

RICHLAND COUNTY PLANNING COMMISSION

August 1, 2005

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

7
8 Called to order: 1:02 PM

9 CHAIRMAN VAN DINE: I'm going to call our August 1st meeting to order. We
10 have a quorum. And as soon as Ms. Linder gets back I am to read a notice indicating
11 that we have properly supplied notice to the right organizations. And I know we have
12 done so, but I'm not going to hold up the meeting while we do that. I'll read it when she
13 gets back down from upstairs.

14 MS. WYATT: Mr. Chairman, would you like my copy of that?

15 CHAIRMAN VAN DINE: How about if I just read it off the last one?

16 MS. WYATT: There you go!

17 CHAIRMAN VAN DINE: "In accordance with the Freedom of Information Act, a
18 copy of the agenda was sent to radio and TV stations, newspapers, persons requesting
19 notification, and was posted on the bulletin board located in the lobby of the County
20 Administration Building." In accordance with that notice, we believe the meeting has
21 been property advertised and noticed. Alright, first we have our minutes from the July
22 11th meeting. Do I have any amendments or objections?

23 MR. FURGESS: I vote we accept the minutes.

24 CHAIRMAN VAN DINE: Motion for acceptance. Do I hear a second?

25 MR. MANNING: Second.

26 CHAIRMAN VAN DINE: Second. All those in favor please signify by raising your
27 hand.

1 *[Approved: Palmer, Furgess, Jackson, Van Dine, Manning, McBride; Abstained: Wyatt;*
2 *Absent: Lucius, Green]*

3 CHAIRMAN VAN DINE: Alright.

4 MS. WYATT: Mr. Chair, let the Record show that I did not vote since I was not
5 here last month.

6 CHAIRMAN VAN DINE: Yes, ma'am. Also, for the Record, Ms. Lucius and Mr.
7 Green advised me that they had work obligations which required their presence and so
8 they would not be able to attend today's meeting. So therefore they have been granted
9 an excused absence from this meeting. Next, Agenda Amendments. I understand we
10 have a withdrawal or deferral?

11 MS. ALMEIDA: Yes, Mr. Chairman. On Friday we received a withdrawal from an
12 applicant who is part of the case number 05-69 Map Amendment, Indigo Hill. Property
13 owner, not the actual applicant, is withdrawing their property as part of the PDD
14 proposal. The applicant has been notified of this occurrence and has verbally asked for
15 a withdrawal.

16 MR. MANNING: Would you repeat the number, please?

17 MS. ALMEIDA: It is case number 05-69, Indigo Hill.

18 MS. WYATT: A rezoning, not subdivision.

19 MS. ALMEIDA: A rezoning, RU to PDD.

20 CHAIRMAN VAN DINE: Do we need to take a vote on the withdrawal or it is -

21 MS. ALMEIDA: No, sir.

22 CHAIRMAN VAN DINE: So that's for information purposes?

23 MS. ALMEIDA: That is correct.

1 CHAIRMAN VAN DINE: So let's everybody mark 05-69 MA as being withdrawn.
2 Alright, any other amendments?

3 MS. ALMEIDA: No, sir.

4 CHAIRMAN VAN DINE: Alright. First up is Old Business are three subdivisions
5 that were deferred from prior meetings. First is SD-05-97, B J Glover Estate, Private
6 Driveway.

7 **CASE SD-05-97:**

8 MR. GOSLINE: Mr. Chairman and Members, if you'll recall, this is a private
9 driveway subdivision request on Piney Woods Road. It was before you a couple of
10 different times. Subsequent to the May meeting we got with the applicant and have
11 presented to you an alignment that will work and meet the requirements of the code.
12 Staff recommends approval.

13 CHAIRMAN VAN DINE: Do we have any questions for Staff? Do I hear a
14 motion?

15 MR. FURGESS: I move that we accept the recommendation of Staff.

16 MR. MCBRIDE: Second.

17 CHAIRMAN VAN DINE: We have a motion for approval of the subdivision. All
18 those signify by raising your hand. All opposed.

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

21 CHAIRMAN VAN DINE: Next we have is SD-05-277, Weston Place.

1 **CASE SD-05-277:**

2 MR. GOSLINE: Mr. Chairman and Members, this was up at the last meeting and
3 you'd asked the Staff to get together with the applicant and resolve – we had, the
4 previous version had a landlocked piece and there was some discussion about meeting
5 the driveway separation requirements. Those issues have all been worked out. Staff
6 recommends approval.

7 CHAIRMAN VAN DINE: Where is the access to Lot 13, which is that landlocked
8 piece?

9 MR. GOSLINE: Through 12. There's a note off to the side that says the access
10 for lots 12 and 13.

11 CHAIRMAN VAN DINE: Right. Okay. Any other questions?

12 MR. MANNING: Carl?

13 MR. GOSLINE: Yes, sir.

14 MR. MANNING: It appears that the easement for – is Westover Court a private,
15 unpaved road?

16 MR. GOSLINE: No. That was the part of Phase 1 of this project.

17 MR. MANNING: So the ownership of that easement is the same as for Weston
18 Place, Phase 2. I mean that –

19 MR. GOSLINE: Yes. So they have - everybody'll have – lots 11 and 14 will
20 access off the Westover Court.

21 CHAIRMAN VAN DINE: Any other questions? Hearing none, do I hear a
22 motion?

23 MR. FURGESS: I move that we approve the – approve of the Staff on this.

1 MS. WYATT: I'll second.

2 CHAIRMAN VAN DINE: We have a motion for approval of the subdivision and a
3 second. All those in favor please signify by raising your hand.

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

6 CHAIRMAN VAN DINE: Next, SD-05-218, Eagles Glen.

7 **CASE SD-05-218:**

8 MR. GOSLINE: Mr. Chairman and Members, this project was up last month, as
9 well, and there was some discussion about the lots in the flood area, or approximate
10 flood area. The Staff and the applicant met and we recommend approval subject to the
11 conditions on page 18.

12 CHAIRMAN VAN DINE: Can you tell me what has changed since the last
13 meeting because I've looked at this map and the prior plat and I can't find any change
14 except for the addition of the dark line, whatever that relates to.

15 MS. ALMEIDA: Mr. Chairman, there was a plat that actually had the building
16 envelopes designated. But they did not make their way into the packet for your review.
17 And we did stipulate that those lots which did encroach in the wetlands would not be
18 permitted to obtain a building permit until the approval from the Corps.

19 MR. MANNING: So, basically, at this point –

20 MR. GOSLINE: They have supplied the Department with a plat that shows the
21 building envelopes outside of the approximate 100 year flood elevation. And Condition
22 B and C on page 18 address allowing the applicant to go ahead with building permits on

1 those portions that are above – that aren't affected by the approximate 100 year flood
2 elevation, and the same for the wetlands.

3 CHAIRMAN VAN DINE: So which ones are affected and which ones are not
4 affected?

5 MR. GOSLINE: The lots listed on B and C are affected. The other ones – 24, 60,
6 all those kind of up at the top center of the plat are not affected by the approximate flood
7 elevation.

8 MR. PALMER: Would you be allowed to build on the lots without a letter from the
9 Corps even without these stipulations, without these recommendations? In other words,
10 if this wasn't in the recommendations, they would still need to have the letter from the
11 Corps before they built on those lots.

12 MS. ALMEIDA: For the whole thing.

13 MR. PALMER: For the whole thing. So this allows them to build everywhere
14 except on those lots until they get the letter.

15 MR. GOSLINE: That's correct. It's a compromise situation.

16 CHAIRMAN VAN DINE: I guess I'm having a problem on the right-hand side of
17 17, 18, 19, 20. Those areas, I mean, why are we allowing those to be - well, they aren't
18 listed as part of your list.

19 MS. WYATT: Under number C, 17 through 56. You don't see that, 17?

20 CHAIRMAN VAN DINE: Well, I'm looking at the prior to the lots 31 through 36
21 and 45 through 57.

22 MS. ALMEIDA: Right.

1 CHAIRMAN VAN DINE: They would seem to be – these other lots on 17, 18, 19,
2 20 at the very least would seem to fall under the same classification as those other ones
3 do.

4 MS. ALMEIDA: Didn't some receive FEMA approval – partial?

5 MR. GOSLINE: Yes. I believe that those lots that aren't listed, that have the
6 flood elevation, have gotten a flood elevation statement.

7 MS. WYATT: That says?

8 MS. ALMEIDA: There was a study done, but not for the entire -

9 MR. GOSLINE: Not for the entire thing. Just for the area basically below the
10 dam.

11 MS. WYATT: Give us lot numbers.

12 MR. GOSLINE: So that would be 30, 29, 28, 30, 20, 19, 18, 17.

13 CHAIRMAN VAN DINE: What does the dark line mean?

14 MR. GOSLINE: The approximate 100 year flood elevation.

15 CHAIRMAN VAN DINE: Is that changing anything that was on the map before?

16 MR. GOSLINE: No.

17 CHAIRMAN VAN DINE: That's just another –

18 MR. GOSLINE: Just made it darker so you could see it better.

19 CHAIRMAN VAN DINE: So it's just another line that -

20 MR. GOSLINE: No, just highlighted it so that you could see it better on this plat.

21 CHAIRMAN VAN DINE: Okay.

1 MS. ALMEIDA: Mr. Chairman, Mr. Harry Reid is supposed to be here in order to
2 explain fully the differences between what lots could proceed and which could not. I
3 can have a Staff member go and get him in order to explain this to you more fully.

4 CHAIRMAN VAN DINE: That's up to other -

5 MR. PALMER: I'm satisfied without it. I make a motion to approve subject to the
6 conditions on page 16 and 17.

7 MR. MANNING: Second.

8 CHAIRMAN VAN DINE: Any other questions or comments?

9 MR. JACKSON: So the Army Corps of Engineer would determine, then - if it's
10 approved though I guess the lot would be larger. Because I was concerned about the
11 size of these lots. Buildable area [inaudible].

12 MS. ALMEIDA: I would recommend if we could just postpone this for a couple of
13 minutes until Mr. Reid can come upstairs and explain more fully the ramifications of all
14 this. He is our Flood Coordinator and he's familiar with the wetlands.

15 MS. WYATT: Mr. Chair, I'm going to make a motion to -

16 CHAIRMAN VAN DINE: We have a motion on the floor.

17 MS. WYATT: That's right. Sorry.

18 CHAIRMAN VAN DINE: So unless you're willing to withdraw the motion pending
19 a short deferral until Mr. Reid gets here.

20 MR. PALMER: I will.

21 CHAIRMAN VAN DINE: Will the second withdraw the second?

22 MR. MANNING: Okay.

1 CHAIRMAN VAN DINE: Then why don't we just defer this short - until Mr. Reid
2 has an opportunity to get here to discuss this. I will tell you that you seem to indicate –
3 one of the things real quickly – that 16, 17, 18, 19, 20 and 30 have letters?

4 MR. GOSLINE: That's my understanding. That's correct.

5 CHAIRMAN VAN DINE: If that's true, then I don't know why we wouldn't also
6 include those under B if they already have the letters just to make sure that they do
7 show up. I mean if they're here, they're here.

8 MR. GOSLINE: Yeah, that would be a more expeditious way to do it. Yes. We
9 could do that.

10 MR. PALMER: Let me just ask you a question. Mr. Chair, is your concern that
11 nothing is built in the floodway or the floodplain?

12 CHAIRMAN VAN DINE: My concern is making sure the proper approvals are
13 received on those, in particular. And if they were included in B, which lists the ones that
14 they have to get certain requirements on, if they've already got them – and we're
15 hearing that they probably do – then it's just a matter of covering themselves. I mean
16 whatever has to be received is going to have to be received. And what I'm suggesting
17 is we just include those in that list. And if they've already got those letters and they're
18 already in our hands, then it doesn't really make a difference. But if they're not here,
19 then we won't be making a mistake because they're not here by not including them.

20 MR. PALMER: Okay.

21 CHAIRMAN VAN DINE: Alright. Let's wait for Mr. Reid to get here [inaudible].

22 [Static from Almeida/Gosline mic]

1 MR. JACKSON: I was just concerned about the [inaudible]. Like, for example, on
2 19, if all that other area is wetlands, I mean, how much really solid land to put the house
3 on.

4 MR. PALMER: Well, you're not allowed to build in the wetlands so they have to
5 have enough to put a house on.

6 MR. JACKSON: Yeah. I understand the house part. But just the wetland part, I
7 mean, how much yard space? I was just concerned about that.

8 CHAIRMAN VAN DINE: Mr. Gosline.

9 MR. GOSLINE: The Department received a full-sized plat that showed the
10 building envelopes on all the lots. Unfortunately we didn't get a reduced size so that's
11 why it wasn't in the package. But we do have one that shows the building envelopes on
12 all the lots and they all work.

13 CHAIRMAN VAN DINE: Alright. Let's move on to the next one until Mr. Reid
14 gets here and he can, perhaps, clear up some of this and we can get a vote on that
15 particular subdivision. Next we have is SD-05-336.

16 **CASE SD-05-336**

17 MR. GOSLINE: Mr. Chairman and Members, this is a petition by Melvina Hagler
18 for a private driveway subdivision off Hardscrabble Road. It's a four lot subdivision.
19 Staff recommends approval subject to the conditions on page 28 and 29.

20 CHAIRMAN VAN DINE: Any questions for Staff? Do I hear a motion?

21 MS. WYATT: I'll make a motion for approval.

22 CHAIRMAN VAN DINE: Do I have a second?

23 MR. MANNING: Second.

1 CHAIRMAN VAN DINE: Alright. Hearing no other discussion, all those in favor of
2 approval of this subdivision subject to the conditions on 28 and 29 please signify by
3 raising your hand.

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

6 **CASE 05-218 continued:**

7 CHAIRMAN VAN DINE: Alright. Perhaps we can go back to the Glen Eagles
8 since Mr. Reid is here. I thank you, sir, for coming. Harry, what has happened is we
9 have been looking at the particular Glen Eagles subdivision request, Eagles Glen. And
10 the question has come up concerning the floodplain, the 100 year flood, the building
11 envelopes, and the other things relative to the plat. And there were some questions that
12 were specific to the plat that I think everybody felt would be better answered by you. So
13 we welcome you and, hopefully, you can answer our questions.

14 MR. HARRY REID: I'll try to to the best of my ability.

15 CHAIRMAN VAN DINE: I think one of the questions that was raised was the
16 amount of space and whether or not you felt comfortable with the plat and the building
17 envelopes and the usable space in the particular lots on this subdivision.

18 MR. REID: I feel comfortable with the ones except for the ones that are bordering
19 the 100 year floodplain. My understanding – okay, my understanding the lots that are
20 on the floodplain the floodplain has not been studied to determine what is the actual 100
21 year floodplain elevation is. And being that it is five lots – I mean 50 lots or five acres,
22 whichever is lesser, according to the NFIP guideline, it requires the 100 year flood study
23 and it must be determined – I mean approved – by FEMA.

1 CHAIRMAN VAN DINE: Okay. And, to your knowledge, that has not occurred as
2 of this date?

3 MR. REID: To my knowledge, it has not occurred.

4 CHAIRMAN VAN DINE: Okay. So, for purposes, what we're looking at would be
5 lots, in essence – well, I guess you'd have to look, but at least 17, 18, 19, 20, 30
6 through 36, and then 45 through 57. Are those the lots that we're talking about?

7 MR. REID: And to include lot 16.

8 CHAIRMAN VAN DINE: Lot 16, as well?

9 MR. REID: Yes.

10 CHAIRMAN VAN DINE: Okay. As far as the flood plain and the floodway and all
11 the other things that are concerned, would you have a problem with approving the
12 subdivision pending receipt of all the required documentation from FEMA and/or the
13 Corps relating to these issues?

14 MR. REID: Yes. Once those are approved and issued to the applicant, then I
15 don't see any problems in approving this subdivision as far as floodplain management is
16 concerned.

17 CHAIRMAN VAN DINE: Okay. Any other questions for Mr. Reid? Alright, then to
18 sort of recap, it sounds to me like we ought to be including 16 through 30 in that list
19 that's attached as specific condition B to make sure that that particular area is included
20 within any flood elevation statement as well.

21 MS. WYATT: I'm sorry, 16 and 30?

22 MR. PALMER: 16 through 30.

23 MS. WYATT: Oh, okay. Okay. Thank you, Mr. Chair.

1 CHAIRMAN VAN DINE: No. I'm sorry. Sixteen through 20 and 30 through the
2 rest. Not to include 21 and the others interior. Alright. Does that meet with what – if we
3 were to amend that condition, would that meet with your approval as to what we were
4 trying to do?

5 MR. REID: Yes. I would say it would include those lots.

6 CHAIRMAN VAN DINE: Okay. And let's put in a motion so I will not do so.

7 MR. UNAN: [Inaudible].

8 CHAIRMAN VAN DINE: Yeah. Come on up.

9 **TESTIMONY OF JOSEPH UNAN:**

10 MR. UNAN: My name is Joseph Unan. Harry, the lots on the right hand side of
11 the development, the 100 year floodplain has already been established by FEMA. So
12 that's in the zone where the 100 year floodplain has already been established.
13 Everything to the bottom of the page is the unknown. And that's the area that needs to
14 be studied. And that's why we deleted those lots from the list because that is the line
15 and there's no question about where that line needs to be.

16 CHAIRMAN VAN DINE: Then as long as you have a letter that establishes that,
17 the inclusion of that in this list will not interfere in any way, shape, or form with what
18 you're trying to do. We're just trying to make sure that that is part of the Record when it
19 gets to the Planning Department. So if you've got those letters and you've got those
20 established approvals with something approved by FEMA, then you've already met the
21 requirement.

22 MR. UNAN: He has the FEMA maps that show -

1 CHAIRMAN VAN DINE: Having them in the list only means that they're there.
2 He can then verify that those have met those requirements and you can move forward.
3 So having them in the list is not a detriment to you. It just makes sure that the county is
4 protected and that the proper documentation is received by it.

5 MR. UNAN: Okay. I just wanted to –

6 CHAIRMAN VAN DINE: I understand what you're –

7 MR. UNAN: - to state that there is no study to be done on the right hand side of
8 the sheet. That's all.

9 CHAIRMAN VAN DINE: If it's been done and it's been supplied, then you will
10 have met the requirements for that particular portion of it.

11 MR. UNAN: Yeah. I understand.

12 MR. MANNING: Give me the lots again.

13 CHAIRMAN VAN DINE: Sixteen through 20, 30 through 36, 45 through 57. So
14 the only additions to B would be 16 through 20 and 30.

15 MR. MANNING: Okay. Mr. Chairman, I'd like to make a motion to approve this
16 subject to adding lots 16 through 20 and to include 30 through 36, 45 through 57 as a
17 part of the conditions on page 18.

18 CHAIRMAN VAN DINE: Do I hear a second?

19 MR. FURGESS: Second.

20 CHAIRMAN VAN DINE: All those in favor of the motion to approve subject to the
21 conditions on page 18 with the inclusion of lots 16 through 20 and 30 to the list set forth
22 in specific condition B, please signify by raising your hand. All those opposed.

1 [Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:
2 Lucius, Green]

3 CHAIRMAN VAN DINE: It has been approved. Next we have is SD-05-352.

4 **CASE SD-05-352:**

5 MR. GOSLINE: Mr. Chairman and Members, this is a request for, actually, a final
6 plat approval of a project that's been moving along for some time. In the Staff Report
7 we mentioned to you that, for whatever reason, it never went to the Planning
8 Commission in the first place many years ago. And so the Staff recommends approval
9 of the final plat subject to the conditions on page 35. The county has already – all the
10 infrastructure's in – is ready to take ownership.

11 CHAIRMAN VAN DINE: I just have one quick question. It seems like an awful lot
12 of lot splits considering the existing buildings and everything else. I mean it looks like –

13 MS. WYATT: Looks out of proportion.

14 CHAIRMAN VAN DINE: - the church seems to have a whole lot more than just
15 the one little corner. Either that or it's the next building down. It must cover at least two
16 or three lots. Am I incorrect in that?

17 MR. GOSLINE: The Lutheran Church Office is the building along the interstate.
18 Then there's two or three, let's see four, I guess, various commercial buildings that have
19 taken place over the years.

20 CHAIRMAN VAN DINE: But you have one, two, three, four, five, six, seven,
21 seven lots along the left hand side. And it looks like the church and the second building
22 down sure do take up an awful lot of space to be able to wedge onto one of these little
23 pieces.

1 MR. GOSLINE: No. No. The –

2 CHAIRMAN VAN DINE: My question is why are we doing a lot split, which would
3 basically run through the middle of one of those buildings.

4 MR. GOSLINE: You're not, Mr. Chairman. You're approving the plat. And the
5 big building that you look – if you look on page 37 at the aerial, the big white building
6 sits on two lots. They bought two what they thought were platted lots.

7 CHAIRMAN VAN DINE: And my question is, if we're now doing a final plat, why
8 are we doing it as two lots for that one building as opposed to eliminating that one lot
9 line and saying it's one lot?

10 MS. WYATT: Are they paying taxes on two lots?

11 MR. GOSLINE: I don't really know the answer to that. I assume that what
12 happened was they got it through a deed and bought what they was lots 4 and 5, or
13 whatever it is, in the subdivision,

14 CHAIRMAN VAN DINE: I'm not trying to hold the thing up. I'm just trying to
15 understand –

16 MR. GOSLINE: I understand.

17 CHAIRMAN VAN DINE: - why we have one building that covers two lots and
18 when we do a final plat we actually plat it as two lots. Why wouldn't we plat it as one
19 lot?

20 MR. GOSLINE: Well, the applicant can certainly just do that if it bothers them. I
21 understand your question.

22 CHAIRMAN VAN DINE: I'm going to look at it from the other perspective. That
23 it's –

1 MR. GOSLINE: I understand. I don't have a good answer for you.

2 CHAIRMAN VAN DINE: I'm going to do it from the other perspective and that is,
3 instead of the applicant doing it, why don't we insist that he do it at this point in time
4 before a final plat is approved, because it's going to make a difference and make it
5 easier for people to do it?

6 MR. GOSLINE: I suggest we ask Mr. Runge that question.

7 MR. TOM RUNGE: [Inaudible]

8 CHAIRMAN VAN DINE: Certainly.

9 **TESTIMONY OF TOM RUNGE:**

10 MR. RUNGE: I won't go into much background. I'm Tom Runge, on behalf of
11 Lutheran Homes. Many years ago, back in 1990, a gentleman by the name of Roger
12 Crouch had set this up for a business park. My client bought it in 1997. The property
13 was already subject to restrictions for a business park but never had it subdivided. Now
14 we are to the present day. Over time, between '97 and today, there were certain sales.
15 For reasons beyond me and Carl, or Mr. Gosline, we were able to get just individual
16 surveys done, approved, and sold. And, while I don't think I was necessarily involved,
17 specifically, with the larger, white building, I'm assuming that it was sold in two lots
18 because most of the sales were based on the preliminary plan that was never provided
19 to the Planning Commission for review. Frankly, I don't think it makes any difference to
20 Lutheran that we remove that lot line between the two lots. I can't think of any reason
21 other than some day somebody may tear down that building and want it to be two lots.
22 But if they do that they can always go back and ask that the line be inserted again.
23 What I would not want to do is hold up –

1 CHAIRMAN VAN DINE: I think my question was not so much directed as this
2 particular one because I understand what's going on and the urgency of what's going
3 on. My question is, for future reference, it would seem to me that when we are faced
4 with certain situations where we know that there is one building covering two lots, I
5 would think, from the Planning Department's perspective, we ought to suggest that
6 before it shows up here that that particular line be removed so it becomes one lot. And I
7 don't have a problem with what's going on here. This is more of a generic, down the
8 road, point than it is related to your particular parcel.

