

**RICHLAND COUNTY PLANNING COMMISSION**

July 12, 2004

1  
2  
3  
4  
5 *[Members Present: Palmer, Furgess, Lucius, Jackson, Green, Wyatt, Van Dine, Dunbar,*  
6 *McBride]*

7  
8 Called to Order: 1:04 p.m.

9 CHAIRMAN GREEN: I'd like to call the July 12<sup>th</sup> meeting of the Richland County  
10 Planning Commission to order. The first item on our agenda is the presentation of  
11 minutes for approval from our June 7<sup>th</sup> meeting.

12 MR. VAN DINE: Move approval, Mr. Chairman.

13 MR. FURGESS: Second.

14 CHAIRMAN GREEN: We have a motion and a second to approve our minutes  
15 from June 7<sup>th</sup>. All in favor please raise your hand. Opposed?

16 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride;*  
17 *Absent for vote: Jackson]*

18 CHAIRMAN GREEN: Next on our agenda is agenda amendments. There is one  
19 amendment that we have been asked to move 04-59 MA, which is the 59 acres at  
20 Northwest intersection of McCords Ferry Road and Reynolds Road to the last item  
21 under zoning map amendments. There's been a request made of the Chair.

22 MS. WYATT: Mr. Chair, I'll make a motion that we move that to the last item  
23 under zoning map amendments.

24 MR. VAN DINE: Second.

25 CHAIRMAN GREEN: Any discussion? All those in favor please raise your hand.  
26 Opposed?

1 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride;*  
2 *Absent for vote: Jackson]*

3 CHAIRMAN GREEN: Ms. Linder, did you want to request that we also move our  
4 consideration of the rules and procedures forward?

5 MS. LINDER: Yes, I would recommend that you move that forward to take that  
6 up to – in order to maybe take some subsequent action later. So you would need to  
7 amend your rules first.

8 CHAIRMAN GREEN: Okay. There's been a request to move the rules of  
9 procedures discussion up from other business, up on the agenda, in front of Old  
10 Business. Do I hear a motion?

11 MS. WYATT: Mr. Chair, I'll make a motion that we move item revision to the  
12 rules of procedure to under Old Business.

13 CHAIRMAN GREEN: Okay. Is there a second?

14 MR. FURGESS: Second.

15 CHAIRMAN GREEN: All those in favor?

16 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride;*  
17 *Absent for vote: Jackson]*

18 CHAIRMAN GREEN: Thank you. We will try to move through this as quickly as  
19 possible so we can get to the public hearing section, but this is an item that we do need  
20 to move up on the agenda and hopefully we can move through it fairly quickly and get to  
21 the issues that those of you who are here to speak will have the opportunity to do so in  
22 the timeliest fashion as possible.

1 MS. WYATT: Mr. Chair, I'm gonna also ask that if we agree on the new rules of  
2 procedure and we enact those today that under Other Business we add the amendment  
3 that I would like to send forward to Council on political signs.

4 CHAIRMAN GREEN: Okay. We can take that up, I would assume, at that point  
5 in time – if we change our procedures at this juncture?

6 MS. LINDER: I would accept that as Ms. Wyatt's motion then and vote on the  
7 motion so that if you do change the rules, you can make amendments to the Land  
8 Development Code.

9 CHAIRMAN GREEN: Okay. Do you want to amend your motion?

10 MS. WYATT: I make a motion that we add the discussion of the sign  
11 amendment to political signs in Richland County under Other Business, if the rules of  
12 procedures are voted and approved on today.

13 CHAIRMAN GREEN: Hear a second?

14 MS. LUCIUS: Second.

15 CHAIRMAN GREEN: Discussion? All those in favor?

16 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride;*  
17 *Absent for vote: Jackson]*

18 CHAIRMAN GREEN: Thank you. We'll do so. Let's take this up, if we could, on  
19 a section and article basis and move through it quickly. Each of you should have in the  
20 back of your packages the comments of Staff with regard to possible changes. I would  
21 not under Article I, the three sections of Article I there are no recommended changes.  
22 Is there any issue there from any Member of the Commission?

23 MS. LINDER: Mr. Chairman, does everyone have my edited copy?

1 CHAIRMAN GREEN: Does everyone have an edited copy of that? I do note  
2 there's some typo changes, typographical changes in there, but nothing of substance  
3 and we'll make those changes and just keep moving forward.

4 MR. VAN DINE: Mr. Chairman, to the extent that we're just talking about typo or  
5 other things, I don't think we need to waste people's time with those discussions.

6 CHAIRMAN GREEN: Right. Seeing no comments on Article I, we'll move  
7 forward to Article II. There are – there's one addition, I believe, in the Staff  
8 recommendations. Under Item E, Section 3, Item E, that's the only substantive change  
9 I see, either on Staff report or Council's recommendations, which is Item E under  
10 Section 3. This relates to existing violations under the Code. This is something I know  
11 we've talked about in the past.

12 MR. VAN DINE: Are we gonna do this –

13 CHAIRMAN GREEN: We'll vote change by change. Anybody have any  
14 discussion on Item E? Do I hear a motion?

15 MS. WYATT: I move that we approve the change.

16 CHAIRMAN GREEN: We have a motion to approve Section 3, Item E under  
17 Article II. Is there a second?

18 MR. DUNBAR: Second.

19 CHAIRMAN GREEN: All those in favor?

20 MR. VAN DINE: Mr. Chairman, first, I think – there is a change in B also.

21 CHAIRMAN GREEN: I did not note that. Right.

22 MR. VAN DINE: That – I think that needs to be included in the motion if we're  
23 gonna make a change, so we don't skip over that one.

1 CHAIRMAN GREEN: Alright. I agree.

2 MR. VAN DINE: So the motion would be amended to approve B and E.

3 CHAIRMAN GREEN: B and E.

4 MS. WYATT: Okay.

5 CHAIRMAN GREEN: Okay. All those in favor?

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

7 *Absent for vote: Jackson]*

8 MS. WYATT: Which has been added to say the metes and bounds.

9 CHAIRMAN GREEN: Correct.

10 MS. WYATT: I'll amend my motion to include –

11 CHAIRMAN GREEN: We just passed your motion. Under Section IV, the word  
12 'prior to' was added with regard to application deadlines.

13 MR. VAN DINE: Mr. Chairman, the only question I had on that was whether or  
14 not there may be occasions in which adding the 'prior to' language might, in fact, hinder  
15 the ability to get something before the Planning Commission. And so I guess I didn't  
16 have an alternative, but I'm a little concerned that we may be hamstringing ourselves a  
17 little bit.

18 MR. GOSLINE: Mr. Chairman? I'm not sure I understand your concerns. The  
19 issue here is it says, it currently says, "By the first day of the month for the following  
20 month's meeting", so we still have – it's the first – the question is whether that means  
21 actually the first day of the month or before the first day of the month.

22 MR. VAN DINE: Well, what that may do is actually fall in with Section 2 of Article  
23 III where we're talking about the agenda items. I'm wondering if the change that's

1 suggested by Staff might in fact take care of my concern, because we might be able to  
2 amend the agenda items through those.

3 MR. GOSLINE: The agenda deadline that we're talking about in Section 4 has to  
4 do with when the applicants must present their packages to get on the agenda. And  
5 then when you get over in Section 2 on the next page, you're talking about adding  
6 things to the already established agenda.

7 MR. VAN DINE: But if you'll recall at our last meeting, particularly concerning the  
8 Fairfield property, we actually as a body requested that that be put on this month's  
9 agenda and with the language that we're talking about here, we may be removing the  
10 ability for us to take positions or movements such as that.

11 MR. GOSLINE: Well, what happens in most every case that – when the  
12 Planning Commission meets it's days after the agenda deadline in Section 4.

13 MR. VAN DINE: I understand, but what I'm suggesting is that we made – at our  
14 last meeting we made a request, which was changing their request from one  
15 classification to another. Then it was being brought to us and it would not have met the  
16 prior to the first day.

17 MR. GOSLINE: Well, it wouldn't meet the current words either.

18 CHAIRMAN GREEN: Yes, ma'am/

19 MS. LINDER: Mr. Chairman, if it's the desire of the Planning Commission you  
20 could just add on to that sentence to say, "unless otherwise provided in the rules." Then  
21 the applications would be in prior to the first day, or you could make alternative  
22 language saying, "unless deferred to date specific by the Planning Commission." Then  
23 all applications have to be in.

1 MR. VAN DINE: I would feel more comfortable with that language in there to  
2 give us at least some flexibility in dealing with some of these issues.

3 CHAIRMAN GREEN: You want to put that in the form of a motion, if you would?

4 MR. VAN DINE: I would move that we adopt the language as has been added,  
5 but we add some provisions that says, 'except as may be –

6 MS. LINDER: 'Deferred to a date specific.'

7 MR. VAN DINE: 'Except as may be deferred to a date specific.' Or 'except as  
8 may be set as a date specific.'

9 CHAIRMAN GREEN: There's a motion on the floor. Is there a second?

10 MS. WYATT: I'll second.

11 MR. GOSLINE: What were the words again?

12 MR. VAN DINE: 'Except as may be set at a date specific by the Planning  
13 Commission.'

14 CHAIRMAN GREEN: We have a motion on the floor. Any discussion on the  
15 motion? Seeing none, those in favor of the change to Section 4 please raise your hand.  
16 Opposed?

17 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride;*

18 *Absent for vote: Jackson]*

19 CHAIRMAN GREEN: The next suggested change is in Article III, Section 1. Ms.  
20 Linder, you want to cover what your thoughts were there?

21 MS. LINDER: The only thought I would have is if you have a special meeting for  
22 whatever reason, the current rules say that you cannot have a special meeting unless  
23 you give seven days notice, and I just wanted to know or was just questioning whether

1 you wanted to shorten that time or if you're comfortable with that time. I know there was  
2 one case in the past where we tried to have a special meeting and then realized we  
3 needed to have that seven days lag.

4 MR. VAN DINE: I thought it was a 24 hour notice on special meetings.

5 MS. LINDER: That's pursuant to state law and that's what County Council  
6 follows.

7 MR. PALMER: I make a motion to amend to 24 hours notice rather than seven  
8 days notice.

9 MR. VAN DINE: Second.

10 CHAIRMAN GREEN: Discussion? Motion on the floor to change the time and  
11 place notice requirement. Those in favor of the motion. Opposed?

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

14 CHAIRMAN GREEN: The next item that there has been a suggested change is  
15 under Article III, Section 2, under the agenda. Ms. Linder?

16 MS. LINDER: My only thought there would be to recommend allowing  
17 yourselves as much flexibility as possible, and I've got alternative language I'd like you  
18 to consider.

19 CHAIRMAN GREEN: Okay. You see before you a suggestion that that be  
20 changed, a request to add items to the agenda requires a 2/3 vote of the Commission  
21 Members present.

22 MS. LUCIUS: I move that we accept this language.

23 CHAIRMAN GREEN: And that would be the sole wording of Section II?



1 MS. LINDER: That is correct, and that would be consistent with Council's rules.

2 MS. WYATT: I'll second.

3 CHAIRMAN GREEN: Discussion? Those in favor of amending Article III,  
4 Section 2 as proposed please raise your hand. Opposed?

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

7 CHAIRMAN GREEN: I'm gonna take this Section 5 change as simply a  
8 grammatical change, unless anybody has any problems with that. Under 6, Section 6  
9 we don't see anything, 6, 7, 8, 9 and 10, there are no suggested changes. Under  
10 Section 11 I would draw your attention to Article D, or Section 11 (D) with the added  
11 verbiage of 'while in executive session'.

12 MR. VAN DINE: I think that's sort of implicit. I don't know that that really needs a

13 –

14 CHAIRMAN GREEN: Okay. Move forward to withdrawal, Section 13,  
15 withdrawal.

16 MR. VAN DINE: Mr. Chairman, I had a concern with the 'no later than 14 days  
17 prior to the Commission's action.' And the reason for that is I'm not sure that some of  
18 the applicants will actually get a report and/or recommendation in sufficient time to  
19 make a determination of whether or not it can be pulled back. So I think we either have  
20 to have something about –

21 MR. GOSLINE: Seven.

22 MR. VAN DINE: Seven or triggered by the receipt of the Report and  
23 Recommendation as opposed to the 14 days.

1 CHAIRMAN GREEN: I would agree.

2 MR. GOSLINE: I think that's appropriate. The concern here is that people don't  
3 make a trip down to a meeting for, you know, and waste their time. So we need some  
4 kind of time limit, but maybe seven or five days would be adequate.

5 CHAIRMAN GREEN: I like, Howard, your thought that it's tied to when their copy  
6 of the report is sent to them. Sometimes if they get a report late they don't have an  
7 opportunity to – since we meet on Mondays, if they were to receive something on a  
8 Friday.

9 MR. GOSLINE: We have very few occasions lately, we used to have a problem,  
10 but lately we haven't had a problem. We've been getting them out at least 10 days  
11 ahead of time, so seven to five days, five days maybe would be – we need some time,  
12 obviously, to go out and post that it's been deferred or whatever so that people don't  
13 show up. That's the concern. So maybe five days would be okay, something like that.

14 MR. VAN DINE: A five day window should be, especially with our meetings on a  
15 Monday, that gives Monday, Sunday, Saturday, Friday. I mean, they'd have to get it in  
16 the Thursday beforehand. So I'm comfortable with five day provision or window in there  
17 as opposed to 14.

18 MS. WYATT: I'll be comfortable as long as Staff is getting that information out .  
19 I've had any number of complaints that – and I can tell you of an instance that on Friday  
20 afternoon at 5:00, an applicant had just opened their mailbox and found out they had  
21 been denied when they were to see us on Monday, and that's unacceptable behavior,  
22 absolutely unacceptable.

1 CHAIRMAN GREEN: I mean, that's my only concern about having this language  
2 in there the way it's written.

3 MS. WYATT: Me too.

4 CHAIRMAN GREEN: And not having 'within three days' or 'after receipt' or  
5 'three days after the mailing of a notice'.

6 MS. WYATT: I personally feel that if an applicant's gonna be denied, if they're  
7 gonna come in this package and it's gonna say recommend denial, they should receive  
8 a telephone call immediately, followed up by something in writing.

9 MR. VAN DINE: Can we handle that through the use of the deferral? I know that  
10 the withdrawal action, these people don't have to show up. The deferral is more when  
11 somebody is actually here, maybe gets a sense of the number of people who are out  
12 there, so they want to defer it. But if we were to set a timeframe, say the five days,  
13 would the deferral then be able to handle anything that failed to comply with perhaps the  
14 notice or other things like that, without any real detriment to the applicant?

15 MR. GOSLINE: I don't know how to answer that right now.

16 MR. PALMER: I would agree with Barbara. I'd like to see some sort of language  
17 that the applicant would get a phone call or some kind of, you know, certified mail or  
18 something that could be documented that their application has been denied and that the  
19 Staff is recommending denial. Something in there, I'd like to see something like that as  
20 well.

21 MR. GOSLINE: We could add a sentence that if a denial is recommended that it  
22 go certified mail. You know –

23 MS. WYATT: Actually, that sounds great, Carl, but that can also slow it down.

1 MR. CRISS: That's right.

2 MR. VAN DINE: I'm not sure that the withdrawal provision would be the place  
3 that you'd want to put something like that. That probably ought to go back in Section 8  
4 where it's talking about notification procedures. We were talking about written agendas  
5 there and perhaps – or section 9 –

6 MS. WYATT: Under Section 9 under Staff Reports, why couldn't we just add a  
7 sentence? Since that covers Staff Reports, because the Staff is reporting back to the  
8 applicant. Some kind of language in there that notification be given ASAP.

9 MR. VAN DINE: Well no, I'm thinking that since we're talking about agendas,  
10 not less than seven days prior to a meeting, why couldn't the – we say in the second  
11 sentence that the applicant is also to receive their Staff Report and agenda item seven  
12 days prior to the Commission meeting?

13 MR. GOSLINE: Fine.

14 CHAIRMAN GREEN: I think that would address it for me.

15 MR. VAN DINE: And then if you say that they have to get it seven days prior to,  
16 on a withdrawal that you give them five day window there. You're giving them the two  
17 days to make their determination.

18 MR. FURGESS: What'd you say? Leave the seven days with the Staff Report  
19 and five days with the withdrawal?

20 MR. VAN DINE: Correct. And I would make that in the form of a motion that  
21 Section 9 be amended to indicate that the applicant must receive their Staff Report at  
22 least seven days prior the Commission meeting and also to change Section A under 13  
23 to say that withdrawal must be no later than five days prior to the meeting.

1 MR. PALMER: How do you go about verifying that the applicant has received  
2 their report seven days prior?

3 CHAIRMAN GREEN: We can't guarantee they're gonna be home or not on  
4 vacation or something like that. All we can do is send a notice.

5 MR. GOSLINE: Well, Mr. Chairman, Members, we – for the last several months  
6 at least we – the day you get them is the day we mail them. And this time actually we  
7 mailed them a day or two ahead of when you got them. So they're, you know, they're  
8 going out 10 days ahead of time.

9 CHAIRMAN GREEN: Well, we have a motion on the floor to amend Section 9,  
10 requiring a minimum of seven days ahead with Section 13 amended to read five days.  
11 Is there a second to that motion?

12 MS. LUCIUS: Second.

13 CHAIRMAN GREEN: Okay. Let's vote on that motion if we could then. And if  
14 that doesn't pass we'll think of – we'll consider some other motion. There's a motion to  
15 amend the notice to more than seven days and the requirement for withdrawal to be no  
16 less than five days. All in favor of those changes please signify by raising your hand.  
17 Opposed?

18 *[Approved: Palmer, Furgess, Lucius, Green, Van Dine, Dunbar, McBride; Opposed:*  
19 *Wyatt; Absent for vote: Jackson]*

20 CHAIRMAN GREEN: The next item with recommended changes of substance if  
21 paragraph B under Section 13. Anybody have any comments, questions with regard to  
22 those recommended changes?

1 MS. WYATT: I'll make a motion that we accept number 13 with the changes as  
2 presented.

3 CHAIRMAN GREEN: Thirteen B and C?

4 MS. WYATT: And C. Section 13 totally, A, B, and C.

5 MR. VAN DINE: With the exception of the modification to A, which has just taken  
6 place by the prior motion.

7 MS. WYATT: Right, by the five – seven days and five days.

8 CHAIRMAN GREEN: Is there a second?

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

10 CHAIRMAN GREEN: Any discussion? We're changing B and C of this section  
11 to read as was presented to you in your Staff Report. All those in favor? Opposed?

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

14 CHAIRMAN GREEN: Next is Section 14 on deferral.

15 MR. VAN DINE: This is just for clarification. Would E(4) also relate to say  
16 emergency situations which might arise? So that would encompass those?

17 MR. GOSLINE: That's the intent, yes.

18 MS. LINDER: Mr. Chairman? The way I was reading that, it's – you're referring  
19 to your agenda deadline, which was previously 14 days and you've changed that now to  
20 add things to the agenda. And so I think your existing language would be appropriate,  
21 not the amended language.

22 CHAIRMAN GREEN: For all of Section 14?

1 MS. LINDER: Just for B. Because you do not have agenda deadline  
2 requirements that I was reading under 2 on page 139.

3 MS. WYATT: On what page?

4 MS. LINDER: On page 139. That's the only place where the agenda is  
5 referenced. I don't know what other agenda requirement deadlines would be – that  
6 would be referring to otherwise.

7 CHAIRMAN GREEN: So your recommendation would be delete subparagraph  
8 B?

9 MS. LINDER: It would just go back to the original language.

10 CHAIRMAN GREEN: Okay.

11 MR. VAN DINE: Subject to that change, I would move that we approve Section  
12 14 as amended.

13 CHAIRMAN GREEN: Motion, do I hear a second?

14 MS. WYATT: Second.

15 CHAIRMAN GREEN: Any discussion? All those in favor of amending Section 14  
16 as written with the stipulation that B would revert back to its original language.

17 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride; not*  
18 *present for vote: Jackson]*

19 CHAIRMAN GREEN: Under Article 4, under Section 1 requirements, I think  
20 those are for clarification more than any substantive change, unless anybody, any  
21 Commission Members have issue with any of that language change. Same with  
22 Section 2, Item B. And I believe that's all that I see, the substantive changes  
23 recommended by Staff and counsel. Do the Planning Commission Members see

1 anything else they'd like to – any other issues to raise since we're in the middle of  
2 redoing this document?

3 MR. VAN DINE: Article VI, 1, where we have the date, that's just related to when  
4 we actually approve this? Okay.

5 CHAIRMAN GREEN: Any other action need to be taken on this agenda item?

6 MS. LINDER: You would then want to make a motion to accept the document in  
7 whole.

8 MR. VAN DINE: So moved.

9 MR. FURGESS: Second.

10 MR. VAN DINE: As amended by our previous motions.

11 CHAIRMAN GREEN: We have a motion to approve all the changes that we've  
12 just made into a complete document. All those in favor please raise your hand. All  
13 those opposed?

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

16 CHAIRMAN GREEN: Okay. We move now back to the regular order of the  
17 agenda. The first item for consideration is under Old Business. That's case number 04-  
18 58 MA. This is the D-1 to RG-2 change for residential subdivision, 21 acres, Longtown  
19 West Road behind the tennis center.

20 MR. VAN DINE: Mr. Green, real quick. In light of the fact that we have adopted  
21 the new agenda, are we now going to take up and do agenda item, Ms. Wyatt's request  
22 on the political signs?



1 MS. WYATT: No, I had asked that that go under Other Business later in the  
2 meeting.

3 MR. VAN DINE: Oh, okay.

4 CHAIRMAN GREEN: We'll add that under Other Business.

5 MR. VAN DINE: Okay.

6 CHAIRMAN GREEN: Is the applicant here to speak on 04-58 MA?

7 **CASE 04-58 MA:**

8 MR. GOSLINE: I have not seen him, Mr. Chairman.

9 CHAIRMAN GREEN: Okay. We do have some other folks signed up to speak on  
10 this. Johnny Guyton. If you would, come forward and state your name and your  
11 address for the Record.

12 **TESTIMONY OF JOHNNY GUYTON:**

13 MR. GUYTON: Johnny Guyton, 320 Overlook in Blythewood. I am the president  
14 of the homeowners association and I want to request that the zoning board disapprove  
15 this request because we have a problem with traffic in our subdivision already. County  
16 Council has approved approximately 6,500 new homes to be built in that area and I do  
17 not feel that this subdivision can support any more high density homes. So I definitely  
18 would like to see the zoning board disapprove this request. Thank you.

19 CHAIRMAN GREEN: Thank you, sir. James Young. And as you notice, we  
20 have a lot of folks here wishing to speak on a lot of issues, so if we could keep our  
21 comments to three minutes it'll help us move through.

22 **TESTIMONY OF JAMES YOUNG:**

1 MR. YOUNG: I'm gonna read from the text to make sure I make it within the two  
2 minutes. Hello, I am Colonel James R. Young. I have owned by home and the property  
3 adjacent to the proposed site since 1979. I brought the first horses into the area well  
4 before John Bakhaus knew this land existed. I asked back then if I could buy the land  
5 and if it was available, but was told that it was set aside for trail riding to accommodate  
6 growth in the community. My family spent many hours riding their horses back in that  
7 area. I indicated to John Bakhaus' salesman, Bill Beckwith, many months ago that I  
8 and my neighbor were interested in buying the land as a buffer to the large development  
9 going in behind us. We received no answer. I spoke with John Bakhaus during mid  
10 May and he indicated that one of his subcontractors was going to develop the property.  
11 Since living there, the road infrastructure has been improved only to service the portion  
12 of the road that connects Longtown Road loop. That was perhaps 10 years ago that  
13 asphalt was laid over the dirt by the State Highway Department. In the 25 years that  
14 I've owned this property no other public roads have been built. Sewer and water have  
15 yet to come to our area. Yet thousands of homes all around us continue to sprout up,  
16 which brings in county tax dollars but causes massive traffic jams. Now we are asked  
17 to tolerate bigger jams with homes, backyards butted up to the horses with children that  
18 have no understanding of the dangers associated with a loose horse running  
19 uncontrolled in a pasture area. My horses left as my children became adults and went  
20 out to make their own way. We might buy another horse once my wife retires. The  
21 barn and the fence need work, but a small price to keep her happy. There are horses  
22 on either side of me. Why change the nature of our little part of South Carolina to add  
23 more homes to an already inundated area with insufficient infrastructure. One point

1 needs to be made – the folder that I have handed to you has three pictures. The first is  
2 a drainage ditch that was dug by the State Highway Department. The second picture  
3 shows a culvert put in by the state to direct drainage to that ditch. The third picture  
4 shows a state maintenance sign that somehow must have been blown down and tossed  
5 in the woods during the last windstorm. It, or one like it, has been there for 25 years to  
6 my knowledge. And finally, a picture of the state owned manhole cover. Does the State  
7 Highway Department know that we're about to approve the destruction of their drainage  
8 field? Can and will the county take over maintenance of this state maintained S-40?  
9 Perhaps I should be talking to them rather than the county. Regardless of the outcome,  
10 I appreciate your asking me for my comments and allowing me to make these few  
11 comments to you. Thank you.

