments on  
22 the east or north of whichever way you kind of look at it. There is commercial

1 development, of course, along Decker. There's some commercial from Trenholm  
2 Extension that backs up to it. Staff recommends approval.

3 CHAIRMAN GREEN: Question to Staff. We had a recommendation in the prior  
4 one to pave the road. I don't see a reference in here.

5 MR. GOSLINE: This – the applicant is, I'm trying to remember, I was just  
6 thinking about that. I had some discussion with the applicant about that.

7 CHAIRMAN GREEN: Is the applicant here?

8 MR. GOSLINE: Yeah, Mr. Mack Atkins is here.

9 **TESTIMONY OF MACK ATKINS:**

10 MR. ATKINS: Hi, my name is Mack Atkins, I'm with Cox and Dinkins Engineers  
11 and Surveyors. We're the engineers of record on this project and we're representing  
12 Mr. Richard Ramero, of Hurricane Construction. I believe the question with regarding to  
13 paving Kneece Road. Part of Kneece Road actually is currently paved. There's a part,  
14 a section that come from O'Neil Court Extension up towards our property. It is a DOT  
15 maintained road and it is in paved. That would be the major access of this phase of the  
16 project. The portion of the road Mr. Gosline is speaking of is a dirt road and that goes  
17 back towards Brookfield. I believe you can see that on the maps. The map actually  
18 doesn't have O'Neil Court Extension on there. It's kind of labeled as Hunt Club as it  
19 comes off of Decker Boulevard. But as Kneece Road comes up to our site, right where  
20 it makes the, I guess the 90 degree turn, that portion is paved.

21 MS. LUCIUS: Portion on the right of O'Neil Court is paved?

22 MR. ATKINS: Yes, ma'am.

23 CHAIRMAN GREEN: While we have him at the podium, any other questions?

1 MR. VAN DINE: Are all, all lots proposed to have internal access and not access  
2 individually out onto Kneece Road?

3 MR. ATKINS: That's correct, they will all have internal access.

4 MR. GOSLINE: I should also tell you, it's a little hard to tell from the plat, but  
5 they have left a considerable amount of open space around, what would be the bottom  
6 of plat on page 37. They've also sited the units to save several really huge trees, and  
7 which sort of tree, on a bigger scale you will see. So they've worked real well on trying  
8 to save the really important stuff, and, and the [inaudible] along the creek which runs on  
9 the east and south side, or must be east to north. This plat is kind of upside down,  
10 north is at the bottom, on page 37.

11 MR. DUNBAR: I move for approval subject to the conditions on page 35.

12 MS. LUCIUS: I'd like to second and say I think this is the sort of design we really  
13 like to see, and that statement really jumped out at me, the 34, and I want to read it into  
14 the record if I may. "The applicant should be congratulated for his efforts to save five  
15 large hardwood trees. The placement of the structures were deliberately adjusted to  
16 provide sufficient room for [inaudible] survival of the large trees." I think that needs to  
17 go on record.

18 MR. VAN DINE: Did we ever get a resolution on the road paving, that question  
19 was asked?

20 MR. GOSLINE: Kneece Road goes around the outside of it. It's not technically  
21 on the property, it only – the paved part is the access to get into the property off of  
22 Decker Boulevard. It comes right out to the entrance, obviously they are going to  
23 paving all the internal roads to handle [inaudible].

1 MR. VAN DINE: If I look at the plat, it appears that those, exit out of – if you look  
2 at the map, the legends at the bottom, there is an exit that comes directly out of the  
3 bottom of the map, which would be onto the dirt road or the dirt portion of Kneece Road.

4 MR. GOSLINE: They'll pave to the connect – to the end of the DOT  
5 maintenance. The paved DOT – if you look at the plat coming in from the bottom, that's  
6 DOT maintenance up to the point where Kneece Road turns to the right. They would  
7 pave, they would have to pave that little piece plus the internal part.

8 MR. VAN DINE: And what I'm saying is that if you go all the way down to the  
9 right, there is an exit from this subdivision out on to Kneece Road. The far right hand  
10 side.

11 MR. GOSLINE: Okay, so you're talking –

12 MR. VAN DINE: So what, what I'm saying is you're exiting now out on to the dirt  
13 road. As far as the paving is concerned, it seems to me the paving needs to  
14 encompass the exits on and off of the property.

15 MR. GOSLINE: Well you can certainly make that condition.

16 MR. VAN DINE: And one of, one of the things we're trying to do is do away with  
17 dirt road, accessing dirt road subdivisions.

18 MR. ATKINS: I would like to mention that this is just a phase of the rest of the  
19 project. Mr. Ramero does have an option on the upper portion of this project, and I  
20 would like to, I guess, mention to the Commission that we would like to have, I guess,  
21 our main entrance would be coming along the paved portion of Kneece Road as it is  
22 now. We had another, I guess, the portion to the right it does connect to the dirt road,  
23 that was just to, I guess, provide an alternative entrance and exit for any fire truck type

1 access. But in the future phases, we feel that Kneece Road will definitely be, be paved  
2 at that time. So we would like to, I guess avoid having to pave that portion of Kneece  
3 Road just to service this, this small portion of the, of the project, since we do have the  
4 main entrance off a paved portion of Kneece Road.

5 MR. VAN DINE: Who is going to be paving Kneece Road in the future? It  
6 certainly isn't in the county budget at this point in time to be paving it.

7 MR. ATKINS: I'm not certain, because I'm not sure of an exact timeframe that  
8 we would be developing. It, I mean, I'm not prepared to really answer that –

9 MR. DUNBAR: The initial phase of lots aren't going to be exiting on to Kneece  
10 Road on the unpaved portion?

11 MR. ATKINS: I couldn't answer that. It will tie into that unpaved portion so there  
12 is a possibility that you will have people exiting and providing entrance off of the  
13 unpaved portion. But it is our intent to have the, the main entrance to this, this  
14 subdivision off of the paved portion of Kneece Road.

15 MR. VAN DINE: And I would feel far more comfortable if there was some way  
16 you could restrict access to the dirt portion of Kneece Road. I don't have – the  
17 subdivision – I don't have a problem, but it's the access point on to the dirt road which is  
18 going to be running, and there are a fair number of people that are going to come up to  
19 Brookfield and, I believe this area has a stop light at Brookfield out onto Decker, which  
20 people will be able to get in and out of. So that is going to become a thoroughfare for  
21 those people. So to the extent that we can restrict the access onto the unpaved portion  
22 of Kneece Road until the later subdivisions, that would seem to me to be a much better  
23 way of doing it. It comes right out onto a paved portion.

1 MR. GOSLINE: If it's – the Commission, I guess, could use, indicate that that's a  
2 emergency access onto the dirt road, at least for the time being. And then when phase  
3 two comes in, you could reevaluate it. That is like, Mack says, the entrance, the primary  
4 entrance is Kneece Road and straight out to Decker.

5 MR. VAN DINE: And that, that I don't have any problem with that at all.

6 MR. GOSLINE: I think that would be a good idea.

7 MR. ATKINS: It's, actually, that entrance isn't straight out to Decker. It's out to  
8 O'Neil Court which would then –

9 MR. VAN DINE: Right. But my concern is with that one access point out onto  
10 the dirt road, I would like to see somehow, that particular area restricted. To be as an  
11 emergency exit or something like that so it does not become an exit point.

12 MR. DUNBAR: I modify my motion to reflect that the dirt road exit be restricted to  
13 a emergency exit.

14 MR. LUCIUS: And I'll modify my second.

15 CHAIRMAN GREEN: The motion has been amended to allow only emergency  
16 ingress and egress through that access to the subdivision. We have a motion on the  
17 floor that's been amended. Is there any other discussion on the motion? All those in  
18 favor of approval, please raise your hand? Opposed?

19 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
20 *McBride]*

21 CHAIRMAN GREEN: Next agenda item SD-04-175, Busch Private Driveway  
22 Subdivision.

23 **CASE SD-04-175:**

1 MR. GOSLINE: Mr. Chairman and members, this is a request for a five lot,  
2 private driveway subdivision on Farming Creek Road, adjacent to a power line, it's  
3 about half way between Broad River Road and [inaudible] Road, I think. Staff  
4 recommends you grant approval subject to the conditions. The applicant is here if you  
5 have any questions.

6 CHAIRMAN GREEN: Any questions for Staff?

7 MS. WYATT: I move to approve Mr. Chair.

8 CHAIRMAN GREEN: We have a motion to approve, do I hear a second?

9 MR. DUNBAR: Second.

10 CHAIRMAN GREEN: Subject to Staff recommendations and conditions on 44-  
11 45, any discussion? We have motion to approve subject to Staff specific –  
12 recommended specific conditions on page 44-45. All those in favor please raise your  
13 hand. Opposed?

14 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
15 *McBride]*

16 CHAIRMAN GREEN: Before we move to the next item, I'd just like to ask a  
17 question of Staff. I noticed, I didn't want to bring it up in the context of any particular  
18 subdivision. On one subdivision you have nine specific conditions, and on another one  
19 you have 14 and another one you have 13, and another one we have a different  
20 number. I'm just wondering why, why specific conditions for these can vary so much  
21 from subdivision to subdivision. We have, for instance, 14 on one and on earlier we had  
22 nine.



1 MR. GOSLINE: Some of it depends on what approvals have been received.  
2 Some of it depends on type of project, minor subdivision, or private driveway  
3 subdivision [inaudible]. So it just sort of – I have this long list of things as we go through  
4 each project, we eliminate the ones that don't apply. It's just variable with each project.

5 CHAIRMAN GREEN: Okay.

6 MR. VAN DINE: If people like Public Works come up with their list as they did  
7 earlier, after we have made approval, are these approvals still subject to meeting all  
8 those requirements?

9 MR. GOSLINE: Absolutely. Absolutely.

10 MR. VAN DINE: So if we've got other departments who haven't done anything  
11 they –

12 MR. GOSLINE: That's usually the case that most of the departments haven't  
13 responded by the time we have to write the Staff report. The one we have from Public  
14 Works is just an anomaly for some of these.

15 CHAIRMAN GREEN: The next agenda item is SD-04-185, is William Trapp.

16 **CASE SD-04-185:**

17 MR. GOSLINE: Yes, Mr. Chairman this is a request for a minor subdivision out  
18 north of Blythewood, almost into Fairfield County, I guess it is, or Kershaw I'm not sure.  
19 Thirteen lots, there are really big lots, 13 lots on 68 acres, they also have a number of  
20 wonderful huge trees, which I'm sure they'll be able to save because the lots are so big.  
21 Staff recommends approval.

22 MR. DUNBAR: I move approval subject to conditions on page 55.

23 MR. PALMER: Second.

1 CHAIRMAN GREEN: We have a motion and a second for approval of SD-04-  
2 185, any discussion?

3 MR. VAN DINE: Can I, I would like to make one, lot one. Can I, I would like to  
4 condition that chose one road or the other to come out on as opposed to having access  
5 onto both roads.

6 MR. PALMER: I don't have a problem with that, it's five acres. Five acres they  
7 can come out on either one.

8 MR. VAN DINE: I'm suggesting that [inaudible]. I'm worried about curb cuts.

9 MR. JACKSON: [inaudible] if they all meet the driveway separation. I'm looking  
10 at lot 6. I can't, I can't see the distance.

11 MR. GOSLINE: This road is very narrow, the speed limit, I think is 35 or 45 at  
12 best, so there should be plenty of room. I don't have the full size plat, but my  
13 recollection is that that's like 300' or something across lot 6. So there's plenty of room.

14 MS. LUCIUS: You said there's a creek traversing the middle of the site, that will  
15 be protected?

16 MR. GOSLINE: Uh-huh (affirmative). I mean, these are single residents on  
17 really big lots.

18 MS. LUCIUS: I understand that, I just wanted to mention that.

19 MR. VAN DINE: Are lots 14 and 15, some place else?

20 CHAIRMAN GREEN: They connect apparently [inaudible].

21 MR. GOSLINE: Yes, I'm sorry I should have mentioned that. Lot 15 will connect  
22 to an existing platted lot to the bottom, to the right of the plat. Lot 14 is, I think it's, if I  
23 remember, it's a cemetery I believe.

1 CHAIRMAN GREEN: It says on my notation, that Lot 14 is to become an  
2 undivided portion of Lot 5 of Phase 5 of Ashley Oaks Subdivision.

3 MR. GOSLINE: Oh, okay.

4 CHAIRMAN GREEN: There's a house on it.

5 MR. GOSLINE: One of these they've had a – to answer your question, both lots  
6 14 and 15 will be attached to existing lots.

7 CHAIRMAN GREEN: Mr. Van Dine, did you alter your suggested restrictions on  
8 Lot 1 as an amendment to the motion?

9 MR. VAN DINE: I did.

10 MR. DUNBAR: [inaudible], I would assume that most people would only put one  
11 driveway anyway. But they can take a choice on which one it is?

12 MR. VAN DINE: Absolutely.

13 MR. DUNBAR: I call for the question [inaudible].

14 CHAIRMAN GREEN: The question has been called. Does the second accept  
15 the amendment?

16 MR. PALMER: No. I think he should be able to put a driveway on each one if he  
17 wants to.

18 MS. WYATT: That was the amendment that he put it on whichever road he  
19 wants, Pat.

20 MR. PALMER: I think he should be able to put one on both, not either or. He has  
21 five acres.

22 MR. DUNBAR: I would agree with [inaudible], I think most people would only put  
23 one driveway in.

1 MR. PALMER: I just don't want to assume for him that that's what he wants to  
2 do about that.

3 MR. TRAPP: My plan for that lot right now, that might be my personal lot, and  
4 my feeling is on that is that it's a five acre lot, and the reason we drew it like that is so  
5 we could have a circular drive coming, you know, probably 200' down on each side. If  
6 you ever wanted to have your house facing that corner.

7 MR. DUNBAR: But with size lot, I don't see a probably with it either. So I want to  
8 back out my amendment that there's only one. If it was a small lot, I would understand.

9 CHAIRMAN GREEN: We have a motion on the floor to approve SD-04-185.  
10 The question has been called. All those in favor of approval, please raise your hand?  
11 Opposed?

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

14 CHAIRMAN GREEN: Thank you. Next on the agenda is SD-04-195, Long Point  
15 Lane Minor Subdivision.

16 **CASE SD-04-195:**

17 MR. GOSLINE: Mr. Chairman and Members, this is a part of the commercial  
18 portion of the Harbor Side section of Lake Carolina. This is specifically [inaudible]. Staff  
19 recommends approval.

20 MR. VAN DINE: So moved.

21 MR. FURGESS: Second.

1 CHAIRMAN GREEN: We have a motion and a second for approval of SD-04-  
2 195. Any discussion? All those in favor of approval, please raise your hand? All those  
3 opposed?

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

6 CHAIRMAN GREEN: Approved. Next is SD-04-194, Centennial Phase 1-9.

7 **CASE SD-04-194:**

8 MR. GOSLINE: Mr. Chairman, Members, this is the first portion of a project  
9 called Centennial, which is in the southeast corner of the Lake Carolina project backing  
10 up to Hidden Pines in the Summit. We will get the next portion of 191 residents that's  
11 proposed on 48 acres. This is, if you recall, about a year or so ago, it's rezoned TMD,  
12 additional 10D section of Lake Carolina project. Mr. Munn would like to say a few  
13 words. Staff recommends approval.

14 **TESTIMONY OF CHUCK MUNN:**

15 MR. MUNN: Hi, Chuck Munn from Lake Carolina. Two points I wanted to make,  
16 and one is that this is the first development in parcel 16 of our master plan. And it is the  
17 area that abuts the Summit neighborhood. This will provide an important point of  
18 connectivity where our main boulevard will tie into Summit Boulevard. And what that  
19 will do is relieve some traffic that people now have to go out to Hardscrabble Road to  
20 come to Clemson or go toward I-20. People within Lake Carolina, this will provide  
21 connectivity between the two neighborhoods and allow a second point of departure from  
22 Lake Carolina to – you can go out Hardscrabble or you can go through Summit Parkway  
23 and go to Clemson that way. That should be a help. We also, of course, have a third

1 exit out on Kelly Mill for those that are going towards Blythewood. The other point was  
2 to let you know, I've been at a number of your meetings recently where the subject of  
3 traffic on Hardscrabble has come up. I wanted to let you know what we are doing in a  
4 proactive manor in regards to that. We are working with several interested parties,  
5 some of our elected officials, and are spending our financial resources working with, in  
6 Washington as we speak, on a lobbying effort with regard to federal appropriations.  
7 That as most of you know, is not an over night process. It's something that's going to  
8 go on for the next six to twelve months. We are very encouraged by what has  
9 happened to date, and it's been approximately \$30 million dollars that's been  
10 earmarked, has been earmarked for this in Washington is part of the Federal  
11 Transportation bill for widening of Hardscrabble Road. Over the next six to 12 months  
12 we'll just have to see where that falls out. But I did want you to know that we are taking  
13 a proactive status on that. We'll do everything we can to help. I think a lot of  
14 Hardscrabble could be helped if we had more turn lanes between Clemson Road and  
15 Lee Road. The commercial through there and some of the residential – not having turn  
16 lanes causes some significant problems that could be greatly alleviated with turns lanes.  
17 So I think often times it's not as bad as people think. But if you have ever been stuck in  
18 traffic for five, ten or fifteen minutes, you know, that's the way it is at that instant and it  
19 seems like it must be that way all the time. I wanted to share that with you, thanks.

20 CHAIRMAN GREEN: Thank you, Mr. Munn.

21 MR. VAN DINE: Can I just ask Staff a quick question? The access from Lake  
22 Carolina into the Summit, does the Summit have to modify it's plans or whatever, in  
23 order to provide that connectivity?

1 MR. GOSLINE: This, I'm glad you asked, this is a perfect example of how we  
2 have screwed up in putting two big projects together. And it's, you know, been a done  
3 deal almost two years ago. But what happened was when Hidden Pines came in, the  
4 Staff, the developers in both cases, didn't register that this should be a boulevard  
5 connection. And as a result of that road connection into the Summit already has houses  
6 on it. Lack of planning.

7 MR. VAN DINE: Does that mean that there will be no connectivity between?

8 MR. GOSLINE: No, there will be connectivity, it won't be very ideal, but there will  
9 be connectivity.

10 MR. VAN DINE: But do we have a mechanism in place that allows – or is there a  
11 way we can establish a mechanism to allow these two developments to get together to  
12 propose that these type things – as opposed to coming to major –

13 MR. GOSLINE: Well, actually, we had that discussion with the Mungo Company  
14 and with Lake Carolina, probably at least more than two years ago. But even at that  
15 point it was really too late. Planning, the development process had already gone too  
16 far.

17 MR. VAN DINE: I guess what I'm asking, is there something that we have  
18 established that provides them with an easy way of doing this? Or do we need to look  
19 at different ways to provide that ability to get together between two developments?

20 MR. GOSLINE: I don't – I don't think, I mean, we try, as a goal in that particular  
21 issue, we are a lot more careful about watching for opportunities for connection and  
22 interconnectivity.

1 MR. VAN DINE: I guess, in relation – in relation to a PUD, let's say, if they  
2 wanted to open up, and one PUD is already there, to allow the connectivity. Is that  
3 considered a minor a major change to the PUD? Because that maybe, that maybe a  
4 problem when major is going to come back through here, versus minor is something  
5 that can be done administratively. The question is, is there something we can to do to  
6 alleviate some of that problem and make it easier for the people to work together?

7 MR. GOSLINE: Well, if you mean some sort of formal structure, I don't know that  
8 that's necessary. It would be a major amendment, which would require, also Council  
9 approval. Change the circulation pattern. That's one of the criteria for a major. I don't  
10 know if John or Mike has another answer, but I don't know of any particular structural  
11 thing we need to do. It's just, I'm trying to be more careful, watchful.

12 MR. VAN DINE: They ought to be commended for trying to [inaudible], what I'm  
13 suggesting is that we may be putting roadblocks in their way of doing that by [inaudible]  
14 some of the things. I'm wondering if there is a way that we can do something that  
15 provides them with better access, better ability to do it without going through the major  
16 problems.

17 MR. GOSLINE: I would think it would be appropriate to ask both Chuck and Phil  
18 Dickson their feelings about that. They are both here and they both have dealt with that  
19 particular issue.

20 MR. VAN DINE: And my question is really, it comes down to, do we have  
21 something in our ordinance, in which we could put or get somewhere that would allow  
22 that to happen at an easier pace or easier way than what we may have in existence  
23 now?



1 MR. GOSLINE: I, you know, I don't know that there's anything, you know, the  
2 PUD process, but, you know, I don't know that there's anything, any structural changes  
3 currently proposed to do that.

4 MR. VAN DINE: I'm not saying that it's proposed now. My question is there  
5 something that we can propose to do? I guess –

6 MR. GOSLINE: Like I said, we'll have to take a look, we'll have to think about  
7 that.

8 MR. VAN DINE: That would be a charge to you. To think about some way that  
9 we could make it easier. Because you are talking about a year process between them,  
10 this makes sense what they are talking about and we're making it harder for them to do  
11 it.