9 MR. GOSLINE: Well, hopefully, this won't happen again.

10 MR. PALMER: How does the assessor value that?

11 MR. GOSLINE: Excuse me?

12 MR. PALMER: How would the assessor value that?

13 MR. RUNGE: Well that was going to be my next offer was to confirm, if the
14 assessor has this as one TMS, he has, in essence, removed the line. And we'd be
15 happy to remove that line, I think, on the plat and just go with it as you suggested. If
16 he's got it at two TMS numbers, then I think we have no other choice but to keep it as
17 the two lots as shown on the subdivision plat. But either way, if you can grant the
18 authority for us to go one way or the other depending on the assessor, then we would
19 be happy to do that.

20 MS. WYATT: Mr. Chair, I'm going to make a motion that we go ahead and
21 approve this subject to the conditions.

22 CHAIRMAN VAN DINE: There are no conditions.

23 MS. WYATT: Oh, okay. I'm sorry. No conditions.

1 CHAIRMAN VAN DINE: Do I hear a second to the motion for approval?

2 MR. MCBRIDE: Second.

3 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand.

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

6 CHAIRMAN VAN DINE: If, in the future, we run up with something like this where
7 the aerial seems to indicate that there is a building that covers two lots, to the extent we
8 can do that before plats are recorded, it would make more sense to do it as one lot.
9 And, so, if we could try and –

10 MR. GOSLINE: Well, certainly it does. But, like I said, this, you know, should
11 never happen again.

12 CHAIRMAN VAN DINE: I agree. But, to the extent there is a possibility that it
13 might happen, I think we ought to try and look at that.

14 MR. GOSLINE: Yes, sir.

15 CHAIRMAN VAN DINE: Next we have is the SD-05-170, Longtown Square,
16 commercial.

17 **CASE SD-05-170:**

18 MR. GOSLINE: Mr. Chairman and Members, this is a petition for a commercial
19 subdivision on the west side of Longtown Road south of Longgreen Parkway and Lee
20 Road. We have provided you with this to show you that the issue here is access
21 management. And, if you recall, we went through this a year or two ago with the project
22 across the street called Longtown Business Park, or some such. It's changed names a
23 couple of times. And the issue here is the Department is continuing to be concerned

1 about increased numbers of curb cuts on, particularly, the narrow roads. And, so, we, in
2 that regard, we recommended taking out the first two proposed entrances going south
3 on Longtown Road and that would, in essence, loop what's called Accolades Drive. It
4 would come out to Longtown Road. The access points have lined up – proposed
5 access points have lined up with the existing access points across the road. That's the
6 gist of the argument. Mr. Dixon's here if you'd like to ask some questions.

7 CHAIRMAN VAN DINE: Does anybody have any questions for Staff first? Mr.
8 Dixon, did you have anything you wanted to say in particular?

9 MR. DIXON: Not other than we would like all three access points [inaudible].

10 CHAIRMAN VAN DINE: Okay. I will tell you that I drive that road a lot. At least
11 the second access point in the middle sits at the bottom of a hill, or halfway down the
12 hill. I couldn't exactly figure it out when I was going up and down the road in that area.

13 MR. GOSLINE: That's about right.

14 CHAIRMAN VAN DINE: It is a very narrow road.

15 MR. GOSLINE: You're talking about the third access down from Longgreen
16 Parkway?

17 CHAIRMAN VAN DINE: I'm actually talking about the middle of the tree that are
18 shown. It's halfway down the hill.

19 MR. GOSLINE: Well, the third one certainly is, Mr. Chairman.

20 CHAIRMAN VAN DINE: And the other is towards the bottom –

21 MR. GOSLINE: Right.

22 CHAIRMAN VAN DINE: - of the hill. Just having that many access points out
23 onto that road is going to make it a nightmare. It's already a problem trying to get in and

1 out of that road because of people who cut through Lee Road to come down Longtown
2 to avoid Hardscrabble and Clemson interchange. And when they open up Clemson to
3 go out onto Killian, there's going to be even more people who go in there. It might get
4 alleviated somewhat when the – what is it?

5 MR. GOSLINE: Longgreen Parkway.

6 CHAIRMAN VAN DINE: Longgreen Parkway is opened all the way through. But
7 that's not in the imminent future as far as I can see from what's going on out there. So I
8 would agree with the Department's position that the first two of those curb cuts should
9 be eliminated and require all access into those commercial parcels from the interior
10 road of Accolades simply to be able to avoid having problems on Longtown Road. The
11 more curb cuts we have the more problems we're going to have on that particular road
12 itself.

13 MR. GOSLINE: Mr. Chairman, just so the Department's recommendation is clear,
14 we would suggest that Accolades be tied into – the end of Accolades would tie in to
15 Longtown Road. So it's a –

16 CHAIRMAN VAN DINE: I see that. I'm wondering whether or not Accolades is
17 intended to go all the way through down to the next road.

18 MR. GOSLINE: You'd have to ask –

19 MR. DIXON: That is the intention.

20 CHAIRMAN VAN DINE: And so we would have a direct access through that road
21 from one end to the other. And I don't mind a drive at that lower area as opposed to the
22 entrance. Because Accolades, I mean, it's going to tie in down at the bottom. It's just I
23 don't think you've set out what to do with that particular parcel you have at the corner

1 down there, so. But that just makes logical sense to take Accolades all the way down to
2 the bottom down at that other intersection of the cut road.

3 MR. GOSLINE: Yeah. Again, for the Commission's clarification, the piece
4 adjacent to Longtown Place Drive, which is the street entering down near the bottom of
5 the hill there, is not part of the application.

6 CHAIRMAN VAN DINE: Correct. But other than that modification to eliminate
7 those two curb cuts to avoid the problems on Longtown Road, I'm in favor of the
8 subdivision request.

9 MR. JACKSON: The current level of service is C?

10 MR. GOSLINE: Excuse me?

11 MR. JACKSON: The current LOS.

12 MR. GOSLINE: Oh, no. Well, yeah it probably still is C.

13 MR. JACKSON: Level C. You have any idea of the plans on widening
14 Longtown?

15 CHAIRMAN VAN DINE: There are none.

16 MS. WYATT: There are none.

17 MR. JACKSON: There are none?

18 CHAIRMAN VAN DINE: None.

19 MR. GOSLINE: Unless there's some hidden money in the Transportation Bill that
20 just got passed, none.

21 MR. JACKSON: It was signed Friday, right?

22 MR. GOSLINE: Excuse me?

23 MR. JACKSON: It was signed Friday.

1 MR. GOSLINE: Right. And there's money for a couple of bridges and Spears
2 Creek Church, I think. I forget what the – but there's airport connector and stuff like
3 that. But near as I can tell there's no money available at least for years, the rest of the
4 decade, anyway.

5 MS. WYATT: Might find it interesting to know it did not include anything for
6 Hardscrabble.

7 MR. GOSLINE: I noticed that!

8 CHAIRMAN VAN DINE: Was this particular commercial area part of the original
9 PUD?

10 MR. GOSLINE: Yes, sir.

11 CHAIRMAN VAN DINE: Okay. I couldn't find my original documents on it.

12 MR. JACKSON: I can support interior road and removing these access.

13 MS. WYATT: I will have to say that I'm going to have to agree with you, Mr.
14 Chair, and with Staff, that we've got to eliminate any curb cuts in there we can. And,
15 you know, I voiced my concern for a long time about Longtown Road. And now that,
16 you know, we're kind of knowing that Hobarts not going to finished to, at least, put an
17 access out there for some of that traffic, this road is going to become even worse than it
18 was ever project to be. And I just don't see curb cuts [inaudible] -

19 MR. GOSLINE: Yes, ma'am. I think –

20 MS. WYATT: - [Inaudible] absolutely must have.

21 MR. GOSLINE: Right. I think it's going to be real interesting to see what
22 happens when Longgreen Parkway opens up, which it's my understanding it's going to
23 open about the time that Clemson is opened, or shortly thereafter. So it'll be interesting

1 to see what that changes in terms of traffic counts and patterns and stuff. It should
2 bleed some of it off. But there's still going to be an awful lot of upstream traffic coming
3 down Longtown Road.

4 CHAIRMAN VAN DINE: I thought the Clemson Extension was going to be
5 opening this fall.

6 MS. WYATT: It's actually behind now. It's behind. It's not going to open this fall.

7 MR. GOSLINE: Well all the rain. Yeah.

8 CHAIRMAN VAN DINE: You haven't done enough to connect beginning at the
9 same time that's open, have you?

10 MR. DIXON: Yeah.

11 CHAIRMAN VAN DINE: It's not –

12 MR. DIXON: We've cleared and graded all the way to Clemson Road.

13 CHAIRMAN VAN DINE: Okay.

14 MR. DIXON: [Inaudible]

15 CHAIRMAN VAN DINE: I guess I just [inaudible] –

16 MR. GOSLINE: It's going to be close, anyway.

17 CHAIRMAN VAN DINE: - on the dirt roads enough.

18 MR. GOSLINE: It's going to be pretty close, anyway, so.

19 CHAIRMAN VAN DINE: I don't have a four-wheel Volvo. Well, I'm going to take
20 an unusual stance. As a Chair's prerogative, I make a motion we approve this subject
21 to the removal of the first and second curb cuts along Longtown Road to allow for the
22 lower curb cut at the end of what is this subdivision request.

23 MS. WYATT: I'll second that, Mr. Chair.

1 CHAIRMAN VAN DINE: Do I hear any discussion or other comments? All those
2 in favor of the motion please signify – wait a minute. Do we have any conditions here?
3 And also subject to the conditions on page 48. All those in favor please signify by
4 raising your hand. Any opposed?

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

7 CHAIRMAN VAN DINE: Alright. Just anecdotally I will let you know that I've
8 been talking with a number of people out in this area and they intend to start using the
9 exit out of the top of this area out through Rimer Pond Road and that area as their main
10 exit from Longcreek and all the rest of it. And they're going to go over the top because
11 of the problems that they're already associated with getting out of this area.

12 MR. GOSLINE: Go through Longcreek Plantation?

13 CHAIRMAN VAN DINE: Anybody who is in the Longcreek Plantation or any of
14 those – what is it – the Harvest, or whatever – those [inaudible].

15 MR. GOSLINE: That actually makes - yeah.

16 CHAIRMAN VAN DINE: They're going to come around the top and go out
17 through Blythewood or some other way in order to get out of here. So people, even with
18 this not being built out, have already started taking alternative routes because of the
19 traffic problems that exist in this area.

20 MS. WYATT: And the school isn't even open, yet.

21 CHAIRMAN VAN DINE: No. But they're making progress. Next we SD-05-347.

1 **CASE SD-05-347:**

2 MR. GOSLINE: Yes, Mr. Chairman. This is a minor subdivision for Lillie Bates on
3 Gay Road, South Cedar Creek Road. Staff recommends approval subject to the
4 conditions on page 58.

5 CHAIRMAN VAN DINE: Just so I understand it. This Gay Road, is it a private
6 dirt road? What is it that goes around this property?

7 MR. GOSLINE: No. It's a county-maintained, dirt road.

8 MS. WYATT: Mr. Chairman, I'll make a motion we approve.

9 MR. JACKSON: I second it.

10 CHAIRMAN VAN DINE: Subject to the conditions?

11 MS. WYATT: Oh, on page 58. Is that the correct page number? 58.

12 CHAIRMAN VAN DINE: Yep. We have a motion for approval and a second. Is
13 there any discussion? All those in favor please signify by raising your hand.

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

16 CHAIRMAN VAN DINE: Alright. Next we have is SD-05-350.

17 **CASE SD-05-350:**

18 MR. GOSLINE: Mr. Chairman and Members, this is a minor subdivision. It's one
19 of the more unusual shaped ones we've ever seen. It's off of Old Eastover Road. It's
20 like almost 1,200' off the road and the road is already there. Staff recommends
21 approval subject to the conditions on page 68.

22 CHAIRMAN VAN DINE: Do I hear any questions or comments?

1 MR. FURGESS: Carl, this long strip here, is this the only way into that
2 subdivision?

3 MR. GOSLINE: Yes, sir. It's an existing, county maintained road.

4 MR. JACKSON: Oh, is it county maintained? Okay.

5 CHAIRMAN VAN DINE: Are there any dwellings on the property now?

6 MR. GOSLINE: Yeah. There's one, Mr. Chairman. If you look at page 71, the
7 parcel map's a little off, but, actually, there's two of them out there, already.

8 CHAIRMAN VAN DINE: Because I was wondering whether or not that building
9 we saw was actually part of it or that was off.

10 MR. GOSLINE: Yes, it is. The parcel, again, the parcel. But there's two of them
11 that are already there. If you look at the plat, you'll see where it says the names of the
12 people.

13 CHAIRMAN VAN DINE: Uh-hum (affirmative).

14 MR. GOSLINE: Byrd and Duncan – Dunka. They're already there.

15 CHAIRMAN VAN DINE: Alright.

16 MR. MANNING: Carl, this is rural, correct?

17 MR. GOSLINE: Excuse me?

18 MR. MANNING: The property's zoned rural?

19 MR. GOSLINE: Yes.

20 MR. MANNING: And the minimum lot size or width is 120' under rural?

21 MR. GOSLINE: Yes.

22 MR. MANNING: Does Lot 1 meet that requirement?

1 MR. GOSLINE: It does at the – well – is it 100? No. It's 100' wide, but there's a
2 provision in there for smaller widths. You can do, sometimes, at 50' depending on the
3 configuration of stuff and so on.

4 MR. MANNING: Well, it's just – in the rural classification it said minimum lot width
5 120' and this appeared to be 100. I wasn't worried about the shape of the lot, but –

6 MR. GOSLINE: Right.

7 MR. MANNING: - I was worried about did it meet the specifications in the code.

8 CHAIRMAN VAN DINE: Actually, Lot 1 has a maximum width of 100' and a
9 minimum width. A minimum width is at the back at 29.5'.

10 MR. GOSLINE: Right. Well I'm sure that what we – just to be totally correct,
11 that's good point. What we should do is they can adjust the lot lines to make sure it's
12 120' wide because they've got enough room to do that, so.

13 CHAIRMAN VAN DINE: Well, will we need to amend, then, the specific
14 conditions to include a requirement that it meet –

15 MR. GOSLINE: Yes.

16 CHAIRMAN VAN DINE: - the required lot widths?

17 MR. GOSLINE: Yes.

18 CHAIRMAN VAN DINE: Did we have a motion?

19 MR. MANNING: Mr. Chairman, I make a motion that we send this forward with a
20 recommendation of approval subject to making sure that all the lots meet the minimum
21 lot width of 120'.

22 CHAIRMAN VAN DINE: And the conditions -

23 MR. MANNING: And the conditions on page 68.

1 CHAIRMAN VAN DINE: Do I hear a second?

2 MR. FURGESS: Second.

3 CHAIRMAN VAN DINE: All those in favor of approval of the subdivision subject
4 to the conditions on 68 and the additional condition that the lot be - made sure that it did
5 comply with the right lot widths please signify by raising your hand.

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

8 CHAIRMAN VAN DINE: Alright. SD-05-341.

9 **CASE SD-05-341:**

10 MR. GOSLINE: Mr. Chairman and Members, this is a proposed preliminary plans
11 for Traditions Phase 2. This is a part of the 1,000 acre project off of Longtown Road.
12 Staff recommends approval subject to the conditions on page 6- 80. I'm sorry.

13 CHAIRMAN VAN DINE: Mr. Dixon, this backs up to the school property. Is that
14 correct?

15 MR. DIXON: That is correct. [Inaudible – away from mic]

16 CHAIRMAN VAN DINE: Have you provided access onto the school property
17 through –

18 MR. GOSLINE: He needs –

19 MR. DIXON: We've got a sidewalk.

20 CHAIRMAN VAN DINE: Is that across the sewer easement or is it a different
21 place?

22 MR. DIXON: No. It's actually next to Longgreen Parkway.

1 MR. GOSLINE: Mr. Chairman, he needs to come up to the microphone so it's for
2 the Record.

3 CHAIRMAN VAN DINE: Oh, I'm sorry. Am I missing a part of this? Alright.

4 MR. GOSLINE: I'm sorry. What's the question?

5 CHAIRMAN VAN DINE: I'm trying to figure out if I'm missing part of it. Is there
6 only supposed to be one plat or are there supposed to be two in here?

7 MR. GOSLINE: Phase 2 is just one plat.

8 CHAIRMAN VAN DINE: Okay. I was wondering where the access to the school
9 property through, or near, the areas of lots 50, 51 and 52. Is anything in that area? It
10 looks like there's a sewer easement across.

11 **TESTIMONY OF MR. DIXON:**

12 MR. DIXON: No. It's along Longgreen Parkway. There's a common area
13 separating the road right-of-way from the lots.

14 CHAIRMAN VAN DINE: Okay.

15 MR. DIXON: So the sidewalk – it's already installed, actually.

16 CHAIRMAN VAN DINE: What am I looking at, then, say between lots 52 and 53?

17 MR. DIXON: Probably a sewer line easement.

18 CHAIRMAN VAN DINE: The sewer line easement is above that.

19 MS. WYATT: What number is it on?

20 MR. GOSLINE: It could be -

21 MR. DIXON: There's a water and a sewer.

22 CHAIRMAN VAN DINE: So the sewer is the upper one and the bottom one is a
23 water easement, water line easement?

1 MS. ALMEIDA: It's a water easement.

2 MR. GOSLINE: Yes, it's a water easement.

3 MR. DIXON: That's correct.

4 CHAIRMAN VAN DINE: Okay.

5 MR. GOSLINE: There is no – to answer your original question, there is no
6 internal, pedestrian access to the school but there is access along – Mr. Dixon said –
7 along Longgreen Parkway the sidewalk's already in.

8 CHAIRMAN VAN DINE: I guess I sort of go back to some of the discussions we
9 had a couple of years ago about, I mean, the school is going to be there. And I would
10 assume that a lot of people in this area are going to be looking to use that school for
11 children. As opposed to bringing them out onto the main road, especially for this
12 development, it would seem to make more sense to have access from this subdivision
13 into school property to allow the access into that property. And I would like to see this
14 become – I don't, certainly, want a car access. This would be more pedestrian access
15 of people coming out so that we wouldn't have pedestrians walking on the main road.
16 And I would think that we would want to use, if nothing else, use one of the easements
17 as an access point into the school property itself.

18 MR. DIXON: I think if you look at the grading on the backside of the school site,
19 backing up to our neighborhood there's a big slope and a detention pond. I don't think
20 it's an appropriate location for a path.

21 CHAIRMAN VAN DINE: Okay.

22 MR. MANNING: Does the school –

1 MR. DIXON: Which is part of the reason that we put ours along Longgreen
2 Parkway. And it serves not just Traditions but all the neighborhoods off of Longgreen.

3 CHAIRMAN VAN DINE: Yeah. I understand that. And the access along
4 Longgreen, I mean, the sidewalks and all the rest are fine. I was just trying to figure out
5 if there was a way to even, perhaps, keep these people off of those sidewalks and give
6 access. But I don't have enough information concerning the topography of the layout of
7 the school.

8 MR. DIXON: I'd be happy to get with the people at the district and see if there is
9 a logical location that we could do that.

10 CHAIRMAN VAN DINE: So as not to make it a condition, but if we can make it as
11 a condition that they, at least, attempt to provide some access from the school property
12 into this area to the extent it's feasible, I'd like to see that happen. Any other questions,
13 comments? Do I hear a motion?

14 MR. MCBRIDE: I recommend approval based on conditions on page 80.

15 CHAIRMAN VAN DINE: With the additional request that they see if they can
16 provide access for pedestrians through the development into the school property?

17 MR. MCBRIDE: Yes.

18 MR. JACKSON: Second.

19 MS. WYATT: I'll second that.

20 CHAIRMAN VAN DINE: Mr. Jackson had the first second.

21 MS. WYATT: Oh! I'm sorry. I'm sorry.

22 CHAIRMAN VAN DINE: Any other questions or comments? All those in favor
23 please signify by raising your hand. Nobody opposed.

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

3 CHAIRMAN VAN DINE: Next we have is Brookhaven Phase 5, SD-05-330.

4 **CASE SD-05-330:**

5 MR. GOSLINE: Mr. Chairman and Members, this is a continuation of the
6 Brookhaven portion of the Villages at Longtown, I guess you'd call it, development.
7 Staff recommends approval. If you look at the aerial on page 95, that site should look
8 very familiar to the Commission. This is Mr. Walker's ill-fated attempt to rezone.

9 MS. WYATT: I'm sorry. Say that again.

10 MR. GOSLINE: Mr. Tom Walker.

11 MS. WYATT: Oh! Oh!

12 CHAIRMAN VAN DINE: Where are we?

13 MR. GOSLINE: At page 95.

14 CHAIRMAN VAN DINE: Okay.

15 MR. GOSLINE: Phase 5 is right there in the middle, the parcel adjacent to the
16 railroad.

17 CHAIRMAN VAN DINE: Oh! Okay. Yes.

18 MR. GOSLINE: Not the railroad. I'm sorry.

19 CHAIRMAN VAN DINE: Those are the tennis courts and the other areas.

20 MR. GOSLINE: Tennis courts and the swimming pool.

21 CHAIRMAN VAN DINE: Okay.

22 MR. GOSLINE: Staff recommends approval subject to –

23 CHAIRMAN VAN DINE: Any questions or comments?

1 MR. GOSLINE: Subject to the conditions on 91 and 93.

2 CHAIRMAN VAN DINE: 92 being blank.

3 MR. GOSLINE: Correct.

4 CHAIRMAN VAN DINE: Do I hear a motion?

5 MR. FURGESS: I have a question for Carl. Carl?

6 MR. GOSLINE: Yes, sir.

7 MR. FURGESS: I notice with these subdivision, are we looking at more than one
8 way of getting into subdivisions? Because what I saw this past weekend, some of those
9 subdivisions that we have passed in the past, [inaudible] in the past and said they were
10 okay, when that flash flood came through those people couldn't get in. Didn't have a
11 way of getting in, either getting out. And, you know, I'm looking at a safety hazard.

12 MR. GOSLINE: Uh-hum (affirmative),

13 MR. FURGESS: You know some things we can't control. But we need to look at,
14 with new subdivisions in the future, that you have more than one way of getting in and
15 getting out.

16 MR. GOSLINE: Well, this particular area is very high and dry, high, a lot of sand.
17 And you can access it from either the south or the north off of the, currently, dirt Hobart
18 Road. So there's plenty of ways in and out.

19 CHAIRMAN VAN DINE: Has the permit for the bridge or over the wetlands been
20 received yet?

21 MR. GOSLINE: Excuse me?

22 CHAIRMAN VAN DINE: It hasn't? So the connection now between these –

23 MR. GOSLINE: Right.

1 CHAIRMAN VAN DINE: - and onto Longgreen is being made.

2 MR. DIXON: We've got the permit and the road's been constructed.

3 CHAIRMAN VAN DINE: Alright. We have a motion for – we do have a motion on
4 the floor. Is that correct?

5 MR. MANNING: No, I don't think so.

6 CHAIRMAN VAN DINE: No. We do not have a motion on the floor at this point.

7 MR. MANNING: Mr. Chairman, I'd like to send this forward with a
8 recommendation of approval subject to conditions on 91 and 92.