12 CHAIRMAN GREEN: Thank you, Mr. Young. Thomas Richardson.

13 **TESTIMONY OF THOMAS RICHARDSON;**

14 MR. RICHARDSON: Good afternoon, Mr. Chairman, Members of Council. I'm  
15 Colonel Thomas C. Richardson. I have delayed a trip to Washington, DC to be present  
16 today because of the importance I put on this particular issue. I'm on my way to Iraq  
17 and will leave the United States on Friday, but felt it necessary to be here today. This  
18 action was deferred from last month. I am at 808 Longtown Road West and a portion of  
19 this proposed rezoning action is directly behind my land. I purchased the property in  
20 1994, built a house and moved into the residence in September of 1995. At that time I  
21 was told that a number of covenants would apply to the property and any residence  
22 constructed on it. These included such items as a minimum of 2,000 square foot size of  
23 the residence. One residence per lot. My lot is about four acres. In addition, any

1 building and landscaping plans had to be submitted to the architectural review board of  
2 the Longcreek Plantation homeowners association for approval prior to any to be  
3 completed. I was advised there was no county water or sewer available to that lot, so I  
4 dug a well and put in a septic system, although water is available 900' away  
5 approximately to the Plantation Park and swim and tennis club mentioned in the  
6 request. Also I was advised I was buying a perimeter lot. I could have horses on the  
7 property as long as it measured at least four acres, which it does. And we do have  
8 horses on the property. These are show horses, one of which is a world champion. We  
9 are concerned that they are maintained on a diet plan. We do not allow any outside  
10 feeding of grass, hay, grain, apples, sugar cubes, etc. as treats and the neighbors on  
11 either side of me are well aware of that and are very content to help us maintain that  
12 program. This past year I too contacted the Plantation properties folks in an effort to  
13 obtain the additional acreage directly behind my property to maintain it as a buffer from  
14 the 3,000 plus homes that are developing just beyond the 22 acres in question. To this  
15 date I have received no reply on that request. In a conversation on June 3<sup>rd</sup> of this year  
16 with the developer as to this proposal, I was shown a plat showing 128 homes to be put  
17 on this site of 22 acres. I asked if he had walked the property and that between my  
18 property and Mr. Young's to my left as you look at it from the road, there's a severe dip  
19 in the property and I didn't see how anybody could construct a home on that. The  
20 answer was no he had not looked at it, but if he got a chance to walk back there and it  
21 was that way, he'd just have to change the plans for the location of housing. In addition,  
22 he stated, this is the developer, that he was asking for a rezoning that would allow for  
23 high density, multi-family housing, although his intentions were to only build single

1 family structures. When I asked why he asked for the RG-2 instead of 1 it was, it allows  
2 a smaller lot. To offer the RG-2 also allows multi family housing. With the other  
3 development of some 3,000 homes along Longtown Road and the 300 plus homes  
4 along Hobart Road, again the infrastructure is not there that would support this increase  
5 in traffic to and from the schools on either side of Longcreek Plantation. My concerns  
6 on this issue are four fold. The developer has requested the zoning in a more liberal  
7 zoning that didn't meet his required or stated intentions. If he just needs single family  
8 zoning, why wouldn't RG-1 be sufficient. Second, when will the infrastructure, roads,  
9 utilities, water, power, sewer be enhanced or expanded to allow for the adequate  
10 coverage for not only the existing houses but those that plan to be developed in this  
11 area? Third, the criteria on the size of the home, construction materials and size of lot  
12 seem to be dramatically decreased or changed from the time I bought my property 10  
13 years ago. And fourth, if the new area is to be developed and is good enough to have  
14 access to county water, will the rest of us on Longtown Road in that small patch that do  
15 not have access to county water be offered that access as well? I thank you for your  
16 time and your attention today.

17 CHAIRMAN GREEN: Thank you, sir. Paul Dawson. Melanie Lux will be next.

18 **TESTIMONY OF PAUL DAWSON:**

19 MR. DAWSON: Afternoon. My name is Paul Dawson and I'm a real estate  
20 appraiser. I built my house on Longtown Road on four acres in 1983. I'm opposed to  
21 the patio home development because it's not compatible with the existing  
22 neighborhood. A project with this density will have a negative effect on the marketability

1 of the existing homes, which is mostly me and my five neighbors on acreage. Thank  
2 you.

3 CHAIRMAN GREEN: Thank you, sir. Melanie Lux? If you would adjust the mic  
4 so that we get this recorded. We like to get verbatim recordings.

5 **TESTIMONY OF MELANIE LUX:**

6 MS. LUX: Good afternoon. Can you hear me?

7 CHAIRMAN GREEN: Yes. Thank you.

8 MS. LUX: My name is Melanie Lux. I live at 818 Longtown Road West. Have  
9 any of you ever been out to Longcreek Plantation? It's one of the few neighborhoods in  
10 northeast that has been well planned and stuck to its plan. Although there are many  
11 different price levels of homes in the neighborhood, it was designed so that there would  
12 be adequate buffers between each neighborhood, so regardless of what you paid for  
13 your home you could be proud of the neighborhood. Well, I am extremely opposed to  
14 the change in zoning because in addition to putting about six homes per acre, there is  
15 absolutely no buffer zone between the existing homes and the proposed homes. I  
16 bought in Longcreek Plantation a year ago because I have three horses. I was given a  
17 sales sheet and the three most important points on that sheet were in reference to the  
18 benefits to the horses. I want to maintain my property value. The proposed  
19 development butts up to my property and instead of woods, or more appropriate, buffer  
20 zone, I'll be looking at 128 new homes. My property is a mini farm with a barn and  
21 horses and in all seriousness horse manure. How would you feel if you were  
22 purchasing a nice little tennis patio home and have to smell horse manure every day?  
23 That's gonna happen and I really don't want to be around when the people start

1 complaining. But as it is now, we don't bother anybody. If there has to be development  
2 then put a buffer zone in and make it in keeping with our neighborhood. The second  
3 issue that I oppose is the placement of a road on a very tiny strip of land between my  
4 property and Mr. Young's. As he noted earlier, there is a drainage ditch there. I oppose  
5 this road as it poses a safety hazard to my horses. It makes far more sense to extend  
6 the existing road, which is Plantation Parkway, into that property instead of disrupting  
7 the neighborhood with a new road. Again, I ask the Planning Commission to deny this  
8 request for rezoning. Thank you.

9 MR. VAN DINE: Ma'am? I think you may have handed up some of your  
10 personal materials.

11 MS. WYATT: But do tell us does alcohol affect the heart?

12 MS. LUX: It does.

13 CHAIRMAN GREEN: That's everyone signed up for the public hearing. Staff  
14 Report, which I should have probably taken first.

15 MR. GOSLINE: Mr. Chairman, Members, I'm sorry – I was dozing I guess. The  
16 Staff recommends that this project – that the zoning not be changed for the reasons  
17 most of the people brought up and the reasons in the Staff Report.

18 CHAIRMAN GREEN: Any questions for Staff on Staff Report?

19 MR. PALMER: Mr. Chair, I move to send this forward with a recommendation of  
20 denial to Council.

21 CHAIRMAN GREEN: We have a motion on the floor to send this forward with a  
22 recommendation for denial.

1 MR. VAN DINE: I'll second that, and I can't fathom that this size or intense  
2 development would be put in a place like this with the access on that narrow strip of  
3 land coming out onto Longtown Road. It just doesn't fit. You've [inaudible] the area to  
4 begin with with all of the other developments that have gone out there, and I just don't  
5 see how this could possibly fit with whatever is being planned for that area. So I would  
6 go along with Mr. Palmer and I second the motion.

7 MS. WYATT: And I'd like to add, because I think there were only three of us at  
8 the joint Planning Commission Council when the long range traffic study was presented,  
9 and through the year 2025, with all improvements, Longtown Road will continue to  
10 operate at service level F and I don't think that we can not take a look at these long  
11 range traffic plans when we're considering intense development like this.

12 MS. LUCIUS: May I ask one question just for my own clarification? This  
13 photograph of the drainage ditch.

14 AUDIENCE MEMBER: Yes, ma'am, that's where the road's supposed to go.

15 MS. LUCIUS: That's the road? That's where the road would go?

16 MR. GOSLINE: I haven't seen the photograph. I might just say that there is a  
17 50' access that's [inaudible], and that's the right-of-way, necessary right-of-way for a  
18 subdivision road.

19 MR. VAN DINE: Absolutely, but every one of those cars that would be there for  
20 that 128 homes, which is what's gonna go in there, not something smaller, would all  
21 have to dump out onto that one narrow road to Longtown. That's just not the way that  
22 we ought to be planning things.

23 MR. GOSLINE: Right.



1 CHAIRMAN GREEN: Okay. I will note for those of you who are here today that  
2 our recommendations go to County Council for a zoning public hearing at 7:00 p.m. on  
3 Tuesday, July 27<sup>th</sup>. With regard to zoning changes, our recommendations are advisory  
4 to County Council so those of you who wish to make your position known to County  
5 Council please note that that zoning public hearing date for all matters taken up here  
6 today is Tuesday, July 27<sup>th</sup> beginning at 7:00 p.m. We have a motion on the floor to  
7 send this forward with a recommendation for denial. All those in favor of the motion  
8 please raise your hand. All those opposed?

9 *[Approved to deny: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar,*  
10 *McBride; not present for vote: Jackson]*

11 CHAIRMAN GREEN: Thank you.

12 MR. VAN DINE: Mr. Chairman, I would ask that when Staff sends this particular  
13 one forward that they point out to Council that it was a unanimous vote by the Body for  
14 denial.

15 CHAIRMAN GREEN: We now move into the subdivision review portion of our  
16 meeting and the first project in front of us is SD-04-268, Voltz Minor subdivision on  
17 Garners Ferry Road. Staff Report?

18 **CASE SD-04-268:**

19 MR. GOSLINE: Mr. Chairman, Members, this is a minor subdivision, commercial  
20 subdivision on Garners Ferry Road, just near where Hazelwood intersects Garners  
21 Ferry. Staff recommends approval subject to conditions.

22 MS. LUCIUS: Mr. Chairman, I'd like to move to approve subject to conditions.

1 CHAIRMAN GREEN: We have a motion on the floor to send this forward – or to  
2 approve this subdivision, excuse me.

3 MR. GOSLINE: Who was the second please?

4 CHAIRMAN GREEN: I'm waiting.

5 MS. WYATT: I'll second.

6 CHAIRMAN GREEN: Everybody – unanimous second. Subject to the conditions  
7 found on page 22 and 23 of the Staff Report. Any discussion? Those in favor?  
8 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride; absent*  
9 *for vote: Jackson]*

10 CHAIRMAN GREEN: Thank you. We now move to SD-04-259 at which time I'll  
11 turn the Chair over to Ms. Wyatt.

12 **CASE SD-04-259:**

13 VICE-CHAIRMAN WYATT: Amelia, I'm gonna ask, because there's gonna be  
14 two of these and they get so lengthy, can I just go ahead and read one and then add the  
15 numbers to help move it along so I don't have to read each and every one of these  
16 twice?

17 MS. LINDER: That would be fine. You could incorporate two of them into the  
18 reading.

19 VICE-CHAIRMAN WYATT: Alright, "Ms. Wyatt, Vice-Chair, Richland County  
20 Planning Commission, I must request to be excused from participating in discussion or  
21 voting on agenda item numbers 04-64-MA, also SD-04-259, regarding on the first one  
22 30 acres, which is scheduled for review and/or discussion at today's Planning  
23 Commission meeting. It's my understanding of the Rules of Conduct, provisions of the

1 ethics, government accountability and campaign reform laws that since I've had  
2 discussions with the applicant about future business relationships, I will be unable to  
3 participate in this matter through discussion or voting. I would therefore respectfully  
4 request that you indicate for the Record I did not participate in any discussion or voting  
5 relating to these items, representing a potential conflict of interest. I would further  
6 request that you allow and direct this letter to be printed as part of official minutes and  
7 excuse me from any such votes or deliberation and note such in the minutes." And that  
8 again I'll state if 04-64-MA, SD-04-259, which is subdivision approval, because the firm  
9 that he works for is included in that particular one. Okay, Carl.

10 MR. GOSLINE: Madam Chairman, Members, this is a commercial subdivision  
11 portion of a PUD that was approved by Council four or five months ago. This is a project  
12 that's on Clemson Road. It runs between Clemson Road and Hardscrabble Road. Staff  
13 recommends conditional approval. Mr. Carboy has a couple of comments that he would  
14 like to make if that's appropriate.

15 VICE-CHAIRMAN WYATT: Mr. Carboy, please.

16 MR. VAN DINE: While he's coming up, this was a PUD. Were there any kind of  
17 plans or anything that were submitted prior to this as far as –

18 MR. GOSLINE: Not subdivision plans, but this was – there were two designated  
19 portions of the PUD that were commercial, this one and one on the other side –  
20 adjacent to the elementary school, were both commercial portions of the PUD –

21 MR. VAN DINE: But no plans or subdivision or any layouts of like where-

22 MR. GOSLINE: The subdivisions, we've already processed the subdivision part,  
23 the residential part.

1 MR. VAN DINE: There has been no prior layout, even from when we earlier –

2 MR. GOSLINE: No, sir.

3 MR. VAN DINE: Okay.

4 VICE-CHAIRMAN WYATT: Please Mr. Carboy, go ahead.

5 **TESTIMONY OF STEVE CARBOY:**

6 MR. CARBOY: Madam Chairwoman and ladies and gentlemen, just a few  
7 couple of quick comments and questions. Under the Staff Report, other pertinent  
8 factors, item 3, we are attempting to create a medical office park. As such we agree  
9 with the county fire marshal that the cul de sac should have a 45' radius. We will issue  
10 a change order and forward the change to the appropriate authorities. We ask in the  
11 meantime the project not be held up. The comment in the Staff Report was kind of – he  
12 didn't say you had to do it or you didn't have to do it. It was just like a question, but we  
13 want to make sure we're gonna do that. Under specific conditions, item H, we don't  
14 agree with this condition that requires a fence, wall, landscape berm or combination  
15 area to prohibit direct access to Clemson Road from lots 1 and 8. When you approved  
16 the PUD last year, requirement was approved and agreed that there would only be one  
17 entrance into the office park. We originally had two and removed one. Anyone  
18 attempting to get an additional curb cut on lot 1 or 8 would have to get approval from the  
19 Planning Staff and/or the Planning Commission as well as Richland County DOT. A  
20 berm or fence would not prohibit an owner from requesting a curb cut. If this were not  
21 sufficient, we would propose to limit the access via the commercial homeowners  
22 association or by deed restriction. No one likes a lot of deed restrictions. It would seem

1 a simple matter that it is already law that there can only be one curb cut. What would  
2 you like us to do?

3 MR. GOSLINE: I talked with Mr. Carboy before the meeting and we don't have  
4 any problem with what he's suggestion cause we're all saying the same thing, that we  
5 want to limit the access to the one point. And his last point about changes in the plats  
6 and stuff, that's the kind of stuff that we can do by – at Staff level anyway so that  
7 wouldn't be a problem if you move the lot lines around a little bit. So Staff recommends  
8 approval subject to the conditions with – I don't know how you want to treat this, but the  
9 applicant's comments, I guess, but we're all saying the same thing here.

10 MR. VAN DINE: I don't have a problem with eliminating the requirements for  
11 fencing on one, but I do want to make sure that there is additional access from one and  
12 eight onto the road. So if that's what everybody is saying, I don't have a problem with  
13 that, but I don't want to leave it open that there would be additional access allowed. If  
14 they want to come in and ask for a modification of what's been approved, that's one  
15 thing; they can ask for it. I want to set the standard as it is right now to say you don't  
16 have it now, you'll have to come back and ask for it.

17 MR. GOSLINE: Right. If they were to –

18 MR. CARBOY: We feel it would be a deterrent to the PUD to even think that that  
19 could happen because Clemson Road is supposed to move traffic, not have all these  
20 curb cuts. That's why we're trying to get away from that kind of stuff, and we agree with  
21 Staff recommendation. So why don't we just say we'll put deed restrictions on those  
22 two lots? Then we'll restrict those lots that they can only have access from Barton

1 Creek Parkway inside the property and no access will ever be granted, direct access to  
2 Clemson Road.

3 MR. VAN DINE: That would be fine to the extent that –

4 MR. CARBOY: Then it runs with the land.

5 MR. VAN DINE: That would be fine to the extent that that deed restriction  
6 becomes a prerequisite to any kind of Certificate of Occupancy for that – it has to be in  
7 the deed before a Certificate of Occupancy can be issued for those two pieces of  
8 property.

9 MR. CARBOY: Well obviously, we'd most likely sell the lot first and the doctor  
10 would develop it, so –

11 MR. VAN DINE: So it shouldn't matter.

12 MR. CARBOY: Shouldn't be a problem.

13 MR. PALMER: You want to put that in the form of a motion, Howard?

14 MR. VAN DINE: That is in the form of a motion.

15 MR. PALMER: Second.

16 MR. VAN DINE: I would move for approval subject to the conditions on page33,  
17 with the additional requirement that a deed restriction be included for lots one and eight  
18 which restrict their access to Clemson Road so they would only have access onto – I'm  
19 sorry –

20 MR. CARBOY: Barton Creek.

21 MR. VAN DINE: Thank you. Barton Creek. And that condition H would then be  
22 modified to meet that requirement so that a berm and a [inaudible] would not be  
23 required.

1 MS. LUCIUS: Can I ask one question, please? This is a part of a larger PUD?

2 MR. GOSLINE: Yes, ma'am.

3 MS. LUCIUS: And it's surrounded on all sides by residential.

4 MR. GOSLINE: The commercial portion?

5 MS. LUCIUS: But there's no – let me just cut to the chase. There's no  
6 connection between any of the rest of the PUD to this commercial?

7 MR. GOSLINE: Not really because there's the wetlands – there's a major  
8 wetland that runs through this entire project that divides the two commercial pieces and  
9 – there's – one subdivision comes in off of Clemson called Killian Station, and then the  
10 other portion of the subdivision, of this PUD was off Hardscrabble Road and that's  
11 called Hester Woods.

12 MS. LUCIUS: So there's no connection other than getting out onto Clemson  
13 Road.

14 MR. GOSLINE: Correct. No internal connection. There's no way to do it  
15 because there's this big wetland that separates them.

16 MS. LUCIUS: But doesn't that sort of contradict the whole idea of having a  
17 mixed use PUD?

18 MR. GOSLINE: Well yes and no, but the PUD – we always look for  
19 interconnection, of course, and you'll see one later on that does it perfectly.

20 MS. LUCIUS: Because I know we were trying to stop putting more commercial  
21 onto Clemson Road at one time. And this got passed because it was a part of a PUD.

22 MR. GOSLINE: Correct.

23 MS. LUCIUS: You see where I'm going with this?

1 MR. GOSLINE: I don't know what to –

2 MS. LUCIUS: That's alright.

3 VICE-CHAIRMAN WYATT: We need a second.

4 MR. PALMER: I second. Just to clarify though that you're taking out the  
5 language from H that's currently there and replacing it with the other language.

6 MR. VAN DINE: Correct.

7 MR. PALMER: Okay, I'll second.

8 VICE-CHAIRMAN WYATT: And I'm going to have to do what I've been doing  
9 now for a year or more, and I'm going to have to say that I will not support the motion for  
10 approval on this because I have felt very strongly that we cannot put any more  
11 commercial activity on Clemson or Hardscrabble Road.

12 MS. LUCIUS: I think that's where I was going with my comments. If it had come  
13 in just as a commercial rezoning, I don't think it would've gotten the support it did  
14 because it was a PUD, it was a mixed use. So I'm gonna have to – I have to agree with  
15 Barbara.

16 VICE-CHAIRMAN WYATT: Okay. There's a motion and a proper second. All  
17 those in favor of the motion please signify by raising your hand. All those opposed?

18 *[Approved: Palmer, Furgess, Van Dine, Dunbar, McBride; Opposed: Lucius, Wyatt;*  
19 *Recused: Green; Absent for vote: Jackson]*

20 MR. CARBOY: Thank you.

21 VICE-CHAIRMAN WYATT: Thank you, Mr. Carboy. Excuse me just a moment  
22 while I get the Chair.



1 CHAIRMAN GREEN: Our next agenda item is SD-04-302. Frownfelter Minor  
2 subdivision.

3 **CASE SD-04-302:**

4 MR. GOSLINE: Mr. Chairman, Members, this is a minor subdivision located out  
5 on Broad River Road adjacent to the Caedmons Creek subdivision. This is mostly  
6 family gonna be buying these lots. One kind of – that the access road is already there  
7 and 66' of access has been platted and was already there and it will have to get a street  
8 name and all that, but that's part of the conditions. Staff recommends approval.

9 MS. WYATT: Motion to approve.

10 MR. VAN DINE: Mr. Chairman, I have two questions real quick. First of all you  
11 talk about gross density on the initial part of our report. You have 1.8 dwelling units per  
12 acre. Should that instead be 1.8 acres per dwelling unit?

13 MR. GOSLINE: Yes.

14 MR. VAN DINE: Okay.

15 MR. GOSLINE: Thank you.

16 MR. VAN DINE: The second is on the front part of this property, there is an  
17 access road. It looks as though what would be lot G extends to the road. Would that be  
18 two access –

19 MR. GOSLINE: No, they'll be limited to the one access point. The 66' of right-of-  
20 way.

21 MR. VAN DINE: Is that one of the conditions which is set out?

22 MR. GOSLINE: I hope so.

23 MR. VAN DINE: I didn't see that as one of the specific –

1 MR. GOSLINE: No, that would be appropriate to add.

2 CHAIRMAN GREEN: Just a question for Staff. I notice under Item E, it says the  
3 county fire marshal must approve the project with or without conditions and I notice that  
4 that's not in some of our other subdivision requirements and, of course, I'm alluding  
5 back to the issue we discussed before with regard to what the fire marshal may require  
6 versus what the Land Development Code provides.

7 MR. GOSLINE: Correct. We have not gotten fire marshal comments on this  
8 particular one, but I can't imagine it'd be anything but approval.

9 CHAIRMAN GREEN: I guess my only question is is that as I look through the  
10 different subdivisions and the various provisions associated with each, those provisions  
11 change from subdivision to subdivision, whereas there are general comments, but  
12 they're applied to some subdivision Staff recommendations and not to others. And I  
13 would just point that out as, you know, I mean, our checklist seems to change from  
14 subdivision to subdivision at times. We certainly want to be consistent with everybody.  
15 Did you have a motion?

16 MS. WYATT: I had made one, but -

17 CHAIRMAN GREEN: We have a motion on the floor that Mr. Van Dine  
18 requested an amendment to.

19 MR. VAN DINE: For the single access point.

20 MS. WYATT: Right.

21 MR. VAN DINE: I'll second it.

22 MS. WYATT: Subject to the conditions.

1 MR. VAN DINE: Subject to the conditions and the addition that there's only one  
2 access point.

3 MR. GOSLINE: Correct.

4 CHAIRMAN GREEN: Any further comments by the Commission Members? All  
5 those in favor of approval of this subdivision please raise your hand? Opposed?

6 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride; not*  
7 *present for vote: Jackson]*

8 CHAIRMAN GREEN: Next is SD-04-306, Jim Judy Minor industrial subdivision.

9 **CASE SD-04-306:**

10 MR. GOSLINE: Mr. Chairman, Members, this is a minor industrial subdivision  
11 located north of I-20 and east of Monticello Road. As you can see by the aerial on page  
12 54, it's already being developed with various kinds of distribution facilities. The  
13 applicant is coming in for, I believe it's three more lots. Staff recommends approval.

14 MR. PALMER: I make a motion to approve, subject to conditions.

15 MS. LUCIUS: Second.

16 CHAIRMAN GREEN: We have a motion by Mr. Palmer and a second by Ms.  
17 Lucius to approve, subject to conditions on page 50 and 51. Discussion? Seeing none,  
18 those in favor of approving, please raise your hand. Opposed?

19 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride; not*  
20 *present for vote: Jackson]*

21 CHAIRMAN GREEN: We now move into the zoning public hearing section of our  
22 agenda. We will defer 04-59 MA to the end. The first item up for rezoning is 04-60 MA,  
23 the rezoning of 3.45 acres on Garners Ferry Road from D-1 to C-3.

1 **CASE 04-60 MA:**

2 MR. GOSLINE: Mr. Chairman, Members, this is a proposal to rezone a 3.5 acre  
3 parcel on the north side of Garners Ferry Road, approximately a half a mile east of  
4 Trotter from D-1 to C-3. The Staff recommends that this not be changed for the reasons  
5 set forth in the Staff Report, principally being that the many – the provisions of the  
6 Comprehensive Plan try to confine commercial activity to the intersections of major  
7 roads, specifically in this case Trotter and Garners Ferry Road. The – and this proposal  
8 does not meet that. The Staff recommends denial.

9 CHAIRMAN GREEN: We have a number of people signed up to speak on this  
10 particular matter. First is Reginald Hunt.

11 **TESTIMONY OF REGINALD HUNT:**

12 MR. HUNT: To all the Members of the zoning – can you hear me?

13 CHAIRMAN GREEN: If you could move that microphone up just a little bit,  
14 maybe. Thank you.

15 MR. HUNT: My name is Reginald Hunt and I live at 3520 Baywater Drive out in  
16 Southeast Columbia, and I have some concerns about this proposal that the committee  
17 said that they don't want this to go forward. Well, they need to allow it to go forward  
18 because across the street from this business there is a tax business, as I heard the  
19 gentleman said, that they wanted to try to locate all of these businesses in corner areas.  
20 Speaking on behalf of the young lady, Ms. Stukes, that's opening this business, this is  
21 an opportunity for her. Also an opportunity for the area in Southeast Columbia to  
22 develop somewhat, and it's gonna bring in some additional revenue and it'll also bring in  
23 additional jobs. Thank you.

1 CHAIRMAN GREEN: Thank you. Ronald Nelson? Followed by an R. Hingleton,  
2 I believe, if I've read it correctly.

3 **TESTIMONY OF RONALD NELSON:**

4 MR. NELSON: Ron Nelson, 1317 Lana Road, Blythewood. Actually what Mr.  
5 Hunt has said, I agree with those statements. Pretty sure that not only that property will  
6 help the community, but will also help the county for the tax purpose and other things  
7 that she'll be paying on this property. And besides that it will also provide jobs, those  
8 ones who really need a job. [inaudible] City Council and the Planning Commission that  
9 they would approve this for Ms. Stukes. Thank you.