12 MS. WYATT: Why don't you bring some type of recommendation back to us next  
13 month on that problem.

14 MR. CRISS: Staff intends to work with Planning Commission to develop a  
15 master thoroughfare plan for all of Richland County as part of the Comprehensive Land  
16 Use Plan, transportation element, if you want to call it that, and looking to opportunities  
17 to connect large existing and planned developments could be part of that effort. But  
18 other than the revision, rewriting of the now five year old Imagine Richland 2020  
19 Comprehensive Plan, there isn't really other formal structure in place yet.

20 MR. VAN DINE: This is, this is the second one that's come in the last six  
21 months. Last time it came up we were dealing with Heron Lake; the discussion about  
22 whether or not to run Heron Lake through Killian Green and the question came up is,

1 how – if they want to do that, it makes sense, but how hard is it, and is it really worth the  
2 two developers' time and effort to try and get it done?

3 MR. GOSLINE: In the Killian Green case, they, the developers actually did  
4 interconnect and it worked out. We would certainly want to talk with Chuck and Phil  
5 Dickson and try and figure out how we can make it, and as well as other people for that  
6 matter. We'll bring something back next time.

7 CHAIRMAN GREEN: We do have a project in front of us. I don't believe we  
8 have a motion on the floor.

9 MR. VAN DINE: I'll move for approval.

10 MR. JACKSON: I second.

11 CHAIRMAN GREEN: We have a motion and a second for approval of SD-04-  
12 194, any further discussion? All those in favor of approval, please raise your hand?  
13 Opposed?

14 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
15 *McBride]*

16 CHAIRMAN GREEN: We now move to the public hearing section of our meeting  
17 on rezonings. I'm still – there's one more sign-in sheet if I could get up here. It's still  
18 outside I believe. Thank you, sir. This is project 04-37 MA, 4.99 acres at East  
19 Boundary Road and Faraway Drive.

20 **CASE 04-37 MA:**

21 MR. GOSLINE: Mr. Chairman and Members, this a proposal to rezone  
22 approximately five acres from RS-1 to RG-2. It is currently occupied by a manufactured  
23 home park, unlicensed park that is, it has manufactured homes on it. This is, the Staff

1 recommends approval. The thinking, our discussions, in the text, there are some  
2 existing manufactured homes on the property, and as the leases have been expiring  
3 they have been removed. But those who are, the remaining residents will be given  
4 ample opportunity to remove their units, or the owners will. The Staff believes this is a  
5 perfect, another good example of infill and redevelopment that's talked about in terms of  
6 the plan, and recommends approval.

7 CHAIRMAN GREEN: The applicant, Ms. Davis, signed up to speak, if you  
8 would.

9 **TESTIMONY OF BAMBI DAVIS:**

10 MS. DAVIS: Good afternoon, I just wanted to say my father -

11 CHAIRMAN GREEN: For the Record, if you would, if you just state your name  
12 and address for the Record, please.

13 MS. DAVIS: Bambi Butgee Davis at 2212 East Boundary Road, Columbia. My  
14 father has owned the property since '84. I purchased it about three years ago, his  
15 health had declined so they moved up to North Carolina. Currently there are four  
16 unoccupied mobile homes. I own all the mobile homes out there. There aren't any that  
17 are renting lots. So I have been trying to figure out a way to get something that would  
18 be better for the community, because the, the mobile homes that are out there are on  
19 the older side. And so I've been talking to my brother-in-law who works for a builder in  
20 town and he's thinking this would be the best way to, you know, get something out there  
21 that would be better for the community.

22 CHAIRMAN GREEN: Next signed up to speak is Carol Kauffman? Kevin  
23 Burns?

**TESTIMONY OF KEVIN BURNS:**

1  
2 MR. BURNS: Yes, sir. Sir, I'm Kevin Burns, I'm a resident of Woodfield Park  
3 Subdivision at 1629 Overhill Road. Now as part of subdivision we are very cautious  
4 about any kind of rezoning for fear of increased population density up there. We have  
5 not been approached as a homeowners association about this and we are actually  
6 operating in the dark. As far as [inaudible] we would like to hold off on any action at this  
7 time. Thank you very much.

8 CHAIRMAN GREEN: Thank you. I'm sorry, I can't read the next name, it's  
9 either a Mr. or Mrs. Ruff.

**TESTIMONY OF MARTHA RUFF:**

10  
11 MS. RUFF: I'm Martha Ruff and I am a member of Woodfield Park Homeowners  
12 Association, and I live on East Boundary Road. And we are opposed to multi-dwellings  
13 on this property, even though the trailers are there. We have two multi-dwellings that  
14 are already back to back to that property and one of them is on East Boundary Road  
15 and it's not an asset to Woodfield Park. And we would ask that you please deny this,  
16 this request. The area is already zoned RS-1 and at the least the reduction should be  
17 RS-2 and not for multi-dwelling. Thank you.

18 CHAIRMAN GREEN: Thank you, Ms. Ruff. Ray House?

**TESTIMONY OF RAYMOND HOUSE:**

19  
20 MR. HOUSE: I'm Raymond House, President of Woodfield Park Homeowners  
21 Association. It's already been stated some of the reason, but our biggest objection is  
22 the apartments that they are planning to build. We just, we just feel like we just need  
23 more residential type homes in that area. The apartments that are in the area were built

1 some time ago and in a matter of years the apartments were just run down and in bad  
2 shape and they are an eye sore. We just don't want that to happen again in that  
3 particular area. I'd also like to point out that the rezoning sign was missing after a  
4 couple days, so that's why some people didn't get to know about it. That's all we ask.

5 CHAIRMAN GREEN: Thank you, sir. Katherine Vernadino(?). Those are all the  
6 people that I have signed up speak as part of the public hearing, so we're open for  
7 discussion.

8 MR. JACKSON: Mr. Chairman, while I support in-fill, I do have a concern.  
9 Woodfield Park is a well developed community. It's been there for at least over 35  
10 years. And while I can support RS-2 apartments, I mean subdivision, I can not support  
11 something like that. That's not the type of in-fill I think should be applied to these type  
12 subdivision. In that case, I vote for denial.

13 CHAIRMAN GREEN: Further discussion? We have a motion on the floor to  
14 send this forward to County Council with a recommendation for denial, so I hear a  
15 second?

16 MR. MCBRIDE: I second.

17 CHAIRMAN GREEN: A motion and second, discussion of the motion?

18 MS. LUCIUS: It looks to me like, that all that brown area, or gray or whatever  
19 you call it, is RG-2 already.

20 MR. GOSLINE: Yes, ma'am.

21 MS. LUCIUS: And all of this is still RS-1, so I would have to support Mr. Jackson  
22 on this. I think it should remain RS-1, even though the trailers are non-compliant.  
23 Mobile homes, manufactured homes.

1 CHAIRMAN GREEN: Further discussion? Seeing none, we'll vote on the  
2 motion. The motion on the floor is to send 04-37 MA forward with a recommendation to  
3 County Council for denial. All those in favor of the motion please raise your hand. All  
4 those opposed?

5 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Dunbar, McBride;*  
6 *Opposed: Van Dine]*

7 CHAIRMAN GREEN: This will go forward to the March 23, 2004, meeting of  
8 County Council, zoning public hearing, 7:00 with a recommendation of denial. Next on  
9 our agenda is 04-38 MA.

10 **CASE 04-38 MA:**

11 MR. GOSLINE: Mr. Chairman, Members, this is a proposal to rezone 25 acres  
12 from RR and RS-3 to RS-2. This is located on Padgett Road near Lower Richland  
13 Boulevard. If you'll notice there is one piece, it's on the south – if you look at the aerial  
14 on page 98, one piece of the subject property is on the south side of Padgett Road, that  
15 piece will get cut off and be assembled with something else to the south. What the Staff  
16 has actually recommends approval of the zoning for the three parcels on the north side  
17 of Padgett Road. [inaudible]

18 CHAIRMAN GREEN: I see two green colored parcels on the north side of the  
19 road which is supposedly RR, and I'm not sure which piece is referred to as RS-3 as  
20 being rezoned. Is there something that is supposed to be striped on the map that we  
21 have?

1 MR. GOSLINE: The smallest triangle – the smallest trapezoid or whatever it is, if  
2 you look at where two green parcels are, or three green parcels are, there is a small or  
3 triangular shaped piece. That should be RS-3.

4 CHAIRMAN GREEN: That piece is also included in this rezoning?

5 MR. GOSLINE: That's correct. Your aerial shows it. Mr. Brown is here.

6 CHAIRMAN GREEN: Okay. Mr. Brown?

7 **TESTIMONY OF TERRY BROWN:**

8 MR. BROWN: I know you all have a full plate, but I wanted you to be able to see  
9 what the property was that was in question here. And the piece, I think you are talking  
10 about is this small piece down here with the hasher. Which Staff has recommended  
11 remain zoned as it presently is and the developer, Mr. Motley is certainly willing to  
12 acquiesce in that. And we have commissioned a surveyor to come in and do a re-  
13 platting of this to first of all combine it into one parcel and then to separate the parcel on  
14 the south side of Padgett Road. Padgett Road is collector road that essentially runs  
15 between Lower Richland Boulevard and Trotter Road. It dead-ends at Lower Richland  
16 Boulevard at a subdivision called Swandale, which is an older subdivision. There is  
17 infrastructure in the form of both water and sewer provided by the City of Columbia that  
18 runs along Padgett Road. So it's absolutely no problem to connect into that for  
19 purposes of development of this subdivision. As you can see, RS-2 will be zoning that  
20 is not only compatible but in a number of instances it's more restrictive than the  
21 surrounding zoning on the property in the immediate area. Mr. Motley only intends to  
22 develop 79 units on this parcel, which will give it a density of just over three units to the  
23 acre. Which is really very close to RS-1 zoning in terms of density. So having said that,

1 we have not been able to find a homeowners association in the area. There is a  
2 development to the west of Padgett Woods, which was, which was developed in the  
3 early to mid-90's, if my recollection is correct. I checked with a couple of the owners out  
4 there, they weren't familiar with any homeowners association in that development. So  
5 we weren't able to address any homeowners in the area. Our older existing  
6 subdivisions around it, Pine Lakes, Hickory Ridge, Quail Hills, which I'm sure many of  
7 you are familiar with. But this would appear to be a worthwhile project that is in the  
8 nature of in-fill itself, if you are familiar with Padgett Road. The property at the moment  
9 is overgrown and like undeveloped property in other places in the county, right now it  
10 seems to serve as a magnet for trash and, and things that do collect on undeveloped  
11 property. I believe that this is a worthwhile project that will bring housing, which will be  
12 available to moderate income families. And Mr. Motley plans that these units will be in  
13 the price range of \$100,000 to \$135,000. And I think they will complement very well,  
14 what's on Padgett Woods to the west. And there is nothing of any magnitude to the  
15 east, north or south.

16 CHAIRMAN GREEN: Thank you Mr. Brown. Mr. Motley, you are signed up  
17 speak?

18 MR. MOTLEY: I'm going to pass.

19 CHAIRMAN GREEN: Okay.

20 MR. BROWN: He just wants to support me if I messed up.

21 MS. WYATT: Mr. Chair I'll make a motion, if there's no objections, to go ahead  
22 and approve it.



1 CHAIRMAN GREEN: We got a motion on the floor for approval, or send it  
2 forward with a recommendation for approval. No one else is signed up to speak.

3 MR. DUNBAR: I second the motion.

4 CHAIRMAN GREEN: There's a motion and a second on the floor, any further  
5 discussion on case 04-38-MA?

6 MS. LUCIUS: I would like to comment on the photograph of this site. Is it as wet  
7 as it looks?

8 MR. GOSLINE: Yes, ma'am.

9 MS. LUCIUS: I just want to make sure that –

10 MR. GOSLINE: Well, it will present some unique development opportunities and  
11 challenges.

12 MS. LUCIUS: That was my –

13 CHAIRMAN GREEN: I guess we will have an opportunity to see this one again.

14 MS. LUCIUS: We will have an opportunity to see this at the subdivision level,  
15 that's correct, so and I'll be interested to see what they do with the wetlands.

16 MR. GOSLINE: The day this picture was taken, it hadn't rained in about a week.  
17 So, to give you a clue.

18 CHAIRMAN GREEN: We have a motion on the floor to send this forward with a  
19 recommendation for approval. All those in favor, please raise your hand? Opposed?

20 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
21 *McBride]*

22 CHAIRMAN GREEN: The next item on our agenda is 04-39 MA.

23 **CASE 04-39 MA:**

1 MR. GOSLINE: Mr. Chairman and Members, this next project is located about  
2 two miles or so down Lower Richland Boulevard at Rabbit Run Road and Lower  
3 Richland Boulevard. This is a proposal to rezone 139 acres from RU to RS-2. It's  
4 adjacent to, [inaudible] adjacent to Lower Richland High School and the bus barn,  
5 maintenance facility for the school district. Staff recommends approval of the rezoning.

6 CHAIRMAN GREEN: We have a number of people signed up to speak. I think  
7 maybe on this one there was a little confusion on which side to sign up on, so there's  
8 some names scratched out. So if I call you and you've signed up for the wrong case,  
9 just let me know. Is the applicant here? If you would like to speak first, sir?

10 MR. VAN DINE: Let me ask a question about, I'm looking at the aerial  
11 photograph. The layout of the site in question is different from what shows up on the  
12 map. It actually shows – the zoning map actually shows it contacts with Lower Richland  
13 Boulevard. The aerial –

14 MR. GOSLINE: I think that's another one where the parcel – because the site  
15 does come out onto Rabbit Run and Lower Richland Boulevard.

16 MR. VAN DINE: So it actually does come out and make contact?

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

18 CHAIRMAN GREEN: So the more accurate map for us to look at is on page  
19 110, rather than the boundary shown on page 109?

20 MR. GOSLINE: Correct.

21 **TESTIMONY OF CARL ASLINGER:**

22 MR. ASLINGER: My name is Carl Aslinger, I live at 500 Persimon Tree Road, in  
23 Lexington. I want to say I think the Staff has done a thorough and a far-sighted look at

1 this piece of property and I've read the analysis with much interest. I do want to point  
2 out a couple things that I don't think are immediately notable from their analysis. You  
3 can see in the colored picture, that they've got, I guess it would be the next to the last  
4 page, where it shows the different adjacent zoning. And what they are showing is, you  
5 know, as you look on the left side, which would be the west side that's adjacent to RS-2  
6 and then it's rural on the east side of the project. Located below it, now this project is  
7 just a short distance from Garners Ferry Road, which is a main collector. And I think  
8 that's a desirable thing about this project is it's just a short distance, you drive past  
9 Lower Richland High School and pass this land on the east of Lower Richland  
10 Boulevard that's zoned for development. And I believe that this is one of the areas that  
11 it sort of targeted for development that I think you're Planning Commission would like to  
12 see some development. I know, certainly, you'd like to see some development in the  
13 Lower Richland area. I think that [inaudible] some new services and some new  
14 business and things come down there. I think that with us being adjacent to this type of  
15 property, I think that certainly bodes well with our case to go to RS-2. I looked at the  
16 traffic impact study and it shows an extremely low – I guess that's called a LOS, .6  
17 which is far below the capacity I think that your roads will be able to carry. And again, I  
18 want to point out that we've got a main road that's very close by, so you are not going to  
19 be driving by a lot of other developments to get to Garners Ferry Road. You are going  
20 to kind of leave the subdivision and then turn and you'll go past this what probably will  
21 eventually be commercial development and the school and you'll be there. I think  
22 there's also a light at that intersection right there letting people in and out. Now, I  
23 noticed the question of why we wanted to be RS-2 on this project. We've got a mix of

1 lots that we'd like to do in the area. We understand that we're trying to keep housing in  
2 the price range from probably \$120,000 to \$200,000 and we're going to do a mix of  
3 different size lots. At least our initial concept is to do that. We've got some that are  
4 smaller and that will need the RS-2 designation. But we got some that are a little bit  
5 larger that will probably be up to about a half acre that we'll be building houses on. As a  
6 result if we are able to achieve this zoning, this zoning designation that we're asking for,  
7 we're not going to probably build the full 470 houses in there that you're traffic plan – I  
8 think we'll be somewhat short of that in what we eventually develop. But our project is  
9 going to have to mix with lots of different sizes. I think where we're adjacent to the  
10 commercial property and to the school and such a short distance off of Lower Richland  
11 Boulevard, it's actually the first developable land after you get past the school and past  
12 that development district; is to put an RS-2 type subdivision, I think that's probably of  
13 the uses that could come in that. If you go to other towns in other cities, you are going  
14 to see that a lot times that you come to the collectors and the spine roads that come off  
15 of that, a lot of times they put apartments and they do that kind of thing closer in, and  
16 then you get to your RS-2 zoning and you get to your more rural zoning much further  
17 out on something like that. But I believe that our zoning as an RS-2 with what we are  
18 trying to put there will be a very good buffer and compliment the future plans of what the  
19 Planning Commission has got for this area.

20 CHAIRMAN GREEN: Thank you, sir. Next I have signed up is Ken Steiner.

21 **TESTIMONY OF KEN STEINER:**

22 MR. STEINER: Hello, I'm Ken Steiner I live at 2114 Longtrail. I am not anti-  
23 development, but this property like the gentleman says it's across the street from the

1 zoning they seek. But they haven't taken into consideration all the property owners who  
2 are around there. I talked to one of these gentlemen last Wednesday and asked him if  
3 he would share his development plans with us and he told me he would get it to me and  
4 I still haven't – I still don't know what it looks like. And it seems to me, if they were  
5 going to do this, they would have at least checked with the adjoining landowners around  
6 this property and my family – members of my family own property that adjoins this, on  
7 probably at least a third up to 50% of the property that adjoins this property. And also  
8 one thing, I don't know whether you've taken into consideration, on my family's property  
9 above this and some of the adjoining landowners, we've got nine ponds that are above  
10 this property and Lord forbid we don't have a flood or a lot of rain like we did last  
11 summer, but we had enough rain sometime that what would happen if any one of those,  
12 if the upland gave away it would let all of that stuff go through, all of the water go  
13 through. And the two little streams that come out of those kind of go across this  
14 property from the top down to the bottom towards Lower Richland School. And I think  
15 that has to be something to be taken into consideration. And the size of the lots is what  
16 bothers me a lot. Some are real small lots. You aren't helping the Lower Richland  
17 community by keeping on zoning in these little small 65' lots. I mean, everybody around  
18 the community says what can we do to improve Lower Richland School? We got to  
19 improve the neighborhood with better housing. And the people that want better housing  
20 has to leave that area to find better housing. And rezoning this at this time, I would  
21 hope you would deny it. I understand the infrastructure is not there; the sewer and  
22 water and all to accommodate this, plus the traffic on Lower Richland Boulevard is a lot  
23 worse than these gentlemen want you to believe. And I just think it would be a

1 dangerous situation and funneling out another over 400 families that close to Lower  
2 Richland School. Thank you.

3 CHAIRMAN GREEN: Thank you, sir. Mr. Walsh.

4 **TESTIMONY OF HARRY WALSH:**

5 MR. WALSH: I'm Harry Walsh with Civil Engineers of Columbia. We're the  
6 engineers of record and I'm just here, just in support in case we have questions.

7 CHAIRMAN GREEN: Thank you, sir. Celeste Jones?

8 **TESTIMONY OF BETTY TILLER:**

9 MS. TILLER: Ms. Jones had to leave, I'm the name below her, my name is Betty  
10 Tiller. I live at 2321 Lower Richland Boulevard in Hopkins. I am here to say that I think  
11 the rezoning of this land to accommodate, and I heard the gentleman say that they  
12 weren't sure how many houses they were going to put over there, and if – I think this is  
13 a very if-y thing for our community. We are dependent upon the public utilities. And I  
14 disagree with his assessment of the traffic situation there. There've been many  
15 accidents. I've lived there all of my life, we are a five generation family that has been  
16 there. And I know that things have to change, but they don't always have to change for  
17 the worse. They can change for the better. I think Lower Richland deserves better than  
18 another crowded housing development. The land across from this, yes, I understand  
19 that's been zoned. We have housing developments, Quail Creek, Swan Lake, and so  
20 forth, on down Lower Richland Boulevard. We need houses and homes that people are  
21 going to stay in and not leave and turn in to rental property where people do not care for  
22 them. I have to go out now and pick trash up daily beside my road. People throw it out  
23 from going into one of the subdivisions across the street. I don't mind doing this, but I

1 think that my children and my grandchildren deserve a lot better than this. And I think a  
2 lot more thought and planning has to go into this facility before we can – you can  
3 approve it. I hope you will think about all of these things before you approve it. Now  
4 they've cut all the trees back, which is their right, that was their land. But it's an ugly  
5 mess and I know that some things need to be done. But I don't think putting 400 plus  
6 houses back there is the remedy for it. I think we deserve something more than that.  
7 The Town and Country Plan has not been approved. I don't even know that I would  
8 approve it when it comes out, approve of it when it comes out. But I do think we are  
9 being hasty in rezoning this to R-2 to allow all of these houses when we don't know  
10 what the end result is going to be. Thank you.

