

**RICHLAND COUNTY PLANNING COMMISSION**

June 4, 2007

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5 *[Members Present: Julius Murray, Christopher Anderson, Patrick Palmer, Wes*  
6 *Furgess, and Howard VanDine; Absent: Enga Ward, Heather Cairns, Eugene Green*  
7 *and Deas Manning.]*

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9 CHAIRMAN FURGESS: Ladies and gentlemen, let me read this into the Record.  
10 “In order with the with the Freedom of Information Act a copy of the agenda was sent to  
11 radio, TV stations, newspapers, and persons requesting notification and posted on the  
12 bulletin board located in the lobby of the Administration Building.” At this time I’d like  
13 everybody that’s in the audience and up here to cut off your electronic devices. Thank  
14 you. At this time we’ll go on with the agenda. I need - about the – need a motion on the  
15 minutes for May 7<sup>th</sup>.

16 MR. VAN DINE: Move we approve.

17 MR. PALMER: Second.

18 CHAIRMAN FURGESS: You heard the motion and the second. All in favor by  
19 saying aye, raising your hand. Opposed?

20 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
21 *Green, Manning]*

22 CHAIRMAN FURGESS: Thank you. The agenda items – any changes?

23 MS. ALMEIDA: Mr. Chairman, would you like to move Item 07-32 to the end of  
24 the agenda?

25 CHAIRMAN FURGESS: Zero 32?

26 MS. ALMEIDA: Correct.

27 CHAIRMAN FURGESS: Okay. Any other changes?

1 MS. ALMEIDA: No, sir.

2 CHAIRMAN FURGESS: Okay. We will start with the next on the agenda. Okay.  
3 Anna, if you will start with the first case?

4 MS. ALMEIDA: Yes.

5 CHAIRMAN FURGESS: Okay. The first case on the agenda?

6 MS. ALMEIDA: Um-hum (affirmative).

7 CHAIRMAN FURGESS: Will be Case No. 07-24 MA.

8 **CASE NO. 07-24 MA:**

9 MS. ALMEIDA: Are you going into Executive Session?

10 CHAIRMAN FURGESS: You all at this time before we do that let's – I need a  
11 motion for Executive Session, go in into the Executive Session.

12 MR. VAN DINE: I move we go to Executive Session for getting legal advice  
13 concerning certain aspects for this next rezoning.

14 MR. PALMER: Second.

15 CHAIRMAN FURGESS: Thank you.

16 *[Executive Session]*

17 MR. VAN DINE: Beth, you want to report us out, please?

18 CHAIRMAN FURGESS: Go ahead.

19 MS. MCLEAN: We're now out of Executive Session. Legal advice was given  
20 about Case 07-24 MA and no vote was taken.

21 MR. VAN DINE: Ladies and gentlemen, we have a slight modification to the way  
22 that it appears in our agenda. As opposed to taking all of the cases up as a lump sum,  
23 each individual golf course will be addressed separately by this panel. We are asking

1 everybody who signed up if the actual golf course that you wish to speak on is being  
2 discussed we will ask you to come to the podium. If, however, you don't want to speak  
3 because someone else has already said something that you want to say you can say, I  
4 agree with that person. We'll then go down the list of each individual golf course. At the  
5 end of the public input session we will then stop public input and this panel will then  
6 discuss each golf course separately, a vote will be taken by this panel to recommend or  
7 deny the request. We have rules within our Rules of Order which require that this body,  
8 when there are only five members present, in order for a motion to pass the motion  
9 must have a four person majority vote. Accordingly if we are undecided up here on a  
10 three/two basis as to how a particular course could proceed that particular golf course  
11 will be sent forward to County Council with a no recommendation recommendation if  
12 you will. We are going to attempt to move it along as best we can. I understand there  
13 are probably some of the people out here who just have generalized comments to make  
14 regarding the overall enactment of this ordinance. If in fact that is what you want to do  
15 is just a generalized comment I would appreciate it if you could try and attach it as best  
16 you can to one of the individual properties that are being discussed so we don't have  
17 everybody popping up and down. Also to the extent that you can do so we would really  
18 appreciate not having one person talk on each and every golf course that comes before  
19 us. Please get your points out as best you can the first time around. Lastly we are  
20 having is it two or three – everybody will have two minutes to express their opinion. You  
21 will hear a buzzer go off. If you have a thought, finish it if you can do so in basically the  
22 next 15 seconds or so. But if in fact you continue to move and continue to talk we will  
23 ask you politely the first time to please wrap it up. The second time we will not be quite

1 as polite. I apologize up front if you take offense at that but we have a lot of people  
2 here who want to speak. So that's sort of the procedure and the protocol that we have  
3 going forward today. And with that I'll turn it over to – you're going to give a generalized  
4 report and then we'll go into individual courses at that time; correct?

5 MS. ALMEIDA: Correct. Mr. Chairman, the TROS zoning designation before  
6 you are for the following courses. The courses have been evaluated according to the  
7 intent of the ordinance. And as you can see on page three, there are many courses that  
8 have at least four designations, RU, RS LD, M-1 and RM-HD. This Traditional  
9 Recreation Open Space District – its purpose is the preservation/conservation of  
10 recreation and/or open space. It's to provide opportunities for improved public and/or  
11 private recreation activities and to provide for community wide network of open spaces,  
12 buffer zones and recreational spaces. Our intent here today is to institutionalize the  
13 existing use on the property. To give some assurances and to give the public an  
14 opportunity that when these courses, if it were to be rezoned – if the property owner  
15 chose to rezone at a later date to give the public some input to come before this body  
16 and be able to voice their opinion on the rezoning or the request for the rezoning. And  
17 with that our first golf course is Linrick Golf Course.

18 CHAIRMAN FURGESS: Is there a representative from Linrick here?

19 MR. VAN DINE: Do we have any sign-up sheets up here, please? Ladies and  
20 gentlemen, when these names are read out – well if you can give me an idea of which  
21 page you signed on so I can check your name off so we can make sure we get  
22 everybody. I know it's going to be real difficult but because we have signed up as a  
23 lump sum it's going to be difficult for us to get everybody's name. What we would like to

1 do – anybody who wishes to speak on Linrick we would ask them to go to the far wall  
2 and so stand in line. When we get to the end of the line then we'll move on to the next  
3 one. So that's probably the most efficient way to get it moved. So if everybody who  
4 wants to talk about Linrick if they would please go to that far wall and stand in line.

5 CHAIRMAN FURGESS: Anyone for Linrick? Either you're for or against we  
6 need you in line. Okay. State your name and address, please.

7 **TESTIMONY OF RAYMOND LARK:**

8 MR. LARK: Mr. Chairman and Commissioners, I'm Raymond Lark with Austin,  
9 Lewis & Rogers. And although our clients are the four club group of Wildwood,  
10 Woodlands, Windermere, and Northwoods I'm rising now because our opposition to the  
11 rezoning request extends to all the course rezonings under the circumstances and we  
12 do not formally represent Linrick. However, we don't want our opposition to fail – failure  
13 to speak now to somehow to prejudice our opposition to the subsequent portions. And  
14 in that regard we have submitted comments on May 31<sup>st</sup> and provided a copy to each of  
15 the Commission Members which in fairly great detail go through reasons to reject the  
16 rezoning request. Basically the primary one is that the purpose under the TROS district  
17 ordinance does – excludes any consideration expressly or implicitly it appears to us of  
18 the preservation of conservation options for the green space and the values of those  
19 properties and rather focuses on the land values surrounding the respective properties.  
20 Therefore the TROS ordinance should be amended and we recommend the  
21 Commission indicate that to Council. Thank you for accepting our requests and it's one  
22 that you at your April 17<sup>th</sup> meeting initially adopted to consider these rezoning requests  
23 individually. Consideration together would ignore the differences among the courses.

1 We did ask in advance for any written criteria by which any of the folks here today could  
2 judge the requests for rezoning. We were told there were none other than the  
3 ordinance itself. I see there is a handout that's been – I don't know if it's been extended  
4 to anyone other than Staff and the Commission members but we would like a copy of  
5 that if possible during the course of this meeting to review. We believe there's a defect  
6 in the notice of this meeting under your own regs, 26-52(f)(1) as well as the South  
7 Carolina statute of 629-7-20(a) which would require 15 days notice in a public  
8 newspaper which it did not occur. Otherwise we think you should defer these requests  
9 and in light of the defect in the ordinance itself and urge you to ask the Council to  
10 reconsider and amend the TROS ordinance as again we have set forth in our May 31<sup>st</sup>  
11 letter. So again these comments extend to all the requests. Thank you very much.

12 CHAIRMAN FURGESS: Thank you. Go ahead, sir.

13 **TESTIMONY OF RYAN NEVIAS:**

14 MS. NEVIAS: I am Ryan Nevias for the Richland County Appearance  
15 Commission. I'm the chairperson and the Richland County Appearance Commission  
16 unanimously voted to support the zoning as proposed. I just wanted to make sure each  
17 one of you would recognize that I will not come back up to speak for each and every  
18 golf course but I will take the opportunity to speak at this time for – to vote for, to urge  
19 you to vote for this ordinance for this golf course. Thank you.

20 **TESTIMONY OF MIKE TIGHE:**

21 MR. TIGHE: Mr. Chairman, Members of the Commission, I'm Mike Tighe.  
22 Actually I represent the homeowners at Wildewood but like Mr. Lark because of the  
23 change in the agenda I would rise at this time to speak in terms of the consistency of

1 approaching all the golf courses in the same way. I would point out that the – as the  
2 Staff member who briefed the attendees today emphasized, the purpose of this  
3 ordinance is to ensure open space, buffers, recreational areas. It is not primarily  
4 designed to protect the values of adjoining homeowners and as such I would suggest to  
5 you that these golf courses should all be painted with the same brush and that as  
6 individual needs are identified that the individual golf owners will have an opportunity to  
7 come back and of course a golf course that is owned by the county, which I understand  
8 this one is, and has no one living around it would probably have no interest whatsoever  
9 in changing back but those golf courses that do could very well come back to this  
10 Commission and have public input to determine whether they should be treated  
11 differently than all the others together. So the purpose of my rising at this time is to  
12 speak only to the issue of consistent treatment of these open space areas of which  
13 Linrick is one and all the others that follow will be governed the same way and I promise  
14 you I will not rise to say the same thing about each golf course. Thank you very much.

15 MR. VAN DINE: Anybody else on behalf of Linrick? Question to the county.  
16 Has the county actually taken a position on this particular since it's county property?

17 MS. ALMEIDA: It is the Recreation Commission's property.

18 MR. VAN DINE: Alright, thank you.

19 CHAIRMAN FURGESS: Next is Sedgewood.

20 MR. VAN DINE: Anybody who wishes to speak on Sedgewood please go to the  
21 far right side. You're it, sir, if you'd like to speak. Please help yourself, right up front.  
22 Name and address, please if you would.

23 **TESTIMONY OF FRANCIS RAWL:**

1 MR. RAWL: Certainly. May I ask a question about protocol, about your protocol  
2 here? I notice an attorney just got up. He's representing Wildewood and he took some  
3 time with Linrick. Is he going to get to do that – each golf course comes up is he going  
4 to get two minutes each time?

5 MR. VAN DINE: We had asked that they maintain and not present that, so we're  
6 hoping that Mr. Lark and Mr. Tighe will abide by our rules when other ones come  
7 forward as well.