9 MR. GOSLINE: Ninety-one and 93. Page 92 is blank.

10 MR. MANNING: And 93.

11 CHAIRMAN VAN DINE: And for the purposes of the motion it would be for
12 approval not to send it forward.

13 MR. MANNING: No. I do want to send it forward with approval with those
14 conditions.

15 MS. WYATT: It doesn't go anywhere but here.

16 CHAIRMAN VAN DINE: We do not go any place on subdivisions. We approve
17 them.

18 MR. MANNING: Oh! Okay. Alright. Well. That's good enough.

19 MR. MCBRIDE: Second.

20 CHAIRMAN VAN DINE: We have a motion for approval and a second. All those
21 in favor please signify by raising your hand.

22 *[Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
23 *Lucius, Green]*

1 CHAIRMAN VAN DINE: Alright. Next we have is Willow Lakes Phase 5, SD-05-
2 261.

3 **CASE SD-05-261:**

4 MR. GOSLINE: Mr. Chairman and Members, this is a continuation of the Willow
5 Lakes subdivision, main access to which is off Farrow Road. Staff recommends
6 approval subject to conditions on 102 and 103. The aerial, the two aerials on 104 and
7 105 show you how these things are all - we're getting better at showing how they're
8 relating to each other here. So we're working on that.

9 CHAIRMAN VAN DINE: Is this where Glen Eagles is just above this? Eagles
10 Glen or whatever.

11 MS. WYATT: Eagles Glen.

12 CHAIRMAN VAN DINE: Eagles Glen. I'm gonna get it right yet.

13 MS. WYATT: It's a beautiful subdivision.

14 MR. GOSLINE: Yes. Eagles Glen sits between Willow Lakes and portions of
15 Longcreek Plantation, particularly Westlake Farms.

16 CHAIRMAN VAN DINE: So is it north of that building that's - I'm just trying to
17 figure out on page 104 where that would be located.

18 MR. GOSLINE: Where which, Eagles Glen?

19 CHAIRMAN VAN DINE: Yeah.

20 MR. GOSLINE: It would be - if you'll - probably see it a little bit better on page
21 105. It would be sitting, let's see, how would - if you look up in the corner of page 105,
22 the left corner?

23 CHAIRMAN VAN DINE: Yep.

1 MR. GOSLINE: You'll see Talon Way? That's –

2 MR. FURGESS: Eagle Bridge.

3 CHAIRMAN VAN DINE: Okay.

4 MR. GOSLINE: - the west side of Eagles Glen, Phase 4. And Eagles Glen,
5 Phase 4, sits along what is shown on this map as Golden Eagle and in that area. Those
6 are dirt roads right now.

7 CHAIRMAN VAN DINE: So it's sort of where Grey Hawk is –

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

9 CHAIRMAN VAN DINE: Okay.

10 MR. GOSLINE: And on page 105 you'll see Heritage Forest. That's a little bit
11 further down the agenda.

12 MS. WYATT: Carl, this is nicely done. I do appreciate this, having the different –
13 laid out like that. Looks good.

14 MR. GOSLINE: Will Simon is principally responsible for this, so.

15 MS. WYATT: I'm sorry?

16 MR. GOSLINE: Will is principally responsible for the art work here. Certainly not
17 me!

18 CHAIRMAN VAN DINE: Do I hear a motion?

19 MS. WYATT: I make a motion for approval with the conditions on page 102 and
20 103.

21 MR. MCBRIDE: Second.

22 CHAIRMAN VAN DINE: Where is the exit point for this?

23 MR. GOSLINE: Willow Lakes?

1 CHAIRMAN VAN DINE: Yeah.

2 MR. GOSLINE: It's on Farrow Road.

3 CHAIRMAN VAN DINE: So it goes out to Farrow. It doesn't go into Longtown or
4 the West Lake?

5 MR. GOSLINE: No.

6 CHAIRMAN VAN DINE: Okay. We have a motion for approval subject to the
7 conditions on page 102 and 103. All those in favor please signify by raising your hand.

8 *[Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
9 *Lucius, Green]*

10 CHAIRMAN VAN DINE: Next, SD-05-36.

11 **CASE SD-05-36:**

12 MR. GOSLINE: Mr. Chairman and Members, this is a request for preliminary
13 plans approval of Hawthorne Ridge, Phase 1. This is a portion of the Rice Creek Farms
14 PUD off of Hardscrabble and Lee Road. Staff recommends approval subject to the
15 conditions on page 117.

16 CHAIRMAN VAN DINE: The access to this is off Lee Road, not off Hardscrabble,
17 is it?

18 MR. GOSLINE: That's correct.

19 CHAIRMAN VAN DINE: Okay.

20 MR. GOSLINE: Well. Actually it has two. The Rice Creek Drive is the main road
21 that, actually, accesses both Lee Road and Hardscrabble. But, certainly, most people
22 are going to go out on to Lee Road and up to Longtown.

23 CHAIRMAN VAN DINE: Where does it come out on Hardscrabble?

1 MR. GOSLINE: Well, where the apartments are in there now and the office park.
2 If you look at the aerial on page 120, that road winds around in through there and
3 connects to the road that shows up a little bit better right about where it says Lee Road
4 on the map on page 120, on the aerial.

5 CHAIRMAN VAN DINE: Yep. And then it comes out, basically, near the
6 commercial area.

7 MR. GOSLINE: But they can get out both ways, actually.

8 CHAIRMAN VAN DINE: Any questions for Staff? Do I hear a motion?

9 MR. MANNING: Mr. Chairman, I'd like to make a motion to send this forward for
10 approval subject to Staff recommendations on 116 and 117.

11 CHAIRMAN VAN DINE: Any questions? All those in favor of approval subject to
12 the -

13 MS. ALMEIDA: Need a second.

14 CHAIRMAN VAN DINE: Thought I had a second.

15 MR. MCBRIDE: I'll second it.

16 CHAIRMAN VAN DINE: I had a second. All those in favor of approval subject to
17 the conditions on page 116 and 117 please signify by raising your hand.

18 *[Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
19 *Lucius, Green]*

20 CHAIRMAN VAN DINE: Alright. SD-05-356.

21 **CASE SD-05-356:**

22 MR. GOSLINE: Mr. Chairman and Members, this is a minor subdivision on
23 Nazery Circle, which is just a quarter mile or so south of the Hopkins Middle School off

1 of Martin Luther King Boulevard. Staff recommends approval subject to the conditions
2 on page 128. Nazery Circle is an existing road, existing county maintained road.

3 CHAIRMAN VAN DINE: Do we have proper spacing for driveway separations on
4 these roads?

5 MR. GOSLINE: Well, these roads, these are dirt roads so that they would, you
6 know, you can't go more than about 20 or 25, at best. And the driveway separation
7 requirements at 35 are 150' apart. So, we haven't, generally, on these roads like that
8 we don't apply the driveway separation. There is no table for anything below 35 MPH,
9 so.

10 MR. JACKSON: It wasn't designed for driveways.

11 MR. GOSLINE: Excuse me?

12 MR. JACKSON: It was not designed for dirt roads, the driveway separation –

13 MR. GOSLINE: Right.

14 MR. JACKSON: - of safety [inaudible].

15 CHAIRMAN VAN DINE: Well, unless I'm seeing something wrong, the road that
16 I'm seeing on that photograph on the bottom of 132 doesn't look like dirt.

17 AUDIENCE MEMBER: It's paved. I can assure you it's paved.

18 MR. GOSLINE: Oh, I'm sorry.

19 AUDIENCE MEMBER: It's a paved, county maintained road.

20 CHAIRMAN VAN DINE: Thank you.

21 MR. GOSLINE: Sorry about that.

22 AUDIENCE MEMBER: [Inaudible].

23 CHAIRMAN VAN DINE: So my question –

1 MR. GOSLINE: They do look paved, don't they? [Laughter]

2 AUDIENCE MEMBER: It's paved.

3 CHAIRMAN VAN DINE: So my question becomes do we need to make a
4 requirement that they have the proper driveway separations in these areas because
5 otherwise, I mean, it's a county maintained road. You're going to have to make sure
6 that you have the right - so I would think that you have to make sure that all of these
7 have the proper separations.

8 MR. GOSLINE: Yes, sir. I guess what we can do is have a shared driveway
9 between lots 1 and 2 to solve the problem.

10 CHAIRMAN VAN DINE: Well, I'm also looking over at 5 and 6.

11 MR. PALMER: Those are existing.

12 MR. GOSLINE: Well, 5 and 6 are existing driveways.

13 AUDIENCE MEMBER: They're already there.

14 CHAIRMAN VAN DINE: I guess that raises sort of a question with me. And that
15 is if you're subdividing a piece of property to bring yourself outside of the requirements, I
16 mean, they may exist, but now you're asking for a subdivision of two separate lots. You
17 are now creating something that is a problem under the present code by subdividing.
18 So shouldn't we be requiring people, if there's a subdividing, to make sure that they're
19 meeting the code that's in existence when the subdivision takes place?

20 MR. GOSLINE: Yes. And we dealt with that. Last month we had, out on Edward
21 Wilson subdivision, we had some existing driveways that were already in and when the
22 new lots were carved in we make them meet the separation requirements. These lots

1 on page – or lots 5 and 6 are already there and they access a different part of Nazery
2 Circle.

3 CHAIRMAN VAN DINE: Are lots 5 and 6 actually two separate lots as we sit here
4 today?

5 AUDIENCE MEMBER: No. They're two houses on one, existing 12 acre parcel.

6 CHAIRMAN VAN DINE: Okay.

7 AUDIENCE MEMBER: I'll come up and talk to you about it. I know [inaudible].

8 CHAIRMAN VAN DINE: Alright. Since they are, in fact, one lot with two houses,
9 by going forward and making the division we are establishing two lots. If we're
10 establishing two lots, shouldn't the new lots comply with all of the requirements that are
11 in existence today when we make the approval? And, assuming for a minute that that is
12 true, don't we, then, have to take into consideration these driveways, existing or not,
13 and making sure that they comply with whatever requirements we have?

14 MR. GOSLINE: Well, that would require you, or require us, or the county, or
15 somebody to move somebody's driveway, somebody's existing driveway?

16 CHAIRMAN VAN DINE: No. It doesn't require us to do it.

17 MR. GOSLINE: No.

18 CHAIRMAN VAN DINE: It requires us to require somebody to do it.

19 MR. GOSLINE: Somebody to do it. Right.

20 CHAIRMAN VAN DINE: And I guess my point is, if we're doing these things,
21 we're creating anomalies and differences in whatever we do. And we're creating
22 problems and the need to grandfather in variances or whatever.

1 MR. GOSLINE: Well, I'm not sure that's - I think I disagree with that, Mr.
2 Chairman, because you have - these are existing, permitted driveways. And the fact
3 that they're already there and too close to each other, regardless of - assuming they're
4 too close to each even whether - the lots don't really matter. It's the separate - in terms
5 of driveway separation, it's the separation of the driveway. And they're already there.
6 The only new access points will be off of the other part of Nazery Circle, which is at the
7 top of page 135. And in there we certainly should have them meet the separation
8 requirement.

9 **TESTIMONY OF ROGER BAXTER:**

10 MR. BAXTER: Which there's no problem with doing that. These lots are 120'
11 wide. We can easily put one driveway -

12 MR. GOSLINE: Identify yourself for the Record.

13 MR. BAXTER: I'm Roger Baxter with Baxter Surveying. We did this job. And
14 when Carl first started off talking saying you could go 25 MPH on this road, if you go 25
15 MPH on this road you're going to run off the road. I mean, it's a well-paved road, but
16 you can't go but 300' and you're going to stop. You're going to run into the trees. If you
17 turn left again, you can't go more than about 10 or 15 MPH on this road. That's as fast
18 as a car can travel on this road because the road goes, really, actually, nowhere. It just
19 goes and turns and then just stops. You can't go but so fast on this road. This property
20 is virtually flat. I mean, there's - I bet there's not 2' of fall from one end of this road to
21 the other end of this road. You just can't go fast. That 90 degree turn up there, you
22 have to make it about 10 MPH. If you make it faster than that you will run off the road.
23 The driveways on the two lots up here on Nazery Circle, they're 120' wide. Even if you

1 went with the 35 MPH at 150' wide driveway separation, I don't have a problem with
2 telling them, "Okay you're going to have to put your driveway on the left. And then the
3 other lot you're going to have to put it on the right." And we can certainly keep them far
4 enough apart. Or we could go with the common driveway.

5 MR. PALMER: But you also have to have a drive in the 5' easement that'll
6 access lot 4.

7 MR. BAXTER: Correct. We could make that common if you wanted to, right
8 there.

9 MR. PALMER: You can make either lots 1 and 2 common.

10 MR. BAXTER: Right.

11 MR. PALMER: Or lots 2 and 3 common.

12 MR. BAXTER: Right. One of the two could be done. Yes. No problem with that.
13 But the other, that other lot, the big, wide lot that's 370' wide you wouldn't have a
14 problem.

15 MR. PALMER: Right.

16 MR. BAXTER: Like I say it's not a problem me putting the driveways on here and
17 telling them, "You're going to have to put your driveways like this."

18 MR. PALMER: Mr. Chairman, just to get it out the way, I'm going to make a
19 motion to approve subject to conditions on page 128 with an additional condition that
20 either lots 1 and 2 have a shared driveway or lots 2 and 3 have a shared driveway.

21 CHAIRMAN VAN DINE: Alright.

22 MS. WYATT: I'll second that.

1 CHAIRMAN VAN DINE: Any other questions or comments? All those in favor
2 please signify by raising your hand. All those opposed.

3 *[Approved: Palmer, Furgess, Jackson, Wyatt, Manning, McBride; Opposed: Van Dine;*
4 *Absent: Lucius, Green]*

5 CHAIRMAN VAN DINE: And, for the Record, my opposition is because of the
6 issue that we've been discussing on lots 5 and 6. I think we need to address creating
7 problems by the splits of lots. We have one lot now. And, so, I think we need to be
8 addressing that particular issue and making sure that all requirements when we
9 subdivide are meeting today's code when we do so. Next we have is SD-05-357.

10 **CASE SD-05-357:**

11 MR. GOSLINE: Mr. Chairman and Members, this is a request for preliminary
12 plans approval for Heritage Forest. This is along Longtown West Road, off of Longtown
13 West Road. Actually it's along West Lake Drive. The best location of it is on page 143.
14 Staff recommends approval subject to conditions on 139 and 141. Again, 140 was
15 blank.

16 CHAIRMAN VAN DINE: These all connected together, is that right? I tried to put
17 the maps together.

18 MR. GOSLINE: All of which –

19 CHAIRMAN VAN DINE: I wasn't quite sure how these three plats attached to
20 each other.

21 MR. GOSLINE: Yes.

22 CHAIRMAN VAN DINE: Does that go on right up the road?

23 MR. GOSLINE: Well, alright. If you go to page 145, that's the corner –

1 CHAIRMAN VAN DINE: That's [inaudible] Longtown.

2 MR. GOSLINE: - corner of Longtown West and Longcreek Plantation Drive.

3 CHAIRMAN VAN DINE: Right.

4 MR. GOSLINE: And then the other ones string along there. And then the third
5 page goes into the interior.

6 CHAIRMAN VAN DINE: Deeper into the property. Right. Okay. As I understand
7 it, lots 5, 33, and 22 are restricted to access only off interior streets. Correct?

8 MR. GOSLINE: Correct.

9 CHAIRMAN VAN DINE: So we would not have an issue with lot 4 and any kind of
10 curb cut?

11 MR. GOSLINE: Correct.

12 CHAIRMAN VAN DINE: Or anything.

13 MR. PALMER: Mr. Chair, I make a motion to approve subject to conditions on
14 page 139 and 141.

15 CHAIRMAN VAN DINE: Do I hear a second?

16 MR. MCBRIDE: I second.

17 CHAIRMAN VAN DINE: All those in favor of the motion to approve SD-05-357
18 subject to the conditions on pages 139 and 141 please signify by raising your hand.

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

21 CHAIRMAN VAN DINE: SD-05-358.

1 **CASE SD-05-358:**

2 MR. GOSLINE: Mr. Chairman and Members, this is another final plat. Same
3 situation we had before. This is for a project called Smith Lake. It's off of Heyward
4 Brockington Road. If you look at the aerial on page 153, you can see that the road's
5 already in. It's in the center of the - and this is a big area, so the lots are quite variable
6 in size. Staff recommends approval subject to the conditions on page 151. Again, the
7 infrastructure's already in.

8 CHAIRMAN VAN DINE: If someone is selling half of an existing lake –

9 MR. GOSLINE: Excuse me?

10 CHAIRMAN VAN DINE: If someone is selling a portion of an existing lake as part
11 of the lot, how do we -

12 MR. GOSLINE: The lot lines runs into the lake.

13 CHAIRMAN VAN DINE: How do we calculate useable space and other things
14 within those particular lots?

15 MR. GOSLINE: That's a very good question.

16 CHAIRMAN VAN DINE: Because you can't use – the last I checked, you can't
17 use underwater lots for building in, but I suppose there's ways to do it. But I –

18 MR. GOSLINE: Again, we caution folks not to do that for the obvious reasons.
19 But in this case, these lots are plenty big enough. The ones that are along the lake are
20 2 and 3, 1 ½, 2, 3, over 1. And so all the lots are -

21 CHAIRMAN VAN DINE: Is the lake considered common or is it individually
22 owned –

23 MR. GOSLINE: I really don't know.

1 CHAIRMAN VAN DINE: - or it's restricted by the individuals who are there?

2 MR. GOSLINE: Mr. Creed can answer that question.

3 CHAIRMAN VAN DINE: Take, for example, the lot that's 4.34 acres. If half of
4 that's under water, then, in reality, it's only a two acre lot. Sir.

5 **TESTIMONY OF DAN CREED:**

6 MR. CREED: Dan Creed with Heritage Engineering. Jimmy Luguire with Atlantic
7 Coast Properties is here. Those property lines do extend into the lake. The lake will – a
8 portion of the lake will be owned by those property owners. There is not a homeowners
9 association associated with the lake.

10 CHAIRMAN VAN DINE: Okay.

11 MR. GOSLINE: I guess each lot will have floats so that the people can't trespass
12 when they want to fish.

13 CHAIRMAN VAN DINE: Well, it's unfortunate because a case just came down
14 from the Supreme Court which, in essence, said you can restrict other people from your
15 piece of the lake, which means that if you've got a boundary line you can probably put a
16 fence out to the middle of the lake so that you can keep everybody else off your part of
17 the lake.

18 MR. GOSLINE: Not surprised.

19 CHAIRMAN VAN DINE: Alright. Do I hear a motion?

20 MR. PALMER: Make a motion to approve.

21 CHAIRMAN VAN DINE: Do I hear a second?

22 MR. FURGESS: Second.

1 CHAIRMAN VAN DINE: We have a motion to approve SD-05-358 subject to the
2 conditions on – I assume.

3 MR. PALMER: There are none.

4 CHAIRMAN VAN DINE: There are none? [Inaudible].

5 MR. GOSLINE: Yes, there are. They're on page 151.

6 CHAIRMAN VAN DINE: Approval. All in favor please signify by raising your
7 hand.

8 *[Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
9 *Lucius, Green]*

10 CHAIRMAN VAN DINE: Thank you, sir.

11 MR. MANNING: Mr. Chair, I had a question for Carl, if I might.

12 CHAIRMAN VAN DINE: Certainly.

13 MR. MANNING: Do we allow, under the existing, on the new code flag lots like
14 this now?

15 MR. GOSLINE: Yeah, particularly in subdivisions. We try to discourage them for
16 the access management reasons we've been talking about. You really can't do them on
17 more main roads. But in subdivisions, when you're going off a cul-de-sac, you don't
18 have much choice. This particular one has some really –

19 MR. MANNING: Right.

20 MR. GOSLINE: - unusual size lots, to say the least.

21 MR. MANNING: Thank you, Mr. Chairman.

1 CHAIRMAN VAN DINE: Amazingly, if you start everybody at the same time, they
2 probably come out and touch bumpers or fenders coming out of the driveways all at the
3 same time. Next, SD-05-359.

4 **CASE SD-05-359:**

5 MR. GOSLINE: Mr. Chairman and Members, this is Brookhaven, Phase 7, and,
6 again, the Brookhaven project of the Villages of Longtown. Interestingly enough, Phase
7 7 is next to Phase 5. Staff recommends approval subject to the conditions on 161 and
8 163.

9 CHAIRMAN VAN DINE: Just for everybody's purposes, I'd like to have people
10 take a look at the projected traffic versus the capacity of Longtown Road. And you're
11 going to find that just the additional projects that we're adding in, and more, are going to
12 more than double the capacity of that road, despite what is existing there already.

13 MR. GOSLINE: No, sir. I think you're misreading the table on page 159.

14 CHAIRMAN VAN DINE: I must be.

15 MR. GOSLINE: This is an accumulation of all the projects that have been
16 approved.

17 CHAIRMAN VAN DINE: That's right. And if all of them come to fruition -

18 MR. GOSLINE: Right.

19 CHAIRMAN VAN DINE: - they're going to be -

20 MR. GOSLINE: But not just the ones you approve today. It's all of them.

21 CHAIRMAN VAN DINE: I understand.

22 MR. GOSLINE: Okay.

1 CHAIRMAN VAN DINE: It's 13,362 additional, when these are built out, to the
2 5,200 that presently exist, which is going to be more than double the capacity of the
3 road at C.

4 MR. GOSLINE: Yes, sir.

5 MS. WYATT: Mr. Chair, that number's lower than one of the subdivisions we
6 looked at a few minutes ago. It was over 14,000 trips.

7 MR. JACKSON: That's why I asked the question earlier, are there any funds to
8 widen that road. The answer was no.

9 CHAIRMAN VAN DINE: Alright. Do we have any motions on SD-05-359?

10 MR. PALMER: I make a motion to approve subject to conditions on 161 and 163.

11 CHAIRMAN VAN DINE: Do I hear a second?

12 MR. MANNING: Second.

13 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand. All
14 those opposed.

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

17 CHAIRMAN VAN DINE: Next we have SD-05-361.

18 **CASE SD-05-361**

19 MR. GOSLINE: Mr. Chairman and Members, this is a preliminary plans request
20 for Woodleigh Park, Phase 2. This is a portion of Lake Carolina, up in the north-central
21 portion of Lake Carolina. Staff recommends approval subject to the conditions on page
22 172 and 173.

1 CHAIRMAN VAN DINE: And as I did on the last one, I'll point out the number
2 that's listed on page 172 that at the buildout we're going to have 32,000 daily vehicles
3 on a road designed for 8,600. We seem to be creating a bigger problem every time we
4 turn around out there.