11 CHAIRMAN GREEN: I apologize for the next one, I can't quite read the  
12 handwriting. I think it says, Nick.

13 **TESTIMONY OF NICK LEVENTIS:**

14 MR. LEVENTIS: My name is Nick Leventis and I'm the developer on the  
15 property. In doing this development, we have tempered the property and we've tried to  
16 do it in a way to save as many of the hardwood trees. And certainly a lot of the trees  
17 surrounding the perimeter of the property. Trying to work with the neighbors, we heard  
18 from Mr. Gamble that if you're looking on y'all's study that you did, this piece of property  
19 right here we worked out - Mr. Gamble has asked if I would consider exchanging some  
20 of his property for some property that we owned in order for him to be a little further  
21 away from the development. And we worked out an equitable situation for Mr. Gamble.  
22 We haven't executed it yet, because we're waiting to see what the results of the zoning  
23 are in order for us to have a formal layout prepared. But we are working with the – or

1 want to work with the adjacent owners. As far as the upward ponds that are associated  
2 with the property, I'd like to say that I could cure the problems associated with other  
3 properties, but it's really not our responsibility. We're trying to design a project,  
4 hopefully nothing would ever happen where there would be a calamity of ponds that  
5 break. But if they did, we've designated a certain portion of our upper property to  
6 channel into the streams or the wetlands areas to help as much as possible, if  
7 something of this nature did happen. But again, I don't really feel that the responsibility  
8 of maintenance of an adjacent property owner's ponds are something that we should be  
9 responsible for. Also in timbering the property, y'all in your study, y'all complimented us  
10 on the manner with which we selectively chose the timber. It is a little bit of mess there,  
11 but it always is whenever a property is timbered. But we have left a buffer around the  
12 perimeter of the properties to try to give a little natural aesthetic appeal to the adjacent  
13 property owners. Thank you.

14 CHAIRMAN GREEN: Ms. Celeste Jones? Thank you, Bobby Desport.

15 **TESTIMONY OF BOBBY DESPORT:**

16 MR. DESPORT: I thought that first name you called out was going to be mine,  
17 since you couldn't read it. I'm Bobby Desport and I live at 150 Wolf Laurel Lane, right  
18 up above where this is proposing to go. Most of the people moved out into the country  
19 to get away the city, the stress and traffic. And they are going to bring it right there and  
20 put it right there beside us. And I'm just against it, just like everybody else is. Just like  
21 that nice fellow that wanted them to give him a little land to get further away from them.  
22 We just hope that we can, do have to come to that, they won't try to build so many  
23 houses on such a little piece of property. Everybody there is dreading it. Thank you.



1 CHAIRMAN GREEN: Thank you, sir. Ann Tiller?

2 MS. TILLER: She had to leave.

3 CHAIRMAN GREEN: Marlene Steiner? James Campbell?

4 **TESTIMONY OF JAMES CAMPBELL:**

5 MR. CAMPBELL: I'm James Campbell, from 1 Hawkin Search Lane, Hopkins. I  
6 represent the 232 acres adjacent to this property. We front this property about 1600',  
7 along the edge. Mr. Leventis did cut the trees up to the property and skinned it right  
8 beside the property line. So there's not a great big buffer there along our 1600' of  
9 property as he has alluded to. The hardwoods are left, the ones that are not knocked  
10 down and the small, small pines, I think they said they were going to leave 15 pines per  
11 acre, and they are very, very small pines that were left. Everything else was taken  
12 down. We're concerned about the integrity of our property, which is adjacent to this.  
13 We're concerned about the lot size. We'd like to see a much large lot size. We were  
14 hoping that our 232 acres would have a much larger lot size and these sizes he  
15 recommends. We've very concerned about the water. We're part of the flood plain that  
16 goes through his area. There are large ravines, 12' deep running through his property,  
17 carrying lots and lots of water from Mr. Steiner's ponds to Mr. Desport's ponds and also  
18 to my property. We have no ponds on our property, but we have quite a large flood  
19 plane that goes through our property. We would be very concerned about any kind of  
20 structures that they put up on these ravines in there that would back water up on to us.  
21 And for future development that we have on our property, which is adjacent to Mr.  
22 Leventis' property. We are also concerned about the access points to Lower Richland  
23 Boulevard. The level of service at 0.6 that sounds quite low. Secondary roads, both

1 Rabbit Run and Lower Richland Boulevard are very small secondary roads with the  
2 Lower Richland access right there. So when you get to the signal light, it's quite a bit of  
3 traffic at the signal light at Lower Richland Boulevard and Sumter Highway. We are  
4 very concerned about lot size. If the lot size were much larger we would be much more  
5 excited about it. We'd love to see the area developed, because it's coming. We can't  
6 stop it, but we would love to see it with a much better lot size and a much better  
7 hydrology done on this study to make sure that the property is something that Lower  
8 Richland will be proud of. We've been there all of our lives and we are interested in  
9 seeing it developed properly. Thank you, sir.

10 CHAIRMAN GREEN: Linda, and I'm sorry I can't read the last name, Amison.

11 MR. VAN DINE: Can I ask a question? Is there sewer and water for this area, or  
12 will these be required to have wells and septic?

13 MR. GOSLINE: No, no. It'll be sewer and water, but the sewer and water are in  
14 Rabbit Run and Lower Richland, either already in or about to be in. If you'll recall we  
15 approved across to the west of Lower Richland Boulevard the big swath of  
16 development, we've got about 600 units going in, in two different projects over there.

17 **TESTIMONY OF LINDA AMISON:**

18 MS. AMISON: Linda Amison, I live in the area of Long Trail, which is an area,  
19 the road actually further behind the property that I live on, is not directly adjacent to this,  
20 but probably 200 or 300 yards from the edge of this, this property. I didn't know how  
21 many houses were proposed until today and I'm just very surprised that that number of  
22 houses was proposed. That's way too many. I don't think, essentially rural roads, they  
23 don't support this development. The only road with a traffic light, directly to Garner's

1 Ferry is Lower Richland Boulevard. It's two lanes and it goes by a fire station. And  
2 when there's an activity at the high school, there's all kinds of traffic there. Potential for  
3 traffic tie up with the fire station. There is the Rabbit Run, and the other lower road that  
4 goes past the bus, bus facility. There's no stop light there and that's a 30 mile an hour  
5 road. That's also – all of this is in a school zone. As I said, the road that I live on,  
6 actually is more rural, it's close to there, but it's a dead-end road. There's some  
7 problems in that area, because people trespassing and some crime there. Apparently  
8 people get out there and think nobody can see them, and there's all kinds of things  
9 happening. There's luckily nothing major, I guess the worse thing is a stolen car was  
10 found dumped there. The neighbors there have been vigilant and tried to keep an eye  
11 on things. There's a lot of retired people and some of them live alone. They've taken  
12 steps to try and prevent trespassing so when they've had people just blatantly driving  
13 through people's front yards to get down to those fields. And back in this woods area,  
14 that is adjacent here to this property, there's children playing and people going for  
15 walks. And they are concerned about trespassers coming back through that way.  
16 There is also a concern that noise will increase. The noise just travels up, kind of up  
17 hill, you can hear the Lower Richland ball games being broadcast and you can hear the  
18 machinery, the trees, I'm sure from this development, it's very obvious there now. With  
19 that, that many houses there all the peace and quiet that's out there will be gone. I just  
20 ask that this request be denied.

21 CHAIRMAN GREEN: Thank you. That's everyone we have signed up to speak  
22 on this particular rezoning request. Comments from the Planning Commission?

1 MR. JACKSON: Mr. Chair, I have to disagree with some of the  
2 recommendations by Staff. For example, first of all, Lower Richland Boulevard, the  
3 Department of Agriculture and Rural Development deems Lower Richland Boulevard  
4 eastward as rural and economically distressed. I have watched development in the  
5 Lower Richland Community over the years, and up to Lower Richland Boulevard has  
6 been fine. I've seen where it's been rezoned RS-2 and Mr. Gosline just mentioned we  
7 have approved 600 houses. When I checked the traffic count, the traffic station, the  
8 count you had for 475 vehicles was a station at the shop. That's the station that  
9 supported the repair shop for Lower Richland High School, and yes, you will get a count  
10 of 400. But at station 481, further down Lower Richland Boulevard we have 1,900  
11 vehicles at station 481. Also, Mr. Gosline just mentioned that the other 600 plus units  
12 which will be coming, that's approximately 5,400 vehicles per day plus that 1,900, that's  
13 6,300 vehicles added to what the proposed site will generate, that will change the level  
14 of service. So those are some of the concerns I have. RS-2 in the rural community  
15 does not compliment the rural character. I've seen in the ordinance where we're trying  
16 to change from .76 to 1 acre. But now we are coming to the rural community and we're  
17 trying to push RS-2. And yes it may compliment the area across the street, but in the  
18 Lower Richland community where it's rural and you've seen most of the land there is  
19 rural, it doesn't compliment that area. And I could not support putting RS-2 so close to  
20 the school and with the level of service that will be changed because of this. I would  
21 welcome if there was a development with some green space or well planned  
22 development. But this is just something where it's RS-2 and you can dump so much

1 hundred houses. And that's not proper planning and it's to me an insult to a rural  
2 community, to just through [inaudible] with a RS-2 in a rural community.

3 MR. FURGESS: I also have some concerns too, Carl, with this is that on Rabbit  
4 Run Road, behind that bus depot, I think that's behind where the stadium, the football  
5 stadium and all that. That traffic is very bad there in the morning. There's no light  
6 there. The traffic that comes out, you are there 30 minutes trying to get past that part of  
7 Rabbit Run Road in the morning. Because I have been down that way, my daughter  
8 lives down that way. I could understand the fact that that's the people coming from  
9 Sumter coming into Columbia. You need to look at the traffic pattern there. Also if  
10 Lower Richland is having any kind of activity at the stadium, it's hard to get on Rabbit  
11 Road to go to the stadium like that. The parking, that's another thing, the parking  
12 condition is very bad there. They don't have enough parking facility at the stadium, so  
13 people park back there and walk to the stadium. All those things need to be taken into  
14 consideration at certain times the [inaudible] has things going on in that Lower Richland  
15 area.

16 MS. LUCIUS: Carl, I know these aerial shots are a couple years old. To the  
17 south, I know on the zoning map it shows it as RG something, but it looks like  
18 agriculture going on there.

19 MR. GOSLINE: No, ma'am. East of the –

20 MS. LUCIUS: South, is that a lot of farming still going in there?

21 MR. GOSLINE: Yes, ma'am. But the subdivision development that I'm speaking  
22 of is to the west.

23 MS. LUCIUS: Right. And on this side of Lower Richland is mostly still farming.

1 MR. GOSLINE: Virtually all of that green – if you look at page 109 at the corner  
2 of Rabbit Run Road and Lower Richland Boulevard, all of that green area to the left is  
3 virtually under development.

4 MR. LUCIUS: That's where the 600 some odd units -

5 MR. GOSLINE: Right.

6 MS. LUCIUS: But to the right it's mostly still large lots and farming?

7 MR. GOSLINE: Yes, that's correct.

8 MR. DUNBAR: Mr. Chairman, we just approved an RS-2 in a rural area off of  
9 Koon Road in the Dutch Fork area, which is near the town that I live. And I consider this  
10 to be a less rural area, right around Lower Richland High School over there [inaudible].  
11 I don't see the consistency there. And if you have land that's practically adjacent to a  
12 high school, and you are talking about housing that's going to be in the \$120,000 to  
13 \$200,000 range if we reduce the density down and have larger lots, by necessity the  
14 pricing of the houses are going to be larger and I can't see \$200,000 to \$300,000  
15 houses next to Lower Richland High School. I don't really understand the objections of  
16 the other Members. I would think that we need good development in Lower Richland. I  
17 don't think we are going to end up with everything being upper-end housing. And near  
18 a school, where you already have school available seems to be a better place for RS-2  
19 than it would be, say further out.

20 MR. PALMER: I would have to agree and I don't quite understand, I'm not able  
21 to get my hands around the concept. People in the community come out and say that  
22 traffic is a problem and I can understand that. I don't drive by there very much so I have  
23 to take some of what I read and some of what I hear. And I hear that traffic is a problem

1 but yet they are also saying they enjoy the quietness and the, the ability to live in a rural  
2 community. And those two things don't seem to mix to me. If the traffic is bad, then you  
3 don't live in a rural community. If you live in a rural community then your traffic is not  
4 bad. I don't, I don't understand how both of those happen in the same instance. You  
5 can't have it both ways I guess. You can't use both arguments and say well the traffic is  
6 bad and we also like to live in rural community. And that's what I'm having a hard time  
7 getting my hands around. And I'm looking at the evidence here in hand and the fact  
8 that it is by a high school and, you know, everything to the left side of this is RS-2. I  
9 would, I would be in support of this project. And simply during that the fact that it is by  
10 the high school it's, what 300 – 3,500' or so from Garner's Ferry a major four lane road.  
11 I think it, I think it fits well.

12 MR. VAN DINE: Mr. Chair, I'm going to admit to a certain amount of confusion  
13 as to some of the things that have been expressed up here. I'm also, before everybody  
14 has a heart attack, I am actually in agreement with the two Pats on this particular  
15 project. Now, not everybody catches their wind for a minute, okay? I'm confused as to,  
16 to the, on the one hand we are being chastised repeatedly for not allowing or enhancing  
17 development in the Lower Richland Community. Now on the other hand we are being  
18 told that this is not development. I'm confused as to what exactly we're being asked to  
19 put down in Lower – and to allow to take place in the Lower Richland community. It  
20 seems to me that one of the ways you do things is to allow a certain amount of housing  
21 to enhance the ability to attract other areas into the Lower Richland Community. I just,  
22 I'm just not sure I understand. We're at an intersection, we're at the nodes that we had  
23 talked about. We're in an area that seems, that we have recently approved a shopping

1 center and a grocery store that was built down in there. We – there are other  
2 businesses that are starting to move into this area. It seems to me that this is the type  
3 of place that we would want to have these developments take place. I'm just, I'm  
4 confused as to why certain Members would object to this and did not object to the  
5 earlier one, which was RS-2 in another area of the county, which I agree with Mr.  
6 Dunbar is more rural than what this area is. So in light of that, I don't know if there is a  
7 motion on the floor or not?

8 CHAIRMAN GREEN: There is not at present.

9 MR. VAN DINE: But I would make a motion that we send this forward with a  
10 recommendation of approval.

11 MR. PALMER: I would love to second that.

12 CHAIRMAN GREEN: One of the challenges, obviously we've faced over the  
13 months in looking at new land development code and talking about the various plans for  
14 the county, is that, is that we have, in some people's mind that we have too much  
15 development going on in other areas of the county that we, we have failed to encourage  
16 development in areas of the county that haven't had as much development. To me this  
17 is a logical progression of RS-2 that already exists adjacent to it. It's not moving further  
18 out, we're near a major intersection on one of the major routes through the county.  
19 Near employment, near shopping and I would, I would have to support the motion as  
20 well to send it forward with a recommendation for approval.

21 MR. FURGESS: I would support the motion if we look at the traffic coming  
22 around Rabbit Run. You know, that's, that's where most of the wrecks happen, before  
23 you get to Lower Richland School.



1 MR. JACKSON: Volume to capacity ratio is 1.84, and that's my calculation and  
2 that's more - that changes the level from a C, level C. As to comments mentioned  
3 earlier, I welcome development, but I do not welcome just dumping RS-2 in the Lower  
4 Richland Community. Come on, I mean, in other communities you have RS-1, you  
5 have a variety. But everything coming here is RS-2 and you're saying the people  
6 should welcome it because they cry for development. But not just dumping RS-2 all  
7 over, no plans. I supported the previous one because the community welcomed it.  
8 They welcomed having this development in their area. But here you see objections  
9 from the residents of the community. And as you can see everything here is yellow and  
10 there is a proposed another 600 houses we've approved earlier. So I'm just concerned  
11 about just dumping RS-2 in the rural community, because they are thinking that people  
12 needs development needs housing. They are not that desperate. They'd like to see  
13 other type developments also. But I cannot support volume to capacity ratio of 1.84.  
14 While as Staff has seen in the past that they denied, or recommend denial of projects  
15 based on anything over 1.0.

16 MR. VAN DINE: I just have two final comments and then I'll stop. First is that I  
17 don't believe that this is dumping anything in there. And this is a further extension of  
18 what is moving out there and I think it's a good area for that because of the node. The  
19 other is, if we are using traffic numbers purely as the main reason for denying them, we  
20 ought to say right here and now that absolutely nothing goes on in certain areas in this  
21 county. Those numbers are but a component of what we are doing, and unless  
22 somebody has got a magic pill that we can throw out there and fix every road out there,

1 we're not going to use that as the sole number, and sole reason for denying or  
2 approving for that matter.

3 CHAIRMAN GREEN: Further discussion on the motion?

4 MR. DUNBAR: I've got one more thing I want to state, because it's a consistent  
5 thing that comes up in rural areas, and probably come up again today. Is that the  
6 rezoning and the size of the lot drives the lot price. The lot price drives the house  
7 pricing and that's really the equation of what we're dealing we here. Being a builder, I'm  
8 watching land develop and I build mostly upper end houses. And I try to buy lots that  
9 are in the \$40,000 to \$50,000 price range and it's becoming hard to find those price  
10 ranged lots. As far as I know, there has not been a single RS-1 development done in  
11 the last two or three years that was less than \$40,000. That equates to about a  
12 \$250,000 to \$300,000 price range minimum. So if we are going to say we don't want  
13 RS-2, we're dumping RS-2, then we're also saying that we don't want anything that the  
14 people that have \$300,000 and up budgets. That ain't going to happen in the rural area  
15 because we got a lot young people who won't be able to afford those houses for the  
16 next twenty years until they can earn it. So every time we come up with these  
17 discussions in a rural area, and I live in a rural area, and if we want nothing but wealthy  
18 people to live in a rural area, then that's the position we need to take, but it's not  
19 practical. And it's something that comes up every time we have one of these. And  
20 everybody wants wealthy people in their neighborhood and nobody wants lower income  
21 people. And those lower income people are our kids. I call for the question.

1 CHAIRMAN GREEN: The question has been called. We have a motion on the  
2 floor to send forward our 04-39 MA to County Council with a recommendation for  
3 approval. All those in favor of the motion, please raise your hand? All those opposed?

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

6 CHAIRMAN GREEN: This will go fourth with a recommendation for approval and  
7 be heard at the March 23, 2004, 7:00 p.m. meeting of County Council. We are going to  
8 take a five minute break at which time there will be a change in chair and we will  
9 reconvene in five minutes.

10 *[Break]*

11 VICE-CHAIRMAN WYATT: Before we call the next case, I need to read into the  
12 record, dated March 1, 2004, and Ms. Barbara Wyatt, Vice Chair. Dear Ms. Wyatt, I  
13 must request to be excused from participating in discussion and voting on agenda items  
14 04-40 MA, 04-41 MA regarding rezoning, which is scheduled for review and/or  
15 discussion at today's Planning Commission meeting. It's my understand of the rules  
16 and procedure, provisions and the Ethics, Government Accountability, Campaign  
17 Reform laws that since I work for the company involved in the sale of these properties I  
18 will be unable to participate in this matter through discussion or voting. I would  
19 therefore respectfully request that you indicate for the Record, that I did not participate  
20 in any discussion or voting related to this item, representing a potential conflict of  
21 interest. I would further request that you allow and direct this letter to printed as part of  
22 the official minutes and excuse me from such votes or deliberations and note such in

1 the minutes. Thank you for your consideration. Let the Record reflect that Mr. Green is  
2 no longer in the room.

3 VICE-CHAIRMAN WYATT: Okay, our next case is 04-40 MA. We have listed  
4 the applicant as Walgreen's, but I believe it's stated elsewhere as Kahn Development  
5 Company.

6 **CASE 04-40 MA:**

7 MR. GOSLINE: Kahn Development for Walgreen's. This is a request to rezone  
8 a 1.8 acre parcel at the corner of St. Andrews and Broad River Road, which is currently  
9 zoned C-1, and it's requested to go to C-3. All but – virtually everything around it is C-3  
10 already. Staff recommends approval.

11 VICE-CHAIRMAN WYATT: Alright, Gene Dinkins.

12 **TESTIMONY OF GENE DINKINS:**

13 MR. DINKINS: Madam Chairman and Members of Planning Commission, I am  
14 Gene Dinkins, with Cox and Dinkins Engineers. I am here representing Kahn  
15 Development Company in this request. As stated by Mr. Gosline we request permission  
16 to rezone this property from C-1 to C-3 for a proposed Walgreen's Drug Store. This  
17 property is located at the northwest corner of St. Andrews Road and Broad River Road.  
18 We actually believe that the property may be zoned C-3 already. There is some  
19 confusion, some discrepancy between the existing zoning map and the zoning text.  
20 The map shows the property C-1, the zoning database for the county shows it's C-3  
21 already in fact. So we do wish to clarify this by requesting a rezoning from C-1 to C-3.  
22 All of the adjacent properties in the area are already zoned C-3. The proposed use as  
23 well as the C-3 district in general is compatible with the adjacent land uses. Therefore

1 for the reason stated above we do request the C-3 zoning. I do have a letter of agency  
2 authorizing me to speak on his behalf for School District 1. And in fact we have Susan  
3 Williams, District Council with Richland County School District 1 in attendance today  
4 that can also come and answer any questions or speak in behalf of this request. I'll be  
5 glad to answer any questions that you might have.

6 MR. DUNBAR: Madam Chairman I don't see any other logical use for this site  
7 other than C-3. I make a motion to approve.