8 MR. RAWL: Because I would like equal time if he does it. Mr. Chairman and  
9 gentlemen of the Commission, I had - ladies first I was going to go ahead and give it –  
10 but you haven't got an ladies. Anyway, I'm Colonel Francis Rawl. I live in Lower  
11 Richland. My children and I own 184 acres on Garners Ferry Road on which we have a  
12 golf course which uses about 20% of the property. The other 80% is timber and lakes.  
13 We've sold [inaudible] lots. No other piece of property adjacent to ours has come from  
14 us. We do not allow memberships nor do we advertise. We do not sell beer or prepare  
15 food. We have no obligation or promise to any adjacent property owner. We pay high  
16 property taxes. We have no debt. Don't speak of green space because we've got over  
17 a million trees. The people who are actively supporting the taking of our property rights  
18 have seen their lots increase in value 10 ten to 50 times because they're located near  
19 golf courses. Most of them contribute nothing to the golf course. They're not members.  
20 Most of them don't even play golf. I see a lot of you out there that don't play golf. I  
21 haven't ever seen you. I don't know that there's a soul out here that I've ever seen  
22 playing golf. Anyway let me get back on the subject because my time's running out.  
23 They made money because they're located near a golf course and yet now they want to



1 come restrict things that golf courses can do. That's a taking of property rights which  
2 any of us that know what makes this country great is because of the right to hold  
3 property. Now what I want to ask you to do is to exclude Sedgewood from this  
4 proposition. We don't have members, we haven't sold lots. We intend to develop our  
5 property without the golf course one of these days. We would prefer that you not put  
6 restrictions on us that are going to make it hard for us to develop. Now I got a lot more I  
7 could talk about but it looks like you don't want me to say anything more than two  
8 minutes. Thank you much.

9 CHAIRMAN FURGESS: Next is Crickentree.

10 MR. VAN DINE: Anybody else for Sedgewood? Alright.

11 CHAIRMAN FURGESS: Crickentree? Any more? Go ahead, sir come on up.  
12 Give your name and address.

13 **TESTIMONY OF J.B. BISHOP:**

14 MR. BISHOP: Sir. May I just interject Windermere into Crickentree because I'm  
15 here for that reason. I'm a home builder and I build on both of them and golf courses  
16 and I just want to -

17 MR. VAN DINE: If you have generic comments about both of them?

18 MR. BISHOP: It will be generic comments.

19 MR. VAN DINE: Please, sir.

20 MR. BISHOP: Thank you. Mr. Chairman, Honorable Members, my name is J.B.  
21 Bishop. My company is J and B Realty and Construction Company. My wife and I live  
22 at 322 Old Course Loop in Blythewood and that is on the Windermere Country – I mean  
23 on the Windermere Golf Course. Over the last nine or ten years we have built 11

1 custom homes on the golf course in Windermere. We have built seven homes other  
2 than on the golf course for a total of 18. In Crickentree we have built also 11 custom  
3 homes, just closed one yesterday for \$540,000. Other than that we have built nine  
4 other than on the golf course for a total of 20. So in the last nine to ten years we have  
5 built 38 homes on these golf courses. When we did this we as builders and golf course  
6 homeowners have sold these properties with the understanding that these courses  
7 would always be there. That is what we told our purchasers, that is what we were told  
8 when we bought the lots. I don't have the numbers in front of me but that many lots in  
9 Windermere and Crickentree amounts to a right sizeable amount of money that my  
10 company invested. Our personal home like I said is on number three green in  
11 Windermere but let me just rephrase that. That's my wife's house, she let's me stay  
12 there with her. We've always done it that way. My boy Bill left. He knows that. But  
13 some people ask me said well J.B., why do some people want to be on the course and  
14 some others. Well the golf course lots are more expensive. They always have been.  
15 You have people that want to be on the golf course, some don't, but most of them still  
16 want to be in a golf course type community. Thank you, sir.

17 CHAIRMAN FURGESS: Thank you.

18 **TESTIMONY OF MICHAEL KOSKA:**

19 MR. KOSKA: Hi. My name's Michael Koska. I live at 110 Stonebrook Drive in  
20 Blythewood, South Carolina. I happen to live on the golf course in Crickentree. First of  
21 all because of the format of this had I known that these were going to be brought up  
22 individually we'd have had 150 people here. The format I was told originally was that  
23 we were going to be voted on as a group, that there were going to be too many people

1 to speak at one meeting. And had I known that we needed that - I personally think that  
2 as the lawyers said they should all be painted with one brush and that whatever you do  
3 for Wildewood you should do for Crickentree. Secondly no one in either, any of the  
4 meetings I've attended so far has mentioned the total economic devastation if you  
5 develop these golf courses. For instance if you took Crickentree, the tax base in the  
6 Crickentree subdivision, the tax base that Richland County depends on would probably  
7 drop by 30% in that one neighborhood alone. You take that times all these golf courses  
8 and if you let golf courses starting to be developed your tax base would be eroded.  
9 You'll also have a flight of people out of the county of quality, because of the quality of  
10 life. Thirdly – personally financially if you allow development in Crickentree financially  
11 the value of my home would wipe out my entire net worth. I think my home value would  
12 go down by about \$200,000 and that's everything me and my wife have been able to  
13 save in my entire life; I'm 45 years old. Like I say I really wish that I'd had noticed that  
14 you were going to do these separately. I think it's inappropriate to do them separately.  
15 I would urge you to make sure that you paint Crickentree with the same brush that you  
16 paint Wildewood for instance. Thank you.

17 CHAIRMAN FURGESS: Thank you.

18 **TESTIMONY OF MAURICE SANDERS:**

19 MR. SANDERS: Good afternoon. My name is Maurice Sanders. I'm a deed  
20 holder to two homes, one in Crickentree and one in Long town. We purchased both  
21 homes, my wife and I. One is under my name, Maurice Sanders. The other one is  
22 under Viola Richard Sanders but I am deed holder to both homes. We purchased both  
23 homes not knowing that they were ever going to be not golf courses. We like the view

1 of the golf course. I don't golf; I don't plan to golf. My wife doesn't golf. She does plan  
2 to golf. My parents don't golf. We purchased the house for them. They don't plan to  
3 golf. Now I don't swim and I'm not a fish but I do like the view of the ocean and the  
4 lakes. I do like the view of a golf course as well. That was the main reason we decided  
5 to purchase both lots, both homes for the view of the golf course. And we'll be very  
6 disappointed if you decided to change that. We have no problems to selling the homes  
7 and relocating. I chose to move here with the two lots just for that reason, just to live on  
8 a golf course. And I would appreciate it if you would consider that, you know, when it's  
9 time to vote. Now I will only speak for Crickentree and not the other home just because  
10 that's the first one and that's the one I claim as my primary residency, not the second  
11 home. You know, and both homes are over \$400,000 in value. Thank you.

12 CHAIRMAN FURGESS: Thank you.

13 **TESTIMONY OF BILL COTTY:**

14 MR. COTTY: My name is Bill Cotty. I have the honor to be a representative in  
15 the House of Representatives. At one time I represented four of these different golf  
16 courses. Today I have Crickentree. The rest because of the growth, the fast growth in  
17 my district are now outside my district boundaries but I speak with my comments being  
18 generic to all of these, perhaps with the exception of Sedgewood and Linrick because  
19 they are a little bit somewhat different situations. I'm also a dirt lawyer or a land lawyer  
20 and for 31 years that's what I've done helping approximately 15,000 closings. I can tell  
21 you this, for over 50 years people have bought and sold property on the reliance upon  
22 the expectation which I believe was reasonable expectation that golf courses would  
23 remain golf courses and I think the average person whether they owned on the golf

1 course of whether they owned in the community of a golf course or whether they don't  
2 and just heard about it would say well if they're not protected to be and remain a golf  
3 course without public notice there ought to be a law. Well that's exactly what I believe  
4 that the Commission and the County Council I would hope would give us something that  
5 the general public as well as those that live in these subdivisions, on or off the course,  
6 reasonably had a right to believe that they had. And I would subject to you that it is  
7 fundamental fairness that they be able to expect those courses to be used as golf  
8 courses until and unless the process of law for zoning has gone through. Zoning is not  
9 a taking. Back almost 32, 33 years ago the majority of our county was zoned. And in  
10 fact since that day people had even more reliance on this. But to allow anything  
11 different would, I believe, be only – not only unreasonable but an unjust enrichment,  
12 unfair, unconscionable, and absolutely should not be allowed by law. Thank you.

13 MR. VAN DINE: Anybody else here on behalf of Crickentree? Next we have is  
14 Columbia Country Club. Anybody here on behalf of Columbia? Mr. Chairman, if I  
15 could, I received a letter from Columbia Country Club regarding this and they have - in  
16 fact say that they do not have an objection to a rezoning of their property to the TROS.  
17 They do however wish me to express a concern that they have regarding the taxing  
18 issue on golf courses and the way golf courses are taxed and especially whether or not  
19 this particular action would have some impact upon golf course valuations and other  
20 things relating to golf courses. With that I'd like to submit this letter as part of the  
21 Record.

1 CHAIRMAN FURGESS: Forest Lake Country Club? Anyone here for that? No  
2 one for Forest Lake? Spring Valley Country Club? Anyone from Spring Valley? For  
3 Spring Valley? Wildewood Country Club? Anyone else for Wildewood?

4 **TESTIMONY OF RAYMOND LARK:**

5 MR. LARK: May I rise to inquire since I spoke earlier on behalf of the four  
6 courses including Wildewood those comments apply to [inaudible] say that on the  
7 Record?

8 MR. VAN DINE: Not if you wanted to those comments. If you have any  
9 additional comments you wish to make feel free to make those additional comments.  
10 We're not going to stand on protocol. If you have to walk in front of us to get over there  
11 please do so. It'll be easier than trying to climb over everybody.

12 **TESTIMONY OF MIKE TIGHE:**

13 MR. TIGHE: Mr. Chairman, Members of the Commission, as I mentioned earlier,  
14 I'm Mike Tighe of Callison Tighe & Robinson. I represent the roughly 1,300  
15 homeowners who live in Wildewood subdivision which is principally organized around a  
16 golf course called Wildewood Golf Course. And it is for those people that I come before  
17 you today to ask that the golf course known as Wildewood be rezoned to the TROS  
18 designation that was earlier enacted by County Council. The homeowners of  
19 Wildewood have paid, as y'all have heard several times, premium prices for the lots  
20 both on the golf course and those that are located in proximity to the golf course  
21 because the golf course was a central feature of the entire community not only for the  
22 playing of golf. And I heard the Colonel speak a minute ago about the fact that many  
23 people who are here and who live on golf courses do not play golf. I have owned a golf

1 course. I'm fully aware that nationally speaking only about 18% of the people who live  
2 around golf courses play golf. They live there because as one speaker mentioned  
3 earlier they're interested in the open space concept of being adjacent to a lake, a river,  
4 an ocean, a golf course or what have you. And it is that open space concept that this  
5 ordinance is designed to protect. And I would suggest to you that there are  
6 considerable values at play here in the values of the homeowners themselves. I know  
7 golf course owners will say and have said that they have value in their golf courses and  
8 they do. But they have been treated very fairly from a tax perspective by the county up  
9 to this point and the golf course lot owners and house owners, homeowners are paying  
10 a premium in property taxes because of the value of their property. The – I would  
11 suggest to you that the ordinance should be passed and that – I'm sorry – that the map  
12 amendment should be passed, rezoning Wildewood to the TROS. Thank you for your  
13 attention.

14 **TESTIMONY OF BILL MCDOUGALL:**

15 MR. MCDOUGALL: Mr. Chairman and Members of the Commission, my name is  
16 Bill McDougall. I'm president of one of the sections of the Wildewood Homeowners  
17 Association. I've spoken to you before on the text amendment and I'd like to speak now  
18 on the map amendment in some general terms. The Wildewood homeowners do  
19 support our golf course. Our percentage numbers of the total membership work out to  
20 over 40% of the total membership of the two clubs. And we're told by the golf course  
21 owners that that's above the national average for everything other than retirement  
22 communities. Our golf course has been in existence for some 34 years. I believe the  
23 Colonel's golf course has been there for a lot longer, even going back to my youth. But

1 in the sense of being a good neighbor we believe that the Colonel and every other golf  
2 course owner owes his neighbors the right to a public hearing before they change the  
3 historical use of land that's been used for some 60 years or 30 years. The newest golf  
4 course in [inaudible] I think has been a golf course for 17 years. There's a perception  
5 that we all have after a period of time that the land is being used and should be  
6 classified as to its historical use. The other issue I'd like to speak to is taxes. In doing  
7 research on this I pulled some of the taxes on raw land lots in Wildewood and the taxes  
8 on – we have approximately 13 vacant lots in our 600 unit portion of Wildewood. The  
9 taxes on the land, lots that are not on lakes or golf courses average about \$1,000. The  
10 taxes on lots that are on golf courses or lakes average about \$3,000. And I'll come  
11 back to that later and, in tax terms later on one of the other issues. It's a general  
12 statement that I'd like to make so I'll reserve that for later. Thank you very much.