10 CHAIRMAN GREEN: Thank you. Hopefully, I'm pronouncing this correctly, R.  
11 Hingleton.

12 **TESTIMONY OF R. HINGLETON:**

13 MR. HINGLETON: I would like to say good afternoon to all you people. This is  
14 the first time I ever appeared before anything like this, but in all seriousness, the lady  
15 called me and she told me that some man told her that they would never put anything  
16 up like this around there. Now I don't know who the man is, but I can't understand the  
17 situation. I'm perplexed by what's going on and what I noticed here this morning it  
18 seemed like pretty fair, but I just can't understand. I'm being frank with you. I'm retired,  
19 Post Office, she worked at the Post Office and we kind of stick together. And I can't  
20 understand why we are having this problem with something like this. It amazes me. My  
21 name is R. Hingleton, Jr. I live at 731 Wood Trail, Gaston, South Carolina. Thank you  
22 very much.

1 CHAIRMAN GREEN: Thank you, sir. Next – and there are a number of people  
2 whose names are struck on this that I just want to be sure that they intended to strike  
3 their name, but the next one I have is a – either a Mr. or Mrs. Watts, I believe. To be  
4 followed be Michael Griffith and then Curtis Grant.

5 **TESTIMONY OF JIM WATTS:**

6 MR. WATTS: Good evening, Members. Jim Watts speaking to you on behalf of  
7 Capernum Family Outreach and also the Capernum and we own the property  
8 contiguous to the property in question. And we are very concerned that a restaurant is  
9 part of the proposal. And we were wondering if it's possible to get written into the books  
10 that if that is an approval that alcohol will not be served in that restaurant. And we're  
11 also concerned about the boutique, even though it conjures up fancy clothing, a total C-  
12 3 would certainly open it up to adult sexual activity, book sales, video sales, and we  
13 would like to know if a condition can be written into the Record such that those items  
14 cannot occur in the event it is approved as a C-3. And if the applicant applied for the  
15 wrong zoning request, we'd like to just have that change made also. Thank you. May  
16 God bless you.

17 CHAIRMAN GREEN: Thank you, sir. Michael Griffith?

18 **TESTIMONY OF MICHAEL GRIFFITH:**

19 MR. GRIFFITH: Afternoon. My name's Michael Griffith and I stay in Hunting  
20 Creek Farms and I think I would say that this would be a good opportunity to change it  
21 from D-1 to C-3. I personally know the applicants and I think it would be a good  
22 opportunity for revenue and for the community.

23 CHAIRMAN GREEN: Thank you, sir. Curtis Grant?

**TESTIMONY OF CURTIS GRANT:**

MR. GRANT: Good afternoon, Mr. Chairman and board Members. My name is Curtis Grant. I'm from 1097 Martha Road, Hopkins. I stand to contest the change in ordinance. Sure we need jobs and employment in that area, but if we could – C-3 gonna give more provisions for business that could bring deterioration and all types of decline in our social life. We really don't need that type of improvement for our area. We have a lot of domestic violence in that area where women are being beat and killed. We have teenage dropouts. We have alcohol problem. We have all types of social problems that, to me, outweigh economics. And we need business that can come in and build up our community, sustain our community, improve our lifestyle, help us to grow as a people, not digress as a people. I'd like you to consider the ordinance. If they're gonna deteriorate our community, please deny any approval. Please don't let us be jeopardized by any monetary incentives. Thank you very much.

CHAIRMAN GREEN: Thank you. That's all that have signed up with the exception of the folks whose name I think were stricken.

AUDIENCE MEMBER: [inaudible].

CHAIRMAN GREEN: Okay, if you would, since you're the applicant. Normally we wouldn't see somebody that hadn't signed up, but if you're the applicant, please come forward.

**TESTIMONY OF CYNTHIA STUKES:**

MS. STUKES: Good afternoon, Chair. We know that the church is very much concerned about the C-3, but we have reassured them that it will be a community restaurant, a very Christian atmosphere. There will not be any alcohol sold at all. The

1 accounting firm will be – will benefit the community. There's gonna be between 20 to 25  
2 jobs for this community. I spoke with the assistant pastor. He and I serve on the  
3 School Improvement Council at Southeast Middle School. He knows my character. He  
4 knows that there is no intent to hurt the church because I am a Christian also. So I  
5 speak for this, that you approve. Also, I am very much concerned. On May 12<sup>th</sup> when I  
6 came to apply for this, Mr. Carl Gosline spoke in a very derogatory manner toward me  
7 and I am very concerned being a business owner. He said, "Oh, another one of you  
8 people coming trying to turn Garners Ferry Road into a Two Notch Road strip." And he  
9 told me that, "Me and my staff will fight against you getting this zoning." And I'm very  
10 concerned as a business owner and a taxpayer. We will not – we have no intention of  
11 coming to tear down the community. We are residents. We are in the Quail Creek  
12 subdivision, been there for 10 years. Just bought some more land. Plan on building a  
13 house next year and we are all about promoting the community and bettering the  
14 community. Thank you.

15 CHAIRMAN GREEN: Thank you.

16 MR. STUKES: Also, we do not meant to hurt –

17 CHAIRMAN GREEN: If you would put your name, just for the Record, state your  
18 name and address.

19 **TESTIMONY OF ROBERT STUKES:**

20 MR. STUKES: Oh, Robert Stukes is my name. I live in Quail Creek, 41 Hunter  
21 Road. But we have no intention of hurting the community in any way. Our plan is to  
22 make the community more upstanding. Anything that we do there will be upstanding  
23 and right because we are Christian and we try to live a Christian life. We – if anything



1 that come up that would hurt the church or anybody in the community, we will not do it.  
2 We spoke with different people in the community about this, what we are planning to do  
3 and a lot of people agree with it. And the people that – also the medical center that's  
4 coming on the south, we spoke with them also concerning that and we feel that we can  
5 benefit the community in a lot of ways and also bring in some more jobs in the  
6 community. Thank you.

7 CHAIRMAN GREEN: Thank you. That's all that is signed up to speak. I have  
8 just one question for Staff. On the map that shows the zoning classifications, the color  
9 coded map, the large C-3 block to the immediate east of this, is that – of course, on the  
10 aerial, which has got some age on it, that's shown as an open field. Is that the piece  
11 that we rezoned about two years about for a mixed use development of retail and  
12 office?

13 MR. GOSLINE: Yes. Mr. Randall, Dr. Randall. Right, the piece to the left is a  
14 long existing auto repair facility.

15 MS. WYATT: And I don't know if you heard Marsha, but she –

16 MS. LUCIUS: I asked what was the status of that? It was supposed to be a  
17 medical park I think?

18 MR. GOSLINE: No, Dr. Randolph had proposed a medical office and then there  
19 was a couple of other things, which slip my mind, but the medical office was the  
20 principal one that –

21 MS. LUCIUS: Has anything occurred there yet?

22 MR. GOSLINE: Not yet. And then about, within the last few months the piece  
23 across the street from this was rezoned for the accountant.

1 MS. LUCIUS: That's C-1 though, not C-3.

2 MR. GOSLINE: Correct.

3 CHAIRMAN GREEN: Comments by Planning Commission?

4 MR. FURGESS: I have a question, Carl. The new Food Lion by Lower Richland  
5 School, that's around about a mile down from –

6 MR. GOSLINE: It's about a half a mile to the east.

7 MR. FURGESS: East coming back toward Columbia, right?

8 MR. GOSLINE: No, to the east, going away from Columbia.

9 MR. FURGESS: Okay.

10 MR. GOSLINE: Yeah, it's open.

11 MR. FURGESS: I know on Rabbit Run Road, a couple of months ago we voted  
12 to put a new subdivision to go in that area.

13 MR. GOSLINE: There was a proposed subdivision. Lower Richland High School  
14 is about a half a mile to the right off the map, and that's at – Lower Richland's – at  
15 Lower Richland Boulevard and Garners Ferry Road, which is the next major entrance  
16 over, and that's where the Food Lion is.

17 MS. LUCIUS: That strip of red to the left, what – how long has that been C-3?

18 MR. GOSLINE: It's been there forever. It's four or five car repair kind of places.  
19 And then about two months ago or so you had a PUD that was proposed kind of right  
20 next to that and wrapped around it over to Trotter Road. I forget the name of it. The  
21 Farm or something like that.

22 MR. FURGESS: My thinking as the Commission on this, since the applicant has  
23 talked to the people in the community and they have no problem with her business

1 going into the area, and as she stated and others have stated that it will help the  
2 community by bringing some type of revenue for the county and for the area, what we're  
3 trying to do is upgrade the Lower Richland area, make sure that we do get some kind of  
4 industry or revenue coming out of that area, I have no problem with supporting this; that  
5 the lady does get this in that area.

6 MR. PALMER: You make that a motion?

7 MR. FURGESS: Yeah.

8 MR. MCBRIDE: I have no problem with it.

9 MR. FURGESS: I move that we accept this as – with all – except what Staff  
10 have in this for this, but whatever the Planning Commission wants.

11 CHAIRMAN GREEN: A motion to recommend approval to County Council.

12 MR. FURGESS: Right.

13 CHAIRMAN GREEN: Do I hear a second?

14 MR. MCBRIDE: Second.

15 CHAIRMAN GREEN: We have a motion and a second. Discussion on the  
16 motion?

17 MR. VAN DINE: Mr. Chairman, I – to be consistent with what I have been in the  
18 past, I have voted against the commercial development on that stretch on all of them  
19 that have come before us. I think that what we are doing is continuing to strip out a  
20 road which is in complete opposition to what we have established for a planning guide  
21 for this county. I certainly don't have a problem with a restaurant or offices or other  
22 things being put in and would think that an area closer to Trotter Road would be the  
23 areas for those properties to be in. But what we are doing in essence, opening the

1 doors for everything in that area now to become more commercial and to extend the  
2 commercial strip further out Garners Ferry Road. And I just don't think that's what we,  
3 as a Planning Commission, want to establish as our direction and our goal. Her request  
4 is laudable in that it wants to open a business to increase the economics of the area,  
5 and I think that would be a great thing to do. I just don't think this is the location to do it  
6 in.

7 MR. PALMER: Howard, let me ask you, how much closer to Trotter Road do you  
8 want to get? You've got five parcels between this and Trotter.

9 MR. VAN DINE: I think it has to be closer to Trotter Road. I mean, I have said  
10 all along that I thought that those three areas out there were too far out along the road.

11 CHAIRMAN GREEN: Further discussion?

12 MS. LUCIUS: I think we also have to remember that when we zone a property to  
13 C-3, even though – well the statement was made that the applicants, that personally  
14 know the applicants, but we have to remember that that property doesn't always stay in  
15 the same hands. We have to be careful that we don't do it on a personal basis because  
16 if it's ever sold, then it's still C-3 and anything can go in. I just think we have to  
17 remember that, that it's not a personal thing that we do up here when we approve or  
18 deny C-3. It's based on parameters that we follow that is this the right place to put C-3,  
19 which opens a piece of property up to anything. I just want to remind everyone of that.  
20 It goes beyond personal feelings.

21 MR. VAN DINE: And Mr. Chairman, I'm sorry – those points were raised by a  
22 couple of people who did speak against this particular provision; that they were worried

1 about the extent to which C-3 opens up the property. So there is opposition to it in the  
2 form of at least two people that I heard up there.

3 MR. PALMER: What I would possibly like to see done, and I know that we can't  
4 handle it here and now, but whenever a C-3 piece of property comes up for rezoning  
5 and somebody requests it, that the scare is always put out there that this could become  
6 a adult video store or a, you know, something to do with the adult industry, and that's  
7 always a tactic that people use and it's true that that could possibly happen. But the  
8 likelihood of that happening is slim, but you know, it's almost as if – I know that these  
9 people don't have that intention, but I would almost, and I don't know if it could be done  
10 or not, but a different zoning for that type of stuff so that that could be pulled out of the  
11 C-3 because C-3 allows so many good things for the area. The restaurant, the, you  
12 know, some business type atmosphere, some retail type, you know, stuff to service the  
13 community and I just hate to see that that's what goes into everyone's mind when they  
14 hear C-3. All of a sudden their mind goes in one direction to the adult industry. Or night  
15 clubs or, you know, something to that, and the likelihood of that going in there is, you  
16 know, slim, but there's so many positive things that outweigh the one or two possible  
17 negatives and when I look at this piece I see five tracts that are between this and Trotter  
18 and I see on the side of Trotter Road right there, and our maps cut off a little bit, but I'm  
19 seeing quite a bit of red over there, which indicates C-3, and I'm seeing quite a bit of red  
20 to the right of this, a large parcel that indicates C-3 and a piece halfway between this  
21 and Trotter that indicates C-3, and I'm thinking, you know, Howard says he wants to get  
22 this stuff to Trotter Road and this seems like a major intersection out here at Old  
23 Hopkins and Garners Ferry and Trotter. And it seems like that this is kind of where

1 we've been looking to go is to the major nodes and this seems to me to be a major  
2 node. And there's only five parcels between this piece and the actual intersection. So I  
3 would be in support of this and I hear what Marsha's saying is that, you know, these  
4 people have good intentions for the property and I believe that. But I think this is a good  
5 piece of property for a C-3 no matter who owns it, so that's why I would be in support of  
6 it.

7 CHAIRMAN GREEN: Just as a note, adult oriented businesses as well as ABC  
8 licenses do have certain controls on them as far as their proximity to churches are  
9 concerned. I haven't been out there to measure, obviously, but that is a form of  
10 protection certainly that's available. You know, I would have to say this Body,  
11 consisting of, by and large, everybody that's sitting up here now, went a little bit more –  
12 if we're concerned about going down Garners Ferry Road, this same Body approved  
13 that large C-3 tract to the east of this property within the last two years and this is  
14 coming back inside of it, not outside of it and for that reason I would have to – I feel like  
15 from a consistency standpoint that it would be appropriate to rezone this property.

16 MS. WYATT: I also think this Body approved that because of the size of it and  
17 the fact that we were told this was going to be the commercial development basically for  
18 the whole area. I think if you go back and read the minutes we were gonna have Putt  
19 Putt Golf and Games in there and all kinds of things for the community. So I can't agree  
20 with your statement in full. Yes, this Body did, but it was because we were led to  
21 believe something else.

22 MR. VAN DINE: Mr. Chairman, I would even take exception. I'm not sure this  
23 Body actually did. I think it was done at County Council level, overriding the

1 recommendation of this Body on both the larger piece of property and the C-1 across  
2 the street. So, I don't think that this Body has been inconsistent in saying that this is  
3 going too far down the road.

4 CHAIRMAN GREEN: Well, my memory is not necessarily 100%, but I do think  
5 we sent this – that we did recommend approval. Any further discussion on the motion?

6 MS. LUCIUS: I failed to go into the archives on that one.

7 MR. VAN DINE: I would call the question.

8 CHAIRMAN GREEN: The question's been called. We have a motion on the  
9 floor to send this forward to County Council with a recommendation for approval. All  
10 those in favor of the motion please raise your hand. All those opposed?

11 *[Approved: Palmer, Furgess, Green, McBride; Opposed: Lucius, Wyatt, Van Dine,*  
12 *Dunbar; absent for vote: Jackson]*

13 MR. CRISS: Tie vote, 4/4, no action.

14 CHAIRMAN GREEN: So this goes forward with no recommendation to County  
15 Council?

16 MR. CRISS: Yes, sir.

17 CHAIRMAN GREEN: Thank you. Next on our agenda – again, let me remind  
18 those of you here both for and against this project, it will be heard at the Zoning Public  
19 Hearing on Tuesday, July 27<sup>th</sup>.

20 MS. WYATT: While everyone's leaving the room, Staff would you please go  
21 back and research that find out what the Body did.

22 MR. GOSLIEN: I remember it was a very close – I think it was a 5/4 vote, but I  
23 don't remember which way it went.

1 MS. WYATT: Please check on that.

2 CHAIRMAN GREEN: We'll give the room about 60 seconds to clear so we can –  
3 the next item on our agenda will be 04-61 MA, requesting the rezoning of 101 acres  
4 near the intersection of Kennerly and O'Sheal Road. When you come up to speak on  
5 this please be respectful of our three minutes and also I'll try to give you a little bit of  
6 heads up that you're next so you can move to the front of the room as we take the  
7 various input in this project. Again, next agenda item is 04-61 MA. Staff Report?

8 **CASE 04-61 MA:**

9 MR. GOSLINE: Mr. Chairman, Members, this is a proposal by NKD  
10 Development to rezone 102 acres, give or take a couple, from RU to RS-1. It's located  
11 out on the Broad River Road, or out in the Broad River off of O'Sheal Road. If you look  
12 at page 81, the – under relevant issues, second paragraph it says the site does not  
13 currently have water or sewer service. We subsequently learned after the publication of  
14 this that there is a sewer line on O'Sheal Road, so if you'd correct that for – there is  
15 currently no water service, but there is a sewer line on O'Sheal Road. The Staff  
16 recommends denial for the reasons cited in the Staff Report, principally that this is  
17 another subdivision far out in the northwest part of the county and there are provisions  
18 that this area should remain rural in character. RS-1, which has a minimum of 12,000  
19 square foot lots are not rural in character. There's a number of people here to discuss  
20 the issue further.

21 CHAIRMAN GREEN: Any questions of Staff before we start taking public input?  
22 First on my list is Wesley Graybill. Kathy Sikes will be next.

23 **TESTIMONY OF WESLEY GRAYBILL:**



1 MR. GRAYBILL: Mr. Chair, ladies and gentlemen, my name is Wesley Graybill.  
2 I am an attorney with Turner, Padgett, Graham & Laney. I'm here on behalf of the  
3 developer in support of the rezoning request. I've handed up some booklets to – for you  
4 to share and to give you a brief overview of what's in the booklet. There are some tabs  
5 there that tell you the topics that we're gonna discuss today. Initially there's a letter in  
6 the booklet from the owner of the property kind of initially starting the process. There's  
7 some tabs that deal with the water and sewer. A tab for the prototype homes. There's  
8 text of some remarks of the actual owner that are going to be played for you by tape-  
9 recording today. That text is there. There's a list of the 13 adjacent owners of the  
10 property, to the property. There's information in the booklet about the schools in the  
11 area, and there are some photos of the property and some surrounding properties  
12 showing the development near this particular site. Also here to speak on behalf of  
13 rezoning, in favor, Kay Reardon, who is the realtor in charge of putting this transaction  
14 together. Johnny Johnson will be speaking on water and sewer. Nick Leventis and Carl  
15 Haslinger, the developers of the project, are gonna speak on the homes, type of homes  
16 and the subdivision plan itself. Bill Brown, who is an engineer, will be talking about  
17 traffic flow and the road structure for the development and the supporting roads around  
18 the site. Marion Younginer Lovett, who is the eldest of the owner's children, will be  
19 speaking about the wishes of the family and how this project came into play. And again,  
20 the remarks of the owner, Louise O'Sheal Younginer, and last, a representative of the  
21 family, Don Lovett, will speak in closing. Initially, I want to point out a few deficiencies  
22 that we have noted after looking at the Staff Report. I've spoken to Mr. Gosline and  
23 we've exchanged some emails about the sewer situation. Sewer is there. I will let Mr.

1 Johnson get into more detail on that, but water is being brought to the site, can be  
2 brought to the site. That's three minutes?

3 CHAIRMAN GREEN: That's three minutes, if you would kind of move forward  
4 and wrap up.

5 MR. GRAYBILL: Okay, well again, the other issues I wanted to bring up about  
6 the Report, it's noted in the Report that they were going to develop this to full density.  
7 That is not the case. That's been stated in writing to the Staff that the density would not  
8 approach the allowed density level under RS-1, that there were going to be a maximum  
9 of 160 houses instead of 240. And the other issue is that the traffic analysis is based on  
10 a traffic station that's located six miles from the site and there are many traffic stations  
11 that are closer that were better gauges for the actual traffic situation involving this  
12 development. Thank you.

13 CHAIRMAN GREEN: Thank you. Kathy Sikes, followed by Kay Reardon.

14 **TESTIMONY OF KATHY SIKES:**

15 MS. SIKES: Good afternoon. My name is Kathy Sikes. My husband Randy and  
16 I live at 417 Bookman Mill Road, which is adjacent to the 101.6 acres on the  
17 southeastern side where it meets the Broad River. We've lived there for seven years  
18 and we are very much against this proposed rezoning. Our neighborhood consists of  
19 three to 25 acre lots that we share with wild turkey, deer, foxes, owls, bald eagles, and  
20 some great humans as well. We have a responsibility to be good stewards of the  
21 property and the natural resources that we have been so blessed with. To make this  
22 101 acres into something that it was never intended to be would be totally irresponsible.  
23 You already have a report before you from your staff that shows that if rezoned, this 101

1 acres would not be compatible with the surrounding area. This report was made by  
2 folks just visiting the area doing their job. As someone who actually lives there, I can  
3 tell you first hand that this type of rezoning is not, and never would be compatible with  
4 the area. If property such as this one continue to be rezoned and misused, our rural  
5 settings will cease to exist, the true value of property will decrease, and the peaceful  
6 lifestyle that we have worked so hard to attain will be replaced by crowded subdivisions  
7 and overcrowded roads. Some folks choose to be in that type of setting, we do not. A  
8 line must be drawn somewhere to restrict what can be done to our communities. We  
9 must take a stand and say no and we are here today to do just that. I ask you to  
10 strongly consider the concerns of the people who would be most affected by this  
11 rezoning. Thank you.

12 CHAIRMAN GREEN: Thank you. Kay Reardon, followed by Becky Caskey.

13 **TESTIMONY OF KAY REARDON:**

14 MS. REARDON: Can you hear me? I'm Kay Reardon, I live in Irmo as well and I  
15 am the realtor that has been involved in this. I do want to tell you that Ms. Younginer  
16 has had a long life of many generations connected to this land. Their family has been  
17 connected to the land since the 1800s and in fact there have been many trees on that  
18 land that put Ms. Younginer through college, so she has a great sentimental value to  
19 the property. She came to us back last fall and quietly and privately said, "I want to find  
20 the right builder for this property. I have 10 heirs and I realize it's gonna create a lot of  
21 stress on a family member if something happens to me cause I'm not a young chicken  
22 anymore. I'm in my 80s and I want to do something before it's too late, to protect my  
23 family's interest . . . ",but also to provide the community with a product that she could

1 hold her head high in. So she came to us privately and we selected a builder that didn't  
2 just talk the talk, but they've already walked the walk. They have built in many  
3 communities on large lots. They have left lots of trees around and so they've already  
4 proven that they're the right match according to Ms. Younginer. She felt so good about  
5 this property being developed and the products going on this property that the family  
6 members have reserved six acres right across the street and are wanting to live across  
7 the street from it, so I think that holds for itself. I am a proponent for good growth, not  
8 all growth, and I'm a tree hugger as much as anyone else, and anyone who knows me  
9 knows that because I have lots of woods around my house too. The homes that I have  
10 sold over the last three years are very nice homes and they're very well protected by  
11 nature and I can hold my head up high with that as well. We all feel very strong that this  
12 is the right builder. The land will be sold this year. Ms. Younginer has had other offers  
13 and she declined because she'd like this builder to be the one that gets it. So I hope  
14 that y'all can understand that just as much as anyone else in this room, I love nature  
15 and I would like to never see it developed, but if there's no way that it's not going to be  
16 developed, I'd like to see something in our own community be good growth, not bad  
17 growth. My son graduated from Dutch Fork High, so I've been very well connected to  
18 the community as well and I want to make sure there's something good in it.

19 CHAIRMAN GREEN: Thank you. Becky Caskey, followed by Johnny Johnson.

20 AUDIENCE MEMBER: [inaudible] were unable to be here today, but they are  
21 opposed to the rezoning.

22 CHAIRMAN GREEN: Johnny Johnson? To be followed by Madeline Neymer.

23 **TESTIMONY OF JOHNNY JOHNSON:**

1 MR. JOHNSON: My name is Johnny Johnson and Mr. Chairman, I appreciate  
2 the opportunity to be here. I live in Old Friarsgate, which is in Richland County. I've  
3 been there for 32 years in the same house. So I've seen a lot of this growth out in the  
4 northwest area and I guess a lot of people blame me for it because I built the first sewer  
5 systems out there. And a lot of these people have two and three acre lots because in  
6 the past that's all you could get approved out there is septic tanks. So in the past that's  
7 all people could sell out there was septic tanks. So – and I tried to buy this particular  
8 piece of property 20 years ago and when Mrs. O'Sheals was still alive and you couldn't  
9 buy – they wouldn't sell it at that point in time. But my purpose here today is to talk  
10 about water and sewer and answer any questions that the Planning Commission may  
11 have about that. The water for this tract of land would be furnished by the City of  
12 Columbia. There's plenty of pressure and volume to serve fire protection for this  
13 property and from any direction from Kennerly Road. One from St. John's Place coming  
14 around Eleazer Road and then down Kennerly Road. The other is coming from down  
15 Old Tama or down Kennerly Road from River Springs Elementary School. Now the  
16 sewer, there's a sewer line that runs through the property. The county needs to make  
17 some modifications to their sewer system, which involves a pump station on  
18 Hollingshed Creek, which is down at – where Hollingshed Creek crosses Kennerly  
19 Road. The new elementary school that's being built on Geiger Road and River Bottom  
20 Road – it already has designs for that pump station, so sewer will be available for that  
21 site. If there's any questions, I'd be happy to take them at this time and answer them.