8 MR. PALMER: Second.

9 MR. VAN DINE: Is there anybody signed up in against?

10 MS. LUCIUS: I just want to say that does clear up my confusion, because I go  
11 by there every morning and I noticed it was already posted as for sale, C-3. And I  
12 wondered why.

13 VICE-CHAIRMAN WYATT: That's not uncommon Marsha, believe me. There  
14 has been a motion made with the proper second. At this time I request all those in favor  
15 raise your right hand.

16 *[Approved: Palmer, Furgess, Lucius, Jackson, Wyatt, Van Dine, Dunbar, McBride:*  
17 *Recused: Green]*

18 MS. LUCIUS: I would too like to, Carl is right, there are some large beautiful  
19 trees on that property. And I do hope that a lot of care will be taken –

20 MR. DINKINS: We're working hard to do so. Thank you very much.

21 VICE-CHAIRMAN WYATT: Okay, our next case is 04-41 MA, the applicant  
22 being the Mungo Company.

23 **CASE 04-41 MA:**

1 MR. GOSLINE: Madam Chairman, Members, this is a request from the Mungo  
2 Company to rezone 241 acres from RU to PUD-IR. The site is located on Broad River  
3 Road, a quarter of a mile past [inaudible] Mill Road. If you recall, about a year or year  
4 and a half ago, this was also a proposed site for a school in District 5. There was quite  
5 a bit of controversy, a whole, had a couple meetings on that. Staff recommends that the  
6 project not be changed, because this is a rural area and it's premature, we believe it's  
7 premature at this time, to develop this property residential. There is lots of people here.

8 *[Van Dine out 3:05 - 4:00]*

9 VICE-CHAIRMAN WYATT: Alright let's get started here. Ron Anderson?

10 **TESTIMONY OF RON ANDERSON:**

11 MR. ANDERSON: My name is Ron Anderson I reside at 2901 Earlwood Drive, in  
12 Columbia, Richland County. Madam Chair, how much time do I have?

13 MS. WYATT: As, you are representing the applicant?

14 MR. ANDERSON: Yes, Ma'am.

15 MS. WYATT: Try to keep it to five but we are not going to tie you to two, okay?

16 MR. ANDERSON: Yes, Ma'am, I just needed to find out ahead of time. I brought  
17 some slides as I did last time to illustrate some points that I would like to make. I'm  
18 speaking in support of the project, obviously. The purple area in the middle is the site.  
19 That's the 240 acres. The Peak interchange is ABOUT 2.7 miles back towards the City  
20 of Columbia on U.S. 176. and then the Chapin interchange is 2.9 miles. It's accessible  
21 by a left turn onto Chapin Road, which then goes down through the main part of Chapin.  
22 The schools in the general vicinity of this, the rings you see, I'm sorry, are a one mile  
23 ring from the center of site along U.S. 176, a three mile ring and five mile ring. Schools

1 that service this area - presently the Elementary is currently districted, or the attendance  
2 zoned in this – the children in this development would go to currently if it were there  
3 today, would be Lake Murray Elementary, Chapin Middle School, and Chapin High  
4 School. Okay, to give you some frame of reference, that's Dutch Fork High School and  
5 Dutch Fork Middle School as well. There's a fire station approximately a quarter mile up  
6 the road. Could you turn to the next slide please? So I'm going to get to the meat and  
7 potatoes of the issue at hand, which is why expand the suburbs at this point? I know  
8 that a lot of folks feel like we shouldn't be pushing out beyond the developed edge and  
9 I'll get straight to point and answer that question, next slide please. First of all what I did  
10 is examine the aggregate market for additional housing in all of northwest Columbia.  
11 And northwest Columbia in this sense is defined as the area between the two rivers.  
12 Beginning at downtown Columbia and extending through the St. Andrews Area, out to  
13 the Lake Murray Dam and then all the way out the Broad River to the Newberry County  
14 line. So it's both, portions of both Lexington and Richland County. This is taken from  
15 the Central Midlands Council of Government's building permits survey. These are the  
16 number of building permits issued over the last ten years in that market. And you can  
17 see the average number of building permits was 1,070. The 2003 numbers are not  
18 finalized yet. If you could go back one slide please, no go back to the table, right there.  
19 Thank you. We also, one of the things I do for Edens & Avant is keep track of the  
20 residential developments that are on the ground and how many lots are there approved  
21 and how many have actually been developed. Based on that, there are approximately, I  
22 have about 5,300 if you take out what would have been built on average last year,  
23 which is another 1,000. That puts you down to a supply of about 4,100 lots in that entire

1 quadrant. In comparison northeast Richland has a supply of about 15,000 lots. So  
2 some of which may or may not ever get built. Now, within that supply of 4,161 lots,  
3 some of those lots are down at the St. Andrews exit, some are down – some are out in  
4 Chapin, some are on the – over by the river over towards the dam. So they are not all  
5 in this immediate area. That's an aggregation of the entire market, not the little sub-  
6 area that this subdivision would actually serve, which is the Peak area, is what I would  
7 call it. If you could turn it – you could see we have about a four year supply, three to  
8 four year supply of lots approved in this area in both Lexington and Richland County.  
9 This is a map of those subdivisions. The Lexington County line as I recall runs through  
10 here. This more or less is Lexington County, over on that side and this is all Richland  
11 over to the river. And you can see the bulk of these subdivisions which are currently  
12 active right now are between this subdivision and town. And then there's another large  
13 cluster of them around the lake, south of Dutch Fork Road. And I would argue there are  
14 three or four subdivisions right at the Peak exit. Rolling Creek, Courtyards Rolling  
15 Creek, Waterfall, and there's a new one I believe y'all approved called Chelsea Park  
16 that is adjacent to Rolling Creek. As you can see this kind of fills in this crescent that  
17 has developed here and is beginning to fill it in around the north side of the interchange.  
18 So I think it's a logical extension of the suburban growth that has already begun to take  
19 place out there when you take into account what is going in Lexington County, which is  
20 really an arbitrary distinction in the terms of, of housing development. A lot of times  
21 what the Planning Staff puts together for y'all tends to look really at what's going in  
22 Richland County, but Lexington County is just across the line. People are buying  
23 houses, home builders, they don't really distinguish, they build where they can build. If



1 you could go to the next slide please? Another reason this is a logical site is we are  
2 trying in this instance to do a high quality development. We're doing a PUD, which is  
3 what y'all ask and prefer for us to do. That gives us the ability to incorporate open  
4 space, do a mix of sizes of houses, do cluster housing and to do a higher quality job on  
5 the whole as opposed to just a flat rezoning to a particular zone. When you – in order to  
6 do a PUD you need a property of a certain size. You either need to buy one property or  
7 aggregate a number of properties. What I did here is I overlaid the tax maps for  
8 Lexington-Richland County and went from our site back towards town and identified the  
9 large tracts. Our is 240 and you can see, by putting these together you can get some  
10 two and three hundred acre pieces, but there aren't very many. And as you come over  
11 into the Dutch Fork area off of Kennerly and Hollingshed, which be off of our map, there  
12 are even fewer. Now that is simply a function of what is out there on the map. That's  
13 not a function of what's actually available. In other words if a family who owns this  
14 property right here doesn't want to sell it, it's really not an available property. Okay?  
15 Another function of availability is maybe they are willing to sell it, but they'll only sell it  
16 for four or five times what it would cost, what is a reasonable price in order to develop it  
17 into single-family homes. So if it's that far over market in terms of price it's really not  
18 available. Then you have to eliminate properties based on topography on availability of  
19 utilities and the ability of the road network to accommodate that development. There  
20 are places in the county that, either the roads are over burdened or they are so far from  
21 the major arteries that they just don't make much sense. The beauty of this site is that  
22 you are about 2.7 miles back – a straight shot down a two lane U.S. highway back to a  
23 highway interchange which then takes you back into town. Alternatively, if you are

1 going to take your kids to school, you are going to head south down into this area where  
2 Lake Murray Elementary is or you are going to head back toward Chapin toward the  
3 high school, or cut – around about way down to Chapin Middle School. Next slide  
4 please. Another argument that has been made is that we – that this development will  
5 cause the utilities to be brought to this area. And that's frankly not true. In this  
6 instances the City of Columbia already plans a major water line connecting the Town of  
7 Chapin along Chapin Road and U.S. 176 right in front of this property back into,  
8 connecting into the Dutch Fork area. That – a line is planned and funded and will be  
9 built by 2007. The reason they are doing that is in order to increase pressure, to lower  
10 fire insurance rates, and to provide better water in that part of the county. Second is  
11 sewer, Richland County utilities services this area with sewer. There is not a sewer line  
12 at the property, but there's one within a mile or so, is that about right? And they plans to  
13 provide sewer throughout the entire area as the demand for those sewer lines  
14 materializes. There's a fire station already a quarter of mile away. The Lexington-  
15 Richland 5 School District has done a – just gone, is in the middle of planning process  
16 and a bond referendum process or the beginnings of a bond referendum process in  
17 their planning process the number one thing they identified was an elementary in this  
18 very area. Not necessarily on this site, but in this general vicinity they identified a need  
19 for an elementary. So we think there's going to be a new elementary in or near this site  
20 and then other schools are in planning stage, in terms of expanding. Chapin middle,  
21 expanding Chapin High, predicated on the bond referendum passing. Next slide. The  
22 last point I would make is the traffic is in fact not an issue at this site. Now I take issue  
23 to what the Planning Staff has pointed out. Let me walk you through why, and I know

1 I've made this argument and some of you may recall it. The Planning Staff in their  
2 planning documents refers to something called the Richland County Long Range Major  
3 Street Plan. This plan breaks down the roads and collectors, principal arterials, and  
4 major arterials. But Richland County didn't actually determine what a collector, major  
5 arterial, or principal arterial was. They just took it from state DOT, who classifies those  
6 on an, for an entirely different purpose. They're looking at the statewide transportation  
7 system. And that causes some real funky things to happen. In other words, those  
8 classifications don't have anything to do with the actual design of the road, okay? For  
9 instance I live off of River Drive in Earlewood Park. River Drive is called principal  
10 arterial. It's a two lane road with driveways every 30' and cars parked on both sides of it.  
11 And Marsha I think you're familiar with it, that is a principal arterial. But Broad River  
12 Road, which is a U.S. highway, really doesn't have much of anything on it going in front  
13 of this property, is called collector. Now the reason that's important is that, then Carl  
14 and the Planning Staff then take a table that they get from the level of service C  
15 capacity that they got from DOT and they say, this is how much capacity you can put on  
16 a given road to get to a level of service C. Simply changing the classification, the name  
17 of a road from a collector to a minor arterial changes the capacity from 8,600 vehicles  
18 per day to 10,800 per day. Changing it – making it the same as River Drive changes it  
19 from 8,600 to 14,600. So I would argue that the approach that they use is flawed from  
20 the beginning. I'm not a traffic engineer or expert, but I can tell you that if you attribute  
21 going in one direction past the traffic count station the worst you would do is go past, I  
22 think you would end up with – what did you say Carl, 10,600 vehicles per day. So all  
23 you need to really do is change the classification of the road and suddenly you would

1 have less than a Level of Service C, or you would have greater than a Level of Service  
2 C capacity. The final contention or problem I have with how they approach traffic is  
3 particularly acute in this instance. They attribute all the traffic trips that come out of this  
4 project to one particular traffic count station, which doesn't really make any sense,  
5 because it assumes that everybody is going to come out of the subdivision, turn left,  
6 and drive back to the freeway every single time. Okay? And to get back to the  
7 subdivision, they are going to come off the freeway, go past the traffic count station, and  
8 turn right into the subdivision. When in fact, I've showed you where the schools are,  
9 you can see that a percentage of those cars are certainly going to go head south  
10 towards the elementary, or they're going to head west towards the Town of Chapin,  
11 which is where the grocery store is, and the high school and the middle school. So how  
12 many of those vehicle trips that are going to be generated there are going to go past  
13 that traffic count station? I can't say. And I would argue that it doesn't really matter,  
14 because – or it is not material to your decision because depending on what you decide  
15 to call the road at any given point in time, it may or may not have more capacity. I  
16 would argue that it has at least the capacity of 14,600 cars per day, which is the amount  
17 a principle arterial would hold. And it may have more. So in the long run, I would like to  
18 see the Planning Commission and the Planning Staff begin to do a different kind of  
19 traffic analysis where they go out and determine what arterials and collectors are and  
20 they do that based on the design of the roads. And they look at the intersections and  
21 how the intersections interact and stuff. And I know the county is broke and doesn't  
22 have the money to do that, but the Staff is worked thin and there aren't enough of them,  
23 but that's really what you need to do if you are going to use the LOS model to determine

1 whether or not traffic is a problem or going to be a problem. I'll be the first, Mike, to say  
2 that Mike needs more staff more money to be able to do better planning and I think we  
3 are all going to be better for it. So in summary, we don't really have a traffic problem.  
4 The utilities are already going to be there. This is a natural extension of the  
5 development that's in this area, and I'd like y'all to support this project because we're  
6 trying to do a good job on developing it, and not just coming in with a straight zoning.  
7 The last thing I would point out in your package is the bubble map does – and I translate  
8 it the bubble map for you into some comparable zoning districts. There are three of  
9 them. There's a low density area, it has the 75 acres, it'll have about 186 units. It's  
10 going to have lots that'll have about a size of 17,560 square feet, which is roughly  
11 comparable to a RS-1 zoning. It's actually a little bit, the lots are a little bit bigger than  
12 what would be in an RS-1. And then you have two low-medium areas. A 71 acre area  
13 that would hold 248 units, a maximum of 248 units, and it would have 12,470 square  
14 foot lots, which is comparable to an RS-1(A). And then a 59 acre pod that would have  
15 206 units, which would also be comparable to an RS-1(A) with 12,475 square foot lots.  
16 So we're going from rural to basically RS-1, RS-1(A). Overall I think I came up with –  
17 and that's about - and that's how that breaks down. So - I had an overall number, but I  
18 misplaced it. Can I answer any questions?

19 MR. DUNBAR: What do you think the typical lot price will be on those various  
20 categories?

21 MR. ANDERSON: I'm going to defer to Bill Dixon and the Mungo Company to  
22 answer that question.

23 **TESTIMONY OF BILL DIXON:**

1 MR. DIXON: Good afternoon. Although we haven't completed our market  
2 research, we expect this to come in, kind of on the low end in of Ascott, which you are  
3 familiar with and be a hybrid of that and a Belfair Oaks product. All over \$200,000 total  
4 price range. But we haven't established lot prices themselves yet.

5 MR. FURGESS: My question is - go back to slide three, when you showed the  
6 school districts.

7 MR. ANDERSON: Go back to that second slide. Two more back, right there.

8 MR. FURGESS: I noticed the property is in Richland County, but you are  
9 showing the schools in Lexington County.

10 MR. ANDERSON: Yes, sir. This is in Lexington-Richland School District 5,  
11 which is a combination of Lexington 5 and Richland 6, which is now called Lexington-  
12 Richland 5.

13 MR. FURGESS: But you have a middle school and a high school in Richland  
14 County?

15 MR. ANDERSON: Yes, sir, those are over there.

16 MR. FURGESS: This is my personal thought, and it might be wrong, are you  
17 trying to sell those spots - the homeowners plan to buy from you, do they go to schools  
18 in Lexington County instead of Richland County?

19 MR. ANDERSON: Yeah, and that's common, that's common in that district. I  
20 mean, because of how the Lexington/Richland line runs through Irmo and out this way.  
21 I don't know that people really give it a lot of thought which district.

22 MR. FURGESS: It does, we do in Richland County, we give it a lot of thought.

1 MR. ANDERSON: Okay, I stand corrected. Yeah, our intent would be for the  
2 children to go to whatever school their – attend the zone they're in. Now as I mentioned  
3 Lexington-Richland 5 is in the middle of revising those maps and revising those  
4 attendance zones and a capital improvements program, which is going to change that  
5 map somewhat over time. How it's going to do that I wouldn't begin to – it's kind of a  
6 political football out there and I wouldn't begin to speculate where it's going to land.

7 MR. FURGESS: The reason why I ask that question is that most developers who  
8 come in that area or go out, always put the elementary school near the subdivision, but  
9 since you have a middle school and a high school in Richland County I couldn't  
10 understand why in your plans, no elementary school was mentioned on the Richland  
11 County side. So that threw up a red flag with me.

12 MR. ANDERSON: I've got it labeled wrong, they have changed the name since I  
13 put that into the computer. That one is in Richland, that one would be – Lake Murray I  
14 believe is in Lexington. The brunt line kind of runs up through here. But those -  
15 projecting what those attendance zones are going to look like in two or three years is  
16 difficult. There's a lot of growth in there and they are building new schools and doing  
17 things to accommodate that. So they may shift some people around in order to reflect  
18 the changes that are happening on the ground up there.

19 VICE-CHAIRMAN WYATT: Any other questions for Mr. Anderson? Thank you,  
20 Sir.

21 MR. ANDERSON: Thank you.

22 VICE-CHAIRMAN WYATT: The next person that's signed up to speak is Gerald  
23 Steele.

1 **TESTIMONY OF GERALD STEELE:**

2 MR. STEELE: I'm Gerald Steele, of Edens & Avant and I'm here to represent the  
3 property owner so if you have any questions I'll be glad to answer them.

4 VICE-CHAIRMAN WYATT: Okay the next person is Timothy Shaw.

5 **TESTIMONY OF TIMOTHY SHAW:**

6 MR. SHAW: I'm Tim Shaw, I live at 1088 West Shady Grove Road, in Irmo,  
7 Richland County. I am pastor of River Springs Baptist Church, a new church divinely  
8 appointed to reach the hundreds of newcomer families that have come to this area,  
9 thank you. River Springs Church has gathered, in a short period of time, just under 200  
10 members. And we're currently building on, building our first building on 16 acres very  
11 near this site. We're on the corner of U.S. 176 Broad River Road and West Shady  
12 Grove Road, very near where the old Whales Tale Restaurant was. Many of our  
13 members, as I say are, newcomers to this area, but many of our members live in these  
14 new Mungo neighborhoods. So we are aware of how nicely done they are. Our church  
15 location there on the corner of 176 and West Shady Grove Road, is between this  
16 proposed site and the interstate highway at the Peak exit. This is a straight U.S.  
17 highway, not some winding country road, and with a good interstate exit nearby, a  
18 development here is going to be inevitable and we prefer this kind of development to  
19 other kinds that might come. This was very much a part of our demographic study in  
20 choosing this site where a new church would be needed. And this is all just as was  
21 planned and revealed to us. So we're a church, we're interested in reaching people,  
22 we're interested in people, so I ask you to recommend approval of this change.



1 VICE-CHAIRMAN WYATT: Thank you, Sir. We've got 21 people that have  
2 signed up to speak against this project. When you come up to the podium please make  
3 sure you state your name and address. I'm going to ask that you limit yourselves to two  
4 minutes. Whenever the beeper goes off if you'll kind of wrap yourself up. If someone  
5 has said basically the same thing that you intended to say, if you want to just stand and  
6 say "ditto", we'll move along with this. Okay, the first person is Ben Stuckey.

7 **TESTIMONY OF BEN STUCKEY:**

8 MR. STUCKEY: As an adjacent landowner, a career soil scientist, and natural  
9 resource professional, I'm asking the Commission to deny the rezoning request of this  
10 site. You serve as representatives of the citizens of Richland County, and as such you  
11 should be aware of actions that will cause serious degradations to the resources in rural  
12 life resources of this county. If approved this intense development will severely degrade  
13 the natural resources and the rural lifestyle of the Spring Hill site. Listen to our Planning  
14 Staff. They recommend against approval of this rezoning on several very valid points,  
15 local capability, traffic, timing, the [inaudible] to proposed land use maps. Within this  
16 site is a very large acreage of mature hardwood on steep slopes. These type areas are  
17 becoming more and more endangered in Richland County. They're becoming – they're  
18 being clear cut and developed. When areas like this have trees removed and replaced  
19 with impervious services such as roads and rooftops the run off is greatly increased.  
20 This added run off increases sediment loads and flooding in creeks and streams, both  
21 on site and off site. All areas of land are not necessarily suited – well suited for intense  
22 development. This area is one of them. The packets I've given you contain several  
23 documents for your review. Many in Richland County GIS site. The first one is a map

1 showing the streams and flow areas within and from this site. The next three are  
2 contour maps. One is a shaded relief map, a two foot contour map, where you can tell  
3 the lines get close together how steep these slopes are, and the third is a 10' contour  
4 map that showing 150' of fall from the front to the back of this site. Also included are  
5 excerpts from Richland County Soil Survey, the soil types, soil properties, and soil  
6 interpretations showing that well over half of this property has severe limitations for  
7 development due to ground water, surface water, and rock and/or slopes. The one I'd  
8 really like you to look at is the photos. Photos of an inch rain on Wateree Creek, which  
9 leaves this site, and a photo the same day at Meetze Branch leaving this development  
10 site on Bickley Road. Look at the sediment, you can see the rocks on the creek on  
11 Wateree, which the one on Meetze Branch is full of sediment. There's also photos of  
12 mature hardwoods on this site so that you can see that all areas are not planted pines  
13 as shown in the application package on the line. A color infrared photo showing the  
14 amount of hardwoods, which is shown in blue colors on this site, a copy of my  
15 comments on rezoning here on this same site last year.