13 **TESTIMONY OF JIM APPLE:**

14 MR. APPLE: My name is Jim Apple. I am a bank executive for one of the local  
15 banks here in Columbia. I live at 1109 Enclave Way in Columbia. I'm a resident of  
16 Richland County and City of Columbia. One specific matter I would like to address.  
17 There has been some dialogue about the fact that banks might take adverse action  
18 against a golf course property due to a rezoning change. I will comment to this and this  
19 is my personal view. Every transaction, every loan transaction is different and it is  
20 documented potentially different based on that transaction. So for something like this to  
21 happen from a technical standpoint for an adverse action to be taken by a lender toward  
22 a golf course owner it is certainly something from a technical standpoint that is possible  
23 depending on how the documents are drawn. However, I have been a banker for 31



1 years. I have personally never been involved in or a party to taking an adverse action  
2 against a property owner based on a zoning change. From a practical standpoint I have  
3 never seen this done. It would be extremely rare for this to be done if the property in  
4 fact is allowed to continue to be used for the original purpose at the time of the loan. I  
5 hope this helps the Commission and other bodies involved in this matter in their  
6 decision making. I do not think that the rezoning should be changed because of how  
7 banks might react. For my opinion this exists – this risk does not exist. Thank you.

8 **TESTIMONY OF GAIL DAVIS:**

9 MS. DAVIS: My name is Gail Davis. I live at 503 Aiken Hunt Circle. It appalls  
10 me that we are here discussing this issue. In my wildest dreams I never thought that  
11 this would be allowed to occur. I cannot believe that there's not enough land around  
12 that developers cannot find to develop their projects; that they have to come and invade  
13 these beautiful, pristine open spaces. I suggest to you, ladies and gentlemen, that this  
14 is greed, pure and simple greed. And it affects so many people's investments, families,  
15 quality of life. Traffic issues are unbelievable in Northeast Richland. Schools - Wendy  
16 is a school teacher - they are being so overcrowded. And I would just like for you to  
17 think if you were paying top dollar to be on a golf course to improve your family's  
18 situation and this was your only investment how you would feel if this was happening to  
19 you. I would really like for you to seriously consider keeping these golf courses pristine.  
20 Thank you.

21 **TESTIMONY OF WENDY STOGGER:**

22 MS. STOGGER: Mr. Chairman, Members of the Commission, my name is  
23 Wendy Stogger representing Wildewood, Section 7. I'm on the homeowner's

1 association board of directors there and I'm just going to read a prepared statement.  
2 On behalf of the approximately 250 homeowners residing in Section 7 of the Wildewood  
3 Community the Section 7 board would like to thank the County Council for initiating the  
4 process to rezone all golf courses as traditional recreational open space which would  
5 require public input in order for course development projects to proceed. We urge you  
6 to continue this work by placing the ten golf courses in this new zoning category TROS.  
7 The homeowners in Section 7 fully support the zoning change because it protects the  
8 integrity of the community and the investments purchased as advertised. Furthermore  
9 the designated change helps to control growth in an area that is already experiencing  
10 an explosive burden on existing facilities to include water. For example, please note the  
11 current restrictions, traffic and roads, schools, utilities, etc. Unmonitored and  
12 unrestricted growth will endanger all that makes Richland County a desirable  
13 environment for families in excellence. Section 7 urges you to continue to protect the  
14 public/private green spaces for the health of the county. Thank you.

15 CHAIRMAN FURGESS: No clapping, please. Do you have something to say at  
16 this time?

17 **TESTIMONY OF RAYMOND LARK:**

18 MR. LARK: Mr. Chairman, Commission Members, Raymond Lark back briefly,  
19 very briefly. This could cut both ways if you act now. The historical use of the golf  
20 course is not itself the – or ought not to be the question and it is becoming the question.  
21 Nor is development *per se* but rather if I'm a homeowner and I paid "X" dollars for my  
22 home and I suddenly – there's a market shift or some kind of change that I have no  
23 control over I'm left holding the bag. The golf courses with – if you don't hold off and

1 resist the perhaps emotional urge to approve rezoning - could very well not only  
2 continue to diminution of value of the golf course properties but even the properties  
3 surround the golf courses. There maybe conservation options in other words that would  
4 even enhance the value of golf course beyond their use as golf courses. Not – so it's  
5 not a black and white as far as we're concerned development versus non-development  
6 issue, it's a how to give best value to the golf courses who have in fact kept the green  
7 spaces, you know, that we are talking about today. Thank you very much for your  
8 attention.

9 MR. VAN DINE: Anybody else for Wildewood? Anybody else here for  
10 Wildewood? Windermere?

11 **TESTIMONY OF BERNIE RANDOLPH:**

12 MR. RANDOLPH: I'm Bernie Randolph. I live at 212 Cartgate Circle and that is  
13 part of the golf course community. I'm also the president of the Windermere community  
14 association; that's our local homeowners association. And I appreciate the opportunity  
15 to present to the Commission our opinion on the golf course rezoning. I'm here to state  
16 that I am in favor of the rezoning personally and also I have documentation from  
17 approximately 60 people in the community stating that they also are in favor. A number  
18 of the residents are here now and – or were before we went on a little bit. In terms of  
19 the operation of the golf courses, we're not going to come into the chamber and voice  
20 our concern about the way the owners are maintaining and operating their courses. We  
21 recognize that these golf courses are a business and that as owners of a business they  
22 can operate as they see fit. Now if we have any concerns about the operation of the  
23 golf course we'll take that up at the club level. We won't bring it in here. As I said,

1 these golf courses are a business but a cornerstone of any business is to build and  
2 maintain a bond of trust between that business and its clients. We as homeowners are  
3 the clients in this relationship. We were the clients when we bought our property, at  
4 premium rates I might add, and we're also clients of the fact that most of us belong to  
5 the local clubs. As homeowners we've made a long term commitment to our  
6 communities and in my opinion this rezoning initiative offers the course owners an  
7 opportunity to reconfirm their commitment and that bond of trust that they made to us at  
8 the time we purchased and joined their clubs and it in fact will strengthen that bond.  
9 And this is an opportunity for the club owners and the clients – that's us to work together  
10 to help to ensure the success of the golf clubs. Now we've got a stake in these clubs.  
11 We belong to them and we want them to be successful so I – in addition to that we have  
12 a stake in our communities –

13 CHAIRMAN FURGESS: Wind it up now.

14 MR. RANDOLPH: - and we urge you to pass this legislation.

15 **TESTIMONY OF MICHELLE SANDERS:**

16 MS. SANDERS: Good afternoon. My name is Michelle Sanders and I reside at  
17 202 Brookwood Forest and that happens to be in Crickentree. However my husband  
18 and I have the ownership in property at 2 Walnutwood Court that is in Longtown. And  
19 we moved my in-laws here about a year and a half ago from New Jersey and we reside  
20 at – we moved here about three months ago from the Dallas-Fort Worth area. I bring  
21 that up to say that in our search – we did the majority of our search on-line and in  
22 looking up these communities on-line one thing they use to bring people to their  
23 community is that it's a golf course community. Okay. So when we came here and

1 purchased property we new that we were purchasing on a golf course community. I  
2 understand that this proposal is not saying that the owners of these golf courses cannot  
3 use them in the future for anything else and at this time I don't know of any plans that  
4 they have to change the zoning or change anything, their use for the property. I  
5 understand that this proposal is just saying that in the event that they do want to make a  
6 change we are informed. All we want to do is be informed. Thank you.

7 **TESTIMONY OF REVEREND C.L. LORD, JR.:**

8 REVEREND LORD: Good afternoon. I'm Reverend C.L. Lord, Jr. I reside at 7  
9 Whithorn Way in Blythewood which is in the Windermere section. I purchased about six  
10 months ago after doing a lot of searching for a lakefront piece of property. After I was  
11 not successful in acquiring that my next move was to look at a piece of golf course  
12 property because I enjoy and need the kinds of surroundings that a lake or golf course  
13 would bring – the tranquility. I have a very busy schedule and when I get home in the  
14 evenings I like my quietness. So as I looked at the home one of the selling points was  
15 that it was on a golf course. It was advertised and doing my research with talking with  
16 representatives of the homeowners association and talking about the fees and the – all  
17 of the other things that were involved I made the decision to purchase knowing that I  
18 was purchasing a piece of prime property that would also cost me more. I'm asking you  
19 to consider the fact that if you do this then you've taken away what we as golf course  
20 property owners would see would be the same thing as if we owned a piece of lakefront  
21 property. Both of these properties are looked at because of a particular value that they  
22 bring to us and I'm asking that respectfully you continue with your decision to rezone so

1 that we can enjoy the peace and tranquility that we have become accustomed to. I  
2 thank you for your time.

3 **TESTIMONY OF MARVIN DAVIS**

4 MR. DAVIS: Mr. Chairman and Commission Members, I'm here to speak on  
5 behalf of two golf courses and I'll start with Windermere since that's the first one. I live  
6 on Windermere, I like the golf course, I like looking at the golf course and I'd like not to  
7 look at someone else's backyard. And I bought the lot and the home for that purpose. I  
8 also bought the lot next to me for that purpose because I enjoy it so well. And the  
9 property at Windermere was developed by Mr. Bakhaus. Mr. Bakhaus has not been  
10 consistent in some of his verbal promises and if he had an opportunity for personal gain  
11 he might take advantage of it at the expense of the homeowners. So I ask you to pass  
12 the new zoning ordinance in the case of Windermere because it is surrounded by  
13 residential homes. Having said that, I also work for the South Carolina Research  
14 Authority who owns land on Northwoods Golf Course which is totally surrounded by  
15 commercial property. And that case is entirely different and I applaud the Commission  
16 for deciding to treat each golf course differently. That case is different because it has  
17 commercial property around it. It was given to the Research Authority for economic  
18 development and job creations and I would like to maintain the flexibility and it keep it in  
19 the current zoning. Someone said well you could just change it at a later date. I would  
20 ask that it would be easier to keep what I already have than to change it and then at a  
21 later date ask for it to be changed back. So I applaud the Commission for treating each  
22 golf course separately and voting for Windermere but against the TRC [sic] for the

1 change in the zoning for Northwoods. It's Marvin Davis and I live on 9 Somersby Court,  
2 Blythewood, South Carolina.

3 **TESTIMONY OF PEGGY DIMACY:**

4 MS. DIMACY: Hello everyone. My name is Peggy Dimacy and I reside over on  
5 10207 Lothian Way in Windermere. I'm here just to -

6 CHAIRMAN FURGESS: Ma'am, could you speak into the mic?

7 MS. DIMACY: Oh. I'm here just to ditto every single person that has been for  
8 the TRO proposal. I also want to say one more thing. I had an accident recently and I  
9 had a lot of difficulty walking and if it wasn't for Windermere and the idea that I'm going  
10 back to play nine holes of golf, it has really helped emotionally, mentally, and physically.  
11 I just think sometimes overdevelopment – I came from Lexington and I moved out of  
12 Lexington after seven years of extremely high taxes and the town just went wild without  
13 very good planning. Right now the traffic is horrendous in the northeast certain times.  
14 Thank God I'm retired. That's all I can say; I'm not in it. I avoid it at all costs. The  
15 increase in our property value is very important to me as a senior. This is my only  
16 resource I should say is my home and most of us that's what it is and we want it to  
17 remain the same. So I am really for the TRO and my hats off to everyone that's here  
18 today and I'm here to support my section which is the second entrance of Windermere.  
19 A lot of people are working or out of town and they'd love to have been here but they  
20 couldn't. Thank you.