5 MS. WYATT: And I have to say, Mr. Chair, it's extremely discouraging to me that
6 we have continued to do that both on this and Longtown. And we keep hearing the
7 road's going to be widened. The road's going to be widened. And I can tell you that I
8 spent half of last week researching the Transportation Bill that came out of Washington.
9 There's no money for Hardscrabble Road. And to just continue to keep putting things
10 out there, I just – I don't know how you call that planning. It's just troubling. And
11 especially when we've got things that, unfortunately, have occurred between the
12 Summit and Lake Carolina that, you know, we were also told, "Oh, don't worry about it
13 Ms. Wyatt. We've got this road that's connected. And Lake Carolina can come out at
14 the Summit." And when you go out there and look at that it's no more than a bicycle
15 trail. And houses are sitting right on the street.

16 MR. JACKSON: How do we fix it?

17 MS. WYATT: Mr. Jackson, transportation's your thing. You tell us how to fix it.

18 MR. JACKSON: It's all about funding. I know Central Midlands did some studies
19 and they are the COG that's supposed to bring recommendations for the funding. I'm
20 not sure what's happening. I know the county meets with them once a month, I think,
21 and how they're going about their funding or what their priority and how they get the
22 funding. But the main problem is the funding.

1 MR. GOSLINE: By the way, the Transportation Bill did include some funding for
2 South Carolina State Transportation Engineering Project.

3 MR. MCBRIDE: We got 1.2 million and something.

4 MR. JACKSON: That's could help with those studies on those roads.

5 MR. GOSLINE: Correct.

6 CHAIRMAN VAN DINE: At the risk of sounding like something, a zealot or
7 something, there is an alternative and that is a moratorium on all building permits or
8 other things out there. That's –

9 MR. GOSLINE: I think I've heard that from the Commission some time before.

10 CHAIRMAN VAN DINE: That's sort of sacrilegious that people would suggest
11 that, however, the numbers that keep coming out, all you ever get – and I'm sure that
12 the representatives in those areas hear it all the time – is that things are getting worse.
13 But they're not the only ones who are doing it. I mean, there are people in other
14 communities that have the same problems. And the question becomes, what do we
15 really need to do? And I'm not sure whether that's a Planning Commission role or it's
16 some other body's role to try and come up with issues or resolutions to some of these
17 things. But we certainly do continue to add fuel to the fire by approvals, rezonings, and
18 other things in the areas that have these problems.

19 MS. WYATT: And where I have a problem with that, Mr. Chair, is we've done a
20 lot of this approval on things that I think some of us on this Body would not have done
21 had we not felt that some of these – the widening of the road, you know, the cut through
22 between Lake Carolina and the Summit, and all these things we're not going to help.
23 And Hobart Road, I'll throw that one in there because that's been a kind of a pet peeve

1 of mine. And then it's all come to a screeching halt. So where do all those cars go that
2 we've been trying to move? We're putting them right back on Hardscrabble Road.
3 We've defeated everything we've tried to do.

4 MR. PALMER: What I don't understand, though, is the thought process that if you
5 have a piece of property that's zoned for a certain amount of homes or a subdivision or
6 residential zoning, how you can tell someone they can't build a subdivision on the
7 property that is zoned that way.

8 MR. JACKSON: You have a concern for safety. I mean we're a recommending
9 Body, but there has to be some concern for safety. If you have a road that shows a
10 certain capacity and we're adding twice the capacity, there's a safety concern. And we
11 have to consider that. If we're considered as planners and we're going to put so much
12 traffic on a road that can't handle it [inaudible] because of the safety concerns.

13 CHAIRMAN VAN DINE: I think the direct answer to your question is all
14 governments have inherent police powers to protect the health, safety, and welfare of
15 the citizens. If, under a certain set of facts, the health, safety, and welfare of the
16 general population outweighs the interest and the ownership of a particular piece of
17 property, then the county, under our constitution and under our laws, has the right to do
18 so. I'm not sure we're at that stage where we can do that at this point. But we're fast
19 approaching, in certain areas of the county, where some things may need to be done
20 now.

21 MR. PALMER: I most certainly am not at that position where traffic is – where
22 there's too much traffic that's to that level. That's nowhere in my thought process.

1 CHAIRMAN VAN DINE: I'm not suggesting that everybody is at that level. And
2 I'm not suggesting that there's a political will to do that on top of everything else. But at
3 some point in time you have to have some radical thinking in order to reach the
4 resolution of problems that we keep building on. And, perhaps, it's time now that we all
5 start thinking of some different approaches to what we've been doing. I'm not
6 suggesting, although I said the 'moratorium' word, that that is something that we ought
7 to be doing right now. But we certainly need to be looking hard at all our alternatives to
8 doing that. And the alternatives may be that under certain circumstances, some people
9 pay some things and some people pay other things. And some people have to do these
10 certain tasks, whatever they may be. And others have to do these tasks. And we can't
11 have a cookie-cutter approach to everything that goes on out there. And I'm not
12 suggesting I have any of the answers or anything. But those seem to be a lot of the
13 issues that are presenting themselves that we probably need to be thinking about when
14 we're doing a lot of what we're doing up here.

15 MR. MANNING: Mr. Chairman, I agree with you fully that comprehensive
16 planning you have to understand the problems, find the resources to address those
17 problems. And, quite frankly, that's one of my frustrations of not being able to get to
18 that next level. We've had numerous discussions since I've been here about the traffic.
19 We're going to this discussion every meeting, I think, for the rest of my term. What
20 we've got to do is get to that next level and find those additional funding sources that
21 Mr. Jackson's talking about so that we can address some of these problems. It's not
22 going to happen with C Funds. I mean, you see that that is a very protected commodity
23 and it goes for a good use. But the northeast planning area demonstrates \$28,000,000,

1 I think, or thirty million dollars and not a dime has been spent, same thing with the
2 northwest area. So until we get out there and find the dollars and put options in front of
3 the Council and the people who can make those kind of decisions, we're going to sit
4 here every month and have this discussion.

5 CHAIRMAN VAN DINE: One of the – well at times - I hate to use the city as an
6 example. But one of the ways the city did it with the Vista was they enacted certain
7 taxes, for lack of a better term, for improvements; within that particular area they
8 designated those funds for improvements of that area. That's an alternative approach
9 to some of the problems that exist in this northeast area. Maybe the northeast area has
10 to come up with a way of funding some of this without implicating the rural communities
11 or some of the other things. I mean, there ought to be a way that you can come up with
12 some of these approaches.

13 MS. WYATT: The only problem that you've got, Mr. Chair, when you start talking
14 about that is the city is different than the county in the way that it's divided up into
15 sections. And if you want to do a capital improvements project out in the northeast to
16 raise revenue or a tax, then it has to be approved by Lower Richland. And that'll never
17 happen. Or, I mean northwest. Everybody has to approve it for one area from the
18 research I did.

19 CHAIRMAN VAN DINE: I can guarantee you that if doesn't impact them some
20 people in the other areas will say, "Hey! That's fine. Go ahead if they're going to do it
21 up there and it doesn't impact me." And we have planning areas, designated for
22 [inaudible] purpose. And perhaps we ought to start looking at those planning areas as
23 being ways to approach some of the situations which are novel to these areas. The

1 northeast has a problem with traffic. The rural area has more of a problem with
2 attracting people down there and providing the infrastructure for them. Those are two
3 very legitimate problems but they have different answers and they have different
4 approaches that need to be taken. And that may be where we have to start looking is at
5 the subarea plans or the area plans for what we need to be doing and how we need to
6 be solving certain problems in those areas.

7 MS. ALMEIDA: Staff is looking into that. I know that the Lower Richland area is
8 being worked on right now as one of the master planning areas. We're hoping to
9 update the Comprehensive Plan and get that off the ground and working. Legal and the
10 Planning Department are working together to try to put language together and have it
11 adopted so that, when we do see subdivisions and we do see site plans that come in,
12 that we can acquire the right-of-way irregardless of whose road it is because DOT is
13 willing to work with us if we can acquire the right-of-way. So when these developments
14 come through, at that juncture we would have some sort of an idea of what DOT would
15 need and what that development would warrant to dedicate. So Staff is trying to work
16 towards those means. And, hopefully, through this new process of the Land
17 Development Code we'll get there.

18 MR. JACKSON: Yeah. I understand. But about how long will it take? Do you
19 have an idea?

20 MS. ALMEIDA: Well I know the Legal Department and the Planning Department
21 will be, in the upcoming two to three weeks, working on language to bring before you so
22 that we can bring it before Council and get it adopted as far as giving us the ability to
23 acquire right-of-way.

1 MR. JACKSON: Oh, right-of-way.

2 MS. ALMEIDA: Correct. And I know our Planning Department is working on
3 updating the Comprehensive Plan and, of course, doing right-of-way element for the
4 county, throughout the county. Susan Brett and Michael Criss are working on the Lower
5 Richland area and so, hopefully, when that takes off all the other master planning areas,
6 hopefully, will do well.

7 CHAIRMAN VAN DINE: I apologize for taking everyone off on a tangent. Other
8 people have some specific business and I'll somehow try and get back. We have more
9 of this discussion during the Other Business where we talk about comprehensive
10 planning. We were talking about SD-05-361. We do not have a motion on the floor at
11 this time.

12 MS. WYATT: I'm sorry. Which number?

13 CHAIRMAN VAN DINE: SD-05-361.

14 MS. WYATT: Oh, okay.

15 MR. PALMER: I make a motion to approve subject to conditions on page 173.

16 MR. MANNING: Second.

17 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand.

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

20 CHAIRMAN VAN DINE: Next, SD-05-363, Wren Creek.

1 **CASE SD-05-363:**

2 MR. GOSLINE: Mr. Chairman and Members, this is Phase 2 of Wren Creek PUD
3 on Turkey Farm Road and Wilson Boulevard. Staff recommends approval subject to
4 the conditions on page 183.

5 CHAIRMAN VAN DINE: And 185.

6 MR. GOSLINE: Yes, 184 being blank.

7 CHAIRMAN VAN DINE: I had a hard time placing where this was going out. Is it
8 coming out onto Turkey Farm Road? Is it coming out - I mean, where was it going? I
9 guess, for purposes of the future when we're imbedded this deep in, if we could have
10 some kind of an idea of where the access points were so we'll have an idea of where
11 things are going.

12 MR. GOSLINE: Correct. Phase 1 is between these two. And the access from
13 both Phase 1 and Phase 2 will be onto Turkey Farm Road roughly where you see the
14 sort of rectangular shaped parcel on page 187.

15 CHAIRMAN VAN DINE: Okay.

16 MR. FURGESS: Carl, is this also, a couple of months ago, maybe a year ago,
17 where a school was supposed to be in the front?

18 MR. GOSLINE: Yeah. The school will be in the –

19 MR. FURGESS: Front and some –

20 MR. GOSLINE: There's about 100 – about the eastern third or so is school and
21 some commercial along Community Drive. That was part of the PUD for Turkey Farm.

22 MR. FURGESS: Oh yeah, the same plan.

23 CHAIRMAN VAN DINE: Any questions?

1 MS. WYATT: Mr. Chair, I make a motion of approval subject to conditions on
2 page 183, 184 being blank, and conditions on page 185.

3 CHAIRMAN VAN DINE: Do I hear a second?

4 MR. PALMER: Second.

5 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand.

6 *[Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning; Absent for vote:*
7 *McBride; Absent: Lucius, Green]*

8 MR. GOSLINE: For the Record, the plat is the revised one that I handed out to
9 you. The one in your book was a mistake. So I assume that was part of the motion.

10 CHAIRMAN VAN DINE: Yeah, since this had to do with the other one. Next we
11 have is SD-05-193.

12 **CASE SD-05-193:**

13 MR. GOSLINE: Yes, Mr. Chairman and Members, this is a request for
14 preliminary plans approval for Dockside Estates on Carl Shealy Road and
15 Shadowbrook. This is right in the general area of the Agnew Marina area. There is
16 some, we have some not exactly flood elevation issues, but if you'll notice on page 201,
17 portions of this point have the lake elevation of 363 over substantial portions of their
18 property. Mr. Reid is here and he can respond to the questions. But in this situation the
19 elevation's been established. And, so, what they would have to do is, particularly in lots
20 3, 4, and 5, get individual plats to ensure that any structures that went in would be
21 above the 363 line. It's a little bit different situation than the ones that were discussed
22 previously because this is an established line by whoever, SCANNA I guess.

23 CHAIRMAN VAN DINE: Would lot 4 even be able to put a –

1 MR. GOSLINE: It's going to be pretty tough.

2 CHAIRMAN VAN DINE: And a 25' set back and the 100 year flood line.

3 MR. FURGESS: It runs right through it.

4 CHAIRMAN VAN DINE: There's not a whole lot of room left in there.

5 MR. MANNING: Carl, can't you – if you can demonstrate that you can build the
6 100 year, 2' above the 100 year [inaudible] with a [inaudible]?

7 MR. GOSLINE: Harry? [Inaudible] particular on the lake there's some – they're a
8 little bit more stringent, but there's some variance procedures that you go through and
9 I'm not real familiar with what those are.

10 MR. MANNING: But the 100 year flood line does not preclude anybody from, in
11 and by itself, preclude anybody from being able to build on a lot. I mean, if you can
12 build over that 100 year flood line there's nothing in the code that prohibits that, is
13 there?

14 MR. REID: Well, no, at the present moment. If you're building within the
15 floodplain the Richland County requirement is that the lowest floor has to be elevated 2'
16 above the 363, which is the 100 year elevation that has been established on Lake
17 Murray. So that means that every floor of the house would have to start at 365.

18 MR. MANNING: And they would have to bring in a survey for a building permit
19 that shows that they are at the 365 or the – whatever that elevation was?

20 MR. REID: Well, in this case, they would have to bring in a FEMA elevation
21 certificate. The certificate is filled out in three phases. The first phase is the certificate
22 filled out on construction drawing. It tells me what all the proposed elevations are of the
23 house to be constructed just to make sure that they comply with our ordinance. Then

1 once the house, the building permit has been issued and the house is under
2 construction, then a Building Under Construction certificate is required to make sure that
3 they are building as proposed. And prior to the final inspection or the CO, then they
4 have to submit the final certificate to make sure that, they're certified by the surveyor, to
5 make sure that all of the floors are at those elevations that they proposed.

6 CHAIRMAN VAN DINE: Okay.

7 MR. MANNING: Thank you.

8 CHAIRMAN VAN DINE: Mr. Gosline, I don't know if this is true or not. Special
9 condition Q, you have that lots 1 and 2 may not access on to Carl Shealy Road?

10 MR. GOSLINE: I think that should be 1 and 6.

11 CHAIRMAN VAN DINE: It should be 1 and 6?

12 MR. GOSLINE: Correct.

13 CHAIRMAN VAN DINE: Okay. And B and C would take care of the requirements
14 that they obtained the letters the same as we talked about with the earlier subdivision?

15 MR. GOSLINE: Right. Actually there wouldn't - C, you could probably get rid of
16 C because there aren't really any wetlands there.

17 CHAIRMAN VAN DINE: Oh, it says "if applicable", so –

18 MR. GOSLINE: Right.

19 CHAIRMAN VAN DINE: Alright. Do I hear a motion?

20 MS. WYATT: Mr. Chair?

21 MR. MANNING: Mr. Chairman, I'd like to – excuse me, go ahead.

22 MS. WYATT: Oh, I'm sorry. No, please go ahead, Mr. Manning.

1 MR. MANNING: I'd like to make a motion we send this forward for approval
2 subject to conditions on 196 and 197.

3 CHAIRMAN VAN DINE: And the change on Q would be to include lots 1 and 6,
4 not lots 1 and 2?

5 MR. MANNING: That's correct.

6 MS. WYATT: I'll second.

7 CHAIRMAN VAN DINE: Any other questions or comments? All those in favor
8 please signify by raising your hand.

9 *[Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
10 *Lucius, Green]*

11 CHAIRMAN VAN DINE: Alright, ladies and gentlemen. That ends our
12 subdivision review. I am willing to push on through and try and get through the zoning
13 map amendments before we take a short break. That will allow anybody who is sitting
14 here for this long to have an opportunity to leave if they wish to do so. So is everybody
15 agreeable to that?

16 MEMBERS: Sure.

17 MS. WYATT: Well, the next one's withdrawn, so –

18 CHAIRMAN VAN DINE: Alright. This opens up the public portion of our meeting.
19 The first zoning map amendment, 05-69 MA, has been withdrawn, which means the first
20 for our consideration is 05-82 MA.

21 **CASE 05-82 MA:**

1 MR. GOSLINE: Mr. Chairman and Members, this is a request to rezone from RU
2 to GC a parcel of property on Dutch Fork Road just past the Ballentine Post Office.
3 Staff recommends approval.

4 CHAIRMAN VAN DINE: If you will go to page 228, please.

5 MR. GOSLINE: Uh-hum (affirmative).

6 CHAIRMAN VAN DINE: That's not the site we're talking about, it is?

7 MR. GOSLINE: Yes. It's hatched - well, I see what the confusion is. The parcel
8 on -

9 CHAIRMAN VAN DINE: Is the upper left hand corner, isn't it? Right where the
10 two come together?

11 MR. GOSLINE: No, no, no. That's the next case. The triangular case. Eighty-
12 three is the triangular piece. That's the next one on the agenda.

13 CHAIRMAN VAN DINE: Alright, then. Oh, I see what we're doing. Okay. Never
14 mind. I've got it. Now is that the shaped parcel that we are actually dealing with?

15 MR. GOSLINE: Yes.

16 CHAIRMAN VAN DINE: It doesn't look similar to what is outlined on 227 or 226.

17 MR. GOSLINE: Well - the line on page 227, where it shows the site, those are
18 old parcel lines. And so, again, the parcel maps are up, but the correct configuration is
19 what you see on 226 and 227.

20 CHAIRMAN VAN DINE: Alright. And are we just dealing with parcels 1 and 2 or
21 are we dealing with parcels 1, 2 and - I'm really confused as to what we're looking at,
22 the shape and the layout and everything.

1 MR. GOSLINE: Right. On page 231 is the plat. This was subdivided not too long
2 ago, well, a month ago. The parcels 1 and 2 are the subject of the rezoning. And when
3 the - parcels 1 and 2 are actually one parcel now because on recording the line's
4 disappeared.

5 CHAIRMAN VAN DINE: Alright. So, in essence, we're being asked to rezone
6 what shows up on 231 as parcels 1 and 2.

7 MR. GOSLINE: Correct.

8 CHAIRMAN VAN DINE: Three has nothing to with this at all.

9 MR. GOSLINE: That's correct.

10 CHAIRMAN VAN DINE: Okay.

11 MR. MANNING: And what is this zoned?

12 MR. GOSLINE: Excuse me?

13 MR. MANNING: Parcel 3 is zoned general commercial as well as -

14 MR. GOSLINE: It's zoned rural.

15 CHAIRMAN VAN DINE: They would be one of the lower portions of that site area
16 that they pointed to?

17 MR. GOSLINE: Correct.

18 CHAIRMAN VAN DINE: Okay. Alright. We have two people signed up. Tripp
19 Bradley, if you want to come down and if you have anything to say.

20 **TESTIMONY OF TRIPP BRADLEY:**

21 MR. BRADLEY: I'd be more than happy to answer any questions y'all might
22 have.

1 CHAIRMAN VAN DINE: Mr. Savage, do you want to say anything? Why don't
2 you guys make sure you give your name and stuff so we can get it for the record as to
3 who was here.

4 **TESTIMONY OF PHIL SAVAGE:**

5 MR. SAVAGE: Okay. I'm Phil Savage, 30 Mannis Road, Irmo, South Carolina,
6 and I'm the owner of the property and Mr. Bradley represents the purchasers. And
7 you're correct. I wanted to speak up and say something there that I think the excess of
8 lines there carries through to a piece of property that I still own all the way down to the –
9 in fact, I own the little, red piece, also. And, you know, with Parcel 3, it is not included in
10 this. Somehow it got hatched. It's not – as he corrected it himself – it is not the subject
11 property. It's just going to remain as it is.

12 MR. MANNING: It's going to remain rural?

13 MR. SAVAGE: Right now it's still zoned rural. The far tip is C-3, on the right
14 hand side. But this, the property that they're buying, is not Parcel 3. It's just Parcels 1
15 and 2. It's a total of two acres. And this property is right in the heart of Ballentine. It's
16 within 100 yards of a five – it's right where the five lane road cuts back down to two
17 lanes.

18 MR. MANNING: Well, looking at the zoning map, I mean, it would seem to me
19 we'd want Parcel 3 as commercial if, in fact, all these other parcels around it were
20 commercial. Why –

21 MR. SAVAGE: Oh, and I'm sure that – I mean I fully intend – the reason I bought
22 it was because I think will be a commercial area one day. But I don't know what we're
23 going to do with it yet so I don't see the need to rezone it until we know what we're

1 going to do with it. I mean, I will be back in front of you with a plan to develop it and a
2 request to rezone that piece of property. You can rest assured of that. I don't know if
3 you have any further questions, though, having to do with this. But it is in the heart of
4 the commercial district of Ballentine. I don't think we've got anybody that's signed to
5 speak against it. It's in the area that everybody expects will go commercial. And, you
6 know, the question you just asked me, I think the Planning Department said the same
7 thing, "Why don't you just rezone the whole thing?" But I just I just felt like, until I knew
8 what I was going to do with it, I think it will cause people to say, "Wait a minute! I don't
9 want to rezone it if you're not going to tell us what you're going to do with it." We had a
10 piece that came in that they want to put veterinarian office there. They've actually
11 outgrown a previous location. And that's – so we have a specific use for it and we've
12 come to terms on an agreement for me to see them the property subject to being able to
13 get it rezoned and all. And that's what we're doing now.

14 MR. MANNING: Okay.

15 CHAIRMAN VAN DINE: There is no one else signed up to speak.

16 MS. WYATT: Mr. Chair, I'm going to make a motion we send this forward to
17 Council with a recommendation of approval -

18 MR. JACKSON: I'll second it.

19 MS. WYATT: - subject to –

20 MR. PALMER: No conditions.

21 MS. WYATT: There are no conditions?

22 CHAIRMAN VAN DINE: No, Ms. Wyatt.

23 MS. WYATT: Well, I apologize. Then just sent it straight forward.

1 CHAIRMAN VAN DINE: Do I hear a second?

2 MR. JACKSON: I seconded it.

3 CHAIRMAN VAN DINE: Any other discussions or comments? All those in favor
4 please signify by raising your hand.

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

7 CHAIRMAN VAN DINE: This will go forward to County Council with a
8 recommendation of approval. The next meeting is –

9 MS. LINDER: It'll be the 4th Tuesday in September.

10 CHAIRMAN VAN DINE: The 4th Tuesday in September because Council does
11 not meet in August. The next we have is 05-83 MA.

12 **CASE 05-83 MA:**

13 MR. GOSLINE: Mr. Chairman and Members, this is a request to rezone a
14 triangular shaped piece of property, which is right up the road from the one you just
15 discussed, from RU to GC. Staff recommends approval. There's C-3 adjacent to it on
16 the east or south, whichever way you want to look at it.

17 CHAIRMAN VAN DINE: I suppose –

18 MR. POOSER: [Inaudible]

19 CHAIRMAN VAN DINE: You signed up against the application for your own
20 project. I assume that was a mistake on your part.