22 CHAIRMAN GREEN: Thank you, sir.

23 MR. JOHNSON: Thank you.

1 CHAIRMAN GREEN: Madeline Neymer, followed by Nick Leventis.

2 **TESTIMONY OF MADELINE NEYMER:**

3 MS. NEYMER: [**\*\* NOTE: tape or recorder malfunctioned at this point\*\***]

4 CHAIRMAN GREEN: Are you – oh, okay. Thank you. Nick Leventis followed by  
5 Gary Gonzales.

6 **TESTIMONY OF NICK LEVENTIS:**

7 MR. LEVENTIS: My name is Nick Leventis and I'm the developer of the  
8 property. And if y'all would look inside your front jacket you've got a layout of the  
9 subdivision we're proposing. What I want to get to by this plat, if you look at the  
10 numbered lot, the light area shows approximately 15,000 square feet of land on each  
11 lot. The shaded area that abuts to some of the lots, particularly those towards the back,  
12 are just additional acreage on the lots. And, you know, unfortunately, the rural zoning is  
13 a 33,000 square foot lot and there's no classification between RS-1 and rural, so it  
14 either goes 33,000 or 12,000, and I just wanted to make a notation that all of our lots  
15 are proposed to be at least 15,000 square feet. The number of lots there, as you'll  
16 notice, is 153 lots. This again is the proposed number of lots we anticipate getting  
17 because we haven't done wetlands delineation, storm drain retainage and actual survey  
18 of the property, but the owners of the property when we get the property, everybody  
19 says well, you know, if you get this RS-1 zoning you're gonna jump it up to 240 lots.  
20 When we get the deed it's gonna be deed restricted against subdivision of lots any more  
21 than 180 lots. Our goal is to do a good quality development in the area. The 153 lots  
22 minus the roads, there's approximately 10 acres that we're gonna be putting in in roads,  
23 so if you take, back that 10 acres out, we're getting 94 acres, so there's 84 acres. If you

1 divide that by the number of lots we've got in there, each lot averages over a half acre.  
2 Now again, probably some of the minimum lots in there are 15 to 16,000 square feet,  
3 but the ballpark should be in the half acre range. We plan to do a good quality  
4 development, minimum square footage is gonna start off at the 2,000' range because  
5 our goal is to get to the back where the river lots are and it's a beautiful piece of  
6 property and we'd love the opportunity to develop it and do a development that would,  
7 although it generates a few more houses than everybody would like, it's gonna be of the  
8 quality nature that would hopefully offset some of the concerns over lot size differentials.  
9 Thank you.

10 CHAIRMAN GREEN: Thank you. Gary Gonzales, followed by Carl Haslinger.

11 **TESTIMONY OF GARY GONZALES:**

12 MR. GONZALES: Good afternoon. My name's Gary Gonzales. I live at 101  
13 Broad Bluff Point and that [\*\*tape/machine malfunction\*\*] folks who get paid to do this  
14 every day. So I hope you realize that all these people here really took a commitment  
15 today because it's over 3:00 to come have their voices heard. We specifically oppose  
16 this change because it's 180 new homes that will access off of O'Sheal Road, which is a  
17 secondary road off of Kennerly Road. As a matter of fact, it's just about 20 yards past a  
18 cow crossing sign at the bottom of a hill. It's at a blind pass. Kennerly Road is a five  
19 mile winding road parallel to the Broad River, down at that section. And Broad River  
20 Road, I mean Kennerly Road, Old Tama and Koon Road is the only way all of us can  
21 get out of our area. It's currently, if you read through your Staff Report there are many  
22 intersections that are at failure rates. And right now we have another proposed  
23 elementary school going up along Kennerly Road at Geiger and Hollingshed. So

1 between 7:45 in the morning and on, and then at 2:45 in the afternoon, we have school  
2 buses, families, everyone going up and down those roads and with this being a rural  
3 area, we have many school buses that stop at individual homes along the entire way.  
4 More specifically to this property, we're concerned about the higher density residences  
5 there. We'd love to see it – nobody would want to see it developed, but if it's gonna be  
6 developed, why it can't be designated rural as it is now. All we're opposed to is the  
7 change in designation. Right now we feel like we're blessed with great schools. Our  
8 elementary is beyond capacity right now and our area is at a time of crucial growth and  
9 we hope that the planning and the infrastructure will be there before more changes are  
10 allowed to happen. I know the school board at a meeting yesterday was going to  
11 recommend, or ask you to look at a moratorium on continuing to build in our area, again  
12 because of the growth outstripping the infrastructure. I know that we've had property  
13 tax increases. Those come with millage rate increases and we're blessed with the good  
14 schools. We want those things. We want it to be done in a respectful way and 180  
15 homes coming on O'Sheal Road to turn quickly onto Kennerly Road, it's just not  
16 consistent with what's currently out there. We hope you would deny this. I hope you  
17 strongly consider the concerns of the people who live in that area, the Staff Report and I  
18 know a lot of people say growth is inevitable, but we hope smart growth is what's  
19 inevitable and that changing the designation from rural right now – I looked at the  
20 zoning sign front and back and it didn't say that that was inevitable. You have the  
21 power keep things the way they are and that's what we'd hope you'd do. Thank you for  
22 your time.

23 VICE-CHAIRMAN WYATT: Thank you, sir. Carl Haslinger?



**TESTIMONY OF CARL HASLINGER:**

MR. HASLINGER: Good afternoon ladies and gentlemen. My name is Carl Haslinger and I am the president of Essex Homes. What I wanted to do today is to come up and to tell you and the people sitting here a little bit about the type of houses that we're planning on building there because I would expect that's somewhat a concern to them as well you guys. When Ms. Younginer started thinking about selling this project, I think she had three primary things that she wanted to do and one was to achieve a quality development. The second thing was to find a local developer that would develop with her thoughts in mind. You've got to remember Ms. Younginer's family has been around here for years and I don't think she wants something that does not speak well to her family. And the third thing is to find a local builder that had the ability to build the houses in the neighborhood and build that kind of house that she wanted in this neighborhood. And that's where I come in. I want to tell you a little bit about Essex Homes and a little bit about the type of houses that we're planning on building in the neighborhood. Essex Homes will build about 180 houses this year. About half of the houses over \$200,000, with an average sales price of \$210,000. Essex Homes builds more brick large houses in Columbia, South Carolina than any other builder in this area. We built in a lot of nice rural settings, a lot of very nice neighborhoods with very high end houses. We built in Eagle's Glen, Heritage Hills, Oakhurst and Laurel Chase at Lake Carolina. That's where most of our houses have been in the last three years. We work with topography and we work with trees in the area to provide a nice setting for our houses. If you would, the books that we've given you have pictures of the houses that we're planning on building. If you wouldn't mind

1 turning to that I'll tell you a little bit about what we're planning in the subdivision. Even  
2 though it's one subdivision, we kind of envision three price points throughout the  
3 subdivision. The first phase will be everything that Ms. Younginer wanted and probably  
4 more, and as we go back towards the river we want to steadily increase the price of the  
5 houses to build up to the river section lots, which are gonna be very large houses, very  
6 expensive houses. In the front we will have a minimum square footage of 2,000,  
7 probably won't build anything less than 2,250 square feet. The starting prices on the  
8 houses will be probably in excess of \$200,000. As we go back our size will go up. In  
9 the front section I would expect our average square footage in the neighborhood will be  
10 about 2,800 square feet, with an average sales price between \$260,000 and \$270,000.  
11 And I think this is very compatible with the houses that are in this area, what the  
12 neighbors in this area have got. I'll finish quickly. The next section the houses will  
13 average probably 3,000 square feet. They'll probably run in the \$300,000 to \$400,000  
14 price range, and the river houses will probably be 4,000 square feet and will probably  
15 cost half a million dollars. I think they'll compliment this area. They'll be very nice  
16 houses with very nice amenities. Very well situated and with good architectural controls  
17 on the houses. Thank you.

18 CHAIRMAN GREEN: Thank you. Gene Thompson, followed by Bill Brown.

19 **TESTIMONY OF JEAN THOMPSON:**

20 MS. THOMPSON: My name is Jean Thompson. I live at 1124 O'Sheal Road.  
21 My address is approximately a half a mile from where this proposed area will be built.  
22 And I would like to state on Record that I oppose this change and that it would highly

1 affect our area with traffic problems and our wildlife and the serenity that we have in our  
2 area, and just please think about this before you approve this. Thank you.

3 CHAIRMAN GREEN: Bill Brown, followed by Flora Ownly.

4 **TESTIMONY OF BILL BROWN:**

5 MR. BROWN: My name is Bill Brown. I'm with Civil Engineering of Columbia. I  
6 live in the Ballentine area of Richland County. I have a son and a daughter who live in  
7 Belfair Oaks with their families just off of Kennerly Road. I think in the booklet you have  
8 in the back there's a traffic, some traffic counts marked up in yellow. If you would look  
9 at those and let me pass out something else. What I was asked to do is look at the  
10 information you were furnished as far as the information to make a decision on as far as  
11 where the traffic's going. And I believe if you'll look at the yellow lines they'll indicate  
12 that all the traffic is not going where the county, where the Staff had indicated right at  
13 Kennerly Road. You have fewer lots. I think they had 240. It's gonna be closer to 160.  
14 You have so many other different routes to take that the Kennerly Road route would not  
15 be probably the route that most people would take. You – the people who would take  
16 their children to school would not be going by that access point. So the biggest thing  
17 I'm here to do is just say that the traffic that the county's pointed out to you would not  
18 follow the route that they've indicated.

19 MR. PALMER: I have a question for Mr. Brown. So the county has – the traffic  
20 county station that they've used is the one you've got marked down here, which is  
21 approximately how far from the site?

22 MR. BROWN: It's several miles from the site.

1 MR. PALMER: And Carl, by your estimation, everybody that comes out of this  
2 project is going to drive by this count station and that's why we've got a service level of  
3 F?

4 MR. GOSLINE: Well, let me explain the –

5 MR. PALMER: Is that the way that you've done it?

6 MR. GOSLINE: What we do, when we do these traffic assessments is we take  
7 the nearest count station on the road headed toward downtown and obviously that's a  
8 big assumption that everybody's gonna go the same way. What they have said about  
9 there are different ways out is true. There's no way that we have the ability to make a  
10 traffic study to assign different routes, so we just take the assumption that we take the  
11 nearest count station headed toward a major area of employment, which is downtown.

12 MR. BROWN: I think one that would be missing there though is the housewife  
13 that would be taking her children to school wouldn't go by that –

14 MR. GOSLINE: Right. No, I mean, what Mr. Brown and what Mr. Graybill said is  
15 true that there are other ways out, but that's the kind of thing that traffic studies would  
16 make some assumptions about and assign different percentages of the total trips to  
17 different routes. And we don't have any way of doing that. Our intention here is just to  
18 point out the amount of traffic coming out the project onto the road system. The nearest  
19 count station in this case isn't very close and it's the best one we had, and that count  
20 station's already almost at F, so it's not because of this project, it's everything else in-  
21 between as well.

22 MR. BROWN: Also I'd like to point that it'd probably be about 800 less average  
23 daily trips per day with the fewer lots that they're recommending.

1 MR. PALMER: Do you calculate yours at the full amount that's –

2 MR. GOSLINE: Yes, that was the other point that I wanted to bring up.  
3 Whenever we do zoning, particularly residential, we calculate on the maximum amount  
4 that could be put in, given whatever zoning they're asking for. And that's just because  
5 that's kind of the worse case scenario. Most of the time as y'all have seen constantly,  
6 they don't build anywhere near the maximums, and this is another case.

7 MR. PALMER: Especially in this case where they're kind of deed restricted not  
8 to.

9 MR. GOSLINE: Well, but we can't assume that in the analysis when we do the  
10 Staff Report.

11 MR. PALMER: This is the first time I've actually seen it in front of me. You  
12 know, I've taken some issue with traffic counts in the past, but to actually visualize the  
13 site location and I see one, two, three different count stations which are all, you know,  
14 700, 1,350, 1650, and the traffic count station that the Staff has decided to use has  
15 17,000 on it. So it's just a –

16 MR. GOSLINE: Mr. Palmer, the only thing I can tell you is what I've already said.

17 MR. PALMER: I understand, but I'm just telling you that this is the first time I've  
18 just seen it in front of me –

19 MR. GOSLINE: Well, this is kind of a – the northwest part of the county and to  
20 some extent the southeast part of the county, the count stations are really far spread out  
21 and so we don't have as much choice. If we had assumed that x percent would go to  
22 Old Tama Road, I mean, we could've done that, but that's just – we don't have any  
23 basis for making that assumption.

1 MR. PALMER: Well, I guess what I'm trying to get at then is how valid are our  
2 traffic counts that we have in our

3 MR. GOSLINE: The traffic counts that we use are provided by DOT. They're the  
4 only ones doing traffic counts.

5 MR. PALMER: What I'm saying is that when we take it into deliberation as part  
6 of our decision-making as to whether to approve something or not –

7 MR. GOSLINE: I know.

8 MR. PALMER: How valid is that and how much weight should we put on that  
9 because you've got all the trips. It's not really a true traffic study because you've got all  
10 the trips going one way when in theory when you come out of a development one goes  
11 one way, half goes another and then when you come to another –

12 MR. GOSLINE: Mr. Palmer, we have never said it's a true traffic study. In fact,  
13 the report specifically has those disclaimers. All we are trying to do is say this – x  
14 project is generating x trips onto the road system and we take the nearest traffic count  
15 station. In this case it was, I grant you it was not – it was, you know, far away. But the  
16 alternative would be for us to just make some kind of wild assumptions that some are  
17 gonna go here and some are gonna go there and some are gonna go there, and we  
18 have no basis for doing that.

19 MR. BROWN: But 100% wouldn't go where you routed them. When I visit my  
20 son and my daughter, I usually go –

21 MR. GOSLINE: No, I wouldn't argue with anybody say there are gonna be  
22 different percentages going different directions. I mean, that's – but that's the best we  
23 got. That's all we can do.

1 CHAIRMAN GREEN: Any other questions for Mr. Brown?

2 MR. DUNBAR: Mr. Brown? Can you spot on this map the location of this  
3 proposed school that you said was – where is that located? Mr. Leventis, can you spot  
4 that on this map?

5 MR. FURGESS: Isn't there an elementary school from this subdivision, there's a  
6 mile and a half below that and the other proposed high school, middle school gonna be  
7 around about two miles above this subdivision?

8 CHAIRMAN GREEN: Okay. Next signed up to speak on this issue is Flora Ownly,  
9 followed by Miriam Lovett.

10 **TESTIMONY OF FLORA OWNLY:**

11 MS. OWNLY: I'm Flora Ownly and I live in Columbia and I'm very nervous. I'm  
12 not used to speaking in public. But I own 30 acres off of O'Sheal Road and these, this  
13 property has been in my family for over 100 years and I am definitely opposed to this.

14 CHAIRMAN GREEN: Thank you. Miriam Lovett, followed by Charlene Turner.

15 **TESTIMONY OF MIRIAM LOVETT:**

16 MS. LOVETT: My name is Miriam Younginer Lovett. I am the eldest of Louise  
17 O'Sheal Younginer's children. My mother cannot be here today because she had a  
18 medical appointment this morning and another medical appointment this afternoon.  
19 She has prepared a two minute, 15 second recording, which she requested that I play  
20 for the Planning Commission. A transcript of my mother's taped message is in your  
21 notebook, identified by the divider page titled "Transcript". "I'm Louise O'Sheal  
22 Younginer, wife of Herman R. Younginer, long time mayor of Irmo. I inherited the  
23 O'Sheal real property from my other, Eula Mathias O'Sheal, who inherited the property

1 from my grandfather. I will sell the 101 acres on O'Sheal Road this year. Without  
2 selling the property now, 10 or more heirs will inherit the O'Sheal property at my death.  
3 The inheritance of the property by this number of heirs will inevitably lead to conflict in  
4 my beloved family. My son-in-law, Don Lovett, who holds my power of attorney, was  
5 asked to select a real estate broker for the purpose of finding a quality local home  
6 builder who would build 180 homes on the property in the price range of \$200,000 to  
7 \$500,000. The transaction was handled privately. It was not listed in the real estate  
8 literature or placed on the open market. Essex Homes in Lexington was chosen for this  
9 project based on a recommendation by realtor Kay Reardon. Also, without selling the  
10 property at this time to Essex Homes, it could not be assured that the property will be  
11 developed in a way that provides for quality homes on large lots. As the granddaughter  
12 of Luther Mathias, the founder and first mayor of Irmo, and his wife, Caroline Smith  
13 Mathias, both of whom have paternal and maternal ancestors who date back to the mid  
14 1700s and were early settlers of the Dutch Fork, I want our community to have quality,  
15 smart growth such as has been brought before you today for your approval. My family  
16 will make certain that there is careful oversight of the Essex development for this  
17 property. Please vote to rezone this property from RU to RS-1. Thank you."

18 CHAIRMAN GREEN: Thank you. Next is Charlene Turner, followed by Louise  
19 Younginer.

20 **TESTIMONY OF CHARLENE TURNER:**

21 MS. TURNER: I'm Charlene Turner and I live on Harry Derrick Road, adjacent to  
22 the property. I didn't know I signed up to speak but I'm gonna do it since you called me.  
23 I really didn't. I am opposed to this. I'd like to address the traffic restrictions you're



1 talking about. When you come out of Harry Derrick, if you'll look on the map, that's a  
2 gravel road, you turn onto O'Sheal and it is on O'Sheal on a curve that this development  
3 will come out onto. I think I saw a piece of paper saying it would come out on Kennerly.  
4 It won't. And the addressing left and right. I've been asked to ask my neighbors how  
5 many of you turn right when you come out onto Kennerly. Would you raise your hand if  
6 you turn right. No, everyone turns left and goes down Kennerly Road, so so will the  
7 people in the development. And quite frankly I think that's all I wanted to say. Thank  
8 you.

9 CHAIRMAN GREEN: Louise Younginer?

10 AUDIENCE MEMBER: [inaudible].

11 CHAIRMAN GREEN: Okay. Don Hinson.

12 AUDIENCE MEMBER: He left.

13 CHAIRMAN GREEN: Okay. Don Turner? Followed by Ralph Scurry.

14 **TESTIMONY OF DON TURNER:**

15 MR. TURNER: I didn't think I signed up to speak either. I'm Don Turner, 200  
16 Harry Derrick Road. I got a little concern, Carl had one count station and Bill had three,  
17 could I see where the other two are? Cause you were throwing out numbers of 600 and  
18 700.

19 CHAIRMAN GREEN: If you want to take a look at those and we'll have  
20 somebody up while you're taking a look at that, I'll call you back up and – Ralph Scurry.  
21 Ralph Scurry? Kathleen Howe. Followed by Harry Ownly.

22 **TESTIMONY OF KATHLEEN HOWE:**

1 MS. HOWE: Katherine Howe. I live at 2 Bookman Mill Cove, which is just the  
2 road up from O'Sheal. And I'm opposed to it and my fear is where you see one kind of  
3 large scale development coming in, it will be quickly followed by others, turning into  
4 what my fear is, another over developed, traffic congested area of Columbia. And what  
5 I would like to see is the time taken to develop the area properly so it becomes an  
6 example of – that other people can point to and say we want to do what they did, and  
7 have that type of living. And back to the Old Tama Road thing, when I originally bought  
8 my property up there about eight years ago, I did drive Old Tama up to get to it, and  
9 probably took me about six months before I realized Kennerly was the way to go and  
10 that's the way I drive and have driven ever since. And the only time I ever take Old  
11 Tama now is if I'm going to the other side of Irmo. That's it.

12 CHAIRMAN GREEN: Mr. Turner?

13 MR. TURNER: Okay, one of the - there was a count station in the middle there.  
14 I don't know if Carl missed it, but it was 3,000 a day, and as his report said it's gonna be  
15 well over capacity, not just close. I just wanted to point that out. The other count  
16 station's almost at the end of Kennerly Road, which is very rural. And that's all. Thank  
17 you.

18 CHAIRMAN GREEN: Thank you. Harry Ownly, followed by Charles Derrick.

19 **TESTIMONY OF HARRY OWNLY:**

20 MR. OWNLY: I'm Harry Ownly. I live at 231 Harry Derrick Road. I've been living  
21 there for seven years. My family has had property there for over 100, the Derricks.  
22 First off, we're not trying to stop anybody from selling their property. Between me and  
23 my family we have a large, a lot of property also. We wouldn't want to do that. What

1 we would like to do is to have smart growth like everybody else has said. Why can't we  
2 leave it at rural and develop it that way? It doesn't have to be 150 homes or 240  
3 homes. The other point about the zoning, just like y'all brought up in another thing  
4 about the C-3, what happens if you change this zoning to the R whatever it is for the  
5 240 and somebody else ends up getting that property after the zoning's changed. Two  
6 hundred and forty homes could go in there. I hope you would take that into account.  
7 And the traffic is always going left. We don't go right or up Tama to get to work. Thank  
8 you.

9 CHAIRMAN GREEN: Charles Derrick, followed by Keith Johnson.

10 **TESTIMONY OF CHARLES DERRICK:**

11 MR. DERRICK: Mr. Chairman, Council, my name's Charles Derrick and I'm one  
12 of the major landowners of property on Harry Derrick Road. I've known Mr. and Ms.  
13 Younginer for many years. My family also has been in Dutch Fork since the early  
14 1700s, and if you take all of our families land together, which is adjacent to the O'Sheal  
15 tract, we own close to 200 acres. Our families been, the land's been in the family a long  
16 time. And we're not talking about anything but quality of life and quality of the people's  
17 lives and homes that are out there in the area now. An additional 100 and something  
18 houses is gonna definitely make a difference. I don't care how you look at it. The  
19 people that live out there in this area now moved out of there because they want to live  
20 this type of lifestyle. You know, we're talking about a lifestyle change is what we're  
21 talking about. We're not talking about houses on a third of an acre. We're talking about  
22 tracts that are, most of them are five or better. And we would just verbally like to ask  
23 y'all to consider the people that are out there that are paying taxes now and keep it rural

1 if you would. And if they want to develop it with the rural zoning, that's fine. We haven't  
2 got any real objection to that, but changing it to R-1 so they can put so many houses on  
3 it is just not fair to the people that's there and we would really appreciate y'all's  
4 consideration. Thank you.

5 CHAIRMAN GREEN: Keith Johnson, followed by Toby Ward.

6 **TESTIMONY OF KEITH JOHNSON:**

7 MR. JOHNSON: Hi, I'm Keith Johnson. I live at 119 Tiger Paw Lane, and I  
8 wasn't exactly sure I was gonna speak either. My wife signed me up. And [inaudible]  
9 issues here about this today and it's an emotional issue for all of us and I just made a  
10 couple of notes as this has gone through. If we could, if I could impose on you, if the  
11 people who oppose this could stand. How many do we have? Thank you. Everybody  
12 that you hear from today who supports the change in this zoning will stand to profit from  
13 it. It's an economic profit. We live there, so it's a little different for us. Everybody  
14 understands that development's gonna come. All we ask is that it remain consistent  
15 with the zoning that we have now. Nobody wants to shut anybody out. Everybody  
16 understands that. Of every house and every car and every vehicle that'll come out of  
17 that road, everybody turns left. I don't care what your traffic studies say. I don't care  
18 where they go. You got to get out on Kennerly Road. That road serves two dozen  
19 homes now. I know that we're talking about 156, we say. I haven't seen anything that  
20 binds us to that. Once you open it up, it can got to 240 and then further down O'Sheal it  
21 can happen again. All we're asking is to maintain the quality of life that we have now.  
22 That's why we have zoning. Zoning works. That's why it's as complicated as it is to  
23 change zoning when it comes to something like this. The routes and the traffic counts, I

1 don't understand exactly. All I know is that you got to turn left on Kennerly Road to get  
2 where you're going. If you turn right, you can get out. You come out at the Peak exit at  
3 176. That's the next closest exit out. We don't have another one. That's it. Excuse me  
4 one second. The draw for us in our area has been the schools. Everybody knows that.  
5 Our schools can compete with anyplace in the nation. So people who are gonna be  
6 drawn to this development, we can assume, most will have school aged children. And I  
7 heard a comment made about housewives getting out whether they're gonna turn left or  
8 right and go to school. All the schools are to the left. Everybody's gonna turn left on  
9 Kennerly Road. So if we got a 156 or we got 140 or we got 240, we got to assume that  
10 the draw is everybody that's gonna turn in there is gonna have children in school.  
11 That's the draw. So whether they go by bus or carpool or whatever else the case, let's  
12 assume that every child in that development's got to come out. Our schools start at  
13 7:45, so everybody's coming out at the same time. Why we don't have –

14 CHAIRMAN GREEN: If you could just finish up.

15 MR. JOHNSON: Yes, sir. In all due respect to the Younginer family, and they're  
16 established and have been for some time, they chose a developer that offered the most  
17 money. That's bottom line and that's what this is about. Thank you.

18 CHAIRMAN GREEN: Thank you. Elizabeth – or Toby Ward, followed by  
19 Elizabeth Fowler.

20 **TESTIMONY OF TOBY WARD:**

21 MR. WARD: Mr. Chairman, Members of the Commission, thank you for letting us  
22 have a chance to talk to you today. First of all I'm gonna hand out some materials that  
23 were given to me by Gary Gonzales. I did not produce or compile these materials, but I

1 think they represent the feeling of the community. I'm here today speaking on behalf of  
2 the Spring Hill Community Association. Spring Hill is a recently formed community  
3 association that has concern about the advent of uncontrolled and unreasoned growth  
4 in northwest Richland County. In particular, and if you'll go to the very end of the  
5 materials I handed out, there's an article about the traffic congestion that now exists in  
6 northeast Columbia. That is what the Spring Hill Community Association and many of  
7 these folks are first of all, it's what they left, and second of all, it's what they're trying to  
8 avoid, and they call upon you as your title is a Planning Commission, they call upon you  
9 to exercise your judgment in planning and consider whether or not this location is  
10 suitable for this type of development. As the gentleman before me pointed out, this is  
11 not about a need for housing in this particular area, this is about money. And although  
12 the property was sold by private bid, it was sold to the high bidder. And the value  
13 associated with that transaction, and you – those of you who are involved in the real  
14 estate business will know this – the value associated with the transaction is contingent  
15 upon the zoning change. The property is not worth what it's being sold for unless you  
16 change the zoning, or recommend that it be changed and then Council changes it. So  
17 this is not about a need to change the zoning for anything that the folks that live in that  
18 area want to accomplish. This is a need to change the zoning to get more money out of  
19 the property. Another thing that a Planning Commission should consider is the affect of  
20 the change, if any, on the property and the surrounding properties. You've heard from  
21 the folks that live out there what they believe the change will do to them, and you've  
22 heard from your Staff about their concern about the change that the zoning will bring  
23 about, particularly traffic, and the sewer is, right now there's no capability for it and the

1 water is not there, although apparently it could be. When you look at the RU zoning, it  
2 creates something that we believe the folks that live in this part of the county believe,  
3 and they believe this very strongly. They believe that that is a distinct and unique  
4 characteristic of the county that should be protected. They think that it can bring value  
5 to the county. Homes can be built there. Residences can be established there, but it  
6 will not necessarily be a quarter acre and a half acre subdivision lot with lawns and  
7 driveways that are paved and basketball courts on the driveway. It doesn't have to be  
8 that way in every subdivision. They want you to protect what they have, to recognize  
9 the planning that took place when the RU was established. Your recommendation  
10 means a great deal to these folks and to County Council. Please consider the wishes of  
11 the residents of this area when you make your determination and require that the  
12 developer show the need for a change, other than to make a profit. Thank you.