21 **TESTIMONY OF ROBERT CAMPBELL:**

22 MR. CAMPBELL: Hello Mr. Chairman. My name's Robert Campbell and I am  
23 too a retired colonel from the Army. And one of the reason - and I live at 116 Bardwell

1 Way in Windermere – one of the primary reasons why my wife and my family – none of  
2 us are from South Carolina originally - moved to South Carolina is for the recreation and  
3 the outdoor type life; golf being one of them, boating and recreation. Windermere has  
4 that opportunity with lakes and golf course and that was a premier selling point. The  
5 only thing I would ask the folks to look at as they weigh the pros and cons and vote to  
6 pass the amendment for TRO, what we also want to try to void are unintended  
7 consequences of overdevelopment and unchecked growth. And there can be case  
8 studies all over the United States will show you where your tax base will go down, the  
9 quality of people that move into the communities would be adjusted. And I personally  
10 think this gives the communities a chance as our head folks talked about it from  
11 Windermere to show the whole community long term interest in developing and staying  
12 in the community. Thank you.

13 **TESTIMONY OF RAYMOND LARK:**

14 MR. LARK: Very briefly again, Mr. Chairman. Raymond Lark. Windermere's  
15 one of the group of our four courses and no one today so far nor in any comment that I  
16 believe I've seen has said that, you know, they regret having bought on a golf course.  
17 In Windermere's situation if for example if they have a few holes left that are not  
18 developed similarly to the current development, which as testimony has suggested  
19 supported or enhanced values of lots many times, then it would seem that there could  
20 be a mutual advantage to continuation of that type of development that does not  
21 sacrifice the green space in a negative way. So this is the type of potential benefit that  
22 by proceeding without further amendment as opposed to rezoning, then requiring to go  
23 through extra costs and a potential situation where a course has already suffered value



1 because its been rezoned into this district, is unnecessary and unwise and an invitation  
2 to litigation and otherwise we appreciate your continuing interest.

3 MR. VAN DINE: Anybody else on behalf of Windermere? Next course we have  
4 is Woodlands. If you could hold on for a moment before you start and let everybody  
5 have a chance to get there so the noise isn't too much behind you.

6 **TESTIMONY OF JOAN POOLE:**

7 MS. POOLE: Okay?

8 CHAIRMAN FURGESS: Yes.

9 MS. POOLE: My name is Joan Poole and I live on Valhalla Drive in the  
10 Woodlands on the golf course and I have lived there for a long time through several  
11 ownerships of the golf club. And the first one being the guy who sold us the lot at the  
12 premium prices, you know, which I enjoy and I enjoy it for all the reasons everybody  
13 said. During the time that these courses were sold and rebought the people of the  
14 Woodlands have gotten together and kept the courses – helped the future owners of the  
15 courses keep the course open and keep it a viable community and keep it going, keep  
16 our property values up, etc., etc. So therefore we don't – I don't know the present  
17 owner and I have no idea what he plans for the future but he may sell it in the future and  
18 we need to be protected from any plans that any future owners might have. I have  
19 studied city planning before myself in college although it was quite some time ago and I  
20 know the pressures that you're under but we need to consider the impact of this area.  
21 It's already getting to be kind of a hodge podge with Sandhills development and  
22 everything else. So I ask you to do that and on a personal note I'm a widow and I've  
23 tried to invest my money with due diligence and I have been affected by Enron and by

1 cooking of the books and by mergers and acquisitions and everything but the only thing  
2 I did have control over was where I lived and the future worth of that property. And I'd  
3 like for you to consider not to let that be in jeopardy. Thank you.

4 **TESTIMONY OF BRENDA SNYDER:**

5 MS. SNYDER: Mr. Chairperson, Members of the committee, my name is Brenda  
6 Snyder. I live at 105 Wotan Road in the Woodlands. I would ask you to consider  
7 keeping this as open space. I'm not a golfer but I live across the street from a golf  
8 course and this is why we built our home in this community because we left another  
9 community because condos were put up almost in our backyards. So I would ask you  
10 to please preserve this open space. I know you have a difficult decision because you  
11 want to protect the businessman also and I understand the golf course owners  
12 problems with, you know, what's going to happen in the future if something is done  
13 differently. But I see a win/win situation as far as our open space and also the warming  
14 affect that is happening in our environment today. Thank you.

15 **TESTIMONY OF PAT BRESNAY:**

16 MS. BRESNAY: Hi. My name is Pat Bresnay. I live at 6 Valhalla Court in the  
17 Woodlands. My husband and I purchased almost 20 years ago in the Woodlands. The  
18 reason we bought there is because it's beautiful, it's lovely, it's attached to the golf  
19 course. It's woody and we just love it –nice comfortable neighborhood. And we  
20 invested all of our money there and we don't want anything to happen to it. We don't  
21 want the value of our money to go down. So we are in favor of rezoning this to the  
22 TROS and I just would like to ditto what Wendy Stogger said. Thank you so much.

23 **TESTIMONY OF JIM POST:**

1 MR. POST: Mr. Chairman, my name is Jim Post. I live at 200 Wotan. My wife  
2 and I moved here from Pennsylvania about 22 years ago. I'm an avid golfer. Moved  
3 onto a golf course with the anticipation of it always being a golf course community. We  
4 came in good faith, paid high dollars for the lot. But my concern also is I'm also a real  
5 estate agent. I've been with the largest company here in Columbia for 14 years.  
6 Contrary to what that fellow says there I am seeing some sort of an affect on property  
7 values in respect to buyers and their concerns on what exactly we're doing here today  
8 and trying to get a zoning where we know we all stand. And I think we need to  
9 appreciate where they're coming from. I know if I was coming here from Pennsylvania  
10 right now and I was looking at this community, I'd have second thoughts. And I think  
11 there's concerns as a property owner and a potential property owner that we really need  
12 to go ahead and consider this ordinance. Appreciate your time.

13 **TESTIMONY OF PAMELA GREENLAW:**

14 MS. GREENLAW: Members of the Commission, my name is Pamela Greenlaw.  
15 I live at 1001 Wotan Road; technically not Woodlands but in Forest Green, Phase II.  
16 But we joined the Woodlands Country Club. The country club has practically raised my  
17 son who started playing golf with his little plastic things. We couldn't find him one day  
18 and he'd walked across the street and went over there to play golf. He's grown now  
19 and still plays golf. But I'm here to talk about some other things. The reason I believe  
20 you need the TROS zoning is because public hearing are going to be necessary should  
21 the golf course owner want or need to change the use of the property. One fear that's  
22 yet unspoken is the sale of large chunks of acreage to a developer without opportunities  
23 for residents to be involved in planning or even being offered a chance to purchase

1 acreage to preserve the green space. I think you're probably familiar with the timber  
2 sales that are going on in other parts of the state by the timber companies - the paper,  
3 you, know such as International Paper without giving people the opportunity to preserve  
4 that and it's been going chunk by chunk large acreages to developers with no  
5 intervention. The other thing I want you to consider is that the TROS zoning  
6 designation is consistent with Midlands COG's efforts [inaudible] for structured planning  
7 which is coming down the pipe. The other thing that I would think you need to consider  
8 is that we're not just talking about open space, we're talking about watershed protection  
9 on golf courses with their contiguous stretches of habitat. So we have to step back a  
10 little bit and look at some other aspects here because there's - may I say one more  
11 thing? This TROS is especially immediately necessary until developers change their  
12 paradigm of razing landscape and not only adopt new building standards but habitat  
13 and watershed protection in a development. Thank you very much.

14 **TESTIMONY OF KEN MCCARTHY:**

15 MR. MCCARTHY: Mr. Chairman, Commissioners, I'd like to point out first of all  
16 that the name is incorrect on the Woodlands. It's Woodlands Golf and Country Club,  
17 L.L.C. I'm glad you decided to consider the golf courses on an individual basis because  
18 I think you made a very prudent decision.

19 CHAIRMAN FURGESS: Please give your name and address.

20 MR. MCCARTHY: My name, sir, Ken McCarthy and I'm the owner of Woodlands  
21 Golf and Country Club, L.L.C. I think you made a wise decision to consider all of these  
22 golf courses individually, having made as I said a very prudent decision at the last  
23 Planning Commission meeting and following up on that. We have been advised since

1 then that we would all be lumped together again and all of the golf courses would be  
2 turned into TROS and you'd have to come back for rezoning later. I think if you listen to  
3 all these arguments it's all about the private property rights. It's not the open space.  
4 People are trying to protect their private property rights. If that's the case why were we  
5 not included in discussions about conservation easement which is greater protection  
6 than TROS? There was no open or transparent government involved in this process to  
7 start with. We have not been given the opportunity to look at the conservation  
8 easements with the Pending Ordinance Doctrine. We have not been given the  
9 opportunity to give greater protection than TROS because we benefit from it. There is  
10 the win/win situation that people have been talking about. One of the speakers said  
11 they wanted to be included. Why shouldn't we have been included? There could have  
12 been greater protection. If it's about open space then we should have had that  
13 opportunity to discuss things like conservation easement. If it's not, if it's about  
14 homeowners and private property rights why are my friend's golf course like  
15 Northwoods included? It has nothing to do with homeowners. He should not be  
16 included. I ask that you reject this and give everybody the opportunity to have some  
17 dialogue to consider what is a win/win and fair result in this situation. Thank you.

18 **TESTIMONY OF RAYMOND LARK:**

19 MR. LARK: Your Honor, Raymond Lark, Mr. Chairman and Commissioner  
20 Members. One comment in light of the reference which I thought was very interesting to  
21 the connection between this county's consideration of these rezoning requests and the  
22 Central Midlands Council of Government's consideration and it making potential  
23 infrastructure changes concerning green spaces coming down the pike. One of the

1 initial recommendations that we've continued to make is that the Council unfortunately  
2 is getting the cart before the horse and this county is of course guided or to be guided  
3 by it's comprehensive plan. We have recommended that, and suggested that this effort  
4 was contrary to the existing plan, that the initial revisiting of that plan should be  
5 undertaken, an inventory of all green spaces included, a conclusion if you conclude  
6 TROS is appropriate for things like hunt clubs which were dropped out, anything other  
7 than golf courses. We're not here today about anybody but golf courses and there are a  
8 variety of other green spaces of course which I assume and believe the COG is going to  
9 be looking at. So the point being again another reason, very strong reason is to revisit  
10 and amend the comprehensive plan to consider what Central Midlands Council of  
11 Governments may also be considering and work together to coordinate responsible  
12 growth and conservation development options and retention of values for all property  
13 owners with any infrastructure changes. Thank you.

14 MR. VAN DINE: Anybody else on behalf of the Woodlands? Probably the next  
15 two need to be combined together because two – South Carolina Research Authority  
16 and Northwoods actually combine to encompass the 18 holes of golf that are out there.  
17 So I would suggest that we take the two of them together. Anybody on behalf of either  
18 South Carolina Research Authority or Northwoods Golf Club?