16 VICE-CHAIRMAN WYATT: Thank you, sir. Next person is Joann Brucker. Did I  
17 say it right, ma'am?

18 **TESTIMONY OF JOANN BRUCKER:**

19 MS. BRUCKER: I'm Joann Brucker. I live at 5 Rundoway and we have five and  
20 a half acres which adjoin this property. My major concern, for development I don't have  
21 a problem; for the large number of homes going in this short area – small area I do have  
22 a problem. And then another would be that there would need to be access cut across  
23 other property owners who are presently there to get into this area. I live in the back

1 portion of this and when this was brought up for approval last year I had received a  
2 letter, approximately about possibly some of the lines going across our property. I was  
3 told that this was a mistake, but I would like to be reassured that this would not happen.  
4 We've been there for 18 years. We like the rural area, and the road, the traffic can be a  
5 problem. You've got several other roads coming out. You have people from the river  
6 coming out and you are going in different directions. And presently it is rural road but it  
7 is a problem. The speed limits are higher than some of your in town areas, which cause  
8 a few [inaudible]. You have a hill on the road, it is straight, but there is a hill. You talk  
9 about the large community, the number of houses. There are schools, the district is  
10 looking for a site for a new school. This is another property. The problem that we're  
11 concerned with, that another development go in, that many homes, they'll say, "Oh this  
12 is a perfect place for an elementary school." Then you are going to get over crowded.  
13 The area just cannot handle a school and a development this large. Thank you.

14 VICE-CHAIRMAN WYATT: Cheryl Bath?

15 AUDIENCE MEMBER: She had to go pick up her children at school. She lives  
16 across the street from the development and is opposed it.

17 VICE-CHAIRMAN WYATT: Thank you. Cheryl K Boone?

18 **TESTIMONY OF CHERYL BOONE:**

19 MS. BOONE: Good afternoon. my name is Cheryl K. Boone, I live at 1901  
20 Martin Road. I'm opposed to this development. I would appreciate it if you would deny  
21 the proposal so that we can keep our rural residential status. There are not many big  
22 tracts of land with woods where the wildlife can run, and where you can just appreciate  
23 nature. Also the fact was mentioned that there is a fire station 1/4<sup>th</sup> mile away from this

1 proposed development. The fire station there is a volunteer fire station. It is not  
2 manned and there is one truck available. Thank you and I hope you will not approve  
3 this proposal.

4 VICE-CHAIRMAN WYATT: Thank you. Joe Engle? Kim Murphy?

5 **TESTIMONY OF KIM MURPHY:**

6 MS. MURPHY: Kim Murphy, 154 Old Laurel Lane in Chapin. If I read the paper  
7 record correctly, thank you for your support in opposing the Turkey Farm Road  
8 rezoning. It is true that folks, including myself, are living in this rural area because it is  
9 rural. If this project is approved, it would mean that rural – the rural designation doesn't  
10 mean rural in low density, it means subject to change. Unlike the case that you  
11 approved earlier on Koon Road, the owner of that property met with the community and  
12 the community supported her proposal. In this case, Mr. Mungo met with the  
13 community a year ago, and the community overwhelmingly does not support this  
14 rezoning or any rezoning that would change the rural designation. I do take issue with  
15 the representations with regard to the school district. We are encouraging our school  
16 board to build smaller schools in where the population is and not out in the rural area to  
17 increase the potential for sprawl. Thank you very much.

18 VICE-CHAIRMAN WYATT: Thank you, ma'am. We've got two signed up here,  
19 Gayle and Howard Berry.

20 MS. BERRY: I ditto on the first.

21 VICE-CHAIRMAN WYATT: Thank you. Judy, and I'm sorry, it looks as if it's  
22 Hrinda.

23 **TESTIMONY OF JUDY HRINDA:**

1 MS. HRINDA: That's correct. That's correct. I'm Judy Hrinda and I live at 9  
2 Hrinda Way, near Ms. Brucker who spoke earlier. I have lived there since 1987 when I  
3 got married and then after my husband died I continued to live there because it's nice  
4 and peaceful and I feel safe there. And I'm not opposed to development but I think this  
5 is way too many houses for this small an area. And I'm within that one mile radius that's  
6 on the screen there. And back when the school district was interested in the property  
7 they wanted to cut a road through my property. And that, you know, would not make  
8 me feel safe at all. So I request that you deny this proposal, thank you.

9 VICE-CHAIRMAN WYATT: Thank you. And here's the challenge of the day. It  
10 looks as if it's Phil Kuzwik?

11 **TESTIMONY OF PHIL KUZLIK:**

12 MR. KUZLIK: It's Kuzlik, very, very easy. First of all I'd like to take a minute to  
13 thank the Planning and Development Services Department. We've been discussing  
14 things for many, many years out in that particular area. And I just want to  
15 wholeheartedly agree with their reasoning for denying this project. Another thing I  
16 would like to bring up is, until the interchange, exit 97 is changed, this is not a place to  
17 put development. You have a frontage road coming into the entrance ramp. You have  
18 176 coming into an entrance ramp. Everybody is using one entrance ramp and it's –  
19 these gentlemen that speak about it would get there at 7:30, 8:00, even 6:30 in the  
20 morning and have to be 15<sup>th</sup> in line to get out t the interstate, they might rethink their  
21 ideas. Thank you much.

22 VICE-CHAIRMAN WYATT: Thank you, sir. Mike Sloan.

23 **TESTIMONY OF MIKE SLOAN:**

1 MR. SLOAN: Good afternoon, it's been a long afternoon. However, I'm Mike  
2 Sloan. I'm the Vice President right now of the Ballentine-Dutch Fork Civic Association.  
3 Phil could not be here today, I'm in representation of the Association. I am a past  
4 president as well. We are here today, first to thank you Staff. Planning Staff did the  
5 right thing. They made the right call, they looked at it. Density is a key issue, traffic's a  
6 key issue. There's a lot of key issues. What we're looking at is an area that is a low  
7 density area, being developed into a high density situation. Density is always a key  
8 issue. It's a key issue in any development. We support you, Planning Staff, and what  
9 you did. We accept what you did, and we respectfully request that you deny this from  
10 being part, or approved in its present form. However, we also, at Ballentine-Dutch Fork  
11 Civic Association, always love to talk to people to see what's on their mind for the  
12 community. We have not talked with Mr. Mungo as a group on this project. We have  
13 on a past project. We would welcome the Mungo Corporation to get up with us, but with  
14 that group that he will talk to will be people most affected, which are, people who live  
15 there, people who live in the community, and the Ballentine-Dutch Fork Civic  
16 Association. We welcome him to get up with us and let's see what we can come to with  
17 some common ground. But as it stands right now, we respectfully request you deny  
18 what is being proposed by the Mungo Company, thank you.

19 VICE-CHAIRMAN WYATT: Wayne Duncan?

20 **TESTIMONY OF WAYNE DUNCAN:**

21 MR. DUNCAN: Wayne Duncan, 9 Amenity Court, Chapin, South Carolina. I've  
22 been listening to Mr. Anderson's proposal. It was interesting. A couple things came to  
23 light. Again the Planning Committee has done an excellent job as far as recommending

1 turning this project down. He made the statement, first of all that the fire station is a  
2 quarter of a mile away. It's about two miles away, and as the lady mentioned earlier,  
3 this fire station is manned by one Columbia fireman with a truck and the rest of it's  
4 volunteer. They do an excellent job and they get there as quickly as they can. Six  
5 hundred and forty houses is not a place you want to be with a fire truck. But anyway, let  
6 me follow up with the school situation. The Mungo Company, Stewart Mungo  
7 personally presented a case some time back for Johnson's Marina, cluster housing.  
8 This cluster housing project that was passed by the Zoning Board of Appeals is going to  
9 be built right across from Lake Murray Elementary School. Okay? Mr. Anderson made  
10 the comment that this 640 houses, the school that's going to service that community –  
11 640 more houses. Now Stewart is going to put around 300 houses on this cluster  
12 housing project across from this school, which by the way at this point in time, has 712  
13 students in the school as of today, that's the 135 day count. They can handle 725.  
14 Stewart's put 300 houses on Johnson Marina Road, and you're telling me that 640 more  
15 are going into that school. That's a little bit strange. Having spent three months on a  
16 planning committee for District 5, I can tell you that this is not what you want to have  
17 here. This is basically going to be a toehold for RS-1 that will run from Ballentine to  
18 Chapin. That's a hundred square miles folks of RU, right now and the lady said,  
19 obviously rural doesn't mean anything but it's going to be rezoned. I was just jotting  
20 notes, so I'm having to look back to see if I have anything else I wanted to talk about.

21 VICE-CHAIRMAN WYATT: Thank you, Mr. Duncan. Ms. Lorick? Betty Jo  
22 Amick will be after her if you want to go ahead.

23 **TESTIMONY OF LORIE LACKEY:**

1 MS. LACKEY: I'm Lorie Lackey, I live at 11696 Broad River Road, property  
2 adjacent to this. I just like to refer to some of your own notes. I was on the Appearance  
3 Commission. We worked for over a year drafting billboard ordinance only to have it  
4 thrown out in five minutes during a Council meeting. I know that you have worked very  
5 hard on Land Development Codes to send as a recommendation. It's a lot of hard work  
6 y'all have put into it. But to refer to some of those things, first priority is direct growth  
7 toward existing villages and towns. We're just a rural community. We don't have any  
8 existing village or town. We just get along well together. And that is to go towards  
9 places where there is existing infrastructure and public facilities to accommodate new  
10 growth. We don't have that in this area. Second priority for rural growth is towards new  
11 employment based villages. We don't have anything slated for development. Please  
12 don't put us a Wal-Mart down there. I like living a long way away from Wal-Mart. Don't  
13 need a Lowe's next door. The third, and in these words in here, not as desirable, are  
14 the non-employment based developments. Density, as was pointed out, is a main  
15 problem. I don't mind if people come out to live there. I'd love to share my little slice of  
16 heaven with them. Just not quite so many people. The traffic count, take into account,  
17 yes there are different ways for people to get places, but coming out of this  
18 development, there's one way out. You can turn left or you can turn right. After that  
19 you've got choices, but remember Friarsgate also has that one way in and one way out  
20 and the troubles that they have. A big part of this is each one you had a chance to  
21 choose the lifestyle that you wanted to bring your families up in. We chose the rural  
22 lifestyle. Please don't take that choice away. I would like for my two year old daughter  
23 to be able to have that same choice without having to move to Colorado. Considering



1 the long range effects the schools have already been mentioned, but as per the Town  
2 and Country Plan, and what I've said about the infrastructure it's not there and one  
3 major question that I've got. I've noticed that 200' within this property would have to  
4 connect up to a water line. That would affect me. Am I going to be required to connect  
5 to water and sewer after I've already put great expense into well digging and septic tank  
6 upkeep on my property? Affordable housing, we're not all rich people out there. Sorry  
7 to say, we're not. So if – I don't really think it's about affordable housing. We are a rural  
8 community and we like it that way. We chose to live that way. Please don't take our  
9 choice away from us. Thank you.

10 VICE-CHAIRMAN WYATT: Thank you Ms. Lackey. Betty Jo Amick?

11 MS. AMICK: Ditto.

12 VICE-CHAIRMAN WYATT: Ditto? Okay, thank you. Levenia? Ellen Miller will  
13 be next if you would like to come down.

14 **TESTIMONY OF LEVENIA HENCE:**

15 MS. HENCE: I'm Levenia Hence, and I live at 11700 Broad River Road and my  
16 property adjoins this property. I would certainly hope that you would deny this request.  
17 This was – this land was originally zoned rural because it truly is a rural community.  
18 There's no more rural land being made as you know. And that should be a reason  
19 enough not to make it be a city. There are many sections of the county that already  
20 have infrastructure in place that could be revitalized, and should be revitalized as being  
21 good stewards of this good earth. The person purchasing this property knew when it  
22 was purchased that it was zoned rural. Therefore it should not be rezoned to just help  
23 him make more money on his investment. If putting in a number of houses allowed by

1 rural zoning cannot make enough money for him, then he just has not made a wise  
2 investment. The present area residents should not be penalized because of this. The  
3 properties that have been sold in this area of the county have also been sold to  
4 individuals who want acreage instead of congested housing. That is the main reason so  
5 many of land home owners in the area moved to this area to start with. My property  
6 does adjoin this. We have an existing farm with cows and pastures and housing like  
7 this just really doesn't fit in with the cows [inaudible]. Thank you very much.

8 VICE-CHAIRMAN WYATT: Thank you, ma'am. Ellen Miller? And Gary  
9 Davidson would be up after that if you would like to line up here I guess would be the -

10 **TESTIMONY OF ELLEN MILLER:**

11 MS. MILLER: I'm Ellen Miller. I live at 110 George Addy Road and I've been  
12 fighting this for a while as well. I still have my notes because I'm still not a good public  
13 speaker so bear with me. As I understand it the Mungo Company needs to justify this  
14 PUD, and I don't think he has done so. He has not provided any need for this and I  
15 would just like to reiterate the objections. The property is not compatible with the  
16 present landscape. We've got fields, scattered residence, homes with five or six acres,  
17 on all sides around, and undeveloped woodlands. He wants to put in a housing  
18 development of 630 houses, which is totally out of character and not the design of the  
19 Land Use Plan for this area. The citizens of Spring Hill are also very much opposed to  
20 this change in zoning ordinance. We would like to see well planned and measured  
21 growth, and we would embrace a development that was consistent with the rural zoning  
22 plan as it is now. The project exceeds the traffic impact C, and there are no future plans  
23 at all to alleviate any traffic problems in this area. There's only one exit on this property

1 and that's onto Broad River Road. So we're talking about potentially 630 people, times  
2 two if both parents work, leaving out on Broad River Road. There is no other exit there.  
3 Also Mungo has a Waterfall development up the road, which he failed to put in a turn off  
4 lane and also told us that he didn't find that they were helpful. So I don't know if a turn  
5 off lane is in this plan, but it needs to be if it's going to happen. I also think bringing  
6 water and sewer is premature, because the infrastructure can't handle it. I spoke with  
7 Andy Metts last year and water – I mean sewer is not even in the ten year plan. I don't  
8 think he has proven his need. This is not low income, this is \$200,000 houses. And I  
9 also don't think low income or medium income houses have to be limited to small living  
10 like packrats. I really think everyone should have their own piece of land. Thank you.

11 VICE-CHAIRMAN WYATT: Thank you, Mr. Gary Davidson. Lisa [inaudible], if  
12 you'd like to go ahead and get lined up.

13 MS. LISA [INAUDIBLE]: Ditto.

14 VICE-CHAIRMAN WYATT: Thank you.

15 **TESTIMONY OF GARY DAVIDSON:**

16 MR. DAVIDSON: I'm Gary Davidson. I live at 1204 Pet Sites Road, and I  
17 certainly as a member of this community, I'm going to be impacted by your decision. I'll  
18 be significantly impacted as a homeowner, because my property is adjacent to this  
19 development on two sides. My friends and neighbors have said everything I wanted to  
20 say. I just want to reiterate my objection to this, and it's interesting the concentric  
21 circles do look like a bomb site. And that truly will be a bomb dropped in the middle of  
22 this rural area. Thank you.

1 VICE-CHAIRMAN WYATT: Thank you, sir. Michelle Smith. Looks as if it's  
2 Dean Aldridge would be next.

3 **TESTIMONY OF MICHELLE SMITH:**

4 MS. SMITH: Hi, my name is Michelle Smith. I live at 1111 Pet Sites Road, and  
5 as that gentleman stated my neighbors have already said most of my points. The only  
6 thing I wanted to address was what the gentleman in yellow brought up earlier about the  
7 zoning. And allowing low to middle income individuals an opportunity to build houses,  
8 or to purchase houses. And in my situation, I purchased my property because I have  
9 horses. I have more land than I have house, and that was my choice because I wanted  
10 a rural area so I could enjoy my horses. And I strongly implore you to deny the zoning  
11 change. Thank you.

12 VICE-CHAIRMAN WYATT: Thank you, Dean Aldridge.

13 **TESTIMONY OF DEAN ALDRIDGE:**

14 MR. ALDRIDGE: I just definitely oppose this for all the reasons these fine people  
15 said.

16 VICE-CHAIRMAN WYATT: Thank you. Steve McQueen.

17 AUDIENCE MEMBER: He had to leave, so he does request that you deny it.

18 VICE-CHAIRMAN WYATT: Diana Diaz.

19 MS. DIAZ: Ditto on that

20 VICE-CHAIRMAN WYATT: That's everyone that has signed up to speak today.  
21 Any questions? Any comments?

22 MR. JACKSON: Madam Chair, when I look at this proposal, of course I have  
23 some concerns with [inaudible]. Usually with the developments the count stations, I

1 would look at the most desirable route. I notice that station 178 was quoted with 4,750  
2 vehicles per day. But the closest station is station 455 with 1,500 vehicles. It's a rural  
3 community and I agree that it may not complement the rural community, but in this case  
4 I do respect the developer who had some concern about the rural community to do a  
5 development of PUD at least with a common area, recreation area, water feature, and  
6 an entrance. Compared to my opposition earlier where an RS-2, they just dumped  
7 houses into the community. At least this has some design and the developer has some  
8 respect to at least accommodate and complement the rural community. That's all I  
9 have to say.

10 MR. DUNBAR: Madam Chairman, we had this same development – basically I'll  
11 go through and repeat everything I said, but about everybody has heard what I said  
12 before. Most everybody was here the last time. We've got a situation where we are on  
13 a major highway. We've got transportation infrastructure there. We've got roads, we've  
14 got schools, we've got limited fire protection. We've got, if these houses are all sold it  
15 will probably generate somewhere around a million and a half dollars of county tax  
16 money. It will help pay for any kind of increased fire service [inaudible]. Things that are  
17 not available at this point for this large of a development. In that area of the county, if  
18 we're going to have any kind of development, I don't know what kind could be better  
19 than this. I don't think we're going to find developers go out and buy tracts of land,  
20 develop them into four and six acre tracts. It's just not going to happen. And for us –  
21 and I live in the area, and I've lived there for 23 years. When I moved out there there  
22 was not much out there. And I've seen the growth come and the growth continues and  
23 we keep asking for growth. But you've heard the earlier discussion for Lower Richland

1 and if you where hear last month with Northeast most of the people who live in the rural  
2 area would just prefer just nothing coming out. And we all say, yeah, we're favor of  
3 development, but. But nobody is really in favor of anything else coming out. We're all  
4 want it to stay the way it was, and it's just not going to happen. And it could very well be  
5 that eventually from Highway 76 and I-26 there may be subdivisions clear out to the  
6 Newberry County line in some two or three lifetimes behind ours. But there's growth  
7 that is coming. There's all kinds of organizations improving growth, and we have the  
8 infrastructure. We've got the lake, we've got the schools and all that kinds of thing. So I  
9 think what we've go to do is have good growth. The price range for this kind of housing  
10 is beyond what most people in this room possibly live in. So it's not a question of  
11 undesirable planned housing. It's really just a question of the rural character of the  
12 area. And I agree with what everybody is saying. It would be nice if we could just keep  
13 the rural areas of Richland County rural. Richland County is the center of a major  
14 metropolitan area and I don't think that's going to happen. So and I agree with what  
15 Norman just said about the traffic. We don't want to put subdivisions on rural roads that  
16 can't stand the traffic. We're on a major U.S. highway. And a short distance to an  
17 interstate highway. This to me a very logical place to put, what looks a very nice  
18 development. I make a motion to approve.

19 MR. MCBRIDE: Second.

20 MR. PALMER: I would be in support of it as well. And I know that there's some  
21 concerns about schools and this type stuff. And I think that the traffic concern that Mr.  
22 Anderson brought up are very real issues. Issues that I've had with these reports in the  
23 past. In that it doesn't take into account the disbursement of traffic, and that same

1 theory holds true over to the schools. When you look at 600 hundred homes that  
2 doesn't mean there's going to be 600 more kids in the elementary school and 600 more  
3 kids in the middle school, and 600 more in the high school. There's no telling how many  
4 – there's a possibility that all the people who live in that subdivision are going to have  
5 elementary age kids. It's a very unlikely possibility but I guess it could happen. But  
6 what I'm saying is just because there's 600 homes doesn't mean there's going to be  
7 600 more children in the elementary school. So that's, I wanted to – I had a lot of the  
8 same points that Mr. Dunbar had but he expressed them before me, but that's one thing  
9 that I wanted to possibly say to the community that it might help subside some of their  
10 fears in the fact that while it is some 600 homes or thereabouts that he's planning to put  
11 here, that doesn't mean they are all going to the same school. That was just the only  
12 other point that I have, but I'll be in support of it as well.

13 MS. LUCIUS: You know, this is the third case we've had today of putting  
14 residential into a rural area and I've heard arguments all over the board as to why it's  
15 good and why it's bad. And here is a clear case of pure rural and we're going – we're  
16 pay no attention to it. I mean, are we serious about saving any of our rural countryside  
17 at all? I don't think we are. I agree with the people that say rural is just something  
18 sitting there waiting to be changed. And this pretty – I feel pretty emotional about this.  
19 It looks to me like we're saying that rural is good for nothing until we want to put houses  
20 on it, subdivisions. The road that Mr. Jackson is pointing to with the low traffic count,  
21 that's Mount Vernon Church Road, I lived there for two years. That's a tiny little curving  
22 road, which right now doesn't have much traffic on it. It can't handle the kind of traffic

1 they're talking about from a subdivision this large. Until somebody can prove to me that  
2 we're really serious saving rural land I have to be opposed to this.