21 MR. POOSER: Yeah, that was a mistake.

22 [Laughter]

1 CHAIRMAN VAN DINE: No one else has signed up either for or against. Do I
2 hear a motion?

3 MR. PALMER: I make a motion to send it forward to Council with a
4 recommendation of approval.

5 CHAIRMAN VAN DINE: Do I hear a second?

6 MR. FURGESS: Second.

7 CHAIRMAN VAN DINE: All those in favor please signify by raising your hand.

8 *[Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
9 *Lucius, Green]*

10 CHAIRMAN VAN DINE: This will also go forward to County Council with
11 recommendation of approval the 4th Tuesday in September. It will be up on their
12 agenda. Alright, that takes care of the zoning amendments and leaves us with Text
13 Amendments, Road Names and a few other things. I suggest we take about a five
14 minute break to give everybody a chance to stretch your legs. Please be back here in
15 five minutes and we might be able to wrap up a little earlier than normal.

16 *[BREAK]*

17 CHAIRMAN VAN DINE: Our next agenda item is to talk about Text Amendments.
18 The first we have is "The Vesting of Subdivision Development Rights." You'll find that
19 proposed language on page 247.

20 MR. CRISS: Mr. Chair and Members, this is the vesting of subdivision projects
21 that we have discussed several times. And this is a revised text amendment before
22 you, in your packet at page 247, that takes the approach of vesting new subdivisions at
23 the first major stage of approval, the sketch plan or sketch plat, with regard to zoning:

1 the land uses allowed, the maximum density for residential, the minimum lot area and
2 so forth. And to further vest those projects at the preliminary plat stage, the second
3 major approval in the subdivision approval process, with regard to what are called the
4 General Development, Site, and Performance Standards. Translated, that means your
5 parking and bicycle/pedestrian requirements, your signs, road standards, easement and
6 utility standards, and, with respect to Article 8, Resource Protection, which covers your
7 erosion and sediment control and storm water management. In other words, the
8 engineering requirements, the design standards for the infrastructure, mainly road,
9 storm drainage, water, and sewer. So that's what the proposed language before you is
10 intended to accomplish.

11 CHAIRMAN VAN DINE: Mr. Manning, I think –

12 MR. MANNING: Well, Mr. Chair, I wanted to first thank you for indulging all my
13 discussion, and Staff for getting back and hanging in there with me for a couple of
14 sessions. And after discussion with Staff and the new version, I feel comfortable with it
15 that it does protect those areas that I was concerned with. So, therefore, I'm
16 comfortable with -

17 MR. CRISS: Simultaneously, this text amendment accomplishes our initial task
18 which was to make the vesting of subdivisions comparable to the vesting of non-
19 subdivision projects in that there would be an initial two-year vesting with five, one-year
20 extensions possible. So that language is also in there thanks to Assistant County
21 Attorney Amelia Linder.

22 CHAIRMAN VAN DINE: Alright. In light of that, do I hear a motion concerning
23 this text amendment?

1 MS. WYATT: Why don't you make it, Mr. Manning? You worked hard on this.

2 MR. MANNING: Thank you, Ms. Wyatt. Mr. Chairman, I'd like to make a motion
3 that we send this draft for vested rights forward to the County Council for approval.

4 CHAIRMAN VAN DINE: Do I hear a second?

5 MS. WYATT: I'll second.

6 MR. PALMER: One question. What's the need - and I could understand, for the
7 one-year extensions they're no later than 30 days, but what's the need for no earlier
8 than 60 days?

9 MR. CRISS: You want to give your Staff a window of opportunity to take the
10 application before the vesting runs out.

11 MR. PALMER: Right.

12 MR. CRISS: You don't want the application to come in that last day. You
13 wouldn't have time to process it.

14 MR. PALMER: Right. That's why I understand the 30 days, but requiring them
15 not to be able to do it earlier than 60 days -

16 MR. CRISS: In other words, you might suggest that they -

17 MR. PALMER: - it only gives them a 30 day window to do it.

18 MR. CRISS: Right. Would you like a larger window of opportunity?

19 CHAIRMAN VAN DINE: He's suggesting that no front end amount. That if you
20 get it approved today -

21 MR. PALMER: That if you see -

22 CHAIRMAN VAN DINE: - that tomorrow you can come in and say, "I want a one-
23 year extension."

1 MR. CRISS: But then you might have folks applying three months after they've
2 gotten their two-year and it could get complicated in terms of administration. We
3 thought pushing it towards the end of the process made some sense. And it's certainly
4 negotiable as to how wide a window you might provide.

5 CHAIRMAN VAN DINE: I think, I mean, either way –

6 MR. CRISS: You can make it –

7 CHAIRMAN VAN DINE: - the only issue you've got is administratively keeping
8 track of who may have made requests for those things would be that there ought to be
9 some front-end limit, whether it's three months out or 60 days out or whatever. Also, it
10 provides an opportunity where something could actually change in, say, the nine
11 months; that somebody might all of a sudden say, "Wait a minute! I've got a hook into
12 somebody and they want to actually do some of this stuff. And so ..."

13 MR. CRISS: Yep.

14 MR. PALMER: I just know how quickly 30 days pass. And that only -

15 MR. CRISS: Uh-hum (affirmative). Well that could be wider. Sixty, 90 days,
16 whatever the Commission likes.

17 MR. PALMER: - gives you a thirty-day window to make that application. I would
18 make it sometime, maybe a 120 days to –

19 MR. CRISS: No, the 30/60 day was something we made up for administrative
20 purposes, I believe. John's wondering if it's based in statute. But I believe that was our
21 internal administrative recommendation, trying to provide some workable window not
22 too close to the end of the vesting because you want to make sure you're working with
23 your developer –

1 MR. PALMER: Right.

2 MR. CRISS: - well before that deadline slips by. But the 60 days prior could be
3 moved to 90 or 120 without any difficulty.

4 CHAIRMAN VAN DINE: Will you have some sort of a preprinted form that the
5 developer can utilize in order to say, "I hereby request ..."?

6 MR. CRISS: I'm sure we would at that time. We haven't come upon the first one,
7 yet, of course, because the vesting just started July 1st.

8 CHAIRMAN VAN DINE: I guess what I would suggest is you actually have some
9 sort of a form prepared that's just a matter of filling in whatever so that you can have it
10 available and they say, "I want to have this one deferred out." But you actually hand
11 them that and it goes right in the file as a preprinted form so you know what you're
12 getting. And you're getting the form that you'd be looking for in the future.

13 MR. CRISS: As you can infer from your agenda today, we have a lot of
14 subdivisions to track. And having a window will enable us to plug it into some kind of
15 computer database and raise flags at the appropriate time and give us plenty of
16 opportunity to contact the developer and their engineer and determine the status of the
17 project, how much is built and complete, and the county's review and inspection of the
18 project.

19 MR. PALMER: Sure. I propose to move that number, if it would meet with the
20 motion, to 120 days instead of 60. Give it an additional 60 days in there.

21 CHAIRMAN VAN DINE: Assuming that it complies with all the other statutory
22 requirements, if there's something in the state code that says it can't happen or
23 whatever.

1 MR. PALMER: Right.

2 MR. MANNING: I'm I favor of that.

3 MR. CRISS: And that would be in two places, I expect. Both Section 1.7 and
4 Section 2.7 because the same window –

5 MR. PALMER: Correct.

6 MR. CRISS: - is included in both places.

7 MR. PALMER: Correct.

8 CHAIRMAN VAN DINE: Alright. Does the second accept the amendment to the
9 motion?

10 MS. WYATT: I do.

11 CHAIRMAN VAN DINE: Alright. We have a motion on the floor to send this text
12 forward to County Council with our recommendation of approval subject to the changing
13 of the 60 day provision to a 120 day window as an initial point no earlier than for
14 submission of the request.

15 MS. WYATT: Provided it does not -

16 CHAIRMAN VAN DINE: Provided it does not – it complies with state or county
17 ordinances in other areas.

18 MS. LINDER: And I can verify that before it goes to the Zoning Public Hearing.

19 CHAIRMAN VAN DINE: Thank you, ma'am. Any other questions or comments?
20 All those in favor please signify by raising your hand.

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

1 CHAIRMAN VAN DINE: Alright. Next we have is Wholesale Trade Land Uses in
2 the General Commercial Zoning Districts. Unfortunately, Mr. Green is not here and he
3 sort of took the lead on these.

4 MS. ALMEIDA: Well, maybe we can go over this. Staff reviewed all of the
5 existing permitted uses in General Commercial. And we just went down the list. In red
6 you see areas where special requirements would be allowed, would be required in order
7 to allow the use.

8 CHAIRMAN VAN DINE: That's under existing or under previous? I'm not sure I
9 understand what you're saying.

10 MS. ALMEIDA: Okay. The list before you has –

11 CHAIRMAN VAN DINE: Yep.

12 MS. ALMEIDA: Yeah. The red is new.

13 CHAIRMAN VAN DINE: The red is new.

14 MS. ALMEIDA: Correct.

15 CHAIRMAN VAN DINE: And the special requirements, are they requirements
16 that have previously been in existence?

17 MS. ALMEIDA: No. They are part of special requirements in the code now.

18 CHAIRMAN VAN DINE: Okay. So the beer, wine, distilled alcoholic beverages
19 has special requirements existing in the code?

20 MS. ALMEIDA: No. It was outright not permitted.

21 CHAIRMAN VAN DINE: But someplace those special requirements are presently
22 existing that we would -

1 MS. ALMEIDA: Yes. In other designated areas you might have a permitted use
2 that would require special lighting or certain setback distances to allow that use in that
3 district. So they are special requirements in other zoning districts. And you can see
4 that the special requirements under page 251, all of these would apply to those special
5 requirements under General Commercial. So where you see an SR, previously it was
6 not permitted. Okay? So what Staff is saying that, in the General Commercial area,
7 where the uses were not permitted before, we are proposing that if, at the pleasure of
8 the Planning Commission and acceptance of it, if, where you see an SR, it would be
9 permitted with those special requirements.

10 MR. PALMER: What does timber and timber products mean?

11 MS. ALMEIDA: It is the processing of pulp, isn't it? Timber and –

12 MR. PALMER: Timber and timber products.

13 MS. ALMEIDA: Did you bring your big book?

14 MR. CRISS: Wholesaling of sawed timber, wood products -

15 MR. PALMER: Does it allow you to –

16 MR. CRISS: - building components.

17 MR. PALMER: Does it allow you to grow timber on a GC property? That doesn't
18 apply there?

19 MR. CRISS: It wouldn't include silviculture.

20 MS. ALMEIDA: No.

21 MR. PALMER: It would not?

22 MS. ALMEIDA: No.

23 MR. CRISS: It wouldn't. Pertain to wholesaling of manufactured products.

1 MR. PALMER: So not just the trees, themselves. Not the wholesaling of the
2 trees, themselves.

3 MR. CRISS: As in –

4 MR. PALMER: As in of I've got 100 acres –

5 MR. CRISS: A logging yard, perhaps.

6 MR. PALMER: Say again.

7 MR. CRISS: As in a logging yard where –

8 MR. PALMER: As in selling the timber off of a GC zoned piece of property.

9 MS. ALMEIDA: No. It was – when – in the old code, under C-3, that was not
10 allowed. So, therefore, we're just looking at - when the code was - when the different
11 zoning designations were looked at, we were trying to take the nuisances out, the more
12 pure zones. So we looked at what was permitted originally in the C-3 zone, which was
13 what the entire argument was about, the mini-warehouses and distributions and things
14 like that. So we had the –

15 MR. PALMER: Is what you're telling me you would not be allowed to sell your
16 timber off of a C-3 zoned piece of property?

17 MS. ALMEIDA: No. It's not permitted. It was not permitted before.

18 MR. CRISS: I think Mr. Palmer's referring to the clearing and grading –

19 MS. ALMEIDA: Timbering.

20 MR. CRISS: - of a site in preparation for development as opposed to the land use
21 to subsequently occur on the property?

22 MR. PALMER: No, actually –

23 MS. ALMEIDA: Silviculture.

1 MR. PALMER: - actually silviculture. Actually the selling of trees that have been
2 grown on a C-3 or GC piece of property.

3 MR. MANNING: I think agriculture and silviculture are exempt. I mean I think
4 they're allowed to do that. If you have timber existing on a piece of property, you can
5 cut it and sell it.

6 MR. PALMER: That's not what I'm hearing.

7 MR. CRISS: Under the new Land Development Code, silviculture is one of the
8 agricultural uses. And it is allowed under the Forestry category in the rural zoning
9 district and M-1, light industrial, and that's it. But if you're clearing trees off of
10 commercial property in preparation for development, that's not considered silviculture.
11 You're not replanting. You're taking the stumps out. You're grading the land.

12 MR. PALMER: No, that's not my -

13 CHAIRMAN VAN DINE: At some point trees outgrow their life.

14 MR. CRISS: Right.

15 CHAIRMAN VAN DINE: And they have to be removed. Is what you're saying
16 that if somebody were to have a mature stand of timber that, in a GC – it sits in a GC
17 classification – that they can't go in and cut those until they were going to develop the
18 property?

19 MR. CRISS: Sure they could. The question is whether they're going to replant
20 and continue timbering as a sustained operation, as a perpetual land use.

21 MS. ALMEIDA: And you have to follow best management practices. You're not
22 going to be able to timber every last tree off the property because of erosion control and
23 all of the things that we run up against today.

1 CHAIRMAN VAN DINE: Let's assume that they comply with all the best
2 management practices. You're saying that if I own a piece of GC property and I reach a
3 point where I've got mature trees that they're going to start dying or coming down or
4 something else like that, just for example, that I can't go in there, cut those down, and
5 replant new trees?

6 MS. ALMEIDA: You can do that.

7 CHAIRMAN VAN DINE: Okay.

8 MR. CRISS: Not for sustained silviculture operations on a GC property. No.
9 Forestry's allowed in the rural district and the M-1, light industrial.

10 MR. PALMER: That's just confusing to me. I'm hearing two separate things.

11 MR. CRISS: We're talking logging trucks and skidders and laydown yards and,
12 you know, industrial timbering on a repetitive basis. That would fall under the forestry
13 category. And that is not allowed in your commercial zoning districts.

14 MR. PALMER: Well, if I took the trees down and then I go back and replant small
15 pines, I guess that'd be classified as a timbering operation.

16 MR. CRISS: Potentially, depending on your proposed use.

17 MR. PALMER: So that's what you're telling me. That you cannot – that I could
18 not do that with a GC zoned piece of property.

19 MR. CRISS: Correct.

20 CHAIRMAN VAN DINE: I guess I have a problem with, if you take that to its
21 logical extension, I go in and I take out all the trees on my GC because they've reached
22 maturity.

23 MS. ALMEIDA: You selectively harvest.

1 CHAIRMAN VAN DINE: And now you're almost telling me don't go back and
2 replant new trees because you don't want new ones to grow so that in 20 years you
3 have to take those out because you haven't decided what to do with this particular piece
4 of property yet. And I would much prefer that somebody actually go in there and plant
5 new trees if the mature trees had come out than leaving it barren with just stumps
6 sticking up out there and whatever happens to grow grows.

7 MR. CRISS: Of course, the question we presented to you was wholesale trade of
8 manufactured timber products, not the cutting of trees on undeveloped property. To
9 extend your suggestion, we would allow silviculture in all zoning districts.

10 MR. MANNING: I think we need to.

11 MR. PALMER: I think we do, as well.

12 MR. JACKSON: We cannot stop them from planting trees, I mean.

13 MR. MANNING: Well, here's what you're going to run into. I mean, you have
14 properties that may be zoned commercial, they may be zoned residential, that have
15 forest on them. And if they are under – if they've got a - if they're not allowed in a GC
16 district, then do they become subject to grand tree, tree surveys, those types of issues
17 when clearly that stand of timber is – obviously you want the largest tree out there to
18 cut.

19 MR. CRISS: Depends on the intended use of the property.

20 MR. FURGESS: Or wouldn't you have to come get that property rezoned?

21 MR. CRISS: We've yet to have any logging operations in the commercial
22 districts. What's happening is the land is being cleared once and for all and not
23 replanted in trees but in some other ground cover to control erosion.

1 MR. PALMER: What you're saying is you can't replace – but you can't just go
2 back in and plant rows of pines.

3 MR. CRISS: Silviculture can be an intense, industrial activity with heavy
4 equipment, late operations, smoke and dust and noise, spraying. And the Planning
5 Commission and Council, in their wisdom, upon the adoption of this Land Development
6 Code, decided it belonged in the rural district. It was grandfathered in in the M-1, light
7 industrial, that you brought forward from the old code.

8 MS. WYATT: And I still think that's where it needs to stay.

9 CHAIRMAN VAN DINE: I don't have a problem with leaving it there so long as
10 people have the ability to cut stuff from their piece of property when they reach maturity.

11 MS. ALMEIDA: Well, I think where the confusion lies is clearcutting, the act of
12 clearcutting, cutting every last tree off a piece of property, is one thing. Almost like what
13 happened out on Killian Road.

14 CHAIRMAN VAN DINE: Uh-hum (affirmative).

15 MS. ALMEIDA: Selectively harvesting a property because, let's say, your timber,
16 if you don't cut certain stands of trees, you know, they'll get pine beetle, or we've had
17 instances where certain mature stands of trees are ready for harvesting. They have
18 submitted plans, indicated where the harvesting would occur, and the rest of the stands
19 would remain the same. Very rare is a stand of trees completely all the same age. But
20 the problem is what we find is people go out and want to clear every last piece of tree
21 off the property and be done with it and then sell it to a second party. Okay? And we're
22 trying to avoid that. Do we allow selective harvesting? Sure we do, but you need to
23 bring us a plan. And, I mean, just the mere fact of do you have wetlands on the site. I

1 mean, you have to be cognizant of those things on your site. So we've allowed people
2 to go ahead without having a development plan in place, knowing what they want to do.
3 "Look, we need to selectively harvest this." And they have companies who will scan out
4 and identify where those areas that they're going to harvest in. Usually, they're RU.
5 They're pieces of property that are zoned rural. They're not C-3/GC. They're really not.
6 But I guess there could be, in the future, a GC piece of property that happens to be
7 completely wooded.

8 CHAIRMAN VAN DINE: Well, we just made one today.

9 MR. PALMER: There are.

10 CHAIRMAN VAN DINE: We made two of them today, as a matter of fact.
11 They're the ones out in Ballentine that we just said make them GC. They're completely
12 wooded.

13 MS. ALMEIDA: But, obviously, they were RU. And as Mr. Savage, as the
14 applicant said, he knew what he was going to – to whom he was going to sell it to. He
15 had a prospective buyer. So he knows the intentions of what that property is going to
16 be. And it's going to be developed. It's not going to be just sitting there with nothing on
17 it because he doesn't want to, obviously, rezone any other piece of property that he has
18 until he has a buyer. And that is usually the case in many cases.

19 MR. PALMER: But I know there are large tracts of land out there that are not M-1
20 and are not RU that fall under that category.

21 MR. CRISS: What zoning districts might they be in?

22 MR. PALMER: RS-2, RS-1, PC.

1 MR. MANNING: Does it really matter? I mean, if you had International Paper
2 owned a piece of property, let's say it's 100 acres in Blythewood that they were actively
3 timbering and did not want to cease those operations and wanted to continue to do that,
4 let's assume they already use the best management practices. What other criteria
5 would they have to continue their operations through silviculture or under this new
6 ordinance, if it's not allowed in that district?

7 MR. CRISS: Well, if it's an existing silviculture operation it can be grandfathered
8 in and continued without expansion. But if you're talking about a timber company
9 occupying a commercial piece of property that has trees on it for sustained forestry,
10 that's not allowed in your new code nor was it allowed in your old code.

11 MR. MANNING: So there were no commercial properties in the county that had
12 timber on them.

13 MR. CRISS: Forestry is treated like ag, as industrial -

14 MR. MANNING: I would bet you there are some -

15 MR. CRISS: - working landscapes, heavy machinery -

16 MR. MANNING: - [inaudible] this.

17 MR. CRISS: - spraying, dust, noise, late operations.

18 MR. MANNING: I'll bet you there's some properties in the Lower Richland part of
19 the county that have something other than a rural zoning on it. Could be commercial.
20 Could be - we had 100 acres in here the other day on the corner of Lower Richland
21 Boulevard and Sumter Highway that went in for a zoning and there's timber on it now.
22 Sometime it's going to get cut in the near future. And if it were to be replanted, I don't

1 know that that's a bad thing. They couldn't continue to do that under that zoning is what
2 you're saying.

3 CHAIRMAN VAN DINE: I think the difference between that is that one is being
4 cut for a purpose of development. To me I don't have a problem with restricting that
5 type of thing to meeting the requirements of the cuttings and the other things for the
6 development purposes because I don't want to see what happened out on Longtown
7 and Farrow and those other places that are like that because that's going to be a
8 disaster. And I know what the logic is. It's easier to cut them down and put something
9 else new in. But that's not what we need out there. We need to be keeping some of the
10 old and putting new in. The bigger question is whether or not an operation can be
11 conducted on a piece of property where the trees have reached maturity but you aren't
12 sure what's going to be done for development purposes. That's the more – to me that's
13 the more relevant question. Because, like you said, pine beetle, and up north you have
14 white pine blister rust that went through and if you didn't get white pines out, I mean, it
15 just wiped out whole areas.

16 MS. ALMEIDA: Right.

17 CHAIRMAN VAN DINE: Or the spruce budworm. Or whatever else you've got up
18 there for disease problems. I want to ask another question. I can't seem to find any of
19 these designations under Special Requirements in the new code. Can you tell me
20 where I would go to look or just pick one?

21 MS. ALMEIDA: Well, these –

22 CHAIRMAN VAN DINE: Machinery equipment and supplies. You now have it as
23 a special requirement on page 253.

1 MS. ALMEIDA: Right.

2 CHAIRMAN VAN DINE: I don't know where to look.

3 MS. ALMEIDA: The requirements, okay, are listed 1 through 7 on 251.

4 CHAIRMAN VAN DINE: Alright. Those are new -

5 MS. ALMEIDA: On the memo.

6 CHAIRMAN VAN DINE: So there's nothing in the present code under any
7 classification or any district -

8 MS. ALMEIDA: Yes, there is. There are special requirements in here.

9 CHAIRMAN VAN DINE: Right. Can you tell me where I would find -

10 MS. ALMEIDA: He's not asking for those uses. He's asking for - are you
11 referring to other zoning designations that will require special requirements? You can't
12 find those special requirements?

13 CHAIRMAN VAN DINE: I want - I thought you told me earlier that you had
14 modeled the special requirements for these categories off of what was in here.

15 MS. ALMEIDA: Right.

16 CHAIRMAN VAN DINE: Okay.

17 MS. ALMEIDA: We have special requirements, okay, that talk about outside
18 display, for instance, of materials or products. Okay, there are certain zoning
19 designations that don't allow for outside storage. And those would be found on page
20 182.

21 CHAIRMAN VAN DINE: I'm on page 182.

22 MS. ALMEIDA: Okay. You have page 182? "Permitted Uses With Special
23 Requirements."

1 CHAIRMAN VAN DINE: And then we go further over here and they start to list
2 each one of these, like the accessory buildings and everything.

3 MS. ALMEIDA: Right.

4 CHAIRMAN VAN DINE: Now. My question was now I'm going to go to the chart
5 that you have prepared. And I'm going down on page 253 and I look at a use type of
6 "Machinery, Equipment, and Supplies." Page 253.