19 **TESTIMONY OF BILL MCDUGALL:**

20 MR. MCDUGALL: Mr. Chairman and Members of the Commission, again I'm  
21 Bill McDougall from Wildewood and I rise to speak on behalf of the TRO in regard to  
22 South Carolina Research Park and Northwoods. A general statement based on why all  
23 ten golf courses should be considered. These are all older golf courses that do not

1 have the same protection that you the Planning Commission and Council would give a  
2 newer golf course that was developed under the PDD. For consistency's sake the  
3 efforts I believe are fair to include all ten to allow exceptions such as this golf course  
4 may have to come back in at a later date and ask for all or portions to be excluded, for  
5 the other golf course owners to come in with requests to have lots that they've intended  
6 on developing to be excluded. And to substantiate that argument I'd like to point to the  
7 taxes that I alluded to earlier. These ten courses make up 1,907 acres in  
8 unincorporated Richland County that the county is sitting on virtually a time bomb that  
9 could be developed or the land use changed simply because of a historical I believe  
10 oversight. They rezoned in effect the way the land around them was zoned at the time  
11 that zoning came in. This would not happen under current zoning. They would be done  
12 as a PDD. The 1,900 acres and the 15 properties that make up the ten golf courses –  
13 the total taxes paid on this was \$562,000 last year. I didn't know anything about golf  
14 course taxes until our assessor, Mr. Cloyd gave me a lesson in this earlier this year. He  
15 taught me quite a bit and I went in and did some research on it. And if you take the  
16 1,900 acres and divide it into the \$562,000 in taxes that the golf course owners have  
17 paid it averages out to \$295 an acre. That's all the property taxes including the  
18 improvements that constitute the golf course and the club houses. If you exclude  
19 Linrick because it's County owned and you exclude the Research Park from it because  
20 it's a research park then you come up with \$358 an acre that they paid in taxes on this  
21 land. And in my way of thinking it's only fair now if they have enjoyed these tax benefits  
22 over a very long period of time that if they have individual lots or they have portions that  
23 they never intended to develop, never intended to have as part of the golf course long

1 term that they be asked now to come back at a later date with those exceptions and  
2 have them excluded. In the case of the Research Park it's really an unusual situation.  
3 They have 11 holes that make up a portion of it. Two holes on nine acres and then five  
4 holes I believe on 99 acres that are actually part of the Research Park that they paid no  
5 taxes on. So to me it's only fair to ask that they come back at a later date and exclude  
6 the portion that makes up the golf course from this Research Park land that they've paid  
7 zero taxes on. Mr. McBride –

8 CHAIRMAN FURGESS: Sir, we need you to wind it up.

9 MR. MCDUGALL: Mr. McBride has paid 34,000 on the total golf course in the  
10 past. Thank you very much.

11 **TESTIMONY OF GREG MCBRIDE:**

12 MR. MCBRIDE: I come before you again, Greg McBride, Northwoods golf  
13 course, to urge you to reject this amendment because I am different than the other  
14 guys. The people who have spoken and used the term to be painted with one brush are  
15 not the people being painted so it's easy to say that. I do pay \$34,000 in taxes on about  
16 100 acres of property. That is more than Columbia Country Club pays on their 27  
17 holes. Because I am in a commercial environment I'm taxed at a higher rate. I actually,  
18 hopefully if you pass will stand to decrease my taxes because I'm going to be able to go  
19 back and argue that Columbia Country Club is being taxed at a lower rate than I am so I  
20 may stand to gain. But I'd ask on behalf of myself and the Research Authority that you  
21 leave us as we are. We're in a commercial zoning. I have no property owners here to  
22 speak on behalf of their devaluation of property and that's all I have to say. Thank you.



1 MR. VAN DINE: Anybody else? Alright ladies and gentlemen, those are all the  
2 individuals who have expressed the desire to speak on behalf of any of these golf  
3 courses. At this time we will close the public comment section and we will be talking as  
4 a Commission body regarding our wishes and as we said at the beginning we will take  
5 up each course separately, talk about each one and [inaudible] request to rezone it in  
6 [inaudible]. Anna, do you want to lead us through the individual courses? That may be  
7 easier to keep track of them?

8 MS. ALMEIDA: Yes, sir. The first course Linrick Golf Course. RU to TROS.

9 CHAIRMAN FURGESS: [Inaudible].

10 MR. PALMER: Mr. Chairman, I make a motion to send this forward to Council  
11 with a recommendation of denial for Linrick golf course.

12 CHAIRMAN FURGESS: Anybody else want to make a comment? Someone  
13 needs to put it, did you put it into a motion, needs a second on it.

14 MR. PALMER: I made a motion but there needs to be a second.

15 MR. MURRAY: I'll second.

16 CHAIRMAN FURGESS: You second? Heard the second. All in favor that we  
17 send it to County Council for denial, please raise your hand.

18 *[Approved: Murray, Palmer]*

19 CHAIRMAN FURGESS: For support? We don't need that part, do we?

20 MR. PALMER: Made a motion to send it forward to Council.

21 MS. ALMEIDA: With no recommendation.

22 CHAIRMAN FURGESS: Okay.

1 MR. VAN DINE: Mr. Chairman, I'll make an alternative motion that we do send it  
2 forward to Council with a recommendation for approval based upon the fact that the  
3 county has stated that its been their desire to put it in this TROS and the property owner  
4 has expressed it's desire to do so. And I don't see any reason why we should not keep  
5 it as part of their request. So I would make a motion that we send it forward with a  
6 recommendation of approval.

7 MR. ANDERSON: Second.

8 MR. PALMER: I have a question. Their request comes I guess from the County  
9 Administrator to rezone the property, by Mr. Pope?

10 MS. ALMEIDA: No. It was put in as part of the overall rezoning and the  
11 applicant, the Recreation Commission, has not objected to the recommendation. They  
12 are in the business of open space and believe in the preservation of such.

13 MR. VAN DINE: And did they not stand up here and actually support the –

14 MS. ALMEIDA: The ordinance. Yes.

15 MR. VAN DINE: The ordinance request as far as Linrick was concerned?

16 MS. ALMEIDA: I believe so.

17 MR. PALMER: In this case having now understood that I will support the  
18 property owner being Richland County requesting the rezoning. I would be in favor of  
19 that rezoning.

20 MR. VAN DINE: Call the question.

21 CHAIRMAN FURGESS: There's a call for the question that we vote. All in favor  
22 of the question please by raising your hand.

1 *[Approved: Anderson, Palmer, Furgess, Van Dine; Abstain: Murray; Absent: Ward,*  
2 *Cairns, Green, Manning]*

3 CHAIRMAN FURGESS: Opposed? Thank you. Next.

4 MS. ALMEIDA: The next golf course is Sedgewood Country Club. RU to TROS.

5 CHAIRMAN FURGESS: Any discussion?

6 MR. ANDERSON: Mr. Chair, I have a problem with sending this forward with a  
7 TROS district just based on the fact that there's no homeowners surrounding the  
8 immediate area. Really it just does not compare to any of the other golf courses in our  
9 packet. so I would make a motion that we send this forward with a recommendation of  
10 denial.

11 MR. VAN DINE: Second.

12 CHAIRMAN FURGESS: We heard the motion and the second. All in favor that  
13 we send it to County Council for denial, please raise your hand.

14 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
15 *Green, Manning]*

16 CHAIRMAN FURGESS: Thank you.

17 MS. ALMEIDA: Following golf course Golf Club of South Carolina also known as  
18 Crickentree.

19 CHAIRMAN FURGESS: Discussion?

20 MR. PALMER: Mr. Chairman, my votes today will reflect a fundamental principle  
21 that I have and it's one of property rights and the fact that the golf course owners the  
22 same as the individuals who bought their homes on golf courses, the golf course  
23 owners themselves also bought their property with an expectation of what that property

1 could do. No one is looking to rezone anyone's home because their neighbors want it  
2 to be something different. The golf course owners bought under that same principle  
3 and they have property rights as well. Each homeowner had the ability to take a look at  
4 what the golf course was zoned. They knew when they moved in that the golf course  
5 could possibly be changed and if a realtor told you that this would always be a golf  
6 course and would never change it would be my recommendation you would take that up  
7 with the Department of Labor and Licensing because for a real estate agent to make a  
8 statement like that is completely improper. The zoning classification was with the golf  
9 course at the time of purchase and my basic vote today is going to be as one of  
10 property rights that people who purchased these golf courses fall under an assumption  
11 of what their property was zoned. And for them to, for a property owner to come in and  
12 ask for a rezoning is one thing but for a pro active down zoning of a piece of property is  
13 something I just can't support. That's the basis for my vote from here on out as far as  
14 all of these are recommended. The reason I voted for Linrick was the fact that the  
15 county is in favor of the rezoning of their parcel.

16 CHAIRMAN FURGESS: Any other comment?

17 MR. VAN DINE: Mr. Chairman, I think that there are some issues regarding what  
18 individuals were told or not told regarding the property when the property was sold to  
19 them. I will counter if you will what was just said that it is the real estate agent who was  
20 providing that information. If you drive down the road and you look at the billboard on I-  
21 77, Crickentree says, "A golf course community." That to me is an affirmative  
22 representation on behalf of the owners of the – and developers and sellers of the  
23 property that that is to be a golf course. The golf course will be there and that is part of

1 what you are purchasing. As to Woodlands, Wildewood, all of the ones that have  
2 residential developments around it, those properties were sold as golf course lots at a  
3 higher tax rate, at a higher price. I think there's some expectations that go with that. I  
4 do not believe that in the instance of the areas that are surrounded by residential  
5 development that it is unjustified or unheard of to require the people when they develop  
6 that property if they so develop it in the future to come in and have a plan as to what  
7 they're proposing to do and request the rezoning. There are issues however about the  
8 extent to which some of the properties are being included in these requests. One of the  
9 reasons that I voted against Sedgewood was because 80% of that piece of property is  
10 not even used for the golf course. It is used – it's undeveloped land. And we're asking  
11 that those owners come in and say to everyone, okay we now have to have a fee to  
12 come in to this county to get a zoning application. We have to do all of the proposed  
13 documentation and everything else. Some of these golf courses don't fit within that  
14 classification. I think that the ones that are established golf courses that sold the  
15 property should be required to come forward and to at least provide the homeowners  
16 around those communities with certain amounts of notes. That's not to say that they  
17 can't develop. There are golf courses that have done so. Take a look at Coldstream.  
18 That golf course was shut down and it was left as weeds and everything else in the  
19 backyard. I have no idea what's happening to it now since it was sold out of bankruptcy  
20 but I can tell you that the weeds in the backyard were probably worse for the  
21 homeowners than were the – was the golf course that was operating there. So my  
22 consistent vote throughout this will be that as it relates to residential development and

1 the fact of sales along those – the golf courses as golf course lots I'll be consistently  
2 voting for the shift to the TROS.

3 CHAIRMAN FURGESS: Any other Commissioners?

4 MR. ANDERSON: Any time we vote yes can you just fill that in what Howard  
5 said?

6 MS. ALMEIDA: Yes.

7 MR. ANDERSON: Okay.

8 MS. ALMEIDA: Absolutely.

9 MR. VAN DINE: Based on that – we're on Crickentree?

10 MS. ALMEIDA: Correct.

11 MR. VAN DINE: I would make a motion that we send this forward to County  
12 Council with a recommendation of approval.

13 MR. MURRAY: Second.

14 CHAIRMAN FURGESS: All in favor that we send it to County Council for  
15 approval please raise your hand. Opposed?

16 *[Approved: Murray, Anderson, Furgess, VanDine; Opposed: Palmer; Absent: Ward,*  
17 *Cairns, Green, Manning]*

18 MS. ALMEIDA: Next golf course, Columbia Country Club. RU to TROS.

19 MR. VAN DINE: Mr. Chairman, in light of the fact that what I said just a moment  
20 ago and the fact that Columbia Country Club has indicated that it does not object to the  
21 rezoning request I would make a motion that we send this forward with a  
22 recommendation of approval.

23 MR. ANDERSON: Second.

1 CHAIRMAN FURGESS: You heard the motion and the second to send this  
2 forward with the recommendation to County Council for approval, please raise your  
3 hand.

4 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
5 *Green, Manning]*

6 MS. ALMEIDA: The following golf course, Forest Lake Club. RS-LD to TROS.

7 MR. VAN DINE: Mr. Chairman, I will make a similar motion that I just made to  
8 send this forward with a recommendation of approval. I would note that there were no  
9 speakers for or against Forest Lake Country Club. So that's a motion to send it forward  
10 with a recommendation of approval.