3 MR. PALMER: This is rural land on a major highway.

4 MS. LUCIUS: No it's not. It's not. If you go out there and look at that area, yes  
5 it's close to an interchange, and that's where Mr. Mungo has Waterfall, but that road is  
6 not. I lived out there for two years. You need to go out there and look at it. It's totally  
7 inappropriate. I went along with the other two subdivisions in rural even though my  
8 heart told me that we're just cutting up and destroying our rural countryside. But in this  
9 case I have got to make these statements. This is totally wrong.

10 MR. JACKSON: I'll say this [inaudible]. I agree with all the things you've said,  
11 right, rural community do need housing. But on the other hand, my concern especially  
12 with the Lower Richland Community earlier was that RS-2 was just being dumped. At  
13 least this, as I said, is planned. It complements the rural community. There's a design.  
14 There's a recreation area, a common area, water features, entrance and everything.

15 MS. LUCIUS: I agree with you.

16 MR. JACKSON: And with that, I can support – I would support this in the Lower  
17 Richland Community.

18 MS. LUCIUS: I agree with you it's –

19 MR. JACKSON: Because it has those features compared to something that's  
20 just being dumped. And that's my concern.

21 MS. LUCIUS: But does that, because it's a nice design, does it make it an  
22 appropriate place for a housing development? And my answer is no.



1 MR. JACKSON: I beg to disagree. Because it's a need in different parts of the  
2 community for housing. It's just how it's designed or how the development is designed  
3 and that's my concern.

4 MS. LUCIUS: Well I think we need to go beyond design. I think we have to look  
5 at whether or not it's an appropriate rezoning and if you look at that map and it's all  
6 rural, and you're just, as you said a while ago, dumping right in the middle.

7 VICE-CHAIRMAN WYATT: I'd like to take just a second and ask Staff to refer to  
8 page 129. There's some comments that have been made addressing the covenants,  
9 conditions, restrictions, easements, and so forth for the property. Whichever way –  
10 especially if this goes forward with a recommendation of denial, do we need to, to make  
11 sure that some language is addressed in this, Carl?

12 MR. GOSLINE: Yes, ma'am. This is mostly an advisory opinion, and we've  
13 already had some conversation about – in most cases the issue is just a few words that  
14 are changed, the intent, but it's, it's something that we can do, and we would need to do  
15 just to make sure that there's isn't misconception. The reason we've trying to zero in on  
16 this stuff is we've had a couple cases a year or two ago where a development thought  
17 that they could grant variances. And what they – turns out in this case too, what was  
18 meant was variances to the homeowners restrictions. And so it's a matter of just  
19 changing some words to make sure that we're not talking about variances in county  
20 regulations. It's just a matter of a little word-smithing will take care of all these. We're  
21 put them in here to remind me as much as anybody else that – advise the applicant that  
22 we need to make some changes.

23 VICE-CHAIRMAN WYATT: So we need that to – the motion to reflect?

1 MR. GOSLINE: You could do that, yes.

2 VICE-CHAIRMAN WYATT: Because the conditions of the restrictions,  
3 covenants, and so forth on page 128 and 129 are clarified with either Staff and/or legal  
4 Department. [inaudible].

5 MR. DUNBAR: I disagree with the premise to start with because we've already  
6 approved some of these in the area. So I don't think that's necessary. I don't want to  
7 modify my motion. [inaudible] You know, I want to make a comment about what Marcia  
8 said because I don't disagree with everything they are saying, but if this county wants  
9 to, wants to preserve the rural character of the county, then we just need to make a  
10 blanket statement, we're not allowing any development in the rural area.

11 MS. LUCIUS: I didn't say that.

12 MR. DUNBAR: Rather than just – well that's the basic premise because every  
13 time we come up with a development, it doesn't matter whether it's RS-2, RS-1, it's  
14 generally in an area where there's large lots to develop. Because that's the character of  
15 the, of the rural areas of this county. And nobody wants anything in their area. And  
16 that's natural, I'm the same way. And if we want to do that then we just need to say,  
17 beyond a certain place, we don't want any development. And if that's what you people  
18 want to do our there, get with your County Council person and say that's what you want  
19 to do. But if we're going to encourage development then we've got to have some kind  
20 of standards that we can approve development under. We can't just say well, we're not  
21 going to approve anything because it doesn't fit in with the rural character. If that's the  
22 case, then we can never develop the rural areas of Richland County, because they are  
23 rural.

1 MS. LUCIUS: But we voted on two earlier that, that we did approve and that was  
2 rural, so you can't say -

3 MR. DUNBAR: I'm not saying we've never approved it. But I'm saying that  
4 people in the county didn't want those approved. We went against the neighborhoods  
5 in those cases.

6 MS. LUCIUS: No, we don't base our decisions based on just what the people in  
7 the area want. We have other criteria we have to follow.

8 MR. DUNBAR: I understand that, but we're serving the people of the county and  
9 those people were against those as well.

10 MS. LUCIUS: Right, but what I'm saying is -

11 MR. DUNBAR: So it doesn't make any difference from the standpoint of what the  
12 neighborhoods want. I call the question.

13 MS. LUCIUS: But I think this is on the edge between where development stops  
14 and rural begins and it's like Mr. Jackson has always said, rural differs, it's not cookie  
15 cutter. I think this is truly an area of rural where if we put this in, it's a stepping stone  
16 and there'll be no end to it. No we're not supposed to be stopping development; that's  
17 not what we're up here for, but we're not also up here to grease the skids for it in all  
18 cases and sometimes I feel like that's what we're doing. We're not up here to enable  
19 development any more than we are up here to stop development. We're up here to  
20 make wise decisions. I think to put this in there is not a wise decision.

21 VICE-CHAIRMAN WYATT: Okay, the question has been called, there has been  
22 a motion made and a proper second for approval. All those in favor please -

1 MR. VAN DINE: Madam Chairman, in light of the fact that I was not here for  
2 discussion, I believe it is appropriate that I should abstain from the voting at this time.  
3 So if you please have the Record reflect that I will not be voting in this particular matter.

4 MS. WYATT: Okay, a motion has made a second for approval. All those in favor  
5 please raise your right hand. All those opposed?

6 *[Approved: Palmer, Jackson, Dunbar, McBride; Opposed: Furgess, Lucius, Wyatt]*

7 *[Recused: Green; Abstained: Vine Dine]*

8 MS. WYATT: Let's take a two second break while I get Mr. Green and turn this  
9 back over to him so we can start talking about cell towers.

10 *[Break]*

11 CHAIRMAN GREEN: The next item on our agenda is a text amendment with  
12 regard to communication towers. Here comes Ms. Wyatt with measured steps up the  
13 aisle. Staff comment on the proposed ordinance amending public communication  
14 towers.

15 MR. HICKS: Mr. Chairman, a little bit of preamble here. I wrote the Staff reports  
16 on all three of these text amendments, and I did so with the intention of expressing that  
17 they are balanced and informative one pager, two commissioners. My recommendation  
18 on all three of them is that the Commission be cautious about introducing amendments  
19 to the zoning ordinance while that Land Development Code is now laboriously going  
20 through the legislative process. So I made a caveat there saying that officially, unless,  
21 that was demonstrating that it was public health, safety or welfare, I probably could have  
22 added or had some other overwhelming reasons. I think you may find that those  
23 recommendations are a little thin, much like the recommendations for rezonings which

1 we base upon the comprehensive plan, unfortunately, we frequently don't – our  
2 [inaudible]. That said, the first one on your agenda is an amendment to the existing text  
3 of the zoning ordinance for public communication towers. It significantly strengthens  
4 the, the county's regulatory regime and our protections and it sets up in it's core funding  
5 mechanisms of the county without any expensive to the public, at the expense of the  
6 applicant of the cell tower, can engage technical expertise that's rapidly becoming  
7 necessary to consider these really very complicated applications. The Commission  
8 doesn't see these applications because you all don't hear it, they are before the Board  
9 of Zoning Appeals. And the – in the existing criteria includes so things as, you know,  
10 propagation, and patterns and collocation decisions, other things that the Staff by its  
11 very nature, nor the Board of Zoning Appeals [inaudible] knowledge of and so the  
12 existing regime is really essentially an honor system where we take the expertise of the  
13 certified professionals that are engaged by the applicant. They put together a rather  
14 massive application and present that to the Board of Zoning Appeals. The Board of  
15 Zoning Appeals makes their recommendations. It's largely a representation of the  
16 applicant and the applicant's consultants. This amendment would do a number of  
17 things to beef up that code. Primarily what it would do, is give the county equal  
18 standing in the battle of the technicians in understanding these applications. If you want  
19 to hear more of that and technical aspects of that, that [inaudible] who's Director of the  
20 Commission Technology Department. He's really the chief drafts person of this. Mr.  
21 Pope is coming forward to say he can answer some questions as well, so if you want to  
22 get into that and see if he can address your questions if not we'll [inaudible].

1 CHAIRMAN GREEN: My question is the genesis of the text amendment, did it  
2 start with County Council, or did it start with administrative staff as a need? Just so we  
3 can better understand if one of the recommendations is to consider deferral, I think it  
4 would help us to understand kind of where it started from.

5 **TESTIMONY OF CARY MCSWAIN:**

6 MR. MCSWAIN: Okay, if I may. At the retreat of the County Council in January.  
7 Ms. Claggette(?) put together a very powerful presentation for Council's review with  
8 respect to cell towers and the situation of this county. They ran a little power program  
9 and went out and tested and found the first – out of the first five cell towers they looked  
10 at, four of them were not in a proper zone, and had no building permit, and we had no  
11 record of them. You can extrapolate that from that and say we don't know where all the  
12 cell towers are, or other towers that have antenna and so forth on them. So the Council  
13 directed we start a process looking at and discovering where all these are. We're  
14 looking at GPS coordinates right now to map all of these things and then we're going  
15 through it. When you look at the FCC for example, they only record and document  
16 anything that's over 220' high. So in some cases, these things may not have a record  
17 that we have easy access to. So we're going out and even as we speak, we have  
18 people out who are locating and identifying and placing on a map where these towers  
19 are and then we're going through all the documentation to determine how they got  
20 there. And then we'll have to decide what to do with them. In the meantime, under the  
21 recent Federal Enactments, cell coverages for example have to get up to 95% coverage  
22 ability, which means that they're going to have to erect some significantly additional  
23 number of towers. And in this county we don't know yet what that means, but the

1 possibility is there could be a multiplicity of towers showering us and the permitting  
2 process for that, or not, if they follow what some of them have done in the past. But the  
3 idea presented to Council and Council is not very much in favor of this, to have a review  
4 of our ordinance and to have a process for which we would tighten it up and work with  
5 the tower and cell community in terms of what is an appropriate and reasonable  
6 ordinance, but in the meantime that we have an interim ordinance that allows us to look  
7 at each and every permit and have those people who are driving the cost pay for that,  
8 that analysis, that Mr. Hicks was describing. So in these interim ordinance it would  
9 keep us from having an inundation of people who try to apply for permits prior to the  
10 enactment of the ordinance, and give us ample time to be able to work out a reasonable  
11 ordinance with the community of people who would be regulated by that. That's an  
12 overview, I'll be glad to answer any questions but this initiated from the County Council  
13 from that presentation at the retreat in January.

14 CHAIRMAN GREEN: I guess I'm hearing, maybe two issues come up. One was  
15 – is the issue enforcement on what has been built and how we enforce the required – I  
16 assume the required permits or required zoning when they are built. And the second  
17 issue is paying for the technical review of these towers at the \$8,500.00 in our, in our  
18 draft text. Is there one problem verses the other that's more pressing of the two? Do  
19 they really go together hand and glove or?

20 MR. MCSWAIN: They are actually tied together, and the first part is more  
21 complex than that. I think you are correct, but it's more complex in that it's not just the  
22 enforcement of what we have on the books now. But to look at all ordinances that  
23 regulate similar circumstances in other counties and other cities and other parts of the

1 country and other parts of this state. And Ms. Clagette has put that together and has  
2 an amalgamum of those and has some suggestions relative to what would be in our  
3 ordinance that need to be discussed with the community. And there has been adopted  
4 perspectives that are in this interim ordinance while we are doing that. But it's more  
5 than just the enforcement. It's trying to get to a point where for all the changes that are  
6 going to come about, in that whole arena that we be prepared with our ordinance. That  
7 it would be more up to date to be able to handle the changes.

8 MR. VAN DINE: What kind of technical items are we talking about that we would  
9 be asking whoever the [inaudible] to [inaudible]?. But it appears as though we don't  
10 have the technical expertise to do reviews or whatever and I'm – what type of technical.

11 MR. MCSWAIN: From a lay stand point, for example, if you had one tower  
12 maybe you had permits for five towers, and kind of permeated an area and we might  
13 suggest that one tower would do and you could have five companies on one tower.  
14 There has to be propagation studies or whatever relative to the output of that and  
15 whether or not they could actually collocate on a given tower. And how that would be  
16 accomplished. Those things would have to be looked at by the technical people who  
17 would determine for us that what we're asking for is a very viable way to do it. That's  
18 just one example.

19 CHAIRMAN GREEN: The current ordinance I know suggests that people  
20 collocate if possible and what you are saying Cary, is the fact we don't have the  
21 technical expertise to know whether, when somebody says, "Well we can't do it  
22 because of X,Y, Z." We are not really clear as to whether technically they're correct or  
23 not correct.



1 MR. MCSWAIN: That's correct, and so we would hire technical assistants to be  
2 able to do that, using that permit money.

3 MR. JACKSON: Would the design of the tower approved and provided by  
4 professional engineer be sufficient for the capacity of the tower?

5 MR. MCSWAIN: I'm not sure that the design itself would give you, what the  
6 capacity of the tower would be. And -

7 MR. JACKSON: I mean, as far as, how many users could be on the tower. If an  
8 engineer design was to tell us it's approved about the structure. Would [inaudible] the  
9 approval as structural engineers be sufficient to determine how much capacity of the  
10 tower?

11 MR. MCSWAIN: That would depend on what the assumptions are in the  
12 structural development and design of that tower. Wind shear factors and everything  
13 else, and loading factors that might be on that tower based on it's base and height and  
14 so forth and what additionally is added if you add any dishes or antenna and so forth.

15 MR. JACKSON: Yeah, I was just concerned about hiring additional people to  
16 review these things [inaudible].

17 MR. VAN DINE: I guess that's what you are talking about, that's the crux of what  
18 you're saying. What we have presently is not able to give full review of what's being  
19 proposed and what alternatives are available. And that's what you're asking from this  
20 ordinance is to allow flexibility to be able to get that expertise. Get on line before the  
21 approval is made of the designs that are being discussed.

22 MR. MCSWAIN: That's correct.

1 CHAIRMAN GREEN: How many of these applications do you envision roughly in  
2 a year?

3 MR. PALMER: From what I hearing that number may dramatically go up.

4 MR. MCSWAIN: It may and it may peak and then it may level off or whatever,  
5 and then it depends on the ability to press for the collocation, press for the kinds of  
6 towers and where it may be located. Where it's best located. We may be asking for  
7 alternate structures. At some appropriate time I would, I would strongly encourage you  
8 to ask Ms. Clagette to come in and present to you what she presented graphically to  
9 our Council and what's existing in other communities. For example, she showed a  
10 picture of a barn and actually it was a tower site. A picture of a tree, it looked like a  
11 Palmetto Tree, which actually was a cell tower. So they can be, aesthetically non-  
12 adverse, relative to an iron structure that goes up and everybody gets opposed to that.

13 MR. CRISS: We take about six to twelve applications in a busy year, but again it  
14 is anticipated, due to technological changes, competition in the industry, and mandates  
15 from the federal government for coverage that we may have an explosion of  
16 applications in the near horizon.

17 MR. VAN DINE: Is there a suggestion that the present locations in which these  
18 cell towers can be sited inappropriate and be reviewed, or is this a more technical as to  
19 the structure itself?

20 MR. CRISS: This is technical justification for additional towers on new sites at  
21 requested heights. We want fewer towers, spaced further apart, shorter, with more  
22 antennas on them. That's our goal. We embrace the technology. We use cell phones

1 through county government on a daily bases, but they are an intrusion, especially in the  
2 rural landscape and so we want to minimize their visual and other impact.

3 MR. MCSWAIN: If I could add to that, is a very perfect question, because  
4 several years ago the Council reviewed and changed the ordinance in terms of where  
5 these towers can be located. So where they're located is one obvious question and an  
6 issue. And how close it is to a neighborhood and what impacts it may have or not.  
7 Those are technical evaluations. That can be driven by what the zoning codes and  
8 where the zones are. We made them, we changed them, I think to a C-3, and they had  
9 to be a considerable distance based on a ratio of their height away from any nearest  
10 residential. But the review of that ordinance that we updated says now that it's obsolete  
11 and it doesn't really protect residential areas from the intrusion of these towers, which  
12 are, as Michael was saying, a necessity in the way we do business today in our  
13 community.

14 MR. CRISS: And there still is that layer of protection for the community, the  
15 review by the Board of Zoning Appeals for a special exception application. This would  
16 add the technical dimension from a mutual third party.

17 MR. VAN DINE: I guess what I'm hearing, and I may be wrong, cell towers now  
18 are only C-3. Is that?

19 MR. HICKS: Rural, sir.

20 MR. VAN DINE: Rural, because there is a provision here that's talking about  
21 setback requirements and the underlying district. That would seem to imply that there  
22 were more [inaudible]. I'm looking at the proposed language.

23 MR. CRISS: Right, I'm scrambling.

1 CHAIRMAN GREEN: And Staff recommendation is that we table this and try to  
2 work with the new code and adjust?

3 MR. CRISS: That was an initial recommendation, but we would like to have a  
4 further discussion of the merits proceeding at Council's request with this internal  
5 ordinance. And perhaps you would like to hear more from Information Technology, Pat  
6 Claggette, their director, is with us as well as other administrative staff.

7 MR. VAN DINE: What is the present application fee for cell towers?

8 MR. HICKS: It's really a special exception, sir. It's \$50.00, preparation given the  
9 criteria is considerably more expensive, but that's just to put the application in, the fee is  
10 \$50.00.

11 CHAIRMAN GREEN: I mean, ideally, you know, we've talked about this in one  
12 or two other items, it's my thought that we're going to be out there with a new, totally  
13 new Land Development Code in ten months, or nine months, to change once and then  
14 change again, obviously, we could make adjustments to the proposed Land  
15 Development Code to accommodate this. Is really the money the issue?

16 MR. CRISS: The money and the timing. We don't know when the rush of  
17 applications for new sites will arrive.

18 MR. MCSWAIN: I think the money is ancillary issue. The primary issue is the  
19 technical evaluation and the ability to properly site these and under what criteria, and in  
20 the terms of their proximity and what they may or may not impact adversely. The  
21 money issue is secondary because we don't have the financial wherewithal to do – we  
22 don't have those people employed who can do this, we'll have to contract it. So why  
23 should the taxpayer have to pay for that, and the suggested amount there is what was

1 put together relative to what it cost in other areas to do these technical evaluations over  
2 a period of time. And if it costs less, we reimburse the company the difference. And  
3 obviously we'll need to have some written policies relative to how that money would be  
4 expended so it's not open ended and to make it fair and reasonable. And it's an interim  
5 ordinance that would be able to enforce and control and evaluate technically these  
6 things right now while we're developing the ordinance that would probably come on line  
7 about the same time as the rest of the land, land use ordinance.

8 MR. VAN DINE: I don't have a probably personally if the interim ordinance could  
9 be almost engraphed onto whatever may come out of Council deliberations. So as far  
10 as whether we – this is interim going to permanent or becomes permanent and is  
11 adopted in whatever comes later, that's not an issue. From what I'm hearing is that we  
12 have, we have a lack of expertise when it comes to dealing with these to begin with and  
13 we may not be actually doing what we're supposed to be doing under our present  
14 zoning. And this sounds to me like it's designed to try and bridge that gap and make  
15 sure that we do get the [inaudible]. Do we need to put out an RFP, or something like  
16 that for people to be in position to do this work? Or how are we going to figure out who  
17 the technical –

18 MR. MCSWAIN: From a management stand point we would put that together  
19 through IT, and most definitely we would have to do that.

20 CHAIRMAN GREEN: I kind of agree with Howard that [inaudible] in essence  
21 almost translates fully into the new code. I think that's different than some of the other  
22 things we've seen, because one change and then our new Land Development Code is  
23 yet a different substantive change. So my thought would be to deal with this now.

1 MR. CRISS: One advantage of outsourcing of technical review sooner than later  
2 is that we can assess inventory the existing telecommunications infrastructure. Identify  
3 all the sites and establish their conformity, or nonconforming to the current code, with  
4 expertise personnel beyond what we have in house.

5 MR. VAN DINE: What would be doing to an individual, or entity that has put one  
6 of these up without the proper permits or anything? Do we have an enforcement  
7 provision, what is our - what's the mechanism that we're going to deal with?