7 MS. ALMEIDA: Right.

8 CHAIRMAN VAN DINE: See where it says, "Machinery, Equipment, and
9 Supplies"?

10 MS. ALMEIDA: Right.

11 CHAIRMAN VAN DINE: Now I have it listed as an SR under the GC
12 classification.

13 MS. ALMEIDA: Right.

14 CHAIRMAN VAN DINE: And I know you've listed the special requirements on the
15 first page. Do those requirements show up in any other district so that it would have
16 already been included in this document?

17 MR. CRISS: Comparable special requirements.

18 MS. ALMEIDA: Right.

19 MR. CRISS: For example, if you're looking at outside display areas, the market
20 show rooms currently have a special requirement that display areas shall exist within
21 permanent buildings only.

22 MS. LINDER: Mr. Van Dine, if I may? That would have to be added. Those
23 different uses would have to be added to those pages where it's listed. And the

1 requirements that are specified by Staff that they want would be added to each of those
2 uses.

3 CHAIRMAN VAN DINE: Okay. So right now I can't go to any place in the present
4 code and find a use of "Machinery, Equipment, and Supplies" with a special
5 requirement.

6 MS. LINDER: That is correct.

7 MS. ALMEIDA: No, because it's not a permitted - well, right, because in the other
8 zoning designations it's an outright, permitted use.

9 CHAIRMAN VAN DINE: Okay. So all of these would require us to amend various
10 provisions of the code -

11 MS. LINDER: Yes.

12 CHAIRMAN VAN DINE: - beyond just the chart, itself.

13 MS. ALMEIDA: Right.

14 MS. LINDER: That is correct.

15 MR. CRISS: Yeah. That's correct.

16 CHAIRMAN VAN DINE: Okay.

17 MS. LINDER: We'd have to amend the Table of Uses as well as we'd have to
18 add the uses to the special requirements and then put the special requirements for each
19 of those uses into the book.

20 CHAIRMAN VAN DINE: So Section 26-151 will have to be amended to pick up
21 the special requirements for each and every one of these that we have listed here if we
22 were to approve this?

23 MS. ALMEIDA: Right.

1 CHAIRMAN VAN DINE: Okay. Does that need to be done in the form of an
2 ordinance requirement?

3 MR. CRISS: Yep.

4 MS. LINDER: Yes, it does. I believe it was Staff's intention that this issue be
5 brought up for discussion today and that no action be taken but we get some direction.
6 We do not have a Zoning Public Hearing this month. And we'd have another Planning
7 Commission meeting in September and that we could bring you back whatever your
8 recommendations are in ordinance form at that time.

9 CHAIRMAN VAN DINE: Okay. Any other questions or comments for Staff?

10 MR. MANNING: Mr. Chairman, I have one. So, basically, all we've done is add
11 the SR designation to these uses to be allowed in the wholesale trade.

12 MS. ALMEIDA: And kept some of them outright not permitted.

13 MR. MANNING: You go back to 171, page 171 in the code, dealing with retail
14 trade and food services. There are a lot of uses there. Are those not allowed in this?
15 For instance, art dealers, arts and crafts, auction houses, automotive parts and
16 accessories.

17 MS. ALMEIDA: Yes, those are allowed. We're just talking wholesale trade.

18 MR. CRISS: Where –

19 MR. MANNING: But aren't we –

20 MS. ALMEIDA: We're adding to this list.

21 MR. MANNING: To the wholesale trade?

22 MS. ALMEIDA: Yes.

23 MR. MANNING: Are these included in the wholesale trade, now?

1 MR. CRISS: They're included in a separate category of retail trade and food
2 services.

3 MR. MANNING: Okay.

4 MR. CRISS: And most of those are allowed outright, P for Permitted, no special
5 requirements, no additional design standards. So if you're looking at your existing table
6 of permitted uses, you have to go toward the end under the wholesale trade category
7 that starts on page 175 and you'll see that in the GC, general commercial, zoning
8 district some uses are allowed outright. One, such as the Market Showroom, is allowed
9 with special requirements. But many of the wholesale trade land uses are not allowed
10 in the general commercial zoning district. This text amendment would add a variety of
11 wholesale trade land uses to the general commercial zoning district with specific design
12 standards designed to, intended to make them more compatible with surrounding land
13 uses.

14 MS. ALMEIDA: So the other categories remain the same. We were only
15 reviewing and identifying the wholesale trade area or subsection.

16 MR. PALMER: What is Transportation, Information, Warehousing, Waste
17 Management, and Utilities? What falls under that category because it's not allowed
18 anywhere here?

19 MS. ALMEIDA: Those are your recycle sites.

20 MR. CRISS: It's a variety of generally intense uses from airports to bus facilities,
21 courier services, land fills, power generation, radio and TV station antennas, recycling
22 stations, sightseeing, transportation, sewerage plants, taxi services, truck transportation

1 facilities, utility companies and their lines and service facilities, various warehouses,
2 waste collection.

3 MS. ALMEIDA: But that's not part of wholesale trade.

4 MR. CRISS: I think the question was what land uses are in the Transportation,
5 Information, Warehousing, Waste Management, and Utilities category.

6 MR. FURGESS: And the same thing for power generators, natural gas plants.

7 MS. ALMEIDA: That portion shouldn't be under Wholesale Trade.

8 MR. CRISS: The less intense uses in that category are allowed in general
9 commercial zoning districts.

10 CHAIRMAN VAN DINE: Page 265 should probably not be in our packet because
11 if you look up at the top on 254 there's a division –

12 MS. ALMEIDA: Right.

13 CHAIRMAN VAN DINE: - where it says "Transportation, Information", that
14 probably should not have been picked up in here. Alright, what is everybody's thought
15 process as far as moving forward with this?

16 MR. MANNING: Mr. Chairman, I hate to delay something but Mr. Green has kind
17 of taken the ball and run with this and is very familiar with the categories. I know Mr.
18 Duffy's here. I don't know whether he's had an opportunity to review this either.

19 MR. DUFFY: Just looking at it for the first time.

20 MR. MANNING: But I think it would save us all a lot of time to have the people
21 who are really involved in this make sure it is covering all the bases and go forward
22 accordingly. I would recommend a deferment.

23 CHAIRMAN VAN DINE: Let me –

1 MR. JACKSON: But [inaudible], right?

2 CHAIRMAN VAN DINE: Let me make a suggestion. I don't think we were going
3 to vote on it today. I think what we ought to do is let's, for the purposes of our next
4 meeting, if we could get this particular write-up in the form of an ordinance which would
5 modify the required sections and the Table of Permitted Uses. Then at our next
6 meeting we can sit down and talk through, hopefully with Mr. Green present, what those
7 are. And if we have it in the form of an ordinance and people can agree to that, we
8 would be in a position to vote on it at that time. So let's see if we can do that for our
9 next meeting, to have that in the form of an ordinance, basically adopting this for now
10 and understanding that there may be modifications.

11 MR. MANNING: Mr. Chairman, does that require public input?

12 CHAIRMAN VAN DINE: No.

13 MR. MANNING: No.

14 CHAIRMAN VAN DINE: Because we're a recommending Body. We'll get public
15 input at the County Council level. Obviously, Mr. Duffy, since he raised the issue, we
16 would certainly welcome your input in September at that -

17 MR. FURGESS: Before we go on, could I ask Mike about the timber, just for
18 information. Forty-four acres I'm going to develop 20 of it into a development. But 22 of
19 it is a forest woods. Cut some of the timber to help some of the taxes. How would that
20 stack into what -

21 MR. CRISS: Is the property currently zoned rural?

22 MR. FURGESS: Yeah.

1 MR. CRISS: You could continue your forestry operations on any portion of it that
2 you desired.

3 MS. WYATT: But if you came in and rezoned it to residential, then went to do that
4 you'd run into a problem.

5 CHAIRMAN VAN DINE: Or commercial in this case.

6 [Laughter]

7 MS. WYATT: Yeah.

8 MR. JACKSON: [Inaudible] come back and plant if you want.

9 MR. FURGESS: Okay. I just wanted to know [inaudible].

10 MS. WYATT: Marsha'd be after you!

11 [Laughter]

12 MR. PALMER: I do think that's something that we need to address seriously is
13 that fact. Because I know that people do have property that they do intend to timber.

14 MR. JACKSON: Yeah, but there's a special zoning for that.

15 MS. ALMEIDA: Well, what we're advocating is that people, if you're – if what you
16 want to do is timber property for whatever reason for development or prepping it, you
17 need to submit plans. You need to identify what it is you need to do. But to – what
18 we've been having are people just outright going out and clearcutting. I mean, I know
19 our Public Works Department has been working night and day to deal with the storm
20 water management aspect of it. You know, it just can't happen with urban development
21 in such a fast pace as it is. What you do on your property adversely – it really impact
22 other people's property. So you need to be cognizant about - so you need to have a
23 plan.

1 CHAIRMAN VAN DINE: The federal government has also been taking a rather
2 close look into some of the things that have been going on recently as were evident by
3 some of the fines that were levied on a couple of pieces of property and people within
4 Richland County recently. There was some pretty substantial monies being required to
5 be laid out, not all at once but certainly over time.

6 MR. CRISS: And, of course, wherever the Commission and Council allow
7 silviculture or forestry, property owners can clear-cut every tree off the property and
8 avoid any tree protection requirements of the code.

9 MS. WYATT: So that's a reason right there to leave it alone.

10 CHAIRMAN VAN DINE: Alright. Next we have are Road Name Approvals.

11 MS. LINDER: Mr. Chairman, a motion and a second and a vote will have to be
12 taken to defer.

13 CHAIRMAN VAN DINE: I didn't think it was before us for any kind of action on
14 that.

15 MS. WYATT: Just discussion was what I thought.

16 MS. LINDER: Yes, if it's clear that it was just for discussion then you're right.
17 Then you would not have to take a vote.

18 CHAIRMAN VAN DINE: This was just for discussion. We're bringing it forward in
19 September for action based upon the ordinance to be written. Road Name Approvals.

20 MS. ALMEIDA: Page 257.

21 CHAIRMAN VAN DINE: Yep.

22 MR. GOSLINE: Mr. Chairman and Members, we have two additions, if you
23 would, to the names. One is called Accolades Drive. The other is Sarah McDaniel

1 Drive. Those are in the subdivisions that were before you earlier. The Department
2 recommends approval.

3 CHAIRMAN VAN DINE: Do I hear a motion?

4 MR. JACKSON: Move to approve.

5 MS. WYATT: Second.

6 CHAIRMAN VAN DINE: We have a motion and a second. All those in favor
7 please raise your hand.

8 *[Approved: Palmer, Furgess, Jackson, Van Dine, Wyatt, Manning, McBride; Absent:*
9 *Lucius, Green]*

10 CHAIRMAN VAN DINE: So moved. Alright, the next we have is action taken by
11 County Council. We were handed a memo to that effect. The James Company, care of
12 Cliff Kinder, was approved by consent item.

13 MS. ALMEIDA: That's correct.

14 CHAIRMAN VAN DINE: I assume "consent" means they didn't talk about it. They
15 just approved it.

16 MS. ALMEIDA: That's correct.

17 MS. WYATT: Slam-dunked it.

18 CHAIRMAN VAN DINE: Alright, any other action?

19 MR. PALMER: Was that at Hardscrabble and Farrow?

20 CHAIRMAN VAN DINE: Yeah. It was the Farrow Road right at the corner of
21 Hardscrabble and Farrow on the left hand side.

22 MS. ALMEIDA: Yes, it was Hardscrabble.

1 MR. PALMER: He has two projects on Farrow. That's why I was wondering if it
2 was that one.

3 CHAIRMAN VAN DINE: Alright. Next we have a memo from Mr. Criss regarding
4 rural zoning districts. This is for discussion purposes only, correct?

5 MR. CRISS: Correct.

6 CHAIRMAN VAN DINE: I believe this was Ms. Lucius' issue and she is not here.
7 So –

8 MR. FURGESS: Skip it.

9 [Laughter]

10 MR. CRISS: We may want to defer or begin and defer or begin and continue.

11 MR. FURGESS: Defer it since she's gone.

12 CHAIRMAN VAN DINE: I would suggest you give a little overview so that when
13 she reads the minutes she can have at least the benefit of some advance idea of what
14 was being discussed.

15 MR. CRISS: Be glad to, Mr. Chair, though I'll have to infer the Commissioner's
16 intent. I don't know if she wanted to examine redefining the existing RU rural district or,
17 perhaps, consider adding a new zoning district to the Land Development Code that
18 might be more rural in character than the current RU, rural district, which is sort of
19 hybrid in that it's restricted in its land uses, low density, single-family residential, and
20 agricultural uses allowed, including silviculture, but is suburban in character as far as its
21 residential density, allowing a 33,000 square foot minimum lot area. And, of course,
22 most of the unincorporated area of Richland County is in the RU, rural district, which

1 means we have suburban residential densities out to the county lines. I'll put up an
2 approximate zoning map to refresh your memory of the extent.

3 MR. JACKSON: And that 3,300 [sic] square foot was based on DHEC's standard
4 for well and septic tank.

5 MR. CRISS: The light green area, of course, is the RU, rural district. We
6 apologize for the blacked out areas. That's where the tax maps and the database didn't
7 synchronize, didn't connect. Most of those around of the perimeter of the county are,
8 surely, zoned rural. I estimate that about three quarters of the unincorporated area is in
9 that rural district. So it is your dominant zoning district, geographically, in Richland
10 County. And anything you do to change its meaning will have wide ranging effect.
11 You'll recall the spirited debate during the Planning Commission's and County Council's
12 deliberations on the new Land Development Code whether or not to raise the minimum
13 lot area in the rural district from 33,000 square feet, about three quarters of an acre, up
14 to one acre. And that was - what's the proper term - denied by Council. Council
15 rejected that reform. So the rural district remained largely intact from the previous
16 zoning ordinance to the new Land Development Code. And I don't know if it was
17 Commissioner Lucius' intent to consider a lower density for residential or adding or
18 subtracting land uses. That's why the background memo is rather general as to where
19 we are now with that district. And Staff certainly welcomes a debate/discussion on the
20 topic .

21 MR. JACKSON: Without water and sewer it will have to remain minimum 3,300
22 [sic] square foot because it cannot have a well and a septic tank on anything smaller
23 than that by DHEC standards. [Inaudible]

1 MR. CRISS: Indeed, if the State Department of Health and Environmental
2 Control requires an acre and a half for a particular parcel to have a septic tank and drain
3 field then that's what we'll have to have. It's whatever minimum they establish on a
4 particular parcel depending on the soil conditions and other factors.

5 MR. JACKSON: Well, generally, it's .76 acres.

6 MR. CRISS: That's a fairly safe threshold. Sometimes I hear folks talk about an
7 acre, depending on the soil types.

8 MR. JACKSON: Soil type. Well, I think that's – from my understanding, that's
9 where the 3,300 [sic] square foot was adapted, because of DHEC's [inaudible].

10 MR. CRISS: There're also some separation requirements between the well and
11 the septic tank and drain field.

12 MR. JACKSON: One hundred feet.

13 MR. CRISS: So you have to have enough room to put everything on the property.

14 MR. JACKSON: One hundred feet radius, I understand. One hundred foot
15 diameter.

16 CHAIRMAN VAN DINE: DHEC has requirements and the county is not allowed
17 to trump those requirements. Is that correct?

18 MR. CRISS: That's correct. The most stringent would apply. So you have to
19 look at both the county and the state requirements for a particular parcel or
20 development proposal and apply the most stringent of the two in combination.

21 CHAIRMAN VAN DINE: So if somebody were to get approval for, let's say, a
22 subdivision or a lot split and there are three lots and they're all three quarters of an acre

1 or they meet the minimum requirements but DHEC says, "You need more", they might
2 have to come back in here and readjust those plats in order to –

3 MR. CRISS: Recombine the lots, perhaps. Reconfigure. Sometimes you can get
4 permission from DHEC for an alternative waste disposal system that doesn't require the
5 usual soil conditions.

6 MR. JACKSON: Pre '77 it was half acre. Pre 1977 it was half an acre.

7 MR. CRISS: Half an acre.

8 MR. JACKSON: And then DHEC changed it to .76 from my understanding.

9 MR. CRISS: My experience has been their field technicians actually go out and
10 soil bore each proposed site for septic tank drain field configuration. Look at
11 topography and the water conditions, and they custom design the tank size and drain
12 field configuration, drain field length, the depth to which the drain field is placed,
13 constructed. And it's on a case-by-case basis. And there is no single threshold for
14 dating an individual septic system permit. Depends on site conditions. So even the
15 most ideal soil may preclude placement of a tank and drain field if you plan to encroach
16 on the drain field with a house or patio or a driveway or other development. The current
17 rural district, despite its name, does nothing to conserve agricultural lands, prime
18 farmland, for future food supply.

19 MR. MANNING: I don't want to speak for Ms. Lucius, but I thought I was hearing
20 here say was that the 33,000 square foot lot was, you know, obviously very small and
21 was not maintaining a lot of the rural character of the county, and that debate went on
22 when we were at the National Monument with Council a month or so ago. And it seems
23 to me that, you know I'm not an advocate of doing away with the 33,000 square foot

1 minimum, but maybe we need another zoning classification that is larger in area that
2 does protect. I mean 33,000 square feet –

3 MR. CRISS: And, perhaps, in combination with some form of incentives, rather
4 than just down-zoning existing rural property and requiring more land per dwelling unit,
5 look toward purchase of development rights or other farmland conservation incentives
6 that would, perhaps, induce property owners to sign up for a more restrictive zoning
7 district.

8 MR. MANNING: I think if you were to do that you would find that there are a lot of
9 people out there who would take you up on the offer. But to tell them they can't build on
10 a particular sized lot, it just – it flies in the face of property rights and they're scared. So
11 I think if you could create some incentives I think half the battle is won.

12 MR. CRISS: Yeah. And, of course, it comes back to that huge funding question,
13 we don't have money for our roads so how are we going to find money for conserving
14 prime agricultural land.

15 MR. JACKSON: And that comes up also to people subdividing their property. I
16 mean somebody has six kids and five acres and you say, "Okay, you need a minimum
17 of one acre." I mean for the past over 25 years it's been .76 acres.

18 MR. CRISS: Uh-hum (affirmative).

19 MR. JACKSON: And to increase it is – what's the reason to increase it to one
20 acre?

21 MR. CRISS: Yeah, the farmland conservationists across the country would argue
22 that you're really not doing anything to conserve farmland with zoning unless you get up
23 into the 25 and 50 acre category.

1 MR. MANNING: That's true.

2 MR. JACKSON: Like what state -

3 MS. WYATT: I would have to agree.

4 MR. CRISS: And that doesn't seem realistic -

5 MR. JACKSON: What state has it - what - 50 acres per dwelling? I forget what
6 state it was.

7 MR. CRISS: It varies around the country. But -

8 MR. JACKSON: One county - increased it to 50 acres per dwelling just to keep it
9 rural character.

10 MR. MANNING: From where I see this, it's not as complicated as what you are.
11 But I don't think we can solve all the problems. I know they're connected. And I know
12 that funding is an issue for the northeast. And the rural is - but if we try to solve all the
13 problems simultaneously in one neat package, I don't know that we'll ever get there.
14 And I think we're going to have to break these things down and deal with them
15 individually. And we're not going to catch it all. We're not going to cure it all. But we're
16 going to make some progress.

17 MR. CRISS: There are, increasingly, state and federal incentives for
18 conservation easements. The problem is that you've got to have a revenue stream to
19 shield, shelter, from income tax for that to work. If you're land rich and cash poor, those
20 conservation easements are not as enticing.

21 MR. MANNING: Well, maybe we're looking at tax incentives, you know, that are
22 already on the books. I don't have the answer at this point. But it would seem to me if
23 you could begin to investigate what other counties are doing in rural areas of the

1 country in their zoning and how it does protect the rural character. There's, obviously,
2 corridors that are important to us that are more important than other areas of the county.
3 That's not to say that property rights need to be overlooked and that. But there are
4 special places in this county that need to be looked at differently from a rural character.
5 And it's not a 33,000 square foot.

6 MR. CRISS: If you're going to have a voluntary transfer of development rights
7 program where the rural property owner sells development rights to an urban or
8 suburban developer who, in turn, is allowed to increase their density intensity, you have,
9 perhaps, a market mechanism that could work. But the devil's in the details,
10 establishing a sufficiently large market for people to participate. I often wonder whether
11 Lexington County/Richland County/City of Columbia could combine their efforts to
12 conserve farmland across the region and create a large enough market for that sort of
13 transfer of development rights. But that would require incredible intergovernmental
14 coordination and cooperation, the likes of which we've not yet seen.

15 MR. MANNING: It would be nice if they would, collectively, do that. But in the
16 meantime, let's worry about Lower Richland and [inaudible].

17 MR. CRISS: Yeah. And, you know, the very name of the county probably comes
18 from the rich land in Lower Richland. And we are slowly losing that prime agricultural
19 landscape to various forms of development. And someone may come to regret that.

20 CHAIRMAN VAN DINE: Why don't we do this? Since Marcia was the one who
21 sort of raised the issue and she is not here, I think we have had a fairly good discussion
22 up to this point to at least set the tone for where we move from here. And I would
23 suggest that we bring this up on our September meeting when Marcia is here to give us

1 a better feel for what her thoughts were and why she moved forward at that. So I would
2 ask that you bring this up as an agenda item in September when Marcia is here so we
3 can delve further into this issue.

4 MR. CRISS: Glad to.

5 CHAIRMAN VAN DINE: Alright, a couple of real short things. I've been handed a
6 calendar which reflected that we were going to have a Planning Commission meeting
7 on September 1st, which is a Thursday. I thought we had changed that to September
8 12th because the 5th is Labor Day. If not, I would suggest that we change it to the 12th
9 since the 5th is Labor Day. And I would ask that someone look into that and please
10 report back to everybody when we're actually going to have that.

11 MS. WYATT: There was some reason that we did that on the Thursday.

12 MS. HAYNES: Because of Zoning Public Hearing.

13 MS. WYATT: Yeah.

14 MS. HAYNES: And since they're not meeting in August, everything from Zoning
15 Public Hearing plus September we won't have enough time in between.

16 MS. WYATT: That's right. So we agreed to do that. I knew there was a reason.

17 CHAIRMAN VAN DINE: Someone say it again?

18 MR. GOSLINE: If you wait until the 12th to have –

19 MS. ALMEIDA: You don't have but two days to advertise.

20 MR. GOSLINE: - you won't be advertise for the County Council. But you all
21 discussed that, as Suzie says, you all discussed that and deliberately decided to do it
22 on the 1st.

23 MS. WYATT: Right! We'll we did. I remember it.

1 CHAIRMAN VAN DINE: The 4th Tuesday of the month is – and we need to give
2 10 days notice.

3 MS. WYATT: Fifteen.

4 MR. GOSLINE: Fifteen.

5 MS. HAYNES: Fifteen.

6 CHAIRMAN VAN DINE: Alright.

7 MS. LINDER: The alternative would be to pre-advertise in anticipation of items
8 being moved forward. And I'm not familiar with the advertising expense involved with
9 that.