11 CHAIRMAN FURGESS: We need a second from the body.

12 MR. ANDERSON: Second.

13 CHAIRMAN FURGESS: You heard the second, motion and the second. All in  
14 favor by raising your hand.

15 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
16 *Green, Manning]*

17 MS. ALMEIDA: Spring Valley Country Club. RS-LD to TROS.

18 MR. VAN DINE: Mr. Chairman, I will make the same motion we send this  
19 forward with a recommendation of approval under the same reasons as with Forest  
20 Lake and there was no opposition and nobody spoke for or against that golf course.

21 MR. ANDERSON: Second.

22 CHAIRMAN FURGESS: You heard the motion and the second. All in favor of  
23 sending this forward to County Council for approval please raise your hand. Opposed?

1 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
2 *Green, Manning]*

3 MS. ALMEIDA: Wildwood Country Club. RS-LD to TROS.

4 MR. VAN DINE: I will again make the same motion to send this forward with a  
5 recommendation of approval for the same reasons stated.

6 MR. ANDERSON: Second.

7 CHAIRMAN FURGESS: You heard the motion and the second. All in favor of  
8 sending this forward for approval to County Council, please by raising your hand.  
9 Opposed?

10 *[Approved: Murray, Anderson, Furgess, Van Dine; Opposed: Palmer; Absent: Ward,*  
11 *Cairns, Green, Manning]*

12 MS. ALMEIDA: Windermere Country Club. RS-LD to TROS.

13 MR. VAN DINE: Mr. Chairman, same motion as previously for the same reasons  
14 stated with the exception that there was opposition to this stated from the podium.

15 MR. ANDERSON: Second.

16 CHAIRMAN FURGESS: You heard the motion and the second. All approve of  
17 sending this forward to County Council for approval by raising your hand, please.  
18 Opposed?

19 *[Approved: Murray, Anderson, Furgess, VanDine; Opposed: Palmer; Absent: Ward,*  
20 *Cairns, Green, Manning]*

21 MS. ALMEIDA: Woodlands Country Club. RS-LD to TROS.



1 MR. VAN DINE: Mr. Chairman, the same motion as previously as to Woodlands  
2 Country Club. Excuse me. I think the name was supposed to be Woodlands Golf and  
3 Country Club, L.L.C.

4 MS. ALMEIDA: Golf and Country Club, L.L.C.

5 MR. VAN DINE: And I make the motion we send it forward with a  
6 recommendation of approval.

7 MR. ANDERSON: Second.

8 CHAIRMAN FURGESS: You heard the motion and the second that we send this  
9 to County Council for approval please by raising your hand. Opposed?

10 *[Approved: Murray, Anderson, Furgess, Van Dine; Opposed: Palmer; Absent: Ward,*  
11 *Cairns, Green, Manning]*

12 MS. ALMEIDA: South Carolina Research Park. M-1 to TROS.

13 MR. VAN DINE: Should we be taking these up separately or combined?  
14 Because they frankly are –

15 MS. ALMEIDA: Two. We can.

16 MR. VAN DINE: Two separate ones?

17 MS. ALMEIDA: We can combine them.

18 MR. VAN DINE: I think we ought to take them up separately.

19 MS. ALMEIDA: Separately? South Carolina Research. M-1 to TROS.

20 MR. VAN DINE: Mr. Chairman, I will make a motion we send this forward with a  
21 recommendation of denial. I do not believe that either Northwoods or South Carolina  
22 Research Authority property fit within any of the recommendations that have, for the  
23 reasons that have been set forth for the TROS. It is a business community surrounding

1 the area. There has been nobody moving in with a basis of a golf course being there. It  
2 is known by two different people. One is under lease; one is for economic development.  
3 The other, if in fact the lease were to be broken, would be a parcel of property which  
4 has 11 golf holes instead of 18. While I would certainly like my score to be posted after  
5 11 holes I don't believe that that would be a legitimate golf course in that fixture. So as  
6 a result of that I don't think that it has the same reasons or basis for being changed to a  
7 TROS and I make a motion we send it forward with a recommendation of denial.

8 CHAIRMAN FURGESS: We need a second on that.

9 MR. ANDERSON: Second.

10 CHAIRMAN FURGESS: You heard the motion and the second to send this to  
11 County Council for denial by raising your hand for denial.

12 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
13 *Green, Manning]*

14 MS. ALMEIDA: Northwoods Golf Course, Golf Club, sorry. M-1 and RM-HD to  
15 TROS.

16 MR. VAN DINE: That would be my same motion as to South Carolina Research  
17 Authority. I believe for all the reasons I just stated that that should not be transferred to  
18 a TROS as it does not fit within the justification or reasons for that classification. And I  
19 would send this forward with a recommendation of denial.

20 CHAIRMAN FURGESS: You heard the motion. Need a second.

21 MR. ANDERSON: Second.

22 CHAIRMAN FURGESS: You heard the motion and the second. All in favor that  
23 we send it to County Council for denial please by raising your hand. Opposed?

1 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
2 *Green, Manning]*

3 CHAIRMAN FURGESS: At this time ladies and gentlemen we will take a five-  
4 minute recess.

5 *[Break]*

6 CHAIRMAN FURGESS: We're fixing to get started. Anna.

7 **CASE NO. 07-32 MA:**

8 MS. ALMEIDA: Mr. Chairman, are we re-reviewing 07-32 MA?

9 CHAIRMAN FURGESS: Yes.

10 MS. ALMEIDA: Mr. Chairman, 07-32 MA, Seven Acre Cut, LLC found on page  
11 33.

12 CHAIRMAN FURGESS: Oh, excuse me. We need to read something into the  
13 Record.

14 MS. ALMEIDA: I'm sorry.

15 MR. VAN DINE: This is for the Record. This is directed to Mr. Furgess as the  
16 Chairman of the Planning Commission. "I must request to be excused from  
17 participating in discussion or voting on agenda item number 07-32 MA regarding  
18 rezoning of 20.01 acres which is scheduled for review and/or discussion at today's  
19 Planning Commission meeting. It is my understanding of the Rules of Conduct,  
20 provisions the Ethics, Government Accountability and Campaign Reform Laws, and  
21 since the company I work for has an interest in the property, I will be unable to  
22 participate in this matter through discussion or voting. I would therefore respectfully  
23 request that you indicate for the Record that I did not participate in any discussion or

1 votes relating to this item representing a potential conflict of interest. I would further  
2 request that you allow and direct this letter to be printed as part of the official minutes  
3 and excuse me from such votes or deliberations and note such in the minutes. Thank  
4 you for your consideration of this matter.” Signed, Pat Palmer. Please let the Record  
5 reflect Mr. Palmer is not in the room.

6 MS. ALMEIDA: Mr. Chairman, the applicant is requesting the existing zoning M-  
7 1 to GC. The acreage is approximately 20.1 acres. The property's located out on  
8 Killian Road with approximately 695 linear feet of frontage. Killian Road is presently at  
9 a Level of Service F. In analyzing the proposed development within the vicinity the  
10 recent zoning requests, the limited expansion of Killian Road and the close proximity to  
11 I-77 corridor, it is concluded that this area's better suited for commercial uses. It is also  
12 noted that the intrusion of commercial office and retail uses should be kept as close to  
13 the I-77 corridor as possible. As you can see, that corridor of the I-77 both north, south,  
14 east and west quadrants have significantly changed. The northwestern quadrant of I-77  
15 is home to the proposed Wal-Mart that's been approved. The northeast quadrant has  
16 been rezoned to a PDD for Killian Crossing. The north – I'm sorry – the southeast  
17 quadrant is also a commercial development which will be home to a car dealership, a  
18 train,) and some other commercial uses. And we have had a recent rezoning on the  
19 western quadrant as you can see from the – your map. It is adjacent to the site in  
20 question. So Staff's recommendation is for approval.

21 CHAIRMAN FURGESS: The first person we have to speak is Tim Rogers.

22 **TESTIMONY OF TIM ROGERS:**

1 MR. ROGERS: Mr. Chairman, I'm Tim Rogers from the law firm of Austin, Lewis  
2 & Rogers from whom you've already heard too much today. I have nothing to add to  
3 the Staff presentation. We just ask you to approve the application and be glad to  
4 respond to any questions. Thank you.

5 MR. VAN DINE: Is there a Terry Salaney here or a Francis Rawl? I think they  
6 were probably both signed up for the earlier.

7 MR. MURRAY: Right, Francis earlier and that's Sedgewood.

8 MR. VAN DINE: Yep. That's what I thought. Those are all the people who have  
9 signed up. Mr. Chairman, I would make a motion we send this forward with a  
10 recommendation of approval based on the comments from the Staff.

11 MR. MURRAY: Second.

12 CHAIRMAN FURGESS: You heard the motion and the second that we send this  
13 to Council for approval. All in favor by raising your hand.

14 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
15 *Green, Manning]*

16 CHAIRMAN FURGESS: With this – it would go to County Council on June 26<sup>th</sup>.  
17 We're just a recommending body so someone needs to be there to represent him or her  
18 on the 26<sup>th</sup> of June.

19 MS. ALMEIDA: Correct.

20 CHAIRMAN FURGESS: Thank you. Next agenda item, please.

21 **CASE NO. 07-30 MA:**

22 MS. ALMEIDA: This project 07-30 MA, the applicant is requesting to rezone  
23 21.25 acres from the existing zoning which is two parcels M-1 and RU to RM-HD. The

1 project is currently on Old Bluff Road, Blair Road and the existing Bluff Road. So as  
2 you can see from that map you can see the two parcels, the two distinct zoning and the  
3 – I'm sorry, and the roads. The north is from what I can tell Old Bluff Road, if you can  
4 identify that. That's Old Bluff Road? And Bluff Road of course is north. The two  
5 parcels encompass 9.5 acres which is zoned M-1 and 12 acres existing presently zoned  
6 RU. The current traffic and level of service is classified as a Level of Service C. What  
7 we have noticed and if you're familiar with the area located south of the site the County  
8 has rezoned approximately 30 acres of heavy industrial land to residential multi-family  
9 high density, RH-MD for townhouses. The development is called Copper Beech.  
10 Adjacent to the site the surrounding area's predominantly single-family homes and  
11 some industrial uses. The growing trend along Bluff Road, as we have seen in recent  
12 past, has been the diminishing industrially zoned property and residential being moved  
13 in. The map amendment would be consistent with the prior map amendments granted  
14 and Staff is recommending approval.

15 MR. VAN DINE: Mr. Williams.

16 **TESTIMONY OF JOHN WILLIAMS:**

17 MR. WILLIAMS: Thank you, Mr. Chairman. If I might I have a - just a little small  
18 handout to share with the Council. Thank you, Mr. Chairman. I'll be brief. We certainly  
19 appreciate Staff's thoroughness and recommendation for approval on this project. As  
20 you said we're requesting from an M-1, a light industrial and the RU to HD. We're  
21 anticipating building 100 and 110 student cottages, two, three and four bedroom  
22 cottages that look like individual houses on this property. Several of them will be  
23 attached. This is the fourth time that this particular group, the Retreat Partners have

1 built this particular product in a college town and it's been extremely successful in the  
2 other venues. We're very excited about coming to Columbia and one of the things that  
3 we think that benefits your county and your community is that we found that the  
4 students want to live in houses. They're going to start renting houses and converting  
5 housing stock in individual single-family neighborhoods over the course of time as your  
6 zoning ordinance tries to prevent that. We're offering an alternative to that. We're  
7 creating a student community with the individual houses specifically for students so that  
8 they don't choose to go off and look in these individual neighborhoods. The units will be  
9 sold to parents and investors. Approximately a half a million dollars will be spent on  
10 amenity areas. And they'll be a homeowners association that will be responsible for  
11 maintaining all the lawns and landscaping as well as the exterior of the individual  
12 houses - a self-policing neighborhood and community. There's strict controls on what  
13 the students can and can't do in order to maintain the neighborhood feel of the  
14 community. As far as the zoning justification, as you heard Staff supports our rezone  
15 citing that it is in concert with what's been done in this area in the past. We recognize  
16 that this particular parcel – part of it is light industrial. However, it's adjacent to one of  
17 the older single-family neighborhoods in the area and we think that from a zoning and  
18 planning standpoint that multi-family is a good transition between the light industrial to  
19 the south and the neighborhood to the north. With that I'll just end there and if you have  
20 any questions about these pictures, I mean, they're just photos of actual houses that will  
21 be constructed as well as the clubhouse and some amenity areas. My name's John  
22 Williams with Williams & Associates. I live at 1041 Godfrey Place, Athens, Georgia  
23 30605.