13 CHAIRMAN GREEN: Elizabeth Fowler? Followed by Robert Fowler.

14 **TESTIMONY OF ELIZABETH FOWLER:**

15 MS. FOWLER: My name is Elizabeth Fowler and I live at 9 Broad Bluff Court  
16 and we live on the river in that vicinity, right up river of the proposed subdivision. The  
17 traffic going from that area onto Kennerly Road would all have to turn left. The only way  
18 you'd take an alternative route out of that area is if you're going to Newberry. There's  
19 one other way that goes toward town and it take much longer. And that's basically it.  
20 Everybody goes down Kennerly Road. Plus, when you take a left onto Kennerly Road,  
21 it's a blind left. There's hill and you can't see the traffic coming over the hill. So that's a  
22 lot of traffic that would be turning onto a very small rural road that is very ill kept at this  
23 point, with no shoulders and is very dangerous right now. It's narrow and it's not

1 capable of the traffic it's got on it right now. So we oppose the subdivision and the  
2 numbers on it. Also I have concerns about the number of houses that would impact on  
3 the Broad River. This property has about, I think, 1,000' on the Broad River as frontage  
4 and it would – I'm very concerned about the runoff, the pavement and all of those  
5 environmental concerns as it pertains to the Broad River and the pollution affect that it  
6 would have as the watershed goes down to Broad River. Thank you.

7 CHAIRMAN GREEN: Thank you. Robert Fowler, followed by Charles Webber.

8 MR. FOWLER: My wife has spoken for me.

9 CHAIRMAN GREEN: Okay. Charles Webber? Followed by Don Lovett.

10 **TESTIMONY OF CHARLES WEBBER:**

11 MR. WEBBER: Thank you very much. I'm Charles Webber at 133 Deer Track  
12 Drive. I'm also associated with the Spring Hill community. We've asked, through Rick  
13 Quinn, that development in this area be slowed down. The reason that we've asked for  
14 that is exactly the question you asked, so we can get traffic studies done. We're basing  
15 things upon information that we don't have. We've heard today water is available.  
16 What no one has mentioned is funding available? We've heard sewer is available. Is  
17 funding available? We've heard questions about the roads. We know funding by the  
18 State of South Carolina for road improvement in this part of the county is not available  
19 until the year 2006. The other thing we've heard is unknowns – wetlands has been  
20 mentioned. It's an unknown. We've heard about amenities in this development. None  
21 have been mentioned. It takes land to develop those. The key thing is that the Staff  
22 has recommended to you not approval. It is the burden of this developer to show that



1 need. That has not been shown today. You have to, according to your policies, to deny  
2 this, and I request that you do such. Thank you.

3 CHAIRMAN GREEN: Thank you. Mr. Lovett?

4 **TESTIMONY OF DON LOVETT:**

5 MR. LOVETT: Mr. Chairman, Members of the Commission, I appreciate the  
6 opportunity to speak to you. I heard a lot of things recently I don't really understand.  
7 The water issue is going to be paid for by the developer. Richland County has already  
8 approved about a \$25,000,000 bond issue to improve sewer in the area. You have a  
9 letter in your package from Richland County Utilities stating that the utility issue  
10 concerning sewer has already been worked out with the developer through Johnny  
11 Johnson. As to traffic, there are several ways off of Kennerly Road. Kennerly Road  
12 leads to Old Tama. On Old Tama is the middle school and the high school. A lot of  
13 people are gonna turn down that road. As you proceed down Kennerly, you turn onto  
14 Connie Wright Road. Beyond Connie Wright is Coogler Road, then you get to Fire  
15 Tower Road. If you go down Koon Road you can turn on the frontage road, which has a  
16 new S turn onto Broad River, and completely avoid Kennerly and Broad River. I'd just  
17 like to answer any questions you might have. This property meets the requirements of  
18 rezoning. It's RS-1. We're going to have deed restrictions on it at 180. It will be sold to  
19 Essex and we request you rezone the property. There's no reason not to. It will be  
20 developed. That whole area will be developed. The school has already approved  
21 building a new elementary school at Geiger Road and Kennerly. They're already in the  
22 process of looking for property for a high school and for a middle school in the Kennerly

1 Road area. We all know that are, that property is going to grow. No question about it.  
2 Any questions? That concludes my remarks.

3 CHAIRMAN GREEN: Thank you. And that's all the folks we have signed up to  
4 speak on this particular rezoning request, so I now open it to Planning Commission  
5 Members for comment and a motion.

6 MS. WYATT: I'd like to ask Staff a question if I may, Mr. Chair.

7 CHAIRMAN GREEN: Please.

8 MS. WYATT: On the fire service information, it says the nearest fire station to  
9 this is four miles. Going back and reviewing the other subdivisions for zoning map  
10 amendments that we've done today the max was two. The fire station that would  
11 respond to this area is located where? And what formal traffic pattern would it take?

12 MR. GOSLINE: There's a fire station, it's a very small one, right at Spring Hill,  
13 which is at Kennerly and Freshly Mill.

14 MS. LUCIUS: [inaudible].

15 MR. GOSLINE: Kennerly and Freshly Mill.

16 AUDIENCE MEMBER: [inaudible] one in Ballentine, 76 and 176.

17 MR. GOSLINE: I stand corrected.

18 CHAIRMAN GREEN: Any other questions for Staff?

19 MR. GOSLINE: The answer – I thought that there was a volunteer station right at  
20 Spring Hill, but –

21 MS. LUCIUS: Is that the one with one volunteer?

22 MR. GOSLINE: Yeah.

23 MS. LUCIUS: That's what I thought.

1 MS. WYATT: The Dalmatian.

2 MS. LUCIUS: They don't even have a dog there, do they?

3 MR. GOSLINE: But the answer to your question, Ms. Wyatt, is the station is at  
4 176 in Ballentine and that's close to four miles. It might be a little less.

5 MS. WYATT: Thank you.

6 MR. PALMER: Mr. Chairman, I would make a motion that we send this forward  
7 to Council with a recommendation of approval on the basis that I think that this project is  
8 in character with the rural community. I think that 150, what three or four homes, is in  
9 character on 100 acres, with the rural character. And I think that it's a good project for  
10 the area. I think that the traffic patterns, I know, I understand, and I don't think that you  
11 folks can see the traffic, the numbers and stuff that we have here, and I understand that  
12 you take a left off of O'Sheal and get on Kennerly, but there are several rights to take  
13 and there are – that's, you'll take a right off of Kennerly to get to any of the schools,  
14 whether it be an elementary or high school.

15 CHAIRMAN GREEN: [gavel] Please, please. This is – the time for public input  
16 is over and I would just ask you to respect our discussion. Thank you.

17 MR. PALMER: To get to any of the schools, whether it be the elementary,  
18 middle or high school, off of Kennerly, so anybody taking any of the children to and from  
19 school at 7:45 or at 2:45 in the afternoon are not gonna go past this heavily congested  
20 Kennerly Road. The one further down here, the traffic count station. I believe it's a  
21 good project. I think that the people have done a good job in finding a good local  
22 developer that's gonna do a good project. He has a good track history with the type

1 homes they build and the size lots and everything else, and I would recommend that a  
2 motion to send this forward to Council with a recommendation of approval.

3 CHAIRMAN GREEN: We have a motion on the floor. Is there a second?

4 MR. DUNBAR: I second the motion.

5 CHAIRMAN GREEN: Discussion on the motion.

6 MR. VAN DINE: Mr. Chairman, I respectfully disagree with Mr. Palmer. I don't  
7 think this is in keeping with the rural community or the rural setting. I think the rural  
8 zoning that is out there is adequate for lot sizes to go along with what else is out there.  
9 Further, by developing this property out there, we have given carte blanche to opening  
10 up everything between that development and everything inside that to further  
11 development, which only further impacts on all of the roads. There are no stores.  
12 There is no hospital. There's no doctors. There's nothing out in that area that does not  
13 require you to come down Kennerly Road or to take an alternative. If you wish to get  
14 on the interstate, Kennerly Road is virtually the only way to get onto that interstate,  
15 unless you want to go all the way to the Peak exit. People won't do that to come to  
16 Columbia. The fact that additional schools are being developed in the area is a further  
17 indication of the immense pressure that is being put on that area. I think the school  
18 board in and of itself is doing a disservice to the community by adding additional  
19 schools because all they're doing is putting further emphasis and further pressures on  
20 the area to put up developments, which I don't think belong in those areas. I  
21 understand the argument that people will make that development is coming and it's  
22 gonna come out in that direction, but it doesn't have to be of this size or of this  
23 magnitude. So I don't believe that this is in keeping with the area out there and I think

1 we are opening the door to too many things by putting a development of this nature that  
2 far out. So I am in fact against the request and I will vote in such a fashion.

3 MR. PALMER: I just have to disagree with you, Howard, that we're opening the  
4 door. We look t each project an individual basis, on its individual merit. Just because  
5 we approve one as RS-1 does not mean that anybody that comes in here with an RS-1  
6 is going to be automatically approved. Each project is looked at its own project on its  
7 own merits and to say carte blanche if we approve this as RS-1 that anybody else that  
8 comes in as RS-1 is going to be approved would be incorrect.

9 CHAIRMAN GREEN: Any further discussion?

10 MS. LUCIUS: Mr. Chairman, at the risk of repeating myself, I am gonna repeat  
11 myself and this is not the first time I've said this and I'm gonna say it again. We have  
12 got to stop treating rural property as if it's nothing until it's rezoned. It's not D-1, it's  
13 rural. There's a reason for rural. Rural serves a purpose. This property can be  
14 developed. I'm tired of hearing people say, "Well development is inevitable." Well, it's  
15 not inevitable and also it doesn't have to be this density. And also I agree with Mr.  
16 Ward, the burden of proof is on the applicant to prove the need for change. I haven't  
17 seen a need for change yet. Now if somebody can show it to me, I might would change  
18 my mind. But right now I haven't seen it, so I'd have to vote against this.

19 CHAIRMAN GREEN: Further discussion or comments? We do have a motion on  
20 the floor to send this forward to County Council with a recommendation of approval. All  
21 those in favor of the motion please signify by raising your hand. All opposed.

22 *[Approved: Palmer, Dunbar, Furgess, McBride; Opposed: Lucius, Green, Wyatt, Van*  
23 *Dine; not present for vote: Jackson]*

1 MR. CRISS: Four/four, tie vote, no action.

2 CHAIRMAN GREEN: This will go forward with no recommendation to County  
3 Council and it will be heard at their meeting on July 27<sup>th</sup>. Since we've been up here  
4 about two and a half hours, I know y'all have been out there just as long, we respectfully  
5 request five minutes to hit the restroom and we will be back.

6 *[Break]*

7 CHAIRMAN GREEN: We'll come back to order. Appreciate your patience while  
8 we took a short break. We're almost to a quorum. Next item on our agenda is a  
9 proposed minor PUD amendment for Woodcreek Farms, 04-62 MA. Staff Report?

10 **CASE 04-62 MA:**

11 MR. GOSLINE: Mr. Chairman, Members, this is a proposal by Woodcreek  
12 Farms to – minor PUD amendment for some of the parcels in their Planned Unit  
13 Development. If you look at your Staff Report on page 87, the table summarizes  
14 everything. You'll notice in general that they're reducing the density in the area by  
15 changing some of the multi-family residential into single-family and one multi-family into  
16 neighborhood commercial. And for your information on page 89 is the parcels that are  
17 being changed. Staff recommends approval.

18 CHAIRMAN GREEN: I would note that in my edition that there's a significant  
19 reduction in acreage in multi-family land, a reduction in commercial land, an increase in  
20 open space and single-family as a net result. There's no one signed up to speak on  
21 either side of this request, so –

22 MR. DUNBAR: I move approval.

23 MR. VAN DINE: Second.

1 CHAIRMAN GREEN: See, you get here later in a meeting and it's amazing how  
2 quick things will move. We have a motion on the floor in seven seconds. All those in  
3 favor of the motion please raise your hand.

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

6 CHAIRMAN GREEN: Motion passes. The next item on the agenda is 04-63 MA,  
7 First Canterbury. We do have a few folks signed up to speak on this one. Staff Report.

8 **CASE 04-63 MA:**

9 MR. GOSLINE: Mr. Chairman and Members, this is a proposal by First  
10 Canterbury LLC to change the zoning on 29 acres on Broad River Road from RU to  
11 PUD-IR. This is located inside the Peak exit or interchange on Broad River Road. It's  
12 roughly at the end of where Bickely comes into Broad River. Staff recommends  
13 approval subject to the conditions on pages 95 and 96.

14 CHAIRMAN GREEN: Okay. Houston Fitzpatrick.

15 **TESTIMONY OF HOUSTON FITZPATRICK:**

16 MR. FITZPATRICK: I'm Houston Fitzpatrick with Fitzpatrick Properties at 1728  
17 Main Street, 29201. I represent the seller. We have 28.9 acres. We're very proud that  
18 Staff has approved our plan. We have 25% of the 29 acres is gonna be green space.  
19 We've got 5.7 units per acre that closely matches the county's conservation plan for  
20 property. And if you have any questions, I'd like to answer them. In 1994, I was –  
21 served with Pat Dunbar on the Planning Commission, and so it's awful nice to be on this  
22 side of the microphone instead of where y'all are sitting and I appreciate the time that  
23 y'all give for the community.

1 CHAIRMAN GREEN: Any questions? Okay. Thank you. Next is Howard  
2 Bouknight, followed by Thomas Bouknight.

3 **TESTIMONY OF HOWARD BOUKNIGHT:**

4 MR. BOUKNIGHT: Good afternoon ladies and gentlemen. When they first put  
5 zoning in Richland County, most of the people in my neighborhood approved of it  
6 because you said you were gonna keep our area rural. Well, as most of you probably  
7 know, we're no longer in the rural area. We've got housing developments coming out of  
8 our ears. We – the roads no longer support it. They're building schools hand over fist.  
9 We strongly discourage this. Now this is affecting myself because my property's right  
10 next door, but in the general neighborhood we've got far more development than we  
11 want, desire or need. If you want to develop something, why don't you develop  
12 Columbia? It's a city and it can take the development. Thank you for listening.

13 CHAIRMAN GREEN: Thank you. Thomas Bouknight, followed by Betty  
14 Bouknight.

15 **TESTIMONY OF THOMAS BOUKNIGHT:**

16 MR. BOUKNIGHT: My name is Thomas Bouknight. I live at 120 Deer Hill Drive.  
17 I've been a lifelong resident of this community. I was born and raised here. This  
18 property belonged to my grandmother. It was divided up and sold. I still have part of it.  
19 My property borders the edge of it. I own 4.43 acres that's been in my family for years  
20 and years, and the only reason we have my part is my mother fought for it. My aunts  
21 and uncles and all decided to sell all theirs. I built my house on it in 1989, moved in it. I  
22 strongly oppose rezoning the property based on these issues. A creek is running  
23 through the lower size of my property across my driveway. On a heavy rain my



1 driveway will flood over knee deep. I can imagine what this influx of houses is gonna do  
2 to the runoff. It'd be more runoff, more pollution, more water. New schools would be  
3 required. The schools that we have now are over capacity, which means more taxes to  
4 build more schools. I have not been advised yet of the intentions of this property until  
5 today and all I know right now is it's gonna be changed from rural to PUD-1R, single-  
6 family residence. Neighborhoods are taking away from the rural country life I'm used to  
7 and it's uncontrolled rapid growth. Why can't people build, if they want to build on  
8 something, build on rural. You can build one house per 33,000 acres, I mean, excuse  
9 me, 33,000 square foot. How is the community bettered by this new change? How is it,  
10 how is the community better by this change, building this housing development? Thank  
11 you for the time.

12 CHAIRMAN GREEN: Thank you. Betty Bouknight, followed by Michael  
13 Bouknight.

14 AUDIENCE MEMBER: [inaudible] and my husband spoke for me.

15 CHAIRMAN GREEN: Michael Bouknight? Toby Ward.

16 MR. THOMAS BOUKNIGHT: Sir, could I add one quick thing?

17 CHAIRMAN GREEN: Quickly.

18 MR. BOUKNIGHT: As of right now, the property has no sewer system on it. It  
19 has not been approved by the landowners that we were approached, so there's no  
20 sewer system on this property.

21 **TESTIMONY OF TOBY WARD:**

22 MR. WARD: Mr. Chair, Members of the Commission, the sentiments that I  
23 expressed earlier I would reiterate to you. The dam is beginning to break. Good

1 planning requires that you, each and every one of you, seriously consider the effect of  
2 all the development that's coming in to this part of the county. Good planning requires  
3 that. Thank you.

4 CHAIRMAN GREEN: No one else signed up to speak on this rezoning request  
5 so I'll open it up for comments. Quickly, yes.

6 MR. FITZPATRICK: Mr. Bouknight was correct when he spoke about the sewer.  
7 There is a creek that goes through his property and we've gone to Richland County and  
8 it's taken 18 months of working with Richland County Engineering to get a master sewer  
9 plan to take the sewer, the runoff water from Bickley Road, Broad River Road and take  
10 it underneath the interstate. And I have contacted all of the local owners and advised  
11 them about this project. I've talked to Phil Savage, president of the Ballentine Civic  
12 Association. I told him over the phone and then faxed him the Staff's Report, so that if  
13 anybody asked him any questions on the Ballentine Civic Association that he would  
14 know what they were asking about. But we've spoken to the five property owners about  
15 signing off on the sewer easement. We have some signatures. I don't have Mr.  
16 Bouknight's sewer. He has a creek that has bad runoff, but Richland County has a  
17 master plan to concave it and send the water through, but I can't get him to sign on it.  
18 Now, Tommy and I graduated Irmo together. We went to Irmo Middle School together,  
19 right? Well, did you go to [inaudible] Elementary? I've been out there in the area a long  
20 time and I think that this development will be good for the community. I've spoken to  
21 the Civic Associations and [inaudible].

22 CHAIRMAN GREEN: I will now open it up for Planning Commission discussion.

1 MR. DUNBAR: I've got a question. How far is it from the property down to the  
2 on ramp at the Peak exit?

3 MR. FITZPATRICK: Probably a little over half a mile. You can go either way.  
4 [inaudible].

5 MR. VAN DINE: Mr. Chairman, can I ask – we were given a booklet and I don't  
6 know who it was prepared by and there are a couple of questions that I had in that  
7 booklet if we could. First was First Canterbury is the applicant, yet all of the proposed  
8 homeowners rules and things like that indicate that the developer is the Mungo  
9 Company?

10 MR. FITZPATRICK: Yes, sir.

11 MR. VAN DINE: Is this just a form that's in here or is the Mungo Company  
12 actually going to be the developer and not First Canterbury?

13 MR. FITZPATRICK: The Mungo Company will be the developer.

14 MR. VAN DINE: Okay. I was just making sure that we were looking at the things  
15 applicable to this property. The other is – this is for Staff – there are some provisions on  
16 page 9 and 10 regarding administrative procedures and change authorizations. Are  
17 those in conformance with the existing code ordinances or do these attempt to try and  
18 change the code ordinances to something different?

19 MR. GOSLINE: The proposed – one of the proposed – in our Staff Report the  
20 proposed conditions, I believe address that on page 96. It talks about the different  
21 types of change, but the types of change – any changes that occur would have to occur  
22 according to the county code, of course.

1 MR. VAN DINE: So it – what we're basically doing by that provision is  
2 eliminating this language on 9 and 10 and then in fact it does have to comply with all  
3 county codes.

4 MR. GOSLINE: Yes, sir. If it passes with the conditions that we're  
5 recommending, yes, sir.

6 MR. VAN DINE: Okay. The other is on page 3. There's a provision that says  
7 the number of lots will – the number of homes would be 165 on – and it would be in  
8 essence 5.7 units per acre, but that's on the total property.

9 MR. GOSLINE: That's the gross density. That's correct.

10 MR. VAN DINE: So if 165 were really going into the residential it could be more  
11 like eight units per acre, is that correct? If 165 is the number of units, on the actual  
12 buildable, residential –

13 MR. GOSLINE: No, the gross density, be it 5.7, so that – because you take the  
14 total units by the total acreage. Now, but you're gonna have 25% of the acreage is  
15 gonna be on open space.

16 MR. VAN DINE: And 4% in roads and –

17 MR. GOSLINE: Right.

18 MR. VAN DINE: Which drops you down to about 20 acres of buildable, if they're  
19 gonna put 165 on those buildable lots, then we're talking about –

20 MR. GOSLINE: Correct.

21 MR. VAN DINE: Approximately eight.

22 MR. GOSLINE: Net density of approximately eight, that's correct.

1 MR. VAN DINE: So it's not limited to density of 5.7 per buildable acre, it's limited  
2 to the 5.7 for the total acreage?

3 MR. GOSLINE: Correct.

4 MR. VAN DINE: Okay.

5 MR. GOSLINE: Condition one on page 96 limits the total number of units.

6 MR. VAN DINE: Right. Okay.

7 MS. LUCIUS: Question.

8 MR. GOSLINE: Ma'am?

9 MS. LUCIUS: Also on page 9, on number 3 it says wetland areas are to be  
10 retained in their natural state and held as common community open space. I didn't think  
11 we recognized the wetlands as open space.

12 MR. GOSLINE: Excuse me?

13 MS. LUCIUS: I didn't think we recognized wetlands as open space.

14 MR. GOSLINE: Yes. We have been. I mean, it's very common.

15 MS. LUCIUS: In the current code we do, in the new code we do not. Isn't that  
16 correct?

17 MR. GOSLINE: I couldn't answer that.

18 CHAIRMAN GREEN: [inaudible] in the new code?

19 MS. LUCIUS: No.

20 MR. GOSLINE: I couldn't answer that, but it's very common to use the wetlands.  
21 In fact –

22 MS. LUCIUS: But it's unusable.

23 MR. CRISS: Unbuildable.

1 MS. LUCIUS: Unbuildable. So basically what they're saying [inaudible] is open space  
2 is unbuildable anyway, right?

3 MR. GOSLINE: Yes. I mean, we encourage subdividers and developers to  
4 specifically carve out wetland areas and areas below the 100 year flood elevation and  
5 not put lots, not even put lot lines down in there so that the property can be conveyed to  
6 the homeowners association or some conservation as a conservation area, for lack of a  
7 better term.

8 MS. LUCIUS: I'm not real happy with any of that.

9 CHAIRMAN GREEN: Further discussion?

10 MR. DUNBAR: Mr. Chairman, I make the motion that we approve this based on  
11 Staff's recommendation. The property being adjacent to I-26 and fairly close to the  
12 Peak exit, so traffic shouldn't be a consideration or a serious consideration in this case.

13 CHAIRMAN GREEN: We have a motion on the floor to send this forward with a  
14 recommendation of approval. Do I hear a second?

15 MR. MCBRIDE: Second.

16 MR. DUNBAR: Let me modify that just to include the conditions on page 96.

17 CHAIRMAN GREEN: Okay. That motion is subject to the conditions listed on  
18 Staff Report, page 96. Further discussion on the motion? Seeing none, I will ask all  
19 those in favor of sending this forward with a recommendation of approval please raise  
20 your hand. Those opposed.

21 *[Approved: Palmer, Furgess, Green, Wyatt, Van Dine, Dunbar, McBride; Opposed:*  
22 *Lucius; absent for vote: Jackson]*

1 CHAIRMAN GREEN: This will go to County Council at zoning public hearing  
2 with a recommendation from the Planning Commission for approval. Next item on our  
3 agenda is 04-64 MA, English Village Gardens. I will turn the gavel over again to Vice-  
4 Chairman Wyatt.

5 VICE-CHAIRMAN WYATT: Okay, our next case is 04-64 MA. I'll renote that the  
6 Chair has recused himself. The recusal was read into the Record at the beginning of the  
7 meeting today. Staff, would you like to make a presentation please?

8 **CASE 04-64- MA:**

9 MR. GOSLINE: Yes, ma'am. This is a proposed PUD on Dreher Shoals Road,  
10 almost to the Lexington County line. It's rezoning approximately 30 acres from RU to  
11 PUD-IR. Staff recommends approval. This is one of the – an example of a true  
12 integrated PUD with some commercial and residential. It's got walking trails and all  
13 kinds of open space. Staff recommends approval.

14 VICE-CHAIRMAN WYATT: Thank you. The first person that was signed to  
15 speak, please bear with me, Robert – okay, thank you.

16 *[Jackson in at 4:04]*

17 **TESTIMONY OF ROBERT HYDER:**

18 MR. HYDER: Robert Hyder. Madam Chairman and Members of the  
19 Commission, thank you very much for the opportunity to present English Village  
20 Gardens, a Planned Unit Development on Highway 6. I'd like to start by saying that we  
21 believe this is a low density development methodology, which in other terms could be  
22 called a conservation development. On 30 acres, the current plan allows approximately  
23 50 residential dwellings. There is a zero take of wetlands. All preservation and

1 common space is shown. I don't know if you've looked at your packet carefully, but the  
2 site could clearly accommodate more development, but over 50% of the site is left  
3 undeveloped. There is approximately seven and a half acres of commercial  
4 development shown on the Highway 6 side of the property, with two acres set aside for  
5 gardens and entry features. As a matter of preparing the document for your review  
6 today, we've had a retired Clemson arborist do GIS positioning of notable trees, all  
7 which are in the database and the land plan responded to those. We had local  
8 engineering firms actually flag the wetlands so we're not talking about they're almost  
9 there, we know exactly where they are on the property and we did the roadway network  
10 and lotting pattern to avoid those. The intent of the commercial development is  
11 neighborhood oriented. Currently we have Woodley's Garden Center, which intends to  
12 be the anchor. Development at the beginning of the commercial activity within small  
13 shops and convenient neighborhood types of things to follow upon demand. I have a  
14 rendering here that is a bit more illustrative than the one you have and I would be glad  
15 to walk by you if you'd like to see. Otherwise, I'll be glad to answer any questions.  
16 Thank you.