8 MR. HICKS: It's obviously I think Ms. Claggette has identified at least a few - a  
9 sample, what we call stealth towers - towers that are not permitted and did not go  
10 through a site plan process, a zoning process, special exception process. And those  
11 would be subject to exactly the same sort of enforcement measures that we have now.  
12 [inaudible] could reiterate, we could charge them with criminal [inaudible] take them to  
13 magistrates court. If that didn't change the behavior we could site them repeatedly on a  
14 day to day basis until the tower was removed, or they came into compliance, either way.

15 MR. MCSWAIN: And there's some that are a little more serious too, because as  
16 we check our tax map parcels, some of these are showing unapproved land and you  
17 have a multi-hundred thousand tower, maybe a million, or so, dollars on a tower  
18 construction that's not listed on the books, it's not paying property taxes.

19 MR. JACKSON: So it's just placed there without a permit?

20 MR. MCSWAIN: Yes, sir. So we're actually in a discovery mode. You know,  
21 we're going to find out where these are, and we're not really changing anything to do  
22 with the enforcement of something that's been -

1 MR. HICKS: This is just something that's been revealed in the process that's  
2 alarming.

3 CHAIRMAN GREEN: The enforcement of what's been done illegally at this point  
4 isn't changed one way bit whether we adopt something new or don't adopt something  
5 new.

6 MR. HICKS: This particular ordinance wouldn't change that regime anyway.

7 MR. JACKSON: What about those that has been placed legally? About the  
8 expertise of them being placed there? Was there a review or is there concern about  
9 existing ones?

10 MR. HICKS: You're talking about the ones now?

11 MR. JACKSON: The towers, yes.

12 MR. HICKS: Now that the applicants usually submits are professionally  
13 [inaudible] and permitting these kinds of towers and ultimately [inaudible]. They put  
14 together a rather extensive application. Come in and file for a special exception,  
15 present that application before the Board of Zoning Appeals. If the Board grants them a  
16 special exception then subsequent to that they got to come in for a site plan review and  
17 all sorts of construction drawings. A site plan review, the fee for that is 1% of the total  
18 cost of the tower under construction, that's an additional fee. So they go through a  
19 rather extensive internal review. The difficulty has been the application they put  
20 together is totally based upon the experts of the consultants that that firm engages and  
21 pays for, and presents that, that material to us. We don't have any independent reviews  
22 so we can access the accuracy or completeness of that material.

23 MR. MCSWAIN: And that's only for the towers that we know where they are.

1 MR. VAN DINE: Am I hearing that the administration and the Staff is  
2 recommending that we adopt this language?

3 MR. HICKS: Yes, sir.

4 CHAIRMAN GREEN: We do have a couple folks signed up to speak on this  
5 issue. If there's any more questions for Mr. McSwain or Planning Staff, if not I'd like to  
6 invite those people up.

7 MR. PALMER: I just have one question. The way I read this, and I may be  
8 reading this wrong, and clarify it for me if I am, but somebody can be charged an  
9 \$8,500.00 fee and could possibly be charged and \$8,500.00 again and again if that  
10 money doesn't pay for what the county sees necessary in reviewing their application, is  
11 that correct?

12 MR. MCSWAIN: That would be directly related to the magnitude of the project.  
13 That's part of the reason I said we would need to develop internal management  
14 procedural policies relative to how that money could be used and make it fair and  
15 reasonable.

16 MR. PALMER: That's not part of what we would be taking a look at here?

17 MS. LINDER: The fee amount is put at \$8,500.00, but it's up to \$8,500.00 at the  
18 determination of the Planning Administrator. So there would be discretion like Mr.  
19 McSwain said on the extent of the project that could be a lesser fee that we would be  
20 asking.

21 MR. PALMER: It could also be a greater fee?

22 MS. LINDER: Not initially, it would be up to \$8,500.00 but if that –



1 MR. PALMER: If the \$8,500.00 is used up, then an additional \$8,500.00 could  
2 be asked for?

3 MS. LINDER: Could be.

4 MR. PALMER: So it could be a –

5 MR. MCSWAIN: Which would be relative to the magnitude of the project, and  
6 they should know that upfront when they apply.

7 MR. VAN DINE: Those would be regulations that I would assume Council would  
8 apply. We're being asked to adopt a code provision that allows them to do that and  
9 then Council and/or administration would have to adopt procedures necessary to make  
10 sure the money is accounted for and spent in the an appropriate fashion, and directed  
11 at that particular project.

12 MR. PALMER: Right, I understand, but what we would also be saying was that  
13 it's almost an unlimited type budget for review of these things. And then also over here  
14 it states that, "The County reserves the right to request additional information of the  
15 applicant as the County deems necessary." So in other words you could keep someone  
16 tied up for quite a while asking for more information. Cause you could ask them  
17 whatever you want to and then charge them for whatever you are asking for up until an  
18 unlimited amount of money. That's the only thing that scares me about it.

19 MR. VAN DINE: Well I think that at some point in time, because of obvious  
20 harassment that somebody is going to -

21 MR. PALMER: I'm just saying it's a cart blanch.

22 MR. MCSWAIN: Well that's not our intent, and that's basically why I said we  
23 would have to have a written policy that is fair and reasonable.

1 MR. PALMER: I would just feel more comfortable if I saw it. If I'd seen the policy  
2 before now I guess.

3 MR. MCSWAIN: Well, possibly –

4 MR. PALMER: A draft form or some kind of –

5 MR. MCSWAIN: Typically the ordinances is the authority for that and then you  
6 always come back in and fill in with your management, policies, and procedures. You  
7 just [inaudible] and implement that.

8 MR. PALMER: That's my only concern.

9 CHAIRMAN GREEN: Any more questions for Staff? If not, Ms. Bush?

10 **TESTIMONY OF MS. EVELYN BUSH:**

11 MS. BUSH: For the Record, my name is Evelyn Bush, and I live at 7309 Venus  
12 Road, and I'm here to ask you all to defer this. Don't take any action on it except to  
13 defer it until you understand what is before you, because I don't believe you can with  
14 what is being presented, because I'm up here and I don't have a – the only thing I had  
15 to go on before I came up here is just this little script in the newspaper, the legal ads.  
16 And this business of having only the legal ads to make the announcement to the public,  
17 and I don't think that's good policy and I think the general public is just being cheated  
18 when they can't get this out ahead of time. And that this, I believe, is going, if it goes  
19 through like was originally intended, it will be a money-making slush fund for the county  
20 to, to do anything they want to do, because it just looks un-ended to me. I had a few  
21 points I wanted to make, but I doubt if I'll get to make them in a couple minutes, but  
22 already in the Article 2, the definitions of antennas, collocate, and down on page 20  
23 after that, is a similar - but anyway, that these, the City of Columbia, had public hearings

1 on cell towers and they were having a second one according to the newspaper they cut  
2 that off because they thought they were having something worked out. If this thing goes  
3 through here without y'all knowing what you're voting on, this interim ordinance and this  
4 type thing. But I got that little bit out of the paper and this one reference out of the  
5 definitions. But then to come here today and to read all of this, I haven't even read it. I  
6 mean, I just looked at it, look at all these changes – this is poor public policy, you don't  
7 treat people like this. And the people around there who that may be harmed by having  
8 of this, the radiation, or whatever, if one time and they don't know it's coming because  
9 it's camouflaged out there in the middle of a field and looks like a pine tree or a barn.  
10 This is not fair to the public. I urge you to go back and at least read what went on at the  
11 Board of Zoning Appeals and what went on down at the [inaudible].

12 CHAIRMAN GREEN: Thank you, Ms. Bush. Mr. [inaudible]?

13 AUDIENCE MEMBER: I meant to sign up for the storm water.

14 MS. LINDER: Mr. Chairman, I believe on page 142, subsection 2, the second  
15 paragraph, a scrivener's era, on the double underline, I think it should be subsection 9,  
16 below, not 10.

17 CHAIRMAN GREEN: No one else is signed up to speak on this particular issue.

18 MR. VAN DINE: Mr. Palmer's point is well taken and I'm wondering if there's a  
19 way that we can write into this particular ordinance a provision, and this language is by  
20 no means complete, but in essence, that the thing would say before the application of  
21 the ordinance to anybody that regulations and procedures must be approved and  
22 adopted by Council. And that way at least there is going to be some way that those  
23 particular provisions can be vented and can be discussed prior to the application of this

1 ordinance. So it would seem to me that way at least we would be able to know the  
2 ground rules before this was applied. And so I guess, not having specific language in  
3 mind with that particular idea, I would move approval of this particular ordinance,  
4 provided we provided we provide a [inaudible] that would be included as part of the  
5 ordinance. And if you want me to, again, I can give you the general ideas. But in  
6 essence it would say before the application of this ordinance to any entity or individual,  
7 regulations and procedures for dealing with the deposits and the funds must be  
8 approved and adopted by Council and administration. I think the administration would  
9 be presenting it to Council for approval and adoption.

10 CHAIRMAN GREEN: We have a motion on the floor is there a second?

11 MR. DUNBAR: Second.

12 MS. WYATT: I'd like to hear that again.

13 MR. VAN DINE: I'll try and do the best I can.

14 MS. WYATT: Well, we do understand you're an attorney, so.

15 MR. VAN DINE: Before application of ordinance to entity or individuals,  
16 regulations and procedures must be approved and adopted by Council after  
17 recommendation by administration.

18 CHAIRMAN GREEN: And after this recommendation were to go to Council they  
19 may hold their three readings and their public hearing, correct?

20 MS. LINDER: County Council has already had first reading on this, so –

21 CHAIRMAN GREEN: Have they had their public hearing yet?

22 MS. LINDER: They have not. This will be – your recommendation will go to the  
23 Zoning Public Hearing at the end of this month for possible second reading.

1 MS. WYATT: On the 23<sup>rd</sup>?

2 MS. LINDER: That's correct.

3 CHARIMAN GREEN: Other discussion on the motion?

4 MR. PALMER: Clarify for me if you would Howard in layman terms - almost, kind  
5 of, what I'm looking for here is -

6 MR. VAN DINE: I can't.

7 MR. PALMER: Is I know it may be an impossibility, but some sort of an upfront  
8 pricing structure on this thing to the applicant.

9 MR. VAN DINE: What I'm suggesting is that the regulations and procedures for  
10 imposing the 85 – anything beyond the initial \$8,500.00 and how to decide whether or  
11 not the money is being spent appropriately needs to be adopted and approved by  
12 Council before it, any of this ordinance can be enacted or applied to an individual. So in  
13 other words they would have to say, "A person is going to be reviewing XY and Z  
14 portions for technical compliance and for compatibility with the tower with most of the  
15 uses", or whatever the reason is so –

16 MR. PALMER: Just as a side note, I think this almost opens the flood gates for  
17 impact fees. This seems almost kind of what this is, the fact that this individual, these  
18 people are having to pay for the ability to double check their work. It seems like a fee to  
19 them only – a dramatic increase too.

20 MR. VAN DINE: I think what it's doing is providing the county with the ability to  
21 make sure that what they are getting is what they should be getting. Something to the  
22 magnitude of what they are talking about – if I'm hearing what's being said, we're  
23 already doing, you know, 1% of whatever the values are on things, and so –

1 MR. PALMER: The problem is that we're not getting that 1% on the majority of  
2 the stuff that's out there. What do you call them stealth towers or something? We don't  
3 quite know where there at so we're not getting money off the stuff. If we enforce what  
4 we – if we were getting the 1% of what we should have been getting the whole time  
5 around what would that do? Has anybody taken a look as to what that would – I guess  
6 it's impossible to know, because you don't know where they are?

7 CHAIRMAN GREEN: That's a building permit fee right?

8 MR. HICKS: Site plan review fee. We really don't have a good picture of how  
9 many, I call them "stealth" towers are out there and how many of them are actually legit  
10 and went through the proper process. I seriously doubt that it's a majority. It's a  
11 problem, but I doubt it's a majority. But that remains to be seen. We don't know.

12 CHAIRMAN GREEN: John, does that 1% figure, to follow Pat's question, does  
13 that 1% fee they pay a building permit or is that their review fee?

14 MR. HICKS: That's the site plan review fee.

15 CHAIRMAN GREEN: So they're paying a fee now?

16 MR. HICKS: Yes.

17 CHAIRMAN GREEN: And a typical standard old tower it costs what, rough  
18 guess? Wild guess, is it \$50,000.00 or a half a million?

19 MR. HICKS: What's the question?

20 CHAIRMAN GREEN: What's the fee typically running now?

21 MS. ALMEIDA: \$500.00 to \$1,000.00.

22 CHAIRMAN GREEN: \$500.00 to \$1,000.00 now as a review fee?

1 MR. HICKS: For the site plan review that's something only been recently since  
2 last budget year. The budget ordinance that fee was enacted by Council.

3 MR. PALMER: So that number that we were doing, we should have been doing,  
4 could dramatically increased if we'd known where all these towers were? I mean, I'm  
5 not saying it's a fault of you guys, I'm just saying that maybe some people are doing  
6 some underhanded things and putting them up where they shouldn't have been.

7 MR. HICKS: If everybody abided by the law we would have made more money.  
8 There's no doubt about that, but how much more, we don't know.

9 MR. PALMER: Then we wouldn't need to penalize the people who are doing it  
10 the right way, because of people who aren't doing it the right way.

11 MR. HICKS: It's sort of like if everybody abides by the speed the limit.

12 CHAIRMAN GREEN: I think what's happening though is that, when they don't  
13 pay it, then it's also not getting reviewed. The purpose of the fee is not to generate  
14 income for the county, but to cover the cost of the –

15 MR. HICKS: Offset the cost of the Staff time –

16 MS. WYATT: We're not protecting public.

17 MR. VAN DINE: I think what we're trying to do is, we're trying to get a fee in place  
18 to be able to review from a technical aspect what is being proposed. If in fact you don't  
19 hit the \$8,500.00, then it's refunded. None of the money can go into a general fund. It  
20 has to be applied and dealt with in the review process. Therein lies – because of the  
21 discreet review that's going to take place. That's what I'm proposing with the  
22 regulations and procedures aspect of it is complying with the review is to take, to make  
23 sure that the money is applied in that fashion.

1 MR. PALMER: And I understand what you are saying, but I just have a sense  
2 that if we charge someone \$8,500.00 for a review of a cell phone tower that somehow  
3 with outsourcing that and consulting fees or whatever needs to be done with it, that  
4 somehow that number is going to become, roughly, \$8,500.00 to do that job. So, you  
5 know, if we budgeted \$10,000.00 for it, some how it would \$10,000.00. If budgeted  
6 \$5,000.00 for it, it could quite possibly – see I have no idea how much this stuff costs to  
7 get done. I know –

8 MS. WYATT: It's called the cost of business.

9 MR. PALMER: And that's what I'm saying. I don't how much that costs, because  
10 I've never looked into it. Is there any rationale behind the \$8,500.00, is that something  
11 you guys have looked at?

12 MR. MCSWAIN: If I might address that. I would respectfully ask that you not get  
13 all tied up in this \$8,500.00, because that's, that's a logistical management aspect of  
14 implementing this whole thing. \$8,500.00 was put in there – I think Ms. Clagette  
15 looked at a number of things, and that's just sort of an average, reasonable amount that  
16 is being charged in other vicinities, other entities. And if that's not a correct amount,  
17 once we start talking with the tower people, and the cell people, and so forth, we can  
18 make that adjustment. What we have is an outside number that we can work up to.  
19 Depending upon the plans that are submitted, and the magnitude, or complexity of  
20 those plans or where it's located, where it's located relative to other towers, all of that  
21 has to be determined and how much work that drives will depend on how much it costs  
22 to get the whole study done. And Mr. Van Dine is exactly right. That money will be  
23 special revenue, it is attributable is only specific expenditure to contract to do that. And



1 you know the companies are going to be watching us like wolves. That if we do  
2 something that isn't fair and reasonable they are certainly going to be contesting that.  
3 And if we aren't, we'd like to know ourselves, because the ultimate goal is to be fair and  
4 reasonable. But make sure we have a regulatory process, that does in fact do exactly  
5 what Ms. Bush suggested, that we're protecting the citizens. And that's a part of what  
6 this is all about and at the same time we allow business to grow.

7 MR. VAN DINE: The incentive is not there – when – I would agree with you  
8 wholeheartedly that whatever was set if whatever extra could be dumped into some  
9 other fund, but the fact that the money is allocated specifically for that purpose and that  
10 is it's only purpose then it's going to be dependent upon what happens in the review  
11 process, not whether or not we can make an extra \$3,500.00 to stick over and do  
12 whatever we want to do with it, so.

13 CHAIRMAN GREEN: In terms of the language of the ordinance, is there a need  
14 to have the \$8,500.00 specified, or could it simply read, and I'm just looking on page  
15 141, “. . . must be accompanied by a deposit, as determined by the County  
16 Administrator.” If there's a hang up over the \$8,500.00.

17 MS. LINDER: I would say that, yes that is possible, but it does probably not  
18 provide as clear of a notice to the applicant as to what that fee could be.

19 CHAIRMAN GREEN: We have a motion on the floor. Is there any further  
20 discussion with regard to the motion?

21 MR. VAN DINE: And understand the motion had that caveat or amendment to  
22 what is presently before them.

1 MS. LINDER: I will redraft the ordinance to incorporate the intent of Mr. Van  
2 Dine's motion.

3 CHAIRMAN GREEN: So it is what you have in front of you, written in front of  
4 you, plus whatever Howard said is the motion. Seeing no further discussion, those in  
5 favor of sending this forward to County Council with our recommendation for approval,  
6 please raise your hand.

7 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
8 *McBride]*

9 MS. WYATT: Can they have that by the 23<sup>rd</sup>, the minor change that we made?

10 MS. LINDER: Yes, that is correct. I'll draft it and give it to Staff so they can put  
11 in the agenda package.

12 CHAIRMAN GREEN: The next text amendment we have in front of us is with  
13 regard to flood protective areas. We do have a couple people signed up to speak. Staff  
14 has again recommended that we defer this until the new ordinance and [inaudible].  
15 Michael?

16 MR. CRISS: With your consist Mr. Chair, John did not have full access to all the  
17 information and discussions that had taken place about this floodway regulation  
18 proposal. The first text amendment actually came from our sister department, the  
19 Department of Public Works. To recognize that the county attorney's interpretation of  
20 the word "impede" was such that none of the allowed land uses could be carried out in  
21 the floodway portion of the flood plain. That's where the water runs deepest and  
22 fastest, the portion of the flood plain that needs to be reserved for future flood flow. The  
23 county engineer, Ralph Pierson, asked, through text amendment, to modify the

1 language in, specifically chapter 26, your zoning ordinance, the flood plain management  
2 portion. The intent of this text amendment is to allow the ordinance as written to work  
3 as it was initially intended. That is to allow certain land uses in the floodway portion of  
4 the flood plain, such as agricultural, parking, open air uses, recreational uses, airport  
5 runways, streets, bridges, overhead utility lines, and the like, without encouraging  
6 buildings in the floodway portion of the flood plain. We think that this is an appropriate  
7 modification of the existing flood plain regulations in your current zoning ordinance and  
8 our intent on bringing proposed Land Development Code language into conformance. I  
9 used to manage flood plain regulations for Lexington County, and I had to deal with that  
10 same word, "impede". Turns out there's really not an official engineering interpretation  
11 of it, so you have resort to the dictionary definition, which is rather strictly constructing.  
12 And I realize that in my history as flood plain manager I was interpreting not a  
13 substantial reduction in flow. In other words, through engineering hydrologic and  
14 hydraulic analysis, if you can show there's no effect on the elevation of the flood due to  
15 an agricultural activity, or putting in a parking lot, or some of these other land use  
16 exceptions spelled out in current ordinance, then such encroachment could be allowed  
17 by the local jurisdiction without endangering it's participation in the national flood  
18 insurance program. This amendment would not reduce our current Richland County  
19 Flood Plain Management down to the minimum level of protection restriction required by  
20 the federal government, the Federal Emergency Management Agency, for us to  
21 participate in this national insurance program. The federal minimum requirements allow  
22 virtually any encroachment into the floodway, even buildings, if you can show an  
23 engineering no-rise as they call it. An engineering no rise. No rise in the resulted

1 flood, and you can imagine how this done. Structures are put on pilings. The bulk of  
2 the structures above 100 year flood so it flows under the building in a 100 year flood  
3 event, and the obstruction of the piers and pilings and other support structures is  
4 mitigated by the removal of trees or top soil or other material on site, so as to  
5 compensate for that channel carrying capacity. But we don't want to encourage  
6 buildings in floodway, because even if they can be protected against damage from  
7 flooding inundation and actual destruction, we still have the concern over occupancy.  
8 The fact that people use buildings and end up needing to be rescued in flood events,  
9 and you don't want to bring folks to a nuisance where it can be avoided. So we are  
10 reversing our position from the official agenda recommendation in saying yes we do  
11 want to make these changes, with the understanding and intent that this is not to  
12 encourage buildings in floodway. That it is to allow only the land uses already spelled  
13 out in the current zoning ordinance as appropriate uses in floodways where engineering  
14 studies demonstrate no impact on the elevation of the 100 year flood due to the  
15 development land use.

16 CHAIRMAN GREEN: Michael, how consistent is the newly proposed language  
17 with the draft development code?

18 MR. CRISS: We have basically carried the same language forward.

19 CHAIRMAN GREEN: So, in essence this can be –

20 MR. CRISS: Easily adjusted. The proposal in the Land Development Code can  
21 be easily adjusted to accommodate this text amendment.