1 MR. VAN DINE: Ed Durkin, please.

2 **TESTIMONY OF ED DURKIN:**

3 MR. DURKIN: My name is Ed Durkin and I represent Praxair. We're an  
4 industrial gas company and we're adjacent to the site that's under consideration for  
5 rezoning today. And I wanted to talk a little about the nature of our business and the  
6 nature of zoning. We have just acquired this business within – we acquired the  
7 business back in December of 2006. We are the largest industrial gas company in  
8 North and South America and we've take a presence in the southeast here and we're  
9 continuing to grow that business and that business has been very successful for us so  
10 far. I know it's a short length of time but it's been very successful. And the nature of  
11 our business and the reason that we you know we long(?) to locate businesses in light  
12 industrial areas is the nature of the product that we carry. For life safety, health  
13 concerns you just don't want to live next door to certain facilities so we look to locate  
14 these facilities and when we buy these facilities we buy them in industrial areas. And to  
15 take and to bring in a residential component adjacent to a business such is this it's  
16 irresponsible if you understand our business [inaudible]. The nature of our business for  
17 those of you who aren't familiar with industrial gases, we distribute product, we pump  
18 product into industrial gas cylinders. Okay? Which are your heavy metal cylinders. A  
19 cylinder when they bang they sound like a bell going off. We pump product there two  
20 shifts. There's constant truck traffic in and out. We distribute in North Carolina, South  
21 Carolina and Georgia and we employ about 40 people. So being that we're going to  
22 we're gonna put residential next door we feel that, you know, this is going to affect our  
23 business and it's going to affect our growth. If we wanted to expand there we wouldn't



1 be able to expand. There would be no greenbelt based on the plan that I'm looking at  
2 right now and I can't imagine anybody wanting to live next door to an industrial  
3 operation like we have there. So with that I would like to ask the Commission to deny  
4 the zoning change on this for basically life safety concerns.

5 MR. PALMER: Which side is your directly next door?

6 MR. DURKIN: We're the adjacent property that sits to the southeast there as I  
7 look at that map.

8 MR. PALMER: You know, you're adjacent to residential property to your rear  
9 don't you?

10 MR. DURKIN: To the rear, yes. But I mean we have the appropriate setbacks  
11 on the property and everything to keep us away from there and our property is secured  
12 by fence and everything. But now you're moving college kids? I mean it's a college  
13 environment. You're naturally going to have some problems from a security  
14 perspective. So with that I'd like to ask that the application be denied. Thank you.

15 MR. VAN DINE: Those are the only people who have signed up. Yes, sir?

16 **TESTIMONY OF WILLIAM DURHAM:**

17 MR. DURHAM: My name's William Durham, 3135 Millwood Avenue. We own  
18 and represent several owners who have industrial property on Old Berry Drive, Pasture  
19 Lane, areas that are close to this. These were down off Bluff Road. And there's been  
20 several student housing developments that have gone back there that have been  
21 approved. We haven't had any security issues, any problems with them being adjacent  
22 to us so I'd just like to make that comment.

23 MR. VAN DINE: Those are the only people who have signed up for or against.

1 CHAIRMAN FURGESS: Any comments from the -

2 AUDIENCE MEMBER: Excuse me. Can I make one more point? The point with  
3 security –

4 MR. VAN DINE: If you're gonna do that, we have to be able to record everything,  
5 please.

6 MR. DURKIN: The concerns I talk about safety and security. The gases that we  
7 pump, we pump acetylene, we pump propylene. These are all items that are very  
8 flammable and you do need plenty of green space to operate a business such as this.  
9 So that's my main concern. Those are products – we have literally thousands of these  
10 cylinders on our property there. So that's – I just wanted to explain what the concern  
11 was. Thank you.

12 MR. PALMER: Mr. Chairman, I make a motion to send this forward to Council  
13 with a recommendation of approval.

14 MR. MURRAY: Second.

15 CHAIRMAN FURGESS: Is there a second?

16 MR. MURRAY: Second.

17 CHAIRMAN FURGESS: Heard the motion and the –

18 MR. VAN DINE: Mr. Chairman.

19 CHAIRMAN FURGESS: Yes.

20 MR. VAN DINE: This particular request raises with me the exact same  
21 discussion we had at least three meetings when there was a housing development  
22 propped out near the Northlake Industrial Park with Siemens, Coke and all of the other  
23 facilities out there. While we may be in fact starting to put the residential into this area

1 there has to be a [inaudible] at some point in time a rational realization that you are in  
2 fact invading industrial and dangerous industrial facilities and buildings. Whether or not  
3 one place has had a problem in the past, it only takes once for a facility such as this to  
4 create some pretty dangerous areas. There have been recent events across the  
5 country where you have had gas storage facilities or gas – natural gas lines or some  
6 other things which have for one reason or another had an accident. Those particular  
7 accidents if you allow further residential especially to be right next door will create a  
8 situation where you are going to end up having people hurt. And the people will be hurt  
9 not because of the business that is already existing in there, it's because we're allowing  
10 those people to be moved into that area. And I don't think that it is good planning on  
11 our part at all to be putting any more residential down there. I didn't think it was good  
12 planning to put the last ones down there. It's an industrial area and we ought to keep  
13 industrial separate from housing especially multi-family housing especially college multi-  
14 family housing. Everybody in this room was at one point in time a college student and I  
15 would venture to guess that there have been things that they would wish did not come  
16 out when they were talking about their experiences. If you allow those things to happen  
17 around a facility especially such a Praxiar is at this point in time and something occurs,  
18 it may not be on the property. It may be as a truck's coming out of the thing that gets  
19 hit. All of a sudden these tanks somehow come off. It could any number of things going  
20 on that we need to be protecting from. And I don't believe that allowing us to put what  
21 frankly are very nice houses and very nice ideas that they've come forward with but I  
22 just don't think that it is the right place, right location to allow further multi-family or

1 college students to be located especially next to industrial facilities such as what we're  
2 [inaudible].

3 MR. ANDERSON: Question to Staff real quick. Whose burden is it on for the  
4 buffers? Can that development go right up to the fence, right up to the, you know –  
5 what ten foot setback to Praxair?

6 MS. ALMEIDA: It could be as minimal as ten-foot buffer with a fence.

7 MR. ANDERSON: With a fence.

8 MS. ALMEIDA: Normally these multi-family developments put up security fences  
9 anyway but the code would allow ten foot. Absolutely.

10 MR. MURRAY: I know we get caught up sometimes on safety and I understand  
11 that. I worked in chemical, biological material for many years and explosives. That was  
12 my job for over 15 years. If you could have the kind of safety training that you ought to  
13 have – I know I'd have to pass that way every day going home if I happened to have  
14 been in Columbia. And I think you look at the highway, how close you are to the  
15 highway with the businesses now. If you have a good setback and I don't know how  
16 many acres they have but just looking at it from the sides and the frontage it's not very,  
17 very big there. And I think about the students on the Wheeler Hill area and to all  
18 through Shandon and those other areas that those students are in. I would personally  
19 like to see the students have a nice, suitable, safe area to live in. It's a good looking  
20 project here. Right now they're my neighbors and a lot of other folks neighbors, you  
21 know, where I own property and they're students. And we at one time was going to try  
22 to help locate some students up on the Bull Street area by the University. A lot of folks  
23 out of Wheeler Hill they protested that. As a result they moved those students on down.

1 They finally wound up down on Blossom Street. But if you have the correct safety  
2 procedures and what have you in an area I don't believe this would create too much of a  
3 safety hazard for them as long as you ask about the buffer.

4 MR. ANDERSON: Well there's really not – there's a road going right between  
5 them now. I don't see that -

6 MR. MURRAY: Right. As long as they've got a good buffer I don't think you  
7 should have a whole lot of problems and I don't feel threatened by having to have one in  
8 an area like this. These are some good looking houses. [inaudible]

9 MR. VAN DINE: I'll make one just quick comment. From a planning perspective  
10 one of the principles of planning is called transition; transition from one type of use, one  
11 type of high risk. The step downs [inaudible] until you get to the more vulnerable  
12 portion. To put housing next to a facility in an industrial area of the nature that presently  
13 exists is going to create a problem in the future. What planning is supposed to do is to  
14 make sure that you have set out proper safeguards, proper distances, and other things.  
15 What we're being asked to recommend here is in essence is go with a multi-family  
16 housing and whatever the code says. We're not being allowed to change the setbacks.  
17 We're not being allowed to require certain other things. Were this to come in as a PDD  
18 or some other form and we actually got to see some of those things it might be a  
19 different thing but as of right now I don't think we are practicing goof planning practices  
20 in order to allow something like this to go forward. And while I certainly understand the  
21 sentiments of what everybody else has been saying I can't support this particular  
22 rezoning request. With that, sir, that's all I have to say.

1 CHAIRMAN FURGESS: We have the motion and the second on the floor. All in  
2 favor of sending this to County Council for approval, please by raising your hand.  
3 Opposed?

4 *[Approved: Murray, Anderson, Palmer, Furgess; Opposed: Van Dine; Absent: Ward,*  
5 *Cairns, Green, Manning]*

6 CHAIRMAN FURGESS: We're a recommending body. You must speak to  
7 County Council on June 26<sup>th</sup> when the Council will bring this issue up again. Thank  
8 you.

9 **CASE NO. 07-33 MA:**

10 MS. ALMEIDA: Mr. Chairman, 07-33 MA. Mark Jeffers, the applicant. The  
11 acreage is 1.11. The existing zoning is RU and the applicant is requesting to get the  
12 property rezoned to GC. The site is located on Percival Road with approximately 237  
13 linear feet of frontage. The area across the street, as you can see from the screen, is  
14 home to Fort Jackson and it is within the city limits of Columbia. The surrounding  
15 properties range from single-family homes on large lots north of the site to industrially  
16 zoned property that are vacant or house existing businesses. Close proximity to the  
17 interstate and the natural boundary of Fort Jackson makes this intersection appealing to  
18 commercial and/or industrial uses. Staff recommends approval.

19 MR. VAN DINE: Mr. Chairman, there's no one signed up for or against this  
20 particular request.

21 MR. PALMER: Mr. Chairman, I make a motion to send this forward to Council  
22 with a recommendation of approval.

23 MR. VAN DINE: Second.

1 CHAIRMAN FURGESS: All in favor – you heard the motion and the second. All  
2 in favor sending this to County Council for approval, please by raising your hand.  
3 Opposed? No one.

4 *[Approved: Murray, Anderson, Palmer, Furgess, Van Dine; Absent: Ward, Cairns,*  
5 *Green, Manning]*

6 CHAIRMAN FURGESS: Next on the agenda. Go ahead.

7 *[Palmer out at 3:35 p.m.]*

8 **CASE NO. SD-06-94:**

9 MS. ALMEIDA: Mr. Chairman, next on your agenda under new business SD-06-  
10 94. This was a subdivision, Lansing Distributors, 1511 Key Road. As you aware in our  
11 code we require sidewalks. The applicant is requesting to have a waiver of that  
12 condition. It's – the property is in an existing industrial park. It's one of the last  
13 properties in the park and therefore as you can see from the applicant's request Mr.  
14 Boyd, he's requesting a waiver of that sidewalk.