17 VICE-CHAIRMAN WYATT: Thank you, sir. Mr. Richard – is it Hall or Hill?

18 AUDIENCE MEMBER: Hill, and he had to leave. He had to go back to work.

19 VICE-CHAIRMAN WYATT: I'm sorry?

20 AUDIENCE MEMBER: He had to go back to work.

21 VICE-CHAIRMAN WYATT: Okay. Robert Bowers?

22 AUDIENCE MEMBER: He went back to work.

23 VICE-CHAIRMAN WYATT: Took me a minute, but I think I've got it. Bowers?



1 AUDIENCE MEMBER: Went back to work.

2 VICE-CHAIRMAN WYATT: All these working people. Mr. Fuller, you're up next.  
3 Robert Fuller.

4 **TESTMONY OF ROBERT FULLER:**

5 MR. FULLER: Thank you Madam Chairman. I am Robert Fuller. I'm an attorney  
6 here in Columbia and I am here this afternoon as a representative of the developers for  
7 this proposed PUD. I do not intend to take a great deal of your time. If you have  
8 questions we have a team of people here who are prepared to answer those. What we  
9 have intended to do is to provide for Richland County and this Ballentine community a  
10 PUD design that actually does utilize the property as it lies, preserves the benefits of  
11 what it is, and introduces a commodious, compatible, small residential community  
12 amongst those that are already there, and integrates into that community the proposal  
13 for a neighborhood commercial center fronting on Highway 6. This is a design plan that  
14 has been discussed with the Ballentine community association and those people who  
15 have presented themselves as most active in the interest of that community and have –  
16 we have received really no contraindications to their interest in having this design put in.  
17 It will not be an intrusive, but will be a complimentary development that will blend both  
18 residential locations and convenient shopping for those subdivisions that are already in  
19 the community and the small one that is being added. Robert Hyder's land planning  
20 and development, or land planning firm from North Carolina has gone to great lengths to  
21 utilize this property to preserve it and to identify for this development an example that  
22 could be replicated in other localities; in the hope that there would be such a success of  
23 this lending of a landscape oriented commercial center with demonstration gardens and

1 on sites that utilize that type of commercial development that will be represented in the  
2 commercial center there, in the totality of the community and hopes to – it is hoped that  
3 that will be a concept that will catch on and be used in other places. There – it is an  
4 area that is attractive to development. There are home communities out there that do  
5 well. People are interested in the area as a place to live and they want the  
6 conveniences of shopping in their communities, obviously. The plan calls for a  
7 maximum, a maximum of 60 units on this property. The actual development design  
8 plans illustrates 47 home sites, with a significant amount of preserved natural area.  
9 There's a pretty good size power right-of-way that cuts through a portion of the property.  
10 That will obviously not be used for the development of impervious surfaces, but will also  
11 be utilized to compliment the open field and actual sense of the area that's under  
12 development. If you have questions, we have members of the development team here  
13 who would be able to answer in almost any field that you might have any questions.

14 VICE-CHAIRMAN WYATT: Thank you, sir. Mary Place. Next will be Mr. Ward.

15 **TESTIMONY OF MARY PLACE:**

16 MS. PLACE: Hi, I'm Mary Place. I live at 416 Lemmington Way. That's in the  
17 Waterford subdivision, right next to the proposed property. And I guess I have several  
18 different concerns. The first thing is other than getting the flyer from your department,  
19 this is the first time I've heard anything about exactly what they were gonna do to the  
20 property. And my concerns, number one, are with the traffic on Highway 6. We have  
21 small children like most of the people in the subdivision and in order to get to school you  
22 leave the subdivision, you turn right on Highway 6 and then you take Farming Creek,  
23 you take another right to get to H.E. Corley School. One morning, I timed myself, it took

1 me 18 minutes to turn right. Keep in mind, turning right, you're not crossing traffic to  
2 turn left, you're going with the traffic to turn right. So with adding additional retail, you're  
3 just adding to an already existing problem. The second thing is with the traffic, that  
4 intersection is already a bad intersection. Across the street there's a sign posted that  
5 says, "No passing". If you pass you're going down a gully and you can see by the  
6 wooden crosses across the sign there's fatalities there. A second concern is having  
7 already packed schools in Richland County. Everyone can relate that additional  
8 residential units are gonna already compound a problem. There are two new  
9 subdivisions in the immediate area. One of them is Broad River. It's a Centex area.  
10 I'm not how many houses, but it looks quite large from the street. In order to get out of  
11 the subdivision, you either turn left, go down Highway 6, take Irmo Drive and then go  
12 out through Lake Murray, or go across the dam to Lexington. Or if you turn right, you go  
13 to Farming Creek, which leads you to Broad River and that is exactly where that new  
14 subdivision's going. If – the other night we went to dinner at a restaurant on Broad  
15 River, it took them 20 minutes to turn left into a restaurant just to go for dinner because  
16 of the traffic of people coming home, getting to the residence at night. Let's see, also  
17 the retail in the area. We have a brand new Publix on the corner of Irmo Drive and  
18 Highway 6. That, I think has five units still open. That retail strip mall I think opened in  
19 October 2003. There are still, I would say, a third vacancy and I'm not sure whether or  
20 not retail growth is expanding in that area, so that needs to be looked at. The retail  
21 growth that is expanding significantly is along Lake Murray. So people who do leave  
22 the immediate area to go downtown to work, they come back home and they can either  
23 fight the traffic on Broad River, which we talked about earlier, or they have to go Lake

1 Murray Boulevard to go to Irmo Drive to get to Highway 6. So we're just compounding  
2 that again. Other than that, I'd like to have a little more time, and that's all I'm asking for  
3 is to – just to propose it to the next meeting so we have a chance to get with the  
4 developer because we did not have that chance earlier.

5 VICE-CHAIRMAN WYATT: Thank you. Toby Ward.

6 **TESTIMONY OF TOBY WARD:**

7 MR. WARD: Clicker went off before I even got here. I guess I'm wearing out my  
8 welcome. Madam Chair and Members of the Commission, thank you for hearing me  
9 again. We don't have any specific comments on this project, but I would like to echo the  
10 sentiments of the last speaker in this problem, which has been occurring with the Spring  
11 Hill community association in northwest Richland County. And I know you did some  
12 modifications to your rules before beginning these hearings today and the problem is  
13 this; when the property is posted, Staff doesn't have available the information to  
14 disseminate to the public about what the rezoning is about. That engenders the  
15 problem that we had, which is we never saw the booklet until we got here today, so we  
16 didn't know what the Staff had determined, what their findings were, what their  
17 recommendations were until we came here today. But, you know, once that posting  
18 goes up, everybody's phone line is a buzz and everybody's scrambling around looking  
19 for information, and I don't think anyone has any. And I am not being critical of Staff. I  
20 think this is a planning issue that could be addressed, but this young lady did not have  
21 the opportunity before she got here today to look at the work product that we pay our  
22 county to produce. And I think that work product is valuable and meaningful and it  
23 might cut down the number of people that are here. So I would take my time now to

1 make this information available and consider the planning process, perhaps changing it  
2 so that you don't post the property until after the Staff has done their groundwork and  
3 come up with their report, then you post the property so that Staff can – when people  
4 call in they can give out their findings and people will know and understand at least as  
5 much as you do and, you know, perhaps half of them wouldn't feel the need to come  
6 here. So thank you for hearing me. I don't know the answers to all the problems. I've  
7 just raised another question for you, but thank you all for the work you do for the county.

8 VICE-CHAIRMAN WYATT: Thank you, Mr. Ward. Go ahead, Carl.

9 MR. GOSLINE: Madam Chairman, to answer Mr. Ward's comments, what we do  
10 is – the standard procedure is we go out and post the property as soon as possible after  
11 the deadline date. And that's obvious, to give everybody as much notice as possible.  
12 The Staff Reports go out 10 days ahead of time. We have, for the last year or so, at  
13 your request, we've been notifying adjacent owners and we have gone to a two sided  
14 notification. One explains a little bit of the process and gives them numbers that they  
15 can call to get information. And we do have some people that come to the zoning  
16 counter 10 days or a week ahead of the meeting and pick up copies or make copies of  
17 it, so there is a mechanism to do it. I wouldn't necessarily say it's the best one, but the  
18 alternative would be to start producing gillions of individual Staff Reports for everybody  
19 and that would be pretty tough for us to accomplish.

20 VICE-CHAIRMAN WYATT: Is it available on the web site? The information at  
21 our meetings?

22 MR. CRISS: Yes.

23 VICE-CHAIRMAN WYATT: I know it is for the city. You can go on and –

1 MR. CRISS: Yes, ma'am. On the Richland County web site,  
2 www.richlandonline.com, I think it's under Commission/Committee meetings.

3 VICE-CHAIRMAN WYATT: So they can get a lot of the information –

4 MR. CRISS: More and more of the information is going to the web and that's one  
5 alternative source. But we're still dependent on paper.

6 VICE-CHAIRMAN WYATT: Okay, anything from anyone up here? Any  
7 comments?

8 MR. VAN DINE: Can I ask the applicant a quick question? You had presented a  
9 plat or a drawing of what you had proposed. How many lots were proposed in that  
10 drawing?

11 MR. FULLER: Forty-seven.

12 MR. VAN DINE: Would you be willing to restrict because the report is limiting it  
13 to 60 lots.

14 MR. FULLER: Mr. Van Dine, while he is retrieving that plat, let me address one  
15 thing mentioned by a couple of the people who spoke. There were meetings with  
16 representatives of those neighborhood organizations within the last couple of months,  
17 and as much as a couple of months ago, to discuss the plans. The representatives  
18 indicated that there would not be any general neighborhood meetings with their groups,  
19 but they got the plans and the information and we assume shared at least some of it  
20 with those organizations. But we have had – we did have meetings with representatives  
21 of those communities to provide what was in the plan. Do you have a question, having  
22 looked at that?

1 MR. VAN DINE: The only question I had was based upon the drawing that you  
2 had there, there was – the report listing as a condition in your documents a tentative  
3 number of lots at 60. You had 47 on there. I was wondering whether or not you were  
4 willing to limit them to the 47 as opposed to the 60.

5 MR. HYDER: I think with some latitude, that's a conceptual plan still done with  
6 markers and so forth. It is based on topographical and bound surveys, but rather than  
7 hamstringing the final plat, if you would give us the latitude – this is an optimum plan and I  
8 could not tell you I couldn't find another lot or two, but I could tell you that I could no find  
9 60. So you have to take somewhere between 47 and what's in the application as what  
10 the real world will yield.

11 MR. VAN DINE: I was just asking a question, that's – thank you.

12 MR. FULLER: Obviously the application preceded, to some extent, the – all the  
13 information available on the actual physical plan.

14 MR. PALMER: Madam Chair, I make a motion we send this forward to Council  
15 with a recommendation of approval, in conjunction with the Staff recommendation that it  
16 be approved.

17 VICE-CHAIRMAN WYATT: Subject to the –

18 MR. PALMER: Subject to the conditions on page 110.

19 MS. LUCIUS: Second.

20 VICE-CHAIRMAN WYATT: We have a motion on the floor and a proper second.

21 MS. LUCIUS: And can I make a couple comments?

22 VICE-CHAIRMAN WYATT: Go ahead.

1 MS. LUCIUS: I look at this one and I compare it to the one previous and they're  
2 both about the same size, about 30 acres. They're both PUD-1R, but they're not even  
3 close to being the same animal. I don't think they're in the same animal kingdom. I  
4 think a lot of imagination was put into this. It truly fits what a PUD is, what a PUD is  
5 supposed to be. The one prior to this, I'm sorry, is nothing but RS-2 in PUD clothing.  
6 And also the commercial is accessible to the residential as opposed to the one earlier  
7 on Clemson Road, where the commercial, you couldn't even get to it from the  
8 residential areas. This is what we as a Planning Commission should be demanding and  
9 not approving anything less than this when PUDs come before us. That's only my  
10 opinion, but I feel very strongly about it. That's why I'm in support of this design.

11 MR. GOSLINE: I agree with you. The Department agrees with you. This is  
12 probably one of the best PUDs we've seen. Not just from the graphic side, but the  
13 background studies that have been done.

14 MS. LUCIUS: I think sometimes we stretch the definition of PUD to its limits.

15 MR. PALMER: I agree, Marsha. And the problem I have is that a lot of times  
16 people who come in here and submit applications, you know, kind of see that, you  
17 know, we view PUDs in a different manner and they sometimes ask for PUDs when  
18 PUDs not really what they need. This has the commercial and the residential and the  
19 walking and all that kind of stuff and it's great for a PUD, but you know, it seems like  
20 that we need more information to make our decision than just a straight rezoning. For  
21 example, earlier today someone came and it was from RU to RS-1, whereas if he'd  
22 have come with a PUD – and he's only wanting to put residential in there and I  
23 personally don't think that a PUD is designed for just residential –



1 MS. LUCIUS: I don't either. That's the point I'm trying to make.

2 MR. PALMER: Exactly, and I agree with you that a lot of times if a PUD comes  
3 in front of us then it's got a lot of different – it seems like we'll approve a PUD quicker  
4 than we'll approve a straight rezoning.

5 MS. LUCIUS: I understand. But the, you know, the one previous to this, the  
6 difference is in this one they really went to a lot of care to delineate real open space.  
7 They didn't just draw a line around the land that they couldn't use anyway and call that  
8 open space. I think they've gone to a lot of thought and effort with this, so I would gladly  
9 support this.

10 MR. PALMER: Are walking trails allowed on wetlands?

11 MR. GOSLINE: Yes.

12 MR. PALMER: Yes, so those do make for kind of scenic open spaces?

13 MR. GOSLINE: Well yeah, I mean, you might have, depending on how wet they  
14 are, you might have some boardwalks and things like that, but sure.

15 MR. PALMER: Okay.

16 MS. LUCIUS: Well there have been instances where areas, wetlands have been  
17 designated as open space where you wouldn't let your child play. They're not safe.  
18 That's my point earlier.

19 VICE-CHAIRMAN WYATT: They're usually home to snakes. I wouldn't let my  
20 child play in them.

21 MS. LUCIUS: I think open space, truly the way we want it to be is really open  
22 space, it's usable, friendly and not just because you can't use it anyway.

1 MR. VAN DINE: Madam Chairman, I agree that this is one of the best plans that  
2 we have seen in a long, long time. What makes it ever more realistic and supportable is  
3 the fact that it is an infill project. It is in an area that has this type development going  
4 on. It is not extending this out into rural areas of the county where nothing else is going  
5 on. So I would support this one based upon the work that has gone into it, the location  
6 of it and the fact that they have done their homework on what they wanted to do.

7 MS. LUCIUS: I think it's just a sharp contrast of what we've already seen and I  
8 think we need to start being more demanding as a Planning Commission. That's part of  
9 what we're charged with up here.

10 VICE-CHAIRMAN WYATT: And I will add, especially to the residents out there,  
11 that the Woodley Garden Center is one of my neighbors out where I live, and you  
12 couldn't have a better neighbor. So I think you're gonna be pleased with that. What I  
13 would like to suggest, Mr. Fuller, if you would just be so kind as to ask the developer to  
14 take about five minutes with Ms. Place out in the hallway, maybe after the meeting, and  
15 just kind of give her a little bit more –

16 MR. FULLER: We'll be glad to do that and I think we had some conversations  
17 earlier. We'll be glad to renew those.

18 MS. LUCIUS: And I don't want anybody to think we're totally ignoring the traffic  
19 problem. It's a serious problem.

20 VICE-CHAIRMAN WYATT: Okay, we have a motion on the floor and a proper  
21 second. All those in favor.

22 MR. VAN DINE: For approval subject to the conditions on 110?

1 VICE-CHAIRMAN WYATT: Right. That's the motion and the second. Any  
2 opposed?

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

5 VICE-CHAIRMAN WYATT: Give us just a second to change Chairs again  
6 please.

7 CHAIRMAN GREEN: We'll move on to our next order of business. That is –  
8 which is zoning change request 04-65 MA, 617 Blythewood Road. A request to change  
9 from RU to PDD. We have a number of people signed up to speak on this particular  
10 request. Staff Report.

11 **CASE 04-65 MA:**

12 MR. GOSLINE: Mr. Chairman, Members, this is a request by Fairfield Electric to  
13 establish their – administrative office/operations center and warehousing facility  
14 approximately east, I mean west of I-77 on Blythewood Road. This was up before you a  
15 couple months ago as a straight M-1 zoning. They've gone back and changed it to a  
16 PDD. Staff – the Department still recommends denial because it's establishing an  
17 industrial use in a rural area. It doesn't matter what the zoning is. At least that's our  
18 recommendation. Staff recommends denial.

19 CHAIRMAN GREEN: Thank you. First one up to speak H. B. McLean.

20 **TESTIMONY OF H. B. MCLEAN:**

21 MR. MCLEAN: Chairman Green, Commissioners, I spoke with you last month  
22 concerning this. I recommended that you look favorably upon Fairfield Electric's  
23 request to put this facility in the Town of Blythewood. This is – I think it would act very

1 favorably and impact our community very favorably for several reasons. I appreciate the  
2 opportunity again to speak again. I'll be very brief since we've been here all evening, all  
3 afternoon. Without a doubt Blythewood and surrounding areas are growing, for a lot of  
4 growth today. This new growth is mostly comprised in our area of residences. All of  
5 these homes require electricity. Fairfield Electric has been providing – and I would say  
6 dependable electricity. They've been providing this over the years for the last 60 years  
7 in our community. And they've been a super good neighbor in our community  
8 throughout different community projects and other things that the community would  
9 require their support with, they offered it. I'm sure this policy would continue. We think  
10 that this request should be approved because of obvious benefits to the community, and  
11 besides having relocating their corporate headquarters there, they're going to have a  
12 service facility there on the backside of this property, which will expedite and improve  
13 response times when we have outages caused by various things such as ice storms,  
14 squirrels, hurricanes, or you know, the like of which you all are familiar with. And as a  
15 lifelong resident of Blythewood, I'm witness to many changes that has happening and  
16 continue to happen to our community over the years. It's my sincere belief that having  
17 the Co-op put this facility on this site would be beneficial to the entire community and  
18 compatible again, with the surrounding area because I know what their facility looks like  
19 in Winnsboro now on Highway 321, and there's nothing there to detract from having  
20 residences adjacent to this particular property, particularly with the buffer zones that  
21 they have planned for it. Hopefully, the Commission will agree and approve this zoning  
22 change, and I thank you again for the opportunity to speak.

23 CHAIRMAN GREEN: Thank you. Minge Wiseman, followed by Robert Loaner.

1 **TESTIMONY OF MINGE WISEMAN:**

2 MS. WISEMAN: Hello. My name is Minge Wiseman. I live at 109 Highview  
3 Farms Road in Blythewood, about a mile and a half from this proposed property. Mr.  
4 Chair and Board Members, I am speaking in regard to Fairfield Electric Cooperative's  
5 new rezoning format, which I believe is a wolf in sheep's clothing tactic to effectively  
6 accomplish virtually the same zoning change as they previously M-1 requested. It  
7 doesn't make any difference what we call it, M-1 or PDD, they do not belong in our  
8 neighborhood. They are an industry, not a family. They should be with their peers in  
9 the industrial area. It's as simple as that. If this property is rezoned it would be a  
10 blockbuster rezoning which would no doubt begin a chain reaction piece-meal  
11 destruction of our rural neighborhoods. The proposed land use is the very type of thing  
12 that my neighbors and I moved here to avoid. The parcel under discussion lies just  
13 inside the very gateway of a pristine area of small farms that I have – that have become  
14 too rare in Richland County. Have you ever drive down Blythewood Road east of I-77  
15 or onto Muller or Syrup Mill Roads? If – I invite all of you to visit our area so that you  
16 may better visualize what a shocking abomination the affect of this rezoning would be.  
17 There are literally 100s of acres of land zoned light industrial immediately south of the  
18 subject property that are undoubtedly priced somewhat higher than this rurally zoned  
19 property, as they should be. This land has been planned for use such as Fairfield  
20 Electric. We would welcome them there. Why instead should they expect to be allowed  
21 to buy rural property at rural prices for industrial purposes in our midst? If this type of  
22 rezoning were to be allowed, then what is the purpose of even having planning or  
23 zoning at all? With the possible exception of the neighbors immediately adjacent to the

1 seller, I believe that few members of this community would be in favor of this rezoning  
2 request. We entrust you to exercise your best judgment, to not unjustly enrich a few at  
3 the expense of our quiet enjoyment of our neighborhood community. As Ms. Marcia  
4 Lucius said, "rural is rural for a reason." Thank you.

5 CHAIRMAN GREEN: Robert Loaner is next, followed by Joyce Hampton.

6 **TESTIMONY OF ROBERT LOANER:**

7 MR. LOANER: Mr. Chairman, Members of the Commission, thank you for  
8 allowing me to come here and express my thoughts and my views on behalf of Fairfield  
9 Electric Co-op. Me and my family, we moved up into this part of the country of Cedar  
10 Creek and Blythewood in 1932. Most of you don't remember that, I'm sure, but I thank  
11 the Lord that I'm here and I remember it. But let me borrow your mind a moment and  
12 your imagination and carry you back into 1932 until 1942 when there was no electricity  
13 nowhere in that community. No facilities. No electric stoves. No refrigerators, air  
14 conditions, that we all enjoy today. But 10 years later, Fairfield Electric Co-op come to  
15 our rescue and our lives were changed forever, because most of you don't remember  
16 going down to the spring a quarter of a mile with a lard bucket to carry your water back  
17 to the house every day. You don't remember going down to the creek with momma to  
18 wash clothes. And cutting wood was daily exercise every day and you better bring it in  
19 dry or momma's gonna be real mad cause the cooking won't get done right. But those  
20 are things that is in the past and I'm thankful for that and I'm thankful that today we don't  
21 have to put up with that. But I want to say Fairfield Electric Co-op back then come in in  
22 1942 into that community and that country and everybody's lives was changed. They  
23 have been a service. They never fail us. They always come when you call. They still

1 doing it. They will do it in the future. Not only that, they're not just some other industry.  
2 We need them. We have to have them. So how would y'all like to be 10 years in the  
3 darkness. We come from darkness to light when [inaudible] come down Fairfield  
4 Electric Co-op, they come down. And I would ask you members today that – let me get  
5 my paper so I won't get off line – they are essential to our welfare and our daily lives.  
6 We depend on them. They work day and night to serve us. I have no doubt that they  
7 would not have a beautiful place down Blythewood Road in front of their property. It  
8 would be well located and look very good to the community. They would be an asset  
9 and they'll be a comfort because when you call them, they'll be there. I urge this  
10 Commission to seriously consider allowing Fairfield Co-op to locate on Blythewood  
11 Road. Thank you very much for your time.

12 CHAIRMAN GREEN: Thank you. Joyce Hampton?

13 **TESTIMONY OF ROBERT HAMPTON:**

14 MR. HAMPTON: Mr. Chairman, my wife was not able to stay. May I speak in  
15 her behalf?

16 CHAIRMAN GREEN: Certainly.

17 MR. HAMPTON: Thank you. Mr. Chairman and Members of the Commission,  
18 my name is Robert Hampton and my wife and I reside at –

19 CHAIRMAN GREEN: Address please? I'm sorry. I interrupted you and you  
20 were getting ready to give it.

21 MR. HAMPTON: We reside at 351 Persimmon Fork Road, which is right off of  
22 Muller Road. I'm hearing some great fairy tales here that all we need is the Fairfield  
23 Electric and you know what? I bet they have great service. There's no doubt in my

1 mind. We get SCE&G. There's more than one electric place there, so it's not just  
2 Fairfield Electric that has to be there. But that's not the point here. The point here is  
3 that previous to this meeting, we had another meeting where they said, "Listen Fairfield  
4 Electric, this is a rural area. We want it to stay rural and you're not zoned properly."  
5 And so instead of saying, "Hey, there's plenty of land south of this and there's plenty of  
6 land north of this, but you know what? This is a great deal here. This is the land we  
7 want." I'm telling you there's land that they can get south or north of it, but they don't  
8 want that land. And so what they want to do is they want to change the zoning because  
9 then it's gonna help their prices go up. That's the land that they want. We don't want  
10 that. We are vehemently against that. My wife and I between us are 18 years in  
11 Blythewood. We've donated millions to the community. We raised hundreds of  
12 thousands of dollars for the community. We have a pretty good idea of what our  
13 community needs. We do not need an industrial Fairfield Electric right there. There's  
14 plenty of room elsewhere. We support them, but not there. Thank you.

15 CHAIRMAN GREEN: Thank you. If I mispronounce this, I'm sorry. Nayca  
16 Reiner?

17 **TESTIMONY OF NAYCA RIMER:**

18 MS. RIMER: I'm Nayca Rimer and I reside at 1160 Trading Post Road in  
19 Blythewood. And Mr. Chairman and Commission Members, I'd like to speak favorably  
20 in favor of Fairfield Electric. As I spoke previously or told you previously when I spoke,  
21 we are a business owner and I am a lifelong resident of the Blythewood community  
22 there. My family have had Fairfield Electric all of our lives. They are our provider and I  
23 would like to say like I did before that they're very community minded type people. The



1 majority of the people that work for Fairfield Electric live somewhere within our  
2 community. They participate in our community, in different activities. They're members  
3 of our business coalition and they have supported all of our community activities. And I  
4 would like for you to give them consideration on this that they're asking you to rezone at  
5 this time. Thank you.