10 CHAIRMAN VAN DINE: If we want to do it September 1, that's fine. I just
11 thought we'd hold it to our Mondays.

12 MS. WYATT: No. That was something we took a vote on in January.

13 CHAIRMAN VAN DINE: Alright.

14 MS. WYATT: And I'm satisfied with leaving it that way.

15 CHAIRMAN VAN DINE: Alright. We do have one additional item which has been
16 – actually two other than talking about the Comprehensive Plan. The other is a
17 question and an issue has arisen as to the Planning Commission's future review of
18 subdivisions. It has come to my attention that, in fact, we will not be reviewing
19 subdivisions for approval purposes fairly soon, whether it's in September or not I don't
20 know.

21 MS. ALMEIDA: Right. Starting on your September meeting.

22 CHAIRMAN VAN DINE: Would that mean that anything that was in the pipeline
23 prior to July 1 would fall under the new code?

1 MS. ALMEIDA: Anything that came in July 1st.

2 CHAIRMAN VAN DINE: Alright. Is there anything that is out there that predates
3 that?

4 MS. ALMEIDA: No. This meeting –

5 MR. GOSLINE: No. You did them all today.

6 MS. ALMEIDA: Yeah. This meeting was everything.

7 CHAIRMAN VAN DINE: Okay. So as of September we will no longer be
8 reviewing the subdivisions for approval purposes.

9 MS. ALMEIDA: Correct.

10 CHAIRMAN VAN DINE: I, personally, don't recall that as part of the discussion
11 that we had. People seem to recall that we had discussed it. I guess what I would like
12 to do is have somebody go back through our discussion for these particular
13 Comprehensive Plan and make a determination whether or not that really was
14 something that was adopted and was discussed as part of what we were talking about.
15 If, in fact, it was, then I guess we're out of the subdivision review up here. If not, which I
16 don't recall it being discussed, I would think that we would still be doing those reviews.

17 MR. CRISS: I'll be glad to retrieve from my office the version of the Land
18 Development Code that the Planning Commission recommended to County Council in
19 early 2004 for their consideration. My recollection, offhand, is that the Commission had
20 a spirited discussion about the topic of "major" versus "minor". Staff position was to
21 bring all major projects in front of the Commission for an actual vote. But the final draft
22 that the Commission approved for Council consideration eliminated the Planning
23 Commission's reviewing and voting on major, non-subdivision developments as well as

1 major subdivision developments. We were instructed to bring all of them to you for your
2 information so that you would be able to have a sense of the ongoing development
3 activity in the county and its relationship to your Comprehensive Plan. One other
4 avenue to the Planning Commission that was built in was appeal of Development
5 Review Team decisions either by the developer or the neighbors or other interested
6 parties to the Planning Commission for resolution. But that, otherwise, major and minor
7 projects were to come before you merely for your information after the fact. I'm going to
8 go try to retrieve some of those notes.

9 MS. WYATT: I'm going to bring it up again. And I know you're overworked and
10 underpaid. But we really do – I mean this keeps coming up over and over and over –
11 we need those transcripts. I don't know how many times I've wished I had that to refer
12 to. And, like right now, we need it because I don't recall us having the discussion of us
13 not reviewing subdivisions because I know I, for one, would not have supported that.

14 MR. JACKSON: I remember we're having some discussion. But I don't
15 remember, recall, that we would not have it come before us.

16 MR. MANNING: So, Mr. Chairman, basically what you're saying is that the
17 previous Commission did or did not agree to participate in the final review of
18 subdivisions as part of the new Land Development Code?

19 CHAIRMAN VAN DINE: That is what I'm being told. And it was my
20 understanding that we would still be reviewing them, but apparently that is not true.

21 MR. PALMER: Let's send some language to Council to correct that.

22 MR. MANNING: I personally think it would be a mistake. I think we see way too
23 many issues come before us that the Commission's input is necessary and helps move

1 the process forward. I think we concur with Staff on a lot of issues but sometimes we
2 don't. I'd like to know what the Council feels about is. I mean, do they, in fact, know
3 that Staff's position is that we're not involved in subdivision review at this point? And is
4 that what they want?

5 MR. JACKSON: I remember some discussion. But I don't remember voting on
6 anything like that. I was totally against it.

7 MS. WYATT: Well I – you know, I said this earlier to Mr. Van Dine. When I – and
8 I think, Norm, you might recall this, too, because you and I came on at the same time.
9 We did not review subdivisions when I first came on the Planning Commission. And
10 Randy Jorgenson, the Planning Director at that time, with our attorney sitting there, told
11 us that we had to review the subdivisions. That it was a statute of the state law
12 somewhere. So we suddenly started doing it. Now we're going to suddenly stop doing
13 it again.

14 MR. JACKSON: And I remember saying I –

15 MS. WYATT: I mean, Randy was very clear that we were breaking the law in this
16 county.

17 MR. JACKSON: And I said I would not rubberstamp anything.

18 MS. WYATT: Uh-hum (Affirmative).

19 MR. JACKSON: If I have to vote on something, I should discuss it and decide
20 whether I should support it or not. I remember that discussion.

21 MS. WYATT: You remember that we had that. That we were told we had to do it.

22 MR. JACKSON: Because I said I would not – we had to pass this and I would not
23 rubberstamp anything.

1 MS. WYATT: That's what I remember.

2 MR. GOSLINE: Mr. Chairman, I think, Ms. Wyatt, the discussion was, at that
3 point in time, the practice had developed in the Department not to bring them to you but
4 the code still required it. So I think that's what Randy was talking about. But the state
5 statute clearly allows the county to delegate the authority to the Department.

6 MS. WYATT: But there was some reason that he was saying it needed to come.
7 Code or whatever.

8 MR. GOSLINE: Because it was in the county code.

9 MR. JACKSON: I was in county code.

10 MR. GOSLINE: And they had just – the Department had developed a practice of
11 just not doing it for whatever reason.

12 CHAIRMAN VAN DINE: Well, I can tell you from a quick review of the
13 "Major/Minor" it says that the Department will be making all the decisions and that it is
14 only transmitted to us for information purposes unless an applicant appeals some
15 decision or some requirement. And why that is or whether that was changed by Council
16 - I can tell you for a fact that I may be proven dead wrong, but I do not recall ever
17 agreeing to cede the responsibility of that over without reviews. There were a number
18 of reasons, not the least of which we wanted to know what was going on and wanted to
19 have some say in it. And if we're going to sit up here, there's a reason for us being
20 here. And it's not to sit there and say, "Okay. We got it. Great! Now what do we do?"
21 You know, frankly, we don't get paid enough to sit up here to do that.

22 MR. CRISS: Indeed, we the Staff wanted you to have not only review ahead of
23 the project, but an actual vote on whatever you collectively decided would be "major" in

1 terms of non-subdivision, commercial, office, institutional, etc., and subdivision projects.
2 But the version that went before Council in early 2004, for example, here's a description
3 of the "Formal Review" under "Major Subdivision", that would be more than 50 lots,
4 right? "Following receipt of a report or appeal on a proposed, major subdivision sketch
5 plan, the matter shall be scheduled by the Richland County Planning Commission. The
6 Planning Commission shall consider this matter at the next available meeting. There
7 shall be no public hearing held in conjunction with a report on a sketch plan approved
8 by the Development Review Team. In these cases, Commission shall receive a report
9 on the decision of the Development Review Team for their information. In the case of
10 an appeal, the Planning Commission shall conduct a public hearing on said appeal."
11 That's an appeal from the Development Review Team's decision. "Failure by Planning
12 Commission to act within sixty (60) days of complete submittal shall constitute approval
13 unless this time period is extended by mutual agreement." That's the kind of language
14 that went before the County Council in early 2004 on all major developments. Of
15 course, there was also a parallel, or concurrent, debate as to where the threshold
16 between major and minor should be; how many lots in residential subdivision, how
17 many units in a multi-family project, how many square feet in a commercial
18 development. It ended up at 50 lots residential and 100,000 square feet gross floor
19 area for commercial/industrial, and 150 dwelling units for multi-family apartment and
20 condos.

21 CHAIRMAN VAN DINE: I guess, to my way of thinking, I mean, if you looked at
22 our meeting today, the amount of time we spent specifically on subdivisions today and
23 the discussions we had and the reasons for making changes in certain areas gave a

1 balance, number one, to what the Staff was doing and gave the applicants an
2 opportunity to, without a formal notice of appeal, if you will, an opportunity to come up
3 here and say, "You know we just don't really agree with that." Or – you know - we
4 actually added some requirements on what we saw up here today. And I'm just having
5 a little – a hard time seeing how, without the ability to do that, we're actually doing our
6 function of the name of this Body, which is a Planning Commission. Planning includes
7 subdivisions and other things of that nature. Now, if I'm wrong and that particular
8 provision went by us without us catching it or for some reason we dealt with it and I'm
9 wrong in my assuming, then I think we need to revisit the particular idea of whether or
10 not the Planning Commission should review those final subdivision plats and everything
11 else.

12 MR. CRISS: A related issue is that threshold between minor and major. Again,
13 that was also heavily discussed and debated by the Commission.

14 CHAIRMAN VAN DINE: I remember that debate.

15 MS. WYATT: Oh, I do too!

16 CHAIRMAN VAN DINE: That one is very distinct in my memory. But idea of the
17 final review was not - is not as clear in my mind.

18 MR. JACKSON: I don't know where that part came from either.

19 MR. MANNING: Yeah, the 50 lots, when you went through the review process, I
20 mean, it was on a minor subdivision didn't need to go through quite as extensive a
21 review as the smaller ones. I would think that got - if the intent was that you wouldn't
22 have any input, it got by us.

1 MS. WYATT: Let me ask - can you hear me? This thing's on. Oh, well I guess
2 you can! You mentioned earlier today that you had two more to do, being two more
3 tapes.

4 MS. STEPHANIE SWORD: Two more meetings.

5 MS. WYATT: Two more meetings. Okay. Well, was that from the 1:00 o'clock to
6 9:00 o'clock meetings or?

7 MS. SWORD: I don't recall. They were the last two meetings. You've gotten the
8 first two.

9 MS. WYATT: The last two. Okay. So we were kind of wrapping up at that point.

10 MS. SWORD: Correct.

11 MS. WYATT: Is there any possibility that you could give to me – and I'll be happy
12 to spend some time reading through those because those were early-on discussions.
13 They're going to be in those first – probably somewhere like the third meeting.

14 CHAIRMAN VAN DINE: I think we actually had those towards the end as a
15 discussion –

16 MS. WYATT: You think?

17 CHAIRMAN VAN DINE: - because it came back up again.

18 MS. WYATT: I think we did. I think we kind of deferred it because we were
19 getting a little heated about major and minor and the lot numbers.

20 MR. CRISS: It was later in the year, 2003, when the Planning Commission
21 grappled with the new Land Development Code. Because, remember, the Staff position
22 had been the whole reason to create major and minor was to see that the big projects,

1 whatever they may be defined as, got in front of you and that the smaller stuff was dealt
2 with at the Staff level and reported to you.

3 MR. PALMER: Okay. From what I know it doesn't really matter what we sent up.
4 What has passed has passed.

5 MR. CRISS: True.

6 MR. PALMER: So we need to deal with what has passed. If we want to take a
7 look at these subdivisions in the future we need to send up an amendment to the
8 ordinance that allows us to do that. It doesn't matter what we sent up.

9 CHAIRMAN VAN DINE: I agree with you on that.

10 MR. PALMER: Well, let's get the ball rolling.

11 MR. JACKSON: Even if we do that, until it's passed we won't review any.

12 MS. ALMEIDA: You will receive information.

13 MR. CRISS: You won't be voting except upon appeal. Again, that could be the
14 developer or the neighbors or some other interested party that disagrees with the
15 Development Review Team.

16 CHAIRMAN VAN DINE: You know, I'm sitting up here saying that I'd like to see
17 it. But I guess the bigger question is, from the development community's perspective,
18 what would they prefer to see happen. Would they rather have you guys in control of
19 the situation or have us as sort of the arbiters of agreements and sort of the final stamp
20 of approval, if you will? And I don't have the answer to that question. But I think that
21 would be a very valid question to be asking to people because of the fact that they'd like
22 to know what, you know, if they don't want us involved, then why waste our time and
23 effort doing that? If they do, however – and that may be something that Earl can help

1 us out with as to what, you know, just a straw poll, if you will, of the development
2 community as to whether they would prefer we're out of it and just Staff deal with it or -

3 REBECCA: I think we'd like to do that. I'd like to be able to talk to some of our
4 members and say, "Okay, you guys that are doing a lot, what would you prefer?" I think
5 that would be [inaudible].

6 CHAIRMAN VAN DINE: Do you think Earl could get something like that to us by
7 September, just a sort of a straw poll idea?

8 REBECCA: Sure.

9 MS. WYATT: Earl can have it to you by tomorrow. They have a meeting tonight.

10 MR. PALMER: If what occurs – what's going to start occurring is –

11 [Inaudible conversation]

12 CHAIRMAN VAN DINE: We've got six conversations going and the court
13 reporter's having a problem hearing anything.

14 MS. WYATT: Court reporter?

15 MR. MANNING: I'm sorry. But going back –

16 CHAIRMAN VAN DINE: I've elevated her. [Laughter]

17 MR. MANNING: I think it's correct that this Body offers balance and another
18 opinion when controversy arises. And I think that's helpful to the development
19 community in the long run. You know, we might not always agree with Staff, but by and
20 large we do. I mean, if you look at the votes that have been taken since I've been here,
21 we generally concur. But we also bring some things to the table that I think need to be
22 reviewed; sometimes that have either been overlooked or we have a different opinion or

1 there's a policy involved that needs to be reviewed. And I think that's healthy to have
2 that debate.

3 MR. JACKSON: But, yet, you have an instance where the applicant can appeal,
4 right? So what about, in the sense that in a certain community, the public disagrees.
5 Do they have any say?

6 MR. CRISS: They have, in circumstance, the right to appeal. The problem is that
7 the code doesn't require legal notice. Neighborhoods will have to be proactive in
8 becoming aware of projects near them.

9 MR. JACKSON: And would that be fair to the community? I mean, are we just
10 supposed to support the applicants and what about the community it will have an effect?

11 MS. WYATT: Well, subdivision reviews don't get posted, Mr. Jackson, so –

12 MR. JACKSON: I understand.

13 MS. WYATT: - they don't know anyway.

14 MR. PALMER: Subdivision – the neighborhood doesn't have anything to say
15 about subdivisions now.

16 MR. JACKSON: I understand. The question I asked earlier is that the applicant
17 has a right to appeal if it's turned down by Staff.

18 MS. WYATT: Right.

19 MR. JACKSON: And I asked does the community have any say and is it fair that
20 an applicant can appeal if the subdivision is not approved by Staff. But at the same
21 time, the community has no say in what's happening in their neighborhood.

22 MS. ALMEIDA: When the applicant appeals, puts in a request for an appeal, that
23 has to be – ample notice has to be put in the paper and it does get advertised.

1 MR. JACKSON: I understand.

2 MS. ALMEIDA: So then you get the community out. But you're right, the
3 applicant would need to appeal.

4 MR. JACKSON: Okay. And then -

5 CHAIRMAN VAN DINE: There's a fallacy to the argument and the right of appeal.
6 It sounds wonderful except for one thing. And that is the language says, "A person who
7 may have a substantial interest in the decision of the Planning Department regarding
8 subdivision may appeal such decision to the Richland County Planning Commission."
9 Does the neighborhood organization fit that? And, if so, how do they even know that
10 anything is going on if they have substantial interest to know to appeal? It seems to me
11 we've attempted to create a hybrid situation, which is almost a zoning request with
12 public notice, but we're not giving any public notice. And so nobody with substantial
13 interest can turn around and appeal any of the decisions that are out there. And I don't
14 think we can have it both ways. I think we have to have it one way or the other. Either
15 this Body, or someone like us, becomes the, sort of the final filter for whatever's going
16 on. Or we have to start notifying people of all of the subdivision applications and
17 allowing them the ability to come in and argue whether or not that's going on. I can tell
18 you right now, you don't want the latter to happen. You've got enough people coming in
19 and complaining about things as it is. The more you add to it the worse it's going to get.
20 And it seems to me all of it sort of falls back to you need somebody, for lack of a better
21 term, to take the heat off you. We are -

22 MS. WYATT: What heat?!

1 CHAIRMAN VAN DINE: We're the brunt of the people. We take it, you know. If
2 a developer walks out of here they're not mad at you. They're mad at us. So –

3 MR. GOSLINE: They're still mad at us. Trust me.

4 CHAIRMAN VAN DINE: Well, that may be. But they've vented on somebody
5 else besides you because you still have to work with these people.

6 MR. CRISS: The language that was adopted in the Land Development Code
7 under Major Subdivision under Public Notification, "No public notification is required for
8 major subdivision sketch plan review where report of approval is being made by the
9 Development Review Team up to the Planning Commission." If the neighbors find out
10 about the project in time, they might be able to appeal under these conditions: "Appeal
11 shall only be filed by the applicant, a contiguous landowner, or an adjacent landowner.
12 It must be filed within fifteen (15) days of the date the decision is received by the
13 applicant for a Land Development Permit."

14 MS. WYATT: And who's going to keep up with what day the applicant gets it?

15 MR. CRISS: Well, our records will, but –

16 MS. WYATT: I just won't pick up my mail. [Laughter]

17 MR. CRISS: Yeah. The question is how will the neighbors know.

18 CHAIRMAN VAN DINE: Exactly. The more important question is those are
19 wonderful rights if somebody's standing down here going, "Okay. What's happened to
20 me over the last 24 hours? Am I getting screwed by this?" So, I think, while we have
21 established something that appeared to work, in reality, it's not going to work because
22 people are not going to get the notices that they think are necessary.

1 MR. CRISS: There were, initially proposed by Staff, more rigorous neighbor
2 notification requirements but they were amended during the process.

3 MR. MANNING: Mr. Chairman, in some of the discussions that took place I know
4 with the homebuilders, I being one of them, was that if the developer was not rezoning a
5 piece of property and they were, basically, adhering to the subdivision regulations per
6 the zoning class, you know, how the property was zoned, then there was no reason to
7 have a public hearing on subdivisions. But if there was an appeal, that they could bring
8 anybody who had a standing and interest - and I think that was kind of defined at the
9 time as someone who lived in the neighborhood or was an adjoining property owner that
10 could be affected by the road layout or the water, the sewer, the density - those kind of
11 issues were available for notice. But to have a neighborhood group that was on the
12 other side of the county notice to participate in a public hearing when they didn't really
13 have standing in that issue, I think that's where the line was drawn.

14 CHAIRMAN VAN DINE: I'm not sure that anybody's suggesting that a public
15 notice be adopted or included in this. I think what the suggestion is that if something is
16 going to be appealed, the only person who really knows to appeal anything is the
17 applicant. And nobody else has the ability to look at or hear anything. And while that
18 may work in some instances, it seems to me that you're starting to create a situation
19 that's working backwards as opposed to being open. It's more inclusive and
20 exclusionary than it is sort of the transparency that you need to make sure that things
21 are sounding as if they're not being hidden.

22 MS. ALMEIDA: Well, the Development Review Team, of course, is made up of
23 different people from, obviously, the different departments. And we're hoping that

1 through the professionalism of Staff we can come to some sort of logical approval
2 process anyway. Anything that the applicant, of course, would not be happy with, as we
3 said, would be appealable to the Board. But I believe the understanding at the time was
4 if the property is zoned correctly, okay, and, of course, all map amendments would
5 come before you, and that would be the time in which people should be out advocating
6 and voicing their opinions about the zoning of the property. But I believe it was felt at
7 the time that at subdivision, you know, the development community needed to know that
8 they were able to do what it was that the property was intended for, was zoned properly
9 for. And a lot of those discussions had taken place at that time both in Council and
10 Planning Commission, at the time, but especially at Council work sessions.

11 CHAIRMAN VAN DINE: If we can just sort of go back, again. My problem, again,
12 goes back to our earlier discussions we had when we were talking about the new code.
13 And that is that, if in fact, that is the logical trail that you're going to take, then it seems
14 to me there must be a higher standard to prove for a zoning map amendment required,
15 including the what you're going to do with it, what's your layout type thing so that people
16 can understand. Because a lot of people come in here with just the idea that says, "I
17 want to change from this to this." "Do you know what you're going to do?" "No." So, it
18 either becomes a - this Body or Council starts saying, "We don't have enough
19 information. We're refusing this application until you come up with a better idea." Or
20 the other side of it would be give us more information up front and we can address that.
21 And then maybe we don't need to have subdivision approval because we've had the
22 information and people understand what's going on out there.

23 MS. ALMEIDA: Uh-hum (affirmative).

1 CHAIRMAN VAN DINE: But to take with the two separate steps of here's the
2 zoning application with nothing attached to it. Okay, you've got it. And then turning that
3 around and saying now that you've got it you can do anything you want to it and the
4 only people that are going to look at it is Planning Department, I think that distances any
5 involvement by, sort of a – a hate to call it an arbiter body, but somebody like us in the
6 process.

7 MS. ALMEIDA: Well, Staff would hope that in the coming months we would have
8 a good Comprehensive Plan that would make rezonings not so arbitrary, or, I mean,
9 normal rezonings –

10 MS. WYATT: Are you dreaming down there? [Laughter]

11 MS. ALMEIDA: - are common place. That a lot of what is out there would be
12 corrected.

13 MS. WYATT: Don't let her have any more cookies. [Laughter]

14 MR. PALMER: Before, with what you're saying, Howard, is that anybody can
15 come in and, for example, the piece we did where the guy was going to put a veterinary
16 office, with Mr. Savage, today, he could say he was going to put a vet on it and
17 tomorrow he could put an adult bookstore on it.

18 CHAIRMAN VAN DINE: I understand.

19 MR. PALMER: You know we can't tie people down. I mean, you know, people
20 come in and say they're going to put whatever they want to put on there. And if you
21 start tying people down you start putting a lot of PUDs out there.

22 MR. JACKSON: My concern - my question is where does the public get any
23 information or have any rights to determine what happens in their community.

1 MR. PALMER: They don't have that now. They have that at the zoning section.
2 They don't have that now in subdivision approval.

3 MR. JACKSON: Well, what I'm saying is we are here to at least speak on their
4 half. When it comes to the Staff, there's no one.

5 CHAIRMAN VAN DINE: Alright, I don't know where to go with this particular
6 issue. But I think, at the very least, we need to understand what was said, at least, in
7 the meetings beforehand. I understand what the text says.

8 MS. ALMEIDA: Okay.

9 CHAIRMAN VAN DINE: But I think we need to probably understand that so that
10 we have a better idea. And I would suggest that that become a part of our September
11 meeting where we can continue this discussion. And, if we so desire, maybe we make
12 a recommendation that this Body start to get back involved in those decisions, again.

13 MS. ALMEIDA: Would you like to Staff to come up with a recommendation as to
14 what items should come before you for a vote? I gave the Commission –

15 CHAIRMAN VAN DINE: To the extent that you can move the ball forward with
16 anything, that would certainly be helpful as opposed to us dealing in the whole cloth
17 because –

18 MS. ALMEIDA: Okay.

19 CHAIRMAN VAN DINE: - as we'll talk about next, we are going to be assigned
20 the task and we're going to have to start working on it - we've sort of been delaying - the
21 Comprehensive Plan needs to be done, as well as the Subarea Plans, as well as the
22 Capital Improvements Budget, and all of the other things that are out there that we have

1 been sort of tasked with and have done nothing on for the last six months probably
2 because I haven't focused on it.