15 MR. VAN DINE: There are no other sidewalks in the area?

16 MS. ALMEIDA: No. Not in that industrial park.

17 MR. VAN DINE: And there is no plan by anybody else to put sidewalks in that  
18 area that you know of?

19 MS. ALMEIDA: Not at the present time.

20 MR. VAN DINE: Mr. Chairman, I make a motion we – is this - we don't have to  
21 send this forward? This is our?

22 MS. ALMEIDA: No. It's your – you're the appealing body.

1 MR. VAN DINE: I would make a motion that we allow the waiver of the sidewalk  
2 requirements in this industrial park.

3 MR. MURRAY: Second.

4 CHAIRMAN FURGESS: Have the second and the motion. All the [inaudible]

5 MR. MURRAY: [inaudible]

6 MR. VAN DINE: [inaudible]

7 CHAIRMAN FURGESS: All in favor? Opposed?

8 *[Approved: Murray, Anderson, Furgess, Van Dine; Absent: Ward, Cairns, Palmer,*  
9 *Green, Manning]*

10 **CASE NO. SD-06-18:**

11 MS. ALMEIDA: Mr. Chairman, the next order of business is also a request. SD-  
12 06-18. A request to waive sidewalks. The project name is Hidden Pond subdivision. In  
13 your packet on page 52 is an actual sketch of the subdivision. It's in Wildwood. It was  
14 part of an estate at one point and it was subdivided and of course our ordinance  
15 requires sidewalks and the applicant is requesting to waive that sidewalk requirement  
16 because there is no sidewalk in the entire subdivision of Wildwood.

17 MR. VAN DINE: And also because of the present landscaping and other things.

18 MS. ALMEIDA: Correct.

19 MR. VAN DINE: Mr. Chairman, I would make a motion we allow waiver of the  
20 sidewalk requirements in this particular request as well.

21 MR. MURRAY: Second.

22 CHAIRMAN FURGESS: Heard the motion and the second. All in favor please  
23 raise your hand.



1 *[Approved: Murray, Anderson, Furgess, Van Dine; Absent: Ward, Cairns, Palmer,*  
2 *Green, Manning]*

3 CHAIRMAN FURGESS: Thank you. Next is the text amendments.

4 MR. CRISS: Mr. Chair and Commission, the Staff had reconsidered our  
5 approach to this neighborhood mixed used zoning district text amendment. In view of  
6 the fact that a huge portion of the study area, the southeast neighborhood or Lower  
7 Richland Boulevard/Garners Ferry Road neighborhood has been recently rezoned  
8 through a succession of zoning map amendment requests. I'll pull out a map that  
9 illustrates the extent of that while Tia fills you in with some more details.

10 MS. RUTHERFORD: What we're calling for now because of the change in  
11 zoning and land use in the Southeast Master Plan area is to go from a traditional or the  
12 text of neighborhood mixed use to an overlay for Southeast Master Plan. That overlay  
13 would include design standards specific to Southeast. The other master plans – Decker  
14 Boulevard as you – as this Board requested is going to receive an overlay,  
15 redevelopment overlay district as well with design guidelines for the commercial and  
16 residential corridor. Crane Creek is currently in the process of being master planned as  
17 well as [Inaudible] Acres, Newcastle and Candlewood communities are all being master  
18 planned with the idea of coming forward with the design overlay guideline to assist them  
19 in redevelopment within their areas. Because of such – the large tracts of land that  
20 have already been approved by Council and this Commission for rezoning during the  
21 process of the master planning as well as afterwards prior to neighborhood mixed used  
22 being finalized, we're really coming to you now for an overlay zone for this area. So it's  
23 in the process because we have gone through an extensive - and most of you attended

1 those meetings, work sessions for Planning Commission with the consultants Carol Ray  
2 and Trip Muldrow, we don't want to see the work go to waste. We are going to continue  
3 on with the consultants however we're going to redevelop that text into an overlay zone.  
4 Lots of the text that you guys have reviewed prior, you know, before did have a lot of  
5 design characteristics. So we're going to take out some of that strict land use code and  
6 turn it into an overlay zone specific to Southeast.

7 MR. VAN DINE: Are you proposing anything to us at this time?

8 MS. RUTHERFORD: We're not. We're just really coming to you for information.  
9 We did put it on your agenda because we were intending to present you with that text.  
10 However, looking at the calendar and knowing that you guys did not have enough time  
11 to actually review the entire text with the table of uses, Staff came together and decided  
12 what was really best for this area was going to be overlay zone. That's really what we  
13 were starting to develop ourselves into was an overlay zone and we wanted to bring  
14 that information to you because it did appear on your agenda. So the next time you  
15 hear about neighborhood mixed use you will see design guidelines for Southeast.

16 MR. CRISS: As Tia referenced, the work of the consultant already includes  
17 language for design standards for lot size and density and open space and water quality  
18 and building standards, building design standards and parking and loading standards  
19 and so forth and of course we'll extract that useful text language into this proposed  
20 overlay district. We now need time to regroup and get with our consultant to redraft the  
21 text amendment.

22 CHAIRMAN FURGESS: So you're bringing it to us as information?

23 MS. RUTHERFORD: Yes.

1 CHAIRMAN FURGESS: Any other questions?

2 MR. VAN DINE: Thank you.

3 CHAIRMAN FURGESS: Thank you. Comprehensive plan.

4 MR. CRISS: I'm still working on the homework assignment from the May  
5 meeting, a text version of the description of the future land use map. Let me display for  
6 reminder. You notice the dates on these maps keep changing. You don't even have  
7 the May 16<sup>th</sup> version as displayed in front of you at the moment because we haven't  
8 caught up to that production but it's essentially the same as the one you received most  
9 recently. We're trying to incorporate the annexations, specifically the Town of Irmo,  
10 moving westward toward Lake Murray, making some minor adjustments in the legend  
11 and the readability of the map. But this May 16<sup>th</sup> version is essentially the same as  
12 what you have seen to date. The handout is an amendment to the '94 Planning Act.  
13 The South Carolina General Assembly has revised the '94 Planning Act to add two  
14 more elements. As you may recall there are or were seven mandatory elements in the  
15 '94 Planning Act for local government comprehensive plans, population, economic  
16 development, housing, cultural resources, natural resources, community facilities and  
17 land use. Now the legislature has added – I should say modified the Act to add a eighth  
18 and ninth element. The transportation element previously was part of community  
19 facilities. It is being given more emphasis by pulling it out of community facilities and  
20 giving it separate treatment. The County Council has of course established a  
21 Transportation Study Commission with the help of paid consultants over the next 18  
22 months preparing a county-wide, multi-model transportation plan that I hope will  
23 become the basis for the transportation element of the County's Comprehensive Land

1 Use Plan. The other new element is the priority investment element. And this one is  
2 challenging. This in essence charges the Commission with the responsibility of  
3 incorporating a large portion of a capital improvements program in the Comprehensive  
4 Land Use Plan because it provides for a fiscal assessment of the available funds for  
5 infrastructure improvements that might be needed in terms of water, sewage, storm  
6 drainage, road improvements, and schools and other community infrastructure. My  
7 early reaction is that we're going to have to hire this out. That it will be a rather  
8 complicated assessment. And I don't know if we have budget news to report yet for the  
9 next fiscal year but the Department is seeking additional professional services funding  
10 to hire outside consultants to accelerate the work of the entire plan and especially now  
11 this newest element. I don't think we can wait for the work of the Transportation Study  
12 Commission to conclude for us to proceed with the comp plan update but of course we'll  
13 be trying to incorporate as much of their work as soon as possible into that effort. So  
14 this is a recent change that we're still assessing. The South Carolina chapter of the  
15 American Planning Association is holding a one-day conference in Columbia, June 22<sup>nd</sup>.  
16 The conference theme is Comp Plan Updates and they'll have a variety of speakers  
17 from within and without the profession trying to ascertain the impact of this new  
18 legislation on local governments.

19 MR. VAN DINE: I'm reading Section 6 of this and apparently it requires that we  
20 include these particular changes and I quote, "The local government's next review of its  
21 local comprehensive plan." So that means we've got to do it as part of what we're doing  
22 now?

1 MR. CRISS: I tend to agree with your conclusion. That's one of the questions  
2 that many planners in this state have is, okay when does this kick in? You notice the  
3 word review was used rather than update? In the original '94 Act it was the five-year  
4 review and the ten-year update. So it would imply to me that all jurisdictions going  
5 through a five-year review right now have to incorporate these two new elements.  
6 That's my expectation that we will have to comply, we will have to provide these two  
7 new elements. We were headed in the direction of pulling the transportation element  
8 out of community facilities anyway. Not a big shock or surprise, but now of course  
9 we've got this parallel planning effort going on with the Transportation Study  
10 Commission and considerable consulting support on that rather complicated issue. At  
11 the same time we want to make sure that we weave their work together with yours as  
12 well as that of the Central Midlands Council of Governments which serves as the so-  
13 called MPO, Metropolitan Planning Organization. That's transportation planning speak  
14 for the group that plans roads in the region. And I'll leave it at that for the moment.

15 CHAIRMAN FURGESS: Any questions? Okay. Road name approvals.

16 MR. VAN DINE: Since Marcia's not here, I will go ahead and make the motion  
17 that we approve the road names as cited.

18 MR. ANDERSON: I second.

19 CHAIRMAN FURGESS: All in favor?

20 *[Approved: Murray, Anderson, Furgess, and Van Dine; Absent; Absent: Ward, Cairns*  
21 *Palmer, Green, Manning]*

22 MR. VAN DINE: I have one item I'd like to raise as a thought. Our next meeting  
23 is scheduled for July 2<sup>nd</sup>, which is the Monday before the 4<sup>th</sup> of July. If – a lot of people

1 up here like a lot of other people I know, there may not be a whole of lot of people sitting  
2 up here during July. I wonder we want to push our meeting back out a week to the  
3 following Monday. The 9<sup>th</sup> or whatever it is.

4 MS. ALMEIDA: The 9<sup>th</sup>. And I would also like to bring up the question of  
5 whether you all would like to have a meeting in August. Last year you decided to not  
6 convene in August. As you know Council does not meet in August so that's also a  
7 consideration.

8 MR. VAN DINE: We have a big – we don't know yet but would we have a  
9 backlog of things in August?

10 MS. ALMEIDA: I mean if you had a meeting they wouldn't be heard until  
11 September anyway because Council does not meet in August.

12 MR. VAN DINE: And I wouldn't – I don't know about anybody else but I just as  
13 not do anything in August. But I would like to request that we change to July 9<sup>th</sup> instead  
14 July 2<sup>nd</sup> because of the 4<sup>th</sup> of July comes right in the middle of that week.

15 CHAIRMAN FURGESS: Do we agree?

16 MR. MURRAY: It makes a lot of sense.

17 MS. ALMEIDA: July 9<sup>th</sup>?

18 MR. VAN DINE: Can you make sure that you send out a notice to everybody  
19 that we're changing it to July 9<sup>th</sup>?

20 MS. ALMEIDA: Yes.

21 CHAIRMAN FURGESS: And that we would not also meet in August.

22 MS. ALMEIDA: You want not to meet in August? Okay.

1 CHAIRMAN FURGESS: No meeting in August, meeting in September. That  
2 would be September 10<sup>th</sup>.

3 MR. MURRAY: My travel pay.

4 CHAIRMAN FURGESS: Your travel pay? What year?

5 MR. MURRAY: 2030.

6 CHAIRMAN FURGESS: Motion for adjournment.

7 MR. VAN DINE: So moved.

8 MR. ANDERSON: Second.

9

10

*[Adjourned at 3:50 p.m.]*