6 CHAIRMAN GREEN: Thank you. Chris Walden? W. D. Plunkett will be next.

7 **TESTIMONY OF CHRIS WALDEN:**

8 MR. WALDEN: Members of the Board, my name's Chris Walden. I reside at  
9 1016 Blythewood Road about a mile east of the proposed area. I want to speak – y'all  
10 don't have a little place on that list for against the zoning. I'm not against Fairfield  
11 Electric. We, as well as most people here, get our electricity from Fairfield Electric.  
12 What I'm against is the zoning. There is not another piece of industrial property, there's  
13 not another industry from the town limits – all I'm concerned about is to my house.  
14 That's a mile and a half to two miles outside of Blythewood town limits. I've got on line  
15 and I've got – if y'all will bear with me for a minute, the intent for a Planned  
16 Development District. If you would just grant me a minute. "The intent of the Planned  
17 Development District is to better bridge the inherent difference between residential and  
18 non-residential uses, and to better accommodate change within those areas of the  
19 county where, due to economics or other factors responsible for change, potentially  
20 incompatible development could compromise property values." There's no economic  
21 reason, responsibility for this change. What are the other factors that would, you know,  
22 make this change come about? There's – nothing's been presented as far as a reason  
23 to change this zoning other than the fact that this is the property that Fairfield Electric

1 wants. There's just no more factors. Within two miles of this property south, and if you  
2 took a right on Community Road, there's property zoned M-1 and there's 100s of acres  
3 available along I-77. There's nothing, there's no reason that they could not look there  
4 and as well as the gentleman before me spoke, there's property further east of where  
5 we're at. The PDD, as the Staff has said, still does not comply with the land use, the  
6 county land use map. The property zoned around this property, adjacent to, across the  
7 street from and near it is all rural. There's not another piece of M-1 or PDD property  
8 anywhere around there. I've got just a couple of questions. I'm not expecting an  
9 answer just, you know, trigger some thoughts. What happens if they decide to expand?  
10 What if they want to buy property next to them? What if somebody else wants to come  
11 in, it's industrialized, and put a PDD or an M-1 on there? How are y'all gonna turn that  
12 down? How are you going to refuse that once this door has been opened on a PDD?  
13 And if somebody – I think the first lady that spoke, this is actually, to me it's still M-1. It's  
14 still industrial. I don't care how you call it. They're still doing warehousing. They're still  
15 doing storage and distribution. I don't see how the future of Blythewood Road would  
16 look with this industry being the starting point of more industry to come in. And again,  
17 I'm kind of ignorant to talk this. Commercial property, industrial property would generate  
18 more revenue than just residential property. If the adjacent property owners and people  
19 near this have got this in there, they've got the potential to have their property rezoned  
20 and potentially could get a higher price for their property. Thank you for your time.

21 CHAIRMAN GREEN: Thank you. W. D. Plunkett, followed by Mr. and Mrs.  
22 Walden.

23 **TESTIMONY OF W. D. PLUNKETT:**

1 MR. PLUNKETT: I'm Bill Plunkett. I live at 154 Willcox Road in Blythewood. I  
2 believe in the R, the rural R, I believe. I live in a rural area. I live on 50 acres. I don't  
3 live on Blythewood Road because I want to live in a rural area. Blythewood Road is 55  
4 miles an hour, four miles long. It's a mile from I-77. I support my co-op. I own part of  
5 my co-op. Please look favorably on us.

6 CHAIRMAN GREEN: Thank you. I believe this is a Mr. or Mrs. Walden.

7 **TESTIMONY OF RALPH WALDEN:**

8 MR. WALDEN: Mr. Chairman and Members of the Commission, my name is  
9 Ralph Walden. I wasn't born in Blythewood but I got there as fast as I could. We've  
10 been living there about five years. I own a business in the town limits of Blythewood, so  
11 what matters to me is what's happening and around Blythewood. I'm not sure if the  
12 Commission is aware that about four years ago there was a visioning committee that  
13 was hosted in Blythewood, which, at that meeting, I was a part of that, some of the  
14 people sitting in the audience were part of that. We began to think about what we  
15 wanted Blythewood to be over the next 10 years or so. I don't believe that was anything  
16 official, it wasn't anything concrete. We're not bound by any of those visions, but I do  
17 remember one of the concerns that kept being expressed is what can we do with the  
18 area just outside of Blythewood that we can't really dictate or even encourage or – and  
19 that's the county area that we're talking about. As I have – was unable to come last  
20 meeting, but I want to say I receive my electricity from Fairfield Electric and I appreciate  
21 their service. Even without having this facility on Blythewood Road, squirrels commit  
22 suicide on my transformer on a regular basis and they're out there within 15 to 20  
23 minutes. It's the best service that I've ever seen, and that's without a facility actually on

1 this location. The concern that I have as an architect and as a planner, this appears to  
2 be spot zoning just wrapped up in a different package with a PDD. And I express my  
3 concern as has been expressed earlier, we may be opening up a barn door if we allow  
4 something like this to be spot zoned right in the middle of that four miles that was just  
5 mentioned. There is another one of these facilities that's very similar to this at the very  
6 end of Blythewood Road. Santee Electric, if you've not seen their facility, you ought to  
7 drive down at the end of Blythewood Road and you see transformers and you see all  
8 sorts of storage equipment and you see all of the things that a lot of people in  
9 Blythewood are concerned over. I have not seen the PDD plan. I'm sure it was  
10 presented to the Staff. I don't know whether there's tremendous buffering. I don't  
11 know if there's beautiful trees. I don't know how much area that their surrounding this,  
12 and if you're not – I'm sure you've seen the site; it is a flat, open, clear cut site. There's  
13 not a tree on it that I recall unless it's at the very backside of the site. So from a  
14 planning standpoint I believe that spot zoning, I did spend a tour of duty with the  
15 Planning Commission in Birmingham, Alabama as a young man and I remember some  
16 of the problems that we get into. When we get into neighborhoods, pick and choose  
17 where we want to zone things. Rural zoning, I believe the reason that I'm in Blythewood  
18 and the reason we were involved in everything that we can be involved with in  
19 Blythewood is we're community oriented. I am an architect. I love growth because  
20 that's how I get business and I would agree with some of the others that have spoken, a  
21 very heated, contested zoning issues in Blythewood recently, I'm sure that you heard  
22 about, allowed a large segment of the area in the town limits to become light industrial.

1 There's plenty of room for Fairfield Electric in our community on previously zoned  
2 property. Thank you very much.

3 CHAIRMAN GREEN: Thank you. Bill Hart?

4 **TESTIMONY OF BILL HART:**

5 MR. HART: Mr. Chairman, Members of the Commission, I sat here in  
6 amusement in the fact that I think we got labeled as an industry, that we manufacture  
7 and distribute and run stuff out all day long. We don't do that. We're an electric  
8 cooperative. We're member owned. We serve members with power. We are not an  
9 industry. We are not an industry. How we got labeled there, I do not know. It's kind of  
10 sad that people have got that misconception. We're very community based oriented.  
11 We are not trying to do anything other than bring a facility that is a quality facility, it is  
12 gonna cost somewhere between 5 ½ to 6 million dollars and provide jobs in the area of  
13 probably 60 jobs to start with. We would require, I mean, we would go with the proper  
14 landscaping ordinances of the county. We submitted a PDD at the request to come  
15 back with that because that seemed like it fit the area a little bit more. We do have an  
16 office now that is on the south end on Langford Road. It does not meet our guidelines.  
17 It's small. What's happened is we've gotten growth in that area. We serve a majority of  
18 that area in Kershaw County and Richland northeast county. This facility is mainly for  
19 our members to come in, sign up for service, pay bills, those type things. Yes, we  
20 would have some warehouse space. All that's for is equipment to repair lines for. It's  
21 not a manufacturing stuff – we don't manufacture anything there. Our trucks would be  
22 there, as you can see, but there's proper buffering drawn on this facility that you  
23 wouldn't see that. The trucks would be just parked there at night and then if trouble

1 comes then we got out and then the next day we got out and hook up services, repair  
2 lines and that type thing. We have not done anything that would be nothing but a good  
3 neighbor to the community. I think trying to label us as M-1 is wrong. We're not M-1.  
4 We purposely think we fit an RU as a public utility and the property zoning that we could  
5 build under RU. However, there was – I don't know why that rhythm wasn't with us,  
6 however, we're more than willing to comply with a PDD, which is specifically for us and  
7 nobody else and that's what all this property would be used for. And my understanding  
8 of this too is whatever is approved on this PDD is all we'd be approved for, nothing else.  
9 So we request that you change the zoning to a PDD and I'll answer any questions.

10 CHAIRMAN GREEN: Any questions? Thank you. Next on our list is Allen Horn.

11 **TESTIMONY OF ALLEN HORN:**

12 MR. HORN: My name is Allen Horn. I'm an architect with MCA Architecture in  
13 Greenville. We developed the site plan for this project and I'm here to answer any  
14 questions that you might have about the site plan, but as you can see in the lower left  
15 corner, there's a corporate headquarters. It's heavily landscaped. To the side of it, the  
16 large gray building is a covered storage shed for their vehicles. There's approximately  
17 15% of that building that's vehicle maintenance. The rest of it is just a big garage to  
18 keep the vehicles out of the weather. The small building in the rear is a warehouse.  
19 We just are completing work on Santee Electric, which is not the one that was  
20 mentioned before. I believe that's Santee Cooper. Santee Electric is in Kingstree. It's  
21 a \$9.7 million facility and we submitted the rendering of that facility with the paperwork  
22 that we submitted on this project, and we're just wondering if you have any questions on  
23 the site plan.

1 CHAIRMAN GREEN: Any questions? Thank you, sir.

2 MR. HORN: I'd also like to point out that Fairfield Electric is a rural electric co-  
3 op.

4 CHAIRMAN GREEN: Thank you. Lorraine Abel.

5 **TESTIMONY OF LORRAINE ABEL:**

6 MS. ABEL: Thank the Commission for letting me speak today before them. My  
7 name is Lorraine Abel and I live at 1078 Abel Road. I'm speaking to you today as a  
8 neighbor of the co-op that is now currently on Langford Road. I live within a half a mile  
9 of that co-op and have lived within a half a mile or a mile and a half of the co-op for the  
10 past 20 years. They have been an outstanding neighbor. My family has never  
11 experienced any inconvenience or problems with the co-op being a neighbor. There  
12 has been no traffic concerns. It has not been a problem during the evening or day for  
13 my family to go to and from work and school to experience any problems with the traffic  
14 whatsoever. I know that with them locating on Blythewood Road, Blythewood Road is  
15 much busier road than where the office is on Langford, however, I did call the co-op and  
16 I asked them how many vehicles they had. And to cover a five county area they have  
17 only 50 vehicles. Of those 50 vehicles, only 2/3 would be located at this Blythewood  
18 facility and that would only amount to a number about 26 I believe, because they have  
19 10 that are only used in an emergency situations. So we're not talking about any  
20 detriment to traffic or anything that would hurt the community. I understand that the  
21 equipment area is going to be heavily screened so, you know, it'll be less visible from  
22 the road. I can tell you that their location on Langford Road is kept immaculate. The  
23 building is in excellent condition. The yards are kept immaculate. They are constantly

1 having the grass mowed, the trash picked up, anything that comes along and Langford  
2 Road is a very busy area. As a community resident for 20 years, I can tell you that this  
3 relocation on Blythewood Road would certainly not hard our community. The mention  
4 of the Santee location at the end of Blythewood Road is not anything comparable to  
5 what the co-op is planning on doing. So it can't be compared with your views to base  
6 your decision today. And I hope that you will vote favorably for the co-op. Thank you.

7 CHAIRMAN GREEN: Thank you. That's all that have signed up to speak on this  
8 particular rezoning request. I would just have one question of Staff and we may or may  
9 not have gone over this at our last meeting, but in terms of just simply the Staff's  
10 interpretation of what utilities as a permitted principal use would be, I'd just like to hear  
11 Staff's thinking on that.

12 MR. GOSLINE: The – there is in one of the permitted uses in the RU, it says  
13 utility facilities, something like that – it says utilities. The Staff has interpreted that to  
14 mean substations and that sort of thing as opposed to an office building, warehousing  
15 and that's why the facility, to answer Mr. Hart's question about why we're looking at it as  
16 "industrial", it's really light industrial because it's kind of a distributed, or really more of a  
17 distribution kind of activity than a true manufacturing activity.

18 CHAIRMAN GREEN: Because the actual works in the ordinance are "public  
19 buildings and utilities", and I was just interested in the interpretation.

20 MS. LUCIUS: And what makes it M-1? Is it the storage?

21 MR. GOSLINE: Their warehousing.

22 MS. LUCIUS: Warehouses makes it M-1, not the fact that they –



1 MR. GOSLINE: And the outside storage – warehousing and outside storage are  
2 the equivalent.

3 MS. LUCIUS: Alright.

4 CHAIRMAN GREEN: Comments, thoughts from the Planning Commission?

5 MS. LUCIUS: I'm just, you know, I think we need to remember that it's not really  
6 a question of having Fairfield Electric in the area. It's not really a question of them  
7 being a good neighbor. It's a question of is it right to rezone this particular piece of  
8 property and it's hard. Maybe it is spot zoning. Someone mentioned spot zoning. And  
9 I'm troubled by the fact that I keep hearing that there's available M-1 land. I guess we  
10 need a bigger map because I can't see it on here.

11 MR. GOSLINE: There is. I understand. There's only so much we can get on a 8  
12 ½ by 11.

13 MR. HART: Can I comment about the M-1 land?

14 MS. LUCIUS: I would like to know more about it.

15 CHAIRMAN GREEN: Briefly.

16 MR. HART: The only thing is the M-1 land they keep talking about is not even in  
17 our service area. And that does not make sense for us to have to go somewhere out of  
18 the service area [inaudible].

19 MS. WYATT: How far from the service area is it though, Mr. Hart?

20 MR. HART: It's several miles, and it's not even on a good access road. I mean,  
21 why would I want to go down a side road or frontage road to get into a facility, an office  
22 building? There's nothing down there [inaudible].

1 MS. LUCIUS: But there's not any M-1 close on the main road is what you're  
2 saying?

3 MR. GOSLINE: No.

4 CHAIRMAN GREEN: Further comments?

5 MR. JACKSON: Some parts of the rural community do need service centers.  
6 Rural community needs mom and pop stores, restaurants and some light commercial or  
7 industrial areas. I mean, the rural community, for example, what this company's doing,  
8 sometimes you do have storms, ice storms, tornadoes, hurricanes, there's a response  
9 time. And sometimes in the rural communities you do need some type of business in  
10 the area, whether it's industrial or commercial, if it supports the community or the area.  
11 And I have no problem in locating some type of business in rural communities. You  
12 have to have some business. I would be against just putting industrial just anywhere  
13 that would really severely affect the community, but I can't see where this has any affect  
14 and from the design, the green space, the shrubbery, the trees, the plants and  
15 everything, I think that would compliment the area also. So I would have to support it.

16 MR. VAN DINE: I agree with Mr. Jackson on a couple of points. The first is that  
17 what we have done is with a PDD we have restricted the use of this to this specific use  
18 and this specific building and nothing more in the future can ever go on it except that. I  
19 also think that Fairfield has come in and done what they were asked to do at the last  
20 which was to change midstream, come back after a month's delay, provide us with a  
21 plan of something that would fit with the area. I originally had some concerns about the  
22 drawings as to some of the buffering, but one of the conditions is, as set by Staff, which  
23 is that they would have to comply with all the county buffering as opposed to just what

1 was on the plat itself, I think that that takes into account a lot of those issues. And I  
2 would be in support of this particular use at this location. Originally, Marsha had a very  
3 good question about, well what about the other M-1 land? The answer is it's not even in  
4 our service area, then it really doesn't make any sense to be trying to direct people into  
5 an area where they don't even belong to begin with. So I would be in support of this  
6 and in light of that would make a motion that we send this forward with a  
7 recommendation of approval, subject to the conditions in the Staff Report.

8 MR. JACKSON: I'll second it.

9 CHAIRMAN GREEN: We have a motion and a second. Any further discussion  
10 on the motion.

11 MR. DUNBAR: The only thing I'd like to add is, I support the motion, but I think  
12 that we need to be clear about what our intentions are on Blythewood Road, west of I-  
13 77, and if that's not to do any other industrial or commercial, we need to so state in our  
14 motion to County Council, and that would be my suggestion for an amendment to the  
15 motion, because I don't think the – I think this is an island situation that as, for the  
16 community, if it was any other business, they would be here against it. It's only because  
17 of Fairfield Cooperative that they're here at all. So I would suggest that as an  
18 amendment so we can make our intentions clear so that in the future somebody can't  
19 come with a request right next door and use this as a precedent.

20 MR. VAN DINE: I certainly don't mind amending my motion to state that this is  
21 not to set a precedent for future development in that area. This is a special case.

22 MR. JACKSON: I second it.

1 CHAIRMAN GREEN: We have a motion and a second on the floor. Any further  
2 discussion on the motion? Seeing none, all those in favor of the motion to send this  
3 forward with a recommendation for approval please raise your hand. All those  
4 opposed?

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

7 CHAIRMAN GREEN: Next agenda item is one that we rearranged the calendar  
8 for.

9 MR. VAN DINE: You might want to let everybody know that that means County  
10 Council will have a hearing on this. We are just a recommending body.

11 CHAIRMAN GREEN: 04-59 MA. This would be – if you will flip backwards – you  
12 would think we would occasionally move forward in this body, but – this is on page 57 of  
13 your – this is for the rezoning of 59 acres at McCords Ferry Road and Reynolds Road  
14 from RU to M-2 zoning. Staff Report.

15 **CASE 04-59 MA:**

16 MR. GOSLINE: Mr. Chairman, Members, the request is to rezone almost 60  
17 acres from M-2 zoning, from RU to M-2. It's out on McCords Ferry Road across from –  
18 if you'll look at page 63, you'll see the considerable amount of existing M-2 zoning out  
19 there. That's for International Paper and the, basically the Wateree Power Plant. The  
20 Staff recommends denial. There's plenty of industrially zoned land to accommodate the  
21 proposed facility, which is a packaged concrete plant.

22 MS. WYATT: What do you mean by "packaged"?

1 MR. GOSLINE: Well, small two acre – I don't know what the terminology is, but  
2 temporary concrete manufacturing plant.

3 CHAIRMAN GREEN: Okay. We have a sign up sheet floating around  
4 somewhere. Thank you. Jay Josee is the first one signed up to speak.

5 **TESTIMONY OF JAY JOSEE:**

6 MR. JOSEE: Good afternoon, Members of the Council. My name is J.S. Josee.  
7 I live at 721 Tom's Creek Road in Hopkins, Lower Richland area. I'm a registered land  
8 surveyor. I am here this afternoon to assist Mr. Heath Hill, owner of the property to gain  
9 approval for zoning map amendment from RU to M-2. In the Planning Development  
10 Staff response letter they have addressed quite a few concerns regarding the zoning  
11 amendment and I'll try to answer these concerns. Number one, subject site is  
12 surrounded by farmland, undeveloped woodlands and a single-family residence. There  
13 are no related businesses or facilities in the immediate area. The answer to that is  
14 major parcels across McCords Ferry Road are currently zoned M-2. These existing  
15 entities include International Paper, SCE&G water power generating station, Richland  
16 County Sanitary Sewer Plant, and a chemical plant, which recently changed its name  
17 and I'm not aware of what the new name is. Number two concern is industrial activities  
18 that produce excessive noise, smoke, odors, glare or pollutants that go beyond the lot  
19 line should not be located adjacent to a residential or commercial use. The answer to  
20 that would be the closest homes are several hundred yards away and they are currently  
21 owned by Mr. Heath Hill. Mr. Tommy Glasscock, owner and operator of Glasscock  
22 Concrete who would like to put this batch plant in, has said he has not had a problem  
23 with any of these items in the past at any of the batch concrete plants he operates.

1 Traffic impact concerns. All vehicles will ingress and egress from Reynolds Road, a  
2 secondary road. I'm also aware of an SCDOT long-term plan to four lane US Highway  
3 601, McCords Ferry Road in the next 10 to 12 years. Road and intersection  
4 improvements along McCords Ferry in the area are currently under construction.  
5 Utilities concerns. The construction of a concrete batch plant will not require additional  
6 utilities and on-site 6" water well will be drilled, three phase power and sanitary sewer  
7 are already in place. Fire impacts. A concrete batch plant has a very low level of fire  
8 hazard. If a fire should occur, International Paper has a fire department that would  
9 respond. They are located within one mile of the site. I would like to make some  
10 comments now. Number one is this type of industry will increase jobs and the tax base  
11 in this portion of the county. A concrete batch plant will assist other development in the  
12 area. Industrial plants, roads and even individuals will benefit. Referring to the zoning  
13 classification map, you will note that M-2 parcels exist to the north, east and south of the  
14 subject site. These sites are not available for lease to a concrete batch plant due to  
15 liability reasons. Mr. Glasscock and Mr. Hill are on the register to speak and will answer  
16 any of your questions. Council Members, thank you for your thoughtful consideration  
17 for this zoning map amendment to M-2.

18 CHAIRMAN GREEN: Thank you, sir. James Glasscock.

19 **TESTIMONY OF TOM GLASSCOCK:**

20 MR. GLASSCOCK: My name is Tom Glasscock. I live in Sumter at 2771  
21 Brownfield Way. My place of business, primary place of business is about six or seven  
22 miles west of the Wateree River. I have in place there two concrete batch plants right  
23 adjacent to Shaw Air Force Base. The work we do from time to time at the – I keep

1 calling it Union Camp, but International Paper, is exactly 15 miles from my batch plant.  
2 The next available concrete to that area would be 30 miles from Columbia, over here at  
3 Key Road. There are some potential projects coming up at International Paper. There  
4 are some potential projects coming up at South Carolina Electric & Gas. There's word  
5 that the Wateree, I call it the 601 bridge will be replaced in the very near future. We see  
6 an opportunity to go into this area to furnish redi-mix concrete and other residential  
7 areas that might need redi-mix concrete would be available at this site. Any questions,  
8 I'd be glad to answer them.

9 CHAIRMAN GREEN: Yes, sir. If you were to look at how much of the property  
10 would be needed for the concrete mixing, truck movement, I guess storage of gravel or  
11 whatever raw materials you need on site, parking the equipment, office, how much area  
12 would the various components of this plant take up?

13 MR. GLASSCOCK: This was discussed, Mr. Hill and myself, it's – basically we  
14 are negotiating with them for about two or two and a half acres.

15 CHAIRMAN GREEN: The application is to rezone 56 acres. I'm assuming  
16 that's to keep from this going out into a field and kind of, like I say, spot zoning. So is  
17 there any Staff reason that this needed to be any bigger?

18 MR. GOSLINE: Mr. Chairman, the only way I can answer that is when we  
19 discussed it with the applicants, they indicated that Mr. Glasscock needed two or three  
20 acres for the batch plant and when the application was received it was for almost 60  
21 acres.

22 MR. VAN DINE: How much is – there are two parcels that are being discussed  
23 here. How much is the smaller? How much is the larger parcel? And which is which?

1 MR. GOSLINE: The smaller parcel has residences and some kind of out  
2 buildings, and the rest of it is field. The bigger parcel.

3 MR. VAN DINE: The smaller one has – so the aerial that we see is not reflective  
4 of – the smaller parcel doesn't seem to have anything on it.

5 MR. GOSLINE: I think that's again a case of the parcels not lining up right. The  
6 – right above the orange parcel line there, right at the corner there's a couple of houses  
7 and some out storage buildings.

8 CHAIRMAN GREEN: And those are included in the site?

9 MR. GOSLINE: I believe so. We'd have to ask Mr. Hill.

10 MR. HILL: No.

11 CHAIRMAN GREEN: They're not? Okay, thank you. Mr. Hill, you were next  
12 anyway, so –

13 **TESTIMONY OF HEATH HILL:**

14 MR. HILL: Mr. Chairman, Members of the Council, I'm Heath Hill. I'm the owner  
15 of the property. I own property all around this particular piece of property. I own three  
16 houses next to where the proposed site is located. The reason for the, one particular  
17 parcel was 59 something acres, 59 ½ acres, is because of potential growth in the area  
18 and with the M-2 across the road, nobody's ever eligible to even go on it. They won't  
19 even – that's SCE&G right there and the other part is International Paper and they do  
20 not let any businesses whatsoever come on their property, such as a concrete plant,  
21 such as anything. And I have had, like Mr. Glasscock has approached me about putting  
22 his concrete plant there. Yes, it would take that for the concrete plant, but he needs



1 other acreage to park his trucks and that kind of stuff and that is the reason for that  
2 particular piece of property.

3 CHAIRMAN GREEN: Thank you.

4 MR. VAN DINE: How much, size wise, how much is the smaller parcel and how  
5 much is the larger parcel?

6 MR. HILL: Well, when I purchased the property years ago, year or two, three  
7 years ago, which I own the other property adjacent to it, which it's go the sewerage and  
8 everything on it, this piece of property's got the sewerage on it, when I purchased it, that  
9 was – it was bought from three different, three or four different family members and  
10 that's how it's got chopped up like that because when I bought it, I bought the whole  
11 piece, which was 100 acres there. And it was – that was just different ones that owned  
12 different parts. It was families and that was different ones that owned different parts  
13 and that's how it was kind of juttet out.