22 CHAIRMAN GREEN: We have a couple people signed up to speak. Any other  
23 questions for Staff at this point, before we listen to these folks?

1 MR. VAN DINE: Has Staff had an opportunity to review the language that was  
2 proposed by certain of the environmental groups?

3 MR. CRISS: I have not.

4 CHAIRMAN GREEN: You should have received, the Planning Commission  
5 members, some of you received - in some cases it were printed in black and red and in  
6 other cases additional copies showed up in only dark ink.

7 MR. VAN DINE: If you look at the print, the lighter print would be the red, which  
8 is the change.

9 MS. LUCIUS: The red is where it differs from what we're looking at.

10 MR. VAN DINE: All of section F, on the first two pages and if you go over to  
11 section 4 on the third page.

12 MR. MCSWAIN: If I may answer that question, relative to whether or not we've  
13 looked at it. We had a very lengthy meeting in the County Attorney's office with the  
14 ones who, I think have proposed that alternate language and we went over that. And  
15 also with a conference call with an attorney in Chapel Hill. We had a very lengthy  
16 discussion about the changes and what the ordinance, as it is proposed from a Staff  
17 level, what it contains and what it actually means. Basically all we have done is defined  
18 "impede" as dimensioning the flood carrying capacity and using specificity of the FEMA  
19 language, but it still prohibits structures from being built. Any structure related to  
20 anything that's allowed in here is a crossing and no related structures allowed in a  
21 floodway. They're prohibited. The attorney in Chapel Hill had some issue with regard  
22 to what "no-rise" means, and what impact it may have, even though we've only  
23 substituted definitions and haven't added anything else. And what I ask is, that in lieu

1 of this language that he send us something in writing that very specifically defines what  
2 “no-rise” is and if he – and in that document, it still contains the word impede, which  
3 doesn’t have a definition, and I ask him to define it in their terms, and that we would look  
4 at that and see how it squares with what language the Staff has developed. We have  
5 not received that yet to my knowledge, unless it went to Planning, but we have not yet  
6 received that. We are still pending that document to define "impede" and define, more  
7 technically, what he suggested would be necessary for a definition including the words  
8 “no-rise” consistent with the FEMA regulations.

9 CHAIRMAN GREEN: I’m going to call, because we have three people signed up  
10 to speak, Mr. McLeod.

11 **TESTIMONY OF EARL MCLEOD:**

12 MR. MCLEOD: Mr. Chairman and Members of the Planning Commission, my  
13 name is Earl McLeod and Executive Director of the Homebuilders Association. We  
14 want to ask that you approve the recommended language as prepared by Staff, and we  
15 think that it’s necessary for you to do that at this time to give direction to the County  
16 Council. Because the current ordinance language in the proposed Land Development  
17 Code - the problem exists there. So this language change, or change in the ordinance  
18 would correct, or send a message to County Council to also correct that language in the  
19 proposed Land Development Code. So it needs to be done at this time, we feel. We  
20 think the language as prepared by Staff corrects the issue regarding the interpretation of  
21 “impede”. It doesn’t allow for any greater, as already been said, uses within the  
22 floodway areas, but allows for those exceptions, which the current ordinance already  
23 allows for, but the word “impede” doesn’t allow for it to happen. So we’d ask that you go

1 ahead and give a favorable recommendation back to Planning Council for the language  
2 as drafted by the Staff.

3 CHAIRMAN GREEN: Mr. Adams.

4 **TESTIMONY OF ROBERT ADAMS:**

5 MR. ADAMS: My name is Robert Adams, I'm a member of the Congaree  
6 Taskforce. I think most of you would remember our organization's involvement in the  
7 Green Diamond of debate several years ago, and the storm water ordinance debate  
8 that went on at the same time. The ordinance that was ultimately adopted by the  
9 Council three years ago is stricter than FEMA standards and the Council set it up that  
10 way on purpose. They wanted it to be that way. We believe that the Council will very  
11 likely still see this issue in that light. I'm here to speak against the Staff language  
12 obviously, but also in support of our language. And Mr. McSwain and the Staff folks did  
13 have a discussion with a couple of our members on Thursday afternoon, but really that  
14 was only at the 11<sup>th</sup> hour, and Council members had asked, or you may even could say,  
15 instructed Staff to talk to our group over a period of several weeks leading up to this last  
16 minute invitation to meet with Staff last, last, late last week. So I think, give us a little  
17 leeway in terms of the fact if somebody asks for some language from our group on  
18 Thursday afternoon that they don't have on Monday for a Planning Commission meeting  
19 that started at 12:30, I hope you would take that into consideration. Our view is that the  
20 word "impede" is not a big problem, unlike the view of Mr. McLeod and perhaps, Mr.  
21 McSwain, himself. We believe that minor modifications, in other words, a rifle shot  
22 approach to the problems that they are trying to address is a better approach to take.  
23 We think you can make modifications in the amendments that we are offering that cover

1 the whole spectrum of any scenario which might need to be addressed under this  
2 ordinance. This debate that we're engaging in now can be a short lived one, where  
3 minor modifications are made, or it can be another big debate, like the last storm water  
4 ordinance debate. And I don't think the Council wants to go through that fight again,  
5 frankly. The last time was a big fight. It was not really about the Green Diamond,  
6 although it did certainly effect the Green Diamond. This round of discussion is not  
7 about a specific development, although, in our discussions with Mr. Mungo this morning,  
8 our amendments would allow him to move forward with construction on the bridge that  
9 he's concerned about. We address his concerns in our amendments and we think the  
10 amendments that we're proposing cover the spectrum of all the needs that need to be  
11 address by the Planning Commission and Council on this issue. There was a little bit of  
12 confusion at the DNS committee when they took this issue up late last week, because  
13 Council had referred this issue to them, and then I think after the fact, determined that  
14 they should have referred it to you, and members of the committee, who frankly see this  
15 our way, did not want to take action on something that should have been forwarded to  
16 you beforehand, so they simply referred the matter back to the Council for that reason.  
17 But I appreciate your listening to our concerns. I think Bob Luzinski is going to follow up  
18 my comments with some of his own and then we have, we would like to see, and I think  
19 members of your committee may recommend this. That your committee put off taking  
20 up this matter, until you meet again next Friday which would give a couple of our  
21 members who are better informed on this that are lawyers, who know this better than I  
22 do, a chance to contact your members and tell you why you think you ought to adopt  
23 our amendments.



1 CHAIRMAN GREEN: Mr. Luzinski.

2 **TESTIMONY OF ROBERT LUZINSKI:**

3 MR. LUZINSKI: My name is Bob Luzinski, I'm with the Sierra Club of the  
4 Congaree Council. I would like to thank this group for all that you do, you are a service  
5 to the community. Three years ago we had a very raucous and a very loud public  
6 debate, and a good public debate on the nature of storm water regulation in this  
7 community. And it was decided by Council that we would largely keep in place the  
8 restrictive language, more restrictive than the minimally required FEMA language as a  
9 matter of policy. And as part of that debate there were some exceptions granted to  
10 enable the private school, at that time, and the sewer plant that was in the floodway that  
11 was immediately effected. And like a door opening to allow these exceptions, Council  
12 voted to put those exemptions in place in the current storm water ordinance. I am no  
13 attorney and frankly we do feel like we haven't really, the environmental community,  
14 hasn't been engaged in part of the discourse that's been occurring with Mr. Mungo and  
15 the County Staff like we would have liked to have been. We lately got into the process.  
16 We think it's an important – this is an important piece of legislation. We think that the  
17 Staff perhaps unknowingly, or perhaps with out full appreciation, is going too far, too far  
18 in reducing protections. And we have offered, humbly for your consideration, again  
19 finding out about this at the last moment, some compromised language which, at least  
20 according to Mr. Mungo this morning was, he would have liked to have gotten more, but  
21 he could possibly live with this, which was our understanding was the initial motivating  
22 factor. It was kind of news to me that the Staff, you know, wants a less restrictive storm  
23 water ordinance. So anyway, we would like to defer to a time schedule which allows us

1 input. We do think a compromise is possible. We think that the politicians at the county  
2 level want that, and do not want a larger debate. They want compromise worked out,  
3 and I think that's achievable. Thank you.

4 CHAIRMAN GREEN: Thank you, sir.

5 MR. VAN DINE: Is there any reason why – we're going to have special meeting  
6 on Friday, that we can't get further input? Apparently Staff has not seen their  
7 language? [inaudible] five days. We have a special called meeting on Friday to discuss  
8 the landscaping, would it not be possible to have a report back from Staff based upon  
9 the language that is being suggested? And if there is no reason for a change then we  
10 deal with it then?

11 MR. CRISS: I would certainly benefit from that time.

12 MR. VAN DINE: Does anybody propose we take it up now?

13 MS. LUCIUS: I don't feel ready to vote on it.

14 MR. VAN DINE: I guess, I would make a motion that we defer action on this until  
15 our special called meeting on Friday and give that - and in the interim time have Staff  
16 review the language proposed. If they don't believe it's appropriate to make a change,  
17 then just say that. But if there is something that can be gleaned from there where some  
18 advantage could be taken, then maybe that could be something we [inaudible] real well.

19 MS. LINDER: Maybe I do need to remind the, or at least let the Planning  
20 Commission know, that there are two aspects to this. Changes to Chapter 8 as well as  
21 changes to Chapter 26. Changes to 26 is why this issue is now before you. Some of  
22 the recommended changes that an outside group made have been tentatively  
23 incorporated into changes to Chapter 8. And that is what is going through County

1 Council. Because these are changes to the zoning ordinance then that's why it's before  
2 you. The Council has retained the review of Chapter 8. I personally do not recommend  
3 putting duplicative language in two different places of our code of ordinances. If we say  
4 it in one chapter we do not need to repeat it in another chapter.

5 MR. VAN DINE: Then I guess that's all the more confusion that's just been  
6 heaped on me right now that I don't even know what we're talking about. So I'd feel  
7 much more comfortable if we did it on Friday with a little bit more idea of what you're  
8 talking about, because I certainly am not sure what it is. So I guess I have made – I  
9 have made a motion to defer to Friday for further discussion of this particular ordinance.

10 CHAIRMAN GREEN: We have a motion on the floor, is there a second?

11 MS. LUCIUS: I'll second.

12 CHAIRMAN GREEN: We have a motion on the floor and a second to defer  
13 further consideration for this change in the ordinance. Any further discussion?

14 MR. JACKSON: What time do we meet on Friday?

15 CHAIRMAN GREEN: Noon.

16 MS. WYATT: It sounds like it's going to be a long meeting.

17 CHAIRMAN GREEN: Those in favor of deferral raise your hand please?  
18 Opposed?

19 *[Approved: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
20 *McBride]*

21 CHAIRMAN GREEN: We will defer this to our Friday meeting. We assume that  
22 will also be a public forum for anybody. Next on our agenda is a draft of changes to the  
23 minimum required common open space for cluster housing. And this also carries with it

1 a Staff recommendation for deferral until the new ordinance. We do have four people  
2 signed up to speak, and I know that at least one has already decided the day has gotten  
3 too long for, I think, but John.

4 MR. VAN DINE: Mr. Chair, I need to leave, I've got to go pick up my daughter.

5 *[Van Dine out at 5:19 p.m.]*

6 MR. HICKS: To cut to the chase - look at page 155 in your packet. You'll see  
7 the amendments are quite simply a table of minimum common open space which are  
8 contained in the subdivision regulations. So when a developer with, for example, a  
9 single family residential, would [inaudible] own a piece of property and wants to have a  
10 cluster housing development, they first have to go to the Board of Zoning Appeals. If  
11 they get that special exception for cluster housing, and they got RS-1 cluster, different  
12 zoning category, subsequent to that, they've got to present two Staff and to you the  
13 subdivision, actually, designs and how the cluster housing is going to be developed.  
14 These are the rules for minimum common open space that they need to set aside for  
15 recreation and so forth in order to qualify for that special cluster housing subdivision in  
16 the various zoning districts. So RS-1, the existing codes you have to have 10% of RS-2  
17 - [inaudible]. So this is an initiative by Ms. Corley of the Council, at the request of some  
18 of her constituents, to correct what they say is basically a scrivener's error, just a  
19 mistake. I don't have any evidence of this - [inaudible] I don't think she has any  
20 evidence that shows conclusively in terms of County Council minutes or any other kind  
21 of action that in fact that was a scrivener's error. I mean, this is - the code is published  
22 [inaudible] going from 10 to 30. The old code showed from 30 to 10. So you really  
23 have to take it on its own merits. There are arguments on both sides about whether this

1 is the perfect thing to do. [inaudible]. The long and short of it from my professional  
2 perspective is this is one of those things that Mr. Van Dine indicated when he said he  
3 had no objection to passing an amendment that could be essentially just plugged into  
4 the new Land Development Code. This particular one is not going to be plugged into  
5 the new Land Development Code. [inaudible] the new Land Development Code we  
6 have a completely different way of handling common open space and the set back and  
7 lot size credits and how we do, dealing with what we now call cluster housing. So this is  
8 very different from that. So with that, my recommendation is not to recommend this.

9 CHAIRMAN GREEN: We have four people signed up to speak. Phil Kuzlik?

10 AUDIENCE MEMBER: He's already gone.

11 CHAIRMAN GREEN: Mike Sloan?

12 **TESTIMONY OF MIKE SLOAN:**

13 MR. SLOAN: Mike Sloan again with the Ballentine/Dutch Fork Civic Association.  
14 We looked at this error and what we were looking at was credibility to cluster housing.  
15 Whether you design it or not, cluster housing's got a bad name. It's got a bad name  
16 because somehow when we turn around and say we're going to cluster houses  
17 together, they think, okay you're looking for more density. Well, you know, density's the  
18 whole argument of every development that we go through, whether it be rural or  
19 whatever. What we were looking at here was when you turn around and say we're  
20 going to have cluster housing, then we should automatically increase green spaces. I  
21 mean, that should be automatic. If we're going to give this up for smaller lot sizes, then  
22 we should reward with more green spacing, especially in the areas of residential  
23 sections. I notice today nobody spoke of it. Nobody said nothing much about green

1 space, whether it was up here, me or anybody. I love green spaces. I want to make  
2 one point and then I'm going to sit down cause it's been a long, long day. We had a  
3 great conversation and a great meeting with the Mungo Development Company  
4 concerning his project on Johnson's Marina Road. That project was a type cluster  
5 development. Mr. Mungo said, "Okay, I hear you. I can understand where you're  
6 coming from in cluster development. We're going to give you 25% green space. Land  
7 in perpetuity. Cannot be touched." Now, a lot of people are going to say, well, you  
8 know, he's doing this maybe out of the kindness of his heart. But I think he's setting a  
9 trend that I would like to see this planning board get set into their mind. We're talking  
10 about rural development. I'm with you, Ms. Lucius, but one thing that we can do is  
11 obviously look at green space to kind of control some of this. This will help us some in  
12 density, and also will save some things that could be mowed down. We need a firm  
13 thought pattern process on this. We need you to start thinking more green space. If the  
14 big developers are thinking it, then the Planning Commission needs to think it. And Mr.  
15 Mungo sure took a giant step forward and I thank him for it, when he came up and gave  
16 us 25% green space on the project he was doing. And I would suggest this  
17 Commission, wherever it may be, wherever you may stand, whether it be the Land Use  
18 Plan or right now, the other plan for green space, just keep that thought process in mind  
19 when these applicants come up and let's ask them what they're going to give us in  
20 green space because it's a big help in, in turning development. Thank you.

21 CHAIRMAN GREEN: Thank you, sir. Mr. McLeod?

22 MR. MCLEOD: Mr. Chairman and Members of the Planning Commission, my  
23 name's Earl McLeod. I represent the Homebuilders Association and once again we'd

1 like to ask that you accept the Staff's recommendation in this regard. As Mr. Hicks has  
2 said, the current ordinance, the draft is completely different than what you have  
3 developed in the new Land Development Code. So you would be amending the current  
4 ordinance and then at some time in the future the Land Development Code's going to  
5 approach this subject on an entirely different matter, so it seems not anyone's plan that  
6 we adopt this ordinance at this time, so we'd ask that you recommend to Council that  
7 you not accept this recommendation to amend the current zoning ordinance.

8 CHAIRMAN GREEN: Thank you. We don't have anybody else signed up to  
9 speak. Commission Members?

10 MR. DUNBAR: I agree with Staff's recommendation because we spend a lot of  
11 time in our proposed land development [inaudible] and we've got a proposal I think  
12 we've got a consensus on and I don't think there's any reason to take this for the short  
13 term fix to something that may or may not have been a mistake. I think there's differing  
14 opinion on whether there was a mistake made to start with. So I would agree with Staff  
15 and make a motion that we defer this until the [inaudible] Land Development Ordinance  
16 in total.

17 CHAIRMAN GREEN: We have a motion on the floor that we send this forward, I  
18 would assume [inaudible] recommend it not be passed, not be adopted, and do I have a  
19 second?

20 MS. WYATT: I second.

21 CHAIRMAN GREEN: We have a motion and a second that our recommendation  
22 be that this not be adopted. Any discussion?

1 MR. JACKSON: I just have some concern. I know [inaudible] RS-1, RS-2 and  
2 having green space and not having green space. I think it would help if we have some  
3 sense of land available in these developments. The developer, especially in the rural  
4 communities, has seen a certain type development moving in that area, and how it's just  
5 being dumped without their concern for having any green space or even space  
6 available. So I would have to - could not support denying this.

7 MS. LUCIUS: We did have [inaudible]. We had a subdivision last month and  
8 they had in fact put aside exactly 10% green space, and I remember we - it was RS-1  
9 and we questioned whether or not that was -

10 MR. HICKS: Planning Commission has, at their discretion, in looking at the  
11 subdivision plan and just like everything else say I don't think this is -

12 MS. LUCIUS: So we could do it that way. We don't have to do it this way.

13 MR. HICKS: You only really have - this issue only comes up with cluster  
14 housing. See, Mr. Jackson, the RS-2 rezoning that you were concerned about and  
15 indicated you thought was dumping in the rural zone has actually no requirement for  
16 open space at all.

17 MR. JACKSON: Yeah, I understand. I'm just saying with cluster housing, I still  
18 would like to see more space.

19 MR. HICKS: I don't argue with you there at all. I'm just talking about the timing  
20 issue [inaudible].

21 CHAIRMAN GREEN: We do have a requirement in place now that there is open  
22 space required in the cluster housing development, whether we agree exactly with what  
23 we have or not, but I'd hate to see us change rules -



1 MS. LUCIUS: I understand.

2 CHAIRMAN GREEN: - three sets of rules within a 10 month period.

3 MS. LUCIUS: This was a - but the way it is now, we can't require more than 10%  
4 with cluster, can we?

5 CHAIRMAN GREEN: This is a minimum. We can't require -

6 MS. LUCIUS: We can't require -

7 MR. HICKS: That's the minimum. You can't require more, but you can certainly  
8 let the cluster housing subdivision developer know and talk about how it's designed and  
9 there's design input. I mean, in fact you've done that, even though [inaudible]. But to  
10 recommend denial on, say a planned unit development [inaudible].

11 CHAIRMAN GREEN: We have a motion on the floor. Is there any further  
12 discussion? The motion on the floor is to send this forward with a recommendation to  
13 not adopt the change in the current ordinance. All those in favor of the motion please  
14 raise your hand. All those opposed to the motion?

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

17 CHAIRMAN GREEN: Next on our agenda is discussion regarding revisions to  
18 the Commission's Rules and Procedures. Oh, excuse me. The most fun, difficult part -  
19 we have road name changes and road name approvals.

20 MR. DUNBAR: I move approval.

21 MS. LUCIUS: Second.

22 MS. WYATT: Was there a change?

1 CHAIRMAN GREEN: No changes. They just did names, I believe. I don't think  
2 there are any changes. Do we have a road name change? Strike that. There's no  
3 agenda item for that, only road name approvals. We have a motion and a second. Any  
4 discussion? All those in favor please raise your hand. Opposed, your foot?

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

7 CHAIRMAN GREEN: Next on our agenda is discussion regarding revisions to  
8 the Commission's Rules and Procedures.

9 MR. GOSLINE: Mr. Chairman, Members, the only reason this is on there is we  
10 had a meeting scheduled two or three weeks ago and it turns out everybody was sick,  
11 so we couldn't do it. I guess at some point it's going to be appropriate to take a look at  
12 the Rules and Procedures in some formal sense and however you want to do that.  
13 Maybe you want to appoint a subcommittee or whatever you want to do. That's the only  
14 reason it's on the agenda.

15 CHAIRMAN GREEN: The only other thing I would add. We do have a County  
16 Council work session from 6:00 to 8:00 that's still on the schedule for Thursday  
17 evening?

18 MR. CRISS: Correct.

19 CHAIRMAN GREEN: And that will be held here in Council chambers?

20 MR. CRISS: Correct.

21 CHAIRMAN GREEN: Are they requesting, don't care, about Planning  
22 Commission's attendance at that session?

23 MR. CRISS: Your presence is most welcome. But there has been no directive.

1 CHAIRMAN GREEN: Okay. Is there any further business to come before the  
2 Planning Commission? We stand adjourned.

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*[Adjourned at 5:32 p.m.]*