3 MS. WYATT: I was getting ready to say it's your fault.

4 MS. ALMEIDA: Well, I handed out -

5 CHAIRMAN VAN DINE: I'll take responsibility as the Chair.

6 MS. ALMEIDA: I handed out a matrix of what the code allows the Planning
7 Commission, or the authority, and it's broken down. The Legal Department and Staff
8 will work on a proposal at our next meeting to put before you to see what items you
9 would like to vote on or recommendations on neighbor notification, expand on that
10 neighbor notification requirement, and some proposals that you all can kind of talk about
11 and look through.

12 MR. MANNING: Mr. Chairman, are we not going to have any input in the
13 September meeting unless we make a change or recommendation to Council to change
14 something?

15 MS. ALMEIDA: Well, those -

16 MR. MANNING: Excuse me?

17 CHAIRMAN VAN DINE: I believe the answer to that question is yes because
18 under the present state of the code that was adopted by County Council which we are
19 operating under subdivision review will only come before us on an appeal at this stage
20 because those are the rules that are presently in place.

21 MR. MANNING: And that is an opinion by Legal as to the code or is that an
22 opinion by Staff?

23 MS. ALMEIDA: It's in the code.

1 CHAIRMAN VAN DINE: That is code language.

2 MS. ALMEIDA: There are two sections that you all will get reports from the DRT,
3 the Development Review Team, and that is on major site plans 150,000 square feet or
4 larger, Or 100,000 square feet or larger or 150 or more units. Those make sense that
5 the Planning Commission would approve, would have for a vote. And the sketch plan
6 stage for subdivisions, which is the first step in the process before hard engineering is
7 done, would also come before you for informational purposes but really should come for
8 a vote. In those two instances it definitely makes sense that you all should vote on
9 these things. I mean that could be a proposal, at least a starting point.

10 CHAIRMAN VAN DINE: Here's another thing. I've been looking at your chart.
11 You know, one of the things we always talked about is having knowledge to make our
12 decisions on. According to your chart, minor subdivisions are not even sent to us for
13 our information.

14 MS. ALMEIDA: That is correct.

15 CHAIRMAN VAN DINE: Well, how many major versus minor do we have?
16 Almost everything is minor, and if that's the case we'll never hear about anything!

17 MS. WYATT: Look at the ones we approved today.

18 MS. ALMEIDA: You will not see them.

19 MS. WYATT: And that's not planning.

20 CHAIRMAN VAN DINE: So, okay, let's take, for example, what we did today. All
21 of the things we did in the northeast area for the subdivisions and the reviews, all of the
22 various things on Longtown, you know, Willow Lakes, I mean, all of the stuff that's out
23 there. We would have no idea at all. If somebody were to come in with a rezoning

1 request, we wouldn't have a clue, based upon the present state of what we're doing, as
2 to what was going on there unless we drove around out there and couldn't get through a
3 stop sign.

4 MS. WYATT: And I'm going –

5 CHAIRMAN VAN DINE: Does that make any sense at all for this Body to be
6 sitting up here to do that?

7 MR. JACKSON: I don't think we said that.

8 MS. ALMEIDA: It depends on how –

9 MS. WYATT: I don't either!

10 MR. JACKSON: I don't think we said that.

11 MS. ALMEIDA: - you want the Body to –

12 MR. MANNING: I agree with you. I wasn't here then, but I agree with you.

13 MR. JACKSON: I think there's a misunderstanding in rewriting or transcribing
14 what was discussed in the meeting.

15 MS. WYATT: Well, and you just take it a step further. We're getting ready – and
16 I'm going to say I'm unfortunate, I not going to probably be here and neither will Mr.
17 Jackson. But we're getting ready to do the Comprehensive Plan and the next step is
18 the Capital Improvements Plan. How am I supposed to advise County Council on
19 where they need a library, where they need a fire station, where they need all these
20 things, when I don't know what the hell's going on out there because I haven't seen it?
21 It's not planning, guys. That's -

1 MR. CRISS: New code you would see it after the fact. I'm not disputing whether
2 that's planning or not planning. But the code does require that you be informed. It's
3 that you don't have a vote except on appeal.

4 MS. WYATT: Are we going to be informed like County Council is informed every
5 zoning when they get a piece of paper that says Planning Commission voted nine to
6 one or nine to – how many of us are there? There's only nine of us. That's not
7 informing us. I'm sorry, but I think we're making a very big mistake. I think somewhere
8 that code was changed and it shouldn't have been.

9 CHAIRMAN VAN DINE: Mr. Criss, we have two people that have been very
10 patient. Ms. Linder.

11 MS. LINDER: Mr. Chairman and the Planning Commission, I apologize. But I am
12 going to have to leave within the next few minutes. If I could just make a
13 recommendation that you allow Staff and legal to work together on some draft
14 language, bring it back for your September discussion meeting, and possibly take action
15 or give us some more, further direction based on what we've recommended. But I think
16 we're hearing you loud and clear as to what you're saying. That's your consensus.

17 CHAIRMAN VAN DINE: Alright, that's fine with me.

18 MR. DONNY PHIPPS: Donny Phipps, the new Interim Director for Planning. And
19 definitely a very education meeting and I've learned a lot here today. I definitely see
20 that you're displeased with what transpired and maybe it needs a little bit more than
21 tweaking. I think the idea that Staff had and Council had was to get projects that didn't
22 really need to come here through the system faster than waiting 30 days or 60 days.
23 But I understand your wanting to be involved with certain changes, such as down

1 Longtown Road, and some involvement, and, also, the possibility of the adjacent or the
2 contiguous neighbor being notified. I can tell you now before, and hopefully Staff can
3 approve it and Legal and I'll work with them, that, if we do hear one, that the contiguous
4 and adjacent neighbor will know that the DRT meeting is meeting, group is meeting, But
5 I do agree that you probably need to get some better answers. We'll give those to you
6 at our next meeting. And I would definitely take anything back to the Assistant Manager
7 and the Manager in Council that you direct us to do at this time.

8 CHAIRMAN VAN DINE: Thank you, sir.

9 MR. PALMER: I have one question for you. The DRT, when they review a
10 subdivision, is it up to opinions of those members as to what will happen in that
11 subdivision or is it a clear cut case of if you meet A, B, and C your subdivision is
12 approved?

13 MR. PHIPPS: We are regulated by ordinance and guidelines as to what we can
14 approve. In other words, we can't go in there and make code.

15 MR. PALMER: For example, with curb cuts often this body gives less curb cuts
16 than what is allowed by the code. Is that something that's up to the purview of the DRT
17 to do?

18 MR. PHIPPS: Not in my – my thinking would be it would be up to an appeal for
19 that to be done. In other words, if this Body has an ordinance that says a curb cut
20 meets certain radiuses and so forth, then that's what we have to be inside. If they want
21 less, then they would have to appeal it and it'd have to come to you.

22 MR. MANNING: Mr. Phipps, with all due respect, I know that this is your first
23 meeting here, but there's policy decisions that are implementing the code. And that was

1 one of the things that I was going to ask the Chairman – if we could have some
2 discussion at our next meeting. For instance, Mr. Reid's here today and we've got
3 some floodplain issues in the way we administer the approval process, whether we
4 allow a project to go forward with a floodplain line dissecting a lot or not. Also
5 interpretation as to the floodplain overlay district and how that impacts a project. Is it
6 substantially in the flood plain? Is it, you know, 10% of the property? These are policy
7 decisions. And if we're going to do away with the Commission's involvement in the
8 process, then I think then we've got to question and look at the Staff policies in order to
9 implement what the intention of the code is. So I think we've got to have involvement
10 one way or the other.

11 MR. PHIPPS: I don't think you're hearing us disagree with you. I just think we
12 need to fine tune it to where it needs to be and what direction. And that's what we're
13 here for is to get it from you. So we'll wait to hear from you.

14 CHAIRMAN VAN DINE: The other issue, and I don't want to get into a big debate
15 about this, is we need to look at the discussions that were had. The question has arisen
16 as to detention ponds that would ceded to the county, whether or not those fit within the
17 definition of minor versus major, whether that rolls it in to major versus minor. I'd like to
18 have you take a look at those particular discussions and find out what was there so that
19 we have an idea going forward as to some of that particular issue as well. So I just ask
20 that you take a look at that so that we could sort of clear up the question that has arisen
21 as to that.

1 MR. MANNING: Mr. Chairman, could I ask Mr. Reid to come back to our next
2 meeting so we could have some further discussion on the floodplain management issue
3 as it relates to some of the subdivision review?

4 CHAIRMAN VAN DINE: Mr. Reid, if you are available we would certainly
5 welcome your input on anything at our September 1st meeting.

6 MR. PALMER: And I'd like to, also on that same topic of detention, is to see
7 some language [inaudible]. I know that you guys are working on some language that
8 would clarify that dedication of road does not constitute a major subdivision and see if
9 we can add some language in there that would also pertain to detention areas,
10 detention or retention. That dedication of detention or retention ponds would not make
11 a subdivision a major subdivision.

12 CHAIRMAN VAN DINE: I don't want to get into a big discussion, but - we run into
13 a problem where sometimes we use detention and sometimes we use retention in the
14 code. Because I know that there's a distinct difference between the two and if we only
15 use retention in the code and we meant to include both, then we start to run into a
16 problem. I know - the only reason that raises to me is we actually had a lawsuit going
17 on where the argument was that it was supposed to be a retention but, in fact, it was a
18 detention pond. So do we - if somebody has not looked, I think we might want to make
19 sure that don't have any of that confusion within the code so that, if we're talking about
20 both types, we say both types. If we're only talking about one, we know that we're only
21 talking about one.

22 MR. PALMER: You had somebody put in a detention when they only had to put
23 in retention? What kind of clients are you dealing with? [Laughter]

1 MR. GOSLINE: No, the other way around.

2 CHAIRMAN VAN DINE: These people need my help afterwards! [Laughter]

3 CHAIRMAN VAN DINE: Alright, last issue we have to address before we break is
4 the work sessions for the Comprehensive Plan update. And we were sort of trying to
5 come to grips with the manner and approach in which to take this and the extent,
6 number, and nature of the meetings that we would hold in order to do that. And I'm not
7 sure we've come to grips on anything. And, Mr. Newman, I apologize to you. You did
8 send me some material and, unfortunately, because of my work schedule I have not
9 had an opportunity to review that or I would have gotten back to you.

10 MR. CRISS: The charge of the Planning Commission was to try to come with, at
11 least, a date for a workshop to continue the Comprehensive Plan update process. You
12 had indicated interest in a July meeting. But we only found one day that was even
13 possible and, thus, deferred the matter to today's meeting to see if we could come up
14 with a consensus on a date, time, and place.

15 CHAIRMAN VAN DINE: What would be the purpose of the initial meeting?

16 MR. CRISS: Sounds like the purpose needs to be to decide the overall approach
17 to this update. Do you do it by planning area? Do you do it by element - natural
18 resource, cultural resources, transportation, land use? Do you do it by hot spots,
19 priority areas, facing development pressures, I-77 corridor, for example.

20 CHAIRMAN VAN DINE: Is the ultimate goal to obtain a unified document?

21 MR. CRISS: The ultimate goal is to rewrite your entire Comprehensive Land Use
22 Plan.

23 MS. WYATT: Rewrite the whole thing?

1 MR. CRISS: The whole thing.

2 MS. WYATT: We're not going to update it. We're just going to rewrite it?

3 MR. CRISS: It needs rewriting.

4 MS. WYATT: But, yet, we're not at the point, by state law, that we have to rewrite
5 it, right? We were –

6 MR. CRISS: We have until 2009 to finish.

7 MS. WYATT: Right.

8 MR. CRISS: I suggest we get started.

9 CHAIRMAN VAN DINE: I suggest that my term will be up long before the 2009.

10 MR. MANNING: What's the easiest way to get the process going? I mean, give
11 us some guidance here. Subarea or the whole thing or – and obviously, we've been
12 instructed by the Council to come up with a Capital Facilities Plan.

13 MR. CRISS: Well, I would like to see the Commission tackle the hardest issues
14 first and then let the smaller pieces fall into place. And to me that's establishing what
15 you might call priority investment areas. That's not a requirement of the state statute,
16 the '94 Planning Act, yet, but it is, was an amendment and it will be coming back before
17 the General Assembly in the next session. There's, clearly, movement statewide
18 toward designating in the comprehensive land use plans of local governments the
19 priority investment areas. That doesn't mean no growth takes place outside those
20 areas, but it's the priority for new, suburban expansion, urban infill, targeted rural
21 commercial development.

22 CHAIRMAN VAN DINE: Do we have –

23 MR. JACKSON: Annexation.

1 MR. CRISS: Pardon?

2 MR. JACKSON: Annexation.

3 MR. CRISS: Annexation. Very good point! Our relationship with the 800 pound
4 gorilla, the City of Columbia.

5 CHAIRMAN VAN DINE: Do we have the background information relating to uses
6 and all of the other things necessary to make rational decisions on direction?

7 MR. CRISS: No. You do not, yet, have the background material for those
8 decisions to be made.

9 CHAIRMAN VAN DINE: Then I offer this question. If we don't have the
10 background information, other than coming up with some generic policy questions or
11 ideas, how do we get to any details on a comprehensive plan to move forward with?

12 MR. CRISS: Well, the Planning Commission might come to consensus on
13 general approaches. You might, for example, decide that population density maps
14 would help you determine areas of existing population concentrations, priority
15 investment areas for more intense zoning, rezoning, infrastructure investments. You
16 might decide that a particular planning area needs to be dealt with comprehensively
17 across all elements first before any other areas in the county are dealt with.

18 CHAIRMAN VAN DINE: Okay. If we make those broad, generic decisions, we
19 will then, by necessity, have to break for a period of time in which to gather the
20 background data and information. Correct?

21 MR. CRISS: Yes.

22 CHAIRMAN VAN DINE: Alright. So if we assume that we can come to a
23 consensus, let's assume we get lucky and in one meeting we come to a consensus of

1 where we ought to be going. Would you anticipate that we would be giving direction on
2 the type of material and information we need in order to make those decisions?

3 MR. CRISS: Indeed. We can't gather it all for you simultaneously, so we need
4 priorities. The Planning Commission could decide to prioritize certain aspects of future
5 growth and development patterns, for example, master thoroughfare planning. We want
6 to get to work on designating the classification of all the major roads in the
7 unincorporated area of Richland County and, at least, designating a future right-of-way
8 out of which we can keep all the new buildings that are going up every day so that when
9 the road is improved in the future we don't have to buy and move building, we
10 collectively, the state, the county, whoever. Access management came up a number of
11 times today. Clearly we can do more with curb cuts and frontage roads and traffic
12 circulation in these rapidly growing suburban areas where traffic is, perhaps, the
13 number one land use issue.

14 CHAIRMAN VAN DINE: I guess what I would suggest we try and do is get a 4:00
15 to 8:00 o'clock meeting someday to try and go over a lot of these issues and try and see
16 if we can come to an idea. The Comprehensive Plan is a lightning rod, has always
17 been a lightning rod for a variety of reasons. I don't want to fall into the same
18 problems we fell into the last one. And, frankly, I don't want to have it a political process
19 either. I think we have to come to some decisions and we have to move forward, do
20 some things, say some things, and then put it out there for other people to shoot at or
21 do something with. That - we haven't got four years to do this like we did it the first time
22 around, because if we are supposed to be doing a Capital Improvements Plan or any of
23 the other things that are required, this is the foundation block for which that has to take

1 place. So we haven't got a long time to be doing that. And if it's going to take time for
2 background information to be obtained, we need to get – and I would suggest that we've
3 got to be able to do this in one meeting – a general guideline and direction for the Staff
4 to take to be able to try and work through it. We can't draft the document. We're not in
5 a position to do that. So –

6 MR. CRISS: What we need from you is your guidance as to the priorities, the
7 overall approach, the topics that we tackle first, the information that is of most use to
8 you. I suggest this be an incremental process [inaudible] as we move through the
9 process. We will not be able to, in my opinion, calendar this for the next three or four
10 years.

11 CHAIRMAN VAN DINE: Okay. What do we have for dates for people's
12 availability?

13 MS. WYATT: This month? August?

14 CHAIRMAN VAN DINE: This month and August. I can tell you, everybody, this
15 week is shot for most people because it's just too short.

16 MR. CRISS: Would the 4th floor, back conference room be more comfortable for
17 you?

18 CHAIRMAN VAN DINE: I think, absolutely, we need something that we're sitting
19 in as opposed to - oh, is that the one that ended up being a sweatbox when we in it
20 before?

21 MS. WYATT: Uh-hum(affirmative). Where we did the –

22 CHAIRMAN VAN DINE: Oh, that was the 3rd floor, little conference room.

23 MR. PALMER: Yeah.

1 CHAIRMAN VAN DINE: Please! Not that!

2 MR. CRISS: Fourth floor, back conference room.

3 CHAIRMAN VAN DINE: I think there's a lack of oxygen in there after a while.

4 MR. CRISS: Wide open on Fridays, for your information. Sounds like you're
5 talking 4:00 o'clock in the afternoon until 8:00 with, perhaps, a light meal.

6 MS. WYATT: I don't think that's going to hit - Friday nights, do you? Skip can't
7 be here Friday nights. [Laughter]

8 MR. MANNING: I won't be here Friday nights.

9 CHAIRMAN VAN DINE: He's got prior engagements Friday nights.

10 MS. WYATT: Oh, hey. Donnie's doing like this. He wants to do it on Friday
11 nights. We'll break him in.

12 CHAIRMAN VAN DINE: The 12th is out for me, by the way, just so that you're -

13 MR. JACKSON: The 25th is out for me.

14 CHAIRMAN VAN DINE: It may be a good thing. Maybe you ought to start
15 without me.

16 MS. WYATT: Yeah.

17 MR. PALMER: This is my only available week pretty much this month.

18 [Inaudible discussions]

19 MR. CRISS: Looking at next week, that room would be available, presumably, on
20 Monday.

21 MS. ALMEIDA: The 8th.

22 MR. CRISS: Wednesday the 10th.

23 MS. ALMEIDA: The 10th.

1 MR. CRISS: Thursday the 11th, Friday the 12th, the following week.

2 CHAIRMAN VAN DINE: So far you're 0 for 4.

3 MR. CRISS: Monday the 15th. That's new employee orientation. They're not
4 there in the evening.

5 MS. ALMEIDA: Oh, okay. 15th.

6 MR. CRISS: It's going to be a little tight if we start it at 4:00. Not the 16th,
7 Tuesday. Not the 17th, Wednesday. Not the 18th, Thursday. Available Friday the 19th.
8 The following week - Monday the 22nd available. Not Tuesday the 23rd. Not
9 Wednesday the 24th. Not Thursday the 25th. Available Friday the 26th. The following
10 week – Monday, Tuesday and Wednesday available.

11 MR. ALMEIDA: Available 29, 30, and 31.

12 MR. JACKSON: I think we need it as soon as possible.

13 MS. WYATT: Mr. Chair, I'm going to make a motion that we do this on Monday,
14 August the 22nd. It sounded like that was the only day. [Laughter]

15 CHAIRMAN VAN DINE: Here are probably four or five days that everybody
16 needs to look at and then please e-mail it back to the Department to Michael – so that
17 he has the dates - 15th, 19th, or the 22nd, 26th and 29th I'm gone. I mean you can try it
18 on any of those dates but I'm not going to be here.

19 MR. PALMER: Let's do it the 26th or 29th.

20 CHAIRMAN VAN DINE: Good idea!

21 MS. WYATT: I want to amend that from the 22nd to the 29th.

22 MR. JACKSON: So 15th, 19th, twenty-

1 CHAIRMAN VAN DINE: Try 15, 19 and 22. That's in the middle of the month.
2 Let's see if we can get one of those days.

3 MR. MANNING: And we're already meeting on the 12th?

4 MS. WYATT: No. We're –

5 CHAIRMAN VAN DINE: No, we're meeting on September 1.

6 MR. MANNING: One.

7 MS. WYATT: So if we do the 29th, we going to meet twice that week.

8 CHAIRMAN VAN DINE: Yep.

9 MR. PALMER: Does everyone know that that's the first Carolina game? The first
10 Spurrier game.

11 MR. FURGESS: So what!

12 CHAIRMAN VAN DINE: Which one?

13 MR. PALMER: September 1st.

14 MR. FURGESS: They're going to lose anyway. [Laughter]

15 MR. MANNING: September 1st?

16 MR. PALMER: Just thought I should let y'all know that. Yeah.

17 CHAIRMAN VAN DINE: Let me out of here.

18 MR. CRISS: Those dates, again, were 15th, 19th, and –

19 CHAIRMAN VAN DINE: 22nd.

20 MR. CRISS: 22nd. Thank you.

21 MS. ALMEIDA: You don't want to try the 30th or the 31st?

22 MS. WYATT: Those three dates.

23 [Inaudible discussion]

1 CHAIRMAN VAN DINE: Well, I want to try and get it earlier right now as opposed
2 to later.

3 MS. WYATT: Michael, any day is okay with me.

4 MR. GOSLINE: Would it not be possible to come up with a date now among
5 those three days [inaudible]?

6 CHAIRMAN VAN DINE: I can't tell you whether I'm in town on any of those three
7 days right now, unfortunately.

8 MR. FURGESS: What time?

9 MR. PALMER: Four to 8:00.

10 MR. CRISS: Mr. Chair, if I may, one more matter. I have a handout for you. You
11 have one more scheduled opportunity for your mandatory, continuing education as a
12 planning or zoning official. The South Carolina Association of Counties in conjunction
13 with SCE/TV will be doing a teleconference on Tuesday, August 23rd. And I need to
14 know if any of you intend to participate.

15 CHAIRMAN VAN DINE: As I understand it, I do not need to attend. Is that
16 correct?

17 MR. CRISS: Lawyers are exempt.

18 MR. PALMER: It's the 23rd.

19 CHAIRMAN VAN DINE: It's the only time we get something right. [Laughter]

20 MS. WYATT: Let me ask you a question. How long –

21 CHAIRMAN VAN DINE: I will not be there.

22 MS. WYATT: How long do we have to get this continuing in?

23 MR. FURGESS: I'll be there.

1 MR. MANNING: January, 2006?

2 MS. WYATT: Okay. So December 31st, I haven't taken these courses –

3 MR. CRISS: There'll be other opportunities.

4 MS. WYATT: The only – well, the only meeting I'll have next year, I think, is
5 January.

6 MR. CRISS: We need to get you six contact hours by January 1st.

7 MS. WYATT: Okay. And how many are these? Three?

8 [Inaudible discussions]

9 MR. PALMER: Show up at 10:20 at SCE/TV?

10 MR. CRISS: There was one in May for three hours. This is the second one. And
11 there will be other opportunities.

12 MR. PALMER: Are you going to do one just for six hours?

13 MR. CRISS: I don't know. More likely they would be three hours each.

14 [Inaudible discussions]

15 MR. CRISS: No group that I know of is scheduling a marathon, six hour session,
16 yet. But it could happen if folks are caught against the deadline. So if you intend to
17 participate in this one, send me an e-mail, please, for confirmation.

18 MS. WYATT: It's going to be here?

19 MR. CRISS: At SCE/TV studios.

20 MS. WYATT: Where?

21 MR. CRISS: At SCE/TV in Columbia.