14 MR. VAN DINE: I understand how it was divided. My question was size wise.

15 MR. HILL: Can I come over and show you what I'm talking about?

16 MR. VAN DINE: But size wise, how much is the smaller one?

17 MR. HILL: The smaller one I think is seven acres up in the corner next to the  
18 residents.

19 MR. VAN DINE: Okay. And the other one would be the remainder of 52 some  
20 odd acres.

21 MR. HILL: Yes, yes.

22 MR. VAN DINE: Okay.

23 CHAIRMAN GREEN: Thank you.

1 MR. HILL: Is there any other questions?

2 CHAIRMAN GREEN: Any other questions? Ms. Scott, you're the last one on our  
3 agenda for today. But not least.

4 MR. HILL: And I also reside down there too. I stay right in the area.

5 **TESTIMONY OF COUNCILWOMAN BERNICE SCOTT:**

6 COUNCILWOMAN SCOTT: I'm Bernice G. Scott. I live at 1748 Poultry Lane.  
7 One of the reasons that I came up and I told Mr. Hill that I would come up and speak on  
8 his behalf is because we are trying to keep all the – since Union Camp got there, I didn't  
9 have anything to do with it, but you got Union Camp and you got the other entities  
10 around there. Since he owns all that land and he is a farmer, his grandfather farmed,  
11 his father farmed, and now he's a farmer, and his son is farming, they're trying to look at  
12 other ways to utilize their properties. That is on the end that we need to keep the Union  
13 Camps and all that on that end. And we are trying to obtain something whereas we can  
14 do something like an industrial park or whatever in the future, because that's all gonna  
15 be down there. There's nothing else down there. The few houses that are down there,  
16 he own most of them anyhow. And so I'm hoping that y'all will look favorable upon this  
17 because it is something that we're trying to keep all that type of zoning in that particular  
18 area.

19 CHAIRMAN GREEN: Thank you. No one else has signed up to speak so I'll  
20 open the floor for discussion among the Planning Commission Members.

21 MR. PALMER: Mr. Chair, I make a motion we send this forward to Council with a  
22 recommendation of approval. I think they've shown a need for it and I think it's in

1 character to the neighborhood and to the property across the street and I believe that  
2 this is a part of the county that we need to put this kind of zoning in.

3 MR. JACKSON: I second it.

4 CHAIRMAN GREEN: We have a motion and a second. Further discussion on  
5 the motion?

6 MR. JACKSON: First of all, I just basically say I was surprised that the Staff  
7 ruled against this. 601 in that area is a commercial corridor. You have International  
8 Paper, owns approximately 1,000 acres. SCE&G several hundred acres. And SCE&G  
9 with the coal burning plant, the soot, all that in the area, and International Paper with  
10 their, the [inaudible] from their paper plant, nothing much will go in this corridor but  
11 industrial. That's what this whole corridor of 601 is about. And the – it will be widened to  
12 four or five lane within the near future to handle the traffic, the trucks hauling those  
13 timbers to International Paper and hauling coal to SCE&G. So I was just concerned, but  
14 that's what this area is all about, industrial. A company relocated from, I think,  
15 Switzerland, chemical company, right there. And the people in the community who was  
16 trying to improve their life or do other type business, they are denied in an industrial  
17 corridor. So I was just concerned.

18 CHAIRMAN GREEN: Thank you. Further discussion? Seeing none, we have a  
19 motion on the floor to send this forward to County Council with a recommendation for  
20 approval. All those in favor of the motion, please raise your hand.

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

1 CHAIRMAN GREEN: That ends our public hearing section of our agenda. Those  
2 of you behind the table up here aren't as fortunate as everybody else and we still have  
3 other items to take up. The next item on our agenda is the road name, new road name  
4 approval.

5 MR. VAN DINE: Move for approval.

6 MR. DUNBAR: Second.

7 MS. WYATT: I just have a question. Preston Green, future Mungo subdivision,  
8 have we already seen that?

9 MR. GOSLINE: Excuse me?

10 MS. WYATT: Preston Green, future Mungo subdivision. Have we already seen  
11 that?

12 MR. GOSLINE: I'd have to go back and look. I don't recall.

13 MS. WYATT: Only because I've never seen us approve names for future before.  
14 That's the only time I've ever seen that, so that's why I questioned it. No need to go  
15 back and check.

16 CHAIRMAN GREEN: We have a motion and a second on the floor to approve  
17 the subdivision names. All those in favor please signify by raising your hand. Those  
18 opposed, regardless of spelling?

19 *[Approved: Palmer, Furgess, Lucius, Green, Wyatt, Van Dine, Dunbar, McBride; not*  
20 *voting: Jackson]*

21 MR. GOSLINE: Somebody obviously made a rip to England.

22 CHAIRMAN GREEN: Yeah. We aren't gonna talk about tattoos tonight.  
23 Apparently those are delayed until our September 13<sup>th</sup> meeting.

1 MR. VAN DINE: I think Planning Commission members must have their date of  
2 termination from service tattooed on their forehead so everybody can –

3 CHAIRMAN GREEN: Mr. Criss, we have a Planning Director's Report.

4 MR. CRISS: Isn't there an item preceding that from Mrs. Wyatt?

5 MS. WYATT: I'm sorry?

6 MR. CRISS: Signs?

7 MR. VAN DINE: We have an additional agenda item of the political signs.

8 CHAIRMAN GREEN: Ms. Wyatt?

9 MS. WYATT: I will make it extremely quick. Whereas we left it in December  
10 when we sent the Land Development Codes forward, that we could amend and send  
11 forward to Council at any time. I'd like to amend what we sent forward as far as political  
12 signs, which said 60 days. I'd like to ask that we change that to 45 days, that they  
13 cannot be up 45 days before any election. And I might add that will mirror what the City  
14 of Columbia has.

15 MR. VAN DINE: Is there a problem with some kind of freedom of speech or  
16 some other issue relative to limitation on political signs? They haven't been sued yet,  
17 but that doesn't mean there isn't a problem.

18 MS. MCLEAN: Not that I'm aware of.

19 MR. CRISS: Would that only affect, Mrs. Wyatt, page 270 of – well you don't  
20 even have the version of the code.

21 MS. WYATT: Just read it to me real quick. I mean, is it –

22 CHAIRMAN GREEN: I've got it right here.

23 MR. PALMER: I really thought he was going into his memory bank to get that.

1 MS. WYATT: Are these new copies for us?

2 MR. PALMER: Ms. Wyatt?

3 MS. WYATT: I'm sorry?

4 MR. PALMER: What's your thought process on the reason for that? The  
5 additional 15 days?

6 MS. WYATT: Mainly because that's what I've heard the community say they  
7 wanted. They were sick of the political signs. They like the ones, you know, to limit –  
8 like we've got signs up now for a November election.

9 MR. JACKSON: November? Some people just left their signs up.

10 MS. WYATT: So I've made a motion.

11 CHAIRMAN GREEN: There's a motion on the floor under the political sign  
12 provision of the new Land Development Code that our recommendation to County  
13 Council be altered from 60 days down to 45 days. Is there a second to the motion?

14 MS. LUCIUS: I'll second.

15 MR. PALMER: I have a question. Under our current – what we sent up  
16 currently, was 60 days – the signs that are up now could not be up, is that correct?

17 CHAIRMAN GREEN: Under the new code they could only be up for 60 days.

18 MR. PALMER: So they couldn't be up now anyhow, so that would solve the  
19 problem as to what the community out roar is? Is that correct? I just don't see what the  
20 point in sending an amendment up for 15 days is. I could see it if it was three months or  
21 two months or something, but it's two weeks.

22 CHAIRMAN GREEN: Further discussion?

23 MR. PALMER: That's my thought process. I mean, what's two weeks?

1 CHAIRMAN GREEN: Further discussion?

2 MR. VAN DINE: Well, forgetting about the amended code we just sent up, what  
3 does it say in the present code?

4 MR. PALMER: I don't even know if we have anything in the present code.

5 MS. WYATT: I don't think we do. We have something about they must be down  
6 in seven days, but -

7 MR. CRISS: That might require a few minutes of research.

8 MR. VAN DINE: Sorry I asked.

9 CHAIRMAN GREEN: Regulation of signs, 528.

10 MR. VAN DINE: While you're looking for that, on the calendar that you've just  
11 handed out I note in green it says pay day. Is that for us?

12 MR. PALMER: That's a slap in the face. I mean, they could've taken that off.  
13 They decided to leave that on just to show that they get paid and we don't.

14 CHAIRMAN GREEN: Mr. Van Dine's question – the current code has no  
15 provision related to when a sign can go up, only when it has to come down.

16 MS. WYATT: That's what I said.

17 CHAIRMAN GREEN: Although the existing code does happen to say, “. . . shall  
18 only be on private property and not in the public right-of-way,” which –

19 MS. WYATT: That's what our new one says also.

20 CHAIRMAN GREEN: Which is an interesting lack of enforcement issue.

21 MR. VAN DINE: So it means that virtually every sign that we have out there is  
22 illegal.

23 CHAIRMAN GREEN: Yes.

1 MR. JACKSON: Fine them.

2 CHAIRMAN GREEN: We have a motion on the floor and a second. Further  
3 discussion? Seeing none, those in favor of sending to County Council a  
4 recommendation to amend the current draft of the Land Development Code to reflect  
5 the 45 day limit prior to an election –

6 MR. VAN DINE: Does that mean any kind of an election? That would be a  
7 primary if they get pushed 60 days before the primary and then it has to come down.

8 MS. WYATT: School bond referendums, anything.

9 MR. PALMER: We already sent out the 60 day. This is a change from 60 down  
10 to 45.

11 MR. VAN DINE: I know, but I'm just trying to get an idea of what we're talking  
12 about. All different elections.

13 MS. WYATT: Any. The way I want it to read is any election.

14 MR. PALMER: Dog catcher to president.

15 MS. WYATT: Bush, Kerry, none of them can put signs up in Richland County  
16 until 45 days before.

17 CHAIRMAN GREEN: All those in favor of the motion to recommend this to  
18 County Council for their consideration, please raise your hand. Those opposed?

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

21 CHAIRMAN GREEN: Next item before this gets – if we could hang tough for  
22 about another 20 minutes. Michael? Planning Director's Report.



1 MR. CRISS: We need to decide as a body on the August 2<sup>nd</sup> meeting. It is  
2 scheduled. The room is reserved, but traditionally the Council and Commission recess  
3 during August and Carl informs me we would have some trouble doing all the necessary  
4 field work in time for August 2<sup>nd</sup> by now anyway.

5 CHAIRMAN GREEN: Is it a presumption that –

6 MR. CRISS: Well, he's been informing customers that they may well not have an  
7 August 2<sup>nd</sup> meeting so that they could plan their business activities appropriately. The  
8 advantage of holding the meeting is that the subdivision activity, of course, can proceed,  
9 but it wouldn't be of any benefit to the zoning map amendments because they'd all have  
10 to wait for the Council to resume sessions in September.

11 MR. PALMER: If we met in August could we take December off?

12 CHAIRMAN GREEN: You know, it's a relative point that nothing from a zoning  
13 standpoint is going to occur any quicker with an August meeting. Subdivisions can  
14 move forward.

15 MR. VAN DINE: Would that be true? Because couldn't they have public hearing  
16 on things in the first meeting of September on Council as opposed to waiting till the –

17 MR. CRISS: They could choose to alter their calendar, but –

18 CHAIRMAN GREEN: Zoning public hearing is scheduled –

19 MR. CRISS: It's regularly scheduled for the 4<sup>th</sup> Tuesday.

20 CHAIRMAN GREEN: September 28<sup>th</sup> is their – after the one on the 27<sup>th</sup> of this  
21 month. My only related question is is that we've had a request from a member of County  
22 Council to hold, to call a special meeting of the Planning Commission to consider any  
23 amendments that are a result of the public hearing tomorrow night on the Land

1 Development Code. There's a public hearing at 6:00 here tomorrow night for  
2 consideration of the amendments only. Is that correct, Michael?

3 MR. CRISS: That's my understanding, yes.

4 CHAIRMAN GREEN: There were 34 amendments as of – 37 as of now. There's  
5 some 30 odd –

6 MR. CRISS: The changes shown in red in the now July 9<sup>th</sup> version of the Land  
7 Development Code that I've just handed out.

8 CHAIRMAN GREEN: And the reason for the request is so that we can fast track  
9 consideration of those changes that are potentially raised as a result of tomorrow night's  
10 meeting so that first reading with our recommendations can be held on July 27<sup>th</sup> and not  
11 wait till the September meeting. Is that correct?

12 MR. CRISS: Slight correction. The draft Land Development Code does have a  
13 first reading so far. It's scheduled for a public hearing tomorrow and a potential second  
14 reading on Wednesday. And the request is that the Planning Commission consider a  
15 special called meeting for this Thursday, Friday or next Monday in order to consider any  
16 changes that the Council adopts between their second reading and their third, which is  
17 tentatively scheduled for Wednesday, the 21<sup>st</sup> of July.

18 CHAIRMAN GREEN: I'll tell you my honest – I don't know about anybody else's  
19 opinion, we worked long and hard hours to get that document to them in as quick a  
20 fashion as we could, deliberating on what we did. They took months and months and  
21 now they want us to meet again in less than a week without even knowing what, how  
22 much we're considering.

1 MS. WYATT: And you were present when I had the conversation and I'm not –  
2 why does it even have to come back to us, because Amelia and I stood right over there  
3 at the last Council meeting and it was her legal opinion that they didn't have to come  
4 back to us.

5 MR. CRISS: As she put it to me today, she recommends that the Commission  
6 consider this special called meeting out of an abundance of caution to perhaps avoid  
7 litigation.

8 MR. JACKSON: [inaudible] come back on the first Monday of next month. The  
9 time we already have our regular meeting.

10 CHAIRMAN GREEN: I would prefer to have an August 2<sup>nd</sup> Planning Commission  
11 meeting, even if we can't take up the zoning map amendments, you know, if we cover  
12 subdivisions.

13 MR. JACKSON: Whatever lightens the load for September.

14 CHAIRMAN GREEN: It takes a little pressure off of September for us. It gives  
15 us a little time to get the stuff ahead of time, look at it and be deliberative in what we do.

16 MS. WYATT: Now Carl has left. How does it look for, so far for September, any  
17 idea?

18 MR. SKIP LIMBAKER: Subdivisions I don't know. We do have quite a bit of  
19 zoning map amendments, but we haven't gone and done any field work for the  
20 subdivisions.

21 MS. WYATT: But we are gonna have quite a few in September.

22 MR. LIMBAKER: I know at least of seven, probably, zoning map amendments  
23 already for September.

1 MR. DUNBAR: We could knock out the subdivisions in August if we met.

2 MS. WYATT: Well, I've got – I keep asking questions. The Council gets off track  
3 on its calendar. They can't give it third reading, is that now what we're hearing – July  
4 21<sup>st</sup>, they cannot do third reading until –

5 MR. CRISS: Would presumably take place after the recess.

6 MS. WYATT: Now they would have to amend their calendar to some time in  
7 September?

8 MR. CRISS: I would presume. I think that the calendar they have in place at  
9 present enables them to give third and final reading before the August recess and I  
10 presume they would run out of time before the August recess if the calendar had to be  
11 altered.

12 MS. WYATT: Well wait a minute now. You just said they can go ahead and  
13 have third and final reading in July. Then what's the point of it coming back to the  
14 Planning Commission in August?

15 MR. VAN DINE: No, no, that's just – they want to have it come back before –  
16 between second reading and third reading so that they can have third reading with our  
17 comments on July 21<sup>st</sup>.

18 MR. CRISS: Right. If it doesn't come back to the Planning Commission first,  
19 they might choose to wait until they have the benefit of your comments.

20 CHAIRMAN GREEN: Michael, as you understand it, do they want us to review  
21 the 30 odd changes that –

22 MR. CRISS: Whatever changes.

1 CHAIRMAN GREEN: Or just the changes that occur as a result of the public  
2 hearing tomorrow night?

3 MR. CRISS: I presume that it's both.

4 MR. JACKSON: I mean, that's taken – they have a public hearing tomorrow  
5 night, then they have so many changes, it's a rush to get it to us to have a meeting by  
6 Thursday, Friday or Monday.

7 MR. DUNBAR: I make a motion –

8 MS. WYATT: I would truly not believe that you're gonna see any changes to  
9 what you hear tomorrow night. It's gonna be the – same ones we've heard for three  
10 years.

11 MR. DUNBAR: I make a motion to meet the first Monday in August at our normal  
12 time and deal with the issue and – fairly thoroughly so we've got time to do it, since  
13 most of us have that time blocked next month anyway.

14 MR. JACKSON: Second.

15 CHAIRMAN GREEN: We have a motion on the floor and a second. Discussion?

16 MR. VAN DINE: I would personally think that we have been asked to do it as to  
17 – we worked hard to get that document out. Having the month of August with nothing  
18 going on would give Planning Staff an opportunity to work on the ordinance if it were  
19 passed and it would be a good idea to give them the opportunity to do so. I'm  
20 personally willing to commit time to a special called meeting between now and the 21<sup>st</sup>  
21 so that they can do it. I mean, the motion is to delay until August.

22 MS. WYATT: Well, I would support you because I actually, having been on this  
23 Commission since '97, was – had made some plans for August, so.

1 CHAIRMAN GREEN: Well I guess we have two parts to the motion. Number  
2 one is whether to hold an August 2<sup>nd</sup> meeting anyway. I might feel different about the  
3 special meeting if the consensus was we did not want to hold an August 2<sup>nd</sup> meeting.

4 MR. JACKSON: If there wasn't an August 2<sup>nd</sup> meeting then – it's just a rush job to  
5 me. We've got to consider whatever happens tomorrow, hoping nothing else has  
6 changed.

7 MS. WYATT: Well, I think one of the differences, Mr. Jackson, and I had an  
8 opportunity because I attended the Council meeting, I've already seen these and some  
9 of them we're gonna whiz through so fast, it's gonna be unbelievable. And there's  
10 certainly gonna be some that there's a little more discussion on.

11 MR. JACKSON: So [inaudible] make any changes, they will consider the  
12 changes we make?

13 MS. WYATT: I don't know.

14 MR. JACKSON: Well why meet? I mean, why send it to us to go over the whole  
15 thing and if we make changes, it may not make any difference. Why send it back to us?

16 MR. CRISS: I think the Council is soliciting your comments on the changes that  
17 they are proposing, not new changes that the Planning Commission might generate.

18 MR. JACKSON: I understand. To me that [inaudible] opinion, but it won't make  
19 any changes to meet.

20 MR. CRISS: Not all of the first batch of amendments, if I can call it that, have  
21 been translated or converted to red changes in the version you have in front of you. We  
22 didn't have time. Amelia's cover memo describes, in some detail, which ones she has  
23 attempted to address and which ones are still pending. And I don't know myself yet

1 what will happen tomorrow night at the public hearing or at the 4:00 Wednesday  
2 afternoon discussion.

3 CHAIRMAN GREEN: Okay. We have a motion on the floor – any further – the  
4 motion on the floor is to hold a regularly scheduled August 2<sup>nd</sup> meeting and at that  
5 meeting take up the review and comment on any relevant material requested by County  
6 Council with regard to the new Land Development Code. All those in favor the motion  
7 please raise your –

8 MS. WYATT: I'm sorry. Would you state it again please?

9 CHAIRMAN GREEN: The motion is that we hold a regularly scheduled meeting  
10 of the Planning Commission on August 2<sup>nd</sup>. At such time we will take up review and  
11 comment on any amendments that County Council would like us to review for them at  
12 that time.

13 MR. MCBRIDE: I thought you mentioned subdivisions also.

14 CHAIRMAN GREEN: Well that would be part of our regularly scheduled  
15 meeting.

16 MR. DUNBAR: But no map amendments cause we won't have time to deal with  
17 those. Plus, if we did that it'll defeat the purpose of having the time to deal with this  
18 document.

19 MR. CRISS: Yeah, it may be too late for Staff to generate the content on the  
20 map amendments.

21 MR. VAN DINE: I hate to ask a question, but procedurally if our procedures now  
22 say if somebody got their application in before the first of the month they're on our next

1 scheduled meeting, do they not in fact – are they not entitled to be on our meeting in  
2 August if somebody got their application –

3 MR. CRISS: Arguably so, and those, of course, would be the priority.

4 MR. DUNBAR: Let me modify my motion. That we have a meeting on the first  
5 Monday to deal only as a work session with the Land Development Ordinance period.

6 MR. JACKSON: Suppose County Council decides to go ahead and –

7 MR. DUNBAR: If they go ahead and vote third reading then we just cancel our  
8 meeting. There's no reason to meet if they've already instituted it. I think it would  
9 defeat the purpose of having the meeting to have to address zoning issues because it  
10 wouldn't give us the time we may need – maybe we won't need much time, but I can't  
11 imagine we're gonna talk about this thing and do it in a short period of time.

12 MR. JACKSON: Ms. Wyatt says we'll just whiz through it.

13 MS. WYATT: Most of it we truly will.

14 MR. JACKSON: I was just thinking meeting just to lighten the load for  
15 September.

16 MS. WYATT: You've already looked at it too, have you not?

17 CHAIRMAN GREEN: I saw pieces, but this is the first time I've seen this.

18 MR. DUNBAR: I call the question.

19 CHAIRMAN GREEN: The question's been called. The motion again is to have  
20 an August 2<sup>nd</sup> regularly scheduled meeting and at that time to take up whatever issues  
21 County Council wants us to with regard to the new Land Development Code, and only  
22 the Land Development Code?

23 MS. LUCIUS: That's what he said.



1 MR. DUNBAR: I think so. And the reason for that was so that if we've got seven  
2 or eight zoning map amendments, we don't have to deal with those. We'll be here till  
3 5:00 dealing with those and then we won't even get started on this until everybody's too  
4 worn out to deal with it

5 MR. JACKSON: Yeah, but what I was thinking, if County Council go ahead and  
6 do everything in July, I was thinking we could have an August meeting to lighten the  
7 load for September.

8 MR. DUNBAR: And handle the subdivision approvals.

9 MR. JACKSON: Yeah.

10 MR. DUNBAR: Okay. I don't care.

11 MR. JACKSON: So that's why I was with the original motion, why I supported  
12 the original motion.

13 MR. DUNBAR: Alright, I'll modify it back to my original motion.

14 MR. JACKSON: Okay, I second the original motion.

15 MS. WYATT: But we just said that if someone has their application in –

16 CHAIRMAN GREEN: Then we'll have to deal with them. I mean, that to me is a  
17 material point of the August 2<sup>nd</sup> meeting. Are we obligated by our code to review any  
18 zoning changes that were submitted on a timely basis so as to otherwise be considered  
19 for the August 2<sup>nd</sup> meeting?

20 MR. PALMER: We can always defer any of them we want to anyhow.

21 MR. VAN DINE: I thought we called the question a while ago.

22 CHAIRMAN GREEN: I'm just trying to get a clarification on what –

1 MR. PALMER: Yeah, see now they're gonna try to put a fire under out butt  
2 when, you know, it hasn't been under theirs, so what's another month? I mean, we've  
3 been fooling around with the thing for three years and we worked long and hard at it to  
4 get it to them and now all of a sudden they give it to us and say, "Now you got three or  
5 four days to look at it and give us your thoughts on it." You know, it's just not enough – I  
6 just don't think it's enough time.

7 MR. DUNBAR: I agree. I think we need to be deliberate about it and maybe – if  
8 it only takes half hour that's great. We'll have a short meeting.

9 MR. CRISS: Staff conclusion is that all applicants who might have otherwise  
10 been on the August agenda for zoning map amendments have been informed that they  
11 will be on the September agenda.

12 MR. JACKSON: That's good.

13 CHAIRMAN GREEN: So we can do subdivisions on August 2<sup>nd</sup>, not running into  
14 any problems.

15 MR. CRISS: I believe so.

16 CHAIRMAN GREEN: A motion's on the floor – again, August 2<sup>nd</sup> regularly  
17 scheduled meeting at which time we'll consider any items requested by County Council  
18 on the new Land Development Code. All in favor? Subdivisions and any issues  
19 referred to us by County Council on the Land Development Code. All those in favor of  
20 the motion? Opposed?

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

23 CHAIRMAN GREEN: That's the plan.

1 MR. VAN DINE: And I'm going against it simply because I think we've been  
2 asked to do something with the ordinance and we ought to be moving on it instead of  
3 sitting on it.

4 CHAIRMAN GREEN: Two other quick things. I owe a report back to you on my  
5 trip to the Board of Zoning Adjustments for the gentleman that wanted to put in a  
6 automobile, antique car restoration shop out in the northeast part of the county. I went  
7 there to represent us and our interpretation that the application should have been  
8 considered as a C-3 use and not as an M-1 use. By a vote of three to two the Board of  
9 Zoning Adjustments did not agree with our position and ruled that his use was an  
10 industrial use and was required to be in an M-1 district.

11 MR. VAN DINE: In light of that, can I ask Staff or somebody to please draft an  
12 ordinance which changes the particular classification and adds it back in to the C-3  
13 zone?

14 MS. WYATT: Well, I think in all fairness, you know, on that particular issue, and  
15 Geo's not here, but I had some conversations with him, Howard, you know, after the  
16 fact, and I have to tell you I wouldn't have voted to send it to the Zoning Board after  
17 talking with Geo. You know, that was John Hicks' interpretation and we kind of drug  
18 Geo in here saying, "Why did he say that?" When you start really taking a look at the  
19 fact that auto repair shops, if you know, if it's a wrecked car, your insurance company  
20 declares it totaled and they're not gonna repair it, where does it get put? Thrown in the  
21 backyard.

22 MR. DUNBAR: That's a violation of the zoning.

1 MR. VAN DINE: All I'm asking for is some language that we could amend to  
2 make that particular use capable of being done in the C-3 as opposed to –

3 MR. PALMER: Now is that gonna make this guy's property legal, non-  
4 conforming, that he just got rezoned M-1?

5 CHAIRMAN GREEN: My understanding in a conversation with Geo at a break is  
6 that they've reached an agreement with the – at least the gentleman's attorney on what  
7 kind of activities he's gonna conduct there, which will permit him to conduct them in a C-  
8 3 district.

9 MR. CRISS: The proposed Land Development Code makes clearer distinctions  
10 amongst auto body repair and pain shops and minor repair and so forth. But it still  
11 carries forth the principle of its light industrial, it goes in the L-I as opposed to the new  
12 GC. I would suggest we await the fate of our proposed Land Development Code to  
13 determine whether we modify the current code.

14 CHAIRMAN GREEN: Do I hear a motion for adjournment?

15 MR. VAN DINE: So moved.

16 MR. DUNBAR: Second.

17 CHAIRMAN GREEN: All in favor?

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

20  
21 *[Adjourned at 5:50 p.m.]*